

Planning Conditions of Approval
Commission Meeting Date: August 2, 2022

ITEMS FROM PLANNING & ZONING

BOARD OF ADJUSTMENT:

- A. VARIANCE / VA 22-07: Rex and Cheryl Roseland. To reduce the setback from 8 feet to 7 feet to bring an existing structure into compliance in a Suburban Residential District in accordance with Sections 209 and 509 of the Pennington County Zoning Ordinance.

Lot 3B, Block 11, Ashland Subdivision No. 3, Section 15, T1N, R8E, BHM, Pennington County, South Dakota.

MOVED by LaCroix and seconded by Hadcock to approve VA 22-07 with one (1) condition because it would create a hardship. Vote: Unanimous.

1. That the applicant submits a survey stamped by a registered surveyor which shows that the existing garage is 7 feet from the property line.

CONSENT CALENDAR:

- B. **PRELIMINARY PLAN / PPL 22-35: Caputa Acres LLC; Milton Gutknecht.** To subdivide and create Tract 2 of Caputa Acres Addition in accordance with Section 500 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: GL 1-2 and Tract 1 of NE1/4SE1/4 Less S Lazy U Subdivision and Less ROW, both in Section 6, T1S, R10E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Tract 2, Caputa Acres Subdivision, Section 6, T1S, R10E, BHM, Pennington County, South Dakota.

MOVED by LaCroix and seconded by Rossknecht to approve the Planning and Zoning consent agenda. Vote: The motion carried 4-0 with Hadcock abstaining. (Approve PPL 22-35 with seven (7) conditions.)

1. That at the time of Final Plan submittal, the dedicated public right-off way be removed from the plat as it is not needed over a Section Line Right-of-Way;
2. That at the time of Final Plan submittal the certificates be on the Plat in accordance with § 1700 of the Pennington County Subdivision Regulations;
3. That prior to the plat being filed at Register of Deeds, the applicant constructs the Section Line Right-of-Way (i.e. Wisheart Road) to the standards in Table 1 and

- Ordinance 14 along the entirety of Tract 2, post surety for the construction of Wisheart Road or an approved Subdivision Regulations Variances are obtained, waiving these requirements;
4. That the 66-foot-wide access between Tract 2 and Lot 1 of S Lazy U Subdivision be continually maintained;
 5. That any utility work within the Section Line Right-of-Way will require a permit from the County Highway Department;
 6. That the applicant ensures all natural drainage ways are maintained and not blocked; and,
 7. That at the time of submittal of the Final Plan, the Plan meet requirements of Section 600.

CONTESTED HEARINGS:

- F. **ROAD CONSTRUCTION WITHIN A SECTION LINE RIGHT-OF-WAY / CS 22-11: Richard Beasley.** To construct 850 feet of road within the Section Line Right-of-Way between Sections 25 and 30, T1N, R6E to provide access to property located in Section 30, T1N, R6E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by Lassetter to approve CS 22-11 with (9) conditions. Vote: Unanimous.

1. That the road be constructed to Ordinance #14 Standards or the applicants obtain an approved Subdivision Regulations Variance;
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.

H. **CONDITIONAL USE PERMIT / CU 19-28: R & J, LLC; Juston Eisenbraun - Agent.** To allow a Recreational Vehicle Park on the subject property in a Highway Service District in accordance with Sections 212, 306, and 510 of the Pennington County Zoning Ordinance.

MOVED by Hadcock and seconded by LaCroix to approve CU 19-28 with seventeen (17) conditions. Vote: Unanimous.

1. That the Recreational Vehicle (RV) Park shall consist of no more than 30 RV sites;
2. That all RVs dispose of wastewater through an approved OSWTS;
3. That any alterations or additions to the OSWTS be reviewed and approved by the Pennington County Environmental Planner and the South Dakota Department of Agriculture and Natural Resources;
4. That the assigned address (13514 S. Highway 16) continue to be properly posted in accordance with Pennington County Ordinance #20, so it is clearly visible from both directions of travel along Highway 385;
5. That each RV site has a unique number assigned and clearly posted;
6. That a minimum 10-foot separation be maintained between each RV site;
7. That the RV Park conforms to all regulations in Pennington County Zoning Ordinance (PCZO) § 306 prior to operation;
8. 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;
9. That the minimum setback requirements of a Highway Service District be maintained on the subject property;
10. That the minimum setback requirements of the Section Line be maintained on the subject property;
11. That access to the site be only from the approved South Dakota Department of Transportation (SD DOT) approach and if any future warrants are met, turning lanes be installed, per SD DOT comments;
12. That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground;
13. That the subject property remains free of debris and junk vehicles;
14. That the applicant adheres to PCZO § 510;
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; and,
16. 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;

17. 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.

- I. **CONDITIONAL USE PERMIT / CU 22-30: Larsson Recreational Properties / Paschal Perrotte.** To allow a Recreational Vehicle Park on the subject property in a Highway Service District in accordance with Sections 212, 306, and 510 of the Pennington County Zoning Ordinance.

Lot B of Lot 7, Block 2, Dead Broke Subdivision, Section 1, T2S, R4E, BHM, Pennington County, South Dakota.

MOVED by Rossknecht and seconded by Hadcock to approve CU 22-30 with twenty-four (24) conditions. Vote: Unanimous.

1. That the Recreational Vehicle (RV) park shall consist of no more than 47 RV sites;
2. That prior to operation, the RV park has an approved OSWTS installed;
3. That all RVs dispose of wastewater through an approved OSWTS;
4. That any alterations or additions to the OSWTS be reviewed and approved by the Pennington County Environmental Planner and the South Dakota Department of Agriculture and Natural Resources;
5. That the address assigned to the adjacent parcel (24184 Highway 385) continue to be properly posted in accordance with Pennington County Ordinance #20, so it is clearly visible from both directions of travel along Highway 385;
6. That each RV site has a unique number assigned and clearly posted;
7. That a minimum 10-foot separation be maintained between each RV site;
8. That the RV Park conforms to all regulations in Pennington County Zoning Ordinance (PCZO) § 306 prior to operation;
9. That the minimum setback requirements of a Highway Service District be maintained on the subject property;
10. That the minimum setback requirements of a Section Line be maintained on the subject property;
11. That prior to operation, an approved Approach Permit be obtained from the SD Department of Transportation;
12. That prior to any development within the Special Flood Hazard Area or Floodway, an approved Floodplain Development Permit is obtained;
13. That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground;
14. That the subject property remains free of debris and junk vehicles;
15. That the applicant adheres to PCZO § 510;

16. That upon guest check-in, notifications be made that there is Special Flood Hazard Area and Floodway on the subject property;
17. That no RVs, located within the Special Flood Hazard Area or Floodway, be allowed to remain more than 180 days;
18. That RVs, located within the Special Flood Hazard Area or Floodway, be fully licensed and ready for highway use (i.e. is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions);
19. That the applicant, RV Park Manager and staff follow the flood evacuation plan that was submitted at the July 25, 2022, Planning Commission meeting in the event of an emergency situation requiring evacuation of the area due to flood or fire;
20. That the applicant notify all guests in the event of an emergency by electronic and audible notification;
21. That, prior to operation of the RV Park, the applicant replaces the existing culvert with a box culvert;
22. That all RVs, located within the Special Flood Hazard Area or Floodway, be removed once emergency notifications are made;
23. 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; and,
24. 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.