

MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
June 8, 2015 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Sig Zvejnieks, Lori Litzen, Bill McCollam, Deb Hadcock, and George Ferebee.

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

ROLL CALL

1. APPROVAL OF THE MAY 26, 2015, MINUTES
Moved by Litzen and seconded by McCollam to approve the minutes of the May 26, 2015, Planning Commission Meeting. Vote: unanimous (5 to 0).

2. APPROVAL OF THE AGENDA
Moved by McCollam and seconded by Hadcock to approve the Agenda of the June 8, 2015, Planning Commission Meeting, and Item #14 will be heard before Item #10. Vote: unanimous (5 to 0).

Moved by Ferebee and seconded by McCollam to approve the Consent Calendar of the June 8, 2015, Planning Commission Meeting. Vote: unanimous (5 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 01-01:** Charles and Ursula Brackett.
To review a mobile home park in a Suburban Residential District in accordance with Section 208-C-2 of the Pennington County Zoning Ordinance.

The West 250' of the North 662.9' of the NW1/4SE1/4, Section 17, T2N, R7E, BHM, Pennington County, South Dakota.

(Continued from the May 11, 2015, Planning Commission meeting.)

To continue the review of Conditional Use Permit / CU 01-01 to the June 22, 2015, Planning Commission meeting.

Vote: unanimous (5 to 0).

4. **CONDITIONAL USE PERMIT REVIEW / CU 02-36:** Homer Berger. To review a caretaker's residence in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Lot BR of Tract 1, H-O Subdivision, Section 28, T1N, R9E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 02-36 with the following four (4) 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 manufactured home be removed from the property within six (6) months and that the caretaker's residence no longer be utilized as living quarters, as care is no longer needed for Galen Berger;**
3. **That the caretaker's residence not affect the Lone Tree Ditch or impact any local drainage paths; and,**
4. **That this Conditional Use Permit be reviewed in seven (7) months, or on a complaint basis, to verify that the caretaker's residence has been removed.**

Vote: unanimous (5 to 0).

5. **CONDITIONAL USE PERMIT REVIEW / CU 10-30:** Janell Gibson; David and Maria Eisenbraun – Owners. To review the operation of a dog and cat kennel/breeding facility in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

The S1/2NE1/4, E1/2SW1/4, SE1/4; Rainy Creek Cheyenne Township #19, Section 33, T4N, R16E, BHM, Pennington County, South Dakota.

To continue the review of Conditional Use Permit / CU 10-30 to the July 13, 2015, Planning Commission meeting.

Vote: unanimous (5 to 0).

6. **CONDITIONAL USE PERMIT REVIEW / CU 12-12:** Galen and Linda Livermont. To review a camper to be used as living quarters on a temporary basis on the subject property and to allow for accessory structures to be located on the property prior to a primary structure in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

Part of the NW1/4NW1/4 north of the Highway and Railroad, Section 24, T1N, R8E, BHM, Pennington County, South Dakota.

To revoke Conditional Use Permit / CU 12-12 with the applicants' concurrence.

Vote: unanimous (5 to 0).

7. **CONDITIONAL USE PERMIT REVIEW / CU 13-12:** Donald Johnson. To review a single-wide mobile home to be used as a single-family residence in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 42, Block 4, Green Valley Estates, Section 23, T1N, R5E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 13-12 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 the minimum setback requirements of a Suburban Residential District be continually maintained on the property, including no structures being located within eight (8) feet of the side property lines;**
3. **That no parking be allowed in the area containing the on-site wastewater treatment system;**
4. **That the property be kept free of debris and junk vehicles;**
5. **That the lot address (5285 Greenwood Lane) continue to be posted so it is clearly visible from both directions of travel along Greenwood Lane at all times, in accordance with Pennington County's Ordinance #20;**
6. **That the mobile home continue to have a peaked non-reflective type roof, wood or simulated wood-type siding, and skirting; and,**
7. **That this Conditional Use Permit be reviewed in three (3) years, 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 (5 to 0).

8. **CONDITIONAL USE PERMIT REVIEW / CU 13-13:** Ronald Simpson. To review an existing residence to be used as a temporary residence while constructing a new residence in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

All, Gold Safe Key Lode MS 1578, Section 18, T2S, R5E, BHM, Pennington County, South Dakota.

To revoke Conditional Use Permit / CU 13-13 with the applicant's concurrence.

Vote: unanimous (5 to 0).

9. **CONDITIONAL USE PERMIT REVIEW / CU 14-19:** Kristina Trautman. To review an accessory structure (shed/garage) prior to a primary structure in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

Tract B of Lot 1 of NW1/4NW1/4, Section 19, T1S, R5E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 14-19 with the following ten (10) conditions:

1. **That the existing approach off of Marshall Gulch Road continue to 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 the accessory structure, it be hooked into a proper means of wastewater disposal with overall adherence to all necessary State and County regulations and an On-Site Wastewater Construction Permit be obtained;**
3. **That the applicant continues to maintain all required setbacks during new construction and a Floodplain Development Permit be obtained if the applicant chooses to build a structure within the 100-year Floodplain;**
4. **That the accessory structures continue to be used for personal use only and no commercial-type uses;**
5. **That the property continues to remain free of debris at all times;**
6. **That all natural drainage paths continue to be maintained;**
7. **That the address, once assigned to the property, be posted so it is clearly visible from Marshall Gulch Road in accordance with Pennington County's Ordinance #20;**

8. That prior to any work being conducted within the 100-year floodplain boundaries, a Floodplain Development Permit be obtained;
9. That the applicant continues to adhere to all USFS regulations, including but not limited to: 1. Protect all posted corners, bearing trees and landline boundary markers (National Forest Service lands border the private property on the west and east sides); 2. No leach fields or septic systems to be located on National Forest Service lands; 3) No parking areas to be on National Forest Service lands; 4) Access to the private property will need to be from Private property; no FLPMA Private Road Easement will be authorized by the USFS; and,
10. That this Conditional Use Permit be reviewed in four (4) years, 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 (5 to 0).

END OF CONSENT CALENDAR

14. REZONE / RZ 15-07 AND COMPREHENSIVE PLAN AMENDMENT CA / 15-07: Croell Redi-Mix, Inc.; Joe Croell – Agent. To rezone 145 acres from General Agriculture District and Highway Service District to Heavy Industrial District and to amend the Comprehensive Plan to change the Future Land Use from Limited Agriculture District, Low Density Residential District, and Highway Service District to Heavy Industrial District in accordance with Section 508 of the Pennington County Zoning Ordinance.

The N1/2NE1/4; NE1/4NW1/4 of Section 9 and the NW1/4NW1/4 west of S. Highway 16 Right-of-Way of Section 10, all located in T1S, R7E, BHM, Pennington County, South Dakota.

Conover reviewed the Staff Report indicating the applicant has applied for a Rezone and Comprehensive Plan Amendment to rezone 145 acres from General Agriculture District and Highway Service District to Heavy Industrial District and to amend the Comprehensive Plan to change the Future Land Use from Limited Agriculture District, Low Density Residential District, and Highway Service District to Heavy Industrial District.

Staff recommended to deny without prejudice Rezone / RZ 15-07 and Comprehensive Plan Amendment / CA 15-07, as the request does not appear to be compatible with current and future County Zoning and the applicant's request may be allowed, using current zoning (plus Permits) without changing the current and future zoning for the subject properties.

Discussion followed.

Moved by McCollam and seconded by Litzen to deny without prejudice Rezone / RZ 15-07 and Comprehensive Plan Amendment / CA 15-07

All voting aye, the Motion carried 5 to 0.

10. CONDITIONAL USE PERMIT REVIEW / CU 14-16: Justin and Cassandra Kistler. To allow a double-wide manufactured home to be used as a temporary residence while constructing a stick-built residence in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Tract 1, Valley View Estates, Section 7, T1N, R9E, BHM, Pennington County, South Dakota.

(Continued from the May 11, 2015, Planning Commission meeting.)

Bolstad stated this item had been continued from the May 11, 2015, Planning Commission meeting to allow the applicant time to remove the double-wide manufactured home from the subject property. Bolstad further explained that staff did perform a site visit, prior to today's meeting, and the double-wide is still located on the property but the applicant is getting the double-wide ready to move and the skirting is off and it is also unhooked from all the utilities.

Staff recommended continuing the review of Conditional Use Permit 14-16 to the July 13, 2015, Planning Commission meeting to allow the applicant time to move the double-wide manufactured home from the subject property. If the double-wide manufactured home has not been removed from the subject property by July 13, 2015, this matter will be turned over to the State's Attorney's Office.

Moved by Hadcock and seconded by McCollam to continue the review of Conditional Use Permit 14-16 to the July 13, 2015, Planning Commission meeting to allow the applicant time to move the double-wide manufactured home from the subject property. If the double-wide manufactured home has not been removed from the subject property by July 13, 2015, this matter will be turned over to the State's Attorney's Office.

All voting aye, the Motion carried 5 to 0.

11. MINOR PLAT / PL 15-13: Rodney Alexander; Renner & Associates – Agent. To create Lots 1 and 2 of Tin City Lode MS 2504 in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: All, Tin City Lode MS 2504, Section 22, T2S, R4E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1 and 2, Tin City Lode MS 2504, Section 22, T2S, R4E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating the applicant has applied for a Minor Plat to create Lots 1 and 2 of Tin City Lode MS 2504.

Staff recommended approval of Minor Plat / PL 15-13 with the following nine (9) conditions:

1. That Proposed Lot 2 of Tin City Lode MS 2504 be rezoned to Low Density Residential District prior to filing the Plat with the Register of Deeds;
2. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations and include all owners of record;
3. That prior to filing the Plat with the Register of Deeds, the plat meets all the requirements of Section 400.2 of the Pennington County Subdivision Regulations, including, but not limited to, the Plat be scaled at not more than one (1) inch equals one hundred (100) feet, and topographic information be provided of the subject property at five (5) foot contour intervals, road improvements to Ordinance #14 Standards, engineered road construction plans, and percolation and profile hole information for Proposed Lot 2 of Tin City Lode MS 2504, or the applicant obtains an approved Subdivision Regulations Variance waiving any of these requirements that are not met;
4. That construction debris (lumber) is removed prior to filing the Plat with the Register of Deeds;
5. That a Floodplain Development Permit be obtained prior to any work, construction, or disturbance within the designated floodplain boundaries;
6. That an Operating Permit be obtained for the onsite wastewater treatment system serving the structure on Proposed Lot 1 of Tin City Lode MS 2504;
7. That any improvements to the Access Easement granted by the South Dakota Game, Fish, and Parks be approved by their department prior to commencement of any work;
8. That Best Management Practices be implemented during construction to prevent sediment and debris from entering drainage ways and/or Spring Creek; and,
9. That the applicant signs the Statement of Understanding within seven (7) business days of approval of Minor Plat / PL 15-13, which is available at the Planning Office.

Discussion followed.

Moved by Ferebee and seconded by Litzen to approve of Minor Plat / PL 15-13 with the following nine (9) conditions:

1. That Proposed Lot 2 of Tin City Lode MS 2504 be rezoned to Low Density Residential District prior to filing the Plat with the Register of Deeds;
2. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations and include all owners of record;
3. That prior to filing the Plat with the Register of Deeds, the plat meets all the requirements of Section 400.2 of the Pennington County Subdivision Regulations, including, but not limited to, the Plat be scaled at not more than one (1) inch equals one hundred (100) feet, and topographic information be provided of the subject property at five (5) foot contour intervals, road improvements to Ordinance #14 Standards, engineered road construction plans, and percolation and profile hole information for Proposed Lot 2 of Tin City Lode MS 2504, or the applicant obtains an approved Subdivision Regulations Variance waiving any of these requirements that are not met;
4. That construction debris (lumber) is removed prior to filing the Plat with the Register of Deeds;
5. That a Floodplain Development Permit be obtained prior to any work, construction, or disturbance within the designated floodplain boundaries;
6. That an Operating Permit be obtained for the onsite wastewater treatment system serving the structure on Proposed Lot 1 of Tin City Lode MS 2504;
7. That any improvements to the Access Easement granted by the South Dakota Game, Fish, and Parks be approved by their department prior to commencement of any work;
8. That Best Management Practices be implemented during construction to prevent sediment and debris from entering drainage ways and/or Spring Creek; and,
9. That the applicant signs the Statement of Understanding within seven (7) business days of approval of Minor Plat / PL 15-13, which is available at the Planning Office.

All voting aye, the Motion carried 5 to 0.

12. MINOR PLAT / PL 15-12 AND SUBDIVISION REGULATIONS VARIANCE / SV 15-06: Rolland and Laura Willard; Davis Engineering – Agent. To create Lots 12R Revised and Lot 13 of Forest View Addition and to waive platting requirements in accordance with Sections 400.3 and 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 12R and unplatted portion of SE1/4 of SE1/4 of Section 28 and the SW1/4 of SW1/4 of Section 27, all in T2N, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 12R Revised and Lot 13 of Forest View Subdivision, Sections 28 and 27, T2N, R5E, BHM, Pennington County, South Dakota.

(Continued from the May 26, 2015, Planning Commission meeting.)

Molitor reviewed the Staff Report indicating the applicants have applied to create Lots 12R Revised and Lot 13 of Forest View Addition and to waive platting requirements.

Staff recommended approval of a portion of Subdivision Regulations Variance / SV 15-06 to waive submittal of improvement of the Private Access Easement to a minimum 24-foot-wide road with paved surface, curb, and sidewalks; waive submittal of engineered road construction plans for improvements to the Private Access Easement; waive improvement of the Section Line Right-of-Way; waive submittal of topographic information at five-foot contour intervals; and waive submittal percolation test and profile hole information for proposed Lot 13.

Staff recommended denial of a portion of Subdivision Regulations Variance / SV 15-06 to waive providing a 66-foot-wide Private Access Easement in a Suburban Residential District.

Staff recommended approval of Minor Plat / PL 15-12 with the following nine (9) conditions:

1. That a Conditional Use Permit is obtained for a Ranch Hand Residence located at 15988 West Highway 44 prior to filing the Plat with the Register of Deeds;
2. That a Building Permit be obtained prior to filing the plat with the Register of Deeds for the 13' x 12' Feeder Barn located on Balance of Lot 5 of SW1/4SW1/4 and pay any applicable fees associated with the Building Permit;
3. That prior to filing the Plat with the Register of Deeds, the plat meets all the requirements of the Pennington County Subdivision Regulations, including, but not limited to, the Plat be scaled at not more than one (1) inch equals one hundred (100) feet, and topographic information be provided of the subject property at five (5) foot contour intervals, road improvements to Ordinance #14 Standards, engineered road construction plans, improvement of the Section Line Right-of-Way, a 66-foot-wide right-of-way, and percolation and profile hole information for Proposed Lot 13 of Forest View Subdivision, or the applicant obtains an approved Subdivision Regulations Variance waiving any of these requirements that are not met;
4. That the Private Road Right-of-Way be named and the road name and width be designated on the plat prior to filing the Plat with the Register of Deeds;
5. That the Plat heading read "Formerly: Lot 12R of Forest View Subdivision and unplatted portion SE1/4SE1/4 Section 28 and SW1/4SW1/4 Section 27" as requested by the Register of Deeds;

6. That the road sign for the newly named road be posted at the intersection of the road and W. Highway 44 within 90 days of plat approval;
7. That the turnaround at the end of the Private Access Easement be approved by County Highway and the County Fire Coordinator for adequacy;
8. That a Road District be formed for the newly named road; and
9. That the applicant signs the Statement of Understanding within seven (7) business days of approval of Minor Plat / PL 15-12 and Subdivision Regulations Variance / SV 15-06, which is available at the Planning Office.

Discussion followed.

Moved by McCollam and seconded by Litzen to approve of staff's recommendations for the Subdivision Regulations Variances.

Substitute Motion: Moved by Ferebee to continue this item. Motion died for lack of a second.

Moved by McCollam and seconded by Litzen to approve of a portion of Subdivision Regulations Variance / SV 15-06 to waive submittal of improvement of the Private Access Easement to a minimum 24-foot-wide road with paved surface, curb, and sidewalks; waive submittal of engineered road construction plans for improvements to the Private Access Easement; waive improvement of the Section Line Right-of-Way; waive submittal of topographic information at five-foot contour intervals; and waive submittal percolation test and profile hole information for proposed Lot 13; and recommended denial of a portion of Subdivision Regulations Variance / SV 15-06 to waive providing a 66-foot-wide Private Access Easement in a Suburban Residential District.

All voting, the Motion carried 4 to 0. Commissioner Ferebee abstained.

Moved by Hadcock and seconded by Litzen to approve of Minor Plat / PL 15-12 with the following nine (9) conditions:

- 1. That a Conditional Use Permit is obtained for a Ranch Hand Residence located at 15988 West Highway 44 prior to filing the Plat with the Register of Deeds;**
- 2. That a Building Permit be obtained prior to filing the plat with the Register of Deeds for the 13' x 12' Feeder Barn located on Balance of Lot 5 of SW1/4SW1/4 and pay any applicable fees associated with the Building Permit;**
- 3. That prior to filing the Plat with the Register of Deeds, the plat meets all the requirements of the Pennington County Subdivision Regulations, including,**

but not limited to, the Plat be scaled at not more than one (1) inch equals one hundred (100) feet, and topographic information be provided of the subject property at five (5) foot contour intervals, road improvements to Ordinance #14 Standards, engineered road construction plans, improvement of the Section Line Right-of-Way, a 66-foot-wide right-of-way, and percolation and profile hole information for Proposed Lot 13 of Forest View Subdivision, or the applicant obtains an approved Subdivision Regulations Variance waiving any of these requirements that are not met;

4. That the Private Road Right-of-Way be named and the road name and width be designated on the plat prior to filing the Plat with the Register of Deeds;
5. That the Plat heading read “Formerly: Lot 12R of Forest View Subdivision and unplatted portion SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 28 and SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 27” as requested by the Register of Deeds;
6. That the road sign for the newly named road be posted at the intersection of the road and W. Highway 44 within 90 days of plat approval;
7. That the turnaround at the end of the Private Access Easement be approved by County Highway and the County Fire Coordinator for adequacy;
8. That a Road District be formed for the newly named road; and
9. That the applicant signs the Statement of Understanding within seven (7) business days of approval of Minor Plat / PL 15-12 and Subdivision Regulations Variance / SV 15-06, which is available at the Planning Office.

All voting, the Motion carried 5 to 0.

13. REZONE / RZ 15-06 AND COMPREHENSIVE PLAN AMENDMENT CA / 15-06: Rolland and Laura Willard; Davis Engineering – Agent. To rezone 2.5 acres from General Agriculture District to Suburban Residential District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Planned Unit Development Sensitive to Suburban Residential District in accordance with Section 508 of the Pennington County Zoning Ordinance.

(For a portion of Lot 12R Revised) Commencing at the SW corner of Lot 12R, in Forest View Subdivision, a 1" pipe, and the point of beginning. Thence, first course: S34⁰45'22"E, a distance of 283.89' to a 1" pipe, and the northwesterly corner of Lot 6, in said subdivision; Thence, second course: N49⁰22'41"E, along the northwesterly lot line of said Lot 6, a distance of 112. 16' to a 1" pipe, also being the northeasterly corner of said Lot 6 and the northwesterly corner of Lot 5 in said subdivision; Thence, third course: N48⁰01'31"E, along the northwesterly lot line of said Lot 5, a distance of 99.32' to a 12" diameter pine tree, also being the northeasterly corner of said lot 5; Thence, fourth course: N46⁰14'32"W, along a previously dedicated right-of-way for said subdivision, a distance of 203.08' to a 1" pipe, also being the southeast corner of said Lot 12R; Thence,

fifth course: S75°00'00"W, along the southerly lot line of said Lot 12R, a distance of 180.27', to the point of beginning; Said Parcel contains 45,474 square feet or 1.044 acres more or less.

(For Lot 13) Commencing at a 1" pipe, also being the southeast corner of Lot 12R, in said Forest View Subdivision, which is the point of beginning. Thence, first course: N43°45'28"E, across a private road, a distance of 40.12', to a survey cap marked "Davis Eng. RLS 3095", which is the true point of beginning; Thence, second course: along a curve to the right, along said private road R.O.W., with a radius of 80.12", a delta angle of 100°43'31", a length of 140.85', a chord bearing of S8°07'29"W, and a chord distance of 123.40', to a survey cap marked "Davis Eng. RLS 3095"; Thence, third course: S70°09'26"E, a distance of 346.40' to a survey cap marked "Davis Eng. RLS 3095"; Thence, fourth course: S51°54'52"W along said private road R.O.W., a distance of 36.55', to a survey cap marked "Davis Eng. RLS 3095"; Thence, fifth course: S15°10'13"W, along said private road R.O.W., a distance of 155.72', to a survey cap marked "Davis Eng. RLS 3095"; Thence, sixth course: along a curve to the right, along said private road R.O.W., with a radius of 45.72', a delta angle of 125°19'08", a length of 95.10', a chord bearing of N74°27'50"E, and a chord distance of 78.86', to a survey cap marked "Davis Eng. RLS 3095"; Thence, seventh course: N46°14'32"W, along said private road R.O.W., a distance of 273.83', to the true point of beginning; Said Parcel contains 61,758 square feet or 1.42 acres more or less.

(Continued from the May 26, 2015, Planning Commission meeting.)

Molitor reviewed the Staff Report indicating the applicants have applied to rezone 2.5 acres from General Agriculture District to Suburban Residential District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Planned Unit Development Sensitive to Suburban Residential District.

Staff recommended approval of Rezone / RZ 15-06 and Comprehensive Plan Amendment / CA 15-06.

Discussion followed.

Moved by McCollam and seconded by Hadcock to approve of Rezone / RZ 15-06 and Comprehensive Plan Amendment / CA 15-06.

All voting, the Motion carried 5 to 0.

15. 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 May 26, 2015, Planning Commission meeting.)

Conover stated the applicant is requesting to rezone the above-described property (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.

Staff recommended approval of Rezone / RZ 15-02 and Comprehensive Plan Amendment / CA 15-02.

Discussion followed.

Moved by McCollam and seconded by Litzen to approve of Rezone / RZ 15-02 and Comprehensive Plan Amendment / CA 15-02.

Roll call vote: Commissioners McCollam, Hadcock, Zvejnieks, and Litzen voted yes. Commission Ferebee voted no.

All voting, the Motion carried 4 to 1.

16. DISCUSSION OF THE PENNINGTON COUNTY COMPREHENSIVE PLAN.

Conover discussed the Pennington County Comprehensive Plan. He further spoke of the upcoming budgeting sessions for the Long Range Planning of Pennington County. Chairman Zvejnieks asked that this item also be discussed again. This item it will be placed on the June 22, 2015, Planning Commission meeting for discussion.

17. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the May 26, 2015, Planning Commission meeting. Also, Rezone 15-03 and Comprehensive Plan Amendment 15-03 (Mitch Morris) were denied.

The Board of Commissioners will also be advertising for an additional member and an alternate member for the VH Rental Committee.

18. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

19. ITEMS FROM THE STAFF

A. Building Permit Report. Conover reviewed the Building Permit Report for May 2015.

B. House Bill 1194 - Hearing Signs. Conover informed the Planning Commission that the State Legislature adopted a new House Bill which will require the Rezone and Conditional Use Permit signs to be resized. The new signs are on order and the Rezone signs will be red and white and the Conditional Use Permit signs will be blue and white.

- C. December 2015 Planning Commission meeting dates / time. The Planning Commission will meet on December 7, 2015 at 9 a.m. and, on December 21, 2015, the time will be decided at a later date.

20. ITEMS FROM THE MEMBERSHIP

There were no items from the membership

21. ADJOURNMENT

Moved by Litzen and seconded by Hadcock to adjourn.

All voting aye, the Motion carried 5 to 0.

The meeting adjourned at 11:22 a.m.

Sig Zvejnieks, Chairperson