

MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
October 24, 2016 @ 6:30 p.m.

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Sig Zvejnieks, Lori Litzen, William McCollam, Travis Lasseter, Barbara Landers, Rich Marsh, and Lyndell Petersen.

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

ROLL CALL

1. APPROVAL OF THE OCTOBER 10, 2016, MINUTES
Moved by Lasseter and seconded by Litzen to approve the minutes of the October 10, 2016, Planning Commission Meeting. Vote: unanimous 6 to 0.

2. APPROVAL OF THE AGENDA
Moved by Lasseter and seconded by Marsh to approve the Agenda of the October 24, 2016, Planning Commission Meeting. Vote: unanimous 6 to 0.

Moved by Litzen and seconded by Lasseter to approve the Consent Calendar of the October 24, 2016, Planning Commission Meeting, with the removal of Item #7. 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 15-28:** Michael or Erika Radtke; Kathleen Kaul – Owner. To review a single-wide mobile home to be used as a ranch hand's residence on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

Pt of S1/2SE1/4 lying South of Highway less right-of-way and less Tract A, Wiese Addition, Section 35, T1N, R9E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 15-28 with the following eight (8) conditions:

1. That if the two uses contained within Conditional Use Permit / CU 15-28 (single-wide mobile home & ranch hand residence) are not established by October 12, 2017, that per Section 510(E)(1)(b) of the Zoning Ordinance, Conditional Use Permit / CU 15-28 will automatically expire;
2. 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;
3. That the residence be occupied by a ranch hand or used as housing for hired help at all times, and not used as a rental by someone not engaged in the daily operation of the farm or ranch located on the subject property;
4. That the address for the ranch hand's residence continue to be posted both at the approach (driveway) and on the individual structure, in accordance with Pennington County's Ordinance #20;
5. That the minimum setback requirements of a General Agriculture District continue to be continually maintained on the property, or a Setback Variance is obtained prior to new construction and approval of a Building Permit;
6. That the applicants and landowners sign a new Statement of Understanding within ten (10) business days of the extension of Conditional Use Permit / CU15-28, which is available at the Planning Office;
7. That prior to moving the single-wide mobile home off the subject property, a Removal Permit be obtained from the Planning Department; and,
8. 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 6 to 0.

4. **CONDITIONAL USE PERMIT REVIEW / CU 15-29:** Jim or Mary Scull. To review a cabin to be used as a ranch hand's residence in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

Unplatted PT of NW1/4 NE1/4 and 1/2 Vacant Road adjacent to Section 16, T1N, R6E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 15-29 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 residence be occupied by a ranch hand or used as housing for hired help at all times, and not be used as a rental by someone not engaged in the operating of the farm or ranch located on the subject property;
3. That the addresses be posted both at the approach (driveway) and on the individual structure, in accordance with **Pennington County's Ordinance #20**;
4. That the minimum setback requirements of a **General Agriculture District** be continually maintained on the property, or a **Setback Variance** is obtained prior to new construction and approval of a **Building Permit**; and,
5. That this **Conditional Use Permit** be reviewed at the **November 14, 2016, Planning Commission meeting** to verify that the addresses have been posted.

Vote: unanimous 6 to 0.

5. **CONDITIONAL USE PERMIT REVIEW / CU 15-35:** Black Hills Raptor Center; Davis Engineering - Agent. To review 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

To end Conditional Use Permit / CU 15-35 with the applicant's concurrence.

Vote: unanimous 6 to 0.

6. **CONDITIONAL USE PERMIT / CU 16-35:** Eldon Nygaard. To allow a non-lighted, off-premise sign within 1,500 feet of a residential zoning district/dwelling unit in **Highway Service District** in accordance with Sections 210, 312, and 510 of the **Pennington County Zoning Ordinance**.

Lot 1R, Three Forks Subdivision, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

To approve of Conditional Use Permit / CU 16-35 with the following seven (7) conditions:

1. That both sides of the sign conforms to all regulations in **Section 312** of the **Pennington County Zoning Ordinance** at all times;

2. That the signs be maintained so as to have an aesthetically pleasing appearance at all times and not appear dilapidated;
3. That the installation of any other off-premise signs on the property requires a separate Sign Permit to be obtained and this Conditional Use Permit must be reviewed and amended;
4. That if the applicant decides to illuminate either side of the sign structure, this Conditional Use Permit shall be revoked and the applicant will need to apply for a new Conditional Use Permit;
5. That the applicant obtains a new State Billboard Permit for the sign prior to the issuance of a Pennington County Sign Permit;
6. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 16-35, which is available at the Planning Office; and,
7. That this Conditional Use Permit be reviewed in two (2) years, as deemed necessary by the Pennington County Planning Commission or Board of Commissioners or on a complaint basis to verify that all Conditionals of Approval are being met.

Vote: unanimous 6 to 0.

8. **CONDITIONAL USE PERMIT / CU 16-36:** Enola Gorham; Patrick Smith – Agent. To allow a multi-family dwelling on the subject property in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 7 less Lot H1, Stekl Subdivision, Section 9, T1N, R8E, BHM, Pennington County, South Dakota.

To continue Conditional Use Permit / CU 16-36 to the November 28, 2016, Planning Commission meeting.

Vote: unanimous 6 to 0.

9. **REZONE / RZ 16-11 AND COMPREHENSIVE PLAN AMENDMENT / CA 16-08:** LLB Investments Limited Partnership; Russ Rearick – Agent. To rezone 22.08 acres from General Agriculture District and Highway Service District to General Commercial District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Planned Unit Development Sensitive and Highway Service District to General Commercial District in accordance with Section 508 of the Pennington County Zoning Ordinance.

Lot 2 (also in Section 19), Heavlin #2 Subdivision, Section 30, T1N, R9E, BHM, Pennington County, South Dakota.

To recommend to continue Rezone / RZ 16-11 and Comprehensive Plan Amendment / CA 16-08 to the November 14, 2016, Planning Commission meeting.

Vote: unanimous 6 to 0.

END OF CONSENT CALENDAR

7. CONDITIONAL USE PERMIT / CU 16-37: Wade and Shari Greseth. To allow a Recreational Vehicle to be used as temporary living quarters while building a single-family residence on the subject property in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Tact B of E1/2SE1/4SW1/4, Section 29, T1S, R5E, BHM, Pennington County, South Dakota.

Staff asked to have this item removed from the Consent Calendar to recommend continuing the item to the November 14, 2016, Planning Commission meeting, instead of the recommendation for approval.

Moved by Landers and seconded by Litzen to continue Conditional Use Permit / CU 16-37 to the November 14, 2016, Planning Commission meeting.

All voting aye, the Motion carried 6 to 0.

Commissioner McCollam appeared at the meeting at 6:36 p.m.

10. CONDITIONAL USE PERMIT / CU 16-34: Jessica Thurmes. To allow a Recreational Vehicle to be used as temporary living quarters for no more than 180 days per calendar year on the subject property in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot 4, Harrington Subdivision, Section 19, T2S, R7E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow a Recreational Vehicle to be used as temporary living quarters for no more than 180 days per calendar year on the subject property.

Staff recommended approval of Conditional Use Permit / CU 16-34 with the following ten (10) conditions:

1. That the assigned address for the subject property be properly posted so it is visible from both directions of travel on Milo Lane in accordance with Pennington County's Ordinance #20;
2. That an On-Site Wastewater Treatment System be installed within six (6) months and prior to the Recreational Vehicle (RV) being used as seasonal living quarters;
3. That the minimum setback requirements for a Low Density Residential District be continually maintained on the property;
4. That the subject property remains free of debris and junk vehicles;
5. That an approved 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 no additional living quarters be allowed to exist on the property;
7. That the Recreational Vehicle shall not be used as living quarters on the subject property for more than 180 days per calendar year;
8. That the applicant adheres to the Forest Service comments at all times;
9. That the applicant sign the Statement of Understanding within ten (10) business days, which is available at the Planning Office; and,
10. That this Conditional Use Permit be reviewed in six (6) months, on a complaint basis, or as deemed necessary by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

Moved by Litzen and seconded by Lasseter to approve of Conditional Use Permit / CU 16-34 with the following ten (10) conditions:

- 1. That the assigned address for the subject property be properly posted so it is visible from both directions of travel on Milo Lane in accordance with Pennington County's Ordinance #20;**
- 2. That an On-Site Wastewater Treatment System be installed within six (6) months and prior to the Recreational Vehicle (RV) being used as seasonal living quarters;**

3. That the minimum setback requirements for a Low Density Residential District be continually maintained on the property;
4. That the subject property remains free of debris and junk vehicles;
5. That an approved 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 no additional living quarters be allowed to exist on the property;
7. That the Recreational Vehicle shall not be used as living quarters on the subject property for more than 180 days per calendar year;
8. That the applicant adheres to the Forest Service comments at all times;
9. That the applicant sign the Statement of Understanding within ten (10) business days, which is available at the Planning Office; and,
10. That this Conditional Use Permit be reviewed in six (6) months, on a complaint basis, or as deemed necessary by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

All voting aye, the Motion carried 7 to 0.

11. LAYOUT PLAT / PL 16-24: Deborah Munyan. To create Lots 1-3 of Munyan Addition in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: GL 1 less Bradsky Road; Section 4, T1S, R9E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 1, Lot 2, and Lot 3, Munyan Addition; Section 4, T1S, R9E, BHM, Pennington County, South Dakota.

(Continued from the October 10, 2016, Planning Commission meeting.)

Bolstad stated this item was continued from the October 10, 2016, Planning Commission meeting in order for staff to contact the County Highway Department and the Road District regarding the proposed increase of density on Bradsky Road.

Staff recommended to continue Layout Plat / PL 16-24 to the November 14, 2016, Planning Commission meeting.

Discussion followed.

Moved by Landers and seconded by Lasseter to continue Layout Plat / PL 16-24 to the November 14, 2016, Planning Commission meeting.

All voting aye, the Motion carried 7 to 0.

12. ORDINANCE AMENDMENT / OA 16-01: Pennington County. To amend Section 103 - Definitions; Section 208 - Suburban Residential District; and Section 319 - Vacation Home Rental Ordinance of the Pennington County Zoning Ordinance.

(Continued from the October 10, 2016, Planning Commission meeting.)

Chairman Zvejnieks opened up the floor for public comment for Ordinance Amendment / OA 16-01.

Discussion followed.

Moved by Litzen to approve of Ordinance Amendment / OA 16-01, with the exclusion of 319-F-14, seconded by Petersen.

Discussion further followed.

SUBSTITUTE MOTION: Moved by Litzen to approve of Ordinance Amendment / OA 16-01, with the exclusion of 319-F-14, to include 319-C-8 to state: “That all Vacation Home Rentals in Suburban Residential Zoning Districts, after the date of the adoption of this Ordinance Amendment, must have 25 foot front, side, and rear yard setbacks; and to also add the language in 319-C-9 to state: “This setback requirement is not retroactive and allows those legal, non-conforming Vacation Home Rentals to retain their current setbacks until the Vacation Home Rental is deemed no longer to be legal, nonconforming.”

All voting, the Motion to approve failed 3 to 4. Commissioners Marsh, Litzen, and Petersen voted yes. Commissioners Zvejnieks, Lasseter, McCollam, and Landers voted no.

13. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission’s recommendations from the October 10, 2016, Planning Commission meeting, and

1. APPEAL OF CONDITIONAL USE PERMIT / CU 16-31: Black Hills Raptor Center; Maggie Engler - 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.

The Board of Commissioners upheld the Planning Commission's decision for approval.

14. ITEMS FROM THE PUBLIC

There were no items from the public.

15. ITEMS FROM THE STAFF

A. Comprehensive Plan. Conover provided the Planning Commission with an update regarding the Special Board of Commissioner's meeting that was held on Thursday, October 20th and the three companies that presented were the Matrix Group, Clarion Associates, and Louis Berger. Conover further noted that this item will be on the Agenda for the November 1, 2016, Board of Commissioner's meeting.

16. ITEMS FROM THE MEMBERSHIP

Commissioner Litzen stated she will be attending the November 14th and November 28th Planning Commission meetings remotely.

Chairman Zvejnieks clarified that Ordinance Amendment 16-01 will be heard by the Board of Commissioners. Staff stated the Ordinance Amendment will be on the Agenda for the November 1st Board of Commissioner's meeting for a First Reading.

17. ADJOURNMENT

Moved by Litzen and seconded by Marsh to adjourn.

All voting aye, the Motion carried 7 to 0.

The meeting adjourned at 9:04 p.m.

Sig Zvejnieks, Chairperson