

**DRAFT MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
December 16, 2019 @ 2:00 p.m.**

County Commissioners' Meeting Room - Pennington County Administration Building

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

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

ROLL CALL

1. APPROVAL OF THE DECEMBER 2, 2019, MINUTES
Moved by Runde and seconded by Lasseter to approve the Minutes of the December 2, 2019, Planning Commission meeting. Vote: unanimous 5 to 0.

2. APPROVAL OF THE AGENDA
Moved by Lasseter and seconded by Runde to approve the Agenda of the December 16, 2019, Planning Commission meeting. Vote: unanimous 5 to 0.

Moved by Lasseter and seconded by Runde to approve the Consent Agenda of the December 16, 2019, Planning Commission meeting. Vote: unanimous 5 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. **ROAD NAME CHANGE:** Pennington County. To rename a 50-foot-wide platted right-of-way that provides access to property located in Section 10, T1N, R8E, BHM, Pennington County, South Dakota, from Gypsey Road to Heather Lane.

To recommend approval of the road name change from Gypsey Road to Heather Lane.

Vote: unanimous 5 to 0.

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 December 2, 2019, Planning Commission meeting.)

To recommend to continue the review of Planned Unit Development / PU 06-07 to no later than the January 13, 2020, Planning Commission meeting with the following one (1) condition:

- 1. That any continuation hereafter because of the applicant's failure to meet the Conditions of Approval shall be required to pay \$100.00 per continuation in accordance with § 511(X) of the Pennington Counting Zoning Ordinance.**

Vote: unanimous 5 to 0.

- 5. MINING PERMIT / MP 19-04: Dakota Stone Mining & Stone Supply / James Dean. To drill and blast for production of mica schist for landscape rock to be hauled offsite.**

N1/2, SW1/2, W1/2SE1/4, Section 8, T2S, R4E, BHM, Pennington County, South Dakota.

To approve of Mining Permit / MP 19-04 with the following nine (9) conditions:

- 1. That the conditions of approval of the South Dakota Department of Environment and Natural Resources Mine License #EXNI-420 be continually met;**
- 2. That the conditions of the approval of the South Dakota Department of Environment and Natural Resources General Permit be continually met;**
- 3. That the applicant obtains a Construction Permit prior to the operation of the mine expansion;**
- 4. That the applicant follows the Forest Service's Operating Plan for the Silver Mica Mine;**
- 5. That the applicant submits a copy of the Mine License, issued by the South Dakota Department of Environment and Natural Resources, to the Planning Department and copies of any annual Mine License Reports by December 1st of each year;**
- 6. That if there is a proposed change in operation from this Mining Permit, including but not limited to, increase in size, amount of material being extracted or type of operation, that the change be submitted to the Planning Director within thirty (30) days and the Mining Permit reviewed and approved by the Planning Commission;**

7. That the applicant obtains and posts a 9-1-1 address for the mine location in accordance with Pennington County Ordinance #20 along with a sign that identifies the name of the mine;
8. 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,
9. That this Mining Permit be reviewed in six (6) 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 5 to 0.

6. **MINOR PLAT / MPL 19-43:** Battle Creek Fire District. To subdivide and create Lots J and K of Rushmore Ranch Estates in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Tract Well, Rushmore Ranch Estates Subdivision, Section 17, T2S, R7E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots J and K of Rushmore Ranch Estates Subdivision, Section 17, T2S, R7E, BHM, Pennington County, South Dakota.

To recommend approval of Minor Plat / MPL 19-43 with the following four (4) conditions:

1. That upon filing the Plat with the Register of Deeds, the plat meets all requirements of Pennington County Subdivision Regulations, or approved Subdivision Regulations Variance(s) be obtained waiving any of these requirements that are not met;
2. That the applicant ensures all natural drainage ways are maintained and are not blocked;
3. That all future addresses must be posted in accordance with Pennington County Ordinance #20; and,
4. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of § 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit.

Vote: unanimous 5 to 0.

END OF CONSENT AGENDA

7. PLANNED UNIT DEVELOPMENT REVIEW / PU 01-05: William Anderson, Cliff and Billy Janis, and S-L Holdings LLC. To review an existing Planned Unit Development in accordance with Section 213 of the Pennington County Zoning Ordinance.

Tract 1 and Tract 2, of KWA Subdivision and NE1/4SE1/4 Less KWA Subdivision Less Lot H-1 of S1/2NE1/4SE1/4, all located in Section 1, T1N, R8E, BHM, Pennington County, South Dakota.

(Continued from the October 28, 2019, Planning Commission meeting.)

Molitor stated this is a review of Planned Unit Development / PU 01-05 to allow a mixed-use of residential and neighborhood commercial uses.

Staff is seeking direction from the Planning Commission and Board of Commissioners, and, Staff recommended that Pennington County rezone Planned Unit Development District / PU 01-05 to Suburban Residential District and Limited Agriculture District to conform to surrounding property uses. This will require an application for a Rezone and further public hearings.

Discussion followed.

Move by Runde and seconded by Lasseter to approve Planned Unit Development District / PU 01-05 being rezoned to Suburban Residential District and Limited Agriculture District to conform to surrounding property uses.

All voting aye, the Motion carried 5 to 0.

CONSTRUCTION PERMIT AGENDA

The following items have been placed on the Construction Permit Agenda to be heard for public comment and will not be voted on by the Planning Commission. Any Planning Commissioner, staff member, or audience member may comment on any of the items. Comments received will be considered by the Planning Director who will make the final decision on the Construction Permit.

8. CONSTRUCTION PERMIT / CP 19-19: Schriener Investment / Shane Schriener. To construct multiple interior access roads within the proposed Keystone Wye Subdivision.

EXISTING LEGAL: All of Crown Point Lode MS 1258; All of Bay Horse Lode MS 1258; All of Buffalo Fraction Lode MS 1258; and All of Bellevue Lode MS 1258, all located in Section 32, T1S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1-8 of Keystone Wye Subdivision, Section 32, T1S, R6E, BHM, Pennington County, South Dakota.

Sack stated Staff recommended the Interim Planning Director approve Construction Permit / CP 19-19 with the following eleven (11) conditions:

1. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction and that the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;
2. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than 14 days after the Construction Activity has stopped. All erosion control methods (mulch and seed) need to be certified noxious weed-free;
3. That erosion control measures are implemented *immediately* and maintained until the site has been revegetated in accordance with § 507(A)(5)(c);
4. That the disturbed areas be re-vegetated as required in § 507(A)(5)(c);
5. That the requirements, guidelines, and criteria for stormwater and erosion and sediment control in the Pennington County Stormwater Manual shall be followed;
6. That weed free seed or mulch be used when re-seeding and any equipment coming onto the site is clean of earthen material and noxious weeds;
7. That all natural drainage ways and paths be continually maintained;
8. That the owner or designee must inspect the site at least once every 7 calendar days or every 14 calendar days and within 24 hours of the end of a storm event that exceeds 0.25 inches or snowmelt that generates runoff. A properly maintained rain gauge must be kept on the site. Inspection reports must be submitted to the Planning Director every month during construction;
9. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;
10. That the applicant sign a Statement of Understanding within ten (10) days of Permit approval which is available in the Planning Office; and,
11. That this Construction Permit is reviewed in six (6) months, on a complaint basis, or as directed by the Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

9. COUNTY BOARD REPORT

The Board of Commissioners will hear the Planning Commission's recommendations from the December 2, 2019, Planning Commission meeting at their Tuesday, December 17th Board of Commissioner's meeting.

10. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

11. ITEMS FROM THE STAFF

- A. Building Permit Report. Molitor reviewed the Building Permit Report for November 2019.
- B. Comprehensive Plan “View to 2040.” Molitor provided the Planning Commission and public with an update and further noted that the Board of Commissioners will hear this item on Wednesday, December 18th.
- C. Ordinance Amendment / OA 19-02 “Mining Operation.” Molitor provided the Planning Commission and public with an update and further stated this Item will be heard at the Tuesday, December 17th Board of Commissioner’s meeting for the First Reading.

12. ITEMS FROM THE MEMBERSHIP

Chairman Marsh thanked the Planning Department staff for the holiday luncheon.

13. ADJOURNMENT

Moved by Lasseter and seconded by LaCroix to adjourn.

All voting aye, the Motion carried 5 to 0.

The meeting adjourned at 2:41 p.m.

Rich Marsh, Chairperson