

MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
April 9, 2012 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Courthouse

MEMBERS PRESENT: Charlie Johnson, Sig Zvejnieks, Karen Hall, Barbara Landers, Lori Litzen, and Lyndell Petersen.

STAFF PRESENT: Dan Jennissen, Lysann Zeller, Mandi Schmierer, and Kelsey Rausch.

1. APPROVAL OF THE MARCH 26, 2012, MINUTES
Moved by Hall and seconded by Litzen to approve the March 26, 2012, Planning Commission minutes. Vote: unanimous (5 to 0).

2. APPROVAL OF THE AGENDA
Jennissen recommended Items #15 and #16 be added to the Consent Calendar. Moved by Landers and seconded by Hall to approve the April 9, 2012, Planning Commission Agenda with the addition of Items #15 and #16 to the Consent Calendar. Vote: unanimous (5 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 96-11:** Donald and Norma Lynde. To review a double-wide manufactured home as a caretaker's residence in a General Agriculture District in accordance with Section 510 of the Pennington County Zoning Ordinance.

SE1/4NW1/4, except Lot A, Section 22, T1S, R6E, BHM, Pennington County, South Dakota.

(Continued from the March 26, 2012, Planning Commission meeting.)

To recommend approval of the extension of Conditional Use Permit / CU 96-11 with the following six (6) conditions.

1. **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;**

2. That the mobile home has wood, hardboard or simulated wood siding;
3. That the mobile home has a wood or asphalt shingled roof;
4. That the mobile home be removed at such time that the family member no longer needs assistance;
5. That the property remains clear of unlicensed or inoperable vehicles and debris; and,
6. That this Conditional Use Permit be reviewed in three (3) years or on a complaint basis to ensure that all conditions are being met.

Vote: unanimous (5 to 0).

4. **CONDITIONAL USE PERMIT REVIEW / CU 01-11:** Ronald and Leslie Passons. To review a Bed and Breakfast as a Home Occupation in a Limited Agriculture District in accordance with Section 206-C-3 of the Pennington County Zoning Ordinance.

Lot 2 of Turbo Subdivision, Section 34, T1S, R5E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 01-11 with the following ten (10) conditions:

1. That a maximum of three (3) bedrooms be utilized in the bed and breakfast establishment;
2. That the business be conducted by members of the family residing on the premises and no more than one additional person;
3. That AC and battery operated smoke detectors be installed in all sleeping rooms and common hallways and tested semi-annually as requested by the Pennington County Fire Coordinator;
4. That a 2A-BC dry chemical fire extinguisher be accessible to all guests at all times as requested by the Pennington County Fire Coordinator;
5. That a minimum of six (6) off-street parking spaces be provided and that each parking space shall not be less than 162 square feet, nor less than nine feet by eighteen feet, surfaced with gravel, concrete or asphalt and maintained in such a manner that no dust will result from continuous use;
6. That the bed and breakfast continues to be registered with the South Dakota Department of Health;

7. That the applicant obtains a Sales Tax License as required by the South Dakota Department of Revenue;
8. That a business sign, which directs attention to the home occupation, shall be allowed with an approved Sign Permit. Such sign shall not exceed four (4) square feet in area, and shall be limited to one such sign per approved home occupation use. Such sign shall be either a wall sign or a ground sign and shall not be located closer than 17 feet to the nearest street right-of-way line;
9. That Building Permits be obtained for any structure exceeding 144 square feet or located on a permanent foundation that includes the necessary site plans to be reviewed and approved by the Planning Director; and,
10. That this Conditional Use Permit be reviewed in four (4) years or upon a complaint basis.

Vote: unanimous (5 to 0).

5. **CONDITIONAL USE PERMIT REVIEW / CU 02-11:** Marian Schleve. To review a double-wide manufactured home as a caretaker's residence in a Suburban Residential District in accordance with Section 204-D of the Pennington County Zoning Ordinance.

Lot J (of Lots G, H, M and N) of Morse Subdivision #1 in Section 8, T1N, R6E, BHM, Pennington County, South Dakota.

To recommend to revoke Conditional Use Permit / CU 02-11 with the applicant's concurrence.

Vote: unanimous (5 to 0).

6. **CONDITIONAL USE PERMIT REVIEW / CU 07-11:** Bernard Ness; Ronnie Ness – Agent. To review an auto repair business in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

All Section less Right-of-Way, Section 1, T1N, R9E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 07-11 with the following nine (9) conditions:

1. That a Building Permit be obtained for any new structures exceeding 144 square feet and located on a permanent foundation, which will require a site plan to be reviewed and approved by the Planning Director;

2. That no alteration to any building shall indicate from the exterior that the building is being utilized in whole or in part for any purpose other than a residential or agricultural use;
3. That a maximum of two (2) employees, not residing on the premises, may be employed by the home occupation;
4. That a minimum of four (4) off-street parking spaces be provided. Each parking space shall measure at least nine (9) feet by eighteen (18) feet and shall be kept in a dust free manner;
5. That DENR approval is needed prior to the installation of public restroom facilities;
6. That the address of the residence be placed at 154th Avenue where it meets the applicant's property;
7. That the home occupation be limited to an auto body repair business. Any expansion beyond this would require the Conditional Use Permit to be reviewed;
8. That no material or auto parts be stored outside of an enclosed structure located on the property with the exception of a maximum of four (4) vehicles that may be temporarily stored outside in the shop yard while repairs are being made; and,
9. That this Conditional Use Permit be reviewed in two (2) years or on a complaint basis to determine if the conditions are being met.

Vote: unanimous (5 to 0).

7. **CONDITIONAL USE PERMIT REVIEW / CU 11-04:** Verlyn and Robin Mulder. To review a mobile cabin to be used as a single-family residence in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Tract A-1, February #16 Lode MS 669, Section 33, T1S, R5E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 11-04 with the following six (6) conditions:

1. That the address assigned for the structure be posted in accordance with Ordinance #20 so that it is visible from Old Hill City Road;

2. That the residence be used for personal use only and no commercial-type uses, including a vacation home rental;
3. That the manufactured home installed on the property be located on a permanent foundation;
4. That the property remains free of debris and junk vehicles at all times;
5. That the home installed on the property have a peaked non-reflective type roof and wood or simulated wood-type siding that is continually maintained; and,
6. That this Conditional Use Permit be reviewed on a complaint basis only.

Vote: unanimous (5 to 0).

8. **CONDITIONAL USE PERMIT REVIEW / CU 11-06:** Upper Plains Contracting; Dennis DeGroot - Agent. To review a temporary staging area for materials and equipment and to also review a concrete batch plant in a General Commercial/Highway Service Zoning District in accordance with Sections 209, 210, and 510 of the Pennington County Zoning Ordinance.

The NE1/4SE1/4 less Lots H1 and H2 and the NW1/4SE1/4 less Lots H1 and H2, Section 24, T1N, R7E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 11-06 following with thirteen (13) conditions:

1. That an address be assigned to the property and be posted at the entrance to the property in accordance with Ordinance #20;
2. That an adequate amount of port-a-potties be provided on the construction site;
3. That an Approach Permit be obtained from the South Dakota Department of Transportation;
4. That dust control measures be implemented to reduce the amount of dust pollution produced by the temporary batch plant;
5. That upon completion of the project, all equipment, structures, tailings and stockpiles associated with the temporary batch plant must be removed;
6. That an Air Quality Permit be obtained prior to operation of the temporary asphalt plant;

7. That a Building Permit be obtained for any structure exceeding 144 square feet or located on a permanent foundation, which requires a site plan to be reviewed and approved by the Planning Director;
8. That measures be taken to protect all drainage ways and limit runoff from the subject property by implementing proper BMPs prior to any land disturbance;
9. That if cell phone service is not available at the site, a land line be installed;
10. That a Storm Water Pollution Prevention Permit be obtained;
11. That prior to operation of the batch plant, the applicants file a Notice of Intent with South Dakota Department of Environment and Natural Resources;
12. That if the disturbance/stockpiling of material on the property is greater than or equal to 10,000 square feet, a Construction Permit must be obtained; and,
13. That this Conditional Use Permit be reviewed on August 27, 2012, or on a complaint basis.

Vote: unanimous (5 to 0).

9. **ROAD NAME CHANGE:** Pennington County. To change the road name of Saturn Street and Saturn Court to Saturn Drive for the right-of-way located in Section 10, T1N, R8E, BHM, Pennington County, South Dakota.

To recommend approval of the road name change to Saturn Drive.

Vote: unanimous (5 to 0).

10. **MINOR PLAT / PL 12-07 AND SUBDIVISION REGULATIONS VARIANCE / SV 12-02:** Canadian Pacific/David Drach; Fisk Land Surveying – Agent. To create Lot SD100-Lot 1 of WDRPI-SD100 Subdivision in accordance with Section 400.3 and to waive platting requirements in accordance with Section 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Portions of the S1/2 of Section 3; Section 4; and the NW1/4 of Section 10, T1S, R15E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot SD100 - Lot 1 of WDRPI-SD100 Subdivision, Sections 3, 4, and 10, T1S, R15E, BHM, Pennington County, South Dakota.

To recommend approval of Subdivision Regulations Variance / SV 12-02 to waive submittal of the 8 foot utility and minor drainage easements, to waive improvements to the Section Line Right-of-Way, to waive legal access, to waive percolation tests and soil profile information, to waive the scale of the plat at 1 inch = 100 feet, and major drainage easements and topography at 5 foot contours with approval of Minor Plat / PL 12-07 with the following (1) condition:

1. That at the time of construction of the railroad, the applicant obtains a Construction Permit and Storm Water Quality Permit.

Vote: unanimous (5 to 0).

11. **LAYOUT PLAT / PL 12-08:** Canadian Pacific/David Drach; Fisk Land Surveying – Agent. To create Lots 1-3 of WDRPI-SD101 Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Portions of Section 2 (less SE1/4) and a Portion of the NW1/4NE1/4 of Section 10, T1S, R15E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1-3 of WDRPI-SD101 Subdivision, Sections 2 and 10, T1S, R15E, BHM, Pennington County, South Dakota.

To recommend approval of Layout Plat / PL 12-08 with the following ten (10) conditions:

1. That prior to filing the plat with Register of Deeds, an eight (8) foot minor drainage and utility easement be identified along the interior side of all lot lines on the plat, or a Subdivision Regulations Variance be approved waiving this requirement;
2. That prior to County Board approval of the Minor Plat, Lot Size Variances must be obtained for the two lots that are less than 40 acres;
3. That prior to Minor Plat submittal, the applicant improve all Section Line Rights-of-Ways to Ordinance 14 Standards or obtain approval of Subdivision Regulations Variance waiving this requirement;
4. That prior to Minor Plat submittal, the applicant obtain legal access to the property or obtain approval of a Subdivision Regulations Variance waiving this requirement;
5. That prior to Minor Plat submittal, the applicant submit percolation test results and soil profile hole information or obtain approval of a Subdivision Regulations Variance waiving this requirement;

6. That prior to Minor Plat submittal, the plat should be rescaled to a scale of not more than 1 inch = 100 feet or obtain approval of a Subdivision Regulations Variance waiving this requirement;
7. That major drainage easement for existing drainage ways be dedicated on the plat or obtain approval of a Subdivision Regulations Variance waiving this requirement;
8. That at the time of construction of the railroad, the applicant obtains a Construction Permit and Storm Water Quality Permit;
9. That topography be submitted at a five (5) foot contour interval or obtain approval of a Subdivision Regulations Variance waiving this requirement; and,
10. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

Vote: unanimous (5 to 0).

12. **LAYOUT PLAT / PL 12-09:** Canadian Pacific/David Drach; Fisk Land Surveying – Agent. To create Lots 1-4 of WDRPI-SD097 Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Portions of the NE1/4NE1/4 of Section 20, the E1/2SE1/4 of Section 17, Section 16 (less SE1/4), Section 9 (less NW1/4), Section 10 (less SE1/4), Section 11 (less NE1/4), the SW1/4 of Section 12, the NE1/4SE1/4 of Section 13, T1N, R14E, and Government Lot 4 of Section 18, T1N, R15E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1-4 of WDRPI-SD097 Subdivision, Sections 9, 10, 11, 12, 13, 16, 17, and 20, T1N, R14E, and Section 18, T1N, R15E, BHM, Pennington County, South Dakota.

To recommend approval of Layout Plat / PL 12-09 with the following ten (10) conditions:

1. That prior to filing the plat with Register of Deeds, an eight (8) foot minor drainage and utility easement be identified along the interior side of all lot lines on the plat, or a Subdivision Regulations Variance be approved waiving this requirement;
2. That prior to County Board approval of the Minor Plat, Lot Size Variances must be obtained for the two lots that are less than 40 acres;

3. That prior to Minor Plat submittal, the applicant improve all Section Line Rights-of-Ways to Ordinance 14 Standards or obtain approval of Subdivision Regulations Variance waiving this requirement;
4. That prior to Minor Plat submittal, the applicant obtain legal access to the property or obtain approval of a Subdivision Regulations Variance waiving this requirement;
5. That prior to Minor Plat submittal, the applicant submit percolation test results and soil profile hole information or obtain approval of a Subdivision Regulations Variance waiving this requirement;
6. That prior to Minor Plat submittal, the plat should be rescaled to a scale of not more than 1 inch = 100 feet or obtain approval of a Subdivision Regulations Variance waiving this requirement;
7. That major drainage easement for existing drainage ways be dedicated on the plat or obtain approval of a Subdivision Regulations Variance waiving this requirement;
8. That at the time of construction of the railroad, the applicant obtains a Construction Permit and Storm Water Quality Permit;
9. That topography be submitted at a five (5) foot contour interval or obtain approval of a Subdivision Regulations Variance waiving this requirement; and,
10. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

Vote: unanimous (5 to 0).

13. **LAYOUT PLAT / PL 12-10:** Canadian Pacific/David Drach; Fisk Land Surveying – Agent. To create Lots 1-3 and Outlots A and B of WDRPI-SD096 Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Portions of the SE1/4SE1/4 of Section 19; Section 20 (less NW1/4); E1/2 of Section 30; and the W1/2NE1/4 of Section 31, T1N, R14E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1-3 and Outlots A and B of WDRPI-SD096 Subdivision, Sections 19, 20, 30, and 31, T1N, R14E, BHM, Pennington County, South Dakota.

To recommend approval of Layout Plat / PL 12-10 with the following eleven (11) conditions.

- 1. That prior to filing the plat with Register of Deeds, an eight (8) foot minor drainage and utility easement be identified along the interior side of all lot lines on the plat, or a Subdivision Regulations Variance be approved waiving this requirement;**
- 2. That prior to County Board approval of the Minor Plat, Lot Size Variances must be obtained for all the lots less than 40 acres;**
- 3. That prior to Minor Plat submittal, the applicant improve all Section Line Rights-of-Ways to Ordinance 14 Standards or obtain approval of Subdivision Regulations Variance waiving this requirement;**
- 4. That the floodplain be shown on the plat and Floodplain Statement be on the plat;**
- 5. That prior to Minor Plat submittal, the applicant submit percolation test results and soil profile hole information or obtain approval of a Subdivision Regulations Variance waiving this requirement;**
- 6. That prior to Minor Plat submittal, the plat should be rescaled to a scale of not more than 1 inch = 100 feet or obtain approval of a Subdivision Regulations Variance waiving this requirement;**
- 7. That major drainage easement for existing drainage ways be dedicated on the plat or obtain approval of a Subdivision Regulations Variance waiving this requirement;**
- 8. That at the time of construction of the railroad, the applicant obtains a Construction Permit and Storm Water Quality Permit;**
- 9. That topography be submitted at a five (5) foot contour interval or obtain approval of a Subdivision Regulations Variance waiving this requirement;**
- 10. That prior to any work within the 100-year floodplain, a Floodplain Development Permit be obtained; and,**
- 11. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.**

Vote: unanimous (5 to 0).

15. **PRELIMINARY PLAT / PL 12-06 AND SUBDIVISION REGULATIONS VARIANCE / SV 12-01:** William and Nancy Ewing; Davis Engineering – Agent. To create Lots A and B of Ewing Addition and to waive platting requirements to allow for a new residence in accordance with Sections 400.2 and 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot B of Lot 3 (NE1/4NW1/4) and Lot 5 of Lot C (Gov't Lot 2 NW1/4NE1/4) of J.S. Johnson Subdivision, Section 6, T1N, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot A and Lot B of Ewing Addition, Section 6, T1N, R6E, BHM, Pennington County, South Dakota.

(Continued from the March 26, 2012, Planning Commission meeting.)

To recommend Preliminary Plat / PL 12-06 and Subdivision Regulations Variance / SV 12-01 be continued to the April 23, 2012, Planning Commission Meeting.

Vote: unanimous (5 to 0).

16. **REZONE / RZ 11-09:** William and Nancy Ewing; Davis Engineering – Agent. To rezone 1.70 acres from Low Density Residential District to Suburban Residential District to allow for a new residence in accordance with Section 508 of the Pennington County Zoning Ordinance.

EXISTING LEGAL: Lot B of Lot 3 (NE1/4NW1/4) and Lot 5 of Lot C (Gov't Lot 2 NW1/4NE1/4) of J.S. Johnson Subdivision, Section 6, T1N, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots A and B of Ewing Addition, Section 6, T1N, R6E, BHM, Pennington County, South Dakota.

(Continued from the March 26, 2012, Planning Commission meeting.)

To recommend Rezone / RZ 11-09 be continued to the April 23, 2012, Planning Commission Meeting.

Vote: unanimous (5 to 0).

END OF CONSENT CALENDAR

14. CONDITIONAL USE PERMIT / CU 12-04: Glenn and Della Wishard. To bring a multi-family dwelling unit (tri-plex) into compliance in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

SW1/4SW1/4SW1/4NW1/4 of Section 16, T1N, R8E, BHM, Pennington County, South Dakota.

Zeller provided background information on the applicant's Conditional Use Permit request to bring an existing multi-family dwelling unit into compliance. She stated a Building Permit was issued in 1992 for a 36 foot by 36 foot attached garage to be constructed onto the existing residence on the property. The garage was apparently later converted into two finished apartments without the proper permits in 1995 by the previous owner. A second septic system was also installed on the property without the proper permits, so it is unknown if the apartments are being serviced by adequate wastewater disposal.

Staff recommended Conditional Use Permit 12-04 be continued to the May 14, 2012, Planning Commission meeting to allow the existing size of the second on-site wastewater treatment system to be determined.

Commissioner Hall questioned the location of the existing wastewater systems.

Zeller identified on the map the location of the systems and noted there appeared to be adequate space on the property for the drainfield to be expanded.

Mrs. Della Wishard, applicant, appeared and stated they were unaware they were not in compliance.

Discussion followed.

Moved by Hall and seconded by Zvejnieks to continue Conditional Use Permit / CU 12-04 to the May 14, 2012, Planning Commission in order for the size of the second wastewater system to be determined.

All voting aye, the Motion carried 5 to 0.

17. ORDINANCE AMENDMENT / OA 12-02. Pennington County. To amend Section 204-J-3-r "On-Site Wastewater Treatment System Construction Permit Fees."

Jennissen provided background information on the proposed Ordinance Amendment request to reduce the On-Site Wastewater Treatment Permit fee from \$300.00 to \$250.00. He indicated the permit fee will allow for two inspections rather than three inspections, which is currently allowed for under the current Ordinance. A fee of \$100.00 will be charged for each additional inspection.

Commissioner Petersen arrived at 9:30 am.

Discussion followed.

Moved by Landers and seconded by Hall to approve Ordinance Amendment / OA 12-02.

All voting aye, the Motion carried 6 to 0.

18. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commissions' recommendations from the March 26, 2012, Planning Commission meeting.

19. ITEMS FROM THE PUBLIC

There were no items from the public.

20. ITEMS FROM THE STAFF

A. Building Permit Report. Jennissen discussed the Building Permit report from the month of March.

B. Vacation Home Rental Ordinance. Jennissen discussed comments received from the Board of Commissioners regarding the proposed Ordinance.

C. Jennissen informed the members of the Planning Commission of the Transportation meetings scheduled for the week of April 16, 2012.

21. ITEMS FROM THE MEMBERSHIP

Johnson recommended the appropriate departments discuss the Road Naming Ordinance and the item be brought back before the Planning Commission and the Board of Commissioners for further discussion.

Moved by Landers and seconded by Hall to invite the Highway Department and Emergency Services Departments to the April 23, 2012, Planning Commission meeting to discuss the Road Naming Ordinance and Road Signs.

All voting aye, the Motion carried 6 to 0.

Johnson reminded the members to provide their recommendations for items they would like to see addressed by staff at the first Planning Commission meeting in June.

22. DISCUSSION ITEMS

There were no discussion items.

23. ADJOURNMENT

Moved by Hall and seconded by Zvejnieks to adjourn.

All voting aye, the Motion carried 6 to 0.

The meeting adjourned at 9:52 a.m.

Charlie Johnson, Chairperson