

MINTUES
PENNINGTON COUNTY PLANNING COMMISSION
June 24, 2013 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Courthouse

MEMBERS PRESENT: Karen Hall, Barbara Landers, Ron Buskerud, and Lyndell Petersen.

STAFF PRESENT: Dan Jennissen, Lysann Zeller, Jeri Ervin, and Patrick Grode (SAO).

ROLL CALL

1. APPROVAL OF THE JUNE 10, 2013, MINUTES

This item will be heard at the July 8, 2013, Planning Commission meeting, as there is not a quorum of the Planning Commission members who were present at the June 10th meeting to approve these minutes at this meeting.

2. APPROVAL OF THE AGENDA

Moved by Landers and seconded by Petersen to approve the June 24, 2013, Planning Commission Agenda. Vote: unanimous (4 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 11-16:** Randy and Viola Scott. To review a single-wide mobile home as a permanent single-family residence in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 16, Block 4, Green Valley Estates, Section 23, T1N, R8E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 11-16 with the following four (4) conditions:

1. **That the lot address be clearly posted so it is visible from Greenwood Lane at all times in accordance with Pennington County's Ordinance #20;**
2. **That the property remains free of debris and junk vehicles;**

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

Vote: unanimous (4 to 0).

4. **CONDITIONAL USE PERMIT REVIEW / CU 12-11:** James and Linda McArthur. To review an accessory structure prior to a primary structure on the subject property in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 1 of Tract A (less Well Lot), Sunnyside Acres, Section 25, T2N, R4E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 12-11 with the following five (5) conditions:

1. That the property remains free of debris and junk vehicles;
2. That the lot address continues to be posted so it is clearly visible in accordance with Pennington County Ordinance #20;
3. That the property be used for personal use only and no commercial-type uses;
4. That the applicants obtain a permit from the State Wildland Fire Suppression Division prior to obtaining a Building Permit, if required; and,
5. That this Conditional Use Permit be reviewed on a complaint basis only.

Vote: unanimous (4 to 0).

5. **CONDITIONAL USE PERMIT REVIEW / CU 12-12** Galen and Linda Livermont. To review a camper to be used as living quarters on a temporary basis on the subject property and to allow for accessory structures to be located on the property prior to a primary structure in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

Part of the NW1/4NW1/4 north of the Highway and Railroad, Section 24, T1N, R8E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 12-12 with the following seven (7) conditions:

1. That the lot address be properly posted in accordance with Pennington County's Ordinance #20 so it is clearly visible from both directions of travel along Morris Lane at all times;
2. That the wastewater from the recreational vehicle be properly disposed of at all times by utilizing the existing on-site wastewater treatment system on the property. If a new residence is constructed on the property in the future, the camper must be disconnected from the on-site wastewater treatment system;
3. That an On-site Wastewater Construction Permit be obtained if the applicants install a new on-site wastewater treatment system to service a future residence on the property and the existing on-site wastewater treatment system be properly abandoned if it is no longer being utilized;
4. That the camper no longer be used as a temporary residence if a new permanent residence is constructed on the subject property in the future, following which the camper only be allowed to be stored on the property;
5. That only one camper be allowed to be used as temporary living quarters and for not more than 180 days per calendar year;
6. That the property remain free of debris and junk vehicles; and,
7. 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, and the RV cannot be located on the property for longer than three (3) years.

Vote: unanimous (4 to 0).

6. **REZONE / RZ 13-02:** Jarvis and Frances Olson; Fisk Land Surveying – Agent. To rezone 7.65 acres from Limited Agriculture District to Low Density Residential District in accordance with Sections 206, 207, and 508 of the Pennington County Zoning Ordinance.

Located on a parcel of land located in the South One-Half of the Northeast One-Quarter of the Southeast One-Quarter (S¹/₂NE¹/₄SE¹/₄) of Section Thirty-Five (35) in Township One North (T1N), Range Three East (R3E) of the Black Hills Meridian (BHM), Pennington County, South Dakota, more fully described as follows: Beginning at the southwest corner of said South One-Half of the Northeast One Quarter of the Southeast One Quarter (S¹/₂NE¹/₄SE¹/₄) of Section Thirty-Five (35) in Township One North (T1N), Range Three East (R3E) of the Black Hills Meridian (BHM), Pennington County, South Dakota, said point being located on a 1/16th section line of said Section Thirty-Five (35) and being marked by a US Forest Service Monument; thence, northerly along the 1/16th section line of said Section Thirty-Five (35), North 00 degrees 09 minutes 00 seconds West, a distance of 260.00 feet more or less to a point marked by a rebar with survey cap

RW FISK 6565; thence, South 89 degrees 51 minutes 02 seconds East a distance of 1,282.70 feet more or less to a point located on the westerly line of the section line right-of-way for said Section Thirty-Five (35), said right-of-way being known as Paradise Drive, and said point being marked by a rebar with survey cap RW FISK 6565; thence, southerly on the westerly line of said section line right-of-way and on the westerly line of Paradise Drive right-of-way, South 00 degrees 00 minutes 43 seconds East a distance of 260.00 feet more or less, said point being located on a 1/16th section line and coincident with the northeast corner of Tract 14 of Leisure Hills Estates, and said point being marked by a monument with survey cap LS 2196; thence, westerly on said 1/16th section line and on the north line of said Tract 14 of Leisure Hills Estates, North 89 degrees 53 minutes 45 seconds West a distance of 549.64 feet more or less to the northwest corner of said Tract 14 of Leisure Hills Estates, said point being coincident with the northeast corner of Tract 15 of Leisure Hills Estates and said point being marked by a monument with survey cap LS 2196; thence, continuing westerly on said 1/16th section line and on the north line of said Tract 15 of Leisure Hills Estates, North 89 degrees 43 minutes 18 seconds West a distance of 542.94 feet more or less to the northwest corner of Tract 15 of Leisure Hills Estates, said point being coincident with the northeast corner of Tract 21 of Leisure Hills Estates and said point being marked by a monument with survey cap LS 2196; thence, continuing westerly on said 1/16th section line and on the north line of said Tract 21 of Leisure Hills Estates, South 89 degrees 54 minutes 44 seconds West 189.50 feet more or less to the point of beginning. Said tract of land contains 7.65 acres, more or less.

(Continued from the May 13, 2013, Planning Commission meeting.)

To recommend approval of Rezone / RZ 13-02 to rezone 7.65 acres from Limited Agriculture District to Low Density Residential District.

Vote: unanimous (4 to 0).

7. **CONDITIONAL USE PERMIT / CU 13-14:** All American Sales; Doug Bollinger. To allow for a temporary fireworks stand in a Heavy Industrial District in accordance with Sections 212 and 510 of the Pennington County Zoning Ordinance.

Lots A and B of Tract B of SW1/4 less Lot H3 of said Lot B, including Lot H2 of Tract B, Section 27, T2N, R8E, BHM, Pennington County, South Dakota.

To recommend approval of the withdrawal of Conditional Use Permit / CU 13-14 with the applicant's concurrence.

Vote: unanimous (4 to 0).

END OF CONSENT CALENDAR

8. CONDITIONAL USE PERMIT / CU 13-13: Ronald Simpson. To allow for an existing residence to be used as a temporary residence while constructing a new residence in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

All, Gold Safe Key Lode MS 1578, Section 18, T2S, R5E, BHM, Pennington County, South Dakota.

Jennissen reviewed the Staff Report indicating the applicant has submitted a Conditional Use Permit to allow for an existing single-wide mobile home to be utilized as a temporary residence while constructing a stick-built home. The applicant wishes to reside in the existing single-wide mobile home, while building a stick-built home on the subject property.

Jennissen explained that access to the subject property is provided off of Palmer Creek Road across Forest Service land. An easement created in 1935 provides access across the Forest Service land and the access crosses two other lots owned by the applicant before reaching the subject lot. The applicant is not required to have an easement across his own property; however, if the properties were to ever be separated, an access easement of 66 feet would need to be created. The current access also crosses Lot 1 before entering onto the applicant's lots. The applicant has indicated that an access easement has been created for the portion of the road that crosses Lot 1. The easement must be a minimum of 66-feet, in accordance with Table 1 of the Pennington County Subdivision Regulations.

Jennissen also stated the applicant will be required to obtain an Operating Permit for the existing system and recommended changing the language in Condition #2 to state: "That prior to Building Permit approval, the applicant obtain an Operating Permit for the existing on-site wastewater treatment system."

Commissioner Hall spoke of Condition #4 regarding the access easement and wanted to know if the easement has been completed.

Jennissen said yes.

Mr. Simpson, applicant, appeared and stated he does have the easement created, along with a signed written agreement. Mr. Simpson clarified that the number of bedrooms in the single-wide mobile home is two bedrooms and he will only be building a two bedroom home, not three bedrooms as noted in the Staff Report.

Commissioner Hall also clarified with staff that the on-site wastewater system does not need to be upgraded.

Jennissen said that is correct, as the applicant is building a structure with the same number of bedrooms.

Moved by Buskerud and seconded by Landers to approve of Conditional Use Permit 13-13, with the change in Condition #2, with the following six (6) conditions:

- 1. That the applicant obtains a removal permit for the single-wide mobile home and the single-wide mobile home be removed from the property once the applicant's new residence is habitable;**
- 2. That prior to Building Permit approval, the applicant obtain an Operating Permit for the existing on-site wastewater treatment system;**
- 3. That the applicant obtains a Building Permit for the new single-family residence;**
- 4. That prior to Planning Commission approval, the applicant obtain an access easement across Lot 1 that is to be a minimum of a 66 feet in width;**
- 5. 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; 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.**

All voting aye, the Motion carried 4 to 0.

9. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the June 10, 2013, Planning Commission meeting.

10. ITEMS FROM THE PUBLIC

There were no items from the public.

11. ITEMS FROM THE STAFF

There were no items from the staff.

12. ITEMS FROM THE MEMBERSHIP

Commissioner Petersen spoke of Conditional Use Permits and wanted to know how they are regulated and scheduled for review.

Jennissen explained the process of obtaining a Conditional Use Permit, including when they are reviewed and when they are revoked.

13. DISCUSSION ITEMS

There were no discussion items.

14. ADJOURNMENT

Moved by Buskerud and seconded by Petersen to adjourn.

All voting aye, the Motion carried 4 to 0.

The meeting adjourned at **9:16 a.m.**

First Vice-Chairperson, Karen Hall