

MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
December 7, 2015 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Karen Hall, Lori Litzen, Jim Coleman, William McCollam, Barbara Landers, and Lyndell Petersen.

STAFF PRESENT: PJ Conover, Brittney Molitor, Cassie Bolstad, Kelsey Rausch, Chutima Supboon, Kinsley Groote (SAO), and Jeri Ervin.

ROLL CALL

1. APPROVAL OF THE NOVEMBER 23, 2015, MINUTES
Moved by Coleman and seconded by Litzen to approve the minutes of the November 23, 2015, Planning Commission Meeting. Vote: unanimous (5 to 0).

2. APPROVAL OF THE AGENDA
Moved by McCollam and seconded by Litzen to approve the Agenda of the December 7, 2015, Planning Commission Meeting. Vote: unanimous (5 to 0).

Moved by Coleman and seconded by McCollam to approve the Consent Calendar of the December 7, 2015, Planning Commission Meeting, with the removal of Item #4. Vote: unanimous (5 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 02-36: Homer Berger. To review a caretaker's residence in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Lot BR of Tract 1, H-O Subdivision, Section 28, T1N, R9E, BHM, Pennington County, South Dakota.

To end Conditional Use Permit / CU 02-36.

Vote: unanimous (5 to 0).

5. **CONDITIONAL USE PERMIT REVIEW / CU 13-16:** Larry Teuber. To review 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.

Lot 2R2, Block 4, Spring Canyon Estates, Section 5, T1S, R7E, BHM, Pennington County, South Dakota.

(Continued from the October 26, 2015, Planning Commission meeting.)

To continue the review of Conditional Use Permit / CU 13-16 to the February 8, 2016, Planning Commission meeting.

Vote: unanimous (5 to 0).

6. **CONDITIONAL USE PERMIT REVIEW / CU 13-27:** David and Nancy Fisher. David and Nancy Fisher. To review an accessory structure (garage/shop) without a principal structure in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Tract D, Circle B Ranch Subdivision, Section 28, T2N, R5E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 13-27 with the following seven (7) conditions:

1. **That the property and accessory structure continue to be used for personal and agricultural uses only and no commercial-type uses;**
2. **That the property continue to remain free of debris and junk vehicles;**
3. **That prior to any plumbing being installed in the accessory structure, an approved On-Site Wastewater Construction Permit be obtained to install an on-site wastewater treatment system on the property;**
4. **That the proper setbacks for a Limited Agriculture District continually be maintained for the accessory structure, including 25 feet from all lot lines with the exception of the north lot line which requires a 58 foot setback due to the Section Line;**
5. **That all U.S. Forest Service comments be respected, including the protection of all National Forest System lands boundaries, and no access, utilities, or parking being allowed on National Forest System lands;**
6. **That if the subject property (Tract D) is ever sold separately from the other surrounding properties owned by the applicant, either an access easement would need to be dedicated for the current location of Vick Drive or a new**

road would need to be built in the platted private drive to provide access to the subject property; and,

7. That this Conditional Use Permit be reviewed in five (5) years, 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.

Vote: unanimous (5 to 0).

7. **CONDITIONAL USE PERMIT / CU 15-36:** Donald and Margaret Norton. To allow an existing shop building with living quarters to be used as a Guest House on the subject property in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot 1, Knotty Pine Subdivision, Section 33, T1S, R7E, BHM, Pennington County, South Dakota.

(Continued from the November 23, 2015, Planning Commission meeting.)

To approve of Conditional Use Permit / CU 15-36 with the following nine (9) conditions:

1. That both the addresses assigned for the primary residence and the Guest House be posted so they are clearly visible from Knotty Pine Lane in accordance with Pennington County Ordinance #20;
2. That the applicant file a deed restriction at the Register of Deeds stating the regulations applicable to the Guest House, including that the Guest House shall not be separately rented or leased from the main residence, in accordance with Section 318-B-13 of the Zoning Ordinance;
3. That the Guest House be utilized and maintained in accordance with the requirements of Section 318 of the Zoning Ordinance, including the Guest House may not be used more than 180 days per calendar year and the primary dwelling must be continually classified as owner-occupied by the Department of Equalization;
4. That the existing On-Site Wastewater Treatment System be pumped and inspected and obtain an Operating Permit prior to a Building Permit being issued;
5. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which will require a site plan to be reviewed and approved by the Planning Director;

6. That all future structures meet the minimum required setbacks for a Low Density Residential District or an approved Setback Variance be obtained prior to Building Permit approval;
7. That the applicant submits a proposed floor plan showing that one (1) of the existing three (3) bedrooms in the primary residence is removed and that this bedroom is removed prior to the first review of this Conditional Use Permit;
8. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit #15-36, which is available at the Planning Office; and,
9. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous (5 to 0).

END OF CONSENT CALENDAR

4. CONDITIONAL USE PERMIT REVIEW / CU 09-25: Steve Hobart. To review a ranch hand's 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.

Staff asked to have this item removed from the Consent Calendar.

Supboon explained that the Agenda indicated this item is being continued to the June 13, 2016, Planning Commission meeting. Staff is recommending to continue the review of Conditional Use Permit / CU 09-25 to the June 13, 2016, Planning Commission meeting to include the following six (6) conditions:

1. That Building Permits be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;
2. That the conditions of the existing Conditional Use Permits be applicable to the property;

3. That the property be kept free of junk and debris and the ranch hand residence is properly removed;
4. That the applicant apply for a Removal Permit with the Planning Department prior to demolition of the ranch hand residence;
5. That if additional continuations of CU 09-25 are necessitated by the applicant, due to the lack of applicant's action, each continuation will be subject to Section 511-X and/or it may be sent to the State's Attorney's Office; and,
6. That Conditional Use Permit / CU 09-25 be reviewed on June 13, 2016, on a complaint basis, upon the applicant's request or as directed by Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

Moved by Litzen and seconded by Coleman to continue the review of the Conditional Use Permit / CU 09-25 to the June 13, 2016, Planning Commission meeting with the following six (6) conditions:

- 1. That Building Permits be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;**
- 2. That the conditions of the existing Conditional Use Permits be applicable to the property;**
- 3. That the property be kept free of junk and debris and the ranch hand residence is properly removed;**
- 4. That the applicant apply for a Removal Permit with the Planning Department prior to demolition of the ranch hand residence;**
- 5. That if additional continuations of CU 09-25 are necessitated by the applicant, due to the lack of applicant's action, each continuation will be subject to Section 511-X and/or it may be sent to the State's Attorney's Office; and,**
- 6. That Conditional Use Permit / CU 09-25 be reviewed on June 13, 2016, on a complaint basis, upon the applicant's request or as directed by Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.**

All voting aye, the Motion carried 5 to 0.

8. CONSTRUCTION PERMIT REVIEW / CP 15-01: Keystone Adventures, Inc. To review an area for a helipad and build a road on the subject property in accordance with Section 507 of the Pennington County Zoning Ordinance.

Unplatted Balance of GL 16 less Right-of-Way; Unplatted Balance of GL 21 less Right-of-Way; Section 31, T1S, R6E, BHM, Pennington County, South Dakota.

(Continued from the November 9, 2015, Planning Commission meeting.)

Molitor stated this is a review of the applicant's Construction Permit to build an area for a helipad and to also build a road on the subject property.

Staff recommended approval of the extension of Construction Permit / CP 15-01 with the following nine (9) conditions:

1. That the conditions of the approval of the South Dakota Department of Environment and Natural Resources General Permits for Storm Water Discharges Associated with Construction Activities be continually met;
2. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;
3. That the applicant notifies Fire Dispatch that they will be working on a particular day, and the approximate hours of operation;
4. That a revised Construction Permit application and Site Plan be submitted for review and approval if major revisions to the original plan are needed;
5. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than 14 days after the Construction Activity has stopped. All erosion control methods (mulch and seed) need to be certified noxious weed-free;
6. That any monuments establishing property boundaries be replaced as necessary;
7. That the requirements, guidelines, and criteria for stormwater and erosion control in the Pennington County Storm Water Manual shall be followed during construction;
8. That the site shall be re-vegetated as required in Section 507-A(5)(c); and,
9. That this Construction Permit be reviewed at the March 28, 2016, Planning Commission meeting.

Commissioner Landers appeared at the meeting at 9:08 a.m.

Discussion followed.

Moved by Litzen and seconded by McCollam to approve of the extension of Construction Permit / CP 15-01 with the following nine (9) conditions:

- 1 That the conditions of the approval of the South Dakota Department of Environment and Natural Resources General Permits for Storm Water Discharges Associated with Construction Activities be continually met;**
- 2. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;**
- 3. That the applicant notifies Fire Dispatch that they will be working on a particular day, and the approximate hours of operation;**
- 4. That a revised Construction Permit application and Site Plan be submitted for review and approval if major revisions to the original plan are needed;**
- 5. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than 14 days after the Construction Activity has stopped. All erosion control methods (mulch and seed) need to be certified noxious weed-free;**
- 6. That any monuments establishing property boundaries be replaced as necessary;**
- 7. That the requirements, guidelines, and criteria for stormwater and erosion control in the Pennington County Storm Water Manual shall be followed during construction;**
- 8. That the site shall be re-vegetated as required in Section 507-A(5)(c); and,**
- 9. That this Construction Permit be reviewed at the March 28, 2016, Planning Commission meeting.**

All voting aye, the Motion carried 6 to 0.

9. CONDITIONAL USE PERMIT / CU 15-35: Black Hills Raptor Center; Davis Engineering - Agent. To allow a bird education and health facility on a portion of the subject property located in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

A portion of the SW1/4 of the SW1/4 of Section 15, T2S, R7E, BHM, Pennington County, South Dakota.

(Continued from the November 9, 2015, Planning Commission meeting.)

Conover stated the applicant has applied for a Conditional Use Permit to allow a bird education and health facility on a portion of the subject property located in a General Agriculture District.

Staff recommended approval of Conditional Use Permit / CU 15-35 with the following thirteen (13) conditions:

1. That once issued, the addresses be posted at the approach to the property and on the primary structures they are assigned to in accordance with Ordinance 20;
2. That prior to the approval of a Building Permit, the existing approach(es) be verified as approved by the existing Street Authority for the area;
3. The prior to the approval of a Building Permit, the applicant meet with the County Fire Coordinator and/or the Rockerville VFD Chief to address fire mitigation measures and a signed copy of the Fire Mitigation Plan, if any, be provided to the Planning Department and kept on-file;
4. That the Conditional Use be limited to: a maximum of sixty (60) visitors at any one time, inclusive of Special Events; no more than twenty (20) volunteers at any one time, inclusive of Special Events; Single-Family Caretaker's Residence, Garage and out-building; Clinic Building (not to exceed 3,000 square feet); Semi-heated mews (not to exceed 1,120 square feet); Unheated mews (not to exceed 1,120 square feet); Storage and hallway to exterior of mews (not to exceed 600 square feet); Cold storage (not to exceed 1,000 square feet); Heated Storage / workshop (not to exceed 500 square feet); Three (3) Rehab pods (not to exceed 1,600 square feet total); and, Pole Barn used for flights (not to exceed 6,000 square feet). Any expansion beyond the allowed use will require a review of this Conditional Use Permit;
5. That during construction, Section 507-A of the Pennington County Zoning Ordinance be followed. This includes any requirements set forth in the Pennington County Storm Water Quality Manual which include, but are not limited to, erosion and sediment control measures (Section 100), water quality capture volume (Section 202), and post construction storm water quality best management practices (Section 203);
6. That the number of birds allowed on the property, at any given time, for care and/or exhibit be determined by the applicant's Permit(s) from State and Federal permitting agencies;
7. That the applicant obtains an approved On-Site Wastewater Construction Permit for a septic system designed to handle the Conditional Use prior to the issuance of

a Building Permit and that the means of wastewater disposal also be approved by the South Dakota Department of Environment and Natural Resources;

8. That the applicant adheres to all necessary County, State and Federal regulations and maintains the necessary permits to conduct the organization's activities;
9. That reasonable measures are taken to control odor and noise produced by the Conditional Use so as to not constitute a nuisance to the general public;
10. That the applicant be limited to one (1) sign advertising the Center that meets Section 312 requirements of the Pennington County Zoning Ordinance. An approved Sign Permit will need to be obtained prior to the installation of the sign;
11. That a minimum of twenty-two (22) off-street parking spaces be provided. Each parking space shall measure at least nine (9) feet by eighteen (18) feet and shall be kept in a dust free manner and the parking lot be designed and built to allow for the safe ingress and egress of a forty-five (45) foot vehicle;
12. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which will require a site plan to be reviewed and approved by the Planning Director; and,
13. That this Conditional Use Permit be reviewed in one (1) year, or a complaint basis, as directed by the Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

Moved by Coleman and seconded by Litzen to approve of Conditional Use Permit / CU 15-35 with the following thirteen (13) conditions:

- 1 That once issued, the addresses be posted at the approach to the property and on the primary structures they are assigned to in accordance with Ordinance 20;**
- 2. That prior to the approval of a Building Permit, the existing approach(es) be verified as approved by the existing Street Authority for the area;**
- 3. The prior to the approval of a Building Permit, the applicant meet with the County Fire Coordinator and/or the Rockerville VFD Chief to address fire mitigation measures and a signed copy of the Fire Mitigation Plan, if any, be provided to the Planning Department and kept on-file;**
- 4. That the Conditional Use be limited to: a maximum of sixty (60) visitors at any one time, inclusive of Special Events; no more than twenty (20) volunteers at any one time, inclusive of Special Events; Single-Family**

Caretaker's Residence, Garage and out-building; Clinic Building (not to exceed 3,000 square feet); Semi-heated mews (not to exceed 1,120 square feet); Unheated mews (not to exceed 1,120 square feet); Storage and hallway to exterior of mews (not to exceed 600 square feet); Cold storage (not to exceed 1,000 square feet); Heated Storage / workshop (not to exceed 500 square feet); Three (3) Rehab pods (not to exceed 1,600 square feet total); and, Pole Barn used for flights (not to exceed 6,000 square feet). Any expansion beyond the allowed use will require a review of this Conditional Use Permit;

- 5. That during construction, Section 507-A of the Pennington County Zoning Ordinance be followed. This includes any requirements set forth in the Pennington County Storm Water Quality Manual which include, but are not limited to, erosion and sediment control measures (Section 100), water quality capture volume (Section 202), and post construction storm water quality best management practices (Section 203);**
- 6. That the number of birds allowed on the property, at any given time, for care and/or exhibit be determined by the applicant's Permit(s) from State and Federal permitting agencies;**
- 7. That the applicant obtains an approved On-Site Wastewater Construction Permit for a septic system designed to handle the Conditional Use prior to the issuance of a Building Permit and that the means of wastewater disposal also be approved by the South Dakota Department of Environment and Natural Resources;**
- 8. That the applicant adheres to all necessary County, State and Federal regulations and maintains the necessary permits to conduct the organization's activities;**
- 9. That reasonable measures are taken to control odor and noise produced by the Conditional Use so as to not constitute a nuisance to the general public;**
- 10. That the applicant be limited to one (1) sign advertising the Center that meets Section 312 requirements of the Pennington County Zoning Ordinance. An approved Sign Permit will need to be obtained prior to the installation of the sign;**
- 11. That a minimum of twenty-two (22) off-street parking spaces be provided Each parking space shall measure at least nine (9) feet by eighteen (18) feet and shall be kept in a dust free manner and the parking lot be designed and built to allow for the safe ingress and egress of a forty-five (45) foot vehicle;**

12. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which will require a site plan to be reviewed and approved by the Planning Director; and,
13. That this Conditional Use Permit be reviewed in one (1) year, or a complaint basis, as directed by the 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.

10. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the November 23, 2015, Planning Commission meeting.

11. ITEMS FROM THE PUBLIC

There were no motions or actions taken at this time.

12. ITEMS FROM THE STAFF

- A Building Permit Report. Conover reviewed the Building Permit Report for November 2015.
- B. Zoning Ordinance Amendments. Conover reviewed upcoming Ordinance Amendments to the Zoning Ordinance.

13. ITEMS FROM THE MEMBERSHIP

Commission Litzen stated she will not be in attendance at the January 25, 2016, and February 8, 2016, Planning Commission meetings.

14. ADJOURNMENT

Moved by Coleman and seconded by Litzen to adjourn.

All voting aye, the Motion carried 6 to 0.

The meeting adjourned at 9:59 a.m.

Karen Hall, Chairperson