

MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
October 12, 2015 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Sig Zvejnieks, Lori Litzen, Jim Coleman, Barbara Landers, and George Ferebee.

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

ROLL CALL

1. APPROVAL OF THE SEPTEMBER 28, 2015, MINUTES
Moved by Landers and seconded by Litzen to approve the minutes of the September 28, 2015, Planning Commission Meeting. Vote: unanimous (5 to 0).

2. APPROVAL OF THE AGENDA
Moved by Litzen and seconded by Landers to approve the Agenda of the October 12, 2015, Planning Commission Meeting. Vote: unanimous (5 to 0).

Moved by Litzen and seconded by Landers to approve the Consent Calendar of the October 12, 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 91-59: Melissa Ehrhardt. To review a single-wide mobile home as a single-family residence in a Suburban Residential District in accordance with Section 208-C-19 of the Pennington County Zoning Ordinance.

Tract C of Lot 6, Berger Subdivision, Section 14, T2N, R8E, BHM, Pennington County, South Dakota.

To continue the review of Conditional Use Permit / CU 91-59 to the November 9, 2015, Planning Commission meeting.

Vote: unanimous (5 to 0).

4. **CONDITIONAL USE PERMIT REVIEW / CU 92-54:** Gerhard and Elizabeth Heck. To review a single-wide mobile home to be used as a single-family residence on the subject property in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot B-3 of Lot B of Lot 1, Section 19, T1N, R9E, BHM, Pennington County, South Dakota.

To continue the review of Conditional Use Permit / CU 92-54 to the November 9, 2015, Planning Commission meeting.

Vote: unanimous (5 to 0).

5. **CONDITIONAL USE PERMIT REVIEW / CU 08-45:** Elaine Andersen; Stephanie Andersen – Agent. To review a single-wide mobile home to be used as a temporary residence while constructing a single-family residence in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot C, Tract Olson Parcel #3, Section 11, T1S, R3E, BHM, Pennington County, South Dakota.

(Continued from the August 10, 2015, Planning Commission meeting.)

To continue the review of Conditional Use Permit / CU 08-45 to the November 23, 2015, Planning Commission meeting.

Vote: unanimous (5 to 0).

6. **CONDITIONAL USE PERMIT REVIEW / CU 14-27:** Wayne and Phyllis Krell. To review a single-wide manufactured home to be used as a permanent residence in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 6A of Lot 6 in Block 4, Eastern Acres Subdivision, Section 11, T1N, R8E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 14-27 with the following six (6) conditions:

1. **That the lot address continue to be clearly posted, so as to be visible from both directions on Gemini Street in accordance with Pennington County's Ordinance #20;**
2. **That the subject property continues to remain free of debris and junk vehicles;**

3. That the mobile home installed on the property continue to have peaked non-reflective type roofs and wood or simulated wood-type siding that are continually maintained;
4. That the minimum setback requirements of a Suburban Residential District be continually maintained on the property;
5. 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,
6. 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 Planning Commission to verify that all Conditions of Approval are being met.

Vote: unanimous (5 to 0).

7. **CONDITIONAL USE PERMIT REVIEW / CU 14-29:** Isaac Malsom. To review the use of an existing private air strip to be used for the applicant's personal aircraft in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

The NW1/4NE1/4 less ROW, Section 30, T2N, R10E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 14-29 with the following seven (7) conditions:

1. That a sign continue to be conspicuously posted along Highway 1416 indicating low flying aircraft;
2. That the air strip continue to be used for personal/private use only;
3. That the applicant continue to adhere to FAA rules and regulations at all times;
4. That the hours of operation for the airstrip continue to be from dawn to dusk;
5. That the Conditional Use Permit is revoked upon the sale or transfer of the property;
6. That the airstrip remains a grass runway; 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 Planning Commission in order to verify that all Conditions of Approval are being met.

Vote: unanimous (5 to 0).

8. **CONDITIONAL USE PERMIT / CU 15-28:** Michael or Erika Radtke; Kathleen Kaul – Owner. To allow for a single-wide mobile home to be used as a ranch hand’s residence on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

Pt of S1/2SE1/4 lying South of Highway less right-of-way and less Tract A, Wiese Addition, Section 35, T1N, R9E, BHM, Pennington County, South Dakota.

To approve of Conditional Use Permit / CU 15-28 with the following eight (8) conditions:

1. That an approved Building Permit be obtained for the ranch hand’s residence prior to being hooked up to any utilities and/or used as living quarters until all applicable permits are obtained to allow its placement on the property, which requires a site plan to be reviewed and approved by the Planning Director;
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 the residence be occupied by a ranch hand or used as housing for hired help at all times, and not be used as a rental by someone not engaged in the operation of the farm or ranch located on the subject property;
4. That a separate address be assigned for the ranch hand’s residence and that it be posted both at the approach (driveway) and on the individual structure, in accordance with Pennington County’s Ordinance #20;
5. That the minimum setback requirements of a General Agriculture District be continually maintained on the property, or a Setback Variance is obtained prior to new construction and approval of a Building Permit;
6. That the existing On-Site Wastewater Treatment System be inspected to determine if the size and condition of the existing system is sufficient to meet the requirements of Section 204-J of the Pennington County Zoning Ordinance prior to Building Permit Approval;

7. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU15-28, which is available at the Planning Office; and,
8. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous (5 to 0).

9. **CONDITIONAL USE PERMIT / CU 15-29:** Jim or Mary Scull. To allow for the cabin located on the subject property to be used as a ranch hand's residence in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

Unplatted PT of NW1/4 NE1/4 and 1/2 Vacant Road adjacent to Section 16, T1N, R6E, BHM, Pennington County, South Dakota.

To approve of Conditional Use Permit / CU 15-29 with the following ten (10) conditions:

1. That an approved Building Permit be obtained with all applicable fees paid for the addition to the existing ranch hand's residence, which requires a site plan to be reviewed and approved by the Planning Director;
2. That an On-Site Wastewater Construction Permit be obtained and the On-Site Wastewater Treatment System for the ranch hand's residence be upgraded to meet all of the requirements of Section 204-J of the Pennington County Zoning Ordinance;
3. 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;
4. That the applicant provides proof that the existing small, red, feeder barn was built prior to February 2, 1994, or a Building Permit be obtained for this structure, which requires a site plan to be reviewed and approved by the Planning Director, and penalty fees be paid;
5. That the residence be occupied by a ranch hand or used as housing for hired help at all times, and not be used as a rental by someone not engaged in the operating of the farm or ranch located on the subject property;
6. That the applicant signs a "Ranch Hand's Statement" verifying that the hired ranch hand will be directly engaged in the operation of the farm or

ranch located on the subject property prior to approval of the Building Permit, which is available at the Planning Office;

7. That a separate address be assigned for the ranch hand's residence and that it be posted both at the approach (driveway) and on the individual structure, in accordance with Pennington County's Ordinance #20;
8. That the minimum setback requirements of a General Agriculture District be continually maintained on the property, or a Setback Variance is obtained prior to new construction and approval of a Building Permit;
9. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 15-29, which is available at the Planning Office; and,
10. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis or as directed by the Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous (5 to 0).

10. **CONDITIONAL USE PERMIT REVIEW / CU 14-28:** Don Behrens. To review a Vacation Home Rental in a General Agriculture District in accordance with Sections 205, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 1, Custer Trails Subdivision, Section 22, T1N, R5E, BHM, Pennington County, South Dakota.

To continue the review of Conditional Use Permit / CU 14-28 to the October 26, 2015, Planning Commission meeting.

Vote: unanimous (5 to 0).

END OF CONSENT CALENDAR

11. **VACATION OF EASEMENT / VE 15-04:** Monte and Nicole Albert. To vacate and relocate an existing septic system drainfield easement in accordance with the Pennington County Zoning Ordinance.

Lots 1 and 2, Loveland Canyon Estates, Section 16, T2N, R6E, BHM, Pennington County, South Dakota.

Conover reviewed the Staff Report indicating the applicants have applied to vacate and relocate an existing platted septic system drainfield easement. When the drainfields were

constructed, it was not inside the platted Septic System Drainfield Easement, as noted in Plat Book 30 Page 96 (1) and (2).

Staff recommended approval of Vacation / Relocation of Easement / VE 15-04 with the following two (2) conditions:

- 1 That all necessary resolutions and exhibits relocating the easement be recorded by the applicant at the Register of Deed's Office; and,
- 2 That the applicant sign a Statement of Understanding within ten (10) business days of the approval of this Vacation of Easement.

Commissioner Zvejnieks stated he would abstain from voting on this item.

Moved by Landers and seconded by Coleman to approve of Vacation / Relocation of Easement / VE 15-04 with the following two (2) conditions:

- 1 That all necessary resolutions and exhibits relocating the easement be recorded by the applicant at the Register of Deed's Office; and,**
- 2 That the applicant sign a Statement of Understanding within ten (10) business days of the approval of this Vacation of Easement.**

Discussion followed.

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

12. CONDITIONAL USE PERMIT / CU 15-27: Carol or Kenn Duncan. To bring into compliance an existing Bed and Breakfast to include special events and to allow the sale of wine and beer in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot 1 and 1/2 vacated road less Lot A, Hisega Subdivision, and Unplatted PT of NW1/4 NE1/4 and 1/2 Vacant Road adjacent to Section 16, T1N, R6E, BHM, Pennington County, South Dakota.

Conover reviewed the Staff Report indicating the applicants have applied for a Conditional Use Permit to bring into compliance an existing Bed and Breakfast (Hisega Lodge) to include special events and to allow the sale of wine and beer in a Low Density Residential District.

Staff had originally recommended approval of Conditional Use Permit / CU 15-27 with twenty-six (26) conditions, but now are recommending approval of Conditional Use Permit / CU 15-27 with twenty-five (25) conditions, consolidating the language of Condition #17 into Condition #14:

1. That the Specialty Resort be for a Bed and Breakfast / Recreational Resort up to ten rooms and events, such as: weddings, receptions, company picnics, family reunions, church functions, bridal and baby showers, Christmas parties and other types of small gatherings similar in nature not to exceed fire code capacity;
2. That a Building Permit be obtained for any structure exceeding 144 square feet or located on a permanent foundation, which includes the necessary site plans to be reviewed and approved by the Planning Director;
3. That the applicants ensure the residential character of the property is maintained;
4. That the operation of Hisega Lodge be conducted by members of the family residing on the premises and, also, no more than one (1) additional person;
5. That all natural drainage paths are maintained;
6. That a business sign, which directs attention to Hisega Lodge, shall be allowed with an approved Sign Permit. Such sign shall not exceed six (6) square feet in area and shall be limited to one such sign per approved home occupation use. Such sign shall be either a wall sign or a ground sign and shall not be located in any public right-of-ways;
7. That the address be properly posted on both the residence and at the approach so it be visible in both directions in accordance with Pennington County's Ordinance #20;
8. That the applicant maintains an Emergency Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;
9. That a minimum of 22 parking spaces be provided and maintained in a dust-free manner in accordance with Section 310 of the Pennington County Zoning Ordinance;
10. That all music being provided for outdoor activities be shut down by 10:00 p.m.;
11. That temporary structures, such as tents and port-a-potties only be erected when needed and not on a permanent basis;
12. That all exterior lighting must be of low level intensity, which does not result in excessive glare upon surrounding neighbors;
13. That the applicant obtain all necessary permits from other governing bodies for operation of the Specialty Resort including, but not limited to, approval from the

South Dakota Department of Health for the Bed & Breakfast and Specialty Resort and a Sales Tax License from the South Dakota Department of Revenue;

14. That a smoke detector be placed in each sleeping room utilized for Hisega Lodge a minimum of at least one (1) smoke detector per floor, per South Dakota Codified Law 34-18;
15. That a portable fire extinguisher with a minimum 2 A-BC rating shall be placed on each floor level of Hisega Lodge so it accessible to all guests at all times and the fire extinguisher shall be inspected and tagged annually;
16. That the maximum number of people staying at the Hisega Lodge establishment at one time be in compliance with the South Dakota Lodging Establishments Health and Safety Manual;
17. That the physical address for the residence be posted in each guest room utilized for Hisega Lodge;
18. That port-a-potties may be utilized by the guests of the events for wastewater disposal at a ratio of one port-a-potty per 50 guests. Any other means of wastewater disposal will require proper permitting and review of the system by both the Pennington County Planning Department and South Dakota Department of Environment and Natural Resources;
19. That prior to the placement of any on-premise signs, the applicant must obtain approval of a Sign Permit;
20. That the Planning Director may allow additional development or construction, which is consistent with the existing development on this property. Significant changes in the use or impacts on adjacent land, uses as determined by the Planning Director, shall require an amendment to this Conditional Use Permit;
21. That the applicants obtain the required Setback Variances for existing buildings prior to the next review of CU 15-27;
22. That if the lot, legally described at Lot 2A of Lot 2 Less Lot 1, at the time of this staff report, is sold or transferred, an immediate review of CU 15-27 will occur;
23. That Hisega Lodge be allowed to have Retail (on-off sale) Wine/Beer Licenses as regulated by the Pennington County Auditor;
24. That the applicant sign a new Statement of Understanding within ten (10) business days, which is available at the Planning Office; and,

25. That the Conditional Use Permit be reviewed in one (1) year or on a complaint basis, or as deemed necessary by either the Planning Commission or Board of Commissioners.

Discussion followed.

Moved by Coleman and seconded by Litzen to approve of Conditional Use Permit 15-27 with the following twenty-five (25) conditions:

1. That the Specialty Resort be for a Bed and Breakfast / Recreational Resort up to ten rooms and events, such as: weddings, receptions, company picnics, family reunions, church functions, bridal and baby showers, Christmas parties and other types of small gatherings similar in nature not to exceed fire code capacity;
2. That a Building Permit be obtained for any structure exceeding 144 square feet or located on a permanent foundation, which includes the necessary site plans to be reviewed and approved by the Planning Director;
3. That the applicants ensure the residential character of the property is maintained;
4. That the operation of Hisega Lodge be conducted by members of the family residing on the premises and, also, no more than one (1) additional person;
5. That all natural drainage paths are maintained;
6. That a business sign, which directs attention to Hisega Lodge, shall be allowed with an approved Sign Permit. Such sign shall not exceed six (6) square feet in area and shall be limited to one such sign per approved home occupation use. Such sign shall be either a wall sign or a ground sign and shall not be located in any public right-of-ways;
7. That the address be properly posted on both the residence and at the approach so it be visible in both directions in accordance with Pennington County's Ordinance #20;
8. That the applicant maintains an Emergency Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;
9. That a minimum of 22 parking spaces be provided and maintained in a dust-free manner in accordance with Section 310 of the Pennington County Zoning Ordinance;

10. That all music being provided for outdoor activities be shut down by 10:00 p.m.;
11. That temporary structures, such as tents and port-a-potties only be erected when needed and not on a permanent basis;
12. That all exterior lighting must be of low level intensity, which does not result in excessive glare upon surrounding neighbors;
13. That the applicant obtain all necessary permits from other governing bodies for operation of the Specialty Resort including, but not limited to, approval from the South Dakota Department of Health for the Bed & Breakfast and Specialty Resort and a Sales Tax License from the South Dakota Department of Revenue;
14. That a smoke detector be placed in each sleeping room utilized for Hisega Lodge a minimum of at least one (1) smoke detector per floor, per South Dakota Codified Law 34-18;
15. That a portable fire extinguisher with a minimum 2 A-BC rating shall be placed on each floor level of Hisega Lodge so it accessible to all guests at all times and the fire extinguisher shall be inspected and tagged annually;
16. That the maximum number of people staying at the Hisega Lodge establishment at one time be in compliance with the South Dakota Lodging Establishments Health and Safety Manual;
17. That the physical address for the residence be posted in each guest room utilized for Hisega Lodge;
18. That port-a-potties may be utilized by the guests of the events for wastewater disposal at a ratio of one port-a-potty per 50 guests. Any other means of wastewater disposal will require proper permitting and review of the system by both the Pennington County Planning Department and South Dakota Department of Environment and Natural Resources;
19. That prior to the placement of any on-premise signs, the applicant must obtain approval of a Sign Permit;
20. That the Planning Director may allow additional development or construction, which is consistent with the existing development on this property. Significant changes in the use or impacts on adjacent land, uses as determined by the Planning Director, shall require an amendment to this Conditional Use Permit;

21. That the applicants obtain the required Setback Variances for existing buildings prior to the next review of CU 15-27;
22. That if the lot, legally described at Lot 2A of Lot 2 Less Lot 1, at the time of this staff report, is sold or transferred, an immediate review of CU 15-27 will occur;
23. That Hisega Lodge be allowed to have Retail (on-off sale) Wine/Beer Licenses as regulated by the Pennington County Auditor;
24. That the applicant sign a new Statement of Understanding within ten (10) business days, which is available at the Planning Office; and,
25. That the Conditional Use Permit be reviewed in one (1) year or on a complaint basis, or as deemed necessary by either the Planning Commission or Board of Commissioners.

Substitute Motion by Ferebee and seconded by Landers to approve of Conditional Use Permit / CU 15-27 and to remove Condition #22 of the Original Conditions of Approval, which is now Condition #21.

Discussion followed.

Vote on Substitute Motion: Commissioners Coleman, Litzen, and Zvejnieks voted No. Commissioners Landers and Ferebee voted yes. Substitute Motion failed 2-3.

Vote on Original Motion: Commissioners Coleman, Litzen, Zvejnieks, and Landers voted Yes. Commissioner Ferebee voted No. Original Motion passes 4-1.

13. MINOR PLAT / PL 15-24 AND SUBDIVISION REGULATIONS VARIANCE / SV 15-13: Chelsea “Chuck” and Donna Ferguson. To combine two lots to create Lot 3 of Rushmore Cave Subdivision and to waive platting requirements in accordance with Sections 400.3 and 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: A portion of the Balance of Gov’t Lot 4 less Right-of-Way and Tract A of Lot 4 and Lot B of Lot 4, Section 18, T2S, R7E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 3, Rushmore Cave Subdivision, Section 18, T2S, R7E, BHM, Pennington County, South Dakota.

Conover reviewed the Staff Report indicating the applicants have applied for a Minor Plat to combine two lots to create Lot 3 of Rushmore Cave Subdivision and to waive platting requirements.

Staff recommended approval of Subdivision Regulations Variance / SV 15-13 to waive submittal of the following: 1. Scale of the Plat to be 1" = 100'; 2. Topographical information at 5-foot contour intervals; 3. Road Improvements to Ordinance 14 standards; 4. Engineered Road Construction Plans; and, 5. Percolation and Profile hole information prior to filing the plat with the Register of Deeds; and approval of Minor Plat / PL 15-24 with the following eight (8) conditions:

1. That prior to filing the Plat with the Register of Deeds, the portion of GL 4 being subdivided for purposes of PL 15-24 be rezoned to Highway Service District;
2. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
3. That prior to filing the Plat with the Register of Deeds, the existing approach proposed Lot 3 be approved by the South Dakota Department of Transportation;
4. That an approved Floodplain Development Permit be obtained prior to any work, construction, or disturbance within the designated 100-year floodplain or floodway;
5. That a Building Permit be obtained for any structure(s) exceeding 144 square feet or located on a permanent foundation, which requires a site plan to be reviewed and approved by the Planning Director;
6. That the addition of a septic system on Lot 3 of Rushmore Cave Subdivision will require DENR Approval and/or an On-site Wastewater Construction Permit approved by the County Environmental Planner and all rules of Pennington County Zoning Ordinance Section 204-J must be met;
7. That approval of this Minor Plat does not constitute approval of any further applications to be submitted for the above-described properties; and,
8. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Minor Plat / PL 15-16, which is available at the Planning Office.

Discussion followed.

Moved by Litzen and seconded by Landers to approve of Subdivision Regulations Variance / SV 15-13 to waive submittal of the following: 1. Scale of the Plat to be 1" = 100'; 2. Topographical information at 5-foot contour intervals; 3. Road Improvements to Ordinance 14 standards; 4. Engineered Road Construction Plans; and, 5. Percolation and Profile hole information prior to filing the plat with the Register of Deeds.

All voting aye, the Motion carried 5 to 0.

Moved by Litzen and seconded by Landers to approve of Minor Plat / PL 15-24 with the following eight (8) conditions:

- 1. That prior to filing the Plat with the Register of Deeds, the portion of GL 4 being subdivided for purposes of PL 15-24 be rezoned to Highway Service District;**
- 2. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;**
- 3. That prior to filing the Plat with the Register of Deeds, the existing approach proposed Lot 3 be approved by the South Dakota Department of Transportation;**
- 4. That an approved Floodplain Development Permit be obtained prior to any work, construction, or disturbance within the designated 100-year floodplain or floodway;**
- 5. That a Building Permit be obtained for any structure(s) exceeding 144 square feet or located on a permanent foundation, which requires a site plan to be reviewed and approved by the Planning Director;**
- 6. That the addition of a septic system on Lot 3 of Rushmore Cave Subdivision will require DENR Approval and/or an On-site Wastewater Construction Permit approved by the County Environmental Planner and all rules of Pennington County Zoning Ordinance Section 204-J must be met;**
- 7. That approval of this Minor Plat does not constitute approval of any further applications to be submitted for the above-described properties; and,**
- 8. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Minor Plat / PL 15-16, which is available at the Planning Office.**

All voting aye, the Motion carried 5 to 0.

14. REZONE / RZ 15-12 AND COMPREHENSIVE PLAN AMENDMENT CA / 15-11: Chelsea “Chuck” and Donna Ferguson. To rezone 0.914 acre from General Agriculture District to Highway Service District and to amend the Comprehensive Plan to change the Future Land Use from Limited Agriculture District to Highway Service District in accordance in accordance with Section 508 of the Pennington County Zoning Ordinance.

Commencing from the southeast corner of Tract G of Guyette Placer M.S.1489 located in SW1/4SW1/4 of Section 18, T2S, R7E, B.H.M. Pennington County, South Dakota. Thence around a right hand curve along the south right-of-way line of Highway 40 with a

length of 48.27', a radius of 879.93', a chord bearing of S42°51'20"E and a chord distance of 48.26' to the Point of Beginning and northeast corner of proposed Lot 3 of Rushmore Cave Subdivision. Thence continuing around the same right-hand curve with a length of 131.33', a radius of 879.93', a chord bearing of S37°00'41"E and a chord length of 131.21' to a point on the line between a portion of Govt. Lot 4 and Lot B of Govt. Lot 4 thence N78°43'55"W a distance of 39.24' to the northern corner between Lot B and Tract A of Govt. Lot 4, thence N85°35'07"W along the northern boundary of Tract A a distance of 211.90' to a the northwest corner of Tract A, thence S8°11'00"W along the western boundary of Tract A a distance of 417.20' to a point, thence S4°18'07"E a distance of 200.00' to a point, thence S12°37'03"E a distance of 57.47' to a point, thence N85°17'00"W a distance of 78.20' to the south west corner of Proposed Lot 3 of Rushmore Cave Subdivision, thence N5°50'00"E a distance of 668.30' to a point coinciding with the northwest corner of proposed Lot 3 of Rushmore Cave Subdivision, thence N69°51'11"E a distance of 226.47' to the Point of Beginning. Said Parcel containing 0.914 acres more or less.

Conover reviewed the Staff Report indicating the applicants have applied to rezone 0.914 acre from General Agriculture District to Highway Service District and to amend the Comprehensive Plan to change the Future Land Use from Limited Agriculture District to Highway Service District.

Staff recommended approval of Rezone / RZ 15-12 and Comprehensive Plan Amendment CA / 15-11.

Discussion followed.

Moved by Landers and seconded by Coleman to approve of Rezone / RZ 15-12 and Comprehensive Plan Amendment CA / 15-11.

All voting aye, the Motion carried 5 to 0.

15. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the September 14th and September 28th Planning Commission meetings with the exception of Minor Plat / PL 15-19 and Subdivision Regulations Variance / SV 15-10 (Elvira Gilles; Davis Engineering – Agent). The Board removed the below condition from the Conditions of Approval:

1. That prior to filing the Plat with the Register of Deeds, percolation and profile hole information be submitted to the Water Protection Coordinator and/or Environmental Planner for review and approval.

16. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

17. ITEMS FROM THE STAFF

- A. Building Permit Report. Conover reviewed the September 2015 Building Permit Report.

18. ITEMS FROM THE MEMBERSHIP

Commissioner Ferebee spoke of when Building Permits are needed for structures 144 square feet or larger and anchored to the ground. He further asked for the Planning Staff to research this and bring the information to a scheduled Planning Commission meeting.

Conover asked that this item be placed on a November Planning Commission meeting for discussion.

Discussion followed to place this as a discussion item on the November 9th Agenda.

19. ADJOURNMENT

Moved by Litzen and seconded by Coleman to adjourn.

All voting aye, the Motion carried 5 to 0.

The meeting adjourned at 10:22 a.m.

Sig Zvejnieks, First Vice-Chairperson