

MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
December 8, 2014 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Sig Zvejnieks, Karen Hall, Lori Litzen, Jim Coleman, Barbara Landers, Bill McCollam, and Nancy Trautman.

STAFF PRESENT: Brittney Molitor, Jeri Ervin, and Kinsley Groote (SAO)

ROLL CALL

1. APPROVAL OF THE NOVEMBER 24, 2014, MINUTES
Moved by Hall and seconded by Litzen to approve the minutes of the December 8, 2014, Planning Commission Meeting. Vote: unanimous (7 to 0).

2. APPROVAL OF THE AGENDA
Moved by McCollam and seconded by Hall to approve the Agenda of the November 10, 2014, Planning Commission Meeting, including the Consent Calendar, with the removal of Item #8. Vote: unanimous (7 to 0).

CONSENT CALENDAR

The following items have been placed on the Consent Calendar 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 Calendar, 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 12-31:** Nina McBride / Sandy Varney. To review a single-wide mobile home to be used as a single-family residence in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

Lot 1, Chase Subdivision, Section 11, T1N, R8E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 12-31 with the following four (4) conditions:

1. **That the property be kept free of debris and junk vehicles;**

2. **That the lot address (10,000 Nemo Road) continue to be posted so it is clearly visible from both directions of travel along Nemo Road at all times in accordance with Pennington County's Ordinance #20;**

3. That the mobile home have a continually maintained peaked non-reflective type roof, wood or simulated wood-type siding, and skirting; and,
4. That this Conditional Use Permit be reviewed in three (3) years or on a complaint basis or by Planning Commission or Board of Commissioners to verify that all conditions of approval are being met.

Vote: unanimous (7 to 0).

4. **CONDITIONAL USE PERMIT REVIEW / CU 13-26:** Eric Patterson / Cindy Wasson. To review accessory structures prior to a principal structure in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

Lot 2, Kauer Subdivision, Section 30, T2N, R10E, BHM, Pennington County, South Dakota.

To revoke the extension of Conditional Use Permit / CU 13-26 with the applicants' concurrence.

Vote: unanimous (7 to 0).

5. **CONDITIONAL USE PERMIT REVIEW / CU 14-02:** Bituminous Paving/Bill Krakowski; Owner – Clinton Ranch. To review a temporary, portable asphalt plant and stockpile site for contract work in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

W1/2E1/2SW1/4SW1/4 and the E1/2E1/2SW1/4 SW1/4; SE1/4SW1/4NE1/4SW1/4; S1/2SE1/4 NE1/4SW1/4; SE1/4SW1/4; SW1/4SW1/4NW1/4 SE1/4; W1/2W1/2 SW1/4SE1/4; GL 1; and GL 2, Section 23, T1N, R3E, BHM, Pennington County, South Dakota.

To revoke the extension of Conditional Use Permit / CU 14-02 with the applicant's concurrence.

Vote: unanimous (7 to 0).

6. **CONDITIONAL USE PERMIT REVIEW / CU 14-18:** Hills Materials Co.; Bud Oleson – Agent; Owner – Joe Theberge. To review a temporary stockpile site for contract work on W. Highway 44 in a General Commercial District in accordance with Sections 209 and 510 of the Pennington County Zoning Ordinance.

Tract 1 of SE1/4, Section 11, T1N, R6E, BHM, Pennington County, South Dakota.

To revoke the extension of Conditional Use Permit / CU 14-18 with the applicant's concurrence.

Vote: unanimous (7 to 0).

7. **PLANNED UNIT DEVELOPMENT REVIEW / PU 02-04:** Deerfield Park Condominiums. To review an existing Planned Unit Development in accordance with Section 213 of the Pennington County Zoning Ordinance.

Deerfield Park Condominium Units 1 through 10, Section 2, T1S, R3E, BHM, Pennington County, South Dakota.

(Continued from the October 13, 2014, Planning Commission meeting.)

To continue the review of Planned Unit Development / PU 02-04 to the January 12, 2015, Planning Commission meeting.

Vote: unanimous (7 to 0).

END OF CONSENT CALENDAR

8. **PLANNED UNIT DEVELOPMENT REVIEW / PU 06-04:** Cheyenne River Ranchettes. To review an existing Planned Unit Development in accordance with in accordance with Section 213 of the Pennington County Zoning Ordinance.

Lot 1R, Lot 2R, Lot 3, Lot 4, Lot 5, Lot 6R, Lot 7, and Drainfield Lot, Burlington Estates Subdivision, Section 14, T1S, R4E, BHM, Pennington County, South Dakota.

(Continued from the October 24, 2014, Planning Commission meeting.)

Chairman Zvejnieks asked to have this item removed from the Consent Calendar to discuss whether or not the Planning Commission should be conditionally approving an item, if there is a violation on the property that needs to be addressed. As Condition #20 notes that, on Lot 5, staff is working with the property owner to address their wastewater treatment system. Chairman Zvejnieks further commented and questioned if the violation should be addressed before the Planning Commission acts on the request.

Molitor stated she did receive an e-mail from SD DENR for approval of a system and John Talley is repairing it. Molitor further added that she also has spoken with Scott Hipple, from SD DENR, who verified the system is being repaired.

Commissioner Hall questioned if staff will revisit this item in 90 days to ensure Condition #20 is being met.

Molitor explained that staff will check on this in 90 days.

Chairman Zvejnieks spoke of continuing the discussion of conditionally approving items with violations under items from The Membership.

Moved by Zvejnieks and seconded by Hall to approve of the extension of Planned Unit Development / PU 06-04 with the following twenty-one (21) conditions:

- 1. That the Planned Unit Development consists of seven (7) lots with a minimum lot size of 2 acres;**
- 2. That the Planned Unit Development consists of either a single-family residence or a vacation home with accessory structures and all structures are to be stick-built. These lots may be used for a single-family residence or vacation home. No other commercial or industrial use will be allowed;**
- 3. That the maximum occupancy of a single-family residence or vacation home be limited to two (2) people per bedroom, plus two (2) additional people;**
- 4. That the setbacks for the Planned Unit Development be 25 feet from all property lines;**
- 5. No structure shall exceed three (3) stories or 35 feet in height except as allowed in Section 204 (F) of the Zoning Ordinance;**
- 6. That each unit has smoke/heat detectors and fire extinguishers on each level and two means of escape;**
- 7. That each unit has an individual address that must be posted in accordance with Pennington County Ordinance Amendment #20;**
- 8. That a minimum of two (2) parking spaces be provided for each residence measuring at least 9 feet by 18 feet and be maintained in a dust free manner;**
- 9. That Building Permits be obtained for any structure exceeding 144 square feet or located on a permanent foundation, which includes the necessary site plans to be reviewed and approved by the Planning Director;**
- 10. That the Planning Director may allow additional development or construction, which is consistent with the existing development on this property. Significant changes in the use or impacts on adjacent land, uses as determined by the Planning Director, shall require an amendment to this Planned Unit Development;**
- 11. That prior to the construction or dirt work within the 100-year floodplain, the applicant must obtain approval of a Floodplain Development Permit;**
- 12. That a Registered Professional Engineer designs all septic systems based on soil percolation, soil profile information and possible use as a vacation home;**

14. That a Road District maintains the interior roads;
15. That the internal roads and parking spaces be maintained in a dust free manner, repaired as needed and kept free from snow either by a Road Association, Homeowner's Association, or by the developer;
16. That vacant lots shall be maintained by the owner or sub-developer at the owner or sub-developer's expense, including, but not limited to, mowing, fire safety and control of noxious weeds and insects;
17. That weeds shall be controlled and weed control products shall be in accordance with appropriate local, state and federal laws;
18. That all exterior lighting must be low level subdued intensity, which does not result in excessive glare upon the street, neighboring residential property, or U.S Forest Service Property;
19. That no signs or off-premise signs of any kind shall be displayed to the public view on any lot except an appropriate sign for identification and addressing of the residence be allowed within the Planned Unit Development;
20. That the on-site wastewater treatment system on Lot 5 be approved by DENR for a vacation home rental within 90 days; and,
21. That this Planned Unit Development be reviewed in two (2) years or as deemed necessary by the Planning Commission or the Board of Commissioners, or on a complaint basis to verify that all conditions of approval are being met.

All voting aye, the Motion carried 7 to 0.

9. LAYOUT PLAT / PL 14-32: Clayton and Frances Baker; Bill Baker – Agent. To create Lots 1-4 of BTP Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Tract #0153; NE1/4NW1/4 Less Strato Bowl Subdivision and Less Row; Balance GL 9; PT NE1/4SW1/4 North of Hwy, located in Section 13, T1S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1-4, BTP Subdivision, Section 13, T1S, R6E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating the applicant has applied for a Layout Plat to create Lots 1-4 of BTP Subdivision. The lots will range in size from 17.5 acres, 3.1 acres, 3.3 acres, 15.6 acres, and Right-of-Way of 2.83 acres. The lot currently contains a commercial sawmill operation, several existing out buildings, two single-family residences and a communications tower.

Staff recommended approval of the Layout Plat / PL 14-32 with the following nineteen (19) conditions:

1. That eight (8) foot minor drainage and utility easements be dedicated on the interior sides of all lot lines and a major drainage easement for the location of any existing watercourse, drainage way, channel or stream which may traverse the property or an approved Subdivision Regulations Variance be obtained, prior to the Plat being filed with the Register of Deeds;
2. That engineered road construction plans be submitted for the required improvements to proposed right-of-way or obtain a Subdivision Regulations Variance waiving this requirement, prior to the Plat being filed with the Register of Deeds;
3. That the proposed right-of-way and turnaround be improved to Local/Collector Road Standards, which include a 24-foot-wide graveled driving surface or obtain a Subdivision Regulations Variance waiving this requirement, prior to the Plat being filed with the Register of Deeds;
4. That the property is either rezoned to Low Density Residential District or a Lot Size Variance obtained to allow for smaller than required lot sizes in a General Agriculture District, prior to the Plat being filed with the Register of Deeds;
5. That at the time of submittal of the Final Plat, the applicant submits topography for the area or obtains a Subdivision Regulations Variance waiving this requirement;
6. That the Section Line, located on the north of the parent parcel (Proposed Lot 4) be improved to Ordinance #14 standards, including a 24-foot-wide, four (4) inch gravel driving surface or a Subdivision Regulations Variance be obtained to waive this requirement, prior to the Plat being filed with the Register of Deeds;
7. That percolation test results and soil profile information, including inspection of a profile hole by the Water Protection Coordinator and/or Environmental Planner, be provided for proposed Lot 4 or else a Subdivision Regulations Variance be obtained to waive this requirement;
8. That the plat be drawn in accordance with requirements of Section 400.3 of the Subdivision Regulations, including the proper certifications and the scale of the plat to be no greater than one (1) inch equals 100-feet, or else a Subdivision Regulations Variance be obtained to waive this requirement, prior to the Plat being filed with the Register of Deeds;

9. That site plans be submitted for each proposed lot showing the locations of all existing structures to assure a minimum of 25-feet is maintained for all existing structures prior to the Plat being filed with the Register of Deeds;
10. That the applicant obtain any necessary Building Permits: for existing structures, with penalties prior to the plat being filed with the Register of Deeds and any future building permits for structures exceeding 144-square feet in size and/or on a permanent foundation;
11. That the applicant applies for and obtains approval of any Setback Variances needed for any structures not meeting the minimum requirements on each of the proposed lots, prior to the Plat being filed with the Register of Deeds;
12. That Pennington County Fire Coordinator be allowed to comment, prior to the approval of new Building Permits and/or on any use changes, additional residences or commercial operations be approved;
13. That the Pennington County Emergency Services Communication Center be allowed to comment prior to the naming of the proposed right-of-way;
14. That the applicant meet with either the City of Rapid City GIS (addressing staff) and or the Pennington County Addressing Coordinator to address, addressing concerns on the property, prior to the plat being filed with the Register of Deeds in accordance with Ordinance #20;
15. That any future construction on proposed Lot 1 or proposed right-of-way not interfere or inhibit the operations of the Telecommunications Facility or conflict with the Conditions of Approval of Conditional Use Permit 09-04;
16. That the labeling of all proposed Lot designations be consistent throughout all future documents submitted by the applicant, up to and including documents for Final Plat approval;
17. That prior to the Plat being filed with the Register of Deeds an Operating Permit be obtained for the existing on-site wastewater treatment systems;
18. That when future plats are submitted, within the “Formerly” section it read, “Tract #0153 of SE1/4NW1/4NW1/4....; and;
19. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

Commissioner Hall wanted to know the location of the cell tower.

Molitor showed the Planning Commission the location and noted that it is located off of Strato Bowl Road, along S. Highway 16.

Moved by Trautman and seconded by Hall to approve of the Layout Plat / PL 14-32 with the following nineteen (19) conditions:

- 1. That eight (8) foot minor drainage and utility easements be dedicated on the interior sides of all lot lines and a major drainage easement for the location of any existing watercourse, drainage way, channel or stream which may traverse the property or an approved Subdivision Regulations Variance be obtained, prior to the Plat being filed with the Register of Deeds;**
- 2. That engineered road construction plans be submitted for the required improvements to proposed right-of-way or obtain a Subdivision Regulations Variance waiving this requirement, prior to the Plat being filed with the Register of Deeds;**
- 3. That the proposed right-of-way and turnaround be improved to Local/Collector Road Standards, which include a 24-foot-wide graveled driving surface or obtain a Subdivision Regulations Variance waiving this requirement, prior to the Plat being filed with the Register of Deeds;**
- 4. That the property is either rezoned to Low Density Residential District or a Lot Size Variance obtained to allow for smaller than required lot sizes in a General Agriculture District, prior to the Plat being filed with the Register of Deeds;**
- 5. That at the time of submittal of the Final Plat, the applicant submits topography for the area or obtains a Subdivision Regulations Variance waiving this requirement;**
- 6. That the Section Line, located on the north of the parent parcel (Proposed Lot 4) be improved to Ordinance #14 standards, including a 24-foot-wide, four (4) inch gravel driving surface or a Subdivision Regulations Variance be obtained to waive this requirement, prior to the Plat being filed with the Register of Deeds;**
- 7. That percolation test results and soil profile information, including inspection of a profile hole by the Water Protection Coordinator and/or Environmental Planner, be provided for proposed Lot 4 or else a Subdivision Regulations Variance be obtained to waive this requirement;**
- 8. That the plat be drawn in accordance with requirements of Section 400.3 of the Subdivision Regulations, including the proper certifications and the scale of the plat to be no greater than one (1) inch equals 100-feet, or else a Subdivision Regulations Variance be obtained to waive this requirement, prior to the Plat being filed with the Register of Deeds;**

9. That site plans be submitted for each proposed lot showing the locations of all existing structures to assure a minimum of 25-feet is maintained for all existing structures prior to the Plat being filed with the Register of Deeds;
10. That the applicant obtain any necessary Building Permits: for existing structures, with penalties prior to the plat being filed with the Register of Deeds and any future building permits for structures exceeding 144-square feet in size and/or on a permanent foundation;
11. That the applicant applies for and obtains approval of any Setback Variances needed for any structures not meeting the minimum requirements on each of the proposed lots, prior to the Plat being filed with the Register of Deeds;
12. That Pennington County Fire Coordinator be allowed to comment, prior to the approval of new Building Permits and/or on any use changes, additional residences or commercial operations be approved;
13. That the Pennington County Emergency Services Communication Center be allowed to comment prior to the naming of the proposed right-of-way;
14. That the applicant meet with either the City of Rapid City GIS (addressing staff) and or the Pennington County Addressing Coordinator to address, addressing concerns on the property, prior to the plat being filed with the Register of Deeds in accordance with Ordinance #20;
15. That any future construction on proposed Lot 1 or proposed right-of-way not interfere or inhibit the operations of the Telecommunications Facility or conflict with the Conditions of Approval of Conditional Use Permit 09-04;
16. That the labeling of all proposed Lot designations be consistent throughout all future documents submitted by the applicant, up to and including documents for Final Plat approval;
17. That prior to the Plat being filed with the Register of Deeds an Operating Permit be obtained for the existing on-site wastewater treatment systems;
18. That when future plats are submitted, within the "Formerly" section it read, "Tract #0153 of SE1/4NW1/4NW1/4....; and;
19. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

All voting aye, the Motion carried 7 to 0.

10. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the November 24th Planning Commission.

11. ITEMS FROM THE PUBLIC

- A. Burlington Estates. Mr. Steve Fenton, owner of Lot 3 in Burlington Estates, appeared and spoke of the Staff Report for Item #8. He spoke of the wastewater system on his property and believes he has a mound system installed.

Molitor explained that she reviewed all the Building Permits for the properties in Burlington Estates and there is not a mound system installed on Lot 3. However, Mr. Fenton is still in compliance because the system that was installed is meeting Pennington County's requirements.

Discussion followed.

- B. Vacation Home Rental Ordinance. Ms. Joyce Sugrue, member of the public, appeared and spoke of the discussion held at the December 2, 2014, Board of Commissioners Meeting.

12. ITEMS FROM THE STAFF

- A. Building Permit Report. Molitor reviewed the Building Permit Report for November 2014.
- B. Code of Conduct. Molitor noted that all Planning Commission members received a copy of the policy recently adopted by the Board of Commissioners.

13. ITEMS FROM THE MEMBERSHIP

- A. Commissioner Litzen stated she will not be at the January 12, 2015, Planning Commission meeting.
- B. Commission Hall wanted to know if there will be an event for the outgoing Board of Commissioners.

Holli Hennies, Office Manager / Board of Commissioners, appeared and stated there will be something held at the December 16, 2014, Board of Commissioners meeting.

- C. Chairman Zvejnieks discussed whether the Planning Commission should be approving items where violation(s) need to be addressed.

Ms. Kinsley Groote, Deputy State's Attorney, appeared and recommended the violation(s) should be corrected prior to Planning Commission hearing the item and approving it.

Chairman Zvejnieks suggested this be discussed at the January 12, 2014, Planning Commission meeting and further noted that applicants should be fully aware that violations on the property need to be addressed and cleared first with the Planning Department before staff can proceed with submittal and/or approval of any applications submitted.

Commissioner McCollam also suggested adding language noting that a Building Permit, etc. will not be approved until the violation(s) is cleared in the Conditions of Approval.

14. ADJOURNMENT

Moved by Hall and seconded by Litzen to adjourn.

All voting aye, the Motion carried 7 to 0.

The meeting adjourned at **9:31 a.m.**

Sig Zvejnieks, Chairperson