

Planning Conditions of Approval
Commission Meeting Date: July 19, 2022

ITEMS FROM PLANNING & ZONING

UNCONTESTED HEARINGS:

- C. **PRELIMINARY PLAN / PPL 22-33: No Bad Days Campground, LLC; Rob Livingston.** To subdivide and create Lots 1, 2, 3, and 4 and Utility Lot of No Bad Days Subdivision in accordance with Section 500 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Tract Lake of SW1/4SW1/4 of Section 27 and SE1/4 of Section 28 located in Section 27, T2N, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1, 2, 3, and 4 and Utility Lot of No Bad Days Subdivision, Section 27, T2N, R5E, BHM, Pennington County, South Dakota.

MOVED by Rossknecht and seconded by LaCroix to approve PPL 22-33 with eleven (11) conditions. Vote: Unanimous.

1. That at the time of submittal of the Final 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;
2. That at the time of submittal for the Final 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;
3. That at the time of submittal for the Final Plat, the access easement be labeled "66-foot-wide Private Access Easement";
4. That at the time of submittal of the Final Plat, the proposed Plat be prepared by a Registered Land Surveyor;
5. That the applicant ensures all-natural drainage ways are maintained and are not blocked and all necessary drainage ways are noted on the plat;
6. That prior to filing the Plat at Register of Deeds, the applicant obtains Variances for the required setback for the telecommunication tower;
7. That the applicant obtains an approved Rezone and a Comprehensive Plan Amendment for proposed Lots 2-4 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 the access road be 24-feet-wide or the applicant obtains an approved Subdivision Regulations Variance waiving this requirement;
10. That the applicant constructs the road to 24-feet-wide or post surety prior to filing the mylar at Register of Deeds; and,
11. That approval of this Preliminary Plat does not constitute approval of any further applications to be submitted for the above-described property.

CONTESTED HEARINGS:

- F. **ROAD CONSTRUCTION WITHIN A SECTION LINE RIGHT-OF-WAY / CS 22-09: Mitch Morris.** To construct 962 feet of road within the Section Line Right-of-Way between Sections 3 and 34, T1N, R8E to provide access to property located in Section 34, T1N, R8E, BHM, Pennington County, South Dakota.

MOVED by LaCroix and seconded by Rossknecht to approve of Road Construction in CS 22-09 with nine (9) conditions. Vote: Unanimous.

MOVED by Lasseter and seconded by LaCroix to reconsider item F. Vote: Unanimous.

MOVED by Lasseter and seconded by LaCroix to approve of Road Construction in CS 22-09 with nine (9) conditions but to construct the road for the first 100 feet. Vote: Unanimous.

1. That the roadway located within the Section Line Right-of-Way be improved to meet all requirements of Pennington County Ordinance #14 (which includes submittal of engineered road construction plans) or a request to waive these requirements be approved by the Board of Commissioners;
2. That all road plans be approved by the Pennington County Highway Department;
3. That if the amount of disturbed area exceeds one (1) acre, a Department of Agriculture and Natural Resource's Storm Water Construction Permit be obtained;
4. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;
5. That dust control measures be implemented to prevent dust from leaving the site and impacting the adjacent properties;
6. That if culverts are installed, the design is submitted to the County Drainage Engineer for review prior to installation;
7. That any disturbed areas shall be stabilized and re-vegetated as required in § 507(A) of the Pennington County Zoning Ordinance;
8. That any monuments establishing property boundaries be replaced as necessary, if disturbed by construction of the road; and,
9. That this Construction in a Section Line be reviewed in six (6) months to verify that the site has been stabilized and the road constructed in accordance with applicable standards.

G. **REQUEST TO NOT BUILD TO ORDINANCE 14 STANDARDS: Mitch Morris**

MOVED by LaCroix and seconded by Lasseter to deny the request to waive the requirements of Ordinance 14 to construct 2-foot-deep ditches and a road width of 24 feet.

Substitute motion: MOVED by Lasseter and seconded by LaCroix to approve the request to waive the engineered road plans with two conditions. Vote: Unanimous.

1. That the applicant name the Section Line prior to any construction of the Section Line; and
2. That the applicant obtains a survey to show that the road is constructed within the Section Line.

H. **ROAD CONSTRUCTION WITHIN A SECTION LINE RIGHT-OF-WAY / CS 22-10: Kevin Quinn.**

To construct 200 feet of road within the Section Line Right-of-Way between Sections 7 and 18, T1N, R7E to provide access to property located in Section 18, T1N, R7E, BHM, Pennington County, South Dakota.

MOVED by Rossknecht and seconded by LaCroix to approve CS 22-10 with nine (9) conditions. Vote: Unanimous.

1. That the roadway located within the Section Line Right-of-Way be improved to meet all requirements of Pennington County Ordinance #14 (which includes submittal of engineered road construction plans) or a request to waive these requirements be approved by the Board of Commissioners;
2. That all road plans be approved by the Pennington County Highway Department;
3. That if the amount of disturbed area exceeds one (1) acre, a Department of Agriculture and Natural Resource's Storm Water Construction Permit be obtained;
4. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;
5. That dust control measures be implemented to prevent dust from leaving the site and impacting the adjacent properties;
6. That if culverts are installed, the design is submitted to the County Drainage Engineer for review prior to installation;
7. That any disturbed areas shall be stabilized and re-vegetated as required in § 507(A) of the Pennington County Zoning Ordinance;
8. That any monuments establishing property boundaries be replaced as necessary, if disturbed by construction of the road; and,
9. That this Construction in a Section Line be reviewed in six (6) months to verify that the site has been stabilized.

I. **REQUEST TO NOT BUILD TO ORDINANCE 14 STANDARDS: Kevin Quinn**

MOVED by Lasseter and seconded by LaCroix to continue this item until the August 2, 2022, meeting.

J. **PUBLIC HEARING OF PLANNED UNIT DEVELOPMENT OVERLAY / PU 2-10: Wheaton Enterprises, LLC / Natalie Wheaton.** To allow a Planned Unit Development Overlay to allow a Recreational Resort on the subject property in accordance with Section 216 of the Pennington County Zoning Ordinance.

Lot 1 of NW1/4NE1/4, Section 22, T2S, R4E, BHM, Pennington County, South Dakota.

MOVED by Rossknecht and seconded by LaCroix to approve Planned Unit Development Overlay / PU 2-10 with twenty-seven (27) conditions. Vote: Unanimous.

1. That the approved uses of the Recreational Resort include: 4 Vacation Home rental units, 4 cabin rentals, 6 recreational vehicle sites, and a manager's residence;
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 Emergency Service 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 Vacation Home Rental and 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 Vacation Home Rental and 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 a portable fire extinguisher with a minimum 2 A-BC rating be placed on each floor level of a Vacation Home Rental and Cabin Rental so it is accessible to guests at all times and that the fire extinguisher be inspected and tagged annually;
17. That the maximum number of people staying at any Vacation home Rental and Cabin Rental adhere to the South Dakota Lodging Establishment's Health and Safety Manual and South Dakota Department of Agriculture and Natural Resources requirements;
18. That the applicants comply with South Dakota Codified Law 34-18;
19. 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;
20. That any Recreation Vehicle Park / Site must comply with PCZO §306;
21. That setbacks for all structures shall comply with those required in an Agriculture District;
22. 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;
23. That prior to operation, the applicants submit a copy of the Forest Service Access Agreement;
24. That all OSWTS obtain approval from Pennington County and the SD DANR and that all septic systems adhere to the PCZO;
25. 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;
26. That an approved Approach Permit be obtained from the County Highway Department; and,
27. 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.