

MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
May 13, 2013 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Courthouse

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

STAFF PRESENT: Dan Jennissen, Lysann Zeller, Mandi Schmierer, Jeri Ervin, and Patrick Grode (SAO).

ROLL CALL

1. APPROVAL OF THE APRIL 8, 2013, MINUTES
Moved by Hall and seconded by Landers to approve the April 8, 2013, Planning Commission minutes. Vote: unanimous (6 to 0).

Commissioner Litzen appeared at the meeting at 9:05 a.m.

2. APPROVAL OF THE AGENDA
Moved by Coleman and seconded by McCollam to approve the May 13, 2013, Planning Commission Agenda. 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 91-07:** S.D. Annual Conf. of United Methodist. To review an organized group camp in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

Oregon Lode MS 2049, Section 15, T1S, R6E, Alaska Lode MS 2049, Section 15, T1S, R6E, (also in Section 10); Arizona Lode MS 2049, Section 15, T1S, R6E, (also in Section 14); Dan Patch Lode MS 2049, Nevada Lode MS 2049, Section 14, T1S, R6E, (also in Section 15); Gold Dust Lode MS 2049, Section 14, T1S, R6E, (also in Section 15); Idaho Lode MS 2049, Section 15, T1S, R6E, (also in Section 14), all in BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 91-07 with the following two (2) 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; and,
2. That this Conditional Use Permit be reviewed in five (5) years.

Vote: unanimous (7 to 0).

4. **CONDITIONAL USE PERMIT REVIEW / CU 01-43:** Ella and Ronald Wilcox. To review a caretaker's residence in a Suburban Residential District in accordance with Section 208 and 510 of the Pennington County Zoning Ordinance.

Lot 7, Block 7, Eastern Acres Subdivision, Section 11, T1N, R8E, BHM, Pennington County, South Dakota.

To recommend to revoke Conditional Use Permit / CU 01-43 with the applicant's concurrence.

Vote: unanimous (7 to 0).

5. **CONDITIONAL USE PERMIT REVIEW / CU 06-01:** William Reishus. To review a manufactured home as a permanent residence in a General Agriculture District in accordance with Section 205-C-22 and Section 510 of the Pennington County Zoning Ordinance.

Tract 1, Beacon Hill Subdivision, Section 10, T1S, R9E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 06-01 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 Prior to issuance of a Building Permit, the Environmental Planner inspects and approves the existing septic system;
3. That the address for the manufactured home remains posted at the end of Bradsky Road and again at the entrance of the above legally described property, in accordance with Pennington County Ordinance #20;
4. That the existing approach be used for the primary access to the residence; and,

5. That this Conditional Use Permit be reviewed in two (2) years or upon a complaint basis.

Vote: unanimous (7 to 0).

6. **CONDITIONAL USE PERMIT REVIEW / CU 08-01**: David and Janice Oleson. To review a residential care facility in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Tract A, Pioneer Subdivision II, Section 9, T1N, R8E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 08-01 with the following five (5) conditions:

1. That the applicant continues to have and maintain all necessary permits from the South Dakota Department of Social Services;
2. That the applicant maintains a copy of the license from the Department of Health prior to occupancy of the single-family residence;
3. That no more than seven veterans reside on premise;
4. That this Conditional Use Permit be reviewed in three (3) years or on a complaint basis; and,
5. 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.

Vote: unanimous (7 to 0).

7. **CONSTRUCTION / MINING PERMIT REVIEW / CP 05-08**: Croell Redi-Mix, Inc. / Kristi Chamley - Agent. To review the mining of approximately 80,000 cubic yards of gravel in accordance with Section 507-B of the Pennington County Zoning Ordinance.

A Tract of Land consisting of the NW1/4 of Section 27 and the N1/2 of Section 28, T1S, R11E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Construction / Mining Permit / CP 05-08 with the following twelve (12) conditions:

1. That permanent erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than 14 days after the Construction Activity has stopped;

2. That the applicant reclaims the disturbed areas in accordance with the State Mining Permit and South Dakota Codified Law;
3. That the applicant maintains the Mining Permit with the State Department of Environment and Natural Resources;
4. That the conditions of approval of the “South Dakota Department of Environment and Natural Resources Minerals & Mining Permit” (Mining License 96-604) be continually met;
5. That the applicant provide a copy and any renewals of Mining License 96-604 to the Pennington County Planning and Zoning Department;
6. That the applicant continuously reclaim the mined portion of the property so that only 10 acres are mined at one time, as specified by South Dakota Department of Environment and Natural Resources;
7. That erosion control measures be implemented and maintained on the area of the proposed mining;
8. That any natural drainage ways and paths not be obstructed and be continually maintained;
9. That the applicant obtains a Storm Water Construction Permit if disturbing more than one (1) acre of soil from the Department of Environment and Natural Resources prior to the start of construction;
10. That Mining Permit 05-08 expire in conjunction with the applicant’s State Minerals and Mining Permit, when the need to mine no longer exists or revoked before that date if all conditions are not upheld;
11. That the applicant uses the existing approaches onto Highway 44; and,
12. That the Mining Permit be reviewed in five (5) years or on a complaint basis.

Vote: unanimous (7 to 0).

8. **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.

To recommend approval of the extension of Conditional Use Permit / CU 11-15 with the following three (3) conditions:

1. That the applicant adheres to the regulations set forth in the 7480-1 issued by the FAA;
2. 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; and,
3. That this Conditional Use Permit be reviewed on a complaint basis only.

Vote: unanimous (7 to 0).

9. **CONDITIONAL USE PERMIT REVIEW / CU 12-06:** Bituminous Paving. To review a portable asphalt batch plant to be set up in the Pete Lien & Son's gravel pit in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

GL1-4; PT of GL 5 East of Right-of-Way; and PT NE1/4NW1/4 East of Right-of-Way, Section 17, T1N, R14E, BHM, Pennington County, South Dakota.

To recommend to revoke Conditional Use Permit / CU 12-06 with the applicant's concurrence.

Vote: unanimous (7 to 0).

10. **MINOR PLAT / PL 13-06 AND SUBDIVISION REGULATIONS VARIANCE / SV 13-02:** Siders Sisters; Linda Smoot – Agent. To create Lot 3R of Lot A of Feldman Subdivision in accordance with Sections 300.2 and 400.3 and to waive platting requirements in accordance with Section 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 3 of Lot A of Feldman Subdivision and a portion of Parcel No. 4 located in the SW1/4 of NE1/4, all in Section 2, T2S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 3R of Lot A of Feldman Subdivision, Section 2, T2S, R5E, BHM, Pennington County, South Dakota.

To recommend approval of Subdivision Regulations Variance 13-02 to waive the following requirements: 1) Topographic information to be provided of the subject property at a five (5) foot contour interval; 2) Road improvements to Old Hill City in accordance with Section 500.5 of the Subdivision Regulations (Major Arterial Road Standards for Low Density Residential); and, 3) Road improvements to Leaky Valley Road in accordance with Section 500.5 of the Subdivision Regulations (Local/Collector Road Standards for Low Density Residential); and, to recommend approval of Minor Plat / PL 13-06 with the following three (3) conditions:

1. That the plat heading be corrected to include the proper formerly description (Parcel No. 4 in SW1/4 of NE1/4);
2. That the portion of Parcel No. 4 being incorporated into Lot 3R of Lot A of Feldman Subdivision be rezoned to Low Density Residential or a Lot Size Variance be obtained prior to recording of the plat at the Register of Deed's Office; and,
3. That an On-site Wastewater Construction Permit be obtained from the Planning Department for an upgrade or replacement of the existing wastewater system prior to recording of the plat at the Register of Deed's Office and that the corrective action (system upgrade or replacement) be installed within a maximum of 180 days following approval of the On-Site Wastewater Construction Permit, all in accordance with Section 204-J of the Pennington County Zoning Ordinance.

Vote: unanimous (7 to 0).

11. **REZONE / RZ 13-04:** Siders Sisters; Linda Smoot – Agent. To rezone 0.834 of an acre from Limited Agriculture District to Low Density Residential District in accordance with Sections 207 and 508 of the Pennington County Zoning Ordinance.

Located on a parcel of land being a portion of Parcel No. 4 located in SW1/4 of NE1/4 of Section 2, T2S, R5E, BHM, Pennington County, South Dakota, said parcel of land is described as follows: Beginning at a point on the North line of said Parcel No. 4, the NW corner of said Parcel No. 4 bears S 88°48'45" W a distance of 231.01'; thence N 88°48'45" E a distance of 424.96'; thence S 0°29'06" E a distance of 156.95'; thence along the arc of a curve to the right whose angle is 13°35'32" and whose radius is 593.50' a distance of 140.80' to the PT of the curve; thence N 68°43'21" W a distance of 311.43' to the Point of Beginning. Said parcel of land contains 0.834 acre more or less.

To recommend approval of Rezone / RZ 13-04.

Vote: unanimous (7 to 0).

12. **MINOR PLAT / PL 13-07 AND SUBDIVISION REGULATIONS VARIANCE / SV 13-03:** Lois McVey; Marv Matkins – Agent. To create Tract 3 of Kayter Subdivision of HES #636 in accordance with Sections 300.2 and 400.3 and to waive platting requirements in accordance with Section 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: A portion of HES #636 less Kayter Subdivision and less Swampy Lane Subdivision, Section 36, T1N, R3E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Tract 3 of Kayter Subdivision of HES #636, Section 36, T1N, R3E, BHM, Pennington County, South Dakota.

To recommend approval of Subdivision Regulations Variance 13-03 to waive the following requirements: 1) The scale of the plat to be no greater than 1" = 100'; 2) Topographic information to be provided of the subject property at a five (5) foot contour interval; 3) Submittal of percolation test results and soil profile information; and, 4) Dedication and improvement of Section Line right-of-way in accordance with Pennington County Ordinance #14 Standards; and, to recommend approval of Minor Plat / PL 13-07 with the following four (4) conditions:

1. That a major drainage easement be dedicated for the portion of the drainage channel/tributary of Slate Creek crossing Tract 3 prior to recording of the plat at the Register of Deed's Office;
2. That the proposed lot be rezoned to Limited Agriculture District or a Lot Size Variance be obtained to allow for the proposed lot size prior to recording of the plat at the Register of Deed's Office;
3. That a power line easement be dedicated for the existing power line crossing the subject property, in accordance with the comments provided by Black Hills Electric Cooperative, prior to recording of the plat at the Register of Deed's Office; and,
4. That the proposed 66-foot-wide access easement providing access to Tract 3 from Deerfield Road be recorded as a miscellaneous document at the Register of Deed's Office and the document number be referenced on the plat.

Vote: unanimous (7 to 0).

13. **REZONE / RZ 13-03:** Lois McVey; Marv Matkins – Agent. To rezone 14.47 acres from General Agriculture District to Limited Agriculture District in accordance with Sections 206 and 508 of the Pennington County Zoning Ordinance.

Located on a parcel of land being a portion of H.E.S. No. 636 located in N1/2 of SE1/4 of Section 36, T1N, R3E, BHM, Pennington County, South Dakota, said parcel of land is described as follows: Beginning of NE corner of said parcel identical to the E1/4 corner of said Section 36; thence S 0°08'35" W a distance of 759.50'; thence N 89°50'30" W a distance of 594.27'; thence N 0°05'02" E a distance of 562.79'; thence S 82°10'39" W a distance of 733.55'; thence N 0°23'41" E a distance of 297.06'; thence S 89°54'24" E a distance of 1320.02' to the Point of Beginning. Said parcel of land contains 14.470 acres more or less.

To recommend approval of Rezone / RZ 13-03.

Vote: unanimous (7 to 0).

- 14. REZONE / RZ 13-09 AND COMPREHENSIVE PLAN AMENDMENT / CA 13-03:** Celia and Allan Bradley. To rezone 20.66 acres from General Agriculture District to Low Density Residential District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Planned Unit Development Sensitive to Low Density Residential District located on in accordance with Sections 207 and 508 of the Pennington County Zoning Ordinance.

All (also in Section 19), Black Metal #9 MS, Section 20, T1S, R5E, BHM, Pennington County, South Dakota.

To accept the applicants' withdrawal of Rezone / RZ 13-09 and Comprehensive Plan Amendment / CA 13-03.

Vote: unanimous (7 to 0).

- 15. CONDITIONAL USE PERMIT / CU 13-08:** Bill Whitney / Stanley Johnson Concrete; Larry and Lenora Ruland - Owners. To allow a concrete batch plant and aggregate stock pile site in a General Agriculture District to work on the reconstruction project of I-90, east of Wall, in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

The SE1/4SW1/4; S1/2NE1/4SW1/4, Section 24, T1S, R16E, BHM, Pennington County, South Dakota.

To recommend approval of Conditional Use Permit / CU 13-08 with the following twelve (12) 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 port-o-potties are provided on-site prior to the operation of the asphalt plant;**
- 3. That the assigned address shall be posted on the office structure and a cell phone shall be present on the site at all times;**
- 4. That the existing approach off of 239th Street be utilized;**
- 5. That appropriate measures are taken to protect all drainage ways and limit runoff from the subject property by implementing proper BMPs prior to any land disturbance;**
- 6. That all tailings, stockpiles and temporary offices be cleaned up and removed from the property upon the completion of the project;**

7. That all necessary permits from the Department of Environment and Natural Resources be obtained;
8. That dust control measures be taken to reduce the amount of dust pollution produced by the project and insures that the parking areas are maintained in a dust free condition;
9. That erosion control measures be implemented and maintained and barrier protection measures (ie wattle+s, silt fence, etc.) be installed to prevent sediment from leaving the site;
10. That an Air Quality Permit be obtained from the South Dakota Department of Environment and Natural Resources. A copy of the Air Quality Permit shall be provided to the Planning Department prior to the operation of the concrete batch plant;
11. That prior to operation of the concrete batch plant, the applicant notify Emergency Services Communication Center; and,
12. That this Conditional Use Permit be reviewed in June of 2014 or upon a complaint basis to determine that all conditions are being met.

Vote: unanimous (7 to 0).

- 16. MINOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 13-02: Cliff View (Tony and Gail Kaliss); David Olson – Agent. To amend 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 recommend approval 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 maintains current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of those 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 one year (1) or upon on a complaint basis.

Vote: unanimous (7 to 0).

17. **SUBDIVISION REGULATIONS VARIANCE / SV 13-04:** David Merchen; Davis Engineering – Agent. To waive platting requirements in accordance with Section 700.1 of the Pennington County Zoning Ordinance.

EXISTING LEGAL: Lot A and Lot B of Merchen Addition and Lot 4 of Merchen Addition #2, all located in Section 21, T2N, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot A Revised and Lot B Revised of Merchen Addition, Section 21, T2N, R6E, BHM, Pennington County, South Dakota.

To recommend approval of a portion of Subdivision Regulations Variance / SV 13-04 to waive the engineered road construction plans, road improvements to both Merchen Road and the Section Line ROW; percolations tests; soil profile information on proposed Lot A; topography at a five foot interval and the maximum number of lots on a dead end road system; and, denial of a portion of

Subdivision Regulations Variance / SV 13-04 to waive percolation tests and soil profile information on proposed Lot A.

Vote: unanimous (7 to 0).

18. **REZONE / RZ 13-08**: David Merchen; Davis Engineering – Agent. To rezone 3.32 acres from Planned Unit Development District to Low Density Residential District in accordance with Section 508 of the Pennington County Zoning Ordinance.

Lot 4, Merchen Addition #2, Section 21, T2N, R6E, BHM, Pennington County, South Dakota.

To recommend approval of Rezone / RZ 13-08.

Vote: unanimous (7 to 0).

19. **CONDITIONAL USE PERMIT / CU 13-07**: Jack Bradt. To allow for the operation of a dude ranch to include lodging and horse trail rides in a General Agriculture District in accordance with Sections 205-C and 510 of the Pennington County Zoning Ordinance.

The W1/2 of the NW1/4, Section 21, T2S, R6E, BHM, Pennington County, South Dakota.

To recommend to continue Conditional Use Permit / CU 13-07 to the May 28, 2013, Planning Commission meeting.

Vote: unanimous (7 to 0).

END OF CONSENT CALENDAR

20. **LAYOUT PLAT / PL 13-04 AND SUBDIVISION REGULATIONS VARIANCE / SV 13-01**: Jarvis and Frances Olson; Fisk Land Surveying – Agent. To create Lots 1 and 2 of Olson Park Subdivision and to waive platting requirements in accordance with Section 400.1 and Section 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: S1/2NE1/4SE1/4, Section 35, T1N, R3E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1 and 2 of Olson Park Subdivision, Section 35, T1N, R3E, BHM, Pennington County, South Dakota.

(Continued from the March 25, 2013, Planning Commission meeting.)

Jennissen reviewed that this item had been continued from the March 25, 2013, Planning Commission meeting in order for the applicants to research if there is a second means of ingress/egress. Jennissen further explained that the applicants were able to find that an easement was created on a plat dated June of 1989 and the plat has a 30 foot easement for emergency fire escape on Tracts 22 and 23 of Leisure Hills Estates. The easement provides access to U.S. Forest Service lands located to the west of the subdivision, but staff had not been able to verify if the easement is traversable.

Staff recommended denial of a portion of Subdivision Regulation Variance / SV 13-01 to waive the 40 maximum lots on a dead-end road system, percolation tests and soil profile information for Lot 2. Staff recommended approval of a portion of Subdivision Regulations Variance / SV 13-01 to allow topography at a 40 foot contour interval and the scale of the plat to be 1"=150' and to waive the percolation tests and soil profile information on proposed Lot 1.

Staff recommended approval of Layout Plat / PL 13-04 with the following six (6) conditions:

1. That proposed Lot 2 be rezoned to Low Density Residential District or obtain approval of a Lot Size Variance to allow the 7.65 acre lot in a Limited Agriculture Zoning District;
2. That a second means of ingress/egress be obtained or a Subdivision Regulations Variance be obtained to allow more than 40 lots on a dead-end road system;
3. That at the time of submittal of the Minor Plat, the applicant submits percolation tests and soil profile information of proposed Lots 1 and 2 or obtain approval of a Subdivision Regulations Variance waiving this requirement;
4. That at the time of submittal of the Minor Plat, the applicant submits topography at a five foot contour interval or obtain approval of a Subdivision Regulations Variance waiving this requirement;
5. That the scale of the plat be 1"=100' or obtain approval of a Subdivision Regulations Variance waiving this requirement; and,
6. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

Commissioner Zvejnieks asked if staff had confirmed if the easement is traversable.

Jennissen noted that the easement is a trail, which is open, and it can be driven across.

Commissioner Landers also questioned if the trail will also connect to the main road.

Jennissen stated yes, the trail connects to a numbered Forest Service Road and then onto Deerfield Road.

Commissioner Buskerud wanted to know if there is a definition of traversable.

Jennissen said no.

Commissioner Zvejnieks discussed the maximum number of lots allowed on a dead end road system and asked staff to explain this in relation to the current subdivision.

Jennissen explained that the applicants' subdivision was platted prior to the current Subdivision Regulations being updated, which was in 2008, to only allow 40 lots on a dead end road.

Commissioner Coleman questioned how this trail will be marked as a second means of ingress/egress for emergency vehicles and the public.

Commissioner Zvejnieks further spoke of the road located to the south of the subdivision and questioned if the applicants were able to find documentation on it.

Jennissen noted that nothing was found or recorded for the southern part of the subdivision, as for a second means of ingress/egress.

Ms. Janelle Finck, agent, appeared and provided the Planning Commission with documentation and photos showing the 30 foot easement. She reviewed this with the Planning Commission and staff, and also spoke of a Section Line right-of-way which traverses east and connects to Deerfield Road. Ms. Finck stated the Section Line is not traversable. She further discussed the request to waive the percolation tests and why the applicants are asking that this be waived.

Commissioner Buskerud noted that this easement is sufficient for a secondary means of ingress/egress, but he would like to have it identified, such as a sign stating emergency access.

Commissioner Zvejnieks asked if there is a Homeowner's Association.

Ms. Finck said there is a Road District and this will be brought to them to have the sign in place and to also keep the trail clean of brush and trees.

Jennissen recommending adding a condition to state: "That the easement be marked for emergency access only."

Moved by Barb and seconded Buskerud to approve of Subdivision Regulation Variance / SV 13-01 to waive the 40 maximum lots on a dead-end road system, to waive percolation tests and soil profile information for Lot 2, to allow topography at

a 40 foot contour interval and the scale of the plat to be 1"=150', and to waive the percolation tests and soil profile information on proposed Lot 1, and also approval of Layout Plat / PL 13-04 with the following seven (7) conditions:

1. That proposed Lot 2 be rezoned to Low Density Residential District or obtain approval of a Lot Size Variance to allow the 7.65 acre lot in a Limited Agriculture Zoning District;
2. That a second means of ingress/egress be obtained or a Subdivision Regulations Variance be obtained to allow more than 40 lots on a dead-end road system;
3. That at the time of submittal of the Minor Plat, the applicant submits percolation tests and soil profile information of proposed Lots 1 and 2 or obtain approval of a Subdivision Regulations Variance waiving this requirement;
4. That at the time of submittal of the Minor Plat, the applicant submits topography at a five foot contour interval or obtain approval of a Subdivision Regulations Variance waiving this requirement;
5. That the scale of the plat be 1"=100' or obtain approval of a Subdivision Regulations Variance waiving this requirement;
6. That the easement be marked as emergency access only; and,
7. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

Commissioner Hall spoke of percolation tests and wanted to know if the other lots in the subdivision have septic systems and traditional soils.

Jennissen indicated that some of the lots do have sensitive soils in the area, but all of the lots have allowed some type of septic system.

All voting aye, the Motion carried 7 to 0.

21. REZONE / RZ 13-02: Jarvis and Frances Olson; Fisk Land Surveying – Agent. To rezone 7.65 acres from Limited Agriculture District to Low Density Residential District in accordance with Sections 206, 207, and 508 of the Pennington County Zoning Ordinance.

Located on a parcel of land located in the South One-Half of the Northeast One-Quarter of the Southeast One-Quarter (S¹/₂NE¹/₄SE¹/₄) of Section Thirty-Five (35) in Township One North (T1N), Range Three East (R3E) of the Black Hills Meridian (BHM), Pennington County, South Dakota, more fully described as follows: Beginning at the

southwest corner of said South One-Half of the Northeast One Quarter of the Southeast One Quarter (S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Thirty-Five (35) in Township One North (T1N), Range Three East (R3E) of the Black Hills Meridian (BHM), Pennington County, South Dakota, said point being located on a 1/16th section line of said Section Thirty-Five (35) and being marked by a US Forest Service Monument; thence, northerly along the 1/16th section line of said Section Thirty-Five (35), North 00 degrees 09 minutes 00 seconds West, a distance of 260.00 feet more or less to a point marked by a rebar with survey cap RW FISK 6565; thence, South 89 degrees 51 minutes 02 seconds East a distance of 1,282.70 feet more or less to a point located on the westerly line of the section line right-of-way for said Section Thirty-Five (35), said right-of-way being known as Paradise Drive, and said point being marked by a rebar with survey cap RW FISK 6565; thence, southerly on the westerly line of said section line right-of-way and on the westerly line of Paradise Drive right-of-way, South 00 degrees 00 minutes 43 seconds East a distance of 260.00 feet more or less, said point being located on a 1/16th section line and coincident with the northeast corner of Tract 14 of Leisure Hills Estates, and said point being marked by a monument with survey cap LS 2196; thence, westerly on said 1/16th section line and on the north line of said Tract 14 of Leisure Hills Estates, North 89 degrees 53 minutes 45 seconds West a distance of 549.64 feet more or less to the northwest corner of said Tract 14 of Leisure Hills Estates, said point being coincident with the northeast corner of Tract 15 of Leisure Hills Estates and said point being marked by a monument with survey cap LS 2196; thence, continuing westerly on said 1/16th section line and on the north line of said Tract 15 of Leisure Hills Estates, North 89 degrees 43 minutes 18 seconds West a distance of 542.94 feet more or less to the northwest corner of Tract 15 of Leisure Hills Estates, said point being coincident with the northeast corner of Tract 21 of Leisure Hills Estates and said point being marked by a monument with survey cap LS 2196; thence, continuing westerly on said 1/16th section line and on the north line of said Tract 21 of Leisure Hills Estates, South 89 degrees 54 minutes 44 seconds West 189.50 feet more or less to the point of beginning. Said tract of land contains 7.65 acres, more or less.

(Continued from the March 25, 2013, Planning Commission meeting.)

Jennissen noted that this item will need to be continued to the June 24, 2013, Planning Commission meeting in order for the applicants to submit a Comprehensive Plan Amendment.

Moved by McCollam and seconded by Hall to continue Rezone / RZ 13-02 to the June 24, 2013, Planning Commission meeting.

All voting aye, the Motion carried 7 to 0.

22. REZONE / RZ 13-05 AND COMPREHENSIVE PAN AMENDMENT / CA 13-01: Jude Wildeman. To rezone 9.5 acres from General Agriculture District to Highway Service District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Planned Unit Development Sensitive to Highway Service District in accordance with Sections 210 and 508 of the Pennington County Zoning Ordinance.

That Portion of the Southwest Quarter of the Southwest Quarter (SW1/4SW1/4) of Section 22, T1S, R6E, BHM, Pennington County, South Dakota, lying north and west of Lots H1 and H3, as shown on the plats filed in the Highway Plat Book 1, Page 113 and in Highway Plat Book 4, Page 194, Exception therefrom any highway rights-of-way.

Schmierer reviewed the Staff Report indicating the applicant has applied to rezone 9.5 acres from General Agriculture District to Highway Service District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Planned Unit Development Sensitive to Highway Service District to allow for Vacation Home Rentals. The purpose of the Rezone request is to allow for the construction of Vacation Home Rentals on the property.

Schmierer further stated that although the proposed use of the property for Vacation Home Rentals appears to be compatible with the area, the other commercial uses allowed in the proposed zoning district do not appear to be consistent with the natural progression of the land use pattern in the area. Also, strip commercial development should be avoided and approval of the applicant's request would contribute to a pattern of strip commercial development along S. Highway 16.

Staff recommended denial of Rezone 13-05 and Comprehensive Plan Amendment 13-01, based on its unconformity with the Pennington County Comprehensive Plan.

Commissioner Buskerud questioned the meaning of PUD Sensitive.

Jennissen explained that it meant that any request would be reviewed to see how it fits into the neighborhood upon every request.

Commissioner Zvejnieks spoke of the proposed use of the land and the DOT's comments.

Schmierer stated that the DOT indicated they would address any possible highway improvements when they know the exact use on the property.

Mr. Jude Wildeman, applicant, appeared and discussed the proposed use. He indicated that he would like to build his personal residence on the property, along with 6-8 rentals cabins. He further discussed wastewater systems for the property and the possibility of a small amount of increase in traffic on Silver Mountain Road. Mr. Wildeman asked that his property be rezoned, as he cannot proceed with any projects until it is.

Commissioner Zvejnieks discussed the property being rezoned to a Planned Unit Development.

Jennissen said the applicant could apply for this, but he would need to reapply with a new application and submittal costs.

Mr. Wildeman stated he is not opposed to reapplying to rezone the property to a Planned Unit Development.

Discussion further followed on rezoning the property to a Planned Unit Development Zoning District.

Moved by Buskerud and seconded by McCollam to deny Rezone 13-05 and Comprehensive Plan Amendment 13-01, based on its unconformity with the Pennington County Comprehensive Plan.

Commissioner Landers spoke of the applicant reapplying to rezone to a PUD Zoning District and applying to waive submittal costs.

Jennissen stated the applicant would need to apply to the Board of Commissioners to waive any fees.

Commissioner Coleman further stated he is in support of the Motion to deny.

Commissioner Litzen said she is in favor to rezone the property to Highway Service, as it is located along a four-lane highway.

Discussion followed.

SUBSTITUTE MOTION: Moved by Buskerud and seconded by McCollam to deny Rezone 13-05 and Comprehensive Plan Amendment 13-01 and suggested the applicant also apply to the Board of Commissioners to waive the fees to apply to rezone the property to a Planned Unit Development.

All voting, the Motion carried 6 to 1. Commissioner Litzen voted no.

23. LAYOUT PLAT / PL 13-10: Grant Bolt / Greg Bolt; Bolt Racing, Inc. To create Lots 2, 3, 4, 5, and 6 of Back Road Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Government Lot 1 in the NW1/4SE1/4, Section 22, T1S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 2, 3, 4, 5, and 6 of Back Road Subdivision, Section 22, T1S, R6E, BHM, Pennington County, South Dakota.

Schmierer reviewed the Staff Report indicating the applicants have applied for a Layout Plat request to create Lots 2-6 of Back Road Subdivision. Schmierer stated the applicants recently obtained ownership of the subject property from the U.S. Forest Service and are proposing to subdivide the 39.2 acres into five (5) residential lots. The proposed lots will measure in size from 3.8 acres to 12.1 acres and will be serviced by individual wells and on-site wastewater treatment systems.

Schmierer also spoke of amending Condition #4 to include Black Hills Electric Cooperative's comments, if the Planning Commission wished to do so, and she further noted that staff did receive a comment in opposition to the proposed request.

Staff recommended approval of Layout Plat / PL 13-10 with the following nine (9) conditions:

1. That the plat heading be corrected to include Lot 6 and the former legal description "Formerly Gov't Lot 1;"
2. That the proposed lots be rezoned to Low Density Residential District prior to recording of the plat at the Register of Deed's Office;
3. That at the time of Preliminary Plat submittal, the applicant submits percolation tests and soil profile information for all six lots to be reviewed and approved by the Environmental Planner or obtain approval of a Subdivision Regulations Variance waiving this requirement;
4. That eight (8) foot utility and minor drainage easements be dedicated on the interior sides of all lot lines or an approved Subdivision Regulations Variance be obtained waiving this requirement;
5. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
6. That at the time of Preliminary Plat submittal, the shared approaches shall be identified on the plat;
7. That at the time of submittal for the Preliminary Plat, the applicant shall submit a Fire Mitigation Plan for review and approval by the Pennington County Fire Coordinator;
8. That at the time of submittal for the Preliminary Plat, 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, and topographic information be provided of the subject property at five (5) foot contour intervals or the applicant obtains an approved Subdivision Regulations Variance waiving any of these requirements that are not met; and,
9. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

Mr. Greg Bolt and Mr. Grant Bolt, applicants, appeared and stated their request is to subdivide the property into residential lots.

Commissioner Buskerud asked the applicants if they are opposed to a 10 to 15 foot utility easement on the interior sides of all the lot lines.

Mr. Greg Bolt said that this is not a problem.

Commissioner Zvejnieks asked the applicants if they are aware of the type of wastewater systems that are needed for the lots.

Mr. Greg Bolt stated they are.

Ms. Betty Haakens-Erickson, neighbor, appeared and asked if the applicants are building a race track on the property, since the property owner is noted as Bolt Racing.

Mr. Greg Bolt said they are not, that's just the corporation name, and they will be developing the land for residences.

Mr. Ron Kesterson, neighbor, appeared and wanted to know what the smallest lot size is that can be allowed in the proposed zoning district of Low Density Residential.

Jennissen stated three acres.

Mr. Kesterson questioned where the power lines will traverse to the property as he does not want the power lines located near his house.

Mr. Greg Bolt addressed this and explained that until BH Electric performs a site visit to the property and reviews their plans, they are unable to state where the power lines will cross at.

Mr. Kesterson further expressed concern where the septic system for Lot 3 will be placed, as he noted it is located on a downward slope towards his property.

Discussion followed.

Moved by Hall and seconded by Buskerud to approve Layout Plat / PL 13-10 with the following nine (9) conditions:

- 1. That the plat heading be corrected to include Lot 6 and the former legal description "Formerly Gov't Lot 1;"**
- 2. That the proposed lots be rezoned to Low Density Residential District prior to recording of the plat at the Register of Deed's Office;**
- 3. That at the time of Preliminary Plat submittal, the applicant submits percolation tests and soil profile information for all six lots to be reviewed and approved by the Environmental Planner or obtain approval of a Subdivision Regulations Variance waiving this requirement;**

4. That fifteen (15) foot utility and minor drainage easements be dedicated on the interior sides of all lot lines or an approved Subdivision Regulations Variance be obtained waiving this requirement;
5. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
6. That at the time of Preliminary Plat submittal, the shared approaches shall be identified on the plat;
7. That at the time of submittal for the Preliminary Plat, the applicant shall submit a Fire Mitigation Plan for review and approval by the Pennington County Fire Coordinator;
8. That at the time of submittal for the Preliminary Plat, 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, and topographic information be provided of the subject property at five (5) foot contour intervals or the applicant obtains an approved Subdivision Regulations Variance waiving any of these requirements that are not met; and,
9. 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.

24. REZONE / RZ 13-07 AND COMPREHENSIVE PLAN AMENDMENT / CA 13-02:
Grant Bolt / Greg Bolt; Bolt Racing, Inc. To rezone 39.2 acres from General Agriculture District to Low Density Residential District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Public to Low Density Residential District in accordance with Sections 207 and 508 of the Pennington County Zoning Ordinance.

Government Lot 1 in the NW1/4SE1/4, Section 22, T1S, R6E, BHM, Pennington County, South Dakota.

Schmierer reviewed the Staff Report indicating the applicants have applied for a Rezone to rezone 39.2 acres from General Agriculture District to Low Density Residential. The applicant is also requesting to amend the Pennington County Comprehensive Plan to change the designated Future Land Use from Public to Low Density Residential. The purpose of the Rezone request is to subdivide the subject property into five (5) residential lots.

Staff recommended approval of Rezone 13-07 to rezone 39.2 acres from General Agriculture District to Low Density Residential and approval of Comprehensive Plan

Amendment 13-02 to amend the Pennington County Comprehensive Plan to change the Future Land Use from Public to Low Density Residential.

Commissioner Litzen spoke of the comment from Ms. Cook regarding the Special Use Permit that was granted.

Schmierer said staff is not aware of what permit had been granted.

Moved by Coleman and seconded by Litzen to approve of Rezone 13-07 to rezone 39.2 acres from General Agriculture District to Low Density Residential and to approve Comprehensive Plan Amendment 13-02 to amend the Pennington County Comprehensive Plan to change the Future Land Use from Public to Low Density Residential.

All voting aye, the Motion carried 7 to 0.

25. MINOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 13-01: John and Barbara Majchrzak. To allow for a 10 foot setback for a proposed shed and gift shop on Lot 12, to allow for a 10 foot setback for a woodshed on Tract A, and to allow for a sign to be placed on Lot C in accordance with Section 213-E of the Pennington County Zoning Ordinance.

Lot 12 and Lot C (Signage Lot) of High Country Ranch Subdivision and Tract A less High Country Ranch Subdivision and less Right-of-Way of Ray Smith Placer MS 995, all located in Section 15, T1S, R4E, BHM, Pennington County, South Dakota.

Jennissen reviewed the Staff Report indicating the applicants are requesting a Minor Planned Unit Development Amendment to High Country Guest Ranch to allow for a 10 foot setback for a proposed shed and gift shop on Lot 12, to allow for a 10 foot setback for a woodshed on Tract A, and to allow for a sign to be placed on Lot C. High Country Guest Ranch currently consists of privately owned Vacation Home Rentals, campsites, lodge, trail rides, dining hall, concert venue and rental cabins.

Staff recommended approval of Minor Planned Unit Development Amendment 13-01 with the following 28 conditions (changes are underlined):

1. That the permitted uses allowed on Tract A less High Country Ranch Subdivision and less Right-of-Way, Ray Smith Placer MS 995 not exceed six (6) vacation cabins, an eight (8) bedroom bunkhouse, eight (8) campsites, 160 parking spaces, band shell, concession and merchandise building, restroom facility, wood shed and community wastewater disposal system area for the uses on site and lodge;
2. That the retail space in the lodge be limited to 750 square feet, a kitchen for those using the lodge and dining area, guest registration area, and administrative offices are also permitted within the lodge and shall not be included in the 750 square feet of retail space;

3. That the permitted uses allowed on Lot 12 be offices (which shall include guest registration), laundry, outdoor movie screen, commercial trail ride operations, a shop and maintenance building and a commercial kitchen and dining facility;
4. That the permitted uses for proposed Lots 17-20 be for private single-family residences or nightly/weekly rentals;
5. The permitted uses on Lot 13 include up to a twenty (20) unit lodge not to exceed 21,000 square feet with a commercial kitchen and dining area be used only by those renting the lodge, swimming pool, meeting rooms, bike rentals, and a maximum of twelve (12) guest stables;
6. That an On-site Wastewater Treatment System Construction Permit for the restroom facilities must be applied for by May 1, 2013. Soil profile and percolation tests will be completed prior to application submittal. In addition the OSWTS must be approved by DENR prior to application submittal;
7. That prior to any construction work within the 100-year floodplain, a Floodplain Development Permit be obtained;
8. That that if any disturbance would occur on the property that is greater than 10,000 square feet, a Construction Permit be required. The Construction Permit will require erosion control measures to prevent sediment from leaving the site and entering into Newton Fork Creek;
9. The minimum required front setback for Lots 1-9 shall be 20 feet and the minimum side yard setback for Lot 9 shall be 10 feet along the east side with the exception of Lot 3;
10. That the setbacks for Lot 3 be 14 feet for the rear-yard and 23 feet for the side-yard for the existing deck;
11. That all perimeter setbacks be at least twenty-five (25) feet with exception of the existing barn/office to be zero (0) feet; shed, gift shop, wood shed and the stable to be ten (10) feet;
12. The minimum required setbacks for Lots 14, 15 and 17, the residential/vacation cabins sites, shall be a 15 foot front, 25 foot side yard and rear yard;
13. The minimum required setback for Lot 16 be twenty (20) foot front, twenty (25) feet from the north and east property line, and eighteen (18) feet from the west property line;
14. That all residential or resort structures located on Lots 1-9 not exceed 32 feet by 36 feet;

15. That quiet hours be 10:00 p.m. for the concert area;
16. That the maximum size of the outdoor movie screen be 20 feet by 20 feet;
17. 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;
18. That Ray Smith Drive be maintained in a dust free manner;
19. That any open fires have a permit from South Dakota Wildland Fire;
20. That if the structure for the restroom facilities is not constructed prior to operation (June 11, 2013), at least one port-o-potty unit (or similar) be required per 50 persons;
21. That a second means of ingress/egress be provided;
22. That traffic control, such as (flaggers) on Deerfield Road be provided at the end of each concert;
23. That the ATV rentals not exceed seven (7) vehicles;
24. That all rental ATVs leaving the Planned Unit Development not exceed ten (10) miles per hour on the first 4/10 of a mile of Battle Ax Road off Deerfield Road;
25. That all ground disturbed areas (other than road surface) be seeded with an approved native seed mix in accordance with the U.S. Forest Service;
26. That all traffic for the concert venue be directed / limited to Ray Smith Drive;
27. That an additional sign be allowed on the sign lot to allow a maximum of three signs; and,
28. That this Planned Unit Development shall be reviewed in one (1) year to verify all conditions are being met or upon a complaint basis.

Commissioner Zvejnieks discussed Condition #11 and indicated the lots need to be noted in the condition to reflect where the specific setbacks are being changed and what they are for.

Jennissen said this condition can be amended.

Moved by Zvejnieks and seconded by Hall to approve of Minor Planned Unit Development Amendment 13-01 with the following twenty-eight (28) conditions:

1. That the permitted uses allowed on Tract A less High Country Ranch Subdivision and less Right-of-Way, Ray Smith Placer MS 995 not exceed six (6) vacation cabins, an eight (8) bedroom bunkhouse, eight (8) campsites, 160 parking spaces, band shell, concession and merchandise building, restroom facility, wood shed and community wastewater disposal system area for the uses on site and lodge;
2. That the retail space in the lodge be limited to 750 square feet, a kitchen for those using the lodge and dining area, guest registration area, and administrative offices are also permitted within the lodge and shall not be included in the 750 square feet of retail space;
3. That the permitted uses allowed on Lot 12 be offices (which shall include guest registration), laundry, outdoor movie screen, commercial trail ride operations, a shop and maintenance building and a commercial kitchen and dining facility;
4. That the permitted uses for proposed Lots 17-20 be for private single-family residences or nightly/weekly rentals;
5. The permitted uses on Lot 13 include up to a twenty (20) unit lodge not to exceed 21,000 square feet with a commercial kitchen and dining area be used only by those renting the lodge, swimming pool, meeting rooms, bike rentals, and a maximum of twelve (12) guest stables;
6. That an On-site Wastewater Treatment System Construction Permit for the restroom facilities must be applied for by May 1, 2013. Soil profile and percolation tests will be completed prior to application submittal. In addition the OSWTS must be approved by DENR prior to application submittal;
7. That prior to any construction work within the 100-year floodplain, a Floodplain Development Permit be obtained;
8. That that if any disturbance would occur on the property that is greater than 10,000 square feet, a Construction Permit be required. The Construction Permit will require erosion control measures to prevent sediment from leaving the site and entering into Newton Fork Creek;
9. The minimum required front setback for Lots 1-9 shall be 20 feet and the minimum side yard setback for Lot 9 shall be 10 feet along the east side with the exception of Lot 3;
10. That the setbacks for Lot 3 be 14 feet for the rear-yard and 23 feet for the side-yard for the existing deck;

11. That all perimeter setbacks be at least twenty-five (25) feet with exception of the existing barn/office to be zero (0) feet; shed (Lot 12), gift shop (Lot 12), wood shed (Tract A) and the stable (Lot 12) to be ten (10) feet;
12. The minimum required setbacks for Lots 14, 15 and 17, the residential/vacation cabins sites, shall be a 15 foot front, 25 foot side yard and rear yard;
13. The minimum required setback for Lot 16 be twenty (20) foot front, twenty (25) feet from the north and east property line, and eighteen (18) feet from the west property line;
14. That all residential or resort structures located on Lots 1-9 not exceed 32 feet by 36 feet;
15. That quiet hours be 10:00 p.m. for the concert area;
16. That the maximum size of the outdoor movie screen be 20 feet by 20 feet;
17. 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;
18. That Ray Smith Drive be maintained in a dust free manner;
19. That any open fires have a permit from South Dakota Wildland Fire;
20. That if the structure for the restroom facilities is not constructed prior to operation (June 11, 2013), at least one port-o-potty unit (or similar) be required per 50 persons;
21. That a second means of ingress/egress be provided;
22. That traffic control, such as (flaggers) on Deerfield Road be provided at the end of each concert;
23. That the ATV rentals not exceed seven (7) vehicles;
24. That all rental ATVs leaving the Planned Unit Development not exceed ten (10) miles per hour on the first 4/10 of a mile of Battle Ax Road off Deerfield Road;
25. That all ground disturbed areas (other than road surface) be seeded with an approved native seed mix in accordance with the U.S. Forest Service;

- 26. That all traffic for the concert venue be directed / limited to Ray Smith Drive;
- 27. That an additional sign be allowed on the sign lot to allow a maximum of three signs; and,
- 28. That this Planned Unit Development shall be reviewed in one (1) year to verify all conditions are being met or upon a complaint basis.

All voting aye, the Motion carried 7 to 0.

- 26. REZONE / RZ 13-06: Doug Sletten. To rezone two (2) acres from Limited Agriculture District to Suburban Residential District in accordance with Sections 210 and 508 of the Pennington County Zoning Ordinance.

Parcel A of S1/2SW1/4, Section 14, T1N, R8E, BHM, Pennington County, South Dakota.

Jennissen reviewed the Staff Report indicating the applicant is requesting to rezone two (2) acres from Limited Agriculture District to Suburban Residential District and to allow the property to be reconfigured with Lot 1 of Trask Subdivision. The property is located within the three-mile platting jurisdiction of Rapid City and is in process of being platted through Rapid City. Jennissen further stated that the property has numerous unlicensed vehicles, piles of wood and steel, all of which must be cleaned up prior to the property being rezoned.

Staff recommended continuing Rezone 13-06 until the property is in compliance with Ordinance #106.

Commissioner McCollam asked staff if a two-week continuance is enough time for the applicant to clean up the property.

Jennissen said the applicant stated he would be able to get everything cleaned up by that time.

Moved by Landers and seconded by Hall to continue Rezone / RZ 13-06 to the May 28, 2013, Planning Commission meeting.

All voting aye, the Motion carried 7 to 0.

- 27. ORDINANCE AMENDMENT / OA 13-01: Pennington County. To amend Ordinance 17 (Flood Damage Prevention Ordinance) to update and adopt the new DFIRMS.

Jennissen reviewed the proposed Ordinance Amendment to the Flood Damage Prevention Ordinance.

Staff recommended approval of Ordinance Amendment / OA 13-01, as presented.

Commissioner Hall spoke of the definition for Basement and asked staff to address walk-outs basements.

Jennissen stated this is for the lowest grade (the lowest living space in the house) and a walk-out lower level would not be considered a basement.

Commissioner Hall also discussed the language in the definition for Area of Special Flood Hazard. She spoke of the specific verbage and noted that it is not defined in the Ordinance.

Jennissen explained that this language is more for Planning & Zoning purposes.

Commissioner Litzen also asked that punctuation be corrected in the updates.

Moved by Hall and seconded by Litzen to approve of Ordinance Amendment / OA 13-01.

All voting aye, the Motion carried 7 to 0.

28. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the April 8, 2013, Planning Commission meeting.

29. ITEMS FROM THE PUBLIC

There were no items from the public.

Commissioner Zvejnieks left the meeting at 10:11 a.m.

Commissioner Hall (First Vice-Chairperson) continued on with the meeting.

30. ITEMS FROM THE STAFF

A. Building Permit Report. Jennissen reviewed the Building Permit Report for April 2013.

B. General Agriculture District and Limited Agriculture District Uses.

Moved by Landers and seconded by Coleman to continue the discussion of this item to the May 28, 2013, Planning Commission meeting.

All voting aye, the Motion carried 6 to 0.

31. ITEMS FROM THE MEMBERSHIP

There were no items from the membership.

32. DISCUSSION ITEMS

Ms. Lysann Zeller, Planner III, spoke of the review of the Conditional Use Permit (CUP) for a Vacation Home Rental for Ms. Loretta Daigle. She informed the Planning Commission that this item will not be reviewed at this time, as Ms. Daigle has already installed a landline in the residence. The CUP is scheduled to be reviewed in July of 2014, at which time the condition requiring a landline phone can be removed.

33. ADJOURNMENT

Moved by Coleman and seconded by McCollam to adjourn.

All voting aye, the Motion carried 6 to 0.

The meeting adjourned at **10:14 a.m.**

Chairperson, Sig Zvejnieks