

**Planning Conditions of Approval**  
**Commission Meeting Date: April 5, 2022**

**ITEMS FROM PLANNING & ZONING**  
**BOARD OF ADJUSTMENT**

- C. **VARIANCE / VA 22-04: Diamond Spur Lodge, LLC/Diamond Spur Properties, LLC; Alicia Edsen.** To exceed the required distance from 200 feet to 500 feet for 36 off-street parking spaces for an event center to meet the minimum off-street parking requirements in a Highway Service District in accordance with Sections 212, 310, and 509 of the Pennington County Zoning Ordinance.

MOVED by Hadcock and seconded by Rossknecht approve of VA 22-04 with the following three (3) conditions. Vote: Unanimous.

1. That an Approach Permit is filed with the Highway Department prior to construction of the parking area;
2. That an approved Stormwater Permit is obtained for the construction of the parking area; and,
3. That a walkway or sidewalk is constructed in the right-of-way along Lot 7R of the Forks at Remmington Ranch to accommodate pedestrian traffic from the Event Center to the off-site parking area.

**CONSENT AGENDA:**

MOVED by Rossknecht and seconded by Lasseter to approve the Planning and Zoning consent agenda with the removal of item H. Vote: Unanimous.

- D. **LAYOUT PLAN / LPL 22-05: Debra Pimentel.** To subdivide and create Lots 13C and 13D of Battle Creek Mountain Estates Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.
1. That at the time of Minor Plat submittal, the plat be prepared by a South Dakota Registered Land Surveyor;
  2. That at the time of Minor Plat submittal, the Certifications on the Minor Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations;
  3. That at the time of Minor Plat submittal, the plat meets the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
  4. That at the time of Minor Plat submittal, 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;

5. That the applicant ensures all-natural drainage ways are maintained and not blocked; and,
6. That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.

E. **LAYOUT PLAN / LPL 22-06: Karen Fonseca; Allan and Becky Knutson; D.C. Scott**

**Surveyors.** To reconfigure lot lines to create Lot BR of Lot 1 and Lot CR of Lot 1 of Battle Creek Mountain Estates Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

1. That at the time of submittal of Minor Plat, the applicant shall provide topographic information with a contour interval of five (5) feet as required in Section 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 Minor 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 of the Minor Plat, the designated turnarounds meet the Subdivision Regulation dimensions or the proper Subdivision Regulation Variance be obtained waiving the requirement;
4. That at the time of submittal for the Minor 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;
5. That the Certifications on the plat be in accordance with Section 400.2 of the Pennington County Subdivision Regulations;
6. That at the time of submittal of the Minor Plat, the proposed Plat be prepared by a Registered Land Surveyor;
7. That the applicant ensures all natural drainage ways are maintained and are not blocked and all necessary drainage ways are noted on the plat;
8. That the applicant vacate the Public Right-of-Way prior to submitting the Final Plat;
9. That the applicant records an Access Easement for the proposed Lot CR of Lot 1 at the Register of Deeds;
10. 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;
11. That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.

G. **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.

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.

H. **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 Remington Ranch Subdivision in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

MOVED by Hadcock and seconded by Drewes to approve MPL 22-08 with 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.

#### **CONTESTED HEARINGS:**

- L. **PUBLIC HEARING OF PLANNED UNIT DEVELOPMENT OVERLAY / PU 22-01: Nicholas and Romina Hobart.** To allow a Planned Unit Development Overlay for a Specialty Resort to include four rental cabins and the existing single-family residence to be used as a Vacation Home Rental/caretaker/manager's residence in accordance with Section 216 of the Pennington County Zoning Ordinance.

MOVED by Lasseter and seconded by Rossknecht to approve PU 22-01 with twenty (20) conditions. Vote: Unanimous.

1. That the approved uses of the Specialty Resort include: 4 rental cabins, vacation home rentals, and the existing single-family residence to be used as the manager's residence;
2. That the unit number assigned to each individual cabin be posted on the cabin, inside the cabin, and so they are visible from the interior road way, in accordance with Pennington County's Ordinance #20;

3. That the address for the main house (11477 Gillette Prairie Road) continue to be posted on the residence and so that it is visible from both directions of travel on Gillette Prairie Road, in accordance to Pennington County's Ordinance #20;
4. That all Vacation Home Rentals meet Section § 319 (PCZO);
5. That the minimum number of required parking spaces be provided in accordance with Pennington County Zoning Ordinance § 310, which requires one (1) parking space per guest bedroom for each cabin;
6. That a Sign Permit be obtained prior to the installation of any signs on the subject property. All signs must meet the requirements of § 312 of the PCZO;
7. That the applicant 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
8. That the applicant maintains all necessary permits from other governing bodies for the operation of the Specialty Resort, including, but not limited to, approval from the South Dakota Department of Health and a Sales Tax License from the South Dakota Department of Revenue;
9. That the applicant maintains 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 continue to be kept on file at the Planning Department;
10. That the property remains free of debris and junk vehicles and all structures be well-maintained;
11. That all existing drainage ways be maintained and that erosion control measures be implemented on all disturbed areas so as not to allow any sedimentation of existing drainage ways or bodies of water per PCZO § 507(A). This includes any requirements set forth in the Pennington County Stormwater Quality Manual for erosion and sediment measures;
12. 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;
13. That the interior access roads leading to the cabins consist of a 16-foot-wide graveled driving surface, at a minimum, to accommodate two-way traffic;
14. That all exterior lighting must be of low-level intensity, which does not result in excessive glare upon surrounding neighbors;
15. That all U.S. Forest Service comments be adhered to, including the protection of all National Forest System (NFS) lands boundaries, with no access, utilities, or parking allowed on NFS lands;
16. That a smoke detector be placed in each sleeping room, with a minimum of at least one (1) smoke detector per floor;

17. That portable fire extinguishers be placed on each floor level of each cabin so they are accessible to all guests at all times and the fire extinguishers shall be inspected and tagged annually;
18. That quiet hours for the Specialty Resort be between 10 p.m. and 8 a.m.;
19. That the requirements of Section 204-J be followed at all times and be continually met; and,
20. That this Planned Unit Development Overlay be reviewed in one (1) year, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

O. **PUBLIC HEARING OF MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PU 17-09: Big Horn Canyon Ministries, Inc.** To review a church/place of worship in a Planned Unit Development District in accordance with Section 216 of the Pennington County Zoning Ordinance.

MOVED by Lasseter and seconded by Rossknecht to approve the extension of PU 17-09 with twenty-two (22) conditions. Vote: Unanimous.

1. That the purpose of this Planned Unit Development continue to allow traditional Christian meetings and events, such as weddings funerals, conferences, youth and children's activities, seminars, Bible teaching and discipleship;
2. That the pond may be used for activities such as kayaking, swimming, skating, fishing, and ice fishing by occupants of the property and their guests;
3. That the pond continue to be lined with a geomembrane/bentonite composite liner and continue to be walled or fenced to prevent uncontrolled access, in accordance with Section 307-F of the Pennington County Zoning Ordinance;
4. That a minimum of 200 parking spaces continue to be provided on the property;
5. That the parking areas be continually maintained in a dust free manner;
6. That the internal driveway be a minimum of 24-feet-wide gravel driving surface, maintained in a dust free manner;
7. That recreational fields/sites for volleyball, soccer, softball, basketball, football, and picnics for fellowship and community outreach be allowed on the property;
8. That the setbacks from property lines continue to be the same as required in an Agriculture District and 58 feet from Section Lines;
9. That structures do not exceed thirty-five feet in height;
10. 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;
11. 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 Planned Unit Development;

12. That the applicant continue to ensure the residential character of the property is maintained;
13. That all music being provided for outdoor activities be shut down by 10:00 p.m. and quiet hours continue to be observed from 10:00 p.m. to 7:00 a.m.;
14. That a portable fire extinguisher with a minimum 2 A-BC rating shall continue to be placed on each floor level and shall be inspected and tagged annually;
15. That all primary exits that lead to the exterior of the structure shall continue to be unlocked, free from obstruction and clearly marked;
16. That the applicant ensures that all natural drainage ways continue to be maintained and are not blocked;
17. That any land disturbance which equals or exceeds 10,000 square feet and is not associated with an approved Building Permit, will require a Construction Permit;
18. That the physical address for both existing residences and any future addresses that are assigned, continue to be posted in accordance with Pennington County Ordinance #20;
19. That tents be erected only when needed and not on a permanent basis and temporary Building Permits be obtained when necessary;
20. That all exterior lighting continue to be directed away from neighboring property owners, which does not result in excessive glare upon surrounding property;
21. That prior to the placement of any on-premise sign, the applicant must obtain a Sign Permit; and,
22. That the Planned Unit Development be reviewed on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

- P. **PUBLIC HEARING OF PLANNED UNIT DEVELOPMENT OVERLAY / PU 22-03: Nathan and Alexis Sobolewski.** To allow a Planned Unit Development Overlay for a Specialty Resort to include 50 Recreational Vehicle sites, 25 rental cabins, a shower house, a wedding venue, a bar/saloon area, and a guide service on the subject property in accordance with Section 216 of the Pennington County Zoning Ordinance.

MOVED by Lassetter and seconded by Rossknecht to approve PU 22-03 with twenty-seven (27) conditions. Vote: Unanimous.

1. That the approved uses of the Recreational Resort include: 25 cabin rentals (air bnbs), shower house, 50 recreational vehicle sites, guiding services, a bar/saloon, and a wedding venue;

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 daily and event operations be conducted by owners, on-site manager, and local contact as necessary;
4. That all natural drainage paths be continually maintained;
5. That the applicant obtains an approved Sign Permit prior to the placement of any on or off-premise sign;
6. That all assigned addresses be properly and continually posted in accordance with Pennington County's Ordinance #20;
7. That prior to operation, the applicant obtains County Fire approval of the numbering plan for the Recreational Resort and a final copy be kept on file with the Planning Department;
8. That each Recreational Vehicle site must be equipped with a numbered and color-coded sign indicator which is attached to a post on or near the campsite.
9. 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;
10. That all parking follows Pennington County Zoning Ordinance (PCZO) § 310;
11. That quiet hours in the Recreational Resort be from 11:00 p.m. to 7:00 a.m.;
12. That all exterior lighting must be of low-level intensity, which does not result in excessive glare upon surrounding neighbors;
13. That any Cabin Rental 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;
14. That a smoke detector be placed in each sleeping room utilized for a Cabin Rental, with a minimum of at least 1 smoke detector per floor;
15. That 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;
16. That 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;
17. That a portable fire extinguisher with a minimum 2 A-BC rating be placed on each floor level of a Cabin Rental so it is accessible to guests at all times and that the fire extinguisher be inspected and tagged annually;
18. That the maximum number of people staying at any Cabin Rental adhere to the South Dakota Lodging Establishment's Health and Safety Manual and South Dakota Department of Agriculture and Natural Resources requirements;
19. That the applicants comply with South Dakota Codified Law 34-18;



20. 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;
21. That any Recreation Vehicle Park / Site must comply with PCZO § 306;
22. That setbacks for all structures shall comply with those required in an Agriculture District;
23. That building plans for the proposed wedding venue and bar be submitted for review and comment to the South Dakota Department of Health and the State Fire Marshal prior to Building Permit application;
24. 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;
25. That each RV site be equipped with electrical hookups and water and sewer hookups;
26. That all OSWTS obtain approval from Pennington County and the SD DANR and that all septic systems adhere to the PCZO §204-J; and,
27. That this Planned Unit Development Overlay be reviewed in six (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.

**Q. PUBLIC HEARING OF MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 22-02:**

**Aaron Olson; KTM Design Solutions – Agent.** To amend the existing Planned Unit Development to allow 20 full-service Recreational Vehicle sites; 5 cabins to be constructed within the existing 20' x 80' building; and a caretaker/manager's residence to include an office building in accordance with Section 216 of the Pennington County Zoning Ordinance.

MOVED by Rossknecht and seconded by Lasseter to approve PU 22-02 with twenty-six (26) conditions. Vote: Unanimous.

1. That the approved uses are limited to 20 full service RV sites; 5 cabins to be constructed within the existing 20' x 80' building; and a caretaker/manager residence to include an office building;
2. That prior to operation, the applicant obtains approved Building Permits for the removal of the 2 mobile homes and 1 carport;
3. 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;

4. That daily operations be conducted by the owners, on-site manager, and staff 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 the assigned address (23849 Highway 385) be properly and continually posted on the "office" in accordance with Pennington County's Ordinance #20;
8. That each of the five rental cabins be clearly marked with a unique cabin number and that the assigned address of the property (23849 Highway 385) be posted in each guest room utilized as a rental cabin;
9. That each RV parking spot be marked with a unique spot number clearly visible from the driveway;
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 each site has its own designated fire pit ring and fires will only be allowed within the designated fire pit ring provided by the campground. There will be a sign installed at the office which will indicate if fires are permitted that day. Fire hydrants will be located throughout the campground with attached hoses for fire purposes/suppression only and the hydrant will be located within 75 feet of each fire pit ring;
12. That a minimum of 7 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 the Pennington County Zoning Ordinance;
13. That a detailed site plan be submitted with each Building Permit, to include a detailed parking plan depicting adequate parking as specified in § 310 of the Pennington County Zoning Ordinance;
14. That quiet hours in the Planned Unit Development 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 or obstruct the vision of motor vehicle operators on Highway 16A;
16. That prior to operation, any cabin rental within the Planned Unit Development have 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 and that these permits be provided to the Planning Department;
17. That a smoke detector be placed in each sleeping room utilized for a rental cabin;

18. That a portable fire extinguisher with a minimum 2 A-BC rating be placed on each floor level of any rental cabin so it is accessible to guests at all times and that the fire extinguisher be inspected and tagged annually;
19. That the maximum number of people staying at any rental cabin comply with the South Dakota Lodging Establishments Health and Safety Manual and South Dakota Department of Agriculture and Natural Resources requirements;
20. That the applicants comply with South Dakota Codified Law 34-18;
21. That prior to operation, the outhouse be either filled and rendered inoperable or removed from the property;
22. 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 comply with Pennington County Zoning Ordinance (PCZO) § 204-J and South Dakota Administrative Rules 74:53:01;
23. That the Recreation Vehicle Park must comply with PCZO §306;
24. That setbacks for all structures shall be a minimum of 25 feet from exterior lot lines;
25. 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, as determined by the Planning Director, shall require an amendment to this Planned Unit Development; and,
26. That this Planned Unit Development be reviewed in 1 year, 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.

- R. **PUBLIC HEARING OF PLANNED UNIT DEVELOPMENT OVERLAY / PU 22-04: John and Tracy Wiebe.** To allow a Planned Unit Development Overlay to allow a Specialty Resort to include three tent spots, one tree house with living quarters, and a caretaker/manager's residence in accordance with Section 216 of the Pennington County Zoning Ordinance.

MOVED by Lassetter and seconded by Rossknecht to approve Planned Unit Development Overlay / PU 22-04 with twenty-six (26) conditions. Vote: Unanimous.

1. That the approved uses of the Specialty Resort include: a caretaker residence, 3 tents for luxury camping, 1 luxury tree house, and a communal bathroom/shower house;
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 daily and event operations be conducted by owners, on-site manager, and local contact as necessary;
4. That all natural drainage paths be continually maintained;
5. That the applicant obtains an approved Sign Permit prior to the placement of any on or off-premise sign;
6. That all assigned addresses be properly and continually posted on the caretaker residence in accordance with Pennington County's Ordinance #20;
7. That prior to operation, each tent and tree house spot be marked with a unique spot number clearly visible from the driveway;
8. That prior to operation, the applicant obtains County Emergency Services approval of the numbering plan for the Recreational Resort and a final copy be kept on file with the Planning Department;
9. That prior to operation, the applicant obtains County Highway approval for the existing approach as well as approval for a second approach to be utilized as an escape route;
10. That each of the tents and the treehouse be clearly marked with a unique number and that the assigned address of the property (24174 S Rockerville Road) be posted in each guest room utilized as an overnight rental;
11. 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;
12. That prior to operation, the applicant provides a minimum of 6 on-site parking spaces for the requested uses, 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 quiet hours of the Recreational Resort be from 11:00 p.m. to 7:00 a.m.;
14. That all exterior lighting must be of low-level intensity, which does not result in excessive glare upon surrounding neighbors;
15. That uses within the Specialty 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;
16. That a smoke detector be placed in each room utilized for overnight guests, with a minimum of at least 1 smoke detector per floor;
17. That the proper permits be obtained prior to utilizing a fire pit on the property and all fire restrictions be followed at all times;
18. That 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;
19. That a portable fire extinguisher with a minimum 2 A-BC rating be placed on each floor level each tent or tree house so it is accessible to guests at all times and that the fire extinguisher be inspected and tagged annually;

20. That the maximum number of people staying at the Specialty Resort adhere to the South Dakota Lodging Establishment's Health and Safety Manual and South Dakota Department of Agriculture and Natural Resources requirements;
21. That the applicants comply with South Dakota Codified Law 34-18;
22. That prior to operation, all on-site wastewater treatment systems (OSWTS) require proper permitting and review 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;
23. That setbacks for all structures shall comply with those required in an Agriculture District;
24. That the caretaker residence not be utilized as a Bed and Breakfast or Vacation Home Rental;
25. 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,
26. That this Planned Unit Development Overlay be reviewed in 1 year, 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.

S. **PUBLIC HEARING OF 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 allow 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.

MOVED by Lasseter and seconded by Rossknecht to approve PU 22-05 with twenty-nine (29) conditions. Vote: Unanimous.

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.