

**MINUTES
PENNINGTON COUNTY PLANNING COMMISSION**

July 8, 2013 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Courthouse

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

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

ROLL CALL

1. APPROVAL OF THE JUNE 10, 2013, MINUTES
Moved by Hall and seconded by Coleman to approve the June 10, 2013, Planning Commission minutes. Vote: unanimous (6 to 0).
2. APPROVAL OF THE JUNE 24, 2013, MINUTES
Moved by Hall and seconded by Landers to approve the June 24, 2013, Planning Commission minutes. Vote: unanimous (6 to 0).

Commissioner McCollam appeared at 9:05 a.m.

*****ELECTION OF OFFICERS**

Moved by Landers and seconded by Hall to nominate Sig Zvejnieks as Chairperson. Vote: unanimous (7 to 0).

Moved by Hall and seconded by Zvejnieks to nominate Lori Litzen as First Vice-Chairperson. Vote: unanimous (7 to 0).

Moved by Coleman and seconded by Litzen to nominate Karen Hall as Second Vice-Chairperson. Vote: unanimous (7 to 0).

3. APPROVAL OF THE AGENDA
Moved by Hall and seconded by McCollam to approve the July 8, 2013, Planning Commission Agenda, with the removal of Item #5 from 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.

4. **CONDITIONAL USE PERMIT REVIEW / CU 05-27:** West River Electric Association. To review an electric power substation in a Limited Agriculture District in accordance with Section 206-C-11 of the Pennington County Zoning Ordinance.

Lot WR of NE1/4NE1/4, Section 15, T1N, R8E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 05-27 with the following eleven (11) conditions:

1. **That the applicant operates within the noise levels approved by SD Public Utilities Commission;**
2. **That all lighting must be positioned as not to intrude onto surrounding properties;**
3. **That any existing or future fence be located outside the public right-of-ways;**
4. **That the area must be screened either with natural or artificial means so as not to cause an eyesore to the residential districts located in the area;**
5. **That all areas must be maintained in a dust free manner;**
6. **That any new approaches must be reviewed and approved by the Pennington County Highway Department;**
7. **That all natural drainage ways must be maintained and not obstructed;**
8. **That the applicant follows the Noxious Weed Management Plan;**
9. **That all structures be located as close to the ground as possible and no structure may exceed 2-1/2 stories or 35 feet in height without obtaining an approved Variance from the Pennington County Board of Commissioners;**
10. **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; and,**
11. **That this Conditional Use Permit be reviewed in four (4) years or on a complaint basis.**

Vote: unanimous (7 to 0).

6. **CONDITIONAL USE PERMIT / CU 13-15:** Dan Deyo. To allow a single-wide mobile home to be used as a temporary residence while constructing a new residence in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot 10A, Vaughn Addition, Section 19, T2N, R8E, BHM, Pennington County, South Dakota.

To recommend approval of Conditional Use Permit / CU 13-15 with the following four (4) 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 the applicant obtains a Building Permit for the new single-family residence;**
- 3. 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,**
- 4. 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).

- 7. PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PU 09-03: Simpson Inc. (James and Marla Simpson). To review a Planned Unit Development Amendment to allow a RV Park, tent camping sites, shower house, and to reduce setbacks in accordance with Section 213 of the Pennington County Zoning Ordinance.**

Lot 4A less Hwy RTY; Lot 4B less Hwy RTY; Lot D of Lot 7 less Hwy RTY; Part of Palmer Gulch Placer #690 – Lot 3 less Hwy RTY, all of Palmer Gulch Placer MS 690, Section 27, T1S, R5E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Planned Unit Development Amendment / PU 09-03 with the following sixteen (16) conditions:

- 1. That the uses allowed with this Planned Unit Development be an eight (8) site RV Park, an five (5) site tent camping area, six (6) attached cabins for rental purposes with restroom facilities, a duplex with a residence and rental unit, and one (1) detached rental cabin, and any associated improvements;**
- 2. That eight (8) foot setbacks be allowed along all interior (shared) lot lines of the four (4) subject properties and twenty-five (25) foot setbacks be maintained along all exterior lot lines, which abut properties under different ownership;**
- 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 interior one way road shall be a minimum of 15 feet in width and surfaced with gravel (minimum of 4 inches), concrete or asphalt and maintained in a dust free manner. All other interior roads shall be a minimum of 24 feet in width and surfaced with gravel (minimum of 4 inches), concrete or asphalt and maintained in a dust free manner;
5. That a Floodplain Development Permit shall be submitted for review and approval prior to any work or placement of any structure within the boundaries of the 100-year floodplain;
6. That natural drainage paths be maintained and/or any alterations to the natural drainage paths be adequately compensated for in accordance with the County Drainage Engineer's comments;
7. That natural drainage be diverted around the absorption area for the new on-site wastewater system so as to prevent run-off into Palmer Creek;
8. 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;
9. That any new On-site Wastewater systems be installed in accordance with all Department of Environment and Natural Resources regulations, including a minimum 100 foot setback for the absorption area from the high water line of the Palmer Creek;
10. That a minimum 10 foot separation be maintained at all times between each RV site;
11. That the internal road network not exceed a maximum of an eight (8) percent grade;
12. That each RV and tent site has a lot number clearly posted;
13. That the RV Park conforms to all regulations in Section 306 of the Pennington County Zoning Ordinance;
14. 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;
15. That all other conditions of approval of the original PUD are still valid and applicable to the subject property with the exception of Condition #3 regarding the allowed uses and Condition #10 pertaining to setbacks; and,
16. That this Planned Unit Development Amendment be reviewed in four (4) years or upon a complaint basis.

Vote: unanimous (7 to 0).

- 8. CONDITIONAL USE PERMIT REVIEW / CU 12-09:** All American Sales (Doug Bollinger) – Applicant; Wood Stock Supply, Inc. – Owner. To review a temporary permit for retail sales of Class C fireworks 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 extension of Conditional Use Permit / CU 12-09 with the following thirteen (13) conditions:

- 1. That proposed uses be limited to: retail sales of Class C fireworks;**
- 2. That at the time of submittal of a Building Permit for the temporary structure, a new site plan be submitted showing the structure to be located a minimum of 25 feet from all property lines;**
- 3. That a minimum of 30 parking spaces be provided, each parking space must be a minimum of 9 feet x 18 feet and be maintained in a dust free manner;**
- 4. That a minimum of one port-a-potty be available to the public and be accessible for pumping and or removal when necessary;**
- 5. That the applicant also ensures the safety of the customers by providing adequate security, fire protection, and a phone available to the public in case of an emergency;**
- 6. That no parking be located within the highway right-of-way;**
- 7. That the applicant obtains approved Sign Permits prior to any signs being placed on the property, in accordance with Section 312 of the Pennington County Zoning Ordinance;**
- 8. That the applicant obtain all necessary permits from other governing bodies for operation of the Class C Fireworks, including, but not limited to: approval from the South Dakota State Fire Marshal's office and a Sales Tax License from the South Dakota Department of Revenue;**
- 9. That temporary structures, such as tents and port-a-potties, only be erected when needed and not on a permanent basis;**
- 10. That the applicant sign a Statement of Understanding, which is available at the Planning Office, prior to this Conditional Use Permit being valid;**
- 11. That the applicant meets all City, County, State, and Federal regulations regarding the storage/sale of the fireworks on-site;**

12. That the applicant only be allowed to operate from June 27th through July 5th of each year; and,
13. That this Conditional Use Permit be reviewed by staff during the selling of fireworks and also be reviewed by the Planning Commission at the first meeting in July of each year or on a complaint basis.

Vote: unanimous (7 to 0).

9. **PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PU 08-04:** Linda Kramer. To review a Planned Unit Development to allow for three (3) additional cabins in a Planned Unit Development in accordance with Section 213 of the Pennington County Zoning Ordinance.

The N1/2 of the NE1/4 lying east of County Road, Section 18, T1N, R3E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Planned Unit Development Amendment / PU 08-04 with the following twelve (12) conditions:

1. That the well and the wastewater disposal system meet the requirements of the South Dakota Department of Health;
2. That the required setbacks for all structures be a minimum of 25 feet from all property lines;
3. That the permitted uses be a three (3) bedroom single-family residence, two (2) bedroom guest cabin, chapel, recreational hall, corral, three (3) one-bedroom cabins, three (3) storage barns, and accessory residential structures;
4. That the day visitor groups be limited to a maximum of 50 occupants;
5. 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;
6. That a guest list be maintained and a smoke detector be placed in each sleeping room;
7. 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;
8. That the applicant has at least one 2A-BC dry chemical fire extinguisher accessible to all guests at all times on each floor or structure;
9. That the address of the property be posted inside each cabin for the guests and outside each cabin for emergency location purposes;

10. That the applicant maintain a minimum of 24 parking spaces and that each parking space be a minimum of nine feet by eighteen feet and be maintained in dust free manner;
11. That the recreational resort be limited to one sign totaling four square feet in area and be shall be located a minimum of 17 feet from any property line; and,
12. That this Planned Unit Development be reviewed in four (4) years or upon a complaint basis.

Vote: unanimous (7 to 0).

10. **CONDITIONAL USE PERMIT REVIEW / CU 09-25:** Steve Hobart. To review a ranch hand residence in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

The W1/2W1/2SW1/4NE1/4, Section 16, T1S, R3E, BHM, Pennington County, South Dakota.

(Continued from the June 10, 2013, Planning Commission meeting.)

To recommend approval of the extension of Conditional Use Permit / CU 09-25 with the following five (5) conditions:

1. That by November 1, 2013, percolation tests and soil profile information be submitted for review and approval;
2. That an address be posted along Gillette Prairie Road that is visible from both directions of Gillette Prairie Road and posted on each residence on the property in accordance with Ordinance #20;
3. 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;
4. That the conditions of the existing Conditional Use Permits be applicable to the property; and,
5. That this Conditional Use Permit be reviewed on November 12, 2013 or upon a complaint basis.

Vote: unanimous (7 to 0).

11. **LAYOUT PLAT / PL 13-11**: Holy Smoke, Inc. / Danielle Banks. To create Tract 1 of Holy Smoke Addition in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot A Revised of Holy Smoke Addition and The Unplatted Balance of GL 16 less ROW and The Unplatted Balance of GL 21 less ROW in Section 31, T1S, R6E; Lot C (also in Section 31, T1S, R6E) and Lot D (also in Section 5, T2S, R6E and Sections 31 and 32, T1S, R6E) of Holy Smoke Addition; and All of Ben Bolt Lode, MS, Section 6, T2S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Tract 1 of Holy Smoke Addition, Sections 31 and 32, T1S, R6E, BHM, Pennington County, South Dakota.

To recommend approval of Layout Plat / PL 13-11 with the following eight (8) conditions:

1. **That prior to County Board approval of the Minor Plat, Ben Bolt Lode M.S. 1525 be rezoned from Low Density Residential District to Highway Service District;**
2. **That prior to County Board approval of the Minor Plat, a Comprehensive Plan Amendment be approved to amend the Future Land Use Map from PUD Sensitive to Highway Service District;**
3. **That the Section Line Highway be improved to Ordinance 14 Standards, which includes 24 foot-wide driving surface with a minimum of four inches of gravel or obtain approval of a Subdivision Regulations Variance waiving this requirement;**
4. **That the applicant submits engineered road construction plans for the Section Line Highway and the access easement or obtains approval of a Subdivision Regulations Variance waiving this requirement;**
5. **That prior to County Board approval of the Minor Plat, the applicant obtain Operating Permits for all the onsite wastewater treatment systems on the property;**
6. **That the access easements are built to Local Road Standards in a Highway Service District, which includes a 32-foot paved driving surface or obtain approval of a Subdivision Regulations Variance be obtained waiving this requirement;**
7. **That the 20 foot and 40 foot access easements be widened to a 66-foot-wide access easement or obtain approval of a Subdivision Regulations Variance waiving this requirement; and,**
8. **That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.**

Vote: unanimous (7 to 0).

- 12. REZONE / RZ 13-11 AND COMPREHENSIVE PLAN AMENDMENT / CA 13-05:** Holy Smoke, Inc. / Danielle Banks. To rezone 11.85 acres from Low Density Residential District to Highway Service District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Planned Unit Development Sensitive to Highway Service District in accordance with Section 508 of the Pennington County Zoning Ordinance.

All of Ben Bolt Lode, MS; Section 6, T2S, R6E, BHM, Pennington County, South Dakota.

To recommend approval of Rezone / RZ 13-11 and Comprehensive Plan Amendment / CA 13-05.

Vote: unanimous (7 to 0).

END OF CONSENT CALENDAR

- 5. CONDITIONAL USE PERMIT REVIEW / CU 05-14:** Donald Straub. To review a singlewide manufactured home as a single-family residence in a Suburban Residential District in accordance with Sections 204, 208-C-19 and 510 of the Pennington County Zoning Ordinance.

N1/2 of Lot A of Lot 4; Lot B of Lot 4; Lot C of Lot 4, Section 15, T2N, R8E, BHM, Pennington County, South Dakota.

Commissioner Hall asked to have this item removed from the Consent Calendar to discuss Condition #5. She expressed concern that the unlicensed vehicles are allowed to remain on the property, when other applicants have been required to license or remove their vehicles.

Zeller confirmed there is another Conditional Use Permit south of the subject property, in the same area, and they were required to remove the unlicensed vehicles on the property during their last review.

Commissioner Hall spoke of being consistent and not allowing any unlicensed vehicles on properties.

Fackrell further stated that several properties in the area contain junk and debris.

Commissioner Litzen asked staff to review where the property is located to get a better understanding of the area.

Staff reviewed the surrounding area with the Commissioners

Ervin realized that the Conditions of Approval listed in the Staff Report were incorrect. When this was reviewed at the July 11, 2011, Planning Commission meeting, the applicant was to have all the unlicensed / inoperable vehicles removed by the next review date.

Discussion followed.

Moved by Landers and seconded by Hall to continue to the review of Conditional Use Permit 05-14 to the July 22, 2013, Planning Commission meeting, in order for staff to contact the applicant and the applicant remove the unlicensed vehicles from the property.

Commissioner McCollam recommended Condition #5 of the Conditions of Approval also be changed to reflect what was approved at the July 11, 2011, Planning Commission meeting.

All voting aye, the Motion carried 7 to 0.

13. CONDITIONAL USE PERMIT / CU 13-16: Larry Teuber / School House, LLC; Renner & Associates – Agent. To allow a Guest House in a Limited Agriculture District / Suburban Residential District in accordance with Sections 206, 318, and 510 of the Pennington County Zoning Ordinance.

Lots 2 and 3 (inclusive of one-half vacated Clarkson Road adjacent to said lots) of Spring Canyon Estates, and Lot 4 of Spring Canyon Estates, Section 5, T1S, R7E, BHM, Pennington County, South Dakota.

Zeller reviewed the Staff Report indicating the applicant, Larry Teuber of School House, LLC, is requesting a Conditional Use Permit to allow a Guest House. The applicant is intending to reconfigure the lot lines of three (3) lots, in which an existing residence (currently located on Lot 2 of Spring Canyon Estates) will be located on the same lot as another residence. The new lot containing both residences is proposed Lot 2R and is made up of portions of Lots 2, 3, and 4 of Spring Canyon Estates. The proposed lot reconfiguration will be handled by the City of Rapid City as the subject properties fall within their three-mile platting jurisdiction, and the agent has indicated approval of a Conditional Use Permit to allow a Guest House on proposed Lot 2R is required prior to approval of the lot reconfiguration.

Zeller explained that there are two (2) requirements of the Guest House Ordinance (Section 318) which are not currently being met. First, the existing lot that the guest house is located on (Lot 2) is currently zoned Suburban Residential District. The agent has indicated that a Rezone request to rezone existing Lot 2 to Limited Agriculture District will be submitted immediately following approval of the lot reconfiguration by Rapid City. The reason a Rezone request has not yet been submitted is that the size of Lot 2 (2.06 acres) does not meet the minimum lot size requirement of 10 acres for a Limited Agriculture District. Staff will include, as a recommended Condition of Approval, that this Conditional Use Permit is not valid until such time the property is rezoned to Limited Agriculture District.

Zeller further spoke of the other requirement not currently being met which is the maximum allowed size of a Guest House. According to Section 318-B-4, the maximum allowed living space of a Guest House shall not exceed 50% of the living space in the main dwelling unit or 1,000 square feet, whichever is less, inclusive of covered decks. According to the Department of Equalization, the interior living space of the proposed Guest House measures 864 square feet, with a covered porch running the length of the front of the structure, measuring 216 feet, for a total of 1,080 square feet. Staff had originally suggested Planning Commission waive this requirement; however, after speaking with the Deputy State's Attorney, who stated that this requirement cannot be waived by the Planning Commission, the applicant will need to address the size of the Guest House prior to approval of this Conditional Use Permit. A Variance will need to be obtained or a portion of the structure removed.

Staff had originally recommended approval of the Conditional Use Permit with eight conditions, but staff is now recommending continuing Conditional Use Permit 13-16 to the July 22, 2013, Planning Commission meeting in order for the applicant to address the size of the Guest House. Staff has spoken with the agent and they are agreeable to the continuance, but are unsure if the applicant will apply for the Variance or remove a portion of the structure.

Commissioner Landers questioned if the Guest House could be considered a historic building, since it couldn't be altered if it's considered historic.

Zeller stated the Planning Department does not define historic buildings for planning purposes.

Commissioner Zvejnieks spoke of the square footage for the deck, which is attached to the Guest House, and expressed concern it is included as living space, according to the Guest House Ordinance.

Discussion followed.

Moved by Coleman and seconded by Hall to continue Conditional Use Permit 13-16 to the July 22, 2013, Planning Commission meeting in order for the agent to remeasure the deck or for the applicant to apply for a Variance or remove a portion of the structure.

All voting aye, the Motion carried 7 to 0.

14. CONDITIONAL USE PERMIT / CU 13-17: Larry Teuber / School House, LLC; Renner & Associates – Agent. To allow an accessory structure without a primary structure in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Lot 3 (inclusive of one-half vacated Clarkson Road adjacent to said lots) of Spring Canyon Estates and Lot 4 of Spring Canyon Estates, Section 5, T1S, R7E, BHM, Pennington County, South Dakota.

Zeller reviewed the Staff Report indicating the applicant, Larry Teuber of School House, LLC, is requesting a Conditional Use Permit to allow an accessory structure (shop building) without a primary structure in a Limited Agriculture District. The shop building is currently located on the same lot as the applicant's residence (existing Lot 3 of Spring Canyon Estates); however, the applicant is intending to reconfigure the lot lines of three (3) lots, in which case the shop building would be the only structure located on proposed Lot 3R (made up of portions of Lots 3 and 4 of Spring Canyon Estates). The proposed lot reconfiguration will be handled by the City of Rapid City as the subject properties fall within their three-mile platting jurisdiction, and the agent has indicated approval of a Conditional Use Permit to allow the shop building to be an accessory structure on a separate lot is required prior to approval of the lot reconfiguration.

Staff recommended approval of Conditional Use Permit #13-17 with the following seven (7) conditions:

1. That the lot address assigned for the shop building, 9703 Clarkson Road, be posted so it is clearly visible from Clarkson Road in accordance with Pennington County Ordinance #20;
2. That the property remains free of debris and junk vehicles;
3. That the property be used for personal use only and no commercial-type uses;
4. That prior to any plumbing being installed in the shop building, an approved On-Site Wastewater Construction Permit be obtained to install an on-site wastewater treatment system on the property;
5. That proper setbacks of a Limited Agriculture District be maintained for the shop building from the lot lines of proposed Lot 3R, including 25 feet from all lot lines;
6. That this Conditional Use Permit is only valid for proposed Lot 3R of Spring Canyon Estates, which consists of portions of existing Lots 3 and 4 of Spring Canyon Estates, as being platted with the Rapid City Community Planning Department; 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.

Commissioner Hall discussed the reconfiguration of the lot lines and expressed concern with the way it is being platted.

Zeller explained the lot configuration proposed by the applicant, in which proposed Lot 3R would allow another single-family residence to be built.

Mr. Robert Akerson, neighboring landowner, appeared and spoke of the school house on property owned by the applicant. He wanted to know if the property where the school house is located will also be included in the lot reconfiguration.

Zeller responded and stated the school house is located on a separate lot and is not part of the proposed lot reconfiguration. The school house is also not part of the applicant's two Conditional Use Permit requests.

Mr. Akerson stated that he thought the applicant also wanted to include the school house in the lot reconfigurations.

Zeller said this is not what was submitted by the applicant.

Commissioner Trautman spoke of Rapid City Community Planning's comments about their concerns; where any future platting in this area will increase the number of existing lots on a dead-end street and an Exception will need to be obtained.

Zeller noted the applicant would need to address this through the City and their platting process.

Commissioner Hall recommended Mr. Akerson speaks with the applicant again regarding his plans.

Commissioner Litzen asked Mr. Ackerson if he has a concern with the school house that he would like to address at this time or have the Planning Commission address.

Mr. Akerson commented that he didn't believe the applicant is intending to do what he told the neighbors he was going to do.

Discussion followed.

Moved by McCollam and seconded by Litzen to approve of Conditional Use Permit #13-17 with the following seven (7) conditions:

- 1. That the lot address assigned for the shop building, 9703 Clarkson Road, be posted so it is clearly visible from Clarkson Road in accordance with Pennington County Ordinance #20;**
- 2. That the property remain free of debris and junk vehicles;**
- 3. That the property be used for personal use only and no commercial-type uses;**
- 4. That prior to any plumbing being installed in the shop building, an approved On-Site Wastewater Construction Permit be obtained to install an on-site wastewater treatment system on the property;**
- 5. That proper setbacks of a Limited Agriculture District be maintained for the shop building from the lot lines of proposed Lot 3R, including 25 feet from all lot lines;**
- 6. That this Conditional Use Permit is only valid for proposed Lot 3R of Spring Canyon Estates, which consists of portions of existing Lots 3 and 4 of Spring**

Canyon Estates, as being platted with the Rapid City Community Planning Department; 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.**

All voting aye, the Motion carried 7 to 0.

15. PRELIMINARY PLAT / PL 13-12 AND SUBDIVISION REGULATIONS VARIANCE / SV 13-05: William or Lark Bennett; Renner & Associates – Agent. To create Tracts 3R, 5, and 6 of Summit Peak Estates Subdivision and to waive platting requirements in accordance with Sections 400.2 of 700.1 the Pennington County Subdivision Regulations.

EXISTING LEGAL: Tract 3 of Summit Peak Estates Subdivision; Less Tract 2, 3, and 4 of Summit Peak Estates Subdivision and Less ROW (Also in Section 33) of Jolly No. 1 Lode MS 527; Less Tract 2 and 3 of Summit Peak Estates Subdivision and ROW (Also in Section 32) of Jolly No. 2 Lode MS 528; and Less Tract 1, 2, and 4 of Summit Peak Estates Subdivision and ROW (Also in Section 33) of Jolly No. 3 lode MS 529, located in NE¼ of Section 32 and in the NW¼ of Section 33, T1S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Tracts 3R, 5, and 6 of Summit Peak Estates Subdivision, Sections 32 and 33, T1S, R5E, BHM, Pennington County, South Dakota.

Zeller reviewed the Staff Report indicating the applicant, William Bennett, is requesting to create Tracts 3R, 5, and 6 of Summit Peak Estates Subdivision. Specifically, the applicant is proposing to reconfigure four (4) existing lots into three (3) residential lots. In addition, the applicant has submitted a Subdivision Regulations Variance request to waive the following platting requirements:

1. Road improvements to Twin Rocks Road, in accordance with Section 500.5 (Local/Collector Road Standards for Low Density Residential), and corresponding engineered road construction plans;
2. Road improvements to the portion of the 66-foot-wide access easement providing access to greater than two lots, in accordance with Section 500.5 (Local/Collector Road Standards for Low Density Residential), and corresponding engineered road construction plans;
3. Percolation tests for Tracts 3R, 5, and 6;
4. Dedication and improvement of Section Line right-of-way, in accordance with Ordinance #14 Standards;
5. Scale of the plat to be no greater than one inch equals 100 feet; and,
6. Topographic information to be provided of the subject property at a five (5) foot contour interval

Zeller explained that Condition #3 requires that percolation tests and soil profile hole information be submitted for each of the proposed lots. The applicant is requesting to waive the portion of this condition requiring percolation tests to be conducted, but a soil profile hole was dug on each of the proposed lots and inspected by the Environmental

Planner. The profile holes were dug to a depth of only three (3) feet and the Environmental Planner is requesting that the holes be dug to a depth of eight (8) feet. Also, the Environmental Planner would prefer the location of the profile hole on Tract 5 be moved further to the west, away from the natural drainage way traversing this lot. Staff has contacted the applicant to request the holes be dug deeper and that the hole on Tract 5 be relocated. Staff is recommending this be done and inspected prior to County Board approval of the Preliminary Plat. The Environmental Planner does not have concerns with waiving the requirement for percolation tests to be conducted

Staff recommended approval of Preliminary Plat #13-12 and Subdivision Regulations Variance #13-05 with the following two (2) conditions:

1. That prior to County Board approval of the Preliminary Plat, the soil profile holes on each of the proposed lots be dug to a depth of eight (8) feet and the location of the soil profile on proposed Tract 5 be moved further to the west, away from the creek, and that these soil profile holes be inspected by the Environmental Planner. If there are any issues identified with the soils on-site, additional holes may be required to be dug in alternative locations, or conditions may be included on the Final Plat regarding the type and location of on-site wastewater treatment that will be permitted for each of the proposed lots; and,
2. That the ownership of Tract 3 be clarified and addressed by either including an additional Certificate of Ownership on the plat for Ray T. Flack and E.C. Murray or else a deed be recorded for Lark L. and William C. Bennett, in accordance with the Department of Equalization's comments.

Commissioner Zvejnieks discussed the required road improvements and questioned why they are being waived.

Commissioner Hall also expressed concern that, as the population grows in Pennington County, road improvements are not being done by applicants through the platting process. She asked that staff contact other counties with rural areas to research how they address this.

Commissioner Trautman also spoke of road improvements in Pennington County and when they should be required.

Discussion further followed regarding required road improvements when platting and emergency vehicle access.

Moved by Zvejnieks and seconded by Litzen to approve of Preliminary Plat #13-12 and Subdivision Regulations Variance #13-05 with the following two (2) conditions:

1. **That prior to County Board approval of the Preliminary Plat, the soil profile holes on each of the proposed lots be dug to a depth of eight (8) feet and the location of the soil profile on proposed Tract 5 be moved further to the west, away from the creek, and that these soil profile holes be inspected by the Environmental Planner. If there are any issues identified with the soils on-site, additional holes may be required to be dug in alternative locations, or**

conditions may be included on the Final Plat regarding the type and location of on-site wastewater treatment that will be permitted for each of the proposed lots; and,

- 2. That the ownership of Tract 3 be clarified and addressed by either including an additional Certificate of Ownership on the plat for Ray T. Flack and E.C. Murray or else a deed be recorded for Lark L. and William C. Bennett, in accordance with the Department of Equalization's comments.**

All voting aye, the Motion carried 7 to 0.

16. REZONE / RZ 13-12 AND COMPREHENSIVE PLAN AMENDMENT / CA 13-06: William or Lark Bennett; Renner & Associates – Agent. To rezone 12.54 acres from Limited Agriculture District to Low Density Residential District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Planned Unit Development Sensitive to Low Density Residential District in accordance with Section 508 of the Pennington County Zoning Ordinance.

Jolly No. 1 Lode M.S. 527, less Tracts 2, 3, and 4 of Summit Peak Estates Subdivision and less right-of-way; Jolly No. 2 Lode M.S. 528, less Tracts 2 and 3 of Summit Peak Estates Subdivision and less right-of-way; and, Jolly No. 3 Lode M.S. 529, less Tracts 1, 2 and 4 of Summit Peak Estates Subdivision and less right-of-way; all of Sections 32 and 33, T1S, R5E, BHM, Pennington County, South Dakota.

Zeller reviewed the Staff Report indicating the applicant, William Bennett, is requesting to rezone approximately 12.54 acres from Limited Agriculture District to Low Density Residential and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Planned Unit Development Sensitive to Low Density Residential. The purpose of the Rezone and Comprehensive Plan Amendment requests is to allow for the reconfiguration of four (4) existing lots into three (3) residential lots, Tracts 3R, 5, and 6 of Summit Peak Estates Subdivision.

Zeller further explained why the portion of Jolly No. 3, lying south of Old Hill City Road, cannot be rezoned, since it is going to be left as an unplatted balance and will not meet the minimum lot size requirement of three acres for a Low Density Residential District.

Staff recommended approval of Rezone #13-12 and Comprehensive Plan Amendment #13-06 with the exclusion of the portion of Jolly No. 3 Lode M.S. 529 lying south of Old Hill City Road.

Moved by Coleman and seconded by McCollam to approve of Rezone #13-12 and Comprehensive Plan Amendment #13-06 with the exclusion of the portion of Jolly No. 3 Lode M.S. 529 lying south of Old Hill City Road.

All voting aye, the Motion carried 7 to 0.

17. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the June 24, 2013, Planning Commission meeting.

18. ITEMS FROM THE PUBLIC

There were no items from the public.

19. ITEMS FROM THE STAFF

A. Building Permit Report. Jennissen reviewed the Building Permit Report for June 2013.

20. ITEMS FROM THE MEMBERSHIP

Commissioner Zvejnieks spoke of creating a task force to research required road improvements through the platting process.

Commissioner Landers also spoke of researching Road Districts.

21. DISCUSSION ITEMS

There were no discussion items.

22. ADJOURNMENT

Moved by Hall and seconded by Coleman to adjourn.

All voting aye, the Motion carried 7 to 0.

The meeting adjourned at **10:17 a.m.**

Chairperson, Sig Zvejnieks