

MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
July 27, 2015 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Karen Hall, Sig Zvejnieks, Lori Litzen, Bill McCollam, Barbara Landers, and Lyndell Petersen.

STAFF PRESENT: PJ Conover, Cassie Bolstad, Kelsey Rausch, and Jeri Ervin.

ROLL CALL

1. APPROVAL OF THE JULY 13, 2015, MINUTES
Moved by Zvejnieks and seconded by Landers to approve the minutes of the July 13, 2015, Planning Commission Meeting. Vote: unanimous (6 to 0).

2. APPROVAL OF THE AGENDA
Moved by Litzen and seconded by Zvejnieks to approve the Agenda of the July 27, 2015, Planning Commission Meeting. Vote: unanimous (6 to 0).

Moved by Landers and seconded by McCollam to approve the Consent Calendar of the July 27, 2015, Planning Commission Meeting, with the removal of Item #5. 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 85-55:** Jesse and Kendra Kellogg.
To review a day care center in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

That Pt of Lot 12R located in Pennington County, Block 5, Northdale Subdivision, Section 8, T2N, R7E, BHM, Pennington County, South Dakota.

To recommend to revoke Conditional Use Permit / CU 85-55 with the applicant's concurrence.

Vote: unanimous (6 to 0).

4. **CONDITIONAL USE PERMIT REVIEW / CU 13-15:** Dan Deyo. To review 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 to revoke Conditional Use Permit / CU 13-15 with the applicant's concurrence.

Vote: unanimous (6 to 0).

6. **SUBDIVISION REGULATIONS VARIANCE / SV 15-17:** Rodney Alexander; Renner & Associates – Agent. To waive platting requirements in order to create Lots 1 and 2 of Tin City Lode MS 2504 in accordance with Section 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: All, Tin City Lode MS 2504, Section 22, T2S, R4E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1 and 2, Tin City Lode MS 2504, Section 22, T2S, R4E, BHM, Pennington County, South Dakota.

(Continued from the July 13, 2015, Planning Commission meeting.)

To recommend to continue Subdivision Regulations Variance / SV 15-17 to the August 24, 2015, Planning Commission meeting.

Vote: unanimous (6 to 0).

7. **REZONE / RZ 15-09 AND COMPREHENSIVE PLAN AMENDMENT CA / 15-09:** Rodney Alexander; Renner & Associates – Agent. To rezone 7.615 acres from Highway Service District to Low Density Residential District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Highway Service District to Low Density Residential District in accordance with Section 508 of the Pennington County Zoning Ordinance.

Located on the following metes and bounds descriptions: Commencing at the northwesterly corner of the Tin City Lode, M.S. 2504, located in Section 22, T2S, R4E, BHM, common to a corner on the southerly boundary of Lot 1 of the NW1/4 of the NE1/4 of Section 22, T2S, R4E, BHM, and the point of beginning; Thence, first course: S 76°20'56" E, along the northerly boundary of said Tin City Lode, common to the southerly boundary of said Lot 1, a distance of 299.56 feet, to the northeasterly corner said Tin City Lode; Thence, second course: S 13°46'22" W, along the easterly boundary of said Tin City Lode, common to the southerly boundary of said Lot 1, a distance of

613.03'feet, to a corner on the southerly boundary of said Lot 1, common to a corner on the northerly boundary of Lot 2 of the W1/2 of the NE1/4 of Section 22, T2S, R4E, BHM; Thence, third course: S 13°39'24" W, along the easterly boundary of said Tin City Lode, common to the northerly boundary of said Lot 2, a distance of 392.89feet; Thence, fourth course: S 45°00'00" W, a distance of 122.46 feet; Thence, fifth course: S 90°00'00" W, a distance of 134.00 feet; Thence, sixth course: N 48°00'00" W, a distance of 120.00 feet, to a point on the westerly boundary of said Tin City Lode, common to a point on the northerly boundary of said Lot 2; Thence, seventh course: N 13°40'34" E, along the westerly boundary of said Tin City Lode, common to the northerly boundary of said Lot 2, a distance of 744.97 feet, to a corner on the northerly boundary of said Lot 2, common to a corner on the southerly boundary of said Lot 1; Thence, eighth course: N 13°49'06" E along the westerly boundary of said Tin City Lode, common to the southerly boundary of said Lot 1, a distance of 340.17 feet, to the point of beginning. Said parcel contains 7.615 acres, more or less.

(Continued from the July 13, 2015, Planning Commission meeting.)

To recommend to continue Rezone / RZ 15-09 and Comprehensive Plan Amendment / CA 15-09 to the August 24, 2015, Planning Commission meeting.

Vote: unanimous (6 to 0).

END OF CONSENT CALENDAR

5. CONDITIONAL USE PERMIT REVIEW / CU 13-17: Larry Teuber / School House, LLC. To review 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 3R, Block 4, Spring Canyon Estates, Section 5, T1S, R7E, BHM, Pennington County, South Dakota.

Bolstad asked that this item be removed from the Consent Calendar, as staff had originally recommended approval with eight (8) conditions and now staff is recommending approval with nine (9) conditions.

Discussion followed.

Moved by Zvejnieks and seconded by Landers to approve of the extension of Conditional Use Permit / CU 13-17 with nine (9) 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 continue to remain free of excess debris and junk vehicles. If a burnable debris or wood pile is accumulated on the property, it is to be burned each winter, when possible, with the assistance of the Whispering Pines Volunteer Fire Department or another local fire department, or removed from the property;
3. That the proper permit(s) be obtained prior to any burning being done on the property including, but not limited to, a South Dakota Wildland Fire Division Burn Permit from the appropriate authority;
4. That any wood or burnable debris pile accumulated on the property is to be placed in one (1) designated pile and burned according to Condition #2. Any wood or debris accumulated or piled on the property is not to be in any amount that would constitute a nuisance;
5. That the property continue to be used for personal use only and no commercial-type uses;
6. 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;
7. That proper setbacks of a Limited Agriculture District continue to be maintained on the subject property;
8. That this Conditional Use Permit is only valid for Lot 3R of Spring Canyon Estates; and,
9. That this Conditional Use Permit be reviewed in six (6) months, on a complaint basis, or as directed by the Pennington County Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

All voting aye, the Motion carried 6 to 0.

8. MINOR PLAT / PL 15-16: Chelsea “Chuck” and Donna Ferguson. To create Lot 3 of Rushmore Cave Subdivision in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Balance of Gov’t Lot 4 less Right-of-Way, Section 18, T2S, R7E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 3, Rushmore Cave Subdivision, Section 18, T2S, R7E, BHM, Pennington County, South Dakota.

Bolstad reviewed the Staff Report indicating the applicants have applied to create Lot 3 of Rushmore Cave Subdivision.

Staff originally recommended approval of Minor Plat / PL 15-16 with nine (9) conditions, removing Condition #4, but are now recommending approval with eight (8) conditions:

1. That prior to filing the Plat with the Register of Deeds, proposed Lot 3 of Rushmore Cave Subdivision be rezoned or an approved Lot Size Variance is obtained;
2. That prior to filing the Plat with the Register of Deeds, the plat meets all the requirements of Section 400.2 of the Pennington County Subdivision Regulations, including, but not limited to, the Plat 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, road improvements to Ordinance #14 Standards, engineered road construction plans, and percolation and profile hole information for proposed Lot 3 of Rushmore Cave Subdivision, or the applicant obtains an approved Subdivision Regulations Variance waiving any of these requirements that are not met;
3. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
4. That an approved Floodplain Development Permit be obtained prior to any work, construction or disturbance within the designated 100-year floodplain or floodway;
5. That a Building Permit be obtained for any structure(s) exceeding 144 square feet or located on a permanent foundation, which requires a site plan to be reviewed and approved by the Planning Director;
6. That the addition of a septic system on Lot 3 of Rushmore Cave Subdivision will require an On-site Wastewater Construction Permit approved by the County Environmental Planner and all rules of Pennington County Zoning Ordinance Section 204-J must be met;
7. That approval of this Minor Plat does not constitute approval of any further applications to be submitted for the above-described property; and,
8. That the applicant signs the Statement of Understanding within seven (7) business days of approval of Minor Plat / PL 15-16, which is available at the Planning Office.

Discussion followed.

Moved by Zvejnieks and seconded by Landers to deny Minor Plat / PL 15-16.

All voting aye, the Motion carried 6 to 0.

9. MINOR PLAT / PL 15-17 AND SUBDIVISION REGULATIONS VARIANCE / SV 15-08: Jeffrey and Elizabeth Hallen; Heald Land Surveying – Agent. To create Lot 4R of Black Forest Village and to waive platting requirements in accordance with Sections 400.3 and 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 4 (of Gov't Lot 9); Black Forest Village, Section 22, T1N, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 4R; Black Forest Village, Section 22, T1N, R5E, BHM, Pennington County, South Dakota.

Conover reviewed the Staff Report indicating the applicants have applied to create Lot 4R of Black Forest Village and to waive platting requirements.

Staff recommended approval of a portion of Subdivision Regulations Variance / SV 15-08 to wave submittal of the following requirements: 1. Road improvements to include, curb, gutters and sidewalks; 2. A 66-foot-wide platted Right-of-Way; 3. A 24-foot-wide drivable surface; 4. Submittal of engineered road construction plans; and, 5. Submittal of topographical maps of the subdivision.

Staff recommended denial of a portion of Subdivision Regulations Variance / SV 15-08 to waive the following requirement: 1. The requirement for a paved roadway surface in a Suburban Residential District.

Staff recommended approval of Minor Plat / PL 15-17 with the following six (6) conditions:

1. The prior to filing the Plat with the Register of Deeds, a "Certificate of Owners" be added to include signatures from the owners of Oscar Inc.;
2. That prior to filing the Plat with the Register of Deeds, staff verify that the placement of addresses are meeting Pennington County Ordinance #20 standards;
3. That prior to the plat being filed with the Register of Deeds, existing Lot 4 be rezoned to Suburban Residential District;
4. 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;

5. That Best Management Practices be implemented during construction to prevent sediment and debris from entering drainage ways and/or Prairie Creek; and,
6. That the property owners sign Statements of Understanding within seven (7) business days of approval for Minor Plat / PL 15-17 and Subdivision Regulations Variance / SV 15-08.

Discussion followed.

Moved by Zvejnieks and seconded by Litzen to approve of Subdivision Regulations Variance / SV 15-08 to waive submittal of the following requirements: 1. Road improvements to include, curb, gutters and sidewalks; 2. A 66-foot-wide platted Right-of-Way; 3. A 24-foot-wide drivable surface; 4. Submittal of engineered road construction plans; 5. Submittal of topographical maps of the subdivision; 6. The requirement for a paved roadway surface in a Suburban Residential District.

Moved by Zvejnieks and seconded by Litzen to approve of Minor Plat / PL 15-17 with the removal of the original Condition #1 and to include erosion language in Condition #4, with the following five (5) conditions:

1. That prior to filing the Plat with the Register of Deeds, staff verify that the placement of addresses are meeting Pennington County Ordinance #20 standards;
2. That prior to the plat being filed with the Register of Deeds, existing Lot 4 be rezoned to Suburban Residential District.
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;
4. That Best Management Practices be implemented during construction to prevent sediment and debris from entering drainage ways and/or Prairie Creek, and culverts, rock checks, and water bars be installed with measures taken to prevent future erosion; and,
5. That the property owners sign Statements of Understanding within seven (7) business days of approval for Minor Plat / PL 15-17 and Subdivision Regulations Variance / SV 15-08.

All voting aye, the Motion carried 6 to 0.

10. REZONE / RZ 15-10 AND COMPREHENSIVE PLAN AMENDMENT CA / 15-10: Jeffrey and Elizabeth Hallen; Heald Land Surveying – Agent. To rezone 0.17 acre from General Agriculture District to Suburban Residential District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Planned

Unit Development Sensitive to Suburban Residential District in accordance with Section 508 of the Pennington County Zoning Ordinance.

Lot 4 (of Gov't Lot 9); Black Forest Village, Section 22, T1N, R5E, BHM, Pennington County, South Dakota.

Conover reviewed the Staff Report indicating the applicants have applied to rezone 0.17 acre from General Agriculture District to Suburban Residential District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Planned Unit Development Sensitive to Suburban Residential District.

Staff recommended approval of Rezone / RZ 15-10 and Comprehensive Plan Amendment / CA 15-10.

Moved by Zvejnieks and seconded by McCollam to approve of Rezone / RZ 15-10 and Comprehensive Plan Amendment / CA 15-10.

All voting aye, the Motion carried 6 to 0.

11. ROAD NAMING ORDINANCE, ROAD SIGN ORDINANCE, AND ORDINANCE #20.

Rausch discussed the prior proposed Ordinance / OA 11-10 for a Road Naming Ordinance.

Discussion followed.

Moved by Zvejnieks and seconded by Litzen to have staff proceed with pursuing a Road Naming Ordinance and Road Sign Ordinance and have staff also research how other counties are handling road naming and road signage.

All voting aye, the Motion carried 6 to 0.

12. PENNINGTON COUNTY COMPREHENSIVE PLAN.

Conover spoke of reviewing the Pennington County Comprehensive Plan.

Discussion followed.

13. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the July 13, 2015, Planning Commission meeting with the exception of Telecommunications Facility Permit / TC 15-01 (Cellular Inc./Network Corp. d/b/a Verizon Wireless; Brian Kabat - Buell Consulting – Agent). This item was appealed and will be heard at the August 18, 2015, Board of Commissioners' meeting.

14. ITEMS FROM THE PUBLIC

No motions or actions were taken.

15. ITEMS FROM THE STAFF

A. Ordinance Officer. Conover informed the Planning Commission that Rex Fackrell, the Ordinance Officer, has accepted a position in the Department of Equalization.

B. VH Rental Committee. Conover updated the Planning Commission regarding the VH Rental Committee meeting held on Thursday, July 23rd.

16. ITEMS FROM THE MEMBERSHIP

There were no items from the membership.

17. ADJOURNMENT

Moved by Zvejnieks and seconded by Litzen to adjourn.

All voting aye, the Motion carried 6 to 0.

The meeting adjourned at 10:29 a.m.

Karen Hall, Chairperson