

AGENDA
PENNINGTON COUNTY PLANNING COMMISSION

January 28, 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 JANUARY 14, 2019, 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 14-33:** Lenora and Larry Ruland. To review a single-wide mobile home to be used as a permanent residence in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

W1/2SE1/4 Less Tract 1 Ruland Ranch Add less Dedicated Right-of-Way, Section 24, T1S, R16E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 14-33 with eight (8) conditions.

4. **CONDITIONAL USE PERMIT REVIEW / CU 17-44:** Jeff Miller. To review a Vacation Home Rental on the subject property in a Low Density Residential District in accordance with Sections 207, 319, and 510 of the Pennington County Zoning Ordinance.

Tract 1, Annie Lode MS 1721, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 17-44 with fifteen (15) conditions.

5. **CONDITIONAL USE PERMIT REVIEW / CU 17-50:** Benjamin Shilling. To review a gunsmithing business on the subject property in a Limited Agriculture District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot 5, Hidden Springs Ranchettes #2, Section 31, T2N, R9E, BHM, Pennington County, South Dakota.

To recommend to continue the review of Conditional Use Permit / CU 17-50 to the February 25, 2019, Planning Commission meeting.

END OF CONSENT AGENDA

6. **REZONE / RZ 18-12 AND COMPREHENSIVE PLAN AMENDMENT / CA 18-11:** Borglum Historical Center, Inc., Duane Pankratz; Ken Nash – Agent. To rezone 19.419 acres from General Agriculture District to General Commercial District, for proposed Lot 1, and to rezone 1.953 acres from General Agriculture District to General Commercial District, for proposed Lot 2, and to amend the Comprehensive Plan to change the Future Land Use from Low Density Residential District to General Commercial District in accordance with Sections 205, 207, 209, and 508 of the Pennington County Zoning Ordinance.

Proposed Lot 1: Commencing at the Section ¼ Corner common to Sections 13 and 14, T1S, R6E, BHM, common to the northeasterly corner of Lot 13 of Stratmeyer Addition, and common to the southwesterly corner of Lot 4 Revised of Stratmeyer Addition, and the point of beginning; Thence, first course: N 89°28'35" E, along the section ¼ line of said Section 13, common to the southerly boundary of said Lot 4 Revised, a distance of 788.89', to the southeasterly corner of said Lot 4 Revised, common to the southwesterly corner of Lot 9 of Stratmeyer Addition; Thence, second course: N 89°16'43" E, along the section ¼ line of said Section 13, common to the southerly boundary of said Lot 9, a distance of 150.29', to the southeasterly corner of said Lot 9, common to the southwesterly corner of Lot 5 of Stratmeyer Addition; Thence, third course: N 89°27'28" E, along the section ¼ line of said Section 13, common to the southerly boundary of said Lot 5, a distance of 378.55', to the southeasterly corner of said Lot 5, common to a point on the Section 1/16th Line, common to a point on the westerly boundary of Lot 1 of BTP Subdivision; Thence, fourth course: S 00°05'41" E, along the said Section 1/16th line, common to the westerly boundary of said Lot 1, a distance of 107.12, to the southwesterly corner of said Lot 1, common to a point on the northerly edge of US Highway 16 right-of-way; Thence, fifth course: S 40°55'54" W, along the northerly edge of said right-of-way, a distance of 176.94'; Thence, sixth course: N 49°04'06" W a distance of 57.00'; Thence, seventh course: S 40°55'54" W a distance of 252.61'; Thence, eighth course: S 47°32'31" W a distance of 471.73'; Thence, ninth course: S 58°43'08" W a distance of 359.10'; Thence, tenth course: S 62°31'10" W a distance of 383.76', to a

point on the section line common to said Sections 13 and 14, common to a point on the easterly boundary of Tract A Revised of Hull Subdivision; Thence eleventh course: N 00°07'28" E, along the section line common to said Sections 13 and 14, common to the easterly boundary of said Tract A Revised, a distance of 402.40, to the northeasterly corner of said Tract A Revised; Thence twelfth course: N 00°01'51" W, along the section line common to said Sections 13 and 14, a distance of 150.60', to the southeasterly corner of said Lot 13; Thence thirteenth course: N 00°08'21" E, along the section line common to said Sections 13 and 14, common to the easterly boundary of said Lot 13, distance of 510.62', to the said point of beginning. Said Parcel contains 19.419 acres more or less, Section 13, T1S, R6E, BHM, Pennington County, South Dakota.

Proposed Lot 2: Commencing at the southwesterly corner of Tract A Revised of Hull Subdivision, common to a point on the section line common to Sections 13 and 14, T1S, R6E, BHM, and the point of beginning; Thence, first course: N 00°07'28" E, along easterly boundary of said Tract A Revised, common to said section line, a distance of 64.32'; Thence, second course: N 62°31'10" E a distance of 383.76'; Thence, third course: N 58°43'08" E a distance of 359.10'; Thence, fourth course: N 47°32'31" E a distance of 471.73'; Thence, fifth course: N 40°55'54" E a distance of 252.61'; Thence, sixth course: S 49°04'06" E a distance of 57.00', to a point on the northerly edge of US Highway 16 right-of-way; Thence, seventh course: S 40°55'54" W, along the northerly edge of said right-of-way, a distance of 255.91'; Thence, eighth course: S 47°32'31" W, along the northerly edge of said right-of-way, a distance of 480.60'; Thence, ninth course: S 58°43'08" W, along the northerly edge of said right-of-way, a distance of 366.57'; Thence, tenth course: S 62°31'10" W, along the northerly edge of said right-of way, a distance of 415.46', to the said point of beginning. Said Parcel contains 1.953 acres more or less, Section 13, T1S, R6E, BHM, Pennington County, South Dakota.

7. CONSTRUCTION PERMIT / CP 18-10: Cross Country Real Estate. To grade in order to flatten the area to receive 4" gravel for a new parking lot.

Unplatted Portion of S1/2SW1/4NW1/4; PT of NW1/4SW1/4 N and E of HWY ROW less that PT within Rapid City Boundary, Section 10, T1N, R8E, BHM, Pennington County, South Dakota.

8. ORDINANCE AMENDMENT / OA 19-01: Pennington County. To consider the amendment / adoption of the Comprehensive Plan.
9. MOTION TO SCHEDULE SPECIAL PLANNING COMMISSION MEETING(S) REGARDING CROELL, INC.'S APPLICATIONS FOR MINING AND CONSTRUCTION PERMITS.
10. COUNTY BOARD REPORT
The Board of Commissioners will hear the Planning Commission's recommendations from the January 14, 2019, meeting at their February 5th meeting.
11. ITEMS FROM THE PUBLIC

12. ITEMS FROM THE STAFF
13. ITEMS FROM THE MEMBERSHIP
14. 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.

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

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Travis Lasseter, Jim Coleman, Kathy Johnson, Rich Marsh, Sonny Rivers, Sandra Runde, and Deb Hadcock.

STAFF PRESENT: PJ Conover, Cassie Bolstad, Brittney Molitor, Kristina Proietti Michaele Hoffmann (SAO), and Jeri Ervin.

ROLL CALL

1. APPROVAL OF THE DECEMBER 17, 2018, MINUTES
Moved by Runde and seconded by Rivers to approve the Minutes of the December 17, 2018, Planning Commission meeting. Vote: unanimous 7 to 0.

2. APPROVAL OF THE AGENDA
Moved by Johnson and seconded by Marsh to approve the Agenda of the January 14, 2019, Planning Commission meeting. Vote: unanimous 7 to 0.

Moved by Marsh and seconded by Runde to approve the Consent Agenda of the January 14, 2019, Planning Commission meeting, with the removal of Items #3 and #12. Vote: unanimous 7 to 0.

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.

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

Vote: unanimous 7 to 0.

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.

Vote: unanimous 7 to 0.

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.

Vote: unanimous 7 to 0.

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.

Vote: unanimous 7 to 0.

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.

Vote: unanimous 7 to 0.

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 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.

Vote: unanimous 7 to 0.

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 approve 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;**
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.

Vote: unanimous 7 to 0.

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 approve 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;

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.

Vote: unanimous 7 to 0.

END OF CONSENT AGENDA

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.

Mr. Michael Howe asked to have this Item removed from the Consent Agenda to discuss amending language in the Conditions of Approval.

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

Discussion followed.

Moved by Marsh and seconded by Johnson to continue the review of Conditional Use Permit / CU 10-03 to the March 11, 2019, Planning Commission meeting to allow the applicant time to meet with the Humane Society and Planning Staff.

All voting aye, the Motion carried 7 to 0.

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.)

Commissioner Johnson asked to have this Item removed from the Consent Agenda for discussion.

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

Discussion followed.

Moved by Hadcock and seconded by Marsh to continue the review of Major Planned Unit Development Amendment to the February 25, 2019, Planning Commission meeting.

All voting aye, the Motion carried 7 to 0.

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.

Proietti reviewed the Staff Report indicating the applicant has applied for a Layout Plat to combine two lots to create Lot A of Layton Subdivision.

Staff recommended 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.

Discussion followed.

Moved by Marsh and seconded by Rivers to approve 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.**

All voting aye, the Motion carried 7 to 0.

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.

Conover reviewed the Staff Report indicating the applicant has applied for a Rezone 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.

Staff recommended approval of Rezone / RZ 18-10 and Comprehensive Plan Amendment / CA 18-09.

Discussion followed.

Moved by Johnson and seconded by Marsh to approve of Rezone / RZ 18-10 and Comprehensive Plan Amendment / CA 18-09.

All voting aye, the Motion carried 7 to 0.

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.

Bolstad reviewed the Staff Report indicating the applicant has applied for a Subdivision Regulations Variance to waive submittal of platting requirements to create Lots 1-8 of Keystone Wye Subdivision.

Staff recommended 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.

Discussion followed.

Commissioner Hadcock left the meeting at 10:17 a.m.

Commissioner Hadcock returned to the meeting at 10:18 a.m.

Moved by Johnson and seconded by Runde to approve of Subdivision Regulations Variance / SV 18-15.

SUBSTITUTE MOTION: Moved by Hadcock and seconded by Coleman to continue Subdivision Regulations Variance / SV 18-15 to the February 25, 2019, Planning Commission meeting.

All voting, the Substitute Motion carried 5 to 2. Commissioners Marsh, Rivers, Coleman, Lasseter, and Hadcock voted yes. Commissioners Johnson and Runde voted no.

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.

Moved by Hadcock and seconded by Coleman to continue Rezone / RZ 18-11 and Comprehensive Plan Amendment / CA 18-10 to the February 25, 2019, Planning Commission meeting.

Bolstad reviewed the Staff Report indicating the applicant has applied for a Rezone 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.

Discussion followed.

Commission Runde left the meeting at 10:36 a.m. meeting.
Commissioner Runde returned to the meeting at 10:37 a.m.

All voting, the Motion carried 5 to 2. Commissioners Marsh, Rivers, Coleman, Lasseter, and Hadcock voted yes. Commissioners Johnson and Runde voted no.

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

Chairman Lasseter discussed the rescheduling of the Special Planning Commission meeting to hear Croell, Inc.'s applications for Construction and Mining Permits.

Discussion followed.

Moved by Lasseter and seconded by Runde to hold a Special Planning Commission meeting on March 14, 2019, from 3:00 p.m. to 7:00 p.m., and, if necessary, the hearing may be continued for further public comment and vote on March 15, 2019, at 9:00 a.m. The tentatively scheduled March 15th meeting will be held only in the event the Planning Commission does not make a decision on the applications at the scheduled March 14th meeting.

All voting aye, the Motion carried 7 to 0.

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

No motions or actions were taken at this time.

24. ITEMS FROM THE STAFF

- A. Building Permit Report. Conover reviewed the Building Permit Report for December 2018.
- B. Comprehensive Plan – 01-28-19 PC Meeting. Conover reminded the Planning Commission that the Draft Comprehensive Plan will be heard at the January 28th Planning Commission meeting.
- C. Ordinance Officer. Bolstad introduced Amanda Lopez as the new Ordinance Officer for the Planning Department.

25. ITEMS FROM THE MEMBERSHIP

Commissioner Runde spoke of Croell, Inc.'s Mining and Construction Permits.

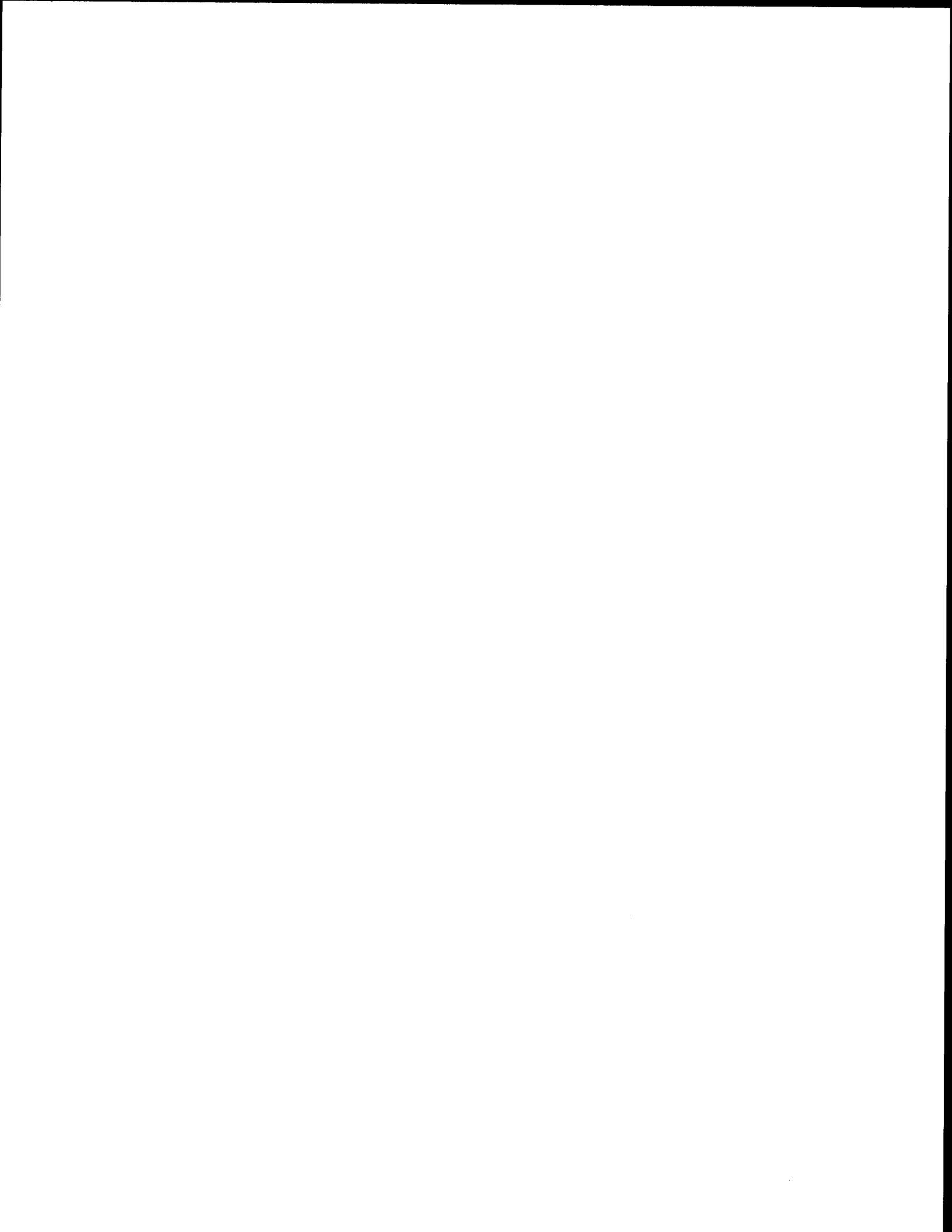
26. ADJOURNMENT

Moved by Marsh and seconded by Runde to adjourn.

All voting aye, the Motion carried 7 to 0.

The meeting adjourned at 10:59 a.m.

Travis Lasseter, Chairperson



STAFF REPORT

GENERAL INFORMATION:

REQUEST: **CONDITIONAL USE PERMIT REVIEW/ CU 14-33**: To review a single-wide mobile home to be used as a permanent residence in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

APPLICANT: Larry and Lenora Ruland

APPLICANT ADDRESS: 19580 239th Street, Wall, SD 57790

LEGAL DESCRIPTION: W1/2SE1/4 Less Tract 1 Ruland Ranch Add Less Dedicated ROW

SITE LOCATION: 19570 239th Street, Wall, SD 57790

TAX ID: 69264

SIZE: 60.14 acres

EXISTING LAND USE: Residential / Agriculture

ZONING REFERENCE: Residential / Agriculture

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: Prairie / Rolling hills

UTILITIES: Public

REPORT BY: Kristina Proietti

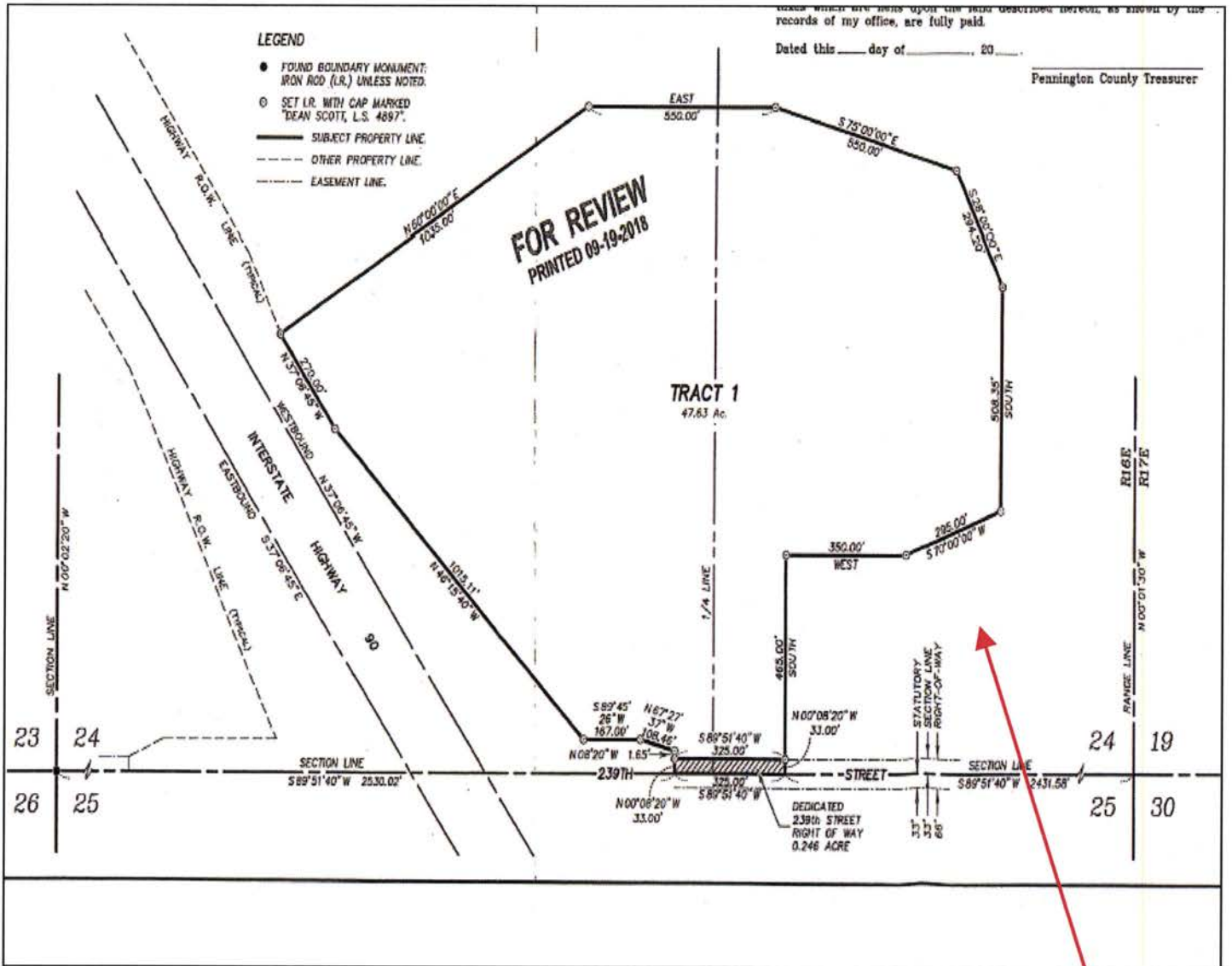
I. PROPOSED RECOMMENDATION

- A. Staff will be recommending approval of the extension of Conditional Use Permit 14-33 with eight (8) conditions:

II. GENERAL DESCRIPTION

- A. On January 12, 2015, Planning Commission approved Conditional Use Permit / CU 14-33 with the following seven (7) conditions:
1. That a Building Permit be obtained for any structures over 144 square feet or placed on a permanent foundation on the property;
 2. That the new lot address be clearly posted, so as to be visible from both directions on 239th Street in accordance with Pennington County's Ordinance #20;
 3. That the subject property remains free of debris and junk vehicles;
 4. That the mobile home installed on the property have peaked non-reflective type roofs and wood or simulated wood-type siding that are continually maintained;
 5. That the minimum setback requirements of a General Agriculture District be continually maintained on the property
 6. That two (2) off-street parking spaces be continually provided on the subject property, in accordance with Section 310 of the Pennington County Zoning Ordinance; and,
 7. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Board of Commissioners and/or County Planning Commission to verify that all conditions of approval are being met.
- B. On January 25, 2016, Planning Commission approved the extension of Conditional Use Permit / CU 14-33 with the following eight (8) conditions:
1. 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;
 2. That the lot address continue to be clearly posted, so as to be visible from both directions on 239th Street, in accordance with Pennington County's Ordinance #20;
 3. That the subject property continue to remain free of debris and junk vehicles;
 4. That the mobile home installed on the property continue to have peaked non-reflective type roof and wood or simulated wood-type siding that is continually maintained;
 5. That the minimum setback requirements of a General Agriculture District be continually maintained on the property;
 6. That two (2) off-street parking spaces be continually provided on the subject property, in accordance with Section 310 of the Pennington County Zoning Ordinance;

7. That the ramp/stairs added by the applicant's in 2015, remain unattached to the SWMH and not anchored to the ground, and if the applicant would like to attach or anchor the ramp/stairs or it is found that the applicant has attached or anchored the ramp/stairs, the applicant obtain a Building Permit, with applicable fees prior to doing so; and,
 8. That this Conditional Use Permit be reviewed in three (3) years, on a complaint basis, or as directed by the Pennington County Planning Board of Commissioners and/or County Planning Commission to verify that all Conditions of Approval are being met.
- C. On December 3, 2018, Planning Commission approved Minor Plat / PL 18-41 to create Tract 1 of Ruland Ranch Addition with the following eight (8) conditions:
1. That prior to the Plat being recorded with the Register of Deeds, a minimum eight (8) foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
 2. That prior to the Plat being recorded with the Register of Deeds, the plat continues 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;
 3. That prior to the Plat being recorded with the Register of Deeds, the Certifications on the plat be in accordance with § 400.3(1)(n) of the Pennington County Subdivision Regulations or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
 4. That prior to the Plat being recorded with the Register of Deeds, the plat meets all requirements of § 500.4 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
 5. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
 6. The Landowner is responsible for bringing into compliance any property affected by the creation of Tract 1 of Ruland Ranch Addition;
 7. 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,
 8. That the Landowners sign the Statement of Understanding (SOU) within ten (10) business days of approval of Minor Plat / PL 18-41. The SOU is available at the Planning Office.



Approved lot line reconfiguration.

Applicant's property

III. EXISTING CONDITIONS

- A. 60.14 acres.
- B. Zoned General Agriculture District.
- C. Lot contains:
 1. One (1) 16' x 80' single-wide mobile home (SWMH) Building Permit / COBP14-0589.
 2. One (1) un-anchored approximately 6' x 10' deck with ramp, which does not require a Building Permit.

Agenda Item #3
Larry and Lenora Ruland
January 28, 2019



Image 1: Site photo from 1.22.2019



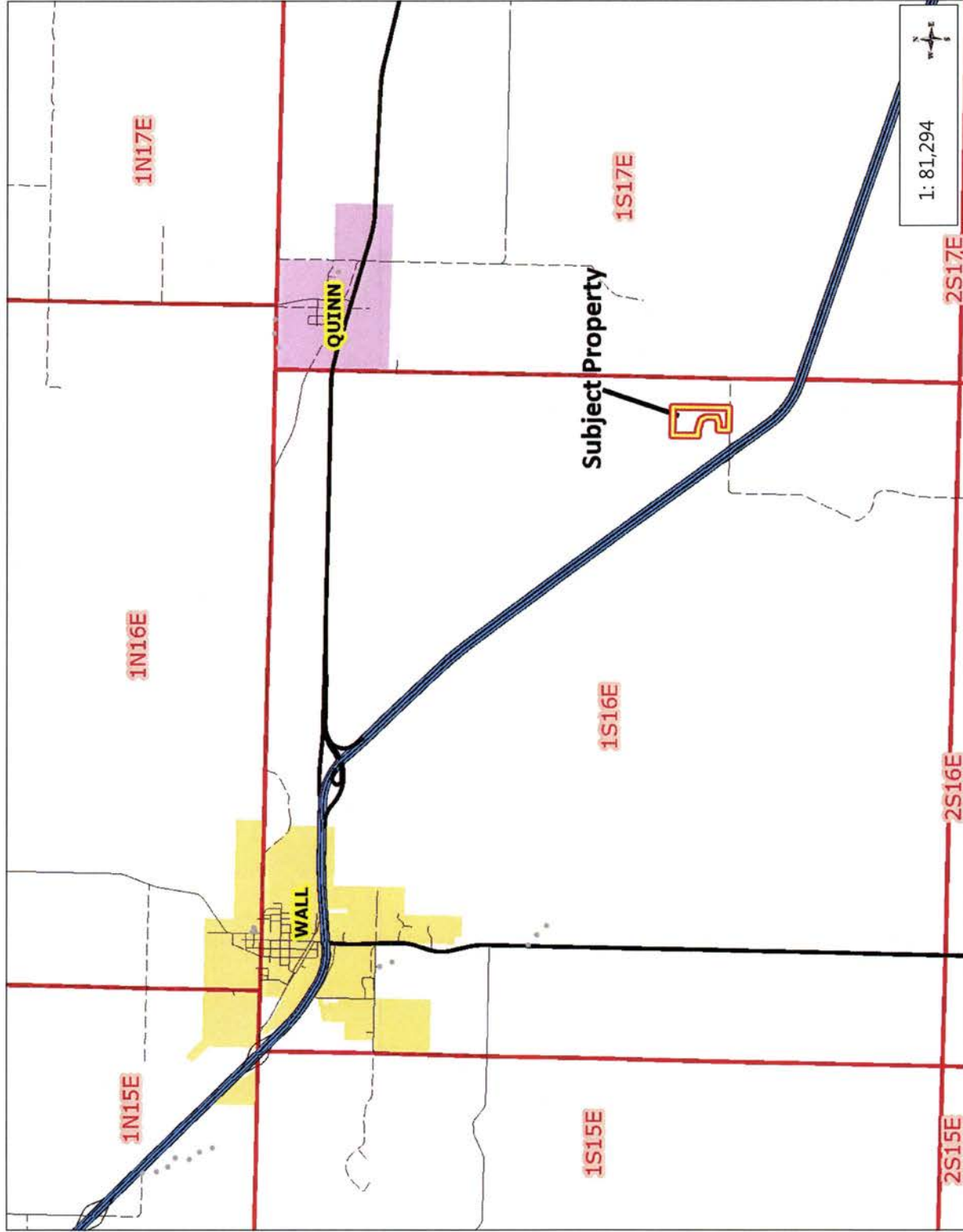
Image 2: Site photo from 1.22.2019

IV. ANALYSIS

- A. January 22, 2019 – Staff performed a site visit to the subject property.
1. Staff found that there was no visible address posted on the single wide mobile home.
 - a. Staff spoke with Mr. Ruland regarding this matter on January 22, 2019 via telephone where he stated that he would post the house numbers by January 25, 2019, and send staff pictures.
 - b. Staff does not have any issues with Conditional Use Permit / CU 14-33 , and will work with the applicant to ensure the property address is posted and visible from both directions on 239th Street.
 2. Staff verified that all other Conditions of Approval were being met.

RECOMMENDATION: Staff recommends approval of the extension of Conditional Use Permit / CU 14-33 with the following eight (8) conditions:

1. 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;
2. That the lot address be clearly posted, so as to be visible from both directions on 239th Street, in accordance with Pennington County's Ordinance #20;
3. That the subject property continue to remain free of debris and junk vehicles;
4. That the mobile home installed on the property continue to have peaked non-reflective type roof and wood or simulated wood-type siding that is continually maintained;
5. That the minimum setback requirements of a General Agriculture District be continually maintained on the property;
6. That two (2) off-street parking spaces be continually provided on the subject property, in accordance with Section 310 of the Pennington County Zoning Ordinance;
7. That the ramp/stairs added by the applicant's in 2015, remain unattached to the SWMH and not anchored to the ground, and if the applicant would like to attach or anchor the ramp/stairs or it is found that the applicant has attached or anchored the ramp/stairs, the applicant obtain a Building Permit, with applicable fees prior to doing so; and,
8. That this Conditional Use Permit be reviewed in three (3) years, on a complaint basis, or as directed by the Pennington County Planning Board of Commissioners and/or County Planning Commission to verify that all Conditions of Approval are being met.



1: 81,294

13,548.9 0 6,774.46 13,548.9 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
- Townships**
- BOX ELDER
 - ELLSWORTH AFB
 - HILL CITY
 - KEYSTONE
 - NEW UNDERWOOD
 - QUINN
 - RAPID CITY
 - WALL
 - WASTA
- City Limits**
-

Map Notes:



1: 15,124

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Legend

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- 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:

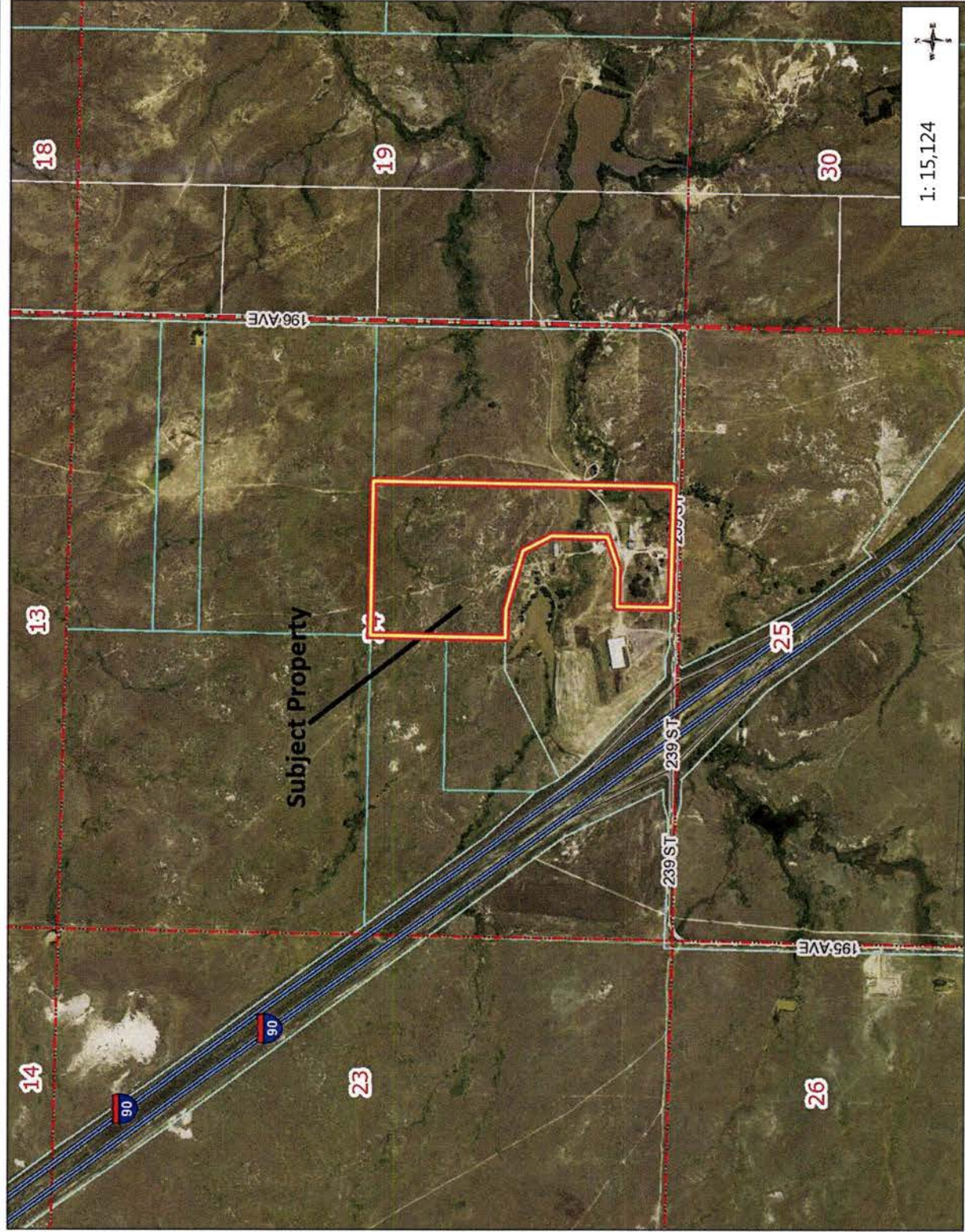
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1,260.36

2,520.7 Feet

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1: 15,124

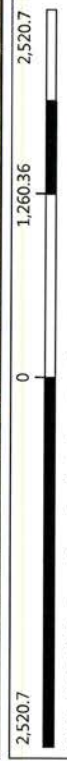
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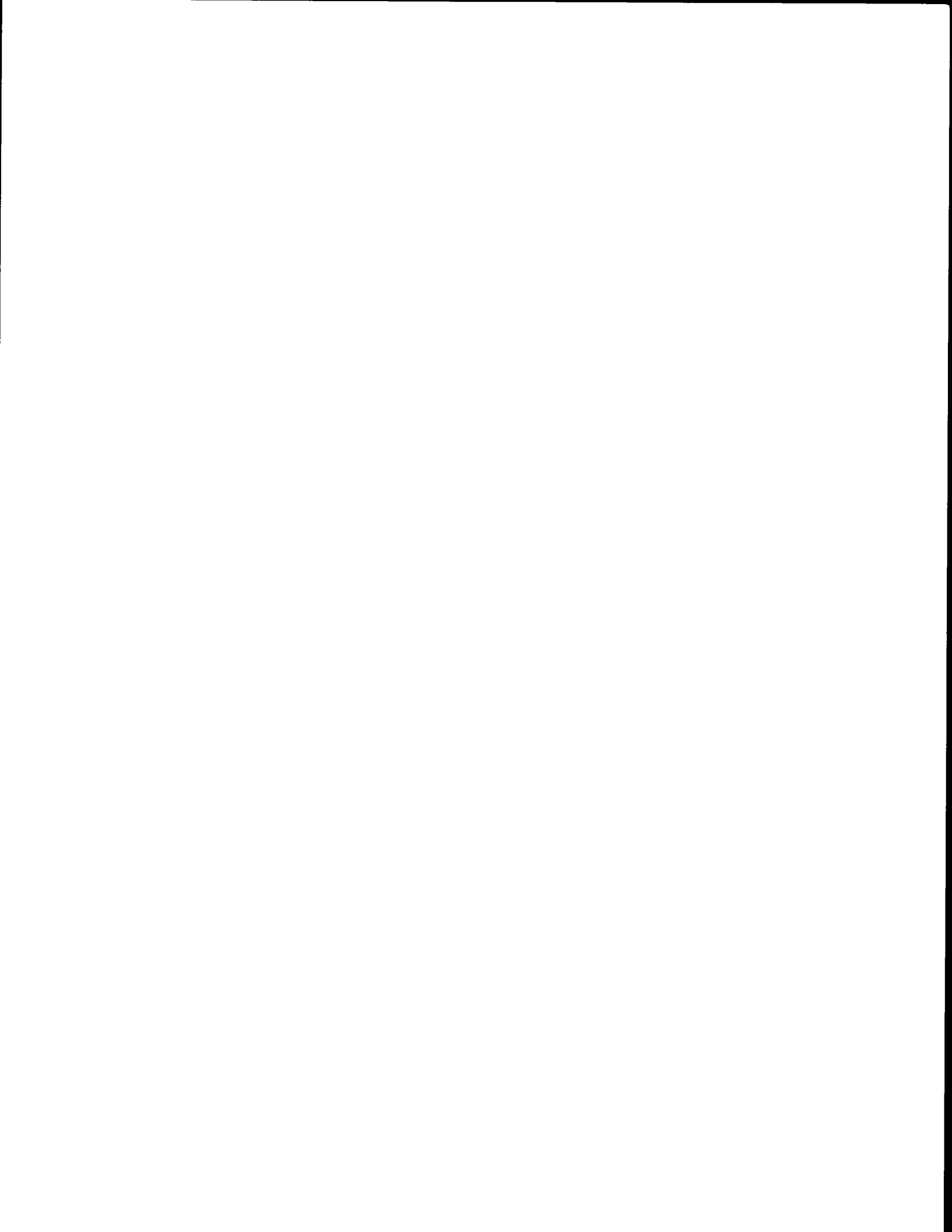
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 - Unimproved road
 - Airport Runway
 - Not yet coded
- Section Lines 0-25k**
- 0
 - 7
- Tax Parcels**
- Lot Lines
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 - Lot Line
 - Parcel Line

Map Notes:

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STAFF REPORT

GENERAL INFORMATION:

REQUEST: **CONDITIONAL USE PERMIT REVIEW/ CU 17-44**: To review a Vacation Home Rental on the subject property in a Low Density Residential District in accordance with Sections 207, 319, and 510 of the Pennington County Zoning Ordinance.

APPLICANT: Jeff Miller

APPLICANT ADDRESS: 23826 Highway 385, Hill City, SD 57745

LOCAL CONTACT: LeeAnn Jensen

LEGAL DESCRIPTION: Tract 1, Annie Lode MS 1721, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

SITE LOCATION: 23826 Highway 385; located off of Highway 16/385, near the Three Forks Intersection.

SIZE: 6.02 acres

TAX ID: 40757

EXISTING LAND USE: Residential

ZONING REFERENCE: Sections 207, 319, and 510

CURRENT ZONING: Low Density Residential District

SURROUNDING ZONING:

North	General Agriculture District Low Density Residential District
South	General Agriculture District
East	General Agriculture District
West	General Agriculture District Highway Service District

PHYSICAL CHARACTERISTICS: Forested

UTILITIES: Private

REPORT BY: Kristina Proietti

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending approval of the extension of Conditional Use Permit / CU 17-44 with fifteen (15) conditions.

II. GENERAL DESCRIPTION

- A. On January 8, 2018, Planning Commission approved Conditional Use Permit / CU 17-44 to allow a Vacation Home Rental in a Low Density Residential District.

III. EXISTING CONDITIONS

- A. Zoned Low Density Residential District, minimum three (3) acre lot size.
B. 6.02 acres.
C. Lot contains:
1. Single-family residence with attached garage - 2010COBP0533.
2. 480 square foot addition to the single-family residence - COBP14-0102.
a. COOP15-0084 – Operating Permit for 1,500 gallon tank with 800 square feet of drainfield.
3. Pole Barn 9000 square feet, Building Permit - COBP14-0103.
a. VA14-10 to reduce rear property line setback from 25' to 6' for Pole Barn.
4. Property is currently listed for sale.

IV. ANALYSIS

- A. On January 8, 2018 Planning Commission approved Conditional Use Permit / CU 17-44 with the following sixteen (16) conditions:
1. That the maximum overnight occupancy, based on SD DENR approval, be limited to eight (8) people and the maximum daytime occupancy be limited to sixteen (16) people, per Pennington County Zoning Ordinance Section 319-F-13;
2. That if an addition is constructed and/or the on-site wastewater treatment system is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DENR;
3. That all necessary permits are obtained prior to any additions to the structure or upgrades/alterations to the on-site wastewater treatment system;
4. That the applicant 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, prior to operation of the Vacation Home Rental;
5. That the applicant 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;
6. That a minimum of four (4) off-street parking spaces 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;
 7. That an interior informational sign 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;
 8. That the lot address (23826 Highway 385) be posted on the residence at all times and at the driveway so that it is clearly visible from both directions of travel on Highway 385, in accordance with Pennington County's Ordinance #20;
 9. That the applicant ensure the Vacation Home Rental is operated in accordance with the requirements of Pennington County Zoning Ordinance Section 319-F (Performance Standards) at all times;
 10. That if the person designated as the Local Contact is ever changed from LeeAnn Jensen, the interior informational sign be updated and the applicant re-notify the Planning Department and surrounding landowners within 500 feet via notices sent by Certified Mail;
 11. 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;
 12. 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;
 13. That the proper permits be obtained prior to utilizing the fire pits on the property and all fire restrictions be followed at all times;
 14. That if the subject property is sold, the applicant must notify the Planning Department at least twenty (20) days prior to the date of the transfer, pay the VHR Conditional Use Permit Review Fee and have the new owner meet all of the conditions of Section 319-C-b or Conditional Use Permit / CU 17-44 end at the time of the sale;
 15. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 17-44, which is available at the Planning Office; and,
 16. 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.

- B. On January 10, 2019 staff met Rich Jensen, Mr. Miller's authorized agent, on the subject property to perform a site visit and found the owner to be in compliance and meeting the Conditions of Approval.
1. Staff noted that there were fire alarms and fire extinguishers located in all rooms, the Vacation Home Rental information sheet was posted in the kitchen, and staff obtained the recent South Dakota Department of Health Lodging License.



Site photo 1/10/2019



Site photo 1/10/2019

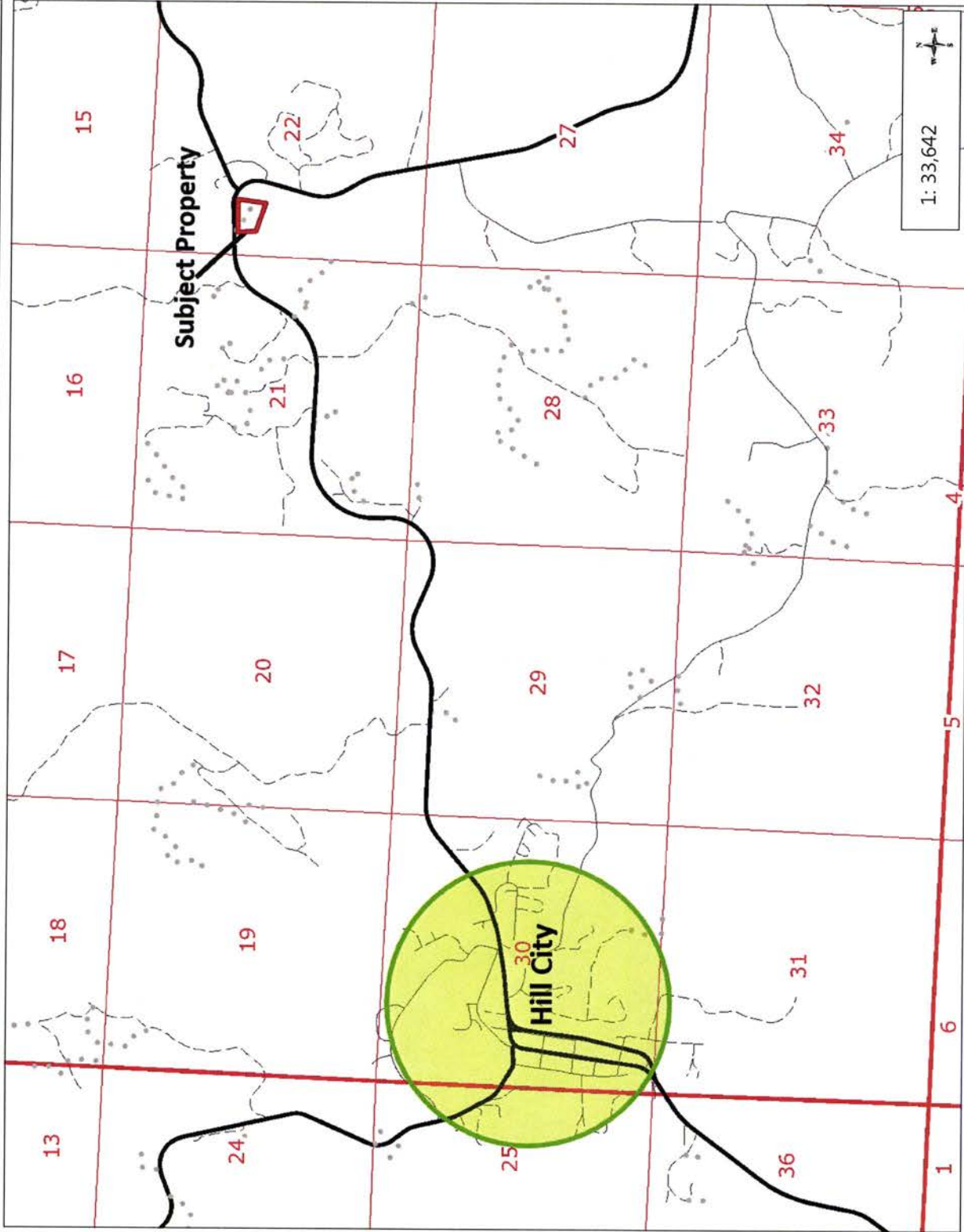


Site photo 1/10/2019.

RECOMMENDATION: Staff recommends approval of the extension of Conditional Use Permit / CU 17-44 with the following fifteen (15) conditions:

1. That the maximum overnight occupancy, based on SD DENR approval, continue to be limited to eight (8) people and the maximum daytime occupancy be limited to sixteen (16) people, per Pennington County Zoning Ordinance Section 319(F)(13);
2. That if an addition is constructed and/or the on-site wastewater treatment system is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DENR;
3. That all necessary permits are obtained prior to any additions to the structure or upgrades/alterations to the on-site wastewater treatment system;
4. That the applicant 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 each year the Vacation Home Rental is in operation;
5. That the applicant 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;

6. 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;
7. 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;
8. That the lot address (23826 Highway 385) continue to be posted on the residence at all times and at the driveway so that it is clearly visible from both directions of travel on Highway 385, in accordance with Pennington County's Ordinance #20;
9. That the applicant ensure the Vacation Home Rental continues to be operated in accordance with the requirements of Pennington County Zoning Ordinance Section 319(F) (Performance Standards) at all times;
10. That if the person designated as the Local Contact is ever changed from LeeAnn Jensen, the interior informational sign be updated and the applicant re-notify the Planning Department and surrounding landowners within 500 feet via notices sent by Certified Mail as stated by requirement §319 (F)(5);
11. 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;
12. 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;
13. That the proper permits be obtained prior to utilizing the fire pits on the property and all fire restrictions be followed at all times;
14. That if the subject property is sold, the applicant must notify the Planning Department at least twenty (20) days prior to the date of the transfer, pay the VHR Conditional Use Permit Review Fee and have the new owner meet all of the conditions of Section 319(C)(b) or Conditional Use Permit / CU 17-44 will end at the time of the sale; and,
15. 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: 33,642

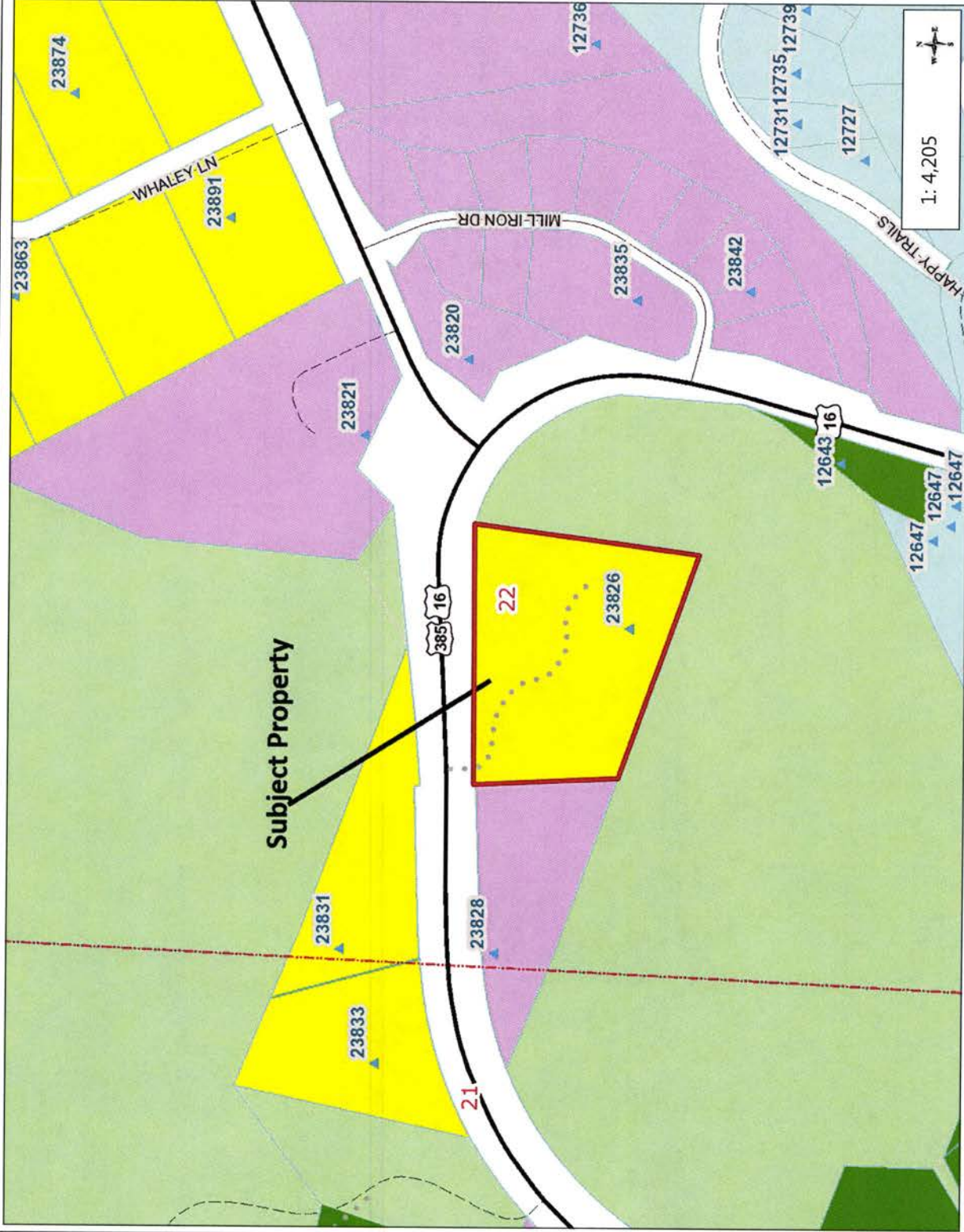
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Legend

- Roads**
- Interstate
 - US highway
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 - KEYSTONE
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 - RAPID CITY
 - WALL
 - WASTA

Map Notes:



Scale: 1: 4,205

700.9 0 350.44 700.9 Feet

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 - Airport Runway
 - Not yet coded
- Address Points**
- 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

Map Notes:



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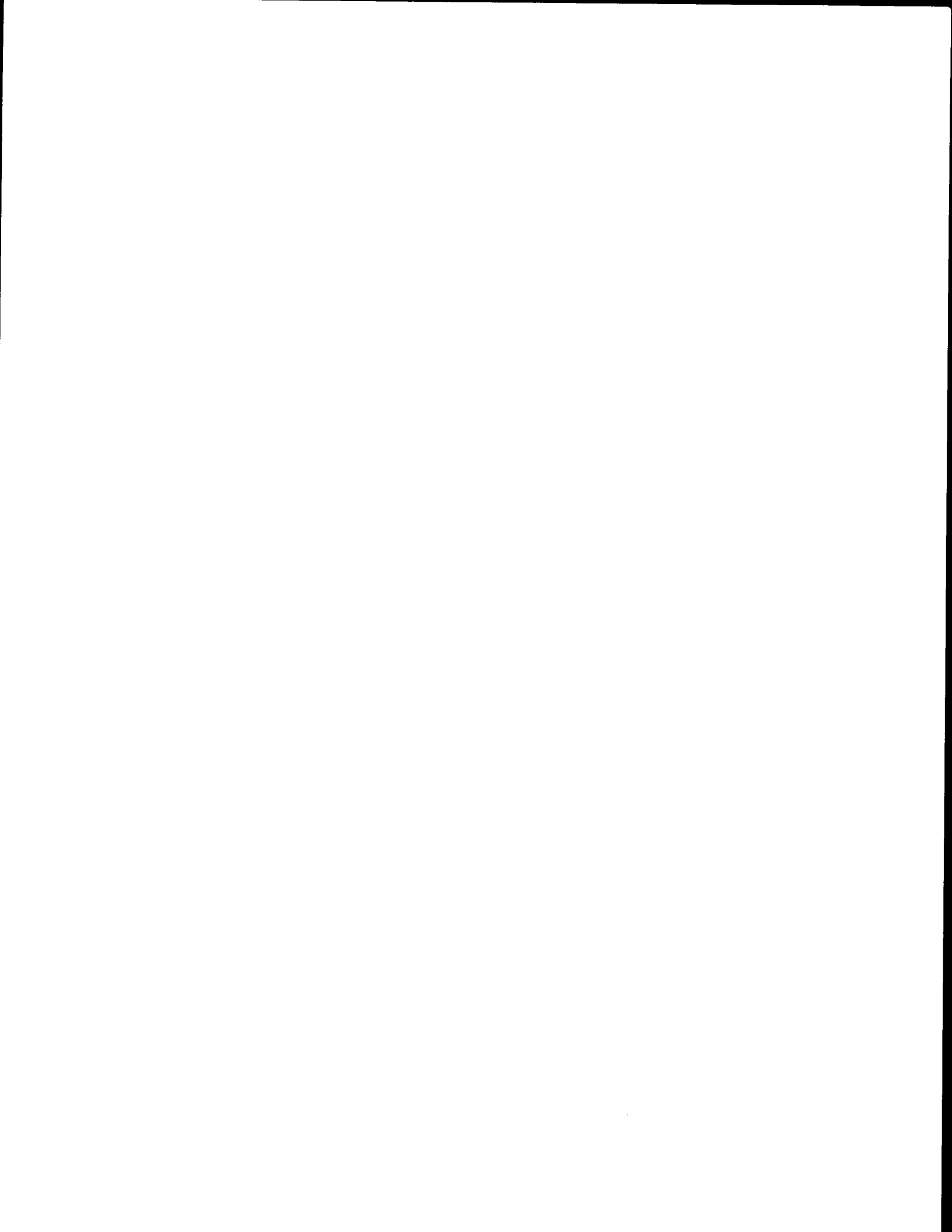
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- Section Lines 0-25k
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 - Lot Line
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Map Notes:

1: 4,205

700.9 0 350.44 700.9 Feet

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STAFF REPORT

GENERAL INFORMATION:

REQUEST: **CONDITIONAL USE PERMIT REVIEW / CU 17-50:** To review a gunsmithing business on the subject property in a Limited Agriculture District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

APPLICANT: Benjamin Shilling

APPLICANT ADDRESS: 14870 229th Street, Rapid City, SD 57703

LEGAL DESCRIPTION: Lot 5, Hidden Springs Ranchettes #2, Section 31, T2N, R9E, BHM, Pennington County, South Dakota.

SITE LOCATION: 14870 229th Street; near the intersection of Aberdeen Court and 229th Street.

SIZE: 8.86 acres

TAX ID: 3206

EXISTING LAND USE: Residential

ZONING REFERENCE: Sections 207 and 508

CURRENT ZONING: Limited Agriculture District

SURROUNDING ZONING:

North	Limited Agriculture District
South	General Agriculture District
East	Limited Agriculture District
West	City Limits of Box Elder

PHYSICAL CHARACTERISTICS: Flat

UTILITIES: Private

REPORT BY: Cody Sack

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending to continue the review of Conditional Use Permit / CU 17-50 to the February 25, 2019, Planning Commission Meeting, with the applicant's concurrence.

II. GENERAL DESCRIPTION

- A. January 22, 2018 – The Planning Commission approved Conditional Use Permit / CU 17-50 with the following fourteen (14) conditions:
1. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored, which requires a site plan to be reviewed and approved by the Planning Director;
 2. That the gunsmithing and service business shall be operated completely within the existing detached shop;
 3. That no business sign be posted on the property;
 4. That no on-premise retail sales be allowed;
 5. That the home occupation, including all associated storage, be conducted entirely indoors;
 6. That the applicant comply 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;
 7. That the address be properly posted on both the residence and at the approach so it is visible in both directions from 229th Street in accordance with Pennington County's Ordinance #20;
 8. That the applicant maintains an Excise Sales Tax License as required by the South Dakota Department of Revenue;
 9. 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;
 10. That reasonable 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;
 11. That the applicant takes reasonable measures to prevent the disposal of materials into the on-site wastewater treatment system;
 12. That the Conditional Use Permit shall be revoked upon sale or transfer of the subject property;
 13. This Conditional Use Permit is not valid until the Statement of Understanding, which is available at the Planning Office, has been signed by the applicant; and,
 14. That this Conditional Use Permit be reviewed in one (1) year, or on a complaint basis, or as deemed necessary by the Planning Commission or Board of Commissioners to verify that all conditions of approval are being met.

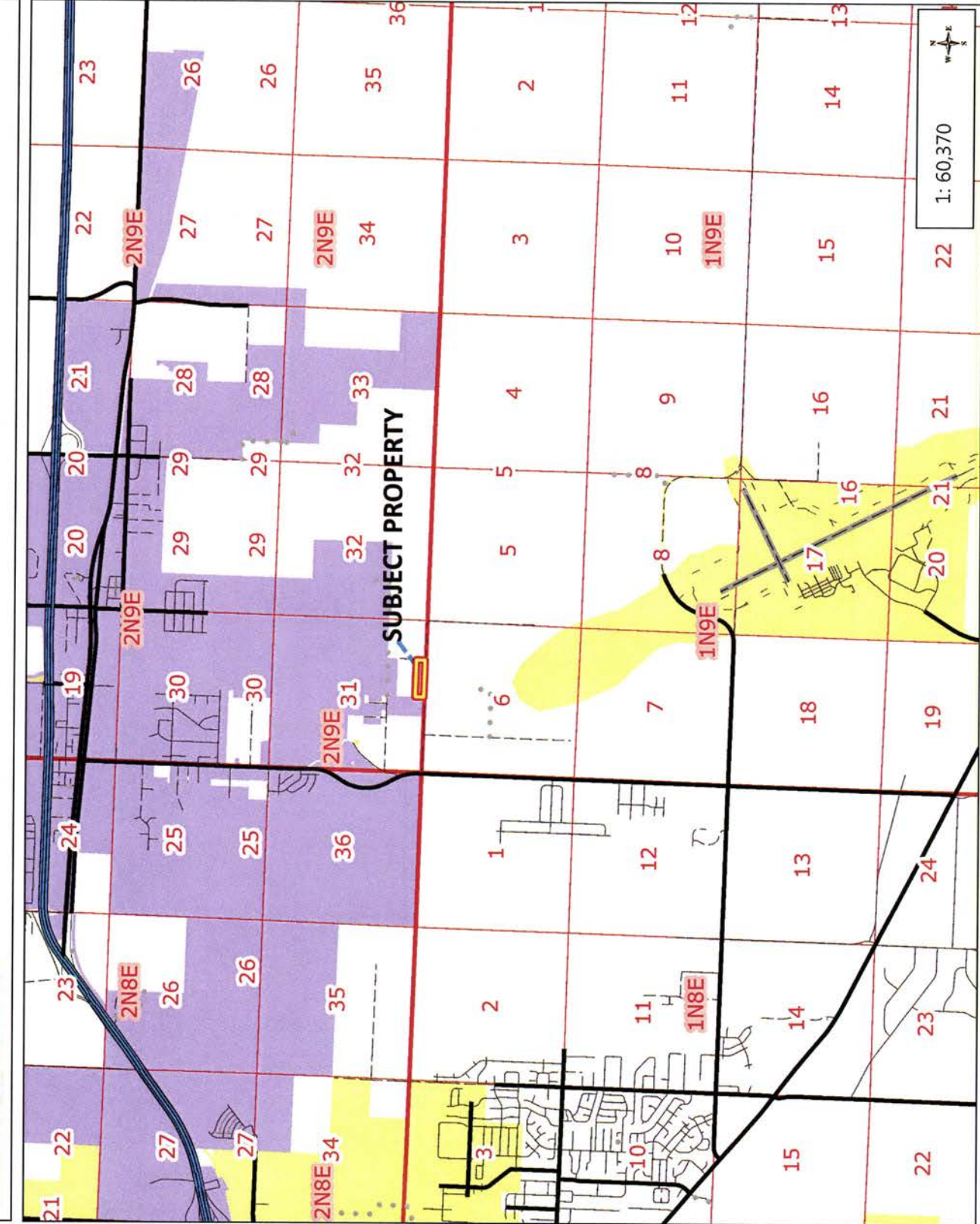
III. EXISTING CONDITIONS

- A. Zoned Limited Agriculture District; minimum lot size 10 acres.
- B. 8.86 acres.
- C. Lot contains:
 - 1. 14' x 70' Single-wide mobile home (SWMH) (2000COBP0355) with various deck additions (2010COBP0386, COBP15-0547).
 - 2. Storage shed (2002COBP0036).
 - 1. Proposed site for gunsmithing business.
 - 3. 70' Windbreak (2010COBP0359).
 - 4. On-site wastewater treatment system (2000COSD0055) with 1,500 gallon tank and drainfield.
 - 1. Current City Operating Permit (CIOSW16-0013).

I. ANALYSIS

- A. January 21, 2019 – Staff was in contact with applicant who stated:
 - 1. Started the business around March 2018.
- B. January 23, 2019 – Staff performed a site visit and found:
 - 1. Gunsmith shop was located completely within a detached garage.
 - 2. No orders or noises could be detected outside.
 - 3. The gunsmith shop is behind 2 locked doors and there is a safe located inside the shop.
 - 4. The applicant provided staff with a copy of the businesses ATF license.
 - a. Type 07.
 - b. License number 3-46-103-07-1C-01555.
 - c. Expires 03/01/2021.
 - 5. Staff still required a copy of the applicants Excise Sales Tax License.
- C. January 24, 2019 – Staff contacted applicant regarding Condition #8:
 - 1. Staff informed the applicant:
 - a. Condition #8 would need to be met before staff would recommend approval.
 - b. Staff informed the applicant that CU 17-50 will be continued to the February 25, 2019, Planning Commission meeting to allow him time to meet Condition #8
 - 2. Applicant said he would get his Excise Sales Tax License and provide a copy to the Planning Department.

RECOMMENDATION: Staff recommends to continue the review of Conditional Use Permit / CU 17-50 to the February 25, 2019, Planning Commission Meeting, with the applicant's concurrence.



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- 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: 60,370





1: 1,887

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

Section Lines 0-25k

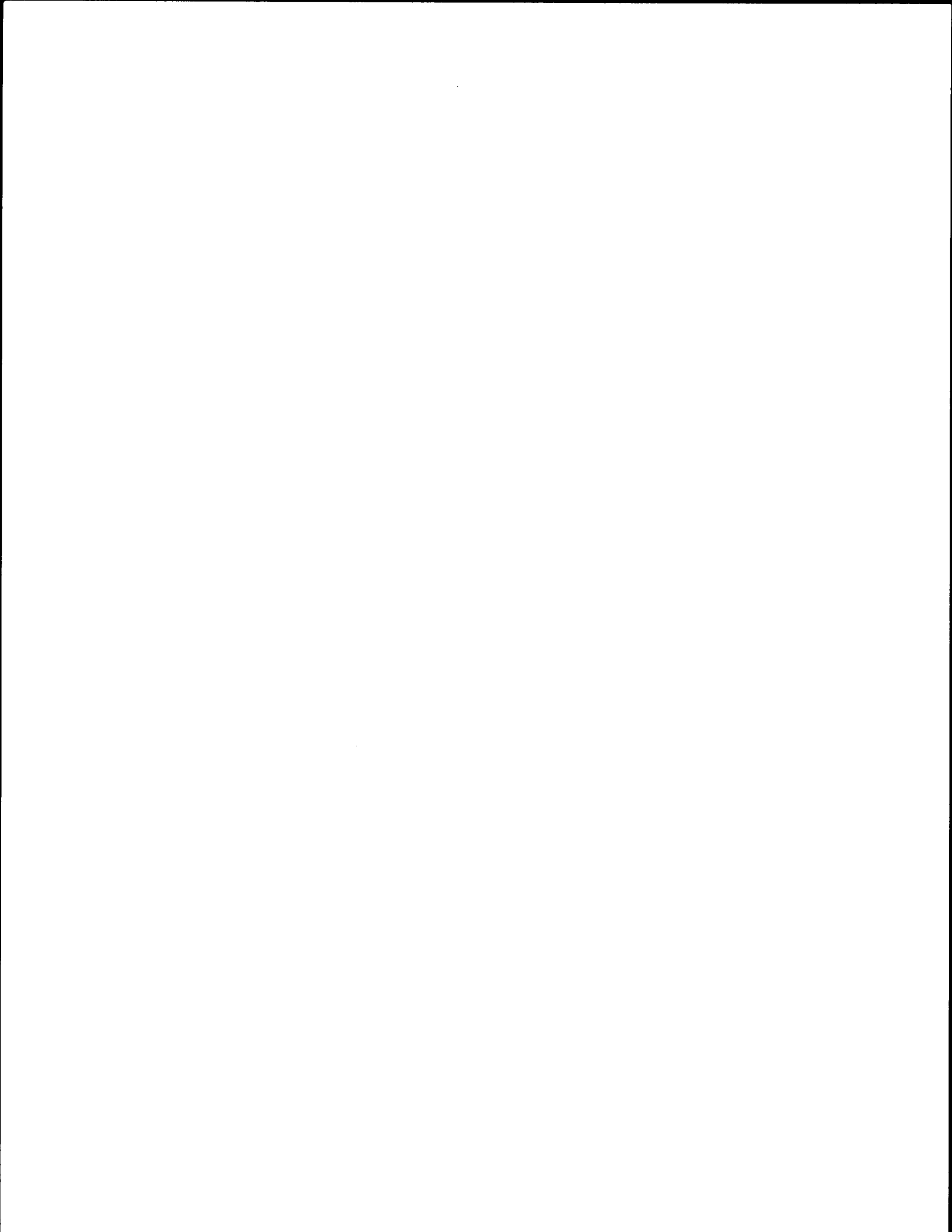
- 0
- 7

Tax Parcels

Lot Lines

- <Null>
- Lot Line
- Parcel Line

Map Notes:



STAFF REPORT

GENERAL INFORMATION:

REQUEST: **REZONE / RZ 18-12 AND COMPREHENSIVE PLAN AMENDMENT / CA 18-11:** To rezone 19.419 acres from General Agriculture District to General Commercial District, for proposed Lot 1, and to rezone 1.953 acres from General Agriculture District to General Commercial District, for proposed Lot 2, and to amend the Comprehensive Plan to change the Future Land Use from Low Density Residential District to General Commercial District in accordance with Sections 205, 207, 209, and 508 of the Pennington County Zoning Ordinance.

APPLICANT: Borglum Historical Center, Inc. / Duane Pankratz

APPLICANT ADDRESS: P.O. Box 876, Keystone, SD 57751

AGENT: Ken Nash

AGENT ADDRESS: P.O. Box 876, Keystone, SD 57751

SURVEYOR: Renner & Associates

SURVEYOR ADDRESS: 616 Sixth Street, Rapid City, SD 57701

LEGAL DESCRIPTION: Located on the following metes and bounds description for proposed Lot 1: Commencing at the Section ¼ Corner common to Sections 13 and 14, T1S, R6E, BHM, common to the northeasterly corner of Lot 13 of Stratmeyer Addition, and common to the southwesterly corner of Lot 4 Revised of Stratmeyer Addition, and the point of beginning; Thence, first course: N 89°28'35" E, along the section ¼ line of said Section 13, common to the southerly boundary of said Lot 4 Revised, a distance of 788.89', to the southeasterly corner of said Lot 4 Revised, common to the southwesterly corner of Lot 9 of Stratmeyer Addition; Thence, second course: N 89°16'43" E, along the section ¼ line of said Section 13, common to the southerly boundary of said Lot 9, a distance of 150.29', to the southeasterly corner of said Lot 9, common to the southwesterly corner of Lot 5 of Stratmeyer Addition; Thence, third course: N 89°27'28" E, along the section ¼ line of said Section 13, common to the southerly boundary of said Lot 5, a distance of 378.55', to the southeasterly corner of said Lot 5, common to a point on the Section 1/16th Line, common to a point on the westerly boundary of Lot 1 of BTP Subdivision; Thence, fourth course: S 00°05'41" E, along the said Section 1/16th line, common to the westerly boundary of said Lot 1, a distance of 107.12, to the

Agenda Item #6

Borglum Historical Center, Inc., Duane Pankratz; Ken Nash – Agent
January 28, 2019

southwesterly corner of said Lot 1, common to a point on the northerly edge of US Highway 16 right-of-way; Thence, fifth course: S 40°55'54" W, along the northerly edge of said right-of-way, a distance of 176.94'; Thence, sixth course: N 49°04'06" W a distance of 57.00'; Thence, seventh course: S 40°55'54" W a distance of 252.61'; Thence, eighth course: S 47°32'31" W a distance of 471.73'; Thence, ninth course: S 58°43'08" W a distance of 359.10'; Thence, tenth course: S 62°31'10" W a distance of 383.76', to a point on the section line common to said Sections 13 and 14, common to a point on the easterly boundary of Tract A Revised of Hull Subdivision; Thence eleventh course: N 00°07'28" E, along the section line common to said Sections 13 and 14, common to the easterly boundary of said Tract A Revised, a distance of 402.40, to the northeasterly corner of said Tract A Revised; Thence twelfth course: N 00°01'51" W, along the section line common to said Sections 13 and 14, a distance of 150.60', to the southeasterly corner of said Lot 13; Thence thirteenth course: N 00°08'21" E, along the section line common to said Sections 13 and 14, common to the easterly boundary of said Lot 13, distance of 510.62', to the said point of beginning. Said Parcel contains 19.419 acres more or less, Section 13, T1S, R6E, BHM, Pennington County, South Dakota.

LEGAL DESCRIPTION: Located on the following metes and bounds description for proposed Lot 2: Commencing at the southwesterly corner of Tract A Revised of Hull Subdivision, common to a point on the section line common to Sections 13 and 14, T1S, R6E, BHM, and the point of beginning; Thence, first course: N 00°07'28" E, along easterly boundary of said Tract A Revised, common to said section line, a distance of 64.32'; Thence, second course: N 62°31'10" E a distance of 383.76'; Thence, third course: N 58°43'08" E a distance of 359.10'; Thence, fourth course: N 47°32'31" E a distance of 471.73'; Thence, fifth course: N 40°55'54" E a distance of 252.61'; Thence, sixth course: S 49°04'06" E a distance of 57.00', to a point on the northerly edge of US Highway 16 right-of-way; Thence, seventh course: S 40°55'54" W, along the northerly edge of said right-of-way, a distance of 255.91'; Thence, eighth course: S 47°32'31" W, along the northerly edge of said right-of-way, a distance of 480.60'; Thence, ninth course: S 58°43'08" W, along the northerly edge of said right-of-way, a distance of 366.57'; Thence, tenth course: S 62°31'10" W, along the northerly edge of said right-of way, a distance of 415.46', to the said point of beginning. Said Parcel contains 1.953 acres more or less, Section 13, T1S, R6E, BHM, Pennington County, South Dakota.

SITE LOCATION:	Located off of S. Highway 16 and Pine Haven Drive.
SIZE:	Proposed Lot 1 (19.419 acres) and Proposed Lot 2 (1.953 acres)
TAX ID:	12988
EXISTING LAND USE:	Vacant / Signs / Billboards
ZONING REFERENCE:	Sections 205 and 509

Agenda Item #6
Borglum Historical Center, Inc., Duane Pankratz; Ken Nash – Agent
January 28, 2019

CURRENT ZONING: General Agriculture District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Open Meadow / Forested

UTILITIES: None / Billboards

REPORT BY: Brittney Molitor

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending approval of Rezone / RZ 18-12 and Comprehensive Plan Amendment / CA 18-11.

II. GENERAL DESCRIPTION

- A. The applicant's agent, Ken Nash, has applied for a Rezone and Comprehensive Plan Amendment to rezone 19.419 acre and 1.953 acre lots to General Commercial District
- B. The applicant is in the process of subdividing the subject property into these two (2) lots.

III. EXISTING CONDITIONS

- A. Zoned General Agriculture District.
 1. Future Land Use Zoning is Low Density Residential District.
- B. 21 acres.
- C. Currently vacant with the exception of six (6) billboards (single-face) located on the subject property.
 1. Size, distance apart, and setbacks are considered legal non-conforming.



Existing lot

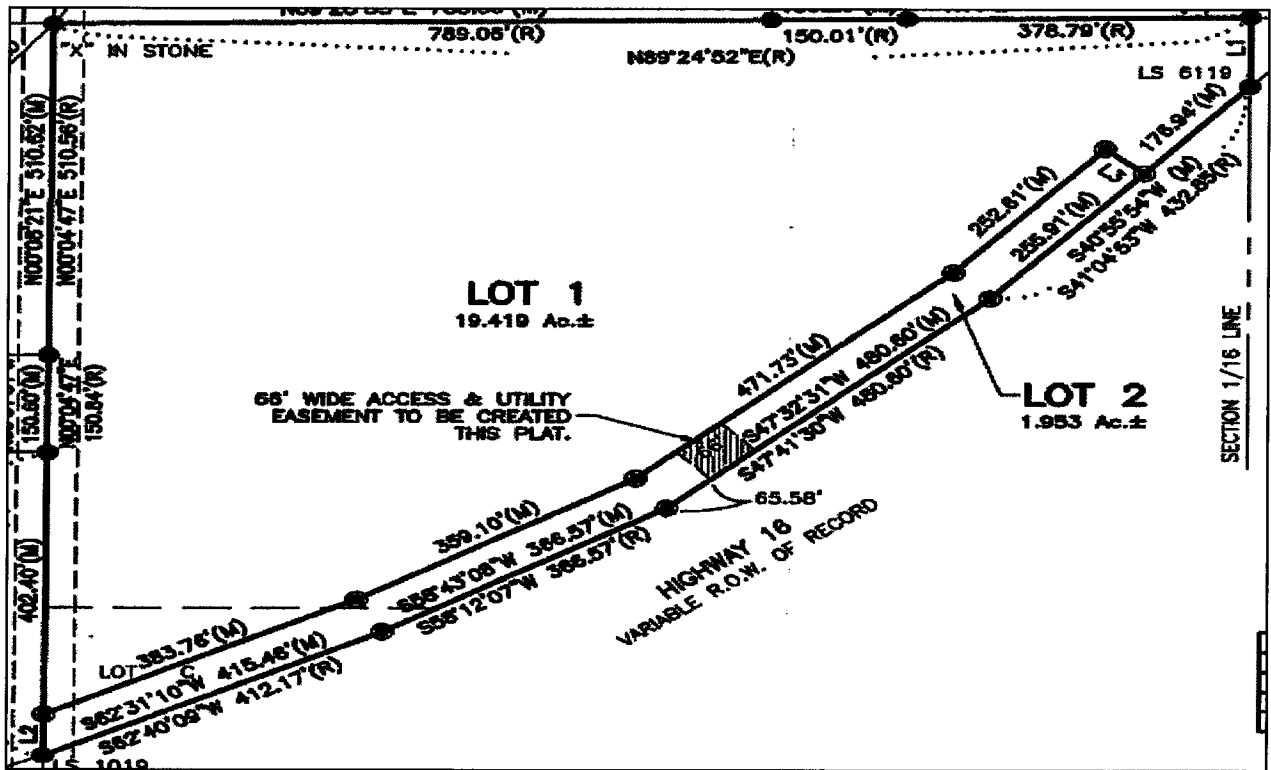
IV. PROPOSED LOTS (Minor Plat / PL 18-38)

- A. Lot 1 of Borglum Subdivision
 - 1. 19.419 acres ±.
 - 2. Zoned General Agriculture District.
 - a. Does not meet the minimum lot size requirement for a General Agriculture District, per § 205 of the Pennington County Zoning Ordinance (PCZO).
 - b. A Rezone and Comprehensive Plan Amendment *or* Lot Size Variance will be required.
 - 3. Access off of Pine Haven Road.
 - a. Within the Pine Haven Road District.
 - 4. Vacant of any structure(s).
- B. Lot 2 of Borglum Subdivision
 - 1. 1.953 acres ±.
 - 2. Zoned General Agriculture District.
 - a. Does not meet the minimum lot size requirement for a General Agriculture District, per § 205 of the Pennington County Zoning Ordinance (PCZO).
 - b. A Rezone and Comprehensive Plan Amendment *or* Lot Size Variance will be required.
 - 3. Access off of Section Line Right-of-Way and 66' wide Access and Utility Easement created by the proposed Plat.
 - 4. Contains the six (6) existing billboards.

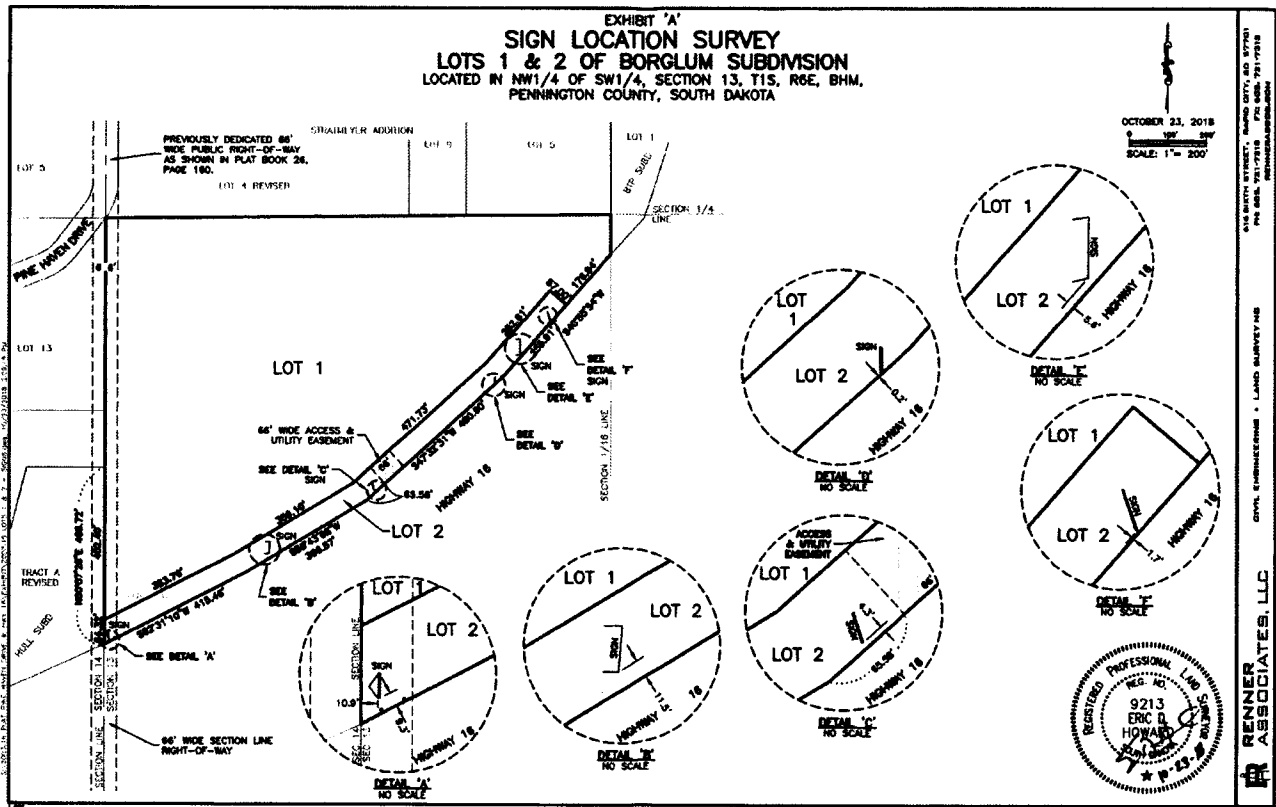
Agenda Item #6

Borglum Historical Center, Inc., Duane Pankratz; Ken Nash – Agent

January 28, 2019



Proposed Subdivision (Renner Associates 10.23.2018)

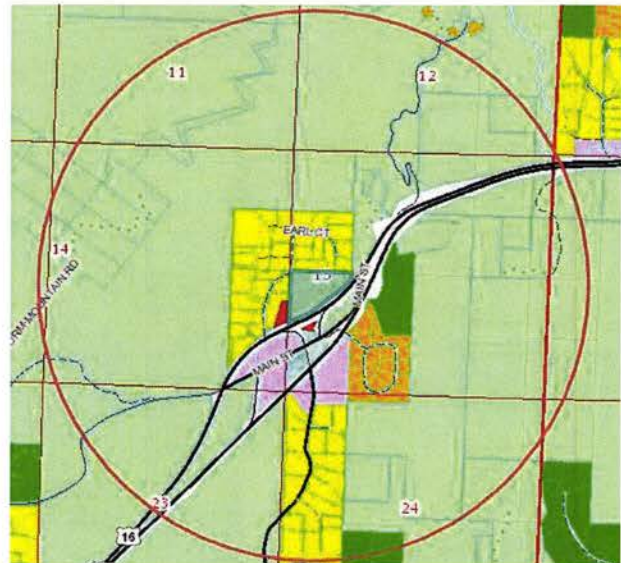


V. REQUEST FOR COMMENT (FROM MINOR PLAT / PL 18-38)

- A. County Highway Department
 - 1. Highway Department has no comments on any of the requests.
- B. County Fire Administrator
 - 1. No comments received.
- C. County Ordinance Enforcement
 - 1. Ordinance Enforcement has no objection.
- D. Environmental Planning Supervisor
 - 1. There is no Special Flood Hazard Area on the subject property.
- E. County Environmental Planner
 - 1. I have no concerns with the current proposal.
- F. County Addressing Coordinator
 - 1. No addressing concerns with this request. All current and future addresses must be posted in accordance with Pennington County Ordinance #20.
- G. County Register of Deeds
 - 1. Proposed subdivision name and lots are acceptable.
 - 2. Plat heading on the plat to be recorded will need the “formerly” sentence.
 - a. *Staff Comment: This will be included as a Condition of Approval.*
- H. County Department of Equalization
 - 1. This plat looks ok.
- I. Emergency Services (9-1-1)
 - 1. No concerns here at this time.
- J. Black Hills Electric Cooperative
 - 1. No comments received.

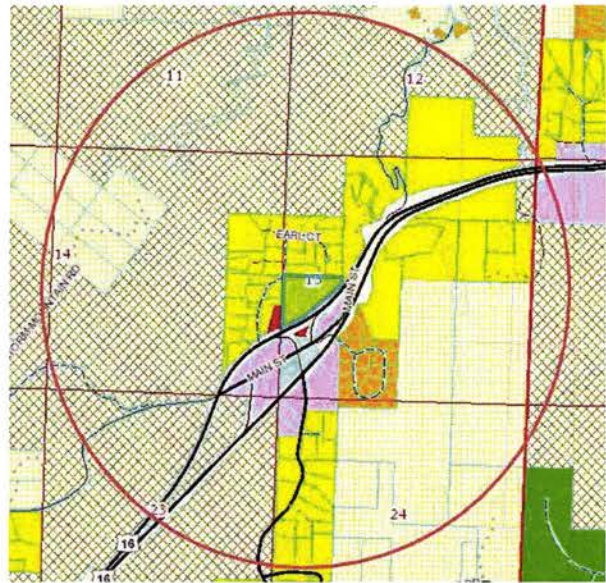
VI. SURROUNDING CURRENT ZONING WITHIN 1 MILE OF THE SUBJECT PROPERTY

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



VII. SURROUNDING FUTURE LAND USE ZONING WITHIN 1 MILE OF THE SUBJECT PROPERTY

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



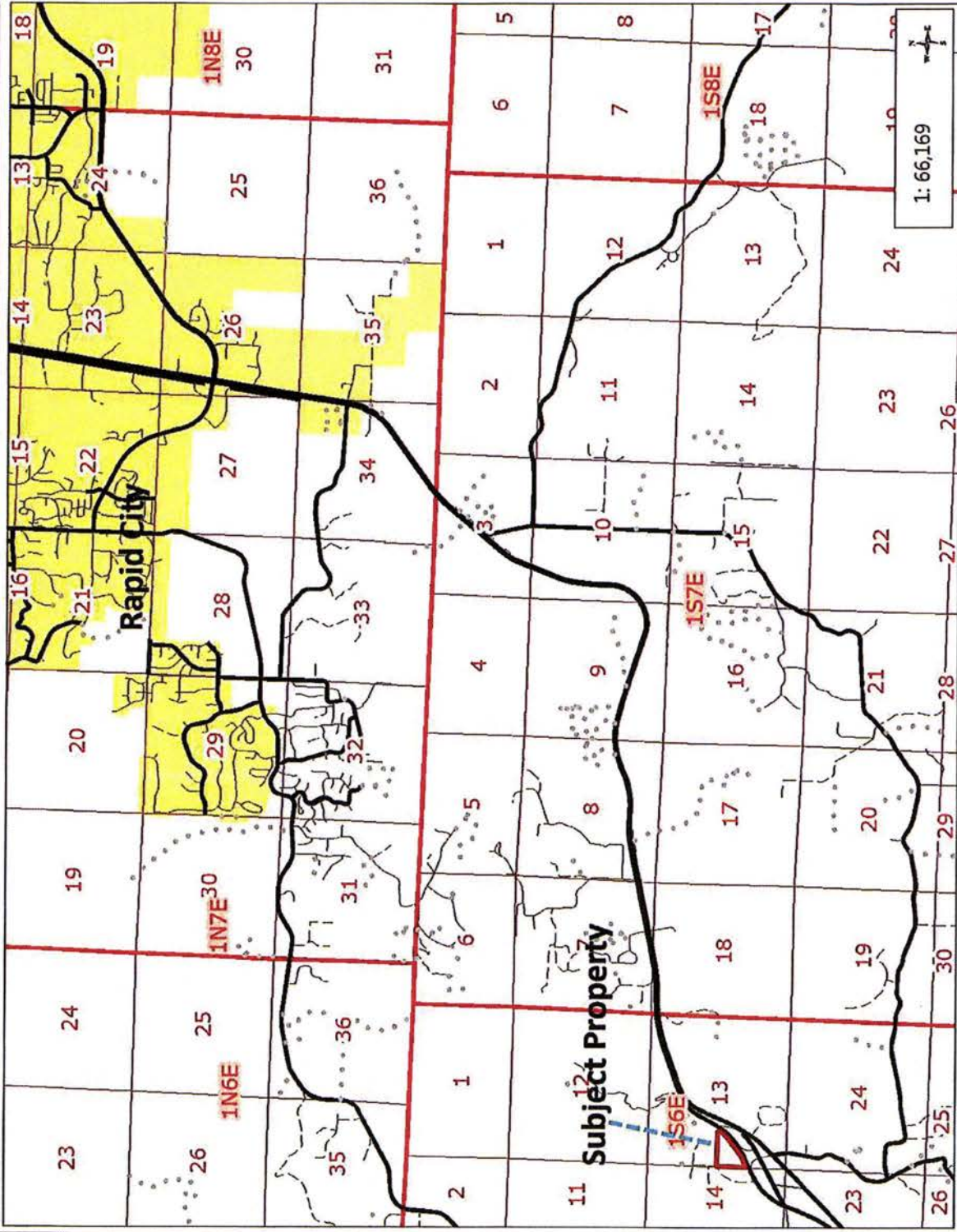
VIII. GENERAL COMMERCIAL DISTRICT

- A. The lot size of proposed Lot 1 is adequate to provide an approved water and sewer system and area for necessary off-street parking.
- B. The lot size of proposed Lot 2 is adequate to provide an approved water and sewer system and area necessary for off-street parking; however, due to the shape of the lot, limited access (undeveloped Section Line Right-of-Way and restricted access from South Highway 16) and location of existing billboards, it would be challenging to develop this lot for uses outside of the placement of billboards.
- C. Examples of Permitted Uses in a General Commercial District (not exhaustive, just for illustration):
 - 1. Retail establishments, including incidental manufacturing of goods for sale at retail on the premises, when conducted entirely in an enclosed building.
 - 2. The storage, display, and sale of new; used; repossessed and traded-in merchandise, when conducted entirely in an enclosed building.
 - 3. Barber and beauty shops and schools.
 - 4. Cleaning, dyeing, laundry, pressing, dressmaking, tailoring, and garment and shoe repair shops.
 - 5. Medical and/or dental clinics or offices and hospitals.
 - 6. Hotels, motels, rooming and boarding houses.
 - 7. Clubs and lodges.
 - 8. Eating and drinking establishments.
 - 9. Offices, studios, clinics, and laboratories.

IX. ANALYSIS

- A. On December 4, 2018, Minor Plat / PL 18-38 was approved by the Board of Commissioners with the following ten (10) 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, the Plat heading be corrected to include the “formerly” sentence, per Register of Deeds comments;
 3. That upon filing the Plat with the Register of Deeds, eight (8) foot minor drainage and utility easements continue to be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
 4. That upon filing the Plat with the Register of Deeds, the applicant submits percolation tests and soil profile information for the proposed lots, to be reviewed and approved by the County Environmental Planner, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
 5. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
 6. That existing and future addresses be properly posted on structures in accordance with Pennington County’s Ordinance #20;
 7. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
 8. That upon filing the Plat with the Register of Deeds, the plat meets all other applicable requirements of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
 9. That the applicant signs the Statement of Understanding (SOU) within ten (10) business days of approval of Minor Plat / PL 18-38. The SOU is available at the Planning Office; and,
 10. That approval of this Minor Plat does not constitute approval of any further applications to be submitted for the above-described property.
- B. Lot Size Variance / VA 18-18 for these properties was denied by the Board of Commissioners on December 4, 2018.
- C. General Commercial District abuts the subject property and exists across South Highway 16.
1. Rockerville Lodge and Cabins – Motel/Hotel (abuts).
 - a. 3.41 acres.
 2. Vacant – Across the Highway.
 - a. 1.13 acres.

RECOMMENDATION: Staff recommends approval of Rezone / RZ 18-12 and Comprehensive Plan Amendment / CA 18-11.



11,028.2 0 5,514.10 11,028.2 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.

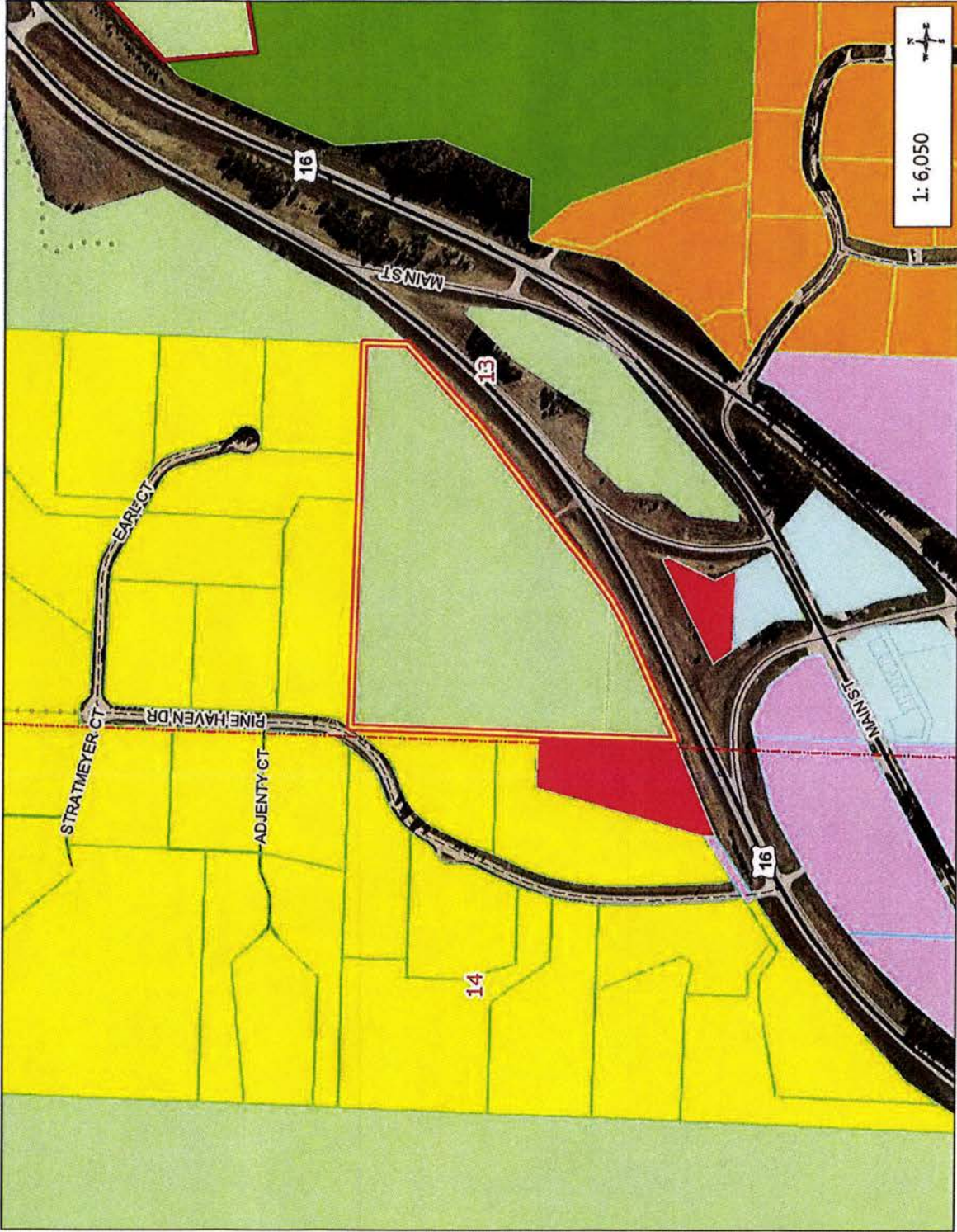
NAD_1983_2011_StatePlane_South_Dakota_FIPS_4002_Ft_US
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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Legend

- Roads**
- Interstate
 - US highway
 - SD highway
 - County highway
 - Main road
 - Minor arterial
 - Collector
 - Ramp
 - Paved road
 - Unpaved road
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 - ELLSWORTH AFB
 - HILL CITY
 - KEYSTONE
 - NEW UNDERWOOD
 - QUINN
 - RAPID CITY
 - WALL
 - WASTA

Map Notes:



1: 6,050

1,008.3 504.15 1,008.3 Feet

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NAD_1983_2011_StatePlane_South_Dakota_South_FIPS_4002_Ft_US
 © City of Rapid City GIS

Legend

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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

Pennington County Zoning

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

Map Notes:



1: 3,025

504.1 0 252.07 504.1 Feet

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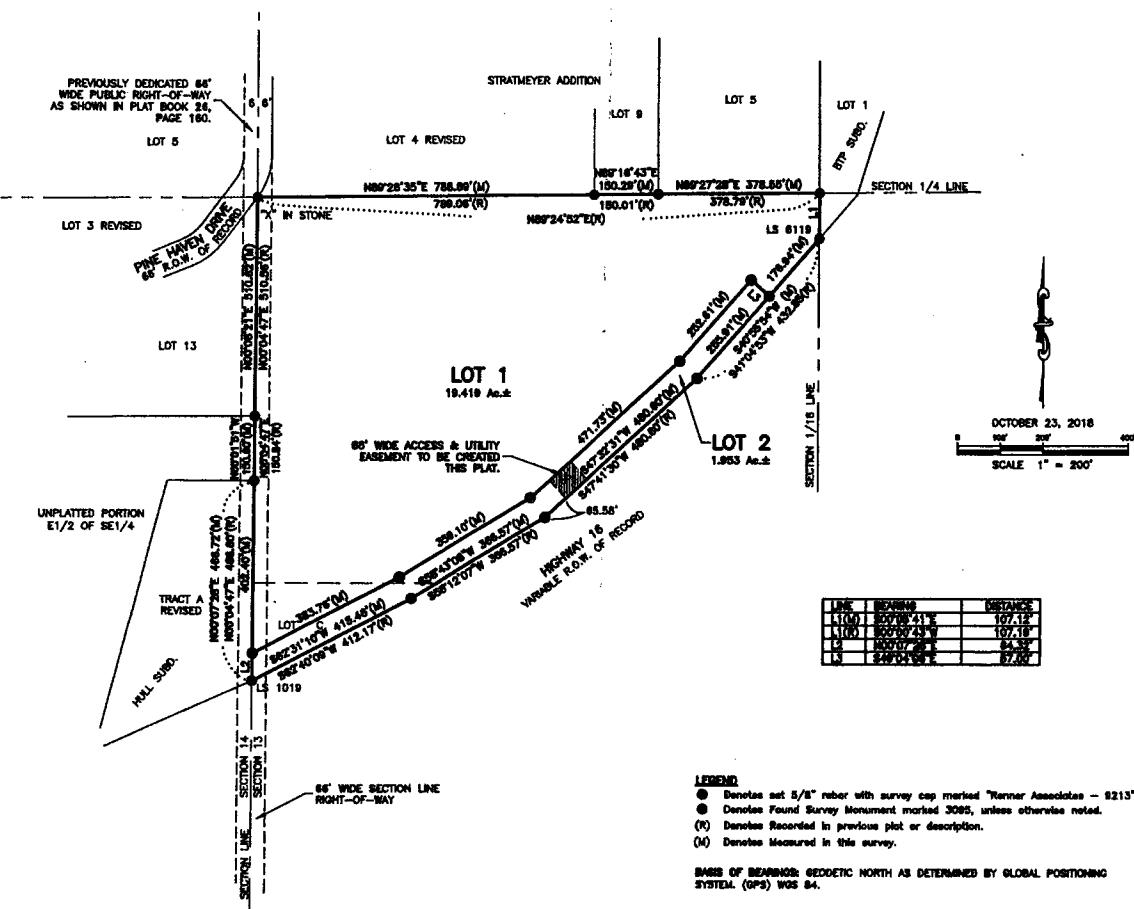
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Map Notes:

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 - 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

LOTS 1 & 2 OF BORGLUM SUBDIVISION
 (formerly the NW1/4 of SW1/4 & a portion of Lot C of the NW1/4 of SW1/4, Section 13, T1S, R6E, BHM)
 LOCATED IN SECTION 13, T1S, R6E, BHM,
 PENNINGTON COUNTY, SOUTH DAKOTA



OCTOBER 23, 2018
 SCALE 1" = 200'

LINE	BEARING	DISTANCE
11(1)	S20°22'21\"	107.12
11(2)	S20°22'23\"	107.12
12	S89°25'35\"	84.56
13	S20°22'21\"	87.00

LEGEND
 ● Denotes set 5/8" rebar with survey cap marked "Turner Associates - 8213".
 ● Denotes Found Survey Monument marked 3085, unless otherwise noted.
 (R) Denotes Recorded in previous plat or description.
 (M) Denotes Measured in this survey.

BASE OF BEARINGS: GEODETIC NORTH AS DETERMINED BY GLOBAL POSITIONING SYSTEM. (GPS) WAS 84.

FLOODPLAIN STATEMENT
 THE 100-YEAR FLOODPLAIN BOUNDARY DELINEATED ON THIS PLAT IS BASED ON THE ELEVATIONS IDENTIFIED IN THE FLOOD INSURANCE STUDY AND MAPS DATED JUNE 3, 2013. THESE ELEVATIONS MAY BE ALTERED THROUGH THE SUBMISSION OF A LETTER OF MAP REVISION OR LETTER OF MAP AMENDMENT APPROVED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

WATER PROTECTION STATEMENT
 PURSUANT TO SDCL 11-3-8.1 AND 11-3-8.2, 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 SUBDIVISIONS, 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 OWNERSHIP
 State of South Dakota
 County of Pennington S.S.

We, the undersigned, do hereby certify that we are the owners of the land shown and described hereon, that the survey was done at our request for the purpose indicated hereon; that we 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, 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, but such dedication shall not be construed to be a donation of the fee of such land.

In witness whereof, we have set our hand and seal.
 OWNERS: BORGLUM HISTORICAL CENTER, INC.

BY: _____
 Duane C. Penkreitz, President

On the _____ day of _____, 20____, before me, a Notary Public, personally appeared Duane C. Penkreitz, known to me to be the person described in the foregoing instrument and acknowledged to me that he signed the same.

NOTARY PUBLIC: _____
 My commission expires: _____

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 DIRECTOR OF EQUITIZATION
 I, Director of Equitization 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 _____, 20____.

 Director of Equitization of Pennington County

APPROVED: _____ Date: _____



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

I, Eric D. Howard, Registered Land Surveyor No. 8213 in the State of South Dakota, do hereby certify that, at the request of the owners 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 easements that are not known to me are not shown hereon.

In witness whereof, I have hereunto set my hand and seal.
 Eric D. Howard, Registered Land Surveyor Date: _____

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 _____, 20____, the County Commissioners by resolution did approve the plat as shown and described.

CERTIFICATE OF STATE 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.

Dated this _____ day of _____, 20____.

 Highway Authority 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 Bookment Number _____

 Register of Deeds of Pennington County Fee: \$ _____

FILED: PENE, UNRECORDED, 10/23/2018, 10:58 AM, PENNINGTON COUNTY, SOUTH DAKOTA, 8072/2018-10-23

January 24, 2019



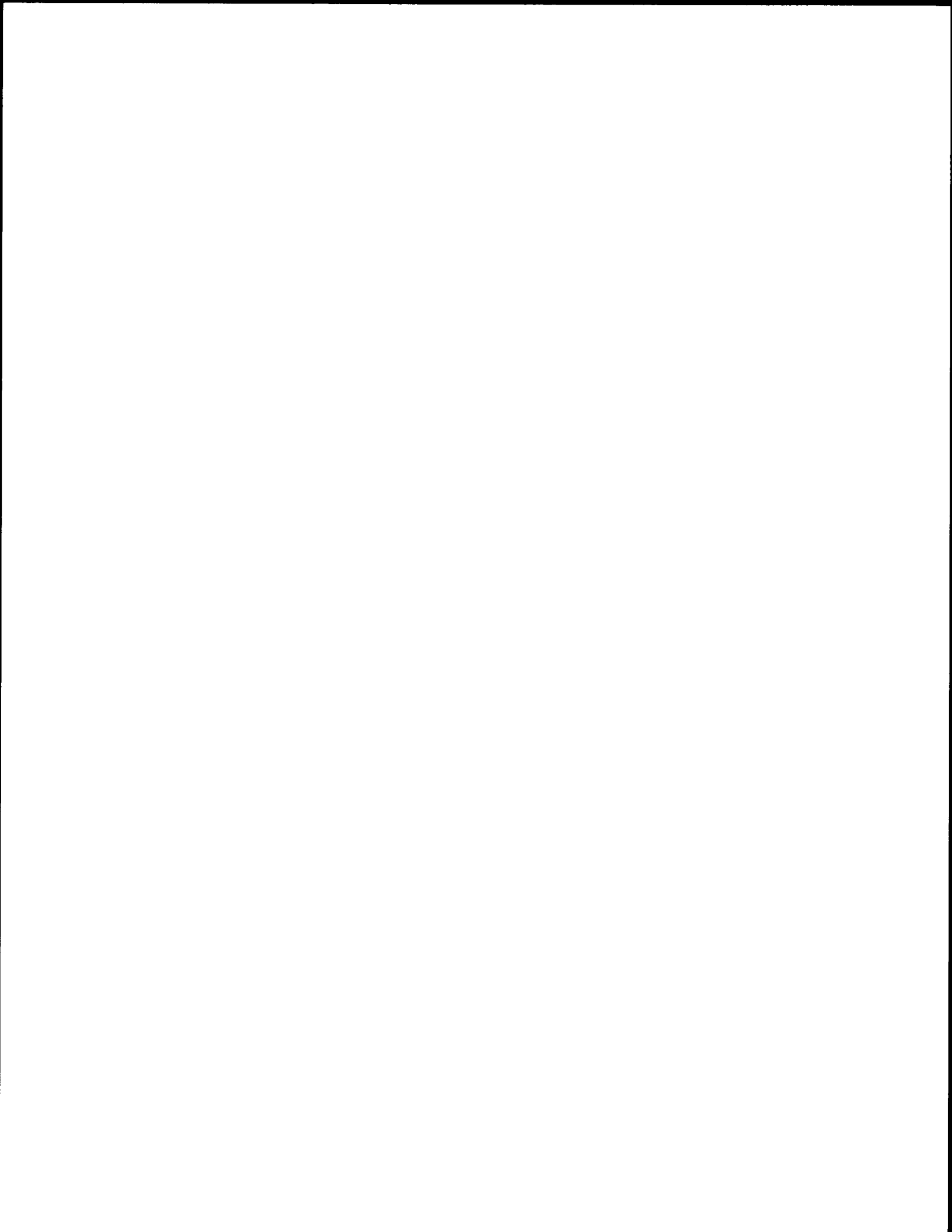
To Whom It May Concern:

My name is Brian Johnson and my wife and I live in the affected area that a zoning change is being requested from General Agriculture District to General Commercial District by the Borglum Historical center. We are unsure if we will be able to attend the meeting on January 28th and would ask that this letter be submitted stating our objection to the proposed zoning change.

My wife and I, along with some of the neighbors we have spoken with, are concerned that a zoning change to commercial could bring adverse conditions to our neighborhood that could lower our property values and would prefer the current zoning structure remain as it is. We are concerned that a zoning change to commercial could result in increased road traffic in our area that the aging private blacktop roads in our housing development are not designed for. Also, depending upon the type of commercial business that is being considered, an increase in foot traffic in our area could result in less privacy and potential criminal activity. We are already seeing an increase of both foot traffic and road traffic in our area as the result of the Rockerville lodge that just opened in 2018.

We understand the hard decisions that you have to make and would ask that you carefully consider our objection to this rezoning. Feel free to contact us with any concerns. Thank you for your time.

Brian and Kristi Johnson
23735 Pine Haven Drive
Rapid City, SD 57702
(605)376-0224



STAFF REPORT

GENERAL INFORMATION:

REQUEST: **CONSTRUCTION PERMIT / CP 18-10:** To grade in order to flatten the area to receive 4" gravel for a new parking lot.

APPLICANT: Cross Country Real Estate

APPLICANT ADDRESS: 3409 E. 2nd Street, Gillette, WY 82718

LEGAL DESCRIPTION: Unplatted Portion of S1/2SW1/4NW1/4; PT of NW1/4SW1/4 N and E OF HWY ROW less that PT within Rapid City Boundary, Section 10, T1N, R8E, BHM, Pennington County, South Dakota.

SITE LOCATION: 2467 Jolly Lane; at the intersection of E. Highway 44 and Jolly Lane.

SIZE: 34.07 acres

TAX ID: 64331

EXISTING LAND USE: Race Track / Go Karts

ZONING REFERENCE: Section 507

CURRENT ZONING: General Commercial District

SURROUNDING ZONING:

North	Suburban Residential District
South	General Commercial District
	City Limits of Rapid City
East	Suburban Residential District
West	Suburban Residential District
	General Commercial District
	City Limits of Rapid City

PHYSICAL CHARACTERISTICS: Flat Areas / Rolling Hills

UTILITIES: Rapid Valley Sanitary District

REPORT BY: Brittney Molitor

I. PROPOSED RECOMMENDATION

- A. Staff will be requesting direction from the Planning Commission on how to proceed with this request since there are existing violations on the subject property, drainage concerns, and the use on the subject property is no longer legal non-conforming.

II. GENERAL DESCRIPTION

- A. The applicant, Cross Country Real Estate, is requesting a Construction Permit to grade and level an area for a parking lot.

III. EXISTING CONDITIONS

- A. Unplatted Portion of S1/2SW1/4NW1/4; Pt of NW1/4SW1/4 N and E Of Hwy ROW Less That Pt Within Rapid City Boundary.
1. Zoned General Commercial District.
 2. 34.07 acre lot size.
 3. Black Hills Speedway.
 4. Black Hills Speedway Kart Track.
 5. Utilities provided by Rapid Valley Sanitary District.
 6. Public Drainage Easement (Book 21 Page 4205-4206).
 7. Access off of Jolly Lane (Pennington County maintained asphalt road).



2018 aerial of subject property

IV. DRAINAGE EASEMENT(S)

- A. The American Planning Association defines a drainage easement as “Land in which the public, the city, or the county has an easement devoted to, planned, proposed, or required for use as a public drainage system.”
- B. Public Drainage Easement dated December 5, 1983, prepared by Davis Engineering and Surveying, shows a majority of the subject property was “granted, bargained and conveyed a perpetual drainage easement over, on and across the hereinafter described tract of real estate situated in the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 10, T1N, R8E, BHM, Pennington County, South Dakota described as follows: See Exhibit A.”

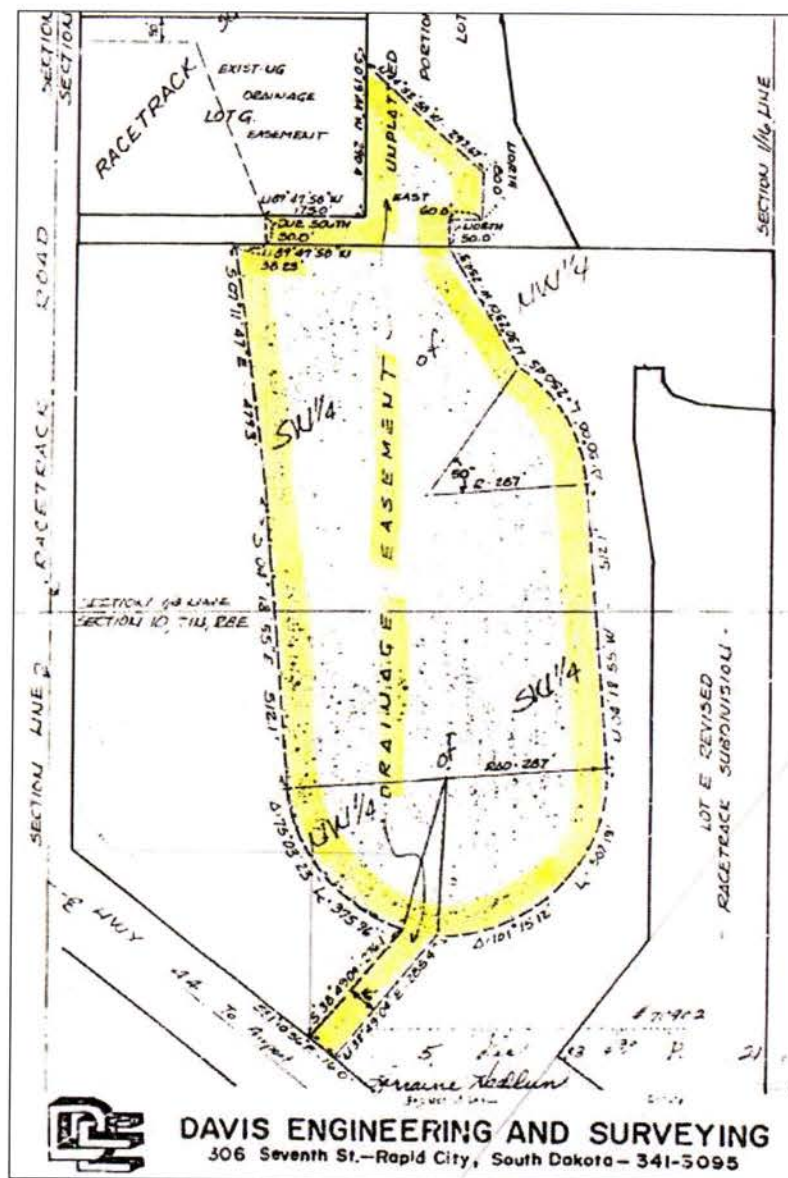
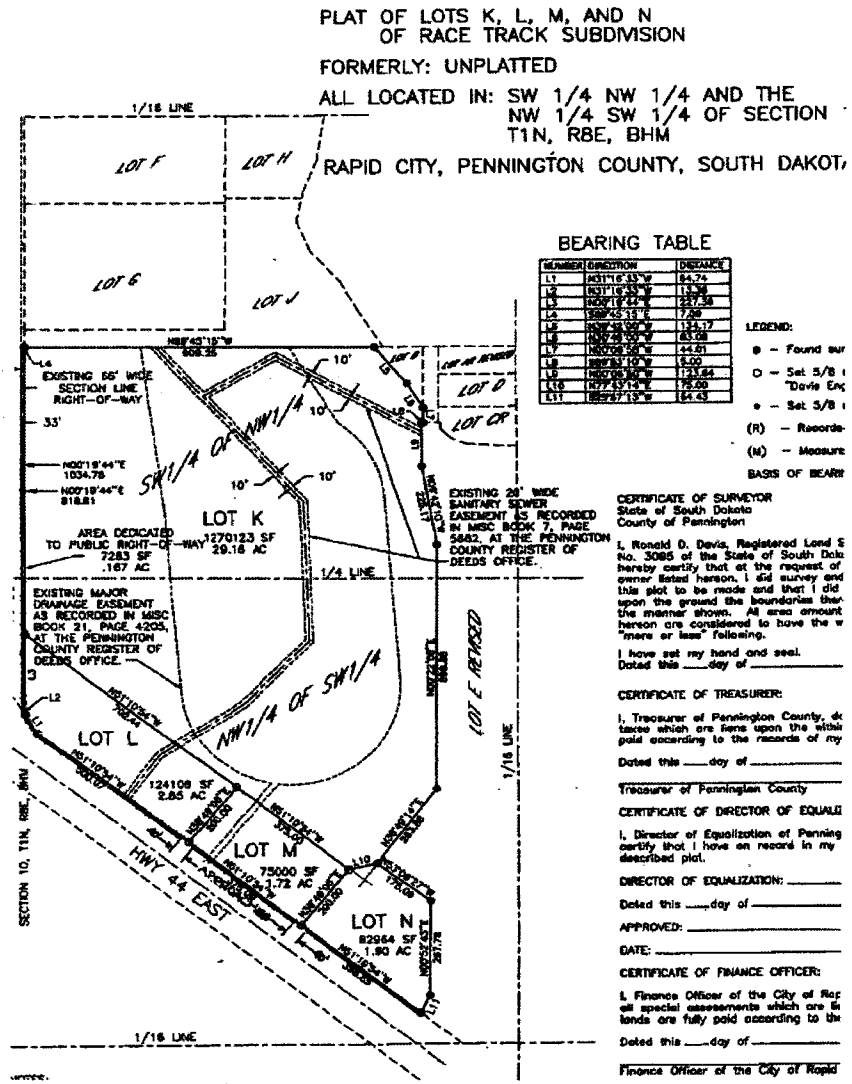


Exhibit A

V. PREVIOUS REQUESTS ON THE SUBJECT PROPERTY

- A. Layout Plat – 01PL018 (City of Rapid City) – To subdivide 35.41 acres of unplatted Racetrack property into Racetrack Subdivision Lots K, L, M, and N.
1. The applicant acknowledged that drainage improvements to the Racetrack Draw Drainage Basin may be necessary in order for the plat to be approved as proposed. (Rapid City Staff Report dated April 5, 2001.)
 2. This Layout Plat was denied without prejudice to allow the applicant to submit a revised Layout Plat to address drainage issues, approach location issues and subdivision lot layout issues. (Rapid City Staff Report dated April 26, 2001.)



Copy of Proposed Plat 01PL018

- B. Construction Permit / CP 09-05 – to perform grading work on the site to expand the existing parking lot.
1. Staff completed the Staff Report with a recommendation for denial. Upon discovery of Staff's recommendation and the requirement of "extensive plans and design considerations," the applicant withdrew the Permit request.
 - a. Comments from the City of Rapid City regarding this request: *"This property has been developed to serve as a detention facility for the Race Track Drainage Basin. As such, a complete drainage plan must be submitted for review and approval prior to the start date of the proposed grading work on the property to ensure that the site will continue to function as a detention facility. Until a complete drainage plan is submitted for review and approval as identified, this Construction Permit should not be approved."*
 - i. *A detention area is defined by the American Planning Association as "an area that is designed to capture specific quantities of storm water and to gradually release the storm water at a sufficiently slow rate to avert flooding."*
 - b. Comments from County Highway regarding this request: "Racetrack Drainage Basin. Provide site plan and drainage plan."
 2. Instead, minor grading and leveling of the lower area to re-establish flow to the box culvert crossing SD Highway 44 was requested in lieu of the original request. Low spots were leveled in the area south of the grandstand. The amount of work was less than required for a Construction Permit.
- C. Construction Permit / CP 15-10 – to grade areas of the property and level stockpiles.
1. Staff originally recommended to continue this Permit request until an engineering / drainage study showed that the construction activity will not impact the upstream or downstream properties and a plan is developed with Weed and Pest to address the prairie dogs.
 2. On June 22, 2015, the Planning Commission approved Construction Permit / CP 15-10 with the following thirteen (13) conditions:
 1. That the applicant submit stamped engineered construction plans and drainage study showing that the construction activity will not impact upstream or downstream properties within fourteen (14) days of approval of this Permit and prior to commencement of any construction activity;
 2. That the Conditions of Approval of the Air Quality Permit be continually met;

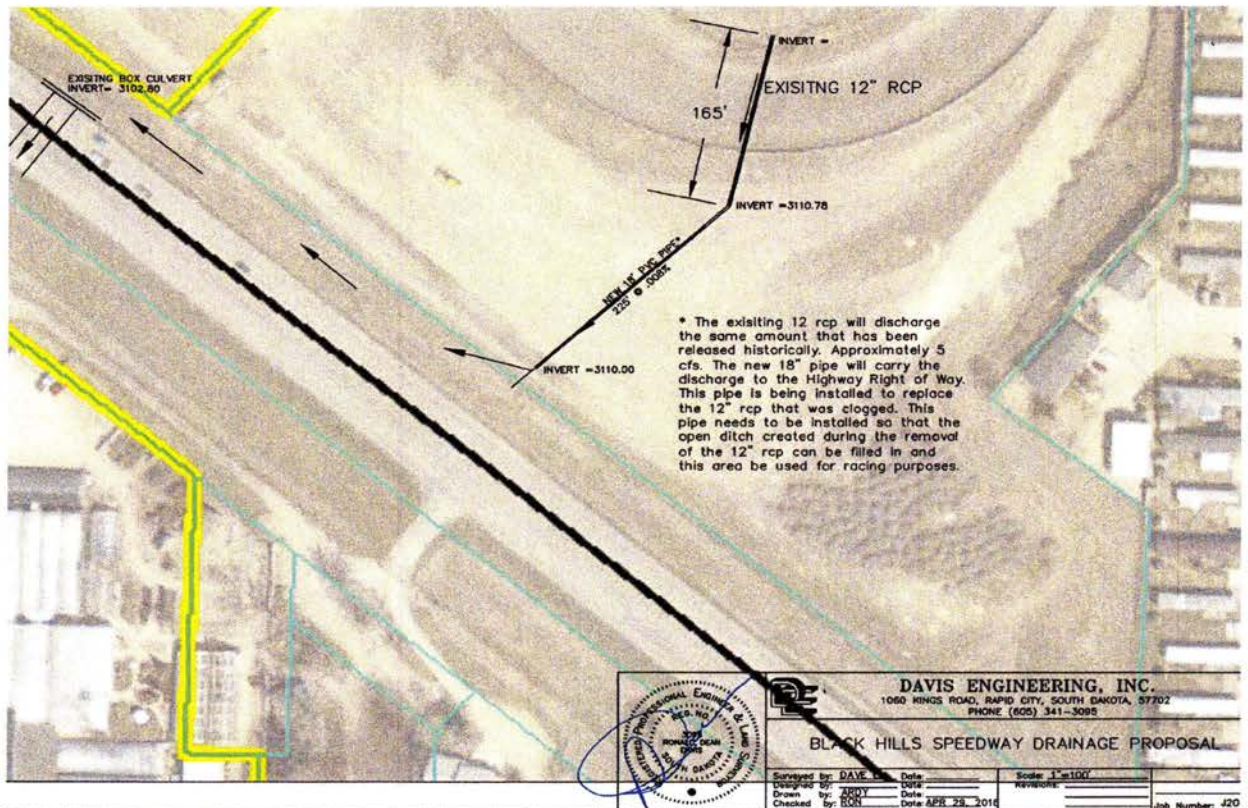
3. That the applicant provides the Planning Department with a copy of the Storm Water Pollution Prevention Plan within seven (7) days of approval of this Permit;
4. That the Conditions of the Approval of the South Dakota Department of Environment and Natural Resources General Permits for Storm Water Discharges Associated with Construction Activities be continually met;
5. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;
6. That a revised Construction Permit application and Site Plan be submitted for review and approval if major revisions to the original plan are needed;
7. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than 14 days after the construction activity has stopped. All erosion control methods (mulch and seed) need to be certified noxious weed-free;
8. That any alterations or improvements to the Public Drainage Easement be engineered and stamped plans be submitted to and approved by the Board of Commissioners;
9. That the requirements, guidelines, and criteria for stormwater and erosion control in the Pennington County Stormwater Manual shall be followed during construction;
10. That the site shall be re-vegetated as required in Section 507-A(5)(c);
11. That the applicant controls the noxious weed and prairie dogs prior to commencement of the construction activity and sign a noxious weed plan and submit to the Planning Department within seven (7) days of approval of this Permit;
12. That the applicant signs the Statement of Understanding within seven (7) business days of approval of Construction Permit #15-10, which is available at the Planning Office; and,
13. That this Construction Permit expires one (1) year from approval date, and may be reviewed on a complaint basis, or as directed by the Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

3. A letter from Davis Engineering, Inc. dated June 30, 2015, stated “It is not necessary for an in depth drainage study for the purpose of moving small dirt piles being requested at this time by the owners of the Black Hills Speedway. I have reviewed the site and the locations will not be within or even near the floodway or drainage easement located on this property. I will be doing a detailed study to figure out a way to prevent the south end of the track from becoming flooded every time it rains. The relocation of the small dirt piles will not affect the proposed drainage study. It is my opinion that the county should allow the relocation of the piles at this time.”
 - a. *Pennington County has never received any information regarding the detailed study mentioned above, as required in Condition #1 of Construction Permit / CP 15-10.*
4. A kart track was constructed in the Public Drainage Easement and was not approved by the Board of Commissioners, as required in Condition #8 of Construction Permit / CP 15-10.
5. The site was never revegetated as required in Condition #10 of Construction Permit / CP 15-10.



Location of Stockpiles (brown area) for CP 15-10

- D. Request for Improvements in a Public Drainage Easement (Board of Commissioners) – To replace a 12” reinforced concrete pipe (RCP) with an 18” polyvinyl chloride (PVC) pipe at the southern end of the Public Drainage Easement.
1. The Highway Drainage Engineer commented “the 12” RCP is regulating the existing flow and should continue to do so once the 18” PVC pipe is attached. I would not oppose the addition of the 18” PVC pipe as long as the slope of the existing 12” pipe remains unchanged.”
 2. The City of Rapid City Community Development commented, “a large portion of the property has been secured as a Drainage Easement. A Drainage Plan prepared by a Professional Engineer must be submitted for review and approval prior to any grading and/or fill to ensure that the secured drainage area continues to function as designed.”
 3. The City of Rapid City Engineering commented, “Public Works Engineering has no objections to proposed grading work provided the applicant provides site and drainage analysis verifying the work is not altering storm water detention and storage capacity, and work is not adversely affecting drainage flows and routing whether on or off site.”
 4. Drawings were received April 29, 2016 from Davis Engineering, Inc. for the replacement of the 12” RCP with 18” PVC. (see below)



5. During the review of this request, Staff observed:
 - a. Installation of a large concrete drive/pad in the Public Drainage Easement.
 - b. A bermed area on the north side of the racetrack that was not included in the Construction Permit approval.
 - c. Prairie dog holes were active at the site.
 - d. Work was initiated for the replacement of the 12" reinforced concrete pipe.
 - e. Structures were moved into and around the Public Drainage Easement from other locations of the property.
6. During testimony at the May 17, 2016 Board of Commissioners meeting the following was stated by Ron Davis, Davis Engineering:
 - a. Five or six cubic feet per second (cfs) leaving the pipe from the southern portion of the property.
 - b. That the structures located in the drainage easement will not interfere with the flow of the water. This is not a "defined channel".
 - c. "In a 100-year storm, it's going to fill up north of the track first then it is going to run through the entrance where they go in through the pits and down over that track and it is going to come into the infield and slowly raise up and go back down. There is 500 cfs coming into the track and there is 5 cfs leaving which means in a 100-year storm that's probably going to be four to five feet deep inside that track for an hour to an hour, hour and half, to two hours before it drains out."
 - d. The buildings inside the track cannot be washed downstream.
 - e. There is a retaining wall on the southern end that is 11 to 12 feet above the flow line of the pipe.
 - f. The 12" pipe under the south end of the track for normal drainage was plugged up because there was an old metal culvert that rotted away.
 - g. They want to put an 18" back in to give it a little more room to flow down a little quicker.
 - h. The amount of the water coming out of the track is still five to six cfs and it will remain that amount; there will just be a bigger pipe for it to flow through.
 - i. The South Dakota Department of Transportation lowered the road ditch on the north side a couple of feet and cleaned their box culvert so that will flow the way it supposed to.

- j. The following questions were asked by Commissioner Hadcock:
 - i. “How does a 12 inch have the same cfs as an 18? It was answered, “It doesn’t, an 18 will carry 24 cfs but only 5 cfs can get to it. That pipe coming out of the track is not being taken out.”
 - ii. “That 18”, once it drains, is it going to drain and cause a bigger issue downstream to where it’s draining or is it draining onto your property?” It was answered, “No. It’s draining down to the south end of his property, into the road ditch, and into the culvert where it has been going historically for 50 years.”
7. The Board of Commissioners approved the request to replace a 12” reinforced concrete pipe (RCP) with an 18” polyvinyl chloride (PVC) pipe at the southern end of the Public Drainage Easement based upon the testimony given at the Hearing on May 17, 2016.

VI. VIOLATION HISTORY

- A. 2008COVO0025 – Dirtwork without an approved Construction Permit (See Construction Permit / CP 09-05).
- B. 2009COVO0049 – Trash and weeds in southeast corner of property.
- C. 2010COVO0072 – Garbage and weeds in southeast corner of property.
- D. CIBS13-0061 – Complaint/violation for dust.
- E. COVO14-0132 – Weeds and grass in excess of 18 inches.
- F. COVO15-0125 – Weeds along fence.
- G. COVO15-0199 – Garbage inside fence line.

- H. COVO16-0064 – Stop Work Order issued for building an addition without a Building Permit.

1. Applicant indicated that the structures had wheels and were therefore mobile (see picture below).



Photo of mobile structure

- I. COVO17-0078 – Stop Work Order issued for dirtwork without engineered plans.
J. COVO18-0118 – Grass in excess of 18 inches.
K. COVO18-0123 – Conditional Use Permit needed for expansion of use on the property (Black Hills Speedway Kart Track).
L. COVO18-0147 – Dirtwork exceeding 10,000 square feet without Construction Permit.

VII. BUILDING PERMITS

- A. 2010COBP0149 – Demolition of a 20' x 20' shed.
B. 2010COSP0004 – Sign Permit.
C. 2010COSP0005 – Sign Permit.
D. 2010COBP0277 – Removal of 48' x 32' concession building.
E. 2010COBP0278 – 16' X 32' deck remodel.
F. COBP12-0282 – Temporary fireworks stand.
G. COSP12-0007 – Sign Permit.
H. COSP12-0008 – Sign Permit.
I. COSP12-0009 – Sign Permit.
J. COBP13-0192 – 12' X 60' temporary office.
K. COBP14-0308 – 12' x 60' temporary fireworks stand.

- L. CIBP15-2239 – Air Quality Permit (expired November 19, 2018).
- M. COBP16-0218 – Movement of existing shed.
- N. COBP16-0219 – Movement of existing bathroom.
- O. CIBP18-3157 – Air Quality Permit (expires September 10, 2021).

VIII. REQUEST FOR COMMENT

- A. County Highway
 - 1. Highway Department has no comments since this drains to SD 44.
- B. County Natural Resources Director
 - 1. Regarding previous concerns of prairie dogs on the subject property: I haven't looked lately, I've only noticed a few remaining last time I looked and haven't received any complaints.
- C. County Environmental Planner
 - 1. Rapid City one-mile.
 - a. *Staff Comment: Property is located in the Rapid Valley Sanitary District and services are provided by them.*
- D. County Environmental Planning Supervisor
 - 1. The subject property is located within Pennington County's regulated Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) Permit area. The applicant must meet the requirements set forth in the Storm Water Management Plan as well as the Storm Water Quality Manual.
 - 2. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual shall be followed during construction.
 - 3. The Storm Water Quality Manual requires that an owner must inspect the site at least once every 7 days and within 24 hours of the end of a storm that is one-half inch or greater. Inspection reports must be submitted to the Planning Director every month during construction.
 - 4. The site must be stabilized and sediment contained such that sediment does not reach or fill the right-of-way (road ditch). If sediment is deposited in the right-of-way (road ditch) from the construction activity, the owner will be responsible for the removal immediately after being notified.
 - 5. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than 14 days after the Construction Activity has stopped. All erosion control methods (mulch and seed) need to be certified noxious weed-free.
 - 6. There is no Special Flood Hazard Area on the subject property.
 - 7. The site shall be re-vegetated as required in Section 507-A(5)(c).

- E. County Ordinance Enforcement
 - 1. Ordinance Enforcement recommends that the property be in compliance before approving Construction Permit. The Black Hills Speedway has expanded its use and needs a Conditional Use Permit to allow the activities on the property. I do not recommend approval until the violations have been corrected.
 - a. *Staff Comment: Staff will address with the Planning Commission.*
- F. City of Rapid City Community Development
 - 1. Thank you for the site plan. It shows that the proposed parking area is located within the area of the property located within the City limits and outside the City limits. Please note that the property has two tax ID numbers (64328 and 64331) to allow DOE to assess the taxes addressing the difference in taxation due to the City limit boundary. At one time, the property owner was proposing to plat the area within the City limits into a separate lot. A requirement of the platting was to annex prior to submittal of a Final Plat. Subsequently, this area was annexed but the Final Plat was never submitted. As such, we now have one property partially in the City limits and partially outside of the City limits. It appears on RapidMap that they are two separate properties. Actually, it is one property with two separate tax ID numbers.
 - 2. For that portion of the parking located within the City limits, a Building Permit must be submitted to the City for review and approval. The parking must be constructed in compliance with Section 17.50.270 of the Rapid City Municipal Code.
- G. City of Rapid City Engineering
 - 1. Haven't seen anything, but the work within City limits requires a Building permit submittal.
 - a. *Staff Comment: A Building Permit was submitted to the City of Rapid City – CIBP18-2866 for a retaining wall.*
- H. City of Rapid City Air Quality
 - 1. Obtain an air quality permit prior to disturbing an acre or more of soil.
 - a. *Staff Comment: Air Quality Permit – CIBP18-3157.*

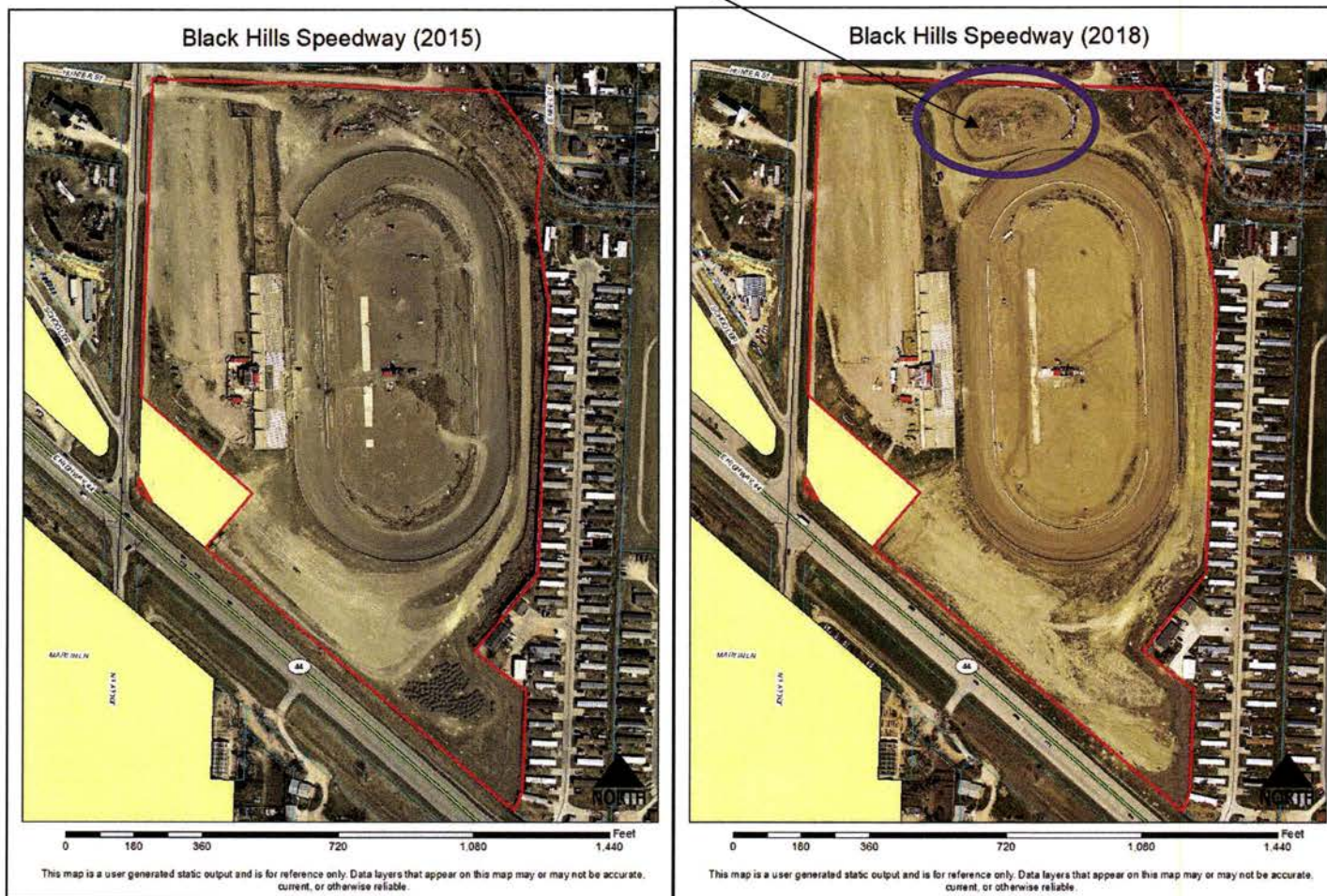
- I. South Dakota Department of Transportation (SDDOT)
 1. Our concern is placing additional burden on the ROW ditch by adding additional runoff from this development. Please see attached.
 2. The only concerns I have is for the drainage of the property? We discussed with Mr. Kirchhoff last year about possible detention ponds. The drainage easement that dumps into the 44 ROW that was piped to the fence, is still depositing some sediment into the ROW. With filling and graveling more area, I assume this will cause more sediment into the ROW. It would be nice to see what the plans are for drainage and contours of proposed grade?
 - a. Staff Comment: Plans were sent to the SDDOT.
 3. **Additional Comments to the property owner from SDDOT:**
 - a. The plan you have to concentrate the flows from your property to the Hwy 44 ROW is concerning. I assume you plan to pave these lots at some point? The Department doesn't allow increased flows from drainage into the ROW. That being said a detention pond or other controls will be required. The existing culvert that was placed last year at your fence line, should also have some type of outlet protection so it doesn't cut a hole and wash material out into the ROW. Can you please address these issues on your plans and send back to us? If you have further questions please let me know? Thanks
 - i. *Staff Comment: To Staff's knowledge, the SDDOT concerns have not been addressed.*

IX. NONCONFORMING BUILDINGS, STRUCTURES AND USES OF LAND - § 400 OF THE PCZO

- A. Section 401(D) states "any nonconforming use of land shall not be expanded in such a manner so as to increase its nonconformity."
 1. Prior to 2015, the Kart Track was not constructed.
 2. Due to the construction of the Kart Track, the use on the subject property was expanded and is no longer a legal nonconforming use.
 3. A Notice of Violation was sent to the applicant on June 21, 2018 regarding the need for a Conditional Use Permit to bring the property into compliance.

4. Staff met with the applicant(s) on two occasions to discuss the Violation Letter and the need for a Conditional Use Permit.
 - a. The applicant indicated that they will “just remove” the Kart Track and that they were apprehensive to notify the neighbors regarding the Conditional Use Permit.
 - b. In addition, the Kart Track was constructed in the Public Drainage Easement without approval from the Board of Commissioners.
 - c. To date, there has been not been a Conditional Use Permit Application submitted.

Location of Kart Track





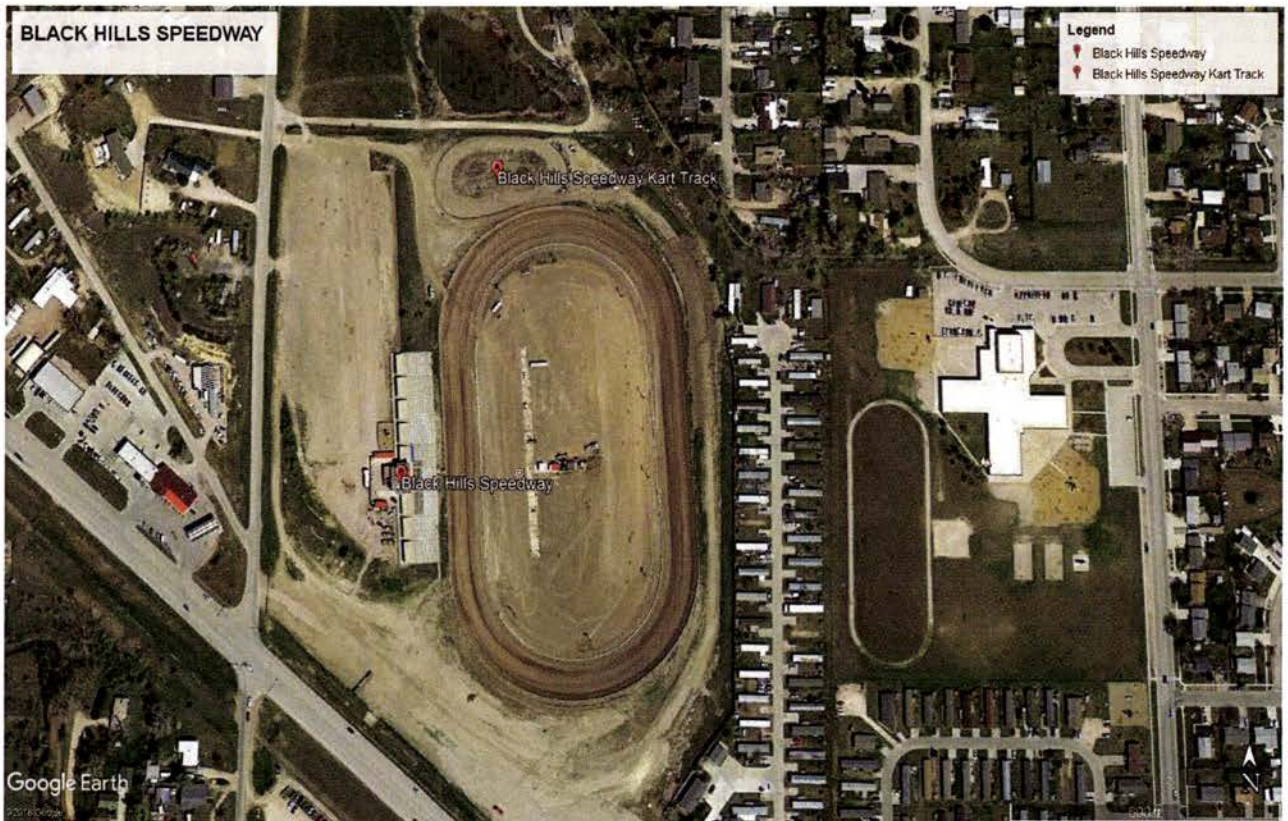
2018 Black Hills Speedway / Go-Kart Track – Close-Up

X. ANALYSIS

- A. December 5, 1983 – Date of Perpetual Public Drainage Easement for a majority of the subject property where the Black Hills Speedway is located.
- B. December 26, 1990 – Final Draft of the Racetrack Draw Drainage Basin Design Plan prepared by Davis-Atkins and Associates submitted to the Pennington County Drainage Commission.
 1. Elements of this design plan for the racetrack crossing were not constructed and were indicated in the plan as a low priority (page 44 of the plan).
- C. April 26, 2001 – Rapid City Layout Plat submitted by Davis Engineering was denied without prejudice due to drainage issues, approach location issues, and subdivision lot layout issues.
- D. March 9, 2009 – Construction Permit / CP 05-09 recommended denial due the need for a complete Drainage Plan.
- E. March 31, 2009 - Letter received by Advanced Engineering and Surveying, Inc. stating that they are changing the plan and will only do minor grading due to the requirement of extensive plans and design considerations. Construction Permit / CP 05-09 was no longer needed and voided.
- F. May 4, 2010 – Board of Commissioners agenda Item E regarding the Black Hills Speedway was removed from the agenda. A memo was submitted to the Board of Commissioners by the Planning Director regarding legal non-conforming uses and the placement of on-premise billboards. (attached)
- G. June 22, 2015 – Planning Commission approved Construction Permit / CP 15-10 to grade and level stock piles.

Agenda Item # 7
Cross Country Real Estate
January 28, 2019

- H. April 13, 2016 – A Stop Work Order was issued for building in the drainage easement without Building Permits or approval from the Board of Commissioners.
- I. May 25, 2016 – Stop Work Order lifted and permits applied for.
- J. August 10, 2016 – Complaint received by the Board of Commissioners for noise and lack of oversight of the Speedway.
- K. March 17, 2017 – A Stop Work Order was issued for work being done without engineered plans.
- L. April 29, 2018 – A Rapid City Journal Article titled *Carlton takes over management of Black Hills Speedway* in which journalist Geoff Preston interviewed Mr. Carlton for the article, stated “Carlton comes to the speedway after running a go-kart track next to the track”. (A copy of the article is attached)
- M. June 21, 2018 – A Notice of Violation was sent to the applicant regarding the need for a Conditional Use Permit, an as-built, alterations in the Drainage Easement (Kart Track) without Board of Commissioner approval, and lack of final stabilization. (see photos above and below for “Kart Track”)



Google Earth Map (2017) showing location of “Black Hills Speedway Kart Track”

Agenda Item # 7
Cross Country Real Estate
January 28, 2019

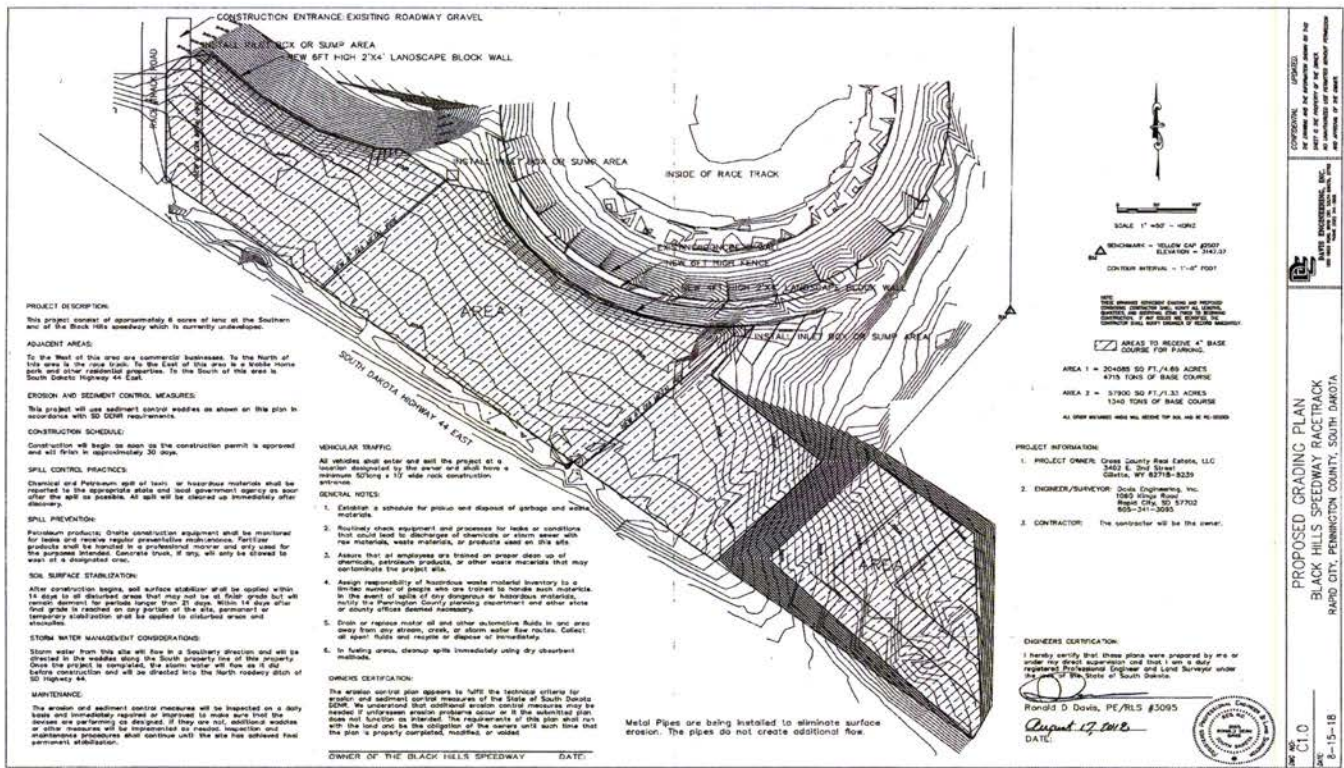
- N. June 2018 – Drainage, dirt work, and flooding complaint.
1. Murphy Ditch was overflowing its banks east of Jolly Lane.
 2. Ditch along the north side of E. Highway 44 and east of Jolly Lane had significant flow.
 3. Site visits were performed by Staff. (see photos below)



Agenda Item # 7
 Cross Country Real Estate
 January 28, 2019



O. August 17, 2018 – Applicant submitted Construction Permit / CP 18-10 to allow grading and flattening of an area for a parking lot. (see plans below)



- P. September 11, 2018 – A letter was received by the Planning Department from Nooney and Solay, LLP regarding the need for a Conditional Use Permit and forwarded to the State’s Attorney’s Office.
- Q. September 20, 2018 – A new approach was constructed off of E. Highway 44 for entrance into the Black Hills Speedway. (see photo below) A permit from the SDDOT was obtained by the applicant for this approach. (attached)

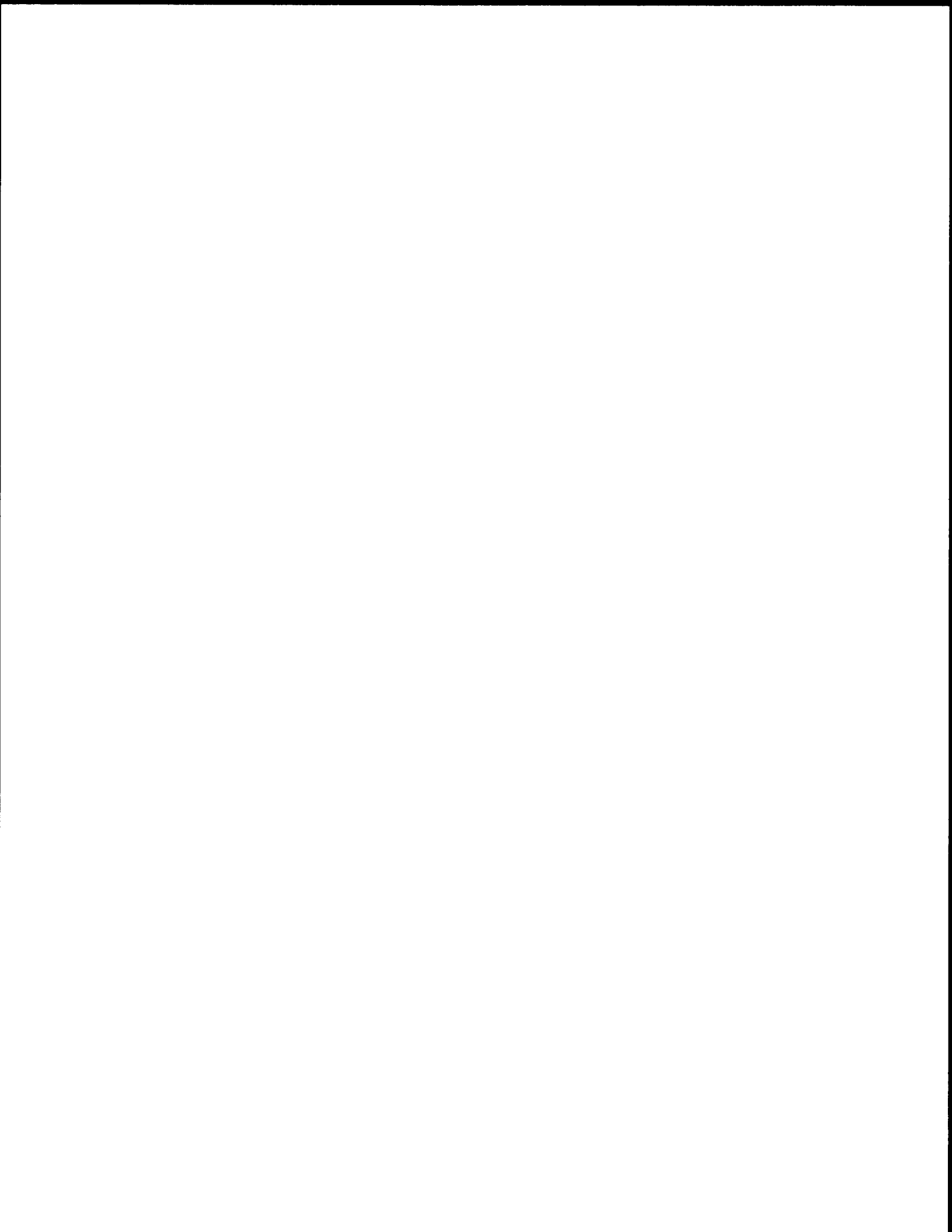


New approach off of E. Highway 44

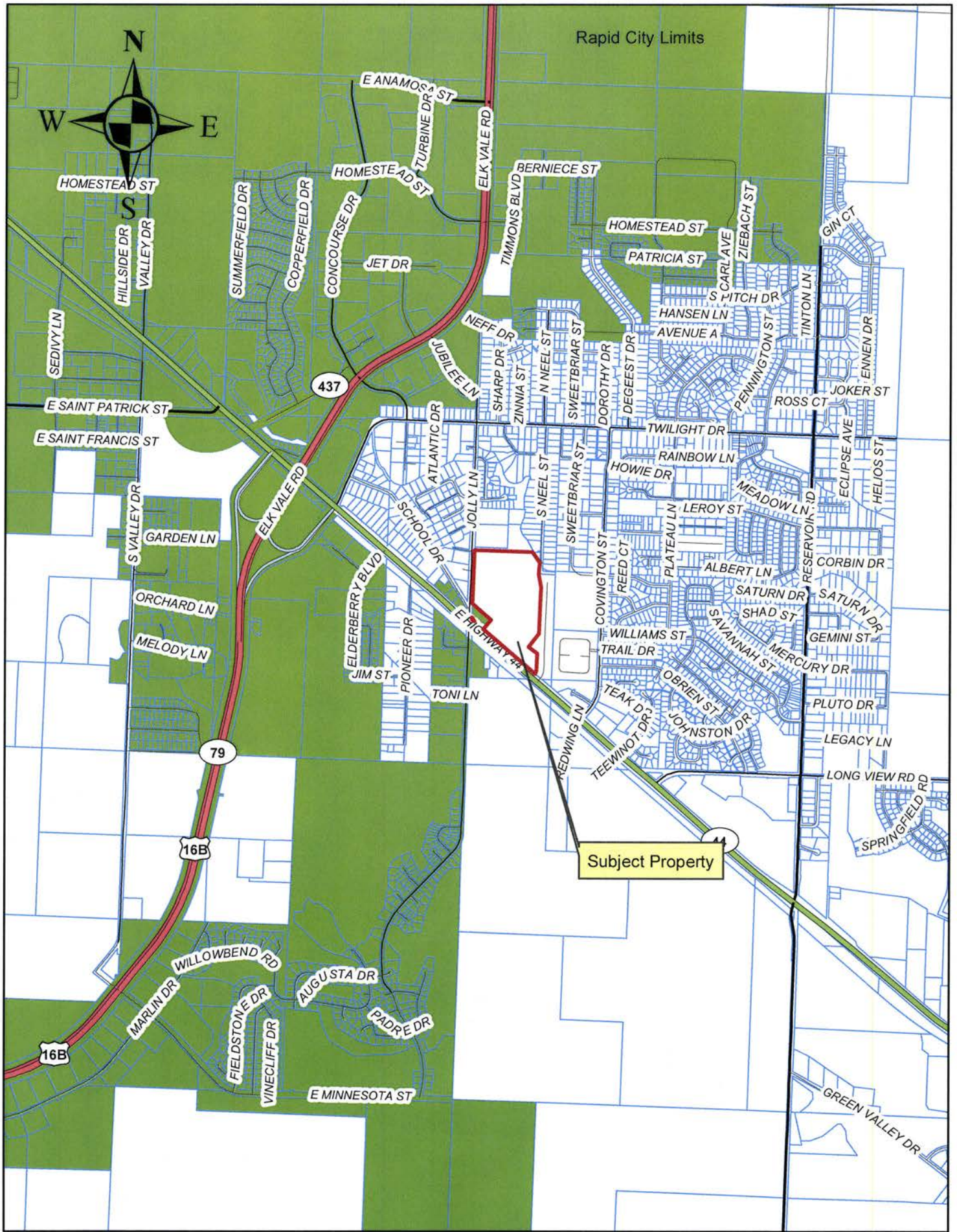
- R. Staff has met and had contact (via email and in person) since June 2018 with the applicant on several occasions to discuss the concerns (i.e. need for a Conditional Use Permit and drainage).
- S. November 09, 2018 – Commissioner LaCroix, Staff from the State’s Attorney Office, Planning Department, and Highway Department met with the Landowners and agent, Ron Davis of Davis Engineering to discuss the issues on the subject property.
 - 1. During this meeting, concerns and possible solutions were addressed by both sides. Ultimately, at the end of the meeting, the Landowner requested additional time to discuss their options and then come back to the Planning Department with their proposed solution(s).
 - 2. Staff has not heard from the Landowner or Agent relative to the proposed solution(s).
 - 3. The Agent has been in contact with Planning Staff only to ask when CP 18-10 would be placed back on an agenda.

4. Planning Staff, as stated previously in this Staff Report, believes the existing violations, absence of requested drainage information, absence of proposed solution(s), and existing non-conformities on the subject should be addressed prior to a hearing by the Planning Commission on CP 18-10.
- T. Staff has not received confirmation from the applicant nor the SDDOT regarding the concerns for additional flow to the E. Highway 44 Right-of-Way.
- U. The applicant requested that this item be placed on the Planning Commission Agenda prior to addressing Staff's concerns and bringing the property into compliance.

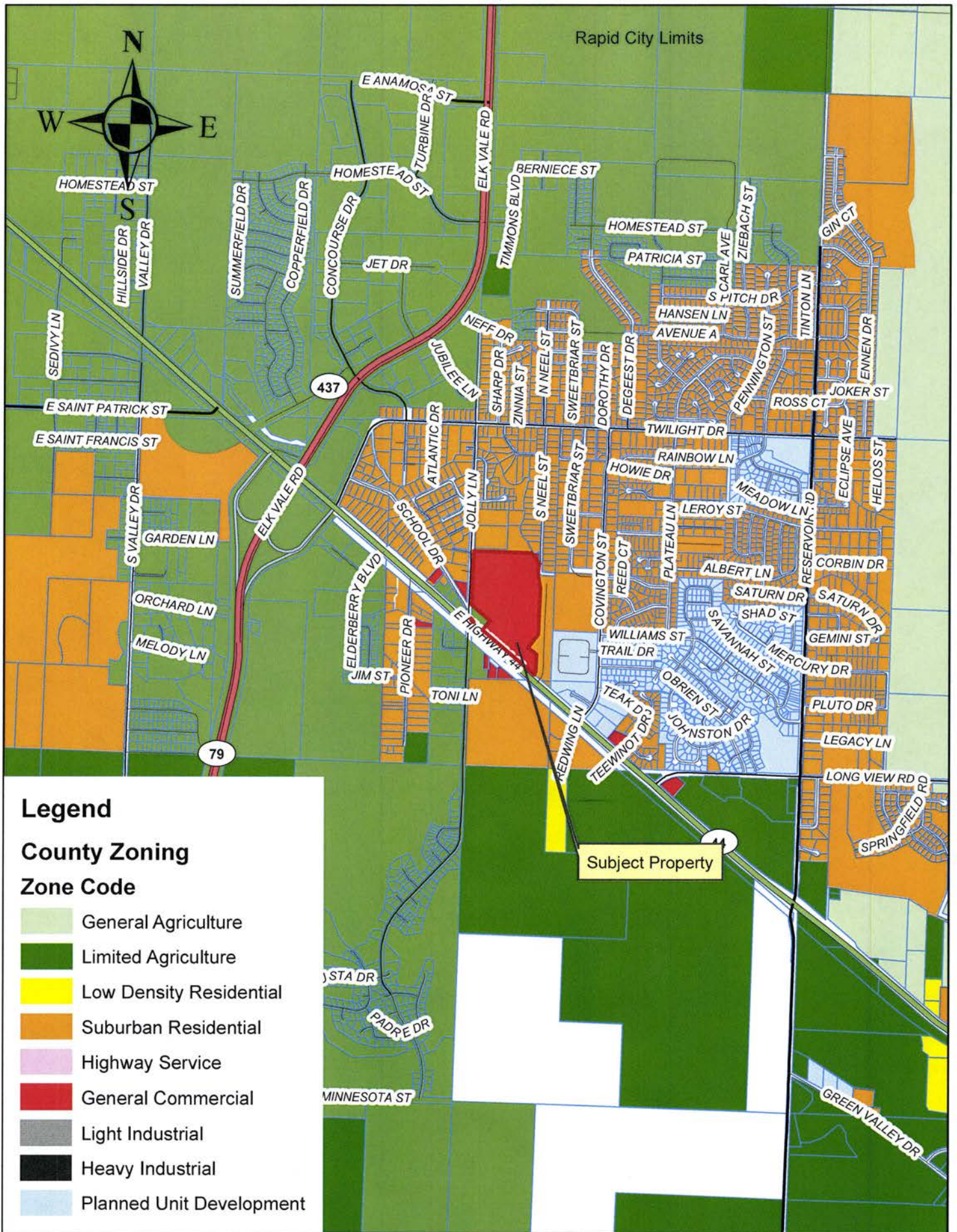
RECOMMENDATION: Staff is requesting direction from the Planning Commission on how to proceed with this request since there are existing violations on the subject property, drainage concerns, and the use on the subject property is no longer legal non-conforming.



Black Hills Speedway



Black Hills Speedway



Legend

County Zoning

Zone Code

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

0 0.5 1 2 Miles

SD EForm - 0933 V3

SOUTH DAKOTA DEPARTMENT OF TRANSPORTATION
APPLICATION FOR PERMIT TO OCCUPY RIGHT-OF-WAY

Highway No. 44 County Pennington Approximately 0.25 Miles N S E W
From (City or well defined point) Rapid City Section 10 Township 1N Range 8E

Description of occupancy: Clean ditch out from race track drain pipe to bridge.

Purpose of occupancy: Clean area next to road to allow for drainage, until DOT can finalize graded drainage as discussed with Mike Carlson.

Duration of occupancy: PERMANENT TEMPORARY If temporary, give the estimated date of removal or completion: 08/17/2015

I, the undersigned, request permission to occupy public right-of-way at the above location and as shown on the attached layout sheet. In consideration for this permission, I agree to abide by all conditions as herein stated.

1. To furnish all materials, labor, incidentals and pay all costs involved with this occupancy including restoration of any damage to the roadway and right-of-way to equal or better conditions than existed prior to the occupancy covered by this permit.
2. To provide protection to highway traffic during occupancy by the use of proper signs, barricades, flagpersons and lights as prescribed in the "Manual of Uniform Traffic Control Devices."
3. To indemnify and hold the State of South Dakota, its Department of Transportation, its officers, agents and employees, harmless from and against any and all actions, suits, damages, liability or other proceedings of any kind or nature brought because of any injuries or damage received or sustained by any person or property on account of the use or occupancy of right-of-way designated in this application.

APPLICANT NAME (please print) _____
SIGNATURE [Signature] DATE 7-29-15
ADDRESS 3409 E. 2nd St. Gillette WY 82718 TELEPHONE (307) 682-8866
REPRESENTING Black Hills Speedway - Cross Country Real Estate LLC
(Name of Individual, Company, Organization, etc.)

To be completed by Department of Transportation

Project (Const.) 44 Station _____ Milepost 50.0
Project (Maint.) _____ Maintenance Unit 452

1. Prior to commencing occupancy and at completion of occupancy the applicant shall notify Steve Wigge at RC AREA DOT. Telephone 394-1644
2. Special Conditions See Special Conditions Attachments.
3. Failure to accomplish the occupancy in accordance with the provisions of this permit will automatically render this permit null and void and where applicable, constitute grounds for its removal and/or full restoration of the occupancy site all at the applicant's expense.

This permit to occupy the right-of-way is granted to all conditions as herein stated on this 31 day of July, 2015.
[Signature] Region Engineer
[Signature] Chief Bridge Engineer (Bridge Installations only)
Area

SD EForm - 0933 V3

SOUTH DAKOTA DEPARTMENT OF TRANSPORTATION
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- To furnish all materials, labor, incidentals and pay all costs involved with this occupancy including restoration of any damage to the roadway and right-of-way to equal or better conditions than existed prior to the occupancy covered by this permit.
 - To provide protection to highway traffic during occupancy by the use of proper signs, barricades, flagpersons and lights as prescribed in the "Manual of Uniform Traffic Control Devices."
 - To indemnify and hold the State of South Dakota, its Department of Transportation, its officers, agents and employees, harmless from and against any and all actions, suits, damages, liability or other proceedings of any kind or nature brought because of any injuries or damage received or sustained by any person or property on account of the use or occupancy of right-of-way designated in this application.

APPLICANT NAME (please print) _____
 SIGNATURE [Signature] DATE 7-29-15
 ADDRESS 3409 E. 2nd St. Gillette WY 82718 TELEPHONE (307) 682-8866
 REPRESENTING Black Hills Speedway - Cross Country Real Estate LLC
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- Special Conditions See Special Conditions Attachments,
- Failure to accomplish the occupancy in accordance with the provisions of this permit will automatically render this permit null and void and where applicable, constitute grounds for its removal and/or full restoration of the occupancy site all at the applicant's expense.

This permit to occupy the right-of-way is granted to all conditions as herein stated on this 31 day of July, 2015.
[Signature] Region Engineer Chief Bridge Engineer (Bridge Installations only)

Area



Imagery ©2015 Google, Map data ©2015 Google 50 ft

Special Conditions Attachment Sheet

The items listed below are a summary of requirements set by the SDDOT for work being done within the ROW. It shall be the permit holder's responsibility to acquire the information needed to complete work as per the SDDOT Standard Specifications for Roads and Bridges 2004 Edition. Included is a link to the SDDOT standard plates for reference to situations.

<http://sddot.com/business/design/plates/index/Default.aspx>. For instances where uncertainty exists, questions should be referred to the Rapid City Area SDDOT.

1. No excavated areas or other obstructions within 30' of white edge line or 6' behind curb, shall remain overnight without proper Concrete barriers w/approved end protection.
2. Salvage and replace topsoil.
3. All disturbed areas shall be re-established as per the re-vegetation Plan for Disturbed State Owned Right-of-Way. (As shown below)
4. Traffic control shall be in accordance with the Manual on Uniform Traffic Control Devices. (MUTCD) or SDDOT standard plates for traffic control devices.
5. Permit holders should be aware of present and/or know future road work, that may involve realignments, widening's, cuts and fill section. Work shall be coordinated and completed so that it doesn't conflict with road work.
6. Embankment material within the ROW shall be placed in accordance with section 120.3 of the SDDOT standard specifications for Roads and Bridges 2004 Edition.
7. Granular base materials within the ROW shall be placed in accordance with section 260.3A of the SDDOT standard specification for Roads and Bridges 2004 Edition. Granular base materials shall follow existing construction limits and is subject to changes by the SDDOT
8. Any surfacing removed within the ROW shall be replaced in kind in accordance with section 320.3 or 380.1 of the SDDOT standard specification for Roads and Bridges 2004 Edition. Removals shall be defined by full depth saw cuts with limits approved by DOT.
9. When open cut excavations of the roadway are approved by the SDDOT, all materials used to replace excavated areas shall be tested. All tests including gradations, compaction and Etc., shall be reported to the appropriate personal and available upon request for verification by the DOT.
10. All pavement markings removed or damaged by the contractor shall be replaced to the satisfaction of the DOT.
11. Any subsequent damage to the roadway, shoulder or other items within the ROW, due to construction activities will be repaired by applicant at no cost to the state.
12. No obstructions shall be placed within the ROW without prior acceptance by the SDDOT. Obstructions include but are not limited to landscaping items, signs, light poles, buildings, guardrail, fence, parking, etc.
13. All utilities shall be placed as close to ROW line as possible.
14. All fencing that is removed for construction purposed shall be reset or replaced with materials in existing or better condition. Installation shall be per section 620 of the SDDOT standard specifications for Roads and Bridges 2004 edition.

Special Conditions Attachment Sheet

15. Erosion Control measures shall be utilized as per the State, Federal, County and City regulations. Erosion control and sediment control is the sole responsibility of the Permit holder.

Re-vegetation Plan for Disturbed State Owned Right of Way

Shaping:

All disturbed, areas are to be re-topsoiled and leveled to promote vegetative growth and to remove any obstructions of drainage.

Seeding:

All disturbed areas will be stabilized within 14 days of the completion of earthmoving work. Seed mixture is to consist of the following:

Western Wheatgrass	7lbs of pure live seed
Green Needlegrass	4lbs of pure live seed
Sideoats Grama Blue	3lbs of pure live seed
Grama	2lbs of pure live seed
(Oats from April to July, Winter Wheat August to November)	10lbs of pure live seed

Overall 26lbs pure live seed per acre

Mulch is to be applied to the disturbed area at a rate of 2 tons per acre. Mulch is to be free of any and all noxious weeds.

Mulch is not required if disturbed area is less than 0.5 acres.

Commercial fertilizer with a guaranteed analysis of 18-46-0 is to be applied at a rate of 100lbs per acre.

Sediment and Erosion Control.

Usage of Best Management Practices for sediment and erosion control is mandatory. Applicant is duly reminded that if over 0.5 acres will be disturbed, applicant must have on hand an approved Notice of Intent from the Department of Environment and Natural Resources as well as a full Storm Water Pollution Prevention Plan. (SWPPP) Both of these documents are the applicant's responsibility to attain. Once vegetation is reestablished, the applicant is duly reminded that a Notice of Termination is also needed to be sent to the Department of Environment and Natural Resources. Protective devices are to be installed prior to disturbing State Right of Way to prevent erosion from damaging the environment. More information can be found at the below web link.

http://www.sddot.com/pe/projdev/environment_stormwater_3.asp

Special Conditions Attachment Sheet

Final Inspection

The permittee is required to conduct an inspection of the installation area approximately 10 to 12 months after installation to ensure no erosion has occurred and that no settlement areas exist. Any areas found are to be repaired in accordance with the above notes. Area is also to be inspected for noxious weed. If noxious weeds are found, they are to be sprayed and destroyed by the applicant. (Contact the SDDOT Representative noted on the permit for information regarding noxious weed and chemical application)

Kraig, Rose

From: Wiege, Steve
Sent: Thursday, July 30, 2015 9:49 AM
To: Kraig, Rose
Subject: FW: Black Hills Speedway - permit to occupy right-of-way
Attachments: CCE07302015.pdf; ATT00001.htm

Rose, please log in.

From: Carlson, Mike
Sent: Thursday, July 30, 2015 9:46 AM
To: Wiege, Steve
Subject: Fwd: Black Hills Speedway - permit to occupy right-of-way

Sent from my iPhone

Begin forwarded message:

From: "Eddie Kirchoff" <gkexpress@hotmail.com>
To: "Carlson, Mike" <Mike.Carlson@state.sd.us>
Subject: Black Hills Speedway - permit to occupy right-of-way

Mike,

Please find attached permit we discussed yesterday. Let me know if this will work. Thank you

Eddie Kirchoff
307-660-8866

**Application for Highway Access Permit
South Dakota Department of Transportation**

Instructions: Please contact the local South Dakota Department of Transportation office to determine what supporting documents must accompany this application. Please submit a separate application and supporting documentation for each access requested. Attach additional sheets as necessary. Please print or type. Owner and applicant agree to comply with special and standard conditions if access permitted.

Permit Application (to be completed by applicant):

Property Owner: Name(s): <u>Cross Country Real Estate LLC</u> Mailing Address: <u>3409 E. 2nd St.</u> City, State, Zip: <u>Gillette, WY 82718</u> Daytime Phone: <u>307-890-8352</u>	Applicant (if different from Owner): Name(s): _____ Mailing Address: _____ City, State, Zip: _____ Daytime Phone: _____
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------

Property to be Served by Approach: County: <u>Rapid City</u> Section: <u>10</u> Township: <u>One North</u> Range: <u>Eight East</u> Or Subdivision: _____ Block/Lot: _____ Street Address: _____ City: _____	State Highway to be Accessed by Approach: State Highway Number: <u>SD44</u> Access would be <u>600'</u> feet (north, south, east or west) from <u>July Lane</u> (nearest cross street).
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Land Use of Property to be Served (check one): <input type="checkbox"/> Agricultural: acres served _____ <input checked="" type="checkbox"/> Business: type <u>Gas Station</u> total square footage of buildings: _____ number of employees _____ <input type="checkbox"/> Residential: number of single-family dwellings _____, or number of multi-family dwellings _____ <input type="checkbox"/> Other: describe _____	Type of Permit Requested (check one) <input checked="" type="checkbox"/> New approach <input type="checkbox"/> Change in use <input type="checkbox"/> Temporary access <input type="checkbox"/> Improve existing access <input type="checkbox"/> Relocate existing access <input type="checkbox"/> Remove existing access Requested Approach Width (check one) 24' <input type="checkbox"/> 30' <input type="checkbox"/> 36' <input checked="" type="checkbox"/> 40' <input type="checkbox"/>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Local Government Reviews: County: <u>Pennington</u> Comments: _____ Concurrence signature: _____ Date: _____	Municipality: _____ Comments: _____ Concurrence signature: _____ Date: _____
------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------

Estimated Date of Construction: 12/4/17

I, the undersigned, request permission to construct or modify an access approach subject to the rules and regulations set forth in SDCL 70:09.

Signature of Applicant: [Signature] Date: 12/20/17 EU

Signature of Owner (if different than applicant): _____ Date: 1/1

Permit Decision (to be completed by SDDOT):

Supporting Materials Required: (Required) <input checked="" type="checkbox"/> Access Approach Design <input type="checkbox"/> Vicinity Map <input type="checkbox"/> Traffic Volumes <input type="checkbox"/> Three Copies of Site Plan <input type="checkbox"/> Traffic Control Plan <input type="checkbox"/> Proof of Liability Insurance <input type="checkbox"/> Detailed Development Plan <input type="checkbox"/> Drainage Plan <input type="checkbox"/> Traffic Impact Study <input type="checkbox"/> Revegetation Plan <input type="checkbox"/> Other _____	Received by SDDOT: Date: <u>11/27/17</u> Decision: (to be made after Application Review) <input checked="" type="checkbox"/> Access Approved <input type="checkbox"/> Access Approved with Variance: _____ <input type="checkbox"/> Access Denied
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Terms and Conditions of Approval (or Reason for Denial) See Attached special conditions for all that apply.

Access Must be Constructed By: 2/22/18

SDDOT Area Engineer Signature: <u>[Signature]</u> Date: <u>12/22/17</u>	SDDOT Area: _____ Area Office: <u>RC</u> Contact Person: <u>Steve Wiege</u> Contact Phone: <u>394-1644</u> Permit Number: _____
----------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------

cc: Paul Frazier

SDDOT Highway Access Permit Application Review Sheet (to be completed by SDDOT)			
Highway Access Classification: (check one) <input type="checkbox"/> Expressway <input checked="" type="checkbox"/> Free Flow Urban <input type="checkbox"/> Intermediate Urban <input type="checkbox"/> Urban Developed <input type="checkbox"/> Urban Fringe <input type="checkbox"/> Rural		Highway <u>44</u> MRM + Displacement <u>50+30</u> Left <input checked="" type="checkbox"/> Right <input type="checkbox"/> Average Daily Traffic <u>14,239</u> Accidents (three years) _____	
<i>1320' Access Spacing</i>			
Highway Alignment to Left of Access (as seen when standing on access) <input checked="" type="checkbox"/> Straight <input type="checkbox"/> Turns left <input type="checkbox"/> Turns right <input type="checkbox"/> Flat <input checked="" type="checkbox"/> Slopes up <input type="checkbox"/> Slopes down		Stopping Sight Distance: <u>800</u> ft. Entering Sight Distance: <u>900</u> ft. Posted Speed Limit: <u>45</u> mph <input type="checkbox"/> 0-3% grade <input checked="" type="checkbox"/> 3-5% grade <input type="checkbox"/> >5% grade	
Highway Alignment to Right of Access (as seen when standing on access) <input checked="" type="checkbox"/> Straight <input type="checkbox"/> Turns left <input type="checkbox"/> Turns right <input type="checkbox"/> Flat <input checked="" type="checkbox"/> Slopes up <input checked="" type="checkbox"/> Slopes down		Stopping Sight Distance: <u>500</u> ft. Entering Sight Distance: <u>1000</u> ft. Posted Speed Limit: <u>45</u> mph <input type="checkbox"/> 0-3% grade <input checked="" type="checkbox"/> 3-5% grade <input type="checkbox"/> >5% grade	
Significant Design and Potential Impact Considerations (check all that apply and explain checked items):			
<input type="checkbox"/> Sidewalks or Bike Paths <input checked="" type="checkbox"/> Curb & Gutter <input type="checkbox"/> On-Street Parking <input type="checkbox"/> Shoulder Width <input type="checkbox"/> Historical Resources		<input checked="" type="checkbox"/> Surface Drainage <input type="checkbox"/> Drainage Structures <input type="checkbox"/> Major Structures <input type="checkbox"/> Guard Rail <input type="checkbox"/> Above-Ground Utilities <input type="checkbox"/> Railroad Tracks	
<input checked="" type="checkbox"/> Distance to Nearby Streets, Both Directions <input type="checkbox"/> Distance to Nearby Driveways, Both Directions <input checked="" type="checkbox"/> Other Streets with Access or Available Access <input type="checkbox"/> Traffic Control Devices or Relocation Needed <input type="checkbox"/> Median Crossovers			
Explain impact on design: <i>Access does not meet spacing for Free Flow Urban classified Rd.</i>			
SDDOT Region Traffic Engineer Review (optional): Comments: _____ Signature: _____ date: ___/___/___		SDDOT Access Management Review (optional): Comments: _____ Signature: _____ date: ___/___/___	
APPROACH DESIGN SKETCH 			List Attachments: <input type="checkbox"/> Driveway details <input type="checkbox"/> Culvert details <input type="checkbox"/> Mailbox details <input type="checkbox"/> Fencing details <input type="checkbox"/> Cattle guard <input type="checkbox"/> Sidewalk details <input type="checkbox"/> Median crossovers <input type="checkbox"/> Recreation paths <input type="checkbox"/> Rail crossings <input type="checkbox"/> Auxiliary lanes <input type="checkbox"/> Storm sewer <input type="checkbox"/> Pavement <input type="checkbox"/> Curb & gutter <input type="checkbox"/> Traffic Control <input type="checkbox"/> Sign/signal/markings <input type="checkbox"/> Other
SDDOT Review Performed by: _____			Date: ___/___/___

452

State Highway Access Approach Permit Standard Conditions

When this permit was issued, the Department made its decision based in part on information submitted by the applicant, what alternative access to other public roads and streets was available, the operation of the highway and safety and design standards. Changes in access approach use or design not approved by the Department may cause the revocation or suspension of the permit. The permittee is responsible for the costs of construction, maintenance, and removal (if necessary) of the approach.

PERMIT EXPIRATION

A permit shall be considered expired if the access is not under construction within one year of the permit issue date or before the expiration of any authorized extension. When the permittee is unable to commence construction within one year after the permit issue date, the permittee may request a one-year extension from the Department. Only one extension may be granted. Any request for an extension must be in writing and submitted to the Department before the permit expires. The request should state the reasons why the extension is necessary, when construction is anticipated, and include a copy of page 1 (face of permit) of the access permit. Extension approvals shall be in writing. Any person wishing to reestablish an access permit that has expired may begin again with the application procedures.

CONSTRUCTION

1. The construction of the access and its appurtenances as required by the terms and conditions of the permit shall be completed at the expense of the permittee. All materials used in the construction of the access within the highway right-of-way or on permanent easements, become public property. Any materials removed from the highway right-of-way will be disposed of only as directed by the Department. Only clean fill material may be used for construction. Rubble and organic materials are prohibited. Permittee is responsible for salvaging and replacing topsoil, erosion control and revegetation of access.
2. The permittee shall notify the Area Office at least two working days prior to any construction within state highway right-of-way. Construction of the access shall not proceed until the access permit is issued. The access shall be completed in an expeditious and safe manner and shall be finished within 45 days from the initiation of construction within the highway right-of-way. One construction time extension may be requested from the Area Engineer. The permittee shall also notify the Area Office two days prior to substantial completion of the access construction.
3. A utility permit shall be obtained for any utility work within highway right-of-way. Where necessary to remove, relocate, or repair any traffic control device or public or private utility for the construction of a permitted access, the relocation, removal or repair shall be accomplished by the permittee without cost to the Department, and at the direction of the Department or utility company. Any damage to the state highway or other public right-of-way beyond that which is allowed in the permit shall be repaired immediately. The permittee is responsible for the repair of any utility damaged in the course of access construction, reconstruction or repair. Utilities are responsible for salvaging and replacing topsoil and must have an approved erosion control and revegetation plan. A final inspection must be held with the utility at the completion of the work.
4. The Department and the local government may inspect the access during construction and upon completion of the access to determine that all terms and conditions of the permit are met. Inspectors are authorized to enforce the conditions of the permit during and after construction and to halt any activities within state right-of-way that do not comply with the provisions of the permit, that conflict with concurrent highway construction or maintenance work, that endanger highway property, natural or cultural resources protected by law, or the health and safety of workers or the public.
5. Prior to using the access, the permittee is required to complete the construction according to the terms and conditions of the permit. Failure by the permittee to abide by all permit terms and conditions shall be sufficient cause for the Department to initiate action to suspend or revoke the permit and close the access. If in the determination of the Department the failure to comply with or complete the construction requirements of the permit create a highway safety hazard, such shall be sufficient cause for the summary suspension of the permit. If the permittee wishes to use the access prior to completion, arrangements must be approved by the Department and included in the permit. The Department may order a halt to any unauthorized use of the access pursuant to statutory and regulatory powers. Reconstruction or improvement of the access may be required when the permittee has failed to meet required specifications of design or materials.
6. The permittee shall provide construction traffic control devices at all times during access construction, in conformance with the Manual on Uniform Traffic Control Devices as required by state statute.

7. In the event it becomes necessary to remove any right-of-way fence, the posts on either side of the access shall be securely braced with an approved end post before the fence is cut to prevent any slacking of the remaining fence.
8. The permittee shall ensure that a copy of the permit is available for review at the construction site at all times. The permit may require the contractor to notify the individual or office specified on the permit at any specified phases in construction to allow the field inspector to inspect various aspects of the construction such as concrete forms, subbase, base course compaction, and materials specifications. Minor changes and additions may be ordered by the Department or local authority field inspector to meet unanticipated site conditions.
9. Each access shall be constructed in a manner that shall not cause water to enter onto the roadway or shoulder, and shall not interfere with the existing drainage system on the right-of-way or any adopted municipal system and drainage plan.
10. By accepting the permit, permittee agrees to save, indemnify, and hold harmless to the extent allowed by law, the Department, its officers, and employees from suits, actions, claims of any type or character brought because of injuries or damage sustained by any person resulting from the permittee's use of the access permit during construction of the access.

CHANGES IN ACCESS USE AND PERMIT VIOLATIONS

1. It is the responsibility of the property owner and permittee to ensure that the use of the access to the property is not in violation of the permit terms and conditions. The terms and conditions of any permit are binding upon all assigns, successors-in-interest, heirs and occupants. If any significant changes are made or will be made in the use of the property that will affect access operation, traffic volume and or vehicle type, the permittee or property owner shall contact the Department to determine if a new access permit and modification to the access are required.
2. When an access is constructed or used inconsistent with the terms and conditions in violation of the permit, the Department may summarily suspend an access permit and immediately order closure of the access.

MAINTENANCE

The permittee shall be responsible for the repair and maintenance of the access beyond the edge of the roadway including:

- (1) surfacing ,
- (2) curb and gutter,
- (3) cattle guard and gate,
- (4) vegetation control,
- (5) removal or clearance of snow or ice upon the access even though deposited on the access in the course of department snow removal operations,
- (6) repair and replacement of any access-related culverts of 36 inch diameter or smaller within the right-of-way in unincorporated areas,
- (7) obtaining department approval for all culvert repairs, drainage repairs, resurfacing, and changes in access design or configuration, and
- (8) all other maintenance required for continued safe and satisfactory operation of the access point.

The department shall perform no maintenance of access points, except:

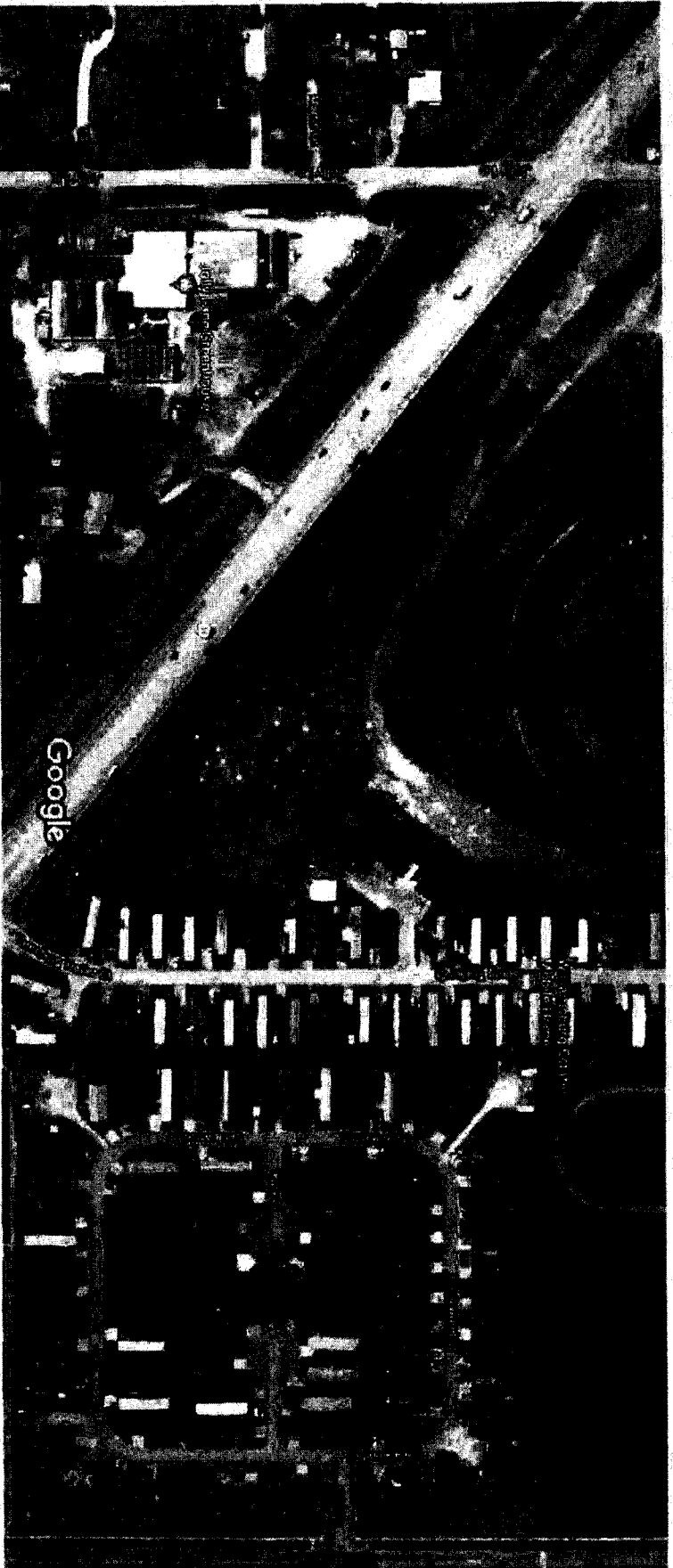
- (1) modification of access point as necessary to meet adjacent highway reconstruction, as determined by the department,
- (2) access surface maintenance only when the department performs similar type maintenance on the highway at the access,
- (3) maintenance of new approaches required for construction under §31-24-1 and §31-24-2.
- (4) culvert cleaning in unincorporated areas, and
- (5) repair and replacement of culverts larger than 36" diameter in unincorporated areas.

In the event that the permittee fails to maintain an access point, the department may declare the negligently maintained access point a public nuisance, and upon notice to the permittee, may correct maintenance deficiencies at cost to the owner.

Access Approach Construction Inspection Form South Dakota Department of Transportation

To: (person who will conduct field inspection)	After completion, return form to person/office:
address	
address	
Address/zip	
<p>The assigned field inspector is to complete this form for each newly completed access and return the form as noted in the upper right. This form is to confirm installation of an access. If during construction, the inspector should determine problems, such as poor traffic control, materials, or failure to adhere to the permit, they are to order the problems corrected, work may be shut down if necessary, and/or area office contacted for direction. All construction shall be completed within 45 days unless extension granted in writing by Area Engineer.</p>	
Permittee name and phone:	
Access location:	Permit number:
Local jurisdiction:	Permit issue date:
SDDOT Area:	Permit construction began: _____ Permit construction ended: _____ Permit extension granted: _____
This access has been constructed in reasonable conformance with the issued access permit: Inspector signature _____ Date _____	
This access has NOT been constructed in reasonable conformance with the issued access permit: Inspector signature _____ Date _____	
Items not in conformance or inspector comments:	

Google Maps



Imagery ©2017 Google, Map data ©2017 Google 100 ft

<https://www.google.com/maps/@44.0581404,-103.1478742,357m/data=!3m1!1e3>

12/21/2017

Special Conditions Attachment Sheet

The items listed below are a summary of requirements set by the SDDOT for work being done within the ROW. It shall be the permit holder's responsibility to acquire the information needed to complete work as per the SDDOT Standard Specifications for Roads and Bridges 2015 Edition. Included is a link to the SDDOT standard plates for reference to situations. <http://sddot.com/business/design/plates/index/Default.aspx>. For instances where uncertainty exists, questions should be referred to the Rapid City Area SDDOT.

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8. Any surfacing removed within the ROW shall be replaced in kind in accordance with section 320.3 or 380 of the SDDOT standard specification for Roads and Bridges 2015 Edition. Removals shall be defined by full depth saw cuts with limits approved by DOT.
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Wiege, Steve

From: Bartlett, Stacy
Sent: Friday, December 01, 2017 12:16 PM
To: Wiege, Steve; Carlson, Mike
Subject: RE: [EXT] BHS SD44 access

1:00 pm

I gave Eddie a call and explained the following:

1. SD44 is classified as Free Flow Urban with access spacing of 1,320'
2. Although he cannot meet spacing criteria, we are will to work with him on access, but need more detailed information – type of development, anticipated volumes, circulation plan
3. Due to SD44 being a 5-lane facility, the best location for access would be to align with the approach to Jolly Lane Greenhouse
4. There would be no agreement similar to what Gary proposed, and that the process would be handled through our permitting procedure

Eddie was very pleasant and offered to put together a more detailed site plan – he said, he “understood that building 5 Starbucks would really create a cluster!” Eddie and his father are going to create a more detailed site plan and set-up a meeting with us to discuss.

Have a good weekend –
Stacy

From: Wiege, Steve
Sent: Thursday, November 30, 2017 3:58 PM
To: Bartlett, Stacy
Cc: Carlson, Mike
Subject: FW: [EXT] BHS SD44 access

This is what I got from him thus far.

From: GK Express Fabrication LLC [<mailto:Gkexpress@hotmail.com>]
Sent: Monday, November 27, 2017 1:36 PM
To: Wiege, Steve
Subject: [EXT] BHS SD44 access

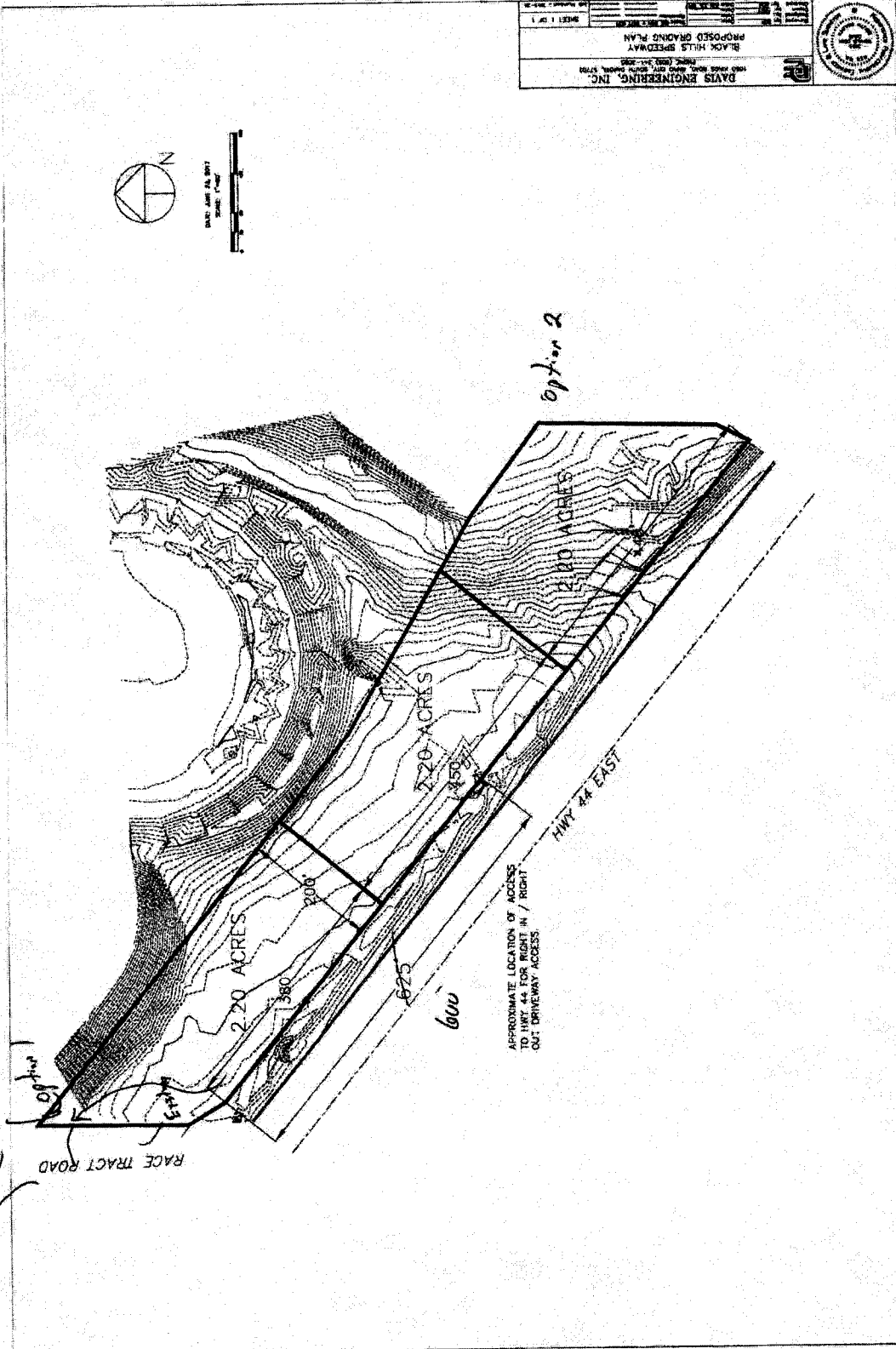
Steve,

I've attached the new highway access permit I just filled out. I have also attached the original agreement for the access as well. Please let me know if I need to fill out anything else.

Thank you

Eddie Kirchoff





	DAVIS ENGINEERING, INC. 1000 W. 10th St., Suite 200, Oklahoma City, OK 73106 Phone: (405) 233-1100
BLACK HILLS BREWERY PROPOSED GRADING PLAN	
SHEET 1 OF 1	



Z:\0000-DE 2015 JOBS\2015-26 Speedway\RAW DATA.dwg, 6/23/2017 2:53:19 PM, DWG To PDF.pc3

DRAINAGE EASEMENT

S. William Davies, Owner hereinafter referred to as GRANTOR, in consideration of One Dollar and other valuable considerations, receipt of which is hereby acknowledged, does hereby grant, bargain and convey a perpetual public drainage easement over, on and across the hereinafter described tract of real estate situated in the SW 1/4 of NW 1/4 and the NW 1/4 of SW 1/4 of Section 10, T1N, R8E, BHM, Pennington County, South Dakota described as follows: See Exhibit A.

IN WITNESS WHEREOF, the GRANTORS have executed this instrument this 5th day of December, 1983 GRANTOR S. William Davies

STATE OF SOUTH DAKOTA
COUNTY OF PENNINGTON S S

On this 5th day of December, 1983, before me, the undersigned officer, personally appeared S. William Davies

known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same for the purposes therein contained.

In Witness Whereof I hereunto set my hand and official seal

Leon J. Krueger

Notary Public

My Commission Expires 11/09/91

CAMERA OPERATOR
DATE RECORDED

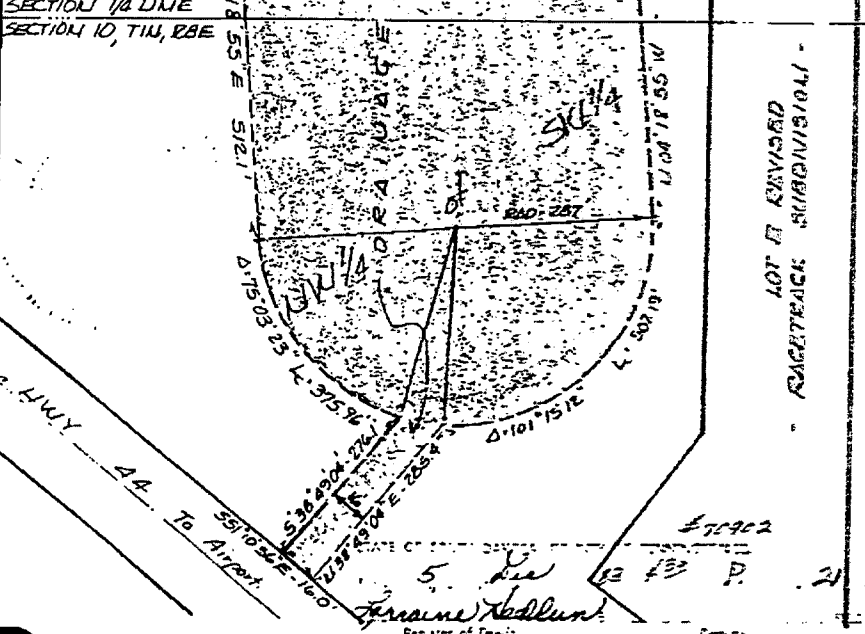
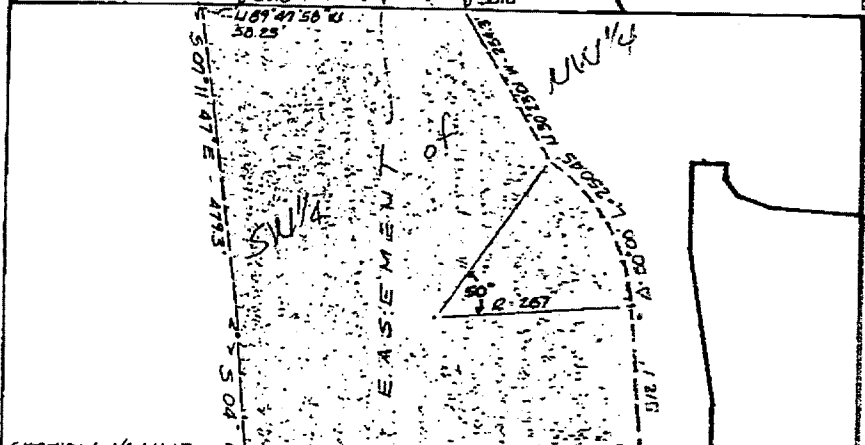
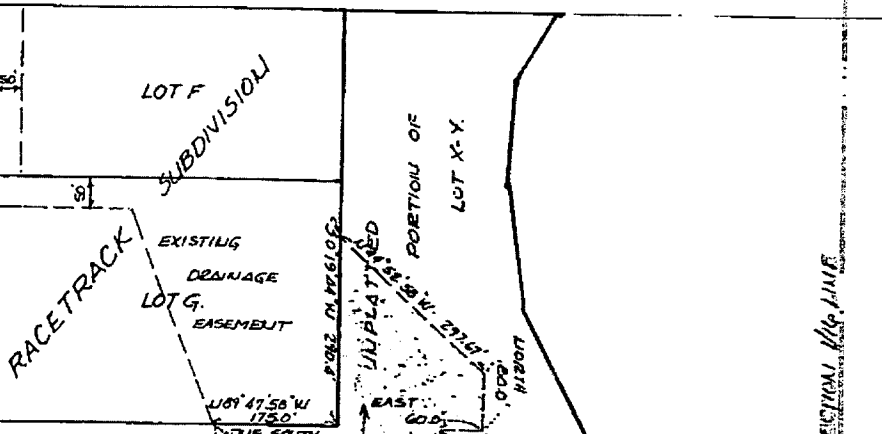
CAMERA OPERATOR

DATE MICROFILMED

SECTION 9 T1N, R2E
SECTION 10 T1N, R2E

ROAD

RACETRACK



SECTION LINE 2

SECTION 1/4 LINE
SECTION 10, T1N, R2E

TO HWY 44
TO AIRPORT

LOT E REVISED
RACETRACK SUBDIVISION



DAVIS ENGINEERING AND SURVEYING
306 Seventh St.—Rapid City, South Dakota—341-3055

5. See 133 P. 21
Francis Hedlund
Register of Deeds
47042
This
300

THIS IS TO CERTIFY THAT THE MICROPHOTOGRAPHIC IMAGE APPEARING ON THIS SLIDE OF MICROFILM IS AN ACCURATE REPRODUCTION OF THE ORIGINAL RECORD AND WAS MICROFILMED IN THE REGULAR COURSE OF BUSINESS ACCORDING TO THE PROVISIONS OF SOUTH DAKOTA COMPILED LAW 1-27-4. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A MANNER AND ON MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROPHOTOGRAPHIC REPRODUCTIONS.

DATE MICROFILMED

Jan. 10 1994

ROLL NO.

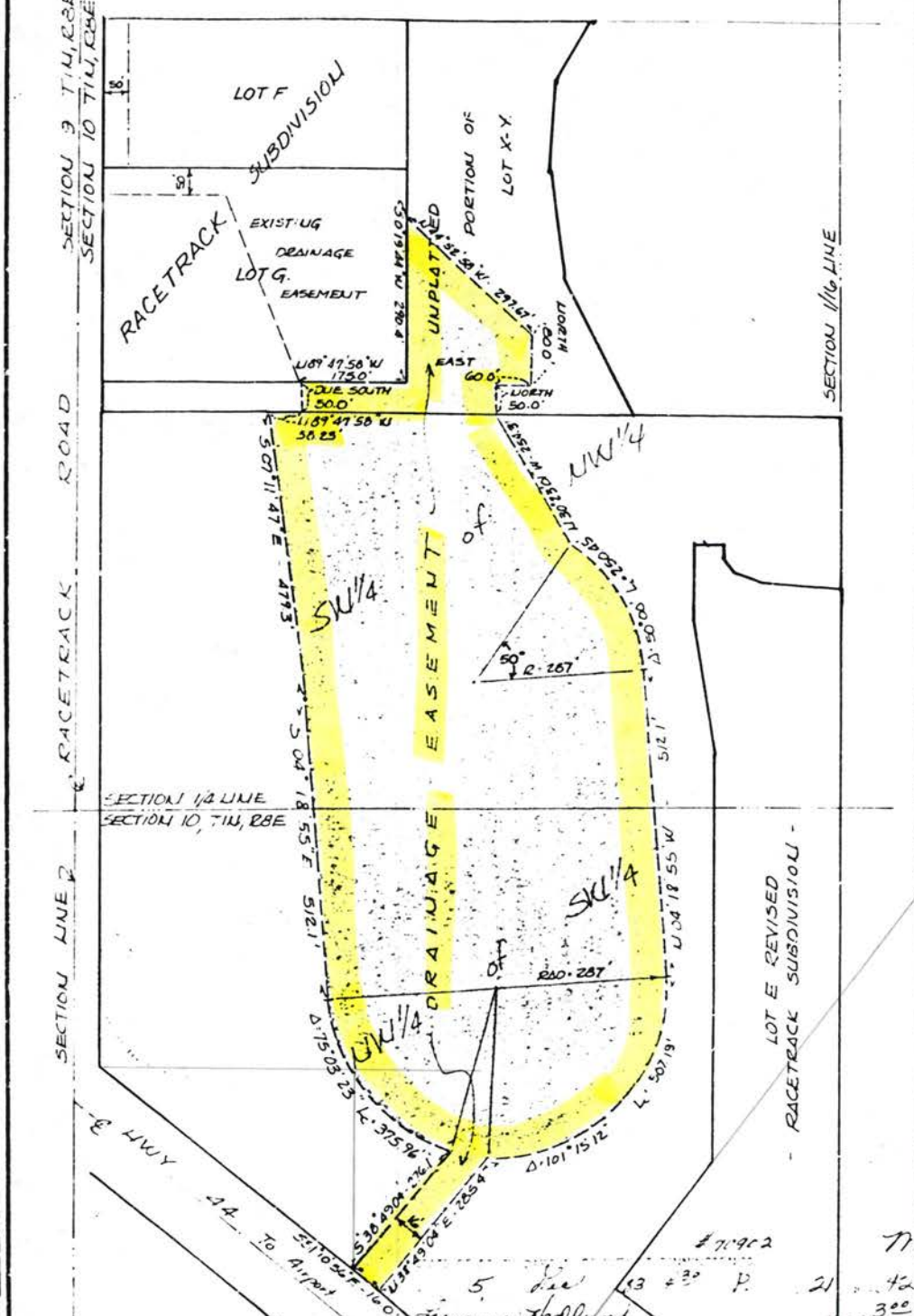
REDUCTIONS 35%

CAMERA OPERATOR

EXH 21 PAGE 4206

EXHIBIT A

1"=300'



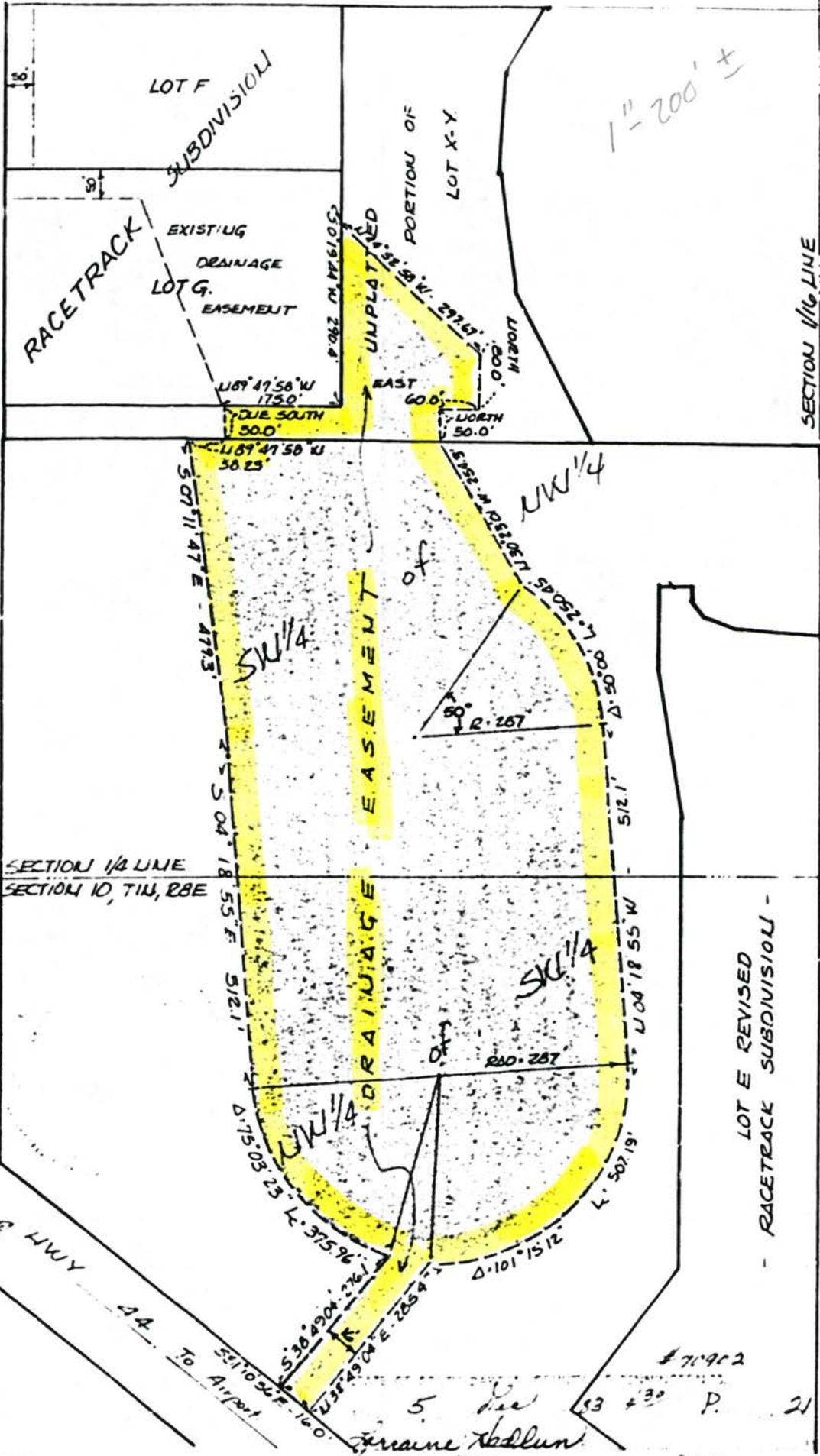
DAVIS ENGINEERING AND SURVEYING
 306 Seventh St.—Rapid City, South Dakota—341-5095

5. Dec 13 2014 P. 21
 Terrence Redden
 Registrar of Deeds
 #71902
 Title
 425
 300

SECTION 9 T1N, R2E
SECTION 10 T1N, R2E

RACETRACK ROAD

SECTION LINE 2



SECTION 10 LINE

LOT E REVISED
- RACETRACK SUBDIVISION -

HWY 54 To Airport
 S 30° 49' 04\" 261'
 N 38° 49' 04\" 261'
 S 30° 49' 04\" 261'
 N 38° 49' 04\" 261'

#70902
 5 Dec 53 P. 21
 400
 300
 M. H. ...
 ...



DAVIS ENGINEERING AND SURVEYING
 306 Seventh St. - Rapid City, South Dakota - 741 7005

S. William Davies, Owner hereinafter referred to as GRANTOR, in consideration of One Dollar and other valuable considerations, receipt of which is hereby acknowledged, does hereby grant, bargain and convey a perpetual public drainage easement over, on and across the hereinafter described tract of real estate situated in the SW 1/4 of NW 1/4 and the NW 1/4 of SW 1/4 of Section 10, T1N, R8E, E8M, Pennington County, South Dakota described as follows: See Exhibit A.

IN WITNESS WHEREOF, the GRANTORS have executed this instrument this 5th day of December, 1983 GRANTOR S. William Davies

STATE OF SOUTH DAKOTA COUNTY OF PENNINGTON S S

On this 5th day of December, 1983, before me, the undersigned officer, personally appeared S. William Davies known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same for the purposes therein contained.

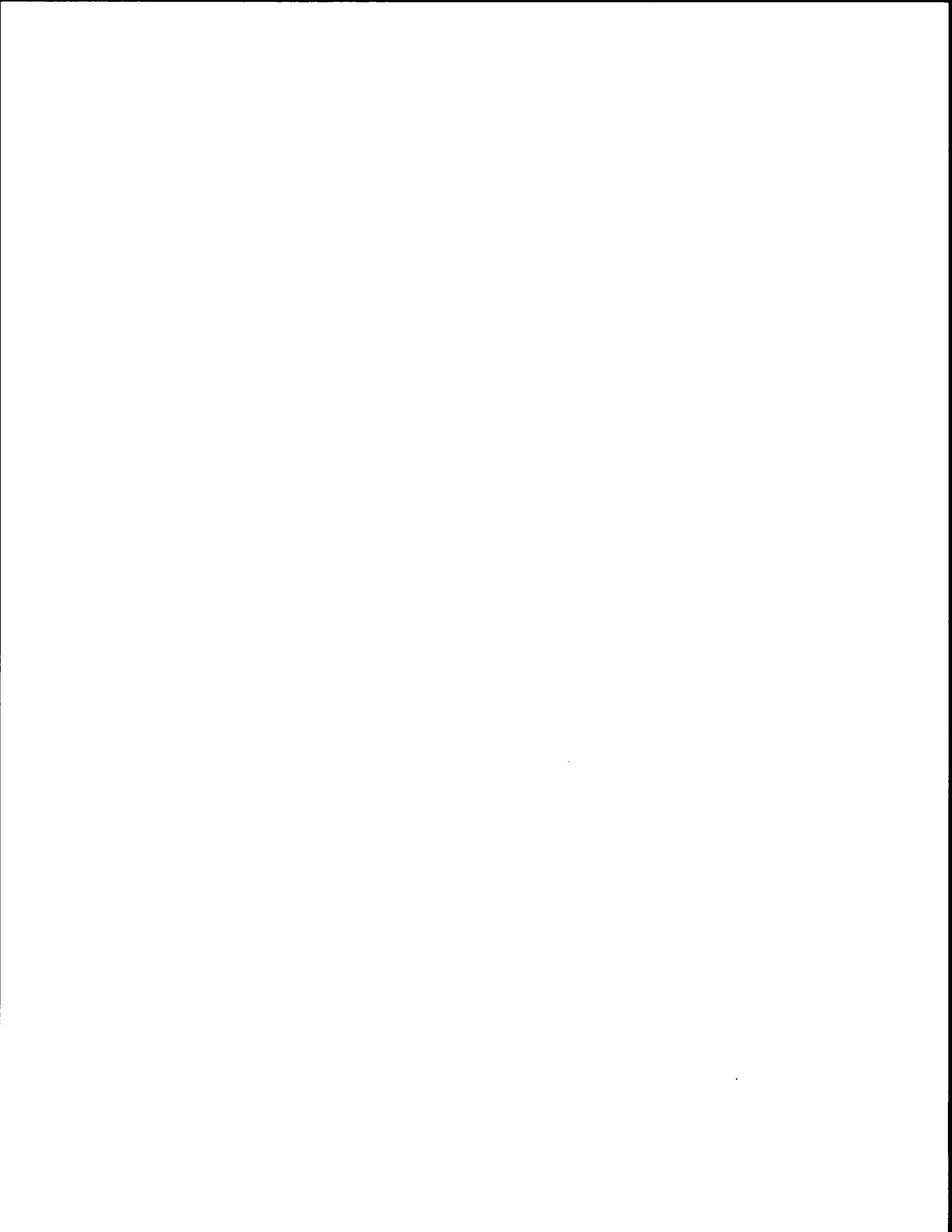
In Witness Whereof I hereunto set my hand and official seal

Loren J. Krueger

Notary Public

My Commission Expires 11/09/91

THIS IS TO CERTIFY THAT THE MICROFILMED INSTRUMENTS APPEARING ON THIS PAGE OF RECORD LIST AS AN INSTRUMENT THAT COMPLIES WITH THE PROVISIONS OF SOUTH DAKOTA COMPILATION ORIGINAL RECORD AND WAS MICROFILMED IN THE REGULAR COURSE OF BUSINESS ACCORDING TO THE PROVISIONS OF SOUTH DAKOTA COMPILATION LAW 1-27-81. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A MANNER AND ON MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROPHOTOGRAPHIC REPRODUCTIONS, REDUCTIONS, ENLARGEMENTS, AND REPRODUCTIONS. ROLL NO. DATE MICROFILMED 9/10/84 CAMERA OPERATOR S. J. M...



RECEIVED
APR 29 2016
BY: *Om*



TRANSMITTAL LETTER

DAVIS ENGINEERING, INC.....1060 KINGS ROAD.....RAPID CITY, SD 57702

DATE: April 29, 2015

TO: Pennington County Planning Dept
130 Kansas City St.
Suite 200
Rapid City, SD 57701

RE: Replacement of drainage pipe @ Black Hills Speedway

To whom it may concern;

I have attached a drawing showing the replacement of the 12" RCP pipe with an 18" PVC pipe. The 12" RCP pipe was clogged and did not drain. The southern end of the Racetrack was inundated and races could not be held. The owner has removed the 12" RCP which left an open ditch that needs to be filled in in order to use this area for racing purposes.

The owner has decided to replace the 12" RCP with an 18" PVC pipe which will have more carrying capacity even though more capacity is not needed. The 12" RCP that is still under the South end of the track will release approximately 5 cfs which is the same amount as before this work is done. **The addition of the 18" PVC pipe will not affect the drainage pattern or amount of water released in accordance with the "Race Track Draw Drainage Basin Design".**

The State Dept of Transportation reconstructed the HWY ditch on the North side of the HWY 44 in order to facilitate the drainage from the Speedway in a more efficient manner. They also cleaned out the Box Culvert under HWY 44.

If you have any questions please call.

Thank you;

Davis Engineering, Inc.
Ronald D. Davis, PE/RLS #3095 SD
605-341-3095 davisengineering@q.com

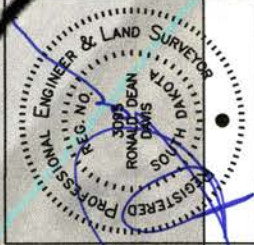


* The existing 12 rcp will discharge the same amount that has been released historically. Approximately 5 cfs. The new 18" pipe will carry the discharge to the Highway Right of Way. This pipe is being installed to replace the 12" rcp that was clogged. This pipe needs to be installed so that the open ditch created during the removal of the 12" rcp can be filled in and this area be used for racing purposes.



DAVIS ENGINEERING, INC.
 1060 KINGS ROAD, RAPID CITY, SOUTH DAKOTA, 57702
 PHONE (605) 341-3095

BLACK HILLS SPEEDWAY DRAINAGE PROPOSAL



Scale: 1"=100'	Date: _____
Revisions:	Designed by: DAVE L. _____
	Drawn by: ARDY _____
	Checked by: RON _____
	Date: APR 29, 2016
	Date: _____
	Date: _____
	Date: _____
	Job Number: J20



DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
NOTICE OF INTENT (NOI)
 to Obtain Coverage Under the SWD General Permit for
 Stormwater Discharges Associated with Construction Activities

Submit form to: SD Department of Environment and Natural Resources
 Surface Water Quality Program
 523 East Capitol Avenue
 Pierre, South Dakota 57501
stormwater@state.sd.us
 Telephone: 1-800-SDSTORM

ALL QUESTIONS MUST BE ANSWERED COMPLETELY FOR THIS FORM TO BE VALID

I. Site Owner Contact Information:

Company Name: Cross County Real Estate, LLC
 Primary Contact Person: Eddie Kirchoff
 Mailing Address: 3402 E. 2nd Street
 City: Gillette State: Wy Zip Code: 82718-8239
 Phone Number: 1-307-680-8866 Email Address: gkexpress@hotmail.com
 Type of Ownership: Private Federal State Other (Municipal, County, etc.)
 (any type not listed previously)

II. Contractor Information:

Will any contractors be responsible for erosion and sediment control practices: Yes No
 (A contractor certification form must be submitted for each contractor that will have day to day responsibility for erosion and sediment control practices. If these contractors have not been identified at the time this NOI is submitted, the contractor certification form may be submitted after they have been identified, but before they being construction work.)

III. Engineering Firm Contact Information (if applicable):

Contact Person: Ronald Davis PE / RLS #3095 SD
 Contact's Email Address: davisengineering@reagan.com

IV. Construction Project Information:

Project Name: Black Hills Speedway Parking Improvements
 Physical Project Address or Description of Construction Site Location: 2467 Jolly Lane / at the intersection of Jolly Lane and Highway 44 East-NE corner
 City: Rapid City State: SD Zip Code: 57703
 On-Site Contact Person: Eddie or Ed Kirchoff
 Contact's Email Address: gkexpress@hotmail.com
 Contact's Mailing Address: 3402 E. 2nd Street
 City: Gillette State: WY Zip Code: 82718-8239
 Phone Number: 1-307-680-8866 County of Construction Site: Pennington
 Latitude: 44-03-31 N Longitude: 103-08-58 W Source (GPS, Google, etc.): Rapid City GIS
 Quarter(s): NW & SW Section(s): 10 Township(s): 1N Range(s): 8E BHM

FOR DENR USE ONLY

Permit Number: _____ Date Approved: _____ Approved by: _____

Construction Project Information (Continued):

Is this project on Tribal Lands? Yes No

Total area disturbed by the project (in acres): 6.0

Will this project encroach, damage, or destroy one of the historic sites identified at the following websites:

<http://history.sd.gov/Preservation/nationalregisterofhistoricplaces.aspx> Yes No

<http://www.nps.gov/nhl/find/statelists/sd/SD.pdf> Yes No

V. Stormwater Pollution Prevent Plan (SWPPP):

Has the SWPPP been developed as required? Yes No

(The plan must be developed **before** the NOI is submitted. DENR will not issue coverage before this has been developed.)

VI. Receiving Waters:

Please list all possible waters that may receive a discharge from this site. If discharging to a Municipal Storm Sewer System, indicate which municipality and the ultimate receiving water.

Rapid Creek

VII. Nature of Discharge:

Please include a brief description of the construction project:

General grading to flatten the area to receive 4" gravel for new parking lot. This area currently drains to the HWY 44 ditch and will continue to do so after completion

Will construction dewatering be required? Yes No If yes, please complete section IX also.

VIII. Construction Dates:

Project Start Date (MM/DD/YYYY): September 1, 2018

Estimated Completion Date (MM/DD/YYYY): October 1, 2018

IX. Dewatering Activities (Complete this section if you answered yes in VII):

Date dewatering will commence (MM/DD/YYYY): _____

Date dewatering will end (MM/DD/YYYY): _____

Total volume of dewatering (gallons): _____ Average flow rate (gallons per minute): _____

Source of water to be discharged: _____

Receiving water: _____

Brief description of water treatment processes to be employed, if any: _____

Will the dewatering discharge contain anything other than uncontaminated groundwater and stormwater: Yes No

NOTE: If there will be dewatering activities, please place points of withdrawal and discharge on a topographic map, or other map if a topographic map is unavailable. This map should extend to one (1) square mile beyond the property boundaries of the facility and each of its discharge facilities, and those wells, springs, and other surface water bodies, drinking water wells, and surface water intake structures listed in public records, or otherwise known to the applicant in the map area.

X. Other Information

List other information you feel should be brought to the attention of the SDDENR regarding coverage under this general permit. Attach additional sheets if necessary.

Straight forward grading project to basically gravel and existing parking area.

TO: Board of Commissioners

FROM: Dan Jennissen, Pennington County Planning Department

DATE: May 4, 2010

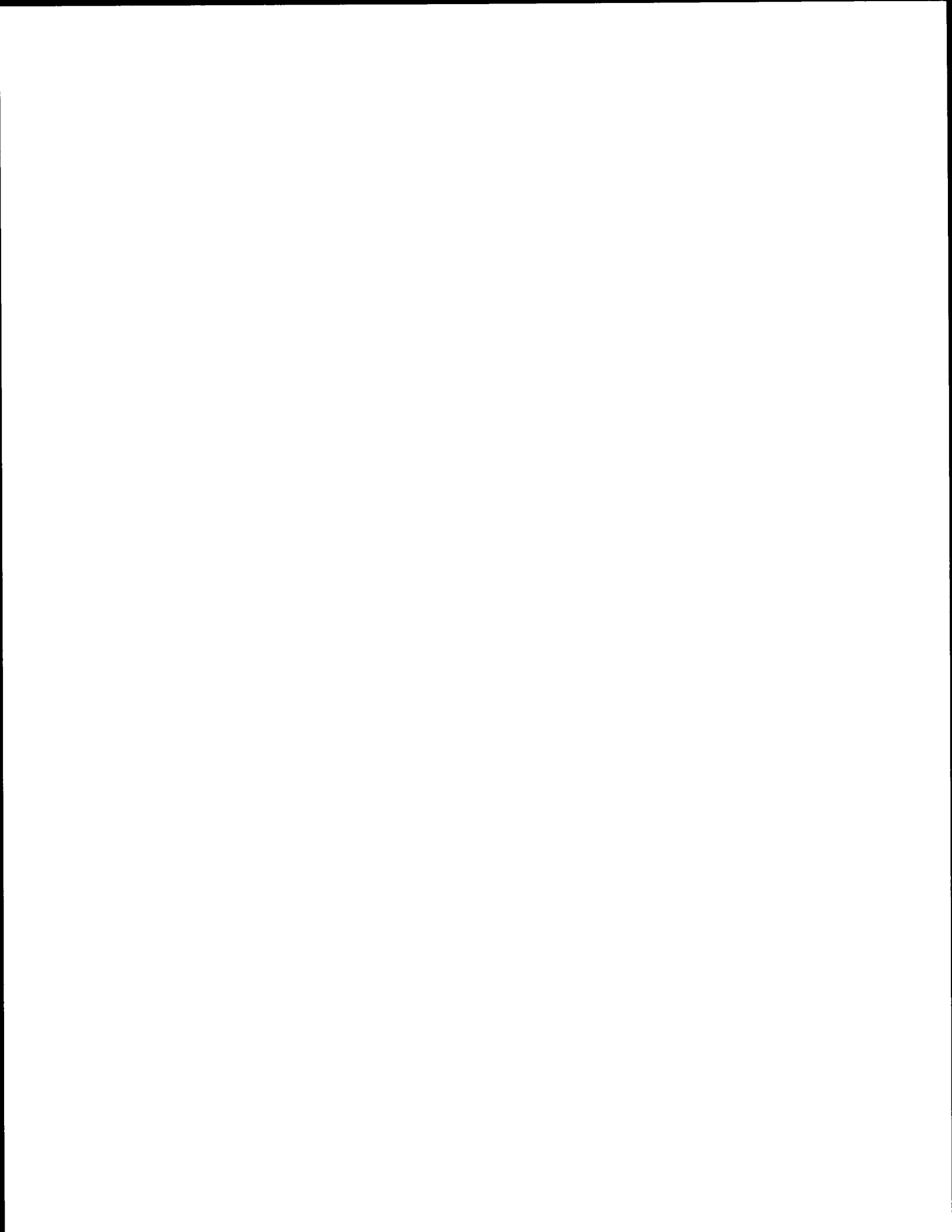
RE: Black Hills Speedway located on the unplatted portion of the S1/2SW1/4NW1/4, Part of the NW1/4SW1/4 N & E OF HWY, Section 10, T1N, R8E, BHM, Pennington County, South Dakota

Approximately one month ago, staff received a complaint that Black Hills Speedway placed two on-premise billboards on the property legally described above. The signs were placed on the property without the required Sign Permits. Staff contacted Jim Shaw, co-owner of the speedway. He indicated the signs were replacing existing signs that were once located on the property. The two signs were placed in locations that once did have signs. However, no signs have existed in these two locations for three to four years. The speedway has been in operation for 60 years and is considered a legal, non-conforming use. The property is zoned General Commercial District and a speedway is allowed with approval of a Conditional Use Permit. No Conditional Use Permit has ever been issued for the operation of the speedway. To bring the property into compliance would require obtaining approval of a Conditional Use Permit. The area is surrounded 100 percent by residential. Obtaining approval of a Conditional Use Permit would be contrary to the Comprehensive Plan and would not meet the intent of the Pennington County Zoning Ordinance. Staff could not support approval of a CUP for a racetrack due to its incompatibility to the area.

Section 401 of the Pennington County Zoning Ordinance states: "To permit nonconformities to continue until they are removed, it is further the intent of these Zoning Ordinances that nonconformities shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district, unless it is an agricultural use on forty (40) or more acres".

The previous owners and the current owners of the speedway have been aware and are aware that the speedway cannot be expanded so as to increase its non conformity. The two signs have been vacant from the property for more than a year. Section 401-C states: "If a nonconforming building, structure, or portion thereof becomes vacant and remains unoccupied for a continuous period of one (1) year, any subsequent use or occupancy of the land and premises shall be in conformance with the official controls pursuant to the provisions of SDCL 11-2-26 and 11-2-27".

Pennington County Zoning Ordinance does not allow for the on-premise signs to be located on the property and, therefore, the two signs must be removed.



Geoff Preston Journal staff Apr 29, 2018

SUBSCRIBE FOR 33¢ / DAY



New Black Hills Speedway manager John Carlton Saturday at the BHS Test and Tune Saturday.

BUY NOW

Geoff Preston Journal staff

New Black Hills Speedway track manager John Carlton knows that his biggest challenge is as another season begins at the historic speedway.

At a practice run open to the public Saturday at the speedway, with dust flying as the gears and motors threw cars forward on the track, he looked to the smattering of fans that had attended the event and said the track needs to attract more fans.

"If you were here last year, the cars would go around and people would kind of sit there. There wasn't a lot of following for the drivers, so a lot of that has to do with the fact that there's no fan interaction," he said. "One thing we'll do is during our intermission we'll have drivers go up there, stand up there and meet with people and talk to them. We want that interaction like how it used to be, to build it back to where it was."

When asked if the drivers would be open to more interaction with fans, Carlton said he was impressed with the driver's overall enthusiasm for the upcoming season.

"It's going to take some doing, but the drivers are open to it," he said. "When we announced, no one knew who I was to begin with, when we had our first little meeting to tell the drivers who I was and what I wanted to do, we only expected about 50 people. We rented this little tiny room at the Ramkota (Hotel) and we had 50 chairs set up, and it was standing room only. Same thing for the parade, we had 10 people that wanted to do it and we had 30-something cars."

Carlton comes to the speedway after running a go-kart track next to the track. Saturday was the unofficial kickoff to the season, which begins Friday, and featured a car show and a parade followed by a test run at the track.

For the past five seasons, Bill and Amy Keester had been managing the speedway but it was announced in a December 21, 2017 Facebook post that the two would not renew their lease on the track.

The track, which started as the Rapid Valley Race Track in either the late 1940s or early 1950s (the exact date is unknown), will feature some new upgrades during the 2018 season.

New speakers blared through the concourse, and Carlton said there will a large TV placed by the flag stand to provide in-pit broadcasts and replays. There will also be a new fire suppression system used for the drivers called Cold Fire, which is used by NASCAR.

More lighting will also be seen around the track to eliminate dark spots and signal cautions easier.

Carlton hopes that some of the improvements, like the fire suppression system and improved lighting, will benefit the drivers. Many of the usual drivers who have been racing at the track for years were at the test run Saturday.

"A lot of them are excited that I'm here for them," he said. "Previously it was just show up and you either race or you don't, and I want them to come here because I like having them here."

He also said he is working on improvements for the fans, including lower admissions prices and lower concession stand prices. He also said start times will be moved up.

"We want to try to get some more people in, so if they know they'll get a decent hamburger instead of an \$8 burger that tastes like it came from a freezer, that'll be good," he said. "We're going to start a little earlier and end a little earlier so when you bring kids out it'll be a more family friendly show instead of ending at 10,11 or 12 at night."

Special series will also be coming back, with the World of Outlaws Late Model tour coming to the speedway twice (July 10 and Aug. 23) American Flat Track (Aug. 7), the O'Riley Auto Parts Rushmore Showdown (June 23) and a Rock Crawler Show (June 17).

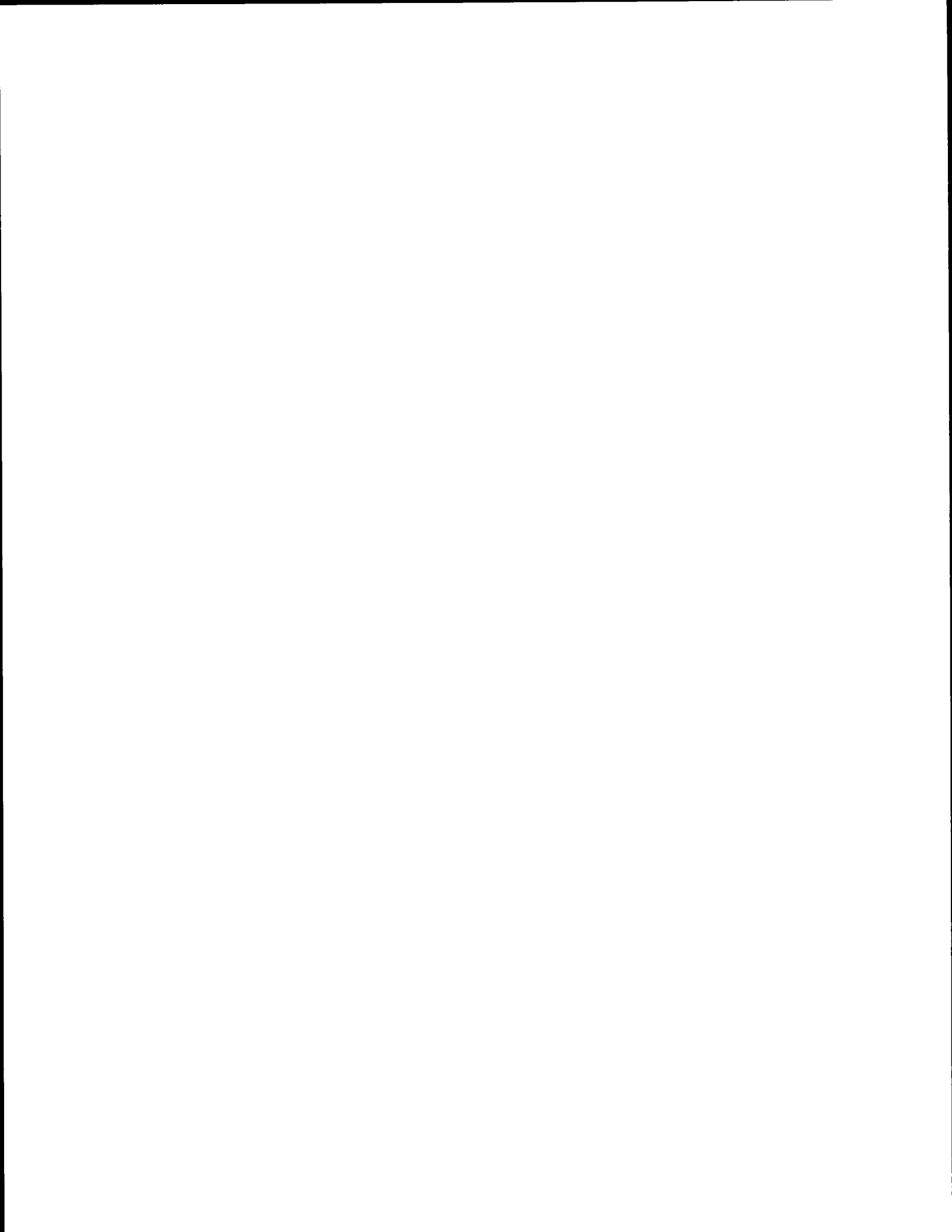
Friday's opening night will feature hobby stock, super stock, late models, B-modified, street stock and non-wing sprint classes.

Contact Geoff Preston at geoffrey.preston@rapidcityjournal.com

Geoffrey Preston

Sports Reporter

Sports reporter for the Rapid City Journal.



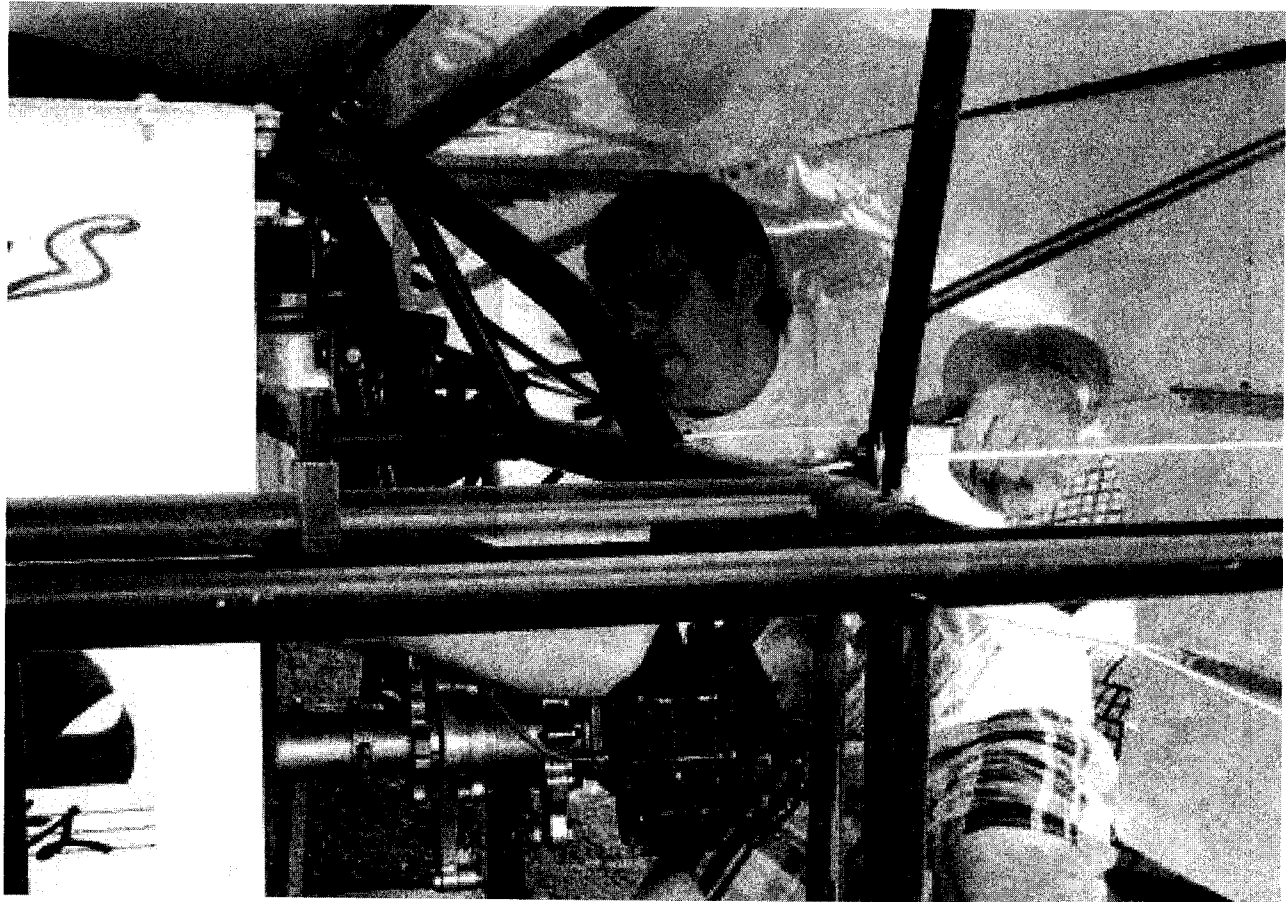
http://www.bhpioneer.com/black-hills-speedway-comes-to-life/article_1abb16d7-4d27-53fc-9ee4-7cde55db56d9.html

Black Hills Speedway comes to life

Business concerns, wet weather kept drivers, fans parked

By Peter Centineo

The Weekly News Jun 18, 2008



Tom Sires works on his Late Model race car prior to opening night at Black Hills Speedway Friday, June 13. The fans came out in droves to catch the action after rain had postponed the start of the season for two weeks. Photo by Peter Centineo

After several weeks of rain washed away the start of the Black Hills Speedway racing season twice, the track roared to life Friday night for the first races of the year.

Racing fans were very pleased.

“With all the rain and everything else going on I started getting a little agitated,” said Brent Welsch of Rapid City. “I’ve been coming here seven years to watch them run. It would have been pretty disappointing if they hadn’t raced this year. I bring my four kids with me every Friday night.”



While rain has hindered the start of the season for several weeks, the Speedway season was in doubt when a pending sale of the track was held up, causing a delay to the start of the season. Track owner Floyd Weisz finally decided to make Bill Keester the track manager and the sale of the property is on hold until the end of the season.

Keester was thrilled to get the racing season under way Friday though problems with the water truck was a headache. The track was pretty dry come race time but the fact that there was racing at all was the big thing.

“I’m very relieved we got to race tonight. It was a lot like organized chaos. The water truck broke down and we had to get that fixed somewhat, but that was the least of my worries,” Keester said.

Ina Keester, Bill’s mother, was in the stands Friday night watching as the drivers got ready to run. She said her son had been working tirelessly to get the track ready and to see races finally taking place put a smile on her face.

“I used to watch Bill race all the time here but I haven’t been here in six years,” she said. “I guess I’ll be here all the time now.”



Google Chrome

Google Chrome

Chrome Safe Browsing will protect
you from malicious sites.

DOWNLOAD

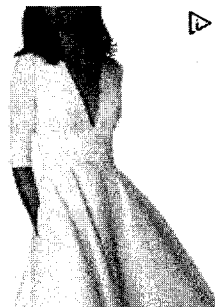
Fans weren't just local, either. L.T. Works of Texas arrived in the parking lot at 5:30 p.m. with a friend and was looking forward to watching some races.

"I come to Rapid City every summer and the Speedway is always a place I stop at," he said. "I love racing, and for them to go to a half mile track is really great. There will be a lot more speed that way. I like the facility, especially with the pit on the field."

The Black Hills Speedway used to run races on a 3/8 mile track but went back to half mile this year. Keester also moved the pit area from the south end of the track to the infield, feeling fans would enjoy watching the action there.

Joe Pecjak of Milton, Fla., was also on hand to catch the action. He also enjoyed the facilities and was looking forward to the races.

"My daughter races a couple of cars I own down in Florida. I just happen to be in Rapid City and stopped in to see the races. I really like the half-mile track," he said. "That adds a lot."



https://rapidcityjournal.com/dirt-flying-at-black-hills-speedway/article_055c2a20-31cb-5698-b469-6973f5f7192e.html

Dirt flying at Black Hills Speedway

Jim Holland, Journal Staff Writer Apr 23, 2002

RAPID CITY - The new owners of Black Hills Speedway believe smaller is better for the future of auto racing at the beleaguered track east of Rapid City.

Eric Darrow and Bill Keester are making major alterations at the speedway located in Rapid Valley to rev up racing in western South Dakota and sprint car racing in particular.

"We think Rapid's ready for a change," said Darrow, who heads a family ownership group that finalized purchase of the track earlier this month.

Change, indeed.

Earthmovers are chewing at the infield dirt to build a banked 3/8th-mile oval inside the original half-mile track.

"Three-eighths tracks are the coming trend," said Keester, a former BHS sprint car point champion who will serve as track manager and promoter.

From the spectator point of view, owners believe the shorter track will heighten competition.

"You don't need 25 cars to put on a good show," Darrow said.

Racers say the smaller oval will ease wear and tear on engines, since even with gearing changes, peaks in maximum rpms are less prolonged. Emphasis is on driver skill and handling, not horsepower.

"When you crash, you don't tear up as much stuff," Keester said.

Light towers will be moved farther into the infield to illuminate the smaller oval, with overhead electrical wires rerouted underground.

The pit area will shift from the infield to the south parking area adjacent to Highway 44, eliminating the problem of increasingly tall race car trailers which sometimes blocked the view of spectators.

"One of the first things fans will notice that the track has a lot cleaner appearance," Darrow said. "We think they'll like what they see."

Race cars will access the track from a new opening cut into turn two of the old half-mile oval and exit through a reopened, widened gate on the south end of the front straightaway.

Along with American Sprint Car Series-based sprinters, the new owners initially planned to run just two other Wisconsin-based classes, Street Stocks and a combined class of Late Models, Modifieds and Super Stocks.

Those plans changed after a series of meetings with drivers earlier this month. Instead, all classes will run separate programs, at least for this year.

"We don't want to turn away anyone who wants to race here," Keester said.

The half-mile oval will be retained for motorcycle races and other events, Darrow said. A quarter-mile oval is also planned for go-cart and mini-sprint races, he said.

"We can run unwinged sprint cars or late models on the half-mile at the end of the season if we want to. We can really have some fun with this place," Darrow said.

Other South Dakota speedways have successfully made the transition in track length. Aberdeen's one-third-mile Brown County Raceway, along with Sturdevant's I-90 Speedway in Hartford, and the Dakota State Fair Speedway in Huron, both 3/8ths-mile speedways, originally were built as half-mile tracks.

While the BHS track layout changes, the return of sprint cars as the premier racing division will be a throwback to the track's early days, said Keester, a former sprint car point champion.

"Black Hills Speedway was an open-wheel race track when it started in '52," Keester said. "They ran the old coupes and sedans and took the fenders off on purpose."

"Fans have been deprived of sprint cars for five or six years, and now they're going to get to see them race every Friday night," he said.

Interest from local drivers, both veterans and newcomers, is building for both the revival of sprint cars and the shorter track, Keester said. Drivers from Sioux Falls, the Denver area and Montana have made inquiries about coming to Rapid City to race, he said.

"Most every track in Montana is a three-eighths," Darrow said. "I think a lot of the drivers there were intimidated about running a half-mile. They're excited about coming here now."

"We have about a dozen local cars already," Keester said.

"There should be about 20-25 sprint cars in the pits here every week," he said. "Ten of them might be different each time, but we'll have a lot of cars."

Darrow said negotiations to buy the track began last November. But once all the legal hurdles for the purchase and the redesign plans had been cleared, little time was left to get ready for the '02 season.

Darrow and Keester are looking for employees for the Crow's Nest Restaurant, set to offer reserved seating on race nights.

Long-time announcer Jim Shaw will call the races and former driver Todd Willis will serve as flagman.

The men are eyeing a May 4 car show and test-and-tune session, with season-opening races on May 10.

"We want to make sure the new track is going to hold together," Darrow said.

Both dates are tentative, they said, depending on weather and other unseen delays in the new construction.

"We're trying to do six month's work in three weeks," Darrow said.

Questions or Comments? Contact reporter Jim Holland at 394-8415, or jim.holland@rapidcityjournal.com.

PROPOSED GRADING PLAN
BLACK HILLS SPEEDWAY RACETRACK
 RAPID CITY, PENNINGTON COUNTY, SOUTH DAKOTA

DWS NO. C1.0
 DATE: 8-15-18

DAVIS ENGINEERING, INC.
 1000 SOUTH DAKOTA AVENUE, SUITE 200
 RAPID CITY, SOUTH DAKOTA 57702
 PHONE: (605) 341-3000
 FAX: (605) 341-3005
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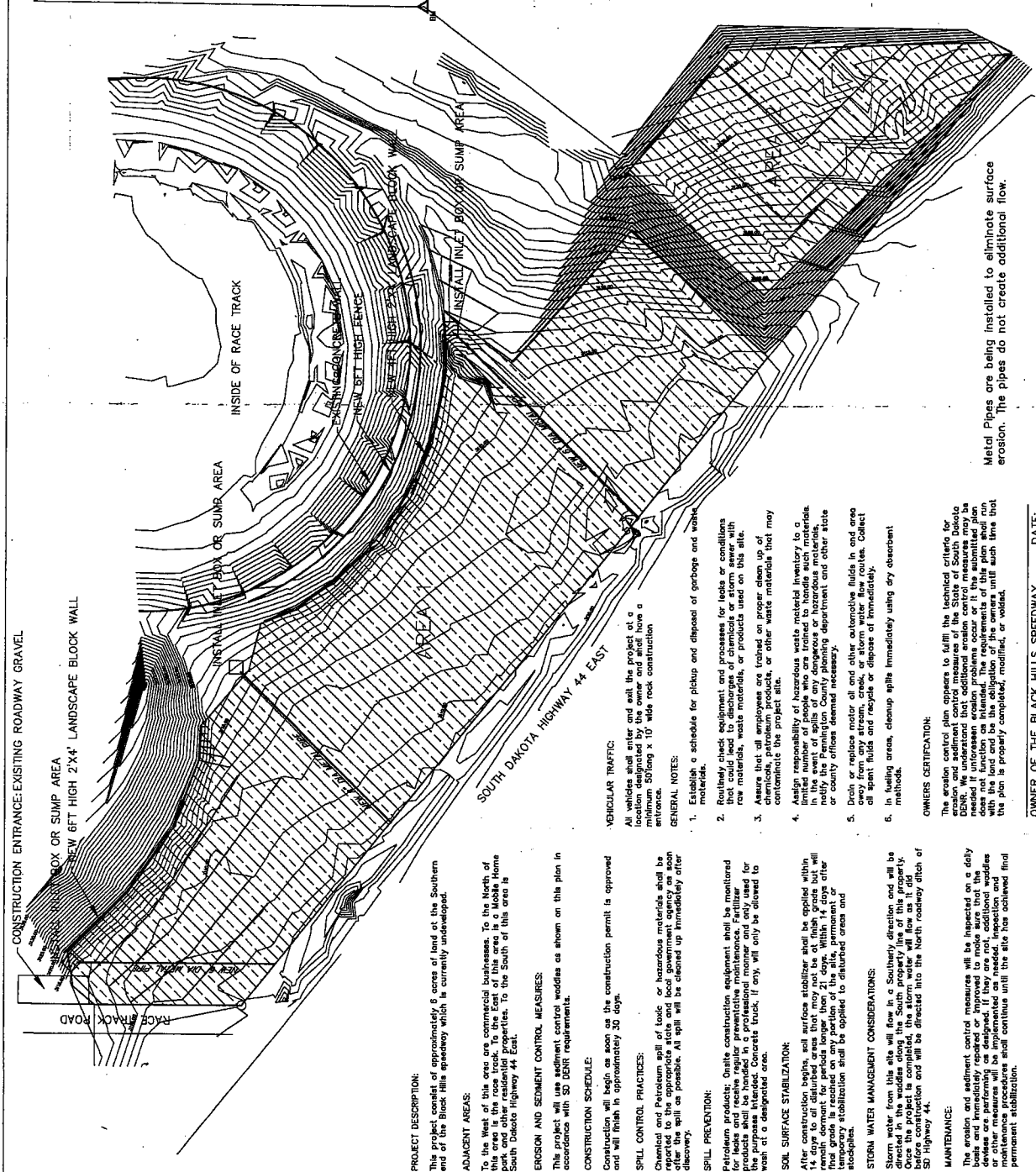
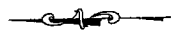
ENGINEERS CERTIFICATION:
 I hereby certify that these plans were prepared by me or under my direct supervision and that I am a duly registered Professional Engineer and Land Surveyor under the laws of the State of South Dakota.
 Ronald D Davis, PE/RLS #3095
 August 17, 2018
 DATE:

- PROJECT INFORMATION:
- PROJECT OWNER: Cross County Real Estate, LLC
 1000 Koenig Building, Inc.
 Rapid City, SD 57702
 605-341-3095
 - ENGINEER/SURVEYOR: Davis Engineering, Inc.
 1000 South Dakota Avenue, Suite 200
 Rapid City, SD 57702
 605-341-3000
 - CONTRACTOR: The contractor will be the owner.

- AREAS TO RECEIVE BASE COURSE FOR PAVING:
- AREA 1 = 204085 SQ. FT./4.69 ACRES
 - AREA 2 = 57900 SQ. FT./1.33 ACRES
 - 1540 TONS OF BASE COURSE
- ALL OTHER AREAS SHALL RECEIVE TOP SOIL AND BE GRASSED

NOTE: OWNER RESPONSIBILITY INCLUDES OBTAINING NECESSARY PERMITS FROM ALL AFFECTED AGENCIES. CONTRACTOR SHALL VERIFY ALL UTILITIES, EROSION CONTROL, AND OTHER REQUIREMENTS. CONTRACTOR SHALL VERIFY EXISTING AND PROPOSED UTILITIES. CONTRACTOR SHALL VERIFY EXISTING AND PROPOSED EROSION CONTROL.

SCALE: 1" = 50' - HORIZ
 BENCHMARK - YELLOW CAP #2527
 ELEVATION = 5174.97
 CONTOUR INTERVAL = 1'-0" FOOT



CONSTRUCTION ENTRANCE: EXISTING ROADWAY GRAVEL

INSTALL NEW 6 FT HIGH 2'X4' LANDSCAPE BLOCK WALL

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PROJECT DESCRIPTION:
 This project consist of approximately 4 acres of land at the Southern end of the Black Hills speedway which is currently undeveloped.

ADJACENT AREAS:
 To the West of this area are commercial businesses. To the North of this area are residential properties. To the East of this area is a mobile home park and other residential properties. To the South of this area is South Dakota Highway 44 East.

EROSION AND SEDIMENT CONTROL MEASURES:
 This project will use sediment control waddies as shown on this plan in accordance with SD DENR requirements.

CONSTRUCTION SCHEDULE:
 Construction will begin as soon as the construction permit is approved and will finish in approximately 30 days.

SPILL CONTROL PRACTICES:
 Chemical and Petroleum spill of toxic or hazardous materials shall be cleaned up immediately after the spill. All spill will be cleaned up immediately after discovery.

SPILL PREVENTION:
 Petroleum products: Onsite construction equipment shall be monitored for leaks and spills. Spills shall be cleaned up immediately after the spill. Concrete truck, if any, will only be allowed to wash at a designated area.

SOIL SURFACE STABILIZATION:
 All construction equipment shall be equipped with 14 days of soil stabilizer and that the soil stabilizer shall remain dormant for periods longer than 21 days. Within 14 days after final grade is reached on any portion of the site, permanent or temporary stabilization shall be applied to disturbed areas and stockpiles.

STORM WATER MANAGEMENT CONSIDERATIONS:
 Storm water from this site will flow in a southerly direction and will be collected in the roadways along the South property line of this property. Onsite storm water management measures shall be installed before construction and will be directed into the North roadway ditch of SD Highway 44.

MAINTENANCE:
 The erosion and sediment control measures will be inspected on a daily basis. If any of the measures are found to be ineffective, the contractor shall be responsible for performing as needed, inspection and maintenance. The contractor shall continue until the site has achieved final permanent stabilization.

- VEHICULAR TRAFFIC:**
 All vehicles shall enter and exit the project at a location designated by the owner on a minimum 50' long x 10' wide rock construction entrance.
- GENERAL NOTES:**
- Establish a schedule for pickup and disposal of garbage and waste materials.
 - Routinely check equipment and processes for leaks or conditions that could lead to discharge of chemicals or storm sewer with raw materials, waste materials, or products used on this site.
 - Assure that all employees are trained on proper clean up of chemicals, petroleum products, or other waste materials that may contaminate the project site.
 - Assign responsibility of hazardous waste material inventory to a designated number of people who are trained to handle such materials. In the event of a spill, the responsible person shall immediately notify the Pennington County planning department and other state or county offices deemed necessary.
 - Drain or replace motor oil and other automotive fluids in and area away from any stream, creek, or storm water flow routes. Collect all spent fluids and recycle or dispose of immediately.
 - In fueling areas, cleanup spills immediately using dry absorbent methods.

OWNER CERTIFICATION:
 The erosion control plan appears to fulfill the technical criteria for erosion and sediment control measures of the State of South Dakota. The contractor shall be responsible for ensuring that the measures needed if unforeseen erosion problems occur or if the submitted plan does not function as intended. The requirements of this plan shall not be construed to limit the liability of the contractor. The contractor shall be responsible for ensuring that the plan is properly completed, modified, or updated.

OWNER OF THE BLACK HILLS SPEEDWAY DATE:

Metal Pipes are being installed to eliminate surface erosion. The pipes do not create additional flow.

STAFF REPORT

GENERAL INFORMATION:

REQUEST: ORDINANCE AMENDMENT / OA 19-01: To amend/adopt the Pennington County Comprehensive Plan.

REPORT BY: P.J. Conover

GENERAL DESCRIPTION: On December 20, 2016, the Board of Commissioners approved an agreement for professional services between Pennington County and Matrix Design Group, Inc. Matrix Design Group, Inc. is contracted to assist Pennington County in the updating and amendment/adoption of the Pennington County Comprehensive Plan (View to 2040).

To understand the purpose of a Comprehensive Plan and what it is, consider a quote from the View to 2040 document itself, *"The purpose of the Pennington County Comprehensive Plan is to guide government officials, residents, and developers in sound decision-making about current and future development of Pennington County. The Comprehensive Plan is an advisory document that provides a framework for land use decisions, public service expansions, economic development, resource management, and the general growth of the county. This plan serves as a guide that should be used to gauge short-term and current decisions against the long-range vision that has been developed."*

EXISTING TEXT:

The existing six (6) chapter, forty-six (46) page Pennington County Comprehensive Plan is available for viewing at the Planning Department and online by going to the Planning Departments website.

PROPOSED TEXT:

The proposed text is contained within the eleven (11) chapter, 108 page Public Review Draft.

The Public Review Draft (July 2018) of the View to 2040 Comprehensive Plan has been available for public viewing and input:

- 1) www.viewto2040.com;
- 2) Planning Department; and
- 3) Planning Department website.

REVIEW AND COMMENTS:

Starting in early 2017, consultants held no less than thirty (30) scheduled face-to-face meetings with Elected Officials and Staff from: Pennington County, Rapid City, Box Elder, Keystone, Hill City, Wall, and Ellsworth Airforce Base to collect comments and opinions to help produce a draft document for Public Review. To collect more information, the consultants held a total of fifteen (15) meetings between March 2017 and June 2018 in Rapid City, Wall, Keystone and Hill City. Along with comments received from the viewto2040.com website and various emails, the consultants produced the current document.

ANALYSIS:

Prior to the hearings of the Pennington County Comprehensive Plan (View to 2040) document before the Board of Commissioners, the Planning Commission should consider all comments received, thus far, relative to the current Public Review Draft and all future comments from public hearings. After the Planning Commission has taken action to make a recommendation to the Board of Commissioners, dates will be determined for hearings at the Board level. The final action taken by the Board of Commissioners will create a plan that is to serve Pennington County for the next twenty (20) years as the document that guides government officials, residents, and developers to reach the development goals and aspirations of Pennington County.

Approval of a Comprehensive Plan is only the beginning. There are additional amendments/adoptions of existing adjunct documents (Zoning Ordinance, Flood Damage Prevention Ordinance, Subdivision Regulations, etc.) that will need to be discussed and brought in-line with a new Comprehensive Plan - View to 2040. These adjunct documents are the "directions" that Pennington County follows to reach the goals and aspirations as set forth in the Comprehensive Plan - View to 2040.

NEXT STEPS

Staff recommends the following next steps:

- 1) That the Planning Commission listen to the presentation from Matrix Design Group, Inc. along with public comment and discuss as necessary; and
- 2) That the Planning Commission then schedule future hearings of Ordinance Amendment / OA 19-01 Comprehensive Plan - View to 2040.

PENNINGTON COUNTY
COMPREHENSIVE PLAN

PENNINGTON COUNTY



"PRIDE IN THE PAST; FAITH IN THE FUTURE"

AUGUST 2003

**Pennington County
Comprehensive Plan**

County Commission

Ken Davis, Chairperson

**Delores Coffing
Lyle Hendrickson**

**James Kjerstad
Gale Holbrook**

Planning Commission

Linda Peterson, Chairperson

**Bob Brandt
Tim Pfisterer
John Herr**

**E.L. "Gene" Deyo
Russell Stewart**

**Rodney Meador (past contributing member)
Dick Murray (past contributing member)
Richard Morris (past contributing member)**

**Prepared by Pennington County
Planning Department**

**Scott A. Anderson, Director
Daniel Jennissen, Planner III
Douglas Baldwin, Planner I
Jeri Ervin, Assistant To**

The Planning Commission conducted a public hearing on this plan on July 28, 2003, and voted to present the plan to the Board of County Commissioners with a recommendation for adoption. Following a public hearing, the plan was adopted by ordinance of the Board of County Commissioners on August 12, 2003.

TABLE OF CONTENTS
Pennington County Comprehensive Plan

1.0 INTRODUCTION	1
1.1 Setting and Location	1
1.2 Local Planning History	2
1.3 Purpose and Meaning of Comprehensive Planning	2
2.0 HISTORY	3
3.0 POPULATION	5
3.1 Introduction.....	5
3.2 Population Trends.....	5
3.3 Housing Trends.....	7
3.4 Future Population and Employment	7
4.0 ENVIRONMENTAL RESOURCES.....	10
4.1 Introduction.....	10
4.2 Water Resources	11
4.3 Flood Plain Areas.....	15
4.4 Soil Resources.....	16
4.5 Slope And Topography	19
4.6 Wildfire Interface.....	20
4.7 Wildlife Interface	21
5.0 TRANSPORTATION.....	22
5.1 Major Improvements.....	24
5.2 Alternate Means Of Transportation	26
5.3 Conclusion	27
6.0 FUTURE LAND USE	33
6.1 Agricultural Land Use	34
6.2 Residential Land Use.....	34
6.3 Commercial Land Use	37
6.4 Industrial Land Use.....	38



Comprehensive Plan



Pennington County Comprehensive Plan
VIEW TO 2040

Public Review Draft

July 2018



Lars Plougmann, View of the Ranch from the East at Sunset, CC BY-SA 2.0, Flickr.com



Pennington County Comprehensive Plan
VIEW TO 2040



Pennington County Comprehensive Plan
VIEW TO 2040

Public Review Draft

Prepared for:



130 Kansas City St. Suite 200
Rapid City, SD 57701

Prepared by:



July 2018

Please see the next page.

ACKNOWLEDGEMENTS

Pennington County Board of Commissioners

- ▶ George Ferebee District 1
- ▶ Lloyd LaCroix..... District 2
- ▶ Deb Hadcock..... District 3
- ▶ Mark DiSanto..... District 4
- ▶ Ron Buskerud District 5

Planning Commission

- ▶ Jim Coleman
- ▶ Kathryn Johnson
- ▶ Travis Lasseter
- ▶ Rich Marsh
- ▶ Sonny Rivers
- ▶ Sandra Runde

County Staff

- ▶ Cassie Bolstad Assistant Planning Director
- ▶ P.J. Conover Planning Director (I don't know if you needed me in here too)
- ▶ Jerome Harvey..... County Fire Administrator
- ▶ Holli Hennies..... Commission Office Manager
- ▶ Michael Hoffman Deputy State's Attorney
- ▶ Brittney Molitor..... Environmental Planning Supervisor
- ▶ Julie Pearson..... Auditor
- ▶ Shannon Rittberger Director of Equalization
- ▶ Dustin Willett..... Director Emergency Management

Other Jurisdictions and Organizations

Pennington County would like to thank the following jurisdictions and organizations for their active involvement in this process.

- ▶ Black Hills State University – Rapid City
- ▶ City of Box Elder
- ▶ City of Rapid City
- ▶ City of Hill City
- ▶ Town of Keystone
- ▶ Town of Wall

Public Input

Pennington County would like to thank the members of the public who gave their time and energies in assisting in the development of the Comprehensive Plan by participating in the community workshops and corresponding with members of the Board of Commissioners and Planning Commission.



Project Consultant



Celeste Werner, AICP
Project Director

Rick Rust, AICP, GISP
Project Manager

Felipe Zubia, AICP
Senior Planner



Table of Contents

1.	Introduction.....	1-1
1.1	Purpose of a Comprehensive Plan.....	1-1
1.2	Comprehensive Plan Process.....	1-2
1.3	Regional and Local Context.....	1-2
1.4	Community Engagement Process.....	1-5
1.5	Comprehensive Plan Maintenance.....	1-5
1.6	Comprehensive Plan Organization.....	1-6
2.	Planning Framework.....	2-1
2.1	Vision Statement.....	2-1
2.2	Focus Areas.....	2-2
3.	Land Use & Housing Element.....	3-1
3.1	Land Use Designations and Standards.....	3-1
3.2	Land Use Overview.....	3-8
3.3	Goals and Policies.....	3-10



VIEW TO 2040

4.	Economic Development Element.....	4-1
4.1	Economic Development Overview.....	4-1
4.2	Goals and Policies.....	4-4
5.	Agricultural Element.....	5-1
5.1	Agricultural Overview.....	5-1
5.2	Goals and Policies.....	5-2
6.	Transportation & Circulation Element.....	6-1
6.1	Transportation & Circulation Overview.....	6-1
6.2	Goals and Policies.....	6-9
7.	Public Services & Facilities Element.....	7-1
7.1	Infrastructure Overview.....	7-1
7.2	Public Safety Overview.....	7-5
7.3	Public Facilities Overview.....	7-5
7.4	Goals and Policies.....	7-6
8.	Recreation, Open Space & Tourism Element.....	8-1
8.1	Recreation, Open Space and Tourism Overview.....	8-1
8.2	Goals and Policies.....	8-7
9.	Health & Safety Element.....	9-1
9.1	Health & Safety Overview.....	9-1
9.2	Goals and Policies.....	9-10
10.	Natural & Cultural Resources Element.....	10-1
10.1	Natural & Cultural Resources Overview.....	10-1
10.2	Goals and Policies.....	10-2
11.	Implementation Program.....	11-1

Figures

Figure 1-1	Planning Areas.....	1-3
Figure 2-1	Black Hills.....	2-3
Figure 2-2	Central Pennington.....	2-5
Figure 2-3	Eastern Plains	2-7
Figure 3-1	2040 Future Land Use	3-15
Figure 6-1	Transportation – Black Hills.....	6-3
Figure 6-2	Transportation – Central Pennington.....	6-5
Figure 6-3	Transportation – Eastern Plains	6-7
Figure 7-1	Public Facilities	7-3
Figure 8-1	Parks and Recreation Locations	8-3
Figure 8-2	Federal and State Lands	8-5
Figure 9-1	Flood Potential Map	9-3
Figure 9-2	Wildfires, 1984 to 2015	9-5
Figure 9-3	Ellsworth AFB Study Area MCA	9-9

Tables

Table 3-1	Land Use Designations	3-3
Table 4-1	Top Employers.....	4-2
Table 10-1	Federal Land in Pennington County	10-1



VIEW TO 2040

Please see the next page.

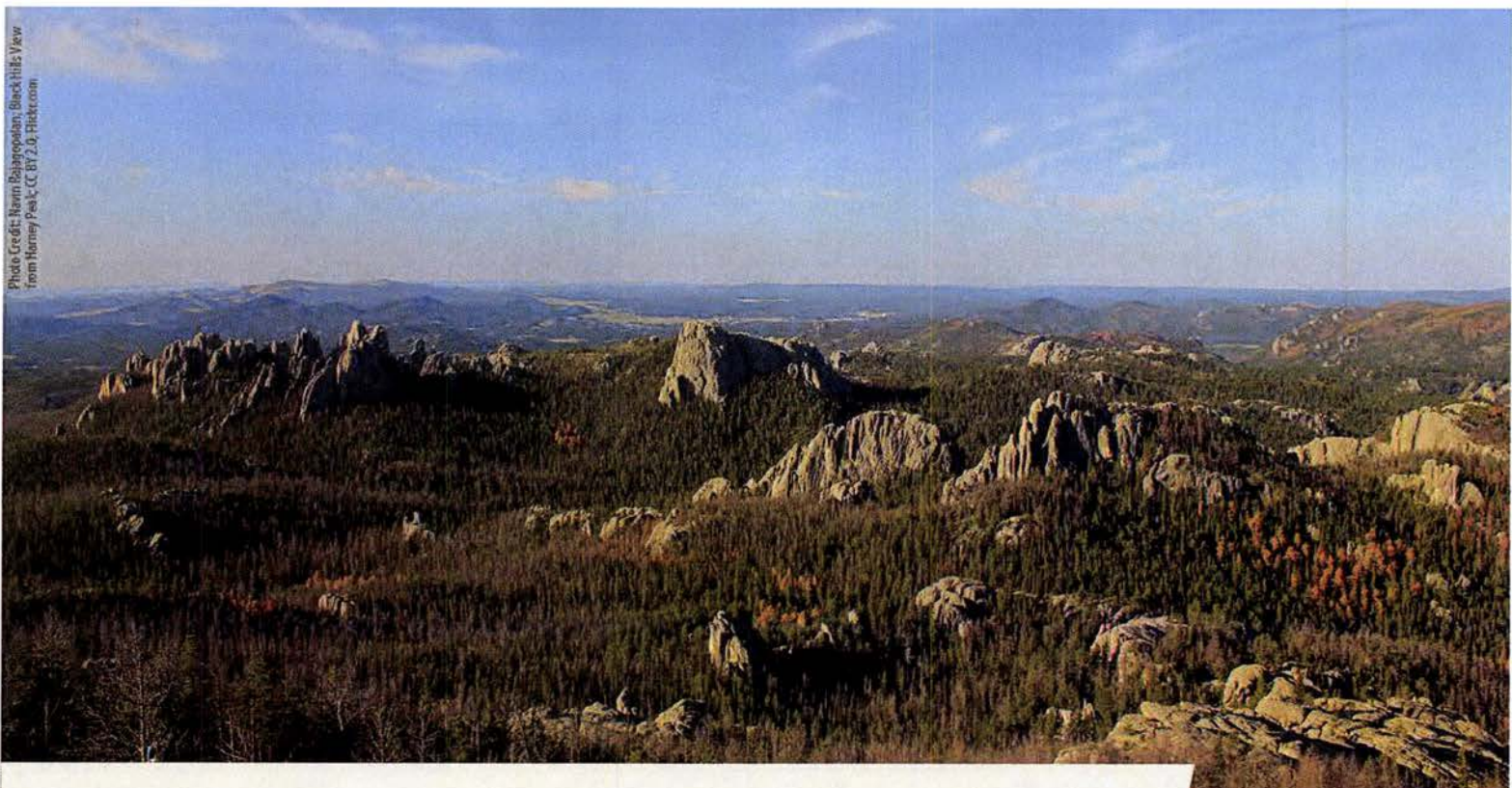


Photo Credit: Navin Balajigodan; Black Hills View from Hursey Peak; CC BY 2.0; Flickr.com

Introduction

1

1.1 Purpose of a Comprehensive Plan

The purpose of the Pennington County Comprehensive Plan is to guide government officials, residents, and developers in sound decision-making about current and future development of Pennington County. The Comprehensive Plan is an advisory document that provides a framework for land use decisions, public service expansions, economic development, resource management, and the general growth of the county. This plan serves as a guide that should be used to gauge short-term and current decisions against the long-range vision that has been developed.

The Comprehensive Plan has three defining features:

- ▶ **General.** The Comprehensive Plan provides general guidance that will be used to direct land use and resource decisions.
- ▶ **Comprehensive.** The Comprehensive Plan covers a wide range of social, economic, infrastructure, and natural resource topics. Topics include economic development, land use, housing, transportation, agriculture, and public services and facilities.
- ▶ **Long-Range.** The Comprehensive Plan provides guidance on reaching a vision 20 or more years in the future. To achieve the vision, implementation actions are included that address both immediate and long-term needs.



VIEW TO 2040

1.2 Comprehensive Plan Process

The process for developing the Comprehensive Plan occurred in seven tasks that build on each other. Several opportunities for residents to provide ideas and help guide the future of the community were included in the development of the Plan.

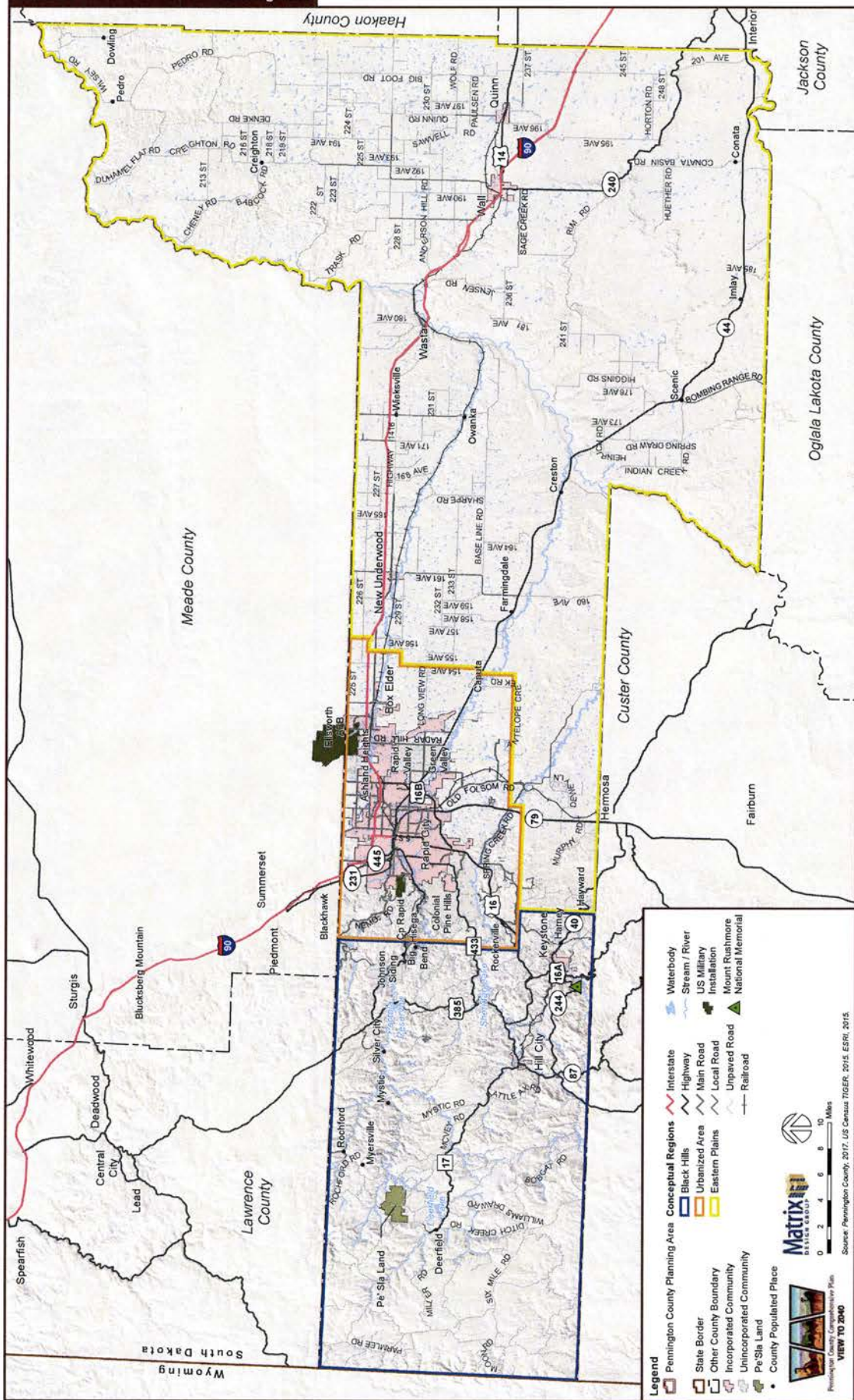
- ▶ **Task 1: Project Management.** Task 1 laid the foundation for the planning process by refining the specifics of the Comprehensive Plan update, including the scope of work, schedule, and project branding. This task also covered project management during the development of the Comprehensive Plan, including meetings with County staff and elected and appointed officials.
- ▶ **Task 2: Public Participation and Communication.** This task covered the setup and implementation of the public participation process and aimed to engage members of the public in the development of the Comprehensive Plan. As public participation is integral to the success of this planning process, Task 2 spanned the entire length of the project, ending in the final adoption of the Comprehensive Plan.
- ▶ **Task 3: Community Assessment.** During Task 3, the first set of public workshops were held and interviews with community leaders and stakeholders were conducted. The workshops and interviews focused on identifying opportunities and challenges to be addressed in the Comprehensive Plan. An overall community assessment, including assessment of socioeconomic and demographic data, was conducted during this task.
- ▶ **Task 4: Framework Document.** A range of document formatting possibilities were reviewed with County staff during Task 4, resulting in a finalized outline and format for the Comprehensive Plan that suits the desires and needs of the County.
- ▶ **Task 5: Development of Draft Strategies, Policies, and the Implementation Plan.** Task 5 involved developing land use and policy alternative scenarios. Each alternative was also evaluated based on responsiveness to key issues, opportunities, and the vision statement developed. Once alternatives were reviewed, the preferred policy and land use alternative was used as the basis of the Comprehensive Plan.
- ▶ **Task 6: Plan Document Development.** As a result of the work completed in earlier tasks, a public draft Comprehensive Plan was prepared and circulated for public review.
- ▶ **Task 7: Formal Adoption Process.** During this task, the public, Planning Commission, and Board of Commissioners reviewed the Draft Comprehensive Plan, culminating in final adoption. A series of public hearings were held and following review and comments, the final draft version of the Comprehensive Plan was prepared for final review and action by the Planning Commission (recommendation to the Board) and County Board of Commissioners (final adoption).

1.3 Regional and Local Context

Pennington County is located in the western part of South Dakota, bordering the state of Wyoming to the west, Custer County to the south, Meade County to the north, and Haakon and Jackson Counties to the east. Pennington County covers 2,782 square miles, of which over 1,500 square miles fall within the County's planning jurisdiction. This equates to approximately 56% of the total county area, the remaining percentage falling within the 14 incorporated communities' planning areas. The planning area is shown on Figure 1-1.

Figure 1-1

Planning Area



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1.4 Community Engagement Process

One of the most important components of a Comprehensive Plan update is public engagement. Participation by a broad range of interests increases the likelihood that the plan's goals and policies will be based on community consensus, which increases the likelihood for successful implementation of the plan. Gaining public input was achieved through the following engagement efforts:

- ▶ **Board of Commissioners / Planning Commission Updates.** During the preparation of the Comprehensive Plan, three update sessions were held with the Board of Commissioners to review ideas and gain insight from the Commissioners. One of these sessions included attendance and participation by the Planning Commission. This input was used in the development of the draft Comprehensive Plan which was then presented to the Planning Commission.
- ▶ **Public Workshops.** A total of five public workshop sets were held throughout the update process to invite the public to engage in activities that influenced the development of the Comprehensive Plan. Each workshop set was held in three locations, over three nights, to provide easier opportunities to engage in the update process. For each set, a workshop was held in the Black Hills area, the Rapid City/Box Elder area, and the eastern grasslands area.
- ▶ **Stakeholder Interviews.** Interviews were held with County Commissioners, Planning Commissioners, County staff members, and key business and community leaders to gain insights on important factors that should be considered during the planning process.
- ▶ **Informational Brochures.** Three informational brochures were created to give the public relevant information regarding the update process. Brochures were distributed during public workshops as well as posted on the project website.
- ▶ **Project Website.** A dedicated project website was developed and maintained for the Comprehensive Plan to provide interested parties with information, studies, documents, and meeting dates associated with the Comprehensive Plan (www.viewto2040.com).

1.5 Comprehensive Plan Maintenance

Chapter 11-2 of the South Dakota Codified Laws provides the framework for comprehensive planning within the State of South Dakota. Specifically, this chapter provides the power for municipalities and counties to prepare a Comprehensive Plan with an aim of protecting and guiding the development of the municipality or county.



VIEW TO 2040

1.6 Comprehensive Plan Organization

This Comprehensive Plan is made up of 11 chapters. Chapters 1 and 2 provide introductory information that assists in the use of the Comprehensive Plan.

- ▶ Chapter 1: Introduction
- ▶ Chapter 2: Planning Framework

Chapters 3 – 10 are the topical chapters within the Comprehensive Plan that contain the policy guidance that will be used to guide the County’s planning and resource decision-making process. These topical chapters are referred to as “elements”. Each element contains a series of goals and policies that are labeled using an acronym for that element. These elements and their acronyms are as follows:

- ▶ Chapter 3: Land Use & Housing Element (LUH)
- ▶ Chapter 4: Economic Development Element (ED)
- ▶ Chapter 5: Agricultural Element (AG)
- ▶ Chapter 6: Transportation & Circulation Element (TC)
- ▶ Chapter 7: Public Services & Facilities Element (PSF)
- ▶ Chapter 8: Recreation, Open Space & Tourism Element (ROST)
- ▶ Chapter 9: Health & Safety Element (HS)
- ▶ Chapter 10: Natural & Cultural Resources Element (NCR)
- ▶ Chapter 11: Implementation Program

Pennington County has a diverse natural landscape and the Comprehensive Plan has been designed to reflect the diverse needs of the different natural landscapes. To better tailor the Comprehensive Plan to the unique needs of the county, each policy is marked with an icon to represent the natural landscape and geographic area that policy applies. Each policy will show one, two, or three icons to represent the geographic area of the county that policy applies.



Black Hills Focus Area



Central Pennington Focus Area



Eastern Plains Focus Area

A description of each focus area, and maps showing their locations, are included in Chapter 2. For the purpose of implementation of this Comprehensive Plan, each policy includes the term “shall”, which provides specific and certain guidance for development, or “should”, which signifies a less rigid directive.



Planning Framework

2

This chapter provides the planning framework which shapes the focus and intent of the Comprehensive Plan. This is partly done through the establishment of a vision statement, as seen in section 2.1. The planning framework is also established through a more detailed description of the natural landscapes identified in Chapter 1. This detailed description is provided in section 2.2, where the natural areas are classified in one of three focus areas.

2.1 Vision Statement

A vision statement describes a future ideal state and articulates the shared aspirations of the county including residents, property owners, leadership, and other stakeholders. This vision statement, developed through the community engagement described in Chapter 1, not only provides inspiration and guidance for the Plan, but also reflects the key values upon which all goals, policies, and implementation actions within this Comprehensive Plan support. The vision statement for the Comprehensive Plan is as follows:

Pennington County is a unique part of South Dakota that is built on a sense of community and a frontier spirit. We pride ourselves on protecting the natural, cultural, and historic resources that help define our social identity and values. The County continues to grow in a manner that maintains water and air quality, improves career and housing opportunities, and retains our excellent schools and quality of life.



VIEW TO 2040

2.2 Focus Areas

Due to Pennington County's diverse terrain and character, the county can be geographically described as three unique geographic areas. In the Comprehensive Plan, these three areas are called "Focus Areas". In Chapters 3-10, the policies presented are designated by Focus Area to apply policy that is applicable to each area. The three Focus Areas are listed below and defined in the remainder of this chapter.

- ▶ Black Hills Focus Area (Figure 2-1)
- ▶ Central Pennington Focus Area (Figure 2-2)
- ▶ Eastern Plains Focus Area (Figure 2-3)

Black Hills Focus Area

Location

The Black Hills Focus Area is defined as the portion of Pennington County that is west of the Rapid City Area Metropolitan Planning Organization (MPO) boundary. Much of the area is within the Black Hills National Forest. Major transportation facilities include Highways 16 and 44, which run primarily east-west and connect the area into the Rapid City urban area. Highway 385 runs through the Black Hills areas in a north-south orientation. The area contains two incorporated cities (Keystone and Hill City) and several unincorporated communities.

Issues and Opportunities

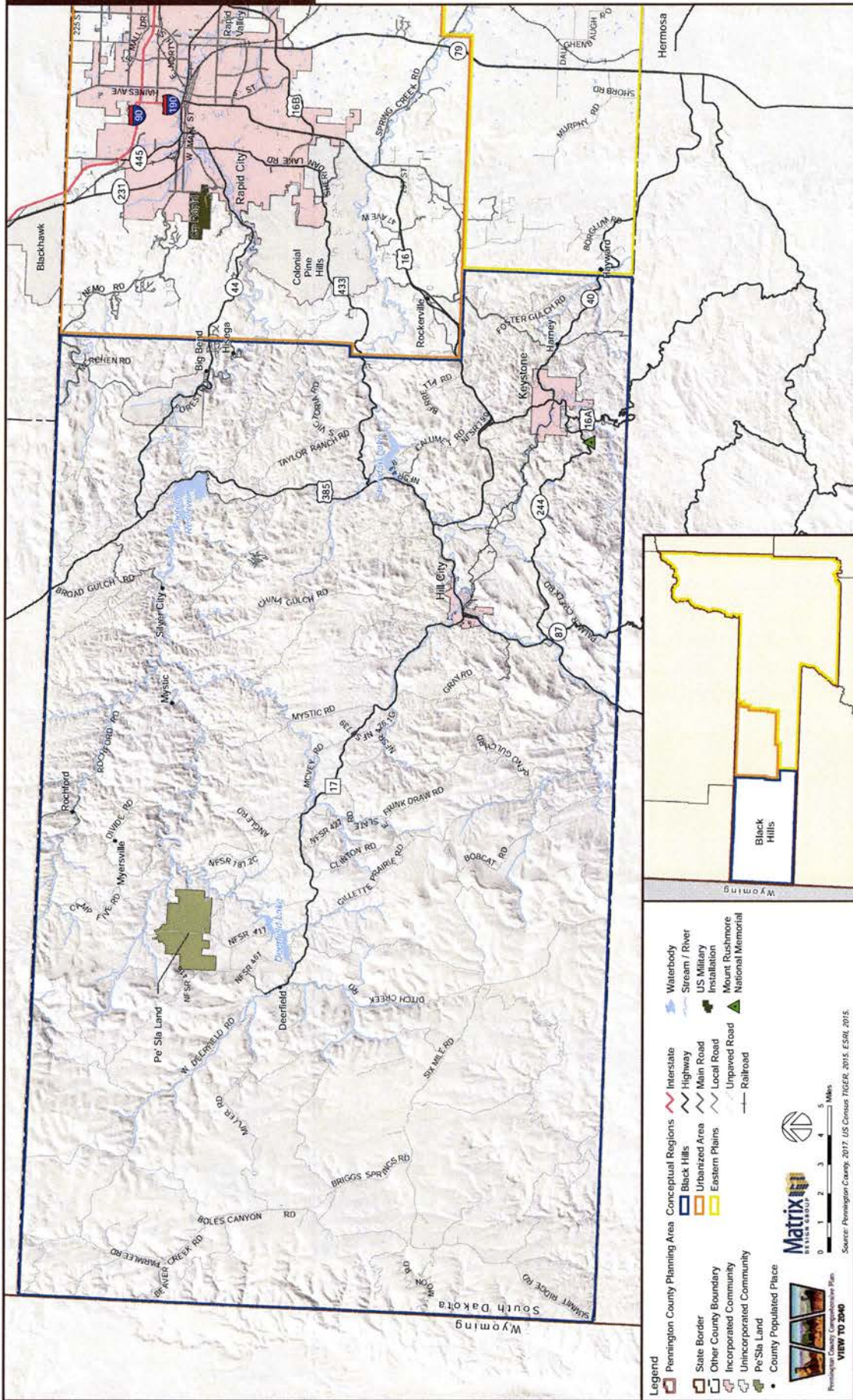
The character for the Black Hills is built from the forest landscapes which provide natural resources as well as opportunities for tourism. Once a major gold rush site, mining and timber harvesting are still active in the area. The largest economic sector in the area is tourism. Tourism is anchored by Mount Rushmore National Memorial but is supported with a wide-range of historic, natural environment, and attraction-based tourism opportunities. While tourism is a major economic driver, it is also very seasonal, leading to issues associated with a shortage of year-round employment opportunities and competition for housing.

Future Land Uses

Land use in this area is focused on tourism commercial in communities and along highways and rural residential uses in the hill areas. This area will primarily have a focus on low density residential to ensure that the natural character remains intact as growth occurs.

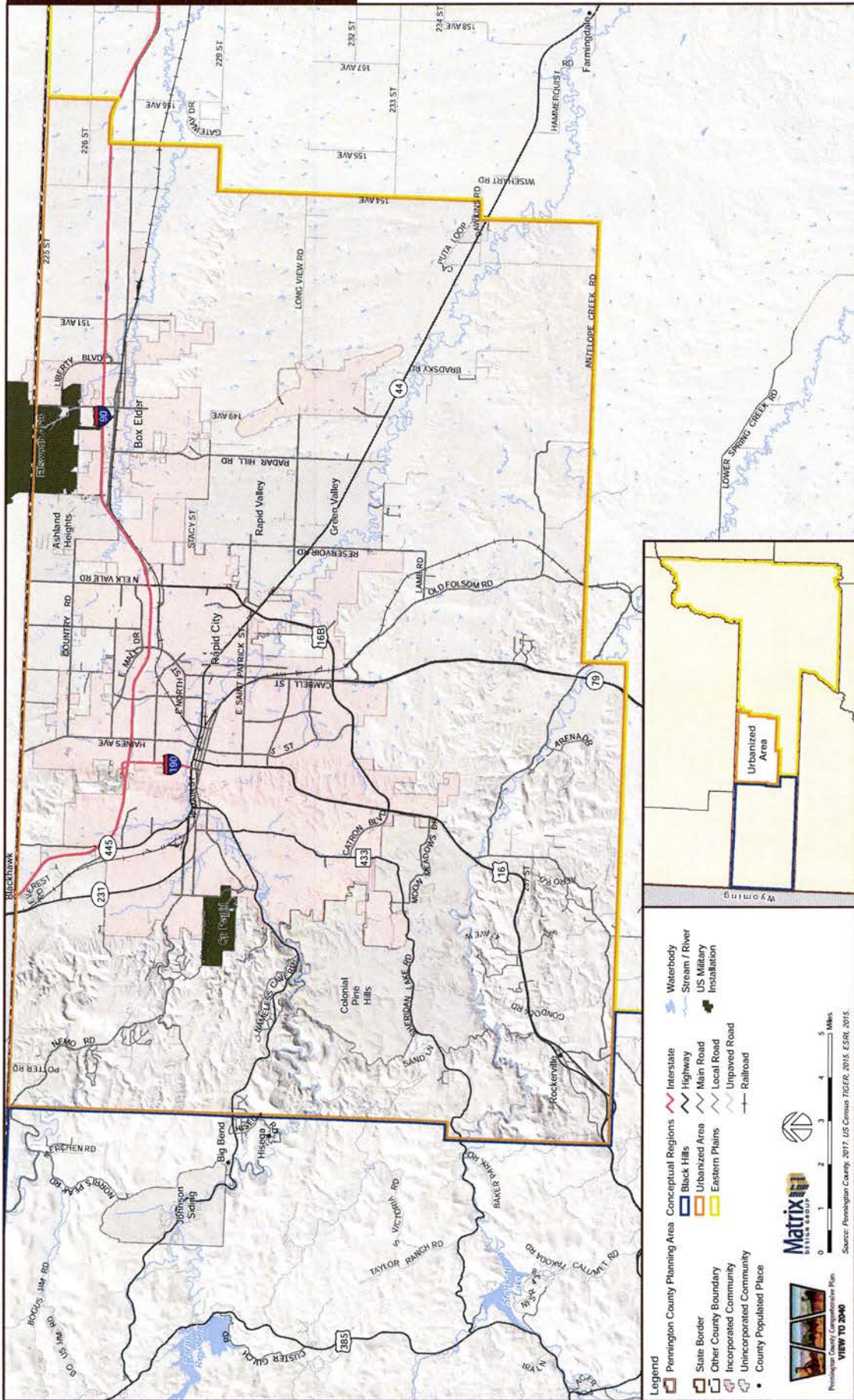
Figure 2-1

Black Hills



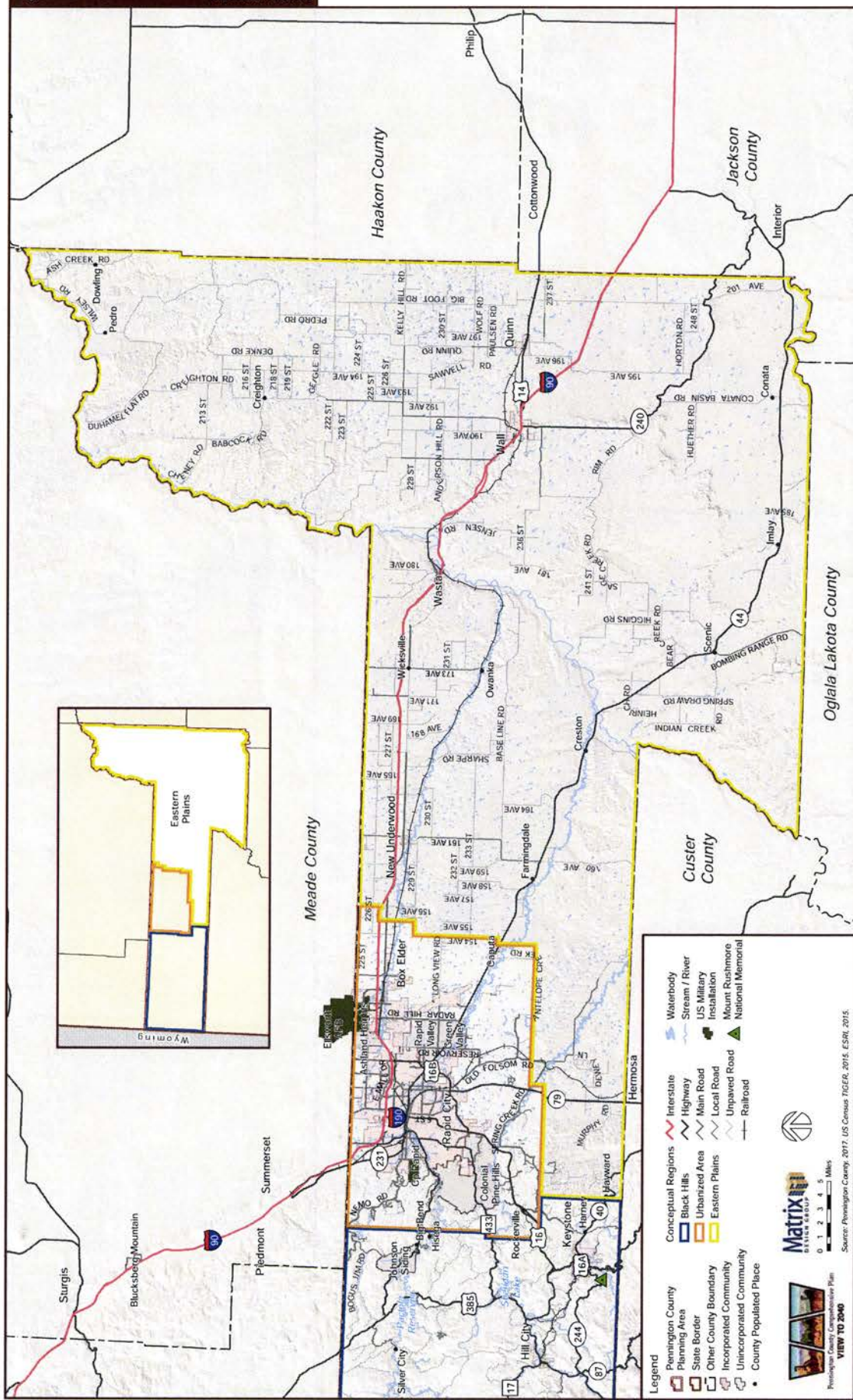
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Figure 2-2 Central Pennington



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Figure 2-3 Eastern Plains



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Central Pennington Focus Area

Location

The Central Pennington Focus Area consists of the Rapid City / Box Elder metropolitan area, as defined by the boundary of the Rapid City Area MPO boundary and including Ellsworth Air Force Base (AFB).

Issues and Opportunities

The central portion of the county is more urban by nature and heavily influenced by the two incorporated cities in this Focus Area: Rapid City and Box Elder. Both cities have been growing steadily in recent history and are expected to continue to grow into the future. This growth is primarily through the annexation of unincorporated county areas into the city limits, although some infill development is occurring. This continued growth makes planning for the unincorporated fringe areas challenging.

Opportunities in the unincorporated county areas are largely driven by proximity to the two cities as new residential development seeks to capture a rural lifestyle within close commuting distance to the jobs within the cities. In unincorporated areas, challenges are often faced with provision and maintenance of infrastructure (roads, water, and wastewater) and other community support services (like fire and Sheriff services).

Ellsworth AFB is a significant economic driver in Pennington County, as is the Rapid City Regional Airport. While both facilities are positive influences on the county, they also require protections to ensure long-term compatibility between new development and air operations.

Future Land Uses

Due to the large employment base and population in this Focus Area, residential growth in the unincorporated areas surrounding Rapid City and Box Elder will continue. This growth will require joint planning between with cities and the County in order to provide growth that fits the needs of all county residents, current and future. The area will need to focus on providing an appropriate mix of housing, with the cities providing higher density residential opportunities while the unincorporated areas focus on more rural transitional housing and continued support for industrial, agricultural, and resource management. Additionally, there are some parts of the unincorporated areas on the outside of the urban core that are compatible for industrial uses, including mining operations.



VIEW TO 2040

Eastern Plains Focus Area

Location

The Eastern Plains Focus Area comprises the eastern half of the county starting to the east of the Rapid City Area MPO boundary and extending east to the County line. The major transportation facility in this area is Interstate 90 (I-90) which links this area into the Rapid City metropolitan area. Highway 44 is also a key east-west linkage. The area contains four incorporated cities (New Underwood, Quinn, Wall, and Wasta) and a number of unincorporated communities. This Focus Area is also home to the Badlands National Park and Buffalo Gap National Grasslands which bring tourism into the eastern portion of the county.

Issues and Opportunities

The eastern end of Pennington County has long been an agricultural-oriented area, with communities growing to support families working the land in this area. The Badlands National Park and the Buffalo Gap National Grasslands attract tourism to the area, as does the City of Wall. Opportunities for tourism growth into the area exist, and planning should support this development, not only in communities, but also to the destinations that are visited.

The availability of housing that is affordable to families in the area is a key issue to be addressed. Key opportunities relate to enhancing tourism opportunities and capture as well as enhancements to the agricultural economy by promoting agricultural processing and value-added products.

Future Land Use

Due to the nature of the Eastern Plains, the unincorporated portions of the Focus Area will continue to have Agriculture and Open Space as the dominant features. There are opportunities to expand residential and some commercial surrounding existing communities, particularly areas that have good access to I-90.



Photo Credit: Lars Moughman, Rock Hills Ranch
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Land Use & Housing Element

3

The Land Use and Housing Element represents a general blueprint for the future development of Pennington County. This element sets forth a pattern for the orderly development of land within the county. This element provides a balance of residential, commercial, industrial, and agricultural and open space lands designed to meet the future needs of the county.

3.1 Land Use Designations and Standards

Future Land Use Map

The most recognizable feature of the Comprehensive Plan is the Future Land Use Map (FLUM). The FLUM is the figure that designates the location of the various land use designations in the county. The Pennington County FLUM is shown on Figure 3-1 included at the end of this chapter.



It is typical for the Future Land Use and Transportation Maps to be updated over time. Please check with the Pennington County Planning Department to ensure you have the current version.

A copy of the Future Land Use Map and Transportation Maps are available from Pennington County by download from the County's website.



VIEW TO 2040

Land Use Designations within Pennington County

The Comprehensive Plan FLUM includes residential, commercial, industrial, and other land use designations that depict the types of land uses that will be allowed within the unincorporated portions of Pennington County. Table 3-1 describes each land use designation along with their corresponding development standards, as follows:

- ▶ **Designation.** This column provides the name of each designation.
- ▶ **Code/Color.** To the right of each name is the color that is assigned to this designation on the County's FLUM and the acronym used when referring to this designation.
- ▶ **Description.** In this column is a description of the purpose and application of each designation, followed by a general list of types of uses that could be allowed in that designation. The County's Zoning Regulations provide further refinement and expansion of the list of uses allowed on any given property. For any given site, not all uses listed may be appropriate for a given property due to location, adjacent uses, other applicable Comprehensive Plan policies, or site-specific issues.
- ▶ **Maximum Density.** For residential designations, a maximum density is provided, expressed as dwelling units per acre (du/ac).
- ▶ **Minimum Lot Size.** For all uses, a minimum lot size is provided.

For land within the incorporated city limits of a community, please consult with that jurisdiction's comprehensive plan and zoning ordinance regarding allowed land uses and development requirements.

Zoning Ordinance Consistency

Each future land use category is directly related to one or more of the zoning districts provided in the Pennington County Zoning Ordinance. The compatible zoning districts for each future land use designation are included in Table 3-1.

Table 3-1 Land Use Designations

Designation	Code/ Color	Land Use Description	Maximum Density	Minimum Lot Size
Agricultural Designations				
Agriculture Compatible Zoning: A-1, A-2	AG	Purpose and Application The Agriculture designation denotes areas that have large tracts of land dedicated to agricultural uses or resource utilization uses. Allowed Uses <ul style="list-style-type: none"> ▶ All agricultural uses, including grazing, field crops, haying, animal production, or similar, and associated support facilities ▶ Mining and forestry production and processing ▶ Single family, large lot residential ▶ Single family attached dwellings ▶ Accessory secondary dwelling units ▶ Staff housing (minimum 40-acre lot size) 	1 du / 10 ac (.1 du/ac)	10 ac
Residential Designations				
Ranchette Residential Compatible Zoning: A-2	RCH	Purpose and Application The Ranchette category is intended to be a “bridge” between Rural Residential and Agriculture designations. Allowed Uses <ul style="list-style-type: none"> ▶ Single family, large lot residential ▶ Accessory secondary dwelling units ▶ Public and quasi-public uses (e.g., parks, schools, churches) ▶ Agricultural uses ▶ Storage 	1 du / 5 ac (.2 du/ac)	5 ac
Rural Residential Compatible Zoning: LDR	RCH	Purpose and Application The Rural Residential designation denotes areas that have large-lot residential development in natural areas, agricultural areas, or surrounding open space areas. Generally, these lots have private on-site wastewater systems. The method of obtaining drinking water varies between public water systems, private wells, and collecting water in cisterns. Allowed Uses <ul style="list-style-type: none"> ▶ Single family, large lot residential ▶ Accessory secondary dwelling units ▶ Public and quasi-public uses (e.g., parks, schools, churches) ▶ Agricultural uses ▶ Storage 	1 du / 3 ac	3 ac



VIEW TO 2040

Designation	Code/ Color	Land Use Description	Maximum Density	Minimum Lot Size
Low Density Residential Compatible Zoning: SRD	LDR	Purpose and Application The Low Density Residential designation denotes areas of semi-rural residential uses on ½ acre minimum lots. These are areas where higher density development may not be suitable due to topography, geology, or drainage. Allowed Uses <ul style="list-style-type: none"> ▶ Single-family detached dwellings ▶ Accessory secondary dwelling units ▶ Public and quasi-public uses (e.g., parks, schools, churches) ▶ Agricultural uses 	2 du / ac	20,000 sf
Suburban Residential Compatible Zoning: SRD, GC	SR	Purpose and Application The Suburban Residential designation provides for a suburban lifestyle with single-family residential communities. This land use designation may also include other land uses that support neighborhood functions and contribute to the livability of neighborhoods, such as neighborhood scaled shops, parks, religious institutions, and small offices. Allowed Uses <ul style="list-style-type: none"> ▶ Single family detached dwellings ▶ Single family attached dwellings ▶ Accessory secondary dwelling units ▶ Public and quasi-public uses (e.g., parks, schools, churches) ▶ Assisted living facility ▶ Neighborhood scaled shops and small offices 	6 du / ac	6,500 sf
Urban Residential Compatible Zoning: SRD, GC	UR	Purpose and Application The Urban Residential designation provides for higher density residential development. These are generally areas surrounding the more urban development of Rapid City. This designation provides for both single-family and multi-family dwellings that may include multi-story structures. Allowed Uses <ul style="list-style-type: none"> ▶ Single family detached dwellings ▶ Single family attached dwellings ▶ Multi-family dwellings ▶ Accessory secondary dwelling units ▶ Public and quasi-public uses (e.g., parks, schools, churches) ▶ Assisted living facility 	16 du / ac	6,500 sf

Designation	Code/ Color	Land Use Description	Maximum Density	Minimum Lot Size
Planned Unit Development Compatible Zoning: PUD	PUD	<p>Purpose and Application</p> <p>The Planned Unit Development designation is to allow districts in which ingenuity, imagination, and design efforts on the part of the builders, architects, site planners, and developers can produce desirable residential developments that are designed to include open space areas, protect natural resources, design around hazards (such as flood zones), and provide a unique mix of housing that best meets the needs of the County.</p> <p>Allowed Uses</p> <ul style="list-style-type: none"> ▶ Single family detached dwellings, duplexes, triplexes, fourplexes, apartments, townhomes ▶ Public and quasi-public uses (e.g., parks, schools, churches) ▶ Resort development features ▶ Neighborhood scaled shops and small offices ▶ Agricultural uses and open space 	n/a	n/a



VIEW TO 2040

Designation	Code/ Color	Land Use Description	Maximum Density	Minimum Lot Size
Commercial Designations				
Commercial Compatible Zoning: GC	C	Purpose and Application The Neighborhood Commercial designation denotes areas of development aimed to fulfill the day-to-day needs of the year-round population. Development should be scaled to be complimentary to surrounding neighborhoods. Allowed Uses <ul style="list-style-type: none"> ▶ Retail uses ▶ Restaurants ▶ Banks and other services ▶ Public and quasi-public uses ▶ Community services ▶ Professional offices and services 	n/a	20,000 sf
Highway Services Compatible Zoning: HS	HS	Purpose and Application The Commercial designation denotes areas of commercial development oriented towards tourist-related activities. Allowed Uses <ul style="list-style-type: none"> ▶ Retail uses (small through large-format) ▶ Hotels and motels ▶ Service stations and repair facilities ▶ Restaurants ▶ Banks and other services ▶ Retail services serving needs of travelers ▶ Recreational / tourism uses ▶ Public and quasi-public uses ▶ Community services ▶ Professional offices 	n/a	20,000 sf

Designation	Code/ Color	Land Use Description	Maximum Density	Minimum Lot Size
Industrial Designations				
Light Industrial Compatible Zoning: LI	LI	Purpose and Application The Light Industrial designation denotes areas of industrial development that do not create compatibility issues with neighboring land uses. These areas should have adequate transportation and services infrastructure to support development. Allowed Uses <ul style="list-style-type: none"> ▶ Industrial uses ▶ Retail uses ▶ Personal services and offices ▶ Public and quasi-public uses ▶ Research and development ▶ Wholesaling, warehousing, distribution ▶ Light motor vehicle repair and sales ▶ Indoor storage and warehousing ▶ Utilities 	n/a	20,000 sf
Heavy Industrial Compatible Zoning: HI	HI	Purpose and Application The Heavy Industrial designation denotes areas of industrial development that require isolation from other types of land uses. The uses in this district are generally of a higher intensity than those in the Light Industrial designation. Allowed Uses <ul style="list-style-type: none"> ▶ Industrial uses (requiring yard storage and fabrication) ▶ Wholesaling (requiring yard storage and assembly) ▶ Warehousing (requiring yard storage), bulk storage ▶ Mining activities and processing ▶ Public and quasi-public uses ▶ Research and development ▶ Wholesaling, warehousing, distribution ▶ Heavy motor vehicle repair ▶ Utilities 	n/a	20,000 sf



VIEW TO 2040

Designation	Code/ Color	Land Use Description	Maximum Density	Minimum Lot Size
Other Designations				
Open Space Compatible Zoning: A-1, A-2	OS	Purpose and Application The Open Space designation provides for low-intensity uses that maintain open vistas, protect natural resources, and provide access to public lands. Allowed Uses <ul style="list-style-type: none"> ▶ All agricultural uses, including grazing, field crops, haying, animal production, or similar and appropriate support facilities ▶ Mining and forestry production and processing ▶ Golf courses, recreational, and equestrian uses ▶ Habitat protection, watershed management ▶ Public and quasi-public uses ▶ Single family, large lot residential (minimum 5-acre lot) ▶ Areas typically unsuitable for human occupation due to public health and safety hazards, such as floodways, unstable soils, and other environmentally-sensitive features 	n/a	No minimum for agriculture and natural areas 5 acre minimum for developed sites
Native American Lands Compatible Zoning: n/a	NAL	Purpose and Application The Native American Lands designation applies to lands held in trust by the Bureau of Indian Affairs over which the County has no land use jurisdiction. The County encourages planned uses on these lands that are compatible with surrounding areas. Allowed Uses <ul style="list-style-type: none"> ▶ n/a 	n/a	n/a

Notes:

du = dwelling unit(s)

ac = acre

sf = square foot

3.2 Land Use Overview

Animal Keeping

While a normal aspect of lands designated for agriculture, animal keeping (non-domestic, farm animals) in residential areas can raise concerns, depending on lot sizes and proximity to other uses. There is a need to modify guidelines for animal keeping in residential areas to include standards that are clearer and define the types and quantities of animals being kept on residentially-designated properties.

Housing

The quality, diversity, and affordability of housing are factors that support growth and enhance the quality of life in the county. In some areas of the county, there is a general lack of housing diversity, meaning that the housing price and type options are limited within unincorporated areas of the county.

Recent residential growth trends show that the general distribution of housing is located around the urban area surrounding Rapid City and Box Elder and in the foothill regions of the Black Hills. This trend is projected to continue, making it important to ensure diverse housing options in these areas. While these areas are forecasted for the majority of future residential growth, there is a need for affordable and diverse housing options in all three Focus Areas.

Mining

Mining activities in Pennington County include aggregate and mineral mining. Most of the mining operations are for sand and gravel, which makes up 81% of the total acres mined. Many of the mining operations occur in the foothill areas of the Black Hills along I-90. Sand and gravel operations are also prominent in the Eastern Plains, northwest of Scenic. While mining is an important component to the county's economy, it is important to ensure that mining activities are balanced with natural open space. This includes evaluating impacts to erosion and pollution.

Agriculture

Agriculture is a predominant land use in the county, especially in the Eastern Plains Focus Area, and will be continued under the current Comprehensive Plan. Maintaining a viable agricultural land use base is an important component to maintaining the county's heritage and economy. Agricultural uses are designated on the FLUM under a single "Agriculture" designation, with further definition of minimum lot sizes being established in the Zoning Ordinance. The single designation in the Comprehensive Plan will allow greater flexibility in the use of land. This consolidation to a single designation does not impact tax advantages for productive agriculture parcels.

Additional information regarding agriculture in Pennington County is found in Chapter 5, Agriculture.

Public Facilities

While the County does not provide any wastewater treatment services, it does regulate on-site wastewater treatment systems (such as septic systems) in unincorporated areas. As the county has a variety of soils and varying depths to groundwater systems, it is important to ensure on-site systems are installed and operated appropriately to protect water quality and the environment.

For unincorporated areas within 1-mile of Rapid City municipal area, connections to sanitary sewer service are required.

Military Compatibly

There are two military installations in Pennington County: Camp Rapid, part of the South Dakota National Guard, and Ellsworth Air Force Base (AFB). Although both are military property; thus, not under the jurisdiction of Pennington County, it is important to ensure that land uses surrounding the installations are compatible with the military mission and operations. One method to do this is through a Military Influence Area (MIA). The 2016 Ellsworth AFB Joint Land Use Study (JLUS) provides guidance related to compatibility and encroachment issues for this base. More information regarding the operations at Ellsworth AFB are discussed in Chapter 9, Health and Safety.

Building Codes

Currently, Pennington County does not have an established set of building codes that determine construction practices for structures, and the County does not inspect new construction. The adoption of standards, such as the International Building Code, can establish standards for new structures as well as remodeling of existing buildings.



VIEW TO 2040

Floodplains

There are various floodplains and floodways designated throughout the county (see Chapter 9 in the Existing Conditions Report for locations). In 2018, 57,118 acres in Pennington County were identified as being within a 100-year floodplain, which includes locations in all three Focus Areas. Due to the potential hazards associated with structures in a floodway.

3.3 Goals and Policies

Goal LUH-1

The County has a well-balanced mix of agricultural, residential, commercial, and industrial land uses.



LUH-1.1 The County should strive to encourage a mix of land uses in and surrounding communities and cities in the county.



LUH-1.2 The County shall encourage the development of small neighborhood convenience and grocery uses immediately surrounding residential land uses in cities and towns to meet the everyday shopping and personal needs of residents.



LUH-1.3 Travel-oriented tourist commercial uses (e.g., entertainment, commercial recreation, lodging, restaurants, fuel) shall be located in areas where traffic patterns are oriented to major arterials and highways. Exceptions may be granted for resort or retreat related developments that are sited based on unique natural features.

Goal LUH-2

The County has a diverse housing stock that meets the needs of all county residents.



LUH-2.1 The County should encourage a range of housing sizes, costs, and densities within subdivisions and PUDs that meet the housing needs of current and future residents of all ages.



LUH-2.2 The County should encourage the development of accessory dwelling units on properties with adequate size as a means to enhance the availability of more cost-effective housing choices.



LUH-2.3 The County should encourage high density residential development (greater than 6 dwelling units per acre) to locate adjacent to city limits and in areas that can be served by community infrastructure.



LUH-2.4 The County should consider the provision of incentives for the development of affordable housing, including density bonuses, expedited permitting, and fee waivers.



LUH-2.5 Multi-family development should provide appropriate buffers and/or setbacks when adjacent to existing single-family residential uses.



LUH-2.6 Residential uses with different densities or character should incorporate appropriate transitions to reduce potential negative impacts.

Goal LUH-3

The county has attractive, stable, and safe residential areas.



LUH-3.1 The County shall encourage residential infill development in cities and unincorporated communities in order to promote the existing infrastructure.



LUH-3.2 The County should provide for stable neighborhoods by minimizing adverse effects from conflicting land uses.



LUH-3.3 The County should enhance animal keeping regulations to ensure compability between adjacent residential uses (non-agricultural land use designations only).

Goal LUH-4

Land uses in Pennington County are compatible with Ellsworth AFB and Rapid City Regional Airport operations.



LUH-4.1 The County should define and maintain a Military Influence Area (MIA) overlay on the FLUM and Zoning map, which will be defined based on noise and safety guidance from the current Air Installation Compatible Use Zone (AICUZ) study and Ellsworth AFB Joint Land Use Study (JLUS).



LUH-4.2 The County should ensure that land use density / intensity within the MIA remains consistent with the land use guidance contained in the current AICUZ and JLUS.



LUH-4.3 The County should promote opportunities to attract industries that support military or aviation. This could be done through public-private partnerships, incubators, or other similar processes.



LUH-4.4 The County should work with the City of Rapid City to ensure development around the Rapid City Regional Airport is consistent with current and future air operations and does not impede the ability to extend the airport's main runway in the future.

Goal LUH-5

Buildings in Pennington County are designed, constructed, and maintained for safety.



LUH-5.1 The County should establish a comprehensive building code.



LUH-5.2 The County should require building inspections for all new residential, commercial, and industrial structures. Structures exempted from this policy are those which have agricultural use associated with property that qualifies for a property tax reduction.



LUH-5.3 The County will require that all mobile homes or modular homes placed in the county must meet International Residential Code requirements.



VIEW TO 2040

Goal LUH-6

New development in Pennington County is designed to enhance protection of the area’s natural beauty.



LUH-6.1 New, non-residential development should incorporate design components that are less impacting on the natural environment.



LUH-6.2 New, non-residential development should minimize light pollution off-site by incorporating dark sky protections, like shielded lights.



LUH-6.3 Uses with different densities, intensities and / or character should incorporate appropriate transitions to reduce potential negative impacts. Appropriate transitions may include but are not limited to, varied lot sizes, landscape buffers, setbacks, as well as roadway and building design.



LUH-6.4 New development requiring a County discretionary permit shall be planned and designed to maintain the scenic open space character of the Black Hills and rangelands, including view corridors of highways. New development shall utilize natural landforms and vegetation in the least visually disruptive way possible, and use design, construction and maintenance techniques that minimize the visibility of structures on hilltops, hillsides, ridgelines, steep slopes, and canyons. The County should consider the protections of scenic resources as part of project reviews.



LUH-6.5 The County will encourage proposed residential subdivisions to be clustered onto portions of the site that are more suitable to accommodating the development, and shall require access either directly onto a public road or via a privately-maintained road designed to meet County road standards.



LUH-6.6 The County shall ensure that commercial storage facilities, including “mini” storage, indoor and outdoor storage facilities, contractors materials storage areas, and industrial storage areas are screened from view through landscape buffers or other natural landscapes. This does not apply to AG designated areas.

Goal LUH-7

The County fosters cooperation with cities and other governmental agencies in Pennington County and adjacent jurisdictions.



LUH-7.1 The County should consider current and future development (per adopted comprehensive plans) when considering proposals for future development in unincorporated areas.



LUH-7.2 The County should promote coordination with municipalities for development within platting jurisdictional areas.



LUH-7.3 The County will support growth that is compatible with adopted municipal comprehensive plans.



LUH-7.4 The County will encourage residential subdivisions to be located in cities or unincorporated communities where adequate services, such as water sanitary sewer and utilities are available.



LUH-7.5 The County should proactively communicate with other governmental organizations on planning issues of mutual concern.



LUH-7.6 The County should work with federal land management agencies to help ensure their planning processes account for private land concerns and public access to federal lands.

Goal LUH-8

The County encourages energy conservation in new and existing developments.



LUH-8.1 The County shall encourage the use of solar energy, solar hot water panels, and other energy conservation and efficiency features in new construction and renovation of existing structures in accordance with State law.



LUH-8.2 The County should coordinate with local utility providers to provide public education on energy conservation programs.



LUH-8.3 The County shall support efforts, when appropriately sited, for the development and use of alternative energy resources, including wind, solar, geothermal, bio-fuels and co-generation.



LUH-8.4 The County shall continue to integrate energy efficiency and conservation into all County functions.

Goal LUH-9

The County should provide on-going administration and implementation of the Pennington County Comprehensive Plan.



LUH-9.1 The County shall maintain the Comprehensive Plan as needed to ensure that it reflects the needs and desires of those who live, work, and vacation in Pennington County.



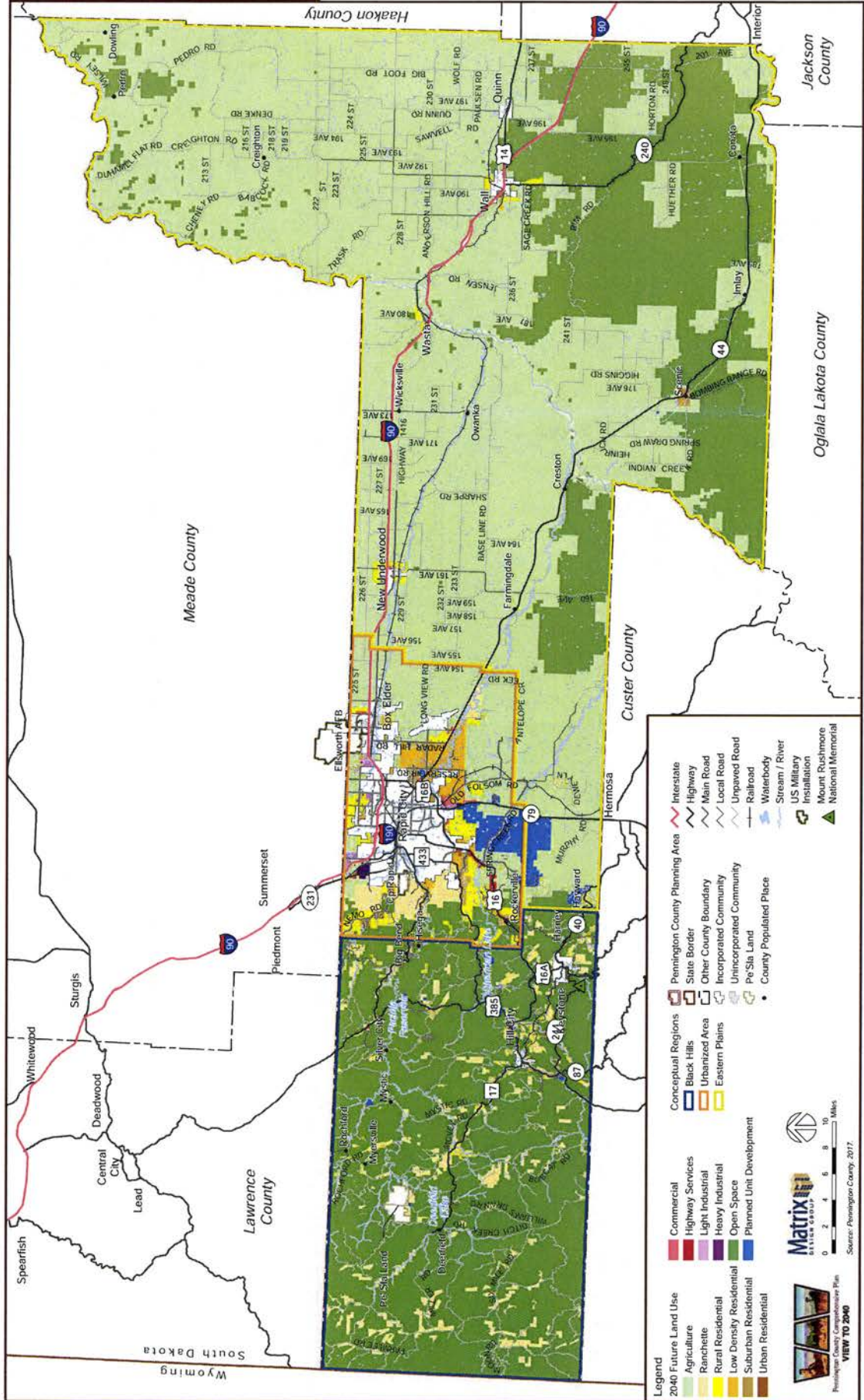
LUH-9.2 The County shall review and revise other County planning documents to ensure consistency with the Comprehensive Plan.



VIEW TO 2040

Please see the next page.

Figure 3-1 2040 Future Land Use



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Economic Development Element

4

4.1 Economic Development Overview

Economic development, in terms of a Comprehensive Plan, focuses on improving the economic well-being of residents and businesses. Efforts are typically oriented around creating or retaining jobs, growing incomes, business development and retention, and growing the County's tax base. This is often done by recruiting new businesses, expanding existing businesses, or assisting in start-up businesses. When attracting businesses to the county it is important that a wide-range of industries are considered to provide for a well-rounded economy that is not solely reliant on a single industry.

In this element, the historical growth trends of residential development are examined. This provides an understanding of where people are choosing to live within the county; thereby, identifying concentrations of an established workforce. Additionally, the concentration of existing jobs is examined; thereby, identifying locations where industry clusters would allow employers to draw productive advantage from proximity and connections to other employers.

Four economic development elements will also be examined that are paramount to the county. These are tourism, value-added agriculture, the Rapid City Regional Airport, and Ellsworth Air Force Base (AFB). These elements were identified as key economic drivers for Pennington County by County staff and participants in the public outreach efforts that went into formulating this Comprehensive Plan.



VIEW TO 2040

Existing Workforce

Most residential development within the county has occurred in the Central Pennington Focus Area. This area constitutes the highest concentration of the county workforce. The Black Hills and Eastern Plains have some residential development, although it is primarily low density.

Employment Nodes

Employment nodes are areas throughout the county that have a high concentration of jobs. The location of employment nodes may look similar to the location of recent residential developments, which is to be expected. Often, employers locate where there is a workforce present; furthermore, residential development spurs commercial development which creates jobs in retail and other service sectors.

Rapid City has the highest concentration of jobs in Pennington County. Specifically, the highest concentration of jobs per square mile is in the Rapid City downtown area and near the Rapid City Regional Hospital. Employment densities in these areas are greater than 10,000 jobs per square mile.

Table 4-1 lists the top employers within Pennington County. Of the top employers, 76% are located in Rapid City. The major employer that is not located in Rapid City is Ellsworth AFB, which is the second highest employer (4,519 jobs) and an employment node on its own.

Table 4-1. Top Employers

Employer	Industry	Employees	Location
Regional Health	Healthcare	4,983	Rapid City
Ellsworth Air Force Base	Military, Civilian	4,519	Box Elder
Federal Government	Government	2,912	Rapid City
City of Rapid City	Government	2,197	Rapid City
Rapid City Area Schools	Education	1,755	Rapid City
State of South Dakota	Government	1,217	Rapid City
Walmart/Sam's Club	Retail	1,029	Rapid City
South Dakota National Guard	Military	1,025	Rapid City

Source: Rapid City Chamber of Commerce

Employment nodes disperse when outside of Rapid City. In the areas surrounding Rapid City, job densities range between 5 and 680 jobs per square mile. This is the same range of jobs in other incorporated cities, such as Hill City, New Underwood, Keystone, and Wall. In these cities, there are multiple nodes with this range of jobs.

Once outside of the cities, and into the unincorporated county, there are generally areas of low to no employment. There are some scattered areas of employment outside of cities, such as northeast of Wall, east of New Underwood, and surrounding the cities in the Black Hills. This employment is limited with job densities ranging between 5 to 680 jobs per square mile.

Tourism

The tourism economy is prominent in Pennington County, attracting businesses and employment opportunities that operate primarily from April to October to accommodate the tourist season. During this time, there is an influx of jobs and population throughout the County. It will be important for the County to leverage its tourism assets in the coming years to continue to grow the tourism industry within Pennington County. Tourist draws like the Mount Rushmore National Memorial, events like the Sturgis Motorcycle Rally, and the proximity of the Rapid City Regional Airport are all assets that can be leveraged to the County's advantage.

Value-Added Agriculture

Agriculture is the predominant land use present in the Eastern Plains Focus Area and has been so for the majority of Pennington County's history. This is due to the availability of large grassland ranges, fertile soils, and favorable land slope present in the region. Much of the agricultural land in the Eastern Plains are devoted to raising livestock (predominately cattle) and growing crops (predominately wheat and winter wheat).

The County can grow its agricultural economy through the enhancement of value-added agriculture. Value-added agriculture includes processes that change the physical state of an agricultural product into a form that enhances its value, such as milling wheat into flour. As a result of the change in physical state or the manner in which the agricultural commodity or product is produced and packaged, the customer base for the commodity or product is expanded and a greater portion of revenue derived from the processing and sales of the product remains in the county.

Rapid City Regional Airport

Another key economic driver in Pennington County is the Rapid City Regional Airport. The airport provides scheduled passenger, charter, and commercial freight flights. Opportunities to expand service at the airport can have a direct benefit to the tourism economy, particularly by expanded marketing to cities that offer direct flights to Rapid City Regional Airport. But beyond this, the airport can support types of uses / businesses that rely on or support an airport environment, including technology-oriented companies, warehousing, and limited manufacturing. Uses near the airport should complement and support the business functions of the airport and not infringe upon the long-term potential of the regional airport.

Ellsworth Air Force Base

Ellsworth AFB serves as a large economic driver for the county. In 2014, Ellsworth AFB had a regional economic impact of over \$300 million. This impact can be broken down among traditional categories that are used to measure economic impact. The categories are annual payroll, annual expenditures, and an estimated dollar value of jobs created from base operations and expenditures

The County should support the continued mission of Ellsworth AFB through proper compatibility planning and the addition of industries that bolster base operations. Such industries include aerospace and incubator industries. Black Hills State University could also be integrated with Ellsworth AFB by offering an incubator program on their campus.



VIEW TO 2040

4.2 Goals and Policies

Goal ED-1

The County has a diverse and strong local economy that sustains long-term prosperity for residents and businesses.



ED-1.1 The County should ensure that water infrastructure is sufficient in urbanized areas to support the needs and growth of businesses and industry.



ED-1.2 The County should identify available and appropriate incentives to encourage business attraction.



ED-1.3 The County should encourage development of businesses and industries oriented toward differing segments of the marketplace.



ED-1.4 The County should consider developing a business retention program.



ED-1.5 The County should work cooperatively with cities, Meade County, and other local and regional economic development entities, such as South Dakota Ellsworth Development Authority (SDEDA), to expand and improve the economic base of Pennington County.

Goal ED-2

The County has a range of educational opportunities for workforce development.



ED-2.1 The County should work with local businesses to identify training program needs and options to fill those needs in the county.



ED-2.2 The County should work with Black Hills State University to share information on employment needs, internship opportunities, and further prepare graduates for the workplace.

Goal ED-3

Pennington County attracts diverse industries that are considerate of the natural environment.



ED-3.1 The County should work to attract industries that are compatible with the sensitive environment, such as business that have low water consumption.



ED-3.2 The County should provide incentives to attract clean, environmentally-friendly businesses.

Goal ED-4

Pennington County supports the growth of existing industries.



ED-4.1 The County should continue to attract tourism-related businesses to support and expand tourism offerings, attractions, and facilities.



ED-4.2 The County should research and pursue grant funding to increase tourism and other business opportunities and to support new industry.



ED-4.3 The County should establish a joint tourism task force involving local, regional and state governmental agencies, as well as non-governmental organizations. The intent of this task force should be to establish and implement a long-term strategic plan to grow the number of visitors to southwestern South Dakota.



ED-4.4 The County should seek value-added agriculture opportunities in the Eastern Plains.

ED-4.5 The County should work with other adjacent counties and other regional economic development entities, to expand and improve the economic base of Pennington County, especially related to Ellsworth AFB, National Parks, and agriculture.

Goal ED-5

Pennington County supports Ellsworth AFB and the Rapid City Regional Airport.



ED-5.1 The County should continue to support Ellsworth AFB and Rapid City Regional Airport as economic drivers by establishing a planning notification when developing area near the airport.



ED-5.2 The County should require disclosure statements for any residential development within or adjacent to airport noise contours.



ED-5.3 The County should support the development of compatible industries around Rapid City Regional Airport, such as aerospace and energy technology-oriented companies, warehousing, and limited manufacturing.



ED-5.4 The County should partner with Ellsworth AFB to develop aerospace and incubator industries that could support the installation.



VIEW TO 2040

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Agricultural Element

5

5.1 Agricultural Overview

Agricultural uses are an important part of Pennington County’s heritage. These uses are located throughout the county, but are a more dominant land use in the Eastern Plains Focus Area. In total, 52.3% of the county’s land area, or 893,090 acres, is designated Agriculture in the future land use map. While the amount of agricultural land has decreased in recent years, agriculture continues to be influential throughout the county and in South Dakota as a whole. Additionally, although the total land area for agriculture has decreased, individual agriculture businesses have grown, indicating that agriculture continues to have a significant part in Pennington County’s current economy and will continue to be important economic driver in the future.

Production Enhancement

Agriculture in Pennington County comprises both crop and livestock operations. In 2012, most of the farmland was pastureland, with about one-fifth comprised of cropland. The top livestock in Pennington County is cattle and calves (93%). The top crops in the county is wheat for grain (34%) and winter wheat for grain (30%). Additionally, hay and corn for grain are also prevalent.

While these livestock and crop operations contribute greatly to the economy and overall heritage of the county, there is also a need to expand value-added agriculture opportunities. “Value-added”, for agricultural, refers to uses or facilities that increase the value of agricultural products over the cost of the raw agricultural inputs, such as canning, drying, freezing, or packaging agricultural produce for ultimate sale to consumers. This type of agriculture production is the next step in the process and introduce new industry into the county and create new employment opportunities.



VIEW TO 2040

The County allows such value-added agricultural industry through the Zoning Ordinance; however, these uses are generally found in the Industrial zoning categories. Value-added agriculture is further expanded upon in Chapter 4, Economic Development.

Compatibility

Agriculture is a dominant land use in the county, making it important to consider the effects that future development can have on agriculture and its associated operations. Agricultural land can become fragmented if non-agricultural developments become scattered throughout an agricultural area. While some residential, commercial, and industrial uses may be present to support the agricultural industry, agricultural land in the Eastern Plains should be planned to prevent incompatible encroachment of urbanization.

5.2 Goals and Policies

Goal AG-1

Pennington County promotes the long-term preservation of productive and potentially-productive agricultural lands and to accommodate agricultural-support services and agriculturally-related activities that support the viability of agriculture and further the county’s economic development goals.



AG-1.1 The County shall maintain agriculture as the primary land use in the Eastern Plains Focus Area of the county, not only in recognition of the economic importance of agriculture, but also in terms of agriculture’s real contribution to the conservation the county’s heritage, open space, and natural resources.



AG-1.2 The County shall allow by discretionary permit within the Eastern Plains Focus Area, agriculturally-related uses, including value-added processing facilities, and certain non-agricultural uses. Approval of these and similar uses in areas with an Agriculture (AG) land use designation shall be subject to the following criteria:

- ▶ The use shall provide a needed service to the surrounding agricultural area which cannot be provided more efficiently within urban areas or which requires location in a non-urban area because of unusual site requirements or operational characteristics;
- ▶ The use should not be sited on productive agricultural lands if less productive land is available in the vicinity;
- ▶ The operational or physical characteristics of the use shall not have a detrimental impact on water resources or the use or management of surrounding properties within at least one-quarter (1/4) mile radius; and
- ▶ A probable workforce should be located nearby or be readily available.



AG-1.3 The County shall support accelerated development of high-value-added food processing industries through accelerated permit processing, where appropriate.



AG-1.4 The County shall direct urban development away from valuable agricultural lands to cities and unincorporated communities where public facilities and infrastructure are available.



AG-1.5 The County shall seek to protect and enhance surface water and groundwater resources critical to agriculture.



AG-1.6 The County shall generally condition discretionary permits for residential subdivisions within or adjacent to agricultural areas in the Eastern Plains Focus Area to record a Right-to-Farm Notice with the plat or subdivision map, which will be an acknowledgment that residents in the area should be prepared to accept the inconveniences and discomfort associated with normal ranch and farm activities and that an established agricultural operation shall not be considered a nuisance due to changes in the surrounding area.



AG-1.7 The County should encourage traditions that celebrate the County's agricultural heritage through cultural activities, the arts, and special events.



AG-1.8 The County should continue to provide property tax incentives for agriculture property owners that meet the criteria for agricultural land classification determined by the County Commission in accordance with SDLC 10-6-31.3.



AG-1.9 The County should ensure that properties in agricultural designations meet the minimum lot size requirements in order to support appropriate farming and ranching activities.



AG-1.10 The County should work with local farmers to identify additional opportunities for value-added agriculture.



AG-1.11 The County should provide services and facilities to support the needs of agricultural uses.



AG-1.12 The County will support the expansion of agricultural tourism that helps maintain sites in agricultural production, provided these activities do not negatively impact on-going agricultural operations on adjacent lands.



VIEW TO 2040

Goal AG-2

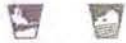
Agricultural uses are compatible with surrounding land uses.



AG-2.1 The County should consider encouraging SD Senate Bill 66, which provides property owners a tax incentive for creating riparian buffer strips if the property adjoins one of the eligible lakes or streams.



AG-2.2 The County should ensure that high impact agricultural processes, such as timber production, have low impacts on surrounding sensitive land uses, such as residential land uses.



AG-2.3 The County should consider the placement of agricultural related future developments, such as residential, commercial, and industrial, during the development review process to ensure that agricultural areas do not become fragmented.

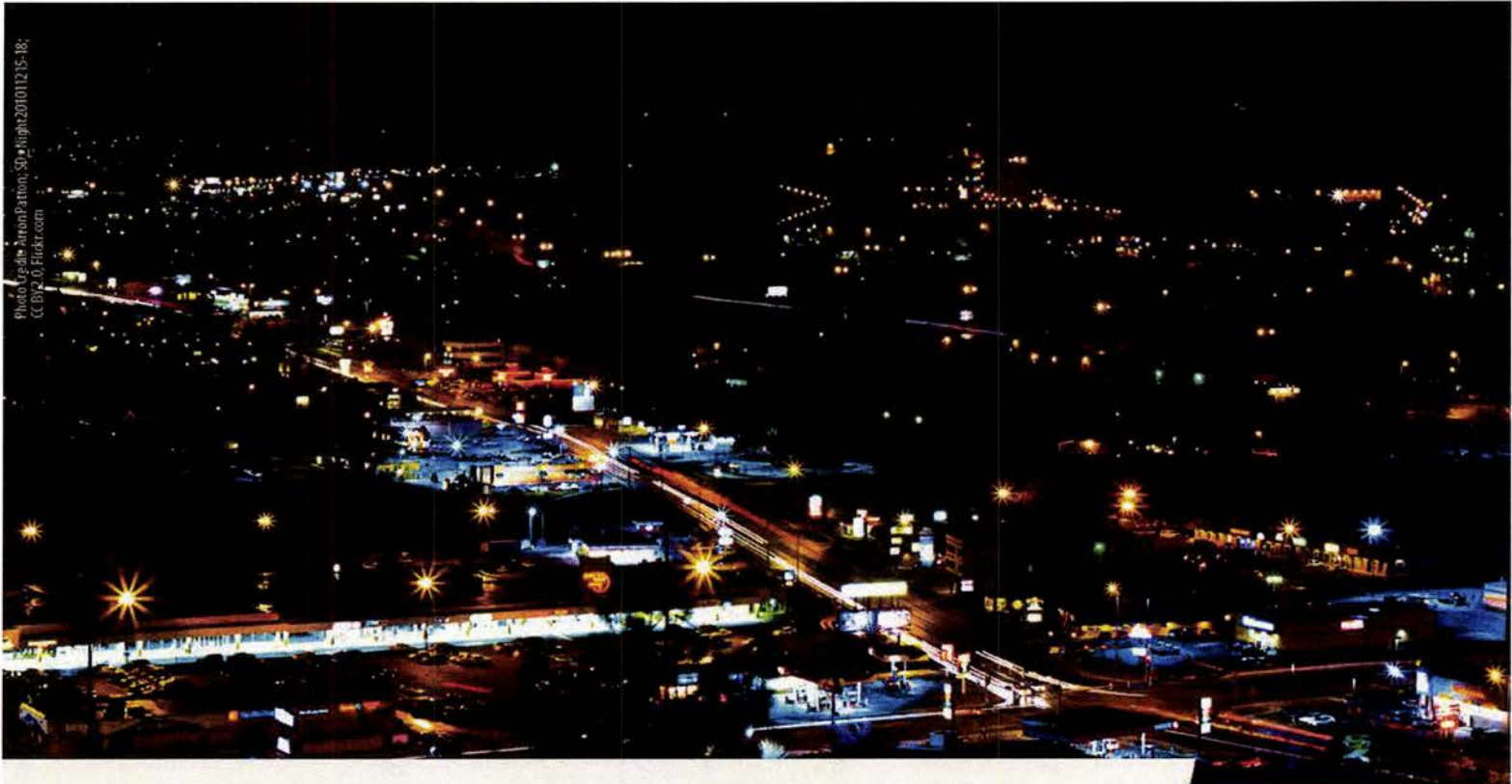


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Transportation & Circulation Element

6

6.1 Transportation & Circulation Overview

Transportation System

A modern, safe, and efficient transportation system is essential to the economic growth and overall quality of life of an area. The County's circulation system should enhance mobility by integrating various modes of travel, including vehicles, pedestrians, bicycles, and public transportation. The system should also provide an integrated transportation system that serves all segments of the population as well, including the school age children, the elderly, and persons with disabilities.

The transportation network in Pennington County supports more robust system usage and conditions due to agricultural trucks and equipment, heavy truck usage on highways and county roads, heavy tourism usage, and weather exposure. These conditions place a heavy burden on roadway conditions in the county. As such, roadway maintenance has been identified as one of the major issues detracting from residents' quality of life. Recent attempts to fund improvements and maintenance through a wheel tax were voted down in 2016. Loss of the wheel tax made the County ineligible for state Bridge Improvement Grant (BIG) funds that would provide additional financial assistance to improve roadway conditions.

The circulation system in Pennington County is based on a system of major and minor arterial roads, collector roads, and local roads. The major arterials that contain the highest capacity traffic through Pennington County include



VIEW TO 2040

Interstate 90 (I-90), US Highway 16, US Highway 385, South Dakota Route (SD) 79, and SD 44. Maintenance of these facilities is funded through federal or state monies. The other classifications are considered local roads and are maintained by the Pennington County Highway Department. In addition to County-maintained roads, there are 143 road districts within the County, which are established by landowners to use local taxes within their district's jurisdiction to maintain district roadways.

The transportation system in Pennington County are shown for each Focus Area on Figure 6-1, 6-2, and 6-3.

Tourism Traffic

During tourism season (April – October each year), transportation demands increase notably at the Rapid City Regional Airport and on highways and roadways throughout the county, especially near key attractions, such as Mount Rushmore. Additionally, the City of Sturgis, South Dakota (approximately 40 miles northwest of Rapid City) is well-known for holding the annual Sturgis Motorcycle Rally, which is one of the largest motor events in the world. In 2015, this annual event set its attendance record of approximately 739,000 visitors, many of which fly through Rapid City Regional Airport and travel the roads of Pennington County.

Scenic Byways

The Scenic Byways Program recognizes those roadways which exhibit the State's unique character and beauty. Individuals, organizations and local governments may identify roadways with truly distinctive qualities and nominate them for State Scenic Byway designation. Routes which display scenic, cultural, geologic, wildlife habitat or other aesthetic features are eligible for consideration. In Pennington County, the only State Scenic Byway is the Peter Norbeck Scenic Byway, a 68-mile double loop in the Black Hills, just south of Keystone and Hill City.

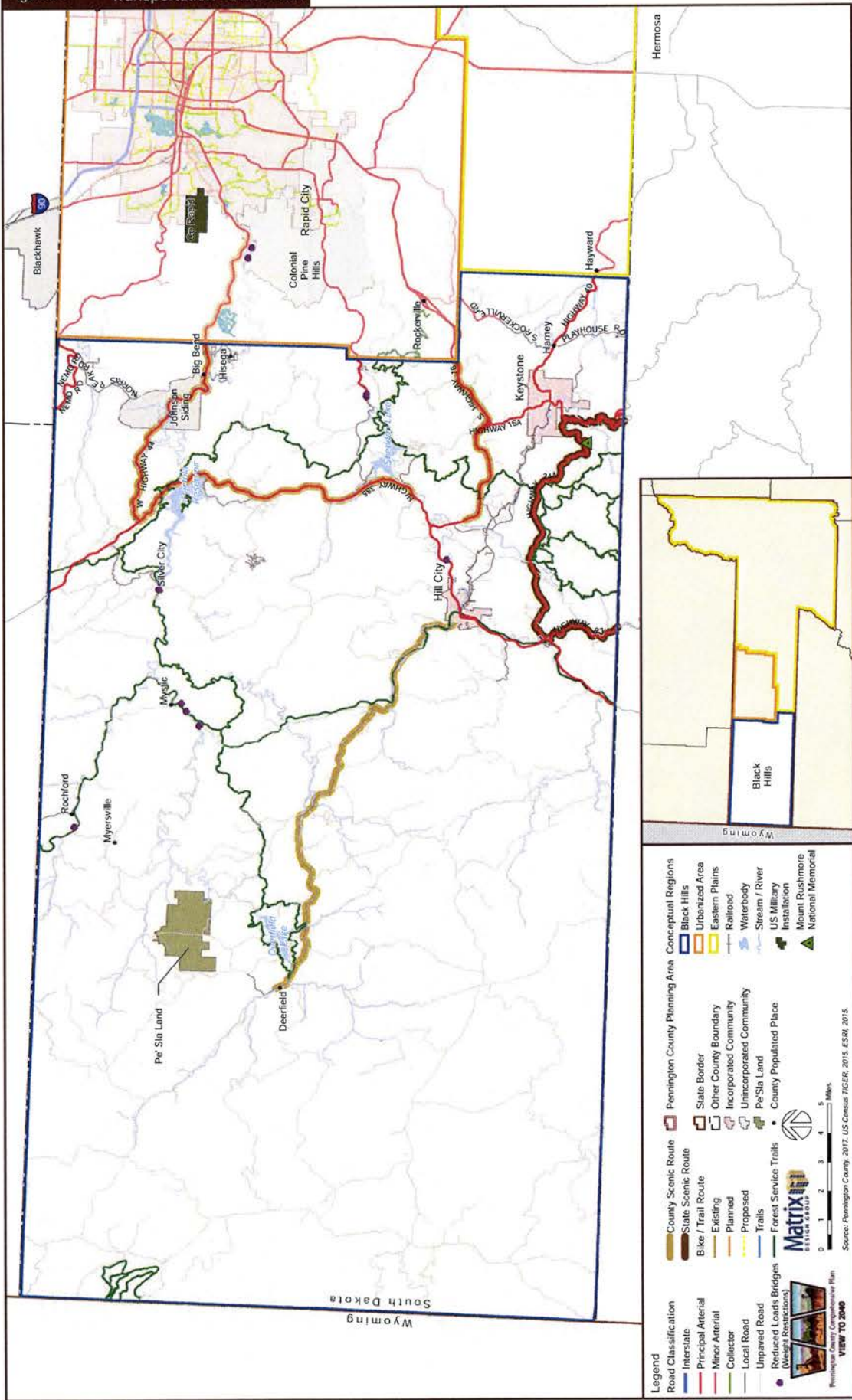


Trails and Bicycle Systems

Pennington County does not own or maintain any trails or bike routes, but there are some existing, planned, and proposed bike routes and trails in Rapid City. The US Forest Service also owns and maintains trails through the Black Hills National Forest, including the Mickelson Trail and Centennial Trail.

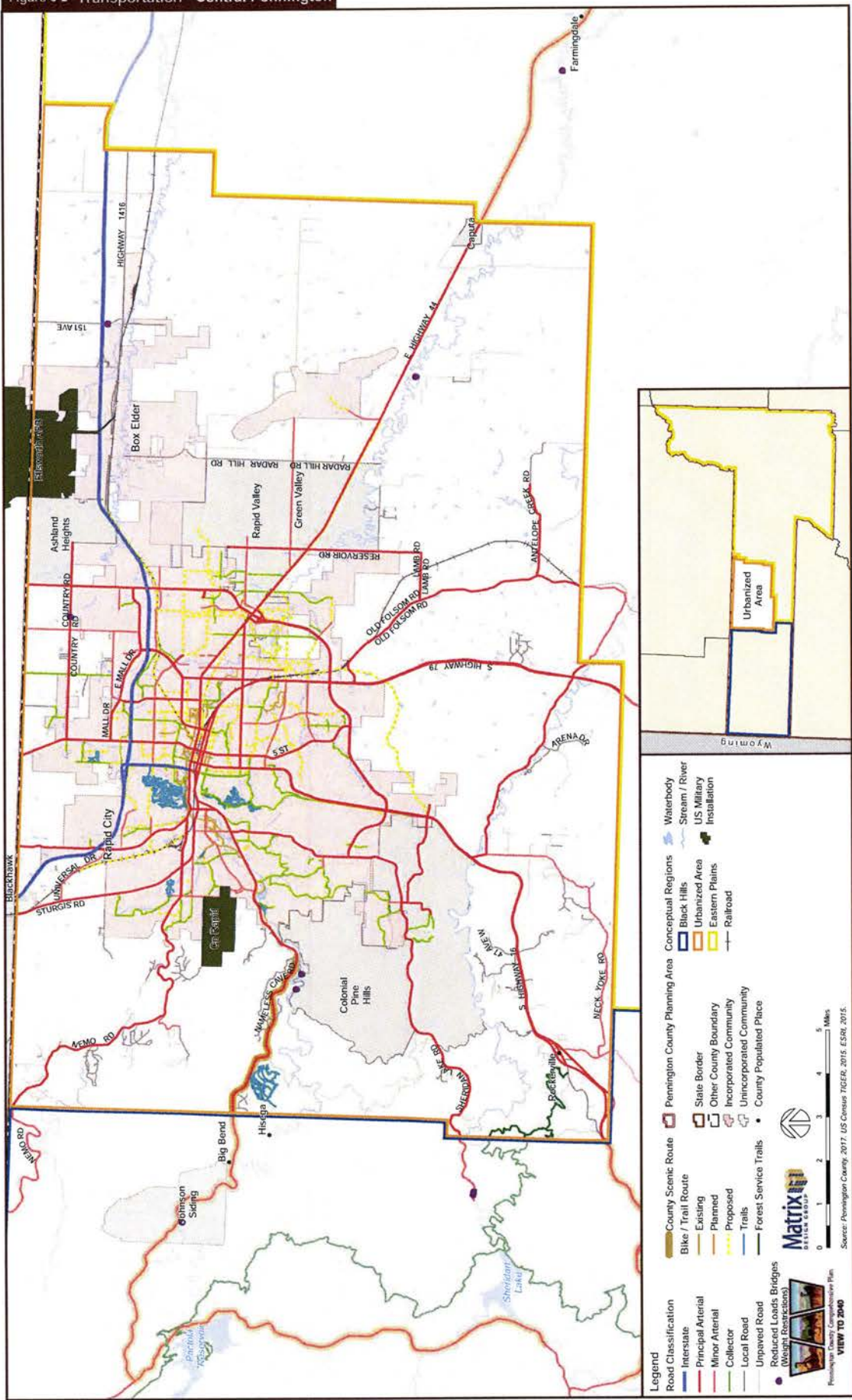
Bicyclists in unincorporated Pennington County largely use roadways and paths for recreational and commuting purposes.

Figure 6-1 Transportation - Black Hills



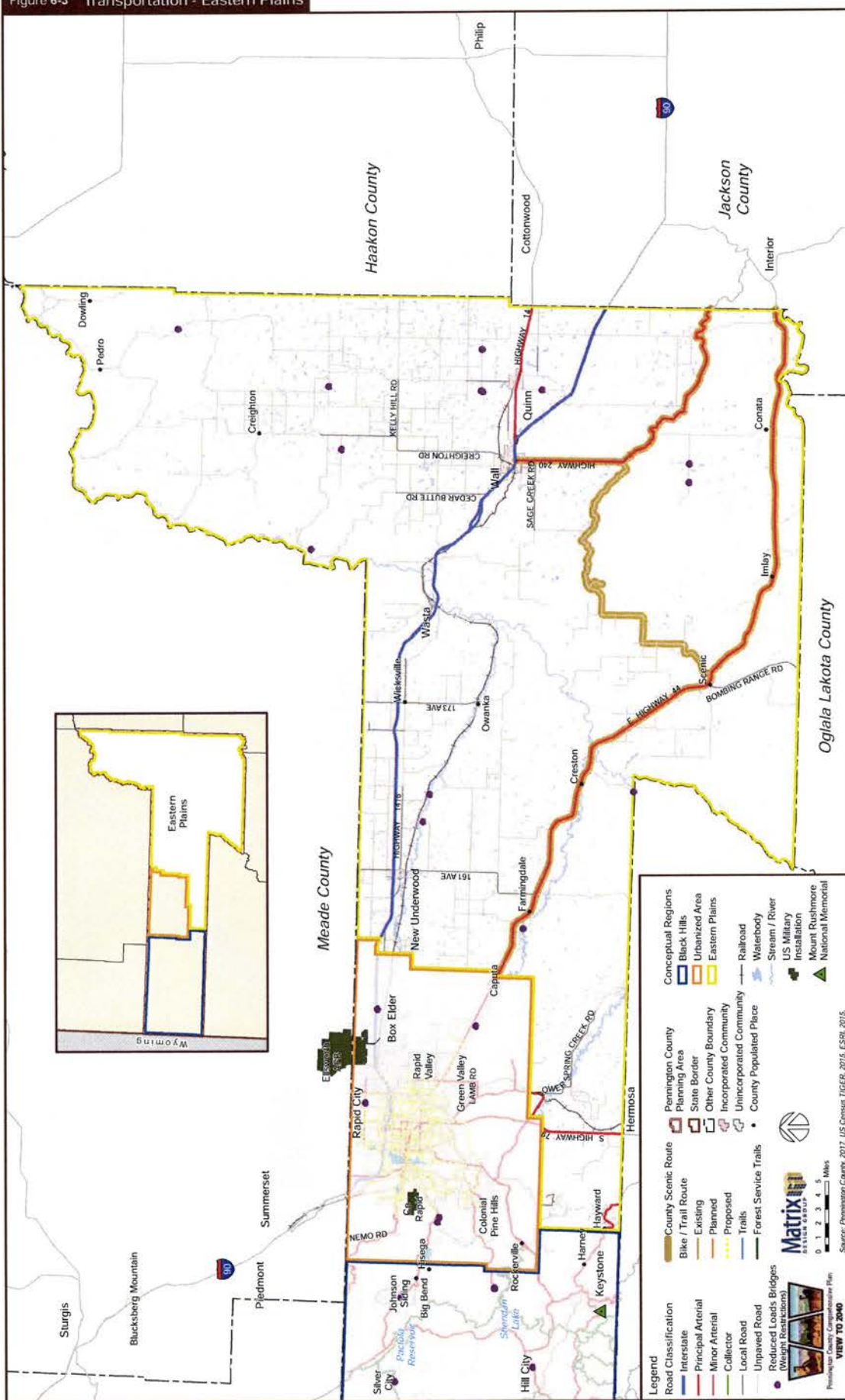
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Figure 6-2 Transportation - Central Pennington



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Figure 6-3 Transportation - Eastern Plains



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Public Transportation

Pennington County does not provide any public transportation services or participate in any public transportation programs. As such, all public transportation found in the county is provided by incorporated municipalities or private businesses. Rapid City has three different public transit services: Rapid Ride, Dial-A-Ride, and City View Trolley that provide more than 400,000 annual passenger trips.

Rapid City Regional Airport

Another integral part of Pennington County’s transportation infrastructure is the Rapid City Regional Airport, located seven miles east of Rapid City along SD 44. The Rapid City Regional Airport provides regularly scheduled passenger, charter, and commercial freight services. In 2016, the Rapid City Regional Airport had 272,537 total enplanements, which is over a 3% growth from 2015. A large portion of this travel is from tourists visiting the various natural and culture sites throughout Pennington County, including the Mount Rushmore National Memorial, Black Hills National Forest, and Badlands National Park.

6.2 Goals and Policies

Goal TC-1	Pennington County maintains a safe and efficient transportation network for its residents and visitors.
------------------	----------------------------------------------------------------------------------------------------------------



TC-1.1 The County should continue to identify and pursue grants and other funding sources to supplement the County’s available maintenance funding.



TC-1.2 The County should pursue grants and other funding sources to enhance transportation diversity (pedestrian, bicycle, and public transportation facilities) and access to all portions of the county population.



TC-1.3 The County should enhance bicycle safety as part of future roadway maintenance projects.



TC-1.4 The County shall coordinate transportation plans and projects with the various federal, state, and local jurisdictions and agencies within the County, including, but not limited to, the US National Park Service, US Forest Service, Department of Defense, Bureau of Land Management, South Dakota Department of Transportation (SDDOT), and Rapid City.



TC-1.5 The County should seek opportunities to incorporate new technologies into their transportation system.



VIEW TO 2040

Goal TC-2

Pennington County features a multimodal transportation network.



TC-2.1 The County should work with SDDOT, the US Forest Service, and US National Park Service to create a bicycle route connecting the Black Hills National Forest to the Badlands National Park and Buffalo Gap National Grassland.

TC-2.2 The County should promote a bicycle advocacy program to encourage bicycling as a viable daily form of transportation and recreation throughout the County.



TC-2.3 The County should support alternative transportation options for traveling tourists, including both public and private transportation methods of transporting tourists to and from various destinations within Pennington County.



Goal TC-3

The Rapid City Regional Airport is an expanding commercial passenger and freight airport that supports both tourism and economic development.



TC-3.1 The County should support efforts to improve and expand upon the Rapid City Regional Airport.



TC-3.2 The County shall work with Rapid City to improve north / south roadway access and circulation from the Rapid City Regional Airport to South Dakota Highway 44 in order to support expanded operations.

Goal TC-4

Enhanced wayfinding and signage throughout Pennington County helps efficiently guide visitors to their destinations while improving upon the overall aesthetics of the County.



TC-4.1 The County should develop a wayfinding signage program along major transportation routes to provide clear and simple directions to visitors to easily find their destinations within the County. Additionally, the wayfinding signage program should feature unique, identifiable branding that portrays and embraces Pennington County's character and enhances upon the overall aesthetics of the area.



TC-4.2 The County should work with the local municipalities and federal agencies to help implement the wayfinding signage program through identifying strategic locations for signs.



TC-4.3 The County should implement a signage ordinance that regulates the type, size, location, and special effects of commercial signs, and ensure commercial signage is consistent with the community character.

Goal TC-5

The County offers scenic views for travelers along the county's roads and highways.



TC-5.1 The County shall protect views of natural and working landscapes along the county's highways and roads by maintaining a designated system of County Scenic Routes and State Scenic Byways. This will include the following.

- ▶ Require development along eligible State Scenic Byway corridors to adhere to land use and design standards and guidelines required by the State Scenic Byway Program;
- ▶ Support and encourage citizen initiatives working for formal designation of eligible segments of as State Scenic Highways.
- ▶ Formalize a system of County Scenic Routes throughout the county; and
- ▶ Require development located within County Scenic Route corridors to adhere to local design guidelines and standards designed to protect significant scenic resources by:
 - Maintaining the rural character of roadway rights-of-ways, highway signage, and related roadway and structure design;
 - Protecting primary viewsheds from development;
 - Prohibiting development of highway commercial projects that do not respond to their physical or cultural context; and
 - Featuring the community centers/main streets of the gateway communities of Hill City and Keystone.



TC-5.2 The County shall use the county's scenic roads and highways to connect cultural landscapes, historic landmarks and communities, and points of interest including:

- ▶ Historic travel routes and trails;
- ▶ Historic settlements;
- ▶ Historic places, events, sites, buildings and structures;
- ▶ Prehistoric and archeological features; and
- ▶ Majestic trees, vistas, streetscapes and parks.



TC-5.3 The County shall work with SDDOT and property owners to limit billboards and other forms of off-site advertising along State Scenic Byways and County Scenic Routes.



TC-5.4 The County shall seek to reduce the number of billboards along State Scenic Byways and County Scenic Routes.



VIEW TO 2040

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Public Services & Facilities Element

7

A variety of entities provide public services and facilities in Pennington County, including county, state, and federal agencies, special districts, and the private sector. With such a range of entities, it is important to maintain a high degree of coordination to help ensure levels of service are sustained and facilities / infrastructure are provided that keep pace with development.

The quality and capabilities of the public services and facilities offered can enhance the livability and economic potential within the county. This Element provides a policy framework to guide the County and other service providers in delivering the services and facilities needed to contribute to the overall high quality of life enjoyed in Pennington County. Public facilities are shown on Figure 7-1.

7.1 Infrastructure Overview

Water Supply

The County is not a potable water supplier; as such, unincorporated communities and individual developments within the county receive water from a water district or individual wells. The majority of the potable water in Pennington County comes from groundwater. Most of Pennington County is underlain with one or more aquifers that yield water of varying quality. The aquifers within the county capable of supplying sufficient quantities of water to support municipal and industrial growth are the Deadwood, Madison, Minnelusa, Minnekahta, and Inyan Kara Aquifers.



VIEW TO 2040

Water Districts

There are two water development districts within Pennington County: the West River Water District and the West Dakota Water District. Water districts promote the conservation, development, and proper management of water resources.

Storm Water

Storm water management is important in maintaining local water quality. Storm water discharge can affect the quality of water as it can carry pollutants into local waterways and percolate into the county's groundwater resources. According to the United States Environmental Protection Agency (EPA), Pennington County is considered a regulated small municipal separate storm sewer system (MS4). An MS4 is a conveyance system that is comprised of drainage systems, catch basins, gutters, storm drains, and man-made channels.

Through EPA regulations, MS4s are required to develop and implement a storm water management plan (SWMP) to address storm water issues. Pennington County's most recent SWMP was updated in 2016 and is jointly managed by the County's Planning and Highway departments.

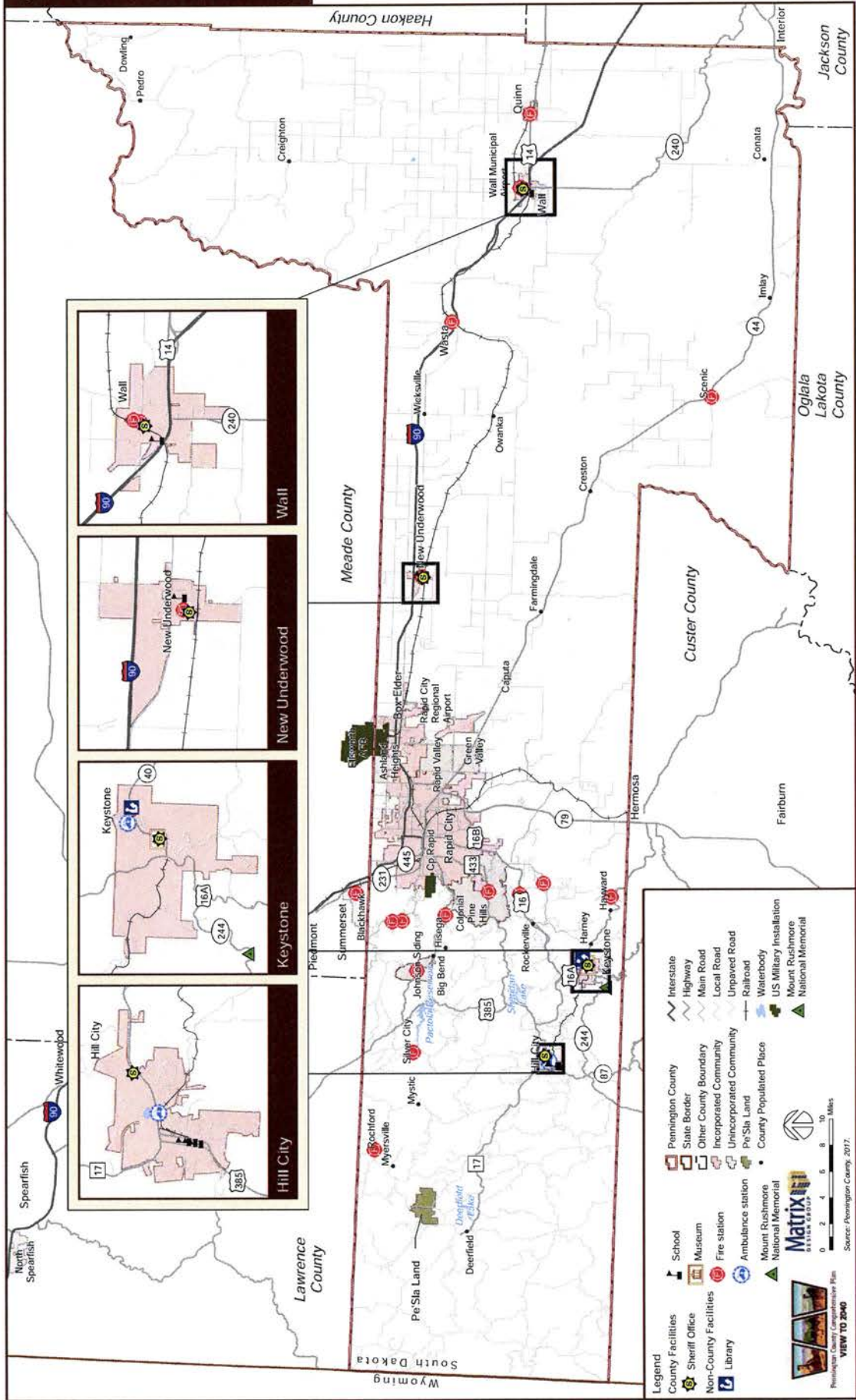
Wastewater

The County does not provide wastewater treatment services; however, the County does regulate on-site wastewater treatment systems present in unincorporated areas. Wastewater treatment systems are regulated through Section 204-J of the County Zoning Ordinance. Through Section 204-J, all on-site wastewater treatment systems are required to obtain an operating permit showing the system does not have an adverse impact upon public health and the environment. Sanitary Districts exist in the county, but primarily within the Rapid City 1-mile on-site wastewater treatment system buffer area.

Presently, only Rapid Valley Sanitary District, Cedar Gulch Sanitary District, and Rapid Canyon Sanitary District have sewer collection systems that ultimately go into Rapid City's wastewater treatment plant. All other sanitary districts have individual treatment and discharge systems.

An issue that was identified during the planning process was the adequacy of on-site wastewater treatment system inspections from the County. Section 204-J of the County Zoning Ordinance states that an operating permit for an on-site wastewater treatment system is valid for 6 years. The ordinance provides no guidance on system maintenance, inspection requirements, or pumping requirements. Malfunctioning or damaged on-site wastewater treatment system can cause environmental damage to the surrounding area and contaminate the water supply. Common problems with on-site wastewater treatment system include tree root damage, ground movement, and collapsed baffles / damaged dip pipes.

Figure 7-1 Public Facilities



Hill City

Keystone

New Underwood

Wall

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7.2 Public Safety Overview

Fire

Pennington County is served by 21 volunteer fire departments and one full-time fire department. According to County staff, there are over 450 volunteer fire fighters in Pennington County. Providing fire protection in rural, forested areas is not the same as fire protection within a city. Response times to fire emergencies are generally slower, the road

network may not allow easy access to the fire, and substandard roads may not accommodate current firefighting apparatus. As the county continues to grow and develop, efforts should be made to mitigate fire dangers in rural areas.

Emergency Management

The Emergency Management Department serves as the countywide agency overseeing the planning, response, recovery, and mitigation of any disasters or emergencies that occur within Pennington County. The department operates out of the Emergency Operation Center (EOC) located in the Pennington County Administrative Building in Rapid City.

7.3 Public Facilities Overview

According to the 2010 Facilities Master Plan, Pennington County occupies 482,692 square feet of facility space. The majority of county administrative buildings are centrally located in Rapid City. As the County has experienced consistent growth over the past 40 years, the need for additional space to accommodate County departments and agencies has increased. The 2010 Facilities Master Plan projects the need for a total of 683,954 square feet of facility space by the year 2025.

Libraries

Pennington County does not have any library facilities. However, the County does provide over \$450,000 on a yearly basis to support municipal libraries present in incorporated communities. There are five public libraries within the county, Hill City, Keystone, and Wall each has one library and Rapid City has two. There are also a number of non-public libraries in Pennington County, including the Holbrook Library at Ellsworth Air Force Base and campus libraries at educational facilities within the county.

Schools

Pennington County has a robust inventory of education facilities that contribute to the quality of life and economic strength of the community. Within the county there are five public school districts with 41 total public schools. Pennington County also has several post-secondary options for those seeking higher education. Post-secondary schools within the county include Black Hills State University – Rapid City, South Dakota School of Mines and Technology, Western Dakota Technical Institute, John Witherspoon College, Black Hills Beauty College, and National American University.



VIEW TO 2040

7.4 Goals and Policies

Goal PSF-1

The County protects its water resources.



PSF-1.1 The County should coordinate with state, federal, and local resource management agencies to preserve and improve the quality of surface water and groundwater.



PSF-1.2 The County should require wells and water sources to be buffered from high pollution sources, such as mining and other heavy industrial activities.



PSF-1.3 The County should consider the impacts to surface water and groundwater quality in the consideration for approval of all development.



PSF-1.4 The County should educate the public about water quality, sources, scarcity, and conservation methods.

Goal PSF-2

Storm drainage facilities are of adequate size and location to serve the needs of the County and enhance public safety.



PSF-2.1 The County should encourage stormwater facility designs that minimize drainage concentrations, impervious coverage, and avoid floodplain areas, where feasible.



PSF-2.2 The County should require the provision of erosion control measures as part of new development to minimize sedimentation of streams and drainage channels.



PSF-2.3 The County should coordinate stormwater drainage and flood management with the Federal Emergency Management Agency (FEMA) and other appropriate South Dakota and local agencies.

Goal PSF-3

On-site wastewater treatment systems in the County are well-maintained and protect the County's water resources.



PSF-3.1 The County should encourage developments to connect into public wastewater treatment systems when available.



PSF-3.2 The County should not allow on-site wastewater treatment system to be installed on lots less than 1 acre in size or where soil and site conditions are not adequate to provide appropriate disposal.



PSF-3.3 The County should require on-site wastewater treatment systems to be inspected at least once every 3 years.



PSF-3.4 The County should provide on-site wastewater treatment system tank inspectors in-house, rather than requiring residents to find a local pumper.



PSF-3.5 The County should require tanks to be pumped whenever the top of the sludge layer is less than 12 inches below the bottom of the outlet baffle or whenever the bottom of the scum layer is less than three inches above the bottom of the outlet baffle. When a garbage disposal is used, the on-site wastewater treatment system tank should be pumped at least once per year.



PSF-3.6 The County should consider on-site wastewater treatment system risks to the natural environment and require applicants to ensure protection of natural resources when planning for future on-site wastewater treatment systems.

Goal PSF-4

The County actively supports and enhances fire and emergency response services.



PSF-4.1 The County should consider codifying the Fire Resistive Building Requirements and Firewise Landscaping guidelines from the Community Wildfire Protection Plan.



PSF-4.2 The County shall regularly update the Community Wildfire Protection Plan with updated design guidelines and methods for educating the public of fire hazards.



PSF-4.3 The County should work with the Federal government to better manage fuel loads on federally-owned land



PSF-4.4 The County should update the House Number Placement Ordinance (Ordinance #20) to ensure that the design and placement of the building numbers are visible to assist with emergency response.



PSF-4.5 The County should evaluate the need for additional equipment and volunteer firefighters within Pennington County.



PSF-4.6 The County shall continue to regularly update its Emergency Operations Plan.



PSF-4.7 The County shall work to enhance and increase enrollment in the Community Emergency Response Team (CERT) program.

Goal PSF-5

The County has adequate public facilities to provide for its residents.



PSF-5.1 The County should evaluate the facility needs identified in the 2010 Facilities Master Plan to plan for future facility expansion.

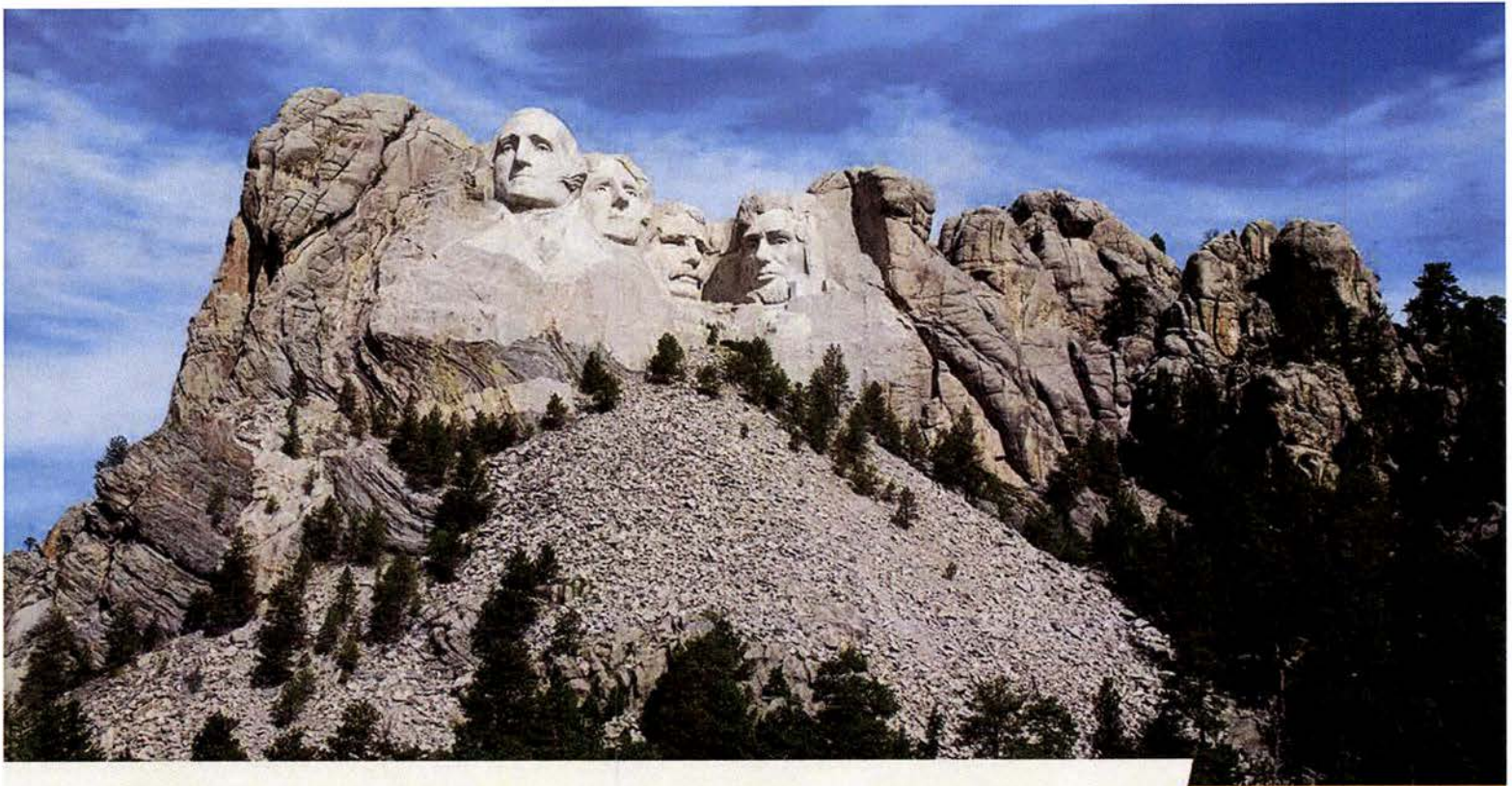


PSF-5.2 The County should identify additional funding sources to support municipal facilities like libraries, recreation facilities, and museums.



VIEW TO 2040

Please see the next page.



Recreation, Open Space & Tourism Element

8

8.1 Recreation, Open Space and Tourism Overview

Recreation opportunities and open spaces in Pennington County provide areas for residents to engage in healthy lifestyles, enjoy the natural wonders and vistas in the county, and provide outdoor areas to gather other residents and visitors. Outdoor opportunities can be found in the two National Parks, the National Grasslands and Forests, and other open spaces great within the county. These federally managed lands and other community and private recreation areas provide great options for recreation for residents and draw significant tourism to the county each year.

Community Parks

Pennington County does not have its own parks facilities; however, the cities and towns within the county have community-owned parks that are available for all county residents. Most of the community park facilities are found in Rapid City. The City of Rapid City has a Parks and Recreation Department that is responsible for the maintenance and operation of 34 parks, comprising 1,650 acres. The City also has designated greenways located along Rapid Creek. The greenways have minimal development and consist mainly of native vegetation along the creek. Parks are shown on Figure 8-1.

Federal Lands

There are large areas of open spaces in Pennington County that are administered by the U.S. Department of Agriculture (USDA), Forest Service, and the National Park Service, totaling 609,902 acres. Federal lands are shown on Figure 8-2.



VIEW TO 2040

Badlands National Park

Badland National Park (NP) is 244,000 acres, approximately half of which is in Pennington County. The Badlands NP attracts tourists who visit to view wildlife and participate in various recreational opportunities, such as camping, hiking, and bicycling. There are 16 miles of hiking trails in addition to backcountry hiking. Bicycling opportunities are available on designated paved, gravel, and dirt roads, but bicycles are not permitted on hiking trails or in the backcountry areas. Developed camp sites and backcountry camping are both available at the Park.

Black Hills National Forest

Among the federally owned lands is the Black Hills National Forest in western Pennington County. The National Forest is a tourist destination, attracting millions of visitors every year. Within the forest, there are picnic areas, campgrounds, over 350 miles of trails, and many other recreation opportunities, such as mountain biking, off-highway vehicle roads, hunting, and fishing. Through the Pactola Visitor Center, located west of Rapid City on Highway 385, visitors can learn about the cultural history of the Black Hills.

Key destinations and attractions include the George S. Mickelson Trail, Centennial Trail, Black Elk Peak (the highest natural point in the state), and Mount Rushmore National Memorial.

Buffalo Gap National Grassland

Buffalo Gap National Grassland is one of the 20 National Grasslands in the U.S. The Grassland is administered by the USDA Forest Service. There is one visitor center, located in the City of Wall. Within the national grassland there are opportunities for bicycling, camping, hiking, horse riding, hunting, nature viewing, and areas for rockhounding.

Minuteman Missile National Historic Site

Located in Pennington and Jackson Counties, the National Historic Site consists of three facilities: a main office, a launch control center, and a missile silo/launch facility. The last two facilities were formerly operated by the 66th Strategic Missile Squadron of the 44th Strategic Missile Wing, headquartered at Ellsworth Air Force Base.

Mount Rushmore National Memorial

Located in the Black Hills National Forest, Mount Rushmore attracts approximately three million visitors every year, mainly during the summer months of June, July, and August. The memorial is lit in the evening during Evening Lighting Ceremonies from the end of May to the end of September, extending the use of the facilities into the evening.

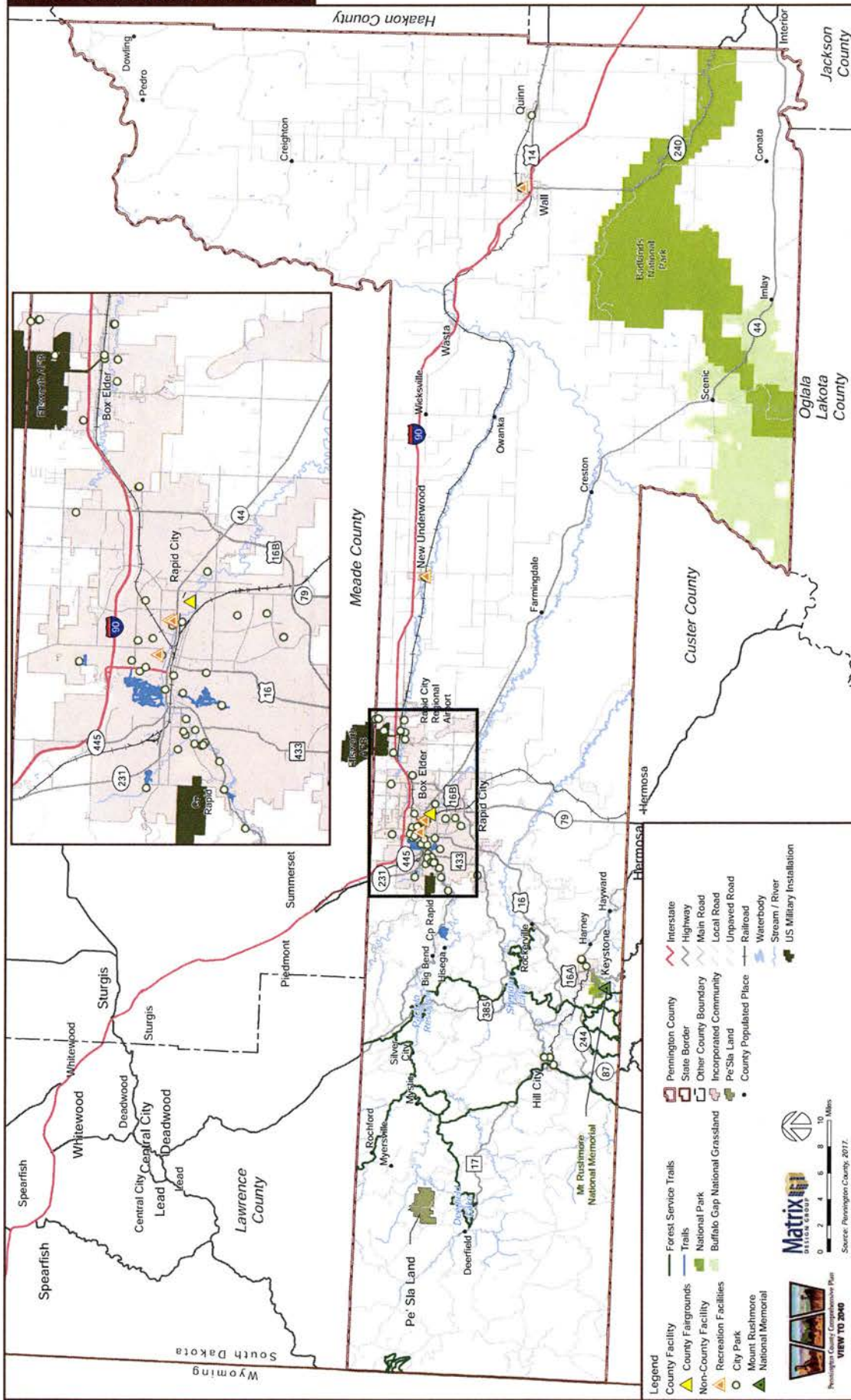
Tourism

Tourism is one of the key industries within Pennington County. Anchored by the federal lands described earlier, the tourism attractions within the county (federal lands and private attractions) draw in millions of tourists every year and provide significant business and employment opportunities. Some of the notable private attractions are listed below.

Wine Trail

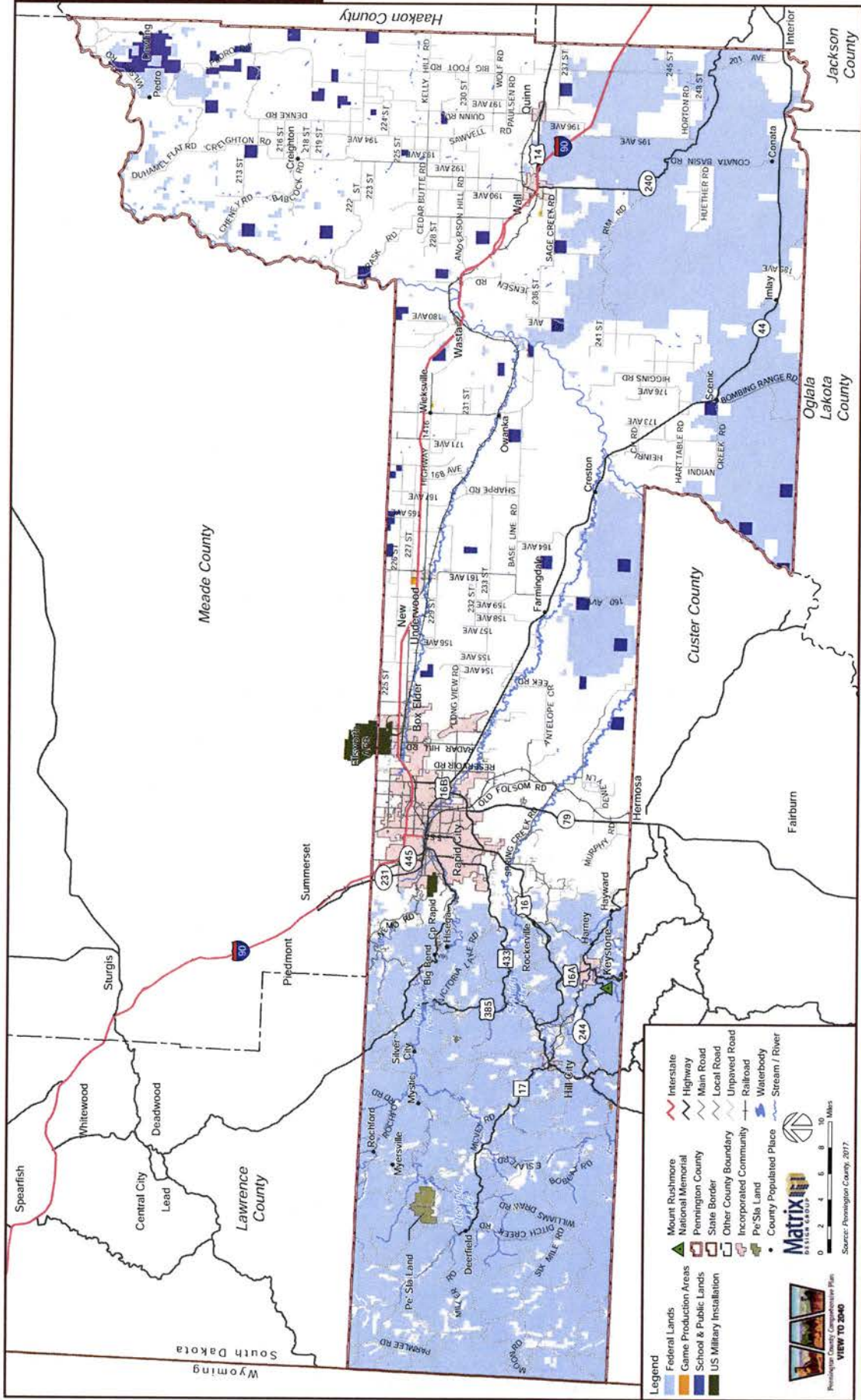
Highway 385 is considered the "wine trail" area in South Dakota. The trail connects Hill City's Prairie Berry Winery, Naked Winery, and Stone Faces Winery to the Belle Joli Winery and Schade Winery in Deadwood. The 50-mile drive passes through forested glens and meadowlands, as well as providing roadside views of Pactola Reservoir and Sheridan Lake.

Figure 8-1 Parks and Recreation Locations



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Figure 8-2 Federal and State Lands



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Wall Drug Store




Wall Drug Store first opened in 1931 by husband and wife Ted and Dorothy Husted. The store started as a single storefront but has since expanded to cover nearly an entire city block. Within the drug store complex is a café, western art gallery, pharmacy museum, travelers chapel, gift shop, and dozens of other specialty shops. The store has become a major tourist attraction for the City of Wall and Pennington County, attracting over a million visitors every year.

Sturgis Motorcycle Rally



Every year, the City of Sturgis (located 28 miles northwest of Rapid City) hosts the Sturgis Motorcycle Rally. The rally is a weeklong event, drawing hundreds of thousands of attendees. The rally had its highest attendance in 2015 with 739,000 attendees. The rally includes numerous concerts, a 5k run, motorcycle rally, more than 100 food vendors, tattoo contest, and the Mayor’s pub crawl. While the City of Sturgis is outside of Pennington County, many of the attendees of the motorcycle rally stay in Pennington County, utilize shopping and dining options in the county, and visit the tourist sites located in the county.

8.2 Goals and Policies

Goal ROST-1 The County supports, maintains, and enhances public lands.

- 
ROST-1.1 The County should ensure roadways and accessways to public lands like Mount Rushmore National Memorial are safe and easy to traverse.
- 
ROST-1.2 The County should work with SDDOT and local cities to develop and support a unified, county-wide wayfinding program.
- 
ROST-1.3 The County should work with the National Forest Service and National Park Service to routinely coordinate on upcoming plans and program changes that could have benefits or challenges that the other entities should address.

Goal ROST-2 The County cooperates with federal and state agencies, tribal governments, cities, and private land managers regarding open space and the tourism economy.

- 
ROST-2.1 The County should explore methods to fund an open space system that meets the needs of county residents and visitors.
- 
ROST-2.2 The County should support private land managers, management agencies, and citizen groups in their maintenance efforts of recreational opportunities



VIEW TO 2040

Please see the next page.



Health & Safety Element

9

9.1 Health & Safety Overview

Providing for the community health, safety and security is an important and central function of government. This Element provides policies related to the protection of the community through the provision of public safety and protections from hazards in the man-made and natural environment.

The unique geography of Pennington County creates natural hazards, such as flooding and wildfire. Man-made hazards also exist within the community including air operations, solid waste disposal and hazardous materials. As the county becomes more populated, it will be more important to manage these impacts to protect public health and safety.

Flood Hazards

The hazards posed by flooding can be a significant threat to the safety of residents and visitors, in addition to potential risks and damage to buildings and property. Effective stormwater management policies, through programs, regulations and partnerships with local jurisdictions, are essential to reducing flood risk potential.

There are various floodplains and floodways throughout the county. Floodplains include lowlands adjacent to river channels, streams, and other bodies of water that become inundated during natural precipitation events. Floodplains provide space for the dispersal of water when bodies of water are flooded. This allows for temporary water storage until the flood water can be drained naturally. Currently, there are 57,118 acres in Pennington County within the 100-year floodplain, which are shown on Figure 9-1.



VIEW TO 2040

According to the United States Environmental Planning Agency (EPA), Pennington County is considered a regulated small municipal separate storm sewer system (MS4), which is comprised of drainage systems, catch basins, gutters, storm drains, and man-made channels. Through EPA regulations, MS4s are required to develop and implement a storm water management plan (SWMP) to address storm water issues. Pennington County's most recent SWMP was updated in 2016 and is jointly managed by the County's Planning and Highway Departments.

Wildfires

Fire can cause significant losses to life, property, and the environment. Wildfires (or wild land fires) can occur in both urban and rural settings and constitute a significant public safety threat. Urban fire hazards result from the materials, size and spacing of buildings, and from the materials, equipment, and activities they contain. Additional factors influencing fire safety include access, available water volume and pressure, and response times for firefighters. Fire hazards in rural areas combine these factors with distance, topography, and natural vegetation. The term "wildland" describes areas characterized by lower density development, with concentrations of natural vegetation and steeper slopes.

Forests and grasslands are defining characteristics of rural and natural areas in Pennington County, making them a risk to wildland fires. Additionally, new development increases fire potential in remote areas. Containing wildfires in rural areas is a challenge due to natural landscapes and rural rugged roads that may create barriers to access and firefighting apparatus use.

Since 1984, there have been 12 wildfires in the county that exceed 1,000 acres. Collectively, these 12 fires burned approximately 120,000 acres, which includes land in Pennington and adjacent counties. These fires have occurred in the Black Hills on the western side of the county. Figure 9-2 shows the wildfire locations from 1984 through 2015.

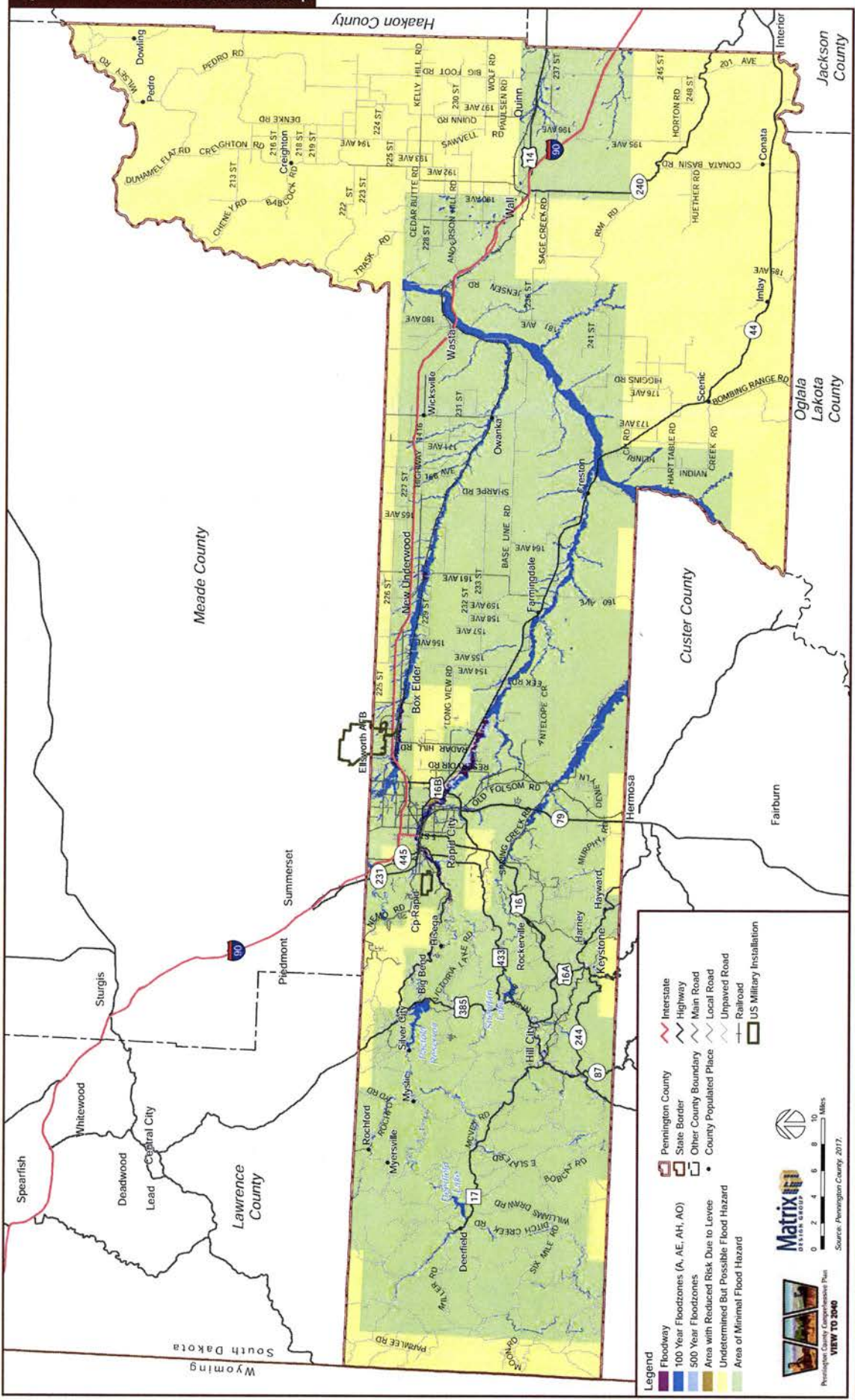
Existing Fire Services

Pennington County is served by 21 volunteer fire departments and one full-time fire department, with over 450 volunteer firefighters. The Rapid City Fire Department (RCFD) serves as the one full-time fire department in the county. In addition to providing fire suppression services, RCFD also provides emergency medical service (EMS) to the community. The department employs 135 professionals, including 127 emergency responders and 7 civilian staff. Providing fire protection in rural forested areas presents unique challenges including slower response times, limited access and substandard roads not designed to accommodate fire department apparatus. As growth and development continues, mitigation and management of fire dangers is a central community safety element.

Pennington County Fire Administration supports the volunteer fire departments throughout the county. The administration provides the following support to volunteer fire departments:

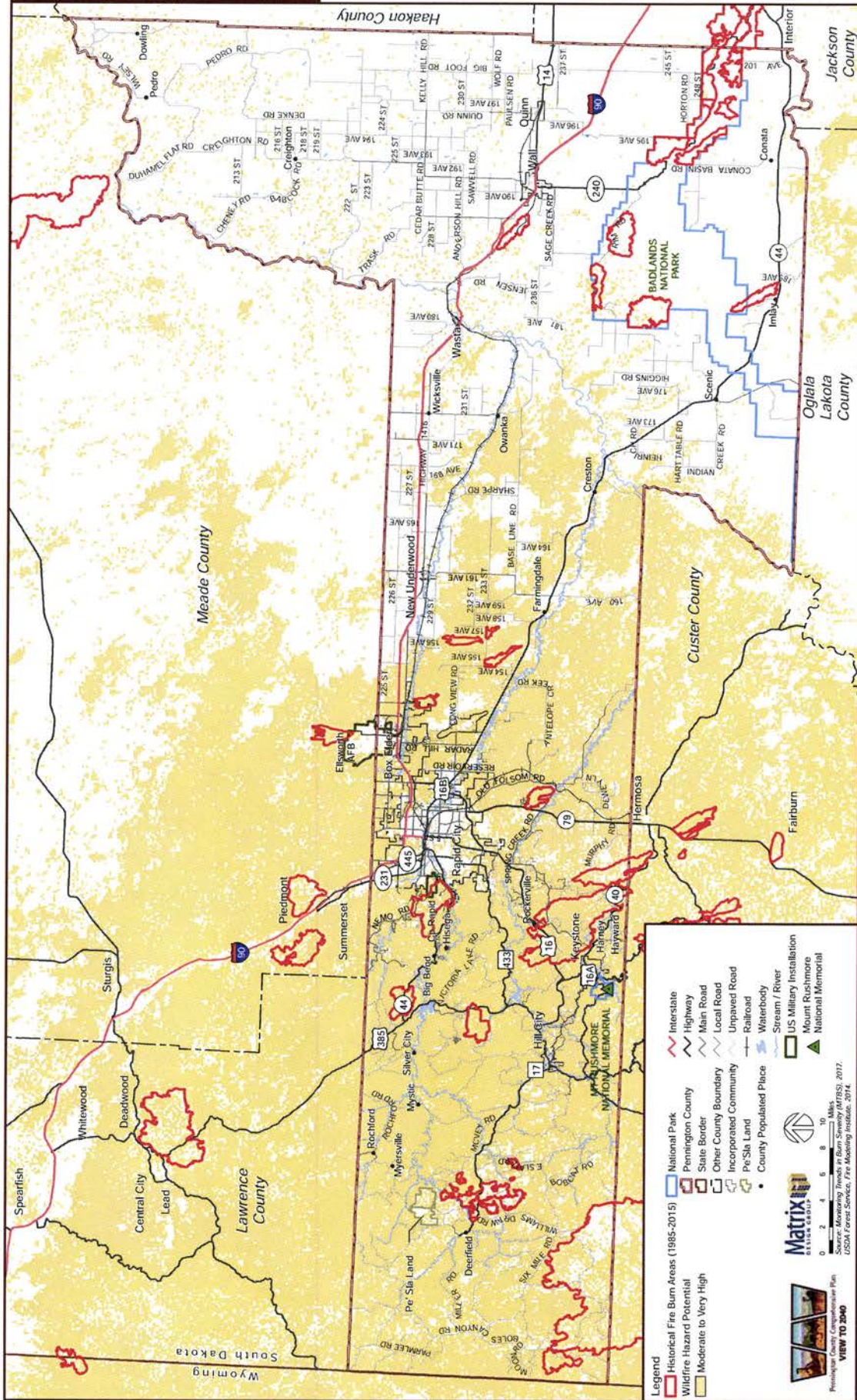
- ▶ Workman's compensation to volunteer firefighters in the county.
- ▶ Vehicle liability insurance for all fire vehicles owned by Pennington County or volunteer departments
- ▶ Assistance in purchasing firefighting equipment and training of volunteer fire departments
- ▶ Advise the Pennington County Board of Commissioners on fire related activities
- ▶ Serve as liaison between law enforcement agencies, state and national agencies and other counties and other fire departments.

Figure 9-1 Flood Potential Map



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Figure 9-2 Wildfires, 1984 to 2015



Legend

- Historical Fire Burn Areas (1985-2015)
- Wildfire Hazard Potential
 - Moderate to Very High
 - Moderate
 - High
- National Park
- Pennington County
- State Border
- Other County Boundary
- Incorporated Community
- Pe'Sia Land
- County Populated Place
- Interstate
- Highway
- Main Road
- Local Road
- Unpaved Road
- Railroad
- Waterbody
- Stream / River
- US Military Installation
- Mount Rushmore
- National Memorial

Matrix
BRANDS & ASSOCIATES

0 2 4 6 8 10 Miles
0 2 4 6 8 10 Kilometers

Pennington County Comprehensive Plan
VIEW TO 2040
Matrix - Monitoring Trends in Burn Severity (MTBS), 2017.
USDA - Corps Science and Technology Institute, 2014.

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Pennington County Fire Administration supports the volunteer fire departments throughout the county. The administration provides the following support to volunteer fire departments:

- ▶ Workman's compensation to volunteer firefighters in the county.
- ▶ Vehicle liability insurance for all fire vehicles owned by Pennington County or volunteer departments
- ▶ Assistance in purchasing firefighting equipment and training of volunteer fire departments
- ▶ Advise the Pennington County Board of Commissioners on fire related activities
- ▶ Serve as liaison between law enforcement agencies, state and national agencies and other counties and other fire departments.

Search and Rescue

Pennington County Search and Rescue (PCSAR) is a non-profit, all volunteer organization formed in 1972. PCSAR members are trained in vehicle and machinery extrication, vertical rescue, search, wilderness rescue, mass casualty, trench rescue, emergency building shoring, winter rescue and diver support. The PCSAR is on call 24-hours a day, every day and averages approximately 100 calls annually.

Emergency Management

The Emergency Management Department serves as the County agency responsible for planning, response, recovery and mitigation of any disasters or emergencies that occur within Pennington County. The department operates out of the Emergency Operation Center (EOC) located in the Pennington County Administrative Building in Rapid City.

The Emergency Management Department prepares a Pre-Disaster Mitigation Plan (PDM) that identifies hazards and vulnerabilities in the region. The PDM helps determine solutions to reduce the potential threats to life and property. The plan supports informed decision-making directed towards avoiding future risks and implementing activities or projects that will reduce the risks associated with natural hazards.

Pennington County's Emergency Management Department employs methods to provide public warnings and hazard information as follows:

- ▶ Public warning messages including severe weather warnings, civil disturbances, hazardous chemical leaks, and evacuation notices.
- ▶ Outdoor warning sirens used for all hazardous emergencies.
- ▶ Weather radio including National Oceanic and Atmospheric Administration (NOAA) broadcasts tracking hazardous weather systems.
- ▶ Wireless emergency alerts providing text messages warning of public hazards.
- ▶ Emergency Alert System (EAS) providing federal communication during national public hazard emergencies.



VIEW TO 2040

Hazardous Materials/Solid Waste Disposal

Efficient and safe collection, management, reduction and disposal of hazardous/solid wastes protects the public health and safety, conserves energy and protects natural resources. Proper and safe handling of hazardous/solid wastes is essential for promoting the health and safety of County residents.

Hazardous materials include substances that are corrosive, poisonous, flammable, reactive and have the potential to threaten human health or the environment. Threats to human health and the environment occur when these materials are improperly stored, treated, transported, or disposed. Hazardous materials are found in various products and can be used during the production of goods.

The Pennington County Local Emergency Planning Committee addresses hazardous material planning with assistance from Pennington County Emergency Management. The committee was created through the Superfund Amendment and Reauthorization Act of 1986 (SARA), which planning for emergencies, including the release of hazardous chemicals.

At present, there are 177 hazardous waste sites in the county, the majority located in Rapid City. There is only one Superfund site, which is Ellsworth Air Force Base. While hazardous materials can be found in commercial and industrial sites, they are also prevalent in households. Common hazardous waste items include: aerosol cans, antifreeze, bleach, car batteries, gasoline, oil-based paint, pesticides and herbicides, pharmaceuticals, and pool chemicals.

Due to hazards found at home, the County educates residents on proper hazardous waste storage and disposal. The County also hosts Household Hazardous Waste events where household hazardous waste is collected and safely disposed.

Military Compatibility

Pennington County is the proud home to Ellsworth Air Force Base (AFB), a B-1 bomber training base under the 28th Bomb Wing and an important national defense asset. As with other airports, military operations can create health and safety impacts to the larger community if incompatible development is allowed to occur near the base. Development decisions by Pennington County can impact the installation, creating land use conflicts which can negatively impact community safety, economic development and sustainment of the mission at Ellsworth AFB.

The County, South Dakota Ellsworth Development Authority (SDEDA), Ellsworth AFB, and other partner jurisdictions participated in a Joint land Use Study (JLUS), a compatibility planning process intended to identify existing and future compatibility issues between the base and the surrounding community. The Ellsworth AFB JLUS, completed in 2016, contained a discussion of compatibility issues and a set of actions that can be taken to mitigate or avoid compatibility issues.

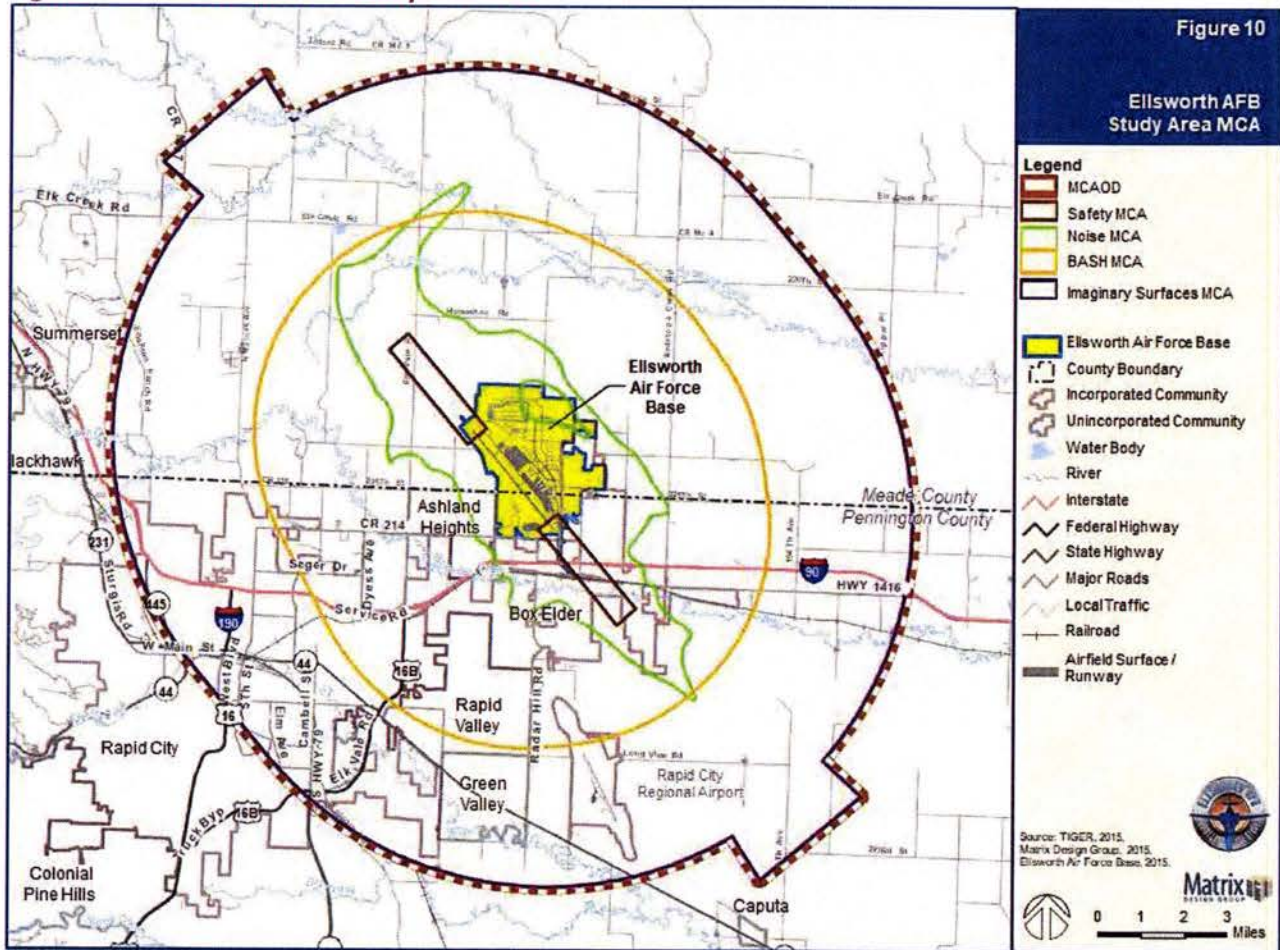
Key issues addressed in the JLUS typically are associated with one of seven Military Compatibility Areas (MCA):

- ▶ Airfield Approach and Departure Flight Tracks
- ▶ Imaginary Surfaces
- ▶ Airfield Accident Potential Zones
- ▶ Aircraft Noise Contours

- ▶ Airspace Control
- ▶ Part 77 Vertical Obstruction Compliance
- ▶ Bird / Wildlife Aircraft Strike Hazard (BASH) Relevancy Area

These areas are shown on Figure 9-3.

Figure 9-3 Ellsworth AFB Study Area MCA





VIEW TO 2040

9.2 Goals and Policies

Goal HS-1

The county has a safe and efficient stormwater management system.



HS-1.1 The County should maintain its eligibility in the National Flood Insurance Program (NFIP) through enforcement of the Flood Damage Prevention Ordinance, resulting in discounted flood insurance.



HS-1.2 The County should ensure new development includes appropriate stormwater runoff control measures to minimize discharge of urban pollutants (such as automotive oil and grease) into area drainage ways.



HS-1.3 The County shall continue to administer and implement the Stormwater Management Plan and provide for an updated plan, when warranted.



HS-1.4 The County should ensure stormwater detention basins are designed in a manner which promotes public safety and to provide for recreational use where feasible.



HS-1.5 The County should coordinate stormwater drainage and flood management with the Federal Emergency Management Agency (FEMA) and other appropriate South Dakota and local agencies.



HS-1.6 The County should updates its Zoning Ordinance to include a flood hazard overlay to provide use and development guidance on properties potentially subject to flood hazards.



HS-1.7 The County should require adequate provision of erosion control measures as part of new development to minimize sedimentation of streams and drainage channels.



HS-1.8 The County should encourage stormwater designs that minimize drainage concentrations, impervious coverage, and avoidance of floodplain areas, where feasible, and are designed to provide a natural water course appearance.



HS-1.9 The County should ensure that the siting of critical emergency response facilities, such as hospitals, public safety facilities, emergency operations centers and other emergency service facilities have minimal exposure to flooding or other site specific hazards and risks.



HS-1.10 The County should evaluate methods of and encourage the use of sustainable stormwater management, such as cisterns, pervious pavements, vegetative roofs, and the utilization of natural waterways.

Goal HS-2

The County has reduced wildfire risk potential through construction programs and partnerships with other agencies.



HS-2.1 The County should consider codifying the Fire Resistive Building Material Requirements and Firewise Landscape Guidelines from the Community Wildfire Protection Plan.



HS-2.2 The County should regularly update the Community Wildfire Protection Plan with updated guidelines and methods for educating the public of wildfire hazards.



HS-2.3 The County should work with the federal government to better manage fuel loads on federally-owned land.



HS-2.4 The County should update the House Number Placement Ordinance (Ordinance #20) to ensure that the design and placement of building numbers are visible to assist with emergency response.



HS-2.5 The County should evaluate the need for additional equipment and volunteer firefighters within Pennington County.



HS-2.6 The County should continue to coordinate wildfire and other emergency response services with other jurisdictions, service agencies, voluntary organizations, and state and federal agencies.



HS-2.7 The County will promote fire prevention programs and increase overall public awareness of wildfire hazards.



HS-2.8 The County should identify and promote public awareness of emergency evacuation routes.



HS-2.9 The County shall work to enhance and increase enrollment in the Community Emergency Response TEAM (CERT) program.



VIEW TO 2040

Goal HS-3

The county has proper storage and disposal of hazardous wastes and reduction of the overall risks associated with hazardous materials.



HS-3.1 The County will continue emergency planning for hazardous materials through the Pennington County Local Emergency Planning Committee with assistance from Pennington County Emergency Management.



HS-3.2 The County should participate, as appropriate, in the remediation of hazardous waste sites in the county.



HS-3.3 The County will continue to educate residents on how to properly store and dispose of hazardous wastes, including the County website and publically available education materials.



HS-3.4 The County will continue to host Household Hazardous Waste events in which household hazardous waste is collected from residents for proper disposal.



HS-3.5 The County should work with solid waste providers to provide an educational program promoting the reduction and recycling of solid wastes.



HS-3.6 The County should encourage the recycling of construction debris.



HS-3.7 The County should use recycled materials and products where economically feasible.



HS-3.8 The County should conduct safety inspections for fire and hazardous material violations in commercial, industrial, and residential buildings.



HS-3.9 The County should encourage and participate in voluntary inspections of residential homes, particularly those occupied by the elderly or handicapped, including education on the proper use of residential smoke detectors.



HS-3.10 The County should expand and keep current safety-related information and update the County's safety and emergency plans as new information becomes available.



HS-3.11 The County should obtain information about the location, type and nature of fire and toxic hazards and use the information in its preparedness and response actions.

Goal HS-4

Improve and maintain air quality in the County through enhanced monitoring and updated standards.



HS-4.1 The County should work with and support the South Dakota Department of Environment and Natural Resources (DENR) to update the South Dakota Ambient Air Monitoring Plan to incorporate performance metrics for achieving and maintaining attainment in Rapid City and throughout the county.



HS-4.2 The County should update its Fugitive Dust Control Plan to reflect current technology in dust control measures and incorporate coordination with Ellsworth AFB.



HS-4.3 The County should work with other JLUS Study Area communities and Ellsworth AFB to develop an air quality working group to enhance partnerships on air quality issues and develop training programs for reducing emissions and maintaining levels of attainment.

Goal HS-5

To facilitate effective communication, information sharing, planning, and coordination between Pennington County, Ellsworth AFB, other JLUS partners.



HS-5.1 In conjunction with Ellsworth AFB and other JLUS partners, establish and participate in the JLUS Coordination Committee to oversee the implementation of JLUS recommendations and enhance long-term coordination on military compatibility issues.



HS-5.2 The County should participate through the JLUS Coordination Committee to develop and maintain a GIS clearinghouse to share GIS data to enable long-term compatibility planning.



HS-5.3 The County should work with Ellsworth AFB and JLUS partners to develop procedures for project and plan review and coordination.



HS-5.4 The County should work with Ellsworth AFB and JLUS partners to better inform the public on the protection of Ellsworth AFB and compatibility planning efforts.



VIEW TO 2040

Goal HS-6

The County provides a regulatory framework that supports military compatibility.



- HS-6.1** The County should implement the findings and recommendations of the Ellsworth AFB JLUS through adoption of new ordinances, policies and other regulations specified in the JLUS.

Goal HS-7

To ensure new development is compatible with the continued function and operation of Ellsworth AFB and protecting public safety.



- HS-7.1** The County shall ensure that all proposed land uses and development are consistent with the land use compatibility policies and criteria of the Ellsworth AFB JLUS.



- HS-7.2** The County should not allow development in areas where risks to potential health and safety cannot be mitigated.



- HS-7.3** Future development near the Ellsworth AFB Commercial Gate shall incorporate additional landscaping screening materials to reduce visibility of sensitive areas north and west of the base.

Goal HS-8

To provide for infrastructure planning and resources to address compatibility issues impacting the mission and operations at Ellsworth AFB.



- HS-8.1** The County should work with Ellsworth AFB to facilitate the expansion of County Road 214, including possible participation with the base through a Public-Public Private-Public (P4 initiative) to fund remediation of the contaminated site.



- HS-8.2** The County should coordinate studies, design and construction of infrastructure improvements in order to leverage resources, reduce development and promote compatible development with the base.



- HS-8.3** In conjunction with Ellsworth AFB and other partner JLUS jurisdictions, explore funding for acquisition or placing easement(s) over land that is part of the Primary Surface and located outside the Ellsworth AFB fence line.



- HS-8.4** The County should work with the utility provider to develop a feasibility study to determine the potential to relocate or underground the facilities in the base Accident Potential Zones.

Goal HS-9

To promote community safety through education, programs and initiatives.



HS-9.1 The County should encourage crime prevention and defensible space through design principles (such as those employed through Crime Prevention Through Environmental Design – CPTED), Neighborhood Watch Programs, and other appropriate methods to enhance public safety.



HS-9.2 The County shall continue to ensure the safety of citizens through enforcement of codes and ordinances.



HS-9.3 The County shall continue to have new development applications to be reviewed by the Sherriff’s Office to provide recommendations to enhance public safety.



HS-9.4 The County should continue to promote public awareness and prevention of fire hazards through fire and life safety education within elementary and secondary education facilities.



HS-9.5 The County should promote fire prevention and life safety practices through community relations and special events such as the annual Fire Prevention Week activities.



HS-9.6 The County shall review new development applications to assess potential impacts to fire protection services and the need for additional or expanded services.



HS-9.7 The County shall review new development applications to ensure adequate access for emergency vehicles, particularly evacuation routes, as appropriate.



HS-9.8 The County shall maintain and update the Emergency Operations Plan at established regular intervals.



HS-9.9 The County should prepare a disaster response plan to enhance readiness in the event of a major disaster.



HS-9.10 The County should identify emergency evacuation routes and effectively communicate the information to the public.



HS-9.11 The County should continue to evaluate, develop, and practice emergency response plans in light of changing natural and man-made risks and hazards, in coordination with other counties, organizations, state and federal agencies.



HS-9.12 The County should identify any vulnerable populations, such as the elderly or people with special needs, for priority evacuation assistance.



VIEW TO 2040

Please see the next page.



Natural & Cultural Resources Element

10

10.1 Natural & Cultural Resources Overview

Pennington County is home to an abundance of iconic natural and cultural resources, including the Mount Rushmore National Memorial, Black Hills National Forest, Badlands National Park, Cheyenne River, and Pe’ Sla along with many others. Conserving these vital natural and cultural resources is critical to support a scenic, high-quality environment for residents and visitors.

Pennington County contains over 772,000 acres, or approximately 43% of the county area, of federally protected lands. These lands provide open space and recreational resources as well as management and protection of a range of natural resources, including habitat for various animal and plant species, including two United States Fish and Wildlife Services federally listed endangered species—the Whooping Crane and Least Tern. Table 10-1 summarizes the various federally-managed lands in Pennington County.

Table 10-1. Federal Land in Pennington County

Federal Land	Agency	Acres
Badlands National Park	US National Park Service	95,931
Black Hills National Forest	US Forest Service	451,361
Buffalo Gap National Grassland	US Forest Service	207,233
Ellsworth Air Force Base	Department of Defense	1,458
Other	Bureau of Land Management	16,341

Source: U.S. Geological Survey, 2017; Pennington County, 2017.



VIEW TO 2040

The Cheyenne River is the only major waterway that flows through Pennington County. Rapid Creek and Spring Creek are both minor waterways that flow through the County. Rapid Creek travels through Rapid City and is used for recreation, such as fishing. Spring Creek is contaminated with an exceedance of fecal coliform and E. coli, rendering it unsafe for immersion recreation. However, the County launched the Spring Creek 319 Project with the goal of bringing the creek into compliance with both bacteria.

Pennington County contains five groundwater aquifers that provide an estimated total of 254 million acre-feet of stored recoverable water. These five aquifers are the Deadwood, Madison, Minnelusa, Minnekahta, and Inyan Kara aquifers.

The geology of Pennington County also provides valuable natural resources. The County contains 189 mining sites of which 105 are currently active, comprising over 16,000 acres. The primary mined materials are sand, gravel, and limestone.

The history and culture of Pennington County has been influenced by diverse cultures from the original Native American tribes, through American settlers, to current residents. There are two culturally significant Native American sites and four federally listed historical sites on the National Register of Historic Places (NRHP) that reflect this history.

The two culturally significant Native American sites are the Pine Ridge Reservation (partially in the southern edge of Pennington County) and Pe' Sla. Pe' Sla consists of approximately 2,000 acres in the Black Hills National Forest and is known as the "heart of everything" by the Oceti Sakowin, the traditional name for the Great Sioux Nation. The four sites on the NRHP are the Mount Rushmore National Memorial, Josef and Marie Kudrna Homestead and Ranch, Sitting Bull Crystal Cavern Dance Pavilion, and Bridge No. 52-575-383. Mount Rushmore is a major national asset located within the Black Hills National Forest. For more information about the Mount Rushmore National Memorial, see Section 8, Recreation, Open Space, and Tourism Element.

10.2 Goals and Policies

Goal NCR-1

Pennington County maintains a close working relationship with the federal agencies that maintain the national park and forest lands within Pennington County.



NCR-1.1 The County should regularly contact the US Forest Service and US National Parks Service to receive updates on the natural resource management and other plans within the county.

Goal NCR-2

Pennington County's natural and cultural resources are conserved and enhanced to ensure a continued high-quality environment for both residents and visitors well into the future.



NCR-2.1 The County shall ensure the protection of environmentally sensitive wildlife and plant life, including those species designated as rare, threatened, and/or endangered by the Federal government, through compatible land use development.



NCR-2.2 When reviewing development proposals, the County shall encourage cluster development in areas with moderate to high potential for sensitive habitats.



NCR-2.3 The County should coordinate with local municipalities to ensure future growth plans do not impact the natural environment nor contribute to unplanned urban sprawl.



NCR-2.4 The County shall support the preservation and management of wetland and riparian plant communities for passive recreation, groundwater recharge, and wildlife habitats.



NCR-2.5 The County should require buffer setbacks from natural waterways, wetlands, riparian areas and other critical natural resources within the county. These buffers should be sufficient to assure the continued existence of the resource in their natural state.



NCR-2.6 The County shall encourage the planting of native trees, shrubs, and grasslands in order to preserve the visual integrity of the landscape, provide habitat conditions suitable for native vegetation and wildlife, and ensure that a maximum number and variety of well-adapted plants are maintained.

Goal NCR-3

Wildlife corridors through Pennington County are protected and preserved to enhance wildlife movement throughout the County.



NCR-3.1 The County should identify and protect wildlife corridors through Pennington County, and encourage development to preserve and buffer such corridors.



NCR-3.2 The County should promote greenways and linear open spaces within floodplain areas to support wildlife movement through riparian habitats.

Goal NCR-4

Spring Creek is restored as a healthy and safe water resource viable for recreation.



NCR-4.1 The County shall continue to support the Spring Creek Watershed 319 Project and implement the recommended best management practices to meet standards for fecal coliform / E. coli.



NCR-4.2 The County should promote Low Impact Development (LID) practices to limit developments impact on Spring Creek's water quality.



NCR-4.3 The County should educate the community on the importance of the Spring Creek Watershed and how the public can help reduce contaminants from the creek.



VIEW TO 2040

Goal NCR-5

Pennington County's aquifers continue to provide clean drinking water to its current and future residents and visitors.



NCR-5.1 The County shall provide educational materials on best practices for developing within and near aquifer recharge areas.



NCR-5.2 In areas over aquifers, the County shall encourage the reduction of impervious surfaces approved with new developments and encourage the use of techniques to enhance infiltration and protect water quality, such as use of bio-swales.



NCR-5.3 The County shall carefully review development over the aquifers area to determine that soils are adequate for on-site wastewater disposal system.

Goal NCR-6

Mining operations throughout Pennington County are reclaimed following excavation in a manner that does not detract from the County's natural environment.



NCR-6.1 As part of permit review process, the County will work with applicants to minimize the adverse effects on environmental features such as water quality and quantity, air quality, flood plains, biological resources, archaeological and cultural resources, viewsheds and aesthetic factors.



NCR-6.2 As part of permit review process, the County will work with applicants to minimize the manage and minimize potential hazards and nuisances of mining activities to persons and properties in the area during extraction, processing, and reclamation operations.



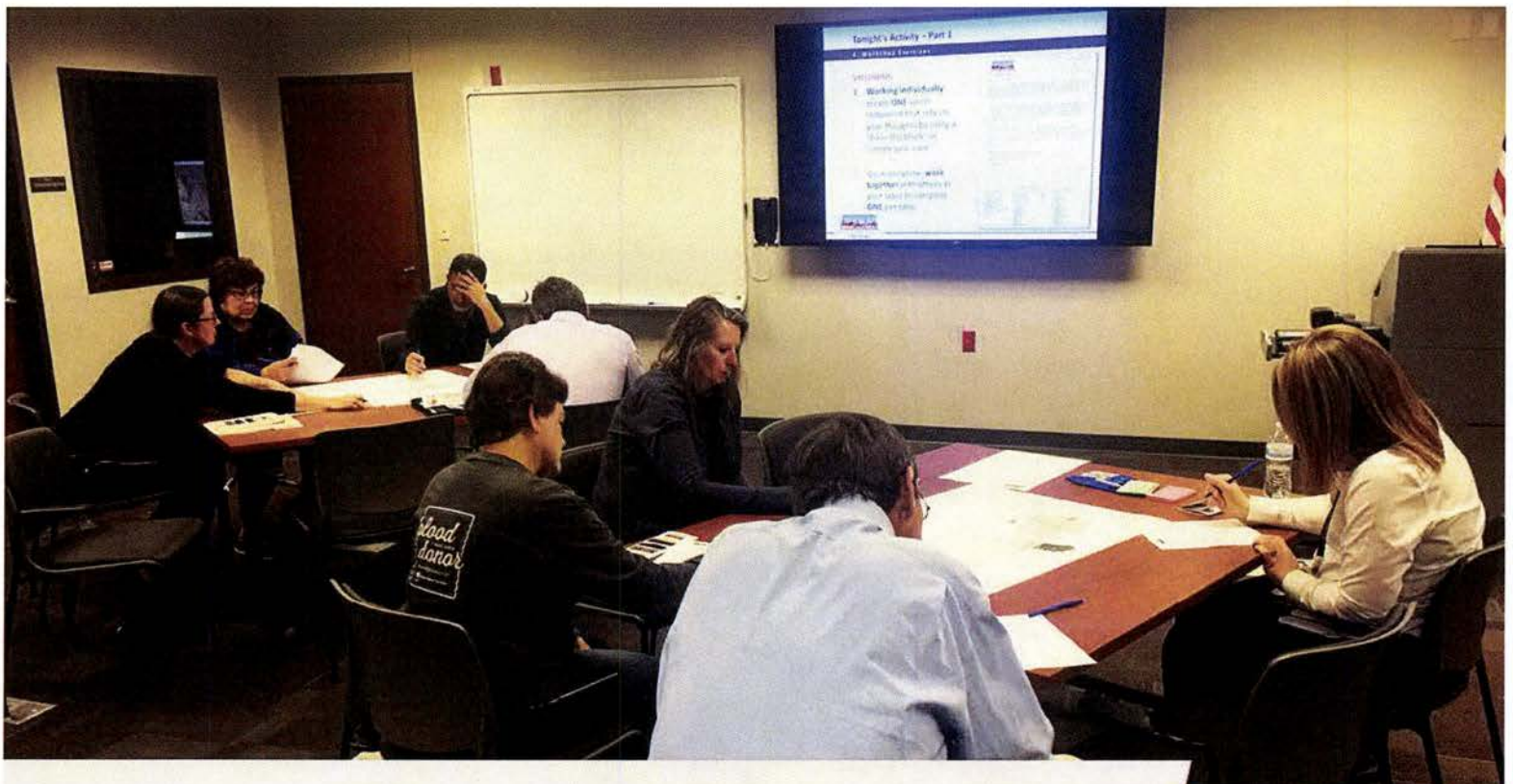
NCR-6.3 The County will encourage the development of mineral deposits in a manner compatible with surrounding land uses.



NCR-6.4 All surface mines in the County, unless otherwise exempted, shall be subject to reclamation plans that meet SMARA requirements. Reclamation procedures shall restore the site for future beneficial use of the land consistent with the Pennington County Comprehensive Plan, subsequent to the completion of surface mining activities. Mine reclamation costs shall be borne by the mine operator, and guaranteed by financial assurances set aside for restoration procedures.



NCR-6.5 All mining operations in the County shall be required to take precautions to avoid contamination from wastes or incidents related to the storage and disposal of hazardous materials, or general operating activities at the site.



Implementation Program

11

To help ensure that appropriate actions are taken to implement the Comprehensive Plan, a set of implementation actions are provided. An implementation action is a specific measure, program, procedure, or technique that carries out the goals and policies contained in each element of the Pennington County Comprehensive Plan.

The following pages contain the implementation actions. Each item describes the action to be taken, a reference to the goal it supports, and the timeline in which the action is expected to be initiated. Timelines are:

- ▶ **Short-Term** (start 1-3 years after adoption),
- ▶ **Mid-Term** (start 4 – 7 years after adoption),
- ▶ **Long-Term** (start 8 or more years after adoption), and
- ▶ **On-Going** items that will require work by the County over the duration of the Comprehensive Plan.



VIEW TO 2040

Action Number	Implementation Action	Relevant Goal	Short-Term	Mid-Term	Long-Term	On-Going
1	The County should amend the Zoning Ordinance to be consistent with the residential densities set forth in the Comprehensive Plan.	LUH-2	■			
2	The County should consider including alternative homes, such as tiny homes into the Zoning Ordinance.	LUH-2	■			
3	The County should develop standards in the Zoning Ordinance for accessory dwelling units designed to encourage the development of housing that is affordable. Adding provisions for "by right" development should be considered.	LUH-2	■			
4	The County should update the Zoning Ordinance relative to non-domestic animal keeping on residential designations. This should include standards for: <ul style="list-style-type: none"> ▶ Definition of non-domestic animals, ▶ Classifications of animals, and ▶ Limits on number of animals based on zoning district, lot size, and type of animal. 	LUH-3	■			
5	The County shall adopt a current version of the International Building Code and implement its use in new construction.	LUH-5		■		
6	The County shall update the Zoning Ordinance to include restrictions/specifications on the placement and size of signage and the use of digital/LED billboards in areas with scenic resources.	LUH-6 TC-4	■			
7	The County should amend the Zoning Ordinance to allow a range of value-added agricultural uses in the A-1 and A-2 zoning districts.	AG-1	■			
8	The County shall develop a Right-to-Farm ordinance designed to protect agricultural land uses from conflicts with non-agricultural uses, as well as to help purchasers and residents understand the inconveniences that may occur as the natural result of living in or near agricultural areas.	AG-1		■		
9	The County should evaluate another Wheel Tax ballot for voter approval.	TC-1	■			
10	The County shall ensure Americans with Disabilities Act compliance along all pedestrian paths.	TC-1				■

Action Number	Implementation Action	Relevant Goal	Short-Term	Mid-Term	Long-Term	On-Going
11	The County should provide, at minimum, four-foot-width paved shoulders along all arterial and collector streets, particularly along the entire length of US Highway 385, US Highway 16, and SD 44 where there are no proposed off-road trails or side paths.	TC-1				■
12	The County should update their Master Transportation Plan every five years.	TC-1				■
13	The County shall continue to update and implement its Stormwater Management Plan.	PSF-2				■
14	The County, in coordination with other agencies, should assess air quality on a continual basis and prevention of air quality degradation through the enactment of long term preventative measures and maintaining awareness of the different categories of pollutants.	HS-4				■
15	The County should develop a Memorandum of Understanding with Ellsworth AFB formalizing the development notification and review process to facilitate identification and resolution of potential conflicts early in the development review process.	HS-5	■			
16	The County should develop a Memorandum of Understanding through the Rapid City Area Metropolitan Planning Organization to delineate roles and responsibilities of the JLUS Coordination Committee member agencies.	HS-5	■			
17	In conjunction with the JLUS Coordination Committee, the County should develop procedures to facilitate the review and comment on planning documents from Ellsworth AFB.	HS-5	■			
18	In conjunction with the JLUS Coordination Committee, the County should establish notification and communication procedures relative to changes in operations which warrant public notification.	HS-5	■			



VIEW TO 2040

Action Number	Implementation Action	Relevant Goal	Short-Term	Mid-Term	Long-Term	On-Going
19	In conjunction with the JLUS Coordination Committee, the County should consider a Memorandum of Understanding with Ellsworth AFB to define the roles and responsibilities of the County and Ellsworth AFB relative to addressing compatibility issues and coordination and communication on infrastructure planning, water resources planning and economic development.	HS-5	■			
20	The County should develop and disseminate through appropriate methods, information which enhanced public awareness and understanding of federal regulations regarding the private use and operation of unmanned drones near the base.	HS-5	■			■
21	The County should consider developing a program that provides guidance on sound attenuation standards for retrofitting existing residential and commercial buildings, including identification of possible grant opportunities available to residents.	HS-5	■			■
22	The County should develop and implement an awareness and educational program to inform residents and land owners on compatible solutions and techniques to reduce bird air strike hazards.	HS-5	■			■
23	The County should work with Ellsworth AFB in the development and dissemination of public awareness and educational material on vibrations caused by air flight operations.	HS-5	■			■
24	The County should amend the Zoning Ordinance and Zoning Map to incorporate Military Compatibility Areas with subzones and land use regulations addressing noise, safety, bird air strikes and imaginary surfaces.	HS-6	■			
25	The County should develop standards to restrict/prevent new mobile homes or manufactured homes in the noise subzone of the Military Compatibility Area (MCA).	HS-6	■			

Action Number	Implementation Action	Relevant Goal	Short-Term	Mid-Term	Long-Term	On-Going
26	The County should amend the Zoning Ordinance to include the recommended guidelines from the Air Compatible Use Zone (AICUZ) Report for noise sensitive land uses, including guidance for recommended land uses in the Clear Zones (CZ) and Accident Potential Zones (APZ).	HS-6	■			
27	The County should amend the Zoning Ordinance to provide an overlay zoning district to reflect aviation easements which result in compatible development and reduction in the risk profile for impacted properties.	HS-6	■			
28	The County should amend the Zoning Ordinance to incorporate the VOAA and establish height restrictions in compliance with FAA and DoD guidance for imaginary surfaces.	HS-6	■			
29	The County should develop and enact a Comprehensive Plan and Zoning Ordinance amendment to incorporate new AICUZ studies that are released to the public. This will include modifications to: <ul style="list-style-type: none"> ▶ The Military Influence Area (MIA) on the Comprehensive Plan and Zoning map. ▶ Modifications to land use designations and zoning regulations to reflect land use and safety guidance in the current AICUZ study. ▶ Modification of other planning tools and procedures to reflect changes in the new AICUZ studies. 	HS-6				■
30	The County should develop and enact a Zoning Ordinance amendment to incorporate military compatibility guidelines for renewable energy development.	HS-7	■			



VIEW TO 2040

Action Number	Implementation Action	Relevant Goal	Short-Term	Mid-Term	Long-Term	On-Going
31	The County should identify and map wildlife corridors in Pennington County by working with USFS, USFWS, state universities, and other available resources.	NCR-3				■
32	The County shall continue to regularly monitor the water quality of Spring Creek.	NCR-4				■
33	The County shall regularly monitor water quality within its five aquifers.	NCR-5				■
34	The County should require appropriate bonding to ensure remediation and restoration.	NCR-6				■



Pennington County Comprehensive Plan
VIEW TO 2040



Pennington County Comprehensive Plan
VIEW TO 2040



Matrix
DESIGN GROUP

Ears Plougmann, View of the Ranch from the East at Sunset, CC BY SA 2.0, Flickr.com



Pennington County Planning Department

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MEMO

TO: Pennington County Planning Commission

FROM: P.J. Conover, Director *PJC 1-22-19*

DATE: 01.22.19 (Meeting Date: 01.28.19)

RE: Motion to schedule Special Planning Commission Meeting(s) Regarding Croell, Inc's Applications for Mining and Construction Permits.

9

The Pennington County Planning Commission will need to make a motion on Special Meeting date(s) to hear the Croell, Inc. Mining and Construction Permit applications.

Per the request of Legal Counsel for Croell, Inc. to hold hearings in May, the Special Meeting(s) should be scheduled on one or more of the following dates:

- Wednesday, May 08, 2019
- Thursday, May 09, 2019
- Friday, May 10, 2019

The Board of Commissioners will be looking to schedule their hearing(s) the week of May 13, 2019.