

MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
May 14, 2012 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Courthouse

MEMBERS PRESENT: Sig Zvejnieks, Barbara Landers, Lori Litzen, Lyndell Petersen and Don Holloway.

STAFF PRESENT: Dan Jennissen, Lysann Zeller, Mandi Schmierer, Kelsey Rausch, and Jeri Ervin.

ROLL CALL

The Planning Director opened the meeting with nominations for Chairperson and First Vice-Chairperson for today's meeting only, as the Chairperson and First Vice-Chairperson were unable to attend the meeting.

Moved by Landers and seconded by Holloway to nominate Sig Zvejnieks as Chairperson. All voting aye, the Motion carried 4 to 0.

Moved by Holloway and seconded by Petersen to nominate Barbara Landers as First Vice-Chairperson. All voting aye, the Motion carried 4 to 0.

1. APPROVAL OF THE APRIL 23, 2012, MINUTES
Moved by Landers and seconded by Petersen to approve the April 23, 2012, Planning Commission minutes. Vote: unanimous (4 to 0).

Commissioner Litzen appeared at the meeting at 9:03 a.m.

2. APPROVAL OF THE AGENDA
Moved by Petersen and seconded by Litzen to approve the May 14, 2012, Planning Commission Agenda. 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 00-17:** Blair McCaskell. To review one 4-plex on each lot (total of 8 dwelling units) in a Suburban Residential District in accordance with Section 208-C-1 of the Pennington County Zoning Ordinance.

Lots 2 and 3, Lot D of Murray Subdivision, Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

To recommend to revoke Conditional Use Permit / CU 00-17 with the applicant's concurrence.

Vote: unanimous (5 to 0).

4. **VACATION OF EASEMENT / VE 12-01:** Kody and Jessica Mendel. To vacate a septic system drainfield easement to address an easement encroachment in accordance with the Pennington County Zoning Ordinance.

Lot 11, Loveland Canyon Estates, Section 16, T2N, R6E, BHM, Pennington County, South Dakota.

To recommend approval of the Vacation of Easement / VE 12-01 with the following two (2) conditions:

1. **That prior to approval of the applicant's Vacation of Easement request by County Board, the shed either be relocated on the property in compliance with the minimum setback requirements or a site plan be provided showing that the location of the shed is meeting the minimum setback requirements; and,**
2. **That the Vacation of Easement document ("Exhibit A") be filed at the Register of Deeds by the applicant.**

Vote: unanimous (5 to 0).

5. **CONDITIONAL USE PERMIT / CU 12-04:** Glenn and Della Wishard. To bring a multi-family dwelling unit (tri-plex) into compliance in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

SW1/4SW1/4SW1/4NW1/4 of Section 16, T1N, R8E, BHM, Pennington County, South Dakota.

(Continued from the April 9, 2012, Planning Commission meeting.)

To recommend to continue Conditional Use Permit / CU 12-04 to the May 29, 2012, Planning Commission meeting.

Vote: unanimous (5 to 0).

6. **CONDITIONAL USE PERMIT / CU 12-05:** Walter Banovic. To bring a multi-family dwelling unit (duplex) into compliance in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot 1 and 1/2 vacated road less Lot A, Hisega Subdivision, Section 16, T1N, R6E, BHM, Pennington County, South Dakota.

(Continued from the April 23, 2012, Planning Commission meeting.)

To recommend to continue Conditional Use Permit / CU 12-05 to the May 29, 2012, Planning Commission meeting.

Vote: unanimous (5 to 0).

7. **CONDITIONAL USE PERMIT / CU 12-08:** Michael and Marella Anderson; Cousin Construction – Agent. To allow for the existing residence to be used as a temporary residence while constructing a stick-built residence in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot 9, Stratmeyer Subdivision, Section 13, T1S, R6E, BHM, Pennington County, South Dakota.

To recommend approval of Conditional Use Permit / CU 12-08 with the following eight (8) conditions:

1. **That prior to the applicants moving into the new residence, the two residences shall be connected together by an enclosed, finished hallway and the rooflines shall be tied together or a Conditional Use Permit shall be obtained for the existing residence to remain separate from the house and be used as a Guest House;**
2. **That prior to the issuance of the Building Permit for the single-family residence, the two (2) sheds located over the top of the drainfield shall be removed and relocated on the property;**
3. **That prior to the issuance of a Building Permit for the single-family residence, an Operating Permit shall be obtained for the existing wastewater system located on the property;**
4. **That the address be properly posted in accordance with Pennington County's Ordinance #20 so it visible from the intersection of the road and driveway;**
5. **That between the new residence and the existing residence, no more than three (3) bedrooms are allowed unless the existing wastewater system is upgraded;**

6. That an On-Site Wastewater Permit be obtained prior to the system being upgraded;
7. That this Conditional Use Permit is not valid until the applicant signs the Statement of Understanding, which is available at the Planning Office; and,
8. 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 (5 to 0).

8. **PRELIMINARY PLAT / PL 12-13:** Marv and Chris Matkins. To create Lots 1, 2, and 3 of Matkins Addition #9 in accordance with Section 400.2 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: That Pt of GL 24 Lying S Of Hwy 16 Less Lots 3,4 and 5 Of Mewonitoc Lode Sub., Less Lot 4 Bar Placer MS 824, Less Lot 1R, 4, and 5 of Matkins Addn #6 and Less Row, Section 30, T1S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1, 2, and 3 of Matkins Addition #9, Section 30, T1S, R5E, BHM, Pennington County, South Dakota.

To recommend to continue Preliminary Plat / PL 12-13 to the May 29, 2012, Planning Commission meeting.

Vote: unanimous (5 to 0).

9. **MINOR PLAT / PL 12-14 AND SUBDIVISION REGULATIONS VARIANCE / SV 12-04:** Canadian Pacific Railroad; Fisk Land Surveying – Agent. To create Lots 1-4 of WDRPI-SD097 Subdivision in accordance with Section 400.3 and to waive platting requirements in accordance with Section 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Portions of the NE1/4NE1/4 of Section 20, the E1/2SE1/4 of Section 17, Section 16 (less SE1/4), Section 9 (less NW1/4), Section 10 (less SE1/4), Section 11 (less NE1/4), the SW1/4 of Section 12, the NE1/4SE1/4 of Section 13, T1N, R14E, and Government Lot 4 of Section 18, T1N, R15E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1-4 of WDRPI-SD097 Subdivision, Sections 9, 10, 11, 12, 13, 16, 17, 18 and 20, T1N, R14E, and Section 18, T1N, R15E, BHM, Pennington County, South Dakota.

To recommend approval of Subdivision Regulations Variance / SV 12-04 to waive the 8 foot utility and minor drainage easement, to waive the Section Line right-of-way improvements, to waive legal access, to waive percolation tests and soil profile

information, to waive the scale of the plat at 1 inch = 100 feet or less, to waive dedication of major drainage easements and topography at five foot contour intervals and approval of Minor Plat / PL 12-14 with the following condition:

1. That at the time of construction of the railroad, the applicant obtains a Construction Permit and Storm Water Quality Permit.

Vote: unanimous (5 to 0).

10. **MINOR PLAT / PL 12-15 AND SUBDIVISION REGULATIONS VARIANCE / SV 12-05:** Canadian Pacific Railroad; Fisk Land Surveying – Agent. To create Lots 1-3 of WDRPI-SD101 Subdivision in accordance with Section 400.3 and to waive platting requirements in accordance with Section 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Portions of Section 2 (less SE1/4) and a Portion of the NW1/4NE1/4 of Section 10, T1S, R15E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1-3 of WDRPI-SD101 Subdivision, Sections 2 and 10, T1S, R15E, BHM, Pennington County, South Dakota.

To recommend approval of Subdivision Regulations Variance / SV 12-05 to waive the 8 foot utility and minor drainage easement, to waive the Section Line right-of-way improvements, to waive legal access, to waive percolation tests and soil profile information, to waive the scale of the plat at 1 inch = 100 feet or less, to waive dedication of major drainage easements and topography at five foot contour intervals and approval of Minor Plat / PL 12-15 with the following two (2) conditions:

1. That at the time of construction of the railroad, the applicant obtains a Construction Permit and Storm Water Quality Permit; and,
2. That prior to filing the Minor Plat, Robert E. and Della J. Hays, signature block and signature must be on the plat.

Vote: unanimous (5 to 0).

11. **MINOR PLAT / PL 12-16 AND SUBDIVISION REGULATIONS VARIANCE / SV 12-06:** Canadian Pacific Railroad; Fisk Land Surveying – Agent. To create Lots 1-3 and Outlots A and B of WDRPI-SD096 Subdivision in accordance with Section 400.3 and to waive platting requirements in accordance with Section 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Portions of the SE1/4SE1/4 of Section 19; Section 20 (less NW1/4); E1/2 of Section 30; and the W1/2NE1/4 of Section 31, T1N, R14E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1-3 and Outlots A and B of WDRPI-SD096 Subdivision, Sections 19, 20, 30, and 31, T1N, R14E, BHM, Pennington County, South Dakota.

To recommend approval of Subdivision Regulations Variance/ SV 12-06 to waive the 8 foot utility and minor drainage easement, to waive the Section Line right-of-way improvements, to waive percolation tests and soil profile information, to waive the scale of the plat at 1 inch = 100 feet or less, to waive dedication of major drainage easements and topography at five foot contour intervals, and approval of Minor Plat / PL 12-16 with the following condition:

- 1. That at the time of construction of the railroad, the applicant obtains a Construction Permit and Storm Water Quality Permit.**

Vote: unanimous (5 to 0).

END OF CONSENT CALENDAR

12. REZONE / RZ 12-04 AND COMPREHENSIVE PLAN AMENDMENT / CA 12-02: Todd Munyon - Main Street Motors. To rezone .15 acres from Limited Agriculture District and 2.45 acres from General Agriculture District to General Commercial District and to amend the Comprehensive Plan to change the Future Land Use Map from Suburban Residential District to General Commercial District in accordance with Sections 209 and 508 of the Pennington County Zoning Ordinance.

Lot D of NE1/4SW1/4 and Lot A of NW1/4SW1/4, Section 14, T1N, R8E, BHM, Pennington County, South Dakota.

(Continued from the April 23, 2012, Planning Commission meeting.)

Zeller reviewed the item and stated it had been continued from the April 23, 2012, Planning Commission meeting in order for comments to be obtained from the DOT and for the applicant to either provide a site plan showing the setbacks of the existing structures to all lot lines or to work with the City of Rapid City to combine the two legal descriptions into one lot to alleviate concerns about existing setbacks to lot lines and the small acreage of existing Lot A.

Zeller added that staff did speak with the DOT and they indicated the existing approach off of E. Highway 44 is considered a three-fourths approach and is sufficient for the proposed use. A three-fourths approach allows for a right-turn-in, right-turn-out and left-turn-in, but not a left-turn-out; if the use were to expand to anything different, the approach would need to be reviewed again to ensure it is appropriate for the different use.

Also, the applicant has obtained preliminary approval from the DOT of allowing the existing approach to be used commercially, contingent upon approval by Pennington County of the Rezone request. Zeller further explained that the applicant is willing to combine the two lots into one lot, but if the PC and CB are not favorable to the rezone request, the applicant would prefer to leave the lots as they are.

Staff recommended denial of Rezone 12-04 and Comprehensive Plan Amendment 12-02, based on its unconformity with the Pennington County Comprehensive Plan.

Commissioner Zvejnieks discussed the bus located on the approach into the property and questioned if it is located in the right-of-way.

Jennissen stated that when he spoke to the DOT, they did not mention it and he is unsure if they are aware of its location.

Commissioner Zvejnieks expressed concern with site distance for vehicles pulling in and out of the property and noted that the bus is always located in the same spot on the approach, which is very close to E. Highway 44.

Commissioner Holloway wanted to know if there is an island separating the east and west bound lanes of E. Highway 44 so that you are not able to make a left-hand turn into the property while traveling east.

Zeller responded that there is a median, but there is also a left-hand turn lane providing access to the property from east bound Highway 44.

Mr. Todd Munyon, applicant, appeared, and addressed the concerns of the Planning Commission regarding the bus. He commented that he does not own the bus but lets a neighbor park it there and further stated the bus can be removed from the property. He also discussed traffic on E. Highway 44 and rezoning of other properties along E. Highway 44.

Commissioner Holloway asked Mr. Munyon if the area, where the cars are to be parked, will be paved.

Mr. Munyon said no, but that it will be graveled, and indicated he will only have six to ten cars on the lot.

Commissioner Holloway also wanted to know what the applicant intends to do with the other structures on the property.

Mr. Munyon commented that the small house will be used as a caretaker's residence, the garage as an office and the other structures will not be used for the business.

Commissioner Landers further discussed Rapid City's Comprehensive Plan and Pennington County's Comprehensive Plan.

Moved by Landers and seconded by Holloway to approve of Rezone 12-04 and Comprehensive Plan Amendment 12-02.

Discussion followed between staff and the Planning Commission regarding the current Comprehensive Plan and the allowed uses for the area and other properties rezoned in the area to allow commercial uses.

Mr. Howard Rice, landowner, appeared and spoke of the subject property and indicated a portion of the applicant's property is in a wetland.

Mr. Munyon addressed this and noted that if there is water on the property, this would prohibit residential development in the area.

Commissioner Litzen discussed the elevation of the property and water runoff.

Mr. Munyon responded and said that the part of the property where he will be placing the cars has been redone and elevated and the other part of the property has not been underwater that he knows of.

Vote on Original Motion. Roll call vote on Original Motion to approve. Commissioners Litzen, Landers, and Holloway yes. Commissioners Petersen and Zvejnieks no. Motion failed 2 to 3. Planning Commission needs a majority of 4 votes to pass a motion.

Discussion followed.

Second Motion: Moved by Landers and seconded by Petersen to deny Rezone 12-04 and Comprehensive Plan Amendment 12-02. Roll call vote on Substitute Motion to deny. Commissioners Petersen, Landers, and Zvejnieks yes. Commissioners Litzen and Holloway voted no. Motion failed 2 to 3.

Discussion followed.

SUBSTITUTE MOTION: Moved by Litzen and seconded by Landers to continue Rezone 12-04 and Comprehensive Plan Amendment 12-02 to the May 29, 2012, Planning Commission meeting.

All voting aye, the Motion carried 5 to 0.

13. MINOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 12-02: Lakota Lake Camp; Jim Farmer – Agent. To amend the Planned Unit Development to reduce the side yard setback from 25 feet to zero (0) feet to allow for the construction of a single-family residence in accordance with Section 213 of the Pennington County Zoning Ordinance.

Campfire Tract, Lakota Lake Encampment Subdivision, Section 21, T2S, R6E, BHM, Pennington County, South Dakota.

Zeller reviewed the Staff Report indicating the applicant originally requested a Minor Amendment to the Lakota Lake Planned Unit Development to allow a zero (0) foot setback from the side (south) property line to allow for the construction of a single-family residence. However, due to a 20 foot utility easement running along the south property line of the subject property, the applicant is now requesting a Minor PUD Amendment to reduce the setback by 5 feet, creating a 20 foot setback and leaving the 20 foot utility easement intact. The applicant specifically desires to reduce the setback so that the proposed residence can be built utilizing the natural features on the subject property.

Staff recommended approval of Minor Planned Unit Development Amendment 12-02 with the following condition:

1. That a 20 foot setback be allowed along the south property line of Campfire Tract for construction of a single-family residence, but no encroachment be allowed into the dedicated utility easement. Any further encroachment would require consideration of a separate Minor PUD Amendment request and Vacation of Easement request. All other structures on Campfire Tract shall maintain 25 foot setbacks in accordance with the original conditions of this PUD.

Moved by Litzen and seconded by Petersen to approve of Minor Planned Unit Development Amendment 12-02 with the following condition:

- 1. That a 20 foot setback be allowed along the south property line of Campfire Tract for construction of a single-family residence, but no encroachment be allowed into the dedicated utility easement. Any further encroachment would require consideration of a separate Minor PUD Amendment request and Vacation of Easement request. All other structures on Campfire Tract shall maintain 25 foot setbacks in accordance with the original conditions of this PUD.**

All voting aye, the Motion carried 5 to 0.

14. PRELIMINARY PLAT / PL 12-17 AND SUBDIVISION REGULATIONS VARIANCE / SV 12-07: Dean Kelly Construction; Ryan Kelly – Agent. To create Lots 1-3, Block 4, Sheridan Lake Highlands in accordance with Section 400.2 and to waive platting requirements in accordance with Section 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Tract B less ROW, Boland Placers MS 1252, Section 2, T1S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1-3, Block 4, Sheridan Lake Highlands, Section 2, T1S, R6E, BHM, Pennington County, South Dakota.

Schmierer reviewed the Staff Report indicating the applicant has applied for a Preliminary Plat request to subdivide 17.45 acres into three (3) residential lots. Proposed Lots 1 and 2 are to measure 3.0 acres and proposed Lot 3 is to measure approximately 11.23 acres. A small portion of proposed Lot 1 is located within the platting jurisdiction of Rapid City. However, since the applicant is dedicating additional right-of-way along Sheridan Lake Road, the City is not requiring the applicant to submit a plat for Lot 1 for the City's review. Schmierer added that the applicant also has submitted a Subdivision Regulations Variance request to waive platting requirements in order to create the proposed lots. Specifically, the applicant is requesting the following to be waived: 1) Engineered road construction plans for any road improvements; and, 2) Scale of the plat to be 1" equals 100' or less (prepared plat is drawn at 1" equals 200').

Staff recommended approval of Subdivision Regulations Variance 12-07 to waive the submittal of engineered road construction plans and the scale of the plat to be no greater than one (1) inch equals 100 feet (the prepared plat is drawn at a one (1) inch equals 200 feet). Staff also recommended approval of Preliminary Plat/ PL 12-17 with the following six (6) conditions:

1. That prior to County Board approval of the Preliminary Plat, the applicant shall provide engineered road construction plans for any road improvements to be made or else a Subdivision Regulations Variance be obtained waiving this requirement;
2. That the proposed development join the existing Homeowner's Association that was created for Sheridan Lake Highland development;
3. That the second layer of asphalt be applied to Sawmill Road no later than June 15, 2013;
4. That prior to Final Plat approval, the accessory structure on proposed Lot 3 shall be removed or the applicant shall amend the PUD to allow for the existing structure to remain as an accessory structure or constructs a single-family residence on the lot;
5. That prior to the plat being recorded, a Road District shall be formed to maintain the roads or the applicant shall incorporate this development into an existing Road District; and,
6. That the plat meets all the requirements of Section 400.2 of the Pennington County Subdivision Regulations, including the Plat to be scaled at not more than one (1) inch equals one hundred (100) feet or the applicant obtains an approved Subdivision Regulations Variance waiving this requirement.

Commissioner Holloway discussed Rockwood Road and wanted to know if it connects to Sawmill Road.

Schmierer explained that there is a 66-foot-wide easement in place to connect Rockwood Road to Sawmill Road, but it is unimproved and, currently, does not connect to Sawmill Road.

Commissioner Petersen discussed the Road District and the second layer of asphalt for the roads in the development.

Schmierer indicated that it is required, as part of the conditions of approval of the plat for the property development on the north side of Sawmill Road.

Jennissen also explained that a majority of developers will develop property in phases and add one layer of asphalt and then add another layer, as development continues. He also indicated that this is required as part of the Subdivision Regulations.

Ms. Angela Vancas, trustee for the Road District for Sawmill Road, appeared and spoke of the applicant annexing the three proposed lots into the Road District. She added that they have accepted the petition from the developer to incorporate the three lots into the Road District. She also discussed the Subdivision Regulations being waived and clarified that the Road District holds the bond and not the Sheridan Lake Highlands Homeowner's Association. She further discussed each of the roads in the development and that the developer is repairing and finishing the roads.

Commissioner Holloway asked Ms. Vancas to clarify if she is asking that the Conditions of Approval be amended to include the roads being repaired by a certain date, based upon the date of the bond.

Ms. Vancas said no and added that she is at the meeting to provide a short history of their work with the developer and to also clarify what is recommended to be waived by staff.

Ms. Kristine Gullikson, a member of the Road District and Homeowner's Association, appeared and wanted to know if there is an engineered report regarding the water.

Schmierer responded and stated the applicant will be drilling two wells on the proposed lots, which takes care of the engineered report.

Mr. Ryan Kelly, applicant, appeared and addressed the water concerns. He indicated that he owns the water system on the north side of the development and placing wells on each of the proposed lots should not impose on the water system in the development. He spoke of the easement in place from Rockwood Road to Sawmill Road, and further discussed the second layer of the asphalt for the development. Mr. Kelly stated the bond is in place until March 1st of 2014 for all three roads in the development.

Commissioner Holloway again spoke of amending a condition to incorporate a date for the asphalt to be placed on the roads, based upon the expiration of the bond.

Discussion followed to amend Condition #3 to change the date of June 15, 2013, to March 1, 2014.

Moved by Landers and seconded by Petersen to approve Preliminary Plat 12-17 with the change in Condition #3, with the following six (6) conditions:

- 1. That prior to County Board approval of the Preliminary Plat, the applicant shall provide engineered road construction plans for any road improvements to be made or else a Subdivision Regulations Variance be obtained waiving this requirement;**
- 2. That the proposed development join the existing Homeowner's Association that was created for Sheridan Lake Highland development;**
- 3. That the second layer of asphalt be applied to Sawmill Road no later than March 1, 2014;**
- 4. That prior to Final Plat approval, the accessory structure on proposed Lot 3 shall be removed or the applicant shall amend the PUD to allow for the existing structure to remain as an accessory structure or constructs a single-family residence on the lot;**
- 5. That prior to the plat being recorded, a Road District shall be formed to maintain the roads or the applicant shall incorporate this development into an existing Road District; and,**
- 6. That the plat meets all the requirements of Section 400.2 of the Pennington County Subdivision Regulations, including the Plat to be scaled at not more than one (1) inch equals one hundred (100) feet or the applicant obtains an approved Subdivision Regulations Variance waiving this requirement.**

All voting aye, the Motion carried 5 to 0.

Moved by Petersen and seconded by Litzen to approve Subdivision Regulations Variance 12-07 to waive the submittal of engineered road construction plans and the scale of the plat to be no greater than one (1) inch equals 100 feet (the prepared plat is drawn at a one (1) inch equals 200 feet).

All voting aye, the Motion carried 5 to 0.

15. CONDITIONAL USE PERMIT REVIEW / CU 07-07: K.W. Lindsay, Jr. To review a Recreational Vehicle Park in a Highway Service District in accordance with Sections 210 and 510 of the Pennington County Zoning Ordinance.

Tract Lake (also in Section 28), Section 27, T2N, R5E, BHM, Pennington County, South Dakota.

Schmierer reviewed the Staff Report indicating the Conditional Use Permit was extended by the Planning Commission at their July 25, 2011, Planning Commission meeting, with another review in one year.

Schmierer added that staff visited the property on April 18, 2012 to specifically verify that Conditions #19 and #22 were fulfilled. During the visit to the property, it was apparent that the landscaping was not completed and that all the improvements and facilities were not completely installed. There appeared to be only three (3) RV sites completed. Essentially, the property resembled a similar appearance as it did when staff last reviewed this CUP in July of 2011, with the exception of a few additional trees that were planted. However, a majority of the trees that were planted appeared to be dead.

Schmierer stated she has been in contact with the applicants regarding the condition of the property. Mr. Lindsay once again stated they have not been able to move forward with making improvements to the property because they are continuing to wait for the six inch telephone line that Verizon indicated they are going to be installing on the back side of the property. He further stated he has attempted to contact Verizon to discuss when they plan on laying the telephone line, but has been unable to receive a definite answer.

Schmierer explained that staff is not providing a recommendation and will be seeking direction from the members of the Planning Commission on to how to proceed with the Conditional Use Permit. The Conditional Use Permit has been continued a number of times in order for the applicants to complete the improvements to the site and install the landscaping. Based on previous reviews and discussions, it was made clear to the applicants at the Planning Commission meeting in June of 2010 that all the improvements and landscaping shall be completed by June of 2011. In June of 2011, the applicants were again given an additional year to complete the site improvements and install the landscaping in accordance with the landscaping plan.

Commissioner Zvejnieks discussed Mr. Lindsay's comments in his letter regarding the Health Department.

Schmierer stated the applicant does have to work with the State for electrical and plumbing permits and Pennington County for specific permits, but staff is unaware of what the Health Department has required of the applicant.

Commissioner Litzen asked staff if the applicant has given an estimated timeframe for when he plans to meet the Conditions of Approval.

Schmierer said no.

Commissioner Landers questioned why the applicant is not at the meeting.

Schmierer indicated the applicant lives in Florida.

Commission Litzen recommended the applicant is at a meeting to discuss the concerns of the Planning Commission.

Discussion followed on the previous extensions of the Conditional Use Permit, landscaping of the property, the condition of the property, posting of a bond for the property, and turning this item over to the State's Attorney's Office.

Moved by Holloway and seconded by Landers to revoke Conditional Use Permit 07-07.

All voting aye, the Motion carried 5 to 0.

16. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commissions' recommendations from the April 23, 2012, Planning Commission meeting.

17. ITEMS FROM THE PUBLIC

There were no items from the public.

18. ITEMS FROM THE STAFF

A. Building Permit Report. Jennissen reviewed the Building Permit Report for April 2012.

B. Radon Information. Jennissen reviewed the Radon informational brochure made available to the public.

19. ITEMS FROM THE MEMBERSHIP

There were no items from the membership.

20. DISCUSSION ITEMS

A. Vacation Home Rentals. Jennissen informed the Planning Commission of the submittal process and how many applications will be heard at each meeting.

Discussion followed.

21. ADJOURNMENT

Moved by Litzen and seconded by Petersen to adjourn.

All voting aye, the Motion carried 5 to 0.

The meeting adjourned at **10:43** a.m.

Sig Zvejnieks, Chairperson