

MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
March 28, 2022 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Rich Marsh, Karen McGregor, Charlie Johnson, Mikal Lewis, and Deb Hadcock.

STAFF PRESENT: Brittney Molitor, Madisen Ransom, Cody Sack, Chutima Supboon, Jason Theunissen, Jeri Ervin, and Megan Krueger (State's Attorney's Office).

ROLL CALL

1. APPROVAL OF THE MARCH 14, 2022, MINUTES
Moved by Johnson and seconded by McGregor to approve the Minutes of the March 14, 2022, Planning Commission meeting. Vote: unanimous 5 to 0.

2. APPROVAL OF THE AGENDA
Moved by Hadcock and seconded by Lewis to approve the Agenda of the March 28, 2022, Planning Commission meeting. Vote: unanimous 5 to 0.

Moved by McGregor and seconded by Lewis to approve the Consent Agenda of the March 28, 2022, Planning Commission meeting. Vote: unanimous 5 to 0.

CONSENT AGENDA

The following items have been placed on the Consent Agenda 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 Agenda, by any Planning Commissioner, staff member, or audience member for separate consideration. The findings of this Planning Commission, on certain items from this agenda, are recommendations to the Pennington County Board of Commissioners who will make the final decision.

3. CONDITIONAL USE PERMIT REVIEW / CU 12-18: Paul and Dawn Marso. To review a Vacation Home Rental in a Suburban Residential District in accordance with Sections 319 and 510 of the Pennington County Zoning Ordinance.

Lot 19, Block B, Edelweiss Mountain Development, Section 17, T1N, R5E, BHM, Pennington County, South Dakota.

To continue the review of Conditional Use Permit / CU 12-18 to the April 25, 2022, Planning Commission meeting.

Vote: unanimous 5 to 0.

4. **CONDITIONAL USE PERMIT REVIEW / CU 15-36:** Donald and Margaret Norton. To review an existing shop building with living quarters to be used as a Guest House on the subject property in a Rural Residential District in accordance with Sections 207, 318, and 510 of the Pennington County Zoning Ordinance.

Lot 1, Knotty Pine Subdivision, Section 33, T1S, R7E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 15-36 with the following five (5) conditions.

1. **That both the addresses assigned for the residence and the Guest House be continually posted so they are clearly visible from Knotty Pine Lane in accordance with Pennington County Ordinance #20;**
2. **That the Guest House be utilized and maintained in accordance with the requirements of § 318 of the Zoning Ordinance, including the Guest House may not be used more than 180 days per calendar year and the primary dwelling must be continually classified as owner-occupied by the Department of Equalization;**
3. **That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which will require a site plan to be reviewed and approved by the Planning Director;**
4. **That all future structures meet the minimum required setbacks for a Rural Residential District or an approved Setback Variance be obtained prior to Building Permit approval; and,**
5. **That this Conditional Use Permit be reviewed 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.

5. **MINOR PLAT / MPL 22-08:** Diamond Spur Lodge, LLC; Diamond Spur Properties, LLC / Andrew and Alicia Edsen. To combine three lots to create Lot 9R of The Forks at Remmington Ranch Subdivision in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lots 9-11, The Forks at Remmington Ranch, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 9R, The Forks at Remmington Ranch, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

To recommend approval of Minor Plat / MPL 22-08 with the following seven (7) conditions:

1. That prior to filing the mylar with the Register of Deeds, the plat heading be changed per the comment from Register of Deeds (Formerly needs to be after the subdivision name);
2. That prior to filing the mylar with the Register of Deeds, the Certifications from SD Department of Transportation be signed and included;
3. That prior to filing the mylar with the Register of Deeds, the Certifications on the Minor Plat be in accordance with § 400.3.1(n) of the Pennington County Subdivision Regulations;
4. That prior to filing the mylar with the Register of Deeds, the plat meets the requirements of § 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any requirements that are not met;
5. That prior to filing the mylar with the Register of Deeds, 8-foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines;
6. That the applicant ensures all-natural drainage ways are maintained and not blocked; and,
7. That following platting of the proposed lot, any on-site wastewater treatment system(s) be subject to the requirements of Section 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit.

Vote: unanimous 5 to 0.

6. **LAYOUT PLAN / LPL 22-10:** Joanie McVey; Jim Peterson - Agent. To subdivide and create Lots 1-12 of McVey Valley Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: All Less Kayter Subdivision and Less Swampy Lane Subdivision of HES #636, Section 36, T1N, R3E, BHM, Pennington County.

PROPOSED LEGAL: Lots 1-12, McVey Valley Subdivision, Section 36, T1N, R3E, BHM, Pennington County, South Dakota.

To recommend approval of the withdrawal of Layout Plan / LPL 22-10, per the request of the Agent.

Vote: unanimous 5 to 0.

END OF CONSENT AGENDA

7. CONDITIONAL USE PERMIT / CU 22-01: Eric and Stephanie Thompson. To allow a Vacation Home Rental in a Rural Residential District in accordance with Sections 207, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 1 (also in Section 20), Black Metal Lode MS 1986, Section 19, T1S, R5E, BHM, Pennington County, South Dakota.

Supboon reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow a Vacation Home Rental.

Staff recommended approval of Conditional Use Permit / CU 22-01 with the following sixteen (16) conditions:

1. That the maximum overnight occupancy based on South Dakota Department of Agriculture and Natural Resources (DANR) approval be limited to 6 people and the maximum daytime occupancy be limited to 12 people, per Pennington County Zoning Ordinance (PCZO) § 319(F)(13);
2. That all necessary permits are obtained prior to any additions and/or alterations to the residence or upgrades/alterations to the On-Site Wastewater Treatment System (OSWTS);
3. That if any addition is constructed on the residence and/or the OSWTS is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DANR;
4. That the proper permits be obtained prior to utilizing a fire pit on the property and all fire restrictions be followed at all times;
5. That the applicants shall provide the phone number and/or internet address to clients regarding the current day's fire condition, as pertaining to the use of the fire pit;
6. That each review of Conditional Use Permit / CU 22-01, be subject to PCZO § 511(P), which imposes a \$100 fee per review;
7. 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 upon request;
8. That the applicants 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;

9. That a minimum of 3 off-street parking spaces be provided on-site, per PCZO § 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner, and parking in the road Right-of-Way is not allowed;
10. That prior to operation, an interior informational sign be posted in accordance with the requirements of PCZO § 319(G), with 9-1-1 and contact information of the Pennington County Sheriff Department and the nearest Fire Department respectively, during operation of the Vacation Home Rental;
11. That the lot address (23844 Deegan Drive) be posted on the residence at all times and at the driveway where it intersects Deegan Drive, in accordance with Pennington County's Ordinance #20;
12. That the applicants ensure the Vacation Home Rental is continually operated in accordance with the requirements of PCZO § 319(F) (Performance Standards) at all times;
13. That if the person designated as the Local Contact is ever changed from Budi Kusser, the interior informational sign be updated and the applicant re-notify the Planning Director and surrounding landowners within 500 feet via notices sent by First Class Mail;
14. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
15. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; and,
16. That this Conditional Use Permit be reviewed in 1 year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

Moved by Lewis and seconded by Johnson to approve of Conditional Use Permit / CU 22-01 with the following sixteen (16) conditions:

- 1. That the maximum overnight occupancy based on South Dakota Department of Agriculture and Natural Resources (DANR) approval be limited to 6 people and the maximum daytime occupancy be limited to 12 people, per Pennington County Zoning Ordinance (PCZO) § 319(F)(13);**
- 2. That all necessary permits are obtained prior to any additions and/or alterations to the residence or upgrades/alterations to the On-Site Wastewater Treatment System (OSWTS);**

3. That if any addition is constructed on the residence and/or the OSWTS is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DANR;
4. That the proper permits be obtained prior to utilizing a fire pit on the property and all fire restrictions be followed at all times;
5. That the applicants shall provide the phone number and/or internet address to clients regarding the current day's fire condition, as pertaining to the use of the fire pit;
6. That each review of Conditional Use Permit / CU 22-01, be subject to PCZO § 511(P), which imposes a \$100 fee per review;
7. 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 upon request;
8. That the applicants 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;
9. That a minimum of 3 off-street parking spaces be provided on-site, per PCZO § 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner, and parking in the road Right-of-Way is not allowed;
10. That prior to operation, an interior informational sign be posted in accordance with the requirements of PCZO § 319(G), with 9-1-1 and contact information of the Pennington County Sheriff Department and the nearest Fire Department respectively, during operation of the Vacation Home Rental;
11. That the lot address (23844 Deegan Drive) be posted on the residence at all times and at the driveway where it intersects Deegan Drive, in accordance with Pennington County's Ordinance #20;
12. That the applicants ensure the Vacation Home Rental is continually operated in accordance with the requirements of PCZO § 319(F) (Performance Standards) at all times;

13. That if the person designated as the Local Contact is ever changed from Budi Kusser, the interior informational sign be updated and the applicant re-notify the Planning Director and surrounding landowners within 500 feet via notices sent by First Class Mail;
14. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
15. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; and,
16. That this Conditional Use Permit be reviewed in 1 year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

All voting aye, the Motion carried 5 to 0.

8. CONDITIONAL USE PERMIT / CU 22-08: Diamond Spur Lodge, LLC/Diamond Spur Properties, LLC; Alicia Edsen. To allow an event center and wedding venue in a Highway Service District in accordance with Sections 212 and 510 of the Pennington County Zoning Ordinance.

Lots 9, 10, and 11, The Forks at Remmington Ranch, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow an event center and wedding venue.

Staff recommended approval of Conditional Use Permit / CU 22-08 with the following nineteen (19) conditions:

1. That the permitted use allows a future structure to be utilized as an event center;
2. That daily and event operations be conducted by owners, on-site managers, and staff as necessary;
3. That all-natural drainage paths be continually maintained;
4. That an address be assigned and posted on the event center so it is clearly visible, in accordance with Pennington County Ordinance #20;
5. That building plans for the proposed structure be submitted for review and comment to the South Dakota Department of Health and the State Fire Marshal prior to Building Permit application submittal;

6. That a drainage plan be submitted at the time of Building Permit application to verify no additional stormwater runoff will exit the property;
7. That access to the event center be taken only from Mill Iron Drive and that any approaches be approved by the County Highway Department;
8. That a minimum of 67 parking spaces be provided on-site and that 33 additional off-site parking spaces be provided on Lot 6 of The Forks at Remington Ranch Subdivision, each measuring a minimum of 9 feet by 18 feet and maintained in a dust-free manner;
9. That prior to operation, an easement be recorded with the Register of Deeds and a pathway or sidewalk be constructed on Lot 7R for patrons utilizing off-site parking spaces located on Lot 6;
10. That the occupancy of the event center be limited to 300 persons, based on the proposed 100 parking spaces;
11. That all On-site Wastewater Treatment Systems require permitting and approval by both the Pennington County Planning Department and the South Dakota Department of Agriculture and Natural Resources to verify compliance with PCZO § 204-J and South Dakota Administrative Rules 74:53:01;
12. That the hours of operation, for the event center, shall be between 9:00 a.m. and 11:00 p.m. only and that quiet hours be from 11:00 p.m. to 9:00 a.m.;
13. That prior to the placement of any on-premise or off-premise signs, the applicant must adhere to PCZO § 312;
14. That all lighting to be installed is maintained to minimize spillage of light outside of the area, so as not to create a nuisance. Lighting must be effectively shielded to prevent beams or rays from being directed towards any portion of the traveled ways and must not be of such intensity or brilliance as to cause glare or impair the vision of any motor vehicle drivers;
15. That prior to operation, the applicant creates an Emergency Plan to evacuate guests from the property. The Emergency Plan must be posted inside the structure at all times and a copy of said plan shall be submitted to the Planning Department;
16. That the applicant obtains all necessary permits from other governing bodies for the operation, including, but not limited to, a South Dakota Department of Revenue Sales Tax License, Department of Health License, and Liquor License, as applicable;
17. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which will require a site plan to be reviewed and approved by the Planning Director;

18. That the Planning Director may allow additional uses, which are consistent with the uses approved in this permit. Significant changes in the use or impacts on adjacent lands shall require an amendment to this permit; and,
19. That this Conditional Use Permit be reviewed in 1 year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to ensure compliance with the PCZO, Conditions of Approval, and state law.

Discussion followed.

Moved by Hadcock and seconded by Marsh to approve with amended language in Condition #12 and the applicants provide 3:1 ratio for parking.

Discussion further followed.

Substitute Motion: Moved by Hadcock and seconded by Marsh to continue to the April 11, 2022, Planning Commission meeting. Commissioner Hadcock withdrew the Substitute Motion.

Discussion continued.

Moved by Lewis and seconded by Hadcock to approve of Conditional Use Permit / CU 22-08, with amended language in Condition #12, with the following nineteen (19) conditions:

- 1. That the permitted use allows a future structure to be utilized as an event center;**
- 2. That daily and event operations be conducted by owners, on-site managers, and staff as necessary;**
- 3. That all-natural drainage paths be continually maintained;**
- 4. That an address be assigned and posted on the event center so it is clearly visible, in accordance with Pennington County Ordinance #20;**
- 5. That building plans for the proposed structure be submitted for review and comment to the South Dakota Department of Health and the State Fire Marshal prior to Building Permit application submittal;**
- 6. That a drainage plan be submitted at the time of Building Permit application to verify no additional stormwater runoff will exit the property;**
- 7. That access to the event center be taken only from Mill Iron Drive and that any approaches be approved by the County Highway Department;**

8. That a minimum of 67 parking spaces be provided on-site and that 33 additional off-site parking spaces be provided on Lot 6 of The Forks at Remington Ranch Subdivision, each measuring a minimum of 9 feet by 18 feet and maintained in a dust-free manner;
9. That prior to operation, an easement be recorded with the Register of Deeds and a pathway or sidewalk be constructed on Lot 7R for patrons utilizing off-site parking spaces located on Lot 6;
10. That the occupancy of the event center be limited to 300 persons, based on the proposed 100 parking spaces;
11. That all On-site Wastewater Treatment Systems require permitting and approval by both the Pennington County Planning Department and the South Dakota Department of Agriculture and Natural Resources to verify compliance with PCZO § 204-J and South Dakota Administrative Rules 74:53:01;
12. That quiet hours will be from 11:00 p.m. to 9:00 a.m.;
13. That prior to the placement of any on-premise or off-premise signs, the applicant must adhere to PCZO § 312;
14. That all lighting to be installed is maintained to minimize spillage of light outside of the area, so as not to create a nuisance. Lighting must be effectively shielded to prevent beams or rays from being directed towards any portion of the traveled ways and must not be of such intensity or brilliance as to cause glare or impair the vision of any motor vehicle drivers;
15. That prior to operation, the applicant creates an Emergency Plan to evacuate guests from the property. The Emergency Plan must be posted inside the structure at all times and a copy of said plan shall be submitted to the Planning Department;
16. That the applicant obtains all necessary permits from other governing bodies for the operation, including, but not limited to, a South Dakota Department of Revenue Sales Tax License, Department of Health License, and Liquor License, as applicable;
17. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which will require a site plan to be reviewed and approved by the Planning Director;
18. That the Planning Director may allow additional uses, which are consistent with the uses approved in this permit. Significant changes in the use or impacts on adjacent lands shall require an amendment to this permit; and,

- 19. That this Conditional Use Permit be reviewed in 1 year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to ensure compliance with the PCZO, Conditions of Approval, and state law.**

All voting aye, the Motion carried 5 to 0.

9. PLANNED UNIT DEVELOPMENT OVERLAY / PU 22-05: River Country Limited Partnership; Angela Lytle. To allow a Planned Unit Development Overlay to allow a Recreational Resort to include Recreational Vehicles, a wedding venue, a Bed and Breakfast, and outdoor recreational activities in accordance with Section 216 of the Pennington County Zoning Ordinance in accordance with Section 216 of the Pennington County Zoning Ordinance.

W1/2W1/2 of Section 36, T2N, R14E; GL 5-7; E330 ft of GL 8 of Section 35, T2N, R14E; GL 5-6; E1/2NE1/4; GL 7-8; NE1/4SE1/4 of Section 26, T2N, R14E; ALL LESS ROW of Section 25, T2N, R14E; ALL LESS ROW of Section 24, T2N, R14E; E1/2NE1/4; GL 5-8 of Section 23, T2N, R14E; GL 5-6; SE1/4SE1/4 of Section 14, T2N, R14E; GL 4-5; S1/2SW1/4; NW1/4SE1/4; S1/2SE1/4 of Section 13, T2N, R14E; GL 1-3 of Section 31, T2N, R15E; SE1/4NW1/4, SE1/4SW1/4, Lot 1-4 of Section 30, T2N, R15E; GL 2-4 of Section 19, T2N, R15E, BHM, Pennington County, South Dakota.

(Continued from the March 14, 2022, Planning Commission meeting.)

Theunissen reviewed the Staff Report indicating the applicant has applied for a Planned Unit Development Overlay to allow a Recreational Resort to include Recreational Vehicles, a wedding venue, a Bed and Breakfast, and outdoor recreational activities.

Staff recommended approval of Planned Unit Development Overlay / PU 22-05 with the following twenty-nine (29) conditions:

1. That the approved uses of the Recreational Resort include: Recreational Vehicle (RV) spots, Bed and Breakfast, outdoor recreational activities, and outdoor weddings;
2. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;
3. That prior to operation, the applicant obtains approved Building Permits for the 10' x 20' tool shed and pay any associated penalty fees;
4. That daily and event operations be conducted by owners, on-site manager, and local contact as necessary;
5. That all natural drainage paths be continually maintained;

6. That the applicant obtains an approved Sign Permit prior to the placement of any on or off-premise sign;
7. That all assigned addresses be properly and continually posted in accordance with Pennington County's Ordinance #20;
8. That prior to operation, each RV parking spot be marked with a unique spot number clearly visible from the driveway;
9. That prior to operation, the applicant obtains County Emergency Services approval of the numbering plan for the Recreational Vehicle sites and a final copy be kept on file with the Planning Department;
10. That the applicant maintains an Emergency Plan and provides copies to all overnight guests in case there is a need to evacuate guests from the property and that a copy of said plan be kept on file at the Planning Department;
11. That prior to operation, port-a-lets or SD DANR approved incinerator toilets be located near each RV parking spot to serve as a means of wastewater disposal and that SD DANR approval for the incinerator toilets or a service contract for the pot-a-lets be provided to the Planning Department;
12. That a minimum of 1 parking space per 5 customers be provided on-site for outdoor weddings and recreation activities, each measuring a minimum of 9 feet by 18 feet and maintained in a dust-free manner in accordance with the Pennington County Zoning Ordinance (PCZO) § 310;
13. That a minimum of 5 parking spaces be provided on-site for the Bed and Breakfast, each measuring a minimum of 9 feet by 18 feet and maintained in a dust-free manner in accordance with the Pennington County Zoning Ordinance (PCZO) § 310;
14. That quiet hours of the Recreational Resort be from 11:00 p.m. to 7:00 a.m.;
15. That all exterior lighting must be of low-level intensity, which does not result in excessive glare upon surrounding neighbors;
16. That the Bed and Breakfast within the Recreational Resort obtain all necessary permits from other governing bodies including, but not limited to, approval from the South Dakota Department of Health and South Dakota Department of Revenue;
17. That a smoke detector be placed in each sleeping room utilized for a Bed and Breakfast, with a minimum of at least 1 smoke detector per floor;
18. That, if fire pits are used, the proper permits be obtained from South Dakota Wildland Fire prior to utilizing fire pits on the property and any applicable fire restrictions or bans be adhered to at all times;

19. That, if fire pits are used, the applicant shall provide the phone number and/or internet address to guests regarding the current day's fire condition, as pertaining to the use of the fire pit;
20. That a portable fire extinguisher with a minimum 2 A-BC rating be placed on each floor level of the Bed and Breakfast so it accessible to guests at all times and that the fire extinguisher be inspected and tagged annually;
21. That the maximum number of people staying at the Bed and Breakfast adhere to the South Dakota Lodging Establishment's Health and Safety Manual and South Dakota Department of Agriculture and Natural Resources requirements;
22. That the applicants comply with South Dakota Codified Law 34-18;
23. That all on-site wastewater treatment systems (OSWTS) require proper permitting and review of the system by both the Pennington County Planning Department and South Dakota Department of Agriculture and Natural Resources and must adhere to PCZO § 204-J and South Dakota Administrative Rules 74:53:01;
24. That the Bed and Breakfast must comply with PCZO §323;
25. That any RV Park / Sites must comply with PCZO §306;
26. That if average daily traffic exceeds 250, the section of Jensen Road from I-90 to Highway 1416 must be improved to pavement in accordance with Ordinance 14;
27. That setbacks for all structures shall comply with those required in an Agriculture District;
28. That significant changes in the use or impacts on the subject property, as determined by the Planning Director, shall require an amendment to this Planned Unit Development Overlay; and,
29. That this Planned Unit Development Overlay be reviewed in 6 months, on a complaint basis, or as deemed necessary by either the Planning Commission or Board of Commissioners to verify all Conditions of Approval are being met.

Discussion followed.

Moved by Hadcock and seconded by McGregor to approve of Planned Unit Development Overlay / PU 22-05, with amended language in Conditions #11 and #26, with the following twenty-nine (29) conditions:

- 1. That the approved uses of the Recreational Resort include: Recreational Vehicle (RV) spots, Bed and Breakfast, outdoor recreational activities, and outdoor weddings;**

2. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;
3. That prior to operation, the applicant obtains approved Building Permits for the 10' x 20' tool shed and pay any associated penalty fees;
4. That daily and event operations be conducted by owners, on-site manager, and local contact as necessary;
5. That all natural drainage paths be continually maintained;
6. That the applicant obtains an approved Sign Permit prior to the placement of any on or off-premise sign;
7. That all assigned addresses be properly and continually posted in accordance with Pennington County's Ordinance #20;
8. That prior to operation, each RV parking spot be marked with a unique spot number clearly visible from the driveway;
9. That prior to operation, the applicant obtains County Emergency Services approval of the numbering plan for the Recreational Vehicle sites and a final copy be kept on file with the Planning Department;
10. That the applicant maintains an Emergency Plan and provides copies to all overnight guests in case there is a need to evacuate guests from the property and that a copy of said plan be kept on file at the Planning Department;
11. That prior to operation, port-a-lets or SD DANR approved experimental system toilets be located near each RV parking spot to serve as a means of wastewater disposal and that SD DANR approval for the experimental system toilets or a service contract for the pot-a-lets be provided to the Planning Department;
12. That a minimum of 1 parking space per 5 customers be provided on-site for outdoor weddings and recreation activities, each measuring a minimum of 9 feet by 18 feet and maintained in a dust-free manner in accordance with the Pennington County Zoning Ordinance (PCZO) § 310;
13. That a minimum of 5 parking spaces be provided on-site for the Bed and Breakfast, each measuring a minimum of 9 feet by 18 feet and maintained in a dust-free manner in accordance with the Pennington County Zoning Ordinance (PCZO) § 310;
14. That quiet hours of the Recreational Resort be from 11:00 p.m. to 7:00 a.m.;

15. That all exterior lighting must be of low-level intensity, which does not result in excessive glare upon surrounding neighbors;
16. That the Bed and Breakfast within the Recreational Resort obtain all necessary permits from other governing bodies including, but not limited to, approval from the South Dakota Department of Health and South Dakota Department of Revenue;
17. That a smoke detector be placed in each sleeping room utilized for a Bed and Breakfast, with a minimum of at least 1 smoke detector per floor;
18. That, if fire pits are used, the proper permits be obtained from South Dakota Wildland Fire prior to utilizing fire pits on the property and any applicable fire restrictions or bans be adhered to at all times;
19. That, if fire pits are used, the applicant shall provide the phone number and/or internet address to guests regarding the current day's fire condition, as pertaining to the use of the fire pit;
20. That a portable fire extinguisher with a minimum 2 A-BC rating be placed on each floor level of the Bed and Breakfast so it accessible to guests at all times and that the fire extinguisher be inspected and tagged annually;
21. That the maximum number of people staying at the Bed and Breakfast adhere to the South Dakota Lodging Establishment's Health and Safety Manual and South Dakota Department of Agriculture and Natural Resources requirements;
22. That the applicants comply with South Dakota Codified Law 34-18;
23. That all on-site wastewater treatment systems (OSWTS) require proper permitting and review of the system by both the Pennington County Planning Department and South Dakota Department of Agriculture and Natural Resources and must adhere to PCZO § 204-J and South Dakota Administrative Rules 74:53:01;
24. That the Bed and Breakfast must comply with PCZO §323;
25. That any RV Park / Sites must comply with PCZO §306;
26. That if average daily traffic exceeds 250, the section of Jensen Road from I-90 to Highway 1416, the road must be improved to pavement by the applicant in accordance with Ordinance 14;
27. That setbacks for all structures shall comply with those required in an Agriculture District;

28. That significant changes in the use or impacts on the subject property, as determined by the Planning Director, shall require an amendment to this Planned Unit Development Overlay; and,
29. That this Planned Unit Development Overlay be reviewed in 6 months, on a complaint basis, or as deemed necessary by either the Planning Commission or Board of Commissioners to verify all Conditions of Approval are being met.

All voting, the Motion passed 4 to 1. Commissioner Johnson voted no.

10. LAYOUT PLAN / LPL 22-07: Dale and Jillian Siemonsma. To subdivide and create Lots 1, 2, 3, and 4 of Oak Draw Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: NE1/4SW1/4 Less Brockett Subdivision and Less ROW; NE1/4NE1/4SE1/4SW1/4; SW1/4SE1/4 except the NE1/4NE1/4SW1/4SE1/4 and Less HWY 16 ROW; NE1/4NE1/4SW1/4SE1/4; and Lot 5 of Pankratz Subdivision, Section 22, T1S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1, 2, 3, and 4 of Oak Draw Subdivision, Section 22, T1S, R6E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant has applied for a Layout Plan to subdivide and create Lots 1, 2, 3, and 4 of Oak Draw Subdivision.

Commissioner Hadcock left the meeting at 10:37 a.m.

Commissioner Hadcock returned to the meeting at 10:39 a.m.

Staff recommended approval of Layout Plan / LPL 22-07 with the following ten (10) conditions:

1. That at the time of submittal of Preliminary Plat, the applicant shall provide topographic information with a contour interval of five (5) feet as required in § 400.2.2.n of the Subdivision Regulations or obtain a Subdivision Regulations Variance waiving this requirement;
2. That at the time of submittal of the Preliminary Plat, eight (8) foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
3. That at the time of submittal for the Preliminary Plat, the plat meets all the requirements of the Pennington County Subdivision Regulations, or the applicant obtains an approved Subdivision Regulations Variance waiving any of these requirements that are not met;

4. That the Certifications on the plat be in accordance with § 400.2 of the Pennington County Subdivision Regulations;
5. That at the time of submittal of the Preliminary Plat, the proposed Plat be prepared by a Registered Land Surveyor;
6. That the applicant ensures all-natural drainage ways are maintained and are not blocked and all necessary drainage ways are noted on the plat;
7. That the applicant obtains an approved Rezone and a Comprehensive Plan Amendment prior to filing the Final Plat at Register of Deeds;
8. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
9. That if the Preliminary Plat is not filed by April 19, 2022, the Plat shall meet all requirements of the new Pennington County Subdivision Regulations pertaining to Preliminary Plat submittals;
10. That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.

Discussion followed.

Moved by Johnson and seconded by McGregor to approve of Layout Plan / LPL 22-07 with the following ten (10) conditions:

- 1. That at the time of submittal of Preliminary Plat, the applicant shall provide topographic information with a contour interval of five (5) feet as required in § 400.2.2.n of the Subdivision Regulations or obtain a Subdivision Regulations Variance waiving this requirement;**
- 2. That at the time of submittal of the Preliminary Plat, eight (8) foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;**
- 3. That at the time of submittal for the Preliminary Plat, the plat meets all the requirements of the Pennington County Subdivision Regulations, or the applicant obtains an approved Subdivision Regulations Variance waiving any of these requirements that are not met;**
- 4. That the Certifications on the plat be in accordance with § 400.2 of the Pennington County Subdivision Regulations;**
- 5. That at the time of submittal of the Preliminary Plat, the proposed Plat be prepared by a Registered Land Surveyor;**

6. **That the applicant ensures all-natural drainage ways are maintained and are not blocked and all necessary drainage ways are noted on the plat;**
7. **That the applicant obtains an approved Rezone and a Comprehensive Plan Amendment prior to filing the Final Plat at Register of Deeds;**
8. **That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;**
9. **That if the Preliminary Plat is not filed by April 19, 2022, the Plat shall meet all requirements of the new Pennington County Subdivision Regulations pertaining to Preliminary Plat submittals;**
10. **That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.**

All voting aye, the Motion carried 5 to 0.

11. ORDINANCE AMENDMENT / OA 22-01: Pennington County. To add Section 321 “Hard Rock Mining” [to add Section 321 “Hard Rock Mining”] to the Pennington County Zoning Ordinance.

(Continued from the February 28, 2022, Planning Commission meeting.)

Sack stated this Item was continued from the February 28, 2022, Planning Commission meeting.

Sack recommended to continue Ordinance Amendment / OA 22-01 to the April 25, 2022, Planning Commission meeting in order for Staff to perform additional research.

Discussion followed.

Moved by Lewis and seconded by McGregor to continue Ordinance Amendment / OA 22-01 to the April 25, 2022, Planning Commission meeting.

All voting aye, the Motion carried 5 to 0.

12. COUNTY BOARD REPORT
The Board of Commissioners will hear the Planning Commission’s recommendations from the March 14th meeting at their April 5th meeting.

ORDINANCE AMENDMENT 21-25: To amend the Subdivision Regulations. This was approved at the March 15th Board Meeting.

The below items were continued to an informal Board work session on May 25th for further discussion and will then be heard at a Board meeting in June:

ORDINANCE AMENDMENT 21-22: To add Section 330 – Efficiency Dwellings.

ORDINANCE AMENDMENT 21-23: To amend Section 205-A Agriculture District to add Efficiency Dwellings.

ORDINANCE AMENDMENT 21-24: To amend Section 210-A Urban Residential District to add Efficiency Dwellings.

13. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

14. ITEMS FROM THE STAFF

There were no items from Staff.

15. ITEMS FROM THE MEMBERSHIP

Commissioner Marsh spoke of private-use wells.

16. ADJOURNMENT

Moved by Hadcock and seconded by McGregor to adjourn.

All voting aye, the Motion carried 5 to 0.

The meeting adjourned at 11:08 a.m.

Rich Marsh, Chairperson