

MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
February 22, 2016 @ 9:05 a.m.

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Karen Hall, Lori Litzen, Jim Coleman, Bill McCollam, and Lyndell Petersen.

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

ROLL CALL

1. APPROVAL OF THE FEBRUARY 8, 2016, MINUTES
Moved by Litzen and seconded by McCollam to approve the minutes of the February 8, 2016, Planning Commission Meeting. Vote: unanimous (5 to 0).

2. APPROVAL OF THE AGENDA
Moved by Coleman and seconded by McCollam to approve the Agenda of the February 22, 2016, Planning Commission Meeting. Vote: unanimous (5 to 0).

Moved by McCollam and seconded by Coleman to approve the Consent Calendar of the February 8, 2016, Planning Commission Meeting. 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 05-36:** Ronald and Briana Hill. To review a Bed and Breakfast in a Suburban Residential District in accordance with Sections 208-C-6 and 510 of the Pennington County Zoning Ordinance.

Lot 5, Fort Meade Placer MS 244, Section 8, T1N, R6E, BHM, Pennington County, South Dakota.

To end Conditional Use Permit / CU 05-36, with the owner's concurrence.

Vote: unanimous (5 to 0).

4. **CONDITIONAL USE PERMIT REVIEW / CU 10-03:** Gwen Zelfer. To review a dog/cat boarding kennel in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Lot 1, Engesser Subdivision, Section 24, T1N, R8E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 10-03 with the following ten (10) conditions:

1. That the Conditional Use Permit be limited to a dog and cat boarding kennel only and that a maximum of two (2) additional employees not residing on the premises may be employed by the home occupation. Any expansion beyond this will require the Conditional Use Permit to be reviewed;
2. That the boarding of dogs/cats not exceed a maximum of 30 animals at one time. Any additional animals would require a review by the Planning Department and an amendment to the Conditional Use Permit;
3. That reasonable measures continue to be taken to control odors and noises produced by the dogs so as to not constitute a nuisance to the general public;
4. That the applicant continues to adhere to all necessary County, State and Federal regulations, including those of the Environmental Protection Agency (EPA) and maintain the necessary permits to conduct the organization's activities;
5. That the address, 8507 Dunn Road, continue to be posted both at the approach to the property and on the primary structure itself in accordance with Ordinance #20;
6. That prior to the placement of any on-premise signs, the applicant must obtain approval of a Sign Permit;
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;
8. That a minimum of eight (8) off-street parking spaces continue to be provided. Each parking space shall measure at least nine (9) feet by 18-feet and shall be kept in a dust free manner;
9. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground 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 on a complaint basis only or by the Planning Commission and/or Board of Commissioners to ensure that all Conditions of Approval are being met.**

Vote: unanimous (5 to 0).

5. **CONDITIONAL USE PERMIT REVIEW / CU 14-26:** Patricia Tschetter. To review a caretaker's residence on the subject property in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance of the Pennington County Zoning Ordinance.

Lot 6, G-S Subdivision, Section 23, T2N, R8E, BHM, Pennington County, South Dakota.

To end Conditional Use Permit / CU 14-26 with the owner's concurrence.

Vote: unanimous (5 to 0).

6. **CONDITIONAL USE PERMIT REVIEW / CU 15-02:** Valerie Naylor. To review an accessory structure, a garage, prior to a primary structure in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

Lots 7 and 8 of Lot 1 of SW1/4SW1/4, Section 14, T1N, R5E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 15-02 with the following six (6) conditions:

- 1 **That the accessory structure continually be used for personal use only and no commercial-type uses;**
- 2 **That the property continues to remain free of debris at all times;**
- 3 **That the address continually be posted so it is clearly visible from Custer Trails Road in accordance with Pennington County's Ordinance #20;**
4. **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;**
5. **That all natural drainage paths continually be maintained; and,**
6. **That this Conditional Use Permit be reviewed in three (3) 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. **REZONE / RZ 16-01:** Thomas and Janeane Price. To rezone 3.37 acres from Low Density Residential District to Suburban Residential District in accordance with Sections 207, 208, and 508 of the Pennington County Zoning Ordinance.

Lot 1, T and J Price Subdivision, Section 1, T2S, R5E, BHM, Pennington County, South Dakota

To continue Rezone / RZ 16-01 to the March 14, 2016, Planning Commission meeting, with the applicant's concurrence.

Vote: unanimous (5 to 0).

8. **REZONE / RZ 16-03 AND COMPREHENSIVE PLAN AMENDMENT / CA 16-02:** Mitch Morris. To rezone 760.41 acres from General Agriculture District to Low Density Residential District and to amend the Comprehensive Plan to change the Future Land Use from Limited Agriculture District to Low Density Residential District in accordance with Sections 205, 207, and 508 of the Pennington County Zoning Ordinance.

Commencing, for location purposes only, at the northeast corner of Section 32 also being the northwest corner of Section 33, T1N, R8E, of the BHM; Thence, South 00°04'45" West, along the common line between Section 32 and Section 33, a distance of 500.00 feet to the Point of Beginning of the herein described tract; Thence, South 89°51'35" East, parallel to and 500 feet distant from the north line of the NW1/4 of Section 33, a distance of 2656.35 feet to a point for corner on the east line of the NW1/4 of Section 33; Thence, South 00°08'55" West, along the east line of the NW1/4 of Section 33, a distance of 2165.91 feet to a point for corner; Thence, North 89°41'05" West, along the south line of the NW1/4 of Section 33, a distance of 2654.26 feet to the southwest corner of the NW1/4 of Section 33 also being the southeast corner of the NE1/4 of Section 32; Thence, North 89°42'51" West, along the south line of the NW1/4 of Section 32, a distance of 1270.58 feet to a point for corner; Thence, North 06°22'35" West, a distance of 2136.92 feet to a point for corner, 500 feet south of the north line of the NE1/4 of Section 32; Thence, South 89°48'35" East, parallel to and 500 feet distance from the north line of the NE1/4 of Section 32, a distance of 1514.54 feet to the Point of Beginning and containing 200.73 acres, more or less, of land; The NE1/4SW1/4 and the SE1/4SW1/4 of Section 33, T1N, R8E; The SE1/4 of Section 33, T1N, R8E; The E1/2NE1/4SE1/4; The W1/2NE1/4SE1/4; The NW1/4SE1/4; GL 1-2 all located in Section 4, T1S, R8E; GL 4 and NW1/4SW1/4 of Section 3, T1S, R8E; The SE1/4NE1/4 of Section 33, T1N, R8E; Lot 2 of SW1/4NW1/4 and Lot 2 of W1/2SW1/4 of Section 34, T1N, R8E, BHM, Pennington County, South Dakota.

To continue Rezone / RZ 16-03 and Comprehensive Plan Amendment / CA 16-02 to the March 14, 2016, Planning Commission meeting, with the applicant's concurrence.

Vote: unanimous (5 to 0).

9. **CONDITIONAL USE PERMIT / CU 16-01:** Daniel Elliott. To live in an existing cabin while building a new single-family residence on the subject property and to also allow the existing cabin to remain on the property to be used as a Guest House once the single-family residence is complete in a General Agriculture District in accordance with Sections 205, 318, and 510 of the Pennington County Zoning Ordinance.

All, Rubesite Lode MS 1987, Section 22, T1N, R6E, BHM, Pennington County, South Dakota.

To continue Conditional Use Permit / CU 16-01 to the March 14, 2016, Planning Commission meeting.

Vote: unanimous (5 to 0).

END OF CONSENT CALENDAR

10. **REZONE / RZ 16-02 AND COMPREHENSIVE PLAN AMENDMENT / CA 16-01:** Kevin and Gayle Thom; Fisk Land Surveying – Agent. To rezone 22.88 acres from General Agriculture District to Limited Agriculture District and to amend the Comprehensive Plan to change the Future Land Use from Planned Unit Development Sensitive to Limited Agriculture District in accordance with Sections 205, 206, and 508 of the Pennington County Zoning Ordinance.

A parcel of land located in the Southwest One Quarter of the Northwest One Quarter (SW¹/₄NW¹/₄) of Section Twelve (12) in Township One North (T1N), Range Six East (R6E) of the Black Hills Meridian (BHM), Pennington County, South Dakota, to be known as Lot C of Dewald's Subdivision and more fully described as follows: Commencing at the northwest corner of said Section Twelve (12) in Township One North (T1N), Range Six East (R6E) of the Black Hills Meridian (BHM), Pennington County, South Dakota, said corner being common to the southwest corner of Section One (1), the southeast corner of Section Two (2) and the northeast corner of Section Eleven (11) in said Township One North (T1N), Range Six East (R6E), and said corner being marked with an original stone; Thence, southerly on the common section line of said Sections Twelve (12) and Eleven (11), South 00 degrees 07 minutes 00 seconds East a distance of 1317.33 feet more or less to the point of beginning, said point being located on the 1/16th section line and also known as the north 1/16th corner common to said Sections Eleven (11) and Twelve (12) and said point being marked by a rebar with survey cap LS 1771; Thence, South 77 degrees 00 minutes 38 seconds East a distance of 880.00 feet more or less to a point marked by a rebar with survey cap LS 6565; Thence, South 17 degrees 57 minutes 30 seconds East a distance of 295.31 feet more or less to a point marked by a rebar with survey cap LS 6565; Thence, South 4 degrees 36 minutes 31 seconds West a distance of 193.73 feet more or less to a point marked by a rebar with survey cap LS 6565; Thence, South 30 degrees 35 minutes 14 seconds West a distance of 747.00 feet

more or less to a point on the ¼ section line and said point being marked by a rebar with survey cap LS 6565; Thence, westerly on the ¼ section line South 89 degrees 44 minutes 46 seconds West a distance of 550.00 feet more or less to the west ¼ corner of said Section Twelve (12), said point being located on the section line common to said Sections Eleven (11) and Twelve (12) and being marked by a USFS aluminum monument; Thence, northerly on the section line common to said Sections Eleven (11) and Twelve (12), North 0 degrees 07 minutes 10 seconds West a distance of 658.69 feet more or less to a point marked by a rebar with survey cap LS 3835, said point is common to the southeast corner of the North One Half of the Southeast One Quarter of the northeast One Quarter (S½SE¼NE¼) and the northeast corner of the South One Half of the Southeast One Quarter of the Northeast One Quarter (S½SE¼NE¼) of said Section Eleven (11); Thence, continuing northerly on the section line common to said Sections Eleven (11) and Twelve (12), North 00 degrees 07 minutes 46 seconds West a distance of 658.64 feet more or less to the point of beginning. Said tract of land contains 22.88 acres or 996,634 square feet more or less.

Conover reviewed the Staff Reporting indicating the applicants have applied to rezone 22.88 acres and amend the Pennington County Comprehensive Plan in order to create Lot C of Dewald's Subdivision.

Staff recommended approval of Rezone / RZ 16-02 and Comprehensive Plan Amendment / CA 16-01.

Discussion followed.

Moved by Litzen and seconded by McCollam to approve of Rezone / RZ 16-02 and Comprehensive Plan Amendment / CA 16-01.

All voting aye, the Motion carried 5 to 0.

11. CONDITIONAL USE PERMIT / CU 15-39: Bellwether Limited Partnership; Janice and Roger Knutsen – Agent. To allow for a Recreational Vehicle to be utilized as temporary living quarters on the subject property from May through September of each year in a Suburban Residential District in accordance with Sections 208, 208-C, and 510 of the Pennington County Zoning Ordinance.

Lot 11 of Tract 12, National Placer MS 688, Section 34, T2N, R4E, BHM, Pennington County, South Dakota.

Bolstad reviewed the Staff Report indicating the applicants have applied for a Conditional Use Permit to allow for a Recreational Vehicle to be utilized as temporary living quarters on the subject property from May through September of each year in a Suburban Residential District.

Staff recommended approval of Conditional Use Permit / CU 15-39 with the following thirteen (13) conditions:

1. That a Recreational Vehicle (RV) may be utilized as living quarters on the property only during the months of May through September of each calendar year. Use of an RV as temporary living quarters on the subject property outside of the stated months shall result in automatic revocation of Conditional Use Permit / CU 15-39;
2. That if a Recreational Vehicle (RV) is stored on the property at any time when not in use, it must be disconnected from all utilities, including septic, water, and electricity;
3. That if a Recreational Vehicle (RV) is stored on the property outside of the months of May through September, it is not to be used and/or occupied by any person(s) as overnight accommodations or living quarters for any period of time;
4. That there be no more than two (2) Recreational Vehicles allowed on the subject property at the same time;
5. That an Operating Permit be obtained for the holding tank located on the subject property, prior to the first review of Conditional Use Permit / CU 15-39;
6. That the address assigned to the property be clearly posted on the Recreational Vehicle and road, so as to be visible from both directions on George Frink Road in accordance with Pennington County's Ordinance #20;
7. That the proper permit(s) be obtained prior to any burning, including fire pits, being done on the property including, but not limited to, a South Dakota Wildland Fire Division Burn Permit from the appropriate authority;
8. That the property be used for personal use only and no commercial-type uses;
9. That the property remain free of excess debris and junk, in accordance with Pennington County's Ordinance #106;
10. That this Conditional Use Permit is only valid for Lot 11 of Tract 12, National Placer MS 688;
11. 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;
12. That the applicant sign a Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 15-39, which is available at the Planning Office; and,
13. 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.

Discussion followed.

Moved by Coleman and seconded by Litzen to approve of Conditional Use Permit / CU 15-39 with the following thirteen (13) conditions:

- 1. That a Recreational Vehicle (RV) may be utilized as living quarters on the property only during the months of May through September of each calendar year and for no more than two (2) weeks at a time. Use of an RV as temporary living quarters on the subject property outside of the stated months shall result in automatic revocation of Conditional Use Permit / CU 15-39;**
- 2. That if a Recreational Vehicle (RV) is stored on the property at any time when not in use, it must be disconnected from all utilities, including septic, water, and electricity, and it may not be stored on the subject property;**
- 3. That if a Recreational Vehicle (RV) is stored on the property outside of the months of May through September, it is not to be used and/or occupied by any person(s) as overnight accommodations or living quarters for any period of time;**
- 4. That there be no more than two (2) Recreational Vehicles allowed on the subject property at the same time;**
- 5. That an Operating Permit be obtained for the holding tank located on the subject property, prior to the first review of Conditional Use Permit / CU 15-39;**
- 6. That the address assigned to the property be clearly posted on the Recreational Vehicle and road, so as to be visible from both directions on George Frink Road in accordance with Pennington County's Ordinance #20;**
- 7. That the proper permit(s) be obtained prior to any burning, including fire pits, being done on the property including, but not limited to, a South Dakota Wildland Fire Division Burn Permit from the appropriate authority;**
- 8. That the property be used for personal use only and no commercial-type uses;**
- 9. That the property remain free of excess debris and junk, in accordance with Pennington County's Ordinance #106;**
- 10. That this Conditional Use Permit is only valid for Lot 11 of Tract 12, National Placer MS 688;**

11. 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;
12. That the applicant sign a Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 15-39, which is available at the Planning Office; and,
13. 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, the Motion carried 4 to 0. Commissioner Coleman abstained.

12. COUNTY BOARD REPORT

Construction Permit / CP 15-17 (Croell Redi-Mix, Inc.) was appealed and will be heard on Wednesday, March 2, 2016, at 4:00 p.m. in the Commissioner's Meeting Room. No other items from the February 8, 2016, Planning Commission meeting needed to be heard by the Board of Commissioners.

13. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

14. ITEMS FROM THE STAFF

A. VH Rental Ordinance / Update. Conover informed the Planning Commission that there will be an advertised public meeting scheduled in the future to review the proposed changes to the VH Rental Ordinance.

15. ITEMS FROM THE MEMBERSHIP

There were no items from the membership.

16. ADJOURNMENT

Moved by Coleman and seconded by Litzen to adjourn.

All voting aye, the Motion carried 5 to 0.

The meeting adjourned at 10:33 a.m.

Karen Hall, Chairperson