

MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
November 13, 2012 @ 9:00 a.m.
County Commissioners' Meeting Room - Pennington County Courthouse

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

STAFF PRESENT: Dan Jennissen, Lysann Zeller, Mandi Schmierer, and Kelsey Rausch.

ROLL CALL

1. APPROVAL OF THE OCTOBER 22, 2012, MINUTES
Moved by Hall and seconded by McCollam to approve the October 22, 2012, Planning Commission minutes. Vote: unanimous (7 to 0).
2. APPROVAL OF THE AGENDA
Moved by Davis and seconded by McCollam to approve the November 13, 2012, Planning Commission Agenda, with the addition of Items #10, #11, and #12 to the Consent Calendar. Vote: unanimous (7 to 0).

CONSENT CALENDAR

The following items have been placed on the Consent Calendar for action to be taken on all items in accordance with staff's recommendation by a single vote. Any item may be removed from the Consent Calendar, by any Planning Commissioner, staff member, or audience member for separate consideration. The findings of this Planning Commission are recommendations to the Pennington County Board of Commissioners who will make the final decision.

3. **CONDITIONAL USE PERMIT REVIEW / CU 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 October 22, 2012, Planning Commission meeting.)

To recommend approval of the extension of Conditional Use Permit / CU 01-01 with the following sixteen (16) conditions:

1. **That the mobile home park is limited to a total of fourteen (14) mobile home lots and one (1) caretaker's residence;**

2. That two (2) graveled parking spaces be provided for each mobile home lot, an additional parking space for guests, (one for every four mobile homes located in the mobile home park);
3. That a Floodplain Development Permit be obtained for any work, including the placement of mobile homes in the designated 100-year flood plain;
4. That at the time of Building Permit application, the applicant indicate alternative locations for a second drainfield and adequate space for accessory structures on the site plan for each lot;
5. That prior to any expansion to the existing mobile home park, an On-Site Wastewater Construction Permit be reviewed and approved by the South Dakota Department of Environment and Natural Resources and the Pennington County Environmental Planner;
6. That it be recommended that individual water meters be supplied for each new mobile home, or replacement of existing mobile homes;
7. That a Building Permit shall be obtained for the removal or placement of mobile homes on the property;
8. That a Building Permit be obtained for structures exceeding 144 square feet or located on a permanent foundation which will require a site plan to be reviewed and approved by the Planning Director;
9. That the interior roads be maintained with a twenty-five (25) foot-wide, four-inch graveled driving surface, the cul-de-sac be a minimum of 42 feet in radius, and roads be maintained in a dust free manner;
10. That all structures be located a minimum of ten (10) feet from interior access roads within the mobile home park and there be a minimum of twenty (20) feet between units;
11. That the mobile home park have a rear yard and side yard setback of not less than ten (10) feet;
12. That the mobile home park have a management office and such service buildings as necessary, located on the property;
13. That the applicant continues to maintain the second means of ingress and egress to the property onto the road north of the property;
14. That the mobile home park has one (1) common address that shall be posted on the management office and that each home in the park shall be individually labeled with its own unit number or letter. The unit numbers shall be posted on the homes so that they are clearly visible from the main access road;

15. At such time the mobile homes on Lots 1, 2, or 3 or the caretaker's residence is to be replaced, they must be relocated on the portion of the property zoned Suburban Residential District; and,
16. That this Conditional Use Permit be reviewed in one (1) year or upon a complaint basis to verify the applicant is complying with the conditions of approval.

Vote: unanimous (7 to 0).

4. **CONDITIONAL USE PERMIT REVIEW / CU 01-37:** Valley Heights Estates. To review a 12 foot by 20 foot structure as a temporary office and a single-family residence as a temporary office in a Suburban Residential District in accordance with Section 208-C-18 of the Pennington County Zoning Ordinance.

Lot 1, Block 4, Valley Heights Estates, Section 1, T1N, R8E, BHM, Pennington County, South Dakota.

To recommend to revoke Conditional Use Permit / CU 01-37 with the applicant's concurrence.

Vote: unanimous (7 to 0).

5. **CONDITIONAL USE PERMIT REVIEW / CU 11-18:** Dennis and Carol Kauer. To review the construction of a private air strip located 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 recommend approval of the extension of Conditional Use Permit / CU 11-18 with the following eight (8) conditions:

1. That a sign continues to be posted along Highway 14/16 indicating low flying aircraft;
2. That the air strip be used for personal/private use only;
3. That the applicant adheres to FAA rules and regulations at all times;
4. 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;
5. That the hours of operation for the airstrip be from dawn to dusk;
6. That the Conditional Use Permit is revoked upon the sale of the property;

7. That this Conditional Use Permit be reviewed on a complaint basis only; and,
8. That the airstrip remains a grass runway.

Vote: unanimous (7 to 0).

6. **CONDITIONAL USE PERMIT REVIEW / CU 11-24:** Lester Schriener. To review an accessory structure prior to a principal structure in a Highway Service District in accordance with Sections 210 and 510 of the Pennington County Zoning Ordinance.

Lot 2 less Lot A of Iowa Placer M.S. 636, Section 1, T2S, R4E, BHM, Pennington County, South Dakota.

(Continued from the October 22, 2012, Planning Commission meeting.)

To recommend approval of the extension of Conditional Use Permit / CU 11-24 with six the following six (6) conditions:

1. That the applicant continues to utilize the approach off of Reno Gulch Road as the primary access to the property and that the approach off of Highway 385 be used on a limited basis only until such time the property is developed commercially;
2. That the property remains free of debris and junk vehicles;
3. That if the storage building is to have plumbing or be used commercially, an on-site wastewater treatment system be installed, which requires an On-site Wastewater Construction Permit to be obtained;
4. That the address assigned to the property continues to be posted in accordance with Ordinance #20 so that it is visible from Reno Gulch Road;
5. That if the applicant decides to use the structure for commercial purposes in the future, the Planning Department be notified so this Conditional Use Permit can be reviewed and revoked; and,
6. That this Conditional Use Permit be reviewed in two (2) years or on a complaint basis to verify that all conditions of approval are being met.

Vote: unanimous (7 to 0).

7. **CONDITIONAL USE PERMIT REVIEW / CU 11-25:** Jeff Storm. To review a home occupation (remanufacturing of ammunition) in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 5, Block 2, Winton Subdivision, Section 26, T1N, R8E, BHM, Pennington County, South Dakota.

To recommend to continue the review of Conditional Use Permit / CU 11-25 to the November 26, 2012, Planning Commission meeting.

Vote: unanimous (7 to 0).

8. **MINOR PLAT / PL 12-39 AND SUBDIVISION REGULATIONS VARIANCE / SV 12-13:** Linda and Larry Pearson. To create Lots 1A-5A of Hill City Heights and to waive platting requirements in accordance with Sections 400.3 and 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lots 1-5 of Hill City Heights located in Sections 30 and 31, T1S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1A-5A of Hill City Heights located in Sections 30 and 31, T1S, R5E, BHM, Pennington County, South Dakota.

To recommend approval of Subdivision Regulations Variance / SV 12-13 to waive engineered road construction plans, to waive road improvements, to waive improvements to the Section Line Highway, to waive percolation tests and soil profile information, to waive a second means of ingress/egress, to waive an intermediate turn-around and to waive the scale of the drawing to be 1"=100 feet, and approval of Minor Plat / PL 12-39 with the following two (2) conditions:

1. That the typo in the plat title be corrected to "Less" not "ESS" prior to filing the plat with Register of Deeds; and,
2. That the certificate for the Planning Director be removed and the certificate for the Auditor changed from a "Final Plat Certificate" to a "Minor Plat Certificate."

Vote: unanimous (7 to 0).

10. **PRELIMINARY PLAT / PL 12-38:** Nina McBride / Sandy Varney. To create Lot 1 of Chase Subdivision in accordance with Section 400.2 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: NE1/4SE1/4; Unplatted portion of Lot B; NW1/4SE1/4; and Lot B of SE1/4SE1/4 less Right-of-Way, Section 15, T2N, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 1 of Chase Subdivision located in Section 15, T2N, R6E, BHM, Pennington County, South Dakota.

To recommend to continue Preliminary Plat / PL 12-38 to the November 26, 2012, Planning Commission meeting.

Vote: unanimous (7 to 0).

11. **REZONE / RZ 12-12:** Nina McBride / Sandy Varney. To rezone 3.046 acres from General Agriculture District to Low Density Residential District in accordance with Sections 207 and 508 of the Pennington County Zoning Ordinance.

Located on the following metes and bounds: A parcel of land located in NE1/4 of SE1/4 of Section 15, T2N, R6E, BHM and in Lot B of SE1/4 of SE1/4 of Section 15, T2N, R6E, BHM, Pennington County, South Dakota, said parcel of land is described as follows: Beginning at NE corner of said parcel from whence the E1/4 corner of said Section 15 bears N 13°13'34" E a distance of 1188.44'; thence S 24°15'00" E a distance of 79.85'; thence S 8°22'00" E a distance of 199.97'; thence along the arc of a curve to the left whose angle is 22°20'44" and whose radius is 418.80' a distance of 163.33'; thence S 72°34'26" W a distance of 374.19'; thence N 6°00'00" W a distance of 254.55'; thence N 73°03'00" E a distance of 505.00' to the Point of Beginning. Said parcel of land contains 3.046 acres more or less.

To recommend to continue Rezone / RZ 12-12 to the November 26, 2012, Planning Commission meeting.

Vote: unanimous (7 to 0).

12. **CONDITIONAL USE PERMIT / CU 12-31:** Nina McBride / Sandy Varney. 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.

Located on the following metes and bounds: A parcel of land located in NE1/4 of SE1/4 of Section 15, T2N, R6E, BHM and in Lot B of SE1/4 of SE1/4 of Section 15, T2N, R6E, BHM, Pennington County, South Dakota, said parcel of land is described as follows: Beginning at NE corner of said parcel from whence the E1/4 corner of said Section 15 bears N 13° 13' 34" E a distance of 1188.44'; thence S 24° 15' 00" E a distance of 79.85'; thence S 8° 22' 00" E a distance of 199.97'; thence along the arc of a curve to the left whose angle is 22° 20' 44" and whose radius is 418.80' a distance of 163.33'; thence S 72° 34' 26" W a distance of 374.19'; thence N 6° 00' 00" W a distance of 254.55'; thence N 73° 03' 00" E a distance of 505.00' to the Point of Beginning. Said parcel of land contains 3.046 acres more or less.

To recommend to continue Conditional Use Permit / CU 12-31 to the November 26, 2012, Planning Commission meeting.

Vote: unanimous (7 to 0).

END OF CONSENT CALENDAR

9. CONDITIONAL USE PERMIT / CU 12-30: Ruby and Frank Matejcik. To allow for a Vacation Home Rental in a General Agriculture District in accordance with Sections 205, 319, and 510 of the Pennington County Zoning Ordinance.

That Part of the SE1/4SE1/4 lying north and east of Slate Prairie Road, Section 26, T1N, R3E, BHM, Pennington County, South Dakota.

(Continued from the October 22, 2012, Planning Commission meeting.)

Zeller stated this item had been continued from the October 22nd Planning Commission meeting in order for the applicant to address a portion of the deck which is encroaching into the Section Line right-of-way.

Staff recommended that if the Section Line right-of-way encroachment issues has not been corrected prior to the November 13th Planning Commission meeting, staff will be recommending Conditional Use Permit #12-30 be continued to the November 26, 2012, Planning Commission meeting. If the Section Line right-of-way encroachment issue has been corrected, staff will be recommending approval of Conditional Use Permit #12-30 with the following seven (7) conditions:

1. That the maximum overnight occupancy, based on DENR's approval, be limited to six (6) people and the maximum daytime occupancy be limited to nine (9) people;
2. That the applicant maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these Licenses be provided to the Planning Department prior to operation of the Vacation Home Rental;
3. That a minimum of two (2) off-street parking spaces be provided on-site, each measuring a minimum of nine (9) by eighteen feet and maintained in a dust-free manner;
4. That an interior informational sign be posted in accordance with the requirements of Section 319-G., during operation of the residence as a VHR;
5. That the lot address be posted at all times so it is clearly visible from Slate Prairie Road, including reflective numbering, in accordance with Ordinance #20;
6. That the applicant ensure the VHR is operated in accordance with the requirements of Section 319-F. (Performance Standards) at all times; and,
7. That this Conditional Use Permit be reviewed in one (1) year or on a complaint basis to verify that all conditions of approval are being met.

Zeller further stated the encroachment issue has been addressed, and staff is recommending adding an eighth condition to the Conditions of Approval, which will state: "That the Section Line right-of-way encroachment issue appears to have been

corrected, however, it is ever determined that a Section Line encroachment issue still exists, it shall be corrected by the applicant at that time.”

Mrs. Ruby Matejcik, applicant, appeared and noted the Conditions of Approval.

Moved by Landers and seconded by Hall to approve of Conditional Use Permit / CU 12-30 with the following eight (8) conditions:

- 1. That the maximum overnight occupancy, based on DENR’s approval, be limited to six (6) people and the maximum daytime occupancy be limited to nine (9) people;**
- 2. That the applicant maintains current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these Licenses be provided to the Planning Department prior to operation of the Vacation Home Rental;**
- 3. That a minimum of two (2) off-street parking spaces be provided on-site, each measuring a minimum of nine (9) by eighteen feet and maintained in a dust-free manner;**
- 4. That an interior informational sign be posted in accordance with the requirements of Section 319-G., during operation of the residence as a VHR;**
- 5. That the lot address be posted at all times so it is clearly visible from Slate Prairie Road, including reflective numbering, in accordance with Ordinance #20;**
- 6. That the applicant ensures the VHR is operated in accordance with the requirements of Section 319-F. (Performance Standards) at all times;**
- 7. That the Section Line right-of-way encroachment issue appears to have been corrected, however, it is ever determined that a Section Line encroachment issue still exists, it shall be corrected by the applicant at that time; and,**
- 8. That this Conditional Use Permit be reviewed in one (1) year or on a complaint basis to verify that all conditions of approval are being met.**

All voting aye, the Motion carried 7 to 0.

13. MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 12-04: John Majchrzak. To amend the existing Planned Unit Development for High Country Guest Ranch to allow an outdoor summer venue / concerts starting in June and going to the end of August. A bandshell and parking lot will be constructed in the southwest corner of the property in accordance with Section 213 of the Pennington County Zoning Ordinance.

Tract A less High Country Ranch Subdivision and less Right-of-Way, Ray Smith Placer MS 995, Section 15, T1S, R4E, BHM, Pennington County, South Dakota, in accordance with Section 213 of the Pennington County Zoning Ordinance.

Jennissen reviewed the Staff Report indicating the applicant has applied to amend the existing Planned Unit Development for High Country Guest Ranch to allow outdoor summer venue / concerts on the subject property for the musical group Brulé. The concerts will run for 11 weeks starting in June until the end of August and a bandshell and parking lot will be constructed in the southwest corner of the property.

Jennissen stated there is floodplain located on the property and the applicants would need to obtain a Floodplain Development if work is done in the floodplain. The applicants will also be required to work with SD DENR regarding the expansion of the wastewater system or use of port-a-potties will be required. He also spoke of a second means of ingress/egress, the right-of-way off of Deerfield Road and a Forest Service Road, dust control, and traffic control.

Staff recommended approval of Major Planned Unit Development Amendment 12-04 with the following twenty-six (26) 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 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. 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 an On-site Wastewater Treatment System Construction Permit for the restroom facilities must be applied for by May 1, 2013. Soil profile and percolation tests will be completed prior to application submittal. In addition the OSWTS must be approved by DENR prior to application submittal;

7. That prior to any construction work within the 100 year floodplain, a Floodplain Development Permit be obtained;
8. 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;
9. 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;
10. That the setbacks for Lot 3 be 14 feet for the rear-yard and 23 feet for the side-yard for the existing deck;
11. That all perimeter setbacks be at least twenty-five (25) feet with exception of the existing barn/office to be zero (0) feet and the stable to be ten (10) 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 9:00 pm 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 paved to minimize dust;
19. That any open fires have a permit from South Dakota Wildland Fire;
20. That if the structure for the restroom facilities is not constructed prior to operation in June 11, 2013, at least one port-o-potty unit (or similar) be required per 50 persons;
21. That prior to County Board approval of the PUD amendment, documentation be provided for a second means of ingress/egress. And, that the second means of ingress/egress be improved with a minimum of four inches of gravel for one lane of travel;

22. That traffic control, such as (flaggers) on Deerfield Rd be provided at the end of each concert;
23. That the ATV rentals not exceed seven (7) vehicles;
24. 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; and,
25. 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; and,
26. That this Planned Unit Development shall be reviewed in one year to verify all conditions are being met or upon a complaint basis.

Jennissen further explained that Conditions #23 and #24 can be removed from the Conditions of Approval, as the owner no longer provides use of ATV's on the property.

Commissioner Zvejnieks noted that the Planning Commission did receive a letter, prior to the meeting, from the Ray Smith Place Homeowner's Association regarding traffic flow to and from the property and the maintenance of Ray Smith Drive.

Commissioner Zvejnieks also discussed Condition #15 which states that quiet hours start at 9 p.m., but the concerts will not be done until 9 p.m. He questioned if the quiet hours should be changed to 10 p.m.

Commissioner Davis spoke of Condition #18 where Ray Smith Drive is to be paved and questioned whether mag water would work instead. He further discussed the right-of-way and Forest Service property.

Commissioner Coleman discussed the property ownership in the Planned Unit Development and other properties possibly being affected by dust coming from Ray Smith Drive.

Mr. Doyle Estes, attorney for the applicants, appeared and spoke of applying dust control measures to Ray Smith Drive for a season or two and then revisit this condition to see if the road does not need to be paved, and he stated there is a ruling in place from the Board of Commissioners that the secondary access does exist and this would need to be addressed with the Forest Service.

Mrs. Barbara Majchrzak, applicant, appeared and provided a brief history of how the venture came about and she further spoke of the proposed application and the group Brulé.

Commissioner Zvejnieks asked Mr. Estes about controlling the dust and what his recommendation would be.

Mr. Estes recommended applying mag water for dust control and, again, revisit it after one or two seasons.

Mrs. Majchrzak asked that Conditions #23 and #24 not be removed and she added that the traffic control recommendation in Condition #22 will be addressed.

Commissioner Litzen asked the applicant if they would prefer the quiet hours to be extended.

Mrs. Majchrzak said yes, and asked the quiet hours be changed to 10 p.m.

Moved by Davis to approve with the change in Condition #15 to reflect 10 p.m. for the quiet hours, Condition #18 to be changed to mag water for dust control measures, Condition #21 - there is documentation for the second means of ingress/egress, and leave in Conditions #23 and #24, at the applicant's request.

Seconded by Litzen.

Jennissen recommended Condition #18 state "That Ray Smith Drive be maintained in a dust free manner" and recommended adding another condition addressing traffic for the concerts; that all traffic for the concert venue be directed/limited to Ray Smith Drive.

SUBSTITUTE MOTION: Moved by Davis and seconded by Litzen to approve Major Planned Unit Development 12-04 with the change in Condition #15 to reflect 10 p.m. for the quiet hours, Condition #18 language be changed to: "That Ray Smith Drive be maintained in a dust free manner," Condition #21 that documentation for the public right-of-way be provided, leave in Conditions #23 and #24, at the applicant's request, and add Condition #27 "That all traffic for the concert venue be directed/limited to Ray Smith Drive," with the following twenty-seven (27) 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 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. 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 an On-site Wastewater Treatment System Construction Permit for the restroom facilities must be applied for by May 1, 2013. Soil profile and percolation tests will be completed prior to application submittal. In addition the OSWTS must be approved by DENR prior to application submittal;
7. That prior to any construction work within the 100 year floodplain, a Floodplain Development Permit be obtained;
8. 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;
9. 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;
10. That the setbacks for Lot 3 be 14 feet for the rear-yard and 23 feet for the side-yard for the existing deck;
11. That all perimeter setbacks be at least twenty-five (25) feet with exception of the existing barn/office to be zero (0) feet and the stable to be ten (10) 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 if the structure for the restroom facilities is not constructed prior to operation in June 11, 2013, at least one port-o-potty unit (or similar) be required per 50 persons;
21. That prior to County Board approval of the PUD amendment, the documentation for the second means of ingress/egress be provided;
22. That traffic control, such as (flaggers) on Deerfield Rd be provided at the end of each concert;
23. That the ATV rentals not exceed seven (7) vehicles;
24. 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;
25. 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;
26. That all traffic for the concert venue be directed / limited to Ray Smith Drive; and,
27. That this Planned Unit Development shall be reviewed in one year to verify all conditions are being met or upon a complaint basis.

Mr. Larry McCaskell, representative for Ray Smith Place Homeowner's Association, appeared and stated the association is in favor of the proposed project; however, they are requesting that recycled asphalt be used instead of mag water for dust control. This would be a long-term solution and to also add once inch of recycled asphalt at one inch per each year, which would make this financially feasible for the new owners. He further indicated that the applicants did not have time to review the Homeowner's Association requests, since the letter just appeared at the meeting today.

Mrs. Majchrzak responded and asked that the Motion for Condition #18 to have Ray Smith Drive be maintained in a dust free manner stay, so that they could look at paving Ray Smith Drive in the future and what the costs would be associated with it.

Discussion further followed.

All voting aye, the Motion carried 7 to 0.

14. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the October 22, 2012, Planning Commission meeting.

15. ITEMS FROM THE PUBLIC

There were no items from the public.

16. ITEMS FROM THE STAFF

A. Building Permit Report. Jennissen reviewed the Building Permit Report for October 2012.

B. Spring Creek Watershed. Jennissen informed the Planning Commission that there will be a meeting on Tuesday, November 27th from 7 p.m. to 9 p.m. in Hill City.

17. ITEMS FROM THE MEMBERSHIP

Commissioner Zvejnieks spoke of the SD Planners' Conference recently held in Lead and requested Mr. Patrick Grode, Deputy State Attorney, appear and discuss information that was presented at the conference.

18. DISCUSSION ITEMS

There were no discussion items.

19. ADJOURNMENT

Moved by Davis and seconded by to adjourn.

All voting aye, the Motion carried 7 to 0.

The meeting adjourned at **10:15 a.m.**

Chairperson, Sig Zvejnieks