

Planning Conditions of Approval
Commission Meeting Date: March 7, 2023

ITEMS FROM PLANNING & ZONING

VARIANCE HEARING(S):

- A. VARIANCE / VA 23-03: Katherine Brandiger. To reduce the setback to the north lot line for an existing structure in a Rural Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 3, Block 2, Mission Hills Subdivision, Section 6, T1N, R6E, BHM, Pennington County, South Dakota.

MOVED by Rossknecht and seconded by Hadcock to approve VA 23-03, as there are special conditions on the property that would excuse literal enforcement of the Pennington County Zoning Ordinance, with two (2) conditions. Vote: Unanimous.

1. That this Variance applies only to the portion of the north property line that is encroached upon by the existing shed; and,
2. That within 90 days of approval, the applicant obtains an approved Building Permit and pays any associated penalty fees.

- C. VARIANCE / VA 23-05: Kevin and Lise Baur; Josh Chamberlain - Agent. To reduce the setback to the north lot line for a proposed garage in a Rural Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 2, A and J Subdivision, Section 14, T1S, R6E, BHM, Pennington County, South Dakota.

MOVED by Rossknecht and seconded by Lasseter to approve VA 23-05 with three (3) conditions because the alternate location west of the existing home is too narrow to allow the garage, placing the garage west of the existing home prevents access from the front to the back of the property and the proposed garage location uses the existing driveway, removes minimum trees and abuts open public land. Vote: Unanimous.

- 1 That this Variance only applies for the portion of the north property line setback requirements that will be encroached upon by construction of the proposed detached garage;
2. That the applicant submits a survey stamped by a registered surveyor which shows that the proposed garage will be 10 feet from the property line; and,
3. That the applicant obtains an approved Building Permit, prior to construction, and adheres to any building inspection requirements.

CONSENT HEARING:

- D. LOT LINE ADJUSTMENT PLAN / LAPL 23-02: Maurice and Connie Reiner. To reconfigure lots lines to create Lot AR and Lot 5R2 of Block E of Edelweiss Mountain Development in accordance with the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot A and Lot 5R of Block E of Edelweiss Mountain Development, Section 20, T1N, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot AR and Lot 5R2 of Block E of Edelweiss Mountain Development, Section 20, T1N, R5E, BHM, Pennington County, South Dakota.

MOVED by Rossknecht and seconded by Drewes to approve the Planning and Zoning consent agenda as presented. Vote: Unanimous.

1. That prior to filing the mylar with the Register of Deeds, 8-foot utility and minor drainage easements be provided on the interior side of all lot lines;
2. That prior to filing the mylar with the Register of Deeds, the Certifications on the Minor Plat be in accordance with §§ 1701 and 1703 of the Pennington County Subdivision Regulations;
3. That prior to filing the mylar with the Register of Deeds, the applicants obtain an approved Operating License for the Onsite Waste Water Treatment System;
4. That prior to filing the mylar with the Register of Deeds, the 30-foot-wide and 40-foot-wide private access and utility easements on proposed Lot AR and 5R2 be extended to a minimum of 33 feet on each lot;
5. That prior to filing the mylar with the Register of Deeds, the subdivision name includes either "Subdivision" or "Addition"; and,
6. That prior to filing the mylar with the Register of Deeds, the plat meets the requirements of § 303 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any requirements that are not met.

UNCONTESTED HEARING(S):

- E. PLANNED UNIT DEVELOPMENT OVERLAY REVIEW / PU 21-21: American Buffalo Resort, LLC. To review a Planned Unit Development Overlay for a Recreational Resort in accordance with the Pennington County Zoning Ordinance.

NW1/4SE1/4 Less Wooded Acres Subdivision and ROW, Section 8, T1S, R7E, BHM, Pennington County, South Dakota.

MOVED by Rossknecht and seconded by Drewes to approve PU 21-21 with twenty-four (24) conditions. Vote: Unanimous.

1. That the approved uses of the Recreational Resort include: cabin rentals (vacation home rentals), bath houses, laundry facilities, caretaker residence, staff offices, maintenance shop, concession stands, stage/amphitheater, recreational vehicle sites, tent sites, mini golf course, hot tub, and swimming pool;
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, addresses be assigned to the caretaker residence and maintenance shop and that both be properly and continually posted in accordance with Pennington County's Ordinance #20;
8. 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;
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 a minimum of 145 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 (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 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, 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:10-B:C rating be placed on each floor level of a Vacation Home Rental so it 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 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 Vacation Home Rentals must comply with PCZO §319;
21. That any Recreation Vehicle Park / Site must comply with PCZO §306;
22. That setbacks for all structures shall comply with those required in a Highway Service District;
23. 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,
24. That this Planned Unit Development Overlay be reviewed on a complaint basis, or as deemed necessary by the Planning Director, the Planning Commission, or Board of Commissioners to verify all Conditions of Approval are being met.

CONTESTED HEARINGS:

- G. MINING PERMIT / MP 23-01: Western Construction. To allow an aggregate mining operation in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

S1/2, Section 25, T3N, R14E, BHM, Pennington County, South Dakota.

MOVED by Drewes and seconded by Hadcock to approve MP 23-01 with eleven (11) conditions. Vote: Unanimous.

1. That the conditions of approval of the South Dakota Department of Agriculture and Natural Resources Mine License be continually met;
2. That the conditions of the approval of the South Dakota Department of Environment and Natural Resources General Permit be continually met;
3. That the site meets § 320(H) of the Pennington County Zoning Ordinance;
4. That the applicants follow the reclamation plan that was submitted to the SD DNR to reclaim the site when work is completed;
5. That the applicant submits a copy of the Mine License, issued by the South Dakota Department of Agriculture and Natural Resources, to the Planning Department and copies of any annual Mine License Reports by December 1st of each year;
6. That if there is a proposed change in operation from this Mining Permit, that the change be submitted to the Planning Director within thirty (30) days and the Mining Permit reviewed and approved by the Planning Commission;
7. That an address be posted in accordance with Ordinance #20;
8. That prior to operation, the applicant obtains an approved Approach Permit from the Pennington County Highway Department;
9. That prior to operation the applicants enter into a Haul Road Agreement with the Pennington County Highway Department and a dust control solution is approved by the Highway Superintendent must be applied in front of any residence between the mine site and Cedar Butte Road;
10. The applicant must provide self-contained toilets on-site: one (1) unit per 50 employees. The self-contained toilets must meet all State and County regulations, including setbacks. The method and schedule of disposal of the solid waste, in compliance with State and local rules and regulations, must be provided by the applicant in writing; and,
11. That this Mining Permit be reviewed in one (1) year from approval date, on a complaint basis, or as directed by the Planning Commission and/or the Board of Commissioners to verify that all Conditions of Approval are being met.