

AGENDA
PENNINGTON COUNTY PLANNING COMMISSION
February 11, 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 19, 2019, at 10:30 a.m.

ROLL CALL

1. APPROVAL OF THE JANUARY 28, 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 08-07:** Marilyn Welch. To review a single-wide manufactured home as a single-family residence in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 37, Block 4, Green Valley Estates, Section 23, T1N, R8E, BHM, Pennington County, South Dakota.

To recommend to continue the review of Conditional Use Permit / CU 08-07 to the May 13, 2019, Planning Commission meeting, in order to allow the applicant time to clean the property and bring it into compliance with Ordinance 106 and Condition #4.

4. **CONDITIONAL USE PERMIT REVIEW / CU 14-34:** James Whitcher; Whitcher Land, LLLP. 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.

All Less RR ROW, less Lot H1 of NE1/4, less Lot H1 of NW1/4 and less Hwy Row, Section 7, T4S, R15E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 14-34 with seven (7) conditions.

5. **CONDITIONAL USE PERMIT REVIEW / CU 15-25:** Rushmore Shadows, LLC; Gene Addink – Agent. To review a Recreational Resort with the addition of 45 RV sites to the subject property in a Highway Service District in accordance with Sections 210 and 510 of the Pennington County Zoning Ordinance.

Tract A Less E350 feet of N900 feet and Tract 3A of Lot 3 of SW1/4SE1/4, located in Section 7, T1S, R7E, BHM, Pennington County, South Dakota.

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

To recommend approval of the extension of Conditional Use Permit / CU 15-25 with seventeen (17) conditions.

6. **CONDITIONAL USE PERMIT REVIEW / CU 16-15:** Tom or Lynne Distler. To review a Recreational Vehicle to be used as a temporary residence while building a single-family residence on the subject property in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Lot 1 of Tract A, Bonnita Subdivision, Section 21, T1S, R7E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 16-15 with nine (9) conditions.

7. **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 January 14, 2019, Planning Commission meeting.)

To recommend to continue the review of Conditional Use Permit / CU 17-30 indefinitely until such time the applicant can receive approval from the United States Forest Service for access across NSF lands with one (1) condition.

8. **CONDITIONAL USE PERMIT REVIEW / CU 17-49:** Don and Debra Williamson. To review two existing structures prior to a principal structure on the subject property in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot 2, Redfern Valley Subdivision, Section 33, T1N, R4E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 17-49 with six (6) conditions.

9. **CONSTRUCTION PERMIT REVIEW / CP 18-02:** Black Hills Energy. To review the rebuilding of an existing 230 kV transmission line. The rebuild will consist of approximately 81 miles of 230 kV transmission line from the south Rapid City area to the Nebraska State Line.

Various Sections (secured land easements with private property owners).

To recommend approval of the extension of Construction Permit / CP 18-02 with seven (7) conditions.

10. **CONSTRUCTION PERMIT / CP 19-01:** Site Work Specialists. To install public and private utilities to include water, sanitary sewer, storm sewer, common utility trench (power, communication, and gas). Also includes installation of concrete curb, gutter, and sidewalk; to also include asphalt pavement.

Tract F of NW1/4 less Murphy ftS Subdivision less Murphy Ranch Estates Subdivision and less Right-of-Way, Section 14, T1N, R8E, BHM, Pennington County, South Dakota.

To recommend approval of Construction Permit / CP 19-01 with fifteen (15) conditions.

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

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

To recommend approval of Minor Planned Unit Development Amendment Review / PU 17-12 with twelve (12) conditions.

12. **MINOR PLAT / MPL 19-02 AND SUBDIVISION REGULATIONS VARIANCE / SV 19-01:** Edward Hix; Faith Lewis – Agent. To create Hix Tract and to waive platting requirements in accordance with Sections 400.3 and 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: PT of HES #572 – Tracts A and B, H.E.S 572, Section 1, T1S, R2E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Hix Tract (Formerly a portion of Tract A of H.E.S. 572) located in Gov't Lot 4, Section 1, T1S, R2E, BHM, Pennington County, South Dakota.

To recommend approval of Subdivision Regulations Variance / SV 19-01 and approval of Minor Plat / MPL 19-02 with eight (8) conditions.

END OF CONSENT AGENDA

13. CONSTRUCTION PERMIT REVIEW / CP 18-12: Brad Nible. To review the excavation and leveling of a hillside for a future residence in accordance with Sections 208 and 507 of the Pennington County Zoning Ordinance.

Lot 2A, Block 6, Harney Peak View Addition, Section 9, T1N, R8E, BHM, Pennington County, South Dakota.

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

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

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

(Continued from the January 14, 2019, Planning Commission meeting.)

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

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

(Continued from the January 14, 2019, Planning Commission meeting.)

16. LAYOUT PLAT / LPL 19-01: Donald Patnoe. To combine four lots to create Union Hill Climax in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: All of Climax Lode MS 942; All of Buckeye Lode #1 MS 942; All of Buckeye Lode MS 942; and All of Buckeye Lode #2 MS 942, all located in Section 12, T1S, R4E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Union Hill Climax, Section 12, T1S, R4E, BHM, Pennington County, South Dakota.

17. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the January 14, 2019, and January 28, 2019, meetings, with the exception of Rezone 18-12 and Comprehensive Plan Amendment 18-11 (Borglum Historical Center, Inc., Duane Pankratz; Ken Nash – Agent). The Board of Commissioners approved the First Reading to rezone the subject property to General Commercial District.

18. ITEMS FROM THE PUBLIC

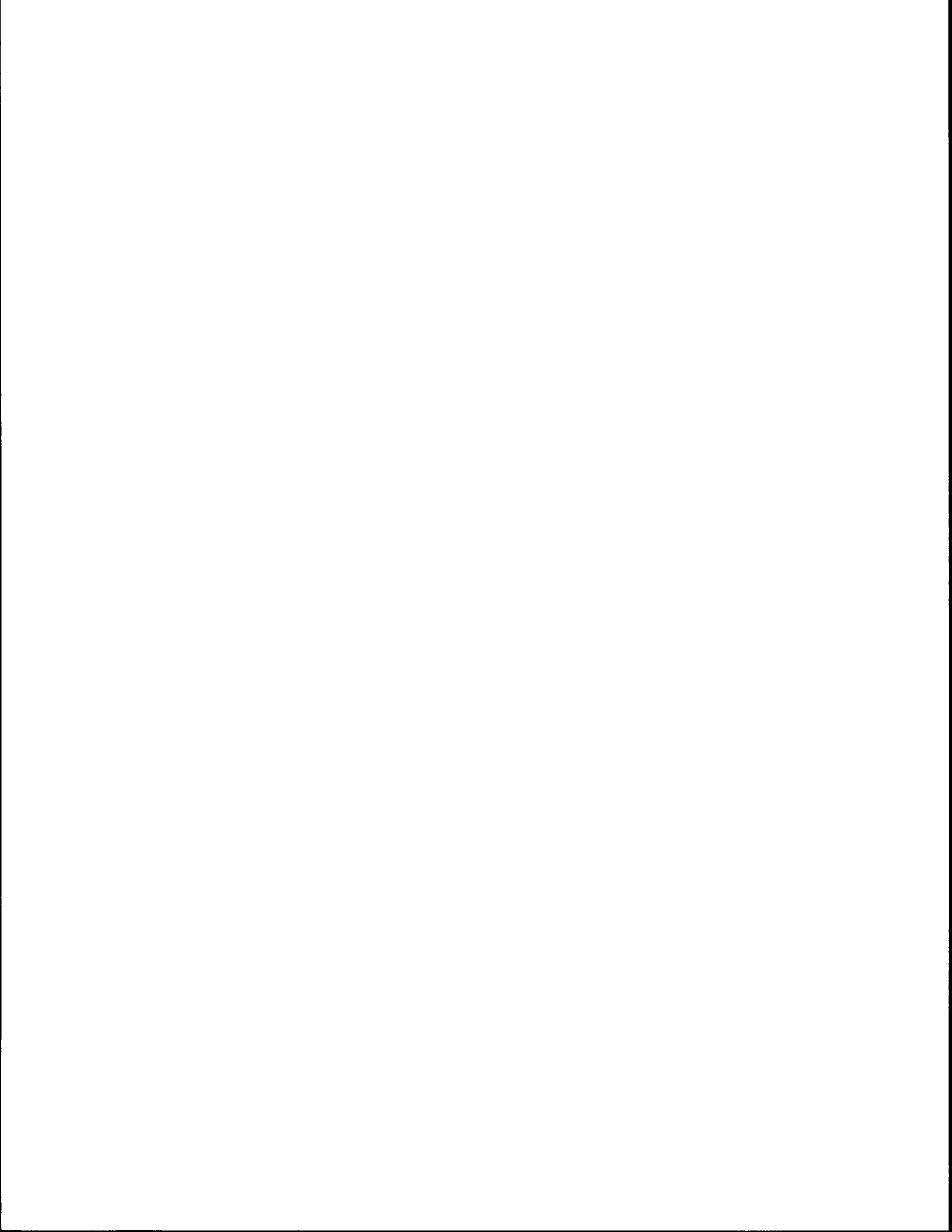
19. ITEMS FROM THE STAFF

- A. Building Permit Report.
- B. Comprehensive Plan Comments to Matrix Design Group, LLC.
- C. 2019 Drug-Free Workplace Resolution & Workplace Affirmation Statement.
- D. Updated Plat File Codes.
- E. Croell, Inc. BOC Meeting Date(s).

20. ITEMS FROM THE MEMBERSHIP

21. 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 28, 2019 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Travis Lasseter, Kathy Johnson, Rich Marsh, Sonny Rivers, Sandra Runde, and Gary Drewes.

STAFF PRESENT: PJ Conover, Cassie Bolstad, Brittney Molitor, Cody Sack, Michael Hoffmann (SAO), and Jeri Ervin.

ROLL CALL

1. APPROVAL OF THE JANUARY 14, 2019, MINUTES
Moved by Johnson and seconded by Marsh to approve the Minutes of the January 14, 2019, Planning Commission meeting. Vote: unanimous 6 to 0.

2. APPROVAL OF THE AGENDA
Moved by Runde and seconded by Rivers to approve the Agenda of the January 28, 2019, Planning Commission meeting. Vote: unanimous 6 to 0.

Moved by Marsh and seconded by Runde to approve the Consent Agenda of the January 28, 2019, Planning Commission meeting. 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.

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 approve 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.

Vote: unanimous 6 to 0.

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 approve 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.

Vote: unanimous 6 to 0.

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

Vote: unanimous 6 to 0.

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 $\frac{1}{4}$ 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 $\frac{1}{4}$ 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 $\frac{1}{4}$ 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 $\frac{1}{4}$ 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 $\frac{1}{16}$ th 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 $\frac{1}{16}$ th 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.

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

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

Discussion followed.

Commissioner Drewes left the meeting at 9:28 a.m.
Commissioner Drewes returned to the meeting at 9:31 a.m.

Moved by Runde and seconded by Marsh to deny Rezone / RZ 18-12 and Comprehensive Plan Amendment / CA 18-11.

SUBSTITUTE MOTION: Moved by Drewes and seconded by Rivers to deny without prejudice Rezone / RZ 18-12 and Comprehensive Plan Amendment / CA 18-11.

All voting aye, the Motion carried 6 to 0.

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.

Molitor reviewed the Staff Report indicating the applicant has applied for a Construction Permit to grade and level an area for a parking lot.

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.

Commissioner Drewes left the meeting at 10:22 a.m.

Discussion followed.

Commissioner Drewes returned to the meeting at 10:25 a.m.

Discussion continued.

Moved by Drewes and seconded by Runde to continue Construction Permit / CP 18-10 to the February 11, 2019, Planning Commission meeting in order for the applicant to address the violations that currently exist on the subject property, with the Planning Department.

SUBSTITUTE MOTION: Moved by Marsh and seconded by Johnson to continue Construction Permit / CP 18-10 to the February 25, 2019, Planning Commission meeting in order for the applicant to address the violations that currently exist on the subject property, with the Planning Department.

SECOND SUBSTITUTE MOTION: Moved by Drewes and seconded Marsh to continue Construction Permit / CP 18-10 to the February 25, 2019, Planning Commission meeting in order for the applicant to address the violations that currently exist on the subject property, with the Planning Department and the SD DOT request is complied with.

THIRD SUBSTITUTE MOTION: Moved by Johnson and seconded by Drewes to continue Construction Permit / CP 18-10 to a time after the applicant satisfies the concerns of the SD DOT, as described in their comments on Page 14 of the January 28, 2019, Staff Report and the meeting will be scheduled after the SD DOT is satisfied with the response from the applicant and the meeting with the Planning Commission is held no earlier than February 25, 2019.

All voting aye, the Motion carried 6 to 0

Moved by Lasseter and seconded by Drewes to recess for 10 minutes. All voting aye, the Motion carried 6 to 0.

Moved by Lasseter and seconded by Marsh to reconvene. All voting aye, the Motion carried 5 to 0.

8. ORDINANCE AMENDMENT / OA 19-01: Pennington County. To consider the amendment / adoption of the Comprehensive Plan.

Conover reviewed that this is an Ordinance Amendment to amend/adopt the Pennington County Comprehensive Plan. Conover further stated that Mr. Rick Rust, Matrix Design Group, Inc. will be providing a public presentation of the Draft Comprehensive Plan – View to 2040.

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

Discussed followed with a public presentation by Matrix Design Group of the Draft Comprehensive Plan – View to 2040.

Moved by Marsh and seconded by Runde to continue Ordinance Amendment / OA 19-01 to the February 25, 2019, Planning Commission meeting to consider the amendment / adoption of the Comprehensive Plan.

SUBSTITUTE MOTION: Moved by Marsh and seconded by Johnson to continue Ordinance Amendment / OA 19-01 and Ordinance Amendment / OA 19-01 will be heard at the February 25, 2019, March 11, 2019, and March 25, 2019 Planning Commission meetings to consider the amendment / adoption of the Comprehensive Plan.

All voting aye, the Motion carried 6 to 0.

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

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

Discussion followed.

Moved by Marsh and seconded by Johnson to hold a Special Planning Commission meeting on May 8, 2019, at 3:00 p.m. to hear Croell, Inc.'s applications for Mining and Construction Permits.

All voting aye, the Motion carried 6 to 0.

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

There were no motions or actions were taken at this time.

12. ITEMS FROM THE STAFF

There were no items from staff.

13. ITEMS FROM THE MEMBERSHIP

There were no items from the membership.

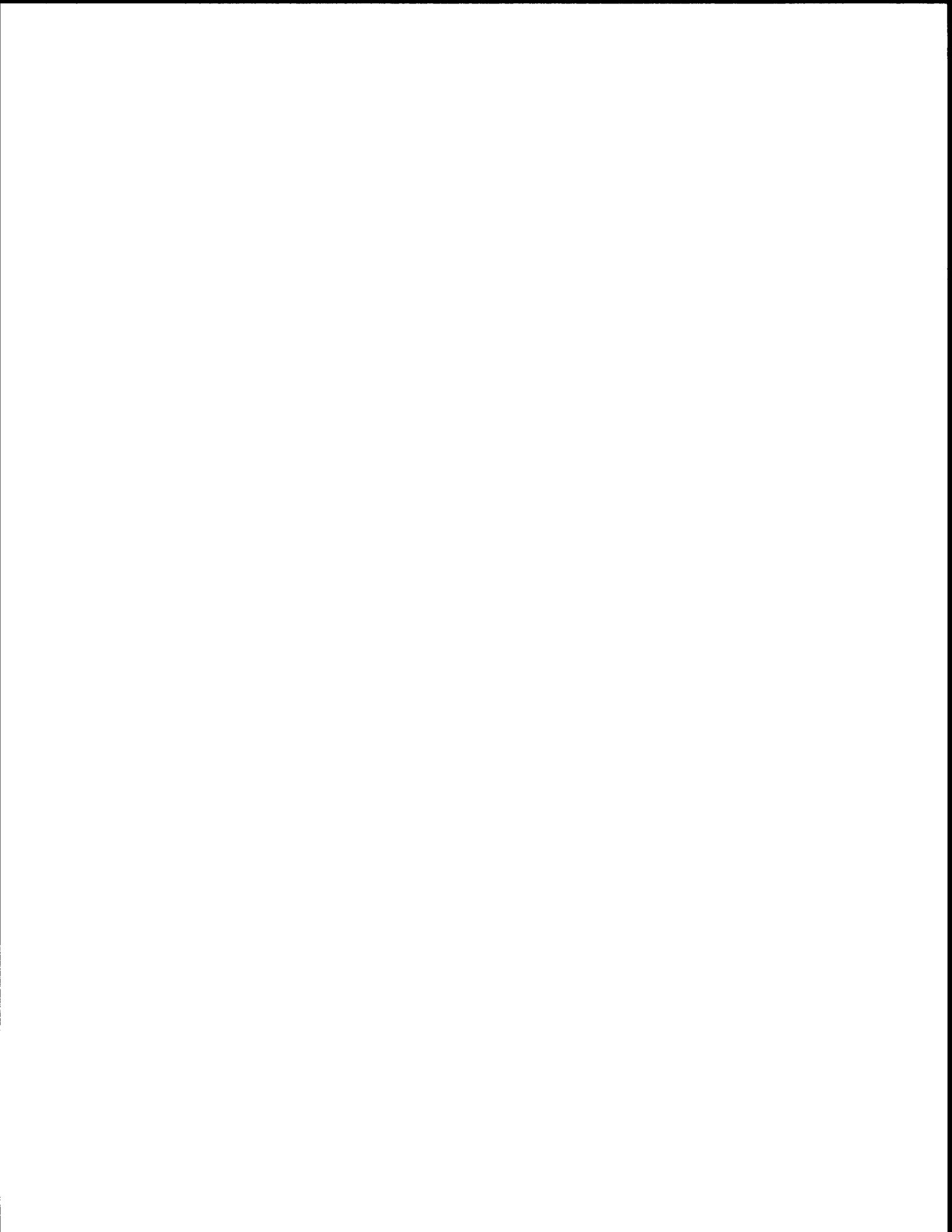
14. ADJOURNMENT

Moved by Runde and seconded by Marsh to adjourn.

All voting aye, the Motion carried 6 to 0.

The meeting adjourned at 12:54 p.m.

Travis Lasseter, Chairperson



STAFF REPORT

3

GENERAL INFORMATION:

REQUEST: **CONDITIONAL USE PERMIT REVIEW / CU 08-07:** To review a single-wide manufactured home as a single-family residence in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

OWNER: Marilyn Welch

OWNER ADDRESS: 5435 Greenwood Lane, Rapid City, SD 57703

LEGAL DESCRIPTION: Lot 37, Block 4, Green Valley Estates, Section 23, T1N, R8E, BHM, Pennington County, South Dakota.

SITE LOCATION: 5435 Greenwood Lane

TAX ID: 2593

SIZE: 1.00 acre

EXISTING LAND USE: Residential

ZONING REFERENCE: § 208 and 510

CURRENT ZONING: Suburban Residential District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Flat

UTILITIES: Private

REPORT BY: Cassie Bolstad

RECOMMENDATION: Staff will be recommending to continue the review of Conditional Use Permit / CU 08-07 to the May 13, 2019, Planning Commission meeting.

GENERAL DESCRIPTION:

- January 28, 2008 – Planning Commission originally approved Conditional Use Permit / CU 08-07 with the following six (6) conditions:
 1. That a Building Permit be obtained for any structure exceeding 144 square feet or located on a permanent foundation, which requires a site plan to be reviewed and approved by the Planning Director;
 2. That the applicant limits the number of horses on Lot 37 to one (1) and none on Lot 38;
 3. That the manufactured home continues to have a peaked nonreflective-type roof, and wood or simulated wood-type siding;
 4. That the property remains free of debris and junk vehicles;
 5. That the applicant signs a Statement of Understanding agreeing to the conditions set forth; and,
 6. That this Conditional Use Permit be reviewed in two (2) years or on a complaint basis to determine that all conditions are being met.
- January 26, 2009 – Planning Commission approved the extension of Conditional Use Permit / CU 08-07 with the same six (6) conditions approved in 2008.
- January 10, 2011 – Planning Commission approved the extension of Conditional Use Permit / CU 08-07 with the following five (5) conditions:
 1. That a Building Permit be obtained for any structure exceeding 144 square feet or located on a permanent foundation, which requires a site plan to be reviewed and approved by the Planning Director;
 2. That the applicant limits the number of horses on Lot 37 to one (1);
 3. That the manufactured home continues to have a peaked nonreflective-type roof, and wood or simulated wood-type siding;
 4. That the property remains free of debris and junk vehicles; and,
 5. That this Conditional Use Permit be reviewed in four (4) years or on a complaint basis to determine that all conditions are being met.
- January 26, 2015 – Planning Commission approved the extension of Conditional Use Permit / CU 08-07 with the following five (5) conditions:
 1. That a Building Permit be obtained for any structure exceeding 144 square feet or located on a permanent foundation, which requires a site plan to be reviewed and approved by the Planning Director;
 2. That the applicant limits the number of horses on Lot 37 to one (1);
 3. That the manufactured home continues to have a peaked nonreflective-type roof, and wood or simulated wood-type siding;
 4. That the property remains free of debris and junk vehicles; and,
 5. That this Conditional Use Permit be reviewed in four (4) years, on a complaint basis, or as deemed necessary by either the Pennington County Board of Commissioners and/or Planning Commission to verify that all conditions are being met.

EXISTING CONDITIONS:

- Zoned Suburban Residential District.
- 1.00 acre.
- Lot contains:
 - Single-wide mobile home – 2001COBP0774.
 - Storage shed – 2008COBP0252.
 - On-site wastewater treatment system
 - Operating Permit – COOP18-0116.
- The applicant also owns the property directly north of the subject property (Lot 38, Block 4, Green Valley Estates).

ANALYSIS:

- November 7, 2016 – Ordinance Violation case (COVO16-0281) was opened for junk and vehicles on the property.
 - According to notes in COVO16-0281, a follow-up inspection of the property was performed on December 6, 2016, and it was verified that work was being done to clean the property.
 - The property was again inspected on January 23, 2017, and continued progress was observed; therefore, COVO16-0281 was closed.
- January 31, 2019 – Staff performed a site visit and found:
 - There are inoperable and unlicensed vehicles on the subject property, along with a large amount of debris and junk.
 - This is a violation of Condition #4 of CU 08-07 and Pennington County Ordinance 106.
 - It does not appear that continued progress is being made toward cleaning the property, as was observed in 2016 and 2017.



Inoperable/unlicensed vehicles – Site Visit 01.31.19



Inoperable/unlicensed vehicles – Site Visit 01.31.19



Junk and debris – Site Visit 01.31.19

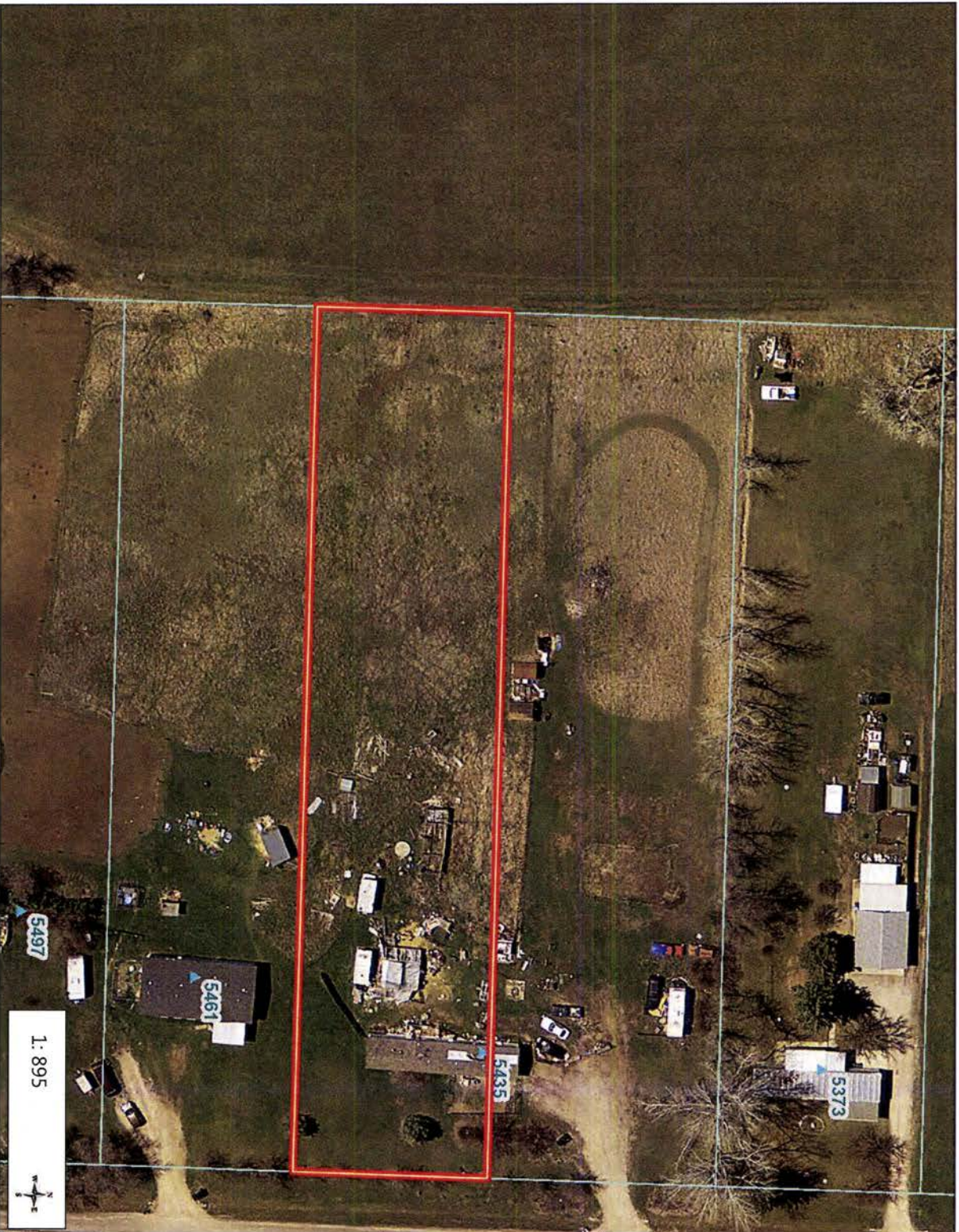


Junk and debris – Site Visit 01.31.19

Agenda Item #3
Marilyn Welch
February 11, 2019

- The property must be cleaned and brought into compliance with Ordinance 106 and Condition #4 prior to approval of the extension of CU 08-07.

RECOMMENDATION: Staff recommends to continue the review of Conditional Use Permit / CU 08-07 to the May 13, 2019, Planning Commission meeting, in order to allow the applicant time to clean the property and bring it into compliance with Ordinance 106 and Condition #4.



149.2 0 74.62 149.2 Feet

NAD_1983_2011_StatePlane_South_Dakota_South_FPS_4002_Ft_US
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5497

5461

1: 895



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

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Legend

Roads

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

Address Points

▲ Section Lines 0-25K

— 0

— 7



Tax Parcels

— Lot Lines

— <Null>

— Lot Line

— Parcel Line

Map Notes:

STAFF REPORT

GENERAL INFORMATION:

REQUEST: **CONDITIONAL USE PERMIT REVIEW / CU 14-34**: 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: James and Ethel Witcher

APPLICANT ADDRESS: 18501 185th Avenue, Scenic, SD 57780

OWNER: Witcher Land LLLP

OWNER ADDRESS: 15031 Riverside Road, Buffalo Gap, SD 57722

LEGAL DESCRIPTION: All Less RR ROW, less Lot H1 of NE1/4, less Lot H1 of NW1/4 and less Hwy Row, Section 7, T4S, R15E, BHM, Pennington County, South Dakota.

SITE LOCATION: 25455 185th Avenue; east of Scenic along E. Highway 44.

TAX ID: 64201

SIZE: 570.79 acres

EXISTING LAND USE: Agriculture

ZONING REFERENCE: Sections 205 and 510

CURRENT ZONING: General Agriculture District

SURROUNDING ZONING:
North General Agriculture District
South General Agriculture District
East General Agriculture District
West General Agriculture District

PHYSICAL CHARACTERISTICS: Badlands / Rolling hills

UTILITIES: Private

REPORT BY: Cody Sack

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending approval of the extension of Conditional Use Permit / CU 14-34 with seven (7) conditions.

II. GENERAL DESCRIPTION

- A. January 12, 2015 – The Planning Commission originally approved CU 14-34 with the following seven (7) conditions:

1. That a Building Permit be obtained for the new single-wide mobile home before it is moved onto the property;
2. That the lot address be clearly posted, so as to be visible from both directions on 185th Ave 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 Board of Commissioners and/or County Planning Commission to verify that all conditions of approval are being met.

- B. February 8, 2016 – The Planning Commission approved the extension of CU 14-34 with the following seven (7) conditions:

1. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
2. That the address continue to be properly posted on both the residence and at the approach from 185th Avenue, so it be visible in both directions in accordance with Pennington County's Ordinance #20;
3. That the subject property continually remains free of debris and junk vehicles;
4. That the mobile home installed on the property continue to have a peaked non-reflective type roof 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;

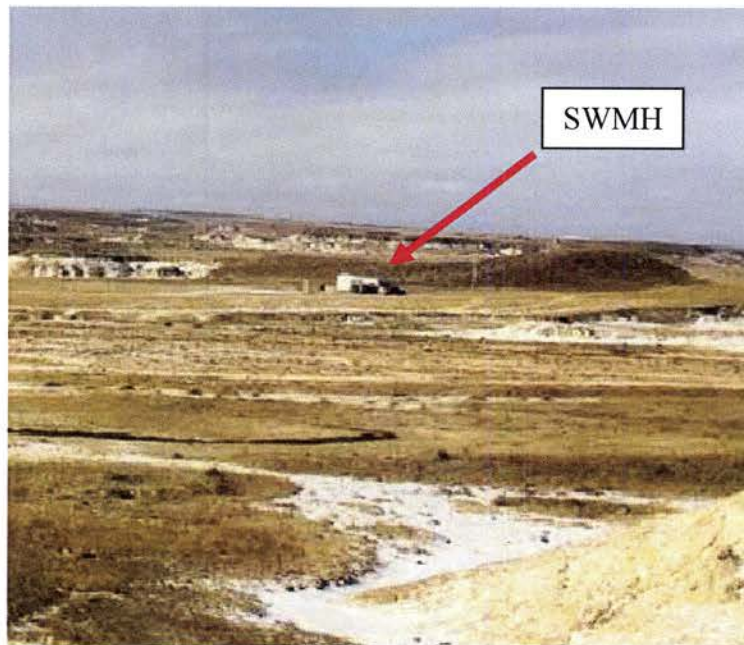
6. That two (2) off-street parking spaces be continually provided on the subject property, in accordance with Section 310 of the Pennington County Zoning Ordinance; and,
7. That this Conditional Use Permit be reviewed in three (3) years, on a complaint basis, or as directed by the Pennington County Board of Commissioners and/or Planning Commission to verify that all Conditions of Approval are being met.

III. EXISTING CONDITIONS

- A. Zoned General Agriculture District (minimum lot size of 40 acres).
- B. 570.79 acres.
- C. Access off of 185th Avenue.
- D. Lot contains:
 1. COBP15-0019 - 16' x 80' single-wide mobile home with enclosed entry.
 2. COSD15-0005 On-site wastewater treatment system.

IV. ANALYSIS

- A. February 5, 2019 – County Ordinance officer performed a site visit and found:
 1. A single-wide mobile.
 - a. Staff did could not get closer to the house. Due to animals impeding access.



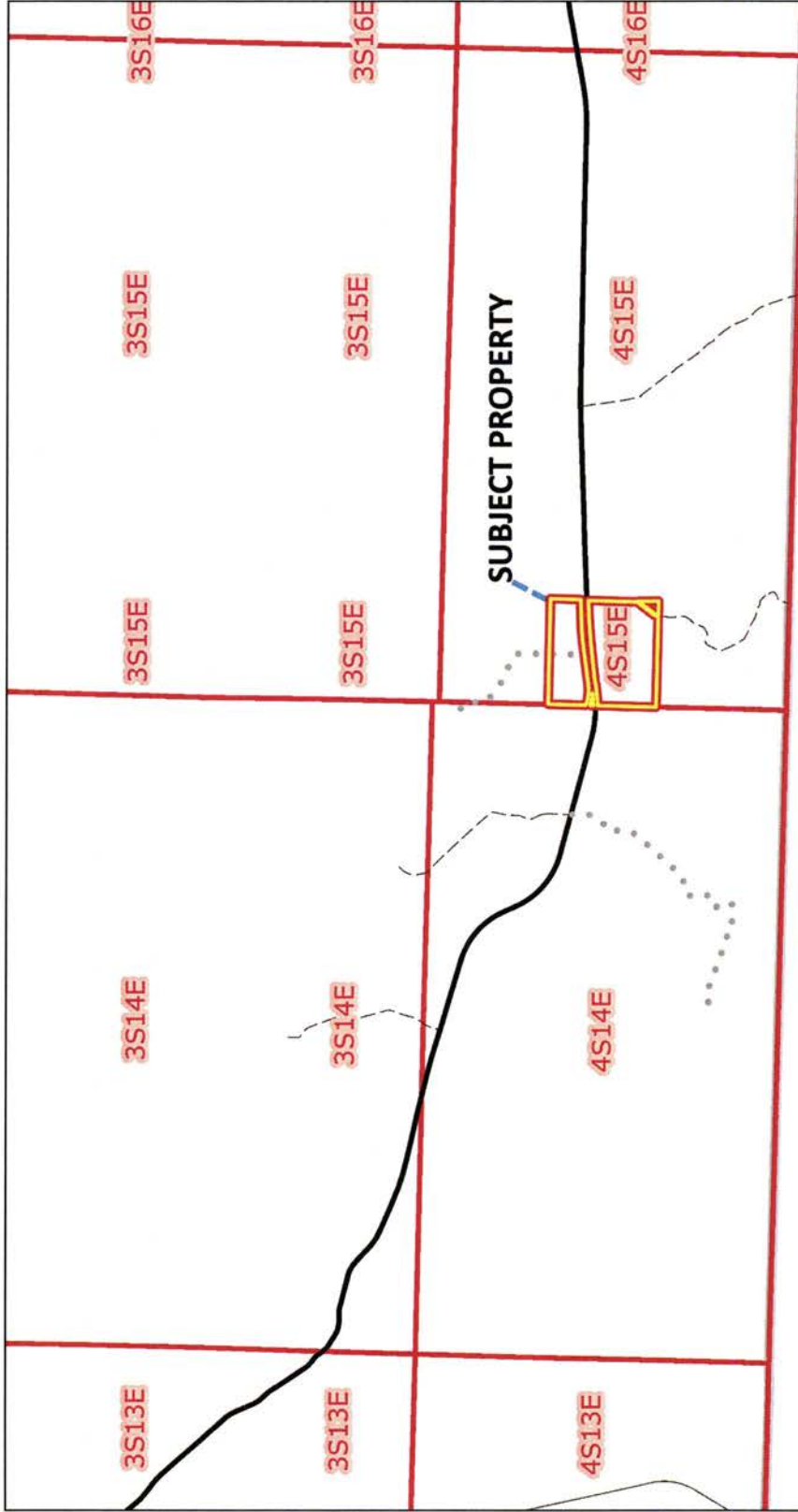
Site Visit (2/5/19)

- B. February 6, 2019 – Staff contacted the applicant and stated:
1. CU 14-34 was being reviewed by the Planning Commission on February 11, 2019.
 2. Staff had found a discrepancy with COBP15-0019 and staff needed to update COBP15-0019 with the accurate information.
 - a. *Staff Comment: During review, staff noticed that the mobile homes physical location was different than what the applicant had proposed in COBP15-0019. Staff was able to verify the location of the SWMH on the property and staff will update the permit to reflect this information.*
- C. It appears to staff that all Conditions of Approval for CU 14-34 are being met.

RECOMMENDATION: Staff recommends approval of the extension of Conditional Use Permit / CU 16-34 with the following seven (7) conditions.

1. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
2. That the address continue to be properly posted on both the residence and at the approach from 185th Avenue, so it be visible in both directions in accordance with Pennington County's Ordinance #20;
3. That the subject property continually remains free of debris and junk vehicles;
4. That the mobile home installed on the property continue to have a peaked non-reflective type roof 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 five (5) years, on a complaint basis, or as directed by the Pennington County Board of Commissioners and/or Planning Commission to verify that all Conditions of Approval are being met.

- 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**
- 3S13E
 - 3S14E
 - 3S15E
 - 3S16E
 - 4S13E
 - 4S14E
 - 4S15E
 - 4S16E
- City Limits**
- BOX ELDER
 - ELLSWORTH AFB
 - HILL CITY
 - KEYSTONE
 - NEW UNDERWOOD
 - QUINN
 - RAPID CITY
 - WALL
 - WASTA



Oglala Lakota

1: 104,390



Map Notes:

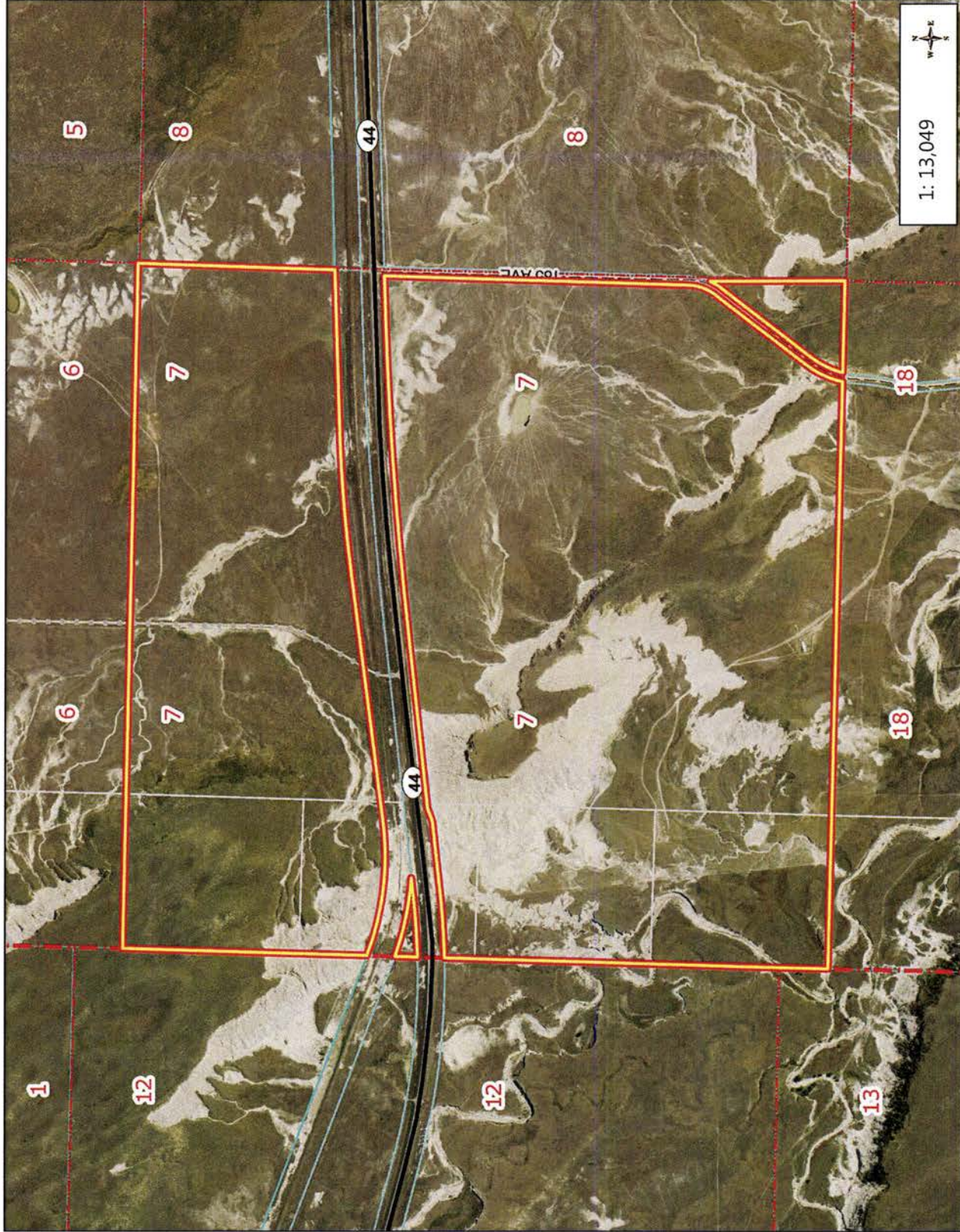
17,398.3 0 8,699.17 17,398.3 Feet



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_South_FIPS_4002_Ft_US
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THIS MAP IS NOT TO BE USED FOR NAVIGATION



2,174.8

0 1,087.40 2,174.8 Feet

2,174.8 Feet

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NAD_1983_2011_StatePlane_South_Dakota_South_FIPS_4002_Ft_US

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Legend

Roads

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

Section Lines 0-25k

- 0
- 7

Tax Parcels

□

Lot Lines

- <Null>
- Lot Line
- Parcel Line

1: 13,049



Map Notes:

Agenda Item #5
Rushmore Shadows, LLC; Gene Addink - Agent
February 11, 2019

5

STAFF REPORT

GENERAL INFORMATION:

REQUEST: **CONDITIONAL USE PERMIT REVIEW/ CU 15-25:** To review a Recreational Resort in a Highway Service District in accordance with Sections 210 and 510 of the Pennington County Zoning Ordinance.

APPLICANT/ AGENT: Rushmore Shadows, LLC / Gene Addink

APPLICANT ADDRESS: 23645 Clubhouse Drive, Rapid City, SD 57702

LEGAL DESCRIPTION: Tract A Less E350 feet of N900 feet and Tract 3A of Lot 3 of SW1/4SE1/4, located in Section 7, T1S, R7E, BHM, Pennington County, South Dakota.

SITE LOCATION: 23680 Busted Five Court; near the intersection of S. Highway 16 and Busted Five Court.

SIZE: 48.78 acres

TAX ID: 49925 / 13130

EXISTING LAND USE: Rushmore Shadows RV Park

ZONING REFERENCE: Sections 210 and 510

CURRENT ZONING: Highway Service District

SURROUNDING ZONING:
North Suburban Residential District
South Highway Service District
East Highway Service District
General Agriculture District
West Suburban Residential District

PHYSICAL CHARACTERISTICS: Forested/Rolling Hills/Flat

UTILITIES: Private

REPORT BY: Brittney Molitor

I. PROPOSED RECOMMENDATION

- A. Staff is recommending approval of the extension of Conditional Use Permit / CU 15-25 with fifteen (15) conditions.

II. GENERAL DESCRIPTION

- A. On September 28, 2015, Planning Commission approved Conditional Use Permit / CU 15-25 with the following fifteen (15) conditions:
1. That no more than 194 recreational vehicle sites be allowed. Each recreational vehicle site shall measure a minimum of 40 feet long by 12-foot-wide;
 2. That no more than 16 cabins be allowed;
 3. That no more than 50 tent sites be allowed;
 4. That each site (RV or tent) must include one (1) parking space for a vehicle (in addition to the recreation vehicle, where applicable) and the parking space must be constructed so no portion of the vehicle extends onto any interior roadway;
 5. That the applicant maintain some type of barrier (i.e. fence, boulders) around the on-site wastewater system to prevent any parking and/or camping over top of the on-site wastewater system and that proper setbacks to the on-site wastewater system be maintained;
 6. That each RV site be equipped with water and electric hook-ups;
 7. That each RV site, cabin, or tent site must be equipped with a numbered sign which is attached to a post on or near the cabin or site;
 8. That a minimum 10-foot separation be provided between each RV site;
 9. That all the interior streets shall be a minimum of 12 feet in width and surfaced with gravel (minimum of 4 inches), concrete or asphalt and maintained in a dust free manner;
 10. That any alterations or additions to the on-site wastewater treatment system be reviewed and approved by the South Dakota Department of Environment and Natural Resources and the Pennington County Environmental Planner;
 11. That the Recreational Resort conform to all regulations in Section 306 of the Pennington County Zoning Ordinance;
 12. That the applicants conform to all applicable State and County regulations, including those established by the South Dakota Departments of Environment and Natural Resources and Health;
 13. That a Building Permit be obtained for any new structures exceeding 144 square feet and located on a permanent foundation, which will require a site plan to be reviewed and approved by the Pennington County Planning Director;
 14. That the applicant signs the Statement of Understanding within seven (7) business days of approval of the Conditional Use Permit / CU 15-25, which is available at the Planning Office; and,

15. That this Conditional Use Permit be reviewed in two (2) years, 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.

III. EXISTING CONDITIONS

- A. TRACT A LESS E350ft OF N900ft, BUSTED FIVE DEVELOPMENT
 1. 45.56 acres.
 2. Zoned Highway Service District.
 3. Lot contains:
 - a) Recreational Resort - 23680 Busted Five Court
 4. Access is off Highway 16 (State Highway).

- B. TRACT 3A OF LOT 3 OF SW¼SE¼
 1. 3.22 acres
 2. Zoned Highway Service District.
 3. Lot contains:
 - a) RV Sites
 4. Access is off Highway 16 (State Highway).

IV. PROPERTY HISTORY

- A. On September 5, 2017, Staff performed a site visit and met with a resort employee.
 1. During the site visit, and conversation with resort staff, it was noted that the number of cabins on the site exceeded the 16 approved. In addition, there were an additional number of RV sites (for resort staff) that were not included in the original request.
- B. On October 13, 2017, Staff met with the applicant's agent(s) to discuss future development within the resort. In addition, it was discovered that there were several Building Permits that had to be obtained for existing park models and cabins on the subject property.
 1. During the meeting, it was determined there were 31 cabins on site and 209 Recreational Vehicle sites at that time.
 2. The agents also indicated that they would like to add an additional office building to the resort in the future.
- C. On October 23, 2017, the Planning Commission approved Conditional Use Permit / CU 15-25 with the following seventeen (17) conditions:
 1. That the Recreational Resort consist of recreational vehicle sites, cabins, office buildings, shower houses, clubhouse, convenience store, maintenance buildings, storage buildings, laundry facilities, and other amenities directly related to resort activities (i.e. playgrounds, swimming pools, horseshoe pits, etc.) approved by the Planning Director;

Agenda Item #5

Rushmore Shadows, LLC; Gene Addink - Agent

February 11, 2019

2. That no more than 225 recreational vehicle sites be allowed. Each recreational vehicle site shall measure a minimum of 40 feet long by 12-foot-wide;
3. That no more than 50 cabins be allowed, which may consist of park models, stick built cabins, or wagons;
4. That no more than 50 tent sites be allowed;
5. That each site (RV or tent) must include one (1) parking space for a vehicle (in addition to the recreation vehicle, where applicable) and the parking space must be constructed so no portion of the vehicle extends onto any interior roadway;
6. That the applicant maintain some type of barrier (i.e. fence, boulders) around the on-site wastewater system to prevent any parking and/or camping over top of the on-site wastewater system and that proper setbacks to the on-site wastewater system be maintained;
7. That each RV site be equipped with water and electric hook-ups;
8. That each RV site, cabin, or tent site must be equipped with a numbered sign which is attached to a post on or near the cabin or site;
9. That a minimum 10-foot separation be provided between each RV site;
10. That all the interior streets shall be a minimum of 12 feet in width and surfaced with gravel (minimum of 4 inches), concrete or asphalt and maintained in a dust free manner;
11. That any alterations or additions to the on-site wastewater treatment system be reviewed and approved by the South Dakota Department of Environment and Natural Resources and the Pennington County Environmental Planner;
12. That construction or placement of any additional cabins, recreational vehicle sites, laundry facilities, shower house(s), or any other structure utilizing waste treatment on the subject properties will require review and approval of the onsite wastewater treatment system by the South Dakota Department of Environment and Natural Resources and the Pennington County Environmental Planner;
13. That the Recreational Resort conform to all regulations in Section 306 of the Pennington County Zoning Ordinance;
14. That the applicants conform to all applicable State and County regulations, including those established by the South Dakota Departments of Environment and Natural Resources and Health;
15. That a Building Permit be obtained for any new structures exceeding 144 square feet and located on a permanent foundation, which will require a site plan to be reviewed and approved by the Pennington County Planning Director;
16. That Building Permits, and all applicable fees to be applied, are obtained for all cabins, park models, and structures (over 144 square

- feet and located on a permanent foundation) placed on the subject properties after February 2, 1994 within 30 days of approval of this Conditional Use Permit; and,
17. 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.
- D. On November 27, 2017, the applicant submitted Building Permits for the existing, unpermitted park models and cabins.
 1. COBP17-0686 through COBP17-0702.
 - E. On January 3, 2018, the applicant submitted a Building Permit for a 40' x 66' office building.
 1. Building Permit COBP18-0050 was approved on January 22, 2018.
 - F. On April 27, 2018, the Environmental Planner received approval (via email) from the South Dakota Department of Environment and Natural Resources (DENR) approving Onsite Wastewater Treatment Systems 1, 3, 6, 9, and 10 (see attached map) for the change of use from an Recreational Vehicle site to a cabin/park model.
 - G. The Onsite Wastewater Treatment Systems 5, 7, and 8 (see attached map) were not approved by DENR and will need to be addressed by the applicant/landowner.
 - H. On April 30, 2018, the applicant submitted an Onsite Wastewater Treatment System Construction Permit for holding tanks to serve "wagons" that could be utilized as "tents" on the subject property.
 1. The system was installed and approved on May 14, 2018.
 - I. November 28, 2018 – The Environmental Planner met with Rushmore Shadows Staff to discuss the upgrades needed to the onsite wastewater treatment systems.
 1. Rushmore Shadows Staff indicated that they were going to contact Scott Hipple, South Dakota Department of Environment and Natural Resources (DENR), directly to discuss what would be needed to bring the systems into compliance.
 - a. On December 10, 2018, Staff contacted DENR and Rushmore Shadows had not yet discussed options with them.
 2. The Environmental Planner stated to Rushmore Shadows' Staff that all of the upgrades were not required immediately, however, progress must be made to bring the systems into compliance.
 - a. Staff requested that a work plan be submitted with a timeline as to when the systems will be upgraded and brought into compliance.

VI. ANALYSIS (FEBRUARY 11, 2019)

- A. Staff was contacted by a Pennington County certified installer (Solseth Excavation) regarding the necessary upgrades to the onsite water treatment system(s) located on the subject property.

Agenda Item #5
Rushmore Shadows, LLC; Gene Addink - Agent
February 11, 2019

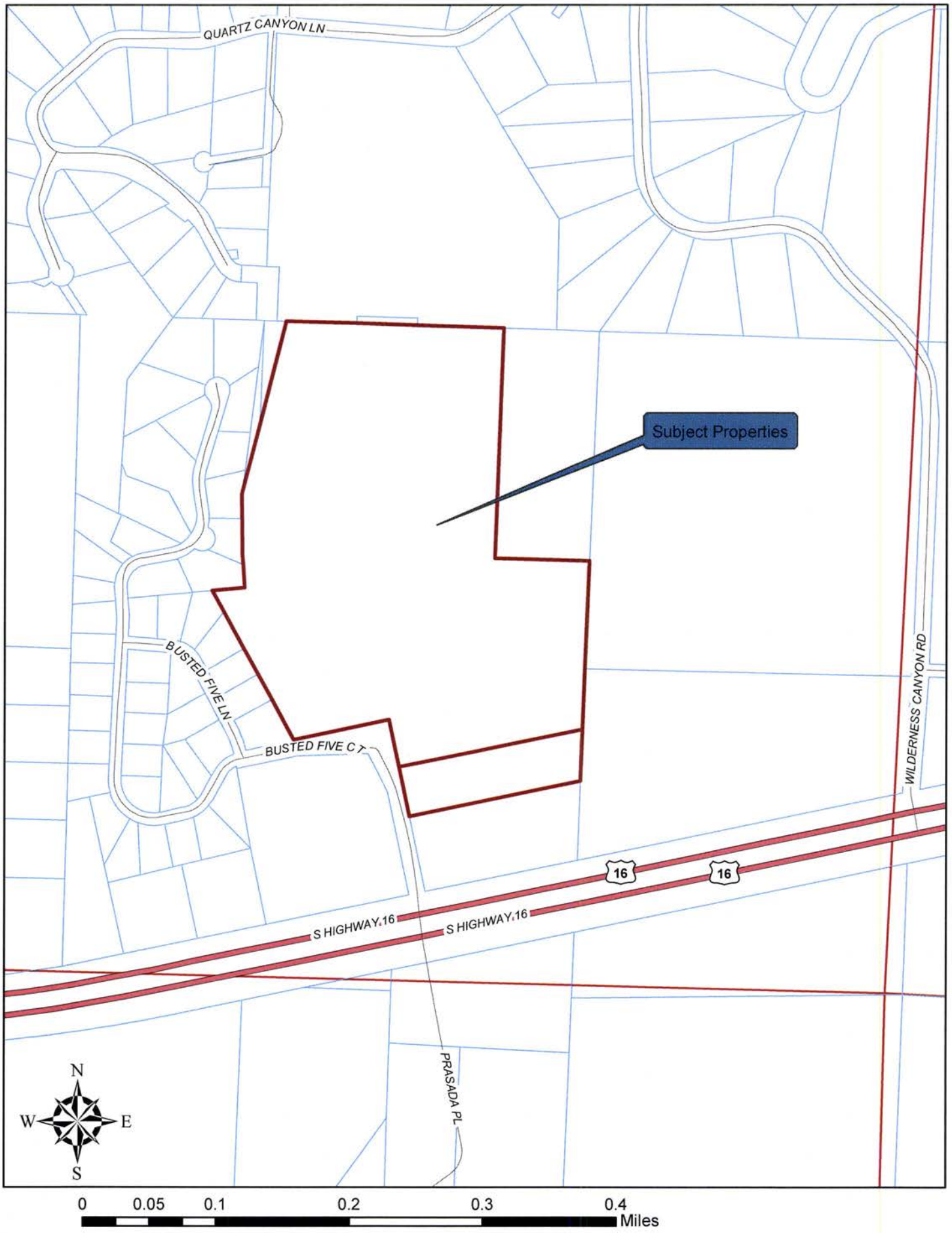
1. The plan is to begin upgrading the septic tanks, by adding more capacity to the system, this spring for the systems that are currently undersized. The installer indicated it could take a couple of years to complete.
2. The DENR is not requiring that the drainfields be updated at this time. In the event that they malfunction or fail, the drainfield which malfunctioned or failed will have to be brought into full compliance with the Pennington County Zoning Ordinance.

RECOMMENDATION: Staff is recommending approval of the extension of Conditional Use Permit / CU 15-25 with the following seventeen (17) conditions:

1. That the Recreational Resort consist of recreational vehicle sites, cabins, office buildings, shower houses, clubhouse, convenience store, maintenance buildings, storage buildings, laundry facilities, and other amenities directly related to resort activities (i.e. playgrounds, swimming pools, horseshoe pits, etc.) approved by the Planning Director;
2. That no more than 225 recreational vehicle sites be allowed. Each recreational vehicle site shall measure a minimum of 40 feet long by 12-foot-wide;
3. That no more than 50 cabins be allowed, which may consist of park models, stick built cabins, or wagons;
4. That no more than 50 tent sites be allowed;
5. That each site (RV or tent) must include one (1) parking space for a vehicle (in addition to the recreation vehicle, where applicable) and the parking space must be constructed so no portion of the vehicle extends onto any interior roadway;
6. That the applicant maintain some type of barrier (i.e. fence, boulders) around the on-site wastewater system to prevent any parking and/or camping over top of the on-site wastewater system and that proper setbacks to the on-site wastewater system be maintained;
7. That each RV site be equipped with water and electric hook-ups;
8. That each RV site, cabin, or tent site must be equipped with a numbered sign which is attached to a post on or near the cabin or site;
9. That a minimum 10-foot separation be provided between each RV site;
10. That all the interior streets shall be a minimum of 12 feet in width and surfaced with gravel (minimum of 4 inches), concrete or asphalt and maintained in a dust free manner;

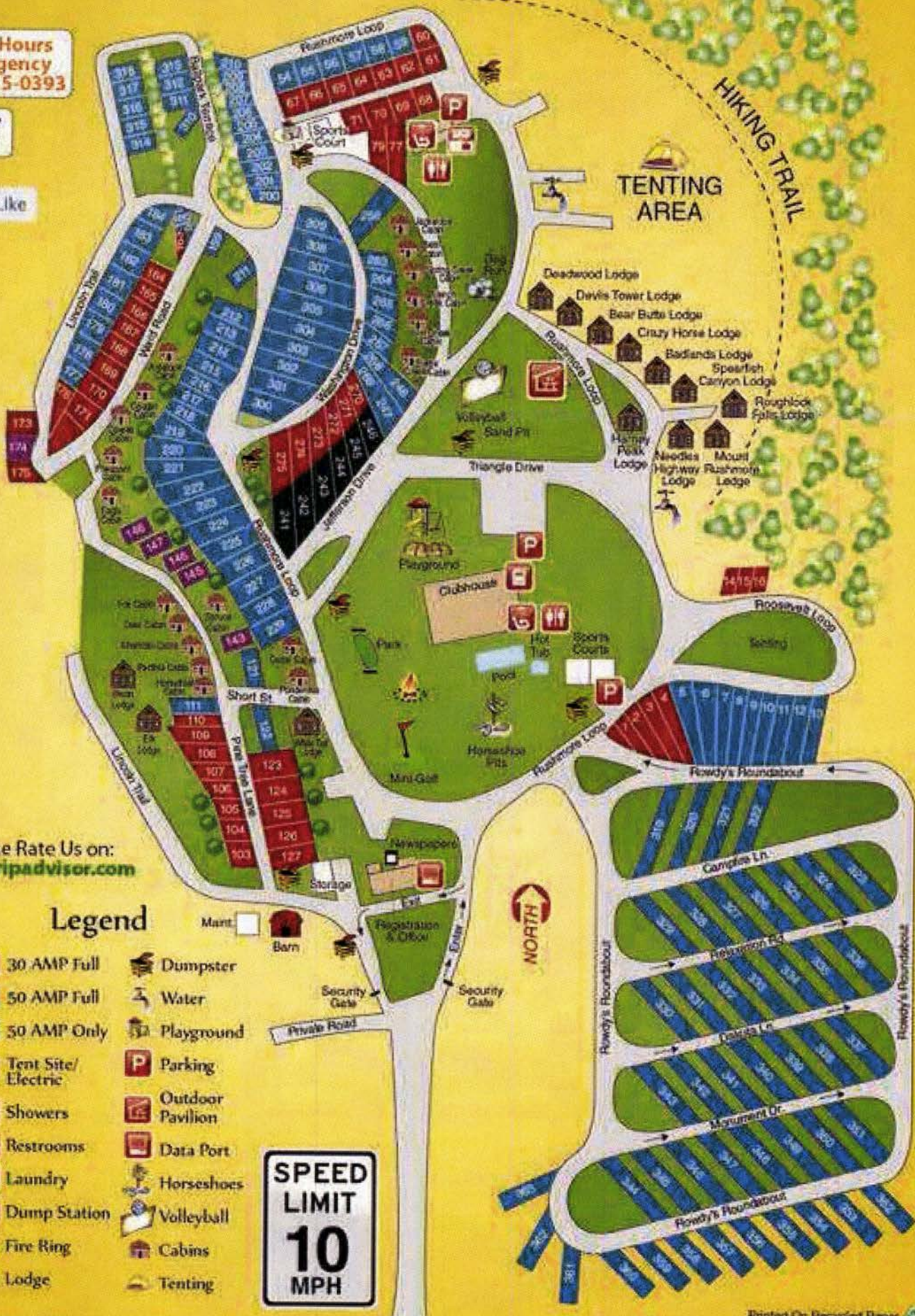
11. That any alterations or additions to the on-site wastewater treatment system be reviewed and approved by the South Dakota Department of Environment and Natural Resources and the Pennington County Environmental Planner;
12. That construction or placement of any additional cabins, recreational vehicle sites, laundry facilities, shower house(s), or any other structure utilizing waste treatment on the subject properties will require review and approval of the onsite wastewater treatment system by the South Dakota Department of Environment and Natural Resources and the Pennington County Environmental Planner;
13. That the Recreational Resort continue to conform to all regulations in Section 306 of the Pennington County Zoning Ordinance;
14. That the applicants conform to all applicable State and County regulations, including those established by the South Dakota Departments of Environment and Natural Resources and Health;
15. That a Building Permit be obtained for any new structures exceeding 144 square feet and located on a permanent foundation, which will require a site plan to be reviewed and approved by the Pennington County Planning Director;
16. That the septic tanks for systems 5, 7, and 8 be upgraded in accordance with DENR's recommendation within two (2) years of approval of the extension of this Conditional Use Permit or this Conditional Use Permit will be recommended to end; and,
17. 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.

Rushmore Shadows Resort



**After Hours
Emergency
605-415-0393**

Gate Code
7002



Please Rate Us on:
www.tripadvisor.com

Legend

- | | |
|------------------------|---------------------|
| 30 AMP Full | Dumpster |
| 50 AMP Full | Water |
| 50 AMP Only | Playground |
| Tent Site/
Electric | Parking |
| Showers | Outdoor
Pavilion |
| Restrooms | Data Port |
| Laundry | Horseshoes |
| Dump Station | Volleyball |
| Fire Ring | Cabins |
| Lodge | Tenting |

**SPEED
LIMIT
10
MPH**



← To Mount Rushmore

Highway 16

To Rapid City →

Printed On Recycled Paper



**SOUTH DAKOTA
DEPARTMENT OF HEALTH
LODGING LICENSE**



SOUTH DAKOTA
DEPARTMENT OF
HEALTH

Issued To: MIDWEST OUTDOOR RESORT LLC

Located At: RUSHMORE SHADOWS RESORT
HOTEL:
23680 BUSTED FIVE CT
RAPID CITY, SD 57702

License Type
Hotel License

License Number
18229
Number of Units
33
Swimming Pool
1
Spa or Hot Tub
1

Expires
12/31/2019

Kim Malsam-Rydon

Secretary of Health

License is Not Transferable - Post in the Establishment

STATE DEPARTMENT OF HEALTH
HEALTH SYSTEMS DEVELOPMENT & REGULATION
600 EAST CAPITOL AVENUE
PIERRE, SOUTH DAKOTA 57501-2536

RETURN SERVICE REQUESTED

RUSHMORE SHADOWS
RESORT HOTEL :
23645 CLUBHOUSE DR
RAPID CITY, SD 57702



**SOUTH DAKOTA
DEPARTMENT OF HEALTH
CAMPGROUND LICENSE**



**SOUTH DAKOTA
DEPARTMENT OF HEALTH**

Issued To: MIDWEST OUTDOOR RESORT LLC

Located At: RUSHMORE SHADOWS RESORT
CAMPGROUND
23680 BUSTED FIVE COURT
RAPID CITY, SD 57702

License Type
Campground License

License Number
9912
Number of Sites
200
Swimming Pool
0
Spa or Hot Tub
0

Expires
12/31/2019

Kim Malsam-Ryndon

Secretary of Health

License is Not Transferable - Post in the Establishment

STATE DEPARTMENT OF HEALTH
HEALTH SYSTEMS DEVELOPMENT & REGULATION
600 EAST CAPITOL AVENUE
PIERRE, SOUTH DAKOTA 57501-2536

RETURN SERVICE REQUESTED

RUSHMORE SHADOWS
RESORT CAMPGROUND
23645 CLUBHOUSE DR
RAPID CITY, SD 57702



**SOUTH DAKOTA
DEPARTMENT OF HEALTH
FOOD SERVICE LICENSE**



Issued To: MIDWEST OUTDOOR RESORTS LLC

License Type
Convenience Store License

Located At: RUSHMORE SHADOWS RESORT
23691 BUSTED FIVE COURT
RAPID CITY, SD 57702

License Number
18784
Seating Capacity
0

Jocelyn Jones	12867534	10-07-2020
Certified Food Service, Manager/Employee	Certificate Number	Expiration Date

Expires
12/31/2019

Kim Malsam-Rydon
Secretary of Health

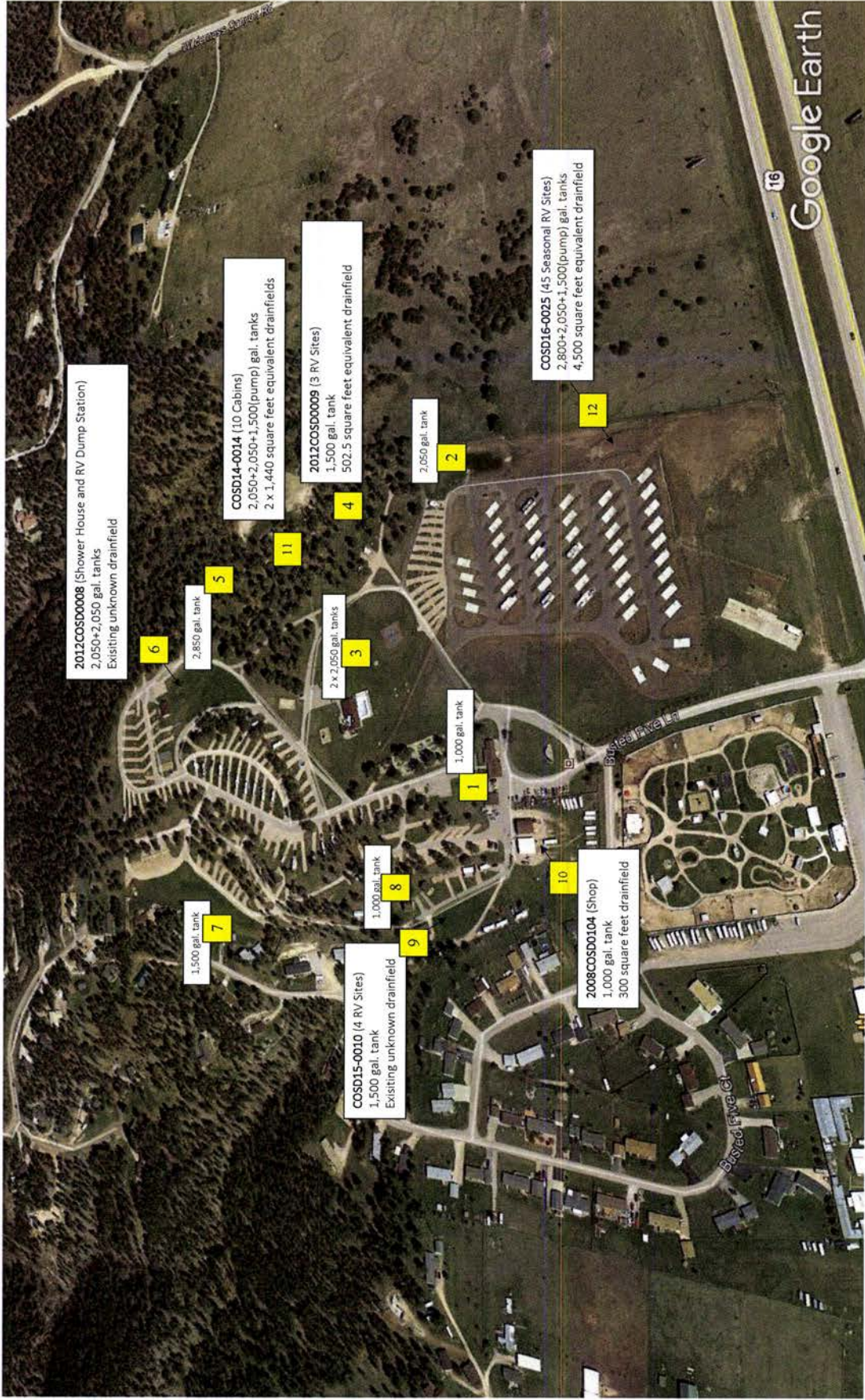
License is Not Transferable - Post in the Establishment

STATE DEPARTMENT OF HEALTH
HEALTH SYSTEMS DEVELOPMENT & REGULATION
600 EAST CAPITOL AVENUE
PIERRE, SOUTH DAKOTA 57501-2536

RETURN SERVICE REQUESTED

RUSHMORE SHADOWS
RESORT
23645 CLUBHOUSE DR
RAPID CITY, SD 57702

Rushmore Shadows (11-14-2017)



STAFF REPORT

GENERAL INFORMATION:

REQUEST: **CONDITIONAL USE PERMIT REVIEW/ CU 16-15:** To review a Recreational Vehicle to be used as a temporary residence while building a single-family residence on the subject property in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

APPLICANT/ OWNER: Tom and Lynne Distler

APPLICANT ADDRESS: 13849 Neck Yoke Rd, Rapid City, SD 57702

LEGAL DESCRIPTION: Lot 1 of Tract A, Bonnita Subdivision, Section 21, T1S, R7E, BHM, Pennington County, South Dakota.

SITE LOCATION: 13849 Neck Yoke Road; approximately 0.2 miles east of the intersection of Neck Yoke Road and Kieffer Ranch Road.

SIZE: 10.09 acres

TAX ID: 57591

EXISTING LAND USE: Vacant

ZONING REFERENCE: Sections 206 and 510

CURRENT ZONING: Limited Agriculture District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Trees/ Sloping

UTILITIES: Private

REPORT BY: Brittney Molitor

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending approval of the extension of Conditional Use Permit / CU 16-15 with nine (9) conditions.

II. GENERAL DESCRIPTION

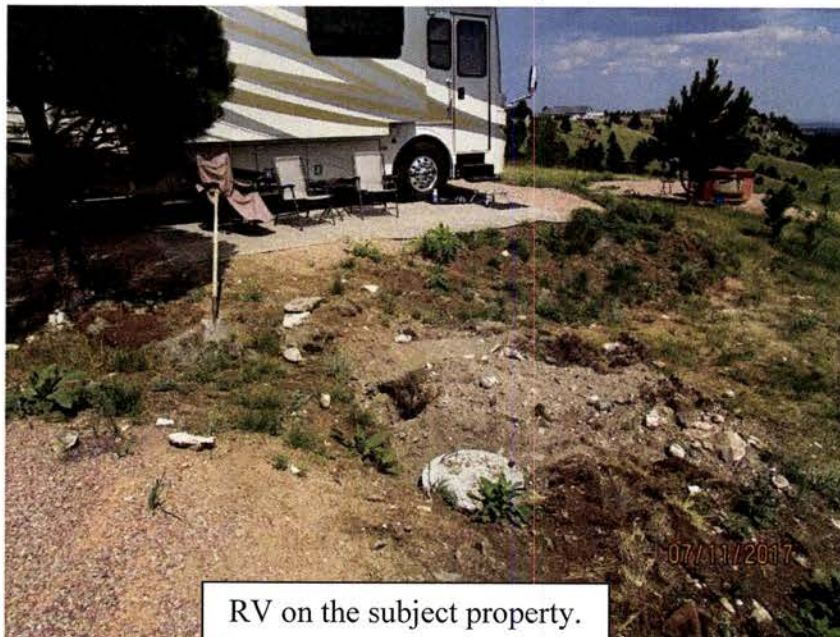
- A. On June 13, 2016, the Planning Commission approved a Conditional Use Permit to allow a Recreational Vehicle (RV) to be used as a temporary residence while building a single-family residence with nine (9) conditions.
- B. July 24, 2017 – Planning Commission approved the extension of Conditional Use Permit / CU 16-15 to allow a Recreational Vehicle (RV) to be used as a temporary residence while building a single-family residence with the following ten (10) conditions:
1. That the address for the residence (13849 Neck Yoke Road) be posted at the driveway so that it is visible from both directions of travel on Neck Yoke Road in accordance with Pennington County's Ordinance #20;
 2. That the On-Site Wastewater Treatment System be installed prior to the Recreational Vehicle (RV) being used as a temporary residence, and the RV must be hooked into the newly installed On-Site Wastewater Treatment System until the single-family residence is habitable;
 3. That the minimum setback requirements of a Limited Agriculture District be continually maintained on the property;
 4. That the subject property remains free of debris and junk vehicles;
 5. 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;
 6. That the RV no longer be used as a temporary residence once the new single-family residence is habitable, following which it may only be allowed to be stored on the property;
 7. That should a second RV be used as a temporary residence, the applicant must apply for an additional Conditional Use Permit to allow multiple RVs as living quarters in Suburban Residential District;
 8. That the applicant notify the Planning Department when the new residence is habitable, so that this Conditional Use Permit may be automatically revoked;
 9. That the applicant signs the Statement of Understanding within ten (10) business days of approval, which is available at the Planning Department; and,
 10. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as deemed necessary by the Planning Commission or County Board of Commissioners to verify that all Conditions of Approval are being met.

III. EXISTING CONDITIONS

- A. Zoned Limited Agriculture District (minimum lot size is 10 acres).
- B. 10.09 acres.
- C. Detached garage (COBP16-0235).
- D. Soil profile hole and percolation tests have been completed on the subject property.
- E. An On-Site Wastewater Construction Permit (COSD16-0031), and Building Permit for the new residence (COBP16-0194) have been approved.

IV. ANALYSIS

- A. Staff preformed a site visit on June 16, 2017, to the subject property. At the site visit, staff discovered two Recreational Vehicle septic hookup sites constructed.
- B. June 29, 2017 – Applicant submitted the proposed septic plans for the dual RV sites with an approval letter from the Department of Environment and Natural Resources (DENR) allowing for the use of a holding tank for the RV sites. At that time staff informed the applicant that multiple RVs were not a condition of Conditional Use Permit / CU 16-15, and, that should the applicant use the RV sites as such, an additional Conditional Use Permit will be required. The applicant stated that he will not be using the two sites for RV hookups. The applicant further noted that he will be only storing his RV at the property.
- C. July 11, 2017 – The County Environmental Planner inspected the installation of the holding tank for the RV sites and approved the installation. At that time the RV had been moved onto the subject property.



- D. July 16, 2018 – Staff spoke with the applicant via phone to check the status of construction on the subject property. Mr. Distler stated that he was still in

the final stages of construction for the residence on the subject property and would like to have the Conditional Use Permit extended into the fall.

- E. July 17, 2018 – Staff performed a site visit and confirmed that construction of the single-family residence was being finalized.
 - 1. Plumbing and electric installation had been completed, and the applicant was waiting for the HVAC system to be finished before drywall could be hung.



Interior of residence. 07/17/2018

- F. Because construction on the residence was nearing completion, Staff recommended to continue the review of Conditional Use Permit / CU 16-15 to allow time for the applicant to finish the residence.

V. UPDATE FOR FEBRUARY 11, 2019

- A. February 6, 2019 - Staff contacted the applicant.
 - 1. The applicant indicated that there is about a month of work that needs to be completed (kitchen) and they will be working on it in May/June of 2019 and will still need to live in the RV while completing the work.

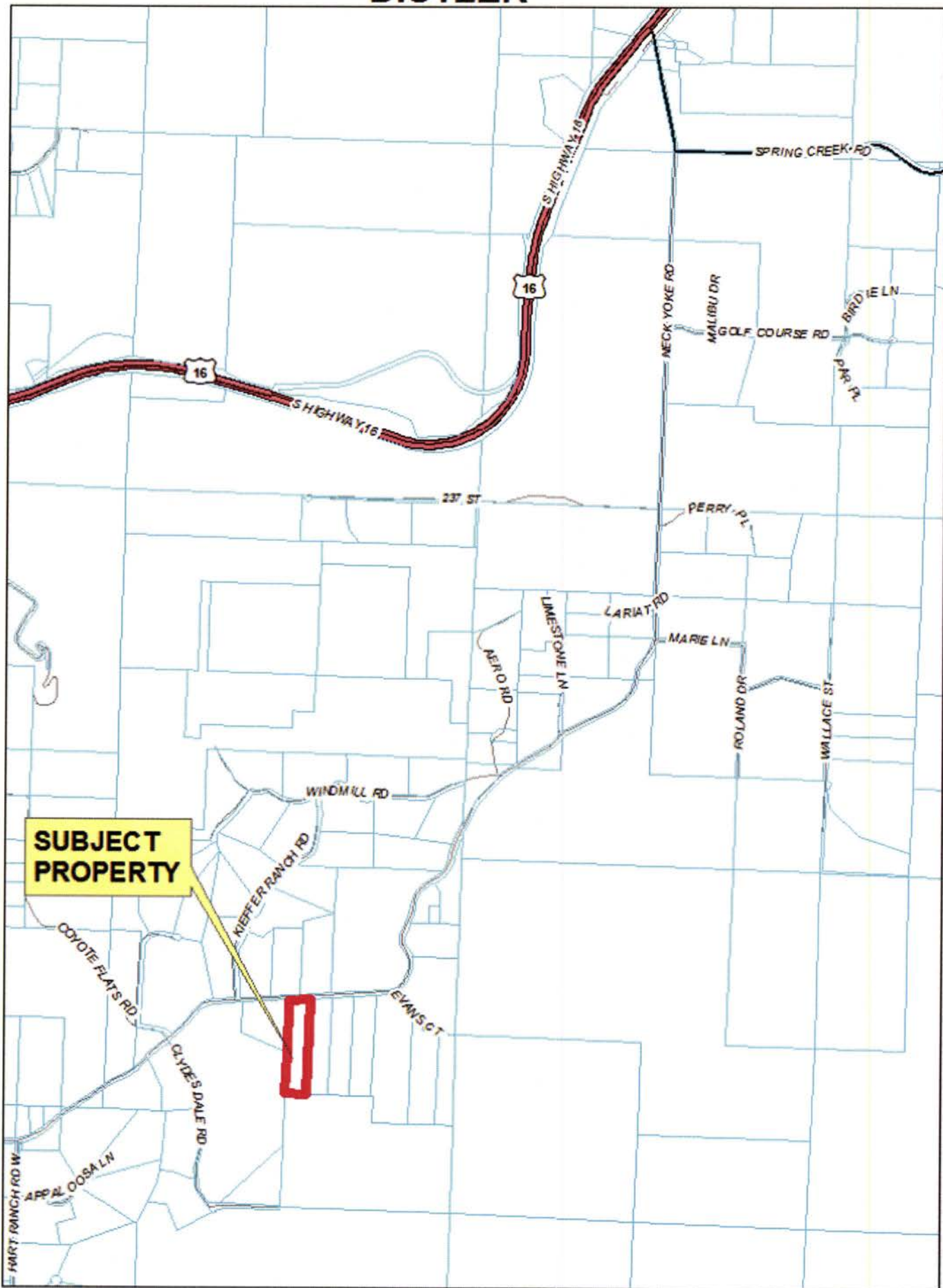
RECOMMENDATION: Staff recommends approval of the extension of Conditional Use Permit / CU 16-15 with the following nine (9) conditions:

- 1. That the address for the residence (13849 Neck Yoke Road) be posted at the driveway so that it is visible from both directions of travel on Neck Yoke Road in accordance with Pennington County's Ordinance #20;
- 2. That the On-Site Wastewater Treatment System be installed prior to the Recreational Vehicle (RV) being used as a temporary residence, and the RV must be hooked into the newly installed On-Site Wastewater Treatment System until the single-family residence is habitable;

Agenda Item #6
Tom and Lynne Distler
February 11, 2019

3. That the minimum setback requirements of a Limited Agriculture District be continually maintained on the property;
4. That the subject property remains free of debris and junk vehicles;
5. 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;
6. That the RV no longer be used as a temporary residence once the new single-family residence is habitable, following which it may only be allowed to be stored on the property;
7. That should a second RV be used as a temporary residence, the applicant must apply for an additional Conditional Use Permit to allow multiple RVs as living quarters in Suburban Residential District;
8. That the applicant notify the Planning Department when the new residence is habitable, so that this Conditional Use Permit may be automatically revoked; and
9. That this Conditional Use Permit be reviewed in six (6) months, on a complaint basis, or as deemed necessary by the Planning Commission or County Board of Commissioners to verify that all Conditions of Approval are being met.

DISTLER



**SUBJECT
PROPERTY**

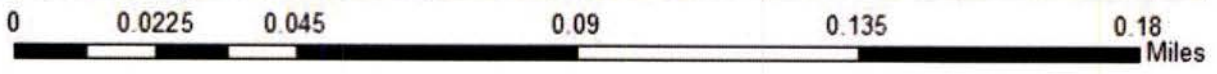


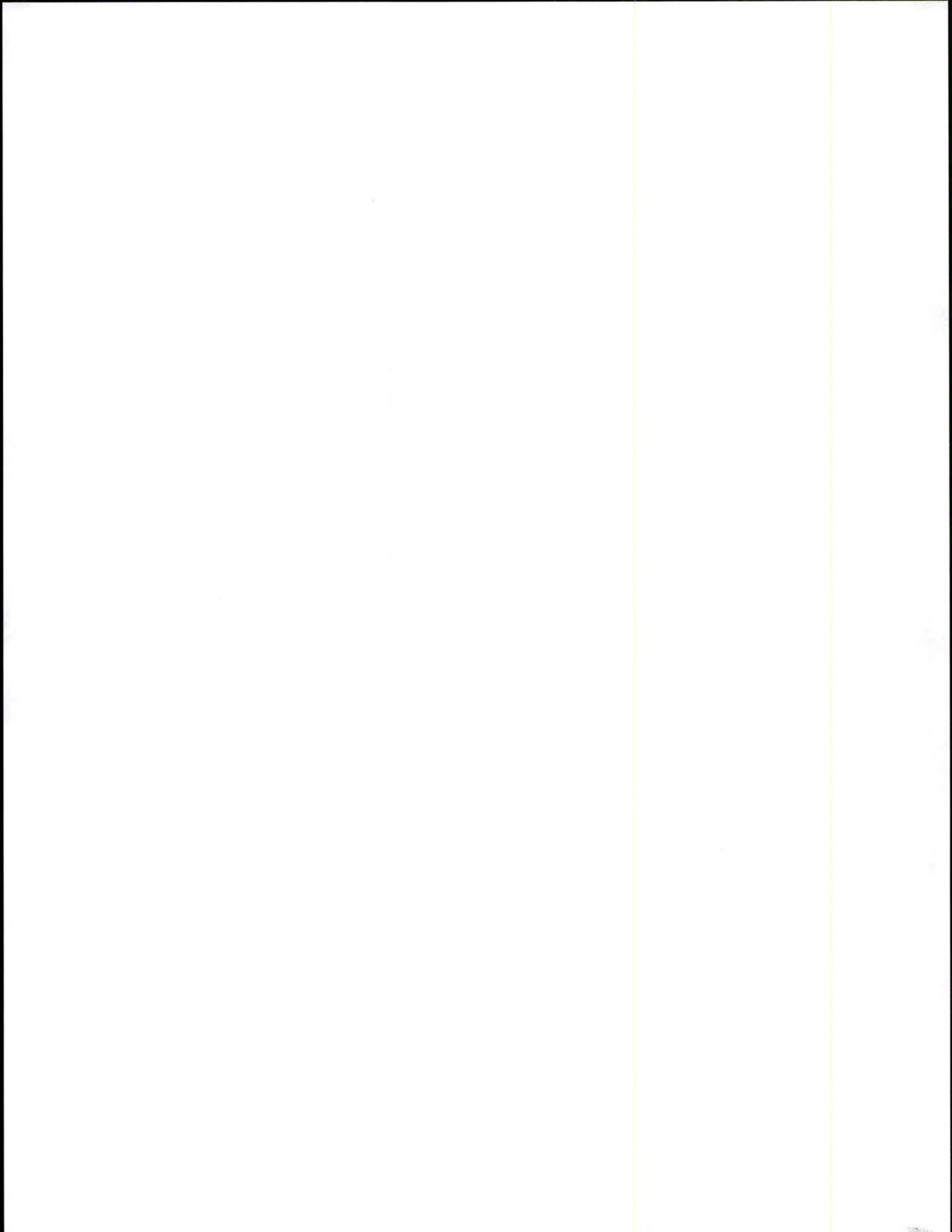
DISTLER

TECKYOKE RD

**SUBJECT
PROPERTY**

Rapid City-Pennington County GIS Division





STAFF REPORT

GENERAL INFORMATION:

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

APPLICANT: Daniel Johnson, Highmark Properties, LLC

APPLICANT ADDRESS: 136 Heritage Drive, Yankton, SD 57078

LOCAL CONTACT: Jeannie Marr

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

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

SIZE: 1.77 acres

TAX ID: 4410

EXISTING LAND USE: Residential

ZONING REFERENCE: §§ 205 and 510

CURRENT ZONING: General Agriculture District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Forested / Hills

UTILITIES: Private

REPORT BY: Brittney Molitor

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending to continue the review of Conditional Use Permit / CU 17-30 indefinitely until such time the applicant can receive approval from the United States Forest Service for access across NFS lands with one (1) condition.

II. GENERAL DESCRIPTION

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

III. EXISTING CONDITIONS

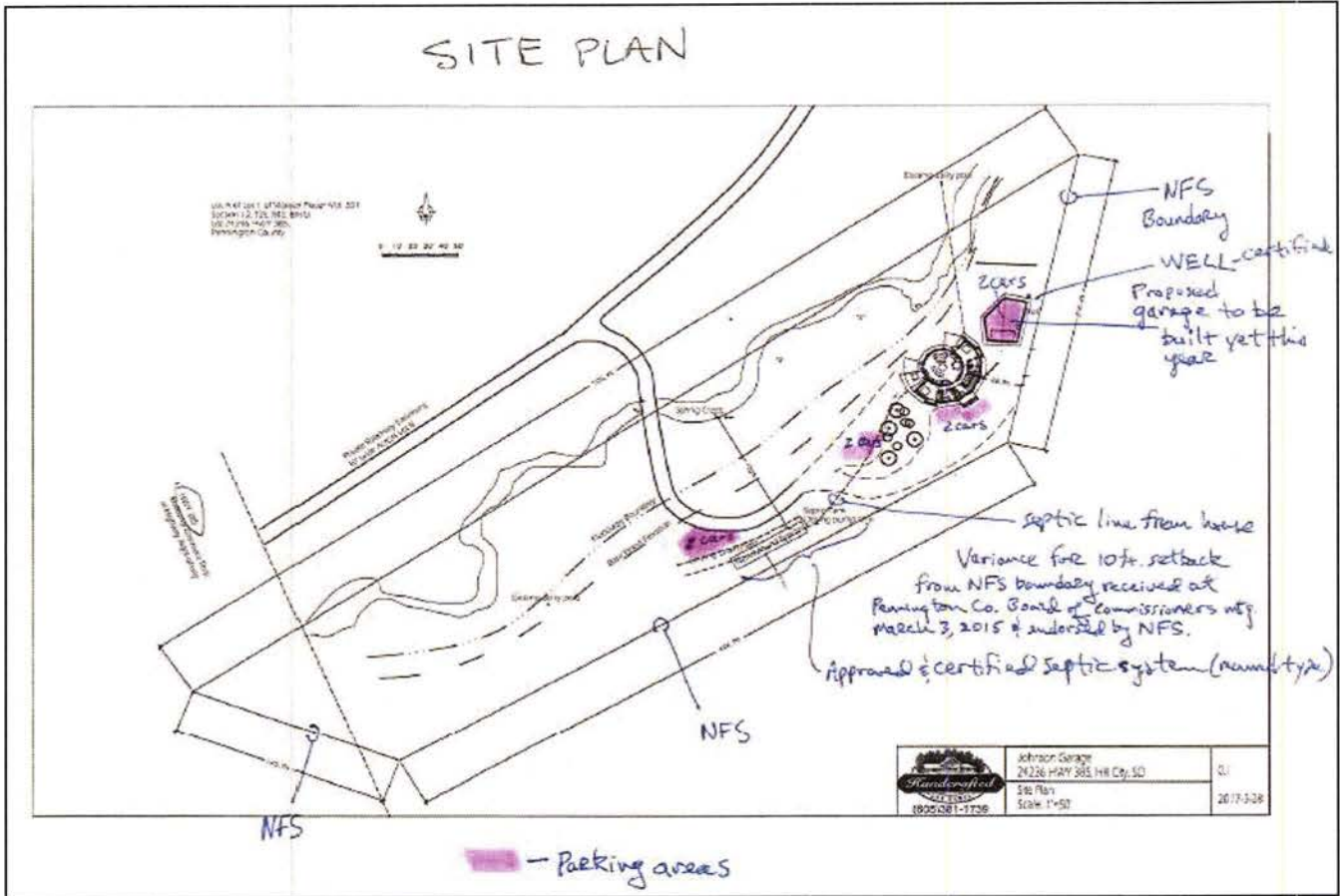
- A. 1.77 acres.
- B. General Agriculture District.
- C. Access:
 - 1. Legal access to the property is off a ten (10) foot Private Roadway Easement which runs along the length of Lot B and Lot C.
 - 2. The applicant has legal access into the subject property (Lot A), off the above-mentioned Private Roadway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



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

Agenda Item #7

Daniel Johnson, Highmark Properties, LLC; Charles Johnson – Agent
February 11, 2019



Site Plan

IV. PROPERTY HISTORY

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

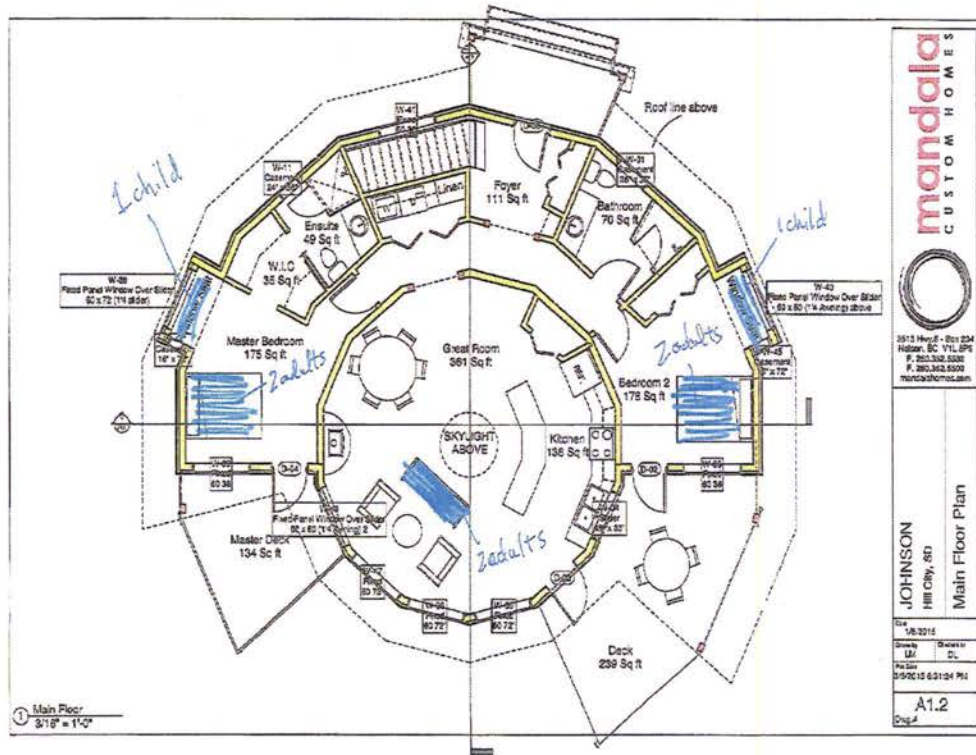
Agenda Item #7

Daniel Johnson, Highmark Properties, LLC; Charles Johnson – Agent
February 11, 2019

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

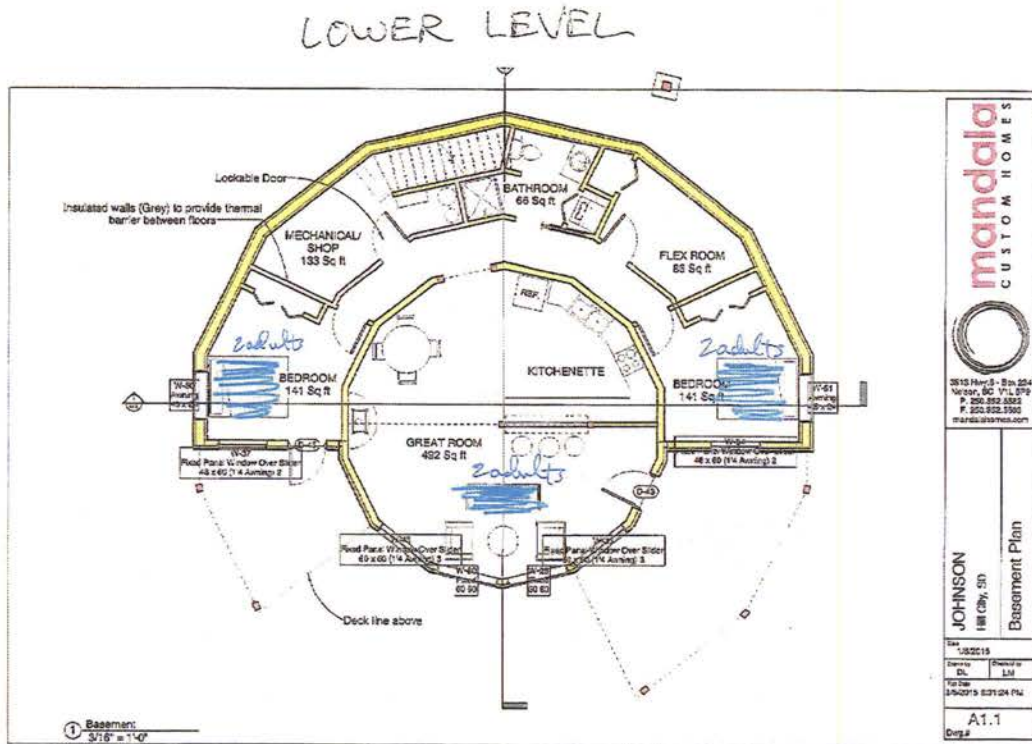
- a. On the Site Plan, the applicant has indicated six (6) adults on the lower level and six (6) adults and two (2) children on the main floor.
 - b. This is over the allowable maximum of eight (8) approved by SD DENR for *both units*.
4. During the site visit, Staff observed two “dwelling units”. The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

MAIN FLOOR



Agenda Item #7

Daniel Johnson, Highmark Properties, LLC; Charles Johnson – Agent
February 11, 2019

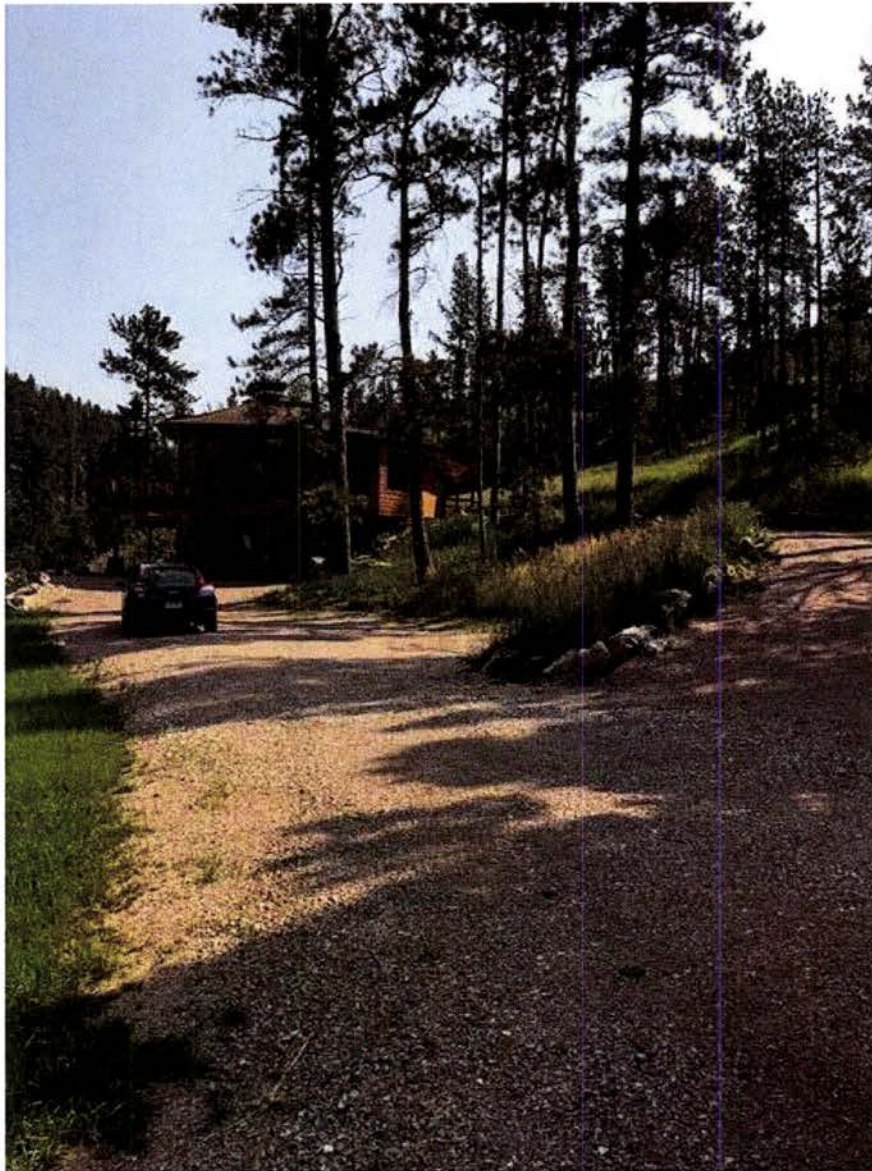


- D. August 14, 2017 – Applicant submitted a Conditional Use Permit application for a multi-family dwelling.
- E. October 23, 2017 – The Pennington County Planning Commission approved Conditional Use Permit / CU 17-38 to allow for a multi-family dwelling on the subject property with the following nine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

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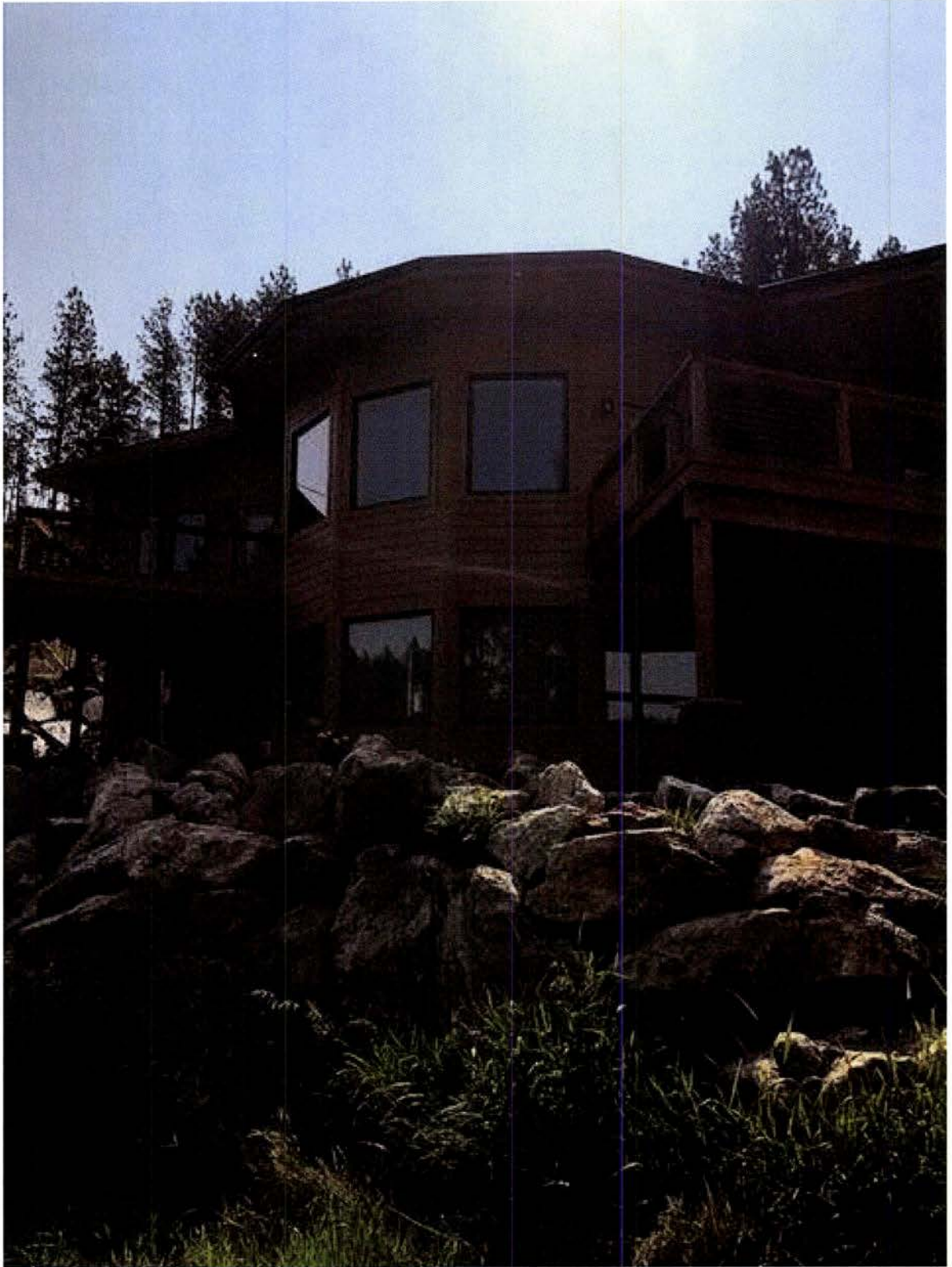
Daniel Johnson, Highmark Properties, LLC; Charles Johnson – Agent
February 11, 2019

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



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

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Daniel Johnson, Highmark Properties, LLC; Charles Johnson – Agent
February 11, 2019



Outside of multi-family dwelling unit.

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Daniel Johnson, Highmark Properties, LLC; Charles Johnson – Agent
February 11, 2019

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

Agenda Item #7

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

February 11, 2019

7. That the applicant continually maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;
8. That a minimum of four (4) off-street parking spaces continue to be provided on-site, per Pennington County Zoning Ordinance Section 310-A-9-gg, with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
9. That an interior informational sign continue to be posted in accordance with the requirements of Pennington County Zoning Ordinance Section 319-G, with 9-1-1 and (605) 394-4139 listed as contacts for Fire Department and Sheriff's Department, during operation of the Vacation Home Rental. The interior informational sign must also contain a color map illustrating the Special Flood Hazard Area, as determined by FEMA;
10. That the lot address be posted for each unit on the multi-family residence at all times, at the split in the driveway, and so that it is clearly visible from Highway 385, in accordance with Pennington County's Ordinance #20;
11. That the applicant ensure the Vacation Home Rental is continually operated in accordance with the requirements of Pennington County Zoning Ordinance Section 319-F (Performance Standards) at all times;
12. That if the person designated as the Local Contact is ever changed from Charles Johnson, the interior informational sign be updated and the applicant re-notify the Planning Department and surrounding landowners within 500 feet via notices, provided by the Planning Department, sent by First Class Mail;
13. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
14. That an approved Sign Permit be obtained prior to the placement of any on premise sign(s);
15. That an approved Floodplain Development Permit be obtained prior to any disturbance within the boundaries of either the Floodway or Special Flood Hazard Area located on the subject property;
16. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;

Agenda Item #7

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

February 11, 2019

17. That the applicant signs the Statement of Understanding at the Planning Office within ten (10) business days of approval of Conditional Use Permit / CU 17-30; and,
 18. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.
- K. On September 24, 2018, the applicant submitted another request for a Vacation Home Rental for the other dwelling unit in the structure (CU 18-38).
1. On October 2, 2018, Staff received comments from the United States Forest Service (USFS) on that request (CU 18-38) stating that there is no FLPMA Private Road Easement in place across National Forest System lands and, therefore, does not have legal access to the subject property.
 - a. The agreement expired December 31, 2017.
 2. The applicant has been working with the United States Forest Service to obtain access to the subject property.
- L. On January 7, 2019, Staff contacted the applicant regarding the status of the FLPMA Private Road Easement. And the following was communicated:
1. “They have all the information from me that they requested and I have paid the 2019 fees but the final approval is pending their processing.”

V. UPDATE FOR FEBRAURY 11, 2019

- A. Due to the government shutdown and the uncertainty of the process time of the FLPMA Private Road Easement, Staff will be recommending to continue this request indefinitely until such time the Easement request can be processed.
- B. The applicant did pay a \$100 continuation fee as required in § 511(X) of the Pennington County Zoning Ordinance.
- C. February 5, 2019 – Staff spoke to the USFS regarding the FLPMA Private Road Easement. Staff from the USFS indicated that the approval will not happen before early 2020.
 1. The applicant does not have legal access to this property and can no longer operate a Vacation Home Rental at this location.
 2. A letter from Staff will be sent to the owner and local contact indicating that the Vacation Home Rental cannot be operated at this time.

Agenda Item #7

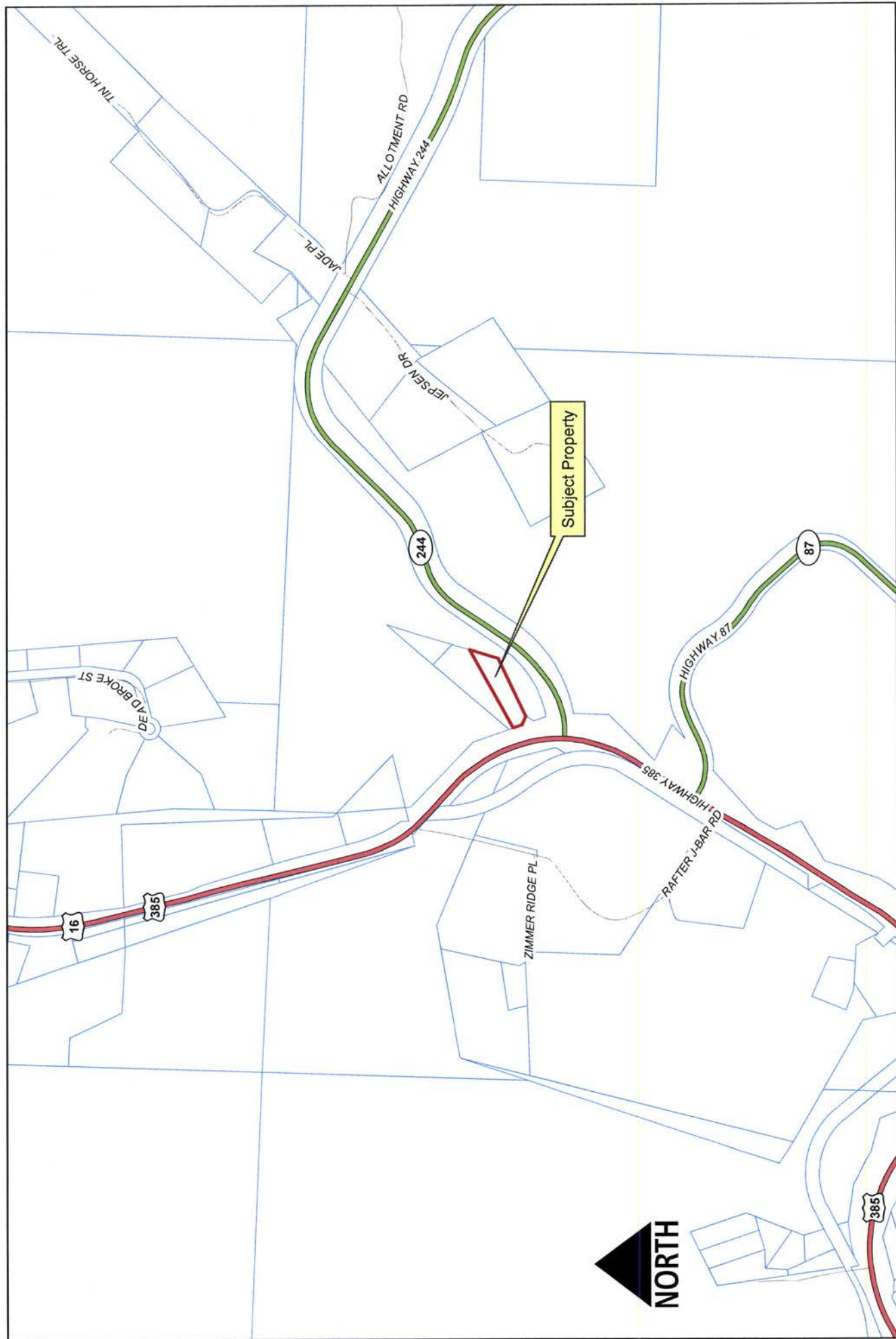
Daniel Johnson, Highmark Properties, LLC; Charles Johnson – Agent

February 11, 2019

RECOMMENDATION: Staff is recommending to continue the review of Conditional Use Permit / CU 17-30 indefinitely until such time the applicant can receive approval from the United States Forest Service for access across NFS lands with the following one (1) condition:

1. That the Vacation Home Rental is not operated/rented until such time legal access is obtained from the United States Forest Service through an approved FLMPA Private Road Easement.

Johnson



STAFF REPORT

GENERAL INFORMATION:

REQUEST:

CONDITIONAL USE PERMIT REVIEW / CU 17-49: To review two accessory structures prior to a principal structure on the subject property in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

APPLICANT:

Carol Marso

NEW OWNERS:

Don and Debra Williamson

NEW OWNER'S ADDRESS:

23489 Mystic Road, Hill City, SD 57745

LEGAL DESCRIPTION:

Lot 2, Redfern Valley Subdivision, Section 33, T1N, R4E, BHM, Pennington County, South Dakota.

SITE LOCATION:

North of the intersection of Deerfield Road and Mystic Road.

SIZE:

6.66 acres

TAX ID:

68605

EXISTING LAND USE:

Sheds

ZONING REFERENCE:

§ 207 and 510

CURRENT ZONING:

Low Density Residential District

SURROUNDING ZONING:

North

Low Density Residential District

South

General Agriculture District

Low Density Residential District

East

General Agriculture District

West

General Agriculture District

PHYSICAL CHARACTERISTICS: Forested / Hills

UTILITIES:

None

REPORT BY: Cassie Bolstad

I. PROPOSED RECOMMENDATION

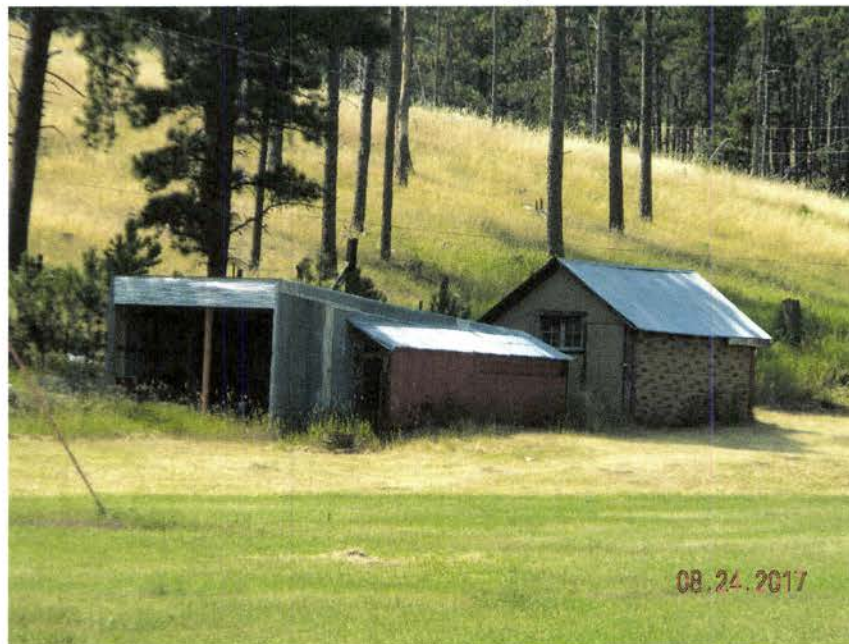
- A. Staff will be recommending approval of the extension of Conditional Use Permit / CU 17-49 with six (6) conditions.

II. GENERAL DESCRIPTION

- A. In 2017, the applicant, Carol Marso, requested a Conditional Use Permit to allow two (2) existing sheds to remain on a lot without a principle structure.

III. EXISTING CONDITIONS

- A. 6.66 acres.
B. Zoned Low Density Residential District, minimum three (3) acre lot size.
C. Access off of Mystic Road via an existing approach.
D. Lot contains:
1. 14' x 13' shed – built in 1989, per DOE records.
2. 14' x 12' shed – built in 1936, per DOE records.



Existing Sheds

IV. ANALYSIS

- A. December 5, 2017 – Board of Commissioners approved Minor Plat / PL 17-42 to create Lots 1, 2, and 3 of Redfern Valley Subdivision with the following eleven (11) conditions:
1. That prior to filing the Plat with the Register of Deeds, proposed Lots 1-3 of Redfern Valley Subdivision obtain approved Lot Size Variances or be Rezoned appropriately;

2. That prior to filing the Plat with the Register of Deeds, an Operating Permit be obtained for the existing on-site wastewater treatment system on proposed Lot 1;
 3. That the single-family residence on proposed Lot 1 be assigned an address by the County Addressing Coordinator and the address be posted in accordance with Pennington County's Ordinance #20;
 4. That at the time of new Plat submittal, eight (8) foot minor drainage and utility easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
 5. That upon filing the Plat with the Register of Deeds, the applicant apply for Conditional Use Permits on proposed Lot 2 for accessory structures prior to a principle structure;
 6. That at the time of new Plat submittal, the plat meets all the requirements of Section 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;
 7. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
 8. That address be properly posted on the existing residences and any future residence(s) constructed on the proposed lots and at the approaches so they are visible from Mystic Road, in accordance with Pennington County's Ordinance #20;
 9. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
 10. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of Section 204-J of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit; and,
 11. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Minor Plat / PL 17-42, which is available at the Planning Office.
- B. December 5, 2017 – Board of Commissioners approved the Second Reading of Rezone / RZ 17-09 and Comprehensive Plan Amendment / CA 17-08 to rezone the subject property from General Agriculture District to Low Density Residential District.
- C. February 12, 2018 – Planning Commission approved Conditional Use Permit / CU 17-49 with the following seven (7) conditions:
1. That all lot addresses be posted so they are clearly visible from Mystic Road in accordance with Pennington County Ordinance #20;
 2. 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;

Agenda Item #8
Carol Marso
February 11, 2019

3. That the minimum setback requirements of a Low Density Residential District be continually maintained on the property, or the appropriate Variance(s) be obtained;
 4. That the subject property remains free of debris and junk vehicles;
 5. That the accessory structures be used for personal use only and no commercial-type uses and not for living space;
 6. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 17-49, which is available at the Planning Office; 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 Commission or Board of Commissioners to verify that all Conditions of Approval are being met.
- D. February 26, 2018 – Plat filed with the Register of Deeds creating Lots 1, 2 and 3 of Redfern Valley Subdivision (Plat A201802532).
- E. March 8, 2018 – The subject property was sold to the new owners, Don and Debra Williamson (Deed # 201803144).

RECOMMENDATION: Staff recommends approval of the extension of Conditional Use Permit / CU 17-49 with the following six (6) conditions:

1. That all lot addresses continue to be posted so they are clearly visible from Mystic Road in accordance with Pennington County Ordinance #20;
2. 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;
3. That the minimum setback requirements of a Low Density Residential District be continually maintained on the property, or the appropriate Variance(s) be obtained;
4. That the subject property continually remains free of debris and junk vehicles;
5. That the accessory structures continue to be used for personal use only and no commercial-type uses and not for living space; and,
6. That this Conditional Use Permit be reviewed in three (3) years, 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: 2,363

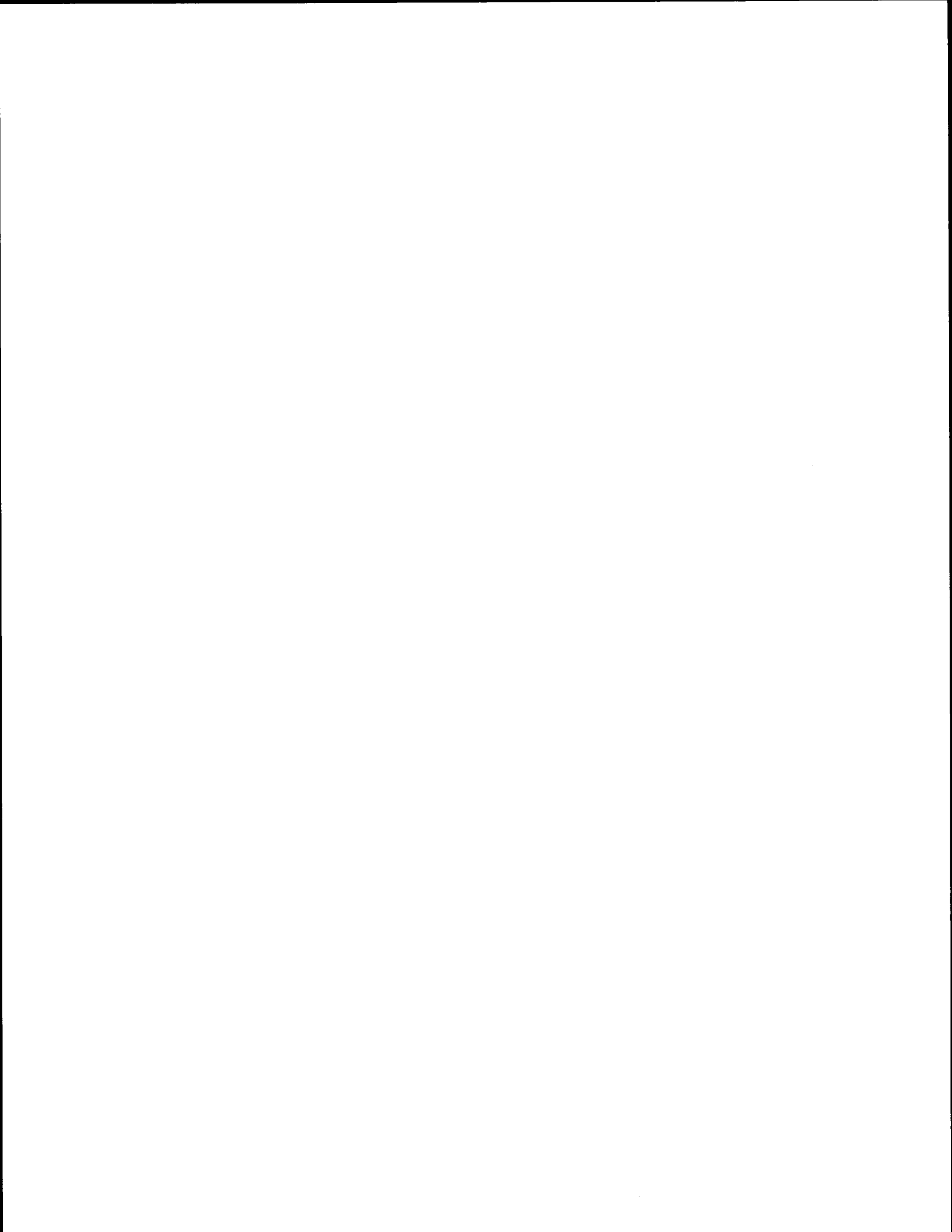
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

393.9 196.93 393.9 Feet
 NAD_1983_2011_StatePlane_South_Dakota_South_FIPS_4002_Ft_US
 © City of Rapid City GIS

Legend

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

Map Notes:



STAFF REPORT

GENERAL INFORMATION:

REQUEST: **CONSTRUCTION PERMIT REVIEW / CP 18-02:** To review the rebuild of an existing 230 kV transmission line. The rebuild will consist of approximately 81 miles of 230 kV transmission line from the south Rapid City area to the Nebraska State Line.

APPLICANT: Black Hills Energy

APPLICANT ADDRESS: P.O. Box 1400, Rapid City, SD 57709

LEGAL DESCRIPTION: Various Sections (secured land easements with private property owners).

SITE LOCATION: South Rapid City area to Custer / Pennington County Line.

SIZE: >10 acres disturbance in Pennington County

TAX ID: Various

EXISTING LAND USE: Vacant

ZONING REFERENCE: Section 507

CURRENT ZONING: Limited Agriculture District
General Agriculture District
Planned Unit Development District

SURROUNDING ZONING:
North General Agriculture District
South General Agriculture District
Planned Unit Development District
East General Agriculture District
West General Agriculture District

PHYSICAL CHARACTERISTICS: Flat / Rolling Prairie / Hills

UTILITIES: Private

REPORT BY: T.J. Doreff

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending approval of the extension of Construction Permit / CP 18-02 with seven (7) conditions.

II. GENERAL DESCRIPTION

- A. The applicant, Black Hills Power, requested a Construction Permit to rebuild an existing 230 kV transmission line. The rebuild consisted of approximately 81 miles of 230 kV transmission line from the South Rapid City area to the Nebraska State Line.
- B. Phase 1 consisted of the portion south of Rapid City to West Hill that was to begin on March 5, 2018 and to be completed by July 27, 2018. Phase 2 consists of the portion from West Hill to the State Line and was scheduled to begin August 13, 2018 and be completed by November 30, 2018.
- C. Access to the Project Area was via existing roads. Construction vehicles and equipment accessed individual transmission structure locations via overland travel or construction temporary access roads.



Project Location (1-5 in Pennington County)

- D. Work areas were established at each structure location to facilitate installation of structures and the safe operation of construction equipment. The size of the work area was driven by the need to lay down the poles and construction materials, install the necessary hardware, and frame the poles to full length. A typical work area was approximately 10,000 square feet (100 feet long by 100 feet wide). Temporary and permanent disturbances occurred within the work areas. Permanent disturbance resulted from auguring holes and installing poles. The area of permanent disturbance associated with each multi-pole wood structure was approximately 9.0 square feet. Construction equipment, worker vehicles and material laydown

resulted in temporary disturbance within each work area. Generally, temporary disturbance included the compaction of soils and crushing of vegetation.

- E. Pulling and tensioning sites, 100 feet wide by 600 feet long, was established approximately every two (2) miles along tangent portions of the transmission line. Construction equipment and worker vehicles caused temporary disturbance in these areas.
- F. Angle and dead-end work areas were established at large angle structures (>45°) and dead-end structures. These areas were approximately 100 feet wide by 400 feet long. Construction equipment and worker vehicles caused temporary disturbance in these areas.
- G. Work areas and laydown yards were kept in an orderly condition throughout the duration of the construction period. All refuse and waste produced during construction was collected and disposed of in a designated disposal site. Refuse and waste included all discarded materials, trash, garbage, packing material, containers, waste petroleum products, broken equipment, used parts, and construction materials.
- H. Diesel fuel, gasoline, oil, lubricants, adhesives, solvent, and sealants were used during the construction of the transmission line. Bulk quantities (less than 1320 gal.) of these materials were stored in designated construction yards/staging areas. Vehicle fueling and maintenance activities occurred in staging areas and approved areas away from drainage channels or sensitive habitats. All construction vehicles were monitored for leaks and receive regular off-site preventive maintenance to reduce the chance of leakage. No oils or fuels were disposed of within the Project area, and no open burning of construction trash was permitted within the area.

III. EXISTING CONDITIONS

- A. The Project area was generally located in south-west South Dakota in Pennington, Custer, and Fall River counties. The Project area was comprised predominantly by private, agricultural lands and grasslands with some Black Hills foot slopes.
- B. Portions of the following water resources were located in the Project area: Spring Creek, Grace Coolidge Creek, French Creek, Beaver Creek, Fall River, Cheyenne River, Horsehead Creek, and numerous small ephemeral or intermittent streams as well as Angostura Reservoir.
- C. Incorporated towns and cities in the Project study area include Rapid City, Hermosa, Fairburn, Buffalo Gap, and Hot Springs.

IV. ANALYSIS

- A. January 25, 2018 – A Construction Permit for this Project was received by Staff via email.

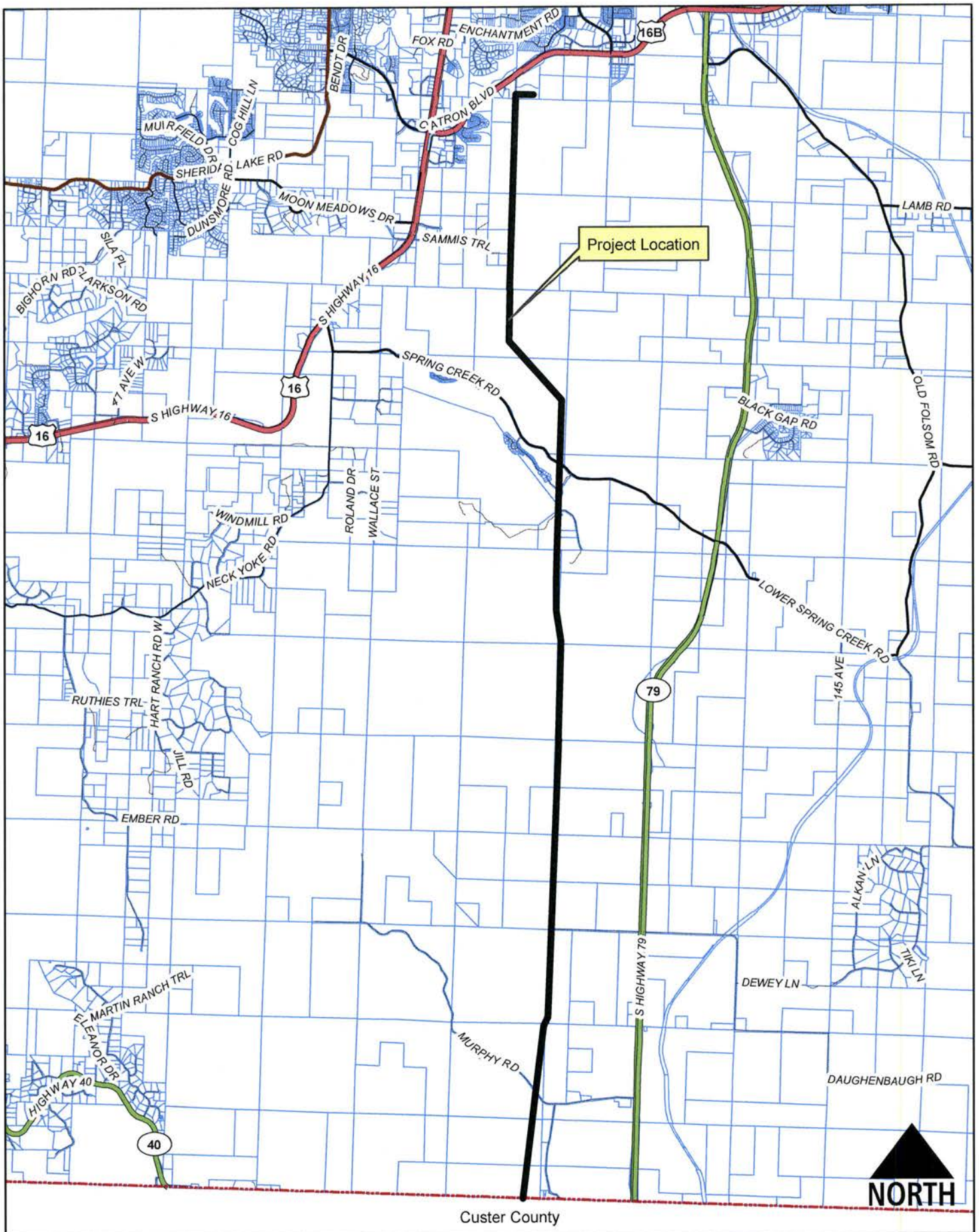
- B. January 25, 2018 – Coverage was granted under the SWD General Permit for Storm Water Discharges Associated with Construction Activities (SDR10I444).
- C. The sequence for construction was generally as follows:
 - 1. Centerline was surveyed and staked;
 - 2. Right of Way cleared of trees (if required);
 - 3. Existing structures and transmission lines were removed;
 - 4. Work areas cleared as necessary;
 - 5. Laydown yards were established and material distributed along the centerline; (No laydown yards in Pennington County)
 - 6. Poles were assembled, holes were excavated and then poles were installed;
 - 7. Conductors and ground wires were strung and tensioned; and,
 - 8. Work areas were cleaned up and restored.
- D. March 6, 2018 – The Pennington County Board of Commissioners approved Construction Permit / CP 18-02 with the following eight (8) conditions:
 - 1. 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;
 - 2. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction and that the requirements, guidelines, and criteria for stormwater and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;
 - 3. 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;
 - 4. That the disturbed areas be re-vegetated as required in §507(A)(5)(c);
 - 5. That the requirements, guidelines, and criteria for stormwater and erosion and sediment control in the Pennington County Stormwater Manual shall be followed;
 - 6. That weed free seed or mulch when re-seeding. Any equipment coming onto site is clean of earthen material and noxious weeds;
 - 7. That the applicant sign a Statement of Understanding within ten (10) days of Permit approval; and,
 - 8. 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.
- E. January 29, 2019 – Staff spoke with the applicant who stated:
 - 1. That construction for the Pennington County Phases was completed.

2. That they would like to request a one (1) year extension to complete all stabilization and remediation in the Pennington County portion.
- F. January 30, 2019 – Staff performed a site visit and found the following:
1. Utility poles and transmission lines were installed.
 2. Final stabilization and re-vegetation needed to take place.
 - a. Seeding was not established.

RECOMMENDATION: Staff recommends approval of the extension of Construction Permit / CP 18-02 with the following seven (7) conditions:

1. 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;
2. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction and that the requirements, guidelines, and criteria for stormwater and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;
3. 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;
4. That the disturbed areas be re-vegetated as required in §507(A)(5)(c);
5. That the requirements, guidelines, and criteria for stormwater and erosion and sediment control in the Pennington County Stormwater Manual shall be followed;
6. That weed free seed or mulch when re-seeding. Any equipment coming onto site is clean of earthen material and noxious weeds; and,
7. 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.

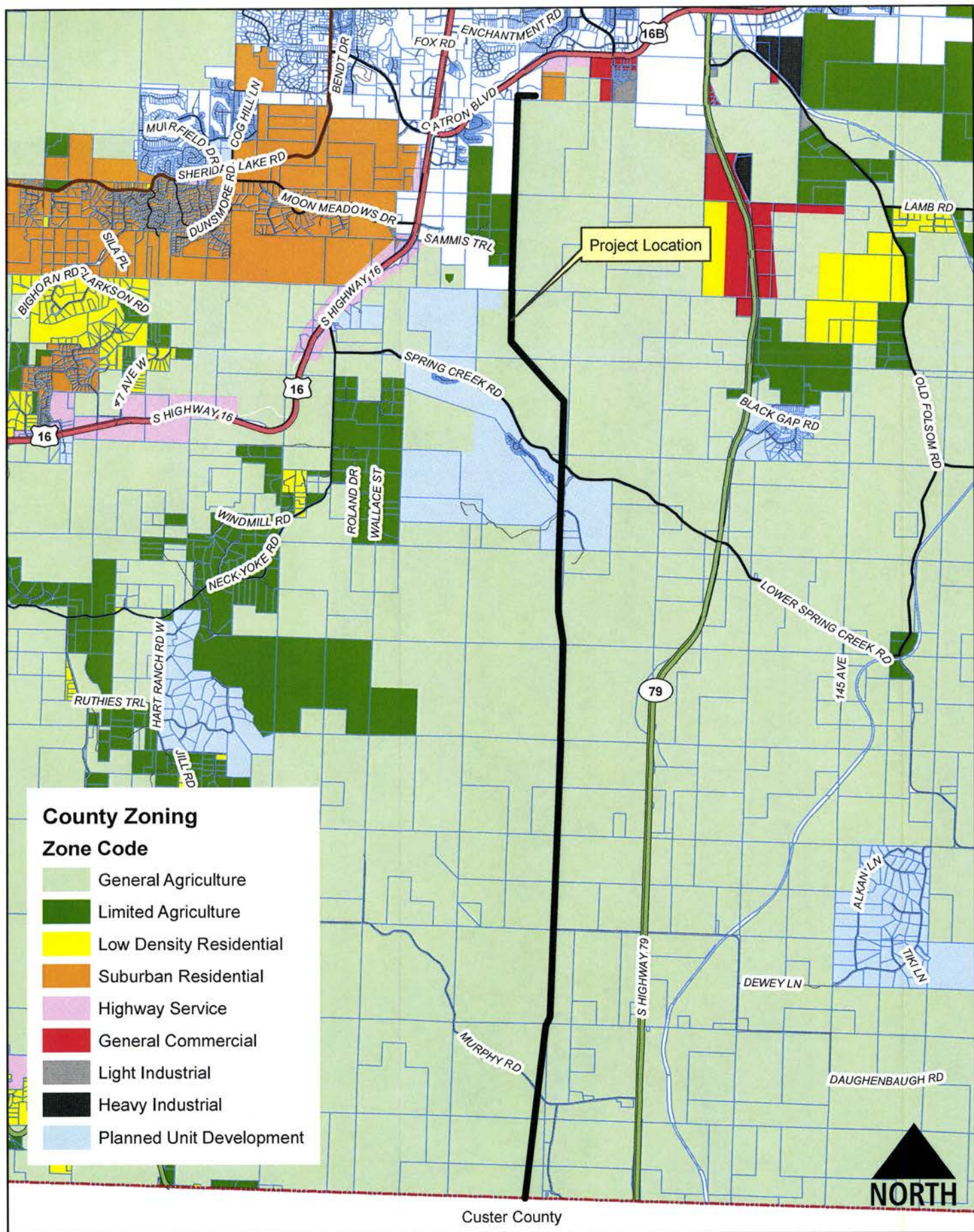
Black Hills Energy



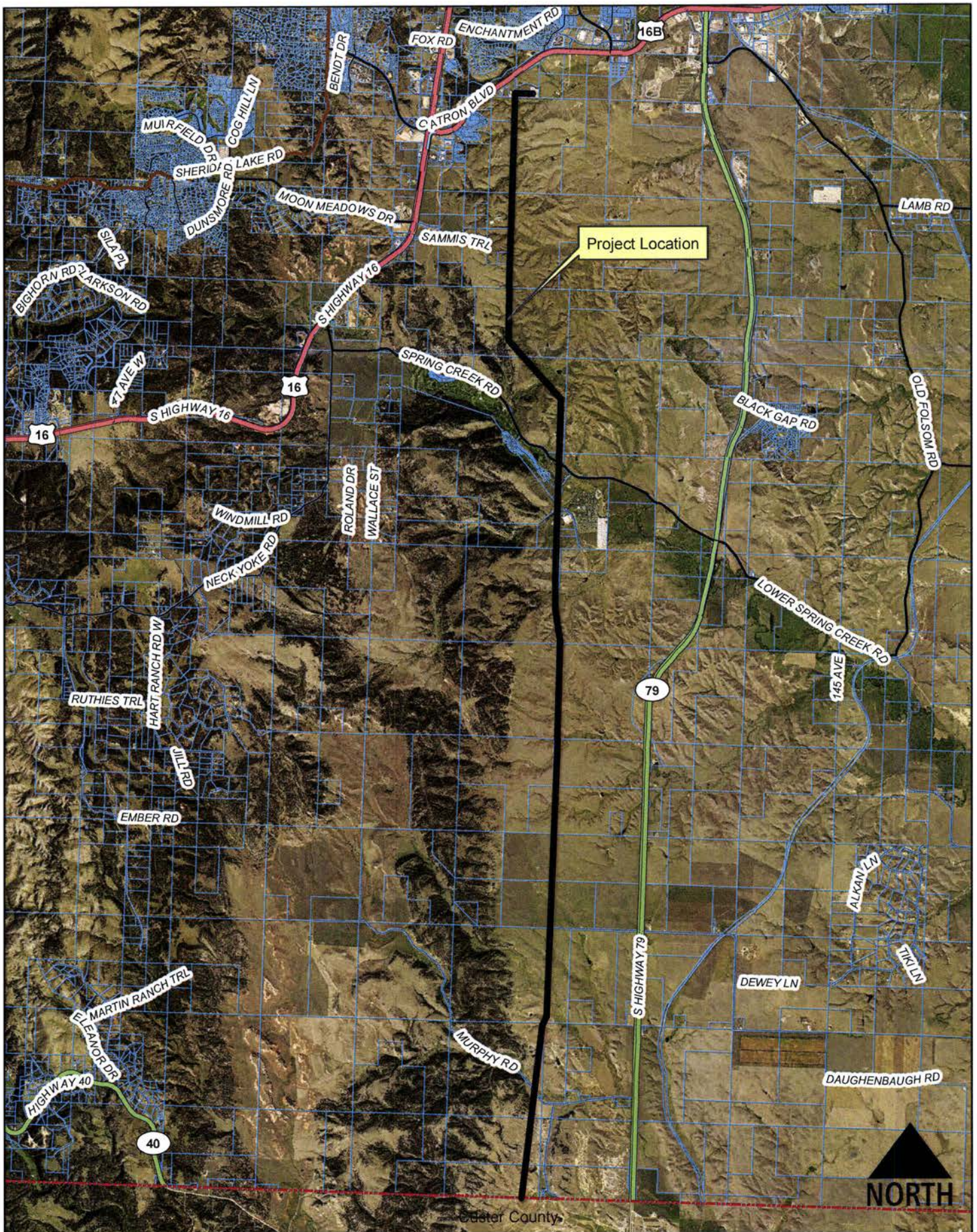
Custer County



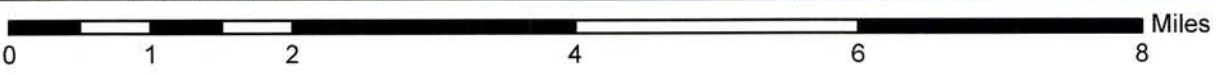
Black Hills Energy

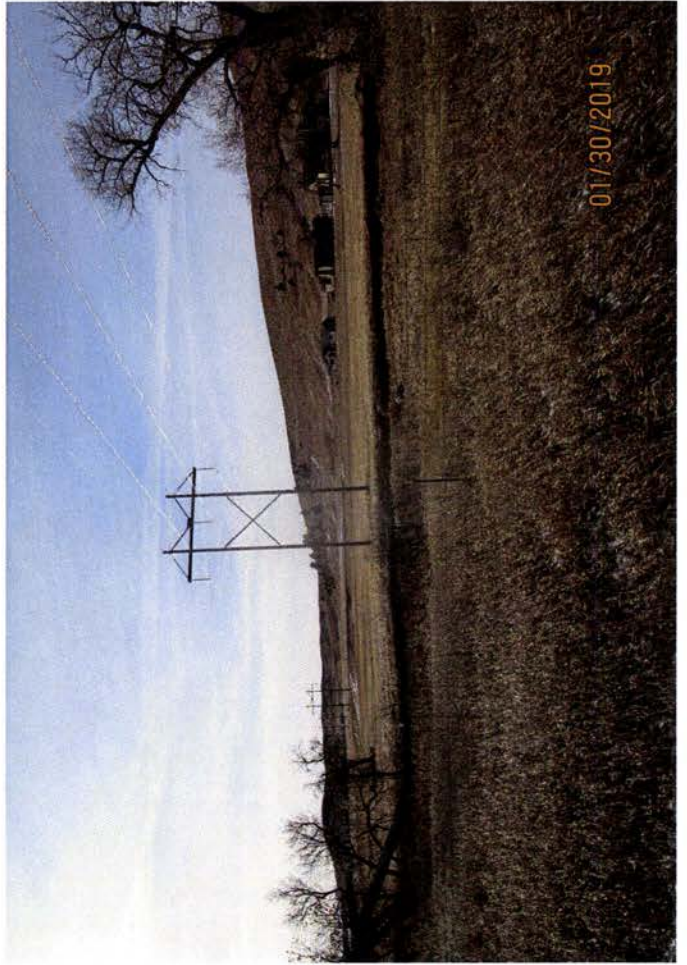
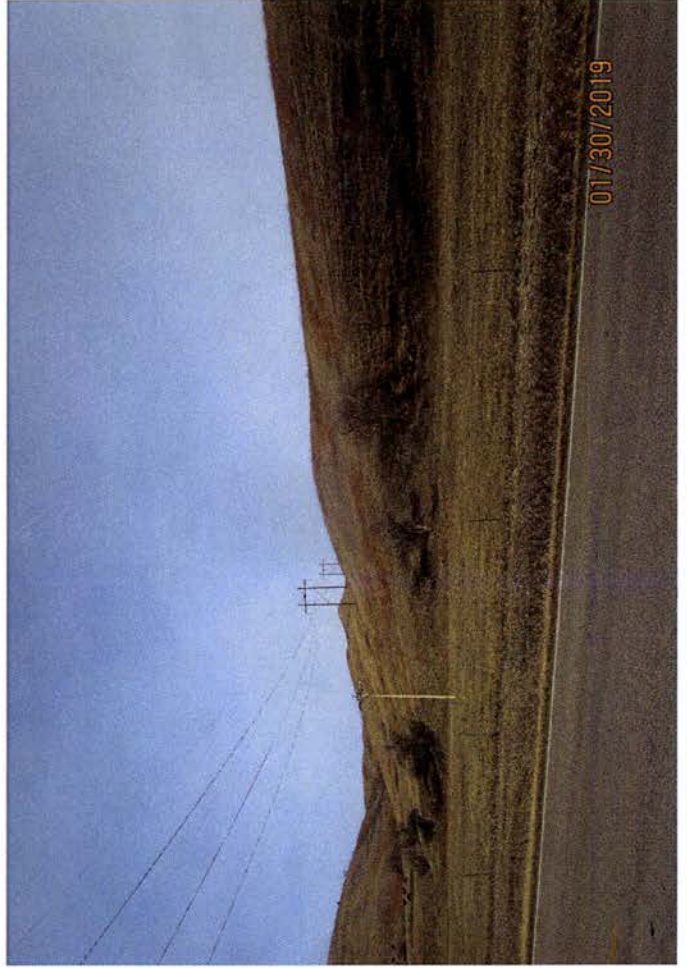


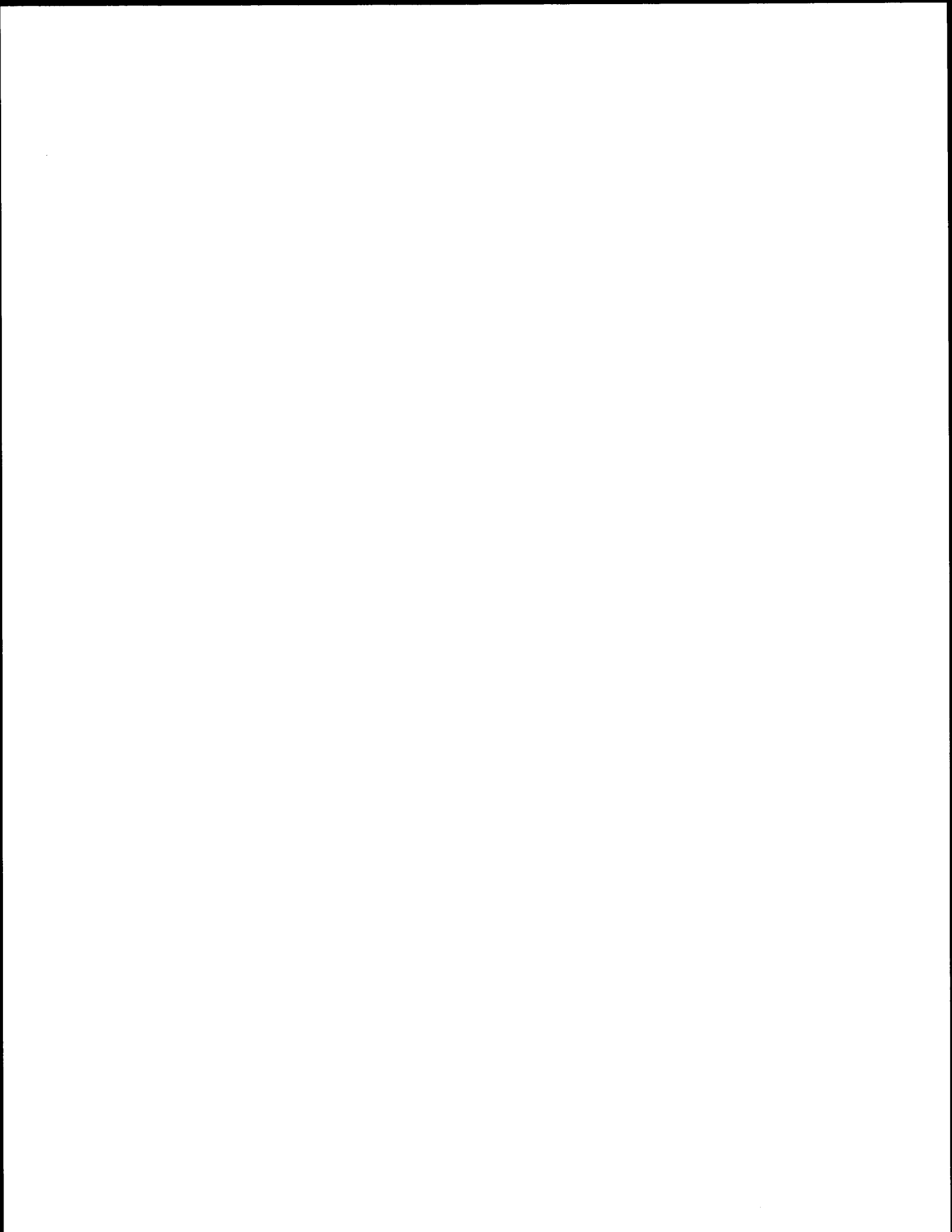
Black Hills Energy



Custer County







STAFF REPORT

GENERAL INFORMATION:

REQUEST: **CONSTRUCTION PERMIT / CP 19-01:** To install public and private utilities to include water, sanitary sewer, storm sewer, common utility trench (power, communication, and gas). Also includes installation of concrete curb, gutter, and sidewalk; to also include asphalt pavement.

APPLICANT/CONTRACTOR: Site Work Specialists

APPLICANT ADDRESS: P.O. Box 7504, Rapid City, SD 57709

LANDOWNER: Davis Engineering

OWNER ADDRESS: 1060 Kings Road, Rapid City, SD 57702

LANDOWNER: Murphy Brothers Partnership, LLC

OWNER ADDRESS: 5666 E. Highway 44, Rapid City, SD 57703

LEGAL DESCRIPTION: Tract F of NW1/4 less Murphy ftS Subdivision less Murphy Ranch Estates Subdivision and less Right-of-Way, Section 14, T1N, R8E, BHM, Pennington County, South Dakota.

SITE LOCATION: Remington Road and Springfield Road in Murphy Ranch Estates.

SIZE: 6 acres

TAX ID: 65469

EXISTING LAND USE: Residential / Vacant

ZONING REFERENCE: Section 507

CURRENT ZONING: Suburban Residential District

Agenda Item #10
 Site Work Specialists, Inc.
 February 11, 2019

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Flat / Sloping

UTILITIES: None

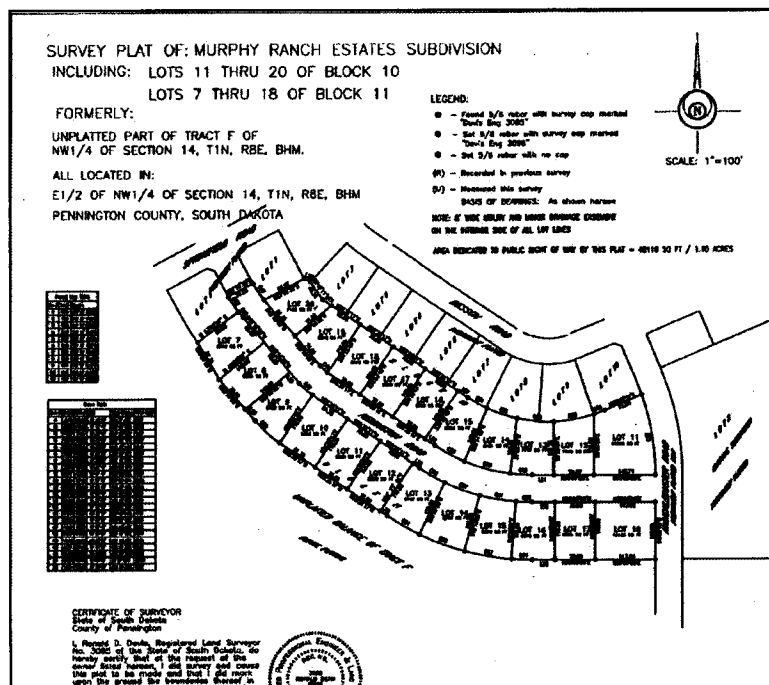
REPORT BY: Cody Sack

I. PROPOSED RECOMMENDATION

A. Staff will be recommending approval of Construction Permit / CP 19-01 with fifteen (15) conditions.

II. GENERAL DESCRIPTION

A. January 22, 2019, the applicant, Site Work Specialists, applied for a Construction Permit to install public and private utilities to include water, sanitary sewer, storm sewer, common utility trench (power, communication, and gas) and includes installation of concrete curb, gutter, and sidewalk; to also include asphalt pavement.



Site Plan (Submitted with application on 1/22/19)

III. EXISTING CONDITIONS

- A. Zoned Suburban Residential District.
- B. Lot size 48.08 acres.
- C. Vacant.
- D. Murphy Ranch Road District.
- E. No Floodplain or Special Hazard Area.

IV. REQUEST FOR COMMENT

- A. County Highway Department.
 - 1. The erosion control must be in place before construction starts and maintained throughout construction until restoration is complete. As-builts need to be furnished to the Murphy Ranch Road Districts instead of Highway Department since they have jurisdiction.
- B. County Fire Administrator.
 - 1. No comments received.
- C. County Environmental 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. That the owner must inspect the site at least once every 7 days or once every 14 calendar days and within 24 hours of precipitation that exceeds 0.25 inches or snowmelt that generates runoff. A properly maintained rain gauge must be kept at the site. 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 drainage areas. If sediment is deposited in drainage areas 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 § 507-A(5)(c) of the PCZO.

- D. County Ordinance Enforcement.
 - 1. A Stop Work Order was issued on January 28, 2019. This Stop Work Order must be lifted by the Planning Director before work can commence again.
- E. County Natural Resource Director.
 - 1. No objections.
- F. RC Community Planning
 - 1. The City has approved a Development Engineering Plan application for Phase 6 of Murphy Ranch which included this property. In addition, the associated construction plans were approved by the Public Works Department on 12/20/18. The City does not object to the issuance of a Construction Permit for this phase of the Murphy Ranch Subdivision.
- G. RC Public Works (1-mile OSWTS).
 - 1. Construction plans for this project were approved by Public Works on December 20, 2018. A preconstruction conference was held on January 7, 2019. The conference agenda included an item discussing Pennington County permits for all work outside of City limits. Public Works does not object to issuance of this permit.
- H. RC Engineering (3-mile Platting).
 - 1. No comments received.
- I. Rapid Valley Sanitary District.
 - 1. No comments received.

V. ANALYSIS

- A. January 22, 2019 – The applicant applied for Construction Permit / CP 19-01.
- B. January 28, 2019 – Staff performed a site visit and found:
 - 1. Construction had already begun without the approval of a Construction Permit.



Site Visit (1/28/19)

- C. January 28, 2019 – Staff contacted the applicant who stated:
 - 1. They did not have a Construction Permit.
 - 2. The workers on the site would be pulled off site and work would stop.
- D. January 28, 2019 – A Stop Work Order was signed by the Planning Director.
 - 1. A violation was opened for dirt work without a Construction Permit (COEV19-0013).
- E. January 29, 2019 – The County Ordinance Enforcement Officer performed a site visit to deliver a Stop Work Order.
 - 1. There was no work activity at the site and the time, therefore, the Ordinance Officer was unable to deliver a Stop Work Order.
- F. January 30, 2019 – The County Ordinance Enforcement Officer performed a site visit and found what appeared to be people getting ready to begin work.
 - 1. Staff delivered a Stop Work Order to the Site Work Specialist office.
 - 2. Staff was contacted by the applicants, who stated that they were just doing work to stabilize the site.
- G. February 1, 2019 – Staff performed a site visit and found:
 - 1. No work was being done.
 - 2. Wattles had been placed on the downslope perimeter of the construction site.
 - 3. A silt fence has yet to be implemented.

4. Piping and other construction materials had been moved onto the site.



Site Visit (2/1/19)

- H. A Notice of Intent (NOI) for a SWD General Permit for Storm Water Discharges has been submitted to South Dakota Department of Environment and Natural Resources (December 18, 2018)..
- I. An Air Quality Permit was approved approved by the City of Rapid City (CIBP19-0186) February 1, 2019.
- J. The property is located within Pennington County's MS4.
 1. Inspection reports will need to be done and filed with the Planning Department.
 - a. Staff will address this in the Conditions of Approval.
- K. Since Construction began without an approved Construction Permit, the applicant/Landowner will need to pay for a penalty fee in accordance with § 511(W)(2) of the Pennington Counting Zoning Ordinance prior to the Stop Work Order being lifted.
 1. Staff will make this a Condition of Approval.
- L. The applicant's must implement (or amend their plan) otheir erosion control measures as submitted to the Planning department prior to the Stop Work Order being lifted.
 1. Any amendment needs to show that it is effective and needs to be submitted to and approved by the Planning Department.
 - a. Staff will make this a Condition of Approval.
- M. More than one continuation caused by the applicants failure to meet Conditions of Approval will be fined \$100.00 per continuation in accordance with § 511(X) of the Pennington Counting Zoning Ordinance.

RECOMMENDATION: Staff recommends the approval of Construction Permit / CP 19-01 with the following fifteen (15) conditions:

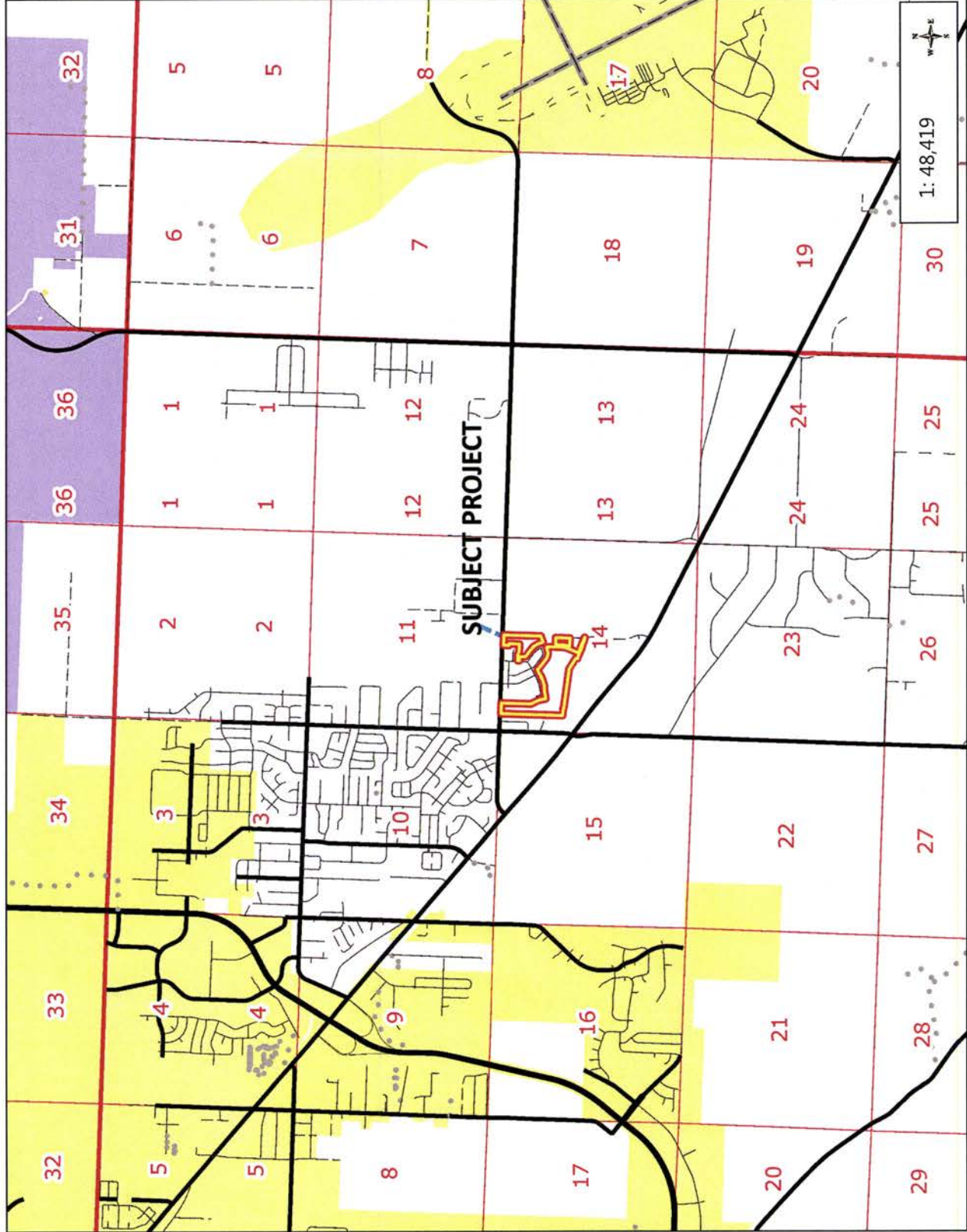
1. That erosion control measures are implemented *immediately* and maintained until the site has been revegetated in accordance with § 507(A)(5)(c) of the PCZO;
2. That all erosion control measures submitted with the Construction Permit application to the Planning Department be implemented or amended and approved by the Planning Department prior to the Stop Work Order being lifted;
3. 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;
4. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;
5. That the owner or designee must inspect the site at least once every 7 calendar days or every 14 calendar days and within 24 hours of the end of a storm event that exceeds 0.25 inches or snowmelt that generates runoff. A properly maintained rain gauge must be kept on the site. Inspection reports must be submitted to the Planning Director every month during construction;
6. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;
7. That all natural drainage ways and paths be continually maintained;
8. That sediment from the site is contained in such a manner that sediment does not reach or fill the drainage. If sediment is deposited in the drainage from the construction activity, the owner will be responsible for the removal of sediment from the drainage *immediately* after being notified or as discovered by the owner during weekly inspections;
9. That failure of the owner or designee to submit Inspection Reports, as required, shall result in the immediate issuance of a Stop Work Order and a review by the Planning Commission to determine if all Conditions of Approval are being met;
10. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;

Agenda Item #10
Site Work Specialists, Inc.
February 11, 2019

11. 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;
12. That the disturbed areas be re-vegetated as required in § 507(A)(5)(c) of the PCZO;
13. That the applicant or landowner pay a penalty fee in accordance with § 511(W)(2) of the PCZO prior to the Stop Work Order being lifted;
14. That any more than one continuation caused by the applicants failure to meet Conditions of Approval will be fined \$100.00 per continuation in accordance with § 511(X) of the PCZO; and,
15. That this Construction Permit be reviewed in two (2) months, or on a complaint basis, or as directed by the Planning Commission and/or the Board of Commissioners to verify that all Conditions of Approval are being met.

Legend

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



1: 48,419

8,069.8 Feet

4,034.88

0

8,069.8

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.

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Map Notes:



1: 6,052



1,008.7 0 504.36 1,008.7 Feet

NAD_1983_2011_StatePlane_South_Dakota_South_FIPS_4002_Ft_US

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Legend

Roads

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

Section Lines 0-25k

- 0
- 7

Tax Parcels

Lot Lines

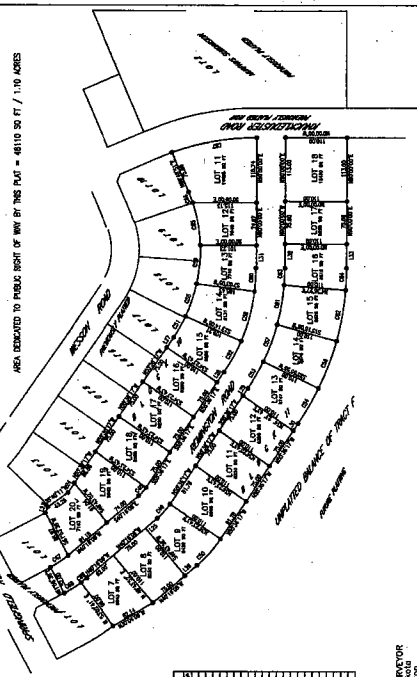
- <Null>
- Lot Line
- Parcel Line

Map Notes:

SURVEY PLAT OF: MURPHY RANCH ESTATES SUBDIVISION
INCLUDING: LOTS 11 THRU 20 OF BLOCK 10
FORMERLY:
UNPLATED PART OF TRACT F OF
NW1/4 OF SECTION 14, T1N, R8E, BHM.
ALL LOCATED IN:
E1/2 OF NW1/4 OF SECTION 14, T1N, R8E, BHM
PENNINGTON COUNTY, SOUTH DAKOTA

LEGEND:

- - 1/2" iron pipe with survey cap marked
- - 5/8" iron pipe with survey cap marked
- - 1" iron pipe with survey cap marked
- - 1 1/2" iron pipe with survey cap marked
- - 2" iron pipe with survey cap marked
- - 3" iron pipe with survey cap marked
- - 4" iron pipe with survey cap marked
- - 6" iron pipe with survey cap marked
- - 8" iron pipe with survey cap marked
- - 10" iron pipe with survey cap marked
- - 12" iron pipe with survey cap marked
- - 14" iron pipe with survey cap marked
- - 16" iron pipe with survey cap marked
- - 18" iron pipe with survey cap marked
- - 20" iron pipe with survey cap marked
- - 24" iron pipe with survey cap marked
- - 30" iron pipe with survey cap marked
- - 36" iron pipe with survey cap marked
- - 42" iron pipe with survey cap marked
- - 48" iron pipe with survey cap marked
- - 54" iron pipe with survey cap marked
- - 60" iron pipe with survey cap marked
- - 72" iron pipe with survey cap marked
- - 84" iron pipe with survey cap marked
- - 96" iron pipe with survey cap marked
- - 108" iron pipe with survey cap marked
- - 120" iron pipe with survey cap marked
- - 144" iron pipe with survey cap marked
- - 168" iron pipe with survey cap marked
- - 192" iron pipe with survey cap marked
- - 216" iron pipe with survey cap marked
- - 240" iron pipe with survey cap marked
- - 288" iron pipe with survey cap marked
- - 336" iron pipe with survey cap marked
- - 384" iron pipe with survey cap marked
- - 432" iron pipe with survey cap marked
- - 480" iron pipe with survey cap marked
- - 540" iron pipe with survey cap marked
- - 600" iron pipe with survey cap marked
- - 660" iron pipe with survey cap marked
- - 720" iron pipe with survey cap marked
- - 780" iron pipe with survey cap marked
- - 840" iron pipe with survey cap marked
- - 900" iron pipe with survey cap marked
- - 960" iron pipe with survey cap marked
- - 1020" iron pipe with survey cap marked
- - 1080" iron pipe with survey cap marked
- - 1140" iron pipe with survey cap marked
- - 1200" iron pipe with survey cap marked
- - 1260" iron pipe with survey cap marked
- - 1320" iron pipe with survey cap marked
- - 1380" iron pipe with survey cap marked
- - 1440" iron pipe with survey cap marked
- - 1500" iron pipe with survey cap marked
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- - 1740" iron pipe with survey cap marked
- - 1800" iron pipe with survey cap marked
- - 1860" iron pipe with survey cap marked
- - 1920" iron pipe with survey cap marked
- - 1980" iron pipe with survey cap marked
- - 2040" iron pipe with survey cap marked
- - 2100" iron pipe with survey cap marked
- - 2160" iron pipe with survey cap marked
- - 2220" iron pipe with survey cap marked
- - 2280" iron pipe with survey cap marked
- - 2340" iron pipe with survey cap marked
- - 2400" iron pipe with survey cap marked
- - 2460" iron pipe with survey cap marked
- - 2520" iron pipe with survey cap marked
- - 2580" iron pipe with survey cap marked
- - 2640" iron pipe with survey cap marked
- - 2700" iron pipe with survey cap marked
- - 2760" iron pipe with survey cap marked
- - 2820" iron pipe with survey cap marked
- - 2880" iron pipe with survey cap marked
- - 2940" iron pipe with survey cap marked
- - 3000" iron pipe with survey cap marked
- - 3060" iron pipe with survey cap marked
- - 3120" iron pipe with survey cap marked
- - 3180" iron pipe with survey cap marked
- - 3240" iron pipe with survey cap marked
- - 3300" iron pipe with survey cap marked
- - 3360" iron pipe with survey cap marked
- - 3420" iron pipe with survey cap marked
- - 3480" iron pipe with survey cap marked
- - 3540" iron pipe with survey cap marked
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- - 4020" iron pipe with survey cap marked
- - 4080" iron pipe with survey cap marked
- - 4140" iron pipe with survey cap marked
- - 4200" iron pipe with survey cap marked
- - 4260" iron pipe with survey cap marked
- - 4320" iron pipe with survey cap marked
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- - 6000" iron pipe with survey cap marked
- - 6060" iron pipe with survey cap marked
- - 6120" iron pipe with survey cap marked
- - 6180" iron pipe with survey cap marked
- - 6240" iron pipe with survey cap marked
- - 6300" iron pipe with survey cap marked
- - 6360" iron pipe with survey cap marked
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- - 7080" iron pipe with survey cap marked
- - 7140" iron pipe with survey cap marked
- - 7200" iron pipe with survey cap marked
- - 7260" iron pipe with survey cap marked
- - 7320" iron pipe with survey cap marked
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- - 7440" iron pipe with survey cap marked
- - 7500" iron pipe with survey cap marked
- - 7560" iron pipe with survey cap marked
- - 7620" iron pipe with survey cap marked
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- - 8100" iron pipe with survey cap marked
- - 8160" iron pipe with survey cap marked
- - 8220" iron pipe with survey cap marked
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- - 11820" iron pipe with survey cap marked
- - 11880" iron pipe with survey cap marked
- - 11940" iron pipe with survey cap marked
- - 12000" iron pipe with survey cap marked



AREA DEDICATED TO PUBLIC USE BY THIS PLAT = 48110 SQ FT / 1.10 ACRES

CERTIFICATE OF SURVEY
 State of South Dakota
 County of Pennington

I, the undersigned, being a duly qualified and licensed Surveyor in and for the State of South Dakota, do hereby certify that the plat was drawn and described hereon, as shown, in accordance with the laws and regulations of the State of South Dakota, and that the same is a true and correct copy of the original survey and description as the same were made and recorded in my office.

Dated this _____ day of _____, 2018.

CERTIFICATE AND ACKNOWLEDGMENT OF OWNERSHIP:
 County of Pennington, S.D.

We, the undersigned, being the owners of the land shown and described hereon, do hereby certify that the plat was drawn and described hereon, as shown, in accordance with the laws and regulations of the State of South Dakota, and that the same is a true and correct copy of the original survey and description as the same were made and recorded in my office.

Dated this _____ day of _____, 2018.

CERTIFICATE OF COUNTY TREASURER:
 Treasurer of Pennington County, do hereby certify that all taxes which are due upon the land described on this plat according to the records of my office.

Dated this _____ day of _____, 2018.

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

Dated this _____ day of _____, 2018.

APPROVED: Director of Equalization of Pennington County

CERTIFICATE OF THE RECORDER OF RECORDS
 State of South Dakota

CITY OF RAPID CITY
 Planning & Development Services Director

I, the undersigned, being the Planning & Development Services Director of the City of Rapid City, do hereby certify that the plat was drawn and described hereon, as shown, in accordance with the laws and regulations of the City of Rapid City, and that the same is a true and correct copy of the original survey and description as the same were made and recorded in my office.

Dated this _____ day of _____, 2018.

COMMUNITY PLANNING & DEVELOPMENT SERVICES DIRECTOR
 Community Planning & Development Services Director
 of the City of Rapid City

The location of the proposed lot lines with respect to the Highway or Street as shown hereon is hereby approved. Any approach or access to the Highway or Street will require additional approval.

Dated this _____ day of _____, 2018.

CERTIFICATE OF FINANCE OFFICER:
 Finance Officer of the City of Rapid City

The location of the proposed lot lines with respect to the Highway or Street as shown hereon is hereby approved. Any approach or access to the Highway or Street will require additional approval.

Dated this _____ day of _____, 2018.

SHEET NOTE
 THE DRAWING AND THE INFORMATION SHOWN ON THIS SHEET IS UNAPPROVED USE PERMITTED WITHOUT PERMISSION AND APPROVAL OF THE OWNER.

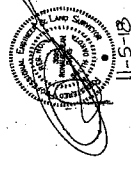
SCHEDULE PRE-CONSTRUCTION MEETING WITH CITY CONSTRUCTION SERVICES
 Minimum 10 days prior to start of construction
 at 394-4154

NOTIFY CONSTRUCTION SERVICES
 at least 48 hours prior to start of construction
 at 394-4154

JAN 22 2019
AAAP

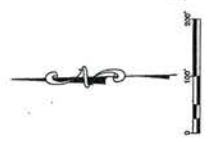
SHEET INDEX:

- C1.1 COVER SHEET WITH PHASE 6 PLAT
- C1.2 PHASING PLAN AND PRIVATE UTILITY PLANS
- C1.3 SITE GRADING PLAN
- C2.1 REMINGTON ROAD PLAN AND PROFILE STA 11+00 - 15+50
- C2.2 REMINGTON ROAD PLAN AND PROFILE STA 15+50 - 20+50
- C2.3 KNUCKLEDUSTER ROAD PLAN AND PROFILE STA 0+00 - 4+75
- C2.5 WATERMAIN PLANS (ALREADY APPROVED) STA 4+75 - 10+00
- C2.7 WATERMAIN PLANS (ALREADY APPROVED) STA 10+00 - 12+53.50
- C3.1 TYPICAL AND STANDARD DETAILS
- C3.2 TYPICAL AND STANDARD DETAILS
- C3.3 TYPICAL AND STANDARD DETAILS
- C3.4 TYPICAL AND STANDARD DETAILS
- C3.5 TYPICAL AND STANDARD DETAILS
- C4.1 GENERAL NOTES AND SPECIFICATIONS
- C4.2 R.V.S.D. DESIGN STANDARDS
- C5.1 EROSION CONTROL PLAN AND NARRATIVE.



PHASING AND MASTER PLAN
MURPHY RANCH ESTATES SUBDIVISION - PHASE 6
 RAPID VALLEY, PENNINGTON COUNTY, SOUTH DAKOTA

DAVIS ENGINEERING, INC.
 1401 WEST 10TH STREET, SUITE 200, SIOUX FALLS, SD 57104
 PHONE (605) 241-2000
 FAX (605) 241-2005
 THE DESIGN AND PREPARATION SHOWN ON THIS SHEET IS THE PROPERTY OF THE OWNER. NO UNAUTHORIZED USE PERMITTED WITHOUT PERMISSION AND APPROVAL OF THE OWNER.
 SHEET NOTE



NOTE: PHASE 2C
 ALL WALK CONNECTIONS AND DRIVE
 PAVED DRIVEWAYS MUST BE PAVED PRIOR TO
 THE COMPLETION OF PHASE 2C

PHASE 2C
 NOT PART OF THIS PROJECT

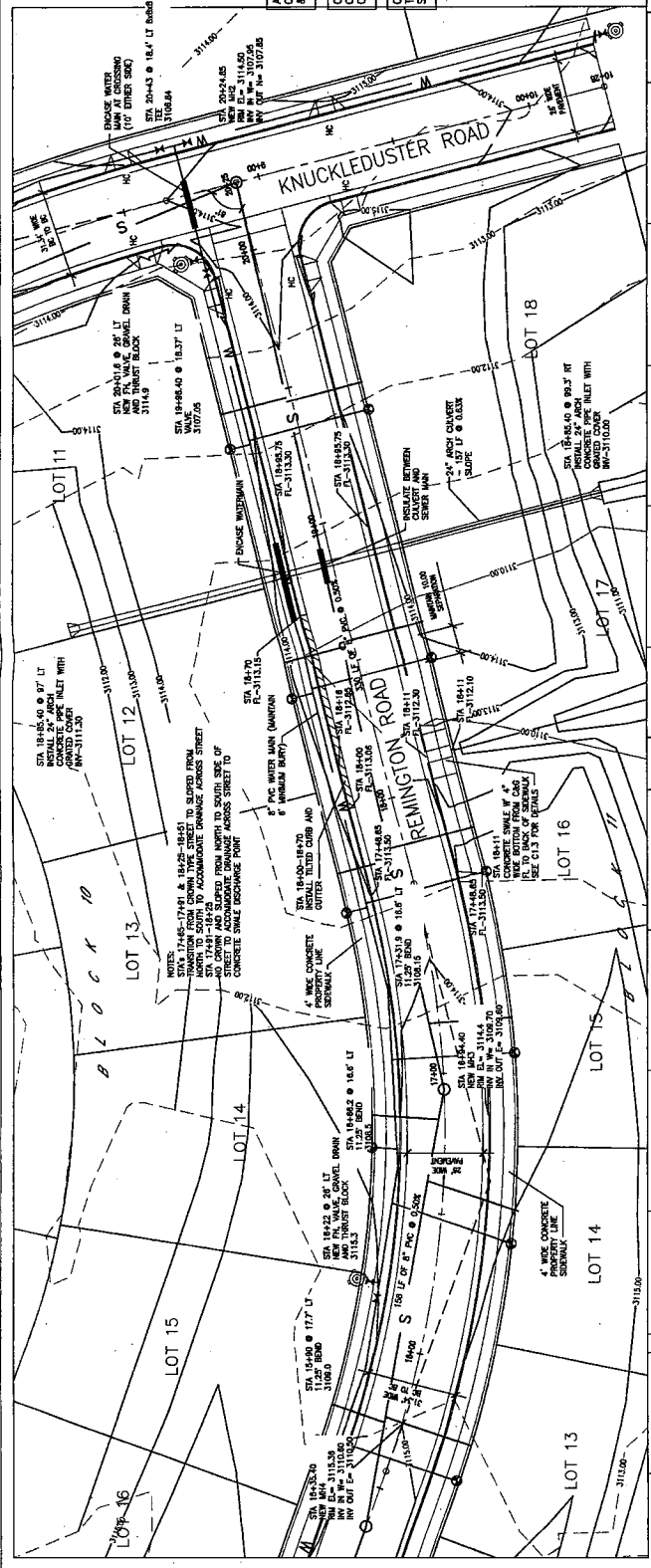
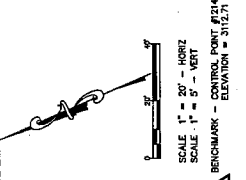
PROPOSED LOT 20
 OWNER: JAMES MURPHY
 SUBJECT: 50% OF 1/4 SECTION 14, T4E, R10E, B16E

IF THE ACCESS AND UTILIZATION

REMINGTON ROAD (STA 15+50 - 20+50)
MURPHY RANCH ESTATES SUBDIVISION - PHASE 6
 RAPID VALLEY, PENNINGTON COUNTY, SOUTH DAKOTA

SHEET NOTE:
 THE DRAWING AND THE INFORMATION SHOWN ON THIS SHEET IS THE PROPERTY OF THE OWNER. NO UNAUTHORIZED USE PERMITTED WITHOUT PERMISSION AND APPROVAL OF THE OWNER.
 CIVIL ENGINEERING, INC.
 1000 WEST 90TH STREET, SUITE 200, RAVENHILL, SD 57067
 PHONE (605) 241-0033

- ALL CONSTRUCTION SHALL CONFORM TO THE LATEST EDITION OF THE CITY OF RAPID CITY & PSD STANDARD SPECIFICATIONS
- CONTRACTOR SHALL PROVIDE EROSION CONTROL PER THE CURRENT EDITION OF THE CITY OF RAPID CITY STANDARD SPECIFICATIONS
- CONTRACTOR SHALL INSTALL NEW DRAINWAYS TO MAINTAIN DRAINAGE FLOWS WITHIN THE STREET CROSS-SECTION



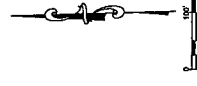
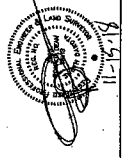
CITY OF RAPID CITY
 Please see attached for the proposed construction with topography, utility locations, and other information. The City of Rapid City is not responsible for the accuracy of the information provided herein. The City of Rapid City is not responsible for the accuracy of the information provided herein. The City of Rapid City is not responsible for the accuracy of the information provided herein.

15+50	15+60	15+70	15+80	15+90	16+00	16+10	16+20	16+30	16+40	16+50	16+60	16+70	16+80	16+90	17+00	17+10	17+20	17+30	17+40	17+50	17+60	17+70	17+80	17+90	18+00	18+10	18+20	18+30	18+40	18+50	18+60	18+70	18+80	18+90	19+00	19+10	19+20	19+30	19+40	19+50	19+60	19+70	19+80	19+90	20+00	20+10	20+20	20+30	20+40	20+50
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PHASING AND MASTER PLAN
MURPHY RANCH ESTATES SUBDIVISION - PHASE 6
 RAPID VALLEY, PENNINGTON COUNTY, SOUTH DAKOTA

DAVIS ENGINEERING, INC.
 1005 WEST 10TH STREET
 SIOUX FALLS, SD 57104
 PHONE (605) 341-2023
 FAX (605) 341-2025

SHEET NOTE
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PROPOSED LOT 1
 (SHERWOOD DRIVE)
 LOT 1 TO LOT 8
 (SHERWOOD DRIVE)
 (SHERWOOD DRIVE)
 (SHERWOOD DRIVE)
 (SHERWOOD DRIVE)
 (SHERWOOD DRIVE)
 (SHERWOOD DRIVE)
 (SHERWOOD DRIVE)

IF ANY ACCESS TO THIS DRIVEWAY

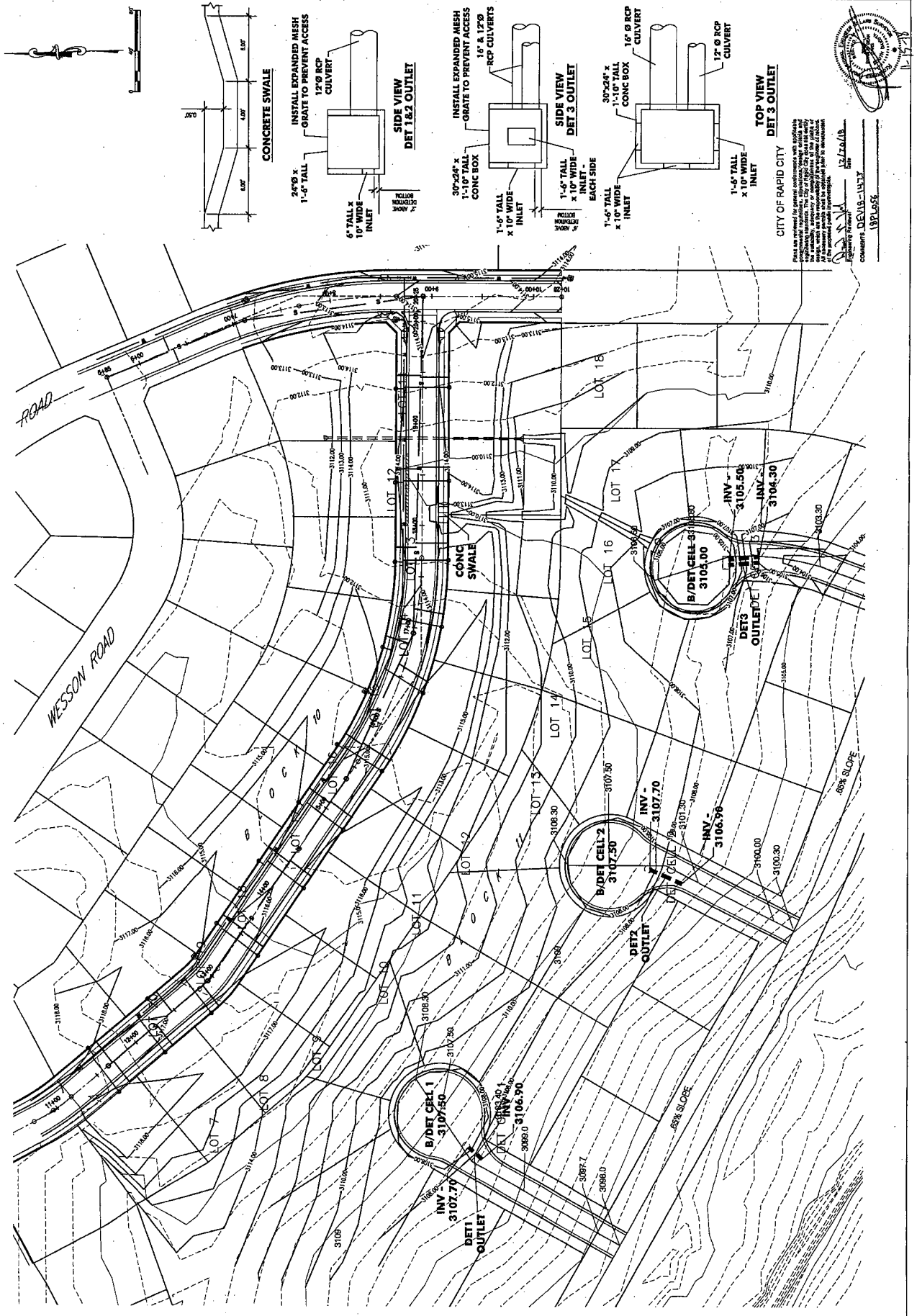
RESEARCHER ROAD

GRADING PLAN
 MURPHY RANCH ESTATES SUBDIVISION - PHASE 6
 RAPID VALLEY, PENNINGTON COUNTY, SOUTH DAKOTA

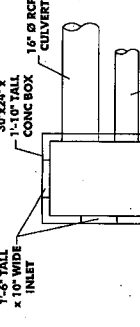
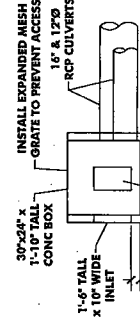
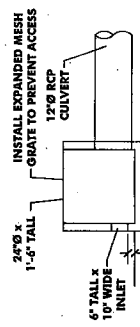
SHEET NOTE
 THE DESIGN AND THE INFORMATION SHOWN ON THIS SHEET IS THE PROPERTY OF THE OWNER. NO UNAUTHORIZED USE PERMITTED WITHOUT PERMISSION. LARSS ENGINEERING, INC. 1000 44TH AVE. SUITE 207, RAPID VALLEY, SD 57152 PHONE (605) 341-3233



CITY OF RAPID VALLEY
 ENGINEER: DAVID L. LARSS
 12/16/18
 1876/18



CONCRETE SWALE



**TOP VIEW
 DET 3 OUTLET**

PLEASE BE ADVISED FOR GRADING CONDITIONS WITH DIFFERENT SOIL TYPES. THE CITY OF RAPID VALLEY IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION SHOWN ON THIS SHEET. THE USER SHALL BE RESPONSIBLE FOR VERIFYING THE INFORMATION SHOWN ON THIS SHEET.

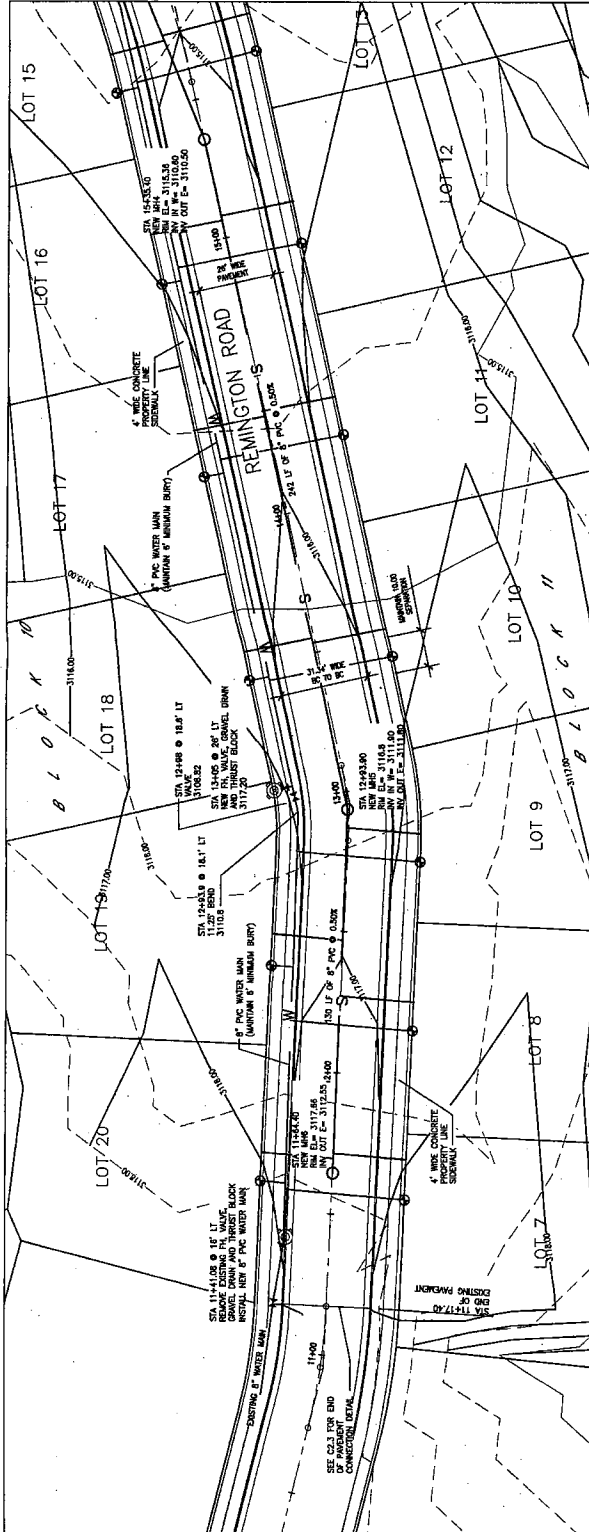


DAVIS ENGINEERING, INC.
1904 SOUTH 26TH AVENUE, SUITE 300, RAPIID VALLEY, SOUTH DAKOTA 57755
Phone: (605) 341-3333
SHEET IS THE PROPERTY OF THE OWNER.
NO UNAUTHORIZED USE PERMITTED WITHOUT PERMISSION
AND APPROVAL OF THE OWNER.
SHEET NOTE



ALL CONSTRUCTION SHALL CONFORM TO THE CURRENT EDITION OF THE CITY OF RAPID CITY & RSD STANDARD SPECIFICATIONS
CONTRACTOR SHALL PROVIDE EROSION CONTROL PER THE CURRENT EDITION OF THE CITY OF RAPID CITY & RSD STANDARD SPECIFICATIONS
CONTRACTOR SHALL INSTALL NEW DRIVEWAYS TO MAINTAIN DRAINAGE FLOWS WITHIN THE STREET CROSS-SECTION

SCALE 1" = 20' - HORIZ
SCALE 1" = 5' - VERT
BENCHMARK - CONTROL POINT #214
ELEVATION = 3127.1
CONTOUR INTERVAL - 1'-0" FOOT

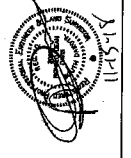


STATION	DESCRIPTION	PLAN	ELEV.	PLAN	ELEV.
11+00	EXISTING WATER MAIN	31176	31176		
11+10	EXISTING WATER MAIN	31178	31178		
11+20	EXISTING WATER MAIN	31180	31180		
11+30	EXISTING WATER MAIN	31182	31182		
11+40	EXISTING WATER MAIN	31184	31184		
11+50	EXISTING WATER MAIN	31186	31186		
11+60	EXISTING WATER MAIN	31188	31188		
11+70	EXISTING WATER MAIN	31190	31190		
11+80	EXISTING WATER MAIN	31192	31192		
11+90	EXISTING WATER MAIN	31194	31194		
12+00	EXISTING WATER MAIN	31196	31196		
12+10	EXISTING WATER MAIN	31198	31198		
12+20	EXISTING WATER MAIN	31200	31200		
12+30	EXISTING WATER MAIN	31202	31202		
12+40	EXISTING WATER MAIN	31204	31204		
12+50	EXISTING WATER MAIN	31206	31206		
12+60	EXISTING WATER MAIN	31208	31208		
12+70	EXISTING WATER MAIN	31210	31210		
12+80	EXISTING WATER MAIN	31212	31212		
12+90	EXISTING WATER MAIN	31214	31214		
13+00	EXISTING WATER MAIN	31216	31216		
13+10	EXISTING WATER MAIN	31218	31218		
13+20	EXISTING WATER MAIN	31220	31220		
13+30	EXISTING WATER MAIN	31222	31222		
13+40	EXISTING WATER MAIN	31224	31224		
13+50	EXISTING WATER MAIN	31226	31226		
13+60	EXISTING WATER MAIN	31228	31228		
13+70	EXISTING WATER MAIN	31230	31230		
13+80	EXISTING WATER MAIN	31232	31232		
13+90	EXISTING WATER MAIN	31234	31234		
14+00	EXISTING WATER MAIN	31236	31236		
14+10	EXISTING WATER MAIN	31238	31238		
14+20	EXISTING WATER MAIN	31240	31240		
14+30	EXISTING WATER MAIN	31242	31242		
14+40	EXISTING WATER MAIN	31244	31244		
14+50	EXISTING WATER MAIN	31246	31246		
14+60	EXISTING WATER MAIN	31248	31248		
14+70	EXISTING WATER MAIN	31250	31250		
14+80	EXISTING WATER MAIN	31252	31252		
14+90	EXISTING WATER MAIN	31254	31254		
15+00	EXISTING WATER MAIN	31256	31256		

MURPHY RANCH ESTATES SUBDIVISION - PHASE 6
KNUCKLEUSTER ROAD (STA 5+65 - 10+28)

DAYS ENGINEERING, INC.
1845 WEST 10TH STREET, SUITE 200
RAPID CITY, SD 57701
PHONE (605) 341-2099
FAX (605) 341-2098

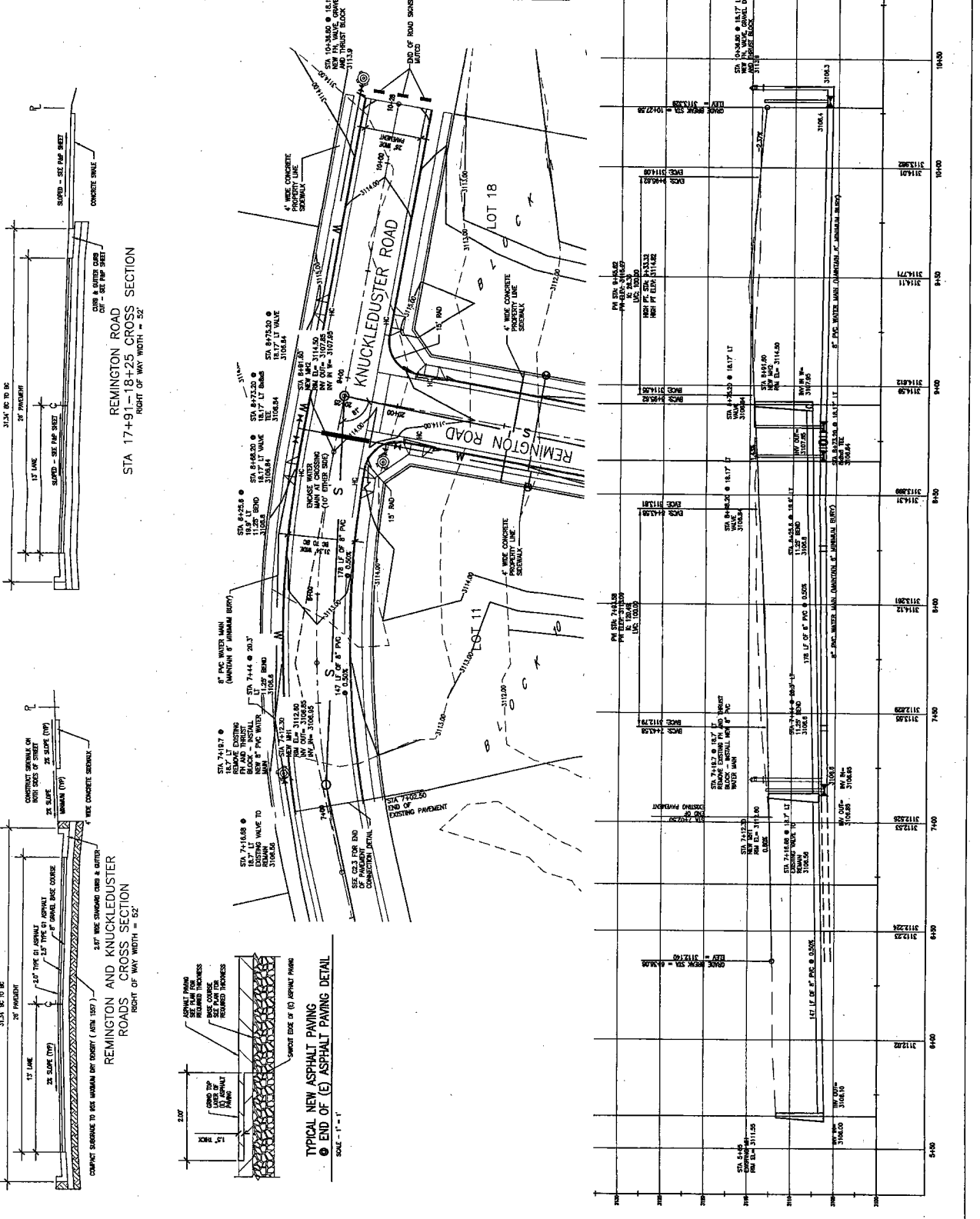
SHEET NO. AND APPROVAL OF THE OWNER
AND UNAUTHORIZED USE PROHIBITED WITHOUT PERMISSION
THE DETAILS AND THE DIMENSIONS SHOWN ON THIS SHEET ARE THE PROPERTY OF THE ENGINEER



CITY OF RAPID CITY
This plan has been reviewed and approved by the City Engineer, David J. Davis, on 12/23/18.
The City Engineer's approval is based on the information provided and does not constitute a warranty of the accuracy of the information provided.
CONTRACTOR SHALL PROVIDE EROSION CONTROL MEASURES TO PREVENT SOIL EROSION AND SILTATION DURING CONSTRUCTION.
CONTRACTOR SHALL INSTALL NEW DRAINAGE SYSTEMS TO MAINTAIN PROPER DRAINAGE AND PREVENT FLOODING.
CONTRACTOR SHALL MAINTAIN ALL EXISTING UTILITIES AND SHALL BE RESPONSIBLE FOR ANY DAMAGE TO EXISTING UTILITIES.
CONTRACTOR SHALL MAINTAIN ALL EXISTING CURBS AND GUTTERS.
CONTRACTOR SHALL MAINTAIN ALL EXISTING SIDEWALKS AND SHALL BE RESPONSIBLE FOR ANY DAMAGE TO EXISTING SIDEWALKS.
CONTRACTOR SHALL MAINTAIN ALL EXISTING DRIVEWAYS AND SHALL BE RESPONSIBLE FOR ANY DAMAGE TO EXISTING DRIVEWAYS.
CONTRACTOR SHALL MAINTAIN ALL EXISTING STREETS AND SHALL BE RESPONSIBLE FOR ANY DAMAGE TO EXISTING STREETS.
CONTRACTOR SHALL MAINTAIN ALL EXISTING UTILITIES AND SHALL BE RESPONSIBLE FOR ANY DAMAGE TO EXISTING UTILITIES.
CONTRACTOR SHALL MAINTAIN ALL EXISTING CURBS AND GUTTERS.
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CONTRACTOR SHALL MAINTAIN ALL EXISTING DRIVEWAYS AND SHALL BE RESPONSIBLE FOR ANY DAMAGE TO EXISTING DRIVEWAYS.
CONTRACTOR SHALL MAINTAIN ALL EXISTING STREETS AND SHALL BE RESPONSIBLE FOR ANY DAMAGE TO EXISTING STREETS.

ALL CONSTRUCTION SHALL CONFORM TO THE CURRENT EDITION OF THE CITY OF RAPID CITY STANDARD SPECIFICATIONS & ROAD STANDARD SPECIFICATIONS
CONTRACTOR SHALL PROVIDE EROSION CONTROL MEASURES TO PREVENT SOIL EROSION AND SILTATION DURING CONSTRUCTION.
CONTRACTOR SHALL INSTALL NEW DRAINAGE SYSTEMS TO MAINTAIN PROPER DRAINAGE AND PREVENT FLOODING.
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CONTRACTOR SHALL MAINTAIN ALL EXISTING STREETS AND SHALL BE RESPONSIBLE FOR ANY DAMAGE TO EXISTING STREETS.

SHEET NOTE
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UNAUTHORIZED USE PROHIBITED WITHOUT PERMISSION
AND APPROVAL OF THE OWNER



REMINGTON ROAD
STA 17+91-18+25 CROSS SECTION
RIGHT OF WAY WIDTH = 52'

REMINGTON ROAD
STA 17+91-18+25 CROSS SECTION
RIGHT OF WAY WIDTH = 52'

REMINGTON AND KNUCKLEUSTER
ROADS CROSS SECTION
RIGHT OF WAY WIDTH = 52'

TYPICAL NEW ASPHALT PAVING
END OF (E) ASPHALT PAVING DETAIL
SCALE = 1" = 1'

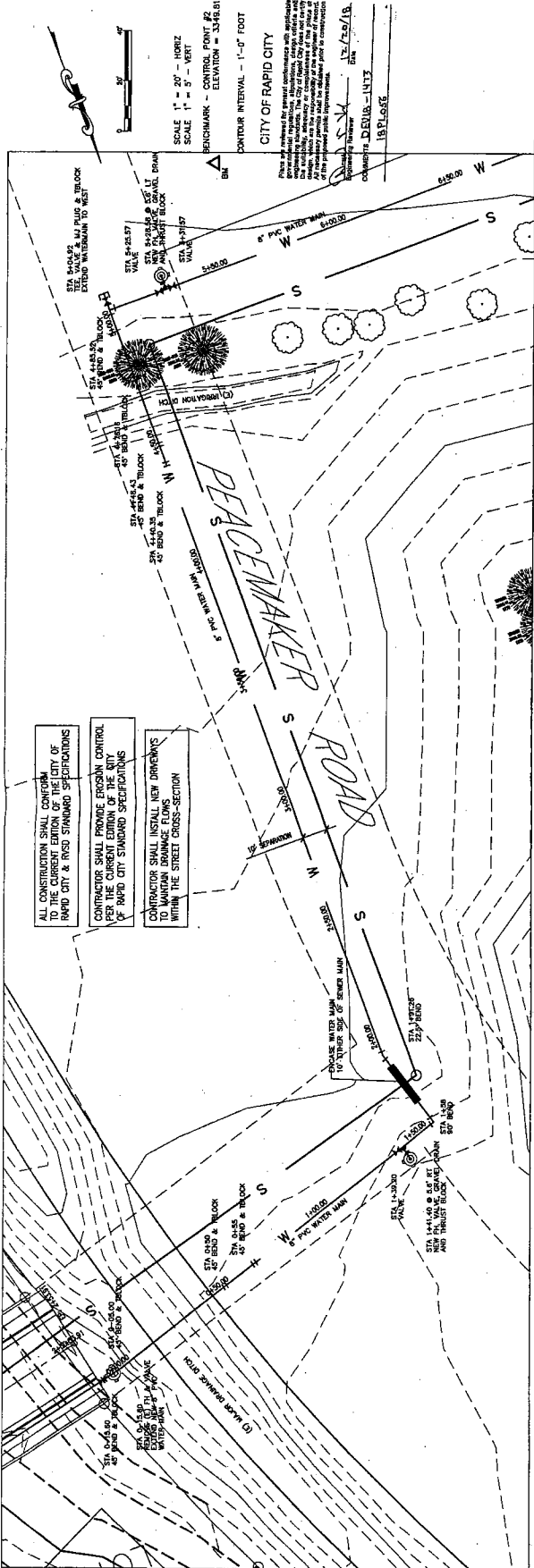
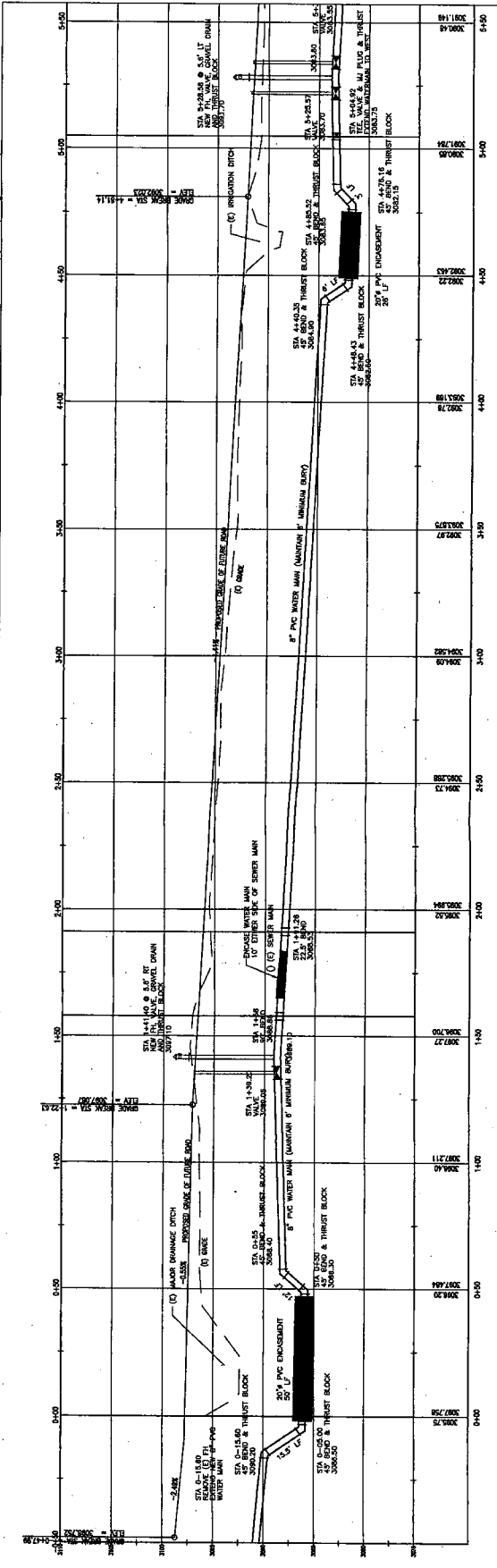
**NEW WATERMAIN (STA 0+15.60 - 4+75)
MURPHY RANCH ESTATES - PHASE 5
RAPID CITY, PENNINGTON COUNTY, SOUTH DAKOTA**

DAVIS ENGINEERING, INC.
1500 BROADWAY, SUITE 200, RAPID CITY, SD 57701
PHONE (605) 341-2005
FAX (605) 341-2006

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SHEET IS THE PROPERTY OF THE OWNER
THE DRAWING AND THE INFORMATION SHOWN ON THIS
CONFIDENTIAL
UPDATED:



PLANS ALREADY APPROVED IN PRIOR SUBMITTALS
AND NOT TO BE REAPPROVED BY THE RAPID
VALLEY PLANNING DEPARTMENT.



ALL CONSTRUCTION SHALL CONFORM TO THE CURRENT EDITION OF THE CITY OF RAPID CITY & RVD STANDARD SPECIFICATIONS
CONTRACTOR SHALL PROVIDE EROSION CONTROL PER THE CURRENT EDITION OF THE CITY OF RAPID CITY STANDARD SPECIFICATIONS
CONTRACTOR SHALL INSTALL NEW DRIVEWAYS TO MAINTAIN DRAINAGE FLOWS WITHIN THE STREET CROSS-SECTION

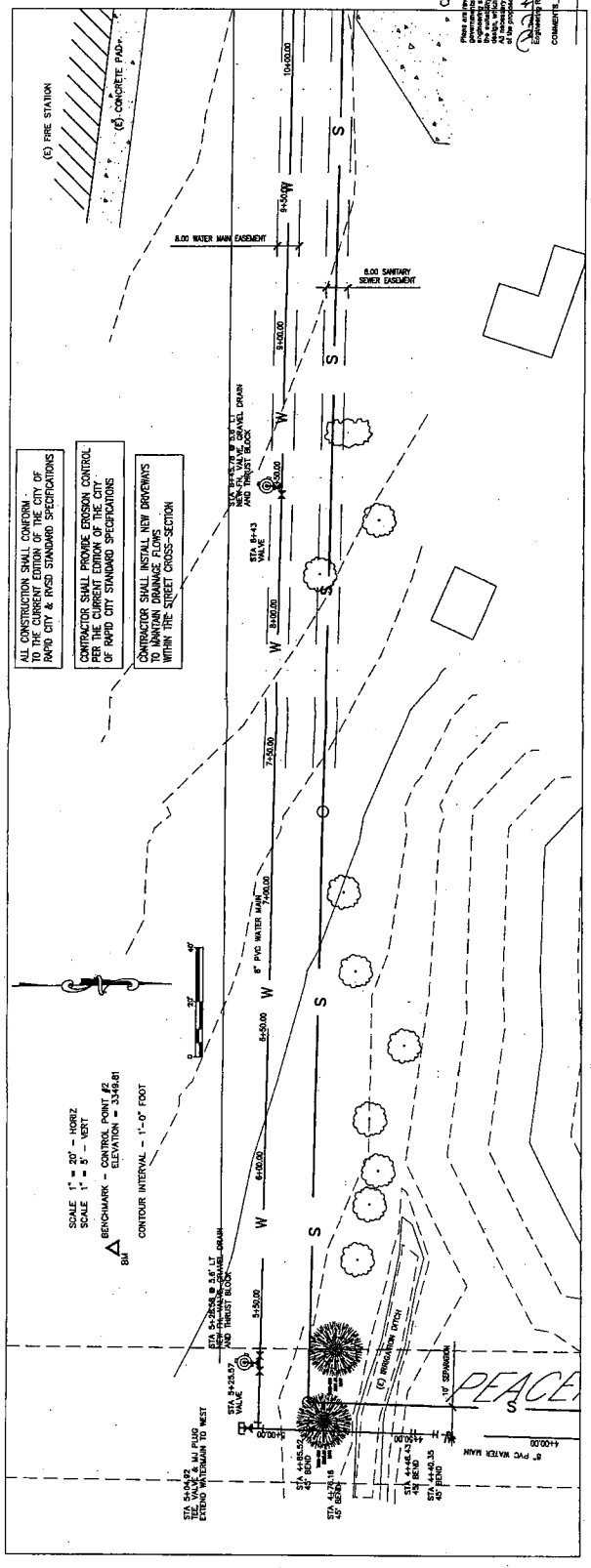
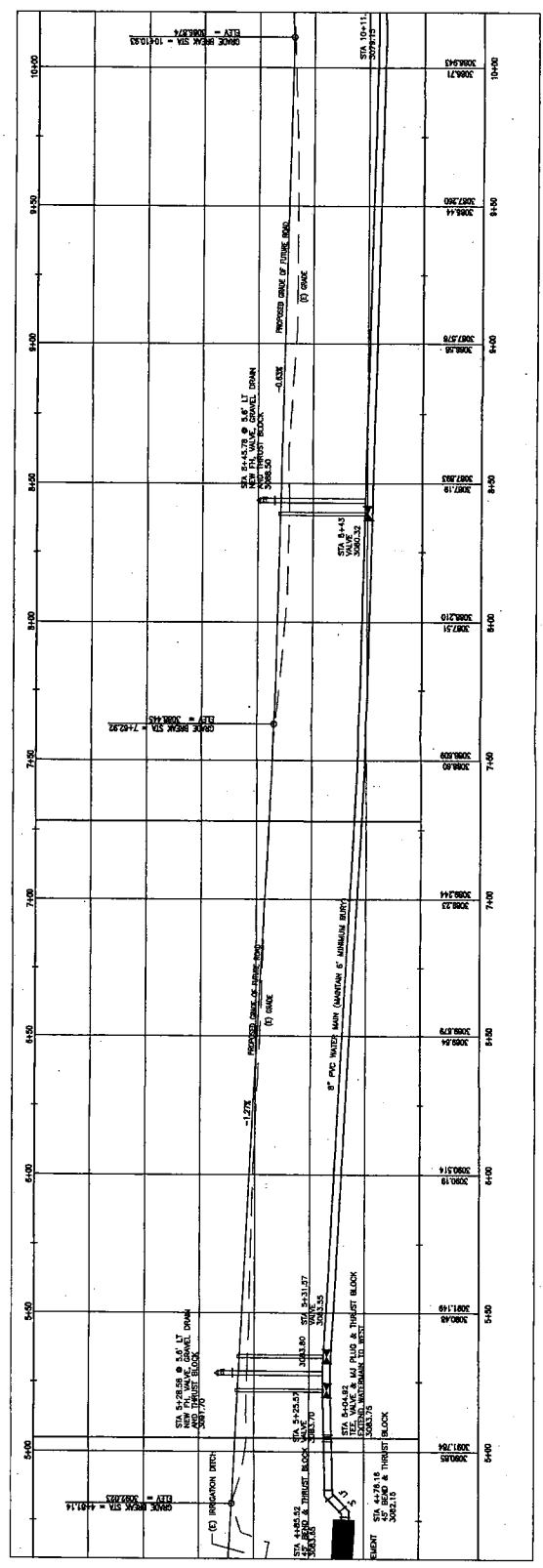
SCALE 1" = 20' - HORIZ
SCALE 1" = 5' - VERT
BENCHMARK - CONTROL POINT #2 ELEVATION = 3046.81
CONTOUR INTERVAL - 1'-0" FOOT
CITY OF RAPID CITY
Please refer to general conditions with applicable drawings for details. The City of Rapid City is not responsible for the accuracy of the information shown on this drawing. It is the responsibility of the contractor to verify all information prior to construction of the proposed project improvements.



NEW WATERLINE (STA 4+75 - 10+00)
MURPHY RANCH ESTATES - PHASE 5
RAPID CITY, PENNINGTON COUNTY, SOUTH DAKOTA

DAYS ENGINEERING, INC.
 1000 7th Street, Rapid City, SD 57701
 PHONE (605) 341-2000
 FAX (605) 341-2005
 NO UNAUTHORIZED USE PERMITTED WITHOUT PERMISSION AND APPROVAL OF THE OWNER.

PLANS ALREADY APPROVED IN PRIOR SUBMITTAL
 ADDED TO THIS SET AS REQUESTED BY THE RAPID
 VALLEY PLANNING DEPARTMENT



ALL CONSTRUCTION SHALL CONFORM
 TO THE LATEST EDITION OF THE CITY OF
 RAPID CITY & ILLUS STANDARD SPECIFICATIONS

CONTRACTOR SHALL PROVIDE EROSION CONTROL
 MEASURES TO MAINTAIN DRAINAGE FLOWS
 WITHIN THE STREET CROSS-SECTION

SCALE 1" = 20' - HORIZ.
 SCALE 1" = 5' - VERT.
 BENCHMARK - CONTROL POINT #2
 ELEVATION = 3346.81
 CONTOUR INTERVAL - 1'-0" FOOT

CITY OF RAPID CITY
 COMMENTS: DEVIS-14113
 ENGINEER: David J. Devis
 DATE: 3/19/2007

NEW WATERMAIN (STA 10+00 - 12+53.50)
 MURPHY RANCH ESTATES - PHASE 5
 RAPID CITY, PENNINGTON COUNTY, SOUTH DAKOTA

DAVIS ENGINEERING, INC.
 1000 POND ROAD, SUITE 100, RAPID CITY, SD 57701
 PHONE (605) 341-3000
 FAX (605) 341-3009
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 CONFIDENTIAL - UPDATED



PLEASE EXERCISE EXTREME CARE IN THE USE OF THIS SET AS REQUESTED BY THE RAPID CITY PLANNING DEPARTMENT

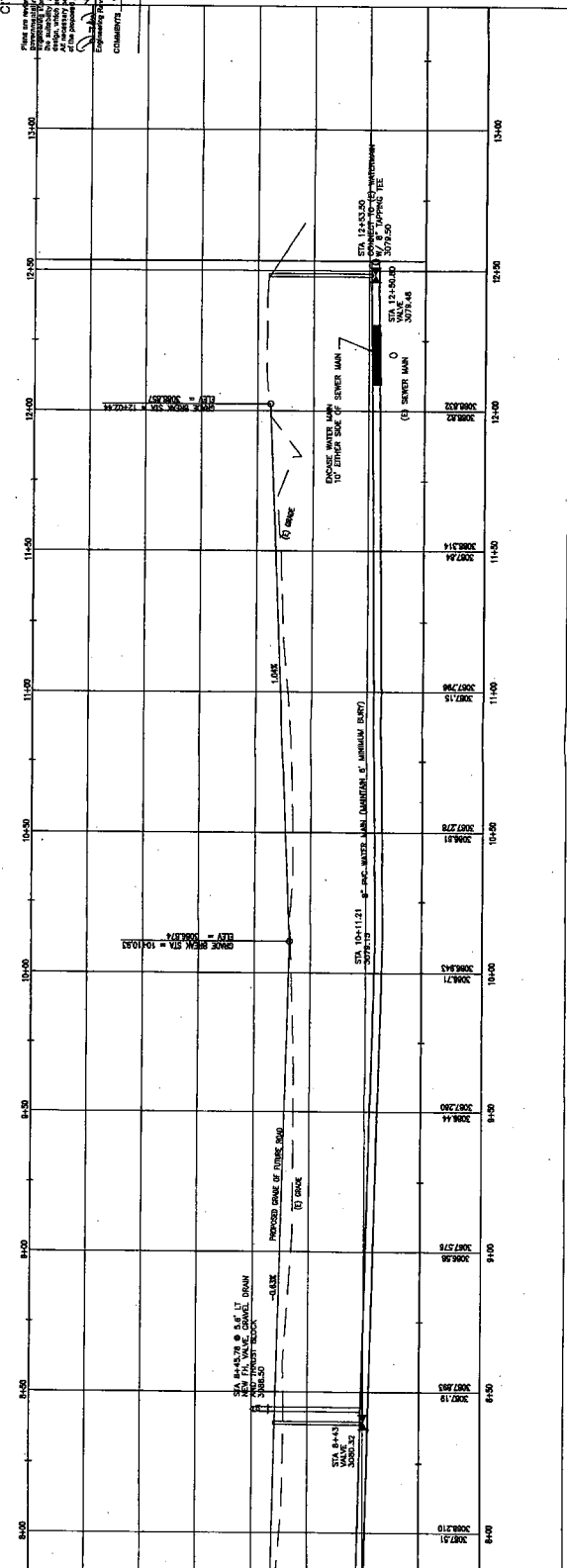
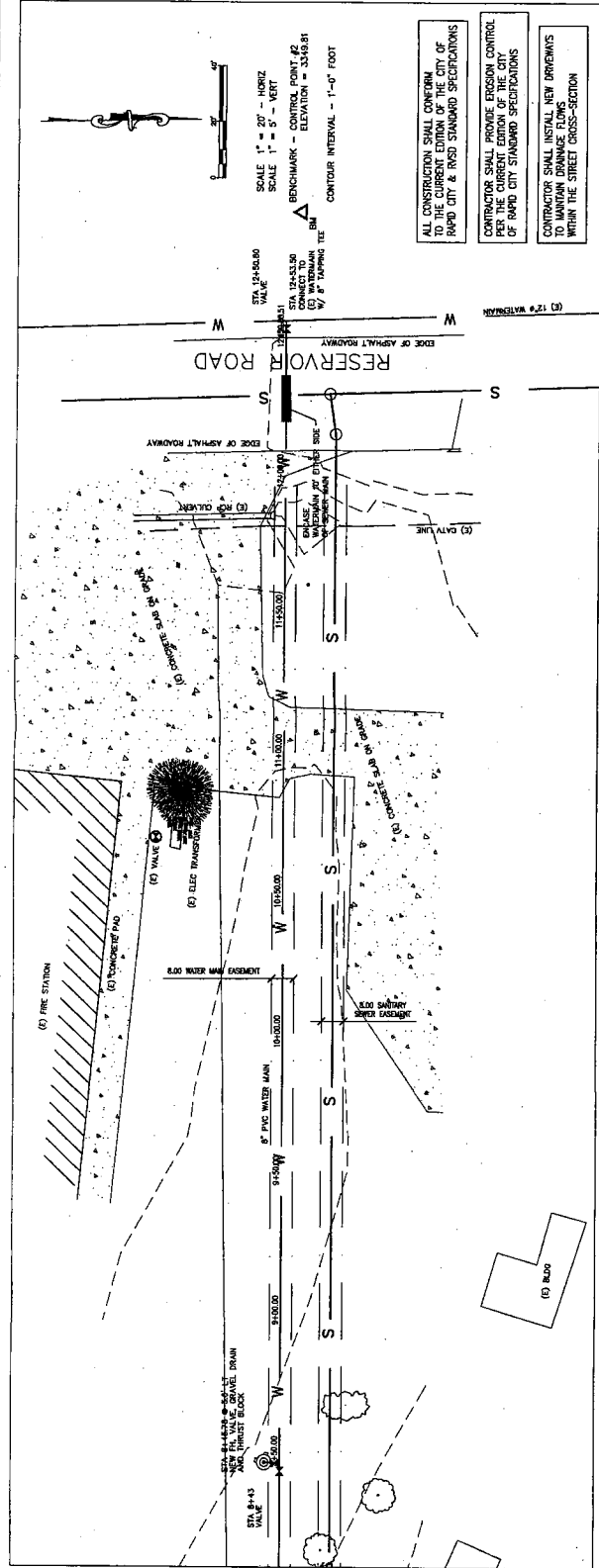
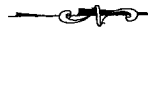
CITY OF RAPID CITY

Please see enclosed for general construction methods and specifications. The City of Rapid City reserves the right to modify or change any part of this drawing without notice. It is the responsibility of the contractor to verify all dimensions and elevations shown on this drawing prior to construction.

Engineering Review: [Signature]
 Date: 3/17/2016
 COMMENTS: DEVIAT-LHTZ

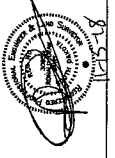
- ALL CONSTRUCTION SHALL CONFORM TO THE STANDARD SPECIFICATIONS OF RAPID CITY & ROAD STANDARD SPECIFICATIONS
- CONTRACTOR SHALL PROVIDE EROSION CONTROL FOR THE CONSTRUCTION OF THIS PROJECT IN ACCORDANCE WITH THE STANDARD SPECIFICATIONS OF RAPID CITY
- CONTRACTOR SHALL INSTALL NEW BENCHMARKS TO MAINTAIN DRAINAGE FLOWS WITHIN THE STREET CROSS-SECTION

SCALE 1" = 20' - HORIZ
 SCALE 1" = 5' - VERT
 BENCHMARK - CONTROL POINT #2
 ELEVATION = 3438.81
 CONNECT TO 3" WATERSHED TIE
 10' WATERSHED TIE



GENERAL NOTES AND SPECIFICATIONS
 MURPHY RANCH ESTATES SUBDIVISION - PHASE 6
 RAPID VALLEY, PENNINGTON COUNTY, SOUTH DAKOTA

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 DAVIS ENGINEERING, INC.
 1000 KINGS ROAD, SUITE 401, SIOUX FALLS, SD 57105
 PHONE (605) 441-2000

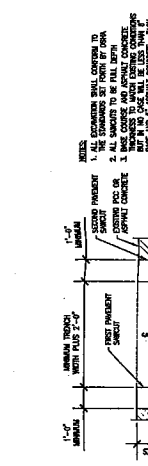


1. AIR TESTING
 THE INSTALLER MUST PLACE BOTH ENDS OF A SECTION OF SEWER TO BE TESTED BEFORE BACKFILLING THE SECTION OF PIPE AND PROCEED TO THE NEXT SECTION. THE AIR TEST SHALL BE PERFORMED IN A MANNER THAT WILL ALLOW THE AIR TO BE TESTED AT THE FULL PRESSURE OF THE SECTION. THE FOLLOWING TABLE SHOWS THE MINIMUM AIR PRESSURE TO BE MAINTAINED FOR THE TEST. THE MINIMUM PRESSURE SHALL BE MAINTAINED FOR A PERIOD OF 15 MINUTES. THE TEST SHALL BE CONSIDERED SUCCESSFUL IF THE PRESSURE REMAINS AT OR ABOVE THE MINIMUM PRESSURE FOR THE ENTIRE TEST PERIOD. THE TEST SHALL BE REPEATED UNTIL A SUCCESSFUL TEST IS OBTAINED. SEWER LINES SHALL BE AIR TESTED IMMEDIATELY AFTER THE SECTION HAS BEEN INSTALLED AND PROCEED TO THE NEXT SECTION.

PIPE DIA.	MINIMUM AIR PRESSURE (PSI)	MINIMUM AIR FLOW (CFM)	MINIMUM AIR FLOW (GPM)
4"	1.50	400	4.98 L
6"	2.50	500	6.03 L
8"	3.50	600	7.08 L
10"	4.50	700	8.13 L
12"	5.50	800	9.18 L

NOTE: L = LENGTH OF TEST SECTION IN FEET

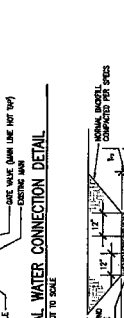
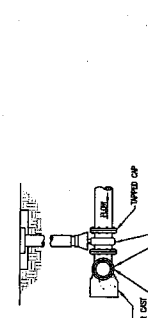
2. TYPICAL TESTING OF SEWER LINES PROCEDURE
 IF THESE IS AN UNUSUAL PRESSURE AT A LEVEL HIGHER THAN THE FUTURE INVERT DURING THE AIR TEST, THE TEST SHOULD BE REPEATED TO A VALUE OF 25% IN EXCESS THAN THE WATER TABLE. IF THERE IS A LOSS OF WATER ABOVE THE POINT OF A SEWER PIPE, THE WATER SHALL BE REPEATED UNTIL A SUCCESSFUL TEST IS OBTAINED. SEWER LINES SHALL BE AIR TESTED IMMEDIATELY AFTER THE SECTION HAS BEEN INSTALLED AND PROCEED TO THE NEXT SECTION.



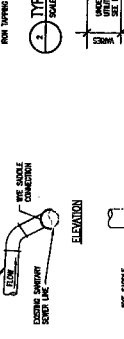
(TABLE 11-1) - MINIMUM TRENCH WIDTH TABLE

PIPE DIA.	MINIMUM TRENCH WIDTH	MINIMUM TRENCH WIDTH BETWEEN SECOND SHAPERS
4" DIA. - 12" DEPTH	2'-0"	2'-0"
6" DIA. - 12" DEPTH	2'-0"	2'-0"
8" DIA. - 12" DEPTH	2'-0"	2'-0"
10" DIA. - 12" DEPTH	2'-0"	2'-0"
12" DIA. - 12" DEPTH	2'-0"	2'-0"
12" DIA. - 18" DEPTH	2'-0"	2'-0"
12" DIA. - 24" DEPTH	2'-0"	2'-0"
12" DIA. - 30" DEPTH	2'-0"	2'-0"
12" DIA. - 36" DEPTH	2'-0"	2'-0"
12" DIA. - 42" DEPTH	2'-0"	2'-0"
12" DIA. - 48" DEPTH	2'-0"	2'-0"
12" DIA. - 54" DEPTH	2'-0"	2'-0"
12" DIA. - 60" DEPTH	2'-0"	2'-0"

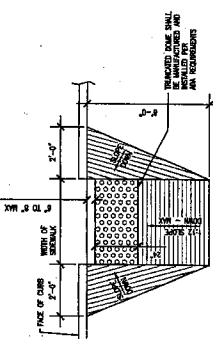
3. CONCRETE/ASPHALT SURFACE DETAIL
 ALL EXPOSURES SHALL CONFORM TO THE STANDARD SET FORTH BY OPA. ALL EXPOSURES SHALL BE FINISHED TO THE STANDARD SET FORTH BY OPA. ALL EXPOSURES SHALL BE FINISHED TO THE STANDARD SET FORTH BY OPA. ALL EXPOSURES SHALL BE FINISHED TO THE STANDARD SET FORTH BY OPA.



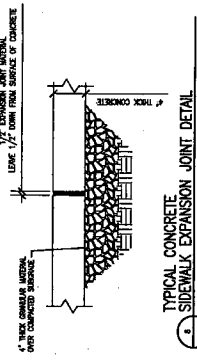
4. TYPICAL UTILITY TRENCH DETAIL
 ALL EXPOSURES SHALL CONFORM TO THE STANDARD SET FORTH BY OPA. ALL EXPOSURES SHALL BE FINISHED TO THE STANDARD SET FORTH BY OPA. ALL EXPOSURES SHALL BE FINISHED TO THE STANDARD SET FORTH BY OPA. ALL EXPOSURES SHALL BE FINISHED TO THE STANDARD SET FORTH BY OPA.



5. TYPICAL SEWER CONNECTION DETAIL
 ALL EXPOSURES SHALL CONFORM TO THE STANDARD SET FORTH BY OPA. ALL EXPOSURES SHALL BE FINISHED TO THE STANDARD SET FORTH BY OPA. ALL EXPOSURES SHALL BE FINISHED TO THE STANDARD SET FORTH BY OPA. ALL EXPOSURES SHALL BE FINISHED TO THE STANDARD SET FORTH BY OPA.



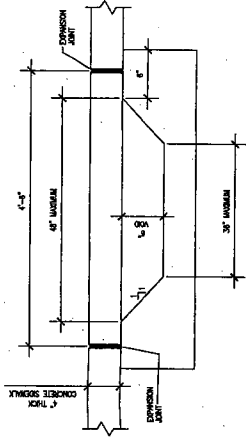
6. CONCRETE HANDICAP RAMP DETAIL
 ALL EXPOSURES SHALL CONFORM TO THE STANDARD SET FORTH BY OPA. ALL EXPOSURES SHALL BE FINISHED TO THE STANDARD SET FORTH BY OPA. ALL EXPOSURES SHALL BE FINISHED TO THE STANDARD SET FORTH BY OPA. ALL EXPOSURES SHALL BE FINISHED TO THE STANDARD SET FORTH BY OPA.



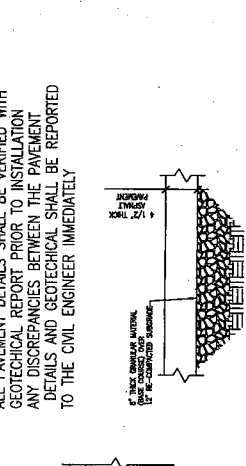
7. TYPICAL CONCRETE SIDEWALK SAW-CUT JOINT DETAIL
 ALL EXPOSURES SHALL CONFORM TO THE STANDARD SET FORTH BY OPA. ALL EXPOSURES SHALL BE FINISHED TO THE STANDARD SET FORTH BY OPA. ALL EXPOSURES SHALL BE FINISHED TO THE STANDARD SET FORTH BY OPA. ALL EXPOSURES SHALL BE FINISHED TO THE STANDARD SET FORTH BY OPA.



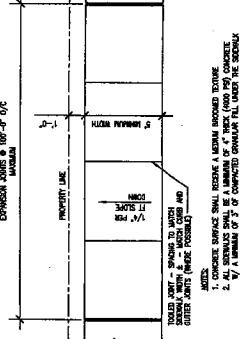
8. TYPICAL UTILITY TRENCH BELOW CONCRETE/ASPHALT SURFACE DETAIL
 ALL EXPOSURES SHALL CONFORM TO THE STANDARD SET FORTH BY OPA. ALL EXPOSURES SHALL BE FINISHED TO THE STANDARD SET FORTH BY OPA. ALL EXPOSURES SHALL BE FINISHED TO THE STANDARD SET FORTH BY OPA. ALL EXPOSURES SHALL BE FINISHED TO THE STANDARD SET FORTH BY OPA.



9. CONCRETE SIDEWALK BRIDGE DETAIL
 ALL EXPOSURES SHALL CONFORM TO THE STANDARD SET FORTH BY OPA. ALL EXPOSURES SHALL BE FINISHED TO THE STANDARD SET FORTH BY OPA. ALL EXPOSURES SHALL BE FINISHED TO THE STANDARD SET FORTH BY OPA. ALL EXPOSURES SHALL BE FINISHED TO THE STANDARD SET FORTH BY OPA.



10. TYPICAL ASPHALT PAVEMENT DETAIL
 ALL EXPOSURES SHALL CONFORM TO THE STANDARD SET FORTH BY OPA. ALL EXPOSURES SHALL BE FINISHED TO THE STANDARD SET FORTH BY OPA. ALL EXPOSURES SHALL BE FINISHED TO THE STANDARD SET FORTH BY OPA. ALL EXPOSURES SHALL BE FINISHED TO THE STANDARD SET FORTH BY OPA.

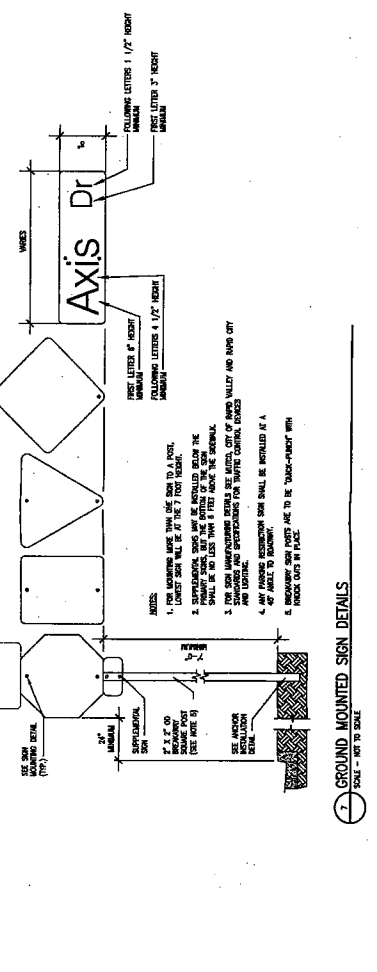
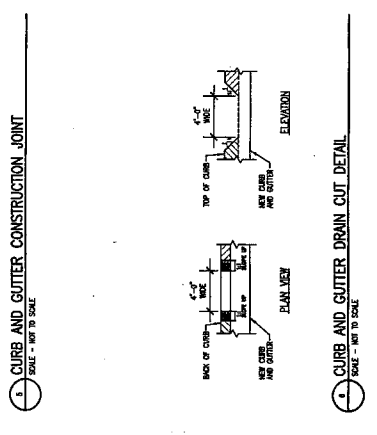
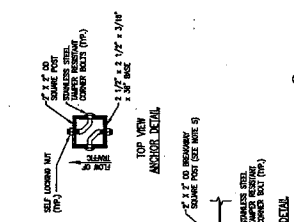
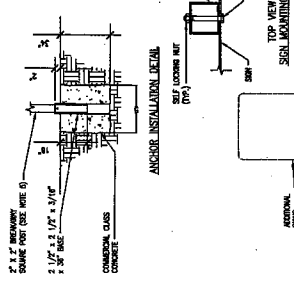
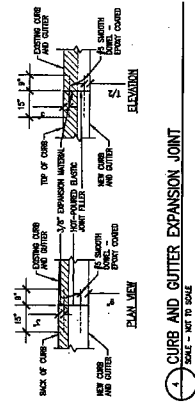
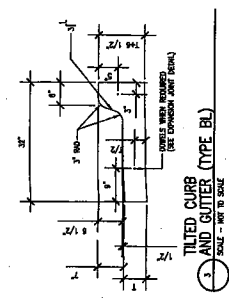
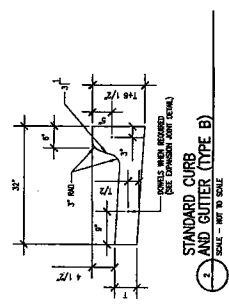
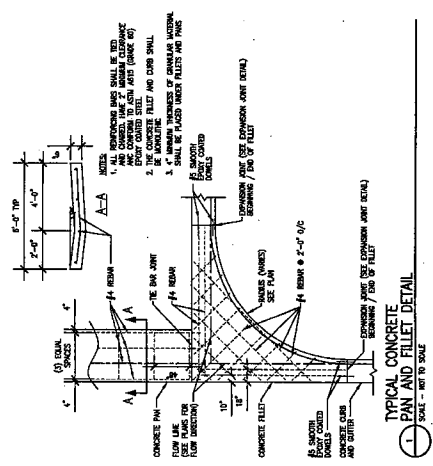
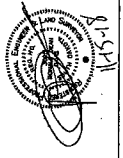


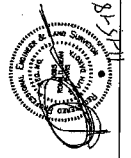
11. TYPICAL CONCRETE SIDEWALK DETAIL
 ALL EXPOSURES SHALL CONFORM TO THE STANDARD SET FORTH BY OPA. ALL EXPOSURES SHALL BE FINISHED TO THE STANDARD SET FORTH BY OPA. ALL EXPOSURES SHALL BE FINISHED TO THE STANDARD SET FORTH BY OPA. ALL EXPOSURES SHALL BE FINISHED TO THE STANDARD SET FORTH BY OPA.

NOTE: ALL PAVEMENT DETAILS SHALL BE VERIFIED WITH GEOTECHNICAL REPORT PRIOR TO INSTALLATION. ANY DISCREPANCIES BETWEEN THE PAVEMENT DETAILS AND GEOTECHNICAL SHALL BE REPORTED TO THE CIVIL ENGINEER IMMEDIATELY.

GENERAL NOTES AND SPECIFICATIONS
 MURPHY RANCH ESTATES SUBDIVISION - PHASE 6
 RAPID VALLEY, PENNINGTON COUNTY, SOUTH DAKOTA

JAMES ENGINEERING, INC.
 1805 BRICK ROAD, SUITE 200, RAVENHOLM, SD 57052
 PHONE (605) 341-1255
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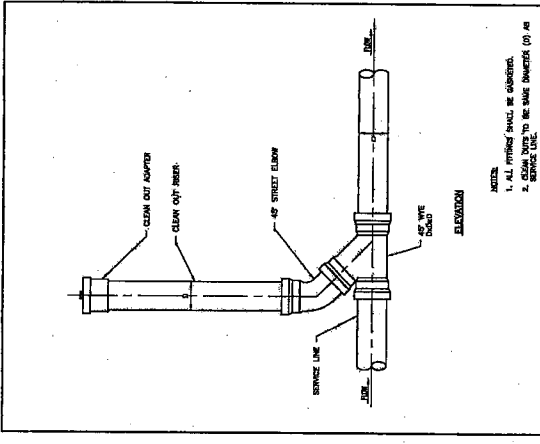




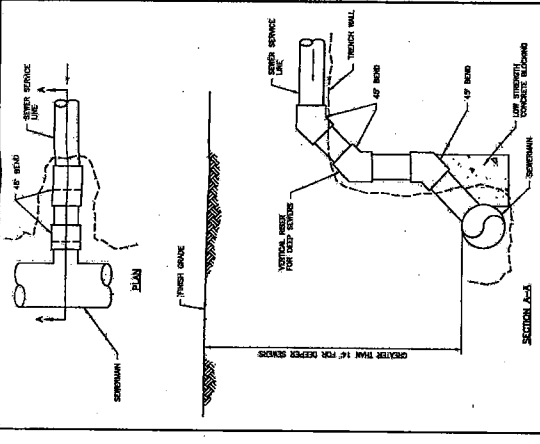
GENERAL NOTES AND SPECIFICATIONS
MURPHY RANCH ESTATES SUBDIVISION - PHASE 6
RAPID VALLEY, PENNINGTON COUNTY, SOUTH DAKOTA

DAVIS ENGINEERING, INC.
1006 BANK BUILDING, RENO, NE 68508
PHONE (402) 241-2095
FAX (402) 241-2096
SHEET NO. 3.3
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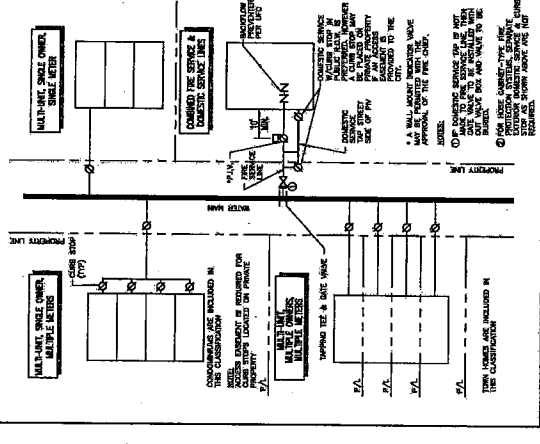
CITY OF RAPID CITY PUBLIC WORKS DEPARTMENT
DATE: 5-1-07
SHEET NO. 9-10
SANITARY SEWER SERVICE CLEAN OUT DETAIL



CITY OF RAPID CITY PUBLIC WORKS DEPARTMENT
DATE: 5-1-07
SHEET NO. 9-9
DEEP SANITARY SERVICE CONNECTION



CITY OF RAPID CITY PUBLIC WORKS DEPARTMENT
DATE: 5-1-07
SHEET NO. 8-3
TYPICAL WATER SERVICE LINE LAYOUT



CITY OF RAPID CITY PUBLIC WORKS DEPARTMENT
DATE: 5-1-07
SHEET NO. 9-11
TYPICAL TRENCH CHECK DAM DETAIL FOR WATER & SEWER MAINS

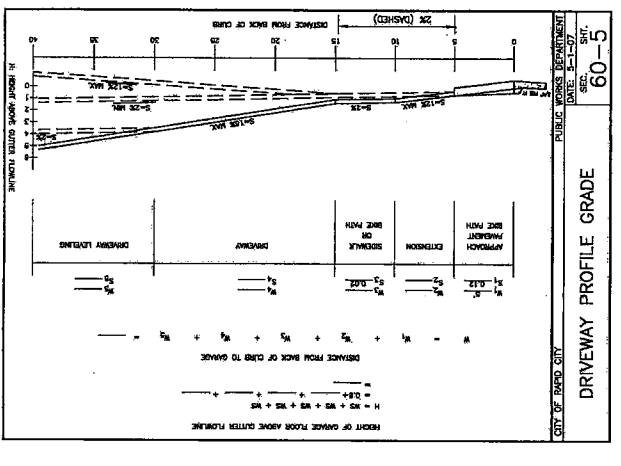
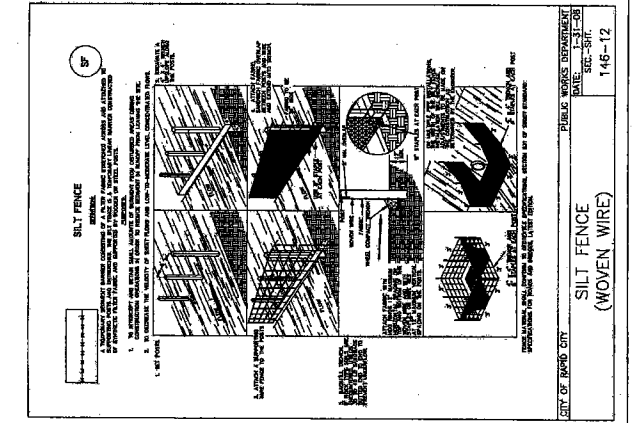
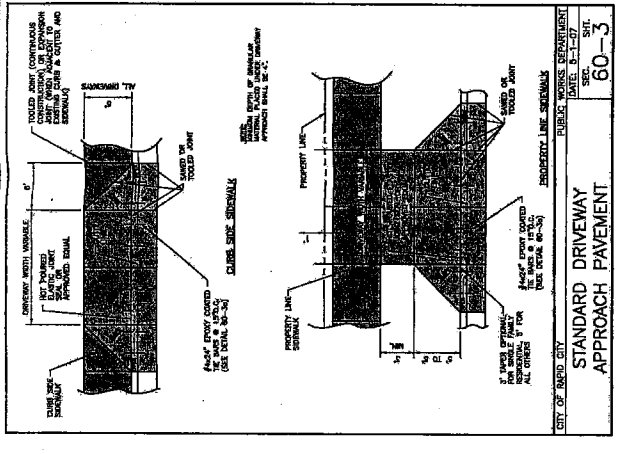
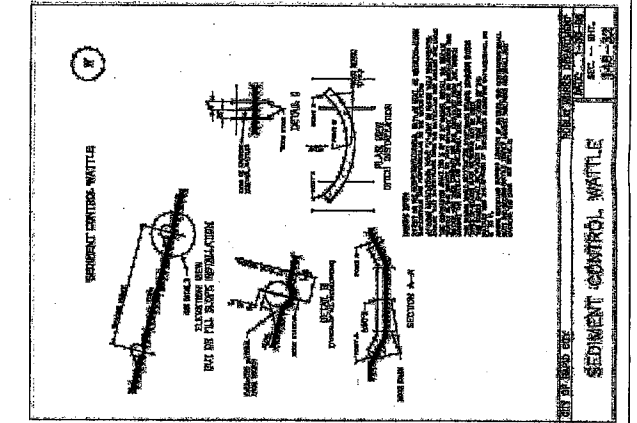
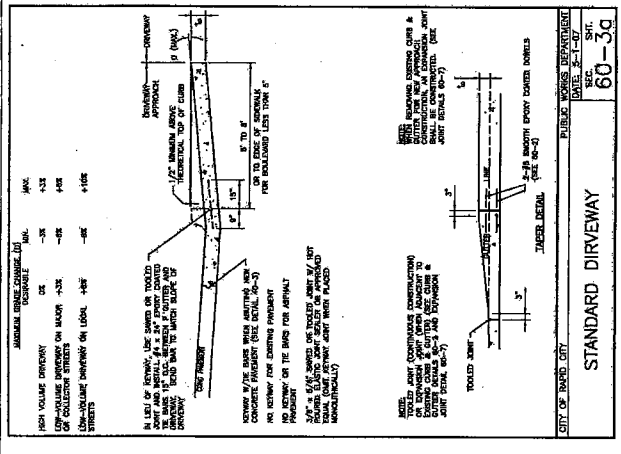
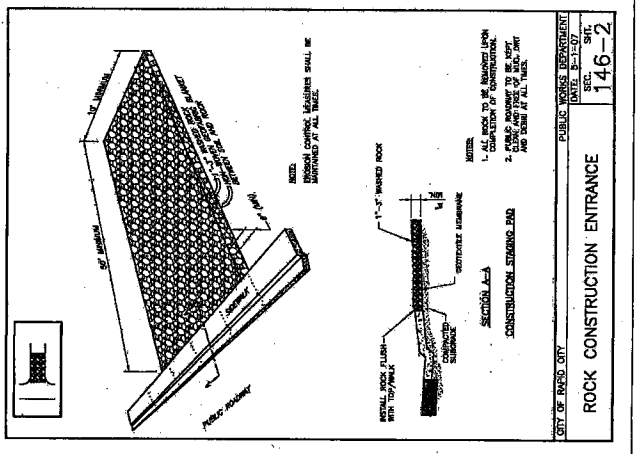


CITY OF RAPID CITY PUBLIC WORKS DEPARTMENT
DATE: 5-1-07
SHEET NO. 9-12
TYPICAL SEWER SERVICE LINE LAYOUT



GENERAL NOTES AND SPECIFICATIONS
MURPHY RANCH ESTATES SUBDIVISION - PHASE 6
RAPID VALLEY, PENNINGTON COUNTY, SOUTH DAKOTA

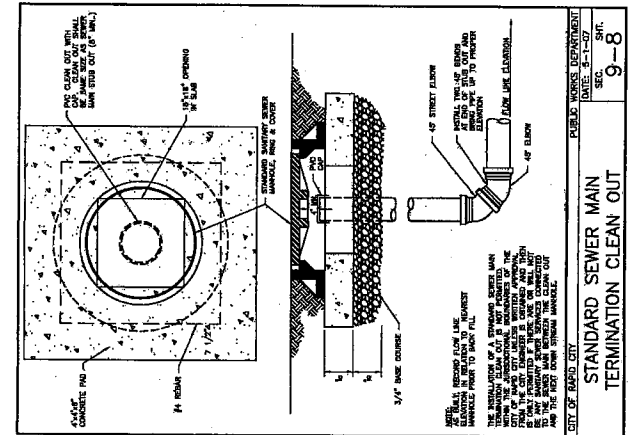
DAVIS ENGINEERING, INC.
1000 NORTH 24TH STREET
SIOUX FALLS, SD 57104
PHONE (605) 331-2000
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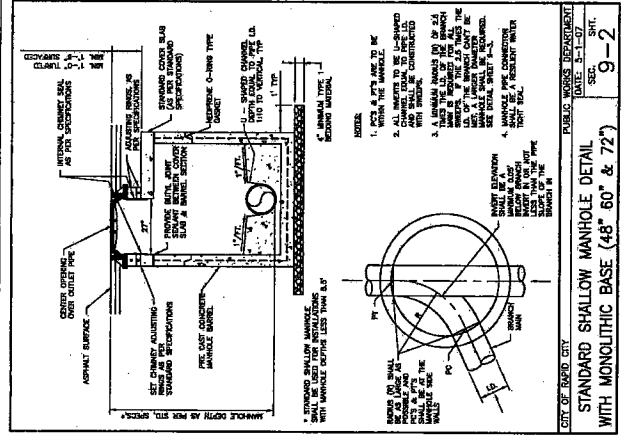
GENERAL NOTES AND SPECIFICATIONS
 MURPHY RANCH SUBDIVISION - PHASE 6
 RAPID VALLEY, PENNINGTON COUNTY, SOUTH DAKOTA

DAVIS ENGINEERING, INC.
 1800 WEST 8TH STREET, SUITE 200
 RAPID VALLEY, SD 57755
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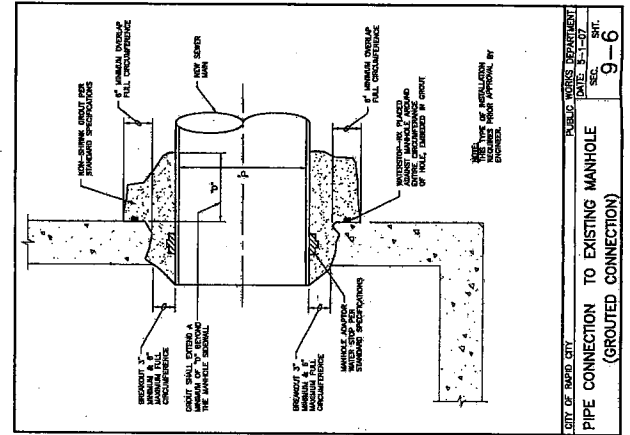
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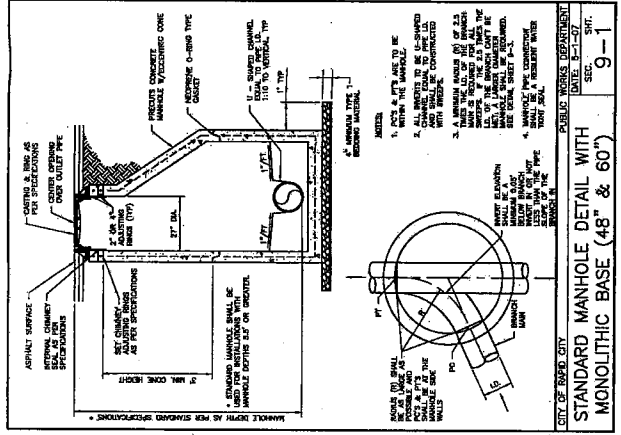
CITY OF RAPID VALLEY
 PUBLIC WORKS DEPARTMENT
 DATE: 5-1-07
 SEC. 9-2
 SHEET 9-2



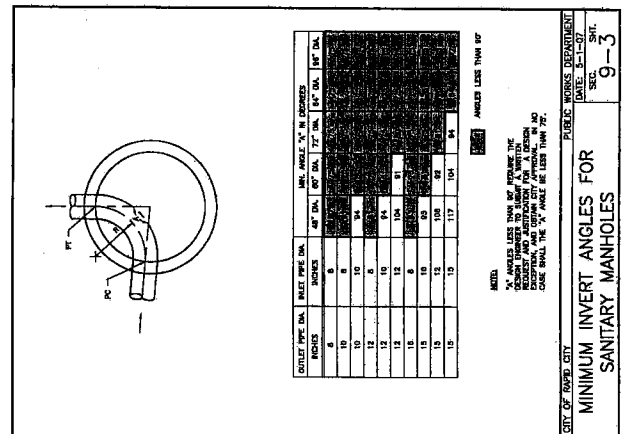
CITY OF RAPID VALLEY
 PUBLIC WORKS DEPARTMENT
 DATE: 5-1-07
 SEC. 9-1
 SHEET 9-1



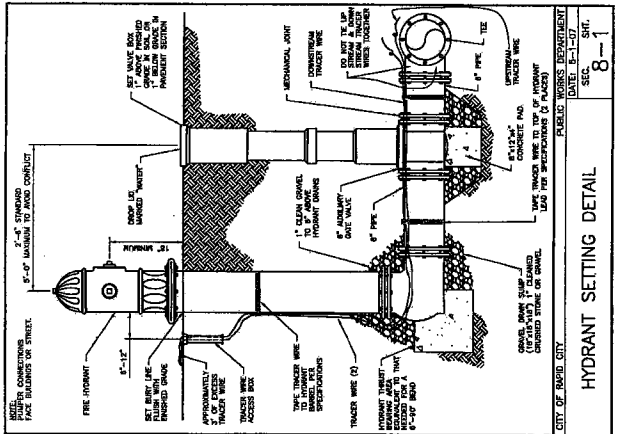
CITY OF RAPID VALLEY
 PUBLIC WORKS DEPARTMENT
 DATE: 5-1-07
 SEC. 9-3
 SHEET 9-3



CITY OF RAPID VALLEY
 PUBLIC WORKS DEPARTMENT
 DATE: 5-1-07
 SEC. 9-4
 SHEET 9-4



CITY OF RAPID VALLEY
 PUBLIC WORKS DEPARTMENT
 DATE: 5-1-07
 SEC. 9-5
 SHEET 9-5



CITY OF RAPID VALLEY
 PUBLIC WORKS DEPARTMENT
 DATE: 5-1-07
 SEC. 9-6
 SHEET 9-6



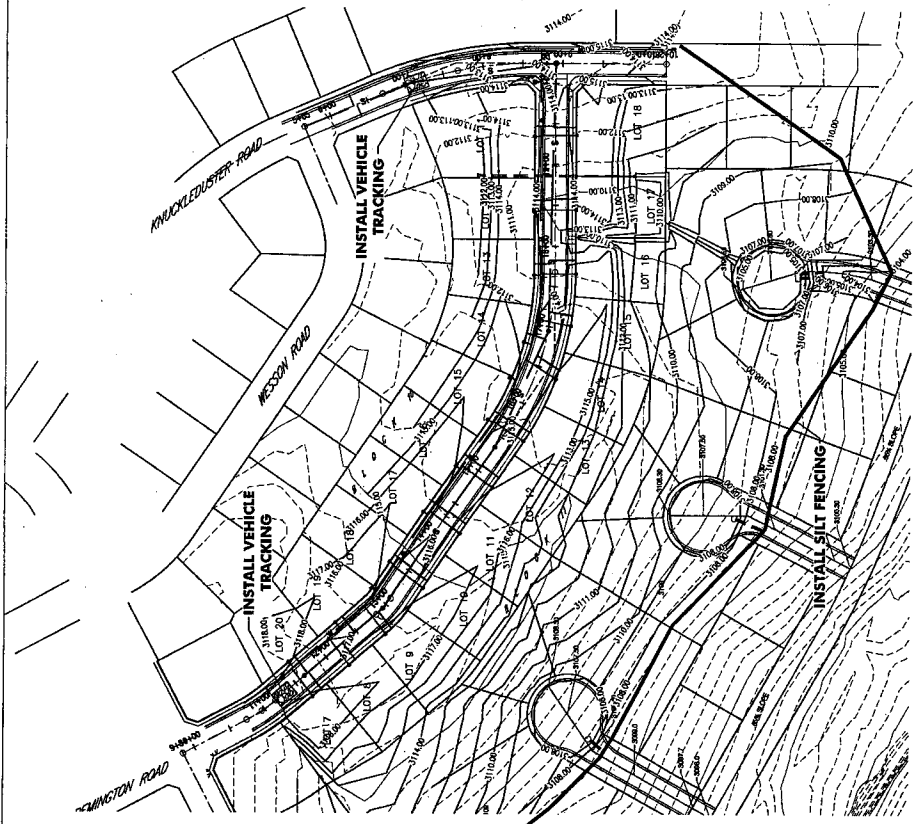
CITY OF RAPID VALLEY
 PUBLIC WORKS DEPARTMENT
 DATE: 5-1-07
 SEC. 9-7
 SHEET 9-7



CITY OF RAPID VALLEY
 PUBLIC WORKS DEPARTMENT
 DATE: 5-1-07
 SEC. 9-8
 SHEET 9-8

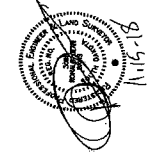
EROSION CONTROL PLAN AND NARRATIVE
MURPHY RANCH ESTATES SUBDIVISION - PHASE 6
 RAPID VALLEY, PENNINGTON COUNTY, SOUTH DAKOTA

DAVIS ENGINEERING, INC.
 1000 NORTH 10TH STREET, SUITE 200
 RAPID VALLEY, SOUTH DAKOTA 57702
 SHEET NO. 18 OF 25
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Plans are prepared for owner's convenience and are not intended to be used for any other purpose. The engineer is not responsible for any errors or omissions in the plans or for any consequences that may result from their use. The engineer's liability is limited to the professional services rendered by the engineer.

City of Rapid Valley
 Planning Director
 12/12/18
 Comments: DAVIS - 11/13
 18.P.036



EROSION CONTROL NARRATIVE

GENERAL NOTES:

- Regularly pickup and dispose of garbage and waste material.
- Routinely inspect equipment and processes for leaks or conditions that could lead to spills or leaks. If a spill or leak occurs, stop work immediately, contain the spill or leak, and report it to the appropriate authority.
- Use spill kits and absorbents to clean up any spills of oil, grease, or other hazardous materials or products used on the site.
- Ensure oil spill clean up procedures are understood by employees. Training of employees on proper clean up procedures shall be implemented.
- Clean up leaks, drips, and other spills immediately.
- Use spill kits and absorbents to clean up any spills of oil, grease, or other hazardous materials, notify the City of Rapid Valley Public Works Department.
- Drain or replace motor oil and other automotive fluids in an area away from streams or storm sewer inlets. Collect spent fluids and recycle or dispose of immediately.
- Do not dump any materials into storm sewer inlets.
- Make sure that employees are trained in spill prevention practices and others to them.

NOTICE OF INTENT:

A Notice of Intent will be filed with the Surface Discharge Program of the SD DENR immediately after approval of the Preliminary Plan by the Planning Commission of Rapid City. The primary responsible party is required to file a Notice of Termination with the DENR when the site has reached final stabilization.

EROSION CONTROL METHOD	EXPOSURE
Surface Roughening	1 mo.
Seeding	12 mo.
Temporary Revegetation	12-24 mo.
Permanent Revegetation	24 mo. or more
Soil Stockpile Revegetation	2 mo.
Early Application of Road Base	1 mo.

OWNER:
 Davis Engineering, Inc.
 1060 Kings Road
 Rapid City, SD
 605-341-3095

ENGINEER/SURVEYOR:
 Davis Engineering, Inc.
 1060 Kings Road
 Rapid City, SD
 605-341-3095

UTILITY CONTRACTOR:
 Powles Construction
 4830 Guest Road
 Rapid City, SD 57702
 605-431-2678

PAVING CONTRACTOR:
 Hills Material Company
 4830 Guest Road
 Rapid City, SD 57702
 605-394-3300

CONTRACTOR:
 To be determined!!
 Rapid City, SD 57701

PRIMARY RESPONSIBLE PARTY:
 Davis Engineering, Inc.
 1060 Kings Road
 Rapid City, SD
 605-341-3095

OWNERS CERTIFICATION:

The Erosion Control Plan appears to fulfill the technical criteria for erosion and sediment control requirements of the City of Rapid City. We understand that additional erosion control measures may be required during construction. The requirements of this plan shall not be the basis for any action on the part of the City of Rapid City. The requirements of this plan shall not be the basis for any action on the part of the City of Rapid City. The requirements of this plan shall not be the basis for any action on the part of the City of Rapid City. The requirements of this plan shall not be the basis for any action on the part of the City of Rapid City.

RONALD D DAVIS, PE/ALS, PRESIDENT DATE

ENGINEERS CERTIFICATION:

I hereby certify that these plans were prepared 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/ALS, PRESIDENT DATE

1. PROJECT DESCRIPTION:
 This project consists of developing 5.02 acres of land into 22 residential building sites located in Rapid Valley, Pennington County, SD.

2. EXISTING SITE CONDITIONS:
 This site has been used for growing crops with irrigation. This site is part of an 80 acre farm that is now being developed into residential lots.

3. ADJACENT AREAS:
 The land to the North of this site is Long View Road. The land to the West of this site is residential housing. The land to the South of this site is agricultural land that is still used to grow alfalfa. The land to the East of this site is residential housing.

4. SOILS:
 The soils on this site are Type B Sandy Loam and Medium Clays.

5. EROSION AND SEDIMENT CONTROL MEASURES:
 This site will use silt fences and sediment control mounds located as shown on the site plan. All erosion and sediment control installations shall meet all City of Rapid City Standard Details and Specifications.

6. CONSTRUCTION SCHEDULE:
 The site grading will begin November 19, 2018
 The sewer and water installations will follow starting around December 3, 2018
 The site will be fully developed by February 27, 2019
 The curb and gutter will follow on approx. February 27, 2019
 The asphalt paving will follow on approx. March 11, 2019

7. SPILL CONTROL PRACTICES:
 The used oil spill kit, absorbent pads, spill kits, and other spill prevention materials shall be reported to the appropriate authority. The spill kit shall be used to clean up any spills of oil, grease, or other hazardous materials. The spill kit shall be cleaned up immediately after discovery.

8. SPILL PREVENTION:
 Petroleum Products: Diesel construction equipment shall be maintained for leaks and receive Fuel Filter Products: The use of fertilizer is not prohibited for this site. Concrete Trucks shall be allowed to wash only at designated areas.

9. DEWATERING:
 If water from temporary dewatering shall be discharged to water of the State during construction, the contractor shall obtain a permit from DENR's General Permit for Temporary Dewatering. For more information, contact number is (605) 773-3351.

10. SOIL SURFACE STABILIZATION PRACTICES:
 After construction begins, soil surface stabilization shall be applied within 14 days to all disturbed areas. The stabilization shall be applied to all disturbed areas within 14 days to all disturbed areas. The stabilization shall be applied to all disturbed areas within 14 days to all disturbed areas. The stabilization shall be applied to all disturbed areas within 14 days to all disturbed areas.

11. PERMANENT STABILIZATION PRACTICES:
 Home building will be continuous on the improved lots and most will be sited or seeded during the building season. The slopes and the graded lots will be maintained during the building season. The slopes and the graded lots will be maintained during the building season. The slopes and the graded lots will be maintained during the building season. The slopes and the graded lots will be maintained during the building season.

12. STORM WATER MANAGEMENT CONSIDERATIONS:
 Stormwater will either flow towards the street and then to the constructed storm sewer, or else it will flow towards the back of the lot then down the side lot lines to the street and then into the constructed storm sewer. Stormwater will ultimately flow to the same downstream location after construction as it did before construction.

13. MAINTENANCE:
 Inspection of erosion and sediment control measures will be scheduled bi-weekly or more often as needed and following any storm event of 1/2 inch or greater. All measures shall be maintained in good working order. Inspection and maintenance procedures shall continue until the disturbed areas achieve final stabilization.

14. VEHICULAR TRACKING:
 Vehicle tracking shall be controlled by a tracked chain across the end of the existing driveway and the construction of the underground utilities. All measures shall be maintained during the construction phase. The utility construction phase will be required to use the already established vehicular access point located approximately 200 feet west of the Remington Road intersection and on the South side of Longview Road.

STAFF REPORT

GENERAL INFORMATION:

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

APPLICANT/AGENT: Jeremy Cummings

APPLICANT ADDRESS: 6431 Zamia Street, Rapid City, SD 57703

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

SITE LOCATION: 6431 Zamia Street.

TAX ID: 61125

SIZE: 0.57 acre

EXISTING LAND USE: Residential

ZONING REFERENCE: Section 213

CURRENT ZONING: Planned Unit Development District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Flat / Prairie

UTILITIES: Public

REPORT BY: P. J. Conover

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending approval the extension of Minor Planned Unit Development Amendment / PU 17-12 with twelve (12) conditions.

II. GENERAL DESCRIPTION

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

14. That the Minor Planned Unit Development Amendment shall be revoked upon sale or transfer of the subject property;
 15. That business operations shall not commence on the subject property until staff have received proof of safe and security features for the subject property;
 16. This Minor Planned Unit Development Amendment is not valid until the Statement of Understanding, which is available at the Planning Office, has been signed by the applicant; and,
 17. That this Minor Planned Unit Development Amendment be reviewed in one (1) year or on a complaint basis to verify that all conditions of approval are being met.
- D. January 07, 2019 – The applicant informed Planning Staff that he needed to update his Tax License with the South Dakota Department of Revenue (SDDOR).
- E. January 08, 2019 – Staff spoke to the applicant, via email, and the applicant agreed to an extension of the hearing for PU 17-12, to allow him time to obtain the necessary License from SDDOR.
- F. January 14, 2019 – The Planning Commission approved the continuation of the review of PU 17-12 to the February 11, 2019 Planning Commission Meeting.
1. Since that time, Staff has worked with the applicant and the ATF and have confirmed that Mr. Cummings now has the following:
 - a. Valid Federal Firearms License (FFL)
 - i. License Number: 3-46-01528
 - ii. Expires: 03.20.2021
 - b. Current South Dakota Department of Revenue Sales Tax License.
 - i. Issued: 01.14.2019
 - ii. License Number: 1034-2779-ST
 - iii.

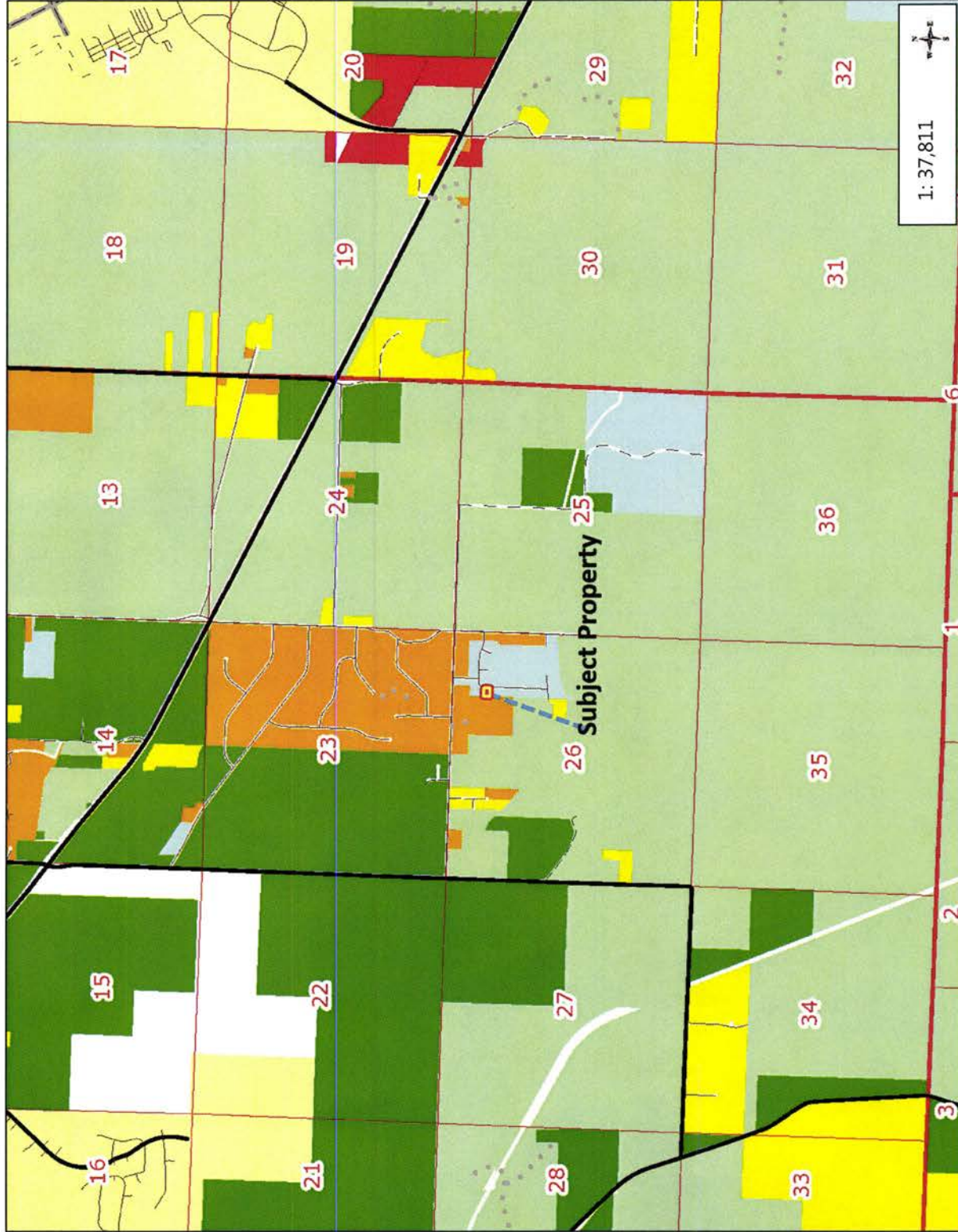


III. ANALYSIS

- A. Staff has received no complaints relative to PU 17-12 from citizens or the ATF.
- B. The applicant appears to be in compliance with all required regulations.

RECOMMENDATION: Staff recommends approval of the extension of Minor Planned Unit Development Amendment Review / PUR 17-12 with the following twelve (12) conditions:

1. That the Conditions of Approval of Planned Unit Development / PU 05-06 be continually adhered to;
2. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
3. That the home occupation, a gunsmithing and service business, shall continue to be operated completely within the existing attached garage and all associated storage be continually contained indoors;
4. That no on-premise business retail sales be allowed and customers be restricted from pick and/or drop off at the subject property;
5. That the applicant continues to comply with all applicable local, state, and federal laws;
6. That the address continues to be properly posted on both the residence and at the approach so it is visible in both directions from Zamia Street in accordance with Pennington County's Ordinance #20;
7. That the applicant continues to maintain a Sales Tax License as required by the South Dakota Department of Revenue;
8. That the residential characteristics of the property continues to be maintained and remains free of junk and debris;
9. That measures continue to be 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;
10. That the applicant continues to take measures to prevent the disposal of materials into the on-site wastewater treatment system;
11. That the Minor Planned Unit Development Amendment shall automatically be revoked upon sale or transfer of the subject property;
12. That Minor Planned Unit Development Amendment / PU 17-12 be reviewed in three (3) years, on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.



1: 37,811

6,301.8 0 3,150.91 6,301.8 Feet
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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Legend

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- Interstate
 - US highway
 - SD highway
 - County highway
 - Main road
 - Minor arterial
 - Collector
 - Ramp
 - Paved road
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 - Trail
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 - Airport Runway
 - Not yet coded
- PLSS
- Townships
- City Limits
- BOX ELDER
 - ELLSWORTH AFB
 - HILL CITY
 - KEYSTONE
 - NEW UNDERWOOD
 - QUINN
 - RAPID CITY
 - WALL
 - WASTA
- Pennington County Zoning**
- General Agriculture
 - General Commercial
 - Heavy Industrial
 - Highway Services

Map Notes:



1: 378

63.0 Feet



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- 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: MINOR PLAT / MPL 19-02 AND SUBDIVISION REGULATIONS VARIANCE / SV 19-01: To create Hix Tract and to waive platting requirements in accordance with Sections 400.3 and 700.1 of the Pennington County Subdivision Regulations.

APPLICANT: Edward Hix

APPLICANT ADDRESS: 229 W. 28th Avenue, Torrington, WY 82240

AGENT: Faith Lewis

AGENT ADDRESS: P.O. Box 97, Custer, SD 57730

SURVEYOR / ENGINEER: Andersen Engineers

SURVEYOR ADDRESS: P.O. Box 446, Edgemont, SD 57735

LEGAL DESCRIPTION: EXISTING LEGAL: PT of HES #572 – Tracts A and B, HES #572, Section 1, T1S, R2E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Hix Tract (Formerly a Portion of Tract A of H.E.S. 572) Located in Govt. Lot 4 of Section 1, T1S, R2E, BHM, Pennington County, South Dakota.

SITE LOCATION: 23526 Ditch Creek Road; south of the intersection of Deerfield Road and Ditch Creek Road.

SIZE: 6.68 acres

TAX ID: 12609

EXISTING LAND USE: Vacant

SUBDIVISION REGULATIONS REFERENCE: § 400.3 and 700.1

CURRENT ZONING: General Agriculture District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Forested / Hills

UTILITIES: Private

PREPARED BY: P.J. Conover

I. PROPOSED RECOMMENDATION

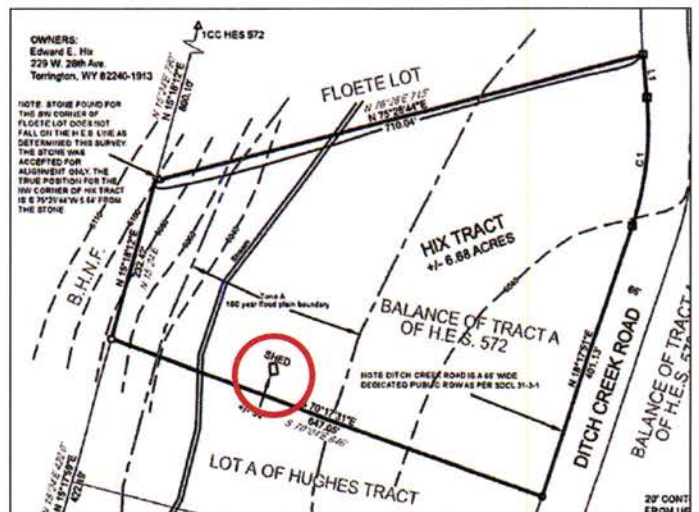
- A. Staff will be recommending approval of Subdivision Regulations Variance / SV 19-01 and Minor Plat / MPL 19-02.

II. GENERAL DESCRIPTION

- A. The applicant, Edward Hix, has submitted Minor Plat / MPL 19-02 and Subdivision Regulations Variance / SV 19-01 to create Hix Tract. The remaining balance will be unplatted.

III. EXISTING CONDITIONS

- A. Current Zoning: General Agriculture District.
 - 1. Forty (40) acre minimum lot size.
- B. Future Land Use Zoning: Planned Unit Development Sensitive.
- C. 140.61 acres.
- D. Access off of Ditch Creek Road.
- E. Property contains:
 - 1. A Single-Family Residence.
 - a. Constructed in 1950 per Department of Equalization (DOE) records.
 - 2. Shed (circled in red).
 - a. Appears to be under 144-square feet and not on a permanent foundation.
 - b. Built prior to 1982.
 - c. Located within a Special Flood Hazard Area (SFHA)
 - d. Considered a Pre-FIRM building.
 - i. Pre-FIRM buildings are constructed or substantially

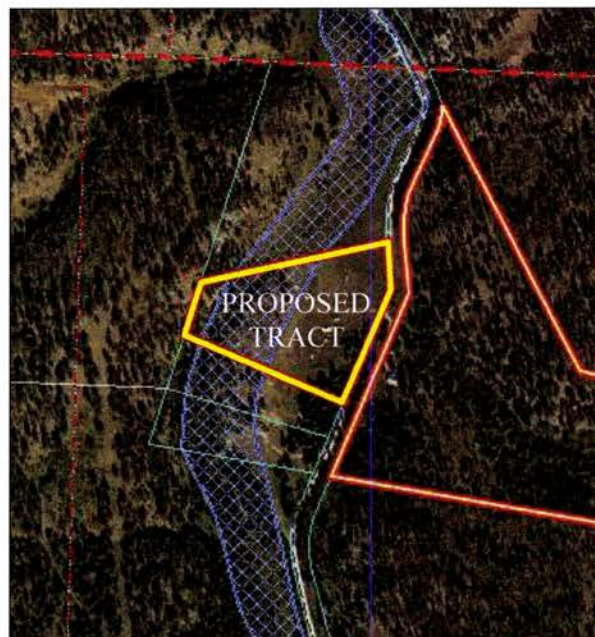


- improved prior to 12/31/1974 or the effective date of an initial Flood Insurance Rate Map (FIRM).
- ii. Pennington County's initial FIRMs were published on February 03, 1982.
- 3. Operating Permit / COOP14-0213.
- 4. SFHA – Zone A.
 - a. Flood Insurance Rate Map Number: 46103C1100H.
 - b. Effective Date: 06.03.2013



IV. PROPOSED TRACT

- A. Hix Tract.
 - 1. 6.68 acres ±.
 - 2. Contains a Shed.
- B. Shed – Mentioned in Section III(E)(2) above.
- C. Proposed access off of Ditch Creek Road.
- D. Special Flood Hazard Area – Zone A.
 - 1. Flood Insurance Rate Map Number: 46103C1100.
 - 2. Effective Date: 06.03.2013.



V. VARIANCE / VA 19-01

- A. The applicant has applied for VA 19-01 due to the requested 6.68 acre Tract size.
- B. A minimum lot size of forty (40) acres is required in a General Agriculture Zoning District.
- C. VA 19-01 is scheduled to be heard by the Board of Adjustment on February 19, 2019.
 - 1. A Condition of Approval will be added to this Staff Report which will not allow the recording of the new plat until the proposed tract is in conformance with Pennington County Zoning Ordinances.

VI. SUBDIVISION REGULATIONS VARIANCE / SV 19-01

- A. The applicant has requested to waive the following Subdivision Regulations:
 - 1. The submittal of engineered road construction plans and road improvements; and,
 - 2. The submittal of information for percolation tests and a soil profile hole review.
- B. Staff does not object to the two above-mentioned requests.
- C. Future subdivision of the parent parcel or proposed tract may require the submittal of engineered road construction plans and road improvements.

VII. REQUEST FOR COMMENT FOR MPL 19-02 AND SV 19-01

- A. County Highway Department
 - 1. An approach permit will be required.
- B. County Environmental Planning Supervisor
 - 1. There is Special Flood Hazard Area on the subject property. If any disturbance occurs in the SFHA, at a minimum, a Floodplain Development Permit is required.
- C. County Environmental Planner
 - 1. There is currently a small cabin on the lot [parent parcel] with a valid Operating Permit (COOP14-0213). If a septic system is installed on either of the two new lots [proposed Hix Tract and parent parcel] all rules of Pennington County Zoning Ordinance 204-J must be followed including conduction PERC tests and investigating a soil Profile hole.
- D. County Ordinance Enforcement Officer
 - 1. Ordinance Enforcement has no objections.
- E. County Addressing Coordinator
 - 1. No addressing concerns at this time. All current and future addresses must be posted in accordance with Pennington County Ordinance #20.
- F. Register of Deeds
 - 1. Plat heading is acceptable.
 - 2. Certificates appear to be the required certificates per state statute.

- G. Department of Equalization
 - 1. This plat looks ok for me to sign...
- H. County Fire Administrator – Hill City Fire Department
 - 1. Hill City Fire has no comments.
- I. Black Hills Electric Cooperative
 - 1. Black Hills Electric Cooperative would like to request that the plat show the current powerline crossing the property.

VIII. ANALYSIS

- A. Black Hills Electric Cooperative has requested that the plat show the current powerline crossing proposed Hix Tract.
- B. Andersen Engineers has made note of two separate types of easements for the proposed plat.
 - 1. Ten (10) foot wide Utility Easement on the interior side of all side and rear lot lines; and
 - 2. Eight (8) foot wide Minor Drainage Easement on the interior sides of all lot lines.
 - a. The Pennington County Subdivision Regulations requires an eight (8) foot wide utility and minor drainage easement ... on the interior side of all lot lines...;
 - b. The Notes on the plat for the two (2) above-mentioned easements meet and exceed the County's requirements.
- C. Staff has not identified any other concerns, at this time, that would inhibit approval of MPL 19-02 or SV 19-01.

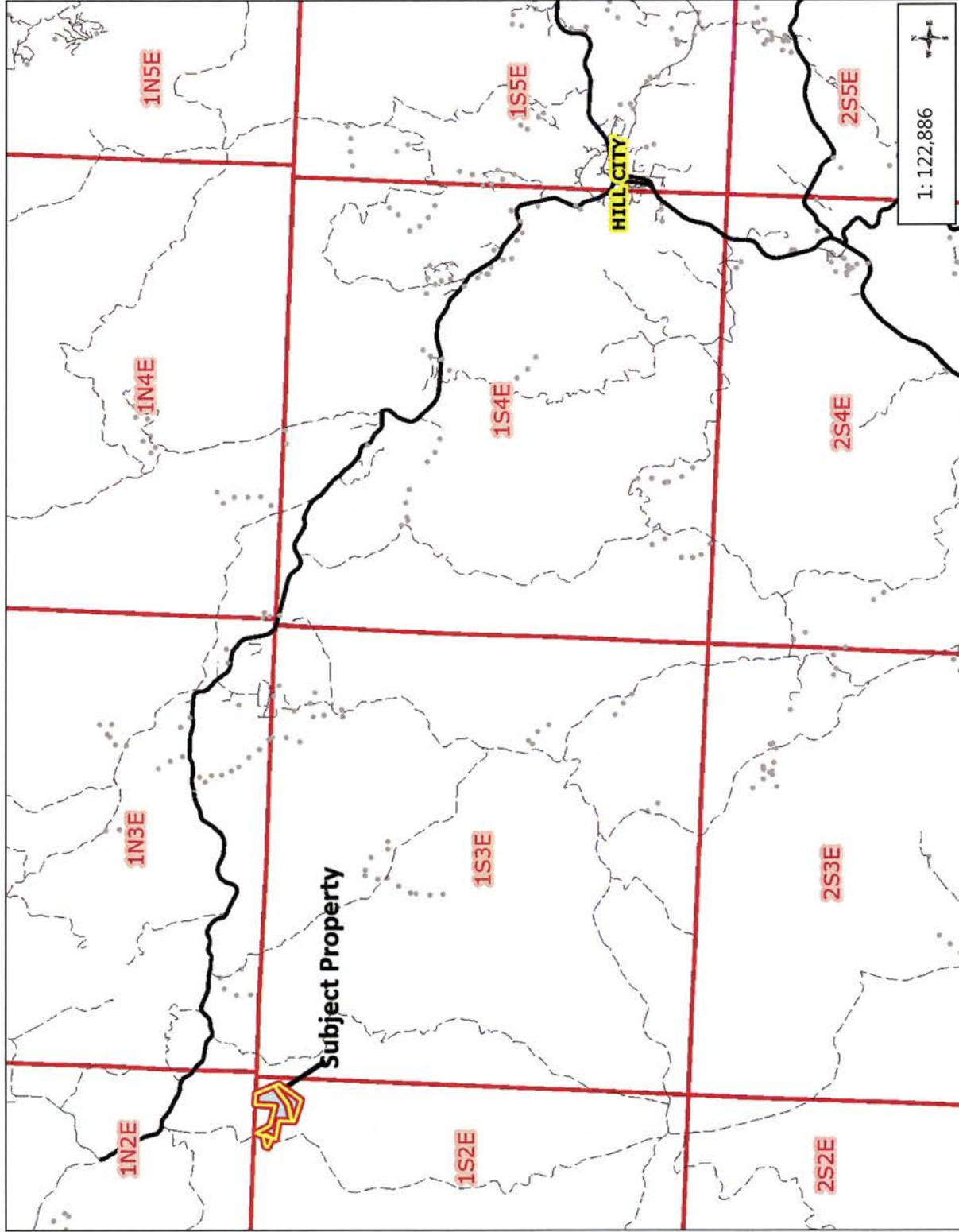
RECOMMENDATION: Staff recommends approval of Subdivision Regulations Variance / SV 19-01 to waive submittal of the following: 1. Engineered road construction plans and road improvements; and 2. Percolation test and profile hole information.

RECOMMENDATION: Staff recommends approval of Minor Plat / MPL 19-02 with the following eight (8) conditions:

- 1. That prior to filing the Plat with the Register of Deeds, the proposed tract size meets County requirements by way of an approved Lot Size Variance or Rezoning;
- 2. That prior to filing the Plat with the Register of Deeds, the existing powerline and/or powerline easement be drawn and noted on the plat;
- 3. That prior to filing the Plat with the Register of Deeds, a minimum eight (8) foot utility and minor drainage easement continue to be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;

Agenda Item # 12
Edward Hix; Faith Lewis - Agent
February 11, 2019

4. That prior to filing the Plat with the Register of Deeds, percolation tests and soil profile hole information be submitted for the proposed lot for review and approval by the County Environmental Planner, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
5. 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;
6. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
7. That, at a minimum, an approved Floodplain Development Permit be obtained prior to any disturbance in the Special Flood Hazard area; and
8. That following platting of the proposed tract, 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.



1: 122,886

20,480.9 0 10,240.46 20,480.9 Feet

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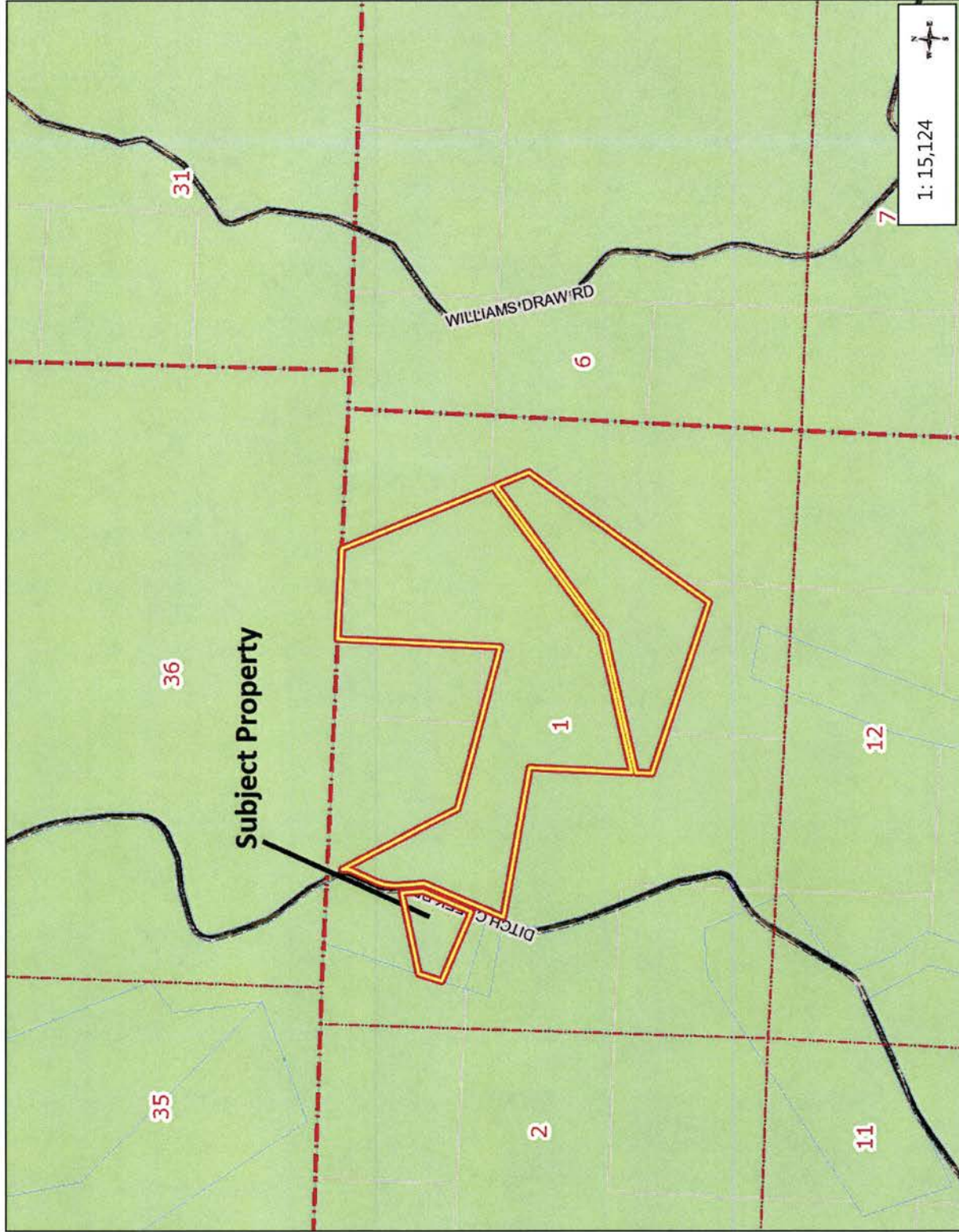
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- Townships**
- BOX ELDER
 - ELLSWORTH AFB
 - HILL CITY
 - KEYSTONE
 - NEW UNDERWOOD
 - QUINN
 - RAPID CITY
 - WALL
 - WASTA
- City Limits**
- HILL CITY

Map Notes:



2,520.7 0 1,260.36 2,520.7 Feet

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Section Lines 0-25k

- 0
- 7

Tax Parcels

Lot Lines

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- Lot Line
- Parcel Line

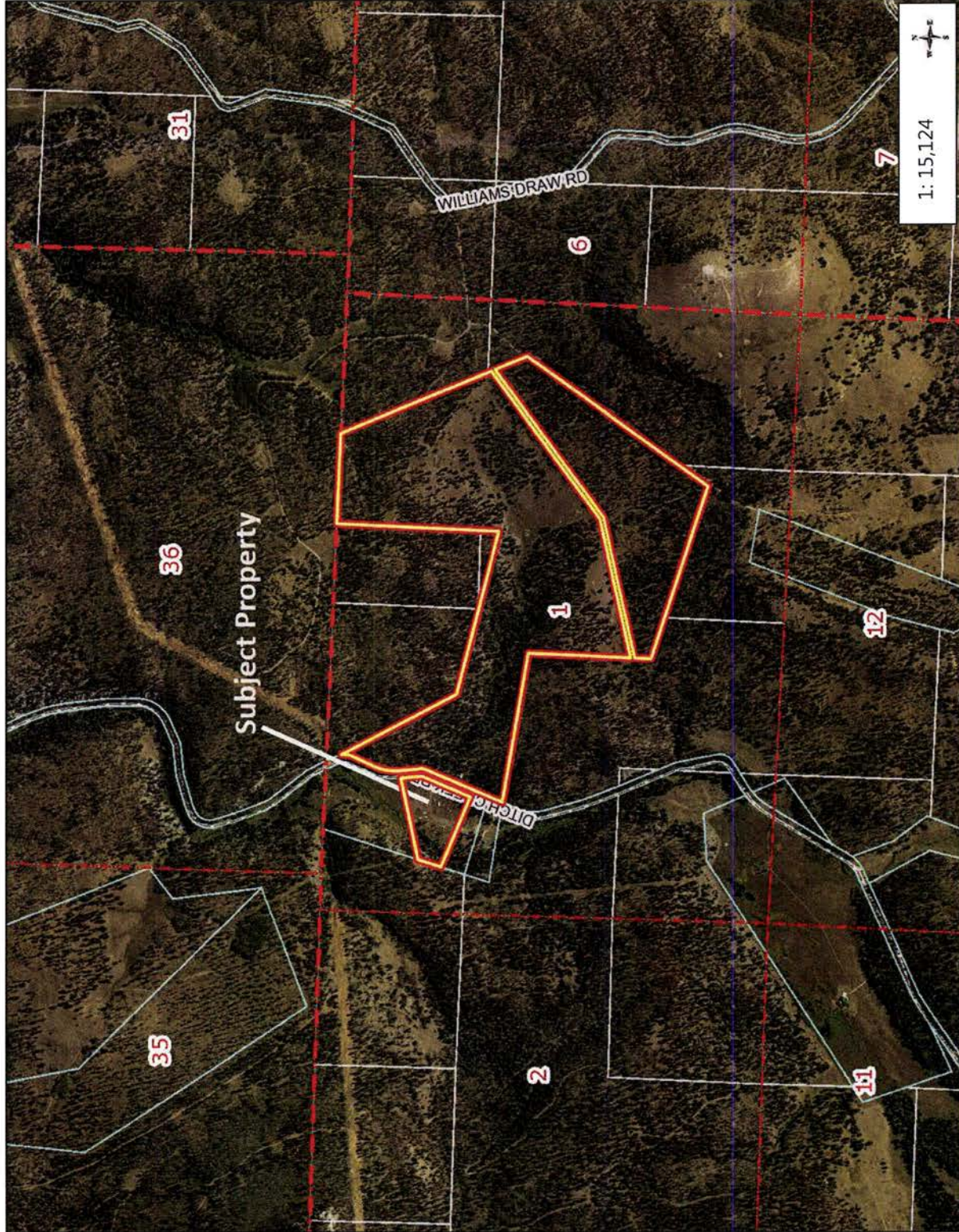
Pennington County Zoning

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

Map Notes:

Legend

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- Section Lines 0-25k**
- 0
 - 7
- Tax Parcels**
- Lot Lines**
- <Null>
 - Lot Line
 - Parcel Line



1: 15,124

Map Notes:

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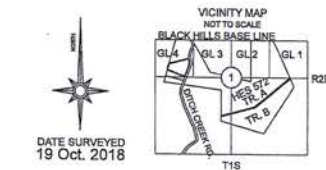
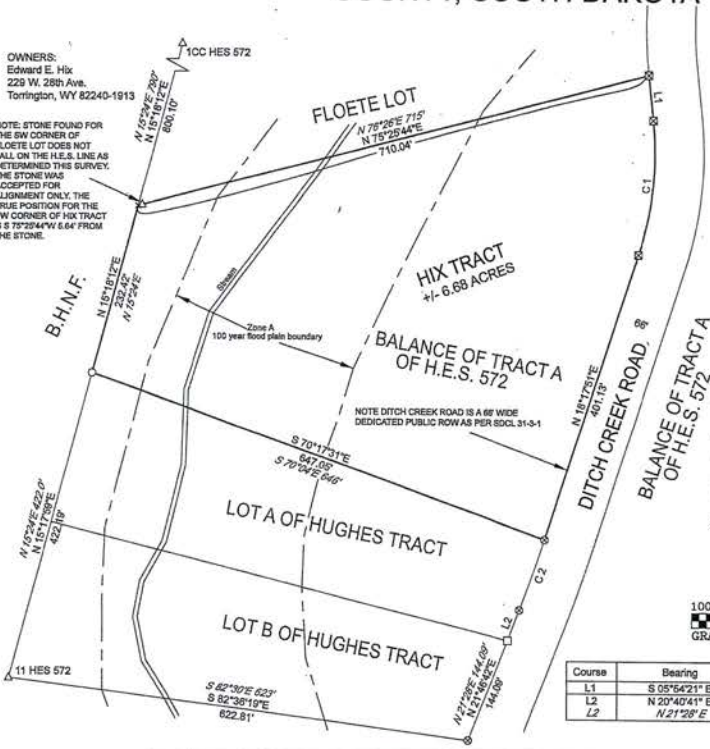
THIS MAP IS NOT TO BE USED FOR NAVIGATION



**PLAT OF HIX TRACT
(FORMERLY A PORTION OF TRACT A OF H.E.S. 572)
LOCATED IN GOVT. LOT 4 OF SECTION 1, T1S, R2E, BHM, PENNINGTON
COUNTY, SOUTH DAKOTA**

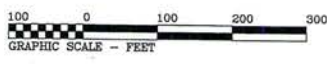
OWNERS:
Edward E. Hix
228 W. 28th Ave.
Torrington, WY 82240-1813

NOTE: STONE FOUND FOR THE SW CORNER OF FLOETE LOT DOES NOT FALL ON THE H.E.S. LINE AS DETERMINED THIS SURVEY. THE STONE WAS ACCEPTED FOR ALIGNMENT ONLY. THE TRUE POSITION FOR THE NW CORNER OF HIX TRACT IS S 79°29'44"W 6.64' FROM THE STONE.



BASIS OF BEARING - GPS OBSERVATION
taken S 00°10'59"E 225.05' from the NE corner of HIX TRACT.

- LEGEND**
- ⊗ Set rebar with AL cap marked "ANDERSEN ENG PLS 5909"
 - ⊗ Found rebar w/plastic cap marked "FISK LS 1771"
 - Found rebar
 - △ Found stone monument
 - △ Found iron bolt
 - x Angle point not monumented
 - azaz Start lettering denotes record calls



Course	Bearing	Distance
L1	S 05°42'11" E	59.82'
L2	N 20°40'41" E	43.98'
L2	N 21°28' E	44.0'

Curve	Radius	Tangent	Length	Delta	Degree	Chord	Chord Bear.
C1	433.39'	92.92'	163.08'	24°12'12"	13°13'13"	181.72'	N 06°11'45" E
C2	1908.00'	50.09'	100.16'	3°00'21"	3°00'11"	100.16'	S 19°48'04" W
C2	1908.00'	100'	100'	100'	99.99'	99.99'	S 18°28' W

- NOTES:**
- FOR A PLAT OF FLOETE LOT SEE BOOK 3 OF PLATS ON PAGE 78.
 - FOR A PLAT OF LOT A AND LOT B OF HUGHES TRACT SEE BOOK 9 OF PLATS ON PAGE 196.
 - TEN (10) FOOT WIDE UTILITY EASEMENT SHALL BE LOCATED ON THE INTERIOR SIDE OF ALL SIDE AND REAR LOT LINES.
 - EIGHT (8) FOOT WIDE MINOR DRAINAGE EASEMENT SHALL BE LOCATED ON THE INTERIOR SIDES OF ALL LOT LINES.

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 subdivision and shall in prosecution of such protections, conform to and follow all regulations of the South Dakota Department of Environment and Natural Resources relating to the same.

FLOODPLAIN STATEMENT
The 100-year floodplain, as shown hereon, is based on the elevations identified on Flood Insurance Rate Map Number 46103C1100H, Effective Date 6/3/2013, or as graphically depicted on said map in unstudied areas. The floodplain information shown hereon serves as constructive notice that certain flood hazards exist on portions of the subject property. The location of the floodplain, as shown hereon, may be subject to change.

CERTIFICATE OF OWNERSHIP
STATE OF _____ S.S.
COUNTY OF _____ S.S.

I, Edward E. Hix do hereby certify that I am the owner of the tract of land shown and described hereon; that the plat was done at my request for the purpose indicated hereon, that I do hereby approve the within plat of said land; and that the development of this land shall conform to all existing applicable zoning, subdivision, and erosion and sediment control regulations.

a. Any land shown on the within plat as dedicated to public right of way is hereby dedicated to public use and public utility use.

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

Owner: _____
Owner: _____

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

Notary Public: _____
My commission Expires: _____

CERTIFICATE OF SURVEYOR
STATE OF SOUTH DAKOTA
COUNTY OF FALL RIVER S.S.

I, John D. McBride, Registered Land Surveyor No. 5906, in the State of South Dakota, do hereby certify that at the request of the owner(s) listed hereon I have surveyed that tract of land shown, and to the best of my knowledge and belief, the within plat is a representation of said survey.

IN WITNESS WHEREOF, I hereunto set my hand and Seal.
Dated this 19 day of December, 2018.

South Dakota Registered Land Surveyor _____



RESOLUTION BY GOVERNING BOARD
STATE OF SOUTH DAKOTA
COUNTY OF PENNINGTON S.S.

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

Auditor of Pennington County _____

CERTIFICATE OF DIRECTOR OF EQUALIZATION

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

Dated this _____ day of _____, 20____.

Director of Equalization of Pennington County
APPROVED: _____ DATE: _____

CERTIFICATE OF COUNTY TREASURER

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

Dated this _____ day of _____, 20____.

Treasurer of Pennington County _____

CERTIFICATE OF REGISTER OF DEEDS
STATE OF SOUTH DAKOTA
COUNTY OF PENNINGTON S.S.

Filed this _____ day of _____, 20____, at _____ o'clock _____ M., Document # _____

Register of Deeds of Pennington County
By: _____ FEE: \$ _____

CERTIFICATE OF STREET AUTHORITY

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

Highway Authority of Pennington County _____

Prepared by
ANDERSEN ENGINEERS
Land Surveyors, Professional Engineering, & Environmental Consultants

Drawn by DR	Date 9/4/2018	P.O. Box 448 Edgemont, SD 57735 (605)-862-5500
Approved by McB	Date 9/4/2018	andersenengineers@gwtc.net
Scale 1"=100'	Sheet 1 of 1	File Name: HES_572_PLAT

STAFF REPORT

GENERAL INFORMATION:

REQUEST: **CONSTRUCTION PERMIT REVIEW / CP 18-12:** To review a Construction Permit excavate and level of a hillside for a future residence in accordance with Sections 208 and 507 of the Pennington County Zoning Ordinance.

APPLICANT: Brad Nible / Carle Schauer

APPLICANT ADDRESS: 3517 School Drive, Rapid City, SD 57703

LEGAL DESCRIPTION: Lot 2A, Block 6, Harney Peak View Addition, Section 9, T1N, R8E, BHM, Pennington County, South Dakota.

SITE LOCATION: School Drive; located west of the intersection of Jolly Lane and School Drive.

TAX ID: 68597

SIZE: 0.68 acre

EXISTING LAND USE: Vacant

ZONING REFERENCE: Sections 208 and 507

CURRENT ZONING: Suburban Residential District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Hillside / sloping

UTILITIES: None / Rapid Valley Sanitary District

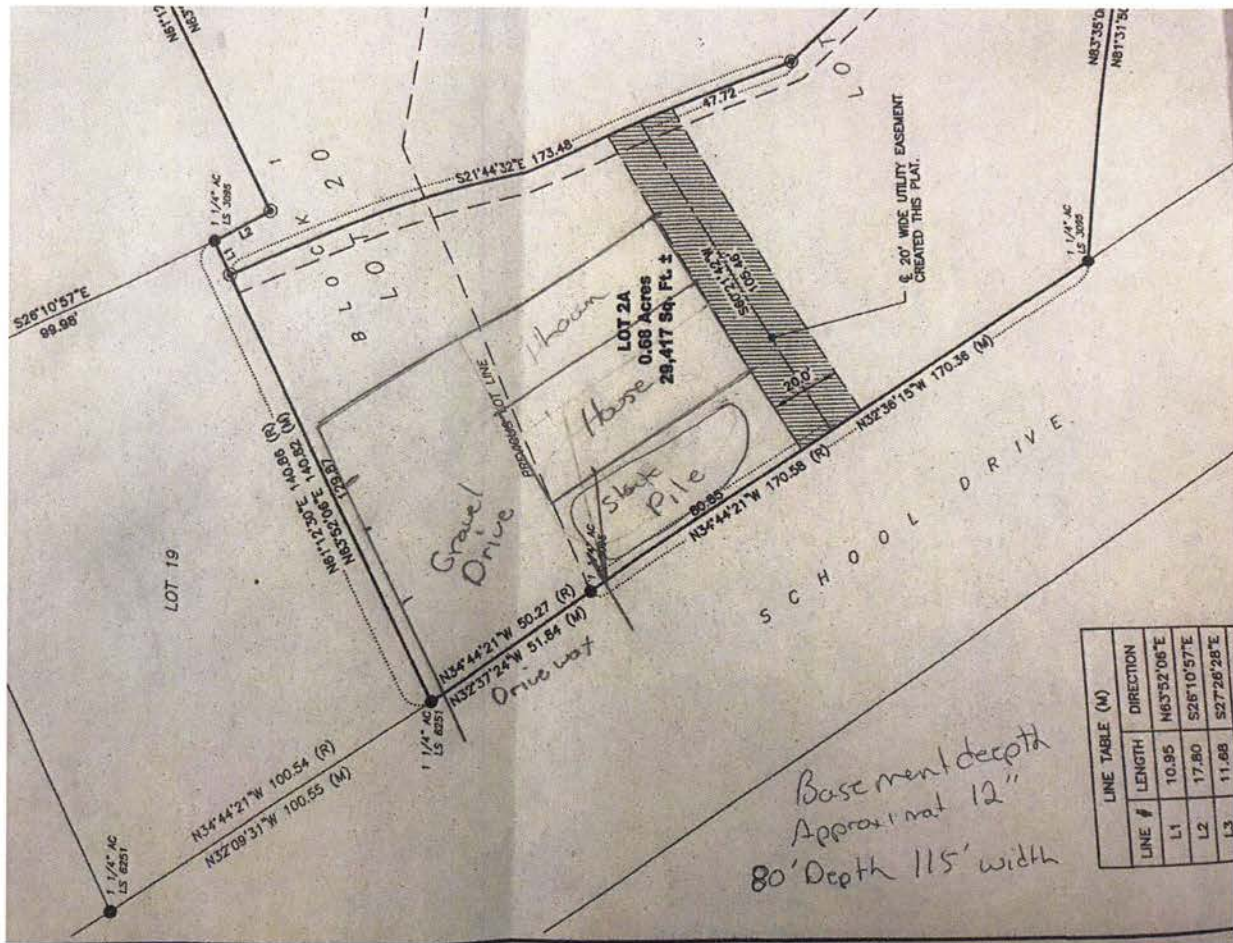
REPORT BY: Cody Sack

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending approval of the extension of Construction Permit / CP 18-12 with fourteen (14) conditions.

II. GENERAL DESCRIPTION

- A. The applicant, Bradley Nible, applied for a Construction Permit to bring into compliance an existing violation on the subject property to excavate and level a hillside for a future residence(s).



Site Plan

III. EXISTING CONDITIONS

- A. Zoned Suburban Residential District.
- B. 0.68 acre.
- C. Total area of disturbance – 11,813 square feet.
- D. Lot vacant of structures.

IV. ROAD DITCH ALONG SCHOOL DRIVE

- A. The road ditch was filled with sediment and caused the ditch to flatten and therefore water would pool in the lots on the south side of the road.
- B. The drainage improvements were completed to correct drainage problems within the road ditch along School Drive.
- C. Drainage improvements along School Drive were completed by County Highway in 2015.

V. Property History (November 2018 – December 2018)

- A. October 18, 2018 - County Ordinance Enforcement issued a violation (COVO18-0241).
 1. Disturbing more than 10,000 square feet of dirt without a Construction Permit.
- B. October 23, 2018 - The applicant, Bradley Nible, applied for a County Construction Permit.
 1. The applicant stated he did not believe that he needs a Construction Permit.
 2. The applicant stated in multiple emails to the Commission Office and the State's Attorney's Office that Staff was going by cubic feet not square feet (see attachments).
- C. October 24, 2018 - Staff performed a site visit and found the following:
 1. Significant land disturbance on the lot.
 2. The hillside on the property was being excavated out.
 3. An approach had been constructed (Approach permit 07/24/18-3).
 - a. May be in violation of the Approach Permit.
 - b. No erosion control practices
- D. November 3, 2018 - Staff drove by the property and found:
 1. The applicant was putting in his second approach.
 - a. Applicant does have a Permit for two approaches, however, the Permit is contingent on the Final Platting of the property with the city of Rapid City
- E. November 5, 2018 - Staff was in contact with the applicant:
 1. The applicant contacted Staff because he wants to put a double-wide-mobile home on the property with apartments in the basement.
 2. No Building Permit has been submitted for the subject property.
 3. The applicant informed Staff that the dirt being excavated was being removed from the property by "Nielson" to another project off-site.
 - a. Through various conversations with staff, the applicant has stated that he is selling the material and that the material is not for personal use.

Agenda Item #13
Brad Nible
February 11, 2019



Disturbance of hillside (11/5/18)



Retaining wall on property to the west (11/5/18)



Foundation Excavation Area (11/5/18)



Installed Approach (11/5/18)

- F. November 8, 2018 - Staff mailed, by way of certified return receipt, a Stop Work Order for the property. One to Mr. Nible and one to Carl Schauer, the other landowner.
1. The Stop Work order will be lifted when the site is stabilized and the engineered plans have been reviewed.
- G. November 13, 2018 – Construction Permit / CP 18-12 was originally approved by the Planning Commission with the following twelve (12) conditions:
1. That erosion control measures are implemented *immediately* and maintained until the site has been revegetated in accordance with § 507(A)(5)(c);
 2. That cut-and-fill slopes be designed and constructed to minimize erosion and design plans submitted to the Pennington County Drainage Engineer for review within 30 days;
 3. That the owner must inspect the site at least once every 7 days and within 24 hours of the end of a storm event that is one-half inch or greater (this includes rain or snow-melt runoff). Inspection reports must be submitted to the Planning Director every month during construction;
 4. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;
 5. That all natural drainage ways and paths be continually maintained;
 6. That an engineered plan to stabilize the hillside either by a retaining wall or by sloping the hillside is developed and the design plans submitted to the Pennington County Drainage Engineer for review within 30 days;
 7. That sediment from the site is contained in such a manner 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 of sediment from the right-of-way (road ditch) *immediately* after being notified or as discovered by the owner during weekly inspections;
 8. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;
 9. 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;

10. That the disturbed areas be re-vegetated as required in § 507(A)(5)(c);
 11. That the applicant sign the Statement of Understanding prior to the Stop Work Order being lifted; and,
 12. That this Construction Permit be reviewed at the December 3, 2018, Planning Commission meeting to verify that erosion controls have been implemented and progress is being made on engineered design plans.
- H. The applicant has submitted a Preliminary Subdivision Plan with Rapid City (City 3-mile Platting Jurisdiction) to divide the property into two (2) lots with eight (8) stipulations.
1. Preliminary Subdivision Plan (PSP).
 2. According to correspondence with the City, the all stipulations set forth by the City have not been met.
 3. Also, according to correspondence with the City, a Final Plat has not been approved.
 4. The stipulations for the city are listed below.
 - a. Upon submittal of a Development Engineering Plan application, construction plans for School Drive shall be submitted for review and approval showing the street constructed with a minimum 26 foot wide paved surface or a minimum 20 foot wide paved surface with no-parking signs if approved by the County, curb, gutter, and sidewalk or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception Shall be submitted with the Development Engineering Plan application;
 - b. Upon submittal of a Development Engineering Plan application, a drainage plan in compliance with the Infrastructure Design Criteria Manual shall be submitted for review and approval to address storm water detention if subdivision improvements are required;
 - c. Prior to approval of the Development Engineering Plan application, engineering reports required for construction approval shall be accepted and agreements required for construction approval shall be executed. In addition, permits required for construction shall be approved and issued and construction plans shall be accepted in accordance with the Infrastructure Design Criteria Manual. All final engineering reports shall be signed and sealed by a Professional Engineer;
 - d. Upon submittal of a Development Engineering Plan application, a cost estimate for any required subdivision improvements shall be submitted for review and approval;

- e. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements if applicable;
 - f. Prior to submittal of a Final Plat application, the plat document shall be revised to include an ownership certificate for Carl Schauer;
 - g. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,
 - h. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.
- I. The applicant submitted an Approach Permit to County Highway with approval of the Permit contingent upon Final Platting of the property.
- 1. The approaches have been constructed, however, Final Platting has not been approved.
- J. Per § 507(A)(3)(b)(i) of the Pennington County Zoning Ordinance (PCZO), a Construction Permit is required prior to a person engaging in an excavation, clearing, or land disturbance greater than or equal to 10,000 square feet, unless the disturbance is exempt under § 507(A)(3)(b)(iv) of the PCZO.
- 1. Per the Applicant's Construction Permit:
 - a. Excavating and/or grading is 110' x 80' = 8,800 square feet (Construction Permit Application).
 - b. Stockpile is 25' x 40' = 1,000 square feet (Construction Permit Application).
 - 2. Per the Applicant:
 - a. First approach is 48' x 21' = 1,008 (Per Applicant).
 - b. Second approach is 48' x 21' = 1,008 (Per Applicant)
 - c. Total square feet of disturbance is 8,800 + 1,000 + 1,008 + 1,008 = **11,816 square feet.**
 - 3. At 11,816 square feet, the Applicant is over 10,000 square feet and requires a Construction Permit.
- K. Staff has concerns about stabilization of the hillside behind where the future residence will be.
- 1. There is an existing residence above the site.
 - 2. The applicant stated that placing a basement on the property will stabilize the hillside and soil, however, no plans have been submitted showing how the basement is going to stabilize the hillside.
- L. November 13, 2018- Staff met with applicant who stated:
- 1. He was going to have the stockpile of dirt moved offsite.
 - 2. He was going to stabilize the site for winter.

- a. The stabilization would be through wattles and straw mats.
- M. On November 13, 2018, the Planning Commission continued CP 18-12 to the November 26, 2018, Planning Commission meeting to allow the applicant time to stabilize the site.
- N. November 19, 2018 - Staff performed a site visit and found:
 1. The stockpiles were removed.
 2. No erosion control measures had been implemented to date.
- O. November 26, 2018 - Staff was in contact with the applicant who stated:
 1. He was going to contact Davis Engineering.
 2. The applicant was going to put straw mats down and gravel over the approaches.
- P. November 26, 2018 – The Planning Commission approved the extension of CP 18-12 with twelve (12) conditions.
 1. During the Planning Commission meeting, the applicant stated, “The only thing that I have a problem with in the, I think twelve items in the back, is inspecting the property every seven days.”
 2. Staff agreed and the Planning Commission approved that a person designated by the property owner could also do the inspection reports.
 3. Below are the twelve (12) conditions from the meeting on November 26, 2018.
 - a. That erosion control measures are implemented *immediately* and maintained until the site has been revegetated in accordance with § 507(A)(5)(c);
 - b. That cut-and-fill slopes be designed and constructed to minimize erosion and design plans submitted to the Pennington County Drainage Engineer for review within 30 days;
 - c. That the owner designee must inspect the site at least once every 7 days and within 24 hours of the end of a storm event that is one-half inch or greater (this includes rain or snow-melt runoff). Inspection reports must be submitted to the Planning Director every month during construction;
 - d. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;
 - e. That all natural drainage ways and paths be continually maintained;
 - f. That an engineered plan to stabilize the hillside either by a retaining wall or by sloping the hillside is developed and the design plans submitted to the Pennington County Drainage Engineer for review within 30 days;

- g. That sediment from the site is contained in such a manner 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 of sediment from the right-of-way (road ditch) *immediately* after being notified or as discovered by the owner during weekly inspections;
 - h. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;
 - i. 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;
 - j. That the disturbed areas be re-vegetated as required in § 507(A)(5)(c);
 - k. That the applicant sign the Statement of Understanding prior to the Stop Work Order being lifted; and
 - l. That this Construction Permit be reviewed at the December 3, 2019, Planning Commission meeting to verify that erosion controls have been implemented and progress is being made on engineered design plans.
- Q. November 28, 2018- Staff performed a site visit and found the following:
- 1. There have been several straw mats placed on the property.
 - 2. It appears that the applicant was making progress to stabilize the site, however, the site was not stabilized.



Site Visit (11/28/18)

- R. December 3, 2018 – The Planning Commission approved the extension of CP 18-12 with the following eleven (11) conditions:
1. That erosion control measures are implemented *immediately* and maintained until the site has been revegetated in accordance with § 507(A)(5)(c);
 2. That cut-and-fill slopes be designed and constructed to minimize erosion and design plans submitted to the Pennington County Drainage Engineer for review within 30 days;
 3. That the owner must inspect the site at least once every 7 days and within 24 hours of the end of a storm event that is one-half inch or greater (this includes rain or snow-melt runoff). Inspection reports must be submitted to the Planning Director every month during construction;
 4. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;
 5. That all natural drainage ways and paths be continually maintained;
 6. That an engineered plan to stabilize the hillside either by a retaining wall or by sloping the hillside is developed and the design plans submitted to the Pennington County Drainage Engineer for review within 30 days;
 7. That sediment from the site is contained in such a manner 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 of sediment from the right-of-way (road ditch) *immediately* after being notified or as discovered by the owner during weekly inspections;
 8. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;
 9. 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;
 10. That the disturbed areas be re-vegetated as required in § 507(A)(5)(c); and,
 11. That this Construction Permit be reviewed at the February 11, 2019, Planning Commission meeting to verify that erosion controls have been implemented and progress is being made on engineered design plans.

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Brad Nible
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- B. February 1, 2019 – Staff performed a site visit and found:
 - 1. Straw mats have been placed over parts of the site.
 - 2. The second approach has been removed from the property.
- C. It appears to Staff that the following Conditions of Approval of CP 18-12 are not being met:
 - 1. No erosion control measures have been implemented (#1).
 - 2. Cut and fill slopes have not been stabilized (#2).
 - 3. There have been no inspection forms submitted to the Planning and Zoning office or to its Director (#3).
 - 4. No Engineer designed plans to stabilize the hillside have been submitted (#6).
 - 5. There is nothing in place to ensure sediment does not reach the right-of-way (road ditch) (#7).
 - a. Sediment has reached the ditch and drainage has been impacted. Storm water and runoff is now “pooling” within the road ditch.



Site Visit (2/1/19)



Site Visit (2/1/19)

- D. Staff does not agree with the applicants request to end CP 18-12 since significant disturbance has occurred and has impacted drainage.
1. Ending CP 18-12 will create a violation on that property because 10,000 square feet of disturbance has already occurred, and would require a Construction Permit for the property to come into compliance.
 2. Final stabilization of the site is not complete as described by § 507(A)(5)(c) of the PCZO.

RECOMMENDATION: Staff recommends approval of the extension of Construction Permit / CP 18-12 with the following fourteen (14) conditions:

1. That erosion control measures are implemented *immediately* and maintained until the site has been revegetated in accordance with § 507(A)(5)(c) of the Pennington County Zoning Ordinance;

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Brad Nible
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2. That cut-and-fill slopes be designed and constructed to minimize erosion and design plans submitted to the Pennington County Planning Department for review within 30 days;
3. That the owner or designee must inspect the site at least once every 7 calendar days or every 14 calendar days and within 24 hours of the end of a storm event that exceeds 0.25 inches or snowmelt that generates runoff. A properly maintained rain gauge must be kept on the site. Inspection reports must be submitted to the Planning Director every month during construction, and all overdue inspection reports shall be submitted to the Planning Director by March 25, 2019;
4. That failure of the owner or designee to submit Inspection Reports, as required, shall result in the immediate issuance of a Stop Work Order and a review by the Planning Commission to determine if all Conditions of Approval are being met;
5. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;
6. That all natural drainage ways and paths be continually maintained;
7. That an engineered plan to stabilize the hillside either by a retaining wall or by sloping the hillside is developed and the design plans submitted to the Pennington County Drainage Engineer for review within 30 days;
8. That sediment from the site is contained in such a manner 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 of sediment from the right-of-way (road ditch) *immediately* after being notified or as discovered by the owner during weekly inspections;
9. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;
10. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;
11. 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;

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Brad Nible
February 11, 2019

12. That the disturbed areas be re-vegetated as required in § 507(A)(5)(c) of the Pennington County Zoning Ordinance;
13. That any more than one continuation caused by the applicants failure to meet Conditions of Approval will be fined \$100.00 per continuation in accordance with § 511(X) of the Pennington Counting Zoning Ordinance; and,
14. That this Construction Permit be reviewed at the March 25, 2019, Planning Commission meeting to verify that erosion controls have been implemented and progress is being made on engineered design plans.

Legend

Roads

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

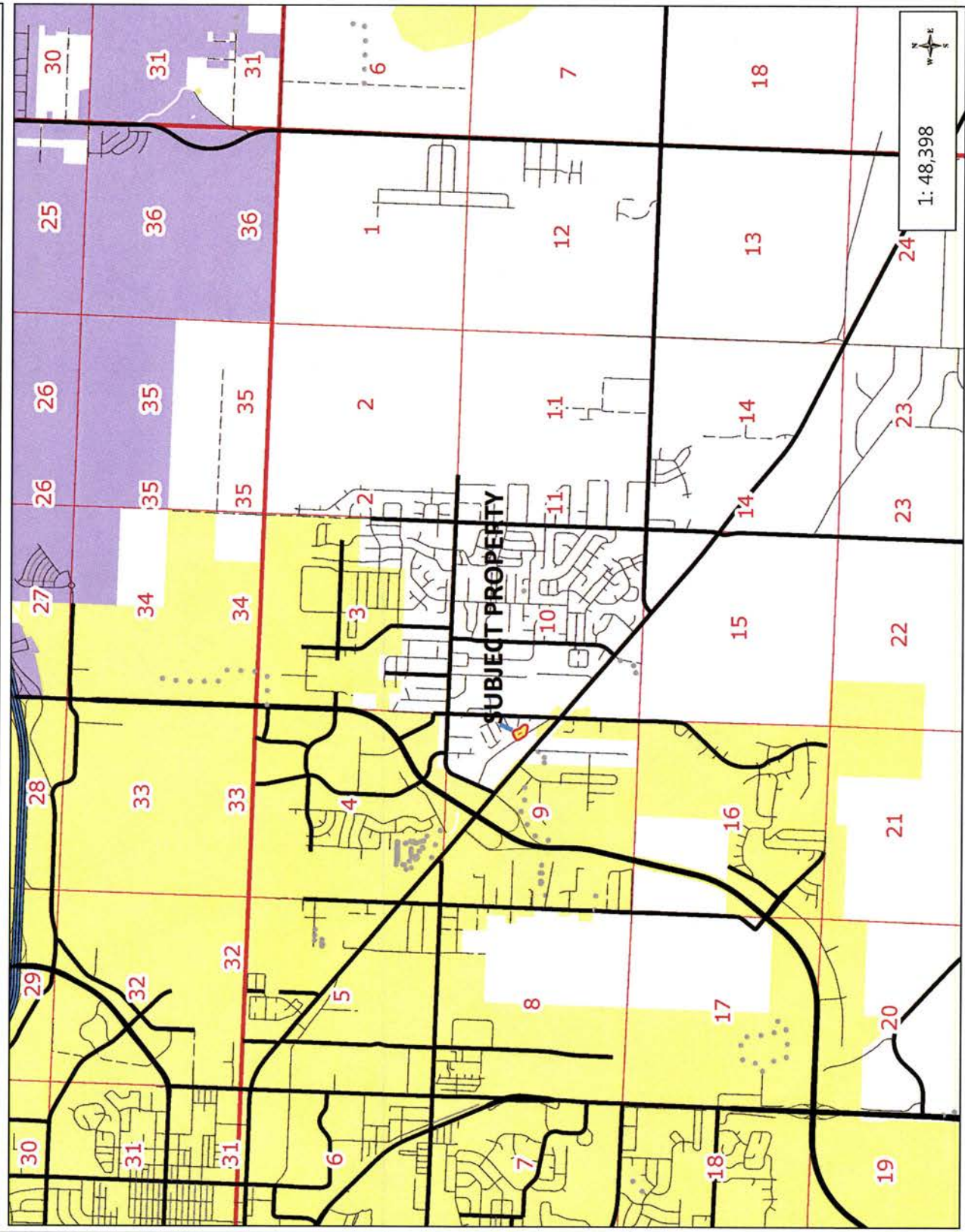
PLSS

Townships

City Limits

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

Map Notes:



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.

8,066.3 4,033.17 8,066.3 Feet

NAD_1983_2011_StatePlane_South_Dakota_South_FIPS_4002_Ft_US
© City of Rapid City GIS

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Legend

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



1: 756

Map Notes:

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THIS MAP IS NOT TO BE USED FOR NAVIGATION



PLANNING DEPARTMENT

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

605-394-2186 • FAX 605-394-6016

STATEMENT OF UNDERSTANDING

Bradley Nible or Carle Schauer
3517 School Dr,
Rapid City, SD 57703

Lot 2A, Block 6, Harney Peak View Addition, Section 09, T1N, R08E, BHM, Pennington County, South Dakota.

Listed below are twelve (12) conditions that have been placed on your **Construction Permit / CP 18-12** request. Please carefully read all of the conditions of approval. It is important that you completely understand and adhere to these conditions at all times. Any deviation from the conditions, as listed below, constitutes an immediate review of the approved request and possible revocation and termination of the approved use.

1. That erosion control measures are implemented *immediately* and maintained until the site has been revegetated in accordance with § 507(A)(5)(c);
2. That cut-and-fill slopes be designed and constructed to minimize erosion and design plans submitted to the Pennington County Drainage Engineer for review within 30 days;
3. That the owner must inspect the site at least once every 7 days and within 24 hours of the end of a storm event that is one-half inch or greater (this includes rain or snow-melt runoff). Inspection reports must be submitted to the Planning Director every month during construction;
4. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;
5. That all natural drainage ways and paths be continually maintained;
6. That an engineered plan to stabilize the hillside either by a retaining wall or by sloping the hillside is developed and the design plans submitted to the Pennington County Drainage Engineer for review within 30 days;
7. That sediment from the site is contained in such a manner 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 of sediment

from the right-of-way (road ditch) *immediately* after being notified or as discovered by the owner during weekly inspections;

8. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;
9. 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;
10. That the disturbed areas be re-vegetated as required in § 507(A)(5)(c);
11. That the applicant sign a Statement of Understanding prior to the Stop Work Order being lifted; and,
12. That this Construction Permit be reviewed at the December 03, 2018, Planning Commission meeting to verify that erosion controls have been implemented and progress is being made on engineered design plans.

By signing this form, you hereby acknowledge you fully understand and agree to comply with all the Conditions of Approval.

Bradley Nible
Bradley Nible or Carle Schauer

11-26-18
Date

Subscribed and sworn to before me at Rapid City, South Dakota, this 26th day of November, 2018.

Notary Public:

Brittney Molitor



My Commission Expires: OCT 30, 2020

STAFF REPORT

GENERAL INFORMATION:

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

APPLICANT/AGENT: Great Western Bank for Dorothy Johnson Estate

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

SURVEYOR/ENGINEER: Baseline Surveying

ADDRESS: 1921 Lazelle Street, Sturgis, SD 57785

LEGAL DESCRIPTION: **EXISTING LEGAL:** Balance of Lot 1 of the NW1/4NW1/4, Section 9, T1N, R6E, BHM, Pennington County, South Dakota.
PROPOSED LEGAL: Lots A, B, C, and D of Johnson Estates Subdivision, Section 9, T1N, R6E, BHM, Pennington County, South Dakota.

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

SIZE: 21.39 acres

TAX ID: 10765

EXISTING LAND USE: Residential

SUBDIVISION REGULATIONS REFERENCE: § 400.1

CURRENT ZONING: Limited Agriculture District

SURROUNDING ZONING:

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

Agenda Item #14
Dorothy Johnson Estate
Febraury 11, 2019

PHYSICAL CHARACTERISTICS: Wooded / Hills

UTILITIES: Private

REPORT BY: Brittney Molitor

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending approval of Layout Plat / PL 17-38 with fourteen (14) conditions.

II. GENERAL DESCRIPTION

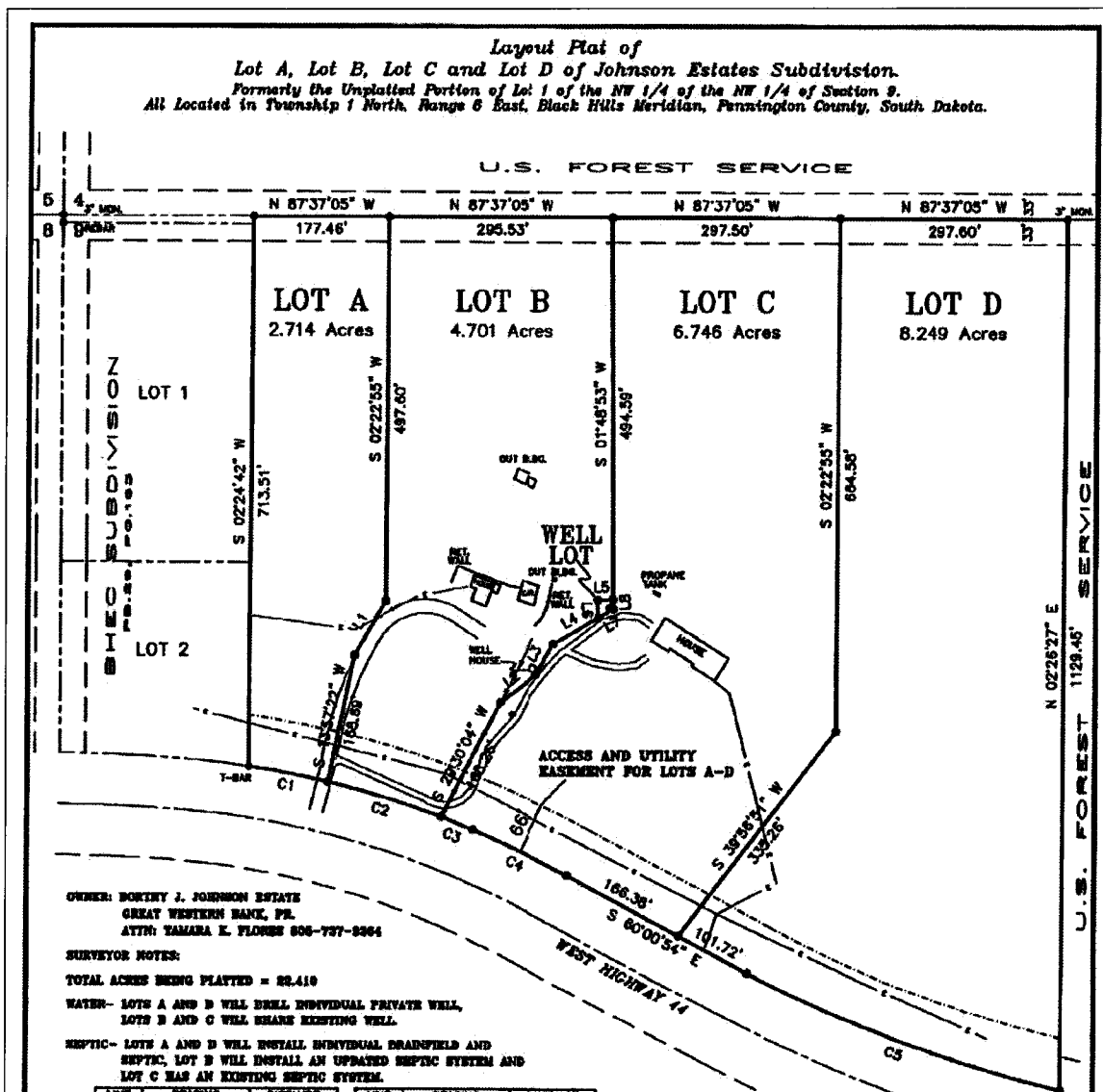
- A. The applicant is requesting to subdivide one (1) existing lot in order to create four (4) lots. The applicant is also requesting to rezone the lots from Limited Agriculture District to Suburban Residential District.

III. EXISTING CONDITIONS

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

IV. PROPOSED LOTS

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



Copy of a portion of the proposed Plat

V. REQUEST FOR COMMENT – RESPONSES

- A. County Highway Department
 - 1. Highway Department has no comments since drainage isn't impacted and it fronts a State highway.
- B. County Fire Administrator
 - 1. Addressed to meet or exceed county regulations, in accordance with Pennington County Ordinance 20 and ESCC/911 Department guidelines. Signage clearly visible from both approaching directions
 - 2. If the length of the driveway/access way exceeds 75 feet or a physical obstruction prevents the number from being visible from the road of which the address is taken, then the house number shall be posted

- adjacent to the area in which the driveway/access way intersects the road.
3. The posted house number must be placed in such a way as to ensure its visibility year round and not be obstructed by such things as, but not limited to, snow or vegetation, to provide for emergency identification at all times.
 4. Each character of the posted house number shall be a minimum of four (4) inches in height by three (3) inches in width and must be of a contrasting color to the background.
 5. Hazardous Fuels Mitigation, and a free assessment of the property by the South Dakota Division of Wildland Fire Suppression-Urban Interface Technician Logan Brown Urban Interface Specialist South Dakota Wildland Fire (605) 394-2584; 3305 W SOUTH ST. RAPID CITY SD 57702-8160 Office: 605-394-5203 Fax: 605-393-8044.
 6. Develop and execute a plan following fire wise guidelines based on the Free State assessment to create defensible space to include the proposed or existing structure. 50% cost-share funds MAY be available through the South Dakota Division of Wildland Fire Suppression to execute the Hazardous Fuels Mitigation Plan <http://wildlandfire.sd.gov/fuelsmitigation/fuelsmitigation.aspx>
 7. Fire wise Information: <http://www.gpfiresafecouncil.com/>
- C. County Environmental Planning Supervisor
1. No Special Flood Hazard Area on subject property.
 2. Notices were sent and arrangements were made to pump the on-site wastewater system in May 2017, but staff has not received any information or Observation Form for the on-site wastewater treatment system.
 - a. *Staff Comment: This will be addressed as a Condition of Approval.*
- D. County Environmental Planner
1. One of the houses was built in 1920 and no septic information could be found. The other existing house was permitted in 1991 (#9566) and has a 1000 gal tank and 480 sq. ft of drainfield. If any new septic systems are add to any of the lots, all rules of Pennington County Zoning Ordinance 204(J) must be followed.
- E. County Ordinance Enforcement Officer
1. Ordinance Enforcement has no objection.
- F. County Natural Resources Director
1. No comments received.
- G. County Addressing Coordinator
1. All existing and future addresses should be posted in accordance with Pennington County Ordinance #20.
- H. County Sheriff's Office
1. No comments received.

- I. Register of Deeds
 1. Plat heading needs to be corrected to say: "Lot A, Lot B, Lot C, and Lot D of Johnson Estates Subdivision. Formerly the Unplatted Portion of Government Lot 1 (aka NW1/4NW1/4) of Section 9, T1N, R6E, All located in..."
 - a. *Staff Comment: This will be addressed as a Condition of Approval.*
- J. Department of Equalization
 1. It looks as though this is also creating a Well Lot. It should be in the title and will need the acres for the well lot.
 - a. *Staff Comment: This will be included as a Condition of Approval.*
- K. Emergency Services (9-1-1)
 1. No comments received.
- L. U.S. Forest Service
 1. Protect all posted boundary line corners, signs and bearing tress.
 2. Adhere to the setback requirements along the posted boundary between National Forest System lands and private property.
 3. Protect all known stream courses, ponds and riparian areas located on National Forest System lands.
 4. No resource damage to occur on National Forest System lands.
 5. All proposed drain fields, leach lines or septic systems will need to be located on private property and not located on or drain or leach onto National Forest System lands.
 6. All construction materials, supplies, trash or garbage will not be located or dumped on National Forest System lands.
 7. National Forest System Roads in this area of the Black Hills National Forest are classified as "Roads Open to Highway Legal Vehicles Only", per the latest version of the Motor Vehicle Use Map.
 8. No additional motorized trailheads or motorized trails or motorized roads are planned or scheduled for this portion of the Black Hills National Forest.
 9. No motorized trails for ATV, motorcycles or ORV will be authorized from private property unto National Forest System lands (USFS does not want unauthorized trails constructed on National Forest System lands).
- M. South Dakota Department of Transportation
 1. SDDOT has not comment on the request. Please note, that although not requested, SDDOT will not allow additional direct access to SD44 as a result of this subdivision.
 - a. *Staff Comment: This will be included as a Condition of Approval.*

- N. Black Hills Electric Cooperative
 - 1. Black Hills Electric Cooperative has no concerns with this layout plat.

VI. ANALYSIS

- A. The applicant's request will resolve an existing nonconformity on the property by subdividing the property to allow the two single-family residences to remain on their own lots.
- B. The applicant's request will increase the number of buildable lots by two (2).
- C. Staff has received one phone call regarding the proposed subdivision, from a current resident who was unaware that the layout consists of four (4) lots.
- D. The on-site wastewater treatment systems do not have current Operating Permits. No change in designation of the property, including zoning or platting, may take place until current On-Site Wastewater Treatment System Operating Permits are obtained, per Section 204(J)(2)(C), PCZO.
- E. A resident of the cabin (built in 1920, per DOE records) indicated that it is being serviced by a cesspool. They are currently raising funds to install a new OSWTS.
- F. The two (2) on-site wastewater treatment systems were pumped and Observation forms were submitted.
 - 1. The single family residence (built in 1991) on proposed Lot C is serviced by a 1000 gallon tank with an unknown drainfield.
 - 2. The cabin (built in 1920) is serviced by a cesspool.
- G. The cesspool is a malfunctioning system and must be replaced, in accordance with § 204(J)(5)(a).
- H. A current Operating Permit (COOP18-0124) has been created for the functioning system that services the single-family residence with the address of 10918 W. Highway 44 (built in 1991).
- I. April 18, 2018 – Staff spoke with the applicant via phone and the applicant indicated that they are in the process of gathering cost estimates for replacing the malfunctioning system.
- J. July 11, 2018 – Staff spoke with the applicant via phone regarding the progress on replacing the cesspool on the property. The Dorothy Johnson Estate was in the process of selling off another piece of property, and may be able to begin working with a Certified Installer to replace the malfunctioning system on the subject property as soon as September.
- K. August 8, 2018 – Staff spoke with the applicant via phone regarding the progress on replacing the cesspool on the property. The applicant indicated that they are in the process of selling another piece of property and should be able to replace the malfunctioning system once it is sold. Staff told the applicant that this will be last continuance and they will have to reapply at a later date once the property is compliance.
- L. November 6, 2018 – Staff spoke with the applicant via phone regarding the progress of the property. According to the applicant there is a court hearing

scheduled for November 30, 2018, and there should be money available to make necessary repairs to the property after the hearing.

- M. November 27, 2018 – Staff was contacted by applicant indicating that they have retained funds and are able to replace the cesspool and bring the property into compliance. The applicant also requested a month extension to allow time for installation of the new onsite wastewater treatment system.
- N. January 7, 2019 – Staff contacted the applicant regarding the installation of the new onsite wastewater treatment system.
 - 1. The Planning Office had not received an Onsite Wastewater Construction Permit Application for replacement of the cesspool.
 - 2. The applicant requested another continuance to work on getting the Onsite Wastewater Construction Permit Application submitted and the start working on the installation of the new system.
 - 3. Staff told the applicant they will have to pay the continuance fee and progress must be made prior to the February 11, 2019, Planning Commission meeting, or the requests will end.
 - 4. The applicant stated that they are in contact with the installer and progress is being made.

VII. UPDATE FOR FEBRUARY 11, 2019

- A. January 14, 2019 – Staff performed a preliminary evaluation of a soil profile hole on the subject property.
- B. February 4, 2019 – Staff received an Onsite Wastewater Treatment System Construction Permit application for the replacement of the cesspool on proposed Lot B.

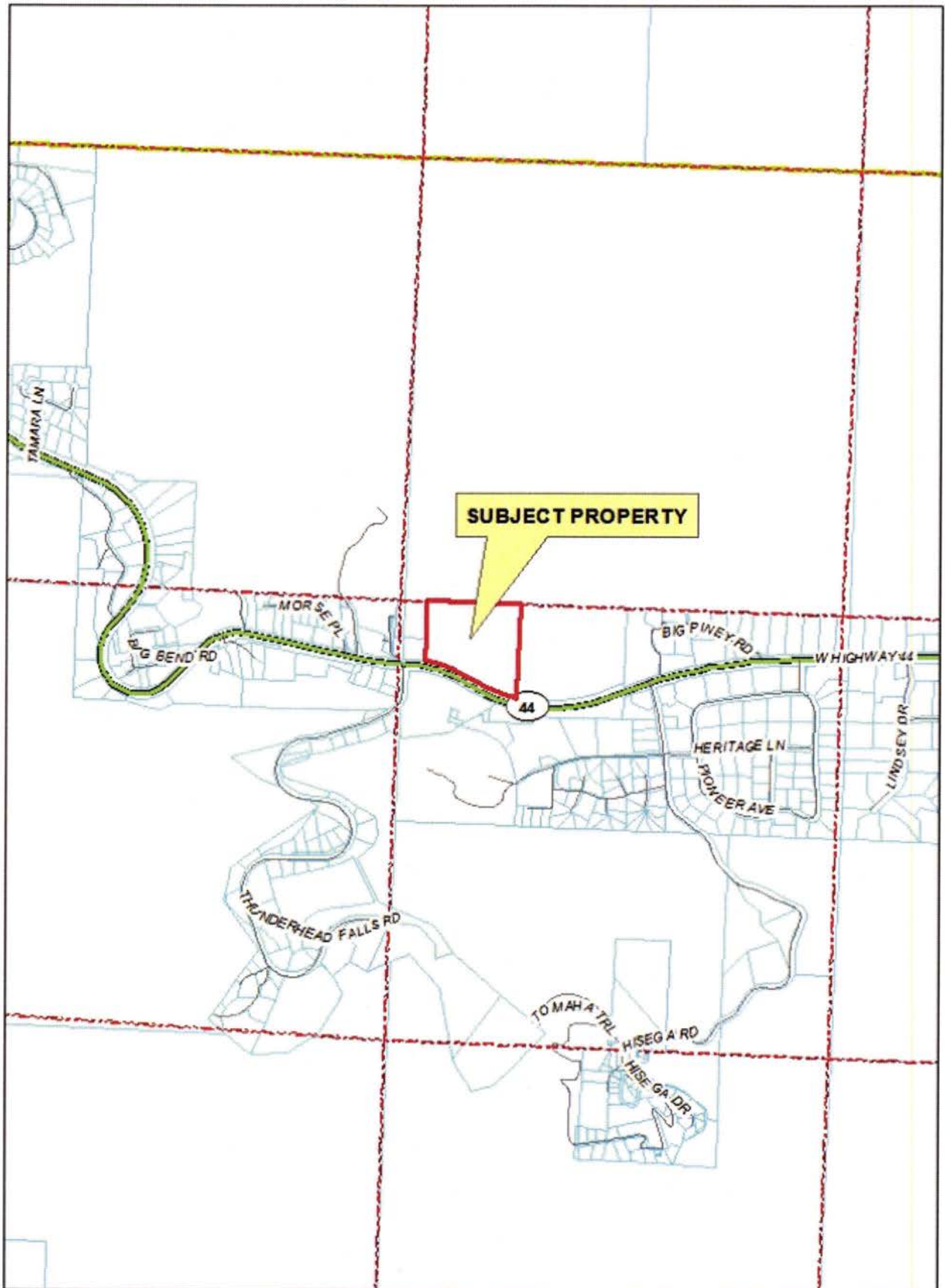
RECOMMENDATION: Staff recommends approval of Layout Plat / PL 17-38 to the February 11, 2019, Planning Commission meeting with the following fourteen (14) conditions:

- 1. That prior to filing the Plat with the Register of Deeds, the proposed lots obtain approved Lot Size Variances or be Rezoned appropriately;
- 2. That at the time of new Plat submittal, eight (8) foot (minimum) 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;
- 3. That percolation and soil profile hole information be submitted for proposed Lot A and Lot D or an approved Subdivision Regulations Variance be obtained waiving this requirement;
- 4. That at the time of new Plat submittal, the plat meets all requirements of § 400.3 of the Pennington County Subdivision Regulations, or an approved

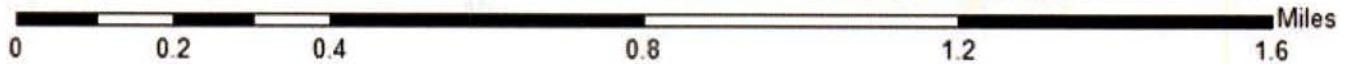
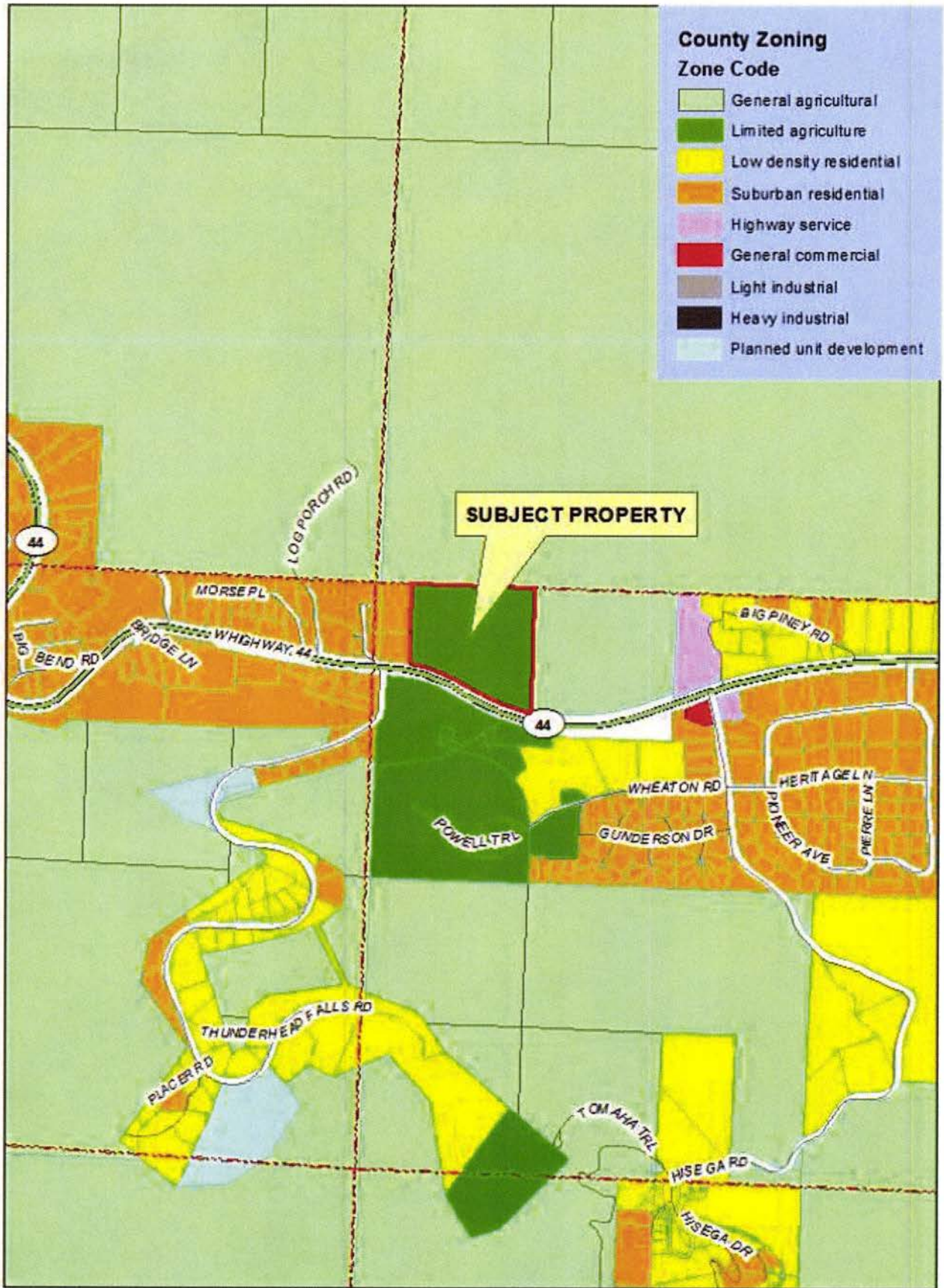
Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;

5. That at the time of new Plat submittal, the Plat heading needs to be corrected to say: "Lot A, Lot B, Lot C, and Lot D of Johnson Estates Subdivision. Formerly the Unplatted Portion of Government Lot 1 (aka NW1/4NW1/4) of Section 9, T1N, R6E, All located in..." as requested by the Register of Deeds;
6. That at the time of new Plat submittal, the Plat heading must also include the Well Lot;
7. The Plat must include the acreage of the Well Lot;
8. That the existing approach is utilized off of W. Highway 44 for proposed Lots A, B, C, D and the Well Lot, as well as the 66-foot-wide Access and Utility Easement, as SDDOT will not allow additional direct access to W. Highway 44 as a result of this subdivision;
9. That the proposed 66-foot-wide Access and Utility Easement for Lots A-D be designated on the plat as either "public" or "private" and include the Well Lot prior to filing the plat with the Register of Deeds;
10. That the Certifications on the plat be in accordance with § 400.3.1.n of the Pennington County Subdivision Regulations;
11. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
12. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of § 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit;
13. That prior to the filing of the plat with the Register of Deeds, the onsite wastewater treatment system be installed and the installation approved by the Environmental Planner on proposed Lot B of Johnson Estates Subdivision; and,
14. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

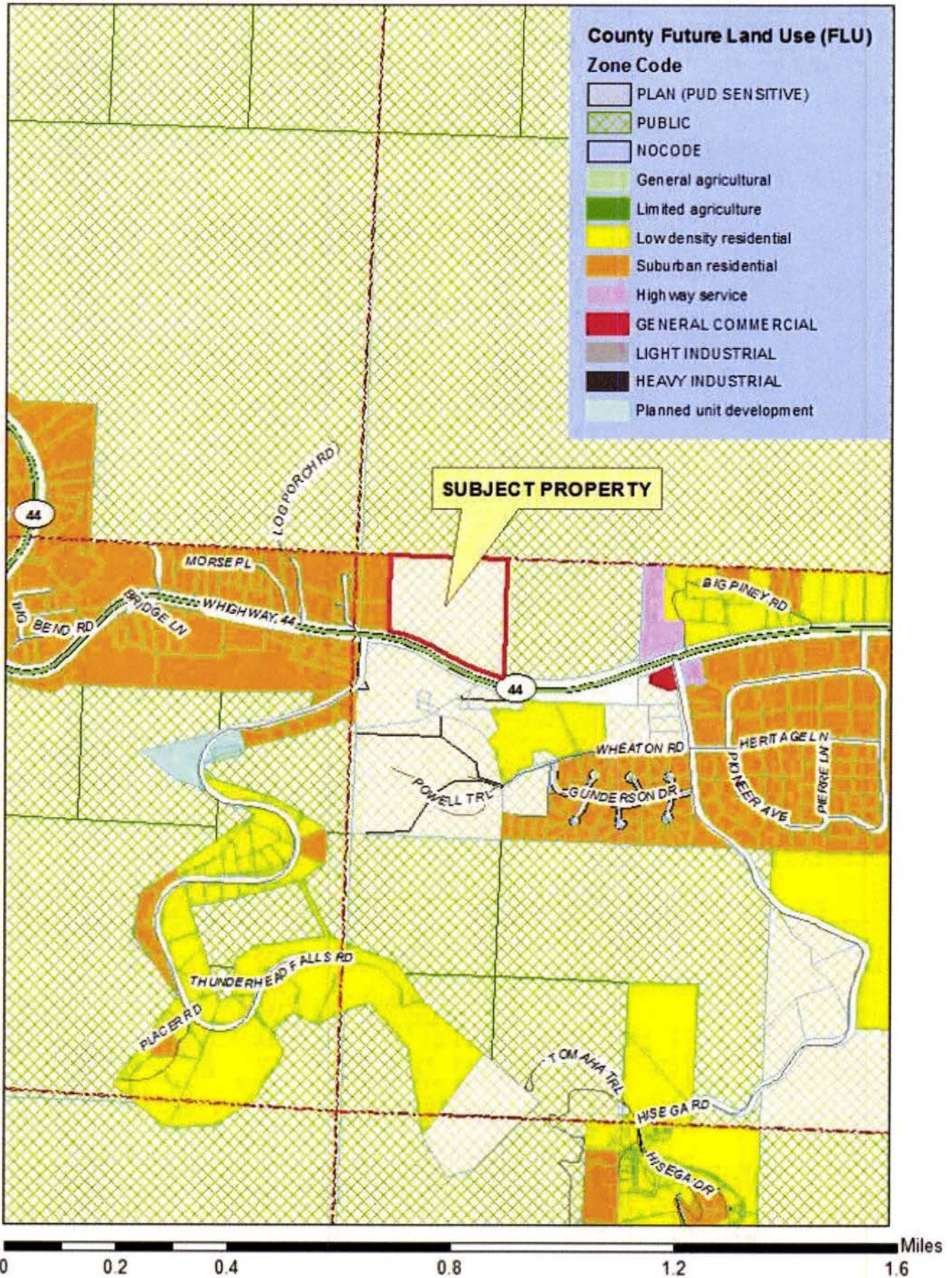
DOROTHY JOHNSON ESTATE



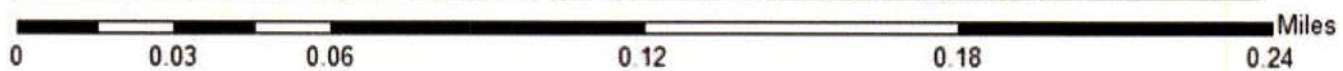
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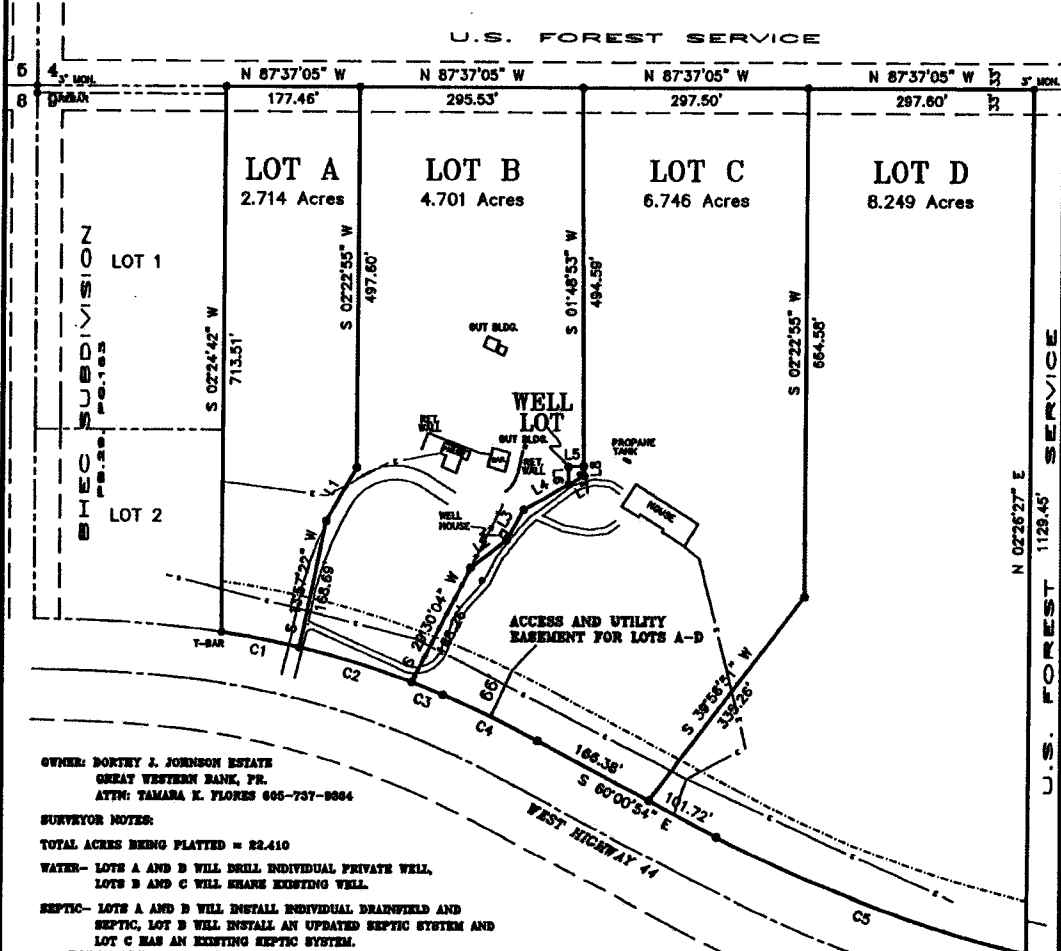
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DOROTHY JOHNSON ESTATE



Layout Plat of
Lot A, Lot B, Lot C and Lot D of Johnson Estates Subdivision.
 Formerly the Unplatted Portion of Lot 1 of the NW 1/4 of the NW 1/4 of Section 9.
 All Located in Township 1 North, Range 6 East, Black Hills Meridian, Pennington County, South Dakota.



OWNER: DORINE J. JOHNSON ESTATE
 GREAT WESTERN BANK, PR.
 ATTN: TAMARA K. FLORES 605-737-9884

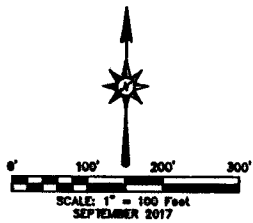
SURVEYOR NOTES:
 TOTAL ACRES BEING PLATTED = 22.410

WATER- LOTS A AND B WILL DRILL INDIVIDUAL PRIVATE WELL,
 LOTS B AND C WILL SHARE EXISTING WELL.

SEPTIC- LOTS A AND B WILL INSTALL INDIVIDUAL DRAINFIELD AND
 SEPTIC. LOT B WILL INSTALL AN UPDATED SEPTIC SYSTEM AND
 LOT C HAS AN EXISTING SEPTIC SYSTEM.

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	N 32°31'18" E	81.03'	L5	N 89°00'00" W	20.85'
L2	N 28°11'50" E	65.04'	L6	S 03°00'00" E	22.73'
L3	N 31°38'04" E	44.07'	L7	N 82°53'38" E	22.32'
L4	N 82°33'38" E	68.50'	L8	N 80°22'09" E	12.50'

CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	1212.00'	105.32'	4°58'44"	S 76°35'02" E	105.28'
C2	1212.00'	158.22'	7°20'18"	S 70°46'32" E	158.11'
C3	1212.00'	44.23'	2°05'31"	S 88°03'38" E	44.23'
C4	1894.17'	138.12'	8°00'00"	S 89°30'84" E	138.07'
C5	1724.80'	438.10'	14°35'17"	S 87°18'33" E	437.82'



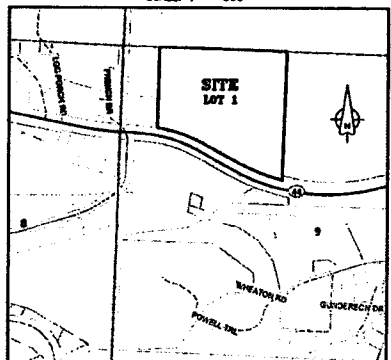
LEGEND:

- Found or Set 5/8" Rebar with Cap Marked 'VASOETZ RLS 7719'.
- Found 5/8" Rebar with Cap Unless Otherwise Noted.
- (R) Indicates dimensions previously recorded.
- (M) Indicates measured dimensions this survey.

No Flood Hazards were present per FEMA Mapping, FEMA Panel, 46180G 07/03N Effective Date 6/3/2013.

Sharon E. Voshietz
 Registered Land Surveyor No. 7719

SITE MAP
 SCALE: 1" = 800'



SURVEYOR'S NOTES:

- Utility and Easements:**
 A ten-foot (10') wide utility and minor drainage easement is hereby granted on the interior side of all lot lines. Removal or modification of any obstruction or impediment to such an easement shall be the financial responsibility of the landowner.
- Reference Plats:**
 Plats and Easements of Record as shown herein are previously recorded with the Pennington County Register of Deeds.
- Geodetic North:** Determined by Global Positioning System (GPS).

All Access Easements, Major Drainage Easements and Sanitary Sewer Easements shown herein shall be kept free of all obstructions, including but not limited to, buildings, walls, fences, hedges, trees and shrubs. These easements grant to the City of Rapid City and all public authorities the right to enter upon the property to construct, operate, maintain, inspect and repair such improvements and structures as reasonably necessary to effectuate its purpose.



STAFF REPORT

GENERAL INFORMATION:

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

APPLICANT/AGENT: Dorothy Johnson Estate; Great Western Bank - Personal Representative for Dorothy Johnson Estate

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

SURVEYOR: Baseline Surveying

SURVEYOR ADDRESS: 1921 Lazelle Street, Sturgis, SD 57785

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

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

SIZE: 21.39 acres

TAX ID: 10765

EXISTING LAND USE: Residential

ZONING REFERENCE: § 206, 208, and 508

CURRENT ZONING: Limited Agriculture District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Forested / Hills

UTILITIES: Private

REPORT BY: Brittney Molitor

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending approval of Rezone / RZ 17-10 and Comprehensive Plan Amendment / CA 17-09.

II. GENERAL DESCRIPTION

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

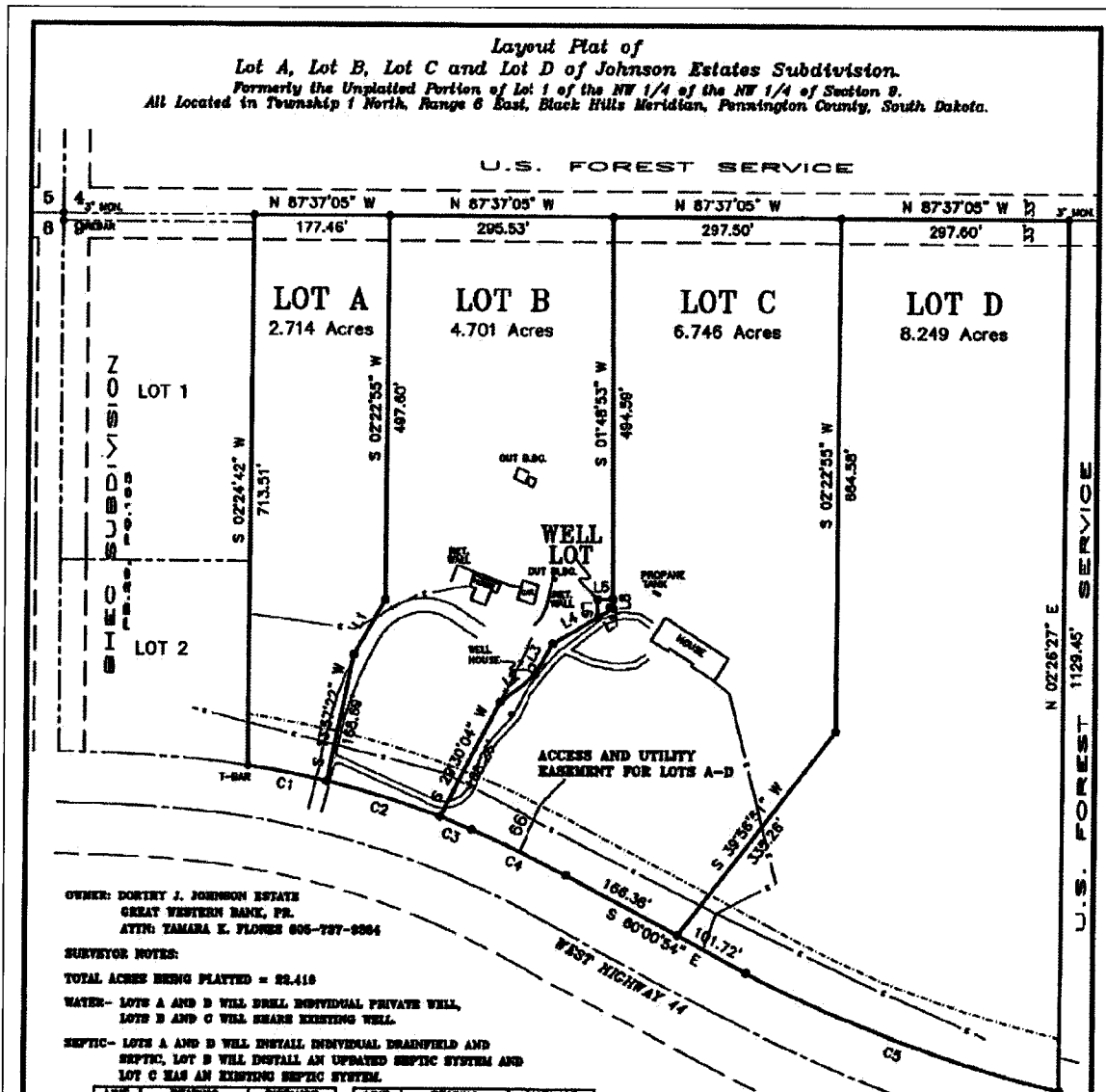
III. EXISTING CONDITIONS

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

IV. LAYOUT PLAT / PL 17-38

- A. The applicant has also applied to subdivide the subject property into four (4) lots, which will also be heard at the same meeting.
- B. Proposed Lots
 - 1. Lot A
 - a. 2.714 acres.
 - b. Vacant of any structures.
 - c. A lot size variance or rezone will be required.
 - 2. Lot B
 - a. 4.701 acres.
 - b. Single-family residence.
 - c. Built in 1920 – per DOE records
 - d. A lot size variance or rezone will be required.
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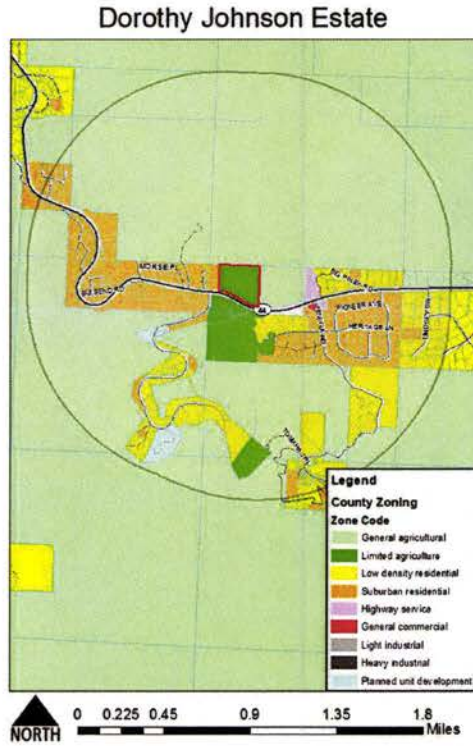
4. Lot D
 - a. 8.249 acres
 - b. Vacant of any structures
 - c. A lot size variance or rezone will be required.



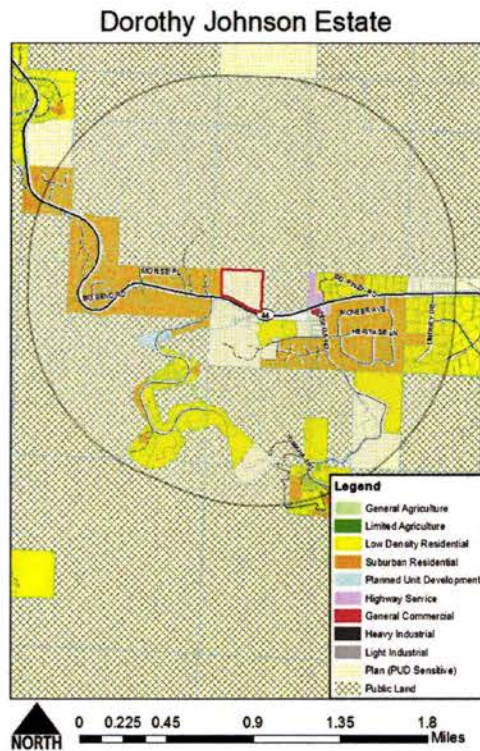
V. CURRENT ZONING WITHIN 1-MILE OF SUBJECT PROPERTY

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

VI. CURRENT LAND USE ZONING



VII. FUTURE LAND USE ZONING



VIII. REQUEST FOR COMMENT – RESPONSES

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

IX. ANALYSIS

- A. The proposed Rezone and Comprehensive Plan Amendment requests appear to be in harmony with the surrounding zoning districts.
- B. The on-site wastewater treatment systems do not have current Operating Permits. No change in designation of the property, including zoning or platting, may take place until current On-Site Wastewater Treatment System Operating Permits are obtained, per §204(J)(2)(C), Pennington County Zoning Ordinance.
- C. A resident of the cabin (built in 1920, per DOE records) indicated that it is being serviced by a cesspool. They are currently raising funds to install a new OSWTS.
- D. The two (2) on-site wastewater treatment systems were pumped and Observation forms were submitted.
 - 1. The single family residence (built in 1991) on proposed Lot C is serviced by a 1000 gallon tank with an unknown drainfield.
 - 2. The cabin (built in 1920) is serviced by a cesspool.
- E. The cesspool is a malfunctioning system and must be replaced, in accordance with § 204(J)(5)(a).
- F. A current Operating Permit (COOP18-0124) was created for the functioning system that services the single-family residence with the address of 10918 W. Highway 44 (built in 1991).
- G. April 18, 2018 – Staff spoke with the applicant via phone and the applicant indicated that they were in the process of gathering cost estimates for replacing the malfunctioning system.
- H. July 11, 2018 – Staff spoke with the applicant via phone regarding the progress on replacing the cesspool on the property. The Dorothy Johnson Estate was in the process of selling off another piece of property, and may be able to begin working with a Certified Installer to replace the malfunctioning system on the subject property as soon as September.

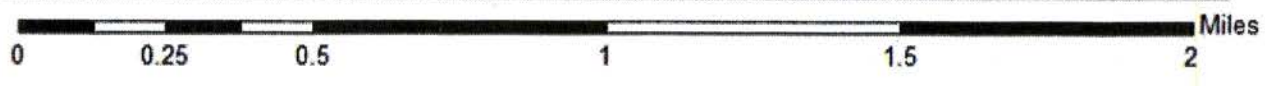
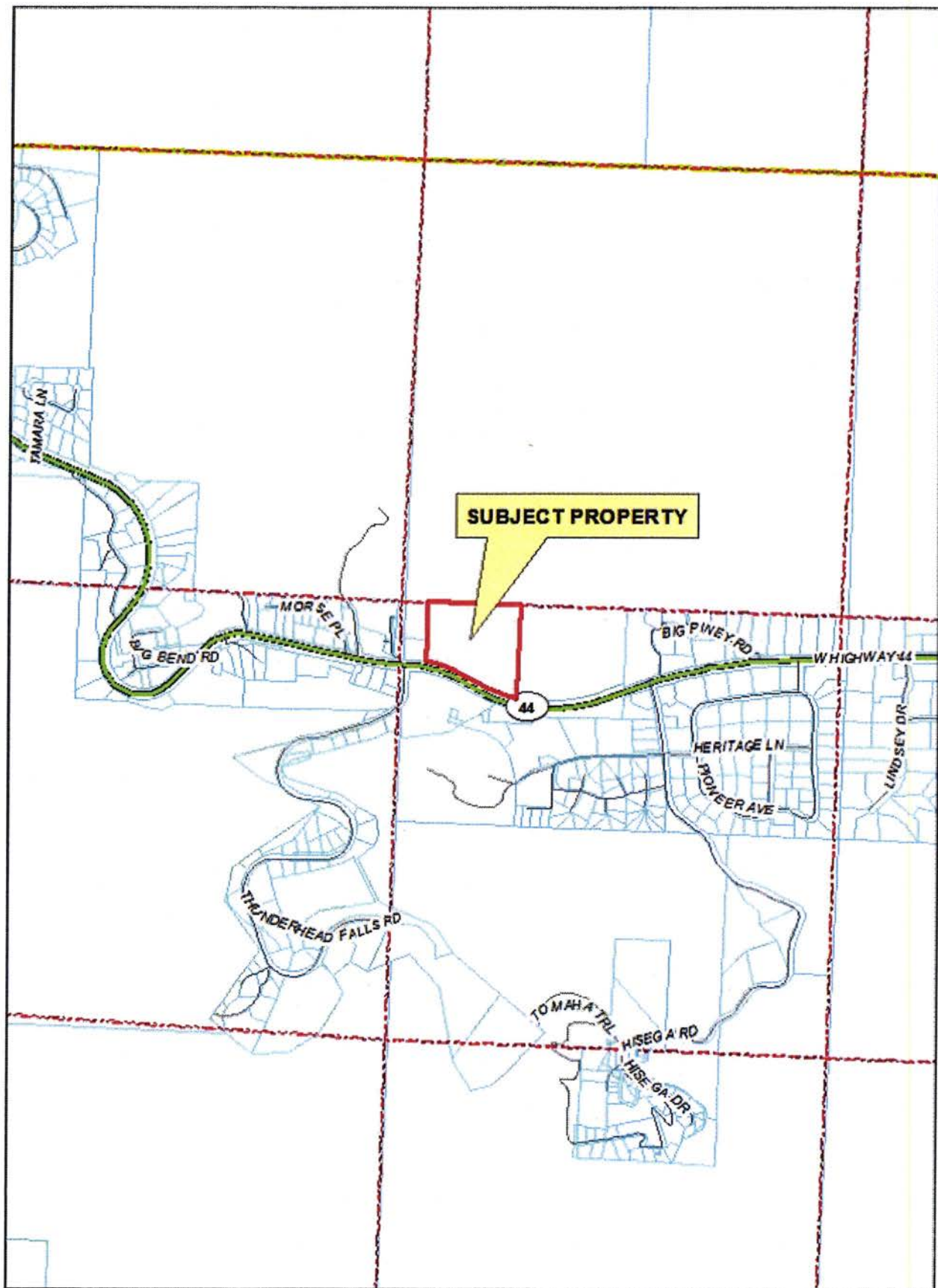
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- J. November 6, 2018 – Staff spoke with the applicant via phone regarding the progress of the property. According to the applicant there is a court hearing scheduled for November 30, 2018, and there should be money available to make necessary repairs to the property after the hearing.
- K. November 27, 2018 – Staff was contacted by applicant indicating that they have retained funds and are able to replace the cesspool and bring the property into compliance. The applicant also requested a month extension to allow time for installation of the new onsite wastewater treatment system.
- L. January 7, 2019 – Staff contacted the applicant regarding the installation of the new onsite wastewater treatment system.
 - 1. The Planning Office had not received an Onsite Wastewater Construction Permit Application for replacement of the cesspool.
 - 2. The applicant requested another continuance to work on getting the Onsite Wastewater Construction Permit Application submitted and the start working on the installation of the new system.
 - 3. Staff told the applicant they will have to pay the continuance fee and progress must be made prior to the February 11, 2019, Planning Commission meeting, or the requests will end.
 - 4. The applicant stated that they are in contact with the installer and progress is being made.

X. UPDATE FOR FEBRUARY 11, 2019

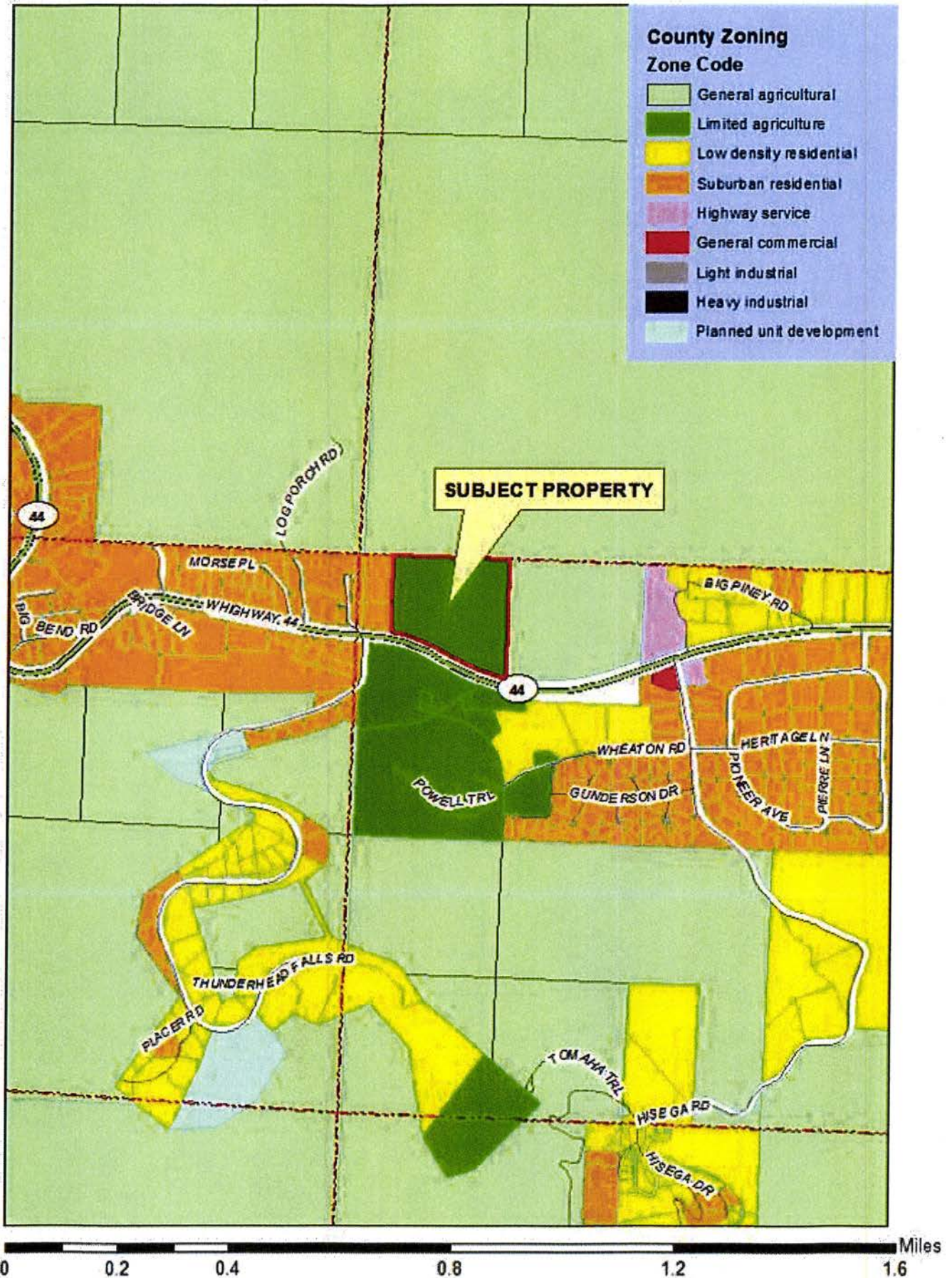
- A. January 14, 2019 – Staff performed a preliminary evaluation of a soil profile hole on the subject property.
- B. February 4, 2019 – Staff received an Onsite Wastewater Treatment System Construction Permit application for the replacement of the cesspool.

RECOMMENDATION: Staff recommends approval of Rezone / RZ 17-10 and Comprehensive Plan Amendment / CA 17-09.

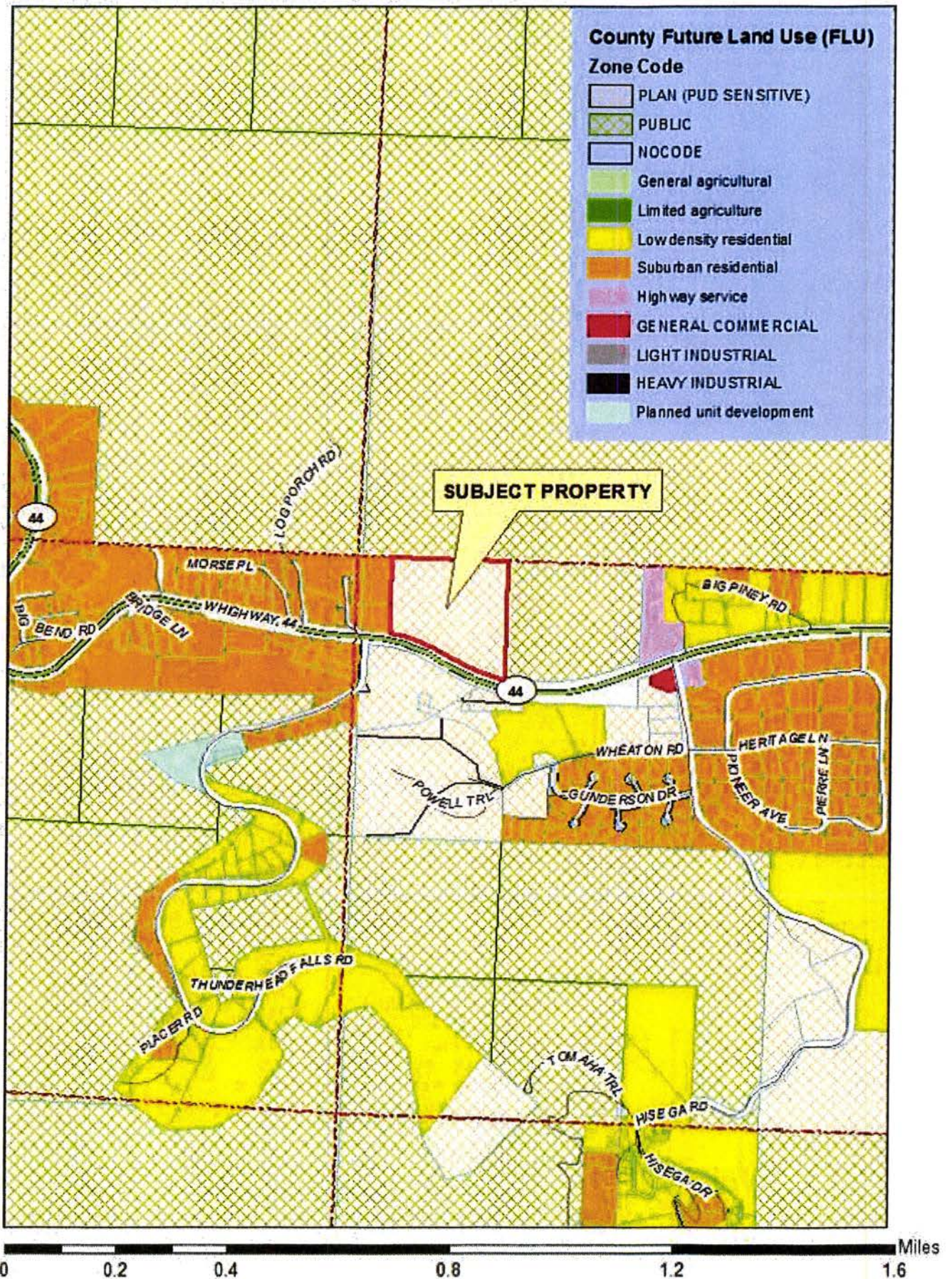
DOROTHY JOHNSON ESTATE



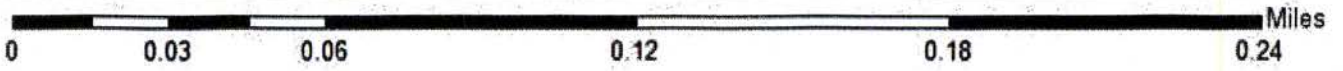
DOROTHY JOHNSON ESTATE



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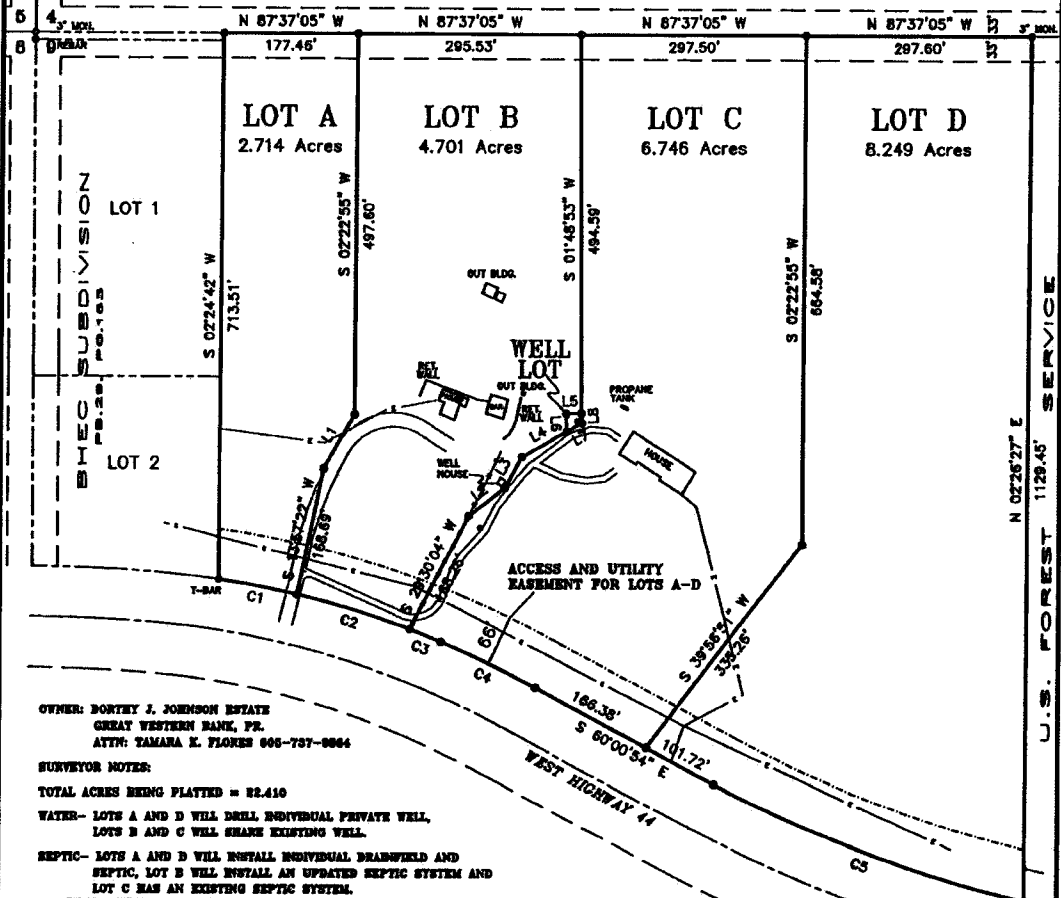


DOROTHY JOHNSON ESTATE



**Layout Plat of
Lot A, Lot B, Lot C and Lot D of Johnson Estates Subdivision.
Formerly the Unplatted Portion of Lot 1 of the NW 1/4 of the NW 1/4 of Section 9.
All Located in Township 1 North, Range 6 East, Black Hills Meridian, Pennington County, South Dakota.**

U.S. FOREST SERVICE



OWNER: DOROTHY J. JOHNSON ESTATE
GREAT WESTERN BANK, P.R.
ATTN: TAMARA K. FLORES 605-737-9864

SURVEYOR NOTES:

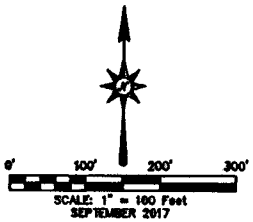
TOTAL ACRES BEING PLATTED = 22.416

WATER- LOTS A AND D WILL DRILL INDIVIDUAL PRIVATE WELL,
LOTS B AND C WILL SHARE EXISTING WELL.

SEPTIC- LOTS A AND B WILL INSTALL INDIVIDUAL DRAINFIELD AND
SEPTIC, LOT C WILL INSTALL AN UPDATED SEPTIC SYSTEM AND
LOT D HAS AN EXISTING SEPTIC SYSTEM.

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	N 32°23'18" E	81.20'	L5	N 80°00'00" W	20.20'
L2	N 85°11'20" E	80.04'	L6	S 00°00'00" E	22.73'
L3	N 31°58'04" E	44.87'	L7	N 82°25'38" E	22.37'
L4	N 82°33'38" E	68.59'	L8	N 80°22'08" E	12.35'

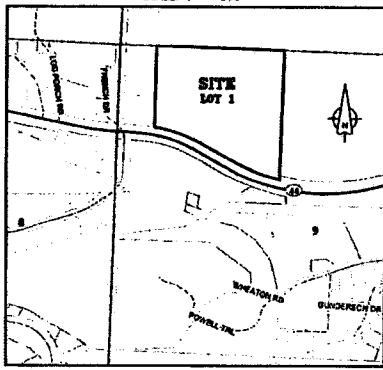
CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	1212.00'	106.35'	4°56'44"	S 78°45'02" E	105.29'
C2	1212.00'	158.22'	7°20'18"	S 50°48'32" E	158.11'
C3	1212.00'	44.25'	2°08'31"	S 69°03'38" E	44.25'
C4	1564.17'	139.12'	5°00'00"	S 85°20'24" E	139.07'
C5	1724.87'	438.10'	14°36'17"	S 67°18'33" E	437.82'



- LEGEND:**
- Found or Set 5/8" Rebar with Cap Marked "WADSWORTH RLS 7716".
 - Found 5/8" Rebar with Cap Unless Otherwise Noted.
 - (R) Indicates dimensions previously recorded.
 - (M) Indicates measured dimensions this survey.
- No Flood Hazard maps were present per FEMA Mapping, FEMA Panel, 48160C 0733H Effective Date 5/3/2013.

Sharon E. Vadenetz
Registered Land Surveyor No. 7719

PROPERTY MAP
SCALE: 1" = 800'



- OBSERVATION NOTES:**
- 1) Utility and Easement:
A ten foot (10') wide utility and minor drainage easement is hereby granted on the interior side of all lot lines. Removal or modification of any obstruction or impediment to such an easement shall be the financial responsibility of the landowner.
 - 2) Reference Plats:
Plats and Easements of Record as shown herein are previously recorded with the Pennington County Register of Deeds.
 - 3) Geodetic North Determined by Global Positioning System (GPS).

All Access Easements, Major Drainage Easements and Sanitary Sewer Easements shown herein shall be kept free of all obstructions, including but not limited to, buildings, walls, fences, hedges, trees and shrubs. These easements grant to the City of Rapid City and all public authorities the right to enter upon the property to construct, operate, maintain, inspect and repair such improvements and structures as reasonably necessary to effectuate its purpose.



STAFF REPORT

GENERAL INFORMATION:

REQUEST: LAYOUT PLAT / LPL 19-01: To combine four lots to create Union Hill Climax in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

APPLICANT: Donald Patnoe

APPLICANT ADDRESS: 3115 Flint Drive, Rapid City, SD 57702

LANDOWNER: Jane Patnoe

OWNER ADDRESS: 3115 Flint Drive, Rapid City, SD 57702

LEGAL DESCRIPTION: **EXISTING LEGAL:** All of Climax Lode MS 942; All of Buckeye Lode #1 MS 942; All of Buckeye Lode MS 942; and All of Buckeye Lode #2 MS 942, all located in Section 12, T1S, R4E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Union Hill Climax, Section 12, T1S, R4E, BHM, Pennington County, South Dakota.

SITE LOCATION: North of Hill City located off of China Gulch Road and Log Cabin Road.

SIZE: 40.51 acres

TAX ID: 4693 / 4692 / 4691 / 4690

EXISTING LAND USE: Vacant

SUBDIVISION REGULATIONS REFERENCE: § 400.1

CURRENT ZONING: General Agriculture District

SURROUNDING ZONING:

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

West

General Agriculture District

PHYSICAL CHARACTERISTICS: Forested

UTILITIES: None

REPORT BY: Cassie Bolstad

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending approval of Layout Plat / PL 19-01 with eleven (11) conditions.

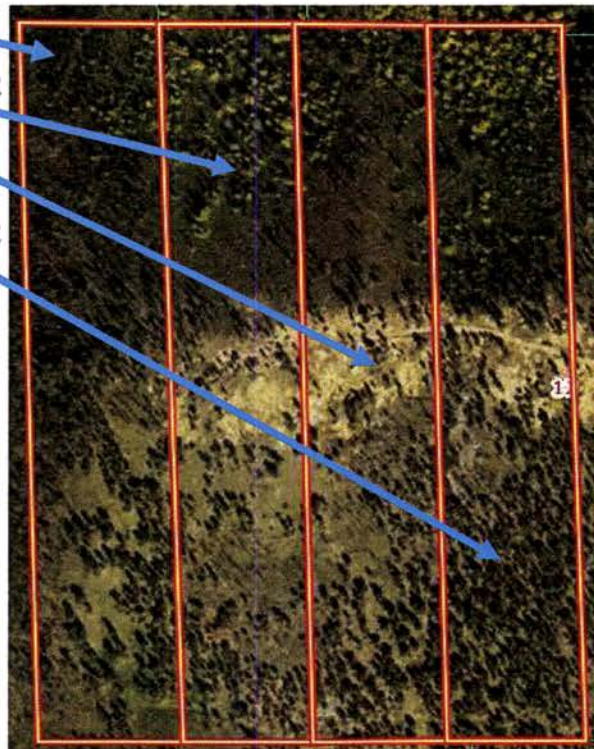
II. GENERAL DESCRIPTION

- A. The applicants, Jane and Donald Patnoe, have applied for a Layout Plat to combine four (4) existing lots (Mining Lodes) into one (1) platted lot.

III. EXISTING CONDITIONS

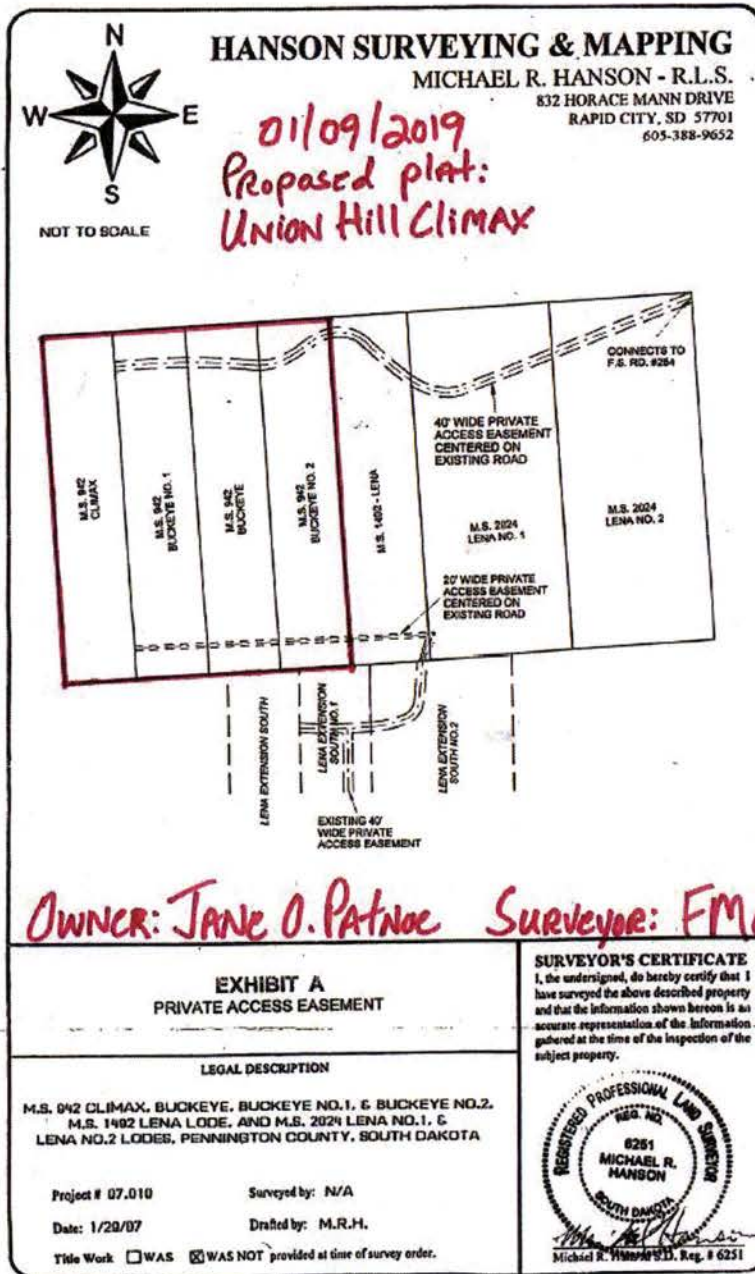
- A. Four (4) separate lots.
- B. All existing lots are zoned General Agriculture District.
 - 1. Future Land Use (FLU) designation is Planned Unit Development Sensitive.
- C. No Special Flood Hazard Area on the existing properties.
- D. All four (4) existing properties are currently vacant.
- E. Climax Lode MS 942
 - 1. 10.33 acres.
- F. All of Buckeye Lode #1 MS 942
 - 1. 10.05 acres.
- G. All of Buckeye Lode MS 942
 - 1. 9.8 acres.
- H. All of Buckeye Lode #2 MS 942
 - 1. 10.33 acres.

Existing Lots



IV. PROPOSED LOT

- A. Union Hill Climax
 - 1. 40.51 acres.
 - a. Meets the minimum lot size requirement for a General Agriculture District.
 - b. A Rezone or Lot Size Variance will not be required at this time.
- B. Access to the proposed lot is provided via a 40-foot-wide Private Access Easement.



Proposed Lot Consolidation – submitted by applicant 01.09.19

V. REQUEST FOR COMMENT

- A. County Highway Department
 - 1. The landowner must obtain access easements or ROW to Burnt Fork Road or China Gulch Road, if not already obtained, to prevent this parcel from being an isolated tract. The easements shown on the exhibit do not reference a volume and page it is recorded on which implies they are not recorded. Log Cabin Road is not a public ROW according to RapidMap even though the Forest Service allows motorized vehicles on it seasonally. Proof of the easement and/or ROW need to be furnished.
 - a. *Staff Comment: An FLPMA Private Road Easement has been granted from the Forest Service to provide access to the subject properties from Log Cabin Road (Document # A201604214). Staff will add a Condition of Approval that the book and page number for the denoted 40' wide Private Access Easement through private property be added to the Plat.*
- B. County Fire Administrator
 - 1. No comments received.
- C. County Environmental Planning Supervisor
 - 1. There is no Special Flood Hazard Area on the subject properties.
- D. County Environmental Planner
 - 1. If the applicant wishes to install a septic system, all rules of Pennington County Zoning Ordinance Section 204(J) must be followed.
- E. County Ordinance Enforcement
 - 1. Ordinance Enforcement has no objection.
- F. County Natural Resources
 - 1. No comments received.
- G. County Addressing Coordinator
 - 1. No comments received.
- H. Register of Deeds
 - 1. The staff suggest a different proposed legal description be submitted for this plat. I suggest the proposed legal description could be "Union Hill Group Tract" or "Union Hill Tract".
 - a. *Staff Comment: This will be included as a Condition of Approval.*
- I. Department of Equalization
 - 1. I see no issues at this time.
- J. Emergency Services (9-1-1)
 - 1. No concerns with the consolidation but the private drive that provides access will need to be given a name and addresses issued accordingly if and when they decide to build on it.
 - a. *Staff Comment: This will be included as a Condition of Approval.*

- K. U.S. Forest Service
 - 1. The Forest Service worked with the Union Hill Homeowners Association regarding a FLPMA Private Road Easement that provides legal access to the private property. This Easement is recorded in the Public Records for Pennington County, Register of Deeds Office as A201604214 and filed April 8-2016.
 - 2. The Forest Service will not approve a secondary access across National Forest System lands to the private property.
 - 3. Protect all posted boundary line corners, signs and bearing trees.
 - 4. Adhere to the setback requirements along the posted boundary between National Forest System lands and private property.
 - 5. Protect all known stream courses, ponds and riparian areas located on National Forest System lands.
 - 6. No resource damage to occur on National Forest System lands.
 - 7. All proposed drain fields, leach lines or septic systems will need to be located on private property and not located on or drain onto National Forest System lands.
 - 8. All construction materials, supplies, trash or garbage will not be located or dumped on National Forest System lands.
 - 9. Public roads in this area of the Black Hills National Forest are classified as "Roads Open to All Vehicles" and "Highways, US, State" per the latest version of the Motor Vehicle Use Map.
 - 10. No motorized trailheads or motorized trails or motorized roads are planned or scheduled for this portion of the Black Hills National Forest.
 - 11. No motorized trails for ATV, motorcycles or ORV will be authorized from private property unto National Forest System lands (USFS does not want unauthorized trails constructed on National Forest System lands).
- L. Black Hills Electric Cooperative
 - 1. Black Hills Electric Cooperative has no comments on the consolidation of the four lots.

VI. ANALYSIS

- A. January 9, 2019 – The applicant applied for Layout Plat / PL 19-01 to consolidate four (4) existing lots into one (1) lot.
 - 1. Per a document submitted by the applicant, "The sole reason for the consolidation is to reduce property taxes."
- B. The proposed Plat will decrease density in the area by three (3) lots.
- C. A document submitted with the Layout Plat application indicates the surveyor is FMG Engineering; however, the Layout Plat was not prepared by FMG at this time.
 - 1. Pennington County Subdivision Regulations § 400.1 does not require that a Registered Land Surveyor or Engineer prepare the plat at the Layout phase.

2. If the Layout Plat is approved, the applicant will be required to have the Minor Plat prepared by a Registered Land Surveyor or Engineer upon submittal of the Minor Plat application.
- D. For the purposes of a Layout Plat, staff finds no significant issues with the applicant's request.
 1. A Layout Plat is an informal preliminary review of the proposed subdivision for general scope and conditions, which might affect the plat.

RECOMMENDATION: Staff recommends approval of Layout Plat / PL 19-01 with the following eleven (11) conditions:

1. That at the time of the Minor Plat submittal, the proposed Plat be prepared by a Registered Land Surveyor or Engineer;
2. That at the time of Minor Plat submittal, the applicant rename the proposed lot, per comments from the Register of Deeds (such as "Union Hill Group Tract" or "Union Hill Tract");
3. That at the time of Minor Plat submittal, the book and page number, or document number, for the 40' wide Private Access Easement be shown on the Plat to verify that legal access has been recorded;
4. 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;
5. That at the time of the Minor Plat submittal, percolation tests and soil profile hole information be submitted for the proposed lot for review and approval by the County Environmental Planner, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
6. That at the time of Minor Plat submittal, 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;
7. That prior to approval of a Building Permit on the proposed lot, the Private Access Easement that provides access to the subject property be named with a Road Name approved by 9-1-1 and the Pennington County Board of Commissioners, per comments from Emergency Services;
8. That the applicant ensures that all natural drainage ways are maintained and are not blocked;

Agenda Item #16
Donald Patnoe
February 11, 2019

9. 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;
10. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Layout Plat / PL 19-01, which is available at the Planning Office; and,
11. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

January 9, 2019

To Whom It May Concern:

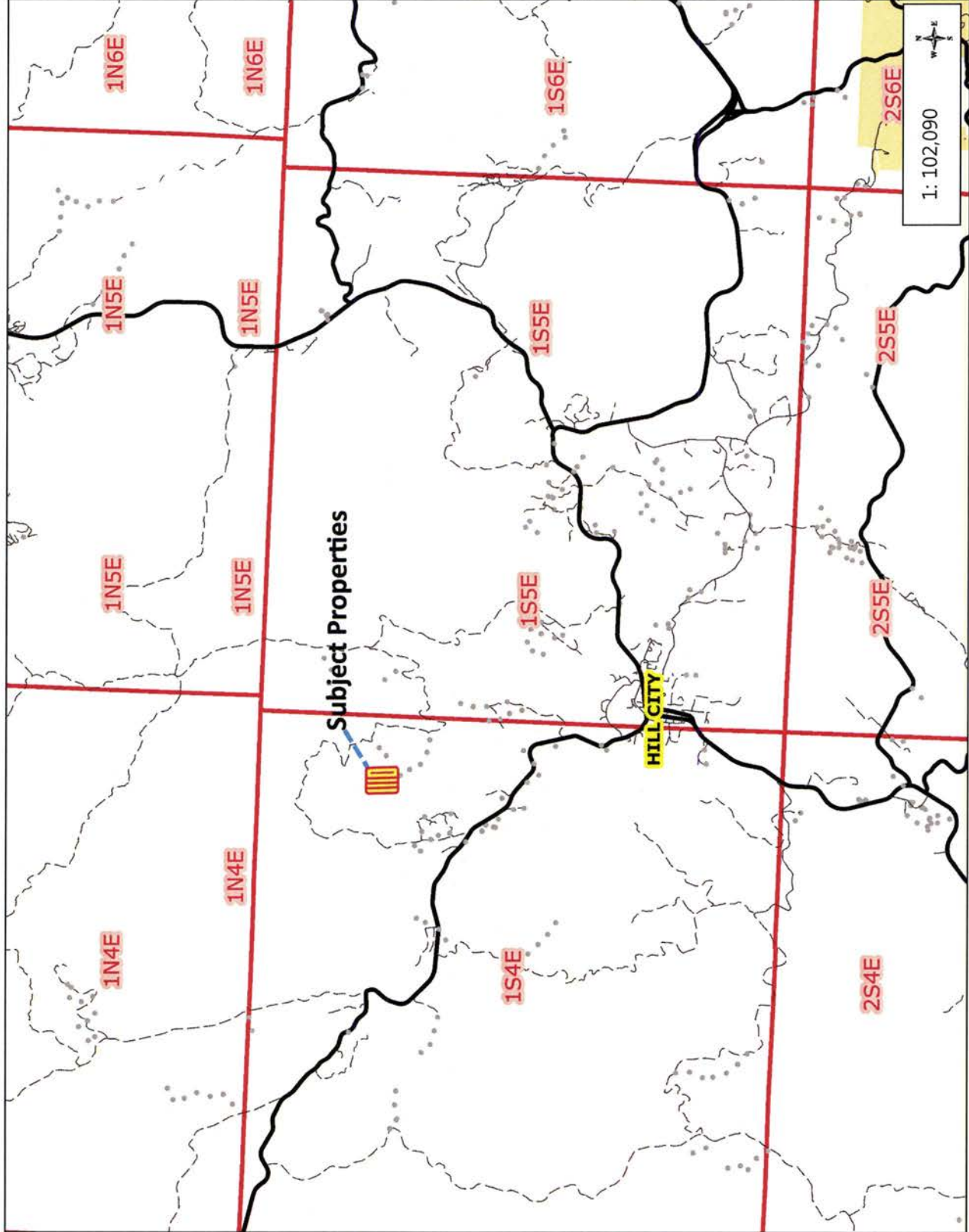
The description of the proposed subdivision is a consolidation of 4 separate Mineral Surveys each of approximate 10 acres into one parcel of approximately 40.51 acres. The sole reason for the consolidation is to reduce property taxes.

Respectfully submitted,



Jane O. Patnoe

Landowner



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**
- HILL CITY

Map Notes:

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

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Legend

Roads

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

PLSS

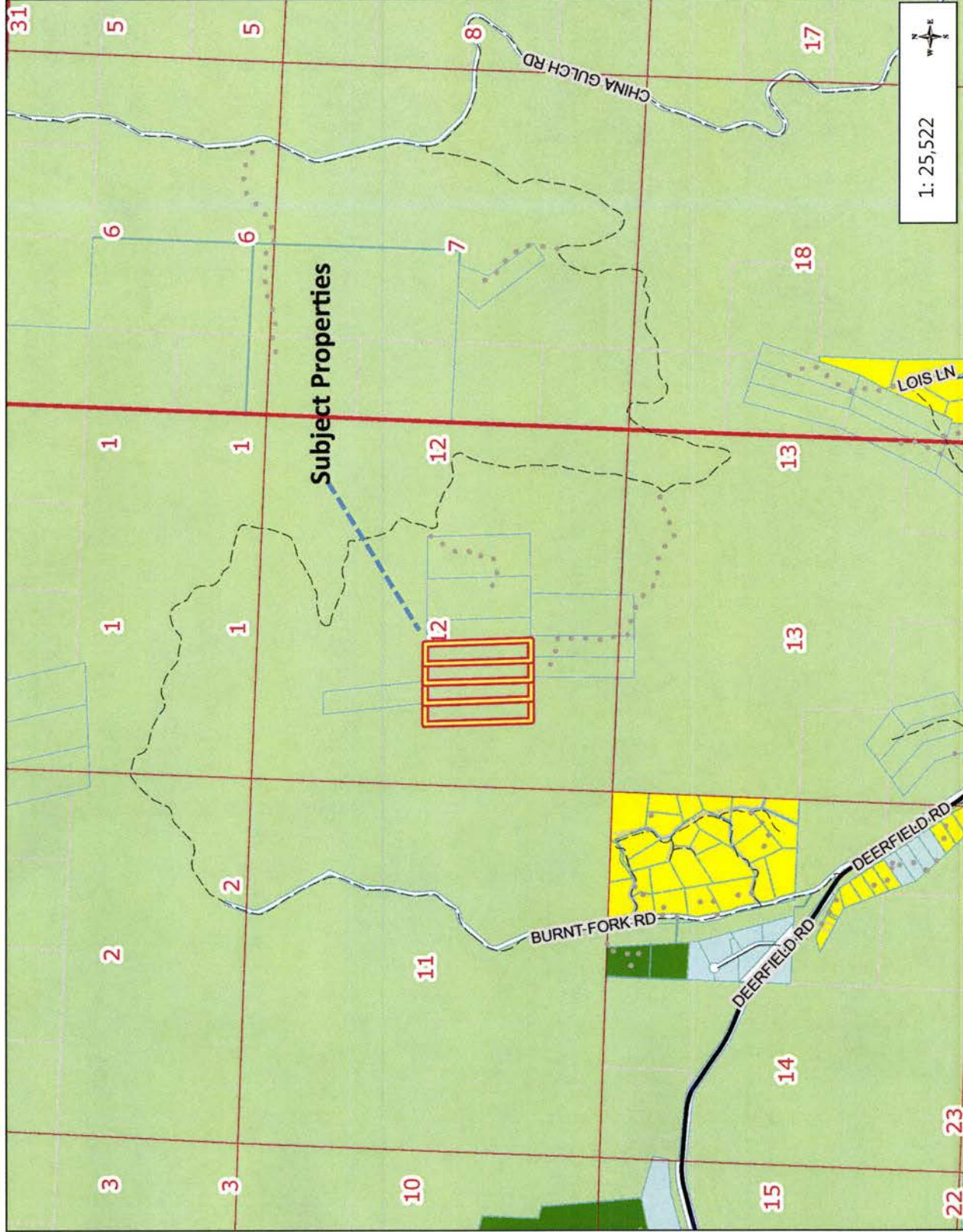
Townships
Tax Parcels
Lot Lines

- <Null>
- Lot Line
- Parcel Line

Pennington County Zoning

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

Map Notes:



1: 25,522

4,253.7 Feet

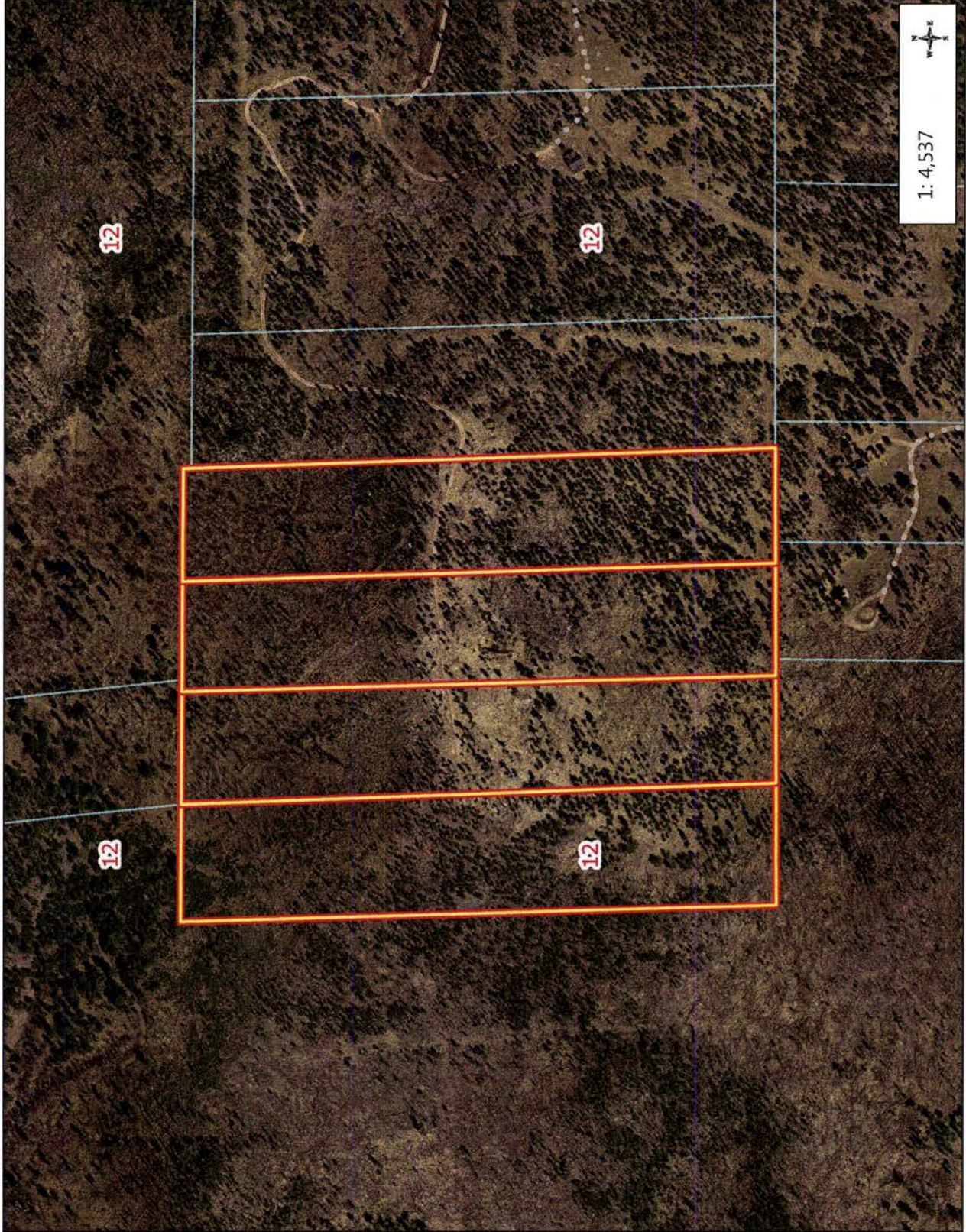
2,126.87

0

4,253.7

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

THIS MAP IS NOT TO BE USED FOR NAVIGATION



1: 4,537



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:

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

756.2 Feet

0 378.11



NAD_1983_2011_StatePlane_South_Dakota_South_FIPS_4002_Ft_US

© City of Rapid City GIS



HANSON SURVEYING & MAPPING

MICHAEL R. HANSON - R.L.S.

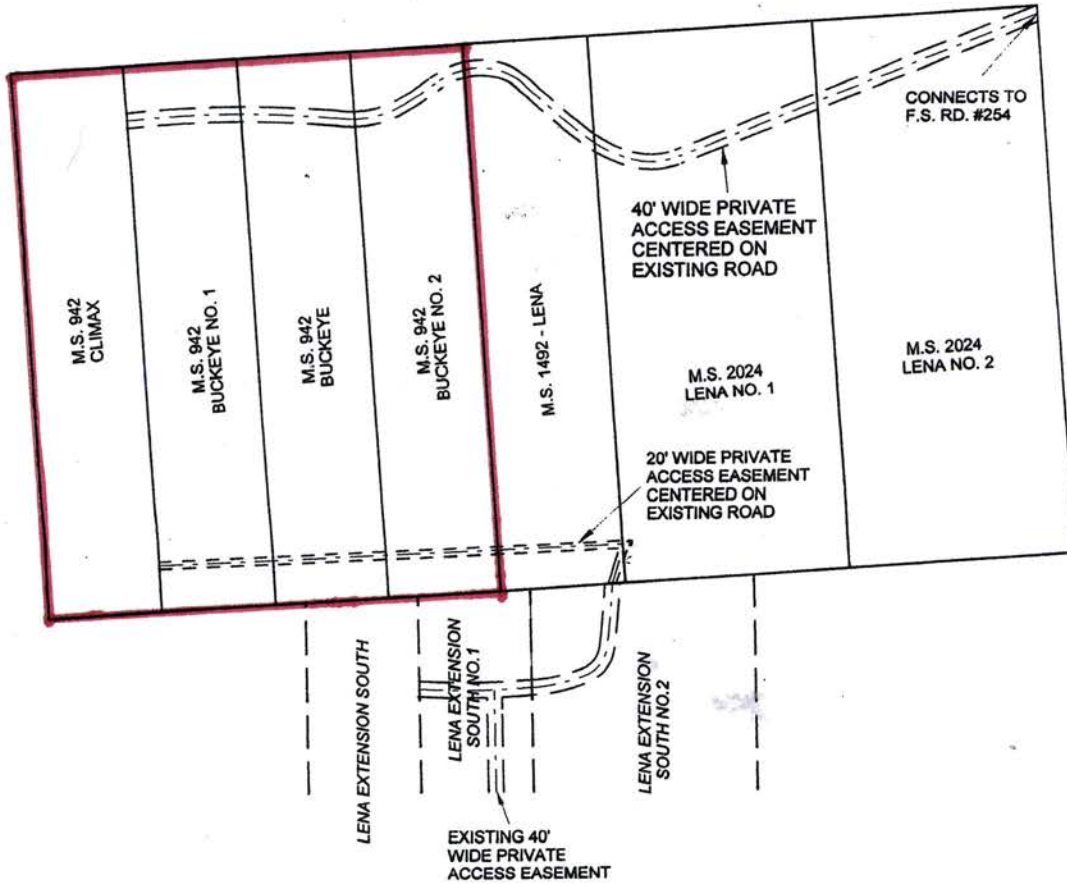
832 HORACE MANN DRIVE

RAPID CITY, SD 57701

605-388-9652

01/09/2019
Proposed plat:
Union Hill Climax

NOT TO SCALE



OWNER: JANE O. PATNOE SURVEYOR: FMG Engineering

EXHIBIT A PRIVATE ACCESS EASEMENT

LEGAL DESCRIPTION

M.S. 942 CLIMAX, BUCKEYE, BUCKEYE NO.1, & BUCKEYE NO.2,
M.S. 1492 LENA LODGE, AND M.S. 2024 LENA NO.1, &
LENA NO.2 LODES, PENNINGTON COUNTY, SOUTH DAKOTA

Project # 07.010

Surveyed by: N/A

Date: 1/29/07

Drafted by: M.R.H.

Title Work WAS WAS NOT provided at time of survey order.

SURVEYOR'S CERTIFICATE
I, the undersigned, do hereby certify that I have surveyed the above described property and that the information shown hereon is an accurate representation of the information gathered at the time of the inspection of the subject property.



Michael R. Hanson
Michael R. Hanson R.L.S. Reg. # 6251