

**AGENDA**  
**PENNINGTON COUNTY PLANNING COMMISSION**  
**February 25, 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 March 5, 2019, at 10:30 a.m.

ROLL CALL

1. APPROVAL OF THE FEBRUARY 11, 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 00-09:** Performance Development Group. To review a 300 foot stealth monopole communications tower and equipment shed in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

BLL located in SW1/4SE1/4, Section 30, T2N, R13E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 00-09 with seven (7) conditions.

4. **CONDITIONAL USE PERMIT REVIEW / CU 98-42:** Prairie Acres, LLC. To review a mobile home park in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

The E1/2W1/2SE1/4SW1/4, E1/2SE1/4SW1/4, Section 17, T2N, R8E, BHM, Pennington County, South Dakota.

(Continued from the November 13, 2018, Planning Commission meeting.)

To recommend approval of the extension of Conditional Use Permit / CU 98-42 with sixteen (16) conditions.

5. **CONDITIONAL USE PERMIT REVIEW / CU 16-20:** Perry and Vicky Van Newkirk. To review a pole barn constructed prior to a residential 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 47 Revised, Burns Placer MS 697, Section 14, T1S, R4E, BHM, Pennington County, South Dakota.

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

To recommend to end Conditional Use Permit / CU 16-20, as it is no longer needed.

6. **CONDITIONAL USE PERMIT REVIEW / CU 16-25:** Alvin and Sharon Gullickson. To review a Vacation Home Rental on the subject property in a Low Density Residential District in accordance with Sections 207-C-18, 319, and 510 of the Pennington County Zoning Ordinance.

Tract 4, Annie Lode MS 1721, Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 16-25 with fifteen (15) conditions.

7. **CONDITIONAL USE PERMIT REVIEW / CU 16-31:** Black Hills Raptor Center. To review a bird education and health facility on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

S800 feet of E350 feet of NE1/4SE1/4 less Right-of-Way, Section 35, T1N, R9E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 16-31 with thirteen (13) conditions.

8. **CONDITIONAL USE PERMIT REVIEW / CU 16-38:** Tom and Terri Haggerty. To review a townhome on the subject property in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot E3-E6; Lot F1-F6; Lot G1 Except That Portion of Said Lot Lying East of Co Rd; Lot G2-G5; Lot H5, Warren Lamb Subdivision, Section 18, T1N, R7E, BHM, Pennington County, South Dakota.

To recommend to end Conditional Use Permit / CU 16-38, with the applicant's concurrence, as the use for which the Conditional Use Permit was granted has not been established in accordance with § 510(E)(1)(b) of the Pennington County Zoning Ordinance.

9. **CONDITIONAL USE PERMIT REVIEW / CU 17-22:** Pamela Phillips. To review a single-wide mobile to be used as a permanent, single-family residence on the subject property in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 49A of Lot D, Sweetbriar Heights Subdivision, Section 10, T1N, R8E, BHM, Pennington County, South Dakota.

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

To recommend to continue the review of Conditional Use Permit / CU 17-22 to the March 25, 2019, Planning Commission meeting.

10. **CONDITIONAL USE PERMIT REVIEW / CU 17-40:** Richard Burton. To review a caretaker's residence on the subject property in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

NE1/4SW1/4NE1/4; S1/2SW1/4SW1/4NE1/4; SE1/4SW1/4NE1/4; N1/2N1/2NW1/4 SE1/4; Section 29, T2N, R6E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 17-40 with six (6) conditions.

11. **CONDITIONAL USE PERMIT REVIEW / CU 17-48:** Alvin and Sharon Gullickson. To review a Vacation Home Rental on the subject property in a General Agriculture District in accordance with Sections 205, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 12 less E100 feet and all of 13; Clear Creek Placer MS 1184, Section 22, T1N, R5E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 17-48 with fourteen (14) conditions.

12. **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.

(Continued from the January 28, 2019, Planning Commission meeting.)

To recommend approval of the extension of Conditional Use Permit / CU 17-50 with twelve (12) conditions.

13. **CONDITIONAL USE PERMIT REVIEW / CU 18-26**: Kelly and Brenda Hansen. To review a Recreational Vehicle to be used for no more than 180 calendar days on the subject property and to also review the Recreational Vehicle to be used as temporary living quarters 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 3, Block 3, Pactola Estates, Section 17, T1N, R5E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 18-26 with fourteen (14) conditions.

14. **CONDITIONAL USE PERMIT / CU 19-01**: NMMC, Inc; Terry Sayler. To allow for 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.

Lot A, Miller Subdivision #2, Section 15, T2N, R6E, BHM, Pennington County, South Dakota.

To recommend to continue Conditional Use Permit / CU 19-01 to the July 22, 2019, Planning Commission meeting to allow the applicant time to address outstanding issues, with one (1) condition.

15. **CONSTRUCTION PERMIT / CP 19-02**: Site Work Specialists, Inc. To construct a graveled access road to and onto the subject property, to include minimal tree removal, grading, gravel, seeding, and culverts.

NE1/4NE1/4, Section 7, T1N, R7E, BHM, Pennington County, South Dakota.

To recommend approval of Construction Permit / CP 19-02 with fourteen (14) conditions.

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

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

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

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

17. 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.

(Continued from the January 28, 2019, Planning Commission meeting.)

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

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

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

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

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

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

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

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

(Continued from the January 28, 2019, Planning Commission meeting.)

21. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the February 11, 2019, meeting. The Second Reading of Rezone 18-12 and Comprehensive Plan Amendment 18-11 (Borglum Historical Center, Inc., Duane Pankratz; Ken Nash – Agent) was continued to the March 5<sup>th</sup> Board of Commissioner's meeting.

22. ITEMS FROM THE PUBLIC
23. ITEMS FROM THE STAFF
24. ITEMS FROM THE MEMBERSHIP
25. 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**

**February 11, 2019 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Administration Building

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

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

ROLL CALL

1. APPROVAL OF THE JANUARY 28, 2019, MINUTES

**Moved by Johnson and seconded by Marsh to approve the Minutes of the January 28, 2019, Planning Commission meeting. Vote: unanimous 7 to 0.**

2. APPROVAL OF THE AGENDA

**Moved by Marsh and seconded by Johnson to approve the Agenda of the February 11, 2019, Planning Commission meeting. Vote: unanimous 7 to 0.**

**Moved by Runde and seconded by Marsh to approve the Consent Agenda of the February 11, 2019, Planning Commission meeting, with the removal of Items #5 and #7. 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 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 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.**

**Vote: unanimous 7 to 0.**

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 approve of the extension of Conditional Use Permit / 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 185<sup>th</sup> 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.**

**Vote: unanimous 7 to 0.**

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 approve 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;
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.

**Vote: unanimous 7 to 0.**

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 approve 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.

**Vote: unanimous 7 to 0.**

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 approve 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.

**Vote: unanimous 7 to 0.**

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 approve 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;
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.**

**Vote: unanimous 7 to 0.**

- 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 approve of the extension of Minor Planned Unit Development Amendment / PU 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.

**Vote: unanimous 7 to 0.**

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 to waive submittal of the following: (1.) Engineered road construction plans and road improvements; and (2.) Percolation test and profile hole information; and, 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;
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.**

**Vote: unanimous 7 to 0.**

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

- 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.)

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

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

Discussion followed.

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

**All voting aye, the Motion carried 7 to 0.**

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.)

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

Staff recommended 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.

Discussion followed.

**Moved by Johnson and seconded by Runde 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 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.**

**All voting aye, the Motion carried 7 to 0.**

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.

Sack stated this is a review of the applicant's Construction Permit to excavate and level the hillside for a future residence in accordance with Sections 208 and 507 of the Pennington County Zoning Ordinance.

Staff recommended 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;
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;
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.

Discussion followed.

**Moved by LaCroix and seconded by Coleman to approve 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;**
- 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;
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.

**All voting aye, the Motion carried 7 to 0.**

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.)

Molitor reviewed the Staff Report indicating the applicant has applied for a Layout Plat to create Lots A, B, C, and D of Johnson Estates Subdivision.

Staff recommended 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.

Discussion followed.

Moved by Coleman and seconded by Johnson to approve of Layout Plat / PL 17-38 to the February 11, 2019, Planning Commission meeting with fourteen (14) conditions.

**SUBSTITUTE MOTION: Moved by Coleman and seconded by Johnson to approve of Layout Plat / PL 17-38 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.**

**All voting aye, the Motion carried 7 to 0.**

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.)

Molitor reviewed the Staff Report indicating the applicant has applied for a Rezone and Comprehensive Plan Amendment 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.

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

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

**All voting aye, the Motion carried 7 to 0.**

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.

Bolstad reviewed the Staff Report indicating the applicant has applied for a Layout Plat to combine four lots to create Union Hill Climax.

Staff recommended 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;
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.

Discussion followed.

**Moved by Marsh and seconded by Runde to approve of Layout Plat / LPL 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;
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.

All voting aye, the Motion carried 7 to 0.

**Moved by Runde and seconded by Marsh to Reconsider Item #13. Commissioners Marsh, Lasseter, Johnson, Runde, and Rivers voted yes. Commissioners Coleman and LaCroix voted no. Motion to Reconsider Item #13 carried 5 to 2.**

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.

Mr. Brad Nible, the applicant, appeared and spoke of the review of his Construction Permit and the Conditions of Approval.

Discussion followed.

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

There were no motions or actions taken at this time.

19. ITEMS FROM THE STAFF

- A. Building Permit Report. Conover reviewed the Building Permit Report for January 2019.
- B. Comprehensive Plan Comments to Matrix Design Group, LLC. Conover stated that any comments from the Planning Commission or Board can be e-mailed through the View to 2040 website to the consultant and the consultant will add those comments to their updated Comment List.
- C. 2019 Drug-Free Workplace Resolution & Workplace Affirmation Statement. Conover spoke of the 2019 Drug-Free Workplace Resolution and Workplace Affirmation Statement. He further stated that Planning Commission members are employees of Pennington County, and asked the Planning Commission members to review the documents and sign the Drug-Free Workplace Affirmation Statement.
- D. Updated Plat File Codes. Conover stated that, starting January 1, 2019, the Planning Department has updated the Plat File Submittal Codes to indicate that a Layout Plat is (LPL), Preliminary Plat is (PPL), Minor Plat is (MPL), and Final Plat is (FPL).

- E. Croell, Inc. BOC Meeting Date(s). Conover informed the Planning Commission that the Board of Commissioners have scheduled their Special Board Meeting for May 10th at 9 a.m. and, if necessary, Saturday, May 11th, at 9 a.m.
- F. 2019 Western SD Hydrology Conference. Conover spoke of the upcoming 2019 Western SD Hydrology Conference, which is scheduled for April 11th at the Rushmore Plaza Civic Center.

20. ITEMS FROM THE MEMBERSHIP

Commissioner Lasseter confirmed the start date for the Planner II position.

21. ADJOURNMENT

**Moved by Marsh and seconded by Coleman to adjourn.**

**All voting aye, the Motion carried 7 to 0.**

**The meeting adjourned at 9:53 a.m.**

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Travis Lasseter, Chairperson

**STAFF REPORT**

**GENERAL INFORMATION:**

REQUEST: **CONDITIONAL USE PERMIT REVIEW / CU 00-09:** To review a 300 foot stealth monopole communications tower and equipment shed in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

APPLICANT: Performance Development Group

ADDRESS: P.O. Box 906, Watertown, South Dakota 57201

LANDOWNER: Monte and Connie Simon

OWNER ADDRESS: 17250 Highway 1416, Owanka, South Dakota, 57767

TOWER LEGAL DESCRIPTION: BLL located in SW1/4SE1/4, Section 30, T2N, R13E, BHM, Pennington County, South Dakota.

TOWER SITE LOCATION: 17250 Highway 1416; approximately 0.6 mile Southwest of the intersection of Interstate 90 and 173<sup>rd</sup> Avenue.

TOWER TAX ID: 65814

LAND TAX ID: 13764

SIZE: 429.57 acres

EXISTING LAND USE: Agriculture

ZONING REFERENCE: § 205 and 510

CURRENT ZONING: General Agriculture and Highway Service District

SURROUNDING ZONING:

North	General Agriculture District Highway Service District
South	General Agriculture District
East	General Agriculture District Highway Service District

West General Agriculture District  
PHYSICAL CHARACTERISTICS: Flat

UTILITIES: Private

REPORT BY: Kristina Proietti

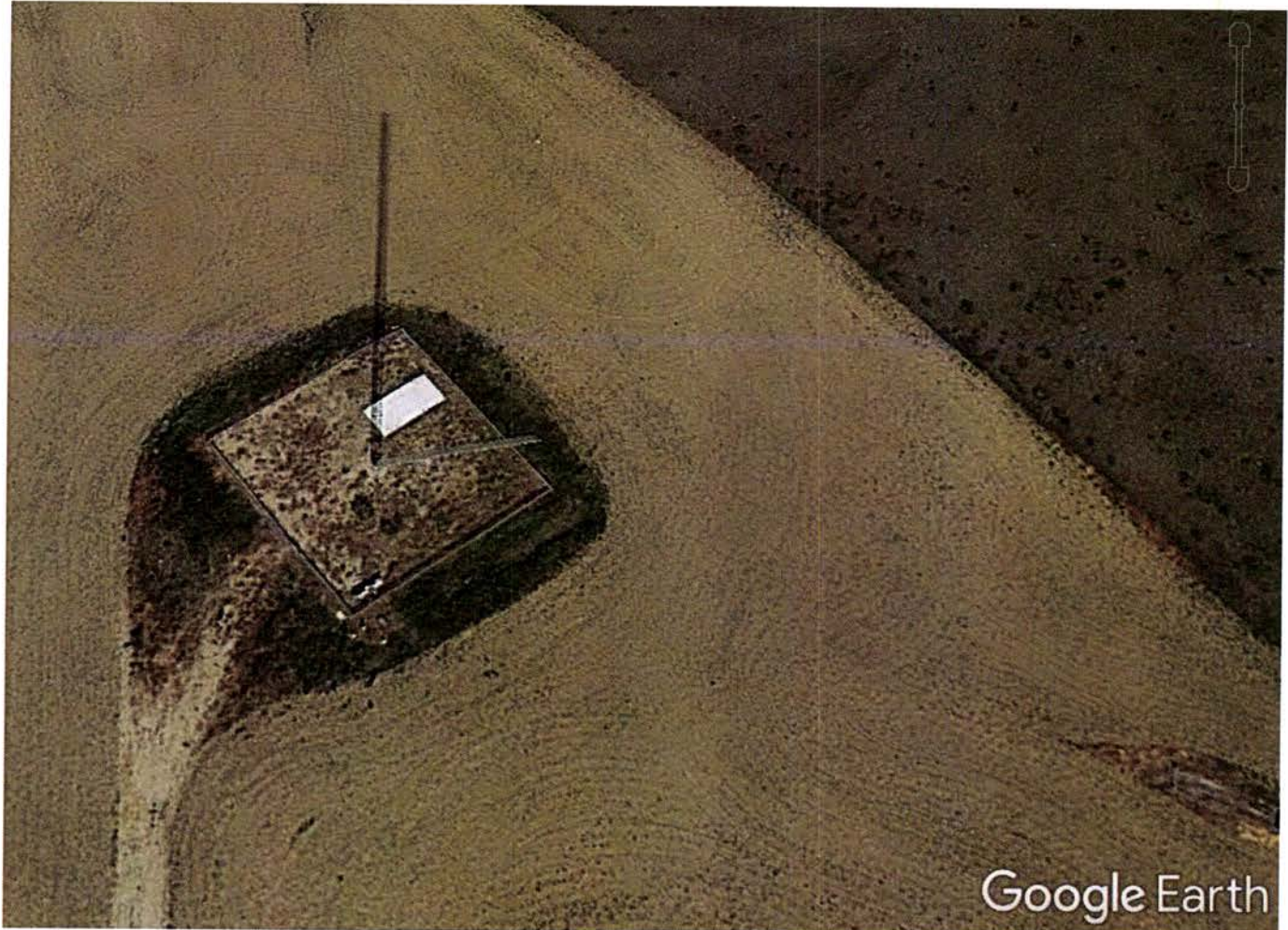
**I. PROPOSED RECOMMENDATION**

- A. Staff will be recommending approval of the extension of Conditional Use Permit / CU 00-09 with seven (7) conditions.

**II. GENERAL DESCRIPTION**

- A. Due to new property ownership in 2018 and the applicant adding additional equipment to the cell tower site, staff is reviewing Conditional Use Permit / CU 00-09.
- B. March 27, 2000 – Planning Commission approved Conditional Use Permit / CU 00-09 with the following seven (7) conditions:
1. That Building Permits be obtained for any structure exceeding 144 square feet and located on a permanent foundation which include necessary site plans to be reviewed and approved by the Planning Director;
  2. That an approved Federal Aviation Agency Permit and an approved South Dakota Aeronautic Commission permit be submitted prior to the issuance of an approved Building Permit;
  3. That a professional engineer certify the structural integrity of the tower and anchoring system prior to the issuance of an approved Building Permit;
  4. That space be provided on the tower for emergency services for Pennington County;
  5. That the applicant indicate on the site, the location of two parking spaces and that the parking spaces be maintained in a dust free manner;
  6. That prior to approval of the Building Permit for the communications tower, the applicant obtain any necessary permits for the approach, over length, or over weight permits; and,
  7. That this Conditional Use Permit be reviewed on a complaint basis only.

**GOOGLE EARTH – 2016 IMAGERY**



**III. ANALYSIS**

- A. The Tower is located approximately 0.6 mile Southwest of the intersection of Interstate 90 and 173<sup>rd</sup> Avenue, which is a rural area without heavy traffic.
- B. Due to new property ownership in 2018 and the applicant adding additional equipment to the cell tower site, staff is reviewing Conditional Use Permit / CU 00-09, image 1 shows a history of Building Permits.
- C. Staff has no records of complaints or violations relative to this tower site.

Agenda Item #3  
Performance Development Group  
February 25, 2019



Image 1.

**RECOMMENDATION:** Staff recommends approval of the extension of Conditional Use Permit / CU 00-09 with the following seven (7) conditions:

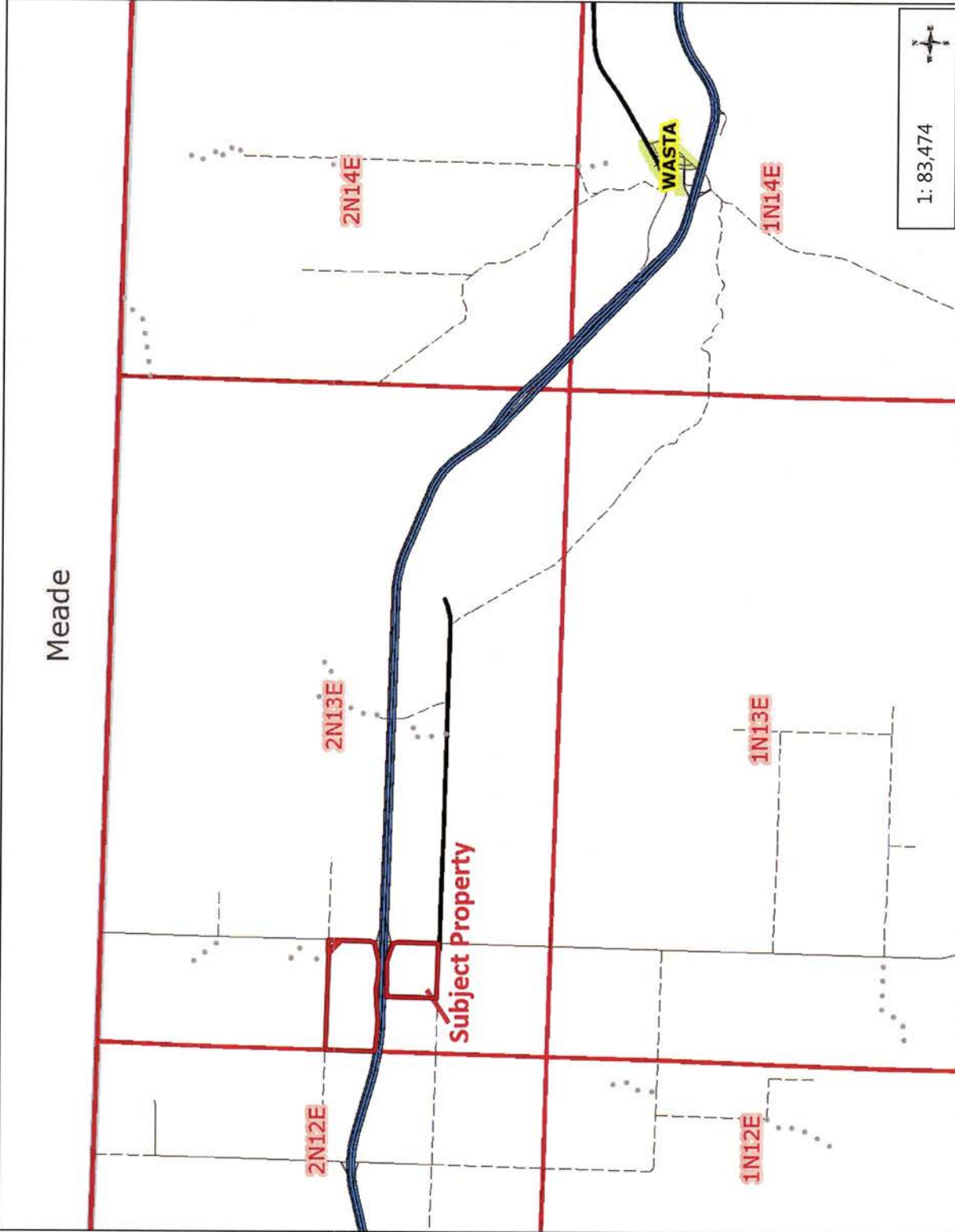
1. That Building Permits be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which include necessary site plans to be reviewed and approved by the Planning Director;
2. That a security fence continues to be maintained around the tower and accessory structures in accordance with Section 316 of the Zoning Ordinance;
3. That the address is posted in accordance with Ordinance #20;



Agenda Item #3  
Performance Development Group  
February 25, 2019

4. That a minimum of two (2) off-street parking spaces continue to be provided. Each space shall measure at least nine (9) feet by eighteen (18) feet and be maintained in a dust free manner;
5. That the setbacks from the property lines and all utilities be maintained for all structures located on the property;
6. That the driving surface for the access road be a minimum of 14 feet wide and maintained in a dust free manner; and,
7. That this Conditional Use Permit be reviewed on a complaint basis only.

Meade



1: 83,474



13,912.4 0 6,956.20 13,912.4 Feet

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

THIS MAP IS NOT TO BE USED FOR NAVIGATION

NAD\_1983\_2011\_StatePlane\_South\_Dakota\_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
- Townships**
- 2N12E
  - 2N13E
  - 2N14E
  - 1N12E
  - 1N13E
  - 1N14E
- City Limits**
- BOX ELDER
  - ELLSWORTH AFB
  - HILL CITY
  - KEYSTONE
  - NEW UNDERWOOD
  - QUINN
  - RAPID CITY
  - WALL
  - WASTA

**Map Notes:**



1: 10,434

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

**Legend**

**Roads**

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

**Section Lines 0-25k**

- 0
- 7

**Tax Parcels**

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

**Pennington County Zoning**

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

**Map Notes:**



1: 10,434



NAD\_1983\_2011\_StatePlane\_South\_Dakota\_South\_FPS\_4002\_Ft\_US  
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**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

**Legend**

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

**Map Notes:**

**STAFF REPORT**

**GENERAL INFORMATION:**

REQUEST: **CONDITIONAL USE PERMIT REVIEW / CU 98-42:** To review a mobile home park in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

OWNER: Prairie Acres LLC

OWNER ADDRESS: 2348 Carter Drive, Rapid City, SD 57702

LEGAL DESCRIPTION: The E1/2 W1/2 SE1/4 SW1/4, E1/2 SE1/4 SW1/4, Section 17, T2N, R8E, BHM, Pennington County, South Dakota.

SITE LOCATION: 1980 Country Road

SIZE: 30 acres

TAX ID: 41186

EXISTING LAND USE: Mobile Home Park

ZONING REFERENCE: § 208 and 510

CURRENT ZONING: Suburban Residential District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Flat

UTILITIES: Private and public

REPORT BY: Cassie Bolstad

**I. PROPOSED RECOMMENDATION**

- A. Staff will be recommending approval of the extension of Conditional Use Permit / CU 98-42 with sixteen (16) conditions.

**II. EXISTING CONDITIONS**

- A. Zoned Suburban Residential District.
- B. 30 acres.
- C. Three (3) accesses off of Country Road.
  - 1. The interior roadway is a paved surface, approximately 35' wide.
- D. Lot contains:
  - 1. 114 mobile homes – 4 lots are currently vacant.
  - 2. A designated management office is located at the start of the western most entrance to the park.



Office

- 3. Numerous accessory structures (i.e. sheds and decks).
  - 4. Five (5) lots have existing carports over the parking pads.
- E. Special Flood Hazard Area (100-year floodplain) – Image 1.



Image 1

**III. GENERAL DESCRIPTION**

- A. In 1979, the County Board approved Conditional Use Permit #79-1 to allow for a 107 space mobile home park to be located on the subject property.
- B. In 1986, the County Board approved Conditional Use Permit #86-9 to allow for the completion of the mobile home park, as originally permitted, amending the original site plan to reflect the lagoon area as constructed in 1980.
- C. In 1998, a Conditional Use Permit application was submitted to allow the existing mobile home park with accessory structures and an expanded on-site wastewater system.
- D. On January 19, 1999, the County Board of Commissioners approved Conditional Use Permit / CU 98-42 with the following twenty-four (24) conditions:
  - 1. That the mobile home park have a maximum of 118 mobile home spaces;
  - 2. That each mobile home space be allowed one mobile home, manufactured home or modular home (singlewide or doublewide);
  - 3. That the existing mobile homes be allowed to remain in their present location and that replacement mobile homes have a minimum 20 foot separation between units and a minimum 25 foot front yard setback from Country Road;
  - 4. That accessory structures be allowed to remain in their present location and that upon replacement of a mobile home, that lot be allowed one accessory shed measuring a maximum of 8 foot by 16 foot;
  - 5. That decks be allowed as an accessory structure to each mobile home;
  - 6. That there shall be a front yard setback of ten (10) feet from all access roads within the mobile home park;
  - 7. That the mobile home park have a rear yard and a side yard on both sides of the parcel of not less than ten (10) feet;
  - 8. That each mobile home space have a minimum of two (2) off-street parking spaces and that each parking space shall not be less than one hundred sixty two (162) square feet, nor nine (9) feet by eighteen (18) feet, surfaced with gravel, concrete or asphalt and maintained in such a manner that no dust will result from continuous use;
  - 9. That prior to County Board approval, the applicant identify thirty (30) visitor parking spaces. Each space must measure a minimum of nine (9) feet by eighteen (18) feet, be surfaced in gravel, concrete or asphalt and maintained in a dust free manner; and may not be located in the existing 35-foot-wide paved interior roadways as requested by the Pennington County Fire Coordinator and the

- Pennington County Highway Department, or a Variance be obtained;
10. That prior to County Board approval, the gates at the end of the interior roadway be removed;
  11. That prior to County Board approval, stop signs in accordance with the "Manual on Uniform Traffic Control Devices" be placed at the intersections of Country Road and the three interior roads as requested by the Pennington County Highway Department;
  12. That prior to County Board approval, the lot numbers be posted at each entrance road with four (4) inch reflective letters, or that the interior roads be named allowing each mobile home space to be addressed individually;
  13. That prior to County Board approval, an on-site wastewater permit be reviewed and approved by the South Dakota Department of Environment and Natural Resources and the Pennington County Environmental Technician;
  14. That a Floodplain Development Permit be obtained prior to the construction or development, including the replacement of existing mobile homes and revisions and/or expansions on the wastewater system, within the area on the property located in a federally designated floodplain;
  15. That prior to the start of construction on the revisions and/or expansion of the wastewater system, a Construction Permit be obtained;
  16. That prior to County Board approval, an easement be filed and recorded with the Register of Deed's Office to ensure that the mobile home park may use that portion of the wastewater system to be located on an adjacent forty-acre parcel;
  17. That any expansion of the lagoon area or future development adjacent to the existing lagoon area, require that the existing four (4) foot high chain link fence be extended to continue as a buffer between the lagoon area and the mobile home park and/or future development on adjacent properties;
  18. That prior to County Board approval, a drainage plan be submitted for review and approval;
  19. That prior to the issuance of a Building Permit, a drainage plan shall be implemented;
  20. That prior to the removal or placement of mobile homes be allowed as a "no fee" Building Permit which will include necessary site plans shall be submitted for approval by the Planning Director;
  21. That the addition of accessory structures (i.e., decks, sheds) shall be allowed through the issuance of full fee building permits which include necessary site plans to be reviewed and approved by the Planning Director;



22. That the mobile home park continue to be provided with a management office;
  23. That this Conditional Use Permit be reviewed in one (1) year; and,
  24. That prior to County Board approval, Building Permits be obtained for the twenty-eight (28) mobile homes that have been moved on to the property since February 1, 1994.
- E. Conditional Use Permit / CU 98-42 was not reviewed until April 23, 2007 when the Planning Commission approved the extension with the following sixteen (16) conditions:
1. That the mobile home park have a maximum of 118 mobile home spaces;
  2. That each mobile home space be allowed one mobile home, manufactured home or modular home (singlewide or doublewide);
  3. That the existing mobile homes be allowed to remain in their present location and that replacement mobile homes have a minimum 20 foot separation between units and a minimum 25 foot front yard setback from Country Road;
  4. That accessory structures be allowed upon the issuance of a Building Permit;
  5. That decks be allowed as an accessory structure to each mobile home;
  6. That there shall be a front yard setback of ten (10) feet from all access roads within the mobile home park;
  7. That the mobile home park have a rear yard and a side yard on both sides of the parcel of not less than ten (10) feet;
  8. That each mobile home space have a minimum of two (2) off-street parking spaces and that each parking space shall not be less than one hundred sixty two (162) square feet, nor nine (9) feet by eighteen (18) feet, surfaced with gravel, concrete or asphalt and maintained in such a manner that no dust will result from continuous use;
  9. That the lot numbers be posted at each entrance road with four (4) inch reflective letters;
  10. That a Floodplain Development Permit be obtained prior to the construction or development, including the replacement of existing mobile homes and revisions and/or expansions on the wastewater system, within the area on the property located in a federally designated floodplain;
  11. That prior to the start of construction on the revisions and/or expansion of the wastewater system, a Construction Permit be obtained;
  12. That any expansion of the lagoon area or future development adjacent to the existing lagoon area, require that the existing four (4) foot high chain link fence be extended to continue as a buffer

- between the lagoon area and the mobile home park and/or future development on adjacent properties;
13. That prior to the placement of mobile homes, a Building Permit, which will include necessary site plans, shall be submitted for approval by the Planning Director;
  14. That the addition of accessory structures (i.e., decks, sheds) shall be allowed through the issuance of full fee Building Permits, which include necessary site plans to be reviewed and approved by the Planning Director;
  15. That the mobile home park continue to be provided with a Management Office; and,
  16. That this Conditional Use Permit be reviewed upon a complaint basis.
- F. The subject property was sold to Prairie Acres LLC in 2011 (Deed Book 206, Page 7107).
- G. On October 16, 2018, Ted Pettyjohn (one of the park owners) contacted the Planning Department to ask to have the Prairie Acres Conditional Use Permit reviewed.
1. The Owners wanted to allow carports to be placed over the existing parking pads within the mobile home park.
- H. Condition #6 from the April 2007 approval of CU 98-42 required a ten (10) foot front yard setback to all access roads within the mobile home park; thus, carports over the existing parking pads would have encroached into the required setback.
1. Each lot within the mobile home park has an existing two-car parking pad.

#### IV. ANALYSIS

- A. On November 13, 2018, the Planning Commission approved the extension of Conditional Use Permit / CU 98-42 with the following eighteen (18) conditions:
1. That the existing carport located on Lot 36 obtain an approved Setback Variance for the encroachment into the required 25-foot front yard setback to Country Road *and* an approved Building Permit, with all applicable fees paid, within ninety (90) days;
  2. That the existing carports located on Lots 19, 26 and 45 obtain approved Building Permits, with all applicable fees paid, within ninety (90) days;
  3. That the mobile home park continue to have a maximum of 118 mobile home spaces;
  4. That each mobile home space be allowed one mobile home, manufactured home or modular home (single-wide or double-wide);
  5. That the mobile homes existing at the time of original Conditional Use Permit approval (January 19, 1999) be allowed to remain in

- their present location and that replacement mobile homes have a minimum 20 foot separation between units and a minimum 25 foot front yard setback from Country Road;
6. That decks and accessory structures be allowed upon the issuance of a Building Permit;
  7. That each structure, with the exception of carports, shall have a front yard setback of ten (10) feet from all access roads within the mobile home park;
  8. That a carport shall be allowed over each existing parking pad within the mobile home park, with the issuance of a Building Permit. Each carport shall not exceed the existing parking pad size and shall not be enclosed on more than two (2) sides;
  9. That the mobile home park have a rear yard and a side yard on both sides of the parcel of not less than ten (10) feet;
  10. That each mobile home space continue to have a minimum of two (2) off-street parking spaces and that each parking space shall not be less than one hundred sixty two (162) square feet, nor nine (9) feet by eighteen (18) feet, surfaced with gravel, concrete or asphalt and maintained in such a manner that no dust will result from continuous use;
  11. That the lot numbers continue to be posted at each entrance road with four (4) inch reflective letters;
  12. That a Floodplain Development Permit be obtained prior to the construction or development, including the replacement of existing mobile homes and revisions and/or expansions on the wastewater system, within the area on the property located in a federally designated floodplain;
  13. That prior to the start of construction on the revisions and/or expansion of the wastewater system, a Construction Permit be obtained;
  14. That any expansion of the lagoon area or future development adjacent to the existing lagoon area, require that the existing four (4) foot high chain link fence be extended to continue as a buffer between the lagoon area and the mobile home park and/or future development on adjacent properties;
  15. That prior to the placement of mobile homes, a Building Permit, which will include necessary site plans, shall be submitted for approval by the Planning Director;
  16. That the addition of accessory structures (i.e., decks, sheds) shall be allowed through the issuance of full fee Building Permits, which include necessary site plans to be reviewed and approved by the Planning Director;
  17. That the mobile home park continue to be provided with a Management Office; and,

18. That this Conditional Use Permit be reviewed at the February 25, 2019, Planning Commission, on a complaint basis only, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to ensure all Conditions of Approval are being met.
  - B. The November 13, 2018, approval allowed carports to be placed over the existing parking pads within the mobile home park.
  - C. Condition #1 has been met.
    1. The tenant on Lot 36 obtained an approved Setback Variance (VA 18-22) and an approved Building Permit (COBP19-0021).
  - D. Condition #2 has been met, as the Building Permits have been obtained.
    1. Lot 19 – COBP19-0004.
    2. Lot 26 – COBP18-0595.
    3. Lot 45 – COBP18-0704.

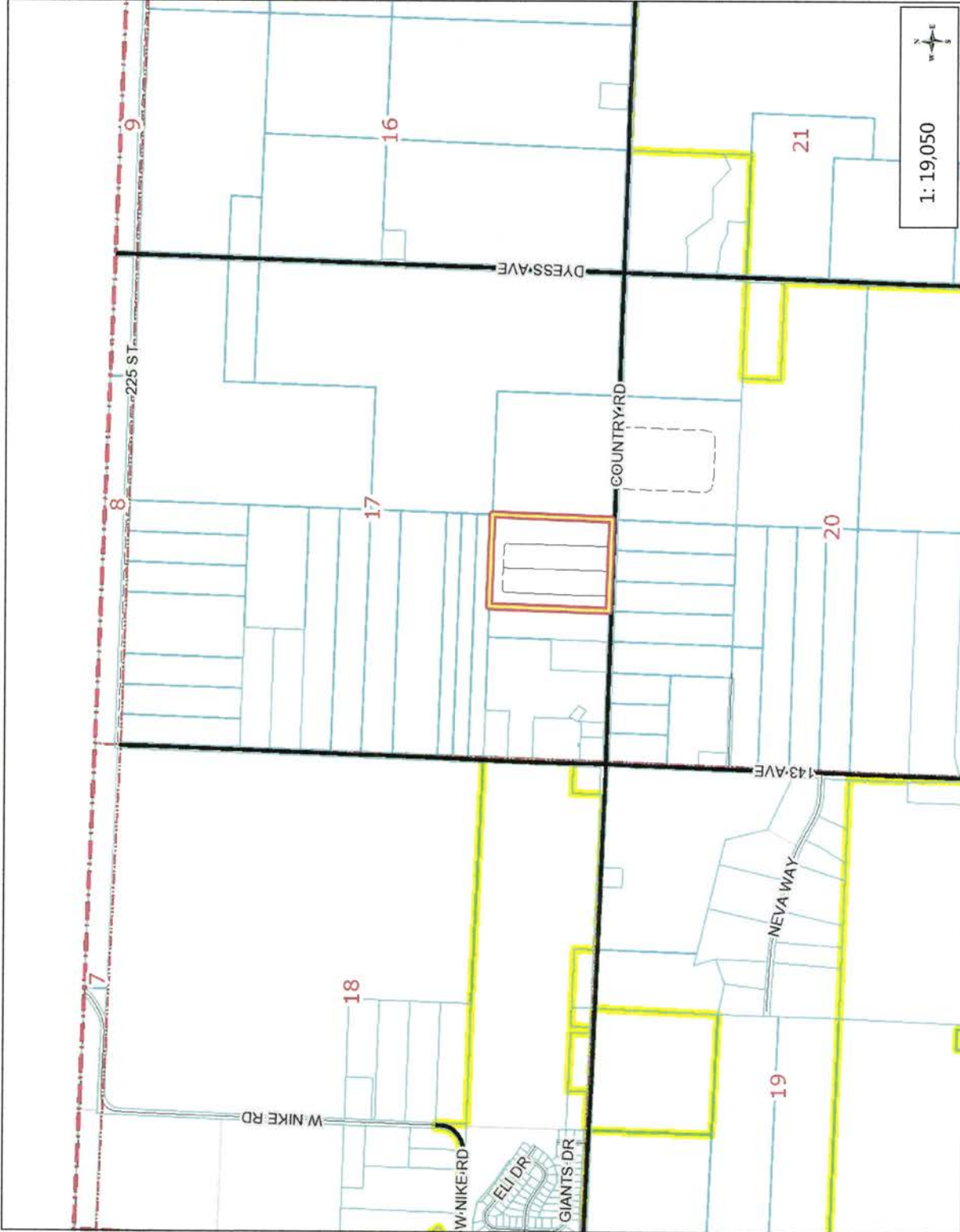
**RECOMMENDATION:** Staff recommends approval of the extension of Conditional Use Permit / CU 98-42 with the following sixteen (16) conditions:

1. That the mobile home park continue to have a maximum of 118 mobile home spaces;
2. That each mobile home space be allowed one (1) mobile home, manufactured home or modular home (single-wide or double-wide);
3. That the mobile homes existing at the time of original Conditional Use Permit approval (January 19, 1999) be allowed to remain in their present location and that replacement mobile homes have a minimum 20 foot separation between units and a minimum 25 foot front yard setback from Country Road;
4. That decks and accessory structures be allowed upon the issuance of a Building Permit;
5. That each structure, with the exception of carports, shall have a front yard setback of ten (10) feet from all access roads within the mobile home park;
6. That a carport shall be allowed over each existing parking pad within the mobile home park, with the issuance of a Building Permit. Each carport shall not exceed the existing parking pad size and shall not be enclosed on more than two (2) sides. Carports must maintain a minimum 25 foot setback from Country Road or obtain an approved Setback Variance;
7. That the mobile home park have a rear yard and a side yard on both sides of the parcel of not less than ten (10) feet;

8. That each mobile home space continue to have a minimum of two (2) off-street parking spaces and that each parking space shall not be less than one hundred sixty two (162) square feet, nor nine (9) feet by eighteen (18) feet, surfaced with gravel, concrete or asphalt and maintained in such a manner that no dust will result from continuous use;
9. That the lot numbers continue to be posted at each entrance road with four (4) inch reflective letters;
10. That a Floodplain Development Permit be obtained prior to the construction or development, including the replacement of existing mobile homes and revisions and/or expansions on the wastewater system, within the area on the property located in a federally designated floodplain;
11. That prior to the start of construction on the revisions and/or expansion of the wastewater system, a Construction Permit be obtained;
12. That any expansion of the lagoon area or future development adjacent to the existing lagoon area, require that the existing four (4) foot high chain link fence be extended to continue as a buffer between the lagoon area and the mobile home park and/or future development on adjacent properties;
13. That prior to the placement of mobile homes, a Building Permit, which will include necessary site plans, shall be submitted for approval by the Planning Director;
14. That the addition of accessory structures (i.e., decks, sheds) shall be allowed through the issuance of full fee Building Permits, which include necessary site plans to be reviewed and approved by the Planning Director;
15. That the mobile home park continue to be provided with a Management Office; and,
16. That this Conditional Use Permit be reviewed in three (3) years, on a complaint basis only, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to ensure all Conditions of Approval are being met.

**Legend**

- Roads**
- Interstate
  - US highway
  - SD highway
  - County highway
  - Main road
  - Minor arterial
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  - Paved road
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  - Airport Runway
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- Section Lines 0-25k**
- 0
  - 7
- Tax Parcels**
- Lot Lines**
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  - Parcel Line



1:19,050



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

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

**Map Notes:**



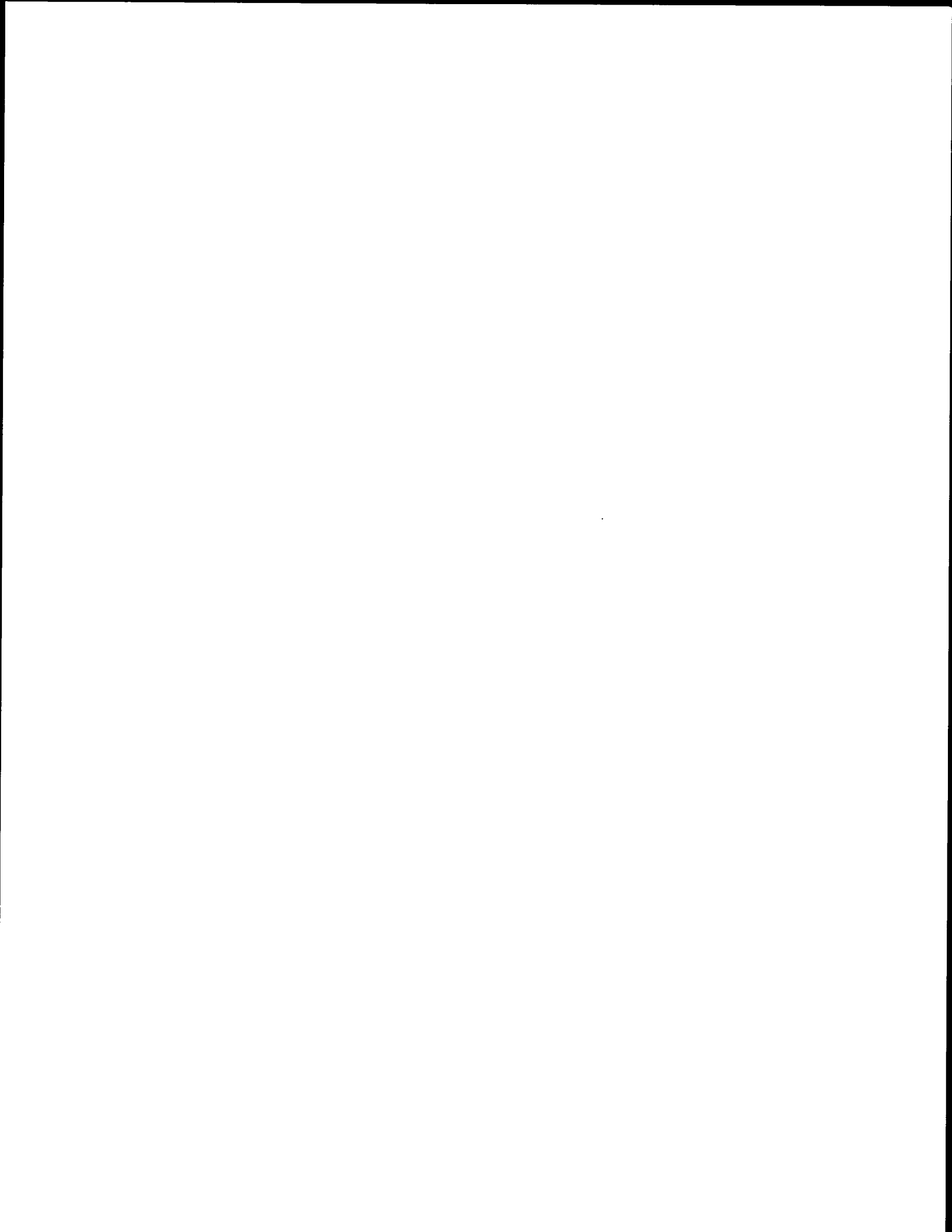
**Legend**

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- Address Points**
- Section Lines 0-25k
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**STAFF REPORT**

**GENERAL INFORMATION:**

**REQUEST:** **CONDITIONAL USE PERMIT REVIEW / CU 16-20:** To review a pole barn constructed prior to a residential structure on the subject property in a Low Density Residential District in accordance with § 207 and 510 of the Pennington County Zoning Ordinance.

**APPLICANT:** Perry or Vicki Van Newkirk

**APPLICANT ADDRESS:** 197 County Road 161, Pine Bluffs, WY 82082

**LEGAL DESCRIPTION:** Lot 47 Revised, Burns Placers MS 697, Section 14, T1S, R4E, BHM, Pennington County, South Dakota.

**SITE LOCATION:** 12279 Deerfield Road

**SIZE:** 3.37 acres

**TAX ID:** 69364

**EXISTING LAND USE:** Vacant

**ZONING REFERENCE:** § 207 and 510

**CURRENT ZONING:** Low Density Residential District

**SURROUNDING ZONING:**

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

**PHYSICAL CHARACTERISTICS:** Flat / Sloping

**UTILITIES:** Private

**REPORT BY:** Cassie Bolstad

**I. PROPOSED RECOMMENDATION**

- A. Staff will be recommending to end Conditional Use Permit / CU 16-20, as it is no longer needed.

**II. GENERAL DESCRIPTION**

- A. August 22, 2016 – The Planning Commission approved Conditional Use Permit / CU 16-20 to allow an accessory structure, a pole barn, prior to a primary structure with the following eleven (11) conditions:
1. That an approved Floodplain Development Permit be obtained prior to any disturbance in the Special Flood Hazard area;
  2. That an approved Building Permit be obtained for the proposed pole barn prior to the construction, which requires a site plan to be reviewed and approved by the Planning Director;
  3. 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;
  4. That an address be assigned for the proposed accessory structure and properly posted on both the structure and the approach off of Deerfield Road in accordance with Pennington County's Ordinance #20;
  5. That if the applicant chooses to install any type of plumbing in the proposed barn, it be hooked into a proper means of wastewater disposal and adhere to all necessary State and County regulations, including obtaining necessary licenses and permits;
  6. That proper setbacks be maintained for all structures located on the property or an approved Setback Variance be obtained;
  7. That the property remain free of debris and junk vehicles, in accordance with the Pennington County's Ordinance #106;
  8. That the proposed barn be used for personal use only, and no commercial-type uses;
  9. That the applicant is aware of the above-mentioned comments provided by the U.S. Forest Service;
  10. That the applicant sign a Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 16-20, which is available at the Planning Department; and,
  11. That this Conditional Use Permit be reviewed in one (1) year, upon 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.



Original lot

### III. EXISTING CONDITIONS

- A. Zoned Low Density Residential District, minimum three (3) acre lot size.
- B. 3.37 acres (Plat A201900878).
- C. Access off of a Common Access Easement (Book 46, Page 8036-8042).
- D. Lot contains:
  1. Single-family residence – 1997COBP0519.
    - a. On-site wastewater treatment system – COOP13-0853.
  2. Detached garage – 1998COBP0509.
  3. 30' x 40' pole barn – COBP16-0415.
- E. Special Flood Hazard Area on the subject property.

### IV. ANALYSIS

- A. June 27, 2016 – The applicant, Perry Van Newkirk, submitted a Conditional Use application to allow a pole barn to be constructed prior to a residential structure on the original subject property (formerly Lot 48 of Burns Placer MS 697).
- B. August 31, 2016 – Building Permit (COBP16-0415) was approved for a 30' x 40' pole barn.
- C. August 22, 2017 – Staff performed a site visit. The structure, a pole barn, had been completed.
  1. The placement of the structure appeared to be within the required 25' setback for a Low Density Residential District referred to in Condition #6.

- D. August 23, 2017 – Staff spoke with the applicant on the phone regarding the concern of a potential setback violation and posting of the address on the building.
- E. August 25, 2017 – Staff met with the applicant to discuss options for bringing the property into compliance.
  - 1. The applicant was intending to submit a Layout Plat by September 13, 2017, to combine the two (2) lots into one (1).
    - a. This would eliminate the interior lot line and bring the structure into compliance with the required setbacks.
- F. September 25, 2017 – The review of CU 16-20 was continued to allow the applicant to proceed with the platting process.
- G. November 11, 2017 – Layout Plat / PL 17-31 was approved by the Board of Commissioners with the following fourteen (14) conditions:
  - 1. That the existing address (12283 Deerfield Road) be properly posted on the existing residence so it is visible from Deerfield Road, in accordance with Pennington County’s Ordinance #20;
  - 2. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
  - 3. That an approved Floodplain Development Permit be obtained prior to any disturbance in the Special Flood Hazard area;
  - 4. That the limits of the 100-year Floodplain be shown on the plat in accordance with current FEMA maps;
  - 5. That the applicant use the existing access for the subject property as no additional approaches will be allowed onto Deerfield Road;
  - 6. That the applicant adhere to the comments submitted by the U.S. Forest Service;
  - 7. That at the time of Minor Plat submittal, the mylar Plat be prepared by a Registered and/or Licensed Professional Engineer or Surveyor;
  - 8. 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;
  - 9. That at the time of Minor Plat submittal, the plat meets 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;
  - 10. That at the time of Minor Plat submittal, the plat meets all other applicable requirements of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
  - 11. That the proposed legal description be changed in accordance with the Register of Deeds comments, prior to the submittal of the Minor Plat;

12. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
  13. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Layout Plat / PL 17-31, which is available at the Planning Office; and,
  14. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.
- H. April 16, 2018 – Staff spoke with the applicant via phone and confirmed that he was in the process of submitting a Minor Plat application and Subdivision Regulations Variance application.
1. The applicant hired Howe Land Surveying to complete the work for the Minor Plat Application.
- I. July 16, 2018 – Staff spoke with the applicant via phone to inquire about the status of the Minor Plat application.
1. Mr. Van Newkirk stated he still intended on combining the lots into one (1) property and was waiting to hear back from his surveyor.
- J. July 23, 2018 – Planning Commission continued the review of Conditional Use Permit / CU 16-20 to the September 24, 2018, Planning Commission meeting to allow the applicant to proceed with the replatting process to combine both lots into one.
- K. November 8, 2018 – Board of Commissioners approved Minor Plat / PL 18-31 with the following eleven (11) conditions:
1. That upon filing the Plat with the Register of Deeds, the easement agreement filed in Book 46, Page 8036, which gives ingress/egress across Lots 44, 45, and 46 from Deerfield Road, be noted on the Plat;
  2. That upon filing the Plat with the Register of Deeds, the limits of the 100-year Floodplain continue to be shown on the plat in accordance with current FEMA maps;
  3. That upon filing the Plat with the Register of Deeds, eight (8) foot Minor Drainage and Utility Easements continue to be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
  4. That the existing address (12283 Deerfield Road) be properly posted on the existing residence so it is visible from Deerfield Road, in accordance with Pennington County's Ordinance #20;
  5. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
  6. That an approved Floodplain Development Permit be obtained prior to any disturbance in the Special Flood Hazard area;
  7. That the applicant use the existing access for the subject property as no additional approaches will be allowed onto Deerfield Road;
  8. That the applicant adhere to the comments submitted by the U.S. Forest Service;

9. That upon filing the Plat with the Register of Deeds, 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;
10. That the Certifications on the plat be in accordance with § 400.3.1.n of the Pennington County Subdivision Regulations; and,
11. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Minor Plat / PL 18-31, which is available at the Planning Office.

**V. UPDATE (For the February 25, 2019, Planning Commission meeting)**

- A. December 17, 2019 – The Planning Commission continued the review of Conditional Use Permit / CU 16-20 to the February 25, 2019, Planning Commission meeting to allow the applicant to file the approved Plat with the Register of Deeds to combine the lots.
- B. January 23, 2019 – Plat filed with the Register of Deeds (Plat A201900878) to combine the lots and create Lot 47 Revised of Burns Placer MS 697.
- C. Since the properties have been combined, a residential structure now exists on the same property as the pole barn. Thus, Conditional Use Permit / CU 16-20 is no longer needed.



Current lot

**RECOMMENDATION:** Staff recommends to end Conditional Use Permit / CU 16-20, as it is no longer needed.



1: 23,632

3,938.6 0 1,969.32 3,938.6 Feet

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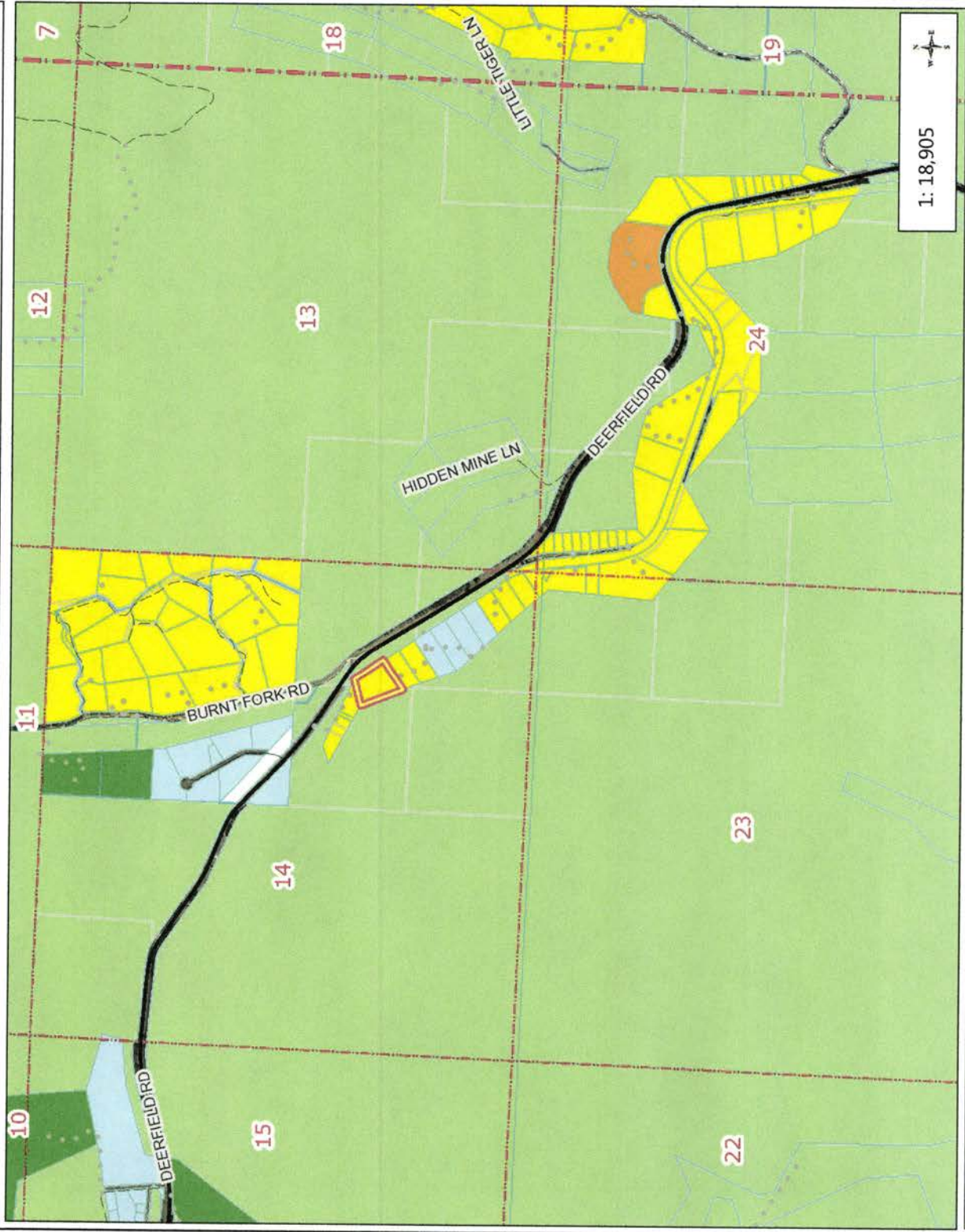
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© City of Rapid City GIS

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

**Legend**

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- Interstate
  - US highway
  - SD highway
  - County highway
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  - Minor arterial
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  - Airport Runway
  - Not yet coded
- Section Lines 0-25k**
- 0
  - 7
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- Lot Lines**
- <Null>
  - Lot Line
  - Parcel Line

**Map Notes:**



**Legend**

**Roads**

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- Airport Runway
- Not yet coded

**Section Lines 0-25k**

- 0
- 7

**Tax Parcels**

- <Null>

**Lot Lines**

- Lot Line
- Parcel Line

**Pennington County Zoning**

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

**Map Notes:**

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

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

3,150.9 0 1,575.46 3,150.9 Feet

1: 18,905



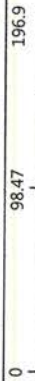
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© City of Rapid City GIS





1: 1,182

196.9 Feet



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

**Legend**

- Roads**
- Interstate
  - US highway
  - SD highway
  - County highway
  - Main road
  - Minor arterial
  - Collector
  - Ramp
  - Paved road
  - Unpaved road
  - 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:**





08.24.2017



08.24.2017



08.24.2017

DRAWING NUMBER

DRAWING NUMBER  
**A2019 00878**

DRAWING NUMBER

SD PRODUCTS • NEW HOPE, MINNESOTA  
RECORD BY PLAN NUMBER 8532

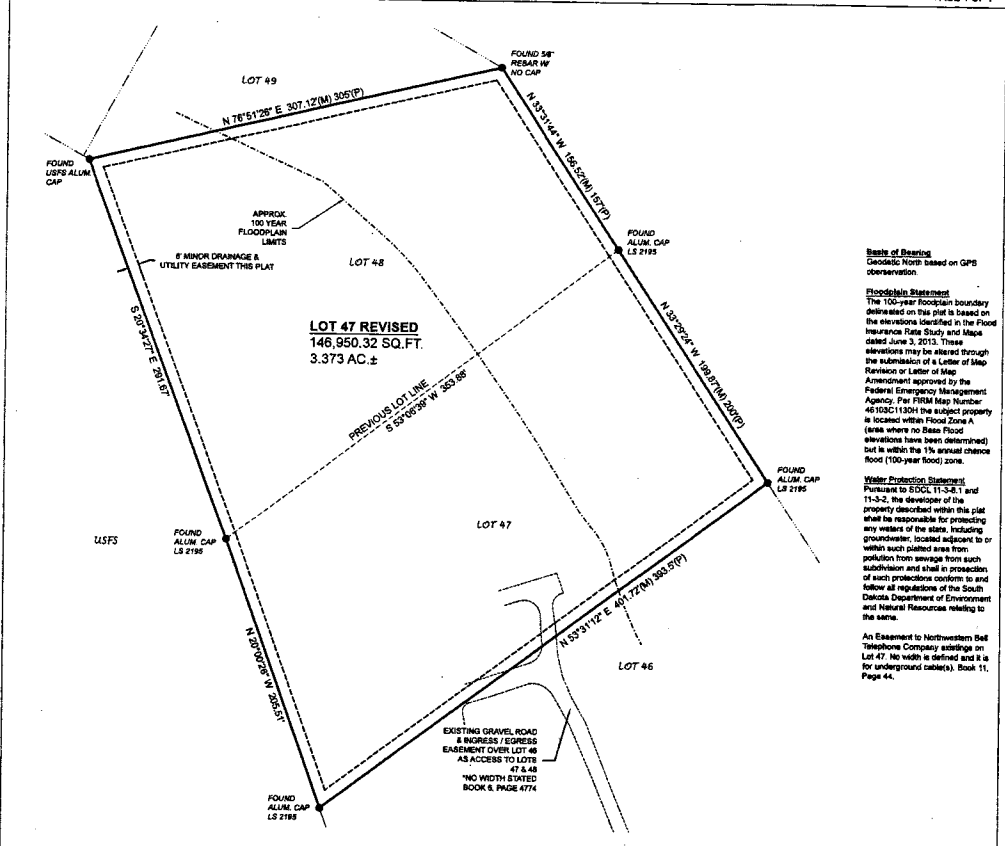
SD PRODUCTS • NEW HOPE, MINNESOTA  
RECORD BY PLAN NUMBER 8532

SD PRODUCTS • NEW HOPE, MINNESOTA  
RECORD BY PLAN NUMBER 8532

**LOT 47 REVISED OF BURNS PLACER M.S. #697,  
(FORMERLY LOT 47 & LOT 48 OF BURNS PLACER M.S. #697)  
SECTION 14, T1S, R4E, B1M,  
PENNINGTON COUNTY, SOUTH DAKOTA**

SCALE: 1" = 50'

PAGE 1 OF 1



**Base of Bearing**  
Geodetic North based on GPS observation.

**Floodplain Statement**  
The 100-year floodplain boundary delineated on this plat is based on the elevations identified in the Flood Insurance Rate Study and Maps dated June 3, 2013. These elevations may be altered through the submission of a Letter of Map Revision or Letter of Map Amendment approved by the Federal Emergency Management Agency. Per FEMA Map Number: 46100C1130H the subject property is located within Flood Zone A (area where no Base Flood elevations have been determined) but is within the 1% annual chance flood (100-year flood) zone.

**Water Protection Statement**  
Pursuant to SDCL 11-36.1 and 11-36.2, 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 protection of such protective covenants to and follow all regulations of the South Dakota Department of Environment and Natural Resources relating to the same.

An Easement to Northwestern Bell Telephone Company sits on Lot 47. No width is defined and it is for underground cables. Book 11, Page 44.

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

I, Jeffrey N. Howe, Registered Land Surveyor No. 11917 in the State of South Dakota, do hereby certify that at the request of the owners listed herein, 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 have hereunto set my hand and seal.

*Jeffrey N. Howe*  
Jeffrey N. Howe - Registered Land Surveyor No. 11917



**CERTIFICATE AND ACKNOWLEDGMENT OF OWNERSHIP**

I, the undersigned do hereby certify that I am the owner of the land shown and described herein; that the survey was done at my request for the purpose indicated herein; that I do hereby approve the survey and within plot of said land; and that the development of this land shall conform to all existing applicable zoning, subdivision and erosion control regulations.

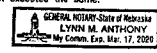
Any land shown on the within plot as dedicated to public right of way is hereby dedicated to public use and public utility use on such, forever, but such dedication shall not be construed to be a donation of the fee of such land.

*Vicki York Neukirk*  
OWNER: Vicki York Neukirk  
*Vicki York Neukirk*  
OWNER: Vicki York Neukirk

State of South Dakota  
County of Pennington S.S.

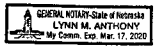
On this 20<sup>th</sup> day of December 2019, before me, a Notary Public, personally appeared Perry Van Newkirk, known to me to be the person described in the foregoing instrument and acknowledged to me that such corporation executed the same.

Notary Public:  
My Commission Expires: 3-17-2020



On this 20<sup>th</sup> day of December 2019, before me, a Notary Public, personally appeared Vicki Van Newkirk, known to me to be the person described in the foregoing instrument and acknowledged to me that such corporation executed the same.

Notary Public:  
My Commission Expires: 3-17-2020



**CERTIFICATE OF COUNTY AUDITOR**  
Resolution of Governing Board  
State of South Dakota  
County of Pennington S.S.

I, the Auditor of Pennington County, do hereby certify that at held on 12/18/2019, the County Commissioners did approve the plat as shown and described.

*Vicki York Neukirk*  
Pennington County Auditor / Deputy



**CERTIFICATE OF HIGHWAY OR STREET AUTHORITY**  
State of South Dakota  
County of Pennington S.S.

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

*William G. Galt* PCHD 11/21/19  
Highway or Street Authority

**CERTIFICATE OF COUNTY TREASURER**  
State of South Dakota  
County of Pennington S.S.

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

Dated this 23<sup>rd</sup> day of January 2019.  
*Sean Hoan Dreyer*  
Treasurer of Pennington County



**CERTIFICATE OF DIRECTOR OF EQUALIZATION**  
State of South Dakota  
County of Pennington S.S.

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 23<sup>rd</sup> day of January 2019.  
*James Theissen* Director of Equalization of Pennington County  
Approved: *James Theissen*, Date: 1/23/2019

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

Filed for record this 23<sup>rd</sup> day of January 2019 at 9:08 a'clock A.M. as Document Number: A201900878 Fee \$100

*Donna Mays* Register of Deeds of Pennington County



- LEGEND**
- SET 5/8" REBAR W/ CAP MARKED HOWE LS 11917
  - FOUND SURVEY MONUMENT AS NOTED

PREPARED BY

**Howe**  
Land Surveying  
1010 So. San Drive Suite 202  
Rapid City, SD 57702  
(605) 859-4533  
www.howlandsurveying.com

**STAFF REPORT**

GENERAL INFORMATION:

REQUEST: **CONDITIONAL USE PERMIT REVIEW / CU 16-25**: To review a Vacation Home Rental on the subject property in a Low Density Residential District in accordance with Sections 207-C-18, 319, and 510 of the Pennington County Zoning Ordinance.

APPLICANT / OWNER: Alvin or Sharon Gullickson

APPLICANT ADDRESS: P.O. Box 203, Colman, SD 57017

LOCAL CONTACT: Edelweiss Mountain Lodging

LEGAL DESCRIPTION: Tract 4, Annie Lode MS 1721, Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

SITE LOCATION: 23833 Highway 385; near the intersection of S. Highway 16 and Highway 385.

SIZE: 3.18 acres

TAX ID: 40760

EXISTING LAND USE: Residential

ZONING REFERENCE: Sections 207(C)(18), 319, and 510

CURRENT ZONING: Low Density Residential District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Forested / Hills / Sloping

UTILITIES: Private

REPORT BY: Kristina Proietti

**I. PROPOSED RECOMMENDATION**

- A. Staff will be recommending approval of the extension of Conditional Use Permit / CU 16-25 with fifteen (15) conditions.

**II. GENERAL DESCRIPTION**

- A. The applicants, Alvin and Sharon Gullickson, applied for a Conditional Use Permit on July 13, 2016, to allow an existing residence, including a bunkhouse, to be used as a Vacation Home Rental (VHR) on the subject property.
- B. September 26, 2016 – Planning Commission approved Conditional Use Permit / CU 16-25 with the following sixteen (16) conditions:
1. That the maximum overnight occupancy, based on SD DENR approval, be limited to six (6) people and the maximum daytime occupancy be limited to nine (9) people, per Pennington County Zoning Ordinance Section 319-F-13;
  2. That if an addition is constructed 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 applicants 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;
  5. That the applicants 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 three (3) off-street parking spaces be provided on-site, per Pennington County Zoning Ordinance Section 310-A-9-gg, with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt, and maintained in a dust-free manner;
  7. That an interior informational sign or signs 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 Office respectively, during operation of the Vacation Home Rental;
  8. That the lot address be posted on the residence at all times and so that it is clearly visible from Highway 385, in accordance with Pennington County's Ordinance #20;

9. That the applicants ensure the Vacation Home Rental is operated in accordance with the requirements of Pennington County Zoning Ordinance Section 319-F (Performance Standards) at all times;
  10. That if the person designated as the Local Contact is ever changed from Bailee Goodwin, the interior informational sign be updated and the applicant re-notify the Planning Director and surrounding landowners within 500 feet via notices sent by Certified Mail;
  11. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
  12. That an approved Sign Permit be obtained prior to the placement of any on-premise sign(s);
  13. 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;
  14. That the comments provided by the U.S. Forest Service be provided to the applicants and the applicants continually adhere to those comments;
  15. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 16-25, which is available at the Planning Office; and,
  16. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.
- C. October 23, 2017 – Planning Commission approved the extension of Conditional Use Permit / CU 16-25 with the following fifteen (15) conditions:
1. That the maximum overnight occupancy, based on SD DENR approval, continue to be limited to six (6) people and the maximum daytime occupancy be limited to twelve (12) people, per Pennington County Zoning Ordinance Section 319-F-13;
  2. That if an addition is constructed 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 applicants 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;
5. That the applicants 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;
  6. That a minimum of three (3) 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 or signs 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 Office respectively, 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;
  8. That the lot address continue to be posted on the residence at all times and so that it is clearly visible from Highway 385, in accordance with Pennington County's Ordinance #20;
  9. That the applicants 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;
  10. That if the person designated as the Local Contact is ever changed from Carson Goodwin, the interior informational sign be updated and the applicant re-notify the Planning Director and surrounding landowners within 500 feet via notices sent by First Class Mail;
  11. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
  12. That an approved Sign Permit be obtained prior to the placement of any on-premise sign(s);
  13. 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;
  14. That the applicants continually adhere to requirements and restrictions set forth by the U.S. Forest Service; and,
  15. That this Conditional Use Permit be reviewed in six (6) months, 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 12, 2018 – Planning Commission approved the extension of Conditional Use Permit / CU 16-25 with the following fifteen (15) conditions:
1. That the maximum overnight occupancy, based on SD DENR approval, continue to be limited to six (6) people and the maximum daytime occupancy be limited to twelve (12) people, per Pennington County Zoning Ordinance (PCZO) § 319(F)(13);
  2. That if an addition is constructed 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 applicants 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;
  5. That the applicants 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;
  6. That a minimum of three (3) off-street parking spaces continue to be provided on-site, per PCZO § 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 or signs continue to be posted in accordance with the requirements of PCZO § 319(G), with 9-1-1 and (605) 394-4139 listed as contacts for Fire Department and Sheriff's Office respectively, 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;
  8. That the lot address continue to be posted on the residence at all times and so that it is clearly visible from Highway 385, in accordance with Pennington County's Ordinance #20;
  9. That the applicants ensure the Vacation Home Rental is continually operated in accordance with the requirements of PCZO § 319(F) (Performance Standards) at all times;
  10. That if the person designated as the Local Contact is ever changed from Edelweiss Mountain Lodging, the interior informational sign be updated and the applicant re-notify the Planning Director and surrounding landowners within 500 feet via notices sent by First Class Mail;

11. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
12. That an approved Sign Permit be obtained prior to the placement of any on-premise sign(s);
13. 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;
14. That the applicants continually adhere to requirements and restrictions set forth by the U.S. Forest Service; 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.

### III. EXISTING CONDITIONS

- A. Zoned Low Density Residential District, minimum three (3) acre lot size.
- B. 3.18 acres.
- C. Access off of Highway 385 via an existing approach.
- D. No Special Flood Hazard Area.
- E. Lot contains:
  1. Single-family residence with attached garage and deck – built in 1987 via Building Permit #7498.
  2. 12' x 16' Bunkhouse – COBP16-0446.
  3. Detached Garage – COBP16-0445.
  4. On-Site Wastewater Treatment System.
    - a. Operating Permit – COOP17-0292.

### IV. ANALYSIS

- A. Staff spoke with the applicant on the phone and performed a site-visit to the subject property on February 12, 2019, and found the owner to be in compliance with the Conditions of Approval.
- B. The applicants have the recent 2019 South Dakota Department of Health Lodging License posted on the premise.



Site photo 2/12/2019.



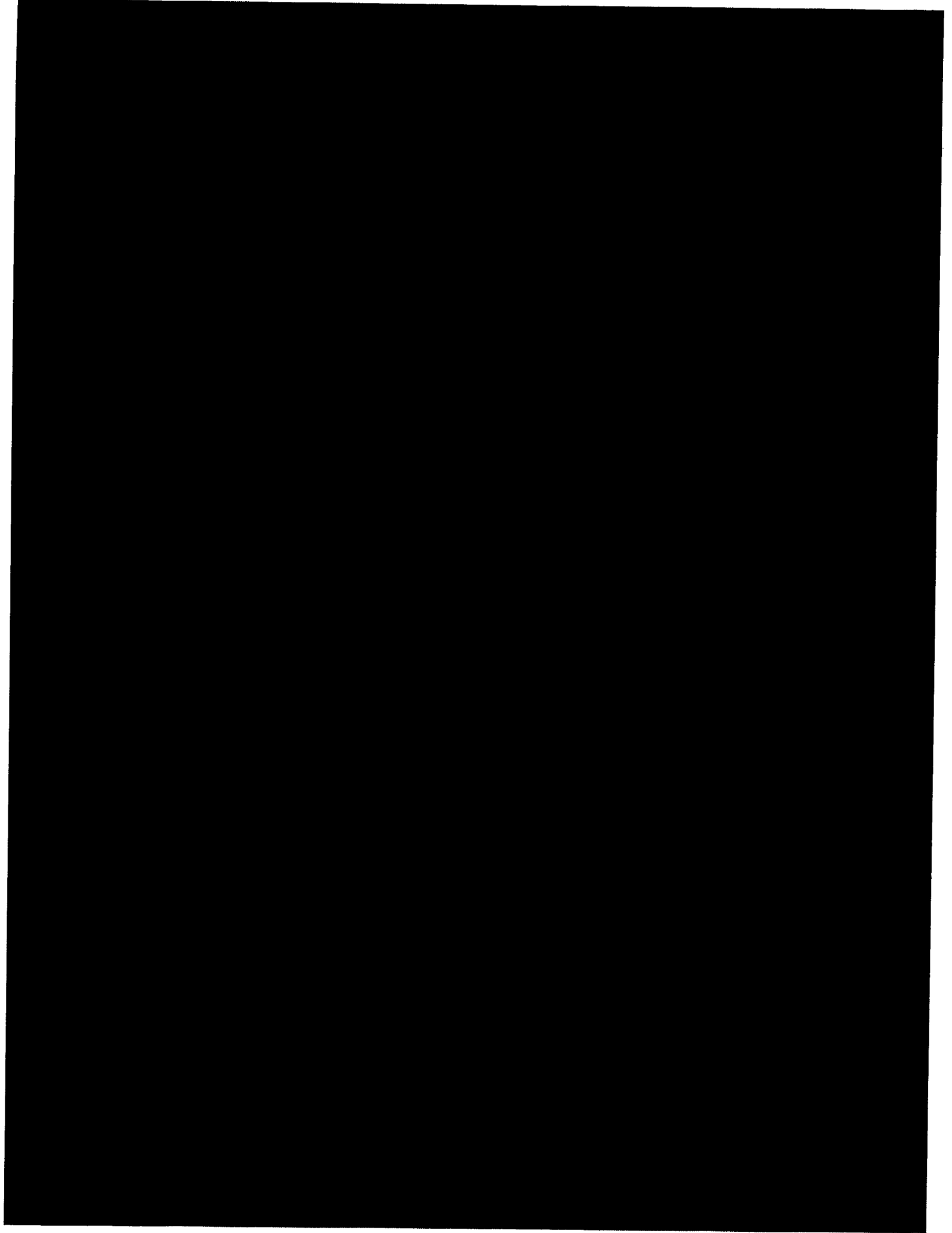
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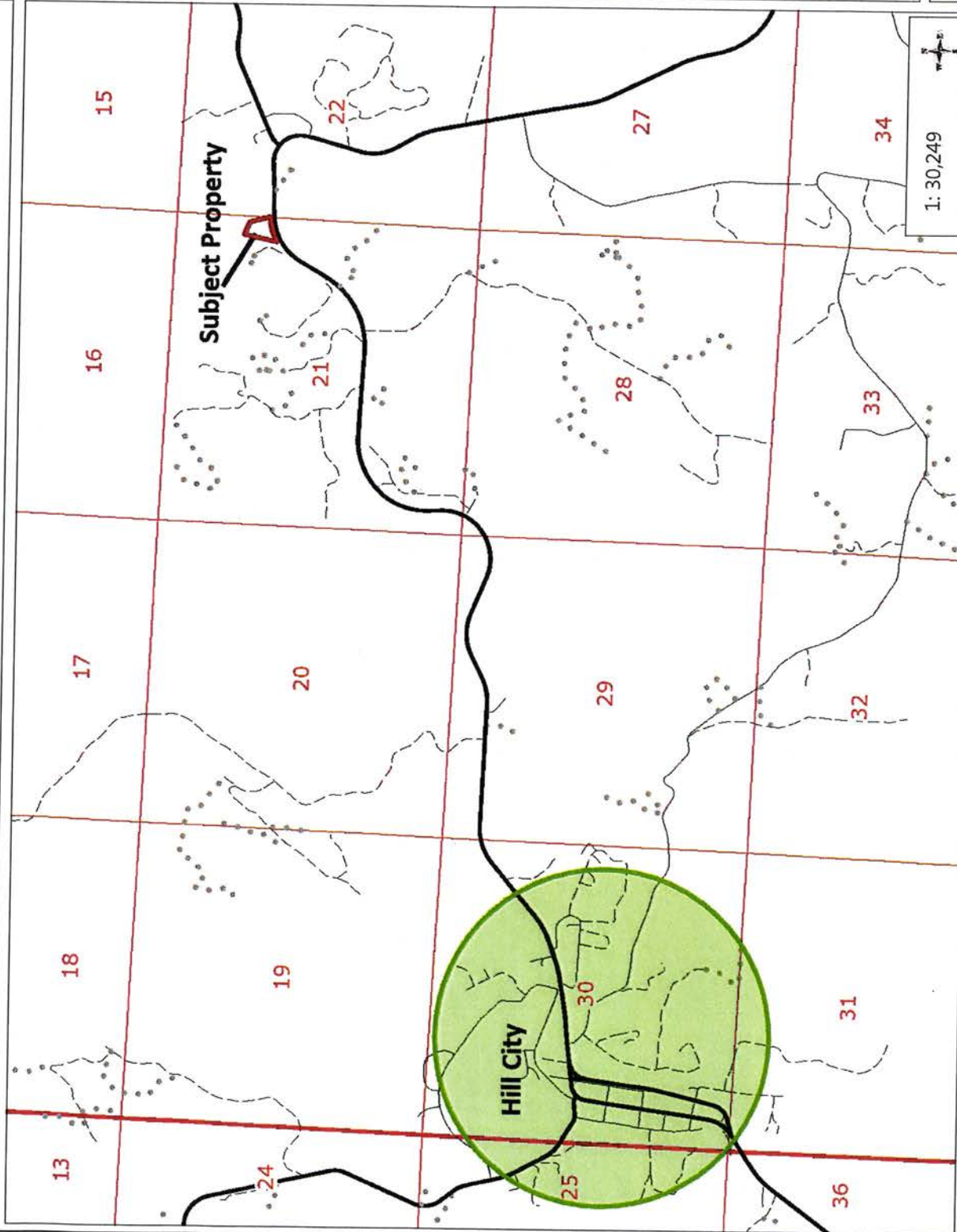
**RECOMMENDATION:** Staff recommends approval of the extension of Conditional Use Permit / CU 16-25 with the following fifteen (15) conditions:

1. That the maximum overnight occupancy, based on SD DENR approval, continue to be limited to six (6) people and the maximum daytime occupancy be limited to twelve (12) people, per Pennington County Zoning Ordinance (PCZO) § 319(F)(13);
2. That if an addition is constructed 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 applicants 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;
5. That the applicants 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;
6. That a minimum of three (3) off-street parking spaces continue to be provided on-site, per PCZO § 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;

Agenda Item # 6  
Alvin or Sharon Gullickson  
February 25, 2019

7. That an interior informational sign or signs continue to be posted in accordance with the requirements of PCZO § 319(G), with 9-1-1 and (605) 394-2151 listed as contacts for Fire Department and Sheriff's Office respectively, 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;
8. That the lot address continue to be posted on the residence at all times and so that it is clearly visible from Highway 385, in accordance with Pennington County's Ordinance #20;
9. That the applicants ensure the Vacation Home Rental is continually operated in accordance with the requirements of PCZO § 319(F) (Performance Standards) at all times;
10. That if the person designated as the Local Contact is ever changed from Edelweiss Mountain Lodging, the interior informational sign be updated and the applicant re-notify the Planning Director and surrounding landowners within 500 feet via notices sent by First Class Mail;
11. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
12. That an approved Sign Permit be obtained prior to the placement of any on-premise sign(s);
13. 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;
14. That the applicants continually adhere to requirements and restrictions set forth by the U.S. Forest Service; and,
15. 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: 30,249

5,041.5 2,520.73 0 5,041.5 Feet

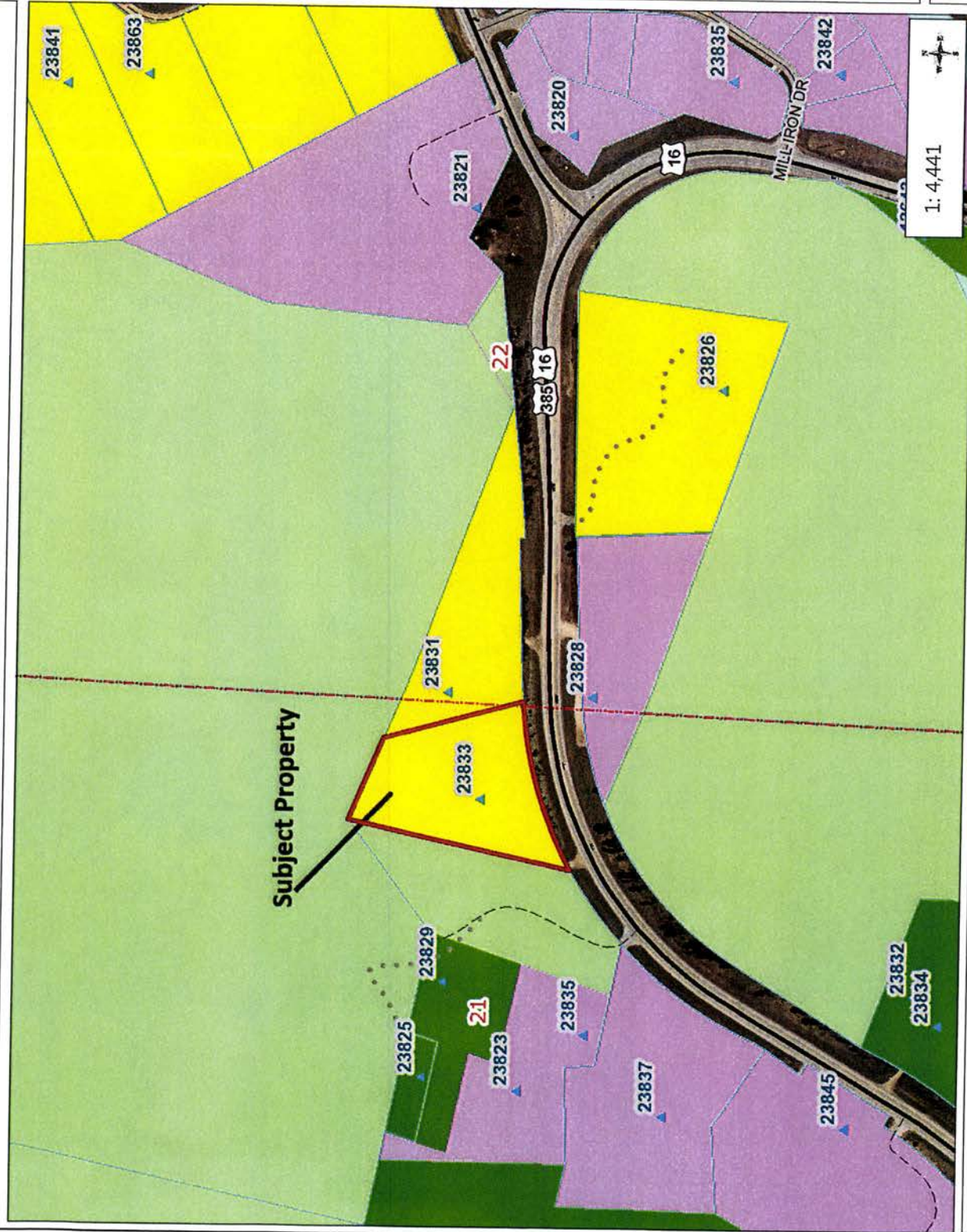
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**Legend**

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

**Map Notes:**



1: 4,441

740.2 Feet

0

370.09

740.2

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- Lot Line
- Parcel Line
- Pennington County Zoning
- General Agriculture
- General Commercial
- Heavy Industrial
- Highway Services
- Limited Agriculture
- Low Density Residential
- Light Industrial

**Map Notes:**

Site Map



Subject Property

740.2

0

370.09

740.2 Feet

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

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  - Not yet coded
- Address Points**
- Section Lines 0-25k
  - 0
  - 7
- Tax Parcels**
- Lot Lines
  - <Null>
  - Lot Line
  - Parcel Line

**Map Notes:**

Site Map



**STAFF REPORT**

GENERAL INFORMATION:

REQUEST: **CONDITIONAL USE PERMIT REVIEW / CU 16-31**: To review a bird education and health facility on a portion of the subject property located in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

APPLICANT/LANDOWNER: Black Hills Raptor Center

APPLICANT ADDRESS: 2111 1/2 Monte Vista Drive, Rapid City, SD 57702

AGENT: Maggie Engler

AGENT ADDRESS: P.O. Box 9713, Rapid City, SD 57709

LEGAL DESCRIPTION: 5800 Feet of E350 Feet of NW1/4SE1/4 Less ROW Section 35, T1N, R9E, BHM, Pennington County, South Dakota.

SIZE: 5.06 acres

TAX ID: 67905

EXISTING LAND USE: Residential / Agriculture / Vacant

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: Flat / Meadow

UTILITIES: Private

REPORT BY: P.J. Conover

**I. RECOMMENDATION**

- A. Staff will be recommending approval of the extension of Conditional Use Permit / CU 16-31 with thirteen (13) conditions.

**II. GENERAL DESCRIPTION AND HISTORY**

- A. September 26, 2016 – The Planning Commission approved CU 16-31 with thirteen (13) conditions.
1. The Planning Commission's decision was appealed to the Board of Commissioners.
- B. October 18, 2016 – The Board of Commissioners upheld the Planning Commission's decision to approve CU 16-31 with the following thirteen (13) conditions:
1. That once issued, the addresses be posted at the approach to the property and on the primary structures they are assigned to in accordance with Ordinance #20;
  2. That prior to the approval of any Building Permit(s), the applicant obtain written approval from the South Dakota Department of Transportation that all necessary requirements have been met for the proposed shared access;
  3. The prior to the approval of a Building Permit, the applicant meet with the Fire Chief for the Rapid Valley Volunteer Fire Department to discuss and finalize a Fire Response Plan (FRP). The applicant is to provide the Planning Director a copy of the FRP for inclusion in the file for CU 16-31;
  4. That the Conditional Use be limited to: a maximum of one hundred and twenty (120) visitors at any one time, inclusive of Special Events; no more than twenty (20) volunteers at any one time, inclusive of Special Events; Single-Family Caretaker's Residence, Garage and out-building; Clinic Building (not to exceed a total of 3,000 square feet); Semi-heated mews (not to exceed a total of 1,120 square feet); Unheated mews (not to exceed a total of 1,120 square feet); Storage and hallway to exterior of mews (not to exceed a total of 840 square feet); Cold storage (not to exceed a total of 1,000 square feet); Heated Storage / workshop (not to exceed a total of 500 square feet); Three (3) Rehab pods (not to exceed a total of 1,600 square feet total); Pole Barn used for flights (not to exceed a total of 6,000 square feet); Residence (not to exceed 1300 square feet); Garage (not to exceed 576 square feet); and, an education center (not to exceed 2000 square feet). Any expansion beyond the allowed use will require a review of this Conditional Use Permit;
  5. That during construction, Section 507-A of the Pennington County Zoning Ordinance be followed. This includes any requirements set forth in the Pennington County Storm Water Quality Manual which

include, but are not limited to, erosion and sediment control measures (Section 100), water quality capture volume (Section 202), and post construction Storm Water Quality Best Management Practices (Section 203);

6. That the number of birds allowed on the property, at any given time, for care and/or exhibit, be determined by the applicant's Permit(s) from State and Federal permitting agencies;
7. That the applicant obtains an approved On-Site Wastewater Construction Permit for a septic system designed to handle the Conditional Use prior to the issuance of a Building Permit and that the means of wastewater disposal also be approved by the South Dakota Department of Environment and Natural Resources;
8. That the applicant adheres to all necessary County, State and Federal regulations and maintains the necessary permits to conduct the organization's activities;
9. That reasonable measures are taken to control odor and noise produced by the use so as to not constitute a nuisance to the general public;
10. That the applicant be limited to one (1) sign advertising the Center that meets Section 312 requirements of the Pennington County Zoning Ordinance. An approved Sign Permit will need to be obtained prior to the installation of the sign;
11. That a minimum of twenty-eight (28) off-street parking spaces be provided. Each parking space shall measure at least nine (9) feet by eighteen (18) feet and shall be kept in a dust free manner and the parking lot be designed and built to allow for the safe ingress and egress of a forty-five (45) foot vehicle;
12. 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; and,
13. That Conditional Use Permit / CU 16-31 be reviewed in one (1) year, 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 and that the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 16-31, which is available at the Planning Office.

C. December 06, 2016 – The Board of Commissioners approved Layout Plat / PL 16-28, to create Tract A of Black Hills Raptor Addition, with the fourteen (14) conditions:

1. All thirteen (13) conditions of Conditional Use Permit / CU 16-31 must be adhered to;
2. That prior to applying for a new plat with the Planning Department the parent parcel (PT NW1/4SE1/4 LESS RTY, SECTION 35,

- T1N, R09E, BHM, PENNINGTON COUNTY, SOUTH DAKOTA) and proposed Tract A obtain approved Lot Size Variances or approved Rezone and/or Comprehensive Plan Amendments;
3. That the applicants and landowners are made aware of all the Conditions and Special Conditions set forth by the South Dakota Department of Transportation relative to the approved Highway Approach Permit. Building Permits will not be approved without approved ingress/egress for Proposed Tract A from Highway 44 without SDDOT approval;
  4. That prior to applying for a new plat with the Planning Department, the applicants, landowners, or agent discuss with West River Electric the need for a twenty-five (25) foot easement to accommodate an overhead powerline and add said easement to a new plat, if agreed upon;
  5. That prior to applying for a new plat with the Planning Department, all necessary certifications and statements be added to the Plat, per *Section 400.3 – Final Plat (and Minor Plat)* of the Pennington County Subdivision Regulations;
  6. That prior to applying for a new plat with the Planning Department, the applicant submits topography at five (5) foot intervals or a Subdivision Regulations Variance be obtained waiving this requirement;
  7. That prior to applying for a new plat with the Planning Department, an eight (8) foot Utility and Drainage Easement be dedicated on the interior side of all side lot lines or a Subdivision Regulations Variance be obtained waiving this requirement;
  8. That prior to applying for a new plat with the Planning Department, a note for the proposed Major Drainage Easement be added to the Plat to read, “Any major drainage easement show hereon shall be kept free of all obstructions including but not limited to buildings, walls, fences, hedges, trees and shrubs. These easements grant to all public authorities the right to construct, operate, maintain, inspect, and repair such improvements and structures as it deems expedient to facilitate drainage from any source.”;
  9. That prior to applying for a new plat with the Planning Department, percolation tests and profile hole information be submitted for proposed Tract A or a Subdivision Regulations Variance be obtained waiving this requirement;
  10. That at the time Building Permits are applied for, for proposed Tract A, addresses will be assigned and said lot addresses shall be posted so they are clearly visible at all times in accordance with Pennington County’s Ordinance #20;

11. That the applicant ensures that all natural drainage ways be maintained and are not blocked;
12. That following platting of the proposed lot, any on-site wastewater treatment system be subject to the requirements of Section 204-J of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit;
13. That within ten (10) business days of the approval of PL 16-28, the Landowner signs a Statement of Understanding (SOU) for PL 16-28; the SOU is available at the Planning Department; and,
14. That the approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described properties.

*NOTE: Per Condition #2 of PL 16-28, the applicant applied for Lot Size Variances, VA 17-04 and 17-05.*

D. Variance / VA 17-04 was to reduce the minimum required lot size from forty (40) acres to 5.06-acres in a General Agriculture District.

1. The motion to approve failed and VA 17-04 was not approved.

E. Variance / VA 17-05 was to reduce the minimum required lot size from forty (40) acres to 23-acres in a General Agriculture District.

1. The motion to approve passed and VA 17-05 was approved.

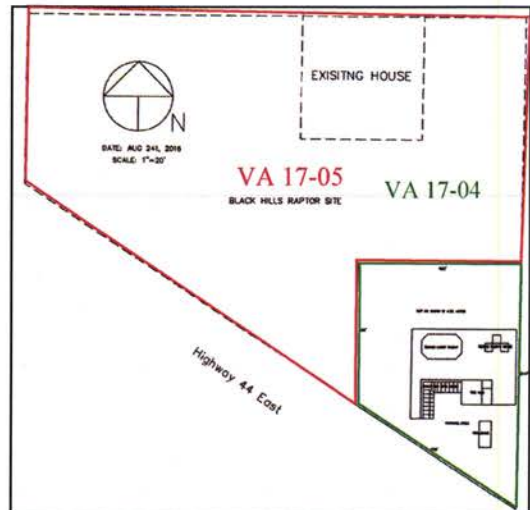
F. By way of Document #201713821, a Right-of-Way Easement was recorded on the subject property the West River Electric Association for the purpose of, "Installing and Maintaining Powerlines."

G. April 17, 2017 – The Landowners of record at this time transferred ownership of the proposed 5.06-acre piece, to the Black Hill Raptor Center, Inc.

1. This action created an illegal lot; whereby the review of CU 16-31 was continued to until February 26, 2018, until VA 17-04 was reheard.

H. December 19, 2017 – The Board of Commissioners rescinded their previous motion for VA 17-04. At the same meeting, the Board of Commissioners continued VA 17-04 to the January 02, 2018, Board of Commissioners Meeting for a rehearing.

I. January 02, 2018 – The Board of Adjustment approved VA 17-04 as originally presented.



**III. BLACK HILLS RAPTOR CENTER, INC. PROPERTY – AS IT EXISTS TODAY**

- A. 5 acres±.
- B. Vacant of any structures.
- C. Current Zoning: General Agriculture District.
- D. Future Land Use Zoning: Limited Agriculture District.
- F. No Area of Flood Hazard on the Subject Property.
- G. The proposed access is off of East Highway 44.
- H. County Onsite Wastewater Construction Permit / COSD18-0004.
  - i. Mound system.
- I. County Sign Permit / COSP18-0003.
  - i. 4' x 8' On-premise double-faced sign.
- J. County Operating Permit.
  - i. Mound system.

**IV. PROPOSED CONSTRUCTION**

- A. Clinic Building “The Hub”; Offices; Meeting Rooms; Mews; Storage; Examination Rooms; Radiology; Wash Rooms; Laundry; etc.
- B. Education Bird Mews:
  - 1. *Mews (defined): Rows of stables or rooms to represent stables.*
- C. Rehab Flight Mews.
- D. Rehab Large Flight.
- E. Caretaker’s Residence. (Garage Optional)
- F. Education Center.
- G. The applicant provided an itemized list of proposed buildings, with square footages.

**V. ANALYSIS**

- A. September 26, 2017 – the Board of Commissioners approved CU 16-31 (after an appeal of the Planning Commissioners recommendation to approve).
- B. January 02, 2018 – the Board of Adjustment approved VA 17-04, which allowed the Black Hills Raptor Center to move forward.
- C. It appears BHRC is in compliance with all Federal regulations governing their operation.
- D. February 18, 2019 – Staff spoke with the applicant and confirmed that underground utility work has been conducted on the subject property in 2018 and representatives from BHRC are now waiting for better weather in 2019 prior to applying for Building Permits and to start construction.

- E. The photo below shows the subject property as of 02.19.19.



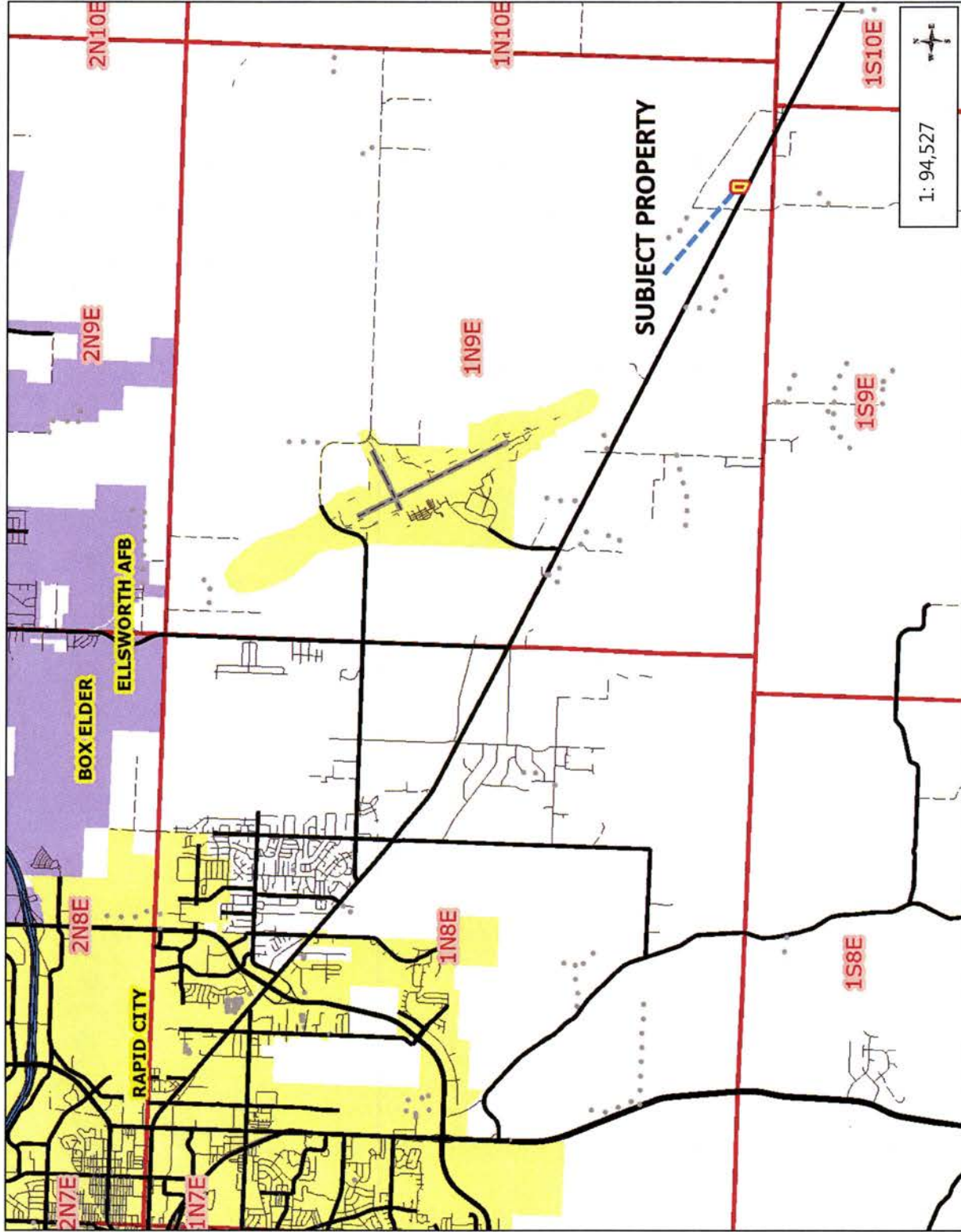
**RECOMMENDATION:** Staff recommends the approval of the extension of Conditional Use Permit / CU 16-31 with the following thirteen (13) conditions:

1. That once issued, the addresses be posted at the approach to the property and on the primary structures they are assigned to in accordance with Ordinance #20;
2. That prior to the approval of any Building Permit(s), the applicant obtain written approval from the South Dakota Department of Transportation that all necessary requirements have been met for the proposed shared access;
3. The prior to the approval of a Building Permit, the applicant meet with the Fire Chief for the Rapid Valley Volunteer Fire Department to discuss and finalize a Fire Response Plan (FRP). The applicant is to provide the Planning Director a copy of the FRP for inclusion in the file for CU 16-31;
4. That the Conditional Use be limited to: a maximum of one hundred and twenty (120) visitors at any one time, inclusive of Special Events; no more than twenty (20) volunteers at any one time, inclusive of Special Events; Single-Family Caretaker's Residence, Garage and out-building; Clinic Building (not to exceed a total of 3,000 square feet); Semi-heated mews (not to exceed a total of 1,120 square feet); Unheated mews (not to exceed a total of 1,120 square feet); Storage and hallway to exterior of mews (not to exceed a total of 840 square feet); Cold storage (not to exceed a total of 1,000 square feet); Heated Storage / workshop (not to exceed a total of 500 square feet); Three (3) Rehab pods (not to exceed a total of 1,600 square feet total); Pole Barn used for flights (not to exceed a total of 6,000 square feet); Residence (not to exceed 1300 square feet); Garage (not to exceed 576 square feet); and, an education center (not to exceed 2000 square

feet). Any expansion beyond the allowed use will require a review of this Conditional Use Permit;

5. That during construction, Section 507-A of the Pennington County Zoning Ordinance be followed. This includes any requirements set forth in the Pennington County Storm Water Quality Manual which include, but are not limited to, erosion and sediment control measures (Section 100), water quality capture volume (Section 202), and post construction Storm Water Quality Best Management Practices (Section 203);
6. That the number of birds allowed on the property, at any given time, for care and/or exhibit, be determined by the applicant's Permit(s) from State and Federal permitting agencies;
7. That the applicant obtain approval from the South Dakota Department of Environment and Natural Resources, prior to the issuance of a Building Permit for the Onsite Wastewater Treatment system;
8. That the applicant adheres to all necessary local, state, and federal regulations and maintains the necessary permits to conduct the organization's activities;
9. That reasonable measures are taken to control odor and noise produced by the use so as to not constitute a nuisance to the general public;
10. That the applicant be limited to one (1) sign advertising the Center that meets Section 312 requirements of the Pennington County Zoning Ordinance;
11. That a minimum of twenty-eight (28) off-street parking spaces be provided. Each parking space shall measure at least nine (9) feet by eighteen (18) feet and shall be kept in a dust free manner and the parking lot be designed and built to allow for the safe ingress and egress of a forty-five (45) foot vehicle;
12. 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; and,
13. That Conditional Use Permit / CU 16-31 be reviewed in two (2) years, 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.





1: 94,527

15,754.6  
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**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

**Legend**

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

**Map Notes:**



1: 2,080



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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:

**STAFF REPORT**

**GENERAL INFORMATION:**

**REQUEST:** **CONDITIONAL USE PERMIT REVIEW / CU 16-38:** To review a townhome on the subject property in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

**APPLICANT:** Tom and Terri Haggerty

**APPLICANT ADDRESS:** 1930 Audubon Circle, Rapid City, SD 57702

**LEGAL DESCRIPTION:** Lot E3-E6; Lot F1-F6; Lot G1 Except That Portion of Said Lot Lying East of Co Rd; Lot G2-G5; Lot H5, Warren Lamb Subdivision, Section 18, T1N, R78, BHM, Pennington County, South Dakota.

**SITE LOCATION:** Near the intersection of W. Highway 44 and Dark Canyon Road.

**SIZE:** 1.62 acres

**TAX ID:** 67174

**EXISTING LAND USE:** Vacant

**ZONING REFERENCE:** § 208 and 510

**CURRENT ZONING:** Suburban Residential District

**SURROUNDING ZONING:**

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

**PHYSICAL CHARACTERISTICS:** Forested

**UTILITIES:** None

**REPORT BY:** Cassie Bolstad

**I. PROPOSED RECOMMENDATION**

- A. Staff will be recommending to end Conditional Use Permit / CU 16-38, with the applicant's concurrence.

**II. GENERAL DESCRIPTION**

- A. In 2016, the applicants, Tom and Terri Haggerty, requested a Conditional Use Permit to allow a townhome in a Suburban Residential District.

**III. EXISTING CONDITIONS**

- A. Zoned Suburban Residential District.  
B. 1.62 acres.  
C. There are two (2) access easements recorded at the Register of Deeds for 6650 Dark Canyon Road and 6660 Dark Canyon Road.  
1. A 50-foot-wide access easement.  
2. A 40-foot-wide access easement to provide access to the two (2) existing residences.  
D. Access is provided off of Dark Canyon Road.  
1. Dark Canyon Road is approximately a 22-foot-wide paved driving surface in a 66-foot Right-of-Way that is maintained by the County Highway Department.  
E. A portion of the property is located within Special Flood Hazard Area, but the proposed townhouse would not be located in this area.

**IV. ANALYSIS**

- A. February 27, 2017 – Planning Commission approved Conditional Use Permit / CU 16-38 with the following twelve (12) 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 eighteen (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 addresses be clearly posted on both of the residences and so they are visible from both directions of travel on Dark Canyon Road in accordance with Pennington County's Ordinance #20;
  4. That smoke alarms and fire extinguishers be installed and properly maintained in working order in each unit;
  5. That the applicant works with the Fire Administrator for fire mitigation and emergency access to the subject property prior to Building Permit submittal;
  6. That the applicant obtains an approved On-Site Wastewater Construction Permit from the City of Rapid City prior to a Building Permit application being submitted to the Planning Department;
  7. That the two (2) proposed units are located within one (1) attached structure;

8. That the applicant obtains an approved Building Permit prior to any construction of the proposed townhouse;
  9. That the minimum setback requirements of Suburban Residential District be maintained on the subject property, or an approved Setback Variance be obtained;
  10. That an approved Floodplain Development Permit be obtained prior to any disturbance within the Special Flood Hazard Area located on the subject property;
  11. That this Conditional Use Permit is not valid until the applicant signs the Statement of Understanding within ten (10) business days, which is available at the Planning Office; and,
  12. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.
- B. The applicant has applied for a City Sewer permit (CIOSW17-0146) for an On-Site Wastewater Treatment System, as the subject property lies within 1-mile of Rapid City limits.
1. CIOSW17-0146 has not been approved and the system has not been installed.
- C. February 16, 2018 – Staff spoke with the applicant on the phone regarding the progress of the townhome.
1. Mr. Haggerty stated that the project was on hold due to the fact that their partner backed out.
  2. Staff informed Mr. Haggerty that if the use for which the Conditional Use Permit was granted has not been established within two years of the date of approval, the permit shall automatically expire.
  3. Mr. Haggerty stated he may build a single-family residence on the lot if the townhome option does not work.
- D. February 26, 2018 – Planning Commission approved the extension of Conditional Use Permit / CU 16-38 with the following twelve (12) 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 eighteen (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 addresses be clearly posted on both of the residences and so they are visible from both directions of travel on Dark Canyon Road in accordance with Pennington County's Ordinance #20;
  4. That smoke alarms and fire extinguishers be installed and properly maintained in working order in each unit;

5. That the applicant works with the Fire Administrator for fire mitigation and emergency access to the subject property prior to Building Permit submittal;
6. That the applicant obtains an approved On-Site Wastewater Construction Permit from the City of Rapid City prior to a Building Permit application being submitted to the Planning Department;
7. That the two (2) proposed units are located within one (1) attached structure;
8. That the applicant obtains an approved Building Permit prior to any construction of the proposed townhouse;
9. That the minimum setback requirements of Suburban Residential District be maintained on the subject property, or an approved Setback Variance be obtained;
10. That an approved Floodplain Development Permit be obtained prior to any disturbance within the Special Flood Hazard Area located on the subject property;
11. That, per § 510(E)(1)(b) of the PCZO, if development of the townhome has not begun by February 27, 2019, CU 16-38 shall automatically be revoked; and,
12. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

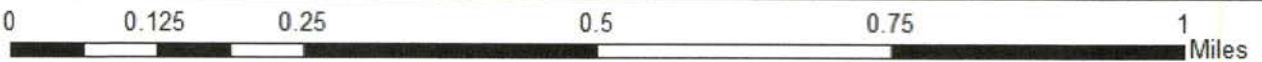
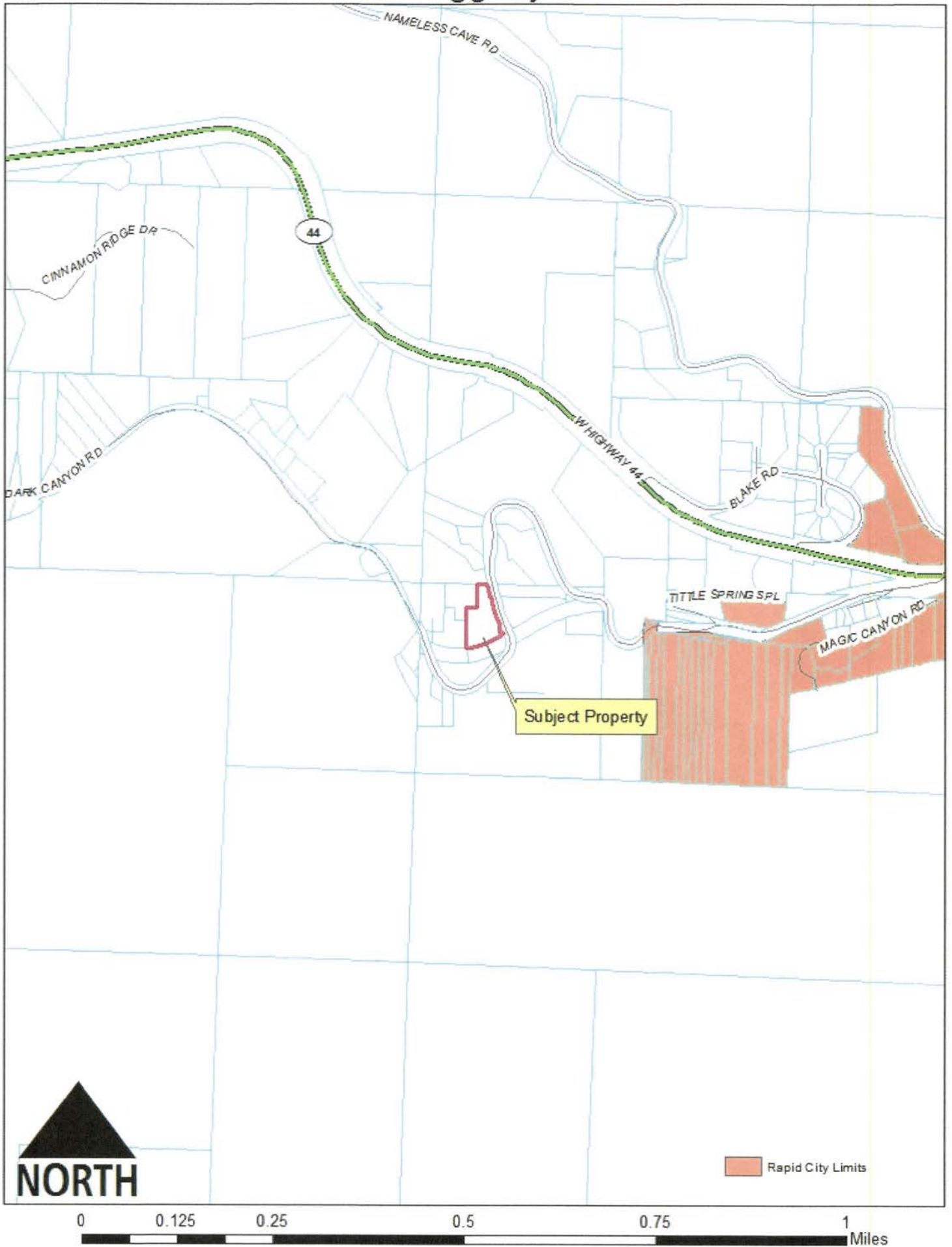
**V. UPDATE (For the February 25, 2019, Planning Commission meeting)**

- A. To date, there has not been a Building Permit submitted for a townhome, or any other structure, to be constructed on the subject property.
- B. § 510(E)(1)(b) of the Pennington County Zoning Ordinance (PCZO) states:
  1. “A Conditional Use Permit shall automatically expire if:
    - b. The use for which the Conditional Use Permit was granted has not been established, according to the terms and conditions of the Conditional Use Permit, within two years following the date of approval.”
- B. Conditional Use Permit / CU 16-38 was originally approved on February 27, 2017.
  1. Per § 510(E)(1)(b), CU 16-38 will automatically expire on February 27, 2019.
- C. February 13, 2019 – Staff spoke with the applicant, Tom Haggerty.
  1. Mr. Haggerty stated they are likely just going to build a single-family residence on the property because the other couple that was going to build the townhome with them backed out.
  2. Mr. Haggerty stated he will probably let the Conditional Use Permit expire.

3. Staff advised that it is possible to request a one (1) year extension of the Conditional Use Permit, but we must receive the request in writing.
  4. Mr. Haggerty stated that he would talk to his wife about the extension possibility, but to let the permit expire if we do not hear from him with the extension request.
- D. § 510(E)(2) of the PCZO states, "The Conditional Use Permit can be renewed for one additional one-year period, if a request for renewal is filed not less than 14 days prior to the expiration of the permit. The cost to renew the permit shall be \$100.00, which includes a new list of property owners within 500 feet from the subject property and "Notice of Hearing" letters. Said letters are to be mailed out by the applicant to all parties on the aforementioned list by certified mail with return receipt requested no less than ten (10) days prior to the public hearing on the request held by the Planning Commission."

**RECOMMENDATION:** Staff recommends to end Conditional Use Permit / CU 16-38, with the applicant's concurrence, as the use for which the Conditional Use Permit was granted has not been established in accordance with § 510(E)(1)(b) of the Pennington County Zoning Ordinance.

# Haggerty



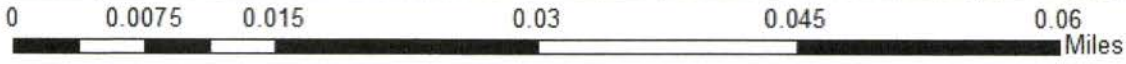
Rapid City Limits

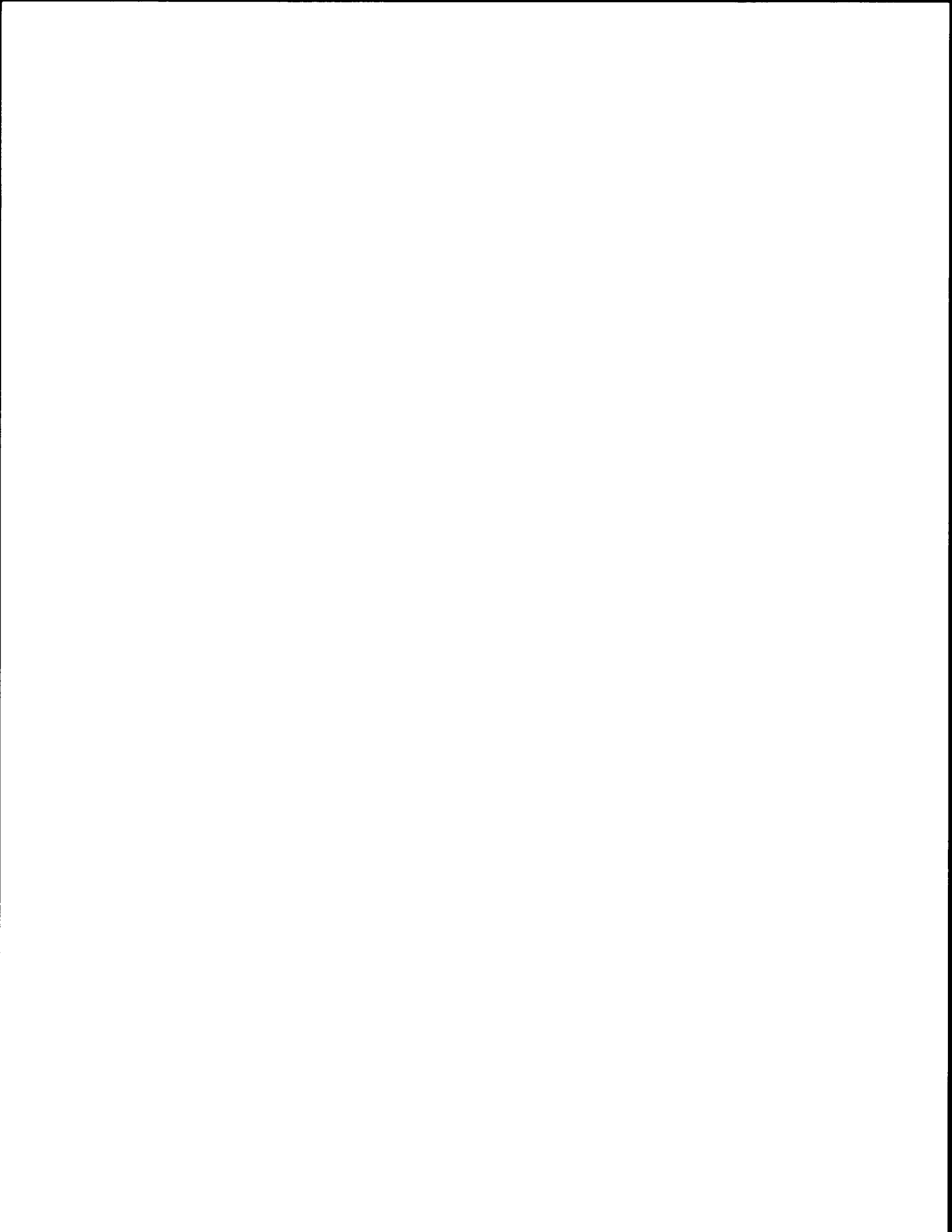


# Haggerty



NORTH





**STAFF REPORT**

GENERAL INFORMATION:

REQUEST: **CONDITIONAL USE PERMIT REVIEW/ CU 17-22**: To review a single-wide mobile to be used as a permanent, single-family residence on the subject property in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

APPLICANT: Pamela Phillips

APPLICANT ADDRESS: 2465 Covington Street, Rapid City, SD 57703

LEGAL DESCRIPTION: Lot 49A of Lot D, Sweetbriar Heights Subdivision, Section 10, T1N, R8E, BHM, Pennington County, South Dakota.

SITE LOCATION: South of the intersection of Twilight Drive and Covington Street, on Covington Street.

SIZE: 0.29 acre

TAX ID: 67756

EXISTING LAND USE: Residential

ZONING REFERENCE: § 208 and 510

CURRENT ZONING: Suburban Residential District

SURROUNDING ZONING:

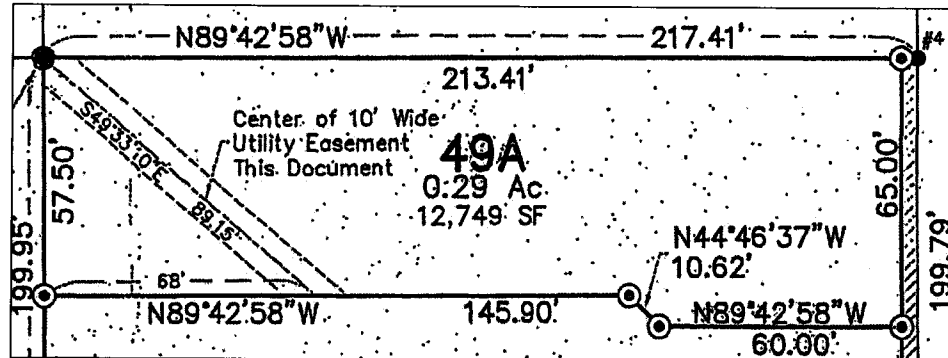
North	Suburban Residential District
South	Suburban Residential District
East	Suburban Residential District
West	Suburban Residential District

PHYSICAL CHARACTERISTICS: Flat

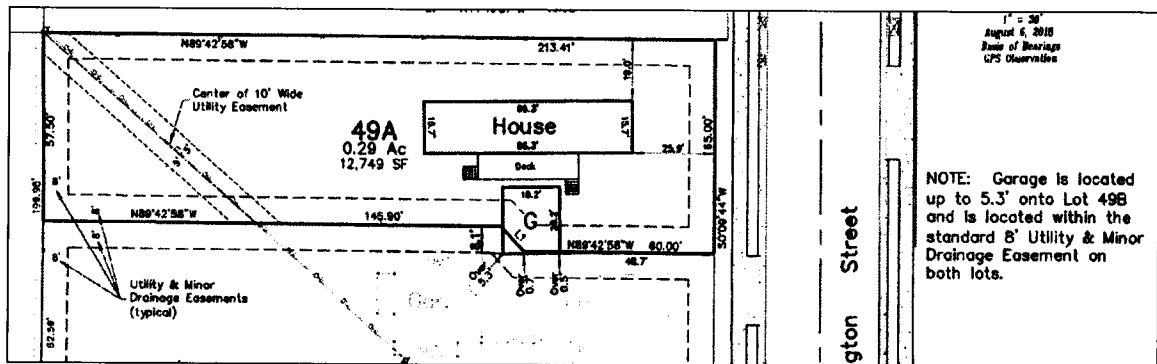
UTILITIES: Public (Rapid Valley Sanitary District)

REPORT BY: Brittney Molitor / PJ Conover

3. Plat Document # A201617012 shows the existing width of Lot 49A.



- D. In addition to the possible encroachment of the existing deck, it appears the detached single-car garage also traverses the existing Utility and Minor Drainage Easement as well as the setbacks in SRD.
- E. On August 06, 2018, Fisk Land Surveying completed a Site Plan for the applicant which included the following:



- F. The detached single-car garage was built without an approved Building Permit.
1. An approved Building Permit will be required.
- G. Staff has requested continuations of CU 17-22 to allow time for Staff and the applicant/landowner to discuss the violations and what was needed to bring the subject property into compliance.
1. The abutting property to the south is also owned by Pamela Phillips. Staff has not held-back approval of Building Permits on the abutting property due to the encroachment of the garage.

Agenda Item #9  
Pamela Phillips  
February 25, 2019

**V. PHOTOS FROM SITE VISIT ON JUNE 13, 2018.**



**VI. PHOTO FROM DECEMBER 11, 2018**



Subject Garage

**VII. DECEMBER 2018**

- A. December 11, 2018 – Staff contacted the applicant/owner regarding the unpermitted garage and the encroachment into the easement (and over the property line). Staff indicated to the applicant/owner that a structure cannot be located in an easement and the easement will need to be vacated and the garage moved and/or removed.
  - 1. The following was stated by the applicant/owner:
    - a. The company that was hired to place the garage, just “showed up and put it up”.
      - i. The company that put it there is “no longer in business and no other company wants anything to do with moving the garage”.
    - b. The “garage is temporary and is for storage of Christmas stuff” for the applicant’s/owner’s mother.
    - c. There is “no other place on the property to put it and the applicant’s/owner’s mother is not going to walk farther” due to age.
    - d. The applicant/owner was told by the City that the easement could not be vacated, however, there are no utilities currently in the easement.
    - e. An employee at Fisk Land Surveying said “not to vacate it and didn’t believe it was needed”.

- f. That the garage “will be moved” when the applicant’s/owner’s mother no longer is residing on the property.
- g. The applicant/owner will not work with anyone in the Planning Department except the Planning Director and wants to meet with him.
- h. The applicant/owner stated she was misled and told not to apply for the carport at the time of the submittal of the Building Permit for the single-wide mobile home.

**VIII. UPDATE FOR FEBRUARY 25, 2019**

- A. County Staff has been in contact with Staff from the City of Rapid City relative to the encroachments of the detached garage into easements.
  - 1. Staff has not received a determination from the City as of this Staff Report.
- B. County Staff is also working with the landowner to set up a meeting to discuss options to bring the subject properties into compliance.
  - 1. This meeting will be scheduled for a time after County Staff has received comments from the City of Rapid City.

**RECOMMENDATION:** Staff recommends to continue the review of Conditional Use Permit / CU 17-22 to the March 25, 2019, Planning Commission meeting to allow for more staff research and for the applicant time to meet with the Planning Director.



1: 567



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

**Legend**

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

**Section Lines 0-25k**

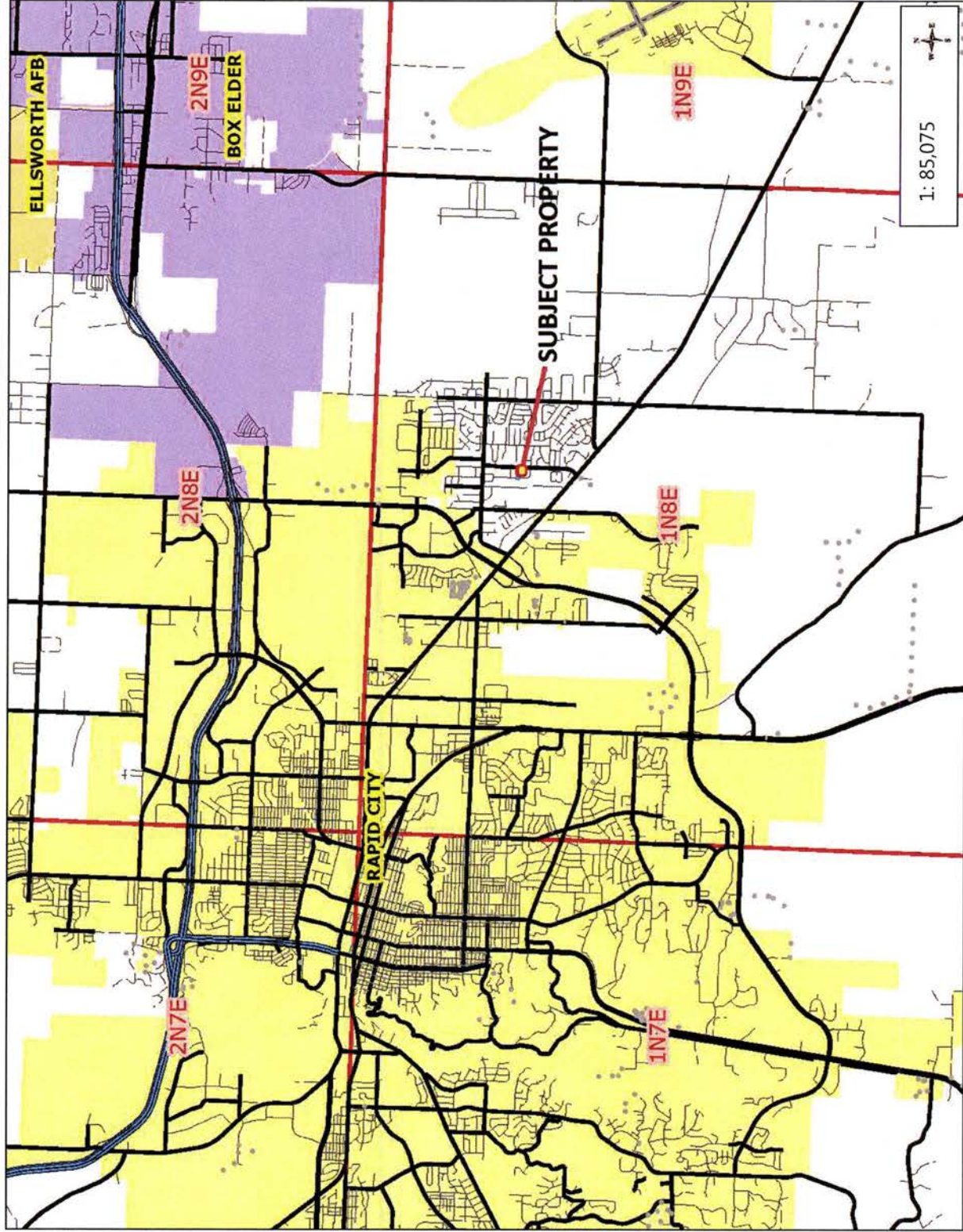
- 0
- 7

**Tax Parcels**

- Lot Lines**
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  - Parcel Line

**Map Notes:**





1: 85,075

14,179.1 Feet

7,089.55

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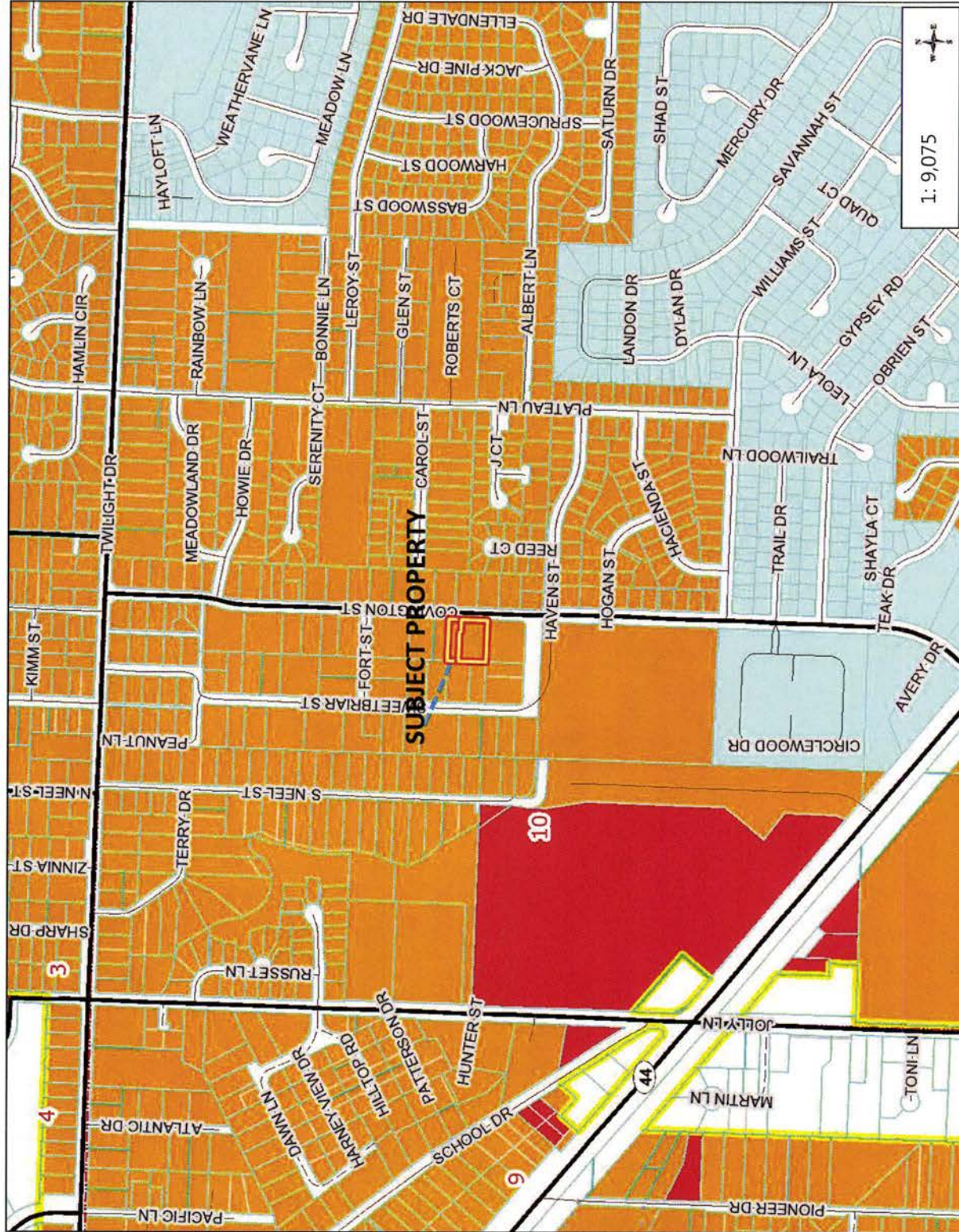
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

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**Map Notes:**

**Legend**

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- Townships**
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  - ELLSWORTH AFB
  - HILL CITY
  - KEYSTONE
  - NEW UNDERWOOD
  - QUINN
  - RAPID CITY
  - WALL
  - WASTA
- City Limits**
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1: 9,075

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  - 0
  - 7
- Tax Parcels**
- Lot Lines**
  - <Null>
  - Lot Line
  - Parcel Line
- Pennington County Zoning**
  - General Agriculture
  - General Commercial
  - Heavy Industrial
  - Highway Services
  - Limited Agriculture
  - Low Density Residential
  - Light Industrial
  - Planned Init Development

**Map Notes:**

## STAFF REPORT

### GENERAL INFORMATION:

#### REQUEST:

**CONDITIONAL USE PERMIT REVIEW / CU 17-40:** To review a caretaker's residence on the subject property in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

#### APPLICANT/ OWNER:

Richard Burton

#### APPLICANT ADDRESS:

13160 Geary Boulevard, Rapid City, SD 57702

#### LEGAL DESCRIPTION:

NE1/4 SW1/4 NE1/4; S1/2 SW1/4 SW1/4 NE1/4; SE1/4 SW1/4 NE1/4; N1/2 N1/2 NW1/4 SE1/4; Section 29, T2N, R6E, BHM, Pennington County, South Dakota.

#### SITE LOCATION:

13180 Geary Boulevard; approximately 0.3 miles northeast of the intersection of Geary Boulevard and Norris Peak Road.

#### SIZE:

35.0 acres

#### TAX ID:

14575

#### EXISTING LAND USE:

Residential

#### ZONING REFERENCE:

§ 207 and 510

#### CURRENT ZONING:

Low Density Residential District

#### SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Forested / Meadow

#### UTILITIES:

Private

#### REPORT BY:

Kristina Proietti

**I. PROPOSED RECOMMENDATION**

- A. Staff will be recommending approval of the extension of Conditional Use Permit / CU 17-40 with six (6) conditions.

**II. GENERAL DESCRIPTION**

- A. On November 27, 2017, the Planning Commission approved CU 17-40 with the following ten (10) conditions:

1. That the addresses for both the existing single-family residence and the proposed caretaker's residence be posted on each residence and at the driveway(s), in accordance with Pennington County's Ordinance #20;
2. That an approved Building Permit be obtained for the caretaker's residence and 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;
3. That an approved On-Site Wastewater Treatment System Permit be obtained for the proposed caretaker's residence or that the existing system be expanded to accommodate for the proposed caretaker's residence approved by the Environmental Planner;
4. That the minimum setback requirements of a Low Density Residential District be continually maintained on the property or an appropriate Variance be obtained;
5. That the subject property remains free of debris and junk vehicles;
6. That a Doctor's note be provided within ninety (90) days of approval of Conditional Use Permit / CU 17-40;
7. That an updated Doctor's notes be provided during each review of Conditional Use Permit / CU 17-40;
8. That once care is no longer needed, the caretaker's residence be converted to a studio or storage, be removed from the subject property, or the subject property be subdivided so that each residence is on a separate lot;
9. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 17-40, which is available at the Planning Office; and,
10. That this Conditional Use Permit be reviewed at the February 26, 2018, Planning Commission meeting, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

- B. On February 26, 2018, the Planning Commission approved the extension of CU 17-40 with the following six (6) conditions:

1. That the addresses for both the existing single-family residence and the proposed caretaker's residence be posted on each residence and at the driveway(s), in accordance with Pennington County's Ordinance #20;

2. That an approved Building Permit be obtained for the caretaker's residence and 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;
3. That the minimum setback requirements of a Low Density Residential District be continually maintained on the property or an appropriate Variance be obtained;
4. That the subject property remains free of debris and junk vehicles;
5. That once care is no longer needed, the caretaker's residence be converted to a studio or storage, be removed from the subject property, or the subject property be subdivided so that each residence is on a separate lot; and,
6. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

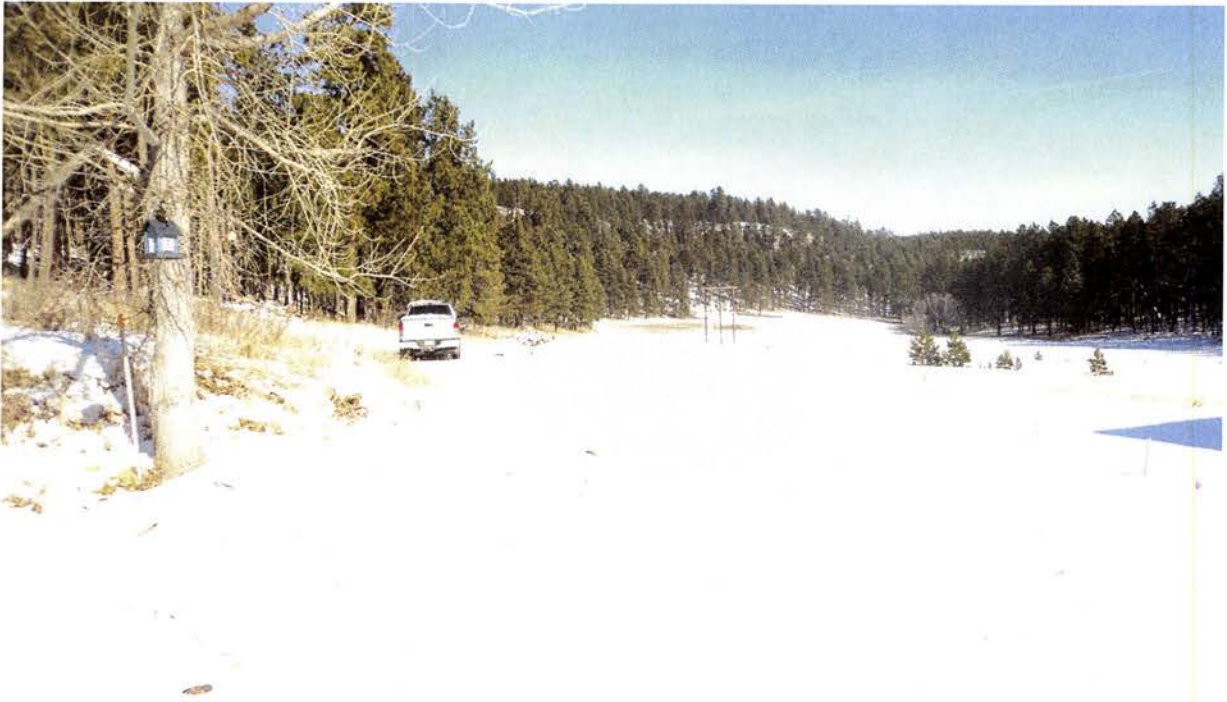
### III. EXISTING CONDITIONS

- A. Zoned Low Density Residential District, minimum three (3) acre lot size.
- B. 35 acres.
- C. Located within the Norris Peak Road District.
- D. Lot contains:
  1. 36' x 36' horse feeder - 1993COBP0354.
  2. 30' x 42' detached garage - COBP-0510.
  3. 32' x 56' pole barn – COBP15-0511.
  4. Single-family residence – COBP17-0469.
  5. Operating Permit – COSD17-0087.
  6. Three (3) sheds - due to their size, Building Permits are not required.



Site photo 2/12/2019.

Agenda Item #10  
Richard Burton  
February 25, 2019



Site Photo 2/12/2019.



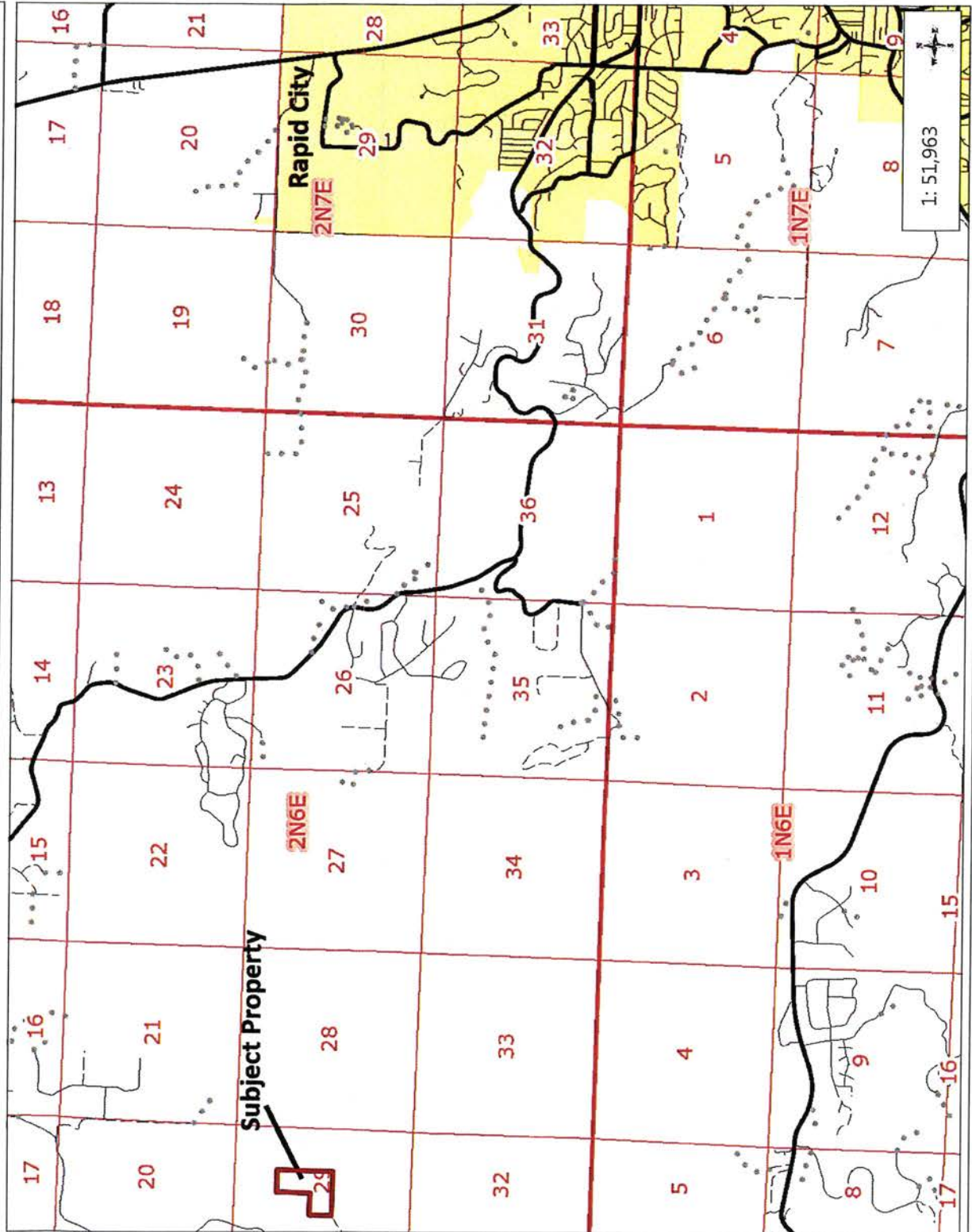
Site photo 2/12/2019.

**IV. ANALYSIS**

- A. On February 7, 2019, staff was contacted via phone by the landowner regarding the review of CU 17-40. The landowner stated that the construction of the caretaker's residence had not begun yet; however, the excavation and installment of utilities had been finished. Staff informed Mr. Burton that Conditional Use Permit CU 17-40 expires on November 27, 2019.
- B. On February 12, 2019, staff performed a site visit to the subject property and found it to be in compliance and meeting the Conditions of Approval.
- C. The On-Site Wastewater Treatment System (OSWTS) Construction Permit (COSD17-0087) was amended to include an additional 1,500 gallon tank and 200 square feet of drainfield to accommodate the caretaker's residence.
- D. This Conditional Use Permit shall automatically expire on November 27, 2019 unless the use of a caretaker's residence has been established or a renewal request has been filed in accordance with Section 510(E)(2), which states that The Conditional Use Permit can be renewed for one additional one-year period, if a request for renewal is filed not less than 14 days prior to the expiration of the permit.

**RECOMMENDATION:** Staff recommends approval of the extension of Conditional Use Permit / CU 17-40 with the following six (6) conditions:

- 1. That the addresses for both the existing single-family residence and the proposed caretaker's residence be posted on each residence and at the driveway(s), in accordance with Pennington County's Ordinance #20;
- 2. That an approved Building Permit be obtained for the caretaker's residence and 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;
- 3. That the minimum setback requirements of a Low Density Residential District be continually maintained on the property or a setback Variance be obtained;
- 4. That the subject property remains free of debris and junk vehicles;
- 5. That once care is no longer needed, the caretaker's residence be converted to a studio or storage, be removed from the subject property, or the subject property be subdivided so that each residence is on a separate lot; and,
- 6. That this Conditional Use Permit be reviewed on October 28, 2019, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.



1: 51,963



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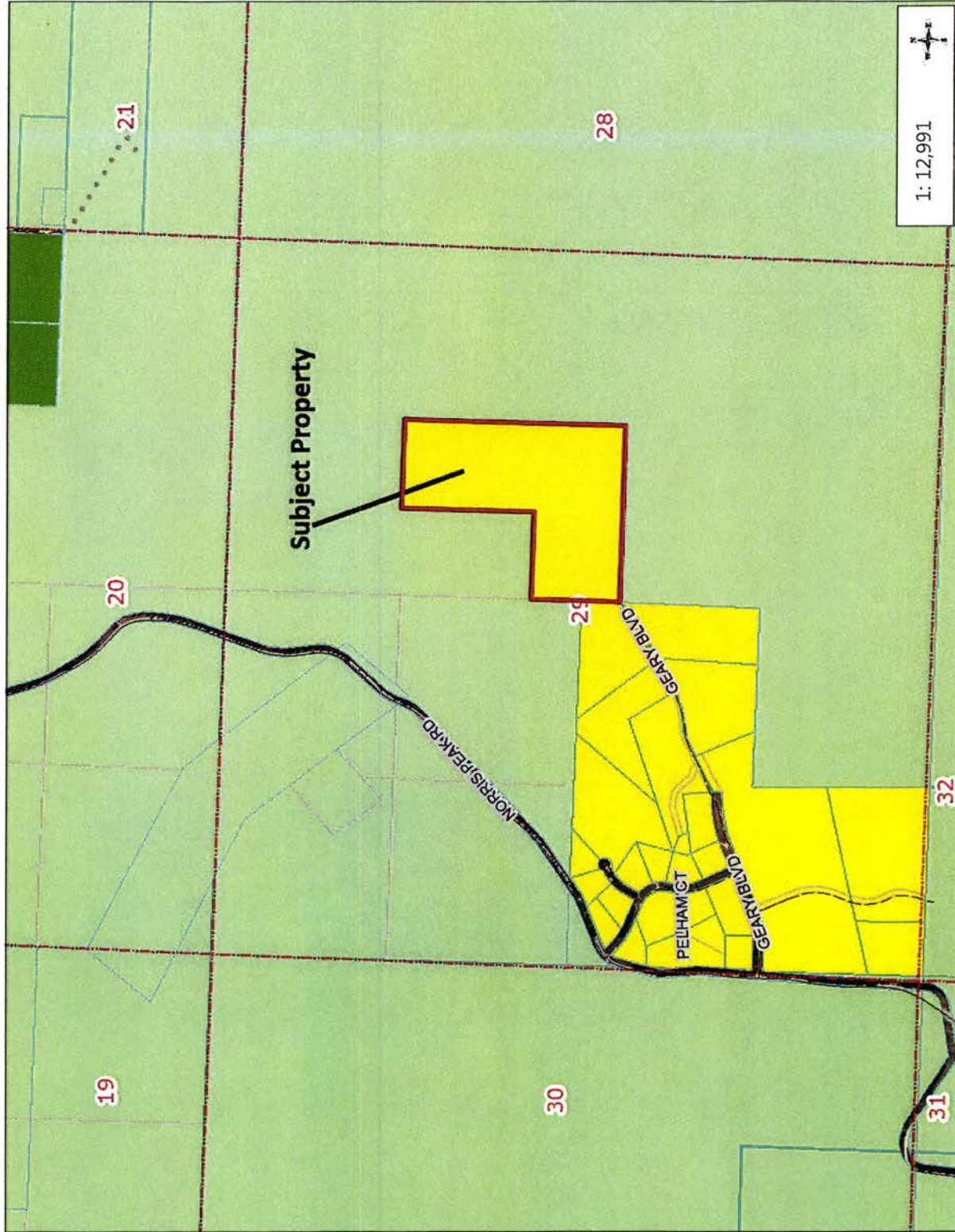
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## Legend

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  - WALL
  - WASTA

## Map Notes:





1: 12,991

2,165.1 1,082.56 2,165.1 Feet

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**Legend**

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- Not yet coded

**Section Lines 0-25k**

- 0
- 7

**Tax Parcels**

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

**Pennington County Zoning**

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

**Map Notes:**



1: 12,991



### Legend

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- Tax Parcels**
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2,165.1 0 1,082.56 2,165.1 Feet

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**STAFF REPORT**

GENERAL INFORMATION:

REQUEST: CONDITIONAL USE PERMIT REVIEW/ CU 17-48: To review a Vacation Home Rental on the subject property in a General Agriculture District in accordance with Sections 205, 319, and 510 of the Pennington County Zoning Ordinance.

APPLICANT/OWNER: Alvin and Sharon Gullickson

APPLICANT ADDRESS: PO Box 203, Colman, SD 57017

LOCAL CONTACT: Edelweiss Mountain Lodging

LEGAL DESCRIPTION: Lot 12 less E100 feet and all of 13; Clear Creek Placer MS 1184, Section 22, T1N, R5E, BHM, Pennington County, South Dakota.

SITE LOCATION: 12735 N. Prairie Creek Road; located off of Edelweiss Mountain Road.

SIZE: 2.47 acres

TAX ID: 5143

EXISTING LAND USE: Residential

ZONING REFERENCE: Sections 205, 319, and 510

CURRENT ZONING: General Agriculture District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Forested / Hills

UTILITIES: Private

REPORT BY: Kristina Proietti

**I. PROPOSED RECOMMENDATION**

- A. Staff will be recommending approval of the extension of Conditional Use Permit / CU 17-48 with fourteen (14) conditions.

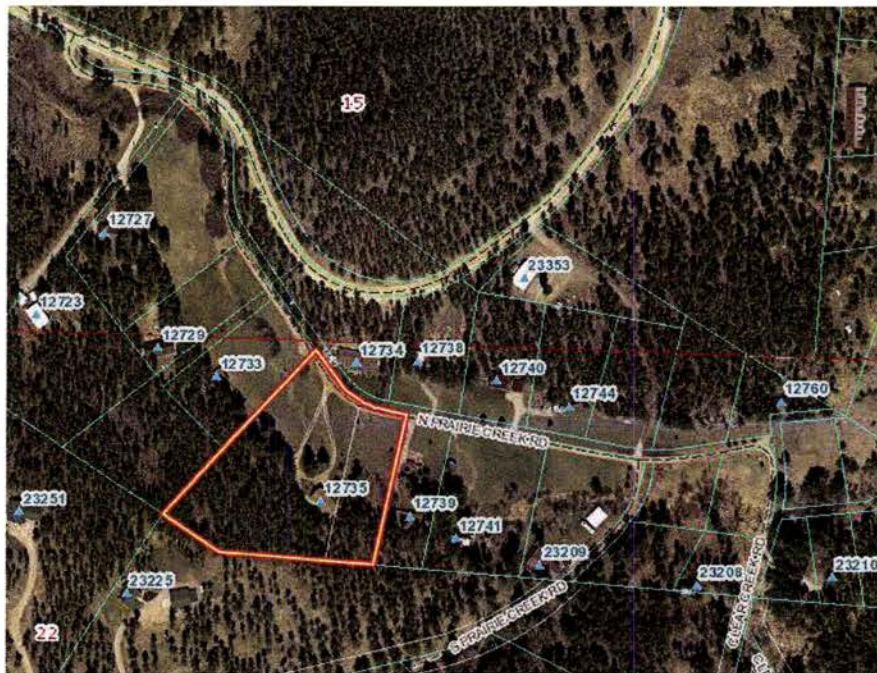
**II. GENERAL DESCRIPTION**

- A. On February 12, 2018, the Planning Commission approved Conditional Use Permit / CU 17-48 for a Vacation Home Rental (VHR) in a General Agriculture District with the following fifteen (15) conditions:
1. That the maximum overnight occupancy, based on SD DENR approval, continue to be limited to six (6) people and the maximum daytime occupancy be limited to twelve (12) people, per Pennington County Zoning Ordinance (PCZO) § 319(F)(13);
  2. That if an addition is constructed 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 applicants 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;
  5. That the applicants 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;
  6. That a minimum of three (3) off-street parking spaces continue to be provided on-site, per PCZO § 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 or signs continue to be posted in accordance with the requirements of PCZO § 319(G), with 9-1-1 and (605) 394-4139 listed as contacts for Fire Department and Sheriff's Office respectively, 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;
  8. That the lot address continue to be posted on the residence at all times and so that it is clearly visible from Highway 385, in accordance with Pennington County's Ordinance #20;
  9. That the applicants ensure the Vacation Home Rental is continually operated in accordance with the requirements of PCZO § 319(F) (Performance Standards) at all times;

10. That if the person designated as the Local Contact is ever changed from Edelweiss Mountain Lodging, the interior informational sign be updated and the applicant re-notify the Planning Director and surrounding landowners within 500 feet via notices sent by First Class Mail;
11. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
12. That an approved Sign Permit be obtained prior to the placement of any on-premise sign(s);
13. 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;
14. That the applicants continually adhere to requirements and restrictions set forth by the U.S. Forest Service; 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.

### III. EXISTING CONDITIONS

- A. 2.47 acres.
- B. Zoned General Agriculture District.
- C. Access is from North Prairie Creek Road.
  1. Located in the Clear Creek Placer Road District.
- D. Lot contains:
  1. Single-family residence with attached two-car garage – Built in 1973 per Department of Equalization Records – Building Permit #814.
    - a. Onsite Wastewater Treatment System – COOP18-0232.
      - i. Sized for three (3) bedrooms or 360 gallons per day.
      - ii. Consists of a 1,000 gallon septic tank and 180 linear feet of drainfield.
- E. No Special Flood Hazard Area on the subject property.



Subject Property Location.

#### IV. ANALYSIS

- A. Staff spoke with the applicant on the phone and performed a site-visit to the subject property on February 12, 2019, and found the owner to be in compliance and meeting the Conditions of Approval.
- B. The applicants have the recent 2019 South Dakota Department of Health Lodging License posted on the premise.



Site photo 2/12/2019.



Site photo 2/12/2019.

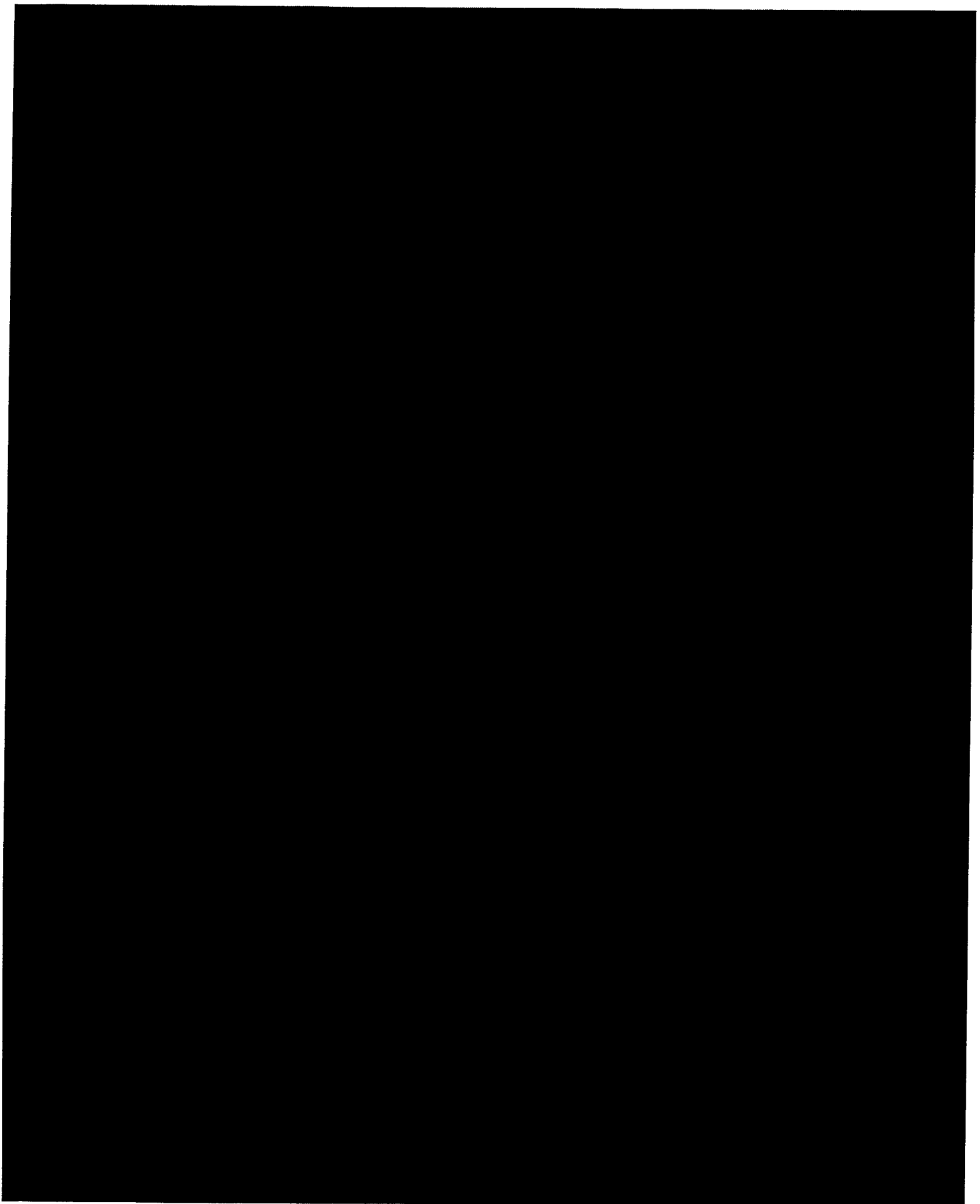
**RECOMMENDATION:** Staff recommends approval of the extension of Conditional Use Permit / CU 17-48 with the following fourteen (14) conditions:

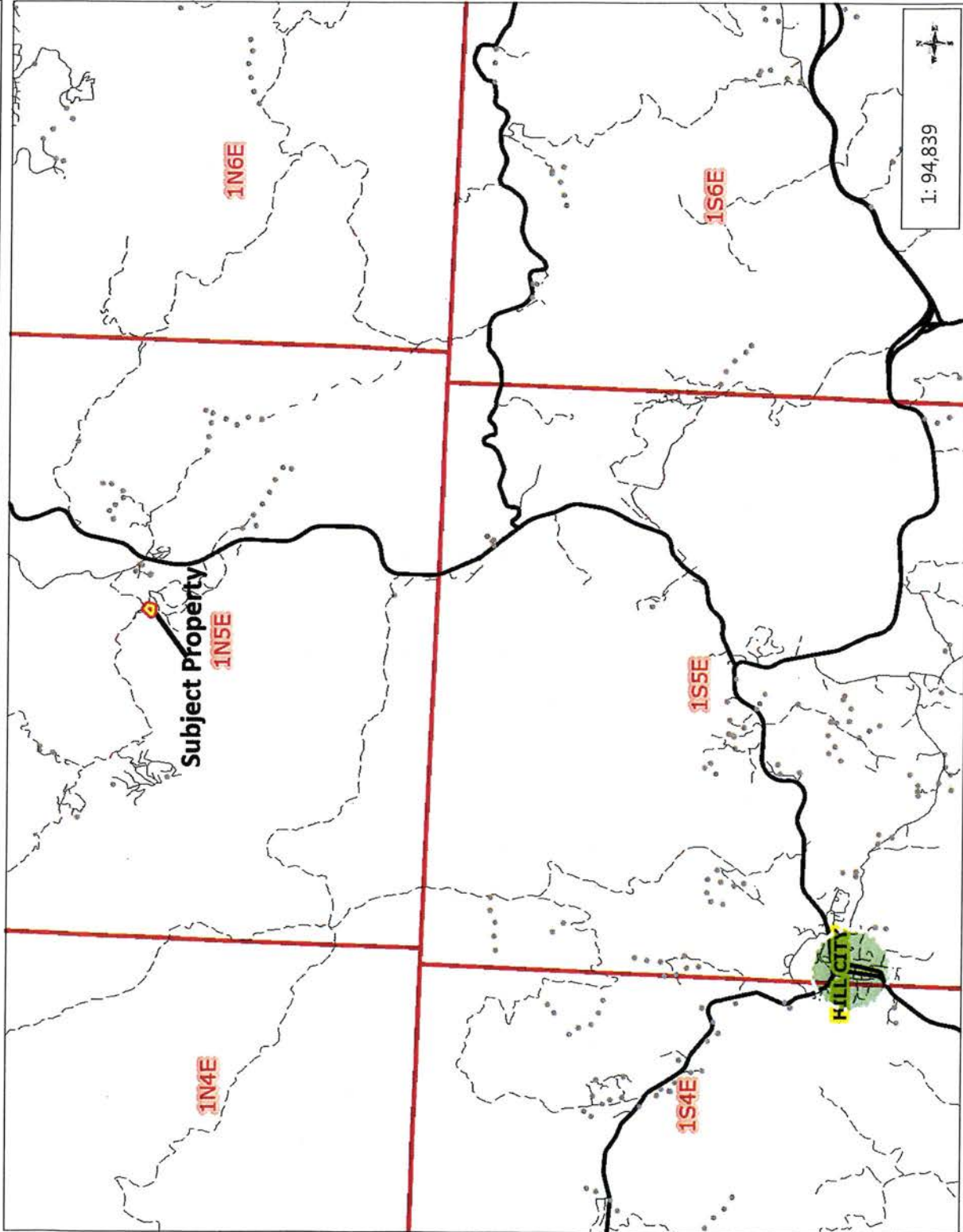
1. That the maximum overnight occupancy continue to be, based on SD DENR approval, be limited to six (6) people and the maximum daytime occupancy be limited to twelve (12) people, per PCZO §319(F)(13);
2. That if the on-site wastewater treatment system is upgraded in the future, this Conditional Use 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 applicants 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;
5. That the applicants 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 three (3) off-street parking spaces continue to be provided on-site, per PCZO §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;

Agenda Item #11  
Alvin & Sharon Gullickson  
February 25, 2019

7. That an interior informational sign or signs continue to be posted in accordance with the requirements of PCZO §319(G), with 9-1-1 and (605) 394-2151 listed as contacts for Fire Department and Sheriff's Office respectively, during operation of the Vacation Home Rental;
8. That the address continue to be properly posted on both the residence and at the approach so it be visible in both directions in accordance with Pennington County's Ordinance #20;
9. That the applicants ensure the Vacation Home Rental is operated in accordance with the requirements of PCZO §319(F) (Performance Standards) at all times;
10. That if the person designated as the Local Contact is ever changed from Edelweiss Mountain Lodging the interior informational sign be updated and the applicant re-notify the Planning Director and surrounding landowners within 500 feet via notices sent by First Class Mail;
11. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
12. That an approved Sign Permit be obtained prior to the placement of any on-premise sign(s);
13. 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; and,
14. 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: 94,839



15,806.5 0 7,903.24 15,806.5 Feet

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  - WALL
  - WASTA

**Map Notes:**



1: 5,927

987.9 Feet

493.95

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987.9

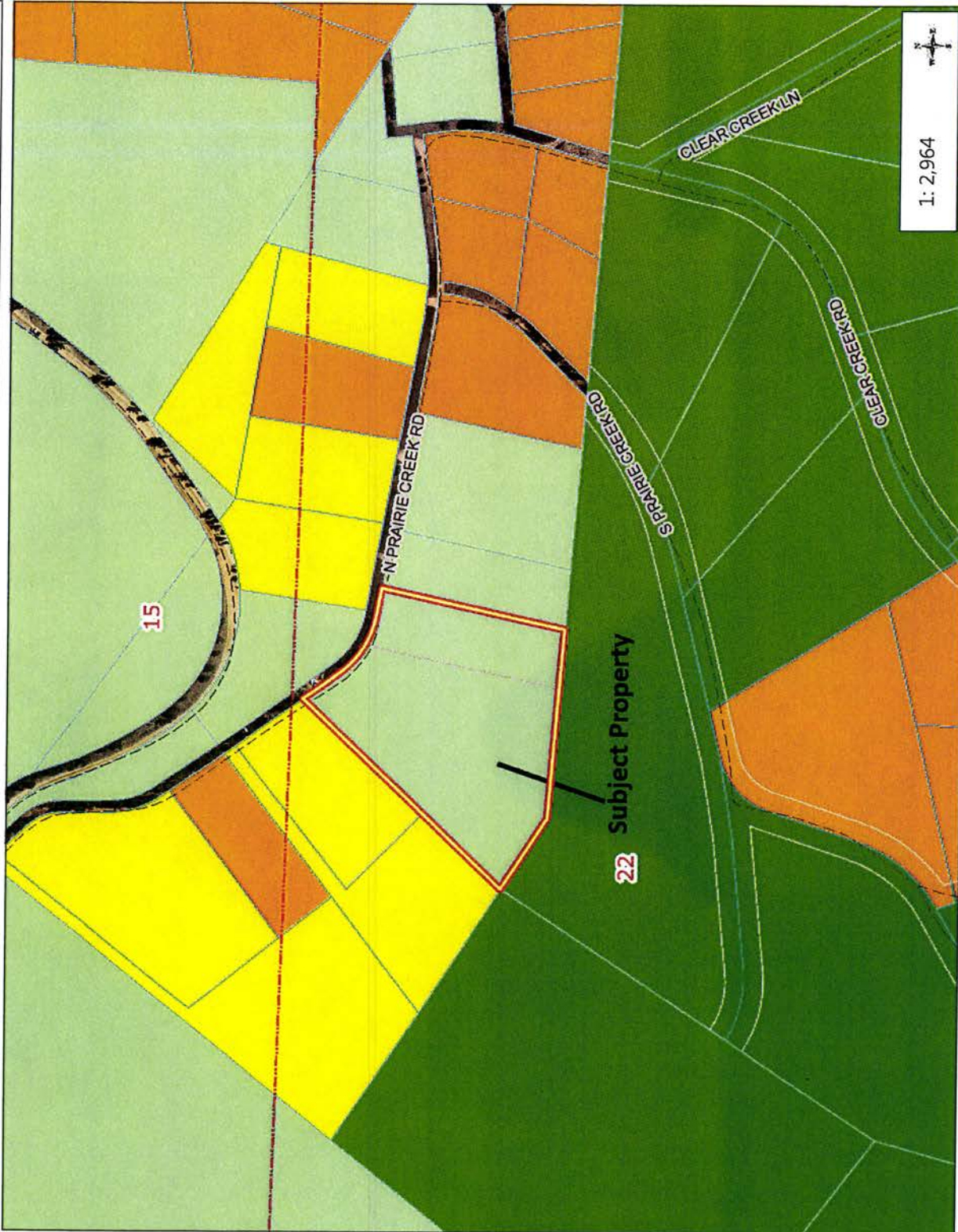
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- Section Lines 0-25k**
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  - 7
- Tax Parcels**
- Lot Lines
  - <Null>
  - Lot Line
  - Parcel Line

**Map Notes:**



494.0 0 246.98 494.0 Feet

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**Section Lines 0-25k**

- 0
- 7

**Tax Parcels**

**Lot Lines**

- <NULL>
- Lot Line
- Parcel Line

**Pennington County Zoning**

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

**Map Notes:**

1: 2,964



## STAFF REPORT

### GENERAL INFORMATION:

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

APPLICANT: Benjamin Shilling

APPLICANT ADDRESS: 14870 229<sup>th</sup> Street, Rapid City, SD 57703

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

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

SIZE: 8.86 acres

TAX ID: 3206

EXISTING LAND USE: Residential

ZONING REFERENCE: Sections 207 and 508

CURRENT ZONING: Limited Agriculture District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Flat

UTILITIES: Private

REPORT BY: Cody Sack

**I. PROPOSED RECOMMENDATION**

- A. Staff will be recommending approval of the extension of Conditional Use Permit / CU 17-50 with twelve (12) conditions.

**II. GENERAL DESCRIPTION**

- A. January 22, 2018 – The Planning Commission approved Conditional Use Permit / CU 17-50 with the following fourteen (14) conditions:
1. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored, which requires a site plan to be reviewed and approved by the Planning Director;
  2. That the gunsmithing and service business shall be operated completely within the existing detached shop;
  3. That no business sign be posted on the property;
  4. That no on-premise retail sales be allowed;
  5. That the home occupation, including all associated storage, be conducted entirely indoors;
  6. That the applicant comply with all applicable local, state, and federal laws and a current copy of the applicant's Federal Firearms License from the U.S. Bureau of ATF be kept on file with the Planning Department;
  7. That the address be properly posted on both the residence and at the approach so it is visible in both directions from 229th Street in accordance with Pennington County's Ordinance #20;
  8. That the applicant maintains an Excise Sales Tax License as required by the South Dakota Department of Revenue;
  9. That the applicant notifies the Rapid Valley Volunteer Fire Department prior to operation of the business and a copy of the letter shall also be provided to the Planning Department to place in the file;
  10. That reasonable measures are taken to control odors, fumes, dust, noise, vibration and lighting resulting from the home occupation so as to not constitute a nuisance to the general public;
  11. That the applicant takes reasonable measures to prevent the disposal of materials into the on-site wastewater treatment system;
  12. That the Conditional Use Permit shall be revoked upon sale or transfer of the subject property;
  13. This Conditional Use Permit is not valid until the Statement of Understanding, which is available at the Planning Office, has been signed by the applicant; and,
  14. That this Conditional Use Permit be reviewed in one (1) year, or on a complaint basis, or as deemed necessary by the Planning Commission or Board of Commissioners to verify that all conditions of approval are being met.
- B. January 28, 2019 – The review of CU 17-50 was continued to the February 25, 2019 Planning Commission meeting.

### III. EXISTING CONDITIONS

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

### I. ANALYSIS

- A. January 21, 2019 – Staff was in contact with applicant who stated:
  - 1. He has all the proper licenses that were required as conditions.
  - 2. Started the business around March of 2018.
- B. January 23, 2019 – Staff performed a site visit and found:
  - 1. Gunsmith shop was located completely within a detached garage.
  - 2. No odors or noises could be detected outside.
  - 3. The gunsmith shop is located behind two locked doors and there is a safe located inside the shop.
  - 4. The applicant provided staff with a copy of the Federal Firearm License.
    - a. License #3-46-103-07-1C-01555.
- C. The applicant has a Sales Tax License.
  - 1. License #1034-3618-ST.
- D. Condition #9.
  - 1. Condition #9 states that the applicant notify the Rapid Valley Fire Department prior to beginning work.
  - 2. The applicant was informed that the Box Elder Fire Department (BEFD) has jurisdiction on his property.
  - 3. Staff received a signed letter from the BEFD stating they performed a walkthrough of the subject property with the applicant and are aware of the gunsmithing business.
  - 4. Condition #9 will be removed as it has been met and is no longer needed.
- E. Staff removed Condition #13 as this condition has been met and is no longer needed.



*Gunsmith shop (1/23/19)*

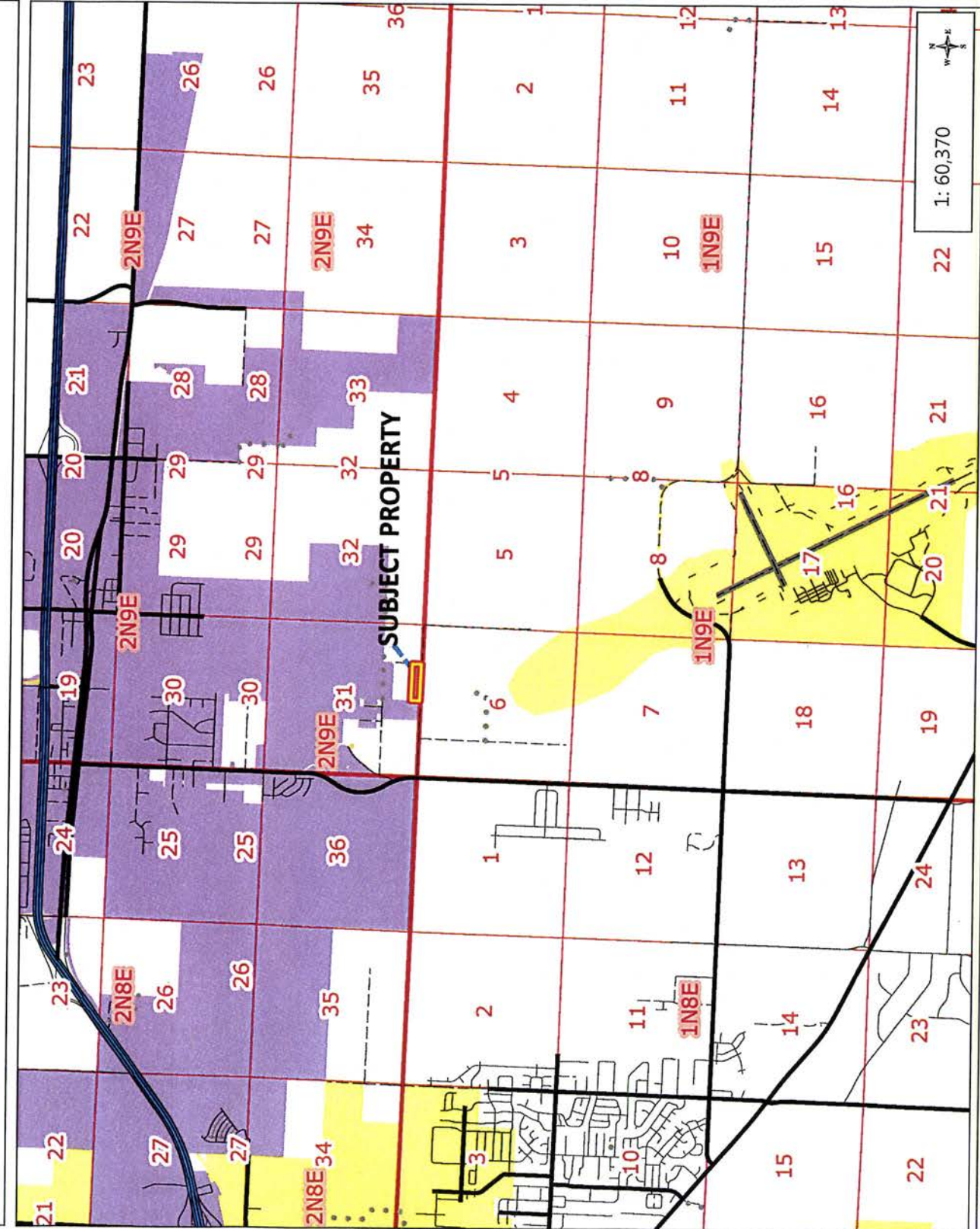
**RECOMMENDATION:** Staff recommends approval of the extension of Conditional Use Permit / CU 17-50 with the following twelve (12) conditions:

1. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored, which requires a site plan to be reviewed and approved by the Planning Director;
2. That the gunsmithing and service business shall be operated completely within the existing detached shop;
3. That no business sign be posted on the property;
4. That no on-premise retail sales be allowed;
5. That the home occupation, including all associated storage, continue to be conducted entirely indoors;
6. That the applicant continually comply with all applicable local, state, and federal laws and a current copy of the applicant's Federal Firearms License from the U.S. Bureau of ATF be kept on file with the Planning Department;
7. That the address continue to be properly posted on both the residence and at the approach so it is visible in both directions from 229th Street in accordance with Pennington County's Ordinance #20;



Agenda Item #12  
Benjamin Shilling  
February 25, 2019

8. That the applicant continually maintains an Excise Sales Tax License as required by the South Dakota Department of Revenue;
9. That reasonable measures are taken to control odors, fumes, dust, noise, vibration and lighting resulting from the home occupation so as to not constitute a nuisance to the general public;
10. That the applicant takes reasonable measures to prevent the disposal of materials into the on-site wastewater treatment system;
11. That the Conditional Use Permit shall be revoked upon sale or transfer of the subject property; and,
12. That this Conditional Use Permit be reviewed in three (3) years, or on a complaint basis, or as deemed necessary by the Planning Commission or Board of Commissioners to verify that all conditions of approval are being met.



10,061.7

0 5,030.85 10,061.7 Feet

1: 60,370

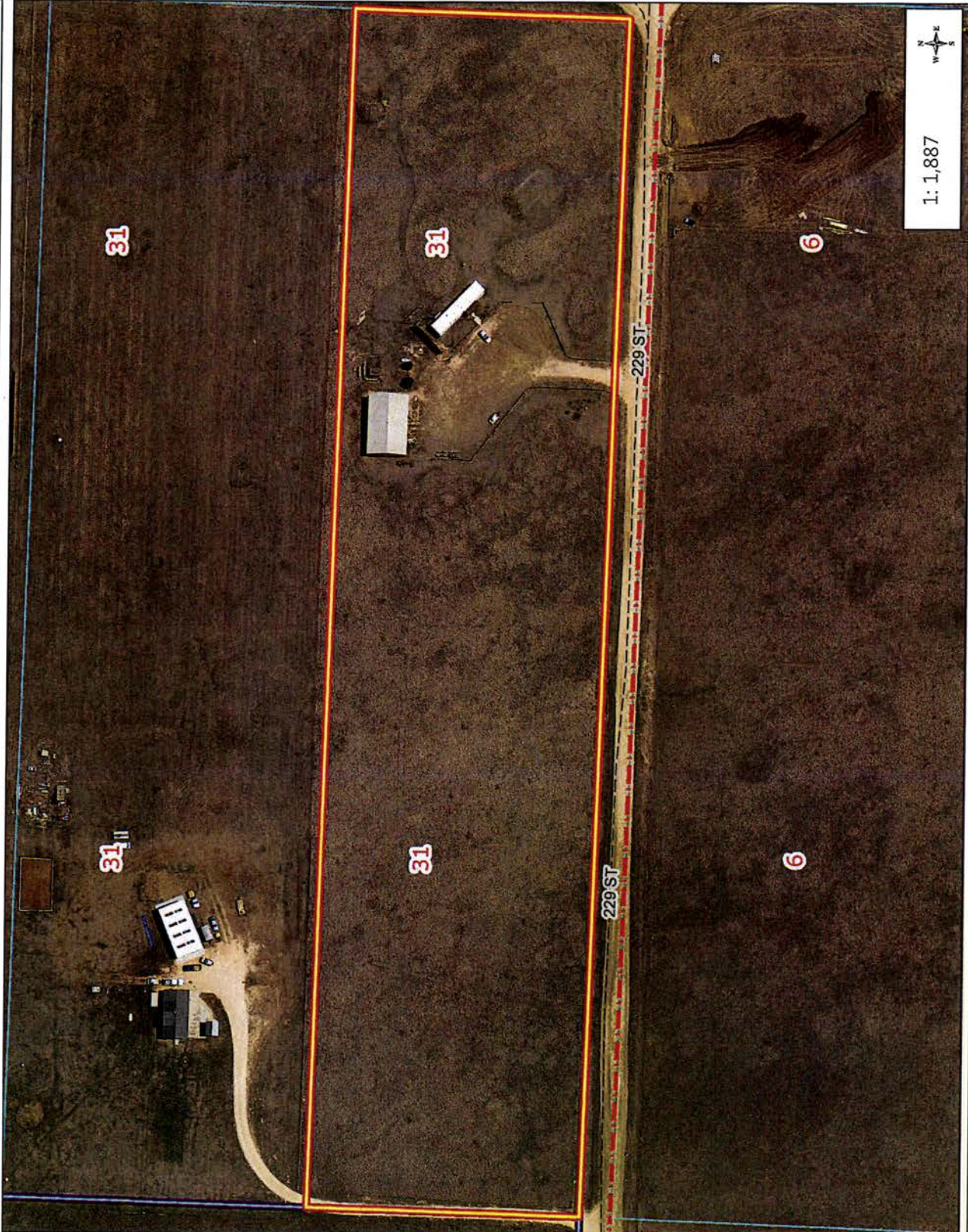


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 THIS MAP IS NOT TO BE USED FOR NAVIGATION

## Legend

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

## Map Notes:



1: 1,887

314.4 Feet

157.21

0

314.4

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

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

### Map Notes:



## STAFF REPORT

### GENERAL INFORMATION:

REQUEST: **CONDITIONAL USE PERMIT REVIEW / CU 18-26**: To review a Recreational Vehicle to be used for no more than 180 calendar days on the subject property and to also allow the Recreational Vehicle to be used as temporary living quarters 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: Kelly and Brenda Hansen

APPLICANT ADDRESS: 514 Americas Way #7275, Box Elder, SD 57719

LEGAL DESCRIPTION: Lot 3, Block 3, Pactola Estates, Section 17, T1N, R5E, BHM, Pennington County, South Dakota.

SITE LOCATION: Pactola Drive; south of the intersection of Edelweiss Mountain Road and Pactola Drive.

SIZE: 1.12 acres

TAX ID: 7501

EXISTING LAND USE: Vacant

ZONING REFERENCE: § 206 and 510

CURRENT ZONING: Limited Agriculture District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Forested / Hills

UTILITIES: Private

REPORT BY: Cody Sack

**I. PROPOSED RECOMMENDATION**

- A. Staff will be recommending approval of the extension of Conditional Use Permit / CU 18-26 with fourteen (14) conditions.

**II. GENERAL DESCRIPTION**

- A. August 13, 2018 – The Planning Commission approved CU 18-26 with the following thirteen (13) conditions:
1. That there be no more than one (1) Recreational Vehicle allowed to be utilized as living quarters on the subject property (Lot 3, Block 3 of Pactola Estates) at any time;
  2. That the applicant obtain an approved On-Site Wastewater Treatment System Construction Permit for the proposed on-site wastewater treatment system within six (6) months of approval of Conditional Use Permit / CU 18-26 and prior to placement of the RV on the subject property;
  3. That the applicant work with South Dakota Wildland Fire to develop a fire mitigation plan and a copy of the plan be provided to the Planning Department;
  4. That a Building Permit application for the proposed single-family residence on Lot 3, Block 3 be submitted within three (3) years of approval of Conditional Use Permit / CU 18-26;
  5. That the address assigned for the property be clearly posted on the Recreational Vehicle (RV) while it is being utilized as living quarters, in accordance with Pennington County's Ordinance #20;
  6. That prior to use, the RV being used as living quarters be hooked into an approved On-Site Wastewater Treatment System until the single-family residence is habitable;
  7. That the minimum setback requirements of a Limited Agriculture District be continually maintained on the subject property, or an approved Setback Variance be obtained;
  8. That the subject property remains free of debris and junk vehicles, in accordance with Ordinance #106;
  9. 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;
  10. That upon completion of the single-family residence on Lot 3, Block 3, the RV will be disconnected from all utilities and may no longer be utilized as living quarters on the subject property;
  11. That the applicant notify the Planning Department when the new residence is habitable, so that this Conditional Use Permit may be ended;
  12. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 18-26, which is available at the Planning Office; and,

13. That this Conditional Use Permit be reviewed in six (6) months, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

### III. EXISTING CONDITIONS

- A. Lot 3, Block 3 of Pactola Estates
  1. 1.12 acres
    - a. Plat filed in 1977 (Plat Book 15, Page 114).
    - b. Lot size is legal, non-conforming.
  2. Limited Agriculture District (Current Zoning).
  3. Planned Unit Development Sensitive (Future Land Use Zoning).
  4. Access off of Pactola Drive.
    - a. Located within the Pactola Estates Road District.
    - b. There appears to be an existing approach already established.
  5. United States Forest Service Special Use Permit.
    - a. FS-2700-4b (V. 01/20/14)
    - b. OMB No. 0569-0082
    - c. Allows members of the Pactola Estates Road District on the Crossover Road (NSFR 251) from Bear Gulch Road (NFSR 253) to private property.
    - d. Expiration: 12/31/2034
  6. Currently vacant of any structures
  7. No Special Flood Hazard Area.
  8. Temporary Easement Agreement
    - a. Document Number: A201613385
    - b. Recorded: September 27, 2016 3:33 PM
    - c. Between: Kelly J Hansen and Brenda L. Hansen and James D. Dugger and Donna K. Dugger.
    - d. Granted by Mr. and Mrs. Hansen to Mr. and Mrs. Dugger to allow a temporary easement over and across the Servient property (Lot 3 of Block 3 of Pactola Estates).

### IV. ANALYSIS

- A. The applicants plan on constructing a single-family residence on the subject property and is proposing seasonal use of the RV; then on a temporary basis during the construction of the SFR.
- B. The applicants anticipate the seasonal use and completion of a new SFR to take three (3) to five (5) years.
- C. The applicants have applied for a Septic Permit (COSD18-0070).
  1. COSD18-0070 has not been approved.
    - a. The system has not been installed.
    - b. Staff will reword Condition #2 to give the applicant until June 03, 2019 to have the On-Site Waste Water Treatment System installed.

- D. February 8, 2019 – Staff performed a site visit and found:
  - 1. A RV was being stored on the property.
  - 2. The RV was boarded up and nobody appeared to be living in or using the RV.
- E. February 12, 2019 – Staff contacted the applicant, Kelly Hansen, who stated:
  - 1. He is unsure when construction of the SFR will begin.
  - 2. He has been working with South Dakota Wildland Fire for fire mitigation.
    - a. Staff confirmed with South Dakota Wildland Fire that they are working on and around the applicants' property for fire mitigation.



**Site Visit (2/8/19)**

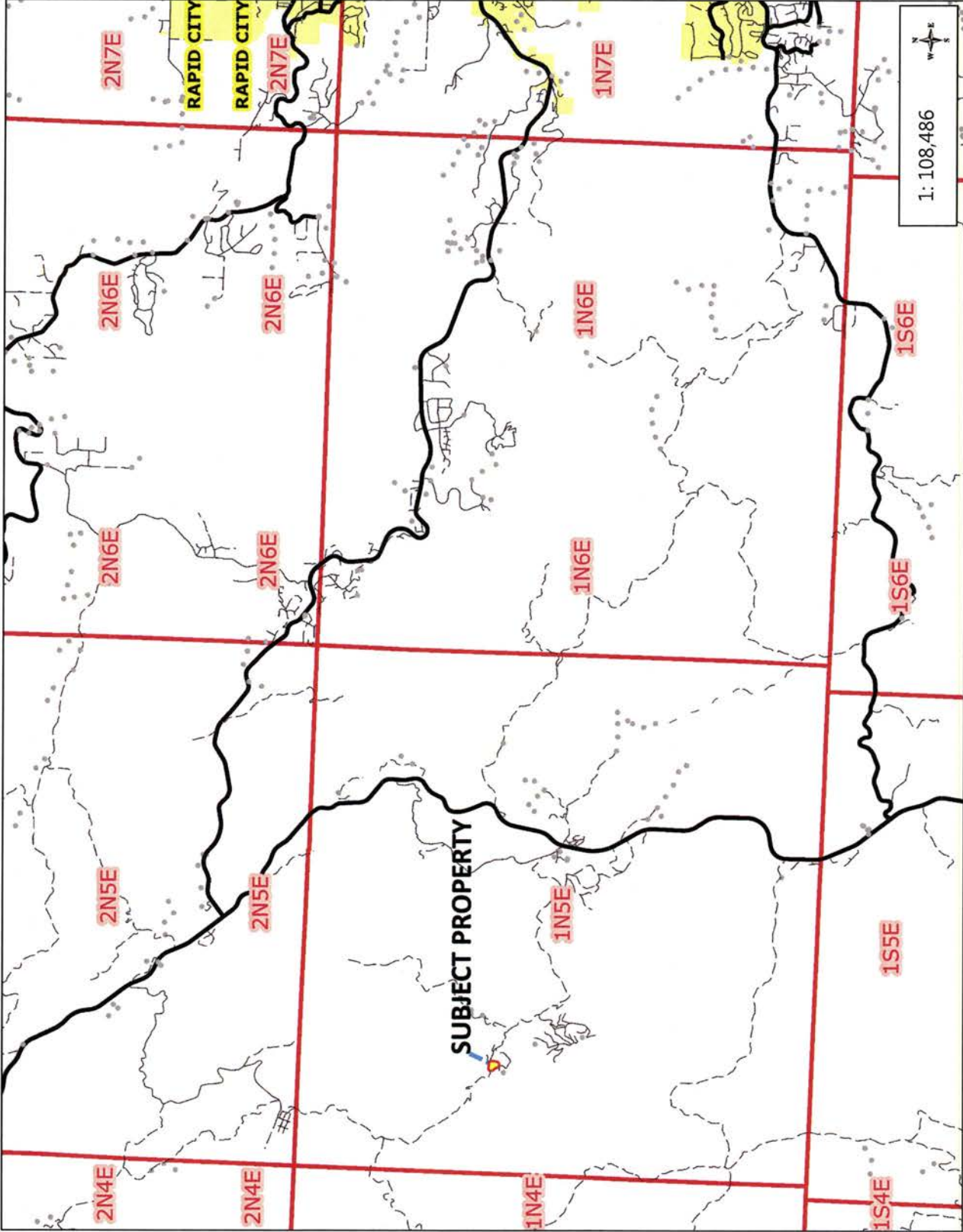
**RECOMMENDATION:** Staff recommends approval of the extension Conditional Use Permit / CU 18-26 with the following fourteen (14) conditions:

- 1. That there be no more than one (1) Recreational Vehicle allowed to be utilized as living quarters on the subject property (Lot 3, Block 3 of Pactola Estates) at any time;
- 2. That an approved On-Site Wastewater Treatment System be installed and have a final inspection by June 3, 2019;



Agenda Item #13  
Kelly Hansen  
February 25, 2019

3. That prior to use, the RV being used as living quarters be hooked into an approved On-Site Wastewater Treatment System until the single-family residence is habitable;
4. That the applicant continue to work with South Dakota Wildland Fire to develop a Fire Mitigation Plan and a copy of the plan be provided to the Planning Department;
5. That a Building Permit application for the proposed single-family residence be approved prior to September 2021, or CU 18-26 shall automatically end;
6. That the address assigned for the property be clearly posted on the Recreational Vehicle (RV) while it is being utilized as living quarters, in accordance with Pennington County's Ordinance #20;
7. That the RV be used as living quarters for no more than 180 days in a calendar year;
8. That the minimum setback requirements of a Limited Agriculture District be continually maintained on the subject property, or an approved Setback Variance be obtained;
9. That the subject property remains free of debris and junk vehicles, in accordance with Ordinance #106;
10. 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;
11. That upon expiration of a of a Building Permit for the proposed single-family residence, the RV will be disconnected from all utilities and no longer be utilized as living quarters on the subject property;
12. That the applicant notify the Planning Department if the new residence is habitable prior to the expiration of the Building Permit, so that this Conditional Use Permit may be end;
13. That more than one continuation caused by the applicant's failure to meet Conditions of Approval will be fined \$100.00 per continuation in accordance with § 511(X) of the Pennington County Zoning Ordinance; and,
14. That this Conditional Use Permit be reviewed at the June 10, 2019, Planning Commission meeting, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.



1: 108,486



18,081.1 Feet

9,040.53

0

18,081.1

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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
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  - Driveway
  - Alley
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- Townships**
- BOX ELDER
  - ELLSWORTH AFB
  - HILL CITY
  - KEYSTONE
  - NEW UNDERWOOD
  - QUINN
  - RAPID CITY
  - WALL
  - WASTA
- City Limits**
- Box Elder
  - Ellsworth AFB
  - Hill City
  - Keystone
  - New Underwood
  - Quinn
  - Rapid City
  - Wall
  - Wasta

**Map Notes:**

**Legend**

**Roads**

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

**Section Lines 0-25k**

- 0
- 7

**Tax Parcels**

**Lot Lines**

- <Null>
- Lot Line
- Parcel Line



1: 848

**Map Notes:**

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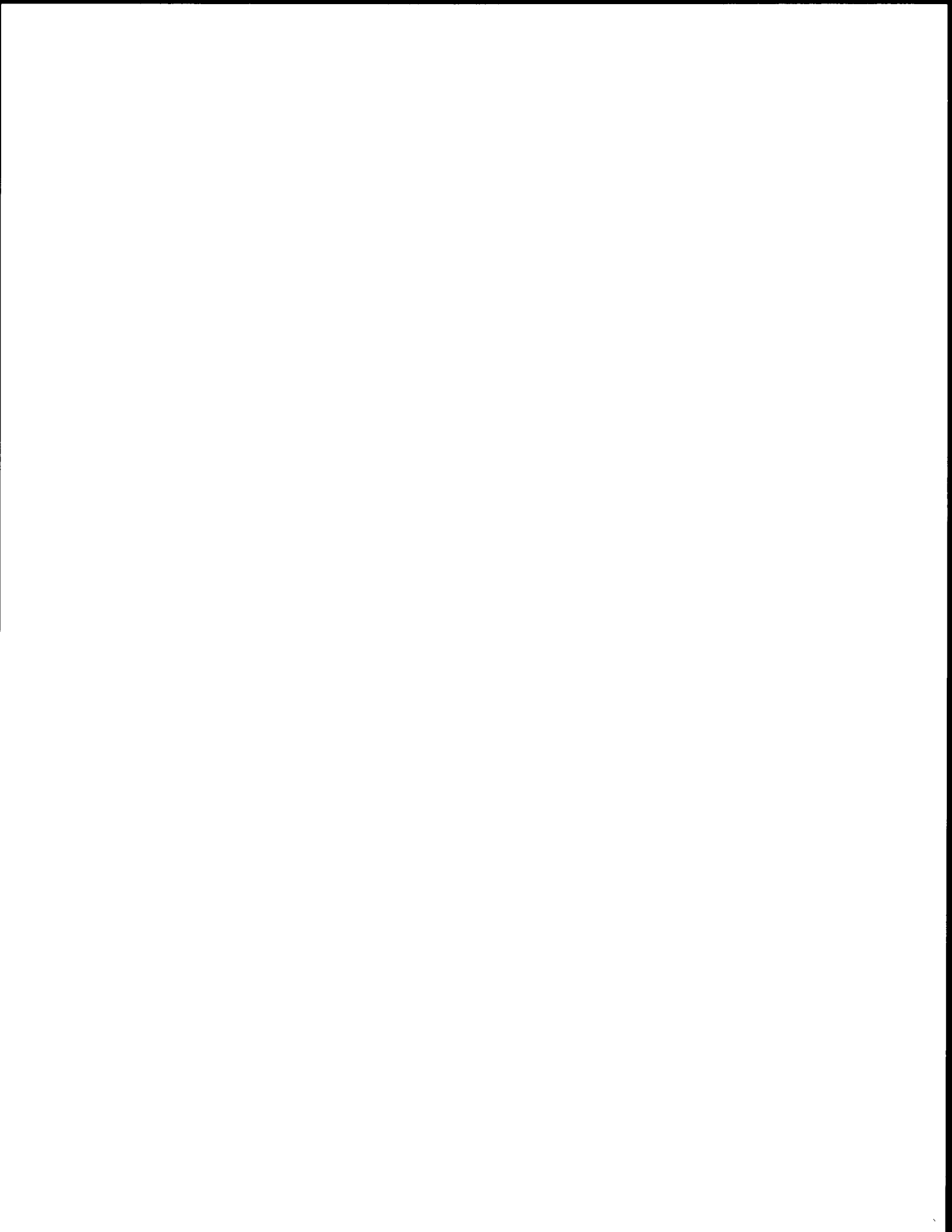
141.3

70.63

141.3 Feet

NAD\_1983\_2011\_StatePlane\_South\_Dakota\_South\_FIPS\_4002\_Ft\_US

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## STAFF REPORT

### GENERAL INFORMATION:

**REQUEST:** **CONDITIONAL USE PERMIT / CU 19-01:** To allow for a Vacation Home Rental on the subject property in a Low Density Residential District in accordance with Sections 207, 319, and 510 of the Pennington County Zoning Ordinance.

**APPLICANT:** NMMC, Inc; Terry Saylor

**APPLICANT ADDRESS:** 2511 E. Highway 50, Yankton, SD 57078

**LOCAL CONTACT:** Cody Peterka

**LEGAL DESCRIPTION:** Lot A, Miller Subdivision #2, Section 15, T2N, R6E, BHM, Pennington County, South Dakota.

**SITE LOCATION:** 22553 Smokey Ridge Road; located off of Nemo Road near Mansfield Road and Smokey Ridge Road.

**SIZE:** 4.74 acres

**TAX ID:** 63466

**EXISTING LAND USE:** Residential

**ZONING REFERENCE:** § 207, 319, and 510

**CURRENT ZONING:** Low Density Residential District

**SURROUNDING ZONING:**

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

**PHYSICAL CHARACTERISTICS:** Forested / Hills

**UTILITIES:** Private

**REPORT BY:** Cassie Bolstad

**I. PROPOSED RECOMMENDATION**

- A. Staff will be recommending to continue Conditional Use Permit / CU 19-01 to the July 22, 2019, Planning Commission meeting with one (1) condition.

**II. GENERAL DESCRIPTION**

- A. The applicant, Terry Sayler, is requesting a Conditional Use Permit to allow an existing five (5) bedroom residence to be utilized as a Vacation Home Rental (VHR) on the subject property.

**III. EXISTING CONDITIONS**

- A. Zoned Low Density Residential District, minimum three (3) acre lot size.  
B. 4.74 acres.  
C. Access off of Smokey Ridge Road via a platted 40-foot-wide Access Easement (Plat Book 35, Page 187).  
1. Located within the Mansfield Road District.  
D. Special Flood Hazard Area is “not studied”.  
E. Lot contains:  
1. Single-family residence with attached garage and partial unfinished basement – 2010COBP0123.  
2. On-site wastewater treatment system – 2010COSD0009.  
i. Consists of two (2) 2,500 gallon holding tanks (1 black and 1 gray with pump). Alarms are installed.  
ii. An Operating Permit has not been issued since 2011 (2011COOP0776).



Existing Lot

#### IV. REQUEST FOR COMMENT

- A. County Highway Department
  - 1. Highway Department has no comments since this is in the Mansfield Road District and neither Nemo Road or drainage are impacted by this request.
- B. County Fire Administrator
  - 1. Beings we are unable to do a site visit of the property in question I am unable to give a complete review. I will attach some basic comments but a complete review still needs to be completed after a site visit (Damon Hartmann – Doty Fire Chief)
- C. County Environmental Planning Supervisor
  - 1. It appears that the holding tanks on the subject property are not meeting the requirements of PCZO §204(J), SDAR 74:53:01:26, and 40 CFR Part 503.
  - 2. Please note the following:
    - i. Section 204(J)(3)(O) states “Pumping records, maintenance records and manifests must be kept by the owner for a period of six years for review by Pennington County to ensure pumping of the holding tanks.”
  - 3. Pennington County sent a notice to the property owner of the requirements to pump and observe the holding tanks (Section 204(J)(2) of the PCZO) on April 19, 2017. The Planning Department received an Observation Form for a pumping and observation of the holding tank on July 7, 2017. Staff sent notices to the owner on August 23, 2017 and October 20, 2017 requesting copies of the pump receipts. The Planning Department has not received pump receipts for the holding tank from a Pennington County Certified Pumper prior to the Notice sent on April 19, 2017. Staff received pump receipts after July 2017 from a Pennington County Certified Pumper.
  - 4. On October 18, 2018 (through a consultant), Staff received a spreadsheet indicating that the owner disposed of the “black water” by hauling it to Yankton, trailer, and John’s. Staff requested further verification.
  - 5. On January 23, 2019, Staff received a letter from the owner to clarify the disposal locations.
  - 6. There is no indication that the “black water” that was transported to Yankton was land applied in accordance with 40 CFR Part 503 from the documentation submitted by the applicant to Pennington County.
  - 7. Section 204(J)(3)(O) states “A statement must be submitted by the owner indicating that, in the event his sewage holding tank is approved, he or she pump the tank periodically, at regular intervals or as needed, and that the wastewater contents will be disposed of in a manner and at a facility meeting approval of 40 C.F.R. Part 503.”

- This statement was signed by the owner and Hills Septic Service in March 2010.
- 8. Staff does not believe pumping it out of a holding tank and dumping it into an existing septic tank (system) is acceptable. The existing systems were not designed to be utilized as a dump station in addition to their current residential use. This would require that the existing systems at the "trailer" and "John's" be upgraded to accommodate the additional load to the system.
- 9. Lastly, the Vacation Home Rental request is for 14 persons per night. The current holding tank capacity is 5,000 gallons. It appears that there would not be enough holding tank capacity for 14 guests (7,350 gallons needed : 14 guests x 75 gpd per guest x 7 days).
- D. County Onsite Wastewater Specialist (Formerly Environmental Planner)
  - 1. The applicant currently utilizes 2-2500 gallon holding tanks for their septic needs. One tank is used for black water and the other is for gray water. The gray water can be dispersed on the lawn when the tank is full. The black water requires a licensed pumper to pump when the tank is full. Typically holding tanks are not ideal for a Vacation Home Rental due to the monitoring required to determine when the tank needs to be pumped. To allow holding tanks in this situation, the applicant must provide past pumping records showing the system has been properly maintained. In the future the applicant will also need to provide receipts every time that the tank requires pumping. The applicant also needs to have a contract in place for their pumping needs and provide the county with a copy. A plan also needs to be in place explaining the procedure for how to deal with an alarm that indicates a full tank. This must be made available for future guests.
- E. County Ordinance Enforcement
  - 1. There are currently 2 open Ordinance Violations (COVO17-0085 and COEV18-0015) pertaining to the holding tanks and pumping.
- F. County Natural Resources
  - 1. No objections.
- G. County Addressing Coordinator
  - 1. The address must be posted in accordance with Pennington County's Ordinance #20.
- H. County Sheriff's Office
  - 1. No comments received.
- I. Emergency Services (9-1-1)
  - 1. Only comment is to ensure the applicant has their house number posted in accordance with Penn. Co. Ord. #20 (where their driveway meets the named road).
- J. U.S. Forest Service
  - 1. The Forest Service will not approve a secondary access across National Forest System lands to the private property.



2. Protect all posted boundary line corners, signs and bearing trees.
3. Adhere to the setback requirements along the posted boundary between National Forest System lands and private property.
4. Protect all known stream courses, pond and riparian areas located on National Forest System lands.
5. No resource damage to occur on National Forest System lands.
6. All proposed drain fields, leach lines or septic systems will need to be located on private property and no located on or drain onto National Forest System lands.
7. All construction materials, supplies, trash or garbage will not be located or dumped on National Forest System lands.
8. Public roads in this area of the Black Hills National Forest are classified as "Roads Open to Highway Legal Vehicles Only" and "Highways, US, State" per the latest version of the Motor Vehicle Use Map.
9. No motorized trailheads or motorized trails or motorized roads are planned or scheduled for this portion of the Black Hills National Forest.
10. 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).

## V. ANALYSIS

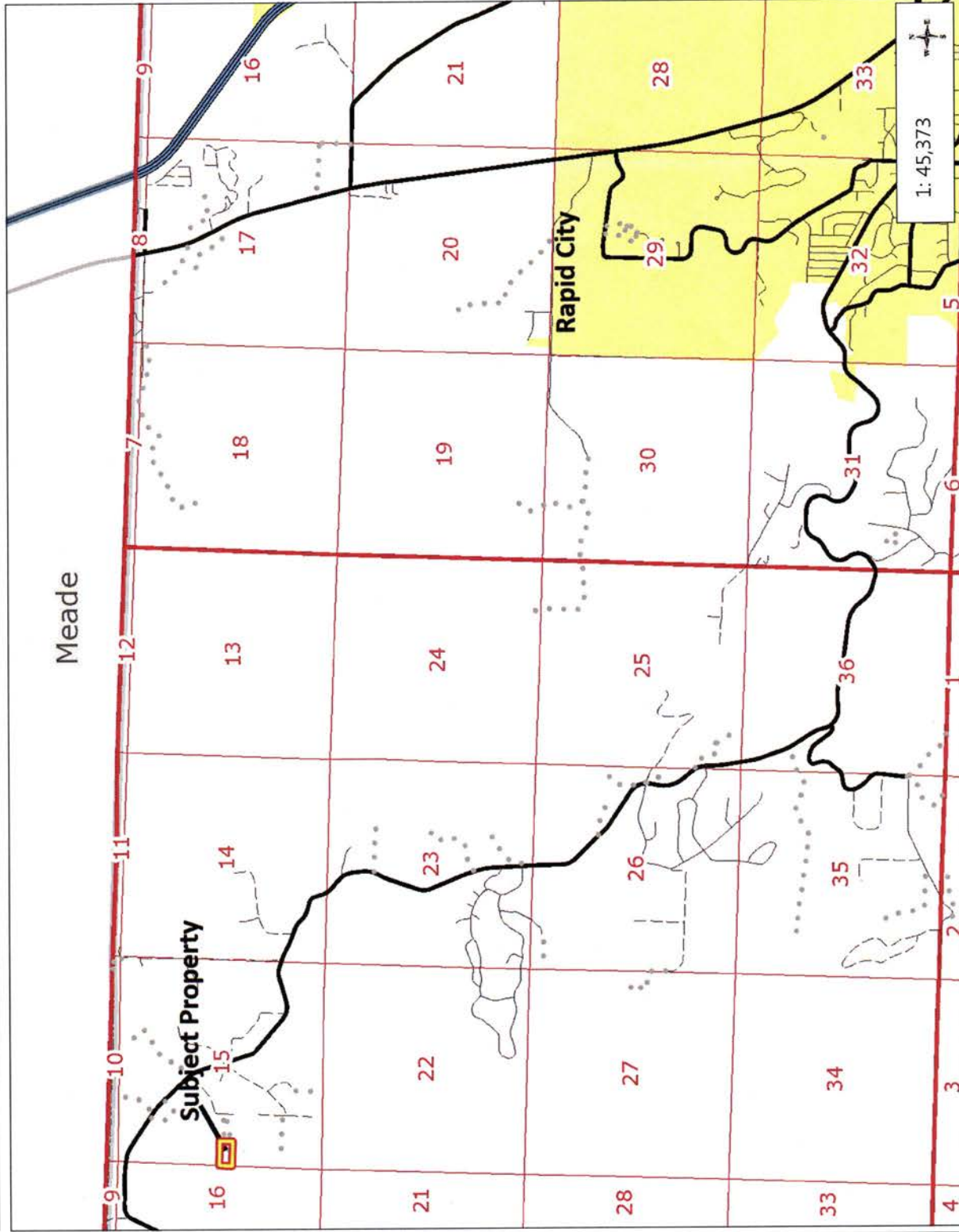
- A. January 23, 2019 – The applicant applied for Conditional Use Permit / CU 19-01 to allow the existing five (5) bedroom residence to be utilized as a Vacation Home Rental.
- B. Upon review of the subject property and submittal documents, Staff has identified the following issues that must be addressed by the applicant:
  1. The Building Permit (2010COBP0123) that was approved for the existing single-family residence indicates the house to be a three (3) bedroom with a partial unfinished basement. In submittal documents, the applicant states that the house is a five (5) bedroom.
    - i. It appears the basement may have been fully finished without an approved Building Permit.
    - ii. If the basement is completely finished, the applicant will need to obtain a Building Permit with all applicable fees paid.
  2. The basement floor plan included in the applicant's submittal documents is unclear and does have the rooms labeled. An updated floor plan of the basement, with all rooms labeled, is required.
  3. The applicant has not obtained approval from the South Dakota Department of Environment and Natural Resources (SD DENR) for the Vacation Home Rental.

- i. The applicant must obtain this approval from SD DENR, as they will determine the maximum overnight occupancy based on the septic system and its sizing.
  4. The applicant has not provided the white slips to verify the Notice of Hearing letters were mailed in accordance with § 510(A)(2) of the Pennington County Zoning Ordinance (PCZO), which requires the notices to be sent 10 days prior to the Planning Commission meeting.
- C. In addition, based on comments received from the County Onsite Wastewater Specialist and County Environmental Planning Supervisor, the following items must also be addressed:
  1. The applicant must increase his holding tank capacity, if he wishes to have 14 occupants in the VHR and SD DENR must approve 14 occupants.
  2. Per the County Environmental Planning Supervisor, in order to obtain a current Operating Permit, the applicant must provide at least two (2) years of pump receipts from July 7, 2017, which is the first date of record that the holding tanks were pumped by a Pennington County Certified Pumper. If those requirements are met, the applicant will be eligible to obtain an Operating Permit in July 2019.
  3. The applicant must provide a pumping contract with a Pennington County Certified Pumper, in accordance with § 204(J)(3)(O), and comply with § 204(J)(2) of the PCZO with regard to providing pump receipts.
  4. The applicant must provide a plan outlining the procedure for how to deal with an alarm that indicates a full tank. This plan must be provided to all future guests, if CU 19-01 is approved and the VHR is allowed to operate.
- D. Until the above-mentioned issues have been addressed and resolved, Conditional Use Permit / CU 19-01 cannot move forward.
- E. February 19, 2019 – Staff sent an email to the applicant, Terry Saylor, outlining the issues that need to be addressed.
  1. As of this Staff Report, Staff has not received a response from Mr. Saylor.
  2. A copy of the email is included with this Staff Report.
- F. February 20, 2019 – Staff received an email in opposition of the Conditional Use Permit from a neighboring property owner.
  1. A copy of this email is included with this Staff Report.

Agenda Item #14  
NMMC, Inc; Terry Saylor  
February 25, 2019

**RECOMMENDATION:** Staff recommends to continue Conditional Use Permit / CU 19-01 to the July 22, 2019, Planning Commission meeting to allow the applicant time to address outstanding issues, with the following one (1) condition:

2. That if additional continuations are required beyond July 22, 2019, due to lack of action by the applicant, the applicant shall pay a \$100 fee for each continuation, in accordance with § 511(X).



**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:**

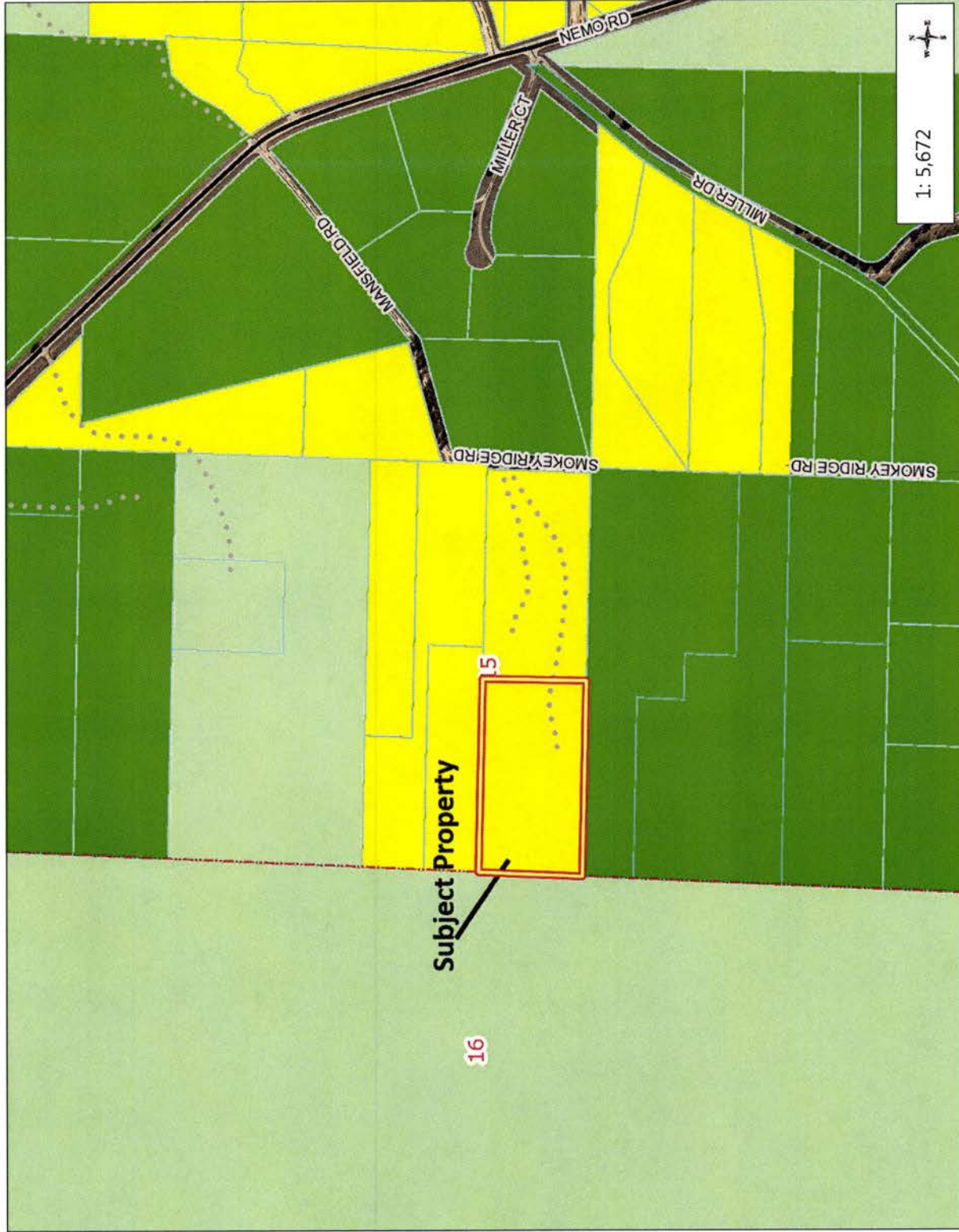
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

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

7,562.2 Feet

3,781.09

0



1: 5,672



**Legend**

**Roads**

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

**Section Lines 0-25k**

- 0
- 7

**Tax Parcels**

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

**Pennington County Zoning**

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

**Map Notes:**

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

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





1: 6,617



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

1,102.8  
0 551.41 1,102.8 Feet  
NAD\_1983\_2011\_StatePlane\_South\_Dakota\_South\_FIPS\_4002\_Ft\_US  
© City of Rapid City GIS

**Legend**

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

**Map Notes:**

## **Vacation Home Rental**

NMMC, Inc.

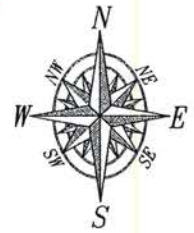
Lot A of Miller Subdivision No. 2

22553 Smokey Ridge Road

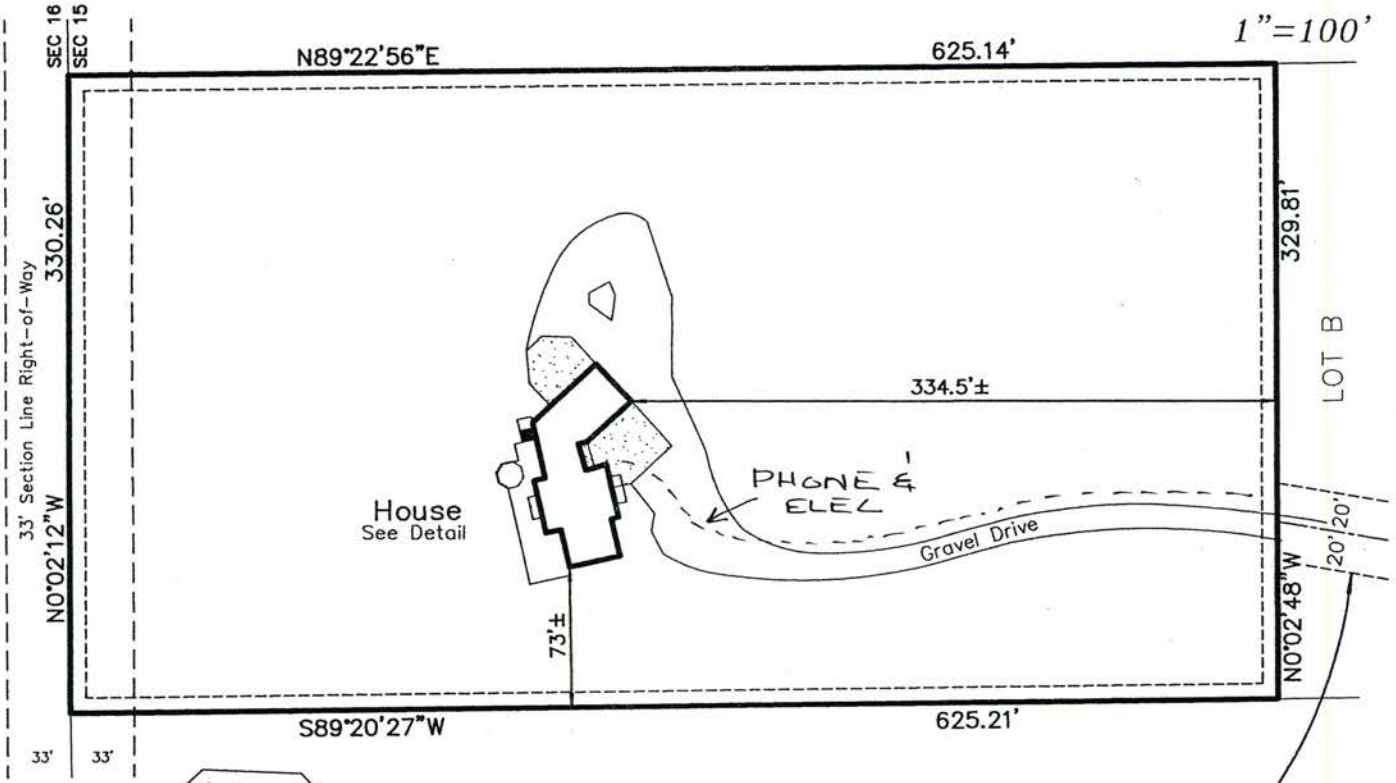
### **Application Requirements:**

1. Site Plan (attached)
2. Interior Diagram (attached)
3. Maximum number of overnight occupants:  
5 Bedrooms  
14 Occupants
4. Acknowledgement that VHR meets Fire Safety Standards for VHE per SDCL:  
2 fire extinguishers on each floor and smoke detectors in each bedroom
5. Specifications of the existing wastewater treatment:  
1 - 2500 gal Holding Tank  
1 - 2500 gal Graywater Tank
6. Covenants – N/A
7. SD DENR Approval Letter (attached)
8. Operating Permit  
Expired / Pending with information attached.
9. Copy of VHR License from SD Department of Health (attached)
10. Local Contact Information  
  
Cody Peterka  
1701 Joedy Street  
Sturgis, SD 57785  
605-760-3377
11. SD Sales Tax License (attached)

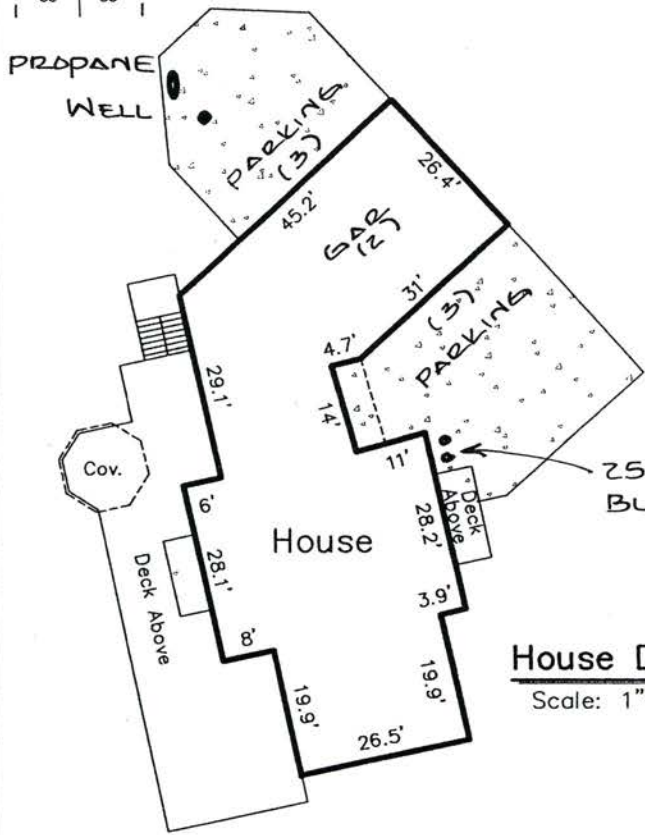
1



1" = 100'



40' Wide Access & Utility Easement



8' Utility and Minor Drainage Easements on the interior side of all lot lines

2500 GALS EA BLACK & GRAY WATER TANKS

**House Detail**

Scale: 1" = 30'

LEGAL: Lot A of Miller Subdivision No. 2  
 Pennington County, South Dakota

CLIENT: Terry Saylor - 22553 Smokey Ridge Road  
 Cortrust Mortgage, Inc.



**VACATION HOME RENTAL (VHR)**  
**CHECKLIST and SUPPLEMENTAL APPLICATION**

**APPLICATION REQUIREMENTS:**

- Site plan depicting the layout of the property, including all existing and proposed structures with setbacks, wells and/or water lines, on-site wastewater treatment system and/or sanitary sewer lines, and on-site parking spaces.
- An interior diagram/plan of the VHR.
- The maximum number of overnight occupants.
- Acknowledgement from the Owner that the VHR meets all Fire Safety Standards for Vacation Home Establishments requirements in accordance with current South Dakota Codified Laws.
- Specifications of the existing wastewater treatment system.
- Copy of Covenants, if applicable.
- Copy of approval letter from SD DENR for the on-site wastewater treatment system (for existing systems only).
- Copy of approved Operating Permit, from the Planning & Zoning Department, for the on-site wastewater treatment system (for existing systems only).
- A copy of the Vacation Home Rental License or Application from the South Dakota Department of Health. At the time of issuance of the Vacation Home Rental License from the South Dakota Department of Health, a copy of the license shall be furnished to the Planning Department.

**LOCAL CONTACT INFORMATION:**

Name: CODY PETERKA Primary Contact Number: 605-760-3377  
Mailing Address: 1701 JOEY ST.  
City: STURGIS State: SD Zip Code: 57785

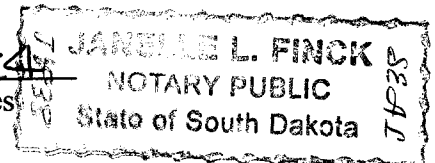
\*\*\*The Local Contact can file an application for a CUP, with the Owner's signature notarized on the CUP Application, but the CUP shall only be issued to the Owner of the VHR.

[Signature] \_\_\_\_\_ Date: 1-23-19  
Signature of Local Contact

Subscribed and sworn to before me this 23<sup>RD</sup> day of JANUARY, 2019.

[Signature]  
Notary Public for the State of South Dakota

9-18-2024  
My Commission Expires



2

**DWELLING INFORMATION**

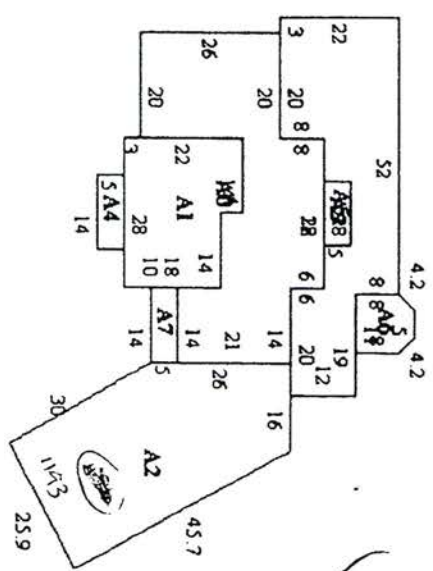
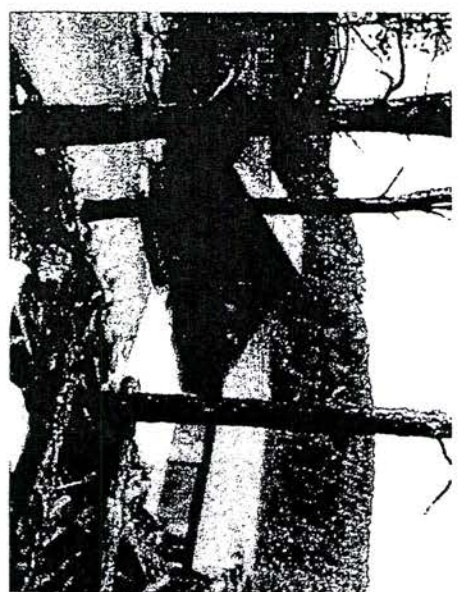
Res Type: 1-Single-family Residence  
 Quality: 4.33-Good+  
 Year Blt: 2011  
 Abs Code: NA-C1  
 Remodel:  
 Total Living Area: 2,130

**RESIDENTIAL SECTIONS**

**BUILDING DESCRIPTION**

Style: Ranch  
 Foundation: Concrete - 2  
 Bedrooms: 1  
 Full Bath: 3  
 Half Bath:  
 Garage Cap: 3 car

3 Car



Bldg Value: 476,300

**RESIDENTIAL COMPONENTS**

Code	Units	Pct	Ex Fr Sk	Year
115-Rustic Log	Y			
209-Concrete Tile	Y			
351-Warmed & Cooled Air	Y			
402-Automatic Floor Cover Allowance	Y			
601-Plumbing Fixtures (#)	13			
602-Plumbing Rough-ins (#)	1			
622-Raised Subfloor (% or SF)	2,130			
648-Direct-Ventled. Gas (#)	1			
704-Attached Garage (SF)	1,203	115.3	N	
736-Garage Finish, Attached (SF)	1,203	115.3	Y	

**SKETCH VECTORS**

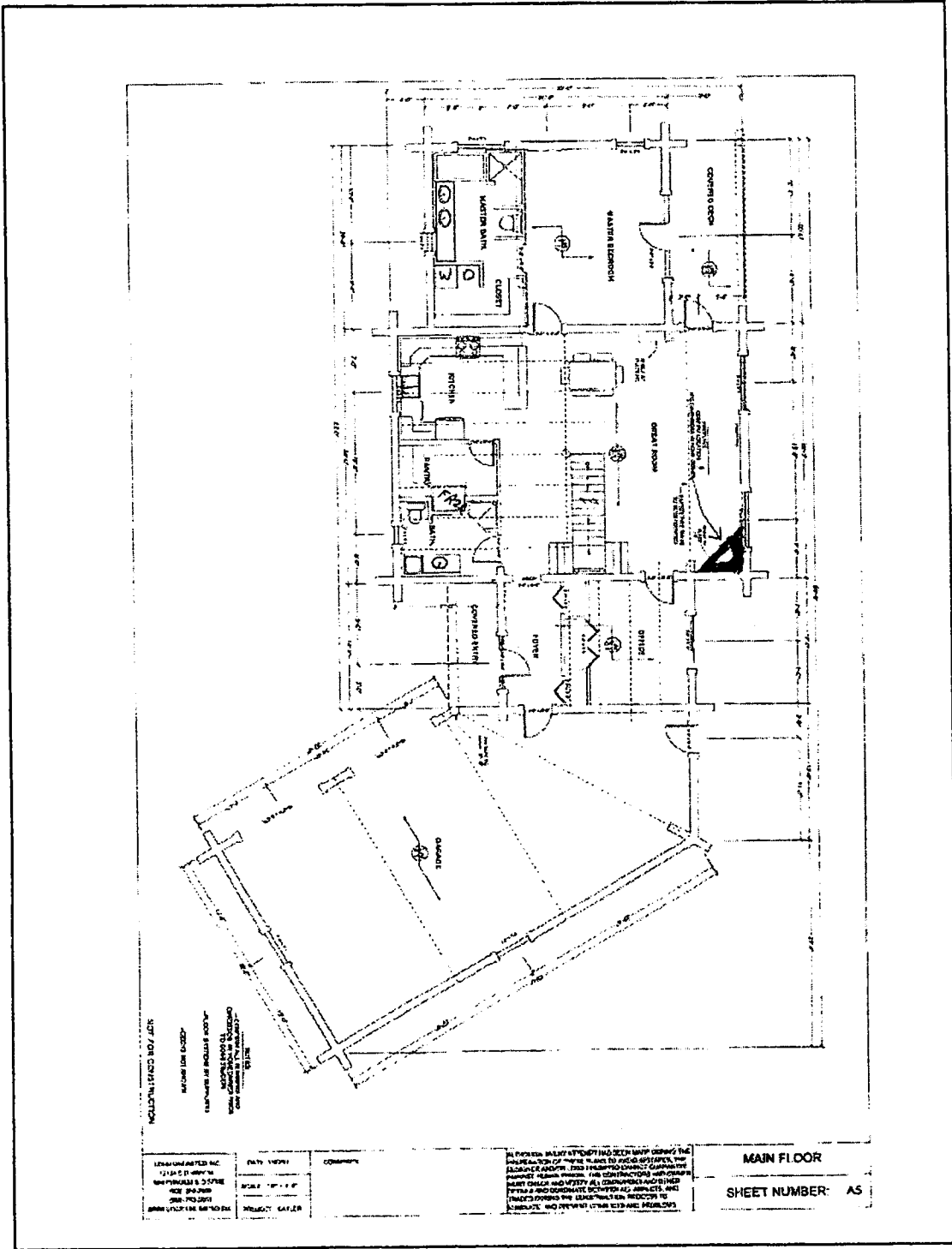
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- A4R27D3CR14X5, A5U26CL3U22R52D8R19D12L20U6L28D8L20,
- A7U2R48CU5X14, A6U40R49CU8VU3R3R5VD3R3D8L11,
- A0CU26R20U8R28D6R14D21L14D10L28U3L20,A1R20D3CU22R14D4R14D18L2

**RESIDENTIAL COMPONENTS**

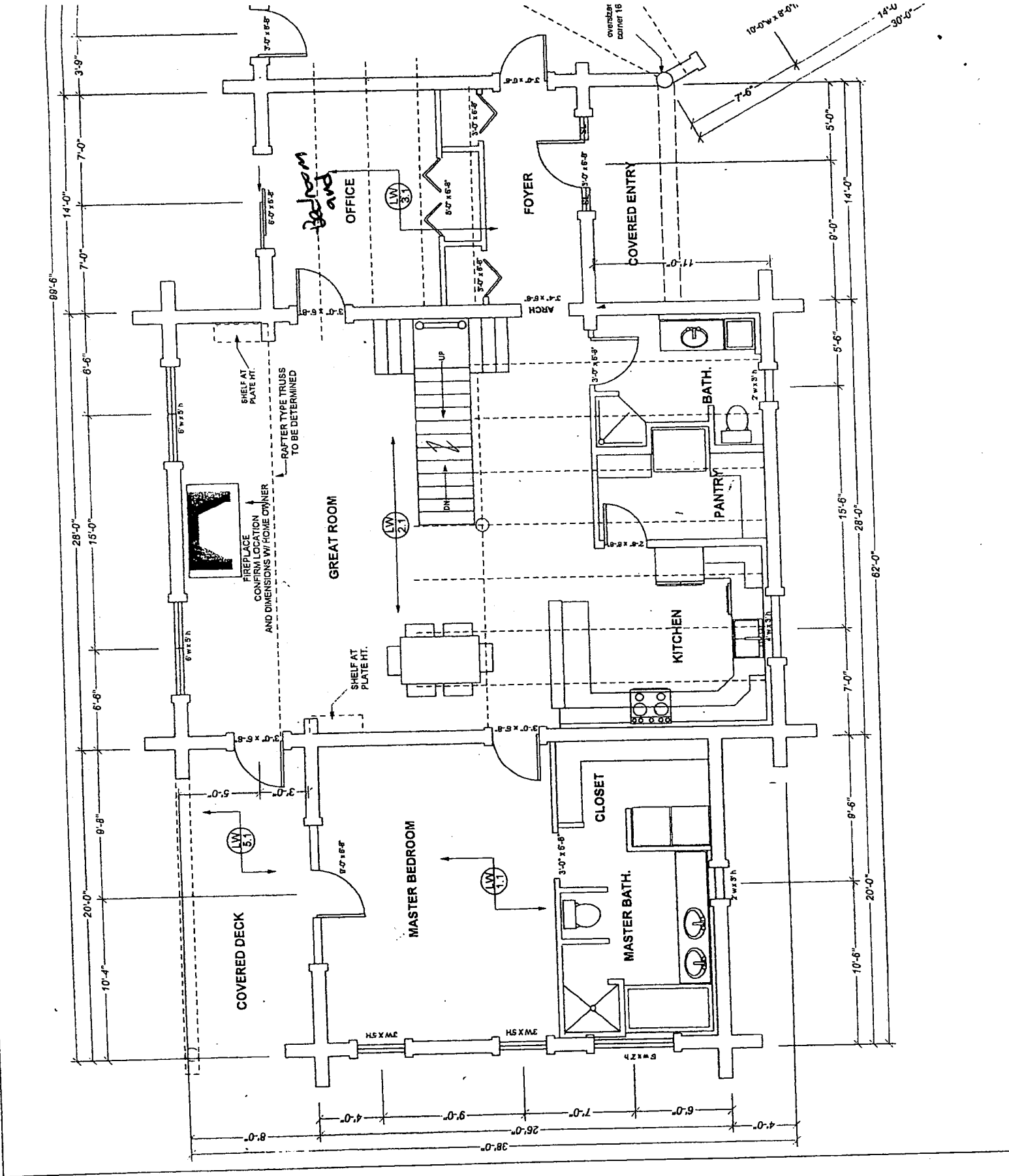
Code	Units	Pct	Ex Fr Sk	Year
801-Total Basement Area (SF)	3,053		Y	
803-Partition Finish Area (SF)	1,668		Y	
804-Basement Garage Finish Area (SF)	1,203 - 115.3		Y	
901-Open Slab Porch (SF)	60 - 5.6		N	
903-Wood Deck (SF)	70 - 7.0		N	
903-Wood Deck (SF)	1,146 - 114.6		N	
904-Slab Porch (SF) with Roof	70		N	
906-Wood Deck (SF) with Roof	112		N	

Main Level Floor Plan

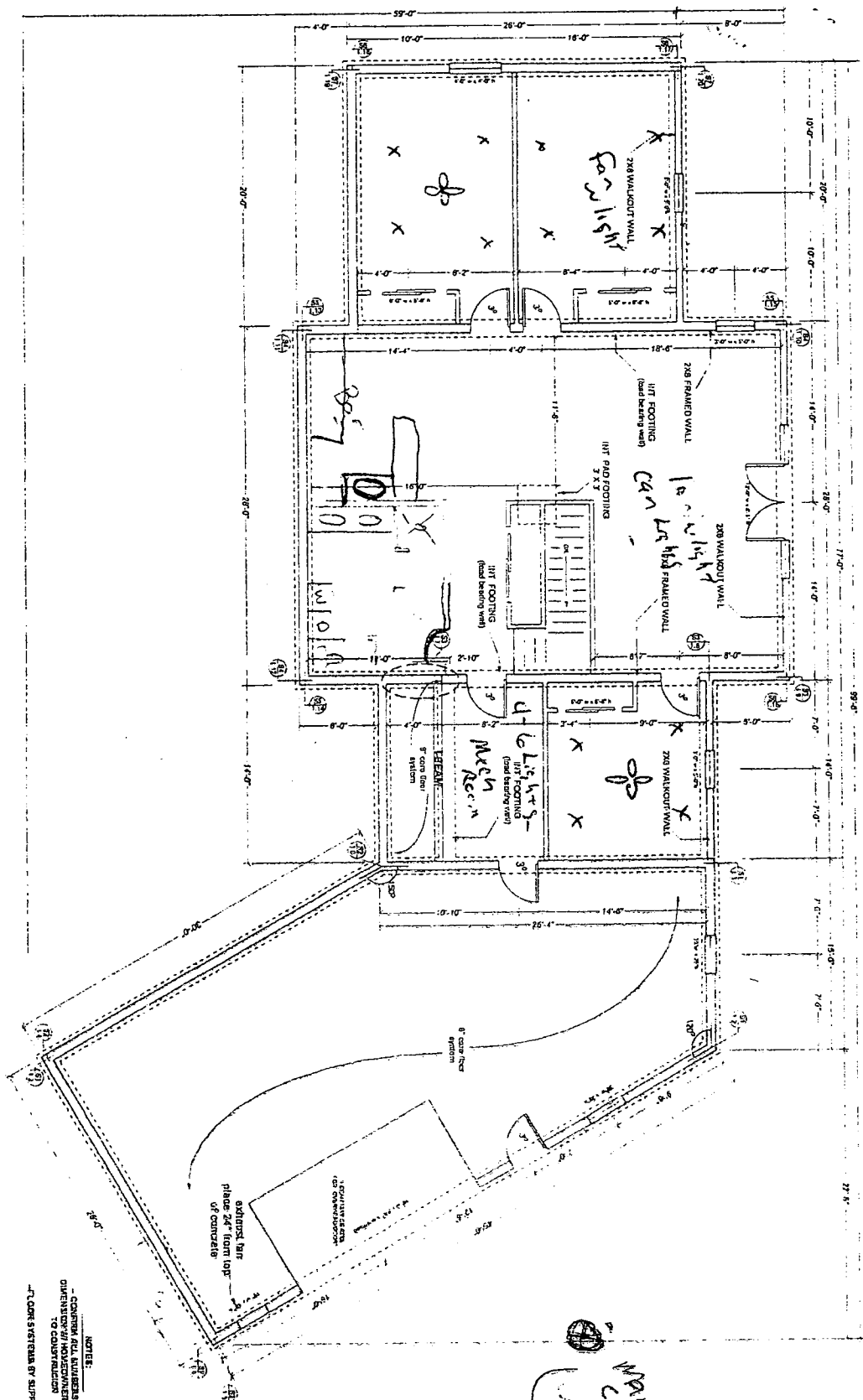
Borrower	Sayler, Terry and Kristy		
Property Address	22553 Smokey Ridge Rd		
City	Rapid City	County	Pennington
Lender	Cortrust Mortgage	State	SD
		Zip Code	57702



MAIN FLOOR  
SHEET NUMBER: AS



Basement level



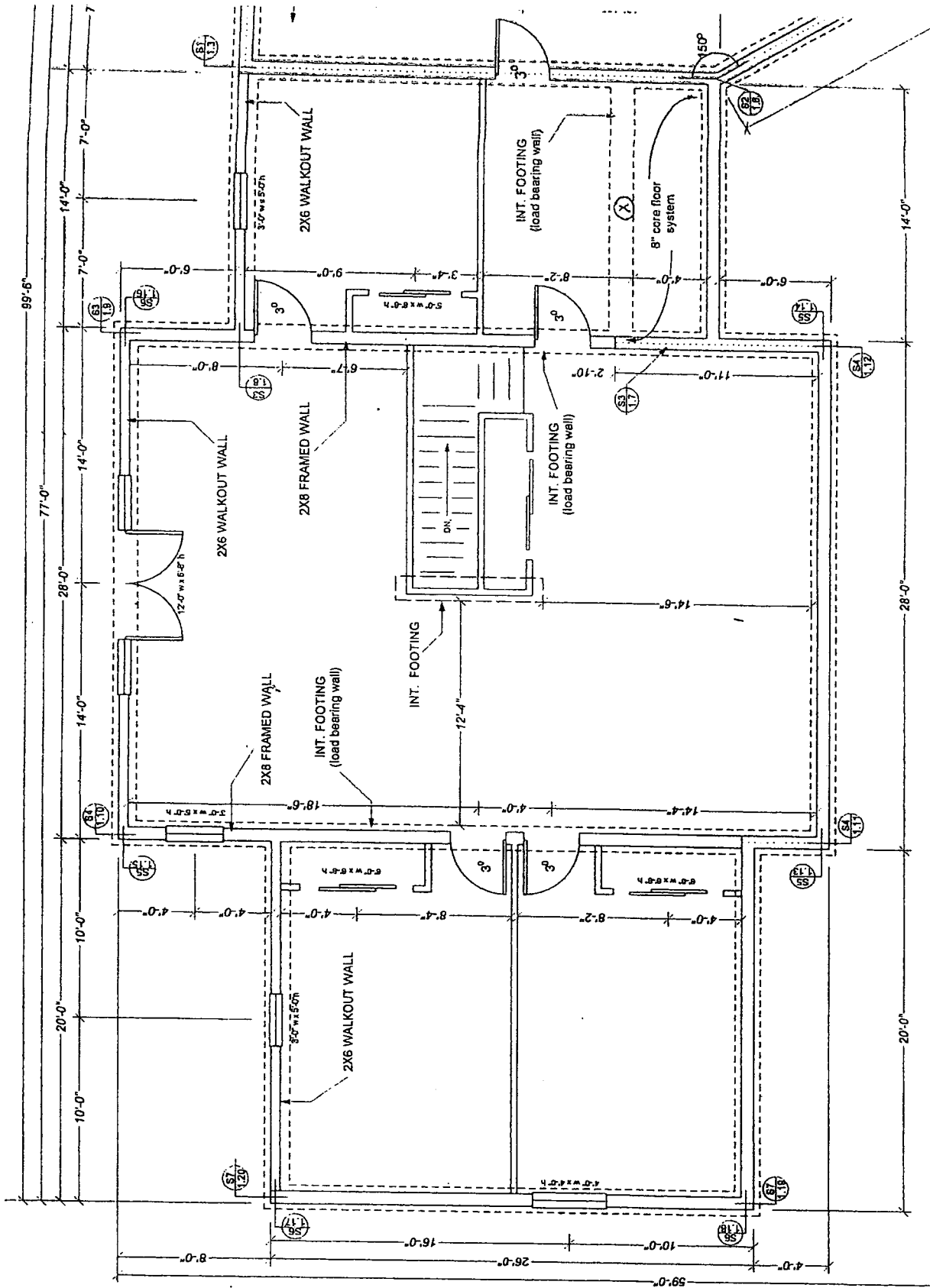
DO NOT USE IF DATED PRIOR TO 2/13/10

NOT FOR CONSTRUCTION

NOTES:  
 - CONFORM WITH ALL CODES AND  
 REGULATIONS AND REFER TO ALL  
 DIMENSIONS TO CONSTRUCTION  
 - L-COR SYSTEMS BY SUPPLIER

*Handwritten:* Marked  
 11/11/11  
 11/11/11

LOGS UNLIMITED P/C 12124 S D HWY 24 WHITEWOOD & D 57753 (855) 283-2994 (888) 153-8903 WWW.LOGSUNLIMITED.BIZ	DATE: 2/13/10 SCALE: 1/8" = 1'-0" PROJECT: SAYLER	COMMENTS ALTHOUGH EVERY ATTEMPT HAS BEEN MADE DURING THE PREPARATION OF THESE PLANS TO AVOID MISTAKE, THE DESIGNER AND/OR LOGS UNLIMITED CANNOT GUARANTEE AGAINST HUMAN ERROR. THE CONTRACTORS AND OWNER MUST CHECK AND VERIFY ALL DIMENSIONS AND OTHER DETAILS AND COORDINATE BETWEEN ALL ASPECTS, AND TRADES DURING THE CONSTRUCTION PROCESS TO ELIMINATE, AND PREVENT CONFLICTS AND PROBLEMS	FOUNDATION/BASEMENT SHEET NUMBER: A 4
--	---	--	--





PENNINGTON COUNTY  
PLANNING DEPARTMENT  
315 ST JOSEPH STREET, SUITE 118  
RAPID CITY, SD 57701  
605-394-2186 • FAX 605-394-6016  
www.co.pennington.sd.us

# On-site Wastewater Treatment System Operating Permit

Operating Permit Number(s) 2011COOP0776

## PROPERTY INFORMATION

Ten Digit Pin	1915301010	Last Name	NMMC INC
PIN	63466	Owner First Name	
Township	2 N	Physical Address	22553 SMOKEY RIDGE RD
Range	6 E	Mailing Address	
Section	15	2511	E HWY 50
Block		YANKTON	SD 57078
Zoning	1		

## ON-SITE WASTEWATER TREATMENT SYSTEM INFORMATION

Construction Permit Number(s) 2010COSD0009  
Pump Frequency 6YRS

	Septic /Holding Tank	Absorption System	
	Tank Material	Tank Size	System Type
	CONCRETE	2500	HOLDING TANK
			System Media
			Actual System Size

	Graywater Tank Material	Graywater Tank Size	(if applicable)
	CONCRETE	2500	

Permit Expires 12/19/2017

Date of Tank Pumping



PENNINGTON COUNTY  
 PLANNING DEPARTMENT  
 130 KANSAS CITY STREET, SUITE 200  
 RAPID CITY, SD 57701  
 605-394-2186 • FAX 605-394-6016  
 www.pennco.org/wastewater



**ON-SITE WASTEWATER TREATMENT SYSTEM OBSERVATION FORM**

Date 07/07/17 Time 11:30am Weather 85°  
 Owner Terry Saylor Phone (605) 661-4344  
 Address 22553 Smokey Ridge Rd City Rapid City Zip 57702

**System Information**

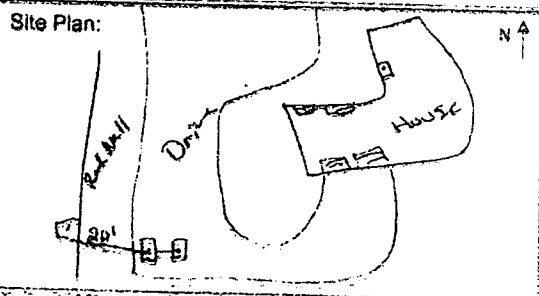
Septic Tank	Size (gallons)	Type of Tank *	Type of Drainfield**	Comments
Black 1	<u>2050</u>	<u>C</u> F P S X O T B M H ET DI O	T B M H ET DI O	
Black 2		C <u>F</u> P S X O T B M H ET DI O	T B M H ET DI O	
Gray	<u>2050</u>	<u>C</u> F P S X O T B M H ET DI O	T B M H ET DI O	

If a steel tank is present, is the tank pitted, flaking or appear to be collapsing? YES NO

\* C=Concrete F=Fiberglass P=Plastic S=Steel X=Cesspool, Seepage Pit, Drywell, or Leaching Pit O=Other  
 \*\* T=Trench B=Bed M=Mound H=Holding Tank ET=Evapotranspiration System DI=Drip Irrigation O=Other

**Performance and Integrity**

Question	Unknown or N/A		Comments & Additional information
	NO	YES	
1. Tank lid(s) secure if above grade		<input checked="" type="checkbox"/>	Depth if below grade _____
2. Tank lid(s) need repaired or replaced	<input checked="" type="checkbox"/>		
3. Both inspection pipes are present	<input checked="" type="checkbox"/>		
4. Backup into structure	<input checked="" type="checkbox"/>		
5. Evidence of surfacing or discharge to surface waters	<input checked="" type="checkbox"/>		
6. Possible tank leak (i.e. cracks, inflow or outflow @ seam)	<input checked="" type="checkbox"/>		
7. Tank overflow	<input checked="" type="checkbox"/>		
8. Water drained back into the tank from the drainfield	<input checked="" type="checkbox"/>		Trickle <u>Steady Flow</u> -addl gal _____
9. Constant stream of water into tank from the structure	<input checked="" type="checkbox"/>		Trickle <u>Steady Flow</u>
10. Baffles: Inlet (Concrete, PVC, Cast Iron)	Circle One		Inlet Outlet Both
Outlet (Concrete, PVC, Cast Iron)	Circle One		
Baffles: missing or in need of repair	Circle One		
11. Pump or siphon?		<input checked="" type="checkbox"/>	In Gray Tank
12. Advanced Treatment Unit (ATU)	<input checked="" type="checkbox"/>		Type: _____
13. Is there a pit privy (Outhouse)	<input checked="" type="checkbox"/>		
14. Downspouts influencing tank or drainfield	<input checked="" type="checkbox"/>		



Observation Completed by: Jesse Mevarden Date 7.7.17  
 Signature: [Signature]  
 Company: HILLS SEPTIC SERVICE  
 Phone: 605-394-2186  
 Comments:

\*\*\*A follow-up letter will be sent by Pennington County outlining the observation results and payment procedures.\*\*\*



September 1, 2011

Larry Nelson  
Nelson Ditching  
PO Box 109  
Nemo, SD 57759

Dear Mr. Nelson:

The South Dakota Department of Environment and Natural Resources is in receipt of your variance requests for the wastewater holding tank systems to be located at 22553 Smoke Ridge Road, Rapid City, South Dakota. The variance requests have been reviewed for compliance with South Dakota's "Individual and Small On-Site Wastewater Systems" regulations.

Your request for a variance to locate a graywater holding tank and a blackwater holding tank less than 6 feet from each other has been reviewed. The Administrative Rules of South Dakota (ARSD) § 74:53:01:24 (3) requires the length of pipe used between tanks that are connected in series to be at least 6 feet in length. Since these two tanks are not connected this rule does not apply, but sufficient room needs to be provided between the tanks to allow for compaction of the backfill material.

Your request for a variance to allow a vehicle to park over the top of the holding tanks is granted based on the fact that the tank's design meet the American Association of Highway and Transportation Officials (AASHTO) HS20 load rating, a maximum of 2 feet of backfill is placed over the tank, and the access ports shall be designed to withstand vehicle traffic.

The lifetime of this system is dependent upon proper construction and regularly scheduled maintenance.

Please feel free to contact this office if you have any questions.

Sincerely,

Kent R. Woodmansey, P.E.  
Natural Resources Engineering Director  
(605) 773-3351

cc: Aaron Olson, Pennington County

TERRY SAYLER  
2511 E HWY 50  
YANKTON, SD  
57078

TERRY SAYLER  
DBA: NMMC, INC.  
EIN# 75-3130319  
LIC#103-5715-ST

PH#605-661-4344

22553 SMOKEY RIDGE RD  
RAPID CITY, SD 57702

SEE ATTACHED COMMENTS

DATE	WASTE MATERIAL	HOW DISPOSED	INVOICE #	BUSINESS	AMT PAID	PAYMENT TYPE	NOTES
① 10/1/2012	GRAY WATER	SPRAYED					
② 10/1/2012	BLACK WATER	HAULED TO YANKTON					
③ 5/10/2013	BLACK WATER	HAULED TO JOHN'S					
8/9/2013	BLACK WATER	HAULED TO YANKTON					
8/9/2013	GRAY WATER	SPRAYED					
④ 7/9/2014	BLACK WATER	TRAILER					
7/9/2014	GRAY WATER	SPRAYED					
8/10/2014	BLACK WATER	TRAILER					
9/11/2015	BLACK WATER	TRAILER					
9/12/2015	GRAY WATER	SPRAYED					
9/29/2016	GRAY WATER	SPRAYED					
11/26/2016	BLACK WATER	TRAILER					
	GRAY WATER						INSPECTED
7/7/2017	BLACK WATER	HAULED BY SERVICE	72963	HILLS SEPTIC SERVICE	\$ 235.13	CC	AND PUMPED
1/19/2018	BLACK WATER	HAULED BY SERVICE	76197	HILLS SEPTIC SERVICE	\$ 224.68	CC	
6/26/2018	BLACK WATER	HAULED BY SERVICE	78052	HILLS SEPTIC SERVICE	\$ 240.35	CC	EPA LIME
8/6/2018	BLACK WATER	HAULED BY SERVICE	78753	HILLS SEPTIC SERVICE	\$ 245.00	CC	EPA LIME

⑧  
FOR OPERATING  
PERMIT

---

# PRO AUTO INC

2511 E HWY 50  
YANKTON, SD 57078  
(605)665-4142 FAX (605)665-6854  
EMAIL: [PROAUTO4142@YAHOO.COM](mailto:PROAUTO4142@YAHOO.COM)

Janelle,

Here is the response to all of your questions.

1. Where was the gray water sprayed? ANS: The gray water was sprayed on the side of the hill and on the open (treeless) area, northeast and east of home site.
2. Why did you haul it all the way to Yankton and where/how did you dispose of it there? ANS: 2A. I used to make many trips to and from Yankton and Rapid City. I hauled cars and other items that I bought and sold in Rapid City and Yankton. When I had the truck and/or trailer empty I hauled the empty tank to Rapid City. I would leave it there until I had an empty truck going back to Yankton. I then hauled what black water was in the tank. I only hauled water to Yankton a couple of times as I quit purchasing cars in Rapid City. ANS: 2B. I sprayed and then incorporated the water into the corn or bean field that I own in Yankton.
3. Who/where is John? ANS: John Leffler is a deceased cousin that lived on 10530 Nemo Road in Rapid City.
4. What does "trailer" mean? ANS: The trailer is the double wide home located at 22551 Smokey Ridge Road in Rapid City.

I hope this answers all your questions and thank you for your time.

Sincerely,

  
Terry Saylor



PENNINGTON COUNTY  
 PLANNING DEPARTMENT  
 315 ST JOSEPH STREET, SUITE 118  
 RAPID CITY, SD 57701  
 605-394-2186 • FAX 605-394-6016  
 www.co.pennington.sd.us

## On-site Wastewater Treatment System Operating Permit

Operating Permit Number(s)    2011COOP0776

### PROPERTY INFORMATION

Ten Digit Pin	1915301010	Last Name	NMMC INC
PIN	63466	Owner First Name	
Township	2 N	Physical Address	22553 SMOKEY RIDGE RD
Range	6 E	Mailing Address	
Section	15		
Block		2511	E HWY 50
Zoning	1	YANKTON	SD 57078

### ON-SITE WASTEWATER TREATMENT SYSTEM INFORMATION

Construction Permit Number(s)    2010COSD0009  
 Pump Frequency    6YRS

Septic /Holding Tank		Absorption System		
Tank Material	Tank Size	System Type	System Media	Actual System Size
CONCRETE	2500	HOLDING TANK		

Graywater Tank Material	Graywater Tank Size	(if applicable)
CONCRETE	2500	

Permit Expires    12/19/2017

Date of Tank Pumping    7/2/11



PENNINGTON COUNTY  
 PLANNING DEPARTMENT  
 130 KANSAS CITY STREET, SUITE 200  
 RAPID CITY, SD 57701  
 605-394-2186 • FAX 605-394-6016  
 www.pennco.org/wastewater

SEPTIC PERMITS  
 ID#

**ON-SITE WASTEWATER TREATMENT SYSTEM OBSERVATION FORM**

Date 07/07/17 Time 11:30am Weather 85°  
 Owner Terry Saylor Phone (605) 661-4344  
 Address 22553 Smokey Ridge Rd City Rapid City Zip 57702

**System Information**

Septic Tank	Size (gallons)	Type of Tank*	Type of Drainfield**	Comments
Black 1	2050	C F P S X O T B M H ET DI O		
Black 2		C F P S X O T B M H ET DI O		
Gray	2050	C F P S X O T B M H ET DI O		

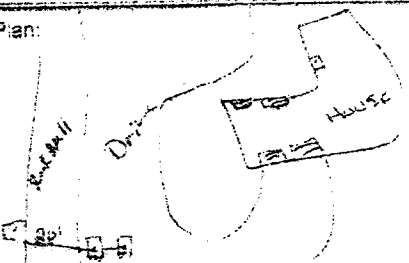
If a steel tank is present, is the tank pitted, flaking or appear to be collapsing? YES NO

\* C=Concrete F=Fiberglass P=Plastic S=Steel X=Cesspool Seepage Pit, Drywell, or Leaching Pit O=Other  
 \*\* T=Trench B=Bed M=Mound H=Holding Tank ET=Evapotranspiration System DI=Drip irrigation O=Other

**Performance and integrity**

	NO	YES	Comments & Additional information
1. Tank lid(s) secure if above grade		X	Depth if below grade _____
2. Tank lid(s) need repaired or replaced	X		
3. Both inspection pipes are present	X		
4. Backup into structure	X		
5. Evidence of surfacing or discharge to surface waters	X		
6. Possible tank leak (i.e. cracks, inflow or outflow @ seam)	X		
7. Tank overflow	X		
8. Water drained back into the tank from the drainfield	X		Throttle Steady Flow - add gal _____
9. Constant stream of water into tank from the structure	X		Throttle Steady Flow _____
10. Baffles: Inlet (Concrete, PVC, Cast Iron)		Circle One	
Outlet (Concrete, PVC, Cast Iron)		Circle One	
Baffles: missing or in need of repair		Circle One	Inlet Outlet Both
11. Pump or siphon?		X	In Gray Tank
12. Advanced Treatment Unit (ATU)	X		
13. Is there a pit privy (Outhouse)	X		
14. Downspouts influencing tank or drainfield	X		

Site Plan:



Observer, Completed by: Jesse Mevarden Date 07.07.17  
 Signature: \_\_\_\_\_  
 Title: \_\_\_\_\_  
 Comments: \_\_\_\_\_

\*\*\*A follow-up letter will be sent by Pennington County outlining the observation results and payment procedures.\*\*\*



72963

4761 Sturgis Road • Rapid City, SD 57702 • 605-348-3293

For tips on caring for your septic system visit our website at [www.hillsseptic.com](http://www.hillsseptic.com)

NAME	Terry Saylor	DATE	7-7-17
ADDRESS	22553 Smokey Ridge Rd	NOTICE WE RECOMMEND SERVICING YOUR SEPTIC TANK EVERY	
CITY			
PHONE	661 4344	<input type="checkbox"/> PAID	<input checked="" type="checkbox"/> CHARGE

OUR SERVICES INCLUDE: Installation & repair of septic systems, site work, earth moving & hauling, basement & foundation excavation, commercial & residential pumping.

PICK UP TIME	DROP OFF TIME	PH	SITE	TECHNICIAN
11:30am		7 12	Kirks	JM

DESCRIPTION	AMOUNT
Dumped Black & Grey tanks	215 00
EPA Lime	10 00
2- 2050 Holding tanks	
2 Manhole Covers on lower level	
Drive in Room to turn around	
pd cc 7/18/17	
	225 00
RECEIVED BY	4.5% AX 10 13
	<b>TOTAL 235 13</b>

PLEASE PAY FROM THIS INVOICE - NO STATEMENT WILL BE SENT

**thank you!**

NET CASH 10 DAYS. A SERVICE CHARGE OF 2% WILL BE ADDED TO PAST DUE BALANCES EVERY MONTH.

HILLS SEPTIC SERVICE GO PRO  
4761 Sturgis Rd.  
Rapid City, SD 57702

# Invoice

Date 1/19/2018  
Invoice # 76197

**PAID**  
05/03/2018

Bill To  
TERRY SAYLER  
2511 E HWY 50  
YANKTON, SD 57073

Ship To  
TERRY SAYLER  
22553 SMOKEY RIDGE RD.  
RAPID CITY, SD 57702

P.O. #  
Terms Net 10

Ship Date 1/19/2018  
Due Date 1/29/2018  
Other

Description	Qty	Rate	Amount
2050 GAL BLK TANK	1	215.00	215.00T
Sales Tax		4.50%	9.68

**HILLS SEPTIC SERVICE GO PRO**  
gerry@hillsseptic.com  
www.hillsseptic.com

605-348-3293  
605-348-6885

Total \$224.68  
Payments/Credits -\$224.68  
Balance Due \$0.00

HILLS SEPTIC SERVICE GO PRO  
4761 Sturgis Rd.  
Rapid City, SD 57702

# Invoice

Date 6/26/2018  
Invoice # 78052

**PAID**  
07/02/2018

Bill To  
TERRY SAYLER  
2511 E HWY 50  
YANKTON, SD 57078

Ship To  
TERRY SAYLER  
22553 SMOKEY RIDGE RD.  
RAPID CITY, SD 57702

P.O. #  
Terms Net 10

Ship Date 6/26/2018  
Due Date 7/6/2018  
Other

Description	Qty	Rate	Amount
PUMPED 2050 GAL HOLDING	1	220.00	220.00T
EPA Lime		10.00	10.00T
Saies Tax		4.50%	10.35

**HILLS SEPTIC SERVICE GO PRO**  
gerry@hillsseptic.com  
www.hillsseptic.com

605-348-3293  
605-348-6885

Total \$240.35  
Payments/Credits -\$240.35  
Balance Due \$0.00



HILLS SEPTIC SERVICE GO PRO  
4761 Sturgis Rd.  
Rapid City, SD 57702

# Invoice

Date 8/6/2018  
Invoice # 78753

**PAID**  
08/29/2018

**Bill To**  
TERRY SAYLER  
2511 E HWY 50  
YANKTON, SD 57078

**Ship To**  
TERRY SAYLER  
22553 SMOKEY RIDGE RD.  
RAPID CITY, SD 57702

P.O. #  
Terms Net 10

Ship Date 8/6/2018  
Due Date 8/16/2018  
Other

Description	Qty	Rate	Amount
Pumped 2050gal Holding		225.00	225.00T
EPA Lime		10.00	10.00T
Sales Tax		4.50%	10.58

**HILLS SEPTIC SERVICE GO PRO**  
gerry@hillsseptic.com  
www.hillsseptic.com

605-348-3293  
605-348-6685

Total \$245.58  
Payments/Credits -\$245.58  
Balance Due \$0.00

# SOUTH DAKOTA DEPARTMENT OF HEALTH

## LODGING LICENSE APPLICATION

PLEASE TYPE OR PRINT IN BLACK OR BLUE INK (SEE BACK FOR INSTRUCTIONS)

<b>SECTION 1: ESTABLISHMENT INFORMATION</b>				
ESTABLISHMENT NAME <u>Smokey Ridge Lodge</u>		LIST PREVIOUS ESTABLISHMENT NAME		OLD LIC. #
CORPORATION/OWNER NAME <u>NMMC Inc.</u>		CORPORATE CONTACT/PHONE <u>Terry Saylor</u>	ESTABLISHMENT PHONE <u>(605) 665-4142</u>	CELL PHONE <u>(605) 665-4344</u>
ESTABLISHMENT PHYSICAL ADDRESS (NO PO BOX #'S) <u>22553 Smokey Ridge Road</u>		CITY <u>Rapid City</u>	STATE <u>SD</u>	ZIP <u>57701</u>
IF RURAL LOCATION, GIVE DIRECTIONS FROM NEAREST CITY <u>7.5 miles from Rapid City on Nemo Road</u>			COUNTY <u>Pennington</u>	
MAILING ADDRESS (IF DIFFERENT THAN PHYSICAL ADDRESS) <u>2511 E Hwy 50</u>		CITY <u>Yankton</u>	STATE <u>SD</u>	ZIP <u>57078</u>
EMAIL ADDRESS				
APPLICATION IS FOR: <input checked="" type="checkbox"/> NEW BUSINESS <input type="checkbox"/> CHANGE OF OWNERSHIP	DATES OPEN - IF SEASONAL From <u>Aug 1</u> To: <u>Dec 31</u>	PROPOSED OPENING DATE <u>ASAP</u>	WATER SUPPLY <input type="checkbox"/> Public <input checked="" type="checkbox"/> Private <input type="checkbox"/> Rural	SEWER SYSTEM <input type="checkbox"/> Public <input checked="" type="checkbox"/> Private

SECTION 2: LODGING LICENSING FEES – Type of Business (Choose One)				
	Number of Units	FULL YEAR FEE: Jan 1 – Dec 31	HALF YEAR FEE: July 1 – Dec 31 <sup>1</sup>	FEE TOTAL Complete all that apply
<b>Bed &amp; Breakfast:</b> (No other fees apply)		<input type="checkbox"/> \$38.00 Registration Fee	<input type="checkbox"/> \$38.00 Registration Fee	[ ]
<b>Vacation Home:</b>	1	<input type="checkbox"/> \$70.00 This includes the inspection fee <sup>2</sup>	<input checked="" type="checkbox"/> \$35.00 This includes the inspection fee <sup>2</sup>	35.00
<b>Specialty Resort:</b> 10 or Less Sleeping Rooms		<input type="checkbox"/> \$70.00 This includes the inspection fee <sup>2</sup>	<input type="checkbox"/> \$35.00 This includes the inspection fee <sup>2</sup>	[ ]
<b>Hotel:</b> 11 or More Sleeping Rooms		<input type="checkbox"/> \$2.25 per unit Plus \$25.00 Inspection Fee <sup>2</sup> (\$70.00 Minimum Total)	<input type="checkbox"/> \$1.12 per unit Plus \$12.50 Inspection Fee <sup>2</sup> (\$35.00 Minimum Total)	[ ]
*See reverse side for example				
<b>Initial License Fee<sup>3</sup>:</b> See reverse side for explanation		<input type="checkbox"/> \$100.00	<input type="checkbox"/> \$100.00	100.00

SECTION 3: WATER RECREATION FEES							
Number of Pools and Hot Tubs	FULL YEAR FEE:			HALF YEAR FEE:			
	None	One	Two or More	None	One	Two or More	
Pools _____ Hot Tubs <u>X</u>	<input type="checkbox"/> \$0	<input checked="" type="checkbox"/> \$40.00	<input type="checkbox"/> \$65.00	<input type="checkbox"/> \$0	<input type="checkbox"/> \$20.00	<input type="checkbox"/> \$32.50	40.00
Is Your Pool Or Hot Tub Associated With Another Licensed Establishment? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>							TOTAL ALL FEES ABOVE THIS IS THE AMOUNT YOU OWE
If Yes, Please Name Other Licensed Facility _____							\$ 175.00

SECTION 4: SIGNATURE	
<i>Being first duly sworn, I, as the owner or the owner's agent with legal authority to bind the owner, verify that the information contained in this application is true and complete, and I consent to allow inspections of the food service, lodging, or campground establishment by authorized inspectors during normal business hours upon the presentation of identification.</i>	
Owner/Agent Signature <u>[Signature]</u>	Date: <u>7/25/18</u>
Subscribed and sworn to before me this _____ day of _____, 20____.	
Notary Public <u>Carmen Steffen</u>	My commission expires: <u>1-13-22</u>

# INSTRUCTIONS

A. No license will be issued until an on-site inspection is conducted and the lodging establishment is found to be in compliance. Note for **Hotel and Specialty Resort** applicants': Construction plans and plan review questionnaire(s) are required for new establishments or changes to existing establishments 30 days prior to initiating construction. The plans must be submitted to:

SD Dept. of Health, Office of Health Protection, 600 E Capitol Ave, Pierre, SD 57501-1700.

B. Fill out the application completely. An incomplete application cannot be processed. It will be returned to the sender, and may result in the denial of a license.

- **Section 1: Establishment information** – Please enter the establishment name, previous establishment name (if applicable), the previous license number (if applicable) along with all ownership information, physical address, directions to the establishment, mailing address, and email address in the top section of the application. Please indicate whether the application is for a new business or a change of ownership. If the establishment is only open seasonally, please enter the dates open for business along with the initial proposed opening date. Also indicate the type of water and sewer system used by the establishment.

- **Section 2: Lodging Licensing Fees** – Choose the proper lodging type that you're applying for and select the appropriate full year or half year fee based on the lodging type. If unsure, please call 605-773-4945 for assistance.

<sup>1</sup>Half-year license fees apply only to establishments with an initial opening date occurring after July 1<sup>st</sup> and before December 31<sup>st</sup>. Enter appropriate fee amount in the fee total column.

<sup>2</sup>Please note the amounts listed include the mandatory inspection fees.

<sup>3</sup>The initial license fee will always apply unless this application is for a **Bed and Breakfast** or a **CHANGE OF OWNERSHIP** of an establishment that has operated within the last 12 months and no renovations have taken place or are planned in the immediate future.

\*Hotel example: 

28 sleeping rooms(units)
--------------------------

 X \$2.25 = 

\$63.00
---------

 + \$25.00 = 

\$88.00 total
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- **Section 3: Water Recreation Fees** – This section pertains to the number of pools or hot tubs the lodging establishment provides. Please enter the number of pools and hot tubs, select the appropriate full year or half year fee and enter the amount in the fee total column. **Half-year fees apply only to establishments with an initial opening date occurring after July 1<sup>st</sup> and before December 31<sup>st</sup>.** If your pool or hot tub is utilized by another licensed establishment, please check yes and indicate the name of the establishment. Add up all fees in the fee total column and enter the total in the amount you owe box.

- **Section 4: Signature** - The owner's signature must be notarized by a duly appointed notary public.

C. Submit the completed license application and the required license fee (checks payable to SD Department of Health, starter checks will not be accepted) to:

SD Department of Health  
Office of Health Protection  
600 East Capitol Ave  
Pierre, SD 57501-1700

The South Dakota Department of Health will issue or renew a license only after payment of the required fee, ascertainment that the facts set forth are true and complete, and satisfactory evidence of the applicant's ability to comply with the provision of SDCL Chapter 34-18 and the rules promulgated thereunder.

IF YOU HAVE ANY QUESTIONS, CONTACT THE DEPARTMENT OF HEALTH AT (605)773-4945

**LICENSE EXPIRES DECEMBER 31<sup>st</sup> OF EACH YEAR**

NMMC, INC.  
SMOKEY RIDGE LODGE  
2511 E HIGHWAY 50  
YANKTON, SD 57078-6416

July 27, 2018

Dear NMMC, INC.


Below is your current South Dakota tax license. It is non-transferable and shall be valid only for the person or entity named on the license. The license is for the transaction of business at the place designated on the license. The license is to be conspicuously displayed at the place of business.

Please review your information and contact our department if there are any changes in ownership, names, or addresses. If you have a Streamlined sales tax license any changes must be made through the Streamlined Registration System at [www.streamlinedsalestax.org](http://www.streamlinedsalestax.org).

For more information, visit our website at <http://dor.sd.gov>, call the Department of Revenue at 1-800-829-9188 weekdays from 8:00 am to 5:00 pm Central Time or e-mail us at [bustax@state.sd.us](mailto:bustax@state.sd.us). Thank you.

If you are a sole proprietor or general partnership and your last name is not contained in the name of your business you need to file your business name and ownership information with the South Dakota Secretary of State. You can do this online at: [www.sdsos.gov](http://www.sdsos.gov). Or you can file a paper form with the Register of Deeds in each county where your business is located. For more information about this registration contact the Secretary of State at (605) 773-3537.


**Website:** <http://dor.sd.gov>  
**SD EPath:** <http://dor.sd.gov/EPath>



Having made proper application therefore, and upon compliance with all applicable laws and regulations of the state of South Dakota, this license is hereby issued to the below named. This license remains the property of the state of South Dakota and while in possession of the person to whom issued, entitles the licensee to transact whatever business or activity is specified on this license, until this license expires or is cancelled.

<http://dor.sd.gov>

<p>ISSUE DATE: 07/27/2018</p> <p>EXPIRATION DATE:</p> <p>LICENSE NUMBER: 1033-5715-ST</p> <p>LICENSE TYPE: Sales Tax</p> <p>ISSUED TO:</p> <p style="margin-left: 20px;">NMMC, INC. 22553 SMOKEY RIDGE RD RAPID CITY, SD 57702-6140</p>	<p>SMOKEY RIDGE LODGE 2511 E HIGHWAY 50 YANKTON, SD 57078-6416</p>
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 Andy Gerlach  
 Secretary of Revenue

NON-TRANSFERABLE

# NOTIFICATION

- A. Local contact: Cody Peterka  
1701 Jodey Street  
Sturgis, SD 57785  
(p) 605-760-3377
- B. Maximum number of occupants 14
- C. Maximum number of day guests 10
- D. There are 7 on-site parking spaces (garage and concrete parking areas)
- E. Open fires are permitted only in the provided fire pit and grill – no other open fires are permitted.
- F. No pets allowed
- G. Quiet hours – 10:00 pm to 7:00 am
- H. Trash pick-up on Wednesdays – use provided containers
- I. Renters and occupants are responsible for any created disturbances or for violating any provisions of the Pennington County Zoning Ordinance.
- J. Failure to conform to these parking and occupancy regulations is a violation of County Ordinance.
- K. Guests are expected to be courteous to all neighbors and respect property boundaries.
- L. **For emergencies (ambulance, sheriff or fire) call 911**
- M. This property address is 22553 Smokey Ridge Road, Rapid City, SD 57702

## **Bolstad Cassie**

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**From:** Bolstad Cassie  
**Sent:** Tuesday, February 19, 2019 2:43 PM  
**To:** 'proauto4142@yahoo.com'  
**Cc:** 'janelle@fisklandsurveying.com'  
**Subject:** Smokey Ridge Road VHR  
**Attachments:** CU19-01 Terry Saylor VHR in LDR.pdf

**Importance:** High

Good afternoon, Terry –

I have been working on the Staff Report for your Conditional Use Permit request to allow a Vacation Home Rental at 22553 Smokey Ridge Road. Your request was scheduled for the February 25, 2019, Planning Commission meeting; however, research of the property and analysis of the documents that were submitted have identified the following issues that need to be resolved:

1. The Building Permit that was approved for the existing single-family residence indicates the house to be a three (3) bedroom with a partial unfinished basement. In submittal documents, you state that the house is a five (5) bedroom.
  - a. It appears the basement may have been fully finished without an approved Building Permit. If the basement is completely finished, you will need to obtain a Building Permit for that with all applicable fees paid.
2. The basement floor plan included in the submittal documents is unclear and does not have the rooms labeled. An updated floor plan of the basement, with all rooms labeled, is required.
3. Approval from the South Dakota Department of Environment and Natural Resources (SD DENR) has not been obtained for the Vacation Home Rental.
  - a. You must obtain this approval from SD DENR, as they will determine the maximum overnight occupancy based on the septic system and its sizing.
4. The white slips to verify the Notice of Hearing letters were mailed have not been returned to our office.

In addition, based on comments received from the County Onsite Wastewater Specialist and County Environmental Planning Supervisor, the following items must also be addressed:

1. The holding tank capacity must be increased, if you wish to have 14 occupants in the VHR and SD DENR must approve 14 occupants.
2. Per the County Environmental Planning Supervisor – in order to obtain a current Operating Permit, you must provide at least two (2) years of pump receipts from July 7, 2017, which is the first date of record that the holding tanks were pumped by a Pennington County Certified Pumper. If those requirements are met, you will be eligible to obtain an Operating Permit in July 2019.
  - a. A current Operating Permit is required prior to potential approval of the Conditional Use Permit.
3. You must provide a pumping contract with a Pennington County Certified Pumper and comply with § 204(J)(2) of the Zoning Ordinance with regard to providing pump receipts.
4. You must provide a plan outlining the procedure for how to deal with an alarm that indicates a full tank. This plan must be provided to all future guests, if your Conditional Use request is approved and the VHR is allowed to operate.

I have attached a copy of the Staff Report. A hard copy will also be mailed to you later this week. I have also copied Janelle from Fisk Land Surveying on this email, as I understand she's been working with you on the Conditional Use Permit.

Until all of the above-mentioned issues have been addressed and resolved, your Conditional Use request cannot move forward to the Planning Commission. Staff is recommending that your request be continued to the July 22, 2019, Planning Commission meeting.

Thank you,

**Cassie Bolstad**, MBA, CFM

**Assistant Planning Director**

Phone: (605) 394-2186, Ext. 1402

Email: [cassie.bolstad@pennco.org](mailto:cassie.bolstad@pennco.org)

Mailing Address: P.O. Box 6160, Rapid City, SD 57709

Physical Address: 130 Kansas City Street, Suite 200, Rapid City, SD 57701



The draft version is NOW available for  
Public Viewing at: [www.viewto2040.com](http://www.viewto2040.com)

**Bolstad Cassie**

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**From:** Microsoft Outlook  
**To:** proauto4142@yahoo.com  
**Sent:** Tuesday, February 19, 2019 2:42 PM  
**Subject:** Relayed: Smokey Ridge Road VHR

**Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:**

[proauto4142@yahoo.com](mailto:proauto4142@yahoo.com) ([proauto4142@yahoo.com](mailto:proauto4142@yahoo.com))

Subject: Smokey Ridge Road VHR



## **Bolstad Cassie**

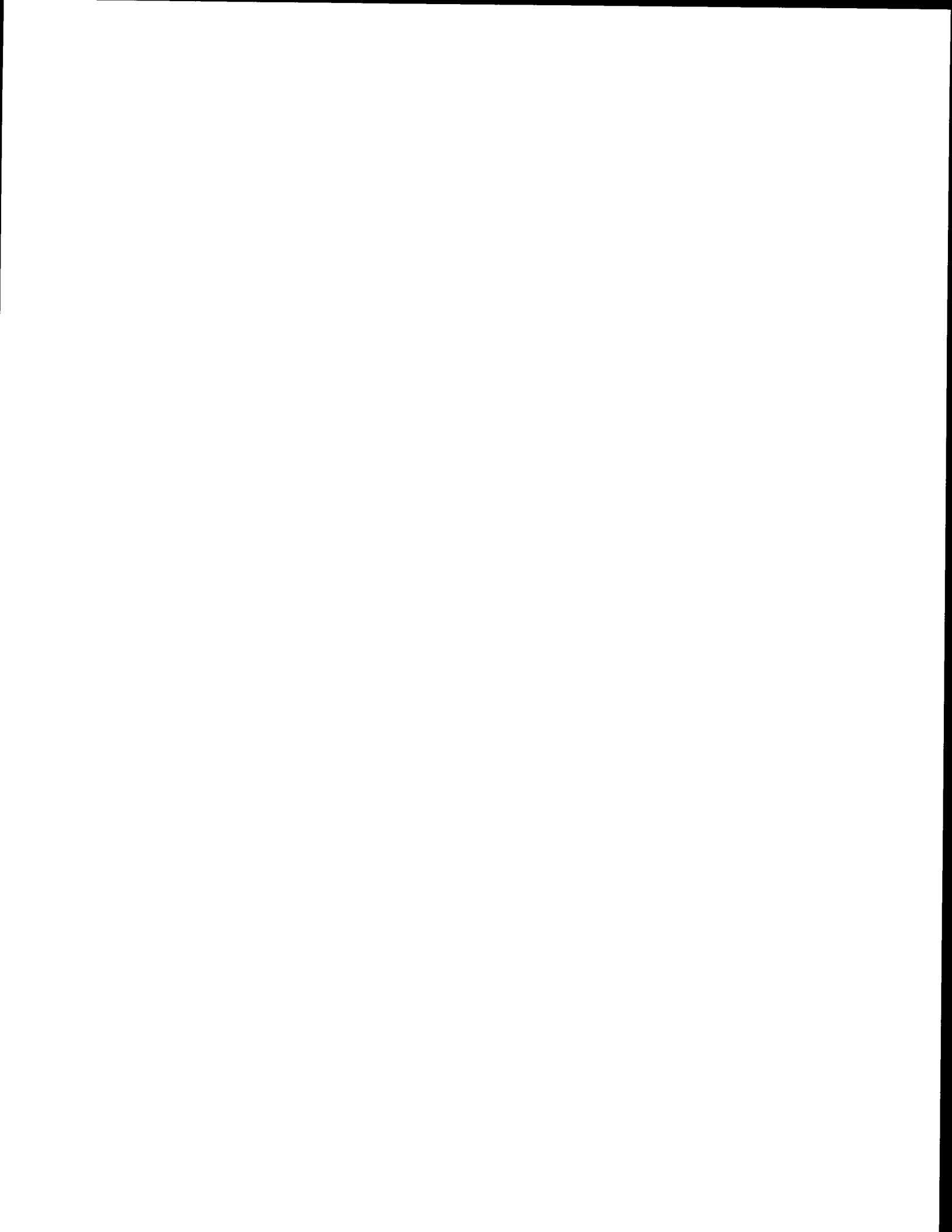
---

**From:** todd fossen <toddfossen@msn.com>  
**Sent:** Wednesday, February 20, 2019 12:47 PM  
**To:** Bolstad Cassie  
**Subject:** Sayler Conditional use permit concern

CAUTION: This email is from an outside source. Use caution before opening attachments, clicking links or providing confidential information.

Good afternoon Cassie this is David Todd Fossen and I own and live at 22559 Smokey Ridge Rd Rapid City. I am writing you concerning the conditional use permit for 22553 Smokey Ridge Rd Terry Saylers place. I have concerns with this place being a vacation rental this residence has been on air b&b for quite sometime. I know this because several of the people that have showed up in my driveway which is posted and quite private and steep gravel have said that's where they rented from this happens a lot at all hours mostly late at night because they are lost and can't find Terry's Place my biggest concern was on July 4th 2017 there was a huge group and they were lighting big fireworks including many airborne mortar type I tried to yell up there but they obviously didn't care fireworks are illegal in the black hills also I believe that same year during rally time somebody on that property was shooting a ar 15 at dark with tracer bullets across the top of my land and down into box elder canyon below our house there's now way they could see where they were shooting. I have also found tracks across my land of people walking down to the forest service land below all my land is posted I am not in favor of this permit as my privacy and safety are being affected by people renting the sailer home please respond and let me know you got this email thank you David Todd Fossen

Sent from my iPhone



## STAFF REPORT

### GENERAL INFORMATION:

REQUEST: **CONSTRUCTION PERMIT / CP 19-02:** To construct a graveled access road to and onto the subject property, to include minimal tree removal, grading, gravel, seeding, and culverts.

APPLICANT/CONTRACTOR: Site Work Specialists

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

LANDOWNER: Tim and Laurel Danley

OWNER ADDRESS: 5027 Carriage Hills Drive, Rapid City, SD 57702

LEGAL DESCRIPTION: NE1/4NE1/4, Section 7, T1N, R7E, BHM, Pennington County, South Dakota.

SITE LOCATION: West of Rapid City located off of National Guard Road.

SIZE: 40 acres

TAX ID: 10911

EXISTING LAND USE: Vacant

ZONING REFERENCE: Section 507

CURRENT ZONING: Suburban Residential District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Forested / Hills

UTILITIES: None

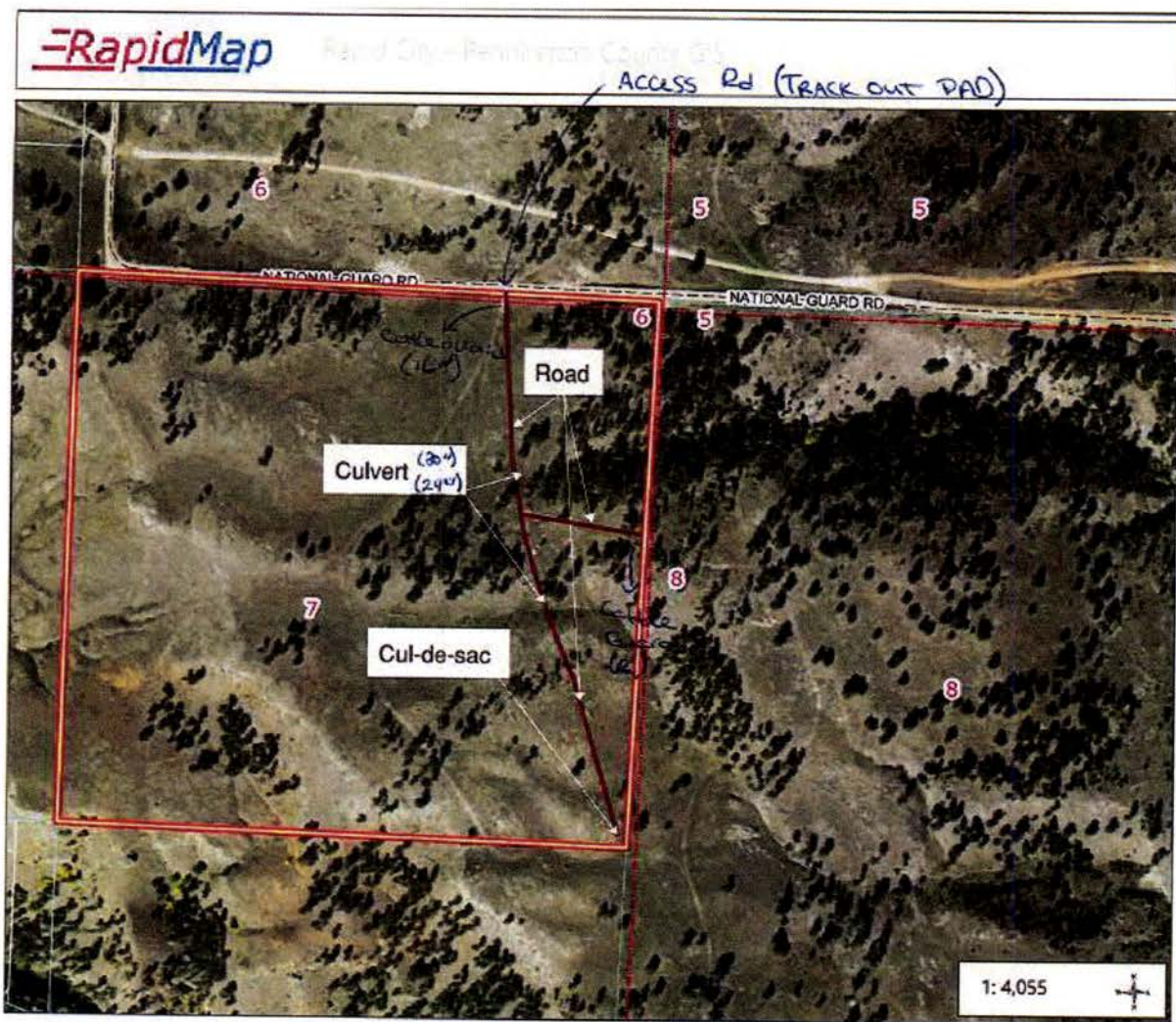
REPORT BY: Cody Sack

**I. PROPOSED RECOMMENDATION**

- A. Staff will be recommending approval of Construction Permit / CP 19-02 with fourteen (14) conditions.

**II. GENERAL DESCRIPTION**

- A. The applicant, Site Works Specialists, applied for a Construction Permit to construct a graveled access road to and onto the subject property, to include minimal tree removal, grading, gravel, seeding, and culverts.
  - 1. A Stop Work Order was issued on February 1, 2019.



Site Plan

**III. EXISTING CONDITIONS**

- A. Zoned General Agricultural District.
- B. 40 acres.
- C. Vacant.
- D. No Special Flood Hazard Area.
- E. Violation for disturbing over 10,000 square feet with at Construction Permit (COVO19-0012).
  - 1. A Stop Work Order issued.

**IV. REQUEST FOR COMMENT**

- A. County Highway.
  - 1. No comments received.
- B. County Fire Administrator.
  - 1. No comments received.
- C. County Environmental Supervisor.
  - 1. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual shall be followed during construction.
  - 2. The Storm Water Quality Manual requires that an owner must inspect the site at least once every 7 days. Inspection reports must be submitted to the Planning Director every month 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. There is no Special Flood Hazard Area on the subject property.
  - 5. The site shall be re-vegetated as required in Section 507-A(5)(c).
- D. County Environmental Planner.
  - 1. The site needs to be contained and erosion control measures need to be implemented immediately.
  - 2. When construction is done, the site will need to be stabilized and revegetated.
  - 3. Final Stabilization occurs when 70% of the disturbed areas has been vegetated.
- E. County Ordinance Enforcement.
  - 1. Ordinance Enforcement has no objection, as this will correct an open violation (COVO19-0012).
- F. County Natural Resource Director.
  - 1. Recommend any seed mix that is used in seeding be certified weed free.

- G. Emergency Services (911).
  - 1. No comments received.
- H. Rapid City Public Works.
  - 1. No comments received.
- I. Rapid City Engineering (3-mile Platting)
  - 1. No comments received.

**V. ANALYSIS**

- A. January 31, 2019 – Staff received a complaint about possible construction activity at the subject property.
- B. February 1, 2019 the following events happened:
  - 1. Ordinance Enforcement performed a site visit and found:
    - a. Construction of a road had commenced without an approved Construction Permit.
  - 2. Staff contacted the applicant who stated that they would come in and apply for a Construction Permit.
  - 3. The applicant applied for a Construction Permit to build an access road on the subject property.
  - 4. Staff issued a Stop Work Order to the applicants at the time they applied for the Construction Permit.



*Site Visit (2/1/19)*



*Site Visit (2/1/19)*

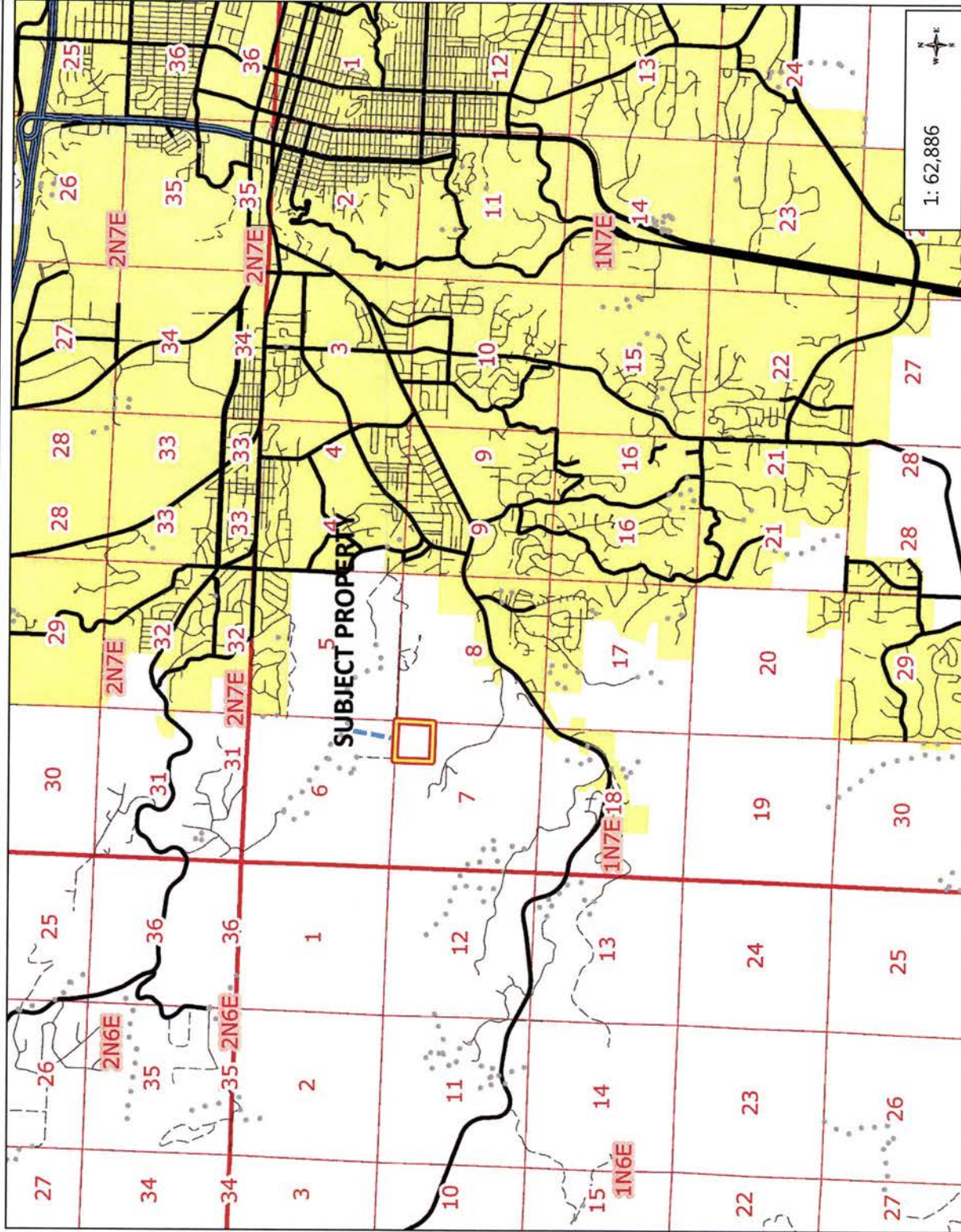
- C. Through review of the application, Staff found that the owner listed on the application was not the Owner of Record.
- D. February 11, 2019 – The applicants resubmitted the Construction Permit application to reflect the current Owner of Record.
- E. February 11, 2019 – Staff conducted a site visit and found:
  - 1. Construction activity appeared to have stopped.
- F. The applicants have indicated that construction will be completed by March 25, 2019, and that disturbed areas will be reseeded and covered with straw.

**RECOMMENDATION:** Staff recommends approval of Construction Permit / CP 19-02 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 (PCZO);
- 2. That all erosion control measures submitted with the Construction Permit application be implemented prior to the Stop Work Order being lifted;
- 3. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;
- 4. 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;
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 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;
  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) of the PCZO;
  11. 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;
  12. 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;
  13. That the applicant and the landowner sign a Statement of Understanding within ten (10) business days of approval of Construction Permit / CP 19-02, which is available at the Planning Office; and,
  14. That this Construction Permit be reviewed at the April 8, 2019, Planning Commission meeting, 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.





1: 62,886



10,480.9 5,240.46 10,480.9 Feet



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

THIS MAP IS NOT TO BE USED FOR NAVIGATION

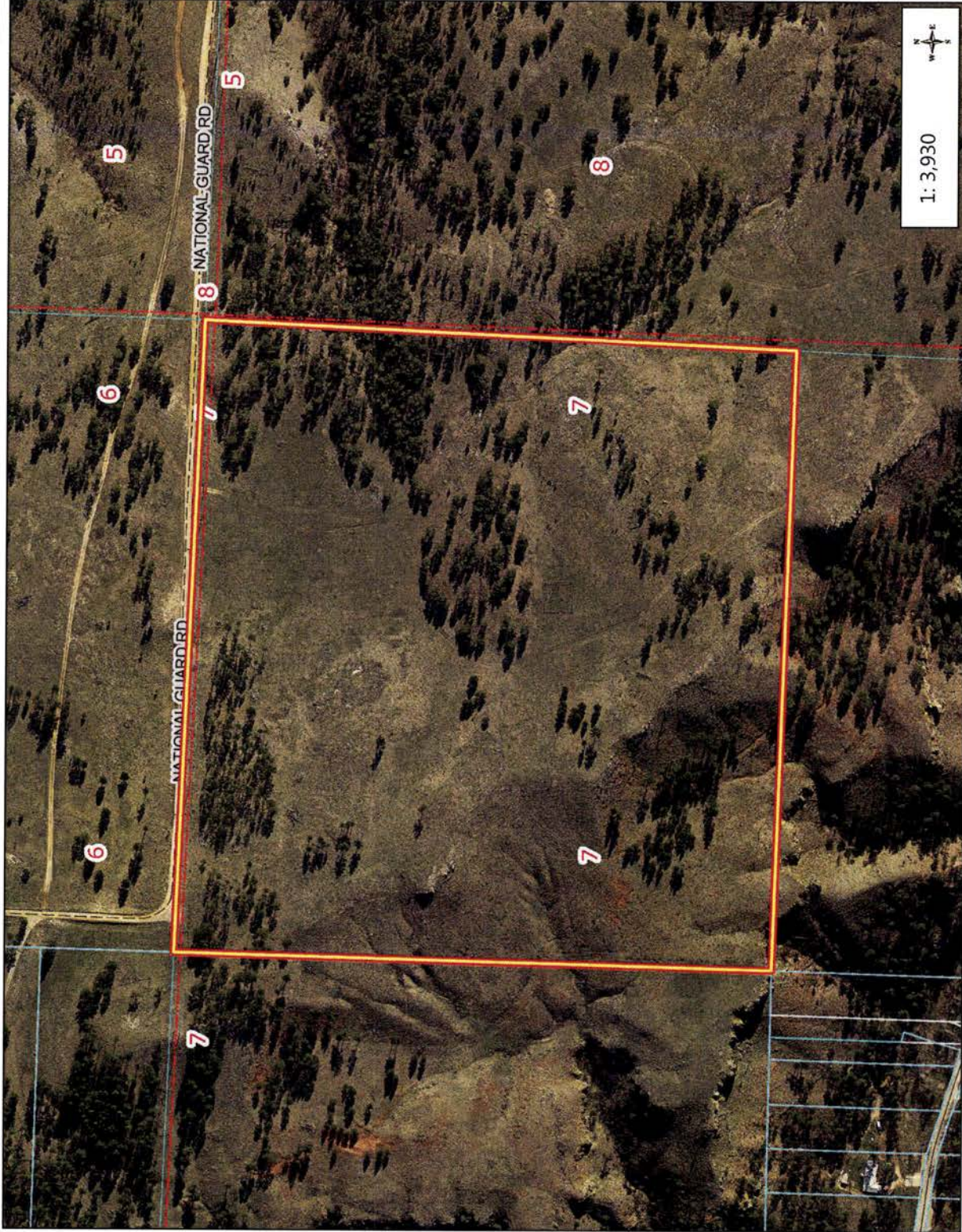
NAD\_1983\_2011\_StatePlane\_South\_Dakota\_South\_FIPS\_4002\_Ft\_US

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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
- PLSS**
- 1N7E
  - 2N7E
  - 1N6E
  - 2N6E
- Townships**
- City Limits**
- BOX ELDER
  - ELLSWORTH AFB
  - HILL CITY
  - KEYSTONE
  - NEW UNDERWOOD
  - QUINN
  - RAPID CITY
  - WALL
  - WASTA

## Map Notes:



1: 3,930

655.1 0 327.53 655.1 Feet

NAD\_1983\_2011\_StatePlane\_South\_Dakota\_South\_FIPS\_4002\_FL\_US  
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  - Trail
  - Driveway
  - Alley
  - Unimproved road
  - Airport Runway
  - Not yet coded
- Section Lines 0-25k**
- 0
  - 7
- Tax Parcels**
- Lot Lines**
- <Null>
  - Lot Line
  - Parcel Line

**Map Notes:**

ACCESS Rd (TRACK OUT PAD)



1: 4,055



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**Legend**

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  - Collector
  - Ramp
  - Paved road
  - Unpaved road
  - Unimproved road
  - Trail
  - Airport Runway
  - Not yet coded

Section Lines 0-25k

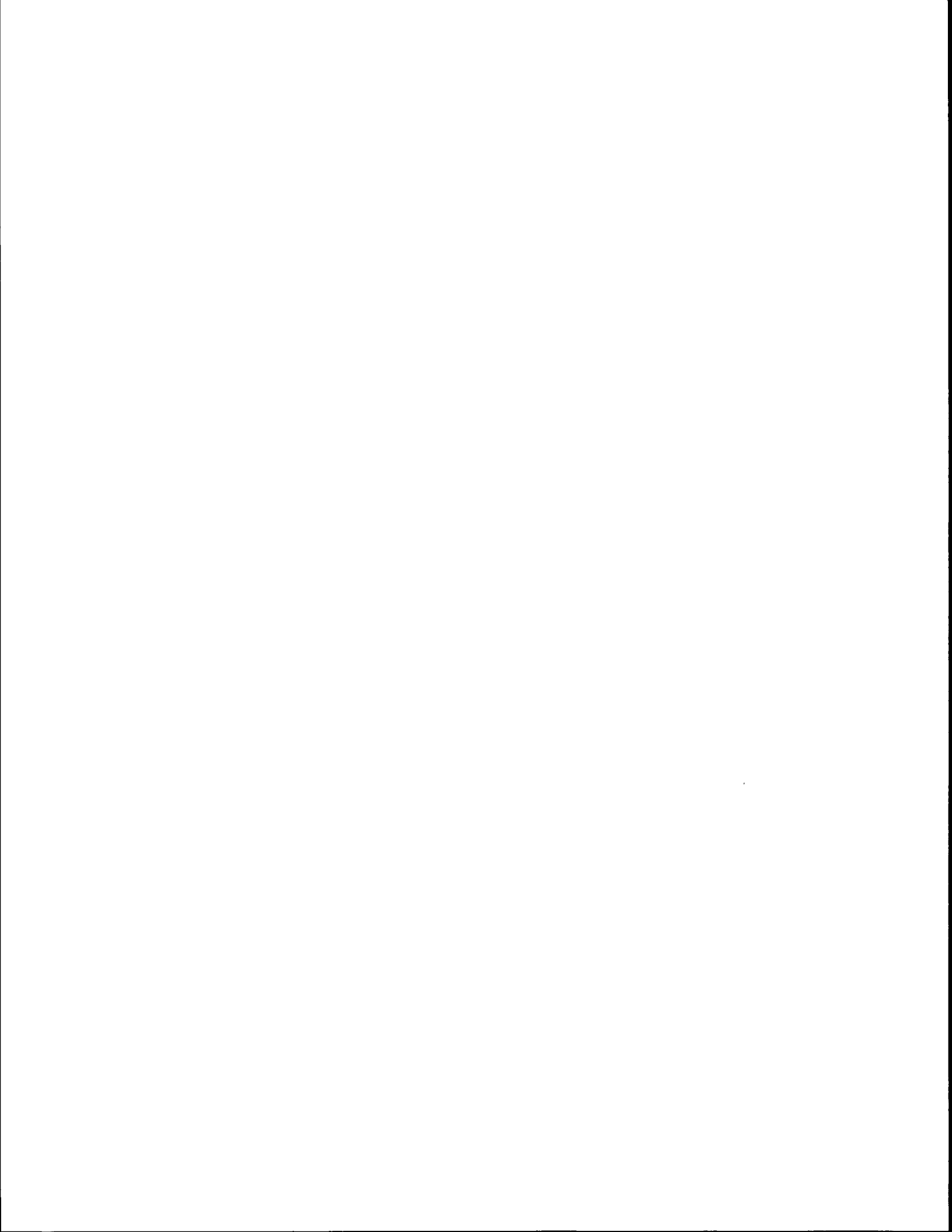
- 0
- 7

Tax Parcels

Lot Lines

- <Null>
- Lot Line
- Parcel Line

Map Notes:



## STAFF REPORT

### GENERAL INFORMATION:

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

**APPLICANT:** Kelly Development / Ryan Kelly

**APPLICANT ADDRESS:** 3618 Canyon Lake Drive, Ste. 113  
Rapid City, SD 57702

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

**SITE LOCATION:** Sawmill Road; at the end of the intersection of Sawmill Road and Sheridan Lake Road.

**SIZE:** 11.15 acres

**TAX ID:** 68480, 68481, 68482, 68483

**EXISTING LAND USE:** Vacant / Pole Barn / Residential

**ZONING REFERENCE:** Section 213

**CURRENT ZONING:** Planned Unit Development District

**SURROUNDING ZONING:**

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

**PHYSICAL CHARACTERISTICS:** Flat

**REPORT BY:** Cody Sack

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

**II. GENERAL DESCRIPTION**

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

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

- Pennington County Highway Department for their review and approval;
15. That any portion of the subject property lying within the Rapid City platting jurisdiction be platted through both Pennington County and the City of Rapid City;
  16. That due to the possibility of poor soil conditions and negative environmental impacts, no On-Site Wastewater Permits be issued for any lot(s) prior to the Pennington County Environmental Planner approving the type and location of such system. This may include the use of Aqua Safe septic tanks. The Pennington County Environmental Planner may, at his or her discretion, require a registered professional engineer to sign off on the percolation tests and septic system design;
  17. That prior to applying for a Layout Plat of the subject property, the applicant signs and complies with the Noxious Weed Management Plan;
  18. That the Planned Unit Development be allowed a maximum of three (3) well lots;
  19. That at the time of submittal for a Layout Plat, the applicant has a proper Block number implemented into the Title Heading;
  20. That this Planned Unit Development be reviewed in one (1) year or upon a complaint basis;
  21. That prior to any structure being located on the property lying directly adjacent to Sheridan Lake Road (originally proposed as Lot 1), the Highway Department verifies that sight distance is adequate; and,
  22. That no private wells will be drilled on any individual lots.
- B. August 15, 2017- The Board of Commissioners originally approved Planned Unit Development / PU 17-04 with the following twenty-one (21) conditions:
1. That the Planned Unit Development consists of no more than four (4) residential lots;
  2. That the minimum size of the residential lots be two (2) acres;
  3. That proposed Lots 3 – 6 of Block 4 of Sheridan Lake Highlands Subdivision have areas for a single-family residence, accessory structures, and two (2) drainfields sites;
  4. That a minimum of two (2) off-street parking spaces be provided for each residential lot. All off-street parking spaces on the site shall measure at least nine (9) feet by eighteen (18) feet, be surfaced with gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;
  5. That no off-premise signs be allowed within the Planned Unit Development;
  6. That the Planning Director may allow additional development or construction which is consistent with the existing development on this property. Significant changes in the use or impacts on adjacent land

- uses as determined by the Planning Director shall require an amendment to this Planned Unit Development;
7. That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
  8. That no lot is permitted to take access off of Sheridan Lake Road;
  9. That the required minimum setbacks for all structures be a minimum of 25-feet from all property lines;
  10. That each unit has an individual address that must be posted in accordance with Pennington County Ordinance Amendment #20;
  11. That subject lots within this PUD remain part of the Sheridan Lake Highlands Road District;
  12. That proposed Lots 3 – 6 of Block 4 of Sheridan Lake Highlands, become part of the Homeowners Association created for Sheridan Lake Highlands, within six (6) months of their creation and that Lots 3 - 6 remain part of the Homeowner's Association;
  13. That any plat of the subject property show the continuation of Rockwood Road adjoining Sawmill Road and that this area of land be dedicated as an access easement with a width of 66-feet;
  14. That prior to applying for any future plats within this Planned Unit Development, the applicant submits to the Sheridan Lake Highlands Road District and Pennington County Planning Department revised road and drainage plans. Pennington County Planning Staff will forward the plans to the Pennington County Highway Department for their review;
  15. That the applicant signs and complies with the Pennington County Noxious Weed Management Plan for proposed Lots 3 – 6 of Block 4 of Sheridan Lake Highlands Subdivision;
  16. That any portion of proposed Lots 3 – 6 of Block 4 of Sheridan Lake Highlands Subdivision lying within the Rapid City platting jurisdiction be platted through both Pennington County and the City of Rapid City;
  17. That due to the possibility of poor soil conditions and negative environmental impacts, no On-Site Wastewater Permits be issued for proposed Lots 3 – 6 of Block 4 of Sheridan Lake Highlands prior to the Pennington County Environmental Planner approving the type and location of such system. This may include the use of Aqua Safe septic tanks. The Pennington County Environmental Planning Supervisor may, at his or her discretion, require a Registered Professional Engineer to approve of and sign off the percolation tests and septic system design;
  18. That the existing 60-foot x 126-foot structure (built in 1987) be allowed on proposed Lot 3 of Block 4 of Sheridan Lake Highlands Subdivision, that no items be left outside of the structure that would



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

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

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

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

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

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

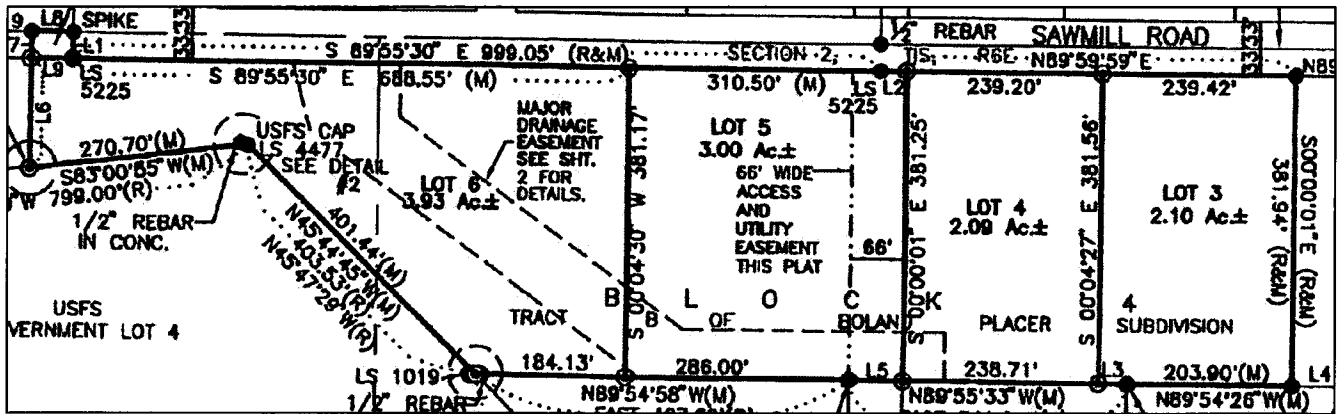
iii. This will be addressed as a Condition of Approval.

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

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

- F. April 4, 2017 – The Board of Commissioners approved Subdivision Regulations Variance / SV 17-05 to waive submittal of the following:
  - 1. Percolation tests and soil profile information for proposed Lots 3 through 6, of Sheridan Lake Highlands, which are provided with the Building Permit application.
- G. December 17, 2018 – The Planning Commission continued PU 17-04 to the January 14, 2019, Planning Commission meeting to allow staff to verify if Condition #12 was being met.
- H. January 2, 2019 – The Board of Commissioners continued PU 17-04 to the February 5, 2019, Board of Commissioners meeting because a final recommendation had not been made by the Planning Commission.
- I. January 14, the Planning Commission continued PU 17-04 to the February 25, 2019, Planning Commission meeting because they expressed some concern and wanted time to gather more information.
- J. February 5, 2019 – The Board of Commissioners continued PU 17-04 to the March 5, 2019, Board of commissioners meeting because a final recommendation had not been made by the Planning Commission.

**III. EXISTING CONDITIONS**



- A. Lot 3
  - 1. 2.10 acres ±.
  - 2. Currently vacant of any structures.
  - 3. Planned Unit Development – Current Zoning.
  - 4. Planned Unit Development – Future Land Use Zoning.
  - 5. No Special Flood Hazard Areas on the subject property.
  - 6. Within the Sheridan Lake Highlands Road District.
  - 7. Within the West Dakota Water District.

- B. Lot 4
  - 1. 2.09 acres ±.
  - 2. Contains the existing equipment shop.
  - 3. Contains a portion of a sixty (60) foot Major Drainage and Utility Easement created with PL 16-15.
  - 4. Planned Unit Development – Current Zoning.
  - 5. Planned Unit Development – Future Land Use Zoning.
  - 6. No Special Flood Hazard Areas on the subject property.
  - 7. Within the Sheridan Lake Highlands Road District.
  - 8. Within the West Dakota Water District.
  
- C. Lot 5
  - 1. 3.3 acres ±.
  - 2. Currently vacant of any structures.
  - 3. Contains a portion of a sixty (60) foot Major Drainage and Utility Easement created with PL 16-15.
  - 4. Contains a sixty-six (66) foot wide Access and Utility Easement created with PL 16-15.
    - a. This appears to be the future access from existing Rockwood Road to Sawmill Road.
  - 5. Planned Unit Development – Current Zoning.
  - 6. Planned Unit Development – Future Land Use Zoning.
  - 7. No Special Flood Hazard Areas on the subject property.
  - 8. Within the Sheridan Lake Highlands Road District.
  - 9. Within the West Dakota Water District.
  
- D. Lot 6
  - 1. 3.64 acres ±.
  - 2. Contains a single-family residence with a detached garage.
    - a. Building Permit (COBP18-0096).
    - b. On-Site Waste Water Treatment System (COSD18-0006).
  - 3. Contains a portion of a sixty (60) foot Major Drainage and Utility Easement created with PL 16-15.
  - 4. Planned Unit Development – Current Zoning.
  - 5. Planned Unit Development – Future Land Use Zoning.
  - 6. No Special Flood Hazard Areas on the subject property.
  - 7. Within the Sheridan Lake Highlands Road District.
  - 8. Within the West Dakota Water District.

#### IV. ANALYSIS

- A. A Minor Plat was filed with the Register of Deeds on December 12, 2017 (#A 201717355).
  - 1. Four (4) lots were created.
  - 2. A 66' wide easement is listed on the Plat.
  - 3. The lots are part of the Sheridan Lake Highlands Road District.

- B. December 10, 2018 - Staff reviewed Conditions of PU / 17-04 and found:
  - 1. All Conditions of Approval appear to be met with exception of a Noxious Weed Management Plan.
  - 2. Staff spoke to the Natural Resource Director who stated that he was not concerned that the applicant has not signed the Noxious Weed Management Plan at this time.
    - a. Staff will update Condition #15 to reflect this.
  - 3. To date, staff has not been able to verify if Lots 3-6 are part of the Sheridan Lake Highlands HOA.
    - a. Staff tried to contact the HOA but have not received a response back at the time of this staff report.
- C. December 11, 2018 – Staff performed a site visit and found:
  - 1. Two (2) of the lots (Lots 3 and 5) are vacant.
  - 2. Lot 4 has a shop building on the property.
  - 3. Lot 6 has a single family residence being constructed.
- D. At the time of this Staff Report, there have been no verified complaints regarding PU 17-04.
- E. December 11, 2018 – Staff attempted to contact the applicant to verify if Condition #12 had been met.
  - 1. On the first attempt, the applicant answered the phone but the call was either dropped or the applicant hung up.
  - 2. On the second attempt, the call went straight to voicemail.
  - 3. On the third attempt, the phone rang two or three times and then went to voicemail.
- F. December 12, 2018 – Staff attempted to contact the applicant but he could not be reached.
- G. December 13, 2018 – Staff was in contact with the Sheridan Lake Highlands Homeowner’s Association who stated:
  - 1. Lots 3-6 of Sheridan Lake Highlands Subdivision are a part of the Homeowner’s Association.
    - a. Staff will update Condition #12 as Lots 3-6 have joined the HOA, but will need to continue to be in the HOA.

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

- 1. That the Planned Unit Development consists of no more than four (4) residential lots;
- 2. That the minimum size of the residential lots be two (2) acres;
- 3. That proposed Lots 3 – 6 of Block 4 of Sheridan Lake Highlands Subdivision have areas for a single-family residence, accessory structures, and two (2) drainfields sites;

4. That a minimum of two (2) off-street parking spaces be provided for each residential lot. All off-street parking spaces on the site shall measure at least nine (9) feet by eighteen (18) feet, be surfaced with gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;
5. That no off-premise signs be allowed within the Planned Unit Development;
6. That the Planning Director may allow additional development or construction which is consistent with the existing development on this property. Significant changes in the use or impacts on adjacent land uses as determined by the Planning Director shall require an amendment to this Planned Unit Development;
7. That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
8. That no lot is permitted to take access off of Sheridan Lake Road;
9. That the required minimum setbacks for all structures be a minimum of 25-feet from all property lines;
10. That each unit has an individual address that must be posted in accordance with Pennington County Ordinance Amendment #20;
11. That subject lots within this PU 17-04 remain part of the Sheridan Lake Highlands Road District and that proposed Lots 3 – 6 of Block 4 of Sheridan Lake Highlands, remain part of the Homeowners Association created for Sheridan Lake Highlands;
12. That any plat of the subject property show the continuation of Rockwood Road adjoining Sawmill Road and that this area of land be dedicated as an access easement with a width of 66-feet;
13. That prior to applying for any future plats within this Planned Unit Development, the applicant submits to the Sheridan Lake Highlands Road District and Pennington County Planning Department revised road and drainage plans. Pennington County Planning Staff will forward the plans to the Pennington County Highway Department for their review;
14. That the applicant signs and complies with the Pennington County Noxious Weed Management Plan for proposed Lots 3 – 6 of Block 4 of Sheridan Lake Highlands Subdivision, if required by the Pennington County Natural Resources Director;
15. That any portion of proposed Lots 3 – 6 of Block 4 of Sheridan Lake Highlands Subdivision lying within the Rapid City platting jurisdiction be platted through both Pennington County and the City of Rapid City;



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

**I. PROPOSED RECOMMENDATION:** Staff will be recommending approval of the extension of Major Planned Unit Development Amendment / PU 17-04 with twenty (20) conditions.

**II. GENERAL DESCRIPTION**

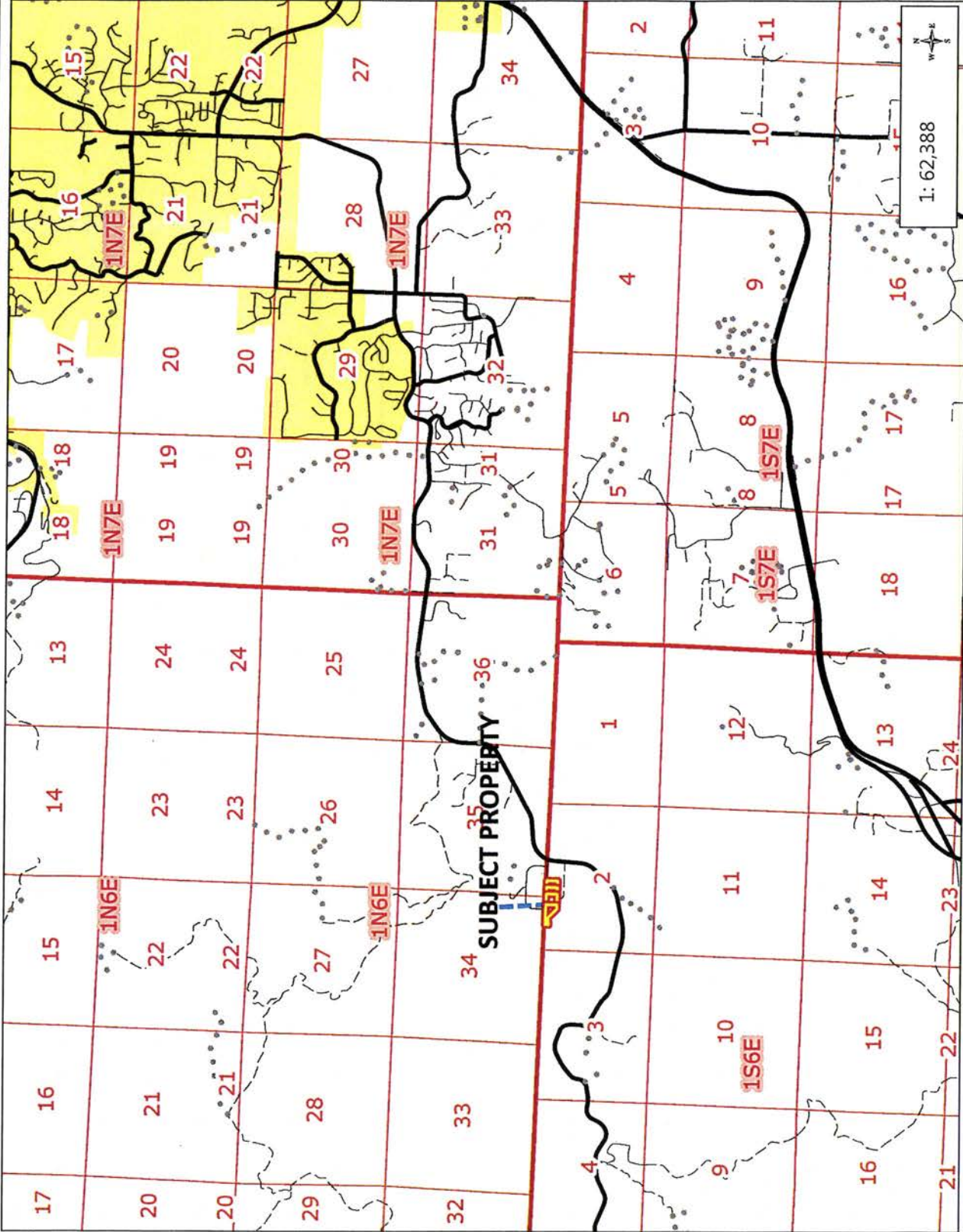
A. December 26, 2006 - The Board of Commissioners approved PU 06-09 with the following twenty-two (22) conditions:

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

- B. December 10, 2018 - Staff reviewed Conditions of PU / 17-04 and found:
  - 1. All Conditions of Approval appear to be met with exception of a Noxious Weed Management Plan.
  - 2. Staff spoke to the Natural Resource Director who stated that he was not concerned that the applicant has not signed the Noxious Weed Management Plan at this time.
    - a. Staff will update Condition #15 to reflect this.
  - 3. To date, staff has not been able to verify if Lots 3-6 are part of the Sheridan Lake Highlands HOA.
    - a. Staff tried to contact the HOA but have not received a response back at the time of this staff report.
- C. December 11, 2018 – Staff performed a site visit and found:
  - 1. Two (2) of the lots (Lots 3 and 5) are vacant.
  - 2. Lot 4 has a shop building on the property.
  - 3. Lot 6 has a single family residence being constructed.
- D. At the time of this Staff Report, there have been no verified complaints regarding PU 17-04.
- E. December 11, 2018 – Staff attempted to contact the applicant to verify if Condition #12 had been met.
  - 1. On the first attempt, the applicant answered the phone but the call was either dropped or the applicant hung up.
  - 2. On the second attempt, the call went straight to voicemail.
  - 3. On the third attempt, the phone rang two or three times and then went to voicemail.
- F. December 12, 2018 – Staff attempted to contact the applicant but he could not be reached.
- G. December 13, 2018 – Staff was in contact with the Sheridan Lake Highlands Homeowner’s Association who stated:
  - 1. Lots 3-6 of Sheridan Lake Highlands Subdivision are a part of the Homeowner’s Association.
    - a. Staff will update Condition #12 as Lots 3-6 have joined the HOA, but will need to continue to be in the HOA.

**RECOMMENDATION:** Staff recommends approval of the extension of Major Planned Unit Development Amendment / PU 17-04 with the following twenty (20) conditions:

- 1. That the Planned Unit Development consists of no more than four (4) residential lots;
- 2. That the minimum size of the residential lots be two (2) acres;
- 3. That proposed Lots 3 – 6 of Block 4 of Sheridan Lake Highlands Subdivision have areas for a single-family residence, accessory structures, and two (2) drainfields sites;



1: 62,388

10,398.0 5,199.00 0 10,398.0 Feet

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

THIS MAP IS NOT TO BE USED FOR NAVIGATION

### 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:



378.1 0 189.05 378.1 Feet

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

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

1: 2,269

**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
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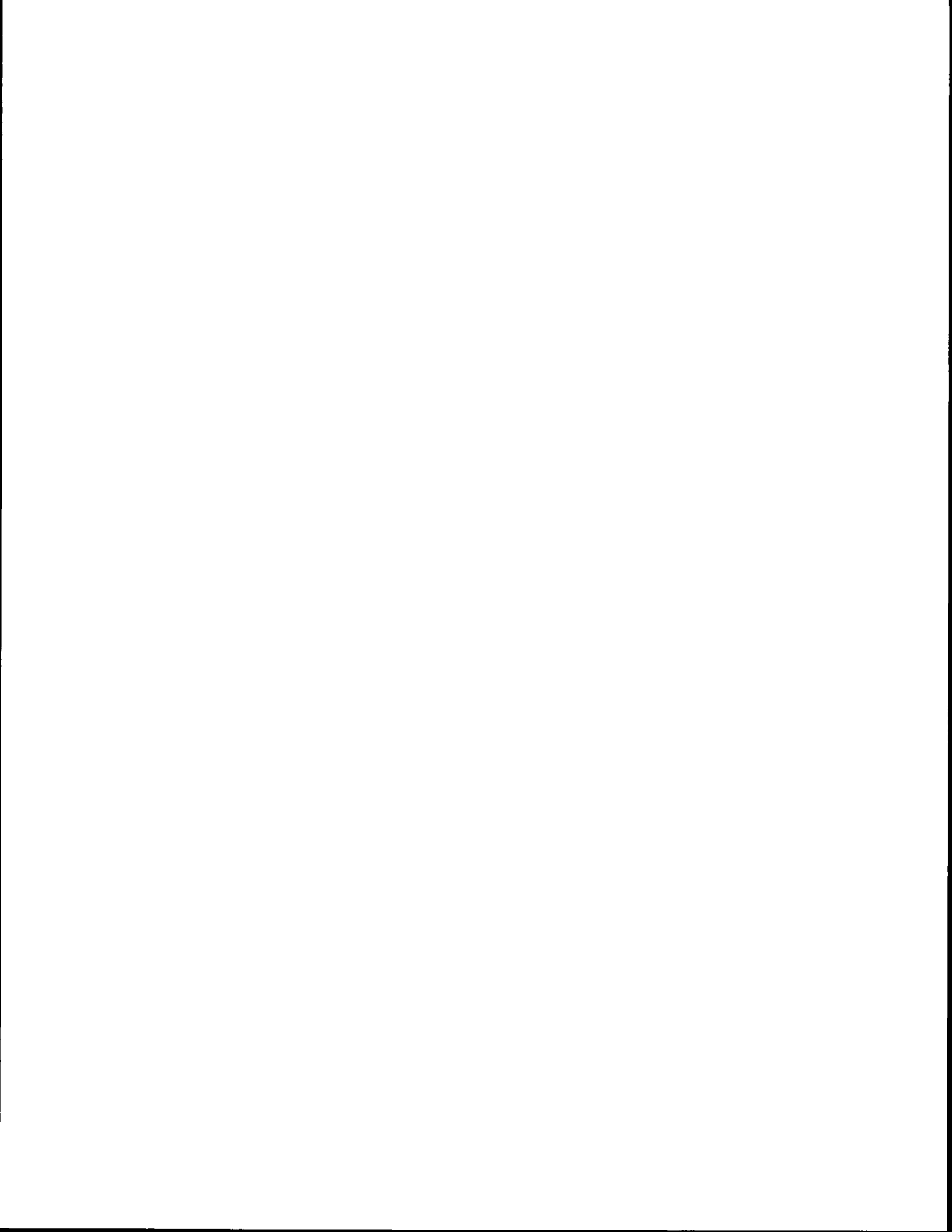
**Section Lines 0-25k**

- 0
- 7

**Tax Parcels**

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

**Map Notes:**



## STAFF REPORT

### GENERAL INFORMATION:

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

APPLICANT: Cross Country Real Estate

APPLICANT ADDRESS: 3409 E. 2<sup>nd</sup> Street, Gillette, WY 82718

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

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

SIZE: 34.07 acres

TAX ID: 64331

EXISTING LAND USE: Race Track / Go Karts

ZONING REFERENCE: Section 507

CURRENT ZONING: General Commercial District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Flat Areas / Rolling Hills

UTILITIES: Rapid Valley Sanitary District

REPORT BY: Brittney Molitor

**I. PROPOSED RECOMMENDATION**

- A. Staff will be recommending denial of Construction Permit / CP 18-10.

**II. GENERAL DESCRIPTION**

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

**III. EXISTING CONDITIONS**

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



*2018 aerial of subject property*



#### IV. DRAINAGE EASEMENT(S)

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

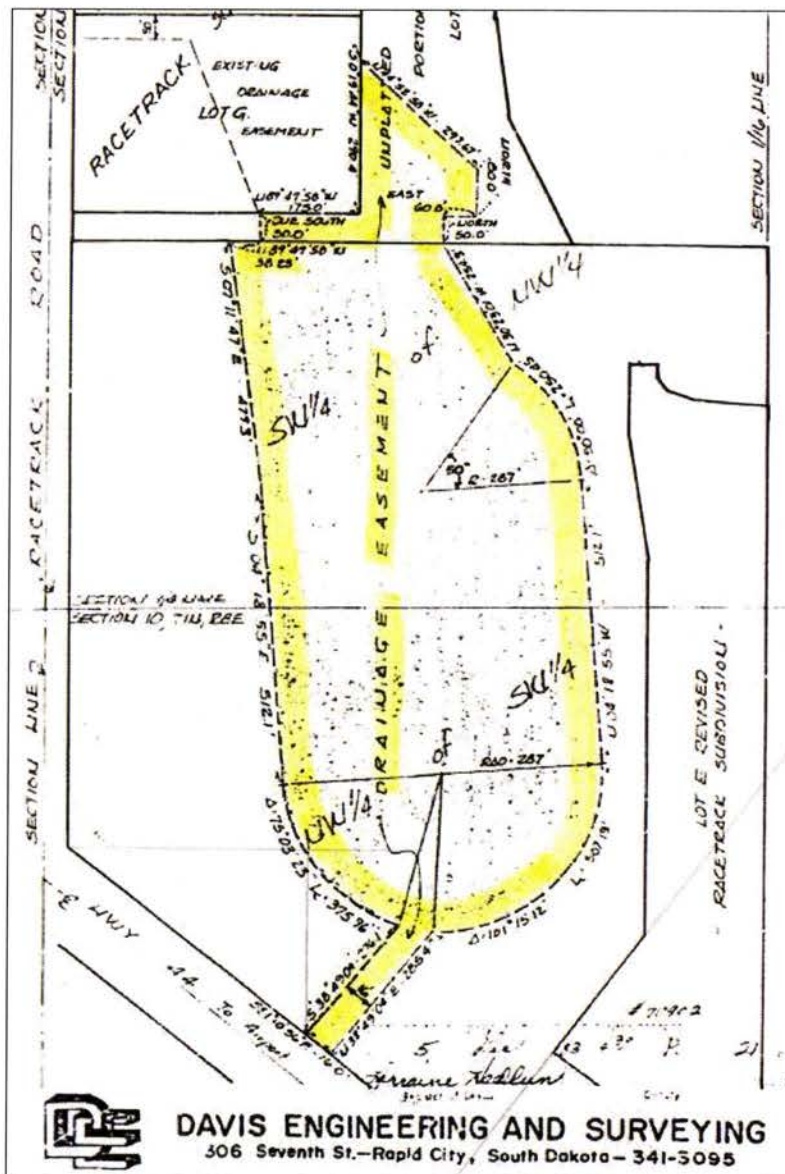
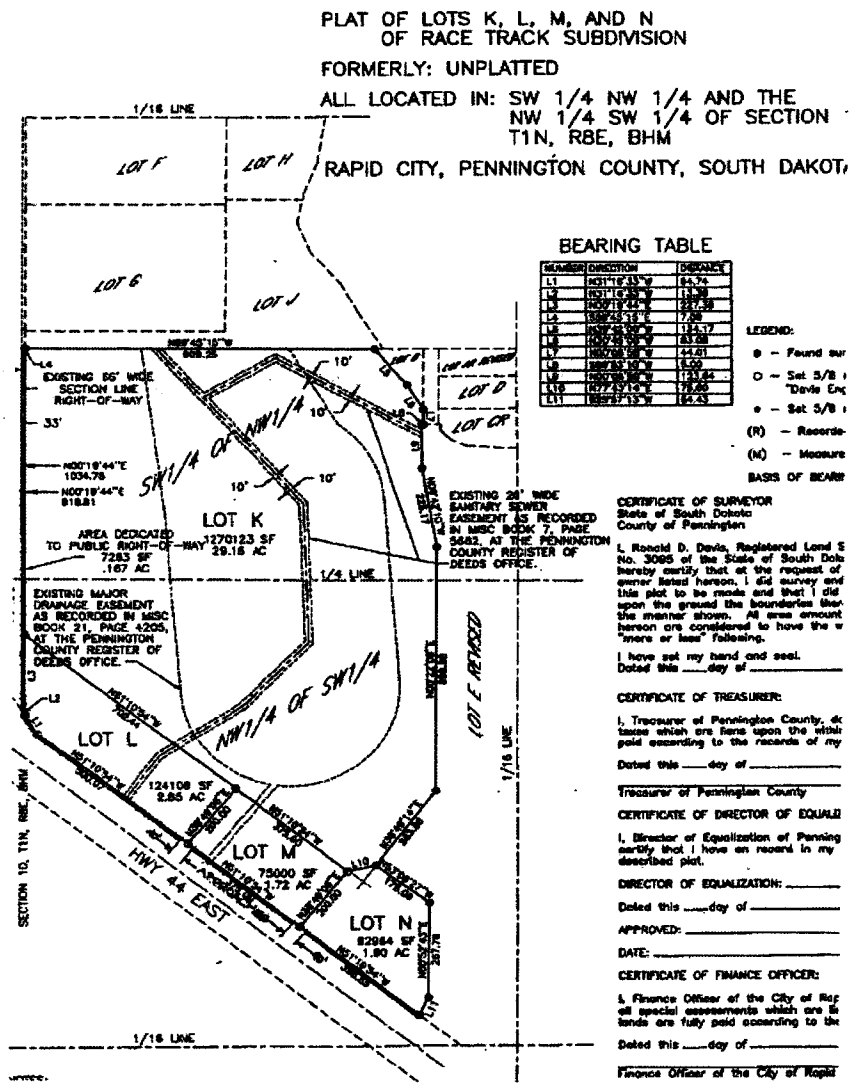


Exhibit A

**V. PREVIOUS REQUESTS ON THE SUBJECT PROPERTY**

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



Copy of Proposed Plat 01PL018

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

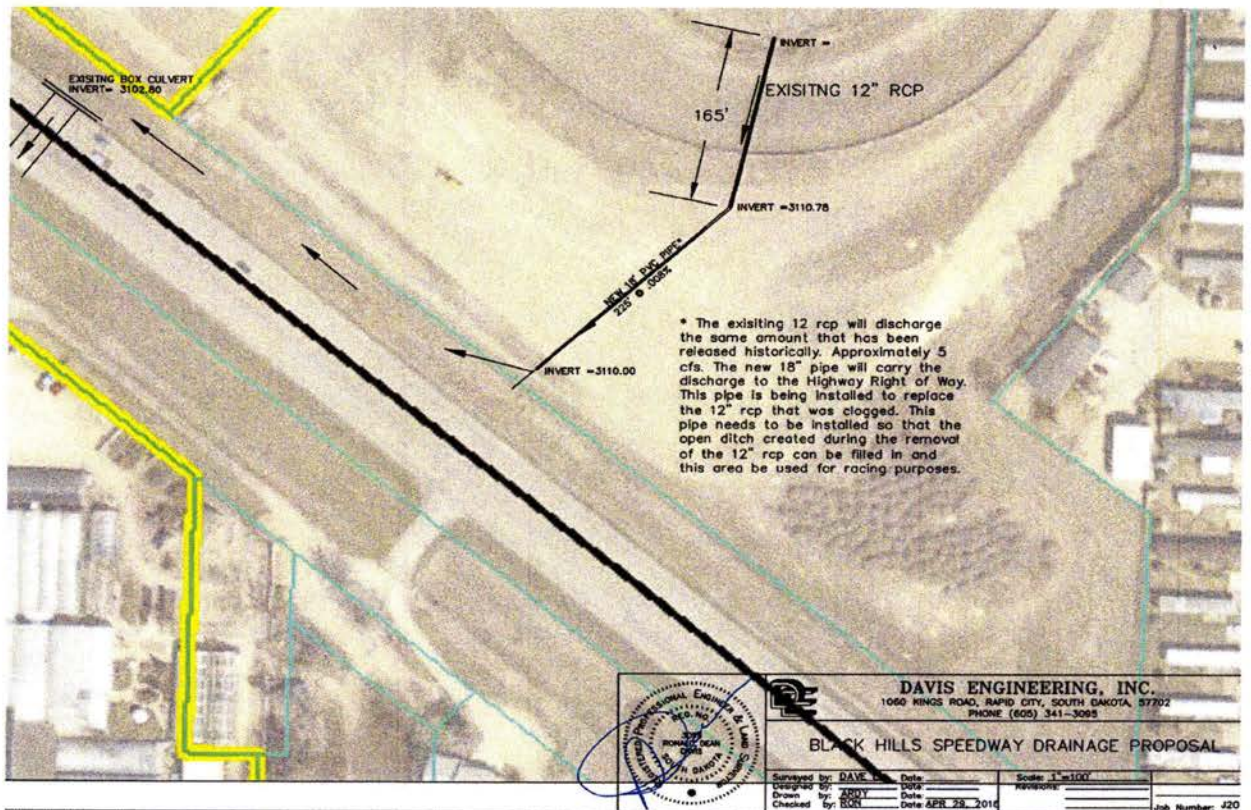
3. That the applicant provides the Planning Department with a copy of the Storm Water Pollution Prevention Plan within seven (7) days of approval of this Permit;
4. That the Conditions of the Approval of the South Dakota Department of Environment and Natural Resources General Permits for Storm Water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

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



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

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



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

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

#### **VI. VIOLATION HISTORY**

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



- H. COVO16-0064 – Stop Work Order issued for building an addition without a Building Permit.
  - 1. Applicant indicated that the structures had wheels and were therefore mobile (see picture below).



*Photo of mobile structure*

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

## **VII. BUILDING PERMITS**

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

- J. COBP13-0192 – 12' X 60' temporary office.
- K. COBP14-0308 – 12' x 60' temporary fireworks stand.
- L. CIBP15-2239 – Air Quality Permit (expired November 19, 2018).
- M. COBP16-0218 – Movement of existing shed.
- N. COBP16-0219 – Movement of existing bathroom.
- O. CIBP18-3157 – Air Quality Permit (expires September 10, 2021).

#### VIII. REQUEST FOR COMMENT

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

- E. County Ordinance Enforcement
  - 1. Ordinance Enforcement recommends that the property be in compliance before approving Construction Permit. The Black Hills Speedway has expanded its use and needs a Conditional Use Permit to allow the activities on the property. I do not recommend approval until the violations have been corrected.
    - a. *Staff Comment: Staff will address with the Planning Commission.*
- F. City of Rapid City Community Development
  - 1. Thank you for the site plan. It shows that the proposed parking area is located within the area of the property located within the City limits and outside the City limits. Please note that the property has two tax ID numbers (64328 and 64331) to allow DOE to assess the taxes addressing the difference in taxation due to the City limit boundary. At one time, the property owner was proposing to plat the area within the City limits into a separate lot. A requirement of the platting was to annex prior to submittal of a Final Plat. Subsequently, this area was annexed but the Final Plat was never submitted. As such, we now have one property partially in the City limits and partially outside of the City limits. It appears on RapidMap that they are two separate properties. Actually, it is one property with two separate tax ID numbers.
  - 2. For that portion of the parking located within the City limits, a Building Permit must be submitted to the City for review and approval. The parking must be constructed in compliance with Section 17.50.270 of the Rapid City Municipal Code.
- G. City of Rapid City Engineering
  - 1. Haven't seen anything, but the work within City limits requires a Building permit submittal.
    - a. *Staff Comment: A Building Permit was submitted to the City of Rapid City – CIBP18-2866 for a retaining wall.*
- H. City of Rapid City Air Quality
  - 1. Obtain an air quality permit prior to disturbing an acre or more of soil.
    - a. *Staff Comment: Air Quality Permit – CIBP18-3157.*
- I. South Dakota Department of Transportation (SDDOT)
  - 1. Our concern is placing additional burden on the ROW ditch by adding additional runoff from this development. Please see attached.
  - 2. The only concerns I have is for the drainage of the property? We discussed with Mr. Kirchhoff last year about possible detention ponds. The drainage easement that dumps into the 44 ROW that was piped to the fence, is still depositing some sediment into the ROW. With filling and graveling more area, I assume this will cause more

sediment into the ROW. It would be nice to see what the plans are for drainage and contours of proposed grade?

a. Staff Comment: Plans were sent to the SDDOT.

3. **Additional Comments to the property owner from SDDOT:**

a. The plan you have to concentrate the flows from your property to the Hwy 44 ROW is concerning. I assume you plan to pave these lots at some point? The Department doesn't allow increased flows from drainage into the ROW. That being said a detention pond or other controls will be required. The existing culvert that was placed last year at your fence line, should also have some type of outlet protection so it doesn't cut a hole and wash material out into the ROW. Can you please address these issues on your plans and send back to us? If you have further questions please let me know? Thanks

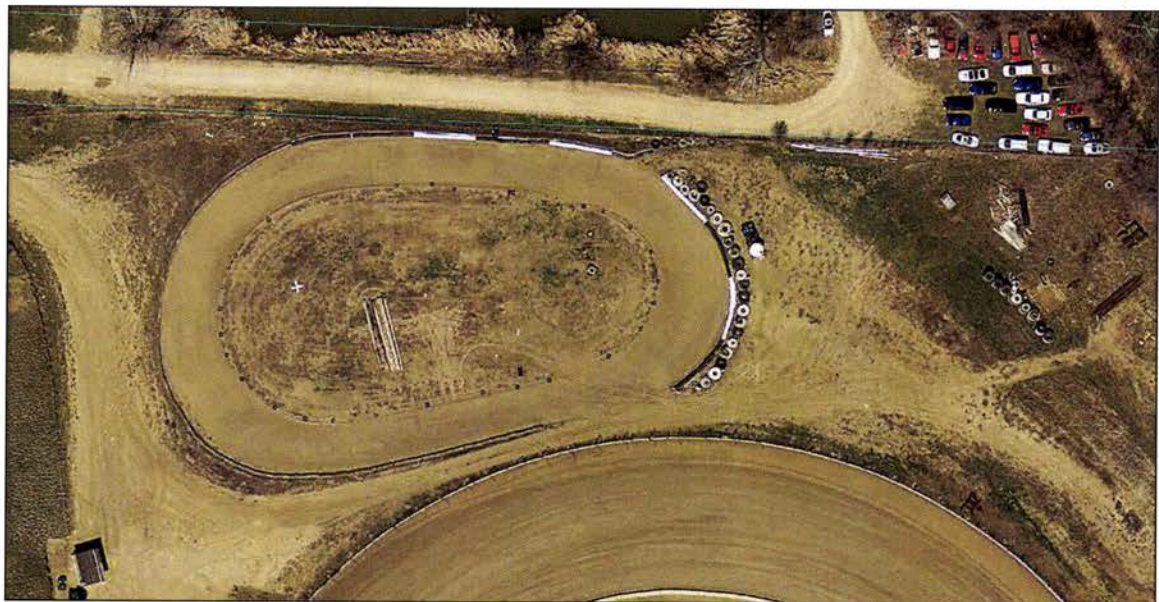
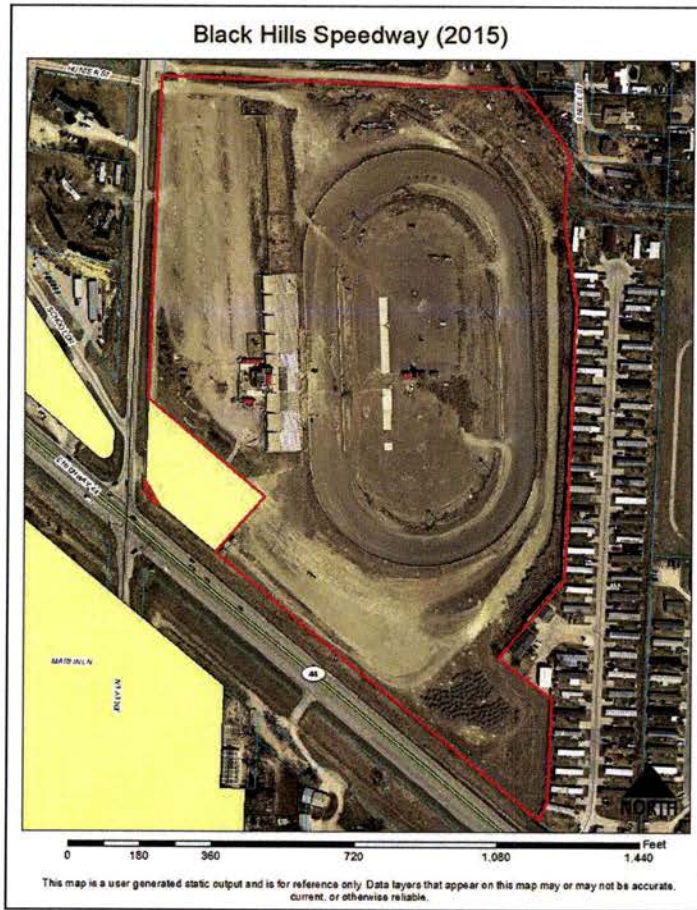
i. *Staff Comment: To Staff's knowledge, the SDDOT concerns have not been addressed.*

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

A. Section 401(D) states "any nonconforming use of land shall not be expanded in such a manner so as to increase its nonconformity."

1. Prior to 2015, the Kart Track was not constructed.
2. Due to the construction of the Kart Track, the use on the subject property was expanded and is no longer a legal nonconforming use.
3. A Notice of Violation was sent to the applicant on June 21, 2018 regarding the need for a Conditional Use Permit to bring the property into compliance.
4. Staff met with the applicant(s) on two occasions to discuss the Violation Letter and the need for a Conditional Use Permit.
  - a. The applicant indicated that they will "just remove" the Kart Track and that they were apprehensive to notify the neighbors regarding the Conditional Use Permit.
  - b. In addition, the Kart Track was constructed in the Public Drainage Easement without approval from the Board of Commissioners.
  - c. To date, there has been not been a Conditional Use Permit Application submitted.

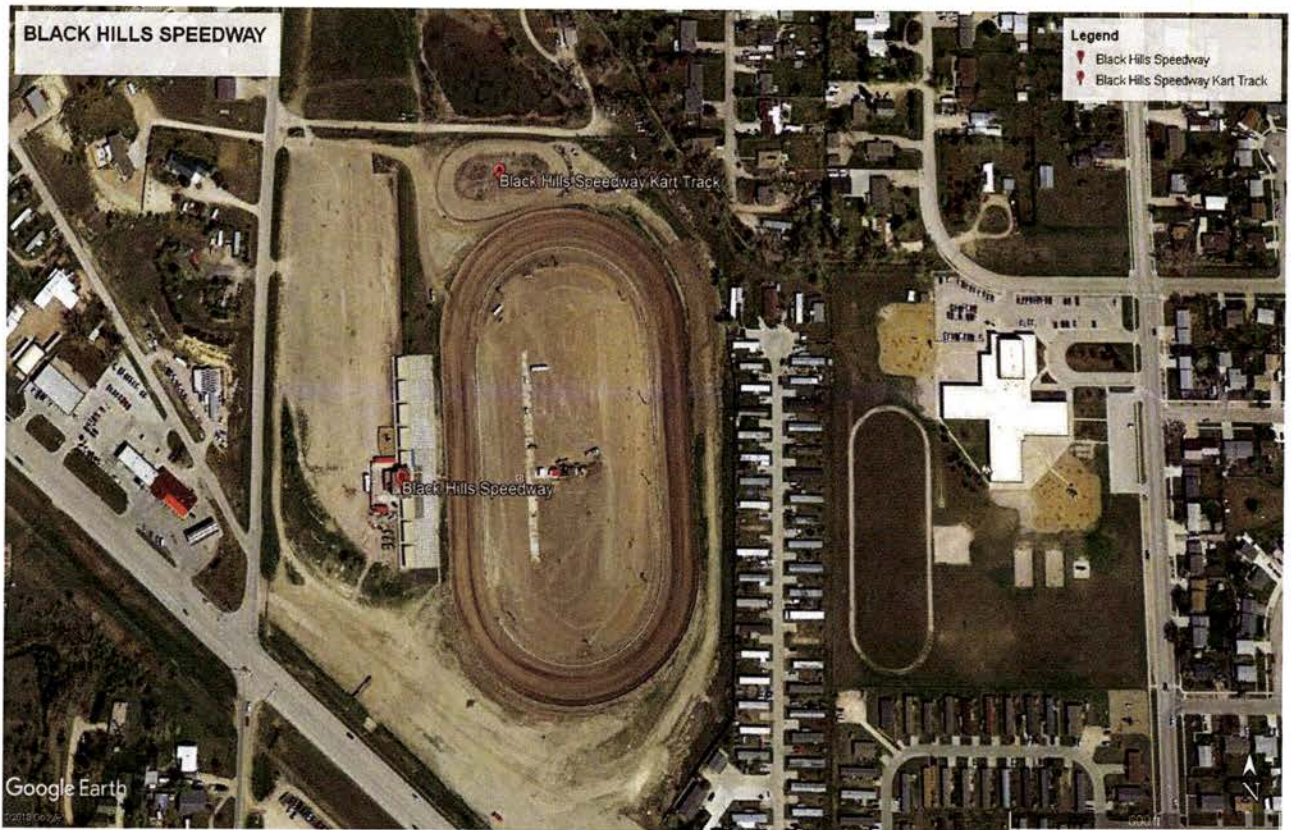
*Location of Kart Track*



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

**X. HISTORY**

- A. December 5, 1983 – Date of Perpetual Public Drainage Easement for a majority of the subject property where the Black Hills Speedway is located.
- B. December 26, 1990 – Final Draft of the Racetrack Draw Drainage Basin Design Plan prepared by Davis-Atkins and Associates submitted to the Pennington County Drainage Commission.
  - 1. Elements of this design plan for the racetrack crossing were not constructed and were indicated in the plan as a low priority (page 44 of the plan).
- C. April 26, 2001 – Rapid City Layout Plat submitted by Davis Engineering was denied without prejudice due to drainage issues, approach location issues, and subdivision lot layout issues.
- D. March 9, 2009 – Construction Permit / CP 05-09 recommended denial due to the need for a complete Drainage Plan.
- E. March 31, 2009 - Letter received by Advanced Engineering and Surveying, Inc. stating that they are changing the plan and will only do minor grading due to the requirement of extensive plans and design considerations. Construction Permit / CP 05-09 was no longer needed and voided.
- F. May 4, 2010 – Board of Commissioners agenda Item E regarding the Black Hills Speedway was removed from the agenda. A memo was submitted to the Board of Commissioners by the Planning Director regarding legal non-conforming uses and the placement of on-premise billboards. (attached)
- G. June 22, 2015 – Planning Commission approved Construction Permit / CP 15-10 to grade and level stock piles.
- H. April 13, 2016 – A Stop Work Order was issued for building in the drainage easement without Building Permits or approval from the Board of Commissioners.
- I. May 25, 2016 – Stop Work Order lifted and permits applied for.
- J. August 10, 2016 – Complaint received by the Board of Commissioners for noise and lack of oversight of the Speedway.
- K. March 17, 2017 – A Stop Work Order was issued for work being done without engineered plans.
- L. April 29, 2018 – A Rapid City Journal Article titled *Carlton takes over management of Black Hills Speedway* in which journalist Geoff Preston interviewed Mr. Carlton for the article, stated “Carlton comes to the speedway after running a go-kart track next to the track”. (A copy of the article is attached)
- M. June 21, 2018 – A Notice of Violation was sent to the applicant regarding the need for a Conditional Use Permit, an as-built, alterations in the Drainage Easement (Kart Track) without Board of Commissioner approval, and lack of final stabilization. (see photos above and below for “Kart Track”)



*Google Earth Map (2017) showing location of "Black Hills Speedway Kart Track"*

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

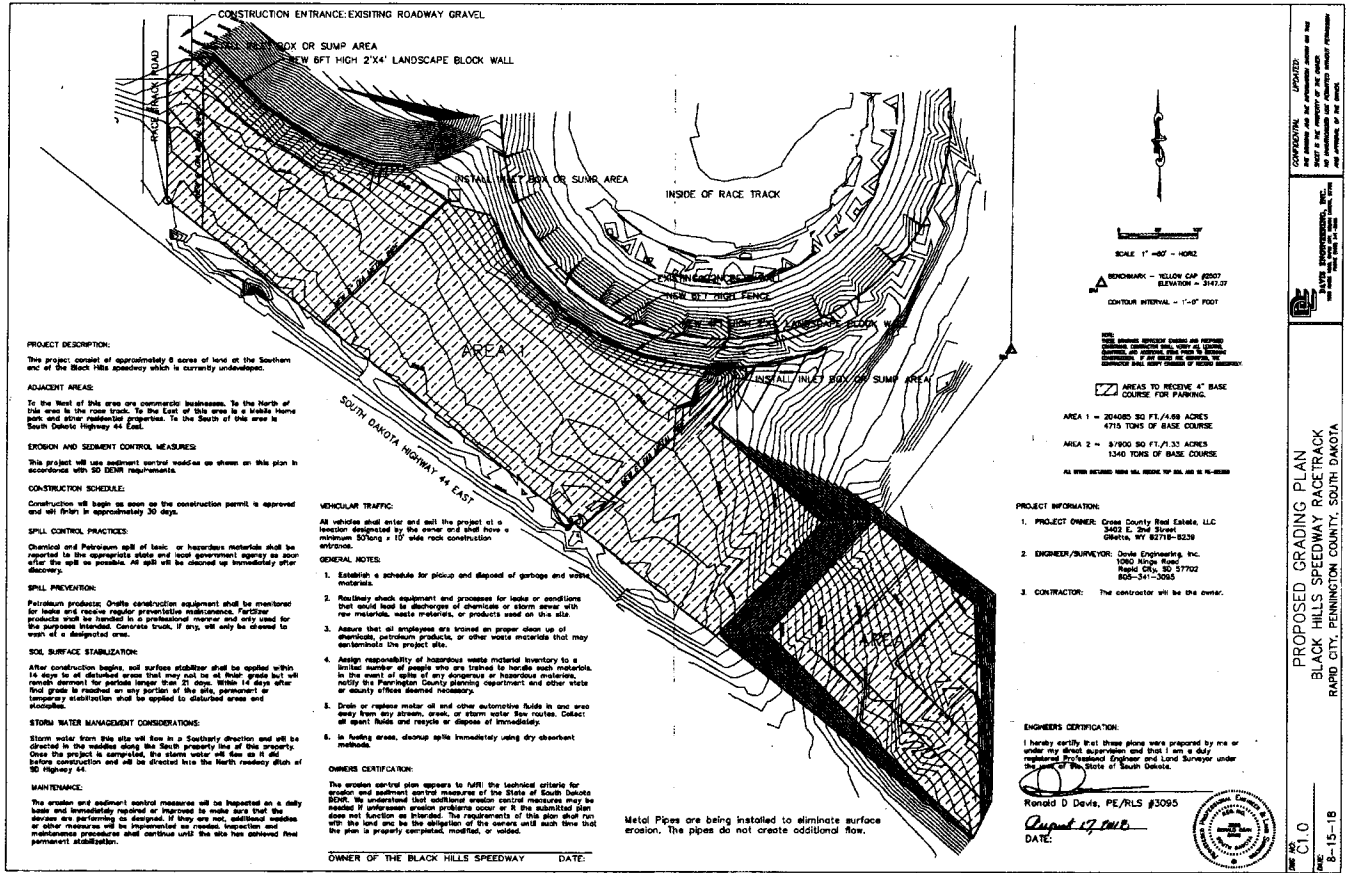
Agenda Item #17  
Cross Country Real Estate  
Febraury 25, 2019





Agenda Item #17  
 Cross Country Real Estate  
 February 25, 2019

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



P. September 11, 2018 – A letter was received by the Planning Department from Nooney and Solay, LLP regarding the need for a Conditional Use Permit and forwarded to the State’s Attorney’s Office.

Q. September 20, 2018 – A new approach was constructed off of E. Highway 44 for entrance into the Black Hills Speedway. (see photo below) A permit from the SDDOT was obtained by the applicant for this approach. (attached)



*New approach off of E. Highway 44*

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

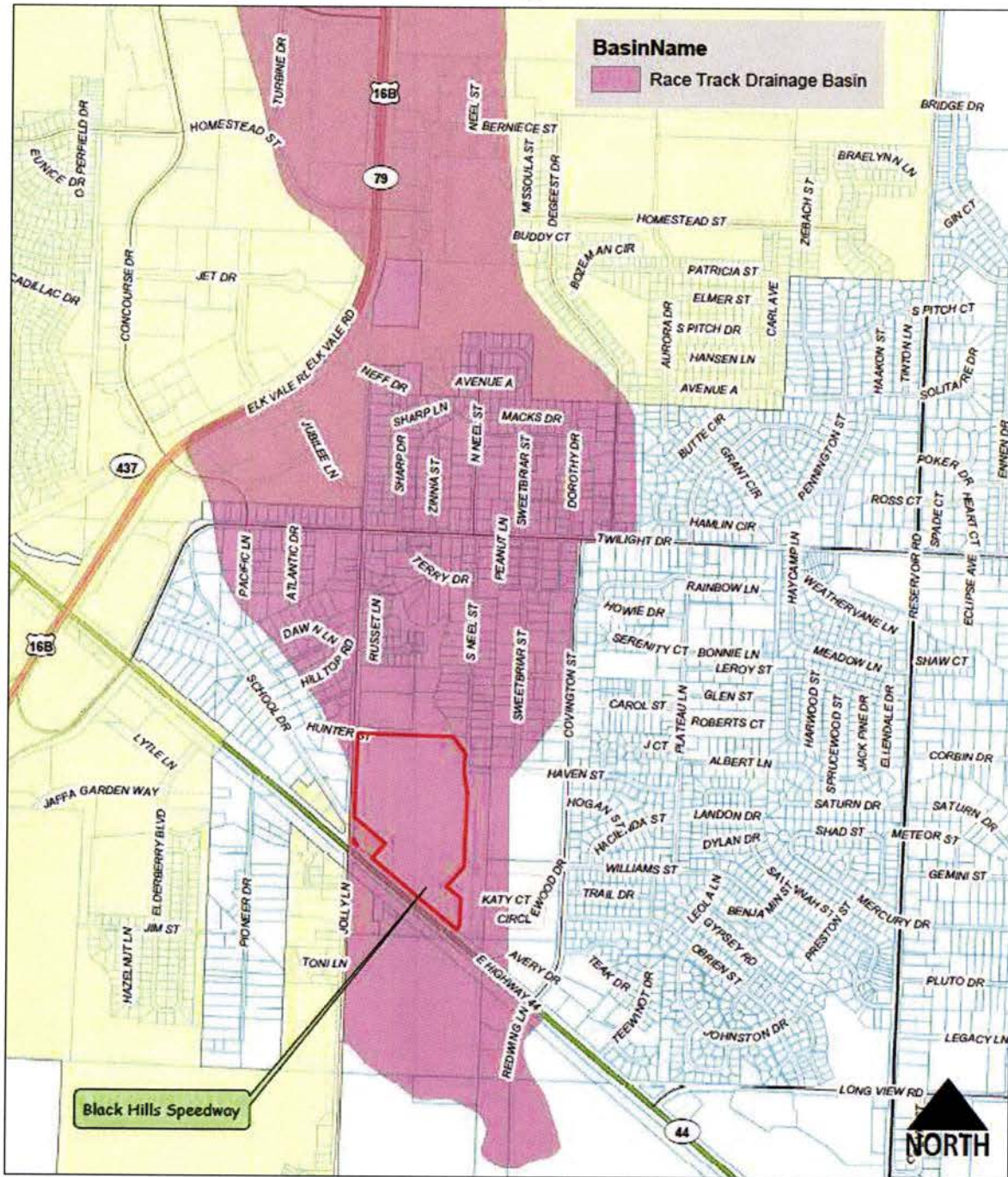
**XI. JANUARY 28, 2019 PLANNING COMMISSION MEETING (Excerpts only, not inclusive)**

- A. The applicant's agent, Ron Davis, stated, "There are a ton of drainage issue problems out here and there has been for years okay. What we're trying to do does not resolve those drainage issues but what we are doing does not affect the drainage at the south end of the track. We are just going clean up and put some gravel, we are not changing the elevations, not changing the cross sections – the flow will be exactly the same. We're not doing a thing but leveling it off and putting some gravel down is all we're doing. We are not affecting the overall drainage basin. This is a major problem and has been for a long time."
- B. A question was asked of Mr. Davis by Commissioner Marsh, "I am just looking at the plan, the plan that was submitted August 17, 2018, is the proposed plan correct? Um there is a large area called Area 2 that appears to have a significant grade change from Area 1. Um and I don't know how they are going to get there. I am looking at the contours and wondering will there be a road that gets there or how will that...". *The last page of the report was put up on the screen.*
- C. Commissioner Marsh also asked, "How many cubic yards of material are being proposed to move? Mr. Davis responded, "I have never calculated..." (Could not hear as agent was not near the podium). "I have the amount of base course. I never did calculate the um yardage, this wasn't going out for bid. It's a private guy doing his own work so we didn't do the yardage it's just. But the area to the right, the upper area, we're leveling that off but that's not within this drainage basin at all. It's up on the hill, it's up on top of a hill so I, so we're not getting down into that drainage area as defined down in there. So it's just some additional work we want to do to get leveled off to make more parking up there."
- D. Commissioner Marsh asked, "Is that material going to be taken off site then or?" Mr. Davis responded, "No, it will be, it, ah you see the darker areas the slope on the east end of it, or not the east end the, you see the dark areas that is a contour lines are closer together? You got the flat area than it goes down a slope. Well that slope is fill from the dirt from the upper side of the lot. We're just taking the upper side of the lot, pushing it over and leveling it off and then sloping it down into the existing grade. Just making a flat spot up there."
- E. Commissioner Marsh asked, "So it's not going to be used as parking or is that meant to be used as parking as well?" Mr. Davis responded, "That could be used as parking, it will be graveled, like the rest of it."
- F. The Planning Commission made the 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.*

**XII. ANALYSIS**

**A. Map of the Race Track Drainage Basin**



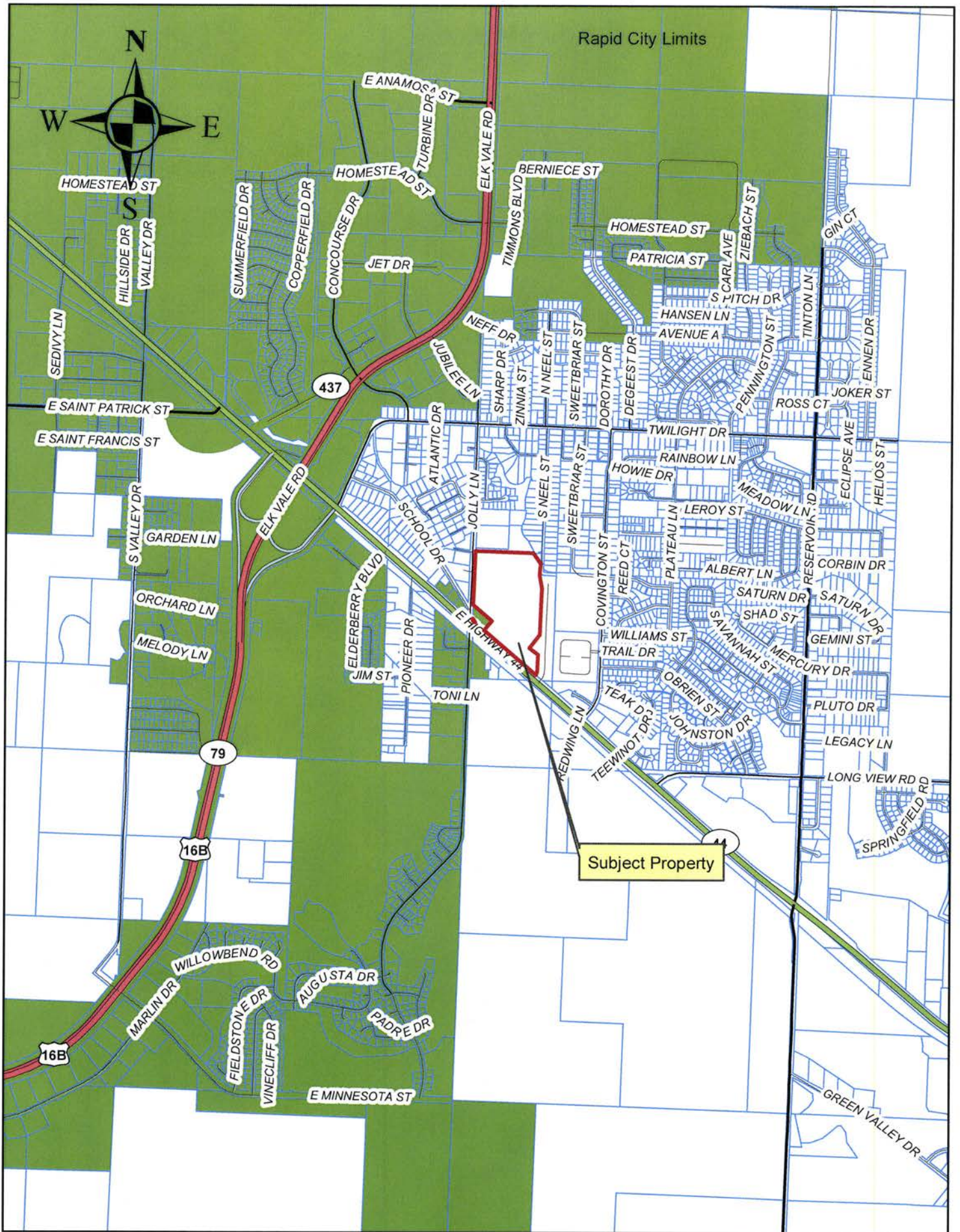
- B. Staff never received a drainage study as required in Condition #1 of Construction Permit / CP 18-10 for the alterations in and around the drainage easement on and after 2015.
1. A similar requirement was placed on Construction Permit / CP 09-05.
    - a. This request was pulled by the applicant due to not wanting to provide extensive plans and design considerations, however, they did indicate that plans would be submitted at a later date.
      - i. Plans have never been submitted to the Planning Department.
  2. Staff has received drainage complaints after the work outlined in the Construction Permit / CP 15-10 was done.
    - a. The Planning Department has never received any plans, data, or calculations showing that the drainage basin was or was not impacted by the dirt work completed in and around the drainage easement on or after 2015.
    - b. The Planning Department has never received information, calculations or data regarding the impact of replacing the pipe on the south end of the property.
      - i. Calculations from existing and post conditions were never submitted to the Planning Department. There is no documentation supporting the statements in § V(D)(6) of this Report. (see below)
        - (a) The 12" pipe under the south end of the track for normal drainage was plugged up because there was an old metal culvert that rotted away.
        - (b) They want to put an 18" back in to give it a little more room to flow down a little quicker.
        - (c) The amount of the water coming out of the track is still five to six cfs and it will remain that amount; there will just be a bigger pipe for it to flow through.
      - ii. Comments made by Mr. Davis in a letter dated June 30, 2015 regarding the above Construction Permit request:
        - (a) I will be doing a detailed study to figure out a way to prevent the south end of the track from becoming flooded every time it rains. The relocation of the small dirt piles will not affect the proposed drainage study. It is my opinion that the county should allow the relocation of the piles at this time.

- (i) No data or calculations have ever been submitted to Pennington County supporting this statement.
- C. Calculations and data have never been submitted to the Planning Department showing that this request, Construction Permit / CP 18-10, does not impact drainage.
  1. In § XI (C) of this Report, it was stated that, “we are not changing the elevations, not changing the cross sections – the flow will be exactly the same”.
    - a. Staff has not received any data from the landowner and/or the agent supporting this statement.
  2. As stated in § XI (C) of this Report, there were no calculations as the amount of material moved around or off the site.
    - a. Staff questions how no impact can be determined when the amounts of material moved around is unknown.
    - b. There have been no pre-Construction and post-Construction elevation information submitted to the Planning Department showing there have been no changes in elevation from dirt work done on and after 2015.
    - c. A go-kart track was constructed in the drainage easement. No information was submitted to the Planning Department showing that this construction did not impact the flow of drainage.
  3. During the January 28, 2019, Planning Commission meeting, the following was stated by Mr. Davis:
    - a. “But the area to the right, the upper area, we’re leveling that off but that’s not within this drainage basin at all. It’s up on the hill, it’s up on top of a hill so I, so we’re not getting down into that drainage area as defined down in there. So it’s just some additional work we want to do to get leveled off to make more parking up there.”
    - b. According to the map of the Race Track Drainage Basin in § XII(A), the Black Hills Speedway is located entirely in the Race Track Drainage Basin.
  4. On February 19, 2019, Staff received an email from the South Dakota Department of Transportation (SDDOT) stating the following, “Black Hills Speedway is placing an interceptor ditch on their property to capture runoff and outlet in the vicinity of the box culvert that runs under South Dakota 44. That was acceptable to us.” Staff asked if there was any study or calculations submitted. The SDDOT stated, “We require a statement from a registered professional engineer that any development that occurs will not increase the runoff into our right-of-way. It places the liability on the engineer and developer.”

- a. This information, regarding the interceptor ditch, was not submitted to Pennington County and not part of the original plans. There is no data or calculations to support the statement that there is no increase of flow.
5. A drainage study has never been submitted to Pennington County showing that the construction activity since 2015 on the subject property has not impacted drainage from the property (i.e. increased flows).
  - a. A drainage study has been consistently requested for all construction work on this property over the years. Construction work has continued to occur without providing sound documentation that the work does not impact drainage (i.e. increase in flows) as requested in the Permit Approval.
    - i. In 2018, Pennington County received drainage complaints in the lower portion of the Race Track Drainage Basin downstream of the subject property.
  - b. SDCL 46A-10A-28 states, "Approval required for rehabilitation or construction of drain covered by plan-- Board review of commission decision. If a board has adopted a drainage plan or any part, adjunct, amendment, or addition thereto, no rehabilitation of existing drainage or construction of new drainage, whether publicly or privately owned, if covered by the adopted plan, may be undertaken or authorized in the county until the location and extent thereof has been submitted to and approved by the board or commission, if established. In case of disapproval by a commission, it shall communicate its reasons in writing to the board. At a hearing to review the decision, by majority vote of the board members elect, a board may overrule all or any portion of a disapproval or any erroneous approval which is contrary to the adopted plan."

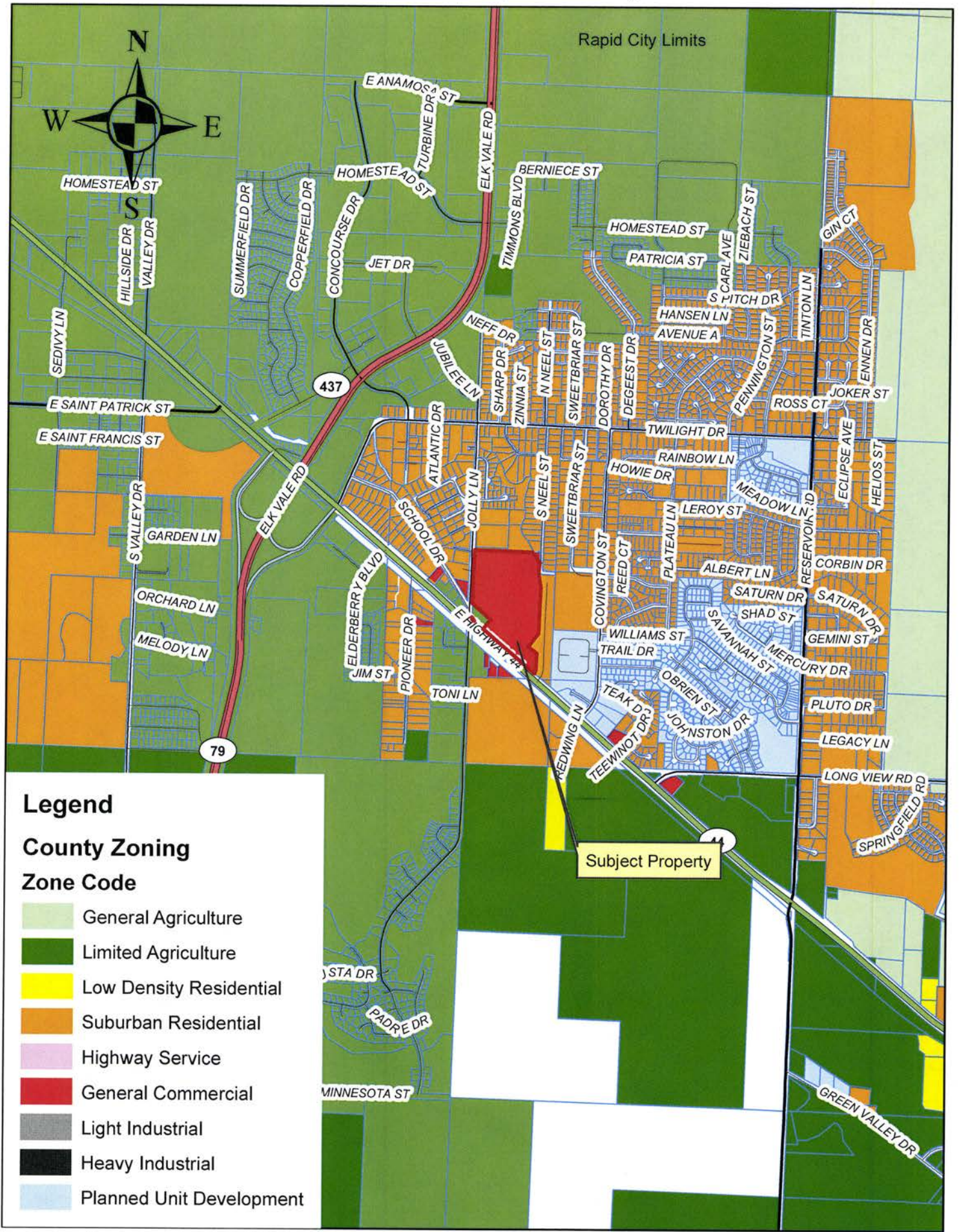
**RECOMMENDATION:** Staff is recommending denial of Construction Permit / CP 18-10.

# Black Hills Speedway





# Black Hills Speedway



SD EForm - 0933 V3

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

Highway No. 44 County Pennington Approximately 0.25 Miles N  S  E  W

From (City or well defined point) Rapid City Section 10 Township 1N Range 8E

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

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

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

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

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

APPLICANT NAME (please print) \_\_\_\_\_

SIGNATURE [Signature] DATE 7-29-15

ADDRESS 3409 E. 2nd St. Gillette WY 82718 TELEPHONE (307) 682-8866

REPRESENTING Black Hills Speedway - Cross Country Real Estate LLC  
(Name of Individual, Company, Organization, etc.)

\*\*\*To be completed by Department of Transportation\*\*\*

Project (Const.) 44 Station \_\_\_\_\_ Milepost 50.0

Project (Maint.) \_\_\_\_\_ Maintenance Unit 452

1. Prior to commencing occupancy and at completion of occupancy the applicant shall notify at RC Area DOT Telephone 394-1644 Steve Wigo

2. Special Conditions See Special Conditions Attachments

3. Failure to accomplish the occupancy in accordance with the provisions of this permit will automatically render this permit null and void and where applicable, constitute grounds for its removal and/or full restoration of the occupancy site all at the applicant's expense.

This permit to occupy the right-of-way is granted to all conditions as herein stated on this 31 day of July, 2015.

[Signature]  
Region Engineer

\_\_\_\_\_  
Chief Bridge Engineer (Bridge Installations only)

Area

SD EForm - 0933 V3

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- To provide protection to highway traffic during occupancy by the use of proper signs, barricades, flagpersons and lights as prescribed in the "Manual of Uniform Traffic Control Devices."
- To indemnify and hold the State of South Dakota, its Department of Transportation, its officers, agents and employees, harmless from and against any and all actions, suits, damages, liability or other proceedings of any kind or nature brought because of any injuries or damage received or sustained by any person or property on account of the use or occupancy of right-of-way designated in this application.

APPLICANT NAME (please print)

SIGNATURE [Signature] DATE 7-29-15

ADDRESS 3409 E. 2nd St. Gillette WY 82718 TELEPHONE (307) 682-8866

REPRESENTING Black Hills Speedway - Cross Country Real Estate LLC  
(Name of Individual, Company, Organization, etc.)

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[Signature]  
Region Engineer

Area

Chief Bridge Engineer (Bridge Installations only)

Google Google Maps



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

## Special Conditions Attachment Sheet

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

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

1. No excavated areas or other obstructions within 30' of white edge line or 6' behind curb, shall remain overnight without proper Concrete barriers w/approved end protection.
2. Salvage and replace topsoil.
3. All disturbed areas shall be re-established as per the re-vegetation Plan for Disturbed State Owned Right-of-Way. ( As shown below)
4. Traffic control shall be in accordance with the Manual on Uniform Traffic Control Devices. (MUTCD) or SDDOT standard plates for traffic control devices.
5. Permit holders should be aware of present and/or know future road work, that may involve realignments, widening's, cuts and fill section. Work shall be coordinated and completed so that it doesn't conflict with road work.
6. Embankment material within the ROW shall be placed in accordance with section 120.3 of the SDDOT standard specifications for Roads and Bridges 2004 Edition.
7. Granular base materials within the ROW shall be placed in accordance with section 280.3A of the SDDOT standard specification for Roads and Bridges 2004 Edition. Granular base materials shall follow existing construction limits and is subject to changes by the SDDOT
8. Any surfacing removed within the ROW shall be replaced in kind in accordance with section 320.3 or 380.1 of the SDDOT standard specification for Roads and Bridges 2004 Edition. Removals shall be defined by full depth saw cuts with limits approved by DOT.
9. When open cut excavations of the roadway are approved by the SDDOT, all materials used to replace excavated areas shall be tested. All tests including gradations, compaction and Etc., shall be reported to the appropriate personal and available upon request for verification by the DOT.
10. All pavement markings removed or damaged by the contractor shall be replaced to the satisfaction of the DOT.
11. Any subsequent damage to the roadway, shoulder or other items within the ROW, due to construction activities will be repaired by applicant at no cost to the state.
12. No obstructions shall be placed within the ROW without prior acceptance by the SDDOT. Obstructions include but are not limited to landscaping items, signs, light poles, buildings, guardrail, fence, parking, etc.
13. All utilities shall be placed as close to ROW line as possible.
14. All fencing that is removed for construction purposed shall be reset or replaced with materials in existing or better condition. Installation shall be per section 620 of the SDDOT standard specifications for Roads and Bridges 2004 edition.

## Special Conditions Attachment Sheet

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

### ***Re-vegetation Plan for Disturbed State Owned Right of Way***

#### **Shaping:**

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

#### **Seeding:**

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

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

Overall 26lbs pure live seed per acre

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

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

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

#### **Sediment and Erosion Control.**

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

[http://www.sddot.com/pe/projdev/environment\\_stormwater\\_3.asp](http://www.sddot.com/pe/projdev/environment_stormwater_3.asp)

## Special Conditions Attachment Sheet

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### **Final Inspection**

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

**Kraig, Rose**

---

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

Rose, please log in.

---

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

Sent from my iPhone

Begin forwarded message:

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

Mike,

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

Eddie Kirchoff  
307-660-8866



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

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

Permit Application (to be completed by applicant):

**Property Owner:**  
Name(s): Cross County Real Estate LLC  
Mailing Address: 3409 E. 2nd St  
City, State, Zip: G. 57118 WY 82718  
Daytime Phone: 307-890-9352

**Applicant (if different from Owner):**  
Name(s): \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City, State, Zip \_\_\_\_\_  
Daytime Phone: \_\_\_\_\_

**Property to be Served by Approach:**  
County: Rapid City  
Section: 10 Township: One North  
Range: Eight East  
Or  
Subdivision: \_\_\_\_\_ Block/Lot: \_\_\_\_\_  
Street Address: \_\_\_\_\_  
City: \_\_\_\_\_

**State Highway to be Accessed by Approach:**  
State Highway Number: SD44  
Access would be 60' feet (north, south, east or west) from only lane (nearest cross street).

**Land Use of Property to be Served (check one):**  
 Agricultural: acres served \_\_\_\_\_  
 Business: type retail total square footage of buildings: \_\_\_\_\_ number of employees \_\_\_\_\_  
 Residential: number of single-family dwellings \_\_\_\_\_, or number of multi-family dwellings \_\_\_\_\_  
 Other: describe \_\_\_\_\_

**Type of Permit Requested (check one)**  
 New approach  
 Change in use  
 Temporary access  
 Improve existing access  
 Relocate existing access  
 Remove existing access  
**Requested Approach Width (check one)**  
24'  30'  36'  40'

**Local Government Reviews:**  
County: Pennington  
Comments: \_\_\_\_\_  
Concurrence signature: \_\_\_\_\_ Date: \_\_\_\_\_

Municipality: \_\_\_\_\_  
Comments: \_\_\_\_\_  
Concurrence signature: \_\_\_\_\_ Date: \_\_\_\_\_

Estimated Date of Construction: 12/4/17

I, the undersigned, request permission to construct or modify an access approach subject to the rules and regulations set forth in SDCL 70:09. 12/20/17 20

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

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

Permit Decision (to be completed by SDDOT):

**Supporting Materials Required:** (Required) (Received)  
 Access Approach Design  
 Vicinity Map  
 Traffic Volumes  
 Three Copies of Site Plan  
 Traffic Control Plan  
 Proof of Liability Insurance  
 Detailed Development Plan  
 Drainage Plan  
 Traffic Impact Study  
 Revegetation Plan  
Other \_\_\_\_\_

Received by SDDOT: Date: 11/22/17

**Decision: (to be made after Application Review)**  
 Access Approved  
 Access Approved with Variance: \_\_\_\_\_  
 Access Denied

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

Access Must be Constructed By: 2/22/18

SDDOT Area Engineer Signature: [Signature]  
Date: 12/22/17

SDDOT Area: RC  
Area Office \_\_\_\_\_  
Contact Person Steve Wiese  
Contact Phone 394-1644  
Permit Number \_\_\_\_\_

cc: Paul Frazier

**SDDOT Highway Access Permit Application Review Sheet (to be completed by SDDOT)**

**Highway Access Classification: (check one)**

- Expressway
- Free Flow Urban
- Intermediate Urban
- Urban Developed
- Urban Fringe
- Rural

Highway 44  
 MRM + Displacement 50+30  
 Left  Right   
 Average Daily Traffic 14239  
 Accidents (three years) \_\_\_\_\_

452

*1320' Access spacing*

**Highway Alignment to Left of Access (as seen when standing on access)**

- Straight
- Turns left
- Turns right
- Flat
- Slopes up
- Slopes down

Stopping Sight Distance: 800 ft.  
 Entering Sight Distance: 900 ft.  
 Posted Speed Limit: 45 mph

- 0-3% grade
- 3-5% grade
- >5% grade

**Highway Alignment to Right of Access (as seen when standing on access)**

- Straight
- Turns left
- Turns right
- Flat
- Slopes up
- Slopes down

Stopping Sight Distance: 200 ft.  
 Entering Sight Distance: 1000 ft.  
 Posted Speed Limit 45 mph

- 0-3% grade
- 3-5 % grade
- >5% grade

**Significant Design and Potential Impact Considerations (check all that apply and explain checked items):**

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Sidewalks or Bike Paths  | <input checked="" type="checkbox"/> Surface Drainage | <input checked="" type="checkbox"/> Distance to Nearby Streets, Both Directions    |
| <input checked="" type="checkbox"/> Curb & Gutter | <input type="checkbox"/> Drainage Structures         | <input type="checkbox"/> Distance to Nearby Driveways, Both Directions             |
| <input type="checkbox"/> On-Street Parking        | <input type="checkbox"/> Major Structures            | <input checked="" type="checkbox"/> Others Streets with Access or Available Access |
| <input type="checkbox"/> Shoulder Width           | <input type="checkbox"/> Guard Rail                  | <input type="checkbox"/> Traffic Control Devices or Relocation Needed              |
| <input type="checkbox"/> Historical Resources     | <input type="checkbox"/> Above-Ground Utilities      | <input type="checkbox"/> Median Crossovers   |
|   | <input type="checkbox"/> Railroad Tracks             |  |

Explain impact on design:

*Access does not meet spacing for Free Flow Urban classified Rd.*

**SDDOT Region Traffic Engineer Review (optional):**

Comments:

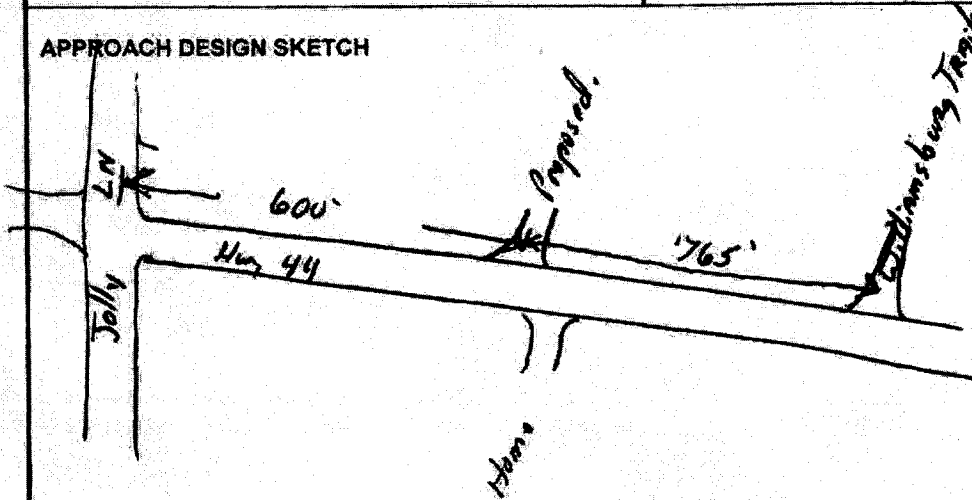
Signature: \_\_\_\_\_ date:  / /

**SDDOT Access Management Review (optional):**

Comments:

Signature: \_\_\_\_\_ date:  / /

**APPROACH DESIGN SKETCH**



**List Attachments:**

- Driveway details
- Culvert details
- Mailbox details
- Fencing details
- Cattle guard
- Sidewalk details
- Median crossovers
- Recreation paths
- Rail crossings
- Auxiliary lanes
- Storm sewer
- Pavement
- Curb & gutter
- Traffic Control
- Sign/signal/markings
- Other

SDDOT Review Performed by: \_\_\_\_\_

Date:  / /

## **State Highway Access Approach Permit Standard Conditions**

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

### **PERMIT EXPIRATION**

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

### **CONSTRUCTION**

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

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

#### **CHANGES IN ACCESS USE AND PERMIT VIOLATIONS**

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

#### **MAINTENANCE**

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

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

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

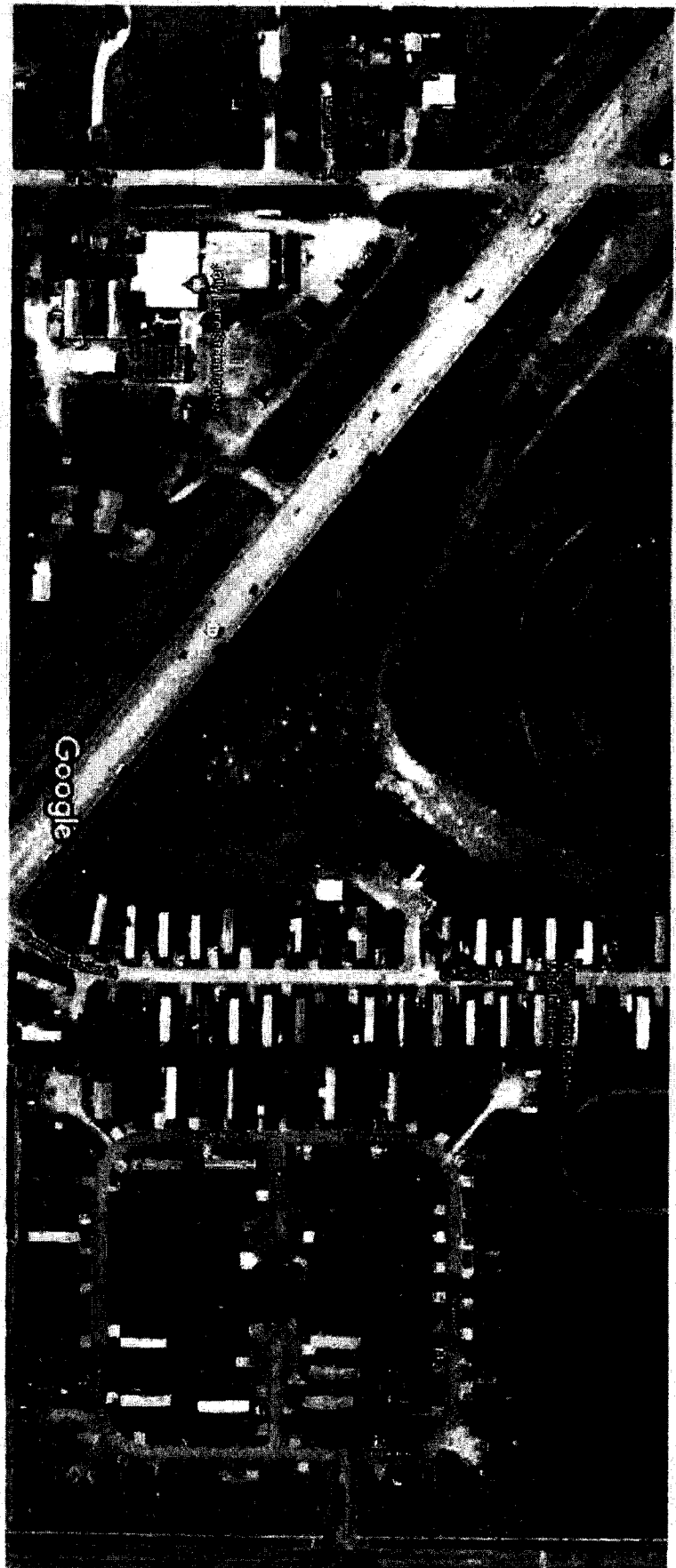
- (1) modification of access point as necessary to meet adjacent highway reconstruction, as determined by the department,
- (2) access surface maintenance only when the department performs similar type maintenance on the highway at the access,
- (3) maintenance of new approaches required for construction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

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

## Access Approach Construction Inspection Form South Dakota Department of Transportation

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

Google Maps



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

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

12/21/2017

## Special Conditions Attachment Sheet

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

1. No excavated areas or other obstructions within 30' of white edge line or 6' behind curb, shall remain overnight without proper Concrete barriers w/approved end protection.
2. Salvage and replace topsoil.
3. All disturbed areas shall be re-established as per the re-vegetation Plan for Disturbed State Owned Right-of-Way. ( As shown below)
4. Traffic control shall be in accordance with the Manual on Uniform Traffic Control Devices. (MUTCD) or SDDOT standard plates for traffic control devices.
5. Permit holders should be aware of present and/or know future road work, that may involve realignments, widening's, cuts and fill section. Work shall be coordinated and completed so that it doesn't conflict with road work.
6. Embankment material within the ROW shall be placed in accordance with section 120.3 of the SDDOT standard specifications for Roads and Bridges 2015 Edition.
7. Granular base materials within the ROW shall be placed in accordance with section 260.3 of the SDDOT standard specification for Roads and Bridges 2015 Edition. Granular base materials shall follow existing construction limits and is subject to changes by the SDDOT
8. Any surfacing removed within the ROW shall be replaced in kind in accordance with section 320.3 or 380 of the SDDOT standard specification for Roads and Bridges 2015 Edition. Removals shall be defined by full depth saw cuts with limits approved by DOT.
9. When open cut excavations of the roadway are approved by the SDDOT, all materials used to replace excavated areas shall be tested. All tests including gradations, compaction and Etc., shall be reported to the appropriate personal and available upon request for verification by the DOT.
10. All pavement markings removed or damaged by the contractor shall be replaced to the satisfaction of the DOT.
11. Any subsequent damage to the roadway, shoulder or other items within the ROW, due to construction activities will be repaired by applicant at no cost to the state.
12. No obstructions shall be placed within the ROW without prior acceptance by the SDDOT. Obstructions include but are not limited to landscaping items, signs, light poles, buildings, guardrail, fence, parking, etc.
13. All utilities shall be placed as close to ROW line as possible.
14. All fencing that is removed for construction purposed shall be reset or replaced with materials in existing or better condition. Installation shall be per section 620 of the SDDOT standard specifications for Roads and Bridges 2015 edition.

## Special Conditions Attachment Sheet

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

### *Re-vegetation Plan for Disturbed State Owned Right of Way*

#### **Shaping:**

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

#### **Seeding:**

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

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

Overall 26lbs pure live seed per acre

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

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

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

#### **Sediment and Erosion Control.**

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

<http://www.sddot.com/business/environmental/stormwater/Default.aspx>



## Special Conditions Attachment Sheet

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### **Final Inspection**

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

## Wiege, Steve

---

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

1:00 pm

I gave Eddie a call and explained the following:

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

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

Have a good weekend –  
Stacy

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

This is what I got from him thus far.

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

Steve,

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

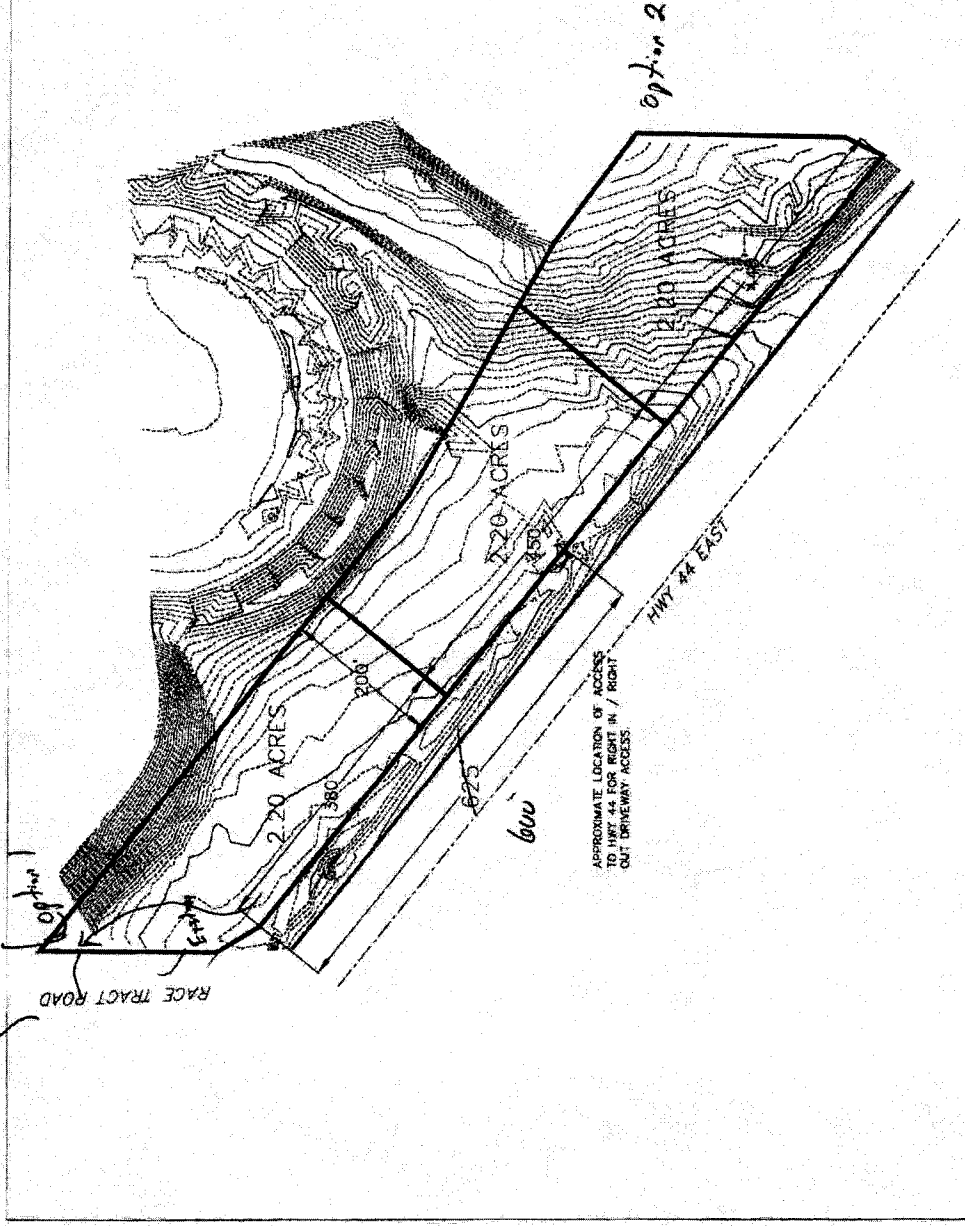
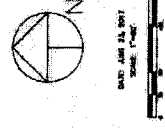
Thank you

**Eddie Kirchoff**

  
GK Express Fabrication LLC



DAVIS ENGINEERING, INC.		
1000 WEST BROAD STREET, SUITE 200, RALEIGH, NORTH CAROLINA 27601 PHONE: (919) 286-1200		
BLACK HILLS SPEEDWAY PROPOSED GRADING PLAN		
SHEET 1 OF 1		



Z:\00000-DE-2015-10B5\2015-26 Speedway\2015-26 Speedway RAW DATA.dwg, 6/23/2017 2:53:19 PM, DWG to PDF.pc3

DRAINAGE EASEMENT

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

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

STATE OF SOUTH DAKOTA  
COUNTY OF PENNINGTON S S

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

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

In Witness Whereof I hereunto set my hand and official seal

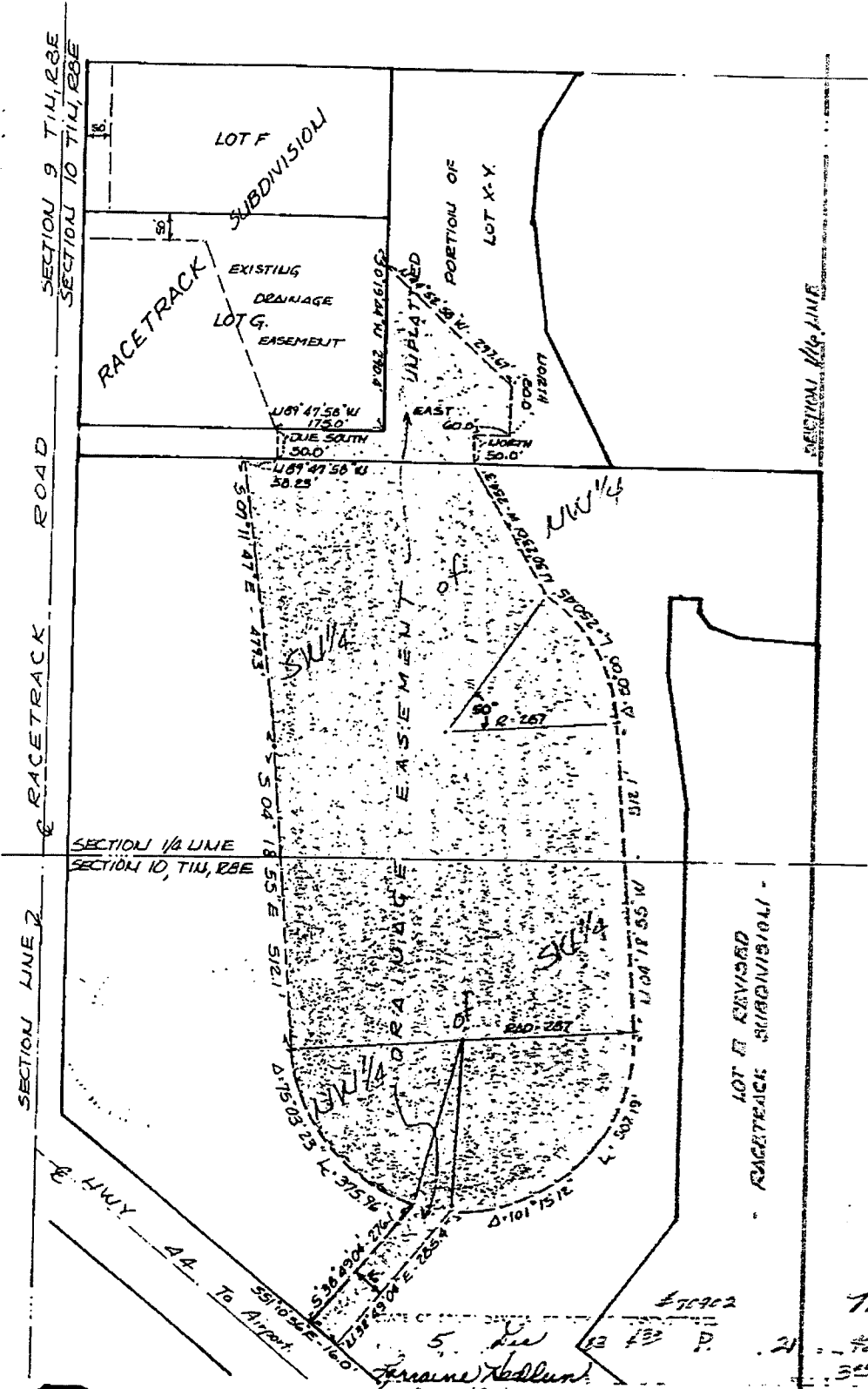
Loren J. Krueger

Notary Public

My Commission Expires 11/09/91

DATE RECORDED  
CAMERA OPERATOR

DATE MICROFILMED CAMERA OPERATOR



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

5. *See* 13 *See* P. 21  
*Freddie Adlund*  
 Registrar of Deeds  
 \$75002  
 This  
 300

PLANNING TOWN COUNTY, SOUTH DAKOTA - 486-13-28 OF DIST. 69 CERTIFICATE OF AUTHENTICITY

THIS IS TO CERTIFY THAT THE MICROPHOTOGRAPHIC IMAGE APPEARING ON THIS SLIDE OF MICROFILM IS AN ACCURATE REPRODUCTION OF THE ORIGINAL RECORD AND WAS MICROFILMED IN THE REGULAR COURSE OF BUSINESS ACCORDING TO THE PROVISIONS OF SOUTH DAKOTA COMPILED LAW 1-27-4. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A MANNER AND ON MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROPHOTOGRAPHIC REPRODUCTIONS. REDUCTIONS 25%.

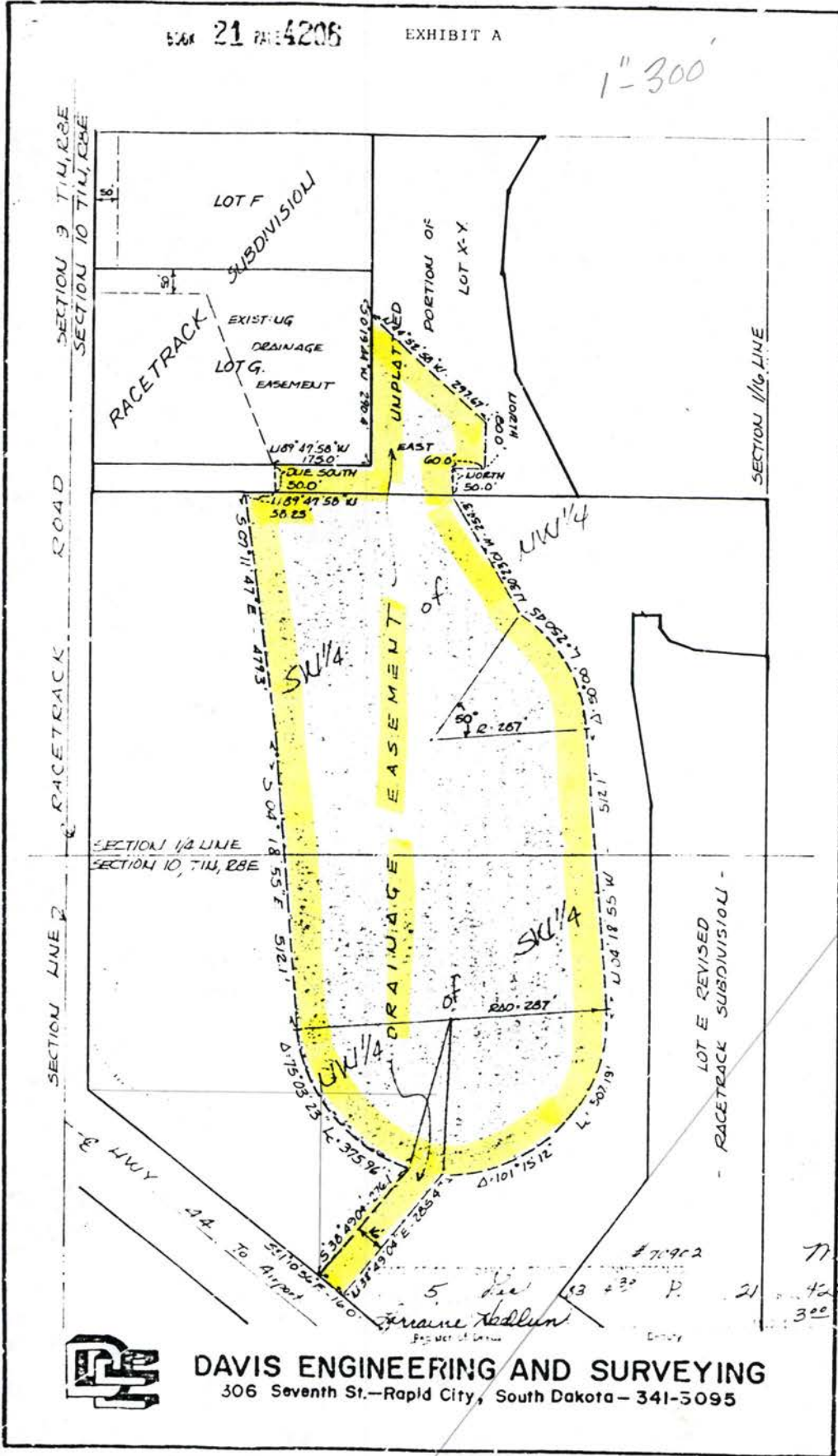
DATE MICROFILMED Jan. 10 1984 CAMERA OPERATOR Sybil M. M... ..

ROLL NO. 25

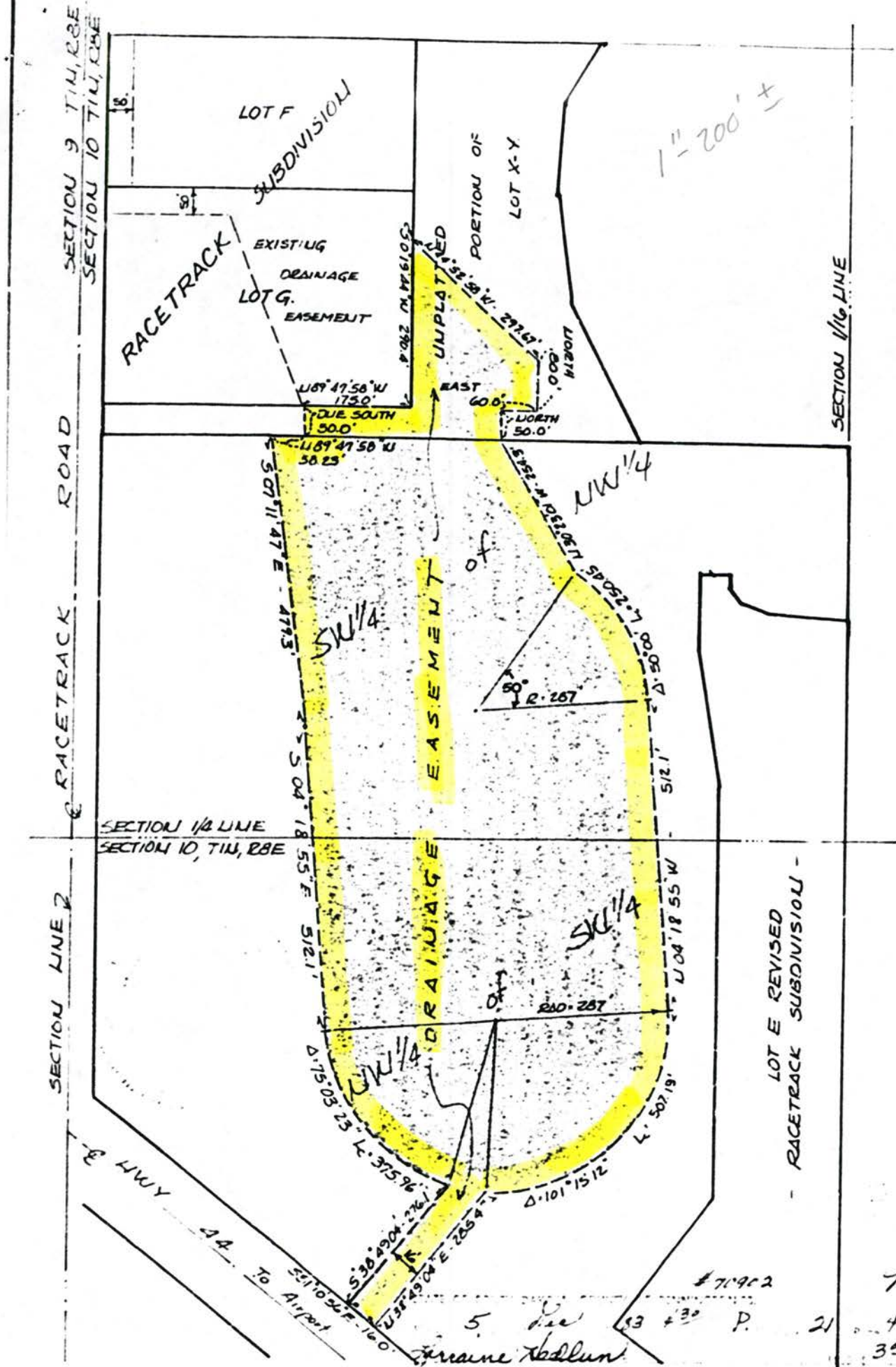
BOOK 21 PAGE 4206

EXHIBIT A

1" = 300'



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



**DAVIS ENGINEERING AND SURVEYING**  
306 Seventh St. - Rapid City, South Dakota - 57701

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

IN WITNESS WHEREOF, the GRANTORS have executed this instrument this 5th day of December, 1913 GRANTOR S. William Davies

STATE OF SOUTH DAKOTA COUNTY OF PENNINGTON S S

On this 5th day of December, 1913, before me, the undersigned officer, personally appeared S. William Davies known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same for the purposes therein contained.

In Witness Whereof I hereunto set my hand and official seal

Laura J. Krueger

Notary Public

My Commission Expires 11/09/91

THIS IS TO CERTIFY THAT THE MICROFILMED COPY OF THIS INSTRUMENT IS A TRUE AND CORRECT COPY OF THE ORIGINAL RECORD AND WAS MICROFILMED IN THE REGULAR COURSE OF BUSINESS ACCORDING TO THE PROVISIONS OF SOUTH DAKOTA COMPILLED LAW 1-27. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A MANNER AND ON MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROPHOTOGRAPHIC REPRODUCTIONS. REDUCTIONS: 100% DATE MICROFILMED: 10/10/94 CAMERA OPERATOR: S. J. M...



RECEIVED  
APR 29 2016  
BY: *Om*



## TRANSMITTAL LETTER

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

DATE: April 29, 2015

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

RE: Replacement of drainage pipe @ Black Hills Speedway

To whom it may concern;

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

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

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

If you have any questions please call.

Thank you;

**Davis Engineering, Inc.**

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

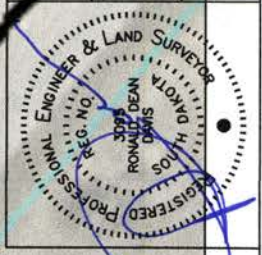


\* The existing 12 rcp will discharge the same amount that has been released historically. Approximately 5 cfs. The new 18" pipe will carry the discharge to the Highway Right of Way. This pipe is being installed to replace the 12" rcp that was clogged. This pipe needs to be installed so that the open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



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

**BLACK HILLS SPEEDWAY DRAINAGE PROPOSAL**



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



DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES  
NOTICE OF INTENT (NOI)

to Obtain Coverage Under the SWD General Permit for  
Stormwater Discharges Associated with Construction Activities

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

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

I. Site Owner Contact Information:

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

II. Contractor Information:

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

III. Engineering Firm Contact Information (if applicable):

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

IV. Construction Project Information:

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

FOR DENR USE ONLY

Permit Number: \_\_\_\_\_ Date Approved: \_\_\_\_\_ Approved by: \_\_\_\_\_

**Construction Project Information (Continued):**

Is this project on Tribal Lands?  Yes  No

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

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

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

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

**V. Stormwater Pollution Prevent Plan (SWPPP):**

Has the SWPPP been developed as required?  Yes  No

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

**VI. Receiving Waters:**

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

Rapid Creek

**VII. Nature of Discharge:**

Please include a brief description of the construction project:

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

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

**VIII. Construction Dates:**

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

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

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

Date dewatering will commence (MM/DD/YYYY): \_\_\_\_\_

Date dewatering will end (MM/DD/YYYY): \_\_\_\_\_

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

Source of water to be discharged: \_\_\_\_\_

Receiving water: \_\_\_\_\_

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

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

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

**X. Other Information**

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

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

TO: Board of Commissioners

FROM: Dan Jennissen, Pennington County Planning Department

DATE: May 4, 2010

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

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

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

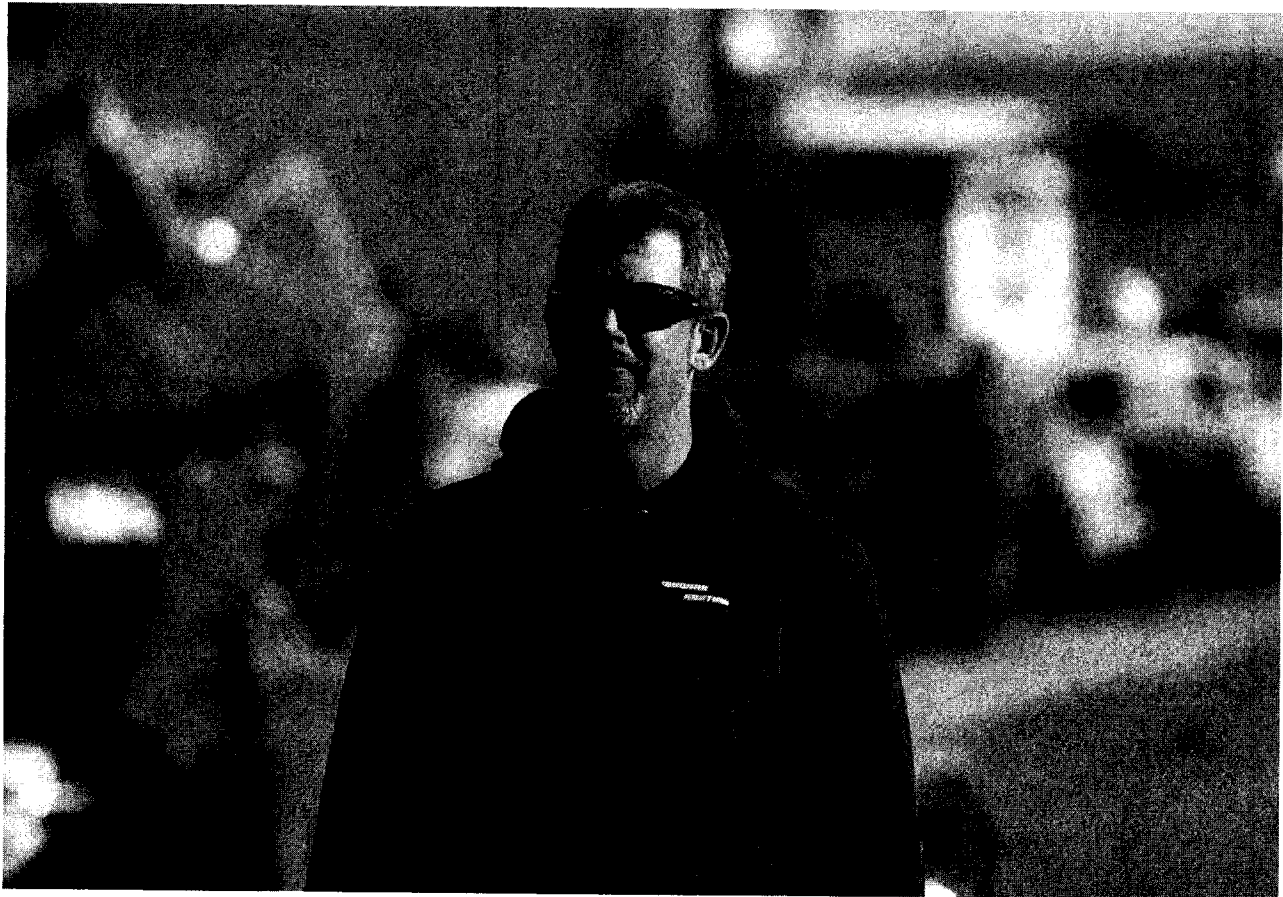
The previous owners and the current owners of the speedway have been aware and are aware that the speedway cannot be expanded so as to increase it's non conformity. The two signs have been vacant from the property for more than a year. Section 401-C states: "If a nonconforming building, structure, or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

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



Geoff Preston Journal staff Apr 29, 2018

SUBSCRIBE FOR 33¢ / DAY



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

BUY NOW

Geoff Preston Journal staff

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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Contact Geoff Preston at [geoffrey.preston@rapidcityjournal.com](mailto:geoffrey.preston@rapidcityjournal.com)

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**Geoffrey Preston**

Sports Reporter

Sports reporter for the Rapid City Journal.





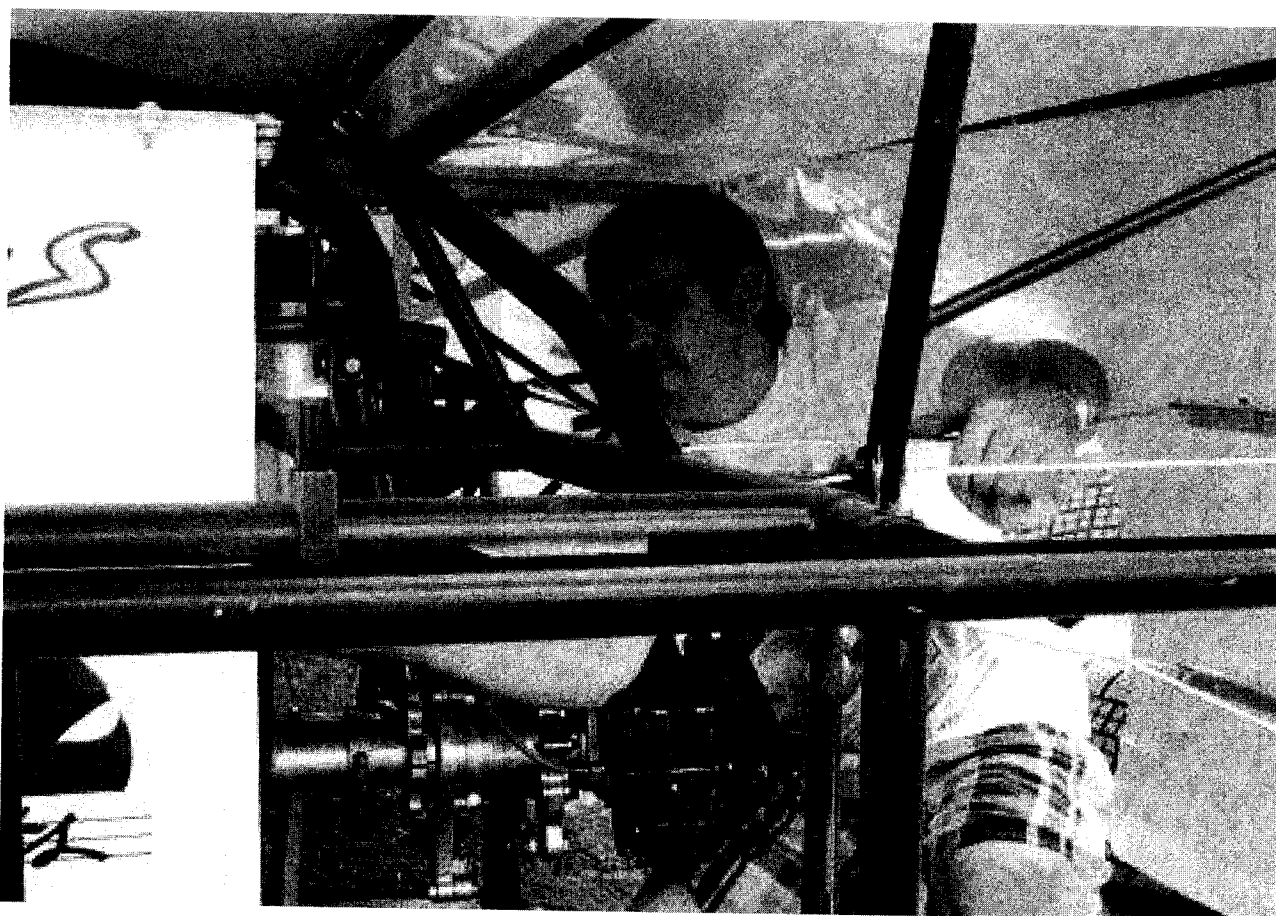
[http://www.bhpioneer.com/black-hills-speedway-comes-to-life/article\\_1abb16d7-4d27-53fc-9ee4-7cde55db56d9.html](http://www.bhpioneer.com/black-hills-speedway-comes-to-life/article_1abb16d7-4d27-53fc-9ee4-7cde55db56d9.html)

## Black Hills Speedway comes to life

Business concerns, wet weather kept drivers, fans parked

By Peter Centineo

The Weekly News Jun 18, 2008



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

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

Racing fans were very pleased.

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



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

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

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

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

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



## Google Chrome

Google Chrome

Chrome Safe Browsing will protect you from malicious sites.

DOWNLOAD

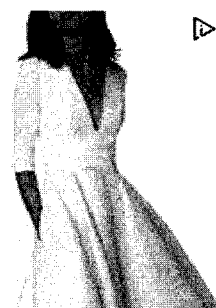
Fans weren't just local, either. L.T. Works of Texas arrived in the parking lot at 5:30 p.m. with a friend and was looking forward to watching some races.

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

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

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

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







[https://rapidcityjournal.com/dirt-flying-at-black-hills-speedway/article\\_055c2a20-31cb-5698-b469-6973f5f7192e.html](https://rapidcityjournal.com/dirt-flying-at-black-hills-speedway/article_055c2a20-31cb-5698-b469-6973f5f7192e.html)

## **Dirt flying at Black Hills Speedway**

Jim Holland, Journal Staff Writer Apr 23, 2002

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

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

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

Change, indeed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"There should be about 20-25 sprint cars in the pits here every week," he said.

"Ten of them might be different each time, but we'll have a lot of cars."

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

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

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

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

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

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

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

Questions or Comments? Contact reporter Jim Holland at 394-8415, or [jim.holland@rapidcityjournal.com](mailto:jim.holland@rapidcityjournal.com).

**PROPOSED GRADING PLAN**  
**BLACK HILLS SPEEDWAY RACE TRACK**  
 RAPID CITY, PENNINGTON COUNTY, SOUTH DAKOTA

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



**ENGINEERS CERTIFICATION:**  
 I hereby certify that these plans were prepared by me or under my direct supervision and that I am a duly registered Professional Engineer and Land Surveyor under the laws of the State of South Dakota.

Ronald D Davis, PE/RLS #3095  
 August 17, 2018  
 DATE:

**PROJECT INFORMATION:**  
 1. PROJECT OWNER: Cross County Real Estate, LLC  
 3402 E. 2nd Street  
 Gettys, NY 82718-8239  
 2. ENGINEER/SURVEYOR: Davis Engineering, Inc.  
 1080 Kings Road  
 Rapid City, SD 57702  
 855-541-3095  
 3. CONTRACTOR: The contractor will be the owner.

ALL OTHER DISTURBED AREAS WILL RECEIVE TOP SOIL AND BE RE-SEEDING  
 AREA 1 = 204085 SQ FT/4.69 ACRES  
 4715 TONS OF BASE COURSE  
 AREA 2 = 57800 SQ FT/1.33 ACRES  
 1340 TONS OF BASE COURSE

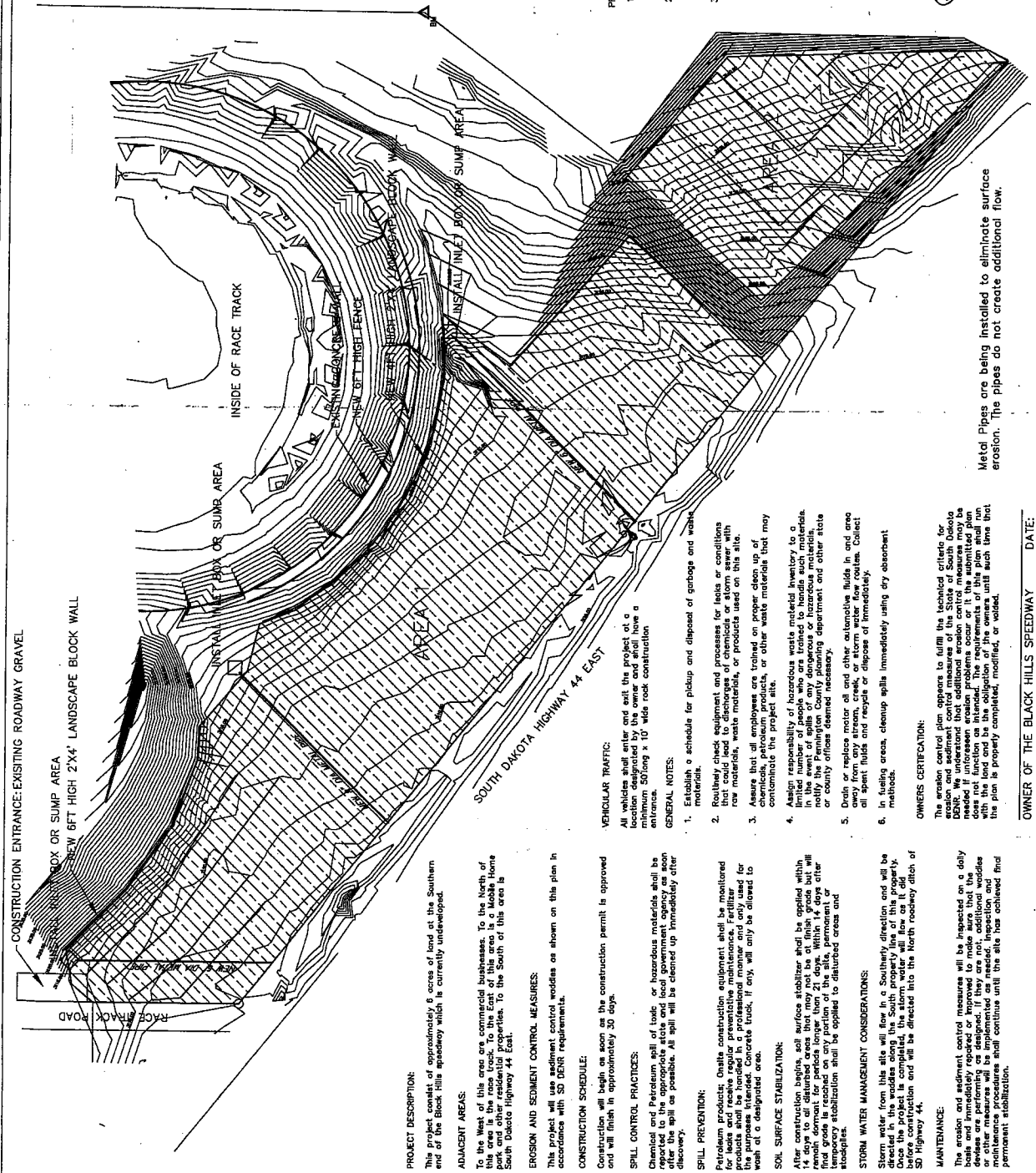
AREAS TO RESERVE AS BASE COURSE FOR PARKING

THE ENGINEER HAS CONDUCTED VISUAL INSPECTIONS OF THE PROPOSED CONSTRUCTION AND HAS FOUND NO OBVIOUS CONFLICTS WITH EXISTING UTILITIES OR OTHER FEATURES OF THE PROPERTY. THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION.



SCALE 1" = 50' - HORIZ  
 BENCHMARK - YELLOW CAP PEG  
 ELEVATION = 3120.07  
 CONTOUR INTERVAL - 1'-0" FOOT

**DAVIS ENGINEERING, INC.**  
 1080 KINGS ROAD, SOUTH DAKOTA, 57702  
 SHEET IS THE PROPERTY OF THE ENGINEER  
 NO UNAUTHORIZED USE PERMITTED WITHOUT PERMISSION  
 AND APPROVAL OF THE OWNERS  
 CONFIDENTIAL  
 UPDATED



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

- GENERAL NOTES:**
1. Establish a schedule for pickup and disposal of garbage and waste materials.
  2. Routinely check equipment and processes for leaks or conditions that could result in spills or discharges of chemicals or storm water with raw materials, waste materials, or products used on this site.
  3. Ensure that all employees are trained on proper clean up of spills and that all employees are trained on proper clean up of contaminated materials that may be used on this site.
  4. Assign responsibility of hazardous waste materials inventory to a limited number of people who are trained to handle such materials. In the event of spills of any dangerous or hazardous materials, the contractor shall immediately notify the appropriate state or county officials deemed necessary.
  5. Daily or weekly section clean and other automotive fluids in and area away from any structure and other equipment. Collect all spent fluids and recycle or dispose of immediately.
  6. In fueling area, cleanup spills immediately using dry absorbent methods.

**OWNERS CERTIFICATION:**

The engineer contacted the owner to inform the technical criteria for erosion and sediment control. The owner has approved the plan. DENR. We understand that additional erosion control measures may be required if unforeseen erosion problems occur or if the submitted plan does not meet the requirements of the state or local government agency with the final end and be the obligation of the owner until such time that the plan is properly completed, modified, or voided.

OWNER OF THE BLACK HILLS SPEEDWAY DATE:

**PROJECT DESCRIPTION:**  
 This project consists of approximately 6 acres of land at the Southern end of the Black Hills Speedway which is currently undeveloped.

**ADJACENT AREAS:**  
 To the West of this area are commercial businesses. To the North of this area is the race track. To the East of this area is a Mobile Home Park and other residential properties. To the South of this area is South Dakota Highway 44 East.

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

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

**SPILL CONTROL PRACTICES:**  
 Chemical and Petroleum spill of toxic or hazardous materials shall be reported to the appropriate state and local government agency as soon as possible. All spill as possible. All spill will be cleaned up immediately after discovery.

**SPILL PREVENTION:**  
 Petroleum products: Onsite construction equipment shall be mobilized for leaks and receive regular preventative maintenance. Fertilizer shall be stored in a professional manner and only used for the purpose intended. Concrete trucks, if any, will only be cleaned to wash at a designated area.

**SOIL SURFACE STABILIZATION:**  
 After construction begins, soil surface stabilizer shall be applied within 14 days to all disturbed areas that may not be suitable for seeding. The final grade is reached on any portion of the site, permanent or temporary stabilization shall be applied to disturbed areas and slopes.

**STORM WATER MANAGEMENT CONSIDERATIONS:**  
 Storm water from this site will flow in a Southerly direction and will be directed in the wattles along the South property line of this property. Once the project is completed, the storm water will flow as it did prior to construction and will be directed into the North roadway ditch of SD Highway 44.

**MAINTENANCE:**  
 The erosion and sediment control measures will be inspected on a daily basis and immediately repaired or improved to make sure that the measures are working properly. Inspection and maintenance records shall be maintained on record. Inspection and maintenance procedures shall continue until the site has achieved final permanent stabilization.

CONSTRUCTION ENTRANCE: EXISTING ROADWAY GRAVEL

NEW 6FT HIGH 2'X4' LANDSCAPE BLOCK WALL

RACE TRACK ROAD

START V DITCH SECTION  
INVERT OF DITCH: 3106.50

LOW POINT V DITCH SECTION  
INVERT OF DITCH: 3105.00

**PROJECT DESCRIPTION:**  
This project consists of approximately 6 acres of land at the Southern end of the Black Hills Speedway which is currently undeveloped.

**ADJACENT AREAS:**

To the West of this area are commercial businesses. To the North of this area are residential properties. To the East of this area is the South Dakota Highway 44 East.

**EROSION AND SEDIMENT CONTROL MEASURES:**

This project will use sediment control measures as shown on this plan in accordance with SD DEIR requirements.

**CONSTRUCTION SCHEDULE:**

Construction will begin as soon as the construction permit is approved and will finish in approximately 9 months.

**SPILL CONTROL PRECAUTIONS:**

Chemical and Petroleum spill of toxic or hazardous materials shall be contained and cleaned up immediately. Concrete truck, if any, will only be allowed to wash at a designated area.

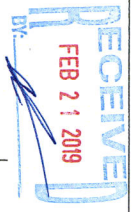
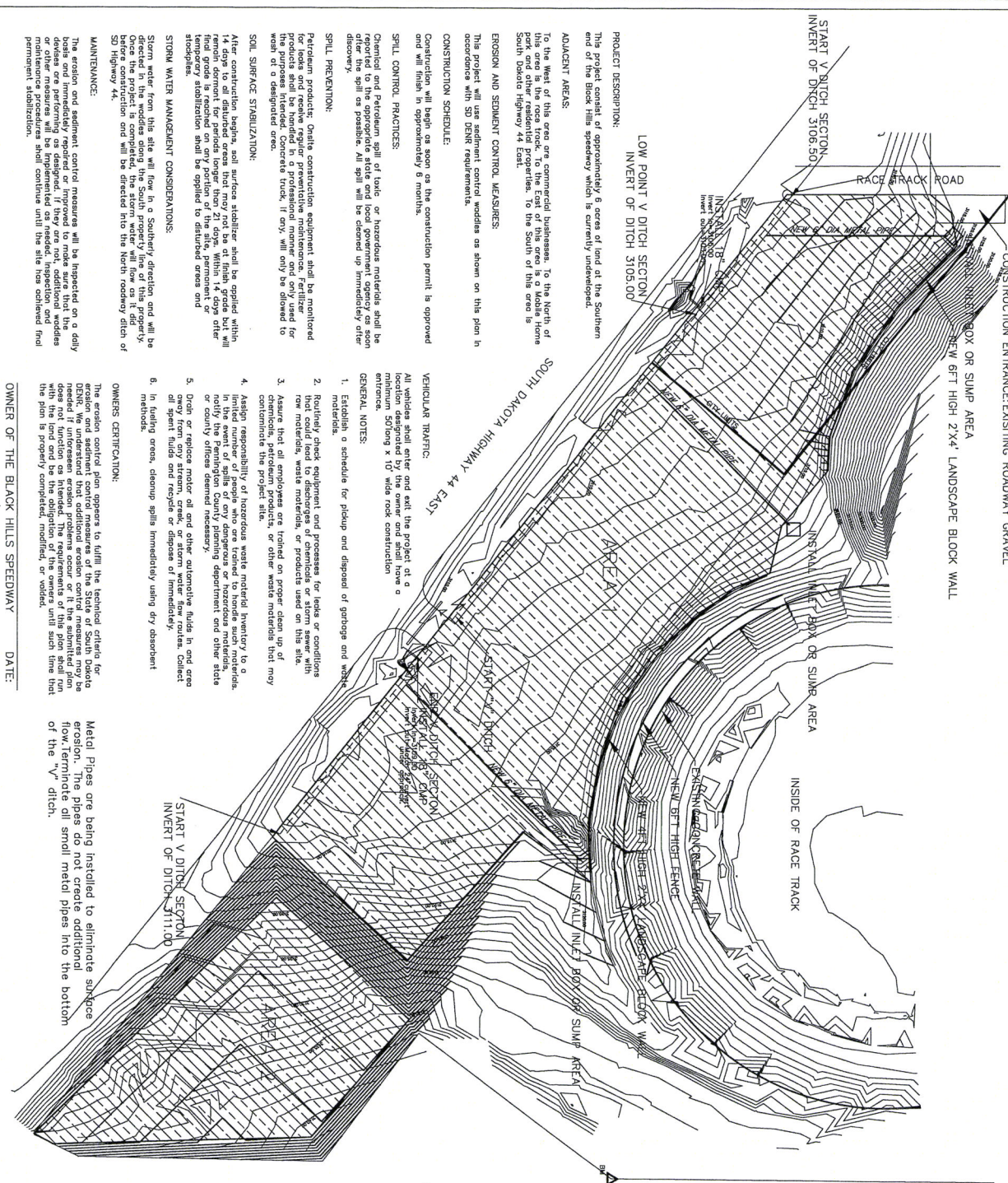
**SOIL SURFACE STABILIZATION:**

Petroleum products, Oxide construction equipment shall be monitored and cleaned up immediately. Oxide construction equipment shall be monitored and cleaned up immediately. Oxide construction equipment shall be monitored and cleaned up immediately.

**STORM WATER MANAGEMENT CONSIDERATIONS:**  
Storm water from this site will flow in a southerly direction and will be directed in the roadway along the South property line of this property. Final grade is provided on any portion of the site, permanent or temporary, shall be applied to disturbed areas and stabilizers.

**MAINTENANCE:**  
The erosion and sediment control measures will be inspected on a daily basis. If any erosion or sedimentation is observed, the owner shall take corrective action immediately. If any erosion or sedimentation is observed, the owner shall take corrective action immediately.

**OWNER OF THE BLACK HILLS SPEEDWAY DATE:**



SCALE: 1" = 40' - HORIZ  
100'

BENCHMARK - YELLOW CAP #2507  
ELEVATION = 3147.07  
CONTOUR INTERVAL = 1'-0" FOOT

AREAS TO RECEIVE 4" BASE COURSE FOR PARKING

AREA 1 = 20405 SQ FT / 4.69 ACRES  
4715 TONS OF BASE COURSE

AREA 2 = 52900 SQ FT / 13.13 ACRES  
1340 TONS OF BASE COURSE

ALL OTHER DISTURBED AREAS WILL RECEIVE TOP SOIL AND BE RE-SEED

**PROJECT INFORMATION:**

- PROJECT OWNER: Cass County Real Estate, LLC  
3402 E. 2nd Street  
Gibletta, WY 82716-0239
- ENGINEER/SURVEYOR: Davis Engineering, Inc.  
1080 Kings Road  
Rapid City, SD 57702  
605-341-5389
- CONTRACTOR: The contractor will be the owner.

NOTE: CONSTRUCTION "V" DITCH AS SHOWN AT LEFT

FLOW TO = 2.04 CFS  
VELOCITY = 2.08 FT/SEC.  
SLOPE TO BE 0.005 UNITS

**ENGINEER'S CERTIFICATION:**

I hereby certify that these plans were prepared by me or under my direct supervision and that I am a duly registered Professional Engineer and Land Surveyor under the laws of the State of South Dakota.

Ronald D Davis, PE/RLS #3095

DATE:

DWC NO: C1.0  
DATE: 2-18-19

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

DAVIS ENGINEERING, INC.  
1080 KINGS ROAD, RAPID CITY, SOUTH DAKOTA, 57702  
PHONE 605.341-5389

CONFIDENTIAL  
UPDATED:  
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.

## STAFF REPORT

### GENERAL INFORMATION:

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

APPLICANT: Schriner Investments / Shane Schriner

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

SURVEYOR: Sperlich Consulting

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

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

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

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

SIZE: 29.02 acres

TAX ID: 44242 / 44243 / 44244 / 44245

EXISTING LAND USE: Vacant

SUBDIVISION REGULATIONS REFERENCE: § 700.1

CURRENT ZONING: General Agriculture District



**SURROUNDING ZONING:**

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

**PHYSICAL CHARACTERISTICS:** Forested / Hills

**UTILITIES:** None

**REPORT BY:** Cassie Bolstad

**I. PROPOSED RECOMMENDATION**

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

**II. GENERAL DESCRIPTION**

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

**III. EXISTING CONDITIONS**

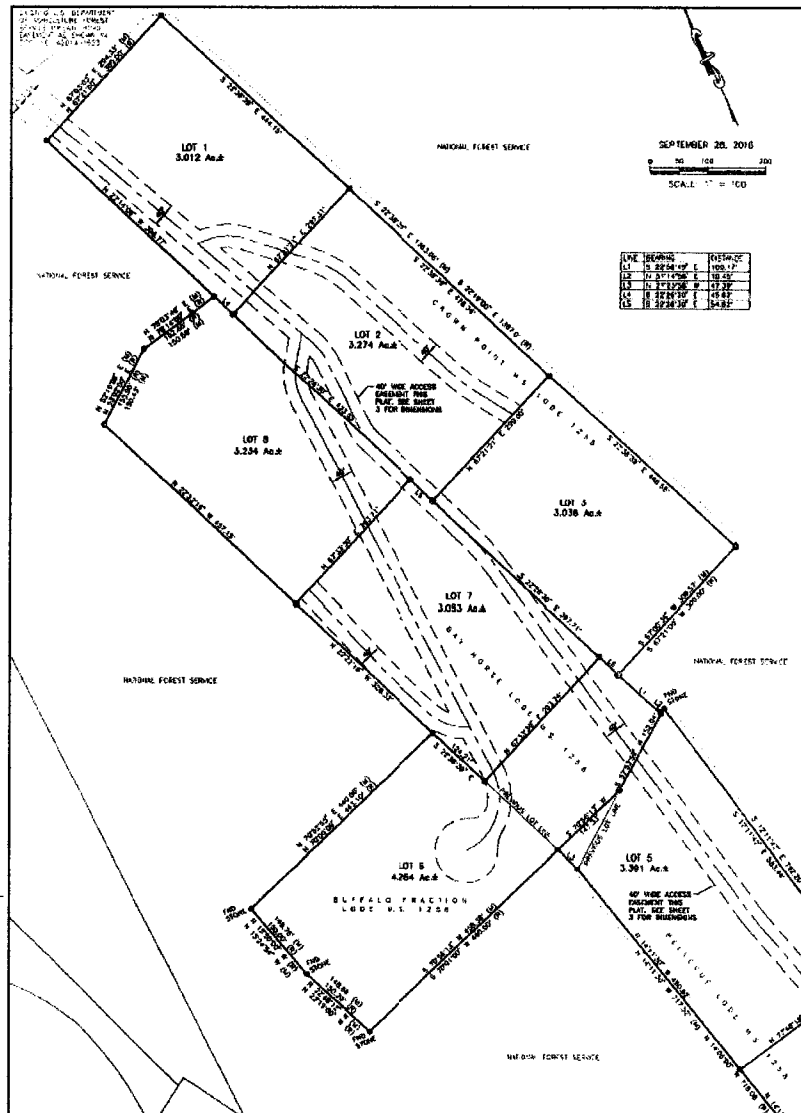
- A. Four (4) separate lots.
- B. All existing lots are currently zoned General Agriculture District.
  - 1. Future Land Use (FLU) designation is Planned Unit Development Sensitive.
- C. No Special Flood Hazard Area on the existing properties.
- D. All four (4) existing properties are currently vacant.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

Agenda Item #18  
 Schriner Investments (Shane Schriner)  
 February 25, 2019

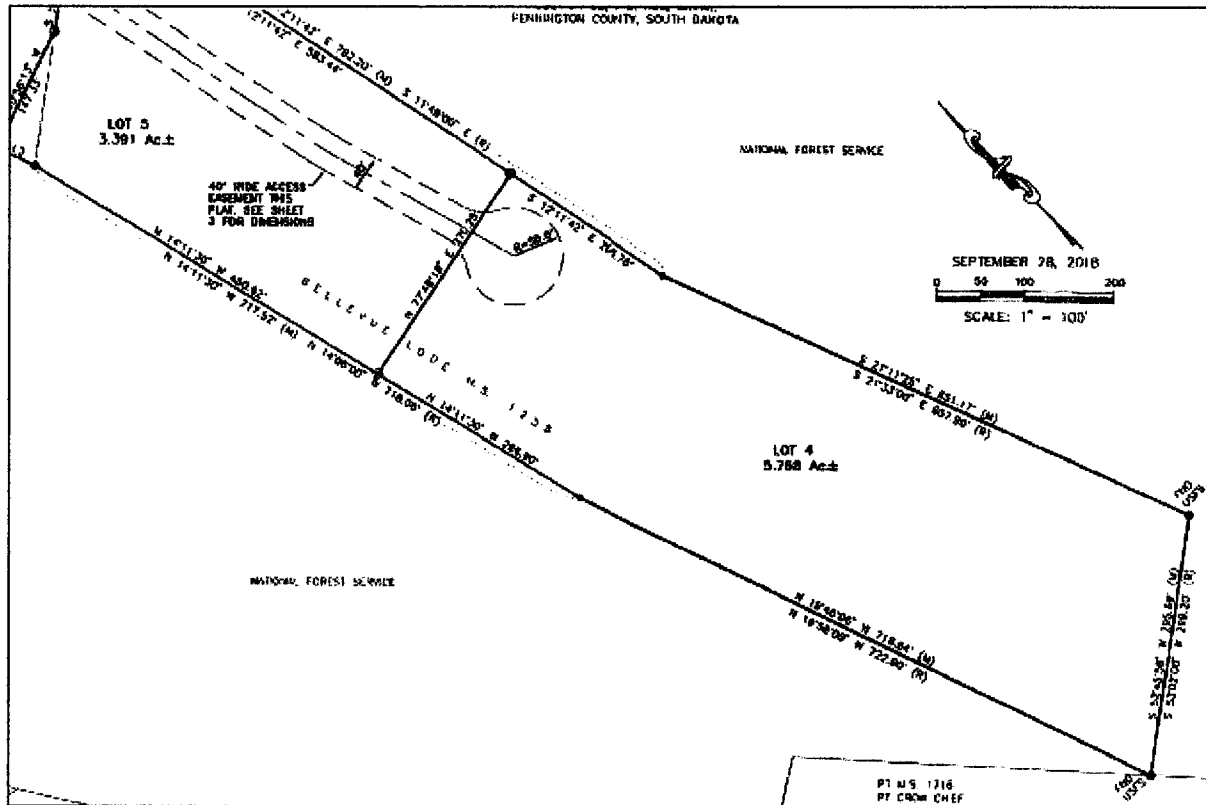
- F. All of Bay Horse Lode M.S. 1258
  - 1. 7.24 acres.
- G. All of Buffalo Fraction Lode M.S. 1258
  - 1. 3.13 acres.
- H. All of Bellevue Lode M.S. 1258
  - 1. 9.24 acres.

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

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



Proposed subdivision -  
 Sperlich Consulting  
 (September 28, 2018)



Proposed Subdivision – Sperlich Consulting (September 28, 2018)

**V. REQUEST FOR COMMENT**

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

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

## VI. BACKGROUND

- A. June 19, 2018 – Board of Commissioners approved Layout Plat / PL 18-14 to create Lots 1-8 of Keystone Wye Subdivision with the following sixteen (16) conditions:
1. That prior to filing the Plat with the Register of Deeds, the proposed lots obtain approved Lot Size Variances or be Rezoned appropriately;
  2. That prior to filing the Plat with the Register of Deeds, an approved Construction Permit be obtained for the access road that was constructed through the subject properties, with the appropriate waivers for any road standards that are not or will not be met;
  3. That prior to new Plat submittal, the applicant provide alternate proposed road names for the Access Easement identified as “Twin Drive” to 9-1-1 for review and the road name approved by 9-1-1 be added to the Plat;
  4. That at the time of new Plat submittal, the applicant submit a Road Naming application, with a 9-1-1 approved road name, to be approved by the Pennington County Board of Commissioners;
  5. That at the time of new Plat submittal, the proposed Access Easement be increased to 66-feet per Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
  6. That at the time of new Plat submittal, an Owner’s Certificate be added for Genesis Capital LLC, per Register of Deeds and Department of Equalization comments;
  7. That at the time of new Plat submittal, the Certificates that have reference to the Town of New Underwood be corrected;
  8. That at the time of new Plat submittal, the following corrections and additions be made, per Department of Equalization comments; the names of the underlying Lodes be added to the Plat; the annotation near the northeast corner of Lot 5 be corrected, so that it is legible; and, the distances and bearings of the proposed Access Easement be added to the Plat;
  9. That prior to new Plat submittal, the surveyor verify the acreage of the existing Bay Horse Lode and the total acreage of the proposed Plat, per Department of Equalization comments;
  10. That at the time of new Plat submittal, eight (8) foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
  11. That at the time of new Plat submittal, the plat meets all requirements of § 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;

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

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- c. The inslopes be 4:1 or flatter or guardrail be installed wherever the slope is steeper than 4:1;
  - d. Intersections not be less than a 75° angle and have at least a 100' tangent before a curve;
  - e. Vertical curves be a minimum of 100' or 20' for every 1% algebraic difference in grade, whichever is greater.
6. That at the time of Final Plat submittal, an Owner's Certificate be added for Genesis Capital LLC, per Department of Equalization comments;
  7. That prior to Final Plat submittal, the surveyor verify the total acreage of the proposed Plat, per Department of Equalization comments;
  8. That at the time of Final Plat submittal, the Certifications on the plat be in accordance with § 400.3(1)(n) of the Pennington County Subdivision Regulations;
  9. That at the time of Final Plat submittal, eight (8) foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
  10. That at the time of Final Plat submittal, the plat meets all requirements of § 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
  11. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
  12. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of § 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain Operating Permits;
  13. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Preliminary Plat / PL 18-34, which is available at the Planning Office; and,
  14. That approval of this Preliminary Plat does not constitute approval of any further applications to be submitted for the above-described properties.
- C. The applicant has also submitted Rezone and Comprehensive Plan Amendment requests (RZ 18-11 and CA 18-10) to rezone the subject properties to Low Density Residential District and change the Future Land Use.
1. On January 14, 2019, the Planning Commission continued RZ 18-11 and CA 18-10 to the February 25, 2019, Planning Commission meeting.

## **VII. ANALYSIS**

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

## **VIII. UPDATE (For the February 25, 2019, Planning Commission meeting)**

- A. January 14, 2019 – The Planning Commission continued Subdivision Regulations Variance / SV 18-15 to the February 25, 2019, Planning Commission meeting.
- B. February 4, 2019 – Staff received documents from the agent, Sperlich Consulting. The documents submitted include:
  - 1. Exhibits of the existing access road and the proposed access road;
  - 2. Depiction of “distance to helicopter” (Keystone Adventures);
  - 3. Exhibits and photo of Calumet Road – to be used as a comparison to the proposed road;
  - 4. Updated road improvement plans.
    - a. All of the submitted documents are included with this Staff Report.
- C. February 5, 2019 – Board of Commissioners approved the applicant's four (4) Road Naming requests to name the access roads within the proposed development.
- D. February 18, 2019 – Staff received an email from a neighboring property owner with regard to the applicant's requests.
  - 1. A copy of the email is included with this Staff Report.
  - 2. Staff has also included information relating to “the Jacob CUP denial for the request for the heliport next to LDR”, as indicated in the email.



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**RECOMMENDATION #1:** Staff recommends approval of the portion of Subdivision Regulations Variance / SV 18-15 to waive the following five (5) platting requirements:

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

**RECOMMENDATION #2:** Staff recommends denial of the portion of Subdivision Regulations Variance / SV 18-15 to waive the following one (1) platting requirement:

1. To allow an exception to not install guardrail on slopes with a slope greater than 4:1.

Wye Subdivision – Subdivision Variance Request

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

Reason for Request #1:

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

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

Reason for Request #2:

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

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

Reason for Request #3:

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

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

Reason for Request #4:

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

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

Reason for Request #5:

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

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

Reason for Request #6:

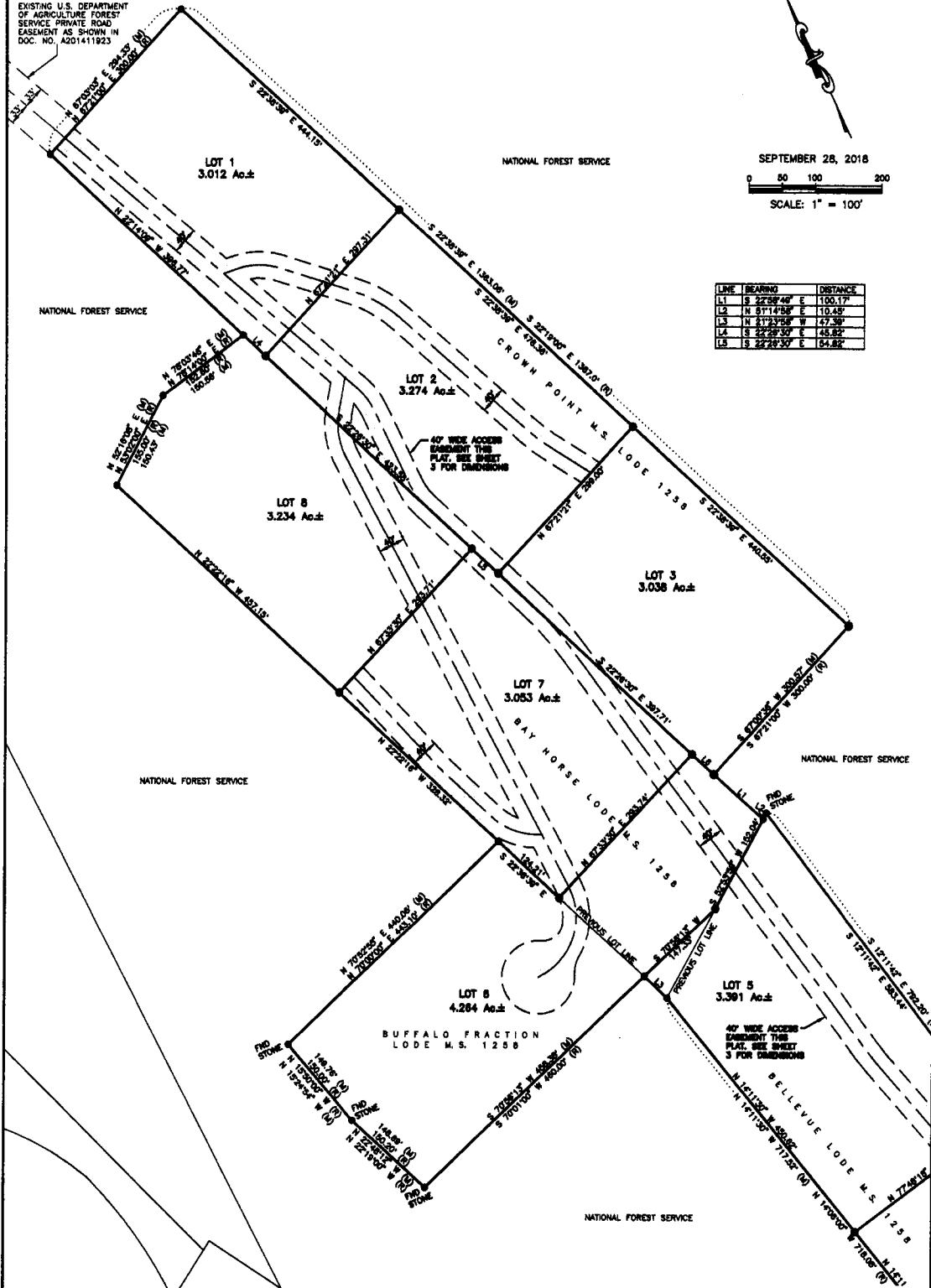
Because no building location has been provided by the owner at this time on any of the proposed lots for Wye Subdivision, it would be more pertinent when a building permit is applied for to request a percolation test for septic system sizing. The minimum area of the proposed LDR lots is 3.0 acres, a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

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

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

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

LINE	BEARING	DISTANCE
L1	S 22°24'44" E	100.17'
L2	N 81°14'04" E	10.45'
L3	N 11°23'06" W	47.38'
L4	S 22°24'50" E	45.82'
L5	S 22°24'50" E	64.82'

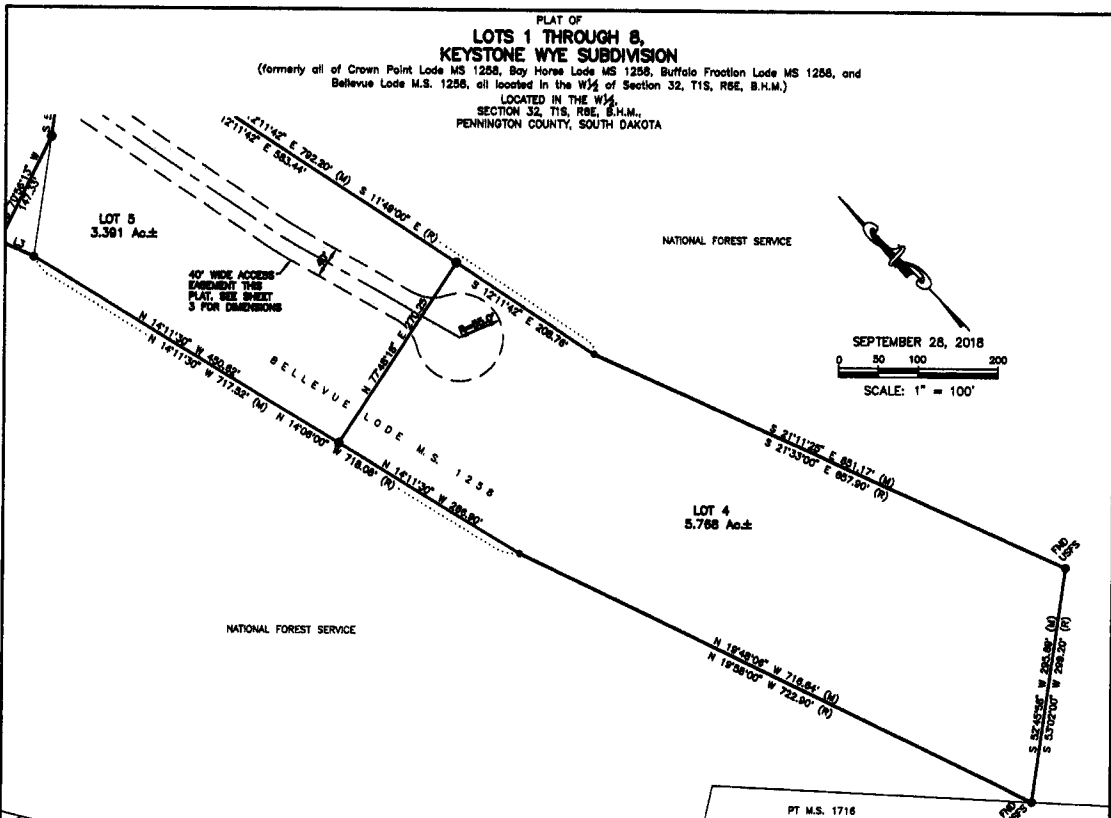


**NOTES:**

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

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





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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**CERTIFICATE OF DIRECTOR OF EQUALIZATION**

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

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

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

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

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

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

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



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

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

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

**FLOODPLAIN STATEMENT**

Floodplain Statement  
 The 100-year floodplain, as shown hereon, is based on the elevations identified in the Flood Insurance Rate Map Number 4810300050N, Effective Date June 3, 2013, or as graphically depicted on said map in unshaded areas. The floodplain information shown hereon serves as conservative notice that certain flood hazards exist on portions of the subject property. The location of the floodplain, as shown hereon, may be subject to change.

**WATER PROTECTION STATEMENT**

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

**CERTIFICATE OF STREET AUTHORITY**

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

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

**CERTIFICATE OF COUNTY TREASURER**

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

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

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

**CERTIFICATE OF REGISTER OF DEEDS**

State of South Dakota  
 County of Pennington s.s.  
 Filed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

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

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



A POLICY ON GEOMETRIC DESIGN OF



# HIGHWAYS AND STREETS

2001



FOURTH EDITION

AMERICAN ASSOCIATION OF STATE HIGHWAY  
AND TRANSPORTATION OFFICIALS

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

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

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

**Grades**

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

Request #2

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

Exhibit 5-4. Maximum Grades for Local Rural Roads

**Alignment**

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

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

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

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

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

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

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

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

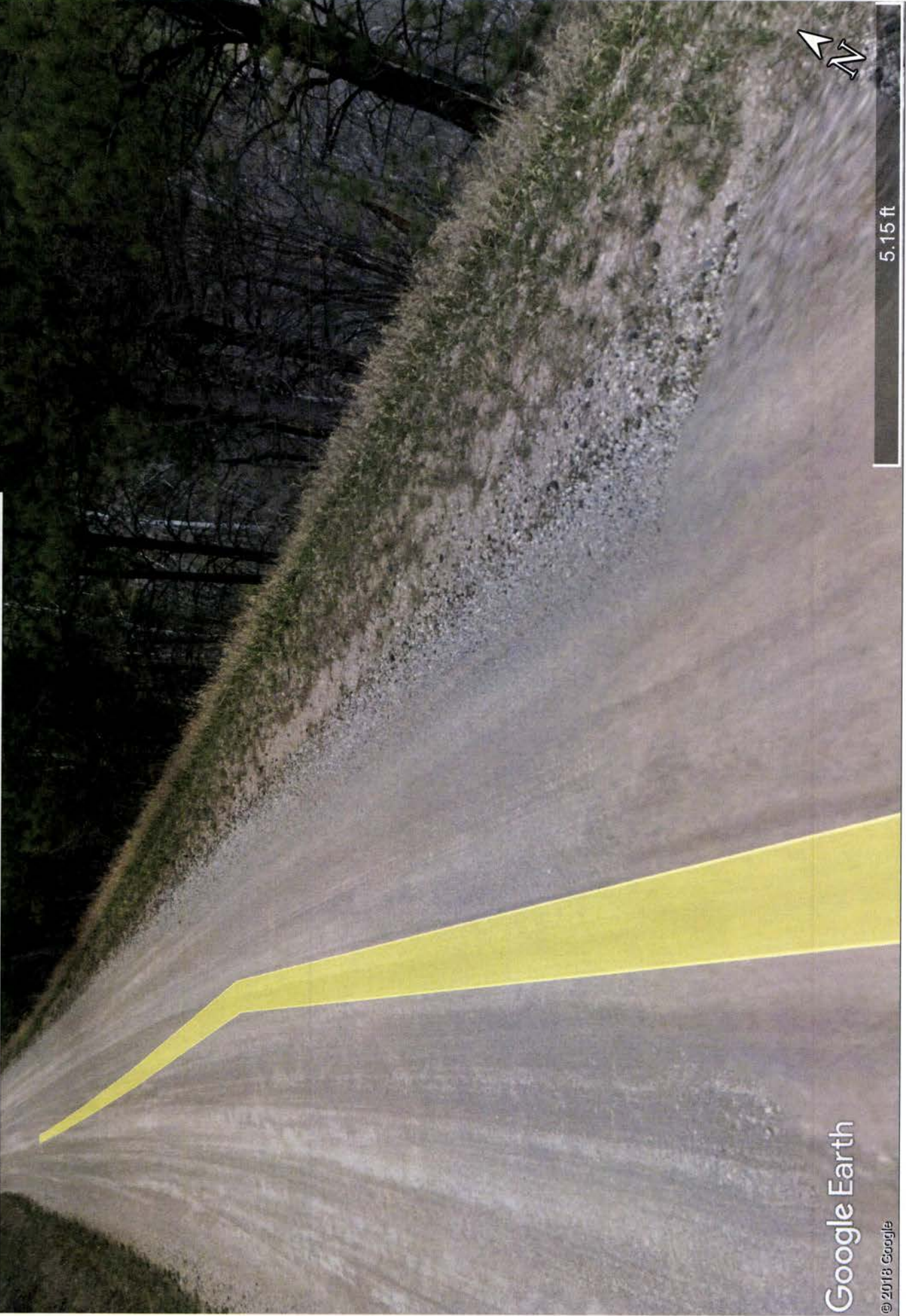
Where the major road curves and a minor road is located along a tangent to that curve, it is desirable to realign the minor road, as shown in Exhibit 9-18E, to guide traffic onto the main highway and improve the visibility at the point of intersection. This practice may have the disadvantage of adverse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

request #3



## BH Forest Road

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



Google Earth

© 2018 Google

5.15 ft

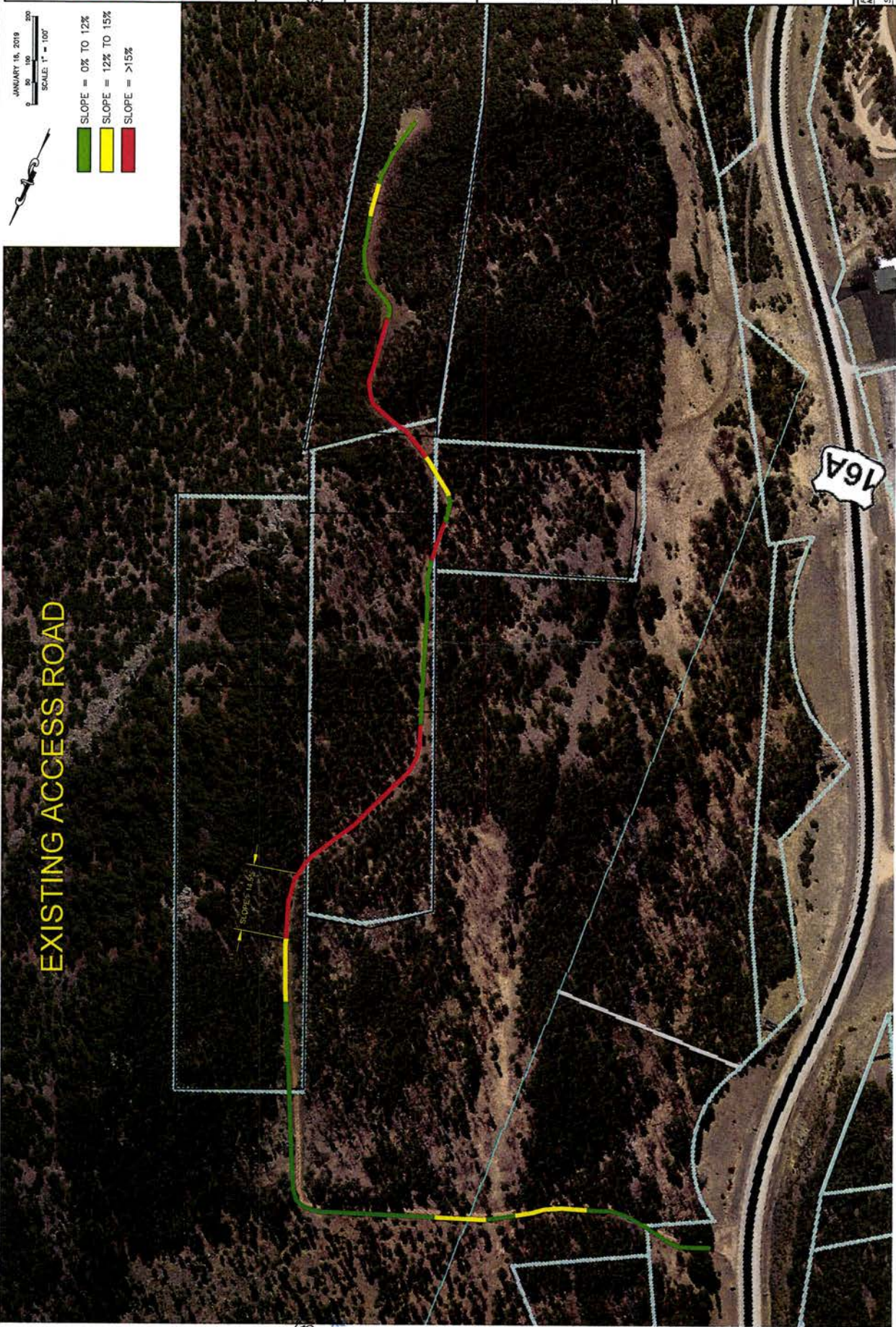
ROAD SLOPE EXHIBIT  
EXISTING ACCESS ROAD

LEGAL DESCRIPTION:  
DATE:  
REVISIONS:

NO.	DATE	REVISIONS

PRELIMINARY  
NOT FOR  
CONSTRUCTION  
CITY REVIEW  
ONLY

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



EXISTING ACCESS ROAD



- SLOPE = 0% TO 12% (Green)
- SLOPE = 12% TO 15% (Yellow)
- SLOPE = > 15% (Red)

RECEIVED  
FEB 04 2019

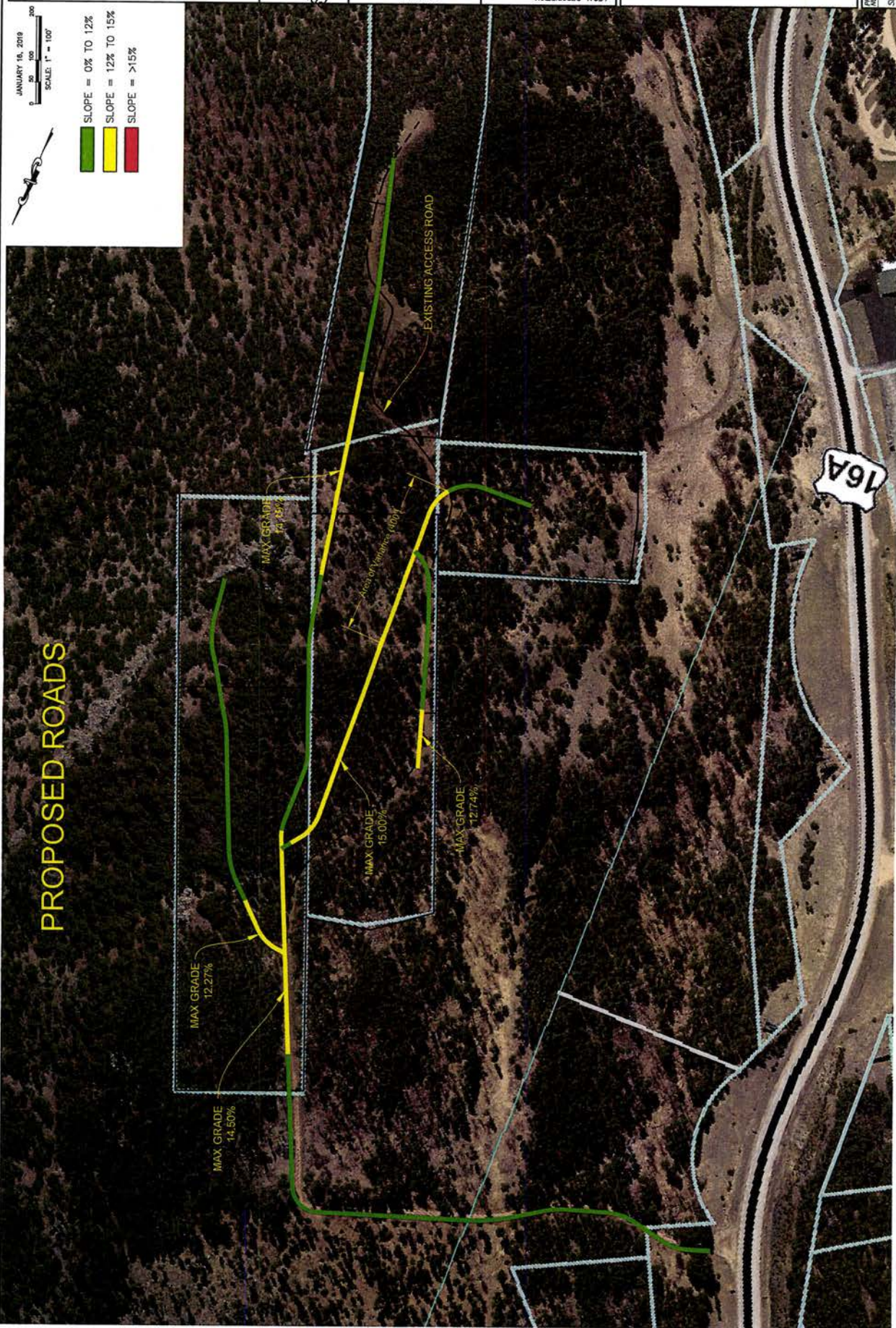
PROPOSED ROADS

LEGAL DESCRIPTION:  
SECTION 20, T10N, R10E, S10W  
COUNTY OF GARFIELD, STATE OF UTAH  
OWNER: THE STATE OF UTAH  
PROJECT: STATE HIGHWAY 16A  
DATE: 10/20/18  
DRAWN BY: GAD

REVISIONS	DATE	BY

PRELIMINARY  
NOT FOR  
CONSTRUCTION  
CITY REVIEW ONLY

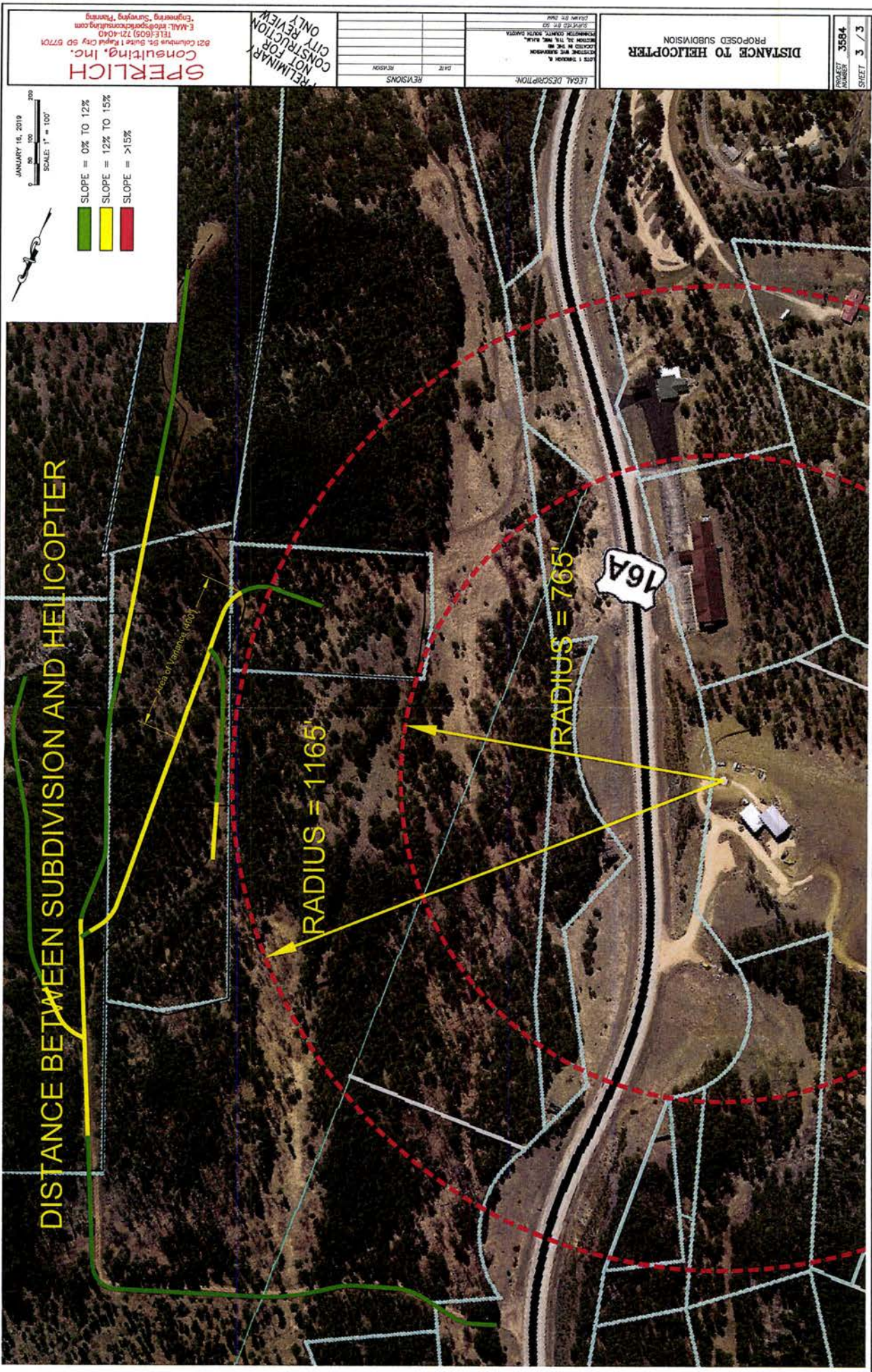
**SPERLICH**  
Consulting, Inc.  
821 Columbia Drive, Suite 100, Capitol City, SD 57701  
TEL: (605) 721-4040  
E-MAIL: info@sperrlich.com  
Engineering, Surveying, Planning



PROPOSED ROADS

JANUARY 16, 2019  
SCALE: 1" = 100'

- SLOPE = 0% TO 12% (Green)
- SLOPE = 12% TO 15% (Yellow)
- SLOPE = >15% (Red)



**DISTANCE BETWEEN SUBDIVISION AND HELICOPTER**

- SLOPE = 0% TO 12%
- SLOPE = 12% TO 15%
- SLOPE = >15%

JANUARY 16, 2019  
 SCALE: 1" = 100'



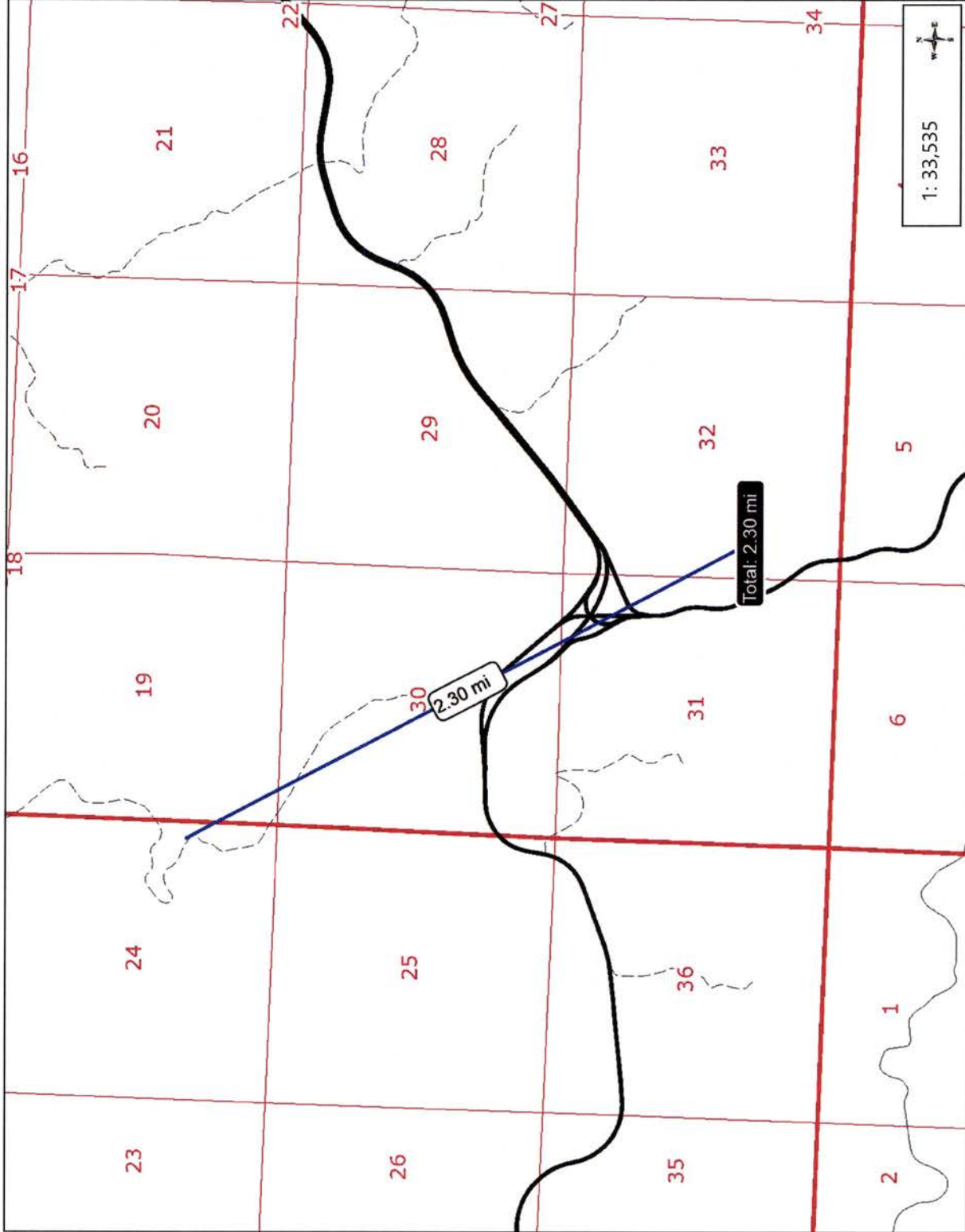
**SPERLICH**  
 Consulting, Inc.  
 821 Columbus St., Suite 1  
 Columbus, GA 31906  
 TEL: (604) 721-0404  
 E-MAIL: info@sperrlich.com  
 Engineering, Surveying, Planning

RELIAMARY  
 NOT FOR  
 CONSTRUCTION  
 CITY REVIEW  
 ONLY

DATE	REVISION

LEGAL DESCRIPTION

PROPOSED SUBDIVISION  
 DISTANCE TO HELICOPTER



5,589.1 0 2,794.55 5,589.1 Feet  
 NAD\_1983\_2011\_StatePlane\_South\_Dakota\_South\_FIPS\_4002\_FT\_US  
 © Rapid City-Pennington County GIS Division

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.

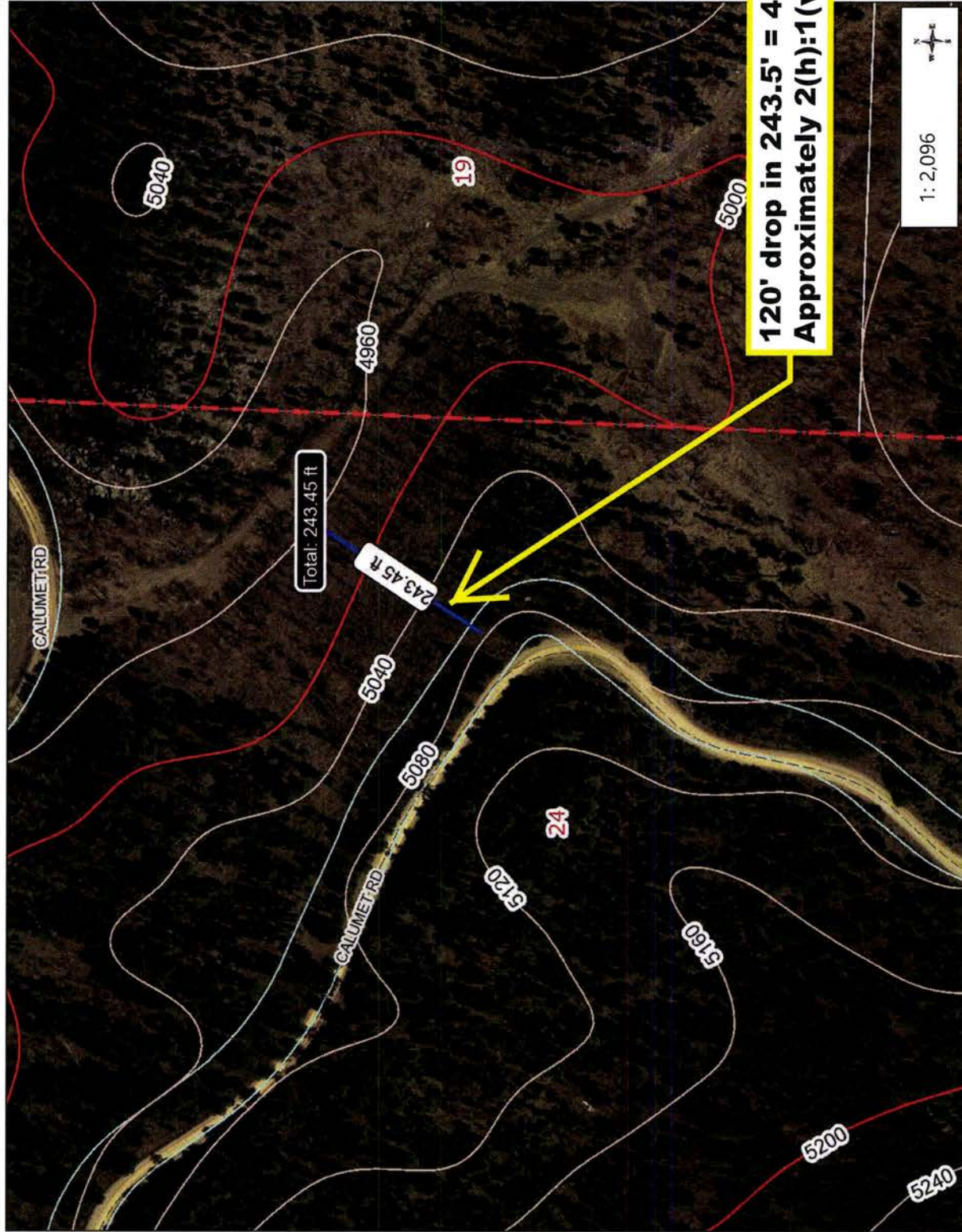
**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

**Legend**

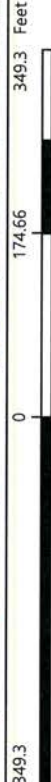
- Roads**
- Interstate
  - US highway
  - SD highway
  - County highway
  - Main road
  - Minor arterial
  - Collector
  - Ramp
  - Paved road
  - Unpaved road
  - Unimproved road
  - Trail
  - Airport Runway
  - Not yet coded
- PLSS**
- Townships
  - City Limits
- City Limits**
- BOX ELDER
  - ELLSWORTH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

**RECEIVED**  
 FEB 04 2019  
 BY: CB

**Map Notes:**



1: 2,096



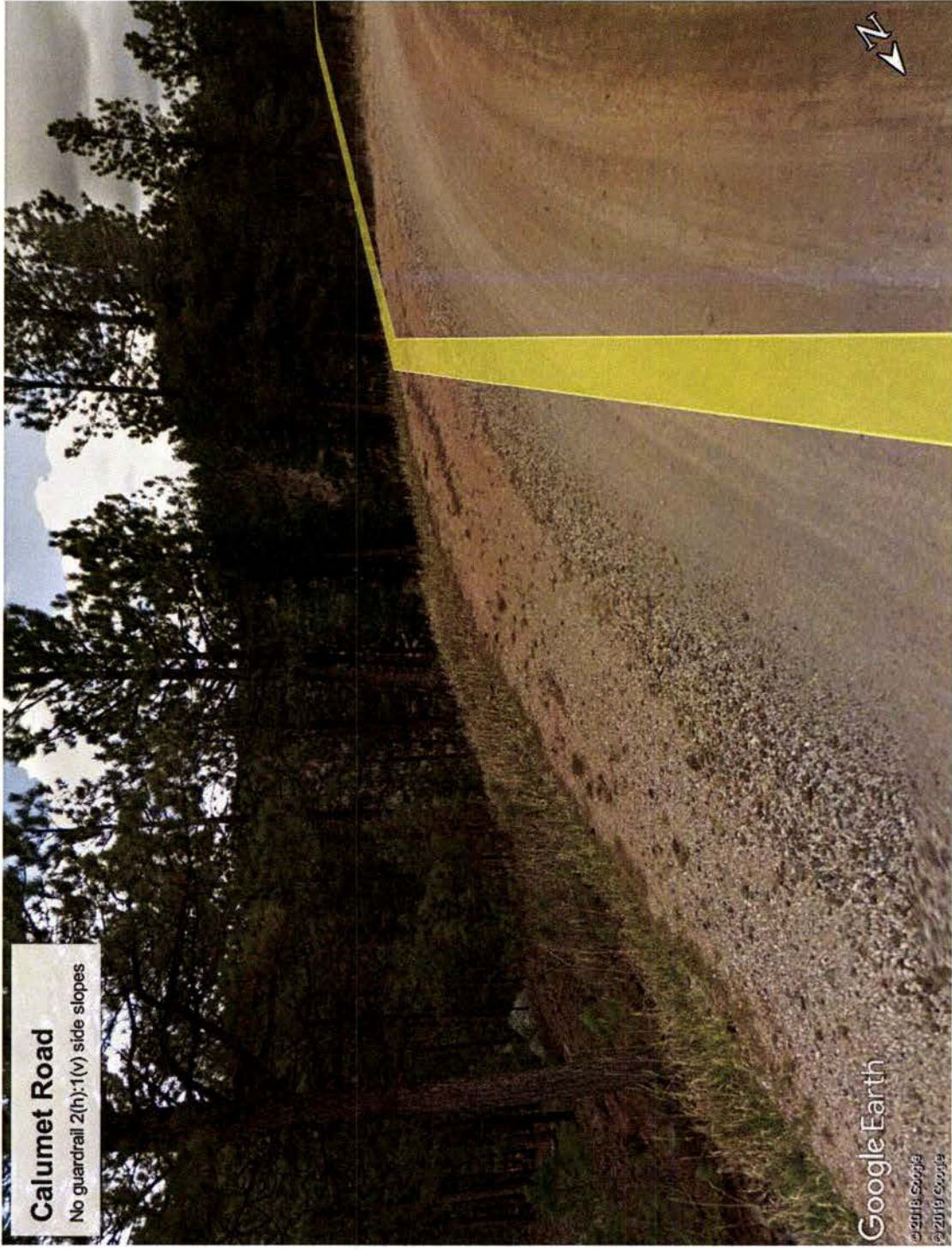
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

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
- Unimproved road
- Trail
- Airport Runway
- Not yet coded
- USGS Contours (NAVD88)
- Index
- Intermediate
- Section Lines 0-25k
- 0
- 7
- Tax Parcels
- Lot Lines
- <Null>
- Lot Line
- Parcel Line

**Map Notes:**



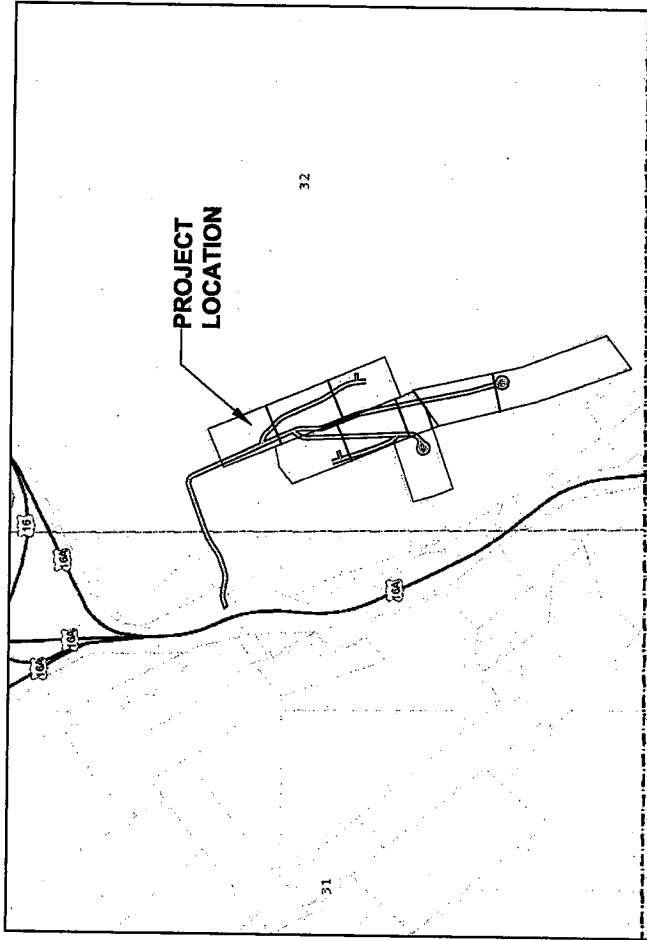
**Calumet Road**  
No guardrail 2(h):1(v) side slopes

Google Earth  
© 2018 Google  
© 2019 Google

# STREET IMPROVEMENTS KEYSTONE WYE SUBDIVISION PENNINGTON COUNTY, SOUTH DAKOTA

FEB 04 2019

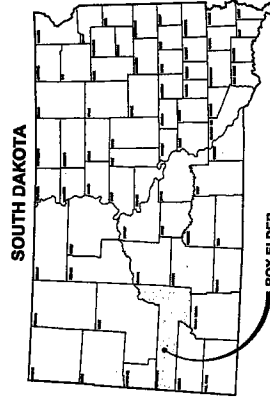
CB



PROJECT LOCATION MAP NOT TO SCALE

### INDEX OF SHEETS

- 1.1 COVER SHEET
- 1.2 GENERAL NOTES
- 2.1-2.3 PRELIMINARY PLAT
- 3.1-3.2 DETAILED TOPOGRAPHIC MAP
- 3.3-3.4 GRADING PLAN
- 4.1 TYPICAL STREET SECTIONS
- 5.1-5.7 MAIN ROAD: STREET PLAN AND PROFILE
- 5.8-5.9 ROAD 1: STREET PLAN AND PROFILE
- 5.10-5.12 ROAD 2: STREET PLAN AND PROFILE
- 5.13 ROAD 3: STREET PLAN AND PROFILE



SOUTH DAKOTA

BOX ELDER



**SPERLICH**  
Consulting, Inc.  
821 Columbia St. Suite 1 Knight City ND 58701  
E-MAIL: info@sperlichconsulting.com  
TEL: (701) 724-4140



NO.	DATE	REVISIONS

LEGAL DESCRIPTION:  
DATE: \_\_\_\_\_  
PROJECT NO.: \_\_\_\_\_  
SHEET NO.: \_\_\_\_\_

COVER SHEET

PROJECT NUMBER: 3584  
SHEET: 1.1



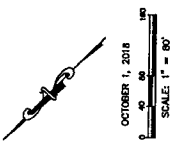


DATE	REVISION

LEGAL DESCRIPTION:  
 SECTION 36, T14N, R10W, B1E, SD 57701  
 SECTION 37, T14N, R10W, B1E, SD 57701  
 SECTION 38, T14N, R10W, B1E, SD 57701  
 SECTION 39, T14N, R10W, B1E, SD 57701

**GRADING PLAN**  
 KEYSTONE WYE SUBDIVISION

PROJECT NUMBER: 25884  
 SHEET: 3.3



**TABLE OF EXCAVATION QUANTITIES - 2008**

UNCLASSIFIED EXCAVATION	IN PLACE	CY
GRAVEL ROAD	1524.00	1524.00
REMAINING GRADING	1524.00	1524.00
PHYSICAL TOPSOIL REMOVAL AND REPLACEMENT	350.00	350.00
TOTAL EXCAVATION	3398.00	3398.00
EMBRASSEMENT		
GRAVEL ROAD	1524.00	1524.00
REMAINING GRADING	1524.00	1524.00
PHYSICAL TOPSOIL REMOVAL AND REPLACEMENT	350.00	350.00
TOTAL EXCAVATION	3398.00	3398.00
WASTE EMBRASSEMENT		
WASTE EMBRASSEMENT (NEGATIVE)	100.00	100.00
WASTE TOPSOIL (NEGATIVE)	75.00	75.00
TOTAL WASTE (NEGATIVE)	175.00	175.00
NET EXCAVATION	3223.00	3223.00

NOTE: THIS TABLE IS A SUMMARY OF THE QUANTITIES SHOWN ON THE GRADING PLAN. IT DOES NOT REPRESENT THE ACTUAL QUANTITIES TO BE EXCAVATED. THE QUANTITIES SHOWN ARE BASED ON THE ASSUMPTIONS AND CONDITIONS SET FORTH IN THE CONTRACT DOCUMENTS. THE CONTRACTOR SHALL VERIFY THE QUANTITIES TO BE EXCAVATED AND SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE QUANTITIES SHOWN ON THE GRADING PLAN.

**UTILITIES**  
 SOUTH DAKOTA ONE CALL  
 115 East Superior Avenue  
 Rapid City, SD 57701  
 (605) 724-3434

THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN ON THIS PLAN. THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO EXCAVATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES.

PROJECT NUMBER 35564  
SHEET 3.4

### GRADING PLAN KEYSTONE WYE SUBDIVISION

DATE: \_\_\_\_\_  
DRAWN BY: \_\_\_\_\_  
CHECKED BY: \_\_\_\_\_  
APPROVED BY: \_\_\_\_\_  
SCALE: AS SHOWN

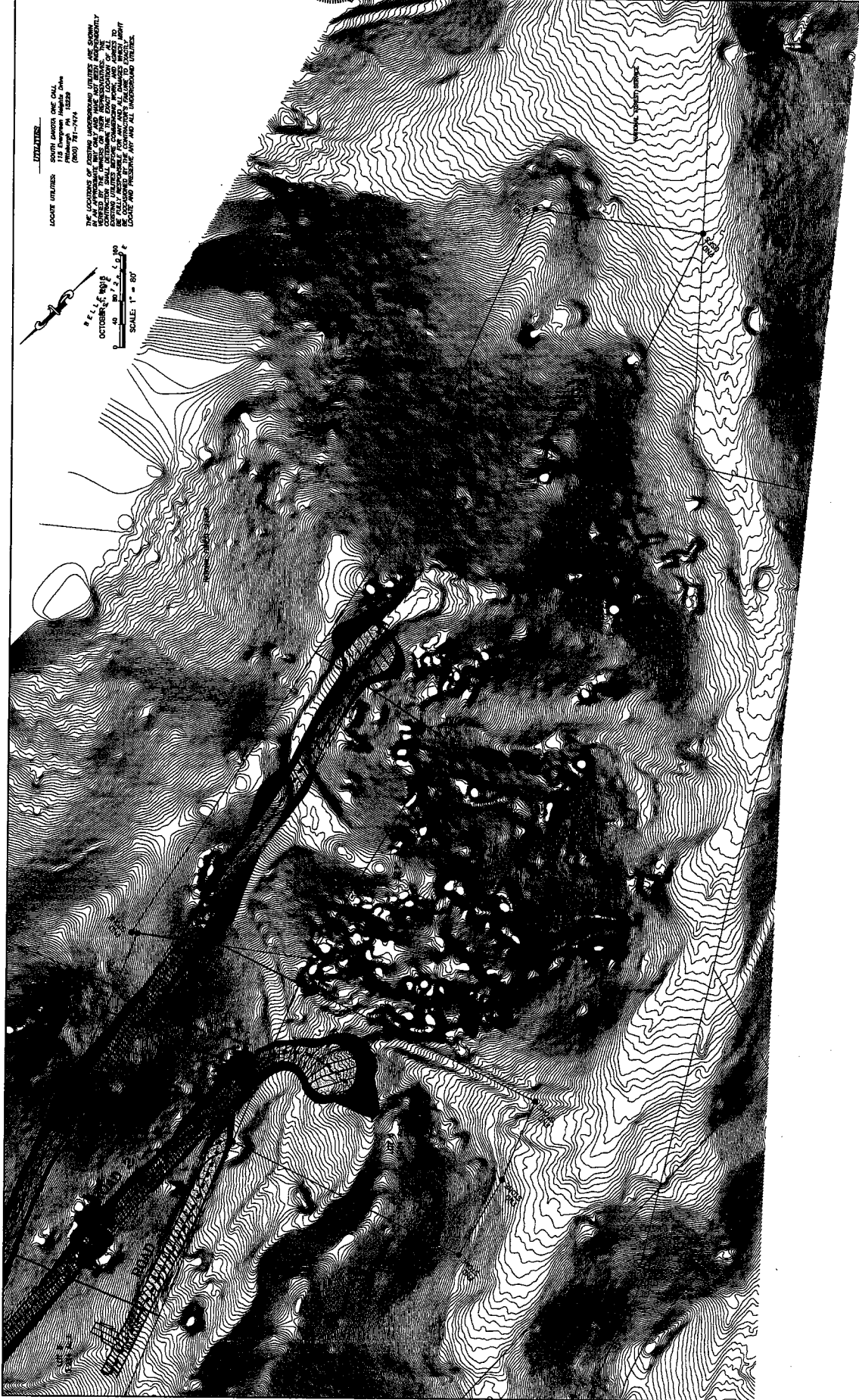
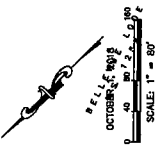
LEGAL DESCRIPTION:  
SECTION 1, TOWNSHIP 4 N., RANGE 10 E., COUNTY OF \_\_\_\_\_, STATE OF \_\_\_\_\_



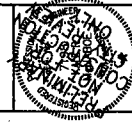
**SPEERLICH**  
Consulting, Inc.  
821 Columbia St. Suite 1 Rapid City, SD 57701  
E-MAIL: info@speerlich.com  
TELEPHONE: 605-721-4040  
Engineering, Surveying, Planning

**LITERATURE**  
SOUTH SHARON ONE CALL  
10000 S. 10th Ave.  
P.O. Box 10000  
Wichita, KS 67228  
(605) 761-7474

BY LOCATING OF EXISTING UTILITIES AND DETERMINING THE DEPTHS OF THE UTILITIES, THE ENGINEER HAS OBTAINED THE INFORMATION NECESSARY TO PREPARE THIS GRADING PLAN. THE ENGINEER HAS NOT BEEN ADVISED BY THE OWNER OF ANY UTILITIES NOT SHOWN ON THE ORIGINAL SURVEY. THE ENGINEER HAS NOT BEEN ADVISED BY THE OWNER OF ANY UTILITIES NOT SHOWN ON THE ORIGINAL SURVEY. THE ENGINEER HAS NOT BEEN ADVISED BY THE OWNER OF ANY UTILITIES NOT SHOWN ON THE ORIGINAL SURVEY.



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 E-MAIL: info@speerlich.com  
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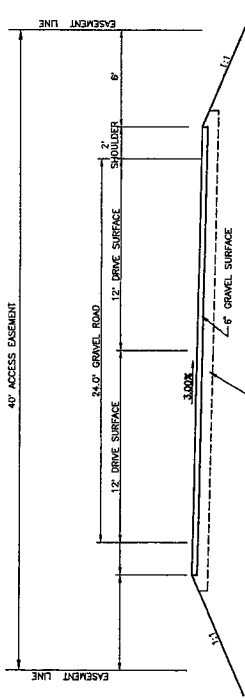


NO.	DATE	REVISION

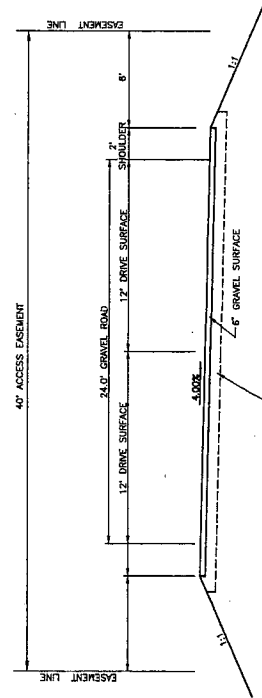
LEGAL DESCRIPTION:  
 LOT 1 BRAWLEY L.  
 SECTION 16 T24N R10E S24E  
 BLACK HILLS COUNTY, SOUTH DAKOTA  
 CORNER N 1/4 SEC 16  
 TO THE 1/4 CORNER  
 SECTION 16 T24N R10E S24E  
 BLACK HILLS COUNTY, SOUTH DAKOTA  
 SECTION 16 T24N R10E S24E  
 BLACK HILLS COUNTY, SOUTH DAKOTA  
 CORNER N 1/4 SEC 16  
 TO THE 1/4 CORNER  
 SECTION 16 T24N R10E S24E  
 BLACK HILLS COUNTY, SOUTH DAKOTA

**TYPICAL STREET SECTION**  
 KEYSTONE WYE SUBDIVISION

PROJECT NUMBER: 35894  
 SHEET: 4.1



MAIN ROAD, ROAD 1 & ROAD 2



ROAD 3

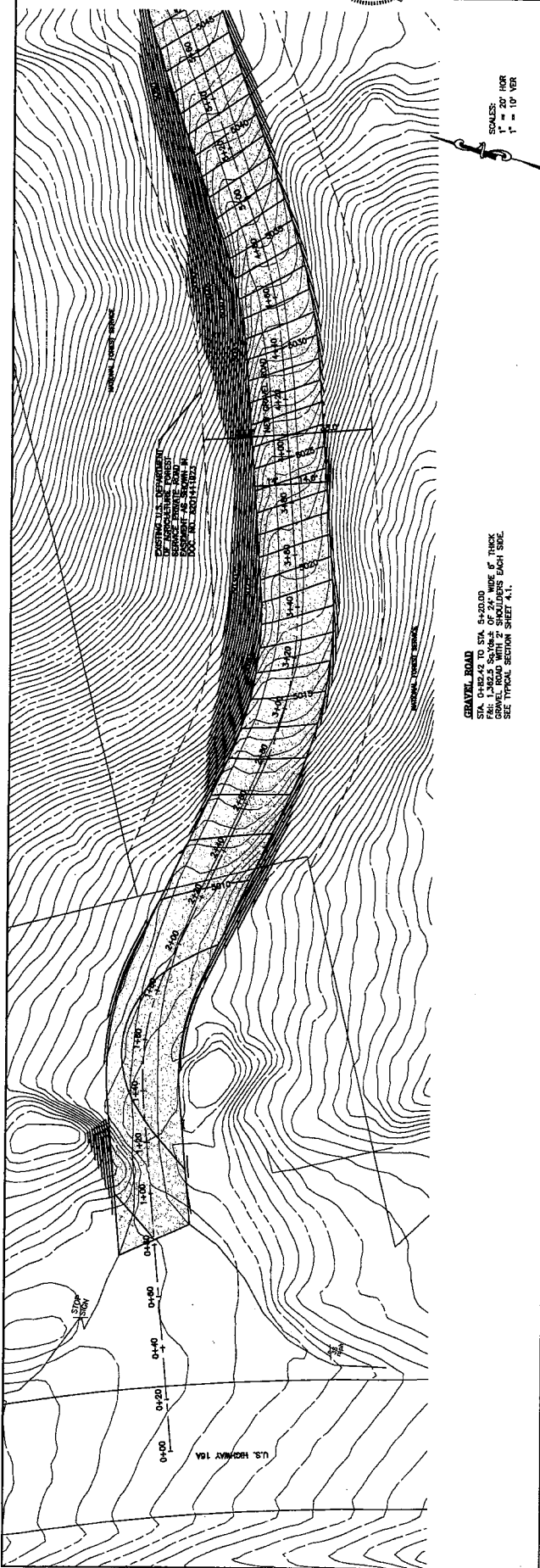
**SPEERLICH**  
 Consulting, Inc.  
 221 Colburne St. Suite 1 Rapid City, SD 57701  
 TEL: (605) 721-0400  
 E-MAIL: info@speerlich.com  
 Engineering Surveying Planning



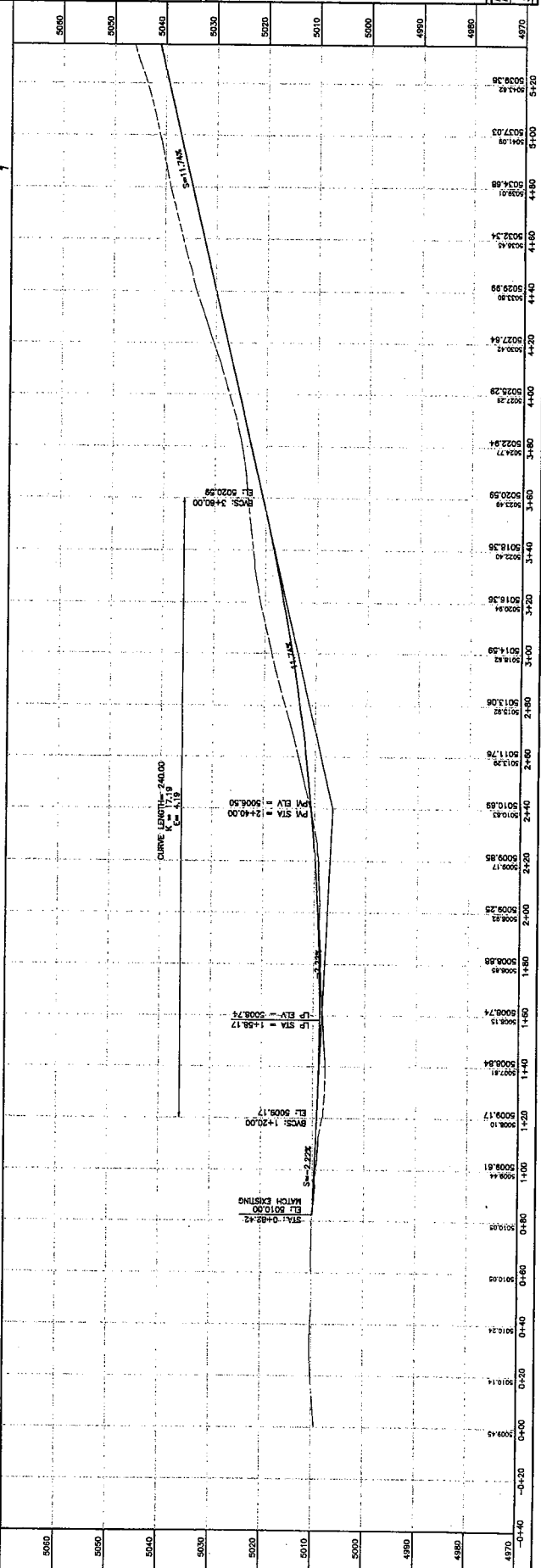
DATE	REVISIONS

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

PROJECT NUMBER: 35584  
 SHEET: 5.1



**GRANVILLE ROAD**  
 STA. 0+40.00 TO STA. 5+20.00  
 F&E: 1"=20' HOR  
 PROFILE: 1"=10' VER  
 SEE TRUCK SECTION SHEET 4.1.



STA: 0+48.42  
 ELEV: 5010.00  
 MATCH EXISTING

BVC: 1+20.00  
 ELEV: 5009.17

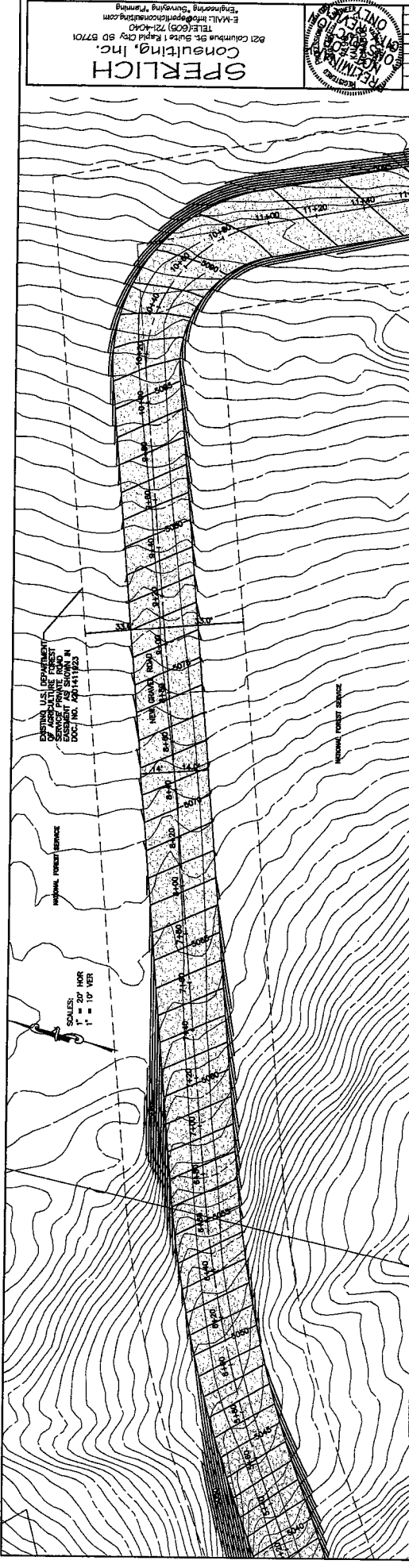
LP STA = 1+58.17  
 LP ELEV = 5008.74

PVI STA = 1+40.00  
 PVI ELEV = 5006.50

CURVE LENGTH = 240.00  
 L = 17.9  
 K = 1.19

BVC: 3+40.00  
 ELEV: 5020.29

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



STATION	ELEVATION	LEGAL DESCRIPTION
5100	5070.71	
5100	5072.47	
5100	5073.87	
5100	5077.73	
5100	5079.48	
5100	5081.23	
5100	5082.99	
5100	5084.74	
5100	5086.49	
5100	5088.25	
5100	5089.38	
5100	5090.72	
5100	5092.30	
5100	5093.16	
5100	5093.98	
5100	5094.83	
5100	5095.68	
5100	5096.53	
5100	5097.38	
5100	5098.23	
5100	5099.08	
5100	5100.00	
5100	5100.92	
5100	5101.84	
5100	5102.76	
5100	5103.68	
5100	5104.60	
5100	5105.52	
5100	5106.44	
5100	5107.36	
5100	5108.28	
5100	5109.20	
5100	5110.12	
5100	5111.04	
5100	5111.96	
5100	5112.88	
5100	5113.80	
5100	5114.72	
5100	5115.64	
5100	5116.56	
5100	5117.48	
5100	5118.40	
5100	5119.32	
5100	5120.24	
5100	5121.16	
5100	5122.08	
5100	5123.00	
5100	5123.92	
5100	5124.84	
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5100	5126.68	
5100	5127.60	
5100	5128.52	
5100	5129.44	
5100	5130.36	
5100	5131.28	
5100	5132.20	
5100	5133.12	
5100	5134.04	
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5100	5138.64	
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5100	5151.52	
5100	5152.44	
5100	5153.36	
5100	5154.28	
5100	5155.20	
5100	5156.12	
5100	5157.04	
5100	5157.96	
5100	5158.88	
5100	5159.80	
5100	5160.72	
5100	5161.64	
5100	5162.56	
5100	5163.48	
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5100	5165.32	
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5100	5171.76	
5100	5172.68	
5100	5173.60	
5100	5174.52	
5100	5175.44	
5100	5176.36	
5100	5177.28	
5100	5178.20	
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5100	5180.04	
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5100	5184.64	
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5100	5187.40	
5100	5188.32	
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5100	5242.60	
5100	5243.52	
5100	5244.44	
5100	5245.36	
5100	5246.28	
5100	5247.20	
5100	5248.12	
5100	5249.04	
5100	5250.00	

**SPERLICH**  
Consulting, Inc.  
221 Calumet St. Suite 1000  
Chicago, IL 60601  
TEL: (606) 721-4040  
E-MAIL: info@sperrlich.com

**REVISIONS**

NO.	DATE	DESCRIPTION

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

PROJECT NO. 3584  
SHEET 5.2

**GRAVEL ROAD**  
GRAVEL ROAD - SEE STA. 10+80.00 FOR 17423 SUGAR OF 24' WIDE OF THICK GRAVEL ROAD WITH 2' SHOULDERS EACH SIDE. SEE TYPICAL SECTION SHEET 4.1.

**GRAVEL ROAD**  
GRAVEL ROAD - SEE STA. 10+80.00 FOR 17423 SUGAR OF 24' WIDE OF THICK GRAVEL ROAD WITH 2' SHOULDERS EACH SIDE. SEE TYPICAL SECTION SHEET 4.1.

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SPERLICH CONSULTING, Inc.  
 821 Columbus St. Suite 1 Rapid City, SD 57701  
 TELE (605) 721-0400  
 E-MAIL: info@sperrlich.com  
 Engineering Surveying Planning

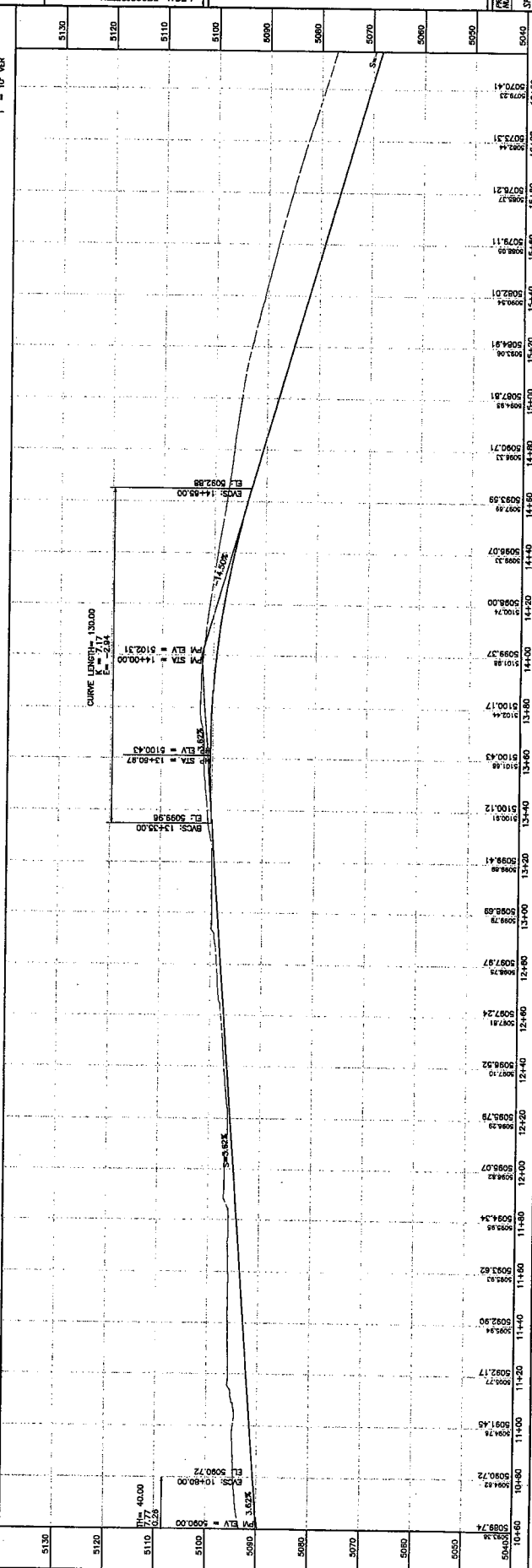
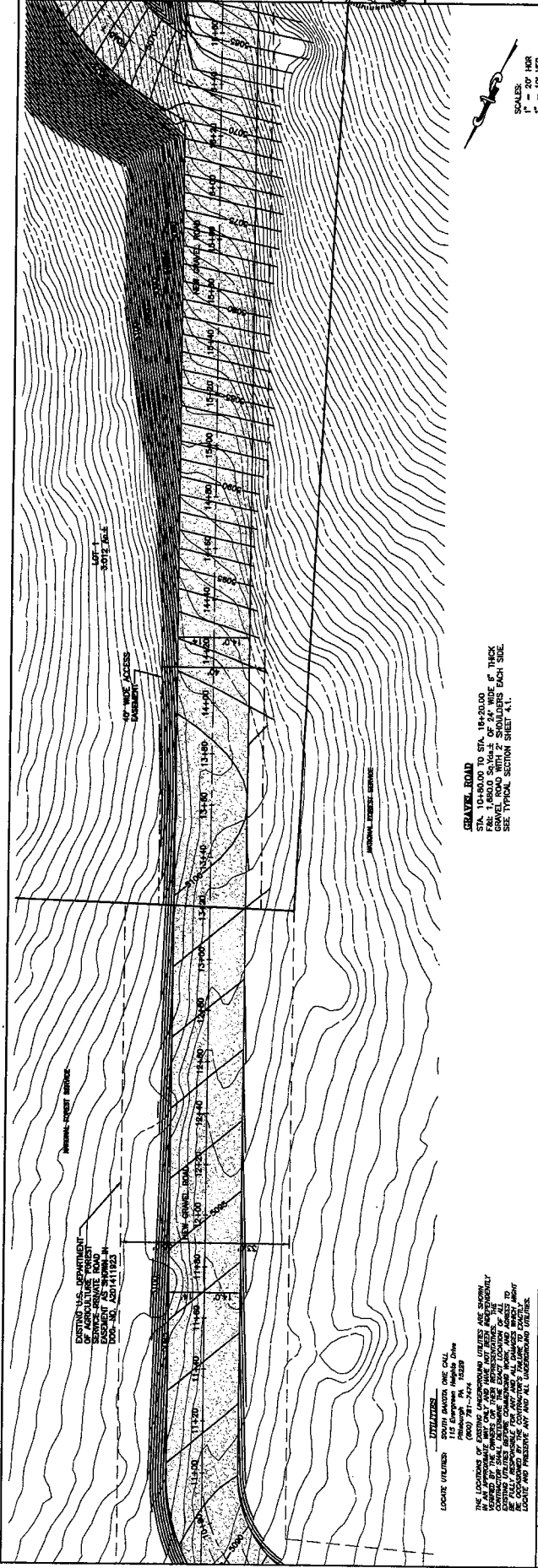


DATE	REVISIONS

LEGAL DESCRIPTION  
 SECTION 10 & 11 T14N  
 RANGE 10E  
 MERIDIAN 101W  
 COUNTY OF BROWN, SOUTH DAKOTA

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

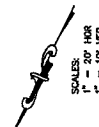
PROJECT NUMBER 3684  
 SHEET 5/3



**GRAVEL ROAD**  
 FOR 16+20.00  
 FOR 14+00.00  
 GRAVEL ROAD WITH 2' SHOULDER EACH SIDE.  
 SEE TYPICAL SECTION SHEET 4.1.

**LOCATE UTILITIES**  
 SOUTH DAKOTA ONE CALL  
 (605) 781-2224  
 Rapid City, SD 57701

THE LOCATIONS OF ALL PUBLIC UTILITIES ARE SHOWN.  
 THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES.  
 THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY AND ALL DAMAGES CAUSED BY  
 LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.

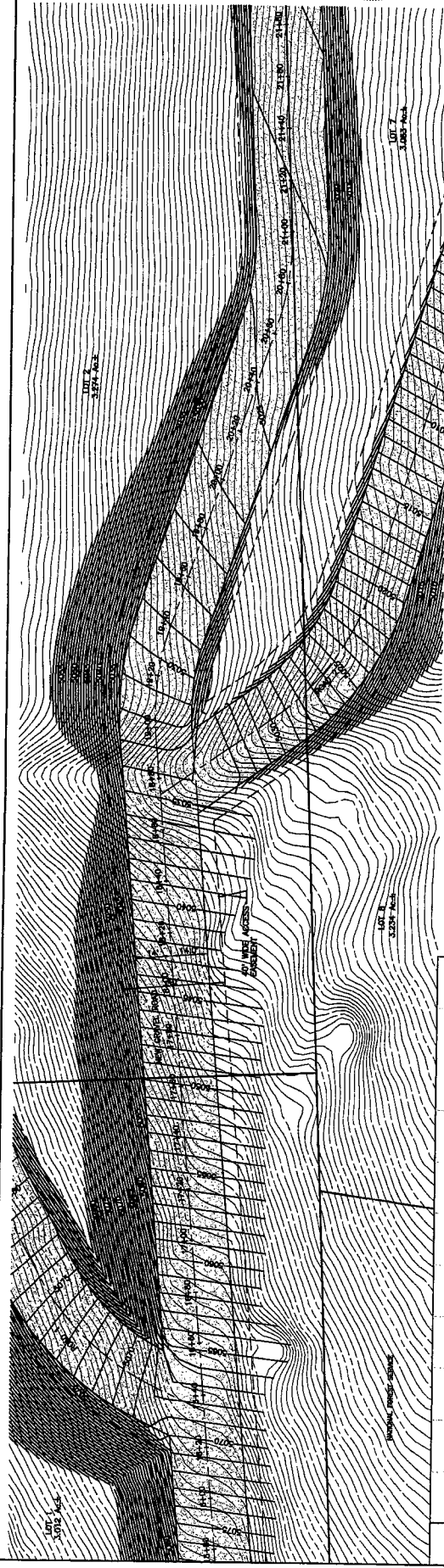




DATE	REVISION

STATIONING: STA. 16+20.00 TO STA. 21+40.00  
 MAIN ROAD

PROJECT: 3584  
 SHEET: 5.4



**GRAVEL ROAD**  
 STA. 16+20.00 TO STA. 21+40.00  
 FALL 1.8172.8  
 WIDTH OF 24' WIDE 6" THICK  
 SURFACE AND 2" GRANULAR BASE  
 SEE TRUCK SIGNAGE SHEET 5.11.

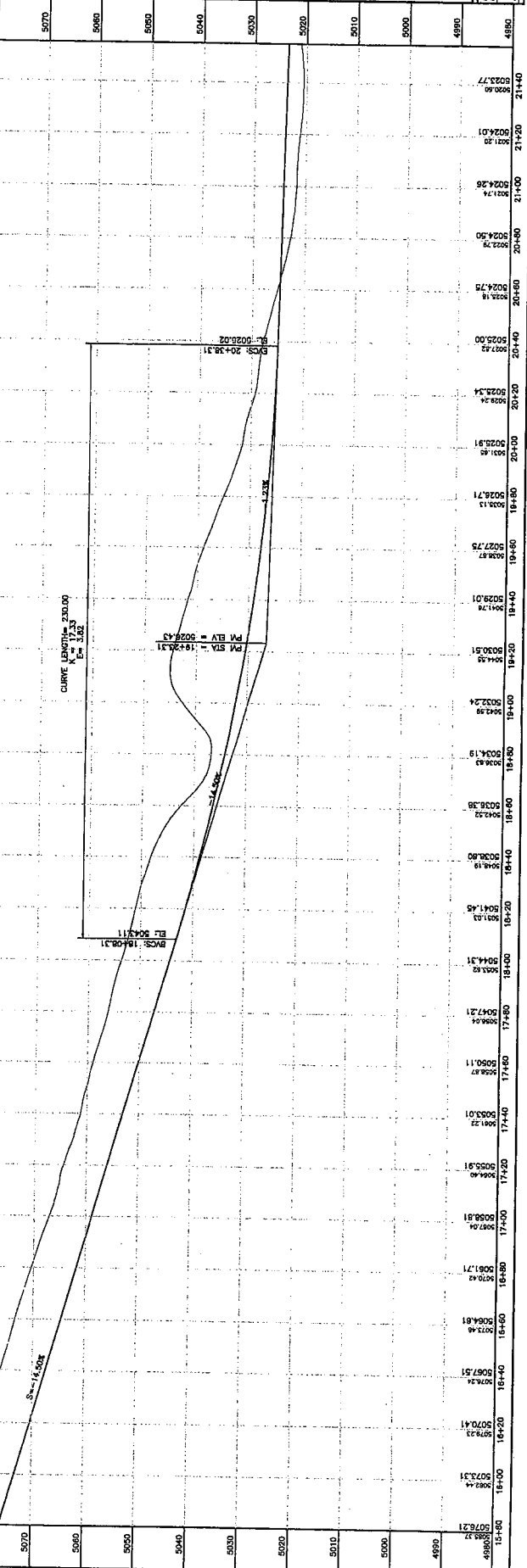
**EXISTING DRIVE**  
 112' Easement  
 Highway Drive  
 (200) 281-7774

**LOT 7**  
 3,005' Area

**LOT 8**  
 3,824' Area

**LEGAL DESCRIPTION**  
 THE APPROXIMATE ONLY AND HAVE NOT BEEN AND SHOULD NOT BE CONSIDERED AS A GUARANTEE OF THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. THE ENGINEER SHALL BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES RESULTING FROM THE USE OF THIS INFORMATION AND ALL UNDERSTANDING UTILITIES LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.

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

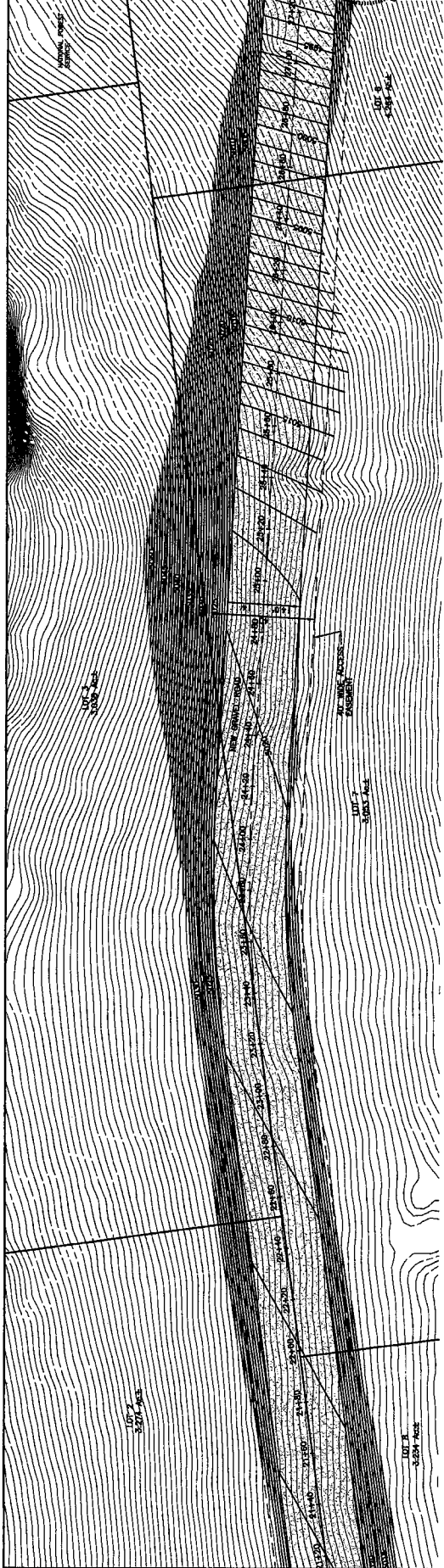


STATION	ELEVATION
16+00	5076.27
16+20	5073.31
16+40	5070.41
16+60	5067.51
16+80	5064.61
17+00	5061.71
17+20	5058.81
17+40	5055.91
17+60	5053.01
17+80	5050.11
18+00	5047.21
18+20	5044.31
18+40	5041.45
18+60	5038.60
18+80	5035.80
19+00	5033.05
19+20	5030.35
19+40	5027.70
19+60	5025.10
19+80	5022.55
20+00	5020.05
20+20	5017.60
20+40	5015.20
20+60	5012.85
20+80	5010.55
21+00	5008.30
21+20	5006.10
21+40	5003.95



DATE	REVISIONS

PROJECT NO. 15229  
 LOCATION: COUNTY SOUTH DAKOTA  
 PROJECT: MAIN ROAD  
 STA. 21+40.00 TO STA. 26+80.00  
 PROJECT NUMBER: 3584  
 SHEET: 5.5

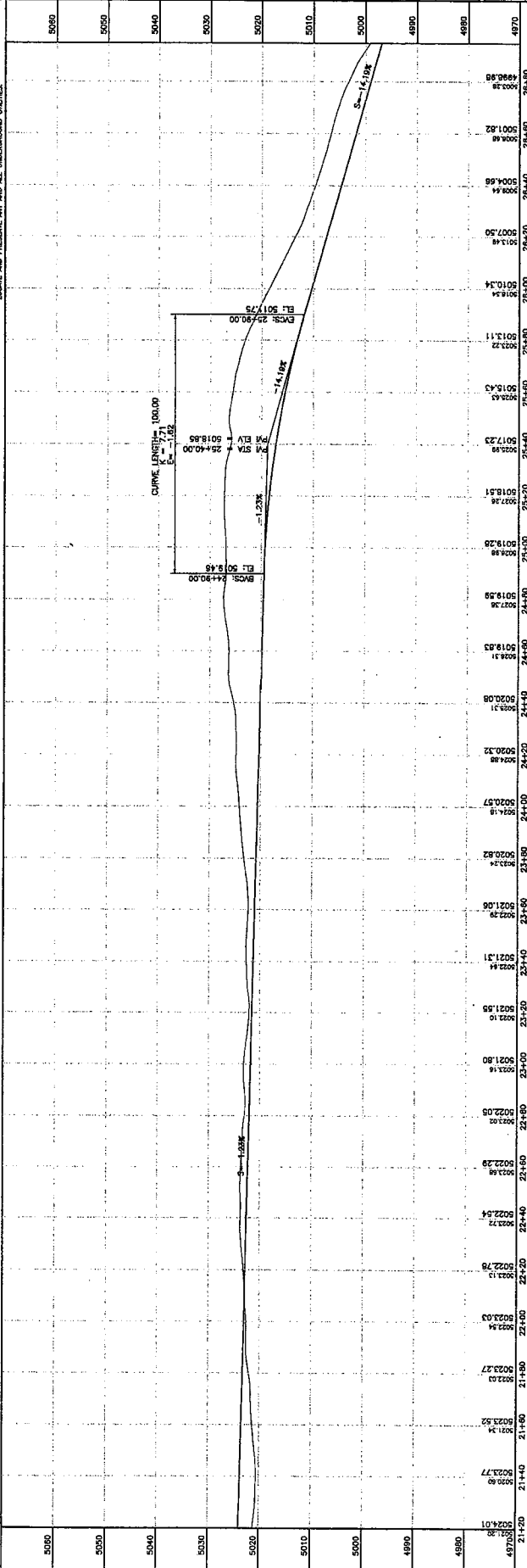


**GRAVEL ROAD**  
 STA. 21+40.00 TO STA. 26+80.00  
 FOR 15.7% SLOPE OF 24' WIDE & THICK  
 CURB SEE TYPICAL SECTION SHEET 4.1  
 SEE TYPICAL SECTION SHEET 4.1

**UTILITIES**  
 LOCATE UTILITIES  
 SEE THE DRAWING FOR CALL  
 INFORMATION  
 DATE: 12/31/2018

THE LOCATIONS OF EXISTING UTILITIES ARE SHOWN  
 BY THE DASHED LINES AND ARE NOT TO BE  
 CONSIDERED AS GUARANTEED. THE LOCATION OF  
 UTILITIES IS BASED ON THE RECORD DRAWINGS AND  
 FIELD SURVEY. THE LOCATION OF UTILITIES IS  
 NOT TO BE CONSIDERED AS GUARANTEED. THE  
 LOCATION OF UTILITIES IS NOT TO BE CONSIDERED  
 AS GUARANTEED. THE LOCATION OF UTILITIES IS  
 NOT TO BE CONSIDERED AS GUARANTEED.

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





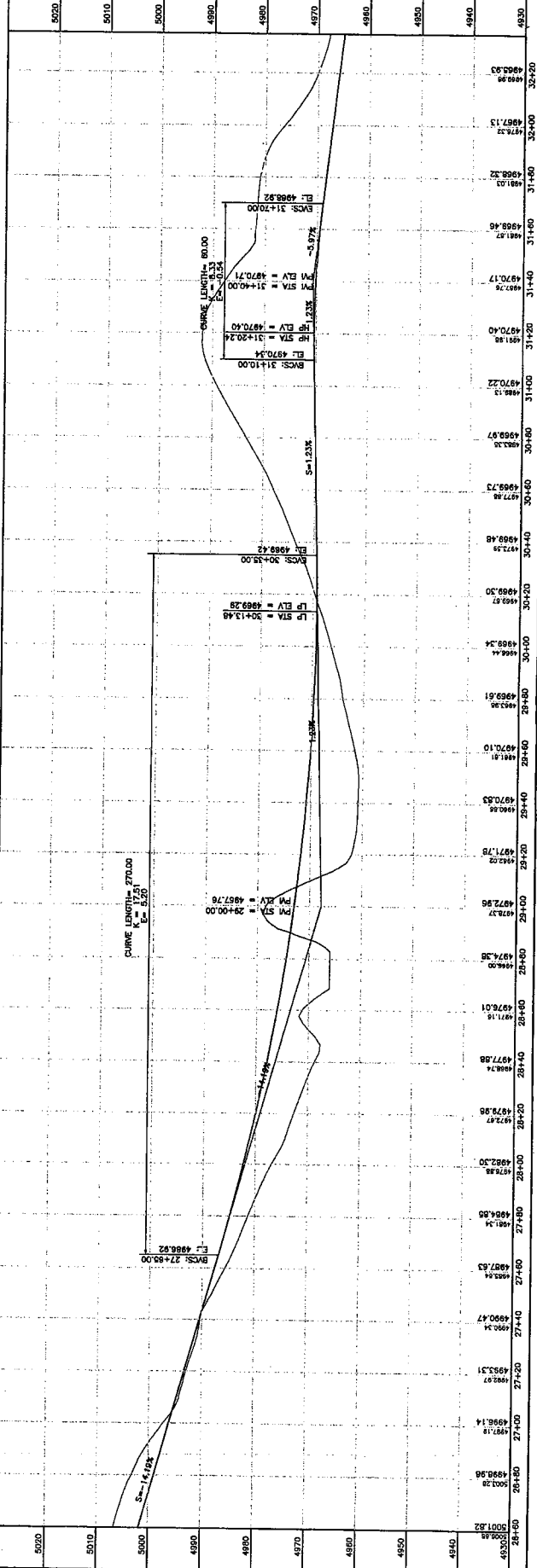
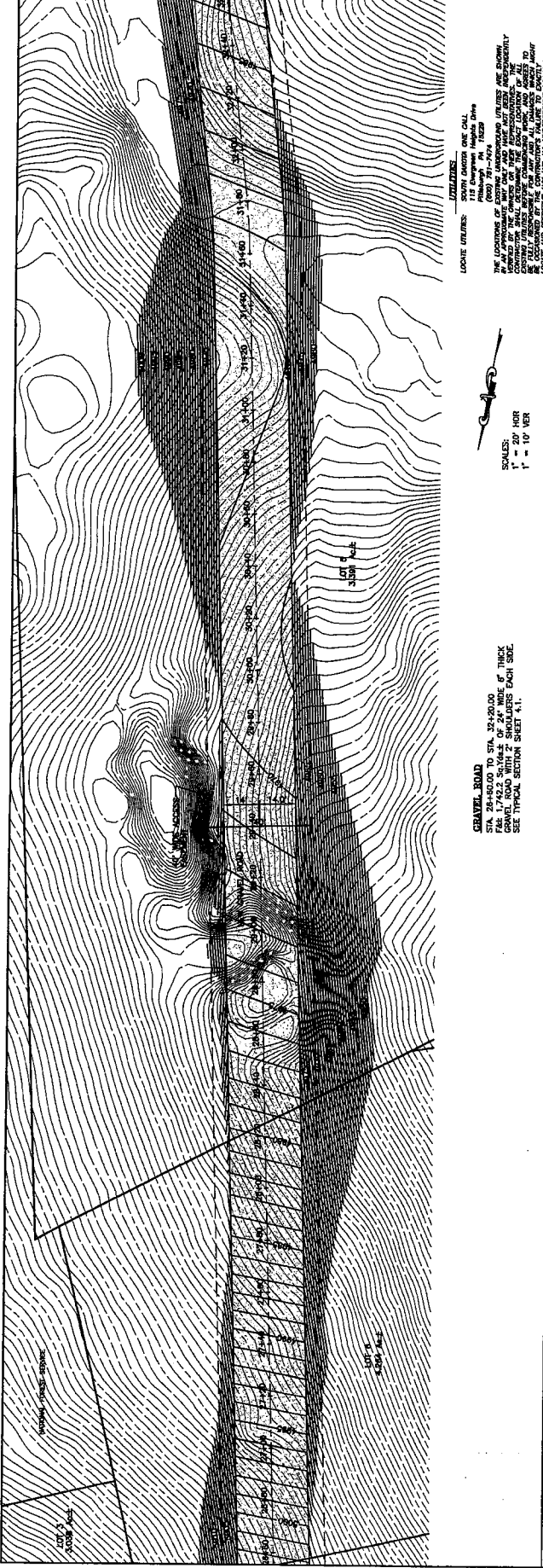
SPERLICH  
Consulting, Inc.  
221 Columbus St. Suite 1040  
Tel: (609) 721-4040  
E-Mail: info@sperrlich.com  
Engineering Surveying Planning



NO.	DATE	REVISIONS

**STREET PLAN AND PROFILE**  
MAIN ROAD  
STA. 26+80.00 TO STA. 32+20.00

PROJECT NUMBER: 3504  
SHEET: 5.6



**GRAVEL ROAD**  
STA. 26+80.00 TO STA. 32+20.00  
GRAVEL ROAD WITH 2% SHOULDER EACH SIDE.  
SEE TYPICAL SECTION SHEET 4.1.

**UTILITIES**  
LOUPE UTILITIES: SOUTH DAVENPORT ONE CALL  
8000 791-7979  
Pittsburgh, PA 15229  
THE LOCATIONS OF ALL UTILITIES ARE SHOWN  
ON ALL APPROPRIATE SHEETS AND HAVE BEEN VERIFIED  
BY THE ENGINEER. THE EXACT LOCATION OF ALL  
UTILITIES IS NOT GUARANTEED. THE USER SHALL  
BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES, LOSSES AND  
LITIGATION AND PROSECUTE ANY AND ALL UNDERWRITING UTILITIES.

**GRAVEL ROAD**  
STA. 26+80.00 TO STA. 32+20.00  
GRAVEL ROAD WITH 2% SHOULDER EACH SIDE.  
SEE TYPICAL SECTION SHEET 4.1.

**UTILITIES**  
LOUPE UTILITIES: SOUTH DAVENPORT ONE CALL  
8000 791-7979  
Pittsburgh, PA 15229  
THE LOCATIONS OF ALL UTILITIES ARE SHOWN  
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LITIGATION AND PROSECUTE ANY AND ALL UNDERWRITING UTILITIES.

**GRAVEL ROAD**  
STA. 26+80.00 TO STA. 32+20.00  
GRAVEL ROAD WITH 2% SHOULDER EACH SIDE.  
SEE TYPICAL SECTION SHEET 4.1.

**UTILITIES**  
LOUPE UTILITIES: SOUTH DAVENPORT ONE CALL  
8000 791-7979  
Pittsburgh, PA 15229  
THE LOCATIONS OF ALL UTILITIES ARE SHOWN  
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BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES, LOSSES AND  
LITIGATION AND PROSECUTE ANY AND ALL UNDERWRITING UTILITIES.

**GRAVEL ROAD**  
STA. 26+80.00 TO STA. 32+20.00  
GRAVEL ROAD WITH 2% SHOULDER EACH SIDE.  
SEE TYPICAL SECTION SHEET 4.1.

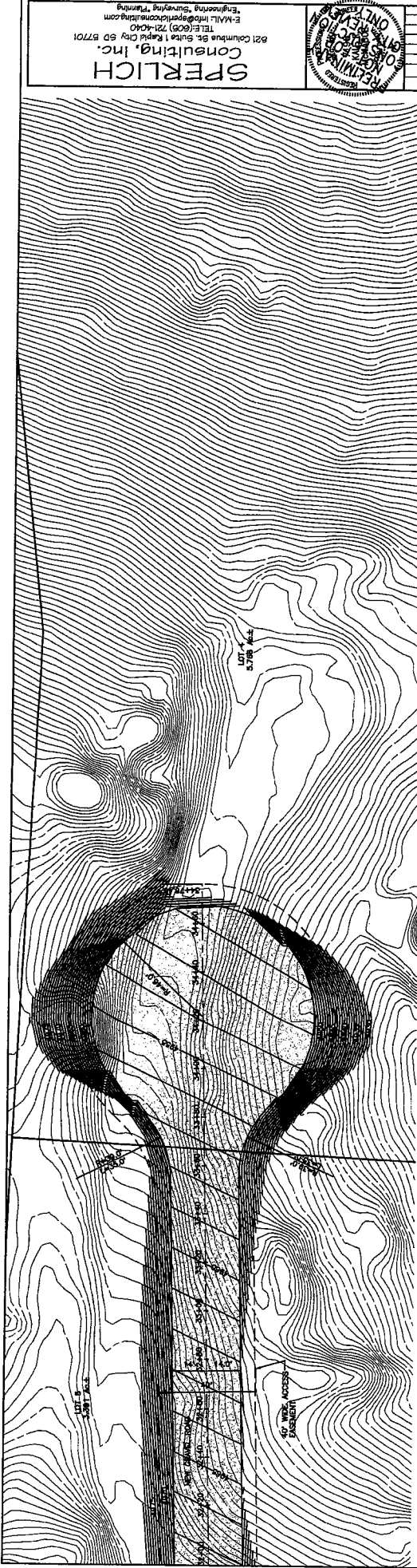
**UTILITIES**  
LOUPE UTILITIES: SOUTH DAVENPORT ONE CALL  
8000 791-7979  
Pittsburgh, PA 15229  
THE LOCATIONS OF ALL UTILITIES ARE SHOWN  
ON ALL APPROPRIATE SHEETS AND HAVE BEEN VERIFIED  
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BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES, LOSSES AND  
LITIGATION AND PROSECUTE ANY AND ALL UNDERWRITING UTILITIES.

**GRAVEL ROAD**  
STA. 26+80.00 TO STA. 32+20.00  
GRAVEL ROAD WITH 2% SHOULDER EACH SIDE.  
SEE TYPICAL SECTION SHEET 4.1.

**UTILITIES**  
LOUPE UTILITIES: SOUTH DAVENPORT ONE CALL  
8000 791-7979  
Pittsburgh, PA 15229  
THE LOCATIONS OF ALL UTILITIES ARE SHOWN  
ON ALL APPROPRIATE SHEETS AND HAVE BEEN VERIFIED  
BY THE ENGINEER. THE EXACT LOCATION OF ALL  
UTILITIES IS NOT GUARANTEED. THE USER SHALL  
BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES, LOSSES AND  
LITIGATION AND PROSECUTE ANY AND ALL UNDERWRITING UTILITIES.

**GRAVEL ROAD**  
STA. 26+80.00 TO STA. 32+20.00  
GRAVEL ROAD WITH 2% SHOULDER EACH SIDE.  
SEE TYPICAL SECTION SHEET 4.1.

**UTILITIES**  
LOUPE UTILITIES: SOUTH DAVENPORT ONE CALL  
8000 791-7979  
Pittsburgh, PA 15229  
THE LOCATIONS OF ALL UTILITIES ARE SHOWN  
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UTILITIES IS NOT GUARANTEED. THE USER SHALL  
BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES, LOSSES AND  
LITIGATION AND PROSECUTE ANY AND ALL UNDERWRITING UTILITIES.



**GRAVEL ROAD**  
 STA. 32+20.00 TO STA. 34+67.46  
 12" GRAVEL WITH 2" SHOULDER EACH SIDE  
 SEE TYPICAL SECTION SHEET 4.1.

**NOTES**  
 1. THE LOCATION OF EXISTING UNDESIGNED UTILITIES ARE SHOWN BY THE DASHED LINE. THE LOCATION OF NEW UTILITIES ARE SHOWN BY THE SOLID LINE. THE LOCATION OF NEW UTILITIES TO BE INSTALLED ARE SHOWN BY THE DOTTED LINE. THE LOCATION OF NEW UTILITIES TO BE REMOVED ARE SHOWN BY THE DASHED LINE WITH A CROSS THROUGH IT.

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



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

REVISIONS  
 DATE

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

PROJECT NUMBER: 3584  
 SHEET 5.7

LEGAL DESCRIPTION	STATION	ELEVATION
	32+00	4910.13
	32+20	4909.98
	32+40	4909.74
	32+60	4909.50
	32+80	4909.26
	33+00	4909.02
	33+20	4908.78
	33+40	4908.54
	33+60	4908.30
	33+80	4908.06
	34+00	4907.82
	34+20	4907.58
	34+40	4907.34
	34+60	4907.10
	34+67.46	4906.86
	34+80	4906.62
	35+00	4906.38
	35+20	4906.14
	35+40	4905.90
	35+60	4905.66
	35+80	4905.42
	36+00	4905.18
	36+20	4904.94
	36+40	4904.70
	36+60	4904.46
	36+80	4904.22
	37+00	4903.98
	37+20	4903.74
	37+40	4903.50
	37+60	4903.26
	37+80	4903.02
	38+00	4902.78
	38+20	4902.54
	38+40	4902.30
	38+60	4902.06
	38+80	4901.82
	39+00	4901.58
	39+20	4901.34
	39+40	4901.10
	39+60	4900.86
	39+80	4900.62
	40+00	4900.38
	40+20	4900.14
	40+40	4899.90
	40+60	4899.66
	40+80	4899.42
	41+00	4899.18
	41+20	4898.94
	41+40	4898.70
	41+60	4898.46
	41+80	4898.22
	42+00	4897.98
	42+20	4897.74
	42+40	4897.50
	42+60	4897.26
	42+80	4897.02
	43+00	4896.78
	43+20	4896.54
	43+40	4896.30
	43+60	4896.06
	43+80	4895.82
	44+00	4895.58
	44+20	4895.34
	44+40	4895.10
	44+60	4894.86
	44+80	4894.62
	45+00	4894.38
	45+20	4894.14
	45+40	4893.90
	45+60	4893.66
	45+80	4893.42
	46+00	4893.18
	46+20	4892.94
	46+40	4892.70
	46+60	4892.46
	46+80	4892.22
	47+00	4891.98
	47+20	4891.74
	47+40	4891.50
	47+60	4891.26
	47+80	4891.02
	48+00	4890.78
	48+20	4890.54
	48+40	4890.30
	48+60	4890.06
	48+80	4889.82
	49+00	4889.58

BL. 4951.80  
 STA. 34+67.46  
 300'-5'-0"  
 STA. 34+21.46  
 BL. 4953.80

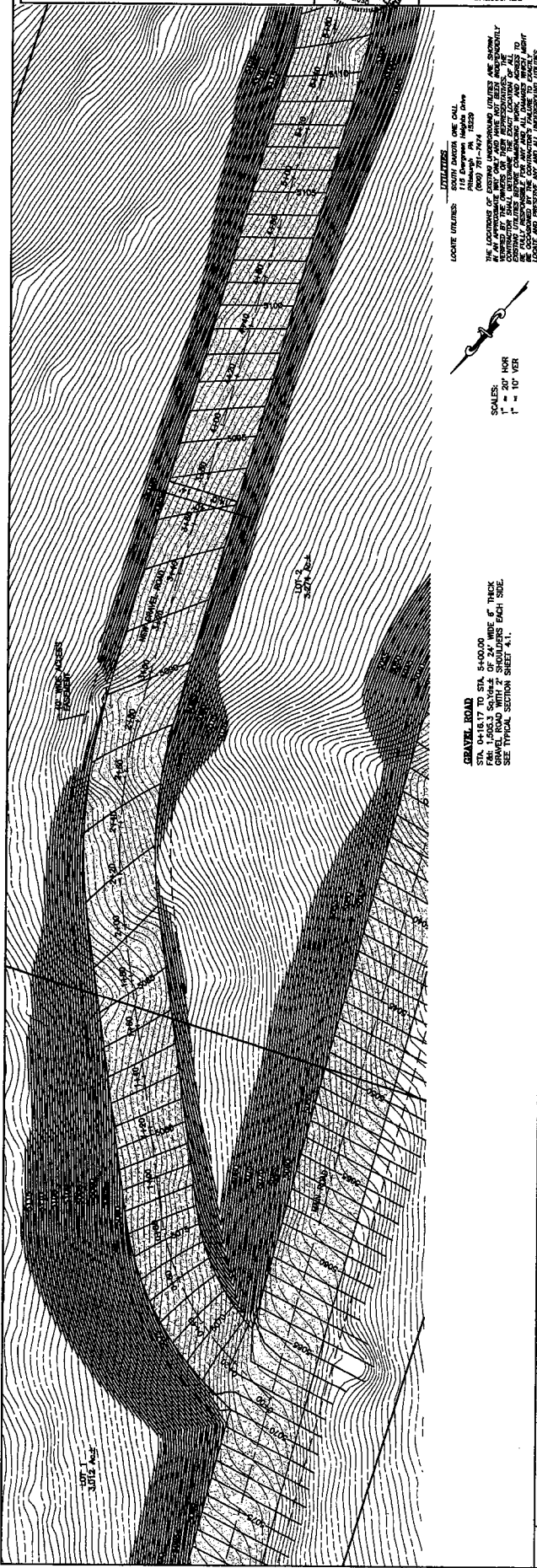


DATE	REVISIONS

**LEGAL DESCRIPTION**  
 SECTION 18, T12N, R10E, SD 57701  
 TRACT 18, 1/4 SECTION 18, T12N, R10E, SD 57701  
 TRACT 18, 1/4 SECTION 18, T12N, R10E, SD 57701  
 TRACT 18, 1/4 SECTION 18, T12N, R10E, SD 57701

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

PROJECT NUMBER: 3584  
 SHEET: 5.8

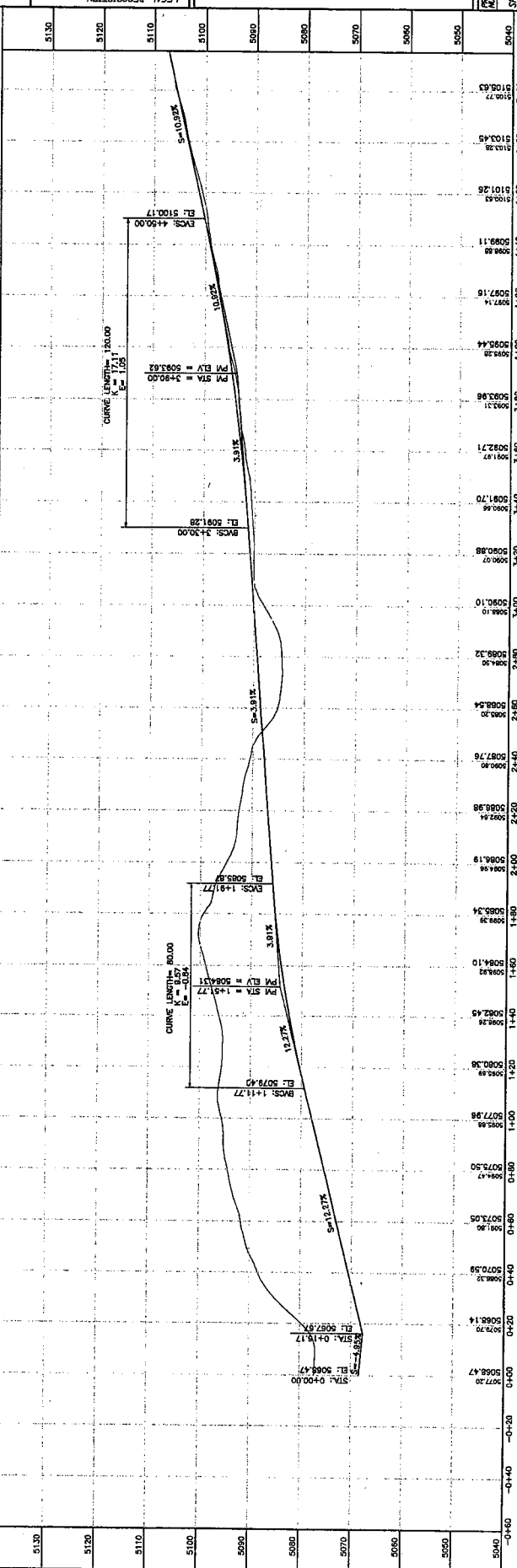


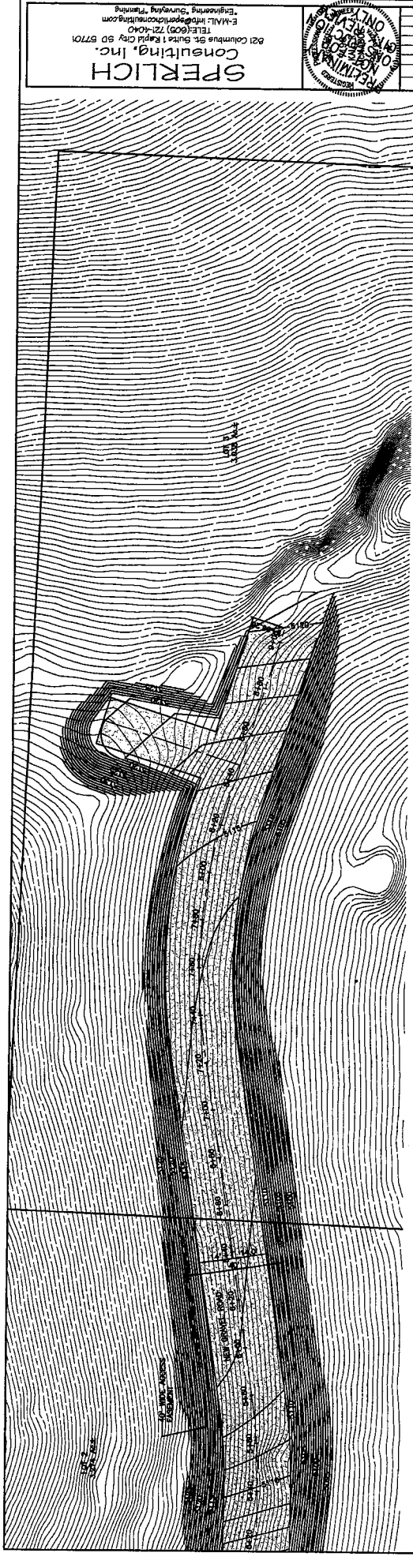
**GRAVEL ROAD**  
 TO PER 5405.00  
 FOR 1458.11 SLOPE OF 2% WIDE 6" THICK  
 GRAVEL ROAD WITH 2' SHOULDERS EACH SIDE.  
 SEE TYPICAL SECTION SHEET 4.1.

**UTILITIES**  
 ALL UTILITIES ARE TO BE  
 LOCATED AND PRESERVED BY THE CONTRACTOR.  
 THE LOCATION OF EXISTING UNDERGROUND UTILITIES ARE SHOWN  
 BY THE DASHED LINES AND ARE NOT TO BE DISTURBED.  
 ANY NEW UTILITIES TO BE INSTALLED SHALL BE INSTALLED  
 IN ACCORDANCE WITH THE SOUTH DAKOTA UTILITIES  
 CODE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.

**LOCAL UTILITIES**  
 ALL UTILITIES ARE TO BE  
 LOCATED AND PRESERVED BY THE CONTRACTOR.  
 THE LOCATION OF EXISTING UNDERGROUND UTILITIES ARE SHOWN  
 BY THE DASHED LINES AND ARE NOT TO BE DISTURBED.  
 ANY NEW UTILITIES TO BE INSTALLED SHALL BE INSTALLED  
 IN ACCORDANCE WITH THE SOUTH DAKOTA UTILITIES  
 CODE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.

**SCALES**  
 HORIZONTAL: 1" = 40' HORIZ  
 VERTICAL: 1" = 10' VERT





**GRAVEL ROAD** STA. 8+45.00 TO 8+50.00  
 SHALL BE 24' WIDE & 24' WIDE OF TRUCK  
 GRAD. ROAD WITH 2' SHOULDERS EACH SIDE.  
 SEE TYPICAL SECTION SHEET 4.1.

**SCALES:**  
 H<sub>v</sub> = 20' HOR  
 V<sub>v</sub> = 10' VER

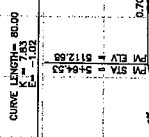
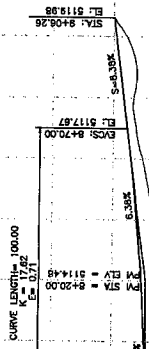
**LOCATE UTILITIES** - SHOWN UNLESS OTHERWISE NOTED  
 112 Engineering Highway Drive  
 (608) 781-7776

THE LOCATIONS OF ALL UTILITIES SHOWN ON THIS PLAN ARE BASED ON THE RECORD DRAWINGS AND FIELD SURVEY. THE CONTRACTOR SHALL VERIFY THE EXISTING UTILITIES AND SHALL BE RESPONSIBLE FOR ANY AND ALL DAMAGE TO EXISTING UTILITIES AND FOR THE PROTECTION AND PRESERVATION OF ALL UTILITIES.

**STREET PLAN AND PROFILE**  
 STA. 5+00.00 TO STA. 9+06.26  
 ROAD 1

PROJECT NUMBER: 3584  
 SHEET: 5.9

LEGAL DESCRIPTION	STATION	ELEVATION
	5+00	5090
	5+10	5110
	5+20	5130
	5+30	5150
	5+40	5170
	5+50	5190
	5+60	5210
	5+70	5230
	5+80	5250
	5+90	5270
	6+00	5290
	6+10	5310
	6+20	5330
	6+30	5350
	6+40	5370
	6+50	5390
	6+60	5410
	6+70	5430
	6+80	5450
	6+90	5470
	7+00	5490
	7+10	5510
	7+20	5530
	7+30	5550
	7+40	5570
	7+50	5590
	7+60	5610
	7+70	5630
	7+80	5650
	7+90	5670
	8+00	5690
	8+10	5710
	8+20	5730
	8+30	5750
	8+40	5770
	8+50	5790
	8+60	5810
	8+70	5830
	8+80	5850
	8+90	5870
	9+00	5890
	9+10	5910
	9+20	5930
	9+30	5950
	9+40	5970
	9+50	5990
	9+60	6010
	9+70	6030
	9+80	6050
	9+90	6070
	10+00	6090
	10+10	6110
	10+20	6130
	10+30	6150
	10+40	6170
	10+50	6190
	10+60	6210
	10+70	6230
	10+80	6250
	10+90	6270
	11+00	6290
	11+10	6310
	11+20	6330
	11+30	6350
	11+40	6370
	11+50	6390
	11+60	6410
	11+70	6430
	11+80	6450
	11+90	6470
	12+00	6490
	12+10	6510
	12+20	6530
	12+30	6550
	12+40	6570
	12+50	6590
	12+60	6610
	12+70	6630
	12+80	6650
	12+90	6670
	13+00	6690
	13+10	6710
	13+20	6730
	13+30	6750
	13+40	6770
	13+50	6790
	13+60	6810
	13+70	6830
	13+80	6850
	13+90	6870
	14+00	6890
	14+10	6910
	14+20	6930
	14+30	6950
	14+40	6970
	14+50	6990
	14+60	7010
	14+70	7030
	14+80	7050
	14+90	7070
	15+00	7090
	15+10	7110
	15+20	7130
	15+30	7150
	15+40	7170
	15+50	7190
	15+60	7210
	15+70	7230
	15+80	7250
	15+90	7270
	16+00	7290
	16+10	7310
	16+20	7330
	16+30	7350
	16+40	7370
	16+50	7390
	16+60	7410
	16+70	7430
	16+80	7450
	16+90	7470
	17+00	7490
	17+10	7510
	17+20	7530
	17+30	7550
	17+40	7570
	17+50	7590
	17+60	7610
	17+70	7630
	17+80	7650
	17+90	7670
	18+00	7690
	18+10	7710
	18+20	7730
	18+30	7750
	18+40	7770
	18+50	7790
	18+60	7810
	18+70	7830
	18+80	7850
	18+90	7870
	19+00	7890
	19+10	7910
	19+20	7930
	19+30	7950
	19+40	7970
	19+50	7990
	19+60	8010
	19+70	8030
	19+80	8050
	19+90	8070
	20+00	8090
	20+10	8110
	20+20	8130
	20+30	8150
	20+40	8170
	20+50	8190
	20+60	8210
	20+70	8230
	20+80	8250
	20+90	8270
	21+00	8290
	21+10	8310
	21+20	8330
	21+30	8350
	21+40	8370
	21+50	8390
	21+60	8410
	21+70	8430
	21+80	8450
	21+90	8470
	22+00	8490
	22+10	8510
	22+20	8530
	22+30	8550
	22+40	8570
	22+50	8590
	22+60	8610
	22+70	8630
	22+80	8650
	22+90	8670
	23+00	8690
	23+10	8710
	23+20	8730
	23+30	8750
	23+40	8770
	23+50	8790
	23+60	8810
	23+70	8830
	23+80	8850
	23+90	8870
	24+00	8890
	24+10	8910
	24+20	8930
	24+30	8950
	24+40	8970
	24+50	8990
	24+60	9010
	24+70	9030
	24+80	9050
	24+90	9070
	25+00	9090
	25+10	9110
	25+20	9130
	25+30	9150
	25+40	9170
	25+50	9190
	25+60	9210
	25+70	9230
	25+80	9250
	25+90	9270
	26+00	9290
	26+10	9310
	26+20	9330
	26+30	9350
	26+40	9370
	26+50	9390
	26+60	9410
	26+70	9430
	26+80	9450
	26+90	9470
	27+00	9490
	27+10	9510
	27+20	9530
	27+30	9550
	27+40	9570
	27+50	9590
	27+60	9610
	27+70	9630
	27+80	9650
	27+90	9670
	28+00	9690
	28+10	9710
	28+20	9730
	28+30	9750
	28+40	9770
	28+50	9790
	28+60	9810
	28+70	9830
	28+80	9850
	28+90	9870
	29+00	9890
	29+10	9910
	29+20	9930
	29+30	9950
	29+40	9970
	29+50	9990
	29+60	10010
	29+70	10030
	29+80	10050
	29+90	10070
	30+00	10090



**SPEERLICH Consulting, Inc.**  
 821 Columbia St. Suite 1 Rapid City, SD 57701  
 TEL: (605) 721-1040  
 E-MAIL: info@speerlich.com  
 Engineering Surveying Planning



REVISION	DATE

APPROVED FOR THE PROJECT:  
 PROJECT NO. 2011-001  
 ROAD 1  
 STA. 5+00.00 TO STA. 9+06.26  
 SHEET 5.9



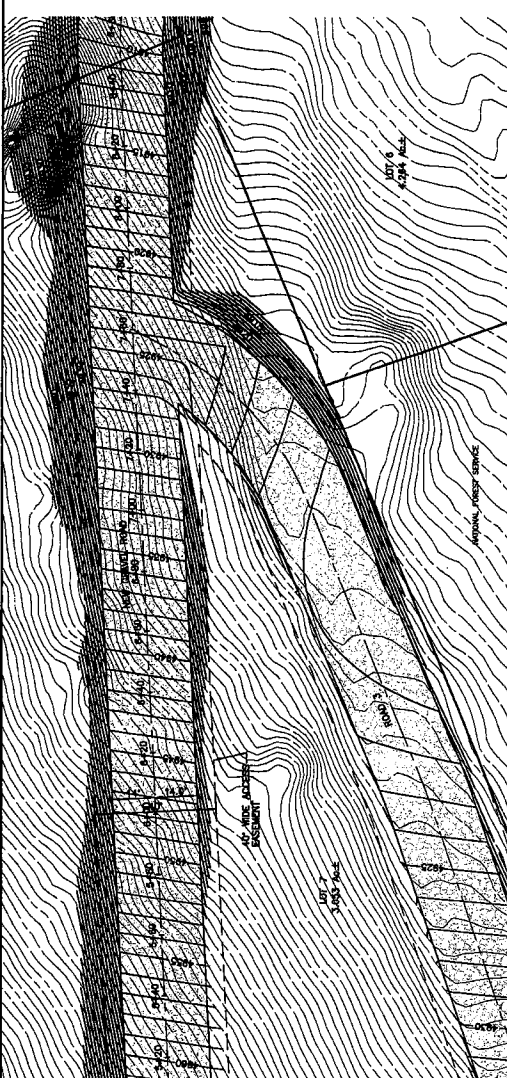
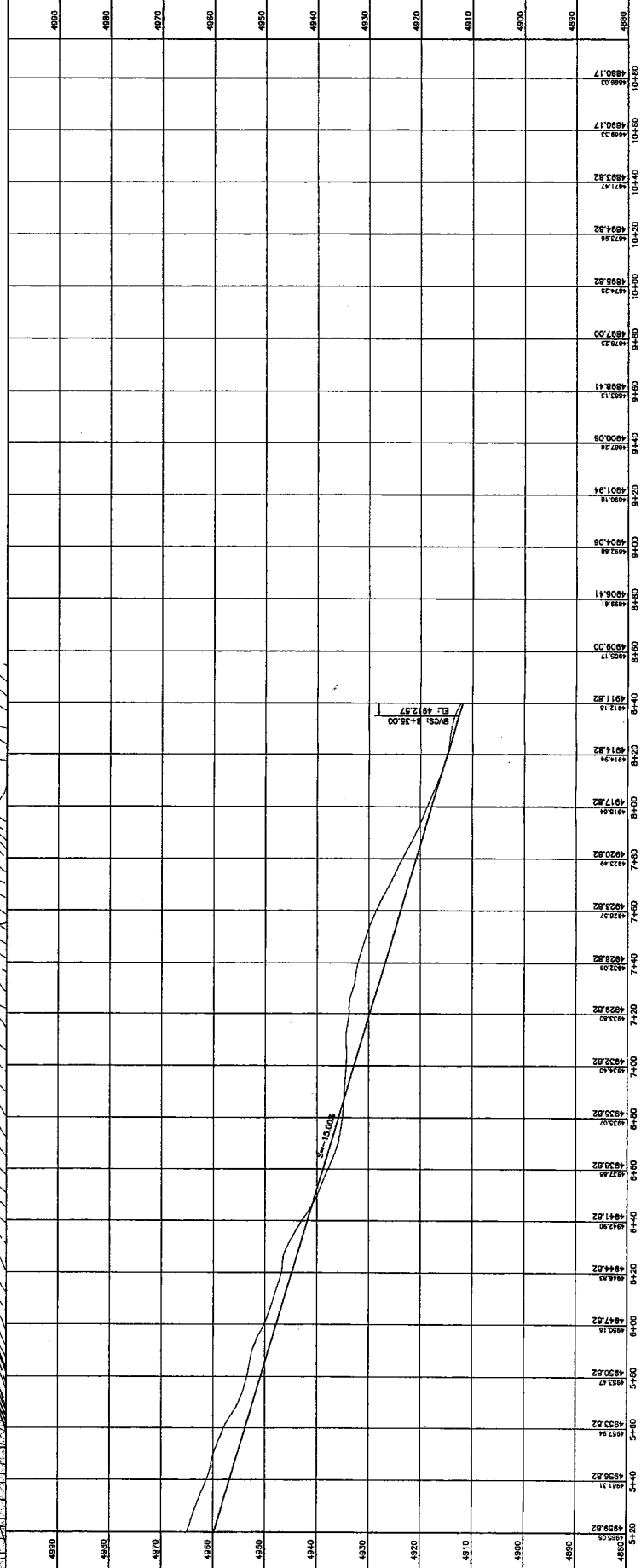
**STREET PLAN AND PROFILE**  
STA. 5+40.00 TO STA. 8+20.00  
ROAD 2

PROPOSED LANE 1 THICKNESS & LOCATION IN THE FIELD  
REVISIONS  
DATE

NO.	DATE	REVISIONS



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



**GRAVEL ROAD**  
12' WIDE BASEMENT  
2' SHOULDER EACH SIDE  
SEE TYPICAL SECTION SHEET 4.1.

GRAVEL  
1" = 20' HORIZ  
1" = 10' VERT

**UTILITIES**  
11.5' DIAMETER ONE 6" GAS  
11.5' DIAMETER ONE 6" WATER  
11.5' DIAMETER ONE 6" SANITARY  
11.5' DIAMETER ONE 6" SEWER

THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN  
AND AT THE POINTS OF INTERSECTION WITH THE PROPOSED  
GRAVEL ROAD THE EXISTING UTILITIES ARE TO BE  
CONTINUED UNDER THE GRAVEL ROAD. ALL UTILITIES TO  
BE CONTINUED TO THE GRAVEL ROAD SHALL BE PROTECTED BY  
CONCRETE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.







## Bolstad Cassie

---

**From:** Andy Busse <andrew.c.busse@gmail.com>  
**Sent:** Monday, February 18, 2019 5:13 PM  
**To:** Bolstad Cassie  
**Subject:** Shriner Variance and Rezone

CAUTION: This email is from an outside source. Use caution before opening attachments, clicking links or providing confidential information.

Cassie,

Good evening,

As per our conversation, can you please include in the staff report, the precedence set by the County on the Jacob CUP denial for the request for the heliport next to the LDR, a statement of incompatibility of the LDR next to Highway Service, and the difficulty septic systems pose in that immediate area?

Thanks,

Andrew

CONDITIONAL USE PERMIT APPLICATION  
PENNINGTON COUNTY, SOUTH DAKOTA

CU 11-10

1. APPLICANT: Michael Jacob DAYTIME PHONE: (605) 673-2163  
MAILING ADDRESS: 24564 Hwy 16/385 City: CUSTER State: SD Zip Code: 57730  
AUTHORIZED AGENT: SAA DAYTIME PHONE: \_\_\_\_\_  
MAILING ADDRESS: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
OWNER: LAURA PAURKATZ DAYTIME PHONE: (605) 359-9224  
MAILING ADDRESS: P.O.B 650 City: KEYSTONE State: SD Zip Code: 57751

2. REQUESTED USE: COMMERCIAL TOURIST Attraction - HELICOPTER TOURS

LEGAL DESCRIPTION: SEE ATTACHED LEGAL DESCRIPTION

\_\_\_\_\_ INVOLVING 6 ACRES  
ADDRESS: \_\_\_\_\_

LANDMARK LOCATION: S.E. of INTERSECTION Boulder Hill Rd. & Silver mt. Rd.

EXISTING LAND USE: VACANT

SITE ZONING: Gov. Ag - Hwy Sec. PHYSICAL CHARACTERISTICS: Sloping / part. wooded

SURROUNDING ZONING: NORTH G. Ag SOUTH G. Ag EAST G. Ag WEST G. Ag / Hwy Sec.

UTILITIES:  PUBLIC: BH Elec. Co-op (list provider)

PRIVATE: Septic Tank size: TO BE ESTAB gallons Drainfield size: TO BE ESTAB feet

Water Source:  Well  Cistern

3. THE OWNER, APPLICANT, OR AUTHORIZED AGENT, ACKNOWLEDGES: That he / she has read and received a copy of the instruction sheet and this application form concerning the filing and hearing of this matter; that he / she authorizes the Pennington County Planning Department staff and designees to enter onto and inspect the above-described property, and that he / she has been advised of the fee requirements and they have been paid on \_\_\_\_\_.

Signature of APPLICANT or AGENT:  
(requires owner authorization)

Signature of LANDOWNER:

DATE: 04/01/2011  
Subscribed and sworn to before me this 01  
day of APRIL, 2011.

DATE: 04/01/11  
Subscribed and sworn to before me this  
day of APRIL



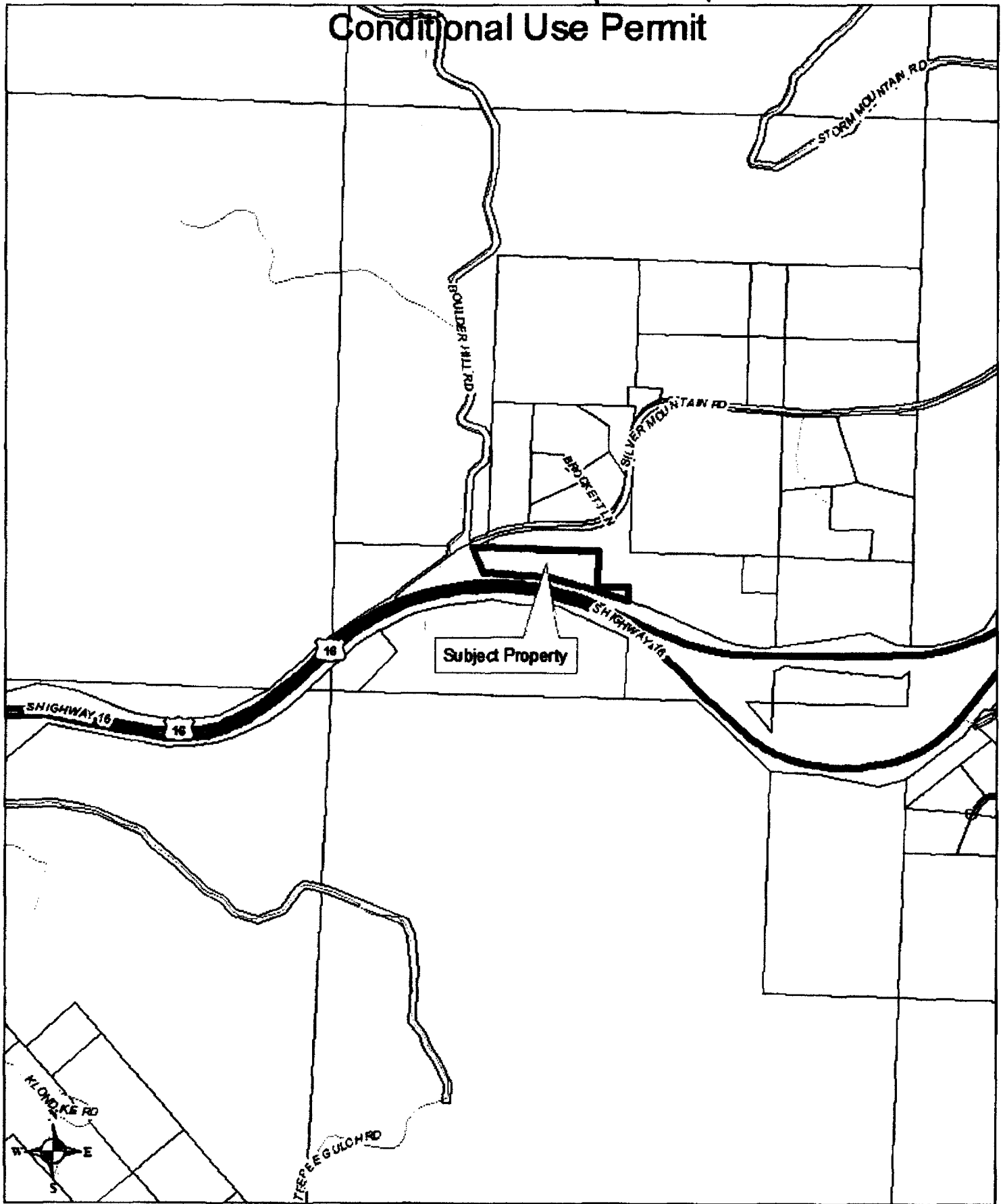
Notary Public for the State of South Dakota  
My Commission Expires: MAY 13, 2014



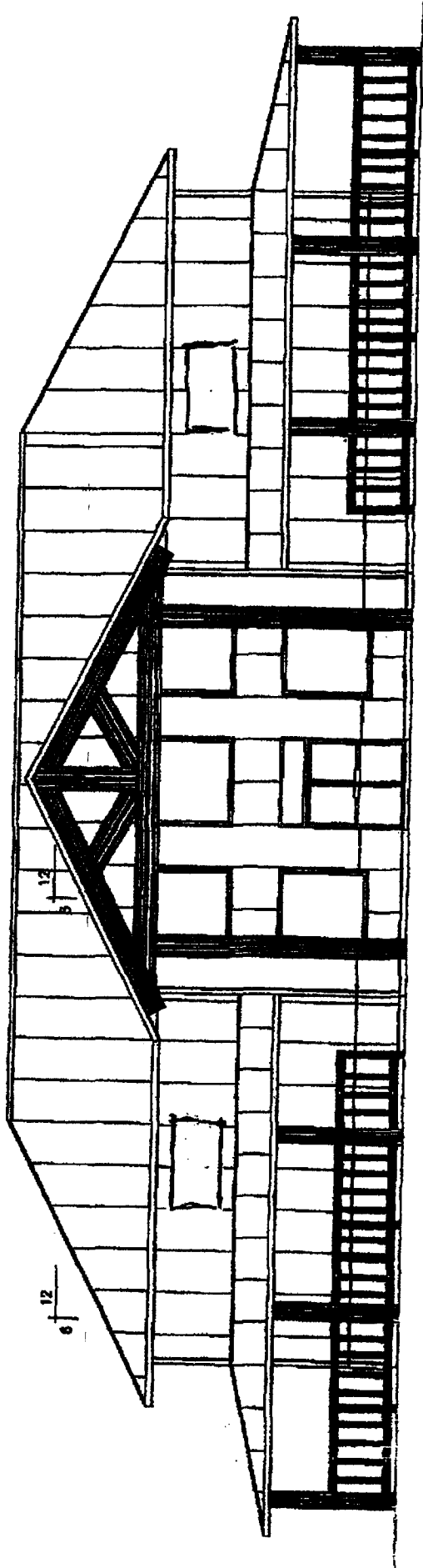
Notary Public for the State of South Dakota  
My Commission Expires: MAY 13, 2014

4. DATE / TIME OF PLANNING COMMISSION HEARING: \_\_\_\_\_ LOCATION: \_\_\_\_\_

# Tenderfoot Creek Properties, LLC Conditional Use Permit



0 0.05 0.1 0.2 0.3 0.4 Miles



FRONT SIDE -  
FACING SILVER Mt. ROAD

April 5, 2011

To: Mr. Dan Jennissen, Pennington Co. Planning Dept.

Re: Conditional Use Permit- Tenderfoot Creek Properties, LLC, RZ 10-05

Mr. Jennissen,

Pursuant to our recent conversation regarding the conditional use permit referenced above, I respectfully submit the following information for your consideration.

Our intended use for this property is the construction of a seasonal tourist attraction which includes aerial tours of the area. It is our intention to operate seven days a week from approximately May 15<sup>th</sup> through September 30<sup>th</sup> annually, with hours of operation being 9:00am – 7:00pm, weather permitting. We will have no nighttime operation and no living facilities. We anticipate a maximum of 60 flights daily which relates to approximately four (4) vehicles per hour, but with the area involved we could realistically accommodate several times the anticipated number of vehicles estimated. Waste water plans are in the planning stage at this time and we are working with the SD Dept. of Transportation to finalize access from Highway 16. Our final construction plans will be submitted to your office upon their completion and in accordance with building permit requirements. Thank you for your consideration in this matter and I look forward to working with you on this project.

Best Regards, Michael Jacob

**STAFF REPORT**

**GENERAL INFORMATION:**

**REQUEST:** CONDITIONAL USE PERMIT / CU 11-10: To allow a commercial helicopter tour business in accordance with Sections 210 and 510 of the Pennington County Zoning Ordinance.

**APPLICANT:** Tenderfoot Creek Properties/Michael Jacob

**APPLICANT ADDRESS:** 24564 Highway 16/385, Custer, SD 57730

**AGENT:** Centerline

**AGENT ADDRESS:** P.O. Box 7597, Rapid City, SD 57709

**OWNER:** Laura Pankratz

**OWNER ADDRESS:** P.O. Box 650, Keystone, SD 57751

**LEGAL DESCRIPTION:** Located on the following metes and bounds description: Commencing from the S1/16 corner of Section 22, T1S, R6E, B.H.M. consisting of an aluminum Forest Service cap. Thence S0°08'10"E and basis of bearing from Highway Plat filed in Hwy Book 4 Page 194 a distance of 329.86' to the Point of Beginning. Thence, first course, S0°08'10"E a distance of 101.80' to a point on the Highway 16 right-of-way. Thence, second course along the highway right-of-way, N77°09'00"W a distance of 186.62' to the PC of third course along the highway right-of way, a non-tangent left-hand curve with a radius of 2391.83', a central angle of 28°33'56", a length of 1192.48', a chord bearing of N81°22'11"W and a chord distance of 1180.17' to a 5/8" rebar with a Wendland #4224 cap. Thence, fourth course along the highway right-of-way N27°32'19"W a distance of 224.99' to a 5/8" rebar with a Wendland #4224 cap. Thence, fifth course, N89°29'18"E a distance of 137.24' to the SW1/16 corner consisting of an aluminum Forest Service cap. Thence, sixth course, N89°27'44"E a distance of 985.93' to a point. Thence, seventh course, S0°07'41"E a distance of 329.89' to a point. Thence, eighth course, N89°27'23"E a distance of 328.70' to the Point of Beginning. Said parcel containing 6.0054 acres more or less, in accordance with Section 508 of the Pennington County Zoning Ordinance.

**SITE LOCATION:** Southeast of the intersection of Boulder Hill Road and Silver Mountain Road.

**SIZE:** 6.00 acres

**EXISTING LAND USE:** Vacant

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ZONING REFERENCE: Sections 210 and 510

CURRENT ZONING: General Agriculture District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Sloping/partially wooded

UTILITIES: None

REPORT BY: Dan Jennissen

GENERAL DESCRIPTION: The applicant has submitted a Conditional Use Permit (CUP) request to allow for the operation of a seasonal helicopter tour business on the subject property.

ANALYSIS: Staff visited the subject property on January 12, 2011; the subject property is approximately six (6) acres and currently zoned General Agriculture District. On April 5, 2011, County Board approved Rezoning request RZ10-05 to rezone the property from General Agriculture District to Highway Service District. County Board also approved CA10-05 to amend the Comprehensive Plan to change the Future Land Use from Planned Unit Development Sensitive to Highway Service District. The rezoning will not take affect until May 11, 2011.

The six acres is currently part of a parcel that is split into four (4) sections. It is divided by Highway 16, Silver Mountain Road and a 19.02 acre lot. The property west of the intersection of Highway 16 and Silver Mountain road is approximately ten (10) acres. The property east of this intersection is approximately seven (7) acres. The property south of the intersection is approximately thirty-seven (37) acres and the property furthest east is approximately two (2) acres.

The surrounding land uses consists of Forest Service to the west and south. The zoning to the east is General Agriculture District. The zoning to the north consists primarily of Low Density Residential and Limited Agriculture District. The property directly to the west of the thirty-seven acre piece, south of Highway 16, is zoned Highway Service and consists of recreational cabins. This property is approximately two miles west of Rockerville, which has zoning of Highway Service Zoning Districts and Commercial Planned Unit Developments.

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The applicant has indicated that the seasonal tourist attraction is to include aerial tours of the area. He has stated he would like to operate seven days a week from approximately May 15<sup>th</sup> through September 30<sup>th</sup> with hours of operation from 9:00 am to 7:00 pm. He stated the maximum number of flights to be 60 daily.

The Conditional Use Permit was routed through the interdepartmental review process. Comments from the referral agencies are as follows:

*Pennington County Highway Department:* The Highway Department will not grant access onto Silver Mountain Road. The applicant must get access from Highway 16 utilizing the existing field entrance and median crossover. The use appears to conflict with the existing LDR Zoning in the area.

*Pennington County Fire Coordinator:* Have concerns about access on Highway 16. If the Federal Aviation Agency approves, ok with Fire. Must have written approval from FCC prior to operation.

*Pennington County Ordinance Officer:* No nuisance on property.

*Pennington County Sheriff:* None.

*Pennington County Environmental Planner:* An On-Site Wastewater Construction Permit will be required with percolation tests, including an eight (8) foot soil profile hole, to be performed and the profile hole be inspected by the Pennington County Environmental Planner. The applicant must first apply for and receive an approved On-Site Wastewater Construction Permit prior to issuance of a Building Permit for the structure. The applicant will also need to submit the proposed system design and specifications to the South Dakota Department of Environment and Natural Resources for their review and approval.

The On-Site Wastewater System will need to be inspected by the Pennington County Environmental Planner prior to any backfilling of the system.

I do not foresee any further environmental concerns with the applicant's request

*Pennington County Weed and Pest:* Appears noxious weed free.

*South Dakota Department of Transportation:* No comment.

*FAA:* An email was sent from the FAA and is attached for review.

*U.S. Forest Service:* None since access is off of Highway 16.



The Pennington County Highway Department has indicated that access cannot be taken from Silver Mountain Road. At the time the rezoning request was being reviewed, South Dakota Department of Transportation indicated that access can be taken from Highway 16 with some alterations. They stated that the current intersection of Silver Mountain Road and Highway 16 is unsafe and should be re-designed and moved to a safer location. The Final Plans of the changes have not yet been implemented and may not for several years.

The Environmental Planner has indicated that an On-Site Wastewater Construction Permit will be required with percolation tests, including an eight (8) foot soil profile hole, and the applicant will also need to submit the proposed system design and specifications to the South Dakota Department of Environment and Natural Resources for their review and approval. Prior to issuance of a Building Permit for the proposed structure, the applicant must submit an On-Site Wastewater Construction Permit for the installation of an on-site wastewater system.

Patricia L. Dressler, Environmental Protection Specialist/Airspace Specialist for the FAA, stated that Mr. Jacob has submitted a FAA Form 7480-1, Notice of Landing Area Proposal to the FAA for the proposed Helipad. The FAA is now in the process of conducting an airspace case study for the proposed site. She said the study may take from 30 to 60 days for the report to be finished. She has indicated that this is just a study and not approval or disapproval for the proposed helipad. She stated that "It is a determination with respect to the safe and efficient use of the navigable airspace by aircraft and with respect to the safety of persons and property on the ground."

No other significant issues were identified through the interdepartmental reviewing process.

Section 510 of the Zoning Ordinance lists five (5) factors that the Planning Commission may consider in their review of Conditional Use Permit applications. They are as follows:

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

It appears that, by allowing this Conditional Use Permit, it could have a negative effect on the use and enjoyment of other properties in the immediate vicinity. The applicant has indicated when taking off and landing from the subject property, he does not fly directly over any single-family residences. The nearest residence is located approximately 750 feet from the proposed helipads. Noise from the helipad could have a significant impact on the use and enjoyment of property in the immediate area.

A conversation with Harvey Kistler, Deputy Director of the Department of Equalization, stated that the location of a helipad will most likely negatively affect property values in the area.

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

The predominant uses in the area consists of U.S. Forest Service land, residential, agricultural and some commercial. Vacant land in the area consists of larger tracts of land owned by private landowners. The proposed use could significantly affect the development of adjacent properties. The helipad will produce noise and turbulence from the helicopters landing and taking off. It appears that this Conditional Use Permit could have a significant effect on the normal, orderly development or improvement of the surrounding vacant properties due to the noise and possible dust from the proposed use.

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

An approach exists off of South Dakota Highway 16. SDDOT typically requires an Approach Permit for the change in use. Current access to the property is located on a curve on Highway 16, which has traffic speeds at this location of 65 miles per hour. With the current access to the property, tourist access to the property could be difficult. Staff would recommend a minimum of a deceleration lane and acceleration lane be installed prior to operation of the proposed use. With the current access, staff believes access is not adequate for the proposed use and could pose a safety issue for the traveling public.

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

The applicant has submitted a site plan and a narrative noting parking and internal traffic patterns. The site plan appears to provide for adequate off-street parking and loading requirements.

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

Mr. Jacob has indicated that he would be doing a maximum of 60 flights per day from the property. A helicopter landing and taking off will produce noise, fumes and vibration that could constitute a nuisance. The applicant has indicated the flight patterns will not be directly over any of the residences in the area to reduce the impact of the use to the area.

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Staff believes it will be difficult to implement mitigation measures to eliminate noise to that it not be a nuisance to the surrounding land owners. Also, because the location of the helipad will most likely affect property values in the area, staff believes this is not a use that is compatible to the area and that this Conditional Use Permit should be denied given the close proximity of residential uses in the area.

**RECOMMENDATION:** Staff recommends denial of Conditional Use Permit CU 11-10 due to the close proximity of residences in the area, the possible negative effect on property values in the area, the nuisance due to the noise created with the helipad and the current inadequate access to the property.

**MINUTES**  
**PENNINGTON COUNTY PLANNING COMMISSION**  
**May 9, 2011 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Courthouse

**MEMBERS PRESENT:** Jeff Hoffmann, Charlie Johnson, Jim Coleman, Karen Hall, Ron Buskerud, and Ken Davis.

**STAFF PRESENT:** Dan Jennissen, Mandi Schmierer, Lysann Zeller, and Jeri Ervin.

**ROLL CALL**

1. **APPROVAL OF THE APRIL 25, 2011, MINUTES**  
Moved by Johnson and seconded by Hall to approve the minutes of the April 25, 2011, Planning Commission meeting. Vote: unanimous (6 to 0).
  
2. **APPROVAL OF THE AGENDA**  
Moved by Hall and seconded by Coleman to approve the May 9, 2011, Planning Commission Agenda, including the Consent Calendar, with the removal of Items #4, #5 and #8. Vote: unanimous (6 to 0).

**CONSENT CALENDAR**

The following items have been placed on the Consent Calendar 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 Calendar 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 96-14:** Mark Hirsch. To review a manufactured home as a caretaker's residence in a Suburban Residential District in accordance with Section 208-C of the Pennington County Zoning Ordinance.

Lot 3 of Tract 2 in NW1/4, Section 31, T1N, R7E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 96-14 with the following five (5) conditions:

1. That Building Permits be obtained for any structure exceeding 144 square feet or located on a permanent foundation, which includes the necessary site plans to be reviewed and approved by the Planning Director;
  
2. That the manufactured home continues to have wood, hardboard or simulated wood siding;

Commissioner Johnson asked Mr. Bialota what his intentions would be if the property is not approved with a firing range on it.

Mr. Bialota responded that the use is allowed as a commercial-type use. He added that an indoor range would be a complete bullet entrapment with no chance of the bullets escaping, creating a hazardous issue.

Commissioner Johnson expressed concern with the fire range and conditions not being in place to help regulate it.

Jennissen indicated that a shooting range is not listed in the Zoning Ordinance, but it is being considered as a commercial use operated within an enclosed structure.

Discussion further followed on the close proximity to residential areas, noise, and the use of the building as an indoor shooting range.

Commissioner Davis asked Mr. Bialota if the item was continued for two weeks, could he come back with information to provide to the Planning Commission on what he exactly he intends to do.

Mr. Bialota added that he does have a Business Plan in place and would be happy to share this with the Planning Commission. He noted that there is a sale pending, based upon approval of the Rezone.

Commissioner Hoffmann commented that he is unable to support approval of the application at this time.

Commissioner Johnson also supported the recommendation to continue this item for two weeks.

**Moved by Johnson and seconded Hall to continue Rezone 11-04 and Comprehensive Plan Amendment 11-02 to the May 23, 2011, Planning Commission meeting.**

Jennissen added that the question here is to approve or not approve rezoning the property to Light Industrial District. Only when and if it is approved, the applicant can apply for a Conditional Use Permit to allow a shooting range and then conditions can be placed on it.

**All voting aye, the Motion carried 5 to 0. Commissioner Coleman abstained from voting.**

The Planning Commission recessed at 10:25 a.m.

The Planning Commission reconvened at 10:33 a.m.

13. CONDITIONAL USE PERMIT / CU 11-10: Tenderfoot Creek Properties/Michael Jacob. To allow a commercial helicopter tour business in accordance with Sections 210 and 510 of the Pennington County Zoning Ordinance.

Located on the following metes and bounds description: Commencing from the S1/16 corner of Section 22, T1S, R6E, B.H.M. consisting of an aluminum Forest Service cap. Thence S0°08'10"E and basis of bearing from Highway Plat filed in Hwy Book 4 Page 194 a distance of 329.86' to the Point of Beginning. Thence, first course, S0°08'10"E a distance of 101.80' to a point on the Highway 16 right-of-way. Thence, second course along the highway right-of-way, N77°09'00"W a distance of 186.62' to the PC of third course along the highway right-of way, a non-tangent left-hand curve with a radius of 2391.83', a central angle of 28°33'56", a length of 1192.48', a chord bearing of N81°22'11"W and a chord distance of 1180.17' to a 5/8" rebar with a Wendland #4224 cap. Thence, fourth course along the highway right-of-way N27°32'19"W a distance of 224.99' to a 5/8" rebar with a Wendland #4224 cap. Thence, fifth course, N89°29'18"E a distance of 137.24' to the SW1/16 corner consisting of an aluminum Forest Service cap. Thence, sixth course, N89°27'44"E a distance of 985.93' to a point. Thence, seventh course, S0°07'41"E a distance of 329.89' to a point. Thence, eighth course, N89°27'23"E a distance of 328.70' to the Point of Beginning. Said parcel containing 6.0054 acres more or less, in accordance with Section 508 of the Pennington County Zoning Ordinance.

Jennissen reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow for the operation of a seasonal helicopter tour business.

Staff recommended denial of Conditional Use Permit 11-10, due to the close proximity of residences in the area, the possible negative effect on property values in the area, the nuisance due to the noise created by the helipad and the current inadequate access to the property.

Commissioner Johnson spoke of comments from the Deputy Director of Equalization and the helipad negatively affecting property values.

Jennissen responded that the Director of Equalization, Shannon Rittberger, could address those comments.

Commissioner Davis wanted to know if Connie Ferguson was at the meeting. He then reviewed her comments in her letter with her, and the Planning Commissioners, to clarify the comments.

Ms. Connie Ferguson appeared and discussed her comments.

Commissioner Johnson wanted to know if Mr. Rittberger would be surprised if there is another helipad and the value of the house went up.

Mr. Rittberger responded no and explained that the business does not exist at this time and, in his opinion, he really doesn't know how this will affect property values in the area. He stated the Deputy Director offered his opinion that it could negatively impact property values. Mr. Rittberger noted he has a different opinion of how the use may affect property values. Could it affect property values, he stated yes it could. The

Planning Commission and County Board are the ones who have to look at this and anticipate what could happen in the future.

Commissioner Coleman wanted to know if housing prices would go up because there is a helipad there now.

Mr. Rittberger stated probably not.

Mr. Michael Jacob, applicant, appeared and commented that he has addressed all concerns in prior appearances and Highway 16 is a tourist corridor and attraction area. The DOT has given him the permit to gain access to the property, and he does not believe noise is an issue and this can be evaluated by the current operation.

Commissioner Buskerud discussed DOT access and wanted to know where it will be taken from.

Mr. Jacob noted that the building and helipad will be located very close to Highway 16. The access will come into a parking area and the DOT would like have a turnaround and comeback out with right traffic exiting on Highway 16.

Commissioner Johnson spoke of the sound tests done in Keystone.

Mr. Jacob added that the sound testing showed traffic in downtown Keystone was louder than his helicopter.

Commissioner Johnson also spoke of pending lawsuits.

Mr. Jacob added that he does not own the property located in Keystone and the operation has been in use for over 40 years, but one of the hotel owners and another State Senator has filed a lawsuit.

Commissioner Johnson wanted to know if the plaintiffs are located very close to the subject property.

Mr. Jacob indicated that the hotel is located only 60 feet from the current helipad.

Commissioner Coleman wanted to know if the operation of the helipad was in place, prior to the hotel being built.

Mr. Jacob stated yes.

Commissioner Coleman noted the applicant is going to move his helicopter from the noisy environment in Keystone and place it by Highway 16 and he wanted to know if the noise level would be higher at the site.

Mr. Jacob responded that he didn't personally believe so with the exception of taking off and landing, and added that their helicopters are significantly lower in noise than the hospital helicopter and they strive to be good neighbors.

Ms. Ericka Olson, attorney representing landowners in the area, appeared and spoke of the impact this business would have on the livelihood of the surrounding landowners. There are two important issues to consider - safety and noise. She further spoke of highway traffic use, the hours of operation, noise decibels, FAA requirements, flight plans, the type of helicopters the applicant will be using, wind patterns and crosswinds, fuel tanks and fuel storage and possible contamination to the spring and water in the area, the negative affect on property values, quietness to the area for families, visual and audible attraction creating a safety hazard, turning lanes, air quality, and the use not being regulated. Ms. Olson also noted that most National Monuments do not allow aircraft in their air space and also stated the distance from her clients' properties to the subject property are within a distance of 1,500 feet. The landowners believe they will be bearing the cost of the applicant's proposed used because of safety, noise, and negative property values and feels the impact is too great and requested the Conditional Use Permit be denied.

Commissioner Johnson wanted to know how many landowners she represents.

Ms. Olson indicated there are over 30 property owners, some are joint owners.

Commissioner Johnson spoke of the noise study in Keystone and asked Ms. Olson to explain her comments regarding the 34 percent was three times the normal and 18 percent was two times the normal.

Mrs. Olson addressed this and indicated that part of the study was done at 60 feet from the helipad in Keystone and the helicopter increased the noise in the area by 37 decibels and the other location was 800 feet from the helipad and the noise was increased by 18 decibels.

Commissioner Johnson questioned who paid for the study.

Mrs. Olson stated the city of Keystone did the study and she believes that Mr. Jacob knew it was going on and the information provided, indicated what was measured and what was found.

Mrs. Marilyn Bolt, homeowner and business owner on Silver Mountain Road, appeared and stated she has a small lodging business at her residence, which is approved, and she stated noise does affect a lodging business. She added that the tourists comment on the quietness and beautifulness of the area. She believes the helicopters fly lower at this site than in Keystone and feels this would affect her business and property values. She also expressed concern with safety issues: visualization safety, turning lanes, and traffic.

Mr. Allan McCoy, landowner in Sun Country Estates, appeared and stated other landowners, besides the ones who have retained counsel, are also opposed to the request to allow a helipad. The noise is of great a concern and he can hear the train whistle from the 1880 Train in Keystone from his property and he can hear some passenger jets from his property just to show how quiet it is in the area. He also hears motorcycles inside his



house during the Sturgis Rally Week. He spoke of the proposed use and stated it will decrease his quality of life and his property values.

Mr. Ted Brockett, trustee of property immediately adjacent to the subject property, appeared and provided a brief history of the property. He further spoke of noise levels, access, and safety concerns. At Rapid City Regional there may be only one a day. He also noted that he is opposed to the 60 flights a day and would not have a problem with only one flight a day. He spoke of the frequency of the flights, access, and safety concerns. He stated that the family intends to retire at the property one day and they do not want a helicopter to listen to everyday. He cannot believe that a helicopter doesn't affect property values. The approaches from both directions are downhill and the constant stream of traffic is a hum.

Mr. Matt Jackson, landowner in Sun Country Estates, appeared and spoke in opposition to the proposed application. He stated the homeowners bought because of the quietness of the area and he requested that this request be denied.

Mr. Ross Neiman, landowner, appeared and stated Mr. Jacob has only owned the Keystone business since 2008, not prior to that.

Mr. Chuck McClain, landowner, appeared and spoke in opposition to the proposed request and provided the Planning Commission with other counties' established helipad sites. They limit flights from 5 to 10 a day and some will allow only operation out of an airport. He stated there are springs located across the helipad site and expressed concern with storage of diesel fuel and other contaminants to the spring and having it impacted. He also spoke of wind patterns and asked that this request be denied.

Mr. Jacob responded to concerns and stated he is regulated to flight routes, flight altitude, and flight times. He further spoke of his hours of operation and the type of helicopters he operates and he also reviewed the flight patterns.

Commissioner Hoffmann responded and stated that the impact to the homeowners in the area too is great and recommended this item be continued to the June 13, 2011, Planning Commission meeting in order for staff to receive comments from the FAA in review of the proposed use.

Moved by Hoffmann and seconded by Johnson to continue Conditional Use Permit 11-10 to the June 13, 2011, Planning Commission meeting.

Commissioner Buskerud noted that his concern is the ingress/egress from Highway 16.

Commissioner Davis commented that he is opposed to continuing this item.

**SUBSTITUTE MOTION:** Moved by Davis and seconded by Hall to deny Conditional Use Permit 11-01.

Commissioner Hoffmann stated he would support the motion to deny.

Commissioner Johnson spoke of safety and noise and stated he would support the motion to deny.

**All voting aye, the Motion carried 6 to 0.**

14. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commissions' recommendations from the April 25, 2011, Planning Commission meeting.

15. ITEMS FROM THE PUBLIC

Mr. George Ferebee appeared and stated that he asked at the last meeting if those of us who are not in the government, to have our comments in the minutes either eliminated or quoted verbatim. It didn't happen and he is making the request again. He stated the public has no way to object to the minutes and there are things said in the minutes that are not accurate and are incomplete from the last two meetings. Once again, he is repeating his request to eliminate all comments or quote them verbatim and don't paraphrase.

Jennissen noted the minutes from the last two meetings were taken by staff: Jeri Ervin and Lysann Zeller.

Commissioner Hoffmann questioned if the State's Attorney could look at the minutes to make sure they are being done properly.

Jennissen responded that, legally, all that needs to be recorded is the Motion, according to State Law, and added that it has been a benefit to the public to add the discussion of the items in the minutes.

Commissioner Coleman stated that Mr. Ferbee is putting the Planning Commission in a situation of whether to have just the bare bones, Motions only, which he feels is not very constructive, or every single comment which almost would require a Court Reporter. One could then argue that a few things were dropped and that seems to be the standard that is suggested here. He feels this is far too expensive, outrageous, and impractical. We have to decide if we are going to serve the public by handing them an informative set of minutes that will tell them some of the arguments or whether we have a set of minutes that are unconstructive. He feels it would be an unfortunate step to take.

Commissioner Davis asked if the minutes are published in the newspaper.

Staff stated the minutes are not published in the newspaper, but they are placed on-line and in a binder for public viewing at the Planning Office, and also included with the Board of Commissioners' packets.

Mr. George Ferebee stated once again, we the public, you, as an appointed official and elected official, are part of the government, and you have the right to object to the minutes and we the public don't. He added that all he is saying is those of us in the public, don't have no regress, so either quote us or leave us out. He further stated that the

May 9, 2011

TO: PENN. CO. PLANNING DEPT.

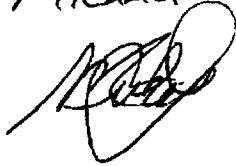
FROM: MICHAEL JACOB, PRES. RUSHMORE HELICOPTERS

REF: PLANNING COMMISSION DECISION (11-10) of 5/9/2011

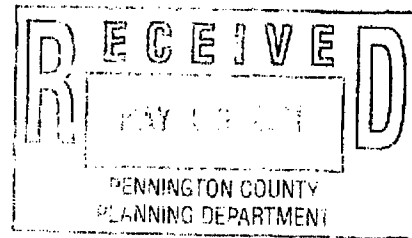
To Whom it may concern.

PLEASE ACCEPT THIS LETTER REQUESTING APPEAL  
of the CUP DECISION on this DATE.  
Thank you for your CONSIDERATION in this matter.

MICHAEL JACOB, PRES. RUSHMORE HELICOPTERS, INC



5/9/2011



May 17, 2011

**PENNINGTON COUNTY  
BOARD OF COMMISSIONERS MEETING  
MAY 17, 2011**

A meeting of the Pennington County Board of Commissioners was held on Tuesday, May 17, 2011, in the Commissioners' meeting room of the Pennington County Courthouse. Chairman Ken Davis called the meeting to order at 9:00 a.m. with the following commissioners present: Ron Buskerud, Don Holloway, Lyndell Petersen and Nancy Trautman.

**E. APPEAL OF CONDITIONAL USE PERMIT / CU 11-10: Tenderfoot Creek Properties/Michael Jacob. To allow a commercial helicopter tour business in accordance with Sections 210 and 510 of the Pennington County Zoning Ordinance.**

Located on the following metes and bounds description: Commencing from the S1/16 corner of Section 22, T1S, R6E, B.H.M. consisting of an aluminum Forest Service cap. Thence S0°08'10"E and basis of bearing from Highway Plat filed in Hwy Book 4 Page 194 a distance of 329.86' to the Point of Beginning. Thence, first course, S0°08'10"E a distance of 101.80' to a point on the Highway 16 right-of-way. Thence, second course along the highway right-of-way, N77°09'00"W a distance of 186.62' to the PC of third course along the highway right-of way, a non-tangent left-hand curve with a radius of 2391.83', a central angle of 28°33'56", a length of 1192.48', a chord bearing of N81°22'11"W and a chord distance of 1180.17' to a 5/8" rebar with a Wendland #4224 cap. Thence, fourth course along the highway right-of-way N27°32'19"W a distance of 224.99' to a 5/8" rebar with a Wendland #4224 cap. Thence, fifth course, N89°29'18"E a distance of 137.24' to the SW1/16 corner consisting of an aluminum Forest Service cap. Thence, sixth course, N89°27'44"E a distance of 985.93' to a point. Thence, seventh course, S0°07'41"E a distance of 329.89' to a point. Thence, eighth course, N89°27'23"E a distance of 328.70' to the Point of Beginning. Said parcel containing 6.0054 acres more or less, in accordance with Section 508 of the Pennington County Zoning Ordinance.

MOVED by Davis and seconded by Buskerud to deny the appeal of Conditional Use Permit / CU 11-10. Roll Call Vote: Davis – aye, Buskerud – aye, Holloway – aye, Trautman – no, Petersen – no.

Cu 11-23

# CONDITIONAL USE PERMIT APPLICATION

## PENNINGTON COUNTY, SOUTH DAKOTA

1. APPLICANT: TENFOOT CREEK PROPERTIES, LLC DAYTIME PHONE: 605-673-2163  
 MAILING ADDRESS: 24564 Hwy 16/305 City: CUSTER State: SD Zip Code: 57730  
 AUTHORIZED AGENT: MICHAEL JACOB DAYTIME PHONE: 605-673-2163  
 MAILING ADDRESS: SAA City: CUSTER State: SD Zip Code: 57730  
 OWNER: LAURA PAUKRAZ DAYTIME PHONE: 605-359-9224  
 MAILING ADDRESS: P.O.B. 650 City: KEYSTONE State: SD Zip Code: 57751

2. REQUESTED USE: HELICOPTER AERIAL TOUR BUSINESS (SEASONAL)

LEGAL DESCRIPTION: SEE ATTACHED METES AND BOUNDS

INVOLVING 6.05 ACRES

ADDRESS: \_\_\_\_\_

LANDMARK LOCATION: SILVER Mt. ROAD # HWY 16

EXISTING LAND USE: LOVE

SITE ZONING: HOME SERVICES PHYSICAL CHARACTERISTICS: \_\_\_\_\_

SURROUNDING ZONING: NORTH Gen Ag SOUTH Gen Ag EAST Gen Ag WEST Gen Ag

UTILITIES:  PUBLIC: \_\_\_\_\_ (list provider)

PRIVATE: Septic Tank size: To be determined gallons Drainfield size: To be determined feet

Water Source:  Well  Cistern

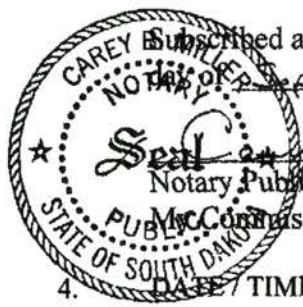
3. THE OWNER, APPLICANT, OR AUTHORIZED AGENT, ACKNOWLEDGES: That he / she has read and received a copy of the instruction sheet and this application form concerning the filing and hearing of this matter; that he / she authorizes the Pennington County Planning Department staff and designees to enter onto and inspect the above-described property, and that he / she has been advised of the fee requirements and they have been paid on \_\_\_\_\_.

Signature of APPLICANT OR AGENT:  
(requires owner authorization)

DATE: 9/29/2011

Signature of LANDOWNER:

DATE: 9/29/11

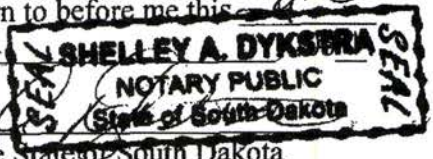


Subscribed and sworn to before me this 28 day of Sept, 2011.

Carey B. Miller  
Notary Public for the State of South Dakota  
My Commission Expires: 10-28-2012

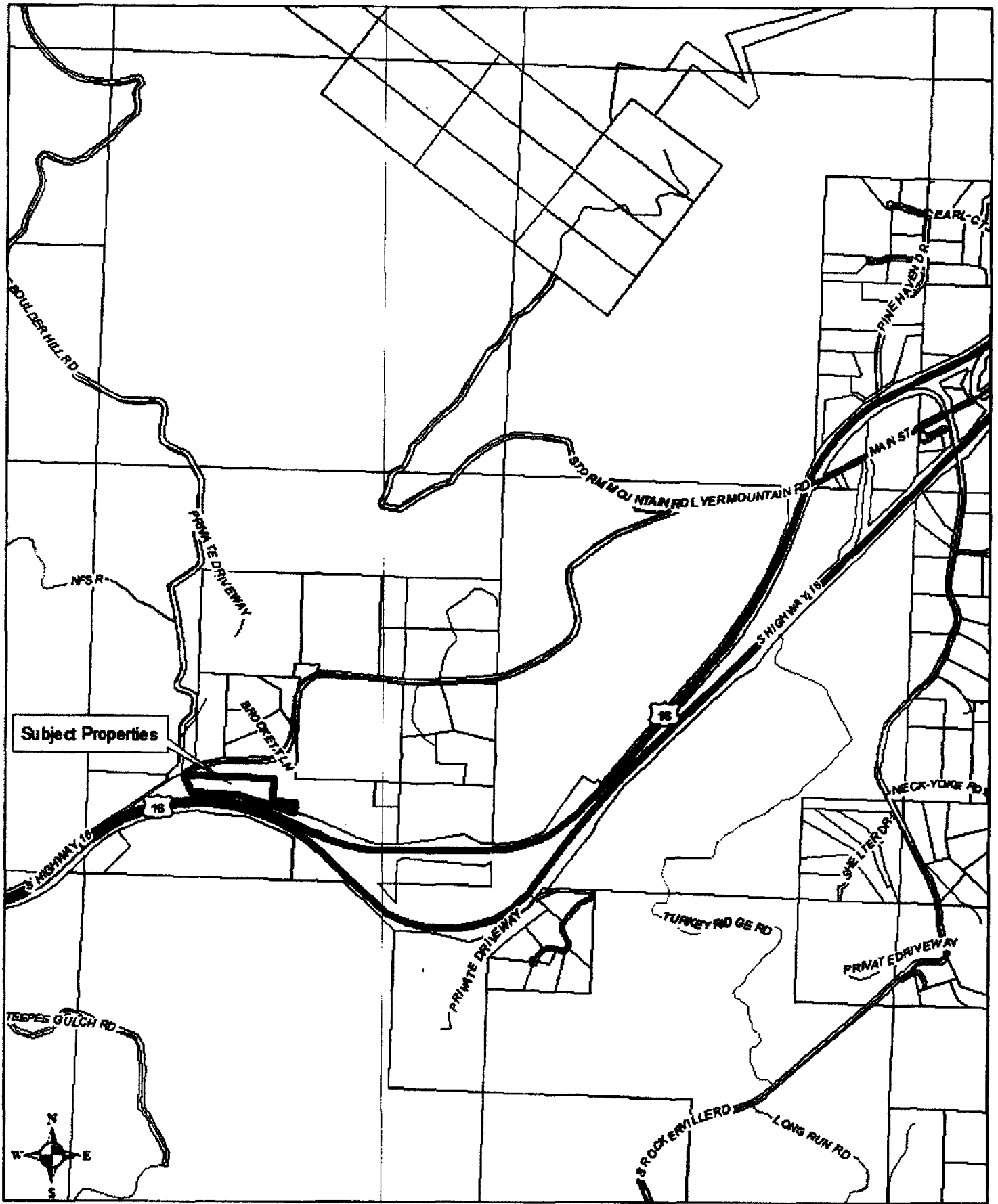
Subscribed and sworn to before me this 29th day of Sept, 2011.

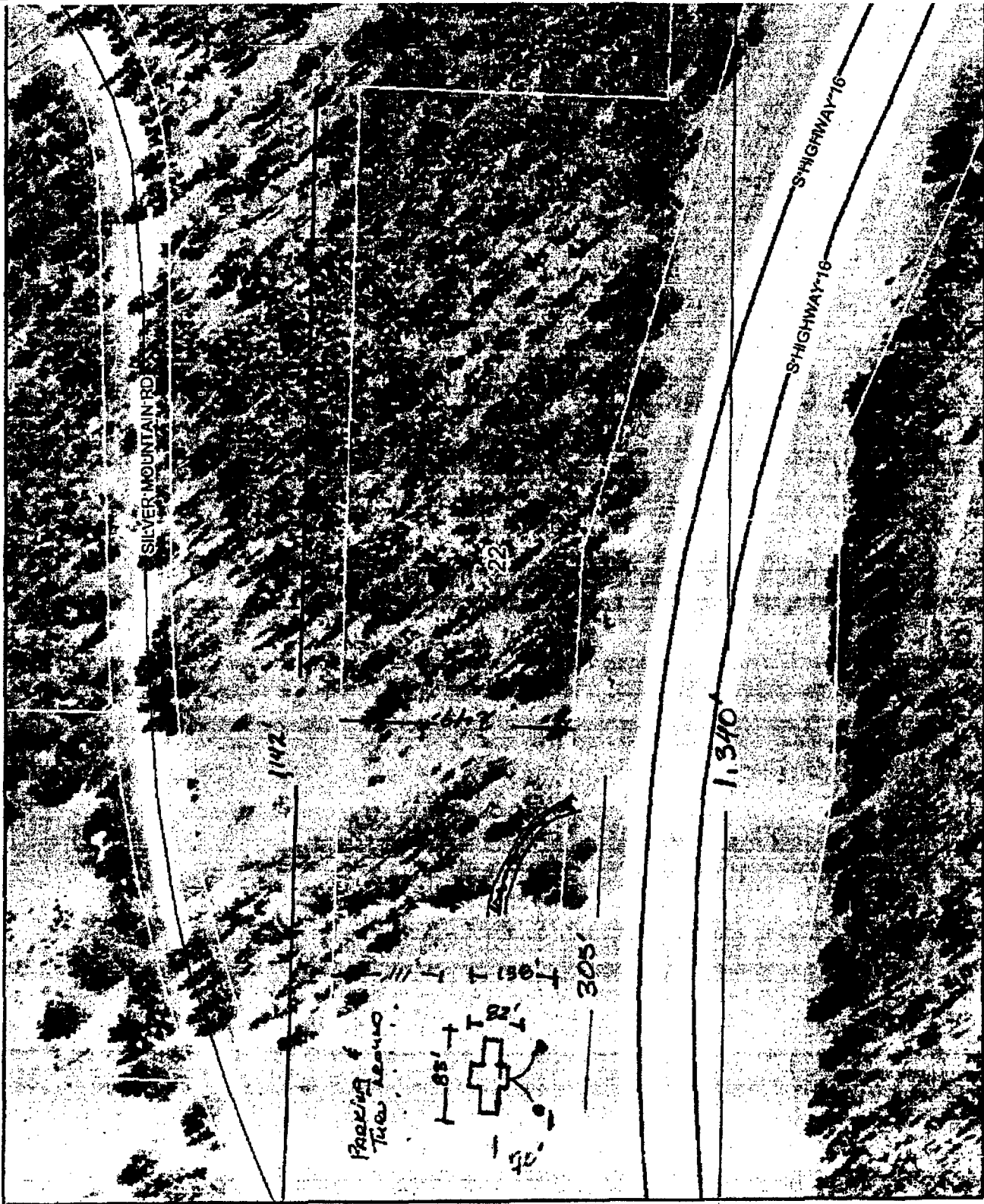
Shelley A. Dykstra  
NOTARY PUBLIC  
State of South Dakota  
Notary Public for the State of South Dakota  
My Commission Expires: August 24, 2012



4. DATE / TIME OF PLANNING COMMISSION HEARING: Oct 24, 2011 LOCATION: 9:00 AM

# Michael Jacobs Conditional Use Permit





0 200 400 600 ft.



Map center: 43° 56' 38.4" N, 10'

DISCLAIMER: This map is provided "as is" without warranty of accuracy, timeliness, or completeness. The burden for determining accuracy, completeness, fitness, and use is on the user.

## STAFF REPORT

### GENERAL INFORMATION:

REQUEST: CONDITIONAL USE PERMIT / CU 11-23: To allow a commercial helicopter tour business in a Highway Service District in accordance with Sections 210 and 510 of the Pennington County Zoning Ordinance.

APPLICANT: Tenderfoot Creek Properties/Michael Jacob

APPLICANT ADDRESS: 24564 Highway 16/385, Custer, SD 57730

AGENT: Centerline

AGENT ADDRESS: P.O. Box 7597, Rapid City, SD 57709

OWNER: Laura Pankratz/Michael Jacobs

OWNER ADDRESS: P.O. Box 650, Keystone, SD 57751

LEGAL DESCRIPTION: Located on the following metes and bounds description: Commencing from the S1/16 corner of Section 22, T1S, R6E, B.H.M. consisting of an aluminum Forest Service cap. Thence S0°08'10"E and basis of bearing from Highway Plat filed in Hwy Book 4 Page 194 a distance of 329.86' to the Point of Beginning. Thence, first course, S0°08'10"E a distance of 101.80' to a point on the Highway 16 right-of-way. Thence, second course along the highway right-of-way, N77°09'00"W a distance of 186.62' to the PC of third course along the highway right-of way, a non-tangent left-hand curve with a radius of 2391.83', a central angle of 28°33'56", a length of 1192.48', a chord bearing of N81°22'11"W and a chord distance of 1180.17' to a 5/8" rebar with a Wendland #4224 cap. Thence, fourth course along the highway right-of-way N27°32'19"W a distance of 224.99' to a 5/8" rebar with a Wendland #4224 cap. Thence, fifth course, N89°29'18"E a distance of 137.24' to the SW1/16 corner consisting of an aluminum Forest Service cap. Thence, sixth course, N89°27'44"E a distance of 985.93' to a point. Thence, seventh course, S0°07'41"E a distance of 329.89' to a point. Thence, eighth course, N89°27'23"E a distance of 328.70' to the Point of Beginning. Said parcel containing 6.0054 acres more or less, in accordance with Section 508 of the Pennington County Zoning Ordinance.

SITE LOCATION: Southeast of the intersection of Boulder Hill Road and Silver Mountain Road.

SIZE: 6.00 acres

EXISTING LAND USE: Vacant



ZONING REFERENCE: Sections 210 and 510

CURRENT ZONING: Highway Service District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Sloping/partially wooded

UTILITIES: None

REPORT BY: Dan Jennissen

**GENERAL DESCRIPTION:** The applicant has submitted a Conditional Use Permit (CUP) request to allow for the operation of a seasonal helicopter tour business on the subject property. This is the second request by the applicant to locate a helipad on the same property. On May 6, 2011, CU11-10 was denied by the Planning Commission and on May 9, 2011, the applicant appealed the decision of the Planning Commission and on May 17, 2011, County Board denied CU11-10, affirming the Planning Commission's decision. The applicant has submitted CU11-23 on the same property with no changes from the original application.

**ANALYSIS:** Staff visited the subject property back in January of 2011; the subject property is approximately six (6) acres and was recently rezoned from General Agriculture District to Highway Service District on April 5, 2011.

The six acres is currently part of a parcel that is split into four (4) sections. It is divided by Highway 16, Silver Mountain Road and a 19.02 acre lot. The property west of the intersection of Highway 16 and Silver Mountain road is approximately ten (10) acres. The property east of this intersection is approximately seven (7) acres. The property south of the intersection is approximately thirty-seven (37) acres and the property furthest east is approximately two (2) acres.

The surrounding land uses consists of Forest Service to the west and south. The zoning to the east is General Agriculture District. The zoning to the north consists primarily of Low Density Residential and Limited Agriculture District. The property directly to the west of the thirty-seven acre piece, south of Highway 16, is zoned Highway Service and consists of recreational cabins. This property is approximately two miles west of

Rockerville, which has zoning of Highway Service Zoning Districts and Commercial Planned Unit Developments.

As noted back in May of 2011, the applicant stated the seasonal tourist attraction is to include aerial tours of the area. He also stated he would like to operate seven days a week from approximately May 15<sup>th</sup> through September 30<sup>th</sup> with hours of operation from 9:00 a.m. to 7:00 p.m., and possibly have a maximum number of flights up to 60 daily.

The Conditional Use Permit was routed through the interdepartmental review process. Comments from the referral agencies are as follows:

*Pennington County Highway Department:* The Highway Department will not grant access onto Silver Mountain Road. Access should be from Highway 16 utilizing the existing field entrance and median cross over. This use appears to conflict with the existing LDR zoning the area.

*Pennington County Fire Coordinator:* Have concerns about access on Highway 16. If the Federal Aviation Agency approves, ok with Fire. Must have written approval from FCC prior to operation.

*Pennington County Ordinance Officer:* No nuisances on property.

*Pennington County Sheriff:* None.

*Pennington County Environmental Planner:* An On-Site Wastewater Construction Permit will be required with percolation tests, including an eight (8) foot soil profile hole, to be performed and the profile hole be inspected by the Pennington County Environmental Planner. The applicant must first apply for and receive an approved On-Site Wastewater Construction Permit prior to issuance of a Building Permit for the structure. The applicant will also need to submit the proposed system design and specifications to the South Dakota Department of Environment and Natural Resources for their review and approval.

The On-Site Wastewater System will need to be inspected by the Pennington County Environmental Planner prior to any backfilling of the system.

I do not foresee any further environmental concerns with the applicant's request

*Pennington County Weed and Pest:* Appears noxious weed free.

*South Dakota Department of Transportation:* Applicant agrees to dedicate right-of-way as shown on attachment in order to relocate Silver Mountain Road connection to location of this drive. Also, should applicant acquire property north of current Pankratz property, also agree to dedicate right-of-way across this parcel as well existing Silver Mountain

Road. Access to Highway 16 will be eliminated once new Silver Mountain Road access is constructed. Provide Eastbound left turn lane. Design to be approved By SDDOT.

*FAA:* A conversation on October 19, 2011, with Patricia Dressler, Environmental Protection Specialist with the FAA, indicated that the FAA Form 7480-1, Notice of Landing Area Proposal has not yet been completed. Ms. Dressler indicated that it should be completed within the next two weeks.

*U.S. Forest Service:* No access through BHNF.

*Pennington County Water Protection Coordinator:* The subject property does not contain 100-year floodplain (FIRM panel #1150B).

A Construction Permit may be required for any disturbance greater than or equal to 10,000 square feet. If the disturbance on the property is greater than or equal to 10,000 square feet, implementation of Best Management Practices (BMPs) are required as indicated in Section 507-A of the Zoning Ordinance. In addition, the BMPs must follow the guidelines set forth in the Pennington County Storm Water Quality Manual. The applicant will also need to take appropriate measures to protect all drainage ways and limit runoff from the subject property by implementing proper BMPs prior to any land disturbance. The applicant must reclaim the disturbed areas as required in Section 507-A of the Zoning Ordinance.

If the disturbance on the property is in excess of one (1) acre a DENR Stormwater Permit is also required.

The Pennington County Highway Department has indicated that access cannot be taken from Silver Mountain Road. At the time the rezoning request was being reviewed, South Dakota Department of Transportation indicated that access can be taken from Highway 16 with some alterations. The SDDOT stated that an eastbound left turn lane (design approved by SDDOT) should be installed.

The Environmental Planner has indicated that an On-Site Wastewater Construction Permit will be required with percolation tests, including an eight (8) foot soil profile hole, and the applicant will also need to submit the proposed system design and specifications to the South Dakota Department of Environment and Natural Resources for their review and approval. Prior to issuance of a Building Permit for the proposed structure, the applicant must submit an On-Site Wastewater Construction Permit for the installation of an on-site wastewater system.

Patricia L. Dressler, Environmental Protection Specialist/Airspace Specialist for the FAA, stated that Mr. Jacob has submitted a FAA Form 7480-1, Notice of Landing Area Proposal to the FAA for the proposed Helipad. She expected the review to be completed within the next few weeks. She previously stated that the review is a "determination with

respect to the safe and efficient use of the navigable airspace by aircraft and with respect to the safety of persons and property on the ground.”

No other significant issues were identified through the interdepartmental reviewing process.

Section 510 of the Zoning Ordinance lists five (5) factors that the Planning Commission may consider in their review of Conditional Use Permit applications. They are as follows:

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

It appears that, by allowing this Conditional Use Permit, it could have a negative effect on the use and enjoyment of other properties in the immediate vicinity, even though when taking off and landing from the subject property, he will not fly directly over any single-family residences. The nearest residence is located approximately 750 feet from the proposed helipads. Noise from the helipad could have an impact on the use and enjoyment of property in the immediate area.

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

The predominant uses in the area consist of U.S. Forest Service land, residential, agricultural and some commercial. Vacant land in the area consists of larger tracts of land owned by private landowners and the U.S. Forest Service. The proposed use could affect the development of adjacent properties. The helipad will produce noise and turbulence from helicopters landing and taking off. It appears that this Conditional Use Permit could have a significant effect on the normal, orderly development or improvement of the surrounding vacant properties, due to the noise and possible dust from the proposed use.

A conversation with the Custer County Planning Director, David Green, indicated that they have received no formal complaints in the last 4.5 years regarding the helipad, located in Custer County along Highway 16/385. However, he noted that the helipad has been located in that location for approximately ten years.

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

An approach exists off of South Dakota Highway 16. The SDDOT typically requires an Approach Permit for the change in use. Current access to the property is located on a curve on Highway 16, which has traffic speeds at this location of 65 miles per hour.

With the current access to the property, tourist access to the property could be difficult. The SDDOT indicated that access can be taken from Highway 16 with some alterations and noted that an eastbound left turn lane (design approved by SDDOT) should be installed.

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

The applicant has submitted a site plan and a narrative noting parking and internal traffic patterns. The site plan appears to provide for adequate off-street parking and loading requirements.

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

Mr. Jacob has indicated that he would be performing a maximum of 60 flights per day from the property. A helicopter landing and taking off will produce noise, fumes and vibration that could constitute a nuisance. The applicant also stated the flight patterns will not be directly over any of the residences in the area in order to reduce the impact of the use to the area.

Staff believes it will be difficult to implement mitigation measures to eliminate noise so as not to be a nuisance to the surrounding land owners. Staff believes this is not a use that is compatible to the area and that this Conditional Use Permit should be denied, given the close proximity of residential homes in the area.

Staff has also not received the FAA Form 7480-1 regarding the proposed helipad. Patricia L. Dressler, Environmental Protection Specialist/Airspace Specialist for the FAA, stated that Mr. Jacob has submitted the FAA Form 7480-1, Notice of Landing Area Proposal to the FAA for the proposed Helipad, but has not yet completed the review.

The Planning Commission and County already denied the proposed helipad back in May of this year. The applicant has submitted the same application with no changes. Staff still believes the proposed use is not compatible with the area.

**RECOMMENDATION:** Staff recommends denial of Conditional Use Permit CU 11-23, due to the close proximity of residences in the area, the possible negative effect on properties in the area, the nuisance due to the noise created with the helipad, and the current inadequate access to the property.

However, if Planning Commission or County Board of Commissioners approves CU11-23, staff recommends the following twenty-two (22) conditions be included in the Conditions of Approval:

Agenda Item #16

Tenderfoot Creek Properties; Michael Jacob

November 14, 2011

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1. That this Conditional Use Permit allow for the operation of two helipads, two reciprocating helicopters supporting buildings and fueling area. Any further expansion will require the Conditional Use Permit to be amended;
2. That the hours of operation for the helipad be from 10:00 a.m. to 5:00 p.m. Monday thru Friday and 11:00 a.m. to 5:00 p.m. Saturday and Sunday;
3. That the seasonal helicopter tour business only be conducted from May 1st thru September 30th;
4. That the number of flights be limited to a maximum of four (4) an hour;
5. That signs be posted along Highway 16 indicating low flying aircraft within 30-days of approval;
6. That prior to operation of a helicopter tour business, an On-site Wastewater Treatment System be installed;
7. That the applicant adheres to FAA rules and regulations at all times;
8. That the applicant notifies the Planning Department upon the sale of the property, so that a review of the Conditional Use Permit may be done;
9. That prior to operation of a helicopter tour business, the applicant provide ten (10) parking spaces and be constructed in accordance with Section 310-B of the Pennington County Zoning Ordinance;
10. That fuel storage on the property be approved and meet South Dakota Department of Environment and Natural Resources (SDDENR) and the Environmental Protection Agency requirements;
11. That prior to operation of a helicopter tour business, the applicant construct a four foot berm and six foot fence along the north property line and landscape the area for sound mitigation;
12. That prior to operation of a helicopter tour business, a left turn lane be constructed on the East bound traffic lane that is approved by South Dakota Department of Transportation;
13. That the applicant agrees to dedicate right-of-way thru property for future reconstruction of the intersection of Silver Mountain Road and U.S. Highway 16 as recommended by South Dakota Department of Transportation;

Agenda Item #16

Tenderfoot Creek Properties; Michael Jacob

November 14, 2011

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14. That Sign Permits be obtained for any new signage and that it meet the requirements of Section 312 of the Pennington County Zoning Ordinance;
15. That the lot address be clearly posted so it is visible from both directions along Highway 16 in accordance with Pennington County's Ordinance #20;
16. That access to the helipads be limited during hours of operation to employees and customers escorted by employees;
17. That a lateral distance of no less than 50 feet be maintained between the fuel storage area and the Final Approach and Takeoff area;
18. That a minimum of two fire extinguishers be available at all times (size and type to be determined by the Pennington County Fire Coordinator);
19. That access to the property be from Highway 16 and not Silver Mountain Road;
20. That all exterior lighting shall direct light away from adjoining properties and shall be pointed/shielded downward to minimize upward glare;
21. That this Conditional Use Permit be reviewed in one (1) year or on a complaint basis to verify that all conditions of approval are being met; and,
22. That this Conditional Use Permit is not valid until the applicant signs the Statement of Understanding, which is available at the Planning Office.

**MINUTES  
PENNINGTON COUNTY PLANNING COMMISSION**

**November 14, 2011 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Courthouse

**MEMBERS PRESENT:** Charlie Johnson, Jim Coleman, Lori Litzen, Sig Zvejnieks, Ron Buskerud and Ken Davis.

**STAFF PRESENT:** Dan Jennissen, Mandi Schmierer, Lysann Zeller, Kelsey Rausch, and Jeri Ervin.

**ROLL CALL**

1. **APPROVAL OF THE OCTOBER 24, 2011, MINUTES**  
Moved by Coleman and seconded by Zvejnieks to approve the minutes of the October 24, 2011, Planning Commission meeting with a correction on page 7 to change 720 feet to 20 feet. Vote: unanimous (6 to 0).
  
2. **APPROVAL OF THE AGENDA**  
Moved by Davis and seconded by Zvejnieks to approve the November 14, 2011, Planning Commission Agenda, including the Consent Calendar, with the removal of Items #4 and #6. Vote: unanimous (6 to 0).

**CONSENT CALENDAR**

The following items have been placed on the Consent Calendar 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 Calendar, 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.

16. **CONDITIONAL USE PERMIT / CU 11-23:** Tenderfoot Creek Properties/Michael Jacob. To allow a commercial helicopter tour business in a Highway Service District in accordance with Sections 210 and 510 of the Pennington County Zoning Ordinance.

Located on the following metes and bounds description: Commencing from the S1/16 corner of Section 22, T1S, R6E, B.H.M. consisting of an aluminum Forest Service cap. Thence S0°08'10"E and basis of bearing from Highway Plat filed in Hwy Book 4 Page 194 a distance of 329.86' to the Point of Beginning. Thence, first course, S0°08'10"E a distance of 101.80' to a point on the Highway 16 right-of-way. Thence, second course along the highway right-of-way, N77°09'00"W a distance of 186.62' to the PC of third course along the highway right-of way, a non-tangent left-hand curve with a radius of 2391.83', a central angle of 28°33'56", a length of 1192.48', a chord bearing of N81°22'11"W and a chord distance of 1180.17' to a 5/8" rebar with a Wendland #4224 cap. Thence, fourth course along the highway right-of-way N27°32'19"W a distance of



224.99' to a 5/8" rebar with a Wendland #4224 cap. Thence, fifth course, N89°29'18"E a distance of 137.24' to the SW1/16 corner consisting of an aluminum Forest Service cap. Thence, sixth course, N89°27'44"E a distance of 985.93' to a point. Thence, seventh course, S0°07'41"E a distance of 329.89' to a point. Thence, eighth course, N89°27'23"E a distance of 328.70' to the Point of Beginning. Said parcel containing 6.0054 acres more or less, in accordance with Section 508 of the Pennington County Zoning Ordinance.

(Continued from the October 24, 2011, Planning Commission meeting.)

Jennissen stated this item was continued from the October 24, 2011, Planning Commission meeting in order for staff to draft conditions for the proposed Conditional Use Permit.

Jennissen further added that the applicant has submitted a Conditional Use Permit (CUP) request to allow for the operation of a seasonal helicopter tour business on the subject property. This is the second request by the applicant to locate a helipad on the same property. On May 6, 2011, CU11-10 was denied by the Planning Commission and on May 9, 2011, the applicant appealed the decision of the Planning Commission and on May 17, 2011, County Board denied CU11-10, affirming the Planning Commission's decision. The applicant has submitted CU11-23 on the same property with no changes from the original application.

Staff recommended denial of Conditional Use Permit 11-23, due to the close proximity of residences in the area, the possible negative effect on properties in the area, the nuisance due to the noise created with the helipad, and the current inadequate access to the property.

Several neighboring landowners (LaDonna Niemann, Dr. Rebecca Liese, Mr. Al McCoy, Mr. Eli Rodolph, Erika Olson – attorney representing and appearing on behalf of other landowners, Mr. Martin Severson, Mrs. Mary Boyer, Mrs. Marilyn Bolt, and Mr. Matt Jackson) appeared to speak in opposition of the proposed use. They addressed their property values being negatively impacted, health and safety hazards not only from the noise of the helicopter but also a distraction to drivers from Highway 16, health stressors from the noise of the helicopter, the peace and quietness of the area will be affected by the noise and noise pollution from the helicopter will be created, their quality of life will be affected, it is located too close to residential areas, creating conflicting land uses (zoning of the land) in the County and it is not in the best interest of the County, the noise sound will carry out into the residential areas, and a business owner of a Bed and Breakfast in the area spoke of losing business because of the noise from the helicopter. She stated that her customers do not want to listen to noise; they want to enjoy the quietness of the Black Hills.

Mr. Larry Walker appeared and added that he sold his property in Custer where Mr. Jacob also operates another helicopter business. He noted there was nothing that he had

to add in the Disclosure Form about a helicopter business being located next to the property.

Ms. Laura Pankratz appeared and said that the helicopter business in Keystone did not affect her reservations and people enjoyed watching it.

Mr. Mike Jacobs, applicant, appeared and said he did invite everyone to the property to view the operation of the helicopter so that they could judge the impact the helicopter business may have on the neighborhood. He further discussed his hours of operation, flight records, and working with the FAA, etc.

Commissioner Litzen asked Mr. Jacobs about the hours of operation.

Mr. Jacob said he would like to operate between the hours of 9 a.m. and 6 p.m.

Commissioner Litzen further asked Mr. Jacobs to describe the most intense noise from the helicopter.

Mr. Jacobs said the noise would be intense for about six seconds during take off and when landing.

Commissioner Zvejnieks spoke of the applicant constructing a left turn lane on the east bound traffic land, which must be approved by the DOT. He asked Mr. Jacobs if he would be constructing this.

Mr. Jacobs commented that he had proposed other alternatives and one was to block off the median during the summer months. He added that the long-term goal of the DOT is to reconstruct the whole area. He doesn't think it is fair he would have to provide the financial support to do this, since he's providing safety for everybody else. He feels there are other long-term solutions to benefit everyone, but he would do what he would need to do to make it a safe approach.

**Moved by Coleman and seconded by Buskerud to deny Conditional Use Permit 11-23.**

Commissioner Johnson read a letter from Commissioner Hall, for the record, addressing her concerns of the proposed use and the five criteria when considering a Conditional Use Permit.

Commissioner Davis called the Question. Moved by Davis and seconded by Zvejnieks to call the Question. Vote on Question. Motion failed 4 to 2. Commissioners Coleman and Buskerud voted no.

Commissioner Coleman spoke of the natural and physical presence of the Black Hills and how it will be perceived and how people will be able to enjoy it. He further discussed if the proposed use is appropriate to the area, traffic issues, safety hazards, noise,

environmental safety, the helicopter being a distracting presence and an irritation to the property owners in the area. He further noted that he will be voting in favor of the Motion to deny the Conditional Use Permit.

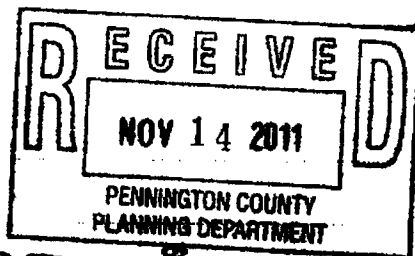
Commissioner Buskerud also spoke of the proposed use and if it is appropriate for the area. He further discussed property values, safety hazards, health issues, noise and privacy. He also stated he will be voting in favor of the Motion to deny the Conditional Use Permit.

Commissioner Zvejnieks concurred with Commissioners Coleman and Buskerud and stated he would not want a helicopter next to his property because of the noise. It is not an appropriate use for the area.

Commissioner Johnson spoke of the allowed uses in a Highway Service Zoning District, Highway 16 and access, concerns of the Planning Commission and landowners and stated that he feels the request is within the Zoning Ordinance guidelines.

**Roll call vote on Original Motion to deny: Zvejnieks aye, Busekerud aye, Coleman aye, Johnson no, Davis aye, and Litzen no. Motion to deny passed 4 to 2.**

Nov. 14, 2011



TO: PENN. CO. PLANNING DEPT. &  
PENN. CO. PLANNING COMMISSION

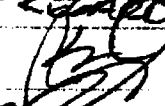
FROM: MICHAEL JACOB, MANAGER  
TOULACROFT CREEK PROPERTIES, LLC.

RE: C.U.P. DECISION - APPEAL OF DECISION

TO WHOM IT MAY CONCERN:

By virtue of this letter, I hereby  
appeal the decision of the P.C.  
planning commission and the meeting  
held Nov. 14, 2011

Best Regards,

  
MICHAEL JACOB

**PENNINGTON COUNTY  
BOARD OF COMMISSIONERS MEETING  
DECEMBER 6, 2011**

A meeting of the Pennington County Board of Commissioners was held on Tuesday, December 6, 2011, in the Commissioners' meeting room of the Pennington County Courthouse. Chairperson Ken Davis called the meeting to order at 9:00 a.m. with the following Commissioners present: Ron Buskerud, Don Holloway, Lyndell Petersen and Nancy Trautman.

T. APPEAL OF CONDITIONAL USE PERMIT / CU 11-23: Tenderfoot Creek Properties/Michael Jacob. To allow a commercial helicopter tour business in a Highway Service District in accordance with Sections 210 and 510 of the Pennington County Zoning Ordinance.

Located on the following metes and bounds description: Commencing from the S1/16 corner of Section 22, T1S, R6E, B.H.M. consisting of an aluminum Forest Service cap. Thence S0°08'10"E and basis of bearing from Highway Plat filed in Hwy Book 4 Page 194 a distance of 329.86' to the Point of Beginning. Thence, first course, S0°08'10"E a distance of 101.80' to a point on the Highway 16 right-of-way. Thence, second course along the highway right-of-way, N77°09'00"W a distance of 186.62' to the PC of third course along the highway right-of way, a non-tangent left-hand curve with a radius of 2391.83', a central angle of 28°33'56", a length of 1192.48', a chord bearing of N81°22'11"W and a chord distance of 1180.17' to a 5/8" rebar with a Wendland #4224 cap. Thence, fourth course along the highway right-of-way N27°32'19"W a distance of 224.99' to a 5/8" rebar with a Wendland #4224 cap. Thence, fifth course, N89°29'18"E a distance of 137.24' to the SW1/16 corner consisting of an aluminum Forest Service cap. Thence, sixth course, N89°27'44"E a distance of 985.93' to a point. Thence, seventh course, S0°07'41"E a distance of 329.89' to a point. Thence, eighth course, N89°27'23"E a distance of 328.70' to the Point of Beginning. Said parcel containing 6.0054 acres more or less, in accordance with Section 508 of the Pennington County Zoning Ordinance.

MOVED by Davis and seconded by Buskerud to deny the appeal of Conditional Use Permit / CU 11-23. Roll Call Vote: Petersen – no, Davis- aye, Buskerud – aye, Holloway – aye, Trautman - aye. The motion carried 4-1.

## STAFF REPORT

### GENERAL INFORMATION:

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

**APPLICANT:** Schriner Investments / Shane Schriner

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

**SURVEYOR:** Sperlich Consulting

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

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

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

**SIZE:** 29.02 acres

**TAX ID:** 44242 / 44243 / 44244 / 44245

**EXISTING LAND USE:** Vacant

**ZONING REFERENCE:** § 205, 207 and 508

**CURRENT ZONING:** General Agriculture District

**SURROUNDING ZONING:**

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

PHYSICAL CHARACTERISTICS: Forested / Hills

UTILITIES: None

REPORT BY: Cassie Bolstad

**I. PROPOSED RECOMMENDATION**

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

**II. GENERAL DESCRIPTION**

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

**III. EXISTING CONDITIONS**

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

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

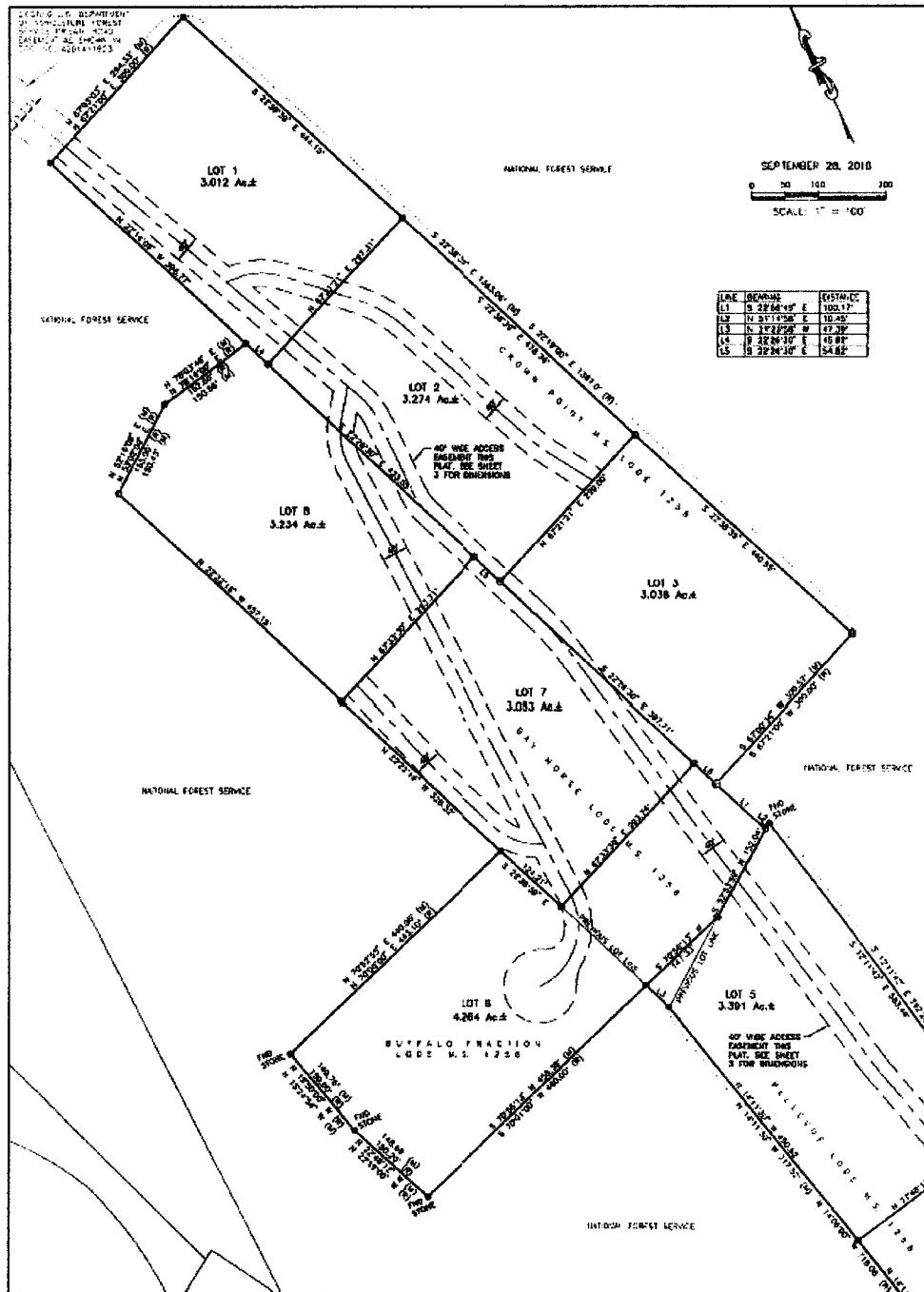
- |                  |                  |
|------------------|------------------|
| A. Lot 1         | B. Lot 2         |
| 1. 3.012 acres ± | 1. 3.274 acres ± |
| C. Lot 3         | D. Lot 4         |
| 1. 3.038 acres ± | 1. 5.768 acres ± |
| E. Lot 5         | F. Lot 6         |
| 1. 3.391 acres ±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

Agenda Item #19

Schriner Investments, LLC; Sperlich Consulting – Agent

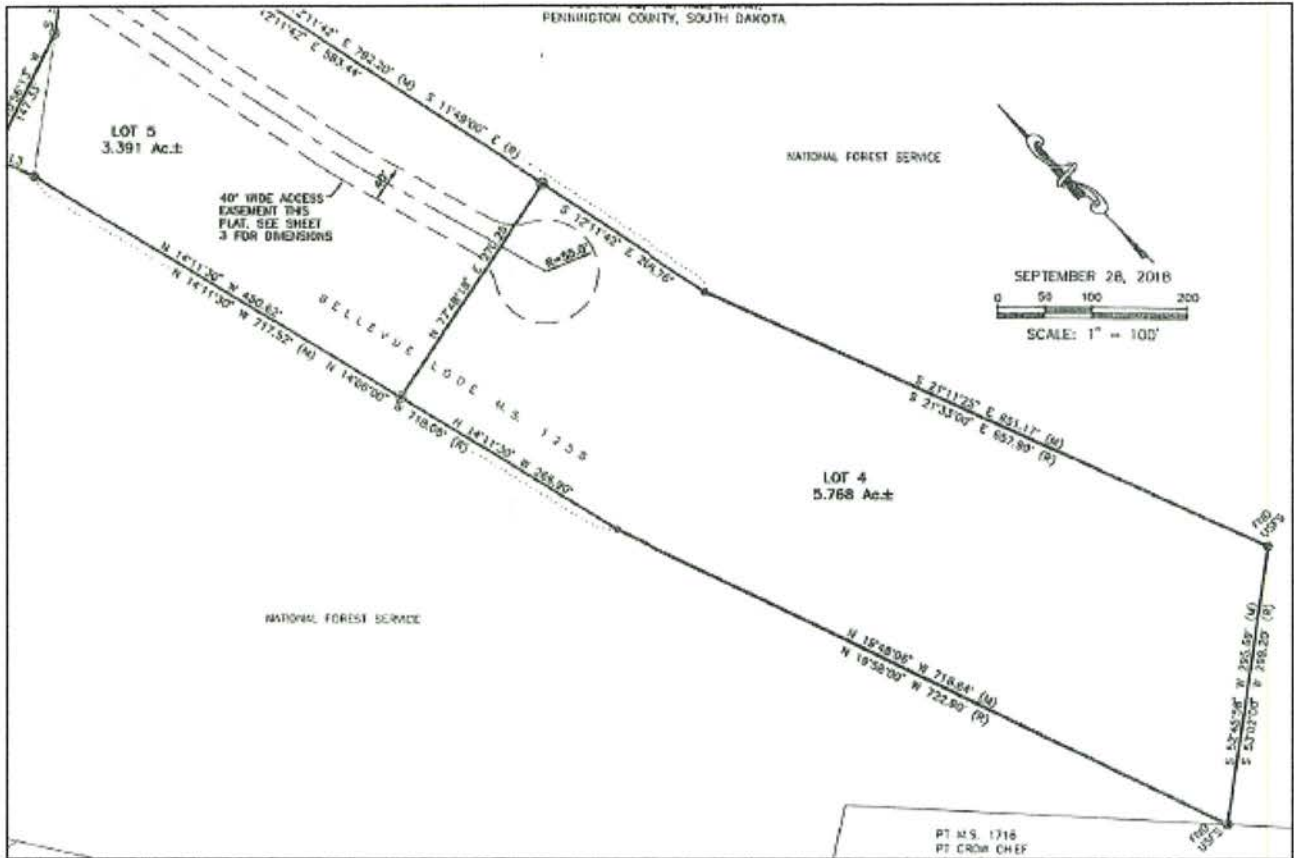
February 25, 2019

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



Proposed subdivision – Sperlich Consulting (September 28, 2018)





Proposed Subdivision – Sperlich Consulting (September 28, 2018)

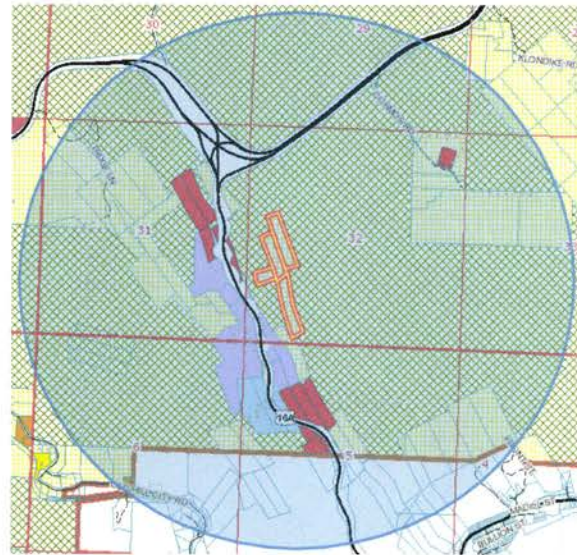
**V. SURROUNDING CURRENT ZONING WITHIN 1-MILE OF THE SUBJECT PROPERTIES**

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



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

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



**VII. REQUEST FOR COMMENT**

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

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

### VIII. ANALYSIS

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

Agenda Item #19  
Schriner Investments, LLC; Sperlich Consulting – Agent  
February 25, 2019

1. That prior to filing the Plat with the Register of Deeds, the proposed lots obtain approved Lot Size Variances or be Rezoned appropriately;
2. That prior to filing the Plat with the Register of Deeds, an approved Construction Permit be obtained for the access road that was constructed through the subject properties, with the appropriate waivers for any road standards that are not or will not be met;
3. That prior to new Plat submittal, the applicant provide alternate proposed road names for the Access Easement identified as “Twin Drive” to 9-1-1 for review and the road name approved by 9-1-1 be added to the Plat;
4. That at the time of new Plat submittal, the applicant submit a Road Naming application, with a 9-1-1 approved road name, to be approved by the Pennington County Board of Commissioners;
5. That at the time of new Plat submittal, the proposed Access Easement be increased to 66-feet per Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
6. That at the time of new Plat submittal, an Owner’s Certificate be added for Genesis Capital LLC, per Register of Deeds and Department of Equalization comments;
7. That at the time of new Plat submittal, the Certificates that have reference to the Town of New Underwood be corrected;
8. That at the time of new Plat submittal, the following corrections and additions be made, per Department of Equalization comments; the names of the underlying Lodes be added to the Plat; the annotation near the northeast corner of Lot 5 be corrected, so that it is legible; and, the distances and bearings of the proposed Access Easement be added to the Plat;
9. That prior to new Plat submittal, the surveyor verify the acreage of the existing Bay Horse Lode and the total acreage of the proposed Plat, per Department of Equalization comments;
10. That at the time of new Plat submittal, eight (8) foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
11. That at the time of new Plat submittal, the plat meets all requirements of § 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
12. That the Certifications on the plat be in accordance with § 400.3.1.n of the Pennington County Subdivision Regulations;
13. That the applicant ensures that all natural drainage ways are maintained and are not blocked;

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

- e. Vertical curves be a minimum of 100' or 20' for every 1% algebraic difference in grade, whichever is greater.
  6. That at the time of Final Plat submittal, an Owner's Certificate be added for Genesis Capital LLC, per Department of Equalization comments;
  7. That prior to Final Plat submittal, the surveyor verify the total acreage of the proposed Plat, per Department of Equalization comments;
  8. That at the time of Final Plat submittal, the Certifications on the plat be in accordance with § 400.3(1)(n) of the Pennington County Subdivision Regulations;
  9. That at the time of Final Plat submittal, eight (8) foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
  10. That at the time of Final Plat submittal, the plat meets all requirements of § 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
  11. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
  12. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of § 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain Operating Permits;
  13. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Preliminary Plat / PL 18-34, which is available at the Planning Office; and,
  14. That approval of this Preliminary Plat does not constitute approval of any further applications to be submitted for the above-described properties.
- C. The applicant has also submitted a Subdivision Regulations Variance request (SV 18-15) to waive platting requirements.
1. On January 14, 2019, the Planning Commission continued SV 18-15 to the February 25, 2019, Planning Commission meeting.

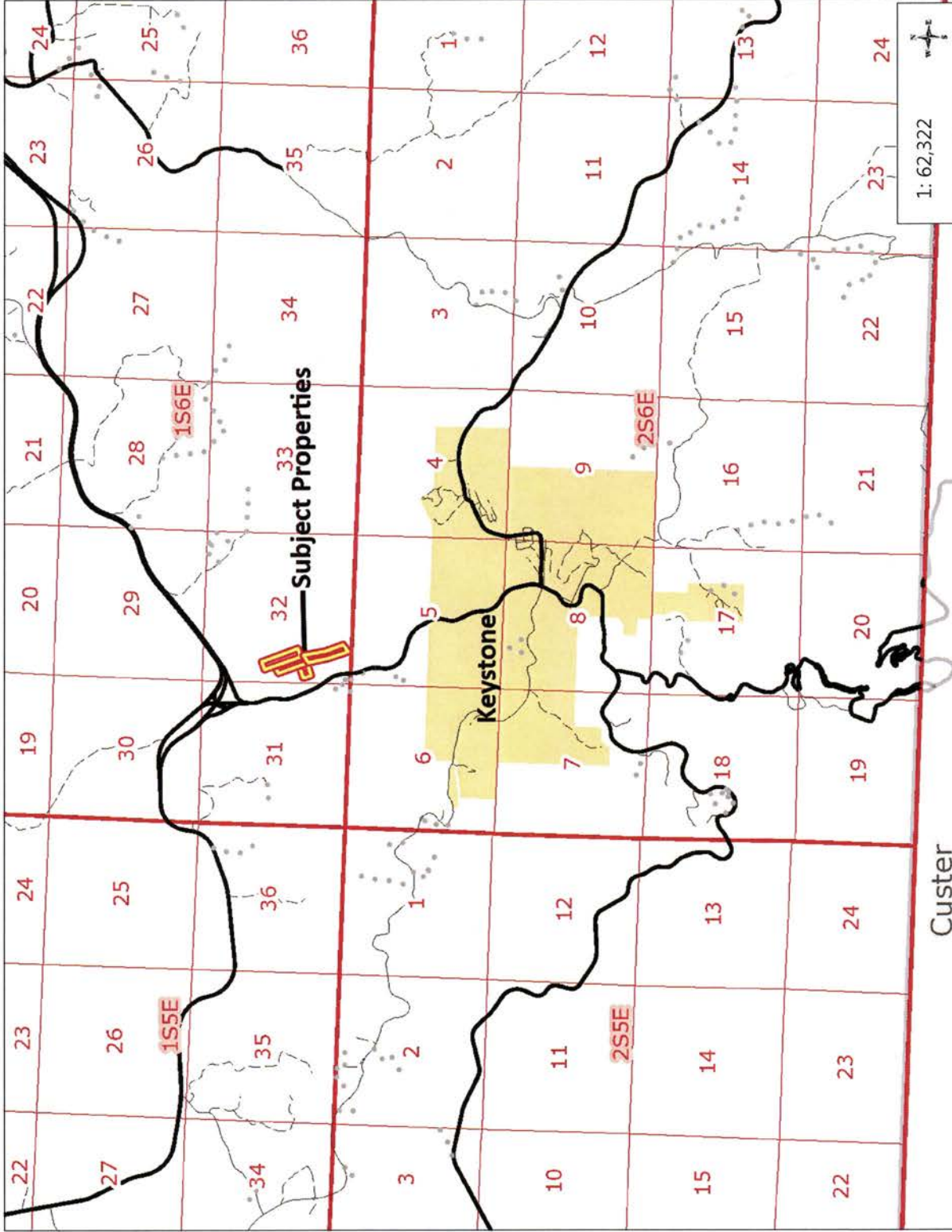
**IX. UPDATE (For the February 25, 2019, Planning Commission meeting)**

- A. January 14, 2019 – The Planning Commission continued Rezone / RZ 18-11 and Comprehensive Plan Amendment / CA 18-10 to the February 25, 2019, Planning Commission meeting.
- B. February 5, 2019 – Board of Commissioners approved the applicant's four (4) Road Naming requests to name the access roads within the proposed development.
- C. February 18, 2019 – Staff received an email from a neighboring property owner with regard to the applicant's requests.

1. A copy of the email is included with this Staff Report.
- D. Staff is seeking guidance from the Planning Commission regarding Rezone / RZ 18-10 for the following reasons:
  1. The applicant's request to rezone is in harmony with the lot sizes the applicant is proposing to create through the platting process.
  2. However, the applicant's request is not in harmony with the current surrounding zoning in the area.
    - a. The nearest property zoned Low Density Residential District is approximately 1.25 miles southwest of the subject properties (as the crow flies).
- E. With regard to Comprehensive Plan Amendment / CA 18-10, the applicant's request to change the Comprehensive Plan from Planned Unit Development Sensitive to Low Density Residential District does not appear to be in harmony with Pennington County's Future Land Use (FLU). Staff recommends the FLU zoning remain as Planned Unit Development Sensitive.
  1. A denial of CA 18-10 will not affect the outcome of RZ 18-11.

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

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



1: 62,322

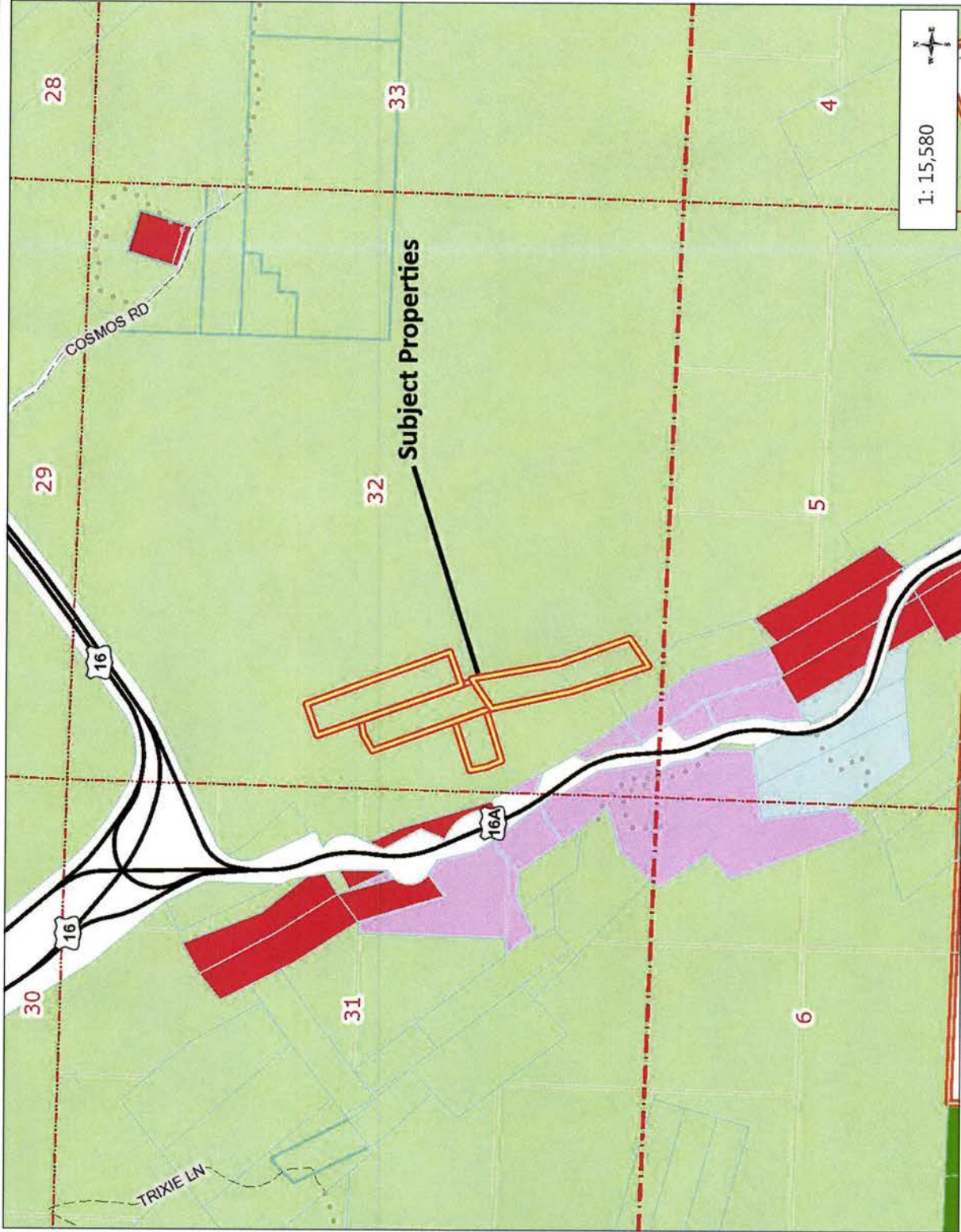
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.  
**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

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

## Map Notes:





1: 15,580

2,596.7 0 1,298.37 2,596.7 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  
© City of Rapid City GIS

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

**Legend**

**Roads**

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

**Section Lines 0-25k**

- 0
- 7

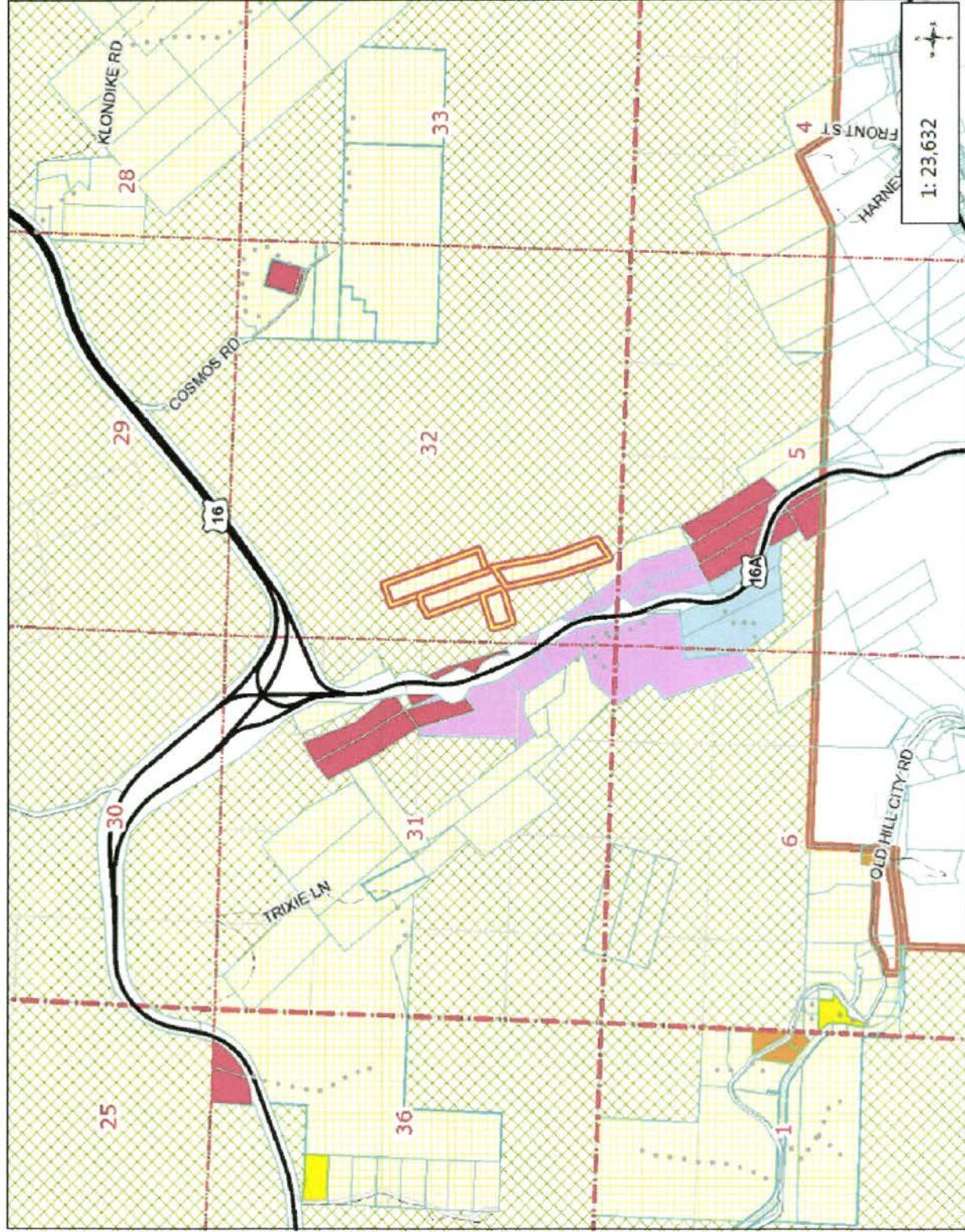
**Tax Parcels**

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

**Pennington County Zoning**

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

**Map Notes:**



3,938.6

0

1,969.32

3,938.6 Feet

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

**Roads**

- Interstate
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- Main road
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- Collector
- Ramp
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- Unpaved road
- Trail
- Driveway
- Alley
- Unimproved road
- Airport Runway
- Not yet coded

**Section Lines 0-25k**

- 0
- 7

**Tax Parcels**

**Lot Lines**

- <Null>
- Lot Line
- Parcel Line

**Pennington County FLU**

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

**Map Notes:**

1: 23,632





1: 15,580

### Legend

- Roads**
  - Interstate
  - US highway
  - SD highway
  - County highway
  - Main road
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  - 7
- Tax Parcels**
- Lot Lines**
  - <Null>
  - Lot Line
  - Parcel Line

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2,596.7 1,298.37 2,596.7 Feet

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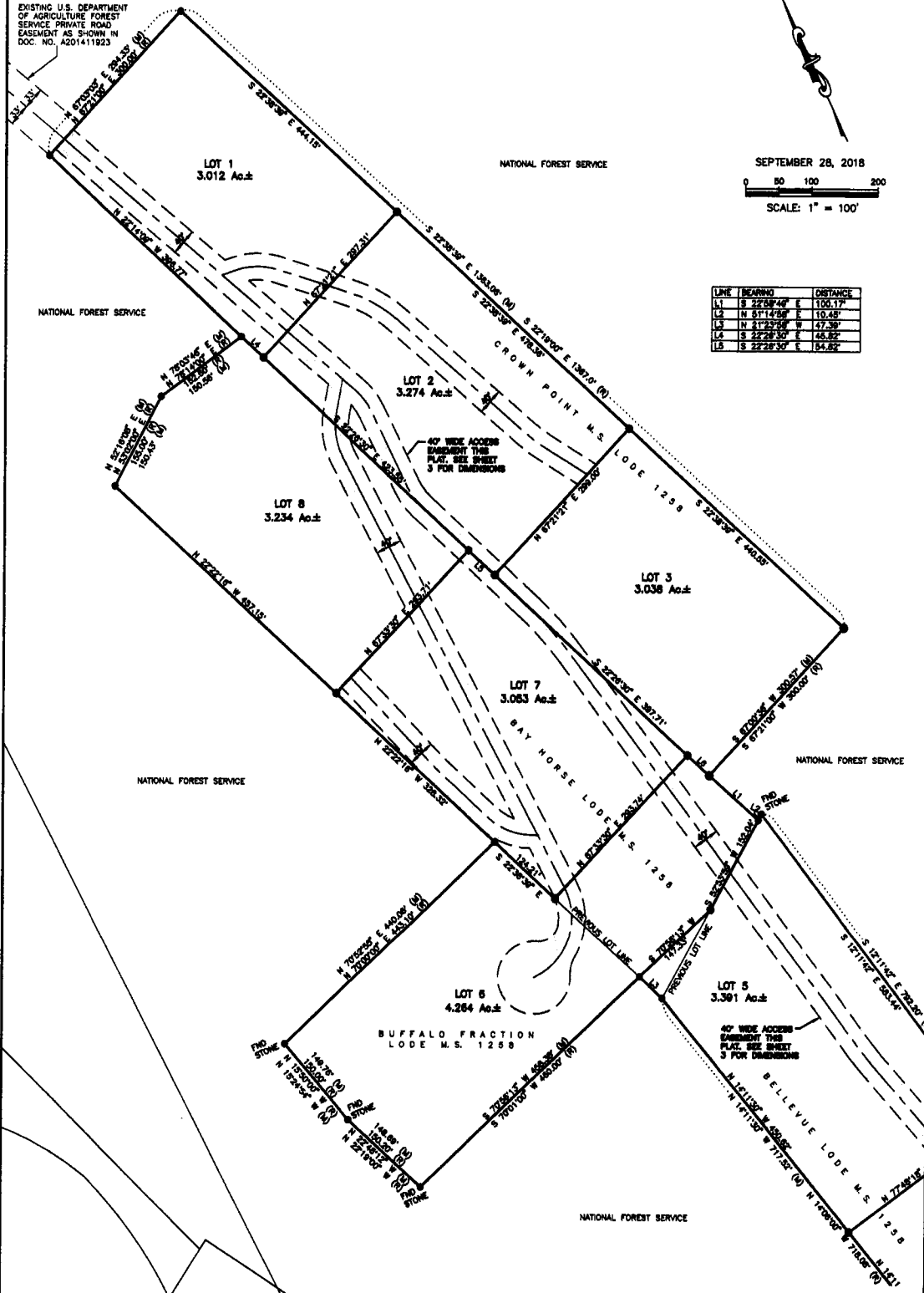
PLAT OF  
**LOTS 1 THROUGH 8,  
 KEYSTONE WYE SUBDIVISION**  
 (formerly all of Crown Point Lode MS 1258, Bay Horse Lode MS 1258, Buffalo Fraction Lode MS 1258, and  
 Bellevue Lode M.S. 1258, all located in the W $\frac{1}{2}$  of Section 32, T1S, R8E, B.N.M.)  
 LOCATED IN THE W $\frac{1}{2}$   
 SECTION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

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



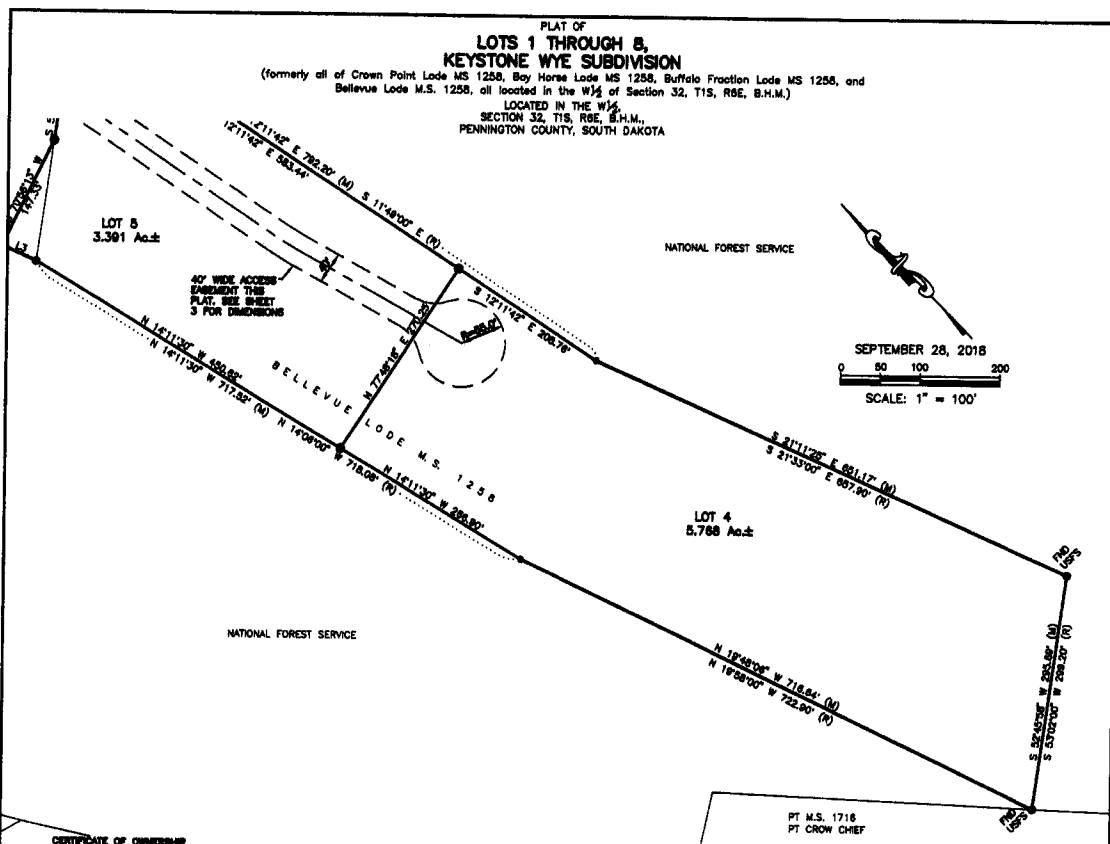
SEPTEMBER 28, 2018  
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 SCALE: 1" = 100'

LINE	BEARING	DISTANCE
L1	S 22°04'44" E	100.17'
L2	N 51°14'59" E	10.45'
L3	N 81°22'58" W	47.39'
L4	S 22°28'32" E	45.82'
L5	S 22°28'30" E	54.82'



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





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

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

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

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

Owner: SCHRIENER INVESTMENTS, L.L.C.

Member \_\_\_\_\_

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**CERTIFICATE OF DIRECTOR OF EQUALIZATION**

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

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

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

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

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

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

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



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

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

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

**FLOODPLAIN STATEMENT**

The 100-year floodplain, as shown hereon, is based on the elevations identified in the Flood Insurance Rate Map Number 48130C0804H, Effective Date June 3, 2015, or as graphically depicted on said map in unshaded areas. The floodplain information shown hereon serves as constructive notice that certain flood hazards exist on portions of the subject property. The location of the floodplain, as shown hereon, may be subject to change.

**WATER PROTECTION STATEMENT**

Water Protection Statement  
Pursuant to SDCL 11-3-2.1 and 11-3-2, the developer of the property described within this plat shall be responsible for protection any waters of the state, including groundwater, located adjacent to or within such platted area from pollution from sewage from such subdivision and shall in prosecution of such protections conform to and follow all regulations of the South Dakota Department of Environment and Natural Resources relating to the same.

**CERTIFICATE OF STREET AUTHORITY**

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

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

**CERTIFICATE OF COUNTY TREASURER**

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

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

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

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

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

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

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

## Bolstad Cassie

---

**From:** Andy Busse <andrew.c.busse@gmail.com>  
**Sent:** Monday, February 18, 2019 5:13 PM  
**To:** Bolstad Cassie  
**Subject:** Shriner Variance and Rezone

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

CAUTION: This email is from an outside source. Use caution before opening attachments, clicking links or providing confidential information.

Cassie,

Good evening,

As per our conversation, can you please include in the staff report, the precedence set by the County on the Jacob CUP denial for the request for the heliport next to the LDR, a statement of incompatibility of the LDR next to Highway Service, and the difficulty septic systems pose in that immediate area?

Thanks,

Andrew



## STAFF REPORT

### GENERAL INFORMATION:

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

REPORT BY: P.J. Conover

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

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

### EXISTING TEXT:

The existing Pennington County Comprehensive Plan is available for viewing at the Planning Department and online by going to the Planning Department's website.

### PROPOSED TEXT:

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

- 1) [www.viewto2040.com](http://www.viewto2040.com);
- 2) Planning Department; and,
- 3) Planning Department's website.

### REVIEW AND COMMENTS:

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



**ANALYSIS:**

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

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

**NEXT STEPS**

Staff recommends the following step for Comprehensive Plan - View to 2040:

1. That the Planning Commission discuss and make recommendations as necessary while moving with Ordinance Amendment / OA 19-01 - Comprehensive Plan - View to 2040.

**PENNINGTON COUNTY  
COMPREHENSIVE PLAN**

**PENNINGTON COUNTY**



**"PRIDE IN THE PAST; FAITH IN THE FUTURE"**

**AUGUST 2003**

**Pennington County  
Comprehensive Plan**

**County Commission**

**Ken Davis, Chairperson**

**Delores Coffing  
Lyle Hendrickson**

**James Kjerstad  
Gale Holbrook**

**Planning Commission**

**Linda Peterson, Chairperson**

**Bob Brandt  
Tim Pfisterer  
John Herr**

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

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

**Prepared by Pennington County  
Planning Department**

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

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

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# Comprehensive Plan



## Pennington County Comprehensive Plan **VIEW TO 2040**

**Public Review Draft**  
July 2018



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



Pennington County Comprehensive Plan  
**VIEW TO 2040**



Pennington County Comprehensive Plan  
**VIEW TO 2040**

*Public Review Draft*

*Prepared for:*



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

*Prepared by:*



*July 2018*

# ACKNOWLEDGEMENTS

## ***Pennington County Board of Commissioners***

- ▶ Ron Rossknecht ..... District 1
- ▶ Lloyd LaCroix..... District 2
- ▶ Deb Hadcock, Chair ..... District 3
- ▶ Mark DiSanto..... District 4
- ▶ Gary Drewes, Vice Chair ..... District 5

## ***Planning Commission***

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

## ***County Staff***

- ▶ Cassie Bolstad..... Assistant Planning Director
- ▶ P.J. Conover ..... Planning Director
- ▶ Jerome Harvey..... County Fire Administrator
- ▶ Holli Hennies..... Commission Office Manager
- ▶ Michael Hoffmann ..... Deputy State's Attorney
- ▶ Brittney Molitor..... Environmental Planning Supervisor
- ▶ Julie Pearson..... Auditor
- ▶ Shannon Rittberger ..... Director of Equalization
- ▶ Dustin Willett..... Director Emergency Management

## ***Other Jurisdictions and Organizations***

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

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



## ***Public Input***

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



## ***Project Consultant***



**Celeste Werner, AICP**  
Project Director

**Rick Rust, AICP, GISP**  
Project Manager

**Felipe Zubia, AICP**  
Senior Planner



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**VIEW TO 2040**

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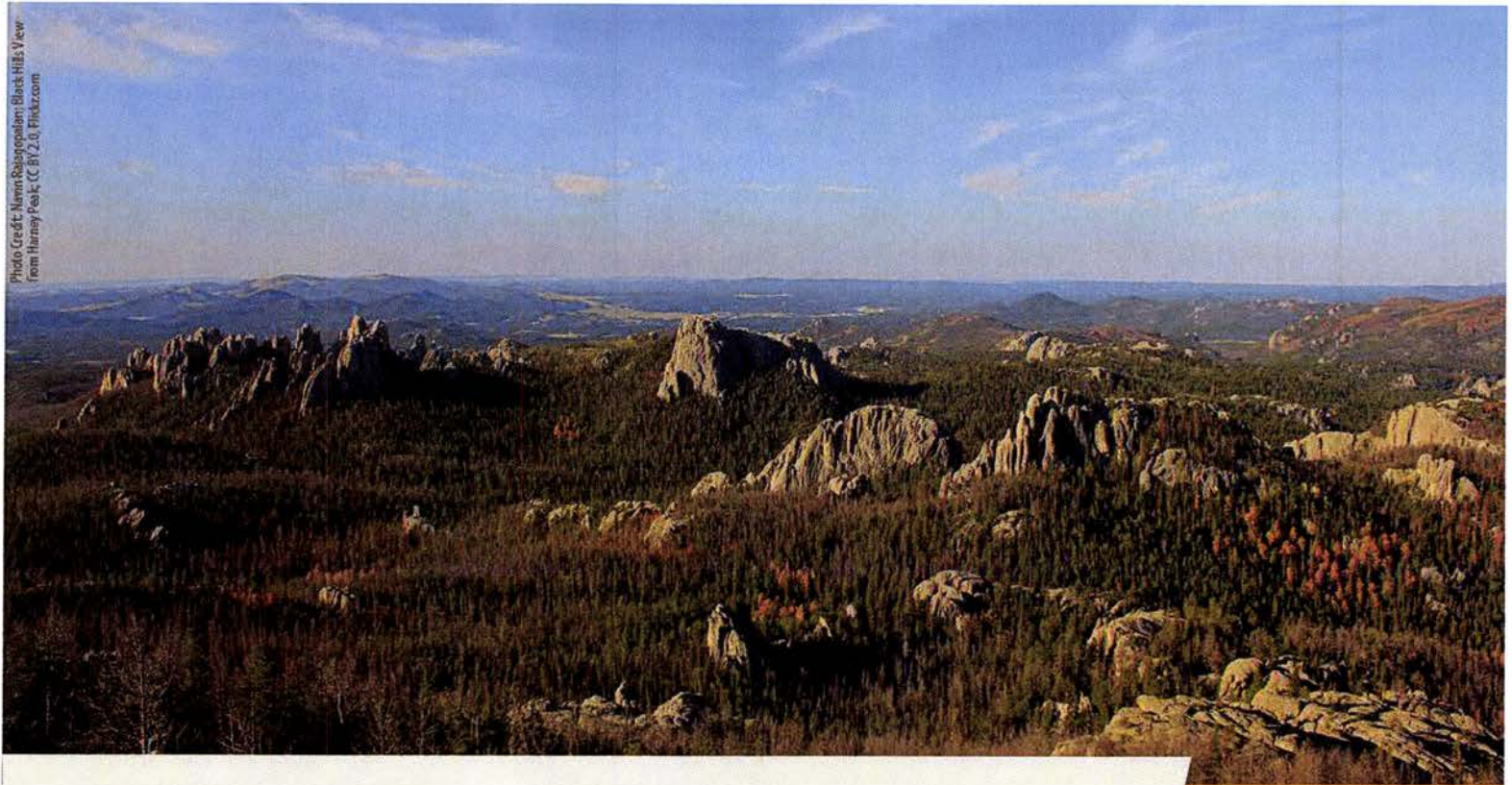
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# Introduction

# 1

## 1.1 Purpose of a Comprehensive Plan

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

The Comprehensive Plan has three defining features:

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



## VIEW TO 2040

### 1.2 Comprehensive Plan Process

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

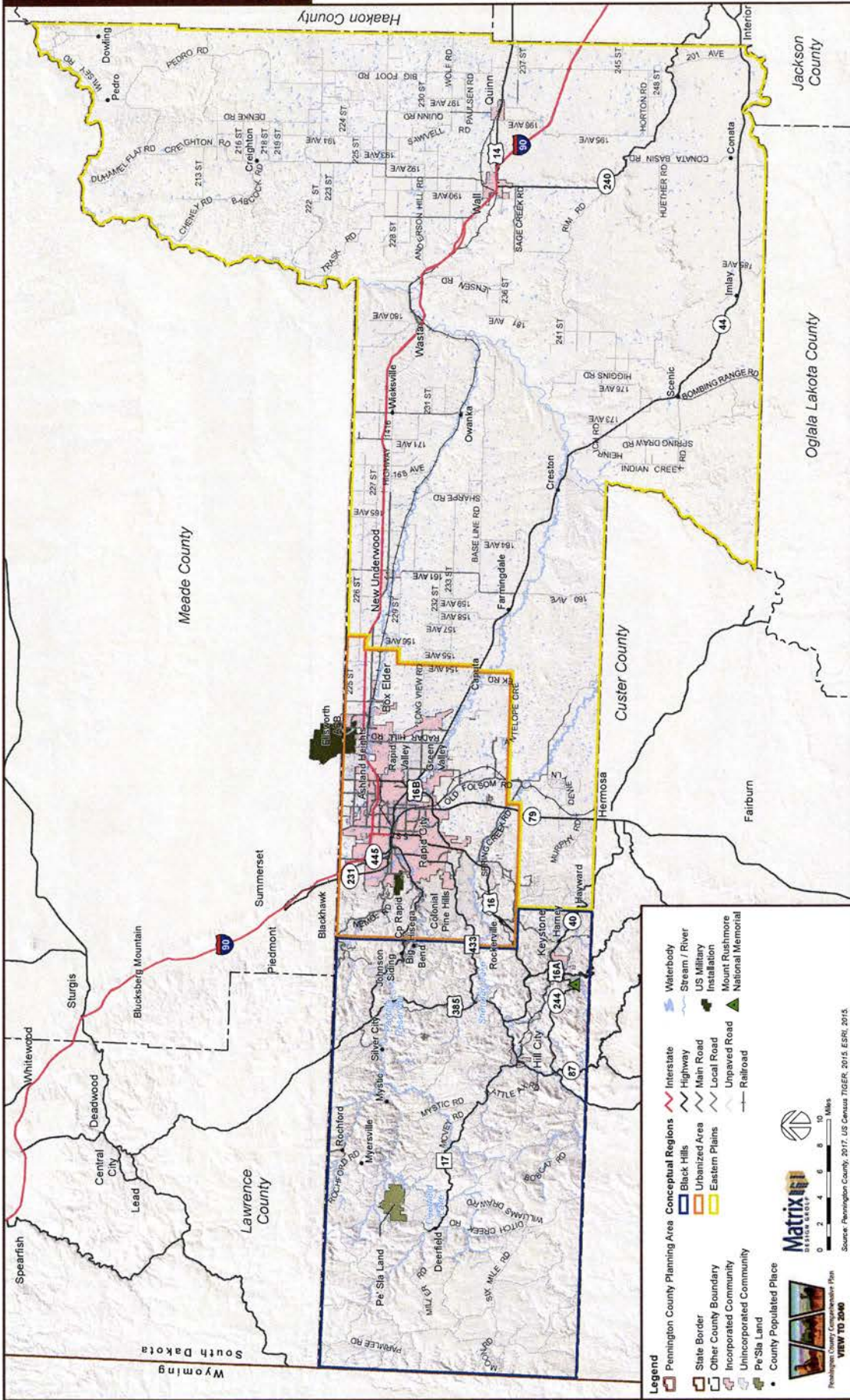
- ▶ **Task 1: Project Management.** Task 1 laid the foundation for the planning process by refining the specifics of the Comprehensive Plan update, including the scope of work, schedule, and project branding. This task also covered project management during the development of the Comprehensive Plan,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

### 1.3 Regional and Local Context

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

Figure 1-1

Planning Area



**Legend**

- Pennington County Planning Area
- Conceptual Regions
  - Black Hills
  - Urbanized Area
  - Eastern Plains
- State Border
- Other County Boundary
- Incorporated Community
- Unincorporated Community
- Pe'Sia Land
- County Populated Place

- Interstate
- Highway
- Main Road
- Local Road
- Unpaved Road
- Railroad

- Waterbody
- Stream / River
- US Military Installation
- Mount Rushmore National Memorial

**Matrix**  
 DESIGN GROUP

0 2 4 6 8 10 Miles

Source: Pennington County, 2017; US Census TIGER, 2015; ESRI, 2015.

[VIEW PD 2500](#)

## 1.4 Community Engagement Process

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

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

## 1.5 Comprehensive Plan Maintenance

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





## VIEW TO 2040

### 1.6 Comprehensive Plan Organization

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

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

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

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

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



**Black Hills Focus Area**

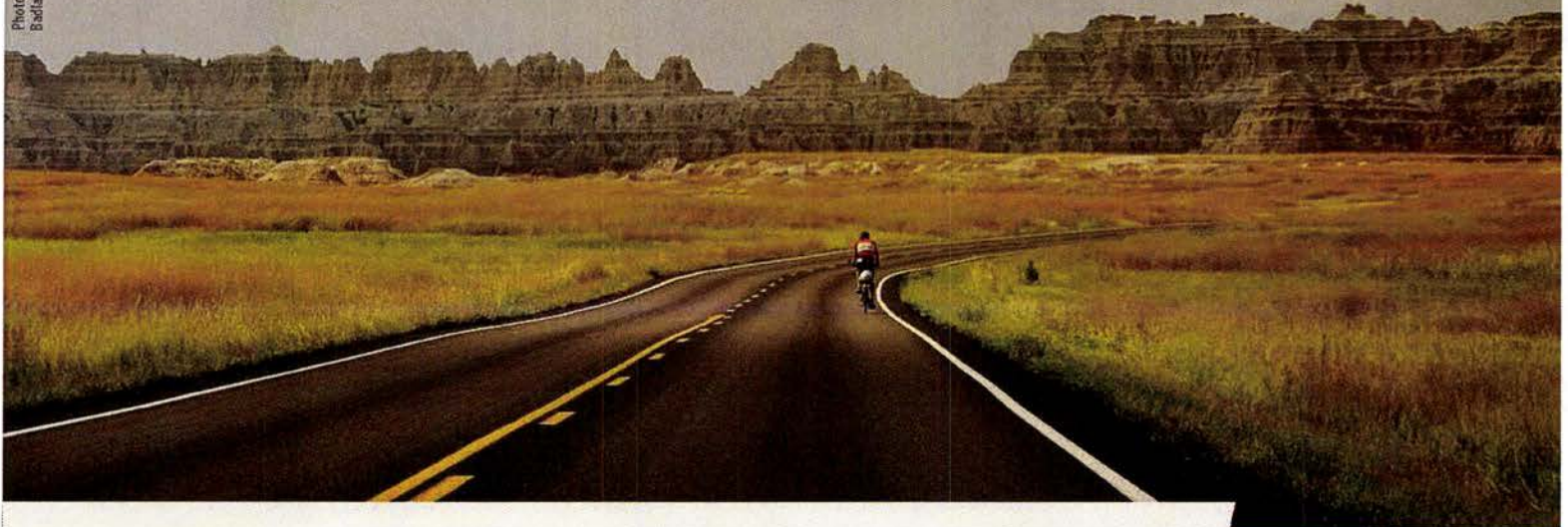


**Central Pennington Focus Area**



**Eastern Plains Focus Area**

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



## Planning Framework

# 2

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

### 2.1 Vision Statement

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

---

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

---



## VIEW TO 2040

## 2.2 Focus Areas

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

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

### ***Black Hills Focus Area***

#### **Location**

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

#### **Issues and Opportunities**

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

#### **Future Land Uses**

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

Figure 2-1 Black Hills

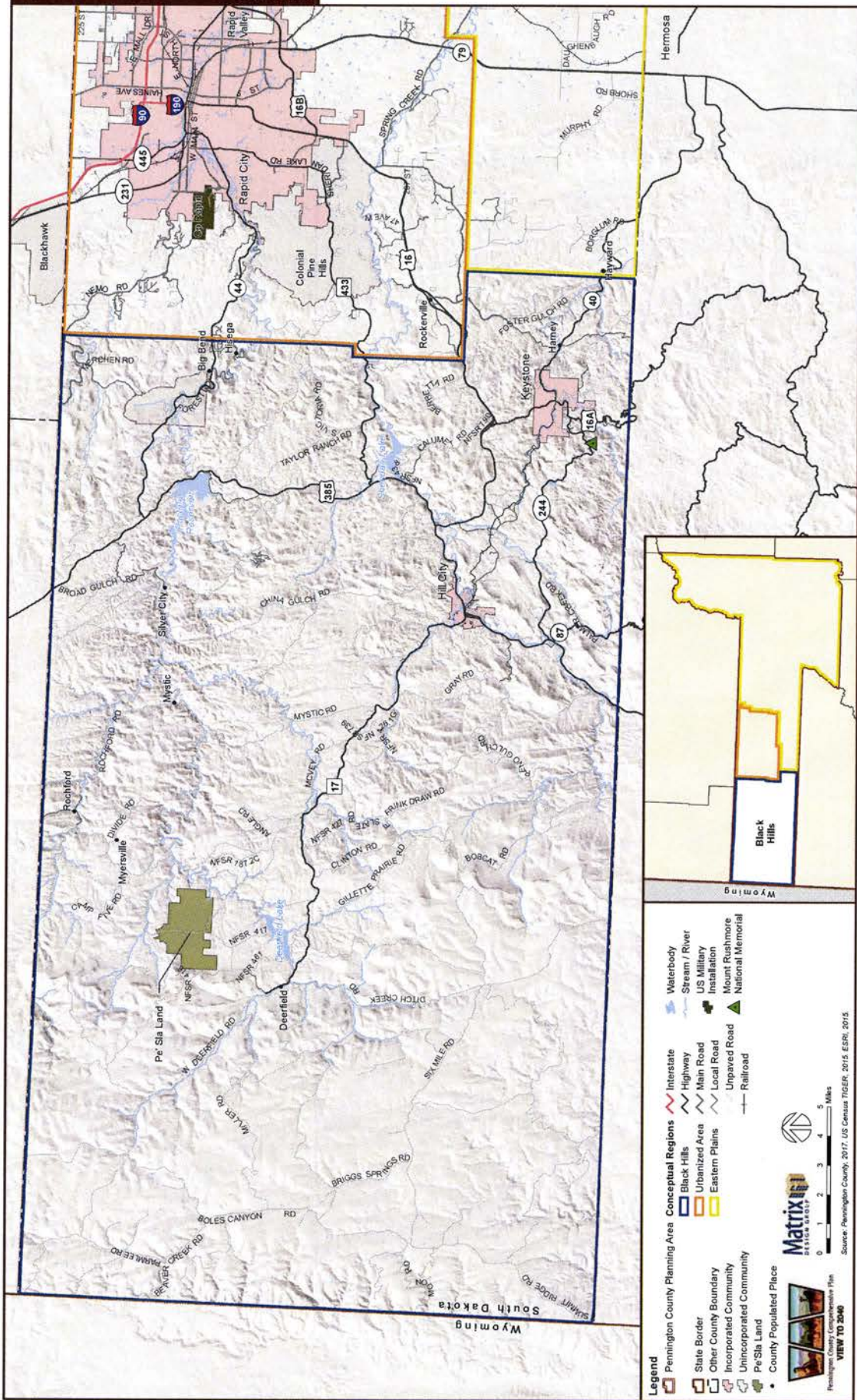


Figure 2-2 Central Pennington

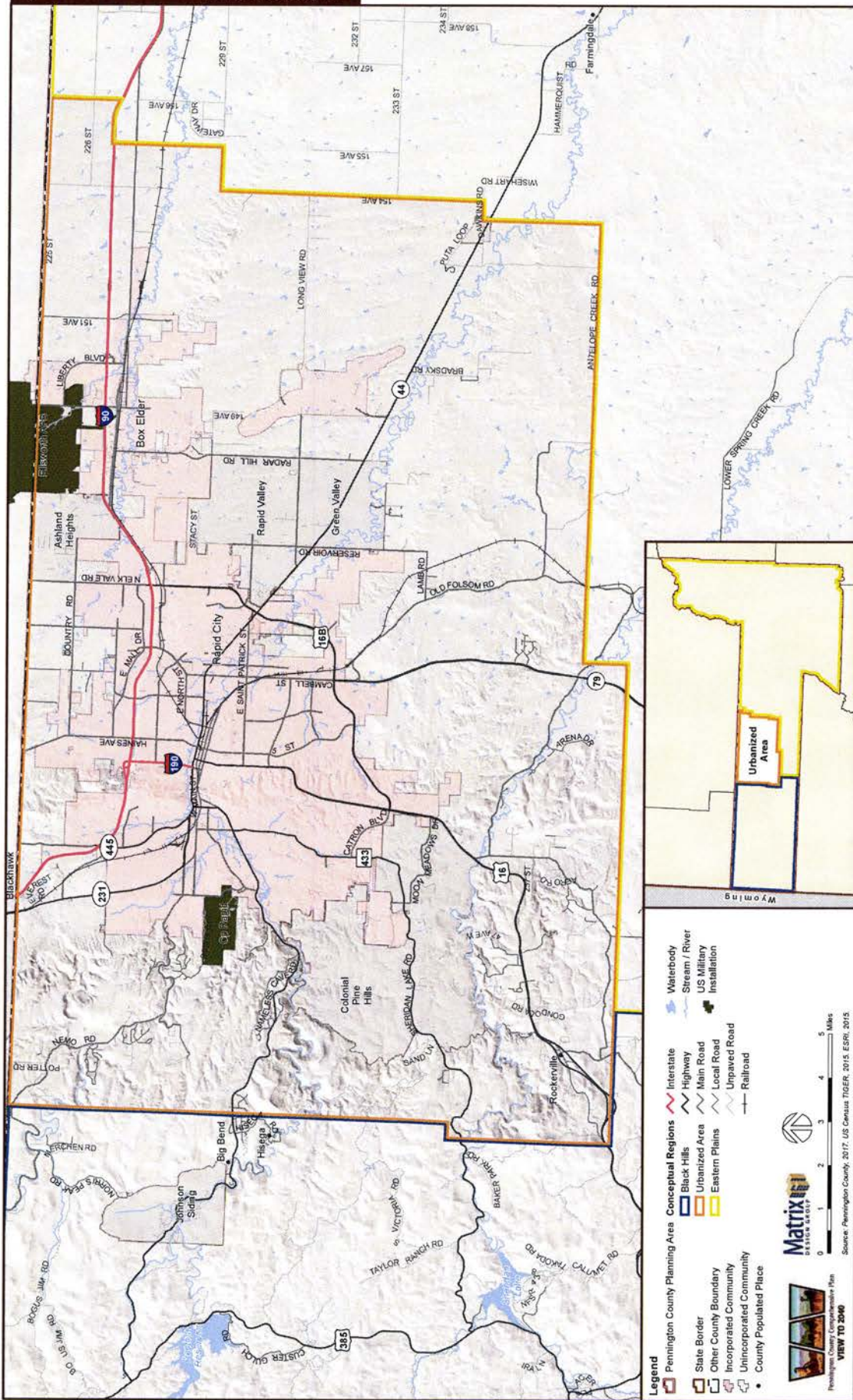
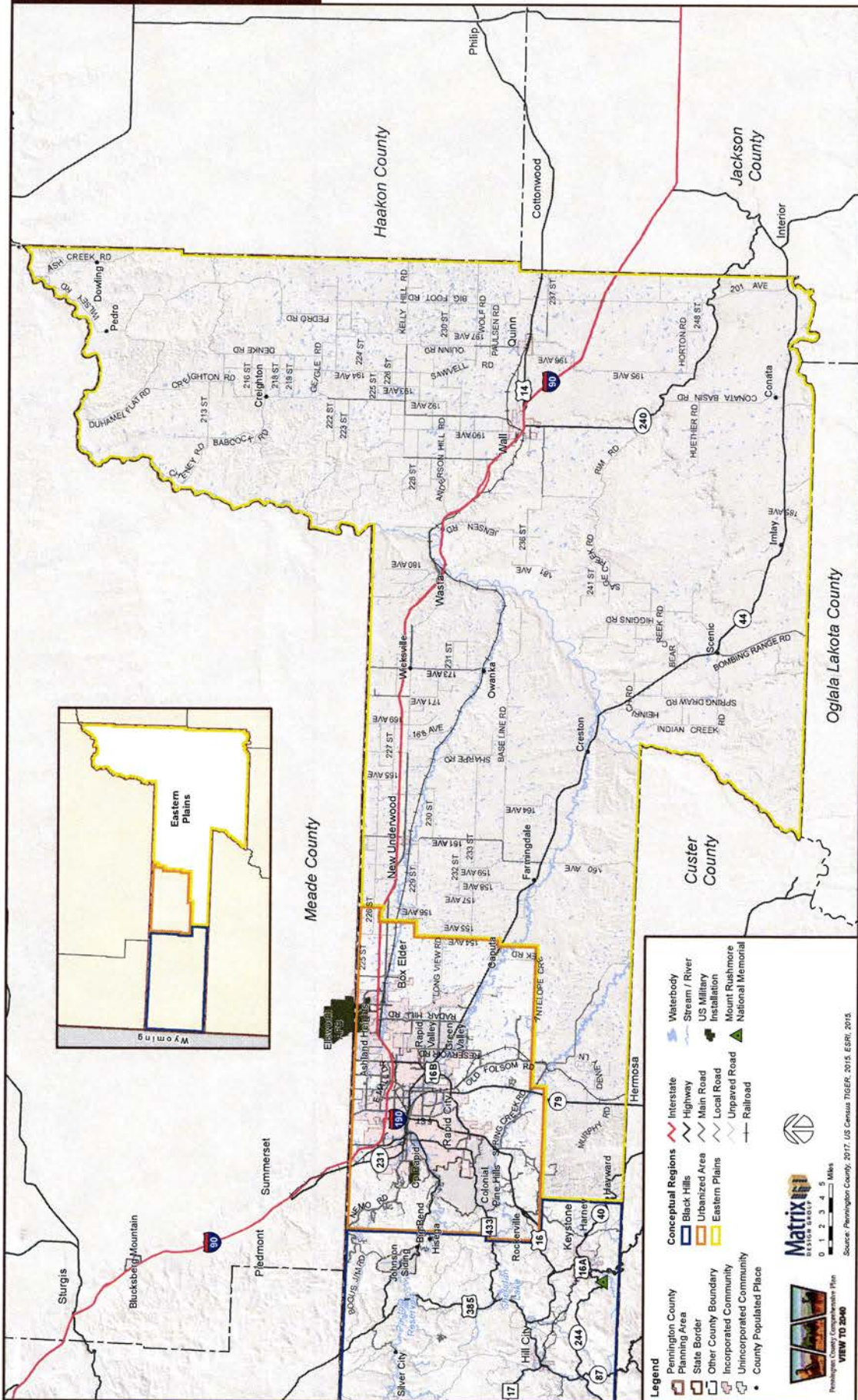


Figure 2-3

Eastern Plains



**Legend**

- Pennington County Planning Area
- State Border
- Other County Boundary
- Incorporated Community
- Unincorporated Community
- County Populated Place
- Conceptual Regions
  - Black Hills
  - Urbanized Area
  - Eastern Plains
- Interstate
- Highway
- Main Road
- Local Road
- Unpaved Road
- Railroad
- Waterbody
- Stream / River
- US Military Installation
- Mount Rushmore National Memorial

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Source: Pennington County, 2017; US Census TIGER, 2015; ESRI, 2015.

VIEW TO 5000

## **Central Pennington Focus Area**

### **Location**

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

### **Issues and Opportunities**

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

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

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

### **Future Land Uses**

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



## VIEW TO 2040

### ***Eastern Plains Focus Area***

#### **Location**

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

#### **Issues and Opportunities**

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

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

#### **Future Land Use**

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





## Land Use & Housing Element

# 3

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

### 3.1 Land Use Designations and Standards

#### *Future Land Use Map*

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



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

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



## VIEW TO 2040

### ***Land Use Designations within Pennington County***

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

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

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

### ***Zoning Ordinance Consistency***

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

**Table 3-1 Land Use Designations**

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



**VIEW TO 2040**

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

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



**VIEW TO 2040**

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

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



**VIEW TO 2040**

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

Notes:

du = dwelling unit(s)

ac = acre

sf = square foot

## 3.2 Land Use Overview

### Animal Keeping

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

### Housing

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



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

## ***Mining***

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

## ***Agriculture***

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

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

## ***Public Facilities***

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

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

## ***Military Compatibly***

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

## ***Building Codes***

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



## VIEW TO 2040

### Floodplains

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

### 3.3 Goals and Policies

#### Goal LUH-1

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



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



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



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

#### Goal LUH-2

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



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



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



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



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



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



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

## Goal LUH-3

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



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



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



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

## Goal LUH-4

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



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



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



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



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

## Goal LUH-5

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



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



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



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



**VIEW TO 2040**

**Goal LUH-6**

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



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



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



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



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



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



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

**Goal LUH-7**

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



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



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



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



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



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



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

## Goal LUH-8

**The County encourages energy conservation in new and existing developments.**



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



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



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



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

## Goal LUH-9

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

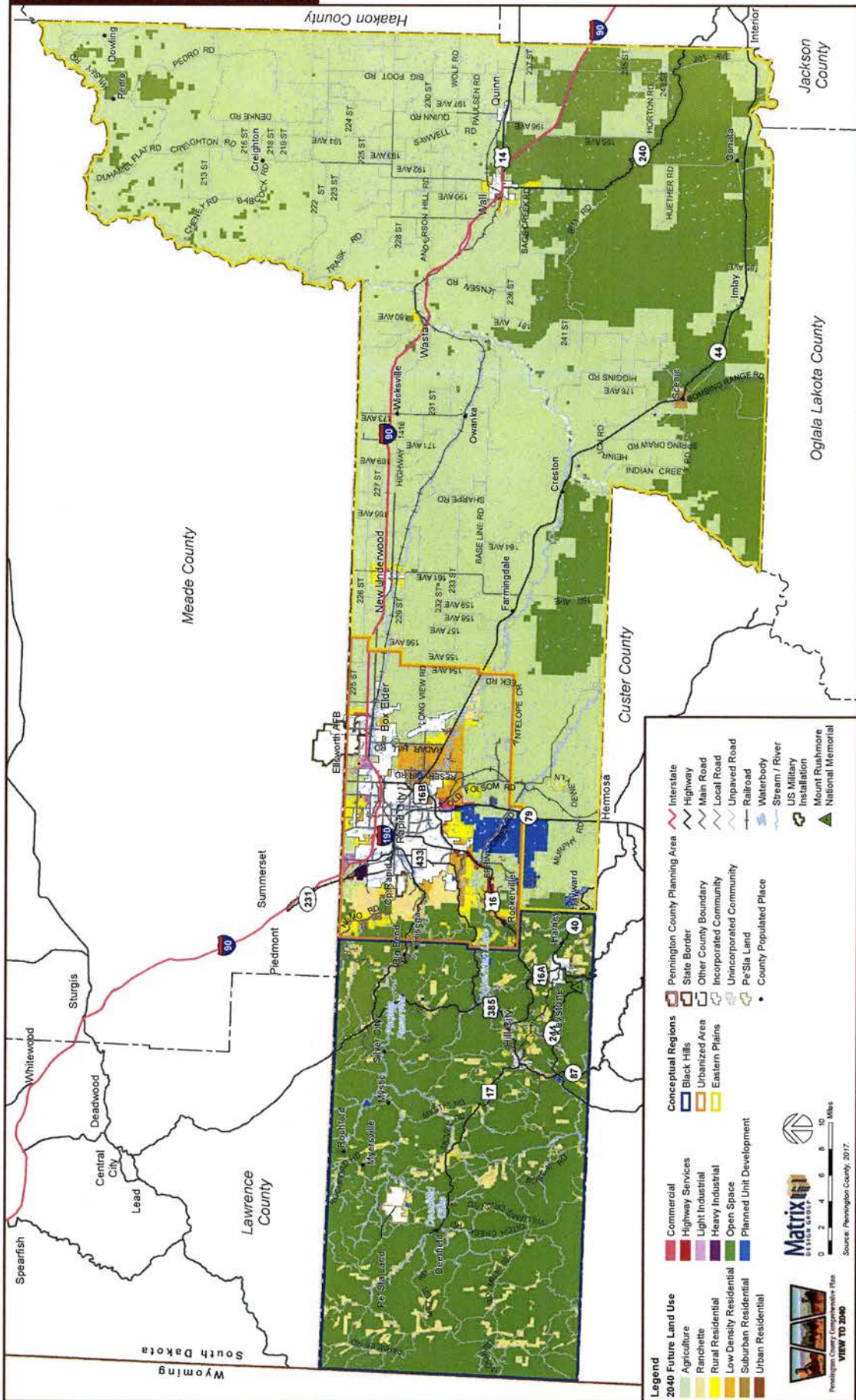


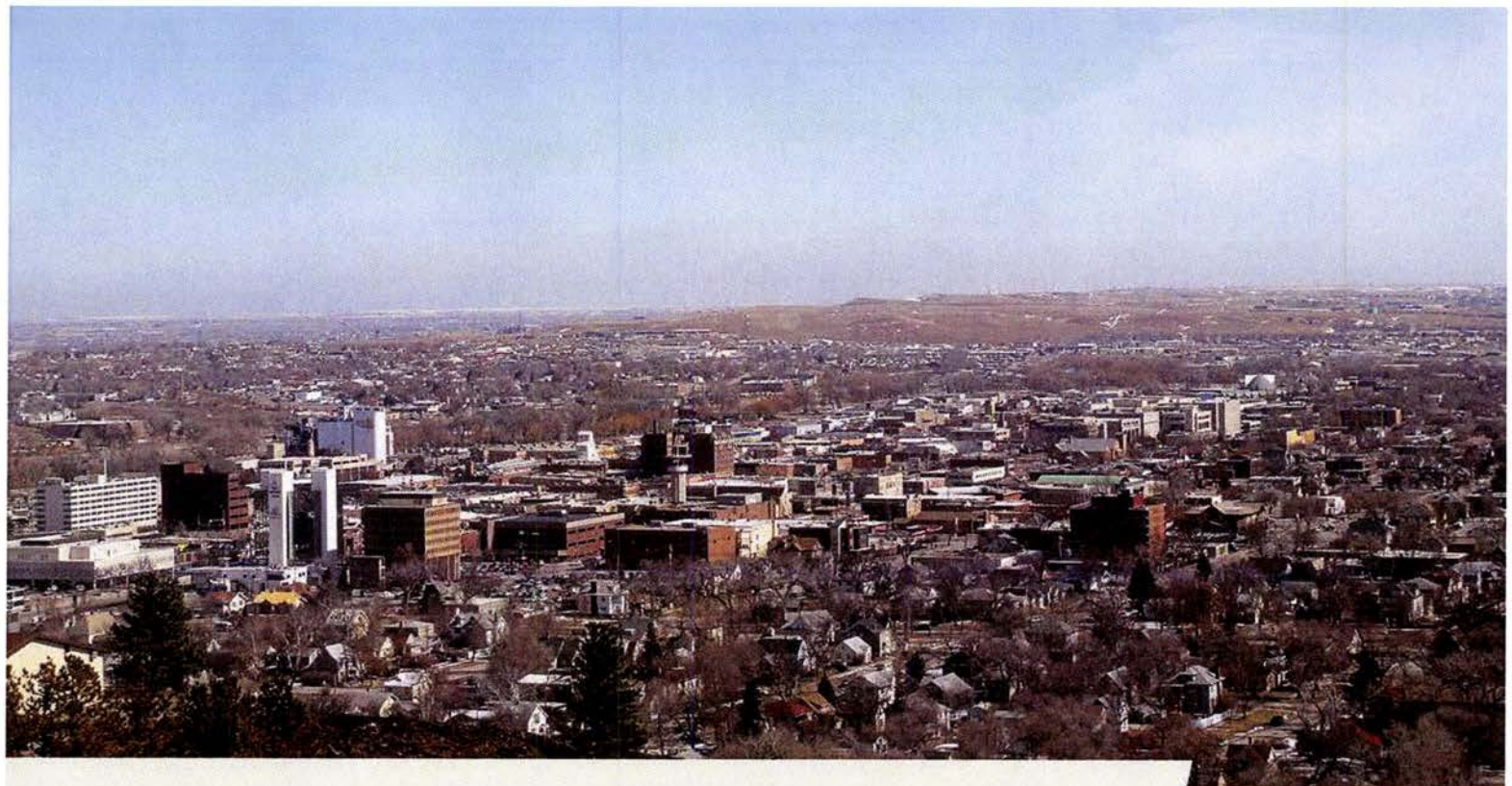
**LUH-9.1** The County shall maintain the Comprehensive Plan as needed to ensure that it reflects the needs and desires of those who live, work, and vacation in Pennington County.



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

Figure 3-1 2040 Future Land Use





## Economic Development Element

# 4

### 4.1 Economic Development Overview

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

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

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



**VIEW TO 2040**

**Existing Workforce**

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

**Employment Nodes**

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

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

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

**Table 4-1. Top Employers**

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

*Source: Rapid City Chamber of Commerce*

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

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



## ***Tourism***

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

## ***Value-Added Agriculture***

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

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

## ***Rapid City Regional Airport***

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

## ***Ellsworth Air Force Base***

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

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



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## 4.2 Goals and Policies

### Goal ED-1

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



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



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



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



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



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

### Goal ED-2

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



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



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

### Goal ED-3

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



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



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

## Goal ED-4

### Pennington County supports the growth of existing industries.



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



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



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



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

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

## Goal ED-5

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



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



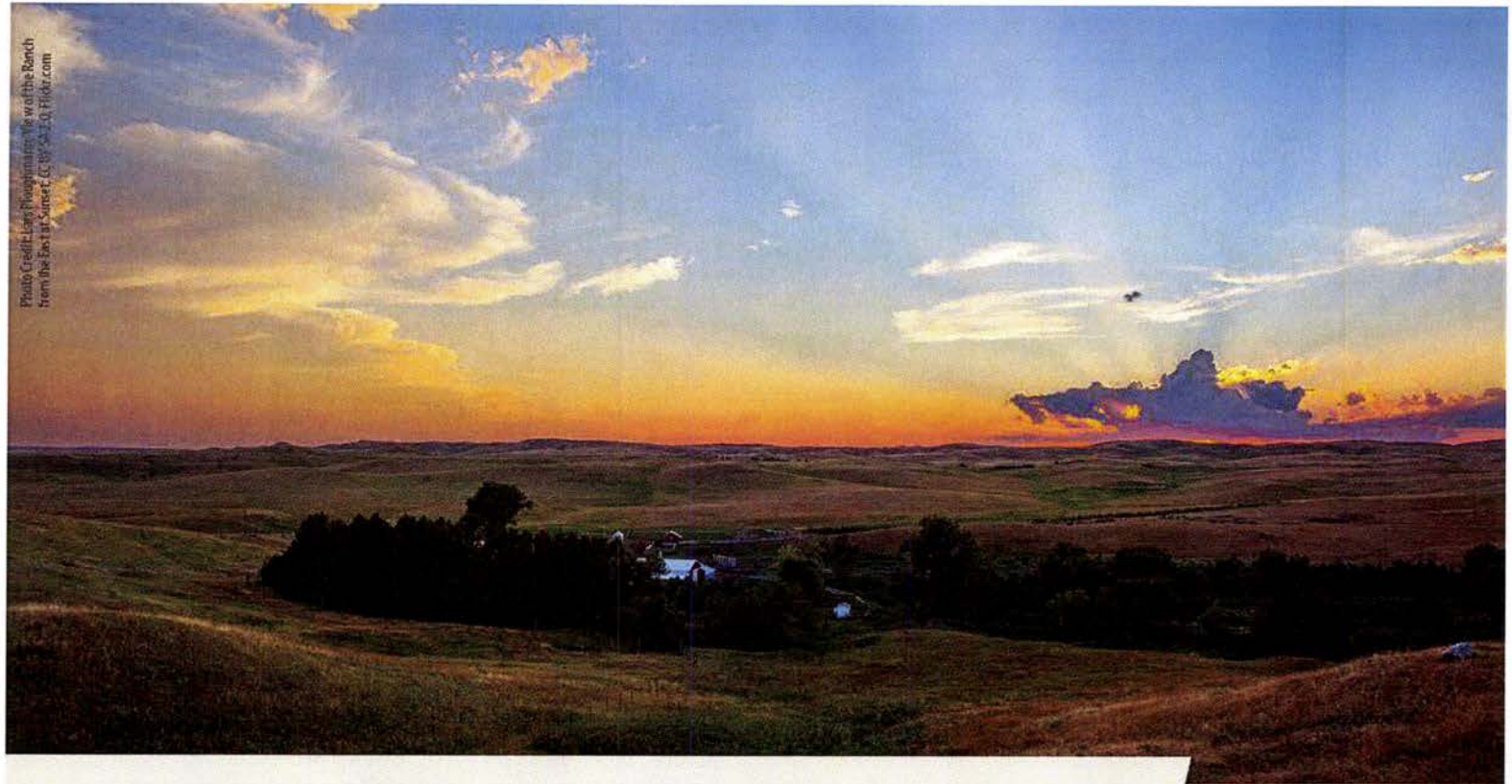
**ED-5.2** The County should require disclosure statements for any residential development within or adjacent to airport noise contours.



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



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



## Agricultural Element

# 5

### 5.1 Agricultural Overview

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

#### ***Production Enhancement***

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

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



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

**Compatibility**

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

**5.2 Goals and Policies**

**Goal AG-1** Pennington County promotes the long-term preservation of productive and potentially-productive agricultural lands and to accommodate agricultural-support services and agriculturally-related activities that support the viability of agriculture and further the county's economic development goals.



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



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

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



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



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



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



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



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



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



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



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



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



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



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## Goal AG-2

**Agricultural uses are compatible with surrounding land uses.**



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



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



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

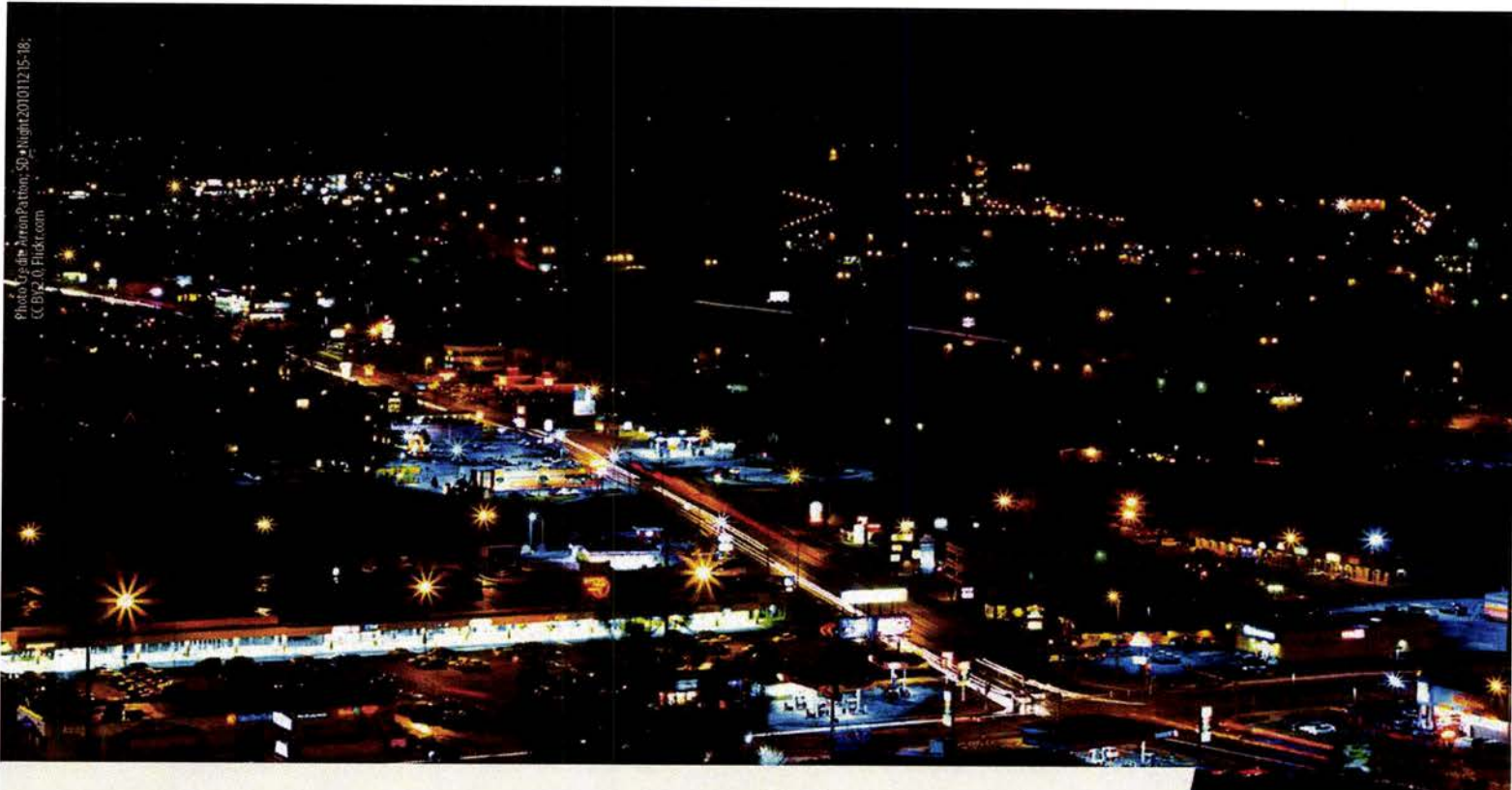


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## Transportation & Circulation Element

# 6

### 6.1 Transportation & Circulation Overview

#### ***Transportation System***

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

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

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





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

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

### **Tourism Traffic**

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

### **Scenic Byways**

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



### **Trails and Bicycle Systems**

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

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

Figure 6-1 Transportation - Black Hills

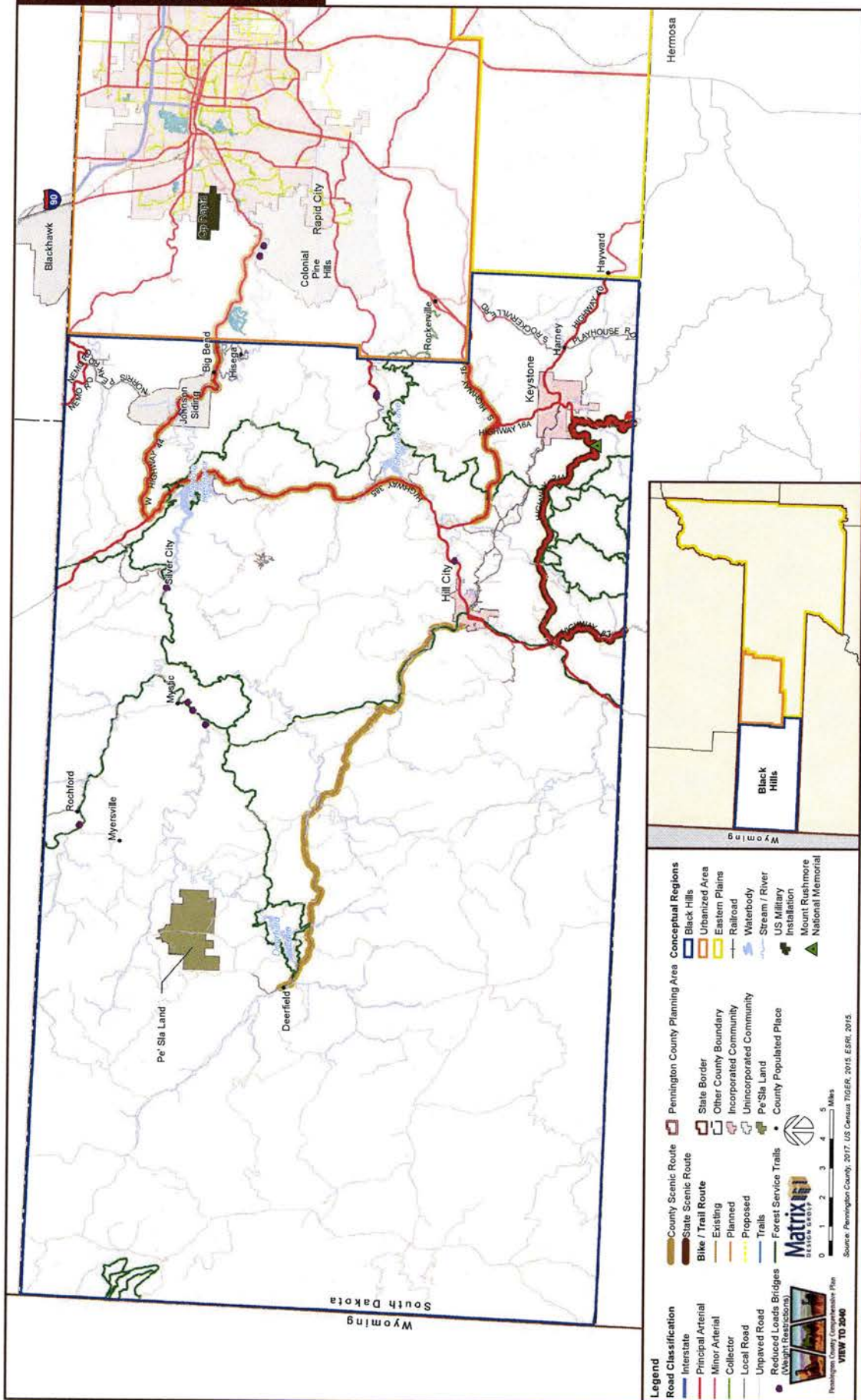


Figure 6-2 Transportation - Central Pennington

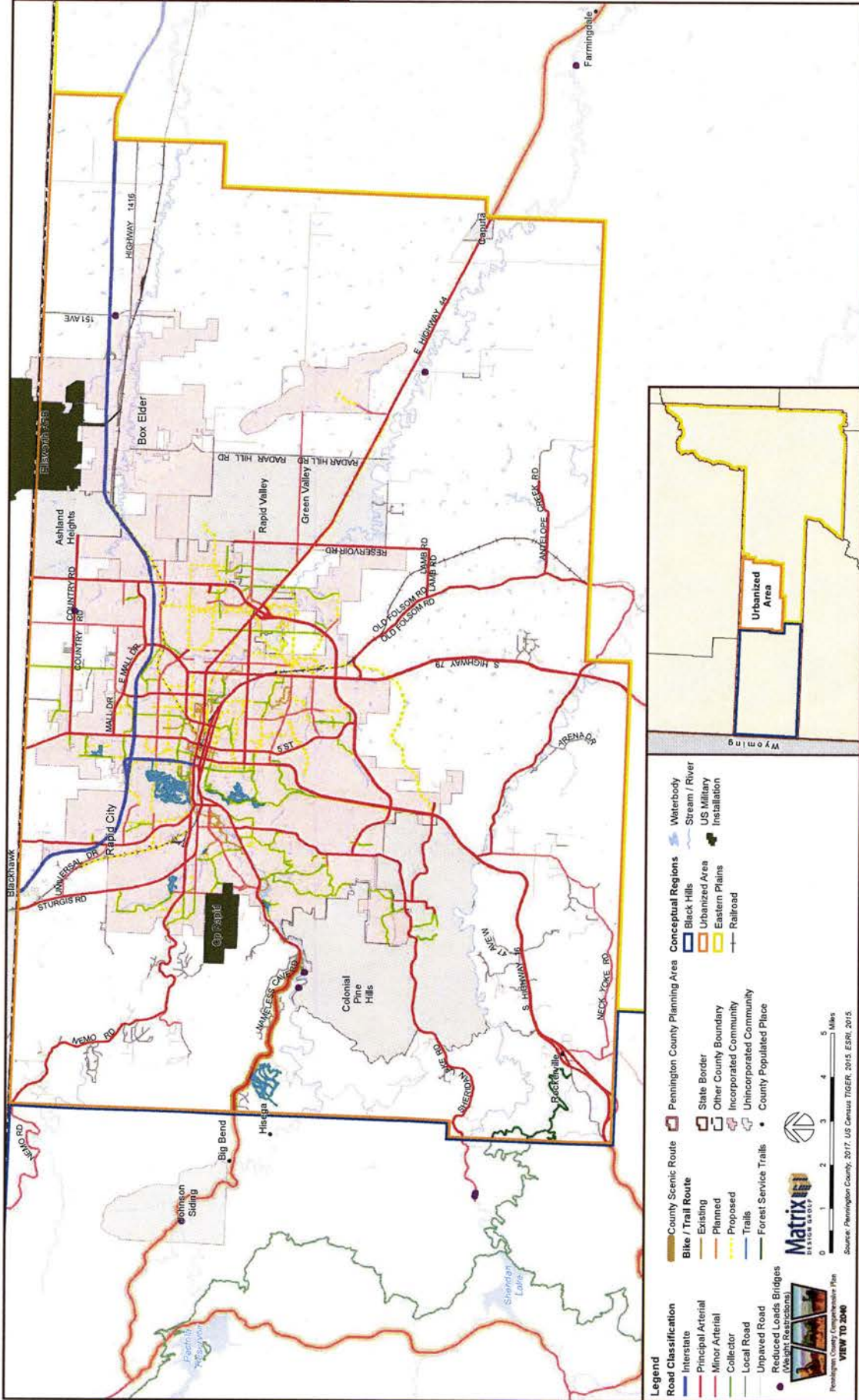
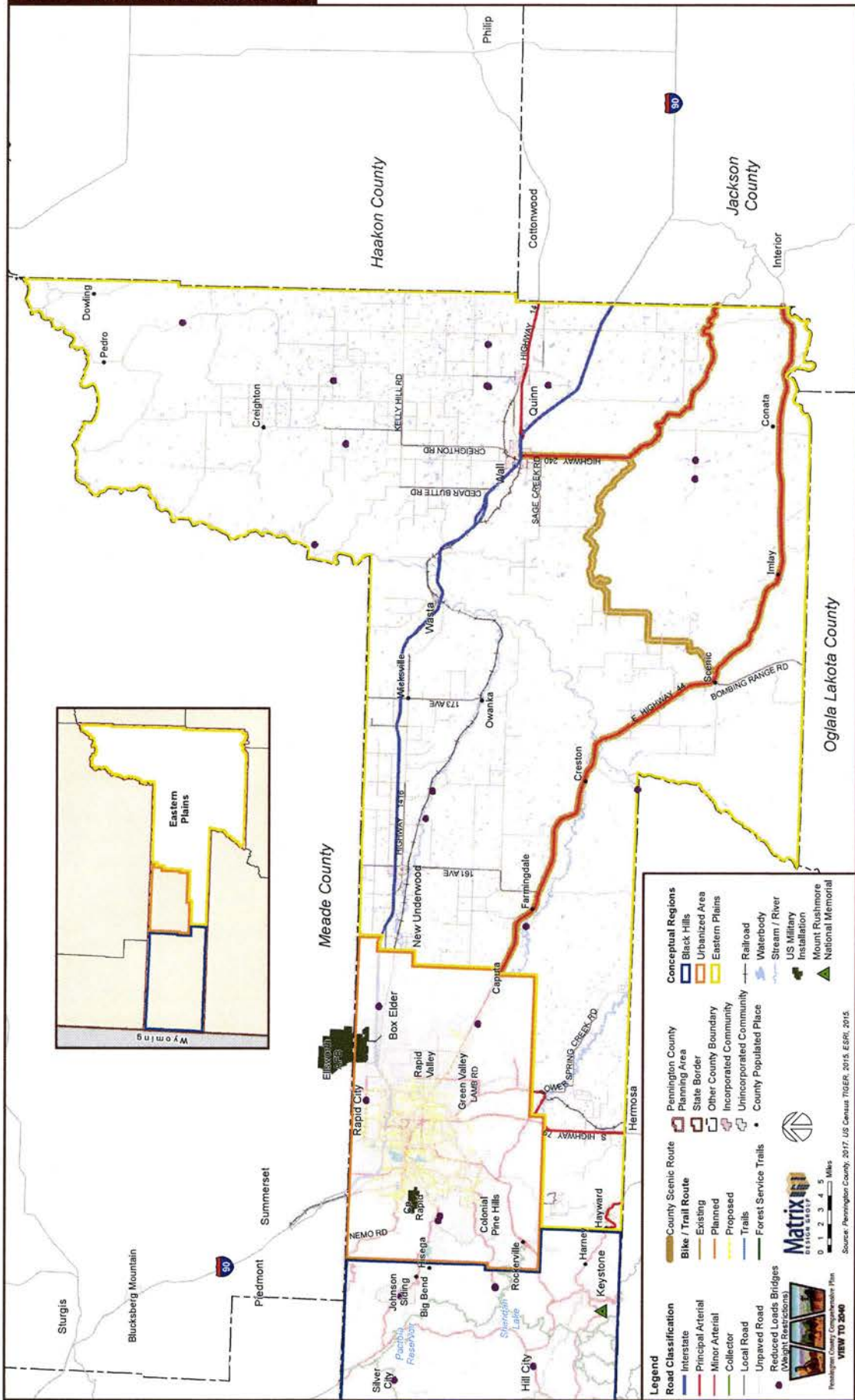


Figure 6-3 Transportation - Eastern Plains








## Public Transportation

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

## Rapid City Regional Airport

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

## 6.2 Goals and Policies

Goal TC-1	Pennington County maintains a safe and efficient transportation network for its residents and visitors.
	<p><b>TC-1.1</b> The County should continue to identify and pursue grants and other funding sources to supplement the County's available maintenance funding.</p>
	<p><b>TC-1.2</b> The County should pursue grants and other funding sources to enhance transportation diversity (pedestrian, bicycle, and public transportation facilities) and access to all portions of the county population.</p>
	<p><b>TC-1.3</b> The County should enhance bicycle safety as part of future roadway maintenance projects.</p>
	<p><b>TC-1.4</b> The County shall coordinate transportation plans and projects with the various federal, state, and local jurisdictions and agencies within the County, including, but not limited to, the US National Park Service, US Forest Service, Department of Defense, Bureau of Land Management, South Dakota Department of Transportation (SDDOT), and Rapid City.</p>
	<p><b>TC-1.5</b> The County should seek opportunities to incorporate new technologies into their transportation system.</p>



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**Goal TC-2**

**Pennington County features a multimodal transportation network.**



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

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



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



**Goal TC-3**

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



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



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

**Goal TC-4**

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



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



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



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

## Goal TC-5

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



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

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



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

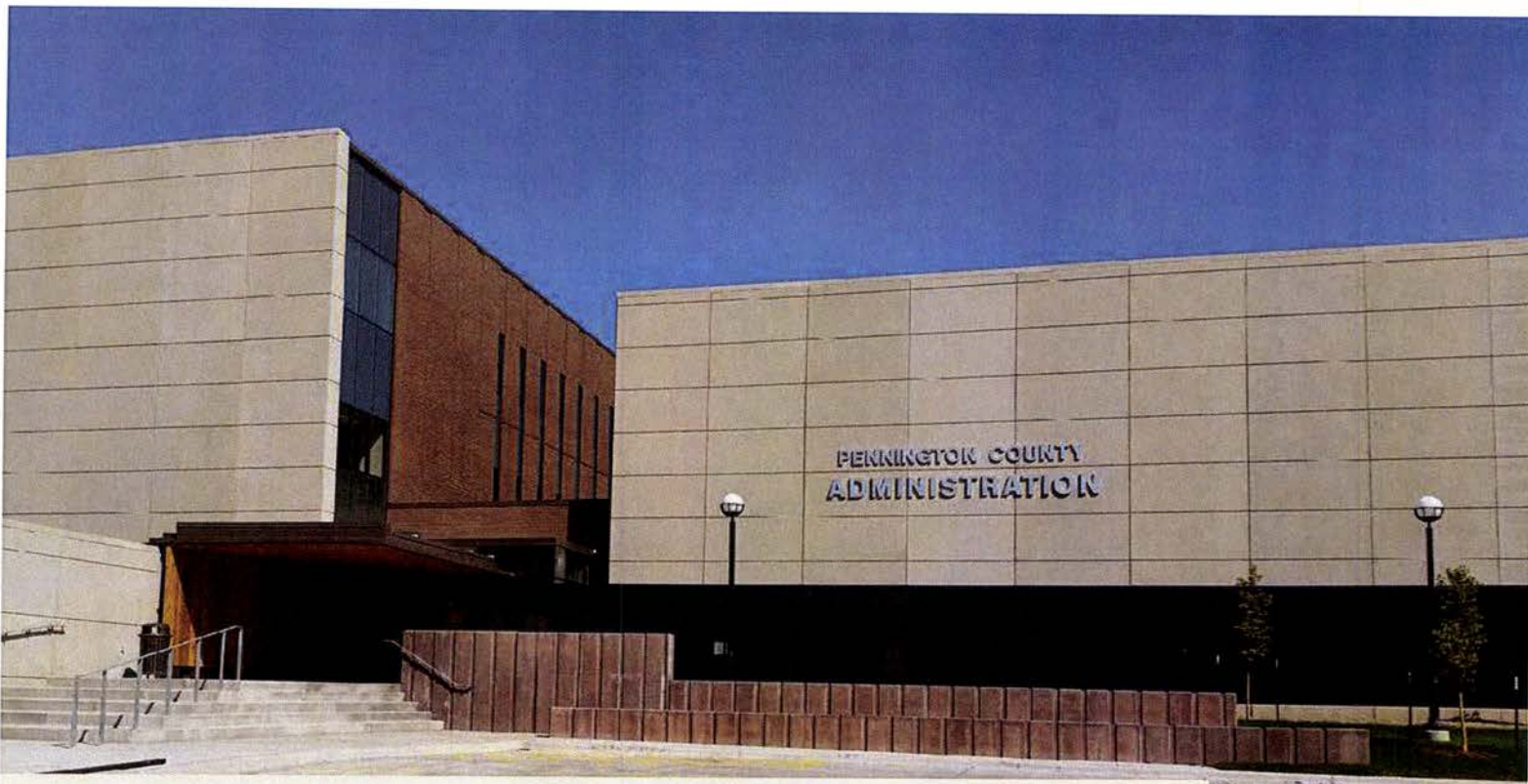
- ▶ Historic travel routes and trails;
- ▶ Historic settlements;
- ▶ Historic places, events, sites, buildings and structures;
- ▶ Prehistoric and archeological features; and
- ▶ Majestic trees, vistas, streetscapes and parks.



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



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



## Public Services & Facilities Element

7

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

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

### 7.1 Infrastructure Overview

#### ***Water Supply***

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





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### **Water Districts**

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

### **Storm Water**

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

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

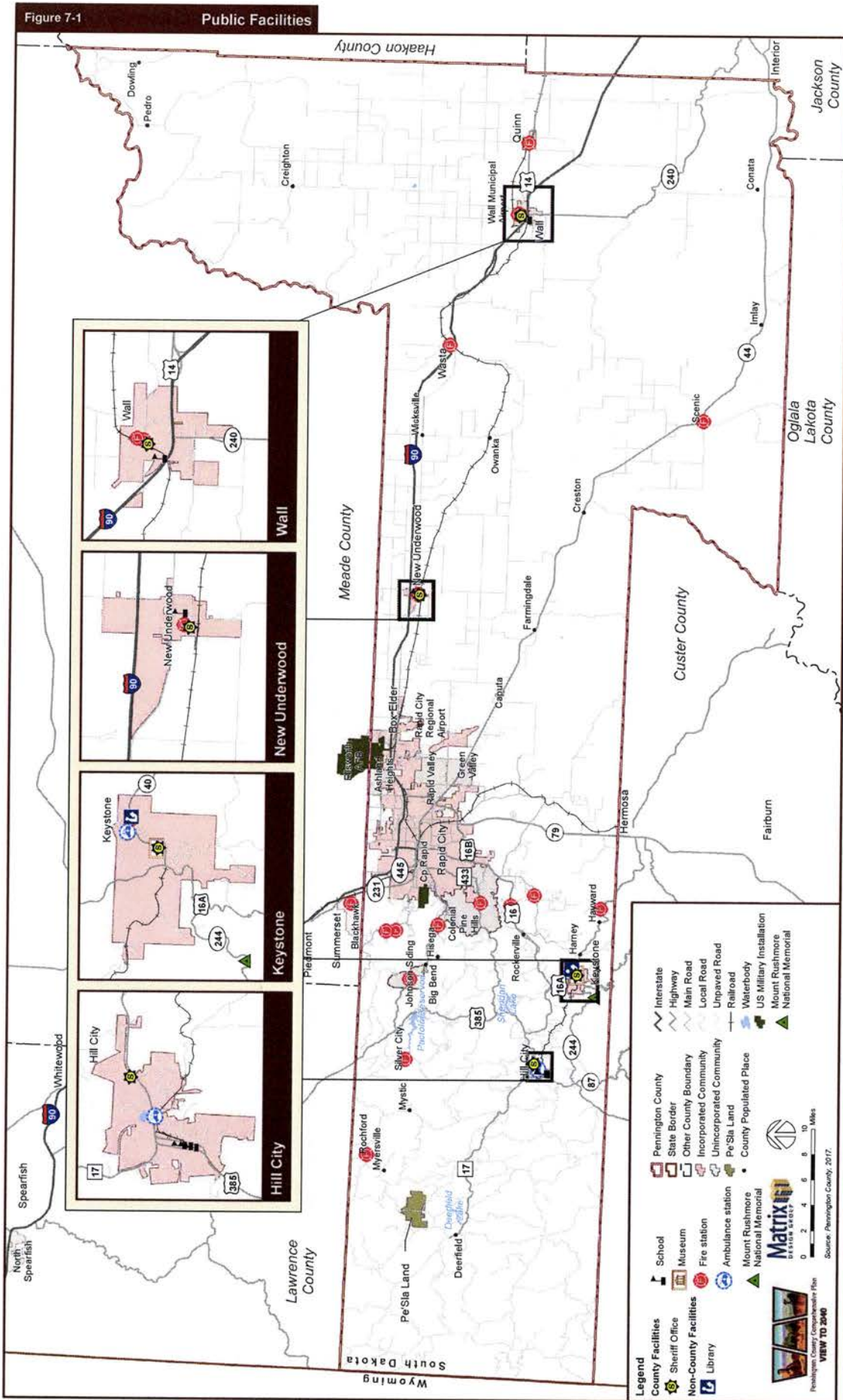
### **Wastewater**

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

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

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

Figure 7-1 Public Facilities



## 7.2 Public Safety Overview

### **Fire**

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

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

### **Emergency Management**

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

## 7.3 Public Facilities Overview

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

### **Libraries**

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

### **Schools**

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



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## 7.4 Goals and Policies

### Goal PSF-1

**The County protects its water resources.**



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



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



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



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

### Goal PSF-2

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



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



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



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

### Goal PSF-3

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



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



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



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



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



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



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

## Goal PSF-4

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



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



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



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



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



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



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



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

## Goal PSF-5

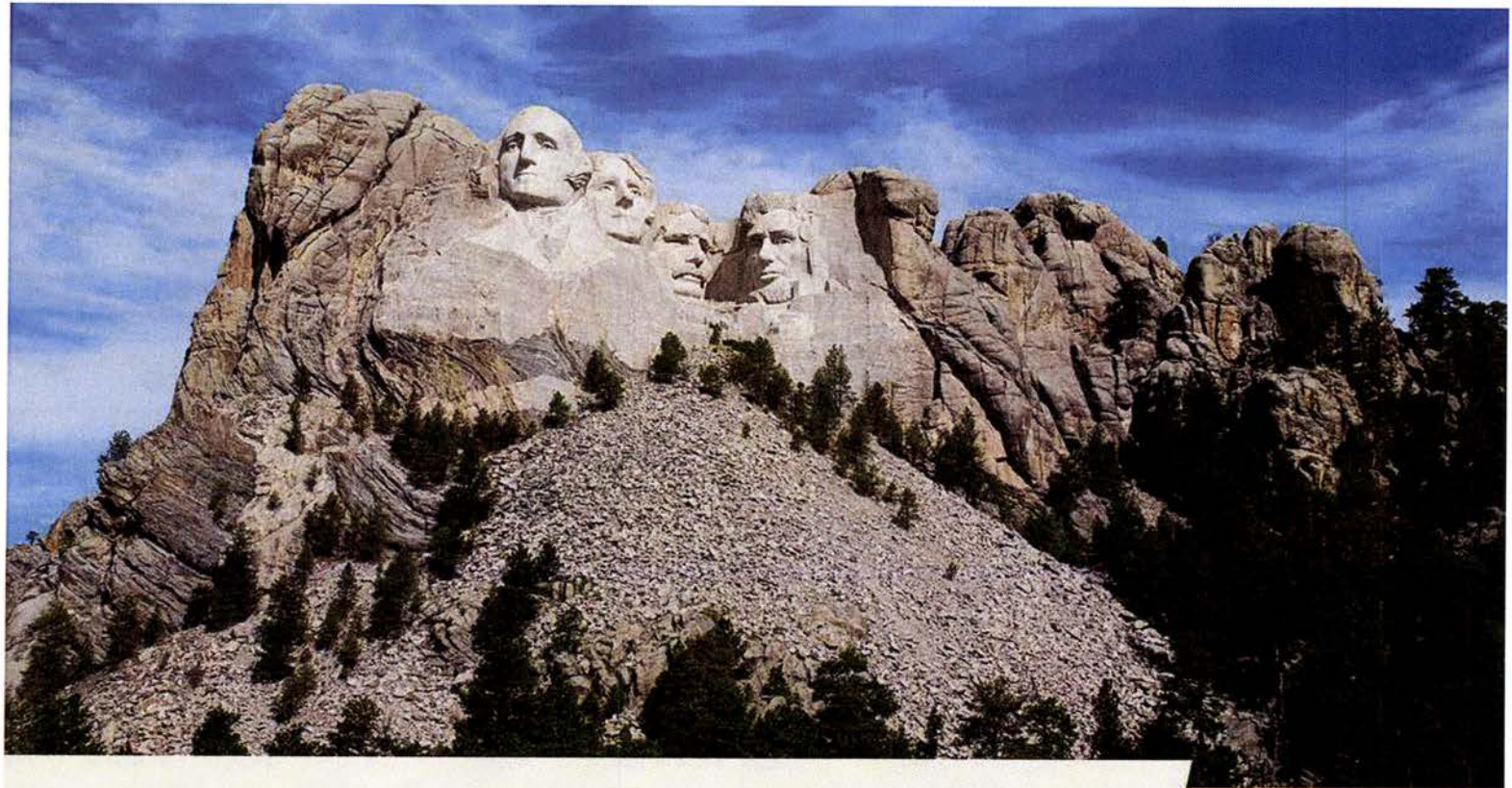
**The County has adequate public facilities to provide for its residents.**



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



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



## Recreation, Open Space & Tourism Element

# 8

### 8.1 Recreation, Open Space and Tourism Overview

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

#### **Community Parks**

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

#### **Federal Lands**

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



## VIEW TO 2040

### **Badlands National Park**

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

### **Black Hills National Forest**

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

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

### **Buffalo Gap National Grassland**

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

### **Minuteman Missile National Historic Site**

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

### **Mount Rushmore National Memorial**

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

## **Tourism**

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

### **Wine Trail**

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

Figure 8-1 Parks and Recreation Locations

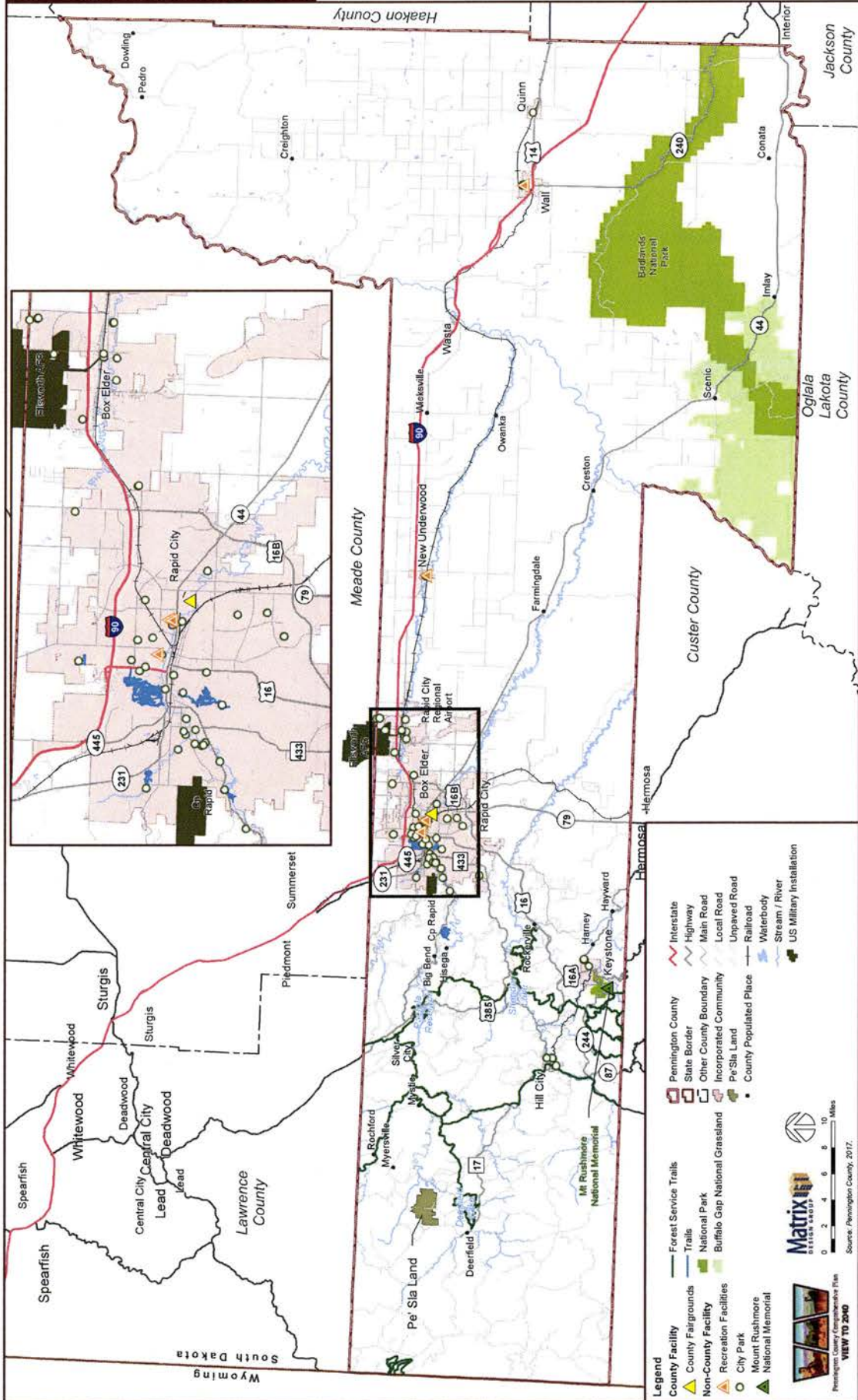
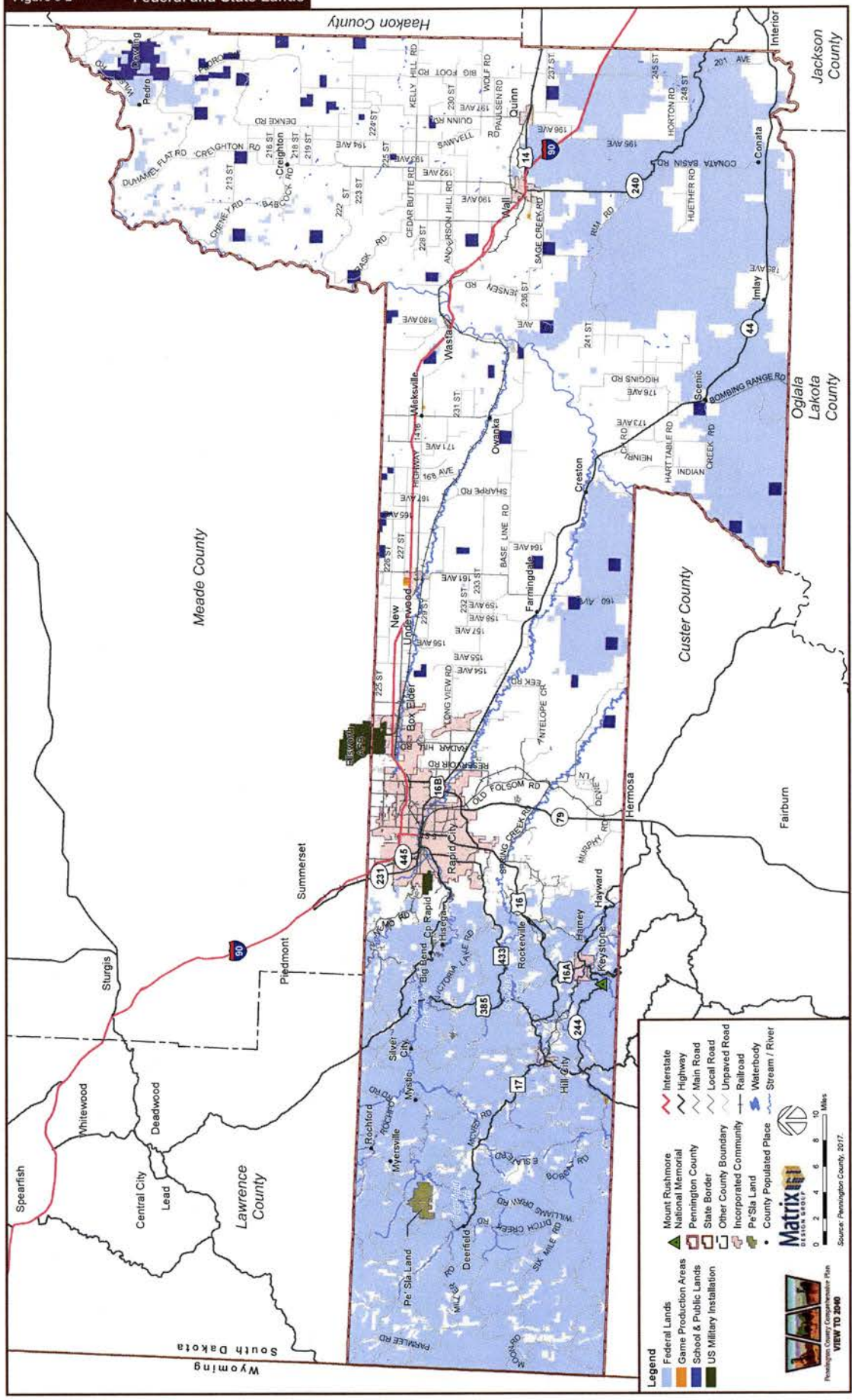




Figure 8-2 Federal and State Lands



## Wall Drug Store

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

## Sturgis Motorcycle Rally

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

## 8.2 Goals and Policies

### Goal ROST-1

**The County supports, maintains, and enhances public lands.**



**ROST-1.1** The County should ensure roadways and accessways to public lands like Mount Rushmore National Memorial are safe and easy to traverse.



**ROST-1.2** The County should work with SDDOT and local cities to develop and support a unified, county-wide wayfinding program.



**ROST-1.3** The County should work with the National Forest Service and National Park Service to routinely coordinate on upcoming plans and program changes that could have benefits or challenges that the other entities should address.

### Goal ROST-2

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



**ROST-2.1** The County should explore methods to fund an open space system that meets the needs of county residents and visitors.



**ROST-2.2** The County should support private land managers, management agencies, and citizen groups in their maintenance efforts of recreational opportunities



## Health & Safety Element

# 9

### 9.1 Health & Safety Overview

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

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

#### **Flood Hazards**

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

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



## VIEW TO 2040

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

### **Wildfires**

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

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

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

### **Existing Fire Services**

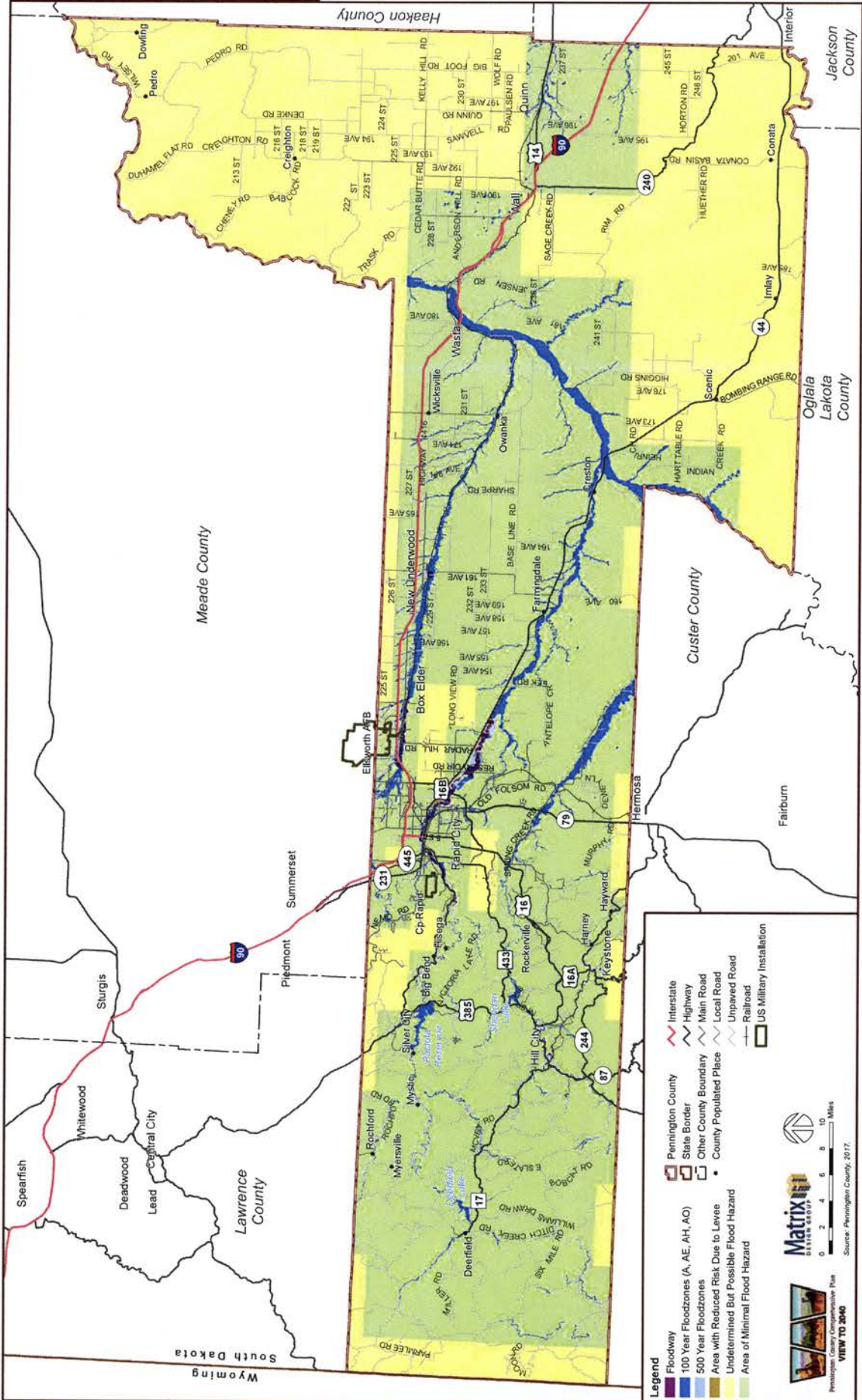
Pennington County is served by 21 volunteer fire departments and one full-time fire department, with over 450 volunteer firefighters. The Rapid City Fire Department (RCFD) serves as the one full-time fire department in the county. In addition to providing fire suppression services, RCFD also provides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

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

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

Figure 9-1

Flood Potential Map



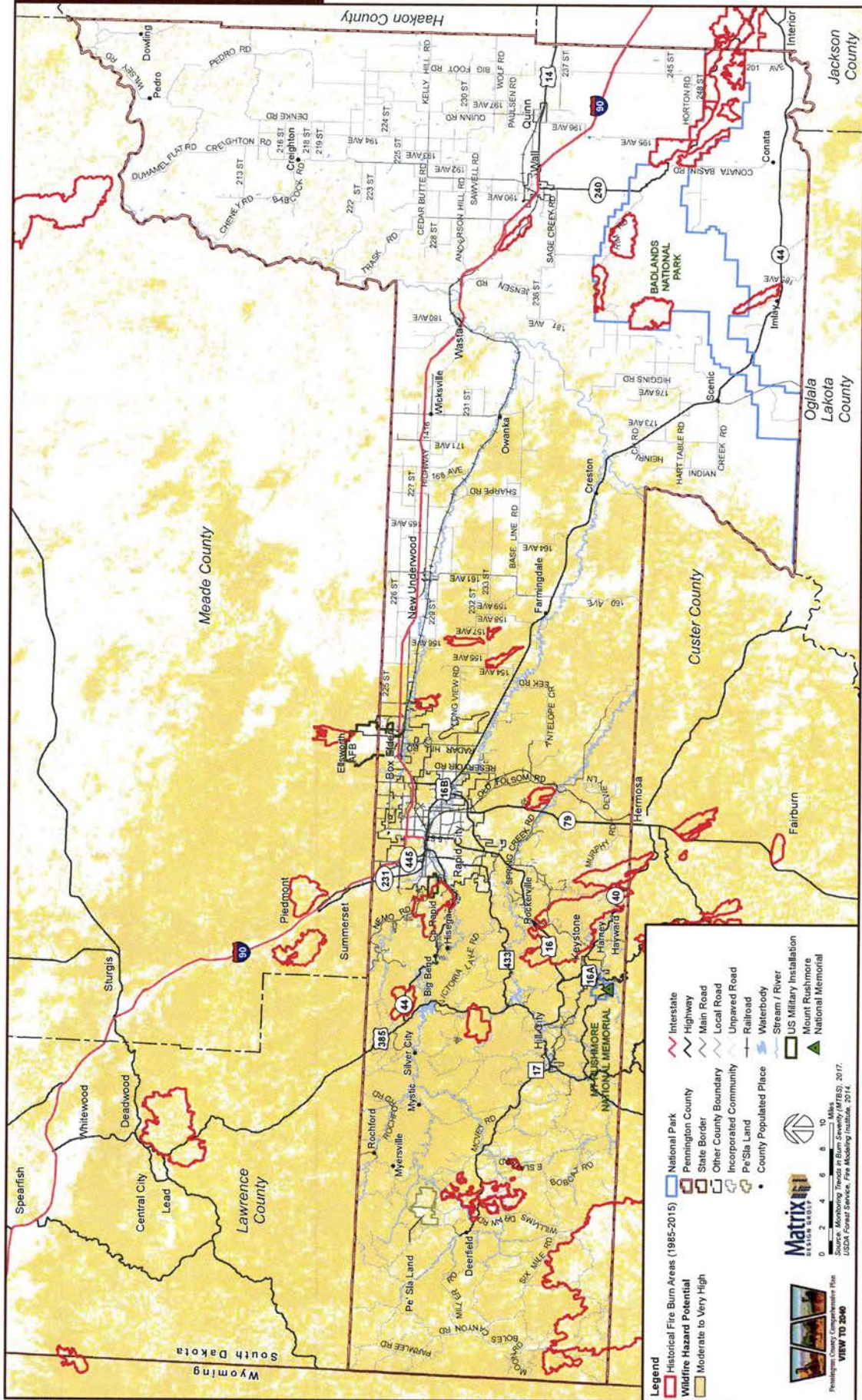
**Matrix**  
DATA SERVICES

0 2 4 6 8 10 Miles

Source: Pennington County, 2017.

Pennington County Comprehensive Plan  
**VIEW TO 2040**

Figure 9-2 Wildfires, 1984 to 2015



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

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

## ***Search and Rescue***

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

## ***Emergency Management***

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

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

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

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



## VIEW TO 2040

### ***Hazardous Materials/Solid Waste Disposal***

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

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

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

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

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

### ***Military Compatibility***

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

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

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

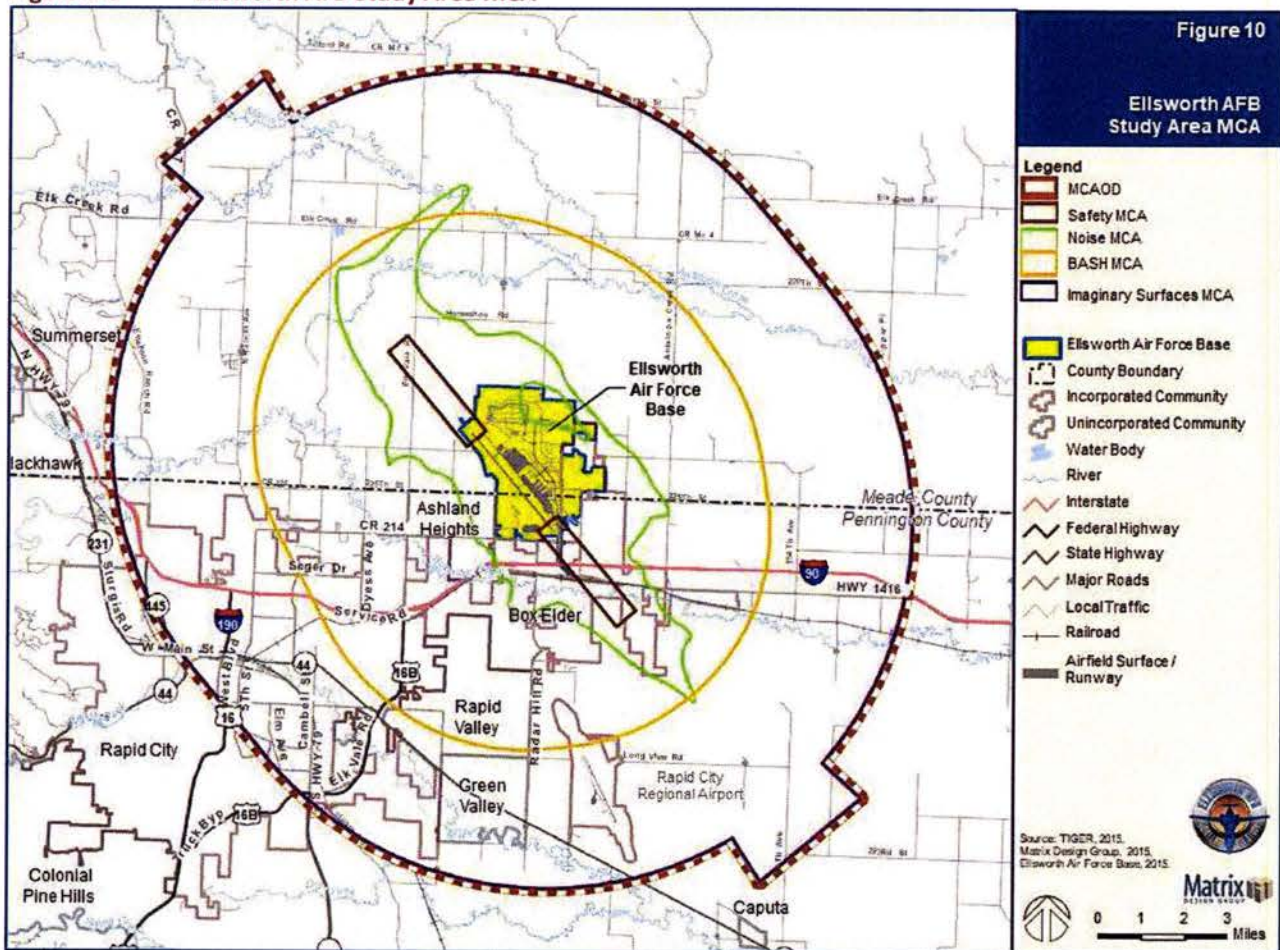
- ▶ Airfield Approach and Departure Flight Tracks
- ▶ Imaginary Surfaces
- ▶ Airfield Accident Potential Zones
- ▶ Aircraft Noise Contours



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

These areas are shown on Figure 9-3.

**Figure 9-3 Ellsworth AFB Study Area MCA**





**VIEW TO 2040**

## 9.2 Goals and Policies

### Goal HS-1

**The county has a safe and efficient stormwater management system.**



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



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



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



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



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



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



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



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



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



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

## Goal HS-2

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



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



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



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



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



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



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



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



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



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



**VIEW TO 2040**

**Goal HS-3**

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



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



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



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



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



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



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



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



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



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



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



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

## Goal HS-4

**Improve and maintain air quality in the County through enhanced monitoring and updated standards.**



**HS-4.1** The County should work with and support the South Dakota Department of Environment and Natural Resources (DENR) to update the South Dakota Ambient Air Monitoring Plan to incorporate performance metrics for achieving and maintaining attainment in Rapid City and throughout the county.



**HS-4.2** The County should update its Fugitive Dust Control Plan to reflect current technology in dust control measures and incorporate coordination with Ellsworth AFB.



**HS-4.3** The County should work with other JLUS Study Area communities and Ellsworth AFB to develop an air quality working group to enhance partnerships on air quality issues and develop training programs for reducing emissions and maintaining levels of attainment.

## Goal HS-5

**To facilitate effective communication, information sharing, planning, and coordination between Pennington County, Ellsworth AFB, other JLUS partners.**



**HS-5.1** In conjunction with Ellsworth AFB and other JLUS partners, establish and participate in the JLUS Coordination Committee to oversee the implementation of JLUS recommendations and enhance long-term coordination on military compatibility issues.



**HS-5.2** The County should participate through the JLUS Coordination Committee to develop and maintain a GIS clearinghouse to share GIS data to enable long-term compatibility planning.



**HS-5.3** The County should work with Ellsworth AFB and JLUS partners to develop procedures for project and plan review and coordination.



**HS-5.4** The County should work with Ellsworth AFB and JLUS partners to better inform the public on the protection of Ellsworth AFB and compatibility planning efforts.



**VIEW TO 2040**

**Goal HS-6**

**The County provides a regulatory framework that supports military compatibility.**



**HS-6.1** The County should implement the findings and recommendations of the Ellsworth AFB JLUS through adoption of new ordinances, policies and other regulations specified in the JLUS.

**Goal HS-7**

**To ensure new development is compatible with the continued function and operation of Ellsworth AFB and protecting public safety.**



**HS-7.1** The County shall ensure that all proposed land uses and development are consistent with the land use compatibility policies and criteria of the Ellsworth AFB JLUS.



**HS-7.2** The County should not allow development in areas where risks to potential health and safety cannot be mitigated.



**HS-7.3** Future development near the Ellsworth AFB Commercial Gate shall incorporate additional landscaping screening materials to reduce visibility of sensitive areas north and west of the base.

**Goal HS-8**

**To provide for infrastructure planning and resources to address compatibility issues impacting the mission and operations at Ellsworth AFB.**



**HS-8.1** The County should work with Ellsworth AFB to facilitate the expansion of County Road 214, including possible participation with the base through a Public-Public Private-Public (P4 initiative) to fund remediation of the contaminated site.



**HS-8.2** The County should coordinate studies, design and construction of infrastructure improvements in order to leverage resources, reduce development and promote compatible development with the base.



**HS-8.3** In conjunction with Ellsworth AFB and other partner JLUS jurisdictions, explore funding for acquisition or placing easement(s) over land that is part of the Primary Surface and located outside the Ellsworth AFB fence line.



**HS-8.4** The County should work with the utility provider to develop a feasibility study to determine the potential to relocate or underground the facilities in the base Accident Potential Zones.

## Goal HS-9

**To promote community safety through education, programs and initiatives.**



**HS-9.1** The County should encourage crime prevention and defensible space through design principles (such as those employed through Crime Prevention Through Environmental Design – CPTED), Neighborhood Watch Programs, and other appropriate methods to enhance public safety.



**HS-9.2** The County shall continue to ensure the safety of citizens through enforcement of codes and ordinances.



**HS-9.3** The County shall continue to have new development applications to be reviewed by the Sherriff’s Office to provide recommendations to enhance public safety.



**HS-9.4** The County should continue to promote public awareness and prevention of fire hazards through fire and life safety education within elementary and secondary education facilities.



**HS-9.5** The County should promote fire prevention and life safety practices through community relations and special events such as the annual Fire Prevention Week activities.



**HS-9.6** The County shall review new development applications to assess potential impacts to fire protection services and the need for additional or expanded services.



**HS-9.7** The County shall review new development applications to ensure adequate access for emergency vehicles, particularly evacuation routes, as appropriate.



**HS-9.8** The County shall maintain and update the Emergency Operations Plan at established regular intervals.



**HS-9.9** The County should prepare a disaster response plan to enhance readiness in the event of a major disaster.



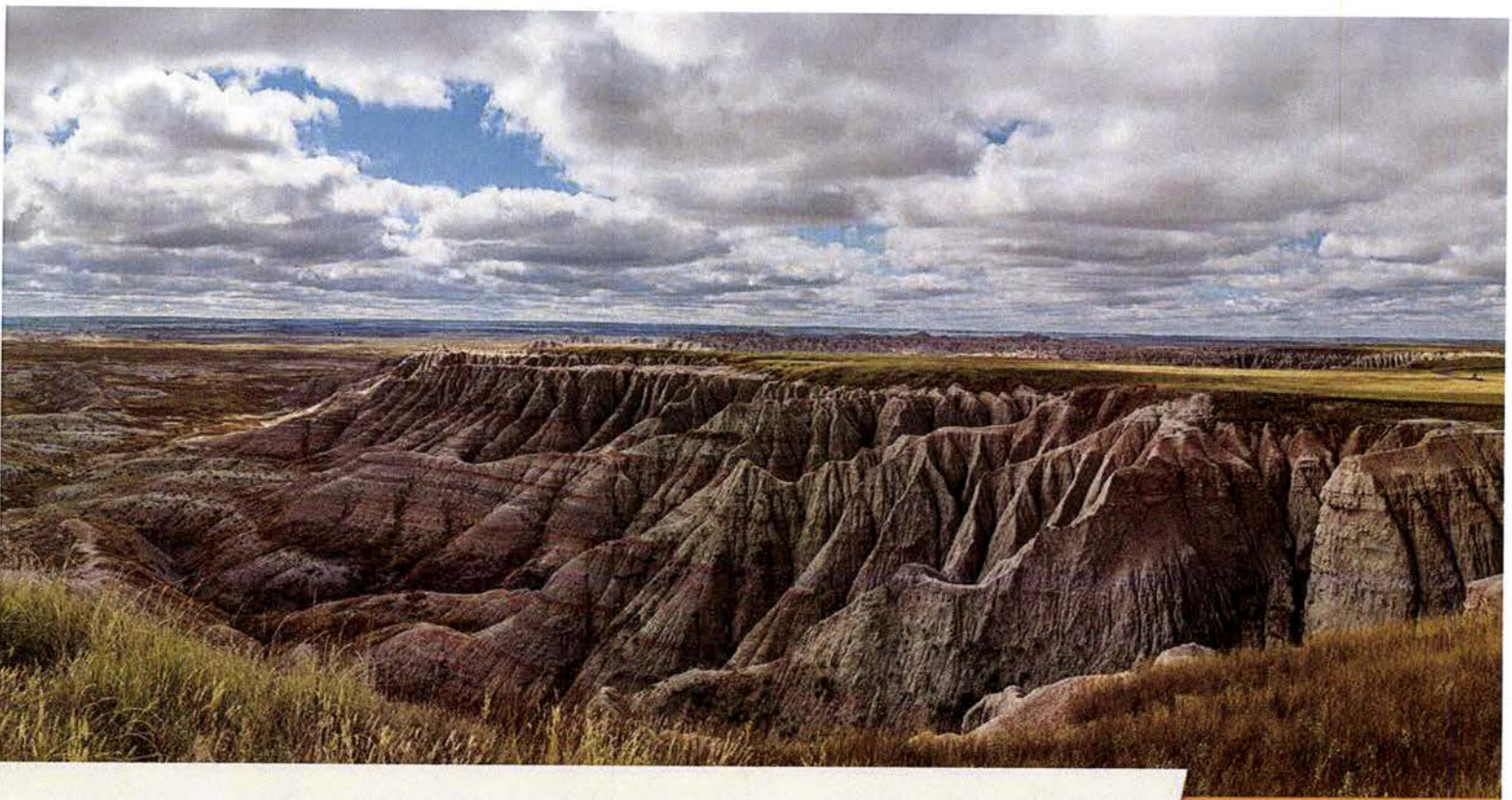
**HS-9.10** The County should identify emergency evacuation routes and effectively communicate the information to the public.



**HS-9.11** The County should continue to evaluate, develop, and practice emergency response plans in light of changing natural and man-made risks and hazards, in coordination with other counties, organizations, state and federal agencies.



**HS-9.12** The County should identify any vulnerable populations, such as the elderly or people with special needs, for priority evacuation assistance.



## Natural & Cultural Resources Element

# 10

### 10.1 Natural & Cultural Resources Overview

Pennington County is home to an abundance of iconic natural and cultural resources, including the Mount Rushmore National Memorial, Black Hills National Forest, Badlands National Park, Cheyenne River, and Pe' Sla along with many others. Conserving these vital natural and cultural resources is critical to support a scenic, high-quality environment for residents and visitors.

Pennington County contains over 772,000 acres, or approximately 43% of the county area, of federally protected lands. These lands provide open space and recreational resources as well as management and protection of a range of natural resources, including habitat for various animal and plant species, including two United States Fish and Wildlife Services federally listed endangered species—the Whooping Crane and Least Tern. Table 10-1 summarizes the various federally-managed lands in Pennington County.

**Table 10-1. Federal Land in Pennington County**

Federal Land	Agency	Acres
Badlands National Park	US National Park Service	95,931
Black Hills National Forest	US Forest Service	451,361
Buffalo Gap National Grassland	US Forest Service	207,233
Ellsworth Air Force Base	Department of Defense	1,458
Other	Bureau of Land Management	16,341

Source: U.S. Geological Survey, 2017; Pennington County, 2017.





## VIEW TO 2040

The Cheyenne River is the only major waterway that flows through Pennington County. Rapid Creek and Spring Creek are both minor waterways that flow through the County. Rapid Creek travels through Rapid City and is used for recreation, such as fishing. Spring Creek is contaminated with an exceedance of fecal coliform and E. coli, rendering it unsafe for immersion recreation. However, the County launched the Spring Creek 319 Project with the goal of bringing the creek into compliance with both bacteria.

Pennington County contains five groundwater aquifers that provide an estimated total of 254 million acre-feet of stored recoverable water. These five aquifers are the Deadwood, Madison, Minnelusa, Minnekahta, and Inyan Kara aquifers.

The geology of Pennington County also provides valuable natural resources. The County contains 189 mining sites of which 105 are currently active, comprising over 16,000 acres. The primary mined materials are sand, gravel, and limestone.

The history and culture of Pennington County has been influenced by diverse cultures from the original Native American tribes, through American settlers, to current residents. There are two culturally significant Native American sites and four federally listed historical sites on the National Register of Historic Places (NRHP) that reflect this history.

The two culturally significant Native American sites are the Pine Ridge Reservation (partially in the southern edge of Pennington County) and Pe' Sla. Pe' Sla consists of approximately 2,000 acres in the Black Hills National Forest and is known as the "heart of everything" by the Oceti Sakowin, the traditional name for the Great Sioux Nation. The four sites on the NRHP are the Mount Rushmore National Memorial, Josef and Marie Kudrna Homestead and Ranch, Sitting Bull Crystal Cavern Dance Pavilion, and Bridge No. 52-575-383. Mount Rushmore is a major national asset located within the Black Hills National Forest. For more information about the Mount Rushmore National Memorial, see Section 8, Recreation, Open Space, and Tourism Element.

## 10.2 Goals and Policies

### Goal NCR-1

**Pennington County maintains a close working relationship with the federal agencies that maintain the national park and forest lands within Pennington County.**



**NCR-1.1** The County should regularly contact the US Forest Service and US National Parks Service to receive updates on the natural resource management and other plans within the county.

### Goal NCR-2

**Pennington County's natural and cultural resources are conserved and enhanced to ensure a continued high-quality environment for both residents and visitors well into the future.**



**NCR-2.1** The County shall ensure the protection of environmentally sensitive wildlife and plant life, including those species designated as rare, threatened, and/or endangered by the Federal government, through compatible land use development.



**NCR-2.2** When reviewing development proposals, the County shall encourage cluster development in areas with moderate to high potential for sensitive habitats.



**NCR-2.3** The County should coordinate with local municipalities to ensure future growth plans do not impact the natural environment nor contribute to unplanned urban sprawl.



**NCR-2.4** The County shall support the preservation and management of wetland and riparian plant communities for passive recreation, groundwater recharge, and wildlife habitats.



**NCR-2.5** The County should require buffer setbacks from natural waterways, wetlands, riparian areas and other critical natural resources within the county. These buffers should be sufficient to assure the continued existence of the resource in their natural state.



**NCR-2.6** The County shall encourage the planting of native trees, shrubs, and grasslands in order to preserve the visual integrity of the landscape, provide habitat conditions suitable for native vegetation and wildlife, and ensure that a maximum number and variety of well-adapted plants are maintained.

## Goal NCR-3

**Wildlife corridors through Pennington County are protected and preserved to enhance wildlife movement throughout the County.**



**NCR-3.1** The County should identify and protect wildlife corridors through Pennington County, and encourage development to preserve and buffer such corridors.



**NCR-3.2** The County should promote greenways and linear open spaces within floodplain areas to support wildlife movement through riparian habitats.

## Goal NCR-4

**Spring Creek is restored as a healthy and safe water resource viable for recreation.**



**NCR-4.1** The County shall continue to support the Spring Creek Watershed 319 Project and implement the recommended best management practices to meet standards for fecal coliform / E. coli.



**NCR-4.2** The County should promote Low Impact Development (LID) practices to limit developments impact on Spring Creek's water quality.



**NCR-4.3** The County should educate the community on the importance of the Spring Creek Watershed and how the public can help reduce contaminants from the creek.



## VIEW TO 2040

### Goal NCR-5

**Pennington County's aquifers continue to provide clean drinking water to its current and future residents and visitors.**



**NCR-5.1** The County shall provide educational materials on best practices for developing within and near aquifer recharge areas.



**NCR-5.2** In areas over aquifers, the County shall encourage the reduction of impervious surfaces approved with new developments and encourage the use of techniques to enhance infiltration and protect water quality, such as use of bio-swales.



**NCR-5.3** The County shall carefully review development over the aquifers area to determine that soils are adequate for on-site wastewater disposal system.

### Goal NCR-6

**Mining operations throughout Pennington County are reclaimed following excavation in a manner that does not detract from the County's natural environment.**



**NCR-6.1** As part of permit review process, the County will work with applicants to minimize the adverse effects on environmental features such as water quality and quantity, air quality, flood plains, biological resources, archaeological and cultural resources, viewsheds and aesthetic factors.



**NCR-6.2** As part of permit review process, the County will work with applicants to minimize the manage and minimize potential hazards and nuisances of mining activities to persons and properties in the area during extraction, processing, and reclamation operations.



**NCR-6.3** The County will encourage the development of mineral deposits in a manner compatible with surrounding land uses.



**NCR-6.4** All surface mines in the County, unless otherwise exempted, shall be subject to reclamation plans that meet SMARA requirements. Reclamation procedures shall restore the site for future beneficial use of the land consistent with the Pennington County Comprehensive Plan, subsequent to the completion of surface mining activities. Mine reclamation costs shall be borne by the mine operator, and guaranteed by financial assurances set aside for restoration procedures.



**NCR-6.5** All mining operations in the County shall be required to take precautions to avoid contamination from wastes or incidents related to the storage and disposal of hazardous materials, or general operating activities at the site.



## Implementation Program

11

To help ensure that appropriate actions are taken to implement the Comprehensive Plan, a set of implementation actions are provided. An implementation action is a specific measure, program, procedure, or technique that carries out the goals and policies contained in each element of the Pennington County Comprehensive Plan.

The following pages contain the implementation actions. Each item describes the action to be taken, a reference to the goal it supports, and the timeline in which the action is expected to be initiated. Timelines are:

- ▶ **Short-Term** (start 1-3 years after adoption),
- ▶ **Mid-Term** (start 4 – 7 years after adoption),
- ▶ **Long-Term** (start 8 or more years after adoption), and
- ▶ **On-Going** items that will require work by the County over the duration of the Comprehensive Plan.



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Action Number	Implementation Action	Relevant Goal	Short-Term	Mid-Term	Long-Term	On-Going
1	The County should amend the Zoning Ordinance to be consistent with the residential densities set forth in the Comprehensive Plan.	LUH-2	■			
2	The County should consider including alternative homes, such as tiny homes into the Zoning Ordinance.	LUH-2	■			
3	The County should develop standards in the Zoning Ordinance for accessory dwelling units designed to encourage the development of housing that is affordable. Adding provisions for "by right" development should be considered.	LUH-2	■			
4	The County should update the Zoning Ordinance relative to non-domestic animal keeping on residential designations. This should include standards for: <ul style="list-style-type: none"> <li>▶ Definition of non-domestic animals,</li> <li>▶ Classifications of animals, and</li> <li>▶ Limits on number of animals based on zoning district, lot size, and type of animal.</li> </ul>	LUH-3	■			
5	The County shall adopt a current version of the International Building Code and implement its use in new construction.	LUH-5		■		
6	The County shall update the Zoning Ordinance to include restrictions/specifications on the placement and size of signage and the use of digital/LED billboards in areas with scenic resources.	LUH-6 TC-4	■			
7	The County should amend the Zoning Ordinance to allow a range of value-added agricultural uses in the A-1 and A-2 zoning districts.	AG-1	■			
8	The County shall develop a Right-to-Farm ordinance designed to protect agricultural land uses from conflicts with non-agricultural uses, as well as to help purchasers and residents understand the inconveniences that may occur as the natural result of living in or near agricultural areas.	AG-1		■		
9	The County should evaluate another Wheel Tax ballot for voter approval.	TC-1	■			
10	The County shall ensure Americans with Disabilities Act compliance along all pedestrian paths.	TC-1				■

# Implementation Program

Action Number	Implementation Action	Relevant Goal	Short-Term	Mid-Term	Long-Term	On-Going
11	The County should provide, at minimum, four-foot-width paved shoulders along all arterial and collector streets, particularly along the entire length of US Highway 385, US Highway 16, and SD 44 where there are no proposed off-road trails or side paths.	TC-1				■
12	The County should update their Master Transportation Plan every five years.	TC-1				■
13	The County shall continue to update and implement its Stormwater Management Plan.	PSF-2				■
14	The County, in coordination with other agencies, should assess air quality on a continual basis and prevention of air quality degradation through the enactment of long term preventative measures and maintaining awareness of the different categories of pollutants.	HS-4				■
15	The County should develop a Memorandum of Understanding with Ellsworth AFB formalizing the development notification and review process to facilitate identification and resolution of potential conflicts early in the development review process.	HS-5	■			
16	The County should develop a Memorandum of Understanding through the Rapid City Area Metropolitan Planning Organization to delineate roles and responsibilities of the JLUS Coordination Committee member agencies.	HS-5	■			
17	In conjunction with the JLUS Coordination Committee, the County should develop procedures to facilitate the review and comment on planning documents from Ellsworth AFB.	HS-5	■			
18	In conjunction with the JLUS Coordination Committee, the County should establish notification and communication procedures relative to changes in operations which warrant public notification.	HS-5	■			



**VIEW TO 2040**

Action Number	Implementation Action	Relevant Goal	Short-Term	Mid-Term	Long-Term	On-Going
19	In conjunction with the JLUS Coordination Committee, the County should consider a Memorandum of Understanding with Ellsworth AFB to define the roles and responsibilities of the County and Ellsworth AFB relative to addressing compatibility issues and coordination and communication on infrastructure planning, water resources planning and economic development.	HS-5	■			
20	The County should develop and disseminate through appropriate methods, information which enhanced public awareness and understanding of federal regulations regarding the private use and operation of unmanned drones near the base.	HS-5	■			■
21	The County should consider developing a program that provides guidance on sound attenuation standards for retrofitting existing residential and commercial buildings, including identification of possible grant opportunities available to residents.	HS-5	■			■
22	The County should develop and implement an awareness and educational program to inform residents and land owners on compatible solutions and techniques to reduce bird air strike hazards.	HS-5	■			■
23	The County should work with Ellsworth AFB in the development and dissemination of public awareness and educational material on vibrations caused by air flight operations.	HS-5	■			■
24	The County should amend the Zoning Ordinance and Zoning Map to incorporate Military Compatibility Areas with subzones and land use regulations addressing noise, safety, bird air strikes and imaginary surfaces.	HS-6	■			
25	The County should develop standards to restrict/prevent new mobile homes or manufactured homes in the noise subzone of the Military Compatibility Area (MCA).	HS-6	■			

Action Number	Implementation Action	Relevant Goal	Short-Term	Mid-Term	Long-Term	On-Going
26	The County should amend the Zoning Ordinance to include the recommended guidelines from the Air Compatible Use Zone (AICUZ) Report for noise sensitive land uses, including guidance for recommended land uses in the Clear Zones (CZ) and Accident Potential Zones (APZ).	HS-6	■			
27	The County should amend the Zoning Ordinance to provide an overlay zoning district to reflect aviation easements which result in compatible development and reduction in the risk profile for impacted properties.	HS-6	■			
28	The County should amend the Zoning Ordinance to incorporate the VOAA and establish height restrictions in compliance with FAA and DoD guidance for imaginary surfaces.	HS-6	■			
29	The County should develop and enact a Comprehensive Plan and Zoning Ordinance amendment to incorporate new AICUZ studies that are released to the public. This will include modifications to: <ul style="list-style-type: none"> <li>▶ The Military Influence Area (MIA) on the Comprehensive Plan and Zoning map.</li> <li>▶ Modifications to land use designations and zoning regulations to reflect land use and safety guidance in the current AICUZ study.</li> <li>▶ Modification of other planning tools and procedures to reflect changes in the new AICUZ studies.</li> </ul>	HS-6				■
30	The County should develop and enact a Zoning Ordinance amendment to incorporate military compatibility guidelines for renewable energy development.	HS-7	■			





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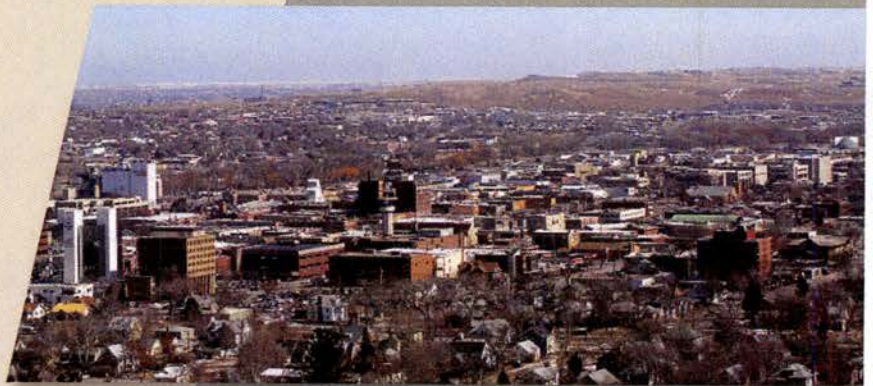
Action Number	Implementation Action	Relevant Goal	Short-Term	Mid-Term	Long-Term	On-Going
31	The County should identify and map wildlife corridors in Pennington County by working with USFS, USFWS, state universities, and other available resources.	NCR-3				■
32	The County shall continue to regularly monitor the water quality of Spring Creek.	NCR-4				■
33	The County shall regularly monitor water quality within its five aquifers.	NCR-5				■
34	The County should require appropriate bonding to ensure remediation and restoration.	NCR-6				■



Pennington County Comprehensive Plan  
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