

AGENDA
PENNINGTON COUNTY PLANNING COMMISSION
May 28, 2019 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Administration Building

Recommendations of the Planning Commission on items from this agenda will be considered by the Board of Commissioners at their regular meeting on June 4, 2019, at 10:30 a.m.

ROLL CALL

1. APPROVAL OF THE MAY 13, 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 13-19: Ken and Cory Tomovick. To review a Recreational Resort to allow for events of 20 people or less in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

Lot 1 of Bonanza Bar MC 970 and the Unplatted Part of Bonanza Bar MC 970 (also in Section 1), Section 12, T1S, R6E, BHM, Pennington County, South Dakota

(Continued from the April 22, 2019, Planning Commission meeting.)

To recommend approval of the extension of Conditional Use Permit / CU 13-19 with sixteen (16) conditions.

4. CONDITIONAL USE PERMIT REVIEW / CU 15-10: Krebs Partnership, LLC; Donald Krebs. To review a home occupation on the subject property in which no immediate family member resides, to use a detached garage for the purpose of buying, repairing and selling vehicles (not intended to be a car lot) in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

The South 75 feet of Lot J of E1/2SE1/4, Section 9, T1N, R8E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 15-10 with fourteen (14) conditions.

5. **CONDITIONAL USE PERMIT REVIEW / CU 18-06:** Milbert and Lila Rohrbach. To review the replacement of an existing single-wide with a newer single-wide mobile home (#C), to allow for an existing single-wide mobile home to remain as storage space (#A), and to allow for the existing double-wide mobile home to remain as a rental unit on the subject property (#B) in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot W 165 feet of W1/2 of Lot 3 less N10 feet; Plateau Subdivision, Section 10, T1N, R8E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 18-06 with eight (8) conditions.

6. **CONDITIONAL USE PERMIT REVIEW / CU 18-09:** Scott and Christine Grierson. To review a Recreational Vehicle to be used as temporary living quarters on the subject property (Lot 6) while building a single-family residence on Lot 5 in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Lot 6, Block 3, Pactola Estates, Section 17, T1N, R5E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 18-09 with ten (10) conditions.

7. **CONDITIONAL USE PERMIT REVIEW / CU 18-10:** Ray and Erin Atkins. To review an accessory structure (a garage) prior to a principal structure on the subject property in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Lot 8, Block 1, Meadow Ranch Estates, Section 13, T2N, R8E, BHM, Pennington County, South Dakota.

To recommend to continue the review of Conditional Use Permit / CU 18-10 to the June 24, 2019, Planning Commission meeting.

8. **CONDITIONAL USE PERMIT REVIEW / CU 18-12:** Edelweiss Mountain Lodging / Marshall Mechaley. To review 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 31 Revised, Block E, Edelweiss Mountain Development, Section 20, T1N, R5E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 18-12 with thirteen (13) conditions.

9. **CONDITIONAL USE PERMIT / CU 19-08:** Jeffrey Scherr. To live in a Recreational Vehicle (camper) while building a single-family residence on the subject property in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot D of Lot 17 of Fort Mead Placer MS 244, Section 8, T1S, R6E, BHM, Pennington County, South Dakota.

To recommend to continue Conditional Use Permit / CU 19-08 to the June 10, 2019, Planning Commission meeting to allow the applicant time to submit a Construction Permit Application to the Planning Department to address dirt work that has been performed on the subject property and to verify that the work is outside the Special Flood Hazard Area.

10. **CONDITIONAL USE PERMIT / CU 19-09:** Martina Pugh. To allow a single-wide mobile home to be used as a permanent residence in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance..

E60 feet of N115 feet of Lot 4 of Lot 13, Plateau Subdivision, Section 10, T1N, R8E, BHM, Pennington County, South Dakota.

To recommend approval of Conditional Use Permit / CU 19-09 with seven (7) conditions.

END OF CONSENT AGENDA

11. **LAYOUT PLAT / LPL 19-10:** Brad and Colleen Kurtz. To combine two lots to create Lots 8A and 8B of Collins Addition in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 8, Collins Addition, Section 20, T2N, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 8A and 8B, Collins Addition, Section 20, T2N, R5E, BHM, Pennington County, South Dakota.

12. **LAYOUT PLAT / LPL 19-11 AND SUBDIVISION REGULATIONS VARIANCE / SV 19-04:** Double L Properties, LLC. To create Lot 10, Block 3 of the Ranch at Black Gap and to waive platting requirements in accordance with Sections 400.1 and 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Balance of Tract A (also in Section 8), The Ranch at Black Gap, Section 9, T1S, R8E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 10, Block 3 (also in Section 8), The Ranch at Black Gap, Section 9, T1S, R8E, BHM, Pennington County, South Dakota.

13. LAYOUT PLAT / LPL 19-12: John O’Sullivan; Jim Peterson – Agent. To create Lots 1, 2, and 3 of O’Sullivan Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: That PT of the W1/2NE1/4 Lying E of Tract B of Willison B White Homestead, HES #2440 and W of Gold Mountain Subd, and Tract B of Willison B White Homestead HES 2440 Less ROW; Tract 0187 of Willison B White MES #2440, Section 14, T1S, R4E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1, 2, and 3 of O’Sullivan Subdivision, Section 14, T1S, R4E, BHM, Pennington County, South Dakota.

14. CONDITIONAL USE PERMIT / CU 19-10: Jeff and Jodi Sugrue. To allow a multi-family dwelling in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Tract C, Block 5, Silver City Subdivision, Section 31, T2N, R5E, BHM, Pennington County, South Dakota.

15. MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 19-03: Prairie Valley Development; Bill Freytag. To amend an existing Planned Unit Development to allow for additional lots to be developed on the subject properties in accordance with Section 213 of the Pennington County Zoning Ordinance.

The NE1/4NE1/4 Less Eisenbraun Subdivision, Less Winton Subdivision, Less Prairiefire Subdivision and Less ROW and SE1/4NE1/4 Less Eisenbraun Subdivision, Less Winton Subdivision, Less Prairiefire Subdivision and Less ROW, Section 26, T1N, R8E, BHM, Pennington County, South Dakota.

CONSTRUCTION PERMIT AGENDA

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

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

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

17. CONSTRUCTION PERMIT REVIEW / CP 18-04: Stromer Properties, LLC; Brook Stromer – Agent. To review the construction of a parking area on the subject property.

Lot A2, Bar P-S Subdivision, Section 20, T1N, R9E, BHM, Pennington County, South Dakota.

(Continued from the May 13, 2019, Planning Commission meeting.)

18. 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.

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

19. CONSTRUCTION PERMIT / CP 19-06: Pat and Emily Rowe. To excavate for a pond and to use the dirt to level an area for a future barn.

PT Ray Smith Placer MS 995 S of HWY, Ray Smith Placer MS 995, Section 15, T1S, R4E, BHM, Pennington County, South Dakota.

20. CONSTRUCTION PERMIT / CP 19-07: Fatter Boys, LLC / Bob Fuchs. To add fill and grade a low spot on the subject property.

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

END OF CONSTRUCTION PERMIT AGENDA

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

(Continued from the May 13, 2019, Planning Commission meeting.)

22. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the May 13, 2019, Planning Commission meeting.

23. ITEMS FROM THE PUBLIC

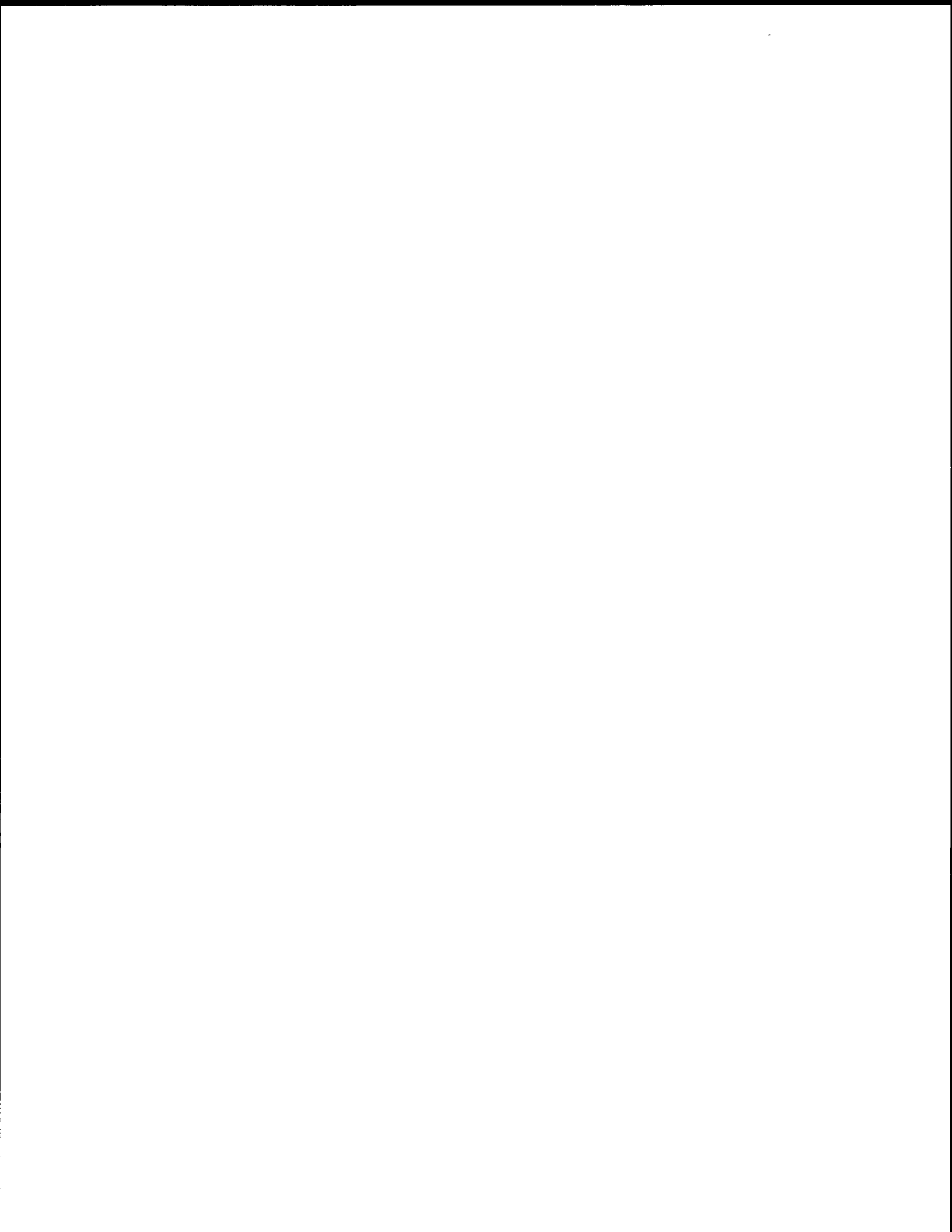
24. ITEMS FROM THE STAFF

- A. Ordinance Officer Interviews.
- B. Planning Commission Membership Interviews.

25. ITEMS FROM THE MEMBERSHIP

26. ADJOURNMENT

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



**DRAFT MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
May 13, 2019 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Administration Building

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

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

ROLL CALL

1. APPROVAL OF THE APRIL 22, 2019, MINUTES
Moved by Marsh and seconded by Johnson to approve the Minutes of the April 22, 2019, Planning Commission meeting. Vote: unanimous 6 to 0.

2. APPROVAL OF THE MAY 8, 2019, MINUTES
Moved by Drewes and seconded by Rivers to approve the Minutes of the May 8, 2019, Planning Commission meeting. Vote: unanimous 6 to 0.

3. APPROVAL OF THE AGENDA
Moved by Johnson and seconded by Marsh to approve the Agenda of the May 13, 2019, Planning Commission meeting. Vote: unanimous 6 to 0.

Moved by Marsh and seconded by Drewes to approve the Consent Agenda of the May 13, 2019, Planning Commission meeting. Vote: unanimous 6 to 0.

CONSENT AGENDA

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

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

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

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

To continue the review of Conditional Use Permit / CU 08-07 to the June 24, 2019, Planning Commission meeting in order to allow the applicant additional time to clean the property and bring it into compliance with Ordinance 106 and Condition #4.

Vote: unanimous 6 to 0.

5. **CONDITIONAL USE PERMIT REVIEW / CU 15-05:** Beach House, LLC / Troy Schmidt. To review a Vacation Home Rental in a Low Density Residential District in accordance with Sections 207, 319, and 510 of the Pennington County Zoning Ordinance.

Lot A-9 Revised, Palmer Gulch Estates, Section 34, T1S, R5E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 15-05 with the following twelve (12) conditions:

1. That the maximum overnight occupancy, based on South Dakota Department of Environment and Natural Resources (SD DENR) approval, continue to be limited to six (6) people and the maximum daytime occupancy be limited to nine (9) people;
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 the applicant continue to maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department prior to operation of the Vacation Home Rental;
4. That a minimum of three (3) off-street parking spaces continue to be provided on-site, each measuring a minimum of nine (9) feet by eighteen (18) feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
5. That an interior informational sign continue to be posted in accordance with the requirements of Section 319-G, with 9-1-1 and 394-2151 listed as contacts for Fire Department and Sheriff's Department, during operation of the residence as a VHR;
6. That the lot address continue to be posted on the residence and the approach at all times so it is clearly visible from Old Hill City Road, in accordance with Ordinance #20;
7. That the applicant ensure the VHR is operated in accordance with the requirements of Section 319-F (Performance Standards) at all times;

8. That prior to any work being conducted within the boundaries of the Special Flood Hazard area, an approved Floodplain Development Permit be obtained;
9. That if the person designated as the Local Contact is ever changed from Lesia McLaughlin, the interior informational sign be updated and the applicant re-notify the Planning Department and surrounding landowners within 500 feet via notices sent by First Class Mail;
10. That all applicable Federal, State, and local regulations continue to be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
11. That the applicant obtain an approved Building Permit 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; and,
12. That this Conditional Use Permit be reviewed in five (5) years, on a complaint basis, or as directed by the Pennington County Board of Commissioners and/or Planning Commission to verify that all conditions are being met.

Vote: unanimous 6 to 0.

6. **CONDITIONAL USE PERMIT REVIEW / CU 15-24**: Founding Fathers, LLC / Don Perdue. To review a bell tower sign to be 50 feet tall with the total height of the letters to be 35 feet tall in a Highway Service District in accordance with Sections 210 and 510 of the Pennington County Zoning Ordinance.

Lot A of SW1/4SW1/4; Lot A1 of Lot H2 of SW1/4SW1/4; Section 3, T1S, R7E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 15-24 with the following five (5) conditions:

1. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
2. That a Sign Permit be obtained for any sign on the subject property and must conform to all regulations in § 312 of the Pennington County Zoning Ordinance;
3. That all signs continue to be maintained so as to have an aesthetically pleasing appearance at all times and not appear dilapidated;

4. That only on-premise advertising and public information be allowed on the bell tower sign, COSP15-0017, and no off-premise advertising be allowed unless otherwise permitted with Pennington County through approval of an approved Conditional Use Permit; and,
5. That this Conditional Use Permit be reviewed in three (3) 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.

Vote: unanimous 6 to 0.

7. **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.

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

To end Conditional Use Permit / CU 16-41.

Vote: unanimous 6 to 0.

8. **CONDITIONAL USE PERMIT REVIEW / CU 17-10:** Maurice and Sonja Crowley. To review 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 5, Copper Oaks #2 Subdivision, Section 7, T1S, R7E, BHM, Pennington County, South Dakota.

To end Conditional Use Permit / CU 17-10 with the applicant's concurrence.

Vote: unanimous 6 to 0.

9. **CONDITIONAL USE PERMIT REVIEW / CU 17-11:** Gerard and Michele Mlinar. To review a Vacation Home Rental on the subject property in a Low Density Residential District in accordance with Sections 207, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 2A, Battle Creek Mountain Estates Subdivision, Section 17, T2S, R7E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 17-11 with the following fourteen (14) conditions:

1. That the maximum overnight occupancy, based on SD DENR approval, continue to be limited to eight (8) people and the maximum daytime occupancy be limited to sixteen (16) people, per Pennington County Zoning Ordinance (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 to the structure or upgrades/alterations to the on-site wastewater treatment system;
4. That the applicants continually maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department, prior to operation of the Vacation Home Rental;
5. That the applicants continually maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;
6. That a minimum of three (3) off-street parking spaces continue to be provided on-site, per PCZO § 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
7. That an interior informational sign continue to be posted in accordance with the requirements of PCZO § 319(G), with 9-1-1 and (605) 394-4139 listed as contacts for Fire Department and Sheriff's Department, during operation of the Vacation Home Rental;
8. That the lot address (13704 Highway 40) continue to be posted on the residence at all times and at the driveway so that it is clearly visible from both directions of travel on Highway 40, in accordance with Pennington County's Ordinance #20;
9. That the applicants ensure the Vacation Home Rental is operated in accordance with the requirements of PCZO § 319(F) (Performance Standards) at all times;
10. That if the person designated as the Local Contact is ever changed from Gerard Mlinar, the interior informational sign be updated and the applicant re-notify the Planning Department and surrounding landowners within 500 feet via notices sent by First Class Mail;

11. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
12. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
13. That each review of Conditional Use Permit / CU 17-11, be subject to PCZO § 511(F)(4), which imposes a \$100 fee per review; and,
14. That this Conditional Use Permit be reviewed in two (2) years, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 6 to 0.

10. **CONDITIONAL USE PERMIT REVIEW / CU 17-14:** David and Laura Jones. 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 1R, Forty Oaks Ranch Subdivision, Section 18, T2S, R7E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 17-14 with the following nine (9) conditions:

1. That there be no more than one (1) Recreational Vehicle (RV) allowed to be utilized as living quarters on the subject property during construction of the single-family residence;
2. That the address for the property (13630 Twisted Oak Trail) be clearly posted on the Recreational Vehicle (RV) while it is being utilized as living quarters. As well as posted on the residence and at the driveway so as to be visible from Twisted Oak Trail, in accordance with Pennington County's Ordinance #20;
3. That the Recreational Vehicle (RV) being used as a temporary residence continue to be hooked into the approved On-Site Wastewater Treatment System until the single-family residence is habitable;
4. That the minimum setback requirements of a Low Density Residential District be continually maintained on the subject property, or an approved Setback Variance be obtained;
5. That the subject property continually remains free of debris and junk vehicles, in accordance with Ordinance #106;

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 upon completion of the single-family residence on the subject property, the Recreational Vehicle (RV) will be disconnected from all utilities and may no longer be utilized as living quarters on the subject property;
8. That the applicant notify the Planning Department when the new residence is habitable, so that this Conditional Use Permit may be ended; and,
9. That this Conditional Use Permit be reviewed in November of 2019, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 6 to 0.

11. **CONDITIONAL USE PERMIT REVIEW / CU 18-01:** Ron Weifenbach. To review for seasonal retail sales of Class C fireworks in a General Commercial District in accordance with Sections 204-D, 209, and 510 of the Pennington County Zoning Ordinance.

All, Block 8, Harney Peak View Addition, Section 9, T1N, R8E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 18-01 with the following ten (10) conditions:

1. That the proposed use be limited to: seasonal retail sales of Class C fireworks;
2. That the sale of fireworks be limited to June 27th to July 5th and from the hours of 7 a.m. to 12 a.m. and December 28th to January 1st from the hours of 7 a.m. to 12 a.m.;
3. That a minimum of 21 parking spaces be provided, each parking space must be a minimum of 9 feet x 18 feet and be maintained in a dust free manner;
4. That a minimum of one (1) port-a-potty be available to the public and be accessible for pumping and or removal when necessary, if the existing facilities in the structure are not accessible by the public;
5. That the applicant also ensures the safety of the customers by providing adequate security, fire protection, and a phone available to the public in case of an emergency;

6. That no parking be located within the right-of-way of School Drive and Jolly Lane;
7. That the applicant obtains approved Sign Permits prior to any signs being placed on the property, in accordance with § 312 of the Pennington County Zoning Ordinance (PCZO);
8. That the applicant obtain all necessary permits/licenses from other governing bodies for operation of the Class C Fireworks, including, but not limited to: approval from the South Dakota State Fire Marshal's office and a Sales Tax License from the South Dakota Department of Revenue;
9. That temporary structures (which may require temporary Building Permits), such as tents and port-a-potties, only be erected when needed and not on a permanent basis; and,
10. That this Conditional Use Permit be reviewed at the June 10, 2019, Planning Commission meeting to verify that all necessary Permits have been obtained from the State of South Dakota pertaining to the sale of Class C Fireworks; or as directed by the Planning Commission or Board of Commissioners or on a complaint basis.

Vote: unanimous 6 to 0.

12. **CONDITIONAL USE PERMIT REVIEW / CU 18-14:** All American Sales; Doug Bellinger - Agent. To review seasonal retail sales of Class C Fireworks in a Heavy Industrial District in accordance with Sections 204, 212, and 510 of the Pennington County Zoning Ordinance.

Lots A and B of Tract B of SW1/4 Less Lot H3 of said Lot B, including Lot H2 of Tract B, Section 27, T2N, R8E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 18-14 with the following thirteen (13) conditions:

1. That prior to operation, the applicant submit all necessary permits/licenses from other governing bodies for operation of the Class C Fireworks, including, but not limited to: written approval from the South Dakota State Fire Marshal's office and a Sales Tax License from the South Dakota Department of Revenue;
2. That the address, 4707 South Interstate 90 Service Road, Unit 1 and Unit 2, be posted in accordance with Pennington County Ordinance #20;
3. That the proposed use be limited to: seasonal retail sales of Class C fireworks;
4. That the sale of fireworks be limited to June 1st to July 5th of each year and from the hours of 7 a.m. to 12 a.m.;

5. That a minimum of 25 parking spaces be provided on-site, each parking space must be a minimum of 9 feet x 18 feet and be maintained in a dust free manner;
6. That a minimum of one (2) port-a-potty be available to the public and be accessible for pumping and/or removal when necessary, if the existing facilities in the structure are not accessible by the public;
7. That the applicant ensures the safety of the customers by providing adequate security, fire protection, and a phone available to the public in case of an emergency;
8. That no parking be along the frontage road;
9. That the applicant obtains approved Sign Permits prior to any signs being placed on the property, in accordance with § 312 of the Pennington County Zoning Ordinance (PCZO);
10. That temporary structures (which may require temporary Building Permits), such as tents and port-a-potties, only be erected when needed and not on a permanent basis;
11. That no hot work (any activity or process that involves open flames or that generates sparks or heat) occurs in the same building when fireworks are present;
12. That no fireworks be stored on the subject property outside of May 1st – July 15th of each year; and,
13. That this Conditional Use Permit be reviewed no later than the second meeting in May 2020, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 6 to 0.

13. **CONDITIONAL USE PERMIT / CU 19-06**: Big Game Storage, LLC; Chris Peterson. To allow a lighted, on-premise sign within 1,500 feet of a residential zoning district/dwelling unit in a General Commercial District in accordance with Sections 209, 312, and 510 of the Pennington County Zoning Ordinance.

Tract 1 of SE1/4, Section 11, T1N, R6E, BHM, Pennington County, South Dakota.

To approve of Conditional Use Permit / CU 19-06 with the following five (5) conditions:

1. That all lighting be installed and maintained so as to minimize spillage of light outside of each sign face so as not to create a nuisance and the signs

must be effectively shielded to prevent beams or rays from being directed toward any portion of the roadways, and must not be of such intensity or brilliance to cause glare or impair the vision of the driver of any motor vehicle, or otherwise interfere with any driver's operation of a motor vehicle;

2. That a Building Permit be obtained for the sign prior to any work done for the sign.
3. That the signs continually conform to all regulations in § 312 of the Pennington County Zoning Ordinance;
4. That the signs be maintained so as to have an aesthetically pleasing appearance at all times and not appear dilapidated; and,
5. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditionals of Approval are being met.

Vote: unanimous 6 to 0.

END OF CONSENT AGENDA

14. ROAD NAMING: Fern and Ross Johnson. To name a proposed 30-foot-wide Section Line Right-of-Way providing access to properties located in Sections 29 and 30, T1N, R8E, BHM, Pennington County, South Dakota, to Providence Way.

Sack reviewed the Road Naming request to name a proposed 30-foot-wide Section Line Right-of-Way providing access to properties located in Sections 29 and 30, T1N, R8E, BHM, Pennington County, South Dakota, to Providence Way.

Staff recommended approval of the Road Name of Providence Way.

Discussion followed.

Moved by Coleman and seconded by Marsh to approve of the Road Naming of Providence Way.

All voting aye, the Motion carried 6 to 0.

15. LAYOUT PLAT / LPL 19-09: David Grover. To create Lot 1 of Grover Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Tract A of HES #303 Less Tract Dean, Less Tract Drew and Less ROW, HES #303, Section 32, T1S, R5E, BHM, Pennington County, South Dakota and a

portion of existing GL 5 Less Tract Drew of HES #303 and Less ROW, Section 32, T1S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 1 of Grover Subdivision, Section 32, T1S, R5E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Layout Plat to create Lot 1 of Grover Subdivision.

Staff recommended approval of Layout Plat / LPL 19-09 with the following six (6) conditions:

1. That the applicant obtain an Approach Permit from the County Highway Department prior to installation of any approaches off of Old Hill City Road;
2. That prior to the Plat being recorded with the Register of Deeds, the proposed lot obtain a Lot Size Variance or be rezoned appropriately;
3. That the applicant ensures all natural drainage ways are maintained and are not blocked;
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 § 700 of Pennington County Subdivision Regulations;
5. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of § 204(J) of the Pennington County Zoning Ordinance; and,
6. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

Discussion followed.

Moved by Drewes and seconded by Johnson to approve of Layout Plat / LPL 19-09 with the following six (6) conditions:

1. **That the applicant obtain an Approach Permit from the County Highway Department prior to installation of any approaches off of Old Hill City Road;**
2. **That prior to the Plat being recorded with the Register of Deeds, the proposed lot obtain a Lot Size Variance or be rezoned appropriately;**
3. **That the applicant ensures all natural drainage ways are maintained and are not blocked;**

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 § 700 of Pennington County Subdivision Regulations;
5. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of § 204(J) of the Pennington County Zoning Ordinance; and,
6. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

All voting aye, the Motion carried 6 to 0.

16. LAYOUT PLAT / LPL 19-08 AND SUBDIVISION REGULATIONS VARIANCE / SV 19-02: Ryan and Dawn Loraas; Fisk Land Surveying – Agent. To combine two lots to create Lot 4R of Block D, Edelweiss Mountain Development Subdivision and to waive platting requirements in accordance with Sections 400.1 and 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 4 (also in Section 20) and Lot 3 of Block D, Edelweiss Mountain Development Subdivision, Section 17, T1N, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 4R, Block D, Edelweiss Mountain Development Subdivision, Section 17, T1N, R5E, BHM, Pennington County, South Dakota.

Bolstad reviewed the Staff Report indicating the applicant has applied for a Layout Plat and Subdivision Regulations Variance to combine two lots to create Lot 4R of Block D, Edelweiss Mountain Development Subdivision and to waive platting requirements.

Staff recommended approval of Subdivision Regulations Variance / SV 19-02 to waive the following platting requirements: (1.) Any additional easement or road improvements and design standards for Suburban Residential zoning for Danube Lane, Brenner Pass and Alpine Drive; (2.) Allow more than 2 lots to be served by a 30' wide easement; and, (3.) Allow consolidation of lots on a dead end road system exceeding specified road length and number of units.

Staff recommended approval of Layout Plat / LPL 19-08 with the following eight (8) conditions:

1. That at the time of Minor Plat submittal, a minimum of an eight (8) foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
2. That at the time of Minor Plat submittal, the plat meets all the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved

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

3. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations and as deemed appropriate by the Register of Deeds;
4. That at the time of a Minor Plat submittal, the plat meets all necessary requirements of Section 500 of the Pennington County Subdivision Regulations, or approved Subdivision Regulations Variance(s) be obtained waiving any of these requirements;
5. That the existing address continue to be properly posted in accordance with Pennington County's Ordinance #20;
6. That the applicant ensures that all natural drainage ways are maintained and are not blocked and that all necessary drainage ways are properly noted on plats;
7. 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,
8. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

Moved by Marsh and seconded by Drewes to approve of Subdivision Regulations Variance / SV 19-02 to waive the following platting requirements: (1.) Any additional easement or road improvements and design standards for Suburban Residential zoning for Danube Lane, Brenner Pass and Alpine Drive; (2.) Allow more than 2 lots to be served by a 30' wide easement; and, (3.) Allow consolidation of lots on a dead end road system exceeding specified road length and number of units..

All voting aye, the Motion carried 6 to 0.

Moved by Johnson and seconded by Marsh to approve of Layout Plat / LPL 19-08 with the following eight (8) conditions:

1. **That at the time of Minor Plat submittal, a minimum of an eight (8) foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;**
2. **That at the time of Minor Plat submittal, the plat meets all the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;**

3. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations and as deemed appropriate by the Register of Deeds;
4. That at the time of a Minor Plat submittal, the plat meets all necessary requirements of Section 500 of the Pennington County Subdivision Regulations, or approved Subdivision Regulations Variance(s) be obtained waiving any of these requirements;
5. That the existing address continue to be properly posted in accordance with Pennington County's Ordinance #20;
6. That the applicant ensures that all natural drainage ways are maintained and are not blocked and that all necessary drainage ways are properly noted on plats;
7. 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,
8. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

All voting aye, the Motion carried 6 to 0.

Commissioner Marsh left the meeting at 9:22 a.m.

17. SUBDIVISION REGULATIONS VARIANCE / SV 19-03: John and Ann Hovdenes; Fisk Land Surveying – Agent. To waive platting requirements in order to create Lots 1 and 2 of Cosmos Subdivision and dedicated Right-of-Way in accordance with Section 700.1 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.

Bolstad reviewed the Staff Report indicating the applicant has applied for a Subdivision Regulations Variance to waive platting requirements in order to create Lots 1 and 2 of Cosmos Subdivision and dedicated Right-of-Way.

Commissioner Marsh returned to the meeting at 9:23 a.m.

Staff recommended approval of Subdivision Regulations Variance / SV 19-03 to waive the following four (4) platting requirements: (1.) Any additional improvements to Cosmos Road; (2.) Dedication and improvements to the Section Line Right-of-Way; (3.)

Reduce the standard 8-foot easement width to 6-feet on one lot line for existing structures; and, (4.) Percolation tests and soil profile hole information.

Discussion followed.

Moved by Marsh and seconded Rivers to approve of Subdivision Regulations Variance / SV 19-03 to waive the following four (4) platting requirements: (1.) Any additional improvements to Cosmos Road; (2.) Dedication and improvements to the Section Line Right-of-Way; (3.) Reduce the standard 8-foot easement width to 6-feet on one lot line for existing structures; and, (4.) Percolation tests and soil profile hole information.

All voting aye, the Motion carried 6 to 0.

18. REZONE / RZ 19-05 AND COMPREHENSIVE PLAN AMENDMENT / CA 19-05: John and Ann Hovdenes; Fisk Land Surveying – Agent. To rezone 10.89 acres from General Agriculture District to Limited Agriculture District, for proposed Lot 1, and to rezone 6.22 acres from General Agriculture District to General Commercial District, for proposed Lot 2, and to amend the Comprehensive Plan to change the Future Land Use from Planned Unit Development Sensitive to Limited Agriculture District and General Commercial District in accordance with Sections 205, 206, 209, and 508 of the Pennington County Zoning Ordinance.

Located on the following metes and bounds description for proposed Lot 1: A parcel of land located in the Northeast One-Quarter of the Northeast One-Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Thirty Two (32), Township One South (T1S), Range Six East (R6E) of the Black Hills Meridian (BHM), Pennington County, South Dakota more fully described as follows: Commencing at the northeast corner of said Section 32, T1S, R6E, BHM, Pennington County, South Dakota, said point being marked by a US Forest Service aluminum cap; thence, westerly along the north line of said Section 32, North 89°55'58" West a distance of 181.57' more or less to the point of beginning, said point being marked by a rebar with survey cap "LS 6565"; thence, South 11°08'29" West 441.61' more or less to the northeast corner of Tract A of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 32, T1S, R6E, BHM, Pennington County, South Dakota, said point being marked by a rebar with survey cap "LS 1019"; thence, northwesterly on the northerly line of said Tract A of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 32, T1S, R6E, BHM, North 78°52'33" West a distance of 361.94 feet more or less to the northwest corner of said Tract A, said point being marked by a rebar with survey cap "LS 1019"; thence, southwesterly along the west line of said Tract A of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 32, T1S, R6E, BHM and also along the west line of Tract B of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 32, T1S, R6E, BHM, South 11°09'30" West a distance of 434.30' more or less to a point marked by a rebar with survey cap "LS 6565"; thence, North 76°05'54" West a distance of 23.01' more or less to a point marked by a rebar with survey cap "LS 6565"; thence, curving to the right on a curve with a radius of 73.70', a delta of 41°06'00", an arc length of 52.87' and a chord bearing of North 55°32'54" West and chord distance of 51.74' more or less to a point marked by a rebar with survey cap "LS 6565"; thence, North 34°59'54" West a distance of 34.10' more or less to a point marked by a rebar with survey cap "LS 6565"; thence, curving to the left on a curve with a radius of 391.42', a delta of 15°53'00", an arc length of 108.51' and a chord bearing of North 42°56'24" West with a chord distance of 108.16' more or

less to a point marked by a rebar with survey cap "LS 6565"; thence, North 50°52'54" East a distance of 122.90' more or less to a point marked by a rebar with survey cap "LS 6565"; thence, curving to the right on a curve with a radius of 999.42', a delta of 16°32'00", an arc length of 288.39' and a chord bearing of North 42°36'54" West and chord distance of 287.39' more or less to a point marked by a rebar with survey cap "LS 6565"; thence, North 34°20'54" West a distance of 133.08' more or less to appoint on the southerly line of Lot 1 of Overby Subdivision, said point being marked by a rebar with survey cap "LS 6565"; thence, easterly and on the south line of said Lot 1 of Overby Subdivision, North 74°22'46" East a distance of 56.06 feet more or less to the southeast corner of said Lot 1 of Overby Subdivision, said point being marked by a rebar with survey cap "LS 6565"; thence, northerly and on the east line of said Lot 1 of Overby Subdivision, North 00°03'16" East a distance of 93.29' more or less to a point on the east line of said Lot 1 of Overby Subdivision, said point being marked by a rebar with survey cap "LS 6565"; thence, northeasterly on the east line of said Lot 1 of Overby Subdivision, North 45°03'16" East a distance of 200.06' more or less to the northeast corner of said Lot 1 of Overby Subdivision, said point being located on the north line of said Section 32, T1S, R6E, BHM and marked by a rebar with survey cap "LS 1019"; thence, east along the north line of said Section 32, T1S, R6E, BHM, South 89°55'58" East a distance of 852.10' more or less to the point of beginning. Said tract of land contains 10.89 acres more or less, Section 32, T1S, R6E, BHM, Pennington County, South Dakota.

LEGAL DESCRIPTION: Located on the following metes and bounds description for proposed Lot 2: A parcel of land located in the Northeast One-Quarter of the Northeast One-Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Thirty Two (32), Township One South (T1S), Range Six East (R6E) of the Black Hills Meridian (BHM), Pennington County, South Dakota more fully described as follows: Commencing at the northeast corner of said Section 32, T1S, R6E, BHM, Pennington County, South Dakota, said point being marked by a US Forest Service aluminum cap, and the point of beginning; thence, southerly along the east line of said section, South 00°04'53" East a distance of 993.33' more or less to a point marked by a rebar with survey cap "LS 6565"; thence, North 89 ° 53' 50" West a distance of 254.84 feet more or less to a point marked by a rebar with survey cap "LS 6565"; thence , curving to the left on a curve with a radius of 321.20', a delta of 26° 07' 58", an arc length of 146.50' and a chord bearing of North 45°33'43" West with a chord distance of 145.23' more or less to a point on the east line of Tract B of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 32, T1S, R6E, BHM, Pennington County, South Dakota, said point being marked by a rebar with survey cap "LS 6565"; thence, northeasterly along the east line of said Tract B and also along the east line of Tract A of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 32, T1S, R6E, BHM, Pennington County, South Dakota, North 11°08'29" East a distance of 908.52' more or less to a point on the north line of said Section 32, T1S, R6E, BHM, said point being marked by a rebar with survey cap "LS 6565"; thence, easterly on the north line of said Section 32, T1S, R6E, BHM, South 89°55'58" East a distance of 181.57 more or less to the point of beginning. Said tract of land contains 6.22 acres more or less, Section 32, T1S, R6E, BHM, Pennington County, South Dakota.

Bolstad reviewed the Staff Report indicating the applicant has applied to rezone 10.89 acres from General Agriculture District to Limited Agriculture District, for proposed Lot 1, and to rezone 6.22 acres from General Agriculture District to General Commercial District, for proposed Lot 2, and to amend the Comprehensive Plan to change the Future

Land Use from Planned Unit Development Sensitive to Limited Agriculture District and General Commercial District.

Staff recommended approval of Rezone / RZ 19-05 and Comprehensive Plan Amendment / CA 19-05.

Moved by Johnson and seconded by Drewes to approve of Rezone / RZ 19-05 and Comprehensive Plan Amendment / CA 19-05.

All voting aye, the Motion carried 6 to 0.

19. CONDITIONAL USE PERMIT / CU 19-05: Fat Boys, Inc; Bob Fuchs – Agent. To allow for a campground on the subject property to include RV sites, tent camping, cabins, and a motel in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

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

Conover reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow for a campground on the subject property to include RV sites, tent camping, cabins, and a motel in a Limited Agriculture District.

Staff recommended approval of Conditional Use Permit / CU 19-05 with the following twenty-six (26) conditions:

1. That the applicant not begin operation of the campground without first complying with the Conditions of Approval;
2. That prior to operation, the Onsite Wastewater Treatment System is upgraded and approved for the new and expanded use;
3. That prior to the use of the tent camping site, that, at minimum, an approved Floodplain Development Permit be approved for the subject site;
4. That the uses of the Conditional Use Permit allow for only: four (4) hotel rooms (one bedroom, bath, and kitchen in each hotel room), seventeen (17) Recreational Vehicle Sites (a recreational vehicle is not to include Park Model Homes or Tiny Homes), ten (10) cabins with no plumbing, ten (10) tent sites, a minimum of forty-one (41) parking spaces, bathhouse (bathrooms, shower, and laundry), and the sale of beer and wine (with applicable licenses). An increase in these uses shall require CU 19-05 to be amended in the same manner as a new Conditional Use Permit, per § 510 of the Pennington County Zoning Ordinance;
5. 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 be removed or disassembled upon expiration of the fixed period of time unless permission is granted by way of a review of CU 19-05 not to exceed 180-calendar days;

6. That an approved Temporary Building Permit be obtained 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;
7. 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;
8. 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;
9. That the minimum required setbacks of a Limited Agriculture District and Highway Service District (respectively) be continually maintained on the subject property, or approved Setback Variance(s) be obtained;
10. That addresses be assigned to the subject property, along with other identifying site numbers, and posted in accordance with Pennington County's Ordinance #20;
11. 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 prior to the operation of the campground;
12. That a minimum of 41 parking spaces be provided in accordance with Pennington County Zoning Ordinance Section 310;
13. 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;
14. That prior to the operation of the Campground, the applicant obtains all necessary permits from other governing bodies for the operation, 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;
15. 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 19-05;
16. That the applicant provide each overnight guest with a map showing the Special Flood Hazard Area in relation to the subject property and proper evacuation routes;
17. That, at a minimum, a Floodplain Development Permit be approved prior to any work being done within a Special Flood Hazard Area;

18. That the property remains free of debris and junk vehicles and all structures be well-maintained;
19. 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 PCZO's. This includes any requirements set forth in the Pennington County Stormwater Quality Manual for erosion and sediment measures;
20. That all exterior lighting must be of low level intensity, which does not result in excessive glare upon surrounding neighbors;
21. That quiet hours for the campground be between 10 p.m. and 8 a.m.;
22. That emergency turn-arounds be provided on-site;
23. That the applicant comply with SDCL 34-18, which regulates Lodging and Food Service Establishments and Campgrounds;
24. 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;
25. That prior to operation the applicant signs a Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 19-05, which is available at the Planning Office; and,
26. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

Moved by Coleman and seconded by Marsh to approve of Conditional Use Permit / CU 19-05 with the following twenty-seven (27) conditions:

- 1. That the applicant not begin operation of the campground without first complying with the Conditions of Approval;**
- 2. That prior to operation, the Onsite Wastewater Treatment System is upgraded and approved for the new and expanded use;**
- 3. That prior to the use of the tent camping site, that, at minimum, an approved Floodplain Development Permit be approved for the subject site;**
- 4. That the uses of the Conditional Use Permit allow for only: four (4) hotel rooms (one bedroom, bath, and kitchen in each hotel room), seventeen (17)**

Recreational Vehicle Sites (a recreational vehicle is not to include Park Model Homes or Tiny Homes), ten (10) cabins with no plumbing, ten (10) tent sites, a minimum of forty-one (41) parking spaces, bathhouse (bathrooms, shower, and laundry), and the sale of beer and wine (with applicable licenses). An increase in these uses shall require CU 19-05 to be amended in the same manner as a new Conditional Use Permit, per § 510 of the Pennington County Zoning Ordinance;

5. 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 be removed or disassembled upon expiration of the fixed period of time unless permission is granted by way of a review of CU 19-05 not to exceed 180-calendar days;
6. That an approved Temporary Building Permit be obtained 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;
7. 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;
8. 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;
9. That the minimum required setbacks of a Limited Agriculture District and Highway Service District (respectively) be continually maintained on the subject property, or approved Setback Variance(s) be obtained;
10. That addresses be assigned to the subject property, along with other identifying site numbers, and posted in accordance with Pennington County's Ordinance #20;
11. 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 prior to the operation of the campground;
12. That a minimum of 41 parking spaces be provided in accordance with Pennington County Zoning Ordinance Section 310;
13. 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;

14. That prior to the operation of the Campground, the applicant obtains all necessary permits from other governing bodies for the operation, 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;
15. 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 19-05;
16. That the applicant provide each overnight quest with a map showing the Special Flood Hazard Area in relation to the subject property and proper evacuation routes;
17. That, at a minimum, a Floodplain Development Permit be approved prior to any work being done within a Special Flood Hazard Area;
18. That the property remains free of debris and junk vehicles and all structures be well-maintained;
19. 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 PCZO's. This includes any requirements set forth in the Pennington County Stormwater Quality Manual for erosion and sediment measures;
20. That all exterior lighting must be of low level intensity, which does not result in excessive glare upon surrounding neighbors;
21. That quiet hours for the campground be between 10 p.m. and 8 a.m.;
22. That emergency turn-arounds be provided on-site;
23. That the applicant comply with SDCL 34-18, which regulates Lodging and Food Service Establishments and Campgrounds;
24. 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;
25. That the applicant submit stamped engineered plans for the study of the bridge on the subject property;
26. That prior to operation the applicant signs a Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 19-05, which is available at the Planning Office; and,

27. **That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.**

All voting aye, the Motion carried 6 to 0.

20. CONDITIONAL USE PERMIT / CU 19-07: Black Hills Kart Racing, LLC / David Price. To allow a dirt track to be used for dirt track kart racing on the subject property in a General Commercial District in accordance with Sections 209 and 510 of the Pennington County Zoning Ordinance.

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

Conover reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow a dirt track to be used for dirt track kart racing on the subject property in a General Commercial District.

Staff recommended approval of Conditional Use Permit / CU 19-07 to allow for a Kart Track with the following eighteen (18) conditions:

1. The CU 19-07 be for the following use: Dirt Kart Track; operated only during the following months May, June, July, August, and September; operation and use of the Dirt Kart Track is to only occur on Saturdays, and only operated between the hours of 11:00 a.m. and 2:00 p.m. and within the operational guidelines of the Work Kart Associations rules and guidelines. Where there exists a conflict between any of the Conditions of Approval within CU 19-07 and any other regulations applicable to the same area and use, the more stringent limitation or requirement shall govern and prevail;
2. That the applicant submit stamped engineered construction plans and drainage study showing that the existing Kart Track and items associated with this activity will not impact upstream or downstream properties. The plans and study are to be submitted to the Planning Department within twenty-one (21) days of approval of this Permit and prior to commencement of any further construction activity on the existing track;
3. That Building Permits 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;
4. That the applicant or landowner, prior to May 31, 2019, apply for a Commercial Building Permit, with the applicable penalty fees, for the structure "concession stand" which serves the Dirt Race Track;

5. That per 9-1-1 Emergency Services comments, a unique address be assigned, by the Planning Department, for the Dirt Race Track and that this address be posted in accordance with County Ordinance # 20. The address creation and compliance with County Ordinance #20 shall occur prior to May 31, 2019;
6. That the applicant provide trash receptacles and keep the property cleaned of rubbish, trash, and debris;
7. That the applicant maintains and implements some type of dust control measures during the races and ensures that no sediment is leaving the property;
8. That the applicant acquire sign permits if the applicant were to locate any signs on the property;
9. That the applicant obtain any applicable federal, state, and local permits for the operation of the racetrack;
10. That the applicant have a first aid kit with a fire extinguisher or have First Responders on hand during the operation of the races;
11. The Dirt Kart Track is located in a Public Drainage Basin and if approved, used only used seasonally (May, June, July, August, September), during the months the Dirt Kart Track is not in use (October, November, December, January, February, March, and April) all the hay bales, tires, flags, etc. used to define the area around, in, and on the Dirt Kart Track shall be removed;
12. That the applicant continually maintains and adheres to the County's Storm Water Pollution Prevention Plan during any period of construction;
13. 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;
14. That any alterations or improvements to the Public Drainage Easement be engineered and stamped plans be submitted to and approved by the Board of Commissioners;
15. That the requirements, guidelines, and criteria for stormwater and erosion control in the Pennington County Stormwater Manual shall be followed during and construction;
16. That at the next review for CU 19-07, the applicant or landowner provide a plan for the future removal and remediation of the area used for the Kart Track;
17. That the applicant and landowner(s) sign the Statement of Understanding (SOU) within seven (7) business days of approval for CU 19-07. The SOU is available in the Planning Office, the following business day; and,

18. That this Conditional Use Permit expires one (1) year from approval date, and may be reviewed on a complaint basis, or as directed by the Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

Commissioner Marsh stated he would be abstaining from voting on this item.

Moved by Johnson and seconded by Drewes to approve of Conditional Use Permit / CU 19-07 to allow for a Kart Track with the following eighteen (18) conditions:

1. **The CU 19-07 be for the following use: Dirt Kart Track; operated only during the following months May, June, July, August, and September; operation and use of the Dirt Kart Track is to only occur on Saturdays, and only operated between the hours of 11:00 a.m. and 2:00 p.m. and within the operational guidelines of the Work Kart Associations rules and guidelines. Where there exists a conflict between any of the Conditions of Approval within CU 19-07 and any other regulations applicable to the same area and use, the more stringent limitation or requirement shall govern and prevail;**
2. **That the applicant submit stamped engineered construction plans and drainage study showing that the existing Kart Track and items associated with this activity will not impact upstream or downstream properties. The plans and study are to be submitted to the Planning Department within twenty-one (21) days of approval of this Permit and prior to commencement of any further construction activity on the existing track;**
3. **That Building Permits 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;**
4. **That the applicant or landowner, prior to May 31, 2019, apply for a Commercial Building Permit, with the applicable penalty fees, for the structure "concession stand" which serves the Dirt Race Track;**
5. **That per 9-1-1 Emergency Services comments, a unique address be assigned, by the Planning Department, for the Dirt Race Track and that this address be posted in accordance with County Ordinance # 20. The address creation and compliance with County Ordinance #20 shall occur prior to May 31, 2019;**
6. **That the applicant provide trash receptacles and keep the property cleaned of rubbish, trash, and debris;**
7. **That the applicant maintains and implements some type of dust control measures during the races and ensures that no sediment is leaving the property;**

8. That the applicant acquire sign permits if the applicant were to locate any signs on the property;
9. That the applicant obtain any applicable federal, state, and local permits for the operation of the Kart Track;
10. That the applicant have a first aid kit with a fire extinguisher or have First Responders on hand during the operation of the races;
11. The Dirt Kart Track is located in a Public Drainage Basin and if approved, used only used seasonally (May, June, July, August, September), during the months the Dirt Kart Track is not in use (October, November, December, January, February, March, and April) all the hay bales, tires, flags, etc. used to define the area around, in, and on the Dirt Kart Track shall be removed;
12. That the applicant continually maintains and adheres to the County's Storm Water Pollution Prevention Plan during any period of construction;
13. 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;
14. That any alterations or improvements to the Public Drainage Easement be engineered and stamped plans be submitted to and approved by the Board of Commissioners;
15. That the requirements, guidelines, and criteria for stormwater and erosion control in the Pennington County Stormwater Manual shall be followed during and construction;
16. That at the next review for CU 19-07, the applicant or landowner provide a plan for the future removal and remediation of the area used for the Kart Track;
17. That the applicant and landowner(s) sign the Statement of Understanding (SOU) within seven (7) business days of approval for CU 19-07. The SOU is available in the Planning Office, the following business day; and,
18. That this Conditional Use Permit be reviewed no later than the August 26, 2019, Planning Commission meeting, and may be reviewed on a complaint basis, or as directed by the Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

All voting, the Motion carried 5 to 0. Commissioner Marsh abstained from voting.

CONSTRUCTION PERMIT AGENDA

21. INTRODUCTION OF CONSTRUCTION PERMIT AGENDA

Michaele Hoffman, Deputy State's Attorney, appeared and spoke of action / approval on Construction Permits by the Planning Director, pursuant to Pennington County Zoning Ordinance § 507 (A) effective September 25, 2013.

22. CONSTRUCTION PERMIT REVIEW / CP 98-21: Dakota Stone Company. To review the continued use of and expand the Crook Creek Quarry in accordance with Section 507 of the Pennington County Zoning Ordinance.

SE1/4SW1/4 of Section 13 and the NE1/4NW1/4 and the NW1/4NE1/4 of Section 24, all located in T2S, R3E, BHM, Pennington County, South Dakota.

Sack stated Staff recommended the Planning Director not make a decision on Construction Permit / CP 98-21 until such time that Staff can perform a site visit.

23. CONSTRUCTION PERMIT REVIEW / CP 17-03: Mitch Morris. To review the grading of the site and use as a storage area to stockpile soil and concrete debris.

Lot 1 of SW1/4NE1/4, Section 32, T1N, R8E, BHM, Pennington County, South Dakota.

Sack stated Staff recommended the Planning Director continue the review of Construction Permit / CP 17-03 until such time that erosion and sediment controls are implemented on the subject property with the following seven (7) conditions:

1. That erosion control measures implemented immediately and are maintained until the site has been revegetated in accordance with § 507(A)(5)(c) of the PCZO;
2. If the construction site exceeds one (1) acre, 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;
3. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;
4. 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;
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 the disturbed areas be re-vegetated as required in Section 507- A(5)(c); and,

7. That this Construction Permit be reviewed on a complaint basis or as directed by the Planning Director.

24. CONSTRUCTION PERMIT REVIEW / CP 18-04: Stromer Properties, LLC; Brook Stromer – Agent. To review the construction of a parking area on the subject property.

Lot A2, Bar P-S Subdivision, Section 20, T1N, R9E, BHM, Pennington County, South Dakota.

(Continued from the April 22, 2019, Planning Commission meeting.)

Sack stated Staff recommended the Planning Director continue the review of Construction Permit / CP 18-04 to the May 28, 2019, Planning Commission meeting to allow the applicant time to contact staff.

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

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

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

Molitor stated Staff recommended that a decision is not made on Construction Permit / CP 18-10 until such time grading and elevation information (pre- and post-construction) and the requested drainage study is received by the Planning Department from the applicant. When required information is received and reviewed by Staff and the Planning Director, the Planning Director can make a decision regarding this request.

26. 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.

(Continued from the April 22, 2019, Planning Commission meeting.)

Sack stated Staff recommended the Planning Director continue the review of Construction Permit / CP 18-12 until such time the applicant submits engineered plans to stabilize the hillside on the subject property with the following thirteen (13) conditions. When required information is received and reviewed by Staff and the Planning Director, the Planning Director can make a decision regarding this request.

1. That erosion control measures are 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;
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 Planning Department and approved by the Planning Director by June 18, 2019;
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 all Conditions of Approval are met and all fees paid for prior to the stop work order being lifted.

27. CONSTRUCTION PERMIT REVIEW / CP 19-01: Site Work Specialists. To review installation of public and private utilities to include water, sanitary sewer, storm sewer, common utility trench (power, communication, and gas). Also includes installation of concrete curb, gutter, and sidewalk; to also include asphalt pavement and the extension of the water line from Springfield Road to Reservoir Road.

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

Sack stated Staff recommended the Planning Director approve the extension of Construction Permit / CP 19-01 with the following fourteen (14) conditions:

1. That erosion control measures are maintained until the site has been revegetated in accordance with § 507(A)(5)(c) of the PCZO;
2. That the Conditions of the Approval of the South Dakota Department of Environment and Natural Resources General Permits for Storm Water Discharges Associated with Construction Activities be continually met;
3. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;
4. That the owner or designee must inspect the site at least once every 7 calendar days or every 14 calendar days and within 24 hours of the end of a storm event that exceeds 0.25 inches or snowmelt that generates runoff. A properly maintained rain gauge must be kept on the site. Inspection reports must be submitted to the Planning Director every month during construction;
5. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;
6. That all natural drainage ways and paths be continually maintained;
7. That sediment from the site is contained in such a manner that sediment does not reach or fill the drainage. If sediment is deposited in the drainage from the construction activity, the owner will be responsible for the removal of sediment from the drainage *immediately* after being notified or as discovered by the owner during weekly inspections;
8. 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;
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 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;
 11. That the disturbed areas be re-vegetated as required in § 507(A)(5)(c) of the PCZO;
 12. That it is the responsibility of the applicant to gain approval to cross the Murphy Ditch;
 13. That no sediment enters the Murphy Ditch, and that if sediment does reach the ditch, the applicant is responsible for removing the sediment immediately upon discovery.
 14. That this Construction Permit be reviewed in six (6) months, or on a complaint basis, or as required by the Planning Director.
28. CONSTRUCTION PERMIT / CP 19-05: Rimrock Evangelical Free Church. To surface existing gravel parking lots with asphalt pavement, excavation for utilities and improvements. An existing parking area will be used for contractor staging and material storage, staging area will be resurfaced with gravel surfacing at the end of the project. The project includes grading and shaping of the parking area and construction of permanent water quality features.

Lot 2 Revised of Lot A Revised of SE1/4SE1/4, Section 31, T2N, R6E, BHM, Pennington County, South Dakota.

Sack stated Staff recommended the Planning Director approve Construction Permit / CP-19-05 with the following fifteen (15) conditions:

1. That erosion control measures are implemented prior to any work and maintained until the site has been revegetated in accordance with § 507(A)(5)(c) of the PCZO;
2. That the applicant acquires a South Dakota Department of Environment and Natural Resources General Permit for Storm Water Discharges Associated with Construction Activities and that the Conditions of Approval for the permit are continually met;
3. The applicant not increase flows to the ditch along Norris Peak Rd,
4. That detention is installed for the increase in storm water flows from the new parking lot;
5. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;

6. 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;
7. 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;
8. That all natural drainage ways and paths be continually maintained;
9. That sediment from the site is contained in such a manner that sediment does not leave the site. If sediment does leave the site, it is the responsibility of the applicant fix;
10. 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;
11. 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;
12. 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;
13. That the disturbed areas be re-vegetated as required in § 507(A)(5)(c) of the PCZO;
14. That the applicant sign a Statement of Understanding within ten (10) business days of approval; and,
15. That this Construction Permit be reviewed in six (6) months, or as directed by the Planning Director.

END OF CONSTRUCTION PERMIT AGENDA

Moved by Marsh and seconded by Drewes to recess. All voting aye, the Motion carried 6 to 0.

Moved by Johnson and seconded by Marsh to reconvene. All voting aye, the Motion carried 6 to 0.

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

(Continued from the April 22, 2019, Planning Commission meeting.)

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

Discussion followed.

Commissioner Drewes left the meeting at 11:29 a.m.
Commissioner Drewes returned to the meeting at 11:31 a.m.

Chairman Lasseter left the meeting at 11:43 a.m.

Discussion continued.

30. COUNTY BOARD REPORT
The Board of Commissioners concurred with the Planning Commission's recommendations from the April 22, 2019, Planning Commission meeting.

Moved by Rivers and seconded by Johnson to rehear Item #29. All voting aye, the Motion carried 5 to 0.

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

Moved by Johnson and seconded by Rivers to approve recommended changes to portions of the Comprehensive Plan for Ordinance Amendment / OA 19-01.

All voting aye, the Motion carried 5 to 0.

Moved by Rivers and seconded by Drewes to continue Ordinance Amendment / OA 19-01 to the May 28, 2019, Planning Commission meeting, and, if needed, to the June 10, 2019, Planning Commission meeting.

All voting aye, the Motion carried 5 to 0.

30. COUNTY BOARD REPORT
The Board of Commissioners concurred with the Planning Commission's recommendations from the April 22, 2019, Planning Commission meeting.

31. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

32. ITEMS FROM THE STAFF

- A. Building Permit Report. Conover reviewed the Building Permit Report for April 2019.
- B. Ordinance Officer. Conover informed the Planning Commission that the Ordinance Officer took another position and asked the Planning Commission members to contact staff if they are interested in sitting in on interviews for the new Ordinance Officer.

33. ITEMS FROM THE MEMBERSHIP

There were no items from the membership.

34. ADJOURNMENT

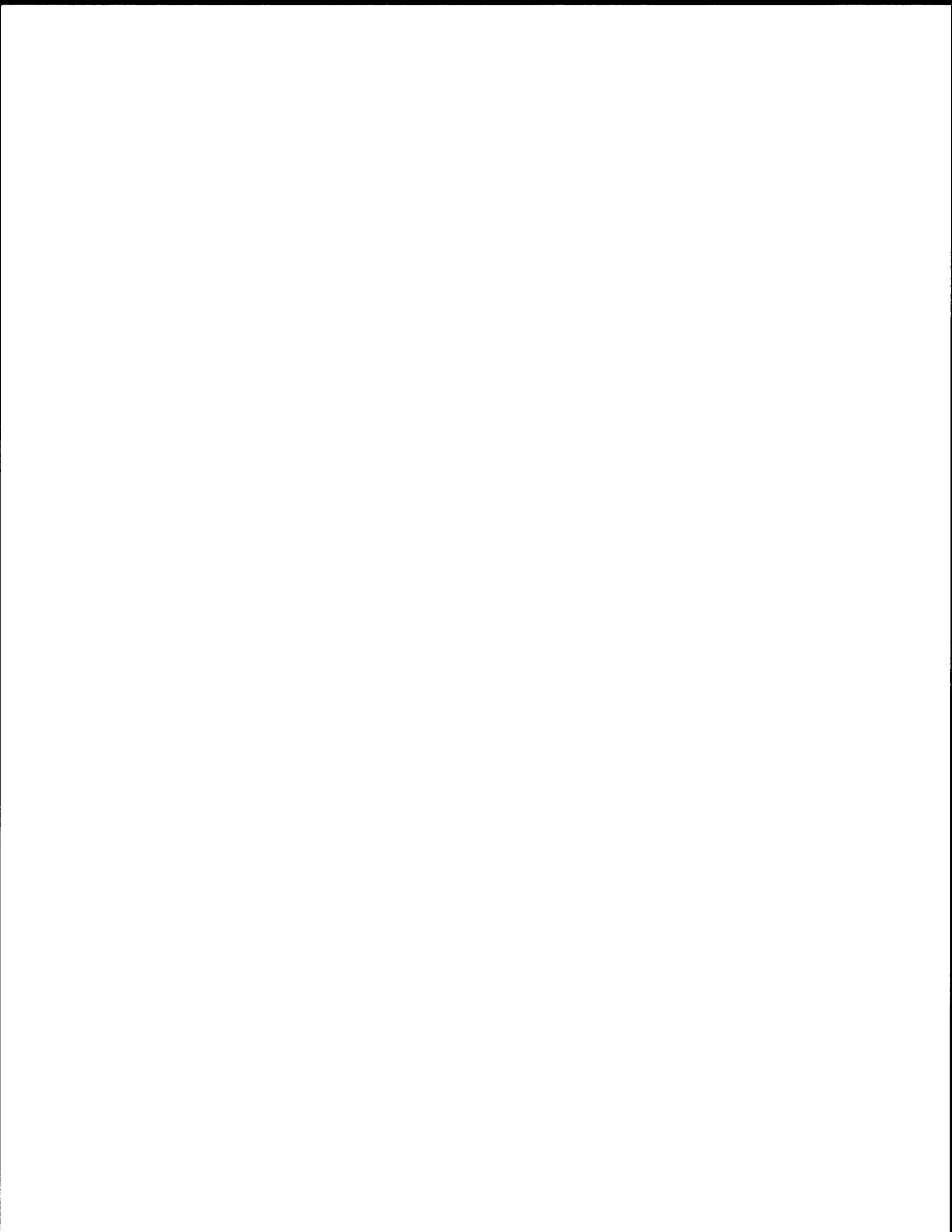
Moved by Drewes and seconded by Rivers to adjourn.

All voting aye, the Motion carried 5 to 0.

The meeting adjourned at 12:44 p.m.

Travis Lasseter, Chairperson

Rich Marsh, First Vice-Chairperson



STAFF REPORT

GENERAL INFORMATION:

REQUEST: **CONDITIONAL USE PERMIT REVIEW / CU 13-19:** To review a Recreational Resort for events of 20 people or less in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

APPLICANT: Ken and Cory Tomovick / Alice Tomovick

APPLICANT ADDRESS: 23637 Strato Bowl Road, Rapid City, SD 57702

LEGAL DESCRIPTION: Lot 1 of Bonanza Bar MC 970, Section 12, T1S, R6E, BHM, Pennington County, South Dakota.

SITE LOCATION: 23632 Strato Bowl: approximately one mile north of S. Highway 16 and two miles northeast of Rockerville.

TAX ID: 5194

SIZE: .96 acre

EXISTING LAND USE: Residential / General Agriculture

ZONING REFERENCE: Sections 205 and 510

CURRENT ZONING: General Agriculture District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Forested Creekside

UTILITIES: Private

REPORT BY: Kristina Proietti

I. PROPOSED RECOMMENDATION

- A. Staff recommends approval of the extension of Conditional Use Permit / CU 13-19 with sixteen (16) conditions.

II. GENERAL DESCRIPTION

- A. November 19, 2013 - Planning Commission approved Conditional Use Permit / CU 13-19 with the following twenty (20) conditions:

1. That the Conditional Use Permit be for receptions with a maximum of 20 guests;
2. That the business be conducted by members of the family residing on the premises and no more than one (1) additional person;
3. That prior to any work within the 100 year floodplain, the applicant obtain approval of a Floodplain Development Permit;
4. That the applicant provides reliable cell phone service in case of an emergency;
5. That the address of the property be posted at the driveway and at the reception area in case of an emergency;
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 10 parking spaces be provided on-site, each measuring a minimum of 9 feet by 18 feet and maintained in a dust-free manner in accordance with Section 310 of the Pennington County Zoning Ordinance;
8. That all music being provided for outdoor activities be shut down by 10:00 p.m.;
9. That if alcoholic beverages are to be sold on the property, the appropriate permits or licenses be obtained;
10. That temporary structures, such as tents and port-a-potties only be erected when needed and not on a permanent basis;
11. That all exterior lighting must be of low level intensity, which does not result in excessive glare upon surrounding neighbors;
12. That the applicant obtain all necessary permits from other governing bodies for operation of the Vacation Home Rental and including, but not limited to, approval from the South Dakota Department of Health for the Specialty Resort and a Sales Tax License from the South Dakota Department of Revenue;
13. That a port-a-potty may be utilized by the guests of the events for wastewater disposal. Any other means of wastewater disposal will require proper permitting and review of the system by both the Pennington County Planning Department and South Dakota Department of Environment and Natural Resources;
14. That prior to the placement of any on-premise signs, the applicant must obtain approval of a Sign Permit;

15. That the Planning Director may allow additional development or construction, which is consistent with the existing development on this property. Significant changes in the use or impacts on adjacent land, uses as determined by the Planning Director, shall require an amendment to this Conditional Use Permit;
 16. That the applicant sign a Statement of Understanding, which is available at the Planning Office; and,
 17. That the Vacation Home Rental be allowed to have a maximum occupancy of six (6) people;
 18. That the applicants comply with South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
 19. That applicants comply with the Performance Standards outlined in Section 319 of the Zoning Ordinance, which regulates Vacation Home Rentals;
 20. 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. March 23, 2015 - Planning Commission approved the extension of Conditional Use Permit / CU 13-19 with the following seventeen (17) conditions:
1. That the Conditional Use Permit be for receptions with a maximum of 20 guests;
 2. That the business be conducted by members of the family residing on the premises and no more than one (1) additional person;
 3. That prior to any work within the 100 year floodplain, the applicant obtain approval of a Floodplain Development Permit;
 4. That the applicant provides reliable cell phone service in case of an emergency;
 5. That the address of the property be posted at the driveway and at the reception area in case of an emergency;
 6. That the applicant maintain an Evacuation (Emergency) Plan and provide copies to all 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 10 parking spaces continually be provided on-site, each measuring a minimum of 9 feet by 18 feet and maintained in a dust-free manner in accordance with Section 310 of the Pennington County Zoning Ordinance;
 8. That all music being provided for outdoor activities be shut down by 10:00 p.m.;
 9. That if alcoholic beverages are to be sold on the property, the appropriate permits or licenses be obtained;
 10. That temporary structures, such as tents and port-a-potties only be erected when needed and not on a permanent basis;
 11. That all exterior lighting must be of low level intensity, which does

- not result in excessive glare upon surrounding neighbors;
12. That the applicant maintain all necessary permits from the South Dakota Department of Health for the Specialty Resort and a Sales Tax License from the South Dakota Department of Revenue;
13. That a port-a-potty may be utilized by the guests of the events for wastewater disposal. Any other means of wastewater disposal will require proper permitting and review of the system by both the Pennington County Planning Department and South Dakota Department of Environment and Natural Resources;
14. That prior to the placement of any on-premise signs, the applicant must obtain approval of a Sign Permit;
15. That the Planning Director may allow additional development or construction, which is consistent with the existing development on this property. Significant changes in the use or impacts on adjacent land, uses as determined by the Planning Director, shall require an amendment to this Conditional Use Permit;
16. That the applicant sign a Statement of Understanding within seven (7) business days, which is available at the Planning Office; and,
17. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Board of Commissioners and/or County Planning Commission to verify that all conditions of approval are being met.

EXISTING CONDITIONS

- A. Zoned General Agriculture District.
- B. Lot size 0.96 acre.
- C. Access is obtained from Strato Bowl Road.
- D. Lot contains:
 1. Single-family residence built in 1951 (per Department of Equalization Record Card).
 2. House addition built in 1974, Building Permit (BP) / 1951.
 3. Detached garage built in 1987, BP / 7624.
 4. Addition to garage built in 2008, County Building Permit / 2008COBP0216.
 5. On-site Wastewater Treatment System Construction Permit / COSD15-0122.
 1. On-Site Wastewater Treatment System Operating Permit / COOP15-0571.

III. ANALYSIS

- A. April 24, 2019 – Staff spoke with Cory Tomovick via telephone to arrange a site visit.
- B. April 26, 2019 – Staff performed a site visit and observed that all conditions were being met.



Site photo 4/26/2019.

RECOMMENDATION: Staff recommends approval of the extension of Conditional Use Permit / CU 13-19 with the following sixteen (16) conditions:

1. That the Conditional Use Permit be for receptions with a maximum of 20 guests;
2. That the business be conducted by members of the family residing on the premises and no more than one (1) additional person;
3. That prior to any work within the 100 year floodplain, the applicant obtain approval of a Floodplain Development Permit;
4. That the applicant provides reliable cell phone service in case of an emergency;
5. That the lot address (23632 Strato Bowl) be posted on the residence at all times and so it is clearly visible from Danube Lane, in accordance with Pennington County's Ordinance #20;
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;

Agenda Item #3
Ken and Cory Tomovick
May 28, 2019

7. That a minimum of ten (10) 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 all music being provided for outdoor activities be shut down by 10:00 p.m.;
9. That if alcoholic beverages are to be sold on the property, the appropriate permits or licenses be obtained;
10. That temporary structures, such as tents and port-a-potties only be erected when needed and not on a permanent basis;
11. That all exterior lighting must be of low level intensity, which does not result in excessive glare upon surrounding neighbors;
12. That the applicant maintain all necessary permits from the South Dakota Department of Health for the Specialty Resort and a Sales Tax License from the South Dakota Department of Revenue;
13. That a port-a-potty may be utilized by the guests of the events for wastewater disposal. Any other means of wastewater disposal will require proper permitting and review of the system by both the Pennington County Planning Department and South Dakota Department of Environment and Natural Resources;
14. That prior to the placement of any on-premise signs, the applicant must obtain approval of a Sign Permit;
15. That the Planning Director may allow additional development or construction, which is consistent with the existing development on this property. Significant changes in the use or impacts on adjacent land, uses as determined by the Planning Director, shall require an amendment to this Conditional Use Permit; and,
16. That this Conditional Use Permit be reviewed in two (2) years, on a complaint basis, or as directed by the Pennington County Planning Board of Commissioners and/or County Planning Commission to verify that all conditions of approval are being met.

Tomovick Small Events Resort
4/26/2019.





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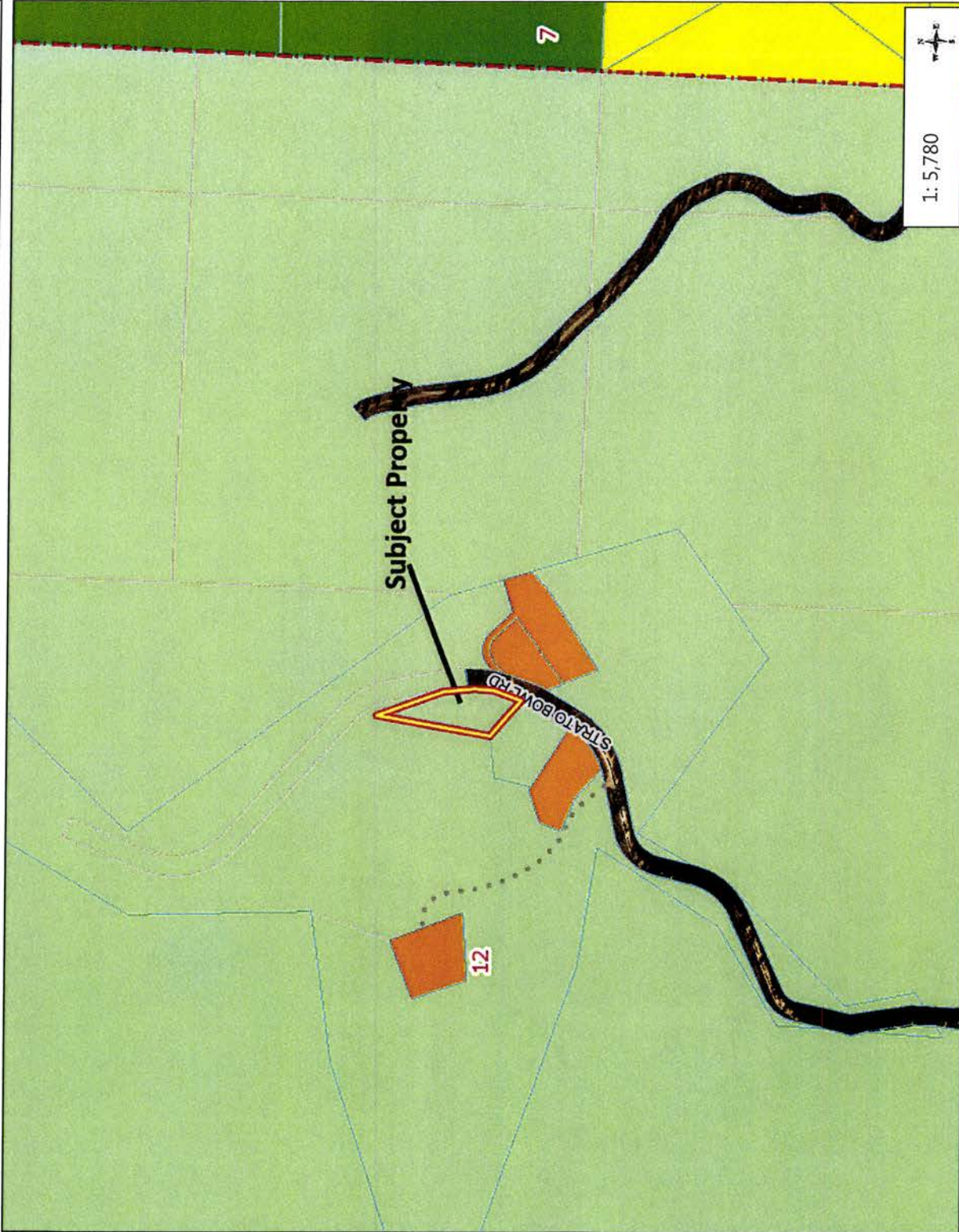
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Legend

- 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: 5,780

963.4 0 481.71 963.4 Feet

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 THIS MAP IS NOT TO BE USED FOR NAVIGATION

NAD_1983_StatePlane_South_Dakota_South_FIPS_4002_Feet
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Legend

Roads

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

Section Lines 0-25k

- 0
- 7

Tax Parcels

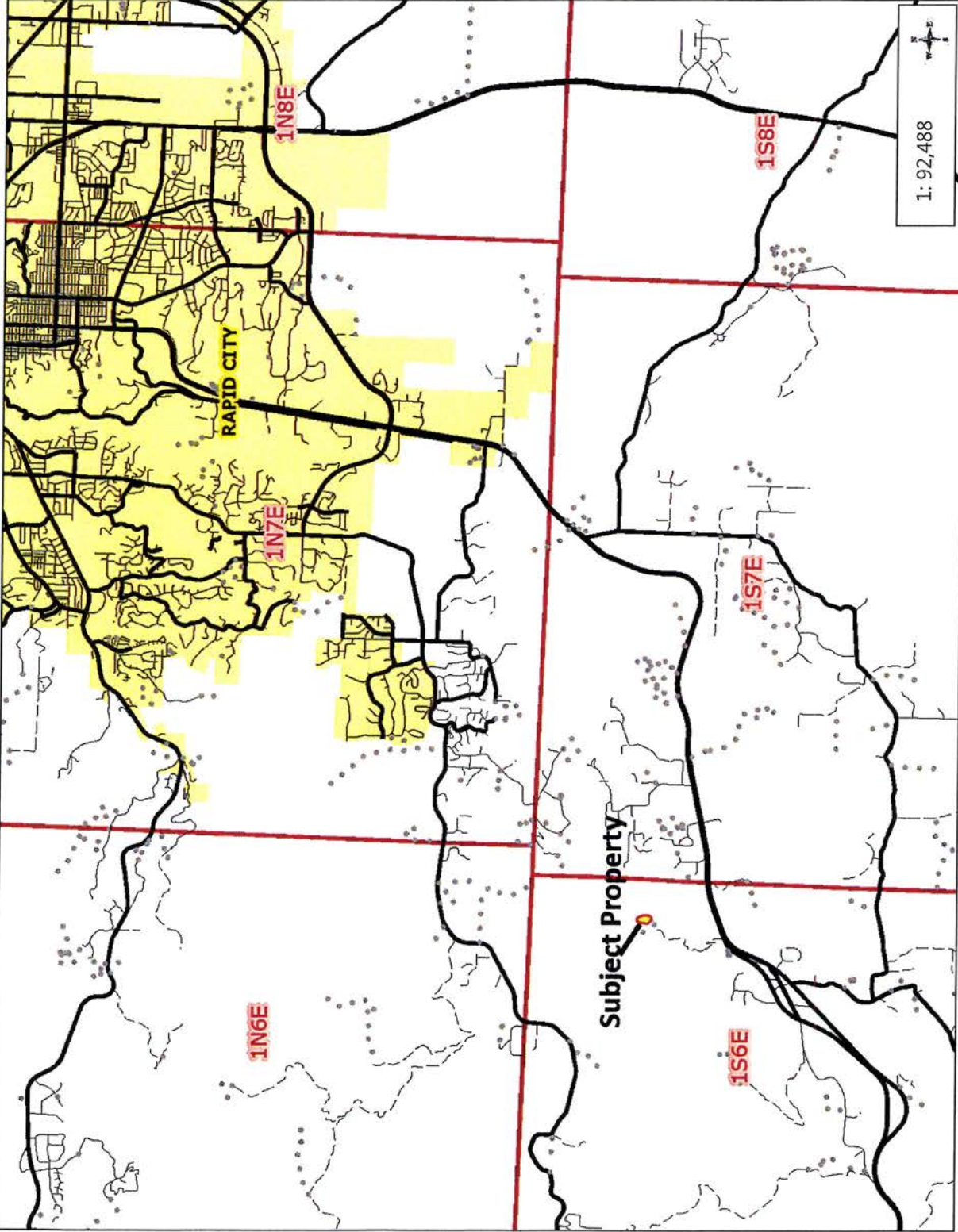
Lot Lines

- <Null>
- Lot Line
- Parcel Line

Pennington County Zoning

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

Map Notes:



1: 92,488

15,414.6
0 7,707.30 15,414.6 Feet

NAD_1983_StatePlane_South_Dakota_South_FIPS_4002_Feet
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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Legend

- Roads**
- Interstate
 - US highway
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 - 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:

STAFF REPORT

GENERAL INFORMATION:

REQUEST: CONDITIONAL USE PERMIT REVIEW/ CU 15-10: To review a home occupation on the subject property in which no immediate family member resides, to use a current detached garage for the purpose of buying, repairing and selling vehicles (not intended to be a car lot) in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

APPLICANT/ OWNER: Krebs Partnership, LLC. / Donald Krebs

APPLICANT ADDRESS: 2711 Pioneer Drive, Rapid City, SD 57703

LEGAL DESCRIPTION: The South 75 feet of Lot J of E1/2SE1/4, Section 9, T1N, R8E, BHM, Pennington County, South Dakota.

SITE LOCATION: 2761 Pioneer Drive; south of the intersection of E. Highway 44 and Pioneer Drive.

SIZE: 0.65 acre

TAX ID: 51433

EXISTING LAND USE: Residential

ZONING REFERENCE: Sections 208 and 510

CURRENT ZONING: Suburban Residential District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Flat

UTILITIES: Rapid Valley Sanitary District

REPORT BY: Jason Theunissen

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending approval of the extension of Conditional Use Permit / CU 15-10 with fourteen (14) conditions.

II. GENERAL DESCRIPTION

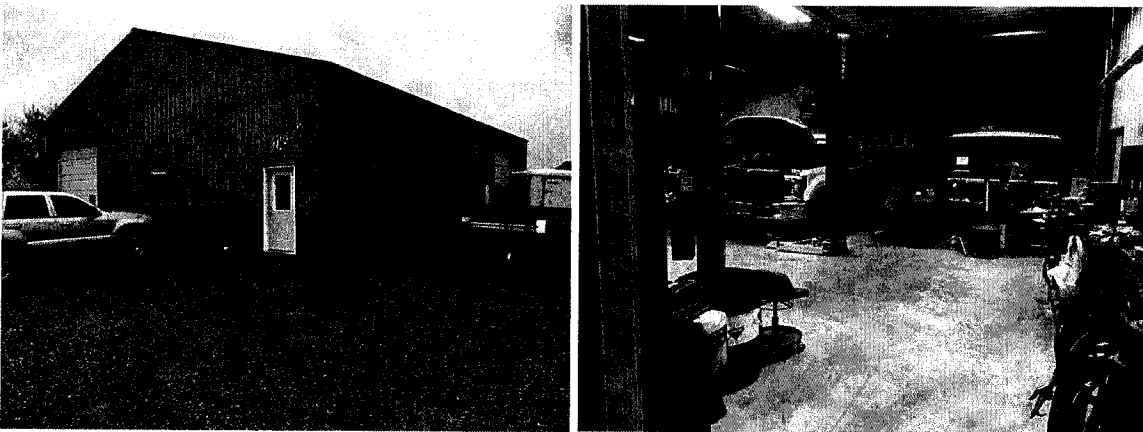
- A. March 23, 2015 – The applicant requested Rezone / RZ 15-05 and Comprehensive Plan Amendment / CA 15-05.
- B. April 27, 2015 – Planning Commission made a recommendation of denial without prejudice for RZ 15-05 and CA 15-05.
- C. April 28, 2015 – The applicant applied for Variance / VA 15-14.
- D. May 5, 2015 – The Board of Commissioners denied Rezone / RZ 15-05 and Comprehensive Plan Amendment / CA 15-05, without prejudice.
- E. May 19, 2015 – The Board of Commissioners approved VA 15-14.
- F. May 26, 2015 – The Planning Commission approved Conditional Use Permit / CU 15-10 with the following fifteen (15) conditions:
1. That the proposed Home Occupation be located entirely within the 48' x 56' Detached Garage (BP 02-0930) and that the residential character of the property be maintained;
 2. That one (1) home occupation sign be allowed that does not exceed six (6) square feet in area, in accordance with Section 312-A-12 of the Pennington County Zoning Ordinance, and that a Sign Permit be obtained prior to installation;
 3. That storage and disposal of materials, liquids, and wastes shall be in a manner that meets all Local, State, and Federal requirements;
 4. That all necessary Local, State, and Federal licenses and permits be obtained prior to the operation of the Home Occupation and that copies of these licenses and permits be provided to the Planning Department upon request;
 5. That the applicant continually comply with all applicable Local, State, and Federal laws and regulations;
 6. That reasonable measures are taken to control odors, fumes, dust, noise, vibration and lighting resulting from the home occupation so as to not constitute a nuisance to the general public;
 7. That an address be assigned for the 48' x 56' Detached Garage (2002COBP0930) and the addresses for the property be properly posted in accordance with Pennington County's Ordinance #20;
 8. That this Home Occupation not negatively impact Conditional Use Permit 98-12;
 9. That upon sale or transfer of the subject property and/or the property the applicant currently resides on, CU 15-10 will automatically be revoked;
 10. That there is no more than one (1) additional employee, excluding family members;
 11. That there continue to be a minimum of two (2) off-street parking spaces available at all times;

12. That the hours of operation will be conducted between the hours of 7:00 a.m. and 6:00 p.m.;
 13. That the property remain free of debris and junk vehicles;
 14. That the applicant signs the Statement of Understanding within seven (7) business days of approval of Conditional Use Permit #15-10, which is available at the Planning Office; and,
 15. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Board of Commissioners and/or Planning Commission to verify that all conditions of approval are being met.
- G. May 23, 2016 – The Planning Commission approved the extension of Conditional Use Permit / CU 15-10 with the following fourteen (14) conditions:
1. That the proposed Home Occupation be located entirely within the 48' x 56' Detached Garage (BP 02-0930) and that the residential character of the property be maintained;
 2. That one (1) home occupation sign be allowed that does not exceed six (6) square feet in area, in accordance with Section 312-A-12 of the Pennington County Zoning Ordinance, and that a Sign Permit be obtained prior to installation;
 3. That storage and disposal of materials, liquids, and wastes shall be in a manner that meets all Local, State, and Federal requirements;
 4. That all necessary Local, State, and Federal licenses and permits be obtained prior to the operation of the Home Occupation and that copies of these licenses and permits be provided to the Planning Department upon request;
 5. That the applicant continually comply with all applicable Local, State, and Federal laws and regulations;
 6. That reasonable measures are taken to control odors, fumes, dust, noise, vibration and lighting resulting from the home occupation so as to not constitute a nuisance to the general public;
 7. That an address be assigned for the 48' x 56' Detached Garage (2002COBP0930) and the addresses for the property be properly posted in accordance with Pennington County's Ordinance #20;
 8. That this Home Occupation not negatively impact Conditional Use Permit 98-12;
 9. That upon sale or transfer of the subject property and/or the property the applicant currently resides on, CU 15-10 will automatically be revoked;
 10. That there is no more than one (1) additional employee, excluding family members;
 11. That there continue to be a minimum of two (2) off-street parking spaces available at all times;
 12. That the hours of operation will be conducted between the hours of 7:00 a.m. and 6:00 p.m.;

13. That the property remain free of debris and junk vehicles; and,
14. That this Conditional Use Permit be reviewed in three (3) years, on a complaint basis, or as directed by the Board of Commissioners and/or Planning Commission to verify that all conditions of approval are being met.

III. EXISTING CONDITIONS

- A. Zoned Suburban Residential District.
- B. Lot size 0.65 acre.
- C. Is contiguous with the City Limits of the City of Rapid City.
 1. Within the 1-mile buffer for On-Site Wastewater Treatment Systems. (OSWTS)
 2. Within the 3-mile buffer for platting.
- D. Access off of Pioneer Drive.
- E. Utilities services are provided by Rapid Valley Sanitary District.
- F. Consists of two (2) structures:
 1. 16' x 80' single-wide mobile home.
 - a. Via an approved Building Permit (1998COBP0179).
 - b. Via Conditional Use Permit / CU 98-12.
 2. 48' x 56' Detached Garage.
 - a. Via an approved Building Permit (2002COBP0930).



Site Visit - Jason Theunissen, Planner II (5.20.19)

IV. ANALYSIS

- A. May 20, 2019 – Staff performed a site visit and found:
 1. A 16' x 80' single-wide mobile home – via 1998COBP0179.
 2. A 48' x 56' detached garage – via 2002COBP0930.
 3. The residential character of the subject property is well maintained (Conditions #1).
 4. All the equipment, cars, and others materials related to the business appear to be stored and kept inside this garage (Condition #1).
 5. The address (2745 Pioneer Drive) is properly and clearly posted on this garage and at the approach off of Pioneer Drive (Condition #7).

Agenda Item # 4

Krebs Partnership, LLC; Donald Krebs – Agent

May 28, 2019

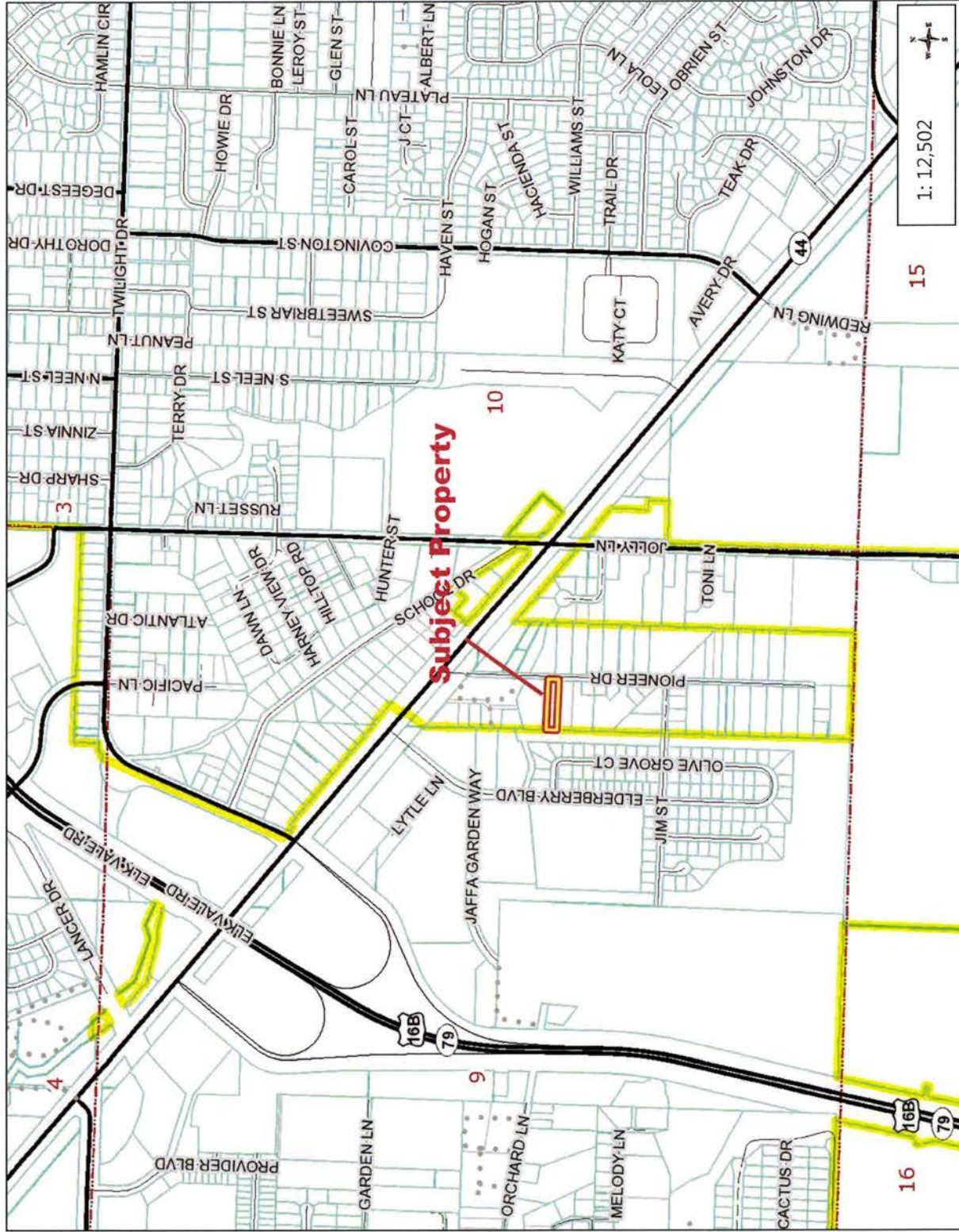
6. A trailer is parked next to the garage which the applicant, Donald Krebs, indicated is for personal use only.
 7. It appears there is sufficient off-street parking, beyond the required two (2) spaces on the subject property (Condition #11).
 8. It appears the property is free of debris and junk vehicles (Condition #13).
 9. Staff spoke with the applicant regarding CU 15-10. The applicant gave Staff copies of South Dakota Department of Revenue licenses, which are included with this Staff Report (Condition #4).
- B. All other Conditions of Approval appear to be met.
- C. At the time of Staff Report writing, Staff has not received any complaints regarding the home occupation on the subject property.

RECOMMENDATION: Staff recommends approval of the extension of Conditional Use Permit / CU 15-10 with the following fourteen (14) conditions:

1. That the proposed Home Occupation continue to be located entirely within the 48' x 56' Detached Garage (BP 02-0930) and that the residential character of the property be maintained;
2. That one (1) home occupation sign be allowed that does not exceed six (6) square feet in area, in accordance with Section 312-A-12 of the Pennington County Zoning Ordinance, and that a Sign Permit be obtained prior to installation;
3. That storage and disposal of materials, liquids, and wastes shall be in a manner that meets all Local, State, and Federal requirements;
4. That all necessary Local, State, and Federal licenses and permits be maintained Occupation and that copies of these licenses and permits be provided to the Planning Department upon request;
5. That the applicant continually comply with all applicable Local, State, and Federal laws and regulations;
6. That reasonable measures are continually taken to control odors, fumes, dust, noise, vibration and lighting resulting from the home occupation so as to not constitute a nuisance to the general public;
7. That the address (2745 Pioneer Drive) continue to be posted properly on the 48' x 56' Detached Garage (2002COBP0930) and at the approach off of Pioneer Drive in accordance with Pennington County's Ordinance #20;
8. That this Home Occupation not negatively impact Conditional Use Permit 98-12;

Agenda Item # 4
Krebs Partnership, LLC; Donald Krebs – Agent
May 28, 2019

9. That upon sale or transfer of the subject property and/or the property the applicant currently resides on, CU 15-10 will automatically be revoked;
10. That there is no more than one (1) additional employee, excluding family members;
11. That there continue to be a minimum of two (2) off-street parking spaces available at all times;
12. That the hours of operation continue to be conducted between the hours of 7:00 a.m. and 6:00 p.m.;
13. That the property continues to remain free of debris and junk vehicles; and,
14. That this Conditional Use Permit be reviewed in five (5) years, on a complaint basis, or as directed by the Board of Commissioners and/or Planning Commission to verify that all Conditions of Approval are being met.



1: 12,502

15

16



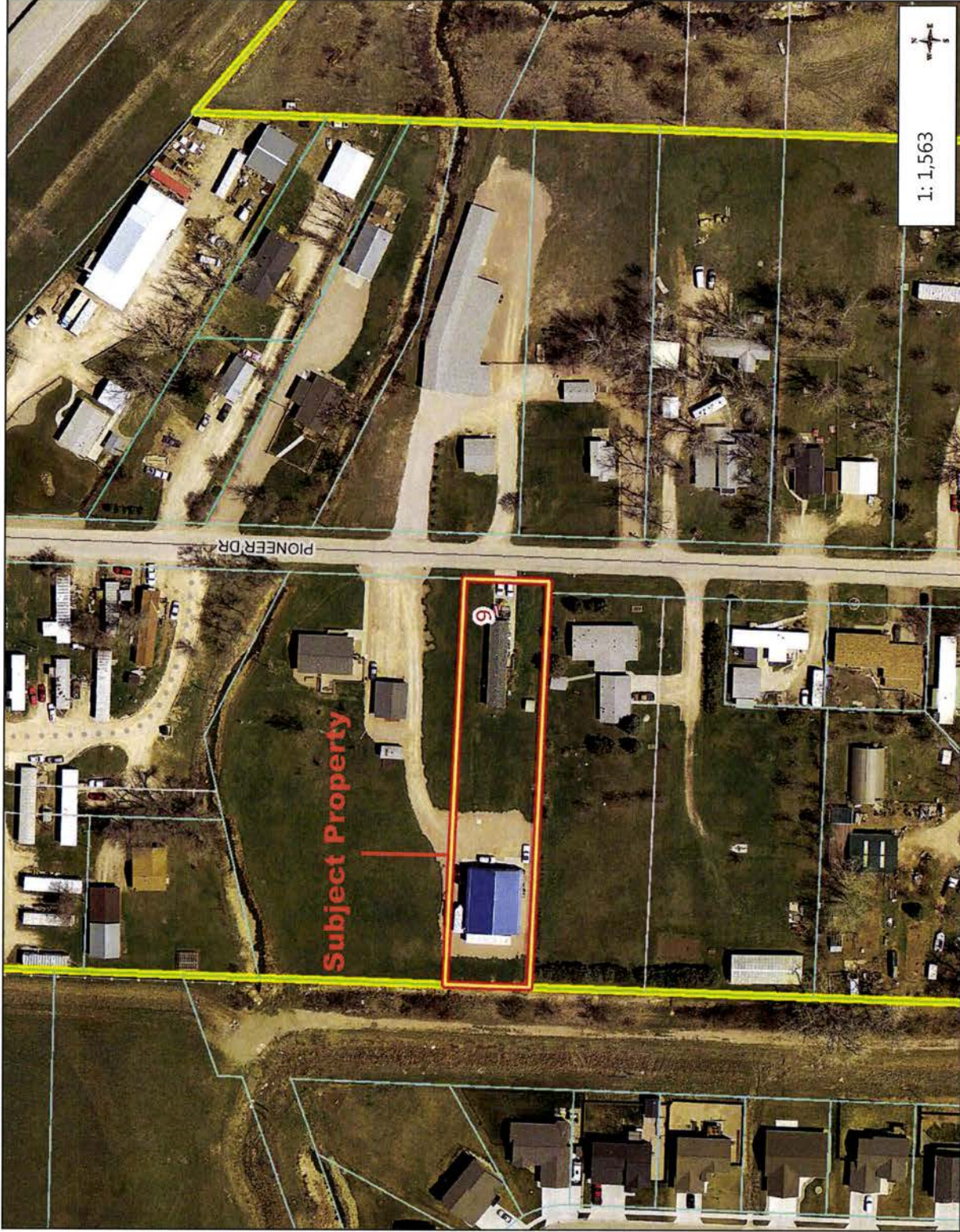
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NAD_1983_StatePlane_South_Dakota_South_FIPS_4002_Feet
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Legend

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 - SD highway
 - County highway
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 - 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: 1,563

260.5 0 130.23 260.5 Feet

NAD_1983_StatePlane_South_Dakota_South_FIPS_4002_Feet
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Legend

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Section Lines 0-25k

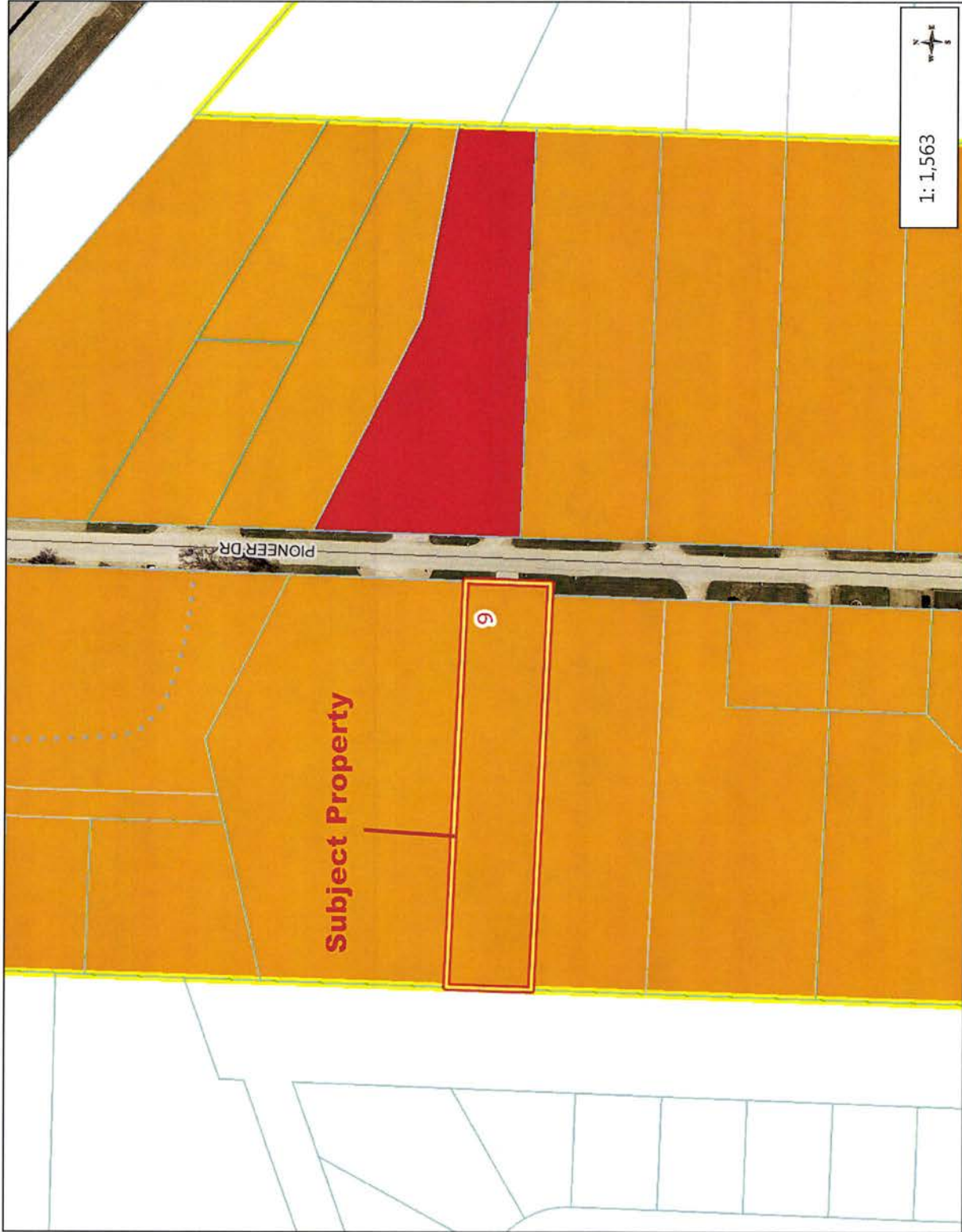
- 0
- 7

Tax Parcels

Lot Lines

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- Lot Line
- Parcel Line

Map Notes:



1: 1,563

260.5 0 130.23 260.5 Feet

NAD_1983_StatePlane_South_Dakota_South_EPS_4002_Feet
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Legend

Roads

- Interstate
- US highway
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- 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

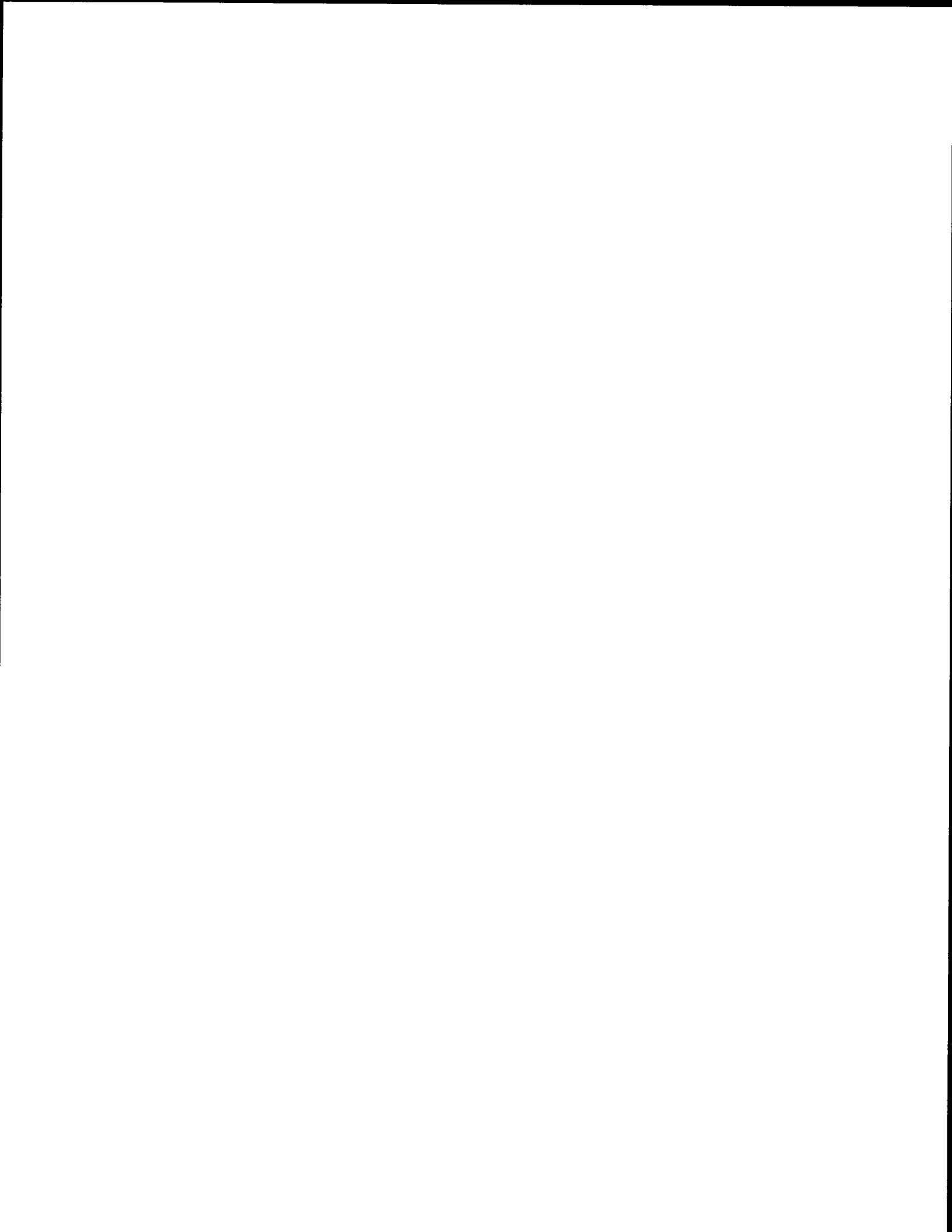
Lot Lines

- <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:



STAFF REPORT

5

GENERAL INFORMATION:

REQUEST: CONDITIONAL USE PERMIT REVIEW / CU 18-06: To review the replacement of a single-wide mobile home (#C), to allow for an existing single-wide mobile home to remain as storage space (#A), and to allow for the existing double-wide mobile home to remain as a rental unit on the subject property (#B) in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

APPLICANT: Milbert and Lila Rohrbach

APPLICANT ADDRESS: 2156 Plateau Lane, Rapid City, SD 57703

LEGAL DESCRIPTION: Lot W 165 feet of W1/2 of Lot 3 less N10 feet; Plateau Subdivision, Section 10, T1N, R8E, BHM, Pennington County, South Dakota.

SITE LOCATION: 2156 Plateau Lane #A, #B, and #C.

SIZE: 0.96 acre

TAX ID: 7808

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: Rapid Valley Sanitary District

REPORT BY: Brittney Molitor

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending approval of the extension of Conditional Use Permit / CU 18-06 with eight (8) conditions.

II. GENERAL DESCRIPTION

- A. The applicants, Milbert and Lila Rohrbach, requested to replace an existing single-wide mobile home (SWMH) with a newer SWMH, and to allow for an existing SWMH to remain as storage space, and to allow for the existing double-wide mobile home (DWMH) to remain as a rental unit on the subject property.

III. EXISTING CONDITIONS

- A. 0.96 Acre.
- B. Zoned Suburban Residential.
- C. Access from an approach off of Plateau Lane.
- D. Utilities provided by Rapid Valley Sanitary District.
- E. Lot contains:
 - 1. Double-wide mobile home (DWMH) – 1965 per Department of Equalization (DOE) records.
 - 2. Single-wide mobile home (SWMH) – COBP18-0488.
 - 3. SWMH w/addition – used as storage only.
 - a. Removal permit submitted COBP18-0610.



IV. HISTORY

- A. April 11, 2018 and May 1, 2018 – Staff performed a site visits to the subject property:
 - 1. There were three (3) mobile homes on the subject property.
 - a. One (1) did not appear to be habitable (2156 Plateau Lane #A).
 - 2. There is one approach to the subject property off of Plateau Lane.
- B. May 14, 2019 – The Planning Commission approved Conditional Use Permit / CU 18-06 with the following ten (10) conditions:
 - 1. That a Building Permit be obtained for the proposed replacement single-wide mobile home (2156 Plateau Lane #C), prior to any work being done;
 - 2. That the replacement single-wide mobile home (2156 Plateau Lane #C) and existing double-wide mobile home (2156 Plateau Lane #B) are assigned individual addresses and must be posted in accordance with Pennington County Ordinance #20.
 - 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 replacement single-wide mobile home (2156 Plateau Lane #C) 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 once the existing double-wide mobile home (2156 Plateau Lane #B) is either inhabitable or no longer occupied, it be removed from the subject property;
 - 8. That once the Rohrbachs no longer own the subject property, the single-wide mobile home (2156 Plateau Lane #A) be removed, as well as the existing double-wide mobile home (2156 Plateau Lane #B) be removed from the subject property;
 - 9. That the applicant signs the Statement of Understanding at the Planning Office within ten (10) business days of approval of Conditional Use Permit / CU 18-06; and,
 - 10. 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. August 7, 2018 – The applicants applied for a Building Permit for the new single-wide mobile home (COBP18-0488) and Removal Permit for the existing single-wide mobile home (COBP18-0487).

V. ANALYSIS

- A. May 22, 2019 – Staff performed a site visit. All three mobile homes still exist on the subject property.
1. It appears that all Conditions of Approval are being met.



New single-wide mobile home

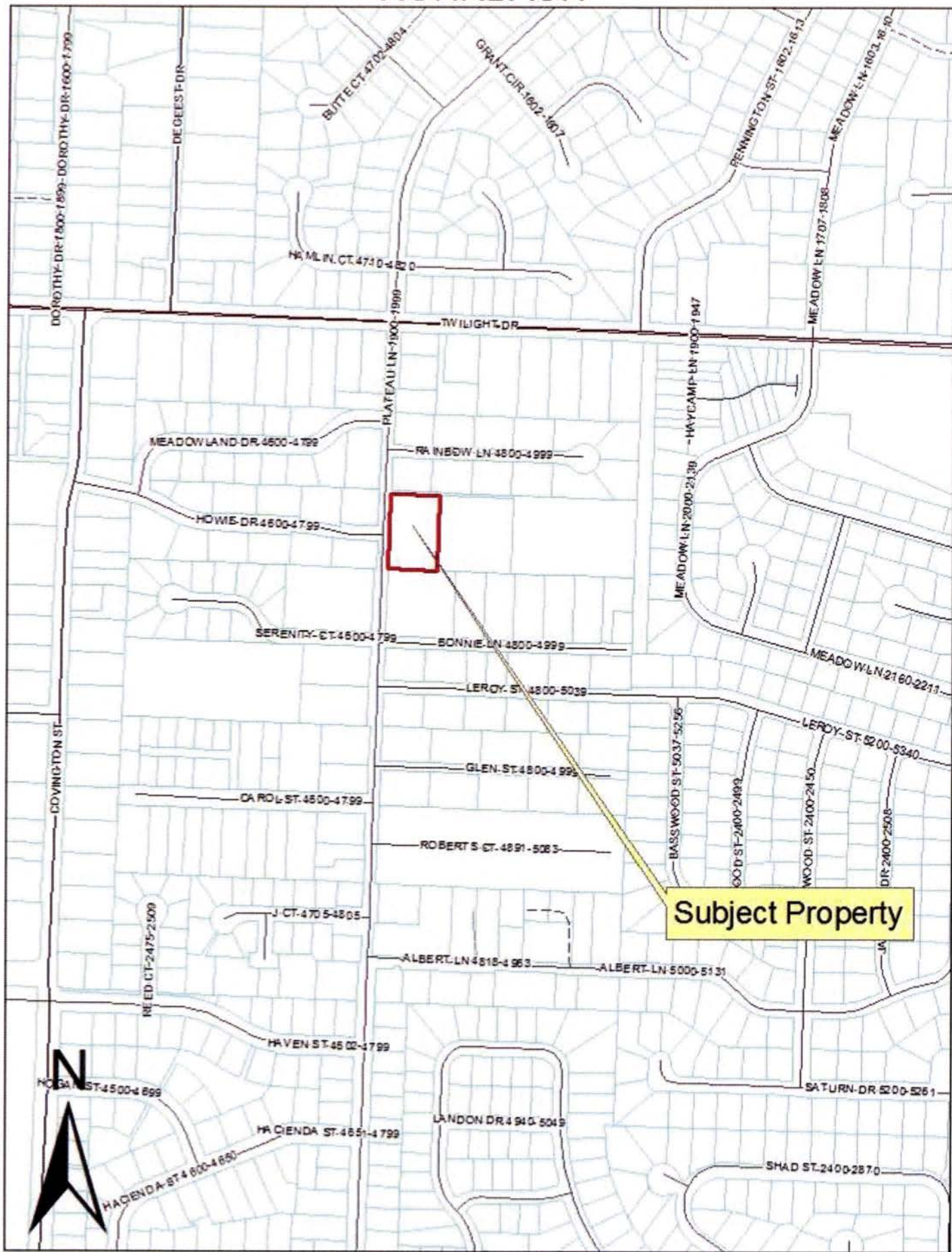
RECOMMENDATION: Staff recommends approval of the extension of Conditional Use Permit / CU 18-06 with the following eight (8) conditions:

1. That the replacement single-wide mobile home (2156 Plateau Lane #C) and existing double-wide mobile home (2156 Plateau Lane #B) post individual addresses and must be posted in accordance with Pennington County Ordinance #20.
2. That the minimum setback requirements of a Suburban Residential District be continually maintained on the property;
3. That the subject property remains free of debris and junk vehicles;
4. That the replacement single-wide mobile home (2156 Plateau Lane #C) installed on the property continue to have a peaked, non-reflective type roof and wood or simulated wood-type siding that is continually maintained;
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;

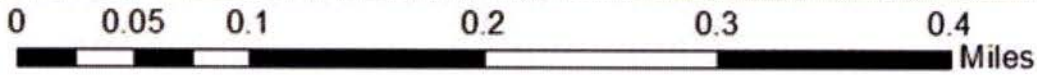
Agenda Item #5
Milbert and Lila Rohrbach
May 28, 2019

6. That once the existing double-wide mobile home (2156 Plateau Lane #B) is either inhabitable or no longer occupied, it be removed from the subject property;
7. That once the Rohrbacks no longer own the subject property, the single-wide mobile home (2156 Plateau Lane #A) be removed, as well as the existing double-wide mobile home (2156 Plateau Lane #B) be removed from the subject property; and,
8. That this Conditional Use Permit be reviewed in three (3) years, on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

ROHRBACH



Subject Property



ROHRBACH



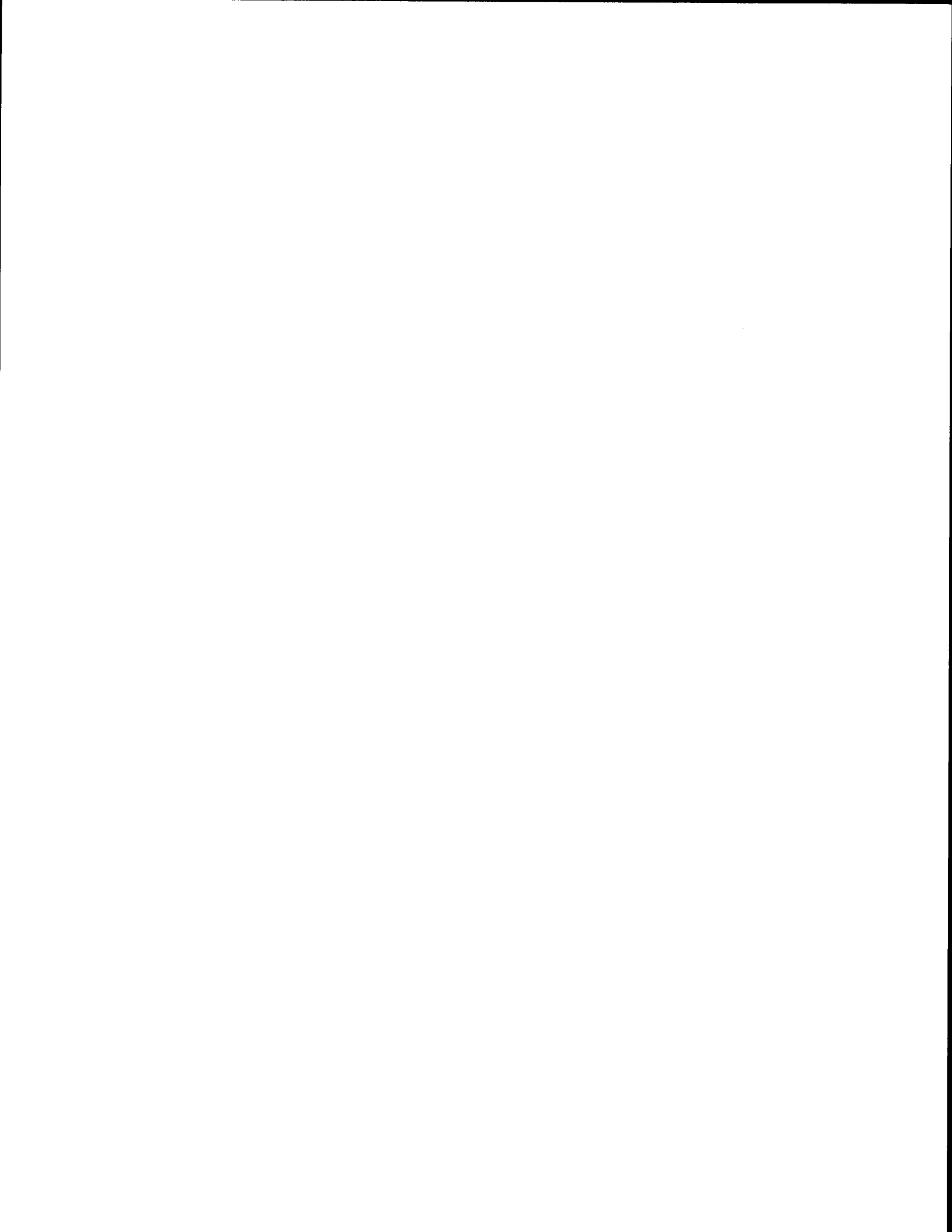
Subject Property

C. REPLACE

B. RENTAL UNIT

A. STORAGE

0 0.005 0.01 0.02 0.03 0.04 Miles



STAFF REPORT

GENERAL INFORMATION:

REQUEST: CONDITIONAL USE PERMIT REVIEW / CU 18-09: To review a Recreational Vehicle to be used as temporary living quarters on the subject property (Lot 6) while building a single-family residence on Lot 5 in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

APPLICANT: Scott and Christine Grierson

APPLICANT ADDRESS: 270 Murphy Creek Lane, Fayetteville, GA 30215

LEGAL DESCRIPTION: Lot 6, Block 3, Pactola Estates, Section 17, T1N, R5E, BHM, Pennington County, South Dakota.

SITE LOCATION: Jax Court; near the corner of Pactola Drive and Jax Court.

SIZE: 1.01 acres

TAX ID: 7504

EXISTING LAND USE: RV/Carport

ZONING REFERENCE: § 206 and 510

CURRENT ZONING: Limited Agriculture District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Forested

UTILITIES: None

REPORT BY: Cody Sack

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending approval of the extension of Conditional Use Permit / CU 18-09 with ten (10) conditions.

II. GENERAL DESCRIPTION

- A. May 29, 2018- The Planning Commission approved CU 18-09 with the following twelve (12) conditions:
1. That there be no more than one (1) Recreational Vehicle (RV) allowed to be utilized as living quarters on the subject property (Lot 6, Block 3) during construction of the single-family residence (Lot 5, Block 3);
 2. That a Building Permit application for the proposed single-family residence on Lot 5, Block 3 be submitted within six (6) months of approval of Conditional Use Permit / CU 18-09;
 3. That the address assigned for the property be clearly posted on the Recreational Vehicle (RV) while it is being utilized as living quarters, in accordance with Pennington County's Ordinance #20;
 4. That the applicant obtain an approved On-Site Wastewater Treatment System Construction Permit for the proposed on-site wastewater treatment system prior to placement of the RV on the subject property;
 5. That the RV being used as a temporary residence be hooked into an approved On-Site Wastewater Treatment System until the single-family residence is habitable;
 6. That the minimum setback requirements of a Limited Agriculture District be continually maintained on the subject property, or an approved Setback Variance be obtained;
 7. That the subject property remains free of debris and junk vehicles, in accordance with Ordinance #106;
 8. 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;
 9. That upon completion of the single-family residence on Lot 5, Block 3, the RV on Lot 6, Block 3 will be disconnected from all utilities and may no longer be utilized as living quarters on the subject property;
 10. That the applicant notify the Planning Department when the new residence is habitable, so that this Conditional Use Permit may be ended;
 11. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 18-09, which is available at the Planning Office; and,

12. That this Conditional Use Permit be reviewed in six (6) months, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.
- B. November 26, 2018 – The Planning Commission approved the extension of Conditional Use Permit / CU 18-09 the following eleven (11) conditions:
1. That there be no more than one (1) Recreational Vehicle (RV) allowed to be utilized as living quarters on the subject property (Lot 6, Block 3) during construction of the single-family residence (Lot 5, Block 3);
 2. That a Building Permit application for the proposed single-family residence on Lot 5, Block 3 be submitted within six (6) months of approval of Conditional Use Permit / CU 18-09;
 3. That the address assigned for the property be clearly posted on the Recreational Vehicle (RV) while it is being utilized as living quarters, in accordance with Pennington County's Ordinance #20;
 4. That the applicant obtain an approved On-Site Wastewater Treatment System Construction Permit for the proposed on-site wastewater treatment system prior to placement of the RV, as living quarters, on the subject property;
 5. That the RV being used as a temporary residence be connected into an approved On-Site Wastewater Treatment System until the single-family residence is habitable;
 6. That the minimum setback requirements of a Limited Agriculture District be continually maintained on the subject property, or an approved Setback Variance be obtained;
 7. That the subject property remains free of debris and junk vehicles, in accordance with Ordinance #106;
 8. 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;
 9. That upon completion of the single-family residence on Lot 5, Block 3, the RV on Lot 6, Block 3 will be disconnected from all utilities and may no longer be utilized as living quarters on the subject property;
 10. That the applicant notify the Planning Department when the new residence is habitable, so that this Conditional Use Permit may be ended;
 11. That this Conditional Use Permit be reviewed in six (6) months, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

III. EXISTING CONDITIONS

- A. Lot 6, Block 3 of Pactola Estates (RV location)
 - 1. Zoned Limited Agriculture District, minimum ten (10) acre lot size.
 - 2. 1.01 acres.
 - a. Plat filed in 1977 (Plat Book 15, Page 114).
 - b. Lot size is legal, non-conforming.
 - 3. Access off of Jax Court.
 - a. Located within the Pactola Estates Road District.
 - 4. 40' x 16' carport (COBP18-0477).
 - 5. No Special Flood Hazard Area.
- B. Lot 5, Block 3 of Pactola Estates (proposed single-family residence location).
 - 1. Zoned Limited Agriculture District, minimum ten (10) acre lot size.
 - 2. 1.06 acres.
 - a. Plat filed in 1977 (Plat Book 15, Page 114).
 - b. Lot size is legal, non-conforming.
 - 3. Access off of Jax Court or Pactola Drive.
 - a. Located within the Pactola Estates Road District.
 - 4. 28' x 14' carport (COBP18-0478).
 - 5. No Special Flood Hazard Area.

IV. ANALYSIS

- A. November 14, 2018 - Staff performed a site visit and found:
 - 1. Camper was being stored on the property.
 - a. A Construction Permit will need to be applied for before any construction can begin.
 - b. An address needed to be posted on the camper and at the beginning of the driveway.
 - 2. A deck was constructed without a Building Permit.
 - a. The applicant is working with staff to obtain a Building Permit for the deck (COBP18-0708).
- B. November 15, 2018 - Staff contacted the applicant who stated:
 - 1. The applicant is aware that a Construction Permit will need to be applied for before construction can begin.
 - 2. The applicant plans to build a garage with living quarters on Lot 6.
 - a. The garage will have its own OSWTS and will be over 800 square feet.
 - 3. A single-family residence will be placed on Lot 5.
 - a. The applicant does not have a timeline on when the residence will be completed.
- C. May 20, 2019 – The applicant submitted a Building Permit application (COBP19-0268) and a On-Site Wastewater Treatment System application.
 - 1. Staff will remove Condition #2 as it is no longer needed for Lot 5.



Site Visit (9/14/18)

RECOMMENDATION: Staff recommends approval of the extension of Conditional Use Permit / CU 18-09 with the following ten (10) conditions:

1. That there be no more than one (1) Recreational Vehicle (RV) allowed to be utilized as living quarters on the subject property (Lot 6, Block 3) during construction of the single-family residence (Lot 5, Block 3);
2. That the address assigned for the property be clearly posted on the Recreational Vehicle (RV) while it is being utilized as living quarters, in accordance with Pennington County's Ordinance #20;
3. That the applicant obtain an approved On-Site Wastewater Treatment System Construction Permit for the proposed on-site wastewater treatment system prior to placement of the RV, as living quarters, on the subject property;
4. That the RV being used as a temporary residence be connected to an approved On-Site Wastewater Treatment System until the single-family residence is habitable;
5. That the minimum setback requirements of a Limited Agriculture District be continually maintained on the subject property, or an approved Setback Variance be obtained;
6. That the subject property remains free of debris and junk vehicles, in accordance with Ordinance #106;
7. That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;

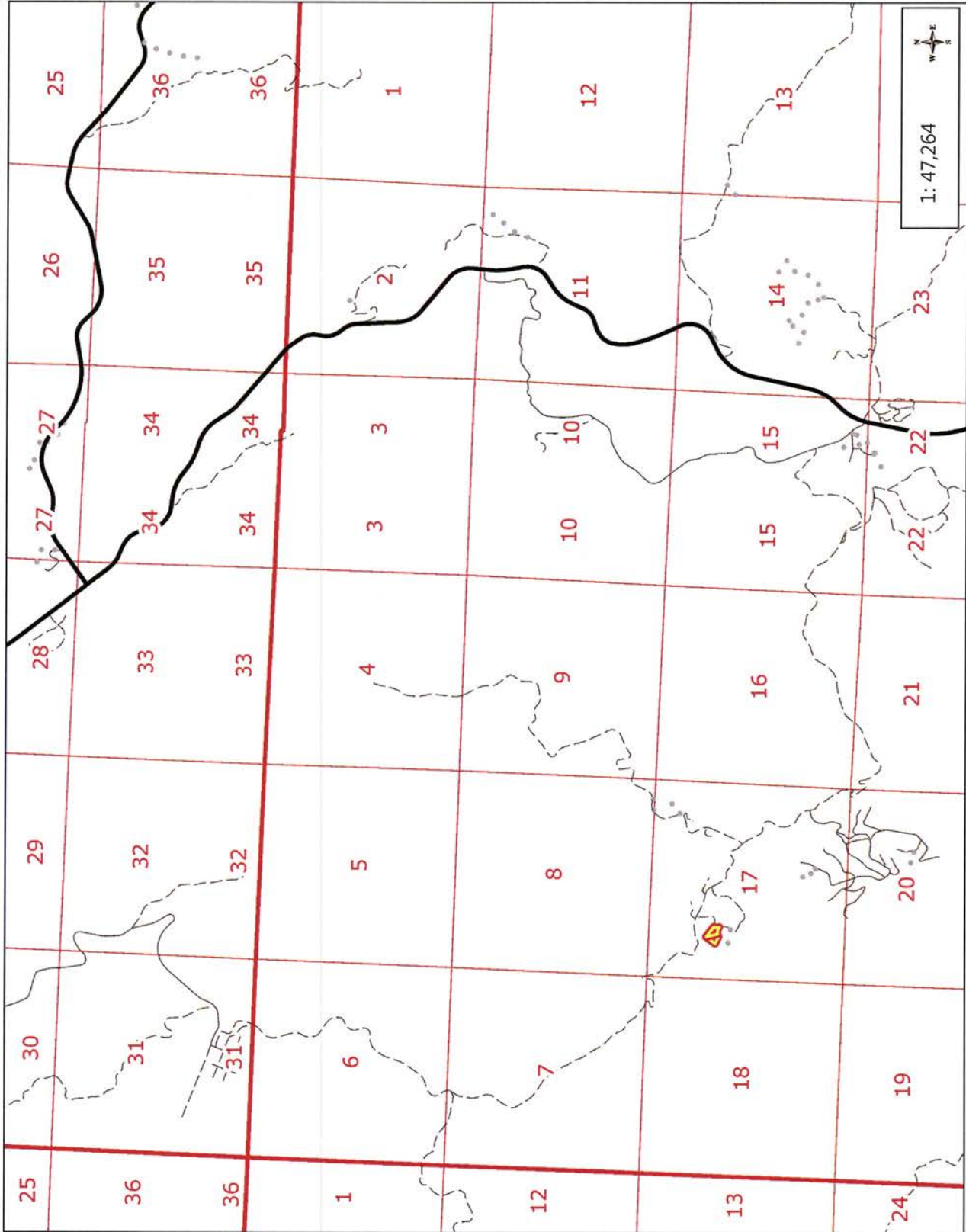
Agenda Item #6
Scott & Christine Grierson
May 28, 2019

8. That upon completion of the single-family residence on Lot 5, Block 3, the RV on Lot 6, Block 3 will be disconnected from all utilities and may no longer be utilized as living quarters on the subject property;
9. That the applicant notify the Planning Department when the new residence is habitable, so that this Conditional Use Permit may be ended;and,
10. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Legend

- Roads**
- Interstate
 - US highway
 - SD highway
 - County highway
 - Main road
 - Minor arterial
 - Collector
 - Ramp
 - Paved road
 - Unpaved road
 - Trail
 - Driveway
 - Alley
 - Unimproved road
 - Airport Runway
 - Not yet coded
- PLSS
- Townships
 - Tax Parcels
 - Lot Lines
 - <Null>
 - Lot Line
 - Parcel Line
- City Boundaries**
- BOX ELDER
 - ELLSWORTH AFB
 - HILL CITY
 - KEYSTONE
 - NEW UNDERWOOD
 - QUINN
 - RAPID CITY
 - WALL
 - WASTA

Map Notes:



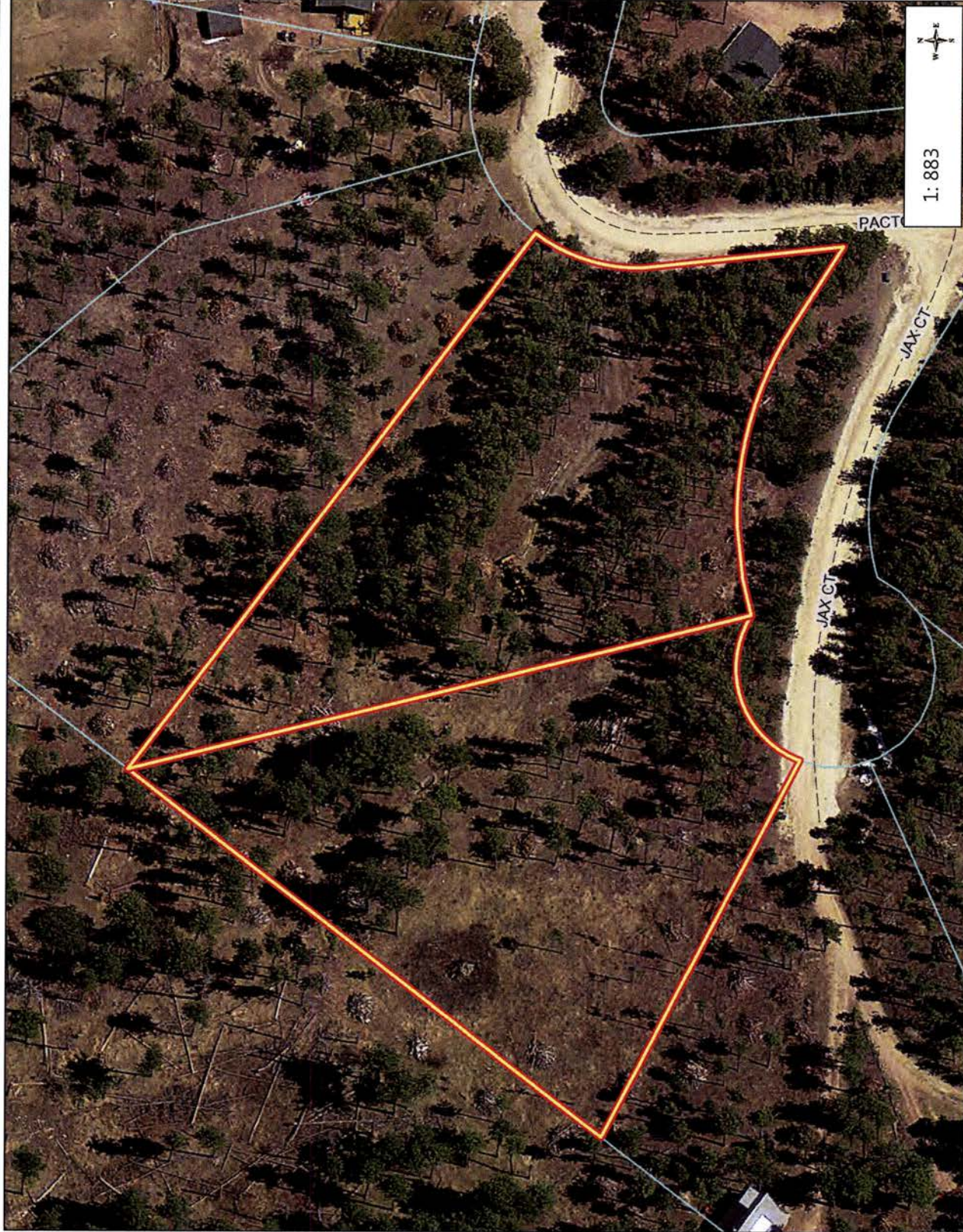
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THIS MAP IS NOT TO BE USED FOR NAVIGATION

7,877.3 0 3,938.64 7,877.3 Feet

NAD_1983_StatePlane_South_Dakota_South_FIPS_4002_Feet

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1: 883



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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:

Agenda Item #7
Ray or Erin Atkins
May 28, 2019

7

STAFF REPORT

GENERAL INFORMATION:

REQUEST: **CONDITIONAL USE PERMIT REVIEW / CU 18-10**: To review an accessory structure (a garage) prior to a principal structure on the subject property in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

APPLICANT: Ray or Erin Atkins

APPLICANT ADDRESS: 14704 Meadow Ranch Rd, Box Elder, SD 57719

LEGAL DESCRIPTION: Lot 8, Block 1, Meadow Ranch Estates, Section 13, T2N, R8E, BHM, Pennington County, South Dakota.

SITE LOCATION: Near the intersection of West Gate Road and Meadow Ranch Road.

SIZE: 1.00 acre

TAX ID: 38974

EXISTING LAND USE: Vacant

ZONING REFERENCE: Sections 206 and 510

CURRENT ZONING: Limited Agriculture District

SURROUNDING ZONING:

North	Ellsworth AFB
South	Ellsworth AFB
East	Ellsworth AFB
West	Limited Agriculture District

PHYSICAL CHARACTERISTICS: Flat

UTILITIES: None

REPORT BY: Brittney Molitor

I. RECOMMENDATION

- A. Staff will be recommending to continue Conditional Use Permit / CU 18-10 to the June 24, 2019, Planning Commission meeting.

II. GENERAL DESCRIPTION

- A. The applicant requested a Conditional Use Permit to allow a garage, for personal use only, as an accessory structure, prior to a principal structure, in a Limited Agriculture District.

III. EXISTING CONDITIONS LOT 8

- A. Lot 8, Block 1 of Meadow Ranch Estates.
1. Zoned Limited Agriculture District, minimum 10 acre lot size.
 2. 1 acre.
 3. Created via Plat 13 Page 207
 - a. Superseded by Plat 15-79
 - i. Recorded on May 31, 1977
 4. Fifteen (15) foot Utility Easement on the interior of all lot lines.
 5. Lot is vacant.
 6. Access is off of Meadow Ranch Road and the existing approach, located on the adjacent property to the west, will be used.
 7. Surrounded on three (3) sides by property owned by the United States of America (Ellsworth Air Force Base).
 8. The landowner also owns the adjacent property (Lot 7 of Block 1 of Meadow Ranch Estates).
 9. Located within the Platting Jurisdiction of the City of Box Elder.
- B. Lot 7, Block 1 of Meadow Ranch Estates.
1. Zoned Limited Agriculture District, minimum 10 acre lot size.
 2. 1 acre.
 3. Created via Plat 13 Page 207
 - a. Superseded by Plat 15-79
 - i. Recorded on May 31, 1977
 4. Fifteen (15) foot Utility Easement on the interior of all lot lines.
 5. Lot contains:
 - a. Single-family residence (Built in 1977 per Department of Equalization Property Card)
 - b. 32' x 20' (approximate) accessory structure (Built prior to 1994 per RapidMap historic aerials).
 - c. Two (2) 16' x 12' tool sheds (Built in 2005, without Building Permits, Per DOE Property Card).
 - i. Planning Staff can only positively identify one (1) tool shed on the subject property that is close to 16' x 12' in size.

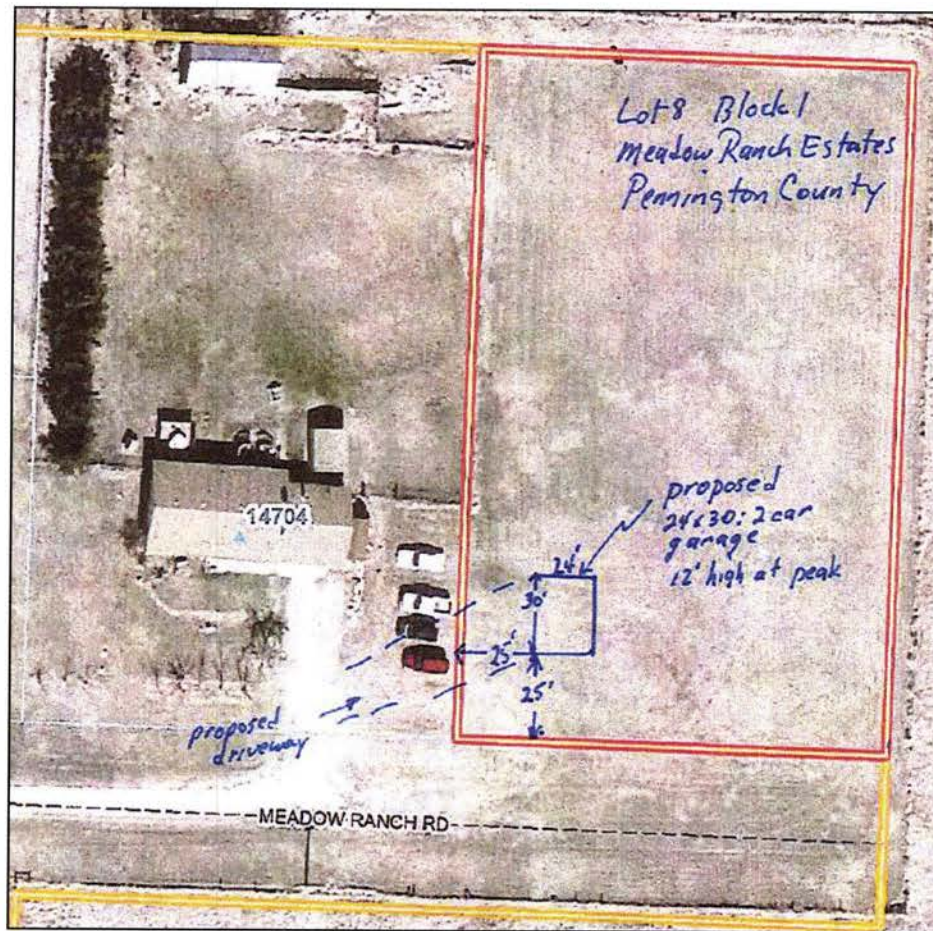
- ii. Staff recommends Lot 7 of Block 1 of Meadow Ranch Estates be brought into compliance, as the existing approach on Lot 7 of Block 1 of Meadow Ranch Estates will be used to access Lot 8 of Block 1 of Meadow Ranch Estates.
 - (a) The sheds have never been permitted since the original request was approved in 2018.
 - d. 24' x 30' Detached garage – COBP18-0378.
6. Surrounded on three (3) sides by property owned by the United States of America (Ellsworth Air Force Base).
 7. The landowner also owns the adjacent property (Lot 8 of Block 1 of Meadow Ranch Estates).
 8. Located within the Platting Jurisdiction of the City of Box Elder.



GOOGLE MAPS IMAGE MAY 04, 2017 (COPIED MAY 20, 2018)

IV. HISTORY

- A. April 10, 2018 – The applicant submitted a Conditional Use Permit to allow an accessory structure prior to a principal structure.
- B. There appeared to be no conflict with the application request relative to the needs of the Ellsworth Developmental Authority, as long as the proposed garage was constructed as indicated on the map submitted with the application. (See site map below).



SITE MAP PROVIDED BY APPLICANT ON APRIL 10, 2018

- C. There was some concern from West River Electric Company, but not to an extent where denial was recommended.
- D. *The subject property is located within the Air Installation Compatibility Zone (AICUZ) for the Ellsworth Air Force Base (Zone 65), but does not require a AICUZ Statement*
 - 1. *AICUZ Statement is a document signed by the landowner to acknowledge an understanding that living near the base may effect their comfort and safety.*
- E. Per PCZO §301, Staff looked into the Federal Aviation Administrations (FAA) Federal Regulation for Obstruction Evaluation / Airport Airspace Analysis Title 14, Chapter I, Subchapter E, Part 77, the results and FAA recommendations are below.

Agenda Item #7
 Ray or Erin Atkins
 May 28, 2019

The requirements for filing with the Federal Aviation Administration for proposed structures vary based on a number of factors: height, proximity to an airport, location, and frequencies emitted from the structure, etc. For more details, please reference [CFR Title 14 Part 77.9](#).

You must file with the FAA at least 45 days prior to construction if:

- your structure will exceed 200ft above ground level
- your structure will be in proximity to an airport and will exceed the slope ratio
- your structure involves construction of a traverseway (i.e. highway, railroad, waterway etc...) and once adjusted upward with the appropriate vertical distance would exceed a standard of 77.9(a) or (b)
- your structure will emit frequencies, and does not meet the conditions of the [FAA Co-location Policy](#)
- your structure will be in an instrument approach area and might exceed part 77 Subpart C
- your proposed structure will be in proximity to a navigation facility and may impact the assurance of navigation signal reception
- your structure will be on an airport or heliport
- filing has been requested by the FAA

If you require additional information regarding the filing requirements for your structure, please identify and contact the appropriate FAA representative using the [Air Traffic Areas of Responsibility map](#) for Off Airport construction, or contact the [FAA Airports Region / District Office](#) for On Airport construction.

The tool below will assist in applying Part 77 Notice Criteria.

Latitude: Deg M S

Longitude: Deg M S

Horizontal Datum:

Site Elevation (SE): (nearest foot)

Structure Height : (nearest foot)

Traverseway:
(Additional height is added to certain structures under 77.9(c))
 User can increase the default height adjustment for
 Traverseway, Private Roadway and Waterway

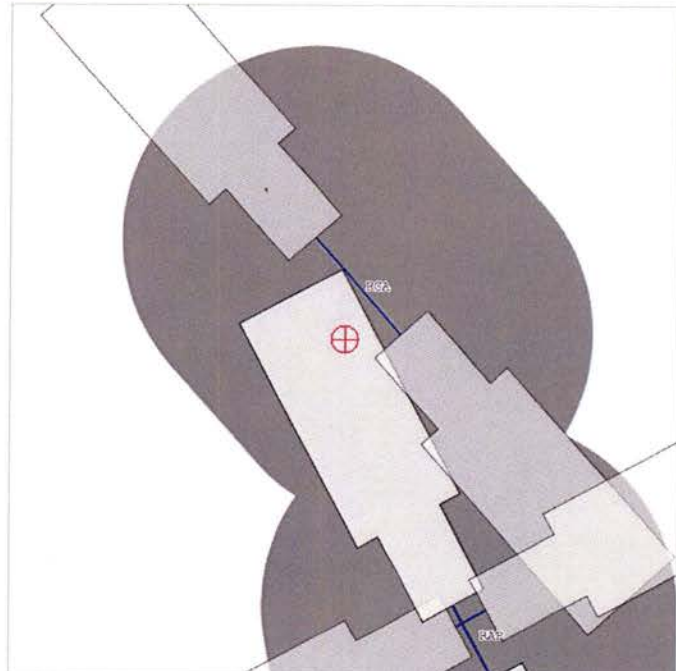
Is structure on airport: No Yes

Results

You exceed the following Notice Criteria:

Your proposed structure is in proximity to a navigation facility and may impact the assurance of navigation signal reception. The FAA, in accordance with 77.9, requests that you file.

The FAA requests that you file



FAA SUBMITTAL CRITERIA AND RESULTS
 PER: <https://oaaaa.faa.gov/oaaaa/external/gisTools/gisAction.jsp>

- F. On May 29, 2018, the Planning Commission approved Conditional Use Permit / CU 18-10 with the following eleven (11) conditions:
1. That the applicant becomes familiar with Pennington County Zoning Ordinance § 301 (Airport Height and Hazard Zoning) and § 315 (Development Standards for Ellsworth Air Force Installation Compatibility Use Area) regarding future development of the existing properties involved in CU 18-10;
 2. That prior to approval of a Building Permit, the applicant complete the Planning Department memo for the Federal Aviation Administration's Federal Regulation for Obstruction Evaluation / Airport Airspace Analysis;
 3. That prior to the submittal of a Building Permit application, the landowner meet with Matt Schmahl [West River Electric Association, Inc. (WRE) 605-791-6512] to discuss his comments above and provide written confirmation, on WRE Letterhead, to the Planning Director, that WRE will accept the location of the access from Lot 7 to Lot 8;
 4. That all current and future addresses be posted in accordance with Pennington County Ordinance #20;
 5. That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
 6. That the applicant does not encroach, with any structure, on any existing easements located on Lot 7 and 8 of Block 1 of Meadow Ranch Estates without first vacating said easement through the jurisdictional authority;
 7. That all local, state, and federal requirements for construction of the pole building and any other structures on the subject property be met;
 8. That the subject property remains free of debris and junk vehicles;
 9. That the accessory structures be used for personal use only and no commercial-type uses and not for living space;
 10. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 18-10, which is available at the Planning Office; and,
 11. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.
- G. May 21, 2019 – Staff performed a site visit and observed that a garage was constructed on Lot 7 and may be over the lot line between Lot 7 and Lot 8.
1. The garage was supposed to be constructed on Lot 8 (for which this CUP applied) and not Lot 7.
 2. The applicant is going to have to address the garage's encroachment into the easement and setback.

Agenda Item #7
Ray or Erin Atkins
May 28, 2019



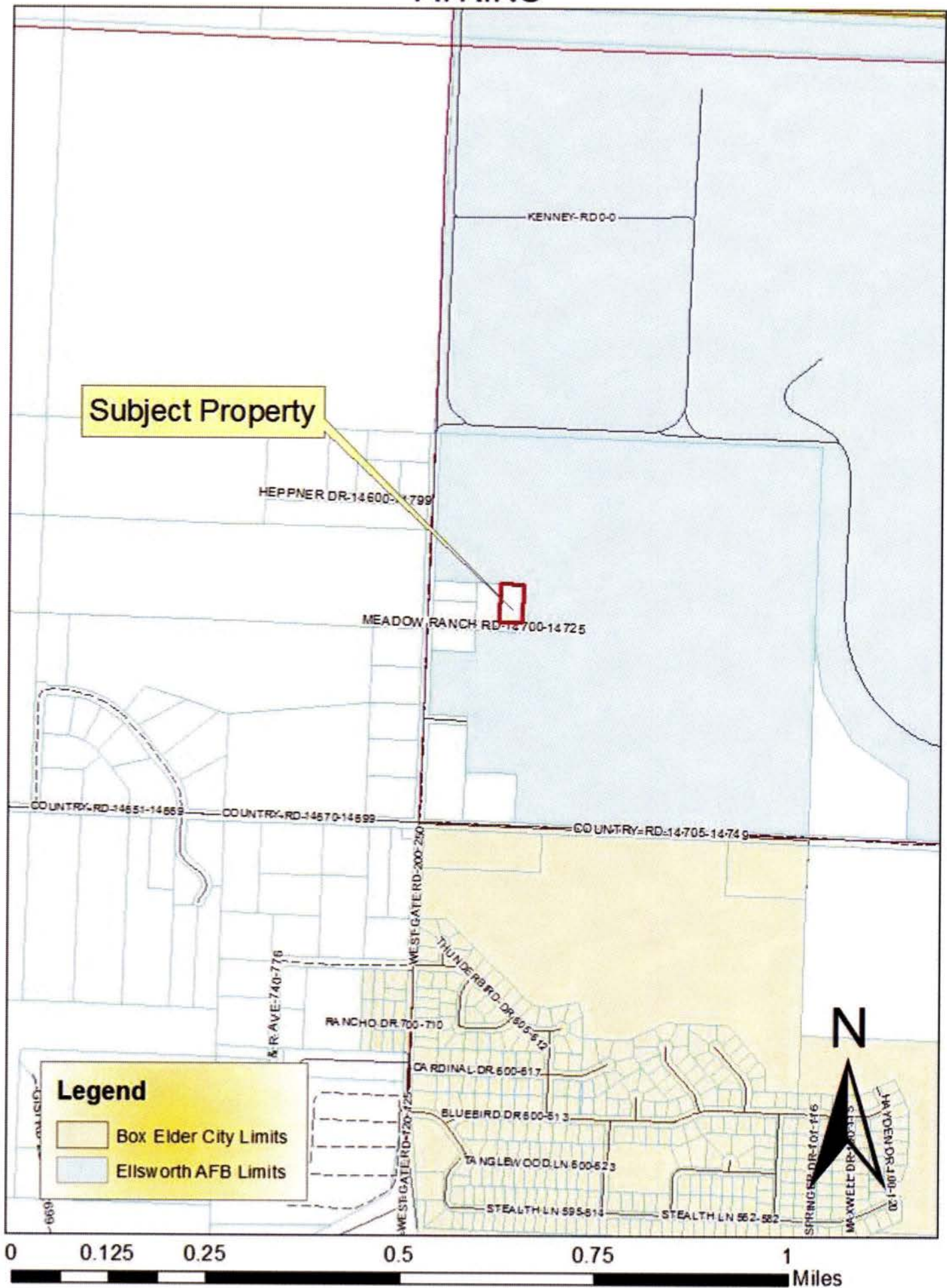
Garage



New garage location

RECOMMENDATION: Staff recommends to continue the review of Conditional Use Permit / CU 18-10 to the June 24, 2019, Planning Commission meeting.

ATKINS



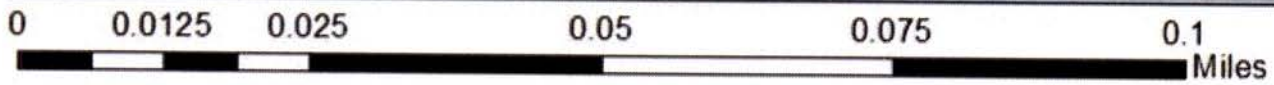
ATKINS

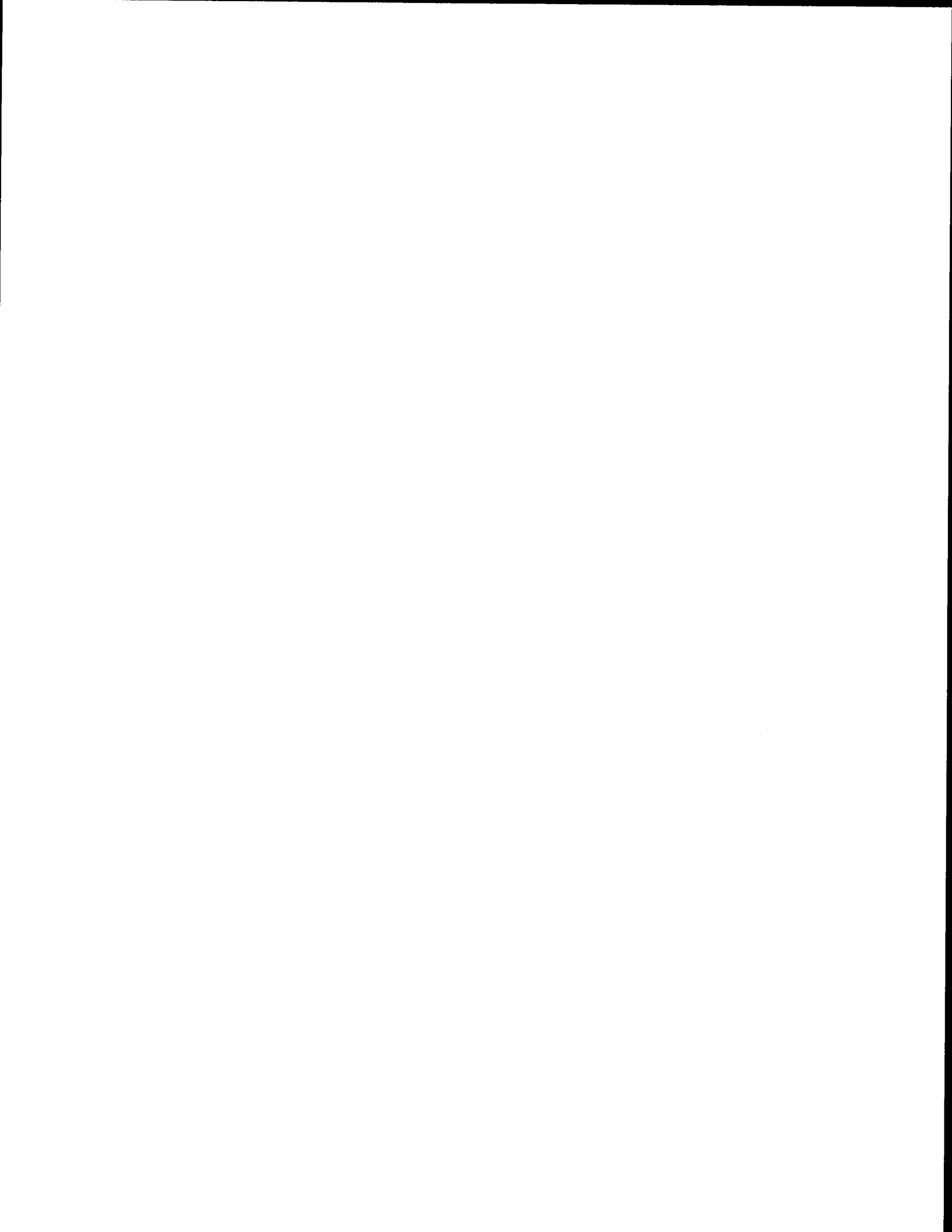


Subject Property

Legend

 Ellsworth AFB Limits





STAFF REPORT

GENERAL INFORMATION:

REQUEST: **CONDITIONAL USE PERMIT REVIEW / CU 18-12:** To review 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.

APPLICANT/ OWNER: Edelweiss Mountain Lodging / Marshall Mechaley

APPLICANT ADDRESS: 12780 Black Forest Road, Rapid City, SD 57702

LEGAL DESCRIPTION: Lot 31 Revised, Block E, Edelweiss Mountain Development, Section 20, T1N, R5E, BHM, Pennington County, South Dakota.

SITE LOCATION: 125 Heidelberg Lane; near the corner of Alpine Drive and Heidelberg Lane.

SIZE: 1.37 acres

TAX ID: 68669

EXISTING LAND USE: Vacation Home Rental

ZONING REFERENCE: § 208, 319, and 510

CURRENT ZONING: Suburban Residential District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Forested / Hills

UTILITIES: Community Well and Community Lagoon

REPORT BY: Jason Theunissen

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending approval of the extension of Conditional Use Permit / CU 18-12 with thirteen (13) conditions.

II. GENERAL DESCRIPTION

- A. The applicant, Edelweiss Mountain Lodging (Marshall Mechaley, Agent) applied for a Conditional Use Permit to allow an existing three (3) bedroom residence to be used as a Vacation Home Rental on the subject property.
- B. October 10, 2016 – Conditional Use Permit / CU 12-23 (Vacation Home Rental) ended on with the previous landowner's (Vergil Kjerstad) concurrence.
- C. February 21, 2017 – Lot Size Variance / VA 17-03 was heard before the Board of Adjustment and failed by a 1-4 vote.
- D. March 20, 2018 – Layout Plat PL / 18-01 and Subdivision Regulations Variance / 18-01 were approved by the Board of Commissioners.
- E. May 01, 2018 – Minor Plat / PL 18-06 was approved by the Board of Commissioners with six (6) conditions.
- F. May 07, 2018 – The new Plat was recorded by the Register of Deeds via Document # A201805877.
 - 1. Previously Platted in 1975 via Plat Book 14 Page 15 to create former Lot 31 and 32.

III. EXISTING CONDITIONS

- A. Lot 31 Revised
 - 1. Lot size: 1.37 acres.
 - 2. Suburban Residential District.
 - a. Current and Future Land Use Zoning.
 - 3. No Special Flood Hazard Area.
 - 4. Single-family residence.
 - a. County Building Permit / 1996COBP0624.
 - 5. Residential addition (Deck).
 - a. County Building Permit / COBP13-0093.
 - 6. Located in the Edelweiss Road District.
 - 7. Access is off of a cul-de-sac at the end of Heidelberg Lane.
 - a. 66' wide platted Right-of-Way and 100' diameter platted cul-de-sac.
 - b. Driving surface varies between 13' and 20'+ along Heidelberg Lane.
 - c. Heidelberg Lane provides access to four (4) existing residences.
 - 8. Ten (10) foot Utility and Drainage Easements on the interior of all lot lines, per Plat Document # A201805877.



Site Visit, 5-17-19 – Jason Theunissen, Planner II

IV. ANALYSIS

- A. On May 17, 2019, Staff performed a site visit to the subject property and met with the Local Contact, Julie Mechaley, to confirm the following:
1. That the \$100.00 fee for the review of CU 18-12 was paid, per Pennington County Zoning Ordinance § 511 (Condition #1).
 2. That maximum overnight occupancy was limited to six (6) people and the maximum was limited to twelve (12) (Condition #3).
 3. That current copies of the SD Department of Health (Vacation Home Rental License) and SD Department of Revenue (Sales Tax License) were provided (Condition #4).
 4. A minimum of three (3) parking spaces, an Evacuation Plan, Local Contact information, and the lot address was posted (Conditions #5, 6, 8, & 10).
 5. All Sign and Notification requirements were met (Condition #7).
 6. There is no fire pit on the subject property and the cabin information sheet prohibits them on the property. Staff recommends to remove Condition #11.
 7. No disturbance or development has occurred on the subject property (Conditions #13 & 15).

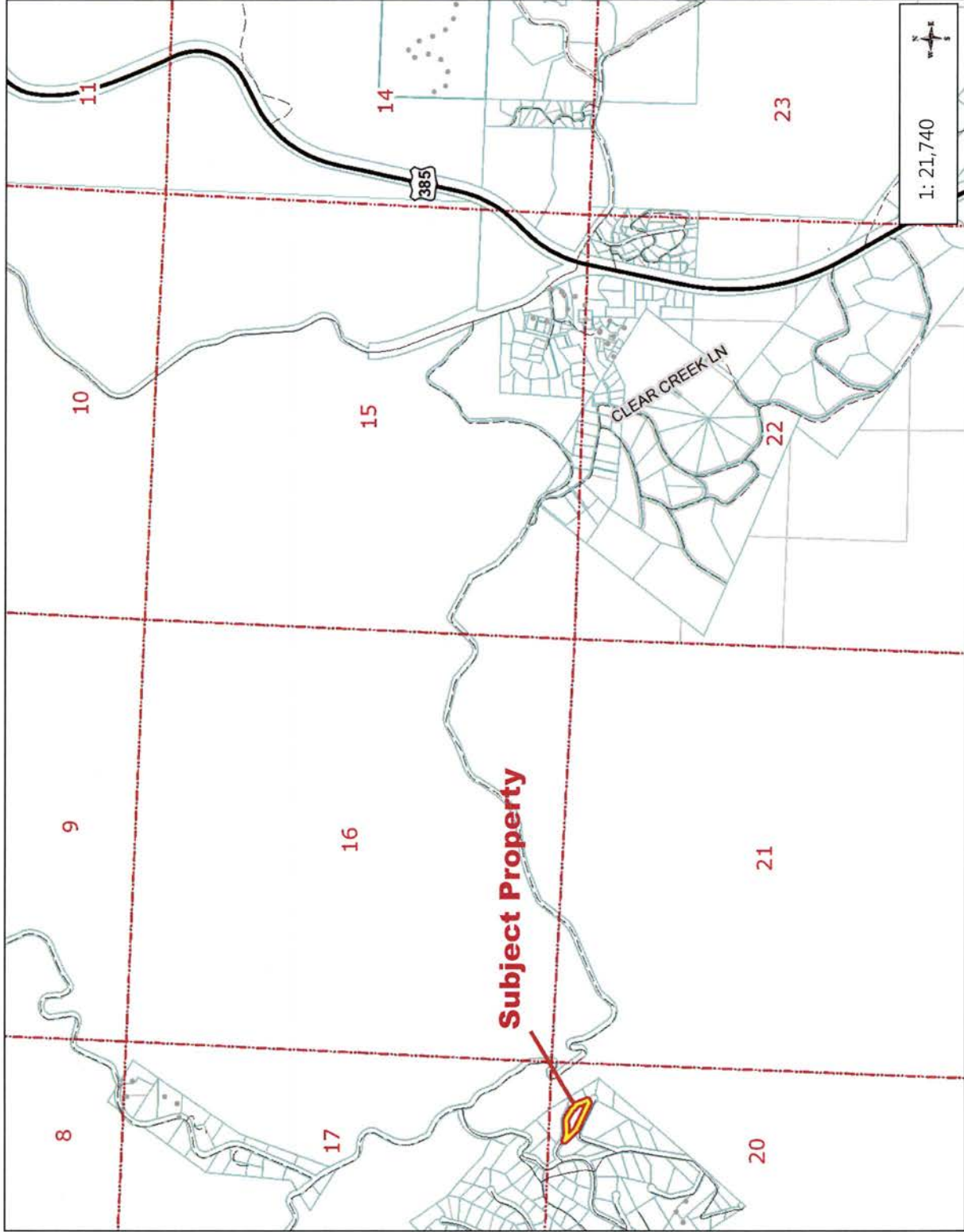
- B. Pennington County Planning and Zoning no longer requires Statements of Understanding for this type of permit. Therefore, Staff has removed Condition #14.
- C. Verbiage contained in Condition #2 was duplicated/repeated as Condition #9. Therefore, Staff has removed Condition #9.
- D. Staff found that the subject property appeared to be in compliance with the existing Conditions of Approval.
- E. At the time of this report, Staff has not received any complaints regarding the subject property.

RECOMMENDATION: Staff recommends approval of the extension of Conditional Use Permit / CU 18-12 with the following thirteen (13) conditions:

1. That each review of Conditional Use Permit / CU 18-12, be subject to Pennington County Zoning Ordinance (PCZO) § 511;
2. That the Vacation Home Rental always be operated in conformance with PCZO § 319;
3. That the maximum overnight occupancy, be limited to six (6) people and the maximum daytime occupancy be limited to twelve (12);
4. 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;
5. That the applicant continually maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;
6. That a minimum of three (3) off-street parking spaces continue to be provided on-site, per PCZO § 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
7. That an interior informational sign continue to be posted in accordance with the requirements of PCZO § 319(G), with 9-1-1 and additional contacts for Fire Department and Sheriff's Department, during operation of the Vacation Home Rental;
8. That the lot address continues to be posted in accordance with Pennington County's Ordinance #20;

Agenda Item #8
Edelweiss Mountain Lodging / Marshall Mechaley
May 28, 2019

9. That if the person designated as the Local Contact is ever changed, from Edelweiss Mountain Lodging, the interior informational sign be updated and the applicant notify the Planning Department and send notice to all property owners within 500 feet via first class mail, per PCZO § 319 (F)(5);
10. 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;
11. That an approved Sign Permit be obtained prior to the placement of any sign(s);
12. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; and,
13. That this Conditional Use Permit be reviewed in three (3) years, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.



1: 21,740

3,623.4 0 1,811.70 3,623.4 Feet

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NAD_1983_StatePlane_South_Dakota_South_FIPS_4002_Feet
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Legend

- Roads**
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 - Airport Runway
 - Not yet coded
- Section Lines 0-25K**
- 0
 - 7
- Tax Parcels**
- Lot Lines
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 - Lot Line
 - Parcel Line

Map Notes:



1: 2,718

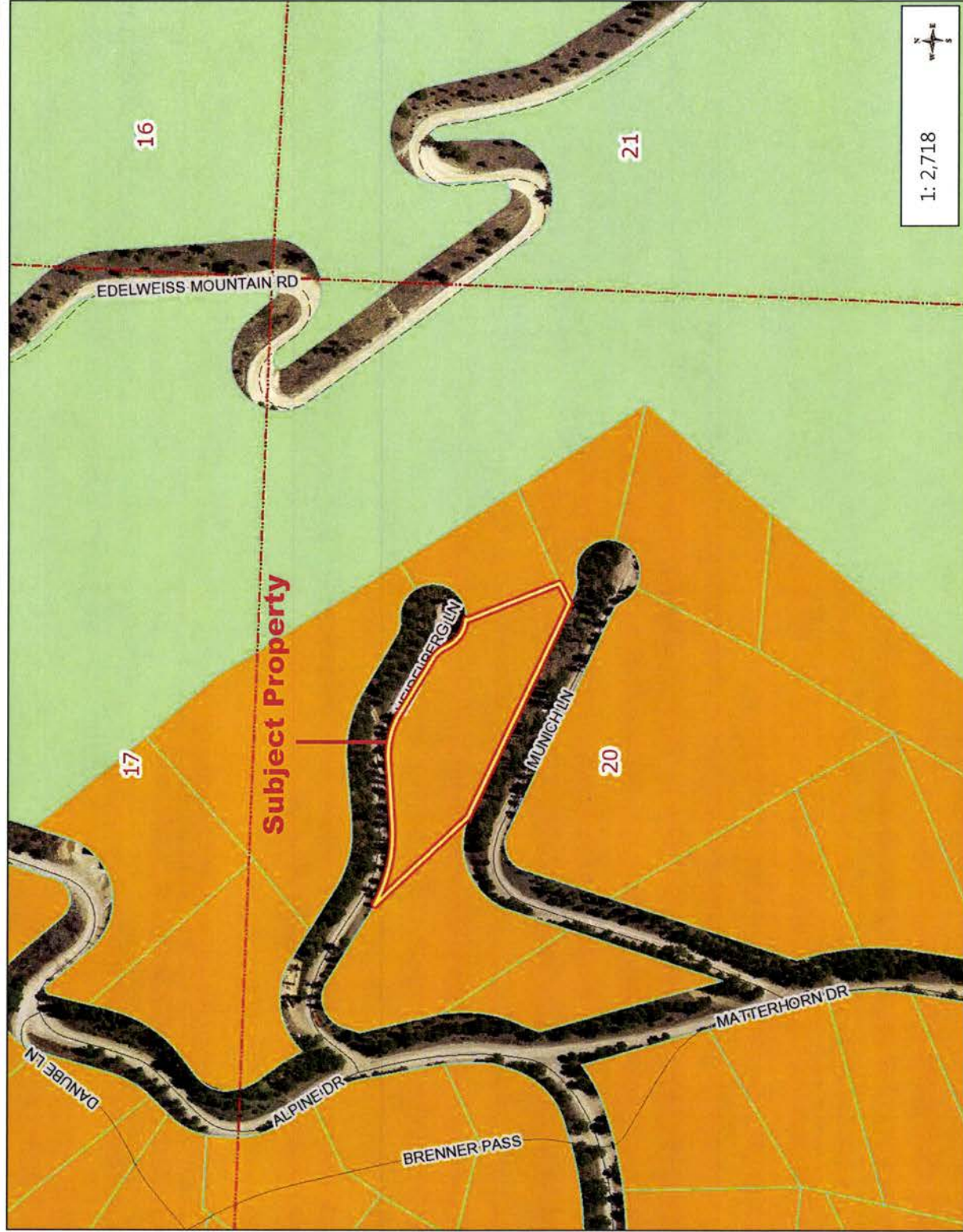
452.9 0 226.46 452.9 Feet

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Legend

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1: 2,718

452.9 0 226.46 452.9 Feet

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NAD_1983_StatePlane_South_Dakota_EPS_4002_Feet
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Legend

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- Trail
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- Airport Runway
- Not yet coded

Section Lines 0-25k

- 0
- 7

Tax Parcels

Lot Lines

- <Null>
- Lot Line
- Parcel Line

Pennington County Zoning

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

Map Notes:

STAFF REPORT

GENERAL INFORMATION:

REQUEST: CONDITIONAL USE PERMIT / CU 19-08: To live in a Recreational Vehicle (camper) while building a single-family residence on the subject property in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

APPLICANT: Jeffrey Scherr

APPLICANT ADDRESS: 1501 Clipper Place, Bismarck, ND 58504

LEGAL DESCRIPTION: Lot D of Lot 17 of Fort Mead Placer MS 244, Section 8, T1S, R6E, BHM, Pennington County, South Dakota.

SITE LOCATION: 23098 Thunderhead Falls Road.

SIZE: 7.42 acres

TAX ID: 51604

EXISTING LAND USE: Vacant / Residential

ZONING REFERENCE: § 207 and 510

CURRENT ZONING: Low Density Residential District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Forested / Hills

UTILITIES: Private

REPORT BY: Brittney Molitor

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending to continue Conditional Use Permit / CU 19-08 until the property owner submits a Construction Permit Application to the Planning Department.

II. GENERAL DESCRIPTION

- A. The applicant, Jeff Scherr, is requesting a Conditional Use Permit to allow a Recreational Vehicle (RV) to be used as temporary living quarters on Lot D of Lot 17 of Fort Meade Placer MS 244, while building a single-family residence.

III. EXISTING CONDITIONS

- A. Lot D of Lot 17 of Fort Meade Placer MS 244.
 - 1. Zoned Low Density Residential District, minimum three (3) acre lot size.
 - 2. 7.42 acres.
 - 3. Access off of Thunderhead Falls Road.
 - a. Maintained by Pennington County Highway.
 - b. More than 40 lots on a dead end road.
 - 4. Vacant of any structures.
 - 5. Special Flood Hazard Area on the subject property, including Floodway.



Site Map

IV. REQUEST FOR COMMENT

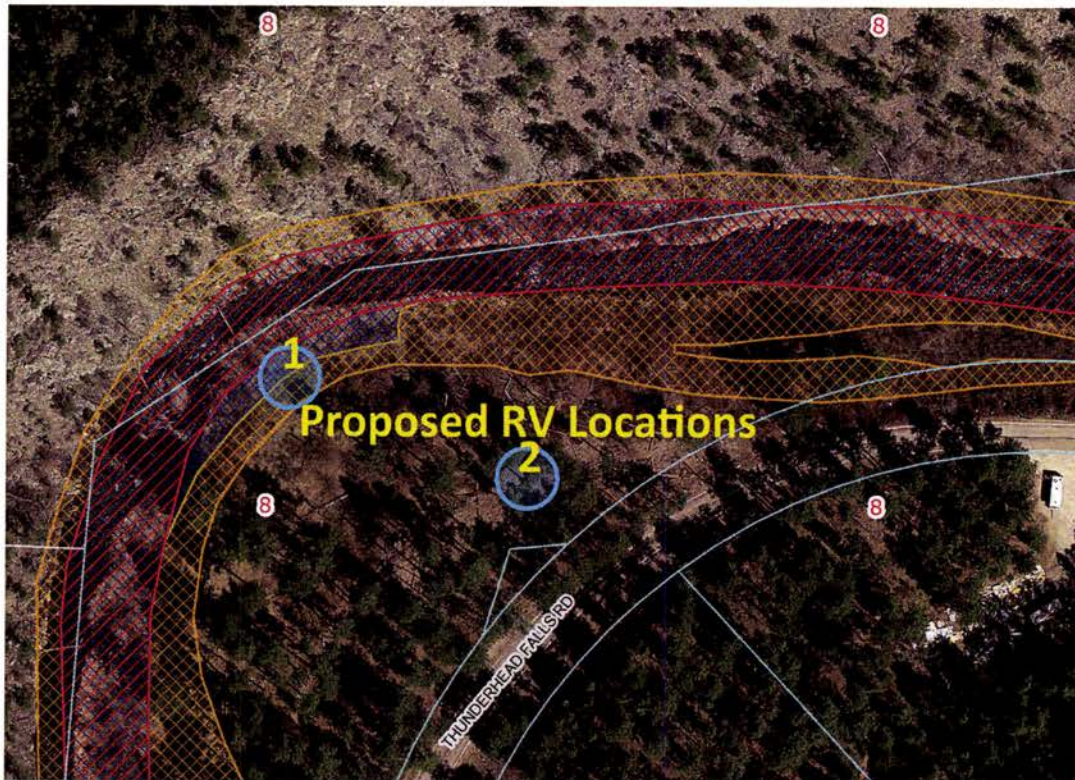
- A. County Highway Department
 - 1. An Approach Permit is required and has been applied for.
- B. County Fire Administrator
 - 1. No comments received.
- C. County Environmental Planning Supervisor
 - 1. There is a significant amount of Special Flood Hazard Area, including Floodway, on the subject property. A Floodplain Development Permit will be required for any disturbance in the Special Flood Hazard Area. If structures (or an RV) are served by an onsite wastewater treatment system, alternative or experimental systems may be required. As a last resort, a holding tank may be allowed.
 - 2. In addition, Thunderhead Falls Road exceeds the number of lots (>40) for ingress and egress on a dead end road.
 - a. *Staff Comment: This will be included as a Condition of Approval.*
- D. County Environmental Planner
 - 1. The applicant will need to provide for septic disposal. The applicant will need to either hook into an existing system or install a new septic system. The applicant could also use a port-o-john. Information on septic disposal is needed for approval of this CUP.
 - a. *Staff Comment: This will be included as a Condition of Approval.*
- E. County Ordinance Enforcement Officer
 - 1. There was an Ordinance Violation (COVO14-0142) on the property in 2014 for an RV being lived in; however, that violation was closed. Ordinance Enforcement has no further comment or objection.
- F. County Natural Resources Director
 - 1. No comments received.
- G. County Addressing Coordinator
 - 1. An address should be assigned for the RV on Lot 6 while it is being utilized as temporary living quarters. The address must be posted on the RV in accordance with Pennington County Ordinance #20. An address will be assigned for the SFR on Lot 5 when an approved Building Permit is obtained.
 - a. *Staff Comment: This will be included as a Condition of Approval.*

- H. Emergency Services (9-1-1)
 - 1. Do we typically approve these kinds of requests? Either way, my only concern would be that the applicant have the assigned physical address number displayed on the camper where visible from the named road. Assume it would be the same number they would eventually have on the house.
 - a. *Staff Comment: This will be included as a Condition of Approval.*
- I. Black Hills Electric Cooperative
 - 1. Black Hills Electric Cooperative has no comments on this Conditional Use Permit.
- J. U. S. Forest Service
 - 1. Access to the private property is off the Thunderhead Falls Road.
 - 2. The Forest Service will not authorize a secondary access from and/or across National Forest System lands to access the private property.
 - 3. Protect all posted boundary line corners, signs and bearing tress.
 - 4. Adhere to the setback requirements along the posted boundary between National Forest System lands (USA Public Domain; located on the west and east sides of private property) and private property.
 - 5. Protect all known stream courses, ponds and riparian areas located on National Forest System lands.
 - 6. No resource damage to occur on National Forest System lands.
 - 7. No road construction materials to be placed on National Forest System lands.
 - 8. 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; septic system holding tank (s) and potable water holding tank (cistern) will be required to be located on private property.
 - 9. All proposed electrical service to the private property that may cross National Forest System lands will need to be buried; coordinate with utility company for electrical service.
 - 10. All construction materials, supplies, trash or garbage will not be located or dumped on National Forest System lands; take all construction materials, supplies, trash or garbage to an approved location (approved sanitary landfill).
 - 11. Public roads in this area of the Black Hills National Forest are classified as "Highways" per the latest version (January 1, 2019) of the Motor Vehicle Use Map.
 - 12. No motorized trailheads or motorized trails or motorized roads are planned or scheduled for this portion of the Black Hills National Forest.

13. No motorized trails for ATV, motorcycles or ORV will be authorized from private property unto National Forest System lands (USFS does not want unauthorized trails constructed on National Forest System lands).

V. ANALYSIS

- A. April 15, 2019 - The applicant, Jeff Scherr, submitted an application requesting a Conditional Use Permit to allow an RV as living quarters while building a single-family residence.
- B. The applicant has proposed two (2) locations for the RV. Staff will be recommending the site (#2) outside of the Special Flood Hazard Area (red and blue hatch).



- C. May 17, 2019 – Staff performed a site visit.
 1. Three (3) profile holes were dug and observed by the County Onsite Wastewater Specialist. Two (2) of the profile holes passed evaluation. A conventional onsite wastewater treatment system may be installed on the subject property (outside of the Special Flood Hazard Area).
 2. There appeared to be a significant amount of disturbance on the subject property that will require a Construction Permit and may be within the boundaries of the Special Flood Hazard Area.
 3. An RV was parked on the subject property near the Creek.



Photo of disturbance on the subject property

- D. May 20, 2019 – Staff sent an email to the applicant indicating that a Construction Permit may be needed.
- E. As of the writing of this Staff Report, the applicant has not addressed the Construction Permit, nor contacted Staff.
- F. The applicant has also submitted a Layout Plan request to create three (3) lots, which will be heard by the Planning Commission on June 10, 2019.
 - 1. Any further subdivision of the subject property will require a Subdivision Regulation Variance.

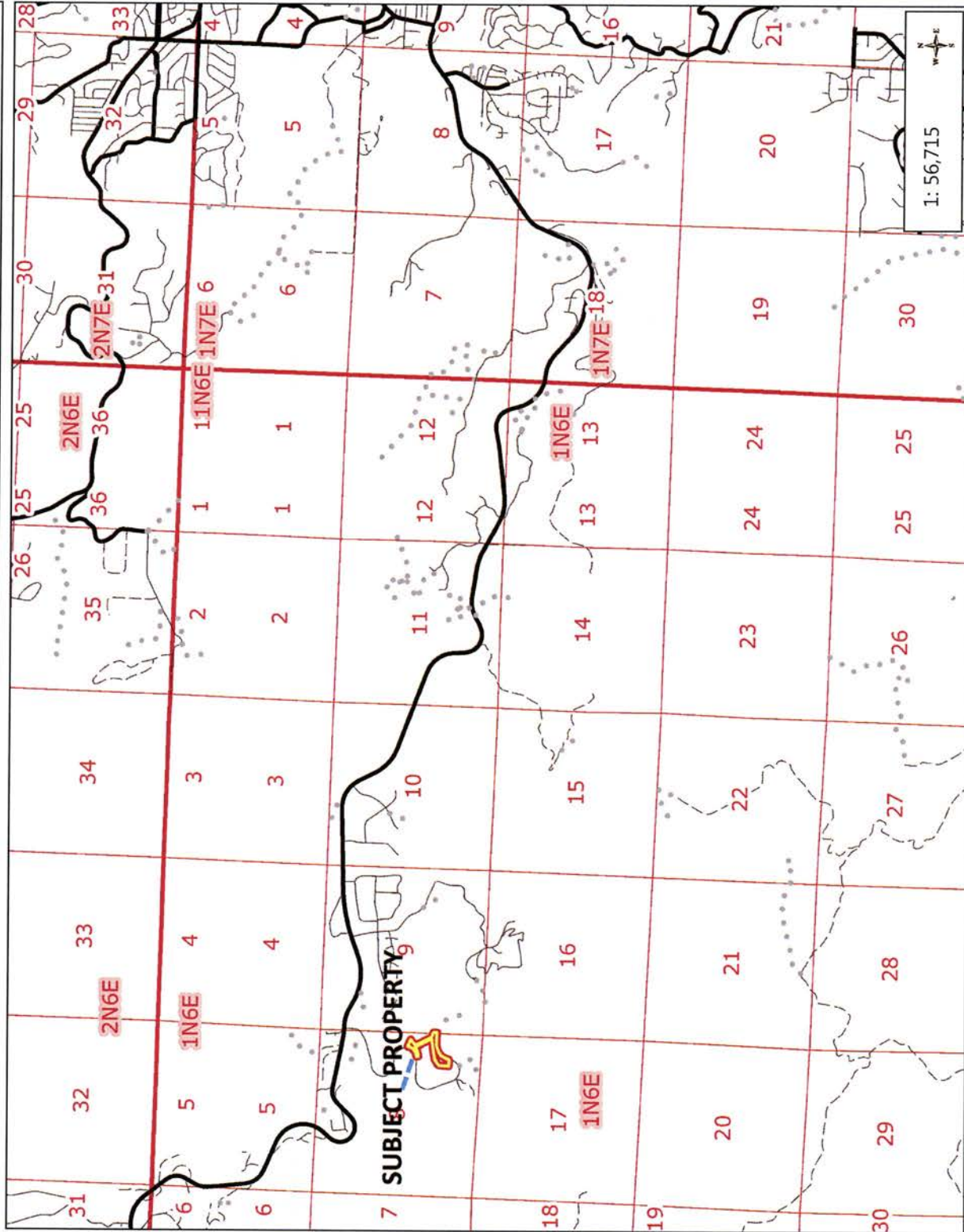
VI. CONSIDERATIONS FOR CONDITIONAL USE PERMIT REQUEST

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

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

1. It appears that by allowing this Conditional Use Permit, there should be no negative effects on the use and enjoyment of other properties in the immediate vicinity.
 2. Staff cannot predict the impact the use may have on property values in the surrounding area.
- B. The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.**
1. Allowing this Conditional Use Permit should not affect the normal, orderly development or improvement of any surrounding property in the area, as the use is temporary in nature.
- C. That utilities, access roads, drainage, and/or other necessary facilities are provided.**
1. The applicant has indicated they will be installing an on-site wastewater treatment system to serve the proposed single-family residence. The proposed RV must be connected to that system, while it is being utilized as living quarters. The applicant will need to obtain an Approach Permit from Pennington County Highway.
- D. That the off-street parking and loading requirements are met.**
1. Pennington County Zoning Ordinance (PCZO) § 310(A)(9)(k) requires two (2) off-street parking spaces for a single-family residence. It appears that adequate parking is provided on the subject property.
- E. That measures are taken to control offensive odor, fumes, dust, noise, vibration, and lighting (inclusive of lighted signs), so that none of these will constitute a nuisance.**
1. The proposed Conditional Use, by its very nature, should have limited odor, fumes, dust, noise, vibrations and intrusive lighting. The proposed use should not create any of the above-listed elements in amounts that would constitute a nuisance.

RECOMMENDATION: Staff recommends to continue Conditional Use Permit / CU 18-09 to the June 10, 2019, Planning Commission meeting to allow the applicant time to submit a Construction Permit Application to the Planning Department to address dirtwork that has been performed on the subject property and to verify that the work is outside the Special Flood Hazard Area.



1: 56,715



9,452.4 0 4,726.21 9,452.4 Feet



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THIS MAP IS NOT TO BE USED FOR NAVIGATION

NAD_1983_StatePlane_South_Dakota_South_FIPS_4002_Feet
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Legend

- Roads**
 - Interstate
 - US highway
 - SD highway
 - County highway
 - Main road
 - Minor arterial
 - Collector
 - Ramp
 - Paved road
 - Unpaved road
 - Trail
 - Driveway
 - Alley
 - Unimproved road
 - Airport Runway
 - Not yet coded
- Public Buildings**
 - Cemetery
 - Fire station
 - Government building
 - Hospital
 - Library
 - Police station
 - School
 - Tertiary School
- PLSS
- Townships
- Tax Parcels
- Lot Lines
- <Null>
- Lot Line
- Parcel Line
- City Boundaries

Map Notes:

STAFF REPORT

GENERAL INFORMATION:

REQUEST: CONDITIONAL USE PERMIT / CU 19-09: To allow a single-wide mobile home to be used as a permanent residence in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

APPLICANT: Martina Pugh

APPLICANT ADDRESS: 8261 S. Blucksberg Mountain Road
Sturgis, SD 57785

LEGAL DESCRIPTION: E60 feet of N115 feet of Lot 4 of Lot 13, Plateau Subdivision, Section 10, T1N, R8E, BHM, Pennington County, South Dakota.

SITE LOCATION: 4740 Carol Street.

SIZE: 0.14 acre

TAX ID: 7870

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: Rapid Valley Sanitary District / West Dakota Water District

REPORT BY: Kristina Proietti

Agenda Item #10
Martina Pugh
May 28, 2019

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending approval of Conditional Use Permit / CU 19-09 with seven (7) conditions.

II. GENERAL DESCRIPTION

- A. The applicant, Martina Pugh, has requested a Conditional Use Permit to allow a single-wide mobile home (SWMH) to be utilized as a permanent single-family residence on the subject property.

III. EXISTING CONDITIONS

- A. Zoned Suburban Residential District.
B. 0.14 acres.
C. Access of off Carol Street.
D. Lot Contains:
1. 1969 SWMH Building Permit / BP1920, to be replaced with a 2019 SWMH upon approval of Conditional Use Permit / CU 19-09, see Image 1.
2. One (1) pole barn County Building Permit / 2008COBP0355.



Image 1

IV. REQUEST FOR COMMENT

- A. County Environmental Planning Supervisor
 - 1. There is no Special Flood Hazard Area (SFHA) on the subject property. Water and sewer serviced by Rapid Valley Sanitary District (RVSD).
- B. County Onsite Wastewater Specialist
 - 1. Rapid City 1-mile.
 - a. *Staff Comment: The proposed single-wide mobile home will be connected to Rapid Valley Sanitary District services.*
- C. County Ordinance Enforcement
 - 1. Ordinance Enforcement has no objection.
- D. County Addressing Coordinator
 - 1. That the lot address (4740 Carol Street) be posted on the residence at all times and so it is clearly visible from Carol Street, in accordance with Pennington County's Ordinance #20;
- E. County Highway Department
 - 1. Owner should provide proof of access from the neighbor to the west, such as an easement.
- F. Emergency Services (9-1-1)
 - 1. No comment from me.
- G. Rapid City Community Planning
 - 1. The City's Future Land Use identifies the appropriate use of the property as Low Density Residential Neighborhood which supports single family residential development. The City's Major Street Plan does not identify any of the streets within the immediate area on the plan. However, it is unclear how this lot is accessed.
- H. Rapid City Long Range Planning
 - 1. Future Land Use of the property is Low Density Neighborhood. No transportation impacts.

V. CONSIDERATIONS FOR CONDITIONAL USE PERMIT REQUEST

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

- A. **The effect upon the use and enjoyment of other property in the immediate vicinity for the uses already permitted, and upon property values within the immediate vicinity.**
 - 1. The use of the single-wide mobile home as a residence on the property should not affect the surrounding properties, as it appears to be consistent with surrounding properties. Therefore, there should be no long-term effects on the use and enjoyment of other properties in the immediate vicinity.
 - 2. Staff cannot predict how the proposed use will affect property values in the surrounding area.

- B. **The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.**
 - 1. Allowing this Conditional Use Permit should not affect the normal, orderly development or improvement of any surrounding property in the area.

- C. **That utilities, access roads, drainage and/or other necessary facilities are provided.**
 - 1. The proposed single-wide mobile home will be connected to Rapid Valley Sanitary District services.
 - 2. Access will be off of Carol Street.

- D. **That the off-street parking and loading requirements are met.**
 - 1. PCZO § 310(A)(9)(k) requires two (2) off-street parking spaces for a single-family residence. It appears that adequate parking is provided on the subject property.

- E. **That measures are taken to control offensive odor, fumes, dust, noise, vibration, and lighting (inclusive of lighted signs), so that none of these will constitute a nuisance.**
 - 1. The proposed Conditional Use, by its very nature, should have limited odor, fumes, dust, noise, vibrations and intrusive lighting. The proposed use should not create any of the above-listed elements in amounts that would constitute a nuisance.

VI. ANALYSIS

- A. April 25, 2019 – The applicant applied for Conditional Use Permit / CU 19-09.
- B. May 21, 2019 – Staff performed a site visit.
 - 1. The subject property currently contains the 1969 single-wide mobile home and pole barn structure.
 - 2. It appears the requested use is in harmony with surrounding land uses in the area.

RECOMMENDATION: RECOMMENDATION: Staff recommends approval of Conditional Use Permit / CU 19-09 with the following seven (7) conditions:

- 1. That a Building Permit be obtained for the proposed single-wide mobile home prior to any work being done;
- 2. That the lot address be clearly posted, so as to be visible from Carol Street, in accordance with Pennington County's Ordinance #20;
- 3. That the minimum setback requirements of a Suburban Residential District be continually maintained on the property;

Agenda Item #10
Martina Pugh
May 28, 2019

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



1:17,413

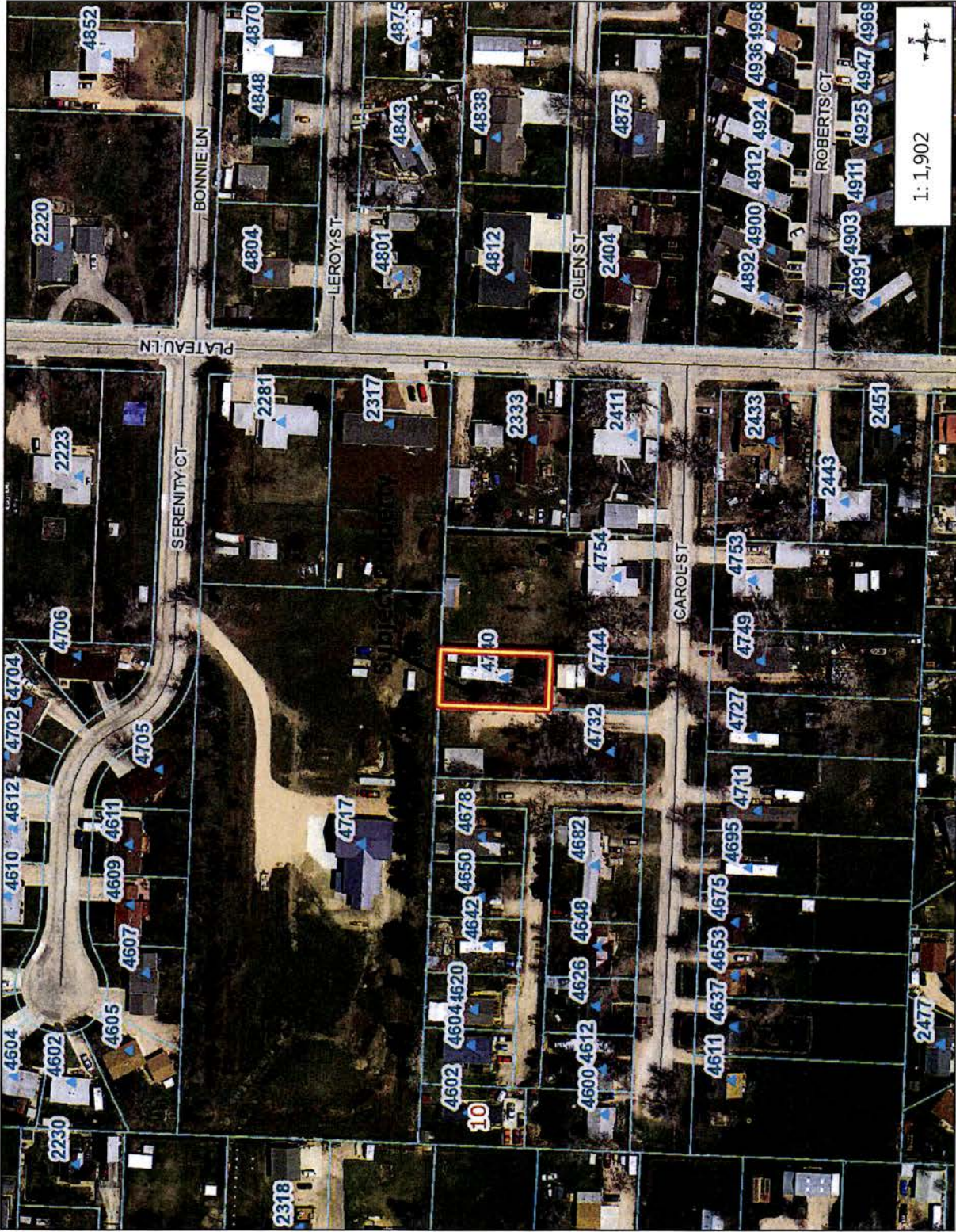


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Legend

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

Map Notes:



1: 1,902

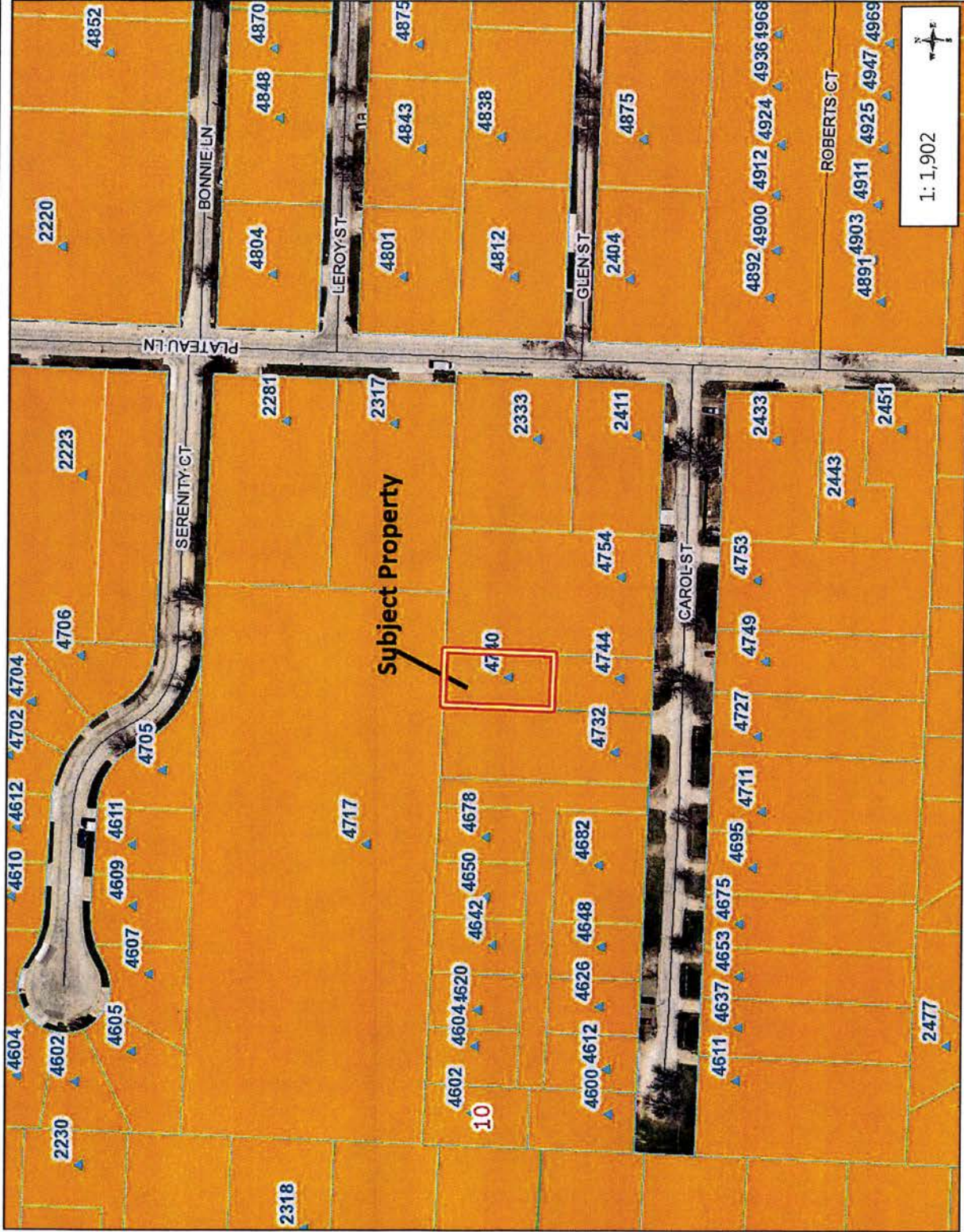
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 - 7
- Tax Parcels**
- Lot Lines**
- <Null>
 - Lot Line
 - Parcel Line

Map Notes:

317.0 0 158.48 317.0 Feet
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1: 1,902



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- 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:

STAFF REPORT

GENERAL INFORMATION:

REQUEST: **LAYOUT PLAN / LPL 19-10:** To create Lots 8A and 8B of Collins Addition in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

APPLICANT/OWNER: Brad and Colleen Kurtz

APPLICANT ADDRESS: 22680 Highway 385, Rapid City, SD 57702

SURVEYOR / ENGINEER: D.C. Scott Surveyors, Inc.

SURVEYOR ADDRESS: 3153 Anderson Road, Rapid City, SD 57703

LEGAL DESCRIPTION: **EXISTING LEGAL:** Lot 8 of Collins Addition, Section 20, T2N, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 8A and 8B of Collins Addition (Formerly All of Lot 8 of Collins Addition Located in the SW ¼ NE ¼), Section 20, T2N, R5E, BHM, Pennington County, South Dakota.

SITE LOCATION: Approximately 2.5 miles north of Highway 44 and Highway 385 intersection.

SIZE: 10.5 acres

TAX ID: 57745

EXISTING LAND USE: Vacant

SUBDIVISION REGULATIONS REFERENCE: § 400.1

CURRENT ZONING: Limited Agriculture District

SURROUNDING ZONING:
North Limited Agriculture District
Low Density Residential District
South Limited Agriculture District
East Low Density Residential District

Agenda Item #13
Brad & Colleen Kurtz
May 28, 2019

West

General Agriculture District

PHYSICAL CHARACTERISTICS: Hills/open meadow/wooded

UTILITIES: Private

REPORT BY: Jason Theunissen

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending approval of Layout Plan / LPL 19-10 with nine (9) conditions.

II. GENERAL DESCRIPTION

- A. The applicants, Brad and Colleen Kurtz, are requesting to create proposed Lots 8A and 8B out of existing Lot 8 of Collins Addition.
- B. The purpose of the subdivision is to create two separate (2) lots.

III. EXISTING CONDITIONS

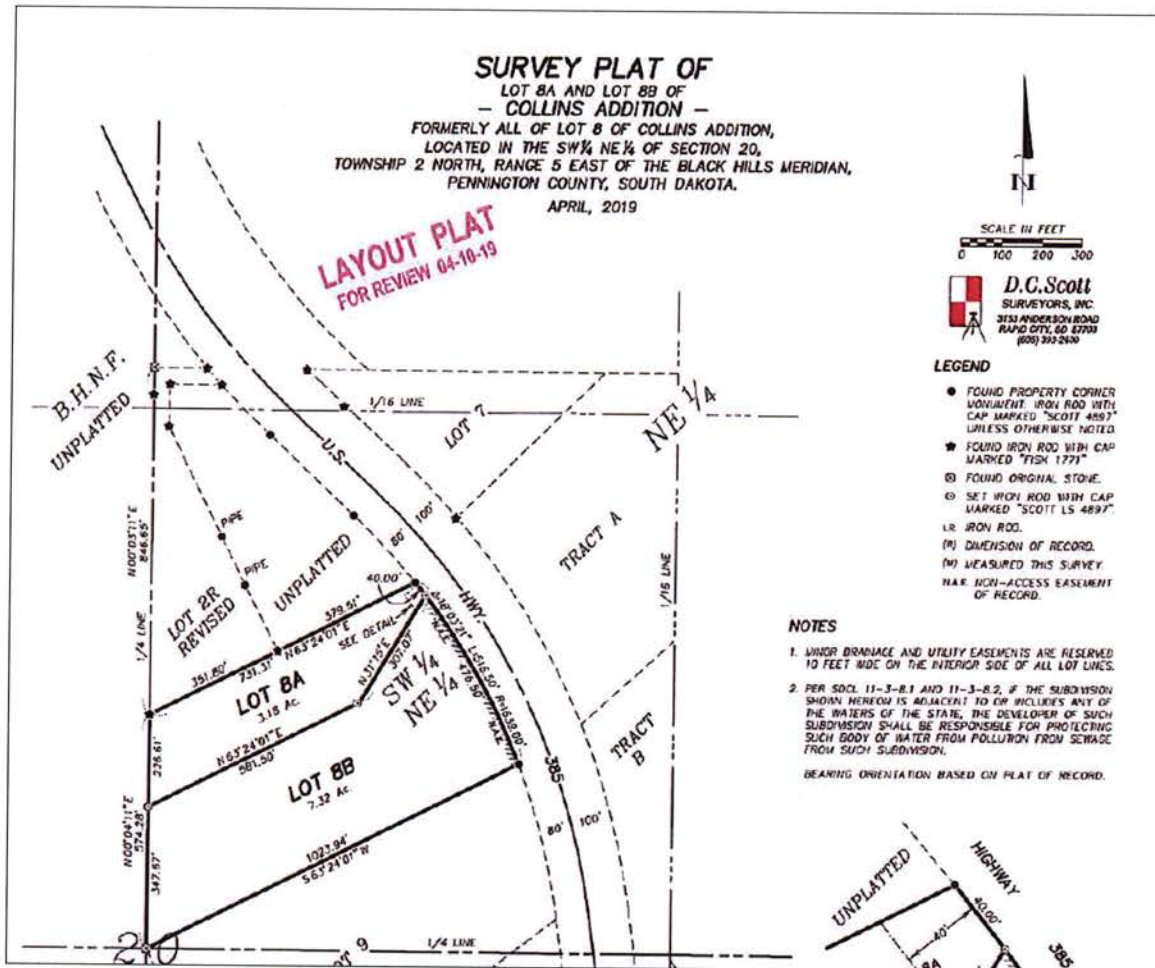
- A. Lot 8 of Collins Addition.
 - 1. Zoned: Limited Agriculture.
 - 2. Lot size: 10.5 acres.
 - 3. Access off of Highway 385.
 - 4. No Special Flood Hazard Area.
 - 5. No structures on subject property.
 - 6. No existing utilities.



Existing Lot

IV. PROPOSED LOTS

- A. Lot 8A and Lot 8B of Collins Addition.
 1. Zoned: Limited Agriculture District (10-acre minimum).
 2. Lot Size:
 - a. Lot 8A: 3.18 acres.
 - b. Lot 8B: 7.32 acres.
 - i. Does not meet the minimum lot size requirement for a General Agriculture District, per § 205 of the Pennington County Zoning Ordinance (PCZO).
 - ii. A Rezone and Comprehensive Plan Amendment *or* Lot Size Variance will be required for the two (2) proposed lots.
 3. Lots will be vacant of any structures.
 4. Minor drainage and utility easements are reserved 10 feet wide on the interior side of all lot lines.
 5. Access off of Highway 385 via 40-foot shared access easement.
 6. No Special Flood Hazard Area.



A Portion of Proposed Plan – Prepared by D.C. Scott Surveyors Inc. (4.10.19)

V. REQUEST FOR COMMENT

- A. Pennington County Highway Department
 - 1. Highway Department has no comments since this abuts a State Highway and drainage is minimally impacted.
- B. County Environmental Planning Supervisor
 - 1. No issues or concerns.
- C. County Onsite Wastewater Specialist
 - 1. I have no concerns with the current proposal. According to the USDA Web Soil Survey the soils are classified as following for a drainfield absorption area: East half of the property is listed as Somewhat Limited and the West half of the property is listed as Very Limited. If a septic system is installed on either of the proposed lots all rules of Pennington County Zoning Ordinance § 204-J must be followed.
- D. County Ordinance Enforcement Officer
 - 1. No comments or concerns from Ordinance Enforcement.

- E. County Addressing Coordinator
 - 1. No addressing concerns at this time. Future addresses must be posted in accordance with Pennington County Ordinance #20.
- F. Department of Equalization
 - 1. Looks pretty good. Requesting the surveyor add the chord bearing to the plat.
- G. Emergency Services (9-1-1)
 - 1. No concerns here.
- H. Register of Deeds
 - 1. Certificates appear to be the required certificates per state statute.
- I. County Fire Administrator
 - 1. No comments received.
- J. United States Forest Service
 - 1. The Forest Service has no objections to the Kurtz Layout Plat request:
 - 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 north side of private 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", "Other Public Roads" per the latest version (January 1, 2019) 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).
- K. Black Hills Electric Cooperative
 - 1. Black Hills Electric Cooperative has no concerns with the proposed layout plat.

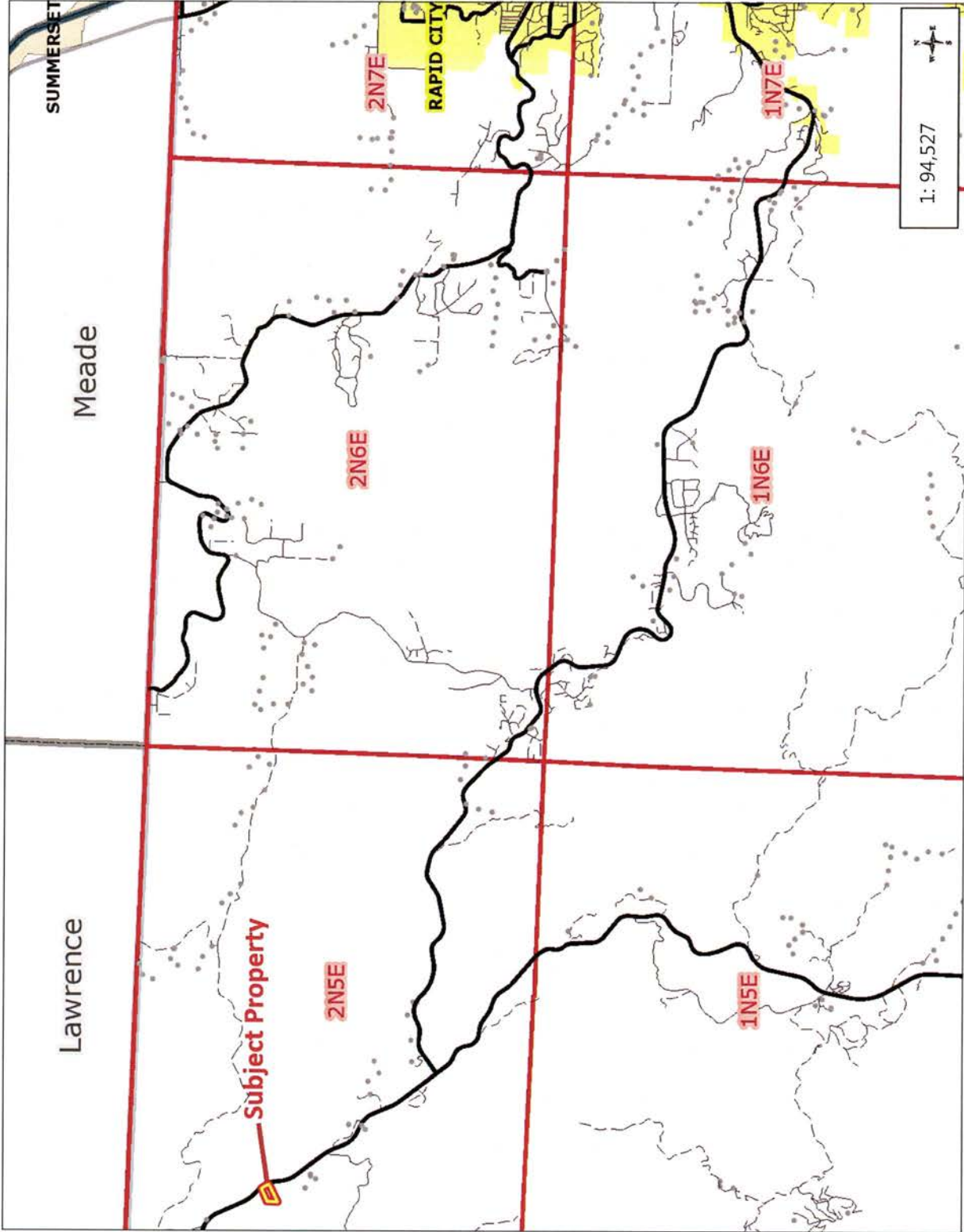
VI. ANALYSIS

- A. April 11, 2019, the applicant, Brad Kurtz, applied to create Lots 8A and 8B of Collins Addition.

- B. The proposed plan, if approved, will create two (2) lots; Lot 8A, 3.18 acres and Lot B, 7.32 acres.
 - 1. Prior to final approval, both proposed lots will require either a Rezone *or* Lot Size Variance, as all will be under the allotted acreage for the current zoning of Limited Agriculture District.
- C. For the purposes of a Layout Plan, Staff finds no significant issues with the applicant's request;
 - 1. A Layout Plat is an informal preliminary review of the proposed subdivision for general scope and conditions, which might affect the plat.

RECOMMENDATION: Staff recommends approval of Layout Plan / LPL 19-10 with the following nine (9) conditions:

- 1. That the applicant obtain Approach Permits from the State Highway Department prior to installation of any approaches off of Highway 385;
- 2. That the applicant adhere to all comments provided by the Forest Service;
- 3. That prior to the new Plat being recorded with the Register of Deeds, the proposed lots obtain a Lot Size Variance or be Rezoned appropriately;
- 4. That the applicant ensures all natural drainage ways are maintained and are not blocked;
- 5. That at the time of new Plat submittal, the plat meets the requirements of § 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
- 6. That at the time of new Plat submittal, eight (8) foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
- 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;
- 8. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Layout Plan / LPL 19-10, which is available at the Planning Office; and,
- 9. That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.



1: 94,527

15,754.6 0 7,877.28 15,754.6 Feet

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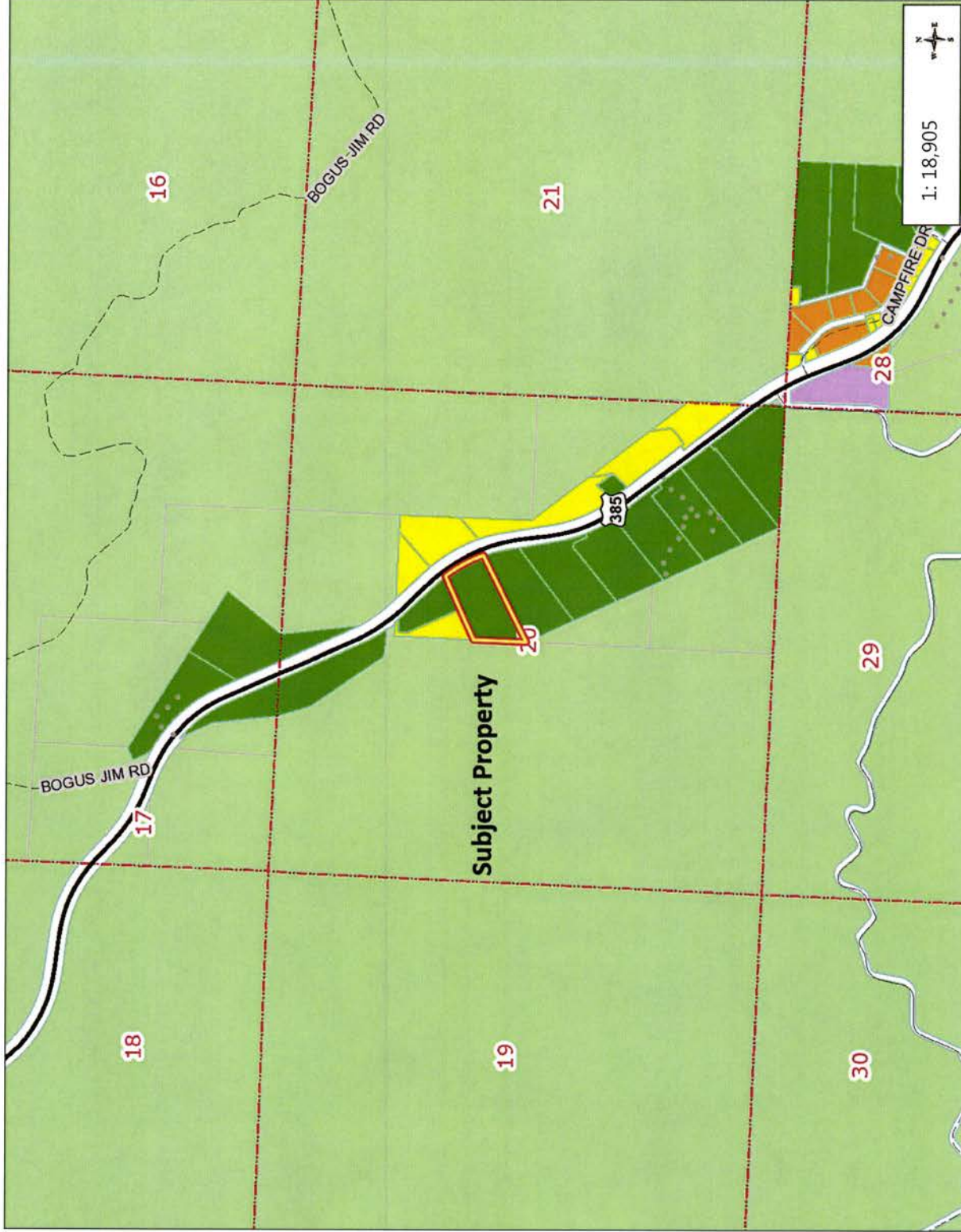
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 - Driveway
 - Alley
 - Unimproved road
 - Airport Runway
 - Not yet coded
- Townships**
- BOX ELDER
 - ELLSWORTH AFB
 - HILL CITY
 - KEYSTONE
 - NEW UNDERWOOD
 - QUINN
 - RAPID CITY
 - WALL
 - WASTA
- City Limits**
- RAPID CITY

Map Notes:



1: 18,905

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3,150.9 0 1,575.46 3,150.9 Feet

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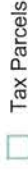
Legend

Roads

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

Section Lines 0-25k

- 0
- 7



Tax Parcels

Lot Lines

- <Null>
- Lot Line
- Parcel Line

Pennington County Zoning

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

Map Notes:



1: 1,891

315.1



315.1 Feet

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NAD_1983_2011_StatePlane_South_Dakota_South_FIPS_4002_Ft_US

© City of Rapid City GIS

THIS MAP IS NOT TO BE USED FOR NAVIGATION

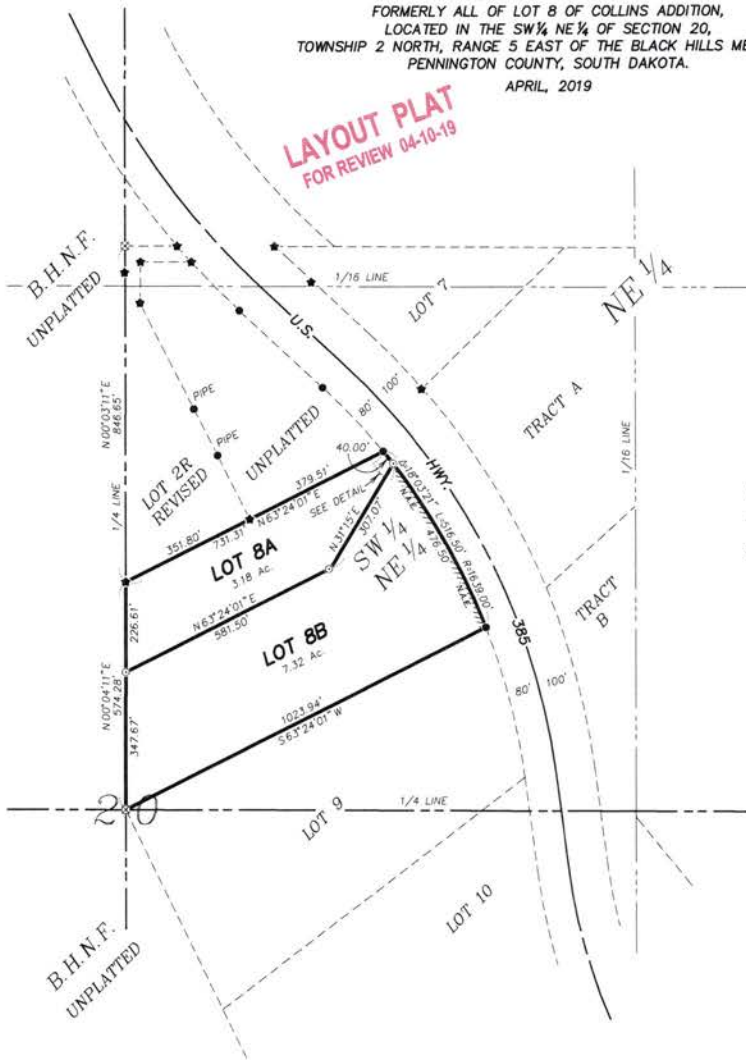
Legend

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

Map Notes:

SURVEY PLAT OF
LOT 8A AND LOT 8B OF
- COLLINS ADDITION -
 FORMERLY ALL OF LOT 8 OF COLLINS ADDITION,
 LOCATED IN THE SW 1/4, NE 1/4 OF SECTION 20,
 TOWNSHIP 2 NORTH, RANGE 5 EAST OF THE BLACK HILLS MERIDIAN,
 PENNINGTON COUNTY, SOUTH DAKOTA.
 APRIL, 2019

LAYOUT PLAT
 FOR REVIEW 04-10-19



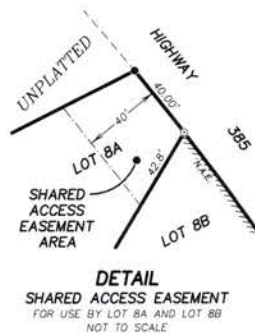
N

SCALE IN FEET
 0 100 200 300

D.C. Scott
 SURVEYORS, INC.
 3153 ANDERSON ROAD
 SIOUX FALLS, SD 57103
 (605) 353-2400

- LEGEND**
- FOUND PROPERTY CORNER MONUMENT: IRON ROD WITH CAP MARKED "SCOTT 4897" UNLESS OTHERWISE NOTED.
 - ★ FOUND IRON ROD WITH CAP MARKED "FISK 1771"
 - ⊗ FOUND ORIGINAL STONE.
 - ⊙ SET IRON ROD WITH CAP MARKED "SCOTT LS 4897".
 - IR IRON ROD.
 - (R) DIMENSION OF RECORD.
 - (M) MEASURED THIS SURVEY.
 - N.A.E. NON-ACCESS EASEMENT OF RECORD.

- NOTES**
1. MINOR DRAINAGE AND UTILITY EASEMENTS ARE RESERVED 10 FEET WIDE ON THE INTERIOR SIDE OF ALL LOT LINES.
 2. PER SDCL 11-3-8.1 AND 11-3-8.2, IF THE SUBDIVISION SHOWN HEREON IS ADJACENT TO OR INCLUDES ANY OF THE WATERS OF THE STATE, THE DEVELOPER OF SUCH SUBDIVISION SHALL BE RESPONSIBLE FOR PROTECTING SUCH BODY OF WATER FROM POLLUTION FROM SEWAGE FROM SUCH SUBDIVISION.
- BEARING ORIENTATION BASED ON PLAT OF RECORD.



SURVEYOR'S STATEMENT

I, Dean G. Scott, Registered Land Surveyor, do hereby state that, at the request of the Owners listed hereon, I have surveyed the tract of land as shown hereon, and have marked upon the ground the boundaries in the manner shown, and that this plat is correct to the best of my knowledge, information and belief.

IN WITNESS WHEREOF,

I hereunto set my hand and seal this _____ day of _____, 20____.

Registered Land Surveyor No. 4897

LAYOUT PLAT
 FOR REVIEW 04-10-19

OWNER'S CERTIFICATE

We, Bradley D. Kurtz and Colleen D. Kurtz, do hereby certify that We are the Owners of the land shown and described hereon, and that We did authorize and do join in and approve the survey and plat. We further certify that the development of this land shall conform to all existing applicable zoning, subdivision, and erosion and sediment control regulations. Dedicated right-

IN WITNESS WHEREOF, We hereby set our hands
 this _____ day of _____, 20____.

Bradley D. Kurtz, Owner _____ Colleen D. Kurtz, Owner _____

ACKNOWLEDGEMENT OF OWNER

STATE OF SOUTH DAKOTA }
 COUNTY OF PENNINGTON } SS

On this _____ day of _____, 20____, before me, the undersigned officer, personally appeared Bradley D. Kurtz and Colleen D. Kurtz, known to me to be the persons who executed the foregoing Owner's Certificate, and acknowledged to me that they executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereby set my hand and official seal.

_____, my commission expires.

COUNTY AUDITOR'S CERTIFICATE

I, Auditor of Pennington County, South Dakota, do hereby certify that at an official meeting held on the _____ day of _____, 20____, the Pennington County Commissioners, by resolution, did approve the plat as shown hereon.

Dated this _____ day of _____, 20____.

 Pennington County Auditor

COUNTY TREASURER'S CERTIFICATE

I, Treasurer of Pennington County, South Dakota, do hereby certify that all taxes which are liens upon the land described hereon, as shown by the records of my office, are fully paid.

Dated this _____ day of _____, 20____.

 Pennington County Treasurer

CERTIFICATE OF HIGHWAY OR STREET AUTHORITY

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

Dated this _____ day of _____, 20____.

 Highway or Street Authority

CERTIFICATE OF DIRECTOR OF EQUALIZATION

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

Dated this _____ day of _____, 20____.

Approved _____ Pennington County
 Director of Equalization

CERTIFICATE OF REGISTER OF DEEDS

Filed for record this _____ day of _____, 20____, at _____, and recorded as Document No. _____

fee: _____ Pennington County
 Register of Deeds

STAFF REPORT

GENERAL INFORMATION:

REQUEST: **LAYOUT PLAT / LPL 19-11 AND SUBDIVISION REGULATIONS VARIANCE / SV 19-04**: To create Lot 10, Block 3 of the Ranch at Black Gap and to waive platting requirements in accordance with Sections 400.1 and 700.1 of the Pennington County Subdivision Regulations.

APPLICANT: Double L Properties, LLC

APPLICANT ADDRESS: 3006 W. Saint Louis St., Rapid City, SD 57702

SURVEYOR / ENGINEER: Sperlich Consulting, Inc.

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

LEGAL DESCRIPTION: EXISTING LEGAL: Balance of Tract A (also in Section 8), The Ranch at Black Gap, Section 9, T1S, R8E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 10, Block 3 (also in Section 8), The Ranch at Black Gap, Section 9, T1S, R8E, BHM, Pennington County, South Dakota.

SITE LOCATION: At the intersection of S. Highway 79 and Black Gap Road; located south of Rapid City.

SIZE: 25.033 acres

TAX ID: 52624

EXISTING LAND USE: Vacant

SUBDIVISION REGULATIONS REFERENCE: § 400.1 and 700.1

CURRENT ZONING: Planned Unit Development District

Agenda Item #12
Double L Properties, LLC
May 28, 2019

SURROUNDING ZONING:

North	General Agriculture District
South	Planned Unit Development District
East	Planned Unit Development District
West	General Agriculture District

PHYSICAL CHARACTERISTICS: Open Meadow / Sloping

UTILITIES: None

REPORT BY: Cassie Bolstad

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending approval of a portion of Subdivision Regulations Variance / SV 19-04 and approval of Layout Plat / LPL 19-11 with ten (10) conditions.

II. GENERAL DESCRIPTION

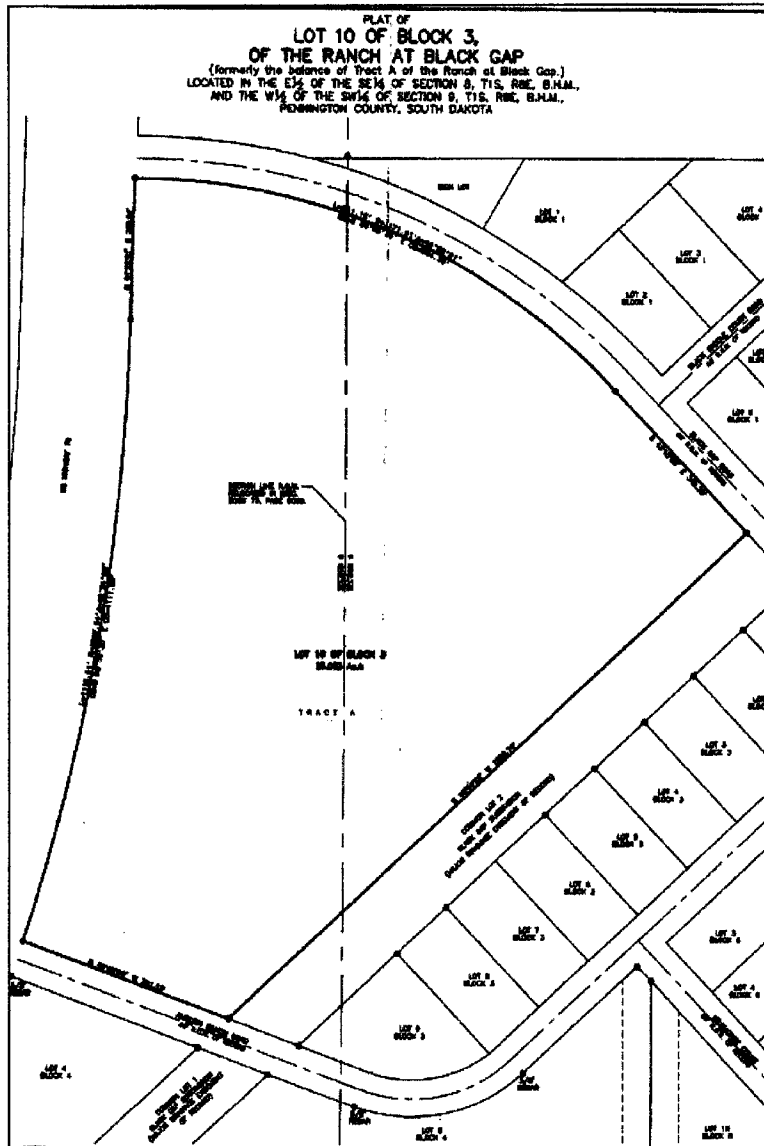
- A. The applicant, Double L Properties, has applied for a Layout Plat to create a platted lot to eliminate an existing non-transferable balance of property.
- B. The applicant has also submitted a Subdivision Regulations Variance request to waive the following platting requirements:
 1. Percolation tests and soil profile hole information; and,
 2. Improvements to Black Gap Road.

III. EXISTING CONDITIONS

- A. Zoned Planned Unit Development (PU 06-02)
- B. 25.033 acres.
- C. Access off of Black Gap Road.
 1. Located within the Ranch at Black Gap Road District.
- D. Currently vacant.
- E. No Special Flood Hazard Area on the subject property.
- F. The Section Line Right-of-Way on the subject property was relocated to Highway 79 in 1998 (Book 73, Pages 9069-9071).

IV. PROPOSED LOT

- A. Lot 10 of Block 3 of The Ranch at Black Gap
 1. 25.033 acres
 2. Access off of Black Gap Road.
 - a. Located within the Ranch at Black Gap Road District.
 3. Currently vacant.



Proposed Lot (Sperlich Consulting – April 11, 2019)

V. SUBDIVISION REGULATIONS VARIANCE

A. The applicant is requesting to waive the following Subdivision Regulation requirements:

1. Percolation tests and soil profile hole information; and,
 - a. *Staff Comment: Based on comments from the County Onsite Wastewater Specialist, "this area has very restrictive soils and natural springs that have caused several septic problems in the past for the residents who live in Black Gap." Staff recommends percolation tests be conducted a soil profile hole be inspected.*
2. Improvements to Black Gap Road.
 - a. *Staff Comment: Black Gap Road is located within The Ranch at Black Gap Road District.*

VI. REQUEST FOR COMMENT

- A. County Highway Department
 - 1. Highway Department has no comments since this is in the Ranch at Black Gap Road District and abuts a State Highway.
- B. County Fire Administrator
 - 1. No comments received.
- C. County Environmental Planning Supervisor
 - 1. There is no Special Flood Hazard Area on the subject property.
- D. County Onsite Wastewater Specialist
 - 1. If the applicant plans on installing a septic system on the property, staff would recommend they conduct the percolation tests and inspect a profile hole. This area has very restrictive soils and natural springs that have caused several septic problems in the past for the residents who live in Black Gap.
- E. County Environmental Planner
 - 1. No comments received.
- F. County Ordinance Enforcement
 - 1. Ordinance Enforcement has no objection to the proposed plat.
- G. County Addressing Coordinator
 - 1. No addressing concerns at this time. Future addresses must be posted in accordance with Pennington County Ordinance #20.
- H. Register of Deeds
 - 1. The located in needs to be double checked. I think it should read as follows:
Located in the SE of the NE1/4 and the NE1/4 of the SE1/4 of Section 8, T1S, R8E, B.H.M., and the SW1/4 of the NW1/4 and the NW1/4 of the SW1/4 of Section 9, T1S, R8E, B.H.M., Pennington County, South Dakota
 - a. *Staff Comment: This will be included as a Condition of Approval.*
 - 2. Certificates appear to be required certificates per state statute.
 - 3. Lot and Block are not repeats.
- I. Department of Equalization
 - 1. Looks good but keep an eye on the subdivision name. There was a place in the application packet where the proposed legal was for "Black Gap Subd," which is a different subdivision from "The Ranch at Black Gap."
- J. Emergency Services (9-1-1)
 - 1. No comments received.
- K. Rapid City Community Planning & Development
 - 1. The City is currently reviewing a Preliminary Subdivision Plan (File# 19PL031) to plat an existing non-transferable balance into a 25.033 acre lot. As part of the platting process, the proposed streets must be constructed to City Street Design Standards or Exception(s) must be obtained.

2. The City's Future Land Use Plan identifies the appropriate use of the property as Low Density Neighborhood, which requires a minimum lot size of 6,500 square feet. The proposed lot appears to be in compliance with the City's Future Land Use Plan.
- L. Rapid City Long Range Planning
1. Future Land Use of the property is Low Density Neighborhood.
 2. SD Highway 79 is classified as a Principal Arterial on the Major Street Plan.
 3. Black Gap Road is classified as a Proposed Collector on the Major Street Plan.
- M. Rapid City Engineering
1. I've attached my comments from the City review of this preliminary subdivision plan. Public Works has no further comments.
 - a. Platting is adjacent to U.S. Hwy 79, a principal arterial street on the City's major street plan requiring a minimum 100 feet of right-of-way with a minimum 36 feet of pavement, curb, gutter, sidewalk and street light conduit per IDCM Figure 2-1. U.S. Hwy 79 currently has right-of-way in excess of 100 feet and pavement in excess of 36 feet wide. Exception Request to waive the requirement to install curb and gutter, sidewalk, street light conduit, water and sewer along U.S. Hwy 79 was approved on 4/30/2019 (City File 19EX066).
 - b. Platting is adjacent to Black Gap Road, a collector street on the City's major street plan requiring a minimum 68 feet of right-of-way (78 feet for the first 200 feet from U.S. Hwy 79) with a minimum 24 feet of pavement, curb, gutter, sidewalk and street light conduit per IDCM Figure 2-1. Black Gap Road currently has 80 feet of right-of-way and approximately 32 feet of pavement, ditches for drainage and street lights. Exception Request to waive the requirement to install curb and gutter, sidewalk, street light conduit, water and sewer along Black Gap Road was approved on 4/30/2019 (City File 19EX068).
 - c. Platting is adjacent to Ambush Ranch Road, a local street requiring a minimum 52 feet of right-of-way (62 feet for the first 200 feet from U.S. Hwy 79) with a minimum 26 feet of pavement, curb, gutter, sidewalk and street light conduit per IDCM Figure 2-1. Ambush Ranch Road currently has 66 feet of right-of-way and approximately 24 feet of pavement, ditches for drainage and street lights. Exception Request to waive requirement to install curb and gutter, sidewalk, street light conduit, water and sewer along Ambush Ranch Road was approved on 4/30/2019 (City File 19EX067).
 - d. The property is located within the Ranch at Black Gap Road District.

- e. The Ranch at Black Gap is located outside of the City's Urban Services Boundary.
 - f. The Ranch at Black Gap is currently served by a private water system.
 - g. The Ranch at Black Gap is currently served by on-site wastewater treatment systems. A permit to construct a system for the proposed lot must be obtained by Pennington County.
 - h. The majority of the proposed plat is located outside of City limits, but within the City's three mile platting jurisdiction. A small portion of the property at the northeast corner of the lot is located outside the three mile platting jurisdiction. Pennington County has jurisdiction for this portion.
- N. Black Hills Electric Cooperative
- 1. Black Hills Electric Cooperative has no concerns with this layout plat.
- O. Ranch at Black Gap Road District
- 1. No comments received.

VII. ANALYSIS

- A. March 7, 2006 – Board of Commissioners approved Planned Unit Development / PU 06-02 with the following twenty-one (21) conditions:
- 1. That the Planned Unit Development consists of 156 residential lots with 44.7 acres designated as Common Area and 28.369 acres as an area of Neighborhood Commercial Development;
 - 2. That the Neighborhood Commercial uses be limited to one or more of the following: convenience store with gas facilities, screened outdoor storage and enclosed storage units, food markets including bakery goods and delicatessen goods, meat market, drug store, book store, tobacco store, vanity goods store, pharmacy, equestrian center and riding arena, golf driving range and clubhouse, bank, barber shop and beauty shop, dry cleaning business, gift shop, self service laundry, shoe repair, professional and business offices, veterinary clinic, package liquor sales (to be consumed off premise), hardware or home improvement retail establishments, video rentals, child care facility, restaurant with a bar and casino, clothing stores, postal substation, four unit motel and business signs;
 - 3. That the Neighborhood Commercial uses be located within the designated Neighborhood Commercial Area with access exclusively from "Ranch Road" and not S. D. Highway 79. Landscaping and/or screening along S. D. Highway 79 may be required at the time that a Building Permit is obtained as determined by the Planning Director;
 - 4. That the following uses and/or structures be allowed in the Common Area: drainage and detention areas, walking, hiking, horse riding and mountain bike riding trails, picnic areas, picnic shelters, climbing

- equipment, community center/clubhouse with a swimming pool, party room, tennis courts, sales office and restaurant, golf driving range, equestrian center and riding arena;
5. That all uses within the Neighborhood Commercial and Common Areas serve the residents (and their guests) within the proposed development exclusively while minimizing any undesirable impact of such uses; and that such uses shall not materially increase traffic in that district;
 6. That the proposed residential area allow for a single family residence to be constructed on each lot; and that townhouses, condominiums or single family residences be allowed on Lots 1-18 of Block 9, Lots 1-9 of Block 3, Lots 3-8 of Block 7 and Lots 1-6 of Block 6;
 7. That the following setbacks be met within the designated Residential Area: A. Front Yard: All structures shall have a front yard setback of twenty-five feet. B. Side Yard: All structures, located on interior lots, side yards shall be not less than eight (8) feet in width. C. Rear Yard: For main buildings, there shall be a rear yard of not less than twenty-five feet. Unattached accessory building shall not be located closer than five feet from the rear lot line;
 8. That the following setbacks be met within the Neighborhood Commercial and Common Area: A. Front Yard: All structures shall have a front yard setback of twenty-five feet. B. Side Yard: The minimum side yard shall be ten feet except that the width of a side yard which abuts the residential area shall not be less than thirty feet. C. Rear Yard: All structures shall have a rear yard setback of twenty-five feet unless it abuts the residential area and then it shall be thirty feet;
 9. That, when required by the Planning Director, screening between the residential and commercial areas shall be fencing or shrubbery which is sufficiently opaque or resistant to penetration to alleviate the apparent nuisance;
 10. No structure shall exceed three stories or 35 feet in height except as allowed in Section 204 (F) of the Zoning Ordinance;
 11. That at any time there is a deviation from the setback, screening or height requirements, the Planning Director may bring the permit to the Planning Commission for consideration;
 12. That the construction, or placement, of structures, including the addition of accessory structures (i.e., portable tool sheds) be allowed through the issuance of a Building Permit which will include the necessary site plans to be reviewed and approved by the Planning Director;
 13. That the development be served with on-site wastewater facilities to be reviewed and approved by the Pennington County Environmental Technician and, when applicable, the South Dakota Department of Natural Resources;

14. That the development be served with a central water system as reviewed and approved by the Pennington County Fire Coordinator;
 15. That "Black Gap Road" be constructed as a Collector Road with a minimum 66 foot wide right-of-way and a 32 foot wide paved surface; and that the remaining roads within the subdivision be constructed as Local Roads with a minimum fifty foot wide right-of-way and a 24 foot wide paved surface;
 16. That the proposed roadways within the unplatted areas be seeded in order to maintain erosion control and that barricades be placed preventing travel along these undeveloped roadways;
 17. That a Homeowners Association be formed to accept maintenance of the common areas and central water system within the development;
 18. That the Planning Director may allow additional development or construction, which is consistent with the proposed development on this property. Significant changes in the use or impact on adjacent land uses as determined by the Planning Director shall require an amendment to this Planned Unit Development;
 19. That a road district be formed to maintain all roads within the development;
 20. That any new septic systems be designed by a Registered Professional Engineer based on soil percolation and soil profile information certified by Registered Professional Engineer; and,
 21. That the Planned Unit Development be reviewed on a complaint basis only.
- B. April 16, 2019 – The applicant submitted Layout Plat / LPL 19-11 and Subdivision Regulations Variance / SV 19-04.
1. The purpose of the Plat is to create one (1) platted lot and eliminate the existing non-transferable balance.
- C. The majority of the subject property is located within the three-mile platting jurisdiction of the City of Rapid City.



- D. Due to the subject property lying within two (2) separate platting jurisdictions, the applicant must have the proposed Plat approved through both the City and the County.
 - 1. In addition, the Plat that is filed with the Register of Deeds must contain certificates and signatures from all applicable County and City authorities.
- E. The applicant's proposal does not change density within the subdivision.
- F. For the purposes of a Layout Plat, staff finds no significant issues with the applicant's request.
 - 1. A Layout Plat is an informal preliminary review of the proposed subdivision for general scope and conditions, which might affect the plat.

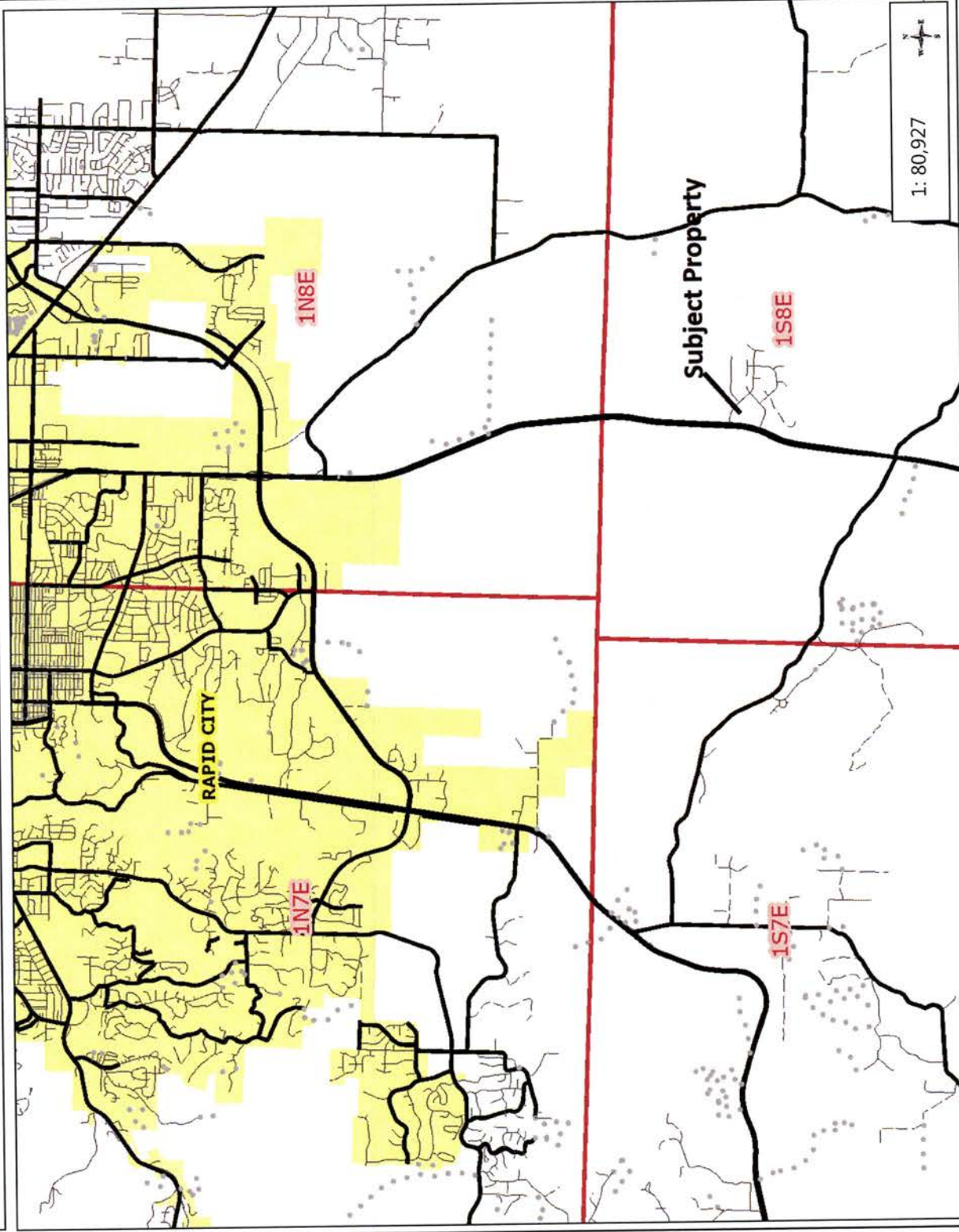
RECOMMENDATIONS FOR SUBDIVISION REGULATIONS VARIANCE / SV 19-04:

- 1. Staff recommends approval of the portion of Subdivision Regulations Variance / SV 19-04 to waive improvements to Black Gap Road.
- 2. Staff recommends denial of the portion of Subdivision Regulations Variance / SV 19-04 to waive percolations tests and soil profile hole information, based on comments provided by the County Onsite Wastewater Specialist regarding soils, springs, and septic issues in the area.

RECOMMENDATION FOR LAYOUT PLAT / LPL 19-11: Staff recommends approval of Layout Plat / LPL 19-11 with the following ten (10) conditions:

- 1. That at the time of Minor Plat submittal, the "located in" portion of the proposed Plat be corrected per Register of Deeds comments to state, "Located in the SE of the NE1/4 and the NE1/4 of the SE1/4 of Section 8, T1S, R8E, B.H.M., and the SW1/4 of the NW1/4 and the NW1/4 of the SW1/4 of Section 9, T1S, R8E, B.H.M., Pennington County, South Dakota";
- 2. That at the time of Minor Plat submittal, eight (8) foot minor drainage and utility easements continue to be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
- 3. That at the time of Minor Plat submittal, the plat meets all the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;

4. That at the time of Minor Plat submittal, the applicant submits percolation tests and soil profile information for proposed Lot 10 of Block 3 to be reviewed and approved by the County On-site Wastewater Specialist, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
5. That at the time of new Plat submittal, the applicant provide engineered road construction plans for road improvements to Black Gap Road, including width and surface requirements that meet road authority standards, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
6. That at the time of Building Permit submittal for proposed Lot 10 of Block 3, an address will be assigned and shall be posted so it is clearly visible at all times, in accordance with Pennington County's Ordinance #20;
7. That following platting of proposed Lot 10 of Block 3, any on-site wastewater treatment system(s) be subject to the requirements of Section 204(J) of the Pennington County Zoning Ordinance;
8. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
9. That the applicant ensures that all natural drainage ways be continually maintained and are not blocked; and,
10. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.



1: 80,927

13,487.8 Feet

6,743.88

0

13,487.8

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NAD_1983_StatePlane_South_Dakota_South_FIPS_4002_Feet
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 - Airport Runway
 - Not yet coded
- PLSS**
- Townships
 - City Limits
 - BOX ELDER
 - ELLSWORTH AFB
 - HILL CITY
 - KEYSTONE
 - NEW UNDERWOOD
 - QUINN
 - RAPID CITY
 - WALL
 - WASTA

Map Notes:

Legend

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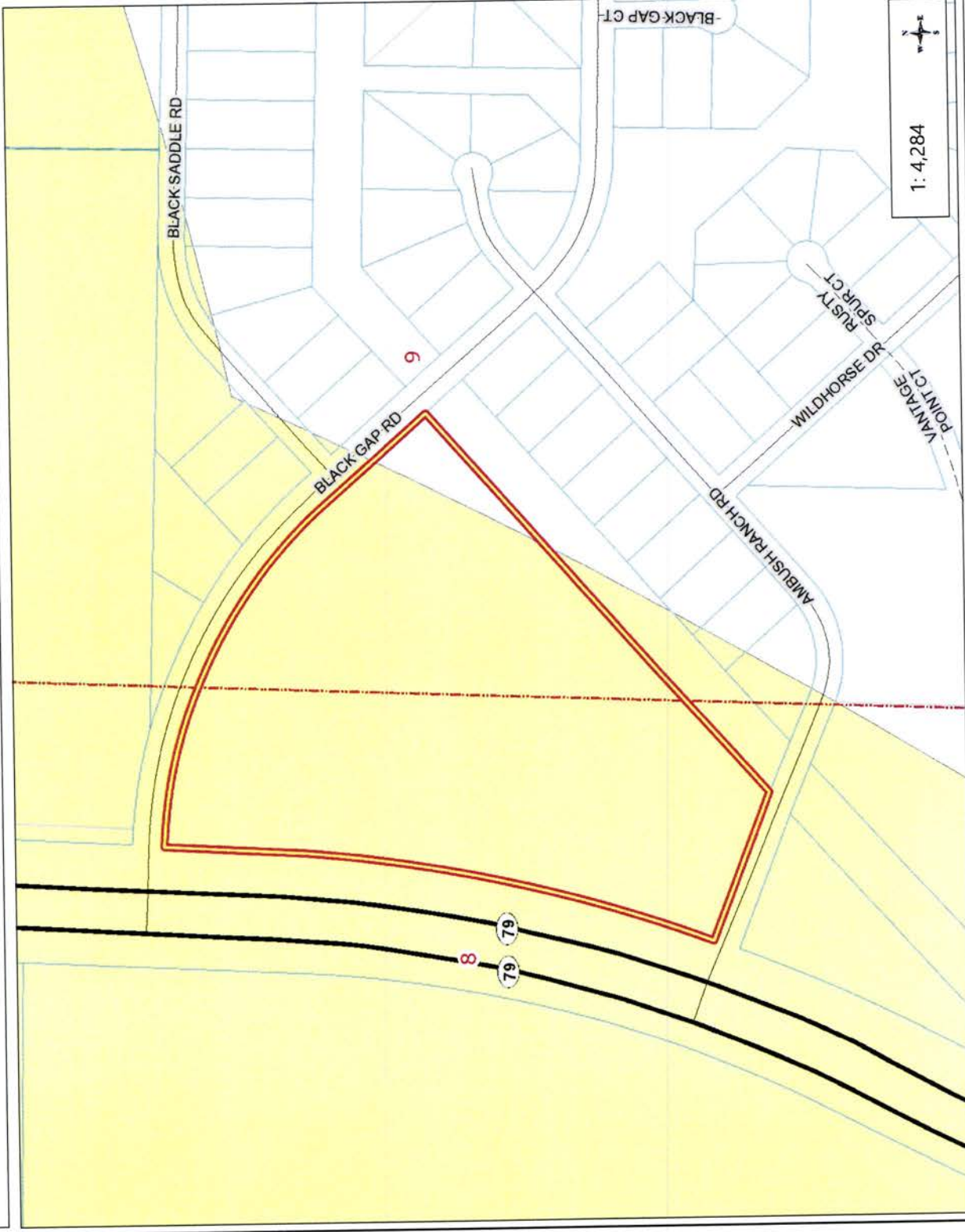
Tax Parcels

Lot Lines

- <Null>
- Lot Line
- Parcel Line

Rapid City/Box Elder 3-Mile Pl:

- BOX ELDER
- RAPID CITY



1: 4,284

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714.0 Feet

356.99

0

714.0

NAD_1983_2011_StatePlane_South_Dakota_South_FIPS_4002_Ft_US
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Map Notes:



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Section Lines 0-25k

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- 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: 11,650

1,941.6 Feet

970.80

0

1,941.6



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1: 11,650



1,941.6 970.80 1,941.6 Feet



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Map Notes:

Attn: Pennington County Planning Department

Re: Proposed Plat of Lot 10 of Block 3 of the Ranch at Black Gap Subdivision

Date: 4/12/19

Existing Legal Description:

The Balance of Tract A of the Ranch at Black Gap, Located in the E1/2 of the SE1/4 of Section 8, T1S, R8E, B.H.M., and the W1/2 of the SW1/4 of Section 9, T1S, R8E, B.H.M., Pennington County, South Dakota

Proposed Legal Description:

Lot 10 of Block 3 of the Ranch at Black Gap, Located in the E1/2 of the SE1/4 of Section 8, T1S, R8E, B.H.M., and the W1/2 of the SW1/4 of Section 9, T1S, R8E, B.H.M., Pennington County, South Dakota

Description:

The purpose of the plat is to create one (1) platted lot and thereby eliminate the existing non-transferable balance.

Existing Water System:

The Existing Ranch at Black Gap Subdivision is serviced by a privately held community water system.

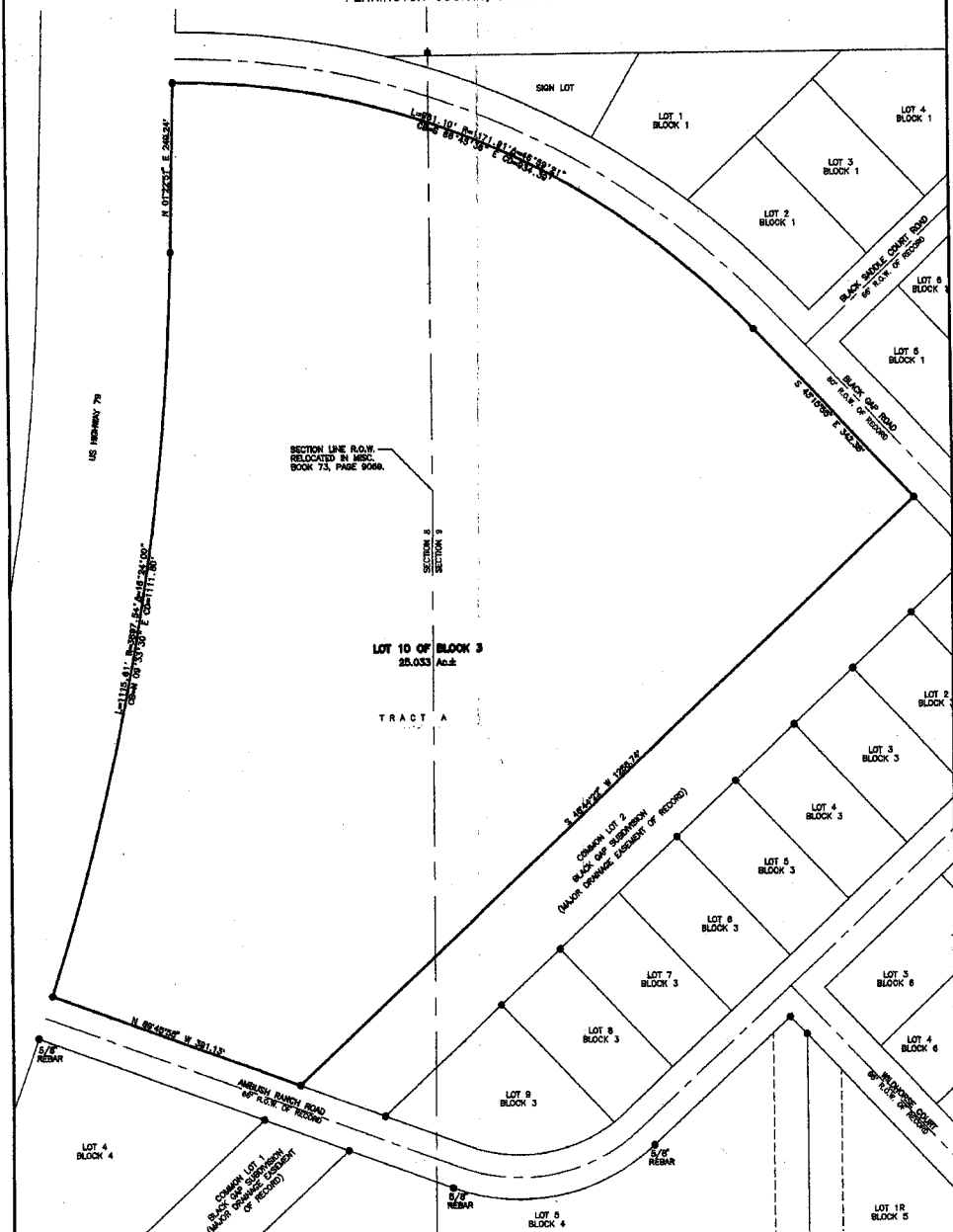
Proposed Sewer System:

The proposed lot will be serviced by individual drain field.

Drainage Way:

The Existing Drainage Way was platted previously into Common Lot 2 of Black Gap Subdivision. Platting the Drainage Way created the non-transferable balance that this plat request is intended to rectify.

PLAT OF
LOT 10 OF BLOCK 3,
OF THE RANCH AT BLACK GAP
 (formerly the balance of Tract A of the Ranch at Black Gap.)
 LOCATED IN THE E $\frac{1}{2}$ OF THE SE $\frac{1}{4}$ OF SECTION 8, T1S, R6E, B.H.M.,
 AND THE W $\frac{1}{2}$ OF THE SW $\frac{1}{4}$ OF SECTION 9, T1S, R6E, B.H.M.,
 PENNINGTON COUNTY, SOUTH DAKOTA



- NOTES:**
- ⊙ Denotes 5/8" rebar with survey cap marked "Jade LS 11701"
 - ⊙ Denotes Found Survey Measurement marked "LS 2502" unless otherwise noted
 - (R) Denotes Recorded in previous plat or description.
 - (M) Denotes Measured this survey.
 - CB Denotes Chord Bearing
 - CD Denotes Chord Distance

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

Pursuant to SDCL 11-3-5.1 and 11-3-8.2, the developer of the property described within this plat shall be responsible for providing any waters of the State including groundwater, located adjacent to or within such platted area from pollution from sewage from such subdivision and shall in prosecution of such professions, conform to and follow all regulations of the South Dakota Department of Environment and Natural Resources relating to the same.



Prior to obtaining a permit or constructing any structure, partition, the heirs, devisee or successors in interest agree to install an on-site wastewater treatment system for each lot. Prior to installation of such system, plans prepared by a qualified person shall be submitted and approved as required by the City of Rapid City or Pennington County, whichever has jurisdiction. Notwithstanding the foregoing and in lieu thereof, plans for a conventional or alternative on-site wastewater system may be approved by the City of Rapid City or Pennington County, whenever has jurisdiction, subject to the review and approval of a complete report of the site and geologic investigation performed by a qualified person to demonstrate that the proposed conventional or alternative system meets all State, County and local regulations.



PLAT OF
LOT 10 OF BLOCK 3,
OF THE RANCH AT BLACK GAP
 (formerly the balance of Tract A of the Ranch at Black Gap.)
 LOCATED IN THE E¹/₄ OF THE SE¹/₄ OF SECTION 8, T1S, R8E, B.H.M.,
 AND THE W¹/₄ OF THE SW¹/₄ OF SECTION 9, T1S, R8E, B.H.M.,
 PENNINGTON COUNTY, SOUTH DAKOTA

Pursuant to SDCL 11-3-8.1 and 11-3-8.2, the developer of the property described within this plat shall be responsible for protecting any wetlands of the State, including groundwater, located adjacent to or within such platted area from pollution from sewage from such subdivision and shall in prosecution of such protection, conform to and follow all regulations of the South Dakota Department of Environment and Natural Resources relating to the same.



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

I, Jennifer S. Landguth, do hereby certify that I am a member of DOUBLE L PROPERTIES, LLC, a corporation, the owners of the land shown and described hereon; that the survey was done at my request for the purposes indicated hereon; that I do hereby approve the survey and within plot of said land; and that the development of this land shall conform to all existing applicable zoning, subdivision, and erosion and sediment control regulations.

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

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

Owner: DOUBLE L PROPERTIES, LLC.

 Jennifer S. Landguth, member

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

Notary Public: _____
 My Commission Expires: _____

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

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

Dated this _____ day of _____, 20____.

 Planning Director of Pennington County

CERTIFICATE BY COUNTY AUDITOR (MINOR PLAT)
 State of South Dakota
 County of Pennington s.s.

I, the Auditor of Pennington County, do hereby certify that on official meeting held on the _____ day of _____, 20____, the County Commissioners by resolution, did approve the plat as shown and described.

 Pennington County Auditor / Deputy

CERTIFICATE OF COMMUNITY PLANNING AND DEVELOPMENT SERVICES DIRECTOR

I, Community Planning and Development Services Director of the City of Rapid City, have reviewed this plat and have found it to conform to the subdivision requirements of Chapter 16.03.080 of the Rapid City Municipal Code and as such I have approved this as a Final Plat.

Dated this _____ day of _____, 20____.

 Community Planning and Development Services Director of the City of Rapid City

CERTIFICATE OF FINANCE OFFICER

I, Finance Officer of the City of Rapid City, do hereby certify that the Community Planning and Development Services Director of the City of Rapid City has approved this Final Plat as shown hereon.

Dated this _____ day of _____, 20____.

 Finance Officer of the City of Rapid City

CERTIFICATE OF FINANCE OFFICER

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

Dated this _____ day of _____, 20____.

 Finance Officer of the City of Rapid City

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

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

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

 Jeffrey L. Jank, Registered Land Surveyor Date _____

FLOODPLAIN STATEMENT
 Floodplain Statement

The 100-year floodplain, as shown hereon, is based on the elevations identified on Flood Insurance Rate Map Number 49103C12104, Effective Date June 3, 2013, or as graphically depicted on said map in unshaded areas. The floodplain information shown hereon serves as constructive notice that certain flood hazards exist on portions of the subject property. The location of the floodplain, as shown hereon, may be subject to change.

CERTIFICATE OF DIRECTOR OF EQUALIZATION

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

Dated this _____ day of _____, 20____.

 Director of Equalization of Pennington County

APPROVED: _____
 Director of Equalization of Pennington County

CERTIFICATE OF HIGHWAY OR STREET AUTHORITY

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

Dated this _____ day of _____, 20____.

 Highway Authority Pennington County

CERTIFICATE OF HIGHWAY OR STREET AUTHORITY

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

Dated this _____ day of _____, 20____.

 Highway/Street Authority

CERTIFICATE OF COUNTY TREASURER

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

Dated this _____ day of _____, 20____.

 Treasurer of Pennington County

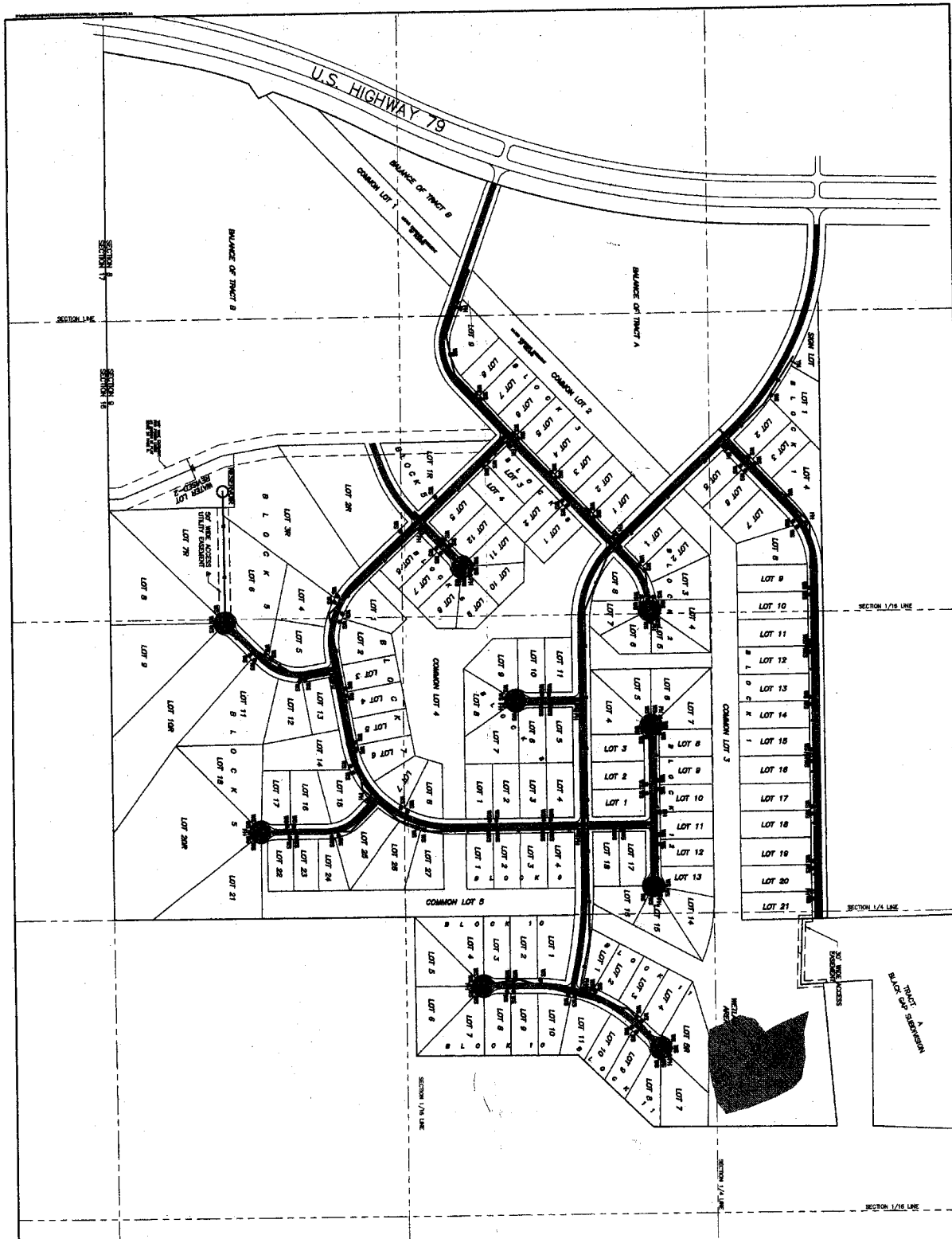
CERTIFICATE OF REGISTER OF DEEDS

I, Register of Deeds of Pennington County, do hereby certify that the within described plat is duly recorded in my office.

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

In Document No. _____

 Register of Deeds Fee: \$ _____



OCTOBER 7, 2015
 SCALE: 1" = 200'

DATE: 1/30/15
 SHEET: 1/1

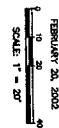
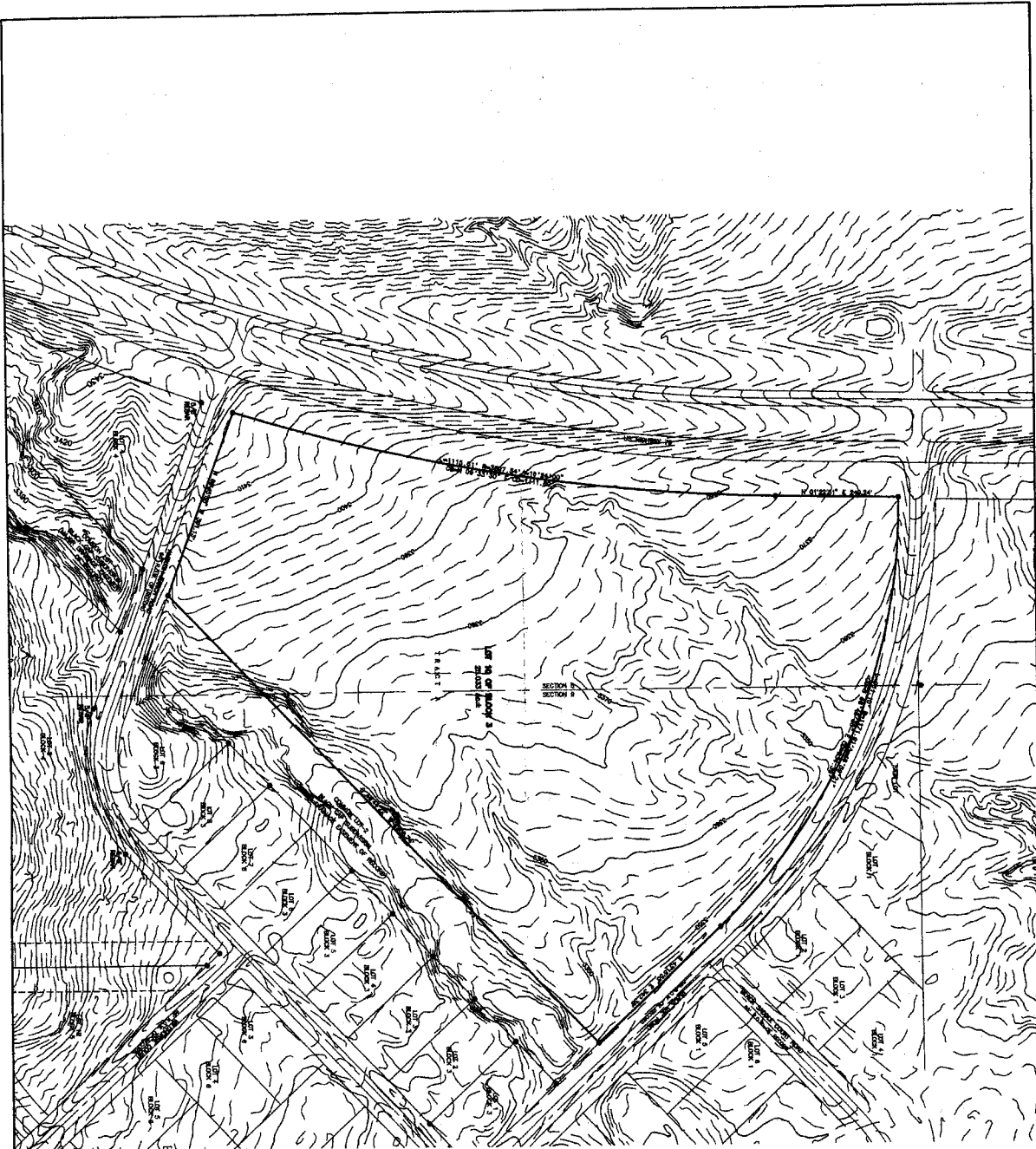
OVERALL MASTER PLAN
 THE RANCH AT BLACK GAP

LEGAL DESCRIPTION:
 THE RANCH AT BLACK GAP, A SUBDIVISION OF THE RANCH AT BLACK GAP, TRACT 1, SECTION 14, T12N, R10E, S44, BLACK HILLS COUNTY, SOUTH DAKOTA, AS SHOWN ON THE ATTACHED PLAT.

REVISIONS	
DATE	REVISION



SPERLICH Consulting, Inc.
 821 Columbus St. Suite 1 Rapid City SD 57701
 TEL: (605) 721-4040 FAX: (605) 721-4048
 E-MAIL: info@sperrlichconsulting.com
 *Engineering *Surveying *Planning



NOTICE

THE ENGINEERING OF THIS MAP WAS PREPARED BY SPERLICH CONSULTING, INC. UNDER THE CLOSE PERSONAL SUPERVISION AND CONTROL OF THE LICENSED PROFESSIONAL ENGINEER AND SURVEYOR, JOHN W. SPERLICH, P.E., AND SURVEYOR, JOHN W. SPERLICH, P.S. THE ENGINEER AND SURVEYOR HAS CONDUCTED A VISUAL CHECK OF THE MAP AND HAS FOUND IT TO BE ACCURATE AND CORRECT. THE ENGINEER AND SURVEYOR HAS CONDUCTED A VISUAL CHECK OF THE MAP AND HAS FOUND IT TO BE ACCURATE AND CORRECT.

CONTRACTORS

SPERLICH CONSULTING, INC. CONSULTING ENGINEER AND SURVEYOR
 821 COLUMBUS ST. SUITE 1 RAPID CITY SD 57701
 TEL: (605) 721-4040
 E-MAIL: info@spertichconsulting.com
 *Engineering *Surveying *Planning

PROJECT: 35025.01
 SHEET: 1/1

TOPOGRAPHIC MAP
 PROPOSED LOT 10 OF BLOCK 3,
 THE RANCH AT BLACK GAP.

LEGAL DESCRIPTION	DATE	REVISIONS
REVISED BY: JWS		
DRAWN BY: JWS		

DATE	REVISIONS



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

ORDER TO RELOCATE SECTION LINE HIGHWAY

The Pennington County Board of Commissioners, having received notice of the filing of a consent to section line highway relocation and having determined it to be in the best interests of Pennington County, hereby

ORDERS, that the section line highway located in: SE 1/4 NE 1/4, NE 1/4 SE 1/4, SE 1/4 SE 1/4, Section 8 and the SW 1/4 NW 1/4, NW 1/4 SW 1/4, SW 1/4 SW 1/4 Section 9 all located in ~~Section 8 and 9~~ T1S, R8E, BHM, Pennington County, South Dakota *of 7/14/98*

be and is hereby relocated as shown on the survey attached hereto as Exhibit "A" and incorporated herein by this reference, and that the owner of said property,

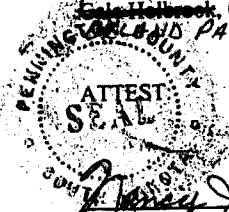
Signature Development, LLC

consent to such relocation and dedicate that portion as the new section line right-of-way.

Dated this 11th day of June, 1998.

PENNINGTON COUNTY COMMISSION

Calvin Paulsen
Calvin Paulsen, Chairperson
CALVIN PAULSEN



Wendy J. Kuster, Deputy
Pennington County Auditor/Deputy

CONSENT TO SECTION LINE HIGHWAY RELOCATION

The undersigned, Signature Development LLC, certify that we are the owners of the real property located in: SE1/4 NE1/4 NE1/4 SE1/4, SE1/4 SE1/4, Section 8 and the SW1/4 NW1/4, NW1/4 SW1/4, SW1/4 SW1/4, Section 9 all located in
Sections 8 and 9, T1S, R8E BHM, Pennington County, South Dakota.

Signature Development LLC hereby consent to the relocation of that portion of the section line highway as shown on the survey attached hereto as Exhibit "A" and incorporated herein by this reference, Signature Development LLC agrees that the Pennington County Commission may relocate said section line highway as described, and Signature Development LLC further agrees to dedicate said relocated section line highway to the public for the purpose of establishing and maintaining a section line right-of-way.

Dated this 3 day of June, 1998.

[Handwritten Signature]

Book: 73
Page: 9070
R06-18558.0 Page 002 of 003
07/14/1998 03:18 14.00
Harlye Faber Misc Real Est

STATE OF SOUTH DAKOTA
COUNTY OF PENNINGTON

On the 3rd day of June, 1998, before me, the undersigned officer, personally appeared Jeffrey S. Lage

known to me to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public: [Handwritten Signature]

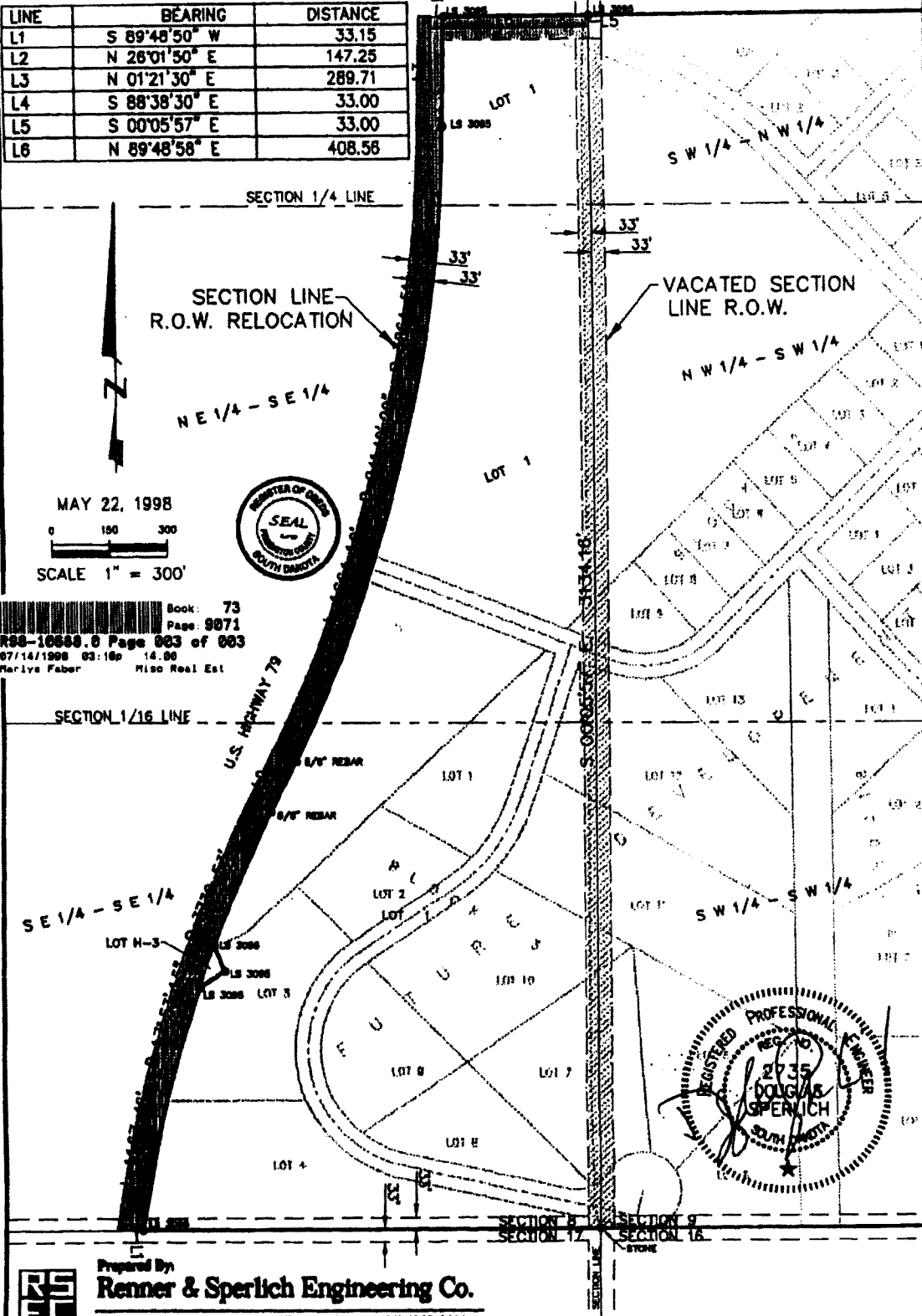
My Commission expires: Aug 25, 2004



EXHIBIT OF VACATED SECTION LINE R.O.W. AND SECTION LINE R.O.W. RELOCATION

COMMON TO SECTION 8 AND
SECTION 9, T1S, R8E, BHM
PENNINGTON COUNTY, SOUTH DAKOTA

LINE	BEARING	DISTANCE
L1	S 89°48'50" W	33.15
L2	N 28°01'50" E	147.25
L3	N 01°21'30" E	289.71
L4	S 88°38'30" E	33.00
L5	S 00°05'57" E	33.00
L6	N 89°48'58" E	408.58



Book: 73
Page: 9871
R98-10588.0 Page 083 of 083
07/14/1998 03:10p 14.00
Marive Faber Hiso Real Est

SCALE 1" = 300'

Prepared By
Renner & Sperlich Engineering Co.
618 Sixth Street, Rapid City, SD 57701 605/342-1191

STAFF REPORT

GENERAL INFORMATION:

REQUEST: LAYOUT PLAN / LPL 19-12: To combine two lots and create Lots 1, 2 and 3 of O'Sullivan Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

APPLICANT: Jim Peterson

APPLICANT ADDRESS: P.O. Box 1114, Hill City, SD 57745

OWNER: John O'Sullivan

OWNER ADDRESS: 1480 Xanthus Lane N, Plymouth, MN 55447

SURVEYOR / ENGINEER: Britton Engineering

SURVEYOR ADDRESS: 8035 Black Hawk Road, Suite 5, Black Hawk, SD 57718

LEGAL DESCRIPTION: EXISTING LEGAL: Tract B of Willison B White Homestead HES 2440 Less ROW; Tract 0187, Willison B White HES #2440, Section 14, T1S, R4E, BHM, Pennington County, South Dakota and That Portion of the W ½ NE ¼ Lying East of Tract B of Willison B White Homestead, HES #2440 and West of Gold Mountain Subdivision, Section 14, T1S, R4E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1, 2 and 3 of O'Sullivan Subdivision, Section 14, T1S, R4E, BHM, Pennington County, South Dakota.

SITE LOCATION: 23751 Burnt Fork Road, approximately 500 feet north of the intersection of Deerfield Road and Burnt Fork Road.

SIZE: 10.89 acres

TAX ID: 55846/44850

EXISTING LAND USE: Residential / Vacant

Agenda Item #11
John O'Sullivan; Jim Peterson
May 28, 2019

SUBDIVISION REGULATIONS

REFERENCE: § 400.1

CURRENT ZONING: General Agriculture District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Valley/open meadow/wooded

UTILITIES: Private

REPORT BY: Jason Theunissen

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending approval of Layout Plan / LPL 19-12 with eleven (11) conditions.

II. GENERAL DESCRIPTION

- A. The applicant, Jim Peterson, is requesting to combine two (2) tax parcels and then subdivide that lot to create proposed Lot 1, Lot 2, and Lot 3 (all 3+ acres) of O'Sullivan Subdivision.
- B. The purpose of the subdivision is to create three (3) residential lots.

III. EXISTING CONDITIONS

- A. Tax ID 55846 – Tract B of Willison B White Homestead HES 2440 Less ROW; Tract 0187, Willison B White HES #2440, Section 14, T1S, R4E, BHM, Pennington County, South Dakota.
 - 1. Zoned: General Agriculture.
 - 2. Lot size: 10.47 acres.
 - 3. Access off of Burnt Fork Road.
 - 4. No Special Flood Hazard Area.
 - 5. Structures according to Department of Equalization records:
 - a. Single-family residence – Built 1928
 - b. 33' x 24' Equipment (Shop) Building – 1998COBP0672.
 - 6. Existing but deficient On-site Wastewater Treatment System.
 - a. On April 4, 2018, the landowner applied for Operating Permit #COOP18-0203. During inspection, it was discovered the tank was leaking. The matter has since been turned over

to the State's Attorney's Office but no action has been taken as of the date this report was written.

- B. Tax ID 44850 – That Portion of the W ½ NE ¼ Lying East of Tract B of Willison B White Homestead, HES #2440 and West of Gold Mountain Subdivision, Section 14, T1S, R4E, BHM, Pennington County, South Dakota.
 - 1. Zoned: General Agriculture.
 - 2. Lot size: .42 acre.
 - 3. Vacant of any structures.
 - 4. Access off of Burnt Fork Road.
 - 5. No Special Flood Hazard Area.



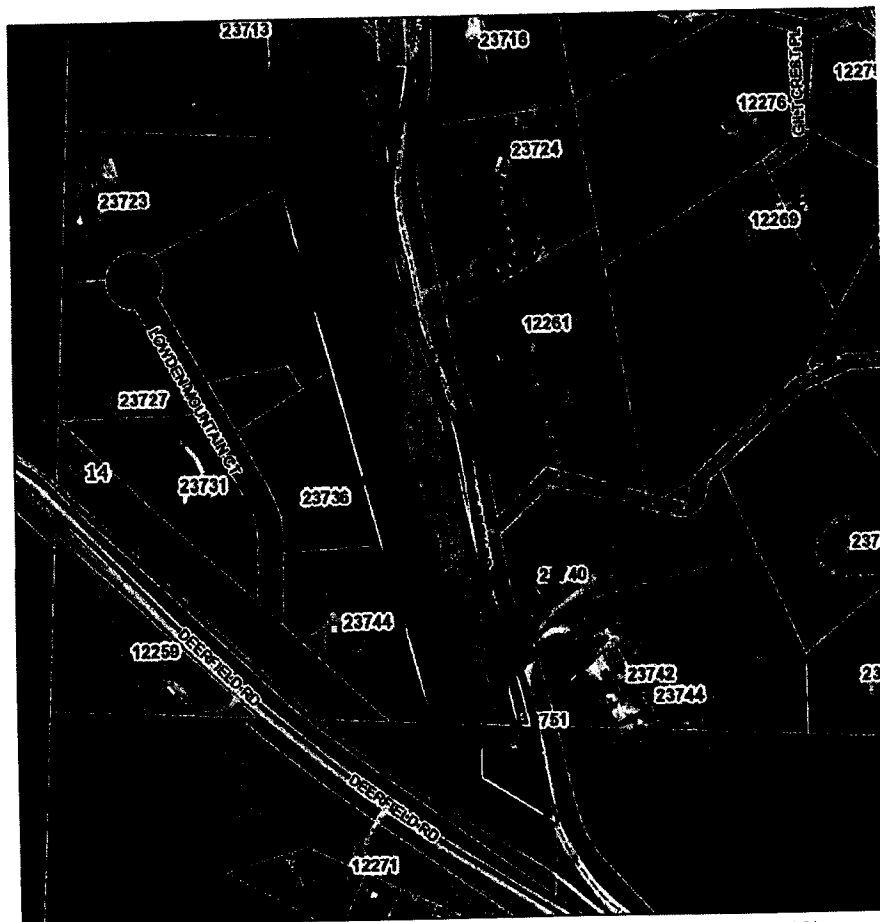
Existing Lots

IV. PROPOSED LOTS

- A. Lot 1, Lot 2, and Lot 3 of O'Sullivan Subdivision.
 - 1. Zoned: General Agriculture (40-acre minimum).
 - 2. Lot Size: Approximately 3+ acres.
 - a. Does not meet the minimum lot size requirement for a General Agriculture District, per § 205 of the Pennington County Zoning Ordinance (PCZO).

Agenda Item #11
John O'Sullivan; Jim Peterson
May 28, 2019

- b. A Rezone and Comprehensive Plan Amendment *or* Lot Size Variance will be required for all three (3) proposed lots.
 3. Lot 1 will contain:
 - a. Single-family residence.
 - b. 33' x 24' Equipment (Shop) Building.
 - c. Existing but deficient On-site Wastewater Treatment System.
 4. Lots 2 and 3 will be vacant of any structures.
 5. Access off of Burnt Fork Road.
 6. No Special Flood Hazard Area.



A Portion of Proposed Plan – Prepared by Jim Peterson (4.22.19)

V. REQUEST FOR COMMENT

- A. Gold Mountain Loop Road District
 1. No comments received.
- B. County Environmental Planning Supervisor
 1. No action has been taken by the State's Attorney's Office regarding the deficient On-site Wastewater Treatment System on this property. Recommend that it be a condition of approval prior to any other plat application that the OSWTS is addressed. No Special Flood Hazard Area on the property.

- C. County Onsite Wastewater Specialist
 1. The house located on the property (23751 Burnt Fork) attempted to obtain an Operating Permit (COOP18-0203). During the inspection it was discovered that the tank leaked. Since then the matter has been turned over to State's Attorney's Office. This issue/repair needs to be completed and an Operating Permit obtained. Once the property is subdivided any new septic systems on the newly created lots would need to follow all rules in Pennington County Zoning Ordinance 204-J.
- D. County Ordinance Enforcement Officer
 1. Ordinance Enforcement has no objection.
- E. County Addressing Coordinator
 1. No addressing concerns at this time. Future addresses must be posted in accordance with Pennington County Ordinance #20.
- F. Department of Equalization
 1. Looks okay at this point!
- G. Emergency Services (9-1-1)
 1. No comments here. Appears all future addresses would be made from the existing road-no new road names being proposed.
- H. Register of Deeds
 1. Subdivision name and lot layout are okay.
- I. County Fire Administrator
 1. No comments received.
- J. United States Forest Service
 1. The Forest Service has no objections to the Peterson Layout Plat request:
 2. Access to the property is off the Burnt Fork Road.
 3. The Forest Service will not authorize a secondary access from National Forest System lands to access private property.
 4. Protect all posted boundary line corners, signs, and bearing trees.
 5. Adhere to the setback requirements along the posted boundary between National Forest System lands (USA Public Domain; located on the north side of private property) and private property.
 6. Protect all known stream courses, ponds and riparian areas located on National Forest System lands.
 7. No resource damage to occur on National Forest System lands.
 8. 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.
 9. All construction materials, supplies, trash or garbage will not be located or dumped on National Forest System lands.
 10. Public roads in this area of the Black Hills National Forest are classified as "Roads Open to all Vehicles", "Other Public Roads" per the latest version (January 1, 2019) of the Motor Vehicle Use Map.

11. No motorized trailheads or motorized trails or motorized roads are planned or scheduled for this portion of the Black Hills National Forest.
 12. 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).
- K. Black Hills Electric Cooperative
1. Black Hills Electric Cooperative would request that all current power lines be surveyed on the new plat. There are no other concerns with this layout.

VI. ANALYSIS

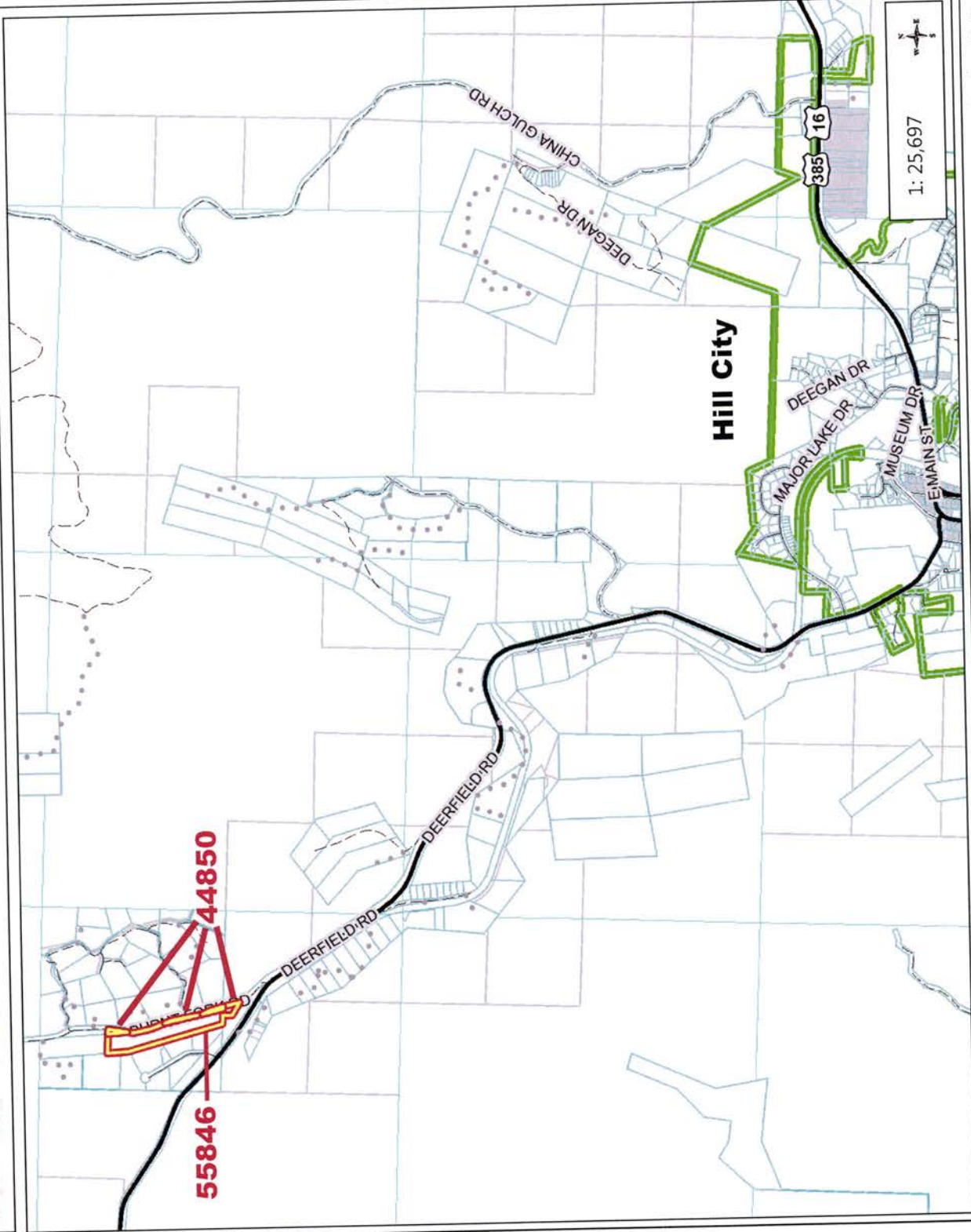
- A. April 23, 2019, the applicant, Jim Peterson, applied to create Lots 1, 2, and 3 of O'Sullivan Subdivision.
- B. The proposed plan, if approved, will combine two (2) existing lots and subdivide them to create three (3) new lots, each approximately 3+ acres.
 1. Prior to final approval, the proposed lots will require either a Rezone or Lot Size Variance, as all will be under the allotted acreage for the current zoning of General Agriculture.
- C. There is an On-site Wastewater System (OSWTS) for the single-family residence located at 23751 Burnt Fork (proposed Lot 1).
 1. April 6, 2018, the property owner applied for an operating permit. However, it was discovered that the septic system has deficiencies and a permit was unable to be issued. This has been noted as an ongoing issue and the matter has been turned over to State's Attorney's Office.
 - a. *Staff Comment: This will be included as a Condition of Approval.*
- D. For the purposes of a Layout Plan, Staff finds no significant issues with the applicant's request;

RECOMMENDATION: Staff recommends approval of Layout Plan / LPL 19-12 with the following eleven (11) conditions:

1. That the applicant obtain Approach Permits from the Gold Mountain Road District prior to installation of any approaches off of Burnt Fork Road;
2. That the applicant adhere to all comments provided by the Forest Service;
3. That prior to the Plat being recorded with the Register of Deeds, the proposed lots obtain a Lot Size Variance or be Rezoned appropriately;
4. That the applicant ensures all natural drainage ways are maintained and are not blocked;

Agenda Item #11
John O'Sullivan; Jim Peterson
May 28, 2019

5. That at the time of new Plat submittal, the plat meets the requirements of § 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
6. That at the time of new Plat submittal, eight (8) foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
7. That prior to new Plat submittal, the On-site Wastewater System (OSWTS) is repaired and an Operating Permit be obtained for the single-family residence located at 23751 Burnt Fork (proposed Lot 1).
8. 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;
9. That at the time of new Plat submittal, all current power lines be surveyed and included on the new plat;
10. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Layout Plan / PL 19-12, which is available at the Planning Office; and,
11. That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.



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

THIS MAP IS NOT TO BE USED FOR NAVIGATION

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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

Section Labels 0-25k

- Tax Parcels

Lot Lines

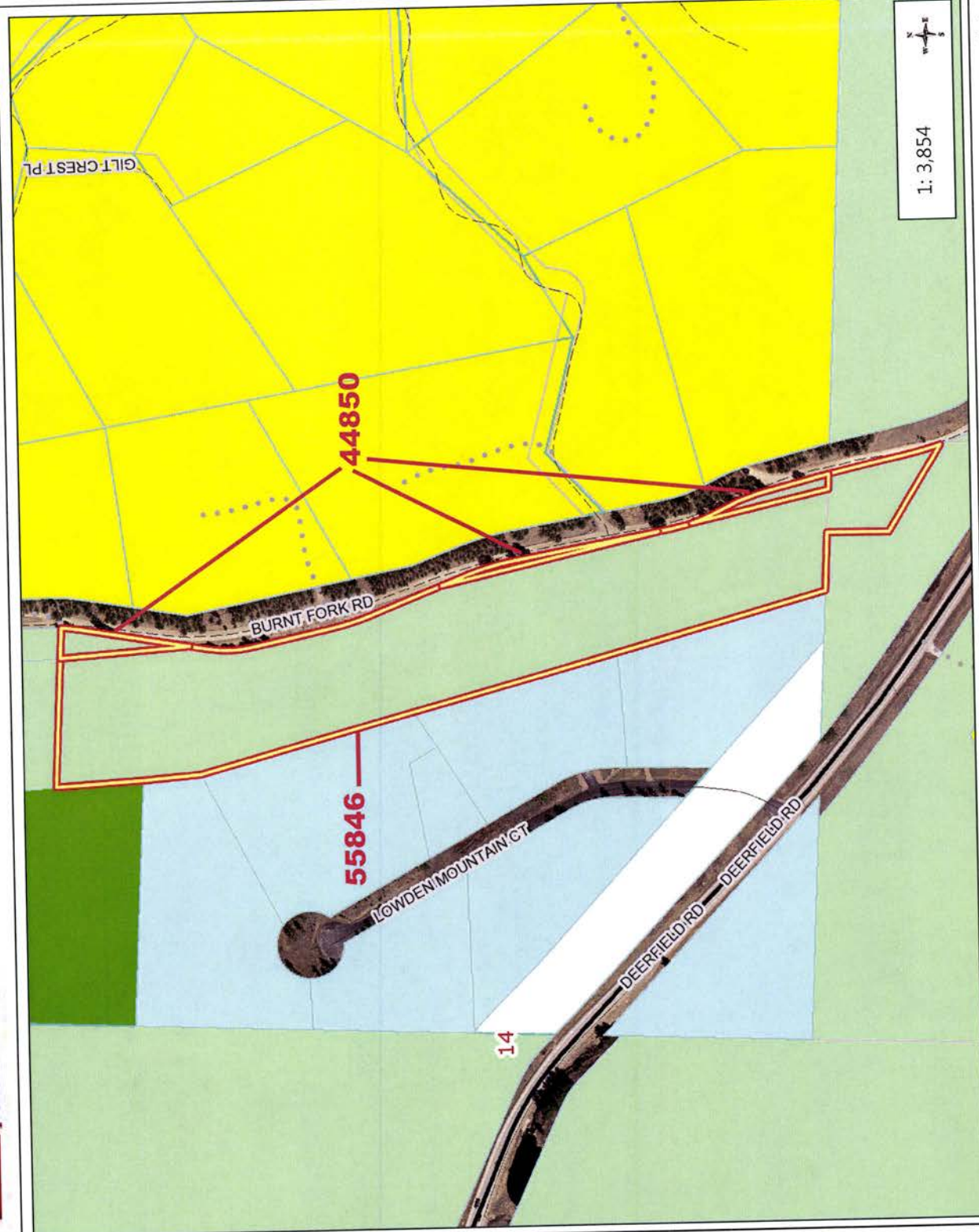
- <Null>
- Lot Line
- Parcel Line

OtherCitieslargerscale

Map Notes:



1: 25,697



1: 3,854



NAD_1983_StatePlane_South_Dakota_South_FPS_4002_Feet
© 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

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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

Pennington County Zoning

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

Map Notes:



1: 3,854

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

642.4 0 321.21 642.4 Feet

NAD_1983_StatePlane_South_Dakota_South_FIPS_4002_Feet

© City of Rapid City GIS

Legend

- Roads**
- Interstate
 - US highway
 - SD highway
 - County highway
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Section Lines 0-25k

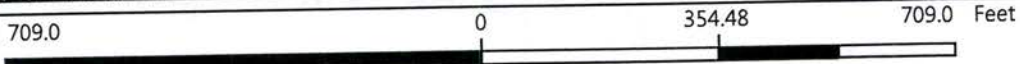
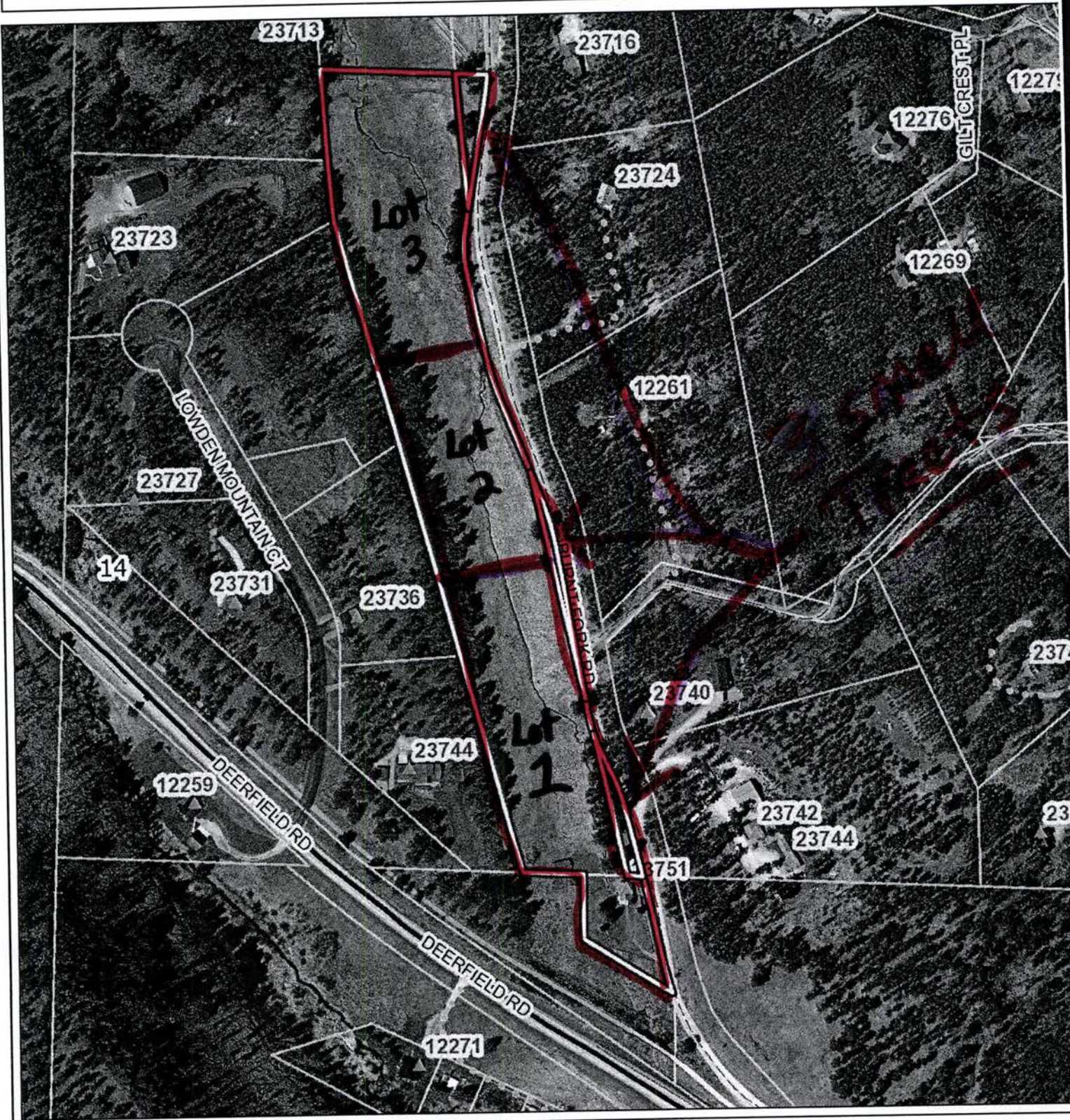
- 0
- 7

Tax Parcels

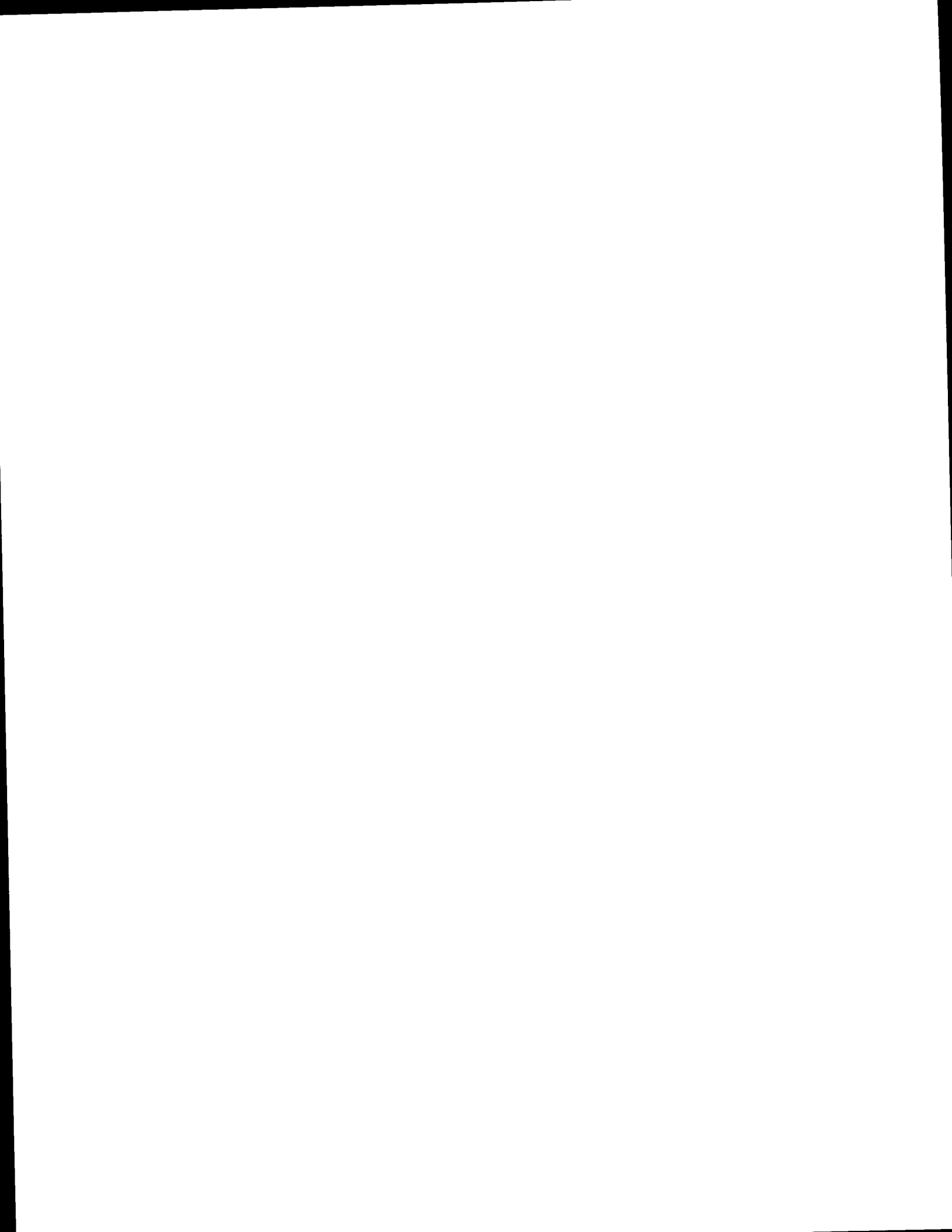
Lot Lines

- <Null>
- Lot Line
- Parcel Line

Map Notes:



This map is a user generated sta
reference only. Data layers tha



STAFF REPORT

GENERAL INFORMATION:

REQUEST: **CONDITIONAL USE PERMIT / CU 19-10:** To allow a multi-family dwelling in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

APPLICANT: Jeff and Jodi Sugrue

APPLICANT ADDRESS: 205 Duggan Street, Silver City, SD 57702

LEGAL DESCRIPTION: Tract C, Block 5, Silver City Subdivision, Section 31, T2N, R5E, BHM, Pennington County, South Dakota.

SITE LOCATION: 205 Duggan Street in Silver City.

SIZE: 0.36 acre

TAX ID: 57603

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: Private

REPORT BY: P.J. Conover

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending approval of Conditional Use Permit / CU 19-10 with eight (8) conditions.

II. GENERAL DESCRIPTION

- A. The applicant, Jeffrey and Jodi Sugrue, have applied for a Conditional Use Permit to allow an existing single-family residence (SFR) to be used as a multi-family dwelling in a Suburban Residential District.

III. EXISTING CONDITIONS

- A. Suburban Residential Zoning
1. Current and Future Land Use.
- B. 0.36 acre.
- C. Tract C was platted in 2004 – Book 32 Page 76.
- D. Access off of Duggan Street.
- E. County Building Permit / COBP04-0520
1. 20' x 20' shop.
- F. COBP04-0519
1. Demolition/Removal of existing single-family residence.
- G. COBP04-0518
1. Single-family residence.
- H. COBP13-0249
1. Attached decks.
- I. County Onsite Wastewater Construction Permit / COSD01-0088.
- J. County Operating Permit / COOP00-0027.
- K. County Operating Permit / COOP16-0042.
- L. There is no Special Flood Hazard Area on the subject property.

IV. COUNTY ZONING ORDINANCES

- A. Pennington County Zoning Ordinance (PCZO) – Section 103 defines a multi-family dwelling as:
1. *“A structure designed or used for residential occupancy by two or more families living independently of each other, which may include, but not limited to: Condominium, townhomes, apartments, and assisted living/nursing homes.”*
- B. PCZO – Section 103 defines family as:
1. *“An individual or a group of two (2) or more person related by blood, marriage or adoption, including foster children and domestic servants, or a group not to exceed five (5) persons not related by blood, marriage or adoption, living together as a single housekeeping unit and using common cooking facilities.”*
- C. PCZO – Section 208(C)(1) / Suburban Residential Zoning Districts allows for multiple-family dwellings with an approved Conditional Use Permit.

- D. PCZO – Section 303(A) / Multiple-Family Dwellings, states
1. “Multiple-family dwellings may be allowed in Limited Agriculture, Low Density Residential, and Suburban Residential district upon issuance of a Conditional Use Permit.”
 2. PCZO Section 303 is for new-build structures for multiple-family dwellings and does not address new multiple-family dwellings (additional living quarters) within an existing SFR.

V. REQUEST FOR COMMENT – RESPONSES

- A. County Highway Department
1. Highway Department has no comments.
- B. County Environmental Planner Supervisor
1. There is no Special Flood Hazard Area (including Floodway) on the subject property.
- C. County Onsite Wastewater Specialist
1. When the applicant installed their new septic system (2004COSD0188) they designed it to handle a waste stream of 645 Gallons Per Day (GPD). The applicants proposed use would generate 600 GPD.
 2. I have no further concerns.
- D. County Fire Administrator
1. No comments received.
- E. County Addressing Coordinator
1. The additional living quarters should have a unit number based off of the primary physical address. Unit number should be posted in accordance with Pennington County Ordinance #20 for identification and emergency response.
- F. County Ordinance Enforcement Officer
1. Ordinance Enforcement has no objection.
 2. However, one question that comes to mind: how is this space intended to be used if/when the applicant’s mother no longer resides there?
- G. 9-1-1 Emergency Services
1. No concerns here.

VI. CONSIDERATIONS FOR CONDITIONAL USE PERMIT REQUEST

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

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

If it is difficult to determine what type and amount of effect a multiple-family dwelling unit may have on the surrounding properties. The applicant is not requesting to add a separate dwelling unit.

The applicant has also indicated the requested use is temporary and the proposed kitchen will be removed in its entirety and the Conditional Use Permit can end when the mother or mother-in-law's residence is no longer needed.

As of this Staff Report, the Planning Department has received at least five (5) phone calls from neighboring property owners regarding this request. The Planning Department has received one (1) letter of opposition to this requested use.

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

The subject property is surrounded on three sides by properties zoned Suburban Residential District and on one side by Duggan Street in Silver City.

The applicant's request does not appear to have an effect the normal and orderly development and improvements on surrounding properties as the request is to an existing structure.

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

It appears all necessary utilities and facilities are in place. Access to the property is provided via an existing access from Duggan Street.

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

The Zoning Ordinance requires two (2) off-street parking spaces for each dwelling unit of a multiple-family dwelling, thus a total of four (4) parking spaces is required. There is ample space on the subject parking to accommodate the necessary number of parking spaces.

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

The proposed Conditional Use, by its very nature will have limited odor, fumes, dust, noise, vibrations and intrusive lighting. All exterior lighting is

to be directed downward. The proposed use should not create any of the above listed elements in amounts that would constitute a nuisance.

VII. ANALYSIS

- A. The applicants have submitted plans, along with application paperwork for CU 19-10, which illustrate the conversion of the downstairs of their existing residence into separate living quarters.
- B. The purpose of the multi-family residence is to allow for a mother or mother-in-law's residence.
- C. The applicant has indicated the use of the single-family residence as a multi-family dwelling is temporary and when the mother or mother-in-law's residence is no longer needed, the full kitchen will be removed from the living quarters and CU 19-10 will no longer be needed and would end.
- D. The photos below were submitted by the applicant on May 23, 2019, and show the area where the new living quarters are proposed.



- E. That applicant appears to meet the Pennington County Zoning Ordinance to allow for the requested use.

Agenda Item #14
Jeff and Jodi Sugrue
May 28, 2019

RECOMMENDATION: Staff recommends approval of Conditional Use Permit / CU 19-10 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 existing approach must be used and no additional approaches will be allowed unless approved by the Board of Commissioners and that the residence and the addresses of each unit be properly posted so they are in accordance with Pennington County Ordinance #20;
3. That the property be kept free of debris and junk vehicles;
4. That once the living quarters for CU 19-10 are no longer in use as a multi-family dwelling, the full kitchen be removed from the basement and the landowner notify the Planning Department, allow Staff to perform a site visit to verify removal, and CU 19-10 shall end;
5. That the landowner ensure that smoke alarms and fire extinguishers be properly installed and/or maintained in working order in each unit;
6. That the applicant obtain a Building Permit, with penalty fees, for the work that has already begun on the new living quarters;
7. 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,
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 or Planning Commission to verify that all conditions are being met.

Legend

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



1: 6,249



1,041.5 Feet
0 520.73 1,041.5 Feet

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

NAD_1983_StatePlane_South_Dakota_South_FIPS_4002_Feet
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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

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:



630.2 0 315.09 630.2 Feet

1: 3,781

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

NAD_1983_StatePlane_South_Dakota_South_FIPS_4002_Feet
© City of Rapid City GIS

Legend

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



1: 473



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

78.8 Feet

39.39

0

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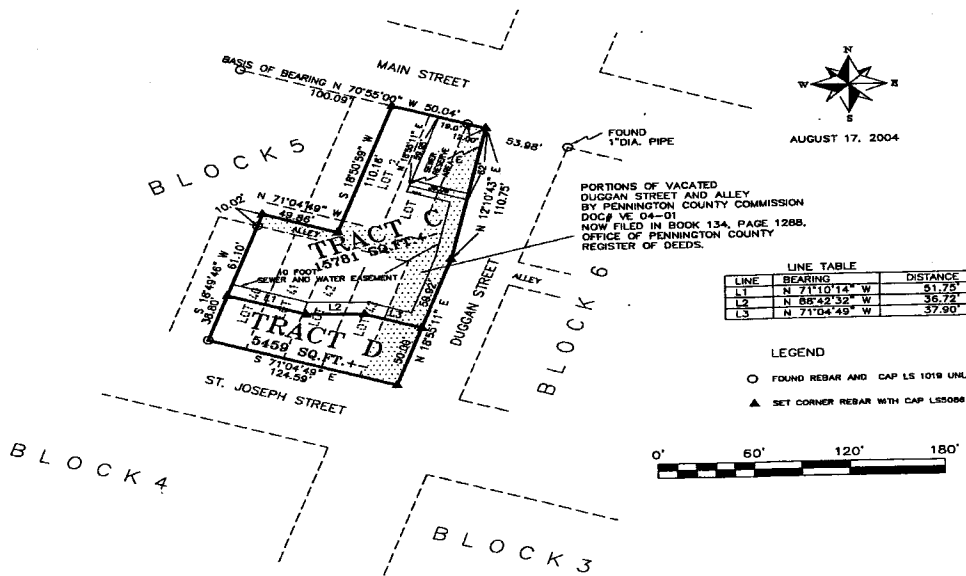
DRAWING NUMBER

PLAN HOLD CORPORATION - IRVINE, CALIFORNIA
REORDER BY NUMBER 07/244
POSITION LOCATED BY POINT ON THE LINE

DRAWING NUMBER

32-76
PLAN HOLD CORPORATION - IRVINE, CALIFORNIA
REORDER BY NUMBER 07/244
POSITION LOCATED BY POINT ON THE LINE

PLAT OF TRACT C AND TRACT D OF BLOCK 5 OF THE TOWNSITE OF SILVER CITY, FORMERLY LOTS 1, 2, 40, 41, 42, 43 OF BLOCK 5 AND PORTIONS OF THE VACATED ALLEY AND DUGGAN STREET, TOWNSITE OF SILVER CITY, ALL LOCATED IN THE S1/2 OF SECTION 31, T.2 N., R.5 E., B.H.M., PENNINGTON COUNTY, SOUTH DAKOTA.



LINE TABLE

LINE	BEARING	DISTANCE
L1	N 71°04'14" W	51.75
L2	N 85°42'32" W	36.72
L3	N 71°04'49" W	37.90

LEGEND
○ FOUND REBAR AND CAP LS 1018 UNLESS OTHERWISE NOTED
▲ SET CORNER REBAR WITH CAP LS5088



- NOTES:
- TRACT D IS DEDICATED A 10 FOOT SEWER EASEMENT ACROSS LOT C TO CONNECT SEWER SERVICE TO THE SEPTIC SYSTEM.
 - TRACT D IS DEDICATED A 10 FOOT WATER LINE EASEMENT ACROSS LOT C TO CONNECT WATER SERVICE TO THE SHARED WELL.
 - THE GENERAL LOCATION OF THE SEPTIC SYSTEM IS THE NORTH HALF OF FORMER LOT 2, BLOCK 5, (WEST OF THE RESERVE AREA SHOWN HEREON).
 - THE RESERVE AREA SHOWN HEREON IS THE LOCATION OF AN ALTERNATE SEPTIC SYSTEM IN CASE OF SEPTIC SYSTEM FAILURE OF THE AREA DESCRIBED IN NOTE 3 LISTED ABOVE.

Certificate of Ownership
State of South Dakota
County of Pennington
Jeffrey C. An and Jean K. Siskowak do hereby certify that I/We are the owners of the tract of land shown and described hereon, that the plat was done at our request for the purposes indicated hereon, and that we do hereby approve the within plat of said land, and that the development of this land shall conform to all existing applicable zoning, subdivision and erosion and sediment control regulations.
a. Any land shown on the within plat as public right-of-way is hereby dedicated to public use and public utility use as such forever.
In witness whereof, I have set my hand and seal.
Owner: Jeffrey C. An
Acknowledgment of Owner
State of South Dakota
County of Pennington
On the 17 day of August, 2004, before me a Notary Public, personally appeared and known to me to be the person described in the foregoing instrument and acknowledged to me that they signed the same.
Notary Public:
My Commission Expires: 4 February 2010

TERRY MORGAN
NOTARY PUBLIC
State of South Dakota

Certificate of Director Of Equalization
State of South Dakota
County of Pennington
I, Director of Equalization of Pennington County, do hereby certify that I have on record in my office a copy of the within described plat.
Dated this 18 day of August, 2004
Denise Peters Staff Asst.
Director of Equalization of Pennington County
Approved: Denise Peters Date 18 August 2004

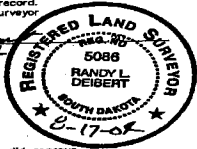


Certificate of County Treasurer
State of South Dakota
County of Pennington
Treasurer of Pennington County, do hereby certify that all taxes which are liens on this 18 day of August, 2004, the within described lands are fully paid according to the records of my office.
Debra Dwyer
County Treasurer

Certificate of Registrar of Deeds
State of South Dakota
County of Pennington
Filed this 20th day of August, 2004
at 2:13 o'clock P.M. on page 95
Debra Dwyer #17322
Registrar of Deeds
By: Debra Dwyer Deputy's 10-02



Certificate of Surveyor
State of South Dakota
County of Pennington
I, Randy L. Deibert, P.O. Box 408, Spearfish, South Dakota, Being a Registered Land Surveyor in the State of South Dakota, No. 5088, do hereby certify that at the request of the owners and described under my supervision, I have caused to be surveyed and plotted the property shown and described hereon, and that this plat is true and correct to the best of my knowledge and belief. This survey does not constitute a title search to determine ownership or easements of record. I further state that I did not obtain the signatures for the certificates other than the surveyor certificate.
In witness whereof, I have hereunto set my hand and seal. Dated this 17th day of August, 2004.
Randy L. Deibert
Randy L. Deibert, R.L.S. 5088



Resolution by Governing Board
State of South Dakota
County of Pennington
I, Auditor of Pennington County, do hereby certify that at a Board meeting held on the 17th day of August, 2004, the County Commissioners by resolution did approve the plat as shown and described.
William A. Wolf
Auditor of Pennington County



Certificate of Street Authority
State of South Dakota
County of Pennington
The location of the proposed property lines abutting the County or State Highway, or the County Road as shown hereon, is hereby approved. Any change in the location of the proposed property lines shall require additional approval.
William A. Wolf 17 August 2004
Highway Authority

Water Protection Statement
Pursuant to SDCL 11-3-8.1 and 11-3-8.2, the developer of the property described within this plat shall be responsible for protecting any waters of the state, including groundwater, located adjacent to or within such plotted area from pollution from sewage from such subdivision and shall in prosecution of such protections conform to and follow all regulations of the South Dakota Department of Environment and Natural Resources relating to the same.

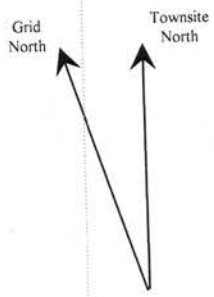
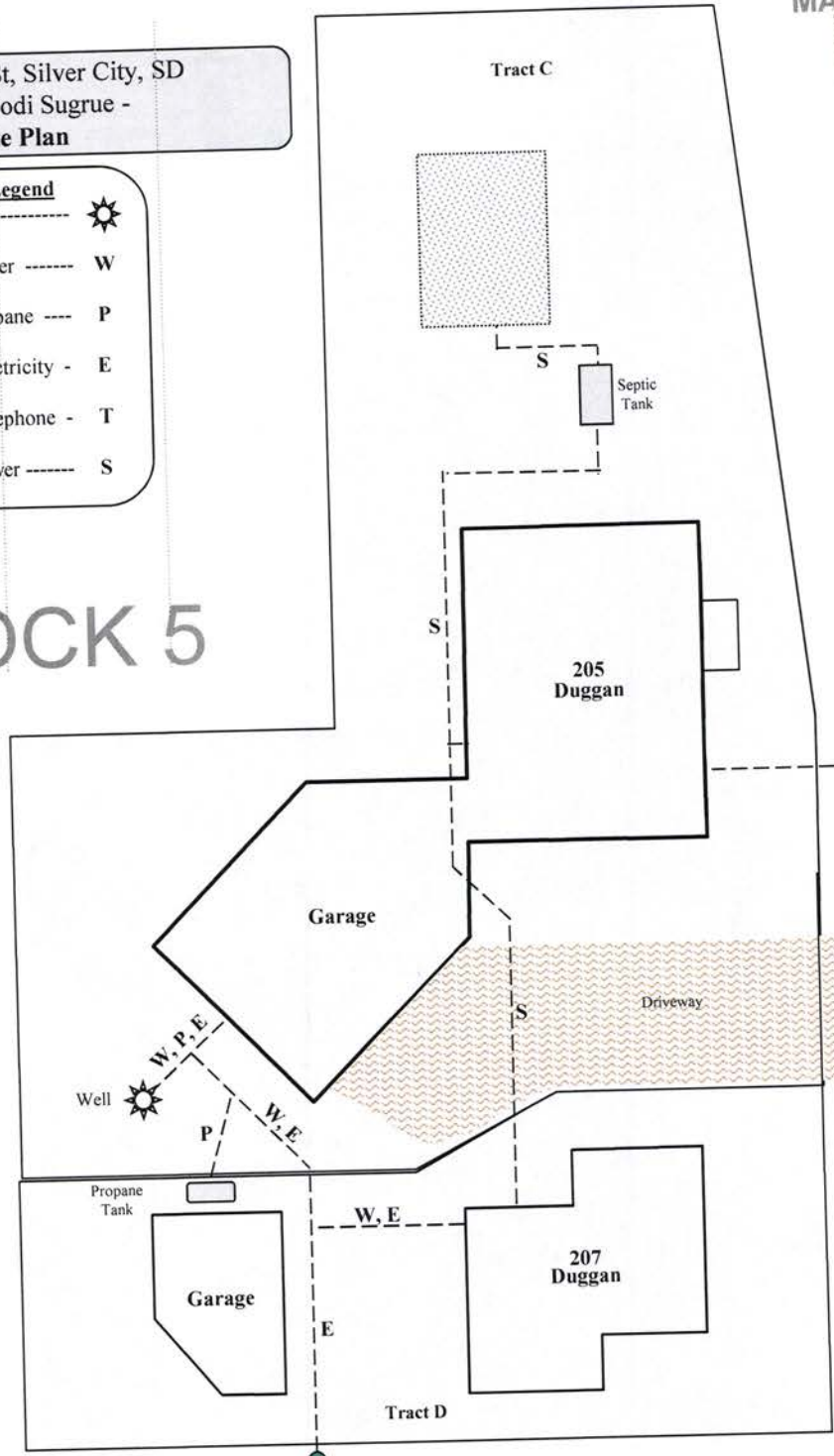
MAIN STREET

205 Duggan St, Silver City, SD
- Jeff & Jodi Sugrue -
Site Plan

Legend

- Well ----- ☼
- Utilities: Water ----- W
- Propane ----- P
- Electricity ----- E
- Telephone ----- T
- Sewer ----- S

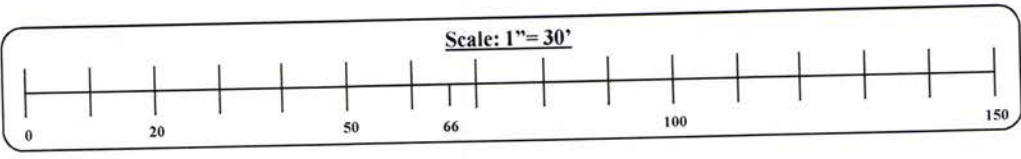
BLOCK 5



Telephone Pedestal

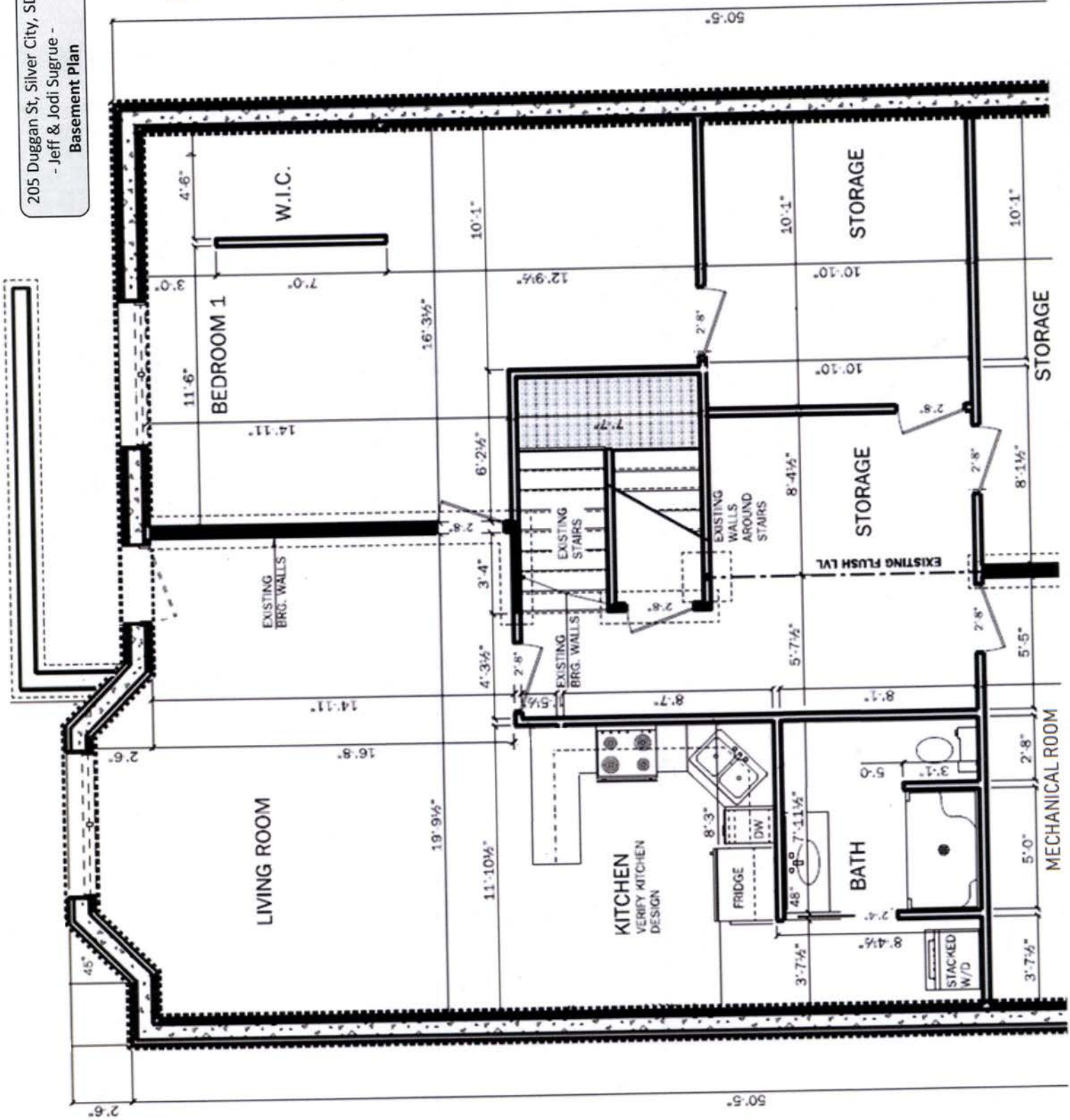
DUGGAN STREET

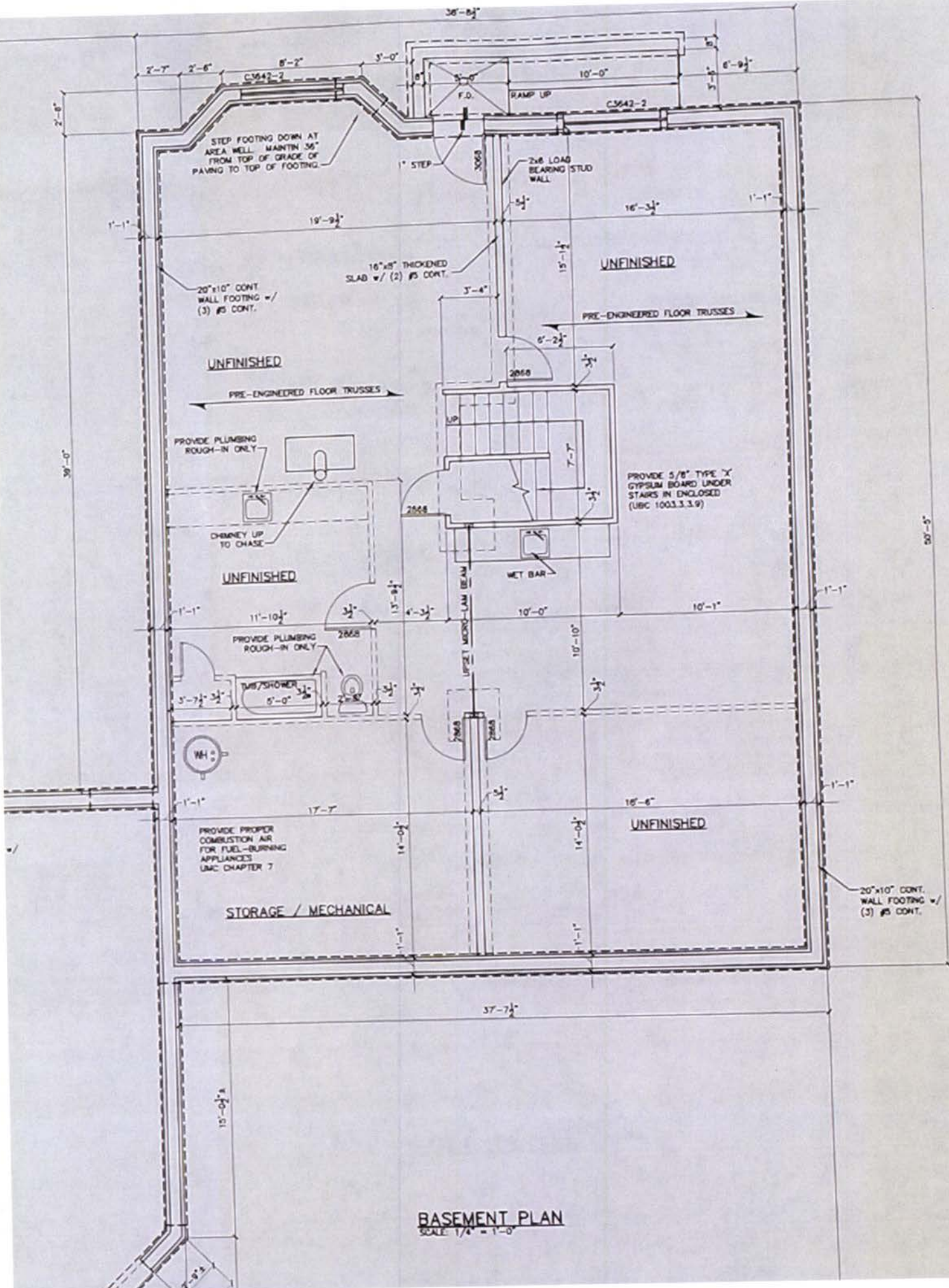
ST. JOE STREET



205 Duggan St, Silver City, SD
 - Jeff & Jodi Sugrue -
 Basement Plan

PROPOSED





BASEMENT PLAN

SCALE 1/4" = 1'-0"

STEP FOOTING DOWN AT AREA WELL. MAINTAIN 36" FROM TOP OF GRADE OF PAVING TO TOP OF FOOTING.

20"x10" CONT. WALL FOOTING w/ (3) #5 CONT.

16"x8" THICKENED SLAB w/ (2) #5 CONT.

PRE-ENGINEERED FLOOR TRUSSES

PROVIDE PLUMBING ROUGH-IN ONLY

UNFINISHED

PROVIDE PLUMBING ROUGH-IN ONLY

TUB/SHOWER

MH

PROVIDE PROPER COMBUSTION AIR FOR FUEL-BURNING APPLIANCES UMC CHAPTER 7

STORAGE / MECHANICAL

UNFINISHED

PROVIDE 5/8" TYPE 'X' GYPSUM BOARD UNDER STAIRS IN ENCLOSED (UBC 1003.3.3.9)

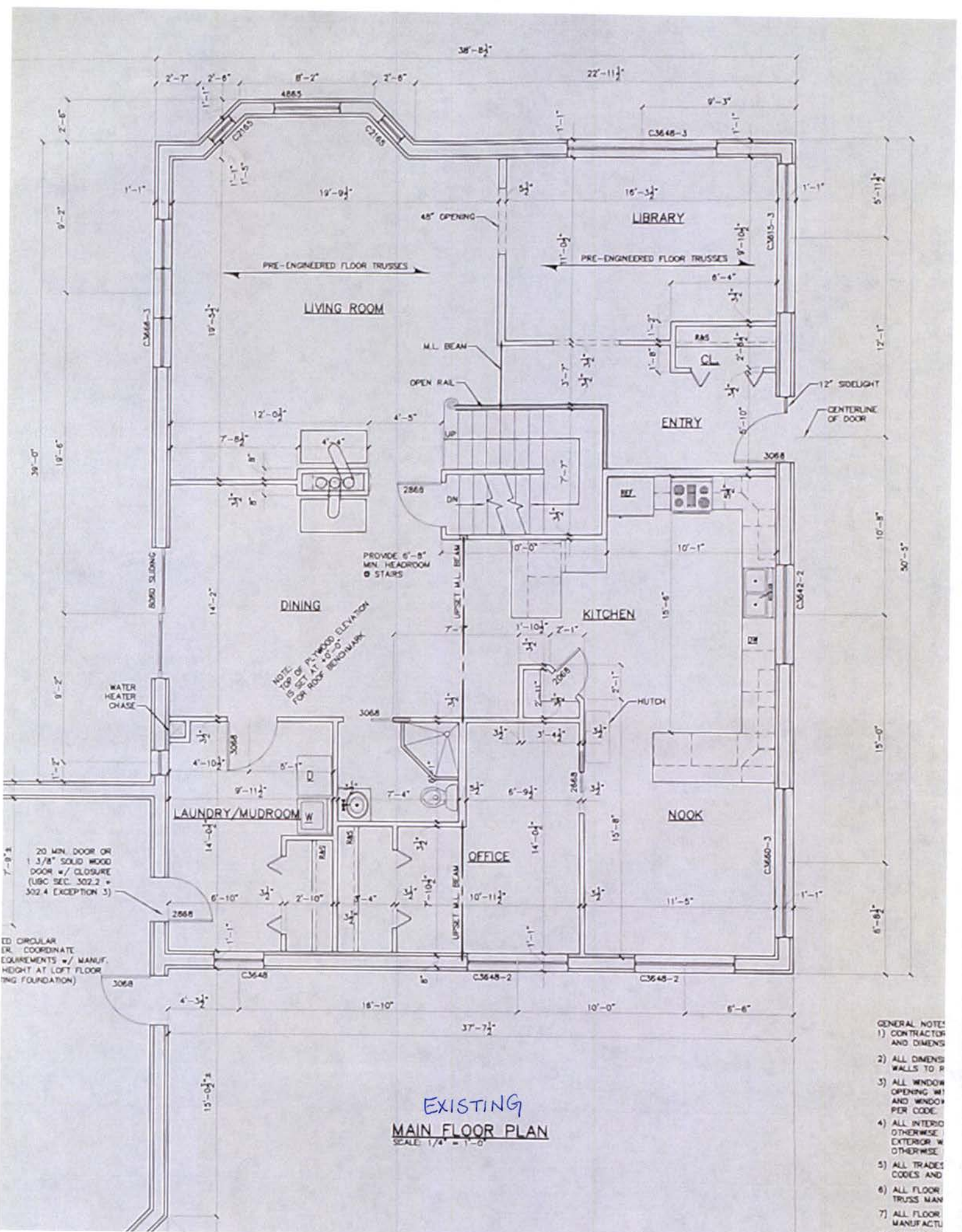
UNFINISHED

20"x10" CONT. WALL FOOTING w/ (3) #5 CONT.

37'-7 1/2"

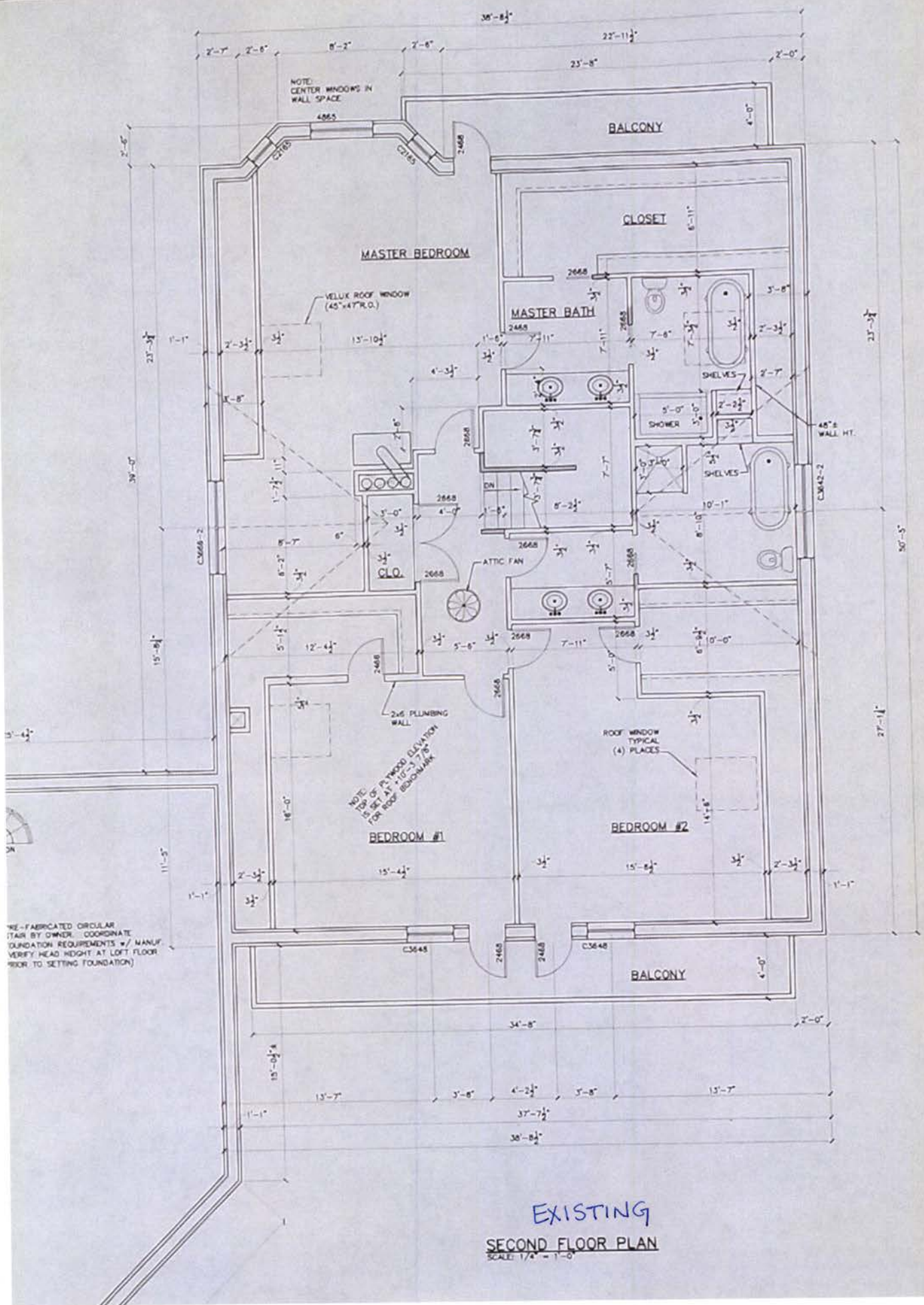
15'-0 1/2"

7'-8 1/2"



**EXISTING
MAIN FLOOR PLAN**
SCALE: 1/4" = 1'-0"

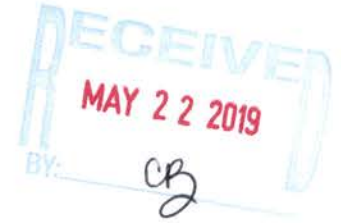
- GENERAL NOTES:**
- 1) CONTRACTOR AND DIMENS
 - 2) ALL DIMENS WALLS TO R
 - 3) ALL WINDOW OPENING W/1 AND WINDO PER CODE.
 - 4) ALL INTERIO OTHERWISE EXTERIOR W OTHERWISE.
 - 5) ALL TRADES CODES AND
 - 6) ALL FLOOR TRUSS MAN
 - 7) ALL FLOOR MANUFACTU
 - 8) HANDRAIL I



WE - FABRICATED CIRCULAR STAIR BY OWNER. COORDINATE FOUNDATION REQUIREMENTS w/ MANUF. VERIFY HEAD HEIGHT AT LOFT FLOOR PRIOR TO SETTING FOUNDATION.

EXISTING
SECOND FLOOR PLAN
 SCALE 1/4" = 1'-0"

Mary Cordes Lucas
816 Golden Hill St.
Cheyenne, WY 82009
307-630-2513



Pennington County Planning Department
130 Kansas City St., Ste.200
Rapid City, SD 57701

May 22, 2019

To whom it may concern,

We own property in Silver City, address 9406 Main St.

We received the letter requesting a conditional use permit for the property at 205 Duggan Street in Silver City, SD.

We do have concerns about allowing a multi-family dwelling this property. We fear that allowing a multi-family dwelling so close to our little cabin will adversely affect our property values. This area has, for years, been a community of predominantly vacation/summer homes. It is a quiet community, with very little infrastructure. A multi-family dwelling would impact the condition of the roads, bring more noise and dust on the dirt roads, add to light and noise pollution, and possibly affect the wells of nearby residents.

My family has owned our cabin at 9406 Main Street, Silver City, since 1961. During this time we have watched the tone and look of Silver City change, and not necessarily for the better.

Because we do not live in South Dakota we are unable to attend the actual hearing. We hope you will accept our written comments.

It would be our preference that the owners in question not be allowed a multi-family dwelling in our small community.

Thank you.

Sincerely,

Mary (Long) Lucas, Kari Cundall, David Cordes



PLANNING DEPARTMENT
130 KANSAS CITY ST., SUITE 200 • RAPID CITY, SD 57701
605-394-2186 • FAX 605-394-6016

NOTICE OF PUBLIC HEARING

As the owner of land lying within 500 feet of that involved in the subject request, you are hereby notified that the undersigned has petitioned for the following action:

- PETITIONER'S NAME: Jeff and Jodi Sugrue
- NATURE OF REQUEST: Conditional Use Permit
- ZONING OF SUBJECT PROPERTY: Suburban Residential District
- REASON FOR REQUEST: To allow a multi-family dwelling in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.
- LEGAL DESCRIPTION: Tract C, Block 5, Silver City Subdivision, Section 31, T2N, R5E, BHM, Pennington County, South Dakota.
- LOCATION OF SUBJECT PROPERTY: 205 Duggan Street in Silver City.

The hearing on this request will be held before the Pennington County Planning and Zoning Commission in the Commissioner's Meeting Room at the Administration Building at 9:00 a.m. on the 28th day of May 2019. The Pennington County Planning and Zoning Commissions' decision shall be final unless any aggrieved person files a written appeal within five (5) working days with the Pennington County Planning Department. When an appeal is filed, the Planning Director shall present the Planning Commissions' decision to the County Board for review. The County Board shall vote to uphold, overrule, or amend the decision of the Planning Commission. The public is invited to express their opinions.

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.

Bolstad Cassie

From: Mary Lucas <mephitis2@gmail.com>
Sent: Wednesday, May 22, 2019 9:18 AM
To: Bolstad Cassie
Subject: Planning Dept. Hearing
Attachments: Notice of Public Hearing.jpg; Cabin Use Letter.docx

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

Thank you Cassie. I am attaching a copy of the Notice of Public Hearing we received, and our written comments. Please let me know if you need anything else.

Mary Lucas

--

Mary Lucas ~

can you kill time without harming eternity?

STAFF REPORT

GENERAL INFORMATION:

REQUEST: MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 19-03: To amend an existing Planned Unit Development to allow for additional lots to be developed on the subject properties in accordance with Section 213 of the Pennington County Zoning Ordinance.

APPLICANT: Bill Freytag

APPLICANT ADDRESS: P.O. Box 2192, Rapid City, SD 57709

OWNER: Prairie Valley Development

OWNER ADDRESS: 8240 Daisy Lane, Rapid City, SD 57702

LEGAL DESCRIPTION: The NE1/4NE1/4 Less Eisenbraun Subdivision, Less Winton Subdivision, Less Prairiefire Subdivision and Less ROW and SE1/4NE1/4 Less Eisenbraun Subdivision, Less Winton Subdivision, Less Prairiefire Subdivision and Less ROW, Section 26, T1N, R8E, BHM, Pennington County, South Dakota.

SITE LOCATION: South of the intersection of Southside Drive and Anderson Road.

TAX ID: 61153 / 61154

SIZE: 26.61 acres

EXISTING LAND USE: Vacant

ZONING REFERENCE: § 213

CURRENT ZONING: Planned Unit Development District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Flat/ Open Prairie

UTILITIES: Public

REPORT BY: Cassie Bolstad

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending approval of Major Planned Unit Development Amendment / PU 19-03 with eleven (11) conditions.

II. GENERAL DESCRIPTION

- A. The applicant, Bill Freytag, has applied for a Major Planned Unit Development Amendment to increase the number of lots to be developed within the Prairiefire Subdivision.

III. EXISTING CONDITIONS

- A. Two (2) separate lots
 - 1. NE1/4NE1/4 less Eisenbraun Sub, less Winton Sub, less Prairiefire Sub and less ROW (10.28 acres)
 - 2. SE1/4NE1/4 less Eisenbraun Sub, less Winton Sub, less Prairiefire Sub and less ROW (16.33 acres)
- B. Both zoned Planned Unit Development District (PU 06-03).
- C. Access off of Receda Street and Mondo Street.
 - 1. Located within the Winton Road District.
- D. No Special Flood Hazard Area on the subject properties.

IV. ZONING HISTORY

- A. June 7, 1994 – Board of Commissioners approved Rezone / RZ 94-15 to rezone 69.39 acres from General Agriculture District to Limited Agriculture District to create a five to six lot single-family residential subdivision.
- B. February 1, 2005 – Board of Commissioners denied Rezone / RZ 04-39 to rezone approximately 54.91 acres from Limited Agriculture District to Suburban Residential District.
- C. June 28, 2005 – Board of Commissioners approved Planned Unit Development / PU 05-06 to rezone approximately 54.91 acres from Limited Agriculture District to Planned Unit Development with the following twelve (12) conditions:
 - 1. That the Planned Unit Development consists of 46 residential lots and 2 common lots, with a minimum lot size of 1.00 acre;
 - 2. That a minimum of two (2) off-street parking spaces be provided for each residential lot. All off-street parking spaces on the site shall measure at least 9 feet by 18 feet, be surfaced with gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;

3. That no off-premise signs be allowed within the Planned Unit Development;
 4. That the Planning Director may allow additional development or construction which is consistent with the existing development on this property; significant changes in the use or impacts on adjacent land uses as determined by the Planning Director shall require an amendment to this Planned Unit Development;
 5. That a Building Permit be obtained for any structures exceeding 144 square feet or located on a permanent foundation, which includes the necessary site plans to be reviewed and approved by the Planning Director;
 6. That the required minimum setbacks for all structures be a minimum of 25 feet from all property lines;
 7. That each unit has an individual address that must be posted in accordance with Pennington County Ordinance Amendment #20;
 8. That prior to any Building Permits being issued to the property, the applicant installs an operational centralized water system;
 9. That as soon as a public sewer system is within 400 feet of the Planned Unit Development, that any residence or wastewater system becomes located within the jurisdictional boundaries of a municipality or sanitary district or the municipality or sanitary district requests to provide service to the premises, the remaining residences be tied into to this system;
 10. That a Road District be formed to maintain the road system;
 11. That the single-family residences must be stick-built, double-wide manufactured or modular homes meeting the requirements of Section 204-I of the Pennington County Zoning Ordinance; and,
 12. That this Planned Unit Development be reviewed in one (1) year on a complaint basis only.
- D. March 7, 2006 – Board of Commissioners approved Planned Unit Development / PU 06-03 to amend the Planned Unit Development to allow for 75 residential lots, 1 well lot and 1 detention lot with a minimum lot size of ½ acre with fifteen (15) conditions.
1. PU 06-03 was reviewed in 2007, 2014, 2015 and 2016.
- E. October 4, 2016 – Board of Commissioners approved the extension of PU 06-03 with the following ten (10) conditions:
1. That the Planned Unit Development consists of no more than 75 residential lots, one (1) well lot and one (1) detention lot with a minimum lot size of 1/2 acre;
 2. That a Building Permit be obtained for any structures 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;
 3. That no off-premise signs be allowed within the Planned Unit Development;

4. That the Planning Director may allow additional development or construction which is consistent with the existing development on this property. Significant changes in the use or impacts on adjacent land uses, as determined by the Planning Director, shall require an amendment to this Planned Unit Development;
5. That the required minimum setbacks meet the Suburban Residential Zoning requirements;
6. That each address must be posted in accordance with Pennington County Ordinance #20;
7. That prior to any new Building Permits located within newly platted areas of the subdivision, the roads providing access to the lots must be improved to City platting requirements and the applicant must install road signs for the new roads;
8. That the single-family residences must be stick built or double-wide manufactured or modular homes meeting the requirements of Section 204-1 of the Pennington County Zoning Ordinance;
9. That road widths are 28-feet-wide, with 4-foot to be reserved for pedestrians and non-motorized travel; and,
10. That this Planned Unit Development be reviewed in three (3) years, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or the Board of Commissioners to verify that all Conditions of Approval are being met.

V. REQUEST FOR COMMENT

- A. County Highway Department
 1. The development will increase the runoff which flows to the north and crosses Southside Drive through an 18 inch culvert. The developer must either prove the increased flow will not cause overtopping of Southside Drive or make improvements to detain the runoff. Similar comments were provided to the City of Rapid City for their plat approval.
 - a. *Staff Comment: These issues will be addressed by the City of Rapid City through the platting process.*
- B. County Fire Administrator
 1. No comments received.
- C. County Environmental Planning Supervisor
 1. There is no Special Flood Hazard Area on the subject properties.
- D. County Environmental Planner
 1. A Construction Permit is required for any disturbance in excess of 10,000 square feet.
- E. County Onsite Wastewater Specialist
 1. The applicant has stated that septic will be provided by the City of Rapid City. I have no further concerns.
- F. County Ordinance Enforcement
 1. No comments, questions, or concerns from Ordinance Enforcement.

Agenda Item #15
Prairie Valley Development; Bill Freytag
May 28, 2019

- G. County Natural Resources
 - 1. No comments received.
- H. County Addressing Coordinator
 - 1. Addresses will be assigned upon Building Permit submittal and must be posted in accordance with Pennington County's Ordinance #20.
- I. County Sheriff's Office
 - 1. No comments received.
- J. Emergency Services (9-1-1)
 - 1. Good here. Road names were reviewed previously.
- K. Rapid City Community Planning & Development
 - 1. The City is currently reviewing a Preliminary Subdivision Plan to subdivide the subject property into 89 residential lots. As a part of the platting process, the proposed streets must be constructed to City Street Design Standards or Exception(s) must be obtained.
 - 2. The City's Future Land Use Plan identifies the appropriate use of the property as Rural Residential which typically requires 3 to 5 acre lots. However, with the connection to City sewer and water, additional densities are appropriate for this area.
- L. Rapid City Long Range Planning
 - 1. Future Land Use of the property is Rural Residential as identified in Plan Rapid City.
 - 2. Rural Residential stipulates a density of 3-5 acres per dwelling unit. The proposed development is not in compliance with Plan Rapid City.
 - 3. Abelia Road, Receda Street, and Mondo Road are classified as Local streets and require a minimum of 52' of ROW per the Infrastructure Design Criteria Manual.
 - 4. Anderson Road is classified as a Proposed Collector on the Major Street Plan and requires a minimum of 68' of ROW per the Infrastructure Design Criteria Manual.
- M. Rapid City Engineering/Public Works
 - 1. I've attached my comments from the City review of this preliminary subdivision plan. Public Works has no further comments at this time.
 - a. *Staff Comment: A copy of the comments as referred to are included with this Staff Report.*
- N. West River Electric
 - 1. West River Electric will require an 8' easement located on the interior lot lines for the Prairie Valley Development project.
- O. Winton Road District
 - 1. No comments received.

VI. ANALYSIS

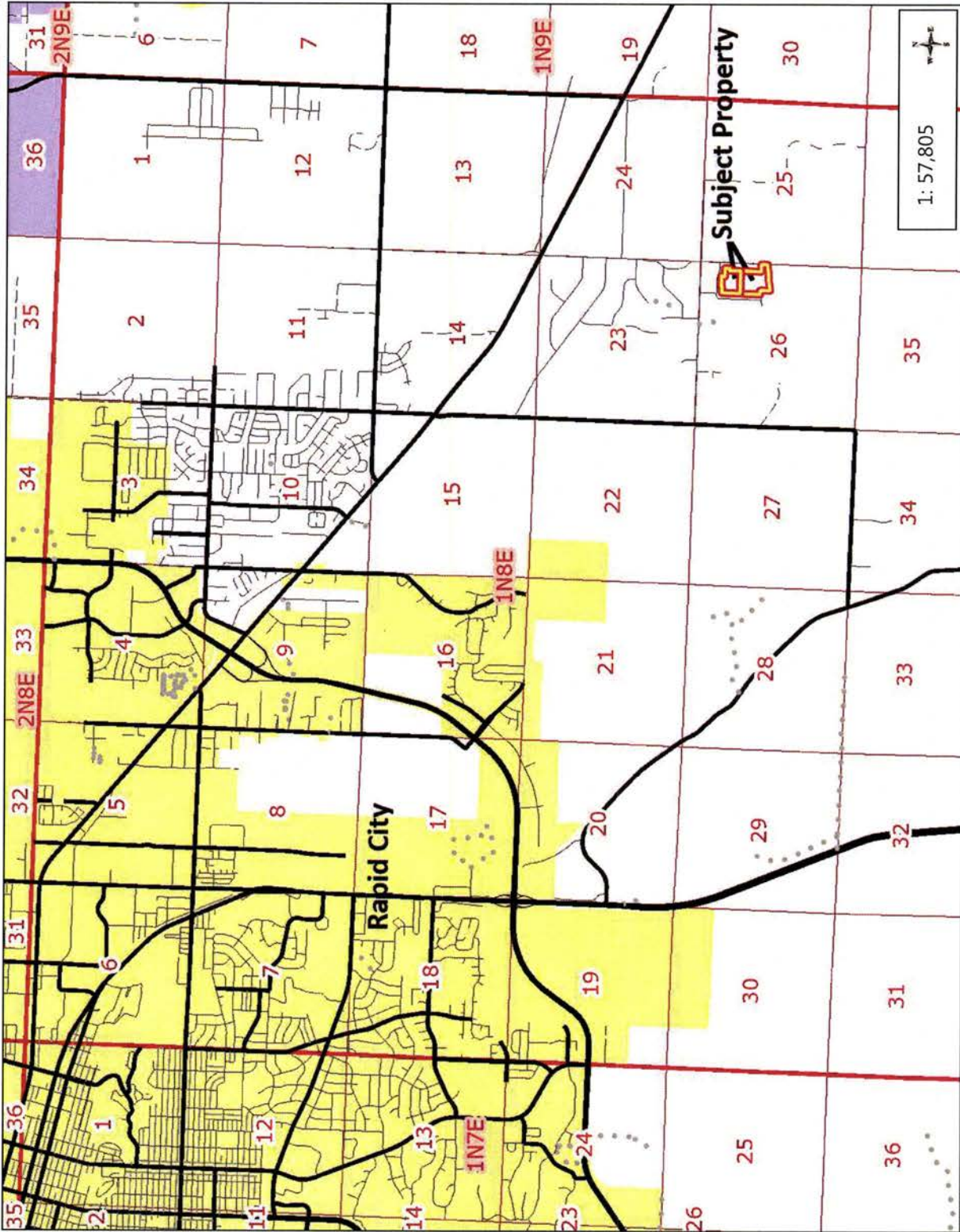
- A. April 9, 2019 – The applicant submitted Major Planned Unit Development Amendment / PU 19-03 to allow for additional lots to be developed within the Prairiefire Subdivision.
 1. Currently, Condition #1 of the existing Planned Unit Development (PU 06-03) restricts the size of the development to no more than 75 residential lots, one (1) well lot and one (1) detention lot with a minimum lot size of 1/2 acre.
- B. There are currently 37 platted lots within the Prairiefire Subdivision.
 1. 35 of the lots are developed with structures built on them.
- C. The subject properties are located within Rapid City's 3-mile platting jurisdiction.
 1. According to comments provided by Rapid City Community Planning, the applicant is in the process of platting the proposed lots through the City of Rapid City.
- D. The applicant is proposing to add 89 residential lots in two (2) phases.
 1. It appears the lots will range in size from 0.22 acre to 0.56 acre.
 2. A copy of the applicant's preliminary subdivision plan is included with this Staff Report.
- E. A document provided by KTM Design Solutions, Inc. on April 8, 2019, and included with this Staff Report states:
 1. Upon development, the proposed new lots will be served by Rapid City water and sewer utilities.
 2. Minimum lot size will be no less than 7,400 square feet.
 3. Minimum lot width will be no less than 50-feet.
 4. Minimum lot setbacks are proposed to be 20-foot front yard, 8-foot side yard and 20-foot rear yard.
 5. The proposed number of dwelling units will be no more than 109 single-family housing units.
 - a. *Staff Comments: There are already 35 established single-family houses within the Planned Unit Development and the applicant is proposing to add an additional 89 units, which would bring the total number of residential lots to 124.*
 - b. *If the applicant is proposing that the newly developed area not exceed 109 units, then the Planned Unit Development as a whole could contain upwards of 145 housing units.*
- F. Since City sewer and water is now available in this area (installed in 2017), it appears that a higher density may be suitable for the area.

RECOMMENDATION: Staff recommends approval of Major Planned Unit Development Amendment / PU 19-03 with the following eleven (11) conditions:

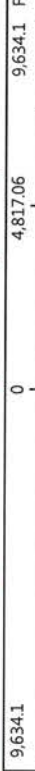
1. That the Planned Unit Development consists of no more than 145 residential lots, one (1) well lot and one (1) detention lot with a minimum lot size of 7,400 square feet;

Agenda Item #15
Prairie Valley Development; Bill Freytag
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2. That a Construction Permit be obtained for any land disturbance exceeding 10,000 square feet (including grading, roads, and utility installation) prior to any work being done;
3. That all lots developed after the approval date of Major Planned Unit Development Amendment / PU 19-03 be connected to sewer and water services provided by the City of Rapid City;
4. That a minimum of two (2) off-street parking spaces be provided for each residential lot. All off-street parking spaces on the site shall measure at least 9 feet by 18 feet, be surfaced with gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;
5. That a Building Permit be obtained for any structures 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;
6. That no off-premise signs be allowed within the Planned Unit Development;
7. That the required setbacks for all structures within the Planned Unit Development be a minimum of twenty (20) foot front yard, eight (8) foot side yard, and twenty-five (25) foot rear yard;
8. That each address must be posted in accordance with Pennington County Ordinance #20;
9. That prior to issuance of any Building Permits located within newly platted areas of the subdivision, the roads providing access to the lots must be improved to City Street Design Standards, or the proper exceptions be obtained from the City of Rapid City, and the applicant must install road signs for the new roads;
10. That the single-family residences must be stick built or double-wide manufactured or modular homes meeting the requirements of Section 204(I) of the Pennington County Zoning Ordinance; and,
11. That this Major Planned Unit Development Amendment be reviewed in one (1) year, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or the Board of Commissioners to verify that all Conditions of Approval are being met.



9,634.1



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

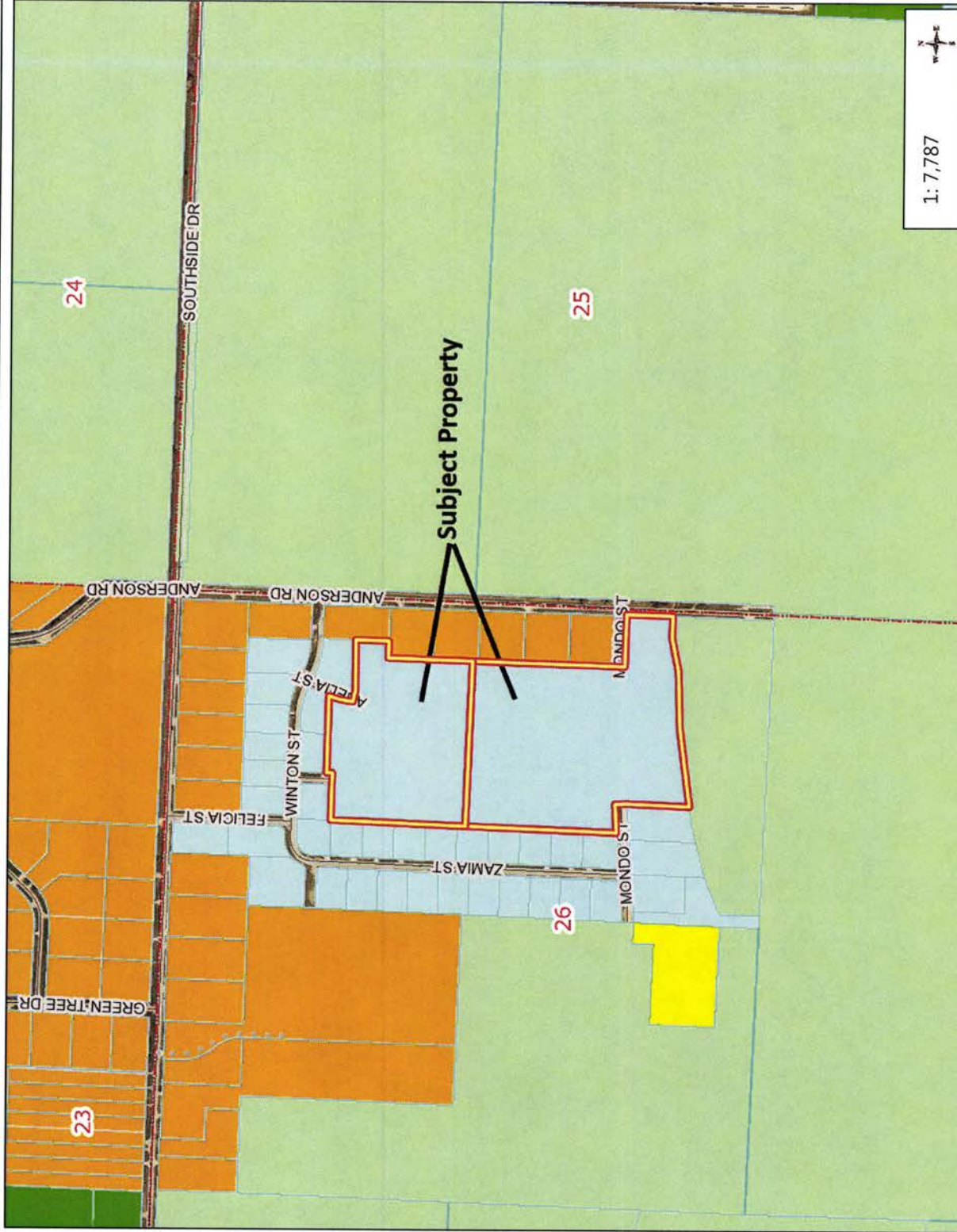
THIS MAP IS NOT TO BE USED FOR NAVIGATION

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Legend

- Roads**
- Interstate
 - US highway
 - SD highway
 - County highway
 - Main road
 - Minor arterial
 - Collector
 - Ramp
 - Paved road
 - Unpaved road
 - Trail
 - Driveway
 - Alley
 - Unimproved road
 - Airport Runway
 - Not yet coded
- PLSS**
- 1N7E
 - 1N8E
 - 1N9E
 - 2N8E
 - 2N9E
- Townships**
- BOX ELDER
 - ELLSWORTH AFB
 - HILL CITY
 - KEYSTONE
 - NEW UNDERWOOD
 - QUINN
 - RAPID CITY
 - WALL
 - WASTA
- City Limits**
- City Limits

Map Notes:



1: 7,787



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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Legend

Roads

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

Section Lines 0-25k

- 0
- 7

Tax Parcels

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

Pennington County Zoning

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

Map Notes:



1: 7,787

1,297.8 0 648.92 1,297.8 Feet

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

NAD_1983_2011_StatePlane_South_Dakota_South_FIPS_4002_FL_US
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Legend

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

Map Notes:



KTM DESIGN SOLUTIONS, INC.
528 Kansas City Street, Suite 1
Rapid City, SD 57701
[p] 605-791-5866 | [f] 605-791-5863
[e] engineers@ktmsdi.com | [w] ktmdesignsolutions.com

April 8, 2019

Mr. PJ Conover
Director of Planning
Pennington County
130 Kansas City St.
Rapid City, SD 57701

RE: Prairie Fire Subdivision

Dear Mr. Conover,

Prairie Valley Development Company, LLC is developing a property parcel west of Anderson Road and South of Winton St, currently known as the Prairie Fire Subdivision. The location of the proposed development is located in the quickly growing 3-mile jurisdiction of Rapid City and looks to infill a "donut hole" in the current development. The development will have minimal impact on the existing county infrastructure by infilling already developed areas - reducing urban creep and increasing the efficiency of current county resources. The goals of the subdivision are:

1. Provide for mixture of diversified, affordable, and safe single-family housing.
2. Provide affordable and safe workforce housing that meets the needs of the county
3. Create infill development to best utilize existing infrastructure.

We anticipate construction on the project to be started in fall of 2019 to meet the counties pressing needs for such facilities.

Attached are documents relating to the proposed development including:

1. Application for a major amendment to a Planned Unit Development
2. Subdivision layout, typical lot exhibit, utility layout, conceptual grading and phasing plan

The following pertains to the proposed Lots 2-23 of Block 6, Lots 5-15 of Block 7, Lots 1-25 of Block 8 and Lots 1-50 of Block 9, Prairie Fire Subdivision, located in Section 26, T1N, R8E, BHM, Pennington County, South Dakota.

Characteristics of the PUD

The subdivision is being constructed to City of Rapid City standards and is located within the 3-mile jurisdiction. Additionally, it is being proposed that the PUD be amended to allow for the zoning equivalent of Rapid City Zoning Code - LDR-1 - the lowest density single family housing zoning district. As such the subdivision will

▪ CIVIL ENGINEERING ▪ LAND SURVEYING ▪ LAND PLANNING ▪
▪ PROJECT MANAGEMENT ▪ CONSTRUCTION ADMINISTRATION ▪

be constructed with asphalt streets and curb and gutter and will be served by Rapid City water and sewer utilities.

Minimum lot size would be no less than 7,400 sq. ft.

Minimum lot width would be no less than 50'.

Lot minimum setbacks would be:

Front: 20'

Side: 8'

Rear: 25'

Maximum lot coverage would be no more than 30%.

Maximum dwelling height would be no more than two stories.

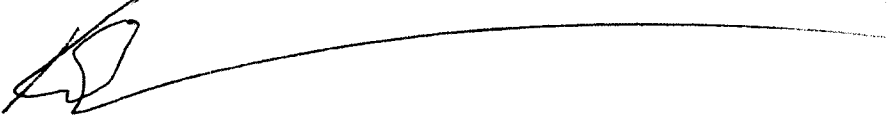
Each lot will provide a minimum of two off-street parking spaces.

The proposed number of dwelling units will be no more than 109 single family housing units.

Building Materials will consist of concrete foundations, timber structure for exterior and interior walls, pre-engineered roof & floor trusses. Finishes include pre-finished horizontal hard board lap siding with earth tone hues. The roof will consist of fiberglass shingles.

We look forward to working with you and Pennington County staff on this great community project. Thank you for your help and please contact us if you need any additional information.

Best Regards,

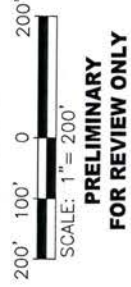
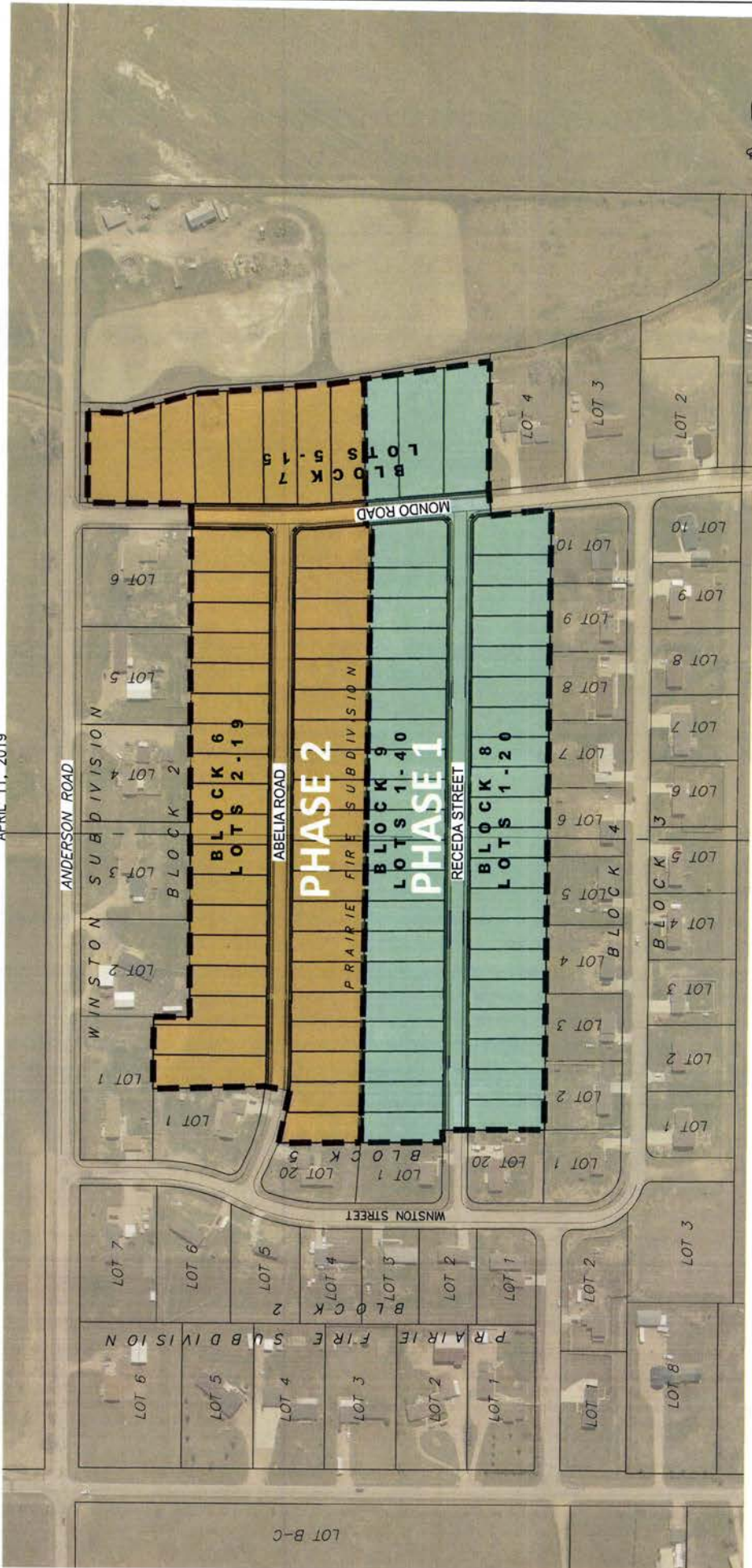


KTM Design solutions, Inc.

Kyle Treloar

RECEIVED
 APR 16 2019
 BY:

EXHIBIT 'A'
**PRAIRIE FIRE SUBDIVISION
 MASTER AND PHASING PLAN
 PENNINGTON COUNTY, SOUTH DAKOTA**
 APRIL 11, 2019



NOTE
 THE FORMERLY UNPLATTED PORTION OF
 THE NE1/4 OF THE NE1/4 AND THE SE1/4 OF THE NE1/4 OF
 SECTION 26, T1N, R8E
 ZONED: PLANNED UNIT DEVELOPMENT.

KTM
 DESIGN SOLUTIONS, INC.
 CIVIL ENGINEERING | LAND PLANNING | CONSTRUCTION ADMINISTRATION
 www.ktmengineering.com

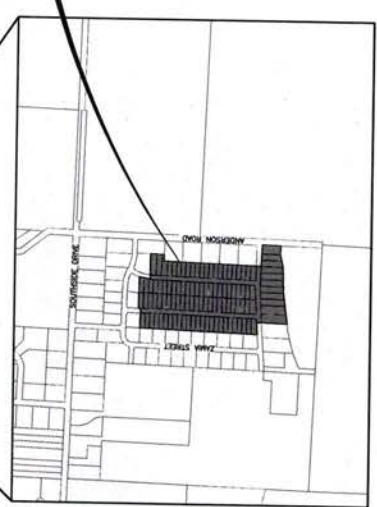
228 Kansas City St
 Rapid City, SD 57701
 (605) 791-1866
 (605) 791-1863
 info@ktm-engineering.com

RECEIVED
APR 16 2019

PRAIRIE FIRE PRELIMINARY SUBDIVISION PLAN

PROPOSED LEGAL:
 LOTS 2-19 OF BLOCK 6, LOTS 5-15 OF BLOCK 7, LOTS 1-20 OF BLOCK 8, LOTS 1-40 OF BLOCK 9,
 PRAIRIE FIRE SUBDIVISION
 (formerly the Unplatted portions of the NE 1/4 of the NE 1/4 and the SE 1/4 of the NE 1/4 of Section 26)
 LOCATED IN SECTION 26, T1N, R8E, B.H.M.,
 PENNINGTON COUNTY, SOUTH DAKOTA.

PENNINGTON COUNTY, SOUTH DAKOTA



INDEX OF SHEETS

- 1 TITLE
- 2 SITE PLAN
- 3 UTILITY PLAN
- 4 GRADING PLAN

PROJECT LOCATION



PROJECT LOCATION MAP NOT TO SCALE

528 Kansas City St., Rapid City, SD 57701 [p] 605.791.5866 [f] 605.791.5863 www.ktmdesignsolutions.com KTM DESIGN SOLUTIONS, INC. CIVIL ENGINEERING LAND PLANNING CONSTRUCTION ADMINISTRATION	Project Name: PRAIRIE FIRE SUBDIVISION PRELIMINARY SUBDIVISION PLAN PENNINGTON COUNTY, SOUTH DAKOTA	Sheet Name: TITLE SHEET	Sheet Number: 1 OF 4
		Date: 04-2019 PRELIMINARY SUBDIVISION PLAN	

ONE CALL
BEFORE DIGGING
1-800-781-7474

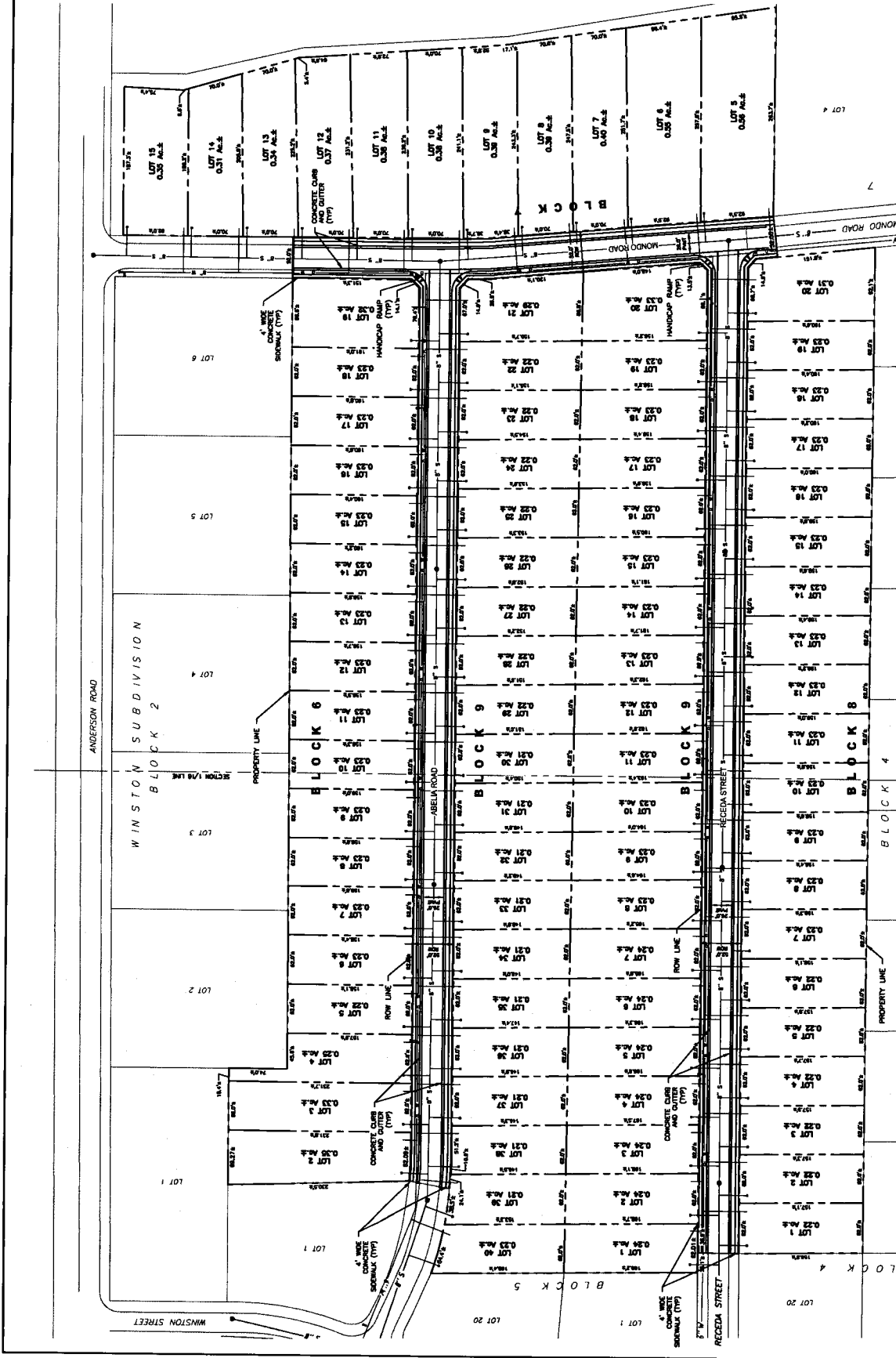
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PRairie Fire Subdivision
 PRELIMINARY SUBDIVISION PLAN
 PENNINGTON COUNTY, SOUTH DAKOTA

FOR REVIEW ONLY

DATE: 8/1/2018
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 PROJECT: [Name]
 SHEET NO.: 2 OF 4



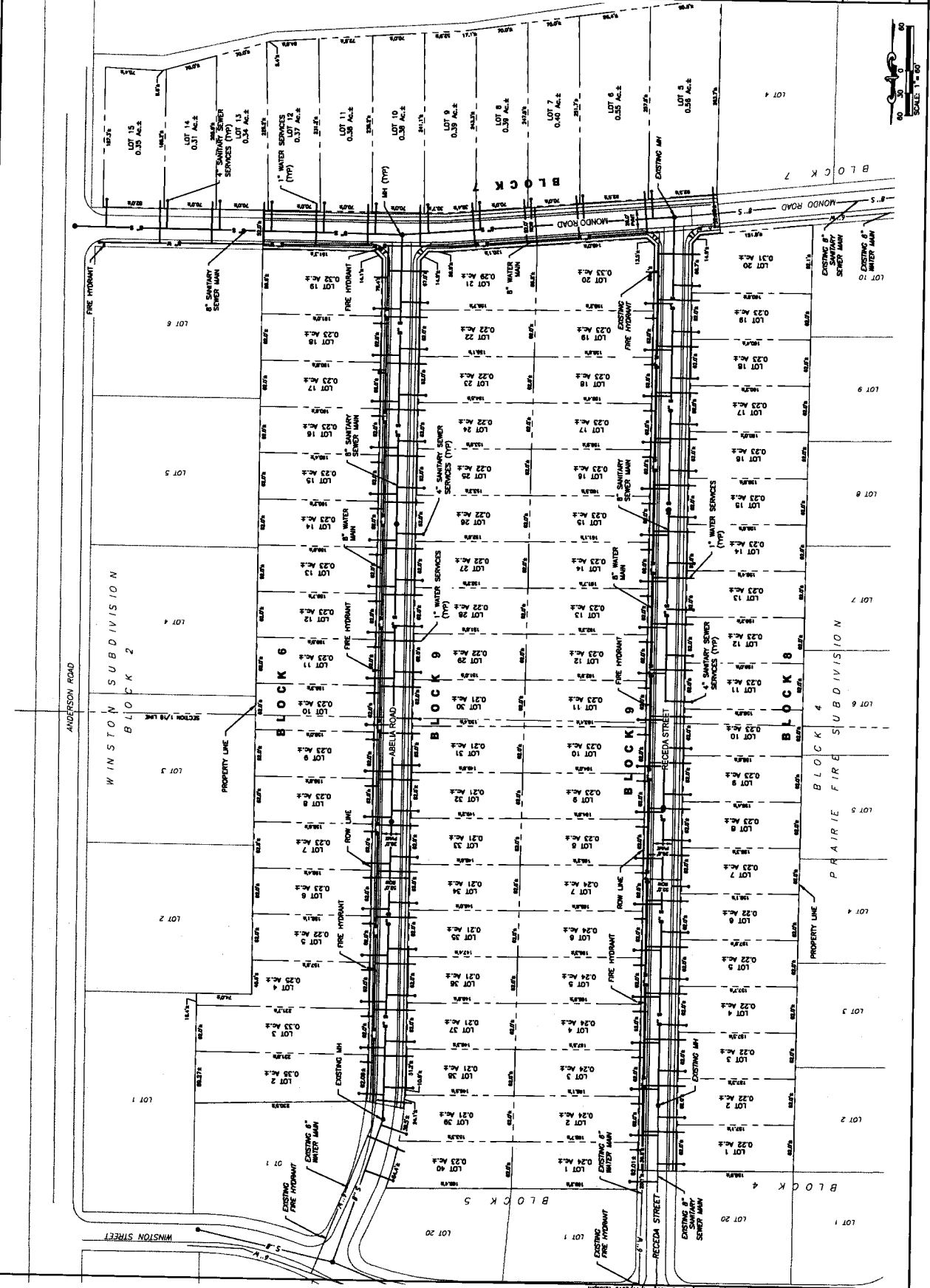
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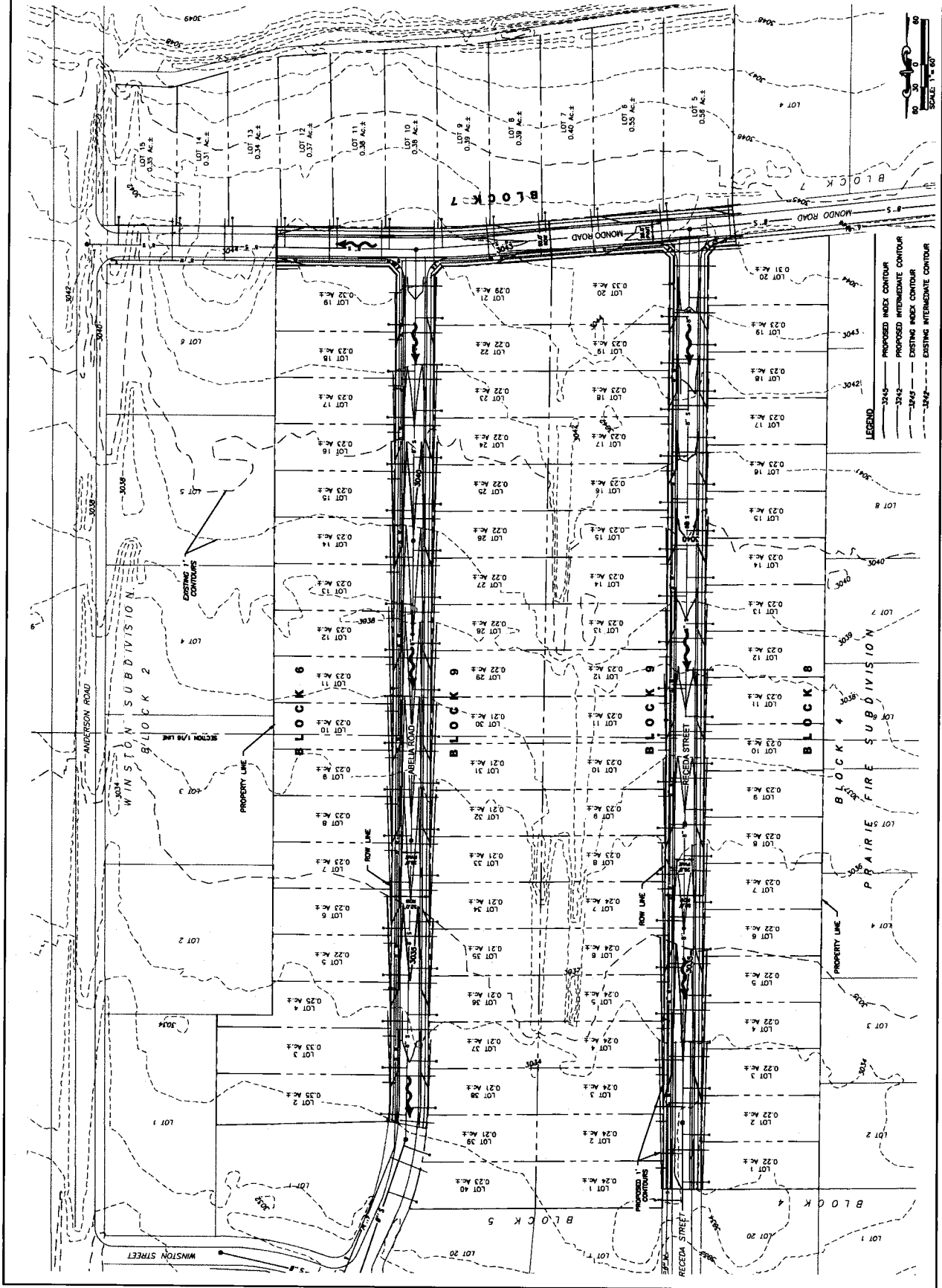
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 CONSTRUCTION ADMINISTRATION
 PENNINGTON COUNTY, SOUTH DAKOTA

PRELIMINARY
FOR REVIEW ONLY

KTM
DESIGN SOLUTIONS, INC.
 UTILITY PLAN

SHEET NO. 3 OF 4





COMMENTS DUE BACK TO

COMMUNITY PLANNING & DEVELOPMENT SERVICES BY:

4-25-2019

Request: Preliminary Subdivision Plan - Prairiefire Subdivision

No. 19PL030

RECOMMENDATION: -APPROVE -DENY -CONTINUE

- | | | |
|--|--|---|
| <input checked="" type="checkbox"/> ENGINEERING-PUBLIC WORKS | <input type="checkbox"/> SD DOT – GARY ENGEL | <input type="checkbox"/> AUDITOR – ANNEXATION |
| <input type="checkbox"/> FIRE DEPARTMENT-Electronically | <input type="checkbox"/> BHP&L – GLYNDA RAHN | <input type="checkbox"/> RV SANITARY DISTRICT |
| <input type="checkbox"/> TRANSPORTATION PLANNING | <input type="checkbox"/> ESCC - TED RUFLEDT | <input type="checkbox"/> GREEN VALLEY |
| <input type="checkbox"/> BUILDING INSPECTION | <input type="checkbox"/> REGISTER OF DEEDS | SANITARY DISTRICT |
| <input type="checkbox"/> AIR QUALITY | <input type="checkbox"/> COUNTY - PLANNING | <input type="checkbox"/> PARKS & REC. |
| <input type="checkbox"/> POLICE | <input type="checkbox"/> COUNTY - FIRE | <input type="checkbox"/> GIS / ELLEN MADDEN |
| <input type="checkbox"/> CITY ATTORNEY | <input type="checkbox"/> COUNTY - HIGHWAY | <input type="checkbox"/> OTHER: _____ |
| <input type="checkbox"/> CITY CODE ENFORCEMENT | <input type="checkbox"/> COUNTY - CODE ENFORCEMENT | |

PLANNER / ENGINEER ASSIGNED:	VF	/	DK
DATE OF STAFF REVIEW: 5/01/2019			
REVIEWED BY: DPK			

STIPULATIONS:

1. Upon submittal of a Development Engineering Plans application:
 - a) Address redlined comments on the construction drawings. Revise drawings per the redline comments or obtain an exception to the Infrastructure Design Criteria Manual (IDCM) or the Standard Specifications for each comment. Exceptions shall be obtained prior to submittal of Development Engineering Plans. Return redlined comments to Engineering Services.
 - b) Submit a design report that demonstrates that the water service is adequate to meet estimated domestic flows and required fire flows to support the proposed development. Design report shall be in conformance with IDCM and signed and sealed by a Professional Engineer. Public Works staff modeled the water system in 2017 and concluded a 12-inch water main loop in Anderson Road from Winton Street to Mondo Street is required to meet fire flows and velocity constraints.
 - c) Submit a design report that demonstrates that the sanitary sewer capacity is adequate to meet estimated flows and provide sufficient system capacity. Design report shall be in conformance with the IDCM and signed and sealed by a Professional Engineer.
 - d) Submit a drainage plan and report for the proposed subdivision improvements. Detain stormwater to pre-developed / historic rates and provide stormwater quality. Provide drainage easements as necessary. Confirm downstream culverts can safely pass the increased flows without overtopping roads.
 - e) Construction plans shall be submitted for review and approval showing proposed Receda Street in a minimum 52 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water mains.

-
- f) Construction plans shall be submitted for review and approval showing proposed Abelia Street in a minimum 52 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water mains.
 - g) Construction plans shall be submitted for review and approval showing proposed Mondo Street in a minimum 52 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water mains.
2. Prior to approval of the Development Engineering Plans application:
 - a) Engineering reports required for construction approval shall be accepted, agreements required for construction approval shall be executed, permits required shall be approved and issued, and construction plans shall be accepted in accordance with the IDCM. All final engineering reports shall be signed and sealed by a Professional Engineer and contain a Certification Statement of Conformance with City Standards, as required by the IDCM.
 - b) A Development Agreement needs to be entered into with the City for all public improvements.
 3. Upon submittal of a Final Plat, submit documentation identifying maintenance and ownership of all proposed drainage elements and a major drainage easement shall be dedicated for all drainage improvements. Dedicate one additional foot of right-of-way along Anderson Road.
-

COMMENTS:

1. Due to the proposed subdivision being outside the City limits but within the three mile platting jurisdiction, the developer is responsible for constructing all sidewalks with the public infrastructure improvements.
 2. Acceptance of Master Plan does not construe or imply City approval.
-

GRADING PLAN EVALUATION: No comments.

DRAINAGE SYSTEM EVALUATION:

1. Confirm storm water quality treatment for the proposed development was previously accounted for in drainage improvements. If not, provide storm water quality treatment as required by Rapid City Municipal Code 8.48.
 2. The proposed development is not located in a drainage basin defined by the City. Drainage shall be detained to pre-development / historic rates.
 3. Provide drainage easements as necessary. Confirm downstream culverts can safely pass the increased flows without overtopping roads.
 4. Submit documentation identifying maintenance and ownership of any proposed drainage elements.
-
-

WATER SYSTEM EVALUATION:

1. Submit a design report that demonstrates that the water service is adequate to meet estimated domestic flows and required fire flows along with the Development Engineering Plans application. Include design information as required in IDCM Section 3.9, including IDCM Table 3-1 and 3-2.
 2. Public Works staff modeled the water system in 2017 and concluded a 12-inch water main loop in Anderson Road from Winton Street to Mondo Street is required to meet fire flows and velocity constraints.
 3. The City of Rapid City has taken over ownership of the water system within the existing Prairiefire Subdivision.
 4. Provide corrosion protection design and details.
-

WASTEWATER SYSTEM EVALUATION:

1. Demonstrate that the sanitary sewer capacity is adequate to meet estimated flows and provide sufficient system capacity along with the Development Engineering Plans application. Submit sanitary sewer design information as required by the IDCM Section 3.12, including IDCM Table 3-3.
 2. The City of Rapid City has taken over ownership of the sanitary sewer system within the existing Prairiefire Subdivision.
-

STREET SYSTEM EVALUATION:

1. Platting includes Receda Street, a local street located in 52 feet of right-of-way with 26 feet of pavement curb, gutter, street light conduit, sewer, water and sidewalk. The proposed meets the minimum requirements for a local street with parking on two sides per IDCM Figure 2-1.
 2. Platting includes Abelia Street, a local street located in 52 feet of right-of-way with 26 feet of pavement curb, gutter, street light conduit, sewer, water and sidewalk. The proposed meets the minimum requirements for a local street with parking on two sides per IDCM Figure 2-1.
 3. Platting includes Mondo Street, a local street located in 52 feet of right-of-way with 26 feet of pavement curb, gutter, street light conduit, sewer, water and sidewalk. The proposed meets the minimum requirements for a local street with parking on two sides per IDCM Figure 2-1.
 4. Platting is adjacent to Anderson Road, a collector street located in 66 feet of right-of-way with 22 feet of pavement and ditches for drainage. To meet the minimum requirements of IDCM Figure 2-1, one additional foot of right-of-way must be dedicated along with 12 additional feet of pavement, curb, gutter and sidewalk.
-

TRAFFIC OPERATIONS EVALUATION:

1. The proposed subdivision is located within the Winton Road Tax District.
-

STAFF REPORT

GENERAL INFORMATION:

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

APPLICANT: R.C.S Construction, Inc.

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

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

SITE LOCATION: Southside Drive north along Reservoir Road.

SIZE: Approximately 7.5 acres of disturbance

TAX ID: Various

EXISTING LAND USE: Vacant

ZONING REFERENCE: Section 507

CURRENT ZONING: Limited Agriculture District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Flat / Prairie

UTILITIES: Private

REPORT BY: Cody Sack

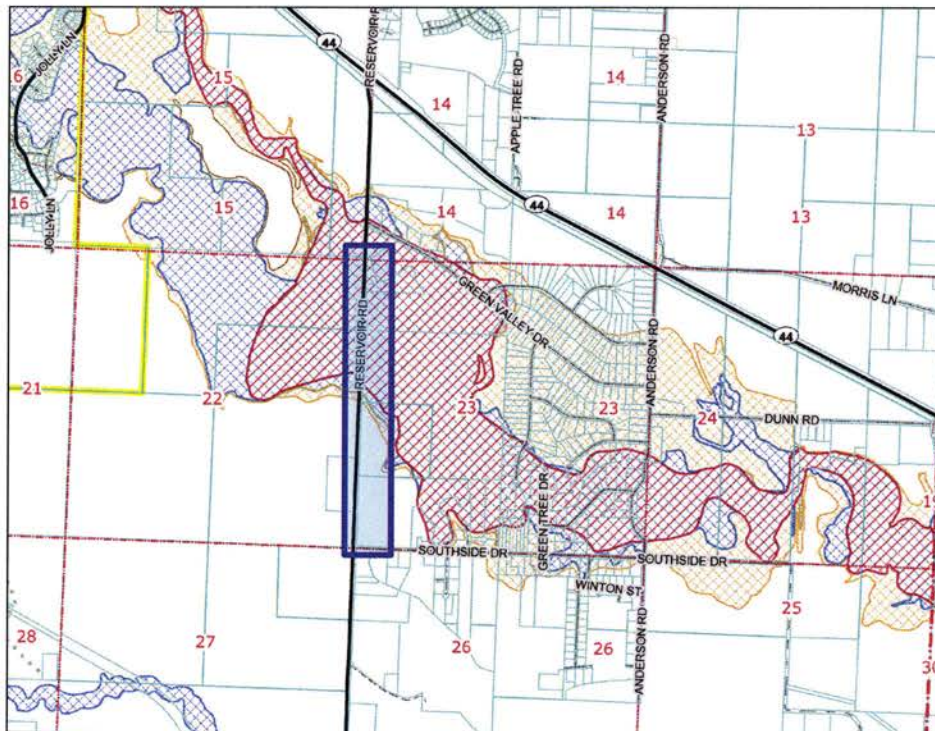
I. GENERAL DESCRIPTION

- A. The project is the second phase of Rapid City's Southside Sanitary Sewer Trunk Main project to extend sanitary sewer from the Rapid City Reclamation Plant to the Jolly Lane lift station and to a bypass sewer connection to the existing City sewer adjacent to Highway 44.
- B. February 12, 2018 – The Planning Commission originally approved Construction Permit / CP 18-01 with the following eleven (11) 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 the disturbed areas be re-vegetated with weed free seed as required in §507(A)(5)(c);
 - 6. That during the period of construction, streets are not blocked and all homes are accessible by emergency vehicles;
 - 7. That a "Utility Installation or Excavation within Public Right-of-Ways Permit" be obtained from the Pennington County Highway Department;
 - 8. That the sewer stubs be extended as close as possible to the ROW line to avoid digging up the road when connections are made and that the asphalt be replaced at a uniform top surface of 20 feet;
 - 9. That the conditions and requirements set forth in Floodplain Development Permit / FP 17-39 are continually met;
 - 10. That the applicant sign a Statement of Understanding within ten (10) business days of Permit approval; and,
 - 11. 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.

- C. January 14, 2019 – The Planning Commission continued the review of Construction Permit / 18-01 to the May 28, 2019 Planning Commission meeting.

II. EXISTING CONDITIONS

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



Approximate Project Location – Special Flood Hazard Area in RED.

III. ANALYSIS

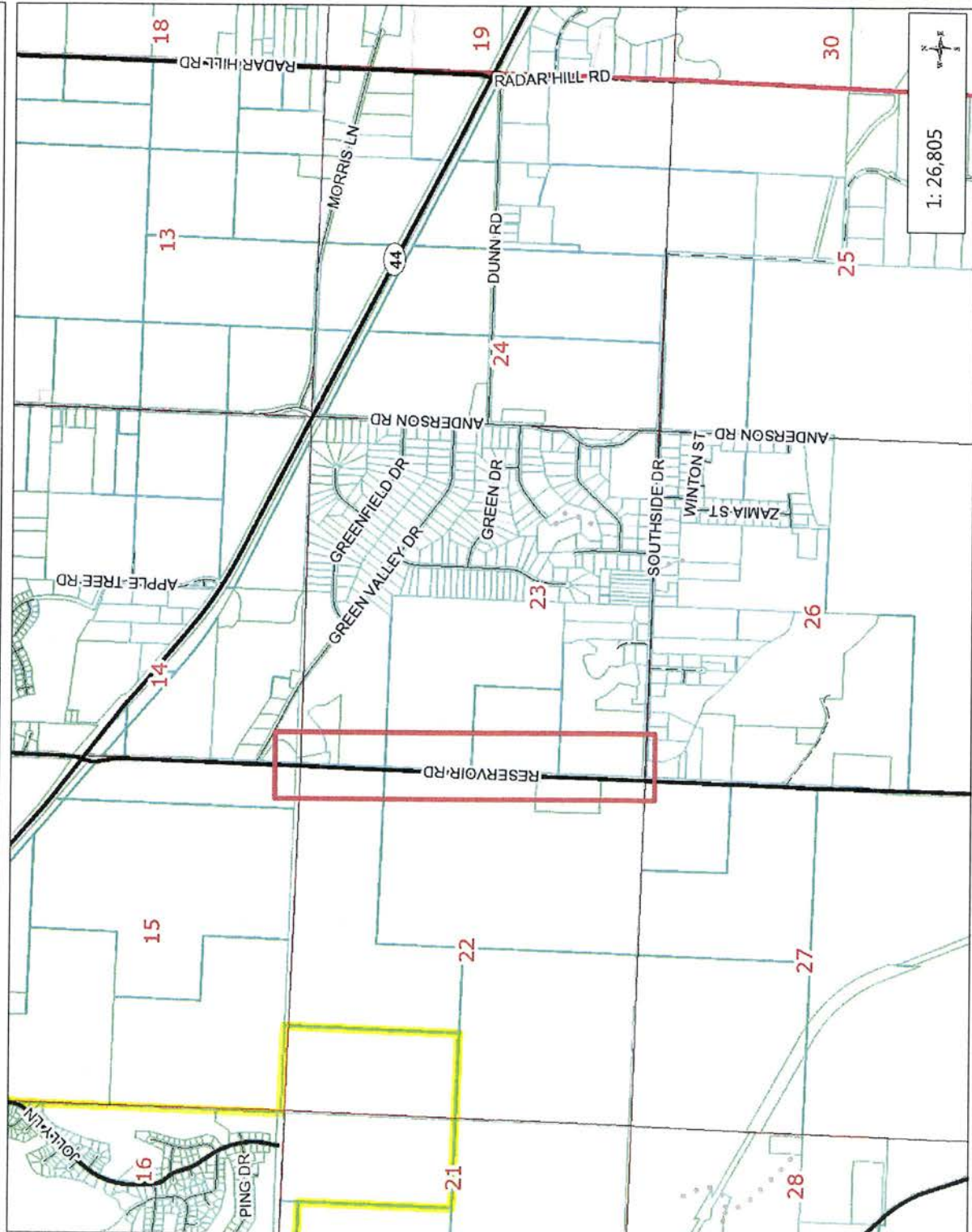
- A. May 22, 2019 – Staff performed a site visit and found:
 - 1. The site has not reached final stabilization.



Site Visit (5/22/19)

****Staff is requesting public input on this request. The Planning Director will consider public input from private citizens, the applicant and the Planning Commission, in addition to information provided within this Staff Report, when rendering a decision on Construction Permit / CP 18-01.****

RECOMMENDATION: Staff recommends the Planning Director Continue the review of Construction Permit / CP 18-01 to the August 26, 2019, Planning Commission meeting for staff to verify that final stabilization has taken place.



1: 26,805

4,467.4 0 2,233.72 4,467.4 Feet

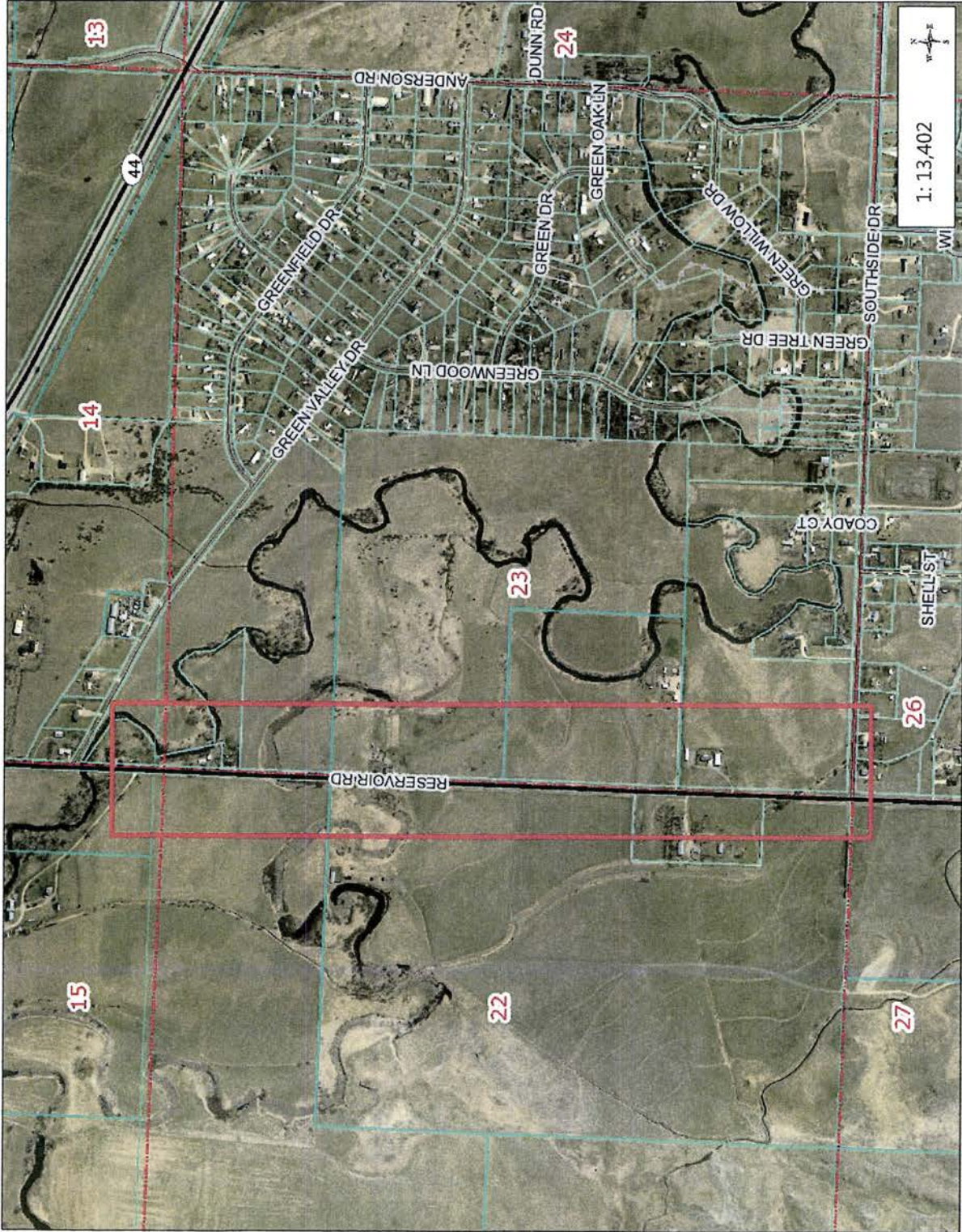
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

NAD_1983_2011_StatePlane_South_Dakota_South_FIPS_4002_FL_US
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Legend

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

Map Notes:



1: 13,402



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Legend

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

Map Notes:

STAFF REPORT

GENERAL INFORMATION:

REQUEST: **CONSTRUCTION PERMIT REVIEW / CP 18-04**: To review construction of a parking area on the subject property.

APPLICANT: Brook Stromer

APPLICANT ADDRESS: 14930 Aviation Road, Rapid City, SD 57703

LANDOWNER: Stromer Properties, LLC; Brook Stromer - Agent

LANDOWNER ADDRESS: 14930 Aviation Road, Rapid City, SD 57703

LEGAL DESCRIPTION: Lot A2, Bar P-S Subdivision, Section 20, T1N, R9E, BHM, Pennington County, South Dakota.

SITE LOCATION: Near the intersection of Airport Road and Aviation Road.

SIZE: 15.01 acres

TAX ID: 61558

EXISTING LAND USE: Vacant

ZONING REFERENCE: § 507(A)

CURRENT ZONING: General Commercial District

SURROUNDING ZONING:

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

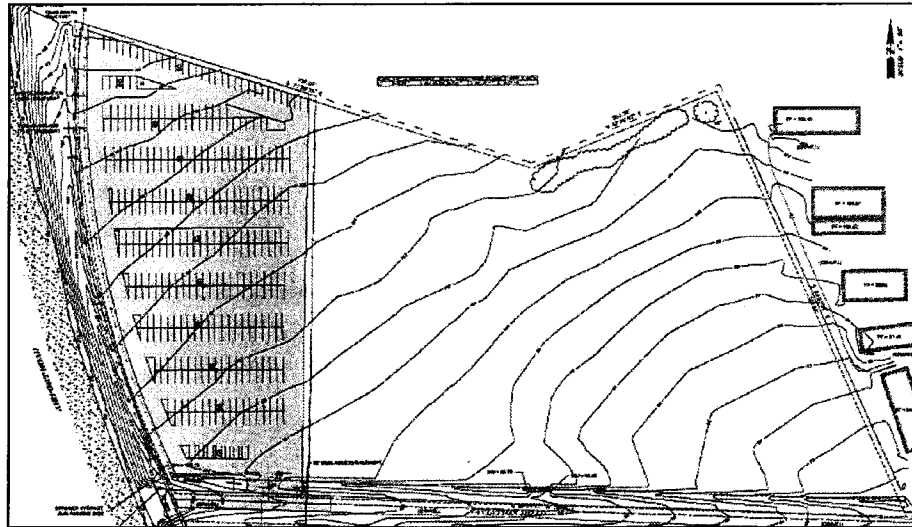
PHYSICAL CHARACTERISTICS: Flat

UTILITIES: None

REPORT BY: Cody Sack

I. GENERAL DESCRIPTION

- A. The applicant, Brook Stromer, requested a Construction Permit to construct an asphalt parking lot.
- B. The project consists of excavation, grading and asphaltting of approximately four (4) acres.



Site Plan

- C. May 14, 2018 – The Planning Commission originally approved Construction Permit / CP 18-04 with the following seven (7) conditions:
 - 1. That a South Dakota Department of Environment and Natural Resources General Permit for Storm Water Discharges Associated with Construction Activities be obtained and the Conditions of the Approval be continually met;
 - 2. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction and that the requirements, guidelines, and criteria for stormwater and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;
 - 3. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than 14 days after the Construction Activity has stopped. All erosion control methods (mulch and seed) need to be certified noxious weed-free;
 - 4. That the disturbed areas be re-vegetated as required in §507(A)(5)(c);
 - 5. That all natural drainage ways and paths be continually maintained;
 - 6. That the applicant sign a Statement of Understanding within ten (10) days of Permit approval; and,
 - 7. That this Construction Permit expires one (1) year from approval date, and may be reviewed on a complaint basis, or as directed by

the Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

- D. April 8, 2019 – The Planning Commission continued the review of Construction Permit / CP 18-04 to the April 22, 2019, Planning Commission meeting to allow staff time to contact the applicant.
- E. April 22, 2019 - The Planning Commission continued the review of Construction Permit / CP 18-04 to the May 13, 2019, Planning Commission meeting to allow staff time to contact the applicant.
- F. May 13, 2019 – The Planning Director continued the review of CP 18-04 until such time that Staff could contact the applicant.

II. EXISTING CONDITIONS

- A. Zoned General Commercial District.
- B. 7.94 acres.
- C. Area of disturbance is approximately four (4) acres.
- D. Currently vacant of any structures.

III. ANALYSIS

- A. May 21, 2019 – Staff had a conversation with the applicant where he stated that he would like an extension on the permit.
 - 1. Staff note: Staff will recommend approval with the original Conditions of Approval, plus some additional conditions.

****Staff is requesting public input on this request. The Planning Director will consider public input from private citizens, the applicant and the Planning Commission, in addition to information provided within this Staff Report, when rendering a decision on Construction Permit / CP 18-04.****

RECOMMENDATION: Staff recommends the Planning Director approve the extension of Construction Permit / CP 18-04 with fifteen (15) conditions:

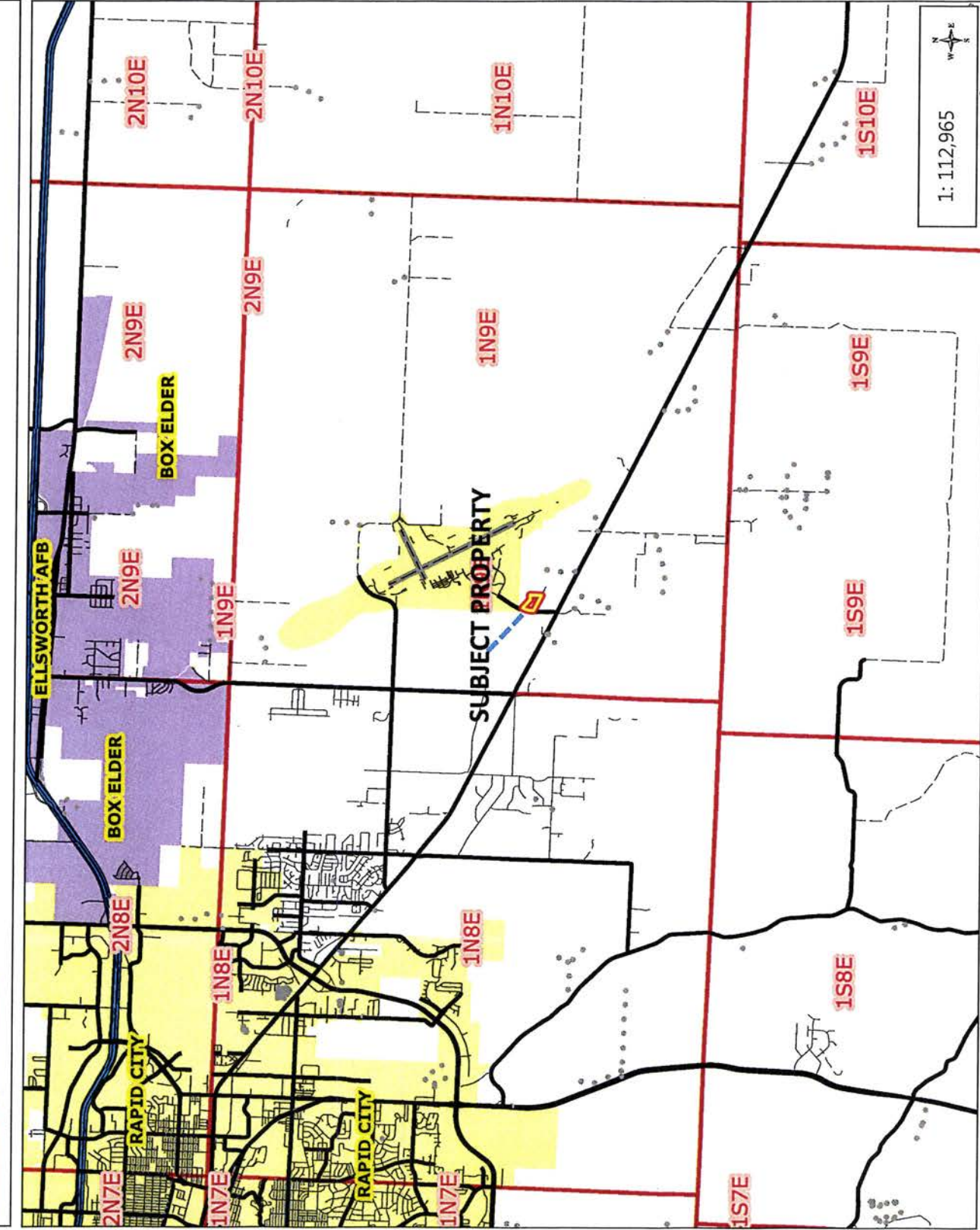
- 1. That erosion control measures are implemented prior to any work and maintained until the site has been revegetated in accordance with § 507(A)(5)(c) of the PCZO;
- 2. That the applicant acquires a South Dakota Department of Environment and Natural Resources General Permit for Storm Water Discharges Associated with Construction Activities and that the Conditions of Approval for the permit are continually met;
- 3. That detention is installed for the increase in storm water flows from the new parking lot;

Agenda Item # 17

Stromer Properties, LLC; Brook Stromer - Agent

May 28, 2019

4. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;
5. That the owner or designee must inspect the site at least once every 7 calendar days or every 14 calendar days and within 24 hours of the end of a storm event that exceeds 0.25 inches or snowmelt that generates runoff. A properly maintained rain gauge must be kept on the site. Inspection reports must be submitted to the Planning Director every month during construction;
6. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;
7. That all natural drainage ways and paths be continually maintained;
8. That sediment from the site is contained in such a manner that sediment does not leave the site. If sediment does leave the site, it is the responsibility of the applicant fix;
9. That failure of the owner or designee to submit Inspection Reports, as required, shall result in the immediate issuance of a Stop Work Order and a review by the Planning Commission to determine if all Conditions of Approval are being met;
10. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;
11. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than 14 days after the Construction Activity has stopped. All erosion control methods (mulch and seed) need to be certified noxious weed-free;
12. That the disturbed areas be re-vegetated as required in § 507(A)(5)(c) of the PCZO;
13. That if the applicant does not start construction within one (1) year from the approval of the extension for Construction Permit / CP 18-04, the permit will end and the applicant will have to reapply for a construction permit;
14. That the applicant sign a Statement of Understanding within ten (10) business days of approval; and,
15. That this Construction Permit be reviewed in ten (10) months, or as directed by the Planning Director.



1: 112,965

18,827.4

18,827.4 Feet

9,413.72

0

NAD_1983_2011_StatePlane_South_Dakota_South_FIPS_4002_Ft_US
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Legend

Roads

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

Townships

City Limits

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

Map Notes:



1: 3,530

588.4 Feet

294.18

0

588.4

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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

Map Notes:

STAFF REPORT

GENERAL INFORMATION:

REQUEST: **CONSTRUCTION PERMIT REVIEW / CP 19-02**: 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.

APPLICANT/CONTRACTOR: Site Work Specialists

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

LANDOWNER: Tim and Laurel Danley

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

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

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

SIZE: 40 acres

TAX ID: 10911

EXISTING LAND USE: Vacant

ZONING REFERENCE: Section 507

CURRENT ZONING: Suburban Residential District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Forested / Hills

UTILITIES: None

REPORT BY: Cody Sack

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending approval of the extension of Construction Permit / CP 19-02 with thirteen (13) conditions.

II. GENERAL DESCRIPTION

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



Site Plan

- B. February 25, 2019 – the Planning Commission approved Construction Permit / CP 19-02 with the following fourteen (14) conditions:
1. That erosion control measures are implemented immediately and maintained until the site has been revegetated in accordance with § 507(A)(5)(c) of the Pennington county Zoning Ordinance (PCZO);
 2. That all erosion control measures submitted with the Construction Permit application be implemented prior to the Stop Work Order being lifted;
 3. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;
 4. That the owner or designee must inspect the site at least once every 7 calendar days or every 14 calendar days and within 24 hours of the end of a storm event that exceeds 0.25 inches or snowmelt that generates runoff. A properly maintained rain gauge must be kept on the site. Inspection reports must be submitted to the Planning Director every month during construction;
 5. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;
 6. That all natural drainage ways and paths be continually maintained;
 7. That failure of the owner or designee to submit Inspection Reports, as required, shall result in the immediate issuance of a Stop Work Order and a review by the Planning Commission to determine if all Conditions of Approval are being met;
 8. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;
 9. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than 14 days after the Construction Activity has stopped. All erosion control methods (mulch and seed) need to be certified noxious weed-free;
 10. That the disturbed areas be re-vegetated as required in § 507(A)(5)(c) of the PCZO;
 11. That the applicant or landowner pay a penalty fee in accordance with § 511(W)(2) of the PCZO prior to the Stop Work Order being lifted;
 12. That any more than one continuation caused by the applicants failure to meet Conditions of Approval will be fined \$100.00 per continuation in accordance with § 511(X) of the PCZO;
 13. That the applicant and the landowner sign a Statement of Understanding within ten (10) business days of approval of Construction Permit / CP 19-02, which is available at the Planning Office; and,

14. That this Construction Permit be reviewed at the April 8, 2019, Planning Commission meeting, or on a complaint basis, or as directed by the Planning Commission and/or the Board of Commissioners to verify that all Conditions of Approval are being met.
- C. March 11, 2019 – The Planning Commission approved 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.

III. EXISTING CONDITIONS

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

IV. ANALYSIS

- A. May 16, 2019 – Staff had a conversation with the owner of the subject property at the Planning and Zoning counter:
 1. The owner was unaware that a Stop Work Order was in place on the property.
 2. The owner stated that there was no erosion or sediment control measures implemented on the property.
- B. May 20, 2019 – Staff contacted Site Work Specialists by email asking if erosion and sediment controls had been implemented on the subject property:
 1. They stated that they were unaware that a Stop Work Order was in place or a time when erosion and sediment controls needed to be implemented.
 - a. Condition #1 stated that erosion control measures are implemented *immediately*.
 - b. Condition #2 stated that all erosion control measures submitted with the Construction Permit application be implemented prior to the Stop Work Order being lifted.
- C. In an inspection report submitted by the applicants that is dated March 01, 2019, states that compost filter socks are “to be installed when work continues” (see attached).

Agenda Item #18
Site Work Specialists, Inc.
May 28, 2019

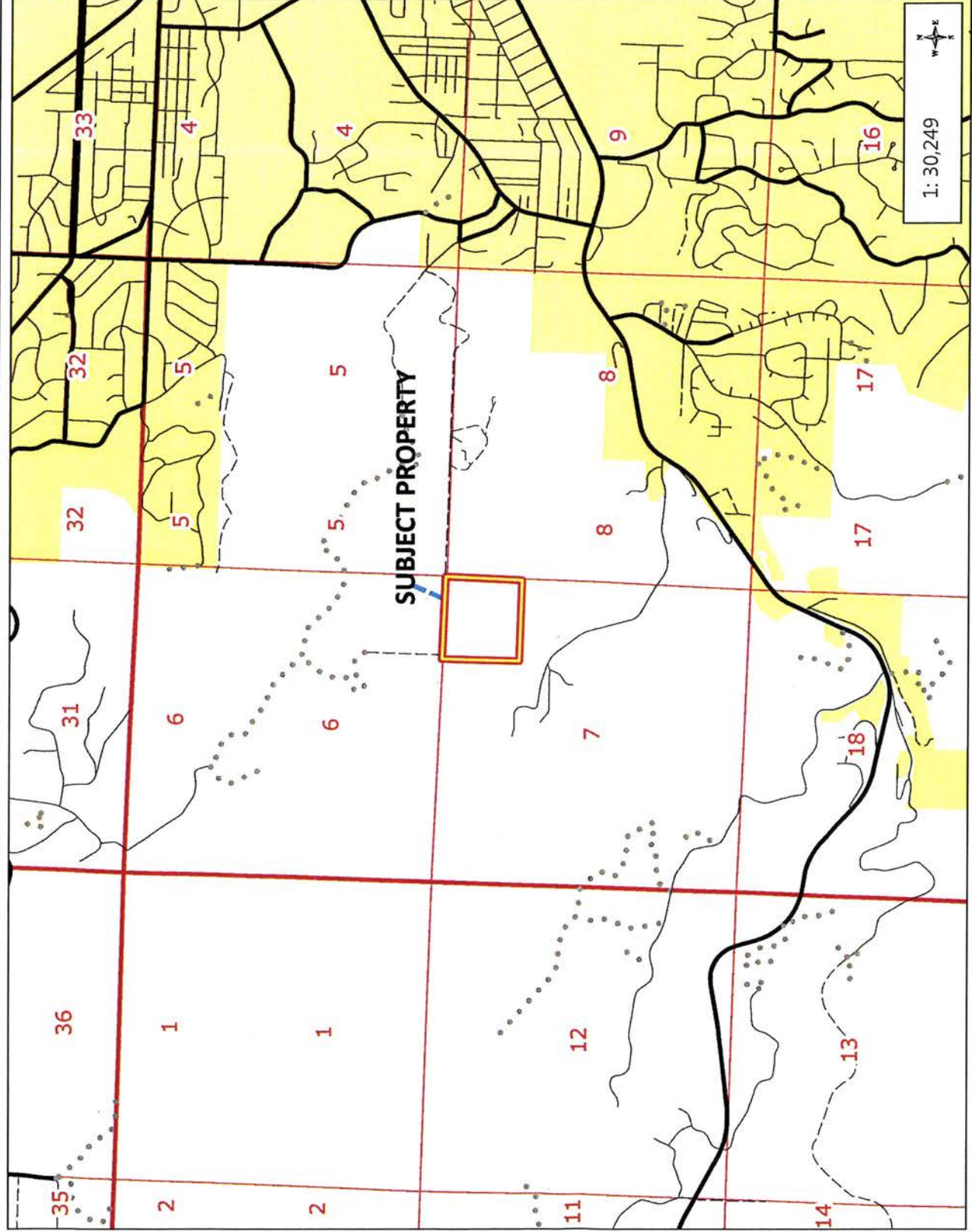
****Staff is requesting public input on this request. The Planning Director will consider public input from private citizens, the applicant and the Planning Commission, in addition to information provided within this Staff Report, when rendering a decision on Construction Permit / CP 19-02.****

RECOMMENDATION: Staff recommends the Planning Director continue the review of Construction Permit / CP 19-02 with the following twelve (12) conditions until such time that erosion and sediment controls are implemented on the property:

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 Director 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;

Agenda Item #18
Site Work Specialists, Inc.
May 28, 2019

10. That the disturbed areas be re-vegetated as required in § 507(A)(5)(c) of the PCZO;
11. 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,
12. That this Construction Permit be reviewed at the June 24, 2019, Planning Commission meeting, or as directed by the Planning director to insure that that applicants are meeting all conditions.



1: 30,249



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Legend

Roads

- Interstate
- US highway
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- County highway
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- 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: 3,781



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Legend

- Roads**
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Section Lines 0-25k

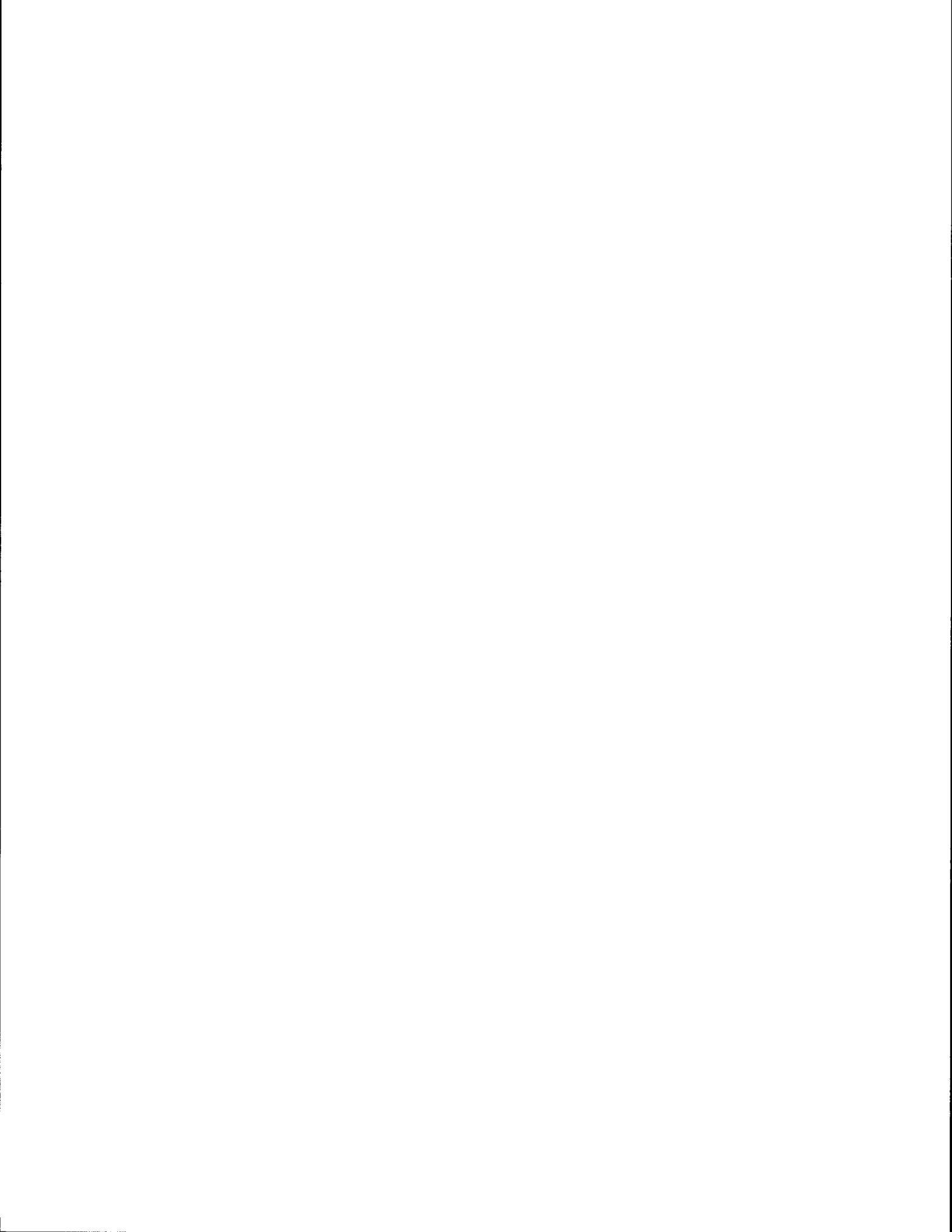
- 0
- 7

Tax Parcels

Lot Lines

- <Null>
- Lot Line
- Parcel Line

Map Notes:



STAFF REPORT

GENERAL INFORMATION:

REQUEST: **CONSTRUCTION PERMIT / CP 19-06:** To excavate for a pond and to use the dirt to level an area for a future barn.

APPLICANT: Pat and Emily Rowe

APPLICANT ADDRESS: 12175 Deerfield Road, Hill City, SD 57745

LEGAL DESCRIPTION: PT Ray Smith Placer MS 995 S of HWY, Ray Smith Placer MS 995, Section 15, T1S, R4E, BHM, Pennington County, South Dakota.

SITE LOCATION: 12175 Deerfield Road; located east of the intersection of Battle Ax Road and Deerfield Road.

SIZE: 19.38 acres

TAX ID: 4710

EXISTING LAND USE: Residential

ZONING REFERENCE: Section 507

CURRENT ZONING: Limited Agriculture District

SURROUNDING ZONING:

North	Planned Unit Development District
South	General Agriculture District
East	General Agriculture District
West	General Agriculture District

PHYSICAL CHARACTERISTICS: Forested / Hills

UTILITIES: Private

REPORT BY: Cody Sack

I. GENERAL DESCRIPTION

- A. The applicants, Pat and Emily Rowe, applied for a Construction Permit to excavate an area for a pond on their property and to use the dirt to level an area for a future barn. *(Site Plan see attached)*
- B. Work has been completed the site just need to be re-vegetated.

II. EXISTING CONDITIONS

- A. Limited Agricultural District.
- B. 19.38 acres.
- C. Area of disturbance – 0.65 acres.
- D. No Special Flood Hazard Area.

III. REQUEST FOR COMMENT

- A. County Highway
 - 1. No comments.
- B. County Fire Administrator
 - 1. No comments received.
- C. County Environmental Planning Supervisor
 - 1. There is no Special Flood Hazard Area on the subject property.
 - 2. That if the disturbance exceeds one (1) acre, a South Dakota Department of Environment and Natural Resources General Permits for Storm Water Discharges Associated with Construction Activities is obtained..
 - 3. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction.
 - 4. The requirements, guidelines, and criteria for stormwater and erosion control in the Pennington County Storm Water Manual shall be followed during construction.
 - 5. The site shall be re-vegetated as required in § 507(A)(5)(c).
- D. County Environmental Planner
 - 1. The applicant needs to follow the Pennington County Zoning Ordinance (PCZO) §507 and the Pennington County Stormwater Manual.
 - 2. Erosion and sediment controls need to be maintained until the site has reached final stabilization.
 - 3. If the Site lays dormant for more than 21 days, the site will need to be stabilized.
 - 4. Final stabilization of the site needs to be started no more than 14 days after construction activity is finished.

- E. Ordinance Enforcement
 - 1. There was an Ordinance Violation in 1999 (1999COVO0094) for a second story addition to the house and a pole barn built without Building Permits. Ordinance Staff cannot find any documentation regarding this violation; however, we did find 2 Building Permit applications that were signed by the previous landowner, James Cowan, that appear to have been submitted in March 1999 for the unpermitted structures. These permits were never approved or added to the property, but Staff cannot determine the reason.
- F. County Natural Resource
 - 1. No objections.
- G. Emergency Services (9-1-1)
 - 1. No comments received.
- H. U.S Forest Service
 - 1. Access to the private property is off the Deerfield Road.
 - 2. It appears that a portion (NW corner of private property) of the access road is partially located on National Forest System lands to access the private property. There is not a current special use authorization issued to John Pat and Emily Rowe. Provide a copy of the special use authorization or easement to the Forest Service.
 - 3. Protect all posted boundary line corners, signs and bearing tress.
 - 4. Adhere to the setback requirements along the posted boundary between National Forest System lands (USA Public Domain) and the private property.
 - 5. Protect all known stream courses, ponds and riparian areas located on National Forest System lands.
 - 6. No resource damage to occur on National Forest System lands.
 - 7. All straw bales, erosion mats, slash mats, etc. located on private property will need to be certified weed-free. Provide a copy of the certification to the Forest Service.
 - 8. No construction materials to be placed on National Forest System lands.
 - 9. 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; septic system holding tank (s) and potable water holding tank (cistern) will be required to be located on private property.
 - 10. All construction materials, supplies, trash or garbage or fill material will not be located or dumped on National Forest System lands; take all construction materials, supplies, trash or garbage to an approved location (approved sanitary landfill).
 - 11. Public roads in this area of the Black Hills National Forest are classified as "Highways" and "Roads Open to Highway Legal

Vehicles Only” per the latest version (January 1, 2019) of the Motor Vehicle Use Map.

12. No motorized trailheads or motorized trails or motorized roads are planned or scheduled for this portion of the Black Hills National Forest.
13. 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).

IV. ANALYSIS

- A. April 19, 2019 – Staff received a complaint of dirtwork, on the subject property, that appeared to exceed 10,000 square feet.
- B. April 25, 2019 – Staff performed a site visit and found that the complaint was valid.
 1. Staff opened a violation on the subject property (COEV19-0025).
 2. A violation letter was sent certified, return receipt to the property owners that was signed by Emily Rowe on April 29, 2019.
- C. May 02, 2019 – Staff spoke with the applicant who stated that they were unaware they needed a County Construction Permit but would be in to apply for one.
- D. Staff contacted the State Department of Environment and Natural Resources (SDDENR) about filing if the applicants needed a Notice of Location for their pond.
 1. The SDDENR stated that they do not need to file a Notice of Location and that if they didn’t file, the Rowe’s pond would not have the States protection.
- E. May 16, 2019
 1. Staff contacted the owner who stated:
 - a. He had installed a silt fence and straw bales for site containment.
 - b. The work was done the area just needed to be reseeded.
 2. Staff performed a site visit and found:
 - a. Erosion and sediment controls had been implemented;
 - b. The pond was filling with water; and,
 - c. The leveling pad for the future barn.



Site Visit (5/16/19)

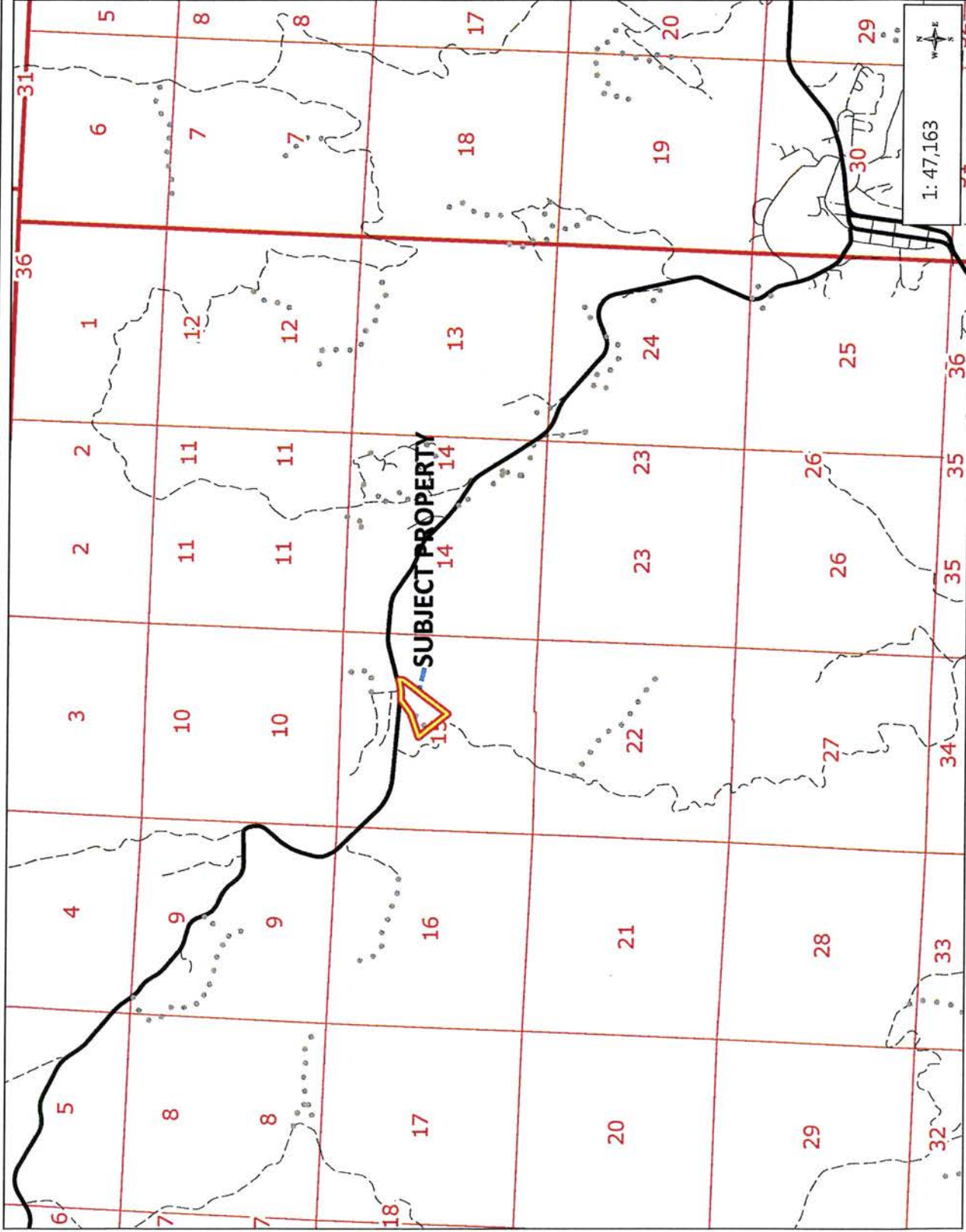
****Staff is requesting public input on this request. The Planning Director will consider public input from private citizens, the applicant and the Planning Commission, in addition to information provided within this Staff Report, when rendering a decision on Construction Permit / CP 19-06.****

RECOMMENDATION: Staff is recommending that the Planning Director approve Construction Permit / CP 19-06 with the following eleven (11) conditions:

1. That erosion control measures are maintained until the site has been revegetated in accordance with § 507(A)(5)(c) of the PCZO;
2. 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;
3. 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;
4. That all natural drainage ways and paths be continually maintained;
5. That sediment from the site is contained in such a manner that sediment does not leave the site. If sediment does leave the site, it is the responsibility of the applicant fix;

Agenda Item #19
Pat and Emily Rowe
May 28, 2019

6. 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;
7. 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;
8. 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;
9. That the disturbed areas be re-vegetated as required in § 507(A)(5)(c) of the PCZO;
10. That the applicant sign a Statement of Understanding within ten (10) business days of approval; and,
11. That this Construction Permit be reviewed in six (6) months, or as directed by the Planning Director.



Legend

Roads

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

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

City Boundaries

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

Map Notes:

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7,860.4 Feet

3,930.22

0

7,860.4

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18175 Deerfield Rd Hill City SD 57745

Prepared by: Pat Rouse 605.939.6164

Rapid City-Pennington County GIS



1: 3,063



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Legend

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 - 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

Mud tracking measures:
Clean gravel road: 200 m
Stockpile slopes: 5:1

Map Notes:



1: 2,948



491.3 Feet



491.3

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

Section Lines 0-25k

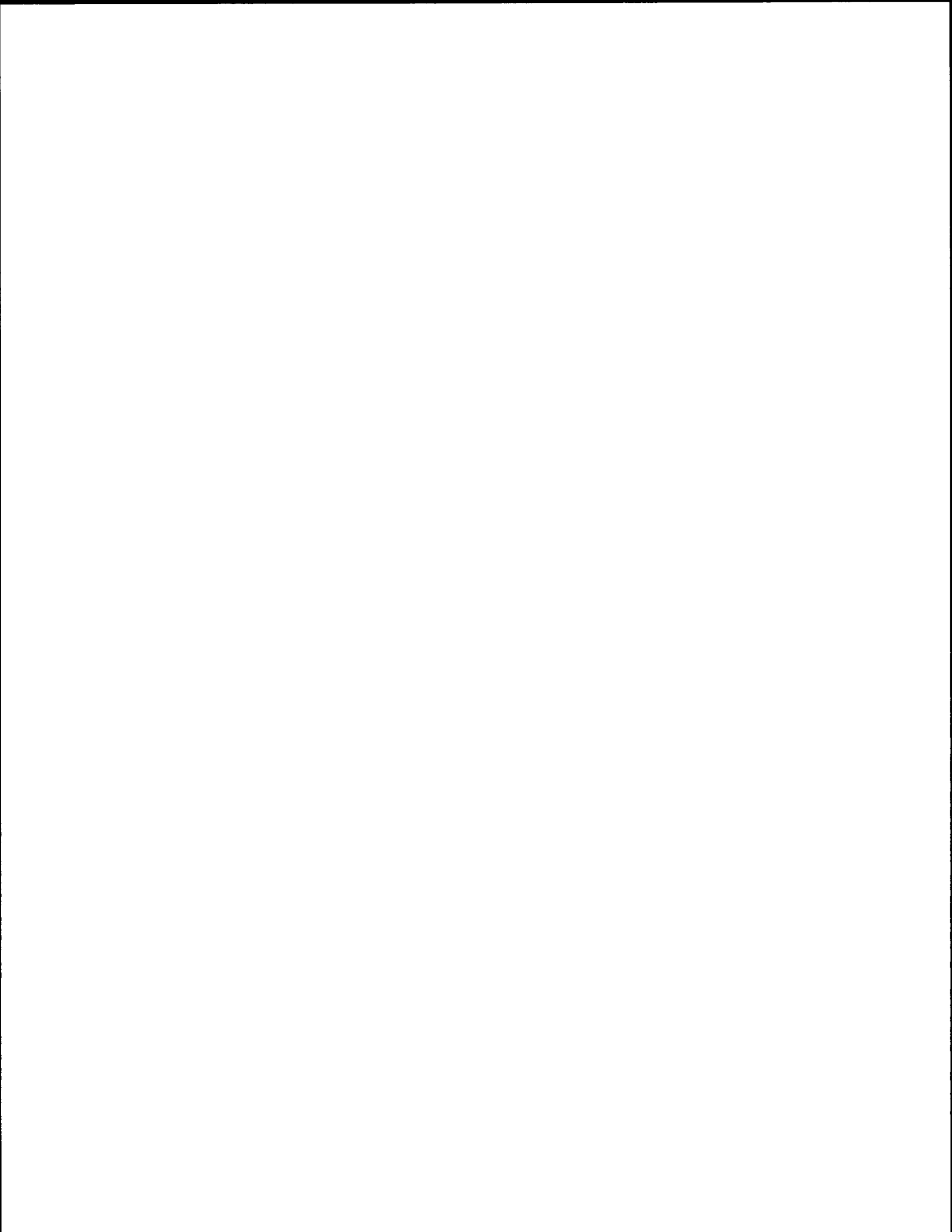
- 0
- 7

Tax Parcels

Lot Lines

- <Null>
- Lot Line
- Parcel Line

Map Notes:



STAFF REPORT

GENERAL INFORMATION:

REQUEST: CONSTRUCTION PERMIT / CP 19-07: To add fill and grade a low spot on the subject property.

APPLICANT: Fatter Boys, LLC / Bob Fuchs

APPLICANT ADDRESS: 610 Main Street, Rapid City, SD 57701

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

SITE LOCATION: 23856 Highway 385.

SIZE: 6.94 acres

TAX ID: 9107

EXISTING LAND USE: Residential

ZONING REFERENCE: Section 507

SURROUNDING ZONING:

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

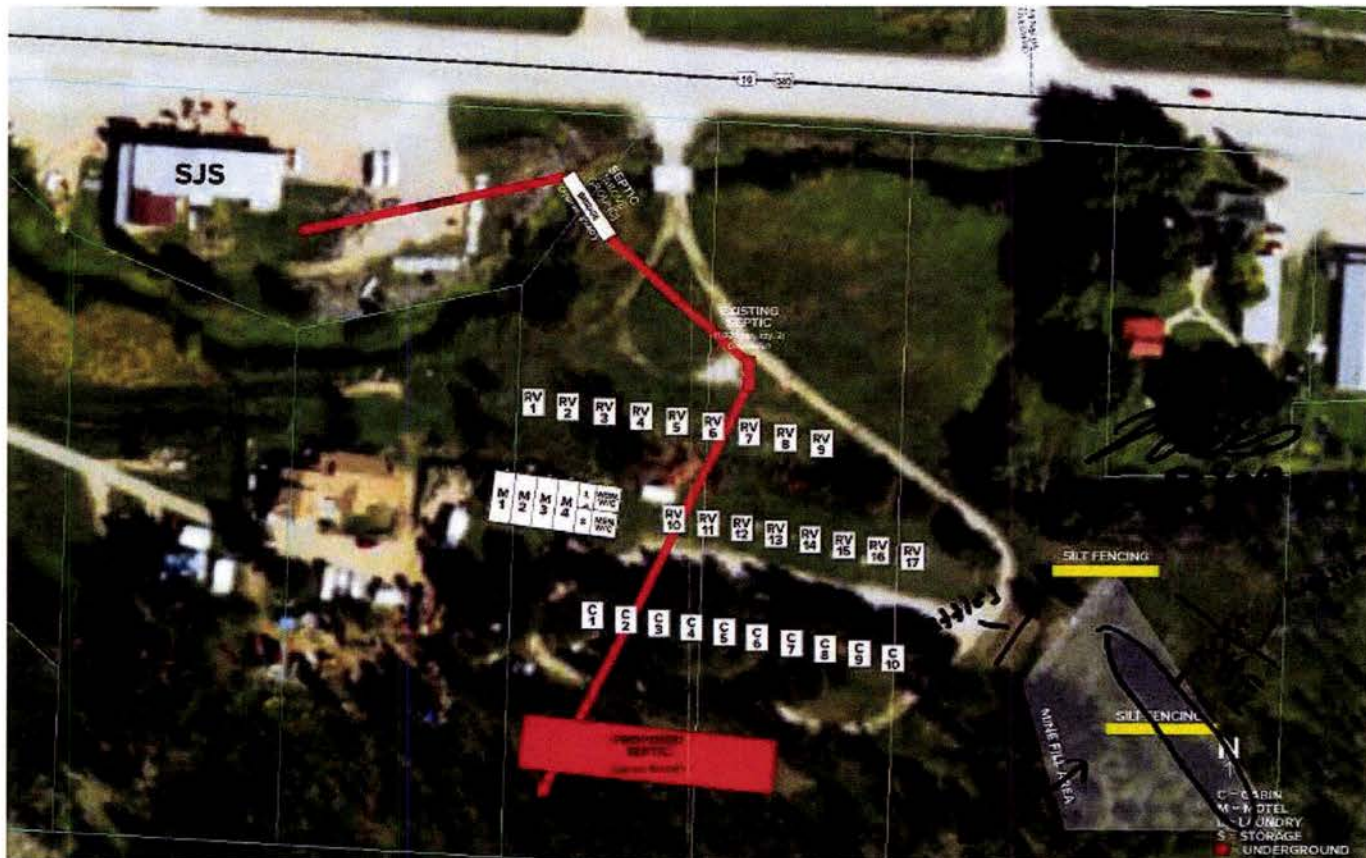
PHYSICAL CHARACTERISTICS: Flat / Open Meadow / Sloping

UTILITIES: Private

REPORT BY: Cody Sack

I. GENERAL DESCRIPTION

- A. The applicant, Fatter Boys, LLC, requested a Construction Permit to add fill and to grade a low spot on the subject property.



Site Plan

II. EXISTING CONDITIONS

- A. Limited Agricultural District.
 - 1. The Board of Commissioners has approved a rezone to rezone the subject property to Highway Service on April 16, 2019.
- B. 6.94 acres.
- C. Special Flood Hazard Area.
 - 1. Floodway.
 - 2. 100-year flood.
- D. Area of disturbance 0.5 acres.

III. REQUEST FOR COMMENT

- A. County Highway
 - 1. It appears the fill may be in the 100-year flood hazard area. The Spring Creek Drainage must not be negatively impacted.

- B. County Fire Administrator
 - 1. No comments received.
- C. County Environmental Supervisor
 - 1. There is Special Flood Hazard Area on the subject property, including Floodway. A Floodplain Development Permit will be required prior to any disturbance in the Special Flood Hazard Area. This will include a No Rise Certification for disturbances in the Floodway.
 - 2. That if the disturbance exceeds one (1) acre, a South Dakota Department of Environment and Natural Resources General Permits for Storm Water Discharges Associated with Construction Activities is obtained.
 - 3. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction.
 - 4. The requirements, guidelines, and criteria for stormwater and erosion control in the Pennington County Storm Water Manual shall be followed during construction.
 - 5. No sediment is to reach the Spring Creek during construction. Erosion and Sediment controls must be implemented to prevent sediment from entering Spring Creek during construction.
 - 6. The site shall be re-vegetated as required in § 507(A)(5)(c).
- D. County Environmental Planner
 - 1. The applicant needs to follow the Pennington County Zoning Ordinance (PCZO) §507 and the Pennington County Stormwater Manual.
 - 2. Erosion and sediment controls need to be maintained until the site has reached final stabilization.
 - 3. If the Site lays dormant for more than 21 days, the site will need to be stabilized.
 - 4. Final stabilization of the site needs to be started no more than 14 days after construction activity is finished.
- E. Ordinance Enforcement
 - 1. Ordinance Enforcement has no record of any Ordinance 106 violations on the subject property and has no objection to the requested Construction Permit.
- F. County Natural Resources Director
 - 1. No objections.
- G. Emergency Services (9-1-1)
 - 1. No comments received.
- H. U.S Forest Service
 - 1. Protect all posted boundary line corners, signs and bearing tress.
 - 2. Adhere to the setback requirements along the posted boundary between National Forest System lands (USA Public Domain; located on the east side of private property) and private property.

Agenda Item #20
Fatter Boys, LLC; Bob Fuchs
May 28, 2019

3. Protect all known stream courses, ponds and riparian areas located on National Forest System lands.
4. No resource damage to occur on National Forest System lands.
5. No construction materials to be placed 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 straw bales, erosion mats, slash mats, etc. located on private property will need to be certified weed-free. Provide a copy of the certification to the Forest Service.
8. All construction materials, supplies, trash or garbage or fill material will not be located or dumped on National Forest System lands.
9. Public roads in this area of the Black Hills National Forest are classified as "Roads Open to All Vehicles" per the latest version of the Motor Vehicle Use Map.
10. No motorized trailheads or motorized trails or motorized roads are planned or scheduled for this portion of the Black Hills National Forest.
11. No motorized trails for ATV, motorcycles or ORV will be authorized from private property unto National Forest System lands (USFS does not want unauthorized trails constructed on National Forest System lands).

IV. ANALYSIS

- A. April 19, 2019 – Staff was in the area of the subject property and noticed dirtwork that appeared to exceed 10,000 square feet.
 1. The work also appeared to be within the floodplain.
 2. Staff opened violation COEV19-0023 on the subject property.
- B. April 24, 2019 – Staff issued a Stop Work Order for the subject property and sent a violation letter certified, return receipt to the property owner.
- C. May 03, 2019 – the applicant submitted a Construction Permit Application and a Floodplain Development Permit.
 1. Staff informed the applicant that erosion and sediment controls needed to be implemented immediately.
 2. The applicant asked to bring in fill to the site since it was scheduled for the middle of May.
 - a. Staff informed the applicant that if he contained the fill that he could bring the fill in, but he could not work on the project.
- D. May 09, 2019 – The applicant was at the Planning Department and stated that:
 1. A friend was driving by and leveled the fill on the property.

Agenda Item #20
Fatter Boys, LLC; Bob Fuchs
May 28, 2019

2. By doing this, the applicant would need to submit a new Floodplain Development Permit.
- E. May 16, 2019 – Staff performed a site visit and found:
1. Work was still on going.
 2. Silt fence had been installed on the property.



Site Visit (05/16/19)

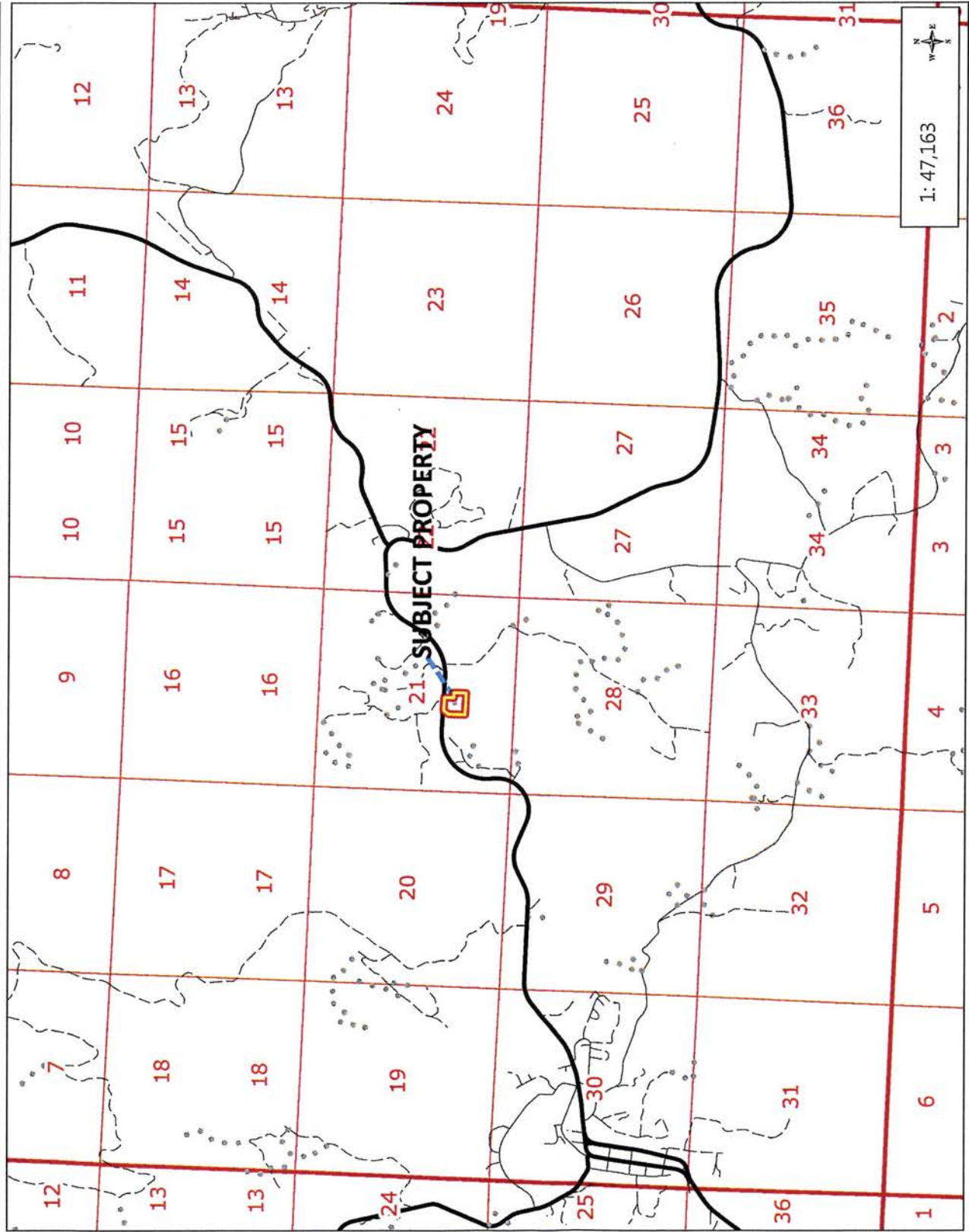
****Staff is requesting public input on this request. The Planning Director will consider public input from private citizens, the applicant and the Planning Commission, in addition to information provided within this Staff Report, when rendering a decision on Construction Permit / CP 19-07.****

RECOMMENDATION: Staff would recommend the Planning Director approve Construction Permit / CP 19-07 with the following thirteen (13) conditions:

1. That erosion control measures are maintained until the site has been revegetated in accordance with § 507(A)(5)(c) of the PCZO;
2. That the applicant obtain an approved Floodplain Development Permit prior to CP 19-07 being approved by the Planning Director;
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

Agenda Item #20
Fatter Boys, LLC; Bob Fuchs
May 28, 2019

- 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 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 the Spring Creek drainage is not negatively impacted;
 7. That sediment from the site is contained in such a manner that sediment does not leave the site. If sediment does leave the site, it is the responsibility of the applicant fix;
 8. 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;
 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 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;
 11. That the disturbed areas be re-vegetated as required in § 507(A)(5)(c) of the PCZO;
 12. That the applicant sign a Statement of Understanding prior to CP 19-07 approval; and,
 13. That this Construction Permit be reviewed in six (6) months, or as directed by the Planning Director.



1: 47,163

7,860.4 0 3,930.22 7,860.4 Feet

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Legend

- Roads**
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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
- Townships
 - Tax Parcels
 - Lot Lines
 - <Null>
 - Lot Line
 - Parcel Line
- City Boundaries**
- BOX ELDER
 - ELLSWORTH AFB
 - HILL CITY
 - KEYSTONE
 - NEW UNDERWOOD
 - QUINN
 - RAPID CITY
 - WALL
 - WASTA

Map Notes:



1: 1,336



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 - Airport Runway
 - Not yet coded

Section Lines 0-25k

- 0
- 7

Tax Parcels

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

Map Notes:

STAFF REPORT

GENERAL INFORMATION:

REQUEST: 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;
- 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 website and various emails, the consultants produced the current document.

ANALYSIS:

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

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

NEXT STEPS

Staff recommends the following step for Comprehensive Plan - View to 2040:

1. That the Planning Commission discuss and make recommendations as necessary while moving with Ordinance Amendment / OA 19-01 - Comprehensive Plan - View to 2040.

**PENNINGTON COUNTY
COMPREHENSIVE PLAN**

PENNINGTON COUNTY



"PRIDE IN THE PAST; FAITH IN THE FUTURE"

AUGUST 2003

**Pennington County
Comprehensive Plan**

County Commission

Ken Davis, Chairperson

**Delores Coffing
Lyle Hendrickson**

**James Kjerstad
Gale Holbrook**

Planning Commission

Linda Peterson, Chairperson

**Bob Brandt
Tim Pfisterer
John Herr**

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

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

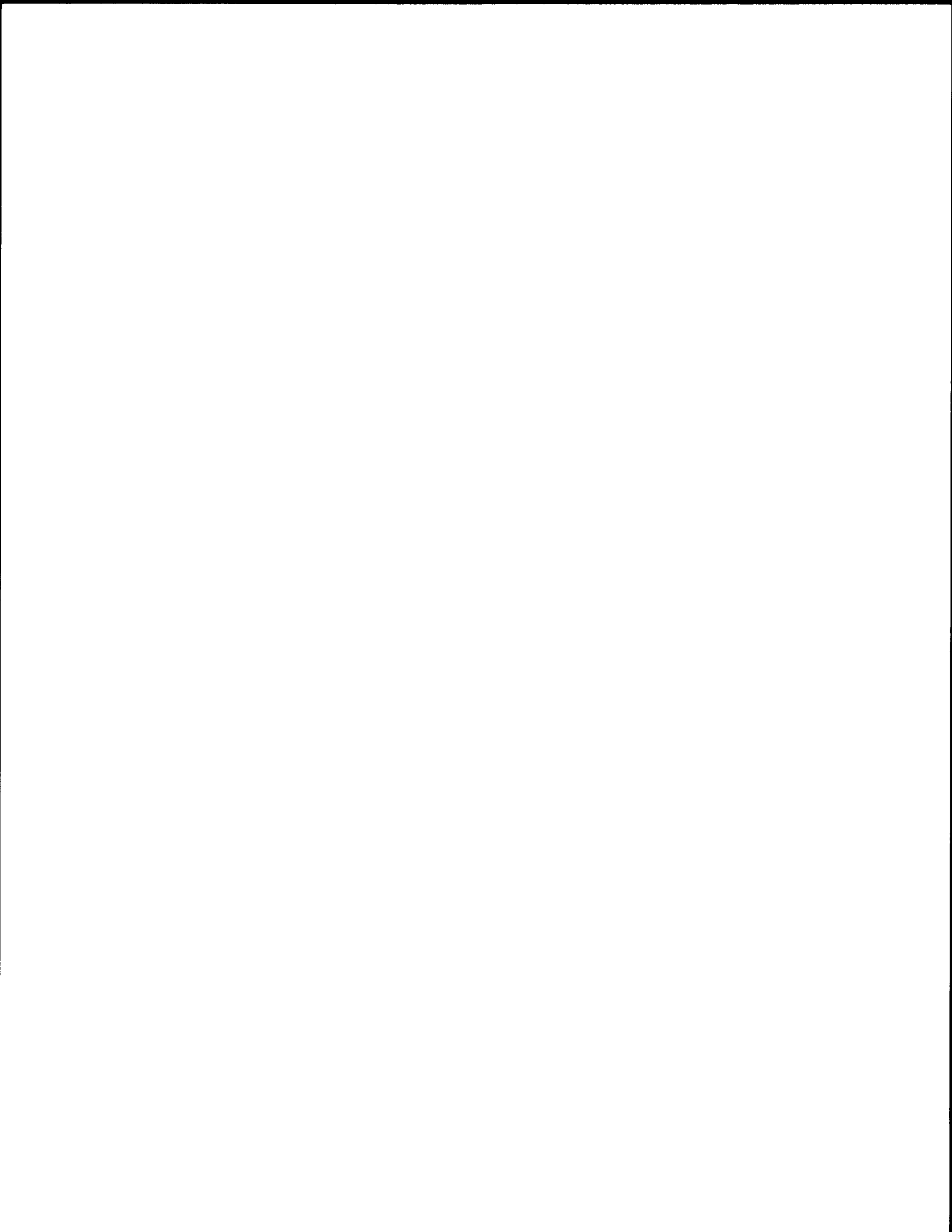
**Prepared by Pennington County
Planning Department**

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

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

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Comprehensive Plan



Pennington County Comprehensive Plan **VIEW TO 2040**

Public Review Draft

July 2018



Lars Plogmann, 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
- ▶ Michaelae 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

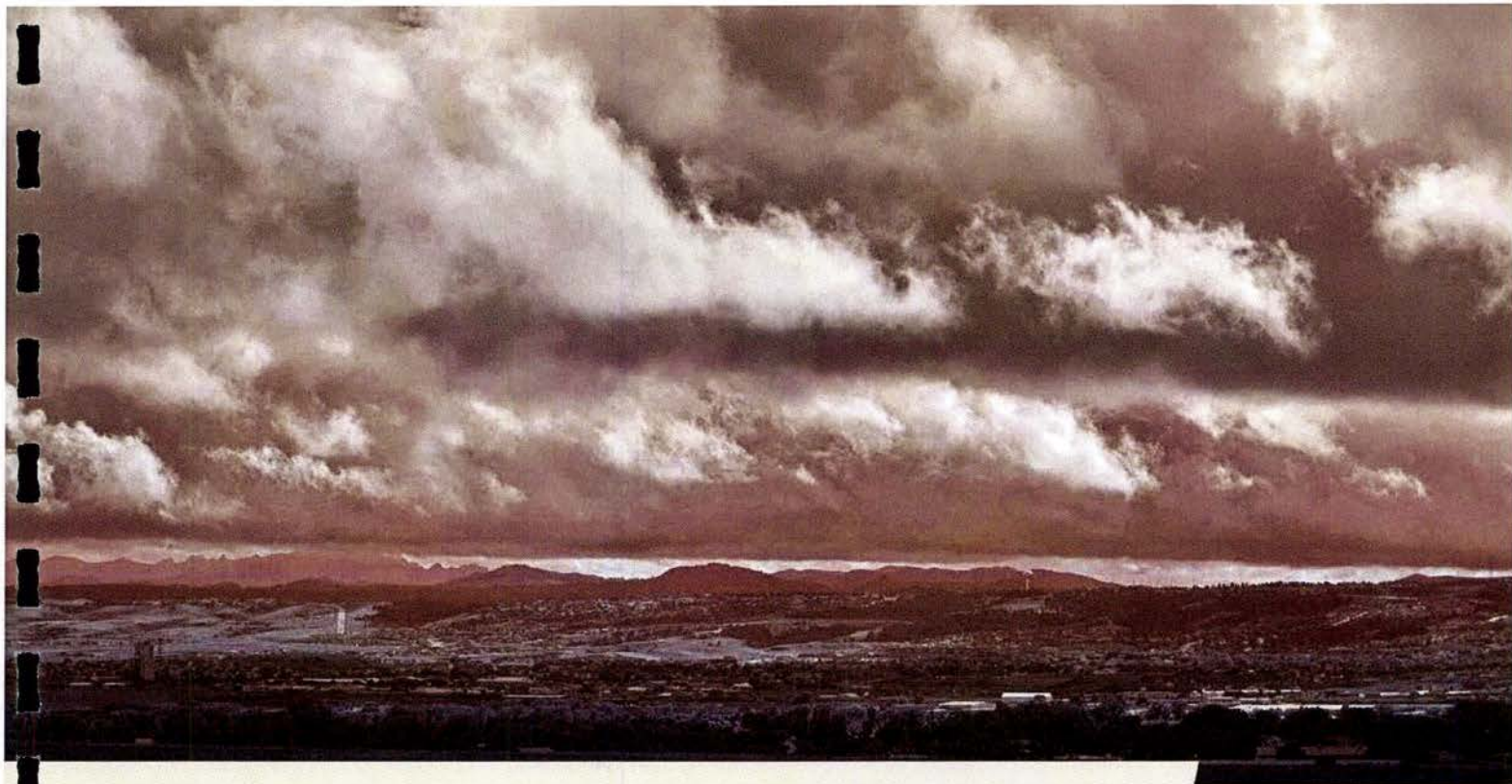


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VIEW TO 2040

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Introduction

1

1.1 Purpose of a Comprehensive Plan

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

The Comprehensive Plan has three defining features:

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



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1.2 Comprehensive Plan Process

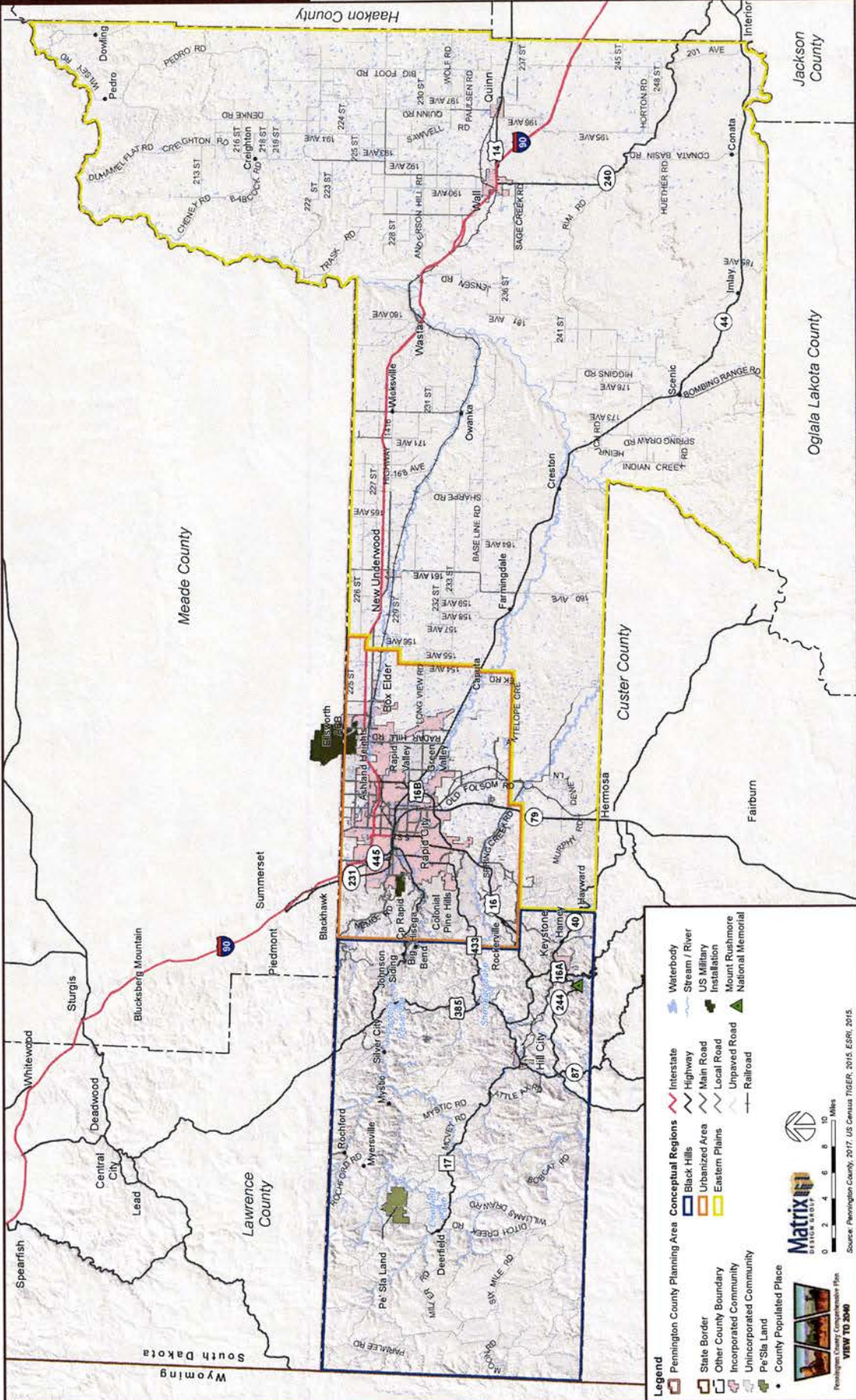
The process for developing the Comprehensive Plan occurred in seven tasks that build on each other. Several opportunities for residents to provide ideas and help guide the future of the community were included in the development of the Plan.

- ▶ **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).

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.



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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.



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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

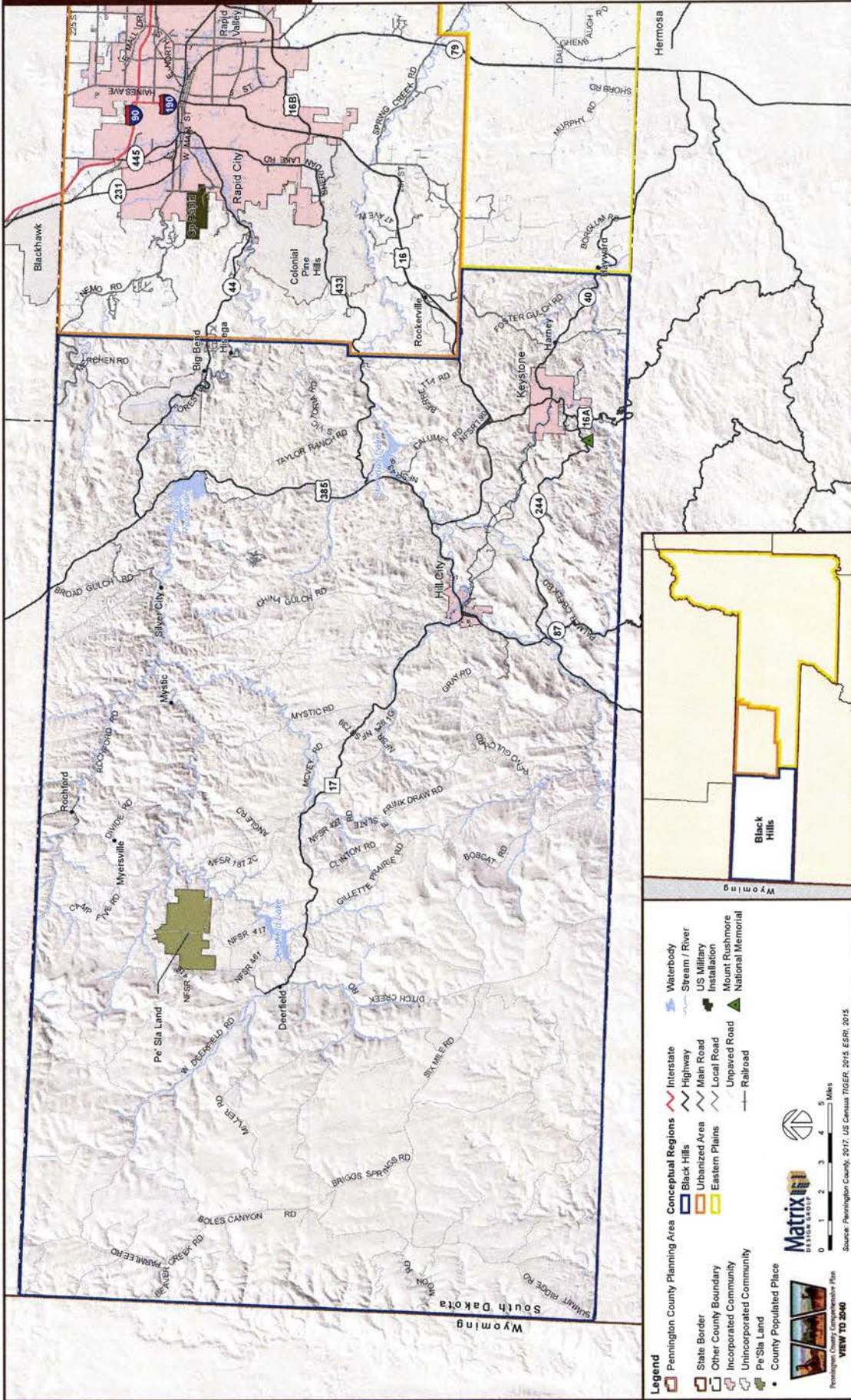
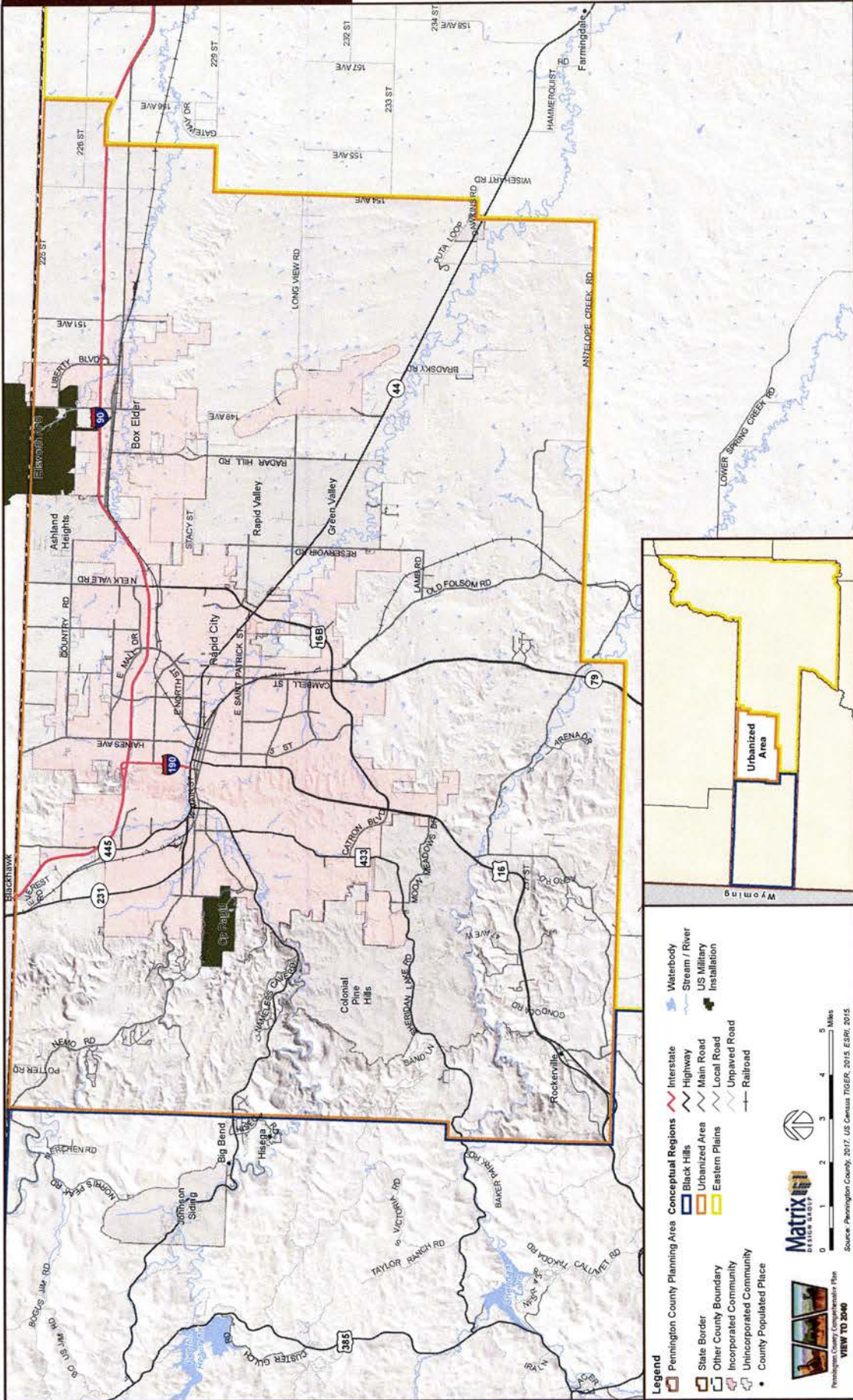


Figure 2-2 Central Pennington



Legend

- Pennington County Planning Area
 - Black Hills
 - Urbanized Area
 - Eastern Plains
- State Border
- Other County Boundary
- Incorporated Community
- Unincorporated Community
- County Populated Place

Conceptual Regions

- Interstate
- Highway
- Main Road
- Local Road
- Unpaved Road
- Railroad

Waterbody

- Stream / River
- US Military Installation

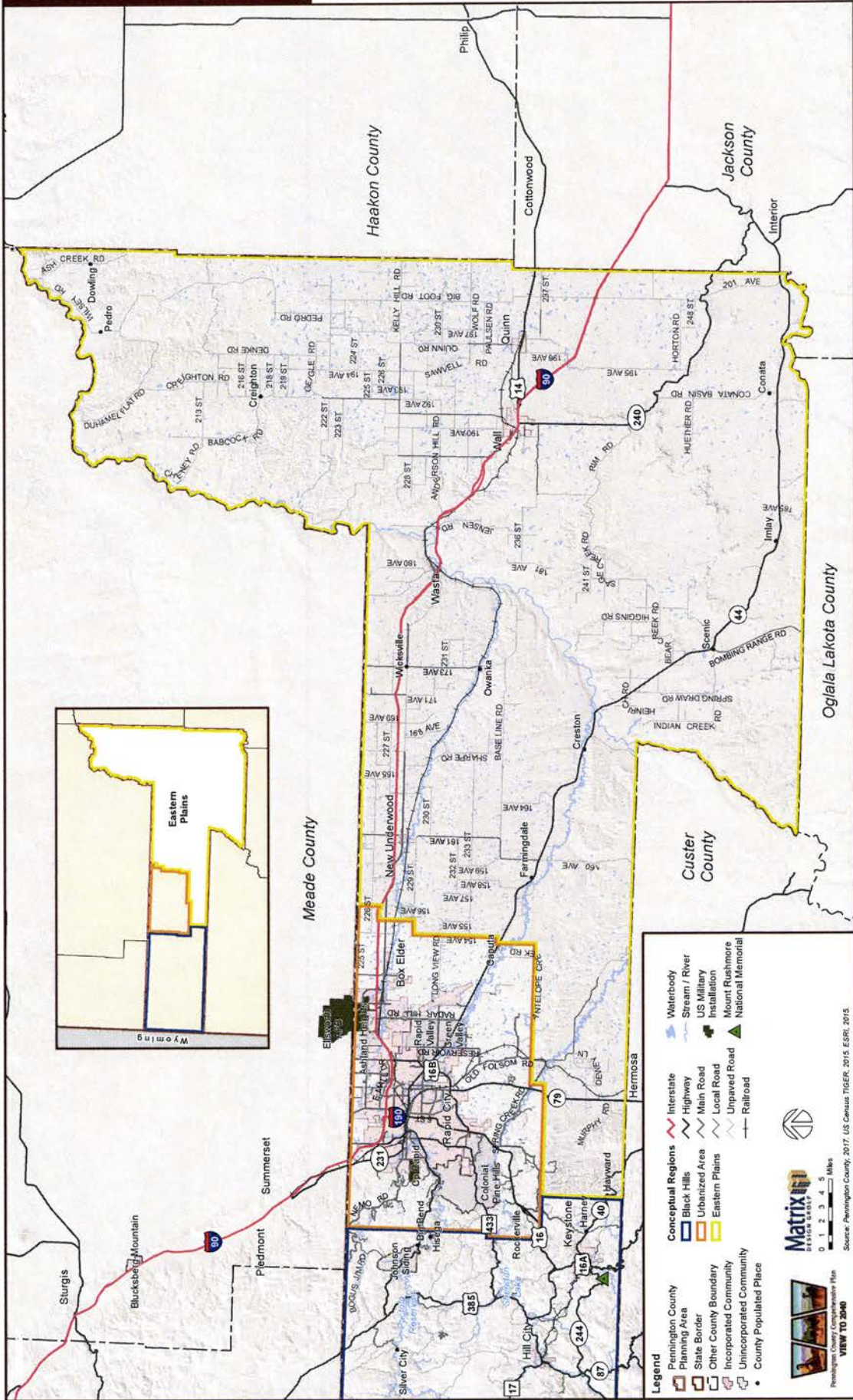
Scale: 0 1 2 3 4 5 Miles

Source: Pennington County, 2017; US Census TIGER, 2015; ESRI, 2015.

Matrix
PLANNING GROUP

Pennington County Comprehensive Plan
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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
- Unurbanized Area
- Eastern Plains

Waterbody

- Stream / River
- US Military Installation
- Mount Rushmore National Memorial

Other

- Interstate
- Highway
- Main Road
- Local Road
- Unpaved Road
- Railroad

Matrix
DESIGN FACILITY

0 1 2 3 4 5 Miles

Source: Pennington County, 2017; US Census TIGER, 2015; ESRI, 2015.

Pennington County Comprehensive Plan
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Central Pennington Focus Area

Location

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

Issues and Opportunities

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

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



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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.



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Land Use Designations within Pennington County

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

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

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

Zoning Ordinance Consistency

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

Table 3-1 Land Use Designations

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



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

Land Use & Housing Element

3

Designation	Code/ Color	Land Use Description	Maximum Density	Minimum Lot Size
Planned Unit Development Compatible Zoning: PUD	PUD	Purpose and Application 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. Allowed Uses <ul style="list-style-type: none"> ▶ Single family detached dwellings, duplexes, triplexes, fourplexes, apartments, townhomes ▶ Public and quasi-public uses (e.g., parks, schools, churches) ▶ Resort development features ▶ Neighborhood scaled shops and small offices ▶ Agricultural uses and open space 	n/a	n/a



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

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



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

Notes:

du = dwelling unit(s)

ac = acre

sf = square foot

3.2 Land Use Overview

Animal Keeping

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

Housing

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

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

Mining

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

Agriculture

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

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

Public Facilities

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

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

Military Compatibly

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

Building Codes

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



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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.



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Goal LUH-6

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



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



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



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



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



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



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

Goal LUH-7

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



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



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



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



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



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



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

Goal LUH-8

The County encourages energy conservation in new and existing developments.



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



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



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



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

Goal LUH-9

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

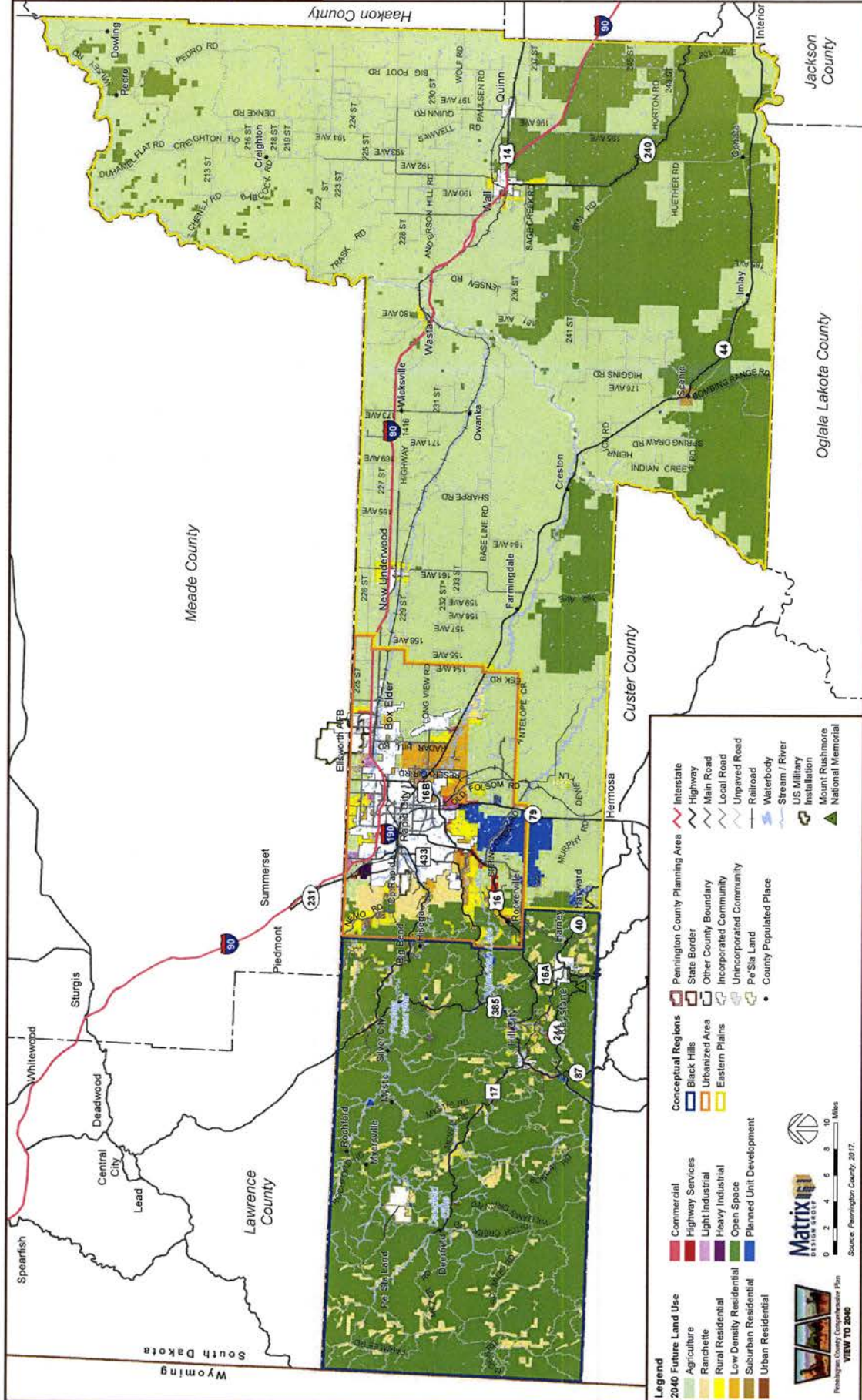


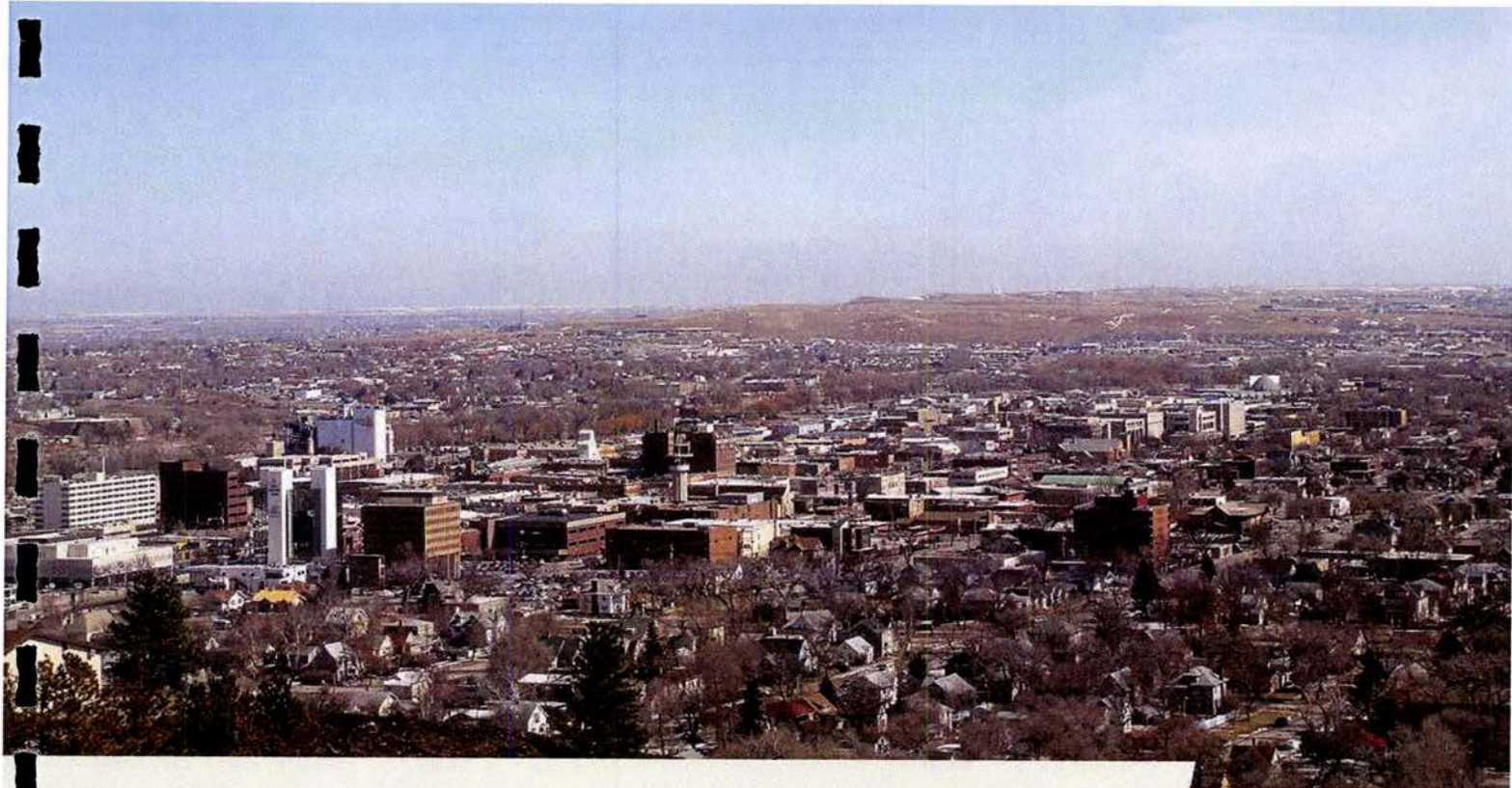
LUH-9.1 The County shall maintain the Comprehensive Plan as needed to ensure that it reflects the needs and desires of those who live, work, and vacation in Pennington County.



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

Figure 3-1 2040 Future Land Use





Economic Development Element

4

4.1 Economic Development Overview

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

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

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



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Existing Workforce

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

Employment Nodes

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

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

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

Table 4-1. Top Employers

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

Source: Rapid City Chamber of Commerce

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

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

Tourism

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

Value-Added Agriculture

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

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

Rapid City Regional Airport

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

Ellsworth Air Force Base

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

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



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4.2 Goals and Policies

Goal ED-1

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



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



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



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



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



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

Goal ED-2

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



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



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

Goal ED-3

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



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



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

Goal ED-4

Pennington County supports the growth of existing industries.



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



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



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



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

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

Goal ED-5

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



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



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



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



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



Agricultural Element

5

5.1 Agricultural Overview

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

Production Enhancement

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

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



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

Compatibility

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

5.2 Goals and Policies

Goal AG-1

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



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



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

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



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



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



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



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



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



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



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



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



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



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



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Goal AG-2

Agricultural uses are compatible with surrounding land uses.



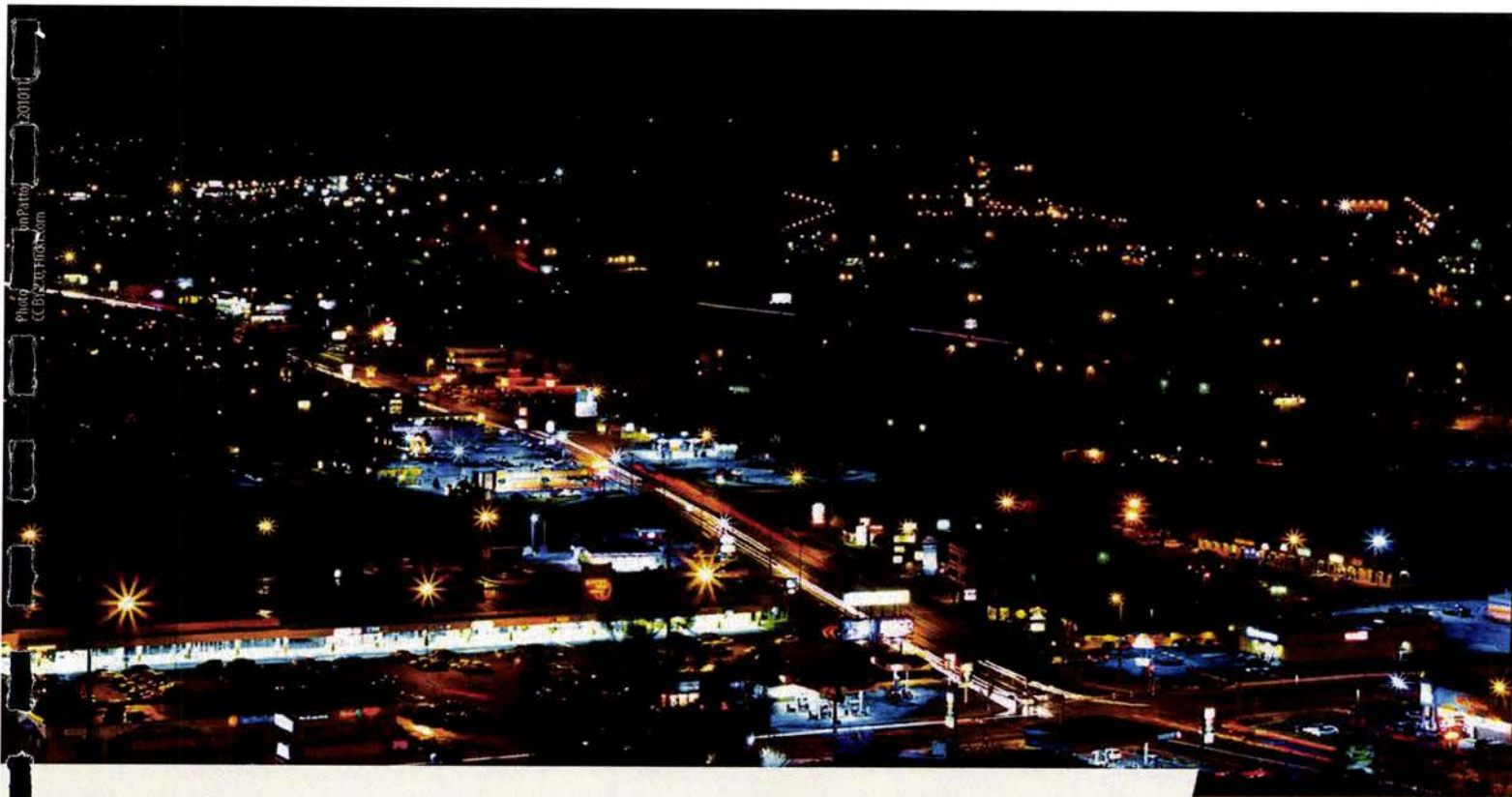
AG-2.1 The County should consider encouraging SD Senate Bill 66, which provides property owners a tax incentive for creating riparian buffer strips if the property adjoins one of the eligible lakes or streams.



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



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



Transportation & Circulation Element

6

6.1 Transportation & Circulation Overview

Transportation System

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

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

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



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

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

Tourism Traffic

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

Scenic Byways

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



Trails and Bicycle Systems

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

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

Figure 6-1 Transportation - Black Hills

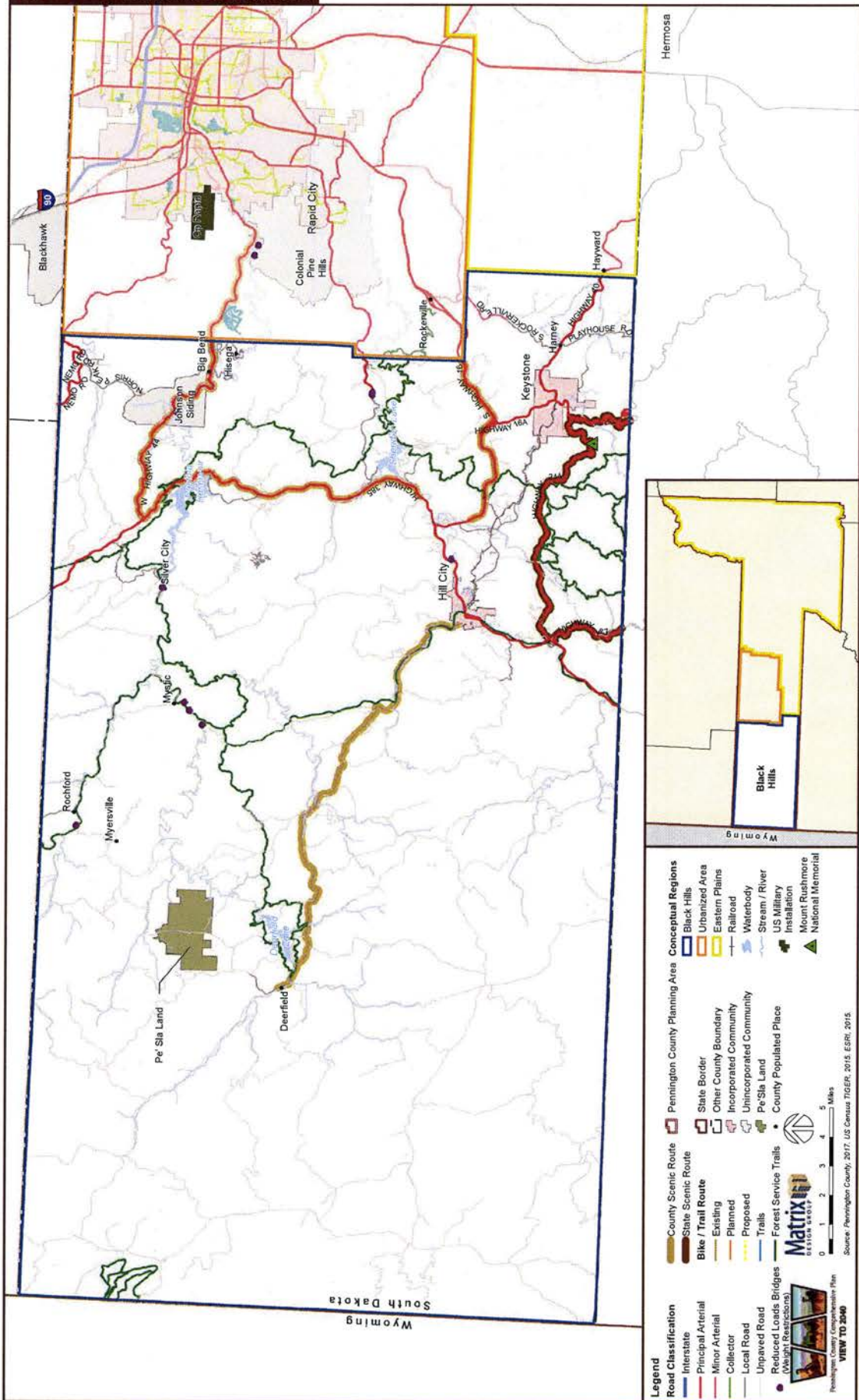


Figure 6-2 Transportation - Central Pennington

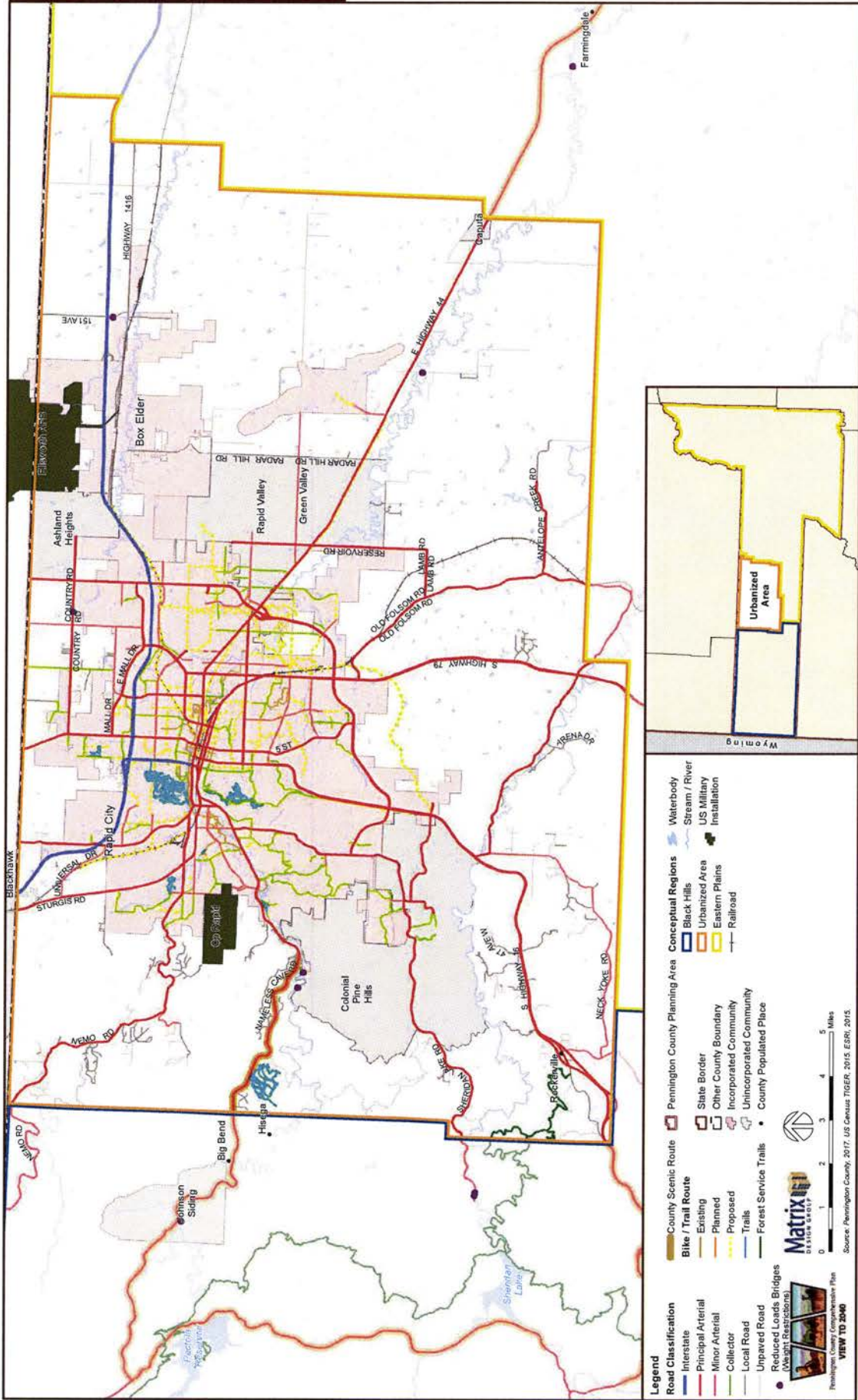
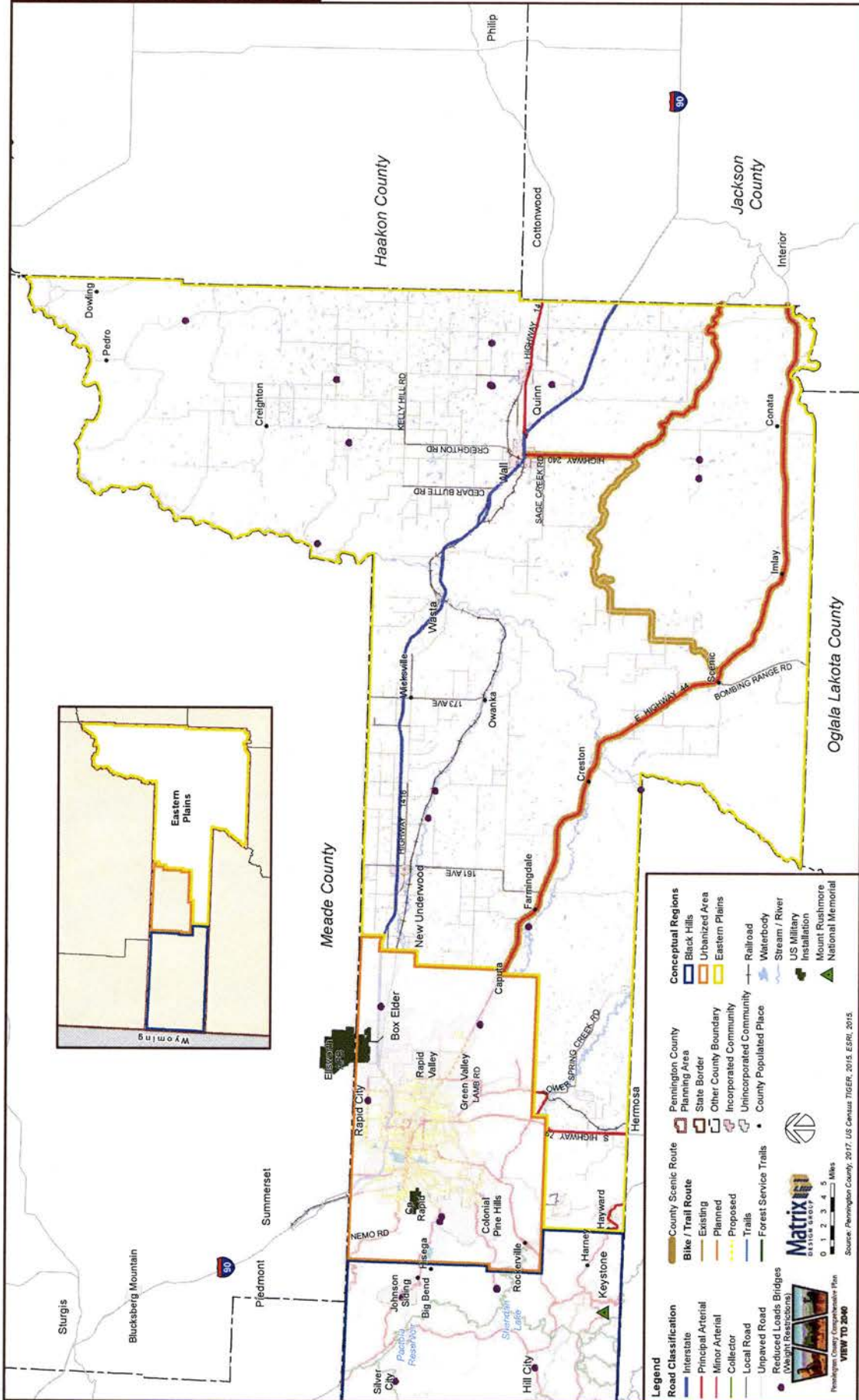


Figure 6-3 Transportation - Eastern Plains



Legend

Road Classification

- Interstate
- Principal Arterial
- Minor Arterial
- Collector
- Local Road
- Unpaved Road
- Reduced Loads Bridges (Weight Restrictions)

Conceptual Regions

- Black Hills
- Urbanized Area
- Eastern Plains

Pennington County Planning Area

- State Border
- Other County Boundary
- Incorporated Community
- Unincorporated Community
- County Populated Place

County Scenic Route

- Bike / Trail Route
- Existing
- Planned
- Proposed
- Trails
- Forest Service Trails

Other Features

- Railroad
- Waterbody
- Stream / River
- US Military Installation
- Mount Rushmore
- National Memorial

Scale

0 1 2 3 4 5 Miles

Matrix DESIGN GROUP

Pennington County Comprehensive Plan
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Source: Pennington County, 2017; US Census TIGER, 2015; ESRI, 2015.

Public Transportation

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

Rapid City Regional Airport

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

6.2 Goals and Policies

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



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



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



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



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



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



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Goal TC-2

Pennington County features a multimodal transportation network.



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

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



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



Goal TC-3

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



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



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

Goal TC-4

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



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



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



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

Goal TC-5

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



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

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



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

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



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



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



Public Services & Facilities Element

7

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

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

7.1 Infrastructure Overview

Water Supply

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



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.

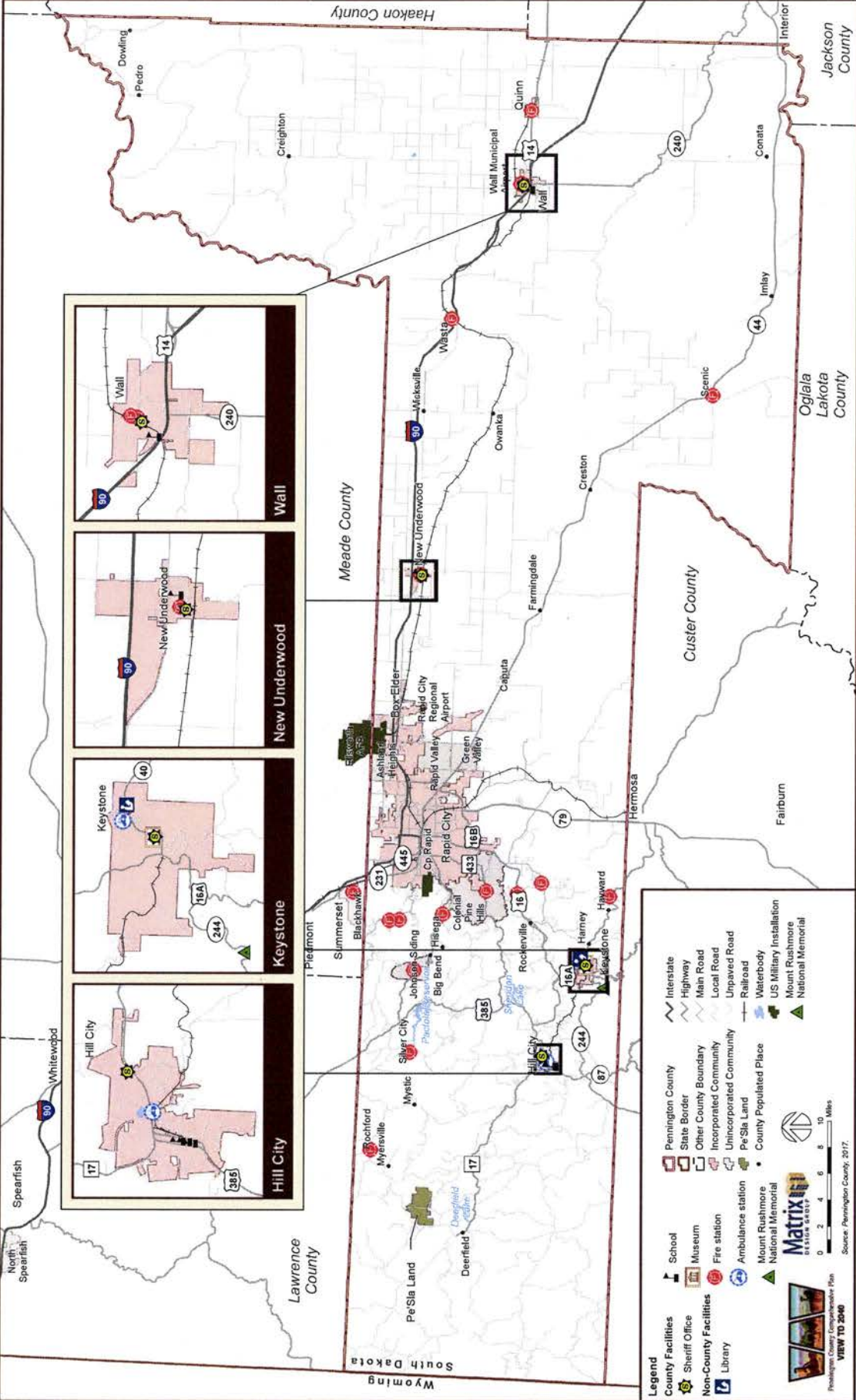
Wastewater

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

- Pennington County
- State Border
- Other County Boundary
- Incorporated Community
- Unincorporated Community
- Pe Sla Land
- County Populated Place

Non-County Facilities

- School
- Museum
- Fire station
- Ambulance station
- Library
- Mount Rushmore National Memorial
- National Memorial

Roads

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

Scale: 0 2 4 6 8 10 Miles

Source: Pennington County, 2017.

Matrix DESIGN GROUP

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 Resistant Building Requirements and Firewise Landscaping guidelines from the Community Wildfire Protection Plan.



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



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



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



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



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



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

Goal PSF-5

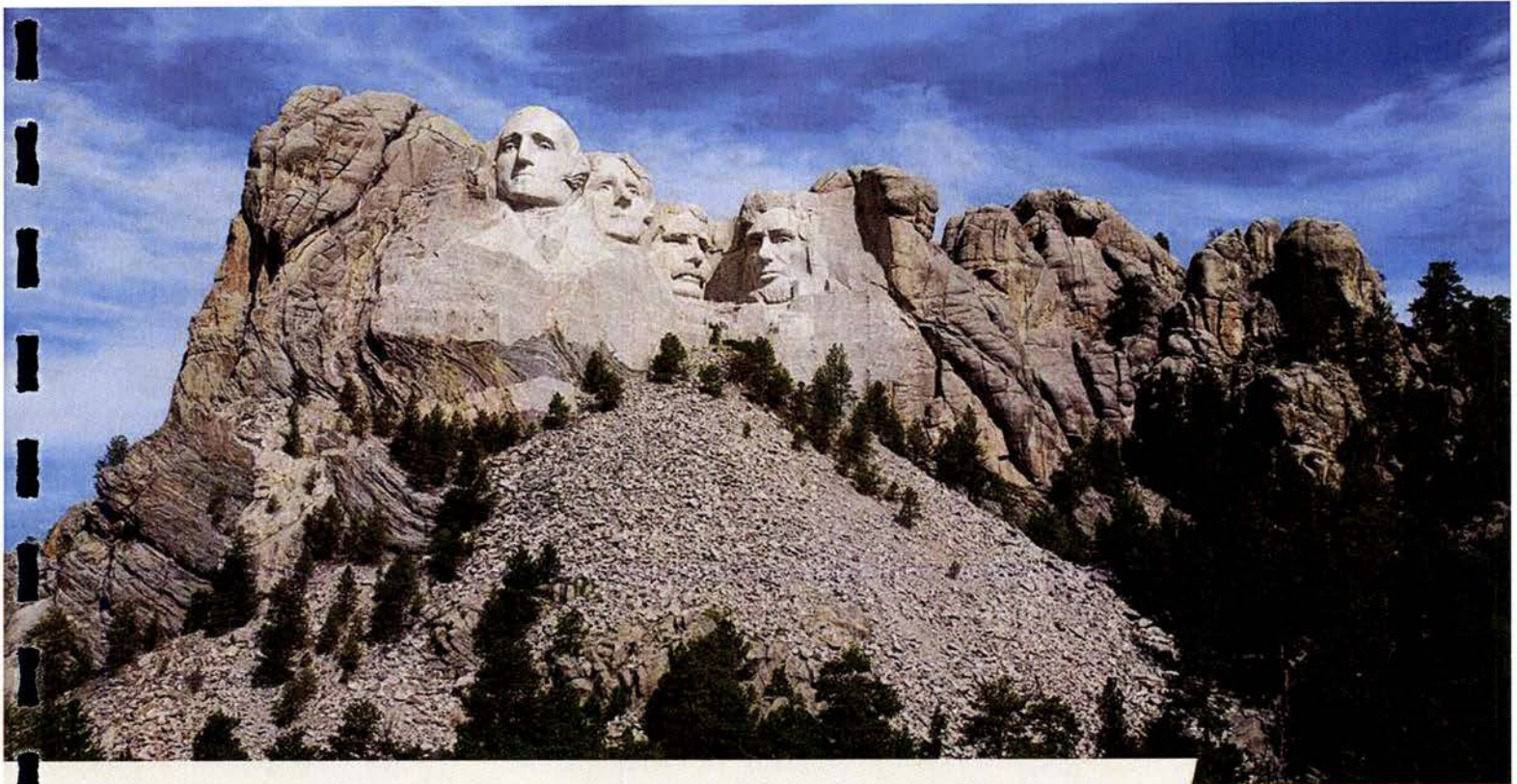
The County has adequate public facilities to provide for its residents.



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



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



Recreation, Open Space & Tourism Element

8

8.1 Recreation, Open Space and Tourism Overview

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

Community Parks

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

Federal Lands

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



VIEW TO 2040

Badlands National Park

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

Black Hills National Forest

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

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

Buffalo Gap National Grassland

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

Minuteman Missile National Historic Site

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

Mount Rushmore National Memorial

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

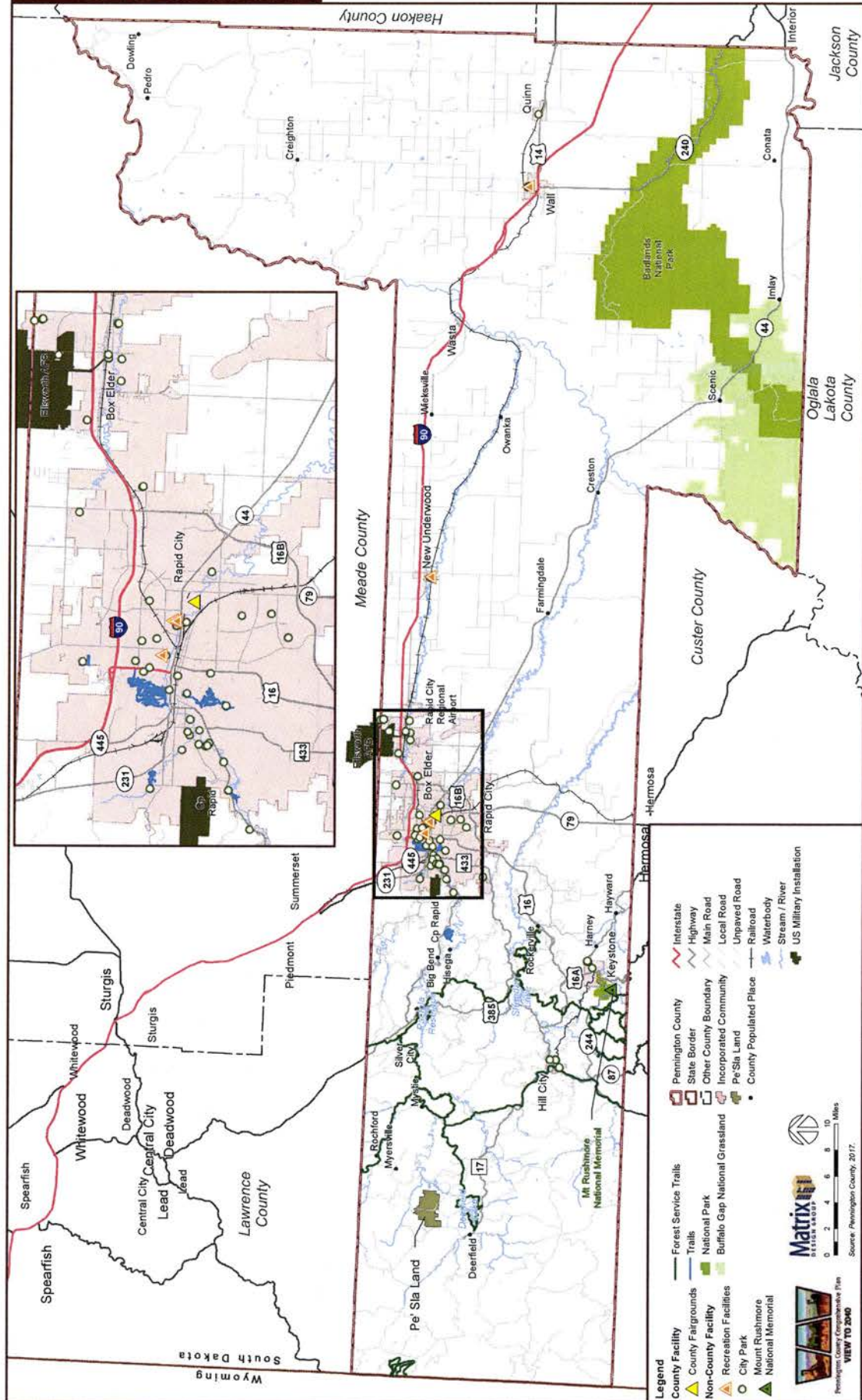
Tourism

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

Wine Trail

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

Figure 8-1 Parks and Recreation Locations



Legend

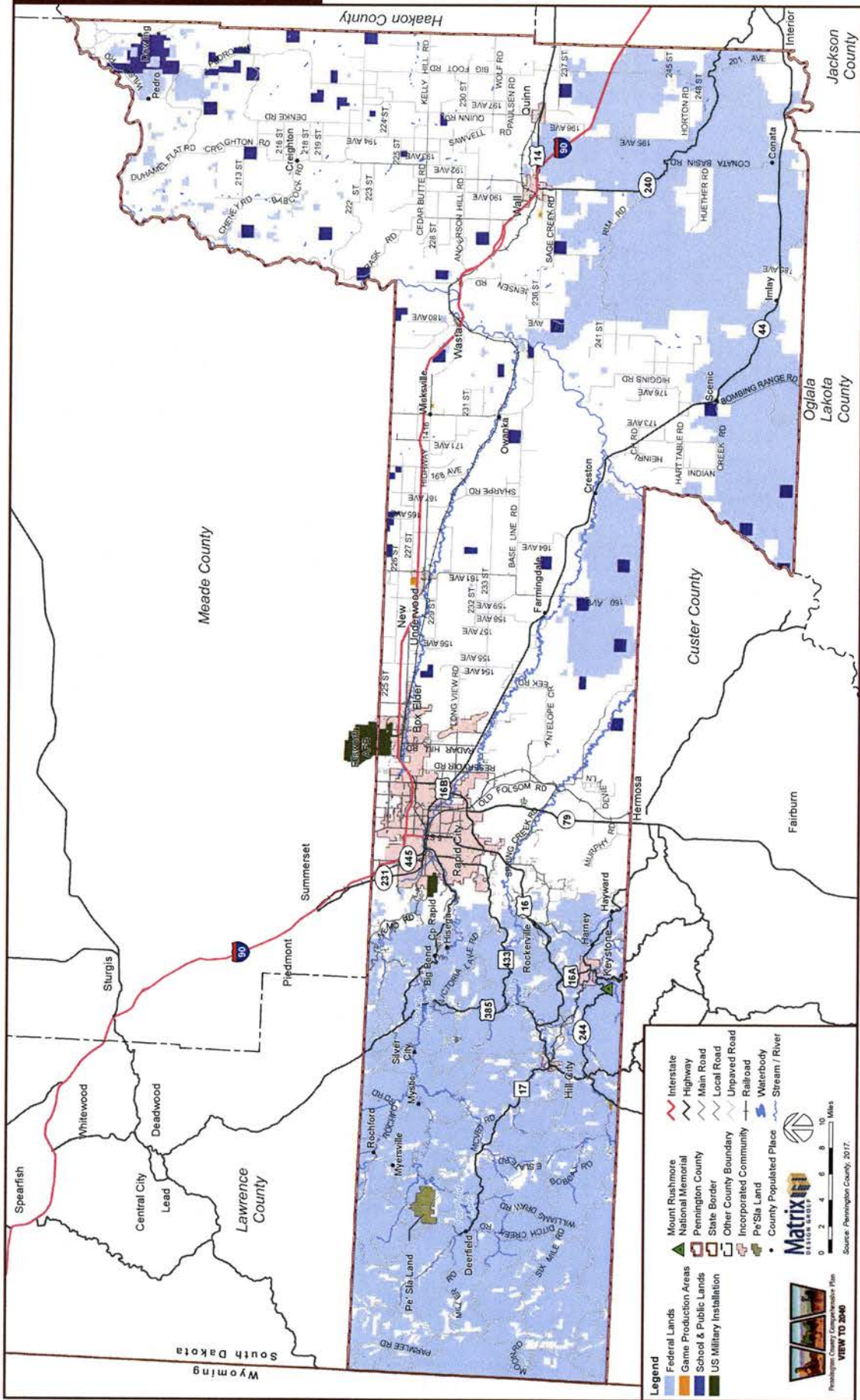
- County Facility**
 - County Fairgrounds
 - Non-County Facility
 - Recreation Facilities
 - City Park
 - Mount Rushmore National Memorial
- Pennington County**
 - Forest Service Trails
 - Trails
 - National Park
 - Buffalo Gap National Grassland
 - Pe'Sia Land
 - County Populated Place
- Infrastructure**
 - Interstate
 - Highway
 - Main Road
 - Local Road
 - Unpaved Road
 - Railroad
 - Waterbody
 - Stream / River
 - US Military Installation
- Administrative**
 - Pennington County
 - State Border
 - Other County Boundary
 - Incorporated Community
 - Pe'Sia Land
 - County Populated Place

Scale: 0 2 4 6 8 10 Miles

Source: Pennington County, 2017.

Matrix
PENNINGTON COUNTY
COMPREHENSIVE PLAN
VIEW TO 2040

Figure 8-2 Federal and State Lands



Wall Drug Store

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

Sturgis Motorcycle Rally

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

8.2 Goals and Policies

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



ROST-1.1 The County should ensure roadways and accessways to public lands like Mount Rushmore National Memorial are safe and easy to traverse.



ROST-1.2 The County should work with SDDOT and local cities to develop and support a unified, county-wide wayfinding program.



ROST-1.3 The County should work with the National Forest Service and National Park Service to routinely coordinate on upcoming plans and program changes that could have benefits or challenges that the other entities should address.

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



ROST-2.1 The County should explore methods to fund an open space system that meets the needs of county residents and visitors.



ROST-2.2 The County should support private land managers, management agencies, and citizen groups in their maintenance efforts of recreational opportunities



Health & Safety Element

9

9.1 Health & Safety Overview

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

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

Flood Hazards

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

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



VIEW TO 2040

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

Wildfires

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

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

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

Existing Fire Services

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

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

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

Figure 9-1 Flood Potential Map

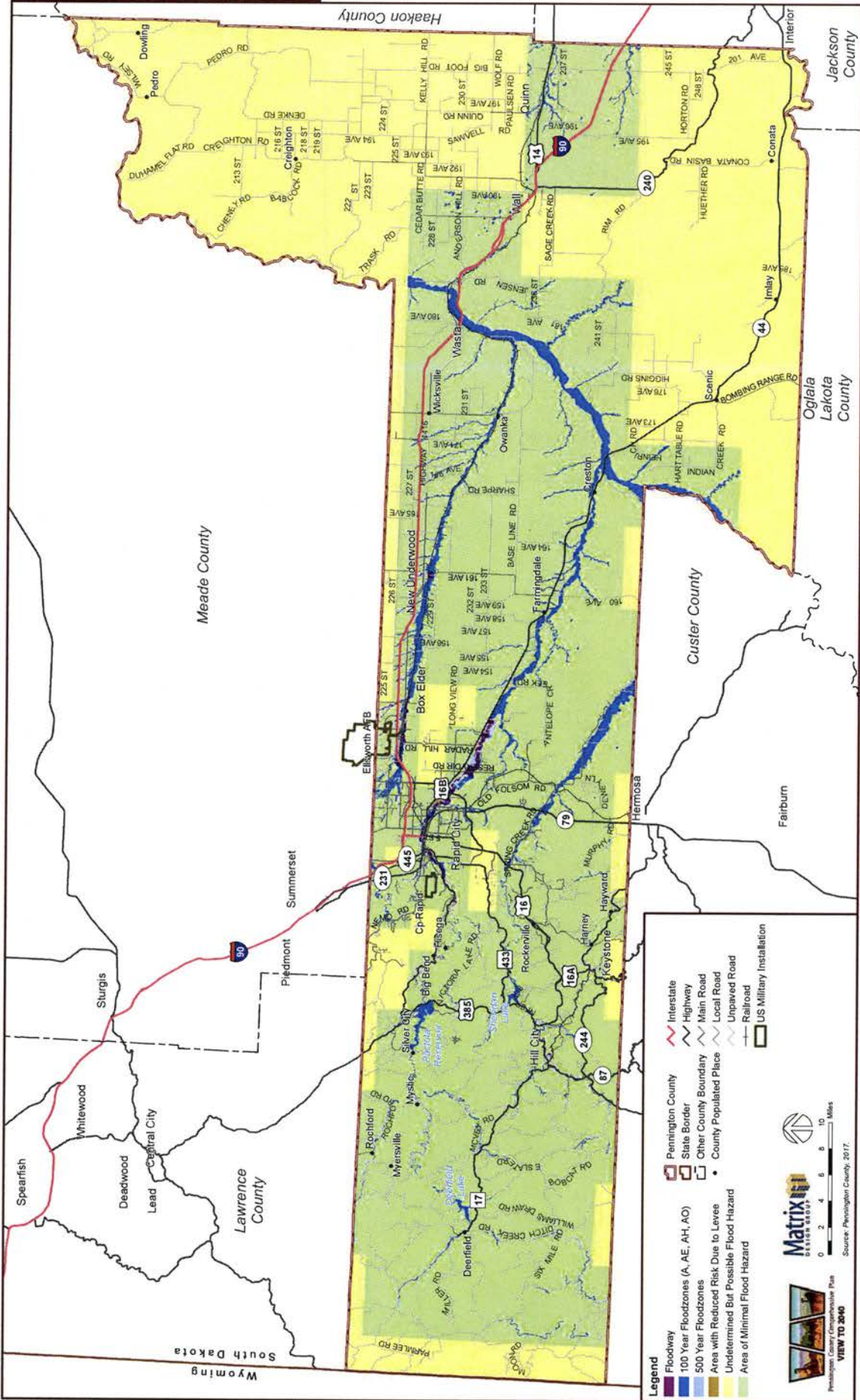
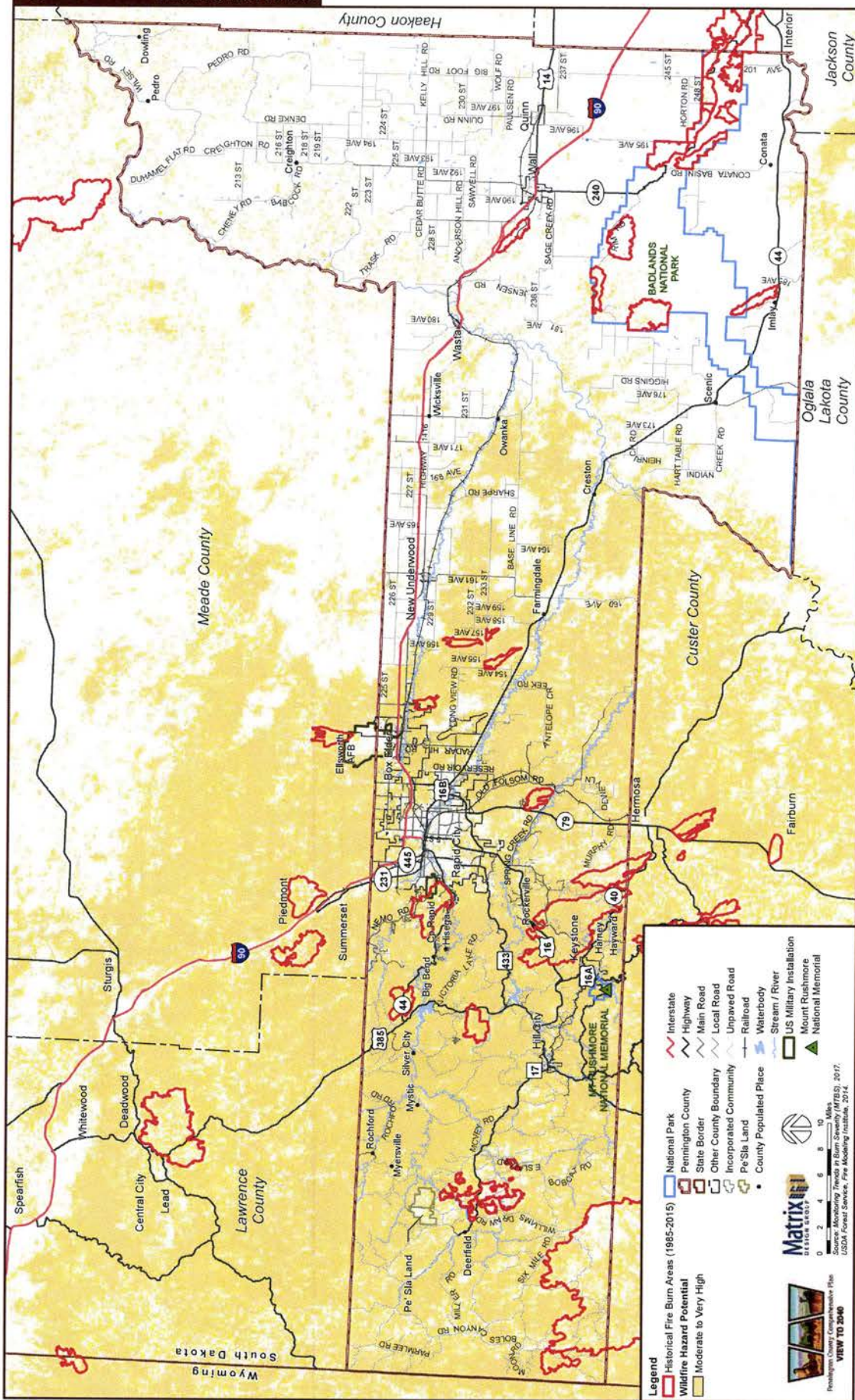


Figure 9-2 Wildfires, 1984 to 2015



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

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

Search and Rescue

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

Emergency Management

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

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

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

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



VIEW TO 2040

Hazardous Materials/Solid Waste Disposal

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

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

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

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

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

Military Compatibility

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

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

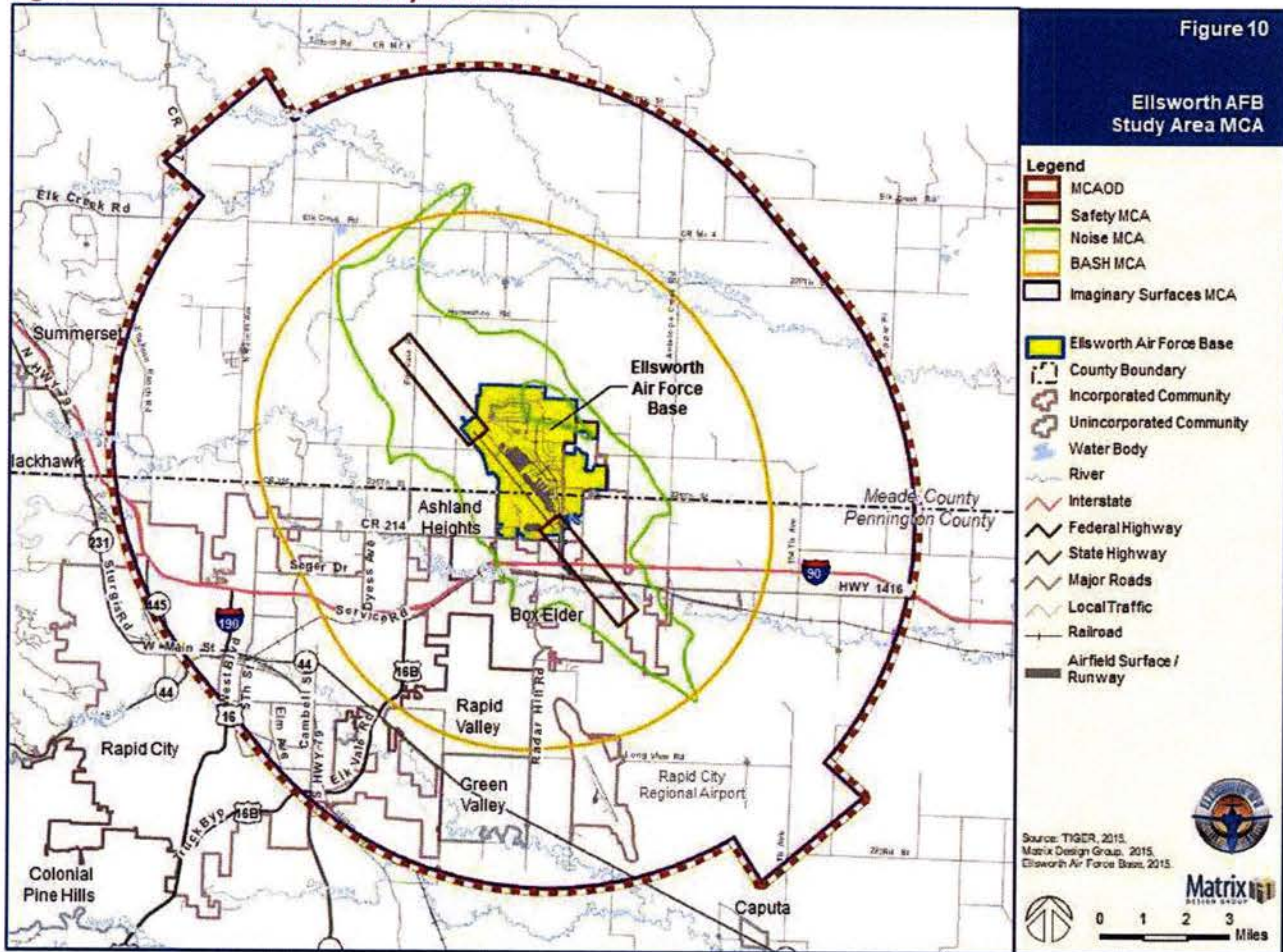
Key issues addressed in the JLUS typically are associated with one of seven Military Compatibility Areas (MCA):

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

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

These areas are shown on Figure 9-3.

Figure 9-3 Ellsworth AFB Study Area MCA





VIEW TO 2040

9.2 Goals and Policies

Goal HS-1

The county has a safe and efficient stormwater management system.



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



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



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



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



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



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



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



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



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



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

Goal HS-2

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



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



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



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



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



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



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



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



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



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



VIEW TO 2040

Goal HS-3

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



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



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



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



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



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



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



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



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



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



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



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

Goal HS-4

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



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



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



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

Goal HS-5

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



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



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



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



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



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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.



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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.



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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.



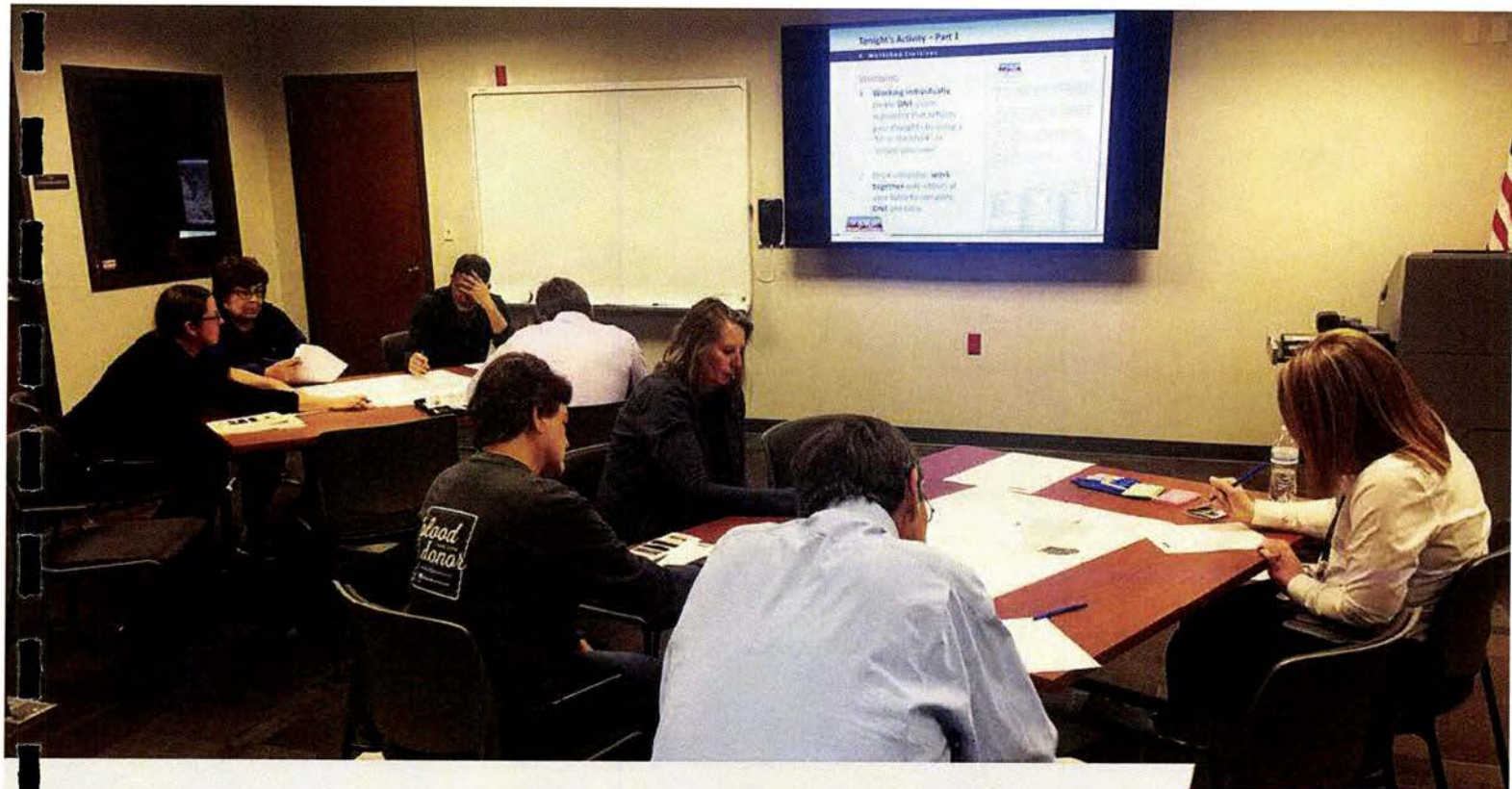
NCR-6.3 The County will encourage the development of mineral deposits in a manner compatible with surrounding land uses.



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.



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Action Number	Implementation Action	Relevant Goal	Short-Term	Mid-Term	Long-Term	On-Going
1	The County should amend the Zoning Ordinance to be consistent with the residential densities set forth in the Comprehensive Plan.	LUH-2	■			
2	The County should consider including alternative homes, such as tiny homes into the Zoning Ordinance.	LUH-2	■			
3	The County should develop standards in the Zoning Ordinance for accessory dwelling units designed to encourage the development of housing that is affordable. Adding provisions for "by right" development should be considered.	LUH-2	■			
4	The County should update the Zoning Ordinance relative to non-domestic animal keeping on residential designations. This should include standards for: <ul style="list-style-type: none"> ▶ Definition of non-domestic animals, ▶ Classifications of animals, and ▶ Limits on number of animals based on zoning district, lot size, and type of animal. 	LUH-3	■			
5	The County shall adopt a current version of the International Building Code and implement its use in new construction.	LUH-5		■		
6	The County shall update the Zoning Ordinance to include restrictions/specifications on the placement and size of signage and the use of digital/LED billboards in areas with scenic resources.	LUH-6 TC-4	■			
7	The County should amend the Zoning Ordinance to allow a range of value-added agricultural uses in the A-1 and A-2 zoning districts.	AG-1	■			
8	The County shall develop a Right-to-Farm ordinance designed to protect agricultural land uses from conflicts with non-agricultural uses, as well as to help purchasers and residents understand the inconveniences that may occur as the natural result of living in or near agricultural areas.	AG-1		■		
9	The County should evaluate another Wheel Tax ballot for voter approval.	TC-1	■			
10	The County shall ensure Americans with Disabilities Act compliance along all pedestrian paths.	TC-1				■

Action Number	Implementation Action	Relevant Goal	Short-Term	Mid-Term	Long-Term	On-Going
11	The County should provide, at minimum, four-foot-width paved shoulders along all arterial and collector streets, particularly along the entire length of US Highway 385, US Highway 16, and SD 44 where there are no proposed off-road trails or side paths.	TC-1				■
12	The County should update their Master Transportation Plan every five years.	TC-1				■
13	The County shall continue to update and implement its Stormwater Management Plan.	PSF-2				■
14	The County, in coordination with other agencies, should assess air quality on a continual basis and prevention of air quality degradation through the enactment of long term preventative measures and maintaining awareness of the different categories of pollutants.	HS-4				■
15	The County should develop a Memorandum of Understanding with Ellsworth AFB formalizing the development notification and review process to facilitate identification and resolution of potential conflicts early in the development review process.	HS-5	■			
16	The County should develop a Memorandum of Understanding through the Rapid City Area Metropolitan Planning Organization to delineate roles and responsibilities of the JLUS Coordination Committee member agencies.	HS-5	■			
17	In conjunction with the JLUS Coordination Committee, the County should develop procedures to facilitate the review and comment on planning documents from Ellsworth AFB.	HS-5	■			
18	In conjunction with the JLUS Coordination Committee, the County should establish notification and communication procedures relative to changes in operations which warrant public notification.	HS-5	■			



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Action Number	Implementation Action	Relevant Goal	Short-Term	Mid-Term	Long-Term	On-Going
19	In conjunction with the JLUS Coordination Committee, the County should consider a Memorandum of Understanding with Ellsworth AFB to define the roles and responsibilities of the County and Ellsworth AFB relative to addressing compatibility issues and coordination and communication on infrastructure planning, water resources planning and economic development.	HS-5	■			
20	The County should develop and disseminate through appropriate methods, information which enhanced public awareness and understanding of federal regulations regarding the private use and operation of unmanned drones near the base.	HS-5	■			■
21	The County should consider developing a program that provides guidance on sound attenuation standards for retrofitting existing residential and commercial buildings, including identification of possible grant opportunities available to residents.	HS-5	■			■
22	The County should develop and implement an awareness and educational program to inform residents and land owners on compatible solutions and techniques to reduce bird air strike hazards.	HS-5	■			■
23	The County should work with Ellsworth AFB in the development and dissemination of public awareness and educational material on vibrations caused by air flight operations.	HS-5	■			■
24	The County should amend the Zoning Ordinance and Zoning Map to incorporate Military Compatibility Areas with subzones and land use regulations addressing noise, safety, bird air strikes and imaginary surfaces.	HS-6	■			
25	The County should develop standards to restrict/prevent new mobile homes or manufactured homes in the noise subzone of the Military Compatibility Area (MCA).	HS-6	■			

Action Number	Implementation Action	Relevant Goal	Short-Term	Mid-Term	Long-Term	On-Going
26	The County should amend the Zoning Ordinance to include the recommended guidelines from the Air Compatible Use Zone (AICUZ) Report for noise sensitive land uses, including guidance for recommended land uses in the Clear Zones (CZ) and Accident Potential Zones (APZ).	HS-6	■			
27	The County should amend the Zoning Ordinance to provide an overlay zoning district to reflect aviation easements which result in compatible development and reduction in the risk profile for impacted properties.	HS-6	■			
28	The County should amend the Zoning Ordinance to incorporate the VOAA and establish height restrictions in compliance with FAA and DoD guidance for imaginary surfaces.	HS-6	■			
29	The County should develop and enact a Comprehensive Plan and Zoning Ordinance amendment to incorporate new AICUZ studies that are released to the public. This will include modifications to: <ul style="list-style-type: none"> ▶ The Military Influence Area (MIA) on the Comprehensive Plan and Zoning map. ▶ Modifications to land use designations and zoning regulations to reflect land use and safety guidance in the current AICUZ study. ▶ Modification of other planning tools and procedures to reflect changes in the new AICUZ studies. 	HS-6				■
30	The County should develop and enact a Zoning Ordinance amendment to incorporate military compatibility guidelines for renewable energy development.	HS-7	■			



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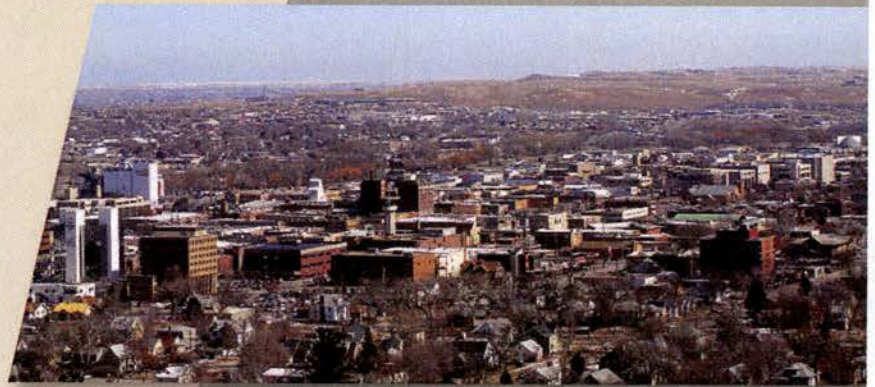
Action Number	Implementation Action	Relevant Goal	Short-Term	Mid-Term	Long-Term	On-Going
31	The County should identify and map wildlife corridors in Pennington County by working with USFS, USFWS, state universities, and other available resources.	NCR-3				■
32	The County shall continue to regularly monitor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



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