

MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
May 12, 2014 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Courthouse

MEMBERS PRESENT: Sig Zvejnieks, Karen Hall, Jim Coleman, Bill McCollam, Barbara Landers, and Ron Buskerud.

STAFF PRESENT: Dan Jennissen, Lysann Zeller, PJ Conover, Brittney Molitor, Kelsey Rausch, Jeri Ervin, and Patrick Grode (SAO).

ROLL CALL

1. APPROVAL OF THE APRIL 28, 2014, MINUTES
Moved by Landers and seconded by Hall to approve the April 28, 2014, Planning Commission minutes. Chairman Zvejnieks asked that the Planning Commission Items To Address (To Do List) presented at this meeting (Item #16) be included with the meeting's minutes. Vote: unanimous (6 to 0).

2. APPROVAL OF THE AGENDA
Moved by Hall and seconded by Coleman to approve the May 12, 2014, Planning Commission Agenda, and to place Item #14 and Item #15 on the Consent Agenda. 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 96-14:** Mark Hirsch. To review a manufactured home as a caretaker's residence in a Suburban Residential District in accordance with Sections 208-C and 510 of the Pennington County Zoning Ordinance.

Lot 3 of Tract 2 of NW1/4, Section 31, T1N, R7E, BHM, Pennington County, South Dakota.

To continue the review of Conditional Use Permit / CU 96-14 to the May 27, 2014, Planning Commission meeting.

Vote: unanimous (6 to 0).

4. **CONDITIONAL USE PERMIT REVIEW / CU 99-37:** Bob Young. To review a mobile home park in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

The NW1/4NE1/4, Section 20, T2N, R8E, BHM, Pennington County, South Dakota.

(Continued from the April 14, 2014, Planning Commission meeting.)

To continue the review of Conditional Use Permit / CU 99-37 to the May 27, 2014, Planning Commission meeting.

Vote: unanimous (6 to 0).

5. **CONDITIONAL USE PERMIT REVIEW / CU 01-01:** Charles and Ursula Brackett. To review a mobile home park in a Suburban Residential District in accordance with Section 208-C-2 of the Pennington County Zoning Ordinance.

The West 250' of the North 662.9' of the NW1/4SE1/4, Section 17, T2N, R7E, BHM, Pennington County, South Dakota.

(Continued from the March 10, 2014, Planning Commission meeting.)

To approve of the extension of Conditional Use Permit / CU 01-01 with the following sixteen (16) conditions:

1. **That the mobile home park is limited to a total of fourteen (14) mobile home lots and one (1) caretaker's residence;**
2. **That two (2) graveled parking spaces be provided for each mobile home lot, an additional parking space for guests, (one for every four mobile homes located in the mobile home park);**
3. **That a Floodplain Development Permit be obtained for any work, including the placement of mobile homes in the designated 100-year flood plain;**
4. **That at the time of Building Permit application, the applicant indicate alternative locations for a second drainfield and adequate space for accessory structures on the site plan for each lot;**
5. **That prior to any expansion to the existing mobile home park, an On-Site Wastewater Construction Permit be reviewed and approved by the South Dakota Department of Environment and Natural Resources and the Pennington County Environmental Planner;**
6. **That it be recommended that individual water meters be supplied for each new mobile home, or replacement of existing mobile homes;**

7. That a Building Permit shall be obtained for the removal or placement of mobile homes on the property;
8. That a Building Permit be obtained for structures exceeding 144 square feet or located on a permanent foundation which will require a site plan to be reviewed and approved by the Planning Director;
9. That the interior roads be maintained with a twenty-five (25) foot-wide, four-inch graveled driving surface, the cul-de-sac be a minimum of 42 feet in radius, and roads be maintained in a dust free manner;
10. That all structures be located a minimum of ten (10) feet from interior access roads within the mobile home park and there be a minimum of twenty (20) feet between units;
11. That the mobile home park have a rear yard and side yard setback of not less than ten (10) feet;
12. That the mobile home park have a management office and such service buildings as necessary, located on the property;
13. That the applicant continues to maintain the second means of ingress and egress to the property onto the road north of the property;
14. That the mobile home park has one (1) common address that shall be posted on the management office and that each home in the park shall be individually labeled with its own unit number or letter. The unit numbers shall be posted on the homes so that they are clearly visible from the main access road;
15. At such time the mobile homes on Lots 1, 2, or 3 or the caretaker's residence is to be replaced, they must be relocated on the portion of the property zoned Suburban Residential District; and,
16. That this Conditional Use Permit be reviewed in one (1) year or upon a complaint basis to verify the applicant is complying with the conditions of approval.

Vote: unanimous (6 to 0).

6. **CONDITIONAL USE PERMIT REVIEW / CU 10-29:** Dan and Beth Thomas. To review a temporary residence (camper) on the property 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 3 of Tract 3, Tigerville Subdivision, Section 9, T1S, R4E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 10-29 with the following five (5) conditions:

1. **That the wastewater from the camper be properly disposed of at all times and if the camper utilizes the on-site wastewater treatment system, it be disconnected once the residence is finished and habitable;**
2. **That the camper no longer be used as a residence once the residence is finished and habitable, following which it only be allowed to be parked on the property;**
3. **That the residence not be utilized as a nightly or weekly vacation rental and only be used by the applicants for their personal use, unless a Conditional Use Permit for a Vacation Home Rental is obtained to allow for such;**
4. **That the property remains free of debris and junk vehicles; and,**
5. **That this Conditional Use Permit be reviewed in one (1) year or on a complaint basis to verify that all conditions of approval are being met.**

Vote: unanimous (6 to 0).

7. **CONDITIONAL USE PERMIT / CU 14-07:** Josh Bruning. To allow an illuminated, on-premise sign within 1,500 feet of a residential zoning district / dwelling unit in a Highway Service District in accordance with Sections 210 and 510 of the Pennington County Zoning Ordinance.

Lot C of Lot 1 less Lot 1 of Lot C of Lot 1 and less right-of-way, Rohrer Subdivision, Section 29, T1N, R7E, BHM, Pennington County, South Dakota.

(Continued from the April 14, 2014, Planning Commission meeting.)

To continue Conditional Use Permit / CU 14-07 to the May 27, 2014, Planning Commission meeting.

Vote: unanimous (6 to 0).

8. **CONDITIONAL USE PERMIT / CU 14-14:** Gerald and Barbara Wittler. To allow a single-wide mobile home to be used as a permanent residence in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Lot H1 in the SE1/4SE1/4 less 42 feet of the NE boundary for County ROW as conveyed in Deed recorded in Book 179, Page 573, Section 31, T2N, R11E, BHM, Pennington County, South Dakota.

To approve of Conditional Use Permit / CU 14-14 with the following seven (7) conditions:

- 1. That a Building Permit be obtained for the new single-wide mobile home before it is moved onto the property;**
- 2. That the minimum setback requirements of a Limited Agriculture District be continually maintained on the property;**
- 3. That the property be kept free of debris and junk vehicles;**
- 4. That the lot address (22893 161 Avenue) be posted so it is clearly visible from both directions of travel along 161 Avenue at all times in accordance with Pennington County's Ordinance #20;**
- 5. That the mobile home has a continually maintained peaked non-reflective type roof, wood or simulated wood-type siding, and skirting;**
- 6. That the new single-wide mobile home be the only structure on the property with living quarters; and,**
- 7. That this Conditional Use Permit be reviewed in two (2) years or on a complaint basis to verify that all conditions of approval are being met.**

Vote: unanimous (6 to 0).

- 9. PLANNED UNIT DEVELOPMENT REVIEW / PU 05-01: Mt. Meadow Resort, LLC; Richard and Catherine Frey. To review a Planned Unit Development to allow for a Recreational Resort / Campground and RV – Manufactured Home Seasonal Resort, all in accordance with Sections 213 and 508 of the Pennington County Zoning Ordinance.**

Lot 1 Revised, Hobart Subdivision and Lot 4 less Hobart Subdivision and Lot 1 (also in Sections 31, 30, and 29, of 1N-3E), Gold Run Placer MS 1420, Section 32, T1N, R3E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Planned Unit Development / PU 05-01 with the following nine (9) conditions:

- 1. That the applicant maintains the wastewater disposal system according to the SD Department of Environment and Natural Resources' regulations;**

2. **The approved uses of the Planned Unit Development shall be for a 40-unit mobile/manufactured home court, (not to be used for permanent residences) campground, motel, lodge, gas station, restaurant and corrals;**
3. **That the applicant obtains and maintains a Sales Tax License and a Specialty Resort License from the State of South Dakota;**
4. **That each cabin be equipped with a smoke detector and that the applicant has at least one (1) 20#-ABC dry chemical fire extinguisher accessible to all guests at each cabin at all times;**
5. **That Building Permits be obtained for any structure exceeding 144 square feet or located on a permanent foundation that includes the necessary site plans to be reviewed and approved by the Planning Director;**
6. **That any additional improvements or development within the Gold Run Creek floodplain shall meet the requirements of the Pennington County Flood Damage Prevention Ordinance;**
7. **The minimum setbacks for the Planned Unit Development shall be 25 feet from the front property line and 10 feet from all other property lines;**
8. **That prior to any on-site septic system being installed, the applicant obtain all necessary permits from the Department of Environment and Natural Resources and the Pennington County Planning Department; and,**
9. **That this Planned Unit Development be reviewed upon a complaint basis only.**

Vote: unanimous (6 to 0).

10. **PLANNED UNIT DEVELOPMENT REVIEW / PU 06-07:** Black Hills Resorts, Inc. (Cimarron Park). To review a Planned Unit Development to allow a mobile home park in accordance with Section 213 of the Pennington County Zoning Ordinance.

Tract C of Lot B of NE1/4 NW1/4 less Pengra Subdivision, Section 17, T2N, R7E, BHM, Pennington County, South Dakota.

(Continued from the March 10, 2014, Planning Commission meeting.)

To continue the review of Planned Unit Development / PU 06-07 to the June 9, 2014, Planning Commission meeting.

Vote: unanimous (6 to 0).

- 11. MINOR PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PU 13-02:** Steven and Kay French. To review the existing Planned Unit Development to allow for nightly, weekly, and yearly rentals in accordance with Section 213 of the Pennington County Zoning Ordinance.

Lot RR, Johnson Siding Townsite, Section 31, T2N, R6E, BHM, Pennington County, South Dakota.

To approve of the extension of Minor Planned Unit Development Amendment / PU 13-02 with the following twelve (12) conditions:

- 1. That the Planned Unit Development consists of a maximum of five (5) apartments all contained within one structure that can be used as either a Vacation Home Rental or as living quarters;**
- 2. That the setback for the existing structure be .95 foot from the west property line and all proposed and new structures be a minimum of 25 feet from the front and rear and eight (8) feet from the side property lines;**
- 3. That the apartment complex has a local fire alarm system with pull station;**
- 4. That each unit be equipped with either a battery or AC operated smoke detector;**
- 5. That an address must be assigned to each unit and posted on the door of each unit;**
- 6. That a minimum of ten parking spaces be provided measuring at least nine (9) feet by eighteen (18) feet and be maintained in a dust free manner;**
- 7. That the maximum occupancy of the entire structure be 15 guests per night;**
- 8. That the septic tank be pumped annually;**
- 9. 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 Licenses be provided to the Planning Department prior to operation of the Vacation Home Rental;**
- 10. That an interior informational sign be posted in accordance with the requirements of Section 319-G., during operation of the residence as a VHR;**
- 11. That the applicant ensure the VHR is operated in accordance with the requirements of Section 319-F. (Performance Standards) at all times; and,**
- 12. That this Planned Unit Development be reviewed in three (3) years or upon on**

a complaint basis.

Vote: unanimous (6 to 0).

- 12. REZONE / RZ 14-02 AND COMPREHENSIVE PLAN AMENDMENT / CA 14-02:** Chad Gollnick. To rezone 3.76 acres from General Commercial District and Limited Agriculture District to Light Industrial and to change the Future Land Use from General Commercial District and Limited Agriculture District to Light Industrial in accordance with Sections 211 and 508 of the Pennington County Zoning Ordinance.

Lot A; Lot 1 of Lot A; and Vacated Road in NE Corner between Old County Road and Railroad less H-1, all in Section 17, T2N, R7E, BHM, Pennington County, South Dakota.

To recommend approval of Rezone / RZ 14-02 and approval of Comprehensive Plan Amendment / CA 14-02.

Vote: unanimous (6 to 0).

- 14. MINOR PLAT / PL 14-07 AND SUBDIVISION REGULATIONS VARIANCE / SV 14-03:** Joyce Bintliff / Barbara Lee. To reconfigure lot lines in order to create Tract A of HES #336 Revised and Lot C Revised of HES #336 and to waive platting requirements in accordance with Section 400.3 and 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: All less Lot C of HES #336 Revised and Lot C of HES #336 Revised, all located in Section 2, T2S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Tract A of HES #336 Revised and Lot C Revised of HES #336 Revised, Section 2, T2S, R5E, BHM, Pennington County, South Dakota.

To recommend approval of Subdivision Regulations Variance #14-03 to waive all platting requirements with the exception of the dedication of eight (8) foot utility and minor drainage easements along the interior of all lot lines and approval of Minor Plat #14-07 with the following four (4) conditions:

- 1. That eight (8) foot utility and minor drainage easement be dedicated along the interior of all lot lines on the final version of the plat to be recorded at the Register of Deeds;**
- 2. That an Operating Permit be obtained for the existing on-site wastewater treatment system located on proposed Lot C Revised prior to recording the plat at the Register of Deeds;**
- 3. That proposed Lot C Revised either be rezoned to Low Density Residential or approval of a Lot Size Variance be obtained to allow this lot to remain**

zoned Limited Agriculture District prior to recording the plat at the Register of Deeds; and,

4. That the existing secondary drainfield easement dedicated on the balance of HES #336 Revised be vacated on the final version of the plat to be recorded at the Register of Deeds.

Vote: unanimous (6 to 0).

15. **CONDITIONAL USE PERMIT REVIEW / CU 09-11:** Tyler and Kimberly Richter. To review a single-wide mobile home to be used as a single-family residence in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

Tract B of N1/2, Section 35, T2N, R11E, BHM, Pennington County, South Dakota.

To approve of the extension Conditional Use Permit / CU 09-11 with the following nine (9) conditions:

1. That the property address be properly posted at the approach so it be clearly visible from the road and in both directions in accordance with Pennington County's Ordinance #20;
2. That the applicant utilizes the existing and one (1) additional approved approach and that no new approaches be constructed without prior approval from the County Highway Department;
3. That the property not be used for any commercial purposes;
4. That after construction of the stick-built single-family residence is complete and habitable, the single-wide mobile home shall be removed immediately;
5. That the applicant obtains a Removal Permit from the Planning Office prior to removing or demolishing the existing single-wide mobile home on the property;
6. That at the time the applicant applies for a Building Permit for the stick-built residence, a Construction Schedule be submitted;
7. That prior to construction of the stick-built single-family residence, the applicant obtain an approved Building Permit;
8. That prior to the issuance of a Building Permit, the existing on-site wastewater treatment system be pumped, observed by a Pennington County certified pumper and verified by the Pennington County Environmental

Planner that it is adequately sized for the proposed stick-built single-family residence and an Operating Permit for their septic system be obtained; and,

- 9. That this Conditional Use Permit be reviewed in two (2) years or a complaint basis, or as directed by the Pennington County Planning Commission.**

Vote: unanimous (6 to 0).

END OF CONSENT CALENDAR

13. CONDITIONAL USE PERMIT / CU 14-13: Hisega Meadows Water, Inc.; Larry Deibert – Agent. To allow a contractor’s storage yard during the period of construction of the Hisega Water Line Project located in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot 5, Lau Subdivision, Section 9, T1N, R6E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow a contractor’s storage yard during the period of construction of the Hisega Water Line Project. Molitor further stated the applicant is requesting special consideration to allow a temporary construction storage yard in a Low Density Residential Zoning District. The area will be utilized for the removal and installation of water lines for the Hisega Meadows Water Line Project (CP14-01).

Staff recommended approval of Conditional Use Permit / CU 14-13 with the following twelve (12) conditions:

1. That an address be assigned to the property and be posted at the entrance to the storage yard in accordance with Ordinance #20;
2. That emergency contact information for the storage yard be posted at the entrance of the storage yard;
3. That an adequate amount of self-contained toilets be provided on the construction site;
4. That dust control measures be implemented to reduce the amount of dust from trucks leaving and entering the storage yard;
5. That all chemicals, fuel, and refuse stored on the site have secondary containment;

6. That erosion control measures be implemented around the site and stockpiles to prevent sediment leaving the site;
7. That tracking control measures be implemented at the entrance/exit to Wheaton Road from the storage yard;
8. That access is taken off of Wheaton Road only;
9. That adequate space is provided for employee parking in the storage yard;
10. That upon completion of the project, all equipment, structures, and stockpiles associated with the temporary construction storage yard must be removed;
11. That the site is revegetated as required in Section 507(A) of the Pennington County Zoning Ordinance and the Pennington County Stormwater Quality Manual; and,
12. That this Conditional Use Permit be reviewed in November 2015, or on a complaint basis.

Chairman Zvejnieks asked when the project will be finished.

Molitor explained that the project will be done in two phases and will be finished by the end of 2015.

Commissioner Coleman questioned what area will be served by this project.

Molitor stated the installation area will include all of Wheaton Road, from Hisega Road across W. Highway 44 and all of Big Piney Road.

Commissioner Buskerud asked that the term “special consideration” not be used and asked staff to incorporate other language.

Jennissen responded and said that “temporary use” can be used in place of “special consideration,” since this project is only temporary and the Zoning Ordinance also defines the language of “temporary use.”

Moved by Buskerud and seconded by McCollam to approve of Conditional Use Permit / CU 14-13 with the following twelve (12) conditions:

- 1. That an address be assigned to the property and be posted at the entrance to the storage yard in accordance with Ordinance #20;**
- 2. That emergency contact information for the storage yard be posted at the entrance of the storage yard;**

3. That an adequate amount of self-contained toilets be provided on the construction site;
4. That dust control measures be implemented to reduce the amount of dust from trucks leaving and entering the storage yard;
5. That all chemicals, fuel, and refuse stored on the site have secondary containment;
6. That erosion control measures be implemented around the site and stockpiles to prevent sediment leaving the site;
7. That tracking control measures be implemented at the entrance/exit to Wheaton Road from the storage yard;
8. That access is taken off of Wheaton Road only;
9. That adequate space is provided for employee parking in the storage yard;
10. That upon completion of the project, all equipment, structures, and stockpiles associated with the temporary construction storage yard must be removed;
11. That the site is revegetated as required in Section 507(A) of the Pennington County Zoning Ordinance and the Pennington County Stormwater Quality Manual; and,
12. That this Conditional Use Permit be reviewed in November 2015, or on a complaint basis.

All voting aye, the Motion carried 6 to 0.

16. CONDITIONAL USE PERMIT / CU 14-06: Dakota Thyme, LLC; Julie Smoragiewicz – Agent. To allow for a Recreational Resort to allow up to 10 seasonal rental cabins, a manager’s residence, a maintenance shop and kitchen on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

The S1/2S1/2NE1/4NE1/4, Section 32, T1S, R6E, BHM, Pennington County, South Dakota.

(Continued from the April 14, 2014, Planning Commission meeting.)

Conover reviewed that this item had been continued from the April 14th Planning Commission meeting in order for staff to perform a site visit to the subject property with the Pennington County Fire Coordinator to discuss the Fire Mitigation Plan and road

widths and also for staff to receive comments from the SD Department of Transportation (SD DOT).

Conover further reviewed that the applicants would like a 16 foot interior road width along the two proposed turnarounds and a 10-foot-wide graveled driveway to the proposed residence, which will be a private driveway. He also stated that the SD DOT approved the proposed site plan which shows 10 seasonal rental cabins, a manager's residence, a maintenance shop, and kitchen. The SD DOT also indicated that any future development may require a turn lane analysis for S. Highway 16 onto Cosmos Road and may require the applicant to construct a turn lane.

Conover stated that staff would like to include language at the end of Condition #24: "according to State regulations."

Staff recommended approval Conditional Use Permit 14-06 with the following twenty-six (26) conditions:

1. That the uses of the Conditional Use Permit shall consist of ten (10) seasonal cabins, manager's residence, maintenance shop and a kitchen;
2. That the proposed road improvements to Cosmos Road be reviewed and approved by the Cosmos Road District and that a copy of the amended Approach Permit be provided to the Pennington County Planning Department prior to the issuance of any Building Permits;
3. That the applicant contact the Pennington County Addressing Coordinator to discuss addressing options for the cabins prior to the issuance of any Building Permits;
4. That the applicant contact the Pennington County Environmental Planner as soon as possible for profile hole inspection to determine the locations and to verify the size and types of systems that can be installed;
5. That upon approval of the proposed road improvements, by the Pennington County Planning Department, and approach upgrades, by the Cosmos Road District, and determination of the location for the on-site wastewater treatment systems, the applicant will submit a revised site-plan to the Pennington County Planning Department prior to the issuance of any Building Permits;
6. That the minimum number of required parking spaces be determined and approved by the Planning Director depending upon the number of cabins. All off-street parking shall be in accordance with Section 310 of the Pennington County Zoning Ordinance which requires one parking space per guest bedroom and two parking spaces for every three employees;

7. That the property addresses be clearly posted inside each cabin and on the property so it is visible from both directions along Cosmos Road, in accordance to Pennington County's Ordinance #20;
8. That the operation of the Recreational Resort not interferes with the functioning or maintenance of Cosmos Road or Highway 16;
9. That the applicant obtains approved Sign Permit(s) prior to any signs being placed on the property, in accordance to Section 312 of the Pennington County Zoning Ordinance;
10. That the property remains free of debris and junk vehicles and the property, itself, and all structures be well-maintained;
11. That all existing drainage ways be maintained and that erosion control measures be implemented on all disturbed areas so as not to allow any sedimentation of existing drainage ways or bodies of water per Pennington County Zoning Ordinance Section 507-A. This includes any requirements set forth in the Pennington County Storm Water Quality Manual for erosion and sediment measures;
12. That the applicant obtains all necessary permits from other governing bodies for the operation of the Recreational Resort, including, but not limited to, approval from the South Dakota Department of Health and a Sales Tax License from the South Dakota Department of Revenue;
13. That an approved On-Site Wastewater Construction Permit be obtained prior to any septic system being installed on the subject property, which will also require review and approval by the South Dakota Department of Environmental and Natural Resources;
14. That there is functional open space for optimum preservation of natural features, including trees and drainage areas, recreation, views, density, relief and convenience in function;
15. The Planning Director may allow additional development or construction, which is consistent with the existing development on this property. Significant changes in the use or impact on adjacent land uses as determined by the Planning Director shall require a review or amendment of this Conditional Use Permit;
16. That the applicant maintains an Emergency Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and a copy of said plan be kept on file at the Pennington County Planning Department;

17. That the proposed interior graveled private driveway leading to the residence be ten (10) feet-wide, at a minimum, and have a sign on it to indicate that it is a private driveway;
18. That the interior access roads leading to the cabins consist of a 16-foot-wide graveled driving surface at a minimum, to accommodate two-way traffic;
19. That all exterior lighting must be of low level intensity, which does not result in excessive glare upon surrounding neighbors;
20. That a smoke detector be placed in each sleeping room, with a minimum of at least one (1) smoke detector per floor;
21. That portable fire extinguishers with a minimum 2 A-BC ratings be placed on each floor level of each structure so they are accessible to all guests at all times and the fire extinguishers shall be inspected and tagged annually;
22. That the physical address for the residence be posted in each building on the subject property;
23. That prior to further development above and beyond the 10 seasonal rental cabins, a manager's residence, a maintenance shop and kitchen; the applicant will contact the South Dakota Department of Transportation about the possible need for a turn lane analysis from S. Highway 16 onto Cosmos Road;
24. That prior to obtaining a Building Permit, the applicant will have the well water tested to determine quality and quantity sufficient enough to sustain the proposed Recreational Resort water usage, according to State regulations;
25. That quiet hours for the Recreational Resort be between 10 p.m. and 8 a.m.; and,
26. That this Conditional Use Permit be reviewed in one (1) year, or, on a complaint basis, or as directed by the Planning Commission to verify compliance with all the above-mentioned Conditions of Approval.

Chairman Zvejnieks spoke of Condition #23 and recommended it be modified to incorporate the comments from SD DOT. He further expressed concern with the community water system and questioned if the language added at the end of Condition #24 would cover the approval of the use of the water, since the development is commercialized.

Conover stated he did speak with the Pennington County Water Protection Coordinator and she also indicated that, by adding the language, the applicants are still required to obtain approval through SD DENR.

Commissioner McCollam commented that the site plan submitted with the Staff Report indicates 10 cabins, but the applicants are only building 6 at this time. He questioned whether the SD DOT also received the same site plan to show that there may be the possibility of 10 cabins on the property in the future and if the comments received from the DOT about the turning lane, addressed the possibility of the additional cabins.

Conover stated the SD DOT did receive a copy of the site plan submitted with the Staff Report, so they are aware of the number of cabins as indicated by the applicant.

Ms. Julie Smoragiewicz, applicant, appeared and stated she would address any concerns or questions from the Planning Commission and public.

Mr. Lyle Scandrett, owner and operator of the Cosmos of the Black Hills, appeared and spoke in opposition to the proposed application. He expressed concern with security and noise issues. He also spoke of two landowners in the area that are also opposed to the applicant's proposed use.

Commissioner Coleman noted Mr. Scandrett's concerns and appreciated his comments to the Planning Commission.

Moved by Hall and seconded by McCollam to approve of Conditional Use Permit 14-06 with the following twenty-six (26) conditions:

- 1. That the uses of the Conditional Use Permit shall consist of ten (10) seasonal cabins, manager's residence, maintenance shop and a kitchen;**
- 2. That the proposed road improvements to Cosmos Road be reviewed and approved by the Cosmos Road District and that a copy of the amended Approach Permit be provided to the Pennington County Planning Department prior to the issuance of any Building Permits;**
- 3. That the applicant contact the Pennington County Addressing Coordinator to discuss addressing options for the cabins prior to the issuance of any Building Permits;**
- 4. That the applicant contact the Pennington County Environmental Planner as soon as possible for profile hole inspection to determine the locations and to verify the size and types of systems that can be installed;**
- 5. That upon approval of the proposed road improvements, by the Pennington County Planning Department, and approach upgrades, by the Cosmos Road District, and determination of the location for the on-site wastewater treatment systems, the applicant will submit a revised site-plan to the Pennington County Planning Department prior to the issuance of any Building Permits;**

6. That the minimum number of required parking spaces be determined and approved by the Planning Director depending upon the number of cabins. All off-street parking shall be in accordance with Section 310 of the Pennington County Zoning Ordinance which requires one parking space per guest bedroom and two parking spaces for every three employees;
7. That the property addresses be clearly posted inside each cabin and on the property so it is visible from both directions along Cosmos Road, in accordance to Pennington County's Ordinance #20;
8. That the operation of the Recreational Resort not interferes with the functioning or maintenance of Cosmos Road or Highway 16;
9. That the applicant obtains approved Sign Permit(s) prior to any signs being placed on the property, in accordance to Section 312 of the Pennington County Zoning Ordinance;
10. That the property remains free of debris and junk vehicles and the property, itself, and all structures be well-maintained;
11. That all existing drainage ways be maintained and that erosion control measures be implemented on all disturbed areas so as not to allow any sedimentation of existing drainage ways or bodies of water per Pennington County Zoning Ordinance Section 507-A. This includes any requirements set forth in the Pennington County Storm Water Quality Manual for erosion and sediment measures;
12. That the applicant obtains all necessary permits from other governing bodies for the operation of the Recreational Resort, including, but not limited to, approval from the South Dakota Department of Health and a Sales Tax License from the South Dakota Department of Revenue;
13. That an approved On-Site Wastewater Construction Permit be obtained prior to any septic system being installed on the subject property, which will also require review and approval by the South Dakota Department of Environmental and Natural Resources;
14. That there is functional open space for optimum preservation of natural features, including trees and drainage areas, recreation, views, density, relief and convenience in function;
15. The Planning Director may allow additional development or construction, which is consistent with the existing development on this property. Significant changes in the use or impact on adjacent land uses as determined by the Planning Director shall require a review or amendment of this Conditional Use Permit;

16. That the applicant maintains an Emergency Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and a copy of said plan be kept on file at the Pennington County Planning Department;
17. That the proposed interior graveled private driveway leading to the residence be ten (10) feet-wide, at a minimum, and have a sign on it to indicate that it is a private driveway;
18. That the interior access roads leading to the cabins consist of a 16-foot-wide graveled driving surface at a minimum, to accommodate two-way traffic;
19. That all exterior lighting must be of low level intensity, which does not result in excessive glare upon surrounding neighbors;
20. That a smoke detector be placed in each sleeping room, with a minimum of at least one (1) smoke detector per floor;
21. That portable fire extinguishers with a minimum 2 A-BC ratings be placed on each floor level of each structure so they are accessible to all guests at all times and the fire extinguishers shall be inspected and tagged annually;
22. That the physical address for the residence be posted in each building on the subject property;
23. That prior to further development above and beyond the 10 seasonal rental cabins, a manager's residence, a maintenance shop and kitchen; the applicant will contact the South Dakota Department of Transportation about the possible need for a turn lane analysis from S. Highway 16 onto Cosmos Road and may require the applicant to construct a turning lane;
24. That prior to obtaining a Building Permit, the applicant will have the well water tested to determine quality and quantity sufficient enough to sustain the proposed Recreational Resort water usage, according to State regulations;
25. That quiet hours for the Recreational Resort be between 10 p.m. and 8 a.m.; and,
26. That this Conditional Use Permit be reviewed in one (1) year, or, on a complaint basis, or as directed by the Planning Commission to verify compliance with all the above-mentioned Conditions of Approval.

All voting aye, the Motion carried 6 to 0.

17. ORDINANCE AMENDMENT / OA 14-02: Rich Jensen / Corey Bruning. To amend Section 210-B “Highway Service District” to add medical facilities as an allowed use in a Highway Service Zoning District.

Jennissen reviewed the Staff Report indicating the applicants have applied to amend Section 210-B “Highway Service District” to add No. 17 to allow medical facilities as an allowed use in a Highway Service Zoning District.

Staff recommended approval of Ordinance Amendment 14-02.

Commissioner Coleman questioned why this type of use is not allowed in a Highway Service District and why it wasn’t originally incorporated into the Zoning Ordinance.

Jennissen responded and addressed this concern noting that medical facilities are a better fit in a General Commercial Zoning District and this could have been the reason why it was never included as an allowed use in a Highway Service District when the Zoning Ordinance was originally adopted.

Commissioner Coleman spoke of the way medical care is changing, including several Urgent Care facilities being built in and around Rapid City.

Chairman Zvejnieks further discussed the Comprehensive Plan and wanted to know if items such as this will also be reviewed.

Jennissen stated he would like to review the Zoning Ordinance and Comprehensive Plan for these types of things.

Discussion followed.

Moved by Buskerud and seconded by McCollam to approve of Ordinance Amendment 14-02 to amend Section 210-B “Highway Service District” to include medical and/or dental clinics or offices and hospitals as an allowed use in a Highway Service Zoning District.

All voting aye, the Motion carried 6 to 0.

18. CONDITIONAL USE PERMIT / CU 14-15: Conata Ranch, LLC; Doug Albertson – Agent. To allow two bunkhouses and a small lodge in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

S1/2N1/2; S1/2, Section 15, T4S, R14E, BHM, Pennington County, South Dakota.

Jennissen reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit (CUP) to bring into compliance a small lodge and two bunkhouses to be located on one parcel. The applicant indicated the cabins are to be utilized for the

property owner when he comes to visit, and the ranch headquarters are located on the adjacent property and occupied by the agent/ranch manager.

Jennissen explained that the applicant originally applied for a Building Permit in March of 2013 and he indicated at that time that the main house and two bunkhouses were all to be built on one parcel and would only be utilized by the owner of the property. It was discussed with the applicant that, if the cabins were to be utilized as a Recreational Resort he could apply for a CUP for the three structures. However; the applicant indicated that he did not want to rent the structures out and he was then directed to create three separate parcels for each residential structure, as the Zoning Ordinance only allows one residence per lot. By placing a single structure on three separate parcels, a CUP is not required and Building Permits could be issued administratively. After the three parcels were created by aliquot description, the applicant submitted a site plan showing that each of the bunkhouses and small lodge were located on separate parcels. The site plan indicated a 25 foot setback from all property lines, which would place the structures all with a 50 foot separation. One On-Site Wastewater Treatment System Permit was also submitted for all three structures, and the on-site wastewater treatment system also required approval from the SD DENR, as it was considered a community system. Approval was granted and the permits were approved as submitted.

Jennissen further noted that upon inspection of the on-site wastewater treatment system, it became evident the structures were located closer than 50 feet from each other. Upon measuring the distances between the bunkhouses, they were not built in accordance with the setbacks as indicated on the site plan submitted by the applicant. The two bunkhouses were located only 18 feet from each other and the main house was located less than 30 feet from the middle bunkhouse. The property was in violation and a violation letter was sent to the property owner indicating the non-compliance.

Jennissen stated that Mr. Albertson contacted the office to address the violation and bring the property into compliance. After discussion with Mr. Albertson, he was given three different options: 1. Move the structures as indicated on the site plan submitted with the Building Permits; 2. Plat the property into three lots, which would require Variances for the setback encroachments; or 3. Apply for a Conditional Use Permit to allow the three residential structures on one parcel.

Staff recommended approval of Conditional Use Permit #14-15 with the following four (4) conditions:

1. That the property consists of the main residential structure, two bunkhouses and an on-site wastewater treatment system;
2. That the lot address be posted at all times so it is clearly visible from East Highway 44 and on each residential structure, in accordance with Ordinance #20;
3. That the two bunkhouses and main residence not be rented out on a nightly or weekly basis; and,

4. That this Conditional Use Permit be reviewed in one year or on a complaint basis to verify that all conditions of approval are being met.

Mr. Doug Albertson, agent, appeared and discussed the process to allow the three structures on the property. He stated that the property owner owns a large piece of land and asked that a statement be in the Zoning Ordinance indicating that any landowner can do what they want on their land if nobody is being affected.

Commissioner Coleman noted Mr. Albertson's concern and commented that Pennington County is very diverse, but everyone does need to be treated the same and circumstances may affect people later on.

Chairman Zvejnieks concurred with Commissioner Coleman.

Moved by Landers and seconded by Coleman to approve of Conditional Use Permit #14-15 with four (4) conditions.

Commissioner Hall recommended Condition #4 be changed to reviewed the CUP on a complaint basis only.

SUBSTITUTE MOTION: Moved by Landers and seconded by Coleman to approve of Conditional Use Permit #14-15 with the following four (4) conditions:

1. That the property consists of the main residential structure, two bunkhouses and an on-site wastewater treatment system;
2. That the lot address be posted at all times so it is clearly visible from East Highway 44 and on each residential structure, in accordance with Ordinance #20;
3. That the two bunkhouses and main residence not be rented out on a nightly or weekly basis; and,
4. That this Conditional Use Permit be reviewed on a complaint basis only.

All voting aye, the Motion carried 6 to 0.

19. ORDINANCE AMENDMENT / OA 14-01: Venard, LLC. To amend the Vacation Home Rental Ordinance to change the maximum number of bedrooms allowed to be seven.

(Continued from the April 28, 2014, Planning Commission meeting.)

Jennissen stated this item was continued from the April 28th Planning Commission meeting as the applicant was not able to appear at that time and to also allow time for

staff to research where the five bedroom regulation originated from and what other states allow in regards to the number of bedrooms in VH Rentals.

Jennissen explained that the applicant's property is located at 23906 Sun Country Lane and has been operated as a Vacation Home Rental for approximately 4 to 5 years, illegally and came to staff's attention in September of 2013. Staff notified the property owner, who had recently purchased the property with the understanding that the property was allowed to be utilized as a Vacation Home Rental.

Jennissen indicated the property is zoned Low Density Residential District which allows Vacation Home Rentals, upon approval of a Conditional Use Permit. However, the residence on the property has seven bedrooms. Section 319-F-2 limits VHRs to five bedrooms. The proposed Ordinance Amendment would increase the limit to seven bedrooms.

Jennissen added that, when the Vacation Home Rental Ordinance was adopted on May 23, 2012, the committee decided that any residence with more than five bedrooms is not a typical home and should not be allowed to be a VHR. A conversation with Doug Johnston, SD Department of Health, indicated that the State of South Dakota regulates VHRs as to how they are used rather than the number of bedrooms, with the exception of more than 10 bedrooms. According to Mr. Johnston, a VHR can have up to 10 bedrooms as long as it is rented out to the same party. In other words, the people renting all know each other and are there as one group. The home is not rented out per room, but as a whole.

The South Dakota Department of Health's definition of a Vacation Home Rental is as follows:

"Vacation home establishment," any home, cabin or similar building that is rented, leased, or furnished in its entirety to the public on a daily or weekly basis for more than fourteen days in a calendar year and is not occupied by an owner or manager during the time of rental. This term does not include a bed and breakfast establishment as defined in subdivision 34-18-9.1(1).

The South Dakota Department of Health's definition of a Hotel is as follows:

"Hotel," any hotel, motel, lodge, resort, cabins, building, or buildings with more than ten rental units which is used to provide sleeping accommodations for charge to the public.

The definition of a VHR is limited to 10 bedrooms by inference of the definition of a hotel, which starts out at 11 rental units.

Jennissen informed the Planning Commission that the applicant, Ms. Kinsley, indicated there is a need for this type of Vacation Home Rental for larger groups as they want one central location for their place of stay. She states that this includes multi-generational families who all want to stay under one roof; a group of retired military people who were

all stationed together; or a group of college alumni. A five bedroom Vacation Home Rental does not accommodate these larger groups.

Jennissen further stated that any new Vacation Home Rentals are only allowed on properties zoned Low Density Residential District, Limited Agriculture Districts or General Agriculture Districts. The smallest lot allowed in these three districts is three acres which could be assumed to provide a reasonable distance between units, though there are several non-conforming lots in these zoning districts that are smaller than three (3) acres in size. The VHR would still have to meet all of the requirements outlined in Section 319.

Jennissen also presented information he researched for other government agencies in regard to the number of bedrooms allowed in Vacation Home Rentals and all differ in their rules and regulations.

Staff recommended approval of Ordinance Amendment / OA 14-01.

Chairman Zvejnieks expressed concern noting that a structure with that many bedrooms is a lodge and not a residence. Because of this concern, there is the reluctance to support staff's recommendation to approve.

Commissioner Coleman also expressed concern with the proposed Ordinance Amendment. He further stated the VH Rental Ordinance that was adopted is primarily designed to help people use their property in a more flexible way. This proposed Ordinance Amendment implies something different and this is not the intent of the VH Rental Ordinance and he believes a five bedroom structure is more than sufficient. The proposed change to the VH Rental Ordinance does not send a good signal.

Commissioner Buskerud wanted to know the procedure after Planning Commission hears this item.

Jennissen explained that the item will be heard in front of the Board of Commissioners with a recommendation from Planning Commission to either approve or deny it.

Moved by Buskerud and seconded Landers to deny Ordinance Amendment 14-01.

Commissioner Landers concurred with Commissioner Coleman's comments and further added that the subject property is zoned Low Density Residential and she would not want a hotel next to her. She also agreed this was not the intent of the VH Rental Ordinance to allow a structure with more than five bedrooms.

Jennissen noted the applicants will still be in violation and staff directed them to try this route first. The applicants still have the option of rezoning the property to a Planned Unit Development to allow for this type of rental use.

Chairman Zvejnieks stated the consensus is that the Planning Commission does not want to go in the direction of changing the VH Rental Ordinance. He indicated that he is not opposed to the subject property being rezoned to a Planned Unit Development to remedy the situation, instead of allowing large lodges to be built as Vacation Home Rentals, when this is truly not the case.

All voting aye, the Motion carried 6 to 0.

20. TELECOMMUNICATIONS FACILITY PERMIT / TC 14-01: Cellular Inc. / Network Corp. d/b/a Verizon Wireless; John Rowe - Agent. To allow a 190 foot stealth monopine pole and equipment shelter in a General Agriculture District in accordance with Sections 205 and 316 of the Pennington County Zoning Ordinance.

That Part of Lot A in SW1/4SW1/4 lying south of Highway 44, Section 12, T1N, R6E, BHM, Pennington County, South Dakota.

(Continued from the April 28, 2014, Planning Commission meeting.)

Conover stated this item was continued from the April 14th Planning Commission meeting in order for the applicant to also address concerns of the Planning Commission and the public and to also review and research other sites and options.

Conover further stated the applicant has submitted information indicating the height of the proposed tower has changed from 190 feet to 165 feet. In addition, a new engineered design proposal will reduce the fall zone to 30 percent, so that it will fall within 55 feet on the subject property.

Staff recommended denial of Telecommunications Facility Permit #14-01, as the request is not in harmony with Section 316 of the Pennington County Zoning Ordinance.

If the Planning Commission approves Telecommunications Facility Permit #14-01 to allow a 165-foot stealth monopole in a General Agriculture District, staff recommends the following eleven (11) conditions be included:

1. That a Building Permit is obtained for the installation of the tower and equipment building to be reviewed and approved by the Planning Director;
2. That a security fence, measuring at least seven (7) feet in height, be installed and maintained around the radio tower and transmission building;
3. That the address be properly posted in accordance with Ordinance #20;
4. That a minimum of two (2) off-street parking spaces be provided. Each space shall measure at least nine (9) feet by eighteen (18) feet and be maintained in a dust free manner;

5. That emergency radio communication equipment be allowed on the tower as long as it does not interfere with the applicant's broadcast equipment;
6. That the approach currently used to access to property be continually used to gain access to the Telecommunication Facility;
7. That the applicant will adhere to all National Forest Service requirements, including: a. Protect all posted boundary line corners, and bearing trees; b. Adhere to the setback requirements along the posted boundary between National Forest Service lands (NFSI) and private property; c. That all access to project area will need to be entirely from private property and not from NFSI; and, d. That no drain fields, leach lines on or across NFSI will need to be underground;
8. That proper setbacks from the property lines and all utilities be maintained for all structures located on the property, or a Setback Variance be obtained;
9. That the Telecommunications Tower continues to meet the requirements and guidelines of Section 316 of the Pennington County Zoning Ordinance;
10. That the Stealth Monopine be constructed in accordance with Telecommunication Industry Standard ANSI/TIA-22-G "Structural Standard for Antenna Supporting Structures and Antennas;" and,
11. That this Telecommunication Facility Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission.

Commissioner Buskerud left the meeting at 9:52 a.m.

Commissioner Coleman asked what the 80 percent foliage requirement is.

Conover stated the tower must be 80 percent obscured by surrounding foliage.

Commissioner Coleman questioned how this is determined.

Conover said it is determined from the ground up.

Jennissen further stated that, if there are existing trees in the area, it be up to 80 percent of the height.

Commissioner Buskerud returned to the meeting at 9:55 a.m.

Commissioner Coleman commented that this is an unrealistic standard to apply because of the characteristics of the Black Hills and then all the towers would need to be eliminated, as they would not be very tall.

Commissioner McCollam responded and said he interpreted this as 80 percent of the ground is covered by pine trees or trees.

Jennissen said that he interpreted this as if the trees in the area are 100 feet tall, then tower could be at least 120 feet in height.

Commissioner McCollam noted that, if this is the case, then the applicant would not have been able to submit an application for the tower.

Commissioner Hall asked the agent if he looked at other locations in the area.

Mr. John Rowe, agent, appeared and noted that they would like the tower in the area because of coverage needed and further reviewed three alternative sites. One site is directly behind the owner's residence, which will meet the setback requirements in all directions. The second site is the property adjacent to the subject property, on the west side, and is very open. The third site is located in the lower left-hand corner of the second site, which is covered with trees. Mr. Rowe noted that, with each of those sites, the coverage area is not the same because of where the tower will be placed. He further stated that, even with each of those other sites, someone will always oppose the location of a tower in this area.

Commissioner Coleman spoke of the locations and noted that the sites will need to be justified.

Mr. Rowe stated they applied for the site again because they were told that when the application was originally denied that if it were a stealth monopine pole tower, it would make a difference. He also noted that he would like a consensus on any of the three sites that he reviewed with the Planning Commission. He would like the opportunity to have the Planning Commission and area landowners to be involved in the conversation for all of the sites.

Discussion followed.

Mr. Joe Ratigan, Mrs. Alys Ratigan, and Ms. Heidi Crawford, landowners in the area, appeared and spoke in opposition of the proposed application. They expressed concern with property values, feeling the proposed tower will lower them. They also spoke of the characteristics of the area and the proposed tower will take away from that, and they believe there is adequate coverage in the area already. They further asked that the application be denied as it devalues the area.

Commissioner Coleman questioned if there should be smaller towers placed around this area.

Mr. Ratigan said a smaller one can be placed farther down the road.

Commissioner Hall asked if Verizon has looked at the possibility of constructing two shorter monopine poles.

Mr. Rowe responded and said it would be costlier for Verizon and the limited coverage of the small tower would not justify the cost of building them.

Discussion followed.

Chairman Zvejnieks said he would abstain from voting on this item.

Moved by McCollam and seconded by Hall to deny Telecommunications Facility Permit / TC 14-01.

Commissioner Buskerud stated that everyone wants cell phone coverage but nobody wants a tower and it's a tough decision. He added that he would support the motion to deny.

Commissioner Hall stated she would also support the motion to deny, noting it is not in a good location and she further expressed concern with the height of the tower.

Commissioner Coleman said he is opposing the Motion to deny and believes the monopole pole can be obscured at one of the sites noted by the agent. He further commented that he is an advocate for cell phones as people cannot always afford landlines and he feels this is a public service that needs to be provided.

All voting, the Motion carried 4 to 1. Chairman Zvejnieks abstained from voting. Commissioner Coleman voted no on the Motion to deny.

21. DISCUSSION OF VACATION HOME RENTALS PER THE PLANNING COMMISSION'S MOTION ON APRIL 14, 2014.

Jennissen spoke of the Planning Commission's Motion on April 14th to direct the Planning Director to prepare a draft Ordinance Amendment for VH Rentals to remove the revocation upon sale or transfer to operate a VH Rental in Limited Agriculture District, General Agriculture District, and Low Density Residential Zoning District, under a Conditional Use Permit.

Jennissen informed the Planning Commission that this item was presented to the Board of Commissioners on May 6th and they approved the Planning Department to prepare an Ordinance Amendment for Section 319-C-5 of the Vacation Home Rental Ordinance to remove the revocation upon sale or transfer to operate a VH Rental in Limited Agriculture District, General Agriculture District, and Low Density Residential Zoning District, under a Conditional Use Permit.

Jennissen also stated that staff needs to prepare additional language to make sure sale / transfers obtain new licenses and this information is submitted to the Planning

Department, as well as the new owners sending letters to all neighbors to notify them of the new Local Contact.

22. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the April 28, 2014, Planning Commission meeting. Minor Plat / PL 14-03 (John Donahue) was continued to the May 20, 2014, Board of Commissioners' meeting.

23. ITEMS FROM THE PUBLIC

There were no items from the public.

24. ITEMS FROM THE STAFF

A. Building Permit Report. Jennissen reviewed the Building Permit Report for April 2014.

B. Correction of Relocation of Section Line. Jennissen explained that Tim and Penny Millburn applied to correct a Section Line Relocation to resolve a misdrawn Section Line document.

C. Administrative Building Permit Review. Travis and Amanda Frink requested administrative approval of a Building Permit for a single-family residence as their lot does not meet the minimum lot size requirement of 40 acres, due to removal of highway right-of-way. An Ordinance Amendment will be drafted to address this situation.

D. Eric and Heidi Henriksen. Jennissen reviewed an e-mail from the Hendriksen's addressing bringing their property into compliance.

Commissioner Landers asked that this item be placed on the next scheduled Planning Commission meeting for discussion.

E. Planning Commission Items to Address: Jennissen reviewed these items with the Planning Commission and asked if there were any items they would like to see addressed in 2014.

Commissioner Hall asked that Overlay Districts be a priority and addressed in 2014.

Chairman Zvejnieks asked the Director to prepare a memo listing the Top Priorities to address, including who will be handling them and the deadline dates.

Commissioner Landers asked the Director to e-mail each of the Planning Commissioners the To Do list so they can review them again and they can then send their recommendations back to staff. She asked that the Memo be placed as an Agenda Item for Discussion at the May 27th Planning Commission Meeting.

- F. Planning Commission Terms. Jennissen informed Sig Zvejnieks and Barbara Landers to submit their letters of interest for the Planning Commission to the Planning Department by the end of May, if they are interested in serving another term.

25. ITEMS FROM THE MEMBERSHIP

Chairman Zvejnieks commented on cell towers and stated he would like to see the green tower located on S. Highway 16, rather than the monopine pole that looks like an enormous out of place tree.

26. DISCUSSION ITEMS

Chairman Svejnieks discussed removing Discussion Items from the Planning Commission Agenda.

Moved by Hall and seconded by McCollam to remove Discussion Items from the Planning Commission Agenda.

All voting aye, the Motion carried 6 to 0.

27. ADJOURNMENT

Moved by Coleman and seconded by Hall to adjourn.

All voting aye, the Motion carried 6 to 0.

The meeting adjourned at **11:00 a.m.**

Sig Zvejnieks, Chairperson