

**MINUTES**  
**PENNINGTON COUNTY PLANNING COMMISSION**  
**April 27, 2015 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Administration Building

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

STAFF PRESENT: PJ Conover, Cassie Bolstad, Jeri Ervin, Kelsey Rausch, Colin Hensley, and Kinsley Groote (SAO).

ROLL CALL

1. CORRECTION / APPROVAL OF THE MARCH 23, 2015, MINUTES.  
**Conover explained that this item will be heard at the next scheduled Planning Commission meeting.**
2. APPROVAL OF THE APRIL 13, 2015, MINUTES  
**Moved by McCollam and seconded by Hall to approve the minutes of the April 13, 2015, Planning Commission Meeting. Vote: unanimous (7 to 0).**
3. APPROVAL OF THE AGENDA  
**Moved by Hall and seconded by McCollam to approve the Agenda of the April 27, 2015, Planning Commission Meeting, including the Consent Calendar, with the removal of Item #4. 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.

5. **CONDITIONAL USE PERMIT / CU 15-07:** Linda and Harlan Eisenbraun. To allow a single-wide mobile home to be used as a single-family residence in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

SW1/4NE1/4; NW1/4NW1/4; S1/2NW1/4; S1/2, Section 12, T4N, R15E, BHM, Pennington County, South Dakota.

**To recommend approval of Conditional Use Permit / CU 15-07 with the following eight (8) conditions:**

1. That a Building Permit be obtained for any structures over 144 square feet or located on a permanent foundation on the property, which requires a site plan to be reviewed and approved by the Planning Director;
2. That an approved On-Site Wastewater Construction Permit be obtained prior to the installation of a septic system on the property;
3. That the lot address be clearly posted, on the single-wide mobile home and so as to be visible from both directions of 213<sup>th</sup> Street in accordance with Pennington County's Ordinance #20;
4. That the subject property remains free of debris and junk vehicles;
5. That the mobile home installed on the property have peaked, non-reflective type roofs and wood or simulated wood-type siding that are continually maintained;
6. That the minimum setback requirements of a General Agriculture District be maintained with all new structures on the property;
7. That two (2) off-street parking spaces be continually provided on the subject property, in accordance with Section 310 of the Pennington County Zoning Ordinance; and,
8. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Board of Commissioners and/or the Pennington County Planning Commission to verify that all conditions of approval are being met.

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

6. **REZONE / RZ 15-02 AND COMPREHENSIVE PLAN AMENDMENT / CA 15-02:** Mitch Morris. To rezone 151.36 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.

(Continued from the April 13, 2015, Planning Commission meeting.)

**To recommend to continue Rezone / RZ 15-02 and Comprehensive Plan Amendment / CA 15-02 to the May 11, 2015, Planning Commission meeting.**

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

7. **REZONE / RZ 15-03 AND COMPREHENSIVE PLAN AMENDMENT / CA 15-03:** Mitch Morris. To rezone 424.42 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.

The SE1/4SW1/4; NE1/4SW1/4; NW1/4SW1/4; NW1/4SE1/4; SW1/4SW1/4, SW1/4SE1/4; SE1/4 SE1/4; NE1/4SE1/4; SE1/4NE1/4 in Section 33 and Lot 2 of the SW1/4NW1/4 and Lot 2 of the W1/2SW1/4 in Section 34, all located in T1N, R8E, BHM, Pennington County, South Dakota.

(Continued from the April 13, 2015, Planning Commission meeting.)

**To recommend to continue Rezone / RZ 15-03 and Comprehensive Plan Amendment / CA 15-03 to the May 11, 2015, Planning Commission meeting.**

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

#### **END OF CONSENT CALENDAR**

4. **CONDITIONAL USE PERMIT / CU 15-06:** Border States Paving. To allow for a temporary 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.

GL 1-4; PT OF GL 5 E OF RTY; PT NE1/4NW1/4 East of Right-of-Way, Section 17, T1N, R14E, BHM, Pennington County, South Dakota.

Chairman Svejnieks asked to have this item removed from the Consent Calendar to discuss Condition #1 of the Conditions of Approval.

Discussion followed.

**Moved by Zvejnieks and seconded by Litzen to approve of Conditional Use Permit / CU 15-06 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 all access to the portable asphalt plant be via the existing approach off of Base Line Road;**

3. That porta potties (1 per every 50 employees) are provided on-site throughout the operation of the portable asphalt plant;
4. That the assigned address (18225 Base Line Road) shall be used for the portable asphalt plant and conspicuously posted in accordance with Pennington County Ordinance #20 and a cell phone shall be present on the site at all times;
5. That all debris and construction items be cleaned up and removed from the property upon completion of the two (2) identified paving projects;
6. 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 portable asphalt plant;
7. That erosion control measures and Best Management Practices (BMPs) be implemented and maintained, in accordance with Section 507-A of the Pennington County Zoning Ordinance and the Pennington County Storm Water Quality Manual, to prevent sediment from leaving the site and entering the Cheyenne River and/or other drainage ways and waterbodies;
8. That the conditions of the Air Quality Permit be continually met;
9. That a Spill Pollution and Prevention Plan be implemented for the temporary asphalt plant. A copy of the Spill Pollution and Prevention Plan shall be provided to the Planning Department prior to the operation of the portable asphalt plant;
10. That the applicant reclaim disturbed areas to the state-of-condition that was seen prior to the temporary asphalt plant installation;
11. That the applicant signs the Statement of Understanding within seven (7) business days of approval of Conditional Use Permit #15-06, which is available at the Planning Office; and,
12. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Board of Commissioners and/or Planning Commission to determine that all conditions are being met.

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

8. MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 15-01: High Country Guest Ranch; John Majchrzak – Agent. To amend the existing High Country Guest Ranch PUD to reduce the setback from 25 feet to 5 feet to allow for any future structure and to allow more ATV rentals in accordance with Section 213-E-1 of the Pennington County Zoning Ordinance.

Lot 10, Lot 12, and Lot A in High Country Ranch Subdivision and Tract A Less Highway Country Ranch Subdivision and Less Right-of-Way, Ray Smith Placer MS 995, Section 15, T1S, R4E, BHM, Pennington County, South Dakota.

(Continued from the April 13, 2015, Planning Commission meeting.)

Bolstad reviewed the Staff Report indicating the applicant has applied to amend the existing High Country Guest Ranch Planned Unit Development to reduce the setback from 25 feet to 5 feet to allow for any future structure(s) and to allow more ATV rentals on Lots 10 and 12; and to also reduce the setback from 25 feet to 5 feet only on the front yard, rear yard, and west side yard to allow for any future accessory structure(s) on Tract A Less Highway Country Ranch Subdivision and Less Right-of-Way, Ray Smith Placer MS 995 (the east side yard abutting Lot 15 of High Country Ranch Subdivision will maintain a 25 foot setback).

Staff recommended approval of Major Planned Unit Development Amendment / PUD 15-01 with the following twenty-nine (29) 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. That 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 prior to any construction work within the 100-year floodplain, a Floodplain Development Permit be obtained;
7. 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;
8. 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;
9. That the setbacks for Lot 3 be 14 feet for the rear-yard and 23 feet for the side-yard for the existing deck;
10. That all perimeter setbacks for Lot 10 and Lot 12 of High Country Ranch Subdivision be at least five (5) feet; with exception of the existing barn/office to be zero (0) feet; shed (Lot 12), gift shop (Lot 12), and the stable (Lot 12) to be zero (0) feet;
11. That perimeter setbacks for Tract A less High Country Ranch Subdivision and less Right-of-Way of Ray Smith Placer MS 995 be at least five (5) feet on the front yard, rear yard, and west side yard and at least twenty-five (25) feet on the east side yard abutting Lot 15 of High Country Ranch Subdivision; with exception of the wood shed and chapel (Tract A) to be zero (0) 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 a second means of ingress/egress be provided;
21. That traffic control, such as (flaggers) on Deerfield Road be provided at the end of each concert;
22. That the ATV rentals not exceed ten (10) vehicles;
23. 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;
24. 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;
25. That all traffic for the concert venue be directed / limited to Ray Smith Drive;
26. That an additional sign be allowed on the sign lot to allow a maximum of three signs;
27. That the comments provided by the U.S. Forest Service be adhered to at all times;
28. That the applicant signs the Statement of Understanding within seven (7) business days of approval of Major Planned Unit Development Amendment #15-01, which is available at the Planning Office; and,
29. That this Planned Unit Development shall be reviewed in two (2) years, on a complaint basis, or as directed by the Board of Commissioners and/or Planning Commission to determine that all conditions are being met.

Discussion followed.

**Moved by Buskerud and seconded by Hall to approve of Major Planned Unit Development Amendment / PUD 15-01 with the following twenty-nine (29) 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. That 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 prior to any construction work within the 100-year floodplain, a Floodplain Development Permit be obtained;
7. 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;
8. 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;
9. That the setbacks for Lot 3 be 14 feet for the rear-yard and 23 feet for the side-yard for the existing deck;
10. That all perimeter setbacks for Lot 10 and Lot 12 of High Country Ranch Subdivision be at least five (5) feet; with exception of the existing barn/office to be zero (0) feet; shed (Lot 12), gift shop (Lot 12), and the stable (Lot 12) to be zero (0) feet;
11. That perimeter setbacks for Tract A less High Country Ranch Subdivision and less Right-of-Way of Ray Smith Placer MS 995 be at least five (5) feet on the front yard, rear yard, and west side yard and at least twenty-five (25) feet on the east side yard abutting Lot 15 of High Country Ranch Subdivision; with exception of the wood shed and chapel (Tract A) to be zero (0) 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 a second means of ingress/egress be provided;**
21. **That traffic control, such as (flaggers) on Deerfield Road be provided at the end of each concert;**
22. **That the ATV rentals not exceed ten (10) vehicles;**
23. **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;**
24. **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;**
25. **That all traffic for the concert venue be directed / limited to Ray Smith Drive;**
26. **That an additional sign be allowed on the sign lot to allow a maximum of three signs;**
27. **That the comments provided by the U.S. Forest Service be adhered to at all times;**
28. **That the applicant signs the Statement of Understanding within seven (7) business days of approval of Major Planned Unit Development Amendment #15-01, which is available at the Planning Office; and,**

**29. That this Planned Unit Development shall be reviewed in two (2) years, on a complaint basis, or as directed by the Board of Commissioners and/or Planning Commission to determine that all conditions are being met.**

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

9. MINOR PLAT / PL 15-06 AND SUBDIVISION REGULATIONS VARIANCE / SV 15-04: JMF Properties; Jeff Howe – Agent. To create Lot 2A and Lot 2B of Lot 2 of Tramway Subdivision and to waive platting requirements in accordance with Sections 400.3 and 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 2, Tramway Subdivision, Section 8, T2S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 2A and Lot 2B of Lot 2, Tramway Subdivision, Section 8, T2S, R6E, BHM, Pennington County, South Dakota.

Bolstad reviewed the Staff Report indicating the applicant has applied to create Lot 2A and Lot 2B of Lot 2 of Tramway Subdivision and to waive platting requirements.

Staff recommended approval of Subdivision Regulations Variance / SV 15-04 to waive the following: to waive submittal of Section Line Right-of-Way improvements in accordance with Subdivision Regulation 500.5(4)(a); to waive submittal of an on-site wastewater treatment system preliminary evaluation in accordance with Subdivision Regulation 500.10; and to waive location of utilities in accordance with Subdivision Regulation 500.12(1); and approval of Minor Plat / PL 15-06 with the following two (2) conditions:

1. That prior to filing the Plat with the Register of Deeds, Proposed Lot 2A and Proposed Lot 2B of Tramway Subdivision are either Rezoned or Lot Size Variances are obtained; and,
2. That the applicant signs the Statement of Understanding within seven (7) business days of approval of Minor Plat / PL 15-06 and Subdivision Regulations Variance / SV 15-04, which is available at the Planning Office.

Discussion followed.

**Moved by Hall and seconded by Landers to approve of Subdivision Regulations / SV 15-04 to waive the following: to waive submittal of Section Line Right-of-Way improvements in accordance with Subdivision Regulation 500.5(4)(a); to waive submittal of an on-site wastewater treatment system preliminary evaluation in accordance with Subdivision Regulation 500.10; and to waive location of utilities in accordance with Subdivision Regulation 500.12(1).**

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

**Moved by Hall and seconded by Litzen to approve of Minor Plat / PL 15-06 with the following two (2) conditions:**

- 1. That prior to filing the Plat with the Register of Deeds, Proposed Lot 2A and Proposed Lot 2B of Tramway Subdivision are either Rezoned or Lot Size Variances are obtained; and,**
- 2. That the applicant signs the Statement of Understanding within seven (7) business days of approval of Minor Plat / PL 15-06 and Subdivision Regulations Variance / SV 15-04, which is available at the Planning Office.**

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

10. REZONE / RZ 15-05 AND COMPREHENSIVE PLAN AMENDMENT CA / 15-05: Krebs Partnership / Donald Krebs. To rezone 0.65 acre from Suburban Residential District to General Commercial District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Suburban Residential District to General Commercial District in accordance with Section 508 of the Pennington County Zoning Ordinance.

The South 75 feet of Lot J of E1/2SE1/4, Section 9, T1N, R8E, BHM, Pennington County, South Dakota.

Conover reviewed the Staff Report indicating the applicant has applied to rezone 0.65 acre from Suburban Residential District to General Commercial District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Suburban Residential District to General Commercial District. The applicant would like to obtain a state dealer's license for the purpose of buying a few vehicles, repairing and selling them and keep them inside the enclosed detached garage on the subject property.

Staff recommended denial of Rezone / RZ 15-05 and Comprehensive Plan Amendment / CA 15-05, as Pioneer Drive does not meet the minimum width requirements of thirty-two (32) feet of paved surface for an area zoned General Commercial. In addition, Rapid City's Future Land Use Map indicates this area as residential.

Discussion followed.

Moved by Hall to deny Rezone / RZ 15-05 and Comprehensive Plan Amendment / CA 15-05, without prejudice, and that the applicant apply for a Conditional Use Permit.

Commissioner Landers also spoke of the recommendation to waive fees for the Conditional Use Permit application. Commissioner Hall agreed. Motion seconded by Coleman.

Discussion followed.

**SUBSTITUTE MOTION: Moved by Hall and seconded by Coleman to deny, without prejudice, Rezone / RZ 15-05 and Comprehensive Plan Amendment / CA 15-05 and recommend to waive submittal fees for the Conditional Use Permit and Variance applications.**

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

11. VACATION OF EASEMENT / VE 15-01: Brandon and Lindsey Noble. To vacate a sixty (60) foot Forest Service Access Easement on Lot 67, Block 1 of Canyon Springs Preserve in accordance with the Pennington County Zoning Ordinance.

Lot 67, Block 1, Canyon Springs Preserve, Section 22, T2N, R6E, BHM, Pennington County, South Dakota.

(Continued from the March 23, 2015, Planning Commission meeting.)

Bolstad reviewed the Staff Report indicating this item had been continued from the March 23, 2015, Planning Commission meeting in order for information to be received from the Homeowner's Association and Sanitary District in Canyon Springs Preserve, from the United States Forest Service and also from the Pennington County Fire Coordinator.

Staff recommended continuing Vacation of Easement / VE 15-01 to the May 26, 2015, Planning Commission meeting in order for additional comments to be received from the United States Forest Service, Canyon Springs Sanitary District, and President of the Canyon Springs Homeowner's Association.

If the Planning Commission chooses to approve of Vacation of Easement /VE 15-01, staff recommended the following five (5) conditions:

1. That the resolution for the Vacation of Forest Service Access Easement for Lot 67 of Canyon Springs Preserve be filed at the Register of Deeds;
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;
3. That a residential fire sprinkler system is approved by the Doty Fire Chief and installed in any single-family residence constructed or placed on the property;
4. That the comments provided by the United States Forest Service be adhered to at all times; and,

5. That the applicant signs the Statement of Understanding within seven (7) business days of approval for Vacation of Easement #15-01, which is available at the Planning Office.

Discussion followed.

**Moved by Litzen and seconded by McCollam to approve of Vacation of Easement /VE 15-01, with the following five (5) conditions:**

1. That the resolution for the Vacation of Forest Service Access Easement for Lot 67 of Canyon Springs Preserve be filed at the Register of Deeds;
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;
3. That a residential fire sprinkler system is approved by the Doty Fire Chief and installed in any single-family residence constructed or placed on the property;
4. That the comments provided by the U.S. Forest Service be adhered to at all times; and,
5. That the applicant signs the Statement of Understanding within seven (7) business days of approval for Vacation of Easement #15-01, which is available at the Planning Office.

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

12. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the April 13, 2015, Planning Commission meeting.

13. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

14. ITEMS FROM THE STAFF

- A. Appeal of Conditional Use Permit 15-04 - Stratobowl Vacation Homes, LLC; Ken and Cory Tomovick – Agent. This item will be heard at the May 5, 2015, Board of Commissioners' meeting.

15. ITEMS FROM THE MEMBERSHIP

Commission Coleman said he will not at the May 26<sup>th</sup> or June 8<sup>th</sup> Planning Commission meetings. Commissioner Landers also stated she will not be at the June 8<sup>th</sup> meeting.

16. ADJOURNMENT

**Moved by Litzen and seconded by McCollam to adjourn.**

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

**The meeting adjourned at 10:29 a.m.**

---

Sig Zvejnieks, Chairperson