

MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
July 22, 2013 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Courthouse

- MEMBERS PRESENT: Sig Zvejnieks, Jim Coleman, Karen Hall, Lori Litzen, Barbara Landers, Bill McCollam, and Nancy Trautman.
- STAFF PRESENT: Dan Jennissen, Brittney Molitor, Jeri Ervin, and Patrick Grode (SAO).

ROLL CALL

1. APPROVAL OF THE JULY 8, 2013, MINUTES
Moved by Hall and seconded by Coleman to approve the July 8, 2013, Planning Commission minutes. Vote: unanimous (7 to 0).
2. APPROVAL OF THE AGENDA
Moved by McCollam and seconded by Hall to approve the August 12, 2013, Planning Commission minutes. 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 94-28:** Patrick and Linda Payne. To review a mobile home being used as a caretaker's residence in accordance with Section 204 and 510 of the Pennington County Zoning Ordinance.

NE1/4SW1/4 less Rapid City Airport #4 and less right-of-way, Section 6, T1N, R9E, BHM, Pennington County, South Dakota.

To recommend approval of the revocation of Conditional Use Permit / CU 94-28 with the applicant's concurrence.

Vote: unanimous (7 to 0).

4. **CONDITIONAL USE PERMIT REVIEW / CU 05-14:** Donald Straub. To review a singlewide manufactured home as a single-family residence in a Suburban Residential District in accordance with Sections 204, 208-C-19 and 510 of the Pennington County Zoning Ordinance.

N1/2 of Lot A of Lot 4; Lot B of Lot 4; Lot C of Lot 4, Section 15, T2N, R8E, BHM, Pennington County, South Dakota.

(Continued from the July 8, 2013, Planning Commission meeting.)

To recommend approval of the extension of Conditional Use Permit / CU 05-14 with the following seven (7) 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 manufactured home measuring at least sixteen (16) feet by eighty (80) feet with a peaked non-reflective type roof and wood or simulated wood-type siding continue to be maintained;**
3. **That the applicant continues to use the existing approach from Hickory Drive;**
4. **That the applicant ensures that all natural drainage ways must be maintained and are not blocked;**
5. **That the property remains free of junk and debris;**
6. **That the applicant must have a visible address posted at Hickory Drive; and,**
7. **That this Conditional Use Permit be reviewed in two (2) years or on a complaint basis.**

Vote: unanimous (7 to 0).

5. **CONDITIONAL USE PERMIT REVIEW / CU 08-32:** Wesley Gortmaker / Rick Gortmaker. To review an automotive/towing business as a home occupation in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 1, Gortmaker Acres, Section 14, T2N, R8E, BHM, Pennington County, South Dakota.

To recommend approval of the revocation of Conditional Use Permit / CU 08-32 with the applicant's concurrence.

Vote: unanimous (7 to 0).

6. **CONDITIONAL USE PERMIT REVIEW / CU 00-02:** Barbara Burnham; John and Jamie Henderson - Agent. To review a caretaker's residence in a General Agriculture District in accordance with Section 204-D of the Pennington County Zoning Ordinance.

Balance of Lot 18 and all of Lot 19, Saxon Placer M.S. 1250, Section 34, T1N, R5E, BHM, Pennington County, South Dakota.

To recommend approval of the revocation of Conditional Use Permit / CU 00-02 with the applicant's concurrence.

Vote: unanimous (7 to 0).

7. **CONDITIONAL USE PERMIT REVIEW / CU 12-04:** Glenn and Della Wishard (Nancy Kimball – Contract for Deed Owner). To review a multi-family dwelling unit (tri-plex) in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

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

To recommend to continue the review of Conditional Use Permit / CU 12-04 to the August 12, 2013, Planning Commission meeting.

Vote: unanimous (7 to 0).

8. **CONDITIONAL USE PERMIT REVIEW / CU 12-18:** Paul and Dawn Marso. To review a Vacation Home Rental in a Suburban Residential District in accordance with Sections 319 and 510 of the Pennington County Zoning Ordinance.

Lot 19, Block B, Edelweiss Mountain Development, Section 17, T1N, R5E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 12-18 with the following eight (8) conditions:

1. **That the two (2) bedroom Vacation Home Rental be allowed up to eight (8) overnight guests;**
2. **That a minimum of two (2) off-street parking spaces be provided and each parking space shall not be less than 162 square feet, nor less than nine feet (9') by eighteen feet (18'), 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 is visible in both directions in accordance with Pennington County's Ordinance #20;**

4. That the applicant complies 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 the applicant complies 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 three (3) years or upon a complaint.

Vote: unanimous (7 to 0).

9. **CONDITIONAL USE PERMIT REVIEW / CU 12-20:** Becki Grover. To review a Vacation Home Rental in a Limited Agricultural District in accordance with Sections 206, 319, and 510 of the Pennington County Zoning Ordinance.

Lot A of Gold King Lode M.S. #2064, Section 28, T1S, R6E, BHM, Pennington County, South Dakota.

To recommend approval of the revocation of Conditional Use Permit / CU 12-20 with the applicant's concurrence.

Vote: unanimous (7 to 0).

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

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

To recommend to continue the review of Planned Unit Development / PU 06-07 to the August 26, 2013, Planning Commission meeting.

Vote: unanimous (7 to 0).

11. **CONSTRUCTION PERMIT REVIEW / CP 99-29:** Pete Lien & Sons. To review a Construction Permit in a General Agriculture District in accordance with Section 507 of the Pennington County Zoning Ordinance.

NW1/4 NE1/4 (less Right-of-way and Lot A and Lot B and Feist Additions and the south 245 feet of the east 232 feet), Section 20, T2N, R7E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Construction Permit / CP 99-29 with the following seven (7) conditions:

1. That the 15 foot high berm continues to be maintained to serve as a buffer between the property to the east and the mining activity;
2. That the applicant reclaims the disturbed areas. This includes replacing topsoil, vegetating the disturbed areas, all necessary grading, and all necessary backfilling, which can include the use of clean concrete or brick;
3. That the conditions of approval of the “Part 70 Air Quality Permit” (Air Quality Permit #28.1143-02) be continually met as required by the South Dakota Department of Environment and Natural Resources;
4. That the conditions of approval of the South Dakota Department of Environment and Natural Resources Mining & Minerals Permits (Mining License #383-100 and Mining Permit #216) be continually met;
5. That a “Haul Road Agreement” be obtained from the Pennington County Highway Department prior to utilizing Hidden Valley Road as a haul road to transport the proposed mining materials;
6. That the conditions of approval of the Industrial Stormwater Permit (Permit #SDR00A560) be continually met as required by the South Dakota Department of Environment and Natural Resources; and,
7. That the Construction Permit be reviewed in five (5) years to monitor the impacts of the use on the surrounding land uses.

Vote: unanimous (7 to 0).

12. **MINING PERMIT REVIEW / MP 12-11:** Royal Nielsen. To review a Mining Permit in accordance with Section 507 of the Pennington County Zoning Ordinance.

NE1/4SW1/4, Section 23, T1N, R8E, BHM, Pennington County, South Dakota.

To recommend approval of the revocation of Mining Permit / MP 12-11 with the applicant’s concurrence.

Vote: unanimous (7 to 0).

13. **ORDINANCE AMENDMENT / OA 13-02:** Pennington County. To amend Section 103 “Construction Permit Definitions” and Section 507(A) “Construction Permits” of the Pennington County Zoning Ordinance.

To recommend approval of Ordinance Amendment / OA 13-02.

Vote: unanimous (7 to 0).

END OF CONSENT CALENDAR

14. **CONDITIONAL USE PERMIT / CU 13-16:** Larry Teuber / School House, LLC; Renner & Associates – Agent. To allow a Guest House in a Limited Agriculture District / Suburban Residential District in accordance with Sections 206, 318, and 510 of the Pennington County Zoning Ordinance.

Lots 2 and 3 (inclusive of one-half vacated Clarkson Road adjacent to said lots) of Spring Canyon Estates, and Lot 4 of Spring Canyon Estates, Section 5, T1S, R7E, BHM, Pennington County, South Dakota.

(Continued from the July 8, 2013, Planning Commission meeting.)

Jennissen reviewed the Staff Report indicating this item was continued from the July 8, 2013, Planning Commission meeting in order for the agent to remeasure the Guest House or for the applicant to apply for a Variance or remove a portion of the structure. Jennissen also stated the agent contacted staff to confirm that the applicant would be applying for a Variance to request the maximum size allowed for a Guest House to be exceeded. The Variance request will be heard at the August 6, 2013, Board of Commissioners’ meeting.

Jennissen further noted that staff included a requirement, in the Conditions of Approval, that either approval of a Variance be obtained or a portion of the structure be removed prior to filing of the plat for proposed Lot 2R of Spring Canyon Estates. This will enable the applicant to proceed with his plat request, but ensure the size of the Guest House is addressed before the plat is finalized.

Staff recommended approval of Conditional Use Permit 13-16 with the following eight (8) conditions:

1. That the lot address assigned for the Guest House, 9699 Clarkson Road, be posted so it is clearly visible from Clarkson Road in accordance with Pennington County Ordinance #20;
2. That an Operating Permit be obtained for the existing on-site wastewater treatment system servicing the Guest House within 30 days of approval of this Conditional Use Permit;
3. That the applicant file a deed restriction at the Register of Deeds stating the regulations applicable to the Guest House, including that the Guest House shall not be separately rented or leased from the main residence, in accordance with Section 318-B-13 of the Zoning Ordinance;
4. That the Guest House be utilized and maintained in accordance with the requirements of Section 318 of the Zoning Ordinance, including the Guest House may not be used more than 180 days per calendar year and the primary dwelling must be continually classified as owner-occupied by the Department of Equalization;
5. That the size of the Guest House be brought into compliance with the Guest House Ordinance either by obtaining approval of a Variance from the Board of Adjustment or by removing a portion of the structure prior to filing of the plat for proposed Lot 2R of Spring Canyon Estates at the Register of Deeds;
6. That this Conditional Use Permit is not valid until the portion of property the Guest House is located on is rezoned to Limited Agriculture District. If this portion of property is not rezoned and the Guest House remains located in a Suburban Residential District, this Conditional Use Permit shall be revoked;
7. That this Conditional Use Permit is only valid for proposed Lot 2R of Spring Canyon Estates, which consists of portions of existing Lots 2, 3 and 4 of Spring Canyon Estates, as being platted with the Rapid City Community Planning Department; and,
8. That this Conditional Use Permit be reviewed in two (2) years or on a complaint basis to verify that all conditions of approval are being met.

Commissioner Zvejnieks clarified that this application is being recommended for approval, along with a condition addressing the size of the Guest House by approval of a Variance or by removing a portion of the structure.

Jennissen said yes.

Commissioner Trautman wanted to know what would happen, if the applicant's Variance is not approved. She questioned how it would be brought into compliance.

Jennissen stated the County Planning Department would recommend to the City of Rapid City that they not proceed with the applicant's plat, until the applicant does bring the Guest House into compliance. Jennissen also said that if the city still proceeds with the plat application, the applicant would then have a Zoning Violation on the property. If the applicant does not address the violation, it would then be forwarded over to the State's Attorney's Office.

Commissioner Trautman expressed concern that the applications are tracked and enforcement of the issues are monitored.

Discussion followed.

Mr. Patrick Grode, Deputy State's Attorney, noted that the Guest House can be brought into compliance by also removing a portion of the covered deck.

Commissioner Zvejnieks asked if the agent remeasured the deck.

Jennissen said he did not know if this was done.

Discussion followed to continue this item to the August 12th Planning Commission meeting to obtain verification of the size of the deck from the agent or applicant.

Moved by McCollam and seconded by Landers to continue Conditional Use Permit 13-16 to the August 12, 2013, Planning Commission meeting to obtain verification of the size of the deck from the agent or applicant.

All voting aye, the Motion carried 7 to 0.

15. MINOR PLAT / PL 13-13 AND SUBDIVISION REGULATIONS VARIANCE / SV 13-06: Rochford Community Club; Anna Burleson – Agent. To combine two lots in order to create Lot 4A, Block 2 of Dakota Lode M.S. 2109 and to waive platting requirements in accordance with Sections 400.3 and 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 4, Block 2 of Dakota Lode M.S. 2109, and Part of Lot 1 (26' x 60' in NE Corner), Block 3 of Dakota Lode M.S. 2109, Section 23, T2N, R3E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 4A, Block 2 of Dakota Lode M.S. 2109, Section 23, T2N, R3E, BHM, Pennington County, South Dakota.

Jennissen reviewed the Staff Report indicating the applicant is requesting to combine two lots in order to create Lot 4A, Block 2 of the Dakota Lode M.S. 2109. The purpose of the plat is to clarify the legal descriptions used for the existing lots and to create a larger lot. Currently, the lots contain the Rochford Community Center. In addition, the applicant has submitted a Subdivision Regulations Variance request to waive the following platting

requirements: 1) Road improvements to Rochford Road, in accordance with Section 500.5 (Local/Collector Road Standards for Suburban Residential District), and corresponding engineered road construction plans; 2) Road improvements to the 16-foot alleyway, in accordance with Section 500.5 (Local/Collector Road Standards for Suburban Residential District), and corresponding engineered road construction plans; 3) Dedication of eight (8) foot utility and drainage easements along the interior of all lot lines (portions of the existing structure encroach into the eight (8) feet required to be dedicated); and, 4) Submittal of topography information at a five (5) foot contour interval. A Layout Plat request for proposed Lot 4A, Block 2 of the Dakota Lode M.S. 2109 (PL 10-24) was approved by County Board on July 20, 2010, with ten (10) conditions.

Staff recommended approval of Minor Plat 13-13 with the following five (5) conditions:

1. That a Variance be obtained to allow the proposed .12 acre lot size and the existing setbacks to the lots lines for the Rochford Community Center in a Suburban Residential District;
2. That information regarding the portable toilet located on-site be made available to the Planning Department upon request, including the name of facility handling the waste, the schedule of the pumping, and pumping receipts;
3. That an Observation Form be completed and submitted to the Planning Department when the holding tank is next pumped and that an Operating Permit be obtained prior to filing of the plat at the Register of Deeds;
4. That the proper certificates be included on the plat to be recorded at the Register of Deeds in accordance with Section 400.3-1-n of the Pennington County Subdivision Regulations; and,
5. That an easement or additional right-of-way be dedicated on the plat for Rochford Road in accordance with the Pennington County Highway Department's comments, including a permanent easement or right-of-way preferably to the 33 foot right-of-way line, or at a minimum, to the 20 foot right-of-way line from the center of Rochford Road.

Staff also recommended approval of Subdivision Regulations Variance 13-06 to waive the road improvement requirements and associated road plans for Rochford Road and the 16-foot alleyway, the requirement to submit topography information at a five (5) foot contour interval, and a portion of the requirement to dedicate eight (8) foot utility and drainage easements along the interior of all lot lines with the following one (1) condition:

1. That eight (8) foot utility and drainage easements be dedicated on the plat in accordance with Black Hills Electric Cooperative's forthcoming comments.

Commissioner Trautman discussed the proposed road improvements for Rochford Road and also spoke of the design for Rochford Road.

Jennissen stated the County Highway Department is willing to work with the Rochford Community Center so that they would not have to remove any of their structures when the road is widened. The County Highway Department said they are able to work with a 20 foot easement from the centerline of Rochford Road.

Commissioner McCollam expressed concern with the width of the right-of-way and questioned how wide it is.

Jennissen said that it is not shown as platted right-of-way, but states: "Rochford Road variable width right-of-way."

Commissioner McCollam spoke of the 20 foot width and wanted to know how much of it will encroach onto the property.

Jennissen stated the subject property actually includes a paved portion of Rochford Road and the right-of-way would be located very close to the building. The applicants are dedicating it as an easement and not as a public right-of-way.

Commissioner Hall spoke of the structure located on the back of the building and wanted to know if this is a covered porch or if the addition has already been added.

Jennissen explained that it is actually part of the existing building and not a covered porch.

Discussion followed regarding the widening of Rochford Road and encroachment issues.

Moved by Landers and seconded by McCollam to approve Subdivision Regulations Variance 13-06 to waive the road improvement requirements and associated road plans for Rochford Road and the 16-foot alleyway, the requirement to submit topography information at a five (5) foot contour interval, and a portion of the requirement to dedicate eight (8) foot utility and drainage easements along the interior of all lot lines with the following one (1) condition: 1. That eight (8) foot utility and drainage easements be dedicated on the plat in accordance with Black Hills Electric Cooperative's forthcoming comments, and to approve of Minor Plat 13-13 with the following five (5) conditions:

- 1. That a Variance be obtained to allow the proposed .12 acre lot size and the existing setbacks to the lots lines for the Rochford Community Center in a Suburban Residential District;**
- 2. That information regarding the portable toilet located on-site be made available to the Planning Department upon request, including the name of**

facility handling the waste, the schedule of the pumping, and pumping receipts;

- 3. That an Observation Form be completed and submitted to the Planning Department when the holding tank is next pumped and that an Operating Permit be obtained prior to filing of the plat at the Register of Deeds;**
- 4. That the proper certificates be included on the plat to be recorded at the Register of Deeds in accordance with Section 400.3-1-n of the Pennington County Subdivision Regulations; and,**
- 5. That an easement or additional right-of-way be dedicated on the plat for Rochford Road in accordance with the Pennington County Highway Department's comments, including a permanent easement or right-of-way preferably to the 33 foot right-of-way line, or at a minimum, to the 20 foot right-of-way line from the center of Rochford Road.**

All voting aye, the Motion carried 7 to 0.

16. CONDITIONAL USE PERMIT / CU 13-18: Rochford Community Club; Anna Burleson – Agent. To allow a Community Center in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 4, Block 2 of Dakota Lode M.S. 2109, and Part of Lot 1 (26' x 60' in NE Corner), Block 3 of Dakota Lode M.S. 2109, Section 23, T2N, R3E, BHM, Pennington County, South Dakota.

Jennissen reviewed the Staff Report indicating that the Rochford Community Club is requesting a Conditional Use Permit to allow a Community Center in a Suburban Residential District. The Rochford Community Center has been in operation for several years on the property and is considered a legal, non-conforming use; however, the applicant is attempting to bring the property into compliance in order to allow for an addition to be constructed in the future.

Staff recommended Conditional Use Permit 13-18 be continued to the August 12, 2013, Planning Commission meeting in order for the off-street parking requirement to be addressed, either by approval of a Zoning Variance to waive this requirement or by the applicant demonstrating that the amount of off-street parking can be provided in accordance with Section 310-A-1 of the Zoning Ordinance.

Commissioner Trautman expressed concern with the parking and wanted to know where everyone parks at.

Ms. Lori Ruleson, agent, appeared and stated that they can get a couple cars along the north side of the building, a few on the south side, and the rest park on either sides along

the road. She also stated the adjacent property owners do allow people to park vehicles on their properties.

Commissioner Landers asked what the Rochford Community Club is.

Ms. Ruleson said it is Community Center for the town of Rochford and they have fund raisers, along with community events at the building.

Commissioner Landers asked if the town of Rochford owns the building.

Ms. Ruleson stated that it is owned by the Rochford Community Club.

Commissioner Hall wanted to know where the holding tank is located.

Ms. Ruleson noted that it is located on the south side of the property.

Moved by Trautman and seconded by Hall to continue Conditional Use Permit 13-18 to the August 12, 2013, Planning Commission meeting in order for the off-street parking requirement to be addressed, either by approval of a Zoning Variance to waive this requirement or by the applicant demonstrating that the amount of off-street parking can be provided in accordance with Section 310-A-1 of the Zoning Ordinance.

All voting aye, the Motion carried 7 to 0.

17. REZONE / RZ 13-13 AND COMPREHENSIVE PLAN AMENDMENT / CA 13-07: Mitch Morris. To rezone 151.36 acres and 30.49 acres from General Agriculture District and Light Industrial District to General Commercial District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Limited Agriculture District to General Commercial District in accordance with Section 508 of the Pennington County Zoning Ordinance.

Being 151.36 acres of land located in the E1/2 of Section 32, Township 1 North, Range 8 East of the Black Hills Meridian, Pennington County, South Dakota, said 151.36 acres of land being more particularly described by metes and bounds as follows, all measurements are to be considered as being followed by the words "more or less"; BEGINNING at the southwest corner of Lot 1 of the SW1/4 SE1/4 of Section 32, Township 1 North, Range 8 East of the Black Hills Meridian, on the south line of Section 32 at the intersection of the east right-of-way line of South Dakota Highway 79; Thence, North 06°32'53" West, along the west line of said Lot 1 of the SW1/4 SE1/4 of Section 32 and east right-of-way line of SD Highway 79, a distance of 4310.98 feet to a point on the easterly line of Lot A of the NW1/4 NE1/4 of Section 32 as shown on plat recorded in Highway Plat Book 9, Page 93, in the office of the Pennington County Register of Deeds, in a curve from which the center of curvature bears North 48°17'34" West a distance of 103.00 feet; Thence, southwesterly, following the easterly line of said Lot A of the NW1/4 NE1/4 of Section 32, along a curve to the right having a radius of 103.00 feet, a central angle of 35°53', for

an arc distance of 64.51 feet to a point of tangency; Thence, South 77°35'27" West, continuing to follow the easterly line of said Lot A of the NW1/4 NE1/4 of Section 32, a distance of 4.12 feet to a point for corner on the east right-of-way line of SD Highway 79, in a curve from which the center of curvature bears South 73°13'38" West a distance of 3920 feet; Thence, northwesterly, along a curve to the left having a radius of 3920 feet, a central angle of 00°29'02", for an arc length of 33.11 feet to point for corner on the centerline of the alignment of said Lot A of the NW1/4 NE1/4 of Section 32; Thence, North 77°35'27" East, following the centerline of the alignment of said Lot A of the NW1/4 NE1/4 of Section 32, a distance of 6.78 feet to a point of curvature; Thence, northeasterly, continuing to follow the centerline of the alignment of said Lot A of the NW1/4 NE1/4 of Section 32, along a curve to the left having a radius of 70.00 feet, a central angle of 84°05'03", for an arc length of 102.73 feet to a point of tangency; Thence, North 06°29'36" West, continuing to follow the centerline of the alignment of said Lot A of the NW1/4 NE1/4 of Section 32, a distance of 606.16 feet to a point of curvature; Thence, northwesterly, continuing to follow the centerline of the alignment of said Lot A of the NW1/4 NE1/4 of Section 32, along a curve to the left having a radius of 1432.39 feet, a central angle of 05°45'52", for an arc length of 144.11 feet to point for corner on the west line of the E1/2 of Section 32; Thence, North 00°01'24" East, along the west line of the E1/2 of Section 32, a distance of 206.71 feet to the northwest corner of the E1/2 of Section 32; Thence, South 89°48'35" East, along the north line of the E1/2 of Section 32, a distance of 2656.84 feet to the northeast corner of Section 32; Thence, South 00°04'45" West, along the east line of Section 32, a distance of 500.00 feet to a point for corner; Thence, North 89°48'35" West, parallel to and 500 feet distant from the north line of the E1/2 of Section 32, a distance of 1514.54 feet to a point for corner; Thence, South 06°22'35" East, a distance of 4844.00 feet to a point for corner on the south line of the E1/2 of Section 32; Thence, North 89°36'35" West, along the south line of the E1/2 of Section 32, a distance of 1088.72 feet to the POINT OF BEGINNING and containing 151.36 acres, more or less, of land.

Being 30.49 acres of land located in the N1/2 NW1/4 of Section 33, Township 1 North, Range 8 East of the Black Hills Meridian, Pennington County, South Dakota, said 30.49 acres of land being more particularly described by metes and bounds as follows, all measurements are to be considered as being followed by the words "more or less"; BEGINNING at the northwest corner of Section 33, Township 1 North, Range 8 East of the Black Hills Meridian; Thence, South 89°51'35" East, along the north line of the NW1/4 of Section 33, a distance of 2656.84 feet to the northeast corner of the NW1/4 of Section 33; Thence, South 00°08'05" West, along the east line of the NW1/4 of Section 33, a distance of 500.00 feet to a point for corner; Thence, North 89°51'35" West, parallel to and 500 feet distant from the north line of the NW1/4 of Section 33, a distance of 2656.35 feet to a point for corner on the west line of the NW1/4 of Section 33; Thence, North 00°04'45" East, a distance of 500.00 feet to the POINT OF BEGINNING and containing 30.49 acres, more or less, of land.

Jennssen reviewed the Staff Report indicating the applicant is requesting to rezone the above-described property (151.36 acres and 30.49 acres) from General Agriculture District and Light Industrial District to General Commercial District and to amend the

Pennington County Comprehensive Plan to change the Future Land Use from Limited Agriculture District to General Commercial District. The applicant has not indicated his intentions with the property. The property, if subdivided, would be through the City of Rapid City as it is within three miles of Rapid City's incorporated limits. As of July 17, 2013, no applications have been submitted to Rapid City.

Jennissen further stated the applicant has also submitted Rezone 13-14 and Comprehensive Plan Amendment 13-08 to rezone 200.73 acres from General Agriculture District to Suburban Residential District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Limited Agriculture District to Suburban Residential District. The two additional requests will be heard at this same meeting.

Jennissen explained that the property has also been published to be sold through a Sheriff's Sale that is to take place on Wednesday, July 24, 2013. The publication indicates 25 properties that are to be sold for cash until the amount received is sufficient to pay the amount adjudged to be due. The subject properties requested to be rezoned are located at the latter end of the sale. The amount adjudged may be met prior to auctioning the properties being requested to be rezoned.

Staff recommended to continue Rezone 13-13 and Comprehensive Plan Amendment 13-07 to the August 12, 2013, Planning Commission meeting to determine if the applicant maintains ownership of the properties and to allow the applicant to address the concerns of staff.

Moved by Trautman and seconded by Hall to continue Rezone 13-13 and Comprehensive Plan Amendment 13-07 to the August 12, 2013, Planning Commission meeting to determine if the applicant maintains ownership of the properties and to allow the applicant to address the concerns of staff.

All voting aye, the Motion carried 7 to 0.

18. REZONE / RZ 13-14 AND COMPREHENSIVE PLAN AMENDMENT / CA 13-08: To rezone 200.73 acres from General Agriculture District to Suburban Residential District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Limited Agriculture District to Suburban Residential District in accordance with Section 508 of the Pennington County Zoning Ordinance.

Being 200.73 acres of land located in the NE1/4 of Section 32 and in the NW1/4 of Section 33, Township 1 North, Range 8 East of the Black Hills Meridian, Pennington County, South Dakota, said 200.73 acres of land being more particularly described by metes and bounds as follows, all measurements are to be considered as being followed by the words "more or less"; COMMENCING, for location purposes only, at the northeast corner of Section 32 also being the northwest corner of Section 33, Township 1 North, Range 8 East of the Black Hills Meridian; Thence, South 00°04'45" West, along the common line between Section 32 and Section 33, a distance of 500.00 feet to the POINT

OF BEGINNING of the herein described tract; Thence, South 89°51'35" East, parallel to and 500 feet distant from the north line of the NW1/4 of Section 33, a distance of 2656.35 feet to a point for corner on the east line of the NW1/4 of Section 33; Thence, South 00°08'05" West, along the east line of the NW1/4 of Section 33, a distance of 2165.91 feet to a point for corner; Thence, North 89°41'05" West, along the south line of the NW1/4 of Section 33, a distance of 2654.26 feet to the southwest corner of the NW1/4 of Section 33 also being the southeast corner of the NE1/4 of Section 32; Thence, North 89°42'51" West, along the south line of the NW1/4 of Section 32, a distance of 1270.58 feet to a point for corner; Thence, North 06°22'35" West, a distance of 2169.92 feet to a point for corner, 500 feet south of the north line of the NE1/4 of Section 32; Thence, South 89°48'35" East, parallel to and 500 feet distant from the the north line of the NE1/4 of Section 32, a distance of 1514.54 feet to the POINT OF BEGINNING and containing 200.73 acres, more or less, of land.

Jennissen reviewed the Staff Report indicating the applicant is requesting to rezone 200.73 acres from General Agriculture District to Suburban Residential District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Limited Agriculture District to Suburban Residential District. The property, if subdivided, would be through the City of Rapid City as it is within three miles of Rapid City's incorporated limits. As of July 17, 2013, no applications have been submitted to Rapid City.

Jennissen further stated the applicant has also submitted Rezone 13-13 and Comprehensive Plan Amendment 13-07 to rezone 151.36 acres and 30.49 acres from General Agriculture District and Light Industrial District to General Commercial District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Limited Agriculture District to General Commercial District. The two additional requests will be heard at this same meeting.

Jennissen explained that the property has also been published to be sold through a Sheriff's Sale that is to take place on July 24, 2013. The publication indicates 25 properties that are to be sold for cash until the amount received is sufficient to pay the amount adjudged to be due. The subject properties requested to be rezoned are located at the latter end of the sale. The amount adjudged may be met prior to auctioning the properties being requested to be rezoned.

Staff recommended to continue Rezone 13-14 and Comprehensive Plan Amendment 13-08 to the August 12, 2013, Planning Commission meeting to determine if the applicant maintains ownership of the properties and give the applicant time to address the concerns of staff.

Jennissen further spoke of waiting to proceed with the two applications until the applicant pays off the debts and actually retains ownership at the end of the redemption period, which is one year.

Mr. Patrick Grode, Deputy State's Attorney, questioned whether the sale is an Execution or Tax Deed Sale.

Jennissen said that he is unaware of the type of auction the properties fall under.

Mr. Grode also expressed concern with the sale of the properties and recommended staff and the Planning Commission wait to proceed with the applications until the redemption period over.

Commissioner Hall also spoke of the subject property being in close proximity with the Black Gap Development and the issues they have had with drainage and wastewater.

Moved by Hall and seconded by McCollam to continue Rezone 13-14 and Comprehensive Plan Amendment 13-08 to the August 12, 2013, Planning Commission meeting to determine if the applicant maintains ownership of the properties and to give the applicant time to address the concerns of staff.

All voting aye, the Motion carried 7 to 0.

19. COUNTY BOARD REPORT

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

20. ITEMS FROM THE PUBLIC

There were no items from the public.

21. ITEMS FROM THE STAFF

There were no items from staff.

22. ITEMS FROM THE MEMBERSHIP

A. Commissioner Trautman spoke of agricultural tourism and recommended that this be reviewed by the Planning Department to incorporate it as a specific use under Conditional Use Permits.

Discussion followed.

B. Commissioner Trautman further spoke of the fires in Colorado and structures that were lost. She discussed Pennington County possibly adopting an Ordinance to reduce Building Permit fees, if there has been an emergency, such as a fire. She also spoke of Fire Mitigation Plans in Pennington County and wanted to know if anyone follows-up on them.

Jennissen explained that when new lots are created through the platting process, the plats are routed to the Fire Coordinator in Pennington County and then he has to approve the developer's plan.

Commissioner Litzen also commented that fire mitigation, by landowners, is voluntary.

Mr. Grode indicated that the Board of Commissioners have the power to enact an Ordinance to relax fees if there is a flood, fire, or disaster in a development and the Ordinance can be in effect for 18 months for property owners or developers to apply for those permits.

Commissioner Trautman discussed enforcing Fire Mitigation Plans and questioned how this will be done besides just submitting the plan with the Fire Coordinator and the Planning Department.

Commissioner McCollam commented that there are a lot of Ordinances in place, but not the manpower to address them.

Discussion further followed to address this through the Nuisance Ordinance or educate the public by giving hand-outs with Building Permits.

23. DISCUSSION ITEMS

There were no discussion items.

24. ADJOURNMENT

Moved by Coleman and seconded by Litzen to adjourn.

All voting aye, the Motion carried 7 to 0.

The meeting adjourned at **10:17 a.m.**

Chairperson, Sig Zvejnieks