

MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
December 10, 2012 @ 9:00 a.m.
County Commissioners' Meeting Room - Pennington County Courthouse

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

STAFF PRESENT: Dan Jennissen, Lysann Zeller, Patrick Grode (SAO) and Jeri Ervin.

ROLL CALL

1. APPROVAL OF THE NOVEMBER 26, 2012, MINUTES
Moved by McCollam and seconded by Hall to approve the November 26, 2012, Planning Commission minutes. Vote: unanimous (7 to 0).

2. APPROVAL OF THE AGENDA
Moved by Hall and seconded by Landers to approve the December 10, 2012, Planning Commission Agenda, with the removal of Item #5 from the Consent Calendar and adding Items #8, #9, and #10 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 07-35:** EKAT Repair (Katherine Shelton); Hewey Clemmons – Owner. To review a repair business in a Light Industrial District in accordance with Sections 211-C and 510 of the Pennington County Zoning Ordinance.

Lot C of SW1/4, Section 20, T1N, R8E, BHM, Pennington County, South Dakota.

To recommend to revoke Conditional Use Permit / CU 07-35 with the owner's concurrence.

Vote: unanimous (7 to 0).

4. **CONDITIONAL USE PERMIT REVIEW / CU 10-35:** Sindy Roscamp. To review 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.

The N1/2NE1/4; NE1/4NW1/4 Less Highway Right-of-Way; That Part of NW1/4NW1/4 Lying East of Highway 40 Right-of-Way; all in Section 14, T1S, R10E, BHM, Pennington County, South Dakota.

To recommend to continue the review of Conditional Use Permit / CU 10-35 to the February 11, 2013, Planning Commission meeting.

Vote: unanimous (7 to 0).

6. **CONDITIONAL USE PERMIT REVIEW / CU 11-06:** Upper Plains Contracting; Dennis DeGroot - Agent. To review a temporary staging area for materials and equipment and to also review a concrete batch plant in a General Commercial/Highway Service Zoning District in accordance with Sections 209, 210, and 510 of the Pennington County Zoning Ordinance.

The NE1/4SE1/4 less Lots H1 and H2 and the NW1/4SE1/4 less Lots H1 and H2, Section 24, T1N, R7E, BHM, Pennington County, South Dakota.

(Continued from the October 8, 2012, Planning Commission meeting.)

To recommend to revoke Conditional Use Permit / CU 11-06 with the applicant's concurrence.

Vote: unanimous (7 to 0).

7. **MINOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 11-05:** Alan Farley. To review an accessory structure prior to a principal structure in the Spring Creek Acres Planned Unit Development in accordance with Section 213 of the Pennington County Zoning Ordinance.

Tract 43, Spring Creek Acres, Section 3, T2S, R8E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Minor Planned Unit Development Amendment / PU 11-05 with the following six (6) conditions:

1. **That if the accessory structure is to have plumbing installed in the future, an approved On-Site Wastewater Construction Permit be obtained prior to installation of an on-site wastewater treatment system in accordance with Section 204-J of the Pennington County Zoning Ordinance;**

2. That a Building Permit be obtained prior to constructing living quarters in the accessory building or a single-family residence on the property, at which time this Minor PUD Amendment may be revoked;
3. That the accessory structure be used for personal storage only and no commercial uses be allowed on the property;
4. That the property remains free of debris and junk vehicles so as not to create a Nuisance on the property;
5. That the address of 24185 Alkan Lane be posted in accordance with Ordinance #20 so that it is visible from both directions of travel along Alkan Lane; and,
6. That this Minor PUD Amendment be reviewed in four (4) years or on a complaint basis to verify that all conditions of approval are being met.

Vote: unanimous (7 to 0).

8. **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.

(Continued from the November 26, 2012, Planning Commission meeting.)

To recommend approval of Preliminary Plat 12-38 with the following seven (7) conditions:

1. That prior to Final Plat approval, proposed Lot 1 either be rezoned to Low Density Residential or a Lot Size Variance be obtained to allow the proposed lot to remain zoned General Agriculture District;
2. That the 20 foot water line easement servicing proposed Lot 1 be recorded as a miscellaneous document and the book and page number be included on the Final Plat;
3. That all junk and debris, including tires and pallets, located on the proposed lot be cleaned up to the satisfaction of the Ordinance Officer prior to Final Plat approval;

4. That a Building Permit be obtained for the enclosed entry and covered deck attached to the mobile home prior to Final Plat approval;
5. That the certificates on the Final Plat include Certification on Plat by County Auditor (Final Plat) and Certificate of the Planning Director in accordance with Section 400.3-1-n of the Subdivision Regulations and a Document number be provided in lieu of a Book and Page number in the Certificate of Register of Deeds;
6. That a physical barrier (i.e. fencing, rocks) be installed around the existing on-site wastewater treatment system prior to Final Plat approval so as to prevent further impact to the soils in this area from vehicular travel; and,
7. That a Conditional Use Permit be obtained to allow the existing single-wide mobile home to be utilized as the primary residence on the proposed lot prior to Final Plat approval.

Vote: unanimous (7 to 0).

9. **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.

(Continued from the November 26, 2012, Planning Commission meeting.)

To recommend approval of Rezone 12-12 to rezone 3.046 acres from General Agriculture District to Low Density Residential District.

Vote: unanimous (7 to 0).

10. **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.

(Continued from the November 26, 2012, Planning Commission meeting.)

To recommend approval of Conditional Use Permit 12-31 with the following six (6) conditions:

- 1. That a Building Permit be obtained for the enclosed entry and covered deck attached to the mobile home;**
- 2. That a physical barrier (i.e. fencing, rocks) be installed around the existing on-site wastewater treatment system and that the barrier be continually maintained so as to prevent further impact to the soils in this area from vehicular travel;**
- 3. That the property be kept free of debris and junk vehicles;**
- 4. That the lot address (10000 Nemo Road) be posted so it is clearly visible from both directions of travel along Nemo Road at all times in accordance with Pennington County's Ordinance #20;**
- 5. That the mobile home have a continually maintained peaked non-reflective type roof, wood or simulated wood-type siding, and skirting; 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).

END OF CONSENT CALENDAR

5. CONDITIONAL USE PERMIT REVIEW / CU 10-38: Robert Mills. To review a home occupation, an auto restoration shop, in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

The N1/2 Lot E of E1/2SE1/4, Section 9, T1N, R8E, BHM, Pennington County, South Dakota.

Jennissen removed this item from the Consent Calendar to clarify that this item is not being reviewed by staff at this time, since a review was recently done in August. Jennissen added that this item had originally been approved in December of 2010, with a review in two years, and this is why the item appeared on the Agenda. He further explained that the Planning Commission does not need to make a Motion to take action on the item at this time.

Commissioner Trautman asked staff to perform a site visit. She stated there is a lot of activity on the subject property and asked that staff look into this.

Jennissen said staff would check into it.

11. CONDITIONAL USE PERMIT REVIEW / CU 10-28: Stephanie Trotter/Tree Rock Ranch Partnership. To review a shop/residence to be used as a temporary residence while constructing a stick-built residence in a Suburban Residential District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

The SE1/4 less Lot 1R of Peregrine Point Subdivision; North 66 feet of SW1/4, Section 36, T1N, R6E, BHM, Pennington County, South Dakota.

(Continued from the October 8, 2012, Planning Commission meeting.)

Jennissen stated this item had been continued for two months to allow the applicants additional time to remove the bedrooms and range from the shed. Staff has not been able to make contact with the applicants, since December 3rd, to verify the removal of the items and this is the third time this item has been continued.

Staff recommended Conditional Use Permit 10-28 be turned over to the State's Attorney's Office and the application be revoked.

Moved by Trautman and seconded by Hall to uphold staff's recommendation to forward this item to the State's Attorney's Office and to revoke Conditional Use Permit 10-28.

Commissioner Landers asked Jennissen to add the word "acres" after 140.10, in the size description, on the front page of the Staff Report.

All voting aye, the Motion carried 7 to 0.

12. PRELIMINARY PLAT / PL 12-42 AND SUBDIVISION REGULATIONS VARIANCE / SV 12-15: RMS Lode/Matt Keck. To create Lots 1-3 of Addie Camp Subdivision and to waive platting requirements in accordance with Sections 400.2 and 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: JR #2 Lode less Lot I, less Lot J and less Lot L of JR #2 and JR #5 Lodes and less Lot H2 of JR #2, #3 and #5 Lodes of JR #2 Lode MS 1864; JR #3 Lode less Lots 1 and 2 of Lot E, less Lot H2 of JR #2, #3, and #5 Lode and less ROW of JR #3 Lode MS 1864; GL 9, GL 10 and GL 11; Lot L of JR #2 and JR #5 Lodes MS 1864; Lot K (Revised) of JR #5 Lodes MS 1864; Lot A and Lot C of JR #5 Lodes MS 1864 and Lot 1 of Stenson Subdivision, all located in located in Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1-3 of Addie Camp Subdivision, Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

Jennissen reviewed the Staff Report indicating the applicant has applied for a Preliminary Plat to create Lots 1-3 of Addie Camp Subdivision. The creation of the lots is to allow for the reconfiguration of nine parcels of land. The area being replatted is the former location of Wool-N-Stuff, the former Mistletoe Ranch, two cabin sites, Prairie Berry Winery and former Forest Service land. The area also includes land currently owned by the Stensons, which is located along the west property lines of Prairie Berry and Wool-N-Stuff. All of the parcels have been or are in the process of being purchased by the applicant. The plat will be reducing density of the area by six lots. The applicant also plans to expand the Prairie Berry Winery, construct an amphitheater, a wedding reception area, additional retail shops and offices.

Jennissen added that the applicant also submitted a Subdivision Regulations Variance request to waive road construction standards for Ruby Gulch Road and Stenson Meadow Road, to waive submittal of engineered road construction plans for Ruby Gulch Road and to waive road improvements to the west access road.

Jennissen further explained that the applicant also submitted a rezone request, Rezone 12-11 and Comprehensive Plan Amendment 12-07, to rezone portions of the area from General Agriculture District and Limited Agriculture District to Highway Service District and to change the Future Land Use from General Agriculture District and Planned Unit Development Sensitive to Highway Service District. The Board of Commissioners approved the First Reading of Rezone 12-11 and Comprehensive Plan Amendment 12-07 on December 4, 2012.

Staff recommended approval of a portion of Subdivision Regulations Variance 12-15 to waive road construction standards for the west service road, Stenson Meadow Road and engineered road construction plans for Ruby Gulch Road. However, staff recommended that the west service road be paved with a minimum of a 24-foot driving surface all the way to Highway 16/385.

Staff also recommended approval of Preliminary Plat 12-42 with the following twelve (12) conditions:

1. That prior to County Board approval of Preliminary Plat 12-42, the applicant provide soil profile information for review by the Environmental Planner or obtain approval of a Subdivision Regulations Variance waiving this requirement;
2. That at the time of Final Plat submittal a Construction schedule be submitted;
3. That eight (8) foot utility and minor drainage easements be dedicated along the interior of all lot lines or else a Subdivision Regulations Variance be obtained waiving this requirement;
4. That prior to County Board approval of Preliminary Plat 12-42, the applicant have an acceptable Fire Mitigation Plan from the Pennington County Fire Coordinator;
5. That all setbacks are to be 25 feet from the front, 10 feet from the side property lines, and 30 feet when abutting a residential district. The rear property line setback is to be 10 feet and 30 feet when serviced from the rear and abutting a residential district;
6. That two of the three cabins either be removed from Lot 3 or converted to Vacation Home Rentals, offices or a use allowed in a Highway Service District;
7. That at the time of Final Plat submittal, the applicant provide information on the disposal of the wastewater from the wine making business;
8. That the power line easements within the development cannot have any structures located within the easements;
9. That the applicant coordinates with the U.S. Forest Service in regards to the placement of any signage within the 66-feet of Ruby Gulch Road;
10. That prior to approval of the Final Plat, the a on-site wastewater treatment system be approved by all applicable agencies;
11. That prior to Final Plat approval, the discrepancies between the Construction Permit and Observation Form for the existing onsite wastewater treatment system be resolved; and,
12. That prior to Final Plat approval, Stenson Meadow Road, Ruby Gulch Road and the west service road be constructed to the approved plans or a surety provided for the road improvements or approval of a Subdivision Regulations Variance be obtained waiving all road improvement requirements.

Commissioner Zvejnieks wanted to know what portion of Stenson Meadow Road staff is requesting to be paved.

Jennissen stated from Highway 16/385 to the west service road, which travels up to the Prairie Berry Winery into the back of the lot.

Commissioner Coleman clarified that the service road will only be used for deliveries to the winery.

Jennissen said yes.

Commissioner Hall questioned how much traffic will be generated from the use of the service road.

Mr. Matt Keck, applicant, appeared and stated there will be one to two semi-trucks using the service road to the winery each day.

Commissioner Zvejnieks commented to the applicant that it would be in their benefit to have the road paved, so that dust from the road does not become an issue for their guests.

Mr. Keck noted this and added that, depending on the traffic study, access to the property may change and also the configuration of the road may change as well, based on future site improvements, and they would like not to pave the road at this time because of financial reasons. He further noted that they are increasing safety by having the semis travel on the service road to make the deliveries, because they now back into the patio area and unload from there. Mr. Keck said they would like to keep the road as it is now and then look at paving it in the future.

Commissioner Landers questioned when the applicant would know what they plan to do with the road configurations.

Mr. Keck indicated in about two to three years.

Commissioner Zvejnieks also questioned if the winery will have more deliveries because of the added wedding events, concerts, etc.

Mr. Keck said that he didn't think so because they will be using the same vendors and not adding more, as the same vendors will just be bringing fuller trucks.

Discussion followed regarding maintaining the service road in a dust-free manner and the applicant paving the road in the future.

Commissioner Zvejnieks also spoke of the power line easements and concerns from Black Hills Power.

Mr. Keck asked that the power line over the Mistletoe property be grandfathered-in at this time and he further indicated that there is a Master Plan in place to bury the power lines in the future.

Commissioner Zvejnieks asked the applicant to contact Black Hills Power and submit a letter stating they are okay with this request and the letter shall be placed in the file at the Planning Department.

Jennissen indicated that Condition #8 could be changed to include the language of “unless a letter is submitted by the applicant, from Black Hills Power, stating the location of the power line is okay.” This language would be added at the end of the sentence.

Moved by Landers and seconded by Trautman to approve of Subdivision Regulations Variance 12-15 to waive road construction standards for the west service road, Stenson Meadow Road and to waive submittal of engineered road construction plans for Ruby Gulch Road and also approval of Preliminary Plat 12-42 with the following twelve (12) conditions:

- 1. That prior to County Board approval of Preliminary Plat 12-42, the applicant provide soil profile information for review by the Environmental Planner or obtain approval of a Subdivision Regulations Variance waiving this requirement;**
- 2. That at the time of Final Plat submittal a Construction schedule be submitted;**
- 3. That eight (8) foot utility and minor drainage easements be dedicated along the interior of all lot lines or else a Subdivision Regulations Variance be obtained waiving this requirement;**
- 4. That prior to County Board approval of Preliminary Plat 12-42, the applicant have an acceptable Fire Mitigation Plan from the Pennington County Fire Coordinator;**
- 5. That all setbacks are to be 25 feet from the front, 10 feet from the side property lines, and 30 feet when abutting a residential district. The rear property line setback is to be 10 feet and 30 feet when serviced from the rear and abutting a residential district;**
- 6. That two of the three cabins either be removed from Lot 3 or converted to Vacation Home Rentals, offices or a use allowed in a Highway Service District;**
- 7. That at the time of Final Plat submittal, the applicant provide information on the disposal of the wastewater from the wine making business;**

8. That the power line easements within the development cannot have any structures located within the easements, unless a letter is submitted by the applicant from Black Hills Power stating the location of the power line is okay;
9. That the applicant coordinates with the U.S. Forest Service in regards to the placement of any signage within the 66-feet of Ruby Gulch Road;
10. That prior to approval of the Final Plat, the a on-site wastewater treatment system be approved by all applicable agencies;
11. That prior to Final Plat approval, the discrepancies between the Construction Permit and Observation Form for the existing onsite wastewater treatment system be resolved; and,
12. That prior to Final Plat approval, Stenson Meadow Road, Ruby Gulch Road and the west service road be constructed to the approved plans or a surety provided for the road improvements or approval of a Subdivision Regulations Variance be obtained waiving all road improvement requirements.

All voting aye, the Motion carried 7 to 0.

13. CONDITIONAL USE PERMIT / CU 12-32: Ken and Cory Tomovick. To allow a Recreational Resort, including assemblies of people for weddings and small events, and a Vacation Home Rental on the subject properties in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

Lot 1 of Bonanza Bar MC 970 and the Unplatted Part of Bonanza Bar MC 970 (also in Section 1), Section 12, T1S, R6E, BHM, Pennington County, South Dakota.

Jennissen reviewed the Staff Report indicating the applicants have requested a Conditional Use Permit to allow a Recreational Resort which will allow for weddings for up to 200 people. The applicant also requested to allow a Vacation Home Rental and the item was originally advertised as such. Since the advertisement, the applicants have withdrawn the Vacation Home Rental portion of this Conditional Use Permit request.

Jennissen explained that the Recreational Resort would consist of one large wedding a weekend and the wedding events would be on Friday, Saturday or Sunday. The applicant has submitted a detailed map and plans in regards to the use on the property. The plan includes catering, tent setup, parking layout, ceremonial area, garbage collection, hours of operation, security, signage, food concessionaires, prohibition of open fires and smoking, first aid and layout plans. The applicant is proposing the use be on two different parcels owned by the applicants. Lot 1 currently has a single-family residence and detached garage. The lot is located along Spring Creek and has areas of 100-year floodplain. The structures are located outside of the 100-year floodplain. The plans show the wedding

area will be located in the area inside of the 100-year floodplain, along Spring Creek. The applicant is aware that any construction or dirt work within the 100-year floodplain will require a Floodplain Development Permit.

Jennissen added that access to the area is served by Stratobowl Road. It is a Pennington County maintained gravel road which winds down from Highway 16 and it varies in width from 16 feet to 28 feet and is the only access to the property. The road has areas of steep grades and some sharp turns. Staff is concerned with this being the only means of ingress/egress to the area in the case of an emergency. The Fire Coordinator has indicated that the applicants need to submit an evacuation plan that should be reviewed and approved by the Fire Coordinator and the Rockerville Volunteer Fire Department.

Staff recommended approval of Conditional Use Permit #12-32 with the following nineteen (19) conditions:

1. That the Specialty Resort be for receptions with a maximum of 200 guests;
2. That the specialty resort be conducted by members of the family residing on the premises and no more than one (1) additional person;
3. That prior to any work within the 100 year floodplain, the applicant obtain approval of a Floodplain Development Permit;
4. That the applicant provides a landline in case of an emergency;
5. That the address of the property be posted at the reception area in case of an emergency;
6. That the applicant maintain an Evacuation (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;
7. That a minimum of 64 parking spaces be provided on-site, each measuring a minimum of 9 feet by 18 feet and maintained in a dust-free manner in accordance with Section 310 of the Pennington County Zoning Ordinance;
8. That all music being provided for outdoor activities be shut down by 10:00 p.m.;
9. That the applicant prepares an evacuation plan that is to be reviewed and approved by the Fire Coordinator and Rockerville Volunteer Fire Department;
10. That if alcoholic beverages are to be sold on the property, the appropriate permits or licenses be obtained;

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 Specialty Resort and a Sales Tax License from the South Dakota Department of Revenue;
14. That within one year, the applicant installs a permanent restroom facility that must be approved by the South Dakota Department of Environment and Natural Resources and Pennington County;
15. That for the first year, 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;
16. That prior to the placement of any on-premise signs, the applicant must obtain approval of a Sign Permit;
17. 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;
18. That the applicant sign a Statement of Understanding, which is available at the Planning Office; and,
19. That the Conditional Use Permit be reviewed in one (1) year or on a complaint basis.

Commissioner Trautman noted that there was additional information presented to the Planning Commission regarding concerns of the neighbors and the public.

Commissioner Zvejnieks spoke of continuing this item in order for the Planning Commission and staff to thoroughly review those concerns.

The Planning Commission recessed at 9:41 a.m. to review the additional information.

The Planning Commission reconvened at 9:51 a.m.

Jennissen stated he spoke with the Deputy State's Attorney and recommended this item also be continued in order to meet with the applicants to address the issues presented.

Commissioner Hall spoke of the road to the subject property and noted that there are not any turnaround areas for the residents, public, or emergency vehicles.

Jennissen noted the property is located on a dead end road, with no turnarounds, but it does vary in width.

Commissioner Zvejnieks concurred with Commissioner Hall.

Commissioner Trautman also discussed the maintenance of the road by the County and asked for further discussion with the County Highway Department about the cost of increased maintenance for the road and the cost of constructing a turnaround.

Commissioner Zvejnieks further noted that speed limit signs need to be posted.

Mrs. Cory Tomovick, applicant, appeared and addressed concerns of the Planning Commission. She provided a brief history of the Strato Bowl area. She stated that their intentions are to maintain the peace and serenity of the area. She further spoke of safety for the guests and added that they will work with the County Highway Department to make necessary changes, but they do not want to add additional gravel to the road. Mrs. Tomovik also explained that she performs marriages and has been approached by many people to have weddings on their property. Mrs. Tomovick noted that they only have one annual event at the property, which is the Strato Bowl event, where balloons are lighted and they take off at night and many people attend this. She believes that they will only have five to eight weddings each year. Mrs. Tomovick further stated they are committed to being good neighbors and are willing to do what is necessary.

Commissioner Zvejnieks expressed concern and stated he would like to see an Evacuation Plan and also signage for speed limits.

Mrs. Tomovick further discussed the restroom facilities and indicated they would like to obtain approval to operate on a trial basis for the first year. She also indicated they are not opposed to placing a sign at the entrance into the property with information about each event.

Commissioner Zvejnieks also spoke of situations involving alcohol and then the guests driving on the steep road.

Mr. Stephen Wesolick, attorney for Jeff Roller and Greg Leean; homeowners in the area, appeared and questioned ownership of the properties. He spoke of the shareholders of the Bonanza Bar Realty Co. and information that has not been presented as correct information. He further discussed the five factors when considering approval of a Conditional Use Permit. He also discussed the proposed summary plan submitted by the applicants.

Commissioner Coleman asked Mr. Wesolick why he believes the area is not compatible for commercial development.

Mr. Wesolick stated the area is closely confined with a steep canyon. He noted that commercial development in this area would be inappropriate for the use of the subject property.

Mr. Jeff Roller, neighbor, appeared, and expressed concerns with the applicants' request. He stated there is misinformation being presented by the applicants, including shareholder notification and neighbor notification. He also spoke of his concerns regarding the weddings the applicants have had. He stated that, at the last wedding, there was overflow traffic. He further discussed easements, safety, fire dangers, the width of the road, and the use of a commercial activity is not needed in the area.

Mrs. Roberta Roller, neighbor, appeared, and also expressed concerns with the applicants' request. She spoke of the number of people the applicants are requesting at the events, and she further spoke of the steepness of the area and the winding road. She stated the Forest Service owns the road, but the County maintains it. She also stated noise reverberates off the rock cliffs and everything echoes in the area. She wants her peace and quiet on the weekends, not parties. She further stated the area borders the big horn sheep refuge. Mrs. Roller also added that she's been in the ditch twice and the road is straight down. She stated they do not want more commercial activities in the area. Mrs. Roller further discussed fires and noted there is no way out, except for cross-country by way of the creek.

Mr. Bernard Hagg, realtor, appeared and expressed concern with the width and steepness of the road and said it would need extensive reconstruction to bring it up to a good standard. He said the property is one of a kind and it would be an injustice to allow commercial development in the area. There are residential homeowners who would like to keep the quietness and serenity to the area.

Mr. Jeff Hoffman, new owner to the area, appeared and expressed concern with the applicant's proposed application. He would like to build a home on the lot he bought, but noted that having 200 people on the subject property for wedding events is a concern because of only one means of ingress/egress and emergency response vehicles on the road.

Mrs. Tomovick invited the Planning Commission members to visit the property and she would provide a walk-through of what their proposed plan is.

Moved by Landers and seconded by McCollam to continue Conditional Use Permit 12-32 to the January 14, 2013, Planning Commission meeting.

Commissioner Zvejnieks also asked that the applicants have an Evacuation Plan in place, to be included with the Staff Report, for this scheduled meeting.

All voting aye, the Motion carried 7 to 0.

14. DISCUSSION OF SIGN ORDINANCE AMENDMENT.

Jennissen reviewed the minor changes staff is considering making to Section 312 of the Zoning Ordinance (Signs).

Commissioner Trautman spoke of banners and sign permits and questioned how staff would know when a business event is done or the business moves and leaves the old signage, especially if the applicant does not obtain a Sign Permit. She wanted to know how this would be regulated, and she also wanted to know if research has been done with the surrounding counties in regards to signage. Commissioner Trautman also stated the County does have a good Sign Ordinance in place.

Discussed followed.

Mr. Charlie Johnson appeared and asked that the discussion of this item be continued in order for the County to do more research and make note of the ruling the City of Rapid City received regarding the court case for signs within the city limits of Rapid City.

The Planning Commission asked staff to do more research and revisit this item in two months.

Commissioner Hall left the meeting at 11:08 a.m.

15. DISCUSSION OF INFORMATION PRESENTED AT THE SD PLANNER'S CONFERENCE REGARDING COMMUNICATION OUTSIDE OF PUBLIC MEETINGS.

Mr. Patrick Grode, Deputy State's Attorney, appeared and discussed ex parte communication between Planning Commission members, applicants, and the public.

Discussion followed.

16. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the November 26, 2012, Planning Commission meeting.

17. ITEMS FROM THE PUBLIC

Charlie Johnson commended the Planning Commission for their work.

18. ITEMS FROM THE STAFF

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

19. ITEMS FROM THE MEMBERSHIP

Commission Landers asked if the 319 Spring Creek Meeting has been rescheduled. Jennissen stated the meeting was canceled and has not been rescheduled at this time.

20. DISCUSSION ITEMS

There were no discussion items.

21. ADJOURNMENT

Moved by Coleman and seconded by Litzen to adjourn.

All voting aye, the Motion carried 6 to 0.

The meeting adjourned at **11:28 a.m.**

Chairperson, Sig Zvejnieks