

**MINUTES**  
**PENNINGTON COUNTY PLANNING COMMISSION**  
**August 13, 2012 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Courthouse

MEMBERS PRESENT: Sig Zvejnieks, Karen Hall, Jim Coleman, Barbara Landers, Bill McCollam, Lori Litzen, and Nancy Trautman.

STAFF PRESENT: Dan Jennissen, Mandi Schmierer, Kelsey Rausch, Jeri Ervin, and Patrick Grode (State's Attorney's Office).

ROLL CALL

1. APPROVAL OF THE JULY 23, 2012, MINUTES  
**Moved by Hall and seconded by McCollam to approve the July 23, 2012, Planning Commission minutes. Vote: unanimous (7 to 0).**
  
2. APPROVAL OF THE AGENDA  
**Moved by Hall and seconded by Coleman to approve the August 13, 2012, Planning Commission Agenda, with the removal of Item #12 from the Consent Calendar. Vote: unanimous (7 to 0).**

**CONSENT CALENDAR**

The following items have been placed on the Consent Calendar for action to be taken on all items in accordance with staff's recommendation by a single vote. Any item may be removed from the Consent Calendar, by any Planning Commissioner, staff member, or audience member for separate consideration. The findings of this Planning Commission are recommendations to the Pennington County Board of Commissioners who will make the final decision.

3. **CONDITIONAL USE PERMIT REVIEW / CU 00-05:** Ralph and Kathleen Stieben.  
To review a seasonal cabin in a Limited Agriculture District in accordance with Section 206-C-19 of the Pennington County Zoning Ordinance.

Lot 1 of Tract 6 Less RTY of Clear Creek Tracts, Section 22, T1N, R5E, BHM, Pennington County, South Dakota.

**To recommend approval of the extension of Conditional Use Permit / CU 00-05 with the following four (4) conditions:**

- 1 **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;**
  
2. **That the cabin be occupied for 120 days or less each year;**

3. That if a water supply is identified on the property, an additional gray water disposal system shall be installed that meets with the review and approval of Pennington County; and,
4. That this Conditional Use Permit be reviewed in three (3) years to ensure that the on-site wastewater and water systems continue to meet with the South Dakota Department of Natural Resources and the South Dakota Plumbing Commission requirements; and to ensure that a water supply has not been provided to the property that may be creating gray water or upon a complaint basis.

**Vote: unanimous (7 to 0).**

4. **CONDITIONAL USE PERMIT REVIEW / CU 00-29:** Lorraine Smith. To review a double-wide manufactured home as a caretaker's residence in a General Agriculture District in accordance with Sections 204-D and Section 510 of the Pennington County Zoning Ordinance.

S3/4NE1/4SW1/4 and SE1/4SW1/4 Less portion lying south of highway of Section 24, T1S, R6E, BHM, Pennington County, South Dakota.

**To recommend approval of the extension of Conditional Use Permit / CU 00-29 with the following five (5) conditions:**

1. That a Building Permit be obtained for any structure exceeding 144 square feet or located on a permanent foundation which requires a site plan to be reviewed and approved by the Planning Director;
2. That the property remains free of debris and junk;
3. That one of the homes is removed from the property when Chuck Halverson is no longer in need of a caretaker;
4. That the manufactured home have factory installed wood, hardboard or siding with a wood appearance and factory installed peaked non-reflective roof; and,
5. That this Conditional Use Permit be reviewed in five (5) years or upon a complaint basis.

**Vote: unanimous (7 to 0).**

5. **CONDITIONAL USE PERMIT REVIEW / CU 02-31:** Becki Groven. To review a single-wide mobile home as a single-family residence in accordance with Section 206-C-14 of the Pennington County Zoning Ordinance.

Lot A of Gold King Lode MS, Section 28, T1S, R6E, BHM, Pennington County, South Dakota.

**To recommend to revoke Conditional Use Permit / CU 02-31 with the owner's concurrence.**

**Vote: unanimous (7 to 0).**

6. **CONDITIONAL USE PERMIT REVIEW / CU 04-35:** Joe and Jan Theberge. To review ten 30 foot by 150 foot storage buildings in a General Commercial District in accordance with Sections 209-C-5 and 510 of the Pennington County Zoning Ordinance.

Tract 1 of the SE1/4, Section 11, T1N, R6E, BHM, Pennington County, South Dakota.

**To recommend approval of the extension of Conditional Use Permit / CU 04-35 with the following eleven (11) conditions:**

1. **That a Building Permit be obtained for any structure exceeding 144 square feet or located on a permanent foundation, which requires a site plan to be reviewed and approved by the Planning Director;**
2. **That a minimum of four parking spaces be provided and a loading and unloading zone be provided for all storage units that run along the units and must have four 4 inches of gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;**
3. **That ten (10) storage buildings be allowed on the subject property not to exceed 30 feet by 150 feet. Any additional storage buildings would require review by the Planning Commission;**
4. **That the businesses address be posted on the property and clearly visible and maintained in accordance with Ordinance No. 20;**
5. **That any lighting used to illuminate off-street parking or on premise lighting shall be so arranged as to deflect the light from all adjoining residences;**
6. **On-premise sign(s) shall be allowed with an approved Sign Permit. The on-premise sign shall not exceed 25 feet in height and have a maximum display area of 250 square feet on each side and not have more than two sides;**

7. That prior to a Building Permit being issued for the first storage unit, a drainage plan addressing run-off shall be reviewed and approved by the County Drainage Engineer;
8. That prior to any Building Permit being issued on the property, the applicant shall provide documentation from the S.D. Department of Transportation acknowledging the use of the existing approaches for commercial use;
9. That the hours of operation for the storage units be from 6:00 a.m. to 10:00 p.m.;
10. That prior to starting construction of the storage units, this Conditional Use Permit be reviewed and the applicant's notify the surrounding property owners in accordance with Section 510 of the Pennington County Zoning Ordinance; and,
11. That this Conditional Use Permit be reviewed in two (2) years or on a complaint basis to ensure that all conditions are being met.

**Vote: unanimous (7 to 0).**

7. **CONDITIONAL USE PERMIT REVIEW / CU 07-44:** Carson Aasen; Kirsten Lockhart - Owner. To review a 190 foot radio antenna in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

The SE1/4 of the NE1/4 of Section 2, T1N, R8E, BHM, Pennington County, South Dakota.

**To recommend approval of the extension of Conditional Use Permit / CU 07-44 with the following fourteen (14) conditions:**

1. That the address assigned to the radio tower site continue to be posted both at the site itself and at the entrance to the property in accordance with Ordinance #20;
2. That Building Permits be obtained for any structure exceeding 144 square feet and located on a permanent foundation, which include necessary site plans to be reviewed and approved by the Planning Director;
3. That a Building Permit is obtained for the installation of the tower and equipment building to be reviewed and approved by the Planning Director;
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 a security fence, measuring at least seven (7) feet in height, be maintained around the radio tower and transmission building;
6. That emergency radio communication equipment be allowed on the tower, if it does not interfere with the applicant's broadcast equipment;
7. That all existing drainage ways be maintained and the applicant ensures they are not blocked;
8. That the radio tower not exceed 190 feet in height and be lit according to FAA standards;
9. That proper setbacks be maintained for all structures located on the property including a minimum of 25 feet from all property lines and a minimum of 58 feet from any Section Lines or else an approved Setback Variance be obtained;
10. That the applicant maintains compliance with any Federal, State or County regulations for the radio tower;
11. That the applicant utilizes the existing Section Lines for legal access to the property or else establishes access easements with the owners of the surrounding property. If the applicant were to make any improvements to any Section Line, depending on the location of the subject Section Lines, the applicant either submit an application to Open the Section Line with Pennington County or else work with either the City of Box Elder or the City of Rapid City to obtain their approval for any Section Line improvements;
12. That the approval of this Conditional Use Permit and the proposed use only be allowed on the specific 40-acre tract to be deeded off and purchased by the applicant (The SE $\frac{1}{4}$  of the NE $\frac{1}{4}$ , Section 2, T1N, R8E, BHM, Pennington County, South Dakota);
13. That any future additions of equipment to the site or tower require this Conditional Use Permit to be reviewed by the Pennington County Planning Department; and,
14. That this Conditional Use Permit be reviewed on a complaint basis only.

**Vote: unanimous (7 to 0).**

8. **CONDITIONAL USE PERMIT REVIEW / CU 08-25:** Iglesia Ni Cristo (Church of Christ). To review an off-premise sign in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

Lot 1 of Lot 4 of Outlot A less Right-of-Way, Scenic Platted Land, Section 15, T3S, R13E, BHM, Pennington County, South Dakota.

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

**To recommend to revoke Conditional Use Permit / CU 08-25.**

**Vote: unanimous (7 to 0).**

9. **CONDITIONAL USE PERMIT REVIEW / CU 08-39:** Patrick and Marlene Sheely. To review a temporary residence while constructing a new single-family residence in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Lot 2, Koupal Estates Subdivision, Section 14, T1S, R7E, BHM, Pennington County, South Dakota.

**To recommend to continue the review of Conditional Use Permit / CU 08-39 to the August 27, 2012, Planning Commission meeting.**

**Vote: unanimous (7 to 0).**

10. **MINING PERMIT / MP 12-09:** Gareth Patton; Cody Schad – Agent. To excavate material to mine rocks.

Blue Lead Lode, MS, Sections 18 and 19, T1S, R6E, BHM, Pennington County, South Dakota.

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

**To recommend to continue Mining Permit / MP 12-09 to the August 27, 2012, Planning Commission meeting.**

**Vote: unanimous (7 to 0).**

11. **CONDITIONAL USE PERMIT REVIEW / CU 11-15:** The Royal Company; Roger Johnson – Agent. To review an aircraft landing strip in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

The W1/2 of Section 33, T1N, R8E, BHM, Pennington County, South Dakota.

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

**To recommend to continue the review of Conditional Use Permit / CU 11-15 to the August 27, 2012, Planning Commission meeting.**

**Vote: unanimous (7 to 0).**

13. **REZONE / RZ 12-09:** Robert and Cordelia Johnson. To rezone 4.106 acres from General Agriculture District to Low Density Residential District in accordance with Section 508 of the Pennington County Zoning Ordinance.

A parcel of land located in Government Lot 4 of Section 28, T1S, R5E, BHM, Pennington County, South Dakota, said parcel of land is described as follows: Beginning at NE corner of said parcel from whence the C1/4 corner of said Section 28 bears N 0° 17' 52" W a distance of 351.13 feet; thence S 0° 17' 52" E a distance of 504.09 feet; thence S 58° 24' 43" W a distance of 223.90 feet; thence N 50° 54' 22" W a distance of 167.20 feet; thence N 22° 02' 14" W a distance of 245.80 feet; thence N 39° 53' 27" E a distance of 283.47 feet; thence N 66° 57' 59" E a distance of 163.19 feet; thence N 85° 03' 58" E a distance of 78.41 feet to the Point of Beginning. Said parcel of land contains 4.106 acres more or less.

**To recommend approval of Rezone / RZ 12-09 to rezone 4.106 acres from General Agriculture District to Low Density Residential District.**

**Vote: unanimous (7 to 0).**

14. **PLANNED UNIT DEVELOPMENT REVIEW / PU 02-03:** James Buchanan. To review a Planned Unit Development to allow 29 residential lots and a day-use retreat center in accordance with Section 213 of the Pennington County Zoning Ordinance.

S1/2S1/2NE1/4, E1/2SE1/4, E1/2NW1/4SE1/4, Section 8 and the S1/2SW1/4NW1/4, SE1/4NW1/4, and the balance of NE1/4SW1/4, W1/2SW1/4 and Lot A of the NE1/4 SW1/4, Section 9, T1S, R6E, BHM, Pennington County, South Dakota.

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

**To recommend to continue the review of Planned Unit Development / PU 02-03 to the August 27, 2012, Planning Commission meeting.**

**Vote: unanimous (7 to 0).**

**END OF CONSENT CALENDAR**

12. MINOR PLAT / PL 12-30 AND SUBDIVISION REGULATIONS VARIANCE / SV 12-11: Robert and Cordelia Johnson. To create Tract 8 of Storm Hill Subdivision and to waive platting requirements in accordance with Sections 400.3 and 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Balance of GL 4, Section 28, T1S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Tract 8 of Storm Hill Subdivision, Section 28, T1S, R5E, BHM, Pennington County, South Dakota.

Commissioner McCollam asked to have this item removed from the Consent Calendar to discuss access for the remaining balance of Government Lot 4 and questioned if there is a dedicated access easement in place.

Schmierer explained the Subdivision Regulations do not require an easement or access to be provided at this time, for the remaining balance, because the applicant owns both of the lots.

Commissioner McCollam wanted to know if this would be a problem in the future, for platting purposes.

Schmierer indicated that, staff has not required an easement to be in place or access to the lot, if the applicants own the lots when platting. Schmierer further added that this has been discussed with the applicants.

Discussion followed.

**Moved by McCollam and seconded by Trautman to approve of Subdivision Regulations Variance / SV 12-11 to waive the requirement to submit a topographic map and approval of Minor Plat / PL 12-30 with the following three (3) conditions:**

- 1. That prior to approval of the Minor Plat, Tract 8 shall either be rezoned to Low Density Residential or else the applicants obtain a Lot Size Variance to reduce the minimum lot size requirement in a General Agriculture District;**
- 2. That the Minor Plat meet all the requirements of Section 400.3 of the Pennington County Subdivision Regulations including topographic information be provided for the subject property at five (5) foot contour intervals or the applicant obtains an approved Subdivision Regulations Variance waiving this requirement; and,**
- 3. That the address be posted at the driveway and be visible from either direction of travel along Palmer Gulch Road.**

**All voting aye, the Motion carried 7 to 0.**



15. CONDITIONAL USE PERMIT REVIEW / CU 12-02: Rushmore Cave, LLC/Tom Hagen and Bobby Sundby-Agents. To review a Recreational Resort in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

Lot 1 of Rushmore Cave Subdivision, Section 18, T2S, R7E, BHM, Pennington County, South Dakota.

Jennissen stated this Staff Report had been reviewed at the July 9, 2012, Planning Commission meeting, and the hours of operation for the zip line ride were expanded. He noted that a new bumper system has been installed to help with the noise coming from the zip line ride, but letters of complaints from neighbors were filed so staff is addressing the complaints and that is why this item is being heard again before the Planning Commission.

Commissioner Trautman commented that there are also several letters in support of the applicant's operation of Rushmore Cave.

Mr. Tom Hagen, applicant, appeared and addressed the concerns with regards to the noise. He stated they have installed a new air braking system and muffler for the zip line. He added that staff has also performed a few site visits to the property to listen to the noise from the ride and noted the ride is no louder than the traffic along Highway 40.

Commissioner Trautman commended the applicants for addressing issues regarding the zip line noise.

Ms. Arlette Schweitzer and Ms. Kay Gill, neighboring landowners, appeared and thanked the applicants for fixing the braking system, and indicated that it's the yelling and screaming coming from the public riding the zip line which they have concerns about. Ms. Schweitzer stated they have lost the enjoyment of their homes, because the peace and quietness is gone.

Commissioner Coleman asked Ms. Schweitzer and Ms. Gill what should be done.

Ms. Schweitzer said the zip line ride be removed from the property.

Commissioner Trautman asked Mr. Hagen to provide a brief history of the zip line.

Mr. Hagen said the hours of operation for the ride are from 9 a.m. to 7 p.m, the peak month is July and they average about 500 people, which is about 50 an hour, and two people can ride at one time. He further reviewed, on an aerial site map, where the surrounding neighbors are located and who are in support of the operations of the cave.

Commissioner Trautman discussed a Supreme Court ruling with Patrick Grode and questioned if it would affect this Conditional Use Permit.

Commissioner Trautman further noted that there has also has to be proof that one of the conditions of approval is being violated; otherwise, the Conditional Use Permit has to be approved.

Mr. Grode stated there has to be evidence the condition(s) is being violated.

**Moved by Trautman and seconded by Litzen to approve of the extension of the Conditional Use Permit 12-02 with the following eleven (11) conditions:**

- 1. That this Conditional Use Permit allows for the existing cave operation, including the use of cave tours, a visitor's center/gift shop, the bunkhouse as a seasonal residence, and associated maintenance buildings, a zip line ride, and the addition of an interactive dark theater on the property. These uses are allowed to occur up to a maximum of six (6) months per year. Any further expansion of these uses will require the Conditional Use Permit to be amended;**
- 2. That the applicant maintains visitation records and that these numbers be available to Planning Department staff at subsequent reviews of this Conditional Use Permit to ensure the facilities are adequate for the actual number of guests using the property;**
- 3. That the initial and annual inspection results for the zip line ride be made available to the Planning Department;**
- 4. That the cave tours and interactive dark theater only be operated between the hours of 8 a.m. and 8 p.m. and the zip line ride only be operated between the hours of 9 a.m. and 7 p.m.;**
- 5. That a minimum of 63 parking spaces be provided on-site, each measuring a minimum of nine (9) feet by 18 feet and maintained in a dust-free manner in accordance with Section 310 of the Pennington County Zoning Ordinance;**
- 6. That a Construction Permit be obtained prior to any excavation or land disturbance greater than 10,000 square feet;**
- 7. That if the approach off of Highway 40 is relocated, it be constructed in accordance with the South Dakota Department of Transportation's Highway Access Permit;**
- 8. That Sign Permits be obtained for any new signage and that it meet the requirements of Section 312 of the Pennington County Zoning Ordinance;**
- 9. That the lot address be clearly posted so it is visible from both directions along Highway 40 in accordance with Pennington County's Ordinance #20;**

10. **That this Conditional Use Permit only applies to the land described as Lot 1 of Rushmore Cave Subdivision and the uses allowed not be extended onto any adjoining property, in the case Lot 1 is combined with other lots to create Lot 1R; and,**
11. **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.**

Ms. Kay Gill and Ms. Schweitzer both asked that the hours be limited again, if the zip line ride cannot be removed.

Commissioner Trautman recommended the neighbors visit with the applicants to work together and she further spoke of the Supreme Court ruling.

Commissioner Coleman reminded the public that this is a seasonal business which does not operate during the wintertime.

Commissioner Litzen spoke of the first factor in granting Conditional Use Permits and wanted to know if this should be taken into consideration when approving the extension of the applicants Conditional Use Permit.

Mr. Grode stated that those five factors are when the Conditional Use Permit is first granted or denied, and complainants would need to address a condition that has really been violated to revisit this item every two weeks.

**All voting aye, the Motion carried 7 to 0.**

16. LAYOUT PLAT / PL 12-29: James and Kathy Boyum. To reconfigure lots lines to create Boyum Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot A of Lot 6 of Spring Creek Palisades and Lot C of Lot 2 of NE1/4SW1/4SW1/4 all located in Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1 and 2 of Boyum Subdivision, Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

Schmierer reviewed the Staff Report indicating the applicants have applied for a Layout Plat to reconfigure the shared lot line for two existing parcels in order to create Lots 1 and 2 of Boyum Subdivision to separate an existing single-family residence from the remainder of the Robins Roost cabins, all of which are currently located on one lot.

Commissioner Zvejnieks spoke of Condition #6 and noted that the submitted site plan does not match the sketched drawing of the future site that was also submitted for the Staff Report.

Schmierer noted this had been discussed and this is why staff is recommending an updated site plan be provided at the time of Preliminary Plat submittal showing the location of all existing structures and associated utilities in relation to the proposed lot lines to ensure compliance with the setback requirements.

Schmierer further reviewed the Staff Report and road improvements needed.

Staff recommended approval of Layout Plat 12-29 with the following eleven (11) conditions:

1. That prior to Final Plat approval, proposed Lot 2 be rezoned to Low Density Residential and PUD #04-11 be amended to fit the boundaries of proposed Lot 1 and to eliminate the single-family residence from the allowed uses;
2. That Robins Roost Road be improved to Non-Residential Road Standards in accordance with the Subdivision Regulations, including a 66-foot-wide right-of-way and a paved 32-foot-wide driving surface, or else a Subdivision Regulations Variance be obtained waiving this requirement;
3. That a 66-foot-wide access easement be dedicated across proposed Lot 1 providing access to Lot 2 and that the road within the easement meet Low Density Residential Road Standards, including a 24-foot-wide driving surface with a four (4) inch graveled driving surface, or else a Subdivision Regulations Variance be obtained waiving this requirement;
4. That engineered road construction plans be provided by the applicant for any required road improvements or else a Subdivision Regulations Variance be obtained waiving this requirement;
5. That the location of Robins Roost Road, in relation to the proposed lots, be identified at the time of Preliminary Plat submittal and that the necessary easements and/or right-of-way be dedicated, if it is determined the road is located on private property;
6. That a site plan be provided at the time of Preliminary Plat submittal showing the location of all existing structures and associated utilities in relation to the proposed lot lines to ensure compliance with the setback requirements;
7. That a Sign Permit be applied for, in which a penalty fee will be assessed, prior to Preliminary Plat submittal and that the location of the sign be demonstrated on a site plan in relation to the proposed lot lines for Boyum Subdivision to ensure it is in compliance with Section 312 of the Zoning Ordinance;

8. That eight (8) foot utility and minor drainage easement be dedicated along the interior of all lot lines or else a Subdivision Regulations Variance be obtained waiving this requirement;
9. That an easement be dedicated for the existing waterline located on both proposed Lots 1 and 2, if the applicant intends to continue to share this waterline;
10. That the plat meet all 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, and topographic information be provided of the subject property at five (5) foot contour intervals or else a Subdivision Regulations Variance be obtained waiving any of these requirements that are not met; and,
11. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

Commissioner Trautman also spoke of the site plan submitted and questioned if the applicants are aware of the Variances they will need to apply for in order to obtain approval of their plat.

Schmierer stated staff has been in contact Mrs. Boyum, but she is out-of-town at the moment.

Commissioner Zvejnieks also expressed concern with the site plan submitted.

Jennissen further added that the Staff Report does address the issues that are of concern and those issues will need to be addressed by the applicants in order to proceed.

Discussion followed.

**Moved by Hall and seconded by Coleman to approve of Layout Plat 12-29 with the following eleven (11) conditions:**

- 1. That prior to Final Plat approval, proposed Lot 2 be rezoned to Low Density Residential and PUD 04-11 be amended to fit the boundaries of proposed Lot 1 and to eliminate the single-family residence from the allowed uses;**
- 2. That Robins Roost Road be improved to Non-Residential Road Standards in accordance with the Subdivision Regulations, including a 66-foot-wide right-of-way and a paved 32-foot-wide driving surface, or else a Subdivision Regulations Variance be obtained waiving this requirement;**
- 3. That a 66-foot-wide access easement be dedicated across proposed Lot 1 providing access to Lot 2 and that the road within the easement meet Low**

**Density Residential Road Standards, including a 24-foot-wide driving surface with a four (4) inch graveled driving surface, or else a Subdivision Regulations Variance be obtained waiving this requirement;**

- 4. That engineered road construction plans be provided by the applicant for any required road improvements or else a Subdivision Regulations Variance be obtained waiving this requirement;**
- 5. That the location of Robins Roost Road, in relation to the proposed lots, be identified at the time of Preliminary Plat submittal and that the necessary easements and/or right-of-way be dedicated, if it is determined the road is located on private property;**
- 6. That a site plan be provided at the time of Preliminary Plat submittal showing the location of all existing structures and associated utilities in relation to the proposed lot lines to ensure compliance with the setback requirements;**
- 7. That a Sign Permit be applied for, in which a penalty fee will be assessed, prior to Preliminary Plat submittal and that the location of the sign be demonstrated on a site plan in relation to the proposed lot lines for Boyum Subdivision to ensure it is in compliance with Section 312 of the Zoning Ordinance;**
- 8. That eight (8) foot utility and minor drainage easement be dedicated along the interior of all lot lines or else a Subdivision Regulations Variance be obtained waiving this requirement;**
- 9. That an easement be dedicated for the existing waterline located on both proposed Lots 1 and 2, if the applicant intends to continue to share this waterline;**
- 10. That the plat meet all 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, and topographic information be provided of the subject property at five (5) foot contour intervals or else a Subdivision Regulations Variance be obtained waiving any of these requirements that are not met; and,**
- 11. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.**

**All voting aye, the Motion carried 7 to 0.**

17. 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 July 9, 2012, Planning Commission meeting.)

Schmierer stated this item was continued from the July 9, 2012, Planning Commission meeting in order for an On-Site Wastewater Application to be approved for the upgrades and improvements that are required to be made to the existing wastewater system that serves the duplex and staff is still awaiting approval through SD DENR. Schmierer further stated that the installer visited with staff at the office on Friday, August 10<sup>th</sup> and the installer is also still waiting for the design of the system to be approved through SD DENR.

Commissioner Zvejnieks spoke of the delay to get the system upgraded.

Schmierer explained that the installer submitted a Variance request to DENR, but he wants to use the existing tank and drainfield and add another tank. In order for DENR to approve the design of layout, the installer needs to show what is existing on the property first, before they can proceed.

Commissioner Trautman questioned if a two-week continuance would be sufficient for both the applicant and installer to finish the project.

Commissioner Zvejnieks asked staff if the applicant is aware of what is going on with him wanting to move forward and getting the system fixed.

Schmierer said that she did speak with the applicant prior to the last Planning Commission meeting and informed him that he does need to be in contact with the installer.

**Moved by Trautman and seconded by Hall to continue Conditional Use Permit / CU 12-05 to the September 10, 2012, Planning Commission meeting.**

**All voting aye, the Motion carried 7 to 0.**

18. CONDITIONAL USE PERMIT REVIEW / CU 11-12: Loral Williams. To review a single-wide mobile home being used as a temporary residence while constructing a single-residence residence in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot 4 (of Lot C and 1 of Lot D), Heavlin Addition, Section 19, T1N, R9E, BHM, Pennington County, South Dakota.

Schmierer reviewed the Staff Report and indicated that in May of 2011, the applicant submitted a Conditional Use Permit to allow for the existing single-wide mobile home located on the property to be used as a single-family residence. The purpose of the CUP was to bring the property into compliance in order for the applicant to obtain a Building Permit for the SWMH. The applicant was also made aware the SWMH was located within the 25 foot side yard setback requirement and, as a Condition of Approval, he would be required to obtain a Setback Variance prior to the issuance of a Building Permit.

Schmierer further reviewed that, on August 17, 2011, Mr. Williams, indicated his intentions were to construct a stick-built home on the property and he had been working with Mr. Arguello regarding the existing wastewater system. He further stated he would be applying for a Building Permit to construct a residence on the property within the next few weeks and that he would have the slab poured and walls framed and enclosed before winter. With that being the case, staff recommended at the August 22, 2012 Planning Commission meeting, the CUP request be amended to allow for the existing single-wide mobile home to be used a temporary residence.

Schmierer noted that staff has reviewed the Conditions of Approval, and, to date, the applicant has not obtained a Setback Variance or a Building Permit for the existing SWMH, as required in Conditions #3 and #4, respectively. In addition, a Building Permit has not be issued for the construction of a new single-family residence as the applicant indicated would happen last August when this item was presented to the members of the Planning Commission. Therefore, Condition #13 is also not being met.

Schmierer further explained that staff has attempted to contact Mr. Williams via phone and a letter to discuss his intentions. In addition, a letter was mailed to Mr. Williams on July 31, 2012, from Patrick Grode, State's Attorney's Office, notifying him of the pending violations on the property. Because no attempt has been made by the applicant to bring the property into compliance or to comply with the conditions as outlined above, staff will be recommending the CUP be revoked and the matter be turned over to the State's Attorney's Office for legal action.

Staff recommended Conditional Use Permit / CU 11-12 be revoked and the matter turned over to the State's Attorney's Office for legal action.

**Moved by McCollam and seconded by Landers to revoke Conditional Use Permit / CU 11-12 and the matter is turned over to the State's Attorney's Office for legal action.**

**All voting aye, the Motion carried 7 to 0.**



19. ORDINANCE AMENDMENT / OA 12-04: Pennington County. To amend Section 401-Intent of the Pennington County Zoning Ordinance.

Jennissen indicated the Ordinance Amendment to Section 401-Intent will allow for applicants to obtain Building Permits for structures that are currently legal non-conforming without having to obtain a Variance to bring the encroaching structure into compliance. Currently, if a structure was constructed on the property prior to 1994 and did not meet the setback required in that zoning district, a Variance would be required to bring it into compliance prior to issuance of a Building Permit, even if the addition was to meet the required setback. The Variance allowed the existing structure to remain in its current location and then a Building Permit could be issued for an addition to that structure. The addition would be required to meet the setback for which it is located unless the Variance allowed for the further encroachment.

Staff recommended approval of Ordinance Amendment / OA 12-04 to amend Section 401-Intent to include:

- I. Alterations may be made to a nonconforming structure, if the building or structure is legally conforming as to use, but legally nonconforming as to setbacks or height. The building or structure may be enlarged or added to, provided that the enlargement or addition complies with the requirements of the district in which the building or structure is located.

Commissioner Hall asked staff the cost of a Variance application.

Jennissen said \$370 and the applicants are also required to send certified letters to all property owners within 500 feet.

Discussion followed.

**Moved by Coleman and seconded by Trautman to approve of Ordinance Amendment / OA 12-04.**

**All voting aye, the Motion carried 7 to 0.**

20. CONDITIONAL USE PERMIT / CU 12-21: Ken and Cory Tomovick. To allow for a Vacation Home Rental in a Suburban Residential District in accordance with Sections 206, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 4, Bonanza Bar MC 970, Section 12, T1S, R6E, BHM, Pennington County, South Dakota.

Jennissen reviewed the Staff Report indicating the applicants have applied for a Conditional Use Permit to allow for an existing two bedroom cabin to be used as a Vacation Home Rental in a Suburban Residential District.

Jennissen stated staff performed an on-site visit to the property on July 31, 2012, which is located off of Highway 16 in the Strato Bowl. Access to the property is provided off of Strato Bowl Road and a 30 foot private roadway easement recorded on a plat in 1979. Strato Bowl Road is a county maintained road. The property is zoned Suburban Residential District surrounded by one lot zoned General Agriculture District, which is also owned by the applicant. SD DENR indicated the wastewater system is approved for four people, and an Operating Permit has also been approved for the cabin which expires June 28, 2017.

Staff recommended approval of Conditional Use Permit / CU 12-21 with the following eight (8) conditions:

1. That the Vacation Home Rental be allowed to have a maximum occupancy of four (4) people;
2. That a minimum of two (2) off-street parking spaces be provided and each parking space shall not be less than one hundred sixty two square feet, nor less than nine feet by eighteen feet, surfaced with gravel, concrete or asphalt and maintained in a dust free manner;
3. That the address be properly posted on both the residence and at the approach so it be visible in both directions in accordance with Pennington County's Ordinance #20;
4. That the applicants comply with South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
5. That the applicants obtain all the necessary permits from the State pertaining to the use of the Vacation Home Rental;
6. That applicants comply with the Performance Standards outlined in Section 319 of the Zoning Ordinance, which regulates Vacation Home Rentals;
7. That this Conditional Use Permit not be 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.

**Moved by Trautman and seconded by Landers to approve of Conditional Use Permit / CU 12-21 with the following eight (8) conditions:**

- 1. That the Vacation Home Rental be allowed to have a maximum occupancy of four (4) people;**

2. That a minimum of two (2) off-street parking spaces be provided and each parking space shall not be less than one hundred sixty two square feet, nor less than nine feet by eighteen feet, surfaced with gravel, concrete or asphalt and maintained in a dust free manner;
3. That the address be properly posted on both the residence and at the approach so it be visible in both directions in accordance with Pennington County's Ordinance #20;
4. That the applicants comply with South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
5. That the applicants obtain all the necessary permits from the State pertaining to the use of the Vacation Home Rental;
- 6 That applicants comply with the Performance Standards outlined in Section 319 of the Zoning Ordinance, which regulates Vacation Home Rentals;
- 7 That this Conditional Use Permit not be 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.

Commissioner Hall asked if the applicants have rented the residence in the past, as she had research the property but was unable to find any information on it.

Jennissen stated he believes it has been.

**All voting aye, the Motion carried 7 to 0.**

21. CONDITIONAL USE PERMIT / CU 12-22: Steve and Dorothy Wilkison. To allow a Recreational Vehicle to be used on the subject property in a General Agriculture District in accordance with Sections 206-C-23 and 510 of the Pennington County Zoning Ordinance.

The NE1/4SW1/4 less DW Hansen Tract, less Tract Sires and less Right-of-Way, Section 33, T1N, R4E, BHM, Pennington County, South Dakota.

Jennissen reviewed the Staff Report indicating the applicants have applied for a Conditional Use Permit to allow for a recreational vehicle to be used as a seasonal residence. Jennissen provided a brief history of the property, including prior Conditional Use Permits which had been applied for by different owners for the same property, including the Conditional Use Permits which had been revoked after the use was no longer needed.

Jennissen further explained that when the Wilkinson's acquired ownership of the property, the living quarters inside the shed no longer existed and the nine recreational vehicle site's hookup had not been removed. Staff will be recommending that only one of the nine recreational vehicle hook-ups be allowed to remain while the remaining eight must be removed prior to the property being utilized for the one recreational vehicle.

Staff recommended approval of Conditional Use Permit #12-22 with the following ten (10) conditions:

1. That one recreational vehicle be allowed for no more than 180 out of the year and be hooked up the existing on-site wastewater disposal system on the site;
2. That once the travel trailer is no longer utilized as a residence, the RV site for which it was located on shall be abandoned;
3. That the existing eight (8) RV sites located on-site be abandoned and not be rented out for commercial purposes or used as recreation vehicles;
4. That a Building Permit be obtained for any structure exceeding 144 square feet or located on a permanent foundation which requires a site plan to be reviewed and approved by the Planning Director;
5. That the property remains free of debris and junk vehicles;
6. That all structures and on-site utilities maintain proper setbacks from property lines, other on-site utilities, and structures as applicable;
7. That the wastewater from the travel trailer be disposed of properly by utilizing the existing on-site wastewater system;
8. That the address be posted in accordance with Ordinance #20;
9. That this Conditional Use Permit is not valid until the applicant signs the Statement of Understanding, which is available at the Planning Office; and,
10. 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.

Commissioner Zvejnieks asked for clarification for the word "abandoned" in Condition #3.

Jennissen stated the word "abandoned" could be removed and include the following language: "by removing all electrical, water, and sewer hookups."

Commissioner Hall wanted to know the owners intentions for the site.

Jennissen stated that the owner, his brothers, and other family members will be bringing their RVs to the site and camp on the property for a few days out of the year. Jennissen further stated that it was explained to the applicants that this is not allowed through the Zoning Ordinance and, under approval of a Conditional Use Permit, one RV is only allowed as a temporary use.

Mr. Steve and Dorothy Wilkison, applicants, appeared and Mr. Wilkison stated he and his brothers purchased the property with the intention of using it for family vacations and family gatherings. They have no intention of using the property as a campground. He also added that they were told by the Realtor they could do whatever they wanted with the property, since they now owned it. Mr. Wilkison thought the property was zoned single-family residence and that he could stay on the property since the RV hookups were still located there, and further noted that they would have never purchased the property if they knew they could not have family groups at the sites. They hope to, in the future, plat the property and build a residence to retire there. Mr. Wilkison asked for approval and to keep all the RV sites.

Commissioner Zvejnieks explained that the Conditional Use Permit legal advertisement is for only one RV to be used as a temporary use and now the applicants are asking to keep and use all the RV sites. He further expressed concern that the applicants should have the item readvertised and notification be resent to the neighbors for the actual intended use of the property.

Mr. Wilkison stated he would like approval of the Conditional Use Permit for one site at the moment, but keep the other sites.

Commissioner Zvejnieks commented that action can only be taken on what has been advertised.

Commissioner Litzen recommended the language in Condition #3 be changed to include the sites not be abandoned and add language to include the site not being rented for commercial use.

Jennissen noted that the application and Zoning Ordinance only allows for one RV to be used temporarily on the subject property.

Commissioner Zvejnieks recommended this item be denied without prejudice and the applicants reapply to include the multiply RV sites.

Discussion followed.

Commissioner Litzen noted that there are nine RV sites on the property and she wanted to know if the applicant intends to utilize all the sites.

Mr. Wilkison said no, but if they have a family reunion, there is the possibility they could.

Mr. Charlie Johnson, neighboring landowner, appeared and provided a brief history of the property. He noted that, if this application is approved to allow multiply RV sites, the Planning Commission will be setting a precedent. He cautioned that this is not allowed to become a commercial venture, as property does get sold and uses are expanded and recommended that type of language be included in the conditions.

Commissioner Zvejnieks asked Mr. Grode, State's Attorney's Office, for clarification of the SD Law allowing rental of properties 14 days each year.

Mr. Grode explained that the SD Law only defines rentals for their regulatory purposes, if the property is rented more than 14 days in a calendar year.

Commissioner Zvejnieks noted that the Planning Commission could then incorporate language into the conditions where the property is not used as a rental.

Commissioner Hall recommended Condition #3 read: "That the existing eight RV sites located on-site not be rented or used for any other commercial purposes."

Commission Landers also spoke of adding a condition to revoke upon sale.

Jennissen reminded the Planning Commission of what was advertised and what the applicants are now requesting is different and the neighbors may need to be notified again.

Mr. Charlie Johnson recommended this item be continued for two weeks so that the conditions can be amended and the applicant can also visit with the neighbors instead of readvertising and renotification.

Commissioner Zvejnieks asked Mr. Wilkison if he is opposed to the continuance in order for staff to amend the conditions and for him to speak with his neighbors.

Mr. Wilkison stated he is not opposed to the continuance.

Discussion followed on setting a precedent, language for preexisting sites, etc.

Commissioner Hall recommended a letter be sent to the SD Realtor Board to address the sale of this property, by the Realtor, to the current owners.

Mr. Grode said the State's Attorney's Office could prepare a draft letter to be signed by the Chairman's signature and this could be discussed at the next Planning Commission meeting.

Moved by Landers and seconded by Coleman to continue this item for two weeks.

Mrs. Wilkison asked that their item be continued for one month instead of two weeks because of prior commitments.

**SUBSTITUTE MOTION: Moved by Landers and seconded by Coleman to continue Conditional Use Permit 12-22 to the September 10, 2012, Planning Commission meeting.**

**All voting aye, the Motion carried 7 to 0.**

Planning Commission recessed at 10:50 a.m.

Planning Commission reconvened at 11:00 a.m.

22. REZONE / RZ 12-08 AND COMPREHENSIVE PLAN AMENDMENT / CA 12-06: Shane Geidel. To rezone 80.00 acres from General Agriculture District to Suburban Residential District and to amend the Comprehensive Plan to change the Future Land Use from Low Density Residential District to Suburban Residential District in accordance with Section 508 of the Pennington County Zoning Ordinance.

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

The S1/2NE1/4, Section 20, T2N, R8E, BHM, Pennington County, South Dakota.

Jennissen stated the applicant has requested his item be continued for two weeks, as he is unable to be at the meeting.

**Moved by Coleman and seconded by Litzen to continue Rezone / RZ 12-08 and Comprehensive Plan Amendment / CA 12-06 to the August 27, 2012, Planning Commission meeting.**

Mr. Bob Young, neighboring landowner, appeared and spoke of increased traffic on the roads and drainage from the property for the proposed mobile home park.

Jennissen noted the wastewater systems are located within Rapid City's one-mile jurisdiction and the State would also have to approve the systems, since the proposed use is commercial.

Mr. Bob Young discussed the rezoning and expressed concern that his taxes will increase with the proposed request. He further discussed the water tables in the area, percolation tests, profile holes, and wastewater systems.

Commissioner Trautman questioned why staff is recommending approval, especially if the rezone/change will not support the proposed use.

Ms. Loretta Hill, neighboring landowner, appeared and added that there are five acres on the property for sale with a residence on it, which would then make the rezone 75 acres

and not 80 acres. She further expressed concern the land can support 185 mobile home sites on the property.

Mr. Lee McConnell, landowner on Dyess Avenue, appeared and also spoke of his concerns with the number of requested mobile home sites.

Commissioner Hall wanted to know if there has been progress with the engineering plan for the wastewater systems.

Jennissen stated he has been in contact with the applicant, who indicated he has been in contact with his engineer. Jennissen also explained that you can build in the floodplain, with approval, but the applicant has stated he does not plan to develop in the floodplain.

Commissioner McCollam asked if the property is located in the 100-year floodplain.

Jennissen indicated that portions of the property are located in the 100-year floodplain.

**All voting aye, the Motion carried 7 to 0.**

23. CONDITIONAL USE PERMIT REVIEW / CU 10-38: Robert Mills. To review a home occupation, an auto restoration shop, in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

The N1/2 Lot E of E1/2SE1/4, Section 9, T1N, R8E, BHM, Pennington County, South Dakota.

Jennissen reviewed that this item has been extended at the March 26, 2012, Planning Commission meeting with the following eleven (11) conditions:

1. That a Building Permit be obtained for any structure exceeding 144 square feet or located on a permanent foundation, which requires a site plan to be reviewed and approved by the Planning Director;
2. That the applicant adheres to all necessary County, State, and Federal regulations, and maintains the necessary permits to conduct the business;
3. That there is no more than one (1) additional employee, excluding family members;
4. That there is a minimum of three (3) off-street parking spaces available at all times;
5. That all aspects of the business be conducted entirely within an enclosed structure (structure being building) and no stock in trade shall be displayed outside the enclosed structure;



6. That the hours of operation will be conducted between the hours of 7:00 a.m. and 6:00 p.m.;
7. This Conditional Use Permit is not valid until the Statement of Understanding, which is available at the Planning Office, has been signed by the applicant;
8. That if the amount of waste generated from the restoration shop and disposed of in the sanitary sewer exceeds 10,000 gallons per month, Rapid Valley Sanitary District and City of Rapid City must be notified and pretreatment (i.e. sand filter) implemented prior to disposal;
9. That an address be posted on the shop building in accordance with Ordinance #20;
10. 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; and,
11. That historic auto restoration be defined as working on motor vehicles 20 years or older.

Jennissen explained that staff recently received complaints where the applicant is operating the landscaping company from the property and working on vehicles that are less than 20 years old.

Staff recommended Conditional Use Permit 10-38 be revoked.

Commissioner Trautman asked staff to explain the landscaping business.

Jennissen stated he did speak with the applicant about this and was informed that the landscaping business is owned by friends of the Mills, who come to the property and visit them and then leave.

Mr. Robert Mills, applicant, appeared and addressed pictures that were given to the Planning Commission. He spoke of the Cross Country truck picture and stated it had been brought to the site by a driver of the Cross Country company. He stated he did place the truck inside the pole barn, because he did not want it left outside overnight, and then he took it to Piedmont the next day for it to be worked on. He stated the truck in front of the shop belongs to his son and Mr. Mills stated he is allowed to work on vehicles 20 years or older, and the white pickup belongs to his nephew, which he is allowed to work on.

Mr. Mills further stated that he has not operated the shop since about the middle of June, because both he and he son have been working in North Dakota to recoup costs for their business they have not been able to do at this property. He stated he has pictures available to show where the landscaping business is located and the employees do stop by his property, as the owner of that business and himself are good friends. He further spoke

of trying to rezone the property to General Commercial District and was denied. Mr. Mills added that he has tried to do everything the Planning Commission and Board of Commissioners have asked him to do and he's tired of feeling like he's being harassed all the time.

Commissioner Trautman clarified the concerns of the Board of Commissioners when the applicant's request to rezone the property was denied.

Ms. Nicki Cruz, neighboring property owner, appeared and spoke of applicant's property.

Commissioner Hall asked Ms. Cruz if the applicant's business has been a problem since they have been back and forth to North Dakota.

Ms. Cruz stated it has been quieter but there is still constant traffic.

Mr. Mills commented on the noise coming from Highway 44 with the increased traffic and he stated he doesn't have much noise coming from his property.

Mr. Dave Glespy, caretaker of the property, appeared and stated he is in and out of the property three to four times a day making sure the property is not broken into or damaged. He also added that there are about four or five of them at the property, on different evenings, after 5 p.m. until about 8:30 p.m. at night.

**Moved by McCollam and seconded by Hall to approve of the extension of Conditional Use Permit with the following eleven (11) conditions:**

- 1. That a Building Permit be obtained for any structure exceeding 144 square feet or located on a permanent foundation, which requires a site plan to be reviewed and approved by the Planning Director;**
- 2. That the applicant adheres to all necessary County, State, and Federal regulations, and maintains the necessary permits to conduct the business;**
- 3. That there is no more than one (1) additional employee, excluding family members;**
- 4. That there is a minimum of three (3) off-street parking spaces available at all times;**
- 5. That all aspects of the business be conducted entirely within an enclosed structure (structure being building) and no stock in trade shall be displayed outside the enclosed structure;**
- 6. That the hours of operation will be conducted between the hours of 7:00 a.m. and 6:00 p.m.;**

7. **This Conditional Use Permit is not valid until the Statement of Understanding, which is available at the Planning Office, has been signed by the applicant;**
8. **That if the amount of waste generated from the restoration shop and disposed of in the sanitary sewer exceeds 10,000 gallons per month, Rapid Valley Sanitary District and City of Rapid City must be notified and pretreatment (i.e. sand filter) implemented prior to disposal;**
9. **That an address be posted on the shop building in accordance with Ordinance #20;**
10. **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; and,**
11. **That historic auto restoration be defined as working on motor vehicles 20 years or older.**

Commissioners Coleman noted this site should be zoned General Commercial, as it is along Highway 44, and he further stated he would support the Motion to approve.

Commissioners Hall, Landers, and Zvejnieks concurred with Commissioner Coleman.

**All voting aye, the Motion carried 6 to 1. Commissioner Trautman voted no.**

Commissioner Litzen left the meeting at 11:50 a.m.

24. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commissions' recommendations from the July 23, 2012, Planning Commission meeting. The Appeal of Conditional Use Permit / CU 12-15 for a Vacation Home Rental, Kari Fruechte, was approved 4 to 1. Also, the Appeal of Conditional Use Permit / CU 12-17 for a Vacation Home Rental, Jon and Penny Fosheim, was continued to the August 21<sup>st</sup> County Board meeting.

25. ITEMS FROM THE PUBLIC

Ms. Joyce Sugrue, appeared, and discussed convents, Vacation Home Rentals under Conditional Use Permits, public input, and voting by Boards, based upon decisions of the Supreme Court.

Discussion followed.

Commissioner Landers left the meeting at 12:41 p.m.

26. ITEMS FROM THE STAFF

A. Building Permit Report. Jennissen reviewed the July 2012 Building Permit Report.

27. ITEMS FROM THE MEMBERSHIP

There were no items from the membership

28. DISCUSSION ITEMS

There were no discussion items.

29. ADJOURNMENT

**Moved by Hall and seconded by Coleman to adjourn.**

**All voting aye, the Motion carried 5 to 0.**

The meeting adjourned at **12:43 p.m.**

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Chairperson, Sig Zvejnieks