

**MINUTES
PENNINGTON COUNTY PLANNING COMMISSION**

December 2, 2019 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Rich Marsh, Kathy Johnson, Travis Lasseter, Jim Coleman, Sandra Runde, Sonny Rivers, and Lloyd Lacroix.

STAFF PRESENT: Kristina Proietti, Brittney Molitor, Jason Theunissen, Michael Hofmann (SAO) and Jeri Ervin.

ROLL CALL

1. APPROVAL OF THE NOVEMBER 25, 2019, MINUTES
Moved by Lasseter and seconded by Runde to approve the Minutes of the November 25, 2019, Planning Commission meeting. Vote: unanimous 7 to 0.
2. APPROVAL OF THE AGENDA
Moved by Johnson and seconded by Lasseter to approve the Agenda of the December 2, 2019, Planning Commission meeting. Vote: unanimous 7 to 0.

Moved by Lasseter and seconded by Runde to approve the Consent Agenda of the December 2, 2019, Planning Commission meeting with the removal of Item #4. Vote: unanimous 7 to 0.

CONSENT AGENDA

The following items have been placed on the Consent Agenda for action to be taken on all items in accordance with staff's recommendation by a single vote. Any item may be removed from the Consent Agenda, by any Planning Commissioner, staff member, or audience member for separate consideration. The findings of this Planning Commission are recommendations to the Pennington County Board of Commissioners who will make the final decision.

3. CONDITIONAL USE PERMIT REVIEW / CU 18-43: Border States Paving. To review a temporary asphalt batch plant and contractor's storage area on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

NE1/4NE1/4 Less Lot H-1; N1/2NW1/4 Less Lot H-1, Section 12, T4S, R17E, BHM, Pennington County, South Dakota.

(Continued from the November 12, 2019, Planning Commission meeting.)

To continue the review of Conditional Use Permit / CU 18-43 to the January 13, 2020, Planning Commission meeting with the following one (1) condition:

1. That either the applicant or the landowner provides an updated plan to either continue the use of Conditional Use Permit / CU 18-43 or to reclaim the land.

Vote: unanimous 7 to 0.

5. **MINING PERMIT / MP 19-03:** Cody Schad. To remove gypsum to be hauled off site.

Lot 3R, Marvin Subdivision, Section 16, T2N, R7E, BHM, Pennington County, South Dakota.

To approve of Mining Permit / MP 19-03 with the following seven (7) conditions:

- 1 That the applicant submits a Notice of Intent to the South Dakota Department of Environment and Natural Resources for a General Permit for Storm Water Discharges and the conditions of the approval of the South Dakota Department of Environment and Natural Resources General Permit be continually met;
- 2 That any natural drainage ways and paths be continually maintained;
- 3 That any excavation in the gas line or power line easements are approved by the appropriate utility company;
- 4 That the Conditions of Approval of Construction Permit / CP 19-18 are continually met;
- 5 That excavation and hauling of gypsum from the site terminate within six (6) months of approval of this Mining Permit;
- 6 That the applicant signs a Statement of Understanding within ten (10) business days of Mining Permit approval, which is available at the Planning Office; and,
- 7 That this Mining Permit be reviewed in three (3) months from approval date, and may be reviewed on a complaint basis, or as directed by the Planning Commission and/or the Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 7 to 0.

6. **CONDITIONAL USE PERMIT / CU 19-30:** Harry and Gail McKane. To allow the existing residence (Morton building) to remain as a Guest House once the new single-family residence is complete in a Limited Agriculture District in accordance with Sections 206, 318, and 510 of the Pennington County Zoning Ordinance.

Lot 1 (also in Section 36, T1N, R3E), Deerfield Park Parcel #2, Section 1, T1S, R3E, BHM, Pennington County, South Dakota.

To approve of Conditional Use Permit / CU 19-30 with the following eleven (11) conditions:

- 1. That prior to the review of Conditional Use Permit / CU 19-30 for the Guest House, the applicant record a deed restriction with the Register of Deeds stating the regulations applicable to the Guest House, including that the Guest House shall not be separately rented or leased from the main residence, in accordance with Pennington County Zoning Ordinance (PCZO) § 318(B)(13);**
- 2. That the rental or lease of the Guest House or the use of the Guest House as a permanent resident for a second family on the premises shall be prohibited;**
- 3. That the Guest House shall not be used for more than 180 days per calendar year;**
- 4. That the primary dwelling, upon completion, be classified as owner-occupied and proof of status be provided to the Planning Department, in accordance with PCZO § 318(B)(10);**
- 5. That all necessary utilities for the Guest House shall be extended from the primary dwelling unit's services. No separate meters for the Guest House shall be allowed, unless required by the utility service provider;**
- 6. That the Guest House utilize the same on-site wastewater treatment system as the primary dwelling, except if required and approved by the Pennington County Environmental Planner;**
- 7. That both the addresses assigned for the primary residence and the Guest House be posted so they are clearly visible from Deerfield Park Drive, in accordance with Pennington County Ordinance #20;**
- 8. That the Guest House be continually utilized and maintained in accordance with all requirements of PCZO § 318;**
- 9. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which will require a site plan to be reviewed and approved by the Planning Director;**
- 10. That prior to any work within the 100-year floodplain, the applicant obtain approval of a Floodplain Development Permit; and,**
- 11. That this Conditional Use Permit be reviewed in six (6) months, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.**

Vote: unanimous 7 to 0.

7. **CONDITIONAL USE PERMIT / CU 19-32:** Jeff and Marcia Spilker. To live in a garage with living quarters while building a single-family residence and once the single-family residence is complete, to allow the garage with living quarters to remain and be used as a Guest House in a Low Density Residential District in accordance with Sections 207, 318, and 510 of the Pennington County Zoning Ordinance.

Lot 13, Whaley Subdivision, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

To recommend approval of Conditional Use Permit / CU 19-32 with conditions.

END OF CONSENT AGENDA

4. **PLANNED UNIT DEVELOPMENT REVIEW / PU 06-07:** Rapid City MHP, LLC. (Cimarron Mobile Home Park). To review a Planned Unit Development to allow a mobile home park in accordance with Section 213 of the Pennington County Zoning Ordinance.

Tract C of Lot B of NE1/4 NW1/4 less Pengra Subdivision, Section 17, T2N, R7E, BHM, Pennington County, South Dakota.

(Continued from the November 12, 2019, Planning Commission meeting.)

Commissioner Lasseter asked to have this Item removed from the Consent Agenda for discussion.

Staff recommend to continue the review of Planned Unit Development / PU 06-07 to no later than the December 16, 2019, Planning Commission meeting with one (1) condition.

Discussion followed.

Moved by Lasseter and seconded by Johnson to continue

All voting aye, the Motion carried 7 to 0.

8. **REZONE / RZ 19-16 AND COMPREHENSIVE PLAN AMENDMENT / CA 19-16:** Richard Aldren. To rezone 107.24 acres from General Agriculture District to Limited Agriculture District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from General Agriculture District to Limited Agriculture District in accordance with Sections 205, 206, and 508 of the Pennington County Zoning Ordinance.

NE1/4NW1/4 less West 520 feet of East 800 feet less ROW; the NE1/4NW1/4 less East 800 feet less ROW; the W1/2NW1/4NW1/4 less ROW; the E1/2NW1/4NW1/4 less ROW; and the NE1/4NE1/4 less ROW, all located in Section 34, T2N, R11E, BHM, Pennington County, South Dakota.

(Continued from the November 12, 2019, Planning Commission meeting.)

Proietti reviewed the Staff Report

Moved by Runde and seconded by Rivers to approve

All voting aye, the Motion carried 7 to 0.

9. CONDITIONAL USE PERMIT / CU 19-31: Ken Willard / Mike Willard. To allow for a cleaning business to be operated out of an existing shop building in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

That PT of W1/2SE1/4 and that PT of SE1/4SE1/4 located E of Highway 385 less Forest View Subdivision less Lot H1, Section 28, T2N, R5E, BHM, Pennington County, South Dakota.

Theunissen stated the applicant would like to withdraw the Conditional Use Permit application, as the applicant stated there is not a business at the subject property. Theunissen further stated the applicant stated he allows his son to park his cleaning vehicle(s) in the garage.

Discussion followed.

Move Rivers and seconded by Lasseter to approve of the withdrawal of
With the applicant's concurrence

All voting aye, the Motion carried 7 to 0

10. MINOR PLAT / MPL 19-42: Willard Ranch / Ken Willard / Mike Willard. To create Lots 1 and 2 of Willard Ranch Subdivision in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: That PT of W1/2SE1/4 and That PT of SE1/4SE1/4 Located E of Highway 385 Less Forest View Subdivision Less Lot H1, Section 28, T2N, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1 and 2 of Willard Ranch Subdivision, Section 28, T2N, R5E, BHM, Pennington County, South Dakota.

Theussien reviewed the Staff Report

Moved by Lasseter and seconded by LaCroix to approve

All voting aye, the Motion carried 7 to 0.

11. CONDITIONAL USE PERMIT / CU 19-33: Robert Livingston; K.W. Lindsay – Owner. To allow a Recreational Vehicle Park on the subject property to include RV sites, a gas station, a convenience store, and a bar in a Highway Service District in accordance with Sections 210, 306, and 510 of the Pennington County Zoning Ordinance.

Tract Lake of SW1/4SW1/4 of Section 27 and SE1/4 of Section 28, Section 27, T2N, R5E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report

Staff

Discussion followed.

Moved by Lasseter to follow staff's recommendation.

Discussion further followed.

Moved by Lasseter and seconded by Runde to continue to no later than the March 9, 2020, to allow for the submittal of the required information.

All voting aye, the Motion carried 7 to 0.

12. COUNTY BOARD REPORT

The Board of Commissioners will hear the Planning Commission's recommendations from the November 25, 2019, Planning Commission meeting at their December 3rd Board of Commissioner's meeting.

Ordinance for Mining will be heard at the December 17th meeting.

13. ITEMS FROM THE PUBLIC

14. ITEMS FROM THE STAFF

- A. P&Z potluck
- B. December 3rd meeting for the

15. ITEMS FROM THE MEMBERSHIP

16. ADJOURNMENT

Moved by Lasseter and seconded by Coleman to adjourn.

All voting aye, the Motion carried 7 to 0.

The meeting adjourned at 10:15 a.m.

Rich Marsh, Chairperson