

MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
January 11, 2016 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Administration Building

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

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

ROLL CALL

1. APPROVAL OF THE DECEMBER 21, 2015, MINUTES
Moved by Zvejnieks and seconded by Litzen to approve the minutes of the December 21, 2015, Planning Commission Meeting. Vote: unanimous (7 to 0).

2. APPROVAL OF THE AGENDA
Moved by Litzen and seconded by Zvejnieks to approve the Agenda of the January 11, 2016, Planning Commission Meeting. Vote: unanimous (7 to 0).

Moved by McCollam and seconded by Zvejnieks to approve the Consent Calendar of the January 11, 2016, Planning Commission Meeting. 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 08-45: 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 23, 2015, Planning Commission meeting.)

To end Conditional Use Permit / CU 08-45 with the applicant's concurrence.

Vote: unanimous (7 to 0).

4. **CONDITIONAL USE PERMIT REVIEW / CU 14-33:** Lenora and Larry Ruland. To review a single-wide mobile home to be used as a permanent residence in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

W1/2SE1/4, Section 24, T1S, R16E, BHM, Pennington County, South Dakota.

To continue the review of Conditional Use Permit / CU 14-33 to the January 25, 2016, Planning Commission meeting.

Vote: unanimous (7 to 0).

5. **CONDITIONAL USE PERMIT REVIEW / CU 14-35:** Brad Nible. To review a multiple-family dwelling in a Suburban Residential District, to rent out the home/basement, in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 19, Block 1, Harney Peak View Addition, Section 9, T1N, R8E, BHM, Pennington County, South Dakota.

To continue the review of Conditional Use Permit / CU 14-35 to the January 25, 2016, Planning Commission meeting.

Vote: unanimous (7 to 0).

6. **REZONE / RZ 15-16:** Donald Karras. To rezone 0.994 acres from Low Density Residential District to Limited Agriculture District in accordance with Section 508 of the Pennington County Zoning Ordinance.

A portion of Lot AR of Lot 2 Revised of Block 2 of Thovson Subdivision located in the SE1/4 of NE1/4 of Section 19, T2S, R7E, BHM, Pennington County, South Dakota, Beginning at the SW corner of said Lot AR; thence N 57°54'43"W, a distance of 175.99'; thence N 88°15'E; a distance of 521.95'; thence S25°03'19"W; a distance of 109.80'; thence S 88°15'W; a distance of 326.26' to the point of beginning. Said parcel of land contains 0.994 acres more or less.

To recommend approval of Rezone / RZ 15-16.

Vote: unanimous (7 to 0).

7. **CONDITIONAL USE PERMIT / CU 15-37:** Peaceful Valley Hideaway, LLC (William and Valerie Landis); Arlyn Dyce – Agent. To allow for a Vacation Home Rental in a Low Density Residential District in accordance with Sections 207, 319, and 510 of the Pennington County Zoning Ordinance.

Lot C of Lot 2, New York Subdivision, Section 24, T2N, R5E, BHM, Pennington County, South Dakota.

(Continued from the December 21, 2015, Planning Commission meeting.)

To approve of Conditional Use Permit / CU 15-37 with the following seventeen (17) conditions:

- 1. That the applicant may not use the property as a Vacation Home Rental until such time as the property is converted back into a single-family dwelling and the Multi-Family Dwelling Conditional Use Permit (CU 15-30) is removed from the property;**
- 2. That the applicant maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these updated licenses be provided to the Planning Department prior to operation of the Vacation Home Rental;**
- 3. That the maximum overnight occupancy, based on SD DENR approval, be limited to ten (10) people and the maximum daytime occupancy be limited to fifteen (15) people;**
- 4. That if any additions to the structure and/or if the on-site wastewater treatment system is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DENR;**
- 5. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;**
- 6. That an On-site Wastewater Construction Permit be obtained for any upgrades or changes to the existing on-site wastewater treatment system;**
- 7. That the minimum of five (5) off-street parking spaces be provided on-site, each measure a minimum of nine (9) feet by eighteen (18) feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner in accordance with Section 310 of the Pennington County Zoning Ordinance;**
- 8. That an interior information sign be posted in accordance with the requirements of Pennington County Zoning Ordinance Section 319-G, with 9-1-1 and (605) 394-4139 listed as contacts for Fire Department and Sheriff's Department respectively, during operation of the VHR;**
- 9. That the property be kept free of debris and junk vehicles;**
- 10. That each sleeping room has a smoke detector and each smoke detector be tested semi-annually for property function. The smoke detectors must be Underwriters Laboratory (UL) listed and be either AC or battery operated and be replaced in compliance with manufacturers' specifications;**

11. 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 and that they be serviced each year;
12. That the lot address be posted at all times on the residence and so it is clearly visible from Bogus Jim Road, in accordance with Pennington County's Ordinance #20;
13. That the applicant ensure the VHR is operating in accordance with the requirements of Pennington County Zoning Ordinance Section 319-F (Performance Standards) at all times;
14. That if the person designated as the Local Contact is ever changed from Executive Lodging of the Black Hills, the interior information sign be updated and the applicant re-notify the Planning Department and surrounding landowners within 500 feet;
15. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
16. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 15-37, which is available at the Planning Office; and,
17. That this Conditional Use Permit be reviewed in one (1) year, 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. MINOR PLAT / PL 15-30: David and Kathy Gunderson. To combine three lots to create Lot 2R, Block 3 of Pine Cliff Subdivision in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lots 2, 3, and 4, Block 3, Pine Cliff Subdivision, Section 31, T2N, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 2R, Block 3, Pine Cliff Subdivision, Section 31, T2N, R6E, BHM, Pennington County, South Dakota.

Bolstad reviewed the Staff Report indicating the applicants have applied for a Minor Plat to combine three lots into one lot in order to create Lot 2R of Block 3 of Pine Cliff Subdivision.

Staff recommended approval of Minor Plat / PL 15-30 with the following three (3) conditions:

1. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations and the Certificate heading for the Director of Equalization be corrected to the proper spelling;
2. That a Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; and,
- 3.. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Minor Plat / PL 15-30, which is available at the Planning Office.

Discussion followed.

Moved by Litzen and seconded by Landers to approve of Minor Plat / PL 15-30 with the following three (3) conditions:

- 1. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations and the Certificate heading for the Director of Equalization be corrected to the proper spelling;**
- 2. That a Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; and,**
- 3. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Minor Plat / PL 15-30, which is available at the Planning Office.**

All voting aye, the Motion carried 7 to 0.

9. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the December 21, 2015, Planning Commission meeting.

10. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

11. ITEMS FROM THE STAFF

- A. Building Permit Report. Conover reviewed the Building Permit Report for December 2015.
- B. 2016 PC Meetings. Conover reviewed the 2016 Planning Commission scheduled meetings.
- C. Code of Conduct. Conover spoke of Pennington County's Code of Conduct going into the new year of 2016.
- D. VH Rental Committee. Conover provided the Planning Commission with an update stating the proposed changes to Section 319 is at the State's Attorney's Office for review.

12. ITEMS FROM THE MEMBERSHIP

Commissioner Zvejnieks spoke of an alphabetical street name reference book for Pennington County.

13. ADJOURNMENT

Moved by Litzen and seconded by Zvejnieks to adjourn.

All voting aye, the Motion carried 7 to 0.

The meeting adjourned at 9:19 a.m.

Karen Hall, Chairperson