

**MINUTES
PENNINGTON COUNTY PLANNING COMMISSION**

October 8, 2012 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Courthouse

MEMBERS PRESENT: Sig Zvejnieks, Karen Hall, Jim Coleman, Lori Litzen, Barbara Landers, and Ron Buskerud.

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

ROLL CALL

1. APPROVAL OF THE SEPTEMBER 24, 2012, MINUTES
Moved by Litzen and seconded by Hall to approve the September 24, 2012, Planning Commission minutes. Vote: unanimous (6 to 0).

2. APPROVAL OF THE AGENDA
Moved by Landers and seconded by Litzen to approve the October 8, 2012, Planning Commission Agenda, with the removal of Item #4 from the Consent Calendar. Vote: unanimous (6 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 01-01:** Charles and Ursula Brackett. To review a mobile home park in a Suburban Residential District in accordance with Section 208-C-2 of the Pennington County Zoning Ordinance.

The West 250' of the North 662.9' of the NW1/4SE1/4, Section 17, T2N, R7E, BHM, Pennington County, South Dakota.

To recommend to continue the review of Conditional Use Permit / CU 01-01 to the November 13, 2012, Planning Commission meeting.

Vote: unanimous (6 to 0).

5. **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.

(Continued from the August 27, 2012, Planning Commission meeting.)

To recommend to continue the review of Conditional Use Permit / CU 11-06 to the December 10, 2012, Planning Commission meeting.

Vote: unanimous (6 to 0).

6. **CONDITIONAL USE PERMIT REVIEW / CU 11-21:** Larry Patterson. To review an accessory structure, garage/shop, prior to a primary structure in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Tract 2 of Tract A in the SW1/4 less Well Lot and less Right-of-Way, Section 7, T1S, R7E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 11-21 with the following six (6) conditions:

1. **That the lot address be properly posted in accordance with Pennington County's Ordinance #20 so it is clearly visible at the intersection of the driveway way;**
2. **No commercial activity shall be permitted;**
3. **That the property remains free of debris and junk vehicles;**
4. **That this CUP only be valid, if the property is subdivided;**
5. **That this Conditional Use Permit is not valid until the applicant signs the Statement of Understanding, which is available at the Planning Office; and,**
6. **That this Conditional Use Permit be reviewed in two (2) years or on a complaint basis to verify that all conditions of approval are being met.**

Vote: unanimous (6 to 0).

7. **CONDITIONAL USE PERMIT REVIEW / CU 10-32:** Merlin and Marcene Bloom. To review an outbuilding to be used as a residence in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Tract A (also in Section 25), Swampy Lane Subdivision, Section 36, T1N, R3E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 10-32 with the following five (5) conditions:

1. **That an approved Floodplain Development Permit be obtained prior to any work or placement of any structure within the boundaries of the 100-year floodplain;**
2. **That the lot address continues to be properly posted in accordance with Ordinance #20 so that it is visible from the road at all times;**
3. **That the proposed residence be used for personal and agricultural uses only and no commercial-type uses, including a vacation home rental;**
4. **That the property remains free of debris and junk vehicles at all times; and,**
5. **That this Conditional Use Permit be reviewed on a complaint basis only.**

Vote: unanimous (6 to 0).

8. **CONDITIONAL USE PERMIT REVIEW / CU 10-05:** Daisey Enterprise; Jessie DeJong/Kristen Kilcoin. To review a RV Park and tent camping sites in a Highway Service District in accordance with Sections 210, 306, and 510 of the Pennington County Zoning Ordinance.

Lot 1R, Three Forks Subdivision, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

(Continued from the September 24, 2012, Planning Commission meeting.)

To recommend approval of the extension of Conditional Use Permit / CU 10-05 with the following twenty-one (21) conditions:

1. **That no more than 30 recreational vehicle sites be allowed. Each recreational vehicle site shall measure a minimum of 44 feet long by 24-foot-wide;**
2. **That no more than 23 tent sites be allowed. Each tent site shall measure a minimum of 24 feet wide by 34 feet deep;**
3. **That each campsite (RV or tent) must include one (1) parking space for a vehicle (in addition to the recreation vehicle, where applicable) and the**

parking space must be constructed so no portion of the vehicle extends onto any interior roadway;

- 4. That the applicant maintain some type of barrier (i.e. fence, boulders) around the on-site wastewater system to prevent any parking and/or camping over top of the on-site wastewater system and that proper setbacks to the on-site wastewater system be maintained;**
- 5. That each recreational vehicle site be equipped with water and electric hook-ups;**
- 6. That each campsite must be equipped with a numbered sign which is attached to a post on or near the campsite;**
- 7. That a minimum 10 foot separation be provided between each RV site;**
- 8. That any monuments establishing property boundaries be replaced as necessary;**
- 9. That dust control measures be implemented to prevent dust from leaving the site and impacting the adjacent properties and/or street(s);**
- 10. That the SWMH be removed from the property if the caretaker of the campground chooses not to reside in it;**
- 11. That the residential living space in the Office building not be utilized as a full-time residence, if the caretaker of the campground chooses to occupy the SWMH as a permanent residence;**
- 12. That prior to the operation of the campground, the internal driveway consist of a looped driveway;**
- 13. That the lower portion of the interior road shall be a minimum of 22 feet in width and surfaced with gravel (minimum of 4 inches) and the upper portion of the interior road, for the tent sites only, shall be a minimum of 12 to 14 feet in width and surfaced with gravel (minimum of 4 inches) and maintained in a dust free manner;**
- 14. That any alterations or additions to the on-site wastewater disposal system be reviewed and approved by the South Dakota Department of Natural Resources and the Pennington County Environmental Planner;**
- 15. That an Approach Permit be obtained from the South Dakota Department of Transportation for any revisions to the existing approach or the addition of approaches;**
- 16. If any construction occurs, which will disturb more than one acre, then a Storm Water Construction Permit must be obtained prior to performing any work from the DENR;**

17. That the RV Park conforms to all regulations in Section 306 of the Pennington County Zoning Ordinance;
18. That the applicants conform to all applicable State and County regulations, including those established by the South Dakota Departments of Environmental and Natural Resources and Health;
19. 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 Pennington County Planning Director;
20. That “No Parking” signs be installed along the edge of the interior road network system; and,
21. That this Conditional Use Permit be reviewed in August of 2013 or upon a complaint basis.

Vote: unanimous (6 to 0).

9. **CONDITIONAL USE PERMIT / CU 12-05:** Walter Banovic. To bring a multi-family dwelling unit (duplex) into compliance in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot 1 and 1/2 vacated road less Lot A, Hisega Subdivision, Section 16, T1N, R6E, BHM, Pennington County, South Dakota.

(Continued from the September 10, 2012, Planning Commission meeting.)

To recommend to continue Conditional Use Permit / CU 12-05 to the October 22, 2012, Planning Commission meeting.

Vote: unanimous (6 to 0).

10. **MINING PERMIT / MP 12-09:** Gareth Patton; Cody Schad – Agent. To excavate material to mine rocks.

Blue Lead Lode, MS, Sections 18 and 19, T1S, R6E, BHM, Pennington County, South Dakota.

(Continued from the August 27, 2012, Planning Commission meeting.)

To recommend approval of the withdrawal of Mining Permit / MP 12-09 with the applicant’s concurrence.

Vote: unanimous (6 to 0).

END OF CONSENT CALENDAR

4. CONDITIONAL USE PERMIT REVIEW / CU 10-28: Stephanie Trotter/Tree Rock Ranch Partnership. To review a shop/residence to be used as a temporary residence while constructing a stick-built residence in a Suburban Residential District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

The SE1/4 less Lot 1R of Peregrine Point Subdivision; North 66 feet of SW1/4, Section 36, T1N, R6E, BHM, Pennington County, South Dakota.

(Continued from the September 10, 2012, Planning Commission meeting.)

Commissioner Landers asked to have this item removed from the Consent Calendar to clarify the size of the subject property, as the Staff Report noted it to be 149.100.

Jennissen stated the property size should reflect 149.10 acres. He further stated this would be corrected in the Staff Report.

Moved by Hall and seconded by Landers to continue the review of Conditional Use Permit / CU 10-28 to the December 10, 2012, Planning Commission meeting.

All voting aye, the Motion carried 6 to 0.

Moved by Hall and seconded by Litzen to discuss Items #11, #12, and #13 together, but each item would be voted on separately. All voting aye, the Motion carried 6 to 0.

11. PRELIMINARY PLAT / PL 12-36 AND SUBDIVISION REGULATIONS VARIANCE / SV 12-12: Kathy Boyum. To create Lots 1 and 2 of Boyum Subdivision and to waive platting requirements in accordance with Sections 400.2 and 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot C of Lot 2 of NE1/4SW1/4SW1/4 and Lot A of Lot 6 of Spring Creek Palisades, all located in Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1 and 2 of Boyum Subdivision, Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

Zeller reviewed the Staff Report indicating the applicant has applied for a Preliminary Plat to create Lots 1 and 2 of Boyum Subdivision, and the purpose of the platting is to separate the existing single-family residence from Robins Roost Cabins. Proposed Lot 1 would contain all of Robins Roost Cabins and measure 3.41 acres, while proposed Lot 2 would contain the single-family residence and measure 2.42 acres.

Zeller added that the applicant has also submitted a Subdivision Regulations Variance request to waive several platting requirements, including: 1) Road improvements for

Robins Roost Road, including a 66-foot-wide right-of-way and a paved 32-foot-wide driving surface (provide a 40 to 50-foot-wide right-of-way instead and conduct no road improvements); 2) Dedication of a 66-foot-wide access easement providing access to Lot 2, including a 24-foot-wide driving surface with a four (4) inch graveled driving surface (provide a 30-foot-wide access easement instead and conduct no road improvements); 3) Submittal of engineered road construction plans; and, 4) Topographic information of the subject property at a five (5) foot contour interval (provide 20 foot contour intervals instead).

Staff recommended approval of Subdivision Regulations Variance 12-12 and Preliminary Plat 12-36 with the following eight (8) conditions:

1. That the existing sign located for Robins Roost Road be removed in its entirety from the right-of-way. If the applicant desires to relocate the sign on private property, it must be located in compliance with Section 312 of the Zoning Ordinance and a Sign Permit must be obtained;
2. That the location of the signs shown on the Preliminary Plat drawing be removed from the Final Plat;
3. That the spelling of Spring Creek Palisades be corrected and Robins Roost Road be labeled, including the right-of-way widths, on the Final Plat;
4. That a deed be filed for Lot A of Lot 6 of Spring Creek Palisades transferring ownership to the Kathleen R. Boyum Revocable Trust prior to Final Plat approval;
5. That a waterline easement be dedicated on the Final Plat, if it is intended that proposed Lots 1 and 2 are going to continue to share the use of this waterline;
6. That the two on-premise signs shown to be located within the 30-foot access easement be removed or relocated on the property in compliance with Section 312 of the Zoning Ordinance prior to approval of the Final Plat;
7. That the easement note on the Final Plat be changed to state eight (8) utility and minor drainage easements are dedicated along the interior of all lot lines in accordance with Section 500.12-2. of the Subdivision Regulations; and,
8. That an updated site plan be provided at the time of Final Plat submittal showing the location of all on-site wastewater treatment systems, including the location of the tanks and drainfields, to ensure they are located entirely on private property and meeting setbacks in accordance with SDAR 74:53:01. Any systems not located entirely on private property or not meeting setback requirements will be required to be relocated or obtain a Variance from the South Dakota Department of Environment and Natural Resources, respectively.

Commissioner Zvejnieks asked if staff has discussed the use of the waterline for both lots with the applicant.

Zeller stated she has not been able to since the Staff Report was written, but would address it prior to Final Plat submittal.

Commissioner Hall expressed concern with the drainfields and questioned what the applicant would need to do, if the drainfields are located in the right-of-way.

Zeller noted that the drainfields are not allowed in the right-of-way and this would need to be addressed by the applicant, prior to Final Plat submittal. Zeller further stated that, once staff receives an updated site plan showing the exact location of the septic tanks and drainfields, this would determine if they do need to be relocated and are meeting setbacks to the new lot lines.

Commissioner Hall asked if there is room on the property to relocate the drainfields, if necessary.

Zeller indicated there are some open areas on the property, but did not know at this time if the area would be able to accommodate the drainfields.

Discussion followed.

Moved by Hall and seconded by Coleman to approve of Subdivision Regulations Variance 12-12 and Preliminary Plat 12-36 with the following eight (8) conditions:

- 1. That the existing sign located for Robins Roost Road be removed in its entirety from the right-of-way. If the applicant desires to relocate the sign on private property, it must be located in compliance with Section 312 of the Zoning Ordinance and a Sign Permit must be obtained;**
- 2. That the location of the signs shown on the Preliminary Plat drawing be removed from the Final Plat;**
- 3. That the spelling of Spring Creek Palisades be corrected and Robins Roost Road be labeled, including the right-of-way widths, on the Final Plat;**
- 4. That a deed be filed for Lot A of Lot 6 of Spring Creek Palisades transferring ownership to the Kathleen R. Boyum Revocable Trust prior to Final Plat approval;**
- 5. That a waterline easement be dedicated on the Final Plat, if it is intended that proposed Lots 1 and 2 are going to continue to share the use of this waterline;**
- 6. That the two on-premise signs shown to be located within the 30-foot access easement be removed or relocated on the property in compliance with Section 312 of the Zoning Ordinance prior to approval of the Final Plat;**
- 7. That the easement note on the Final Plat be changed to state eight (8) utility and minor drainage easements are dedicated along the interior of all lot lines in accordance with Section 500.12-2. of the Subdivision Regulations; and,**

8. **That an updated site plan be provided at the time of Final Plat submittal showing the location of all on-site wastewater treatment systems, including the location of the tanks and drainfields, to ensure they are located entirely on private property and meeting setbacks in accordance with SDAR 74:53:01. Any systems not located entirely on private property or not meeting setback requirements will be required to be relocated or obtain a Variance from the South Dakota Department of Environment and Natural Resources, respectively.**

All voting aye, the Motion carried 6 to 0.

12. MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 12-03: Kathy Boyum. To amend the existing Planned Unit Development for Robins Roost Cabins to include additional land and to remove the single-family residence from the approved uses which will allow for the platting of proposed Lot 1 of Boyum Subdivision in accordance with Section 213 of the Pennington County Zoning Ordinance.

EXISTING LEGAL: Lot C of Lot 2 of NE1/4SW1/4SW1/4 and Lot A of Lot 6 of Spring Creek Palisades, all located in Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 1 of Boyum Subdivision, Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

Zeller reviewed the Staff Report indicating the applicant is apply to amend the existing Planned Unit Development for Robins Roost Cabins to include additional land and to remove the single-family residence from the approved uses, which will allow for the platting of proposed Lot 1 of Boyum Subdivision.

Zeller further discussed Condition #2 regarding setbacks for the existing structures. She explained that the existing structures do not meet the current setback requirements, though they have been located on the subject property for several years. Staff will be recommending, in Condition #2, that those existing structures be allowed to remain in their current locations, but any future additions to or replacement of these structures must meet the minimum setback requirements, as originally stipulated in Condition #2.

Staff recommended approval of Major Planned Unit Development 12-03 with the following eight (8) conditions:

1. 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;
2. That the existing structures be allowed to remain in their current locations, but any future additions to or replacement of these structures will require compliance with the setbacks stipulated in Condition #3;

3. That the required setbacks for any structure be a minimum of twenty-five (25) from the front property line and a minimum of ten (10) feet from the side and rear property lines. However, if the side or rear property lines abut a residential district or street, the minimum required setback will be thirty (30) feet;
4. That the permitted uses be for seven (7) seasonal rental cabins, one (1) combination office and three (3) bedroom rental unit, one (1) four-unit seasonal rental structure, and any accessory structures directly supporting the operation of the approved use;
5. That a guest list is maintained and smoke detectors are placed in every sleeping room;
6. That each smoke detector be tested semi-annually for proper function. The smoke detectors must be Underwriters Laboratory (UL) listed and be either AC or battery operated;
7. That the applicant have at least one (1) 2-ABC dry chemical fire extinguisher accessible to all guests at all times on each floor or structure; and,
8. That this Planned Unit Development be reviewed on a complaint-basis only.

Moved by Landers and seconded by Hall to approve of Major Planned Unit Development 12-03 with the following eight (8) conditions:

- 1. 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;**
- 2. That the existing structures be allowed to remain in their current locations, but any future additions to or replacement of these structures will require compliance with the setbacks stipulated in Condition #3;**
- 3. That the required setbacks for any structure be a minimum of twenty-five (25) from the front property line and a minimum of ten (10) feet from the side and rear property lines. However, if the side or rear property lines abut a residential district or street, the minimum required setback will be thirty (30) feet;**
- 4. That the permitted uses be for seven (7) seasonal rental cabins, one (1) combination office and three (3) bedroom rental unit, one (1) four-unit seasonal rental structure, and any accessory structures directly supporting the operation of the approved use;**
- 5. That a guest list is maintained and smoke detectors are placed in every sleeping room;**

6. **That each smoke detector be tested semi-annually for proper function. The smoke detectors must be Underwriters Laboratory (UL) listed and be either AC or battery operated;**
7. **That the applicant have at least one (1) 2-ABC dry chemical fire extinguisher accessible to all guests at all times on each floor or structure; and,**
8. **That this Planned Unit Development be reviewed on a complaint-basis only.**

All voting aye, the Motion carried 6 to 0.

13. REZONE / RZ 12-10: Kathy Boyum. To rezone 2.42 acres from Planned Unit Development District to Suburban Residential District in accordance with Sections 208 and 508 of the Pennington County Zoning Ordinance.

EXISTING LEGAL: Lot C of Lot 2 of NE1/4SW1/4SW1/4, Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 2 of Boyum Subdivision, Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

Zeller reviewed the Staff Report indicating the applicant has applied to rezone 2.42 acres from Planned Unit Development District to Suburban Residential District. The purpose of the Rezone request is to allow for the creation of a separate lot (proposed Lot 2 of Boyum Subdivision) for the existing residence in order to separate it from the remainder of the Robins Roost Cabins development.

Staff recommended approval of Rezone 12-10 to rezone 2.42 acres from Planned Unit Development to Suburban Residential District.

Moved by Coleman and seconded by Landers to approve of Rezone 12-10 to rezone 2.42 acres from Planned Unit Development to Suburban Residential District.

All voting aye, the Motion carried 6 to 0.

14. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the September 24, 2012, Planning Commission meeting.

15. ITEMS FROM THE PUBLIC

There were no items from the public.

16. ITEMS FROM THE STAFF

- A. Building Permit Report. Jennissen reviewed the September 2012 Building Permit Report.

- B. Green Valley Sanitary District Construction Permit. Jennissen and Schmierer explained that the SD DENR and the Planning Department performed a site visit to the area and found the contractors to be in violation. The contractors have now addressed the violations and have been issued a new Construction Permit.
- C. SD Planner's Conference. Jennissen reminded the Planning Commission of the upcoming conference on October 24th through the 25th in Lead.

17. ITEMS FROM THE MEMBERSHIP

- A. VH Rentals were discussed. Commissioner Coleman asked Jennissen if he has obtained a current listing from the State of South Dakota showing how many people have applied for the VH Rental License. This would help the Planning Department in determining the properties in violation.

Jennissen stated he would contact the State to obtain a current list.

18. DISCUSSION ITEMS

There were no discussion items.

19. ADJOURNMENT

Moved by Hall and seconded by Coleman to adjourn.

All voting aye, the Motion carried 6 to 0.

The meeting adjourned at **9:38 a.m.**

Chairperson, Sig Zvejnieks