

**AGENDA**  
**PENNINGTON COUNTY PLANNING COMMISSION**  
**March 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 April 2, 2019, at 10:30 a.m.

ROLL CALL

1. APPROVAL OF THE MARCH 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 14-28:** BLG Investments, LLC; Brady Groves. To review the transfer of an existing Conditional Use Permit to allow an existing residence to continue to be used as a Vacation Home Rental in a General Agriculture District in accordance with Sections 205, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 1, Custer Trails Subdivision #1, Section 22, T1N, R5E, BHM, Pennington County, South Dakota.

To recommend approval of the transfer of Conditional Use Permit / CU 14-28 with ten (10) conditions.

4. **CONDITIONAL USE PERMIT REVIEW / CU 16-34:** Jessica Thurmes. To review a Recreational Vehicle to be used as temporary living quarters for no more than 180 days per calendar year on the subject property in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot 4, Harrington Subdivision, Section 19, T2S, R7E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 16-34 with eight (8) conditions.

5. **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 February 25, 2019, Planning Commission meeting.)

To recommend to continue the review of Conditional Use Permit / CU 17-22 to the September 9, 2019, Planning Commission meeting to allow staff time for research and for the applicant time to work on an alternative solution.

6. **CONDITIONAL USE PERMIT REVIEW / CU 17-38:** Daniel Johnson, Highmark Properties. To review a multi-family dwelling 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.

To recommend to continue the review of Conditional Use Permit / CU 17-38 to the April 22, 2019, Planning Commission meeting in order for the applicant to address the inadequate sizing of the on-site wastewater treatment system.

7. **CONDITIONAL USE PERMIT AMENDMENT REVIEW / CU 17-43:** Under Canvas, Inc. (UC Glamping Partners, LLC); Jeremy Budge. To review and amend an existing Conditional Use Permit to allow a Recreational Resort (glamping) on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

GL 6; SE1/4NW1/4; N1/2SW1/4; Section 16, T2S, R6E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit Amendment / CU 17-43 with twenty-seven (27) conditions.

8. **CONDITIONAL USE PERMIT REVIEW / CU 18-38:** Daniel Johnson, Highmark Properties, LLC. To review the multi-family dwelling with separate units, Unit 1 and Unit 2, to be used as a Specialty Resort / Vacation Home Rental in a General Agriculture District in accordance with Sections 205, 319, 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 December 3, 2018, Planning Commission meeting.)

To recommend to continue to the review of Conditional Use Permit / CU 18-38 to the April 22, 2019, Planning Commission meeting with one (1) condition.

9. **CONSTRUCTION PERMIT REVIEW / CP 18-03:** Site Work Specialists. To review construction of a new water main, install water service lines, fittings, valves, valve boxes, fire hydrants, and other appurtenances, which includes surface restoration and other incidental work.

Pine Cliff Subdivision, Section 31, T2N, R6E, BHM, Pennington County, South Dakota.

To recommend to continue the review of Construction Permit / CP 18-03 to the June 10, 2019, Planning Commission meeting.

10. **TELECOMMUNICATIONS FACILITY PERMIT REVIEW / TC 09-04:** Alltel Communications, Inc.; Robert Baker Revocable Trust. To review a 190 foot monopole communications tower in a General Agriculture District in accordance with Sections 205, 316, and 510 of the Pennington County Zoning Ordinance.

BLL located on Lot 1 of BTP Subdivision, Section 13, T1S, R6E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Telecommunications Facility Permit / TC 09-04 with nine (9) conditions.

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

11. **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.

12. **REZONE / RZ 19-01 AND COMPREHENSIVE PLAN AMENDMENT / CA 19-01:** Fatter Boys, Inc.; Bob Fuchs – Agent. To rezone 6.94 acres from Limited Agriculture District to Highway Service District and to amend the Comprehensive Plan to change the Future Land Use from Planned Unit Development Sensitive to Highway Service District in accordance with Sections 206, 210, and 508 of the Pennington County Zoning Ordinance.

Lot 1-3 less Lot 1A, Spring Creek Palisades, Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

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

(Continued from the March 11, 2019, Planning Commission meeting.)

14. COUNTY BOARD REPORT  
The Board of Commissioners concurred with the Planning Commission's recommendations from the March 11, 2019, Planning Commission meeting.

Layout Plat / LPL 19-04 - John and Ann Hovdenes; Fisk Land Surveying – Agent; to create Lots 1 and 2 of Cosmos Subdivision was approved with ten (10) conditions.

15. ITEMS FROM THE PUBLIC

16. ITEMS FROM THE STAFF

A. Speaker Request Form.

17. ITEMS FROM THE MEMBERSHIP

18. 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  
March 11, 2019 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Travis Lasseter, Sonny Rivers, Sandra Runde, Deb Hadcock, and Mark DiSanto.

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

ROLL CALL

1. APPROVAL OF THE FEBRUARY 25, 2019, MINUTES  
**Moved by DiSanto and seconded by Rivers to approve the Minutes of the February 25, 2019, Planning Commission meeting, with a correction to change the Motion for approval of the Consent Agenda, as Commissioner Runde was not present at the February 25, 2019, Planning Commission meeting. Vote: unanimous 5 to 0.**
  
2. APPROVAL OF THE AGENDA  
**Moved by Hadcock and seconded by Runde to approve the Agenda of the March 11, 2019, Planning Commission meeting. Vote: unanimous 5 to 0.**

**Moved by Runde and seconded by Rivers to approve the Consent Agenda of the March 11, 2019, Planning Commission meeting. Vote: unanimous 5 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 10-03: Michael Howe. To review a dog/cat boarding kennel in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

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

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

To approve of the extension of Conditional Use Permit / CU 10-03 with the following eleven (11) conditions:

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

11. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or by the Planning Commission and/or Board of Commissioners to ensure that all Conditions of Approval are being met.

**Vote: unanimous 5 to 0.**

4. **CONDITIONAL USE PERMIT REVIEW / CU 16-01:** Daniel Elliott. To review living in an existing cabin while building a new single-family residence on the subject property in a General Agriculture District in accordance with Sections 205, 318, and 510 of the Pennington County Zoning Ordinance.

All, Rubesite Lode MS 1987, Section 22, T1N, R6E, BHM, Pennington County, South Dakota.

**To continue the review of Conditional Use Permit / CU 16-01 to the April 8, 2019, Planning Commission meeting with the following one (1) condition:**

1. That any 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 PCZO § 511(X) of the Pennington County Zoning Ordinance.

**Vote: unanimous 5 to 0.**

5. **CONDITIONAL USE PERMIT REVIEW / CU 16-41:** Robert and Glenda Frank. To review a Recreational Vehicle to be used as temporary living quarters while building a single-family residence on the subject property in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot 5, Harrington Subdivision, Section 19, T2S, R7E, BHM, Pennington County, South Dakota.

**To continue the review of Conditional Use Permit / CU 16-41 to the May 13, 2019, Planning Commission meeting with the following one (1) condition:**

1. That if additional Continuations are required beyond May 13, 2019, due to the applicant's failure to meet conditions of approval, the applicant shall be required to pay \$100.00 per continuation, in accordance with PCZO § 511(X).

**Vote: unanimous 5 to 0.**

6. **MINOR PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PU 14-05:** Joni Peterson. To review the existing Trailwood Planned Unit Development to allow for a home occupation, a salon business in the basement of the residence, on the subject property in accordance with Sections 213 of the Pennington County Zoning Ordinance.

Lot 17, Block 21, Trailwood Village, Section 10, T1N, R8E, BHM, Pennington County, South Dakota.

**To approve of the extension of Minor Planned Unit Development Amendment / PU 14-05 with the following eight (8) conditions:**

1. **That a Building Permit be obtained for structures exceeding 144 square feet or permanently anchored to the ground which will require a site plan to be reviewed and approved by the Planning Director;**
2. **That no off-premise signs be allowed within the Planned Unit Development;**
3. **That hours of operation will be Monday through Thursday 10 a.m. to 5 p.m., with an occasional late appointment after hours;**
4. **That there will be only one (1) additional full-time employee;**
5. **That there be a minimum of two (2) off street parking spaces available at all times;**
6. **That applicant will adhere to all requirements of the South Dakota Cosmetology Commission and County requirements, including all Planned Unit Development requirements, and maintains the necessary permits to conduct the business;**
7. **That if the amount of waste generated from the salon exceeds 10,000 gallons per month, Rapid Valley Sanitary District and the City of Rapid City must be notified. Any pretreatment required by above agencies must be adhered to; and,**
8. **That the Planned Unit Development be reviewed in five (5) years, 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.**

**Vote: unanimous 5 to 0.**



7. **CONSTRUCTION PERMIT / CP 19-03**: Mike and Kimberly Van Loan. To level and grade a road to be utilized as a driveway for future construction of a single-family residence.

Tract A of SW1/4SW1/4, Section 8, T1N, R7E, BHM, Pennington County, South Dakota.

**To approve of Construction Permit / CP 19-03 with the following ten (10) conditions:**

1. **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 storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;**
2. **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;**
3. **That the disturbed areas be re-vegetated as required in §507(A)(5)(c);**
4. **That the requirements, guidelines, and criteria for stormwater and erosion and sediment control in the Pennington County Stormwater Manual shall be followed;**
5. **That weed free seed or mulch be used when re-seeding and any equipment coming onto the site is clean of earthen material and noxious weeds;**
6. **That all natural drainage ways and paths be continually maintained;**
7. **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;**
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 the applicant sign a Statement of Understanding within ten (10) days of Permit approval; and,**

10. That this Construction Permit is reviewed in four (4) months, 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 5 to 0.

8. **CONSTRUCTION PERMIT REVIEW / CP 19-02**: Site Work Specialists, Inc. To review constructing a graveled access road to and onto the subject property, to include minimal tree removal, grading, gravel, seeding, and culverts, and to add a common utility trench for power and communications.

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

To approve of the extension of Construction Permit / CP 19-02 with the following thirteen (13) 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;
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 by the contractor 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 any more than one continuation caused by the applicants failure to meet Conditions of Approval will be charged \$100.00 per continuation in accordance with § 511(X) of the PCZO;
12. 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,
13. That this Construction Permit be reviewed at the May 28, 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.

**Vote: unanimous 5 to 0.**

9. **MINOR PLAT / MPL 19-03**: Sam Fischer; Fisk Land Surveying – Agent. To combine two lots to create Lot 1 of RTHV Subdivision in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: All of Ridge Top Lodge MS 2072 and All of Highview Lode MS 2072, all located in Section 31, T1S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 1 of RTHV Subdivision, Section 31, T1S, R6E, BHM, Pennington County, South Dakota.

**To recommend approval of Minor Plat / MPL 19-03 with the following four (4) conditions:**

1. That prior to filing the Plat with the Register of Deeds, a minimum eight (8) foot utility and minor drainage easement be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;

2. That prior to the Plat being recorded with the Register of Deeds, the plat 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;
3. That the applicant ensures that all natural drainage ways are maintained and are not blocked; and,
4. That following platting of the proposed Lot, 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 5 to 0.**

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

10. CONDITIONAL USE PERMIT / CU 19-02: Greg and Angelina Anderson. To allow for a Vacation Home Rental on the subject property in a Suburban Residential District in accordance with Sections 208, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 8, Block 2, Whispering Pines Subdivision, Section 32, T1N, R7E, BHM, Pennington County, South Dakota.

Proietti reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow a Vacation Home Rental in a Suburban Residential District.

Staff recommended approval of Conditional Use Permit / CU 19-02 with the following fifteen (15) 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 twelve (12) people, per Pennington County Zoning Ordinance (PCZO) § 319(F)(13);
2. That if an addition is constructed and/or the on-site wastewater treatment system is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DENR;
3. That all necessary permits are obtained prior to any additions and/or alterations to the structure or upgrades/alterations to the on-site wastewater treatment system;

4. That each review of Conditional Use Permit / CU 19-02, be subject to PCZO §511(F)(3), which imposes a \$100 fee per review;
5. That the applicant continually maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department upon request;
6. That the applicant maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;
7. That a minimum of three (3) off-street parking spaces 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;
8. That an interior informational sign 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;
9. That the lot address (8107 Croyle Court) be posted on the residence at all times and so it is clearly visible from Croyle Court, in accordance with Pennington County's Ordinance #20;
10. That the applicant ensure the Vacation Home Rental is continually operated in accordance with the requirements of PCZO § 319(F) (Performance Standards) at all times;
11. That if the person designated as the Local Contact is ever changed from Greg Anderson, 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;
12. 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;
13. That an approved Sign Permit be obtained prior to the placement of any sign(s);
14. 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,

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.

Discussion followed.

**Moved by Hadcock and seconded by Runde to approve of Conditional Use Permit / CU 19-02 with the following fifteen (15) 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 twelve (12) people, per Pennington County Zoning Ordinance (PCZO) § 319(F)(13);
2. That if an addition is constructed and/or the on-site wastewater treatment system is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DENR;
3. That all necessary permits are obtained prior to any additions and/or alterations to the structure or upgrades/alterations to the on-site wastewater treatment system;
4. That each review of Conditional Use Permit / CU 19-02, be subject to PCZO §511(F)(3), which imposes a \$100 fee per review;
5. That the applicant continually maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department upon request;
6. That the applicant maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;
7. That a minimum of three (3) off-street parking spaces 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;
8. That an interior informational sign 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;

9. That the lot address (8107 Croyle Court) be posted on the residence at all times and so it is clearly visible from Croyle Court, in accordance with Pennington County's Ordinance #20;
10. That the applicant ensure the Vacation Home Rental is continually operated in accordance with the requirements of PCZO § 319(F) (Performance Standards) at all times;
11. That if the person designated as the Local Contact is ever changed from Greg Anderson, 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;
12. 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;
13. That an approved Sign Permit be obtained prior to the placement of any sign(s);
14. 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,
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.

All voting aye, the Motion carried 5 to 0.

11. LAYOUT PLAT / LPL 19-04: John and Ann Hovdenes; Fisk Land Surveyng – Agent. To create Lots 1 and 2 of Cosmos Subdivision and dedicated Right-of-Way in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: UNPLAT PT of N1/2NE1/4NE1/4 Lying N of HWY; UNPLAT PT of N1/2S1/2NE1/4NE1/4 Lying N of HWY, Section 32, T1S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1 and 2 of Cosmos Subdivision and dedicated Right-of-Way, Section 32, T1S, R6E, BHM, Pennington County, South Dakota.

Conover reviewed the Staff Report indicating the applicant has applied for a Layout Plat to create Lots 1 and 2 of Cosmos Subdivision.

Staff recommended approval of Layout Plat / LPL 19-04 with the following nine (9) conditions:

1. That at the time of the Minor Plat submittal, the proposed Plat continue to be prepared by a Registered Land Surveyor or Engineer;
2. That at the time of Minor Plat submittal, eight (8) foot Utility and 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;
3. 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, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
4. 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;
5. That prior to any work being done on the existing property or Lot 1 or Lot 2 of Cosmos Subdivision, the landowners contact the Pennington County Planning Department first, to see what Permits, if any, are required;
6. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
7. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of § 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit;
8. That prior to the Plat being recorded with the Register of Deeds, proposed Lot 1 and Lot 2 of Cosmos Subdivision be in compliance with Pennington County Zoning Ordinances; and
9. 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 DiSanto and seconded by Rivers to approve of Layout Plat / LPL 19-04 with the following nine (9) conditions:**

1. **That at the time of the Minor Plat submittal, the proposed Plat continue to be prepared by a Registered Land Surveyor or Engineer;**



2. That at the time of Minor Plat submittal, eight (8) foot Utility and 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;
3. 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, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
4. 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;
5. That prior to any work being done on the existing property or Lot 1 or Lot 2 of Cosmos Subdivision, the landowners contact the Pennington County Planning Department first, to see what Permits, if any, are required;
6. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
7. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of § 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit;
8. That prior to the Plat being recorded with the Register of Deeds, proposed Lot 1 and Lot 2 of Cosmos Subdivision be in compliance with Pennington County Zoning Ordinances; and
9. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

All voting, the Motion carried 4 to 1. Commissioner Hadcock voted no.

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

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

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

(Continued from the February 25, 2019, Planning Commission meeting.)

Bolstad stated this Item was continued from the February 25, 2019, Planning Commission meeting, and further noted the applicant applied to waive platting requirements to create Lots 1-8 of Keystone Wye Subdivision.

Staff recommended 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.

Staff recommended 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.

Discussion followed.

**Moved by Hadcock and seconded by DiSanto to approve 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.**

**All voting aye, the Motion carried 5 to 0.**

The Planning Commission did not take action on Staff's Recommendation No. 2, as the applicant submitted documentation showing where guardrails will be placed on the road system for proposed Lots 1-8 of Keystone Wye Subdivision.

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

(Continued from the February 25, 2019, Planning Commission meeting.)

Conover reviewed that this is an Ordinance Amendment to amend/adopt the Pennington County Comprehensive Plan.

Discussion followed.

Commissioner DiSanto left the meeting at 9:45 a.m.

**Moved by Hadcock and seconded by Rivers to take a five minute recess. All voting aye, the Motion carried 4 to 0.**

Commissioner DiSanto returned to the meeting at 9:50 a.m.

**Moved by Rivers and seconded by Runde to reconvene. All voting aye, the Motion carried 5 to 0.**

Discussion further followed to review each Section / Chapter and make recommended changes.

**Moved by DiSanto and seconded by Runde to approve recommended changes to portions of Section 4, Section 5, and Section 6. All voting aye, the Motion carried 5 to 0.**

**Moved by Hadcock and seconded by DiSanto to continue Ordinance Amendment / OA 19-01 to the March 25, 2019, Planning Commission meeting to consider the amendment / adoption of the Comprehensive Plan.**

**All voting aye, the Motion carried 5 to 0.**

14. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the February 25, 2019, meeting with exception of Rezone 18-11 and Comprehensive Plan Amendment 18-10 to rezone 29.02 acres from General Agriculture District to Low Density Residential District (Schriner Investments / Shane Schriner). The Board approved Rezone 18-11 with a condition that a warranty deed get registered with the Register of Deeds, and the Comprehensive Plan Amendment 18-10 was denied.

The Second Reading of Rezone 18-12 and Comprehensive Plan Amendment 18-11 (Borglum Historical Center, Inc., Duane Pankratz; Ken Nash – Agent) was denied without prejudice and to come back and request Highway Service zoning.

The Appeal of Conditional Use Permit Review / CU 17-30: Daniel Johnson, Highmark Properties, LLC. To allow a multi-family residence to be used as a Vacation Home Rental was approved to grant CU 17-30 for the multi-family residence to be used as a vacation home rental for one year.

15. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

16. ITEMS FROM THE STAFF

A. Building Permit Report. Conover reviewed the Building Permit Report for February 2019.

B. Mailings to Landowners/Applicants/Agents for Public Hearings. Conover discussed mailing only the meeting agendas to Landowners/Applicants/Agents for Public Hearings.

17. ITEMS FROM THE MEMBERSHIP

There were no items from the membership.

18. ADJOURNMENT

**Moved by DiSanto and seconded by Hadcock to adjourn.**

**All voting aye, the Motion carried 5 to 0.**

**The meeting adjourned at 11:46 a.m.**

---

Travis Lasseter, Chairperson

**STAFF REPORT**

GENERAL INFORMATION:

REQUEST: **CONDITIONAL USE PERMIT REVIEW / CU 14-28:** To transfer a Vacation Home Rental in a General Agriculture District in accordance with Sections 205, 319, and 510 of the Pennington County Zoning Ordinance.

APPLICANT: Brady L. Groves / BLG Investments, LLC

APPLICANT ADDRESS: 12138 Upper Elk Park Road, Custer, SD 57730

LOCAL CONTACT: Brady L. Groves (605-391-5373)

CONTACT ADDRESS: P.O. Box 192, Hill City, SD 57745

LEGAL DESCRIPTION: Lot 1, Custer Trails Subdivision, Section 22, T1N, R5E, BHM, Pennington County, South Dakota.

SITE LOCATION: 12791 Taylor Ranch Road; at the intersection of Highway 385 and Taylor Ranch Road.

SIZE: 0.53 acre

TAX ID: 1403

EXISTING LAND USE: Residential

ZONING REFERENCE: Sections 205, 319, and 510

CURRENT ZONING: General Agriculture District

SURROUNDING ZONING:

North	General Agriculture District
South	General Agriculture District/ Planned Unit Development
East	General Agriculture District/ Planned Unit Development
West	General Agriculture District/ Suburban Residential District

PHYSICAL CHARACTERISTICS: Flat / Forested

REPORT BY: Jason Theunissen

**I. PROPOSED RECOMMENDATION**

- A. Staff recommends approval of the transfer of Conditional Use Permit / CU 14-28 with ten (10) conditions.

**II. GENERAL DESCRIPTION**

- A. October 13, 2014 – Planning Commission approved Conditional Use Permit / CU 14-28 with the following nine (9) conditions:
1. That the Vacation Home Rental be allowed to have a maximum overnight occupancy of six (6) people;
  2. That a minimum of two (2) off-street parking spaces be provided and each parking space shall not be less than one hundred sixty two square feet, nor less than nine feet by eighteen feet, surfaced with gravel, concrete or asphalt and maintained in a dust free manner;
  3. That the address 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;
  4. That the applicant continually complies with South Dakota Administrative Rule 44:02:08 which regulates Vacation Home Rentals;
  5. That the applicant obtain and keep up-to-date all the necessary permits from the State pertaining to the use of the Vacation Home Rental;
  6. That the applicant continually comply with the Performance Standards outlined in Section 319 of the Zoning Ordinance, which regulates Vacation Home Rentals;
  7. That the applicant adheres to the requirements set out by the US Forest Service by not having trails for motorized and non-motorized vehicles such as atvs and horses;
  8. That an interior informational sign be posted in accordance with the requirements of Section 319-G., during operation of the residence as a VHR; and,
  9. 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.
- B. October 26, 2015 – Planning Commission approved the extension of Conditional Use Permit / CU 14-28 with the following nine (9) conditions:
1. That the Vacation Home Rental be allowed to have a maximum overnight occupancy of six (6) people;
  2. That a minimum of two (2) off-street parking spaces continue to be provided and each parking space shall not be less than one hundred sixty two square feet, nor less than nine feet by eighteen feet, surfaced with gravel, concrete or asphalt and maintained in a dust free manner;

3. 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;
  4. That the applicant continually complies with South Dakota Administrative Rule 44:02:08 which regulates Vacation Home Rentals;
  5. That the applicant obtain and keep up-to-date all the necessary permits from the State pertaining to the use of the Vacation Home Rental;
  6. That the applicant continually comply with the Performance Standards outlined in Section 319 of the Zoning Ordinance, which regulates Vacation Home Rentals;
  7. That the applicant adheres to the requirements set out by the US Forest Service by not having trails for motorized and non-motorized vehicles such as atvs and horses;
  8. That an interior informational sign continue to be posted in accordance with the requirements of Section 319-G., during operation of the residence as a VHR; and,
  9. That this Conditional Use Permit be reviewed in three (3) years, on a complaint basis, or as directed by the Pennington County Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.
- C. October 8, 2018 – Planning Commission approved the extension of Conditional Use Permit / CU 14-28 with the following ten (10) conditions:
1. That the Vacation Home Rental be allowed to have a maximum overnight occupancy of six (6) people;
  2. That a minimum of two (2) off-street parking spaces continue to be provided and each parking space shall not be less than one hundred sixty two square feet, nor less than nine feet by eighteen feet, surfaced with gravel, concrete or asphalt and maintained in a dust free manner;
  3. 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;
  4. That the applicant continually complies with South Dakota Administrative Rule 44:02:08 which regulates Vacation Home Rentals;
  5. That the applicant obtain and keep up-to-date all the necessary permits from the State pertaining to the use of the Vacation Home Rental;
  6. That the applicant continually comply with the Performance Standards outlined in Section 319 of the Zoning Ordinance, which regulates Vacation Home Rentals;

7. That the applicant adheres to the requirements set out by the US Forest Service by not having trails for motorized and non-motorized vehicles such as atvs and horses;
8. That an interior informational sign continue to be posted in accordance with the requirements of Section 319-G., during operation of the residence as a VHR;
9. That if the person designated as the Local Contact is ever changed from Margaret Bowser, or if their contact information has changed, that the interior information sign be updated and the applicant re-notify the Planning Department and surrounding landowners within 500 feet via notices sent by First Class Mail as stated by requirement §319 (F) (5); and,
10. That this Conditional Use Permit be reviewed in three (3) years, on a complaint basis, or as directed by the Pennington County Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

### **III. EXISTING CONDITIONS**

- A. Zoned General Agriculture.
- B. 0.53 Acres.
- C. Lot contains:
  1. 25' x 29' single-family residence built in 1960, per Property Record Card.
  2. Detached garage - 1997COBP0263.
  3. 12' x 16' shed - 1998COBP0057.
  4. Operating Permit – COOP14-0480.

### **IV. ANALYSIS**

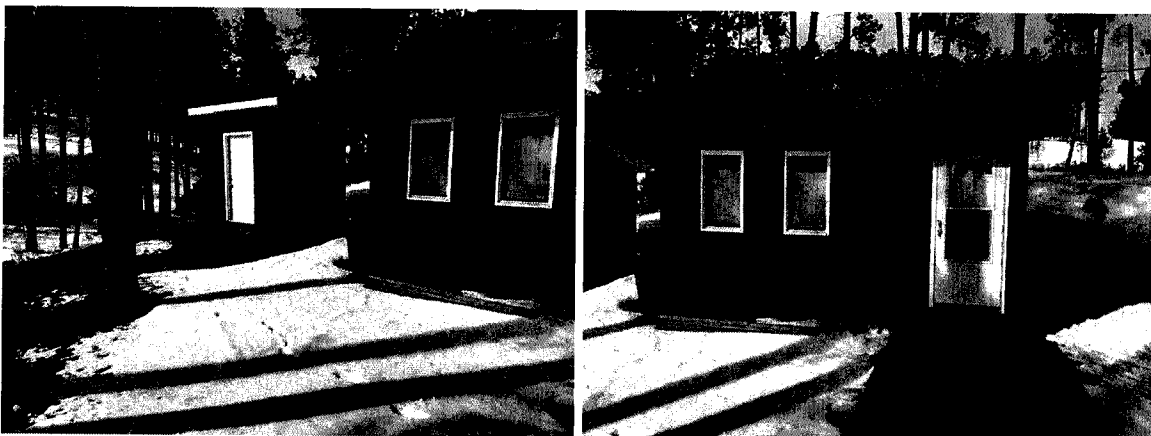
- A. On March 6, 2019, Brady Groves submitted a Vacation Home Rental (VHR) application to transfer the Conditional Use Permit (CUP), as he is purchasing the property.
- B. On March 15, 2019, Staff spoke with the property manager, Sheralin Groves, via phone.
  1. Ms. Groves stated the SD Sales Tax License will be the same one currently being used for her Black Hills Retreats business.
  2. Ms. Groves also stated that there would be no change in use to the existing CUP.
  3. Staff discussed a previous CUP approval delay due to the listed owner differing on the CUP application and recommended that this be reviewed prior to the March 25, 2019 Planning Commission meeting. Applicant validated that BLG Investments, LLC is the owner and also the Applicant.



- C. On March 18, 2019, Staff performed a site visit with Brady and Sheralin Groves.
  - 1. Staff received a copy of the SD Sales Tax License.
    - i. A copy is included with this staff report.
- D. Pennington County Zoning Ordinance (PCZO) §319 was revised on January 11, 2017 to read: As used in Section 319(C)(5), the term transfer shall mean the grant or conveyance of an ownership interest in the Vacation Home Rental property from an entity, trust, person or combination thereof to another entity, trust, person, or combination thereof. The grant or conveyance of an ownership interest in the Vacation Home Rental property from one spouse to his or her respective spouse by lawful marriage shall not be considered a transfer.
  - 1. PCZO §319(C)(5): Conditional Use Permits for VHRs in General Agriculture Districts, Limited Agriculture Districts, Low Density Residential Districts and Suburban Residential Districts shall be allowed to be transferred if the following conditions are met:
    - i. Conditions that must be met by the existing owner(s):
      - 1. Notify the Planning Department in writing of the transfer at least twenty (20) days prior to the date of the transfer.
        - a. *Don Behrens (previous owner) notified the Planning Department March 6, 2019, the same day the deed was signed.*
      - 2. Pay the VHR Conditional Use Permit Review Fee to the Planning Department and complete an information sheet provided by the Planning Department.
        - a. *BLG Investments LLC completed the required application and paid the CUP review fee on March 6, 2019.*
    - ii. Conditions that must be met by the new owner(s) upon transfer, prior to being able to operate the VHR.
      - 1. Sign off on existing information provided for in the original application under Sections 319-D, E, F, and G for the Conditional Use Permit that is transferring ownership and update all pertinent contact information.
        - a. *BLG Investments, LLC completed the required application March 6, 2019.*
      - 2. The Owner must have applied for a South Dakota Vacation Home Lodging License from the South Dakota Department of Health. A copy of the application or license must be provided to the Planning Department prior to operation. At the time of issuance of the South Dakota Vacation Home Lodging License from the South Dakota Department of Health, a copy of the license shall be furnished to the Planning

Department. The Owner must also provide proof of a South Dakota Sales Tax License.

- a. *BLG Investments, LLC applied for the required South Dakota Department of Health Lodging License and provided a copy of the application to the Planning Department on March 12, 2019. The applicant also provided a current SD Sales Tax License # 1029-1412-ST on March 18, 2019.*
3. Notify surrounding property owners of land within five- hundred (500) feet of the outer boundaries of the VHR property of the change of ownership and new Local Contact information. The Planning Department shall provide a list of the relevant property owners. The notice must be sent out within ten (10) days of the transfer of the VHR property or any time prior thereto.
  - a. *The Planning Department provided BLG Investments, LLC a list of 11 surrounding property owners and the applicant mailed notifications to these individuals on March 12, 2019.*
4. If the new owner(s) want(s) to change any of the items of the Conditional Use Permit required under Section 319-D, E, F, or G of the Zoning Ordinance, a new hearing will be set and the documentation treated as a new application.
  - a. *Per Staff's conversations with the Applicant on March 15 and 18, 2019, no items of the Conditional Use Permit will be changed.*
2. Staff found that the subject property appeared to be in compliance with the existing Conditions of Approval and validated the CUP transfer requirements of PCZO §319(C)(5) have been met.
- E. Staff has not received any complaints regarding the subject property.



*Site visit 3/18/2019, Jason Theunissen Planner II*

Department. The Owner must also provide proof of a South Dakota Sales Tax License.

- a. *BLG Investments, LLC applied for the required South Dakota Department of Health Lodging License and provided a copy of the application to the Planning Department on March 12, 2019. The applicant also provided a current SD Sales Tax License # 1029-1412-ST on March 18, 2019.*
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  - a. *The Planning Department provided BLG Investments, LLC a list of 11 surrounding property owners and the applicant mailed notifications to these individuals on March 12, 2019.*
4. If the new owner(s) want(s) to change any of the items of the Conditional Use Permit required under Section 319-D, E, F, or G of the Zoning Ordinance, a new hearing will be set and the documentation treated as a new application.
  - a. *Per Staff's conversations with the Applicant on March 15 and 18, 2019, no items of the Conditional Use Permit will be changed.*
2. Staff found that the subject property appeared to be in compliance with the existing Conditions of Approval and validated the CUP transfer requirements of PCZO §319(C)(5) have been met.
- E. Staff has not received any complaints regarding the subject property.



*Site visit 3/18/2019, Jason Theunissen Planner II*

Agenda Item # 3  
BLG Investments, LLC  
March 25, 2019



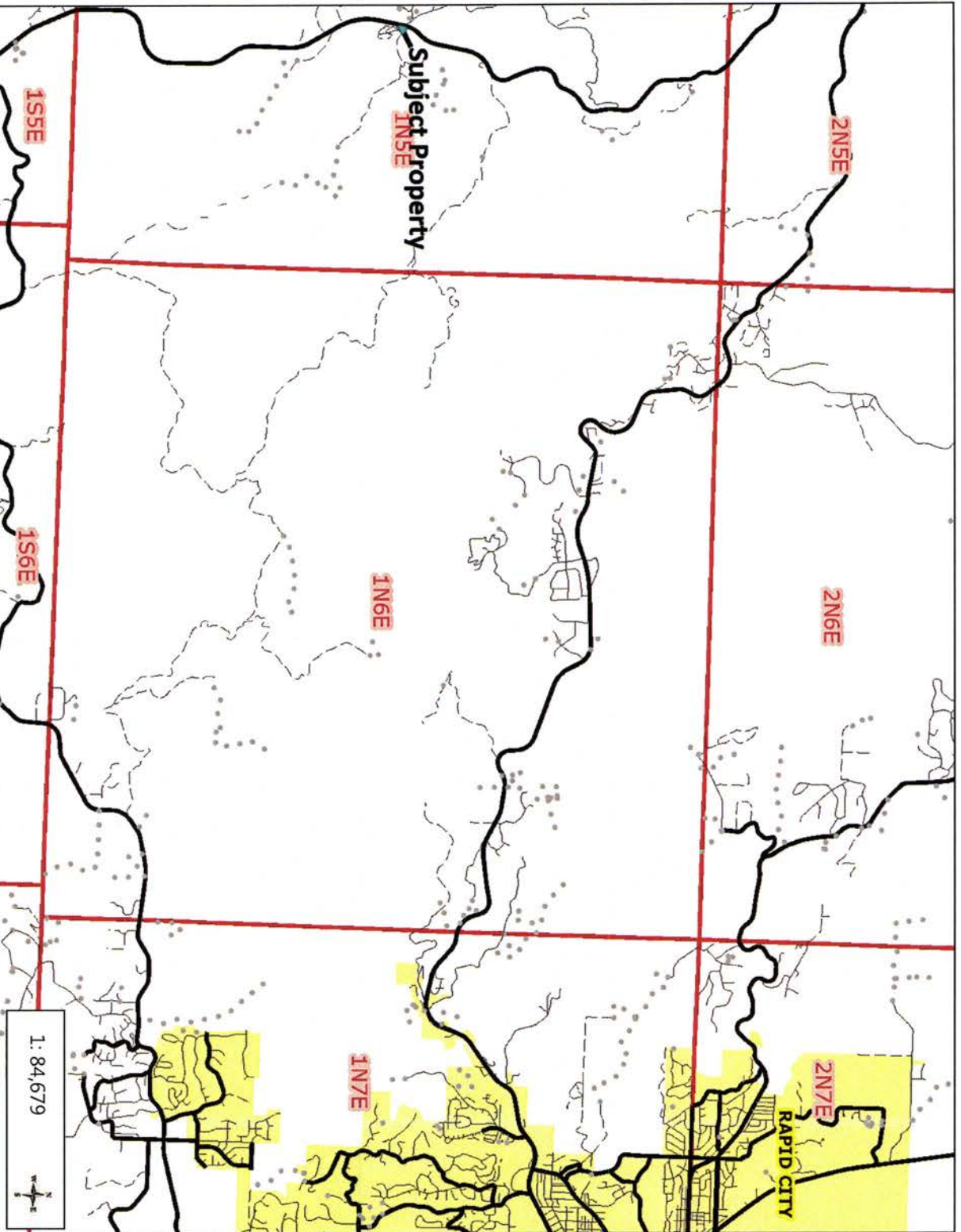
*Site visit 3/18/2019, Jason Theunissen Planner II*



*Site visit 3/18/2019, Jason Theunissen Planner II*

**V. RECOMMENDATION:** Staff recommends approval of the transfer of Conditional Use Permit / CU 14-28 with the following ten (10) conditions:

1. That the Vacation Home Rental be allowed to have a maximum overnight occupancy of six (6) people;
2. That a minimum of two (2) off-street parking spaces continue to be provided and each parking space shall not be less than one hundred sixty two square feet, nor less than nine feet by eighteen feet, surfaced with gravel, concrete or asphalt and maintained in a dust free manner;
3. 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;
4. That the applicant continually complies with Administrative Rules of South Dakota (ARSD) 44:02:08, which regulates Vacation Homes;
5. That the applicant obtain and keep up-to-date all the necessary permits from the State pertaining to the use of the Vacation Home Rental;
6. That the applicant continually comply with the Performance Standards outlined in PCZO §319(F), which regulates Vacation Home Rentals;
7. That the applicant adheres to the requirements set out by the US Forest Service by not having trails for motorized and non-motorized vehicles such as ATVs and horses;
8. That an interior informational sign continue to be posted in accordance with the requirements of PCZO §319(G), during operation of the residence as a VHR;
9. That if the person designated as the Local Contact is ever changed from BLG Investments, LLC (Brady Groves) or if their contact information is changed, that the interior information sign be updated and the applicant re-notify the Planning Department and surrounding landowners within 500 feet via notices sent by First Class Mail as stated by PCZO §319(F)(5); and,
10. That this Conditional Use Permit be reviewed in one (1) year, per PCZO §319(C)(5)(d), 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.



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1: 84,679



## 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

- City Limits
- BOX ELDER
- ELLSMORTH AFB
- HILL CITY
- KEYSTONE
- NEW UNDERWOOD
- QUINN
- RAPID CITY
- WALL
- WASTA

### Map Notes:



1: 2,129

354.8 Feet

177.40

0

354.8

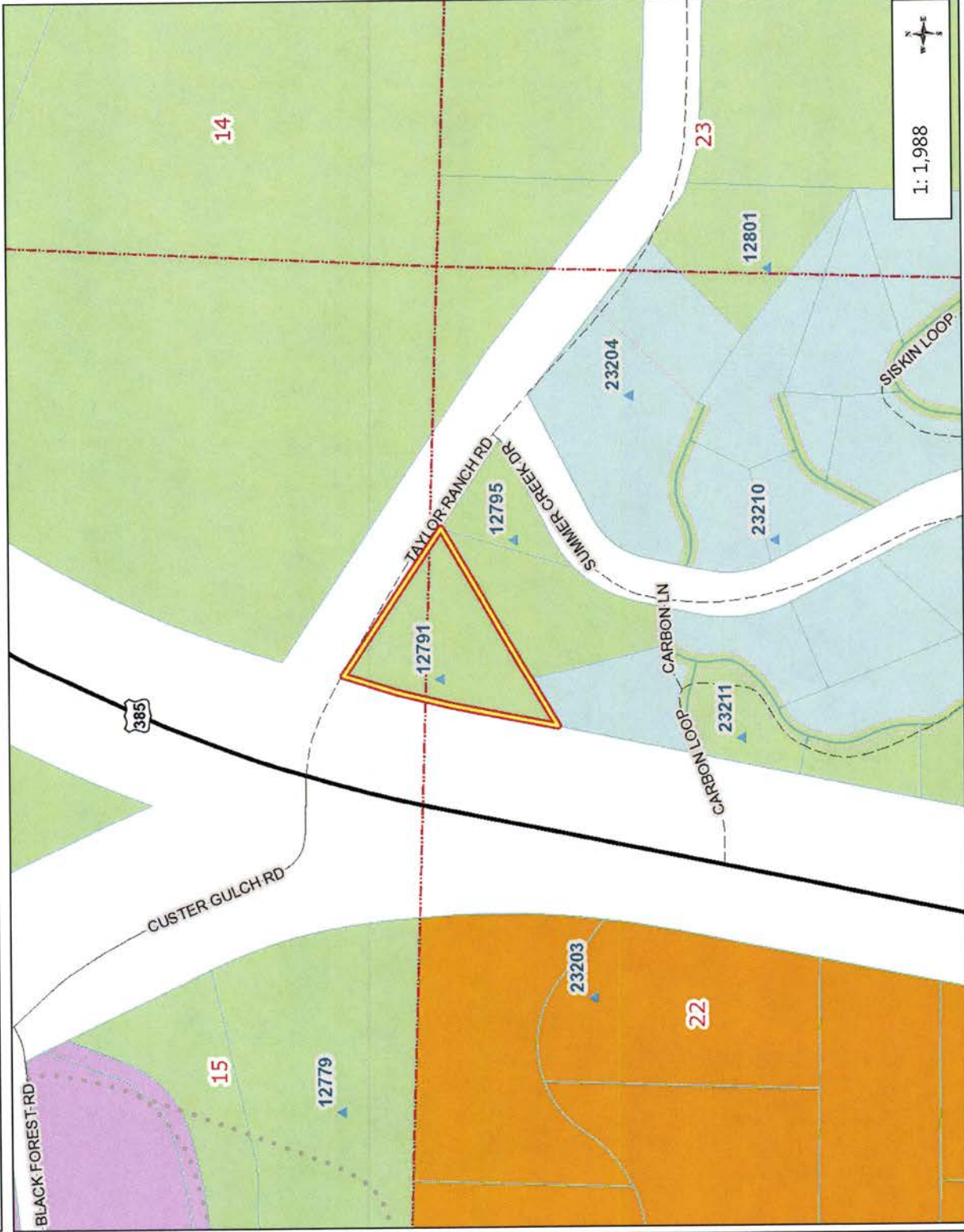
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  - Trail
  - Driveway
  - Alley
  - Unimproved road
  - Airport Runway
  - Not yet coded
- Section Lines 0-25k**
- 0
  - 7
- Tax Parcels**
- Lot Lines
  - <Null>
  - Lot Line
  - Parcel Line

### Map Notes:



**Legend**

- Roads**
  - Interstate
  - US highway
  - SD highway
  - County highway
  - 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
- Pennington County Zoning**
  - General Agriculture
  - General Commercial
  - Heavy Industrial
  - Highway Services
  - Limited Agriculture
  - Low Density Residential
  - Light Industrial

**Map Notes:**

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

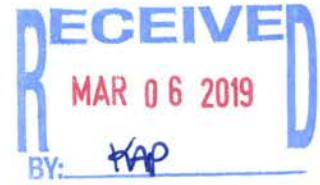
331.3 0 165.66 331.3 Feet

NAD\_1983\_2011\_StatePlane\_South\_Dakota\_South\_FIPS\_4002\_Ft\_US  
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**DON BEHRENS**  
**P.O. BOX 1983**  
**RAPID CITY, SD 57709**

March 6, 2019



Pennington County Planning and Zoning  
130 Kansas City Street  
Suite 200  
Rapid City, SD 57701

Re: Custer Trails Subdivision No. 1

Ladies and Gentlemen,

This is to notify Pennington County Planning and Zoning Department of our intent to transfer Conditional Use Permit No. CU 14-28 to BLG Investments, LLC, of 12138 Upper Elk Park Road, Custer, South Dakota. 57730, effective immediately. As a side note, the sole member of BLG Investments, LLC (Brady L. Groves) and his mother have been property managers of the property since 2014.

Please advise if there is anything further you require in regard to this transfer.

Thank you for all you have done in the past to help us with our cabin and neighborhood. It's been a pleasure working with you all.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read "Don Behrens".

Don Behrens

**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.

MAR 06 2019

**LOCAL CONTACT INFORMATION:**

Name: Brady Groves Primary Contact Number: 605-391-5373  
Mailing Address: PO Box 192  
City: Hill City State: SD Zip Code: 57745

\*\*\*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]  
Signature of Local Contact

3-6-19  
Date

Subscribed and sworn to before me this 6 day of March, 2019.

Cassie Bolstad  
Notary Public for the State of South Dakota

4/7/21  
My Commission Expires



### General Information

Guest understands that Black Hills Retreats is solely acting as the rental agent for the property owner and that Guest is gaining usage of the property only through a license to use and is not gaining any interest in the property.

Reservation is booked for these dates only; no date changes or subletting is allowed. No refunds will be given for no shows, late arrivals or early departures.

Guest will not have more than the number of adults and children listed to occupy this unit, and must be 25 years of age to rent units. If these maximums are broken, Black Hills Retreats has the right to ask that you vacate the rental immediately. NO REFUNDS will be given.

Guest understands that there are NO PETS allowed in the rentals or on the premises. YOU WILL BE ASSESSED A FINE OF \$750 FOR PROFESSIONAL CLEANING IF EVIDENCE OF A PET IS FOUND and you will be immediately asked to vacate the property and will forfeit the rental fee.

Guest understands that NO SMOKING IS ALLOWED INSIDE THE RENTAL. YOU WILL BE ASSESSED A FINE OF \$750 FOR PROFESSIONAL CLEANING IF EVIDENCE OF SMOKING IS FOUND and you will be asked to immediately vacate the property and will forfeit the rental fee. All cigarette butts shall be disposed of in the proper receptacles which are provided for your convenience outside the Rental. Failure to abide may result in an additional FEE OF \$250 BEING CHARGED FOR CLEANUP

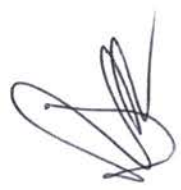
Guest shall respect the owners' property. Do not move furniture or allow children to jump on furniture. If a gaming system or other device is connected please leave the TV connected in the original manner it was found. If maintenance personnel is called to correct these problems Guest will be charged a \$100 fee.

Guest understands the rental is located in the National Forest Service Fire Protection District. Fireworks, bonfires and fire pits are prohibited. Guest agrees to observe all fire safety guidelines set by the National Forest Service. Be aware if you start a forest fire you are financially responsible.

Guest understands that there are no tents or campers allowed on the property.

Guest shall be responsible for any item damaged whether the damage was accidental, intentional or the result of negligence. Guest is responsible for any item removed from the premises. Guest hereby agrees to pay Black Hills Retreats the replacement value thereof, which amount will be determined by Black Hills Retreats. Guest will promptly report any and all damages, thefts, losses or injuries occurring during the term of Guest's stay.

March 6<sup>th</sup> 2019



Site visit 10/2/2018

V. **RECOMMENDATION:** Staff recommends approval of the extension of Conditional Use Permit / CU 14-28 with the following ten (10) conditions:

1. That the Vacation Home Rental be allowed to have a maximum overnight occupancy of six (6) people;



# On-Site Wastewater Treatment System Operating Permit

Pennington County Planning Department - 130 Kansas City Street, Suite 200 - Rapid City, SD 57701  
Phone: (605) 394-2186 - Fax: (605) 394-6016 - Web: www.pennco.org

**Operating Permit Number:** COOP14-0480

## PROPERTY INFORMATION

<b>Property Address:</b> 12791 TAYLOR RANCH RD	<b>Legal Description:</b>
<b>Pin #:</b> 35-22-227-001	
<b>Tax ID #:</b> 1403	<b>Block:</b>
<b>Owner Name:</b> MILLBURN TIMOTHY D PENNY	<b>Subdivision:</b> CUSTER TRAILS SUBD
<b>Owner Address:</b> 12791 TAYLOR RANCH RD RAPID CITY, SD 57702-6046	<b>Section-Township-Range:</b> 22-1N-5E

## ON-SITE WASTEWATER TREATMENT SYSTEM INFORMATION

### Septic/Holding Tank System

### Graywater System (if applicable)

<b>Tank Size:</b> 1000	<b>Tank Present:</b>
<b>Tank Material:</b> Concrete	<b>Tank Size:</b> 0
<b>Treatment System Type:</b> Trench	<b>Tank Material:</b>
<b>OSWTS Permit Number (new systems only):</b>	

## PERMIT INFORMATION

**Date of System Observation:** 5-Sep-2014  
**Operating Permit Expiration:** 5-Sep-2020  
**Observed By:** CHRIS SKORPAK

**THE PROPERTY OWNER IS RESPONSIBLE FOR LOCKING ALL SEPTIC AND HOLDING TANK LIDS THAT ARE ABOVE GRADE OR HAVE LESS THAN 6 INCHES OF EARTH BACKFILL.**

Approval of this Permit does not in any way release the owner from the responsibility that the onsite wastewater treatment system must be operable.

# SOUTH DAKOTA DEPARTMENT OF HEALTH

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

SECTION 1: ESTABLISHMENT INFORMATION				
ESTABLISHMENT NAME <u>Lazy Pines Cabin</u>		LIST PREVIOUS ESTABLISHMENT NAME		OLD LIC. # <u>17493</u>
CORPORATION/OWNER NAME <u>BLG Investments, LLC</u>		CORPORATE CONTACT/ PHONE <u>605-391-5373</u>		ESTABLISHMENT PHONE CELL PHONE
ESTABLISHMENT PHYSICAL ADDRESS (NO PO BOX #'S) <u>12791 Taylor Ranch Rd</u>			CITY <u>Rapid City</u>	STATE <u>SD</u> ZIP <u>57702</u>
IF RURAL LOCATION, GIVE DIRECTIONS FROM NEAREST CITY			COUNTY	
MAILING ADDRESS (IF DIFFERENT THAN PHYSICAL ADDRESS) <u>12138 Upper Elk Park Rd</u>			CITY <u>Custer</u>	STATE <u>SD</u> ZIP <u>57730</u>
EMAIL ADDRESS				
APPLICATION IS FOR: <input type="checkbox"/> NEW BUSINESS <input checked="" type="checkbox"/> CHANGE OF OWNERSHIP		DATES OPEN - IF SEASONAL From: _____ To: _____		PROPOSED OPENING DATE <u>4/15/19</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	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>		<input checked="" type="checkbox"/> \$70.00 This includes the inspection fee	<input type="checkbox"/> \$35.00 This includes the inspection fee	<u>70</u>
<b>Specialty Resort:</b> 10 or Less Sleeping Rooms		<input type="checkbox"/> \$70.00 This includes the inspection fee	<input type="checkbox"/> \$35.00 This includes the inspection fee	
<b>Hotel:</b> 11 or More Sleeping Rooms		<input type="checkbox"/> \$2.25 per unit Plus \$25.00 Inspection Fee (\$70.00 Minimum Total)	<input type="checkbox"/> \$1.12 per unit Plus \$12.50 Inspection Fee (\$35.00 Minimum Total)	
<b>Initial License Fee :</b>		<input type="checkbox"/> \$100.00	<input type="checkbox"/> \$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 _____	<input type="checkbox"/> \$0	<input type="checkbox"/> \$40.00	<input type="checkbox"/> \$65.00	<input type="checkbox"/> \$0	<input type="checkbox"/> \$20.00	
Is Your Pool Or Hot Tub Associated With Another Licensed Establishment? Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes, Please Name Other Licensed Facility _____							TOTAL ALL FEES ABOVE THIS IS THE AMOUNT YOU OWE <b>\$ <u>70.00</u></b>

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>3-12-19</u>
Subscribed and sworn to before me this _____ day of _____, 20____.	
Notary Public <u>[Signature]</u>	My commission expires: <u>Oct. 7, 2021</u>



My Commission Expires  
October 7, 2021

BLACK HILLS RETREATS LLC  
BLACK HILLS RETREATS  
PO BOX 192  
HILL CITY, SD 57745

January 25, 2018

Below is your current South Dakota tax license.

Please review this card. Please 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.

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

Taxpayer Assistance Number: 1.800.829.9188  
Email: [bustax@state.sd.us](mailto:bustax@state.sd.us)

Streamlined Sales Tax Website: [www.streamlinedsalestax.org](http://www.streamlinedsalestax.org)



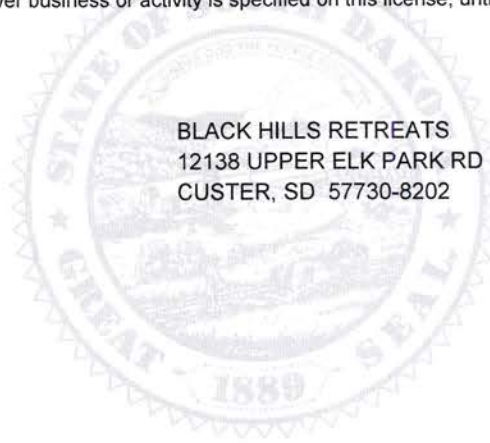
<http://dor.sd.gov>

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.

ISSUE DATE: 02/03/2015  
EXPIRATION DATE:  
LICENSE NUMBER: 1029-1412-ST  
LICENSE TYPE: Sales Tax  
ISSUED TO:

BLACK HILLS RETREATS LLC  
12138 UPPER ELK PARK RD  
CUSTER, SD 57730

NON-TRANSFERABLE



BLACK HILLS RETREATS  
12138 UPPER ELK PARK RD  
CUSTER, SD 57730-8202

A handwritten signature in black ink, appearing to read 'Andy Gerlach'.

Andy Gerlach  
Secretary of Revenue

STAFF REPORT

4

GENERAL INFORMATION:

REQUEST: CONDITIONAL USE PERMIT REVIEW / CU 16-34: To review a Recreational Vehicle to be used as temporary living quarters for no more than 180 days per calendar year on the subject property in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

APPLICANT: Jessica Thurmes

APPLICANT ADDRESS: 409 E. Denver Street, Rapid City, SD 57701

OTHER LANDOWNER: Mary Bitz

LANDOWNER ADDRESS: 107 Rodeo Court, Custer, SD 57730

LEGAL DESCRIPTION: Lot 4, Harrington Subdivision, Section 19, T2S, R7E, BHM, Pennington County, South Dakota.

SITE LOCATION: Approximately 0.3 miles southwest of the intersection of Battle View Road and Highway 40 and Milo Lane.

SIZE: 5.00 acres

TAX ID: 51480

EXISTING LAND USE: Recreational Vehicle

ZONING REFERENCE: Sections 207 and 510

CURRENT ZONING: Low Density Residential District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Forested / Hills

UTILITIES: None

REPORT BY: Jason Theunissen

**I. PROPOSED RECOMMENDATION**

- A. Staff will be recommending approval of the extension of Conditional Use Permit / CU 16-34 with eight (8) conditions.

**II. GENERAL DESCRIPTION**

- A. On October 24, 2016, the Planning Commission approved Conditional Use Permit / CU 16-34 with the following ten (10) conditions:
1. That the assigned address for the subject property be properly posted so it is visible from both directions of travel on Milo Lane in accordance with Pennington County's Ordinance #20;
  2. That an On-Site Wastewater Treatment System be installed within six (6) months and prior to the Recreational Vehicle (RV) being used as seasonal living quarters;
  3. That the minimum setback requirements for a Low Density Residential 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 no additional living quarters be allowed to exist on the property;
  7. That the Recreational Vehicle shall not be used as living quarters on the subject property for more than 180 days per calendar year;
  8. That the applicant adheres to the Forest Service comments at all times;
  9. That the applicant sign the Statement of Understanding within ten (10) business days, which is available at the Planning Office; and,
  10. That this Conditional Use Permit be reviewed in six (6) months, 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. On April 24, 2017, the Planning Commission approved the extension of Conditional Use Permit / CU 16-34 with the following eight (8) conditions:
1. That the assigned address for the subject property be continually posted so it is visible from both directions of travel on Milo Lane in accordance with Pennington County's Ordinance #20;
  2. That the minimum setback requirements for a Low Density Residential District be continually maintained on the property;
  3. That the subject property continues to remain free of debris and junk vehicles;



4. 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;
5. That no additional living quarters be allowed to exist on the property;
6. That the Recreational Vehicle shall not be used as living quarters on the subject property for more than 180 days per calendar year;
7. That the applicant adheres to the Forest Service comments at all times; and,
8. That this Conditional Use Permit be reviewed in two (2) years, on a complaint basis, or as deemed necessary by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

### III. EXISTING CONDITIONS

- A. Low Density Residential District.
- B. 5 acres.
  1. Plat Book 28, Page 196.
- C. Lot Contains:
  1. The property is vacant of any permanent structures.
  2. RV parked on site.
    - a. Connected to electricity.
  3. Children's play set and swing.
  4. One small shed that appeared to be under construction.
- D. An incinerator toilet has been approved by the DENR as an acceptable means of wastewater disposal.
- E. U.S. Forest Service September 27, 2016, comments:
  1. Protect all posted boundary line corners, signs and bearing trees.
  2. Adhere to the setback requirements along the posted boundary between National Forest System lands and private property.
  3. All drainfields, leach lines or septic systems will need to be located on private property and not on or drain onto National Forest System lands.
  4. All construction materials, supplies, trash or garbage will not be located on National Forest System lands.
  5. National Forest System Roads in this area of the Black Hills National Forest are classified as "Roads Open to Highway Legal Vehicles Only" per the latest version of the Motor Vehicle Use Map.
  6. Other roads in this area of the Black Hills national Forest are classified as "Other Public Roads" per the latest version of the Motor Vehicle Use Map.
  7. No motorized trails for ATV, motorcycles or ORV will be authorized from private property onto National Forest System lands

(USFS does not want unauthorized trails constructed on National Forest System lands).

#### IV. ANALYSIS

- A. On March 12, 2019, Staff spoke with the Applicant via telephone.
  1. The Applicant confirmed:
    - a. The property is only used a few days a month during the summer and that there are no plans to use it more often.
    - b. An incinerator toilet has been approved by SD Department of Environment and Natural Resources as an acceptable means of wastewater disposal for the RV.
- B. On March 19, 2019, Staff performed a site visit to the subject property.
  1. The RV was on site.
    - a. The correct address was posted and visible – Condition # 1
    - b. RV did not appear to be being used as a full-time residence – Condition #6.
    - c. LDR setback requirements appeared to be met – Condition #2.
    - d. The shed appeared to be less than 144 square feet and was not anchored to the ground, no Building Permit is required.
    - e. Staff noted an increase in debris accumulation on the property since the last CUP review – Condition #3.
- C. Remaining Conditions of Approval appeared to be met.



*Site visit 3/19/2019, Jason Theunissen Planner II*



*Site visit 3/19/2019, Jason Theunissen Planner II*

**RECOMMENDATION:** Staff recommends approval of the extension of Conditional Use Permit / CU 16-34 with the following eight (8) conditions:

1. That the assigned address for the subject property be continually posted so it is visible from both directions of travel on Milo Lane in accordance with Pennington County's Ordinance #20;
2. That the minimum setback requirements for a Low Density Residential District be continually maintained on the property;
3. That the subject property continues to remain free of debris and junk vehicles;
4. 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;
5. That no additional living quarters be allowed to exist on the property;
6. That the Recreational Vehicle shall not be used as living quarters on the subject property for more than 180 days per calendar year;
7. That the applicant adheres to the Forest Service comments at all times; and,
8. That this Conditional Use Permit be reviewed in one (1) year, 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.



1: 2,893

482.2 0 241.11 482.2 Feet

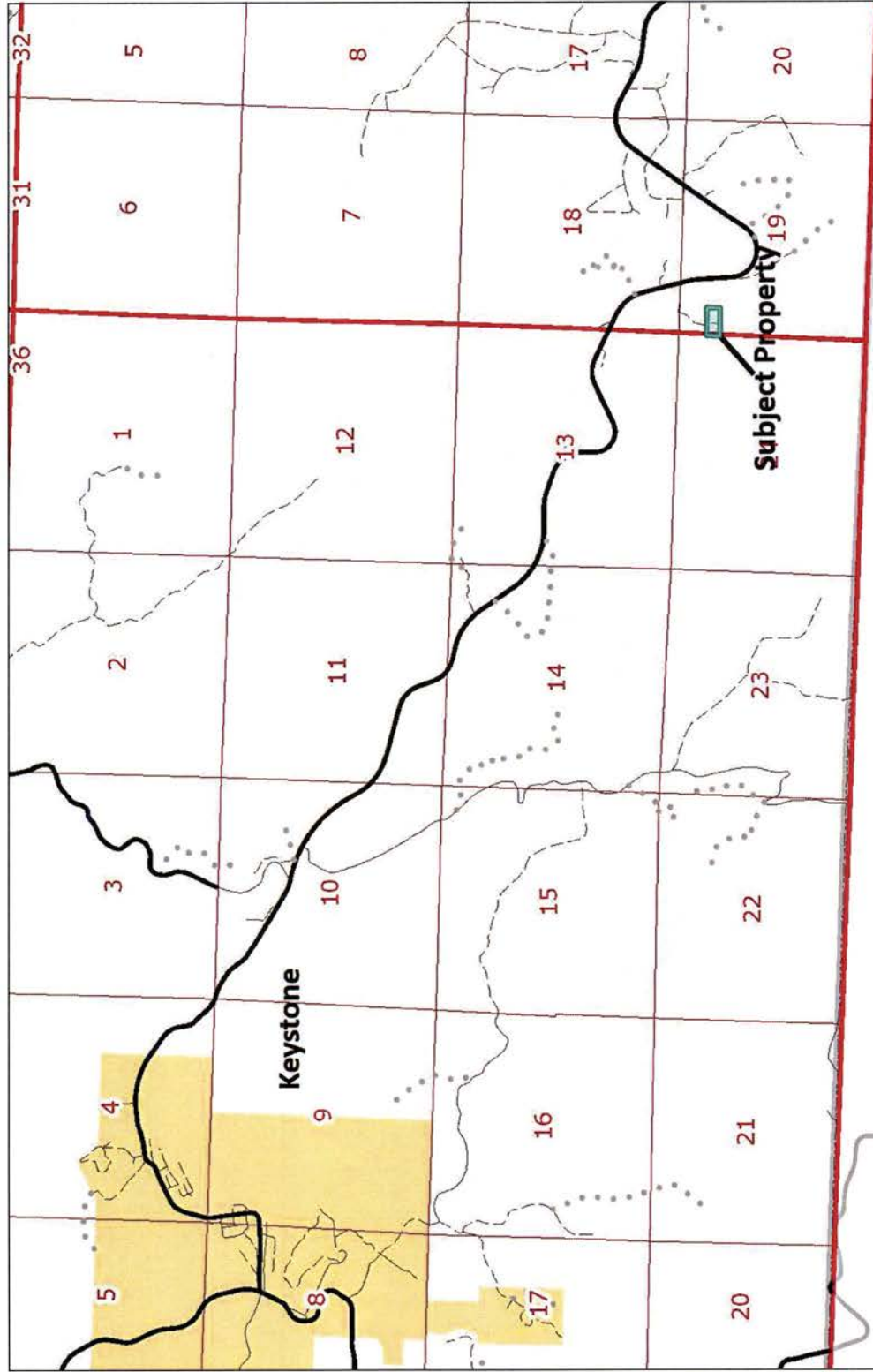
NAD\_1983\_2011\_StatePlane\_South\_Dakota\_South\_FPS\_4002\_Ft\_US  
 © City of Rapid City GIS

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

**Legend**

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

**Map Notes:**



**Legend**

- Roads**
- Interstate
  - US highway
  - SD highway
  - County highway
  - 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: 46,293

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

7,715.4 0 3,857.71 7,715.4 Feet

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

© City of Rapid City GIS

### Legend

#### Roads

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

#### Section Lines 0-25k

- 0
- 7

#### Tax Parcels

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

#### Pennington County Zoning

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

#### Map Notes:



1: 2,893

482.2 Feet

241.11

0

482.2

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

**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

**I. PROPOSED RECOMMENDATION**

- A. Staff will be recommending to continue the review of Conditional Use Permit / CU 17-22 to the September 09, 2019, Planning Commission meeting.

**II. GENERAL DESCRIPTION**

- A. The applicant, Pamela Phillips, requested a Conditional Use Permit to allow a single-wide mobile home to be used as a permanent, single-family residence in a Suburban Residential District.
- B. June 12, 2017 – The Planning Commission approved CU 17-22 with the following nine (9) conditions:
1. That a Building Permit be obtained for the proposed single-wide mobile home prior to any work being done;
  2. That an approved Approach Permit from County Highway be obtained prior to submittal of a Building Permit;
  3. That the minimum setback requirements of a Suburban Residential District be continually maintained on the property;
  4. That the subject property remains free of debris and junk vehicles;
  5. That the single-wide mobile home installed on the property have a peaked, non-reflective type roof and wood or simulated wood-type siding that is continually maintained;
  6. 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;
  7. That the address is clearly posted on the residence and so that it is visible from both directions of Covington Street, in accordance with Pennington County's Ordinance #20;
  8. That the applicant signs the Statement of Understanding at the Planning Office within ten (10) business days of approval of Conditional Use Permit / CU 17-22; and,
  9. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.
- C. June 13, 2018 - During a site visit, Staff noticed that the existing single-wide mobile home with deck and the new detached garage appear to violate the setbacks for a Suburban Residential District (SRD), and also appear to cross lot lines.
- D. June 25, 2018 – The Planning Commission continued the review of CU 17-22 to the August 27, 2018, Planning Commission meeting to allow the applicant time to bring the subject property into compliance.
- E. July 13, 2018 – Staff met with the applicant and agent to further discuss bringing the subject property into compliance.



- F. August 21, 2018 – The Planning Department received a letter from Pamela Phillips, along with a Site Plan (from Fisk Land Surveying) of the subject property.
- G. August 22, 2018 – Staff spoke with the applicant and informed her that CU 17-22 was not ready for a hearing before the Planning Commission yet, due in part to the Site Plan from Fisk Land Surveying, and that Staff would need to set up an additional meeting with her, in September, to further discuss CU 17-22
- H. September 2018 – Staff briefly spoke to the applicant regarding CU 17-22 about the need to set up a meeting. Staff has not been able to meet with the applicant to fully discuss the findings of the Fisk Land Surveying Site Plan.

**III. EXISTING CONDITIONS**

- A. Zoned Suburban Residential District.
- B. 0.29 acre.
- C. Access off of Covington Street by way of an existing approach, approved for shared use by the County Highway Department.
  - 1. The County Highway Department commented that a new approach onto Covington, from the subject property, would not be approved.
- D. Lot contains:
  - 1. Single-wide mobile home with uncovered deck – COBP17-0344 (approved on July 29, 2017).
  - 2. Detached garage – constructed without a Building Permit.

**IV. ANALYSIS**

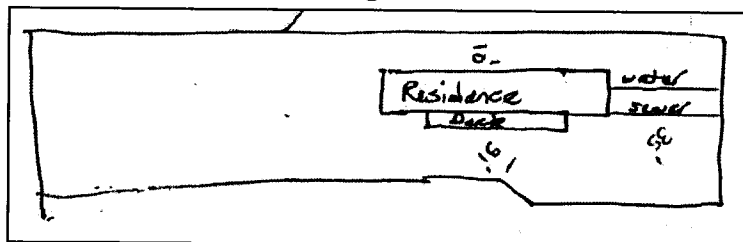
- A. The use of a single-wide mobile home as a single-family residence appears to be consistent with existing uses in the surrounding area.
- B. COBP17-0344 was approved, based on the following information provided by the applicant.
  - 1. The applicant signed Page 1 of 3 of the Building Permit Application to acknowledge the accuracy of the information provided therein.

**\*\* INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED \*\***

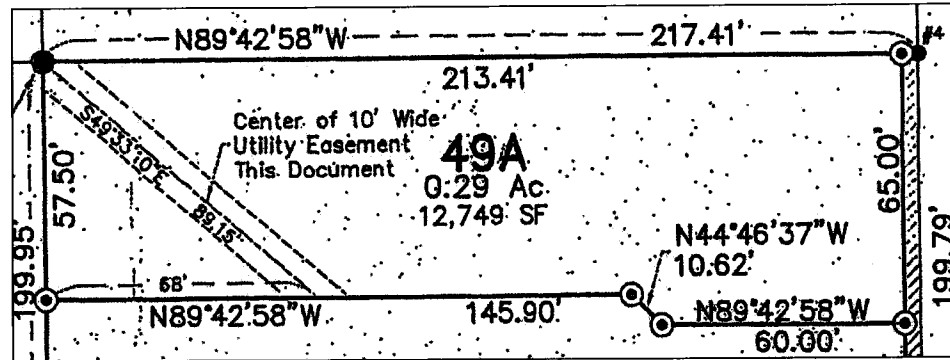
*I certify that all information contained within this application form and any other information provided by me in relation to this application is true and accurate to the best of my knowledge; I certify that I will comply with all applicable Federal, State and local laws and regulations in performing the work for which this permit is intended, up to and including current International Building Codes, as applicable; and, I FURTHER UNDERSTAND THAT SUBMITTAL OF THIS APPLICATION IS NOT AND DOES NOT CONSTITUTE AN APPROVED BUILDING PERMIT.*

Landowner/Applicant/Agent: *P. Phillips*      DATE: 6/12/17  
CIRCLE ONE OR MORE      SIGNATURE      DATE

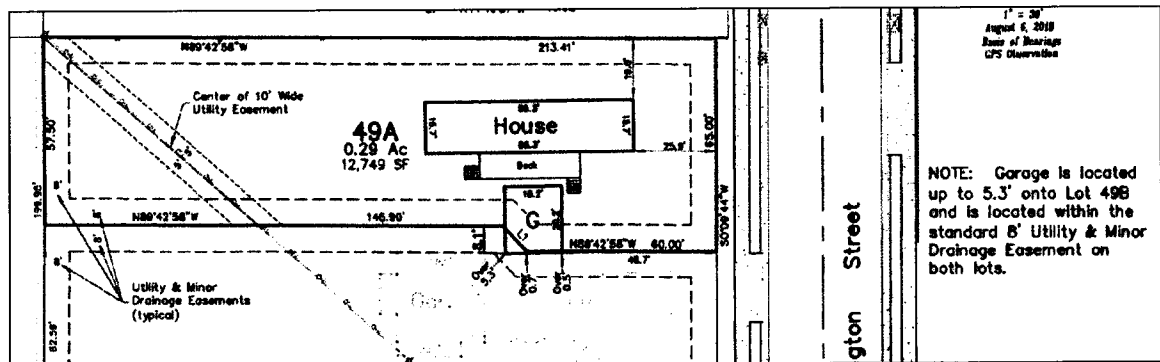
- 2. The site plan shows that the residence and deck will not encroach into the Utility and Minor Drainage Easement and setbacks in SRD.



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 #5  
Pamela Phillips  
March 25, 2019

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



**VI. 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.

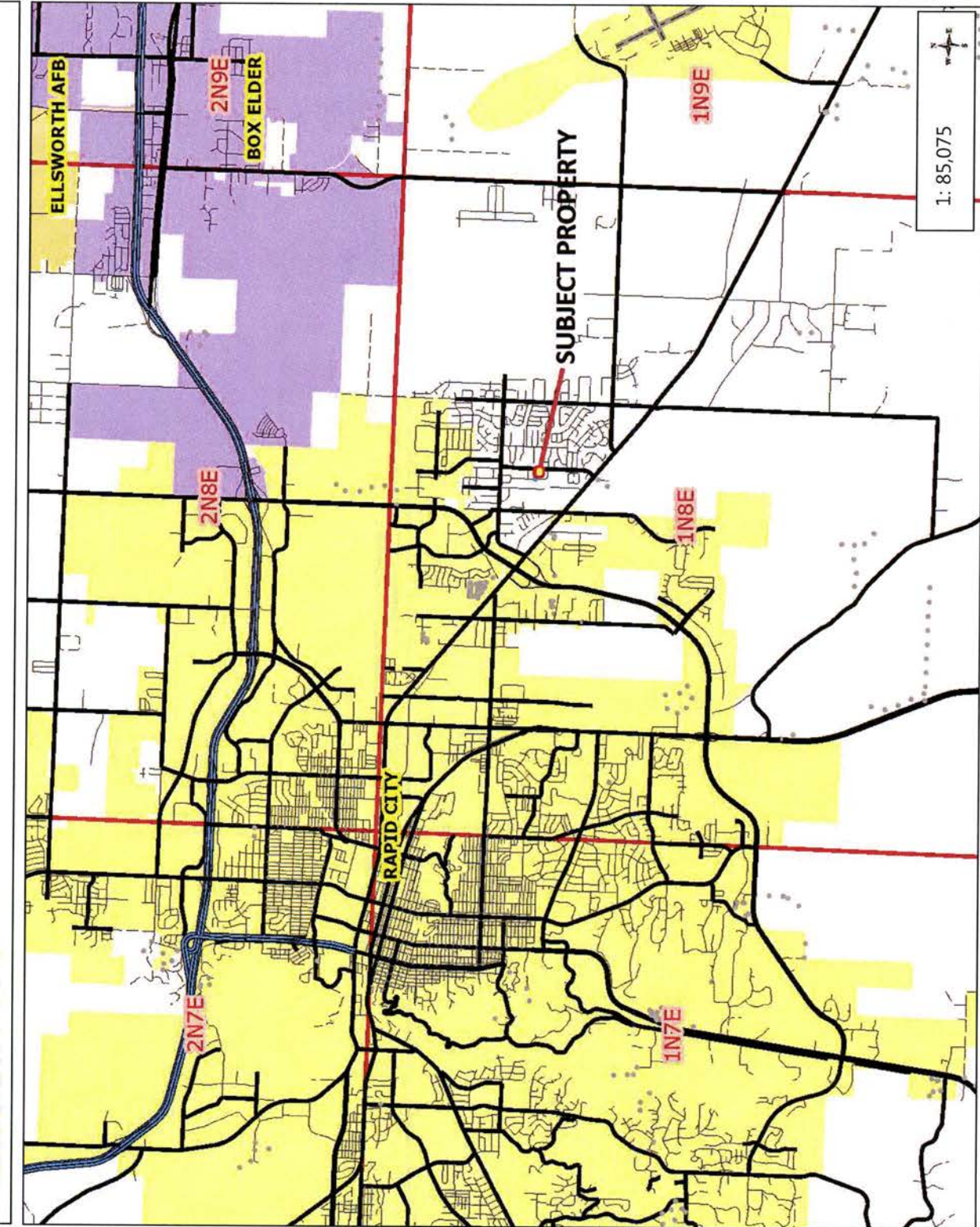
**VII. UPDATE**

- A. February 20, 2019 – Staff received comments from the City of Rapid City Department of Community Development regarding CU 17-22.
  1. A partially redacted copy of their comments are included with this Staff Report.
- B. March 20, 2019 – Staff met with Pamela Phillips to discuss options to bring the property into compliance.
  1. A friend of Ms. Phillips will be working on searching South Dakota Codified Laws to see if there are Laws which could be used to help Ms. Phillips, and the County, to avoid having to go through Vacations and Variances.
  2. County Staff will assist in this research.

Agenda Item #5  
Pamela Phillips  
March 25, 2019

- C. Ms. Phillips is the owner of records for both properties involved with CU 17-22.
- D. The existing non-compliant, four-sided carport crosses into setbacks and newly platted Utility and Minor Drainage Easements.
  - 1. At this time, the City of Rapid City Department of Community Development, who platted the subject properties, has no issues with the encroachments, but suggests that it be corrected.
- E. As of this Staff Report, no known Utilities are located within either Utility and Minor Drainage Easements.

**RECOMMENDATION:** Staff recommends to continue the review of Conditional Use Permit / CU 17-22 to the September 09, 2019, Planning Commission meeting to allow for staff time for research and for the applicant time to work on an alternative solution.



1: 85,075

14,179.1 Feet

0

7,089.55

14,179.1 Feet

14,179.1

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

**Map Notes:**



1: 567

94.5 Feet

47.26

0

94.5



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

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

**Section Lines 0-25k**

- 0
- 7

**Tax Parcels**

**Lot Lines**

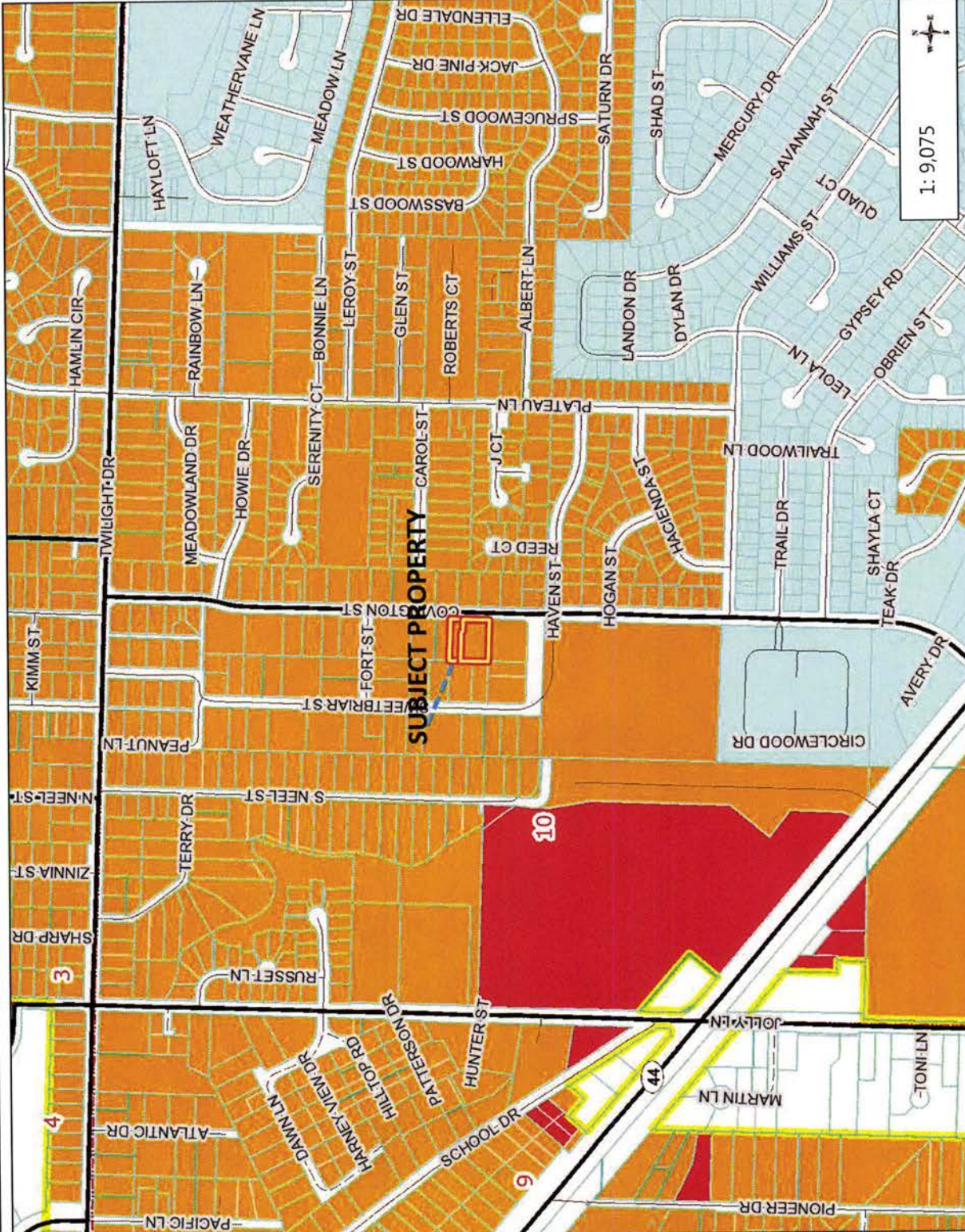
- <Null>
- Lot Line
- Parcel Line

**Map Notes:**

**Legend**

- Roads**
- Interstate
  - US highway
  - SD highway
  - County highway
  - Main road
  - Minor arterial
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  - 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:**



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

1,512.4 756.22 1,512.4 Feet

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



**From:** Fisher Vicki

**Sent:** Wednesday, February 20, 2019 10:43 AM

**To:** Conover PJ <[pj.conover@pennco.org](mailto:pj.conover@pennco.org)>

**Subject:** RE: TAX ID: 67756 & 67757 (Carport in Setback/Easement/Across Lot Lines)

[REDACTED]

I initially thought that the second mobile home was permitted as a caretaker's residence. However, since the two properties are being used as primary residences with no constraints that one of them be a caretakers unit, you are correct that variances are needed to address the setback issues. We would not require a development lot agreement in this case. Another option would be to replat the lots moving the lot line so that the carport does not cross a lot line. Unfortunately, Variances may still be required. And the easements would still need to be vacated (this could be done on the plat).

I am always concerned when a building crosses a lot line. In this case both lots are owned by the same person. However, someday that may not be the case. The future property owners may have a conflict with land use rights due to the encroachment. We had a similar instance on a downtown property. They entered into an agreement that was recorded to ensure any future owners that the building was permitted as an accessory structure to a specific lot and could remain until such time as it was removed (fire, dilapidated, etc.) They still had to vacate the easement(s). There was a zero side yard setback in this specific zoning district so no variances were required.

*Vicki L. Fisher*

Planning Manager

Current Planning Division

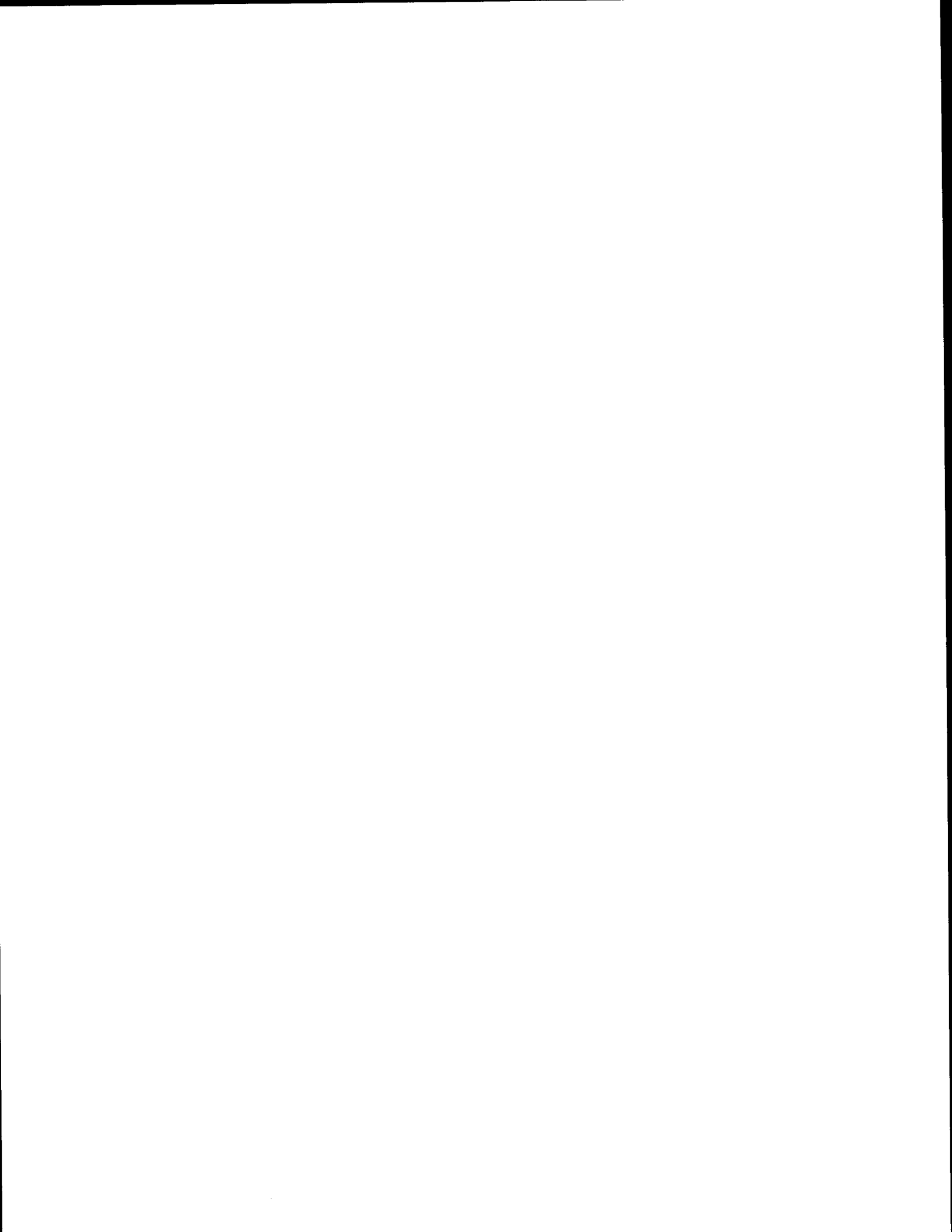
Department of Community Development

300 Sixth Street

Rapid City, SD 57701

605-394-4120

[vicki.fisher@rcgov.org](mailto:vicki.fisher@rcgov.org)



**STAFF REPORT**

GENERAL INFORMATION:

REQUEST: **CONDITIONAL USE PERMIT REVIEW / CU 17-38**: To review a multi-family dwelling in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

APPLICANT: Daniel Johnson, Highmark Properties, LLC

APPLICANT ADDRESS: 136 Heritage Drive, Yankton, SD 57078

AGENT: Charles Johnson

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

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

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

SIZE: 1.77 acres

TAX ID: 4410

EXISTING LAND USE: Residential

ZONING REFERENCE: 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: Forested / Hills

UTILITIES: Private

REPORT BY: Brittney Molitor

**I. PROPOSED RECOMMENDATION**

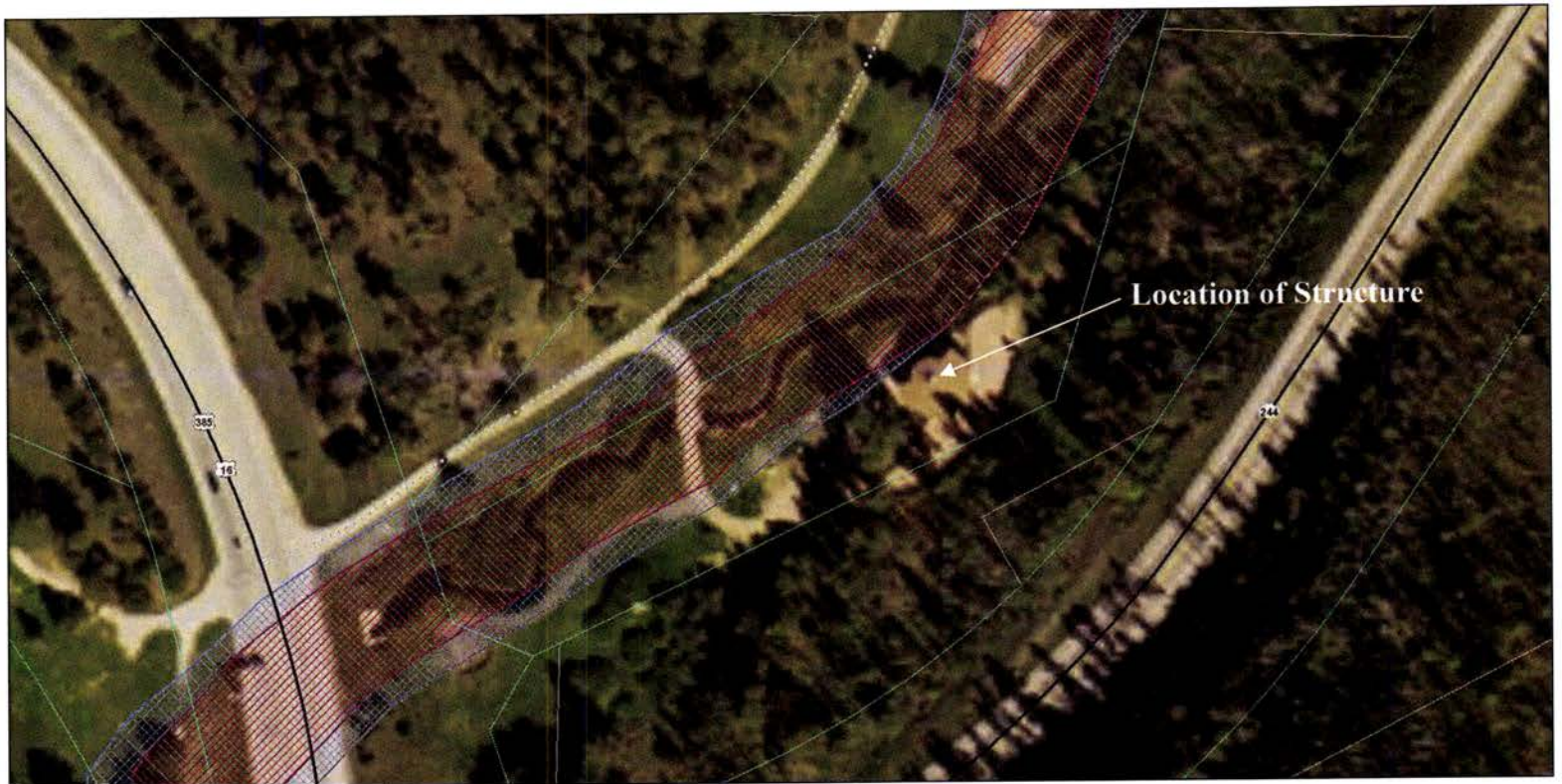
- A. Staff will be recommending to continue the review of Conditional Use Permit / CU 17-38 to the April 22, 2019, Planning Commission meeting.

**II. GENERAL DESCRIPTION**

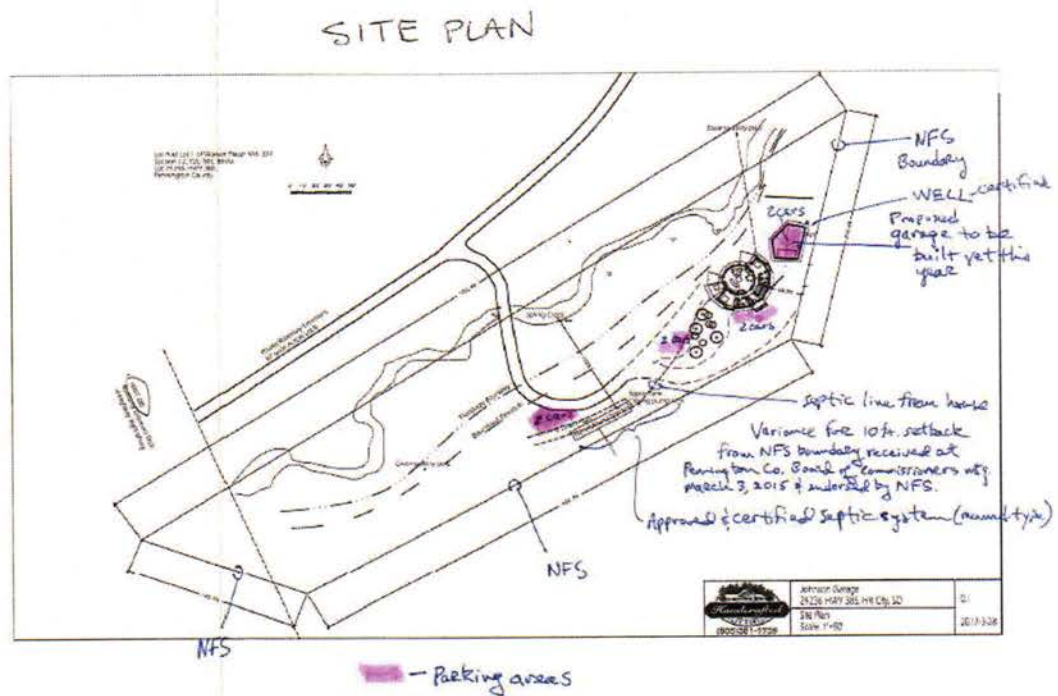
- A. The applicant, Daniel Johnson, applied for a Conditional Use Permit to allow an existing four (4) bedroom residence to be used as a multi-family dwelling in a General Agriculture District.

**III. EXISTING CONDITIONS**

- A. 1.77 acres.
- B. General Agriculture District.
- C. Access:
  - 1. Legal access to the property is off a ten (10) foot-wide Private Roadway Easement which runs along the length of Lot B and Lot C.
  - 2. The applicant has legal access into the subject property (LOT A), off the above-mentioned Private Roadway Easement per Easement – Book 7 Pages 6964-6965.
  - 3. By way of the above-mentioned Easement, a ten (10) foot wide driveway was constructed and currently exists on the property.
    - a. Comments received by the United States Forest Service on a separate request stated that there is no FLPMA Private Road Easement in place across National Forest System lands and therefore does not have legal access to the subject property.
- D. Lot contains:
  - 1. Single-family residence – COBP15-0329.
    - a. Onsite Wastewater Treatment System – COSD15-0079.
      - i. Operating Permit – COOP16-0638.
- E. Special Flood Hazard Area, including Floodway exists on the subject property.



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



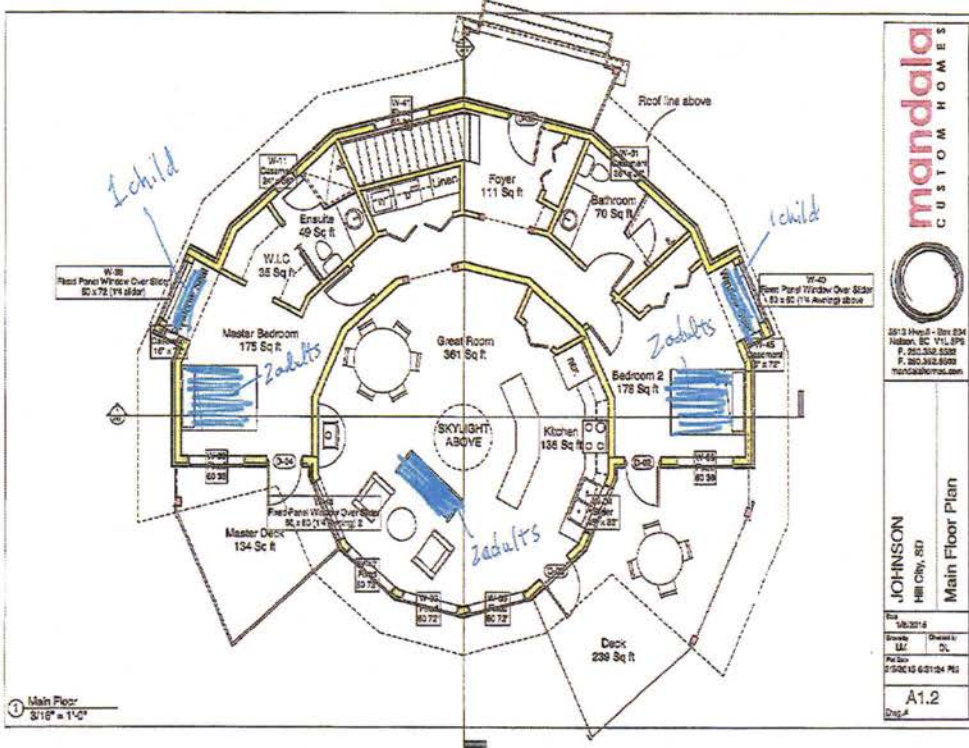
*Site Plan*

Agenda Item #6

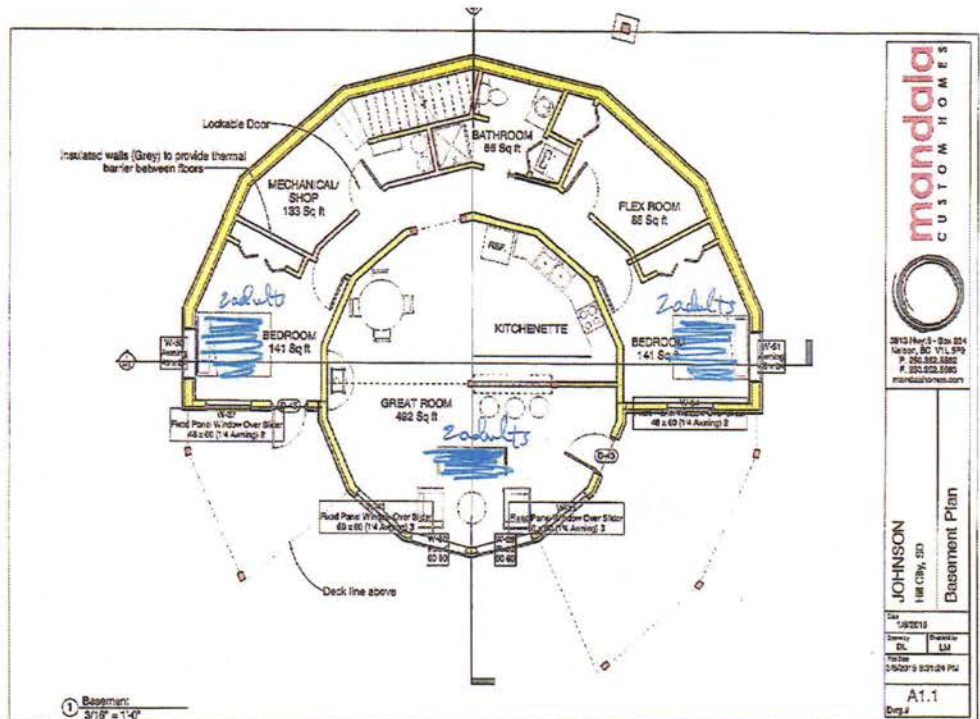
Daniel Johnson, Highmark Properties, LLC; Charles Johnson – Agent

March 25, 2019

MAIN FLOOR

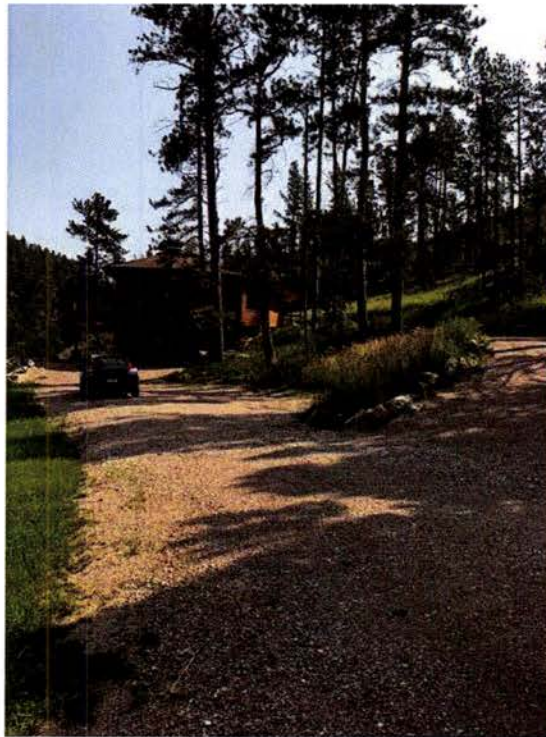


LOWER LEVEL



**IV. PROPERTY HISTORY**

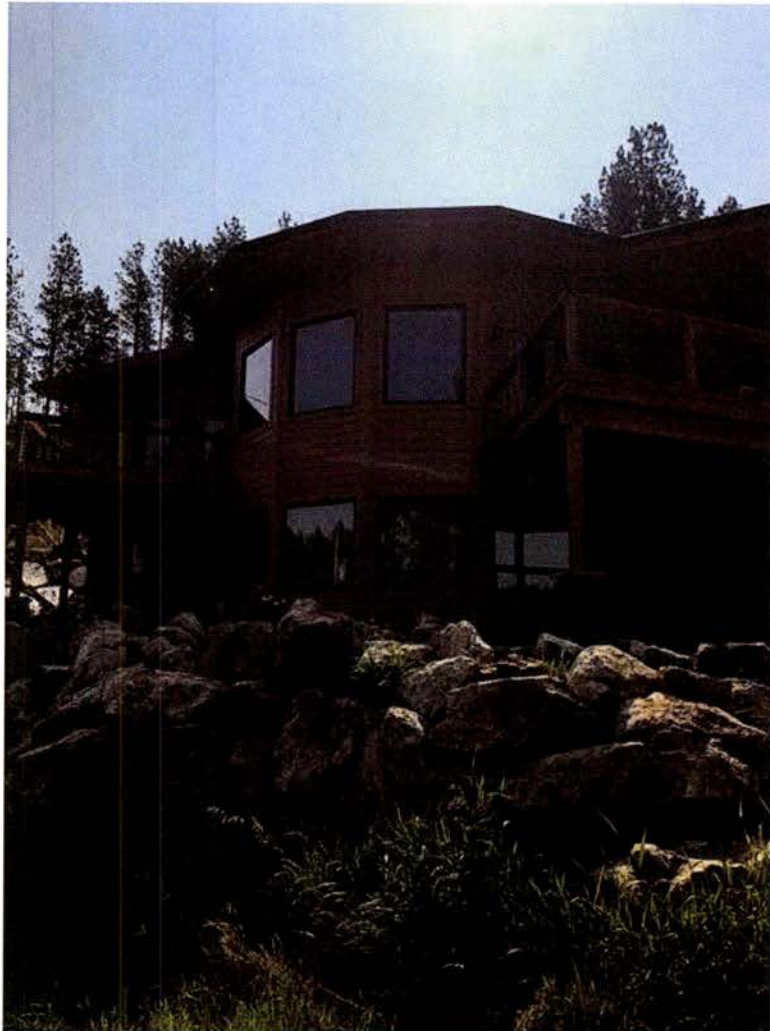
- A. August 9, 2017 – Staff performed a site visit to the subject property and spoke with the applicant’s son-in-law.
  - 1. The single-family residence contained four (4) bedrooms and each bedroom was equipped with a smoke detector.
  - 2. The applicant designated sufficient parking spaces on the subject property to meet the off-street parking requirements. There were two separate parking areas on two levels.
  - 3. The existing on-site wastewater treatment system was approved by the South Dakota Department of Environment and Natural Resources (SD DENR).
  - 4. During the site visit, Staff observed two “dwelling units”. The main floor contained a full kitchen and the lower level had cabinets and spaces for appliances that would serve as a full kitchen.
  - 5. The applicant has submitted a Conditional Use Permit for a Vacation Home Rental for this property (CU 17-30).
    - a. Conditional Use Permit / CU 17-30 was approved by the Planning Commission on November 13, 2017.
- B. August 14, 2017 – Applicant submitted a Conditional Use Permit application for a multi-family dwelling.



*Two separate driveways to upper and lower level.*

Agenda Item #6

Daniel Johnson, Highmark Properties, LLC; Charles Johnson – Agent  
March 25, 2019



*Outside of proposed multi-family dwelling unit.*

- C. On October 23, 2017, the Planning Commission approved Conditional Use Permit / CU 17-38 with the following eight (8) conditions:
1. That a minimum of four (4) off-street parking spaces be provided on-site, each measuring a minimum of nine (9) feet by 18 feet, surfaced with gravel, concrete or asphalt, and maintained in a dust-free manner;
  2. That the property be kept free of debris and junk vehicles;
  3. That the residence and the addresses of each unit be properly posted so they are visible from Highway 385 in accordance with Pennington County Ordinance #20;
  4. That smoke alarms and fire extinguishers be installed and/or properly maintained in working order in each unit;
  5. That a Floodplain Development Permit is obtained prior to any disturbance in the Special Flood Hazard Area;



6. That the onsite wastewater treatment system is approved by the South Dakota Department of Environment and Natural Resources for a multi-family dwelling within 30 days of approval of this request;
  7. That a Building Permit be obtained for any structures over 144 square feet or placed on a permanent foundation on the property, which requires a site plan to be reviewed and approved by the Planning Director; and,
  8. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis or as deemed necessary by either the Pennington County Board of Commissioners and/or Planning Commission to verify that all conditions are being met.
- D. On September 24, 2018, the applicant submitted another request for a Vacation Home Rental for the other dwelling unit in the structure (CU 18-38).
1. On October 2, 2018, Staff received comments from the United States Forest Service on this request stating that there is no FLPMA Private Road Easement in place across National Forest System lands and therefore does not have legal access to the subject property.
    - a. The agreement expired December 31, 2017.
  2. On October 10, 2018, Staff received an email from the South Dakota Department of Health stating that the license category was changed from Vacation Home Rental to Specialty Resort due to the additional request for a Vacation Home Rental.
  3. This required the request for an additional Vacation Home Rental to be re-advertised as a Specialty Resort.
- E. On February 11, 2019, the Planning Commission continued 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.
- F. On February 14, 2019, the applicant appealed the Planning Commission's decision to the Board of Commissioners.
- G. On March 5, 2019, the Board of Commissioners granted Conditional Use Permit / CU 17-30 for the multi-family residence to be used as a Vacation Home Rental for one year.

**V. ANALYSIS FOR MARCH 25, 2019**

- A. On March 19, 2019, Staff verified through the VRBO website that this property is listed as a Vacation Home Rental for the lower level of the multi-family residence with accommodations to sleep six (6) people.
  1. The onsite wastewater treatment system for the multi-family residence was designed for a single-family residence with four (4) bedrooms (eight (8) people total or 480 gallons per day).

Agenda Item #6

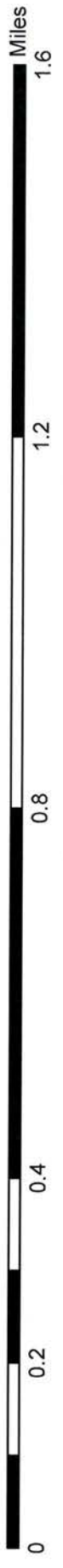
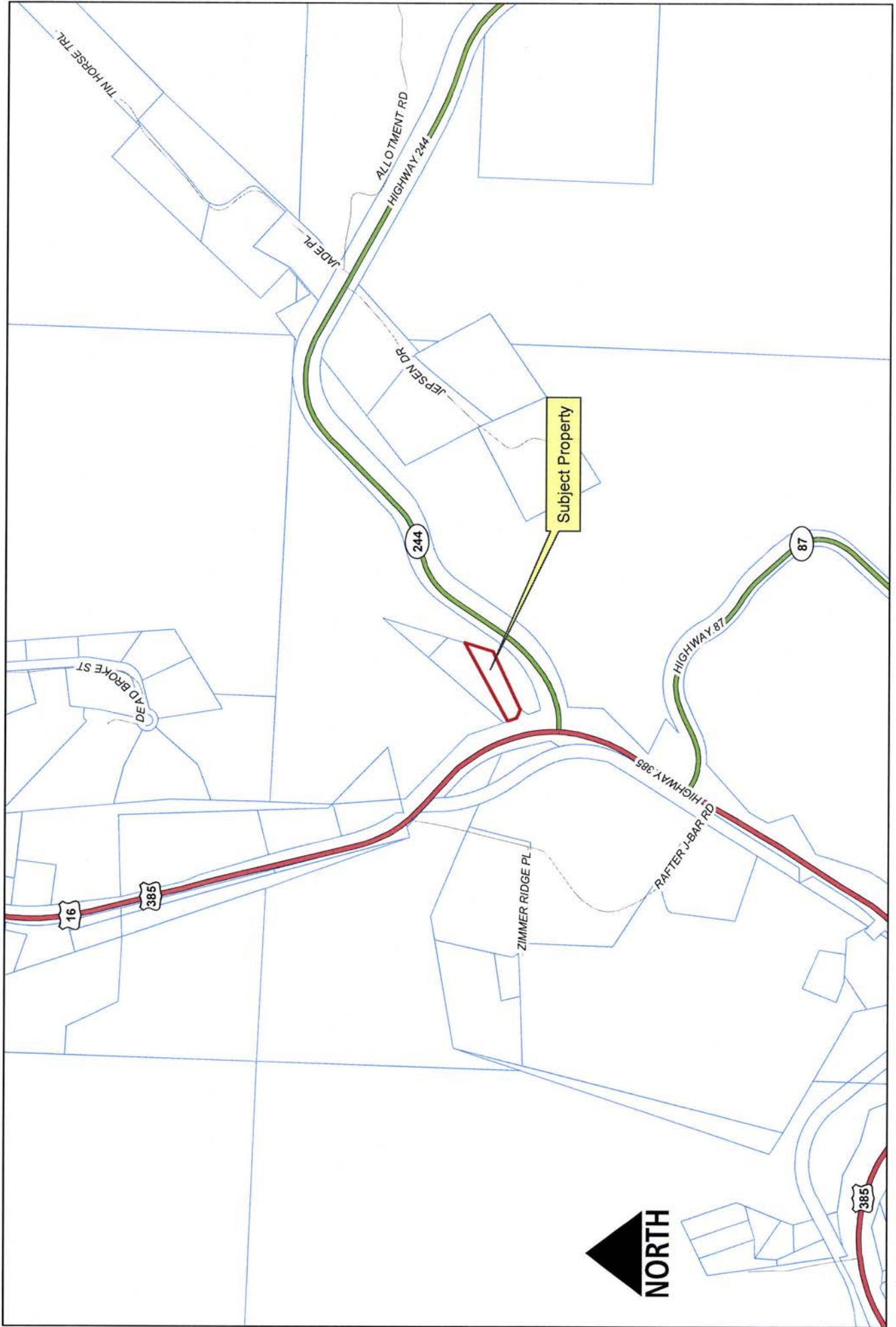
Daniel Johnson, Highmark Properties, LLC; Charles Johnson – Agent

March 25, 2019

2. Conversations with and emails from the applicant indicated the lower level has been rented for multiple dates for this season (2019).
  - a. It was rented under the ability of the Vacation Home Rental to sleep six (6) people or 450 gallons per day.
3. The upper level of the multi-family residence has two bedrooms or 300 gallons per day for double occupancy or 150 gallons per day for single occupancy in the multi-family residence.
4. The onsite wastewater treatment system was designed to accommodate a single-family residence with four (4) bedrooms or 480 gallons per day.
5. The onsite waste water treatment system is NOT designed for the 600 - 750 gallons per day (depending upon single or double occupancy of the upper level bedrooms in the multi-family residence).
  - a. The onsite wastewater treatment system is undersized for the how the Vacation Home Rental is being advertised and the number of bedrooms in the upper level of the multi-family residence.
6. Sizing requirements for onsite wastewater treatment systems are under the authority of the State of South Dakota's Administrative Rules (74:53:01:20 – Table 2 for multi-family residences) and requires a minimum of 75 gallons per day per person.

**RECOMMENDATION:** Staff is recommending to continue the review of Conditional Use Permit / CU 17-38 to the April 22, 2019, Planning Commission meeting in order for the applicant to address the inadequate sizing of the on-site wastewater treatment system.

# Johnson



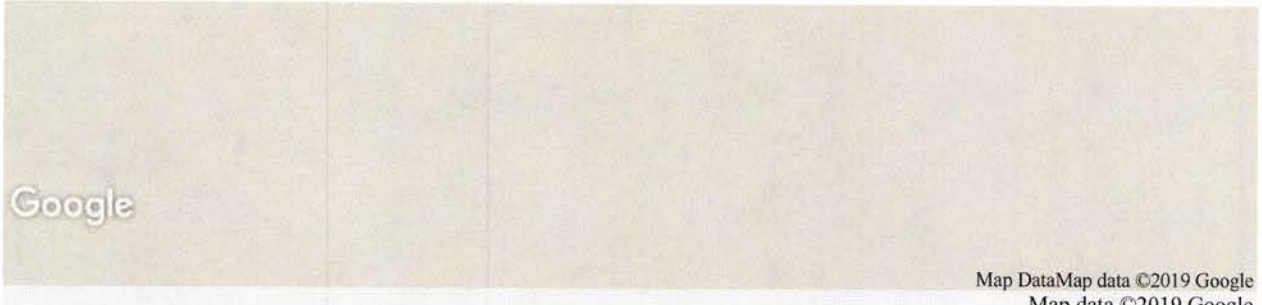


- Overview
- Amenities
- Reviews
- Map
- Rates & Availability



## Spring Creek Splendor. The Perfect Location. Kids of All Ages Love It Here!

Share



Map DataMap data ©2019 Google  
Map data ©2019 Google

Hill City, SD, USA 2.8 mi to Hill City center

- Cabin 1300 sq. ft.
- Sleeps: 6
- Bedrooms: 2
- Bathrooms: 1
- Min Stay: 2 nights

### **Bedrooms**

Bedrooms: 2

Sleeps: 6

---

#### **Bedroom 1**

queen

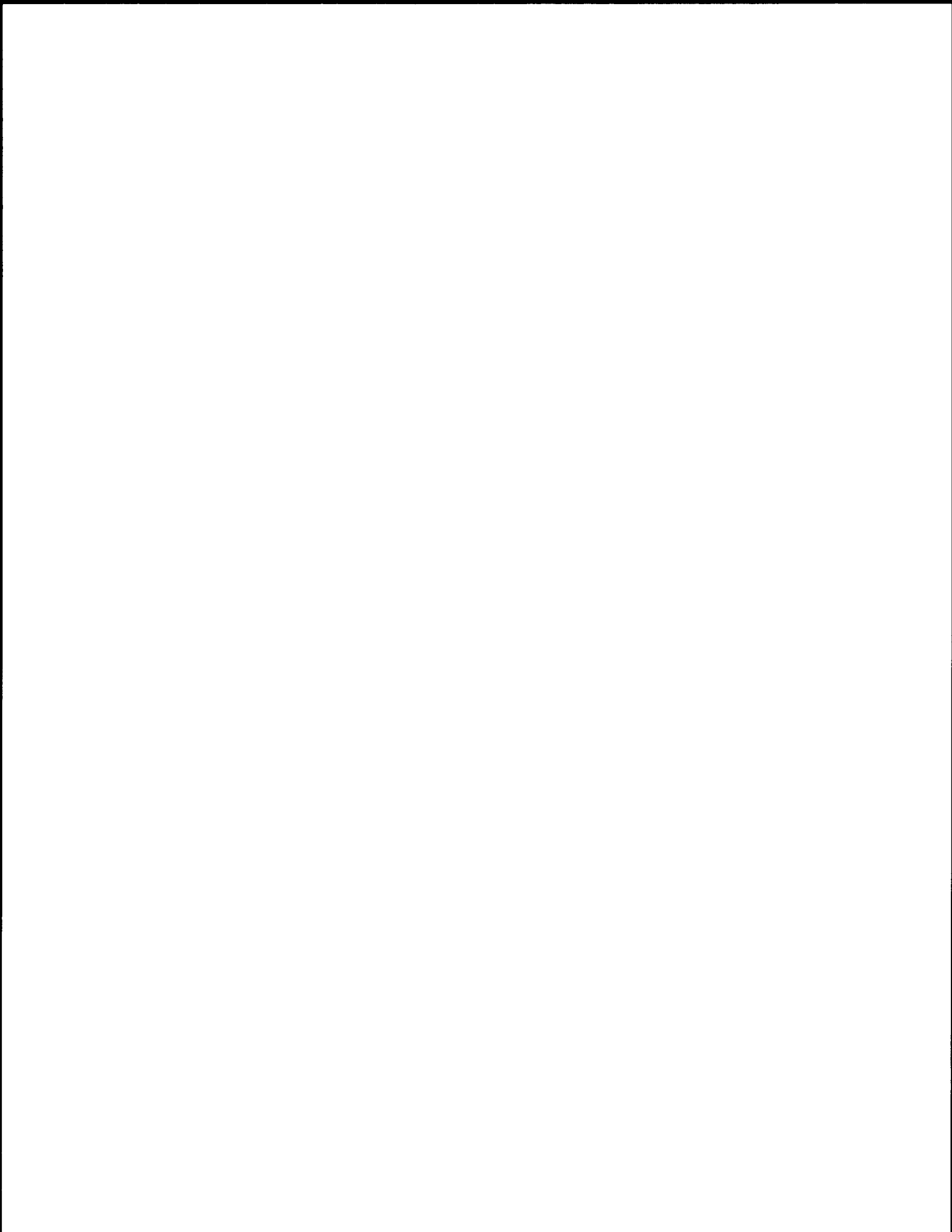
Walkout private patio creekside with bistro table/2 chairs

#### **Bedroom 2**

queen

The beds are new and of high quality.

The Master bedroom walks out on a private covered patio next to the creek. New bistro table and chairs so you can relax and watch the sunrise with your java and your companion. #2 bedroom does not open out to patio so kids are safe from wandering to water unsupervised. #3 sleeping space would be on the couch or we have a very good self inflating queen sized air mattress that is comfortable and could go anywhere in the great room.



**STAFF REPORT**

GENERAL INFORMATION:

REQUEST: **CONDITIONAL USE PERMIT AMENDMENT REVIEW / CU 17-43**: To review and amend an existing Conditional Use Permit to allow a Recreational Resort (glamping) on the subject property, in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

APPLICANT/AGENT: Under Canvas, Inc. (UC Glamping Partners, LLC);  
Jeremy Budge

APPLICANT ADDRESS: 1172 Happy Lane, Belgrade, MT 59714

LEGAL DESCRIPTION: GL 6; SE1/4NW1/4; N1/2SW1/4; Section 16, T2S,  
R6E, BHM, Pennington County, South Dakota.

SITE LOCATION: 24342 Presidio Ranch Road; south of Keystone near  
the intersection of Stanmark Road and Presidio  
Ranch Road.

TAX ID: 64741

SIZE: 160.23 acres

EXISTING LAND USE: 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: Hills / Trees / Rock outcroppings

UTILITIES: None

REPORT BY: P.J. Conover

**I. PROPOSED RECOMMENDATION**

- A. Staff will be recommending approval of the extension of Conditional Use Permit Amendment / CU 17-43 with twenty-seven (27) conditions.

**II. GENERAL DESCRIPTION**

- A. December 18, 2017 – The Planning Commission approved CU 17-43, to allow for a Glamping Resort to include: 80 tents, 18 tipis (adjacent to tents – used for children), 2 communal bathroom facilities with sinks/showers, On-Site Management Office, lobby tent, outdoor dining area, fire pits, bath cabins, laundry facility, yoga deck, and commercial kitchen.
1. CU 17-43 has since been amended to allow the following additional uses:
- a. Malt Beverage & Wine License (April 09, 2018).
- i. Board approved on April 20, 2018.
- b. Weddings (June 20, 2018).
- B. On June 25, 2018, CU 17-43 was last reviewed and amended with twenty-with (28) conditions.
- C. At this time, the applicant is not seeking an additional use on the property, but to allow for repeated seasonal tents constructed and taken-down without the need for repeated Building Permits every year.
1. All onsite tents are either constructed on the ground or on decks.

**III. DECEMBER 18, 2017 – ORIGINAL APPROVAL OF CU 17-43**

- A. The Planning Commission approved CU 17-43 with the following twenty-seven (27) conditions:
1. That “Temporary” shall mean those structures, systems, and/or tents established for a fixed period of time with the intent that such structure, system, and/or tent will be removed or disassembled upon expiration of the fixed period of time unless permission is granted by way of a review of CU 17-43;
2. That the uses of the Conditional Use Permit be limited to: 80 temporary tent sites with tents, 18 temporary tipis, 8’ wide cart paths, temporary tents for a lobby, outdoor dining, two (2) communal bathroom facilities with sinks/showers, management office, yoga deck, tent or other structure for laundry and housekeeping, fire pits, and to allow for the coordination of offsite recreational pursuits, from an on or off site location;
3. That an approved Temporary Building Permit be obtained for each tent site prior to construction and for any temporary 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;
4. That an approved Building Permit be obtained for any non-temporary structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;



Agenda Item #7

UC Glamping Partners, LLC; Jeremy Budge

March 25, 2019

5. That an approved Building Permit be obtained for any use of Alternative Energy Systems on the subject property, in accordance with Section 317 of the Pennington County Zoning Ordinance;
6. That the minimum required setbacks of a General Agriculture District and the minimum required setback of fifty-eight (58) feet to the Section Line on the western border of the subject property be continually maintained on the subject property, or approved Setback Variance(s) be obtained;
7. That an address or addresses be assigned to the subject property, along with other identifying road names or tent site numbers, per the County Addressing Coordinator and 9-1-1 Emergency Management, and posted in accordance with Pennington County's Ordinance #20. Road naming will require additional approvals from Pennington County;
8. That an approved On-Site Wastewater Construction Permit be obtained prior to any on-site wastewater treatment system being installed on the subject property, which will also require review and approval by the South Dakota Department of Environmental and Natural Resources;
9. That the interior access roads leading to the tent sites consist of, at a minimum, a 24-foot-wide graveled driving surface to accommodate two-way traffic;
10. That the minimum of 130 parking spaces be provided in accordance with Pennington County Zoning Ordinance Section 310;
11. That a Sign Permit be obtained prior to the installation of any signs on the subject property. All signs must meet the requirements of Section 312 of the Pennington County Zoning Ordinance;
12. That prior to the operation of the Recreational Resort, the applicant obtains all necessary permits from other governing bodies for the operation of the Recreation Resort, including, but not limited to, approval from the South Dakota Department of Health and a Sales Tax License from the South Dakota Department of Revenue;
13. That the applicant maintains 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 and updated, by the Operator, as needed, and provided at the time of each review of CU 17-43;
14. That the property remains free of debris and junk vehicles and all structures be well-maintained;
15. That all existing drainage ways be maintained and that erosion control measures be implemented on all disturbed areas so as not to allow any sedimentation of existing drainage ways or bodies of water per Pennington County Zoning Ordinance Section 507-A. This includes any requirements set forth in the Pennington County Stormwater Quality Manual for erosion and sediment measures;
16. That all exterior lighting must be of low level intensity, which does not result in excessive glare upon surrounding neighbors;

17. That the recommendations from the Fire Administrator be adhered to at all times;
18. That quiet hours for the Recreational Resort be between 10 p.m. and 8 a.m.;
19. That the applicant works with the South Dakota Division of Wildland Fire Suppression-Urban Interface Technician on any required Fire Mitigation Plans;
20. That emergency turn-arounds be provided on-site, per Pennington County Fire Administrator recommendations;
21. That the applicant is aware of and adheres to all Forest Service requirements;
22. That the applicant comply with SDCL 34-18, which regulates Lodging and Food Service Establishments and Campgrounds;
23. That the applicant comply with all State requirements for well digging and permitting and provide the Pennington County Planning Director a copy of all approvals prior to the operation of the Recreation Resort;
24. That prior to obtaining a Building Permit, the applicant has the well water tested to determine quality and quantity sufficient enough to sustain the proposed Recreation Resort water usage;
25. 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 impact on adjacent land uses as determined by the Planning Director shall require a review or amendment of this Conditional Use Permit;
26. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 17-43, which is available at the Planning Office; and,
27. That this Conditional Use Permit be reviewed in June of 2018, 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.

**IV. JUNE 25, 2018 – CURRENT CONDITIONS OF APPROVAL FOR CU 17-43**

- A. The Planning Commission approved the latest review and amendment of CU 17-43 with the following twenty-eight (28) conditions:
  1. That “Temporary” shall mean those structures, systems, and/or tents established for a fixed period of time with the intent that such structure, system, and/or tent will be removed or disassembled upon expiration of the fixed period of time unless permission is granted by way of a review of CU 17-43;
  2. That the uses of the Conditional Use Permit allow for: 80 temporary-tent camping sites, 18 temporary tipis, 8’ wide cart paths, temporary-tents for a lobby, temporary tent for outdoor dining, two (2) communal bathroom facilities with sinks/showers, management office, yoga deck, tent or other structure for laundry and housekeeping, fire pits, the sale of beer and wine

Agenda Item #7

UC Glamping Partners, LLC; Jeremy Budge

March 25, 2019

(with applicable permits), weddings, and to allow for the coordination of offsite recreational pursuits from an on or off site location;

3. That an approved Temporary Building Permit continue to be obtained for each tent site prior to construction and for any temporary 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;

4. That an approved Building Permit be obtained for any non-temporary 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;

5. That an approved Building Permit be obtained for any use of Alternative Energy Systems on the subject property, in accordance with Section 317 of the Pennington County Zoning Ordinance;

6. That the minimum required setbacks of a General Agriculture District and the minimum required setback of fifty-eight (58) feet to the Section Line on the western border of the subject property be continually maintained on the subject property, or approved Setback Variance(s) be obtained;

7. That all addresses continue to be posted in accordance with Pennington County's Ordinance #20;

8. That an approved On-Site Wastewater Construction Permit continue to be obtained prior to any on-site wastewater treatment system being installed on the subject property, which will also require review and approval by the South Dakota Department of Environmental and Natural Resources;

9. That the interior access roads leading to the tent sites continue to consist of, at a minimum, a 24-foot-wide graveled driving surface to accommodate two-way traffic;

10. That the minimum of 130 parking spaces continue be provided in accordance with Pennington County Zoning Ordinance Section 310 and that the applicant provides a new site plan illustrating where the wedding venue and any additional will be;

11. That a Sign Permit continue to be obtained prior to the installation of any signs on the subject property. All signs must meet the requirements of Section 312 of the Pennington County Zoning Ordinance;

12. That prior operation of the Recreational Resort, each year, the applicant continues to obtain all necessary permits from other governing bodies for the operation of the Recreation Resort, including, but not limited to, approval from the South Dakota Department of Health and a Sales Tax License from the South Dakota Department of Revenue;

13. That the applicant continues to 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 and updated, by the Operator, as needed, and provided at the time of each review of CU 17-43;

14. That the property remains free of debris and junk vehicles and all structures be well-maintained;
15. That all existing drainage ways continue to be maintained and that erosion control measures be implemented on all disturbed areas so as not to allow any sedimentation of existing drainage ways or bodies of water per Pennington County Zoning Ordinance Section 507-A. This includes any requirements set forth in the Pennington County Stormwater Quality Manual for erosion and sediment measures;
16. That all exterior lighting must continue to be of low level intensity, which does not result in excessive glare upon surrounding neighbors;
17. That the recommendations from the Fire Administrator continues to be adhered to at all times;
18. That quiet hours for the Recreational Resort continue to be between 10 p.m. and 8 a.m.;
19. That the applicant works with the South Dakota Division of Wildland Fire Suppression-Urban Interface Technician on any required Fire Mitigation Plans;
20. That emergency turn-arounds continue to be provided on-site, per Pennington County Fire Administrator recommendations;
21. That the applicant continues to adhere to all Forest Service requirements;
22. That the applicant continues to comply with SDCL 34-18, which regulates Lodging and Food Service Establishments and Campgrounds;
23. That the applicant continues to comply with all State requirements for well digging, permitting, and water quality and provide the Pennington County Planning Director a copy of all documentation of said records prior to each review hearing;
24. The Planning Director may allow additional development or construction, which is consistent with the existing development on this property.
25. That significant changes in the use of the subject property or a negative impact on adjacent land uses as determined by the Planning Director shall require a review or amendment of this Conditional Use Permit;
26. That prior to the August 27, 2018, Planning Commission meeting, the applicant and/or on-site manager of the subject property and the Pennington County Fire Administrator meet on-site to review the fire places that are located inside the tents;
27. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 17-43, which is available at the Planning Office; and,
28. That this Conditional Use Permit be reviewed in three (3) years, 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.

**V. EXISTING CONDITIONS**

- A. 160.23 acres.
- B. 0.22 mile from Keystone City Limits.
- C. General Agriculture District – Current Zoning.
- D. Planned Unit Development Sensitive – Future Land Use Zoning.
- E. Access from Presidio Ranch Road.
- F. No Special Flood Hazard Areas on the subject property.

**VI. AREA APPROVED FOR RECREATIONAL RESORT AREA**

- A. In the Southern half of the subject property.
- B. 80.17 acres.
  - 1. Actual camp footprint – approximately 3.3 acres.
- C. 0.22 mile from Keystone City Limits.
- D. General Agriculture District - Current Zoning.
- E. Planned Unit Development Sensitive – Future Land Use Zoning.
- F. Access from Presidio Ranch Road.
- G. No Special Flood Hazard Areas on the subject property.



PHOTO OF UNDER CANVAS MOUNT RUSHMORE FROM WEBSITE – 03.21.19

**VII. ANALYSIS**

- A. December 18, 2017 – The Planning Commission approved CU 17-43 with twenty-seven (27) conditions.
- B. April 09, 2018 – The Planning Commission approved Conditional Use Permit Amendment / CU 17-43 with twenty-seven (27) conditions, with a change to Condition #2 to allow for Malt Beer and Wine Sales.
- C. June 14, 2018 – Staff conducted an in-season site visit and found the subject property to be in compliance with the existing Conditions of Approval.
- D. March 21, 2019 – Staff conducted an off-season site visit and found the subject property to be in compliance with the existing Conditions of Approval.

- E. The Under Canvas Mount Rushmore operation requires the construction and tear-down of tents every season. Some tents are constructed upon a wooden platform and others are placed upon a removable barrier closer to the ground. Permits will be issued to allow for repeated seasonal use from April to November.
- F. Planning Staff has received no complaints about the glamping operation.

**RECOMMENDATION:** Staff recommends approval of the extension of Conditional Use Permit Amendment / CU 17-43 with the following twenty-seven (27) conditions:

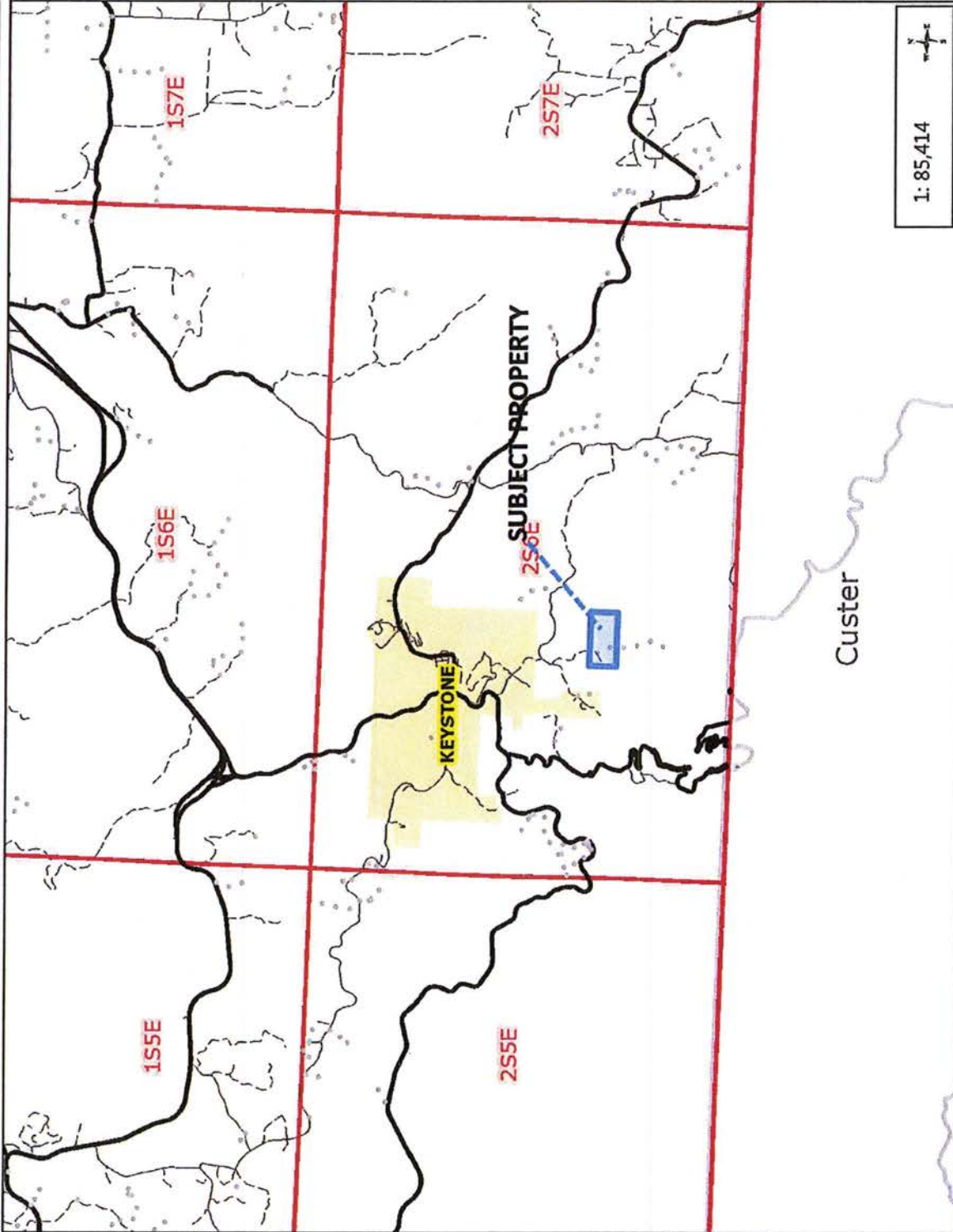
1. That "Temporary" shall mean those structures, systems, and/or tents established for a repeated fixed period of time (April – November) with the intent that such structures, system, and/or tent will be removed or disassembled repeatedly;
2. That the uses of the Conditional Use Permit allow for: 80 temporary-tent camping sites, 18 temporary tipis, 8' wide cart paths, temporary-tents for a lobby, temporary tent for outdoor dining, two (2) communal bathroom facilities with sinks/showers, management office, yoga deck, tent or other structure for laundry and housekeeping, fire pits, the sale of beer and wine (with applicable permits), weddings, and to allow for the coordination of off-site recreational pursuits from an on or off site location;
3. That an approved Temporary Building Permit be obtained for each tent site prior to construction and for repeated temporary 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.
4. That an approved Building Permit be obtained for any non-temporary 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;
5. That an approved Building Permit be obtained for any use of Alternative Energy Systems on the subject property, in accordance with Section 317 of the Pennington County Zoning Ordinance;
6. That the minimum required setbacks of a General Agriculture District and the minimum required setback of fifty-eight (58) feet to the Section Line on the western border of the subject property be continually maintained on the subject property, or approved Setback Variance(s) be obtained;
7. That all addresses continue to be posted in accordance with Pennington County's Ordinance #20;
8. That an approved On-Site Wastewater Construction Permit continue to be obtained prior to any on-site wastewater treatment system being installed on the subject

property, which will also require review and approval by the South Dakota Department of Environmental and Natural Resources;

9. That the interior access roads leading to the tent sites continue to consist of, at a minimum, a 24-foot-wide graveled driving surface to accommodate two-way traffic;
10. That the minimum of 130 parking spaces continue be provided in accordance with Pennington County Zoning Ordinance Section 310 and that the applicant provides a new site plan illustrating where the wedding venue and any additional will be;
11. That a Sign Permit continue to be obtained prior to the installation of any signs on the subject property. All signs must meet the requirements of Section 312 of the Pennington County Zoning Ordinance;
12. That prior operation of the Recreational Resort, each year, the applicant continues to obtain all necessary permits from other governing bodies for the operation of the Recreation Resort, including, but not limited to, approval from the South Dakota Department of Health and a Sales Tax License from the South Dakota Department of Revenue;
13. That the applicant continues to 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 and updated, by the Operator, as needed, and provided at the time of each review of CU 17-43;
14. That the property remains free of debris and junk vehicles and all structures be well-maintained;
15. That all existing drainage ways continue to be maintained and that erosion control measures be implemented on all disturbed areas so as not to allow any sedimentation of existing drainage ways or bodies of water per Pennington County Zoning Ordinance Section 507-A. This includes any requirements set forth in the Pennington County Stormwater Quality Manual for erosion and sediment measures;
16. That all exterior lighting must continue to be of low level intensity, which does not result in excessive glare upon surrounding neighbors;
17. That the recommendations from the Fire Administrator continues to be adhered to at all times;
18. That quiet hours for the Recreational Resort continue to be between 10 p.m. and 8 a.m.;

19. That the applicant works with the South Dakota Division of Wildland Fire Suppression-Urban Interface Technician on any required Fire Mitigation Plans;
20. That emergency turn-arounds continue to be provided on-site, per Pennington County Fire Administrator recommendations;
21. That the applicant continues to adhere to all Forest Service requirements;
22. That the applicant continues to comply with SDCL 34-18, which regulates Lodging and Food Service Establishments and Campgrounds;
23. That the applicant continues to comply with all State requirements for well digging, permitting, and water quality and provide the Pennington County Planning Director a copy of all documentation of said records prior to each review hearing;
24. The Planning Director may allow additional development or construction, which is consistent with the existing development on this property;
25. That significant changes in the use of the subject property or a negative impact on adjacent land uses as determined by the Planning Director shall require a review or amendment of this Conditional Use Permit;
26. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 17-43, which is available at the Planning Office; and,
27. That this Conditional Use Permit be reviewed in two (2) years, 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: 85,414

14,235.6 0 7,117.80 14,235.6 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.

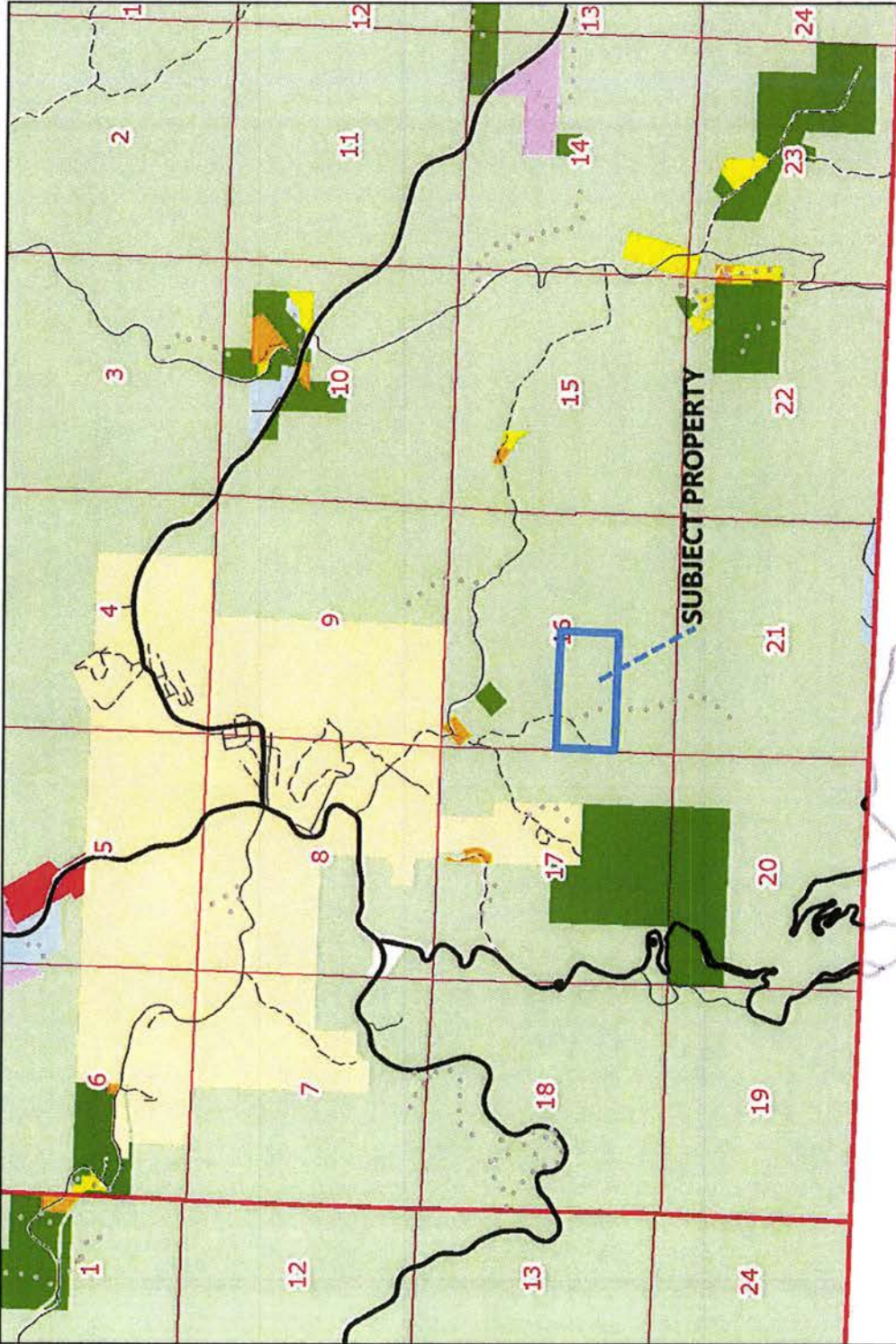
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© City of Rapid City GIS

THIS MAP IS NOT TO BE USED FOR NAVIGATION

**Map Notes:**

**Legend**

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



1: 42,707



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

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**Legend**

- Roads**
- Interstate
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  - 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**
- PLSS
  - PLSS
- Townships**
- BOX ELDER
  - ELLSWORTH AFB
  - HILL CITY
  - KEYSTONE
  - NEW UNDERWOOD
  - QUINN
  - RAPID CITY
  - WALL
  - WASTA
- City Limits**
- City Limits
- Pennington County Zoning**
- General Agriculture
  - General Commercial
  - Heavy Industrial
  - Highway Services

**Map Notes:**



1: 5,338

### 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

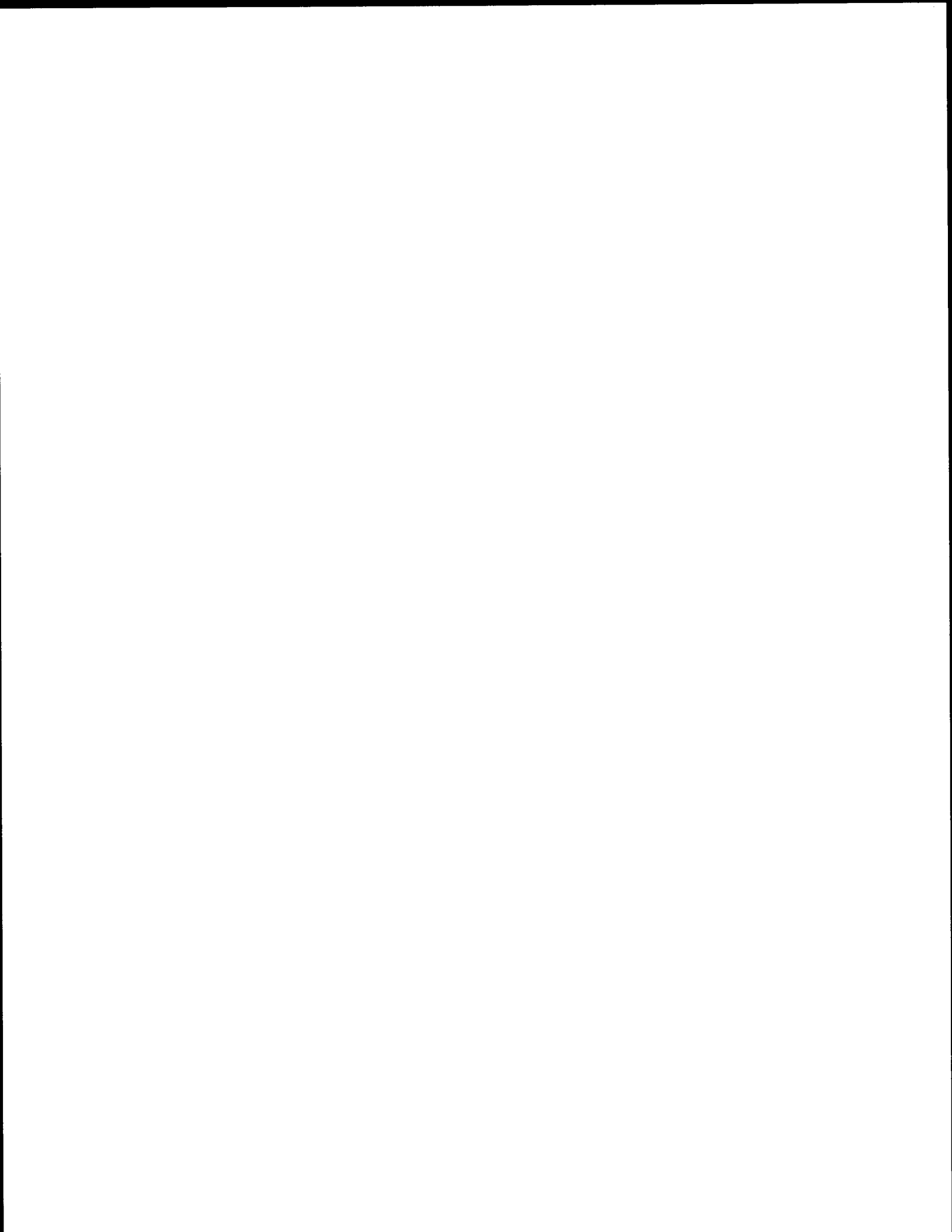
### Map Notes:

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**

889.7 0 444.86 889.7 Feet

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**STAFF REPORT**

GENERAL INFORMATION:

REQUEST: **CONDITIONAL USE PERMIT / CU 18-38**: To allow a multi-family dwelling residence with separate units, Unit 1 and Unit 2, to be used as a Specialty Resort/Vacation Home Rental in a General Agriculture District in accordance with Sections 205, 319, and 510 of the Pennington County Zoning Ordinance.

APPLICANT: Daniel Johnson, Highmark Properties, LLC

APPLICANT ADDRESS: 136 Heritage Drive, Yankton, SD 57078

LOCAL CONTACT: Jeannie Marr

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

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

SIZE: 1.77 acres

TAX ID: 4410

EXISTING LAND USE: Residential

ZONING REFERENCE: Sections 205, 319, and 510

CURRENT ZONING: General Agriculture District

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

PHYSICAL CHARACTERISTICS: Forested / Hills

UTILITIES: Private

REPORT BY: Brittney Molitor

**I. PROPOSED RECOMMENDATION**

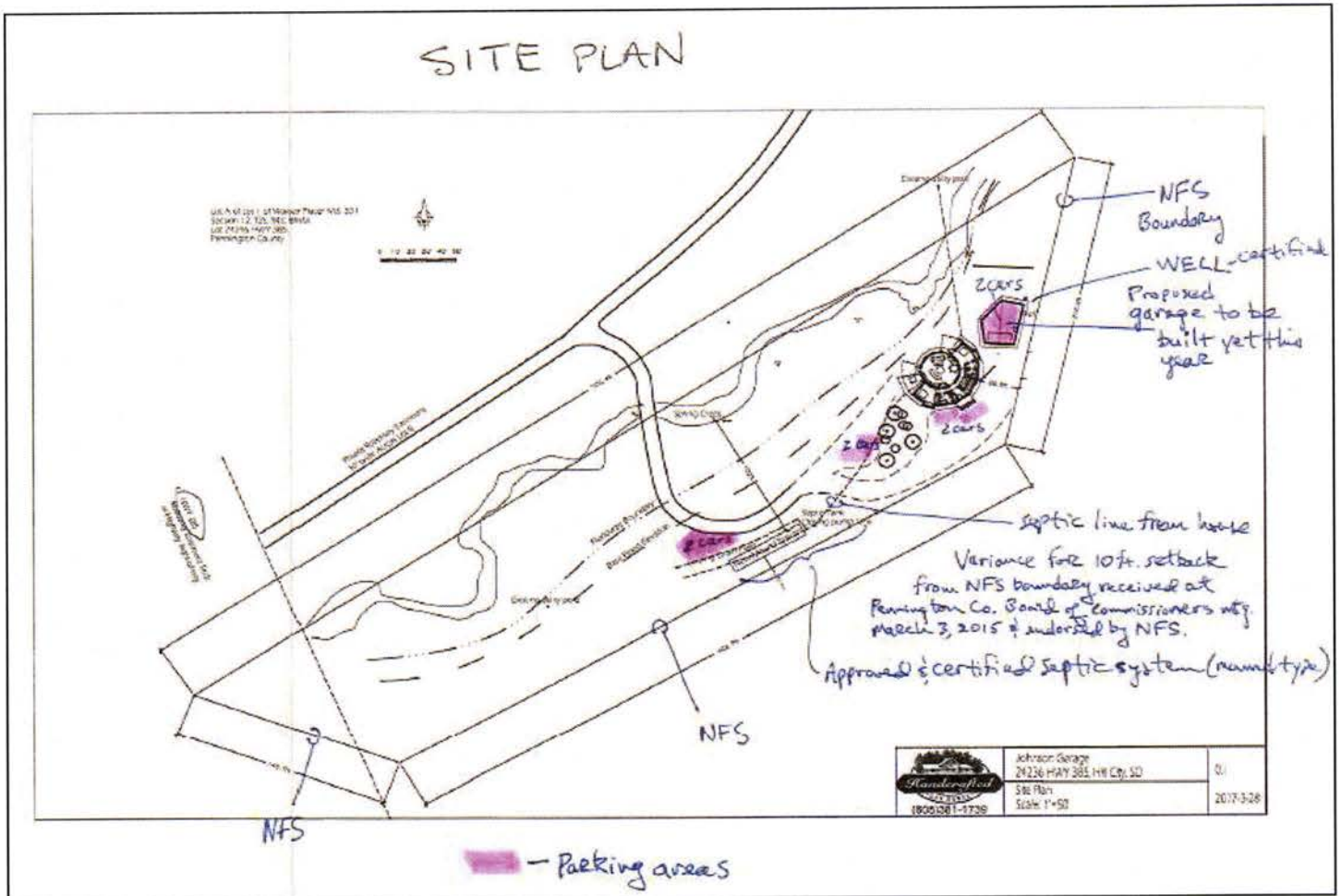
- A. Staff is recommending to continue Conditional Use Permit / CU 18-38 to no later than the April 22, 2019, Planning Commission meeting with one (1) condition.

**II. GENERAL DESCRIPTION**

- A. The applicant is requesting a Conditional Use Permit to allow a Specialty Resort/Vacation Home Rental within the existing residence, which currently has two (2) distinct units within it. The applicant already has a Conditional Use Permit for a multi-family residence and another Conditional Use Permit to allow one (1) of the units to be utilized as a VHR; however, he would now like to utilize the other unit as a VHR as well.

**III. EXISTING CONDITIONS**

- A. 1.77 acres.
- B. General Agriculture District.
- C. Access:
  - 1. Legal access to the property is off a ten (10) foot Private Roadway Easement which runs along the length of Lot B and Lot C.
  - 2. The applicant has legal access into the subject property (Lot A), off the above-mentioned Private Roadway Easement per Easement – Book 7, Pages 6964-6965.
  - 3. By way of the above-mentioned Easement, a ten (10) foot wide driveway was constructed and currently exists on the property.
    - a. Comments received by the United States Forest Service on a separate request stated that there is no FLPMA Private Road Easement in place across National Forest System lands, and, therefore, does not have legal access to the subject property.
- D. Lot contains:
  - 1. Single-family residence – COBP15-0329.
    - a. Onsite Wastewater Treatment System – COSD15-0079.
      - i. Operating Permit – COOP16-0638.
- E. Special Flood Hazard Area, including floodway, exists on the subject property.



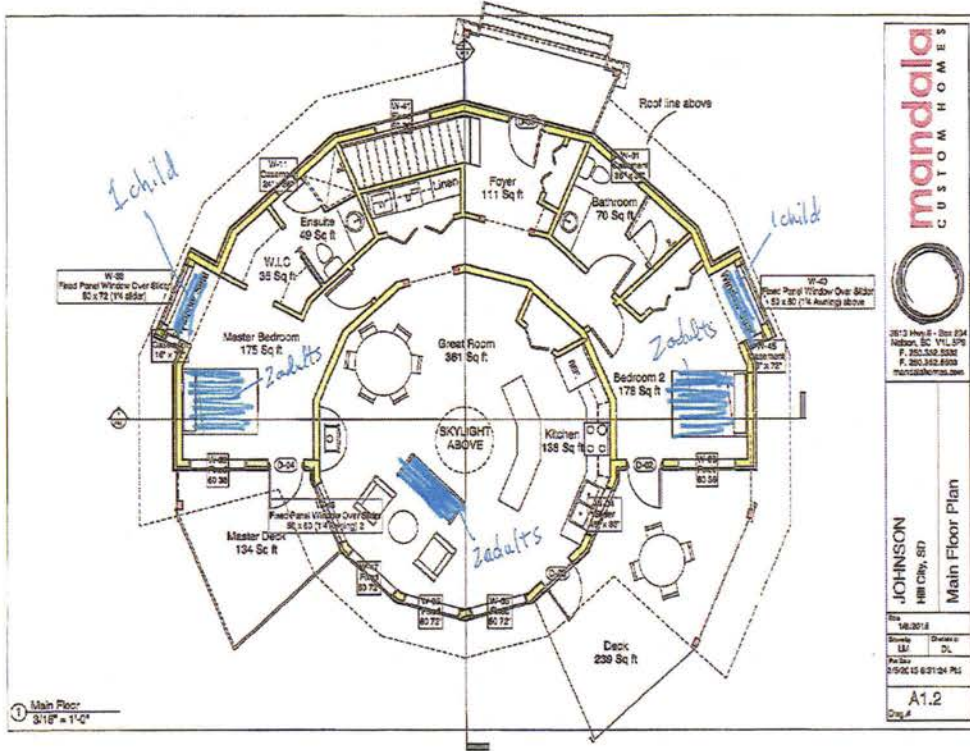
Site Plan

Location of Structure

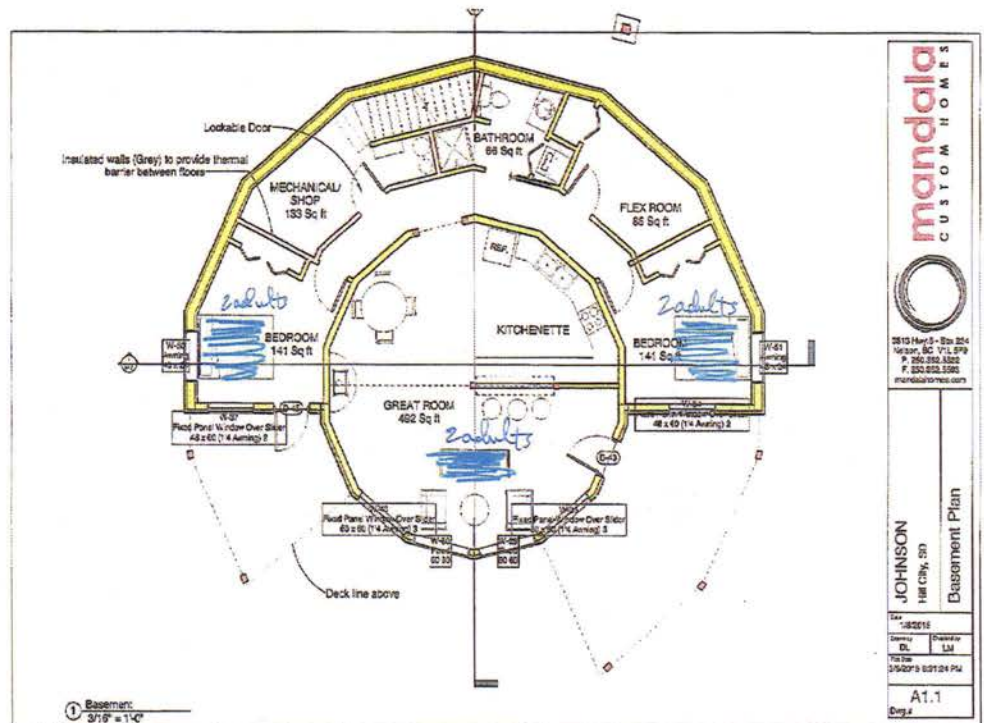


Location of Special Flood Hazard Area (Dark Blue and Red)

MAIN FLOOR



LOWER LEVEL





#### **IV. PROPERTY HISTORY**

- A. On September 24, 2018, the applicant submitted a request for a Vacation Home Rental for the second dwelling unit in the structure (CU 18-38).
- B. On October 2, 2018, Staff received comments from the United States Forest Service on this request stating that there is no longer a FLPMA Private Road Easement in place across National Forest System lands and therefore does not have legal access to the subject property.
  - 1. The agreement expired December 31, 2017.
- C. On October 10, 2018, Staff received an email from the South Dakota Department of Health stating that the license category was changed from Vacation Home Rental to Specialty Resort due to the additional request for a Vacation Home Rental.
  - 1. This required the request for an additional Vacation Home Rental to be re-advertised as a Specialty Resort.
- D. On October 17, 2018, Staff contacted the applicant regarding the Forest Service Contracts and the use of the single-family residence as a Specialty Resort.
- E. The request was re-advertised as a Specialty Resort.

#### **V. ANALYSIS FOR MARCH 25, 2019**

- A. On March 19, 2019, Staff verified through the VRBO website that this property is listed as a Vacation Home Rental for the lower level of the multi-family residence with accommodations to sleep six (6) people.
  - 1. The onsite wastewater treatment system for the multi-family residence was designed for eight (8) people total (both upper and lower levels).
  - 2. Conversations with and emails from the applicant indicated the lower level has been rented for multiple dates for this season (2019).
    - a. It was rented under the ability of the VHR to sleep six (6) people or 450 gallons per day.
  - 3. The upper level of the multi-family residence has two bedrooms or 300 gallons per day for double occupancy or 150 gallons per day for single occupancy in the multi-family residence.
  - 4. The onsite wastewater treatment system was designed to accommodate a single-family residence with four (4) bedrooms or 480 gallons per day.
  - 5. The onsite waste water treatment system is NOT designed for 600 - 750 gallons per day (depending upon single or double occupancy of the upper level bedrooms in the multi-family residence).
    - a. The onsite wastewater treatment system is undersized for the how the VHR is being advertised and the number of bedrooms in the upper level of the multi-family residence.
  - 6. Sizing requirements for onsite wastewater treatment systems are under the authority of the State of South Dakota's Administrative

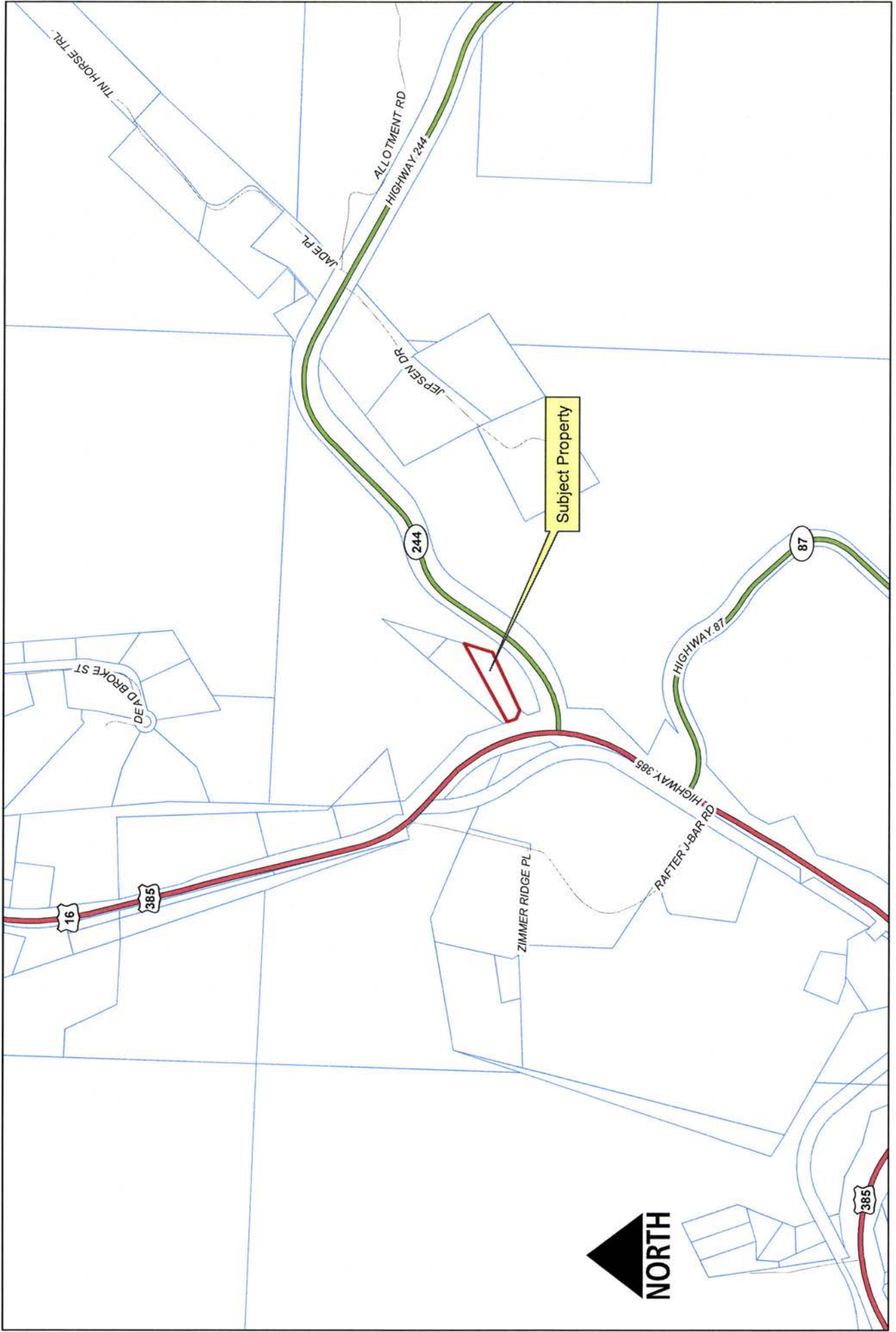
Agenda Item #8  
Daniel Johnson, Highmark Properties, LLC  
March 25, 2019

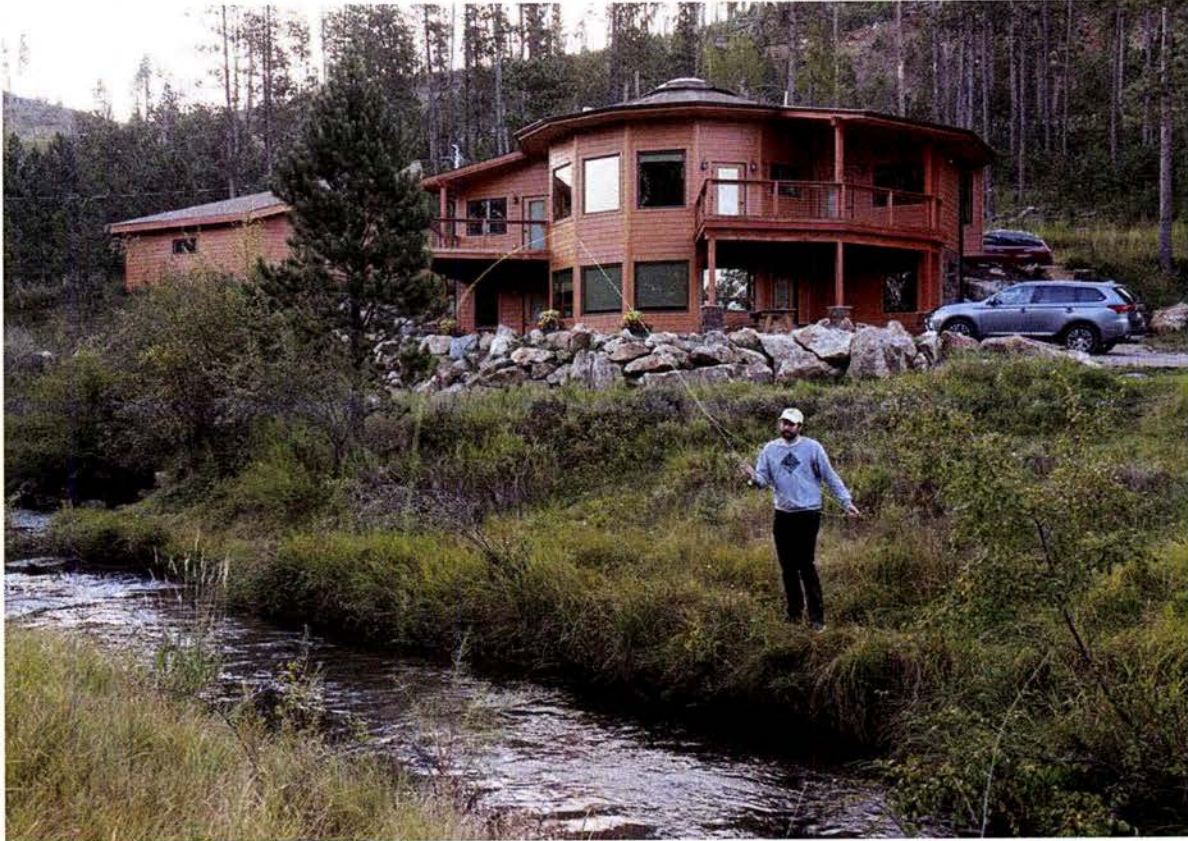
Rules (74:53:01:20 – Table 2 for multi-family residences) and requires a minimum of 75 gallons per day per person.

**RECOMMENDATION:** Staff is recommending to continue the review of Conditional Use Permit / CU 17-38 to the April 22, 2019, Planning Commission meeting in order for the applicant to address the inadequate sizing of the on-site wastewater treatment system with the following one (1) condition:

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

# Johnson





- Overview
- Amenities
- Reviews
- Map
- Rates & Availability

Overview

## Spring Creek Splendor. The Perfect Location. Kids of All Ages Love It Here!

Share



Map DataMap data ©2019 Google  
Map data ©2019 Google

Hill City, SD, USA 2.8 mi to Hill City center

- Cabin 1300 sq. ft.
- Sleeps: 6
- Bedrooms: 2
- Bathrooms: 1
- Min Stay: 2 nights

### **Bedrooms**

Bedrooms: 2

Sleeps: 6

---

#### **Bedroom 1**

queen

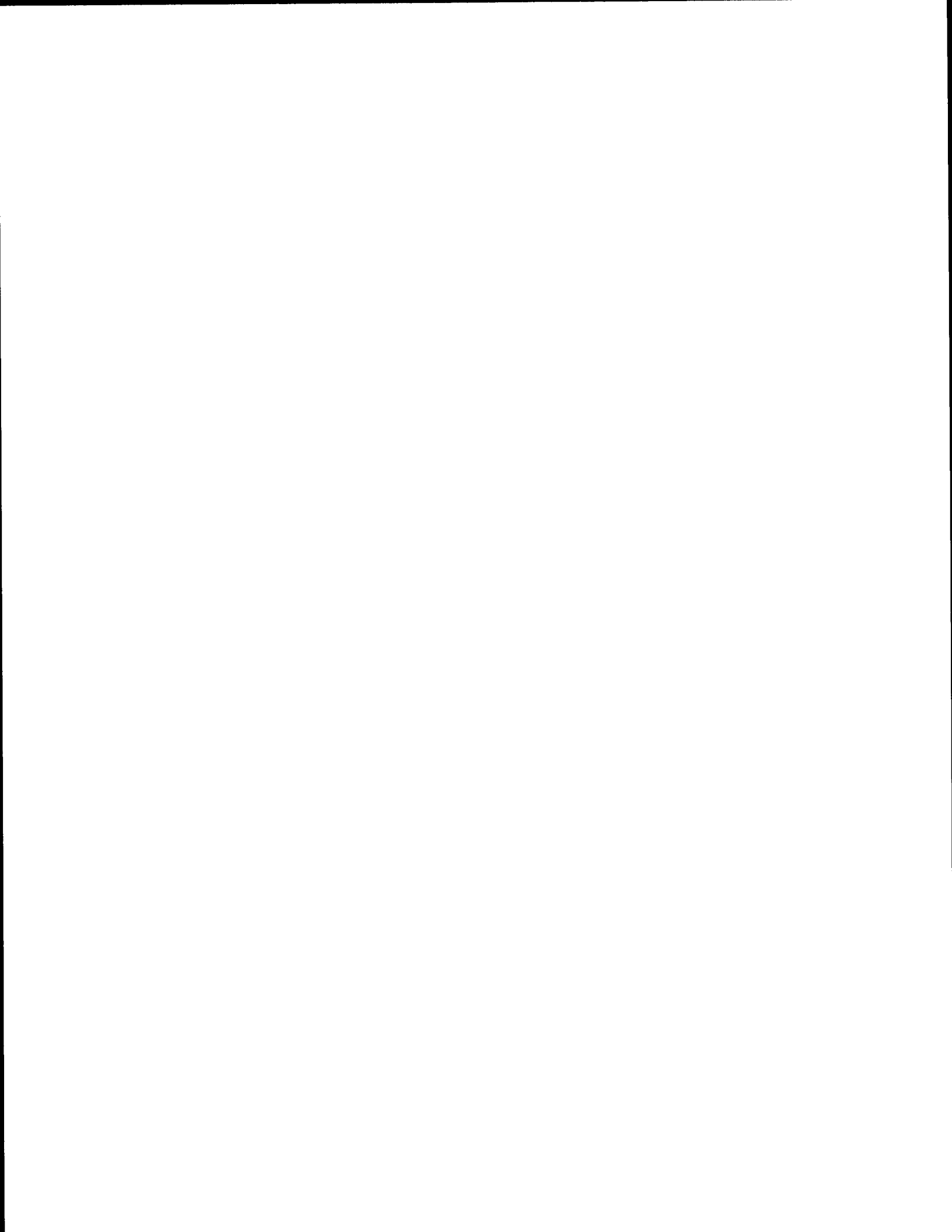
Walkout private patio creekside with bistro table/2 chairs

#### **Bedroom 2**

queen

The beds are new and of high quality.

The Master bedroom walks out on a private covered patio next to the creek. New bistro table and chairs so you can relax and watch the sunrise with your java and your companion. #2 bedroom does not open out to patio so kids are safe from wandering to water unsupervised. #3 sleeping space would be on the couch or we have a very good self inflating queen sized air mattress that is comfortable and could go anywhere in the great room.



**STAFF REPORT**

GENERAL INFORMATION:

REQUEST: **CONSTRUCTION PERMIT REVIEW / CP 18-03**: To review construction of a new water main, install water service lines, fittings, valves, valve boxes, fire hydrants, and other appurtenances, which includes surface restoration and other incidental work.

APPLICANT: Site Work Specialists, Inc

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

LANDOWNER: Pine Cliff Water System

LEGAL DESCRIPTION: Pine Cliff Subdivision, Section 31, T2N, R6E, BHM, Pennington County, South Dakota

SITE LOCATION: Pine Cliff Subdivision along W. Highway 44 going north toward Timber Lane, then Pine Cliff Drive.

SIZE: 1 acre

TAX ID: Various

EXISTING LAND USE: Residential / Vacant

ZONING REFERENCE: Section 507

CURRENT ZONING: Suburban Residential District

SURROUNDING ZONING:

North	General Agriculture District
South	Suburban Residential / Low Density / and General Commercial Districts
East	Suburban Residential District
West	Low Density Residential and General Agriculture Districts

PHYSICAL CHARACTERISTICS: Forested / Hills

UTILITIES: Private / Public

REPORT BY: Cody Sack

**I. PROPOSED RECOMMENDATION**

- A. Staff will be recommending to continue the review of Construction Permit / CP 18-03 to the June 10, 2019, Planning Commission meeting to allow staff time to verify that all Conditions of Approval have been met.

**II. GENERAL DESCRIPTION**

- A. The applicant requested a Construction Permit to construct a new water main, install water service lines, fittings, valves, valve boxes, fire hydrants and other appurtenances which includes surface restoration and other incidental work.

1. The project is located on Highway 44 going north toward Timber Lane, then to Pine Cliff Drive and then along Wildflower Drive.

- B. March 26, 2018 – The Planning Commission originally approved CP 18-03 with the following ten (10) conditions:

1. That a South Dakota Department of Environment and Natural Resources General Permits for Storm Water Discharges Associated with Construction Activities be obtained and 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;

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 requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;

5. That any waste material be removed by the end of the work day and is not to remain in the right of way;

6. That access to homes be maintained at all times for emergency vehicles;

7. That the disturbed areas be re-vegetated as required in Section 507-A(5)(c);

8. That the applicant sign a Statement of Understanding within ten (10) business days of Permit approval; and,

9. The work on private property is done within the recorded easements;



10. 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 or Board of Commissioners to verify that all conditions of approval are being met.

### Site Work Specialist - Pine Cliff



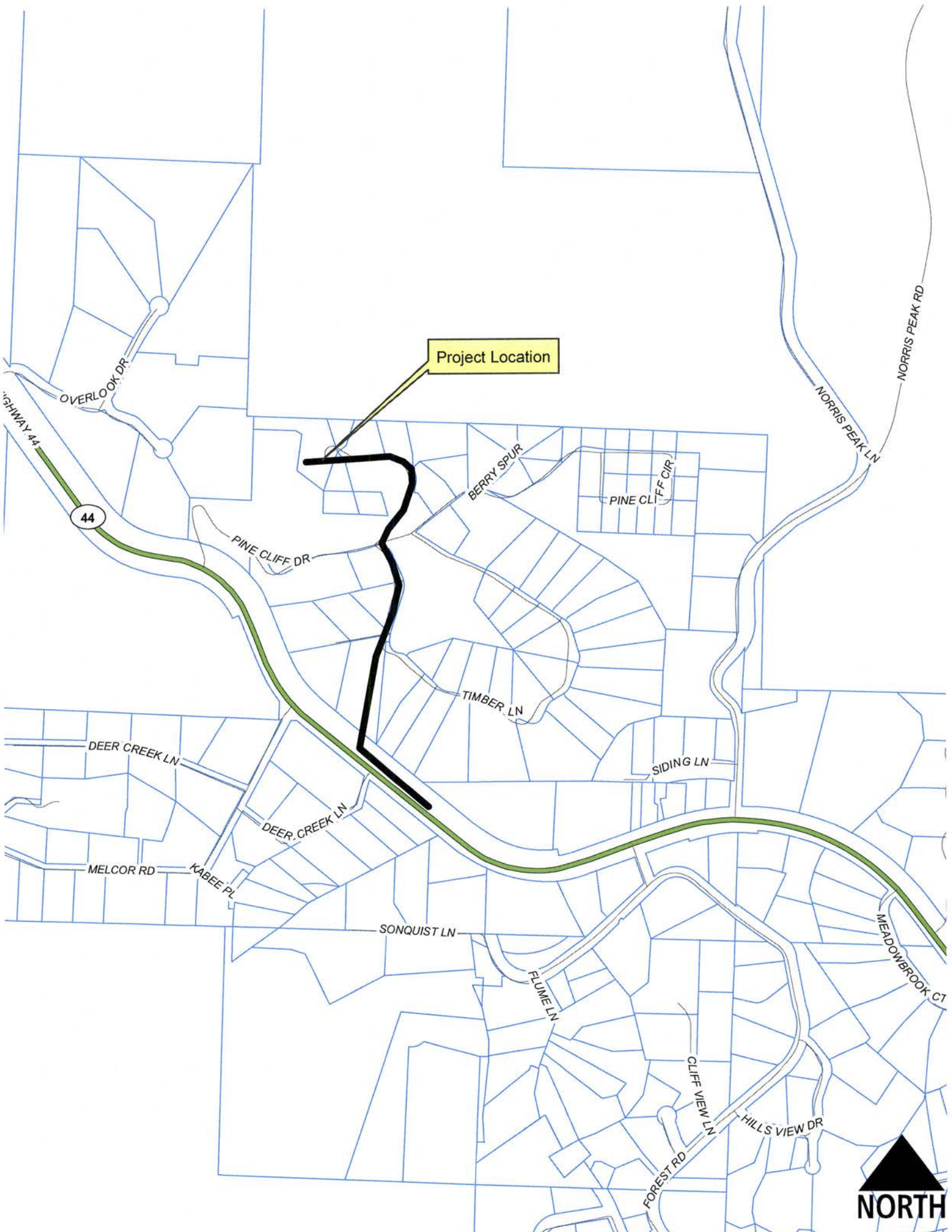
### III. EXISTING CONDITIONS

- A. Area of disturbance is approximately 1 acre.
- B. Zoned Suburban Residential District.
- C. Is vacant of any structures.

**IV. ANALYSIS**

- A. March 18, 2019 - Staff contacted the applicant who stated:
1. Work was completed September of 2018.
  2. The site was reseeded.
    - a. *Staff Note: With snow coverage and the short time for seeds to germinate, staff cannot verify that seeding has taken, therefore, staff will recommend to continue the review of CP 18-03 to the June 10, 2019, Planning Commission meeting.*

**RECOMMENDATION:** Staff recommends to continue the review of Construction Permit / CP 18-03 to the June 10, 2019, Planning Commission meeting to allow staff time to verify that all Conditions of Approval have been met.



Project Location

44

HWY 44

OVERLOOK DR

PINE CLIFF DR

BERRY SPUR

PINE CLIFF CIR

TIMBER LN

SIDING LN

DEER CREEK LN

DEER CREEK LN

MELCOR RD

KABEE PL

SONQUIST LN

FLUME LN

FOREST RD

CLIFF VIEW LN

HILLS VIEW DR

MEADOWBROOK CT

NORRIS PEAK LN

NORRIS PEAK RD





Project Location

Highway 44

44

OVERLOOK DR

PINE CLIFF DR

BERRY SPUR

PINE CLIFF CIR

TIMBER LN

DEER CREEK LN

SIDING LN

DEER CREEK LN

MELCOR RD

KABEE PL

SONQUIST LN

FLUME LN

FOREST RD

CLIFF VIEW LN

HILLS VIEW DR

MADOWBROOK CT

NORRIS PEAK LN

NORRIS PEAK RD



## STAFF REPORT

### GENERAL INFORMATION:

REQUEST: **TELECOMMUNICATIONS FACILITY PERMIT REVIEW / TC 09-04:** To review a 190 foot stealth monopole communications tower in a General Agriculture District in accordance with Sections 205, 316, and 510 of the Pennington County Zoning Ordinance.

APPLICANT: Velocitel, Inc. (Dave Trost)

APPLICANT ADDRESS: 1701 American Boulevard East, Suite 16  
Bloomington, MN 55425

LANDOWNER: Robert Baker Revocable Trust / Baker Trustee

OWNER ADDRESS: 13536 S. Highway 16, Rapid City, SD 57702

TOWER OWNER: Alltel Communications, LLC.

OWNER ADDRESS: 2449 West Chicago Street, Rapid City, SD 57702

LEGAL TOWER DESCRIPTION: BLL Located on Lot 1 of BTP Subdivision, Section 13, T1S, R6E, BHM, Pennington County, South Dakota.

LEGAL LAND DESCRIPTION: Lot 1 of BTP Subdivision, Section 13, T1S, R6E, BHM, Pennington County, South Dakota.

TOWER SITE LOCATION: 13532 S. Highway 16: approximately 1/2 mile northeast of Rockerville, along S. Highway 16.

TAX ID: 63703

SIZE: 17.47 acres

EXISTING LAND USE: Timber Production / 190' Stealth Monopole

ZONING REFERENCE: § 205, 316, and 510

CURRENT ZONING: General Agriculture District

Agenda Item #10  
Alltel Communications, LLC.  
March 25, 2019

**SURROUNDING ZONING:**

North	General Agriculture District
South	S. Highway 16
East	S. Highway 16
West	Low Density Residential District and General Agriculture District

**PHYSICAL CHARACTERISTICS:** Forested and Hilly

**UTILITIES:** Private

**REPORT BY:** Kristina Proietti

**I. PROPOSED RECOMMENDATION**

A. Staff will be recommending approval of the extension of Telecommunications Facility Permit / TC 09-04 with nine (9) conditions.

**II. GENERAL DESCRIPTION**

A. October 03, 2018 - Staff received a Commercial Building Permit application, from Velocitel, Inc, for the removal and addition of equipment on the Stealth Monopole Cell Tower (hereafter referred to as "the Tower") located on the above-described property. One proposed change to the Tower is to remove the existing Canister, at the top of the Tower, and replace it with a larger Canister. The proposed larger Canister will not be flush with the existing tower and will stick out roughly eight (8) inches all the way around the pole.

The new request varies from the original design of the Tower, which was approved by the Planning Commission in 2009. Staff has brought this before the Planning Commission for consideration of the new Canister.

B. November 23, 2009 – The Planning Commission approved Telecommunications Facility Permit / TC 09-04, with the following eleven (11) conditions:

1. That a Building Permit is obtained for the installation of the tower and equipment building to be reviewed and approved by the Planning Director;
2. 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;
3. That a security fence be installed and maintained around the tower and accessory structures;
4. That the address be properly posted in accordance with Ordinance #20;
5. That a minimum of two (2) off-street parking spaces be provided. Each space shall measure at least nine (9) feet by eighteen (18) feet and be maintained in a dust free manner;

6. That emergency radio communication equipment be allowed on the tower so long as it does not interfere with the applicant's broadcast equipment;
  7. That the applicant provides a copy of approval from the FAA at the time the Building Permit is applied for;
  8. That proper setbacks from the property lines and all utilities be maintained for all structures located on the property;
  9. That the access road be improved to a minimum driving surface of 14 feet and maintained in a dust free manner;
  10. That the Telecommunications Facilities Permit is not valid until the applicant signs the Statement of Understanding, which is available at the Planning Office; and,
  11. That this Telecommunications Facilities Permit be reviewed in two (2) years or on a complaint basis to verify that all conditions of approval are being met.
- C. November 28, 2011 – The Planning Commission approved the extension of TC 09-04 with the following eight (8) 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 a security fence continues to be maintained around the tower and accessory structures;
  3. That the address be properly posted in accordance with Ordinance #20;
  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 emergency radio communication equipment be allowed on the tower so long as it does not interfere with the applicant's broadcast equipment;
  6. That proper setbacks from the property lines and all utilities be maintained for all structures located on the property;
  7. That the driving surface for the access road be a minimum of 14 feet wide and maintained in a dust free manner; and,
  8. That this Telecommunications Facilities Permit be reviewed in two (2) years or on a complaint basis to verify that all conditions of approval are continuing to be met.

- D. November 18, 2013 – The Planning Commission approved the extension of TC 09-04 with the following eight (8) conditions:
1. That Building Permits be obtained for any structure exceeding 144 square feet or located on a permanent foundation, 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 be properly posted in accordance with Ordinance #20;
  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 emergency radio communication equipment be allowed on the tower so long as it does not interfere with the applicant's broadcast equipment;
  6. That proper setbacks from the property lines and all utilities be maintained for all structures located on the property;
  7. That the driving surface for the access road be a minimum of 14 feet wide and maintained in a dust free manner; and,
  8. That this Telecommunications Facilities Permit be reviewed on a complaint basis, as needed by staff or as deemed necessary by the Pennington County Planning Commission to verify that all Conditions of Approval are met.



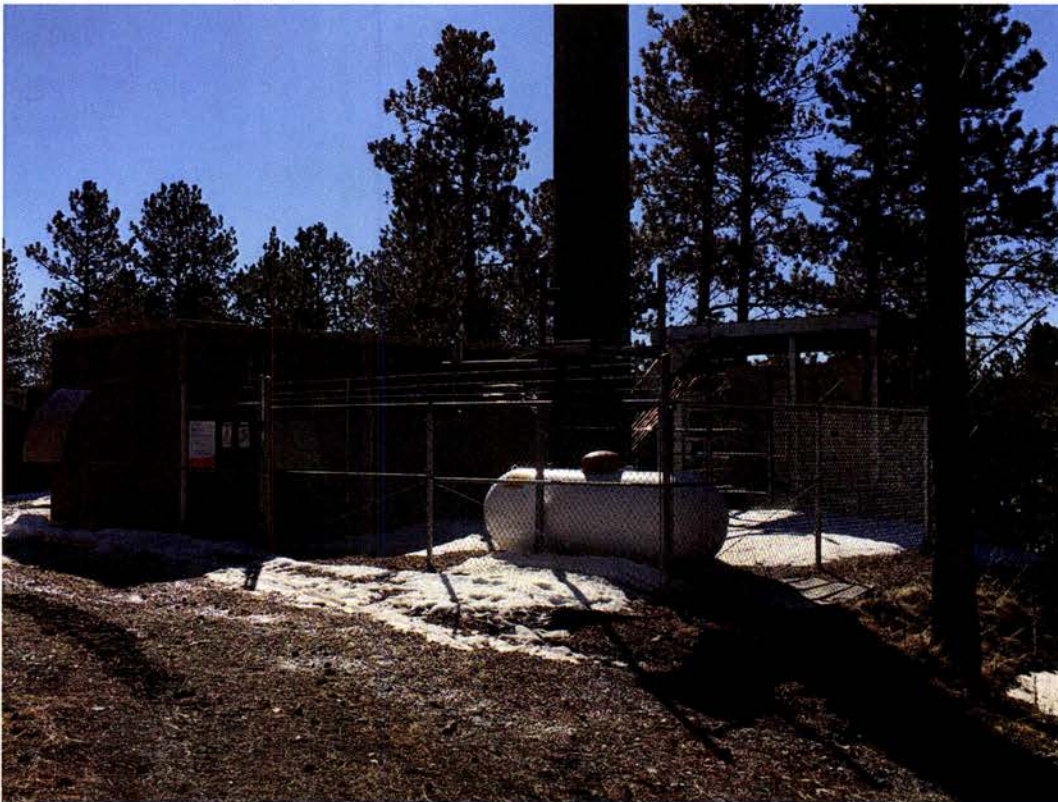


### III. EXISTING CONDITIONS

- A. Zoned General Agriculture District.
- B. 17.47 Acres.
- C. Telecommunication Lot Contains
  - a. Telecommunications Tower / 2010COBP0063

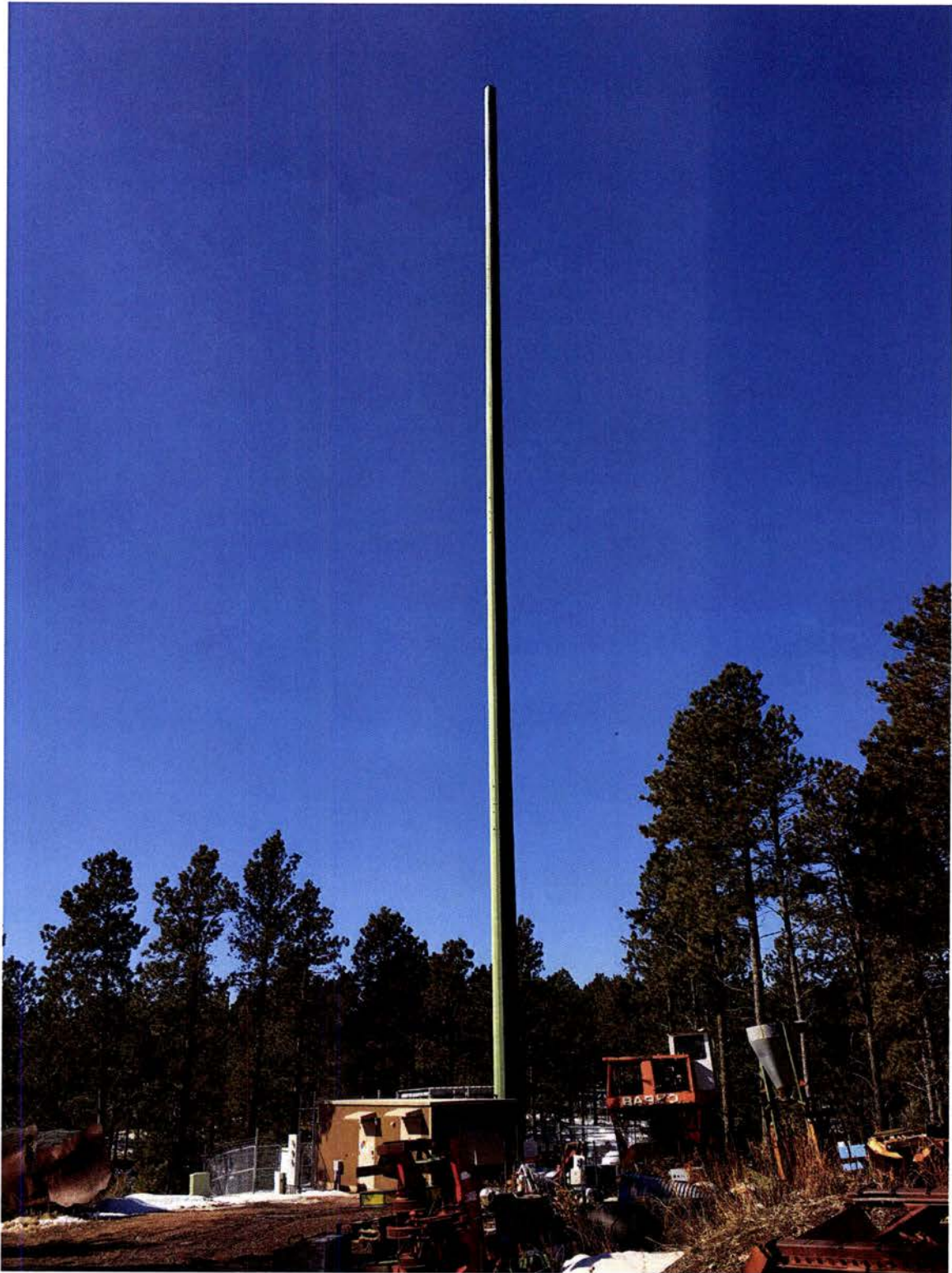
### IV. ANALYSIS

- A. The location of the Tower, just southwest of the Strato Bowl, along S. Highway 16, is located along one of the heavily traveled tourist corridors to and from Keystone and Hill City.
- B. Staff has no records of complaints or violations relative to this tower site.
- C. March 20 2019 – Staff performed a site visit to the subject property.
  - i. Staff found that there was no visible address posted on the Telecommunications tower fence.
    - 1. Staff will work with Alltel to get the tower properly addressed.
    - 2. Staff does not have any issues with Telecommunications Permit / TC 09-04, and will work with the applicant to ensure the property address is posted.
  - ii. Staff verified that all other Conditions of Approval were being met.



*Site Picture March 19, 2019.*

Agenda Item #10  
Alltel Communications, LLC.  
March 25, 2019

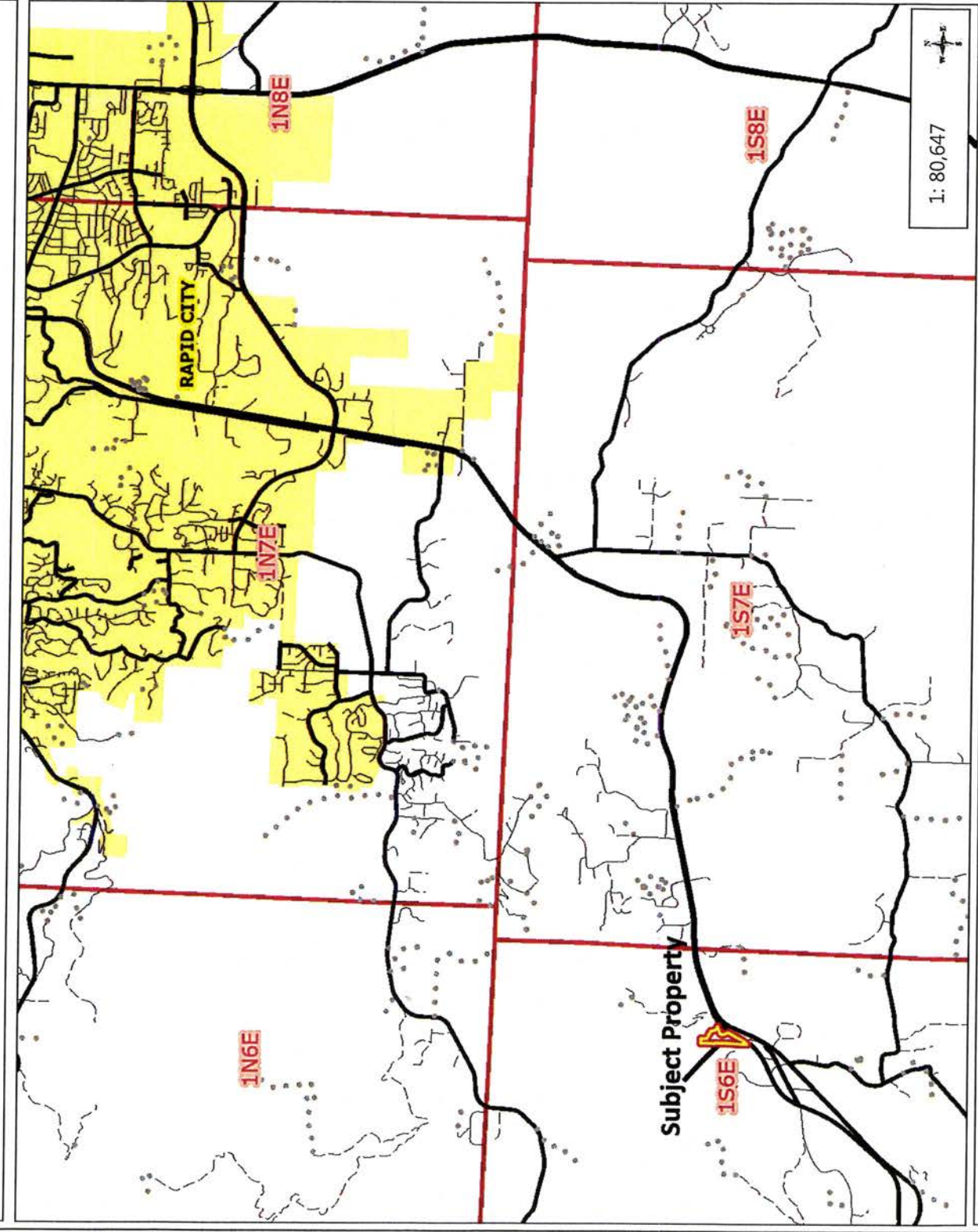


*Site Picture March 19, 2019.*

Agenda Item #10  
Alltel Communications, LLC.  
March 25, 2019

**RECOMMENDATION:** Staff recommends approval of the extension of Telecommunications Facility Permit / TC 09-04 with the following nine (9) 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 the Planning Director may allow additional development or construction, which is consistent with the existing development of the Stealth Monopole. Significant changes in the use or appearance of the Stealth Monopole, as determined by the Planning Director, shall require an amendment to Telecommunication Facility Permit / TC 09-04;
3. That a security fence continues to be maintained around the tower and accessory structures in accordance with Section 316 of the Zoning Ordinance;
4. That the Landowner have the address properly posted in accordance with Ordinance #20, prior to April 2019;
5. 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;
6. That emergency radio communication equipment continue to be allowed on the tower so long as it does not interfere with the applicant's broadcast equipment;
7. That proper setbacks from the property lines and all utilities be maintained for all structures located on the property;
8. That the driving surface for the access road be a minimum of 14 feet wide and maintained in a dust free manner; and,
9. That this Telecommunications Facilities Permit be reviewed 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 met.



1: 80,647

13,441.1 0 6,720.56 13,441.1 Feet

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

**Map Notes:**

**Legend**

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



Subject Property

840.1

0

420.04

840.1 Feet

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

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.  
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1: 5,040

**Legend**

**Roads**

- Interstate
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- 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: 5,040



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

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

**Legend**

- Roads**
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  - US highway
  - SD highway
  - County highway
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  - Ramp
  - Paved road
  - Unpaved road
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  - 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: **CONSTRUCTION PERMIT REVIEW / CP 18-12:** To review a Construction Permit to excavate and level of a hillside for a future residence in accordance with Sections 208 and 507 of the Pennington County Zoning Ordinance.

APPLICANT: Brad Nible

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

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

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

TAX ID: 68597

SIZE: 0.68 acre

EXISTING LAND USE: Vacant

ZONING REFERENCE: Sections 208 and 507

CURRENT ZONING: Suburban Residential District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Hillside / sloping

UTILITIES: None / Rapid Valley Sanitary District

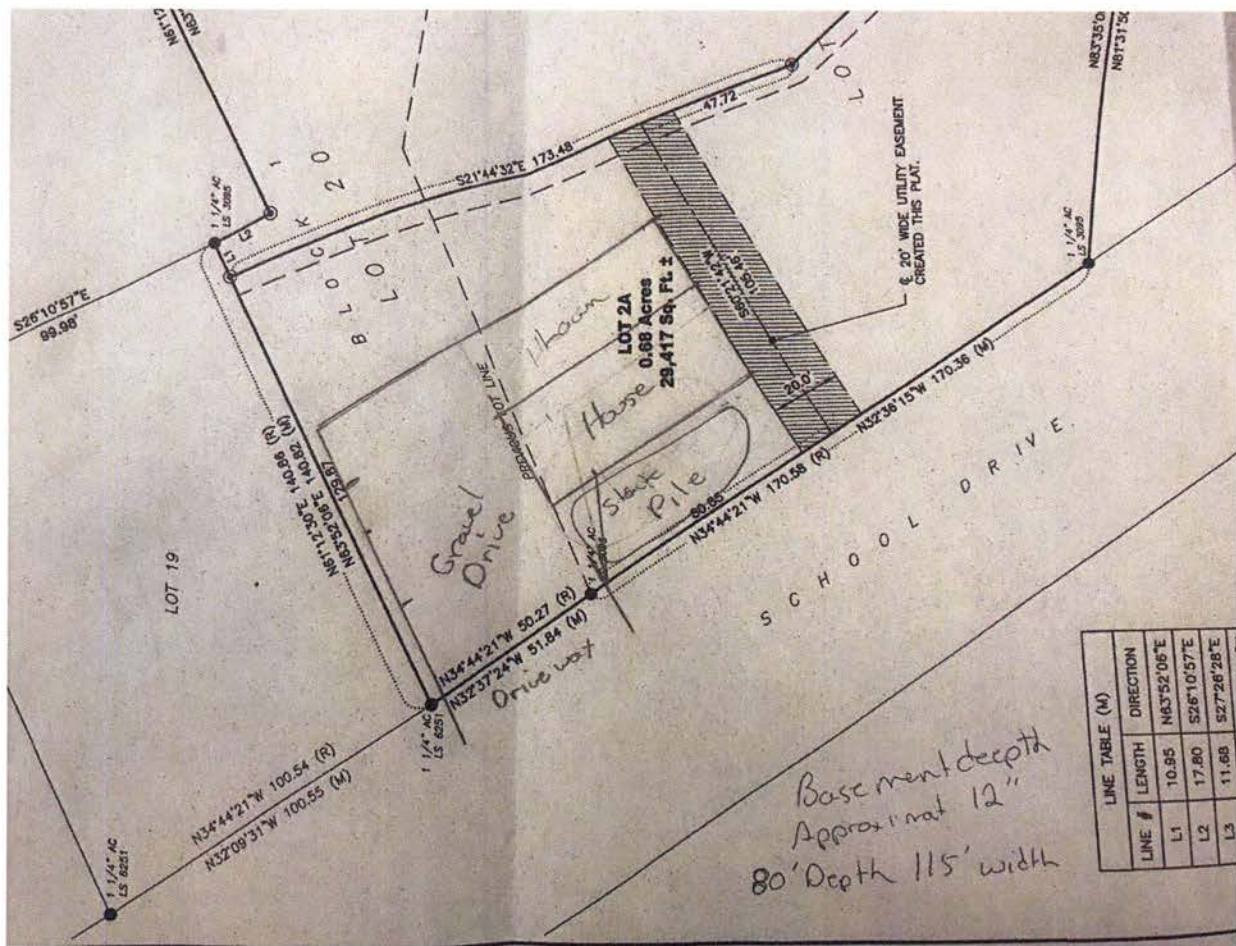
REPORT BY: Cody Sack

**I. PROPOSED RECOMMENDATION**

- A. Staff will be recommending to continue the review of Construction Permit / CP 18-12 to the April 8, 2019, Planning Commission with fourteen (14) conditions.

**II. GENERAL DESCRIPTION**

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



Site Plan

**III. EXISTING CONDITIONS**

- A. Zoned Suburban Residential District.
- B. 0.68 acre.
- C. Total area of disturbance – 11,816 square feet.
- D. Lot vacant of structures.



**IV. ROAD DITCH ALONG SCHOOL DRIVE**

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

**V. PROPERTY HISTORY (NOVEMBER 2018 – FEBRUARY 2019)**

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



Site Visit (11/5/18)

- F. November 8, 2018 - Staff mailed, by way of certified return receipt, a Stop Work Order for the property. One to Mr. Nible and one to Carl Schauer, the other landowner.
  - 1. The Stop Work order will be lifted when the site is stabilized and the engineered plans have been reviewed.
- G. November 13, 2018 – Construction Permit / CP 18-12 was originally approved by the Planning Commission with the following twelve (12) conditions:
  - 1. That erosion control measures are implemented *immediately* and maintained until the site has been revegetated in accordance with § 507(A)(5)(c);
  - 2. That cut-and-fill slopes be designed and constructed to minimize erosion and design plans submitted to the Pennington County Drainage Engineer for review within 30 days;

3. That the owner must inspect the site at least once every 7 days and within 24 hours of the end of a storm event that is one-half inch or greater (this includes rain or snow-melt runoff). Inspection reports must be submitted to the Planning Director every month during construction;
  4. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;
  5. That all natural drainage ways and paths be continually maintained;
  6. That an engineered plan to stabilize the hillside either by a retaining wall or by sloping the hillside is developed and the design plans submitted to the Pennington County Drainage Engineer for review within 30 days;
  7. That sediment from the site is contained in such a manner that sediment does not reach or fill the right-of-way (road ditch). If sediment is deposited in the right-of-way (road ditch) from the construction activity, the owner will be responsible for the removal of sediment from the right-of-way (road ditch) *immediately* after being notified or as discovered by the owner during weekly inspections;
  8. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;
  9. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than 14 days after the Construction Activity has stopped. All erosion control methods (mulch and seed) need to be certified noxious weed-free;
  10. That the disturbed areas be re-vegetated as required in § 507(A)(5)(c);
  11. That the applicant sign the Statement of Understanding prior to the Stop Work Order being lifted; and,
  12. That this Construction Permit be reviewed at the December 3, 2018, Planning Commission meeting to verify that erosion controls have been implemented and progress is being made on engineered design plans.
- H. The applicant has submitted a Preliminary Subdivision Plan with Rapid City (City 3-mile Platting Jurisdiction) to divide the property into two (2) lots with eight (8) stipulations.
1. Preliminary Subdivision Plan (PSP).
  2. According to correspondence with the City, the all stipulations set forth by the City have not been met.

3. Also, according to correspondence with the City, a Final Plat has not been approved.
4. The stipulations for the City are listed below.
  - a. Upon submittal of a Development Engineering Plan application, construction plans for School Drive shall be submitted for review and approval showing the street constructed with a minimum 26 foot wide paved surface or a minimum 20 foot wide paved surface with no-parking signs if approved by the County, curb, gutter, and sidewalk or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application;
  - b. Upon submittal of a Development Engineering Plan application, a drainage plan in compliance with the Infrastructure Design Criteria Manual shall be submitted for review and approval to address storm water detention if subdivision improvements are required;
  - c. Prior to approval of the Development Engineering Plan application, engineering reports required for construction approval shall be accepted and agreements required for construction approval shall be executed. In addition, permits required for construction shall be approved and issued and construction plans shall be accepted in accordance with the Infrastructure Design Criteria Manual. All final engineering reports shall be signed and sealed by a Professional Engineer;
  - d. Upon submittal of a Development Engineering Plan application, a cost estimate for any required subdivision improvements shall be submitted for review and approval;
  - e. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements if applicable;
  - f. Prior to submittal of a Final Plat application, the plat document shall be revised to include an ownership certificate for Carl Schauer;
  - g. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,
  - h. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

- I. The applicant submitted an Approach Permit to County Highway with approval of the Permit contingent upon Final Platting of the property.
  1. The approaches have been constructed, however, Final Platting has not been approved.
- J. Per § 507(A)(3)(b)(i) of the Pennington County Zoning Ordinance (PCZO), a Construction Permit is required prior to a person engaging in an excavation, clearing, or land disturbance greater than or equal to 10,000 square feet, unless the disturbance is exempt under § 507(A)(3)(b)(iv) of the PCZO.
  1. Per the Applicant's Construction Permit:
    - a. Excavating and/or grading is 110' x 80' = 8,800 square feet (Construction Permit Application).
    - b. Stockpile is 25' x 40' = 1,000 square feet (Construction Permit Application).
  2. Per the Applicant:
    - a. First approach is 48' x 21' = 1,008 square feet (Per Applicant).
    - b. Second approach is 48' x 21' = 1,008 square feet (Per Applicant)
    - c. Total square feet of disturbance is 8,800 + 1,000 + 1,008 + 1,008 = **11,816 square feet**.
  3. At 11,816 square feet, the Applicant is over 10,000 square feet and requires a Construction Permit.
- K. Staff has concerns about stabilization of the hillside behind where the future residence will be.
  1. There is an existing residence above the site.
  2. The applicant stated that placing a basement on the property will stabilize the hillside and soil, however, no plans have been submitted showing how the basement is going to stabilize the hillside.
- L. November 13, 2018- Staff met with applicant who stated:
  1. He was going to have the stockpile of dirt moved off-site.
  2. He was going to stabilize the site for winter.
    - a. The stabilization would be through wattles and straw mats.
- M. On November 13, 2018, the Planning Commission continued CP 18-12 to the November 26, 2018, Planning Commission meeting to allow the applicant time to stabilize the site.
- N. November 19, 2018 - Staff performed a site visit and found:
  1. The stockpiles were removed.
  2. No erosion control measures had been implemented to date.
- O. November 26, 2018 - Staff was in contact with the applicant who stated:
  1. He was going to contact Davis Engineering.

2. The applicant was going to put straw mats down and gravel over the approaches.
- P. November 26, 2018 – The Planning Commission approved the extension of CP 18-12 with twelve (12) conditions.
1. During the Planning Commission meeting, the applicant stated, “The only thing that I have a problem with in the, I think twelve items in the back, is inspecting the property every seven days.”
  2. Staff agreed and the Planning Commission approved that a person designated by the property owner could also do the inspection reports.
  3. Below are the twelve (12) conditions that were approved on November 26, 2018.
    - a. That erosion control measures are implemented *immediately* and maintained until the site has been revegetated in accordance with § 507(A)(5)(c);
    - b. That cut-and-fill slopes be designed and constructed to minimize erosion and design plans submitted to the Pennington County Drainage Engineer for review within 30 days;
    - c. That the owner designee must inspect the site at least once every 7 days and within 24 hours of the end of a storm event that is one-half inch or greater (this includes rain or snow-melt runoff). Inspection reports must be submitted to the Planning Director every month during construction;
    - d. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;
    - e. That all natural drainage ways and paths be continually maintained;
    - f. That an engineered plan to stabilize the hillside either by a retaining wall or by sloping the hillside is developed and the design plans submitted to the Pennington County Drainage Engineer for review within 30 days;
    - g. That sediment from the site is contained in such a manner that sediment does not reach or fill the right-of-way (road ditch). If sediment is deposited in the right-of-way (road ditch) from the construction activity, the owner will be responsible for the removal of sediment from the right-of-way (road ditch) *immediately* after being notified or as discovered by the owner during weekly inspections;
    - h. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the

ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;

- i. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than 14 days after the Construction Activity has stopped. All erosion control methods (mulch and seed) need to be certified noxious weed-free;
- j. That the disturbed areas be re-vegetated as required in § 507(A)(5)(c);
- k. That the applicant sign the Statement of Understanding prior to the Stop Work Order being lifted; and
- l. That this Construction Permit be reviewed at the December 3, 2019, Planning Commission meeting to verify that erosion controls have been implemented and progress is being made on engineered design plans.

- Q. November 28, 2018- Staff performed a site visit and found the following:
1. There have been several straw mats placed on the property.
  2. It appears the applicant was making progress to stabilize the site, however, the site was not stabilized.



*Site Visit (11/28/18)*

- R. December 3, 2018 – The Planning Commission approved the extension of CP 18-12 with the following eleven (11) conditions:
1. That erosion control measures are implemented *immediately* and maintained until the site has been revegetated in accordance with § 507(A)(5)(c);
  2. That cut-and-fill slopes be designed and constructed to minimize erosion and design plans submitted to the Pennington County Drainage Engineer for review within 30 days;

3. That the owner must inspect the site at least once every 7 days and within 24 hours of the end of a storm event that is one-half inch or greater (this includes rain or snow-melt runoff). Inspection reports must be submitted to the Planning Director every month during construction;
  4. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;
  5. That all natural drainage ways and paths be continually maintained;
  6. That an engineered plan to stabilize the hillside either by a retaining wall or by sloping the hillside is developed and the design plans submitted to the Pennington County Drainage Engineer for review within 30 days;
  7. That sediment from the site is contained in such a manner that sediment does not reach or fill the right-of-way (road ditch). If sediment is deposited in the right-of-way (road ditch) from the construction activity, the owner will be responsible for the removal of sediment from the right-of-way (road ditch) *immediately* after being notified or as discovered by the owner during weekly inspections;
  8. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;
  9. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than 14 days after the Construction Activity has stopped. All erosion control methods (mulch and seed) need to be certified noxious weed-free;
  10. That the disturbed areas be re-vegetated as required in § 507(A)(5)(c); and,
  11. That this Construction Permit be reviewed at the February 11, 2019, Planning Commission meeting to verify that erosion controls have been implemented and progress is being made on engineered design plans.
- S. Staff removed Condition #11 as the applicant signed his Statement of Understanding (SOU).
1. A copy of the SOU is included with this Staff Report.
- T. Staff also changed the wording of Condition #3 to allow the applicant to designate a person to inspect the property if the applicant is unable to do so.
1. This was done at the request of the applicant at the November 26, 2018, Planning Commission meeting.
- U. February 11, 2019 – The Planning Commission approved the extension of 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.

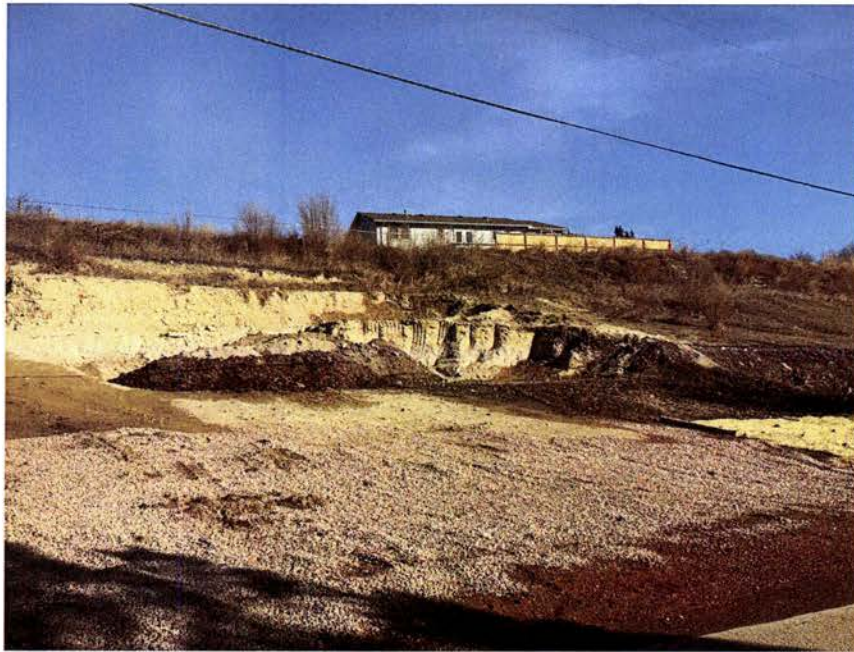
#### **VI. PENNINGTON COUNTY BOARD OF ADJUSTMENT**

- A. January 2, 2019 – The Board of Adjustment denied a Variance for a second approach on the property.
  1. Commissioner Disanto stated, “I was in that planning meeting and you did agree to give us those reports and progress reports and that kind of stuff and I am kind of concerned as far as your follow up on that is concerned.”
  2. Commissioner Hadcock stated, “Since he hasn’t followed through with the conditions and has started this process with Stop Work Order because he is doing things without permission or permits I believe the second access isn’t necessary.”

#### **VII. ANALYSIS**

- A. February 1, 2019 – Staff was in contact with the applicant who stated:
  1. That he had inspection forms but was not going to submit them until his lawyer was done looking into things.
  2. The applicant stated that he wishes his Construction Permit to end.
    - a. Staff informed the applicant that he would have to submit something in writing stating he wishes to end his permit.
    - b. Staff received an email from the applicant requesting to end his Construction Permit (see below).





*Site Visit (2/1/19)*

- C. Staff does not agree with the applicant's request to end CP 18-12, since significant disturbance has occurred and has impacted drainage.
  - 1. Ending CP 18-12 will create a violation on that property because 10,000 square feet of disturbance has already occurred, and would require a Construction Permit for the property to come into compliance.
  - 2. Final stabilization of the site is not complete as described by § 507(A)(5)(c) of the PCZO.
- D. February 11, 2019 – Staff met with the applicant to discuss what needs to be done to bring the property into compliance.
  - 1. The applicant submitted a site plan to add silt fence to protect the Right-of-Way.
  - 2. The applicant stated that he would further stabilize the hill side.
- E. February 12, 2019 – A letter was sent by Planning Staff to the applicant stating that if the subject property was not brought into compliance with the Conditions of Approval for Construction Permit / CP 18-12 and that if sediment reaches or fills in the Right-of-Way, Pennington County may declare the site a nuisance (See attached letter and County Ordinance #33; SDCL 21-10-1 and 7-8-33).
- F. February 14, 2019- Staff received an email from South Dakota Environmental and Natural Resources (SD DENR) stating that Mr. Nible had contacted them about his Construction Permit.
  - 1. The response that SD DENR sent the applicant is located below.

Agenda Item #11  
Brad Nible  
March 25, 2019

**From:** Buscher, Kelli  
**Sent:** Thursday, February 14, 2019 3:46 PM  
**To:** brad5n@yahoo.com  
**Cc:** DENR-STORM WATER <STORMWATER@state.sd.us>  
**Subject:** FW: [EXT] Atten: Kelli Buscher

Mr. Nible:

Thanks for contacting us. DENR has required Pennington County to develop a program for stormwater runoff and erosion control. I have reviewed the county's inspection reports and watched the county commission meetings regarding your project. Based on this information, I support the erosion control requirements the county has placed on your project.

DENR has a permitting program that places similar erosion control requirements on all construction projects that disturb over 1 acre. We can also require projects that are smaller than 1 acre to obtain a state permit if there is sediment leaving the site and the owner is not willing to address the problem. I can have one of the engineers from my office conduct a stormwater inspection at your site. However, if my inspector finds the same problems the county has documented during its inspections, we would require you to obtain a state permit. The state's permit has an annual fee of \$100. Under this permit, you would need to install erosion controls at your site and conduct weekly inspections until the project is stabilized. Any violations of the state permit could subject you to fines of up to \$10,000 per day per violation.

I would encourage you to continue working with the county to address the violations at your site. However, if you wish to have me send a state inspector to the site, please provide me with your contract information so that we can get in touch with you to schedule our inspection.

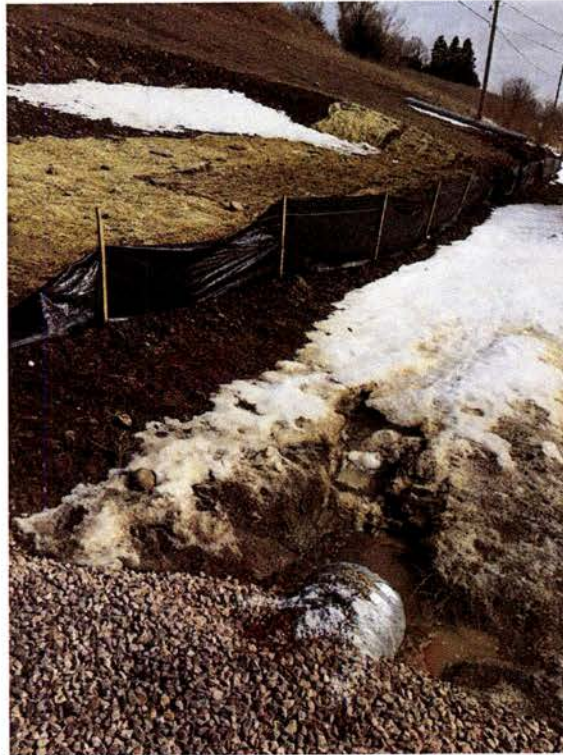
*SD DENR EMAIL*

G. February 15, 2019 – Staff had a meeting with an inspector from SD DENR who stated:

1. Mr. Nible had contacted him about doing an inspection on the subject property.
2. The State conducted an inspection of the Construction Site.
  - a. Staff is waiting to get the report from the State.

H. March 18, 2019 – Staff conducted a site visit and found:

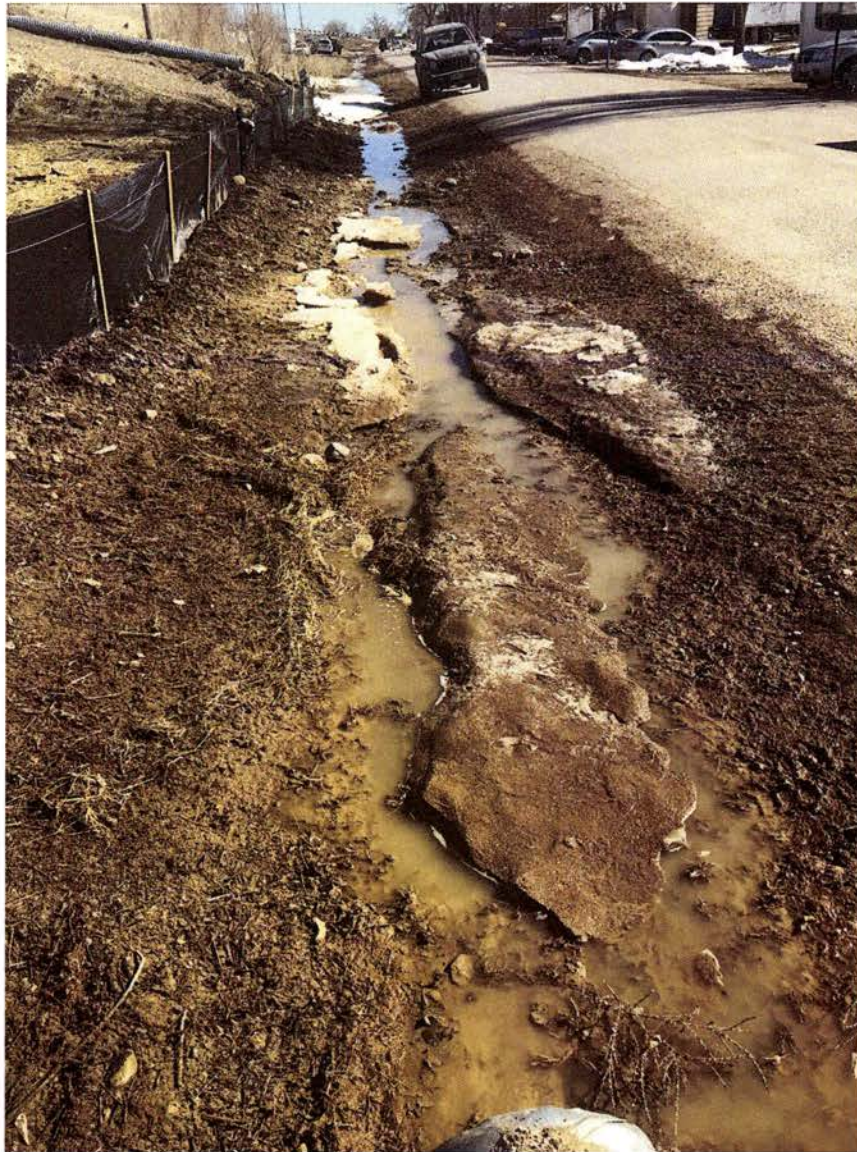
1. It appears sediment has reached the Right-Of-Way.
2. A silt fence has been installed but is in need of repair.
3. The top of the hillside has not been stabilized.



*Site Visit (March 18, 2019)*

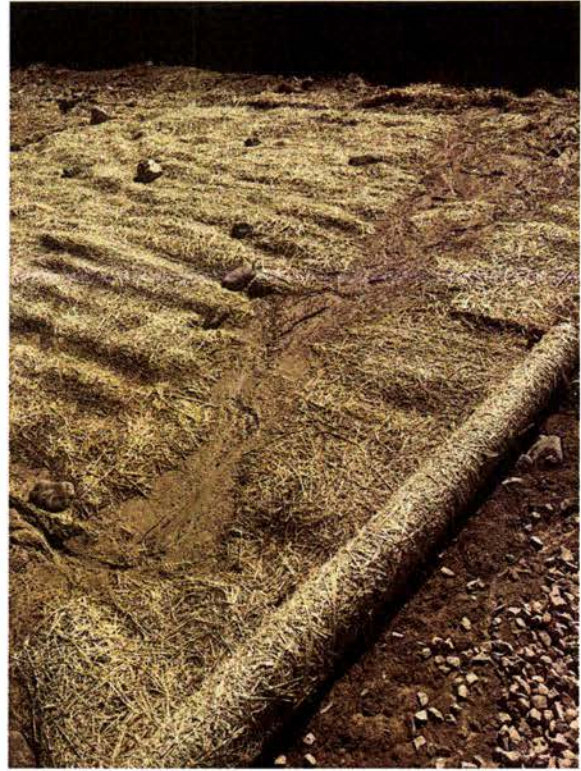
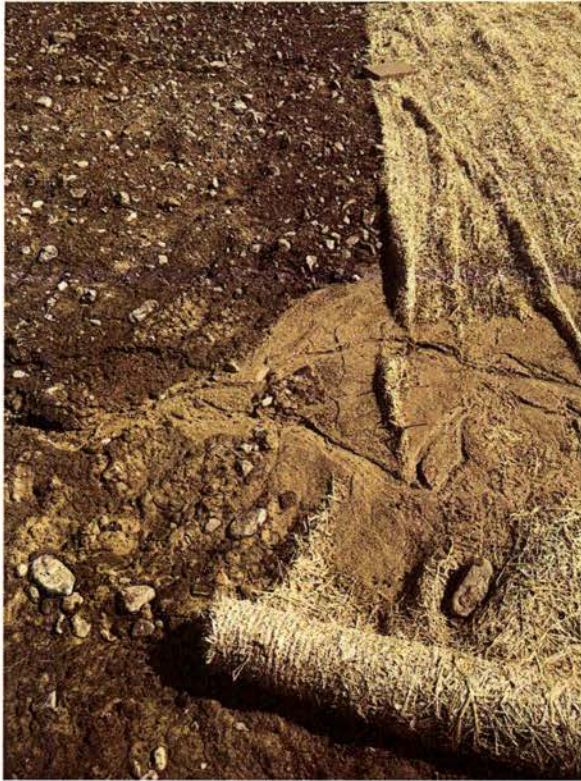
- I. March 19, 2019
  - 1. Staff attempted to contact the applicant who could not be reached.
  - 2. Staff contacted DENR who stated:
    - a. The states report on Mr. Nibles property was under review.
- J. March 20, 2019 – Staff performed a site inspection and found:
  - 1. The Right-of-Way appears to have been disturbed.
  - 2. It appeared to staff that runoff from the section of un-stabilized hillside had occurred.
  - 3. The silt fence was not implemented properly and needed repairs.
    - a. One of the ends of the fence was not brought upslope of the rest of the fence.
    - b. The fence is not pulled tight.
  - 4. Parts of straw mats are beginning to pull apart.

Agenda Item #11  
Brad Nible  
March 25, 2019



*Site Visit (ROW) (3/20/19)*

Agenda Item #11  
Brad Nible  
March 25, 2019



*Site Visit (3/20/19)*



- K. It appears to Staff that the following Conditions of Approval of CP 18-12 are not being met:
1. Cut and fill slopes have not been stabilized (#2).
  2. Sediment has appeared to reach the Right-Of-Way (#8).
  3. Engineer designed plans to stabilize the hillside have not been submitted (#7).
  4. Requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent have not been followed (#10).
- L. It appears to staff that the applicant is in violation of County Ordinance #33.
- M. The applicant has submitted inspection reports to the Planning Department (see attached).
1. The applicant has turned in all inspection reports.

**RECOMMENDATION:** Staff recommends to continue the review of Construction Permit / CP 18-12 to the April 8, 2019, Planning Commission meeting with the following fourteen (14) conditions:

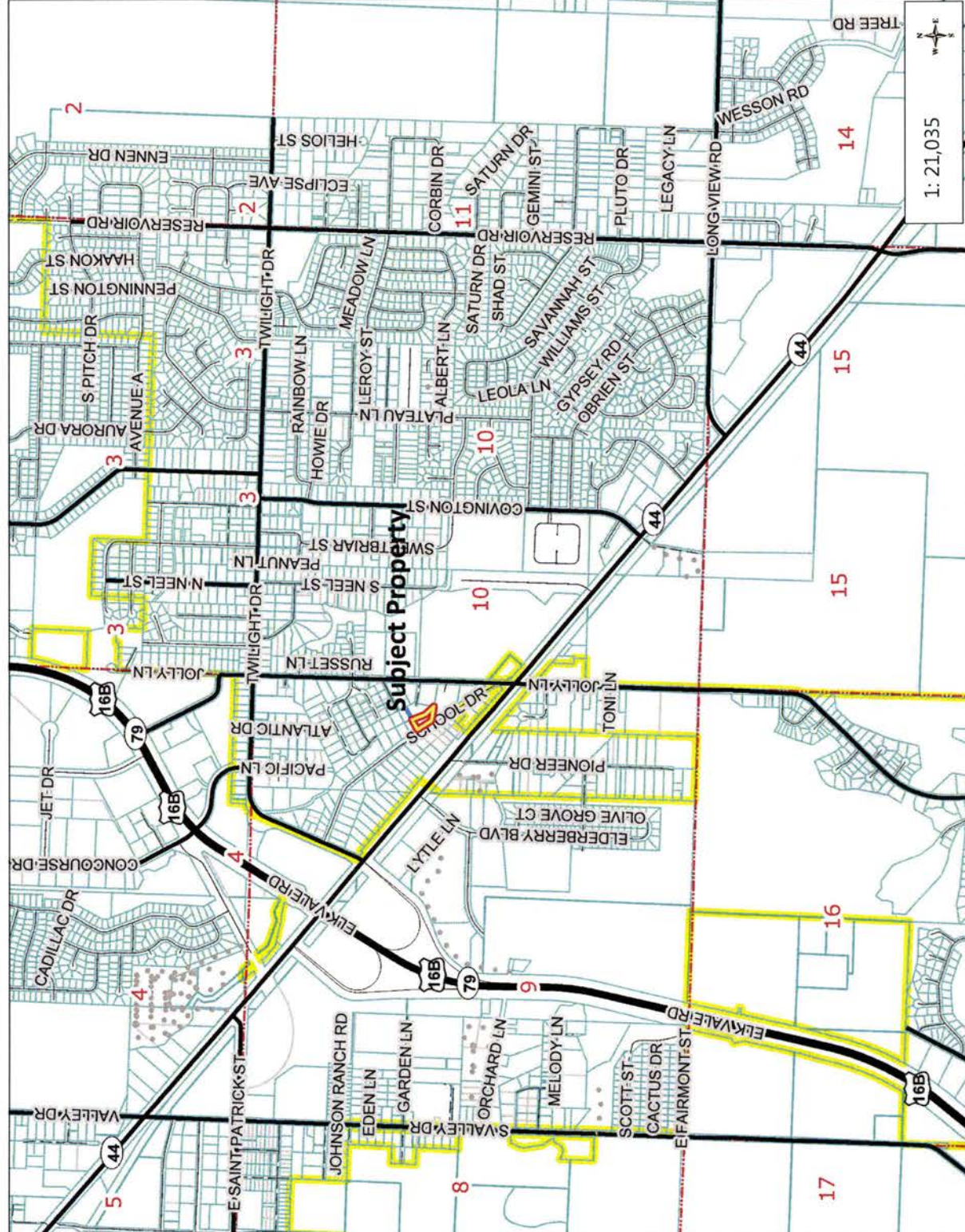
1. That erosion control measures are implemented *immediately* and maintained until the site has been revegetated in accordance with § 507(A)(5)(c) of the Pennington County Zoning Ordinance;
2. That cut-and-fill slopes be designed and constructed to minimize erosion and design plans submitted to the 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;
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;

Agenda Item #11  
Brad Nible  
March 25, 2019

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 continuation hereafter 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 April 8, 2019, Planning Commission meeting to verify that erosion controls have been implemented and progress is being made on engineered design plans.

**Legend**

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



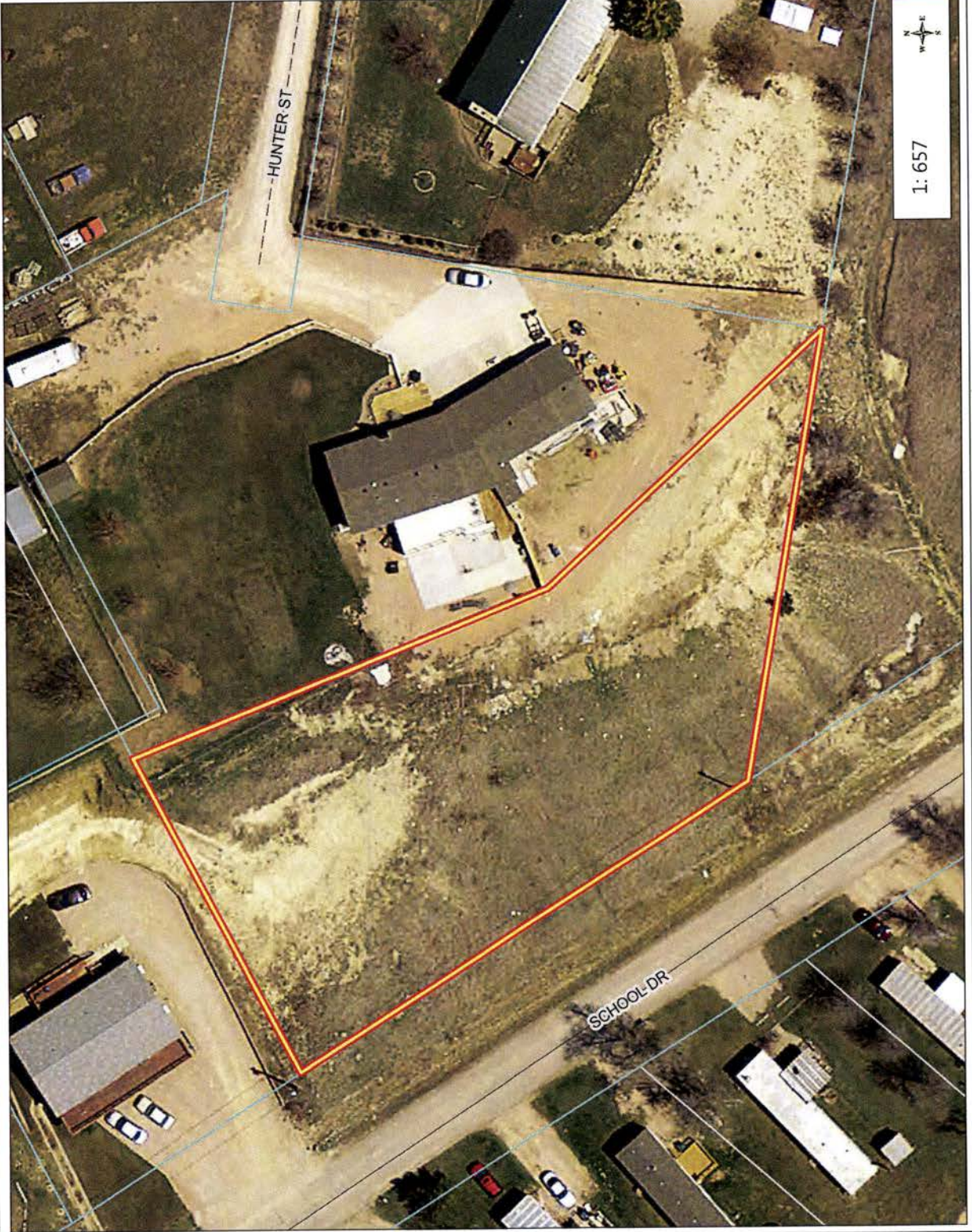
1: 21,035



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:**



1: 657



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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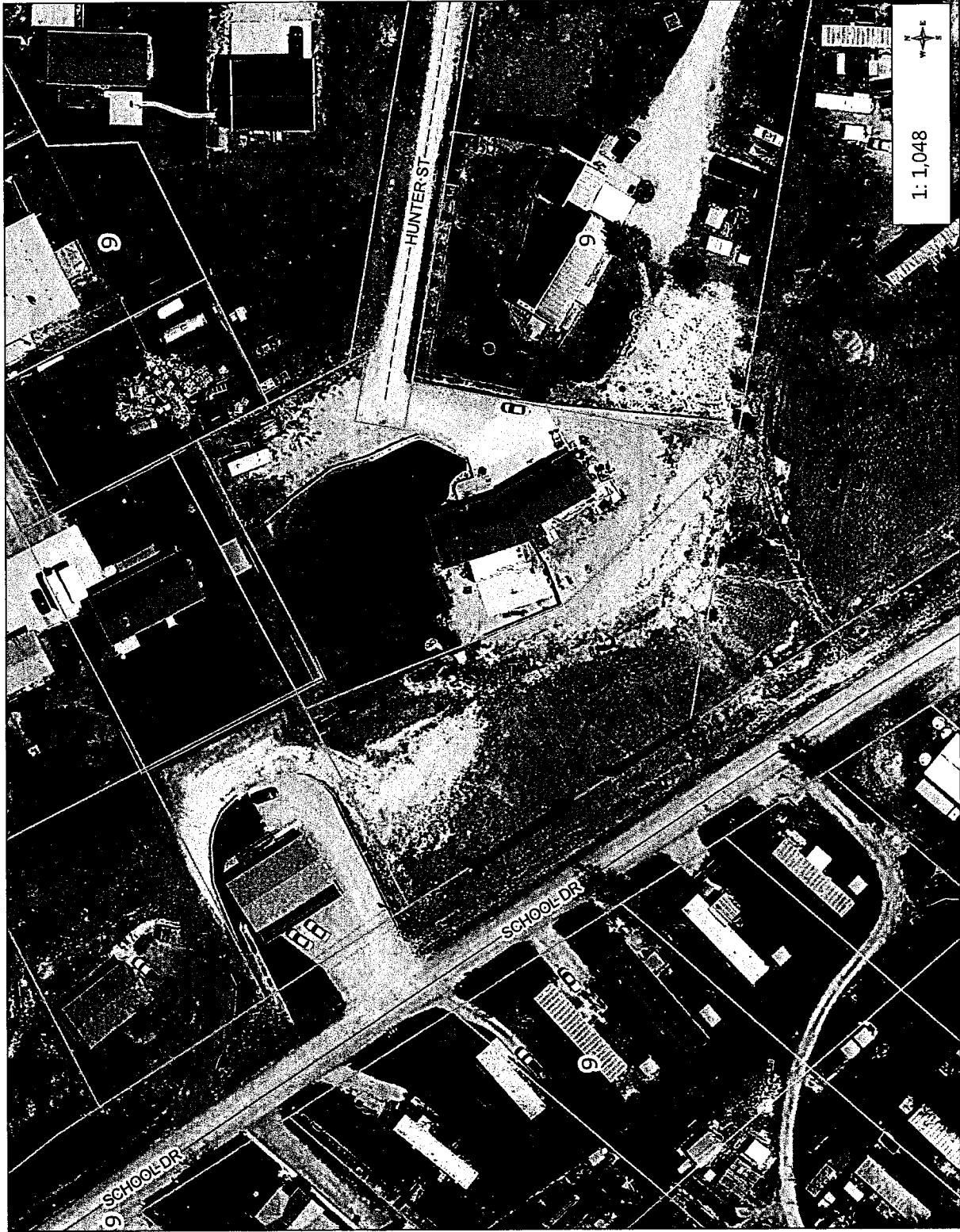
109.6

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:**



174.7 0 87.37 174.7 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.  
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**Legend**

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

*Bud*  
*NWJ*  
*2-11-19*

**Map Notes:**



## PLANNING DEPARTMENT

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

605-394-2186 • FAX 605-394-6016

### STATEMENT OF UNDERSTANDING

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

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

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

1. That erosion control measures are implemented *immediately* and maintained until the site has been revegetated in accordance with § 507(A)(5)(c);
2. That cut-and-fill slopes be designed and constructed to minimize erosion and design plans submitted to the Pennington County Drainage Engineer for review within 30 days;
3. That the owner must inspect the site at least once every 7 days and within 24 hours of the end of a storm event that is one-half inch or greater (this includes rain or snow-melt runoff). Inspection reports must be submitted to the Planning Director every month during construction;
4. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;
5. That all natural drainage ways and paths be continually maintained;
6. That an engineered plan to stabilize the hillside either by a retaining wall or by sloping the hillside is developed and the design plans submitted to the Pennington County Drainage Engineer for review within 30 days;
7. That sediment from the site is contained in such a manner that sediment does not reach or fill the right-of-way (road ditch). If sediment is deposited in the right-of-way (road ditch) from the construction activity, the owner will be responsible for the removal of sediment

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


8. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;
9. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than 14 days after the Construction Activity has stopped. All erosion control methods (mulch and seed) need to be certified noxious weed-free;
10. That the disturbed areas be re-vegetated as required in § 507(A)(5)(c);
11. That the applicant sign a Statement of Understanding prior to the Stop Work Order being lifted; and,
12. That this Construction Permit be reviewed at the December 03, 2018, Planning Commission meeting to verify that erosion controls have been implemented and progress is being made on engineered design plans.

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

Brad Nible  
Bradley Nible or Carle Schauer

11-26-18  
Date

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

Notary Public: Brittney Molitor  
 Commission Expires: OCT 30, 2020



## Pennington County Planning Department

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

2/12/2019

Brad Nible  
3517 School Drive  
Rapid City, SD 57703

RE: Lot 2A of Harney Peak View Add, Section 9, T1N, R8E, BHM, Pennington County, South Dakota.

Dear Mr. Nible:

The Planning Office contacted you on several occasions regarding bringing the above described property into compliance with the Conditions of Approval of Construction Permit / CP 18-12. On February 11, 2019, the Planning Commission approved the review and extension of Construction Permit / CP 18-12 which still requires you to bring the property into compliance with the Conditions of Approval. After the February 11, 2019, Commission meeting you met with Staff and indicated that you would address the concerns of Staff and the Commission. You indicated that you would submit inspection reports to Staff, continue to stabilize the site, and place perimeter controls in such a manner that it would prevent sediment from reaching the Right-of-Way. This must be completed no later than February 15, 2019.

Condition #8 of the Conditions of Approval of Construction Permit / CP 18-12 states:

“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.”

Pennington County Ordinance #33 states:

“It shall be unlawful for any person to deposit on any County road any material, including water, which may be harmful to the County road, or for any person to deposit or for the owner of the adjacent property to allow, any deposit of any waste material, glass, rocks, dirt, water or other articles which may do injury to any person, animal or property, including any person traveling across the County road or Right-of-Way.”

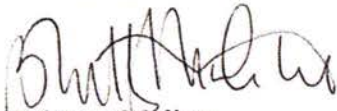


Please be advised that if the site remains un-stabilized and sediment continues to be or is discharged to the Right-of-Way, Pennington County may declare the site a nuisance. A nuisance is subject to abatement under the provisions of SDCL Chapters 21-10 and 7-8-33.

Site visits will be conducted periodically to verify that the Conditions of Approval are being met.

Thank you for timely consideration in this matter.

Sincerely,



Brittney Molitor  
Environmental Planning Supervisor



### County Ordinance #33

It shall be unlawful for any person to deposit on any County road any material, including water, which may be harmful to the County road, or for any person to deposit or for the owner of the adjacent property to allow, any deposit of any waste material, glass, rocks, dirt, water or other articles which may do injury to any person, animal or property, including any person traveling across the County road or Right-of-Way.

#### SDCL 21-10-1

21-10-1. Acts and omissions constituting nuisances. A nuisance consists in unlawfully doing an act, or omitting to perform a duty, which act or omission either:

- (1) Annoys, injures, or endangers the comfort, repose, health, or safety of others;
- (2) Offends decency;
- (3) Unlawfully interferes with, obstructs, or tends to obstruct, or renders dangerous for passage, any lake or navigable river, bay, stream, canal, or basin, or any public park, square, street, or highway;
- (4) In any way renders other persons insecure in life, or in the use of property.

**Source:** CivC 1877, § 2047; CL 1887, § 4681; RCivC 1903, § 2393; RC 1919, § 2066; SDC 1939 & Supp 1960, § 37.4701.

#### SDCL 7-8-33

Declaration and abatement of nuisances by county. The board of county commissioners of every county may, by ordinance, allow for the declaration and abatement of a public nuisance within the county outside the corporate limits of any municipality. For purposes of this section only, the feeding, breeding, or raising of livestock or the operations of a livestock sales barn, is not presumed, by that fact alone, to be a nuisance.

CB

## PREVENTIVE MAINTENANCE

Date: December 30 Time: \_\_\_\_\_

Inspected by (printed): Brad Nibbe

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature: Brad Nibbe

Areas Inspected	Observations	Actions Taken
School Drive Lot 2A	Placed	Straw mats
		and gravel on right of
		way to property line
	No Change	



FEB 11 2019

CS

### PREVENTIVE MAINTENANCE

Date: Jan 30 - 2019 Time: \_\_\_\_\_

Inspected by (printed): Bradley Nible

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature: Brad Nible

Areas Inspected	Observations	Actions Taken
School Drive		
Lot 2A		Remove Approach
		No change since
		approach removed
		No change
		Frozen
		No Change



## STAFF REPORT

### GENERAL INFORMATION:

#### REQUEST:

**REZONE / RZ 19-01 AND COMPREHENSIVE PLAN AMENDMENT / CA 19-01:** To rezone 6.94 acres from Limited Agriculture District to Highway Service District and to amend the Comprehensive Plan to change the Future Land Use from Planned Unit Development Sensitive to Highway Service District in accordance with Sections 206, 210, and 508 of the Pennington County Zoning Ordinance.

#### APPLICANT:

Fatter Boys, Inc.; Bob Fuchs – Agent

#### APPLICANT ADDRESS:

610 Main Street, Rapid City, SD 57701

#### LEGAL DESCRIPTION:

Lot 1-3 less Lot 1A, Spring Creek Palisades, Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

#### SITE LOCATION:

23856 Highway 385; located two miles northeast of Hill City along Highway 385.

#### SIZE:

6.94 acres

#### TAX ID:

9107

#### EXISTING LAND USE:

Campground

#### ZONING REFERENCE:

§ 206, 210 and 508

#### CURRENT ZONING:

Limited Agriculture District

#### SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Flat / Sloping

UTILITIES: Private

REPORT BY: Cassie Bolstad

**I. PROPOSED RECOMMENDATION**

- A. Staff will be recommending approval of Rezone / RZ 19-01 and Comprehensive Plan Amendment / CA 19-01.

**II. GENERAL DESCRIPTION**

- A. The applicant, Bob Fuchs, has submitted a request to rezone 6.94 acres from Limited Agriculture District to Highway Service District.
- B. The applicant is also requesting to amend the Pennington County Comprehensive Plan to change the Future Land Use from Planned Unit Development Sensitive to Highway Service District.
- C. The applicant would like to continue utilizing the property as a campground/RV park, which is a Conditional Use in a Highway Service District.

**III. EXISTING CONDITIONS**

- A. Zoned Limited Agriculture District.
- B. 6.94 acres.
- C. Consists of three (3) developmental lots.
  - 1. Pennington County Zoning Ordinance § 103 defines a developmental lot as, " Two or more lots or portions of lots with continuous frontage in single ownership of record prior to February 1, 1994, where all or part of the lots do not meet the requirements established for lot width and area, which for the purposes of these Zoning Ordinances shall be considered to be an undivided lot."
- D. Access off of Highway 385 via an existing approach.
- E. Special Flood Hazard Area, including floodway, on the subject property – Image 1 on Page 3.
- F. Lot contains:
  - 1. 2,171 sq. ft. office building – built in 1959, per Department of Equalization (DOE) records.
    - a. Addition to office in 1986 via Building Permit #7214.
  - 2. 210 sq. ft. bathhouse – built in 1964, per DOE records.
  - 3. Three (3) small sheds less than 144 sq. ft. – due to size, a Building Permit is not required.
  - 4. Sixteen (16) RV hookups – per the Property Record Card.
  - 5. Sign structure.
    - a. The applicant recently installed a new banner style sign on this structure.





Image 1 – Special Flood Hazard Area

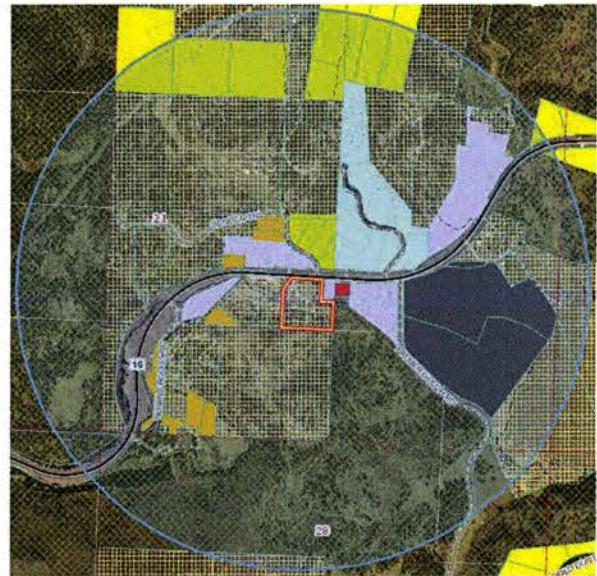
**IV. SURROUNDING CURRENT ZONING WITHIN ½ MILE OF THE SUBJECT PROPERTY**

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



**V. SURROUNDING FUTURE LAND USE (FLU) ZONING WITHIN ½ MILE OF THE SUBJECT PROPERTY**

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



**VI. REQUEST FOR COMMENT**

- A. County Highway Department
  - 1. Highway Department has no comments since this abuts a State highway and drainage isn't impacted.
- B. County Fire Administrator
  - 1. No comments received.
- C. County Environmental Planning Supervisor
  - 1. There is Special Flood Hazard Area (SFHA) on the subject property, including floodway. Prior to any work in the SFHA, a Floodplain Development Permit is required.
- D. County Environmental Planner
  - 1. I have no concerns with the current proposal, however when the applicant applies for a Conditional Use Permit, they will need to determine what currently exists for a septic system then develop a proposal for what they intend to use the system for and/or any expansions they plan on making. During this process, all rules of Pennington County Zoning Ordinance Section 204(J) must be followed.
- E. County Ordinance Enforcement
  - 1. Ordinance Enforcement has no objection.
- F. County Natural Resources
  - 1. No objections.
- G. County Addressing Coordinator
  - 1. No addressing concerns at this time.
- H. Emergency Services (9-1-1)
  - 1. Good here.

Agenda Item #12

Fatter Boys, Inc.; Bob Fuchs – Agent

March 25, 2019

- I. SD Department of Transportation
  - 1. SDDOT has no comment on the request and although not being requested, SDDOT will not allow additional accesses to US16/US385 as a result of this request.
- J. Black Hills Energy
  - 1. We have an overhead single phase power line that crosses on the south end of Lot 3 going west to east and continues onto Lot 2 and then at 30' it turns and goes north 150' and feed the existing services on the property. The overhead line would need to stay in place.
- K. SD Department of Environment & Natural Resources
  - 1. No comments received.
- L. Hill City Planning
  - 1. We have reviewed the application for rezoning and the only question we have is the bridge that crosses the creek – is it strong enough to handle heavy RV traffic? Otherwise we don't see any issues with this request.
- M. U.S. Forest Service
  - 1. The Forest Service has no objection to the Fatter Boys, Inc. Amend Comprehensive Plan.
  - 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 (USA Public Domain; located on the east side of the property) and private property.
  - 4. Protect all known stream courses, ponds and riparian areas located on National Forest System lands.
  - 5. No resource damage to occur on National Forest System lands.
  - 6. All proposed drain fields, leach lines or septic systems will need to be located on private property and not located on or drain or leach 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 All Vehicles" 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).

**VII. ANALYSIS**

- A. February 19, 2019 – The applicant applied for Rezone / RZ 19-01 and Comprehensive Plan Amendment / CA 19-01.
- B. The subject property had been used as a campground since approximately 1960; thus, that use was considered a legal non-conforming use. However, according to the previous landowner’s representative, the campground ceased licensed operation in 2017.
  - 1. Pennington County Zoning Ordinance (PCZO) § 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.”
- C. The applicant would like to restart operation of the campground on the subject property and expand upon the use to include a recreational area.
  - 1. Based on the proposed uses, the applicant is requesting to rezone the subject property to Highway Service District.
- D. PCZO § 210(C)(6) lists “Recreational vehicle parks as regulated in Section 306” as a Conditional Use in a Highway Service District.
  - 1. If the rezone request is approved, the applicant will need to obtain approval of a Conditional Use Permit for the RV Park and recreational area prior to operation of such use on the subject property.
- E. There is an existing sign structure on the subject property, which previously advertised for “Twisted T Campground RV-Park” (per 2018 Google Earth photos).
  - 1. The applicant recently installed a new banner style sign on the existing sign structure, which advertises for “Firehouse Campground Beercation & Wine Resort.”



Previous sign (Google Earth – imagery date 05/2018)

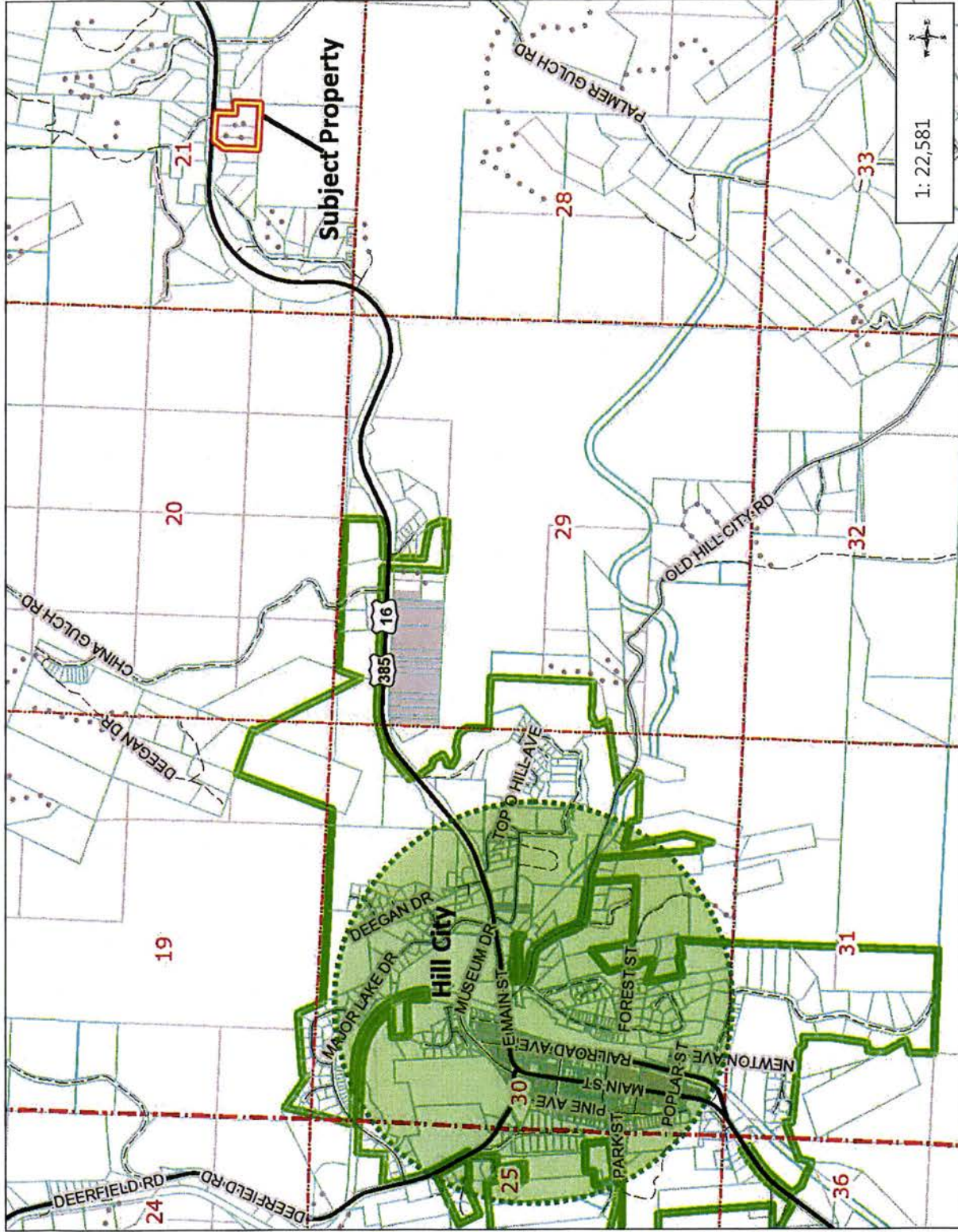


Current sign (Staff photo – 03/01/2019)

Agenda Item #12  
Fatter Boys, Inc.; Bob Fuchs – Agent  
March 25, 2019

- F. The nearest Highway Service District (current zoning) abuts the subject property on both the northwest and northeast corners.
  - 1. There is also Highway Service zoning directly north of the subject property across Highway 385.
- G. The nearest Highway Service District (Future Land Use zoning) abuts the subject property to the northeast.
  - 1. There is also Highway Service FLU zoning directly north of the subject property across Highway 385.
- H. It appears the applicant's request is in harmony with the surrounding zoning.

**RECOMMENDATION:** Staff recommends approval of Rezone / RZ 19-01 and Comprehensive Plan Amendment / CA 19-01.



3,763.5 0 1,881.76 3,763.5 Feet

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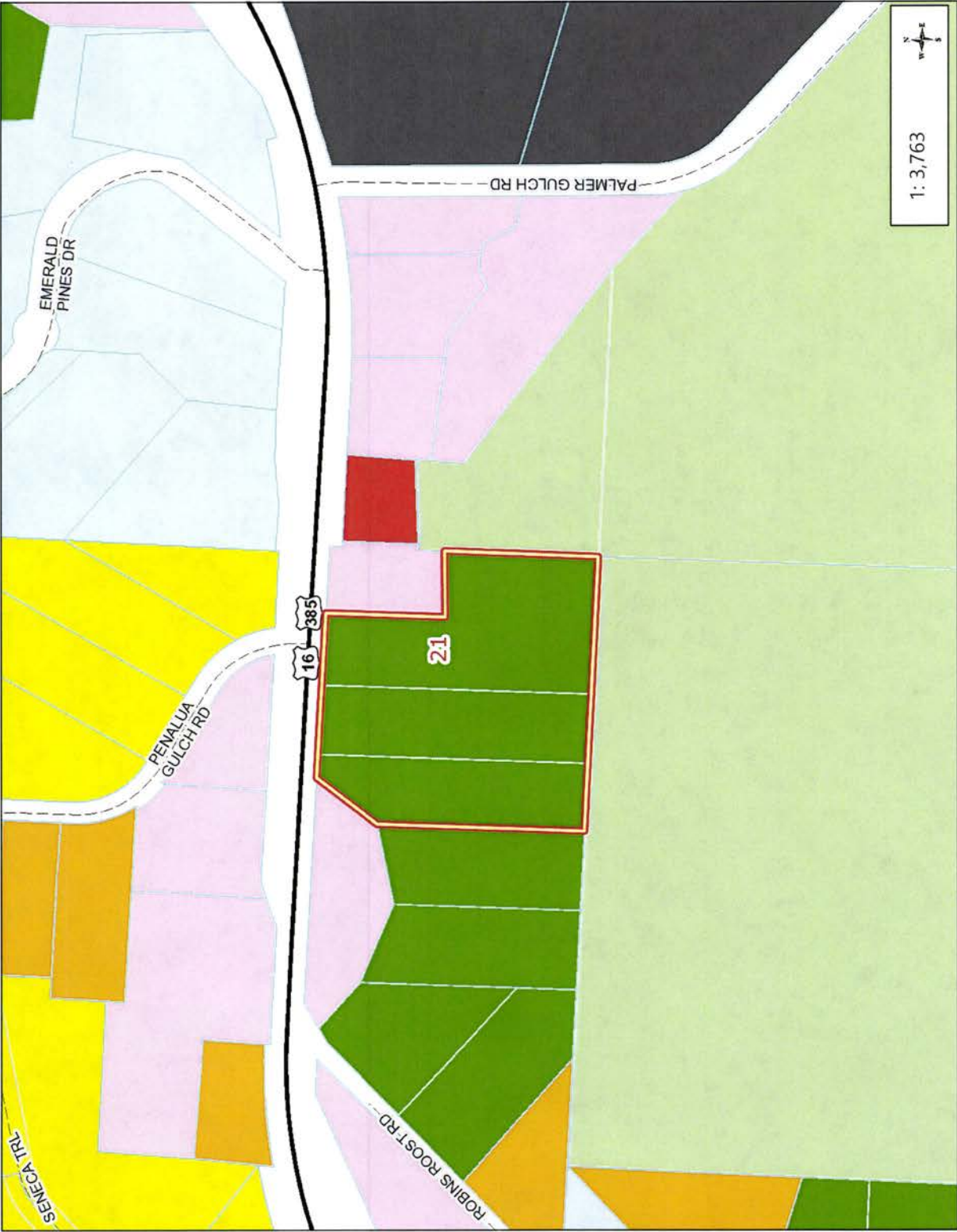
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**Legend**

- 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:**



1: 3,763

627.1 0 313.56 627.1 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
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  - Ramp
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  - Unimproved road
  - Trail
  - Airport Runway
  - Not yet coded
- Section Lines 0-25k**
- 0
  - 7
- Tax Parcels**
- Lot Lines
  - <Null>
  - Lot Line
  - Parcel Line
- County Zoning Districts**
- General Agriculture
  - General Commercial
  - Heavy Industrial
  - Highway Services
  - Limited Agriculture
  - Low Density Residential
  - Light Industrial
  - Planned Unit Development
  - Suburban Residential
  - NOCODE

**Map Notes:**

### Legend

#### Roads

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

#### Section Lines 0-25k

- 0
- 7

#### Tax Parcels

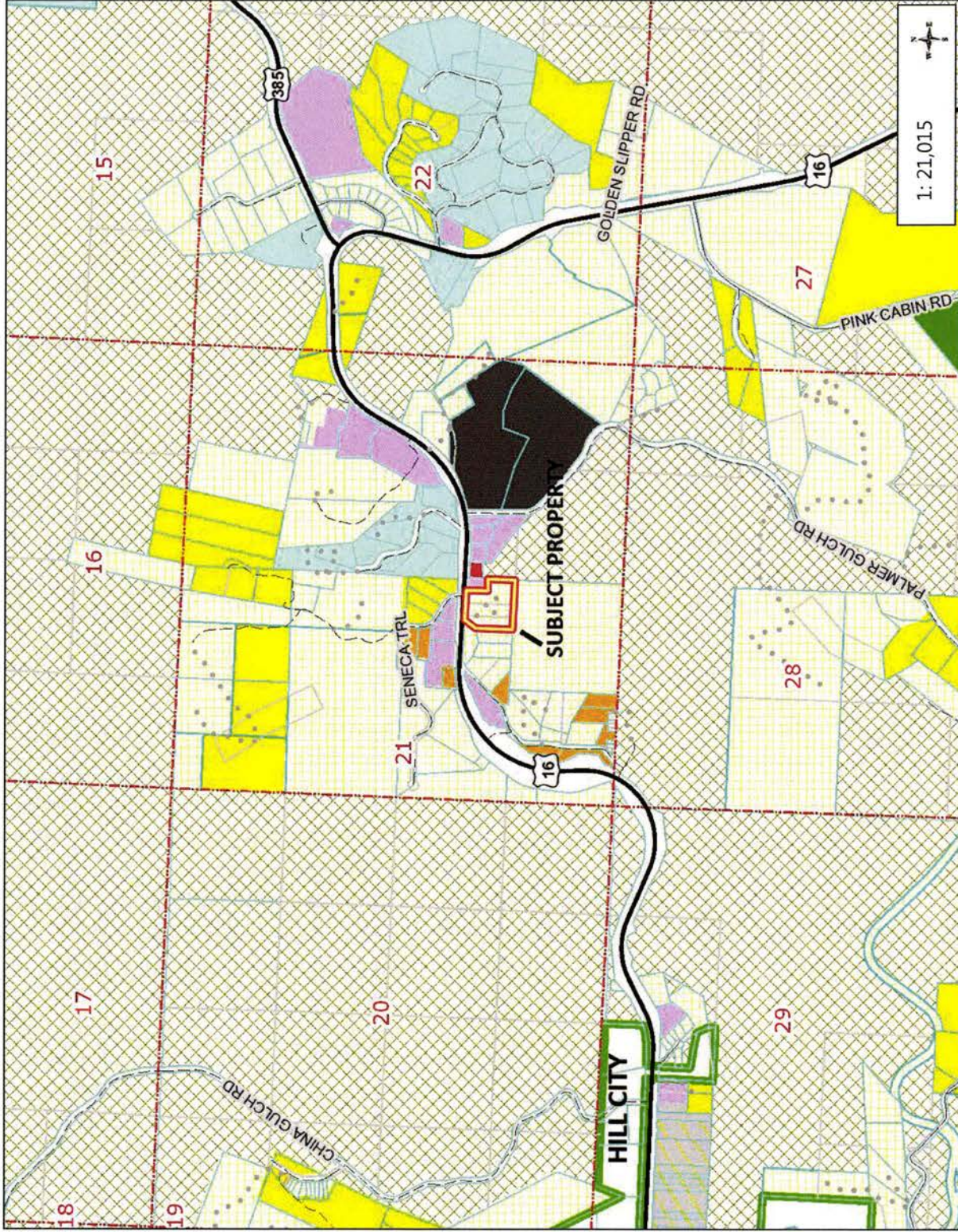
#### Lot Lines

- <Null>
- Lot Line
- Parcel Line

#### Pennington County FLU

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

### Map Notes:



1: 21,015



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





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**Legend**

- Roads**
- Interstate
  - US highway
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  - Ramp
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  - Unpaved road
  - Unimproved road
  - Trail
  - Airport Runway
  - Not yet coded

**Section Lines 0-25k**

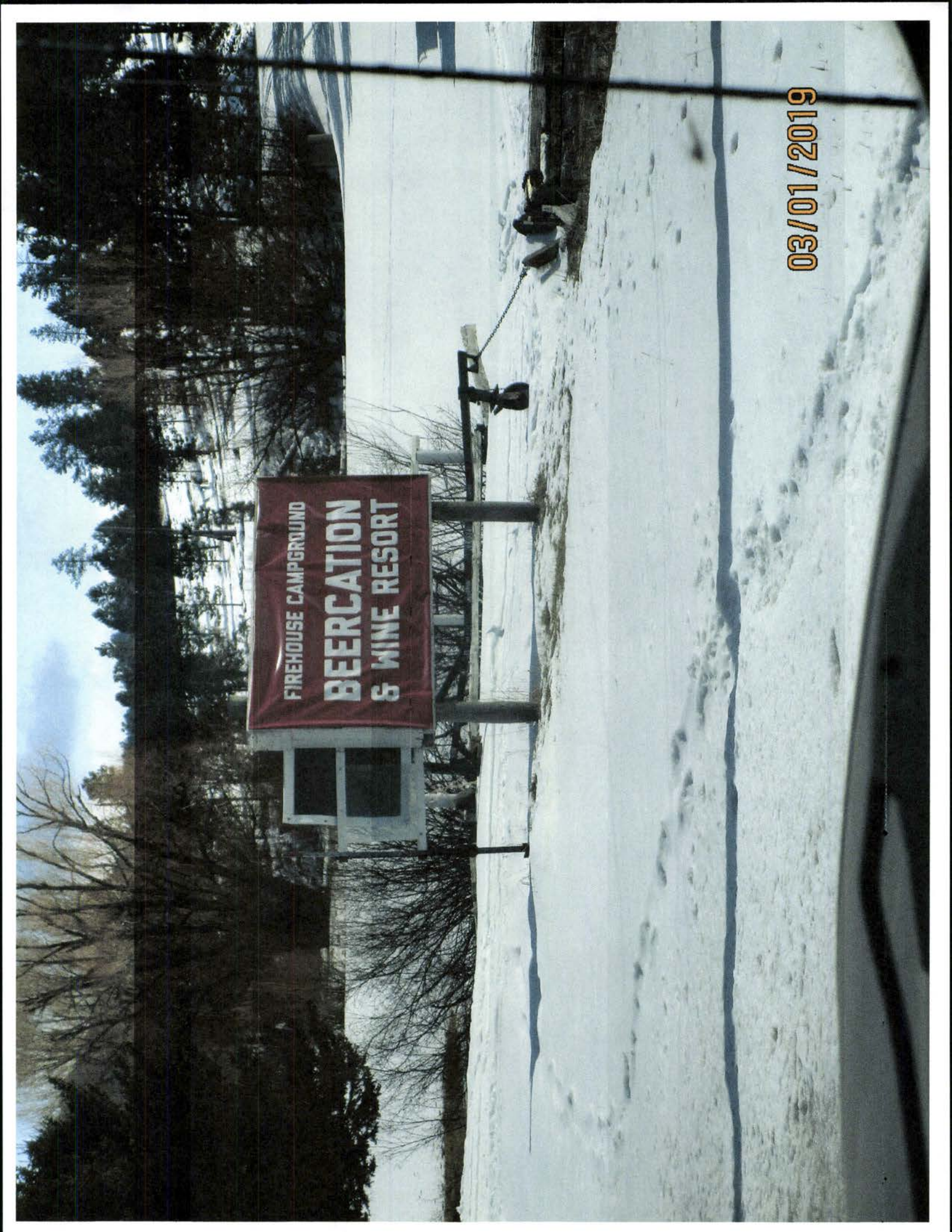
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- 7

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

**Map Notes:**

FIREHOUSE CAMPGROUND  
**BEERCATION  
& WINE RESORT**

03/01/2019



## 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.

Agenda Item #13  
Pennington County  
March 25, 2019

**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)**

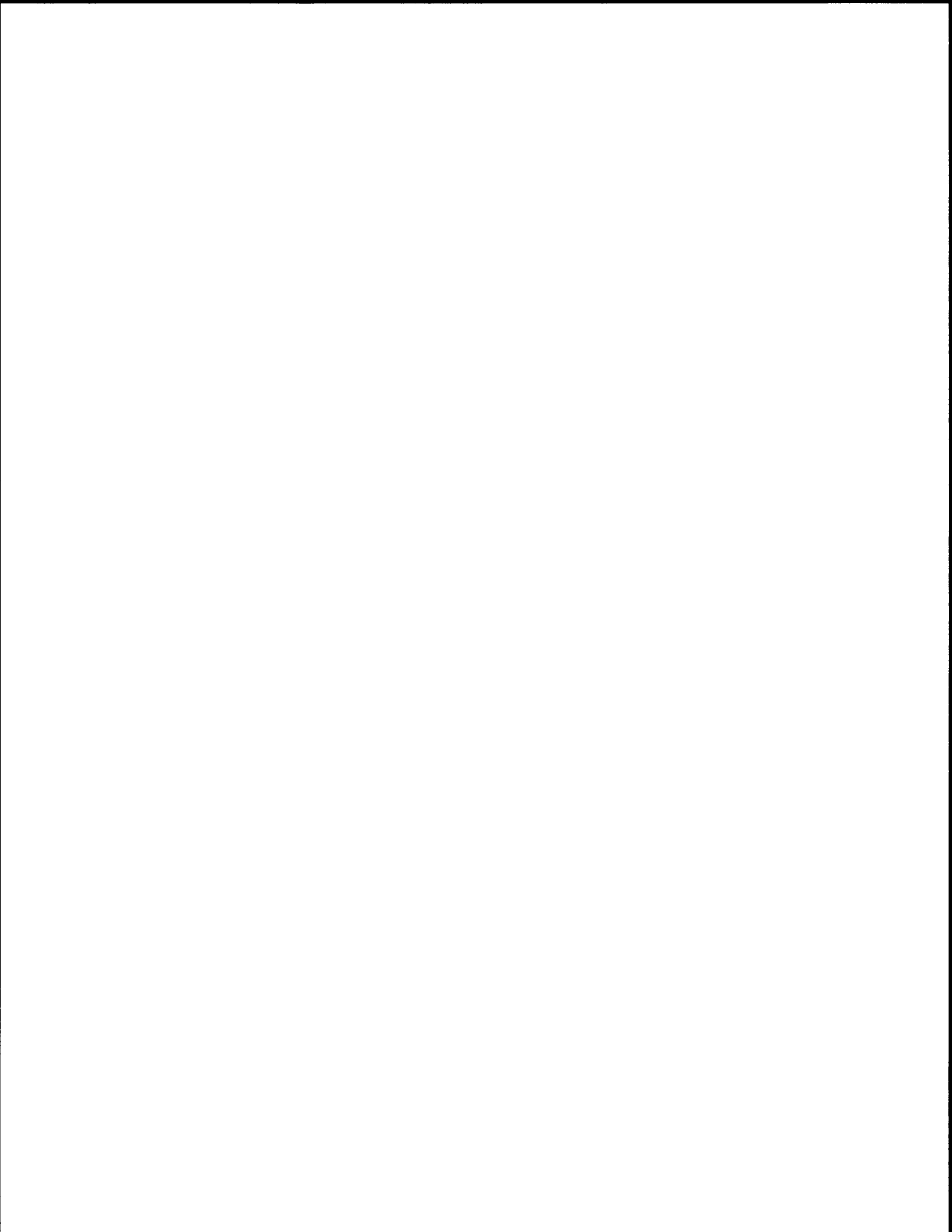
**Prepared by Pennington County  
Planning Department**

**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.**

**TABLE OF CONTENTS**  
**Pennington County Comprehensive Plan**

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





# Comprehensive Plan



Pennington County Comprehensive Plan  
**VIEW TO 2040**

Public Review Draft  
July 2018



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



Pennington County Comprehensive Plan  
**VIEW TO 2040**



Pennington County Comprehensive Plan  
**VIEW TO 2040**

*Public Review Draft*

*Prepared for:*



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

*Prepared by:*



*July 2018*

# 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 Hoffman ..... Deputy State's Attorney
- ▶ Brittney Molitor..... Environmental Planning Supervisor
- ▶ Julie Pearson..... Auditor
- ▶ Shannon Rittberger ..... Director of Equalization
- ▶ Dustin Willett..... Director Emergency Management

## ***Other Jurisdictions and Organizations***

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

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

## ***Public Input***

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



## ***Project Consultant***



**Celeste Werner, AICP**  
Project Director

**Rick Rust, AICP, GISP**  
Project Manager

**Felipe Zubia, AICP**  
Senior Planner



# Table of Contents

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



**VIEW TO 2040**

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

## Figures

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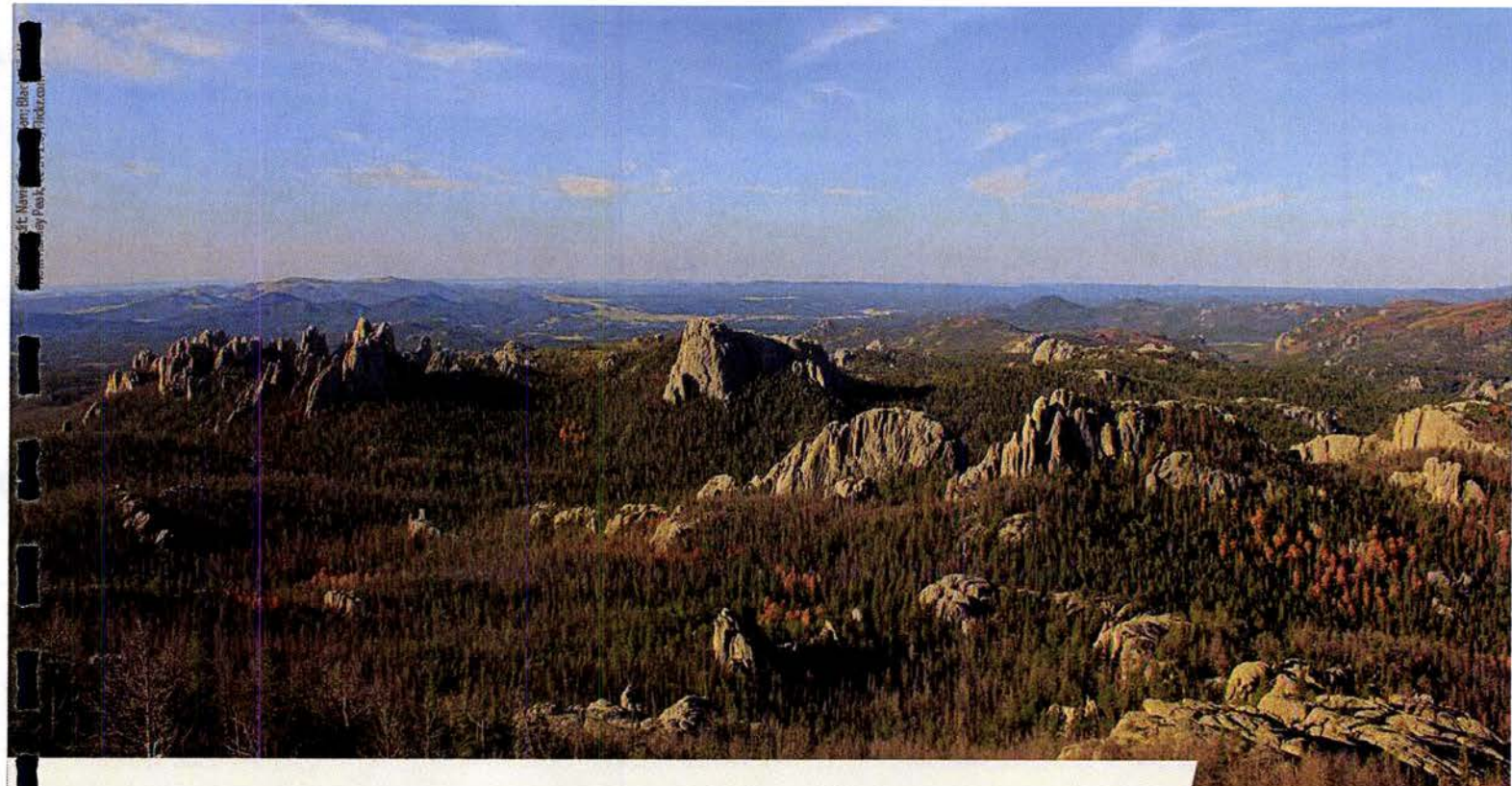
Figure 1-1	Planning Areas.....	1-3
Figure 2-1	Black Hills.....	2-3
Figure 2-2	Central Pennington.....	2-5
Figure 2-3	Eastern Plains .....	2-7
Figure 3-1	2040 Future Land Use .....	3-15
Figure 6-1	Transportation – Black Hills.....	6-3
Figure 6-2	Transportation – Central Pennington.....	6-5
Figure 6-3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

## Tables

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





# 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

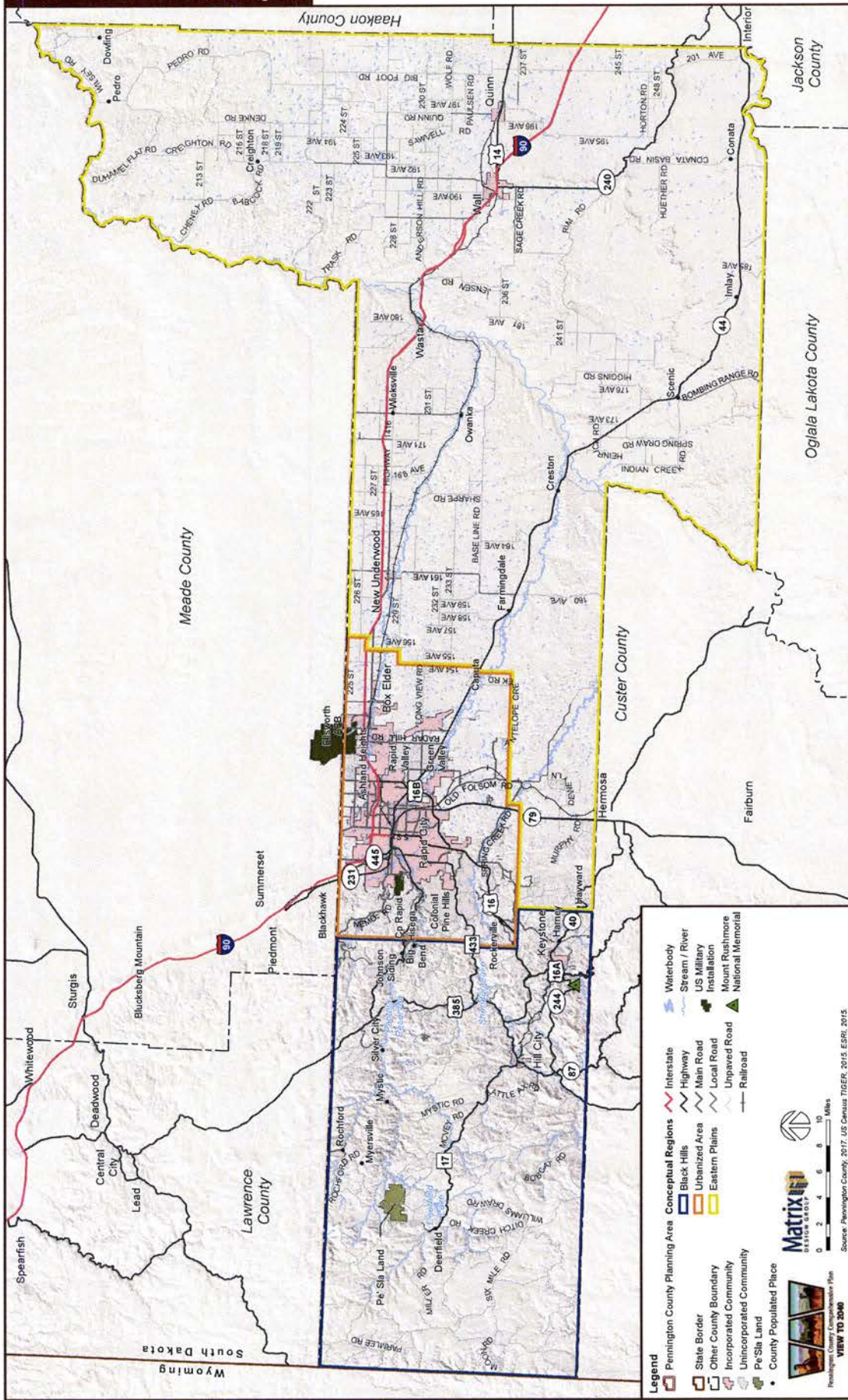
The process for developing the Comprehensive Plan occurred in seven tasks that build on each other. Several opportunities for residents to provide ideas and help guide the future of the community were included in the development of the Plan.

- ▶ **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



## 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

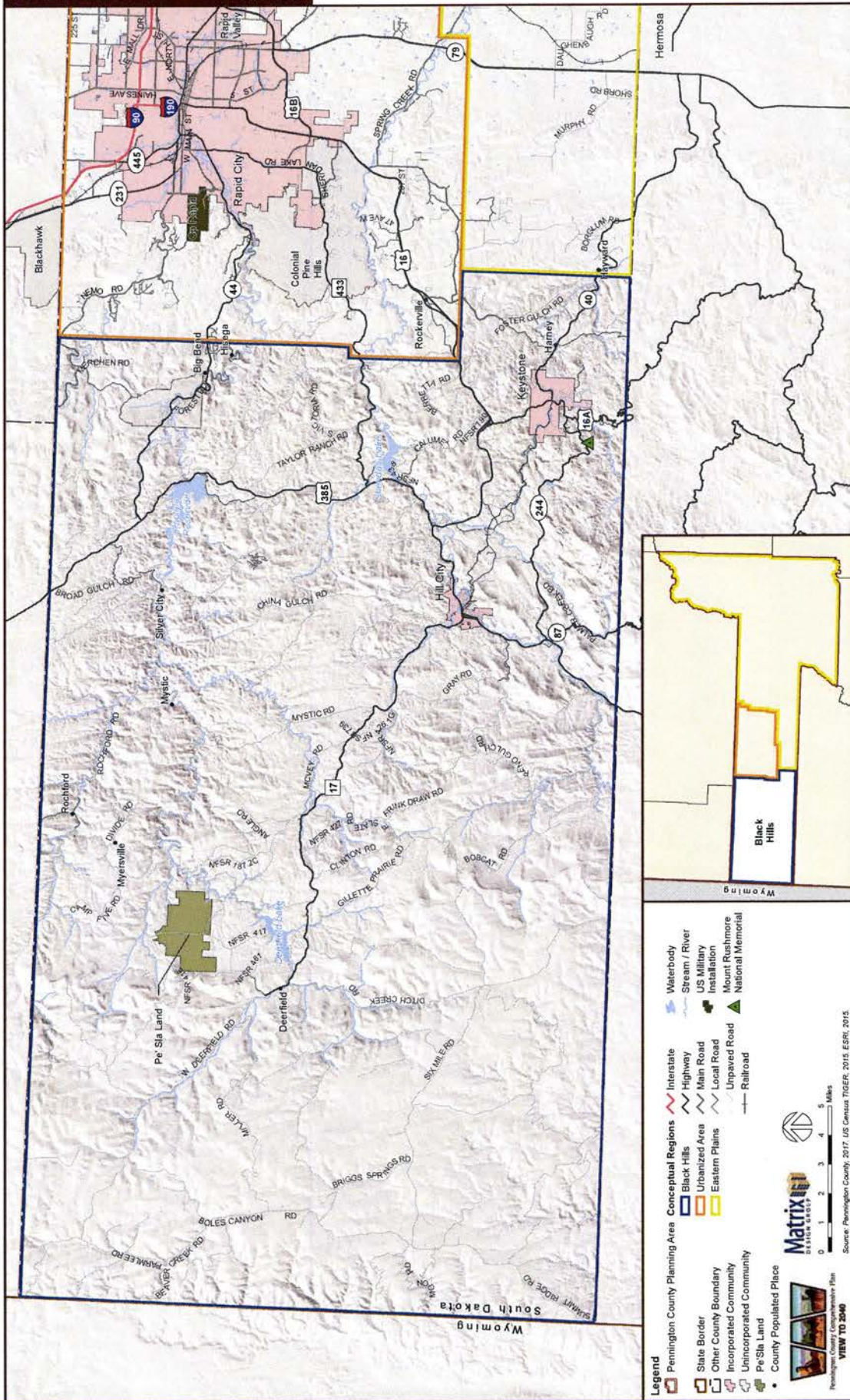




Figure 2-2

Central Pennington

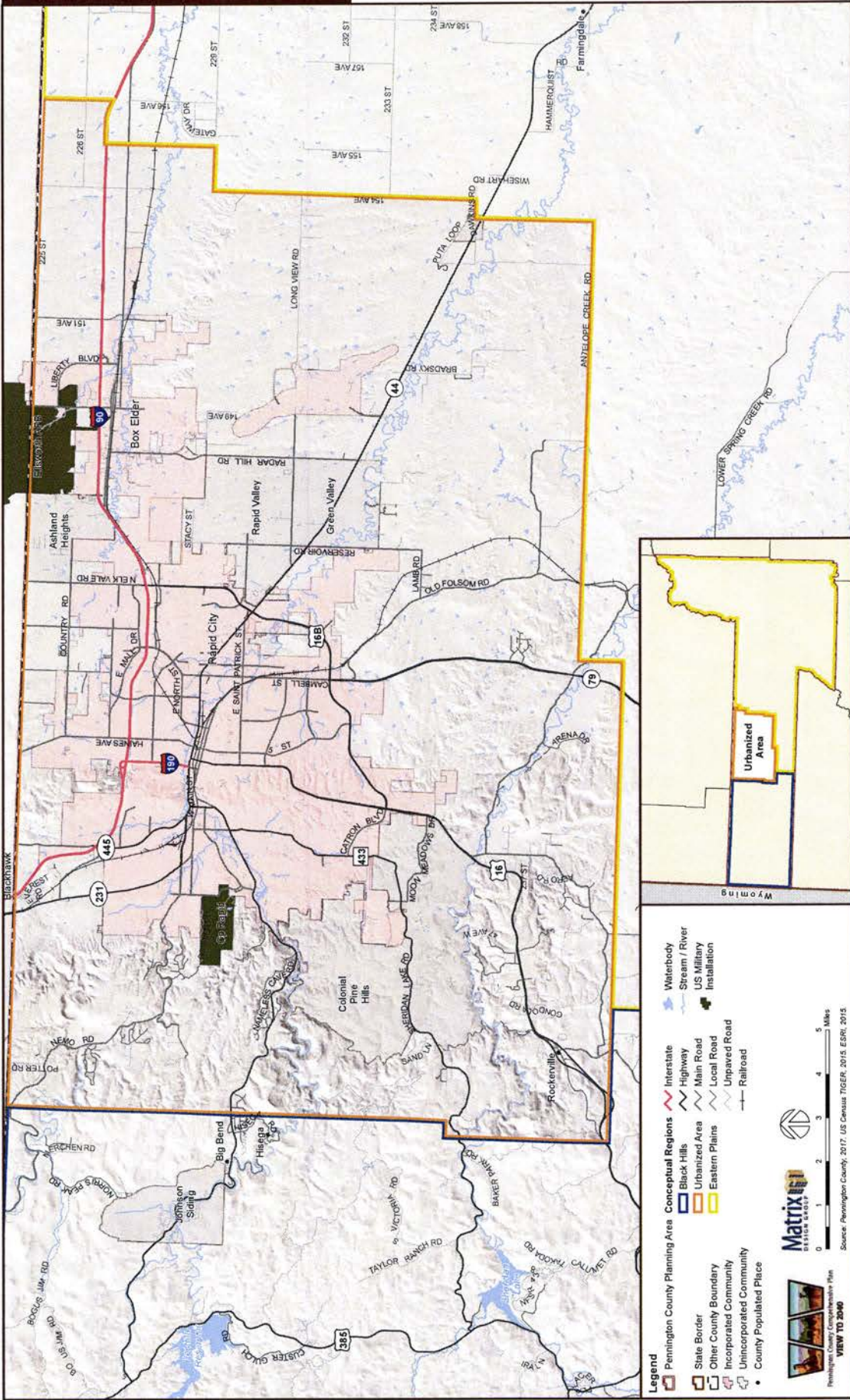
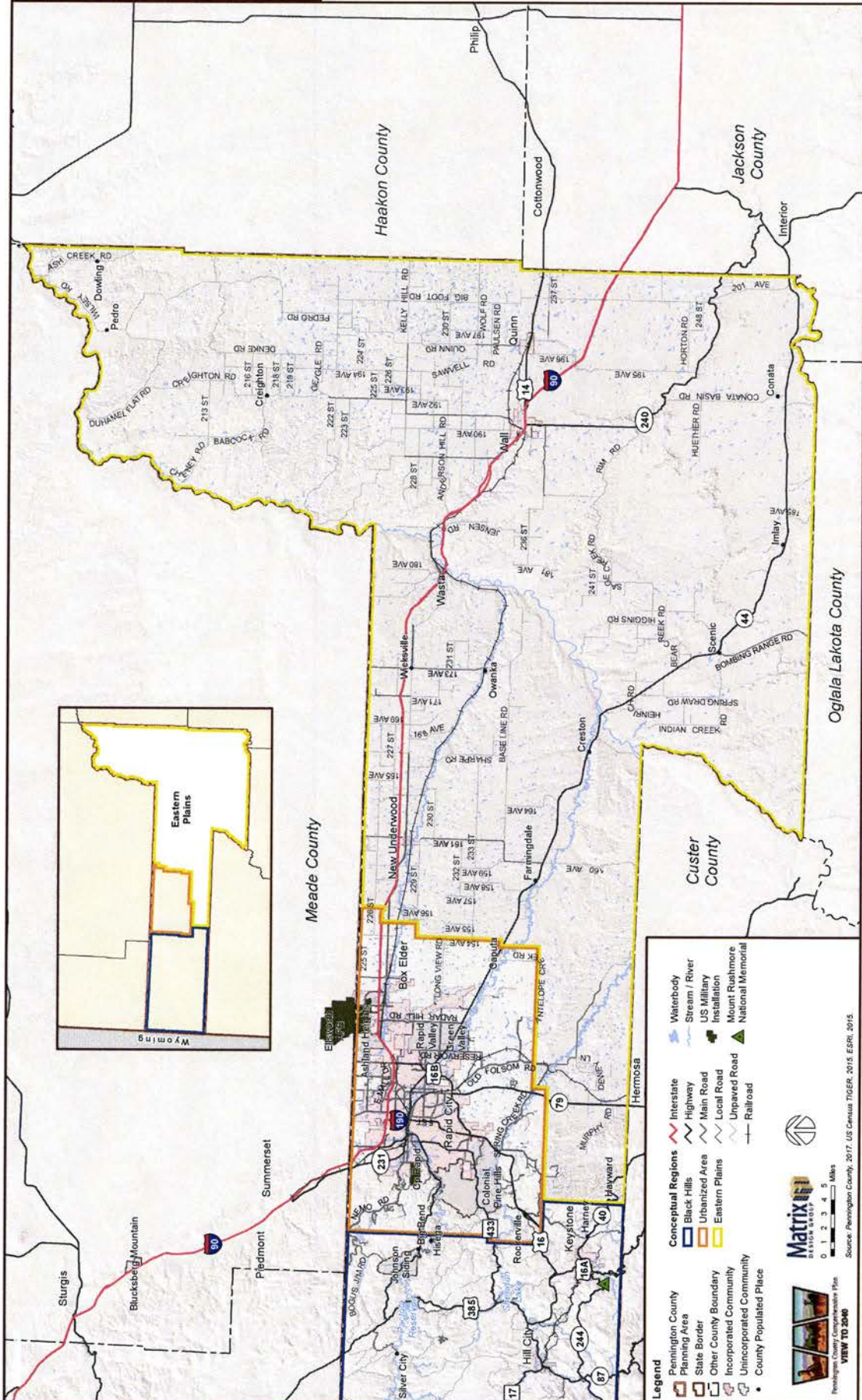


Figure 2-3 Eastern Plains



**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

**Matrix**  
 DESIGN STUDIO  
 0 1 2 3 4 Miles  
 Pennington County Comprehensive Plan  
 VIEW TO 2040  
 Source: Pennington County, 2017; US Census TIGER, 2015; ESRI, 2015.

### **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
<p><b>Planned Unit Development</b></p> <p>Compatible Zoning: PUD</p>	<p><b>PUD</b></p>	<p><b>Purpose and Application</b></p> <p>The Planned Unit Development designation is to allow districts in which ingenuity, imagination, and design efforts on the part of the builders, architects, site planners, and developers can produce desirable residential developments that are designed to include open space areas, protect natural resources, design around hazards (such as flood zones), and provide a unique mix of housing that best meets the needs of the County.</p> <p><b>Allowed Uses</b></p> <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>	<p>n/a</p>	<p>n/a</p>



**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.**

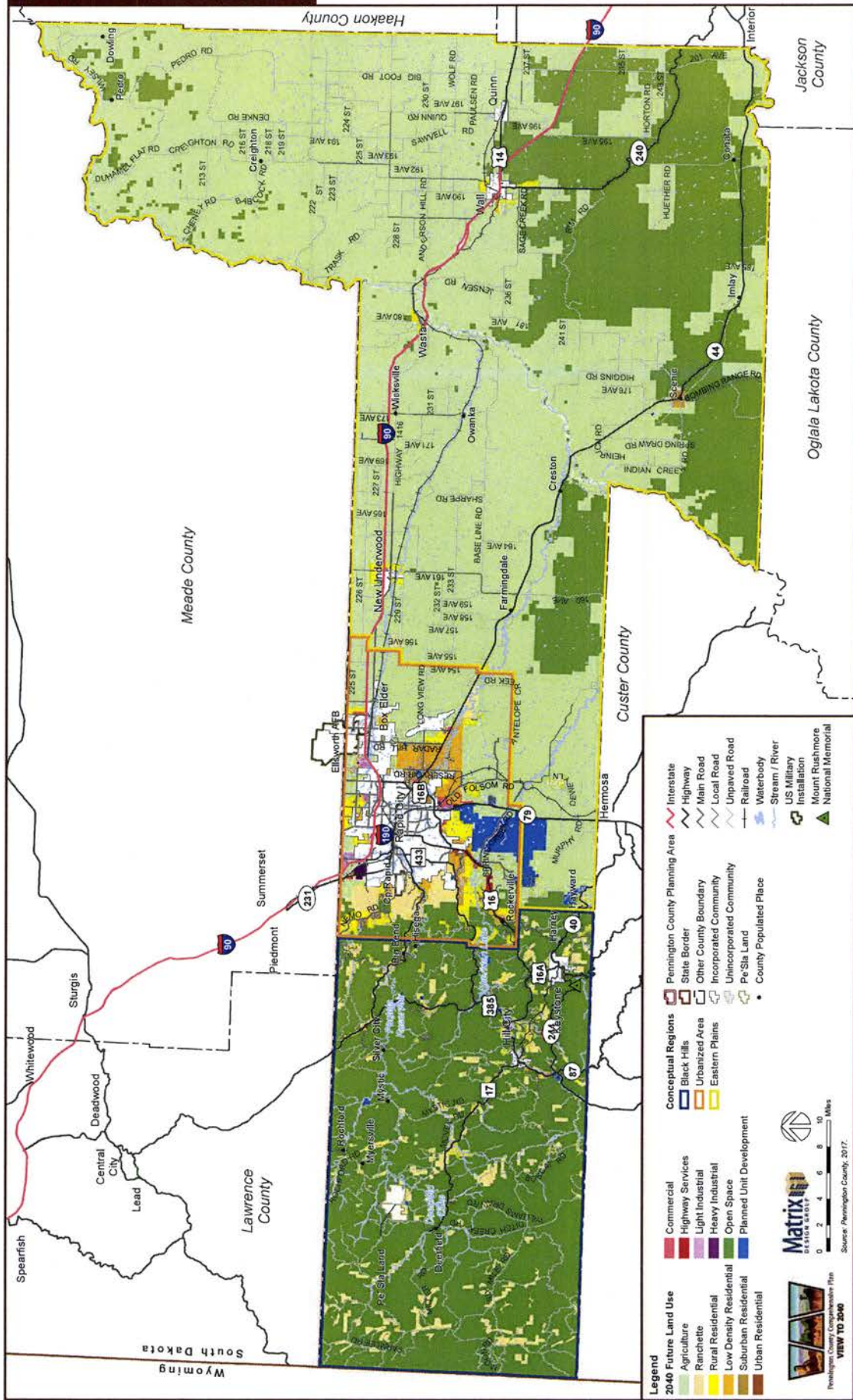


**LUH-9.1** The County shall maintain the Comprehensive Plan as needed to ensure that it reflects the needs and desires of those who live, work, and vacation in Pennington County.



**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



**Legend**

**2040 Future Land Use**

- Agriculture
- Ranchette
- Rural Residential
- Low Density Residential
- Suburban Residential
- Urban Residential

**Conceptual Regions**

- Black Hills
- Urbanized Area
- Eastern Plains

**Other Symbols**

- Commercial
- Highway Services
- Light Industrial
- Heavy Industrial
- Open Space
- Planned Unit Development

**Infrastructure**

- Interstate
- Highway
- Main Road
- Local Road
- Unpaved Road
- Railroad
- Waterbody
- Stream / River
- US Military Installation
- Mount Rushmore National Memorial

**Administrative**

- Pennington County Planning Area
- State Border
- Other County Boundary
- Incorporated Community
- Unincorporated Community
- Pe SIA Land
- County Populated Place

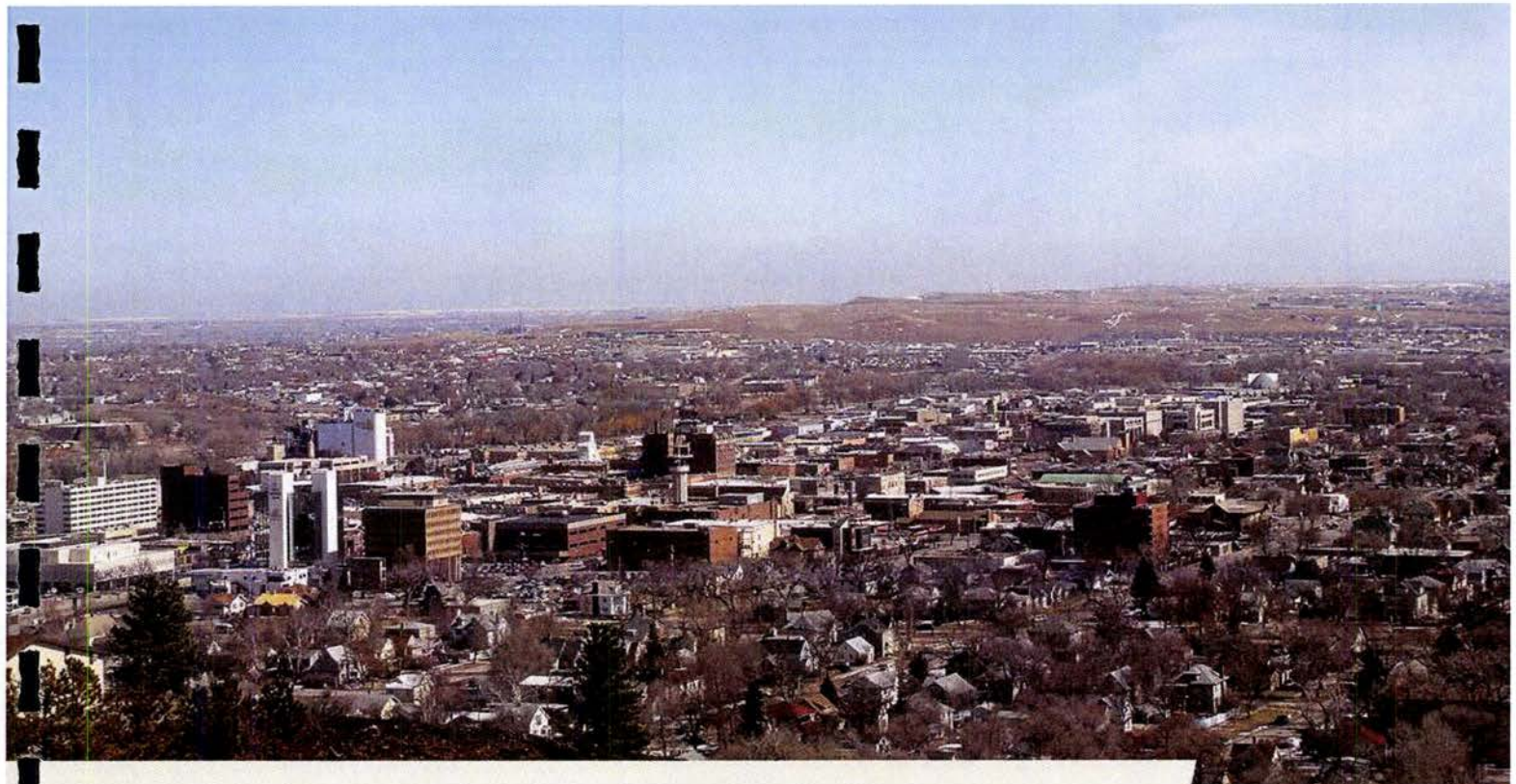
**Scale**

0 2 4 6 8 10 Miles

**Matrix DESIGN GROUP**

Pennington County Comprehensive Plan  
VIEW TO 2040

Source: Pennington County, 2017.



## Economic Development Element

# 4

### 4.1 Economic Development Overview

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

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

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



**VIEW TO 2040**

**Existing Workforce**

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

**Employment Nodes**

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

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

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

**Table 4-1. Top Employers**

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

*Source: Rapid City Chamber of Commerce*

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

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

## ***Tourism***

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

## ***Value-Added Agriculture***

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

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

## ***Rapid City Regional Airport***

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

## ***Ellsworth Air Force Base***

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

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



**VIEW TO 2040**

## 4.2 Goals and Policies

### Goal ED-1

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



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



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



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



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



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

### Goal ED-2

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



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



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

### Goal ED-3

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



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



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

## Goal ED-4

### Pennington County supports the growth of existing industries.



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



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



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



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



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

## Goal ED-5

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



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



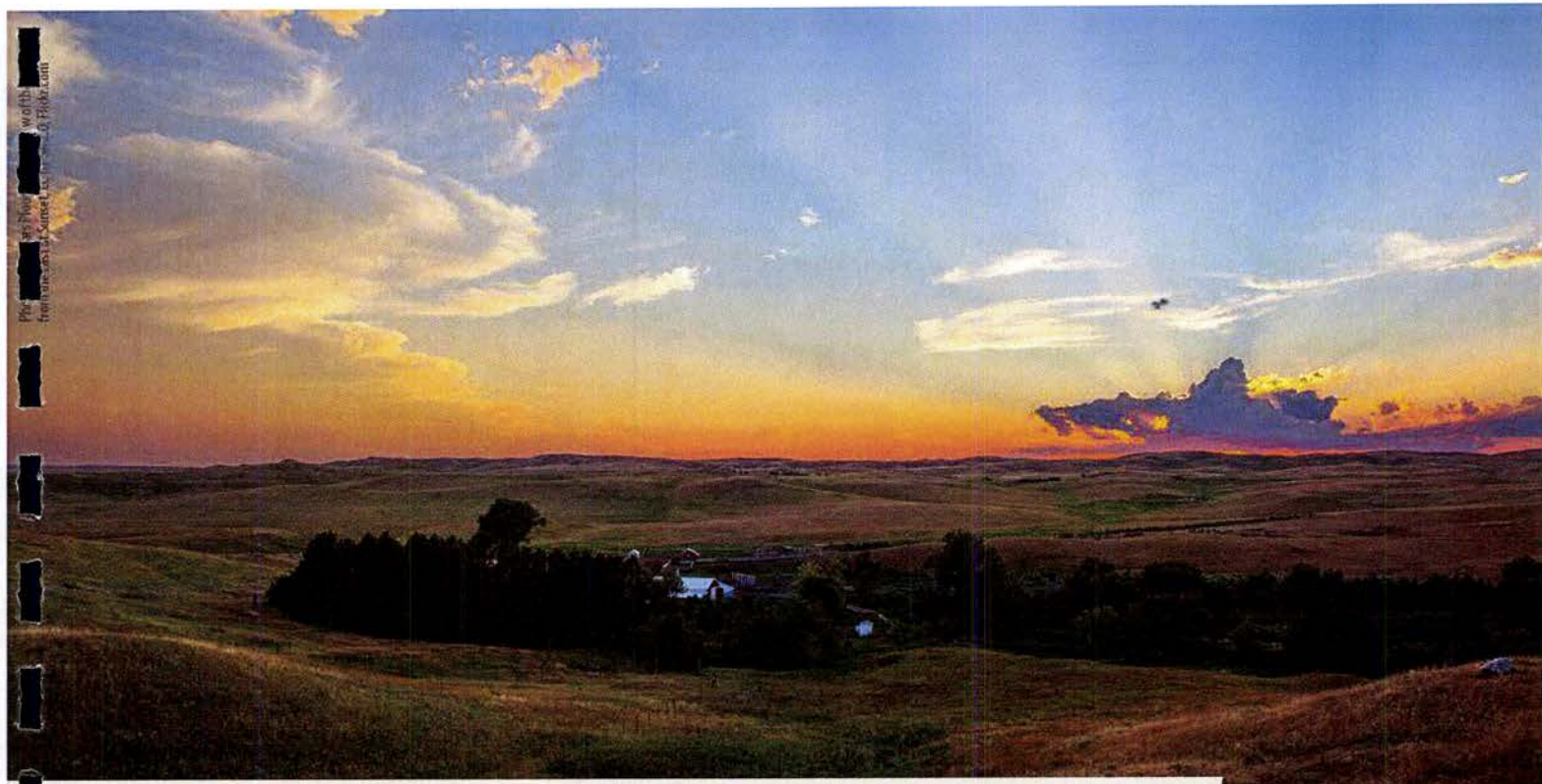
**ED-5.2** The County should require disclosure statements for any residential development within or adjacent to airport noise contours.



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



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



## Agricultural Element

# 5

### 5.1 Agricultural Overview

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

#### ***Production Enhancement***

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

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





**VIEW TO 2040**

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

**Compatibility**

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

**5.2 Goals and Policies**

**Goal AG-1**

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



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



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

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



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



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



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



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



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



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



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



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



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



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



**VIEW TO 2040**

**Goal AG-2**

**Agricultural uses are compatible with surrounding land uses.**



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



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



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

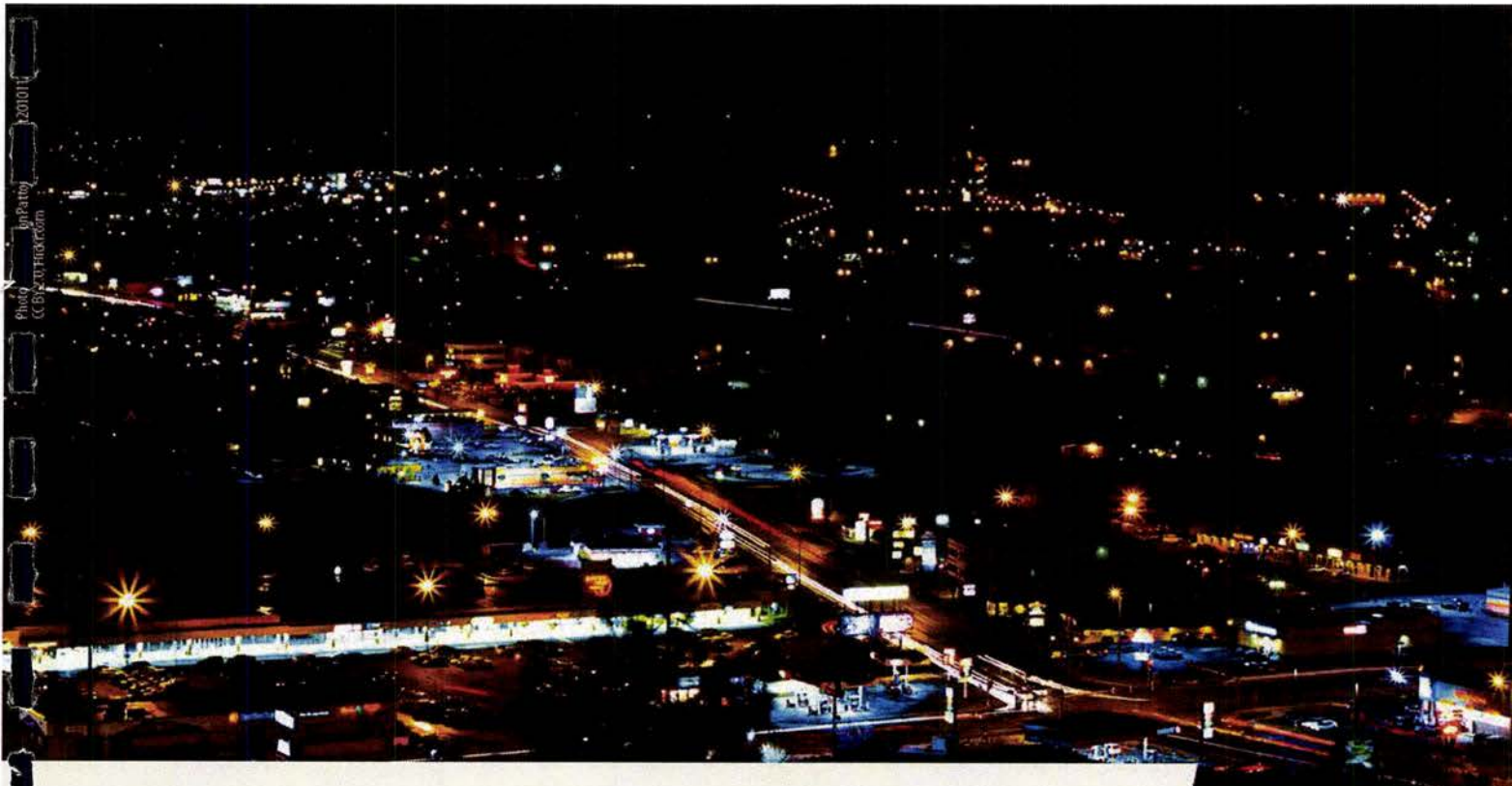


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## Transportation & Circulation Element

6

### 6.1 Transportation & Circulation Overview

#### ***Transportation System***

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

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

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



## VIEW TO 2040

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

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

### **Tourism Traffic**

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

### **Scenic Byways**

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



### **Trails and Bicycle Systems**

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

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

Figure 6-1 Transportation - Black Hills

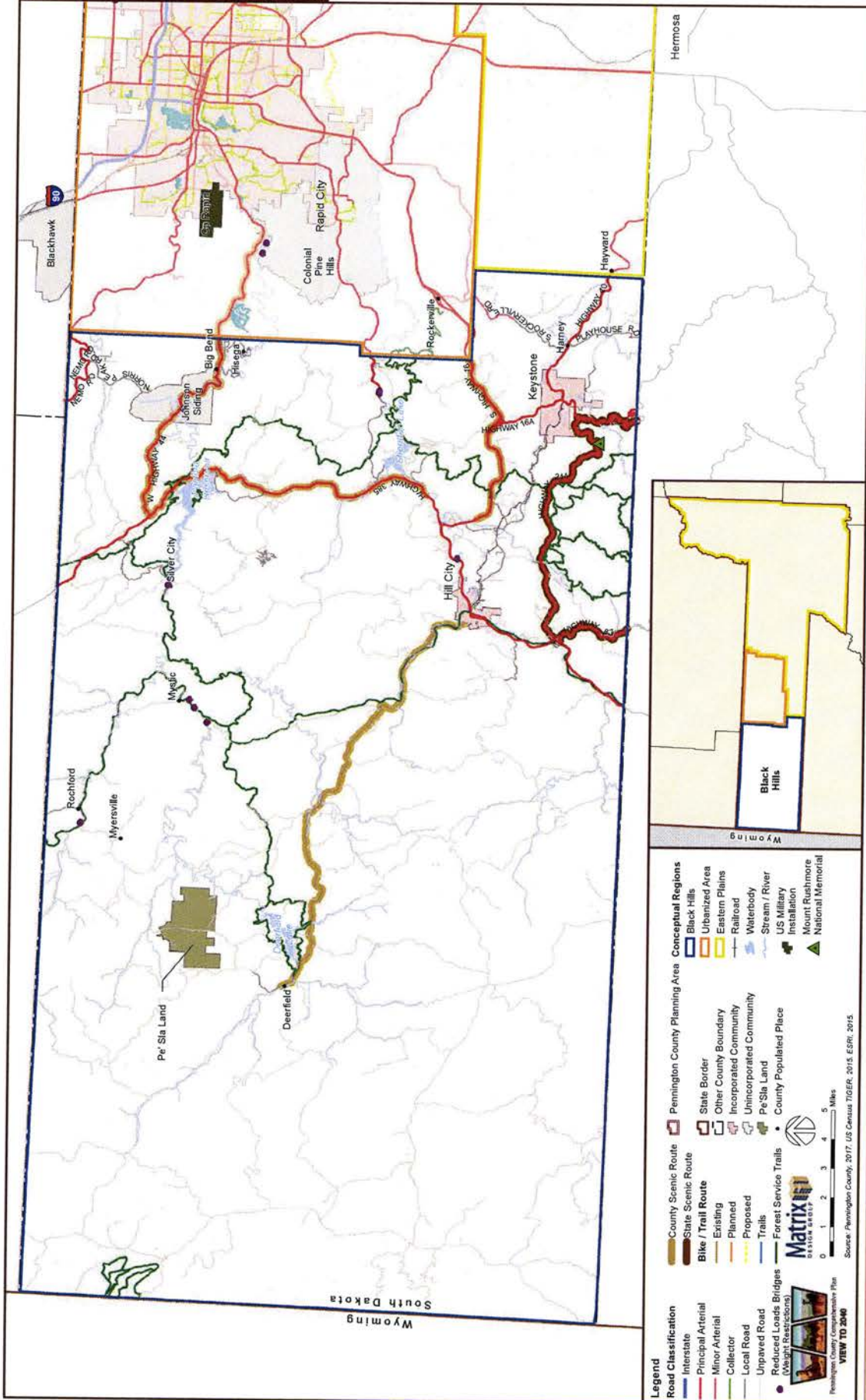


Figure 6-2 Transportation - Central Pennington

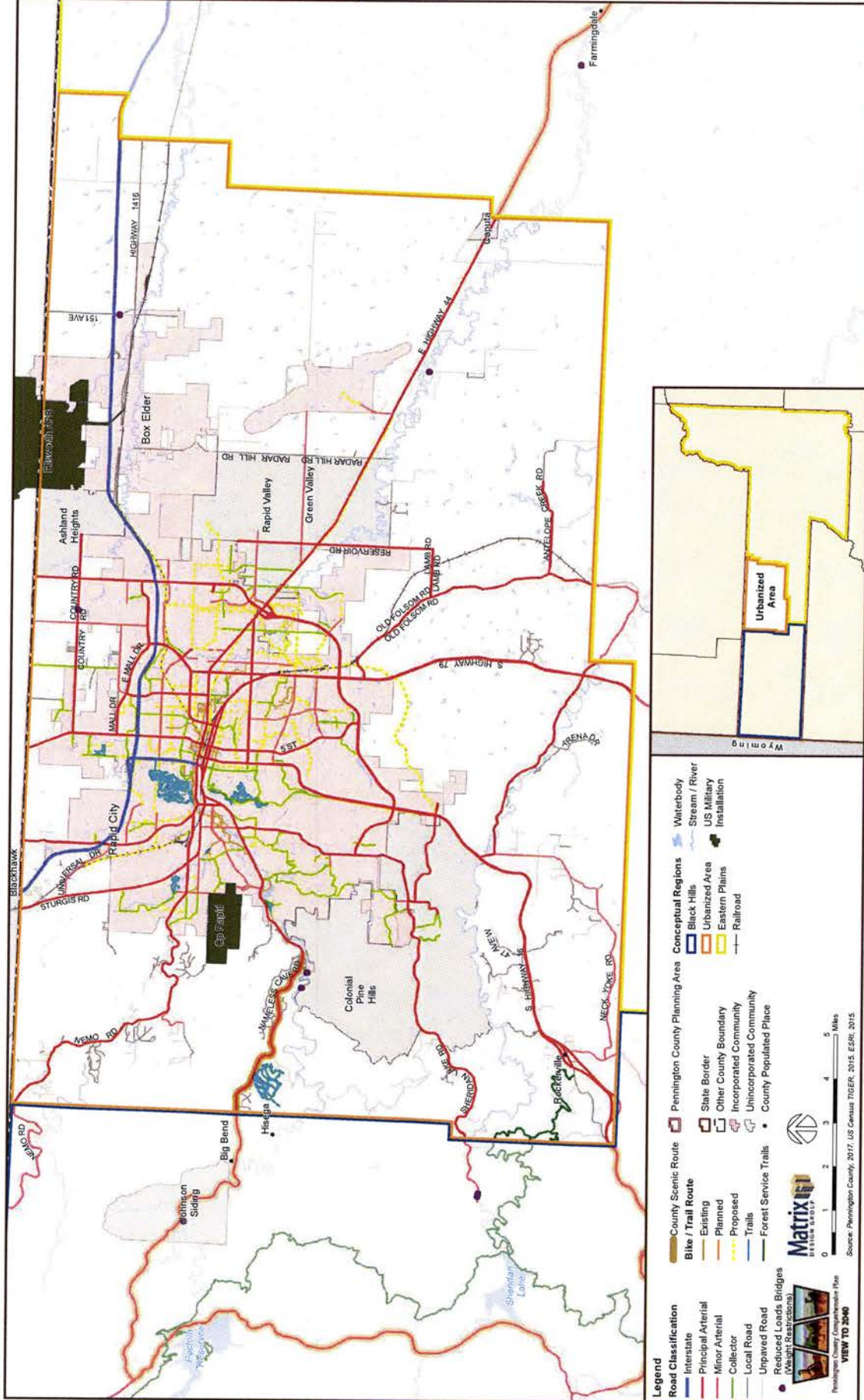
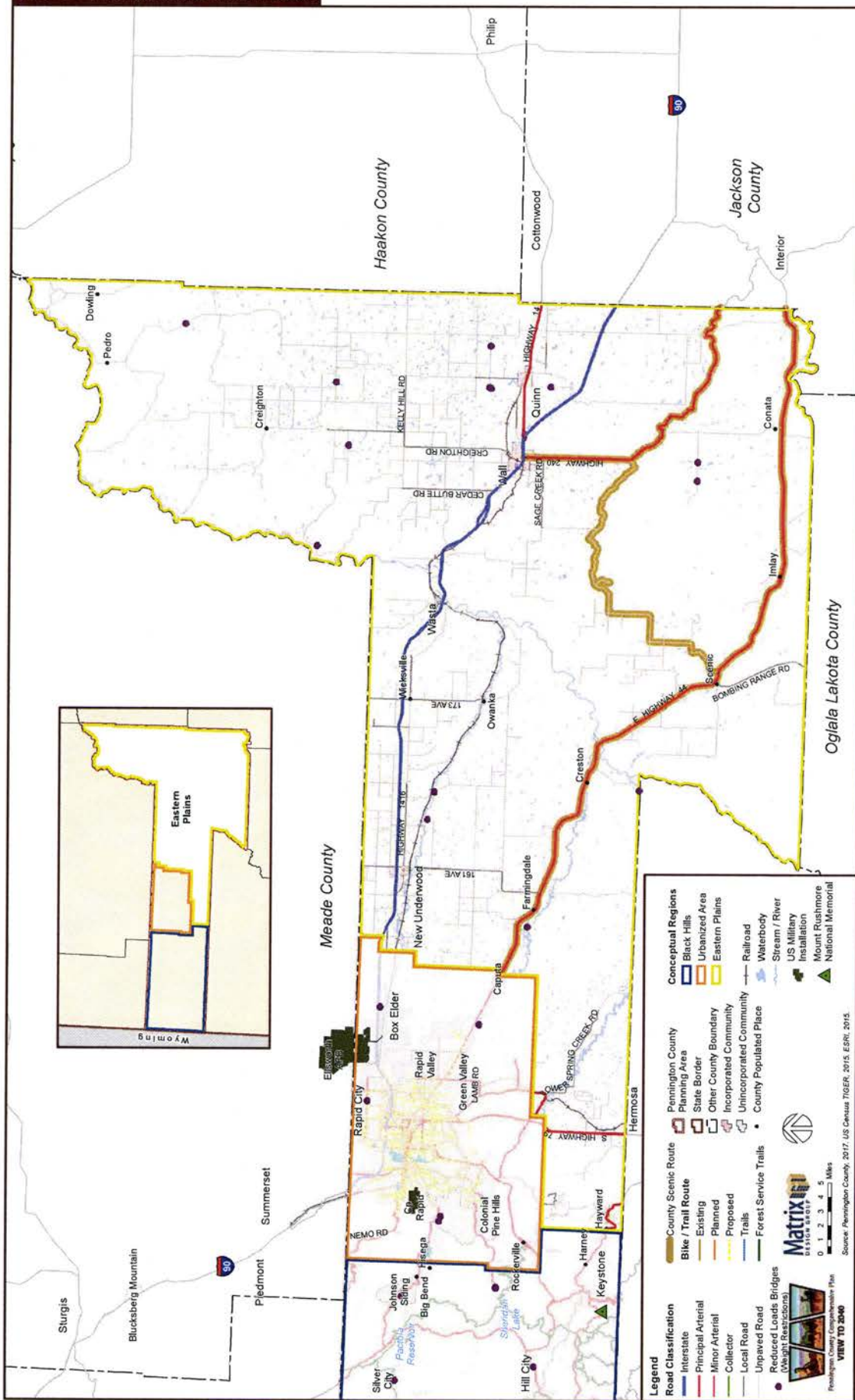


Figure 6-3 Transportation - Eastern Plains





## 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

<b>Goal TC-1</b>	<b>Pennington County maintains a safe and efficient transportation network for its residents and visitors.</b>
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**TC-1.1** The County should continue to identify and pursue grants and other funding sources to supplement the County’s available maintenance funding.



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



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



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



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



**VIEW TO 2040**

**Goal TC-2**

**Pennington County features a multimodal transportation network.**



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

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



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



**Goal TC-3**

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



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



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

**Goal TC-4**

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



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



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



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

## Goal TC-5

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



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

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



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

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



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



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



## Public Services & Facilities Element

7

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

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

### 7.1 Infrastructure Overview

#### **Water Supply**

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



## VIEW TO 2040

### ***Water Districts***

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

### ***Storm Water***

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

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

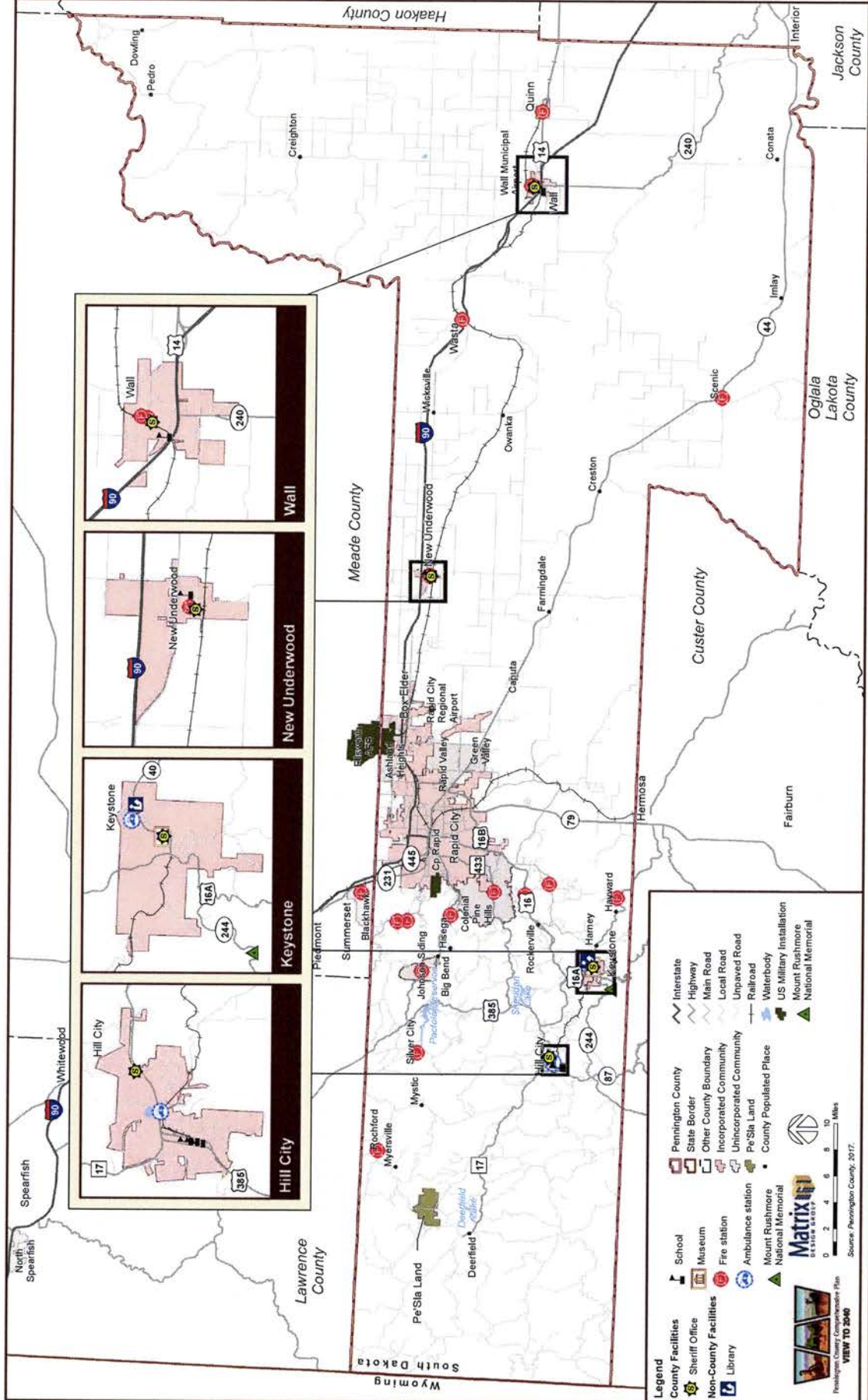
### ***Wastewater***

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

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

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

Figure 7-1 Public Facilities



**Legend**

- County Facilities
  - School
  - Sheriff Office
  - Museum
  - Fire station
  - Ambulance station
  - Mount Rushmore National Memorial
- Non-County Facilities
  - Library
- Pennington County
  - 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
- US Military Installation
- Mount Rushmore National Memorial

0 2 4 6 8 10 Miles

Source: Pennington County, 2017.

**Matrix**  
SOUTH DAKOTA

VIEW TO 2040

## 7.2 Public Safety Overview

### *Fire*

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

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

### *Emergency Management*

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

## 7.3 Public Facilities Overview

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

### *Libraries*

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

### *Schools*

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



**VIEW TO 2040**

## 7.4 Goals and Policies

### Goal PSF-1

#### The County protects its water resources.



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



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



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



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

### Goal PSF-2

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



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



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



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

### Goal PSF-3

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



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



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



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



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





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



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

## Goal PSF-4

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



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



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



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



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



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



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



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

## Goal PSF-5

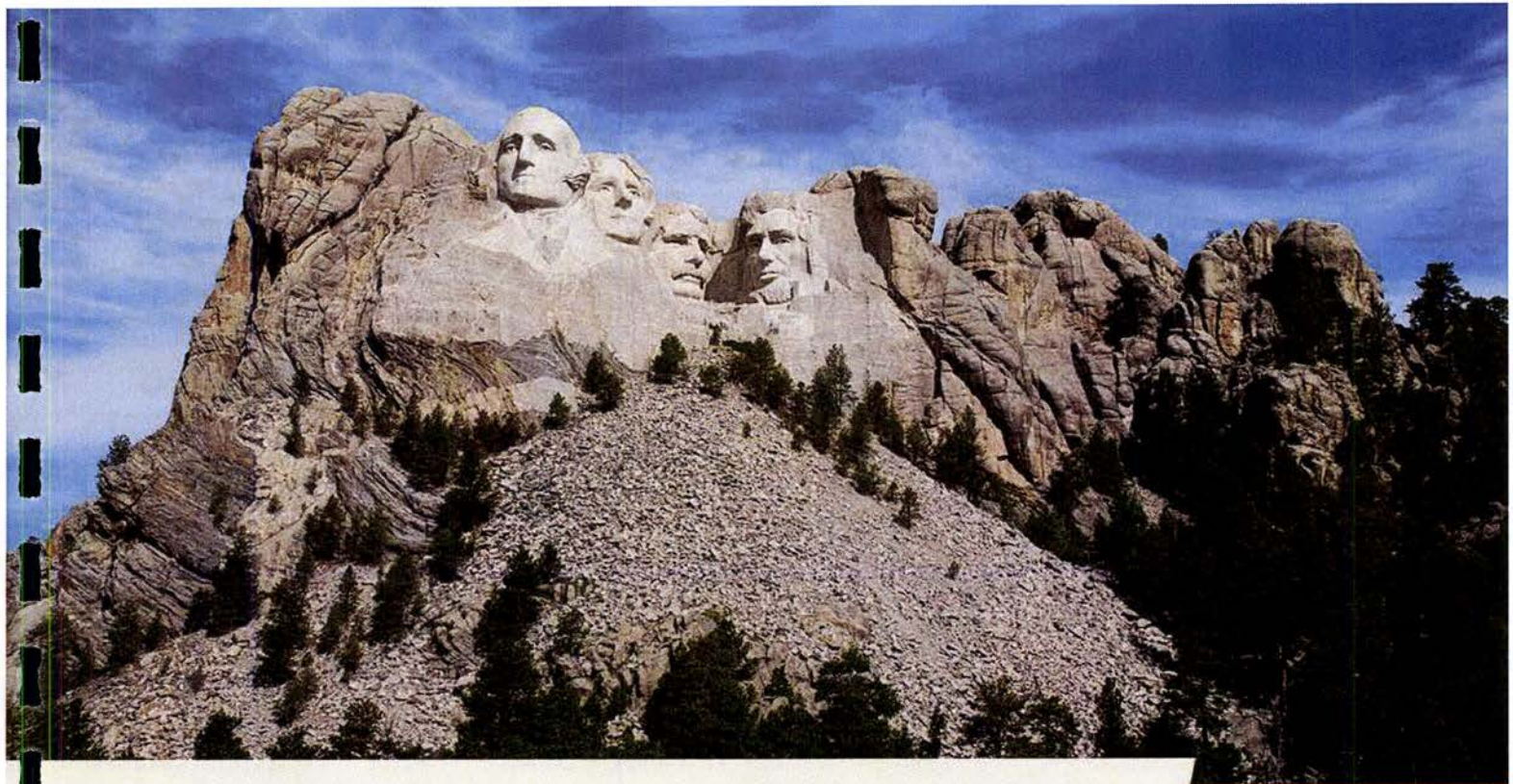
**The County has adequate public facilities to provide for its residents.**



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



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



## 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

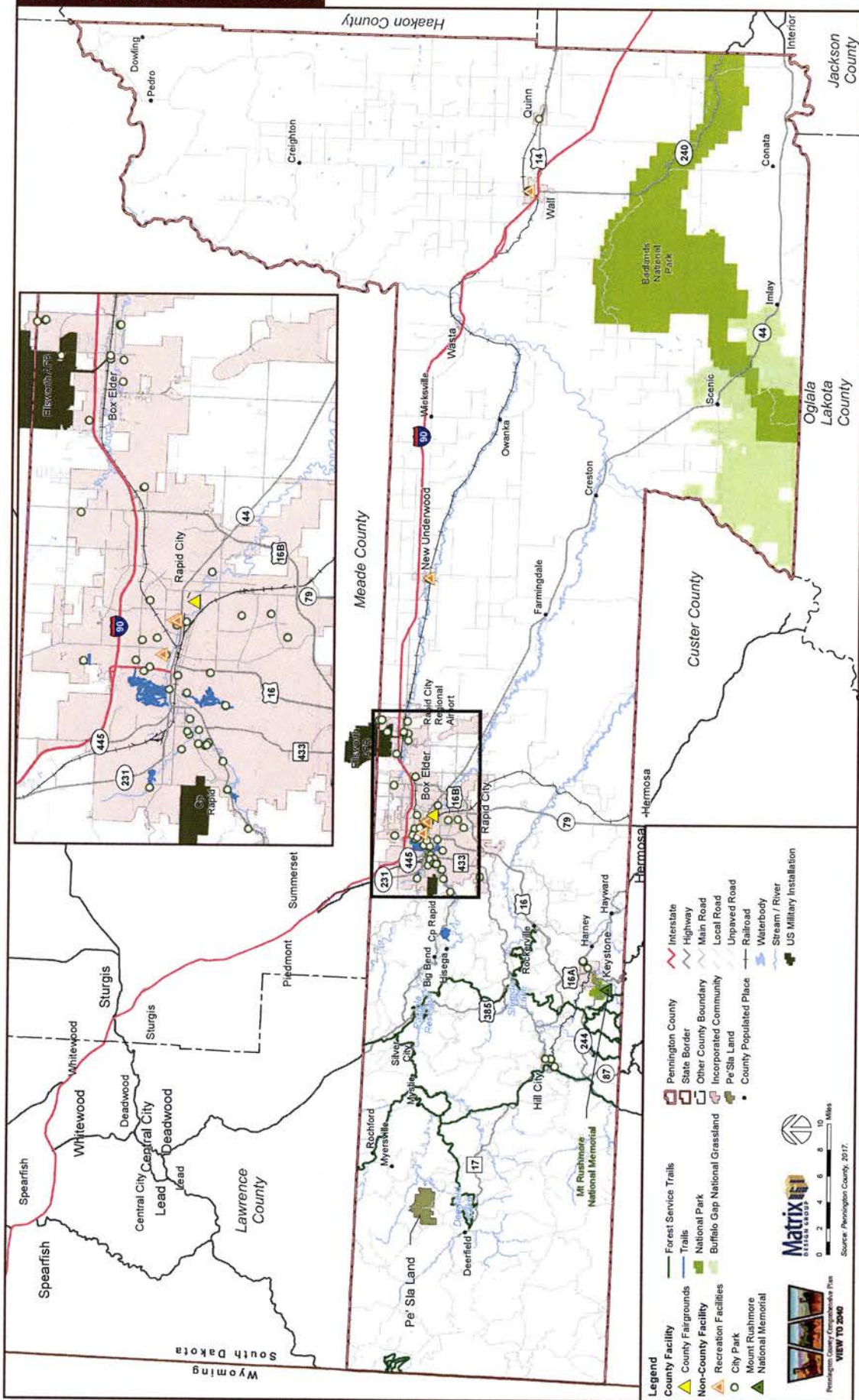
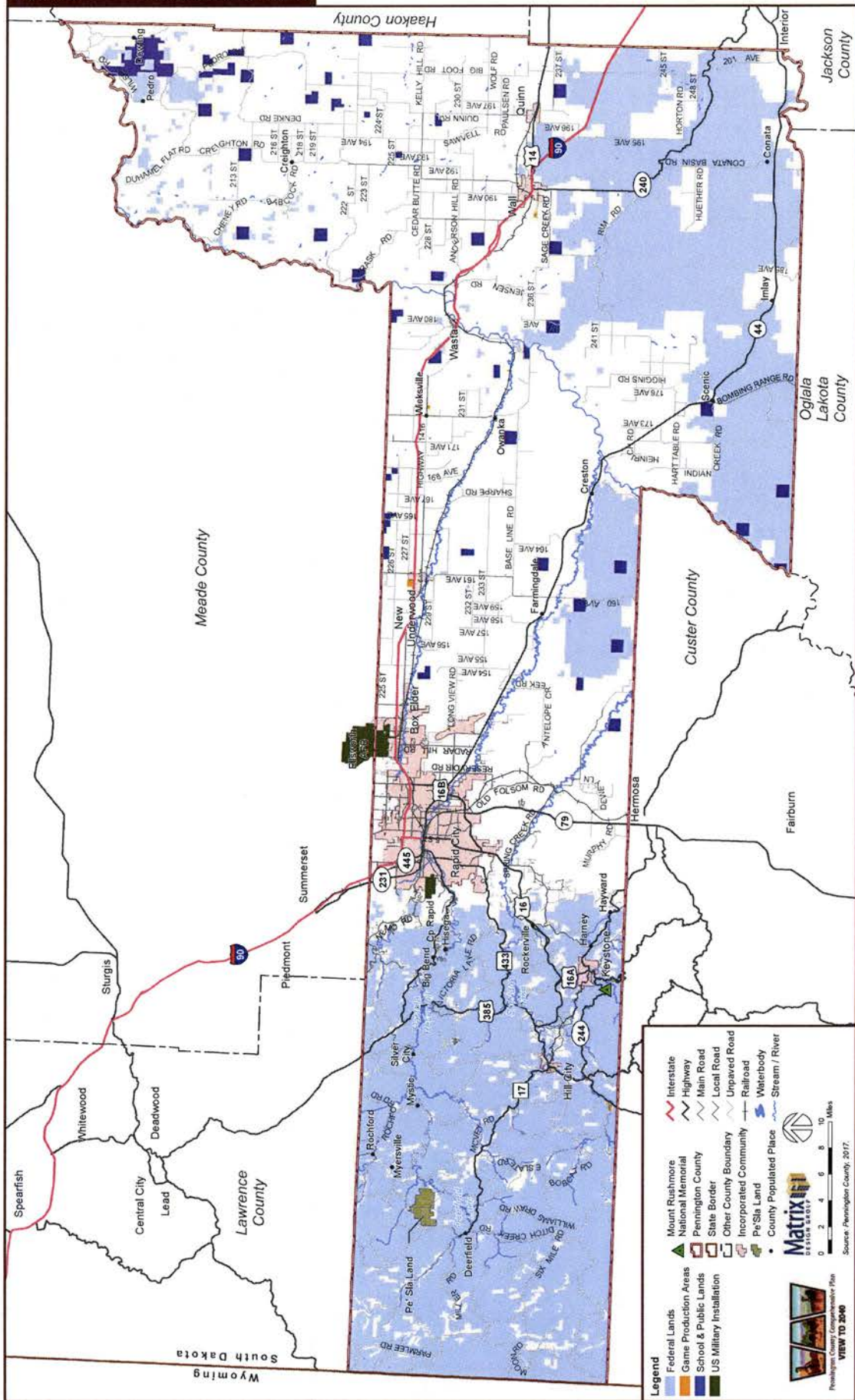


Figure 8-2 Federal and State Lands



### 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.

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.

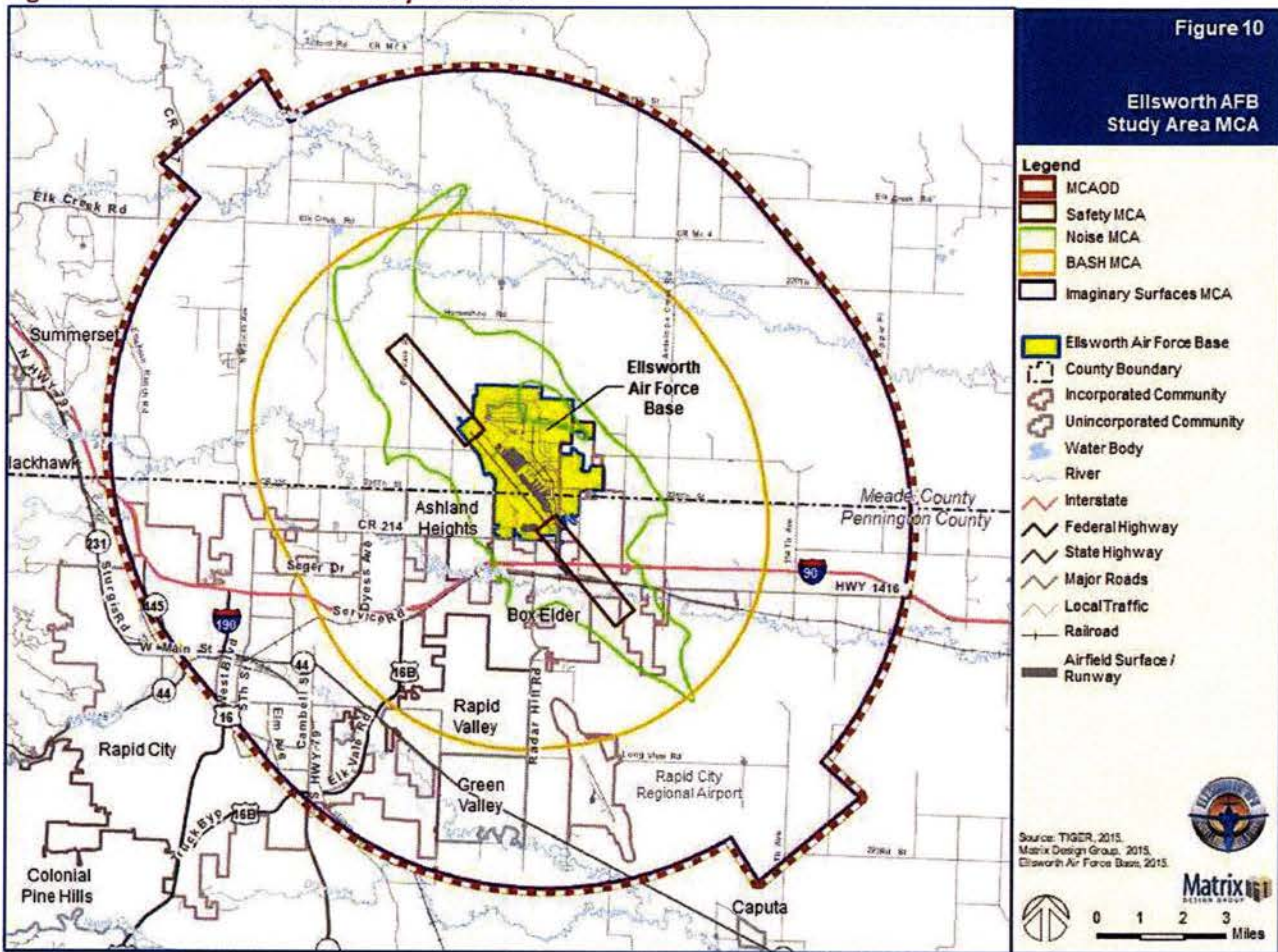
Key issues addressed in the JLUS typically are associated with one of seven Military Compatibility Areas (MCA):

- ▶ 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 manage and minimize potential hazards and nuisances of mining activities to persons and properties in the area during extraction, processing, and reclamation operations.



**NCR-6.3** The County will encourage the development of mineral deposits in a manner compatible with surrounding land uses.



**NCR-6.4** All surface mines in the County, unless otherwise exempted, shall be subject to reclamation plans that meet SMARA requirements. Reclamation procedures shall restore the site for future beneficial use of the land consistent with the Pennington County Comprehensive Plan, subsequent to the completion of surface mining activities. Mine reclamation costs shall be borne by the mine operator, and guaranteed by financial assurances set aside for restoration procedures.



**NCR-6.5** All mining operations in the County shall be required to take precautions to avoid contamination from wastes or incidents related to the storage and disposal of hazardous materials, or general operating activities at the site.



## Implementation Program

11

To help ensure that appropriate actions are taken to implement the Comprehensive Plan, a set of implementation actions are provided. An implementation action is a specific measure, program, procedure, or technique that carries out the goals and policies contained in each element of the Pennington County Comprehensive Plan.

The following pages contain the implementation actions. Each item describes the action to be taken, a reference to the goal it supports, and the timeline in which the action is expected to be initiated. Timelines are:

- ▶ **Short-Term** (start 1-3 years after adoption),
- ▶ **Mid-Term** (start 4 – 7 years after adoption),
- ▶ **Long-Term** (start 8 or more years after adoption), and
- ▶ **On-Going** items that will require work by the County over the duration of the Comprehensive Plan.



**VIEW TO 2040**

Action Number	Implementation Action	Relevant Goal	Short-Term	Mid-Term	Long-Term	On-Going
1	The County should amend the Zoning Ordinance to be consistent with the residential densities set forth in the Comprehensive Plan.	LUH-2	■			
2	The County should consider including alternative homes, such as tiny homes into the Zoning Ordinance.	LUH-2	■			
3	The County should develop standards in the Zoning Ordinance for accessory dwelling units designed to encourage the development of housing that is affordable. Adding provisions for "by right" development should be considered.	LUH-2	■			
4	The County should update the Zoning Ordinance relative to non-domestic animal keeping on residential designations. This should include standards for: <ul style="list-style-type: none"> <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

11

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	■			



**VIEW TO 2040**

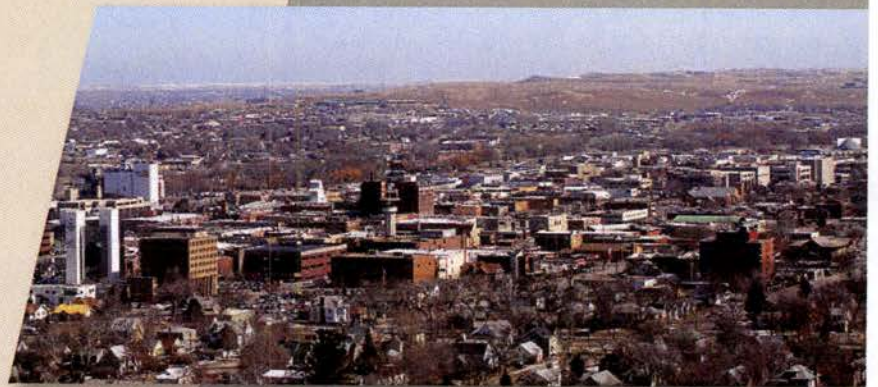
Action Number	Implementation Action	Relevant Goal	Short-Term	Mid-Term	Long-Term	On-Going
31	The County should identify and map wildlife corridors in Pennington County by working with USFS, USFWS, state universities, and other available resources.	NCR-3				■
32	The County shall continue to regularly monitor the water quality of Spring Creek.	NCR-4				■
33	The County shall regularly monitor water quality within its five aquifers.	NCR-5				■
34	The County should require appropriate bonding to ensure remediation and restoration.	NCR-6				■



Pennington County Comprehensive Plan  
**VIEW TO 2040**



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**Matrix**  
DESIGN GROUP

Eats Plogarantz, View of the Ranch from the East at Sunset, CC BY SA 2.0 Flickr.com