

**AGENDA**  
**PENNINGTON COUNTY PLANNING COMMISSION**  
**January 14, 2019 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Administration Building

Recommendations of the Planning Commission on items from this agenda will be considered by the Board of Commissioners at their regular meeting on February 5, 2019, at 10:30 a.m.

ROLL CALL

1. APPROVAL OF THE DECEMBER 17, 2018, MINUTES
2. APPROVAL OF THE AGENDA

**CONSENT AGENDA**

The following items have been placed on the Consent Agenda for action to be taken on all items in accordance with staff's recommendation by a single vote. Any item may be removed from the Consent Agenda, by any Planning Commissioner, staff member, or audience member for separate consideration. The findings of this Planning Commission are recommendations to the Pennington County Board of Commissioners who will make the final decision.

3. **CONDITIONAL USE PERMIT REVIEW / CU 10-03:** Michael Howe. To review a dog/cat boarding kennel in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Lot 1, Engesser Subdivision, Section 24, T1N, R8E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 10-03 with eleven (11) conditions.

4. **CONDITIONAL USE PERMIT REVIEW / CU 17-30:** Daniel Johnson, Highmark Properties, LLC. To review a multi-family residence to be used as a Vacation Home Rental in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

Lot A of Lot 1 less of Highway 385, Walker Placer MS 551, Section 12, T2S, R4E, BHM, Pennington County, South Dakota.

(Continued from the November 26, 2018, Planning Commission meeting.)

To recommend to continue the review of Conditional Use Permit / CU 17-30 to the February 11, 2019, Planning Commission meeting with one (1) condition.

5. **LAYOUT PLAT / PL 17-38:** Dorothy Johnson Estate; Great Western Bank - Personal Representative for Dorothy Johnson Estate. To create Lots A, B, C, and D of Johnson Estates Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Balance of Lot 1 of the NW1/4NW1/4, Section 9, T1N, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots A, B, C, and D of Johnson Estates Subdivision, Section 9, T1N, R6E, BHM, Pennington County, South Dakota.

(Continued from the December 3, 2018, Planning Commission meeting.)

To recommend to continue Layout Plat / PL 17-38 to the February 11, 2019, Planning Commission meeting with one (1) condition.

6. **REZONE / RZ 17-10 AND COMPREHENSIVE PLAN AMENDMENT / CA 17-09:** Dorothy Johnson Estate; Great Western Bank - Personal Representative for Dorothy Johnson Estate. To rezone 21.39 acres from Limited Agriculture District to Suburban Residential District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from PUD Sensitive to Suburban Residential District in accordance with Sections 206, 208, and 508 of the Pennington County Subdivision Regulations.

Balance of Lot 1 of NW1/4NW1/4, Section 9, T1N, R6E, BHM, Pennington County, South Dakota.

(Continued from the December 3, 2018, Planning Commission meeting.)

To recommend to continue Rezone / RZ 17-10 and Comprehensive Plan Amendment / CA 17-09 to the February 11, 2019, Planning Commission meeting with one (1) condition.

7. **CONSTRUCTION PERMIT REVIEW / CP 18-01:** R.C.S Construction, Inc. To review the installation of a 33-inch trunk sanitary sewer line from Southside Drive north along Reservoir Road.

Sections 22 and 23, all located in T1N, R8E, BHM, Pennington County, South Dakota.

To recommend to continue the review of Construction Permit / CP 18-01 to the May 28, 2019, Planning Commission meeting.

8. **ROAD NAMING:** Schriener Investments / Shane Schriener. To name a proposed 40-foot-wide access easement providing access to property located in Section 32, T1S, R6E, BHM, Pennington County, South Dakota, to Rockets Court.

To recommend approval of the Road Naming of Rockets Court.

9. **ROAD NAMING:** Schriener Investments / Shane Schriener. To name a proposed 40-foot-wide access easement providing access to property located in Section 32, T1S, R6E, BHM, Pennington County, South Dakota, to Warriors Drive.

To recommend approval of the Road Naming of Warriors Drive.

10. **ROAD NAMING:** Schriener Investments / Shane Schriener. To name a proposed 40-foot-wide access easement providing access to property located in Section 32, T1S, R6E, BHM, Pennington County, South Dakota, to Jazz Drive.

To recommend approval of the Road Naming of Jazz Drive.

11. **ROAD NAMING:** Schriener Investments / Shane Schriener. To name a proposed 40-foot-wide access easement providing access to property located in Section 32, T1S, R6E, BHM, Pennington County, South Dakota, to Bulls Court.

To recommend approval of the Road Naming of Bulls Court.

12. **MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PU 17-04:** Kelly Development / Ryan Kelly. To review the existing Planned Unit Development in accordance with Section 213 of the Pennington County Zoning Ordinance.

Lots 3-6, Block, 4, Sheridan Lake Highlands, Section 4, T1S, R6E, BHM, Pennington County, South Dakota.

(Continued from the December 17, 2018, Planning Commission meeting.)

To recommend approval of the extension of Major Planned Unit Development Amendment / PU 17-04 with twenty-one (21) conditions.

13. **MINOR PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PU 17-12:** Jeremy Cummings. To review a gunsmithing business in a Planned Unit Development in accordance with Section 213 of the Pennington County Zoning Ordinance.

Lot 1, Block 3, Prairiefire Subdivision, Section 26, T1N, R8E, BHM, Pennington County, South Dakota.

To recommend to continue the review of Minor Planned Unit Development Amendment / PU 17-12 to the February 11, 2019, Planning Commission meeting, with the applicant's concurrence.

14. **CONDITIONAL USE PERMIT / CU 18-46:** Brady and Liana Wolfe. To allow an existing structure to be used as a Guest House on the subject property in a Low Density Residential District in accordance with Sections 207, 318, and 510 of the Pennington County Zoning Ordinance.

Lot A Revised, Woodland Valley Subdivision, Section 15, T2N, R6E, BHM, Pennington County, South Dakota.

To recommend approval of Conditional Use Permit / CU 18-46 with eleven (11) conditions.

15. **CONDITIONAL USE PERMIT / CU 18-47:** Kevin and Crystal McKinstry. To allow a secondary structure to be used as living quarters prior to a primary residence in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 20, Block 1, Mesa View Estates Subdivision #1, Section 12, T1N, R8E, BHM, Pennington County, South Dakota.

To recommend approval of Conditional Use Permit / CU 18-47 with nine (9) conditions.

16. **CONDITIONAL USE PERMIT / CU 18-48:** Robert Pace. To allow a pole barn as a primary structure on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

NE1/4 Less W1/2W1/2NE1/4 and Less W1/2W1/2W1/2W1/2E1/2W1/2NE1/4 and Less ROW, Section 33, T2N, R11E, BHM, Pennington County, South Dakota.

To recommend approval of Conditional Use Permit / CU 18-48 with twelve (12) conditions.

#### **END OF CONSENT AGENDA**

17. **LAYOUT PLAT / PL 18-49:** Carol Layton. To combine two lots to create Lot A of Layton Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 1 of Tract B Less Schroeder Road; S1/2 Vacated Collins Road Lying Adjacent to Said Lot 1, Section 35, T2N, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot A of Layton Subdivision, Section 35, T2N, R6E, BHM, Pennington County, South Dakota.

18. REZONE / RZ 18-10 AND COMPREHENSIVE PLAN AMENDMENT / CA 18-09: Rustlers Ranch, LLC; Davis Engineering – Agent. To rezone 10.00 acres from General Agriculture District to Limited Agriculture District and to amend the Comprehensive Plan to change the Future Land Use from Planned Unit Development Sensitive to Limited Agriculture District in accordance with Sections 205, 206, and 508 of the Pennington County Zoning Ordinance.

Located on the following metes and bounds description: Beginning at the South 1/4 corner of Section 8, T1N, R9E, BHM, which is a 3 1/4" Brass Cap marked for the common corner to Sections 8 and 17, T1N, R4E, BHM, and the TRUE POINT OF BEGINNING; Thence, N 00 deg 22 min 25 sec W 733.46 ft, to a rebar with survey cap marked "DAVIS ENG RLS 3095"; Thence, S 51 deg 41 min 18 sec E 41.97 ft, to a rebar with survey cap marked "DAVIS ENG RLS 3095"; Thence, 99.37 ft along a curve concave to the south with a radius of 362.87 ft, a chord distance of 99.06 ft and a chord bearing of S 59 deg 32 min 01 sec E, to a rebar with survey cap marked "DAVIS ENG RLS 3095"; Thence, S 67 deg 22 min 45 sec E 78.88 ft, to a rebar with survey cap marked "DAVIS ENG RLS 3095"; Thence, 140.15 ft along a curve concave to the south with a radius of 158.92 ft, a chord distance of 135.61 ft, and a chord bearing of N 87 deg 20 min 22 sec E, to a rebar with survey cap marked "DAVIS ENG RLS 3095"; Thence, N 62 deg 05 min 37 sec E 34.30 ft, to a rebar with survey cap marked "DAVIS ENG RLS 3095"; Thence, S 89 deg 23 min 39 sec E 33.07 ft, to a rebar with survey cap marked "DAVIS ENG RLS 3095"; Thence, S 0 deg 00 min 00 sec E 323.08 ft, to a rebar with survey cap marked "DAVIS ENG RLS 3095"; Thence, N 89 deg 58 min 08 sec E 567.02 ft, to a rebar with survey cap marked "DAVIS ENG RLS 3095"; Thence, S 00 deg 05 min 36 sec E 324.48 ft, to a rebar with survey cap marked "DAVIS ENG RLS 3095"; Thence, S 89 deg 54 min 24 sec E 952.78 ft, along the south section line of said section 8 to the TRUE POINT OF BEGINNING Containing 10.00 acres "more or less" and located in the S1/2 of E1/4 of Section 8, T1N, R4E, BHM, Pennington County, South Dakota.

19. SUBDIVISION REGULATIONS VARIANCE / SV 18-15: Schriener Investments / Shane Schriener. To waive platting requirements to create Lots 1-8 of Keystone Wye Subdivision in accordance with Section 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: All of Crown Point Lode MS 1258; All of Bay Horse Lode MS 1258; All of Buffalo Fraction Lode MS 1258; and All of Bellevue Lode MS 1258, all located in Section 32, T1S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1-8 of Keystone Wye Subdivision, Section 32, T1S, R6E, BHM, Pennington County, South Dakota.

20. REZONE / RZ 18-11 AND COMPREHENSIVE PLAN AMENDMENT / CA 18-10: Schriener Investments / Shane Schriener. To rezone 29.02 acres from General Agriculture District to Low Density Residential District and to amend the Comprehensive Plan to change the Future Land Use from Planned Unit Development Sensitive to Low Density Residential District in accordance with Sections 205, 207, and 508 of the Pennington County Zoning Ordinance.

All of Crown Point Lode MS 1258; All of Bay Horse Lode MS 1258; All of Buffalo Fraction Lode MS 1258; and All of Bellevue Lode MS 1258, all located in Section 32, T1S, R6E, BHM, Pennington County, South Dakota.

21. MOTION TO SCHEDULE SPECIAL PLANNING COMMISSION MEETING(S) REGARDING CROELL, INC.'S APPLICATIONS FOR MINING AND CONSTRUCTION PERMITS.

22. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the December 17, 2018, Planning Commission meeting.

23. ITEMS FROM THE PUBLIC

24. ITEMS FROM THE STAFF

- A. Building Permit Report.
- B. Comprehensive Plan – 01-28-19 PC Meeting.

25. ITEMS FROM THE MEMBERSHIP

26. ADJOURNMENT

**ADA Compliance:** Pennington County fully subscribes to the provisions of the Americans with Disabilities Act. If you desire to attend this public meeting and are in need of special accommodations, please notify the Planning Department so that appropriate auxiliary aids and services are available.

**STAFF REPORT**

**GENERAL INFORMATION:**

REQUEST: **CONDITIONAL USE PERMIT REVIEW / CU 10-03**: To review a dog/cat boarding kennel in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

APPLICANT: Gwen Zelfer, Brandon Zelfer, and Travis Dickson

APPLICANT ADDRESS: 24981 Spring Draw Road, Scenic, SD 57780

OWNER: Mike and Stacy Howe

OWNER ADDRESS: 8507 Dunn Road. Rapid City, SD 57703

LEGAL DESCRIPTION: Lot 1, Engesser Subdivision, Section 24, T1N, R8E, BHM, Pennington County, South Dakota.

SITE LOCATION: 8507 Dunn Road: approximately one-tenth (1/10) of a mile west of the intersection of Radar Hill Road and Dunn Road.

SIZE: 10.01 acres

TAX ID: 62795

EXISTING LAND USE: Residential

ZONING REFERENCE: Sections 206 and 510

CURRENT ZONING: Limited Agriculture District

SURROUNDING ZONING:

North	General Agriculture District
South	Limited Agriculture District
East	Limited Agriculture District
West	General Agriculture District

PHYSICAL CHARACTERISTICS: Prairie/flat

UTILITIES: Private

REPORT BY: Cody Sack

**I. PROPOSED RECOMMENDATION**

- A. Staff recommends approval of the extension of Conditional Use Permit / CU 10-03 with eleven (11) conditions:

**II. GENERAL DESCRIPTION**

- A. February 28, 2010 – The Planning Commission originally approved Conditional Use Permit / CU 10-03 with twelve (12) conditions.
1. That the Conditional Use Permit be limited to a dog and cat boarding kennel only and that a maximum of two (2) additional employees not residing on the premises may be employed by the home occupation. Any expansion beyond this will require the Conditional Use Permit to be reviewed;
  2. That the boarding of dogs/cats not exceed a maximum of 30 animals at one time. Any additional animals would require a review by the Planning Department and an amendment to the Conditional Use Permit;
  3. That reasonable measures are taken to control odors and noises produced by the dogs so as to not constitute a nuisance to the general public;
  4. That the applicant adhere to all necessary County, State and Federal regulations, including those of the Environmental Protection Agency (EPA) and maintain the necessary permits to conduct the organization's activities;
  5. That the address, 8507 Dunn Road, be posted both at the approach to the property and on the primary structure itself in accordance with Ordinance #20;
  6. That prior to the placement of any on-premise signs, the applicant must obtain approval of a Sign Permit;
  7. That a Floodplain Development Permit shall be submitted for review and approval prior to any work or placement of any structure within the boundaries of the 100-year floodplain;
  8. That a minimum of eight (8) off-street parking spaces be provided. Each parking space shall measure at least nine (9) feet by 18-feet and shall be kept in a dust free manner;
  9. That the applicant obtains an approved On-Site Wastewater Construction Permit for a septic system designed to handle the conditional use prior to the issuance of a Building Permit and that the means of wastewater disposal also be approved by the South Dakota Department of Environment and Natural Resources;
  10. That a Building Permit be obtained for any structure exceeding 144 square feet or located on a permanent foundation, which requires a site plan to be reviewed and approved by the Planning Director;



11. That this Conditional Use Permit is not valid until the applicant signs the Statement of Understanding, which is available at the Planning Office; and,
  12. That this Conditional Use Permit be reviewed in one (1) year or on a complaint basis to ensure that all conditions are being met.
- B. February 28, 2011 – The Planning Commission approved the extension of Conditional Use Permit / CU 10-03 with ten (10) conditions:
1. That the Conditional Use Permit be limited to a dog and cat boarding kennel only and that a maximum of two (2) additional employees not residing on the premises may be employed by the home occupation. Any expansion beyond this will require the Conditional Use Permit to be reviewed;
  2. That the boarding of dogs/cats not exceed a maximum of 30 animals at one time. Any additional animals would require a review by the Planning Department and an amendment to the Conditional Use Permit;
  3. That reasonable measures are taken to control odors and noises produced by the dogs so as to not constitute a nuisance to the general public;
  4. That the applicant adhere to all necessary County, State and Federal regulations, including those of the Environmental Protection Agency (EPA) and maintain the necessary permits to conduct the organization's activities;
  5. That the address, 8507 Dunn Road, be posted both at the approach to the property and on the primary structure itself in accordance with Ordinance #20;
  6. That prior to the placement of any on-premise signs, the applicant must obtain approval of a Sign Permit;
  7. That a Floodplain Development Permit shall be submitted for review and approval prior to any work or placement of any structure within the boundaries of the 100-year floodplain;
  8. That a minimum of eight (8) off-street parking spaces be provided. Each parking space shall measure at least nine (9) feet by 18-feet and shall be kept in a dust free manner;
  9. That a Building Permit be obtained for any structure exceeding 144 square feet or located on a permanent foundation, which requires a site plan to be reviewed and approved by the Planning Director; and,
  10. That this Conditional Use Permit be reviewed in five (5) years or on a complaint basis to ensure that all conditions are being met.
- C. February 22, 2016 – The Planning Commission approved the extension of Conditional Use Permit / CU 10-03 with ten (10) conditions:
1. That the Conditional Use Permit be limited to a dog and cat boarding kennel only and that a maximum of two (2) additional employees not residing on the premises may be employed by the

- home occupation. Any expansion beyond this will require the Conditional Use Permit to be reviewed;
2. That the boarding of dogs/cats not exceed a maximum of 30 animals at one time. Any additional animals would require a review by the Planning Department and an amendment to the Conditional Use Permit;
  3. That reasonable measures continue to be taken to control odors and noises produced by the dogs so as to not constitute a nuisance to the general public;
  4. That the applicant continues to adhere to all necessary County, State and Federal regulations, including those of the Environmental Protection Agency (EPA) and maintain the necessary permits to conduct the organization's activities;
  5. That the address, 8507 Dunn Road, continue to be posted both at the approach to the property and on the primary structure itself in accordance with Ordinance #20;
  6. That prior to the placement of any on-premise signs, the applicant must obtain approval of a Sign Permit;
  7. That a Floodplain Development Permit shall be submitted for review and approval prior to any work or placement of any structure within the boundaries of the 100-year floodplain;
  8. That a minimum of eight (8) off-street parking spaces continue to be provided. Each parking space shall measure at least nine (9) feet by 18-feet and shall be kept in a dust free manner; ,
  9. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground located on a permanent foundation, which requires a site plan to be reviewed and approved by the Planning Director; and,
  10. That this Conditional Use Permit be reviewed on a complaint basis only or by the Planning Commission and/or Board of Commissioners to ensure that all Conditions of Approval are being met.

### **III. EXISTING CONDITIONS**

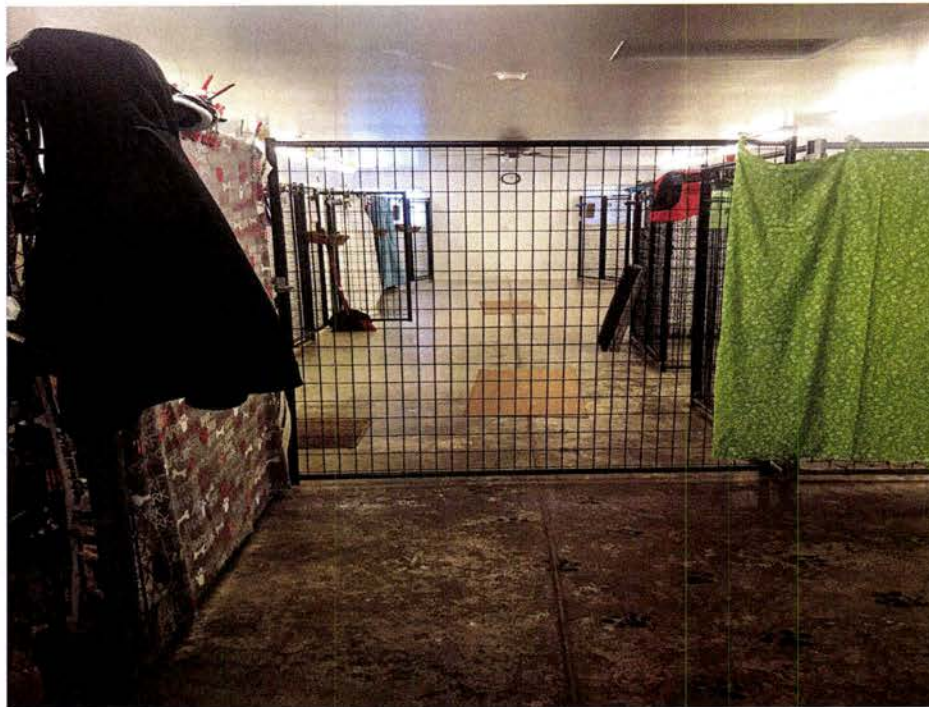
- A. 10 Acres.
- B. Zoned Limited Agriculture District.
- C. Access from an approach off of Dunn Road.
- D. Special Flood Hazard Area.
  1. 100 and 500 year flood.
  2. Includes Floodway.

- E. Lot contains:
  - 1. Single-family residence- COBP08-0610.
  - 2. Dog Kennel- COBP10-0266.
  - 3. Over hang on dog kennel- COBP18-0582.
  - 4. Two individual septic systems- COOP16-0375 and COOP16-0376.
  - 5. Fenced in play area and walkouts for dogs.
    - a. All fences are under eight (8) feet in height and do not require a Building Permit.

#### IV. ANALYSIS

- A. December 14, 2018- Applicant contacted the Planning Department to update his kennel license with the Humane Society.
  - 1. Owners have changed since the last review.
  - 2. For this reason staff required a review of CU 10-03.
- B. January 4, 2019- Staff conducted a site visit and found the following:
  - 1. The Kennel appeared to be clean and well maintained.
  - 2. The applicant has added walkouts for animals to go outside.
  - 3. No noises could be heard outside the kennel.
    - a. *Staff Comment: When walking into the kennel, the dogs did start to bark but stopped when people had left the room.*
    - b. No odors could be detected outside.
  - 4. Staff had a conversation with the owner who stated:
    - a. He would like to expand the size of his kennel.
    - b. He would like to be able to board more than just dogs and cats and would like to increase the number of animals able to be boarded at the kennel.
      - i. *Staff Comment: Any change to the number of animals and the type of animal being boarded would have to be approved by the Humane Society and then the county to amend the CUP and resend notices..*
    - c. The Applicants would also like to expand the use to allow a pet groomer on the property in the future.
      - i. *Staff Comment: Any change in use of CU 10-03 would require an amendment to the CUP and the applicant will need to re-advertise the Conditional Use Permit and re-send notices.*
- C. As of this report, staff has not received any complaints about the kennel.

Agenda Item # 3  
Mike & Stacy Howe  
January 14, 2019



*Site Visit (01/04/19)*



*Site Visit (01/04/19)*

**RECOMMENDATION:** Staff recommends approval of the extension of Conditional Use Permit / CU 10-03 with the following eleven (11) conditions:

1. That the Conditional Use Permit be limited to a dog and cat boarding kennel only and that a maximum of two (2) additional employees not residing on the premises may be employed by the home occupation. Any expansion beyond this will require the Conditional Use Permit to be reviewed;
2. That the boarding of dogs/cats not exceed a maximum of 30 animals at one time. Any additional animals would require a review by the Planning Department and an amendment to the Conditional Use Permit;
3. That reasonable measures continue to be taken to control odors and noises produced by the dogs so as to not constitute a nuisance to the general public;
4. That the applicant continues to adhere to all necessary County, State and Federal regulations, including those of the Environmental Protection Agency (EPA) and maintain the necessary permits to conduct the organization's activities;
5. That the address, 8507 Dunn Road, continue to be posted both at the approach to the property and on the primary structure itself in accordance with Ordinance #20;
6. That prior to the placement of any on-premise signs, the applicant must obtain approval of a Sign Permit;
7. That a Floodplain Development Permit shall be submitted for review and approval prior to any work or placement of any structure within the boundaries of the 100-year floodplain;
8. That a minimum of eight (8) off-street parking spaces continue to be provided. Each parking space shall measure at least nine (9) feet by 18-feet and shall be kept in a dust free manner;
9. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground located on a permanent foundation, which requires a site plan to be reviewed and approved by the Planning Director;
10. That any change in the use or expansion of the kennel, would require approval by the Humane Society and at a minimum, a review by the Planning Department. This Conditional Use Permit may need to be re-advertised and new notices resent if the change or expansion requires a hearing in front of the Planning Commission; and,
11. That this Conditional Use Permit be reviewed; in two (2) years, on a complaint basis, or by the Planning Commission and/or Board of Commissioners to ensure that all Conditions of Approval are being met.



354.5 0 177.24 354.5 Feet

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**Legend**

- Roads**
- Interstate
  - US highway
  - SD highway
  - County highway
  - Main road
  - Minor arterial
  - Collector
  - Ramp
  - Paved road
  - Unpaved road
  - Trail
  - Driveway
  - Alley
  - Unimproved road
  - Airport Runway
  - Not yet coded

**Section Lines 0-25k**

- 0
- 7

**Tax Parcels**

- Lot Lines
- <Null>
- Lot Line
- Parcel Line

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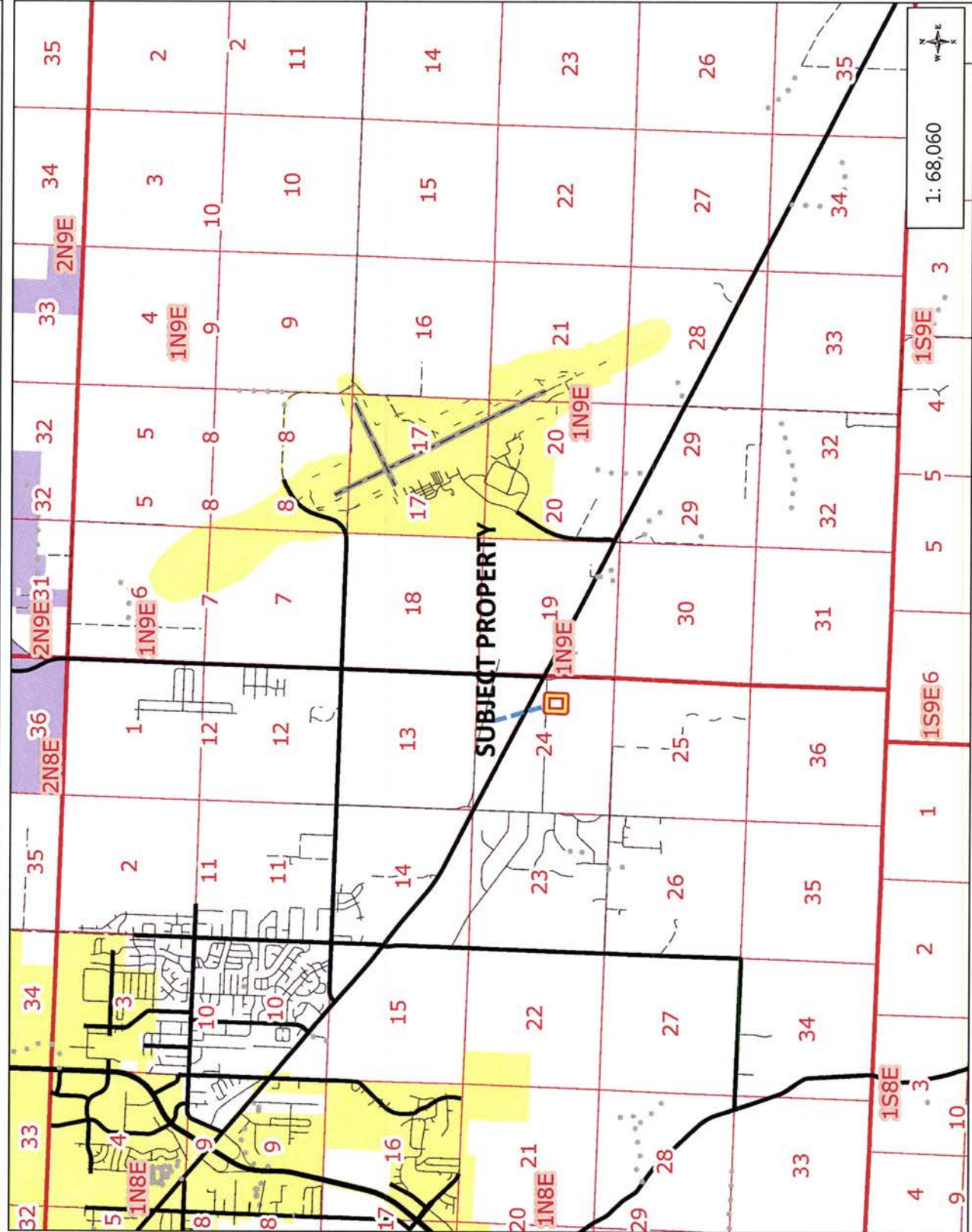


**Map Notes:**

**Legend**

- Roads**
- Interstate
  - US highway
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  - Collector
  - Ramp
  - Paved road
  - Unpaved road
  - Trail
  - Driveway
  - Alley
  - Unimproved road
  - Airport Runway
  - Not yet coded
- PLSS
- Townships
- City Limits
- BOX ELDER
  - ELLSWORTH/AFB
  - HILL CITY
  - KEYSTONE
  - NEW UNDERWOOD
  - QUINN
  - RAPID CITY
  - WALL
  - WASTA

**Map Notes:**



11,343.3 Feet

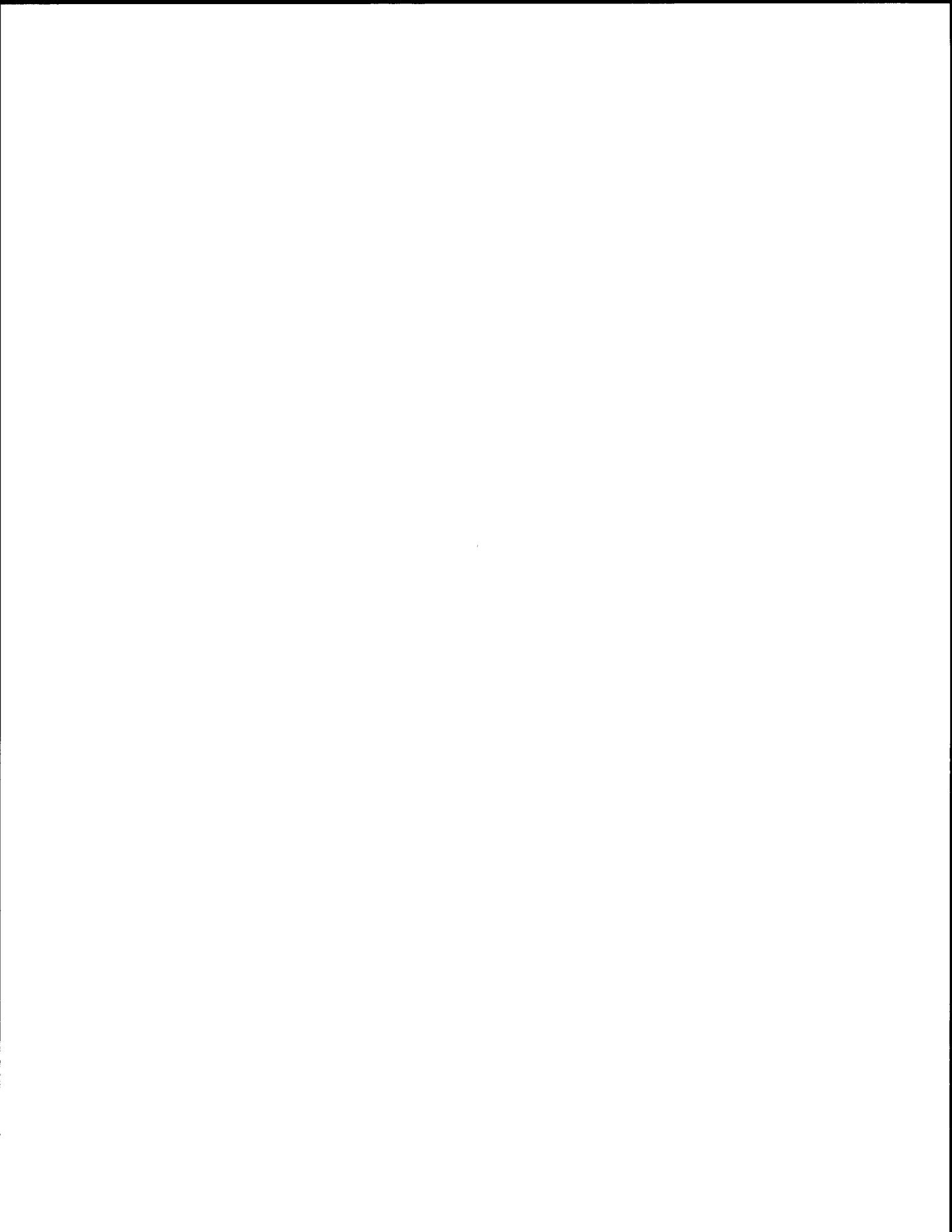
0 5,671.64 11,343.3 Feet

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**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

NAD\_1983\_2011 StatePlane\_South\_Dakota\_South\_FIPS\_4002\_Ft\_US  
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**STAFF REPORT**

GENERAL INFORMATION:

REQUEST: **CONDITIONAL USE PERMIT REVIEW / CU 17-30**: To review a multi-family residence used as a Vacation Home Rental in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

APPLICANT: Daniel Johnson, Highmark Properties, LLC

APPLICANT ADDRESS: 136 Heritage Drive, Yankton, SD 57078

AGENT: Charles Johnson

AGENT ADDRESS: 3600 Sheridan Lake Road, Apt. 9  
Rapid City, SD 57702

LOCAL CONTACT: Charles Johnson

LEGAL DESCRIPTION: Lot A of Lot 1 less of Highway 385, Walker Placer MS 551, Section 12, T2S, R4E, BHM, Pennington County, South Dakota.

SITE LOCATION: 24236 Highway 385; near the intersection of Highway 385 and Highway 244.

SIZE: 1.77 acres

TAX ID: 4410

EXISTING LAND USE: Residential

ZONING REFERENCE: §§ 205 and 510

CURRENT ZONING: General Agriculture District

SURROUNDING ZONING:

North	General Agriculture District
South	General Agriculture District
East	General Agriculture District
West	General Agriculture District

PHYSICAL CHARACTERISTICS: Forested / Hills

UTILITIES: Private

REPORT BY: Brittney Molitor

**I. PROPOSED RECOMMENDATION**

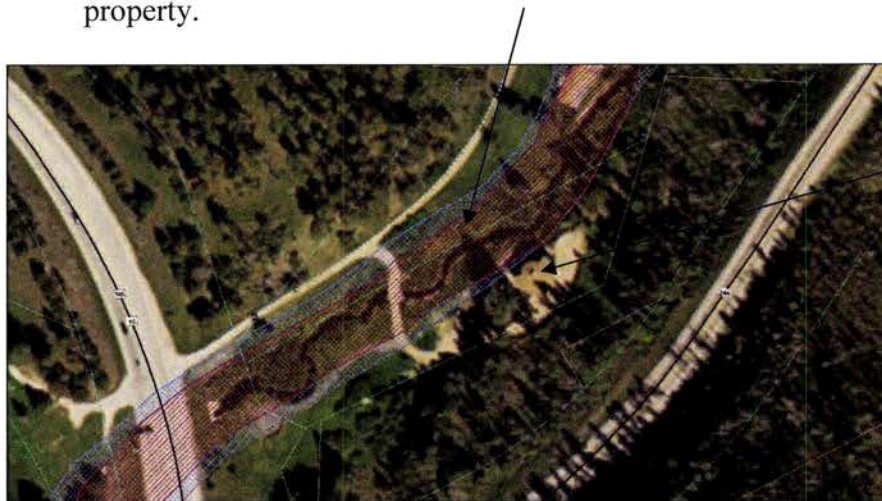
- A. Staff will be recommending to continue the review of Conditional Use Permit / CU 17-30 to the February 11, 2019, Planning Commission meeting with one (1) condition.

**II. GENERAL DESCRIPTION**

- A. The applicant, Daniel Johnson, applied for a Conditional Use Permit to allow an existing four (4) bedroom multi-family residence to be used as a Vacation Home Rental on the subject property.

**III. EXISTING CONDITIONS**

- A. 1.77 acres.
- B. General Agriculture District.
- C. Access:
  - 1. Legal access to the property is off a ten (10) foot Private Roadway Easement which runs along the length of Lot B and Lot C.
  - 2. The applicant has legal access into the subject property (Lot A), off the above-mentioned Private Roadway Easement per Easement – Book 7, Pages 6964-6965.
  - 3. By way of the above-mentioned Easement, a ten (10) foot wide driveway was constructed and currently exists on the property.
- D. Lot contains:
  - 1. Single-family residence – COBP15-0329.
    - a. Onsite Wastewater Treatment System – COSD15-0079.
      - i. Operating Permit – COOP16-0638.
- E. Special Flood Hazard Area, including floodway, exists on the subject property.

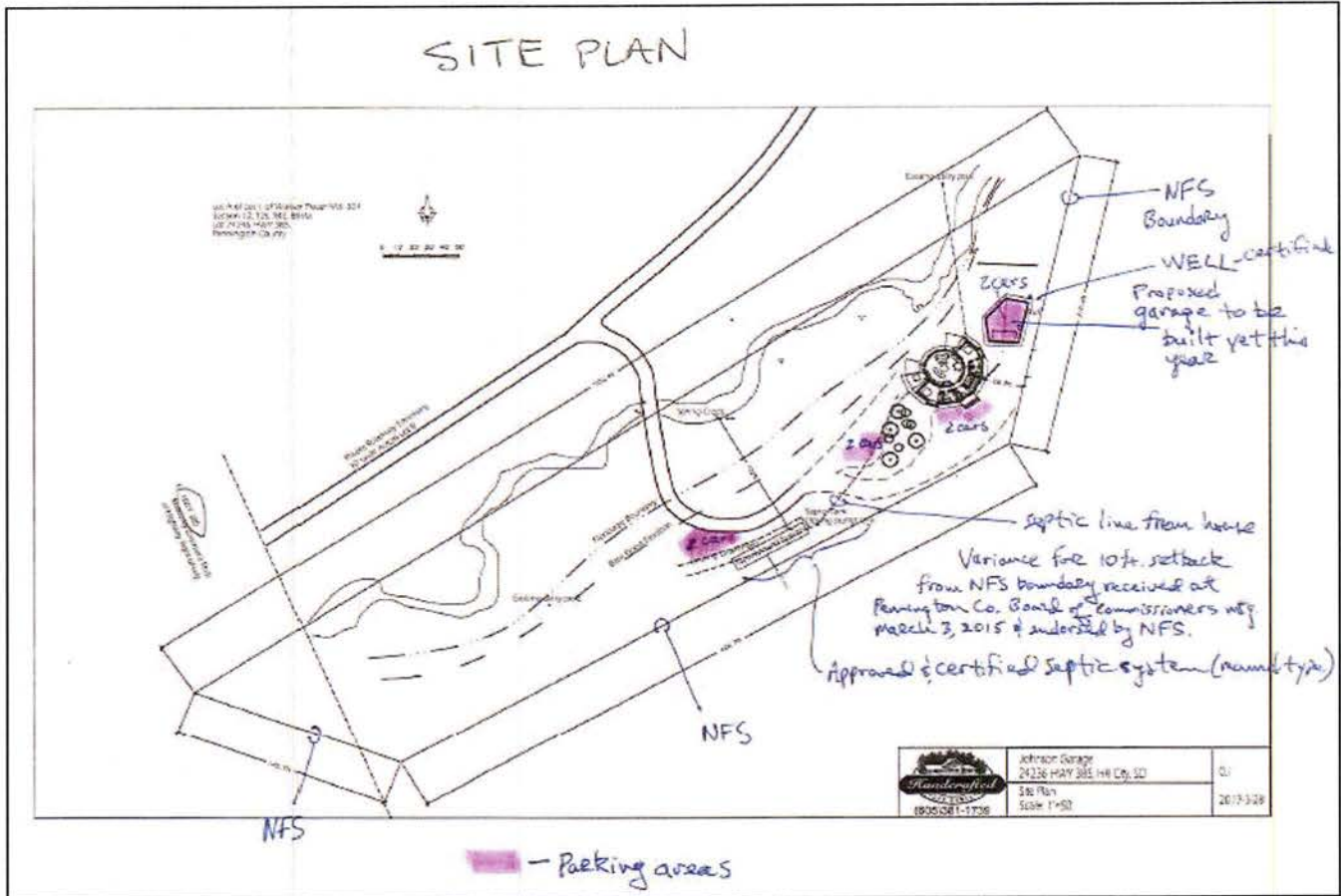


*Location of Special Flood Hazard Area (Dark Blue and Red)*

Agenda Item #4

Daniel Johnson, Highmark Properties, LLC; Charles Johnson – Agent

January 14, 2019



Site Plan

**IV. PROPERTY HISTORY**

- A. July 7, 2017 – Applicant applied for Conditional Use Permit / CU 17-30 to allow a Vacation Home Rental (VHR) on the subject property.
  - 1. A copy of the South Dakota Department of Health Lodging License Application for a Vacation Home Rental was submitted with the Conditional Use Permit application.
- B. July 12, 2017 – Staff received an email from the United States Forest Service in regards to utilizing an alternate route, through National Forest Service lands, in the event of an emergency (see attached).
- C. August 9, 2017 – Staff performed a site visit to the subject property and spoke with the applicant’s son-in-law.
  - 1. The single-family residence contains four (4) bedrooms and each bedroom is equipped with a smoke detector.
  - 2. The applicant has designated sufficient parking spaces on the subject property to meet the off-street parking requirements, per Section 310-A-9-gg of the Pennington County Zoning Ordinance.
  - 3. The existing on-site wastewater treatment system was approved by the South Dakota Department of Environment and Natural

Agenda Item #4

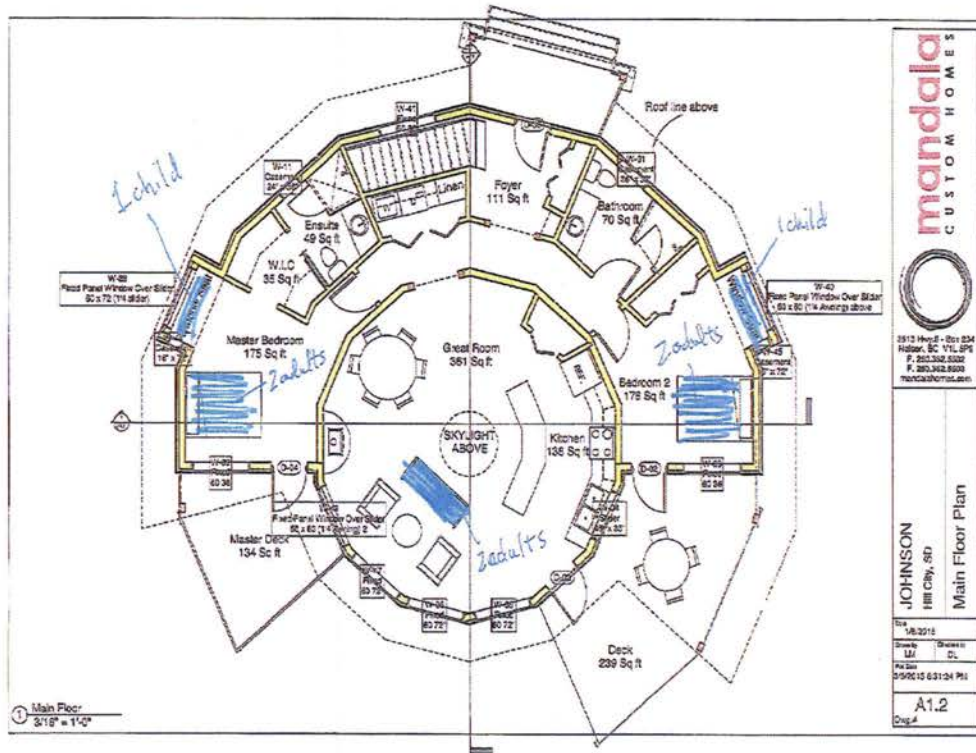
Daniel Johnson, Highmark Properties, LLC; Charles Johnson – Agent

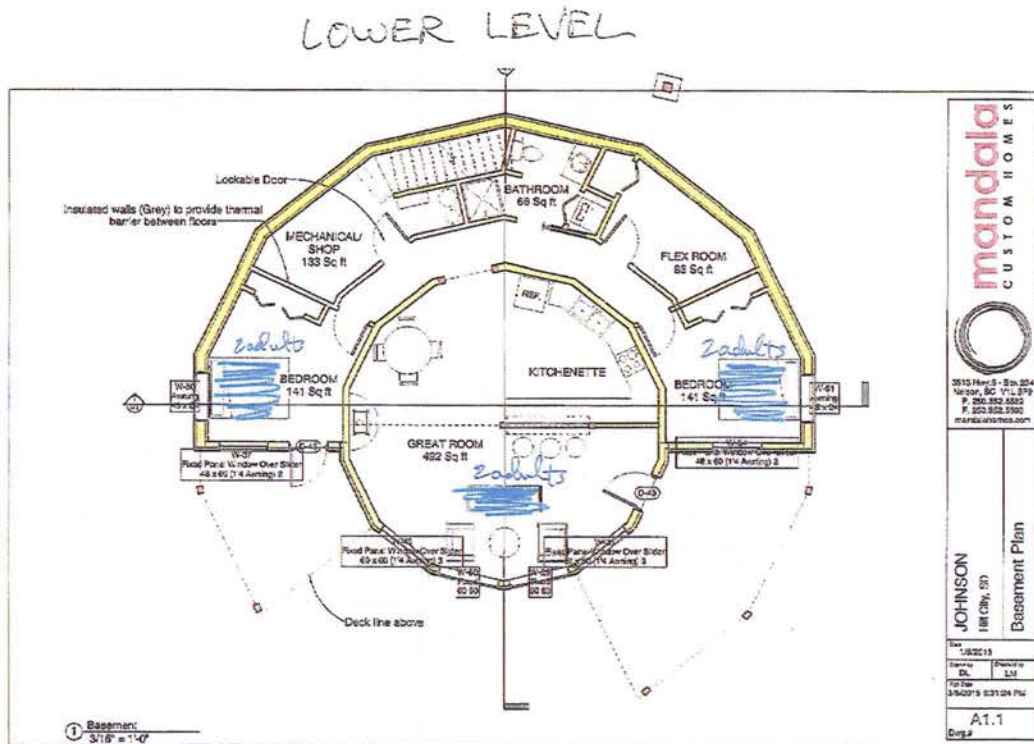
January 14, 2019

Resources (SD DENR) on July 20, 2017, which allows for a maximum overnight occupancy of eight (8) people.

- a. On the Site Plan, the applicant has indicated six (6) adults on the lower level and six (6) adults and two (2) children on the main floor.
  - b. This is over the allowable maximum of eight (8) approved by SD DENR for *both units*.
4. During the site visit, Staff observed two “dwelling units”. The main floor contained a full kitchen and the lower level had cabinets and spaces for appliances that would serve as a full kitchen.
- i. A multi-family dwelling unit required a Conditional Use Permit (CUP) in a General Agriculture District.

MAIN FLOOR





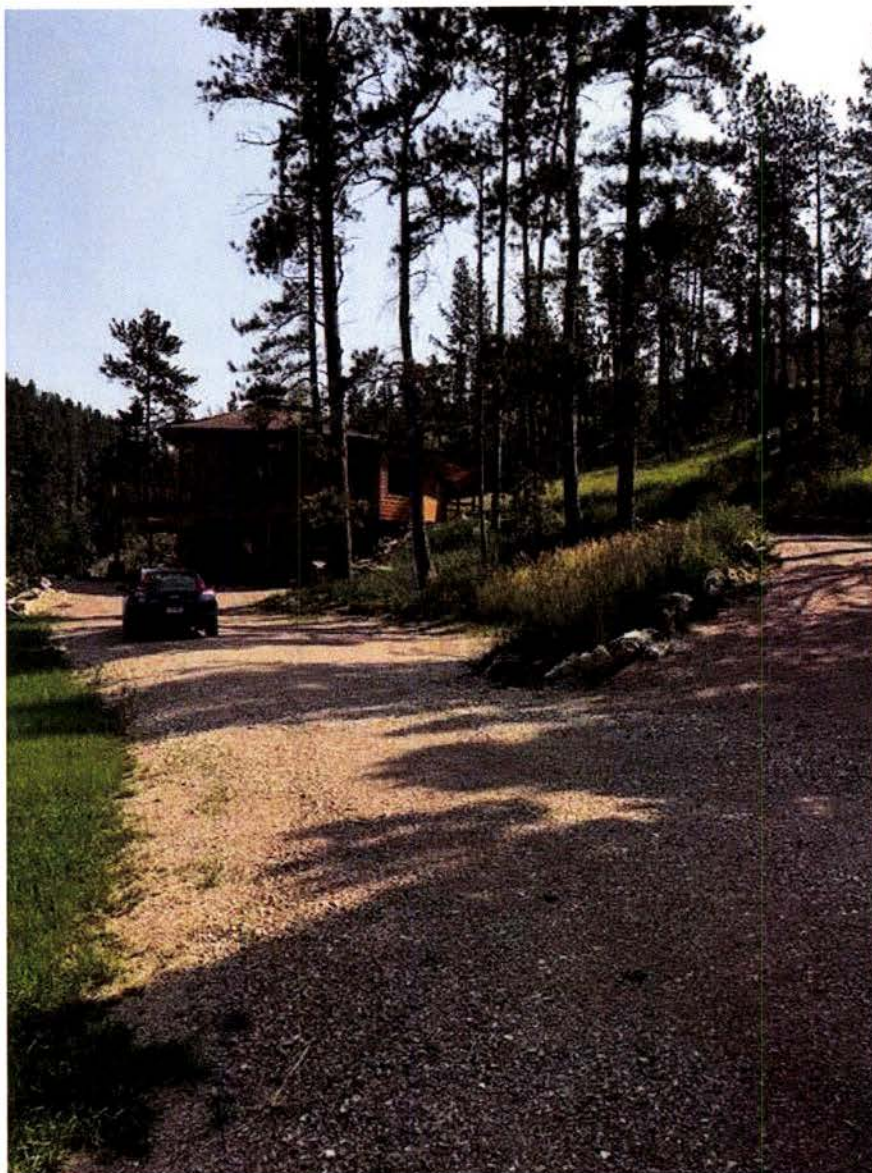
- D. August 14, 2017 – Applicant submitted a Conditional Use Permit application for a multi-family dwelling.
- E. October 23, 2017 – The Pennington County Planning Commission approved Conditional Use Permit / CU 17-38 to allow for a multi-family dwelling on the subject property with the following nine (9) conditions:
  1. That a minimum of four (4) off-street parking spaces be provided on-site, each measuring a minimum of nine (9) feet by 18 feet, surfaced with gravel, concrete or asphalt, and maintained in a dust-free manner;
  2. That the property be kept free of debris and junk vehicles;
  3. That the residence and the addresses of each unit be properly posted so they are visible from Highway 385 in accordance with Pennington County Ordinance #20;
  4. That smoke alarms and fire extinguishers be installed and/or properly maintained in working order in each unit;
  5. That a Floodplain Development Permit is obtained prior to any disturbance in the Special Flood Hazard Area;
  6. That the onsite wastewater treatment system is approved by the South Dakota Department of Environment and Natural Resources for a multi-family dwelling within 30 days of approval of this request;

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Daniel Johnson, Highmark Properties, LLC; Charles Johnson – Agent

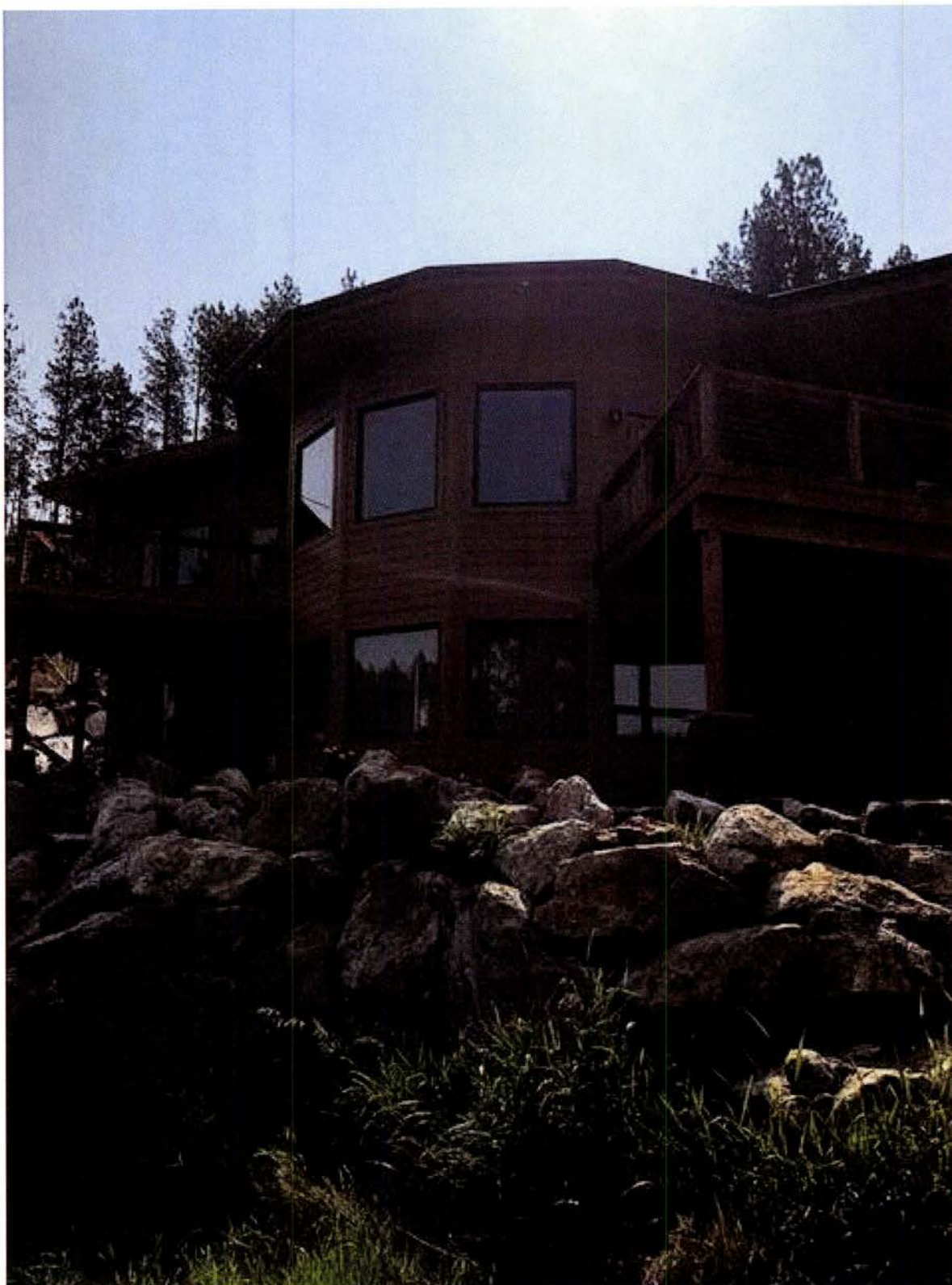
January 14, 2019

7. That a Building Permit be obtained for any structures over 144 square feet or placed on a permanent foundation on the property, which requires a site plan to be reviewed and approved by the Planning Director;
8. That the Conditions of Approval for Conditional Use Permit / CU 17-30 be followed at all times; and,
9. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis or as deemed necessary by either the Pennington County Board of Commissioners and/or Planning Commission to verify that all conditions are being met.



*Two separate driveways to upper and lower level.  
Addresses for each unit must be posted at the split of the driveway.*

Agenda Item #4  
Daniel Johnson, Highmark Properties, LLC; Charles Johnson – Agent  
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*Outside of multi-family dwelling unit.*

Agenda Item #4

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- F. On October 26, 2017 – The South Dakota Department of Environment and Natural Resources approved the onsite wastewater treatment system for a four bedroom multi-family dwelling that will allow up to eight (8) people total for both units.
- G. The agent, Jeannie Marr, is designated as the Local Contact for the VHR.
  - 1. The applicant's primary residence is on the eastern side of South Dakota; however, he has a local contact, Charles Johnson, who will reside within 50 driving miles of the VHR during the months of operation.
- H. According to the Pennington County Zoning Ordinance, a Vacation Home Rental is defined "as any dwelling unit that is rented for pay or other consideration, leased, or furnished in its entirety to the public on a daily or weekly basis for more than 14 days in a calendar year and is not occupied by an owner or manager during the time of rental."
- I. At the time of this Staff Report writing, staff has not received any complaints regarding the proposed use.
- J. On November 13, 2017, the Planning Commission approved Conditional Use Permit / CU 17-30 with the following eighteen (18) conditions:
  - 1. That the maximum overnight occupancy, based on SD DENR approval, be limited to eight (8) people (total includes both units) and the maximum daytime occupancy be limited to sixteen (16) people (total includes both units), per Pennington County Zoning Ordinance Section 319-F-13;
  - 2. That the multi-family dwelling is rented as one Vacation Home Rental to one family at a time and is not occupied by the property owner at the time of rental, and if both units are to be utilized as separate Vacation Home Rentals, an additional Conditional Use Permit is obtained so each separate unit has a Conditional Use Permit for a Vacation Home Rental;
  - 3. That the applicant provide a cell phone booster for the Vacation Home Rental to ensure that adequate cell phone service is available, in case of an emergency;
  - 4. That if an addition is constructed and/or the on-site wastewater treatment system is upgraded in the future, this Conditional Use Permit and Conditional Use Permit / CU 17-38 be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DENR;
  - 5. That all necessary permits are obtained prior to any additions to the structure or upgrades/alterations to the on-site wastewater treatment system;
  - 6. That the applicant continually maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department upon request;



Agenda Item #4

Daniel Johnson, Highmark Properties, LLC; Charles Johnson – Agent

January 14, 2019

7. That the applicant continually maintain 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 be kept on file at the Planning Department;
8. That a minimum of four (4) off-street parking spaces continue to be provided on-site, per Pennington County Zoning Ordinance Section 310-A-9-gg, with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
9. That an interior informational sign continue to be posted in accordance with the requirements of Pennington County Zoning Ordinance Section 319-G, with 9-1-1 and (605) 394-4139 listed as contacts for Fire Department and Sheriff's Department, during operation of the Vacation Home Rental. The interior informational sign must also contain a color map illustrating the Special Flood Hazard Area, as determined by FEMA;
10. That the lot address be posted for each unit on the multi-family residence at all times, at the split in the driveway, and so that it is clearly visible from Highway 385, in accordance with Pennington County's Ordinance #20;
11. That the applicant ensure the Vacation Home Rental is continually operated in accordance with the requirements of Pennington County Zoning Ordinance Section 319-F (Performance Standards) at all times;
12. That if the person designated as the Local Contact is ever changed from Charles Johnson, the interior informational sign be updated and the applicant re-notify the Planning Department and surrounding landowners within 500 feet via notices, provided by the Planning Department, sent by First Class Mail;
13. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
14. That an approved Sign Permit be obtained prior to the placement of any on premise sign(s);
15. That an approved Floodplain Development Permit be obtained prior to any disturbance within the boundaries of either the Floodway or Special Flood Hazard Area located on the subject property;
16. 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;

Agenda Item #4

Daniel Johnson, Highmark Properties, LLC; Charles Johnson – Agent

January 14, 2019

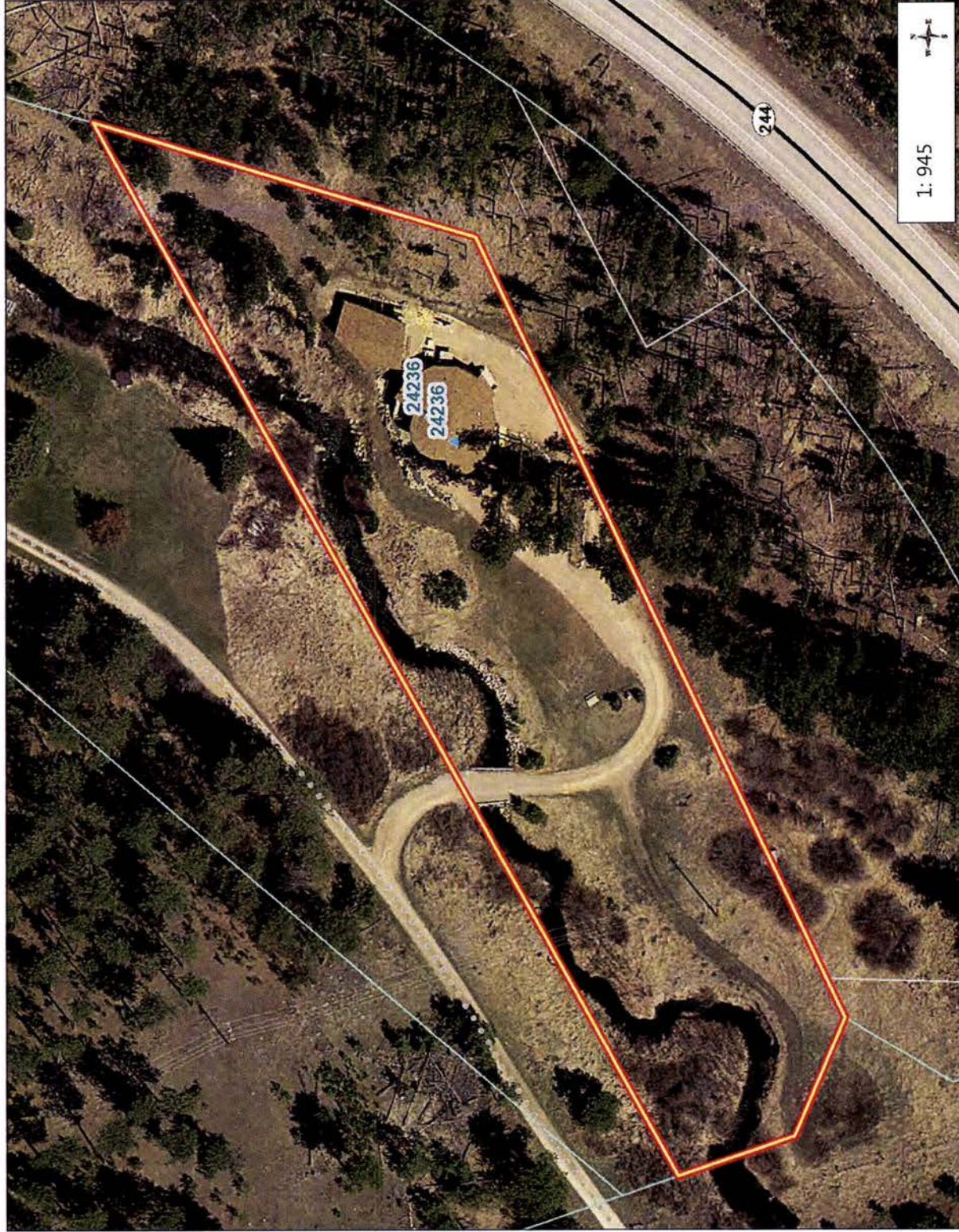
17. That the applicant signs the Statement of Understanding at the Planning Office within ten (10) business days of approval of Conditional Use Permit / CU 17-30; and,
  18. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.
- K. On September 24, 2018, the applicant submitted another request for a Vacation Home Rental for the other dwelling unit in the structure (CU 18-38).
1. On October 2, 2018, Staff received comments from the United States Forest Service on that request (CU 18-38) stating that there is no FLPMA Private Road Easement in place across National Forest System lands and, therefore, does not have legal access to the subject property.
    - a. The agreement expired December 31, 2017.
  2. The applicant has been working with the United States Forest Service to obtain access to the subject property.

**V. UPDATE FOR JANUARY 14, 2019**

- A. On January 7, 2019, Staff contacted the applicant regarding the status of the FLPMA Private Road Easement. And the following was communicated:
1. “They have all the information from me that they requested and I have paid the 2019 fees but the final approval is pending their processing.”

**RECOMMENDATION:** Staff is recommending to continue the review of Conditional Use Permit / CU 17-30 to the February 11, 2019, Planning Commission meeting in order for the applicant to obtain legal access to the subject property from the United States Forest Service with the following one (1) condition:

1. That the applicant pay a \$100.00 continuation fee as required in Section 511(X) if additional continuations are necessary.



1: 945

157.5 Feet

78.77

0

157.5

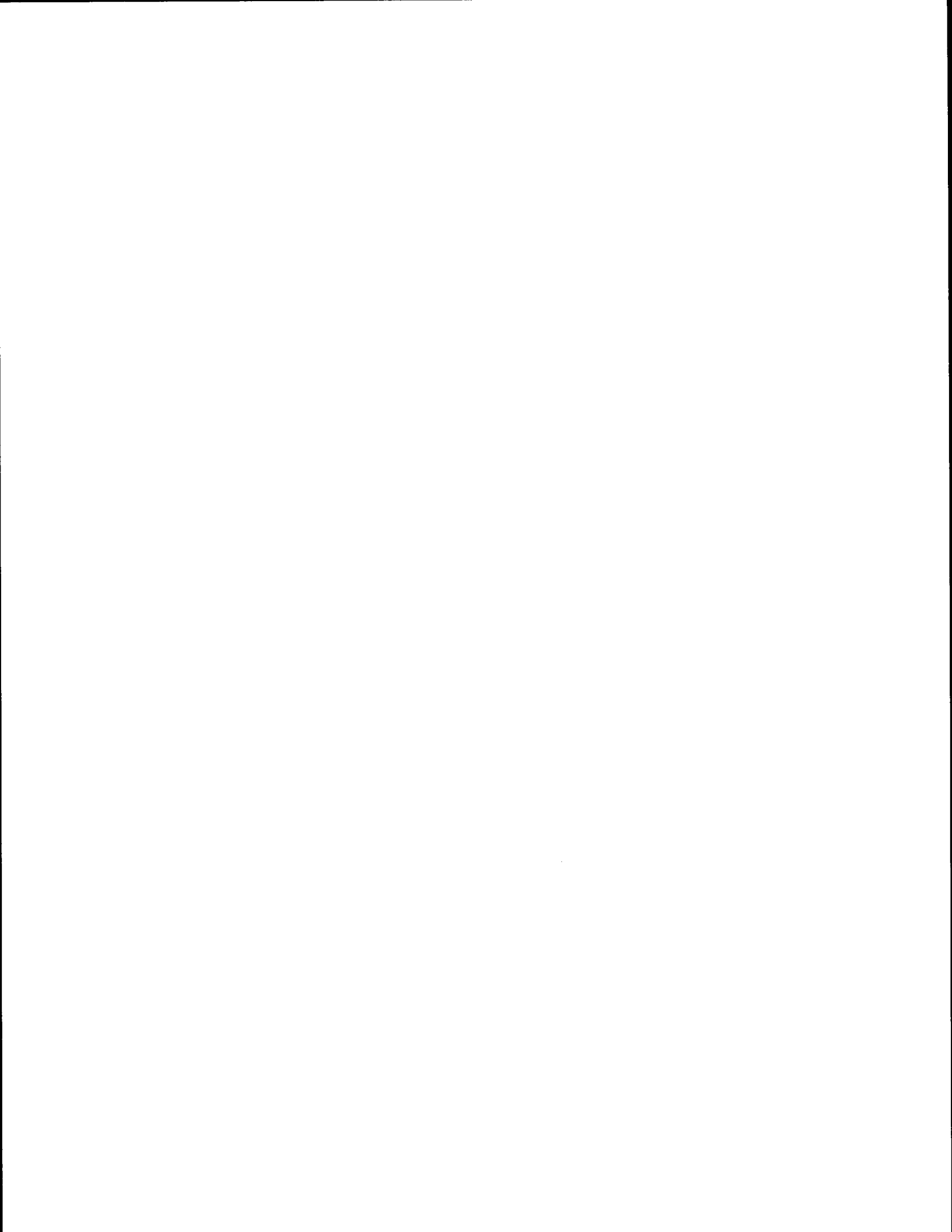
NAD\_1983\_2011\_StatePlane\_South\_Dakota\_South\_FIPS\_4002\_Ft\_US  
© City of Rapid City GIS

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.  
**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

**Legend**

- Roads**
- Interstate
  - US highway
  - SD highway
  - County highway
  - Main road
  - Minor arterial
  - Collector
  - Ramp
  - Paved road
  - Unpaved road
  - Trail
  - Driveway
  - Alley
  - Unimproved road
  - Airport Runway
  - Not yet coded
- Address Points**
- Section Lines 0-25k**
- 0
  - 7
- Tax Parcels**
- Lot Lines**
- <Null>
  - Lot Line
  - Parcel Line

**Map Notes:**



**STAFF REPORT**

**GENERAL INFORMATION:**

**REQUEST:** **LAYOUT PLAT / PL 17-38:** To create Lots A, B, C, and D of Johnson Estates Subdivision in accordance with § 400.1 of the Pennington County Subdivision Regulations.

**APPLICANT/AGENT:** Great Western Bank for Dorothy Johnson Estate

**APPLICANT ADDRESS:** 14 Saint Joseph Street, Rapid City, SD 57701

**SURVEYOR/ENGINEER:** Baseline Surveying

**ADDRESS:** 1921 Lazelle Street, Sturgis, SD 57785

**LEGAL DESCRIPTION:** **EXISTING LEGAL:** Balance of Lot 1 of the NW1/4NW1/4, Section 9, T1N, R6E, BHM, Pennington County, South Dakota.

**PROPOSED LEGAL:** Lots A, B, C, and D of Johnson Estates Subdivision, Section 9, T1N, R6E, BHM, Pennington County, South Dakota.

**SITE LOCATION:** 10940 W. Highway 44; east of the intersection of Thunderhead Falls Road and W. Highway 44.

**SIZE:** 21.39 acres

**TAX ID:** 10765

**EXISTING LAND USE:** Residential

**SUBDIVISION REGULATIONS REFERENCE:** § 400.1

**CURRENT ZONING:** Limited Agriculture District

**SURROUNDING ZONING:**

North	General Agriculture District
South	Limited Agriculture District
East	General Agriculture District
West	Suburban Residential District

PHYSICAL CHARACTERISTICS: Wooded / Hills

UTILITIES: Private

REPORT BY: Brittney Molitor

**I. PROPOSED RECOMMENDATION**

- A. Staff will be recommending to continue Layout Plat / PL 17-38 to the February 11, 2019, Planning Commission meeting with one (1) condition.

**II. GENERAL DESCRIPTION**

- A. The applicant is requesting to subdivide one (1) existing lot in order to create four (4) lots. The applicant is also requesting to rezone the lots from Limited Agriculture District to Suburban Residential District.

**III. EXISTING CONDITIONS**

- A. 21.39 acres.
- B. Zoned Limited Agriculture District, minimum 10 acre lot size.
- C. Access off of W. Highway 44 via existing approach.
- D. No Special Flood Hazard Area.
- E. Lot Contains:
  - 1. Single-family residence built in 1920 – per DOE records.
  - 2. Single-family residence built in 1991 – per DOE records.

**IV. PROPOSED LOTS**

- A. Lot A
  - 1. 2.714 acres.
  - 2. Vacant of any structures.
  - 3. A lot size variance or rezone will be required.
- B. Lot B
  - 1. 4.701 acres.
  - 2. Single-family residence.
    - a. Built in 1920 – per DOE records
  - 3. A lot size variance or rezone will be required.
- C. Lot C
  - 1. 6.746 acres
  - 2. Single-family residence
    - a. Built in 1991 – per DOE records
  - 3. A lot size variance or rezone will be required.
- D. Lot D
  - 1. 8.249 acres
  - 2. Vacant of any structures
  - 3. A lot size variance or rezone will be required.

**V. REQUEST FOR COMMENT – RESPONSES**

- A. County Highway Department
  - 1. Highway Department has no comments since drainage isn't impacted and it fronts a State highway.
- B. County Fire Administrator
  - 1. Addressed to meet or exceed county regulations, in accordance with Pennington County Ordinance 20 and ESCC/911 Department guidelines. Signage clearly visible from both approaching directions
  - 2. If the length of the driveway/access way exceeds 75 feet or a physical obstruction prevents the number from being visible from the road of which the address is taken, then the house number shall be posted adjacent to the area in which the driveway/access way intersects the road.
  - 3. The posted house number must be placed in such a way as to ensure its visibility year round and not be obstructed by such things as, but not limited to, snow or vegetation, to provide for emergency identification at all times.
  - 4. Each character of the posted house number shall be a minimum of four (4) inches in height by three (3) inches in width and must be of a contrasting color to the background.
  - 5. Hazardous Fuels Mitigation, and a free assessment of the property by the South Dakota Division of Wildland Fire Suppression-Urban Interface Technician Logan Brown Urban Interface Specialist South Dakota Wildland Fire (605) 394-2584; 3305 W SOUTH ST. RAPID CITY SD 57702-8160 Office: 605-394-5203 Fax: 605-393-8044.
  - 6. Develop and execute a plan following fire wise guidelines based on the Free State assessment to create defensible space to include the proposed or existing structure. 50% cost-share funds MAY be available through the South Dakota Division of Wildland Fire Suppression to execute the Hazardous Fuels Mitigation Plan <http://wildlandfire.sd.gov/fuelsmitigation/fuelsmitigation.aspx>
  - 7. Fire wise Information: <http://www.gpfiresafecouncil.com/>
- C. County Environmental Planning Supervisor
  - 1. No Special Flood Hazard Area on subject property.
  - 2. Notices were sent and arrangements were made to pump the on-site wastewater system in May 2017, but staff has not received any information or Observation Form for the on-site wastewater treatment system.
    - a. *Staff Comment: This will be addressed as a Condition of Approval.*
- D. County Environmental Planner
  - 1. One of the houses was built in 1920 and no septic information could be found. The other existing house was permitted in 1991 (#9566) and has a 1000 gal tank and 480 sq. ft of drainfield. If any new

septic systems are add to any of the lots, all rules of Pennington County Zoning Ordinance 204(J) must be followed.

- E. County Ordinance Enforcement Officer
  - 1. Ordinance Enforcement has no objection.
- F. County Natural Resources Director
  - 1. No comments received.
- G. County Addressing Coordinator
  - 1. All existing and future addresses should be posted in accordance with Pennington County Ordinance #20.
- H. County Sheriff's Office
  - 1. No comments received.
- I. Register of Deeds
  - 1. Plat heading needs to be corrected to say: "Lot A, Lot B, Lot C, and Lot D of Johnson Estates Subdivision. Formerly the Unplatted Portion of Government Lot 1 (aka NW1/4NW1/4) of Section 9, T1N, R6E, All located in..."
    - a. *Staff Comment: This will be addressed as a Condition of Approval.*
- J. Department of Equalization
  - 1. It looks as though this is also creating a Well Lot. It should be in the title and will need the acres for the well lot.
    - a. *Staff Comment: This will be included as a Condition of Approval.*
- K. Emergency Services (9-1-1)
  - 1. No comments received.
- L. U.S. Forest Service
  - 1. Protect all posted boundary line corners, signs and bearing tress.
  - 2. Adhere to the setback requirements along the posted boundary between National Forest System lands and private property.
  - 3. Protect all known stream courses, ponds and riparian areas located on National Forest System lands.
  - 4. No resource damage to occur on National Forest System lands.
  - 5. All proposed drain fields, leach lines or septic systems will need to be located on private property and not located on or drain or leach onto National Forest System lands.
  - 6. All construction materials, supplies, trash or garbage will not be located or dumped on National Forest System lands.
  - 7. National Forest System Roads in this area of the Black Hills National Forest are classified as "Roads Open to Highway Legal Vehicles Only", per the latest version of the Motor Vehicle Use Map.
  - 8. No additional motorized trailheads or motorized trails or motorized roads are planned or scheduled for this portion of the Black Hills National Forest.



9. No motorized trails for ATV, motorcycles or ORV will be authorized from private property unto National Forest System lands (USFS does not want unauthorized trails constructed on National Forest System lands).
- M. South Dakota Department of Transportation
  1. SDDOT has not comment on the request. Please note, that although not requested, SDDOT will not allow additional direct access to SD44 as a result of this subdivision.
    - a. *Staff Comment: This will be included as a Condition of Approval.*
- N. Black Hills Electric Cooperative
  1. Black Hills Electric Cooperative has no concerns with this layout plat.

## VI. ANALYSIS

- A. The applicant's request will resolve an existing nonconformity on the property by subdividing the property to allow the two single-family residences to remain on their own lots.
- B. The applicant's request will increase the number of buildable lots by two (2).
- C. Staff has received one phone call regarding the proposed subdivision, from a current resident who was unaware that the layout consists of four (4) lots.
- D. The on-site wastewater treatment systems do not have current Operating Permits. No change in designation of the property, including zoning or platting, may take place until current On-Site Wastewater Treatment System Operating Permits are obtained, per Section 204(J)(2)(C), PCZO.
- E. A resident of the cabin (built in 1920, per DOE records) indicated that it is being serviced by a cesspool. They are currently raising funds to install a new OSWTS.
- F. The two (2) on-site wastewater treatment systems were pumped and Observation forms were submitted.
  1. The single family residence (built in 1991) on proposed Lot C is serviced by a 1000 gallon tank with an unknown drainfield.
  2. The cabin (built in 1920) is serviced by a cesspool.
- G. The cesspool is a malfunctioning system and must be replaced, in accordance with § 204(J)(5)(a).
- H. A current Operating Permit (COOP18-0124) has been created for the functioning system that services the single-family residence with the address of 10918 W. Highway 44 (built in 1991).
- I. April 18, 2018 – Staff spoke with the applicant via phone and the applicant indicated that they are in the process of gathering cost estimates for replacing the malfunctioning system.
- J. July 11, 2018 – Staff spoke with the applicant via phone regarding the progress on replacing the cesspool on the property. The Dorothy Johnson Estate was in the process of selling off another piece of property, and may

be able to begin working with a Certified Installer to replace the malfunctioning system on the subject property as soon as September.

- K. August 8, 2018 – Staff spoke with the applicant via phone regarding the progress on replacing the cesspool on the property. The applicant indicated that they are in the process of selling another piece of property and should be able to replace the malfunctioning system once it is sold. Staff told the applicant that this will be last continuance and they will have to reapply at a later date once the property is compliance.
- L. November 6, 2018 – Staff spoke with the applicant via phone regarding the progress of the property. According to the applicant there is a court hearing scheduled for November 30, 2018, and there should be money available to make necessary repairs to the property after the hearing.
- M. November 27, 2018 – Staff was contacted by applicant indicating that they have retained funds and are able to replace the cesspool and bring the property into compliance. The applicant also requested a month extension to allow time for installation of the new onsite wastewater treatment system.

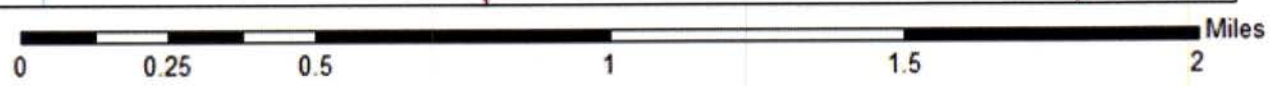
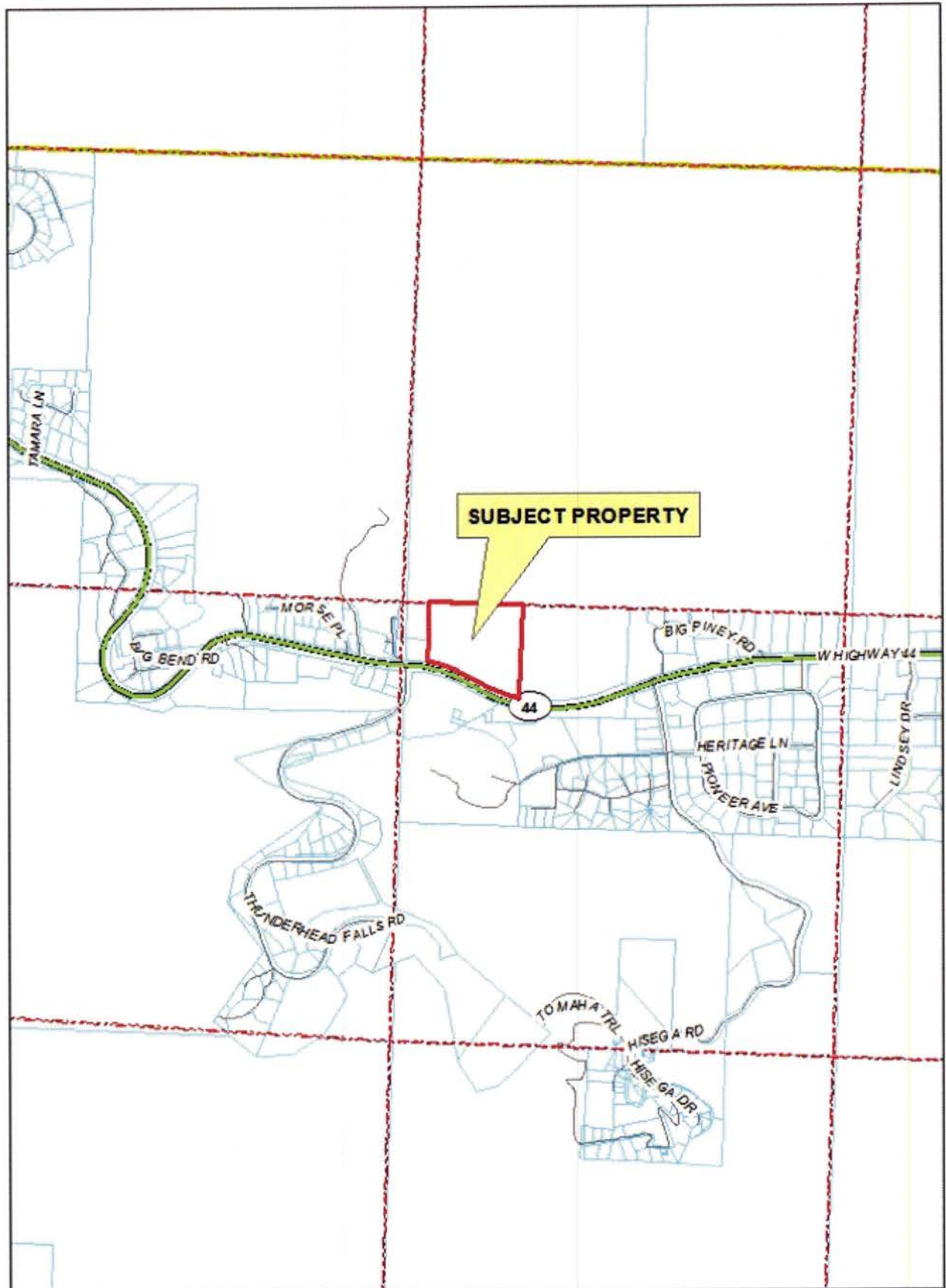
**I. UPDATE FOR JANUARY 14, 2019**

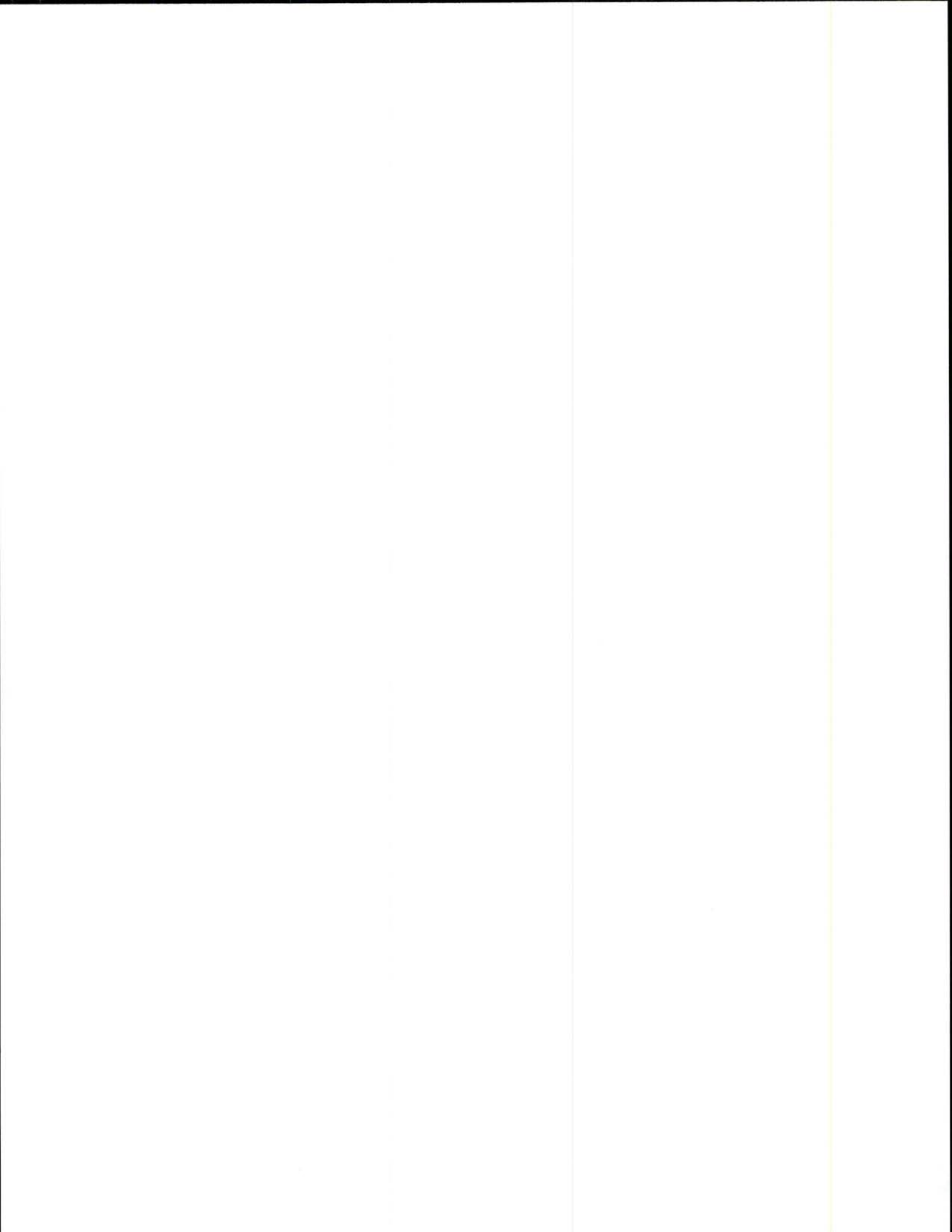
- A. January 7, 2019 – Staff contacted the applicant regarding the installation of the new onsite wastewater treatment system.
  - 1. The Planning Office has not received an Onsite Wastewater Construction Permit Application for replacement of the cesspool.
  - 2. The applicant requested another continuance to work on getting the Onsite Wastewater Construction Permit Application submitted and the start working on the installation of the new system.
  - 3. Staff told the applicant they will have to pay the continuance fee and progress must be made prior to the February 11, 2019, Planning Commission meeting, or the requests will end.
  - 4. The applicant stated that they are in contact with the installer and progress will be made prior to the next meeting.

**RECOMMENDATION:** Staff recommends to continue Layout Plat / PL 17-38 to the February 11, 2019, Planning Commission meeting with the following one (1) condition:

- 1. That the applicant pay a \$100.00 continuation fee prior to February 5, 2019, as required in Section 511(X) or the request will automatically end.

# DOROTHY JOHNSON ESTATE





**STAFF REPORT**

**GENERAL INFORMATION:**

REQUEST:

**REZONE / RZ 17-10 AND COMPREHENSIVE PLAN AMENDMENT / CA 17-09:** To rezone 21.39 acres from Limited Agriculture District to Suburban Residential District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from PUD Sensitive to Suburban Residential District in accordance with § 206, 208, and 508 of the Pennington County Zoning Ordinance.

APPLICANT/AGENT:

Dorothy Johnson Estate; Great Western Bank - Personal Representative for Dorothy Johnson Estate

APPLICANT ADDRESS:

14 Saint Joseph Street, Rapid City, SD 57701

SURVEYOR:

Baseline Surveying

SURVEYOR ADDRESS:

1921 Lazelle Street, Sturgis, SD 57785

LEGAL DESCRIPTION:

Balance of Lot 1 of NW1/4NW1/4, Section 9, T1N, R6E, BHM, Pennington County, South Dakota.

SITE LOCATION:

10940 W. Highway 44; east of the intersection of Thunderhead Falls Road and W. Highway 44.

SIZE:

21.39 acres

TAX ID:

10765

EXISTING LAND USE:

Residential

ZONING REFERENCE:

§ 206, 208, and 508

CURRENT ZONING:

Limited Agriculture District

SURROUNDING ZONING:

North	General Agriculture District
South	Limited Agriculture District
East	General Agriculture District
West	Suburban Residential District

Agenda Item #6  
Dorothy Johnson Estate  
January 14, 2019

PHYSICAL CHARACTERISTICS: Forested / Hills

UTILITIES: Private

REPORT BY: Brittney Molitor

**I. PROPOSED RECOMMENDATION**

- A. Staff will be recommending to continue Rezone / RZ 17-10 and Comprehensive Plan Amendment / CA 17-09 to the January 14, 2019, Planning Commission meeting with one (1) condition.

**II. GENERAL DESCRIPTION**

- A. The applicant is requesting to rezone 21.39 acres from Limited Agriculture District to Suburban Residential District and to amend the Comprehensive Plan to change the Future Land Use to Suburban Residential District. The applicant is also requesting to subdivide one (1) existing lot in order to create four (4) lots, with the smallest being 2.714 acres.

**III. EXISTING CONDITIONS**

- A. 21.39 acres.
- B. Zoned Limited Agriculture District.
- C. No Special Flood Hazard Area on the subject property.
- D. Lot contains:
  - 1. Single-family residence built in 1920 – per DOE records.
  - 2. Single-family residence built in 1991 – per DOE records.

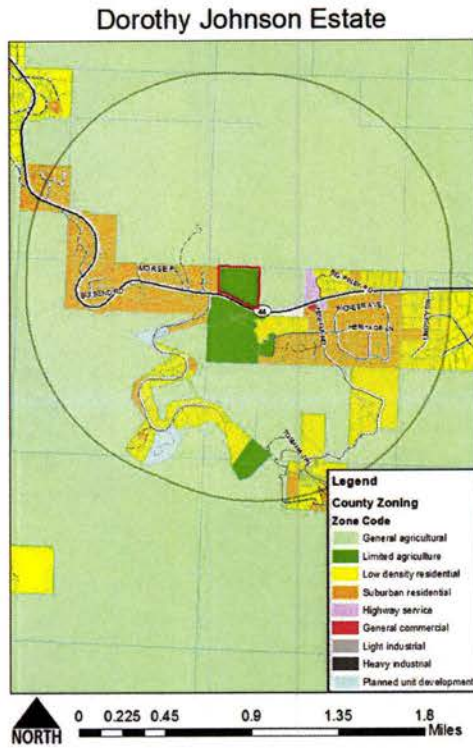
**IV. LAYOUT PLAT / PL 17-38**

- A. The applicant has also applied to subdivide the subject property into four (4) lots, which will also be heard at the same meeting.

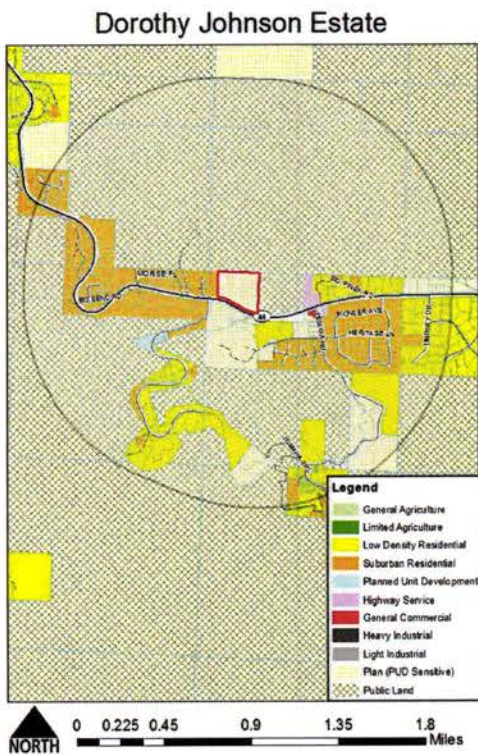
**V. CURRENT ZONING WITHIN 1-MILE OF SUBJECT PROPERTY**

- A. Suburban Residential District
- B. Low Density Residential District
- C. Limited Agriculture District
- D. General Agriculture District
- E. Highway Service District
- F. Planned Unit Development District
- G. General Commercial District

## VI. CURRENT LAND USE ZONING



## VII. FUTURE LAND USE ZONING



**VIII. REQUEST FOR COMMENT – RESPONSES**

- A. County Highway Department
  - 1. Highway Department has no comments.
- B. County Fire Administrator
  - 1. No Comments received.
- C. County Environmental Planning Supervisor
  - 1. No Special Flood Hazard Area on the subject property.
- D. County Environmental Planner
  - 1. No comments received.
- E. County Ordinance Enforcement Officer
  - 1. Ordinance Enforcement has no objection.
- F. County Natural Resources Director
  - 1. No objections.
- G. County Addressing Coordinator
  - 1. No objections.

**IX. ANALYSIS**

- A. The proposed Rezone and Comprehensive Plan Amendment requests appear to be in harmony with the surrounding zoning districts.
- B. The on-site wastewater treatment systems do not have current Operating Permits. No change in designation of the property, including zoning or platting, may take place until current On-Site Wastewater Treatment System Operating Permits are obtained, per §204(J)(2)(C), Pennington County Zoning Ordinance.
- C. A resident of the cabin (built in 1920, per DOE records) indicated that it is being serviced by a cesspool. They are currently raising funds to install a new OSWTS.

**X. UPDATE FOR MARCH 12, 2018**

- A. The two (2) on-site wastewater treatment systems were pumped and Observation forms were submitted.
  - 1. The single family residence (built in 1991) on proposed Lot C is serviced by a 1000 gallon tank with an unknown drainfield.
  - 2. The cabin (built in 1920) is serviced by a cesspool.
- B. The cesspool is a malfunctioning system and must be replaced, in accordance with § 204(J)(5)(a).
- C. A current Operating Permit (COOP18-0124) was created for the functioning system that services the single-family residence with the address of 10918 W. Highway 44 (built in 1991).
- D. April 18, 2018 – Staff spoke with the applicant via phone and the applicant indicated that they were in the process of gathering cost estimates for replacing the malfunctioning system.
- E. July 11, 2018 – Staff spoke with the applicant via phone regarding the progress on replacing the cesspool on the property. The Dorothy Johnson



Estate was in the process of selling off another piece of property, and may be able to begin working with a Certified Installer to replace the malfunctioning system on the subject property as soon as September.

- F. August 8, 2018 – Staff spoke with the applicant via phone regarding the progress on replacing the cesspool on the property. The applicant indicated that they are in the process of selling another piece of property and should be able to replace the malfunctioning system once it is sold. Staff told the applicant that this will be last continuance and they will have to reapply at a later date once the property is compliance.
- G. November 6, 2018 – Staff spoke with the applicant via phone regarding the progress of the property. According to the applicant there is a court hearing scheduled for November 30, 2018, and there should be money available to make necessary repairs to the property after the hearing.
- H. November 27, 2018 – Staff was contacted by applicant indicating that they have retained funds and are able to replace the cesspool and bring the property into compliance. The applicant also requested a month extension to allow time for installation of the new onsite wastewater treatment system.

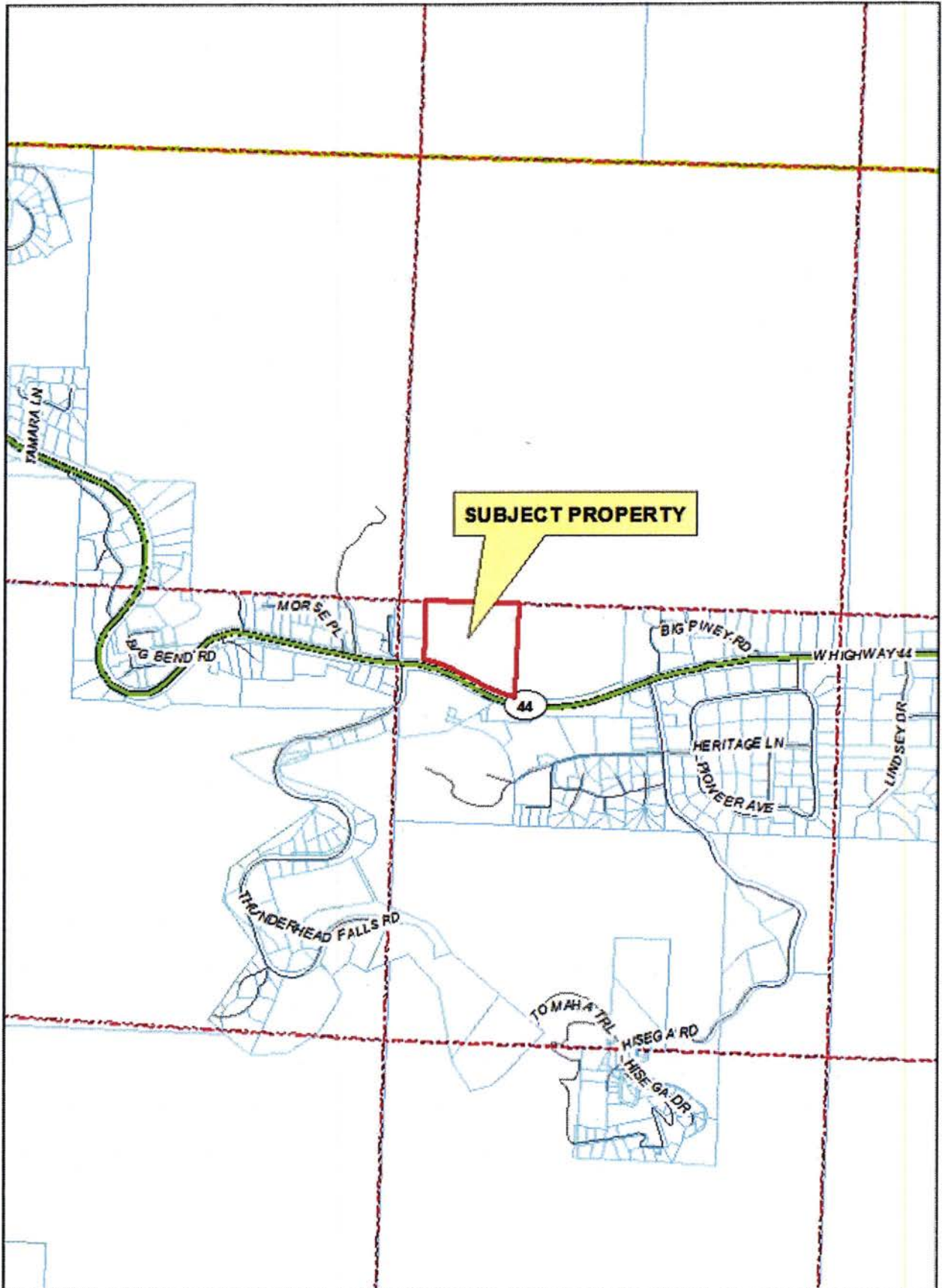
**I. UPDATE FOR JANUARY 14, 2019**

- A. January 7, 2019 – Staff contacted the applicant regarding the installation of the new onsite wastewater treatment system.
  - 1. The Planning Office has not received an Onsite Wastewater Construction Permit Application for replacement of the cesspool.
  - 2. The applicant requested another continuance to work on getting the Onsite Wastewater Construction Permit Application submitted and the start working on the installation of the new system.
  - 3. Staff told the applicant they will have to pay the continuance fee and progress must be made prior to the February 11, 2019, Planning Commission meeting, or the requests will end.
  - 4. The applicant stated that they are in contact with the installer and progress will be made prior to the next meeting.

**RECOMMENDATION:** Staff is recommending to continue Rezone / RZ 17-10 and Comprehensive Plan Amendment / CA 17-09 to the February 11, 2019, Planning Commission meeting with the following one (1) condition:

- 1. That the applicant pay a \$100.00 continuation fee prior to February 5, 2019, as required in Section 511(X) or the request will automatically end.

# DOROTHY JOHNSON ESTATE



**STAFF REPORT**

GENERAL INFORMATION:

REQUEST: **CONSTRUCTION PERMIT REVIEW / CP 18-01**: To review the installation of a 33-inch trunk sanitary sewer line from Southside Drive north along Reservoir Road.

APPLICANT: R.C.S Construction, Inc.

APPLICANT ADDRESS: P.O. Box 9337, Rapid City, SD 57709

LEGAL DESCRIPTION: Sections 22 and 23, all located in T1N, R8E, BHM, Pennington County, South Dakota.

SITE LOCATION: Southside Drive north along Reservoir Road.

SIZE: Approximately 7.5 acres of disturbance

TAX ID: Various

EXISTING LAND USE: Vacant

ZONING REFERENCE: Section 507

CURRENT ZONING: Limited Agriculture District

SURROUNDING ZONING:

North	Limited Agriculture District
South	Limited Agriculture District
East	Limited Agriculture District
West	Limited Agriculture District

PHYSICAL CHARACTERISTICS: Flat / Prairie

UTILITIES: Private

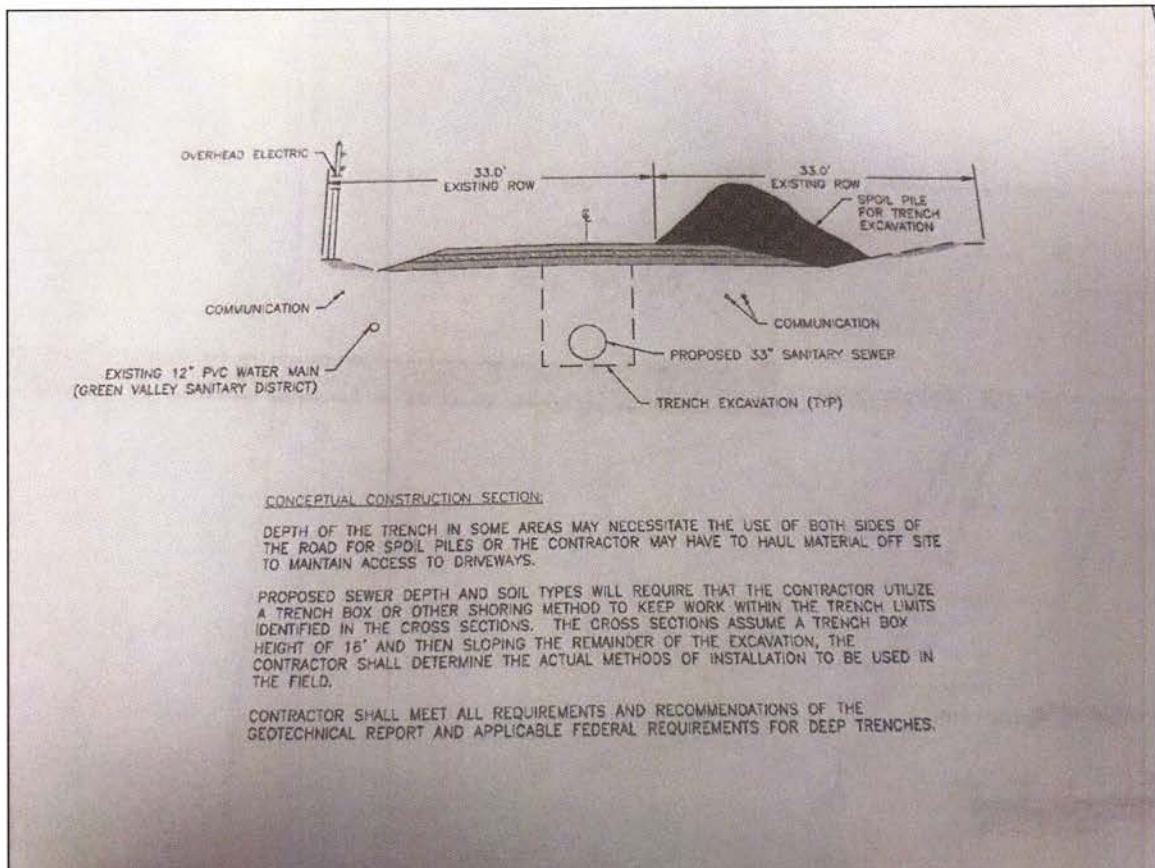
REPORT BY: Cody Sack

**I. PROPOSED RECOMMENDATION**

- A. Staff will be recommending to continue the review of Construction Permit / CP 18-01 to the May 28, 2019, Planning Commission meeting.

**II. GENERAL DESCRIPTION**

- A. The project is the second phase of Rapid City's Southside Sanitary Sewer Trunk Main project to extend sanitary sewer from the Rapid City Reclamation Plant to the Jolly Lane lift station and to a bypass sewer connection to the existing City sewer adjacent to Highway 44.

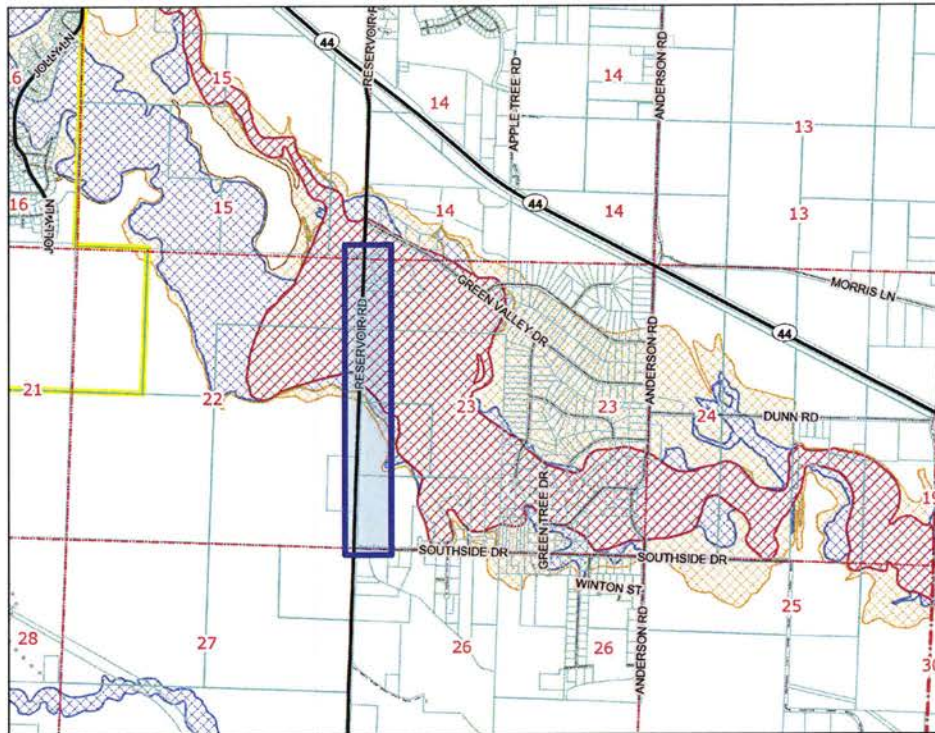


*Typical Construction Cross-Section*

**III. EXISTING CONDITIONS**

- A. Area of disturbance is approximately 7.5 acres.
- B. Zoned Limited Agriculture.
- C. A significant portion of the Project is located within the Special Flood Hazard Area (includes Floodway).
1. Floodplain Development Permit / FP 17-39 has been approved for the Project.

D. Project is located in the Right-of-Way.

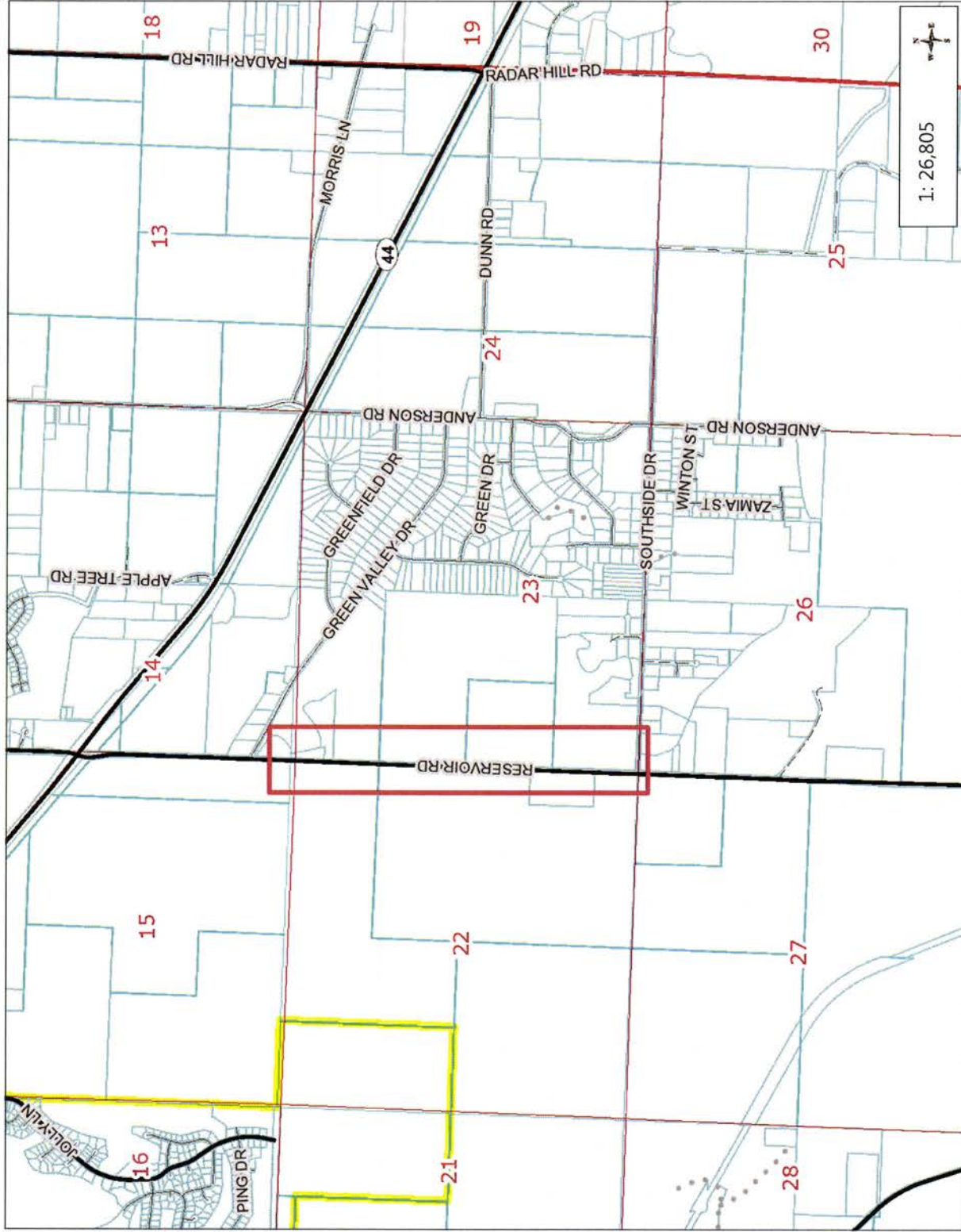


*Approximate Project Location – Special Flood Hazard Area in RED.*

**IV. ANALYSIS**

- A. January 4, 2019 – Staff performed a site visit and found the following:
  - 1. Work seems to have ended.
  - 2. No sign of construction activities.
- B. January 7, 2019 – Staff contacted the applicant who stated:
  - 1. Work was completed on November 21, 2018.
  - 2. Steps were taken to reclaim the site.
    - a. Seeded.
    - b. Straw was put over seeding.
    - c. Wattles and silt fence to contain the site.
- C. Since work was completed late in the year, staff will be recommending to continue Construction Permit / CP 18-01 to the May 28, 2019, Planning Commission meeting to allow staff time to verify that seeding has taken.
  - 1. In accordance with § 507(A)(5)(c)(1), final stabilization of a site occurs when 70% of the site has vegetative cover.
    - a. Staff needs time to verify this, as growing vegetation in the winter can be difficult.

**RECOMMENDATION:** Staff recommends to continue the review of Construction Permit / CP 18-01 to the May 28, 2019, Planning Commission meeting.



1: 26,805

4,467.4 2,233.72 4,467.4 Feet

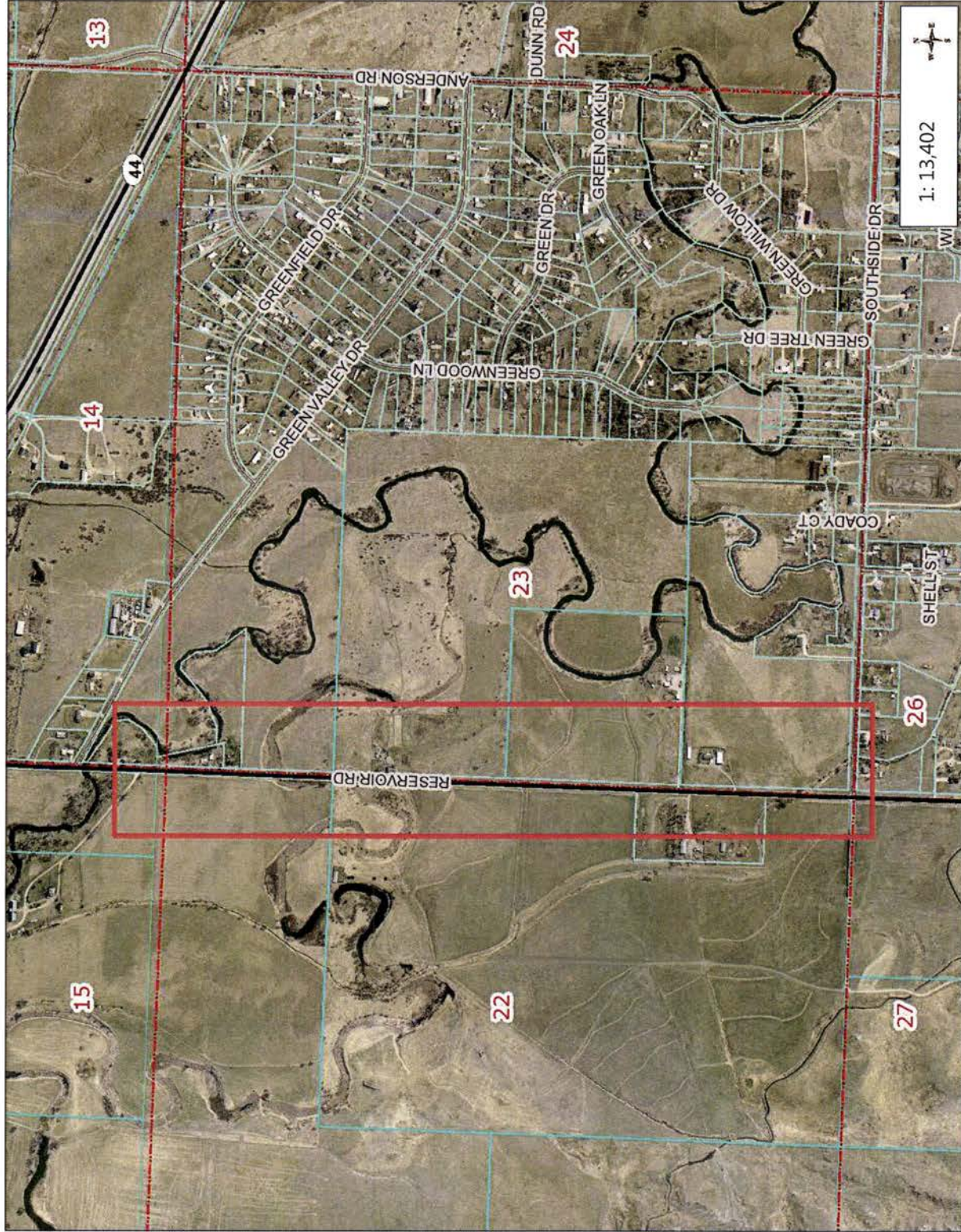
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

**Map Notes:**

**Legend**

- Roads**
- Interstate
  - US highway
  - SD highway
  - County highway
  - Main road
  - Minor arterial
  - Collector
  - Ramp
  - Paved road
  - Unpaved road
  - Trail
  - Driveway
  - Alley
  - Unimproved road
  - Airport Runway
  - Not yet coded
- PLSS**
- Townships
  - Tax Parcels
  - Lot Lines
  - <Null>
  - Lot Line
  - Parcel Line



**Legend**

- Roads**
- Interstate
  - US highway
  - SD highway
  - County highway
  - Main road
  - Minor arterial
  - Collector
  - Ramp
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  - Unpaved road
  - Trail
  - Driveway
  - Alley
  - Unimproved road
  - Airport Runway
  - Not yet coded
- Section Lines 0-25k**
- 0
  - 7

- Tax Parcels
- Lot Lines
- <Null>
- Lot Line
- Parcel Line

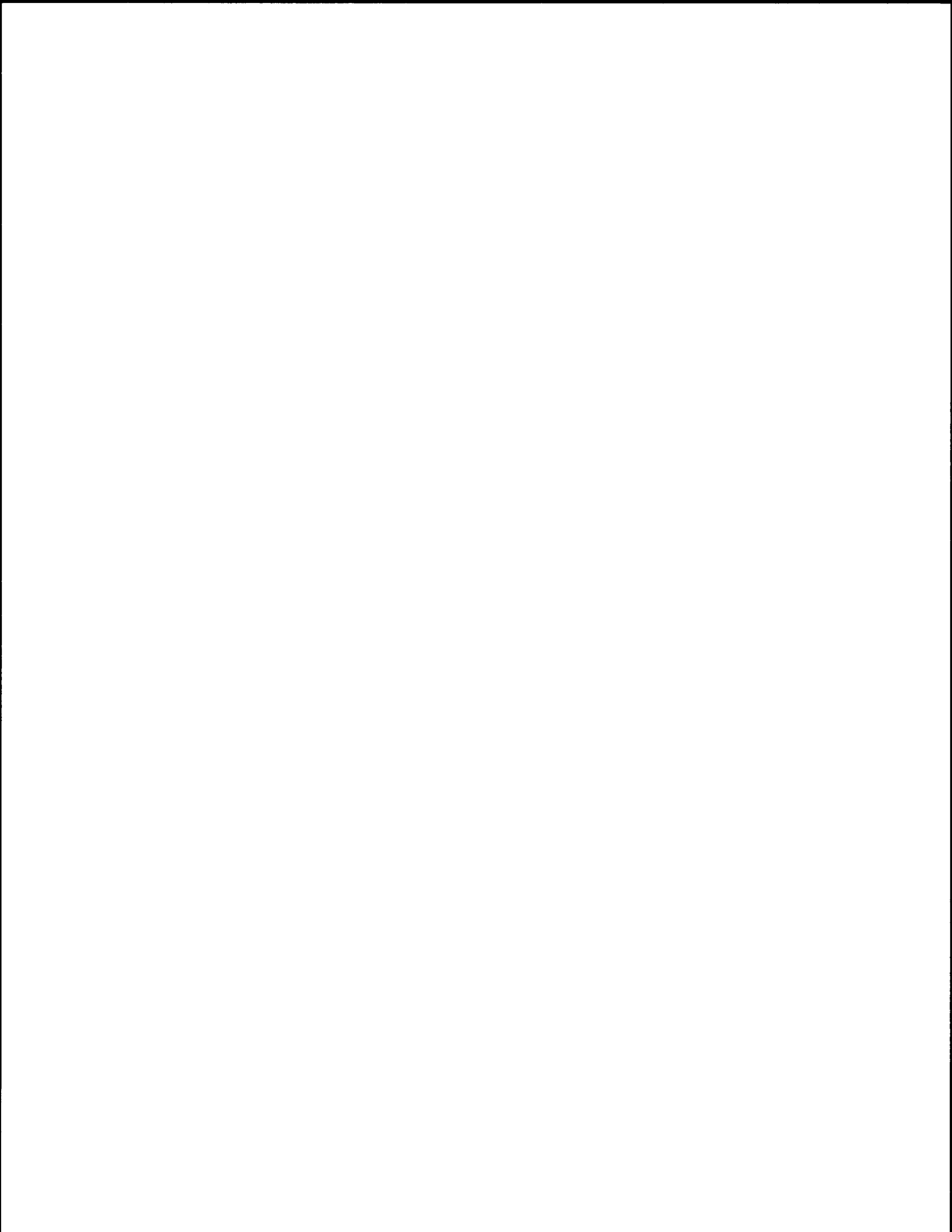
**Map Notes:**

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2,233.7 0 1,116.86 2,233.7 Feet

1: 13,402







# Pennington County Planning Department

Pennington County Administration Bldg • 130 Kansas City St. Ste. 200  
Rapid City, SD 57701 • Phone: 605.394.2186

## MEMO

TO: Planning Commission

FROM: Cody Sack, Environmental Planner I

DATE: January 14, 2019

RE: Proposed Road Naming – Rockets Court  
Proposed road naming for a 40-foot-wide road to be dedicated as an Access Easement would begin approximately one-half (1/2) mile east of U.S. Highway 16A approximately one-quarter (1/4) mile south of the Keystone Wye.

8

---

The Planning Department received a Road Naming Application to name a proposed new road to be dedicated as an access easement **ROCKETS COURT**. The applicant, Schriener Investments, LLC (Shane Schriener), also is in the process of platting eight (8) new lots, some of which will take access off of the proposed new road. This road will need to be officially named in order to provide adequate addressing for future residences on the proposed lots, which will take access off of it and will satisfy a Condition of Approval of Preliminary Plat / PL 18-34. The road will provide access to approximately two (2) lots east of U.S. Highway 16A. All lots are currently vacant of any structures.

Included in this Memo are comments from Ted Ruffedt of the Emergency Services Communication Center (911), Ellen Madden of the Rapid City GIS Department, and Bill Welk of the County Highway Department. The proposed road name, **Rockets Court**, is approved by both 911 and GIS.

### COMMENTS RETURNED:

**County Highway Department:** No Comments.

**GIS:** Looks good from this end.

**Emergency Services (9-1-1):** Good here.

**RECOMMENDATION:** Staff recommends approval of the road name, **Rockets Court**, with the condition that the applicant will be responsible for payment and posting a road name sign in a timely manner, in accordance with the standards set forth by the Pennington County Highway Department.



## PLANNING DEPARTMENT

130 KANSAS CITY ST., SUITE 200 • RAPID CITY, SD 57701

605-394-2186 • FAX 605-394-6016

### ROAD NAMING PETITION: ROCKETS COURT

**RE:** Proposed naming of the road located in a proposed new 40-foot-wide access easement that will provide access to two (2) proposed lots located in Section 32, T1S, R6E, BHM, Pennington County, South Dakota. Currently, the owner is in the platting process to create the Keystone Wye Subdivision with eight (8) lots. Said road would begin approximately one-half (1/2) mile east of U.S. Highway 16A approximately one-quarter (1/4) mile south of the Keystone Wye and traverses northwest for approximately one-tenth (1/10) mile to its terminus.

#### **HONORABLE COMMISSIONERS OF PENNINGTON COUNTY:**

Whereas, the above-described road potentially provides access to approximately two (2) proposed privately-owned properties, more fully described as Lots 7 and 8 of Keystone Wye Subdivision, Section 32, T1S, R6E, BHM, Pennington County, South Dakota;

Whereas, this road has not previously been assigned a name; nor is it a “numbered Forest Service” road;

Whereas, naming of this road will facilitate future addressing of the properties being provided access by this road;

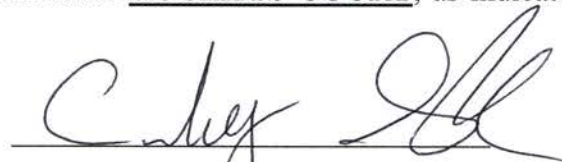
Whereas, naming of this road will assist Emergency Services in locating these properties in the event of an emergency;

Whereas, the proposed road name is not currently in use by any other roads in Pennington County and the Emergency Services Communication Center has verified the name Rockets Court is acceptable to use;

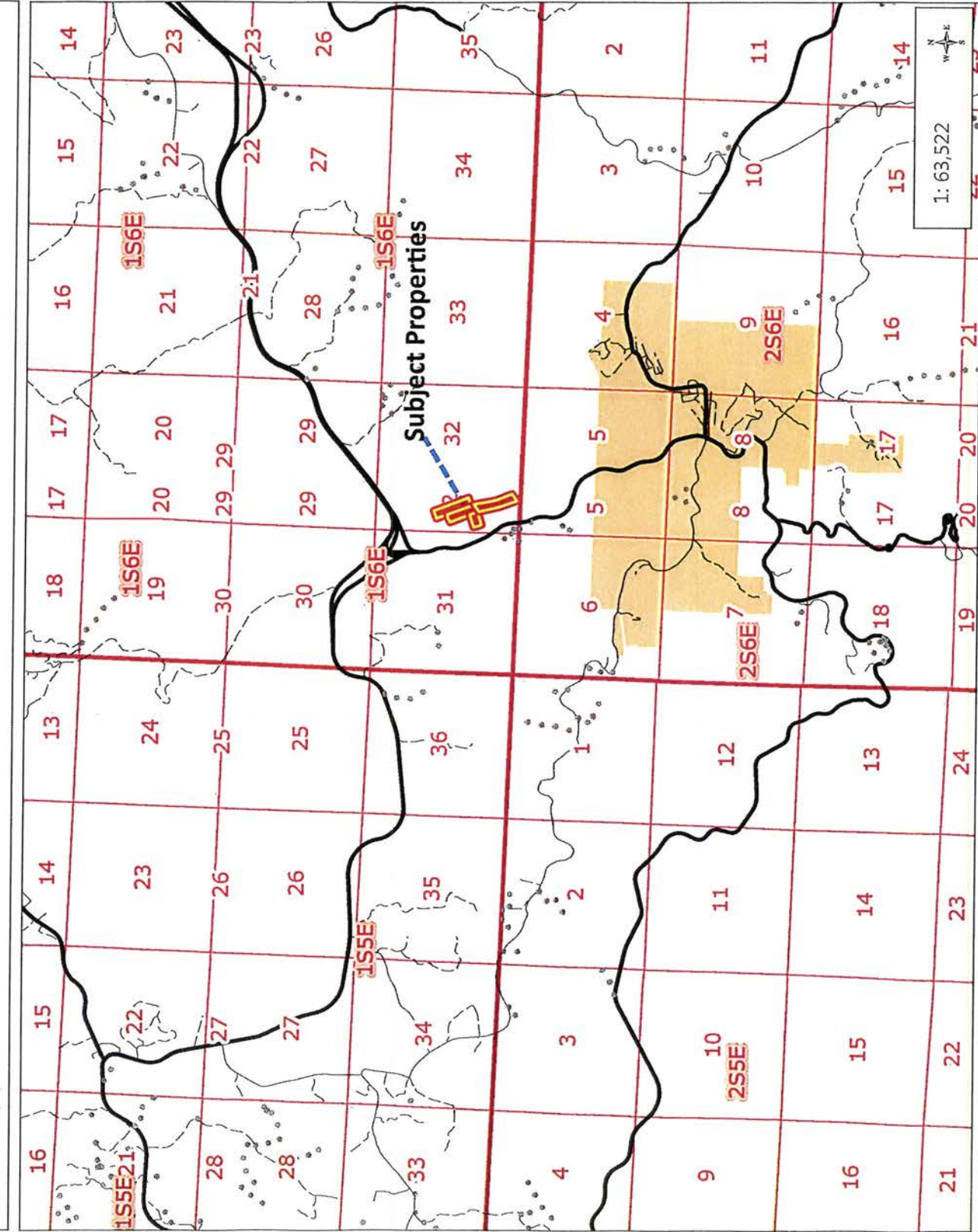
Whereas, the applicant (Schriner Investments) will be responsible for posting and payment of a road name sign, in accordance with the standards set forth by the Pennington County Highway Department; and,

Now, therefore, the Pennington County Planning Department hereby requests that the road name for the above-described right-of-way be assigned the name **ROCKETS COURT**, as indicated on the attached map.

Dated this 14th day of January, 2019.



Cody Sack, Planner I  
Pennington County Planning Department



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**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

### Legend

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  - US highway
  - SD highway
  - County highway
  - Main road
  - Minor arterial
  - Collector
  - Ramp
  - Paved road
  - Unpaved road
  - Trail
  - Driveway
  - Alley
  - Unimproved road
  - Airport Runway
  - Not yet coded
- PLSS
- Townships
  - City Limits
- City Limits**
- BOX ELDER
  - ELLSWORTH AFB
  - HILL CITY
  - KEYSTONE
  - NEW UNDERWOOD
  - QUINN
  - RAPID CITY
  - WALL
  - WASTA

### Map Notes:

10,587.1 0 5,293.53 10,587.1 Feet

NAD\_1983\_2011\_StatePlane\_South\_Dakota\_South\_FIPS\_4002\_Ft\_US  
 © City of Rapid City GIS



1: 7,940

1,323.4 Feet



1,323.4

NAD\_1983\_2011\_StatePlane\_South\_Dakota\_South\_FIPS\_4002\_Ft\_US  
© City of Rapid City GIS

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**Legend**

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  - Unpaved road
  - Trail
  - Driveway
  - Alley
  - Unimproved road
  - Airport Runway
  - Not yet coded
- Section Lines 0-25k**
- 0
  - 7
- Tax Parcels**
- Lot Lines**
- <Null>
  - Lot Line
  - Parcel Line

**Map Notes:**

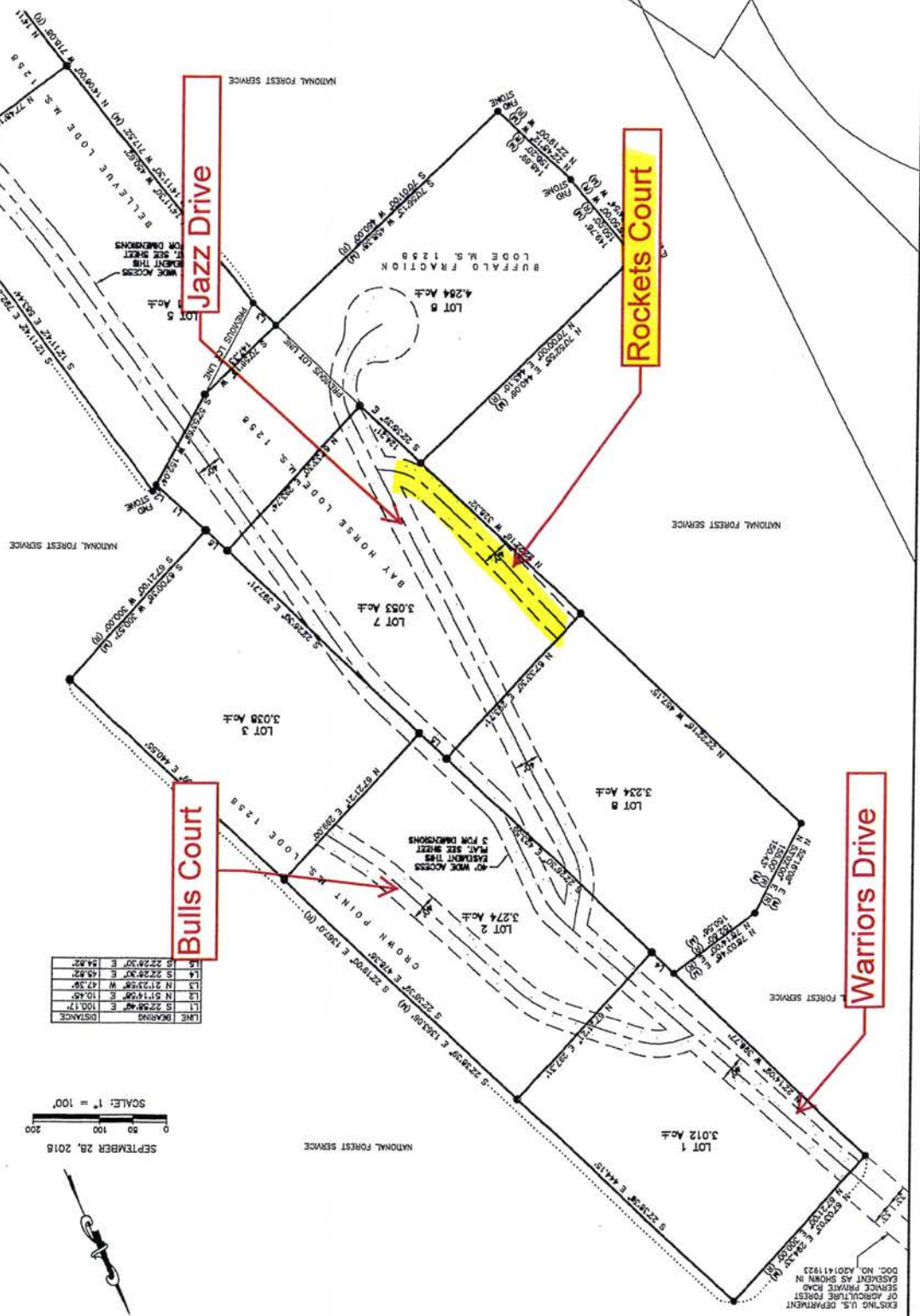
**NOTES:**

- Dangles not 5/8" rebar with survey cap marked "Mark LS 11700"
- Dangles Found Survey Monument LS 11771 unless otherwise noted
- Dangles Recorded in previous plat or description.
- (N) Dangles Measured this survey.
- (D) Dangles Chord Bearing
- CD Dangles Chord Distance

Bank of Douglas, Goodale North determined by Global Positioning (GPS)

Utility and Minor Dangle Comments: "r" on the interior side of all lot lines except where major dangle assessments were made.

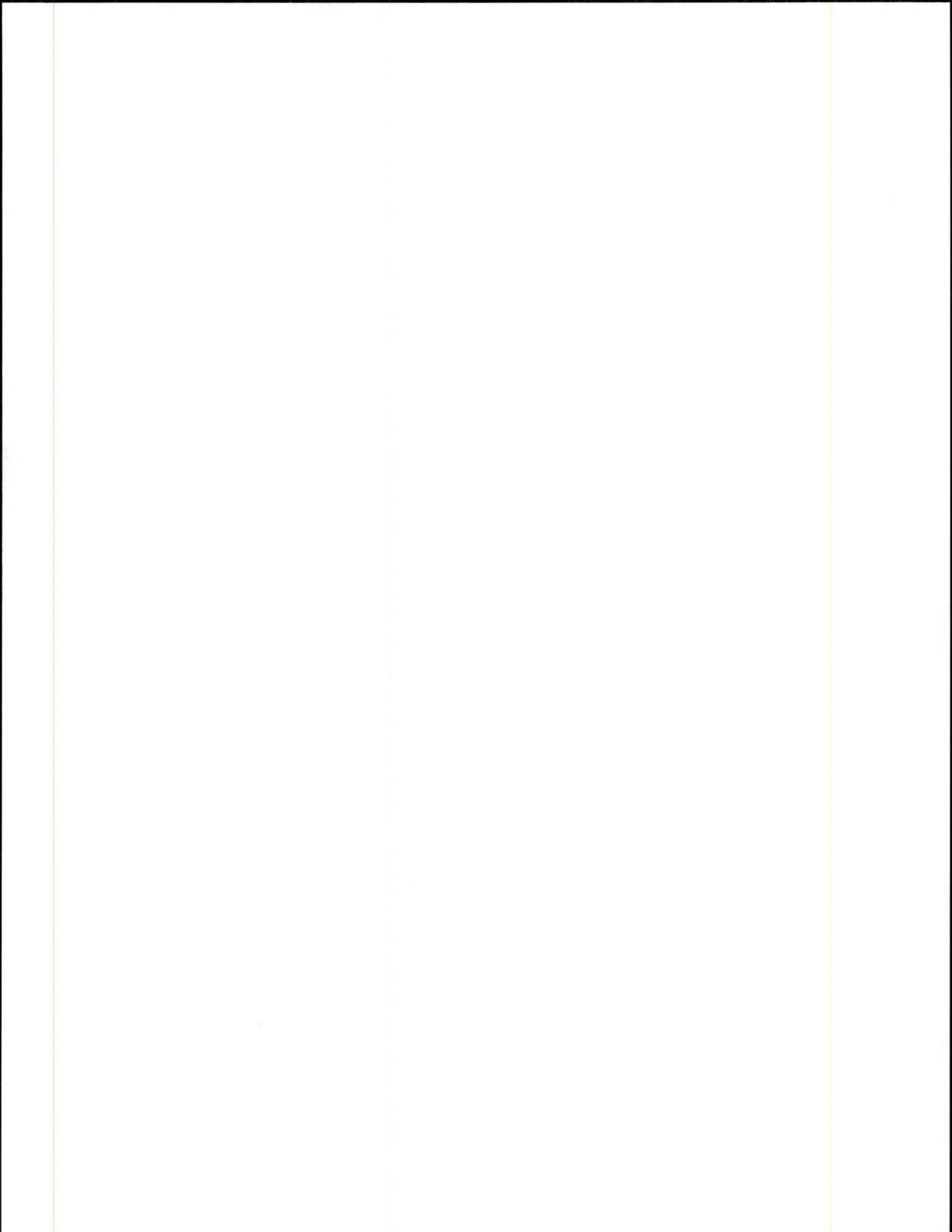
Any minor dangle assessment shown herein shall be the best view of all observations including but not limited to utility, fence, hedge, tree and shrub. These assessments grant to all public utilities the right to construct, operate, maintain, inspect, and repair with improvements and structures as it deems expedient to facilitate drainage from any source.



PLAT OF  
**LOTS 1 THROUGH 8,  
 KEYSTONE WYE SUBDIVISION**  
 LOCATED IN THE W/4 OF SECTION 32, T15, R9E, B1M,  
 SECTION 32, T15, R9E, B1M,  
 PENNINGTON COUNTY, SOUTH DAKOTA

formerly all of Crown Point Lode MS 1258, Boy Horse Lode MS 1259, Buffalo Fraction Lode MS 1258, and Bellevue Lode MS 1258, all located in the W/4 of Section 32, T15, R9E, B1M.)

ENGINEERING DEPARTMENT  
 SERVICE PRIVATE ROAD  
 AGRICULTURE FOREST  
 EIGHT AS SHOWN IN  
 DDC. NO. A20141923





# Pennington County Planning Department

Pennington County Administration Bldg • 130 Kansas City St. Ste. 200  
Rapid City, SD 57701 • Phone: 605.394.2186

## MEMO

TO: Planning Commission

FROM: Cody Sack, Environmental Planner I

DATE: January 14, 2019

RE: Proposed Road Naming – Warriors Drive  
Proposed road naming for a 40-foot-wide road to be dedicated as an Access Easement would intersect U.S. Highway 16A approximately one-quarter (1/4) mile south of the Keystone Wye.

9

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The Planning Department received a Road Naming Application to name a proposed new road to be dedicated as an access easement **Warriors Drive**. The applicant, Schriener Investments, LLC (Shane Schriener), also is in the process of platting eight (8) new lots, some of which will take access off of the proposed new road. This road will need to be officially named in order to provide adequate addressing for future residences on the proposed lots, which will take access off of it and will satisfy a Condition of Approval of Preliminary Plat / PL 18-34. The road will provide access to approximately six (6) lots east of U.S. Highway 16A. All lots are currently vacant of any structures.

Included in this Memo are comments from Ted Ruffedt of the Emergency Services Communication Center (911), Ellen Madden of the Rapid City GIS Department, and Bill Welk of the County Highway Department. The proposed road name, **Warriors Drive**, is approved by both 911 and GIS.

### COMMENTS RETURNED:

**County Highway Department:** No Comments.

**GIS:** Looks good from this end.

**Emergency Services (9-1-1):** Good here.

**RECOMMENDATION:** Staff recommends approval of the road name, **Warriors Drive**, with the condition that the applicant will be responsible for payment and posting a road name sign in a timely manner, in accordance with the standards set forth by the Pennington County Highway Department.



## PLANNING DEPARTMENT

130 KANSAS CITY ST., SUITE 200 • RAPID CITY, SD 57701

605-394-2186 • FAX 605-394-6016

### ROAD NAMING PETITION: WARRIORS DRIVE

**RE:** Proposed naming of the road located in a proposed new 40-foot-wide access easement that will provide access to seven (7) proposed lots located in Section 32, T1S, R6E, BHM, Pennington County, South Dakota. Currently, the owner is in the platting process to create the Keystone Wye Subdivision with eight (8) lots. Said road would intersect U.S. Highway 16A approximately one-quarter (1/4) mile south of the Keystone Wye and traverses southeast for approximately one-tenth (1/10) mile to its terminus.

#### **HONORABLE COMMISSIONERS OF PENNINGTON COUNTY:**

Whereas, the above-described road potentially provides access to approximately four (4) proposed privately-owned properties, more fully described as Lots 1, 2, 3, 4, 5, 7 and 8 of Keystone Wye Subdivision, Section 32, T1S, R6E, BHM, Pennington County, South Dakota;

Whereas, this road has not previously been assigned a name; nor is it a “numbered Forest Service” road;

Whereas, naming of this road will facilitate future addressing of the properties being provided access by this road;

Whereas, naming of this road will assist Emergency Services in locating these properties in the event of an emergency;

Whereas, the proposed road name is not currently in use by any other roads in Pennington County and the Emergency Services Communication Center has verified the name Warriors Drive is acceptable to use;

Whereas, the applicant (Schriner Investments) will be responsible for posting and payment of a road name sign, in accordance with the standards set forth by the Pennington County Highway Department; and,

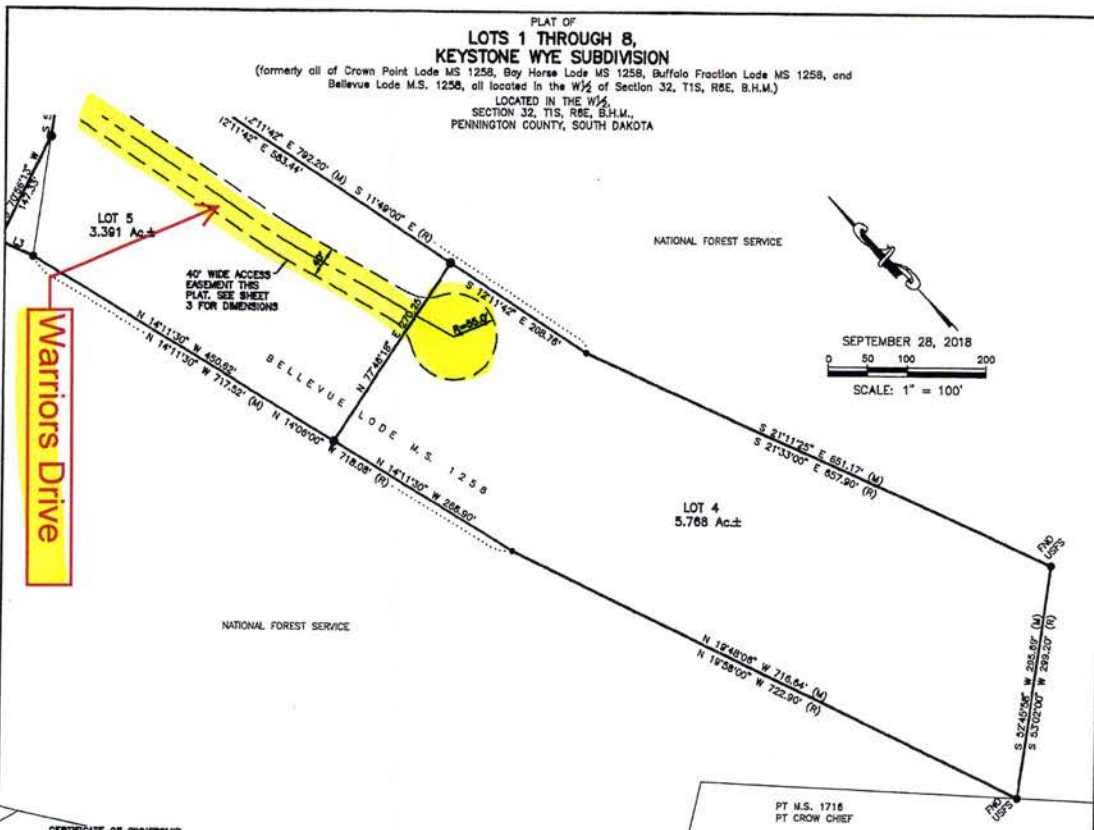
Now, therefore, the Pennington County Planning Department hereby requests that the road name for the above-described right-of-way be assigned the name **WARRIORS DRIVE**, as indicated on the attached map.

Dated this 14th day of January, 2019.

  
Cody Sack, Planner I  
Pennington County Planning Department







**CERTIFICATE OF OWNERSHIP**  
 State of South Dakota  
 County of Pennington s.s.

I, \_\_\_\_\_, do hereby certify that I am a Member of SCHRINER INVESTMENTS L.L.C., a South Dakota Limited Liability Corporation, and the owner of the land shown and described hereon; that the survey was done at my request for the purposes indicated hereon; that I do hereby approve the survey and within plot of said land; and that the development of this land shall conform to all existing applicable zoning, subdivision, and erosion and sediment control regulations.

Any land shown on the within plot as dedicated to public right of way is hereby dedicated to public use and public utility use as such, forever, but such dedication shall not be construed to be a donation of the fee of such land.

In witness whereof, I have set my hand and seal.

Owner: SCHRINER INVESTMENTS, L.L.C.

Member  
 \_\_\_\_\_

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a Notary Public, personally appeared \_\_\_\_\_, known to me to be the person(s) described in the foregoing instrument and acknowledged to me that they signed the same.

Notary Public: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

**CERTIFICATE OF FINANCE OFFICER**  
 State of South Dakota  
 County of Pennington s.s.

I, Finance Officer of the Town of New Underwood, do hereby certify that all special assessments which are liens upon the within described lands are fully paid according to the records of my office.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Finance Officer of the Town of New Underwood  
 \_\_\_\_\_

**CERTIFICATE OF PLANNING DIRECTOR**  
 State of South Dakota  
 County of Pennington s.s.

I, Planning Director of Pennington County, have reviewed this plot and have found it to conform to all of the Subdivision requirements of the Pennington Subdivision Regulations and, as such, I have approved this Plot as a Final Plot.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Pennington County Planning Director  
 \_\_\_\_\_

**CERTIFICATE BY COUNTY AUDITOR**  
 State of South Dakota  
 County of Pennington s.s.

I, Auditor of Pennington County, do hereby certify that the Pennington County Planning Director has reviewed and approved this Final Plot as shown hereon.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Pennington County Auditor/Deputy  
 \_\_\_\_\_

**CERTIFICATE OF DIRECTOR OF EQUALIZATION**

I, Director of Equalization of Pennington County, do hereby certify that I have on record, in my office, a copy of the within described plot.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Director of Equalization of Pennington County  
 \_\_\_\_\_

**CERTIFICATE OF SURVEYOR**  
 State of South Dakota  
 County of Pennington s.s.

I, Jeffrey L. Janis, Registered Land Surveyor No. 11700 in the State of South Dakota, do hereby certify that at the request of the owner(s) listed hereon, I have surveyed the tract of land shown, and to the best of my knowledge and belief, the within plot is a representation of said survey. Easements or restrictions of miscellaneous record or private agreements that are not known to me are not shown hereon.

In witness whereof, I have hereunto set my hand and seal.

Jeffrey L. Janis, Registered Land Surveyor Date \_\_\_\_\_



**RESOLUTION OF GOVERNING BOARD**  
 State of South Dakota  
 County of Pennington s.s.

I, Finance Officer of the Town of New Underwood, do hereby certify that an official meeting held on \_\_\_\_\_, 20\_\_\_\_, the Common Council, by resolution, did approve the plot as shown hereon.

Finance Officer of the Town of New Underwood  
 \_\_\_\_\_

**FLOODPLAIN STATEMENT**  
 Floodplain Statement

The 100-year floodplain, as shown hereon, is based on the elevations identified in the Flood Insurance Rate Map Number 48103C0850H, Effective Date June 3, 2013, or as graphically depicted on said map in unstudied areas. The floodplain information shown hereon serves as constructive notice that certain flood hazards exist on portions of the subject property. The location of the floodplain, as shown hereon, may be subject to change.

**WATER PROTECTION STATEMENT**  
 Water Protection Statement

Pursuant to SDCL 11-3-8.1 and 11-3-2, the developer of the property described within this plot shall be responsible for protection any waters of the state, including groundwater, located adjacent to or within such platted area from pollution from sewage from such subdivision and shall in prosecution of such regulations conform to and follow all regulations of the South Dakota Department of Environment and Natural Resources relating to the same.

**CERTIFICATE OF STREET AUTHORITY**

The location of the proposed property lines abutting the County or State Highway, or the County Road, as shown hereon, is hereby approved. Any change in the location of the proposed access shall require additional approval.

Approved: \_\_\_\_\_ Date: \_\_\_\_\_

**CERTIFICATE OF COUNTY TREASURER**

I, Treasurer of Pennington County, do hereby certify that all taxes, which are liens upon the within described lands, are fully paid, according to the records of my office.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Treasurer of Pennington County  
 \_\_\_\_\_

**CERTIFICATE OF REGISTER OF DEEDS**  
 State of South Dakota  
 County of Pennington s.s.

Filed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

In Document No. \_\_\_\_\_

Register of Deeds Fee: \$ \_\_\_\_\_



1: 7,940

1,323.4 0 661.69 1,323.4 Feet

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.  
**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

NAD\_1983\_2011\_StatePlane\_South\_Dakota\_FIPS\_4002\_Ft\_US  
 © City of Rapid City GIS

**Legend**

- Roads**
- Interstate
  - US highway
  - SD highway
  - County highway
  - Main road
  - Minor arterial
  - Collector
  - Ramp
  - Paved road
  - Unpaved road
  - Trail
  - Driveway
  - Alley
  - Unimproved road
  - Airport Runway
  - Not yet coded

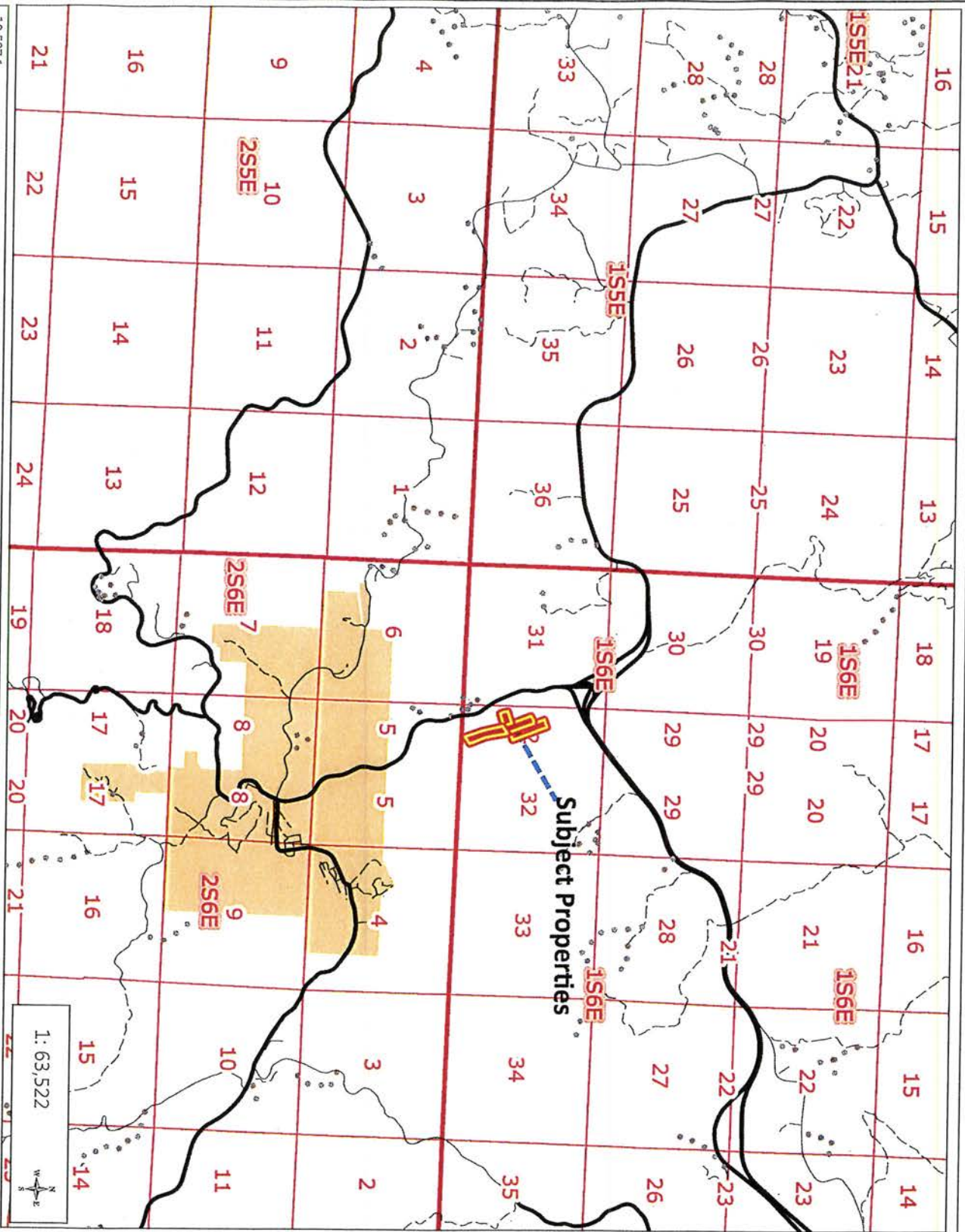
**Section Lines 0-25k**

- 0
- 7

**Tax Parcels**

- Lot Lines
- <Null>
- Lot Line
- Parcel Line

**Map Notes:**



1: 63,522

10,587.1 0 5,293.53 10,587.1 Feet  
 NAD\_1983\_2011\_StatePlane\_South\_Dakota\_South\_FIPS\_4002\_Ft\_US  
 © City of Rapid City GIS

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 THIS MAP IS NOT TO BE USED FOR NAVIGATION

### Map Notes:

### Legend

	Interstate
	US highway
	SD highway
	County highway
	Main road
	Mirror arterial
	Collector
	Ramp
	Paved road
	Unpaved road
	Trail
	Driveway
	Alley
	Unimproved road
	Airport Runway
	Not yet coded
	PLSS
	Townships
	City Limits
	BOX ELDER
	ELLSWORTH AFB
	HILL CITY
	KEYSTONE
	NEW UNDERWOOD
	QUINN
	RAPID CITY
	WALL
	WASTA



# Pennington County Planning Department

Pennington County Administration Bldg • 130 Kansas City St. Ste. 200  
Rapid City, SD 57701 • Phone: 605.394.2186

## MEMO

TO: Planning Commission

FROM: Cody Sack, Environmental Planner I

DATE: January 14, 2019

RE: Proposed Road Naming – Jazz Drive  
Proposed road naming for a 40-foot-wide road to be dedicated as an Access Easement would begin approximately two-fifths (2/5) mile east of U.S. Highway 16A approximately one-quarter (1/4) mile south of the Keystone Wye.

# 10

---

The Planning Department received a Road Naming Application to name a proposed new road to be dedicated as an access easement **JAZZ DRIVE**. The applicant, Schriener Investments, LLC (Shane Schriener), also is in the process of platting eight (8) new lots, some of which will take access off of the proposed new road. This road will need to be officially named in order to provide adequate addressing for future residences on the proposed lots, which will take access off of it and will satisfy a Condition of Approval of Preliminary Plat / PL 18-34. The road will provide access to approximately four (4) lots east of U.S. Highway 16A. All lots are currently vacant of any structures.

Included in this Memo are comments from Ted Ruffedt of the Emergency Services Communication Center (911), Ellen Madden of the Rapid City GIS Department, and Bill Welk of the County Highway Department. The proposed road name, **Jazz Drive**, is approved by both 911 and GIS.

### COMMENTS RETURNED:

**County Highway Department:** No Comments.

**GIS:** Looks good from this end.

**Emergency Services (9-1-1):** Good here.

**RECOMMENDATION:** Staff recommends approval of the road name, **Jazz Drive**, with the condition that the applicant will be responsible for payment and posting a road name sign in a timely manner, in accordance with the standards set forth by the Pennington County Highway Department.



# PLANNING DEPARTMENT

130 KANSAS CITY ST., SUITE 200 • RAPID CITY, SD 57701

605-394-2186 • FAX 605-394-6016

## ROAD NAMING PETITION: JAZZ DRIVE

**RE:** Proposed naming of the road located in a proposed new 40-foot-wide access easement that will provide access to four (4) proposed lots located in Section 32, T1S, R6E, BHM, Pennington County, South Dakota. Currently, the owner is in the platting process to create the Keystone Wye Subdivision with eight (8) lots. Said road would begin approximately two-fifths (2/5) mile east of U.S. Highway 16A approximately one-quarter (1/4) mile south of the Keystone Wye and traverses southeast for approximately one-tenth (1/10) mile to its terminus.

### **HONORABLE COMMISSIONERS OF PENNINGTON COUNTY:**

Whereas, the above-described road potentially provides access to approximately four (4) proposed privately-owned properties, more fully described as Lots 5, 6, 7, and 8 of Keystone Wye Subdivision, Section 32, T1S, R6E, BHM, Pennington County, South Dakota;

Whereas, this road has not previously been assigned a name; nor is it a “numbered Forest Service road.

Whereas, naming of this road will facilitate future addressing of the properties being provided access by this road;

Whereas, naming of this road will assist Emergency Services in locating these properties in the event of an emergency;

Whereas, the proposed road name is not currently in use by any other roads in Pennington County and the Emergency Services Communication Center has verified the name Jazz Drive is acceptable to use;

Whereas, the applicant (Schriner Investments) will be responsible for posting and payment of a road name sign, in accordance with the standards set forth by the Pennington County Highway Department; and,

Now, therefore, the Pennington County Planning Department hereby requests that the road name for the above-described right-of-way be assigned the name **JAZZ DRIVE**, as indicated on the attached map.

Dated this 14th day of January, 2019.

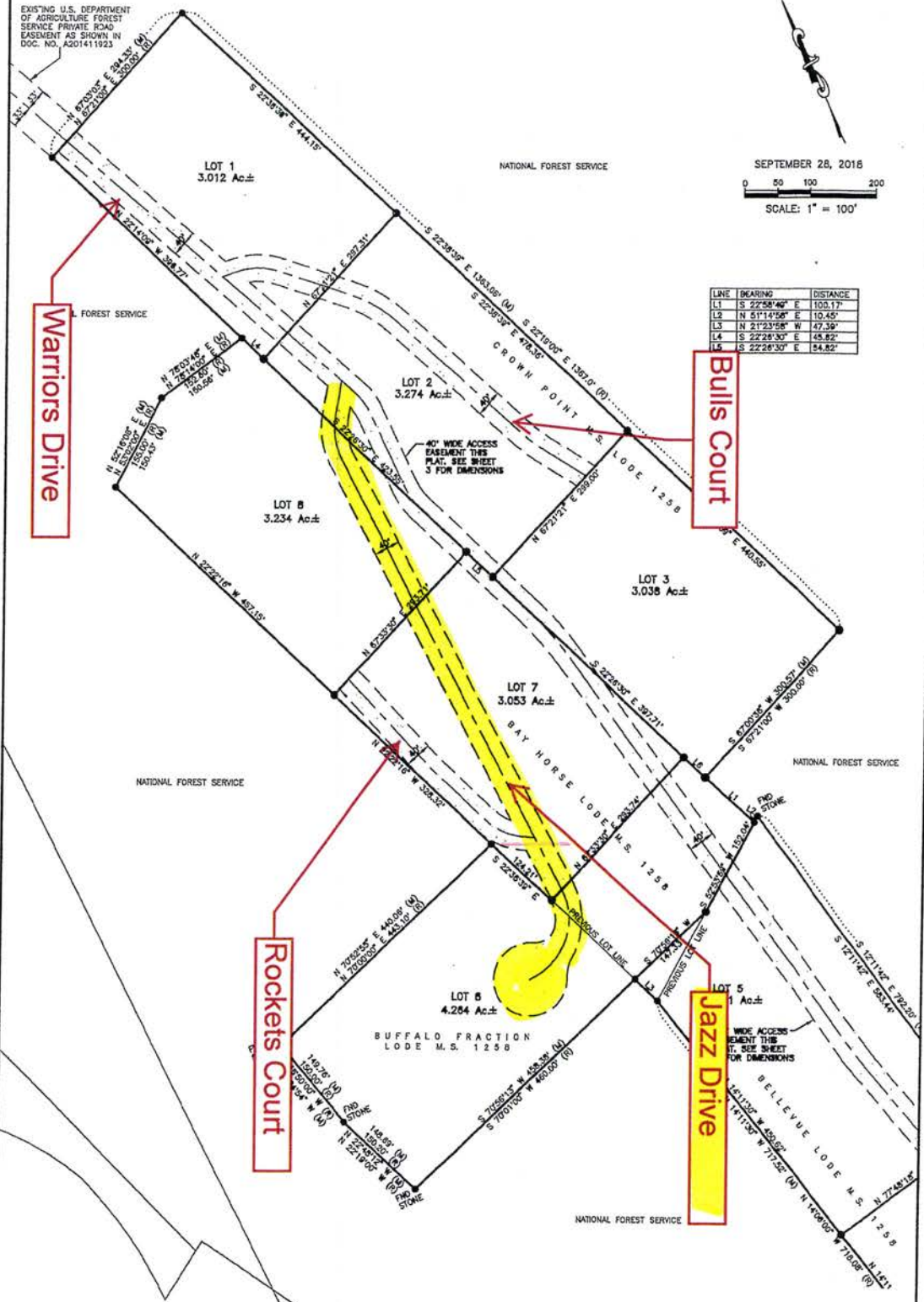
Cody Sack, Planner I  
Pennington County Planning Department

PLAT OF  
**LOTS 1 THROUGH 8,  
 KEYSTONE WYE SUBDIVISION**  
 (formerly all of Crown Point Lode MS 1258, Bay Horse Lode MS 1258, Buffalo Fraction Lode MS 1258, and  
 Bellevue Lode M.S. 1258, all located in the W $\frac{1}{2}$  of Section 32, T1S, R8E, B.H.M.)  
 LOCATED IN THE W $\frac{1}{2}$   
 SECTION 32, T1S, R8E, B.H.M.,  
 PENNINGTON COUNTY, SOUTH DAKOTA

EXISTING U.S. DEPARTMENT  
 OF AGRICULTURE FOREST  
 SERVICE PRIVATE ROAD  
 EASEMENT AS SHOWN IN  
 DOC. NO. A201411923

SEPTEMBER 28, 2018  
 0 50 100 200  
 SCALE: 1" = 100'

LINE	BEARING	DISTANCE
L1	S 22°58'40" E	105.17'
L2	N 51°14'00" E	10.45'
L3	N 21°23'08" W	47.39'
L4	S 22°28'30" E	45.82'
L5	S 22°28'30" E	54.82'

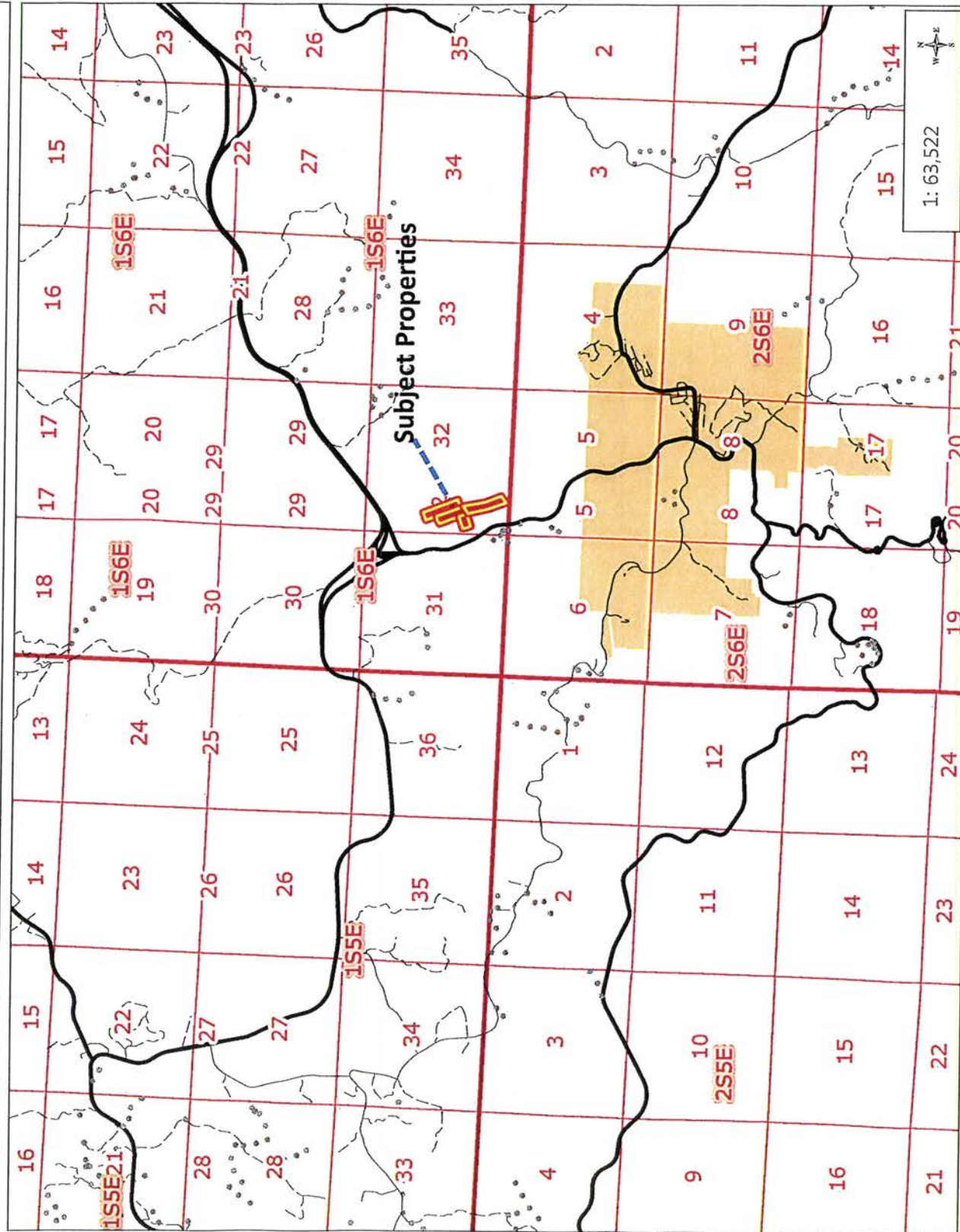


**NOTES:**

- Denotes set 5/8" rebar with survey cap marked "JANIS LS 11700"
- Denotes Found Survey Monument LS 1771 unless otherwise noted
- (R) Denotes Recorded in previous plat or description.
- (M) Denotes Measured this survey.
- CD Denotes Chord Bearing
- CO Denotes Chord Distance

Scale of Bearings: Geodetic North determined by Global Positioning (GPS)  
 Utility and Minor Drainage Easements: 5' on the interior sides of all lot lines, except where major drainage easements exist.  
 Any major drainage easement shown hereon shall be kept free of all obstructions including but not limited to buildings, wells, fences, hedges, trees and shrubs. These easements grant to all public authorities the right to construct, operate, maintain, inspect, and repair such improvements and structures as it deems expedient to facilitate drainage from any source.





1: 63,522

10,587.1  
0  
5,293.55  
10,587.1 Feet

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© City of Rapid City GIS

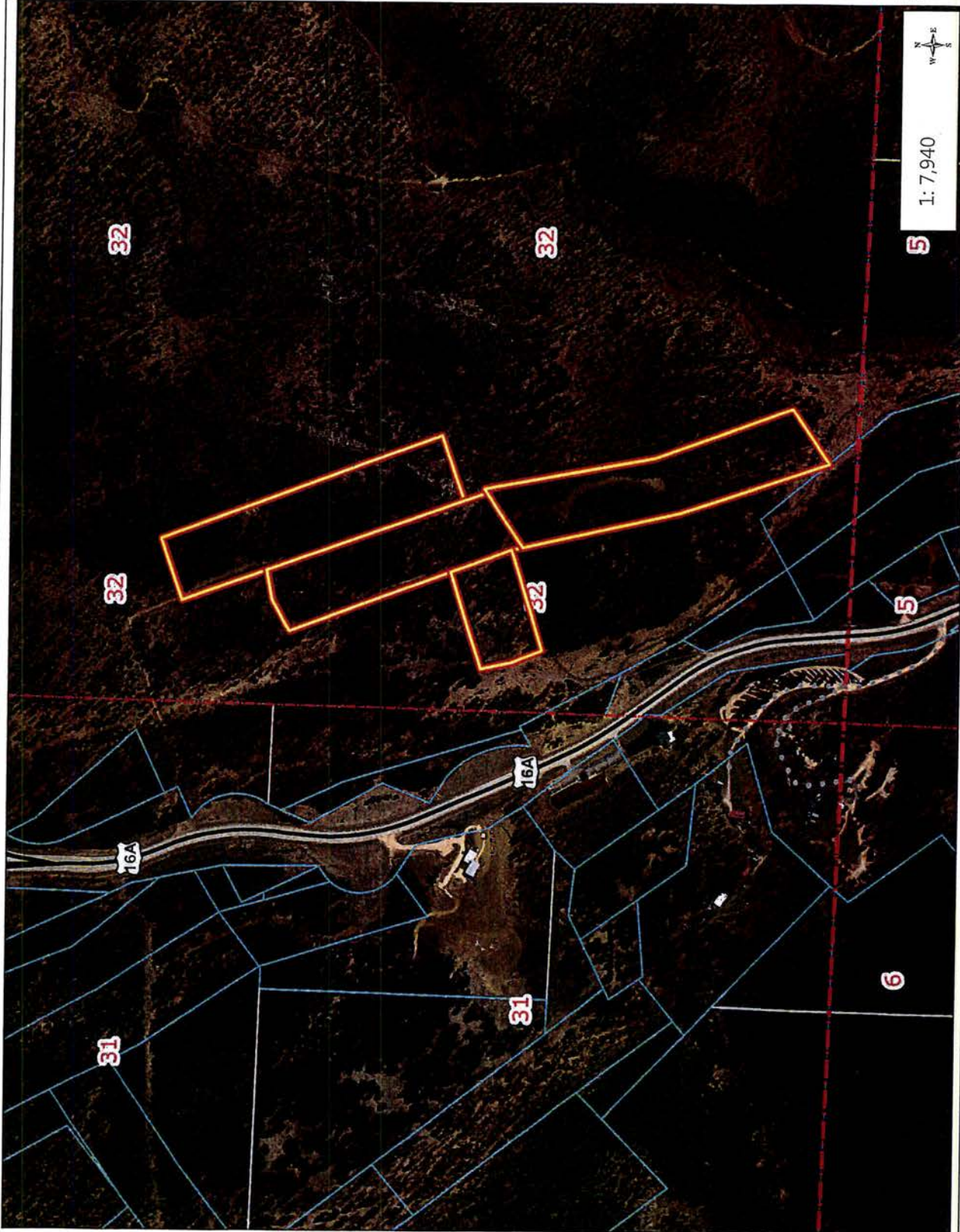
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**Legend**

- Roads**
- Interstate
  - US highway
  - SD highway
  - County highway
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  - Collector
  - Ramp
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**Map Notes:**





1: 7,940

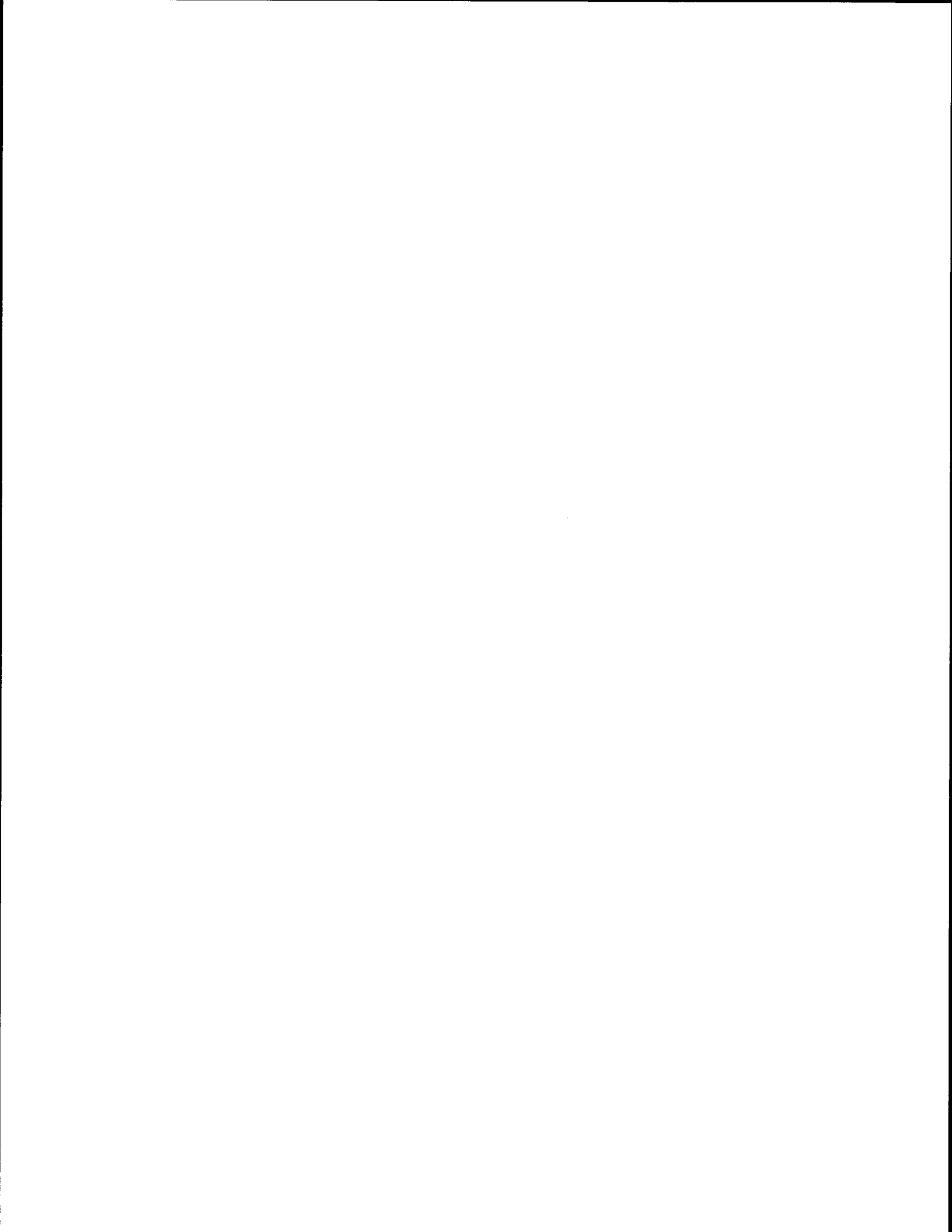


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- Section Lines 0-25k**
- 0
  - 7
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  - Lot Line
  - Parcel Line

**Map Notes:**





# Pennington County Planning Department

Pennington County Administration Bldg • 130 Kansas City St. Ste. 200  
Rapid City, SD 57701 • Phone: 605.394.2186

## MEMO

TO: Planning Commission  
FROM: Cody Sack, Environmental Planner I  
DATE: January 14, 2019  
RE: Proposed Road Naming – Bulls Court

11

Proposed road naming for a 40-foot-wide road to be dedicated as an Access Easement would begin approximately one-quarter (1/4) mile east of U.S. Highway 16A approximately one-quarter (1/4) mile south of the Keystone Wye.

---

The Planning Department received a Road Naming Application to name a proposed new road to be dedicated as an access easement **BULLS COURT**. The applicant, Schriener Investments, LLC (Shane Schriener), also is in the process of platting eight (8) new lots, some of which will take access off of the proposed new road. This road will need to be officially named in order to provide adequate addressing for future residences on the proposed lots, which will take access off of it and will satisfy a Condition of Approval of Preliminary Plat / PL 18-34. The road will provide access to approximately three (3) lots east of U.S. Highway 16A. All lots are currently vacant of any structures.

Included in this Memo are comments from Ted Ruffedt of the Emergency Services Communication Center (911), Ellen Madden of the Rapid City GIS Department, and Bill Welk of the County Highway Department. The proposed road name, **Bulls Court**, is approved by both 911 and GIS.

### COMMENTS RETURNED:

**County Highway Department:** No Comments.

**GIS:** Looks good from this end.

**Emergency Services (9-1-1):** Good here.

**RECOMMENDATION:** Staff recommends approval of the road name, **Bulls Court**, with the condition that the applicant will be responsible for payment and posting a road name sign in a timely manner, in accordance with the standards set forth by the Pennington County Highway Department.



## PLANNING DEPARTMENT

130 KANSAS CITY ST., SUITE 200 • RAPID CITY, SD 57701

605-394-2186 • FAX 605-394-6016

### ROAD NAMING PETITION: BULLS COURT

**RE:** Proposed naming of the road located in a proposed new 40-foot-wide access easement that will provide access to three (3) proposed lots located in Section 32, T1S, R06E, BHM, Pennington County, South Dakota. Currently, the owner is in the platting process to create the Keystone Wye Subdivision with eight (8) lots. Said road would begin approximately one-quarter (1/4) mile east of U.S. Highway 16A approximately one-quarter (1/4) mile south of the Keystone Wye and traverses southeast for approximately one-tenth (1/10) mile to its terminus

#### **HONORABLE COMMISSIONERS OF PENNINGTON COUNTY:**

Whereas, the above-described road potentially provides access to approximately three (3) proposed privately-owned properties, more fully described as Lots 1, 2, and 3 of Keystone Wye Subdivision, Section 32, T1S, R06E, BHM, Pennington County, South Dakota;

Whereas, this road has not previously been assigned a name; nor is it a “numbered Forest Service” road;

Whereas, naming of this road will facilitate future addressing of the properties being provided access by this road;

Whereas, naming of this road will assist Emergency Services in locating these properties in the event of an emergency;

Whereas, the proposed road name is not currently in use by any other roads in Pennington County and the Emergency Services Communication Center has verified the name Bulls Court is acceptable to use;

Whereas, the applicant (Schriner Investments) will be responsible for posting and payment of a road name sign, in accordance with the standards set forth by the Pennington County Highway Department; and,

No, therefore, the Pennington County Planning Department hereby requests that the road name for the above-described right-of-way be assigned the name **BULLS COURT**, as indicated on the attached map.

Dated this 14th day of January, 2019.

Cody Sack, Planner I  
Pennington County Planning Department

PLAT OF  
**LOTS 1 THROUGH 8,  
 KEYSTONE WYE SUBDIVISION**  
 (formerly all of Crown Point Lode MS 1258, Bay Horse Lode MS 1258, Buffalo Fraction Lode MS 1258, and  
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 PENNINGTON COUNTY, SOUTH DAKOTA

EXISTING U.S. DEPARTMENT  
 OF AGRICULTURE FOREST  
 SERVICE PRIVATE ROAD  
 EASEMENT AS SHOWN IN  
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SEPTEMBER 28, 2018  
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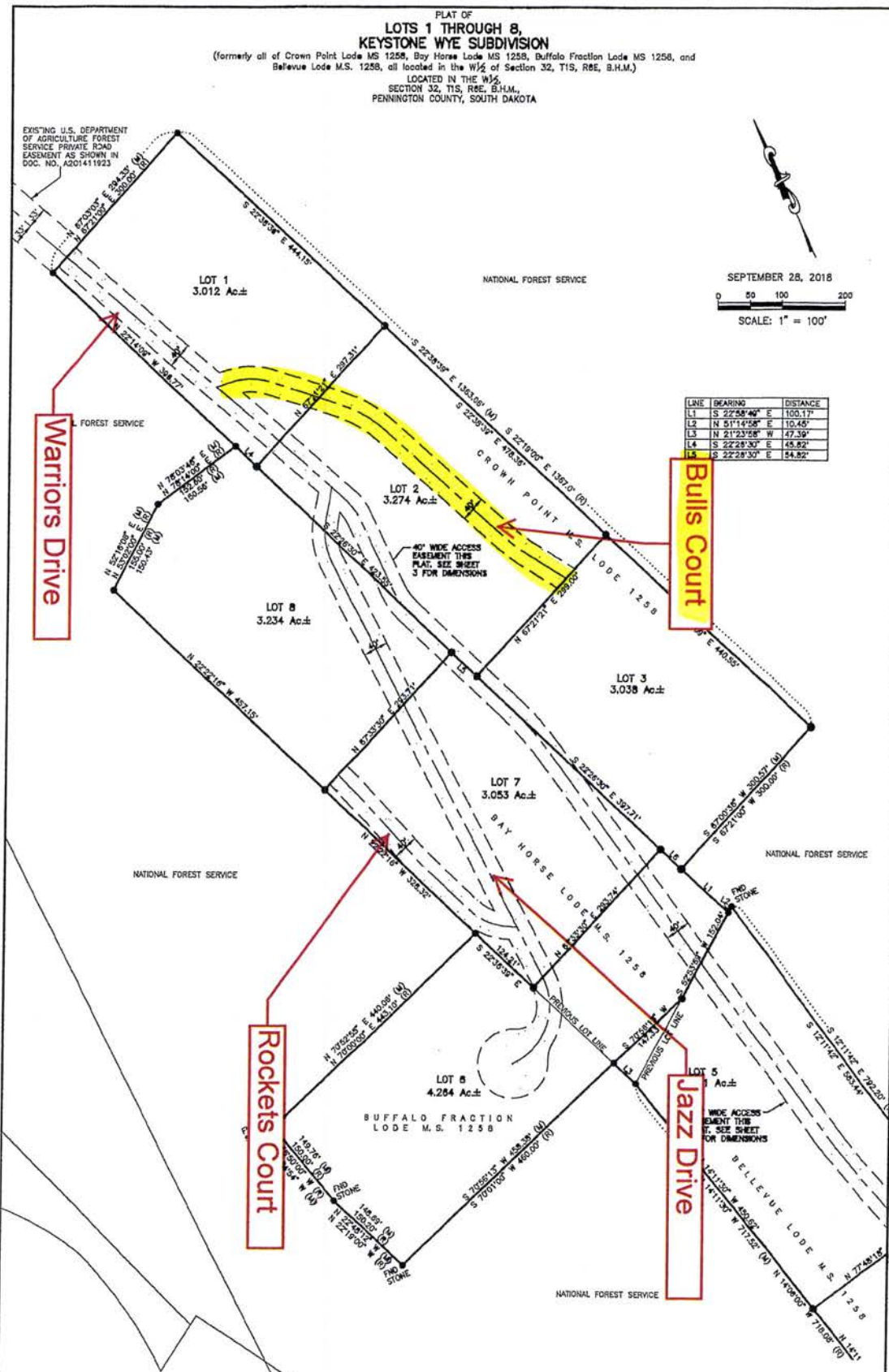
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Warriors Drive

Bulls Court

Rockets Court

Jazz Drive

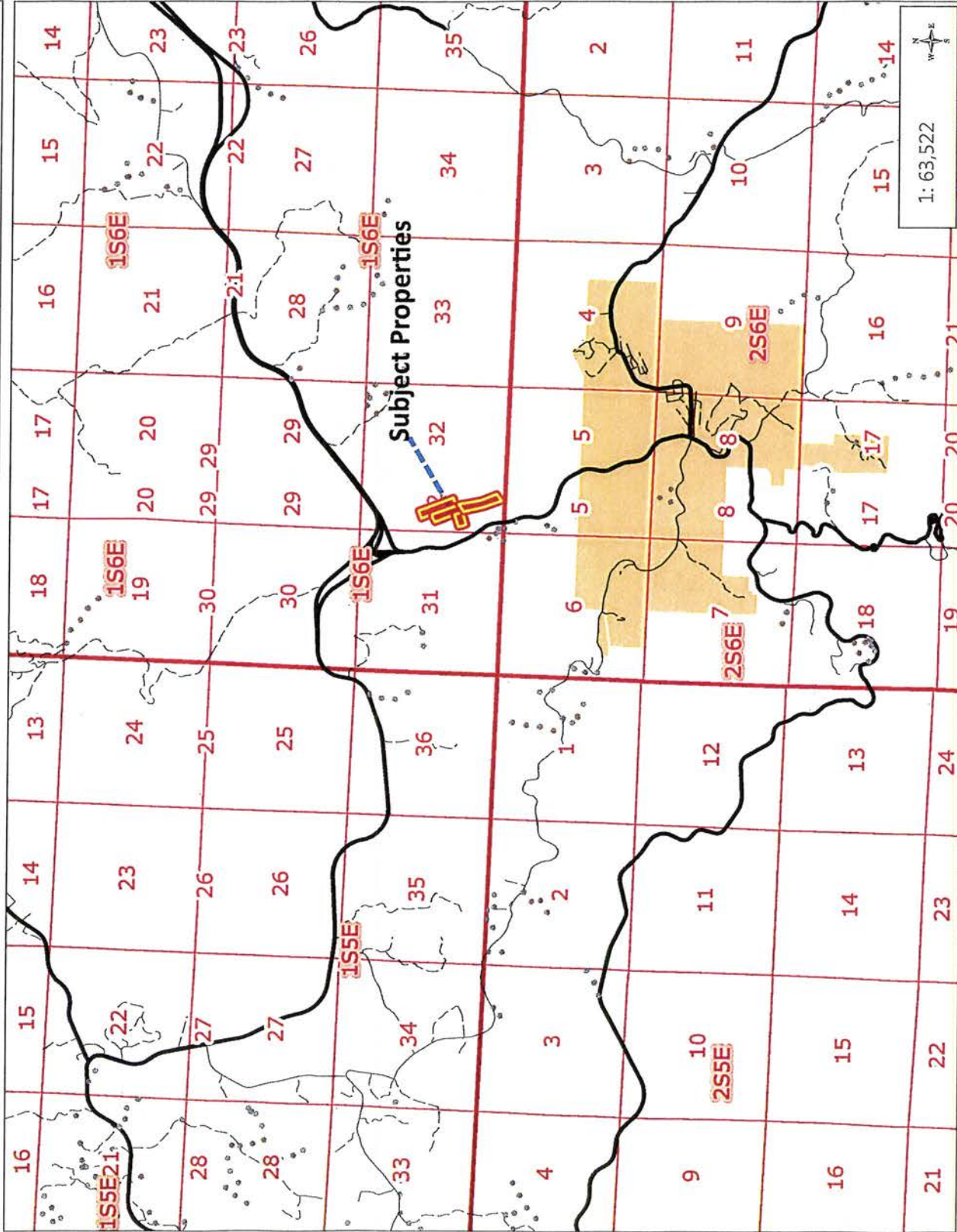


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## Map Notes:



1: 7,940



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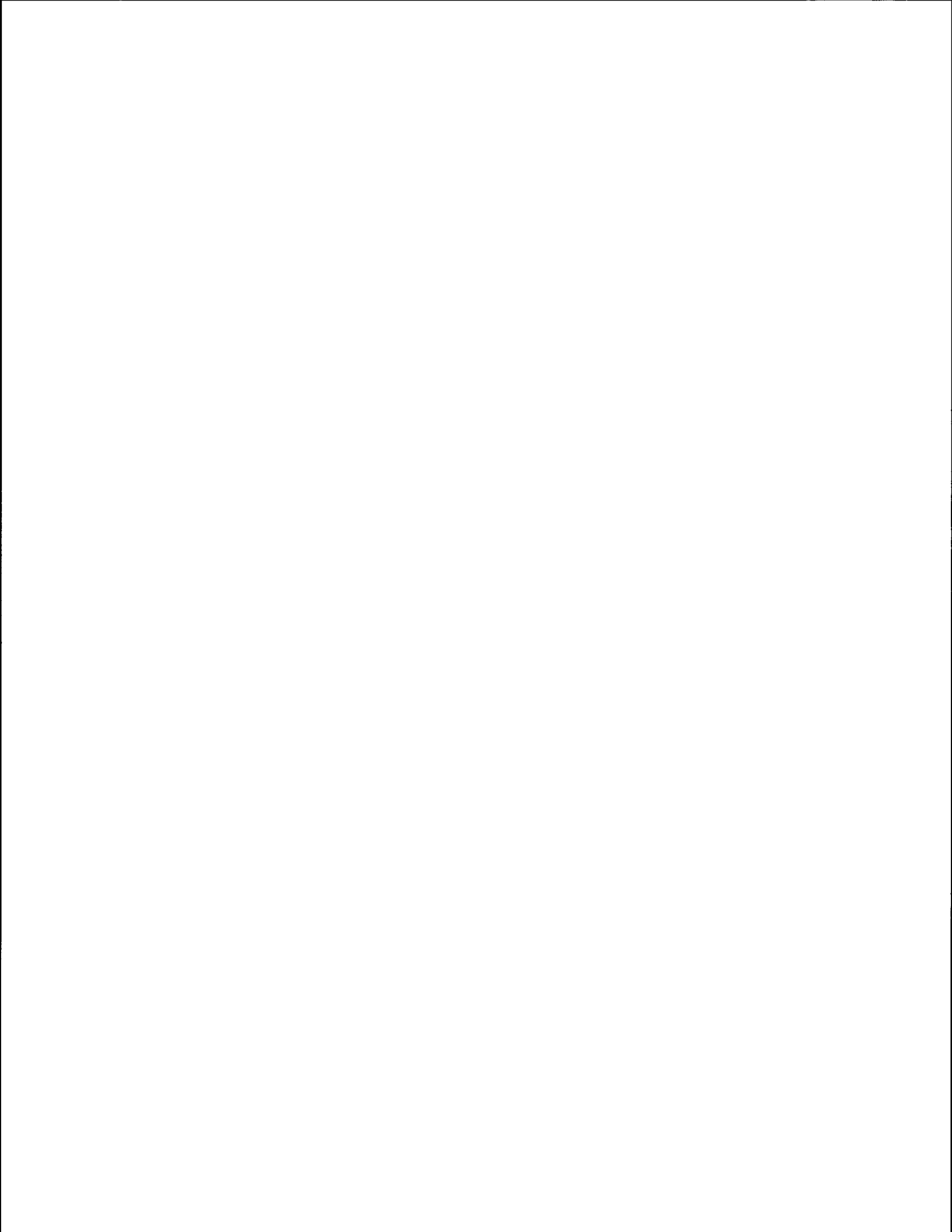
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  - Alley
  - Unimproved road
  - Airport Runway
  - Not yet coded
- Section Lines 0-25k**
- 0
  - 7

- Tax Parcels
- Lot Lines
- <Null>
- Lot Line
- Parcel Line

**Map Notes:**





## STAFF REPORT

### GENERAL INFORMATION:

#### REQUEST:

**MAJOR PLANNED UNIT DEVELOPMENT  
AMENDMENT REVIEW / PU 17-04**: To review  
an existing Planned Unit Development in accordance  
with Section 213 of the Pennington County Zoning  
Ordinance.

#### APPLICANT:

Kelly Development / Ryan Kelly

#### APPLICANT ADDRESS:

3618 Canyon Lake Drive, Ste. 113  
Rapid City, SD 57702

#### LEGAL DESCRIPTION:

Lots 3-6, Block 4, Sheridan Lake Highlands  
Subdivision, Section 2, T1S, R6E, BHM, Pennington  
County, South Dakota.

#### SITE LOCATION:

Sawmill Road; at the end of the intersection of  
Sawmill Road and Sheridan Lake Road.

#### SIZE:

11.15 acres

#### TAX ID:

68480, 68481, 68482, 68483

#### EXISTING LAND USE:

Vacant / Pole Barn / Residential

#### ZONING REFERENCE:

Section 213

#### CURRENT ZONING:

Planned Unit Development District

#### SURROUNDING ZONING:

North	Planned Unit Development District
South	Low Density Residential District
	General Agriculture District
East	Planned Unit Development
West	General Agriculture District

#### PHYSICAL CHARACTERISTICS: Flat

#### REPORT BY:

Cody Sack

**I. PROPOSED RECOMMENDATION:** Staff will be recommending approval of the extension of Major Planned Unit Development Amendment / PU 17-04 with twenty-one (21) conditions.

**II. GENERAL DESCRIPTION**

A. December 26, 2006 - The Board of Commissioners approved PU 06-09 with the following twenty-two (22) conditions:

1. That the Planned Unit Development consists of no more than ten (10) residential lots;
2. That the minimum size of the residential lots be 1.5 acres;
3. That each proposed lot have areas for a single-family residence, accessory structures, and two (2) drainfields sites;
4. That a minimum of two (2) off-street parking spaces be provided for each residential lot. All off-street parking spaces on the site shall measure at least nine (9) feet by eighteen (18) feet, be surfaced with gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;
5. That no off-premise signs be allowed within the Planned Unit Development;
6. 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;
7. That a Building Permit be obtained for any structures exceeding 144 square feet or located on a permanent foundation, which includes the necessary site plans to be reviewed and approved by the Planning Director;
8. That no lot is permitted to take access off of Sheridan Lake Road;
9. That the required minimum setbacks for all structures be a minimum of 25-feet from all property lines;
10. That each unit has an individual address that must be posted in accordance with Pennington County Ordinance Amendment #20;
11. That any plat of the subject property show the continuation of Rockwood Road adjoining Sawmill Road and that this area of land be dedicated as an access easement with a width of 66-feet;
12. That a road district be formed to maintain the roads or the applicant incorporates this development into an existing road district;
13. That the proposed development join the existing Homeowner's Association that was created for Sheridan Lake Highland development;
14. That prior to applying for a Preliminary Plat of the subject property, the applicant submits to the Pennington County Planning Department revised road and drainage plans. These plans will be forwarded to the

- Pennington County Highway Department for their review and approval;
15. That any portion of the subject property lying within the Rapid City platting jurisdiction be platted through both Pennington County and the City of Rapid City;
  16. That due to the possibility of poor soil conditions and negative environmental impacts, no On-Site Wastewater Permits be issued for any lot(s) prior to the Pennington County Environmental Planner approving the type and location of such system. This may include the use of Aqua Safe septic tanks. The Pennington County Environmental Planner may, at his or her discretion, require a registered professional engineer to sign off on the percolation tests and septic system design;
  17. That prior to applying for a Layout Plat of the subject property, the applicant signs and complies with the Noxious Weed Management Plan;
  18. That the Planned Unit Development be allowed a maximum of three (3) well lots;
  19. That at the time of submittal for a Layout Plat, the applicant has a proper Block number implemented into the Title Heading;
  20. That this Planned Unit Development be reviewed in one (1) year or upon a complaint basis;
  21. That prior to any structure being located on the property lying directly adjacent to Sheridan Lake Road (originally proposed as Lot 1), the Highway Department verifies that sight distance is adequate; and,
  22. That no private wells will be drilled on any individual lots.
- B. August 15, 2017- The Board of Commissioners originally approved Planned Unit Development / PU 17-04 with the following twenty-one (21) conditions:
1. That the Planned Unit Development consists of no more than four (4) residential lots;
  2. That the minimum size of the residential lots be two (2) acres;
  3. That proposed Lots 3 – 6 of Block 4 of Sheridan Lake Highlands Subdivision have areas for a single-family residence, accessory structures, and two (2) drainfields sites;
  4. That a minimum of two (2) off-street parking spaces be provided for each residential lot. All off-street parking spaces on the site shall measure at least nine (9) feet by eighteen (18) feet, be surfaced with gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;
  5. That no off-premise signs be allowed within the Planned Unit Development;
  6. 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;
7. That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
  8. That no lot is permitted to take access off of Sheridan Lake Road;
  9. That the required minimum setbacks for all structures be a minimum of 25-feet from all property lines;
  10. That each unit has an individual address that must be posted in accordance with Pennington County Ordinance Amendment #20;
  11. That subject lots within this PUD remain part of the Sheridan Lake Highlands Road District;
  12. That proposed Lots 3 – 6 of Block 4 of Sheridan Lake Highlands, become part of the Homeowners Association created for Sheridan Lake Highlands, within six (6) months of their creation and that Lots 3 - 6 remain part of the Homeowner's Association;
  13. That any plat of the subject property show the continuation of Rockwood Road adjoining Sawmill Road and that this area of land be dedicated as an access easement with a width of 66-feet;
  14. That prior to applying for any future plats within this Planned Unit Development, the applicant submits to the Sheridan Lake Highlands Road District and Pennington County Planning Department revised road and drainage plans. Pennington County Planning Staff will forward the plans to the Pennington County Highway Department for their review;
  15. That the applicant signs and complies with the Pennington County Noxious Weed Management Plan for proposed Lots 3 – 6 of Block 4 of Sheridan Lake Highlands Subdivision;
  16. That any portion of proposed Lots 3 – 6 of Block 4 of Sheridan Lake Highlands Subdivision lying within the Rapid City platting jurisdiction be platted through both Pennington County and the City of Rapid City;
  17. That due to the possibility of poor soil conditions and negative environmental impacts, no On-Site Wastewater Permits be issued for proposed Lots 3 – 6 of Block 4 of Sheridan Lake Highlands prior to the Pennington County Environmental Planner approving the type and location of such system. This may include the use of Aqua Safe septic tanks. The Pennington County Environmental Planning Supervisor may, at his or her discretion, require a Registered Professional Engineer to approve of and sign off the percolation tests and septic system design;
  18. That the existing 60-foot x 126-foot structure (built in 1987) be allowed on proposed Lot 3 of Block 4 of Sheridan Lake Highlands Subdivision, that no items be left outside of the structure that would

constitute a public nuisance, and that all future structures meet current Pennington County Zoning Ordinance Standards.

19. That no private wells will be drilled on any individual lots.
20. That the applicant signs the Statement of Understanding (SOU) for this Major Planned Unit Development Amendment, within ten (10) days of its approval. The SOU is available at the Pennington County Planning Department; and,
21. That this Planned Unit Development be reviewed in one (1) year or upon a complaint basis; or as directed by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

C. March 20, 2012 – The Board of Commissioners approved Layout Plat / PL 11-31 to create Lots 1-3, Block 4, Sheridan Lake Highlands with the following ten (10) conditions:

1. That at the time of Preliminary Plat submittal, the applicant shall provide two (2) sets of percolation test and eight (8) foot soil profile hole information for the proposed lots to be reviewed by the Environmental Planner or else a Subdivision Regulations Variance be obtained waiving this requirement;
2. That a site plan showing the location of all existing structures and associated utilities on the proposed lots be submitted with the Preliminary Plat application;
3. That at the time of Preliminary Plat submittal, Details #1 and #2, shown on the plat, shall be changed from Lot 10 to Lot 3 and Detail #3 shall be changed from Lot 9 to Lot 3;
4. That prior to County Board approval of the Preliminary Plat, the applicant provide engineered road construction plans for any road improvements to be made or else a Subdivision Regulations Variance be obtained waiving this requirement;
5. That prior to County Board approval of the Final Plat, the second layer of asphalt shall be applied to Sawmill Road;
6. That at the time of Preliminary Plat submittal, revised road and drainage plans for Sawmill Road be submitted for their review and approval;
7. That prior to County Board approval of the Final Plat, the accessory structure on proposed Lot 3 shall be removed or the applicant amends the PUD to allow for the existing structure to remain as an accessory structure or constructs a single-family residence on the lot;
8. That at the time of Preliminary Plat submittal, the applicant shall provide water supply information for the proposed lots. If the proposed lots will connect to the existing water system, the applicant shall provide documentation confirming the current water supply and distribution system is adequate to handle the increase in use and that connecting the three (3) additional lots will not have a negative impact

- on the water supply for the existing platted lots within this development;
9. That prior to the plat being recorded, a Road District shall be formed to maintain the roads or the applicant shall incorporate this development into an existing Road District; and,
  10. That at the time of submittal for the Preliminary Plat, the plat meets all the requirements of Section 400.2 of the Pennington County Subdivision Regulations, including the Preliminary Plat to be scaled at not more than one (1) inch equals one hundred (100) feet, and topographic information be provided of the subject property at two (2) foot contour intervals or the applicant obtains an approved Subdivision Regulations Variance waiving any of these requirements that are not met.
- D. June 28, 2013 - Lot 1 and Lot 2 of Block 4 of Sheridan Lake Highlands were created and the remaining portion was left as Tract B Less Sheridan Lake Highlands Less ROW (hereafter referred to as Tract B).
1. Lots 1-2 are all part of PU 06-09.
    - a. Lot 1; 3.12 ± acres.
      - i. Contains a single-family residence with an attached garage, built via Building Permit COBP12-0010. The applicant does not own this lot.
      - ii. If PU 17-04 is approved, Lot 1 will remain under the Conditions of Approval of PU 06-09.
      - iii. A Condition of the recent Minor Plat was to include Lot 1 within what is now PU 17-04, but the owners of Lot 1 cannot be “made” by staff to be included, if they do not want to.
    - b. Lot 2; 3.03 ± acres.
      - i. A single-family residence with an attached garage is currently in the process of construction via Building Permit COBP16-0104. The applicant does not own this lot.
      - ii. If PU 17-04 is approved, Lot 2 will remain under the Conditions of Approval PU 06-09.
      - iii. A Condition of the recent Minor Plat was to include Lot 2 within what is now PU 17-04, but the owners of Lot 2 cannot be “made” by staff to be included, if they do not want to.
    - c. Tract B; 11.15 ± acres.
      - i. Contains an existing Equipment Shop, built in 1987, (via Department of Equalization records), without a Building Permit.
      - ii. During the hearings for PUD 06-09, the applicant was required to either remove the structure or amend the

PUD to allow the structures with conditions. This was not done, but would have been caught during a Staff review.

iii. This will be addressed as a Condition of Approval.

- E. October 4, 2016 - The Board of Commissioners approved Layout Plat / PL 16-15 to create Lot 3-6, Block 4, Sheridan Lake Highlands with the following eight (8) conditions:
1. That all the Conditions of Approval from Planned Unit Development / PU 06-09 must be adhered to with special attention to Conditions #14 and Condition #16;
  2. That prior to a Final Plat being recorded with the Register of Deeds for the proposed lots, a Major Planned Unit Development Amendment, to address the applicant's changes, must be approved by the Board of Commissioners;
  3. That at the time of Preliminary Plat submittal, the applicant shall provide two (2) sets of percolation test and eight (8) foot soil profile hole information for the proposed lots to be reviewed by the Environmental Planner or else a Subdivision Regulations Variance be obtained waiving this requirement;
  4. Prior to the applicant submitting a Preliminary Plat for the subject parcels, the applicant obtain an approved Comprehensive Plan Amendment to change the Future Land Use designations of parcels in PU 06-09 from Heavy Industrial to Planned Unit Development;
  5. That at the time of Preliminary Plat submittal, the applicant shall provide water supply information for the proposed lots. If the proposed lots will connect to the existing water system, the applicant shall provide documentation confirming the current water supply and distribution system is adequate to handle the increase in use and that connecting the three (3) additional lots will not have a negative impact on the water supply for the existing platted lots within this development;
  6. That at the time of submittal for the Preliminary Plat, the plat meets all applicable 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;
  7. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Layout Plat / PL 16-15, which is available at the Planning Office; and,
  8. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.
- I. April 4, 2017 – The Board of Commissioners approved Minor Plat / PL 17-06 and Subdivision Regulations Variance / SV 17-05 to create Lot 3-6, Block 4, Sheridan Lake Highlands with the following nine (9) conditions:

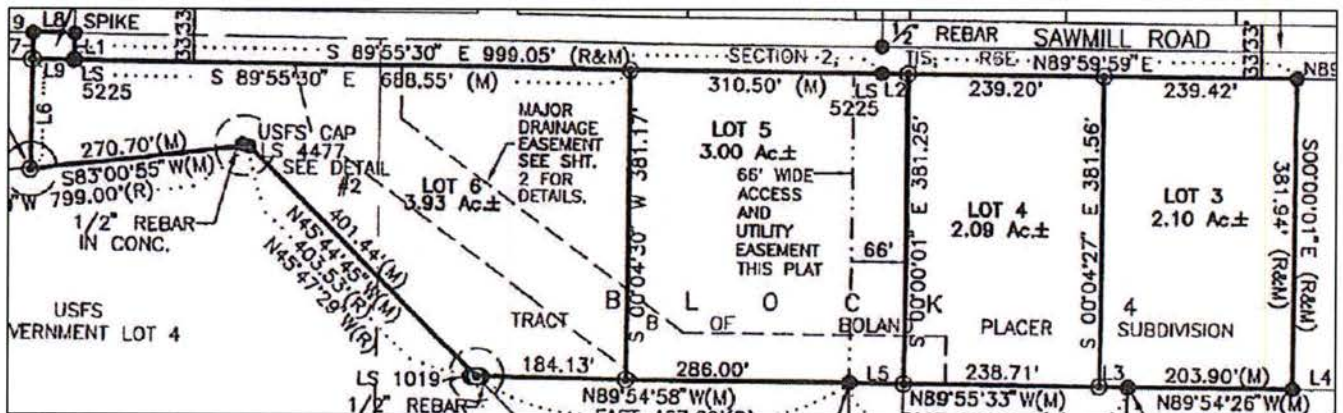
1. That all the Conditions of Approval from Planned Unit Development / PU 06-09 be followed;
2. That prior to the Plat being recorded with the Register of Deeds, a Major Planned Unit Development Amendment, to address the applicant's changes for PU 06-09, must be approved by the Board of Commissioners;
3. That prior to the Plat being recorded with the Register of Deeds, the applicant provide two (2) sets of percolation test and eight (8) foot soil profile hole information for the proposed lots to be reviewed by the Environmental Planner or else a Subdivision Regulations Variance be obtained waiving this requirement;
4. That prior to the Plat being recorded with the Register of Deeds for the proposed lots, the applicant obtain an approved Comprehensive Plan Amendment to change the Future Land Use designations of parcels in PU 06-09 from Heavy Industrial to Planned Unit Development;
5. That prior to this Minor Plat being recorded with the Register of Deeds for the proposed lots, the applicant provide water supply information for all the proposed lots (Lots 3-6). If the proposed lots will connect to the existing water system, the applicant shall provide documentation confirming the current water supply and distribution system is adequate to handle the increase in use and that connecting the three (3) additional lots will not have a negative impact on the water supply for the existing platted lots within this development;
6. That prior to the Plat being recorded with the Register of Deeds for the proposed lots, the plat meets all applicable 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;
7. The prior to the Plat being recorded with the Register of Deeds, the "C:/"file location information, on the bottom right corner of the proposed plat, be removed;
8. The prior to the Plat being recorded with the Register of Deeds, the existing Septic Note, be replaced with the following note: All onsite wastewater treatment systems on the subject lots shall consist of, at a minimum, an advanced treatment unit or mound system and be approved by the South Dakota Department of Environment and Natural Resources and Pennington County. All onsite wastewater treatment systems are subject to the review and approval of a complete report of the soils and geological investigation performed by a qualified person to demonstrate that the proposed system meets all State, County and local regulations"; and,
9. That the applicant signs the Statement of Understanding (SOU) within ten (10) business days of approval of Minor Plat / PL 17-06; the SOU will be available at the Planning Office.



- F. April 4, 2017 – The Board of Commissioners approved Subdivision Regulations Variance / SV 17-05 to waive submittal of the following:
  - 1. Percolation tests and soil profile information for proposed Lots 3 through 6, of Sheridan Lake Highlands, which are provided with the Building Permit application.
- G. December 17, 2018 – The Planning Commission continued PU 17-04 to the January 14, 2019, Planning Commission meeting.
- H. January 2, 2019 – The Board of Commissioners continued PU 17-04 to the February 5, 2019, Board of Commissioners meeting.

**III. EXISTING CONDITIONS**

- A. Four (4) Lots.
  - 1. Lots 3, 4, 5, and 6.
- B. Planned Unit Development – Current Zoning.
- C. Planned Unit Development – Future Land Use Zoning.
- D. No Special Flood Hazard Areas on the subject property.
- E. Within the Sheridan Lake Highlands Road District.
- F. Within the West Dakota Water District.



- G. Lot 3
  - 1. 2.10 acres ±.
  - 2. Currently vacant of any structures.
  - 3. Planned Unit Development – Current Zoning.
  - 4. Planned Unit Development – Future Land Use Zoning.
  - 5. No Special Flood Hazard Areas on the subject property.
  - 6. Within the Sheridan Lake Highlands Road District.
  - 7. Within the West Dakota Water District.
- H. Lot 4
  - 1. 2.09 acres ±.
  - 2. Contains the existing equipment shop.
  - 3. Contains a portion of a sixty (60) foot Major Drainage and Utility Easement created with PL 16-15.

4. Planned Unit Development – Current Zoning.
5. Planned Unit Development – Future Land Use Zoning.
6. No Special Flood Hazard Areas on the subject property.
7. Within the Sheridan Lake Highlands Road District.
8. Within the West Dakota Water District.

I. Lot 5

1. 3.3 acres ±.
2. Currently vacant of any structures.
3. Contains a portion of a sixty (60) foot Major Drainage and Utility Easement created with PL 16-15.
4. Contains a sixty-six (66) foot wide Access and Utility Easement created with PL 16-15.
  - a. This appears to be the future access from existing Rockwood Road to Sawmill Road.
5. Planned Unit Development – Current Zoning.
6. Planned Unit Development – Future Land Use Zoning.
7. No Special Flood Hazard Areas on the subject property.
8. Within the Sheridan Lake Highlands Road District.
9. Within the West Dakota Water District.

J. Lot 6

1. 3.64 acres ±.
2. Contains a single-family residence with a detached garage.
  - a. Building Permit (COBP18-0096).
  - b. On-Site Waste Water Treatment System (COSD18-0006).
3. Contains a portion of a sixty (60) foot Major Drainage and Utility Easement created with PL 16-15.
4. Planned Unit Development – Current Zoning.
5. Planned Unit Development – Future Land Use Zoning.
6. No Special Flood Hazard Areas on the subject property.
7. Within the Sheridan Lake Highlands Road District.
8. Within the West Dakota Water District.

**IV. ANALYSIS**

- A. A Minor Plat was filed with the Register of Deeds on December 12, 2017 (#A 201717355).
  1. Four (4) lots were created.
  2. A 66' wide easement is listed on the Plat.
  3. The lots are part of the Sheridan Lake Highlands Road District.
- B. December 10, 2018 - Staff reviewed Conditions of PU / 17-04 and found:
  1. All Conditions of Approval appear to be met with exception of a Noxious Weed Management Plan.

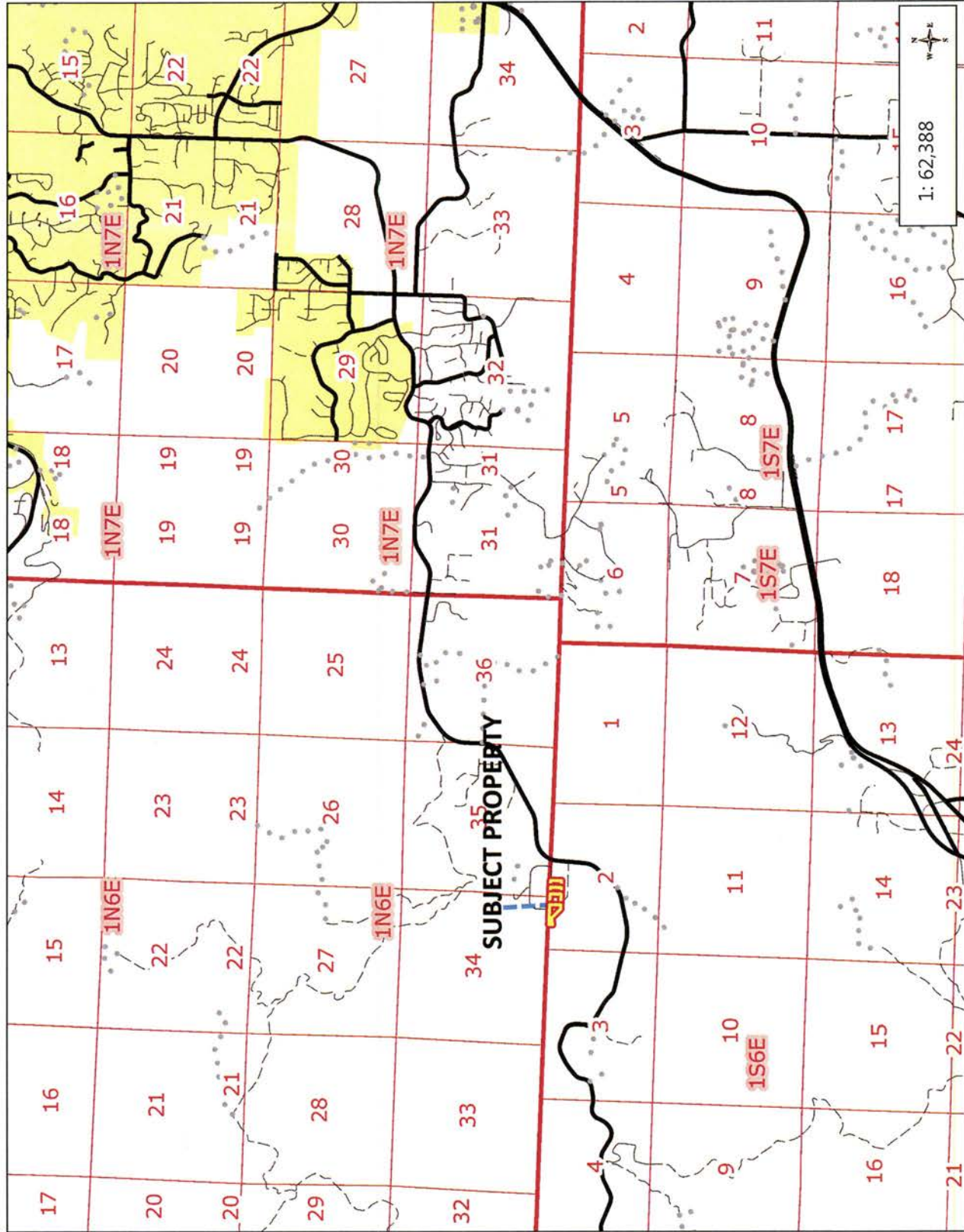
2. Staff spoke to the Natural Resource Director who stated that he was not concerned that the applicant has not signed the Noxious Weed Management Plan at this time.
  - a. Staff will update Condition #15 to reflect this.
3. To date, staff has not been able to verify if Lots 3-6 are part of the Sheridan Lake Highlands HOA.
  - a. Staff tried to contact the HOA but have not received a response back at the time of this staff report.
- C. December 11, 2018 – Staff performed a site visit and found:
  1. Two (2) of the lots (Lots 3 and 5) are vacant.
  2. Lot 4 has a shop building on the property.
  3. Lot 6 has a single family residence being constructed.
- D. At the time of this report, there have been no verified complaints regarding PU 17-04.
- E. December 11, 2018 – Staff attempted to contact the applicant to verify if Condition #12 had been met.
  1. On the first attempt, the applicant answered the phone but the call was either dropped or the applicant hung up.
  2. On the second attempt, the call went straight to voicemail.
  3. On the third attempt, the phone rang two or three times and then went to voicemail.
- F. December 12, 2018 – Staff attempted to contact the applicant but he could not be reached.
- G. December 13, 2018 – Staff was in contact with the Sheridan Lake Highlands Homeowner Association who stated:
  1. Lots 3-6 of Sheridan Lake Highlands Subdivision are a part of the Homeowners association.
    - a. Staff will update Condition #12 as Lots 3-6 have joined the HOA, but will need to continue to be in the HOA.

**RECOMMENDATION:** Staff recommends approval of the extension of Major Planned Unit Development Amendment / PU 17-04 with the following twenty-one (21) conditions:

1. That the Planned Unit Development consists of no more than four (4) residential lots;
2. That the minimum size of the residential lots be two (2) acres;
3. That proposed Lots 3 – 6 of Block 4 of Sheridan Lake Highlands Subdivision have areas for a single-family residence, accessory structures, and two (2) drainfields sites;
4. That a minimum of two (2) off-street parking spaces be provided for each residential lot. All off-street parking spaces on the site shall measure at least nine (9) feet by eighteen (18) feet, be surfaced with gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;

5. That no off-premise signs be allowed within the Planned Unit Development;
6. 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;
7. That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
8. That no lot is permitted to take access off of Sheridan Lake Road;
9. That the required minimum setbacks for all structures be a minimum of 25-feet from all property lines;
10. That each unit has an individual address that must be posted in accordance with Pennington County Ordinance Amendment #20;
11. That subject lots within this PU 17-04 remain part of the Sheridan Lake Highlands Road District;
12. That proposed Lots 3 – 6 of Block 4 of Sheridan Lake Highlands, remain part of the Homeowners Association created for Sheridan Lake Highlands;
13. That any plat of the subject property show the continuation of Rockwood Road adjoining Sawmill Road and that this area of land be dedicated as an access easement with a width of 66-feet;
14. That prior to applying for any future plats within this Planned Unit Development, the applicant submits to the Sheridan Lake Highlands Road District and Pennington County Planning Department revised road and drainage plans. Pennington County Planning Staff will forward the plans to the Pennington County Highway Department for their review;
15. That the applicant signs and complies with the Pennington County Noxious Weed Management Plan for proposed Lots 3 – 6 of Block 4 of Sheridan Lake Highlands Subdivision if the Pennington County Natural Resource Director requires one ;
16. That any portion of proposed Lots 3 – 6 of Block 4 of Sheridan Lake Highlands Subdivision lying within the Rapid City platting jurisdiction be platted through both Pennington County and the City of Rapid City;

17. That due to the possibility of poor soil conditions and negative environmental impacts, no On-Site Wastewater Permits be issued for proposed Lots 3 – 6 of Block 4 of Sheridan Lake Highlands prior to the Pennington County Environmental Planner approving the type and location of such system. This may include the use of Aqua Safe septic tanks. The Pennington County Environmental Planning Supervisor may, at his or her discretion, require a Registered Professional Engineer to approve of and sign off the percolation tests and septic system design;
18. That the existing 60-foot x 126-foot structure (built in 1987) be allowed on proposed Lot 4 of Block 4 of Sheridan Lake Highlands Subdivision, that no items be left outside of the structure that would constitute a public nuisance, and that all future structures meet current Pennington County Zoning Ordinance Standards;
19. That no private wells will be drilled on any individual lots;
20. That the applicant signs the Statement of Understanding (SOU) for this Major Planned Unit Development Amendment, within ten (10) days of its approval. The SOU is available at the Pennington County Planning Department; and,
21. That this Planned Unit Development be reviewed in two (2) years or upon a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met



1: 62,388

10,398.0 5,199.00 10,398.00 Feet

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

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© City of Rapid City GIS

## Legend

### Roads

- Interstate
- US highway
- SD highway
- County highway
- Main road
- Minor arterial
- Collector
- Ramp
- Paved road
- Unpaved road
- Trail
- Driveway
- Alley
- Unimproved road
- Airport Runway
- Not yet coded

### PLSS

- Townships
- City Limits

- BOX ELDER
- ELLSWORTH AFB
- HILL CITY
- KEYSTONE
- NEW UNDERWOOD
- QUINN
- RAPID CITY
- WALL
- WASTA

## Map Notes:



1: 2,269

378.1

189.05

378.1 Feet

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**Legend**

**Roads**

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**Section Lines 0-25k**

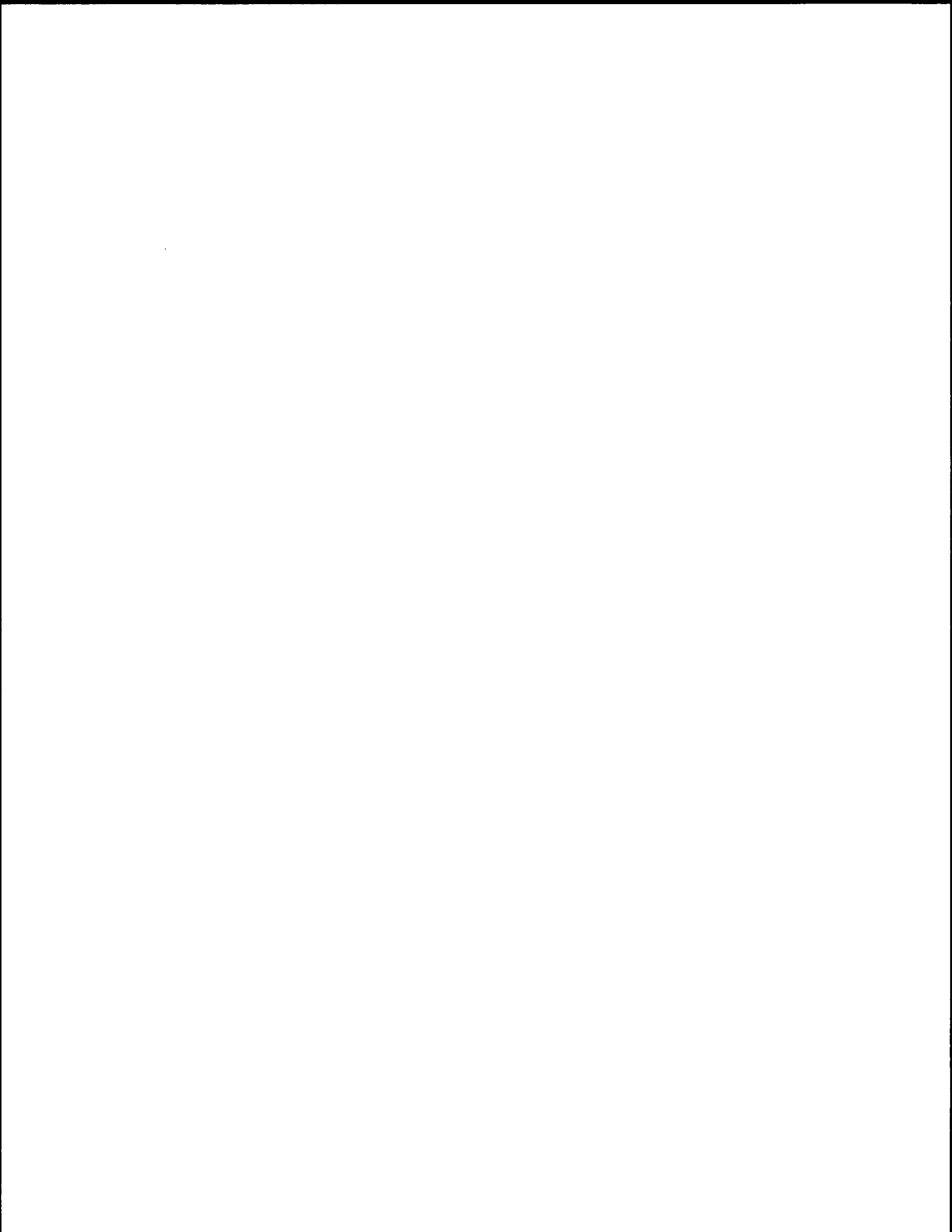
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- 7

**Tax Parcels**

**Lot Lines**

- <Null>
- Lot Line
- Parcel Line

**Map Notes:**





## STAFF REPORT

### GENERAL INFORMATION:

#### REQUEST:

**MINOR PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PU 17-12:** To review an existing Planned Unit Development to allow a gunsmithing business on the subject property in accordance with Section 213 of the Pennington County Zoning Ordinance.

#### APPLICANT/AGENT:

Jeremy Cummings

#### APPLICANT ADDRESS:

6431 Zamia Street, Rapid City, SD 57703

#### LEGAL DESCRIPTION:

Lot 1, Block 3, Prairiefire Subdivision, Section 26, T1N, R8E, BHM, Pennington County, South Dakota.

#### SITE LOCATION:

6431 Zamia Street.

#### TAX ID:

61125

#### SIZE:

0.57 acre

#### EXISTING LAND USE:

Residential

#### ZONING REFERENCE:

Section 213

#### CURRENT ZONING:

Planned Unit Development District

#### SURROUNDING ZONING:

North	Planned Unit Development District
South	Planned Unit Development District
East	Planned Unit Development District
West	Suburban Residential District

#### PHYSICAL CHARACTERISTICS:

Flat / Prairie

#### UTILITIES:

Public

#### REPORT BY:

P. J. Conover

**I. PROPOSED RECOMMENDATION**

- A. Staff will be recommending to continue the review of PU 17-12 to the February 11, 2019, Planning Commission meeting.

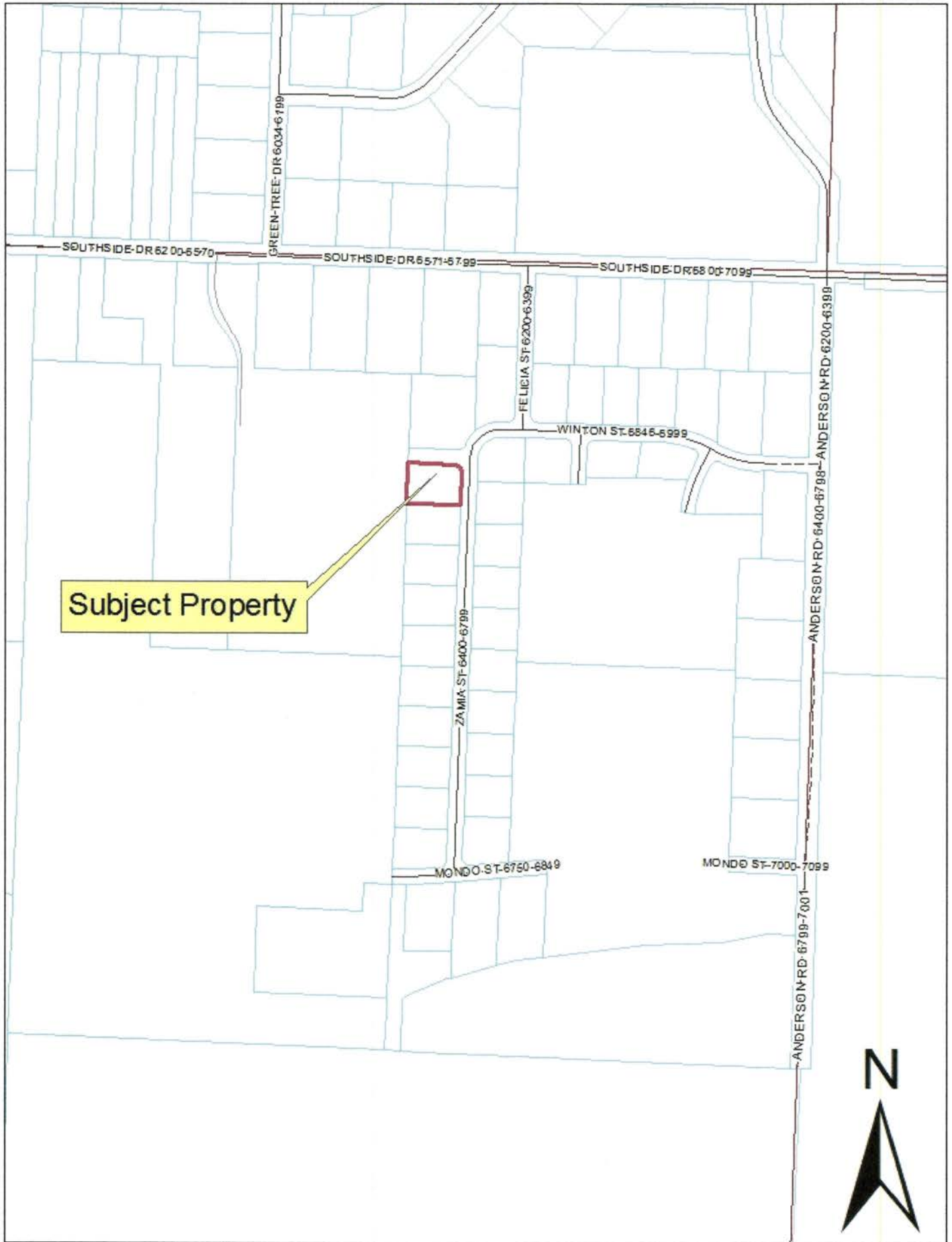
**II. GENERAL DESCRIPTION**

- A. November 13, 2017, the applicant applied for Minor Planned Unit Development Amendment / PU 17-12 to allow for a gunsmithing business on Lot 1, Block 3 of Prairiefire Subdivision.
- B. January 22, 2018, the Planning Commission approved PU 17-12 with the following seventeen (17) conditions.
1. That the Conditions of Approval of Planned Unit Development / PU 05-06 be continually adhered to;
  2. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
  3. That the gunsmithing and service business shall be operated completely within the existing attached garage;
  4. That no business sign be posted on the property;
  5. That no on-premise retail sales be allowed and customers be restricted from pick and/or drop off at the subject property;
  6. That the home occupation, including all associated storage, be conducted entirely indoors;
  7. That the applicant complies with all applicable local, state, and federal laws and a current copy of the applicant's Federal Firearms License from the U.S. Bureau of ATF be kept on file with the Planning Department;
  8. That the address be properly posted on both the residence and at the approach so it is visible in both directions from Zamia Street in accordance with Pennington County's Ordinance #20;
  9. That the applicant maintains an Excise Sales Tax License as required by the South Dakota Department of Revenue;
  10. That the residential characteristics of the property be maintained and remains free of junk and debris;
  11. That the applicant notifies the Rapid Valley Volunteer Fire Department prior to operation of the business and a copy of the letter shall also be provided to the Planning Department to place in the file;
  12. That measures are taken to control odors, fumes, dust, noise, vibration and lighting resulting from the home occupation so as to not constitute a nuisance to the general public;
  13. That the applicant takes measures to prevent the disposal of materials into the on-site wastewater treatment system;
  14. That the Minor Planned Unit Development Amendment shall be revoked upon sale or transfer of the subject property;

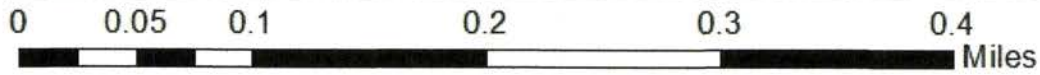
15. That business operations shall not commence on the subject property until staff have received proof of safe and security features for the subject property;
  16. This Minor Planned Unit Development Amendment is not valid until the Statement of Understanding, which is available at the Planning Office, has been signed by the applicant; and,
  17. That this Minor Planned Unit Development Amendment be reviewed in one (1) year or on a complaint basis to verify that all conditions of approval are being met.
- C. January 07, 2019 – The applicant informed Planning Staff that he needed to update his Tax License with the South Dakota Department of Revenue (SDDOR).
- D. January 08, 2019 – Staff spoke to the applicant, via email, and the applicant agreed to an extension of the hearing for PU 17-12, to allow him time to obtain the necessary License from SDDOR.

**RECOMMENDATION:** Staff recommends to continue the review of Minor Planned Unit Development Amendment / PU 17-12 to the February 11, 2019, Planning Commission meeting, with the applicant's concurrence.

# CUMMINGS



Subject Property



## STAFF REPORT

### GENERAL INFORMATION:

**REQUEST:** **CONDITIONAL USE PERMIT / CU 18-46:** To allow an existing structure to be used as a Guest House on the subject property in a Low Density Residential District in accordance with Sections 207, 318, and 510 of the Pennington County Zoning Ordinance.

**APPLICANT / OWNER:** Brady and Liana Wolfe

**APPLICANT ADDRESS:** 22531 Potter Road, Rapid City, SD 57702

**LEGAL DESCRIPTION:** Lot A Revised, Woodland Valley Subdivision, Section 15, T2N, R6E, BHM, Pennington County, South Dakota.

**SITE LOCATION:** 22531 Potter Road; south of the intersection of Nemo Road and Potter Road.

**SIZE:** 3.82 acres

**TAX ID:** 49468

**EXISTING LAND USE:** Residential

**ZONING REFERENCE:** § 207, 318, and 510

**CURRENT ZONING:** Low Density Residential District

**SURROUNDING ZONING:**

North	Low Density Residential District
South	Low Density Residential District
East	General Agriculture District
	Limited Agriculture District
West	Low Density Residential District

**PHYSICAL CHARACTERISTICS:** Hilly

**UTILITIES:** Private

**REPORT BY:** Cody Sack

**I. PROPOSED RECOMMENDATION**

- A. Staff will be recommending approval of Conditional Use Permit / CU 18-46 with eleven (11) conditions.

**II. GENERAL DESCRIPTION**

- A. The applicants, Brady and Liana Wolfe, have requested a Conditional Use Permit to allow an existing structure to be used as a Guest House in a Low Density Residential District.

**III. EXISTING CONDITIONS**

- A. Zoned Low Density Residential District.
- B. 3.82 acres.
- C. Access off Potter Rd.
- D. No Special Flood Hazard Area on the property.
- E. Single-family residence – built in 1910 per Department of Equalization (DOE) records.
- F. 54' x 36' equipment (Shop) building – COBP17- 0050.
- G. 40' x 44' detached garage- built in 1962 per DOE records.
- H. 16' x 40' garage addition – COBP17- 0051.
- I. On-site Wastewater Treatment System (OSWTS) - COOP17-0286.
  - 1. 1,000 gallon tank.
  - 2. Unknown drainfield size.

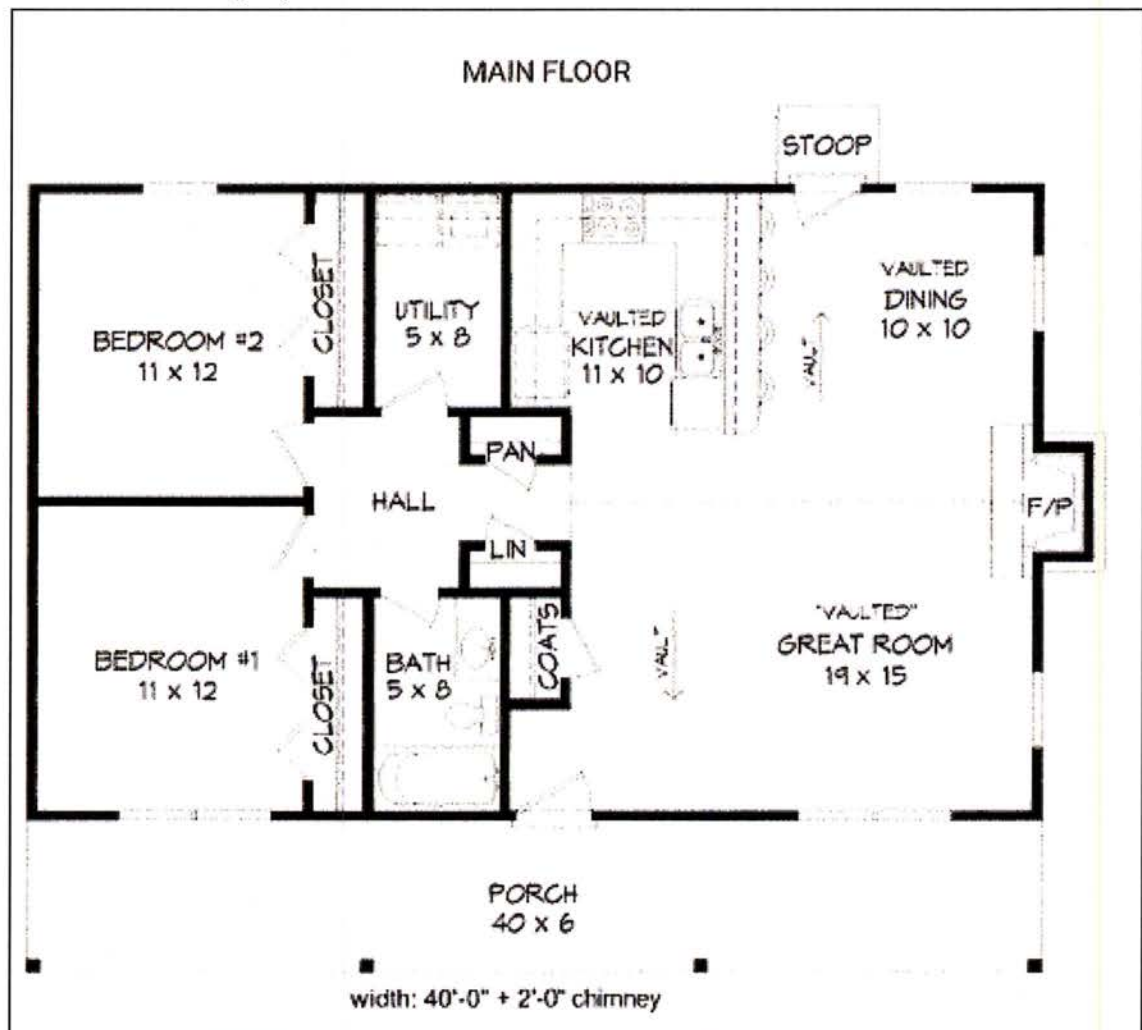
**IV. REQUEST FOR COMMENT**

- A. County Highway.
  - 1. No comments.
- B. County Fire Administrator.
  - 1. No comments received.
- C. County Environmental Planning Supervisor.
  - 1. Special Flood Hazard Area is “not studied” for the subject property.
- D. County Environmental Planner.
  - 1. The applicant has a current Operating Permit (COOP17-0286) for the primary residence. When adding a guest house, the applicant would need to connect to the existing system and expand it or install a new septic system for the guest house. All rules of Pennington County Zoning Ordinance Section 204-J must be followed in either situation.
- E. County Addressing Coordinator.
  - 1. The guest house will have to receive its own individual address. The address will need to be posted on the structure and at the end of each driveway so Emergency Services can locate the property. All addressing must follow Pennington County Zoning Ordinance #20.
- F. County Ordinance Enforcement.
  - 1. Ordinance Enforcement has no objection.

- G. Natural Resources Director.
  - 1. No objections.
- H. Emergency Services (9-1-1)
  - 1. No comments.
- I. Black Hills Energy.
  - 1. No comments received.

**V. ANALYSIS**

- A. December 3, 2018 – The applicants filed for a Conditional Use Permit to allow a Guest House on the subject property.
  - 1. The applicant’s plan is to convert part the existing garage into a Guest House.
  - 2. Guest House dimensions are 25’ x 40’ or 1,000 square feet..
  - 3. The proposed Guest House will include:



*Proposed layout of Guest House (provided by Applicant)*



*Location of Guest House on Property (Per Conversation with Applicant)*

- B. The Guest House will need to be connected to the same OSWTS as the primary residence.
1. If the current OSWTS is undersized with the addition of the Guest House, the applicants will need to upgrade the current system or install an individual OSWTS for the Guest House, per Section 318(B)(12) of the Zoning Ordinance.
    - a. It is the Environmental Planner's discretion to allow the Guest House to be hooked to its own OSWTS.
  2. The applicants will need to work with the County Environmental Planner to upgrade the OSWTS, if necessary.
    - a. *Staff note: In Staff's research, any bedroom addition will make the OSWTS undersized. Staff included a condition that states, "The applicant will need to apply for an OSWTS before applying for a Building Permit for the proposed Guest House."*



- C. At the time of this Staff report, staff has not received any complaints or concerns regarding CU 18-46.
- D. Guest Houses in Pennington County are governed under Pennington County Zoning Ordinance §318.
- E. § 318(B) states that, “an accessory Guest House shall be permitted in Low Density Residential, Limited Agriculture and General Agriculture Zoning Districts upon the issuance of a Conditional Use Permit or in Planned Unit Developments with approval of a Planned Unit Development Amendment and is subject to the following standards:”
  - 1. Only one (1) Guest House shall be allowed on a lot and/or parcel.
    - a. *Staff Comment: The applicant is requesting one (1) Guest House on the subject property.*
  - 2. The rental or lease of a Guest House or the use of a Guest House as a permanent resident for a second family on the premises shall be prohibited.
  - 3. The minimum lot size requirement for the construction of an accessory Guest House shall be three (3) acres.
    - a. *Staff Comment: The subject property is 3.82 acres.*
  - 4. The maximum allowed living space of a Guest House shall not exceed 50% of the living space in the main dwelling unit or 1,000 square feet, whichever is less. Covered decks attached to the Guest House shall be included in the calculation for the overall square footage, but decking and garage space shall not.
    - a. DOE has the living area of the primary residence at 1,882 square feet. This would mean that the proposed guest house cannot exceed 941 square feet. It appears to staff that the current proposed plan would be under the 941 square feet.
    - b. Guest House - 25' x 40' = 1000 square feet.
      - i. Utility closet – 5' x 8' = 40 square feet.
      - ii. Bathroom – 5' x 8' = 40 square feet.
      - iii. Two bedroom closets- appear to be 9' x 2' = 18 x 2 = 36 square feet
      - iv. 1000 -40 -40 - 36 = 884 square feet of living space.
    - c. Hallways, closets, utility rooms, and bathrooms are not classified as living space.
    - d. It appears to staff that the Guest House will be under 941 square feet.
  - 5. The Guest House shall not be used for more than 180 days per calendar year.
  - 6. The Guest House shall use the same driveway approach as the primary dwelling. One additional off-street parking space, measuring a minimum of nine (9) feet by eighteen (18) feet and maintained in a dust free manner, shall be provided for the Guest House.

- a. *Staff Comment: The proposed Guest House would have to utilize the same approach as the SFR on the subject property. It appears there is adequate parking to meet the requirement.*
7. The Guest House shall have a minimum setback of 25-feet from all property lines.
8. A single-wide mobile home shall not be allowed as a Guest House.
9. The Guest House shall be located closer to the primary dwelling on the subject lot than a primary dwelling on any adjacent existing lot at the time the Building Permit is approved for the Guest House.
  - a. *Staff Comment: It appears that the proposed Guest House will be closer to the Primary Structure on the subject lot.*
10. The primary dwelling unit shall be classified as owner-occupied. Proof of status must be provided.
  - a. *Staff Comment: Staff confirmed with DOE that the primary dwelling is classified as owner-occupied.*
11. Utilities: All public water, sewer, electricity, and natural gas for the Guest House shall be extended from the primary dwelling unit's services. No separate meters for the Guest House shall be allowed, unless required by the utility service provider.
12. On-Site Wastewater Treatment Systems: A Guest House shall use the same on-site wastewater disposal system as the primary dwelling, except when a separate system is required by the Pennington County Environmental Planner due to site constraints, failure of the existing system, or where the size or condition of the existing system precludes its use.
13. Prior to the issuance of a Building Permit for a Guest House, or for use of an existing structure as a Guest House, the applicant shall record a deed restriction stating the regulations applicable to the Guest House, including that the Guest House shall not be separately rented or leased from the main residence.

**VI. CONSIDERATIONS FOR CONDITIONAL USE PERMIT REQUEST**

The Zoning Ordinance lists five (5) factors that the Planning Commission may consider in their review of Conditional Use Permit applications. They are as follows:

**A. The effect upon the use and enjoyment of other property in the immediate vicinity for the uses already permitted, and upon property values within the immediate vicinity.**

1. This Conditional Use Permit should not change the residential use of the property and, thus, should not have any long-term, negative effects on the use and enjoyment of other properties in the immediate vicinity.
2. Staff cannot predict the impact the use may have on property values in the surrounding area.
3. As of this Staff Report, no complaints have been received by the Planning Department.

**B. The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.**

1. Allowing this Conditional Use Permit should not affect the normal, orderly development or improvement of any surrounding vacant property in the area.

**C. That utilities, access roads, drainage, and/or other necessary facilities are provided.**

1. The subject property will be served by a private on-site wastewater treatment system and well. Access to the property will provided via an approach off of Potter Road. All other necessary facilities will be provided during construction.

**D. That the off-street parking and loading requirements are met.**

1. Pennington County Zoning Ordinance § 310(A)(9)(k) requires two (2) off-street parking spaces per dwelling unit and § 318(B)(6) requires one (1) additional off-street parking space for the Guest House. Therefore, three (3) spaces would be required on the subject property for the main dwelling and the Guest House. It appears there is sufficient parking on the subject property to meet this requirement.

**E. That measures are taken to control offensive odor, fumes, dust, noise, vibration, and lighting (inclusive of lighted signs), so that none of these will constitute a nuisance.**

1. The proposed Conditional Use, by its very nature, should have limited odor, fumes, dust, noise, vibrations, and intrusive lighting. The applicant should take care so the proposed use should not create the above-listed elements in any amount that would constitute a nuisance.

**RECOMMENDATION:** Staff recommends approval of Conditional Use Permit / CU 18-46 with the following eleven (11) conditions:

1. That prior to issuance of the Building Permit for the Guest House, the applicant record a deed restriction with the Register of Deeds stating the regulations applicable to the Guest House, including that the Guest House shall not be separately rented or leased from the main residence, in accordance with Pennington County Zoning Ordinance (PCZO) § 318(B)(13);
2. The addition, removal, or relocation of the Guest House requires additional permits issued by the Planning Department;
3. That the rental or lease of the Guest House or the use of the Guest House as a permanent residence for a second family on the premises shall be prohibited;
4. That the Guest House shall not be used for more than 180 days per calendar year;
5. That the primary dwelling be continually classified as owner-occupied and proof of status be provided to the Planning Department upon request, in accordance with PCZO § 318(B)(10);
6. That all necessary utilities for the Guest House shall be extended from the primary dwelling unit's services. No separate meters for the Guest House shall be allowed, unless required by the utility service provider;
7. That prior to any Building Permit for the Guest House being applied for, any On-site Wastewater Treatment System must be in compliance with PCZO §318 and §204 (J), and be approved by the Pennington County Environmental Planner;
8. That both the addresses assigned for the primary residence and the Guest House be posted so they are clearly visible from Potter Road, in accordance with Pennington County Ordinance #20;

Agenda Item #14  
Brady and Liana Wolfe  
January 14, 2019

9. That the Guest House be continually utilized and maintained in accordance with all requirements of the PCZO, with emphasis on § 318, or a Variance(s) be obtained and approved to waive any requirements;
10. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which will require a site plan to be reviewed and approved by the Planning Director;
11. That this Conditional Use Permit be reviewed in one (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.



1: 10,398



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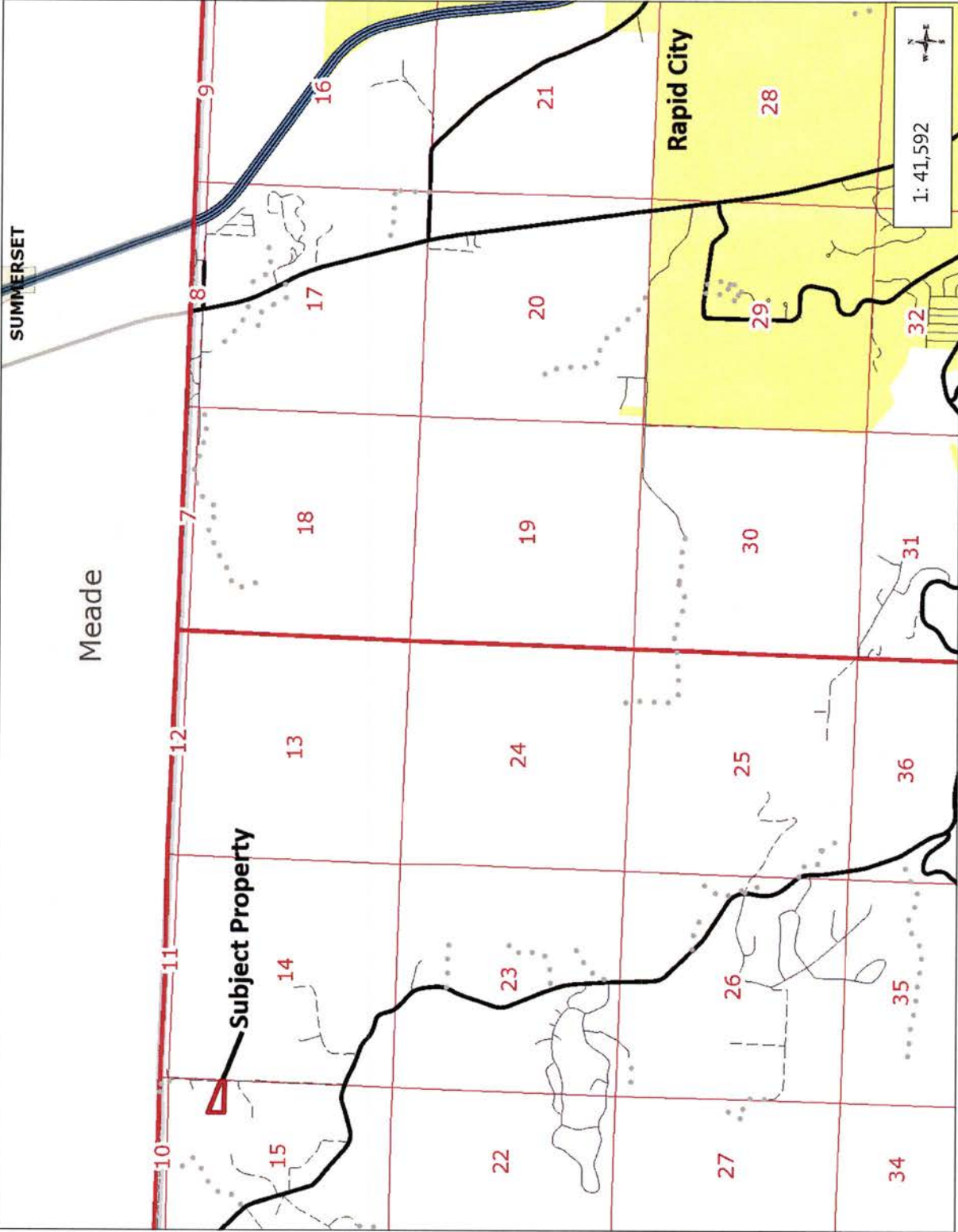
1,733.0  
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**Legend**

- Roads**
- Interstate
  - US highway
  - SD highway
  - County highway
  - Main road
  - Minor arterial
  - Collector
  - Ramp
  - Paved road
  - Unpaved road
  - Trail
  - Driveway
  - Alley
  - Unimproved road
  - Airport/Runway
  - Not yet coded
- Section Lines 0-25k**
- 0
  - 7

- Tax Parcels
- Lot Lines
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- Lot Line
- Parcel Line

**Map Notes:**



1: 41,592

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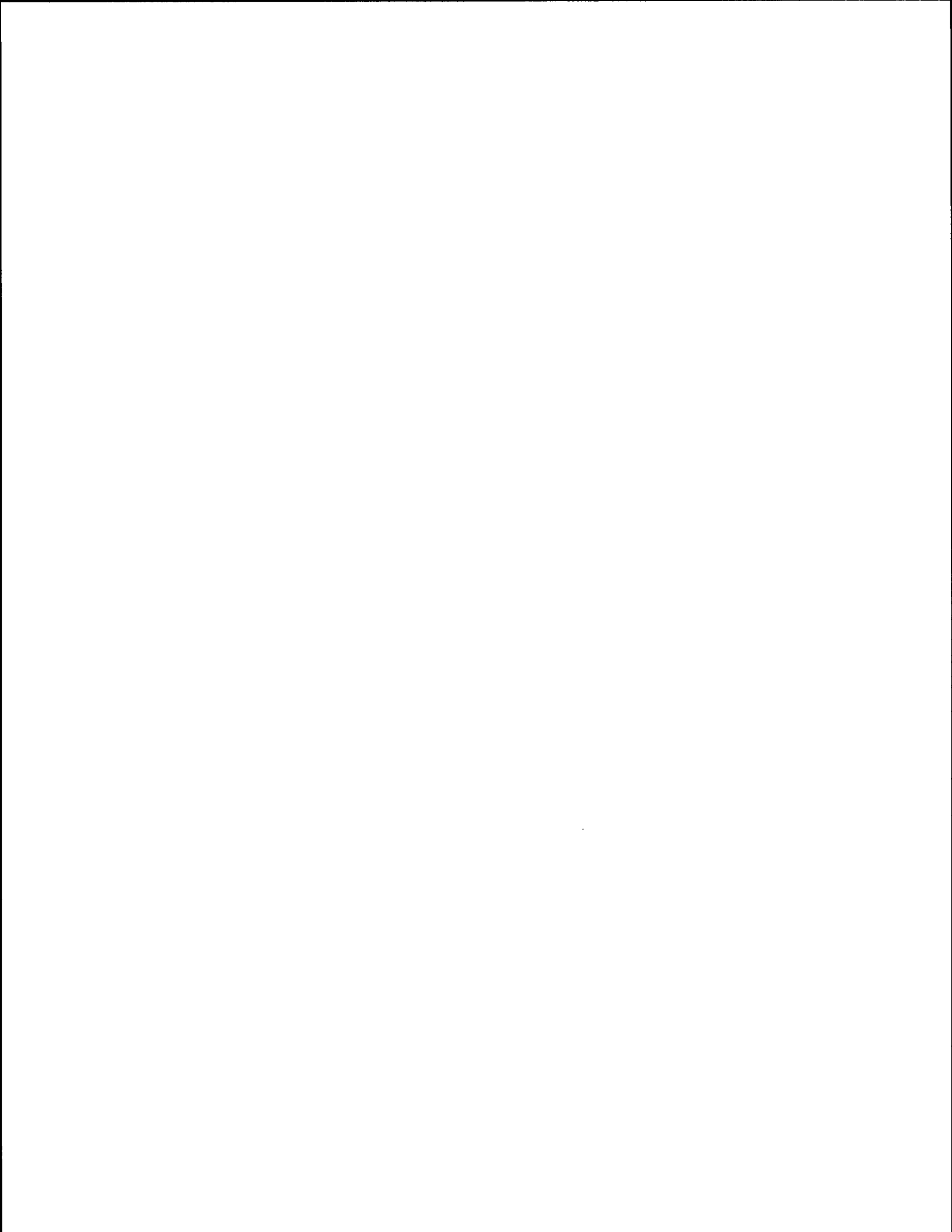
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  - Trail
  - Driveway
  - Alley
  - Unimproved road
  - Airport Runway
  - Not yet coded
- PLSS
- Townships
- City Limits
- BOX ELDER
  - ELLSWORTH AFB
  - HILL CITY
  - KEYSTONE
  - NEW UNDERWOOD
  - QUINN
  - RAPID CITY
  - WALL
  - WASTA

**Map Notes:**





## STAFF REPORT

### GENERAL INFORMATION:

**REQUEST:** **CONDITIONAL USE PERMIT / CU 18-47:** To allow a secondary structure to be used as living quarters prior to a primary residence in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

**APPLICANT / OWNER:** Kevin and Crystal McKinstry

**APPLICANT ADDRESS:** 8226 Cobblestone Court, Rapid City, SD 57703

**LEGAL DESCRIPTION:** Lot 20, Block 1, Mesa View Estates Subdivision #1, Section 12, T1N, R8E, BHM, Pennington County, South Dakota.

**SITE LOCATION:** 8226 Cobblestone Court; near the corner of Raveen Drive and Cobblestone Court.

**SIZE:** 0.68 acre

**TAX ID:** 40670

**EXISTING LAND USE:** Residential

**ZONING REFERENCE:** § 208 and 510

**CURRENT ZONING:** Suburban Residential District

**SURROUNDING ZONING:**

North	Suburban Residential District
South	Suburban Residential District
East	Suburban Residential District
West	Suburban Residential District

**PHYSICAL CHARACTERISTICS:** Flat

**UTILITIES:** City Water / Private OSWTS

**REPORT BY:** Brittney Molitor

**I. PROPOSED RECOMMENDATION**

- A. Staff will be recommending approval of Conditional Use Permit / CU 18-47 with nine (9) conditions.

**II. GENERAL DESCRIPTION**

- A. The applicants, Kevin and Crystal McKinstry, are requesting a Conditional Use Permit to allow for a secondary structure (12' x 40' shed) to be used as living quarters prior to construction/placing of a primary residence.

**III. EXISTING CONDITIONS**

- A. Zoned Suburban Residential District.
- B. 0.68 acre.
- C. Located in the Mesa View Estates Road District.
- D. Lot contains:
  - 1. Single-wide mobile home with additions - Appears to be uninhabitable at this time.
    - a. 1999COBP0592 – 28' x 45' Attached garage.
    - b. 1999COBP0593 – 12' x 36' Deck.
    - c. 1999COBP0594 – 24' x 48' Polished.
  - 2. COBP18-0719 – 12' x 40' Shed.
    - a. Applicant would like to add living quarters to this structure.
  - 3. Onsite Wastewater Treatment System.
    - a. COOP13-0232 – 1,000 gallon septic tank and unknown drainfield size.
- E. Conditional Use Permit / CU 87-16 – Mesa View Mobile Home Park
  - 1. To allow a mobile home subdivision on Lots 1-29 of Block 1 and Lots 1 and 3 through 12 of Block 2, all in Mesa View Subdivision #1.



*Aerial (2018)*

**IV. REQUEST FOR COMMENT**

- A. County Highway Department
  - 1. No comments received.
  - 2. The subject property is located in the Mesa View Estates Road District.
- B. County Fire Administrator
  - 1. No comments received.
- C. County Environmental Planning Supervisor
  - 1. There is no Special Flood Hazard Area (SFHA) on the subject property.
- D. County Environmental Planner
  - 1. The applicant will need to provide a plan for their proposed septic system. The applicant will need their system to be sized to accommodate the primary structure when it is built and the secondary structure. All rules of Pennington County Zoning Ordinance 204-J must be followed.
- E. County Ordinance Enforcement Officer
  - 1. There have been multiple violations on the subject property from 1999 through 2006.
- F. County Natural Resources Director
  - 1. No objections.
- G. County Addressing Coordinator
  - 1. Address must be posted on the existing living quarters and transferred to the single-family residence upon completion. Address must be posted in compliance with Pennington County #20 at all times.
- H. County 9-1-1
  - 1. I have no specific comments from a 911 perspective.

**V. ANALYSIS**

- A. Staff performed a site visit on January 9, 2019 and observed the following:
  - 1. The single-wide mobile home appears to be uninhabitable (See photos below).
  - 2. The applicants plan on removing the single-wide mobile home (and all additions) from the property and replace the structure with either a stick-built structure or mobile/manufactured home.
  - 3. The applicant has submitted a Building Permit for a 12' x 40' Shed that is under construction.
    - a. This request is to allow the applicant to stay in living quarters in this accessory structure prior to building/placing the new residential structure on the subject property.

Agenda Item #15  
Kevin and Crystal McKinstry  
January 14, 2019



*Photo of Structure from January 9, 2019*



*Google Earth Photo of Property from 2013*

## **VI. CONSIDERATIONS FOR CONDITIONAL USE PERMIT REQUEST**

The Zoning Ordinance lists five (5) factors that the Planning Commission may consider in their review of Conditional Use Permit applications. They are as follows:

- A. The effect upon the use and enjoyment of other property in the immediate vicinity for the uses already permitted, and upon property values within the immediate vicinity.**

It appears that by allowing this Conditional Use Permit, there should be no negative effects on the use and enjoyment of other properties in the immediate vicinity.

- B. The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.**

Allowing this Conditional Use Permit should not affect the normal, orderly development or improvement of any surrounding property in the area.

- C. That utilities, access roads, drainage and/or other necessary facilities are provided.**

The proposed single-family residence will use an approach off of Cobblestone Court and should not alter drainage of the property. An On-Site Wastewater Treatment System currently exists on the subject property. Potable water is supplied by the City of Rapid City.

- D. That the off-street parking and loading requirements are met.**

Pennington County Zoning Ordinance § 310(A)(9)(k) requires two (2) off-street parking spaces for a single-family residence. It appears that adequate parking is provided on the subject property.

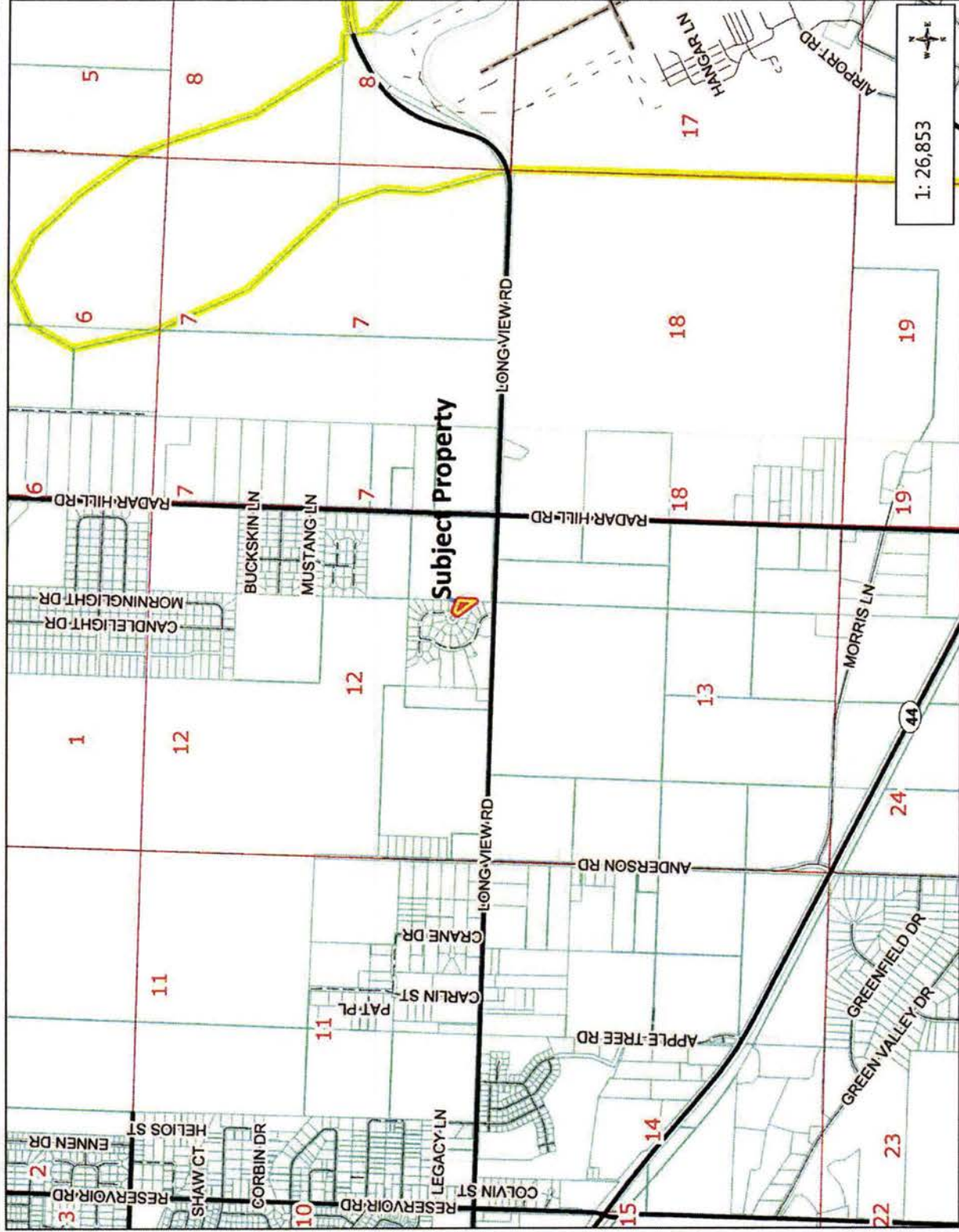
- E. That measures are taken to control offensive odor, fumes, dust, noise, vibration, and lighting (inclusive of lighted signs), so that none of these will constitute a nuisance.**

The proposed Conditional Use, by its very nature, should have limited odor, fumes, dust, noise, vibrations and intrusive lighting. The proposed use should not create any of the above-listed elements in amounts that would constitute a nuisance.

Agenda Item #15  
Kevin and Crystal McKinstry  
January 14, 2019

**RECOMMENDATION:** Staff recommends approval of Conditional Use Permit / CU 18-47 with the following nine (9) conditions:

1. That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
2. That the address is clearly posted on the temporary residence and transferred to the new residence, once inhabitable, so that it is visible from both directions of Cobblestone Court, in accordance with Pennington County's Ordinance #20;
3. That the subject property not contain more than one (1) residential structure (i.e. single-family residence or living quarters);
4. That the minimum setback requirements of a Suburban Residential District be continually maintained on the property or the appropriate Setback Variance(s) be obtained;
5. That an onsite wastewater treatment system is installed and connected to the temporary living quarters, prior to occupancy, and, once the single-family residence is constructed and habitable, the onsite wastewater treatment system is connected to the residence and disconnected from the temporary living quarters;
6. That the temporary living quarters is removed from the shop building once the single-family residence is habitable;
7. That the subject property remains free of debris and junk vehicles;
8. That prior to the approval of a Building Permit for living quarters in the accessory structure, the existing single-wide mobile home and all additions must be demolished and/or removed; and,
9. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.



1: 26,853

4,475.5 0 2,237.77 4,475.5 Feet

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**Legend**

- Roads**
- Interstate
  - US highway
  - SD highway
  - County highway
  - Main road
  - Minor arterial
  - Collector
  - Ramp
  - Paved road
  - Unpaved road
  - Trail
  - Driveway
  - Alley
  - Unimproved road
  - Airport Runway
  - Not yet coded
- PLSS**
- Townships
  - Tax Parcels
  - Lot Lines
  - <Null>
  - Lot Line
  - Parcel Line

**Map Notes:**



1:751

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  - Trail
  - Driveway
  - Alley
  - Unimproved road
  - Airport Runway
  - Not yet coded

**Section Lines 0-25k**

- 0
- 7

**Tax Parcels**

**Lot Lines**

- <Null>
- Lot Line
- Parcel Line

**Map Notes:**



**Legend**

**Roads**

- Interstate
- US highway
- SD highway
- County highway
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- Ramp
- Paved road
- Unpaved road
- Trail
- Driveway
- Alley
- Unimproved road
- Airport Runway
- Not yet coded

**Section Lines 0-25k**

- 0
- 7

**Tax Parcels**

- <Null>
- Lot Line
- Parcel Line

**Pennington County Zoning**

- General Agriculture
- General Commercial
- Heavy Industrial
- Highway Services
- Limited Agriculture
- Low Density Residential
- Light Industrial
- Planned Unit Development

**Map Notes:**



1: 12,021

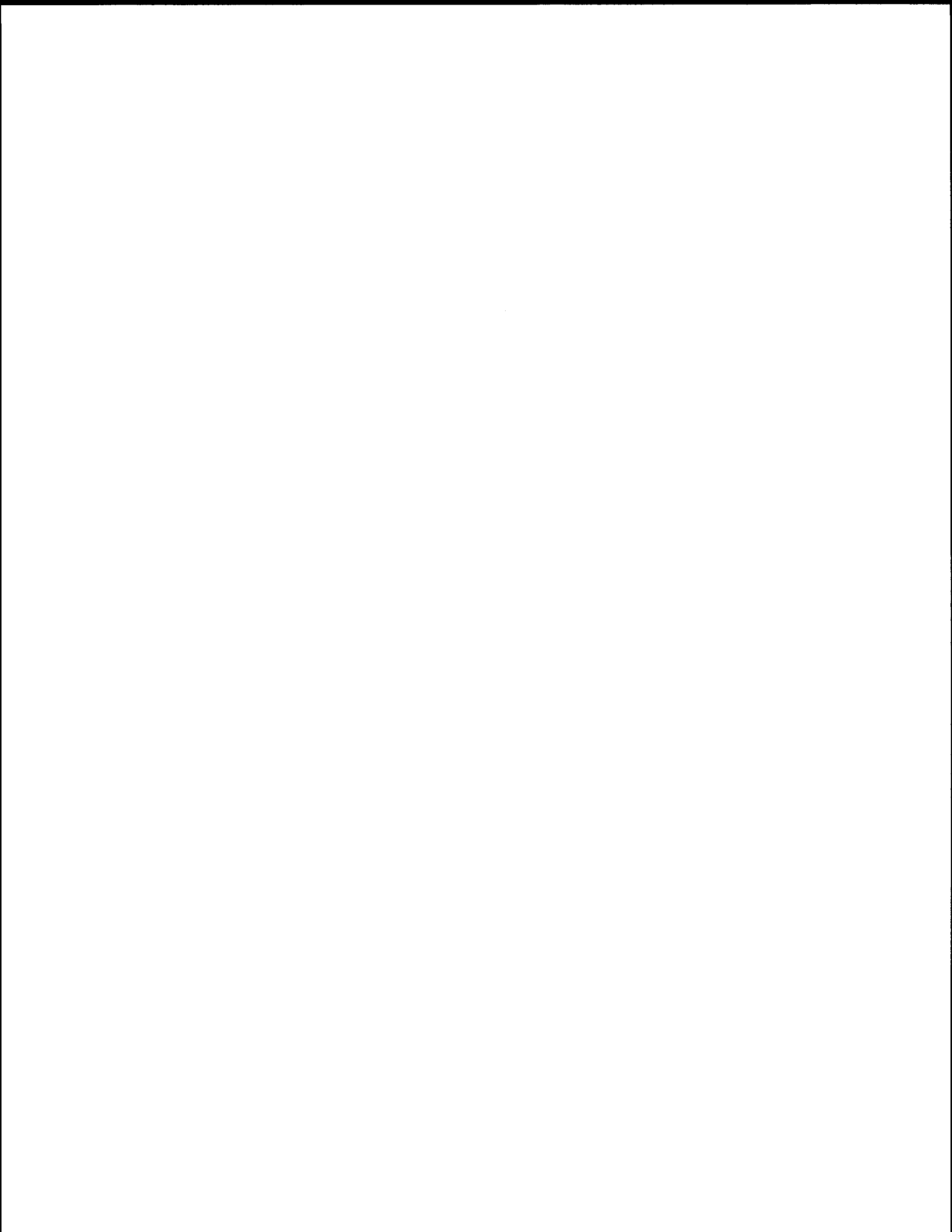
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2,003.6

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## STAFF REPORT

### GENERAL INFORMATION:

**REQUEST:** **CONDITIONAL USE PERMIT / CU 18-48:** To allow a pole barn as a primary structure on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

**APPLICANT:** Robert Pace

**APPLICANT ADDRESS:** P.O. Box 191, New Underwood, SD 57761

**OWNER:** Richard Aldren

**OWNER ADDRESS:** 22911 164<sup>th</sup> Avenue, New Underwood, SD 57761

**LEGAL DESCRIPTION:** NE1/4 Less W1/2W1/2NE1/4 and Less W1/2W1/2W1/2W1/2E1/2W1/2NE1/4 and Less ROW, Section 33, T2N, R11E, BHM, Pennington County, South Dakota.

**SITE LOCATION:** East of New Underwood along Highway 1416.

**SIZE:** 115.27 acres

**TAX ID:** 50832

**EXISTING LAND USE:** Vacant

**ZONING REFERENCE:** § 205 and 510

**CURRENT ZONING:** General Agriculture District

**SURROUNDING ZONING:**

North	General Agriculture District
South	General Agriculture District
East	General Agriculture District
West	General Agriculture District

**PHYSICAL CHARACTERISTICS:** Flat / Open Prairie

**UTILITIES:** None

**REPORT BY:** Kristina Proietti

**I. PROPOSED RECOMMENDATION**

- A. Staff will be recommending approval of Conditional Use Permit / CU 18-48 with twelve (12) conditions.

**II. GENERAL DESCRIPTION**

- A. The applicant is requesting a Conditional Use Permit to allow an accessory structure as a primary structure on the subject property.

**III. EXISTING CONDITIONS**

- A. Zoned General Agriculture District.
- B. Lot size will be 40.02 acres.
- C. Currently vacant.

**IV. REQUEST FOR COMMENT**

- A. County Highway
  - 1. Approach Permit 12/03/18-3 was approved and requires relocating the existing field entrance.
- B. County Ordinance Enforcement
  - 1. Ordinance Enforcement has no objection.
- C. County Environmental Planner
  - 1. The applicant has an approved septic permit (COSD18-0110) for a bathroom to be located in the pole barn. I have no further concerns.
- D. County Environmental Planning Supervisor
  - 1. There is no Special Flood Hazard Area on the property.
- E. County Addressing Coordinator
  - 1. An address will be assigned upon Building Permit submittal. The address must be posted at the access to the property while the pole barn is being built, in accordance with Pennington County's Ordinance #20.
- F. Emergency Services
  - 1. If approved, require applicant to post physical address in accordance with Penn. Co. Ord. #20.
- G. County Natural Resources Director
  - 1. No objections.
- H. West River Electric
  - 1. West River Electric has no comments regarding the CUP.

**V. CONSIDERATIONS FOR CONDITIONAL USE PERMIT REQUEST**

- A. The Zoning Ordinance lists five (5) factors that the Planning Commission may consider in their review of Conditional Use Permit applications. They are as follows:
  - 1. **The effect upon the use and enjoyment of the other property in the immediate vicinity for the uses already permitted, and upon property values within the immediate vicinity.**
    - a. The use of the proposed accessory structure (pole barn) as personal storage should not affect the use and enjoyment of

other property in the immediate vicinity for the uses already permitted, and upon property values in the surrounding properties.

2. **The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.**
  - a. It appears that by allowing this Conditional Use Permit, the use should not affect the normal, orderly development or improvement of any surrounding vacant property in the area.
3. **That utilities, access roads, drainage, and/or other necessary facilities are provided.**
  - a. The proposed use of constructing accessory structures on the property should not require any utilities or facilities that are not already in place. Access is to be provided off of Highway 1416. Lastly, staff has no drainage concerns relating specifically to the applicant's request at this time.
4. **That the off-street parking and loading requirements of these Zoning Ordinances are met.**
  - a. Pennington County Zoning Ordinance § (310)(A)(9) does not identify a minimum number of off-street parking spaces for an accessory structure. However, § 310(A)(9)(K) requires two (2) off-street parking spaces for a single-family residence.
5. **That measures are taken to control offensive odor, fumes, dust, noise, vibration, and lighting (inclusive of lighted signs), so that none of these will constitute a nuisance.**
  - a. The proposed Conditional Use, by its very nature, should have limited odor, fumes, dust, noise, vibrations, and intrusive lighting. The applicant should take care so the proposed use does not create the above-listed elements in any amount that would constitute a nuisance.

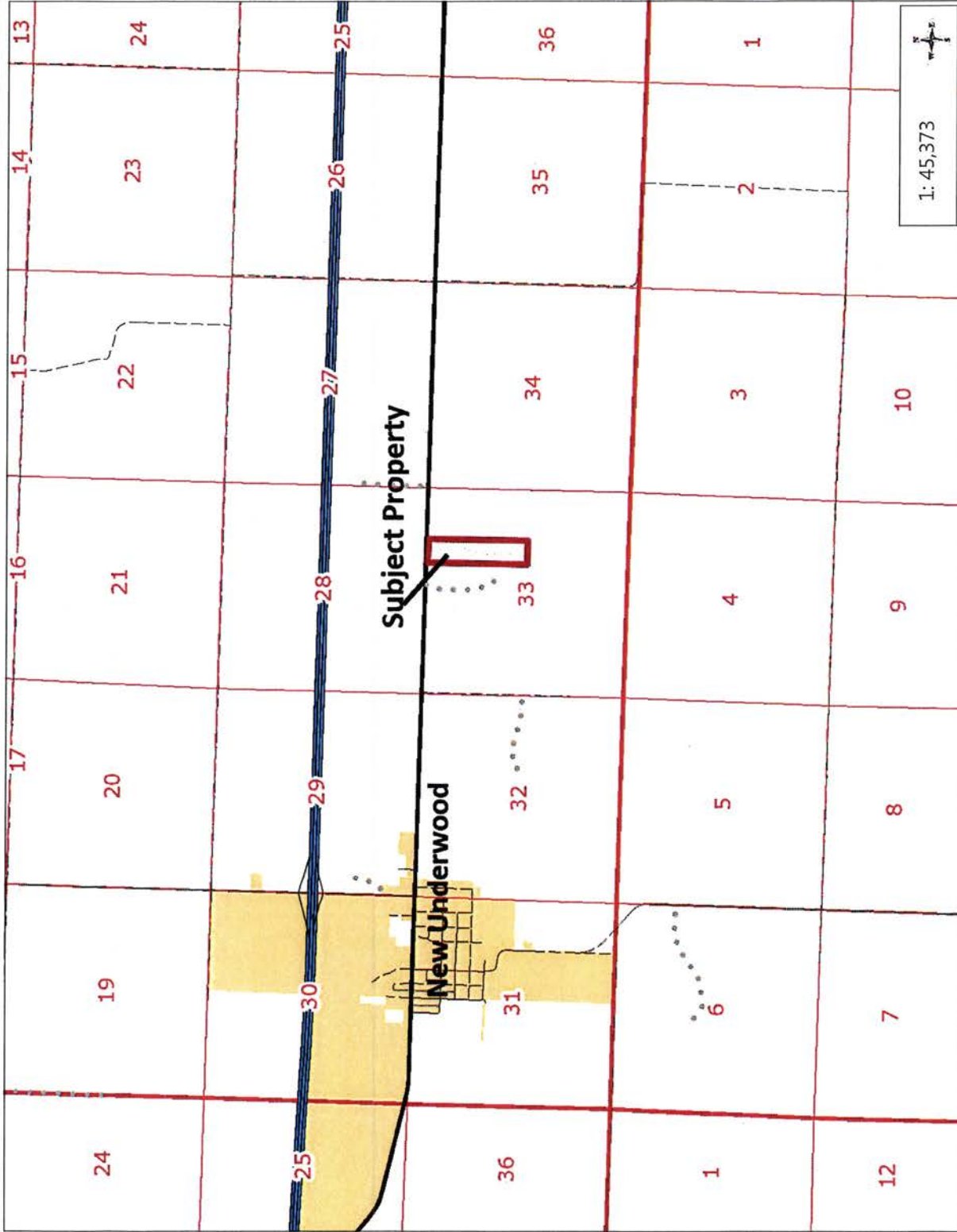
## VI. ANALYSIS

- A. Staff performed a site visit to the proposed subject property on December 20, 2018 and found the site to be vacant other than a concrete slab foundation in place.
- B. 40.02 acres of the existing subject property containing 115.27 acres total, will be sold and recorded with the Register of Deeds in early January of 2019, according to the applicant.
- C. The subject property is located within New Underwood's 3 (three) mile platting jurisdiction. Platting of the proposed 40.02 acre lot is not required with the City of New Underwood, per Mary Jo Anderson of the City of New Underwood.

Agenda Item #16  
Robert Pace  
January 14, 2019

**RECOMMENDATION:** Staff recommends approval of Conditional Use Permit / CU 18-48 with the following twelve (12) conditions:

1. That an approved On-Site Wastewater Construction Permit be obtained prior to the installation of an On-Site Wastewater Treatment System on the property;
2. That an approved Building Permit be obtained for the proposed pole barn prior to any construction, which requires a site plan to be reviewed and approved by the Planning Director;
3. That a Building Permit be obtained for any structures exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
4. That if any plumbing is to be installed in the accessory structure, the pole barn, it be hooked into an approved means of wastewater disposal;
5. That the proposed pole barn be used for personal use only and no commercial-type uses;
6. That all the natural drainage paths be maintained;
7. That the minimum setback requirements of a General Agriculture District be maintained on the property or the appropriate Variance(s) be obtained;
8. That either an approved Construction Permit or an approved Building Permit be obtained prior to improvement of the road on the property, per Pennington County Zoning Ordinance (PCZO) § 507(A) and 511(C)(1);
9. That the address, once assigned, be posted during the construction of the pole barn and at the end of the driveway off of Highway 1416, so it is visible from both directions of travel on Highway 1416, in accordance with Pennington County's Ordinance #20;
10. That the applicant relocate the existing field entrance in accordance with the approved Approach Permit 12/3/18-3;
11. That the applicant adhere to PCZO § (510)(E) regarding the time limit on Conditional Use Permit established uses; and,
12. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.



1: 45,373

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7,562.2 0 3,781.09 7,562.2 Feet  
 NAD\_1983\_2011\_StatePlane\_South\_Dakota\_South\_FIPS\_4002\_Ft\_US  
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**Legend**

- Roads**
- Interstate
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  - HILL CITY
  - KEYSTONE
  - NEW UNDERWOOD
  - QUINN
  - RAPID CITY
  - WALL
  - WASTA

**Map Notes:**



1: 22,687

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**Legend**

**Roads**

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- Unpaved road
- Trail
- Driveway
- Alley
- Unimproved road
- Airport Runway
- Not yet coded

**Section Lines 0-25k**

- 0
- 7

**Tax Parcels**

**Lot Lines**

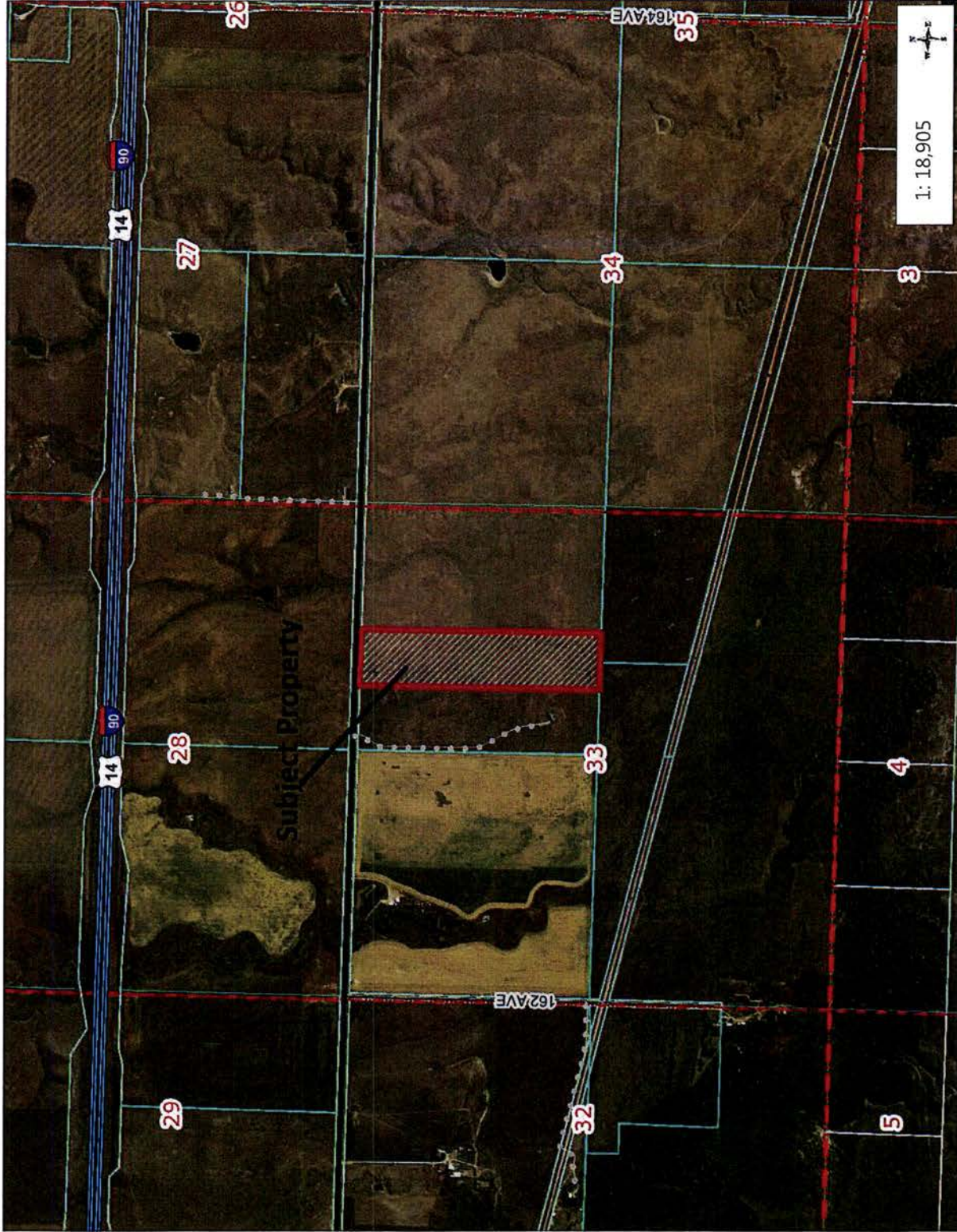
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- Lot Line
- Parcel Line

**Pennington County Zoning**

- General Agriculture
- General Commercial
- Heavy Industrial
- Highway Services
- Limited Agriculture
- Low Density Residential
- Light Industrial
- Planned Unit Development

**Map Notes:**





1: 18,905

3,150.9 0 1,575.46 3,150.9 Feet

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**Section Lines 0-25k**

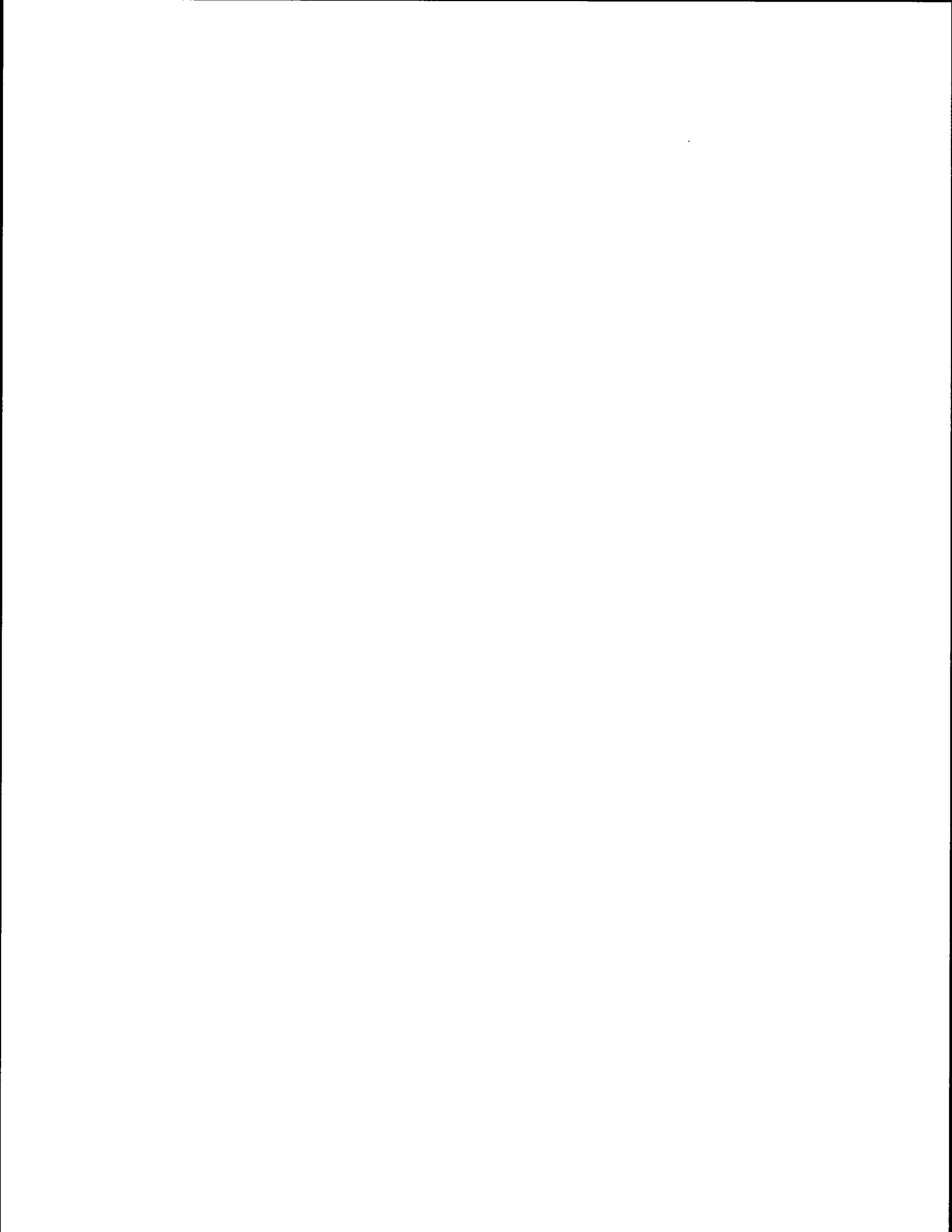
- 0
- 7

Tax Parcels

**Lot Lines**

- <Null>
- Lot Line
- Parcel Line

**Map Notes:**



## STAFF REPORT

### GENERAL INFORMATION:

**REQUEST:** LAYOUT PLAT / PL 18-49: To combine two lots to create Lot A of Layton Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

**APPLICANT:** Carol Layton

**APPLICANT ADDRESS:** 9100 Schroeder Road, Rapid City, SD 57702

**LEGAL DESCRIPTION:** **EXISTING LEGAL:** Lot 1 of Tract B Less Schroeder Road; S1/2 Vacated Collins Road Lying Adjacent to Said Lot 1, and Tract B Less Lot 1 Less Schroeder Rd; S1/2 Vacated Collins Rd Lying Adjacent to Said Tract B Less Lot 1, Section 35, T2N, R6E, BHM, Pennington County, South Dakota.

**PROPOSED LEGAL:** Lot A of Layton Subdivision, Section 35, T2N, R6E, BHM, Pennington County, South Dakota.

**SITE LOCATION:** 9100 Schroeder Road; located off of Nemo Road west of the corner of Highland Loop and Schroeder Road.

**SIZE:** 14.19 acres

**TAX ID:** 67041 / 67042

**EXISTING LAND USE:** Residential

**SUBDIVISION REGULATIONS REFERENCE:** § 400.1

**CURRENT ZONING:** Low Density Residential District

**SURROUNDING ZONING:**

North	Low Density Residential District
South	Low Density Residential District
	Suburban Residential District
East	General Agriculture District
West	General Agriculture District

**PHYSICAL CHARACTERISTICS:** Forested / Open Meadow

Agenda Item #17  
Carol Layton  
January 14, 2019

UTILITIES: Private

REPORT BY: Kristina Proietti

**I. PROPOSED RECOMMENDATION**

Staff will be recommending approval of Layout Plat / PL 18-49 with six (6) conditions.

**II. GENERAL DESCRIPTION**

- A. The applicant, Carol Layton, has applied for a Layout Plat to consolidate two (2) existing lots into one (1) lot to create Lot A of Layton Subdivision.

**III. EXISTING CONDITIONS**

- A. Zoned Low Density Residential
- B. Existing Conditional Use Permit / CU 91-53 allowing for an auto-body repair shop in a Low Density Residential District. The applicant stated that the Conditional Use Permit is no longer needed. Therefore, Staff will place Conditional Use Permit / CU 91-53 on an upcoming Planning Commission agenda to end, once the Minor Plat has been filed at the Register of Deeds.
- C. 14.19 acres
- D. Access off of Schroeder Road
- E. Lot contains:
  - 1. Two (2) OSWTS Operating Permits / COOP16-0429 and COOP16-0430
  - 2. One (1) 924 square foot Single-Family Residence.
    - a. Constructed in 1967 per Department of Equalization (DOE) records.
  - 3. One (1) 12' x 35' barn.
    - a. Constructed in 1967 per DOE records.
  - 4. One (1) 624 square foot detached garage.
    - a. Constructed in 1973 per DOE records.
  - 5. One (1) 16' x 24' lean-to.
    - a. Constructed in 1973 per DOE records.
  - 6. One (1) 80' x 40' shop.
    - a. Constructed in 1991 per DOE records.
  - 7. The Special Flood Hazard Area on the subject property is "Not Studied".

**IV. PROPOSED LOT**

- A. 14.19 acres ±



Proposed lot consolidation

**REQUEST FOR COMMENT**

- A. County Highway Department  
1. Highway Department has no comments.
- B. County Environmental Planning Supervisor  
1. The Special Flood Hazard Area on the subject property is “not studied”.
- C. County Environmental Planner  
1. The applicant currently has current operating permits for both the house and shop (COOP16-0429 & COOP16-0430). I have no concerns with the current proposal.
- D. County Ordinance Enforcement Officer  
1. Ordinance Enforcement has no objections.
- E. County Natural Resources  
1. No objections.
- F. County Addressing Coordinator  
1. No addressing concerns at this time. All current and future addresses must be posted in accordance with Pennington County Ordinance #20.

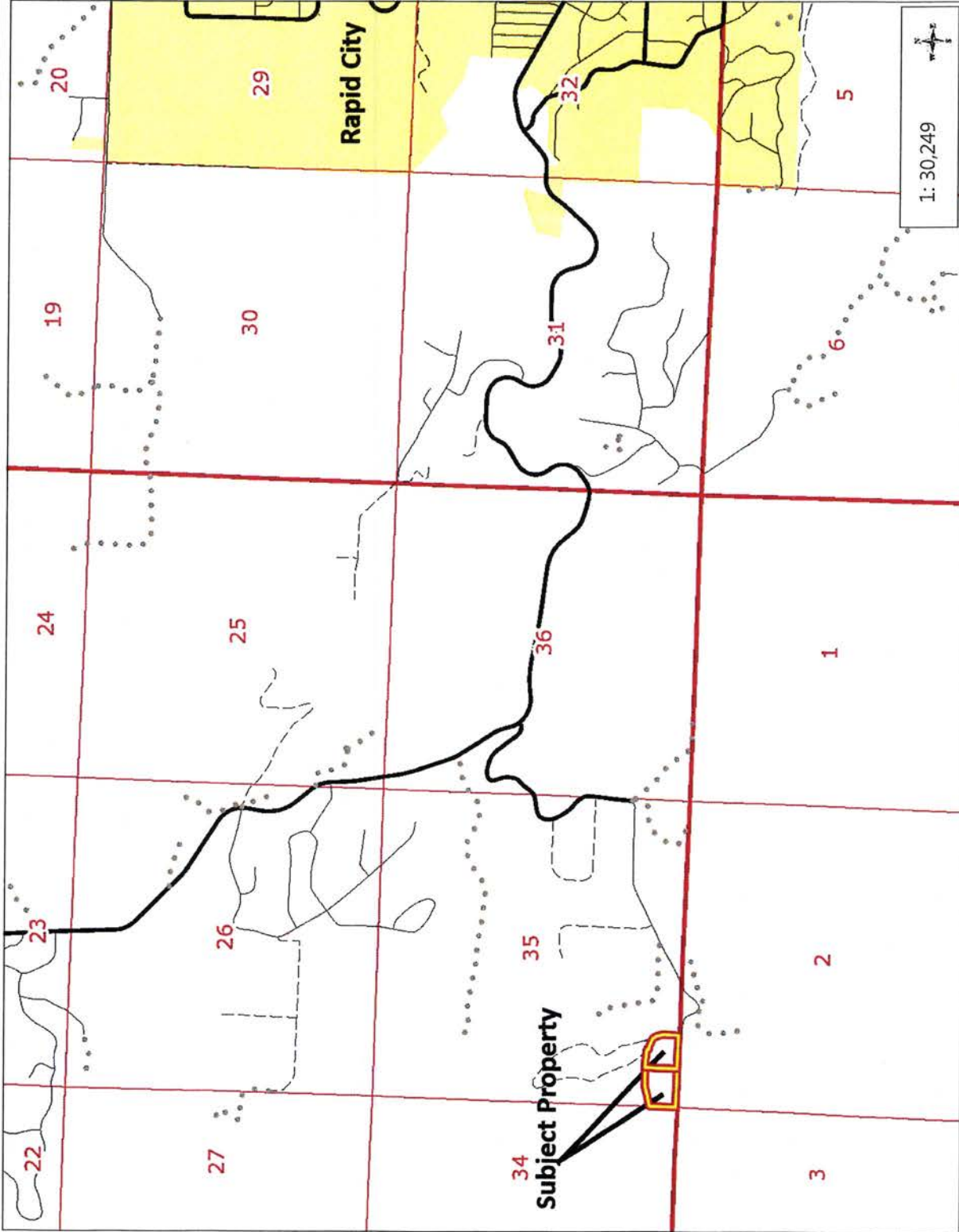
- G. Register of Deeds
  - 1. Proposed subdivision name is acceptable.
- H. Department of Equalization
  - 1. No issues at this time.
- I. Emergency Services (9-1-1)
  - 1. Good here.
- J. U.S. Forest Service
  - 1. Protect all posted USDA Forest Service Cadastral survey boundary line corners, signs and bearing trees (south and east land line boundary between National Forest System lands and private property)
  - 2. Adhere to the setback requirements along the posted boundary between National Forest System lands and private property.
  - 3. Access to Lot A of Layton Subdivision, Ridgeland Heights Subdivision, Section 23, T2N, R6E, BHM will need to be off of the Schroeder Road. No special use authorization will be considered from National Forest System lands.
  - 4. Protect all known stream courses, ponds and riparian areas located on National Forest System lands.
  - 5. No resource damage to occur on National Forest System lands.
  - 6. All proposed drain fields, leach lines or septic systems will need to be located and constructed on private property and not located on or drain onto or leach onto National Forest System lands.
  - 7. All construction materials, supplies, trash or garbage will not be located or dumped onto National Forest System lands.
  - 8. National Forest System Roads and Trails in this area of the Black Hills National Forest are classified as: "Roads Open to Highway Legal Vehicles Only", "Other Public Roads", "Trails Open to all Vehicles" and the Schroeder Trailhead is a designated trailhead per the latest version of the Motor Vehicle Use Map.
  - 9. Existing Schroeder Trailhead is designated as a motorized trailhead for this portion of the Black Hills National Forest.
  - 10. No additional motorized trailheads or motorized trails or motorized roads are planned or scheduled for this portion of the Black Hills National Forest.
  - 11. No designated motorized trails for ATV, motorcycles or ORV will be authorized or constructed from private property onto National Forest System lands.
  - 12. No designated trails or roads will be authorized or constructed from private property onto National Forest System lands.

**II. ANALYSIS**

- A. December 11, 2018 - The applicant applied for Layout Plat / PL 18-49.
- B. The applicant's request is to combine both parcels into one lot.
- C. For the purposes of a Layout Plat, Staff finds no significant issues with the applicant's request.
  - 1. A Layout Plat is an informal preliminary review of the proposed subdivision for general scope and conditions, which might affect the plat.

**RECOMMENDATION:** Staff recommends approval of Layout Plat / PL 18-49 with the following six (6) conditions:

- 1. That at the time of Minor Plat submittal, eight (8) foot Minor Drainage Easements to 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 the Minor Plat submittal, the proposed Plat be prepared by a Registered Land Surveyor;
- 3. That prior to the Plat being recorded with the Register of Deeds, the plat meets all requirements of Pennington County Subdivision Regulations, or approved Subdivision Regulations Variance(s) be obtained waiving any of these requirements that are not met. Subdivision Regulations shall be submitted per Section 700 of Pennington County Subdivision Regulations;
- 4. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
- 5. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of § 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit; and,
- 6. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.



1: 30,249

5,041.5 Feet

2,520.73

0

5,041.5

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.  
 THIS MAP IS NOT TO BE USED FOR NAVIGATION

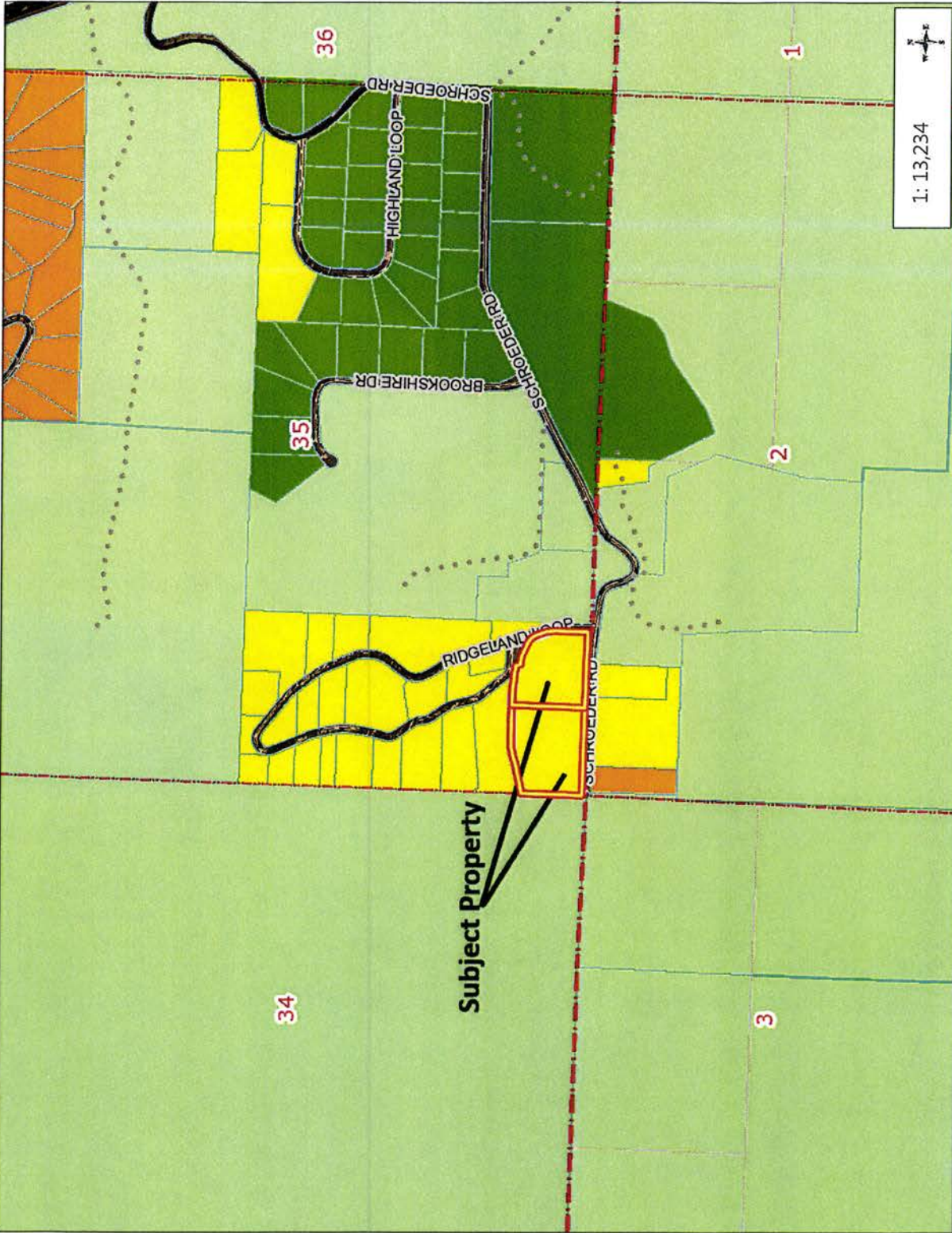
NAD\_1983\_2011\_StatePlane\_South\_Dakota\_South\_FIPS\_4002\_Ft\_US  
 © City of Rapid City GIS

**Legend**

- Roads**
- Interstate
  - US highway
  - SD highway
  - County highway
  - Main road
  - Minor arterial
  - Collector
  - Ramp
  - Paved road
  - Unpaved road
  - Trail
  - Driveway
  - Alley
  - Unimproved road
  - Airport Runway
  - Not yet coded
- PLSS
- Townships
- City Limits
- BOX ELDER
  - ELLSWORTH AFB
  - HILL CITY
  - KEYSTONE
  - NEW UNDERWOOD
  - QUINN
  - RAPID CITY
  - WALL
  - WASTA

**Map Notes:**





1: 13,234



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.  
**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

2,205.6  
 0 1,102.82 2,205.6 Feet  
 NAD\_1983\_2011\_StatePlane\_South\_Dakota\_South\_FIPS\_4002\_Ft\_US  
 © City of Rapid City GIS

**Legend**

- Roads**
- Interstate
  - US highway
  - SD highway
  - County highway
  - Main road
  - Minor arterial
  - Collector
  - Ramp
  - Paved road
  - Unpaved road
  - Trail
  - Driveway
  - Alley
  - Unimproved road
  - Airport Runway
  - Not yet coded
- Section Lines 0-25k**
- 0
  - 7
- Tax Parcels**
- Lot Lines**
- <Null>
  - Lot Line
  - Parcel Line
- Pennington County Zoning**
- General Agriculture
  - General Commercial
  - Heavy Industrial
  - Highway Services
  - Limited Agriculture
  - Low Density Residential
  - Light Industrial
  - Planned Unit Development

**Map Notes:**

**Legend**

- Roads**
- Interstate
  - US highway
  - SD highway
  - County highway
  - Main road
  - Minor arterial
  - Collector
  - Ramp
  - Paved road
  - Unpaved road
  - Trail
  - Driveway
  - Alley
  - Unimproved road
  - Airport Runway
  - Not yet coded
- Section Lines 0-25k**
- 0
  - 7
- Tax Parcels**
- Lot Lines
  - <Null>
  - Lot Line
  - Parcel Line



1: 13,234

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**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

2,205.6 0 1,102.82 2,205.6 Feet

NAD\_1983\_2011\_StatePlane\_South\_Dakota\_South\_FIPS\_4002\_Ft\_US  
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## STAFF REPORT

### GENERAL INFORMATION:

REQUEST: REZONE / RZ 18-10 AND COMPREHENSIVE PLAN AMENDMENT / CA 18-09: To rezone 10.00 acres from General Agriculture District to Limited Agriculture District and to amend the Comprehensive Plan to change the Future Land Use from Planned Unit Development Sensitive to Limited Agriculture District in accordance with Sections 205, 206, and 508 of the Pennington County Zoning Ordinance.

APPLICANT: Rustlers Ranch, LLC

APPLICANT ADDRESS: 1318 Bennington Court, Glenview, IL 60026

AGENT/SURVEYOR: Davis Engineering

ADDRESS: 1060 Kings Road, Rapid City, SD 57702

LEGAL DESCRIPTION: Located on the following metes and bounds description: Beginning at the South 1/4 corner of Section 8, T1N, R9E, BHM, which is a 3 1/4" Brass Cap marked for the common corner to Sections 8 and 17, T1N, R4E, BHM, and the TRUE POINT OF BEGINNING; Thence, N 00 deg 22 min 25 sec W 733.46 ft, to a rebar with survey cap marked "DAVIS ENG RLS 3095"; Thence, S 51 deg 41 min 18 sec E 41.97 ft, to a rebar with survey cap marked "DAVIS ENG RLS 3095"; Thence, 99.37 ft along a curve concave to the south with a radius of 362.87 ft, a chord distance of 99.06 ft and a chord bearing of S 59 deg 32 min 01 sec E, to a rebar with survey cap marked "DAVIS ENG RLS 3095"; Thence, S 67 deg 22 min 45 sec E 78.88 ft, to a rebar with survey cap marked "DAVIS ENG RLS 3095"; Thence, 140.15 ft along a curve concave to the south with a radius of 158.92 ft, a chord distance of 135.61 ft, and a chord bearing of N 87 deg 20 min 22 sec E, to a rebar with survey cap marked "DAVIS ENG RLS 3095"; Thence, N 62 deg 05 min 37 sec E 34.30 ft, to a rebar with survey cap marked "DAVIS ENG RLS 3095"; Thence, S 89 deg 23 min 39 sec E 33.07 ft, to a rebar with survey cap marked "DAVIS ENG RLS 3095"; Thence, S 0 deg 00 min 00 sec E 323.08 ft, to a rebar with survey cap marked "DAVIS ENG RLS 3095"; Thence, N 89 deg 58 min 08 sec E 567.02 ft, to a rebar with survey cap marked "DAVIS ENG RLS 3095"; Thence, S 00 deg 05 min 36 sec E 324.48 ft, to a rebar with survey cap marked "DAVIS ENG RLS 3095"; Thence, S 89 deg 54 min 24 sec E 952.78 ft, along the south section line of said section 8 to the TRUE POINT OF BEGINNING Containing 10.00 acres "more or less" and located in the S1/2 of E1/4 of Section 8, T1N, R4E, BHM, Pennington County, South Dakota.

Agenda Item # 18  
Rustlers Ranch, LLC; Davis Engineering - Agent  
January 14, 2019

SITE LOCATION: 23692 Newton Fork Road; five and one-half miles  
(5.5) northwest of Hill City.

TAX ID: 45224

SIZE: 10.00 acres

EXISTING LAND USE: Residential / Agriculture

ZONING REFERENCE: Sections 205, 206, and 508

CURRENT ZONING: General Agriculture District

SURROUNDING ZONING:

North	General Agriculture District
South	General Agriculture District
East	General Agriculture District
	Limited Agriculture District
West	General Agriculture District

PHYSICAL CHARACTERISTICS: Forested / Open Meadow

UTILITIES: On-Site Well/Septic

REPORT BY: P.J. Conover

**I. PROPOSED RECOMMENDATION**

- A. Staff will be recommending approval of Rezone / RZ 18-10 and Comprehensive Plan Amendment / CA 18-09.

**II. GENERAL DESCRIPTION**

- A. January 08, 2015 -- The applicant applied to create a ten (10) acre lot to be named Tract A of Rustlers Ranch Addition from an unplatted property of 69.82 acres. In addition, the applicant requested to waive the following Subdivision Regulations:
  - 1. "Improve Section Line Highway";
  - 2. "Waive engineered road construction plans to be submitted for the required improvements to Forest Service Easement."
- B. February 17, 2015 – The Board of Commissioners approved Layout Plat / PL 15-01 to create the proposed lot, to be named Tract A of Rustlers Ranch Addition. Ultimately, what the applicant originally requested created some difficulties for the Landowner to overcome prior to recording a Plat with the Register of Deeds. PL 15-01 was approved with the following thirteen (13) conditions:

1. That 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, prior to the Plat being filed with the Register of Deeds;
2. That engineered road construction plans be submitted for the required improvements or obtain a Subdivision Regulations Variance waiving this requirement, prior to the Plat being filed with the Register of Deeds;
3. That the property is either rezoned to Limited Agriculture District or a Lot Size Variance obtained to allow for a smaller than required lot size in a General Agriculture District, prior to the Plat being filed with the Register of Deeds;
4. That at the time of submittal of the Plat, the applicant submits topography for the area or obtains a Subdivision Regulations Variance waiving this requirement;
5. That the Section Line, located on the south side of the subject property, be improved to County Standards or a Subdivision Regulations Variance be obtained to waive this requirement, prior to the Plat being filed with the Register of Deeds;
6. That the applicant applies for and obtains approval of any Setback Variances needed for any structures not meeting the minimum set back requirements or move any structures, not meeting the required setbacks, so that they are in compliance, prior to the Plat being filed with the Register of Deeds;
7. That prior to the Plat being filed with the Register of Deeds an Operating Permit be obtained for the existing on-site wastewater treatment system;
8. That prior to filing the Plat with the Register of Deeds, staff verify that the placement of the property address is meeting Pennington County Ordinance #20 standards;
9. That prior to filing the Plat with the Register of Deeds, the mobile home, located within the Forest Road Easement, be removed or moved to a location on the property and meet required setbacks with Planning Department concurrence;
10. That prior to filing the Plat with the Register of Deeds, the Newton Fork ROW, adjacent to the lot, should be shown;
11. That when future plats are submitted, the word "Derainage" be changed to "Drainage" and the word "includeing" be changed to "including," within the Drainage Notes on the plat;
12. That at the time of submittal of the Plat, the applicant submits percolations tests and soil profile information for both lots to be reviewed and approved by the Environmental Planner or obtain approval of a Subdivision Regulations Variance waiving this requirement; and,

13. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.
- C. September 18, 2018 – the Board of Commissioners approved Preliminary Plat / PL 18-26 and Subdivision Regulations Variance / SV 18-06 with the following eleven (11) conditions:
1. That prior to submittal of a Final Plat application, the Landowner and/or Agent make the necessary corrections to the Plat, as listed above in Section VI of this Staff Report;
  2. That prior to submittal of a Final Plat application, 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 to waive this requirement;
  3. That prior to submittal of a Final Plat application, engineered road construction plans be submitted for the required improvements or an approved Subdivision Regulations Variance be obtained to waive this requirement;
  4. That prior to submittal of a Final Plat application, that the property is either rezoned to Limited Agriculture District or a Lot Size Variance obtained to allow for a smaller than required lot size in a General Agriculture District, prior to the Plat being filed with the Register of Deeds;
  5. That prior to submittal of a Final Plat application, the Certificates be corrected as proposed and in compliance with Subdivision Regulations Section 400.3(n);
  6. That prior to submittal of a Final Plat application, the Section Line, located on the south side of the subject property, be improved to County Standards or a Subdivision Regulations Variance be obtained to waive this requirement;
  7. That prior to submittal of a Final Plat application, the applicant applies for and obtains approval of any Setback Variances needed for any structures not meeting the minimum set back requirements or move any structures, not meeting the required setbacks, so that they are in compliance;
  8. That prior to submittal of a Final Plat application, the Landowner obtains Operating Permits for all existing on-site wastewater treatment systems on the subject properties;
  9. That prior to submittal of a Final Plat application, the structures located within the National Forest Service Road be brought into compliance;
  10. That that Landowner signs the Statement of Understanding (SOU) within ten (10) business days of approval of Preliminary Plat / PL 18-26. The SOU will be available at the Planning Department; and
  11. That approval of this Preliminary Plat does not constitute approval of any Final Plat.

- D. July 27, 2018 – The applicant applied for Lot Size Variance / VA 18-11 to allow the ten (10) acre lot in a General Agriculture Zoning District.
  - 1. September 18, 2018 – The Board of Adjustment denied VA 18-11.
  - 2. Per Condition #4 of PL 18-26, the applicant's other option is to request to rezone the subject property.
  - 3. November 20, 2018 – The applicant applied for a Rezone and Comprehensive Plan Amendment for the subject property.

### III. EXISTING CONDITIONS

- A. General Agriculture Zoning District – Current Zoning.
- B. Planned Unit Development Sensitive – Future Land Use Zoning.
- C. 69.82 acres.
- D. No Special Flood Hazard Area on the subject property.
- E. Access currently taken from Newton Fork Road.
- F. Single-family residence.
  - 1. Built in 1975 per Department of Equalization (DOE) Property Record Card.
  - 2. 2010COBP0558 for an attached 14' x 34' Deck.
- G. Several outbuildings.
- H. Five (5) 12' x 8' Cabins.
  - 1. Building Permits are not required on these cabins.
  - 2. Used as temporary rentals (campground) during Sturgis Motorcycle Rally.
    - a. Temporary Campground approved in 2000, 2001, 2002, 2003, 2004, 2005 (CUP00-40, CUP01-34, CUP02-37, CUP03-20, CUP04-29, and CUP05-26)
    - b. All CUPs listed in Section III(H)(2) above, have ended.
- I. COBP15-0228 – Detached Garage with Loft.
  - 1. The applicant submitted plans indicating that the main floor would be for garage, bathroom, and laundry.
  - 3. The applicant's also show that the second floor is left empty and used for storage.
  - 4. DOE assesses this structure as a Guest Cottage and a Guest House.
  - 5. This Building Permit has two staff notes on it:
    - a. *“By way of this Building Permit, there are to be no living quarters in the proposed Garage with Loft.”*
    - b. *“If the existing parcel is replatted and the garage is on the parcel without a primary residence, a Conditional Use Permit will be required and all applicable fees and penalty fees paid.”*
  - 6. According to the Building Permit records, *“Due to limitation of Terrain holding tanks will be used. 1500 gal gray holding tank and 1000 gal black holding tank.”*

7. A Department of Environment and Natural Resources letter from Kent R. Woodmansey dated May 18, 2015, indicated the holding tanks were permitted with Conditions.
8. Staff has some concern about the actual use of this structure.
9. May 05, 2018, Staff spoke with the Landowner who stated he had some issues with the Contactor in 2015 and the Contractor submitted one set of plans to the County for a Building Permit, but built something different.
  1. The landowner has been working with Staff to bring the subject property into compliance.
  2. The Landowner also informed Staff that they intend to live in the Cottage, while building a new Single-Family Residence and they understand Conditional Use Permits are required.

**IV. COMPREHENSIVE PLAN AMENDMENT / CA 18-09**

- A. To amend the Pennington County Comprehensive Plan to change the Future Land Use from Planned Unit Development Sensitive to Limited Agriculture.
- B. The subject property is currently surrounded by
  1. 1,200 acres (approximate) of United States Forest Service Lands on three sides; and
  2. 10.84 acres of property zoned Limited Agriculture District.

**V. NATIONAL FOREST SERVICE ROAD EASEMENT (NASR) 426.G1**

- A. The NFSR has been in place since at least 1966.
- B. The Easement Deeds is located in Book 151, Pages 174 and 175.
- C. The Easement Exhibit is located in Book 151, Page 176.
- D. According to the Mortgage Survey submitted by the Agent with the Application packet, there appears to be a structure or structures located within the NFSR. Prior to applying for a Final Plat application, both properties shall come into compliance with all necessary County, State and Federal regulations.
  1. The above-mentioned structures may be: two sheds and an Old Cabin.
  2. During a Planning Commission meeting on September 10, 2018, the landowner indicated he has been working with the National Forest Service to vacate NFSR 426.G1, but that it has been a slow process.

**VI. REQUEST FOR COMMENT ON RZ 18-10 AND CA 18-09**

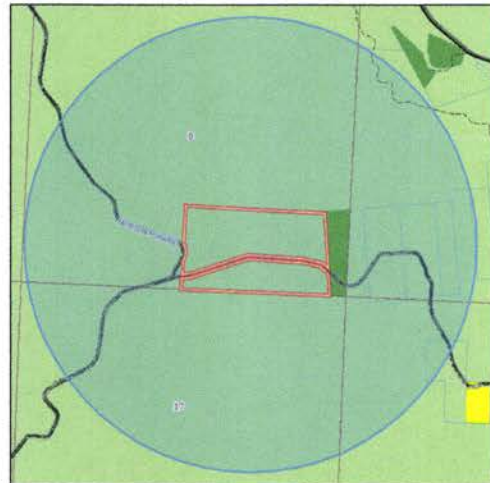
- A. County Highway Department
  1. Highway Department has no comments on the rezoning.
- B. County Environmental Planner



1. Septic permit was pulled (COSD15-0046) for the guest cottage/garage located on the property. Any septic systems installed on any future lots must follow all rules of Pennington County Zoning Ordinance 204(J).
- C. County Fire Administrator
  1. There still appears to be structures located in the Right-of-Way for the Forest Road. These structures must be brought into compliance.
- D. County Environmental Planning Supervisor
  1. There is no Special Flood Hazard Area on the subject property.
  2. All current and future On-site Wastewater Treatment Systems shall, at a minimum, fall under the provisions of the Pennington County Zoning Ordinance.
- E. United States Forest Service
  1. No comments received on RZ 18-10 and CA 18-09.  
*STAFF COMMENTS: Staff has included a two-page comment from Rodney W. Brown (Lands Recreation Forester – Forest Service Black Hills National Forest, Mystic Ranger Station) from previous landowner applications. Mr. Brown’s comments are from June 2017 and are relevant to this request.*

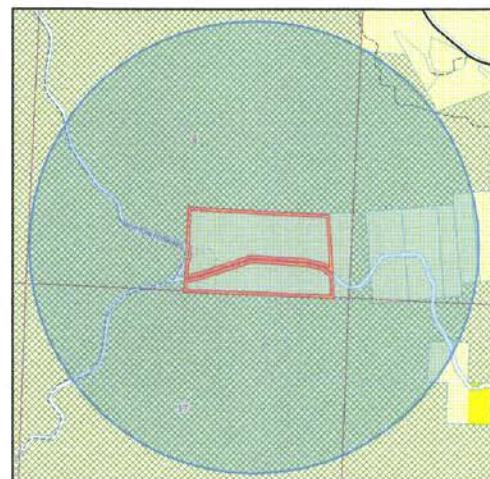
**VII. CURRENT ZONING WITHIN 1/2 MILE OF SUBJECT PROPERTY**

- A. General Agriculture District.
- B. Limited Agriculture District.



**VIII. FUTURE LAND USE ZONING WITHIN 1/2 MILE OF SUBJECT PROPERTY**

- A. Public Lands (National Forest Service).
- B. Planned Unit Development Sensitive.



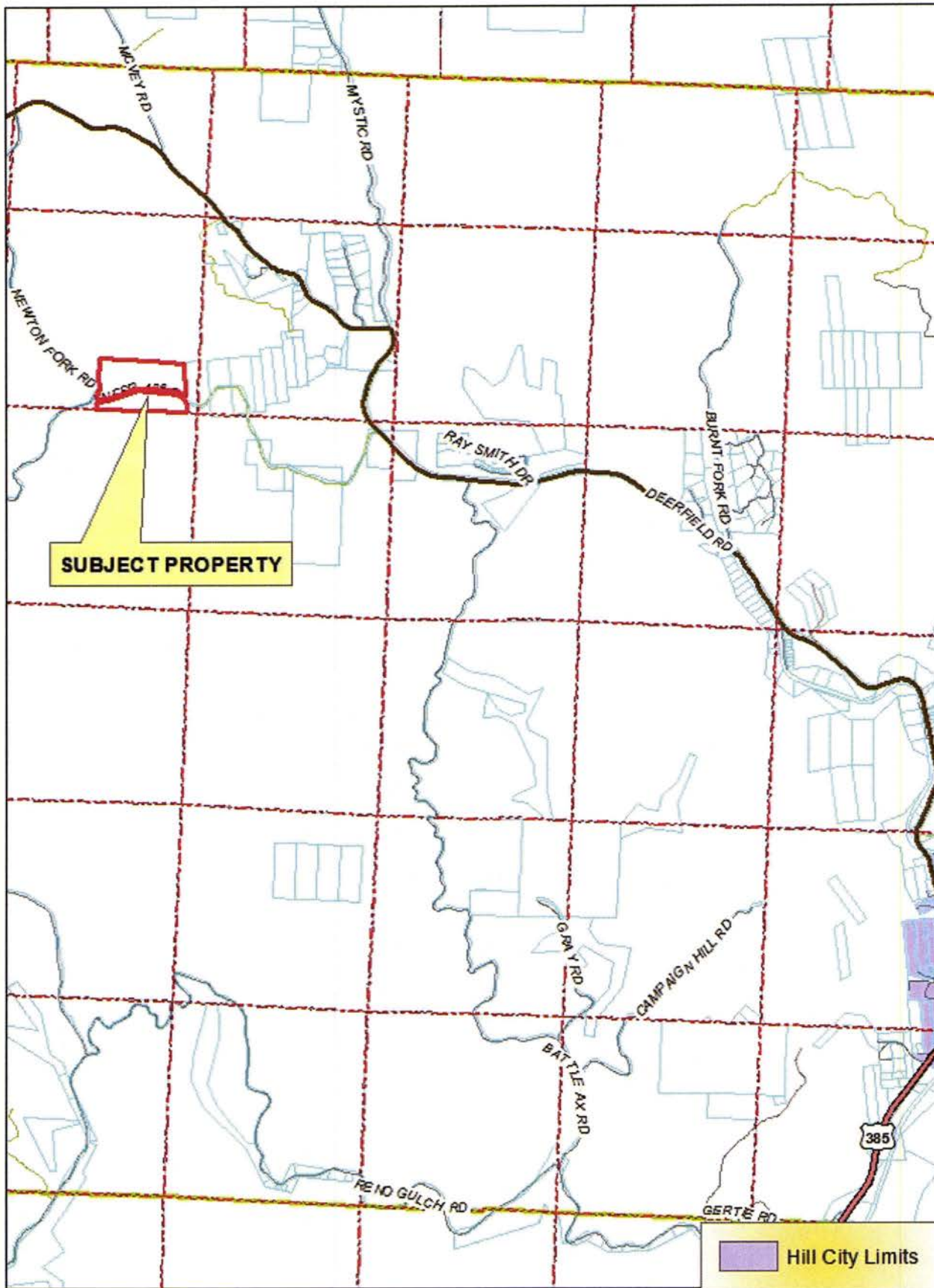
Agenda Item # 18  
Rustlers Ranch, LLC; Davis Engineering - Agent  
January 14, 2019

**IX. ANALYSIS**


- A. The applicant has requested to create a ten (10) acre Tract out of a larger Parent Parcel.
- B. With the denial of Lot Size Variance / VA 18-11, the applicant has requested to bring the proposed property into compliance through RZ 18-10 and CA 18-09.

**X. RECOMMENDATION:** Staff recommends approval of Rezone / RZ 18-10 and Comprehensive Plan Amendment / CA 18-09.

# RUSTLERS RANCH LLC



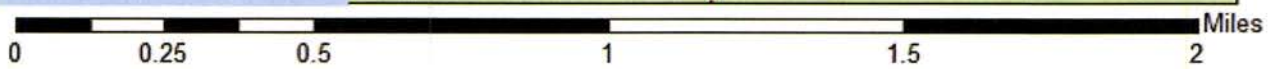
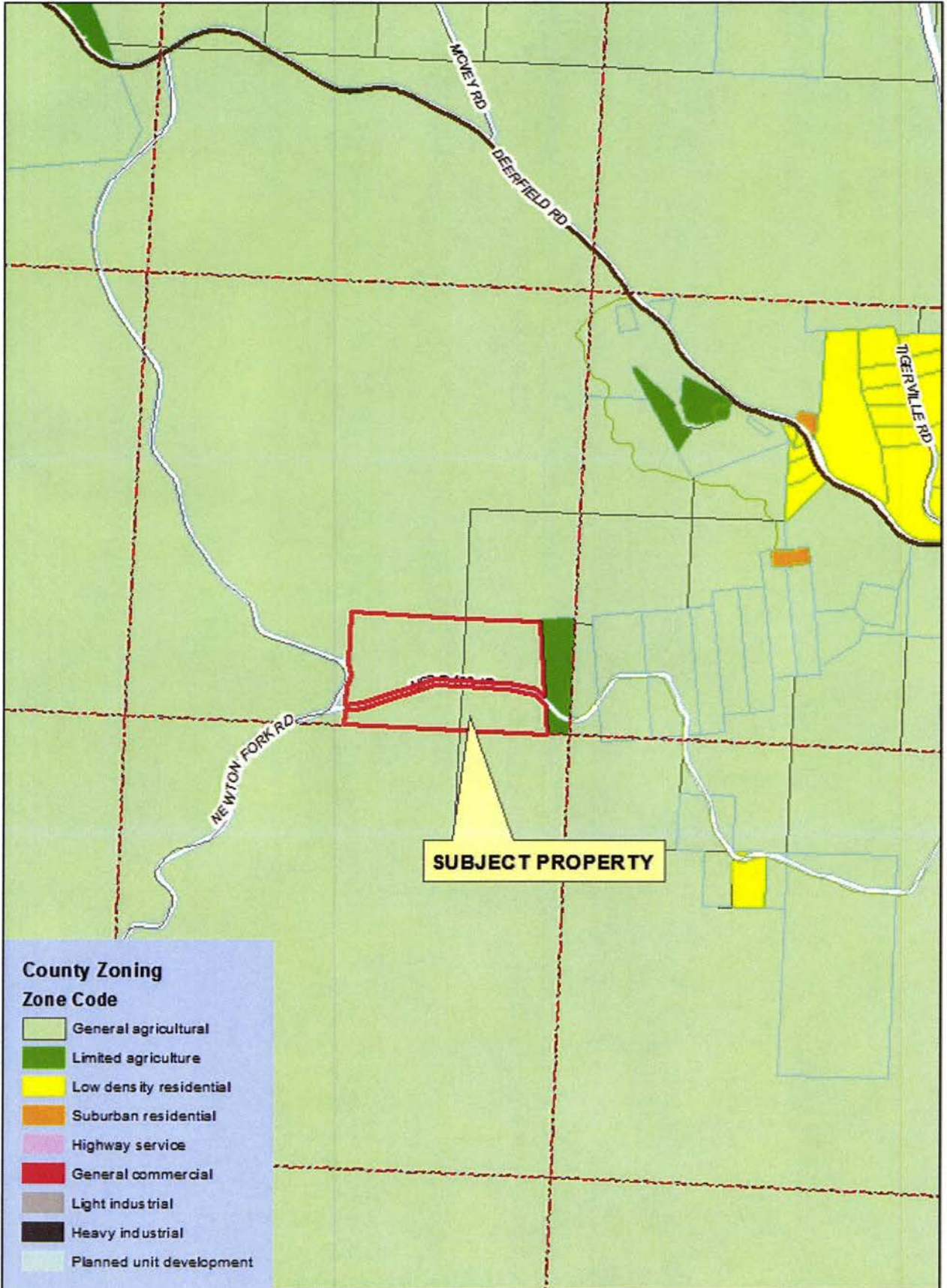
**SUBJECT PROPERTY**

 Hill City Limits

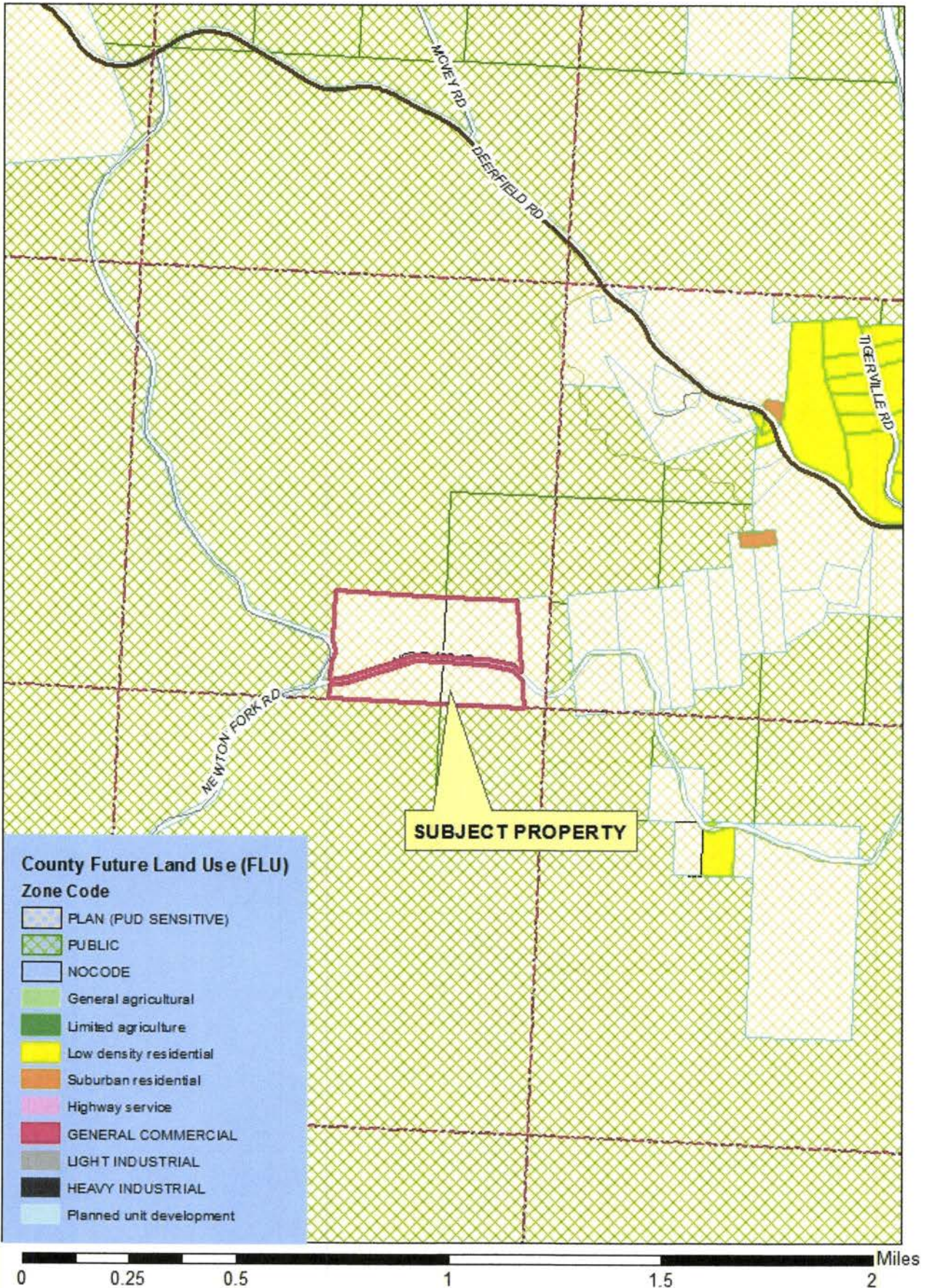
**NORTH**

0 0.5 1 2 3 4 Miles

# RUSTLERS RANCH LLC



# RUSTLERS RANCH LLC

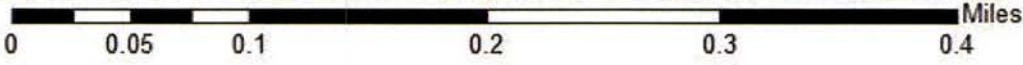


# RUSTLERS RANCH LLC



NFSR 4261G

SUBJECT PROPERTY



Repl 03/Fennington County ©13 D/Blon

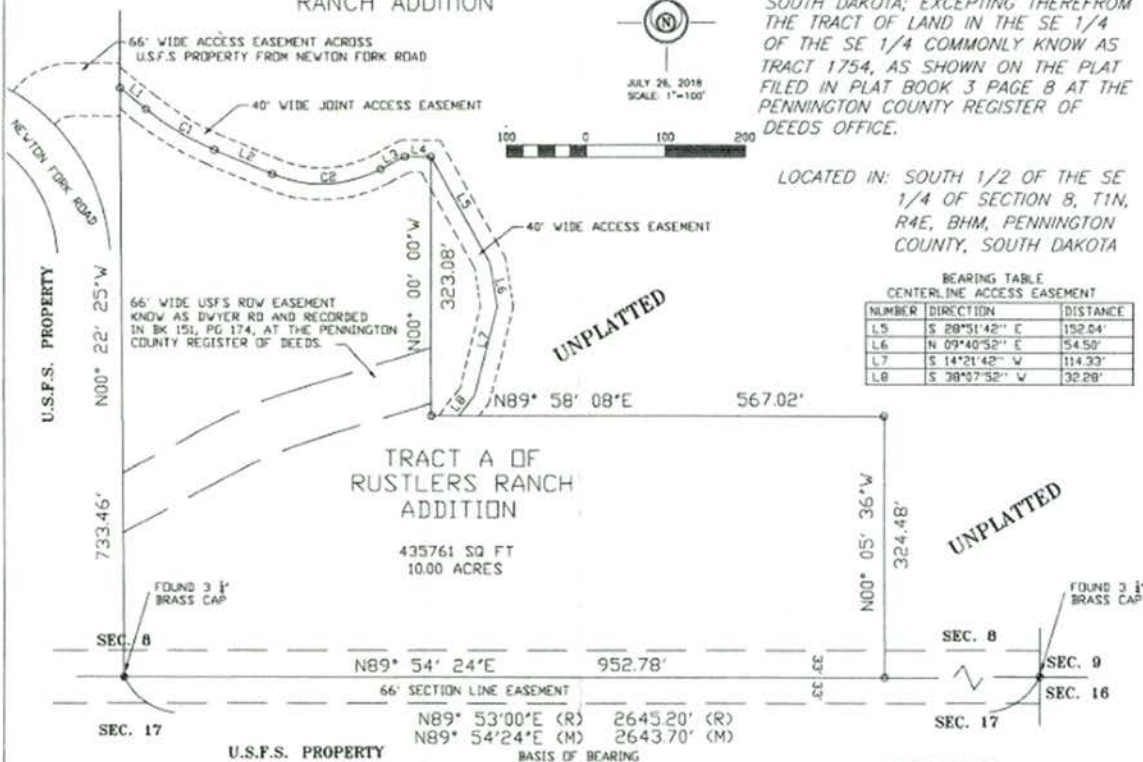
NOTICE OF HEARING TO:  
DAVID WAY  
1318 BENNINGTON COURT  
GLENVILLE, IL 60026

SURVEY PLAT OF :  
TRACT A OF RUSTLERS  
RANCH ADDITION



FORMERLY: SW 1/4 OF SE 1/4 SECTION  
8 T1S, R4E, BHM, PENNINGTON COUNTY,  
SOUTH DAKOTA; EXCEPTING THEREFROM  
THE TRACT OF LAND IN THE SE 1/4  
OF THE SE 1/4 COMMONLY KNOWN AS  
TRACT 1754, AS SHOWN ON THE PLAT  
FILED IN PLAT BOOK 3 PAGE 8 AT THE  
PENNINGTON COUNTY REGISTER OF  
DEEDS OFFICE.

LOCATED IN: SOUTH 1/2 OF THE SE  
1/4 OF SECTION 8, T1N,  
R4E, BHM, PENNINGTON  
COUNTY, SOUTH DAKOTA



BEARING TABLE  
CENTERLINE ACCESS EASEMENT

NUMBER	DIRECTION	DISTANCE
L5	S 28°31'42" E	152.04'
L6	N 09°40'52" E	54.50'
L7	S 14°21'42" W	114.33'
L8	S 38°07'52" W	32.20'

CURVE TABLE

NUMBER	DELTA ANGLE	CHORD DIRECTION	TANGENT	RADIUS	ARC LENGTH	CHORD LENGTH
C1	15°41'25"	S 59°32'01" E	50.00	362.87	99.37	99.26
C2	59°31'43"	N 87°29'22" E	73.00	158.92	140.15	135.61

BEARING TABLE

NUMBER	DIRECTION	DISTANCE
L1	S 51°41'18" E	41.97'
L2	S 67°22'45" E	78.88'
L3	N 62°05'37" E	34.30'
L4	S 89°23'39" E	23.07'

NOTES:

UTILITY & MINOR DRAINAGE EASEMENT:  
8' wide on the interior side of all  
side and rear lot lines.

CERTIFICATE OF ACKNOWLEDGMENT OF OWNERSHIP:  
State of South Dakota  
County of Pennington S.S.

We, Rustlers Ranch, LLC, do hereby certify that we are the owners of the land shown and described hereon, and that this plat was done at our request for the purposes indicated hereon; that we do hereby approve the survey and within plat of said land; and that the development of this land shall conform to all existing applicable zoning, subdivision, and erosion and sediment control regulations. Any land shown on the within plat as dedicated to public right of way is hereby dedicated to public use and public utility use as such, forever.

OWNERS:  
Rustlers Ranch, LLC Linda L. Inanti, President

On this \_\_\_ day of \_\_\_, 2018, before me, a Notary Public, personally appeared David Way and Linda L. Inanti, known to me to be the persons described in the foregoing instrument and acknowledged to me that they signed the same.

NOTARY PUBLIC: \_\_\_\_\_  
My commission expires: \_\_\_\_\_

CERTIFICATE OF COUNTY AUDITOR:  
RESOLUTION BY GOVERNING BOARD

State of South Dakota  
County of Pennington  
I, Auditor of Pennington County, do hereby certify that at an official meeting held on the \_\_\_ day of \_\_\_, 2018, the County Commissioners by resolution did approve the plat as shown and described hereon.  
Dated this \_\_\_ day of \_\_\_, 2018

Pennington County Auditor/Deputy

CERTIFICATE OF THE REGISTER OF DEEDS  
State of South Dakota  
County of Pennington S.S.

Filed for record this \_\_\_ day of \_\_\_, 2018 at  
\_\_\_ o'clock \_\_\_ M. as Document No. \_\_\_\_\_

Register of Deeds Fees: \_\_\_\_\_

WATER PROTECTION STATEMENT:

Pursuant to SDCL 11-3-81 and 11-3-2, the developer of the property described within this plat shall be responsible for protecting any waters of the state, including groundwater, located adjacent to or within such platted area from pollution from sewage from such subdivision and shall in prosecution of such protections conform to and follow all regulations of the South Dakota Department of Environment and Natural Resources relating to the same.

CERTIFICATE OF SURVEYOR:  
State of South Dakota  
County of Pennington S.S.

I, Ronald D. Davis, Registered Land Surveyor #3095 of the State of South Dakota, do hereby certify that at the request of the owner(s) listed hereon I have surveyed the tract of land shown, and to the best of my knowledge and belief, the within plat is a representation of said survey. Easements or Restrictions of miscellaneous record or private agreements that are not known to me are not shown hereon.

In witness whereof, I have hereunto set my hand and seal.

Dated this \_\_\_ day of \_\_\_, 2018

Ronald D. Davis, RLS # 3095



APPROVED:

CERTIFICATE OF DIRECTOR OF EQUALIZATION

I, Director of Equalization of Pennington County do hereby certify that I have on record in my office a copy of the within described plat.

Dated this \_\_\_ day of \_\_\_, 2018

Director of Equalization of Pennington County

CERTIFICATE OF STREET AUTHORITY:

The location of the proposed property lines skirting the County or State Highway or the County Road, as shown hereon is hereby approved. Any changes in the location of the proposed access shall require additional approval.

Dated this \_\_\_ day of \_\_\_, 2018

Highway Authority of Pennington County

CERTIFICATE OF COUNTY TREASURER:

I, Treasurer of Pennington County, do hereby certify that all taxes which are liens upon the within described lands are fully paid according to the records of my office.

Dated this \_\_\_ day of \_\_\_, 2018

Treasurer of Pennington County

DRAINAGE NOTES:

All major drainage easements shown hereon shall be kept free of all obstructions including but not limited to buildings, walls, fences, hedges, trees, and shrubs. These easements grant to all public authorities the right to construct, operate, maintain, inspect, and repair such improvements and structures as it deems necessary to facilitate drainage from any source.



**From:** Brown, Rodney W -FS [<mailto:rwbrown@fs.fed.us>]  
**Sent:** Friday, June 02, 2017 12:47  
**To:** Conover PJ <[pj.conover@pennco.org](mailto:pj.conover@pennco.org)>  
**Subject:** Rustlers Ranch LLC (David Way and Linda Imonti)  
**Importance:** High

Good afternoon Mr. Conover,

The Forest Service has been working with David Way and Linda Imonti (Rustlers Ranch, LLC) on several important land issues and concerns (fence encroachments and access to the private property). These land issues and concerns have been on the USFS records for several years with the previous land owner Mr. Rodger Marx.

David Way and Linda Imonti acquired the private property from Mr. Rodger Marx in April 2014; Warranty Deed filed 07-23-2014. The private property address is 23692 Newton Fork Road, Hill City, SD; document #: 5108400004; tax id #: 45224; and located in SW1/4SE1/4, SE1/4SE1/4 less Tract 1754 and less R-O-W of Section 8, T1S, R4E, BHM.

Rustlers Ranch, LLC (David Way and Linda Imonti) have been good stewards of the private property by removing the personal property left by the previous landowner, removing the fence encroachments from National Forest System lands, placement of new fences on the posted boundary between the private property and National Forest System lands and submitting an application for a Federal Land Policy and Management Act (FLPMA) Private Road Easement.

These important issues and concerns are the following:

1. **Encroachments:** (fences and access road) located on National Forest System lands (NFSI); fences have been removed from NFSI and are located on private property; Rustlers Ranch LLC applied for a FLPMA Private Road Easement off of the Newton Fork to access the private property (application date 03-18-2015); Private Access Easement R-O-W survey has been completed by Davis Engineering, Inc (needs signature by Davis Engineering, Inc.), R-O-W survey needs to be approved by Black Hills National Forest Engineer; FLPMA Private Road Easement to be signed by Rustlers Ranch LLC and the Regional Forester in Denver; subject to change the FLPMA Private Road Easement will be submitted to the Regional Office (located in Denver, CO) this summer for final approval.
2. **Easement Deed:** Easement Deed was granted on February 5, 1962 from James Halley Jr. and Lois I. Halley, Robert C. Marx and Thelma E. Marx to the United States of America, filed in the public record for Pennington County in Book 151, Page 174 and located in the S1/2SE1/4 of Section 8, T1S, R4E, BHM; the Mystic Ranger District of the Black Hills National Forest is currently working with the Office of General Counsel (OGC – attorneys for the United States Government) and the Regional Office (Forest Service) in Denver working through the procedures of “Abandonment ”of the Easement Deed (Halley and Marx); see attached recorded Easement Deed and Easement Deed - copy is easier to read; Easement Deed clause: “Provide, however, that if at any time this easement, or any highway constructed thereon, shall be abandoned by the United States of America or its assigns, the rights and privileges hereby granted shall cease and



terminate and the premises traversed thereby shall be freed from said easement as fully and completely as if this indenture had not been made". The Easement Deed roadway was not constructed to the Newton Fork Road and does not provide access to the private property from the Newton Fork Road. It is anticipated that the final Abandonment Procedures will be completed this year or early next year.

3. **Subdivision request:** Rustlers Ranch, LLC may have requested that the private property be subdivided pending approval by the Pennington County Planning and Zoning and Pennington County Commissioners.

David Way and Linda Imonti have been working with the USFS by removing the encroachments that were located on National Forest System lands, applied for a FLPMA Private Road Easement to access the private property. The USFS have held open discussions with David Way and Linda Imonti regarding the encroachments, the access application process and the abandonment of an easement located on the private property.

The entire private road access process is difficult and time consuming for both the private property landowners and the USFS. The USFS and David Way and Linda Imonti have a good working relationship and are getting items completed.

Would you like an official letter or will this email suffice from the USFS regarding the Rustlers Ranch LLC and the USFS working relationship and resolving important issues and concerns. The USFS does not object to the request of Rustlers Ranch, LLC to subdivide the private property and does not want to be a hindrance or a hold up for David Way and Linda Imonti future plans for the private property.

Please let me know if you will need additional information from the USFS.

If you have questions please email or call me and we can discuss,

Thank you for your time and patience.

-=Rodney=-



**Rodney W. Brown**  
**Lands Recreation Forester**  
**Forest Service**  
**Black Hills National Forest,**  
**Mystic Ranger District**

phone: 605-716-1861

fax: 605-343-7134

[rwbrown@fs.fed.us](mailto:rwbrown@fs.fed.us)

8221 Mount Rushmore Road

Rapid City, SD 57702-8741

[www.fs.usda.gov/blackhills](http://www.fs.usda.gov/blackhills)



Caring for the land and serving people

## STAFF REPORT

### GENERAL INFORMATION:

REQUEST: SUBDIVISION REGULATIONS VARIANCE / SV 18-15: To waive platting requirements to create Lots 1-8 of Keystone Wye Subdivision in accordance with Section 700.1 of the Pennington County Subdivision Regulations.

APPLICANT: Schriner Investments / Shane Schriner

APPLICANT ADDRESS: P.O. Box 555, Hill City, SD 57745

SURVEYOR: Sperlich Consulting

SURVEYOR ADDRESS: 821 Columbus St., Ste. 1, Rapid City, SD 57701

LEGAL DESCRIPTION: EXISTING LEGAL: All of Crown Point Lode MS 1258; All of Bay Horse Lode MS 1258; All of Buffalo Fraction Lode MS 1258; and All of Bellevue Lode MS 1258, all located in Section 32, T1S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1-8 of Keystone Wye Subdivision, Section 32, T1S, R6E, BHM, Pennington County, South Dakota.

SITE LOCATION: North of Keystone, along Highway 16A.

SIZE: 29.02 acres

TAX ID: 44242 / 44243 / 44244 / 44245

EXISTING LAND USE: Vacant

SUBDIVISION REGULATIONS REFERENCE: § 700.1

CURRENT ZONING: General Agriculture District

**SURROUNDING ZONING:**

North	General Agriculture District
South	General Agriculture District
East	General Agriculture District
West	General Agriculture District

**PHYSICAL CHARACTERISTICS:** Forested / Hills

**UTILITIES:** None

**REPORT BY:** Cassie Bolstad

**I. PROPOSED RECOMMENDATION**

- A. Staff will be recommending approval of Subdivision Regulations Variance / SV 18-15.

**II. GENERAL DESCRIPTION**

- A. The applicant, Shriner Investments (Shane Schriner), is in the process of subdividing the four (4) existing lots (Mining Lodes) into eight (8) lots.
- B. The applicant has submitted a Subdivision Regulations Variance request to waive the following platting requirements:
  - 1. To allow the use of a 40-foot-wide easement in lieu of a 66-foot-wide Right-of-Way;
  - 2. To allow the maximum grade of a road to be 15% for approximately 900 feet;
  - 3. To allow an exception to not install guardrail on slopes with a slope greater than 4:1;
  - 4. To allow the angle between road intersections to be less than 75 degrees and allow a tangent between intersections to be less than 100 feet;
  - 5. To allow vertical curves to be less than 100 feet; and,
  - 6. To not perform percolation tests and provide soil profile hole information before platting.

**III. EXISTING CONDITIONS**

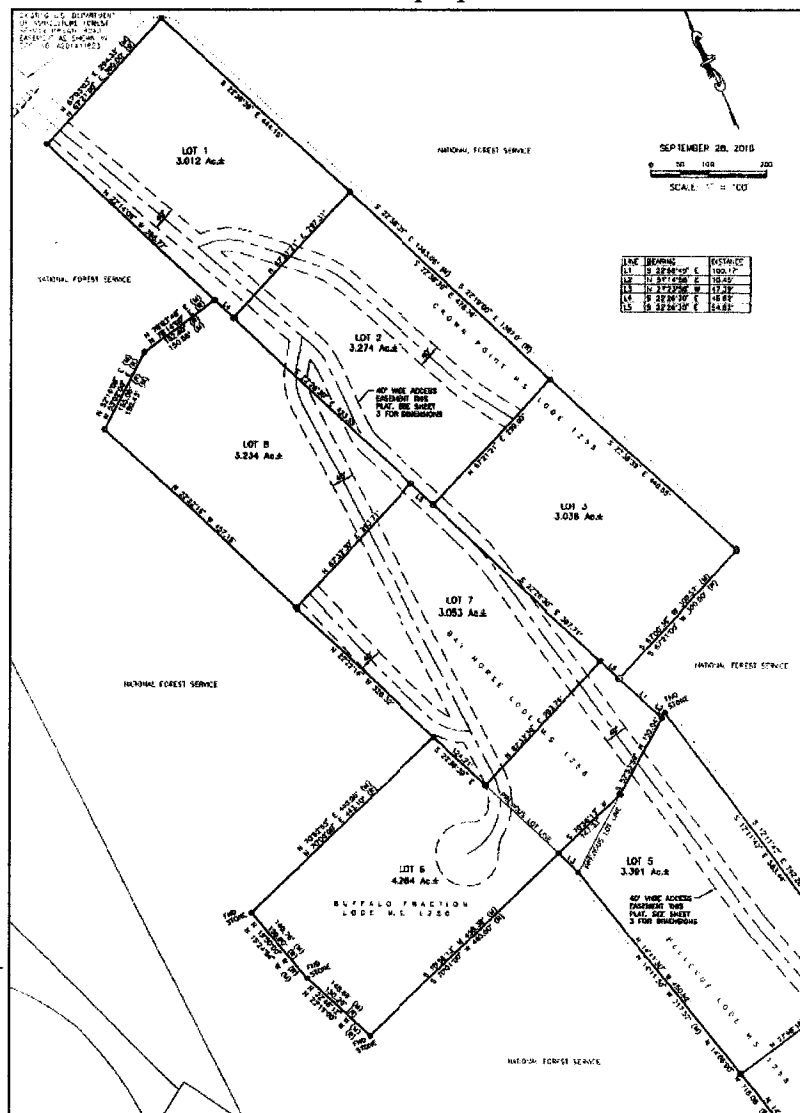
- A. Four (4) separate lots.
- B. All existing lots are currently zoned General Agriculture District.
  - 1. Future Land Use (FLU) designation is Planned Unit Development Sensitive.
- C. No Special Flood Hazard Area on the existing properties.
- D. All four (4) existing properties are currently vacant.
- E. All of Crown Point Lode M.S. 1258
  - 1. 9.41 acres.
- F. All of Bay Horse Lode M.S. 1258
  - 1. 7.24 acres.

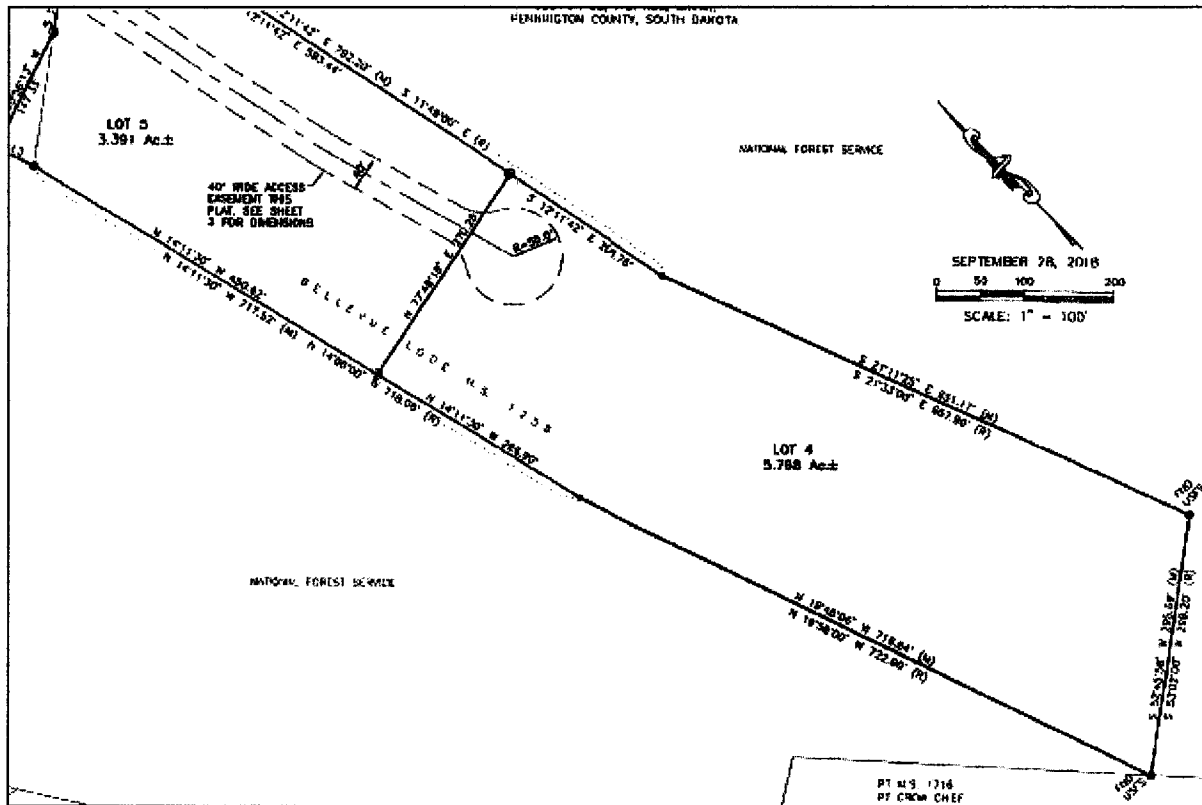
- G. All of Buffalo Fraction Lode M.S. 1258
  - 1. 3.13 acres.
- H. All of Bellevue Lode M.S. 1258
  - 1. 9.24 acres.

**IV. PROPOSED LOTS (Lots 1-8 of Keystone Wye Subdivision)**

- A. Lot 1
  - 1. 3.012 acres ±
- B. Lot 2
  - 1. 3.274 acres ±
- C. Lot 3
  - 1. 3.038 acres ±
- D. Lot 4
  - 1. 5.768 acres ±
- E. Lot 5
  - 1. 3.391 acres ±
- F. Lot 6
  - 1. 4.264 acres ±
- G. Lot 7
  - 1. 3.053 acres ±
- H. Lot 8
  - 1. 3.234 acres ±
- I. A 40-foot-wide Access Easement is proposed on the Plat to provide access to the eight (8) lots.
- J. A 55-foot radius turnaround is noted on both proposed Lots 4 and 6.

Proposed subdivision -  
 Sperlich Consulting  
 (September 28, 2018)





Proposed Subdivision – Sperlich Consulting (September 28, 2018)

**V. REQUEST FOR COMMENT**

- A. County Highway Department
  - 1. The roads in this development serve only the development and are therefore classified as local roads. Pennington County Subdivision Regulations define the requirements for local roads and not the American Association of State Highway and Transportation Officials (AASHTO) “A Policy on Geometric Design of Highways and Streets.” AASHTO is referenced in the Subdivision Regulations for minor and major arterials only and is not applicable in this development.
- B. County Fire Administrator
  - 1. No comments received.
- C. County Environmental Planning Supervisor
  - 1. There is no Special Flood Hazard Area on the subject properties.
- D. County Environmental Planner
  - 1. All rules of Pennington County Zoning Ordinance Section 204(J) must be followed when a septic is installed on any of the proposed lots.
- E. County Ordinance Enforcement
  - 1. There is an open Ordinance Violation (COVO16-0061) for the existing road that was constructed without a Construction Permit. Condition #2 of Preliminary Plat / PL 18-34, states “That prior to

filing the Plat with the Register of Deeds, an approved Construction Permit be obtained for the access road that was constructed through the subject properties, with the appropriate waivers for any road standards that are not or will not be met.”

2. Once an approved Construction Permit is obtained for the access road, COVO16-0061 can be closed.
- F. County Addressing Coordinator
1. As more than five (5) lots are being platted, the applicant is naming the access easement in order to provide enough addresses for all lots that could potentially be developed and occupied. All future addresses must be posted in accordance with Pennington County’s Ordinance #20.
- G. Emergency Services (9-1-1)
1. If approved, they will need to add the road name labels for each ROW that they have already had reviewed by 911, prior to Final Plat approval.
- H. U.S. Forest Service
1. The Forest Service is currently working with Shane Schriner (Schriner Investments, LLC) on a FLPMA Private Road Easement transfer from Crown Point Road District to Schriner Investments, LLC that will provide legal access to the private property.
  2. The Forest Service will not approve a secondary access across National Forest System lands to the private property.
  3. Protect all posted boundary line corners, signs and bearing tress.
  4. Adhere to the setback requirements along the posted boundary between National Forest System lands and private property.
  5. Protect all known stream courses, ponds and riparian areas located on National Forest System lands.
  6. No resource damage to occur on National Forest System lands.
  7. All proposed drain fields, leach lines or septic systems will need to be located on private property and not located on or drain or leach onto National Forest System lands.
  8. All construction materials, supplies, trash or garbage will not be located or dumped on National Forest System lands.
  9. Public roads in this area of the Black Hills National Forest are classified as “Roads Open to Highway Legal Vehicles Only” and “Highways, US, State” per the latest version of the Motor Vehicle Use Map.
  10. No motorized trailheads or motorized trails or motorized roads are planned or scheduled for this portion of the Black Hills National Forest.
  11. No motorized trails for ATV, motorcycles or ORV will be authorized from private property unto National Forest System lands (USFS does not want unauthorized trails constructed on National Forest System lands).

**VI. BACKGROUND**

- A. June 19, 2018 – Board of Commissioners approved Layout Plat / PL 18-14 to create Lots 1-8 of Keystone Wye Subdivision with the following sixteen (16) conditions:
1. That prior to filing the Plat with the Register of Deeds, the proposed lots obtain approved Lot Size Variances or be Rezoned appropriately;
  2. That prior to filing the Plat with the Register of Deeds, an approved Construction Permit be obtained for the access road that was constructed through the subject properties, with the appropriate waivers for any road standards that are not or will not be met;
  3. That prior to new Plat submittal, the applicant provide alternate proposed road names for the Access Easement identified as “Twin Drive” to 9-1-1 for review and the road name approved by 9-1-1 be added to the Plat;
  4. That at the time of new Plat submittal, the applicant submit a Road Naming application, with a 9-1-1 approved road name, to be approved by the Pennington County Board of Commissioners;
  5. That at the time of new Plat submittal, the proposed Access Easement be increased to 66-feet per Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
  6. That at the time of new Plat submittal, an Owner’s Certificate be added for Genesis Capital LLC, per Register of Deeds and Department of Equalization comments;
  7. That at the time of new Plat submittal, the Certificates that have reference to the Town of New Underwood be corrected;
  8. That at the time of new Plat submittal, the following corrections and additions be made, per Department of Equalization comments; the names of the underlying Lodes be added to the Plat; the annotation near the northeast corner of Lot 5 be corrected, so that it is legible; and, the distances and bearings of the proposed Access Easement be added to the Plat;
  9. That prior to new Plat submittal, the surveyor verify the acreage of the existing Bay Horse Lode and the total acreage of the proposed Plat, per Department of Equalization comments;
  10. That at the time of new 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;
  11. That at the time of new Plat submittal, the plat meets all requirements of § 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;

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Schriner Investments (Shane Schriner)  
January 14, 2019

12. That the Certifications on the plat be in accordance with § 400.3.1.n of the Pennington County Subdivision Regulations;
  13. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
  14. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of § 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit;
  15. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Layout Plat / PL 18-14, which is available at the Planning Office; and,
  16. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.
- B. November 20, 2018 – Board of Commissioners approved Preliminary Plat / PL 18-34 to create Lots 1-8 of Keystone Wye Subdivision with the following fourteen (14) conditions:
1. That prior to filing the Plat with the Register of Deeds, the proposed lots obtain approved Lot Size Variances or be Rezoned appropriately;
  2. That prior to filing the Plat with the Register of Deeds, an approved Construction Permit be obtained for the access road that was constructed through the subject properties, with the appropriate waivers for any road standards that are not or will not be met;
  3. That prior to Final Plat submittal, the applicant contact Emergency Services to determine if multiple road names are required for the proposed roadway system. In addition, the applicant submit proposed road names to Emergency Services for review and the approved name(s) be added to the Plat;
  4. That prior to filing the Plat with the Register of Deeds, the applicant submit a Road Naming application, with 9-1-1 approved road name(s), to be approved by the Pennington County Board of Commissioners;
  5. That at the time of Final Plat submittal, the following changes be made to the proposed Access Easement, per Highway Department comments, and the roadway meet all applicable Subdivision Regulations or an approved Subdivision Regulations Variance be obtained waiving any requirements that are not met:
    - a. The road be designed and built to the local/collector road standards in Table 1 of Subdivision Regulations 500.5(1)(a)(3)(b), which requires 66' wide Right-of-Way and 24' wide gravel surface;
    - b. The maximum grade be 12%, with an allowance for 17% for a maximum distance of 500 feet;



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Schriner Investments (Shane Schriner)  
January 14, 2019

- c. The inslopes be 4:1 or flatter or guardrail be installed wherever the slope is steeper than 4:1;
  - d. Intersections not be less than a 75° angle and have at least a 100' tangent before a curve;
  - e. Vertical curves be a minimum of 100' or 20' for every 1% algebraic difference in grade, whichever is greater.
6. That at the time of Final Plat submittal, an Owner's Certificate be added for Genesis Capital LLC, per Department of Equalization comments;
  7. That prior to Final Plat submittal, the surveyor verify the total acreage of the proposed Plat, per Department of Equalization comments;
  8. That at the time of Final Plat submittal, the Certifications on the plat be in accordance with § 400.3(1)(n) of the Pennington County Subdivision Regulations;
  9. That at the time of Final 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;
  10. That at the time of Final Plat submittal, the plat meets all requirements of § 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;
  11. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
  12. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of § 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain Operating Permits;
  13. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Preliminary Plat / PL 18-34, which is available at the Planning Office; and,
  14. That approval of this Preliminary Plat does not constitute approval of any further applications to be submitted for the above-described properties.
- C. The applicant has also submitted the following requests, which will be heard by the Planning Commission on January 14, 2019:
1. Four (4) Road Naming requests to name the access roads within the proposed development; and,
  2. Rezone and Comprehensive Plan Amendment to rezone the subject properties to Low Density Residential District and change the Future Land Use.

**VII. ANALYSIS**

- A. With this request, the applicant is requesting to waive the following platting requirements:
1. To allow the use of a 40-foot-wide easement in lieu of a 66-foot-wide Right-of-Way;
  2. To allow the maximum grade of a road to be 15% for approximately 900 feet;
  3. To allow an exception to not install guardrail on slopes with a slope greater than 4:1;
  4. To allow the angle between road intersections to be less than 75 degrees and allow a tangent between intersections to be less than 100 feet;
  5. To allow vertical curves to be less than 100 feet; and,
  6. To not perform percolation tests and provide soil profile hole information before platting.
- B. A detailed explanation of the requested waivers was submitted by the surveyor, Sperlich Consulting, and is included with this Staff Report.
- C. If approved, the applicant's Subdivision Regulations Variance request will satisfy Condition #5 of Preliminary Plat / PL 18-34.

**RECOMMENDATION:** Staff recommends approval of Subdivision Regulations Variance / SV 18-15 to waive the following platting requirements:

1. To allow the use of a 40-foot-wide easement in lieu of a 66-foot-wide Right-of-Way;
2. To allow the maximum grade of a road to be 15% for approximately 900 feet;
3. To allow an exception to not install guardrail on slopes with a slope greater than 4:1;
4. To allow the angle between road intersections to be less than 75 degrees and allow a tangent between intersections to be less than 100 feet;
5. To allow vertical curves to be less than 100 feet; and,
6. To not perform percolation tests and provide soil profile hole information before platting.

**1. Allow the use of a 40 foot wide easement in lieu of a 66 foot wide right-of-way.**

Reason for Request #1:

The proposed Wye Subdivision will serve 8 residential lots. No municipal water or sewer services will be provided in the road easement. This eliminates the need for additional width within the easement. Additionally, the proposed access road will consist of a twenty-four (24) foot wide gravel section with two (2) feet of shoulder on either side. Six (6) feet of easement will remain on either side of the road surface if future improvements are necessary.

**2. Allow the maximum grade of a road to be 15% for approximately 900 feet.**

Reason for Request #2:

The proposed Wye Subdivision is located in a hilly/mountainous area of the Black Hills. The existing terrain of the area consists of forested areas with steep slopes. The horizontal alignment of the proposed roads were adjusted to minimize the need for steep slopes along the road. Though the horizontal alignments minimized the steep slopes, some areas do require a grade higher than 12%. The maximum grade proposed in the Wye Subdivision is 15% for approximately 900 feet. Per the recommendations of the AASHTO Geometric Design of Street and Highways, a rural road can have up to a 16-17% grade in mountainous areas. Because of this recommendation and that the roads will only be utilized by the residents of the Wye Subdivision, it was felt that 15% grade is not excessive for this area. (see attached exhibits)

**3. Allow an exception to not install guardrail on slopes with a slope greater than a 4(h):1(v).**

Reason for Request #3:

The roads within the Wye Subdivision will service only eight (8) residential properties with no thru traffic. Due to the minimal amount of traffic that would circulate through the subdivision, it is felt that full developed road requirements are not necessary. Additionally, looking at other gravel roads in the Black Hills, a majority of them have no guardrail installed even when steep slopes are present. Attached is a typical Black Hills forest road that is a thru road open to the public with no guardrail installed.

**4. Allow the angle between road intersections to be less than 75 degrees and allow a tangent between intersections to be less than 100 feet.**

Reason for Request #4:

The multiple roads contained in the Wye Subdivision are positioned to conform to the steep terrain of the area. Though a 90 degree intersection angle is desirable, the use of 90 degree intersections with 100' legs would result in excessive fills and cuts along the road sections. Additionally, the AASHTO Geometric Design of Street and Highways recommends up to a 60 degree angle at intersections. The intersections laid out for the Wye Subdivision are all between 60-90 degrees. Furthermore, the proposed roads will be private for the residents of the 8 lots and be contained in private access easements and not a public right-of-way.

**5. Allow vertical curves to be less than 100 feet.**

Reason for Request #5:

The roads have been designed utilizing the AASHTO Geometric Design of Street and Highways. All roads were designed and comply with vertical crests and sags assuming a 20 mph speed limit. Only the road accessing Lot 7 and Lot 8 utilizes a design speed of 15 mph due to the topography restraints of the area. Please note the use of the AASHTO guides for vertical curves is utilized by the City of Rapid City and the SDDOT as applicable design guidelines. (see attached exhibits)

**6. To not perform percolation tests and provide soil profile information before platting.**

Reason for Request #6:

Because no building location has been provided by the owner at this time on any of the proposed lots for Wye Subdivision, it would be more pertinent when a building permit is applied for to request a percolation test for septic system sizing. The minimum area of the proposed LDR lots is 3.0 acres, a future property owner has many possible locations for a building and the percolation test performed this early may not actually reflect the soil conditions at a future proposed building site. This may result in a future septic system being undersized. A site specific percolation test is requested at the time of a building permit to adequately size the system for the proposed soil conditions.

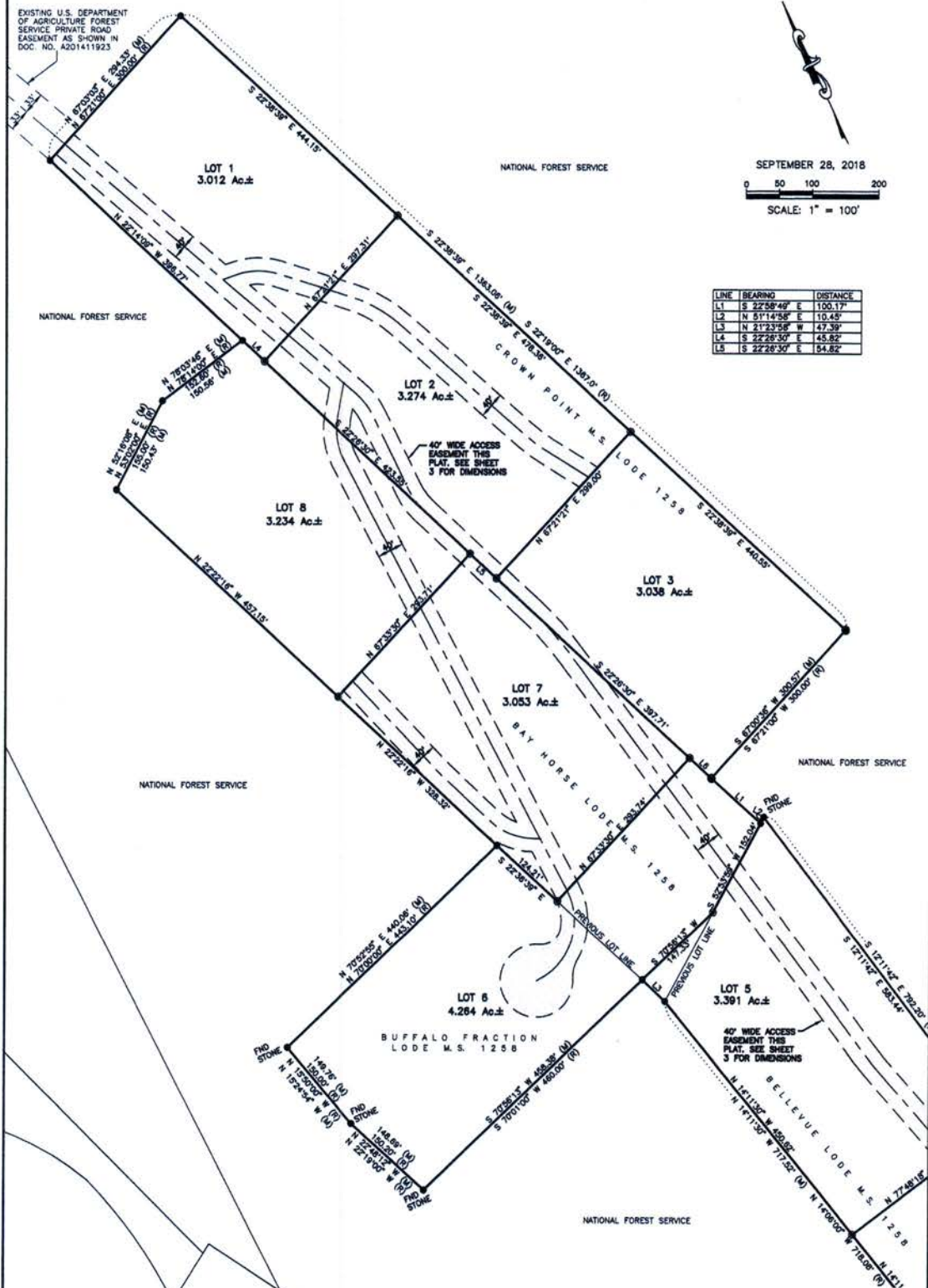
PLAT OF  
**LOTS 1 THROUGH 8,**  
**KEYSTONE WYE SUBDIVISION**  
 (formerly all of Crown Point Lode MS 1258, Bay Horse Lode MS 1258, Buffalo Fraction Lode MS 1258, and  
 Bellevue Lode M.S. 1258, all located in the W $\frac{1}{2}$  of Section 32, T1S, R6E, B.H.M.)  
 LOCATED IN THE W $\frac{1}{2}$   
 SECTION 32, T1S, R6E, B.H.M.,  
 PENNINGTON COUNTY, SOUTH DAKOTA

EXISTING U.S. DEPARTMENT  
 OF AGRICULTURE FOREST  
 SERVICE PRIVATE ROAD  
 EASEMENT AS SHOWN IN  
 DOC. NO. A201411923



SEPTEMBER 28, 2018  
 0 50 100 200  
 SCALE: 1" = 100'

LINE	BEARING	DISTANCE
L1	S 22°38'40" E	100.17'
L2	N 61°14'56" E	19.45'
L3	N 21°23'56" W	47.39'
L4	S 22°26'30" E	45.82'
L5	S 22°26'30" E	54.82'

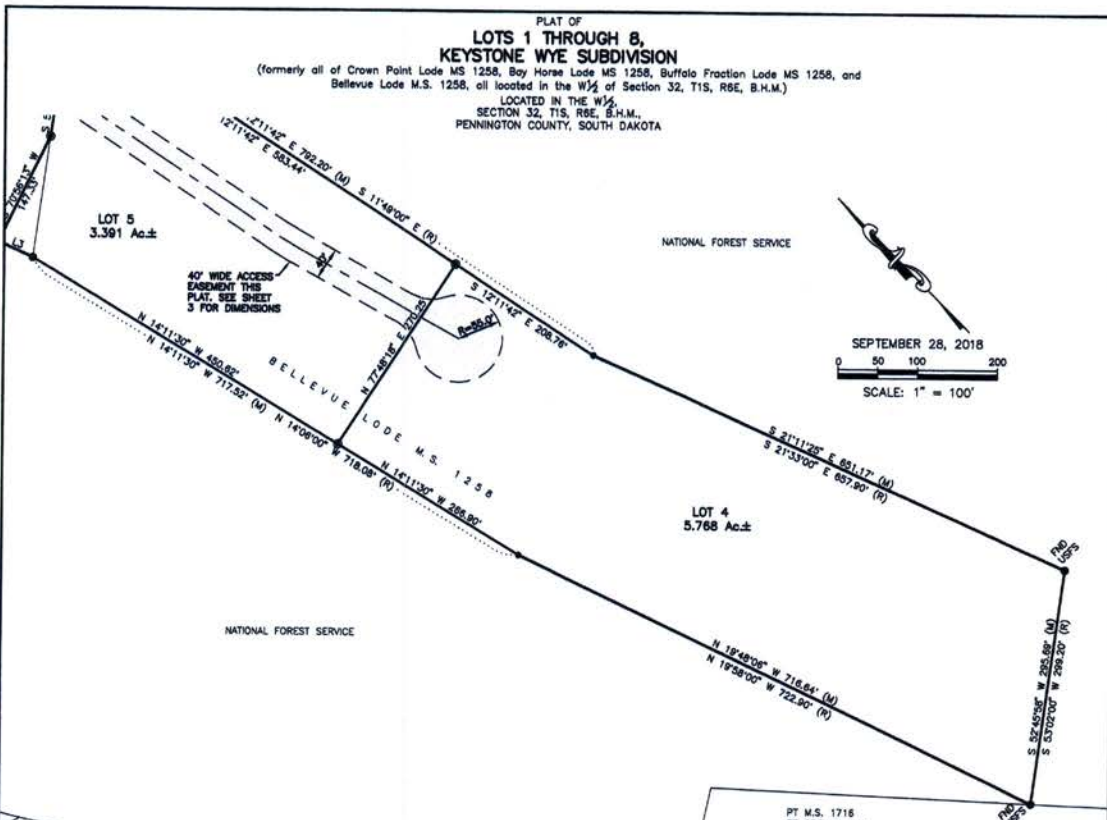


**NOTES:**

- Denotes set 5/8" rebar with survey cap marked "Janis LS 11700"
- Denotes Found Survey Monument LS 1771 unless otherwise noted
- (R) Denotes Recorded in previous plat or description.
- (M) Denotes Measured this survey.
- CD Denotes Chord Bearing
- CO Denotes Chord Distance

Basis of Bearings: Geodetic North determined by Global Positioning (GPS)  
 Utility and Minor Drainage Easements: If on the interior sides of all lot lines, except where major drainage easements exist.  
 Any major drainage easement shown hereon shall be kept free of all obstructions including but not limited to buildings, walls, fences, hedges, trees and shrubs. These easements grant to all public authorities the right to construct, operate, maintain, inspect, and repair such improvements and structures as it deems expedient to facilitate drainages from any source.





**CERTIFICATE OF OWNERSHIP**  
State of South Dakota  
County of Pennington s.s.

I, \_\_\_\_\_, do hereby certify that I am a Member of SCHRINER INVESTMENTS L.L.C., a South Dakota Limited Liability Corporation, and the owner of the land shown and described hereon; that the survey was done at my request for the purposes indicated hereon; that I do hereby approve the survey and within plot of said land; and that the development of this land shall conform to all existing applicable zoning, subdivision, and erosion and sediment control regulations.

Any land shown on the within plot as dedicated to public right of way is hereby dedicated to public use and public utility use as such, forever, but such dedication shall not be construed to be a donation of the fee of such land.

In witness whereof, I have set my hand and seal.

Owner: SCHRINER INVESTMENTS, L.L.C.

Member

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a Notary Public, personally appeared \_\_\_\_\_ known to me to be the person(s) described in the foregoing instrument and acknowledged to me that they signed the same.

Notary Public: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

**CERTIFICATE OF FINANCE OFFICER**  
State of South Dakota  
County of Pennington s.s.

I, Finance Officer of the Town of New Underwood, do hereby certify that all special assessments which are liens upon the within described lands are fully paid according to the records of my office.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Finance Officer of the Town of New Underwood

**CERTIFICATE OF PLANNING DIRECTOR**  
State of South Dakota  
County of Pennington s.s.

I, Planning Director of Pennington County, have reviewed this plot and have found it to conform to all of the Subdivision requirements of the Pennington Subdivision Regulations and, as such, I have approved this Plat as a Final Plat.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Pennington County Planning Director

**CERTIFICATE BY COUNTY AUDITOR**  
State of South Dakota  
County of Pennington s.s.

I, Auditor of Pennington County, do hereby certify that the Pennington County Planning Director has reviewed and approved this Final Plat as shown hereon.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Pennington County Auditor/Deputy

**CERTIFICATE OF DIRECTOR OF EQUALIZATION**

I, Director of Equalization of Pennington County, do hereby certify that I have on record, in my office, a copy of the within described plot.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Director of Equalization of Pennington County

**CERTIFICATE OF SURVEYOR**  
State of South Dakota  
County of Pennington s.s.

I, Jeffrey L. Janis, Registered Land Surveyor No. 11700 in the State of South Dakota, do hereby certify that at the request of the owner(s) listed hereon, I have surveyed the tract of land shown, and to the best of my knowledge and belief, the within plot is a representation of said survey. Easements or restrictions of miscellaneous record or private agreements that are not known to me are not shown hereon.

In witness whereof, I have hereunto set my hand and seal.

Jeffrey L. Janis, Registered Land Surveyor

Date

**RESOLUTION OF GOVERNING BOARD**  
State of South Dakota  
County of Pennington s.s.

I, Finance Officer of the Town of New Underwood, do hereby certify that an official meeting held on \_\_\_\_\_, 20\_\_\_\_, the Common Council, by resolution, did approve the plat as shown hereon.

Finance Officer of the Town of New Underwood

**FLOODPLAIN STATEMENT**

Floodplain Statement

The 100-year floodplain, as shown hereon, is based on the elevations identified in the Flood Insurance Rate Map Number 46103C008504, Effective Date June 3, 2013, or as graphically depicted on said map in unshaded areas. The floodplain information shown hereon serves as constructive notice that certain flood hazards exist on portions of the subject property. The location of the floodplain, as shown hereon, may be subject to change.

**WATER PROTECTION STATEMENT**

Water Protection Statement

Pursuant to SDCL 11-3-6.1 and 11-3-2, the developer of the property described within this plat shall be responsible for protection any waters of the state, including groundwater, located adjacent to or within such plotted area from pollution from sewage from such subdivision and shall in prosecution of such protections conform to and follow all regulations of the South Dakota Department of Environment and Natural Resources relating to the same.

**CERTIFICATE OF STREET AUTHORITY**

The location of the proposed property lines abutting the County or State Highway, or the County Road, as shown hereon, is hereby approved. Any change in the location of the proposed access shall require additional approval.

Approved: \_\_\_\_\_ Date: \_\_\_\_\_

**CERTIFICATE OF COUNTY TREASURER**

I, Treasurer of Pennington County, do hereby certify that all taxes, which are liens upon the within described lands, are fully paid, according to the records of my office.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Treasurer of Pennington County

**CERTIFICATE OF REGISTER OF DEEDS**

State of South Dakota  
County of Pennington s.s.

Filed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

In Document No. \_\_\_\_\_

Register of Deeds





A POLICY ON GEOMETRIC DESIGN OF



# HIGHWAYS AND STREETS

2001



FOURTH EDITION

AMERICAN ASSOCIATION OF STATE HIGHWAY  
AND TRANSPORTATION OFFICIALS

Metric			US Customary		
Design speed (km/h)	Design passing sight distance (m)	Rate of vertical curvature, $K^a$ (m/%)	Design speed (mph)	Design passing sight distance (ft)	Rate of vertical curvature, $K^a$ (ft/%)
30	200	46	20	710	180
40	270	84	25	900	289
50	345	138	30	1090	424
60	410	195	35	1280	585
70	485	272	40	1470	772
80	540	338	45	1625	943
90	615	438	50	1835	1203
100	670	520	55	1985	1407
			60	2135	1628

<sup>a</sup> Rate of vertical curvature,  $K$ , is the length of curve per percent algebraic difference in the intersecting grades (i.e.,  $K = L/A$ ). (See Chapter 3 for details.)

**Exhibit 5-3. Design Controls for Crest Vertical Curves Based on Passing Sight Distance**

**Grades**

Suggested maximum grades for local rural roads are shown in Exhibit 5-4.

Request # 2

Type of terrain	Metric										US Customary							
	Maximum grade (%) for specified design speed (km/h)										Maximum grade (%) for specified design speed (mph)							
	20	30	40	50	60	70	80	90	100	15	20	25	30	40	45	50	55	60
Level	9	8	7	7	7	7	6	6	5	9	8	7	7	7	7	6	6	5
Rolling	12	11	11	10	10	9	8	7	6	12	11	11	10	10	9	8	7	6
Mountainous	17	16	15	14	13	12	10	10	-	17	16	15	14	13	12	10	10	-

**Exhibit 5-4. Maximum Grades for Local Rural Roads**

**Alignment**

Alignment between control points should be designed to be as favorable as possible consistent with the environmental impact, topography, terrain, design traffic volume, and the amount of reasonably obtainable right-of-way. Sudden changes between curves of widely different radii or between long tangents and sharp curves should be avoided. Where practical, the design should include passing opportunities. Where crest vertical curves and horizontal curves occur together, there should be greater than minimum sight distance to ensure that the horizontal curves are visible to approaching drivers.



the opposing lane. Also, the traffic control devices at the intersection may be located outside the driver's line of sight, resulting in the need to install advanced signing.

Another method of realigning a road that originally intersected another road at an acute angle is to make an offset intersection, as shown in Exhibits 9-18C and 9-18D. Only a single curve is introduced on each crossroad leg, but crossing vehicles must turn onto the major road and then reenter the minor road. (The terms "major road" and "minor road" are used here to indicate the relative importance of the roads that pass through the intersection rather than their functional classification.)

Realignment of the minor road, as shown in Exhibit 9-18C, provides poor access continuity because a crossing vehicle must reenter the minor road by making a left turn off the major highway. This design arrangement should only be used where traffic on the minor road is moderate, the anticipated minor road destinations are local, and the through traffic on the minor road is low.

Where the alignment of the minor road is as shown in Exhibit 9-18D, access continuity is better because a crossing vehicle first turns left onto the major road (e.g., a maneuver that can be done by waiting for an opening in the through-traffic stream) and then turns right to reenter the minor road, thus interfering little with through traffic on the major road.

Once a decision has been made to realign a minor road that intersects a major road at an acute angle, the angle of the realigned intersection should be as close to 90 degrees as practical. Although a right-angle crossing is normally desired, some deviation from a 90-degree angle is permissible. Reconstructing an intersection to provide an angle of at least 60 degrees provides most of the benefits of a 90-degree intersection angle while reducing the right-of-way takings and construction costs often associated with providing a right-angle intersection. The width of the roadway on the approach curves should be consistent with Exhibit 9-31 in order to reduce the potential for encroachment on adjacent lanes.

Where a large portion of the traffic from the minor road turns onto the major road, rather than continuing across the major road, the offset-intersection design may be advantageous regardless of the right or left entry. A road alignment that intersects two other roads at their junction to form an intersection with five or more legs should also be avoided.

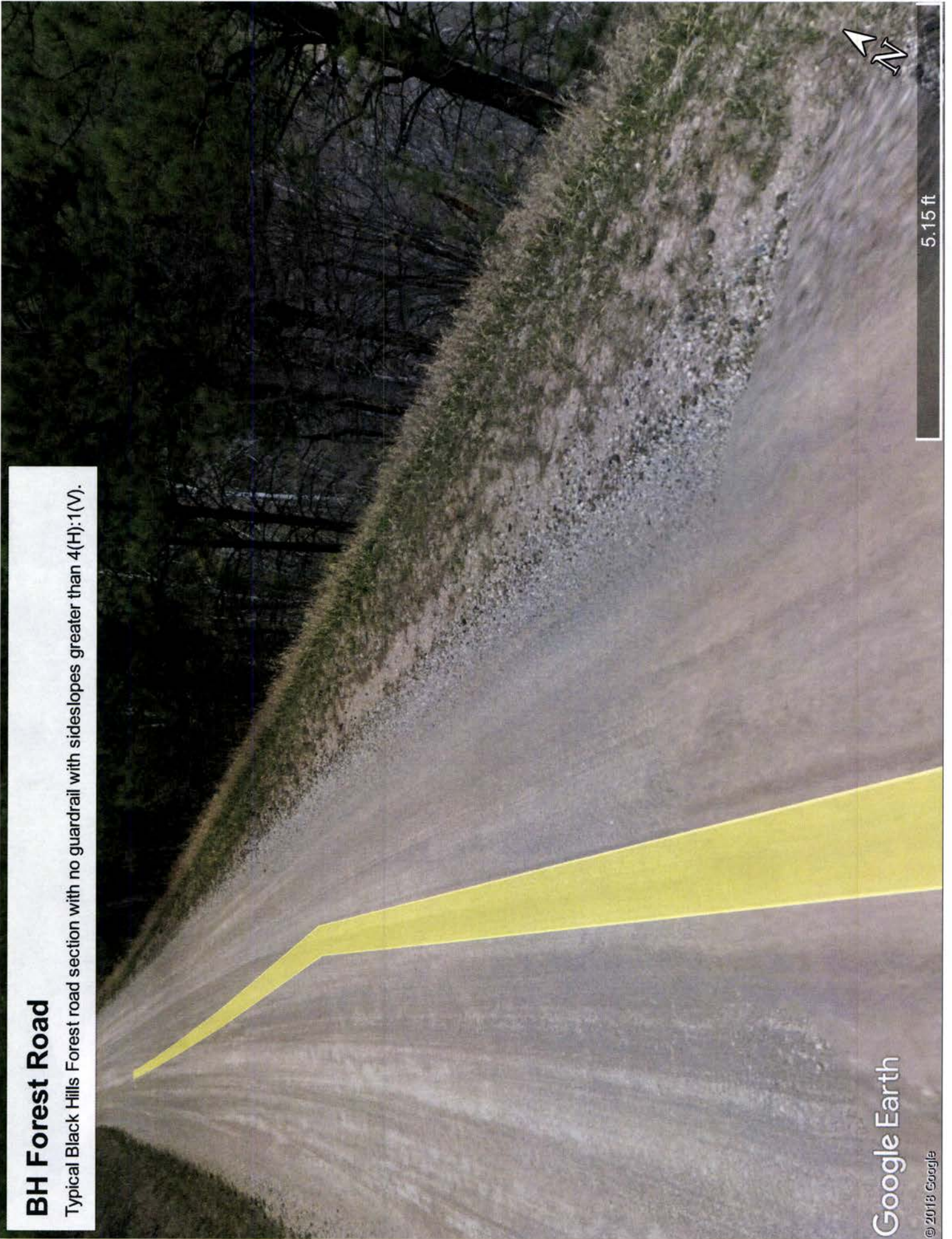
Intersections on sharp curves should be avoided wherever practical because the superelevation and widening of pavements on curves complicate the intersection design and may reduce sight distance.

Where the major road curves and a minor road is located along a tangent to that curve, it is desirable to realign the minor road, as shown in Exhibit 9-18E, to guide traffic onto the main highway and improve the visibility at the point of intersection. This practice may have the disadvantage of adverse superelevation for turning vehicles and may need further study where curves have high superelevation rates and where the minor-road approach has adverse grades and a sight distance restriction due to the grade line.

request #3

## BH Forest Road

Typical Black Hills Forest road section with no guardrail with sideslopes greater than 4(H):1(V).



Google Earth

© 2018 Google

5.15 ft



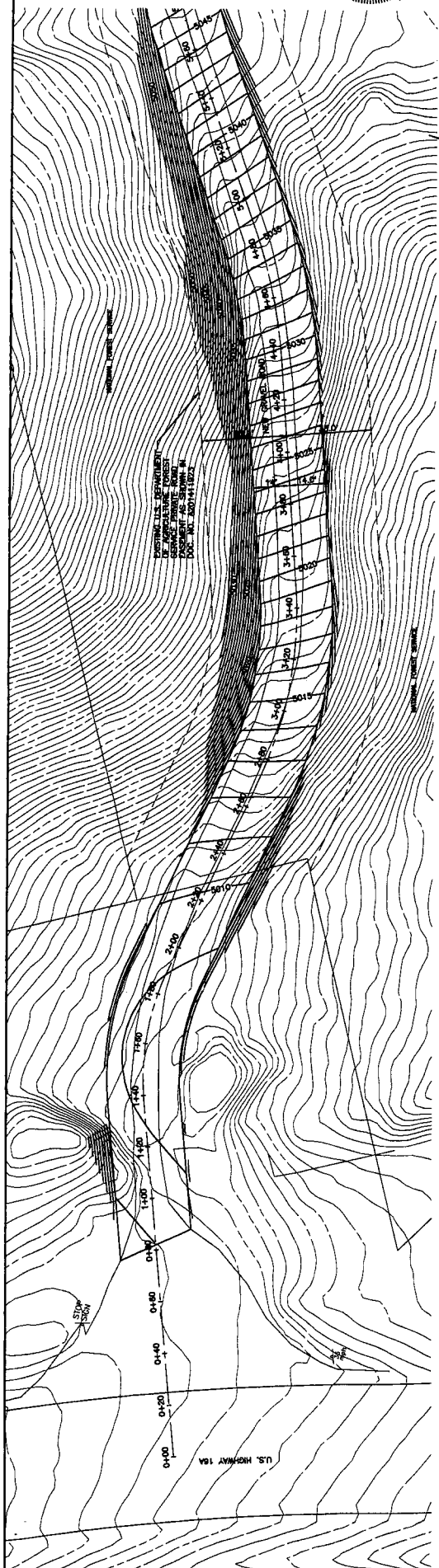
**STREET PLAN AND PROFILE**  
 STA. -0+40.00 TO STA. 5+20.00  
 MAIN ROAD

PROPOSED CURVE 1 THROUGH 4  
 LOCATED IN THE PLAN  
 SECTION OF THE MAIN  
 ROAD IN THE  
 PREVIOUS COUNTY ROAD MAP  
 DRAWN BY THE  
 STATE OF MISSISSIPPI  
 DATE 11/1/54

REVISIONS

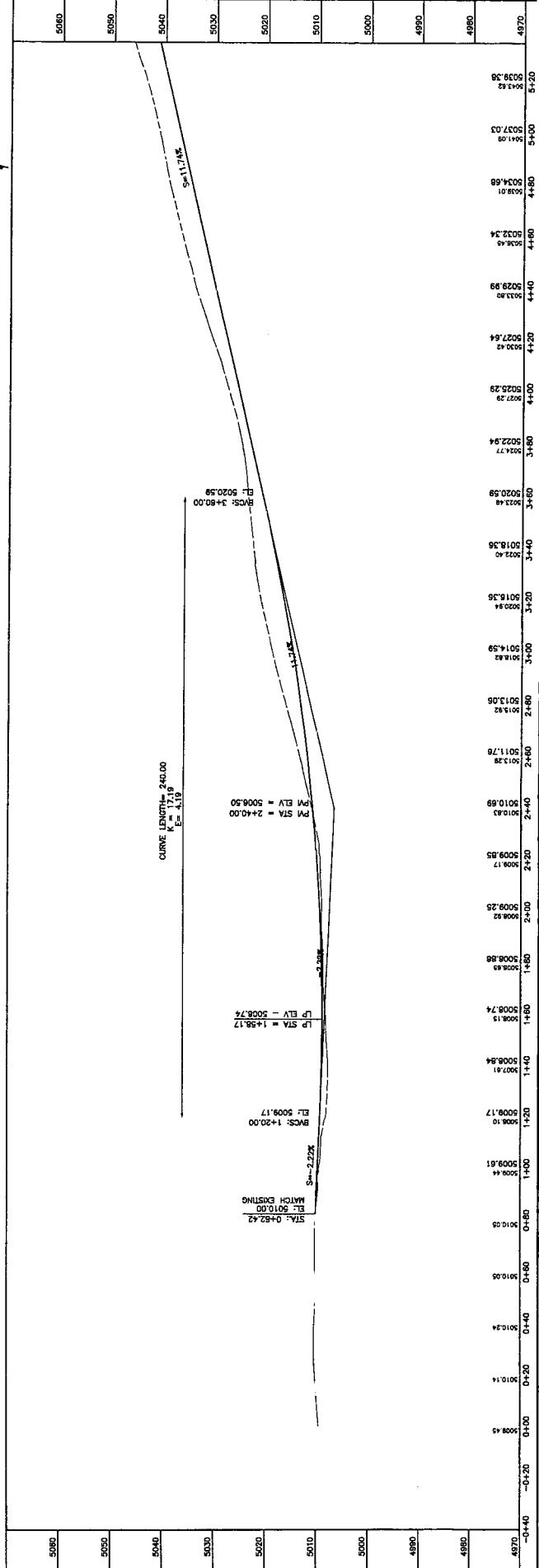
NO.	DATE	REVISION

**SPEERLICH**  
 Consulting, Inc.  
 221 Columbia St. Suite 1 Rapid City SD 57701  
 TEL (605) 721-4040  
 E-MAIL: info@speerlich.com  
 Engineering Surveying Planning



**GRAVEL ROAD**  
 STA. 0+42.42 TO STA. 5+20.00  
 PAV. 12" C. C. 6" SUB. 6" BASE OF THICK  
 GRAVEL ROAD WITH 2' SHOULDER EACH SIDE.  
 SEE TYPICAL SECTION SHEET 4.1.

SCALES:  
 1" = 20' HOR  
 1" = 10' VER



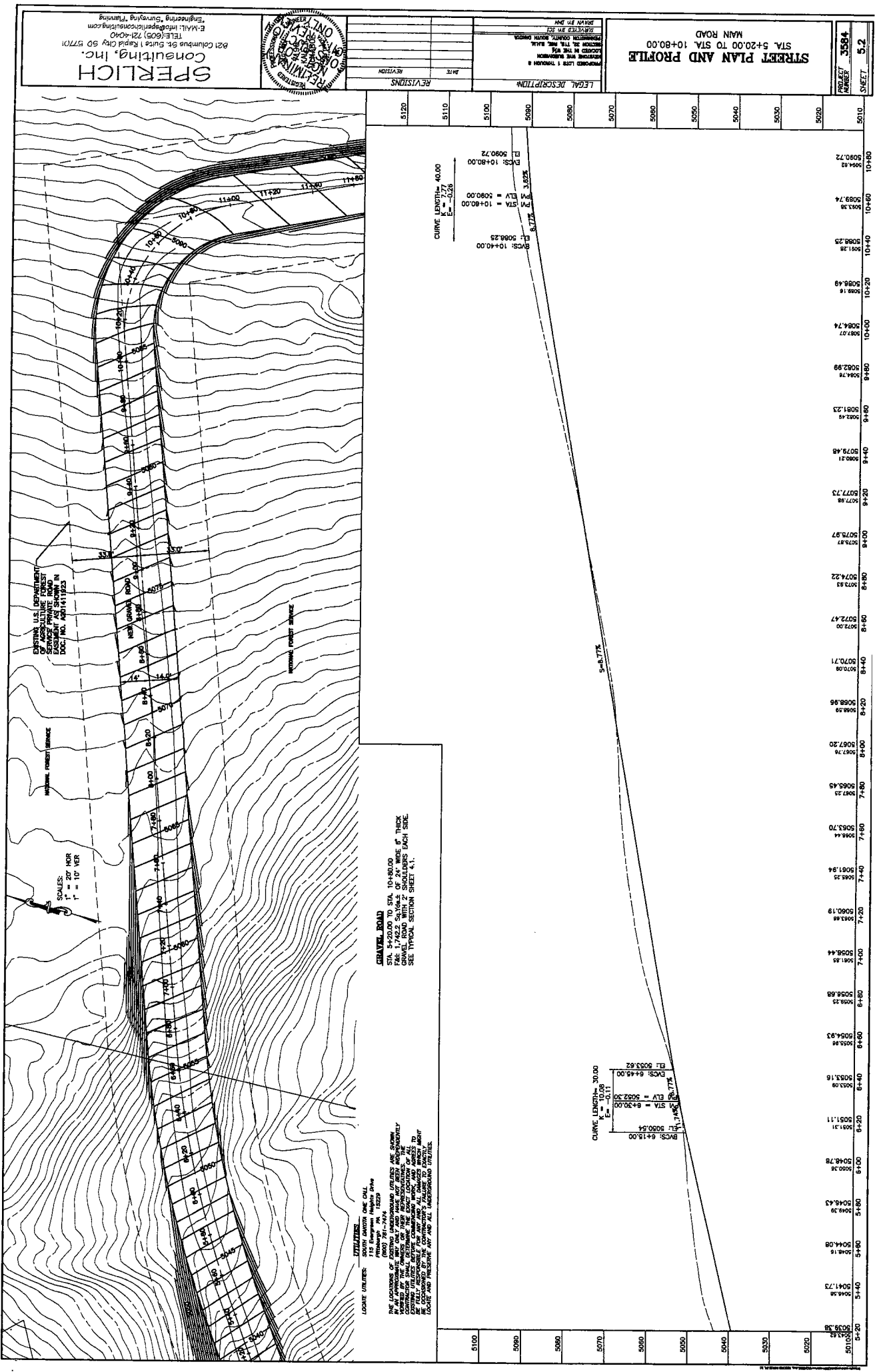
STREET PLAN AND PROFILE  
STA. 5+20.00 TO STA. 10+80.00  
MAIN ROAD

LEGAL DESCRIPTION

APPROVED FOR RECORDATION & RECORDATION IN PUBLIC RECORDS	DATE
REVISIONS	DATE



**SPEERLICH**  
Consulting, Inc.  
821 Columbia St. Suite 1 Rapid City SD 57701  
E-Mail: info@speerlich.com  
Engineering Surveying Planning



**GRAVEL ROAD**  
STA. 5+20.00 TO STA. 10+80.00 - 6" THICK  
GRAVEL ROAD WITH 2' SHOULDER EACH SIDE  
SEE TYPICAL SECTION SHEET 4.1.

**UTILITIES**  
THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN  
WORKED ON THE BASIS OF THE INFORMATION CURRENTLY  
AVAILABLE TO THE ENGINEER. THE ENGINEER HAS NOT  
CONDUCTED A FIELD SURVEY OF THE UTILITIES AND DOES NOT  
WARRANT THE ACCURACY OF THE INFORMATION. THE USER  
LOCATE AND PROTECT ALL UTILITIES AND ALL UNDERGROUND UTILITIES.

CURVE LENGTH= 30.00  
PVC: 6+45.00  
PVI: 6+52.50  
PVT: 6+60.00  
ELEVATION: 5050.54  
K= 1.00  
E= -0.01%

5100	5090	5080	5070	5060	5050	5040	5030	5020	5010
10+80	10+70	10+60	10+50	10+40	10+30	10+20	10+10	10+00	9+90
5044.83	5039.74	5034.25	5028.49	5022.99	5017.23	5011.23	5005.48	5000.21	5000.00
5000.00	5000.00	5000.00	5000.00	5000.00	5000.00	5000.00	5000.00	5000.00	5000.00

STATE OF MISSOURI  
DEPARTMENT OF TRANSPORTATION  
SERVICES PRIVATE ROAD  
DOC. NO. 201-11732

SCALES:  
1" = 20' HOR  
1" = 10' VER

STREET PLAN AND PROFILE  
STA. 10+80.00 TO STA. 16+20.00  
MAIN ROAD

LEGAL DESCRIPTION

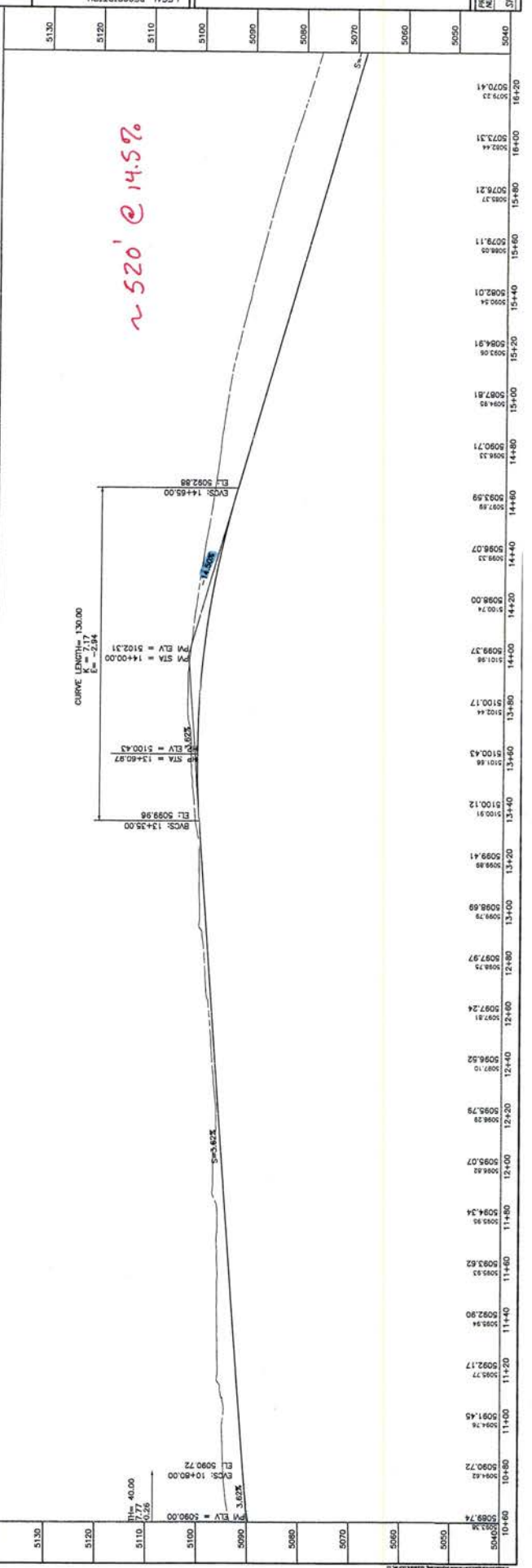
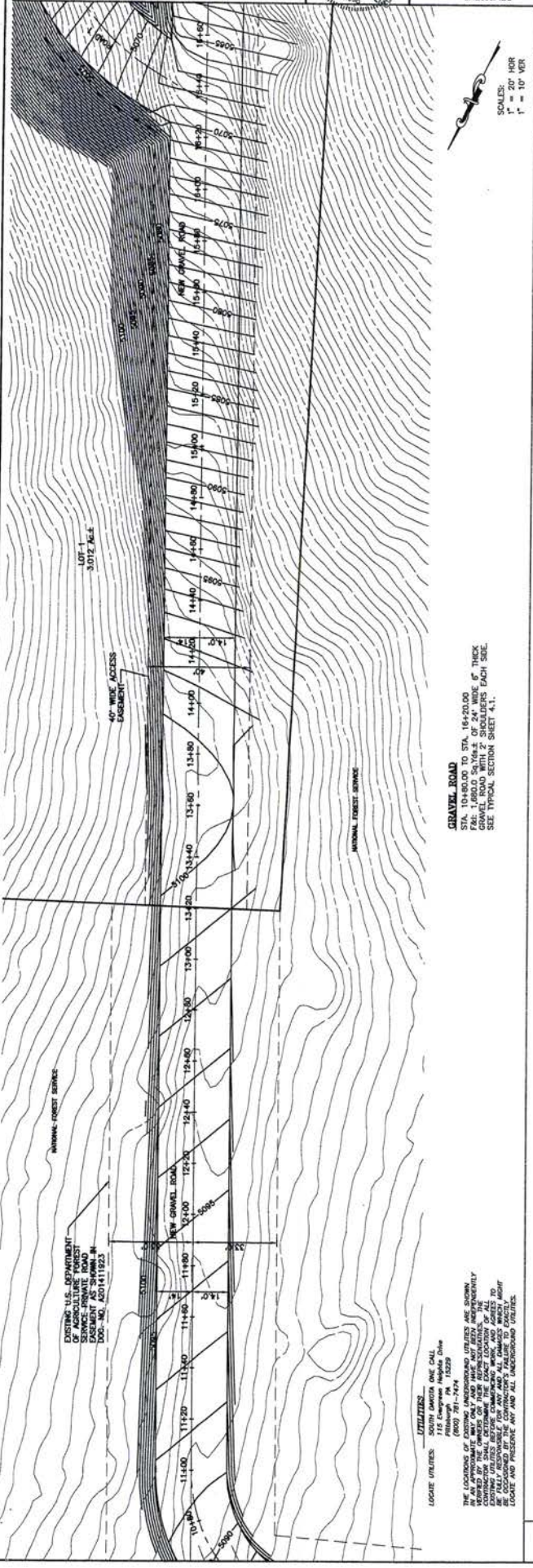
FORWARDED LOTS 1 THROUGH 8  
SECTION 24, T14 N, R14 W, S14  
KANE COUNTY, WISCONSIN  
DRAWN BY: JPM  
DATE: \_\_\_\_\_

REVISIONS

NO.	DATE	DESCRIPTION



**SPEERLICH**  
Consulting, Inc.  
821 Columbus St., Suite 1, Appleton, WI 54911  
TEL: (920) 721-4040  
E-MAIL: info@speerlich.com  
Engineering Surveying Planning



**GRAVEL ROAD**  
STA. 10+80.00 TO STA. 16+20.00  
CONSTRUCTION WITH 14.5% GRADE  
GRAVEL ROAD WITH 2' SIDEWALKING EACH SIDE  
SEE TYPICAL SECTION SHEET 4.1.

**LITTLER'S**  
SOUTH AMERICA ONE CALL  
118 Commerce Highway East  
Appleton, WI 54911  
(920) 791-7474

THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN FOR REFERENCE ONLY AND ARE NOT TO BE USED FOR CONSTRUCTION. THE EXISTING UTILITIES ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY DATA. THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION.

**STREET PLAN AND PROFILE**  
STA. 16+20.00 TO STA. 21+40.00  
MAIN ROAD

LEGAL DESCRIPTION

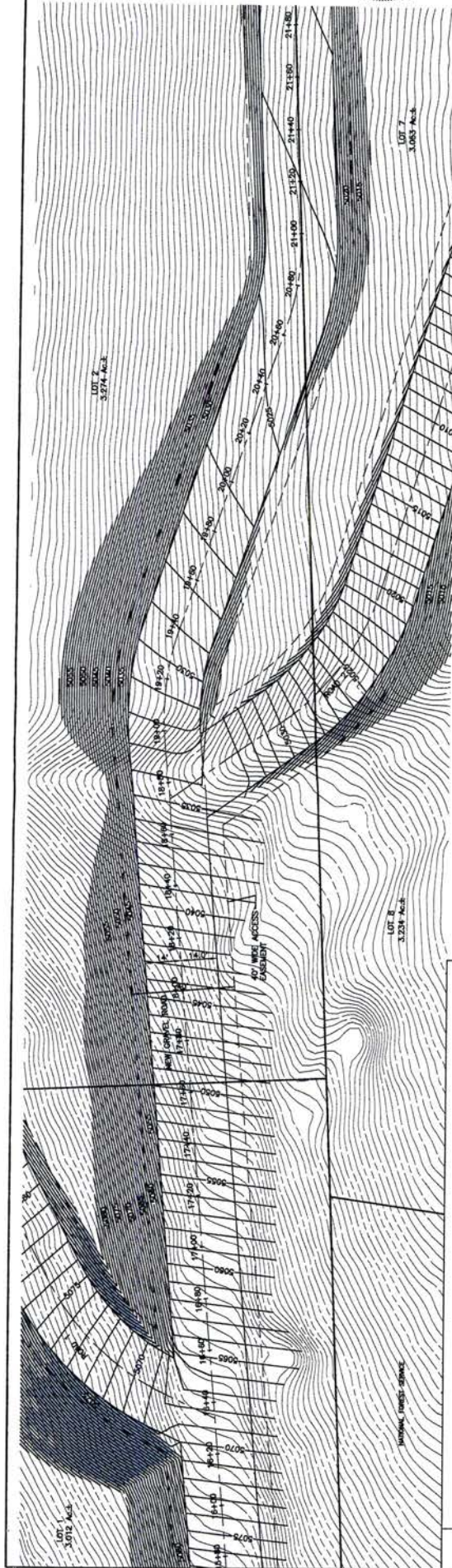
LOCATED LOT 1 THROUGH 8  
FORMING THE SECTION  
SECTION 24, T14 N, R14E  
SHEWEN BY DEED  
REGISTERED IN THE  
RECORDS OF THE  
PENNSYLVANIA REGISTERED  
OFFICE OF THE  
CLERK OF THE COMMONWEALTH  
DATE OF RECORDING: 07/23/2008

REVISIONS

DATE	REVISION



**SPERLICH CONSULTING, INC.**  
821 Columbus Street, Rapid City, SD 57701  
TEL: (605) 724-4240  
Engineering Surveying Planning  
E-MAIL: info@sperrlich.com

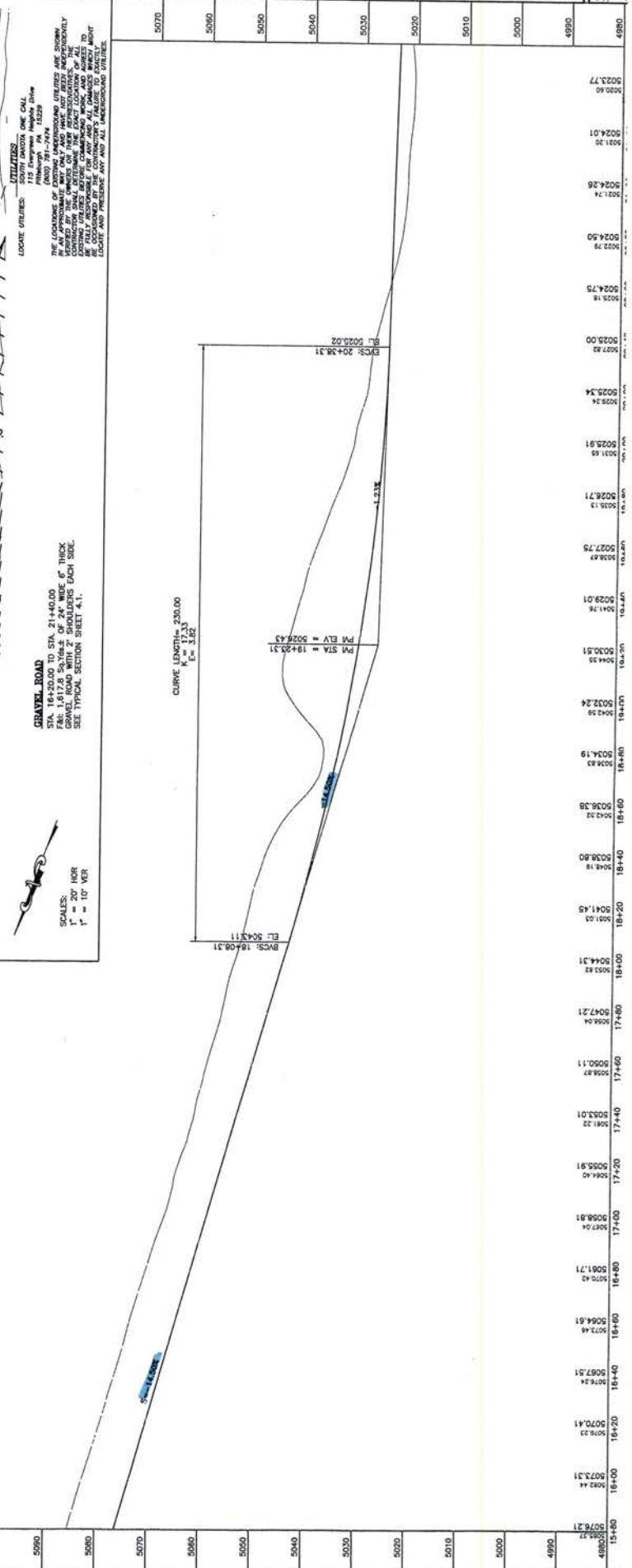


**UTILITIES**  
LOT 1 THROUGH ONE CALL  
PITTSBURGH, PA 15229

THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN BY THE DASHED LINES AND ARE APPROXIMATELY IDENTIFIED BY THE SYMBOLS ON THIS INSTRUMENT. THE RESPONSIBILITY FOR THE LOCATION OF ALL EXISTING UTILITIES BELONGS TO THE CONTRACTOR. ALL UTILITIES SHOULD BE LOCATED BY THE CONTRACTOR AND ALL UTILITIES SHOULD BE LOCATED AND PRESERVED AND ALL UNDERGROUND UTILITIES.

**GRAVEL ROAD**  
STA. 16+20.00 TO STA. 21+40.00  
30" MIN. GRAVEL WITH 2" SHOULDERS EACH SIDE.  
SEE TYPICAL SECTION SHEET 4.1.

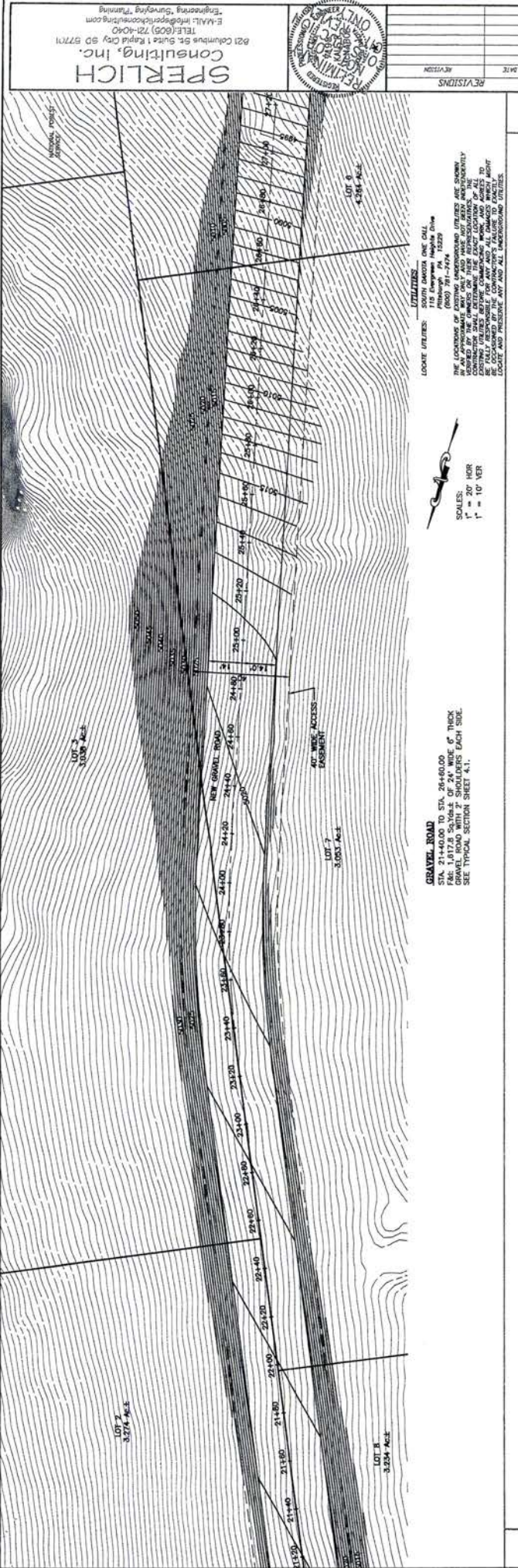
SCALES:  
HOR = 1" = 10' VERT



PROJECT NUMBER	3584
SHEET	5.5

**STREET PLAN AND PROFILE**  
 STA. 21+40.00 TO STA. 26+60.00  
 MANN ROAD

5080	5075	5070	5065	5060	5055	5050	5045	5040	5035	5030	5025	5020	5015	5010	5005	5000	4995	4990	4985	4980	4975	4970
------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------



**GRAVEL ROAD**  
 3.5% TO STA. 26+60.00  
 3.5% TO STA. 21+40.00  
 1.817% 50.0% OF 24' WIDE & THICK  
 GRAVEL ROAD WITH 2' SHOULDERS EACH SIDE.  
 SEE TYPICAL SECTION SHEET A.1.

**UTILITIES**  
 LOCATE UTILITIES: SOUTH GARDEN ONE CALL  
 THE ENGINEER HAS NOT  
 BEEN ADVISED OF ANY UTILITIES  
 BY AN APPROPRIATE AGENCY. THE ENGINEER  
 WILL NOT BE RESPONSIBLE FOR ANY UTILITIES  
 LOCATED OR NOT LOCATED BY THE ENGINEER.  
 THE ENGINEER SHALL NOT BE RESPONSIBLE FOR  
 ANY UTILITIES LOCATED OR NOT LOCATED BY  
 THE ENGINEER.

**SCALES:**  
 1" = 20' HOR  
 1" = 10' VER

**LEGAL DESCRIPTION**  
 SECTION 28, T14N, R26E  
 RANGE 26E, T14N, R26E  
 SECTION 28, T14N, R26E  
 BLOCK 28, T14N, R26E  
 LOTS 2, 7, 8

DATE	REVISIONS

**SPERLICH**  
 Consulting, Inc.  
 821 Columbus Dr. Suite 1000, Cary, NC 27513  
 TEL: (919) 751-0400  
 E-MAIL: info@sperrlich.com  
 Engineering, Surveying, Planning

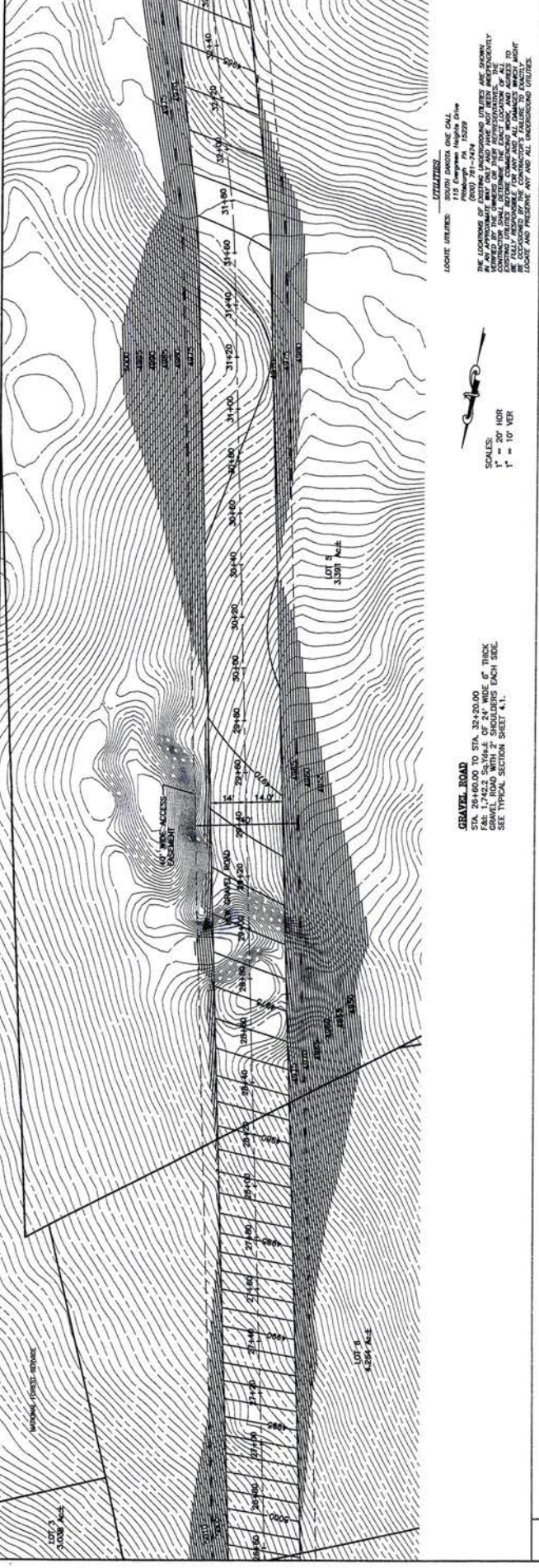
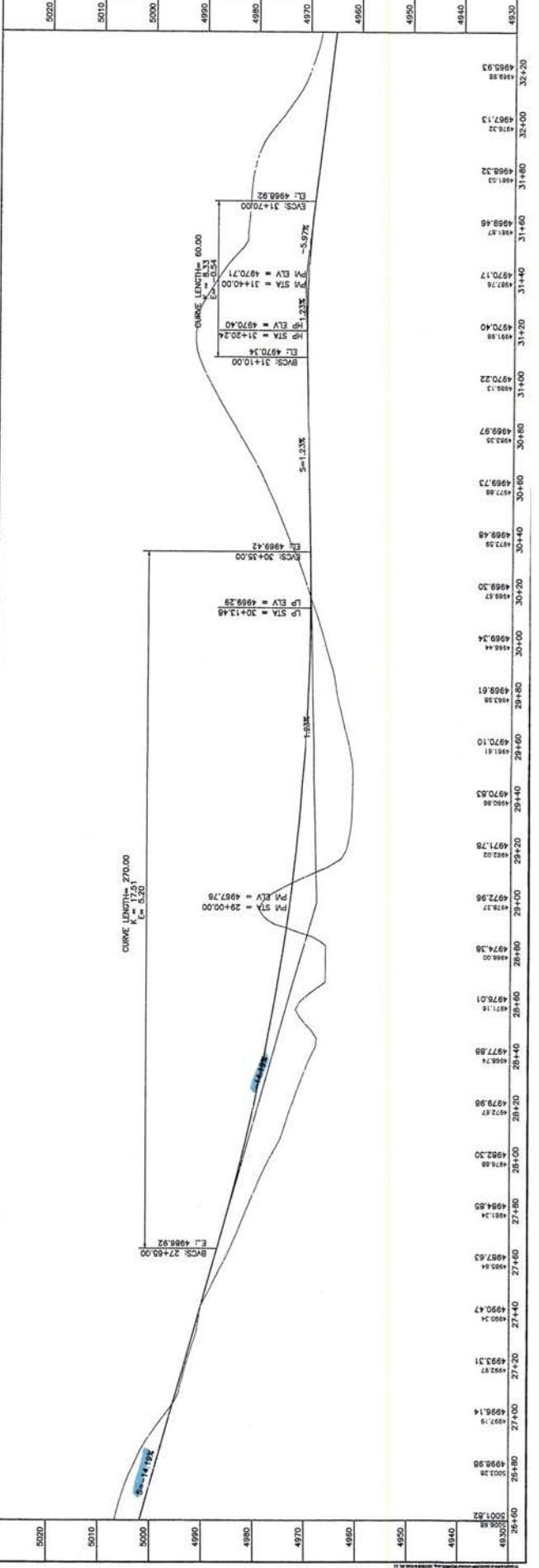


**STREET PLAN AND PROFILE**  
STA. 26+00.00 TO STA. 32+20.00  
MAIN ROAD

PROPOSED LOT 1 THROUGH 4  
LOCATED IN THE W/4  
SECTION 24 T16S R14E  
RANGELAND COUNTY, NORTH DAKOTA  
DRAWN BY: JIM  
DATE: 11/11/10



**SPERLICH**  
Consulting, Inc.  
821 Columbia St., Suite 1 Rapid City, SD 57701  
E-MAIL: info@sperrlich.com  
TEL: (605) 721-4040  
Engineering, Surveying, Planning



**GRAVEL ROAD**  
STA. 26+00.00 TO STA. 32+20.00  
F&E: 1.745:2.50/16:1 OF 24" WIDE 6" THICK  
GRAVEL ROAD WITH 6" SHOULDERS EACH SIDE.  
SEE TYPICAL SECTION SHEET 4.11.

**UTILITIES**  
LOOK FOR UTILITIES: SOUTH DAKOTA ONE CALL  
115 Lawrence Heights Drive  
RAPID CITY, SD 57701  
(605) 781-7474 15229

**SCALE:**  
1" = 20' HOR  
1" = 10' VER

**NOTES:**  
THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES AND SHOWN ON THIS PLAN. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION AND DEPTH OF ALL UTILITIES. THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES. THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES.

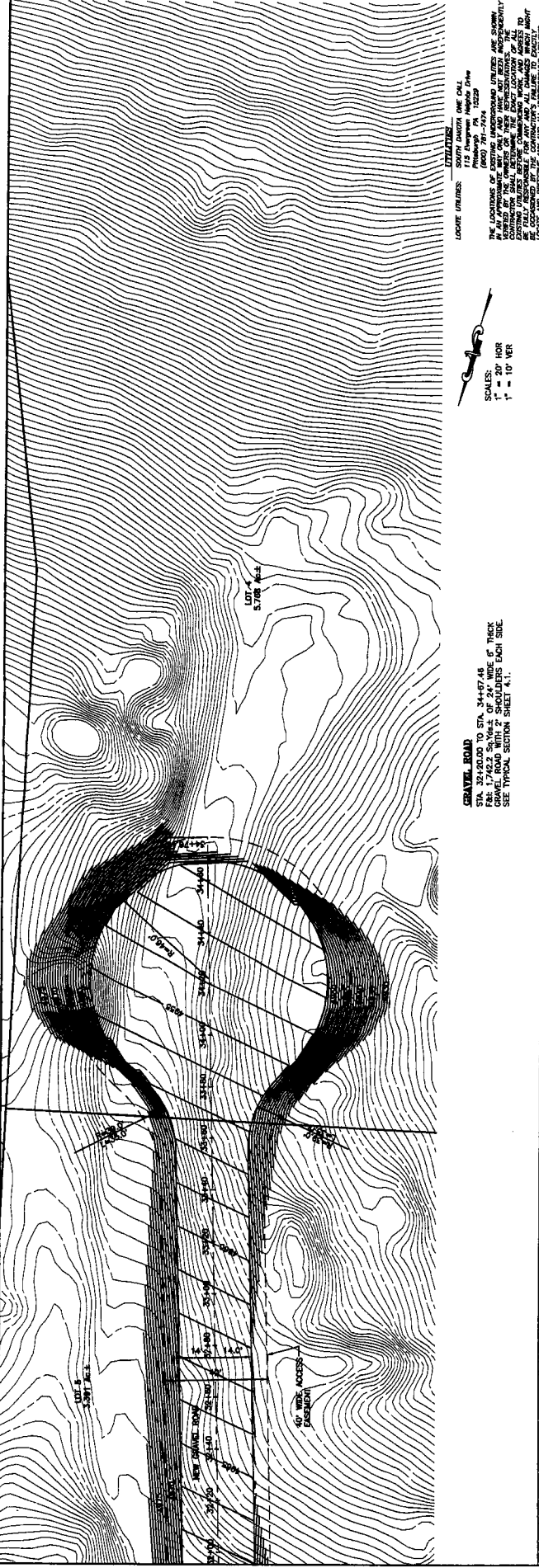
**STREET PLAN AND PROFILE**  
STA. 32+20.00 TO STA. 34+67.46  
MAIN ROAD

PROPOSED LOCAL HIGHWAY  
LOCATED IN THE VILLAGE OF  
PATERSON COUNTY, NEW JERSEY  
DRAWN BY J.M.  
CHECKED BY J.M.  
DATE



**SPEERLICH CONSULTING, INC.**  
221 Columbus St., Suite 101  
Rapid City, SD 57701  
TEL: (605) 721-4040  
E-MAIL: info@speerlich.com  
Engineering, Surveying, Planning

STATION	ELEVATION	LEGAL DESCRIPTION
4910	4910.00	
4920	4920.00	
4930	4930.00	
4940	4940.00	
4950	4950.00	
4960	4960.00	
4970	4970.00	
4980	4980.00	
4990	4990.00	
5000	5000.00	



**GRAVEL ROAD**  
STA. 32+20.00 TO STA. 34+67.46  
FOR: 17'42.0" WIDE @ 24" WIDE @ THICK  
CURBS AND 12" WIDE @ 18" WIDE @ THICK  
SEE TYPICAL SECTION SHEET 4.1.

**UTILITIES**  
SEE CALL  
112 Chapman Maple Drive  
Pateron, NJ 07629

**LOOKUP UTILITIES**  
THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN  
BASED ON THE RECORDS OF THE PATERSON COUNTY ENGINEERING  
DEPARTMENT. THE CONTRACTOR SHALL VERIFY THE LOCATION OF ALL  
EXISTING UTILITIES AND MAKE NECESSARY ADJUSTMENTS TO THE  
PLAN. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING  
NECESSARY PERMITS AND SHALL BE RESPONSIBLE FOR THE  
LOCATION AND PRESERVATION OF ALL UNDERGROUND UTILITIES.

**SCALES:**  
1" = 10' VERT  
1" = 10' HOR

STA. 34+21.46  
EL. 4953.98  
S+5.00%  
STA. 34+67.46  
EL. 4951.97

60' WIDE ACCESS  
PARKING

60' WIDE ACCESS  
PARKING

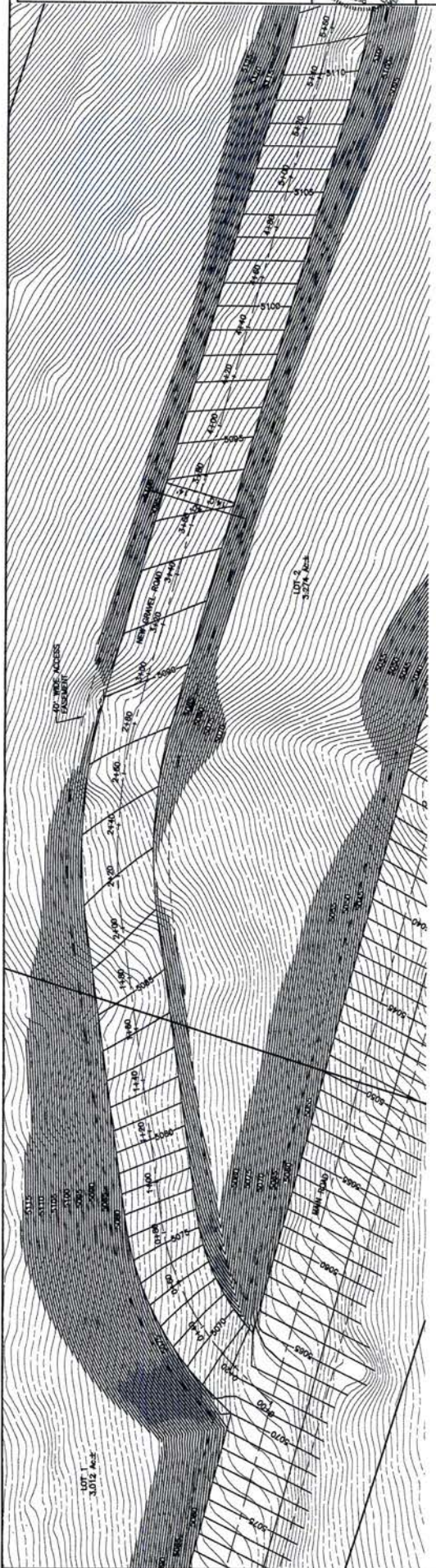
PROJECT NUMBER: 3584  
SHEET: 5.8

**STREET PLAN AND PROFILE**  
STA. 0+00.00 TO STA. 5+00.00  
ROAD 1

LEGAL DESCRIPTION

DATE	REVISION

**SPERLICH**  
Consulting, Inc.  
821 Columbia St. Suite 1000 City SD 57102  
E-MAIL: info@sperrlich.com  
TEL: (605) 721-4040



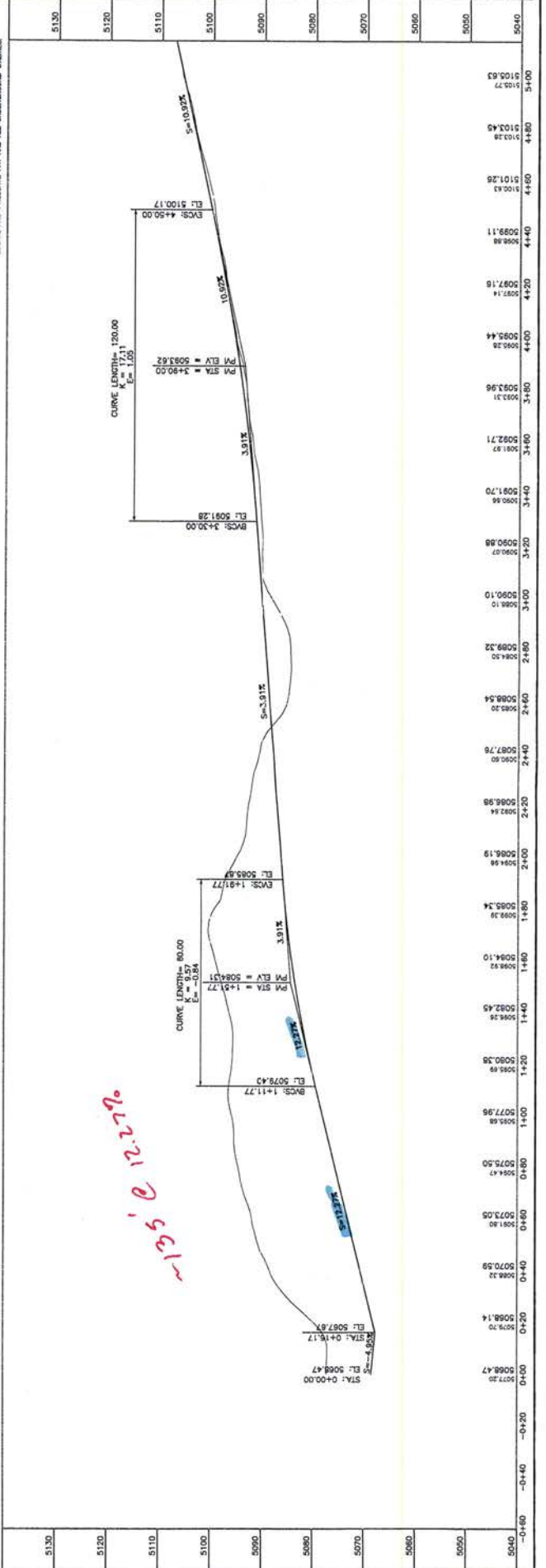
**UTILITIES**  
LOCATE UTILITIES: 10' TO 15' DEPTH  
10' TO 15' DEPTH  
10' TO 15' DEPTH  
10' TO 15' DEPTH

THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN BY AN APPROXIMATE ONLY AND HAVE NOT BEEN VERIFIED BY CONSTRUCTION. THE EXACT LOCATION OF ALL UTILITIES SHALL BE DETERMINED BY THE CONTRACTOR. THE CONTRACTOR SHALL BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT OCCUR AS A RESULT OF ANY AND ALL UNDERGROUND UTILITIES LOCATED AND PRESERVED ANY AND ALL UNDERGROUND UTILITIES.

**GRAVEL ROAD**  
STA. 0+181.7 TO STA. 5+00.00  
GRAVEL ROAD WITH 2' SHOULDER EACH SIDE  
SEE TYPICAL SECTION SHEET 4.1.



SCALE:  
1" = 20' HOR  
1" = 10' VER



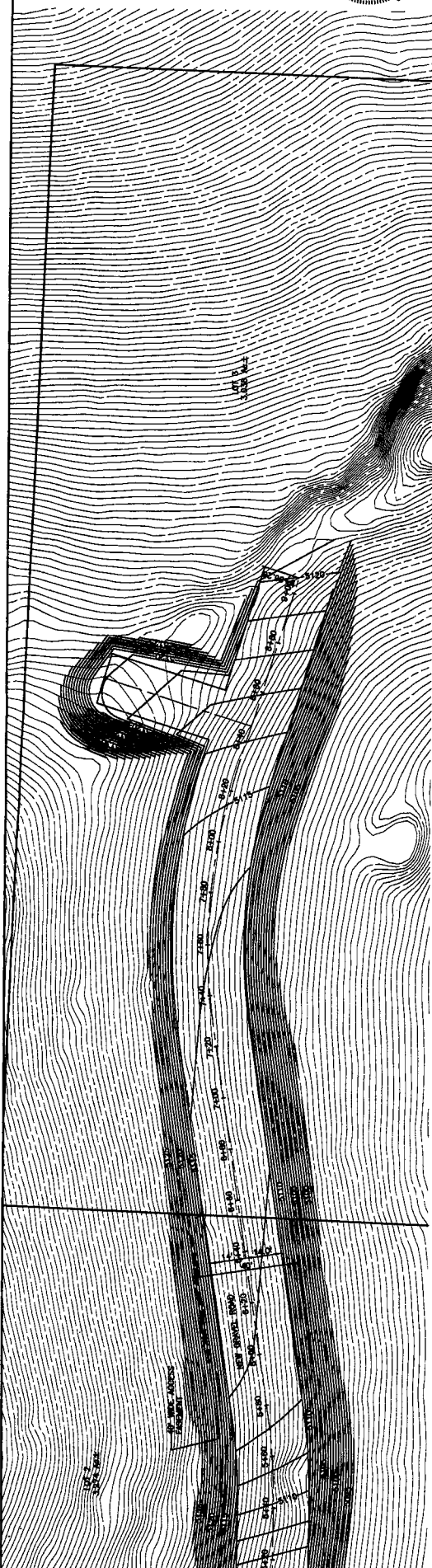
*135' @ 12.22%*

**STREET PLAN AND PROFILE**  
ROAD 1  
STA 5+00.00 TO STA 9+08.26

**SPEERLICH**  
Consulting, Inc.  
221 Columbus St. Suite 1 Rapid City SD 57701  
E-MAIL: info@speerlich.com  
TELE(605) 721-4040  
Engineering Surveying Planning



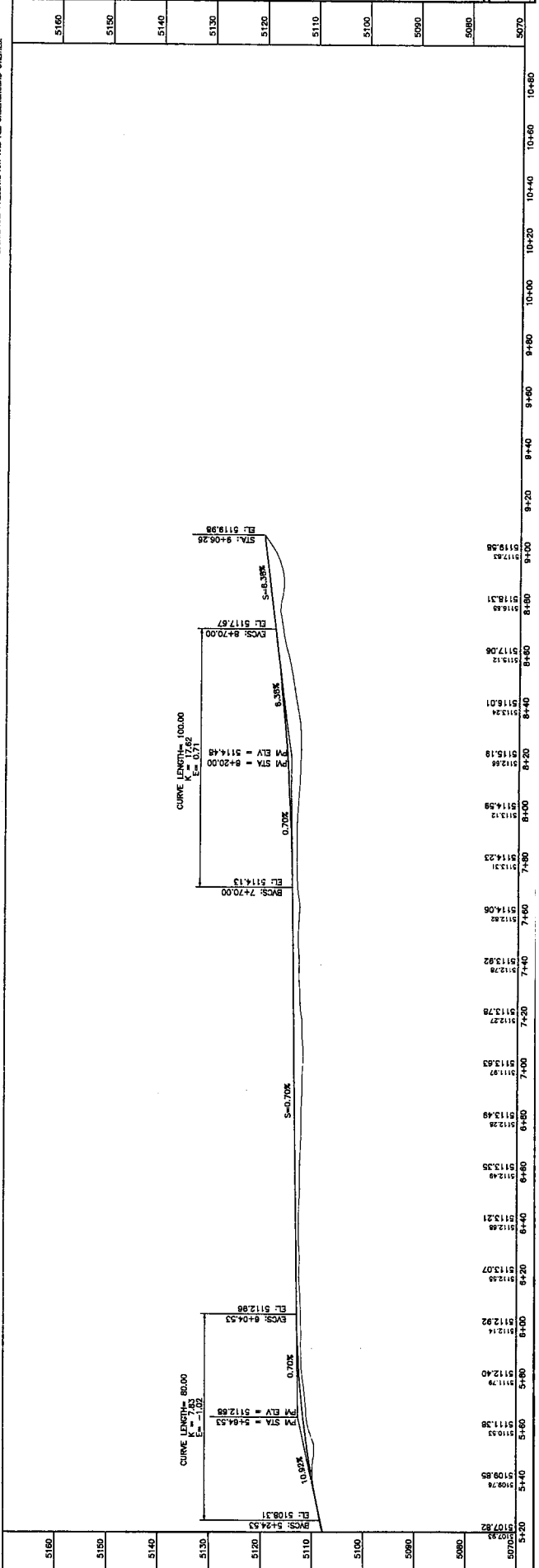
DATE	REVISION



**GRAVEL ROAD**  
STA 5+00.00 TO STA 9+08.26.00  
SEE TYPICAL SECTION SHEET 4.1.  
SEE TYPICAL SECTION SHEET 4.1.

**LOCATE UTILITIES**  
SEE TYPICAL SECTION SHEET 4.1.  
SEE TYPICAL SECTION SHEET 4.1.

**SCALE:**  
1" = 20' HOR  
1" = 10' VER

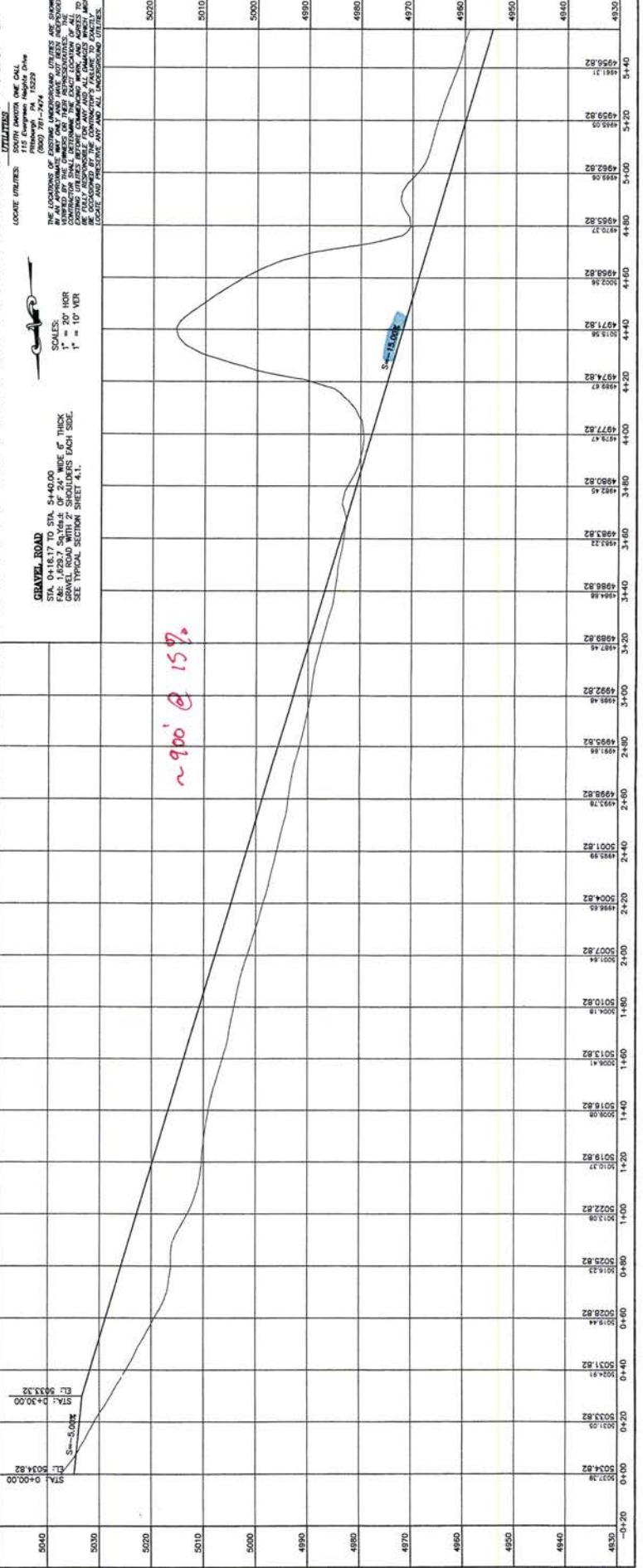
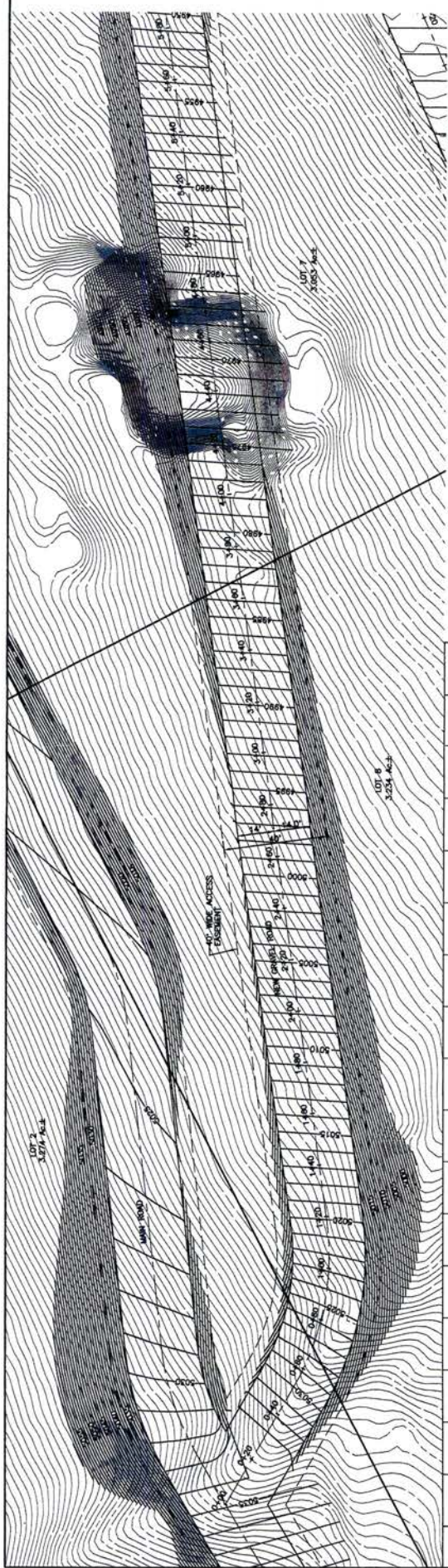


**STREET PLAN AND PROFILE**  
STA. 0+00.00 TO STA. 5+40.00  
ROAD 2

APPROVED FOR THE PROJECT BY THE BOARD OF SUPERVISORS  
DATE: \_\_\_\_\_  
REVISIONS: \_\_\_\_\_

NO.	DATE	DESCRIPTION

**SPEERLICH**  
Consulting, Inc.  
821 Columbus St. Suite 1  
Alhambra, CA 91801  
TEL: (626) 721-4000  
E-MAIL: info@speerlich.com  
Engineering Surveying Planning



STA. 0+00.00  
EL. 5034.82  
SLOPE = -5.02%  
STA. 0+30.00  
EL. 5033.32

**GRAVEL ROAD**  
STA. 0+18.17 TO STA. 5+40.00  
2% GRAVEL ROAD WITH 2' SHOULDERS EACH SIDE.  
SEE TYPICAL SECTION SHEET 4.1.

**LOCAL UTILITIES**  
SOUTH DAVENPORT ONE CALL  
112 Corporation Heights Drive  
Alhambra, CA 91801  
(626) 761-7474

**NOTICE TO CONTRACTORS**  
THE LOCATION OF EXISTING UTILITIES SHOWN ON THIS PLAN IS BASED ON RECORD DRAWINGS AND FIELD SURVEY DATA. CONTRACTORS ARE RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION. ANY DAMAGE TO UTILITIES SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE APPROPRIATE AGENCIES.

**SCALE:**  
1" = 20' HOR  
1" = 10' VER

**STREET PLAN AND PROFILE**  
STA. 5+40.00 TO STA. 8+20.00  
ROAD 2

PROPOSED LOT 1 HIGHLIGHT IN RED  
LOCATED IN THE WEST  
SECTION 23, T14 N, R14E, S14W  
PENNSYLVANIA COUNTY, SOUTH CAROLINA  
DRAWN BY: JMD  
CHECKED BY: JMD

DATE	REVISION



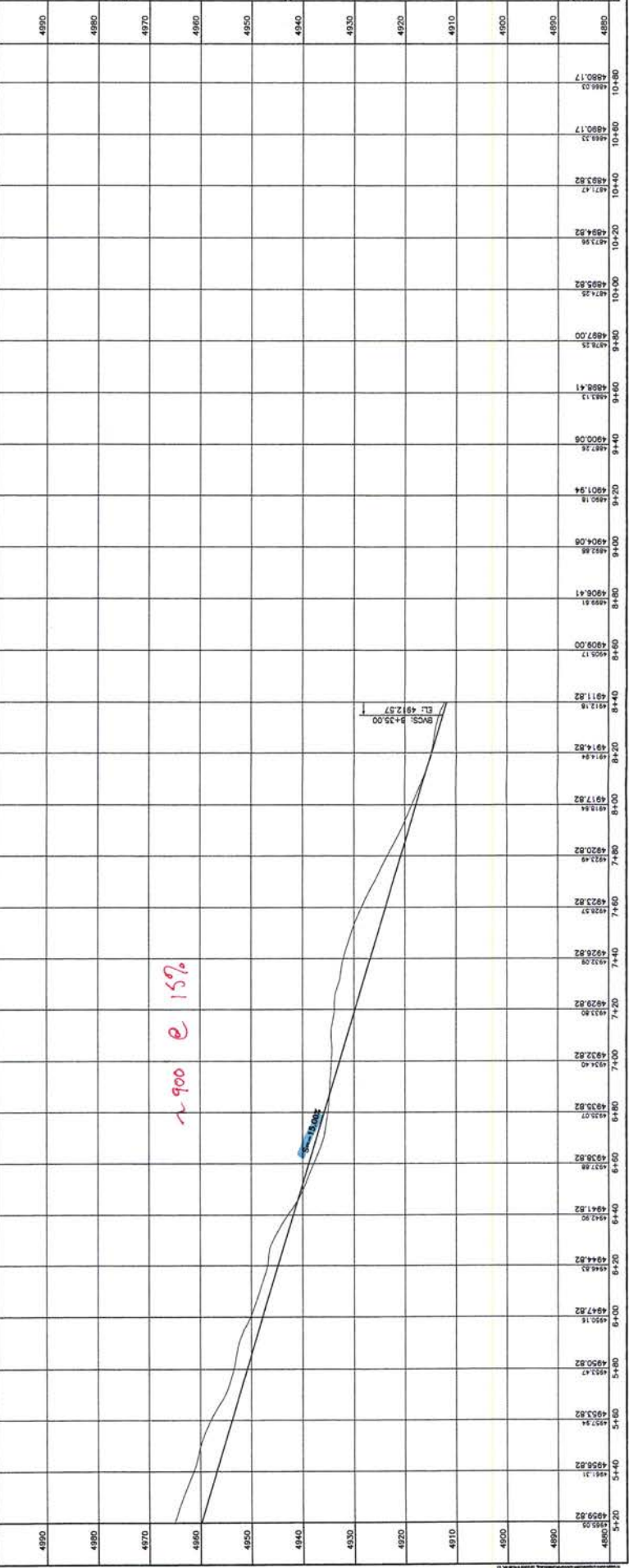
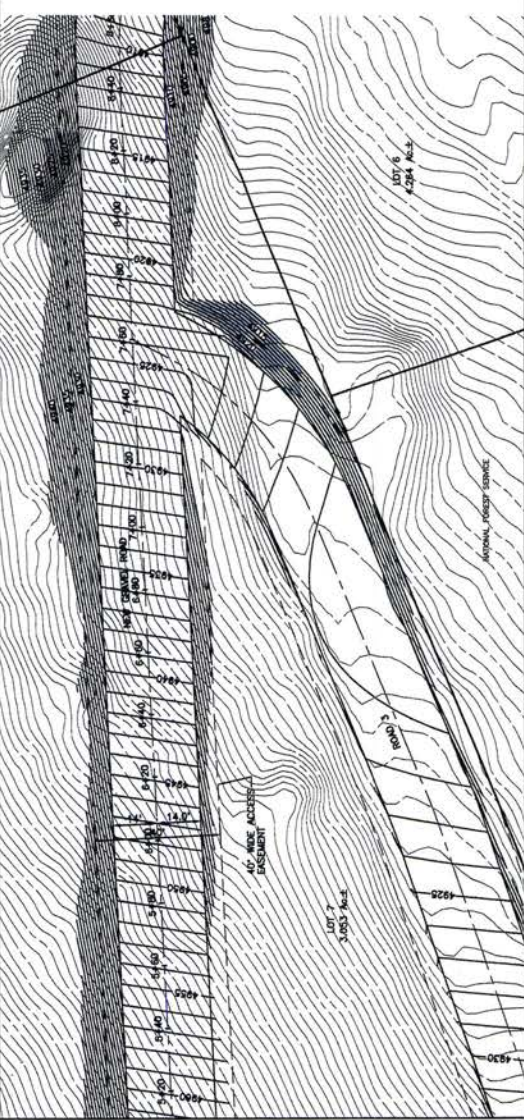
**SPEERLICH**  
Consulting, Inc.  
821 Columbia Bldg. Suite 1 Rapid City, SD 57701  
E-MAIL: info@speerlich.com  
Engineering Surveying Planning  
TEL: (605) 724-4500  
FAX: (605) 724-4500

**UTILITIES:**  
SOUTH DITCH ONE SHALL BE MAINTAINED AS EXISTING. THE LOCATION OF ALL UTILITIES SHALL BE DETERMINED BY FIELD SURVEY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MAY BE CAUSED BY ANY AND ALL UTILITIES WHICH MAY BE LOCATED AND PRESERVED BY THE CONTRACTOR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MAY BE CAUSED BY ANY AND ALL UTILITIES WHICH MAY BE LOCATED AND PRESERVED BY THE CONTRACTOR.



**SCALE:**  
1" = 20' HOR.  
1" = 10' VER.

**GRAVEL ROAD**  
STA. 5+40.00 TO STA. 8+20.00  
F&B: 871.1 S&V&L3 OF 24" WIDE 6" THICK  
CONCRETE SHOULD BE PLACED ON EACH SIDE.  
SEE TYPICAL SECTION SHEET 4.1.



**STREET PLAN AND PROFILE**  
STA 8+20.00 TO STA 11+18.83  
ROAD 2

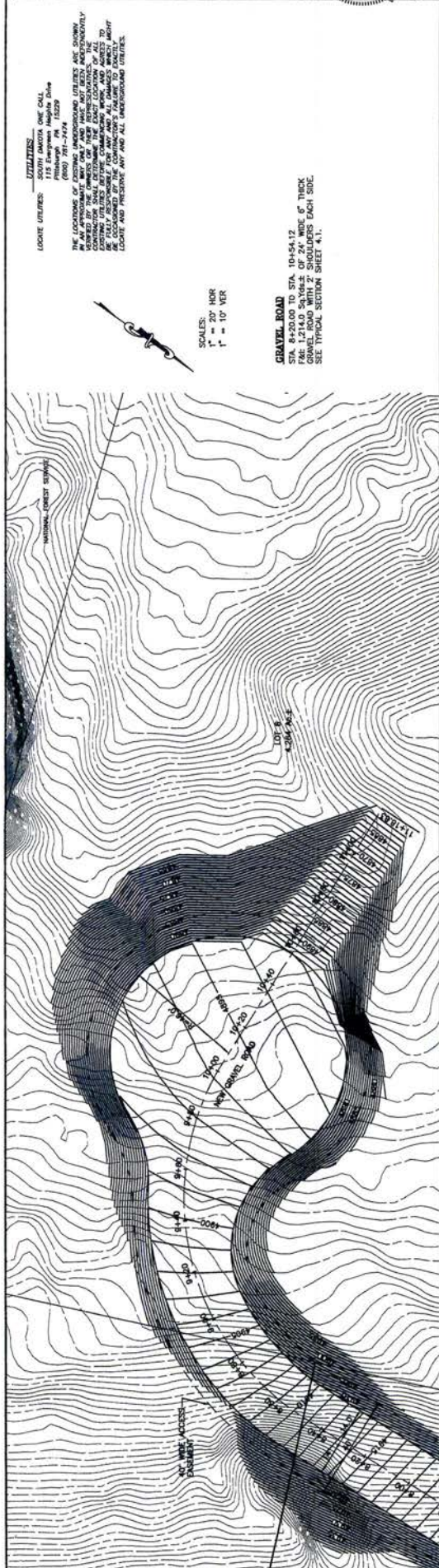
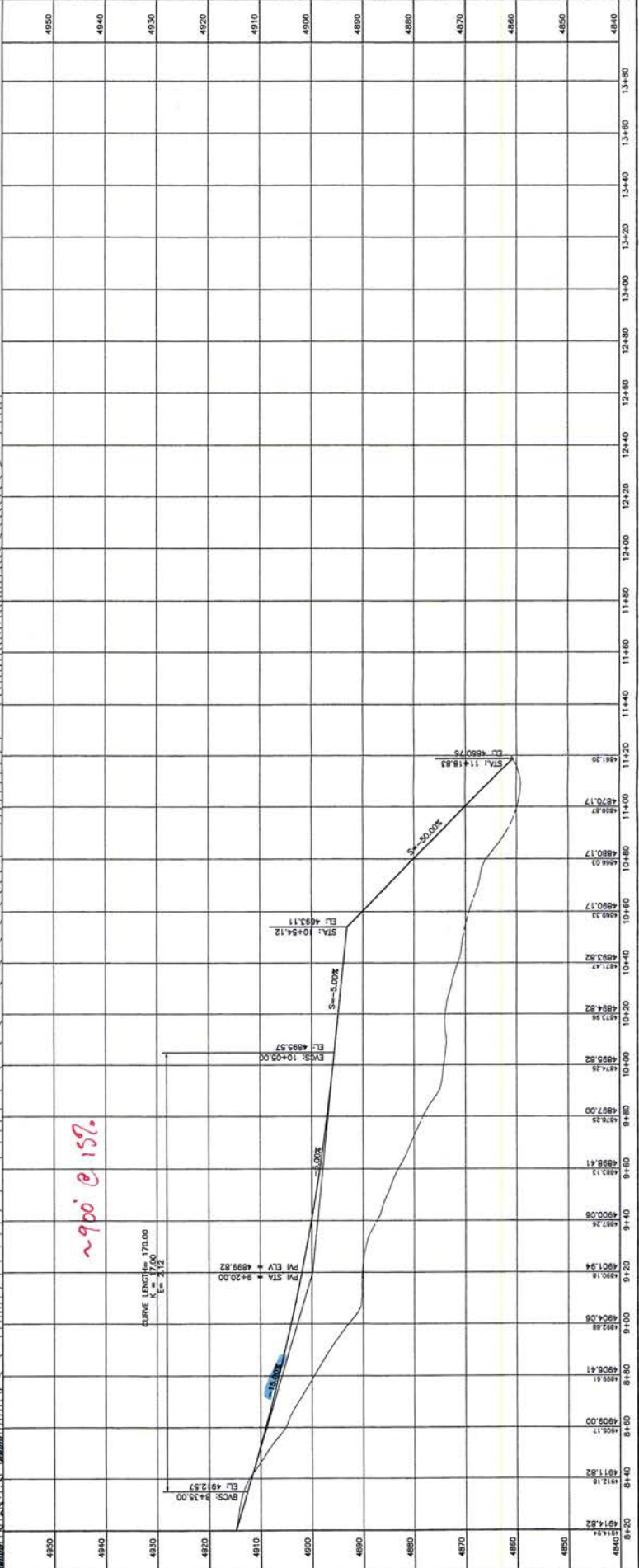
APPROVED FOR THE DESIGNER  
APPROVED FOR THE ENGINEER  
APPROVED FOR THE SURVEYOR  
APPROVED FOR THE CONTRACTOR

REVISIONS

DATE	REVISION



**SPEERLICH CONSULTING, INC.**  
221 Columbus St. Suite 1  
Kalamazoo, MI 49001  
TEL: (269) 721-4040  
FAX: (269) 721-4040  
E-MAIL: info@speerlichconsulting.com  
Engineering Surveying Planning



**UTILITIES:**  
LOOKUP UTILITIES: SOUTHWEST AMERICA ONE CALL  
115 Empress Heights Drive  
Kalamazoo, MI 49001  
(800) 761-7474  
(269) 721-4040

THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN AS APPROXIMATE. THE CONTRACTOR SHALL VERIFY THE EXACT LOCATION AND DEPTH OF ALL UTILITIES BY EXCAVATION PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND REPAIR OF ALL UTILITIES. SEE TYPICAL SECTION SHEET 5.11.

**GRAVEL ROAD**  
STA. 8+20.00 TO STA. 10+54.12  
F&E: 12.14.0 SHOULDER OF 24" WIDE 6" THICK  
GRAVEL ROAD WITH 2" SHOULDER EACH SID.  
SEE TYPICAL SECTION SHEET 5.11.

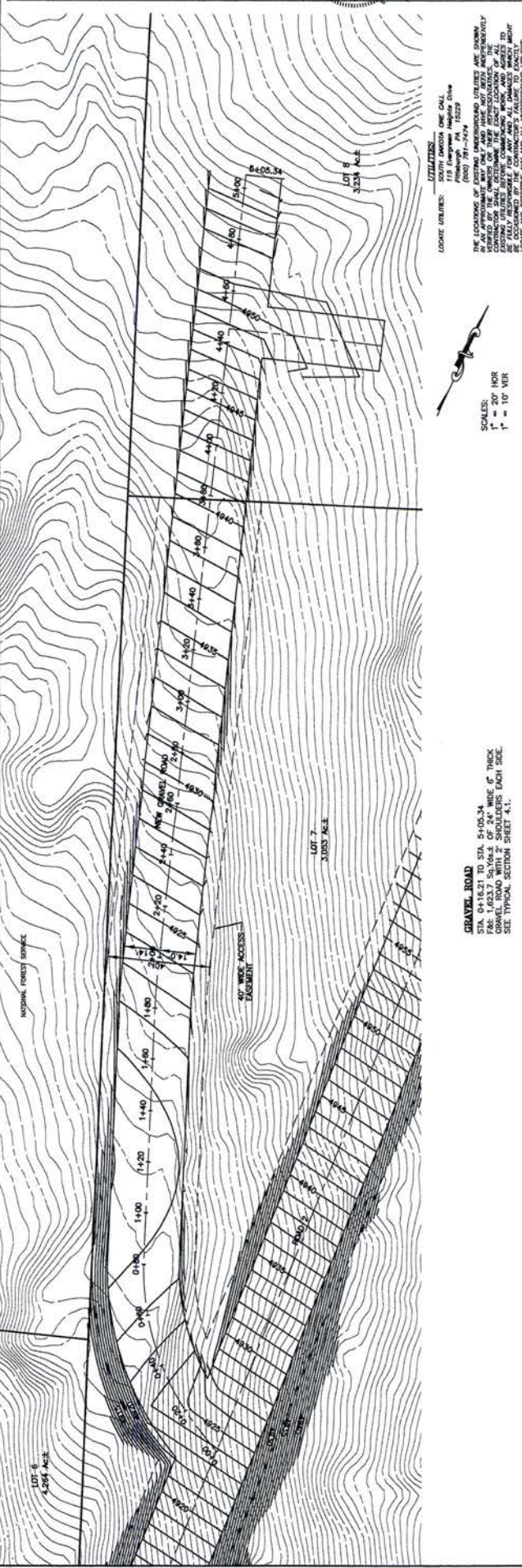
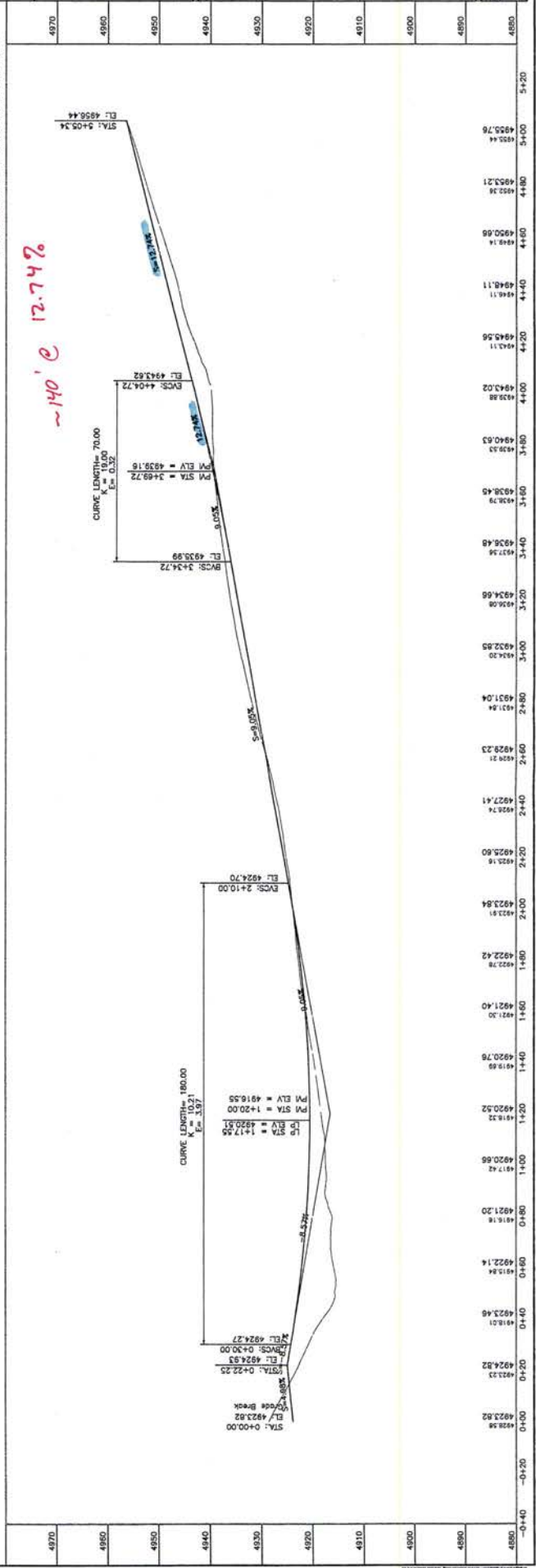
**STREET PLAN AND PROFILE**  
 ROAD 3 STA. 0+00.00 TO STA. 5+05.34

DATE	REVISIONS

LEGAL DESCRIPTION  
 SECTION 18 TOWNSHIP 8  
 RANGE 12E  
 RANGE 12E  
 RANGE 12E  
 RANGE 12E

DESIGNED BY: J. J. SPERLICH  
 CHECKED BY: J. J. SPERLICH  
 DRAWN BY: J. J. SPERLICH

**SPERLICH**  
 Consulting, Inc.  
 821 Columbus St. Suite 1 Rapid City, SD 57701  
 TEL: (605) 224-0000  
 E-MAIL: info@sperrlichconsulting.com  
 Engineering Surveying Planning



**GRAVEL ROAD**  
 STA. 0+16.31 TO STA. 5+05.34  
 F&E 1.6237 50' WIDE 6" THICK  
 GRAVEL ROAD WITH 2' SHOULDERS EACH SIDE.  
 SEE TYPICAL SECTION SHEET 4.1.

**LOCATE UTILITIES**  
 ONE CALL  
 118 Emergency Highway Drive  
 Rapid City, SD 57701  
 (605) 791-7474

THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN.  
 THE LOCATION OF EXISTING UNDERGROUND UTILITIES ARE SHOWN.  
 THE LOCATION OF EXISTING UNDERGROUND UTILITIES ARE SHOWN.  
 THE LOCATION OF EXISTING UNDERGROUND UTILITIES ARE SHOWN.  
 THE LOCATION OF EXISTING UNDERGROUND UTILITIES ARE SHOWN.

SCALES:  
 HORIZONTAL  
 1" = 10' VER



NATIONAL FOREST SERVICE



STAFF REPORT

GENERAL INFORMATION:

REQUEST: REZONE / RZ 18-11 AND COMPREHENSIVE PLAN AMENDMENT / CA 18-10: To rezone 29.02 acres from General Agriculture District to Low Density Residential District and to amend the Comprehensive Plan to change the Future Land Use from Planned Unit Development Sensitive to Low Density Residential District in accordance with Sections 205, 207, and 508 of the Pennington County Zoning Ordinance.

APPLICANT: Schriner Investments / Shane Schriner

APPLICANT ADDRESS: P.O. Box 555, Hill City, SD 57745

SURVEYOR: Sperlich Consulting

SURVEYOR ADDRESS: 821 Columbus St., Ste. 1, Rapid City, SD 57701

LEGAL DESCRIPTION: All of Crown Point Lode MS 1258; All of Bay Horse Lode MS 1258; All of Buffalo Fraction Lode MS 1258; and All of Bellevue Lode MS 1258, all located in Section 32, T1S, R6E, BHM, Pennington County, South Dakota.

SITE LOCATION: North of Keystone, along Highway 16A.

SIZE: 29.02 acres

TAX ID: 44242 / 44243 / 44244 / 44245

EXISTING LAND USE: Vacant

ZONING REFERENCE: § 205, 207 and 508

CURRENT ZONING: General Agriculture District

SURROUNDING ZONING:

North	General Agriculture District
South	General Agriculture District
East	General Agriculture District
West	General Agriculture District

PHYSICAL CHARACTERISTICS: Forested / Hills

UTILITIES: None

REPORT BY: Cassie Bolstad

**I. PROPOSED RECOMMENDATION**

- A. Staff will be seeking guidance regarding Rezone / RZ 18-11 and denial of Comprehensive Plan Amendment / CA 18-10.

**II. GENERAL DESCRIPTION**

- A. The applicant, Schriner Investments (Shane Schriner), has submitted a Rezone request to 29.02 acres from General Agriculture District to Low Density Residential District.
- B. The applicant is also requesting to amend the Comprehensive Plan to change the Future Land Use from Planned Unit Development Sensitive to Low Density Residential District.
- C. The applicant is in the process of subdividing the four (4) existing lots (Mining Lodes) into eight (8) lots.

**III. EXISTING CONDITIONS**

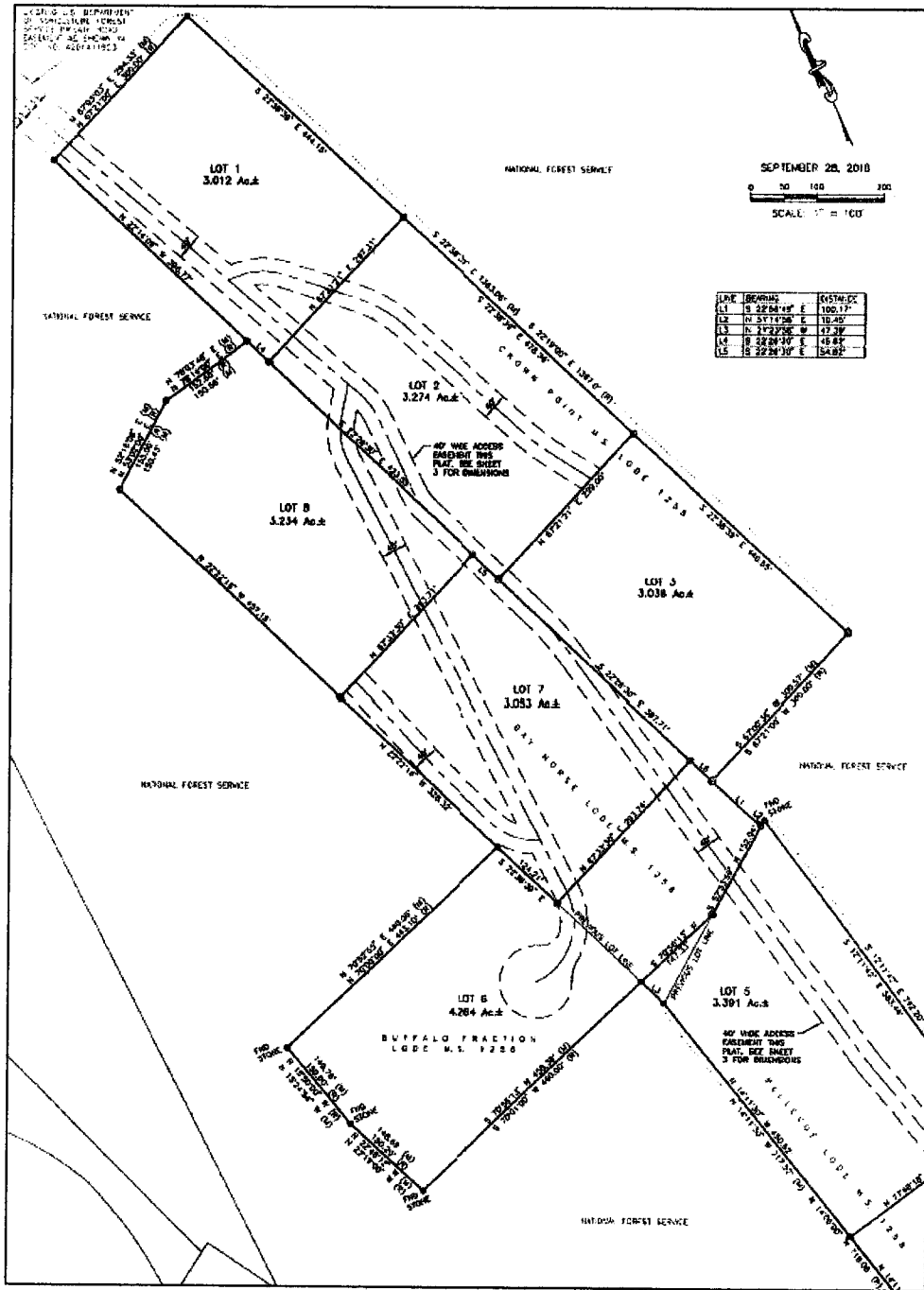
- A. Four (4) separate lots.
- B. All existing lots are currently zoned General Agriculture District.
  - 1. Future Land Use (FLU) designation is Planned Unit Development Sensitive.
- C. No Special Flood Hazard Area on the existing properties.
- D. All four (4) existing properties are currently vacant.
- E. All of Crown Point Lode M.S. 1258
  - 1. 9.41 acres.
- F. All of Bay Horse Lode M.S. 1258
  - 1. 7.24 acres.
- G. All of Buffalo Fraction Lode M.S. 1258
  - 1. 3.13 acres.
- H. All of Bellevue Lode M.S. 1258
  - 1. 9.24 acres.

**IV. PROPOSED LOTS (Lots 1-8 of Keystone Wye Subdivision)**

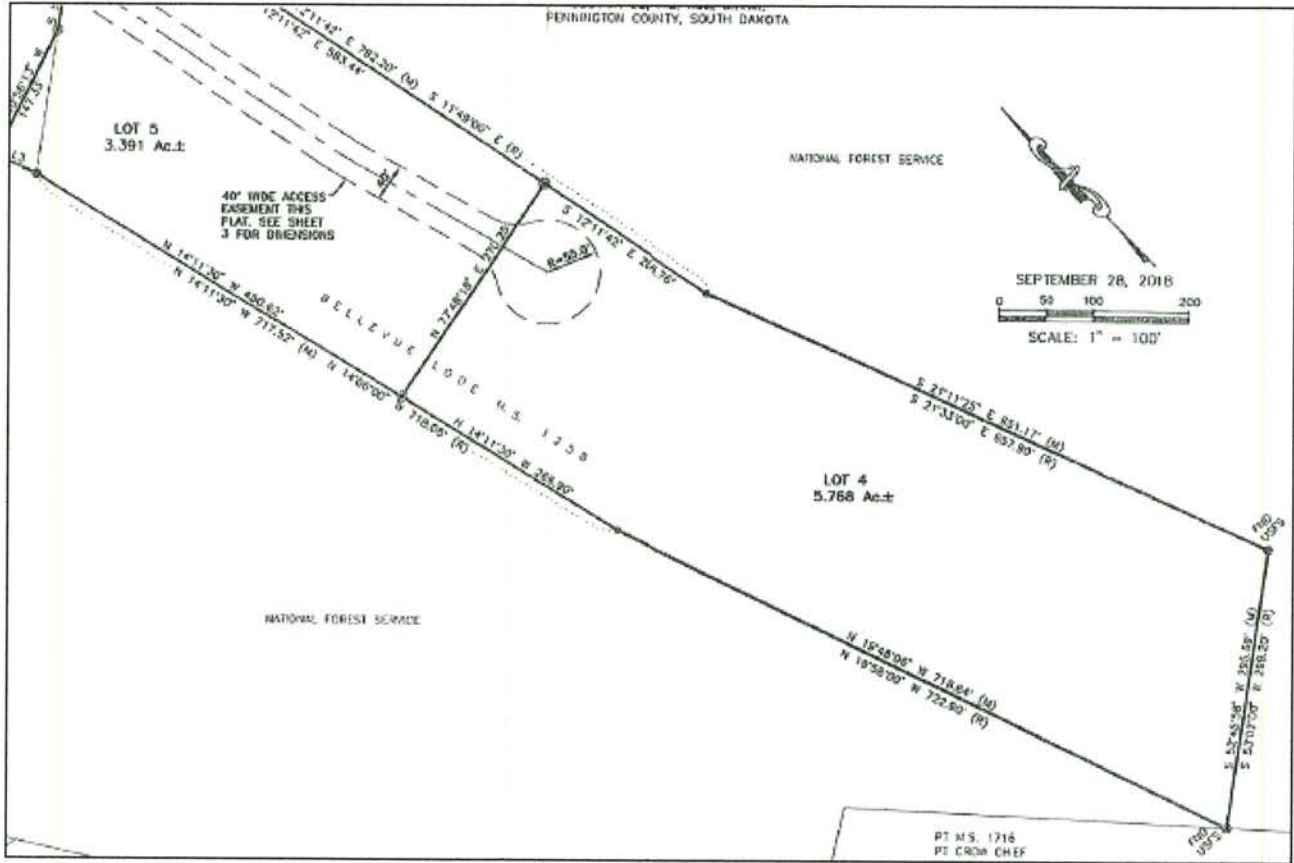
- |                  |                  |
|------------------|------------------|
| A. Lot 1         | B. Lot 2         |
| 1. 3.012 acres ± | 1. 3.274 acres ± |
| C. Lot 3         | D. Lot 4         |
| 1. 3.038 acres ± | 1. 5.768 acres ± |
| E. Lot 5         | F. Lot 6         |
| 1. 3.391 acres ± | 1. 4.264 acres ± |
| G. Lot 7         | H. Lot 8         |
| 1. 3.053 acres ± | 1. 3.234 acres ± |

Agenda Item #20  
 Schriener Investments, LLC; Sperlich Consulting – Agent  
 January 14, 2019

- I. A 40-foot-wide Access Easement is proposed on the Plat to provide access to the eight (8) lots.
- J. A 55-foot radius turnaround is noted on both proposed Lots 4 and 6.
- K. The proposed lots do not meet the minimum lot size requirements for a General Agriculture District.



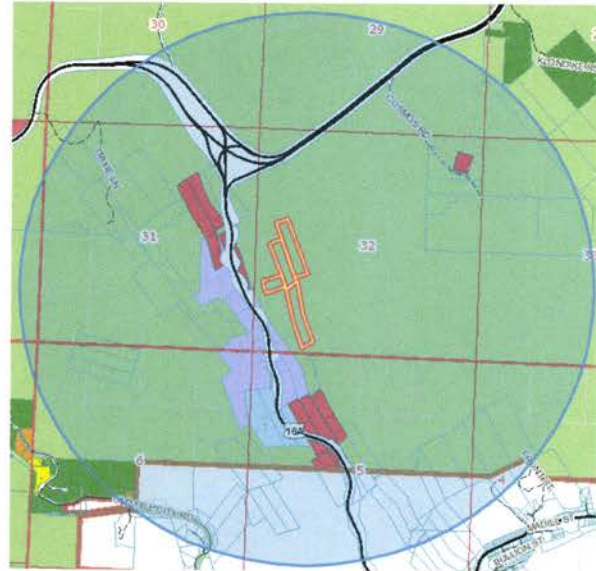
Proposed subdivision – Sperlich Consulting (September 28, 2018)



Proposed Subdivision – Sperlich Consulting (September 28, 2018)

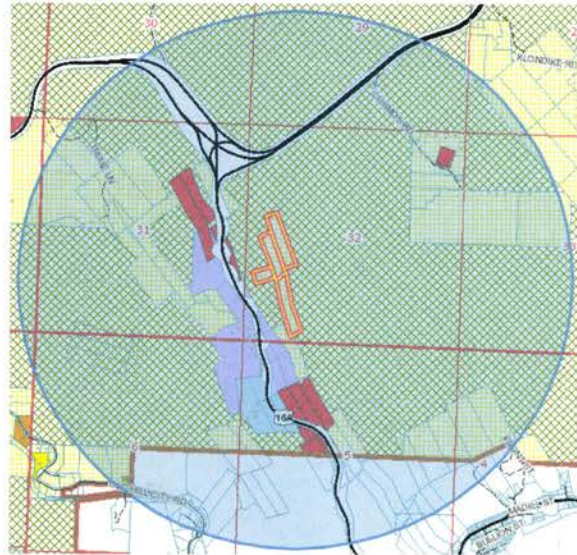
**V. SURROUNDING CURRENT ZONING WITHIN 1-MILE OF THE SUBJECT PROPERTIES**

- A. General Agriculture District
- B. General Commercial District
- C. Highway Service District
- D. Planned Unit Development
- E. Keystone City Limits



**VI. SURROUNDING FUTURE LAND USE (FLU) ZONING WITHIN 1-MILE OF THE SUBJECT PROPERTIES**

- A. General Commercial District
- B. Highway Service District
- C. Planned Unit Development
- D. Public Lands
- E. PUD Sensitive
- F. Keystone City Limits



**VII. REQUEST FOR COMMENT**

- A. County Highway Department
  - 1. The roads in this development serve only the development and are therefore classified as local roads. Pennington County Subdivision Regulations define the requirements for local roads and not the American Association of State Highway and Transportation Officials (AASHTO) “A Policy on Geometric Design of Highways and Streets.” AASHTO is referenced in the Subdivision Regulations for minor and major arterials only and is not applicable in this development.
- B. County Fire Administrator
  - 1. No comments received.
- C. County Environmental Planning Supervisor
  - 1. There is no Special Flood Hazard Area on the subject properties.
- D. County Environmental Planner
  - 1. All rules of Pennington County Zoning Ordinance Section 204(J) must be followed when a septic is installed on any of the proposed lots.
- E. County Ordinance Enforcement
  - 1. There is an open Ordinance Violation (COVO16-0061) for the existing road that was constructed without a Construction Permit. Condition #2 of Preliminary Plat / PL 18-34, states “That prior to filing the Plat with the Register of Deeds, an approved Construction Permit be obtained for the access road that was constructed through the subject properties, with the appropriate waivers for any road standards that are not or will not be met.”
  - 2. Once an approved Construction Permit is obtained for the access road, COVO16-0061 can be closed.

- F. County Addressing Coordinator
  - 1. As more than five (5) lots are being platted, the applicant is naming the access easement in order to provide enough addresses for all lots that could potentially be developed and occupied. All future addresses must be posted in accordance with Pennington County's Ordinance #20.
- G. Emergency Services (9-1-1)
  - 1. If approved, they will need to add the road name labels for each ROW that they have already had reviewed by 911, prior to Final Plat approval.
- H. U.S. Forest Service
  - 1. The Forest Service is currently working with Shane Schriner (Schriner Investments, LLC) on a FLPMA Private Road Easement transfer from Crown Point Road District to Schriner Investments, LLC that will provide legal access to the private property.
  - 2. The Forest Service will not approve a secondary access across National Forest System lands to the private property.
  - 3. Protect all posted boundary line corners, signs and bearing tress.
  - 4. Adhere to the setback requirements along the posted boundary between National Forest System lands and private property.
  - 5. Protect all known stream courses, ponds and riparian areas located on National Forest System lands.
  - 6. No resource damage to occur on National Forest System lands.
  - 7. All proposed drain fields, leach lines or septic systems will need to be located on private property and not located on or drain or leach onto National Forest System lands.
  - 8. All construction materials, supplies, trash or garbage will not be located or dumped on National Forest System lands.
  - 9. Public roads in this area of the Black Hills National Forest are classified as "Roads Open to Highway Legal Vehicles Only" and "Highways, US, State" per the latest version of the Motor Vehicle Use Map.
  - 10. No motorized trailheads or motorized trails or motorized roads are planned or scheduled for this portion of the Black Hills National Forest.
  - 11. No motorized trails for ATV, motorcycles or ORV will be authorized from private property unto National Forest System lands (USFS does not want unauthorized trails constructed on National Forest System lands).

### VIII. ANALYSIS

- A. June 19, 2018 – Board of Commissioners approved Layout Plat / PL 18-14 to create Lots 1-8 of Keystone Wye Subdivision with the following sixteen (16) conditions:

1. That prior to filing the Plat with the Register of Deeds, the proposed lots obtain approved Lot Size Variances or be Rezoned appropriately;
2. That prior to filing the Plat with the Register of Deeds, an approved Construction Permit be obtained for the access road that was constructed through the subject properties, with the appropriate waivers for any road standards that are not or will not be met;
3. That prior to new Plat submittal, the applicant provide alternate proposed road names for the Access Easement identified as “Twin Drive” to 9-1-1 for review and the road name approved by 9-1-1 be added to the Plat;
4. That at the time of new Plat submittal, the applicant submit a Road Naming application, with a 9-1-1 approved road name, to be approved by the Pennington County Board of Commissioners;
5. That at the time of new Plat submittal, the proposed Access Easement be increased to 66-feet per Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
6. That at the time of new Plat submittal, an Owner’s Certificate be added for Genesis Capital LLC, per Register of Deeds and Department of Equalization comments;
7. That at the time of new Plat submittal, the Certificates that have reference to the Town of New Underwood be corrected;
8. That at the time of new Plat submittal, the following corrections and additions be made, per Department of Equalization comments; the names of the underlying Lodes be added to the Plat; the annotation near the northeast corner of Lot 5 be corrected, so that it is legible; and, the distances and bearings of the proposed Access Easement be added to the Plat;
9. That prior to new Plat submittal, the surveyor verify the acreage of the existing Bay Horse Lode and the total acreage of the proposed Plat, per Department of Equalization comments;
10. That at the time of new 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;
11. That at the time of new Plat submittal, the plat meets all requirements of § 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;
12. That the Certifications on the plat be in accordance with § 400.3.1.n of the Pennington County Subdivision Regulations;
13. That the applicant ensures that all natural drainage ways are maintained and are not blocked;

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Schriner Investments, LLC; Sperlich Consulting – Agent

January 14, 2019

14. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of § 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit;
  15. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Layout Plat / PL 18-14, which is available at the Planning Office; and,
  16. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.
- B. November 20, 2018 – Board of Commissioners approved Preliminary Plat / PL 18-34 to create Lots 1-8 of Keystone Wye Subdivision with the following fourteen (14) conditions:
1. That prior to filing the Plat with the Register of Deeds, the proposed lots obtain approved Lot Size Variances or be Rezoned appropriately;
  2. That prior to filing the Plat with the Register of Deeds, an approved Construction Permit be obtained for the access road that was constructed through the subject properties, with the appropriate waivers for any road standards that are not or will not be met;
  3. That prior to Final Plat submittal, the applicant contact Emergency Services to determine if multiple road names are required for the proposed roadway system. In addition, the applicant submit proposed road names to Emergency Services for review and the approved name(s) be added to the Plat;
  4. That prior to filing the Plat with the Register of Deeds, the applicant submit a Road Naming application, with 9-1-1 approved road name(s), to be approved by the Pennington County Board of Commissioners;
  5. That at the time of Final Plat submittal, the following changes be made to the proposed Access Easement, per Highway Department comments, and the roadway meet all applicable Subdivision Regulations or an approved Subdivision Regulations Variance be obtained waiving any requirements that are not met:
    - a. The road be designed and built to the local/collector road standards in Table 1 of Subdivision Regulations 500.5(1)(a)(3)(b), which requires 66' wide Right-of-Way and 24' wide gravel surface;
    - b. The maximum grade be 12%, with an allowance for 17% for a maximum distance of 500 feet;
    - c. The inslopes be 4:1 or flatter or guardrail be installed wherever the slope is steeper than 4:1;
    - d. Intersections not be less than a 75° angle and have at least a 100' tangent before a curve;



- e. Vertical curves be a minimum of 100' or 20' for every 1% algebraic difference in grade, whichever is greater.
  6. That at the time of Final Plat submittal, an Owner's Certificate be added for Genesis Capital LLC, per Department of Equalization comments;
  7. That prior to Final Plat submittal, the surveyor verify the total acreage of the proposed Plat, per Department of Equalization comments;
  8. That at the time of Final Plat submittal, the Certifications on the plat be in accordance with § 400.3(1)(n) of the Pennington County Subdivision Regulations;
  9. That at the time of Final 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;
  10. That at the time of Final Plat submittal, the plat meets all requirements of § 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;
  11. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
  12. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of § 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain Operating Permits;
  13. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Preliminary Plat / PL 18-34, which is available at the Planning Office; and,
  14. That approval of this Preliminary Plat does not constitute approval of any further applications to be submitted for the above-described properties.
- C. The applicant has also submitted Road Naming requests to name the access roads within the proposed development.
1. The Road Naming requests will be heard by the Planning Commission on January 14, 2019.
- D. Staff is seeking guidance from the Planning Commission regarding Rezone / RZ 18-10 for the following reasons:
1. The applicant's request to rezone is in harmony with the lot sizes the applicant is proposing to create through the platting process.
  2. However, the applicant's request is not in harmony with the current surrounding zoning in the area.
    - a. The nearest property zoned Low Density Residential District is approximately 1.25 miles southwest of the subject properties (as the crow flies).

Agenda Item #20

Schriner Investments, LLC; Sperlich Consulting -- Agent

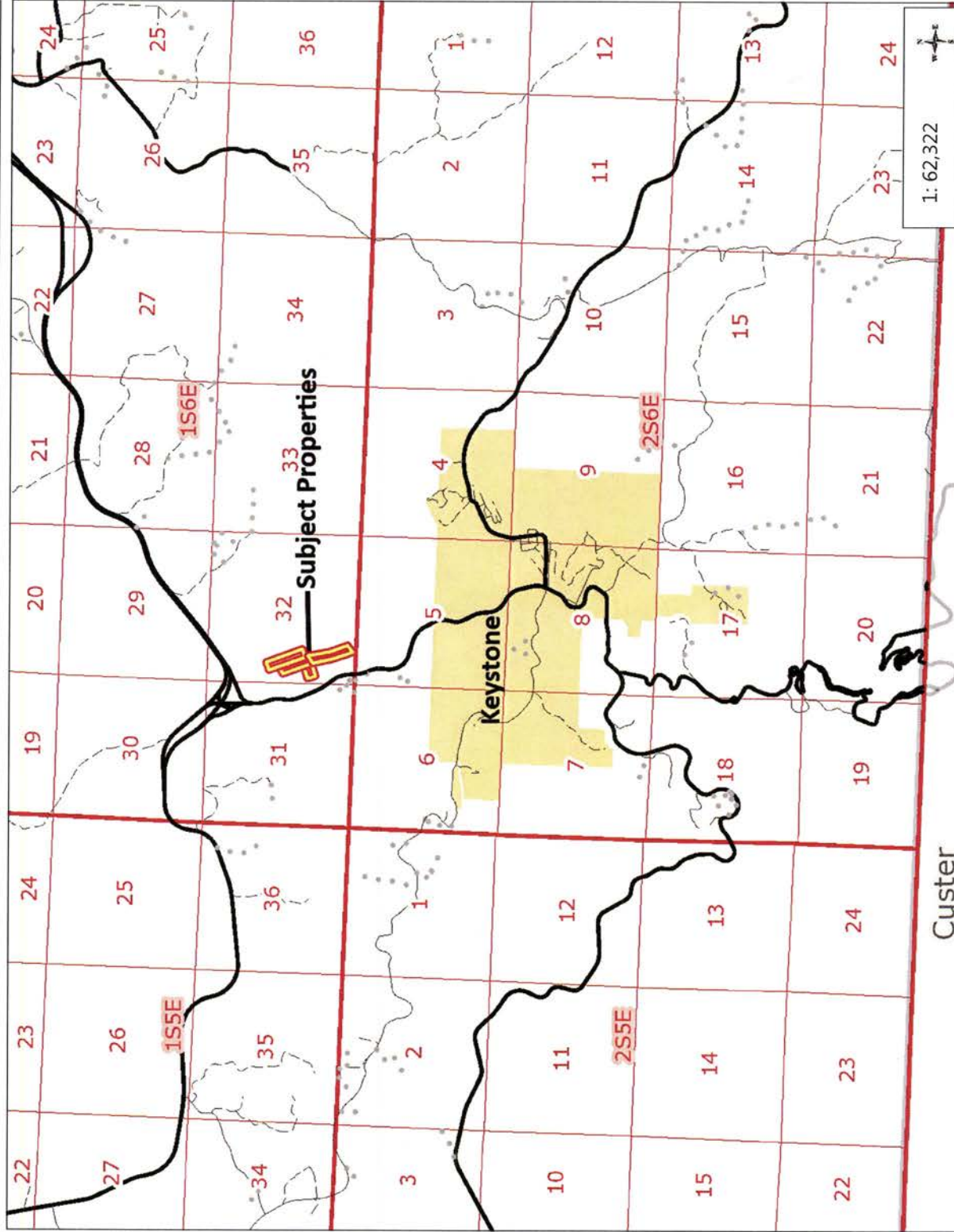
January 14, 2019

- E. With regard to Comprehensive Plan Amendment / CA 18-10, the applicant's request to change the Comprehensive Plan from Planned Unit Development Sensitive to Low Density Residential District does not appear to be in harmony with Pennington County's Future Land Use (FLU). Staff recommends the FLU zoning remain as Planned Unit Development Sensitive.

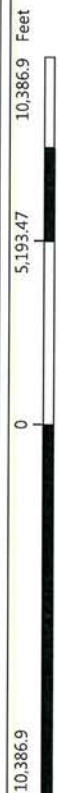
1. A denial of CA 18-10 will not affect the outcome of RZ 18-11.

**RECOMMENDATION:** Staff is seeking guidance from the Planning Commission on how to proceed with Rezone / RZ 18-11, as the applicant's request is in harmony with the lot sizes proposed through the platting process; however, it is not in harmony with the current surrounding zoning in the area.

**RECOMMENDATION:** Staff recommends denial of Comprehensive Plan Amendment / CA 18-10.



1: 62,322

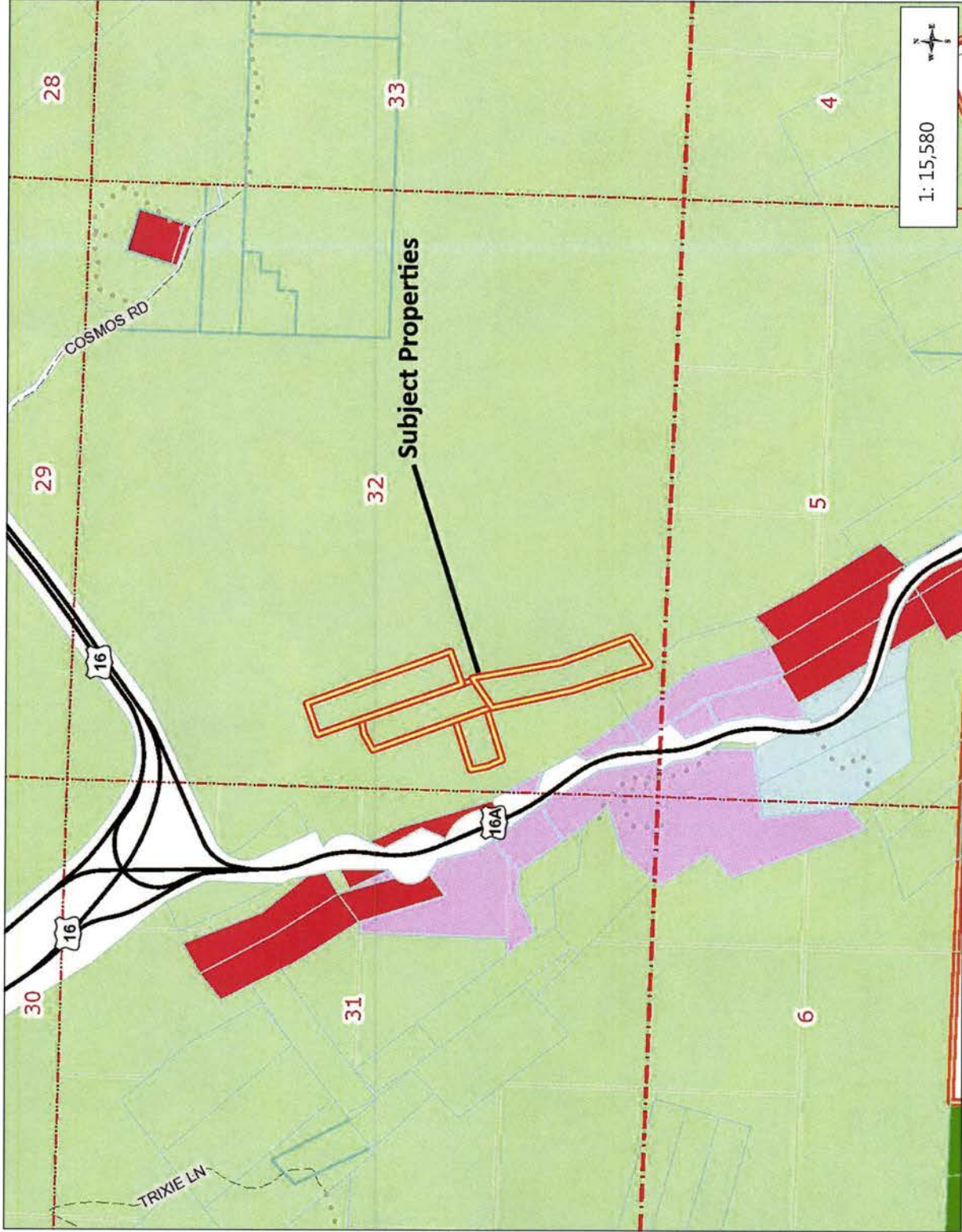


This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.  
**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

**Map Notes:**

**Legend**

- Roads**
- Interstate
  - US highway
  - SD highway
  - County highway
  - Main road
  - Minor arterial
  - Collector
  - Ramp
  - Paved road
  - Unpaved road
  - Trail
  - Driveway
  - Alley
  - Unimproved road
  - Airport Runway
  - Not yet coded
- PLSS**
- Townships**
- City Limits**
- BOX ELDER
  - ELLSWORTH AFB
  - HILL CITY
  - KEYSTONE
  - NEW UNDERWOOD
  - QUINN
  - RAPID CITY
  - WALL
  - WASTA



**Legend**

**Roads**

- Interstate
- US highway
- SD highway
- County highway
- Main road
- Minor arterial
- Collector
- Ramp
- Paved road
- Unpaved road
- Trail
- Driveway
- Alley
- Unimproved road
- Airport Runway
- Not yet coded

**Section Lines 0-25k**

- 0
- 7

**Tax Parcels**

- Lot Lines
- <Null>
- Lot Line
- Parcel Line

**Pennington County Zoning**

- General Agriculture
- General Commercial
- Heavy Industrial
- Highway Services
- Limited Agriculture
- Low Density Residential
- Light Industrial
- Planned Unit Development

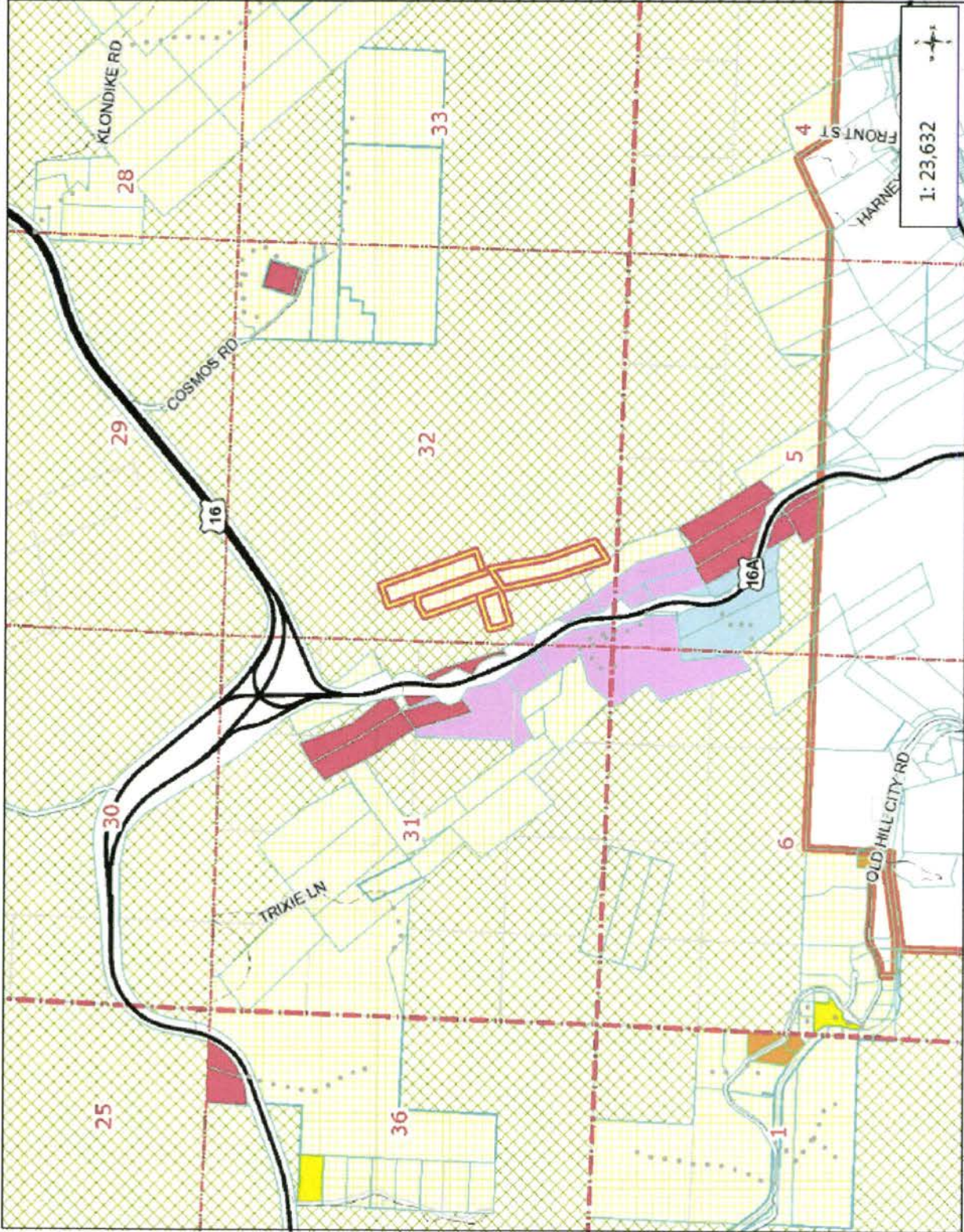
**Map Notes:**

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.  
**THIS MAP IS NOT TO BE USED FOR NAVIGATION**



1: 15,580





1: 23,632

3,938.6 0 1,969.32 3,938.6 Feet

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.  
**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

NAD\_1983\_2011\_StatePlane\_South\_Dakota\_FIPS\_4002\_Ft\_US  
 © City of Rapid City GIS

**Legend**

- Roads**
- Interstate
  - US highway
  - SD highway
  - County highway
  - Main road
  - Minor arterial
  - Collector
  - Ramp
  - Paved road
  - Unpaved road
  - Trail
  - Driveway
  - Alley
  - Unimproved road
  - Airport Runway
  - Not yet coded

**Section Lines 0-25k**

- 0
- 7

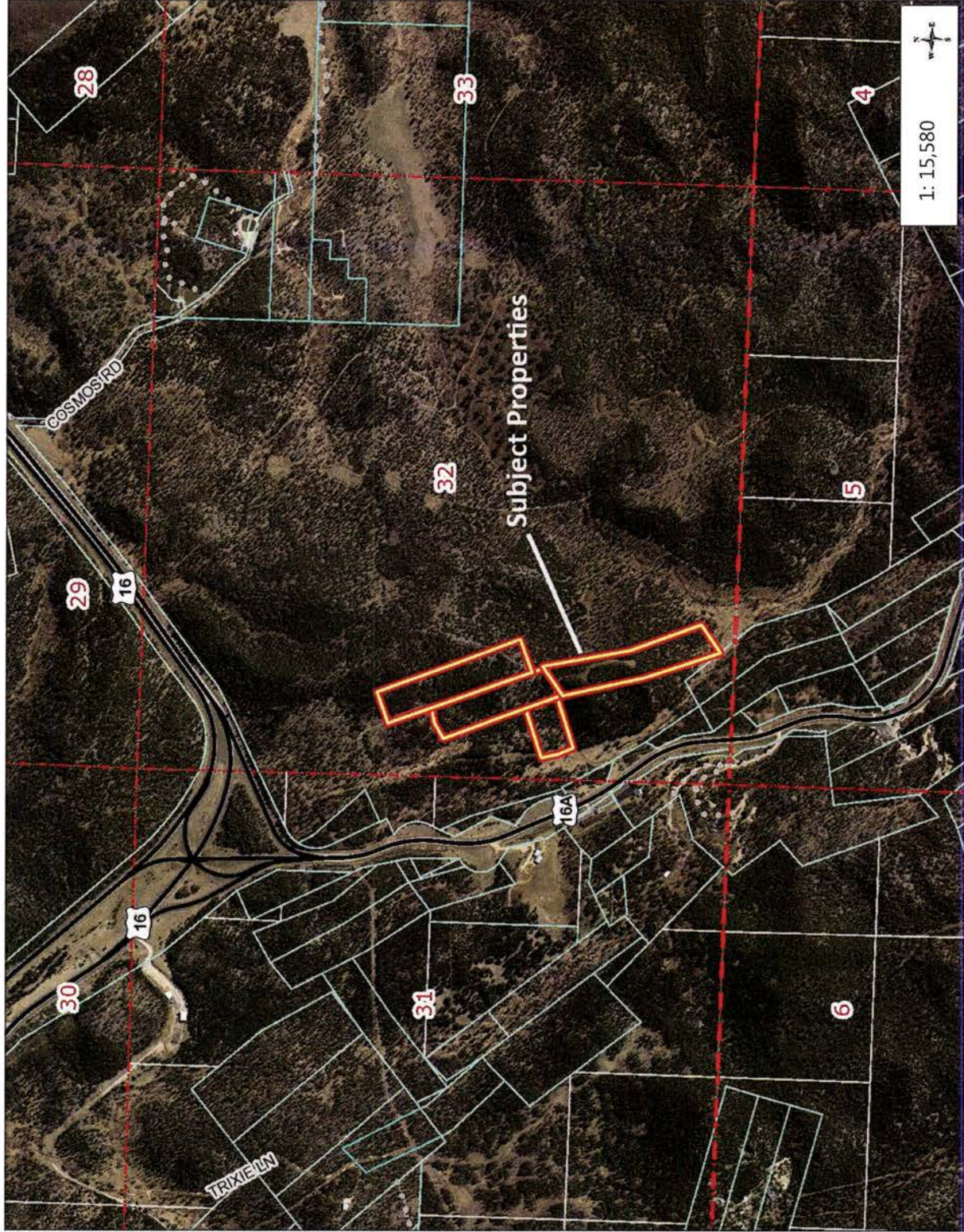
**Tax Parcels**

- Lot Lines
- Parcel Line

**Pennington County FLU**

- NO CODE
- GENERAL AGRICULTURE
- LIMITED AGRICULTURE
- LOW DENSITY RESIDENTIAL
- SUBURBAN RESIDENTIAL
- PLANNED UNIT DEVELOPMENT
- HIGHWAY SERVICE
- GENERAL COMMERCIAL

**Map Notes:**



**Legend**

- Roads**
- Interstate
  - US highway
  - SD highway
  - County highway
  - Main road
  - Minor arterial
  - Collector
  - Ramp
  - Paved road
  - Unpaved road
  - Trail
  - Driveway
  - Alley
  - Unimproved road
  - Airport Runway
  - Not yet coded
- Section Lines 0-25k**
- 0
  - 7
- Tax Parcels**
- Lot Lines**
- <Null>
  - Lot Line
  - Parcel Line

**Map Notes:**

2,596.7 0 1,298.37 2,596.7 Feet

1: 15,580

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

NAD\_1983\_2011\_StatePlane\_South\_Dakota\_South\_FIPS\_4002\_Ft\_US  
© City of Rapid City GIS

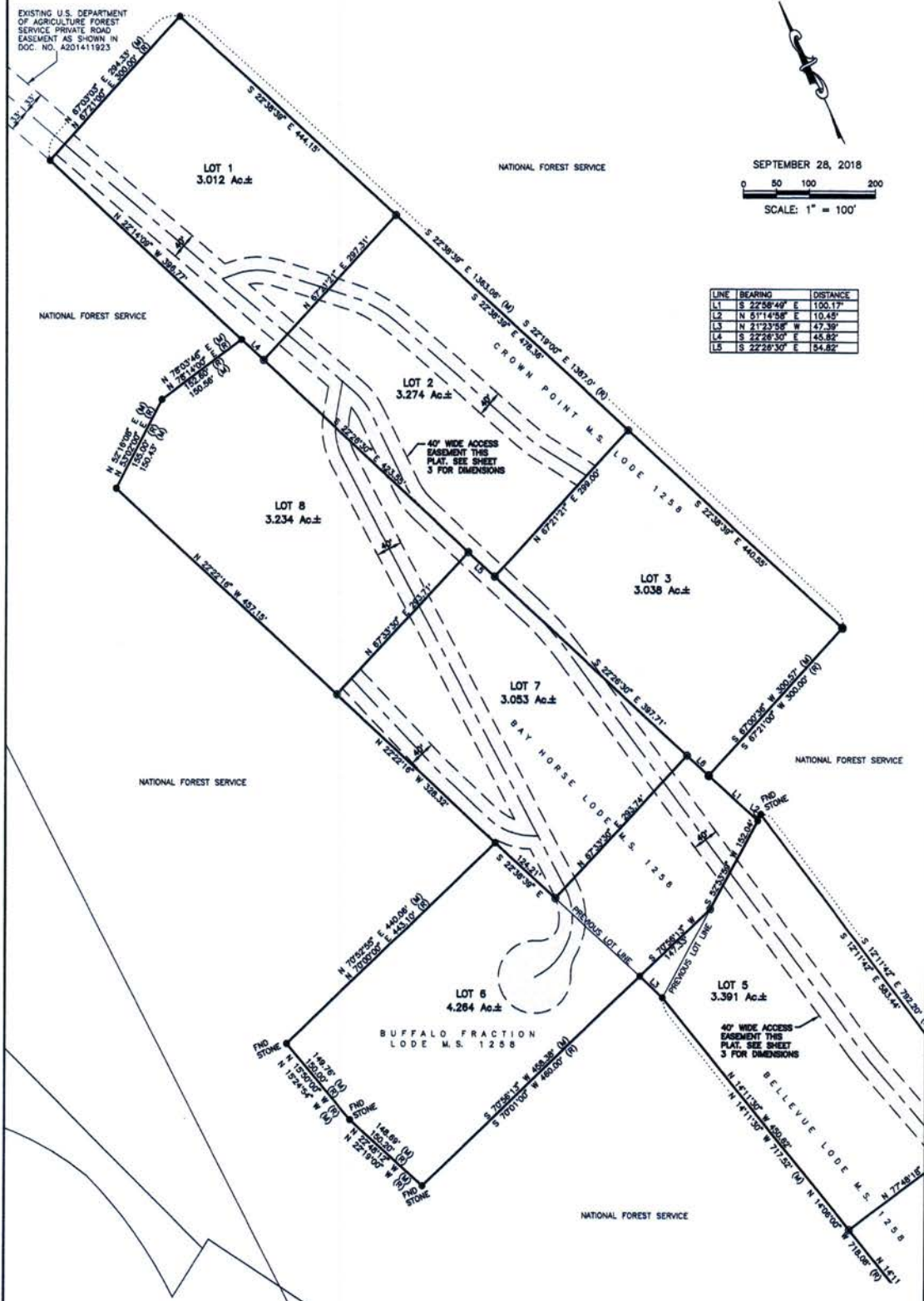
PLAT OF  
**LOTS 1 THROUGH 8,  
 KEYSTONE WYE SUBDIVISION**  
 (formerly all of Crown Point Lode MS 1258, Bay Horse Lode MS 1258, Buffalo Fraction Lode MS 1258, and  
 Bellevue Lode M.S. 1258, all located in the W $\frac{1}{2}$  of Section 32, T1S, R8E, B.H.M.)  
 LOCATED IN THE W $\frac{1}{2}$   
 SECTION 32, T1S, R8E, S.H.M.,  
 PENNINGTON COUNTY, SOUTH DAKOTA

EXISTING U.S. DEPARTMENT  
 OF AGRICULTURE FOREST  
 SERVICE PRIVATE ROAD  
 EASEMENT AS SHOWN IN  
 DOC. NO. A201411923



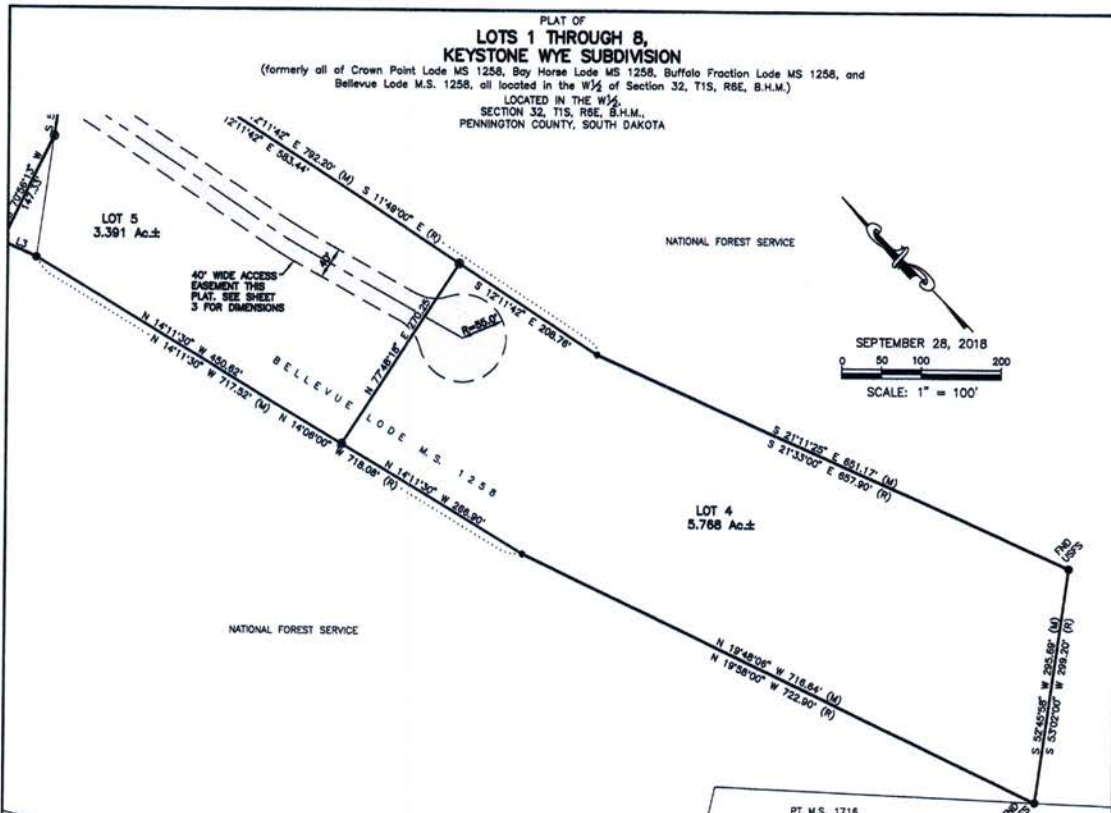
SEPTEMBER 28, 2018  
 0 50 100 200  
 SCALE: 1" = 100'

LINE	BEARING	DISTANCE
L1	S 22°58'40" E	105.17'
L2	N 61°14'58" E	19.45'
L3	N 21°23'58" W	47.39'
L4	S 22°26'30" E	45.82'
L5	S 22°26'30" E	54.82'



**NOTES:**  
 ● Denotes set 5/8" rebar with survey cap marked "Janis LS 11700"  
 ● Denotes Found Survey Monument LS 1771 unless otherwise noted  
 (R) Denotes Recorded in previous plot or description.  
 (M) Denotes Measured this survey.  
 CB Denotes Chord Bearing  
 CD Denotes Chord Distance  
 Basis of Bearings: Geodetic North determined by Global Positioning (GPS)  
 Utility and Minor Drainage Easements: If on the interior sides of all lot lines, except where major drainage easements exist.  
 Any major drainage easement shown hereon shall be kept free of all obstructions including but not limited to buildings, walls, fences, hedges, trees and shrubs. These easements grant to all public authorities the right to construct, operate, maintain, inspect, and repair such improvements and structures as it deems expedient to facilitate drainage from any source.





**CERTIFICATE OF OWNERSHIP**  
State of South Dakota  
County of Pennington s.s.

I, \_\_\_\_\_ do hereby certify that I am a Member of SCHRINER INVESTMENTS L.L.C., a South Dakota Limited Liability Corporation, and the owner of the land shown and described hereon; that the survey was done at my request for the purposes indicated hereon; that I do hereby approve the survey and within plot of said land; and that the development of this land shall conform to all existing applicable zoning, subdivision, and erosion and sediment control regulations.

Any land shown on the within plot as dedicated to public right of way is hereby dedicated to public use and public utility use as such, forever, but such dedication shall not be construed to be a donation of the fee of such land.

In witness whereof, I have set my hand and seal.

Owner: SCHRINER INVESTMENTS, L.L.C.  
Member  
\_\_\_\_\_

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a Notary Public, personally appeared \_\_\_\_\_ known to me to be the person(s) described in the foregoing instrument and acknowledged to me that they signed the same.

Notary Public: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

**CERTIFICATE OF FINANCE OFFICER**  
State of South Dakota  
County of Pennington s.s.

I, Finance Officer of the Town of New Underwood, do hereby certify that all special assessments which are liens upon the within described lands are fully paid according to the records of my office.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Finance Officer of the Town of New Underwood  
\_\_\_\_\_

**CERTIFICATE OF PLANNING DIRECTOR**  
State of South Dakota  
County of Pennington s.s.

I, Planning Director of Pennington County, have reviewed this plot and have found it to conform to all of the Subdivision requirements of the Pennington Subdivision Regulations and, as such, I have approved this Plat as a Final Plat.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Pennington County Planning Director  
\_\_\_\_\_

**CERTIFICATE BY COUNTY AUDITOR**  
State of South Dakota  
County of Pennington s.s.

I, Auditor of Pennington County, do hereby certify that the Pennington County Planning Director has reviewed and approved this Final Plat as shown hereon.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Pennington County Auditor/Deputy  
\_\_\_\_\_

**CERTIFICATE OF DIRECTOR OF EQUALIZATION**

I, Director of Equalization of Pennington County, do hereby certify that I have on record, in my office, a copy of the within described plot.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Director of Equalization of Pennington County  
\_\_\_\_\_

**CERTIFICATE OF SURVEYOR**  
State of South Dakota  
County of Pennington s.s.

I, Jeffrey L. Janis, Registered Land Surveyor No. 11700 in the State of South Dakota, do hereby certify that at the request of the owner(s) listed hereon, I have surveyed the tract of land shown, and to the best of my knowledge and belief, the within plot is a representation of said survey. Easements or restrictions of miscellaneous record or private agreements that are not known to me are not shown hereon.

In witness whereof, I have hereunto set my hand and seal.

Jeffrey L. Janis, Registered Land Surveyor  
Date \_\_\_\_\_

**RESOLUTION OF GOVERNING BOARD**  
State of South Dakota  
County of Pennington s.s.

I, Finance Officer of the Town of New Underwood, do hereby certify that an official meeting held on \_\_\_\_\_, 20\_\_\_\_, the Common Council, by resolution, did approve the plot as shown hereon.

Finance Officer of the Town of New Underwood  
\_\_\_\_\_

**FLOODPLAIN STATEMENT**  
Floodplain Statement

The 100-year floodplain, as shown hereon, is based on the elevations identified in the Flood Insurance Rate Map Number 48103C0850H, Effective Date June 3, 2013, or as graphically depicted on said map in unshaded areas. The floodplain information shown hereon serves as constructive notice that certain flood hazards exist on portions of the subject property. The location of the floodplain, as shown hereon, may be subject to change.

**WATER PROTECTION STATEMENT**  
Water Protection Statement

Pursuant to SDCL 11-3-8.1 and 11-3-2, the developer of the property described within this plat shall be responsible for protection any waters of the state, including groundwater, located adjacent to or within such platted area from pollution from sewage from such subdivision and shall in prosecution of such protections conform to and follow all regulations of the South Dakota Department of Environment and Natural Resources relating to the same.

**CERTIFICATE OF STREET AUTHORITY**

The location of the proposed property lines abutting the County or State Highway, or the County Road, as shown hereon, is hereby approved. Any change in the location of the proposed access shall require additional approval.

Approved: \_\_\_\_\_ Date: \_\_\_\_\_

**CERTIFICATE OF COUNTY TREASURER**

I, Treasurer of Pennington County, do hereby certify that all taxes, which are liens upon the within described lands, are fully paid, according to the records of my office.

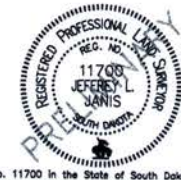
Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**CERTIFICATE OF REGISTER OF DEEDS**  
State of South Dakota  
County of Pennington s.s.

Filed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

In Document No. \_\_\_\_\_

Register of Deeds  
Fee: \$ \_\_\_\_\_







# Pennington County Planning Department

Pennington County Administration Bldg • 130 Kansas City St. Ste. 200  
Rapid City, SD 57701 • Phone: 605.394.2186

MEMO

21

TO: Pennington County Planning Commission  
FROM: P.J. Conover, Director *P.J. Conover*  
DATE: 01.10.19 (Meeting Date: 01.14.19)  
RE: Motion to schedule Special Planning Commission Meeting(s) Regarding Croell, Inc.'s Applications for Mining and Construction Permits.

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The Pennington County Planning Commission is requested to call a Special Meeting(s) to hear Croell, Inc.'s applications for Mining and Construction Permits.

Based upon advertising schedules, the Planning Commission will schedule its hearing of Croell, Inc.'s applications on Monday, March 04, 2019 or as soon thereafter as possible. (The Board of Commissioners will consider the recommendation and review the decision of the Planning Commission at a Special Meeting(s) of the Board to be scheduled thereafter and on or before March 14, 2019.)

