

**MINUTES**  
**PENNINGTON COUNTY PLANNING COMMISSION**  
**December 9, 2013 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Courthouse

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

STAFF PRESENT: Dan Jennissen, Jeri Ervin, PJ Conover, and Patrick Grode (SAO).

ROLL CALL

1. APPROVAL OF THE NOVEMBER 25, 2013, MINUTES  
**Moved by Hall and seconded by McCollman to approve the November 25, 2013, Planning Commission minutes, with a correction to the date for Item #4 to reflect the continued date to be January 13, 2014. Vote: unanimous (7 to 0).**
  
2. APPROVAL OF THE AGENDA  
**Moved by Landers and seconded by Litzen to approve the December 9, 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. **TELECOMMUNICATIONS FACILITY PERMIT REVIEW / TC 09-04:** AT&T; Clayton and Francis Baker. To review a 190 foot monopole communications tower in a General Agriculture District in accordance with Sections 205, 316, and 510 of the Pennington County Zoning Ordinance.

Part of the NE1/4SW1/4 North of Highway and less Strato Bowl Subdivision and less Right-of-Way in Strato Bowl Subdivision, Section 13, T1S, R6E, BHM, Pennington County, South Dakota.

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

**To approve of the extension of Telecommunications Facility Permit / TC 09-04 with the following eight (8) conditions:**

1. That Building Permits be obtained for any structure exceeding 144 square feet or located on a permanent foundation, which include necessary site plans to be reviewed and approved by the Planning Director;
2. That a security fence continues to be maintained around the tower and accessory structures in accordance with Section 316 of the Zoning Ordinance;
3. That the address be properly posted in accordance with Ordinance #20;
4. That a minimum of two (2) off-street parking spaces continue to be provided. Each space shall measure at least nine (9) feet by eighteen (18) feet and be maintained in a dust free manner;
5. That emergency radio communication equipment be allowed on the tower so long as it does not interfere with the applicant's broadcast equipment;
6. That proper setbacks from the property lines and all utilities be maintained for all structures located on the property;
7. That the driving surface for the access road be a minimum of 14-feet-wide and maintained in a dust free manner; and,
8. That this Telecommunications Facilities Permit be reviewed on a complaint basis, as needed by staff or as deemed necessary by the Pennington County Planning Commission to verify that all Conditions of Approval are met.

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

4. **CONDITIONAL USE PERMIT REVIEW / CU 00-65:** Joyce Metz; Cathy Little Bull - Agent. To review a caretaker's residence in a Limited Agriculture District in accordance with Sections 206-C and 510 of the Pennington County Zoning Ordinance.

Lot 3, Tract A less Right of Way, Metz Addition, Section 10, T2S, R6E, BHM, Pennington County, South Dakota.

**To approve of the extension of Conditional Use Permit / CU 00-65 with the following five (5) conditions:**

1. That a Building Permit be obtained for any structure exceeding 144 square feet or located on a permanent foundation which requires a site plan to be reviewed and approved by the Planning Director;
2. That the mobile home be removed from the property when Ms. Metz is no longer in need of a caretaker;

3. That the manufactured home has factory installed wood, hardboard or siding with a wood appearance and factory installed, peaked, non-reflective roof;
4. That the caretaker's residence continue to utilize the existing primary approach for the property; and,
5. That this Conditional Use Permit be reviewed in three (3) years, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission.

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

5. **ROAD NAMING:** Orvil Davis (Lazy P6 Land Co.) To name a 68-foot-wide Common Ground (Area) which provides access to properties located in Southgate Commercial Condominiums Subdivision, Section 19, T1N, R8E, BHM, Pennington County, South Dakota. East Watts Lane.

**To recommend approval of the Road Name of East Watts Lane.**

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

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

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

(Continued from the October 14, 2013, Planning Commission meeting.)

**To recommend to continue the review of Planned Unit Development / PU 06-07 to the March 10, 2014, Planning Commission meeting.**

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

7. **CONDITIONAL USE PERMIT REVIEW / CU 08-06:** Robert and Melody Riggins. To review a single-wide mobile home as a temporary residence while constructing a stick-built home in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

SW1/4SE1/4 of Section 12, T1N, R9E, BHM, Pennington County, South Dakota.

(Continued from the October 28, 2013, Planning Commission meeting.)

**To recommend to continue the review of Conditional Use Permit / CU 08-06 to the March 10, 2014, Planning Commission meeting.**

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

- 8. CONDITIONAL USE PERMIT / CU 13-26: Eric Patterson / Cindy Wasson. To allow for accessory structures prior to a principal structure in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.**

Lot 2, Kauer Subdivision, Section 30, T2N, R10E, BHM, Pennington County, South Dakota.

**To recommend approval of Conditional Use Permit / CU 13-26 with the following eleven (9) conditions:**

- 1. That the existing approach off of 155<sup>th</sup> Avenue be utilized or else an Approach Permit be obtained from the County Highway Department and the existing approach be abandoned.**
- 2. That if the applicant chooses to install any plumbing within or on the outside of either accessory structure, it be hooked into a proper means of wastewater disposal with overall adherence to all necessary State and County regulations and an OSWCP be obtained;**
- 3. That Building Permits be obtained for any structure exceeding 144 square feet and located on a permanent foundation, which includes a site plan to be reviewed and approved by the Planning Director;**
- 4. That the applicant maintains all required setbacks during new construction;**
- 5. That the accessory structures be used for personal use only and no commercial- type uses;**
- 6. That the property remain free of debris and junk vehicles;**
- 7. That all natural drainage paths be maintained;**
- 8. That the address, once assigned to the property, be posted so it is clearly visible from 155<sup>th</sup> Avenue in accordance with Pennington County's Ordinance #20;**
- 9. That prior to any work being conducted within the 100-year floodplain boundaries, a Floodplain Development Permit be obtained;**
- 10. That once the applicant applies for a Building Permit for a single-family residence on this property, this CUP be automatically revoked; and,**

11. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission to verify that all Conditions of Approval are being met.

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

9. **CONDITIONAL USE PERMIT / CU 13-27:** David and Nancy Fisher. To allow for an accessory structure (garage/shop) without a principal structure in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Tract D, Circle B Ranch Subdivision, Section 28, T2N, R5E, BHM, Pennington County, South Dakota.

**To recommend approval of Conditional Use Permit / CU 13-27 with the following seven (7) conditions:**

1. That the property and accessory structure be used for personal and agricultural uses only and no commercial-type uses;
2. That the property remain free of debris and junk vehicles;
3. That prior to any plumbing being installed in the accessory structure, an approved On-Site Wastewater Construction Permit be obtained to install an on-site wastewater treatment system on the property;
4. That the proper setbacks for a Limited Agriculture District be maintained for the accessory structure, including 25 feet from all lot lines with the exception of the north lot line which requires a 58 foot setback due to the Section Line;
5. That all U.S. Forest Service comments be respected, including the protection of all National Forest System lands boundaries, and no access, utilities, or parking being allowed on National Forest System lands;
6. That if the subject property (Tract D) is ever sold separately from the other surrounding properties owned by the applicant, either an access easement would need to be dedicated for the current location of Vick Drive or a new road would need to be built in the platted private drive to provide access to the subject property; and,
7. That this Conditional Use Permit be reviewed in two (2) years, at the Planning Commissions' discretion, or on a complaint basis to verify that all conditions of approval are being met.

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

10. **MINOR PLAT / PL 13-25**: David Merchen; Davis Engineering – Agent. To create Lot A Revised and Lot B Revised of Merchen Addition in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot A and Lot B of Merchen Addition and Lot 4 of Merchen Addition #2, 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 Minor Plat / PL 13-25 with one (1) condition:**

1. **That prior to filing the plat with Register of Deeds, the previous lot lines be labeled on the plat, the curve and line dimensions be on the plat and the owner's name be corrected.**

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

## **END OF CONSENT CALENDAR**

11. **MINOR PLAT / PL 13-27 AND SUBDIVISION REGULATIONS VARIANCE / SV 13-13**: Tracey Mowery / George and Robin Pendo. To reconfigure lot lines to create Lot 1R and Lot 2 of Slater Subdivision and to waive platting requirements in accordance with Sections 400.3 and 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: NE1/4 less Tightline Lake Estates; E1/2NW1/4 less Slater Subdivision; SW1/4NW1/4 less Slater Subdivision, less I-90 right-of-way and less County Road right-of-way; and Lot 1 of Slater Subdivision; all in Section 26, T2N, R10E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 1R and Lot 2 of Slater Subdivision, Section 26, T2N, R10E, BHM, Pennington County, South Dakota.

Jennissen reviewed the Staff Report indicating the applicant has applied for a Layout Plat to reconfigure lot lines of Lot 1 of Slater Subdivision and an unplatted balance located in Section 26, T2N, R10E. The applicant has also applied for a Subdivision Regulations Variance requesting to waive the scale of the plat to be no greater than 1"=100', to waive the dedication and improvement of Section Line Right-of-Way and to waive the dedication of eight (8) foot utility and drainage easements along the interior of all lot lines.

Jennissen further stated that the property currently consists of a 156.55 acre parcel and a 32.62 acre parcel. Both lots have a single-family residence and are zoned General Agriculture District. Proposed Lot 2 contains a single-wide mobile home with additions and three outbuildings. All have approved Building Permits. The on-site wastewater disposal system was installed and approved in 2009. The properties are bordered by Section Lines along the west and north sides. Both Sections Lines are improved to Ordinance 14 Standards. The south property line is adjacent to Interstate Highway 90 and the applicant is requesting to waive the dedication of the right-of-way on the plat. The properties are being platted and the 33 feet of public right-of-way on the applicant's side of the Section Line should be shown as Public Right-of-Way on the plat.

Staff recommended approval of Subdivision Regulations Variance 13-13 request to waive the scale of the plat to be no greater than 1"=100' and to waive the dedication of eight (8) foot utility and drainage easements along the interior of all lot lines. Staff recommended denial of the waiver to dedicate the Section Line Right-of-Way as Public Right-of-Way on the plat.

Staff also recommended approval of Minor Plat 13-27 with the following four (4) conditions:

1. That 33 feet of the Section Line Highway be dedicated at public ROW or a Subdivision Regulation Variance be obtained waiving this requirement;
2. That prior to filing the plat with Register of Deeds, both properties obtain Operating Permits for the existing onsite wastewater disposal systems;
3. That prior to filing the Plat with Register of Deeds, the plat headings be corrected to: "Slater Subdivision (formerly Lot 1 of Slater Subdivision and part of N1/2 of Section 26) located in the N1/2 of Section 26, Township 2 North, Range 10 East"; and,
4. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

Commissioner Zvejnieks spoke of Subdivision Regulation Variances being waived and again recommended changing the Subdivision Regulations to reflect this since certain items are being waived on a regular basis through the platting process. He also spoke of being consistent and not waiving the eight foot utility and drainage easements at this time, because of possible development in the future.

Commissioner McCollam concurred with Commissioner Zvejnieks.

Mr. Pete Ottoson, husband of Tracey Mowery, appeared and discussed the easements with the Planning Commission and stated he is not opposed to dedicating the eight foot utility and drainage easements.

Commissioner Litzen clarified that maintaining setbacks shows there is adequate space on the lot for a structure, but without having the dedicated utility and drainage easements in place on the plat, then the utility companies would not be able to utilize the easements without having to go through additional paperwork.

Commissioner Zvejnieks said that is correct.

Jennissen said the Motion could then state approval of the plat and approval to waive only the scale of the plat to be no greater than 1"=100' and denial to waive the dedication of eight (8) foot utility and drainage easements along the interior of all lot lines and denial of the waiver to dedicate the Section Line Right-of-Way as Public Right-of-Way on the plat.

Jennissen also stated that he believes the applicant is going through the platting of the property in order to create a 160 acre lot to remain as agricultural tax status. Jennissen further explained that if the applicant does dedicate the Section Line Right-of-Way as Public Right-of-Way, he will lose some acreage in the process. He also explained to Mr. Ottoson that when platting, thirty-three (33) feet of the Section Line Highway needs to be dedicated, which will then reduce the acreage size.

Mr. Ottoson stated that he does not have access to Lot 2 from 158<sup>th</sup> Avenue.

Jennissen stated there is access to Lot 2 from 227<sup>th</sup> Street.

Mr. Ottoson commented that the road from 227<sup>th</sup> Street to Lot 2 dead ends at their lot line.

Jennissen noted that it is still a Section Line Right-of-Way.

Mr. Ottoson commented that the Section Line is not usable because of the floodplain and feels that there is no way to build a road across it.

Jennissen informed the Planning Commission that the Section Line has never been vacated.

Commissioner Zvejnieks also reviewed the Section Line requirement with Mr. Ottoson.

Mr. Ottoson then stated they are not requesting to plat proposed Lot 2.

Jennissen informed the Planning Commission that the applicant's surveyor submitted a plat request for a lot line reconfiguration to plat proposed Lot 1R and Lot 2 of Slater Subdivision.

Mr. Ottoson said that all of proposed Lot 2 should be left as an unplatted balance and they are not wishing it to be platted, and further stated he will need to discuss this with the surveyor.

**Moved by Landers and seconded by Coleman to continue Subdivision Regulations Variance 13-13 and Minor Plat 13-27 to the January 13, 2014, Planning Commission meeting, in order for staff to meet with the applicant and the applicant's surveyor regarding their proposed platting request.**

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

12. LAYOUT PLAT / PL 13-26: Norris Peak Lodge; Arleth Land Surveying – Agent. To create Lot 1A and Lot 1B of Van Vooren Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 1 of Van Vooren Subdivision, Section 31, T2N, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 1A and Lot 1B of Van Vooren Subdivision, Section 31, T2N, R6E, BHM, Pennington County, South Dakota.

Jennissen reviewed the Staff Report indicating the applicant has applied for a Layout Plat to create Lots 1A and 1B of Van Vooren Subdivision. Jennissen also stated the subject property contains the “Norris Peak Lodge” and a carport with parking for six (6) vehicles. The Lodge and carport are located on proposed Lot 1B, while proposed Lot 1A is vacant of any structural development. All of proposed Lot 1A and the majority of proposed Lot 1B are located on the west side of Norris Peak Road with the remaining portion of proposed Lot 1B being located on the east side of Norris Peak Road. With the exception of where the lodge and carport are located on relatively flat ground along Norris Peak Road, the remainder of the proposed lots is primarily steep and forested.

Jennissen further explained that the subject property (existing Lot 1 of Van Vooren Subdivision) was platted into its current lot configuration, along with Lot 2, in 2007. At that time, the non-conforming status of the size of the lot and the structures on the property, including their use and setback distances to the front property line, were brought into compliance with approval of a Rezone, Comprehensive Plan Amendment, Conditional Use Permit and Setback Variance. The Rezone (RZ #06-27) request rezoned all of Lots 1 and 2 of Van Vooren Subdivision to Suburban Residential District; the Comprehensive Plan Amendment request (CA #06-01) changed the designated Future Land Use for Lots 1 and 2 of Van Vooren Subdivision entirely to Suburban Residential District to allow for the Rezone; The Conditional Use Permit (CU #07-01) was approved with eight (8) conditions to bring a nine (9) unit multi-family dwelling into compliance; and, the Setback Variance (#07-01) was approved to allow the existing structures on Lot 1 to be located 1.3 feet from the front property line. Although the applicant is proposing to further subdivide Lot 1, the Conditional Use Permit and Setback Variance for the

existing structures will continue to be valid since the use of the Lodge and the front property line of proposed Lot 1B are not changing, respectively.

Jennissen also spoke of Norris Peak Road, which provides access to the proposed lots, currently consists of an approximate 24-foot-wide paved driving surface in a 66-foot-wide right-of-way. Based on the zoning of the property and the classification of Norris Peak Road as a Minor Arterial road, the Subdivision Regulations require that Norris Peak be a 32-foot-wide paved road with curbs and sidewalks in an 80-foot-wide right-of-way. As such, road improvements will be required to be conducted and additional right-of-way will be required to be dedicated on the plat for Norris Peak Road. Due to the existing location of the Norris Peak Lodge and carport, it will not be possible to dedicate additional right-of-way on the west side of Norris Peak Road unless the existing structures, or portions thereof, are removed. Also, the County Highway Department typically prefers road improvements are not conducted to county-maintained roads, such as Norris Peak Road. Nonetheless, staff must require the necessary road improvements with corresponding engineered road construction plans and dedication of right-of-way as recommended conditions of this Layout Plat. The applicant has the option of applying for a Subdivision Regulations Variance to waive these requirements.

Staff recommended approval of Layout Plat 13-26 with the following ten (10) conditions:

1. That prior to applying for the Preliminary Plat, percolation test results and a soil profile information, including an inspection by the Environmental Planner, be submitted for proposed Lot 1A or else an approved Subdivision Regulations Variance be obtained;
2. That Norris Peak Road be improved to Minor Arterial Road Design Standards for Suburban Residential District in accordance with Section 500.5-Table 1 of the Subdivision Regulations, including a 32-foot-wide paved driving surface with curbs and sidewalks, and that corresponding engineered road construction plans be provided or else an approved Subdivision Regulations Variance be obtained;
3. That additional right-of-way be dedicated for Norris Peak Road, for a total of 80-feet in width, in accordance with Section 500.5-Table 1 of the Subdivision Regulations or else an approved Subdivision Regulations Variance be obtained;
4. That a site plan showing the location of all existing structures and their distances to existing and new lot lines be submitted with the Preliminary Plat. If any structures are shown not to be meeting the 1.3 setback from the existing front property line or the minimum setback requirements for a Suburban Residential District to the new lot lines, a new Setback Variance will be required to be obtained, the proposed lot lines reconfigured, or portions of the existing structure(s) removed;
5. That an approved Approach Permit be obtained from the County Highway Department for proposed Lot 1A prior to submittal of the Preliminary Plat;

6. That a drainage easement be dedicated on the plat in the location of the existing natural drainage way in accordance with Section 500.6-4. of the Subdivision Regulations or else an approved Subdivision Regulations Variance be obtained;
7. That all National Forest System lands boundary markers be maintained, that no septic systems or parking be located on National Forest System lands, and that the provisions for the Norris Peak Road easement be adhered to in accordance with the comments provided by the U.S. Forest Service;
8. That eight (8) foot utility and drainage easements be dedicated along the interior of all lot lines or else a Subdivision Regulations Variance be obtained waiving this requirement;
9. That all requirements of Section 400.2 be met at the time of Preliminary Plat submittal, including, but not limited to, the scale of the plat to be no greater than one (1) inch equals 100 feet and topography to be provided at a five (5) foot contour interval, or else an approved Subdivision Regulations Variance be obtained waiving any of these requirements not met; and,
10. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

Commissioner Litzen questioned the required road improvements in Condition #2.

Jennissen stated the County Highway Department will be performing road improvements on Norris Peak Road, including some realignment, but staff is unsure how wide they will make the road near the area of the applicant's property, or if any work is being done at all along this property.

Commissioner Coleman also spoke of Norris Peak Road when it was initially designed. He also discussed land that is located north of the subject property which has the potential to be developed and stated the road does need to be widened.

Mr. Frank DiCesare, agent, appeared and discussed the proposed application. He discussed the Planning Commission's concerns and stated the property directly to the north of the applicant's is all Forest Service land. He also spoke of proposed improvements to the Johnson Siding area, since the subject property is within close proximity to it.

Jennissen reviewed the site plan with the Planning Commission to show the closeness of the structures to Norris Peak Road. He further reviewed the possible dedication of right-of-way along Norris Peak Road from the applicant's property.

Mr. DiCesare further discussed highway frontage on proposed Lot 1A and stated he was only able to maintain about 25 feet of it because of the location of the existing well. Mr.

DiCesare stated the applicant is hoping to keep the well on proposed Lot 1B, but could possibly relocate it to proposed Lot 1A with a well easement.

Discussion followed.

**Moved by Litzen and seconded by Landers to approve of Layout Plat 13-26 with the following ten (10) conditions:**

- 1. That prior to applying for the Preliminary Plat, percolation test results and a soil profile information, including an inspection by the Environmental Planner, be submitted for proposed Lot 1A or else an approved Subdivision Regulations Variance be obtained;**
- 2. That Norris Peak Road be improved to Minor Arterial Road Design Standards for Suburban Residential District in accordance with Section 500.5-Table 1 of the Subdivision Regulations, including a 32-foot-wide paved driving surface with curbs and sidewalks, and that corresponding engineered road construction plans be provided or else an approved Subdivision Regulations Variance be obtained;**
- 3. That additional right-of-way be dedicated for Norris Peak Road, for a total of 80-feet in width, in accordance with Section 500.5-Table 1 of the Subdivision Regulations or else an approved Subdivision Regulations Variance be obtained;**
- 4. That a site plan showing the location of all existing structures and their distances to existing and new lot lines be submitted with the Preliminary Plat. If any structures are shown not to be meeting the 1.3 setback from the existing front property line or the minimum setback requirements for a Suburban Residential District to the new lot lines, a new Setback Variance will be required to be obtained, the proposed lot lines reconfigured, or portions of the existing structure(s) removed;**
- 5. That an approved Approach Permit be obtained from the County Highway Department for proposed Lot 1A prior to submittal of the Preliminary Plat;**
- 6. That a drainage easement be dedicated on the plat in the location of the existing natural drainage way in accordance with Section 500.6-4. of the Subdivision Regulations or else an approved Subdivision Regulations Variance be obtained;**
- 7. That all National Forest System lands boundary markers be maintained, that no septic systems or parking be located on National Forest System lands, and that the provisions for the Norris Peak Road easement be adhered to in accordance with the comments provided by the U.S. Forest Service;**

8. **That eight (8) foot utility and drainage easements be dedicated along the interior of all lot lines or else a Subdivision Regulations Variance be obtained waiving this requirement;**
9. **That all requirements of Section 400.2 be met at the time of Preliminary Plat submittal, including, but not limited to, the scale of the plat to be no greater than one (1) inch equals 100 feet and topography to be provided at a five (5) foot contour interval, or else an approved Subdivision Regulations Variance be obtained waiving any of these requirements not met; and,**
10. **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.**

13. DISCUSSION OF COMMERCIAL BUILDING PERMIT FEES.

Jennissen stated this item had been discussed at the October 28, 2013, Planning Commission meeting and the Planning Commission made a Motion to have the Planning Director research Commercial Building Permit Fees and provide a draft proposed tiered system, as well as a draft tiered system with a cap.

Jennissen explained that he did research this item with other Planning Offices throughout the State of South Dakota. He stated that Lawrence County uses a tiered system; Minnehaha County and Lincoln County use the same fee schedule as Pennington County, Custer County uses a straight fee process, Meade County has a minimum commercial fee schedule and there is not cap on those fees, but Meade County also has an inspection program, and Pennington County does not.

Commissioner Litzen clarified with staff that other counties do not have a cap on commercial fees.

Jennissen said that is correct.

Commissioner Coleman asked if Minnehaha and Lincoln Counties have an inspection program.

Jennissen stated that Minnehaha County does, but is unsure of Lincoln County.

Discussion followed.

**Moved by Coleman and seconded by Hall to have the Planning Director research Commercial Building Permit Fees and provide a draft tiered system, a draft tiered system with a cap, and to also provide an additional two other proposals and one to also include an inspection program.**

Commissioner Hall stated she would work with the Planning Director to help coordinate drafting the proposals.

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

14. DISCUSSION OF HISTORY OF LETTER OF CREDITS AND RELATED SUBDIVISION IMPROVEMENTS FOR CANYON SPRINGS PRESERVE.

Jennissen reviewed the surety bonding procedure with the Planning Commission. This surety bond (Letter of Credit or actual money held in an account through Pennington County) is reviewed periodically by the County Highway Engineer and the Planning Director in order to release the Letter of Credit each time improvements are done and a new Letter of Credit is issued until all improvements are finished.

Discussion followed to incorporate better review processes by the Planning Director, the County Highway Engineer, and the developer.

15. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the November 25, 2013, Planning Commission meeting.

16. ITEMS FROM THE PUBLIC

Mr. Don Kelly, landowner in the Quinn area, appeared and stated that his daughter applied to add an addition to a barn that was built in the floodplain without a Building Permit and she was denied. He asked that they are given permission to add the addition.

Commissioner Litzen asked Mr. Kelly if the barn was built before 1994.

Mr. Kelly stated he did not know.

Jennissen explained to the Planning Commission that Mr. Kelly will need to apply for a Floodplain Development in order to add the addition to the barn, since the structure is located in the floodplain. Jennissen also stated that Mr. Kelly will need to obtain a Building Permit for the barn that was built without a Building Permit. If Mr. Kelly or the current landowner do not apply for the Floodplain Development Permit and obtain approval, it will place the County in jeopardy in regards to floodplain insurance.

Discussion followed and it was noted to Mr. Kelly that he appear in front of the Board of Commissioners to obtain approval since the Planning Commission cannot act on this item.

17. ITEMS FROM THE STAFF

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

18. ITEMS FROM THE MEMBERSHIP

There were no items from the membership.

19. DISCUSSION ITEMS

There were no discussion items.

20. ADJOURNMENT

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

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

The meeting adjourned at **11:20 a.m.**

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Chairperson, Sig Zvejnieks