

Planning Conditions of Approval

Commission Meeting Date: September 5, 2023

ITEMS FROM PLANNING & ZONING

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

CONSENT AGENDA:

- A. PLANNED UNIT DEVELOPMENT OVERLAY REVIEW / PU 22-04: John and Tracy Wiebe. To review a Specialty Resort to include three tent spots, one tree house with living quarters, and a caretaker/manager's residence in accordance with the Pennington County Zoning Ordinance.

Lot 2 of Tract A in NE½ and Tract 0061, Section 10, T2S, R6E, BHM, Pennington County, South Dakota.

Planning Commission recommended approval of the review of Planned Unit Development Overlay / PU 22-04 with the following twenty-six (26) conditions:

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 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;
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 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 2 years, 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.

CONTESTED HEARINGS:

- E. ROAD CONSTRUCTION WITHIN A SECTION LINE RIGHT-OF-WAY / CS 23-04: Scott Ferguson. To construct a road within the Section Line Right-of-Way between Sections 19 and 20, T1S, R5E to provide access to property located in Section 19, T1S, R5E, BHM, Pennington County, South Dakota.

MOVED by Rossknecht and seconded by Hadcock to approve Road Construction within a Section Line Right-of-Way / CS 23-04 with eight (8) 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 or a request to waive these requirements be approved by the Board of Commissioners;
2. 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;
3. 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;
4. That dust control measures be implemented to prevent dust from leaving the site and impacting the adjacent properties;
5. That if culverts are installed, the design is submitted to the County Drainage Engineer for review prior to installation;
6. That any disturbed areas shall be stabilized and re-vegetated as required in §507(A) of the Pennington County Zoning Ordinance;

7. That any monuments establishing property boundaries be replaced as necessary, if disturbed by construction of the road; and,
8. The applicant submits a Road Naming Application.