

**MINUTES**  
**PENNINGTON COUNTY PLANNING COMMISSION**  
**January 26, 2015 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Administration Building

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

STAFF PRESENT: Brittney Molitor, Cassie Bolstad, Jeri Ervin, Colin Hensley, and Kinsley Groote (SAO)

ROLL CALL

1. APPROVAL OF THE JANUARY 12, 2015, MINUTES  
**Moved by Hall and seconded by Litzen to approve the minutes of the January 12, 2015, Planning Commission Meeting. Vote: unanimous (7 to 0).**
  
2. APPROVAL OF THE AGENDA  
**Moved by Litzen and seconded by McCollam to approve the Agenda of the January 26, 2015, Planning Commission Meeting, including 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 08-07:** Marilyn Welch. To review a single-wide manufactured home as a single-family residence in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 37, Block 4, Green Valley Estates, Section 23, T1N, R8E, BHM, Pennington County, South Dakota.

**To approve of the extension of Conditional Use Permit / CU 08-07 with the following five (5) conditions:**

1. **That a Building Permit be obtained for any structure exceeding 144 square feet or located on a permanent foundation, which requires a site plan to be reviewed and approved by the Planning Director;**

2. That the applicant limits the number of horses on Lot 37 to one (1);
3. That the manufactured home continues to have a peaked non-reflective-type roof, and wood or simulated wood-type siding;
4. That the property remains free of debris and junk vehicles; and,
5. That this Conditional Use Permit be reviewed in four (4) years, on a complaint basis, or as deemed necessary by either the Pennington County Board of Commissioners and/or Planning Commission to verify that all conditions are being met.

**Vote: unanimous (7 to 0).**

4. **CONDITIONAL USE PERMIT REVIEW / CU 08-45:** Elaine Andersen; Stephanie Andersen – Agent. To review a single-wide mobile home to be used as a temporary residence 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 C, Tract Olson Parcel #3, Section 11, T1S, R3E, BHM, Pennington County, South Dakota.

(Continued from the November 10, 2014, Planning Commission meeting.)

**To continue the review of Conditional Use Permit / CU 08-45 to the May 11, 2015, Planning Commission meeting.**

**Vote: unanimous (7 to 0).**

5. **CONDITIONAL USE PERMIT REVIEW / CU 11-02:** Jeff and Cheryl DeVeney. To review two internally, illuminated, on-premise signs within 1,500 feet of a residential zoning district/dwelling unit in a Highway Service District in accordance with Sections 210 and 510 of the Pennington County Zoning Ordinance.

Lot 3 of Lot D, Murray Subdivision, Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

**To continue the review of Conditional Use Permit / CU 11-02 to the February 23, 2015, Planning Commission meeting.**

**Vote: unanimous (7 to 0).**

6. **CONDITIONAL USE PERMIT REVIEW / CU 11-26:** Larry and Adelaide Fuss / Keith Lau. To review two accessory structures prior to a principal structure on Lot 1 and to allow three accessory structures prior to a principal structure on Lot 5 in accordance with Sections 207, 208, and 510 of the Pennington County Zoning Ordinance.

Lot 1 and Lot 5, Lau Subdivision, Section 9, T1N, R6E, BHM, Pennington County, South Dakota.

**To approve of the extension of Conditional Use Permit / CU 11-26 with following four (4) conditions:**

1. **That the lot address for each of the lots, Lot 1 and Lot 5, be properly posted in accordance with Pennington County's Ordinance #20 so it is clearly visible at the intersection of the driveway;**
2. **No commercial activity shall be permitted;**
3. **That the property remain free of debris and junk vehicles; and,**
4. **That this Conditional Use Permit be reviewed in two (2) years, or on a complaint basis, to ensure that all conditions of approval are being met.**

**Vote: unanimous (7 to 0).**

7. **CONDITIONAL USE PERMIT REVIEW / CU 14-01:** PLM Investments, LLC; Mary Riss. To review allowing for single-wide mobile homes, as single-family residences, to be located on each of the subject properties in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 1 of Lot A of Lot 12; Lot 2 of Lot A of Lot 12; and Lot 3 of Lot A of Lot 12, Plateau Subdivision, Section 10, T1N, R8E, BHM, Pennington County, South Dakota.

**To approve of the extension of Conditional Use Permit / CU 14-01 with the following ten (10) conditions:**

1. **That address 4711 be clearly marked no later than February 13, 2015 and visible from both directions on Carol Street in accordance with Pennington County's Ordinance #20;**
2. **That each lot address (4695, 4711 and 4727) be clearly posted, on their respective lots, so as to be visible from both directions on Carol Street in accordance with Pennington County's Ordinance #20;**

3. That Removal/Demolition Permits be obtained for each of the single-wide mobile homes prior to approval of a Building Permit for each of the new single-wide mobile homes;
4. That all subject properties remains free of debris and junk vehicles;
5. That each home installed on the property, as replacements for the existing SWMHs, have peaked non-reflective type roofs and wood or simulated wood-type siding that are continually maintained;
6. That the minimum setback requirements of a Suburban Residential District be continually maintained on each property;
7. That two (2) off-street parking spaces be continually provided, on each of the subject properties, in accordance with Section 310 of the Pennington County Zoning Ordinance;
8. That if any land disturbance occurs, erosion, stabilization and sediment control measures (i.e. silt fence, wattles, erosion mats/blankets) be implemented;
9. That the removal/demolition of the two remaining mobile homes needs to be completed within ninety (90) days of receiving the Removal/Demolition Permit; and,
10. That this Conditional Use Permit be reviewed in December 2016, on a complaint basis, or as directed by the Pennington County Board of Commissioners and/or Planning Commission to verify that all conditions of approval are being met.

**Vote: unanimous (7 to 0).**

#### **END OF CONSENT CALENDAR**

8. VACATION OF EASEMENT / VE 14-01: Chris and Rebecca Lowe. To vacate a portion of the non-access easement located along the interior of Tract 38 of Spring Creek Acres in accordance with the Pennington County Zoning Ordinance.

Tract 38 of Spring Creek Acres, Section 3, T2S, R8E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating the applicants are requesting to vacate a portion of the non-access easement located along the interior of Tract 38 of Spring Creek

Acres, which is along the east property boundary, in or to build an approach and driveway.

Staff recommended approval of Vacation of Easement / VE 01 to vacate 50-feet of a non-access easement to allow an approach and driveway to be built with the following four (4) conditions:

1. That the Partial Vacation of Non-Access Easement Document for Tract 38 of Spring Creek Acres be filed at the Register of Deeds;
2. A new Approach Permit be submitted to the Planning Director within 30 days of approval of this request for the existing approach off of Dewey Lane;
3. That the approach and driveway be constructed within the 50 foot portion of the non-access easement that has been vacated; and,
4. That the remainder of non-access easement dedicated on the plat of the subject property continues to be respected.

Discussion followed.

**Moved by Hall and seconded by Landers to approve of Vacation of Easement / VE 01 to vacate 50-feet of a non-access easement to allow an approach and driveway to be built with the following four (4) conditions:**

- 1. That the Partial Vacation of Non-Access Easement Document for Tract 38 of Spring Creek Acres be filed at the Register of Deeds;**
- 2. A new Approach Permit be submitted to the Planning Director within 30 days of approval of this request for the existing approach off of Dewey Lane;**
- 3. That the approach and driveway be constructed within the 50 foot portion of the non-access easement that has been vacated; and,**
- 4. That the remainder of non-access easement dedicated on the plat of the subject property continues to be respected.**

**All voting aye, the Motion carried 7 to 0.**

9. MINOR PLAT / PL 14-37 AND SUBDIVISION REGULATIONS VARIANCE / SV 14-19: George Adrian / Lloyd Hill. To combine three lots to create Chief of the Hills Common Day Tract and to waive platting requirements in accordance with Sections 400.3 and 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: All of Common Day Lode MS 1654 and All (also in Section 1, T1N, R3E) of Common Day #1 Lode MS 1654 of Section 36, T2N, R3E, and Chief of The Hills MS 159 of Section 1, T1N, R3E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Chief of the Hills Common Day Tract, Sections 1 and 32, T1N and T2N, R3E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating the applicant has applied for a Minor Plat to combine three existing lots to create Chief of the Hills Common Day Tract. The applicant has also applied for a Subdivision Regulations Variance to waive submittal of the scale of the plat 1 inch = 100 feet; providing percolation test and soil profile hole information; topographical information at five (5) foot contour intervals; Section Line Right-of-Way improvements; and to waive submittal of engineered road construction plans and width and surface requirements.

Molitor further explained that there were several issues that staff noted concern with, while researching the properties, specifically access issues.

Staff recommended continuing Subdivision Regulations Variance / SV 14-19 and Minor Plat / PL 14-37 to the February 9, 2015 Planning Commission Meeting in order to address access issues.

Discussion followed.

**Moved by Landers and seconded by Litzen to continue Subdivision Regulations Variance / SV 14-19 and Minor Plat / PL 14-37 to the February 9, 2015 Planning Commission Meeting in order to address access issues.**

**All voting aye, the Motion carried 7 to 0.**

10. LAYOUT PLAT / PL 14-36: Robert Drew / Mills Family Limited Partnership. To create Tract Dean and Tract Dew of HES #303 in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Tract A and B of HES #303 and Government Lot 5, all located in Section 32, T1S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Tract Dean and Tract Drew of HES #303, Section 32, T1S, R5E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating the applicant is requesting to create Tract Dean and Tract Drew of H.E.S. 303. The purpose of this plat is to comply with the Court Ordered dissolution of the Mills Family Limited Partnership. No improvements to the area are anticipated at this time.

Staff recommended approval of Layout Plat/ PL 14-36 with the following nine (9) conditions:

1. That Proposed Tract Dean be rezoned to Limited Agriculture District or a Lot Size Variance be obtained prior to recording of the plat at the Register of Deed's Office;
2. That at the time of Preliminary Plat submittal, the 66-foot-wide Access Easement be designated on the Plat as a "66-foot-wide Private Access Easement";
3. That at the time of Preliminary Plat submittal, the applicant submits percolation tests and soil profile information for Proposed Tract Dean to be reviewed and approved by the Environmental Planner or an approved Subdivision Regulations Variance be obtained waiving this requirement;
4. That an eight (8) foot utility and minor drainage easements be dedicated on the interior sides of all lot lines or an approved Subdivision Regulations Variance be obtained waiving this requirement;
5. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
6. That at the time of Preliminary Plat submittal, the on-site wastewater treatment system that once served the single-wide mobile home located at 12584 Old Hill City Road (Remainder of H.E.S. 303) be abandoned in accordance with South Dakota Administrative Rule 74:53:01:11;
7. That prior to recording of the plat at the Register of Deed's Office, an Approach Permit be acquired for the 66-foot-wide Private Access Easement prior to being constructed. The access easement described above shall meet Local/Collector Road Standards with engineered construction plans or an approved Subdivision Regulations Variance be obtained waiving this requirement;
8. 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, and topographic information be provided of the subject property at five (5) foot contour intervals, or the applicant obtains an approved Subdivision Regulations Variance waiving any of these requirements that are not met; and,
9. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

Discussion followed.

**Moved by McCollam and seconded by Hall to approve of Layout Plat/ PL 14-36 with the following nine (9) conditions:**

- 1. That Proposed Tract Dean be rezoned to Limited Agriculture District or a Lot Size Variance be obtained prior to recording of the plat at the Register of Deed's Office;**
- 2. That at the time of Preliminary Plat submittal, the 66-foot-wide Access Easement be designated on the Plat as a "66-foot-wide Private Access Easement";**
- 3. That at the time of Preliminary Plat submittal, the applicant submits percolation tests and soil profile information for Proposed Tract Dean to be reviewed and approved by the Environmental Planner or an approved Subdivision Regulations Variance be obtained waiving this requirement;**
- 4. That an eight (8) foot utility and minor drainage easements be dedicated on the interior sides of all lot lines or an approved Subdivision Regulations Variance be obtained waiving this requirement;**
- 5. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;**
- 6. That at the time of Preliminary Plat submittal, the on-site wastewater treatment system that once served the single-wide mobile home located at 12584 Old Hill City Road (Remainder of H.E.S. 303) be abandoned in accordance with South Dakota Administrative Rule 74:53:01:11;**
- 7. That prior to recording of the plat at the Register of Deed's Office, an Approach Permit be acquired for the 66-foot-wide Private Access Easement prior to being constructed. The access easement described above shall meet Local/Collector Road Standards with engineered construction plans or an approved Subdivision Regulations Variance be obtained waiving this requirement;**
- 8. 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, and topographic information be provided of the subject property at five (5) foot contour intervals, or the applicant obtains an approved Subdivision Regulations Variance waiving any of these requirements that are not met; and,**
- 9. 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 14-12 AND COMPREHENSIVE PLAN AMENDMENT / CA 14-09: Gordon and Carmen Abernathie. To rezone 3.5 acres from Low Density Residential District to Suburban Residential District and to amend the Pennington County Comprehensive Plan to change the Future Land Use Map from Low Density Residential District to Suburban Residential District in accordance with Section 508 of the Pennington County Zoning Ordinance.

Lot C of W-M Subdivision, Section 15, T2N, R6E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating that applicant have applied for a Rezone and Comprehensive Plan Amendment to rezone 3.5 acres from Low Density Residential District (LDR) to Suburban Residential District (SRD) and to amend the Pennington County Comprehensive Plan to change the Future Land Use Map from Low Density Residential District to Suburban Residential District.

Molitor added that, on October 21, 2014, the Board of Commissioners approved Layout Plat / PL 14-24 with nine (9) conditions. Condition #1 states the proposed lots be rezoned to Suburban Residential District or a Lot Size Variance obtained prior to recording of the plat at the Register of Deed's Office;

Molitor further explained that staff cannot support the applicants' request to rezone the subject property from LDR to SRD, due to the possibility of future subdivision of the subject property. In addition, the applicants' request to subdivide into two lots will increase density by one lot, but if rezoned to SRD, the applicant could subdivide into smaller lots. Consequently, staff cannot support amending the Comprehensive Plan (i.e. FLU) either.

Molitor further stated that, by Ordinance, staff cannot support the applicants requesting a Lot Size Variance and maintain LDR zoning. However, staff does believe this is the better of the two options and is *most* in harmony with the applicant's request and the current and future Zoning of the Property.

Staff recommended denial of Rezone / RZ 14-12 and Comprehensive Plan Amendment / CA 14-09.

Discussion followed.

Ms. Janelle Finck, agent, appeared and spoke of the applications. She discussed the applicants' wishes to subdivide the property into two lots: one for themselves and the other lot will be for their son. She reviewed a site map showing mixed zoning in the area; she also provided a brief history of the area. Ms. Finck further stated the applicants are not interested in further subdividing the property and would file a deed or document stating as such. She also discussed the possibility of rezoning the properties to a Planned

Unit Development District. Ms. Finck believes Suburban Residential Zoning is appropriate for the two lots and asked that the applications be approved and the applicants will file a deed restriction stating the property would not be further subdivided.

Discussion further followed regarding zoning, Lot Size Variance, and PUD Overlay Districts.

Moved by Coleman and seconded by Hall to continue Rezone 14-12 and Comprehensive Plan Amendment 14-09.

Commissioner Hall also recommended the Planning staff meet with the agent and applicant to discuss the property being zoned as a Planned Unit Development District.

**SUBSTITUTE MOTION: Moved by Coleman and seconded by Hall to continue Rezone / RZ 14-12 and Comprehensive Plan Amendment / CA 14-09 to the February 23, 2015, Planning Commission meeting in order for staff to research the properties being rezoned to a Planned Unit Development District or leave the zoning as Low Density Residential District with a PUD Overlay and to waive the application cost.**

**All voting aye, the Motion carried 7 to 0.**

12. DISCUSSION OF VACATION HOME RENTAL ORDINANCE.

Holli Hennies, Office Manager for the Board of Commissioners, appeared and informed the Planning Commission that the Board of Commissioners voted to reform the Vacation Home Rental Committee. Hennies stated she did contact all the prior members who served on the original committee and some of those members have prior commitments and are not able to serve. The Planning staff has advertised for an additional member to serve on the upcoming committee.

Hennies further asked that one Planning Commission member be on the committee and act as the liaison and technical advisor.

Commissioner Barbara Landers volunteered from the Planning Commission to act as the liaison and technical advisor for the Vacation Home Rental Committee.

13. DISCUSSION OF DECEMBER PLANNING COMMISSION MEETINGS.

Molitor asked that this item be continued to the February 9, 2015, Planning Commission meeting in order for the Planning Director to address this item.

**Moved Hall and seconded by Litzen to continue the discussion of this item to the February 9, 2015, Planning Commission meeting.**

**All voting aye, the Motion carried 7 to 0.**

14. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the January 12, 2015, Planning Commission meeting, with the exception of Minor Plat / PL 14-34 and Subdivision Regulations Variance / SV 14-17 (David and Elisa Lynde). The Board of Commissioners waived all the Subdivision Regulations requests and approved the Minor Plat with three conditions, removing Condition #4.

15. ITEMS FROM THE PUBLIC

There were no items from the public.

16. ITEMS FROM THE STAFF

A. New Employee Announcements. Molitor introduced Cassie Bolstad, the new Assistant Planning Director. Colin Hensley was also introduced as the new Planner in the office.

17. ITEMS FROM THE MEMBERSHIP

There were no items from the membership.

18. ADJOURNMENT

**Moved by Coleman and seconded by Litzen to adjourn.**

**All voting aye, the Motion carried 7 to 0.**

**The meeting adjourned at 10:04 a.m.**

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Sig Zvejnieks, Chairperson