

**MINUTES
PENNINGTON COUNTY PLANNING COMMISSION**

October 22, 2012 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Courthouse

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

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

ROLL CALL

1. APPROVAL OF THE OCTOBER 8, 2012, MINUTES
Moved by Coleman and seconded by Hall to approve the October 8, 2012, Planning Commission minutes. Vote: unanimous (7 to 0).

2. APPROVAL OF THE AGENDA
Moved by Hall and seconded by Coleman to approve the October 22, 2012, Planning Commission Agenda and to add Item #9 to the Consent Calendar. 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 10-29:** Dan and Beth Thomas. To review a temporary residence (camper) on the property while constructing a single-family residence in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot 3 of Tract 3, Tigerville Subdivision, Section 9, T1S, R4E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 10-29 with the following five (5) conditions:

1. **That the wastewater from the camper be properly disposed of at all times and if the camper utilizes the on-site wastewater treatment system, it be disconnected once the residence is finished and habitable;**

2. That the camper no longer be used as a residence once the residence is finished and habitable, following which it only be allowed to be parked on the property;
3. That the residence not be utilized as a nightly or weekly vacation rental and only be used by the applicants for their personal use, unless a Conditional Use Permit for a Vacation Home Rental is obtained to allow for such;
4. That the property remains free of debris and junk vehicles; and,
5. That this Conditional Use Permit be reviewed in May of 2014 or on a complaint basis to verify that all conditions of approval are being met.

Vote: unanimous (7 to 0).

4. **CONDITIONAL USE PERMIT REVIEW / CU 10-33:** Jason and Kristi Orelup. 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.

The NE1/4NW1/4, Section 10, T1S, R9E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 10-33 with the following three (3) conditions:

1. That the lot address be posted at the intersection of the driveway and Bradsky Road so it is clearly visible at all times in accordance with Ordinance #20;
2. That the property remains free of debris and junk vehicles at all times; and,
3. 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 (7 to 0).

5. **CONDITIONAL USE PERMIT REVIEW / CU 11-24:** Lester Schriener. To review an accessory structure prior to a principal structure in a Highway Service District in accordance with Sections 210 and 510 of the Pennington County Zoning Ordinance.

Lot 2 less Lot A of Iowa Placer M.S. 636, Section 1, T2S, R4E, BHM, Pennington County, South Dakota.

To recommend to continue the review of Conditional Use Permit / CU 11-24 to the November 13, 2012, Planning Commission meeting.

Vote: unanimous (7 to 0).

6. **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 October 8, 2012, Planning Commission meeting.)

To recommend approval of Conditional Use Permit / CU 12-05 with the following nine (9) conditions:

1. **That the existing drainfield be enlarged and sized based on the gallons per day flow for the lodge, duplex, and single-family residence;**
2. **That documentation of the easements for the wastewater system shall be provided to the Planning Department. If it is determined that the existing easements are not large enough to include the increase of the drainfield size, new easements shall be obtained and recorded with the Register of Deeds;**
3. **That a total of four (4) off-street parking spaces measuring nine (9) feet by eighteen (18) feet for the duplex be designated and identified on the subject property;**
4. **That prior to a duplex being rebuilt on the property or additions being constructed onto the existing duplex, a Setback Variance shall be obtained;**
5. **That the property remains free of debris and junk vehicles;**
6. **That the property address be properly posted at the approach so it be clearly visible from the road and in both directions in accordance with Pennington County's Ordinance #20;**
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 this Conditional Use Permit is not valid until the applicant signs the Statement of Understanding, which is available at the Planning Office; and,**
9. **That this Conditional Use Permit be reviewed in one (1) year or on a complaint basis to verify that all conditions of approval are being met.**

Vote: unanimous (7 to 0).

7. **CONDITIONAL USE PERMIT REVIEW / CU 11-05:** Charles and Evonne Evans. To review a recreational vehicle to be used as a temporary residence while constructing a residence in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Syndicate Lode less Crown Point Subdivision (also in Section 16), Syndicate Lode MS, Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

(Continued from the April 23, 2012, Planning Commission meeting.)

To recommend to revoke Conditional Use Permit / CU 11-05 with the applicant's concurrence.

Vote: unanimous (7 to 0).

8. **CONDITIONAL USE PERMIT REVIEW / CU 08-10:** Verizon Wireless; K. W. Lindsay – Owner. To review a 300 foot communications tower and equipment shelter in a Highway Service District in accordance with Sections 210 and 510 of the Pennington County Zoning Ordinance.

Tract Lake (also in Section 28), Section 27, T2N, R5E, BHM, Pennington County, South Dakota.

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

To recommend to continue the review of Conditional Use Permit / CU 08-10 to the November 26, 2012, Planning Commission meeting.

Vote: unanimous (7 to 0).

9. **CONDITIONAL USE PERMIT / CU 12-30:** Ruby and Frank Matejcik. To allow for a Vacation Home Rental in a General Agriculture District in accordance with Sections 205, 319, and 510 of the Pennington County Zoning Ordinance.

That Part of the SE1/4SE1/4 lying north and east of Slate Prairie Road, Section 26, T1N, R3E, BHM, Pennington County, South Dakota.

To recommend to continue Conditional Use Permit / CU 12-30 to the November 13, 2012, Planning Commission meeting.

Vote: unanimous (7 to 0).

END OF CONSENT CALENDAR

10. LAYOUT PLAT / PL 12-37: RMS Lode/Matt Keck. To create Lots 1-3 of Addie Camp Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: JR #2 Lode less Lot I, less Lot J and less Lot L of JR #2 and JR #5 Lodes and less Lot H2 of JR #2, #3 and #5 Lodes of JR #2 Lode MS 1864; JR #3 Lode less Lots 1 and 2 of Lot E, less Lot H2 of JR #2, #3, and #5 Lode and less ROW of JR #3 Lode MS 1864; GL 9, GL 10 and GL 11; Lot L of JR #2 and JR #5 Lodes MS 1864; Lot K (Revised) of JR #5 Lodes MS 1864; Lot A and Lot C of JR #5 Lodes MS 1864 and Lot 1 of Stenson Subdivision, all located in located in Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1-3 of Addie Camp Subdivision, Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

Jennissen reviewed the Staff Report indicating the applicant has applied for a Layout Plat to create Lots 1-3 of Addie Camp Subdivision. The creation of the lots is to allow for the reconfiguration of nine parcels of land. The area being replatted is the former location of Wool-N-Stuff, the former Mistletoe Ranch, two cabin sites, Prairie Berry Winery and Forest Service land. The area also includes land currently owned by the Stensons, which is located along the west property lines of Prairie Berry and Wool-N-Stuff. The plat will be reducing density of the area by six lots, and the applicant plans to expand the Prairie Berry Winery, construct an amphitheater, wedding reception area, additional retail shops and offices.

Jennissen further added that the applicant has also submitted a rezone request, Rezone 12-11 and Comprehensive Plan Amendment 12-07, to rezone portions of the area from General Agriculture District and Limited Agriculture District to Highway Service District and to change the Future Land Use from General Agriculture District and Planned Unit Development Sensitive to Highway Service District. The remaining balance of land within the plat is currently zoned Highway Service District. This plat, along with the Rezone and Comprehensive Plan Amendment requests, will allow Mr. Keck to further develop the portion of Stenson's property, the former Mistletoe Ranch, the former Forest Service land, the two cabin sites and Prairie Berry Wine parcel.

Staff recommended approval of Layout Plat 12-37 with the following sixteen (16) conditions:

1. That prior to or at the time of Preliminary Plat submittal, the applicant provide adequate percolation test results and soil profile information for review by the Environmental Planner or obtain approval of a Subdivision Regulations Variance waiving this requirement;
2. That prior to Final Plat approval, the 66 foot private access easements (Ruby Gulch Road and Stenson Road) be improved to Highway Service road construction standards, including a 32-foot-wide, paved driving surface, a surety or bond be posted for the road improvements, or the applicant obtain approval of a Subdivision Regulations Variance to waive this requirement;

3. That prior to Final Plat approval, engineered road construction plans be provided for the required road improvements to the 66 foot private access easements (Ruby Gulch Road, Stenson Road, access road to the rear of the lot and the main access road to Prairie Berry or else the applicant obtain approval of a Subdivision Regulations Variance to waive this requirement;
4. That eight (8) foot utility and minor drainage easements be dedicated along the interior of all lot lines or else a Subdivision Regulations Variance be obtained waiving this requirement;
5. That at the time of submittal for the Preliminary Plat, the plat meets all the requirements of Section 400.2 of the Pennington County Subdivision Regulations, including the Plat to be scaled at not more than one (1) inch equals one hundred (100) feet, topographic information be provided of the subject property at five (5) foot contour intervals, and the proper certificates and statements be included on the plat or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
6. That the properties be rezoned to Highway Service District and the Future Land Use Map be amended from Planned Unit Development Sensitive to Highway Service District;
7. That at the time of Preliminary Plat submittal, the applicant submits a Master Plan and Fire Mitigation Plan for review and approval by the Pennington County Fire Coordinator;
8. That all setbacks are to be 25 feet from the front, 10 feet from the side property lines, and 30 feet when abutting a residential district. The rear property line setback is to be 10 feet and 30 feet when serviced from the rear and abutting a residential district;
9. That the rear access road be improved to a minimum of a 32 foot paved surface with a 66-foot access easement, in accordance with Table 1 and Engineered Road Construction Plans be submitted for the improvements, or approval of a Subdivision Regulations Variance must be obtained waiving these requirements;
10. That two of the three cabins either be removed from Lot 3 or converted to Vacation Home Rentals, offices or a use allowed in a Highway Service District;
11. That the power line easements within the development cannot have any structures located within the easements;
12. That at time of a Preliminary Plat submittal, a traffic study be included to determine if additional traffic control, such as lower speed limit or right turning lanes are needed;
13. That the plat heading be corrected to: ...(formerly...the Remainder of the J.R. No. 3 Lode of M.S. 1864 and a Portion of the J.R. No.2 Lode... Take out “an unplatted”;

14. That both Ruby Gulch Road and Stenson Meadow Road signs be posted by the developer;
15. That prior to constructing across Ruby Gulch Road, they contact the U.S. Forest Service; and,
16. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

Commissioner Zvejnieks spoke of Condition #10 and expressed concern with the language of VH Rentals for the cabins. He noted that the uses for the property are commercial and he recommended the language be changed to note the specific use.

Jennissen stated the language of VH Rentals should be removed from Condition #10 and incorporate the language of daily or weekly rentals for the cabins.

Commissioner Zvejnieks also spoke of the increased use and discussed the wastewater system for a commercial facility.

Jennissen explained that the applicant will be using the existing wastewater system and also installing another new wastewater system; the new wastewater system will be approved by SD DENR.

Mr. Greg Wierenga, agent, appeared and indicated the applicant is aware of the conditions they need to meet and he further discussed the traffic study and required road improvements. Mr. Wierenga stated the applicant will be asking for a Variance for the road improvements and he has also contacted someone to do the traffic analysis.

Moved by McCollam and seconded by Landers to approve of Layout Plat 12-37, including the change in Condition #10, with the following sixteen (16) conditions:

- 1. That prior to or at the time of Preliminary Plat submittal, the applicant provide adequate percolation test results and soil profile information for review by the Environmental Planner or obtain approval of a Subdivision Regulations Variance waiving this requirement;**
- 2. That prior to Final Plat approval, the 66 foot private access easements (Ruby Gulch Road and Stenson Road) be improved to Highway Service road construction standards, including a 32-foot-wide, paved driving surface, a surety or bond be posted for the road improvements, or the applicant obtain approval of a Subdivision Regulations Variance to waive this requirement;**
- 3. That prior to Final Plat approval, engineered road construction plans be provided for the required road improvements to the 66 foot private access easements (Ruby Gulch Road, Stenson Road, access road to the rear of the lot and the main access road to Prairie Berry or else the applicant obtain approval of a Subdivision Regulations Variance to waive this requirement;**

4. That eight (8) foot utility and minor drainage easements be dedicated along the interior of all lot lines or else a Subdivision Regulations Variance be obtained waiving this requirement;
5. That at the time of submittal for the Preliminary Plat, the plat meets all the requirements of Section 400.2 of the Pennington County Subdivision Regulations, including the Plat to be scaled at not more than one (1) inch equals one hundred (100) feet, topographic information be provided of the subject property at five (5) foot contour intervals, and the proper certificates and statements be included on the plat or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
6. That the properties be rezoned to Highway Service District and the Future Land Use Map be amended from Planned Unit Development Sensitive to Highway Service District;
7. That at the time of Preliminary Plat submittal, the applicant submits a Master Plan and Fire Mitigation Plan for review and approval by the Pennington County Fire Coordinator;
8. That all setbacks are to be 25 feet from the front, 10 feet from the side property lines, and 30 feet when abutting a residential district. The rear property line setback is to be 10 feet and 30 feet when serviced from the rear and abutting a residential district;
9. That the rear access road be improved to a minimum of a 32 foot paved surface with a 66-foot access easement, in accordance with Table 1 and Engineered Road Construction Plans be submitted for the improvements, or approval of a Subdivision Regulations Variance must be obtained waiving these requirements;
10. That two of the three cabins either be removed from Lot 3 or converted to daily or weekly rentals, offices or a use allowed in a Highway Service District;
11. That the power line easements within the development cannot have any structures located within the easements;
12. That at time of a Preliminary Plat submittal, a traffic study be included to determine if additional traffic control, such as lower speed limit or right turning lanes are needed;
13. That the plat heading be corrected to: ...(formerly...the Remainder of the J.R. No. 3 Lode of M.S. 1864 and a Portion of the J.R. No.2 Lode... Take out "an unplatted";
14. That both Ruby Gulch Road and Stenson Meadow Road signs be posted by the developer;

15. That prior to constructing across Ruby Gulch Road, they contact the U.S. Forest Service; and,
16. 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.

11. REZONE / RZ 12-11 AND COMPREHENSIVE PLAN AMENDMENT / CA 12-07: RMS Lode/Matt Keck. To rezone 6.99 acres from Limited Agriculture District and General Agriculture District to Highway Service District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Planned Unit Development District and General Agriculture District to Highway Service District in accordance with Sections 210 and 508 of the Pennington County Zoning Ordinance.

EXISTING LEGAL: GL 9, GL 10 and GL 11; and Lot A and Lot C of JR #5 Lodes MS 1864 located in Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1-3 of Addie Camp Subdivision, Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

Jennissen reviewed the Staff Report indicating the applicant has applied for a Rezone to rezone 6.99 acres from Limited Agriculture District and General Agriculture District to Highway Service District and to also amend the Pennington County Comprehensive Plan to change the Future Land Use from Planned Unit Development District and General Agriculture District to Highway Service District.

Jennissen further added that, with the possible increase in traffic to and from the property, staff is recommending a traffic study be conducted before the property is rezoned to Highway Service District.

Staff recommended Rezone 12-11 and Comprehensive Plan Amendment 12-07 be continued until a traffic study has been submitted and reviewed.

Commissioner Hall questioned if the traffic study would be accurate, if it is done now, since traffic is heavier in the summer time.

Jennissen indicated there are previous traffic counts the applicants are able to use and, also, the applicants can estimate the potential increase, based on their project.

Commissioner Coleman discussed the amphitheater and he also spoke of the traffic concerns.

Jennissen stated there will be a wedding reception area in the northwest corner of the property and an amphitheater, but he didn't think the amphitheater would correspond with the wedding activities.

Mr. Greg Wierenga addressed this and stated the amphitheater would only be used as an area where the public is able to sit and listen to performers and other small venues. The area would sit about 100 people.

Commissioner Zvejnieks further discussed the traffic study and questioned when the applicant intends to have the traffic study finalized.

Jennissen stated he is unaware of when the applicant will have the study done.

Mr. Matt Keck, applicant, appeared and stated he hopes to have the traffic study done in about two months. He further stated he will also be visiting with the DOT to address their concerns.

Commissioner Zvejnieks asked the applicant to also address the Planning Commission's concern regarding the amphitheater.

Mr. Keck said they have started a summer concert series this past summer and hope that these small acts can use the amphitheater for the public to listen to them. He is hoping to also have a movie night and occasionally other vendors or a farmers market at different times.

Moved by Hall and seconded by Coleman to continue Rezone 12-11 and Comprehensive Plan Amendment 12-07 until a traffic study has been submitted and reviewed.

All voting aye, the Motion carried 7 to 0.

12. ORDINANCE AMENDMENT / OA 12-05: Pennington County. To amend Section 400.3-1-n-3, 6, and 10; Section 500.5-1-a-3-a; and Section 500.5 - Table 1 of the Pennington County Subdivision Regulations.

Jennissen reviewed the Ordinance Amendment, which is a clarification of the certificates required on a plat and also a change to the width and road improvement requirements for an easement for right-of-way providing access to two lots or less in a LAD or LDR.

Staff recommended approval of Ordinance Amendment / OA 12-05.

Commissioner Zvejnieks noted that astericks also need to be placed at the top of Table 1 by LAD and LDR, too.

Jennissen agreed.

Moved by Landers and seconded by McCollam to approve of Ordinance Amendment / OA 12-05.

All voting aye, the Motion carried 7 to 0.

13. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the October 8, 2012, Planning Commission meeting.

14. ITEMS FROM THE PUBLIC

There were no items from the public.

15. ITEMS FROM THE STAFF

A. SD Planners Conference. Jennissen spoke of the upcoming SD Planner's Conference in Lead.

16. ITEMS FROM THE MEMBERSHIP

There were no items from the membership.

17. DISCUSSION ITEMS

There were no discussion items.

18. ADJOURNMENT

Moved by Hall and seconded by Landers to adjourn.

All voting aye, the Motion carried 7 to 0.

The meeting adjourned at **9:27 a.m.**

Chairperson, Sig Zvejnieks