

MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
August 26, 2013 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Courthouse

MEMBERS PRESENT: Sig Zvejnieks, Karen Hall, Jim Coleman, Barbara Landers, Bill McCollam, and Don Holloway.

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

ROLL CALL

1. APPROVAL OF THE AUGUST 12, 2013, MINUTES
Moved by Hall and seconded by Coleman to approve the August 12, 2013, Planning Commission minutes. Vote: unanimous (6 to 0).

2. APPROVAL OF THE AGENDA
Moved by Coleman and seconded by Hall to approve the August 26, 2013, Planning Commission agenda, with the removal of Item #6. 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 91-59:** Melissa Ehrhardt. To review a single-wide mobile home as a single-family residence in a Suburban Residential District in accordance with Section 208-C-19 of the Pennington County Zoning Ordinance.

Tract C of Lot 6, Berger Subdivision, Section 14, T2N, R8E, BHM, Pennington County, South Dakota.

To continue the review of Conditional Use Permit / CU 91-59 to the September 23, 2013, Planning Commission meeting.

Vote: unanimous (6 to 0).

4. **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.

To approve 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 single-wide mobile home 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, permanent residence, but may be used as a Vacation Home Rental.**

The living space may also be utilized as the caretaker's residence on the property, but only if the single-wide mobile home is removed;

12. That the internal driveway consists 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 three (3) years or on a complaint basis to verify that all conditions of approval are being met.

Vote: unanimous (6 to 0).

5. **CONDITIONAL USE PERMIT REVIEW / CU 12-21**: Ken and Cory Tomovick. To review a Vacation Home Rental in a Suburban Residential District in accordance with Sections 206, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 4, Bonanza Bar MC 970, Section 12, T1S, R6E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 12-21 with the following seven (7) conditions:

1. That the Vacation Home Rental be allowed to have a maximum occupancy of four (4) people;
2. That a minimum of two (2) off-street parking spaces be provided and each parking space shall not be less than one hundred sixty two square feet, nor less than nine feet by eighteen feet, surfaced with gravel, concrete or asphalt and maintained in a dust free manner;
3. That the address be properly posted on both the residence and at the approach so it be visible in both directions in accordance with Pennington County's Ordinance #20;
4. That the applicants continually comply with South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
5. That the applicants obtain all the necessary permits from the State pertaining to the use of the Vacation Home Rental;
6. That applicants continually comply with the Performance Standards outlined in Section 319 of the Zoning Ordinance, which regulates Vacation Home Rentals; and,
7. That this Conditional Use Permit be reviewed on a complaint basis only.

Vote: unanimous (6 to 0).

7. **MINOR PLAT / PL 13-16**: Jarvis and Frances Olson; Fisk Land Surveying – Agent. To create Lots 1 and 2 of Olson Park Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: S1/2NE1/4SE1/4, Section 35, T1N, R3E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1 and 2 of Olson Park Subdivision, Section 35, T1N, R3E, BHM, Pennington County, South Dakota.

To approve of Minor Plat / PL 13-16 with the following two (2) conditions:

- 1. That prior to filing the plat with Register of Deeds, the 30- foot emergency access easement be marked as emergency access only; and,**
- 2. That there are no encumbrances onto U.S. Forest Service Lands, now or in the future.**

Vote: unanimous (6 to 0).

- 8. CONDITIONAL USE PERMIT REVIEW / CU 10-19: Tom Bodensteiner. To review an additional residence on the subject property as “housing for hired help” in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.**

Lot 1R, Beaird Subdivision, Section 21, T2N, R8E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 10-19 with the following eight (8) conditions:

- 1. That the residence for hired help be occupied by the owner and/or family directly engaged in the agricultural activities occurring on the property;**
- 2. That if the second residence is ever not used as housing for hired help/family, in accordance with this Conditional Use Permit, either residence shall either be removed, converted back to an outbuilding, or the property shall be subdivided so that only one residence, per parcel, remains in accordance with the Penning County Zoning Ordinance;**
- 3. That the Conditional Use Permit be revoked prior to sale or transfer of the land, for which the applicant, Mr. Tom Bodensteiner, will be responsible for contacting the Planning Department;**
- 4. That the existing approach from Dyess Avenue continues to be utilized;**
- 5. That the address assigned to the second residence be posted so it is easily visible at the approach from Dyess Avenue;**
- 6. 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;**
- 7. 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; and,**

8. **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 (6 to 0).

END OF CONSENT CALENDAR

6. PLANNED UNIT DEVELOPMENT REVIEW / PU 06-07: Black Hills Resorts, Inc. (Cimarron Park); Art Janklow – Agent. To review a Planned Unit Development to allow a mobile home park in accordance with Section 213 of the Pennington County Zoning Ordinance.

Tract C of Lot B of NE1/4 NW1/4 less Pengra Subdivision, Section 17, T2N, R7E, BHM, Pennington County, South Dakota.

(Continued from the July 22, 2013, Planning Commission meeting.)

Commissioner McCollam asked to have this item removed from the Consent Calendar to discuss continuing this item for a longer amount of time, instead of one month, in order for the estate to handle the applicant's affairs.

Discussion followed.

Moved by McCollam and seconded by Coleman to continue the review of Planned Unit Development 06-07 to the October 14, 2013, Planning Commission meeting.

All voting aye, the Motion carried 6 to 0.

9. CONDITIONAL USE PERMIT REVIEW / CU 10-18: Tom Bodensteiner. To review a golf driving range in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Lot 1R, Beaird Subdivision, Section 21, T2N, R8E, BHM, Pennington County, South Dakota.

Zeller reviewed the Staff Report indicating that on June 14, 2010, the Planning Commission originally approved Conditional Use Permit 10-18 to allow a golf driving range on the subject property with 13 conditions. A subsequent review of this Conditional Use Permit was approved by the Planning Commission on August 27, 2012, with 10 conditions, including: "That if the applicant continues to operate the golf driving

range in the 2013 season, an on-site wastewater system shall be installed prior to the review of this Conditional Use Permit in August of 2013.”

Zeller further explained that an on-site wastewater treatment system has not been installed and a portable toilet continues to be utilized as the means of wastewater disposal for the golf driving range. Zeller also stated the applicant’s property is now entirely located within the 100-year floodplain boundaries and, as a result, the applicant has indicated there are additional issues with installing an on-site wastewater treatment system so it has not been done. In addition, Mr. Bodensteiner said visitation to the driving range has been rather low, so the portable toilet has been sufficient.

Zeller further discussed the infrequent use of the driving range and that installation of an on-site wastewater treatment system may not be necessary at this time. The subject property does fall within the one-mile septic jurisdiction of Rapid City and staff spoke with Louie Arguello from the Rapid City Public Works Department and he is in agreement that a permanent means of wastewater disposal is not necessary until visitation is significantly increased.

Staff recommended approval of the extension of Conditional Use Permit 10-18 with the following ten (10) conditions:

1. That the Conditional Use Permit be limited to a golf driving range only; any expansion beyond this will require the Conditional Use Permit to be reviewed;
2. That the daily hours of operation be during daylight hours;
3. That the lot address be clearly posted at the entrance off of Country Road to the golf driving range so it is visible from both directions along in accordance with Pennington County’s Ordinance #20;
4. That prior to the placement of any on-premise signs, the applicant must obtain approval of a Sign Permit;
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 all exterior building lighting must be of low level intensity, which does not result in excessive glare upon surrounding neighbors;
7. That a minimum of one (1) off-street parking spaces be provided per every five (5) customers. Each parking space shall measure at least nine (9) feet by 18 feet and shall be kept in a dust free manner;
8. That a permanent means of wastewater disposal be installed at such time use of the driving range warrants it, as determined by the Planning Commission;

9. 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,
10. That this Conditional Use Permit be reviewed in two (2) years or on a complaint basis to ensure that all conditions are being met.

Commissioner Zvejnieks spoke of the limited visitation to the property and discussed whether staff has a certain number in mind before they have the applicant upgrade the wastewater system. Commissioner Zvejnieks also discussed the applicant keeping a log book for visitation and those numbers can then be supplied to the Planning Department.

Commissioner Holloway suggested, rather than setting a number, the applicant provide their Sales Tax Report each year, which would provide an idea of visitation and this could also be included in the Conditions of Approval.

Commissioner Coleman noted that setting a threshold would be difficult and agreed with Commissioner Holloway's recommendation.

Commissioner Hall questioned what the cost would be to put in a wastewater system.

Zeller discussed issues the applicant needs to address first before a system is put in. She also discussed different systems the applicant could possibly install, and stated the cost may vary greatly, depending on the type of system.

Discussion followed on determining when a wastewater system should be installed.

Commissioner Landers recommending rewording Condition #8 to state: "That a permanent means of wastewater disposal be installed at such time as either the City of Rapid City or Pennington County determines that use of the driving range warrants it."

Moved by Landers and seconded by Coleman to approve of the extension of Conditional Use 10-18, with the change in Condition #8, with the following ten (10) conditions:

- 1. That the Conditional Use Permit be limited to a golf driving range only; any expansion beyond this will require the Conditional Use Permit to be reviewed;**
- 2. That the daily hours of operation be during daylight hours;**
- 3. That the lot address be clearly posted at the entrance off of Country Road to the golf driving range so it is visible from both directions along in accordance with Pennington County's Ordinance #20;**

4. That prior to the placement of any on-premise signs, the applicant must obtain approval of a Sign Permit;
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 all exterior building lighting must be of low level intensity, which does not result in excessive glare upon surrounding neighbors;
7. That a minimum of one (1) off-street parking spaces be provided per every five (5) customers. Each parking space shall measure at least nine (9) feet by 18 feet and shall be kept in a dust free manner;
8. That a permanent means of wastewater disposal be installed at such time as either the City of Rapid City or Pennington County determines that use of the driving range warrants it;
9. 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,
10. That this Conditional Use Permit be reviewed in two (2) years or on a complaint basis to ensure that all conditions are being met.

All voting aye, the Motion carried 6 to 0.

10. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the August 12, 2013, Planning Commission meeting.

11. ITEMS FROM THE PUBLIC

There were no items from the public.

12. ITEMS FROM THE STAFF

A. Jennissen introduced PJ Conover as the Assistant Planning Director.

13. ITEMS FROM THE MEMBERSHIP

There were no items from the membership.

14. DISCUSSION ITEMS

There were no discussion items.

15. ADJOURNMENT

Moved by Hall and seconded by Coleman to adjourn.

All voting aye, the Motion carried 6 to 0.

The meeting adjourned at **9:23 a.m.**

Chairperson, Sig Zvejnieks