

AGENDA
PENNINGTON COUNTY PLANNING COMMISSION
June 10, 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 18, 2019, at 10:30 a.m.

ROLL CALL

1. APPROVAL OF THE MAY 28, 2019, MINUTES
2. APPROVAL OF THE AGENDA

CONSENT AGENDA

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

3. CONDITIONAL USE PERMIT REVIEW / CU 08-48: Spring Creek Premier Property / Cody Schad. To review accessory structures (garage and pump house) without a primary structure in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Lot 2, Bighorn Sheep Preserve, Section 7, T1S, R7E, BHM, Pennington County, South Dakota.

To recommend to continue the review of Conditional Use Permit / CU 08-48 to the June 24, 2019, Planning Commission meeting.

4. CONDITIONAL USE PERMIT REVIEW / CU 14-06: Dakota Thyme, LLC; Julie Smoragiewicz – Agent. To review a Recreational Resort to allow up to 10 seasonal rental cabins, a manager's residence, a maintenance shop and kitchen on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

The S1/2S1/2NE1/4NE1/4, Section 32, T1S, R6E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 14-06 with nineteen (19) conditions.

5. **CONDITIONAL USE PERMIT REVIEW / CU 14-19:** Kristina Trautman. To review an accessory structure (shed/garage) prior to a primary structure in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

Tract B of Lot 1 of NW1/4NW1/4, Section 19, T1S, R5E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 14-19 with ten (10) conditions.

6. **CONDITIONAL USE PERMIT REVIEW / CU 15-04:** Stratobowl Vacation Homes, LLC; Ken and Cory Tomovick – Agent. To review a Vacation Home Rental in a General Agriculture District in accordance with Sections 205, 319, and 510 of the Pennington County Zoning Ordinance.

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

To recommend approval of the extension of Conditional Use Permit / CU 15-04 with fifteen (15) conditions.

7. **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.

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

To recommend approval of the extension of Conditional Use Permit / CU 18-01 with ten (10) conditions.

8. **CONDITIONAL USE PERMIT REVIEW / CU 18-13:** Randy Wirtzfeld. To review a 12 x 12 cabin to be occupied on a seasonal basis on the subject property, not to be occupied more than 180 days per calendar year, in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

All, Brule Lode MS 993, Section 36, T2N, R3E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 18-13 with seven (7) conditions.

9. **CONDITIONAL USE PERMIT REVIEW / CU 18-15:** Koenig Family Trust (Sheila Watkins); Edelweiss Mountain Lodging - Agent. 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 A, Edelweiss Mountain Development, Section 17, T1N, R5E, BHM, Pennington County.

To recommend approval of the extension of Conditional Use Permit / CU 18-15 with thirteen (13) conditions.

10. **CONDITIONAL USE PERMIT REVIEW / CU 18-16:** David and Karen Maudlin. 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 3 (also in Section 3, T2S, R5E), Turbo Subdivision, Section 34, T1S, R5E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 18-16 with fifteen (15) conditions.

11. **CONDITIONAL USE PERMIT REVIEW / CU 18-17:** James and Laura Rogers. To review a temporary labor camp on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

Lot 10, Moon Ranch Subdivision, Section 33, T1S, R1E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 18-17 with eight (8) conditions.

12. **CONDITIONAL USE PERMIT REVIEW / CU 18-26:** Kelly and Brenda Hansen. To review a Recreational Vehicle to be used for no more than 180 calendar days on the subject property and to also allow the Recreational Vehicle to be used as temporary living quarters while building a single-family residence on the subject property in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

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

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

To recommend approval of the extension of Conditional Use Permit / CU 18-26 with thirteen (13) conditions.

13. **CONSTRUCTION PERMIT REVIEW / CP 17-14:** Cody Schad. To review the construction of a road constructed outside of the Section Line Right-of-Way and to satisfy a Condition of Approval for CS16-02.

E1/2SW1/4NW1/4 LESS ROW; W1/2SW1/4 NW1/4 and Lot 28, Copper Oaks #1, all located in Section 8, T1S, R7E, BHM, Pennington County, South Dakota.

To recommend to end Construction Permit / CP 17-14.

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

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

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

To recommend to end Construction Permit / CP 18-03.

15. **ROAD NAMING:** Lorin Lippert. To name a proposed 24-foot-wide Section Line Right-of-Way providing access to properties located in Sections 2 and 11, T1S, R9E, BHM, Pennington County, South Dakota, to Lippert Ranch Road.

To recommend approval of the Road Naming to Lippert Ranch Road.

16. **CONDITIONAL USE PERMIT / CU 19-12:** James and Jill Brunsch. To live in a Recreational Vehicle during construction of a barn, fences, and a future residence on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

Tract 5, Wileman Acres Subdivision, Section 30, T2N, R10E, BHM, Pennington County, South Dakota.

To recommend approval of Conditional Use Permit / CU 19-12 with twelve (12) conditions.

END OF CONSENT AGENDA

17. 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.

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

18. CONDITIONAL USE PERMIT / CU 19-11: Paul and Rebecca Freidel. To allow a Guest House on the subject property in a Low Density Residential District in accordance with Sections 207, 318, and 510 of the Pennington County Zoning Ordinance.

Lot 6, Cedar Gulch Subdivision, Section 4, T1S, R6E, BHM, Pennington County, South Dakota.

19. CONDITIONAL USE PERMIT / CU 19-14: Dottie Pugsley. To allow a multi-family residence in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 21, Block 4, County Heights Subdivision, Section 3, T1N, R8E, BHM, Pennington County, South Dakota.

20. REZONE / RZ 19-06 AND COMPREHENSIVE PLAN AMENDMENT / CA 19-06: Magheramore, LLC, Fisk Land Surveying – Agent. To rezone 111.48 acres from General Agriculture District to Low Density Residential District and to amend the Comprehensive Plan to change the Future Land Use from Limited Agriculture District to Low Density Residential District in accordance with Sections 205, 206, 209, and 508 of the Pennington County Zoning Ordinance.

That Portion of NE1/4 Lying west of RR ROW Less Darlington Estates Subdivision; SE1/4NW1/4; NE1/4SW1/4, Section 34, T1N, R8E, BHM, Pennington County, South Dakota.

21. LAYOUT PLAT / LPL 19-13: Jeffrey Scherr. To create Lots D1, D2, and D3 of 17 of Fort Meade Placer 244 in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

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

PROPOSED LEGAL: Lots D1, D2, and D3 of 17 of Fort Meade Placer 244, Section 8, T1S, R6E, BHM, Pennington County, South Dakota.

22. LAYOUT PLAT / LPL 19-14: Jerry and Darlene Litzel. To reconfigure lot lines to create Lots 1R and 2R of Monument Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 1 and Lot 2 of Monument Subdivision, Section 15, T2N, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 1R and Lot 2R of Monument Subdivision, Section 15, T2N, R6E, BHM, Pennington County, South Dakota.

23. TAX INCREMENT FINANCE DISTRICT #4: A Tax Increment Finance District (TIF) has been prepared and submitted by the City of Box Elder for the development of Seger Crossing Business Park, including, but not limited to the Box Elder Event Center, streets, curbs, gutter, water and sewer utilities, drainage improvements and other infrastructure elements that would serve proposed commercial and industrial development within the tax increment district on property located south of S. Interstate 90 Service Road and N. Elk Vale Road and on property located north of N. Interstate 90 Service Road and N. Elk Vale Road.
24. ORDINANCE AMENDMENT / OA 19-01: Pennington County. To consider the amendment / adoption of the Comprehensive Plan.

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

25. COUNTY BOARD REPORT
The Board of Commissioners concurred with the Planning Commission's recommendations from the May 28, 2019, Planning Commission meeting.

From the May 13, 2019, Planning Commission meeting: Conditional Use Permit 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 was appealed at heard at the 06-04-19 BOC meeting and was continued to the 06-10-19 BOC meeting.

26. ITEMS FROM THE PUBLIC

27. ITEMS FROM THE STAFF

A. Building Permit Report.

28. ITEMS FROM THE MEMBERSHIP

29. 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 28, 2019 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Administration Building

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

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

ROLL CALL

1. APPROVAL OF THE MAY 13, 2019, MINUTES

Moved by Drewes and seconded by Marsh to approve the Minutes of the May 13, 2019, Planning Commission meeting. Vote: unanimous 7 to 0.

2. APPROVAL OF THE AGENDA

Moved by Marsh and seconded by Rivers to approve the Agenda of the May 28, 2019, Planning Commission meeting. Vote: unanimous 7 to 0.

Moved by Johnson and seconded by Runde to approve the Consent Agenda of the May 28, 2019, Planning Commission meeting, with the removal of Items #6 and #8. Vote: unanimous 7 to 0.

CONSENT AGENDA

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

3. **CONDITIONAL USE PERMIT REVIEW / CU 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 approve 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;
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.

Vote: unanimous 7 to 0.

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 approve 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;
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.

Vote: unanimous 7 to 0.

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 approve 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;
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 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; 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.

Vote: unanimous 7 to 0.

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

Vote: unanimous 7 to 0.

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 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.

Vote: unanimous 7 to 0.

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 approve 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;**
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.**

Vote: unanimous 7 to 0.

END OF CONSENT AGENDA

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.

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

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

Discussion followed.

Moved by Marsh and seconded by Drewes to approve 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;**

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.

All voting aye, the Motion carried 7 to 0.

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.

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

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

Discussion followed.

Moved by Runde and seconded by Marsh to approve 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;
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.

All voting aye, the Motion carried 7 to 0.

11. LAYOUT PLAT / LPL 19-10: Brad and Colleen Kurtz. 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.

Bolstad reviewed the Staff Report indicating the applicant has applied for a Layout Plat to create Lots 8A and 8B of Collins Addition.

Staff recommended approval of Layout Plat / 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.

Discussion followed.

Moved by Marsh and seconded by Drewes to approve of Layout Plat / 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.

All voting aye, the Motion carried 7 to 0.

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.

Bolstad reviewed the Staff Report indicating the applicant has applied for a Layout Plat to create Lot 10, Block 3 of the Ranch at Black Gap and to waive platting requirements.

Staff recommended approval of a portion of Subdivision Regulations Variance / SV 19-04 to waive improvements to Black Gap Road; and, denial of a 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.

Staff recommended 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.

Discussion followed.

Moved by Coleman and seconded by Marsh to approve of Subdivision Regulations Variance / SV 19-04 to waive improvements to Black Gap Road and to waive submittal of percolations tests and soil profile hole information.

All voting aye, the Motion carried 7 to 0.

Moved by Marsh and seconded by Runde to approve 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.

All voting aye, the Motion carried 7 to 0.

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.

Bolstad reviewed the Staff Report indicating the applicant has applied for a Layout Plat to create Lots 1, 2, and 3 of O'Sullivan Subdivision.

Staff recommended approval of Layout Plat / 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;
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.

Discussion followed.

Moved by Coleman and seconded by Johnson to approve of Layout Plat / 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;**
- 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.

All voting aye, the Motion carried 7 to 0.

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.

Conover reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow a multi-family dwelling in a Suburban Residential District.

Staff recommended 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.

Discussion followed.

Moved by Drewes and seconded by Rivers to approve of Conditional Use Permit / CU 19-10 and to amend Conditions #4 and #6, 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 is no longer in use as a multi-family dwelling, the stove unit be removed from the basement and the landowner notify the Planning Department, to 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;**
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.**

All voting aye, the Motion carried 7 to 0.

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.

Bolstad reviewed the Staff Report indicating the applicant has applied for a Major Planned Unit Development to amend an existing Planned Unit Development to allow for additional lots to be developed on the subject properties.

Staff recommended 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;
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.

Discussion followed.

Moved by Johnson and seconded by Drewes to approve of Major Planned Unit Development Amendment / PU 19-03 with the following twelve (12) 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;**
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;
11. That the recorded easements for the south side ditch be strictly maintained and are not encroached upon; and,
12. 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.

All voting aye, the Motion carried 7 to 0.

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.)

Sack stated Staff recommended 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.

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.)

Sack stated Staff recommended 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;
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.

Commissioner Drewes left the meeting at 10:26 a.m.

Commissioner Drewes returned to the meeting at 10:28 a.m.

Commissioner Rivers left the meeting at 10:29 a.m.

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.)

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

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

Commissioner Rivers returned to the meeting at 10:32 a.m.

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.

Sack stated Staff recommended 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;
 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.
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.

Sack stated Staff recommended 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 Construction Permit 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 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.

END OF CONSTRUCTION PERMIT AGENDA

Moved by Marsh and seconded by Johnson to recess. All voting aye, the Motion carried 7 to 0.

Moved by Marsh and seconded by Rivers to reconvene. All voting aye, the Motion carried 7 to 0.

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.)

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

Discussion followed.

Moved by Johnson and seconded by Runde to have the consultant, Matrix, Inc., submit additional information for Chapter 11 of the Draft Comprehensive Plan in order to provide an overview on how it was compiled.

All voting aye, the Motion carried 7 to 0.

Discussion continued.

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

All voting aye, the Motion carried 7 to 0.

Moved by Johnson and seconded by Marsh to continue Ordinance Amendment / OA 19-01 to the June 10, 2019, Planning Commission meeting.

All voting aye, the Motion carried 7 to 0.

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

23. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

24. ITEMS FROM THE STAFF

A. Ordinance Officer Interviews. Conover informed the Planning Commission to contact staff, if they are interested in sitting in on interviews for the Ordinance Officer on May 30th and June 6th.

- B. Planning Commission Membership Interviews. Conover stated the Planning Commission membership interviews are scheduled for May 29th and the Board of Commissioners will make the final decision.
- C. Recreational Vehicles Used as Temporary Living Quarters While Building. Conover spoke of Conditional Use Permits and Recreational Vehicles used as temporary living quarters while building.
- D. Layout Plats. Conover discussed Conditions of Approval for Layout Plats.

25. ITEMS FROM THE MEMBERSHIP

There were no items from the membership.

26. ADJOURNMENT

Moved by Marsh and seconded by Rivers to adjourn.

All voting aye, the Motion carried 7 to 0.

The meeting adjourned at 11:57 a.m.

Travis Lasseter, Chairperson



STAFF REPORT

GENERAL INFORMATION:

REQUEST: CONDITIONAL USE PERMIT REVIEW / CU 08-48: To review accessory structures (garage and pump house) without a primary structure in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

APPLICANT: Spring Creek Premier Property/Cody Schad

APPLICANT ADDRESS: 2801 Skyline Drive, Rapid City, SD 57701

OWNER: Patrick Hall

OWNER'S ADDRESS: 528 Kansas City Street, Rapid City, SD 57701

LEGAL DESCRIPTION: Lot 2, Bighorn Sheep Preserve, Section 7, T1S, R7E, BHM, Pennington County, South Dakota.

SITE LOCATION: 13621 Twisted Pine Trails

SIZE: 16.59 acres

TAX ID: 62128

EXISTING LAND USE: Vacant

ZONING REFERENCE: Sections 206 and 510

CURRENT ZONING: Limited Agriculture District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Wooded

UTILITIES: Private

REPORT BY: Cody Sack

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending to continue the review of Conditional Use Permit / CU 08-48 to the June 24, 2019 Planning Commission meeting.

II. GENERAL DESCRIPTION

- A. December 8, 2008 – The Planning Commission approved Conditional Use Permit / CU 08-48 with the following eight (8) conditions:

1. That an address be assigned for the garage and properly posted on both the structure and the approach off of Quartz Canyon Road in accordance with Pennington County's Ordinance #20;
2. That a Building Permit be obtained for any structure exceeding 144 square feet or located on a permanent foundation, which requires a site plan to be reviewed and approved by the Planning Director;
3. That if the applicant chooses to install any type of plumbing in the garage, it be hooked into a proper means of wastewater disposal and adhere to all necessary State and County regulations;
4. That proper setbacks be maintained for all structures located on the property or else an approved Setback Variance be obtained;
5. That the garage be used for personal use only and no commercial-type uses;
6. That the property remains free of debris and junk vehicles;
7. That this Conditional Use Permit is not valid until the applicant signs the Statement of Understanding, which is available at the Planning Office; and,
8. 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. June 28, 2010 – The Planning Commission approved the extension of CU 08-48 with the following seven (7) conditions:

1. That an address be assigned for the garage and properly posted on both the structure and the approach off of Quartz Canyon Road in accordance with Pennington County's Ordinance #20;
2. That a Building Permit be obtained for any structure exceeding 144 square feet or located on a permanent foundation, which requires a site plan to be reviewed and approved by the Planning Director;
3. That if the applicant chooses to install any type of plumbing in the garage, it be hooked into a proper means of wastewater disposal and adhere to all necessary State and County regulations;
4. That proper setbacks be maintained for all structures located on the property or else an approved Setback Variance be obtained;
5. That the garage be used for personal use only and no commercial-type uses;
6. That the property remains free of debris and junk vehicles;

7. 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.
- C. June 27, 2011 - The Planning Commission approved the extension of CU 08-48 with the following nine (9) conditions:
1. That the address assigned to the property be properly posted on both the structure and the approach off of Twisted Pine Trail in accordance with Pennington County's Ordinance #20;
 2. That a new Building Permit be obtained prior to the construction of the garage;
 3. That the recreational vehicle not be used as temporary living quarters unless a Conditional Use Permit is obtained;
 4. That a Building Permit be obtained for any structure exceeding 144 square feet or located on a permanent foundation, which requires a site plan to be reviewed and approved by the Planning Director;
 5. That if the applicant chooses to install any type of plumbing in the garage, it be hooked into a proper means of wastewater disposal and adhere to all necessary State and County regulations;
 6. That proper setbacks be maintained for all structures located on the property or else an approved Setback Variance be obtained;
 7. That the garage be used for personal use only and no commercial-type uses;
 8. That the property remains free of debris and junk vehicles; and,
 9. That this Conditional Use Permit be reviewed in one (1) year or upon a complaint basis to verify that all conditions of approval are being met.
- D. May 27, 2015 - The Planning Commission approved the extension of CU 08-48 with the following nine (9) conditions:
1. That the address assigned to the property be properly posted on both the structure and the approach off of Twisted Pine Trails in accordance with Pennington County's Ordinance #20;
 2. That a new Building Permit be obtained prior to the construction of the garage;
 3. That a Building Permit be obtained for any structure exceeding 144 square feet or located on a permanent foundation, which requires a site plan to be reviewed and approved by the Planning Director;
 4. That if the applicant chooses to install any type of plumbing in the garage, it be hooked into a proper means of wastewater disposal and adhere to all necessary State and County regulations;
 5. That proper setbacks be maintained for all structures located on the property or else an approved Setback Variance be obtained;
 6. That the garage be used for personal use only and no commercial-type uses;
 7. That the property remains free of debris and junk vehicles;

8. That if construction activity has not been commenced in two (2) years, this Conditional Use Permit will be terminated; and,
 9. That this Conditional Use Permit be reviewed in one (1) year or upon a complaint basis to verify that all conditions of approval are being met.
- E. June 13, 2016 – Planning Commission approved the extension of Conditional Use Permit / CU 08-48 with the following nine (9) conditions:
1. That the address assigned to the property be properly posted on both the structure and the approach off of Twisted Pine Trails in accordance with Pennington County's Ordinance #20;
 2. That a new Building Permit be obtained prior to the construction of the garage;
 3. That a Building Permit be obtained for any structure exceeding 144 square feet or located on a permanent foundation, which requires a site plan to be reviewed and approved by the Planning Director;
 4. That if the applicant chooses to install any type of plumbing in the garage, it be hooked into a proper means of wastewater disposal and adhere to all necessary State and County regulations;
 5. That proper setbacks be maintained for all structures located on the property or else an approved Setback Variance be obtained;
 6. That the garage be used for personal use only and no commercial-type uses;
 7. That the property remains free of debris and junk vehicles;
 8. That if construction activity has not been commenced in two (2) years, this Conditional Use Permit will be terminated; and,
 9. That this Conditional Use Permit be reviewed in one (1) year or upon a complaint basis to verify that all conditions of approval are being met.
- F. June 12, 2017 – The Planning Commission approved the extension of Conditional Use Permit / CU 08-26 with the following nine (9) conditions:
1. That the address (13621 Twisted Pines Trail) be properly posted on both the structure and the approach off of Twisted Pines Trail in accordance with Pennington County's Ordinance #20;
 2. That a new Building Permit be obtained for each structure prior to the construction of the proposed structures;
 3. 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;
 4. That if the applicant chooses to install any type of plumbing in the garage, it be hooked into a proper means of wastewater disposal and adhere to all necessary State and County regulations, including obtaining necessary licenses and permits;
 5. That proper setbacks be maintained for all structures located on the property or an approved Setback Variance be obtained;

6. That the proposed garage be used for personal use only, and no commercial-type uses or home-based business;
7. That the property remains free of debris and junk vehicles;
8. That Conditional Use Permit / CU 08-48 be automatically revoked if construction of the proposed 36' x 48' garage has not been completed within two (2) years of the approved date for COBP17-0297; and,
9. That this Conditional Use Permit be reviewed in two (2) years, upon a complaint basis, or as directed by the Pennington County Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

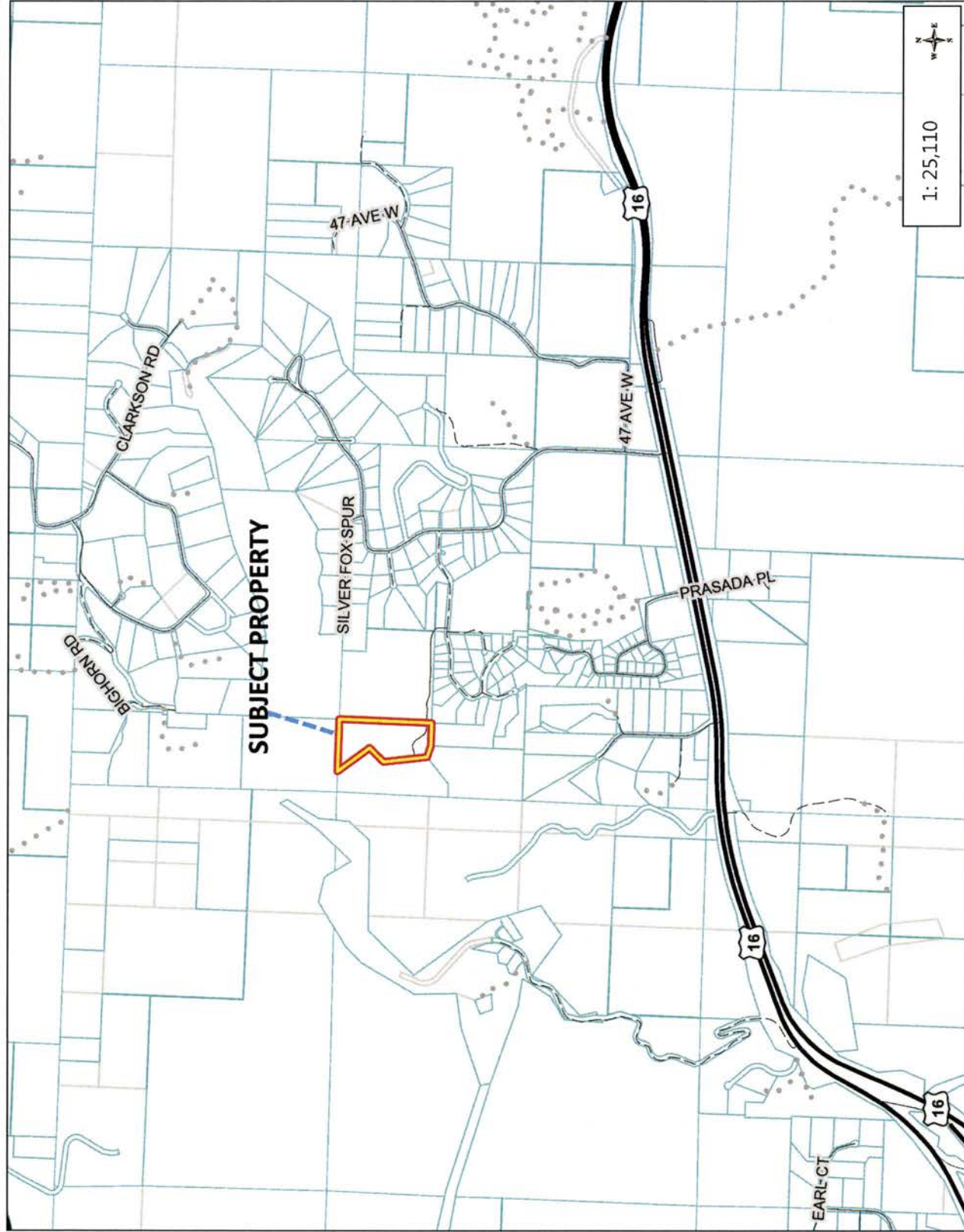
III. EXISTING CONDITIONS

- A. 16.59 acres.
- B. Zoned Limited Agricultural District.
- C. Access off of Twisted Pines Trail.
- D. Vacant of any structures.
- E. No special Flood Hazard Area
- F. Building Permit (COBP17-0297) for a 36' x 48' garage.
 1. Expires June 21, 2019.

IV. ANALYSIS

- A. June 3, 2019 – Staff tried to contact the applicant who could not be reached.
- B. June 5, 2019 – Staff performed a site visit and found:
 1. Construction has not commenced on the garage.
- C. COBP17-0297 will expire on June 21, 2019.
 1. The applicant has until this day to request an extension on his Building Permit or it will automatically expire.
- D. If the applicant does not request an extension on his Building Permit, Conditional Use Permit / CU 08-48 will automatically end and the applicant will need to apply for a new Conditional Use Permit if he wishes.

RECOMMENDATION: Staff recommends to continue the review of Conditional Use Permit / CU 08-48 to the June 24, 2019 Planning Commission meeting.



1: 25,110

4,185.0 0 2,092.51 4,185.0 Feet

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

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

Section Lines 0-25k

- 0
- 7

Section Labels 0-25k

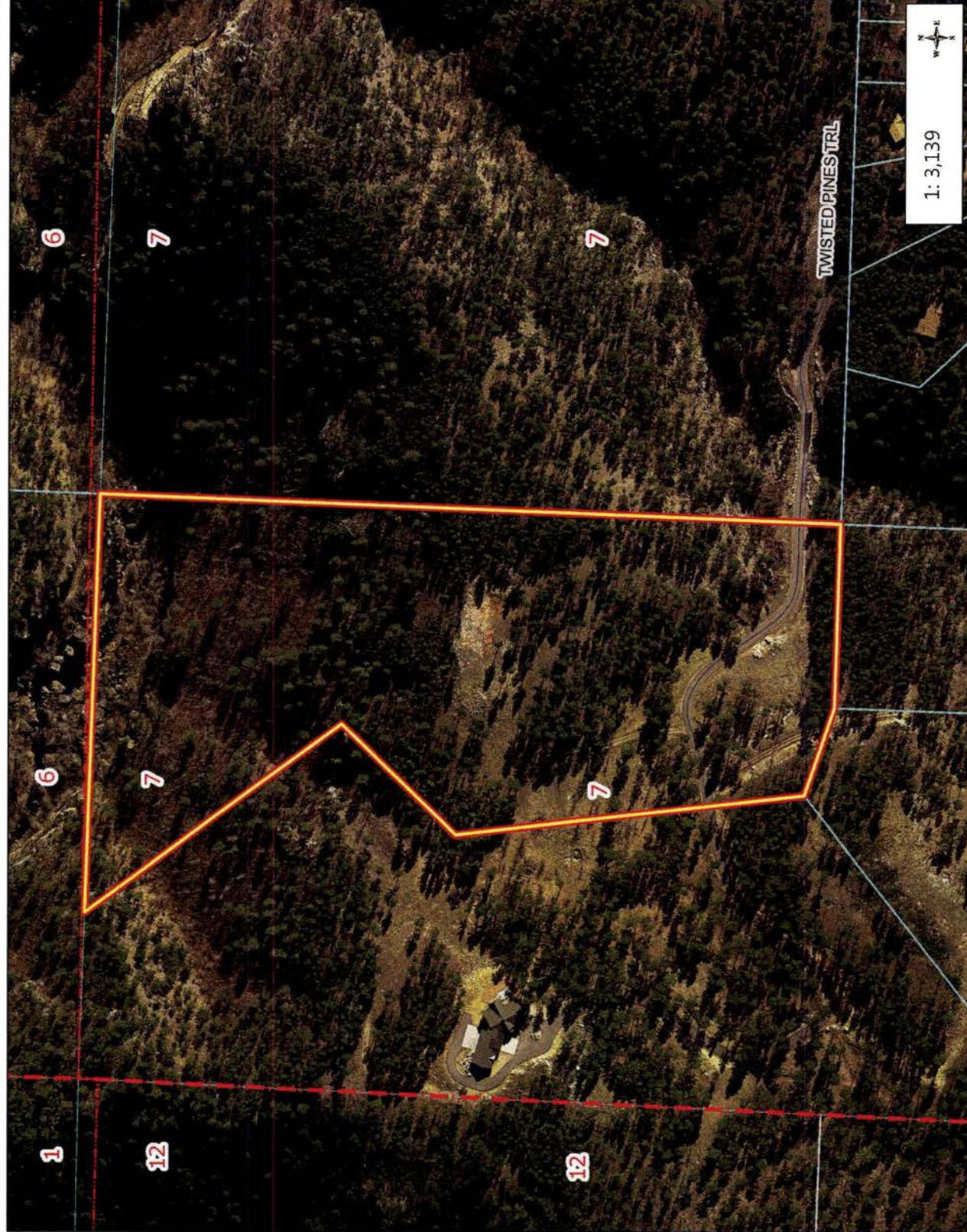
Tax Parcels

Lot Lines

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- Parcel Line

OtherCitieslargerscale

Map Notes:



1: 3,139

523.1 0 261.56 523.1 Feet

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

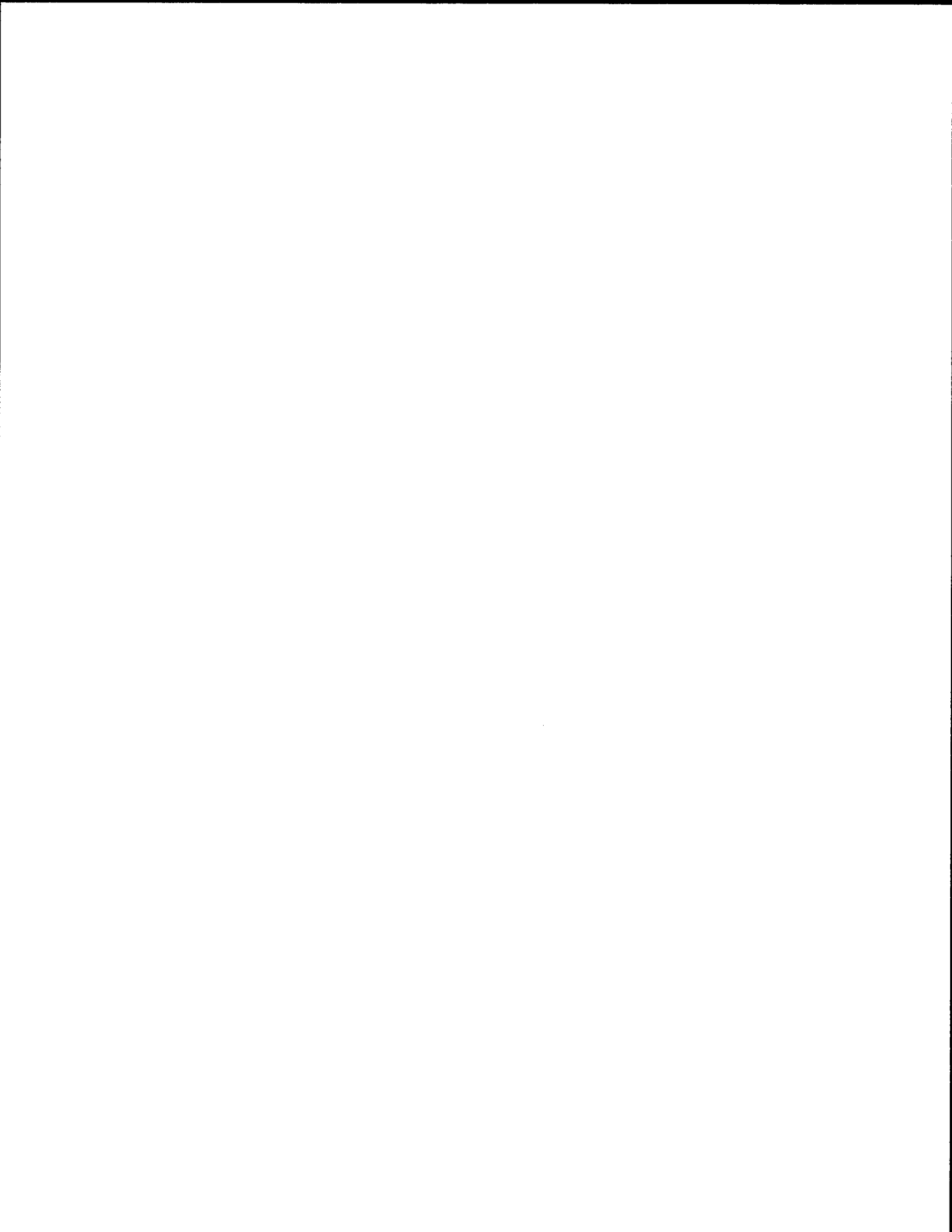
Section Lines 0-25k

- 0
- 7

Tax Parcels

- Lot Lines
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- Lot Line
- Parcel Line

Map Notes:



Agenda Item #4
Dakota Thyme, LLC; Julie Smoragiewicz - Agent
June 10, 2019

4

STAFF REPORT

GENERAL INFORMATION:

REQUEST:

CONDITIONAL USE PERMIT REVIEW/ CU 14-06:

To review a Recreational Resort to allow up to 10 seasonal rental cabins, a manager's residence, a maintenance shop and kitchen on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

APPLICANT / AGENT:

Dakota Thyme, LLC / James and Julie Smoragiewicz

APPLICANT ADDRESS:

24045 Cosmos Road, Rapid City, SD 57702

LEGAL DESCRIPTION:

The S1/2S1/2NE1/4NE1/4, Section 32, T1S, R6E, BHM, Pennington County, South Dakota.

SITE LOCATION:

24041 Cosmos Road; approximately 1/2 mile south of Highway 16 on Cosmos Road.

SIZE:

9.72 acres

TAX ID:

13060

EXISTING LAND USE:

Cabins

ZONING REFERENCE:

Section 205 and 510

CURRENT ZONING:

General Agriculture District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Mountainous / Forested

UTILITIES:

Private

REPORT BY:

Kristina Proietti

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending approval of the extension of Conditional Use Permit / CU 14-06 with nineteen (19) conditions.

II. GENERAL DESCRIPTION

- A. May 12, 2014 – Planning Commission approved Conditional Use Permit / CU 14-06 to allow for a Recreational Resort to allow up to 10 seasonal rental cabins, a manager’s residence, a maintenance shop and kitchen on the subject property with the following twenty-six (26) conditions:
1. That the uses of the Conditional Use Permit shall consist of ten (10) seasonal cabins, manager’s residence, maintenance shop and a kitchen;
 2. That the proposed road improvements to Cosmos Road be reviewed and approved by the Cosmos Road District and that a copy of the amended Approach Permit be provided to the Pennington County Planning Department prior to the issuance of any Building Permits;
 3. That the applicant contact the Pennington County Addressing Coordinator to discuss addressing options for the cabins prior to the issuance of any Building Permits;
 4. That the applicant contact the Pennington County Environmental Planner as soon as possible for profile hole inspection to determine the locations and to verify the size and types of systems that can be installed;
 5. That upon approval of the proposed road improvements, by the Pennington County Planning Department, and approach upgrades, by the Cosmos Road District, and determination of the location for the on-site wastewater treatment systems, the applicant will submit a revised site-plan to the Pennington County Planning Department prior to the issuance of any Building Permits;
 6. That the minimum number of required parking spaces be determined and approved by the Planning Director depending upon the number of cabins. All off-street parking shall be in accordance with Section 310 of the Pennington County Zoning Ordinance which requires one parking space per guest bedroom and two parking spaces for every three employees;
 7. That the property addresses be clearly posted inside each cabin and on the property so it is visible from both directions along Cosmos Road, in accordance to Pennington County’s Ordinance #20;
 8. That the operation of the Recreational Resort not interfere with the functioning or maintenance of Cosmos Road or Highway 16;
 9. That the applicant obtains approved Sign Permit(s) prior to any signs being placed on the property, in accordance to Section 312 of the Pennington County Zoning Ordinance;
 10. That the property remains free of debris and junk vehicles and the property, itself, and all structures be well-maintained;

11. That all existing drainage ways be maintained and that erosion control measures be implemented on all disturbed areas so as not to allow any sedimentation of existing drainage ways or bodies of water per Pennington County Zoning Ordinance Section 507-A. This includes any requirements set forth in the Pennington County Stormwater Quality Manual for erosion and sediment measures;
12. That the applicant obtains all necessary permits from other governing bodies for the operation of the Recreational Resort, including, but not limited to, approval from the South Dakota Department of Health and a Sales Tax License from the South Dakota Department of Revenue;
13. That an approved On-Site Wastewater Construction Permit be obtained prior to any septic system being installed on the subject property, which will also require review and approval by the South Dakota Department of Environmental and Natural Resources;
14. That there is functional open space for optimum preservation of natural features, including trees and drainage areas, recreation, views, density, relief and convenience in function;
15. 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;
16. That the applicant maintains an 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 a copy of said plan be kept on file at the Pennington County Planning Department;
17. That the proposed interior graveled private driveway leading to the residence be ten (10) feet-wide, at a minimum, and have a sign on it to indicate that it is a private driveway;
18. That the interior access roads leading to the cabins consist of a 16-foot-wide graveled driving surface at a minimum, to accommodate two-way traffic;
19. That all exterior lighting must be of low level intensity, which does not result in excessive glare upon surrounding neighbors;
20. That a smoke detector be placed in each sleeping room, with a minimum of at least one (1) smoke detector per floor;
21. That portable fire extinguishers with a minimum 2 A-BC ratings be placed on each floor level of each structure so they are accessible to all guests at all times and the fire extinguishers shall be inspected and tagged annually;
22. That the physical address for the residence be posted in each building on the subject property;

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Dakota Thyme, LLC; Julie Smoragiewicz - Agent

June 10, 2019

23. That prior to further development above and beyond the 10 seasonal rental cabins, a manager's residence, a maintenance shop and kitchen, the applicant will contact the South Dakota Department of Transportation about the possible need for a turn lane analysis from S. Highway 16 onto Cosmos Road and may require the applicant to construct a turning lane;
 24. That prior to obtaining a Building Permit, the applicant will have the well water tested to determine quality and quantity sufficient enough to sustain the proposed Recreational Resort water usage, according to State regulations;
 25. That quiet hours for the Recreational Resort be between 10 p.m. and 8 a.m.; and,
 26. That this Conditional Use Permit be reviewed in one (1) year, or on a complaint basis, or as directed by the Planning Commission to verify compliance with all the above-mentioned Conditions of Approval.
- B. May 26, 2015 – Planning Commission approved the extension of Conditional Use Permit / CU 14-06 with the following twenty (20) conditions:
1. That Conditional Use Permit #14-06 is to consist of ten (10) seasonal cabins, manager's residence, maintenance shop and a kitchen;
 2. That the minimum number of required parking spaces be determined and approved by the Planning Director depending upon the number of cabins. All off-street parking shall be in accordance with Section 310 of the Pennington County Zoning Ordinance which requires one parking space per guest bedroom and two parking spaces for every three employees;
 3. That the property addresses be clearly posted inside each cabin and on the property so it is visible from both directions along Cosmos Road, in accordance to Pennington County's Ordinance #20;
 4. That the operation of the Recreational Resort not interfere with the functioning or maintenance of Cosmos Road or Highway 16;
 5. That the applicant obtains approved Sign Permit(s) prior to any signs being placed on the property, in accordance to Section 312 of the Pennington County Zoning Ordinance;
 6. That the property remains free of debris and junk vehicles and the property, itself, and all structures be well-maintained;
 7. That all existing drainage ways be maintained and that erosion control measures be implemented on all disturbed areas so as not to allow any sedimentation of existing drainage ways or bodies of water per Pennington County Zoning Ordinance Section 507-A. This includes any requirements set forth in the Pennington County Stormwater Quality Manual for erosion and sediment measures;
 8. That the applicant obtains all necessary permits from other governing bodies for the operation of the Recreational Resort, including, but not limited to, approval from the South Dakota Department of Health and a Sales Tax License from the South Dakota Department of Revenue;

9. That there is functional open space for optimum preservation of natural features, including trees and drainage areas, recreation, views, density, relief and convenience in function;
 10. 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;
 11. That the applicant maintains an 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 a copy of said plan be kept on file at the Pennington County Planning Department;
 12. That the proposed interior graveled private driveway leading to the residence, at a minimum, be ten (10) feet-wide and have a sign on it to indicate that it is a private driveway;
 13. That the interior access roads leading to the cabins consist of, at a minimum, a 16-foot-wide graveled driving surface to accommodate two-way traffic;
 14. That all exterior lighting must be of low level intensity, which does not result in excessive glare upon surrounding neighbors;
 15. That a smoke detector be placed in each sleeping room, with a minimum of at least one (1) smoke detector per floor;
 16. That portable fire extinguishers with a minimum 2 A-BC ratings be placed on each floor level of each structure so they are accessible to all guests at all times and the fire extinguishers shall be inspected and tagged annually;
 17. That the physical address for the residence be posted in each building on the subject property;
 18. That prior to further development above and beyond: 10 seasonal rental cabins, a manager's residence, a maintenance shop and kitchen, the applicant will contact the South Dakota Department of Transportation about the possible need for a turn lane analysis from US 16 onto Cosmos Road;
 19. That quiet hours for the Recreational Resort be between 10 p.m. and 8 a.m.; and,
 20. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Planning Commission to verify compliance with all the above-mentioned Conditions of Approval.
- C. May 23, 2016 – Planning Commission approved the extension of Conditional Use Permit / CU 14-06 with the following twenty (20) conditions:
1. That Conditional Use Permit / CU 14-06 is to consist of ten (10) seasonal cabins, manager's residence, maintenance shop and a kitchen;
 2. That the minimum number of required parking spaces be continually maintained on the subject property. All off-street parking shall be in accordance with Section 310 of the Pennington County Zoning Ordinance, which requires one parking *space* per guest *bedroom and*

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Dakota Thyme, LLC; Julie Smoragiewicz - Agent

June 10, 2019

- two parking spaces for every three employees;
3. That the property addresses continue to be clearly posted inside each cabin and on the property so it is visible from both directions along Cosmos Road, in accordance to Pennington County's Ordinance #20;
4. That the operation of the Recreational Resort not interfere with the functioning or maintenance of Cosmos Road or Highway 16;
5. That the applicant obtains approved Sign Permit(s) prior to any signs being placed on the property, in accordance to Section 312 of the Pennington County Zoning Ordinance;
6. That the property continually remains free of debris and junk vehicles and the property and all structures be well-maintained;
7. That all existing drainage ways be continually maintained and that erosion control measures be implemented on all disturbed areas so as not to allow any sedimentation of existing drainage ways or bodies of water, per Pennington County Zoning Ordinance Section 507-A. This includes any requirements set forth in the Pennington County Stormwater Quality Manual for erosion and sediment measures;
8. That the applicant continues to maintain all necessary permits or licenses from other governing bodies for the operation of the Recreational Resort, including, but not limited to, a South Dakota Department of Health Lodging License and a Sales Tax License from the South Dakota Department of Revenue;
9. That there is functional open space for optimum preservation of natural features, including trees and drainage areas, recreation, views, density, relief and convenience in function;
10. 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 impact on adjacent land uses as determined by the Planning Director shall require a review or amendment of this Conditional Use Permit;
11. That the applicant continues to maintain an Emergency Plan and provides copies to all overnight guests in *case* there is a *need to evacuate guests* from the property in the event of an emergency and a copy of said plan be kept on file at the Pennington County Planning Department;
12. That the interior graveled private driveway leading to the residence continues to be, at a minimum, ten (10) feet-wide and continues to have a sign on it to indicate that it is a private driveway;
13. That the interior access roads leading to the cabins continue to consist of, at a minimum, a 16-foot-wide graveled driving surface to accommodate two-way traffic;
14. That all exterior lighting continue to be of low level intensity, which does not result in excessive glare upon surrounding neighbors;
15. That a smoke detector be continually located in each sleeping room, with a

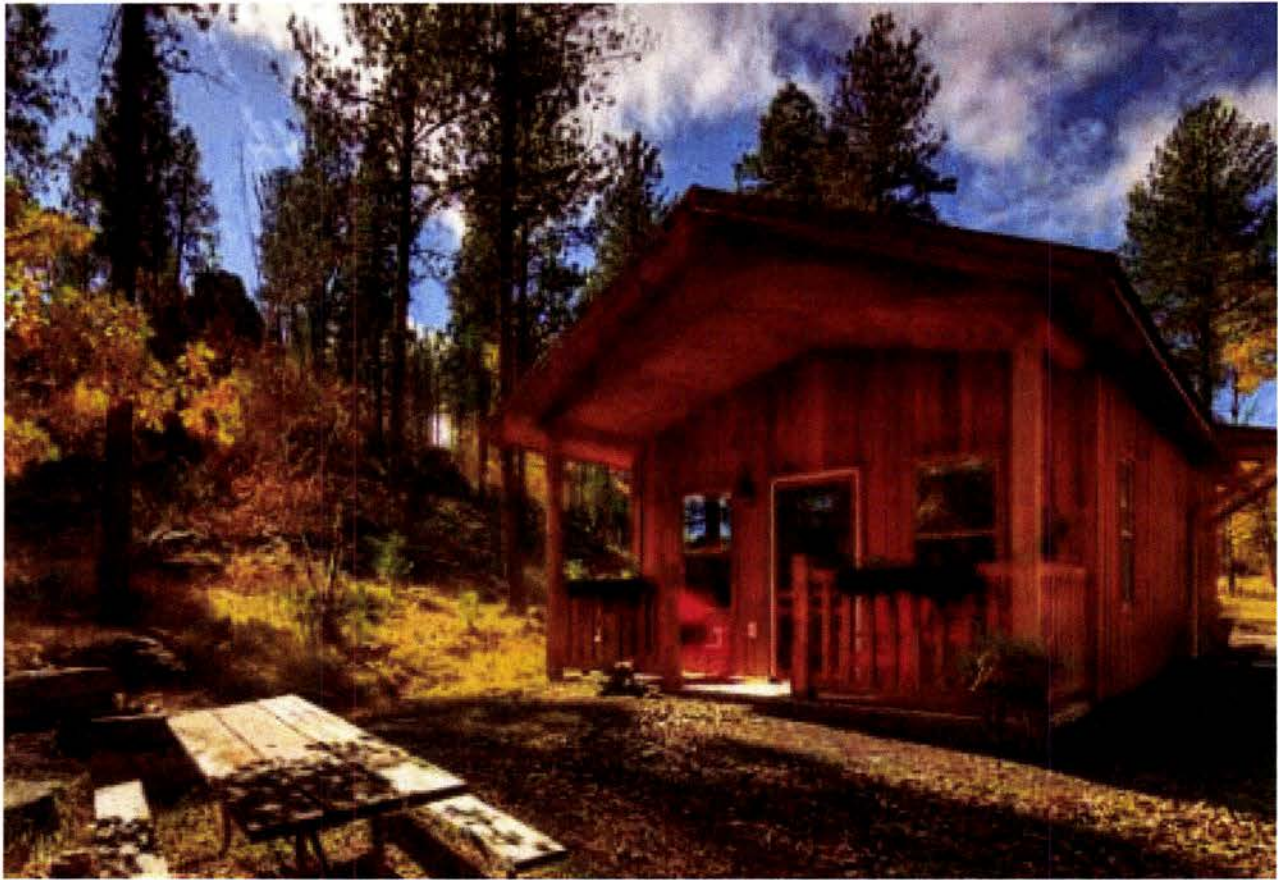
- minimum of at least one (1) smoke detector per floor;
16. That portable fire extinguishers with a minimum 2 A-BC ratings be continually kept on each floor level of each structure so they are accessible to all guests at all times and the fire extinguishers be inspected and tagged annually;
 17. That the physical address for the residence continue to be posted in each building on the subject property;
 18. That prior to further development above and beyond: 10 seasonal rental cabins, a manager's residence, a maintenance shop and kitchen, the applicant will contact the South Dakota Department of Transportation about the possible need for a turn lane analysis from U.S. 16 onto Cosmos Road;
 19. That quiet hours for the Recreational Resort be between 10 p.m. and 8 a.m.; and,
 20. 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.

III. EXISTING CONDITIONS

- A. Zoned General Agriculture District.
- B. 9.72 acres.
- C. Access off of Cosmos Road via an approved approach.
- D. Located within the Cosmos Road District.
- E. Located within the West Dakota Water District.
- F. Lot contains:
 1. Cabin #1, 640 SF, County Building Permit (COBP) / COBP14-0575.
 2. Cabin #2, 416 SF / COBP14-0577.
 3. Cabin #3, 640 SF / COBP14-0575.
 4. Cabin #4 with porch, 784 SF / COBP18-0094.
 5. Maintenance shed with a bathroom, COBP / COBP18-0095.
 6. On-Site Wastewater Treatment System Construction Permit – COSD14-0117.
 - a. Operating Permit – COOP15-0438.

IV. ANALYSIS

- A. May 31, 2019 – Staff performed a site visit with the agent, Julie Smoragiewicz.
- B. It appears that all Conditions of Approval are being met.
- C. At the time of this Staff Report, staff has not received any complaints regarding the subject property or Conditional Use Permit / CU 14-06.



Site photo of cabin #3, 5/31/2019.

RECOMMENDATION: Staff recommends approval of the extension of Conditional Use Permit / CU 14-06 with the following nineteen (19) conditions:

1. That Conditional Use Permit / CU 14-06 is to consist of up to ten (10) seasonal cabins, manager's residence, maintenance shop and a kitchen;
2. That the minimum number of required parking spaces be continually maintained on the subject property. All off-street parking shall be in accordance with Section 310 of the Pennington County Zoning Ordinance, which requires one parking space per guest bedroom and two parking spaces for every three employees;
3. That the property addresses continue to be clearly posted inside each cabin and on the property so it is visible from both directions along Cosmos Road, in accordance to Pennington County's Ordinance #20;
4. That the operation of the Recreational Resort not interfere with the functioning or maintenance of Cosmos Road or Highway 16;

Agenda Item #4

Dakota Thyme, LLC; Julie Smoragiewicz - Agent

June 10, 2019

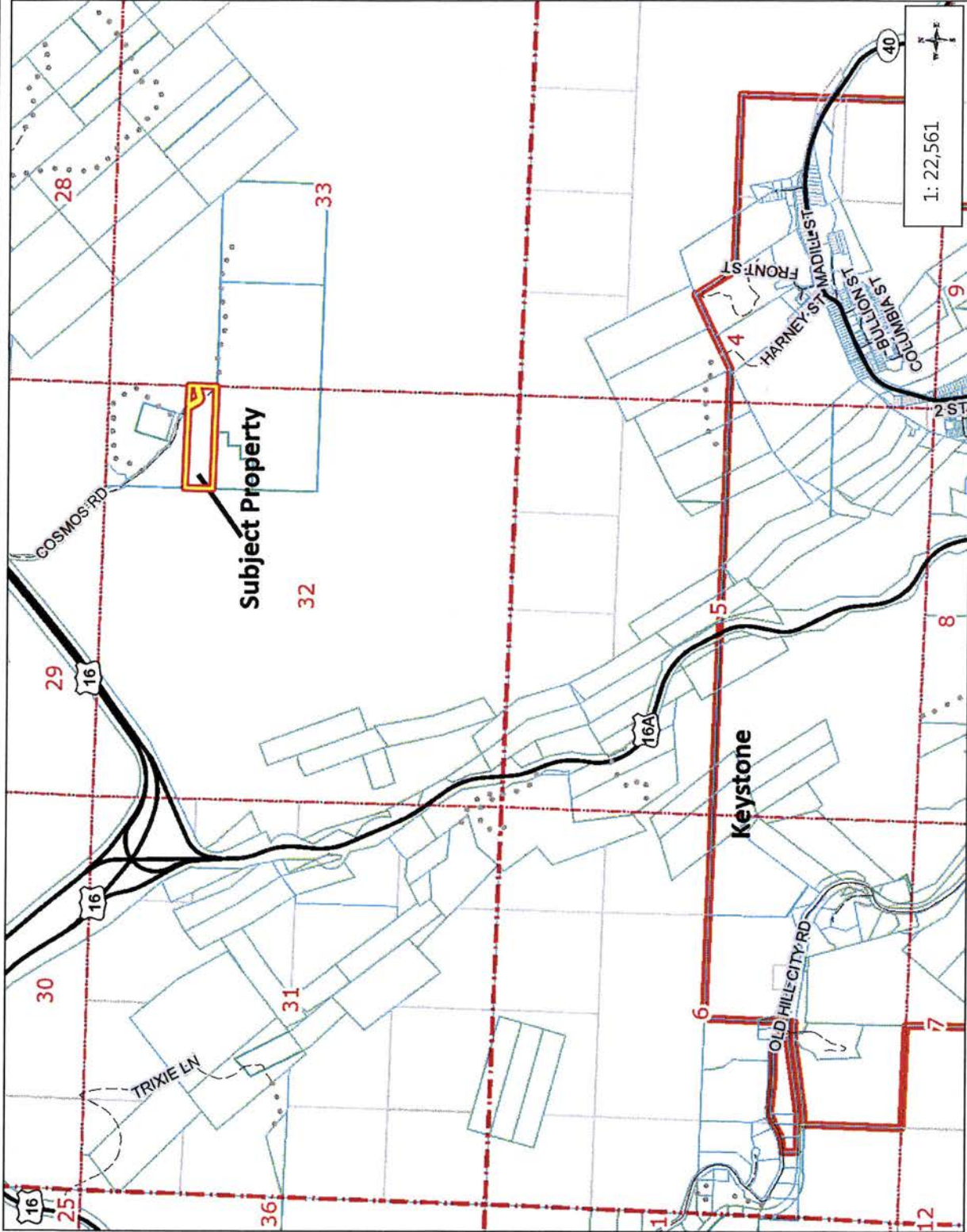
5. That the applicant obtains approved Sign Permit(s) prior to any signs being placed on the property, in accordance to Section 312 of the Pennington County Zoning Ordinance;
6. That the property continually remains free of debris and junk vehicles and the property and all structures be well-maintained;
7. That all existing drainage ways be continually maintained and that erosion control measures be implemented on all disturbed areas so as not to allow any sedimentation of existing drainage ways or bodies of water, per Pennington County Zoning Ordinance Section 507-A. This includes any requirements set forth in the Pennington County Stormwater Quality Manual for erosion and sediment measures;
8. That the applicant continues to maintain all necessary permits or licenses from other governing bodies for the operation of the Recreational Resort, including, but not limited to, a South Dakota Department of Health Lodging License and a Sales Tax License from the South Dakota Department of Revenue;
9. That there is functional open space for optimum preservation of natural features, including trees and drainage areas, recreation, views, density, relief and convenience in function;
10. 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 impact on adjacent land uses as determined by the Planning Director shall require a review or amendment of this Conditional Use Permit;
11. That the applicant continues to maintain an Emergency Plan and provides copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and a copy of said plan be kept on file at the Pennington County Planning Department;
12. That the interior graveled private driveway leading to the residence continues to be, at a minimum, ten (10) feet-wide and continues to have a sign on it to indicate that it is a private driveway;
13. That the interior access roads leading to the cabins continue to consist of, at a minimum, a 16-foot-wide graveled driving surface to accommodate two-way traffic;
14. That all exterior lighting continue to be of low level intensity, which does not result in excessive glare upon surrounding neighbors;
15. That a smoke detector be continually located in each sleeping room, with a minimum of at least one (1) smoke detector per floor;

Agenda Item #4

Dakota Thyme, LLC; Julie Smoragiewicz - Agent

June 10, 2019

16. That portable fire extinguishers with a minimum 2 A-BC ratings be continually kept on each floor level of each structure so they are accessible to all guests at all times and the fire extinguishers be inspected and tagged annually;
17. That prior to further development above and beyond: 10 seasonal rental cabins, a manager's residence, a maintenance shop and kitchen, the applicant will contact the South Dakota Department of Transportation about the possible need for a turn lane analysis from U.S. 16 onto Cosmos Road;
18. That quiet hours for the Recreational Resort be between 10 p.m. and 8 a.m.; and,
19. That this Conditional Use Permit be reviewed in five (5) 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: 22,561



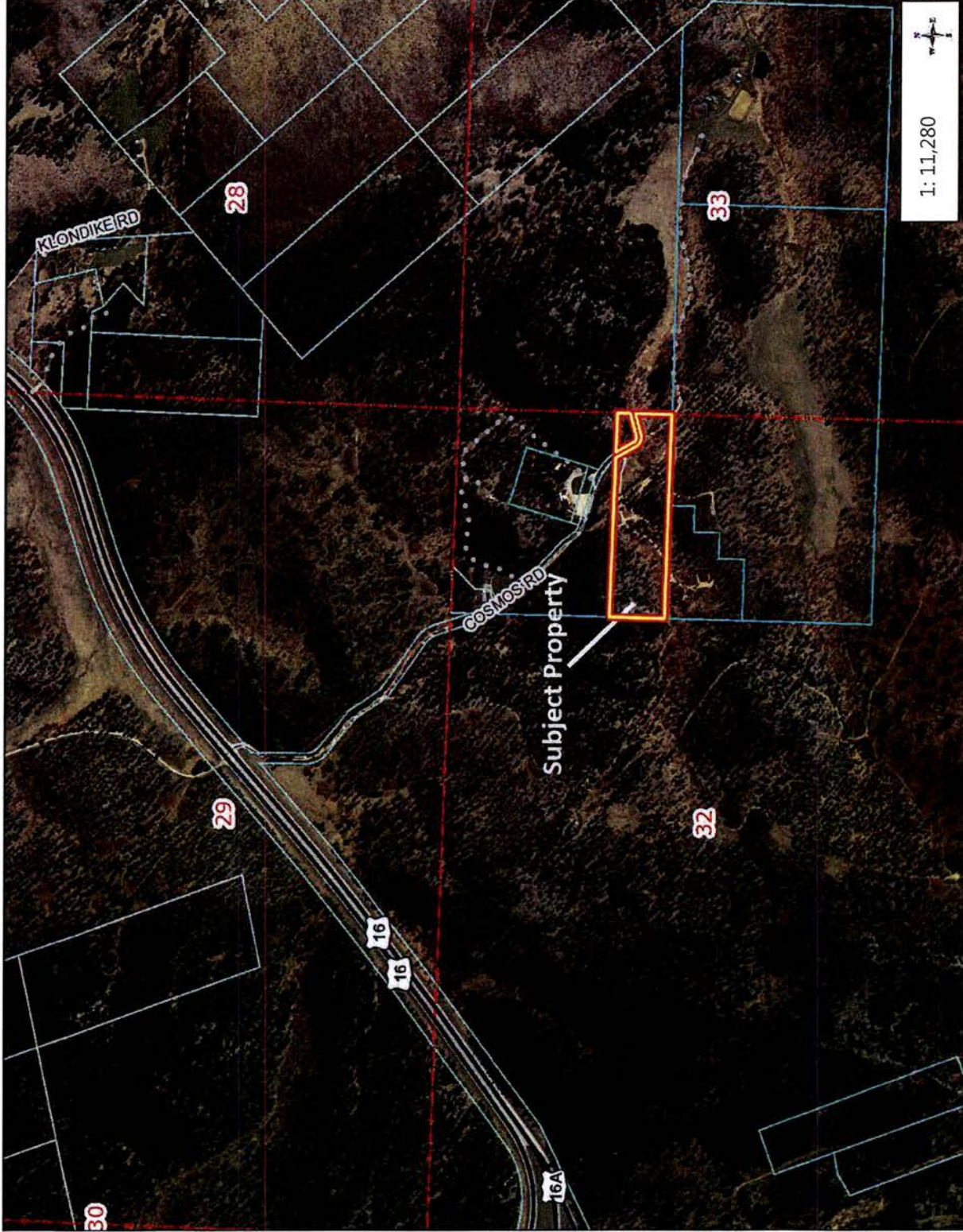
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Legend

- 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: 11,280



Legend

- Roads**
- Interstate
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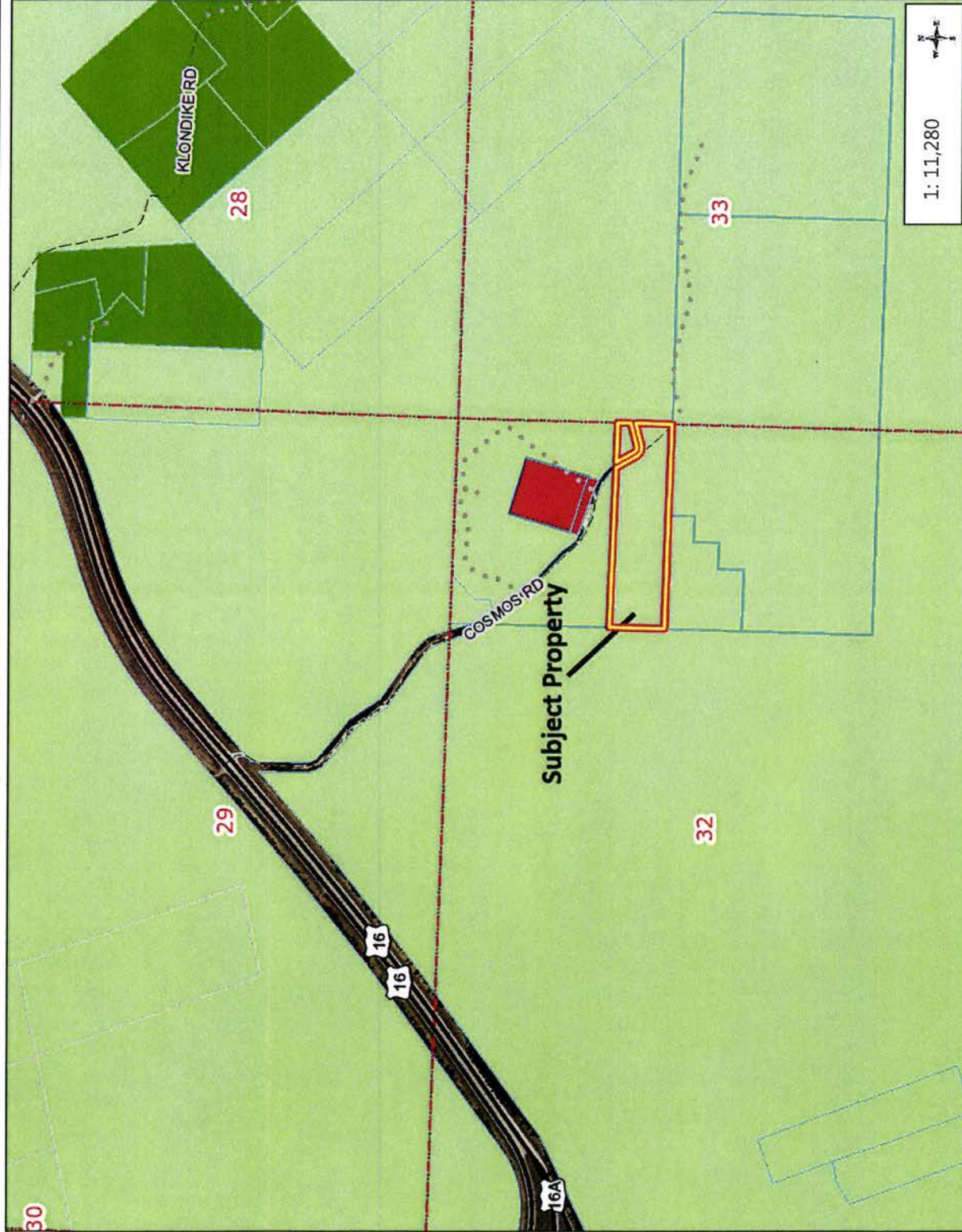
Map Notes:

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1,880.1 0 940.04 1,880.1 Feet

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- Section Lines 0-25k**
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- Tax Parcels**
- Lot Lines**
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 - Lot Line
 - Parcel Line
- Pennington County Zoning**
- General Agriculture
 - General Commercial
 - Heavy Industrial
 - Highway Services
 - Limited Agriculture
 - Low Density Residential
 - Light Industrial
 - Planned Unit Development

Map Notes:

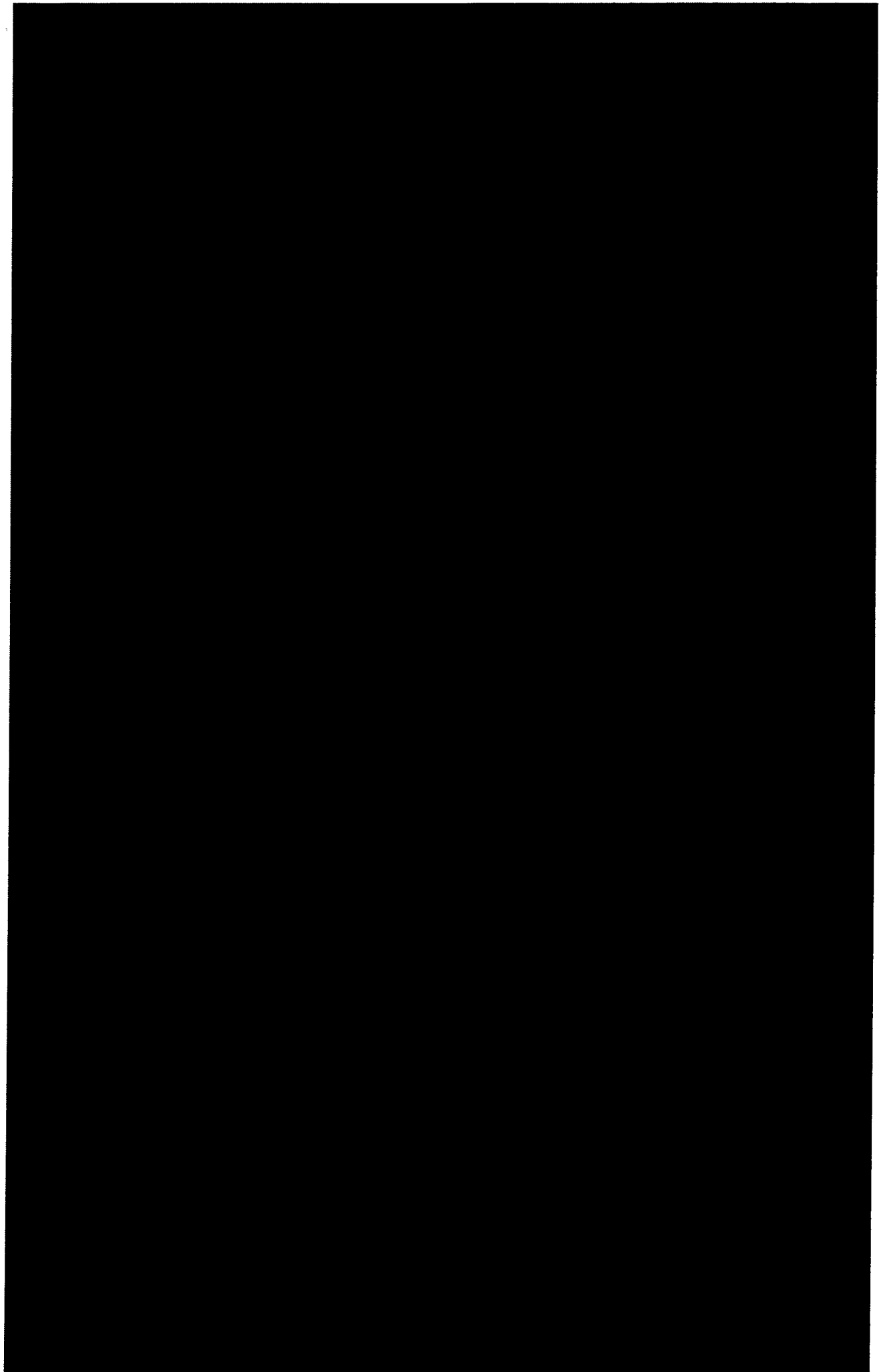
Yak Ridge Site Visit Pics
5.31.2019

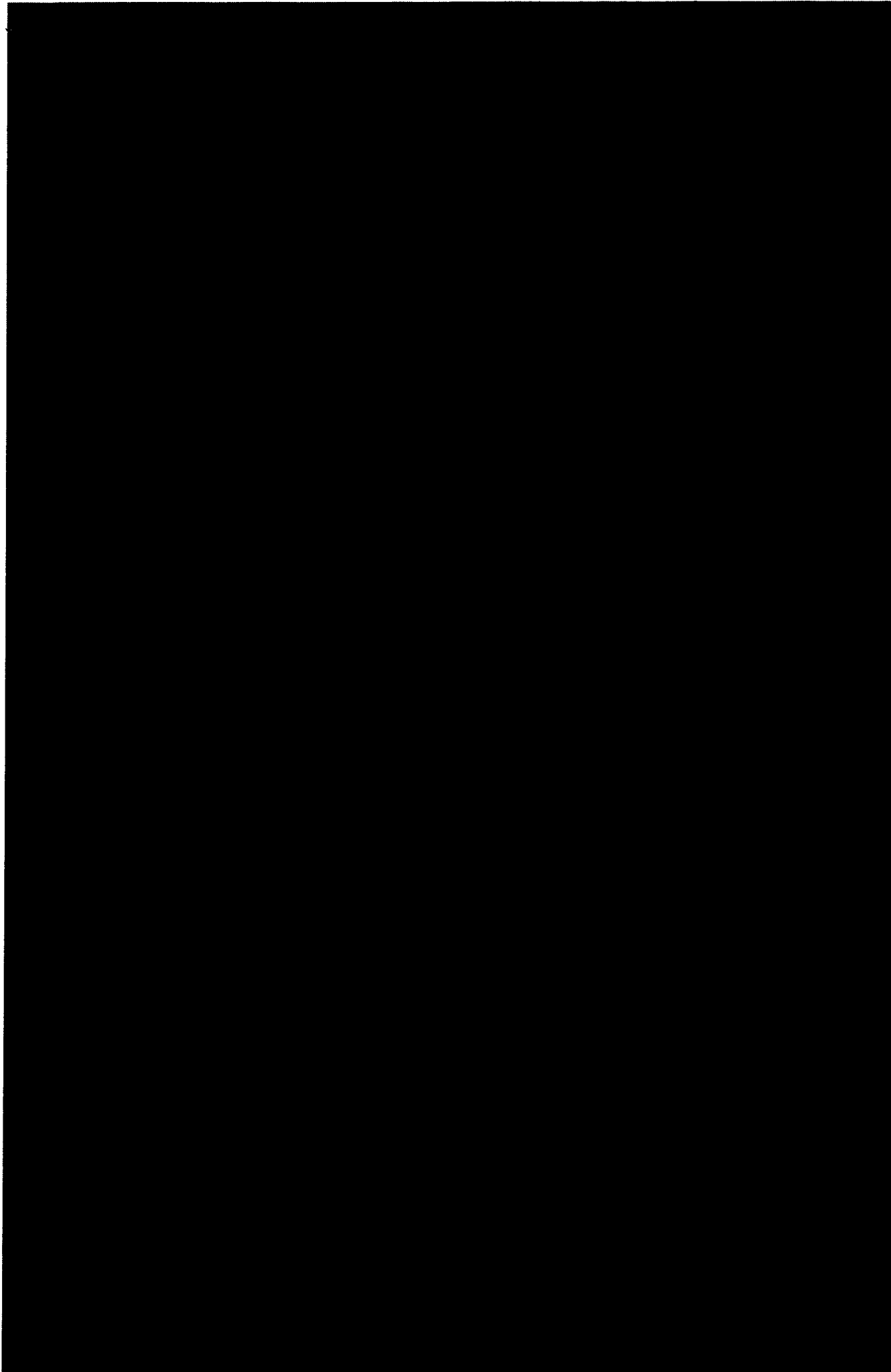
Fire Extinguishers



Smoke alarms







STAFF REPORT

GENERAL INFORMATION:

REQUEST: **CONDITIONAL USE PERMIT REVIEW / CU 14-19:** To review an accessory structure (shed/garage) prior to a primary structure in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

APPLICANT/ OWNER: Kristina Trautman

APPLICANT ADDRESS: 580 Seger Drive, Rapid City, SD 57701

LEGAL DESCRIPTION: Tract B of Lot 1 of NW1/4NW1/4, Section 19, T1S, R5E, BHM, Pennington County, South Dakota.

SITE LOCATION: 23823 Marshall Gulch Road; one-half (.5) mile north of Deerfield Road on Marshall Gulch Road.

SIZE: 13.06 acres

TAX ID: 12846

EXISTING LAND USE: Storage

ZONING REFERENCE: §§ 205 & 510

CURRENT ZONING: General Agriculture District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Flat / Forested

UTILITIES: None

REPORT BY: Jason Theunissen

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending approval of the extension of Conditional Use Permit 14-19 with ten (10) conditions.

II. GENERAL DESCRIPTION

- A. June 9, 2014 – Conditional Use Permit / CU 14-19 was approved by the Planning Commission with the following eleven (11) conditions;
1. That the existing approach off of Marshall Gulch Road be utilized or else an Approach Permit be obtained from the County Highway Department and the existing approach be abandoned;
 2. That if the applicant chooses to install any plumbing within or on the outside of the accessory structure, it be hooked into a proper means of wastewater disposal with overall adherence to all necessary State and County regulations and an On-Site Wastewater Construction Permit be obtained;
 3. That Building Permits be obtained for any structure exceeding 144 square feet or located on a permanent foundation;
 4. That the applicant maintains all required setbacks during new construction and a Floodplain Development Permit be obtained if the applicant chooses to build a structure within the 100-year Floodplain;
 5. That the accessory structures be used for personal use only and no commercial- type uses;
 6. That the property remain free of debris at all times;
 7. That all natural drainage paths be maintained;
 8. That the address, once assigned to the property, be posted so it is clearly visible from Marshall Gulch Road in accordance with Pennington County's Ordinance #20;
 9. That prior to any work being conducted within the 100-year floodplain boundaries, a Floodplain Development Permit be obtained;
 10. That the applicant adhere to all USFS regulations, including but not limited to: 1. Protect all posted corners, bearing trees and landline boundary markers (National Forest Service lands border the private property on the west and east sides); 2. No leach fields or septic systems to be located on National Forest Service lands; 3) No parking areas to be on National Forest Service lands; 4) Access to the private property will need to be from Private property; no FLPMA Private Road Easement will be authorized by the USFS; 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 to verify that all Conditions of Approval are being met.
- B. June 8, 2015 – Conditional Use Permit / CU 14-19 was extended by the Planning Commission with the following eleven (11) conditions;

1. That the existing approach off of Marshall Gulch Road continue to be utilized or else an Approach Permit be obtained from the County Highway Department and the existing approach be abandoned;
2. That if the applicant chooses to install any plumbing within or on the outside of the accessory structure, it be hooked into a proper means of wastewater disposal with overall adherence to all necessary State and County regulations and an On-Site Wastewater Construction Permit be obtained;
3. That the applicant continues to maintain all required setbacks during new construction and a Floodplain Development Permit be obtained if the applicant chooses to build a structure within the 100-year Floodplain;
4. That the accessory structures continue to be used for personal use only and no commercial-type uses;
5. That the property continues to remain free of debris at all times;
6. That all natural drainage paths continue to be maintained;
7. That the address, once assigned to the property, be posted so it is clearly visible from Marshall Gulch Road in accordance with Pennington County's Ordinance #20;
8. That prior to any work being conducted within the 100-year floodplain boundaries, a Floodplain Development Permit be obtained;
9. That the applicant continues to adhere to all USFS regulations, including but not limited to: 1. Protect all posted corners, bearing trees and landline boundary markers (National Forest Service lands border the private property on the west and east sides); 2. No leach fields or septic systems to be located on National Forest Service lands; 3) No parking areas to be on National Forest Service lands; 4) Access to the private property will need to be from Private property; no FLPMA Private Road Easement will be authorized by the USFS; and,
10. That this Conditional Use Permit be reviewed in four (4) years, on a complaint basis, or as directed by the Pennington County Planning Commission to verify that all Conditions of Approval are being met.

III. EXISTING CONDITIONS

- A. Zoned: General Agriculture District.
- B. Lot size: 13.06 acres.
- C. Special Flood Hazard Area exists on the property (see below).
- D. 10' x 16' storage structure – COBP14-0271.
- E. Access is off of Marshall Gulch Road.



100-year Floodplain

IV. ANALYSIS

- A. On June 5, 2019, Staff performed a site visit to the subject property and confirmed the following:
1. That access is taken off of Marshall Gulch Road (Condition #1).
 2. That the property was free of debris (Condition #3).
 3. That the address 23823 Marshall Gulch Road was posted in accordance with Pennington County Ordinance #20 (Condition #7).
 4. That no development has occurred within the Special Flood Hazard Area (Conditions #3 and #8).
 5. Staff found that the subject property appeared to be in compliance with the existing Conditions of Approval.
 6. At the time of this report, Staff has not received any complaints regarding the subject property.



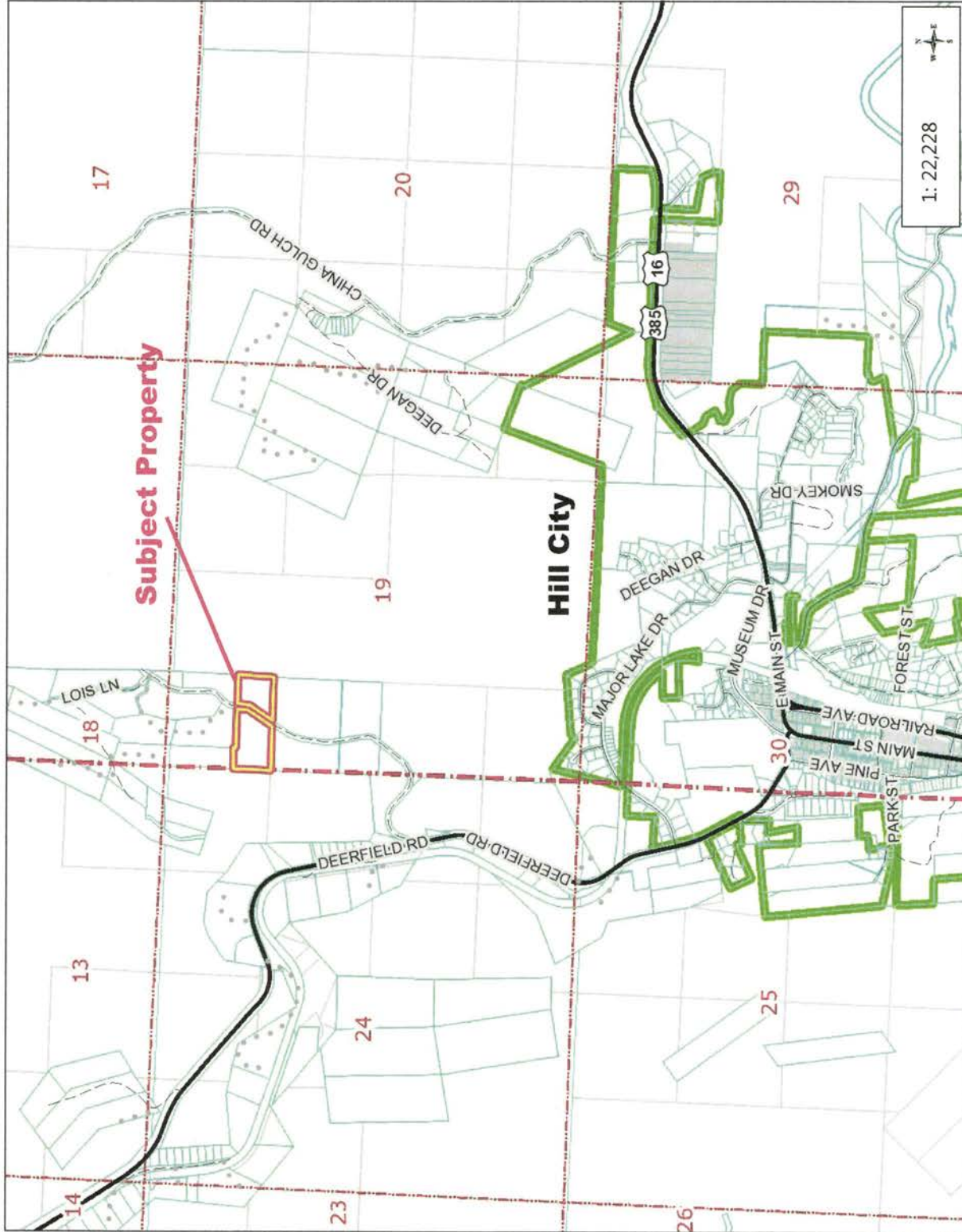
Site Visit, 6.5.19

RECOMMENDATION: Staff recommends approval of the extension of Conditional Use Permit / CU 14-19 with the following ten (10) conditions:

1. That the existing approach off of Marshall Gulch Road continue to be utilized or else an Approach Permit be obtained from the County Highway Department and the existing approach be abandoned;
2. That if the applicant chooses to install any plumbing within or on the outside of the accessory structure, it be hooked into a proper means of wastewater disposal with overall adherence to all necessary State and County regulations and an On-Site Wastewater Construction Permit be obtained.
3. That the applicant continues to maintain all required setbacks during new construction and a Floodplain Development Permit be obtained if the applicant chooses to build a structure within the 100-year Floodplain;
4. That the accessory structures continue to be used for personal use only and no commercial-type uses;
5. That the property continues to remain free of debris at all times;
6. That all natural drainage paths continue to be maintained;

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Kristina Trautman
June 10, 2019

7. That the address continues to be posted so it is clearly visible from Marshall Gulch Road in accordance with Pennington County's Ordinance #20;
8. That prior to any work being conducted within the 100-year floodplain boundaries, a Floodplain Development Permit be obtained;
9. That the applicant continues to adhere to all USFS regulations; and,
10. That this Conditional Use Permit be reviewed in five (5) years, on a complaint basis, or as directed by the Pennington County Planning Commission to verify that all Conditions of Approval are being met.



1: 22,228



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Legend

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



1: 2,626



437.7 0 218.87 437.7 Feet



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Section Lines 0-25k

- 0
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Tax Parcels

Lot Lines

- <Null>
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- Parcel Line

Pennington County Zoning

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

Map Notes:



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437.7 0 218.87 437.7 Feet

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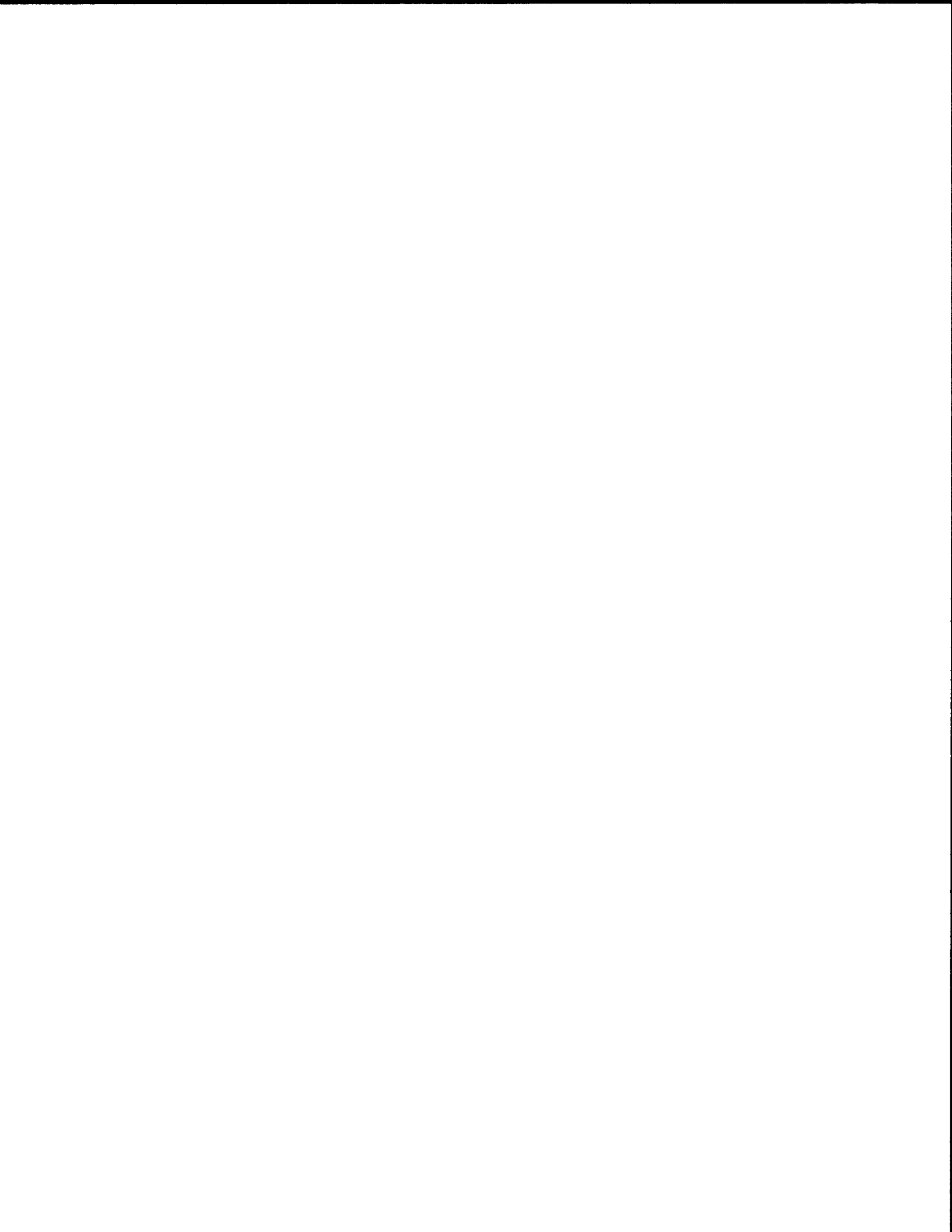
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Map Notes:



STAFF REPORT

GENERAL INFORMATION:

REQUEST: **CONDITIONAL USE PERMIT REVIEW/ CU 15-04**: To review a Vacation Home Rental in a General Agriculture District in accordance with Sections 205, 319, and 510 of the Pennington County Zoning Ordinance.

APPLICANT: Stratobowl Vacation Homes, LLC.

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

AGENT: Ken and Cory Tomovick

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

LOCAL CONTACT: Ken and Cory Tomovick

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

SITE LOCATION: 23632 Strato Bowl Road: approximately one (1) mile north of S. Highway 16 and two miles northeast of Rockerville.

SIZE: .96 acre

TAX ID: 5194

EXISTING LAND USE: Residential / General Agriculture

ZONING REFERENCE: Sections 205, 319, and 510

CURRENT ZONING: General Agriculture District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Forested Creekside

UTILITIES: Private

REPORT BY: Kristina Proietti

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending approval of the extension of Conditional Use Permit / CU 15-04 with fifteen (15) conditions.

II. GENERAL DESCRIPTION

- A. Conditional Use Permit / CU 15-04 was approved by the Planning Commission on May 5, 2015 to allow an existing two (2) bedroom house located on the subject property to be used as a Vacation Home Rental (VHR) with the following sixteen (16) conditions:
1. That the maximum overnight occupancy, based on SD DENR approval, be limited to four (4) people and the maximum daytime occupancy be limited to six (6) people;
 2. That the applicant provide a landline in case of an emergency;
 3. That if any additions to the structure 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;
 4. That all necessary permits are obtained prior to any additions to the structure and/or the on-site wastewater treatment system is upgraded;
 5. That the applicant maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department prior to operating of the Vacation Home Rental;
 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 the minimum of two (2) off-street parking spaces be provided on-site, each measure a minimum of nine (9) feet by eighteen (18) feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner in accordance with Section 310 of the Pennington County Zoning Ordinance;
 8. That an interior information sign be posted in accordance with the requirements of Section 319-G, with 9-1-1 and 394-4139 listed as contacts for Fire Department and Sheriff's Department, during operating of the residence as a VHR;
 9. That the lot address be posted at all times so it is clearly visible from Strato Bowl Road, in accordance with Pennington County's Ordinance #20;

Agenda Item #6

Stratobowl Vacation Homes, LLC; Ken and Cory Tomovick - Agent

June 10, 2019

10. That the applicant ensure the VHR is operating in accordance with the requirements of Section 319-F (Performance Standards) at all times;
 11. That prior to the placement of any on-premise signs, the applicant must obtain approval of a Sign Permit;
 12. That prior to any work being conducted within the boundaries of the 100-year floodplain, an approved Floodplain Development Permit be obtained;
 13. That if the person designed as the Local Contact is ever changed from Ken or Cory Tomovick, the interior information sign be updated and the applicant re-notify the Planning Department and surrounding landowners within 500 feet via notices sent by Certified Mail;
 14. 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;
 15. That the applicant signs the Statement of Understanding within seven (7) business days of approval of Conditional Use Permit / CU 15-04, which is available at the Planning Office; and,
 16. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Board of Commissioners and/or Planning Commission to verify that all conditions are being met.
- B. June 13, 2016 - Planning Commission approved the extension of Conditional Use Permit / CU 15-14 with the following fifteen (15) conditions:
1. That the maximum overnight occupancy, based on SD DENR approval, be limited to six (6) people and the maximum daytime occupancy be limited to nine (9) people;
 2. That the applicant provide a landline in case of an emergency;
 3. That if any additions to the structure 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;
 4. That all necessary permits are obtained prior to any additions to the structure and/or the on-site wastewater treatment system is upgraded;
 5. That the applicant continually maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department;

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June 10, 2019

6. That the applicant continue to maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;
7. That the minimum of two (2) off-street parking spaces continue to be provided on-site, each measure a minimum of nine (9) feet by eighteen (18) feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner in accordance with Section 310 of the Pennington County Zoning Ordinance;
8. That an interior information sign continue to be posted in accordance with the requirements of Section 319-G, with 9-1-1 and 394-4139 listed as contacts for Fire Department and Sheriff's Department, during operating of the residence as a VEIR;
9. That the lot address (23632 Strato Bowl Road) continue to be posted at all times so it is clearly visible from Strato Bowl Road, in accordance with Pennington County's Ordinance #20;
10. That the applicant ensure the VHR is operating in accordance with the requirements of Section 319-F (Performance Standards) at all times;
11. That prior to the placement of any on-premise signs, the applicant must obtain approval of a Sign Permit;
12. That prior to any work being conducted within the boundaries of the 100-year floodplain, an approved Floodplain Development Permit be obtained;
13. That if the person designed as the Local Contact is ever changed from Ken or Cory Tomovick, the interior information sign be updated and the applicant re-notify the Planning Department and surrounding landowners within 500 feet via notices sent by Certified Mail;
14. 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; and,
15. That this Conditional Use Permit be reviewed in three (3) years, on a complaint basis, or as directed by the Pennington County Board of Commissioners or Planning Commission to verify that all Conditions of Approval are being met.

III. EXISTING CONDITIONS

- A. Zoned General Agriculture District, minimum forty (40) acre lot size.
- B. 0.96 acre.
- C. Located north of S. Highway 16 at the end of Strato Bowl Road, approximately one and one-half (1.5) miles northeast of Rockerville.
- D. Access to the property consists of a paved driveway taken from Strato Bowl Road.

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Stratobowl Vacation Homes, LLC; Ken and Cory Tomovick - Agent

June 10, 2019

- E. Lot contains:
 - 1. Single-family residence built in 1951 per Department of Equalization's Property Record Card.
 - 2. Detached garage built in 1987 County Building Permit (COBP) / BP7624.
 - 3. Garage addition in 2008 / 2008COBP0216.
 - a. Encroaches into front yard setback.
 - b. Variance (VA 08-03) obtained for the setback encroachment.
 - 4. Two (2) small sheds
 - a. Due to the size and age of the sheds, a Building Permit is not required for these structures.
 - 5. On-site Wastewater Treatment System Construction Permit / COSD15-0122.
 - 6. On-Site Wastewater Treatment System Operating Permit / COOP15-0571.
- F. A portion of the property is located within the 100-year floodplain, although none of the structures are inside of the boundaries of the floodplain.

IV. ANALYSIS

- A. June 3, 2019 – Staff spoke with Cory Tomovick via telephone to arrange a site visit.
- B. June 3, 2019 – Staff performed a site visit and observed that all conditions were being met.



Site photo.

Agenda Item #6

Stratobowl Vacation Homes, LLC; Ken and Cory Tomovick - Agent

June 10, 2019

RECOMMENDATION: Staff recommends approval of the extension of Conditional Use Permit / CU 15-04 with the following fifteen (15) conditions:

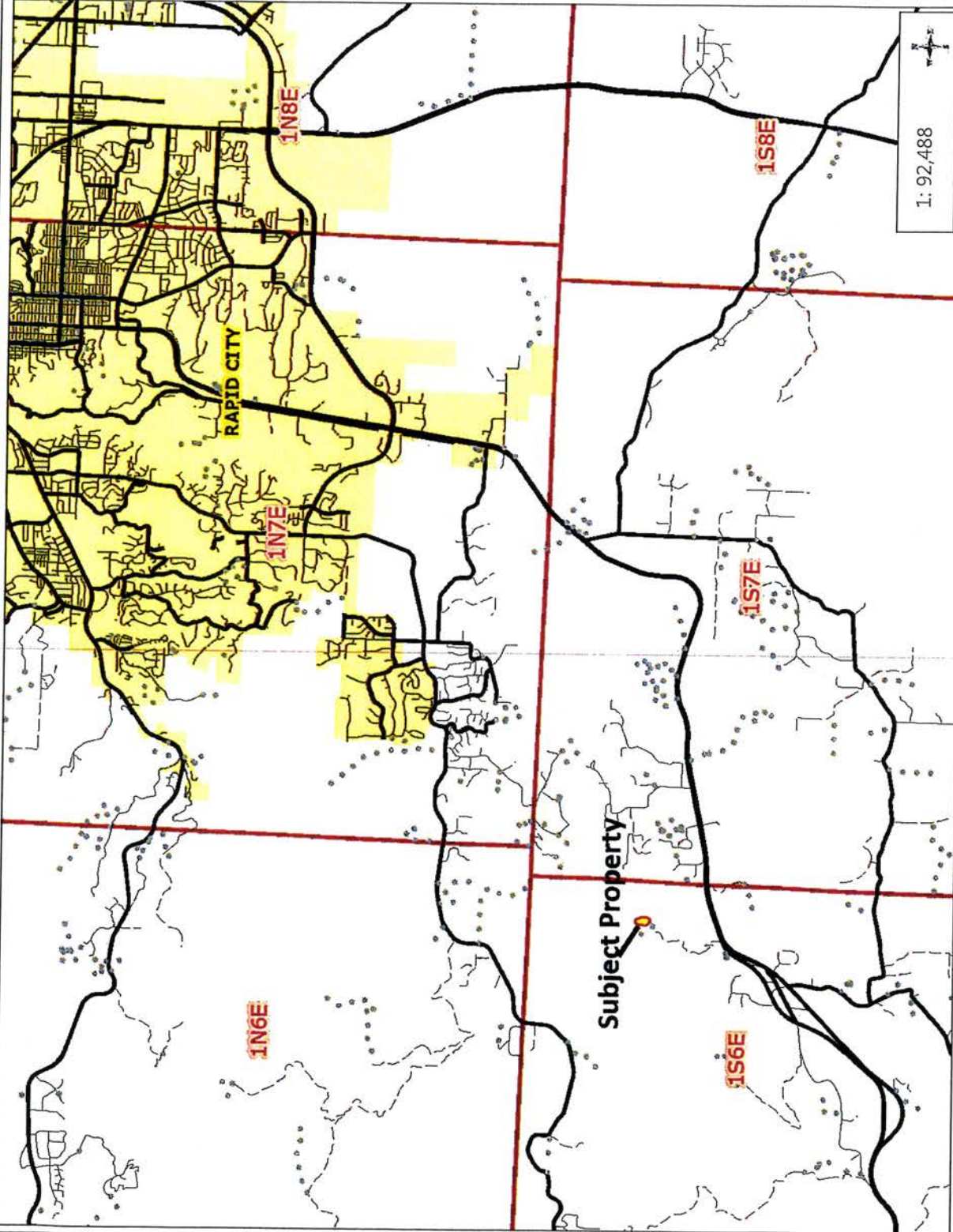
1. That the maximum overnight occupancy, based on SD DENR approval, be limited to six (6) people and the maximum daytime occupancy be limited to nine (9) people;
2. That the applicant provide a landline in case of an emergency;
3. That if any additions to the structure and/or the on-site wastewater treatment 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;
4. That all necessary permits are obtained prior to any additions to the structure and/or the on-site wastewater treatment system is upgraded;
5. That the applicant continually maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department;
6. That the applicant continue to maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;
7. That the minimum of two (2) off-street parking spaces continue to be provided on-site, each measure a minimum of nine (9) feet by eighteen (18) feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner in accordance with Section 310 of the Pennington County Zoning Ordinance;
8. That an interior information 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 operating of the residence as a VHR;
9. That the lot address (23632 Strato Bowl Road) continue to be posted at all times so it is clearly visible from Strato Bowl Road, in accordance with Pennington County's Ordinance #20;
10. That the applicant ensure the VHR is operating in accordance with the requirements of Section 319-F (Performance Standards) at all times;

Agenda Item #6

Stratobowl Vacation Homes, LLC; Ken and Cory Tomovick - Agent

June 10, 2019

11. That prior to the placement of any on-premise signs, the applicant must obtain approval of a Sign Permit;
12. That prior to any work being conducted within the boundaries of the 100-year floodplain, an approved Floodplain Development Permit be obtained;
13. That if the person designed as the Local Contact is ever changed from Ken or Cory Tomovick, the interior information sign be updated and the applicant re-notify the Planning Department and surrounding landowners within 500 feet via notices sent by First Class Mail;
14. 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; and,
15. 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 or Planning Commission to verify that all Conditions of Approval are being met.



1: 92,488

15,414.6 Feet

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Legend

- Roads**
- Interstate
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 - SD highway
 - County highway
 - Main road
 - Minor arterial
 - Collector
 - Ramp
 - Paved road
 - Unpaved road
 - Trail
 - Driveway
 - Alley
 - Unimproved road
 - Airport Runway
 - Not yet coded
- Townships**
- 1N6E
 - 1N7E
 - 1N8E
 - 1S6E
 - 1S7E
 - 1S8E
- City Limits**
- BOX ELDER
 - ELLSWORTH AFB
 - HILL CITY
 - KEYSTONE
 - NEW UNDERWOOD
 - QUINN
 - RAPID CITY
 - WALL
 - WASTA

Map Notes:

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



1: 11,561

1,926.8 963.41 1,926.8 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_StatePlane_South_Dakota_South_FIPS_4002_Feet
 © City of Rapid City GIS

Legend

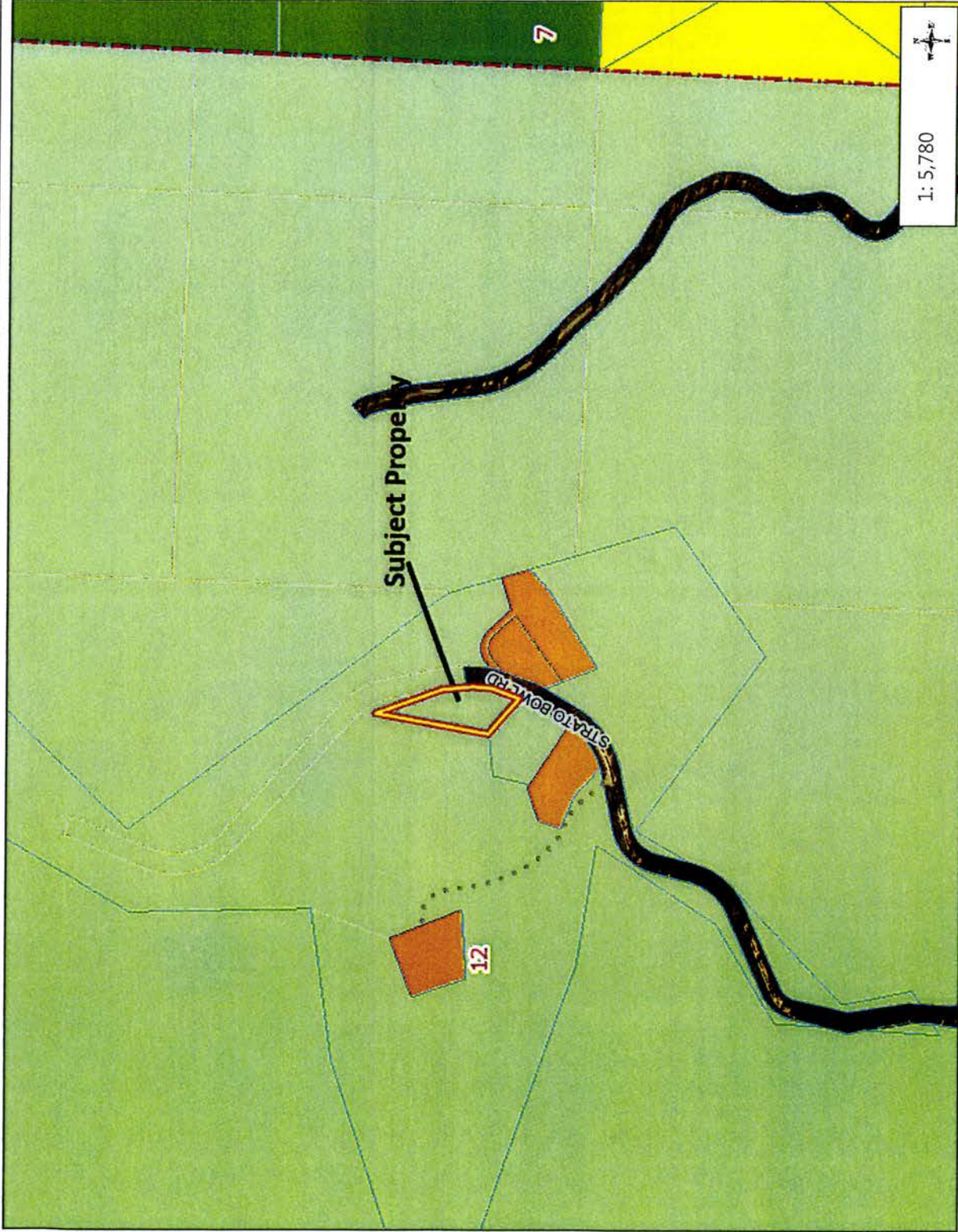
- Roads**
- Interstate
 - US highway
 - SD highway
 - County highway
 - Main road
 - Minor arterial
 - Collector
 - Ramp
 - Paved road
 - Unpaved road
 - Trail
 - Driveway
 - Alley
 - Unimproved road
 - Airport Runway
 - Not yet coded

Section Lines 0-25k

- 0
- 7

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

Map Notes:



1: 5,780



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

963.4
NAD_1983_StatePlane_South_Dakota_South_FPS_4002_Feet
© City of Rapid City GIS

Legend

- Roads**
- Interstate
 - US highway
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 - County highway
 - Main road
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 - Paved road
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- Section Lines 0-25k**
- 0
 - 7
- Tax Parcels**
- Lot Lines**
- <Null>
 - Lot Line
 - Parcel Line
- Pennington County Zoning**
- General Agriculture
 - General Commercial
 - Heavy Industrial
 - Highway Services
 - Limited Agriculture
 - Low Density Residential
 - Light Industrial
 - Planned Unit Development

Map Notes:



**SOUTH DAKOTA
DEPARTMENT OF HEALTH
LODGING LICENSE**



Issued To: KEN TOMOVICK
CORY TOMOVICK

Located At: STRATO BOWL RETREAT - 1
23639 STRATO BOWL RD
RAPID CITY, SD 57702

License Type
Vacation Home License

License Number
10960

Number of Units
1

Swimming Pool
0

Spa or Hot Tub
0

Expires

12/31/2019

Kim Malsam-Rydon

Secretary of Health

License is Not Transferable - Post in the Establishment



Retreat by the Creek
23632 Strato Bowl Road/ Rapid City, SD

WELCOME. Thank you for staying with us. Please note the Occupancy Guidelines as required by Pennington County.

Owner Contact: Ken & Pat Tomovick
H) 605-342-2180
Ken's Cell: 605-430-4707
Pat's Home: 605-348-4767

Maximum Number of Occupants: (4) Adults - Plus Children under Five Years of Age
Number of Day Guests Allowed: (2)

Number of Parking Spaces: (2)

Fire Regulations: OPEN FIRES, FIRE PITS, FIREWORKS, CHARCOAL-BURNING GRILLS, WOODSTOVE USE or OTHER DEVICES ARE **NOT** ALLOWED.

Smoking is NOT allowed.

No Pets.

Hours: Check-In is 4:00 P.M. or later. (Walk through with owner to answer questions mandatory).

Check-Out is 11:00 A.M.

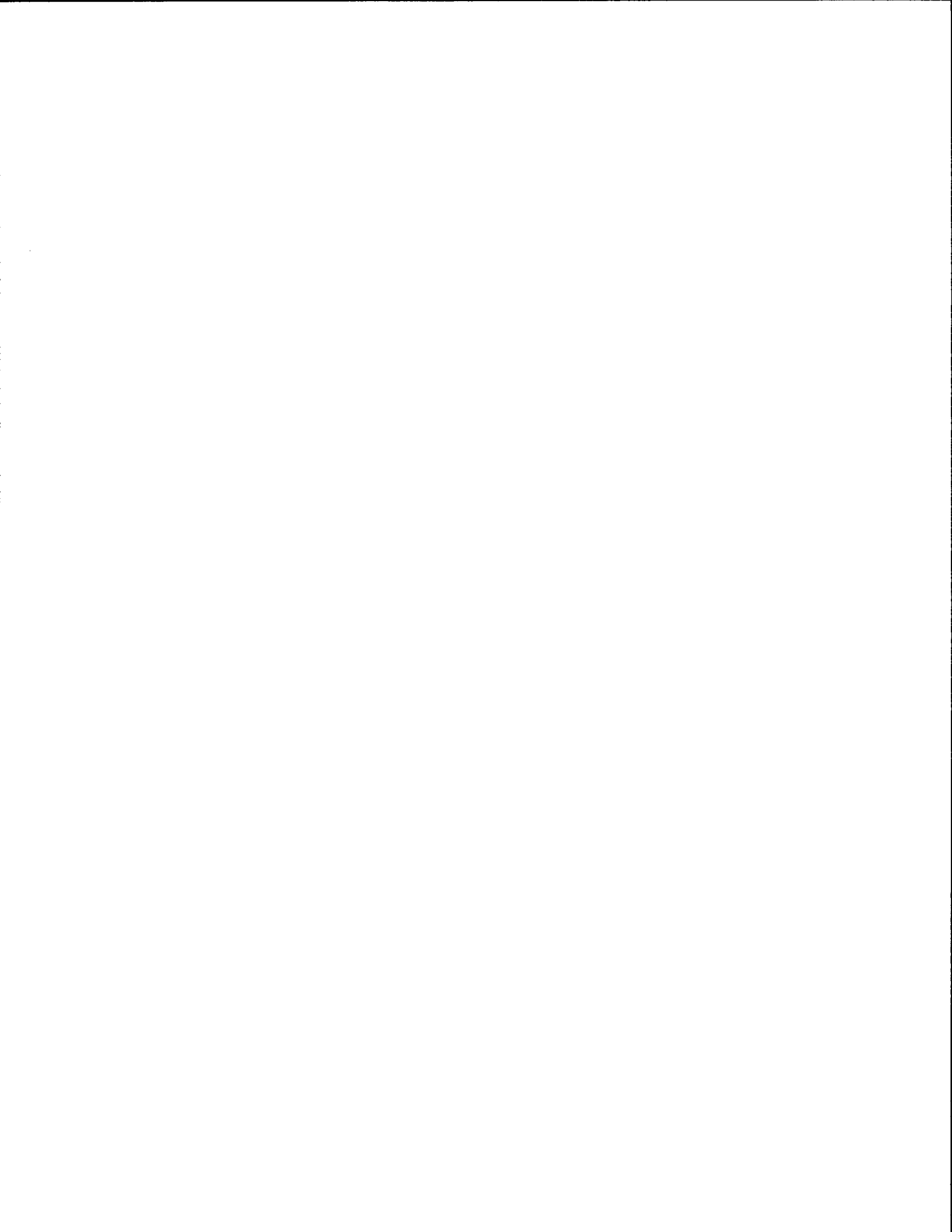
Due to the isolated setting, quiet hours simply mean respecting the privacy of the neighbors.

Trash Pick-Up Day is on Wednesday morning. Someone will be up to pick up the trash on Tuesday afternoon/early evening. Please have trash in the garbage barrel out front. Please separate all glass and plastic containers for recycling.

Disturbances: The renter and occupants are responsible for the creation of any disturbances or for violating any of these provisions. Guests are expected to be courteous to all neighbors and to respect property at all times.

Local Emergency and Law Enforcement Contact Information: Call 911 for any emergency.

**If you have any questions, don't hesitate to ask.
And again, thanks for staying with us.
Enjoy the Beautiful Black Hills of South Dakota.**



STAFF REPORT

7

GENERAL INFORMATION:

REQUEST:

CONDITIONAL USE PERMIT REVIEW / CU 18-01: To review a Conditional Use Permit for 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.

APPLICANT:

Ron Weifenbach

APPLICANT ADDRESS:

4153 Augusta Drive, Rapid City, SD 57703

OWNER:

Main Street Motors, Inc. / Robert Reagan

OWNER ADDRESS:

3900 School Drive, Rapid City, SD 57703

LEGAL DESCRIPTION:

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

SITE LOCATION:

3900 School Drive; located off of E. Highway 44 and Jolly Lane.

SIZE:

0.83 acres

TAX ID:

2973

EXISTING LAND USE:

Car Sales

ZONING REFERENCE:

§ 204(D), 209, and 510

CURRENT ZONING:

General Commercial District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Flat / Sloping

Agenda Item #7
Ron Weifenbach
June 10, 2019

UTILITIES: Public (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 18-01 with ten (10) conditions.

II. GENERAL DESCRIPTION

- A. The applicant, Ron Weifenbach, requested a Conditional Use Permit to allow for seasonal fireworks sales within an existing building in a General Commercial Zoning District.

III. EXISTING CONDITIONS

- A. Zoned General Commercial District.
- B. 0.83 acre.
- C. Conditional Use Permit / CU 84-44 was approved on October 9, 1984 to allow a 20-foot by 100-foot storage facility.
 - 1. Staff will place this Conditional Use Permit on a future Planning Commission Agenda to end it as it is no longer needed.
- D. Lot contains:
 - 1. 20' x 100' Storage Building – built in 1984 according to Conditional Use Permit / CU 84-44.
 - 2. Storage Building – Built in 1998.
 - a. 1998COBP0520 – 20-foot by 50-foot storage building.
 - b. COBP17-0563 – Removal Permit for a 20-foot by 50-foot building.
 - 3. Carport – built in 2015
 - a. COBP15-0530 – 20-foot by 66-foot carport structure.
 - 4. Office Space – Built in 2017.
 - a. COBP17-0569 – 16-foot by 40-foot second story office area.

Agenda Item #7
Ron Weifenbach
June 10, 2019



Updated photo from Google Earth ~ 5/4/2017



Photo from School Drive.

IV. BACKGROUND

- A. January 10, 2018 – Applicant filed a Conditional Use Permit request with the Planning Department.
- B. February 2, 2018 – Staff performed a site visit to the property.
 1. It appeared that there were several cars parked along the road on the subject property.
 2. There were two structures on the property.
- C. March 7, 2018 – The applicant submitted a parking plan, maximum number of customers per day, and number of employees to the Planning Department.
- D. March 7, 2018 – Staff performed a site visit to the property and found the following:
 1. Property was being utilized for used car sales.
 - i. Several cars were parked on the property.
 2. There were two structures on the property.
 3. One of the structures has a carport over it and a second story addition. The other is a smaller building utilized as a sales office.
- E. There appears to be ample room for parking, however, at the time of the site visit, there were a number of cars for sale on the lot.
 1. According to PCZO § 310, the required number of parking spaces for 100 customers is 20 (one space per five customers) and one space for every two employees.
- F. SDCL 34:37:2 requires a License from the Department of Public Safety for the sale of fireworks.
- G. SDCL 34:37:10 allows a fireworks sales establishment to operate from June 27th to July 5th and during the hours of 7 a.m. to 12 a.m.
- H. On March 12, 2018, the Planning Commission approved Conditional Use Permit / CU 18-01 with the following eleven (11) 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.;
 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;
 10. That the applicant sign a Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 18-01, which is available at the Planning Office; and,
 11. That this Conditional Use Permit be reviewed at the May 14, 2018, 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.
- J. April 11, 2018 – The applicant submitted two (2) South Dakota Fireworks Licenses. One was for retail sales from June 27, 2018 to July 5, 2018 and one for retail sales from December 28, 2018 to January 1, 2019.
1. These licenses must be updated annually to maintain compliance with this Conditional Use Permit.
- K. May 12, 2018 – Planning Commission approved 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 28, 2018 to January 1, 2019 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 May 13, 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.

V. ANALYSIS

- A. SDCL 34:37:2 requires a License from the Department of Public Safety for the sale of fireworks.
- B. SDCL 34:37:10 allows a fireworks sales establishment to operate from June 27th to July 5th and during the hours of 7 a.m. to 12 a.m.
 1. These licenses must be updated annually to maintain compliance with this Conditional Use Permit.
- C. Staff spoke with the applicant on June 4, 2019 and indicated that copies of the updated licenses were needed. The applicant submitted copies of the licenses on June 5, 2019.

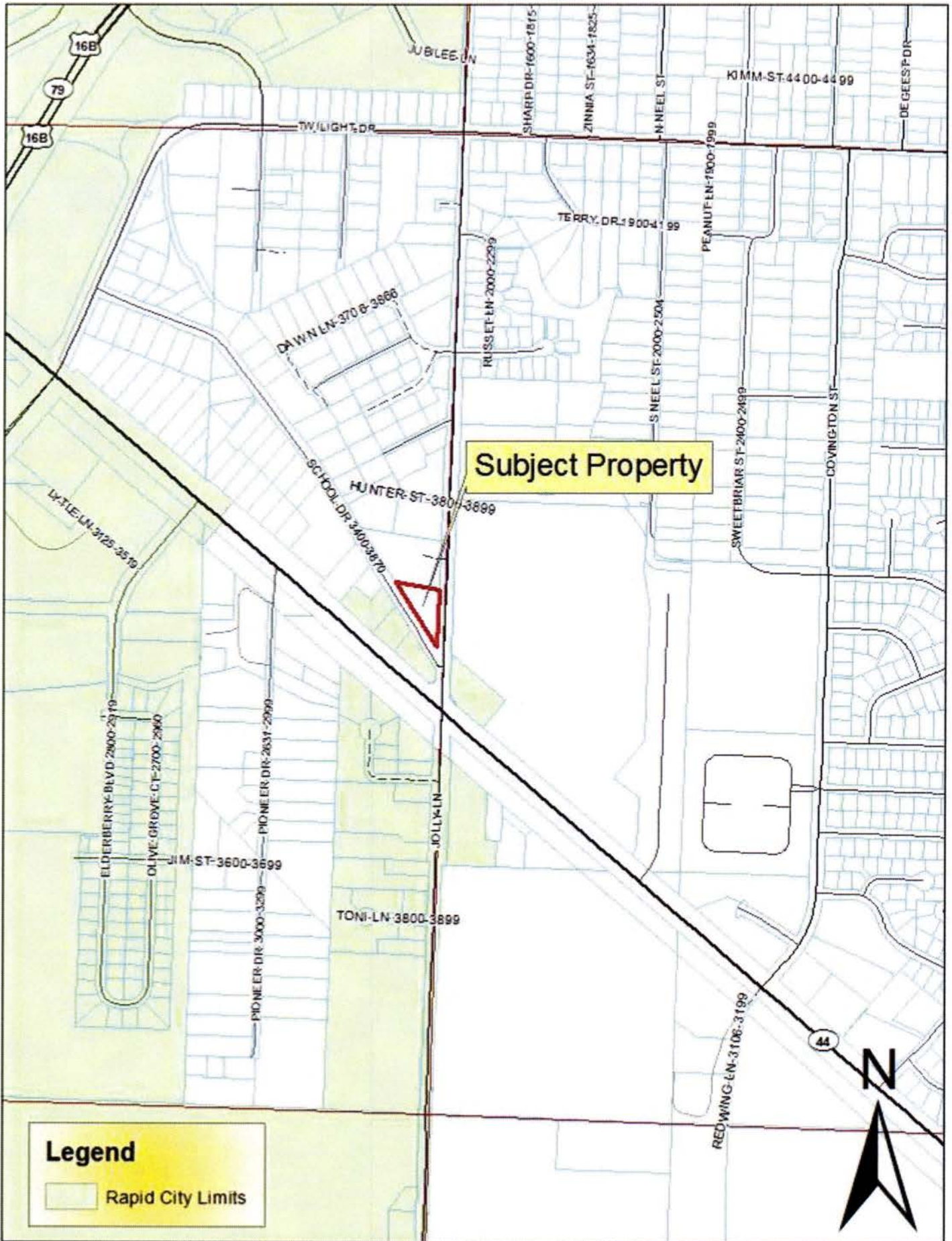
RECOMMENDATION: Staff recommends approval of the extension of Conditional Use Permit / CU 18-01 with the following ten (10) conditions:

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 28 to January 1 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;

Agenda Item #7
Ron Weifenbach
June 10, 2019

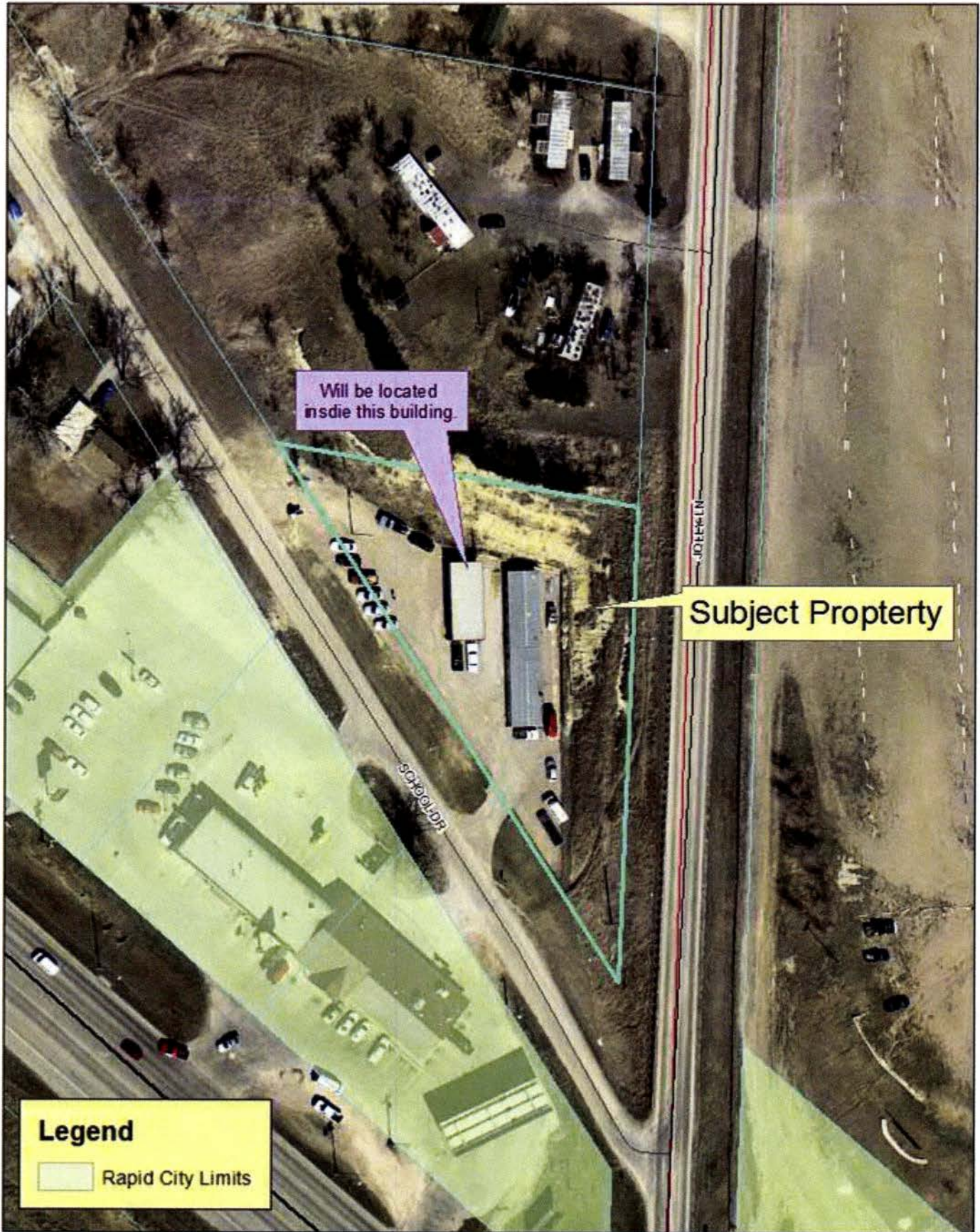
6. That no parking be located within the right-of-way of School Drive and Jolly Lane;
7. That the applicant obtains approved Sign Permits prior to any signs being placed on the property, in accordance with § 312 of the Pennington County Zoning Ordinance (PCZO);
8. That the applicant obtain all necessary 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 May 26, 2020, 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.

WEIFENBACH



0 0.1 0.2 0.4 0.6 0.8 Miles

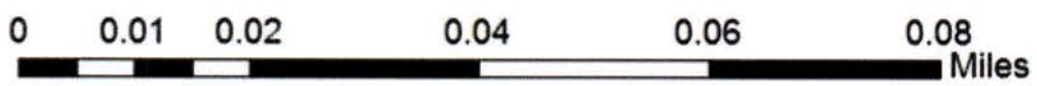
WEIFENBACH



Legend
Rapid City Limits

Subject Property

Will be located inside this building.



RONALD L WEIFENBACH
4153 AUGUSTA DR
RAPID CITY, SD 57703

March 05, 2019

Dear RONALD L WEIFENBACH

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

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

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

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

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



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

<http://dor.sd.gov>

ISSUE DATE: 06/27/2019

EXPIRATION DATE: 07/05/2019

LICENSE NUMBER: 1033-1520-ST

LICENSE TYPE: Sales Tax

ISSUED TO:

RONALD L WEIFENBACH
4153 AUGUSTA DR
RAPID CITY, SD 57703

RONALD L WEIFENBACH
3900 SCHOOL DR
RAPID CITY, SD 57703-6640

A handwritten signature in black ink that reads "Jim Terwilliger". The signature is written in a cursive style.

Jim Terwilliger
Secretary of Revenue

NON-TRANSFERABLE

BY 6820 0

**SOUTH DAKOTA FIREWORKS
LICENSE**

Office of the State Fire Marshal
Pierre, South Dakota

RONALD WEIFENBACH

DATE ISSUED: Monday, March 04, 2019

**4153 AUGUSTA DR
RAPID CITY, SD 57703**

LICENSE #L 02-19

TYPE OF LICENSE:

Late season retail fireworks license valid 12/28/19 to 1/1/20 **\$25.00**

CHECK NUMBER: 4789

LICENSE OUTLET LOCATED **3900 SCHOOL DR, RAPID CITY**

CERTIFIED BY:



LICENSE MUST BE DISPLAYED AT LOCATION



BY 6820 0

**SOUTH DAKOTA FIREWORKS
LICENSE**

Office of the State Fire Marshal
Pierre, South Dakota

RONALD WEIFENBACH

DATE ISSUED: Monday, March 04, 2019

**4153 AUGUSTA DR
RAPID CITY, SD 57703**

LICENSE #R 40-19

TYPE OF LICENSE:

Retail Fireworks License *** Valid: June 27 - July 5, 2019 \$25.00**

CHECK NUMBER: 4789

LICENSE OUTLET LOCATED 3900 SCHOOL DR, RAPID CITY

CERTIFIED BY:



LICENSE MUST BE DISPLAYED AT LOCATION



STAFF REPORT

GENERAL INFORMATION:

REQUEST: **CONDITIONAL USE PERMIT REVIEW / CU 18-13**: To review a 12 x 12 cabin to be occupied on a seasonal basis on the subject property, not to be occupied more than 180 days per calendar year, in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

APPLICANT: Randy Wirtzfeld

APPLICANT ADDRESS: 5753 Pluto Street, Rapid City, SD 57703

LEGAL DESCRIPTION: All, Brule Lode MS 993, Section 36, T2N, R3E, BHM, Pennington County, South Dakota.

SITE LOCATION: 11730 Divide Road; Approximately two (2) miles southeast of the intersection of South Rochford Road and Divide Roads.

SIZE: 10.32 acres

TAX ID: 44145

EXISTING LAND USE: Cabin

ZONING REFERENCE: § 205 and 510

CURRENT ZONING: General Agriculture District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Forested / Hills

UTILITIES: Port-a-potty

REPORT BY: Cassie Bolstad

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending approval of the extension of Conditional Use Permit / CU 18-13 with seven (7) conditions.

II. GENERAL DESCRIPTION

- A. The applicant, Randy Wirtzfeld, requested a Conditional Use Permit to allow an existing 12' x 12' camping cabin to be utilized on a seasonal basis, not to exceed 180 days per calendar year.
- B. June 11, 2018 – Planning Commission approved Conditional Use Permit / CU 18-13 with the following nine (9) conditions:
1. That the applicant submit a Building Permit, with all applicable fees paid, for the existing 12' x 12' cabin within ten (10) business days of approval of Conditional Use Permit / CU 18-13;
 2. That the lot address assigned to the property upon Building Permit submittal be properly posted in accordance with Pennington County's Ordinance #20;
 3. That the seasonal cabin may not be occupied more than 180 days per calendar year;
 4. That a port-a-potty be present on the subject property while the cabin is occupied and the port-a-potty be pumped and maintained as needed to prevent effluent and "blue juice" from reaching the ground. Pump records must be provided to the Planning Department upon request;
 5. 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;
 6. That the minimum setbacks requirements for a General Agriculture District be continually maintained on the subject property, or an approved Setback Variance be obtained;
 7. That the cabin be used for personal use only. No commercial activity or renting shall be permitted;
 8. That the applicant signs a Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 18-13, which is available at the Planning Office; and,
 9. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

III. EXISTING CONDITIONS

- A. All of Brule Lode M.S, 993
1. Zoned General Agriculture District.
 2. 10.32 acres.
 3. Access off of Divide Road via an existing approach.

4. Lot contains:
 - a. 12' x 12' cabin – COBP18-0403.
 - b. 120 square foot deck – COBP18-0502.

IV. ANALYSIS

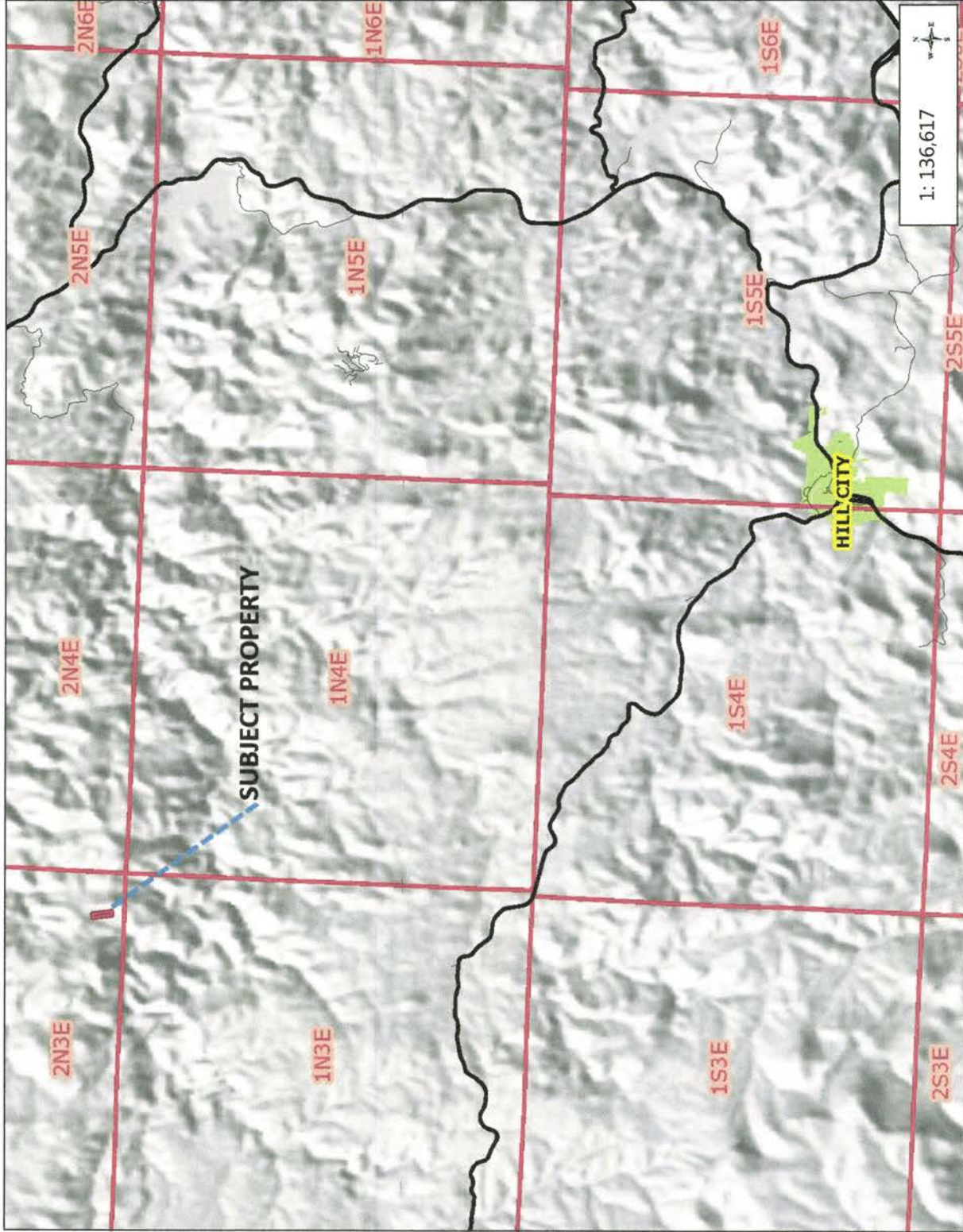
- A. Pennington County Zoning Ordinance (PCZO) § 205(C)(20) lists a “seasonal cabin/dwelling” as a Conditional Use in a General Agriculture District.
- B. PCZO § 103 defines a seasonal cabin/dwelling as, “a dwelling that does not meet the South Dakota Department of Environment and Natural Resources minimum absorption area for a residential individual on-site wastewater treatment system. The dwelling unit shall not be occupied for more than one hundred eight (180) days in each year.”
- C. The applicant has indicated that there is no on-site wastewater treatment system installed on the subject property.
 1. The applicant has provided a receipt from Hills Toilet Service for a port-a-potty that is to be located on the subject property to serve as the means for on-site wastewater containment.
 2. The port-a-potty must continue to be pumped and maintained, as needed, to prevent effluent or “blue juice” from reaching the ground.
- D. Due to the very remote location of the subject property, Staff did not perform a site visit. However, based on aerial photos, it does not appear the property has changed and the cabin is still present.
- E. June 3, 2019 – Staff spoke with the applicant, Randy Wirtzfeld, who stated:
 1. The cabin is still on the property.
 2. The cabin is only used a few times a year.
 3. A port-a-potty is located on the property when the cabin is in use.
- F. Staff recommends to remove Conditions #1 and #7, as they have been met.

RECOMMENDATION: Staff recommends approval of the extension of Conditional Use Permit / CU 18-13 with the following seven (7) conditions:

1. That the lot address assigned to the property (11730 Divide Road) be properly posted in accordance with Pennington County’s Ordinance #20;
2. That the seasonal cabin may not be occupied more than 180 days per calendar year;
3. That a port-a-potty continue to be present on the subject property while the cabin is occupied and the port-a-potty be pumped and maintained as needed to prevent effluent and “blue juice” from reaching the ground. Pump records must be provided to the Planning Department upon request;
4. 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;

Agenda Item #8
Randy Wirtzfeld
June 10, 2019

5. That the minimum setback requirements for a General Agriculture District be continually maintained on the subject property, or an approved Setback Variance be obtained;
6. That the cabin continue to be used for personal use only. No commercial activity or renting shall be permitted; and,
7. 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.



1: 136,617

22,769.5 0 11,384.74 22,769.5 Feet



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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Legend

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

Map Notes:



Legend

Roads

- Interstate
- US highway
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- Main road
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- Unimproved road
- Airport Runway
- Not yet coded

Section Lines 0-25k

- 0
- 7

Tax Parcels

Lot Lines

- <Null>
- Lot Line
- Parcel Line

Pennington County Zoning

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

Map Notes:

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2,846.2

1,423.09

2,846.2 Feet

1: 17,077





1: 3,074

512.3

0 256.16

512.3 Feet

NAD_1983_2011_StatePlane_South_Dakota_South_FIPS_4002_Ft_US
© City of Rapid City GIS

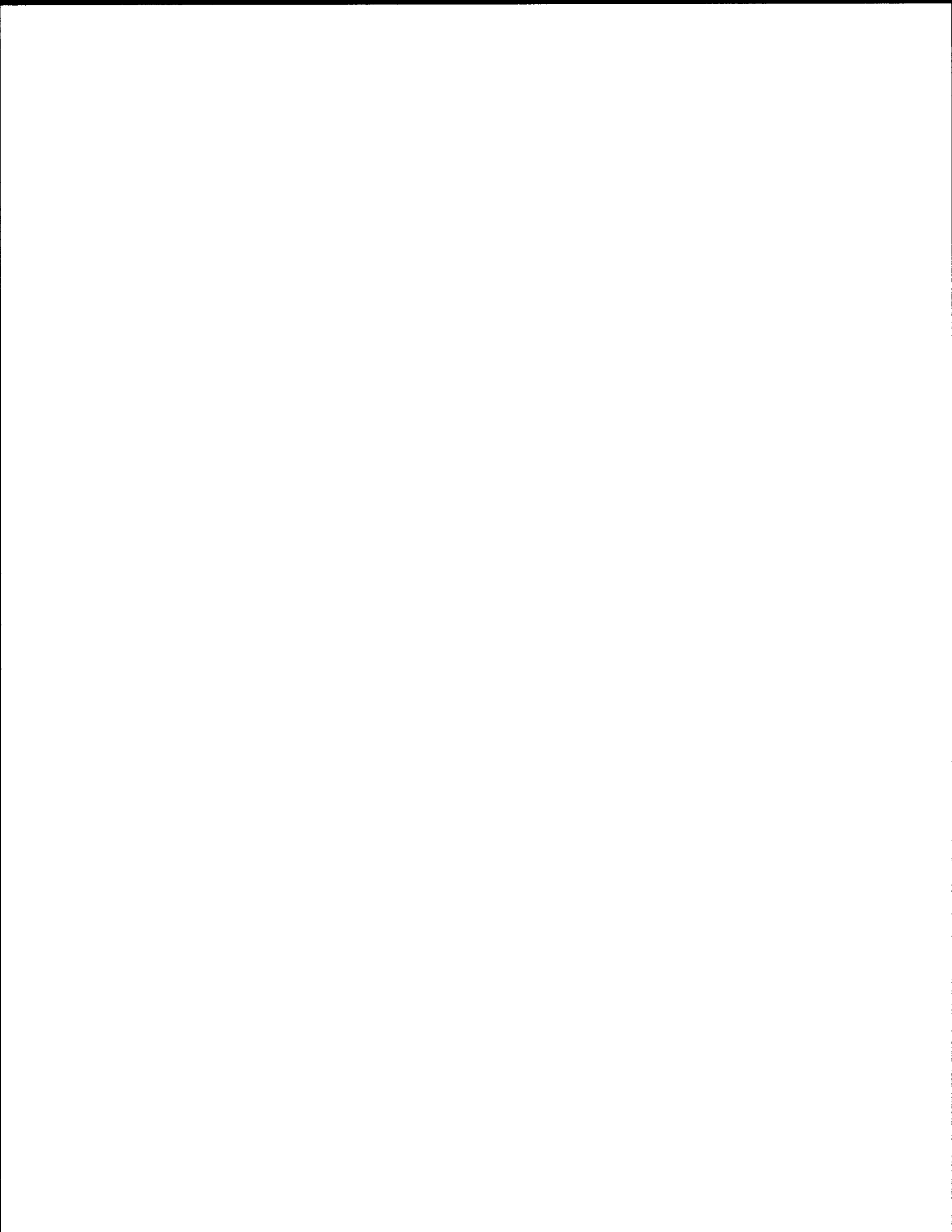
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- Interstate
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 - Airport Runway
 - Not yet coded
- Address Points**
- Section Lines 0-25k
- 0
 - 7
- Tax Parcels**
- Lot Lines**
- <Null>
 - Lot Line
 - Parcel Line

Map Notes:



STAFF REPORT

GENERAL INFORMATION:

REQUEST: **CONDITIONAL USE PERMIT REVIEW / CU 18-15**: 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: Koenig Family Trust (Sheila Watkins)

APPLICANT ADDRESS: 8320 SW37th Street, Topeka, KS 66614

AGENT / LOCAL CONTACT: Edelweiss Mountain Lodging

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

LEGAL DESCRIPTION: Lot A, Edelweiss Mountain Development, Section 17, T1N, R5E, BHM, Pennington County.

SITE LOCATION: 190 Swiss Drive; northeast of the intersection of Swiss Drive and Alpine Drive.

SIZE: 2.38 acres

TAX ID: 68485

EXISTING LAND USE: Residential

ZONING REFERENCE: § 208, 319, and 510

CURRENT ZONING: Suburban Residential District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Forested / Hills

UTILITIES: Community Well and Lagoon

REPORT BY: Kristina Proietti

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending approval of the extension of Conditional Use Permit / CU 18-15 with thirteen (13) conditions.

II. GENERAL DESCRIPTION

- A. On June 11, 2018, the Planning Commission approved Conditional Use Permit / CU 18-15 for a Vacation Home Rental (VHR) in a Suburban Residential District with the following fifteen (15) conditions:
1. That the maximum overnight occupancy be limited to twelve (12) people and the maximum daytime occupancy be limited to eighteen (18);
 2. That each review of Conditional Use Permit / CU 18-15, be subject to Pennington County Zoning Ordinance (PCZO) § 511(F)(3), which imposes a \$100 fee per review;
 3. 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;
 4. 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;
 5. That a minimum of four (4) 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;
 6. That the interior information sign be corrected in accordance with comments from Emergency Services (9-1-1) prior to posting or operation of the Vacation Home Rental;
 7. That an interior informational sign be posted in accordance with the requirements of PCZO § 319(G), with 9-1-1 and (605) 394-2151 listed as contacts for Fire Department and Sheriff's Office respectively, during operation of the Vacation Home Rental;
 8. That the lot address (190 Swiss Drive) be posted on the residence at all times and so it is clearly visible from Swiss Drive, in accordance with Pennington County's Ordinance #20;
 9. That the applicant ensure the Vacation Home Rental is continually operated in accordance with the requirements of PCZO § 319(F) (Performance Standards) at all times;
 10. That if the person designated as the Local Contact is ever changed from Edelweiss Mountain Lodging, the interior informational sign be updated and the applicant re-notify the Planning Director and surrounding landowners within 500 feet via notices sent by First Class Mail;

Agenda Item #9

Koenig Family Trust (Sheila Watkins); Edelweiss Mountain Lodging - Agent
June 10, 2019

11. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
12. That an approved Sign Permit be obtained prior to the placement of any sign(s);
13. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
14. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 18-15, 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 Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

III. EXISTING CONDITIONS

- A. Zoned Suburban Residential District.
- B. 2.38 acres.
- C. Access off of Swiss Drive via Private Access Easements (Plat Book 14, Page 16 and Plat Book 12, Page 48).
 1. Located within the Edelweiss Road District.
- D. No Special Flood Hazard Area.
- E. Lot contains:
 1. Single-family residence – built in 1980, per Department of Equalization (DOE) records.



Site Visit June 6, 2019

Agenda Item #9

Koenig Family Trust (Sheila Watkins); Edelweiss Mountain Lodging - Agent

June 10, 2019

IV. ANALYSIS

- A. June 5, 2019 Staff spoke with the authorized agent, Julie from Edelweiss Mountain Lodging on the phone.
- B. June 6, 2019 – Staff performed a site visit and observed that all conditions were being met.
- C. Staff recommends to remove Condition #6 and Condition #14 from the list of conditions as they have been met or are no longer needed.

RECOMMENDATION: Staff recommends approval of the extension of Conditional Use Permit / CU 18-15 with the following thirteen (13) conditions:

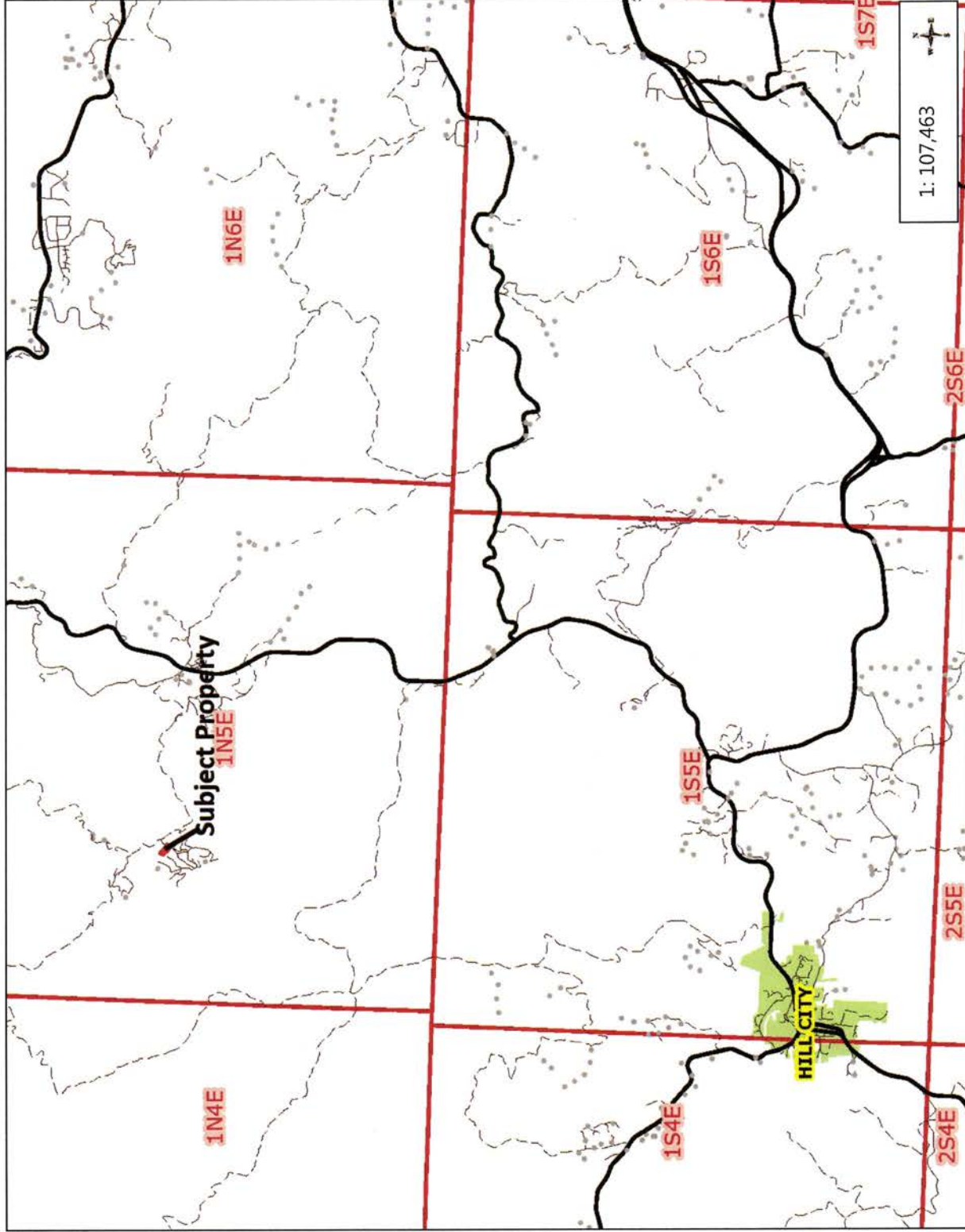
1. That the maximum overnight occupancy continue to be limited to twelve (12) people and the maximum daytime occupancy be limited to eighteen (18);
2. That each review of Conditional Use Permit / CU 18-15, be subject to Pennington County Zoning Ordinance (PCZO) § 511(F)(3), which imposes a \$100 fee per review;
3. 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;
4. 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;
5. That a minimum of four (4) 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;
6. That an interior informational sign continue to be posted in accordance with the requirements of PCZO §319(G), with 9-1-1 and (605) 394-2151 listed as contacts for Fire Department and Sheriff's Office respectively, during operation of the Vacation Home Rental;
7. That the lot address (190 Swiss Drive) continue to be posted on the residence at all times and so it is clearly visible from Swiss Drive, in accordance with Pennington County's Ordinance #20;
8. That the applicant ensure the Vacation Home Rental is continually operated in accordance with the requirements of PCZO § 319(F) (Performance Standards) at all times;

Agenda Item #9

Koenig Family Trust (Sheila Watkins); Edelweiss Mountain Lodging - Agent

June 10, 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 re-notify the Planning Director 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 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 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.



1: 107,463

17,910.4
8,955.22
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17,910.4 Feet

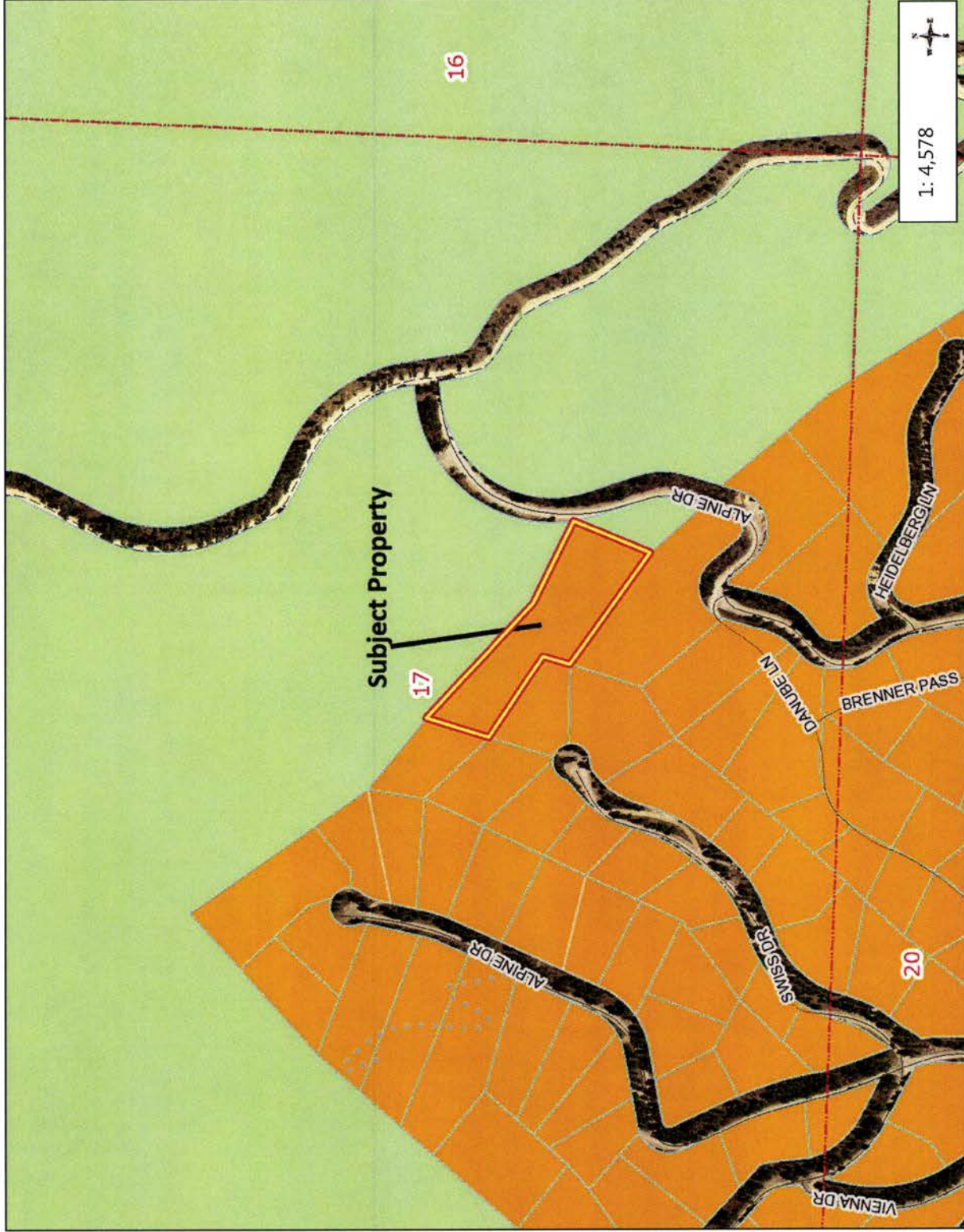
NAD_1983_StatePlane_South_Dakota_South_FIPS_4002_Feet
© City of Rapid City GIS

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

Map Notes:



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:

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Legend

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 - US highway
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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



1: 4,578

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

763.0 381.48 763.0 Feet



**SOUTH DAKOTA
DEPARTMENT OF HEALTH
LODGING LICENSE**



**SOUTH DAKOTA
DEPARTMENT OF HEALTH**

Issued To: EDELWEISS MOUNTAIN LODGING INC

Located At: PACTOLA ESCAPE
190 SWISS DR
RAPID CITY, SD 57702

License Type
Vacation Home License

License Number
20424

Number of Units
1

Swimming Pool
0

Spa or Hot Tub
0

Expires

12/31/2019

Karin Malsam-Rydon

Secretary of Health

License is Not Transferable - Post in the Establishment

Fire Evacuation Plan for Pactola Escape

Call 911 for assistance in case of emergency or fire.

You have 3 fire extinguishers. One is on main level

One is upstairs in bedroom and one is in the basement area.

Each bedroom has a smoke detector.

Exits are:

Living room front door.

Kitchen door.

Dining room sliding door

Bedrooms have a door out to the hallways. The bedroom windows are egress.

Downstairs has a door going out to the deck.

Please locate these areas for your safety.

**PACTOLA ESCAPE
190 SWISS DRIVE
RAPID CITY SD 57702**

**If any questions or problems call the office located at 12780 Black Forest Rd.
Phone number of the office 605-574-2430**

1. Maximum number of nightly occupants: 12 Maximum number of day guests: 18
Parking is advised in driveway. 4 vehicles permitted.
2. The use of open fires fire pits, fireworks, charcoal burning grills or other devices shall not be allowed without permission from Edelweiss Mountain Lodging to ensure compliance with all federal, state and county laws and regulations.
3. No pets are allowed and no smoking in the home.
4. Quiet hours are between 10:00 p.m. and 7:00 a.m.
5. Trash will be disposed of at the blue dumpsters on Alpine Dr.
6. You the renter and occupants are responsible for the creation of any disturbances or for violating any other provisions of this section. Failure to conform to the parking and occupancy regulations of this Vacation Rental Unit is a violation of county ordinance.
7. Guests are expected to be courteous to all neighbors and to respect property boundaries.
8. In case of an emergency dial 911. Sheriffs number is 394-6113.
9. Before departure we request you:
**Wash and put dishes away.
Dispose of garbage as instructed at check-in.
Close windows and lock doors.
Look for all personal items. If left they can be shipped for a min. fee of \$10.00**

Site pictures from 6/6/2019
Sheila Watkins/Koenig Family Trust
VHR

Fire Extinguishers



Smoke Alarms



STAFF REPORT

10

GENERAL INFORMATION:

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

APPLICANT: David and Karen Maudlin

APPLICANT ADDRESS: P.O. Box 265, Hill City, SD 57745

LOCAL CONTACT: David Maudlin

LEGAL DESCRIPTION: Lot 3 (also in Section 3, T2S, R5E), Turbo Subdivision, Section 34, T1S, R5E, BHM, Pennington County, South Dakota.

SITE LOCATION: 12754 Devin Court; near the intersection of Devin Court and Old Hill City Road.

SIZE: 3.05 acres

TAX ID: 58327

EXISTING LAND USE: Residential

ZONING REFERENCE: §§ 207, 319, & 510

CURRENT ZONING: Low Density Residential District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Open Meadow / Partial Forest

UTILITIES: Private

REPORT BY: Jason Theunissen

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending approval of the extension of Conditional Use Permit / CU 18-16 with fifteen (15) conditions.

II. GENERAL DESCRIPTION

- A. The applicants, David and Karen Maudlin, requested a Conditional Use Permit to allow an existing three (3) bedroom residence to be utilized as a Vacation Home Rental on the subject property.
- B. April 14, 2008 – Planning Commission approved Conditional Use Permit / CU 08-20 to allow a Bed and Breakfast as a home occupation on the subject property with twenty (20) conditions.
- C. May 15, 2018 – The applicants indicated that they no longer wished to operate the Bed and Breakfast and applied for CU 18-16 to allow a VHR.
- D. June 11, 2018 – the Planning Commission approved CU 18-16 with the following seventeen (17) conditions:
 - 1. That Conditional Use Permit / CU 08-20 be ended and the property no longer be utilized as a Bed and Breakfast;
 - 2. That the maximum overnight occupancy, based on SD DENR approval, be limited to six (6) people and the maximum daytime occupancy be limited to twelve (12) people, per Pennington County Zoning Ordinance (PCZO) § 319(F)(13);
 - 3. 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;
 - 4. That all necessary permits are obtained prior to any additions and/or alterations to the structure or upgrades/alterations to the on-site wastewater treatment system;
 - 5. That each review of Conditional Use Permit / CU 18-16, be subject to PCZO § 511(F)(3), which imposes a \$100 fee per review;
 - 6. That the applicant continually maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department upon request;
 - 7. That the applicant continually maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;
 - 8. That a minimum of three (3) off-street parking spaces be provided on-site, per PCZO § 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;

9. That an interior informational sign be posted in accordance with the requirements of PCZO §319(G), with 9-1-1 and (605) 394-2151 listed as contacts for Fire Department and Sheriff's Office respectively, during operation of the Vacation Home Rental;
 10. That the lot address (12754 Devin Court) be posted on the residence at all times and so it is clearly visible from Devin Court, in accordance with Pennington County's Ordinance #20;
 11. That the applicant ensure the Vacation Home Rental is continually operated in accordance with the requirements of PCZO § 319(F) (Performance Standards) at all times;
 12. That if the person designated as the Local Contact is ever changed from David Maudlin, the interior informational sign be updated and the applicant re-notify the Planning Director and surrounding landowners within 500 feet via notices sent by First Class Mail;
 13. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
 14. That an approved Sign Permit be obtained prior to the placement of any sign(s);
 15. 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;
 16. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 18-16, 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 Commission or Board of Commissioners to verify that all Conditions of Approval are being met.
- E. July 9, 2018 – The Planning Commission ended CU 08-20.

III. EXISTING CONDITIONS

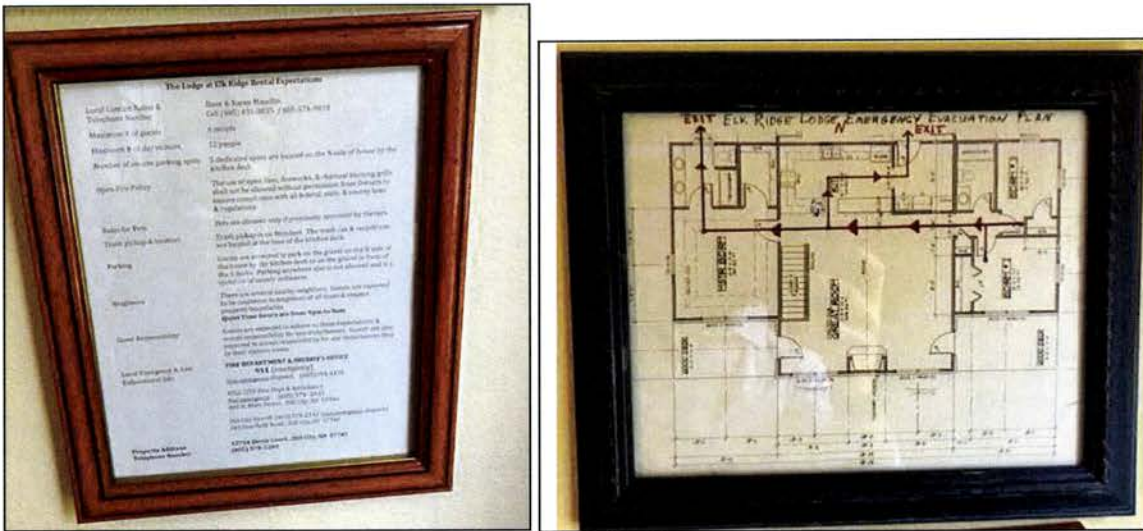
- A. Zoned Low Density Residential District.
- B. 3.05 acres.
- C. Access off of Devin Court via an existing approach.
- D. No Special Flood Hazard Area on the subject property.
- E. Lot contains:
 1. Single-family residence with attached garage and deck – 2006COBP0011.
 2. On-site wastewater treatment system – 2006COSD0007.
 - i. Operating Permit – COOP19-0077.

IV. ANALYSIS

- A. June 5, 2019 – Staff performed a site visit to the subject property and met with the Local Contact, Dave Maudlin, to confirm the following:
1. That the property was not being utilized as a bed and breakfast (Condition #1). Therefore, Staff has removed Condition #1.
 2. That maximum overnight occupancy was limited to six (6) people and the maximum was limited to twelve (12) (Condition #2).
 3. That the \$100.00 fee for the review of CU 18-16 was paid, per Pennington County Zoning Ordinance § 511 (Condition #5).
 4. That current copies of the SD Department of Health (Vacation Home Rental License) and SD Department of Revenue (Sales Tax License) were provided (Condition #6).
 5. A minimum of three (3) parking spaces, an Evacuation Plan, and Local Contact information was posted (Conditions #7, 8, & 12).
 6. All Sign and Notification requirements were met (Condition #9).
 7. The lot address was posted in accordance with Pennington County Ordinance #20 (Condition #10).
 8. Pennington County Planning and Zoning no longer requires Statements of Understanding for this type of permit. Therefore, Staff has removed Condition #16.



Site Visit, 6.5.19



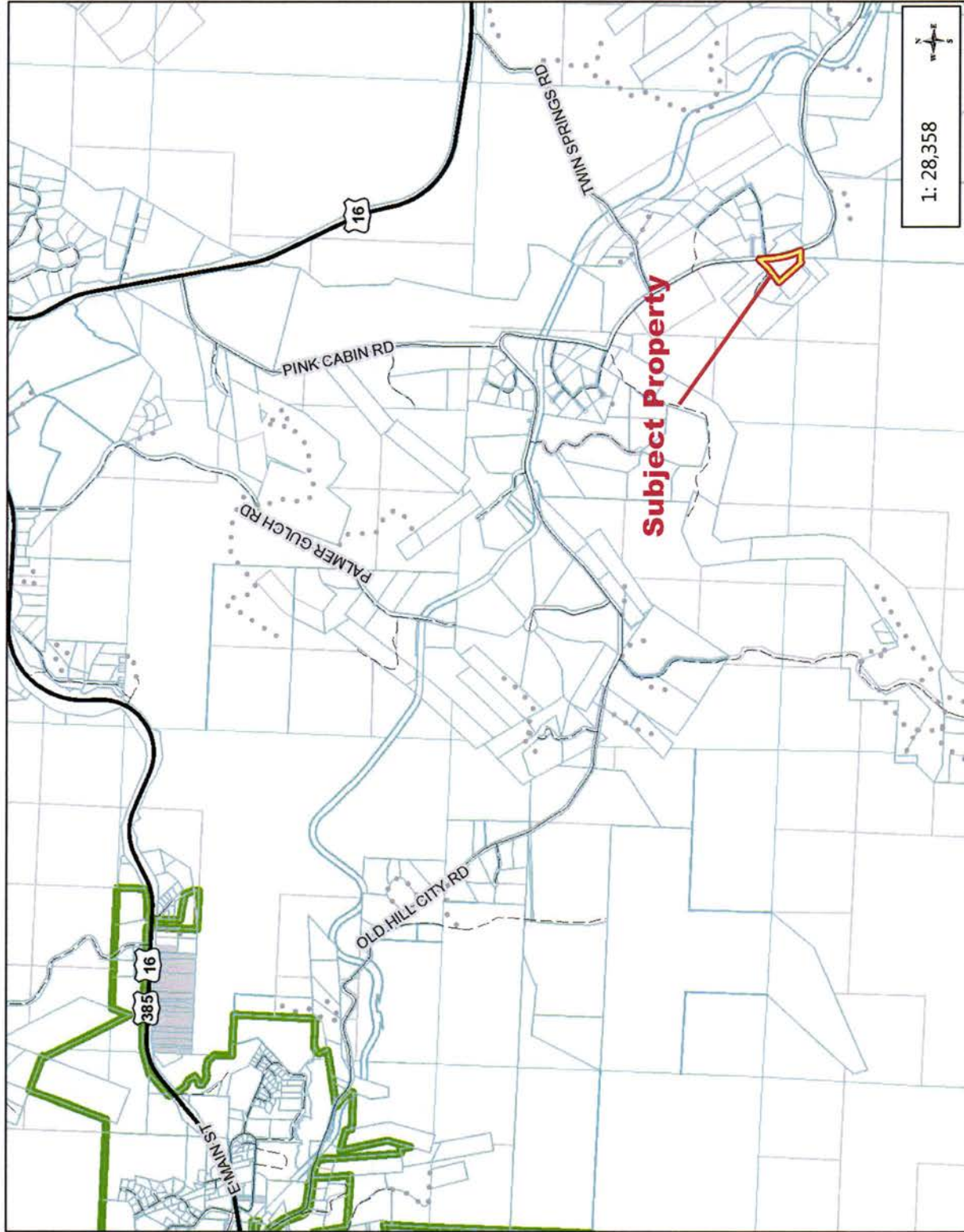
Site Visit, 6.5.19

RECOMMENDATION: Staff recommends approval of the extension of Conditional Use Permit / CU 18-16 with the following fifteen (15) conditions:

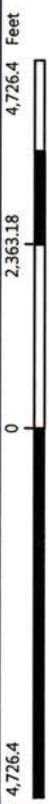
1. That the maximum overnight occupancy, based on SD DENR approval, be limited to six (6) people and the maximum daytime occupancy be limited to twelve (12) people, per Pennington County Zoning Ordinance (PCZO) § 319(F)(13);
2. That if an addition is constructed and/or the on-site wastewater treatment system is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DENR;
3. That all necessary permits are obtained prior to any additions and/or alterations to the structure or upgrades/alterations to the on-site wastewater treatment system;
4. That each review of Conditional Use Permit / CU 18-16, be subject to PCZO § 511(F)(3), which imposes a \$100 fee per review;
5. That the applicant continually maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department upon request;
6. That the applicant 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;

Agenda Item #10
David & Karen Maudlin
June 10, 2019

7. That a minimum of three (3) off-street parking spaces be provided on-site, per PCZO § 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
8. That an interior informational sign be posted in accordance with the requirements of PCZO § 319(G), with 9-1-1 and (605) 394-2151 listed as contacts for Fire Department and Sheriff's Office respectively, during operation of the Vacation Home Rental;
9. That the lot address (12754 Devin Court) be posted on the residence at all times and so it is clearly visible from Devin Court, in accordance with Pennington County's Ordinance #20;
10. That the applicant ensure the Vacation Home Rental is continually operated in accordance with the requirements of PCZO § 319(F) (Performance Standards) at all times;
11. That if the person designated as the Local Contact is ever changed from David Maudlin, the interior informational sign be updated and the applicant re-notify the Planning Director and surrounding landowners within 500 feet via notices sent by First Class Mail;
12. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
13. That an approved Sign Permit be obtained prior to the placement of any sign(s);
14. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; and,
15. That this Conditional Use Permit be reviewed in 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: 28,358



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NAD_1983_StatePlane_South_Dakota_South_FIPS_4002_Feet
© 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

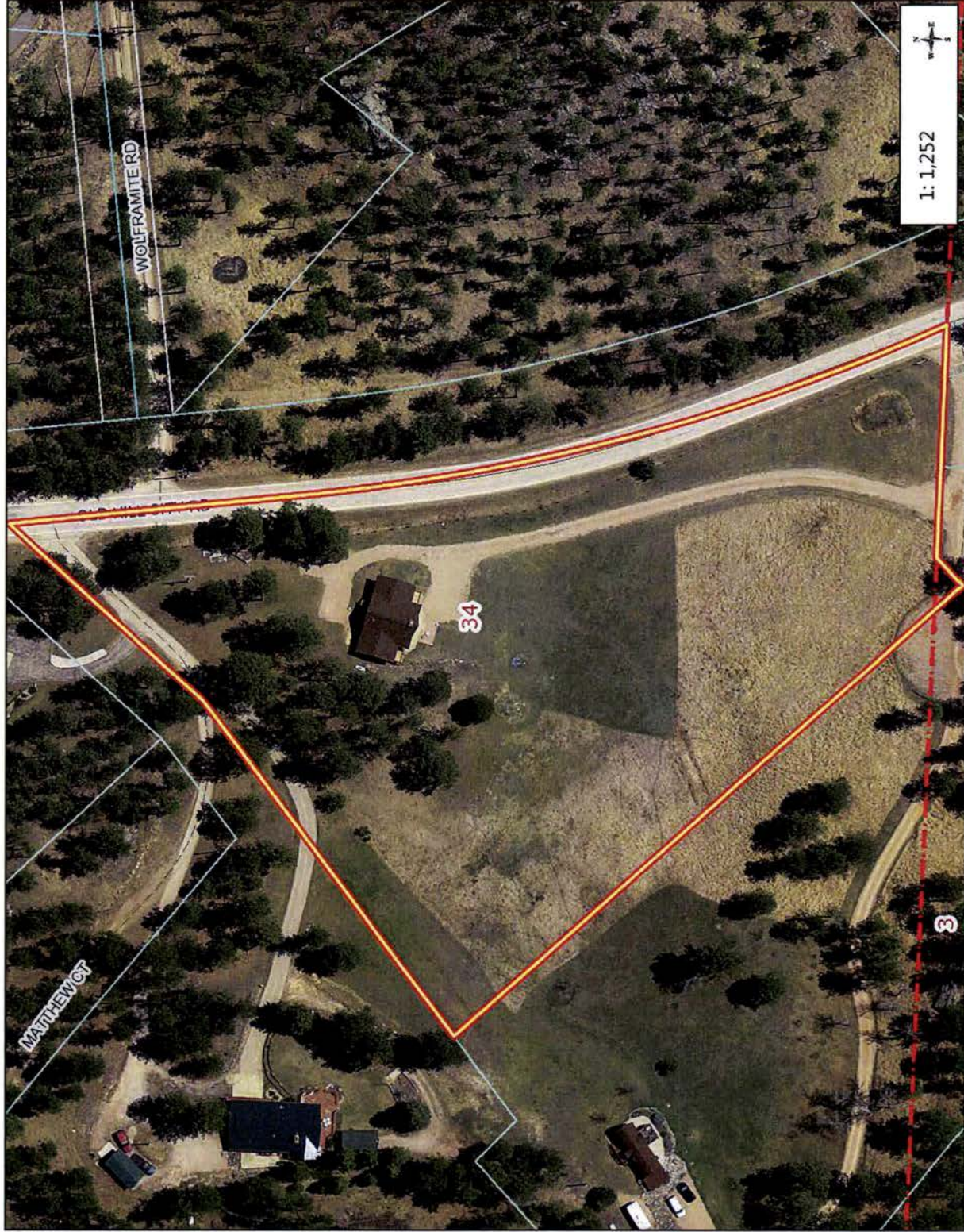
Section Labels 0-25k

Tax Parcels

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

OtherCitieslargerscale

Map Notes:



1: 1,252

Legend

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

Map Notes:

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NAD_1983_StatePlane_South_Dakota_South_FIPS_4002_Feet
© City of Rapid City GIS



1: 1,252



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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
- <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:



**SOUTH DAKOTA
DEPARTMENT OF HEALTH
LODGING LICENSE**



Issued To: DAVID MAUDLIN

Located At: LODGE AT ELK RIDGE
12754 DEVIN CT
HILL CITY, SD 57745

License Type
Vacation Home License

License Number
20435

Number of Units
1

Swimming Pool
0

Spa or Hot Tub
0

PROVISION: Only main level is
approved for licensing by DOH

Expires
12/31/2019

Kim Malsam-Rydon

Secretary of Health

License is Not Transferable - Post in the Establishment

STAFF REPORT

GENERAL INFORMATION:

REQUEST: **CONDITIONAL USE PERMIT REVIEW / CU 18-17:** To review a temporary labor camp on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

APPLICANT: James and Laura Rogers

APPLICANT ADDRESS: P.O. Box 393, Deadwood, SD 57732

LEGAL DESCRIPTION: Lot 10, Moon Ranch Subdivision, Section 33, T1S, R1E, BHM, Pennington County, South Dakota.

SITE LOCATION: 10275 Cash Lane; approximately (.5) mile east of the intersection of Cash Lane and Boles Canyon Road, at the end of Cash Lane.

SIZE: 40.3 acres

TAX ID: 48991

EXISTING LAND USE: Cabins

ZONING REFERENCE: § 205 and 510

CURRENT ZONING: General Agriculture District

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

PHYSICAL CHARACTERISTICS: Open Meadow / Partial Forest

UTILITIES: Private

REPORT BY: Cassie Bolstad

I. PROPOSED RECOMMENDATION

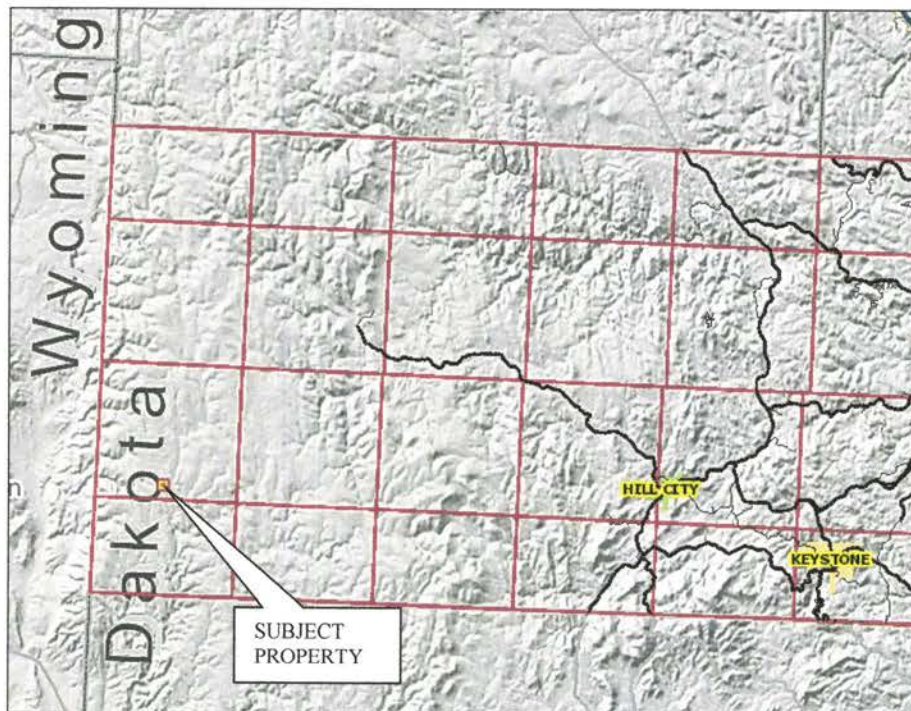
- A. Staff will be recommending approval of the extension of Conditional Use Permit / CU 18-17 with eight (8) conditions.

II. GENERAL DESCRIPTION

- A. The applicant, James Rogers, requested a Conditional Use Permit to allow three (3) existing cabins to be utilized as a Labor Camp on a seasonal basis, not to exceed 180 days per calendar year, on the subject property.

III. EXISTING CONDITIONS

- A. Zoned General Agriculture District.
- B. 40.3 acres.
- C. Access from Cash Lane.
- D. Three (3) cabins
 - 1. COBP18-0454.
 - 2. COBP18-0455.
 - 3. COBP18-0456.
- E. Outhouse with storage tank.
 - 1. COSD18-0043.
 - 2. Operating Permit – COOP19-0168.
- F. Storage sheds.
- G. No Special Flood Hazard Area on the subject property.
- H. National Forest Service borders the eastern property line.
- I. Existing cabins are used for seasonal laborers when working cattle on the subject property.



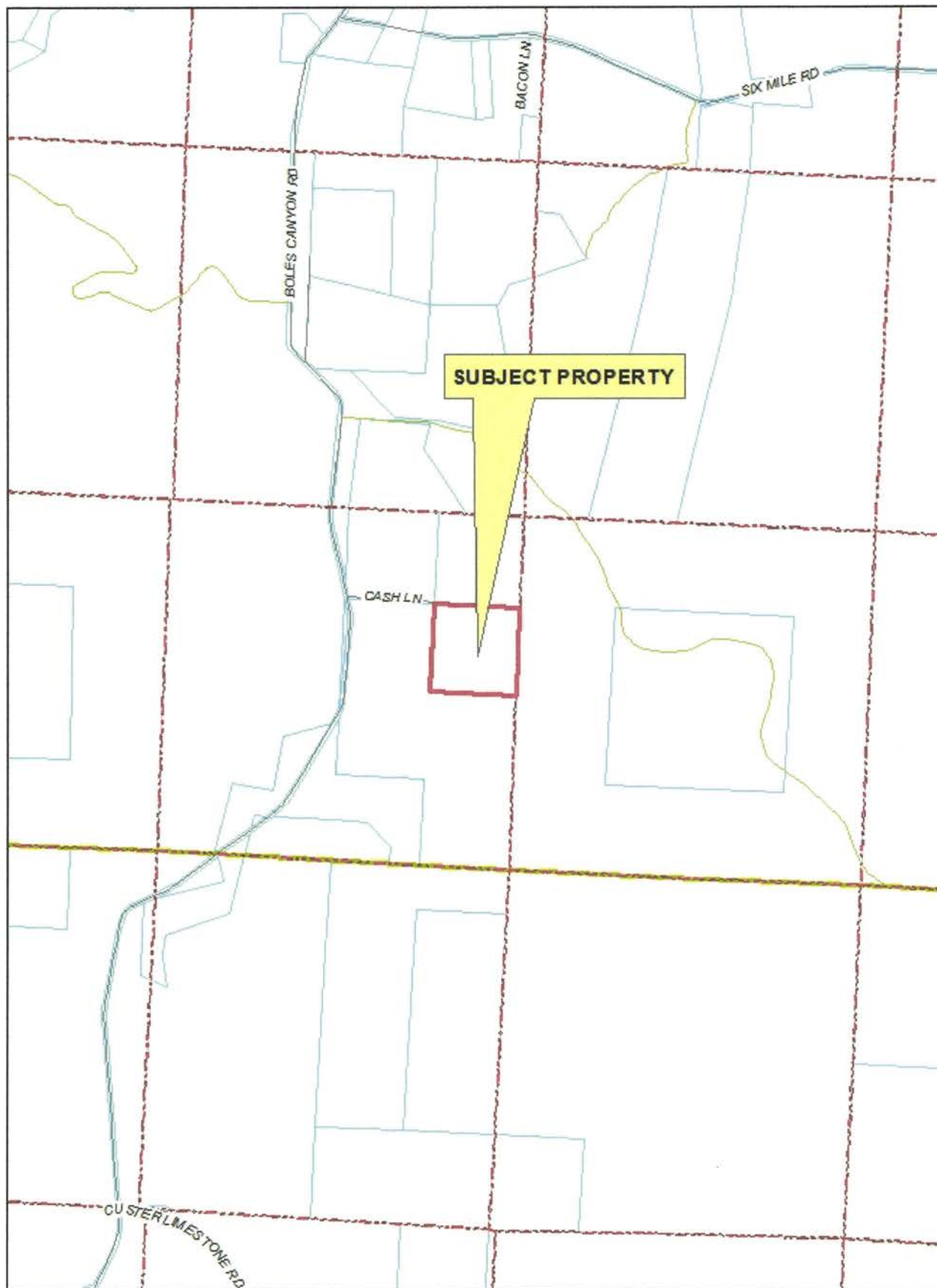
IV. ANALYSIS

- A. The Pennington County Zoning Ordinance (PCZO) does not have a definition for Labor Camp. Staff turned to the American Planning Association, "A Planners Dictionary" adopted via report # 521-522, where Labor Camp is defined as, "A camp established in agricultural areas for transient labor."
- B. PCZO § 204(D) – Temporary Uses states, "Within each district there may be certain seasonal or transient uses which are nonpermanent in nature and which do not alter the intent of the district. Temporary use permits for any district shall require a Conditional Use Permit as regulated in Section 510."
- C. PCZO § 205(C)(20) lists a "seasonal cabin/dwelling" as a Conditional Use in a General Agriculture District.
- D. June 11, 2018 – Planning Commission approved Conditional Use Permit / CU 18-17 with the following ten (10) conditions:
 - 1. That prior to September 2018, the applicant apply for the necessary Building Permits to bring the subject property into compliance;
 - 2. That the addition of any future structures will require a review and possible Amendment of CU 18-17, prior to any new structures being placed on the subject property;
 - 3. That the new addresses assigned to the property upon Building Permit submittal, be properly posted in accordance with Pennington County's Ordinance #20 and road signs posted as required;
 - 4. That the seasonal Labor Camp may not be occupied more than 180 days per calendar year;
 - 5. That the applicant submit all pump receipts (current and future) to the County Environmental Planner within two (2) weeks of the holding tank being pumped;
 - 6. 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;
 - 7. That the minimum setbacks requirements for a General Agriculture District be continually maintained on the subject property, or an approved Setback Variance be obtained;
 - 8. That the cabins be used for personal use only. No commercial activity or renting shall be permitted;
 - 9. That the applicant signs a Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 18-17, which is available at the Planning Office; and,
 - 10. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.
- E. Staff recommends to remove Conditions #1 and #9, as they have been met.
- F. As of this Staff Report writing, Staff has not received any complaints regarding the subject property or Conditional Use.

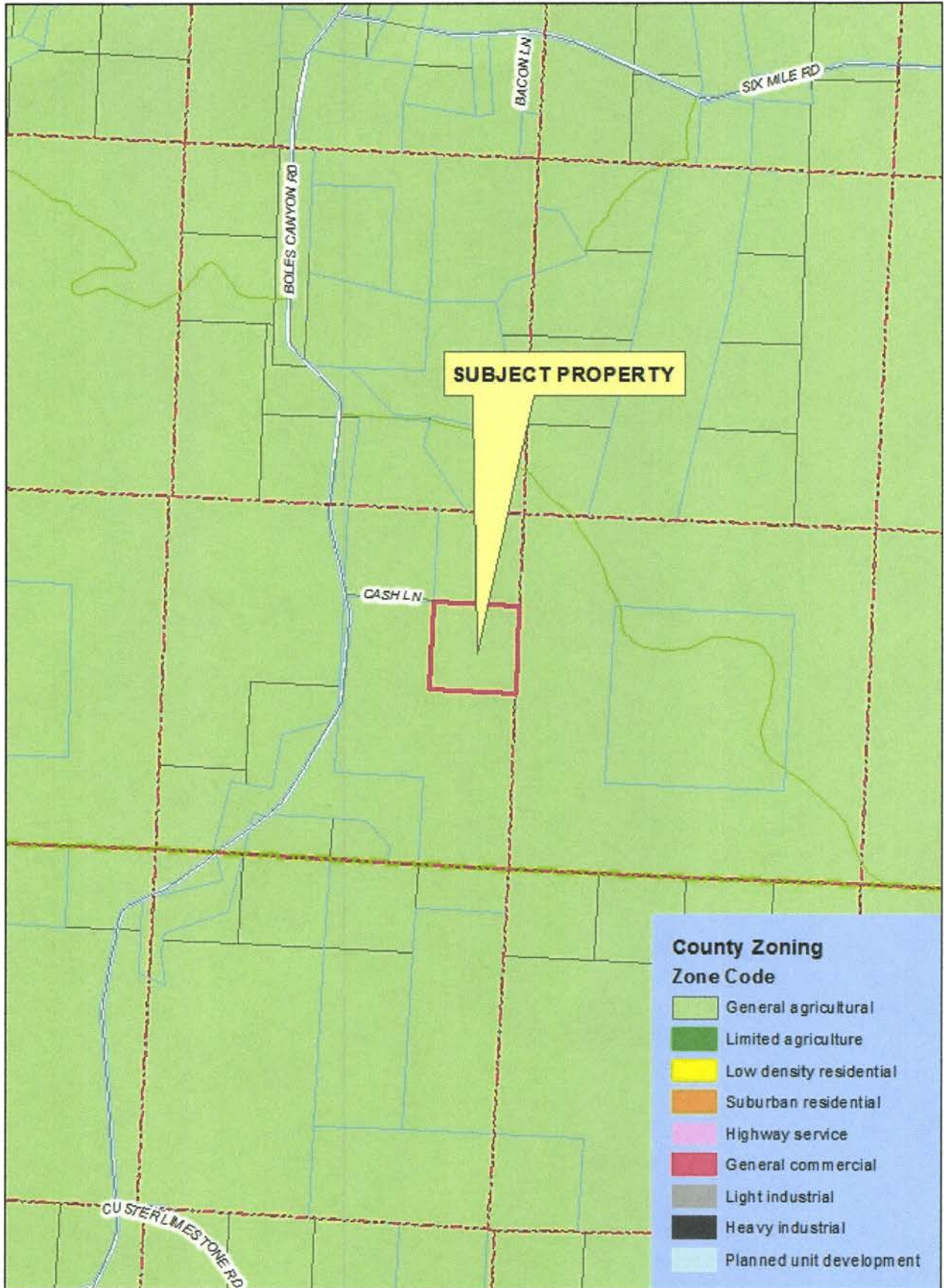
RECOMMENDATION: Staff recommends approval of the extension of Conditional Use Permit / CU 18-17 with the following eight (8) conditions:

1. That the addition of any future structures will require a review and possible Amendment of CU 18-17, prior to any new structures being placed on the subject property;
2. That the addresses assigned to the property be properly posted in accordance with Pennington County's Ordinance #20 and road signs posted as required;
3. That the seasonal Labor Camp may not be occupied more than 180 days per calendar year;
4. That the applicant submit all future pump receipts to the County Environmental Planner within two (2) weeks of the holding tank being pumped;
5. 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;
6. That the minimum setbacks requirements for a General Agriculture District be continually maintained on the subject property, or an approved Setback Variance be obtained;
7. That the cabins be used for personal use only. No commercial activity or renting shall be permitted; and,
8. That this Conditional Use Permit be reviewed in three (3) years, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

ROGERS



ROGERS



NORTH

0 0.325 0.65 1.3 1.95 2.6 Miles

ROGERS

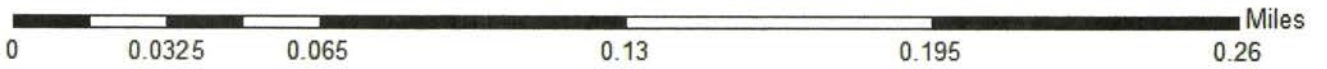


SUBJECT PROPERTY

CASH LN



NORTH





STAFF REPORT

GENERAL INFORMATION:

REQUEST: **CONDITIONAL USE PERMIT REVIEW / CU 18-26**: To review a Recreational Vehicle to be used for no more than 180 calendar days on the subject property and to also allow the Recreational Vehicle to be used as temporary living quarters while building a single-family residence on the subject property in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

APPLICANT: Kelly and Brenda Hansen

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

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

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

SIZE: 1.12 acres

TAX ID: 7501

EXISTING LAND USE: Vacant

ZONING REFERENCE: § 206 and 510

CURRENT ZONING: Limited Agriculture District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Forested / Hills

UTILITIES: Private

REPORT BY: Cody Sack

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending approval of the extension of Conditional Use Permit / CU 18-26 with thirteen (13) conditions.

II. GENERAL DESCRIPTION

- A. August 13, 2018 – The Planning Commission approved CU 18-26 with the following thirteen (13) conditions:
1. That there be no more than one (1) Recreational Vehicle allowed to be utilized as living quarters on the subject property (Lot 3, Block 3 of Pactola Estates) at any time;
 2. That the applicant obtain an approved On-Site Wastewater Treatment System Construction Permit for the proposed on-site wastewater treatment system within six (6) months of approval of Conditional Use Permit / CU 18-26 and prior to placement of the RV on the subject property;
 3. That the applicant work with South Dakota Wildland Fire to develop a fire mitigation plan and a copy of the plan be provided to the Planning Department;
 4. That a Building Permit application for the proposed single-family residence on Lot 3, Block 3 be submitted within three (3) years of approval of Conditional Use Permit / CU 18-26;
 5. That the address assigned for the property be clearly posted on the Recreational Vehicle (RV) while it is being utilized as living quarters, in accordance with Pennington County's Ordinance #20;
 6. That prior to use, the RV being used as living quarters be hooked into an approved On-Site Wastewater Treatment System until the single-family residence is habitable;
 7. That the minimum setback requirements of a Limited Agriculture District be continually maintained on the subject property, or an approved Setback Variance be obtained;
 8. That the subject property remains free of debris and junk vehicles, in accordance with Ordinance #106;
 9. That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
 10. That upon completion of the single-family residence on Lot 3, Block 3, the RV will be disconnected from all utilities and may no longer be utilized as living quarters on the subject property;
 11. That the applicant notify the Planning Department when the new residence is habitable, so that this Conditional Use Permit may be ended;
 12. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 18-26, which is available at the Planning Office; and,

13. That this Conditional Use Permit be reviewed in six (6) months, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.
- B. February 25, 2019 – The Planning Commission approved the extension of CU 18-26 with the following fourteen (14) conditions:
1. living quarters on the subject property (Lot 3, Block 3 of Pactola Estates) at any time;
 2. That an approved On-Site Wastewater Treatment System be installed and have a final inspection by June 3, 2019;
 3. That prior to use, the RV being used as living quarters be hooked into an approved On-Site Wastewater Treatment System until the single-family residence is habitable;
 4. That the applicant continue to work with South Dakota Wildland Fire to develop a Fire Mitigation Plan and a copy of the plan be provided to the Planning Department;
 5. That a Building Permit application for the proposed single-family residence be approved prior to September 2021, or CU 18-26 shall automatically end;
 6. That the address assigned for the property be clearly posted on the Recreational Vehicle (RV) while it is being utilized as living quarters, in accordance with Pennington County's Ordinance #20;
 7. That the RV be used as living quarters for no more than 180 days in a calendar year;
 8. That the minimum setback requirements of a Limited Agriculture District be continually maintained on the subject property, or an approved Setback Variance be obtained;
 9. That the subject property remains free of debris and junk vehicles, in accordance with Ordinance #106;
 10. That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
 11. That upon expiration of a of a Building Permit for the proposed single-family residence, the RV will be disconnected from all utilities and no longer be utilized as living quarters on the subject property;
 12. That the applicant notify the Planning Department if the new residence is habitable prior to the expiration of the Building Permit, so that this Conditional Use Permit may be end;
 13. That more than one continuation caused by the applicant's failure to meet Conditions of Approval will be fined \$100.00 per continuation in accordance with § 511(X) of the Pennington County Zoning Ordinance; and,

14. That this Conditional Use Permit be reviewed at the June 10, 2019, Planning Commission meeting, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

III. EXISTING CONDITIONS

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

IV. ANALYSIS

- A. The applicants plan on constructing a single-family residence on the subject property and are proposing seasonal use of the RV; then on a temporary basis during the construction of the SFR.
- B. The applicants anticipate the seasonal use and completion of a new SFR to take three (3) to five (5) years.
- C. The applicants have applied for a Septic Permit (COSD18-0070).
 1. The Permit has been approved and the system has been installed.
 - a. *Staff note: Staff will remove Condition #2 as the condition has been met.*

Agenda Item #12
Kelly Hansen
June 10, 2019

- D. If the applicant does not have an approved Building Permit by September 01, 2021, CU 18-26 will automatically end.

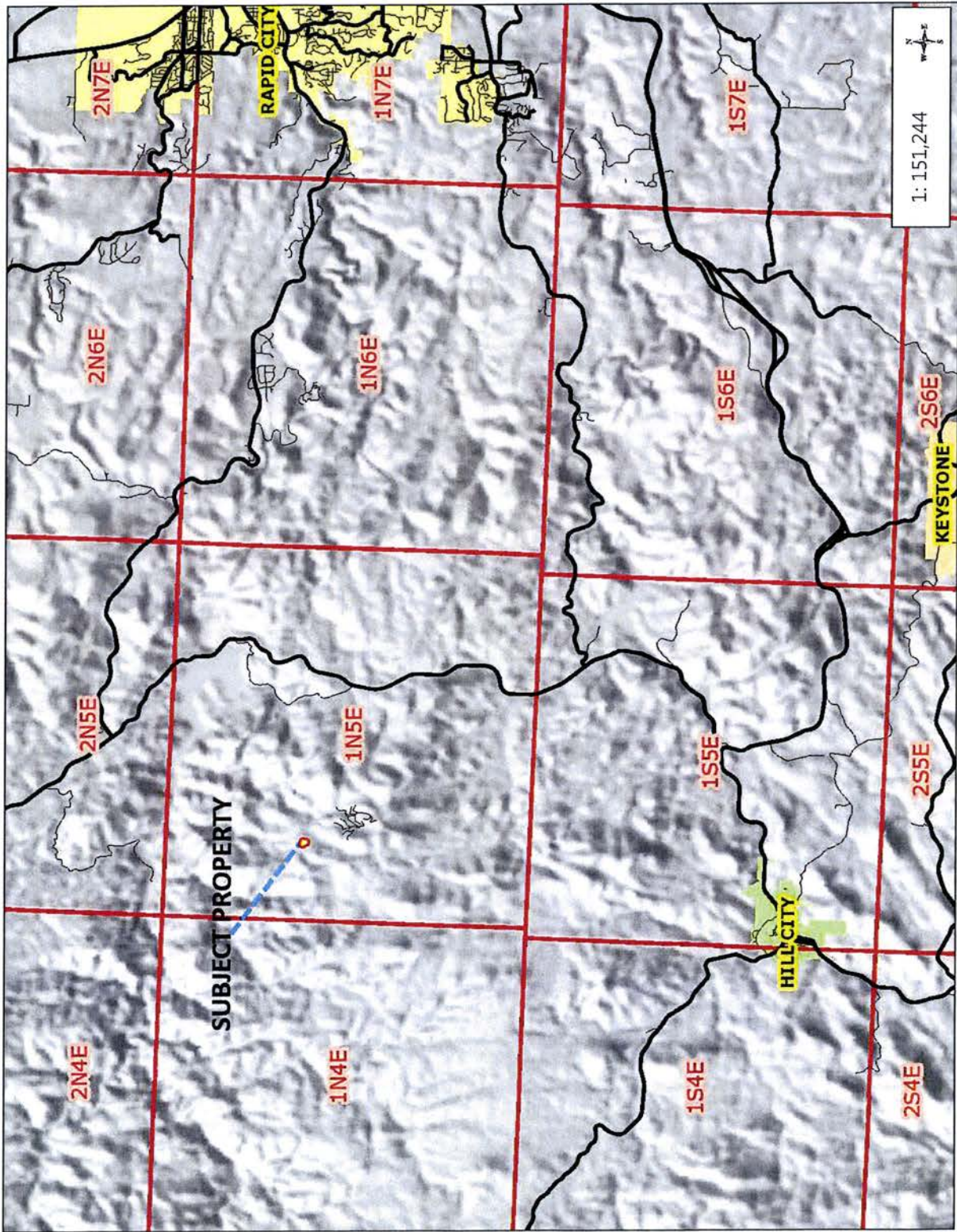
RECOMMENDATION: Staff recommends approval of the extension Conditional Use Permit / CU 18-26 with the following thirteen (13) conditions:

1. That there be no more than one (1) Recreational Vehicle allowed to be utilized as living quarters on the subject property (Lot 3, Block 3 of Pactola Estates) at any time;
2. That prior to use, the RV being used as living quarters be hooked into an approved On-Site Wastewater Treatment System until the single-family residence is habitable;
3. That the applicant continue to work with South Dakota Wildland Fire to develop a Fire Mitigation Plan and a copy of the plan be provided to the Planning Department;
4. That a Building Permit application for the proposed single-family residence be approved prior to September 01, 2021, or CU 18-26 shall automatically end;
5. That the address assigned for the property be clearly posted on the Recreational Vehicle (RV) while it is being utilized as living quarters, in accordance with Pennington County's Ordinance #20;
6. That the RV be used as living quarters for no more than 180 days in a calendar year;
7. That the minimum setback requirements of a Limited Agriculture District be continually maintained on the subject property, or an approved Setback Variance be obtained;
8. That the subject property remains free of debris and junk vehicles, in accordance with Ordinance #106;
9. That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
10. That upon expiration of a of a Building Permit for the proposed single-family residence, the RV will be disconnected from all utilities and no longer be utilized as living quarters on the subject property;
11. That the applicant notify the Planning Department if the new residence is habitable prior to the expiration of the Building Permit, so that this Conditional Use Permit may be ended;

Agenda Item #12
Kelly Hansen
June 10, 2019

12. That more than one continuation caused by the applicant's failure to meet Conditions of Approval will incur a \$100.00 fine per continuation in accordance with § 511(X) of the Pennington County Zoning Ordinance; and,
13. That this Conditional Use Permit be reviewed in two (2) years, Planning Commission meeting, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

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



1: 151,244



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

25,207.3
 NAD_1983_2011_StatePlane_South_Dakota_South_FIPS_4002_Ft_US
 © City of Rapid City GIS

Map Notes:



1: 851

141.8 Feet

70.90

0

141.8

NAD_1983_2011_StatePlane_South_Dakota_South_FIPS_4002_Ft_US
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Legend

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

Map Notes:

STAFF REPORT

GENERAL INFORMATION

REQUEST: **CONSTRUCTION PERMIT REVIEW/ CP 17-14:** To review the construction of a road constructed outside of the Section Line Right-of-Way and to satisfy a Condition of Approval for CS16-02.

APPLICANT: Cody Schad

APPLICANT ADDRESS: 2801 Skyline Drive, Rapid City, SD 57702

LANDOWNER: Troy and Collette Nesbit
LANDOWNER ADDRESS: 23652 Wilderness Canyon Road
Rapid City, SD 57702

LANDOWNER: Karie and Daniel Holloway
LANDOWNER ADDRESS: 512 Meade Street
Rapid City, SD 57701

LEGAL DESCRIPTION: E1/2SW1/4NW1/4 LESS ROW; W1/2SW1/4 NW1/4 and Lot 28, Copper Oaks #1, all located in Section 8, T1S, R7E, BHM, Pennington County, South Dakota.

SITE LOCATION: Located off of Wilderness Canyon Road and Reflection Ridge Road.

SIZE: 42.83 acres

TAX ID: 58201 / 67709

EXISTING LAND USE: Residential

ZONING REFERENCE: Section 507

CURRENT ZONING: General Agriculture District
Low Density Residential District

SURROUNDING ZONING:

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

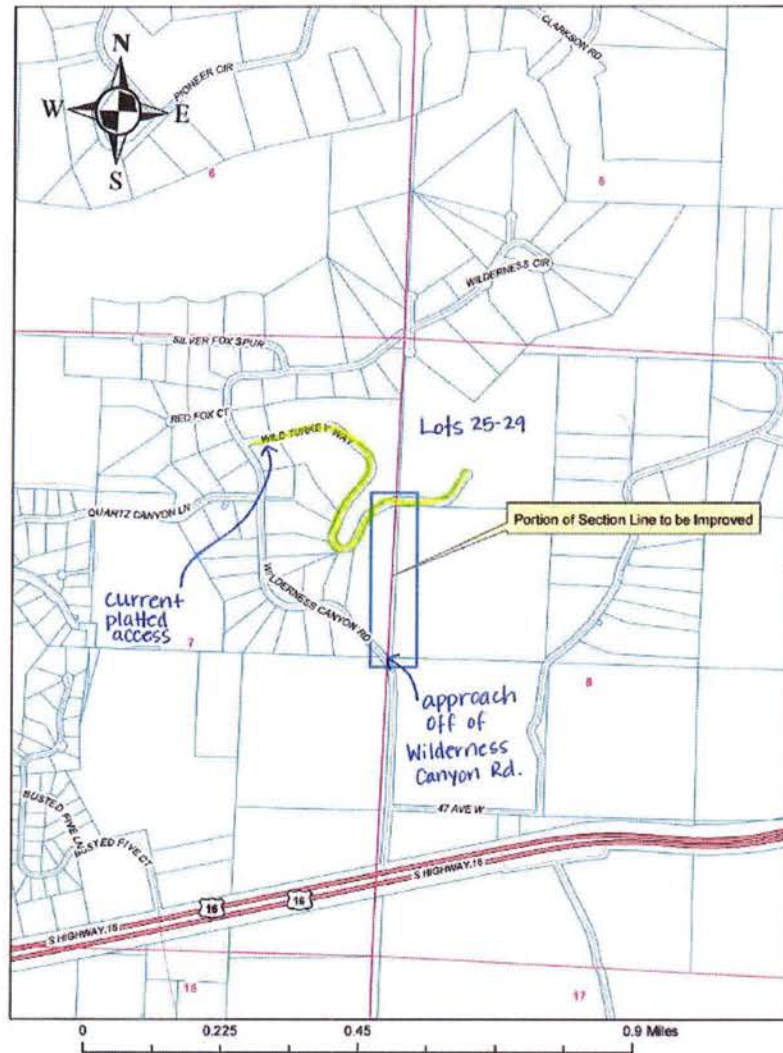
PHYSICAL CHARACTERISTICS: Forested / Hills

UTILITIES: None

REPORT BY: Cody Sack

I. GENERAL DESCRIPTION

- A. The applicant originally requested to construct a 16-foot-wide road within the Section Line Right-of-Way between Sections 7 and 8 for 1,250 feet in T1S, R7E, BHM, Pennington County, South Dakota, to provide access to Lots 25-29; Tract B of Copper Oaks #1 Subdivision.
1. Access is off of Wilderness Canyon Road.
 2. Road proposed would not meet Ordinance #14 Standards.
 3. There is an alternate access through Wild Turkey Way.
- B. A majority of the road was constructed within a private access easement outside of the Section Line Right-of-Way.
1. Because a majority of the road was constructed outside of the Section Line Right-of-Way, this Construction Permit was required.
 2. On November 21, 2017, the Board of Commissioners approved the review of Road Construction in a Section Line Right-of-Way / CS 16-02 with the following condition added:
 - a. That a Construction Permit be applied for within seven (7) days of the approval of the extension of CS 16-02 for the disturbance outside the Section Line Right-of-Way (and any future disturbance in Wild Turkey Way) and the applicant obtain approval of the Construction Permit within 60 days of approval of the extension of CS 16-02.
 - b. The applicant applied for this Construction Permit on November 21, 2017 to meet the condition of CS 16-02.



Site Plan of Original Request

II. HISTORY

- A. On October 4, 2016, the Board of Commissioners approved a request to waive the following Ordinance #14 Standards for Road Construction in a Section Line Right-of-Way / CS 16-02:
1. To have the road surface be gravel in lieu of asphalt.
 2. To have slopes greater than 4:1.
 3. To have the grade of the road exceed 12 percent, but not more than 17 percent for no more than 425 feet.
 4. To submit engineered road construction plans.
 5. To construct the road at a width of 16-feet in lieu of 24-feet.
- B. On October 18, 2016, the Board of Commissioners approved Road Construction in a Section Line Right-of-Way / CS 16-02 with the following eleven (11) conditions:

1. That the roadway located within the Section Line Right-of-Way be improved to meet all requirements of Ordinance 14 (which includes submittal of engineered road construction plans) or a request to waive these requirements be approved by the Board of Commissioners;
 2. That the road be named and the street sign posted in accordance with Ordinance 20 prior to the issuance of Building Permits for residences or structures taking access off of the Section Line Road or within 90 days of approval of CS 16-02, whichever is sooner;
 3. That if the amount of disturbed area exceeds one acre, a Department of Environment and Natural Resource's Storm Water Construction Permit is obtained;
 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 dust control measures be implemented to prevent dust from leaving the site and impacting the adjacent properties;
 6. That the applicant pays for any regulatory, warning, and information road signs as determined by the County Highway Department;
 7. That any disturbed areas shall be stabilized and re-vegetated as required in Section 507-A of the Pennington County Zoning Ordinance;
 8. That a survey from a South Dakota Registered Land Surveyor be performed to determine the location of the Section Line Right-of-Way;
 9. That a deed restriction be placed on Lots 26-29 of Copper Oaks #1 to allow a maximum of two Building Permits for lots that take access off of the improved Section Line Road within 90 days of approval of CS 16-02;
 10. That any monuments establishing property boundaries be replaced as necessary, if disturbed by construction of the road; and,
 11. That the applicant sign a Statement of Understanding within ten business (10) days of approval of CS 16-02.
- C. On November 21, 2017, the Board of Commissioners approved the extension of Road Construction in a Section Line Right-of-Way Review / CS 16-02 with the following thirteen (13) conditions:
1. That the roadway located within the Section Line Right-of-Way be improved to meet all requirements of Ordinance 14 (which includes submittal of engineered road construction plans) or a request to waive these requirements be approved by the Board of Commissioners;
 2. That the newly constructed road be named and the street signs posted (for the new road and Wild Turkey Way) in accordance

with Ordinance #20 and County Highway Standards, prior to the issuance of any Building Permits for residences or structures taking access off of the newly constructed road;

3. That a portion of Wild Turkey Way connecting to the newly constructed road and the platted cul-de-sac and the platted cul-de-sac is constructed prior to the issuance of a Building Permit on Lots 26, 27, 29 and Tract B of Copper Oaks #1;
 4. That the cost of the street signs are the responsibility of the applicant and/or landowners and that Pennington County will not incur any costs associated with the posting and manufacture, to County Highway standards, of the street signs for Wild Turkey Way or the newly constructed road;
 5. That a Department of Environment and Natural Resource's Storm Water Construction Permit is obtained within 30 days of the approval of the extension of CS 16-02;
 6. That a Construction Permit be applied for within seven (7) days of the approval of the extension of CS 16-02 for the disturbance outside the Section Line Right-of-Way (and any future disturbance in Wild Turkey Way) and the applicant obtain approval of the Construction Permit within 60 days of approval of the extension of CS 16-02;
 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 dust control measures be implemented to prevent dust from leaving the site and impacting the adjacent properties;
 9. That the applicant pays for any regulatory, warning, and information road signs as determined by the County Highway Department;
 10. That any disturbed areas shall be stabilized and re-vegetated as required in Section 507-A of the Pennington County Zoning Ordinance;
 11. That a survey from a South Dakota Registered Land Surveyor be performed to determine the location of the newly constructed road;
 12. That any monuments establishing property boundaries be replaced as necessary, if disturbed by construction of the road; and,
 13. That this Road Construction in a Section Line Right-of-Way / CS 16-02 be reviewed at the December 5, 2017, Board of Commissioners meeting, on a complaint basis, or as directed by the Board of Commissioners to verify that all Conditions of Approval are being met.
- D. On December 8, 2017 the Board of Commissioners approved the review of Road Construction in a Section Line Right-of-Way / CS 16-02 with the following eleven (11) conditions:

1. That the roadway located within the Section Line Right-of-Way be improved to meet all requirements of Ordinance 14 (which includes submittal of engineered road construction plans) or a request to waive these requirements be approved by the Board of Commissioners;
 2. That street signs are posted (for the new road and Wild Turkey Way) in accordance with Ordinance #20 and County Highway Standards, prior to the issuance of any Building Permits for residences or structures taking access off of the newly constructed road;
 3. That a portion of Wild Turkey Way connecting to the newly constructed road and the platted cul-de-sac and the platted cul-de-sac is constructed prior to the issuance of a Building Permit on Lots 26, 27, 29 and Tract B of Copper Oaks #1;
 4. That the cost of the street signs are the responsibility of the applicant and/or landowners and that Pennington County will not incur any costs associated with the posting and manufacture, to County Highway standards, of the street signs for Wild Turkey Way or the newly constructed road;
 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 dust control measures be implemented to prevent dust from leaving the site and impacting the adjacent properties;
 7. That the applicant pays for any regulatory, warning, and information road signs as determined by the County Highway Department;
 8. That any disturbed areas shall be stabilized and re-vegetated as required in Section 507-A of the Pennington County Zoning Ordinance;
 9. That a survey from a South Dakota Registered Land Surveyor be performed to determine the location of the newly constructed road;
 10. That any monuments establishing property boundaries be replaced as necessary, if disturbed by construction of the road; and,
 11. That this Road Construction in a Section Line Right-of-Way / CS 16-02 be reviewed at the March 20, 2018, Board of Commissioners meeting, on a complaint basis, or as directed by the Board of Commissioners to verify that all Conditions of Approval are being met.
- E. December 03, 2018 – The Planning Commission approved the extension of Construction Permit / CP 17-14 with the following six (6) conditions:
1. That the Conditions of the Approval of the South Dakota Department of Environment and Natural Resources General Permits for Storm Water Discharges Associated with Construction Activities be continually met;
 2. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;
 3. That erosion control measures, such as seeding and mulching the disturbed area, be implemented immediately after the work is

- completed in the area, but in no case later than 14 days after Construction Activity has stopped. All erosion control methods (e.g. 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 as required in Section 507-A(5)(c); and,
 6. That this Construction Permit expires six (6) months 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.
- D. June 4, 2019 – The Board of Commissioners approved to end the review Construction in a Section Line Right-of-Way / CS 16-02.

II. EXISTING CONDITIONS

- A. Lots 25-29; Tract B of Copper Oaks #1.
 1. Zoned Low Density Residential District.
 - a. Lot 26 – 3.48 acres.
 - b. Lot 27 – 1.85 acres.
 - c. Lot 28 – 2.88 acres.
 - i. Building Permit – COBP17-0631.
 - ii. Onsite Wastewater Treatment System Construction Permit – COSD17-0128.
 - d. Lot 29 – 9.47 acres.
 - e. Tract B – 10.10 acres.
- B. E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ LESS ROW; W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$.
 1. Zoned General Agriculture District.
 2. 39.95 acres.
- C. UNPLATTED BALANCE OF N $\frac{1}{2}$ NE $\frac{1}{4}$ LESS ROW; UNPLATTED BALANCE OF SE $\frac{1}{4}$ NE $\frac{1}{4}$ LESS ROW.
 1. Zoned Suburban Residential District.
 2. 29.81 acres.
- D. The Section Line Right-of-Way between Sections 7 and 8 is still mainly unimproved.

III. ANALYSIS

- A. November 28, 2018 - Staff performed a site visit and noted the applicant still has piles of wood to burn and reclamation still needed to take place when the weather allows. Final stabilization has not been reached.
- B. May 29, 2019 – Staff performed a site visit and found:
 1. The work has been completed.
 2. It appears to staff that final stabilization has taken place.

Agenda Item #13
Cody Schad
June 10, 2019

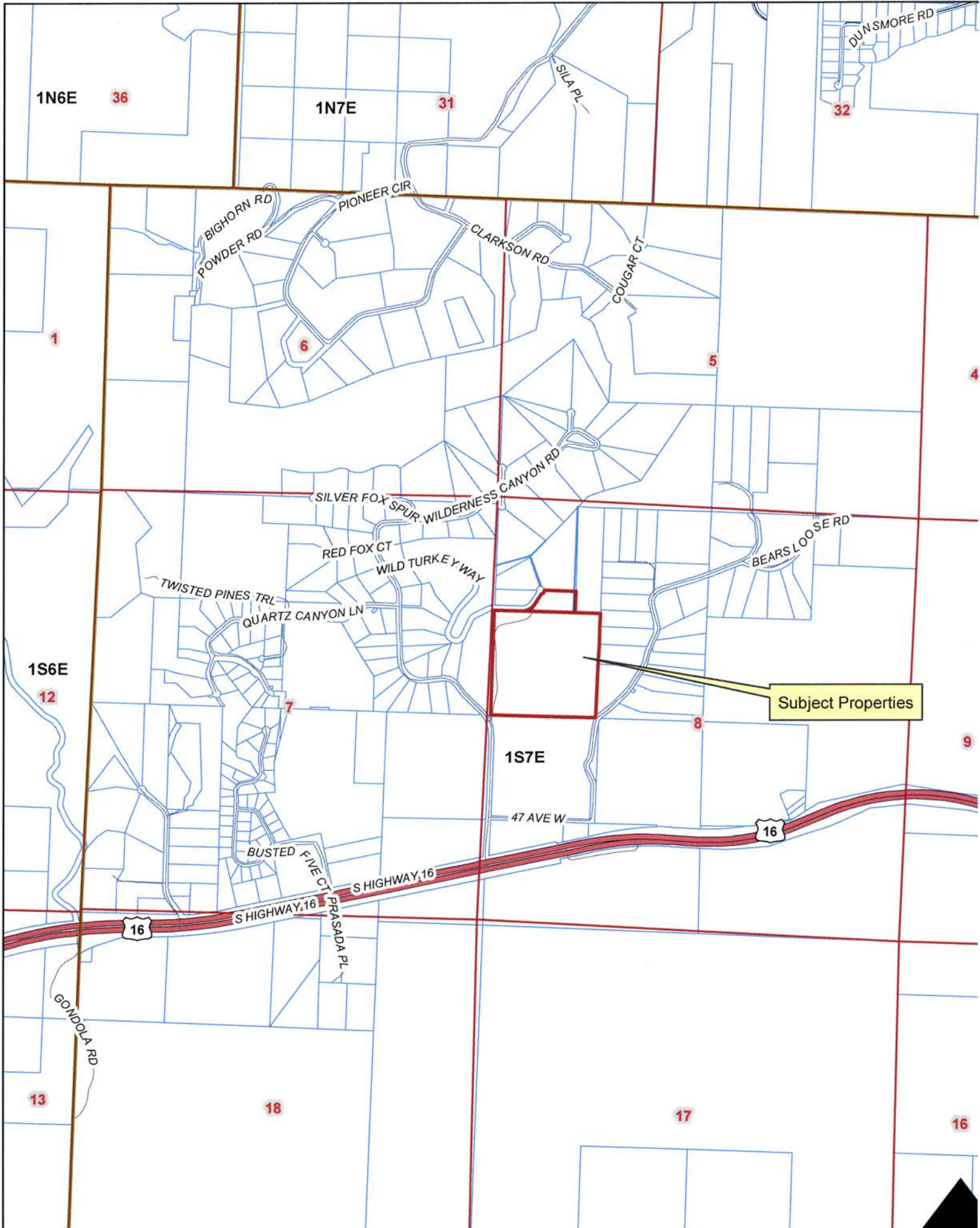


Site Visit (5/29/19)

****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 17-14.****

RECOMMENDATION: Staff recommends the Planning Director end Construction Permit / CP 17-14.

Schad





1: 3,781



630.2 0 315.09 630.2 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
- SD highway
- County highway
- Main road
- Minor arterial
- Collector
- Ramp
- Paved road
- Unpaved road
- Trail
- Driveway
- Alley
- Unimproved road
- Airport Runway
- Not yet coded

Address Points

Section Lines 0-25k

- 0
- 7

Tax Parcels

Lot Lines

- <Null>
- Lot Line
- Parcel Line

Map Notes:

STAFF REPORT

GENERAL INFORMATION:

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

APPLICANT: Site Work Specialists, Inc

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

LANDOWNER: Pine Cliff Water System

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

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

SIZE: 1 acre

TAX ID: Various

EXISTING LAND USE: Residential / Vacant

ZONING REFERENCE: Section 507

CURRENT ZONING: Suburban Residential District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Forested / Hills

UTILITIES: Private / Public

REPORT BY: Cody Sack

I. GENERAL DESCRIPTION

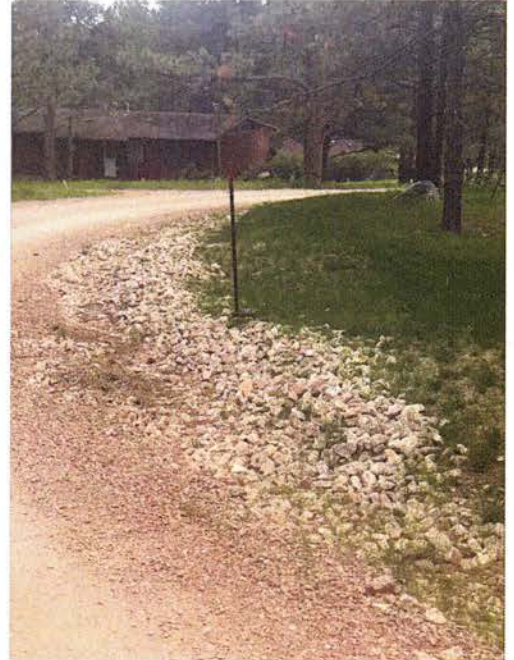
- A. The applicant requested a Construction Permit to construct a new water main, install water service lines, fittings, valves, valve boxes, fire hydrants and other appurtenances which includes surface restoration and other incidental work.
 - 1. The project is located on Highway 44 going north toward Timber Lane, then to Pine Cliff Drive and then along Wildflower Drive.
- B. March 26, 2018 – The Planning Commission originally approved CP 18-03 with the following ten (10) conditions:
 - 1. That a South Dakota Department of Environment and Natural Resources General Permits for Storm Water Discharges Associated with Construction Activities be obtained and the Conditions of the Approval of the South Dakota Department of Environment and Natural Resources General Permits for Storm Water Discharges Associated with Construction Activities be continually met;
 - 2. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;
 - 3. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than 14 days after the Construction Activity has stopped. All erosion control methods (mulch and seed) need to be certified noxious weed-free;
 - 4. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;
 - 5. That any waste material be removed by the end of the work day and is not to remain in the right of way;
 - 6. That access to homes be maintained at all times for emergency vehicles;
 - 7. That the disturbed areas be re-vegetated as required in Section 507-A(5)(c);
 - 8. That the applicant sign a Statement of Understanding within ten (10) business days of Permit approval;
 - 9. The work on private property is done within the recorded easements; and,
 - 10. That this Construction Permit expires one (1) year from approval date, and may be reviewed on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all conditions of approval are being met.

II. EXISTING CONDITIONS

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

III. ANALYSIS

- A. March 18, 2019 - Staff contacted the applicant who stated:
 - 1. Work was completed September of 2018.
- B. June 3, 2019 – Staff performed a site visit and found:
 - 1. The work was completed.
 - 2. The site was stabilized with gravel and some revegetation.



Site Visit (6/3/19)

****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 18-03.****

RECOMMENDATION: Staff recommends the Planning Director end Construction Permit / CP 18-03.



Project Location





Pennington County Planning Department

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

MEMO

TO: Planning Commission
FROM: Cody Sack, Environmental Planner I
DATE: June 10, 2019
RE: Proposed Road Naming – Lippert Ranch Road

15

Proposed road naming for a 24-foot-wide road to be dedicated as a Right-of-Way would begin approximately one (1) mile south of the intersection E. Highway 44 and Antelope Creek Rd and takes access off of Antelope Creek Rd

The Planning Department received a Road Naming Application to name a road in the Section Line Right-of-Way to **Lippert Ranch Road**. The applicant, Lorin Lippert, is requesting to name a road that will provide access to approximately three (3) lots. The first lot is currently vacant but will be the location of a future residence. The second lot is vacant and used strictly for agricultural purposes. The third lot has a residence on the property, however, this road will not be used directly to access the residence, therefore, the address will remain the same.

Included in this Memo are comments from Ted Ruffedt of the Emergency Services Communication Center (911), Ellen Madden of the Rapid City GIS Department, and Bill Welk of the County Highway Department.

COMMENTS RETURNED:

County Highway Department: No comments.

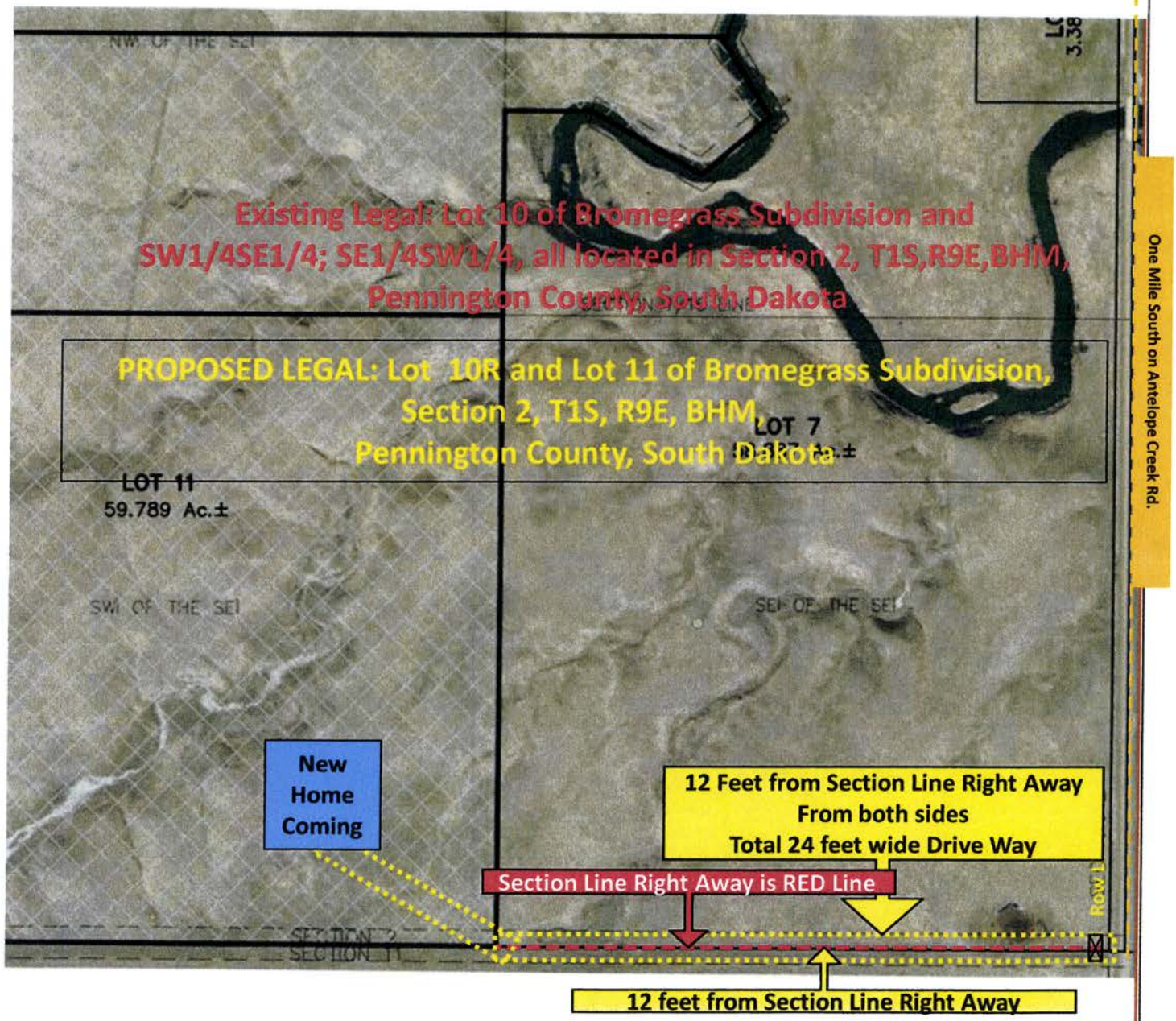
GIS: Proposed Name is acceptable.

Emergency Services (9-1-1): The proposed road name works for 911.

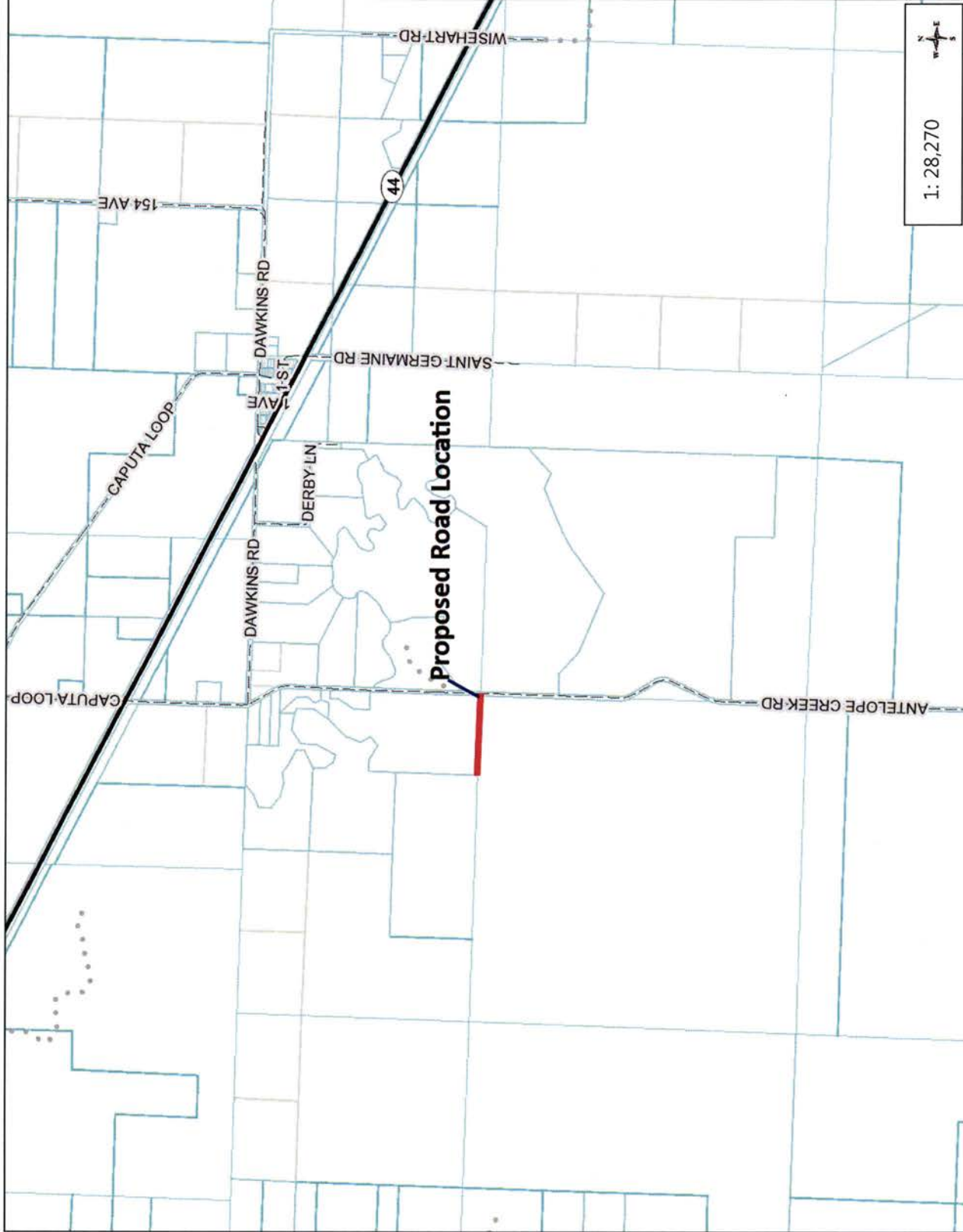
RECOMMENDATION: Staff recommends approval of the road name, **Lippert Ranch Road**, with the condition that the applicant will be responsible for payment and posting a road name sign within sixty (60) days of approval, in accordance with the standards set forth by the Pennington County Highway Department.

HWY 44

MAP of Road Driveway



RECEIVED
MAY 01 2019
BY: _____



1: 28,270

4,711.7 Feet

2,355.86

0

4,711.7

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Legend

Roads

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

Section Lines 0-25k

- 0
- 7

Section Labels 0-25k

Tax Parcels

Lot Lines

- <Null>
- Lot Line
- Parcel Line

OtherCitieslargerscale

Map Notes:



ROAD NAMING PETITION: Lippert Ranch Road

RE: Proposed naming of a Section Line Right-of-Way road that could provide access to three (3) lots located in Sections 2 and 11, T1S, R9E, BHM, Pennington County, South Dakota. Said road would begin approximately one (1) mile south of the intersection of E. Highway 44 and Antelope Creek Rd and takes access off of Antelope Creek Rd and traverses east for approximately one-quarter (1/4) mile to its terminus.

HONORABLE COMMISSIONERS OF PENNINGTON COUNTY:

Whereas, the above-described Section Line road potentially provides access to approximately three (3) properties, more fully described as SW1/4SE1/4;SE1/4SW1/4, Section 2, T1S, R9E, BHM, Pennington County, South Dakota; Lot 7, Bromegrass Subd, Section 2, T1S, R9E, BHM, Pennington County, South Dakota; and, All of Section 11 in Section 11, T1S, R9E, BHM, Pennington County, South Dakota;

Whereas, this road has not previously been assigned a name; nor is it a “numbered Forest Service” road;

Whereas, naming of this road will facilitate future addressing of the properties being provided access by this road;

Whereas, naming of this road will assist Emergency Services in locating these properties in the event of an emergency;

Whereas, the proposed road name is not currently in use by any other roads in Pennington County and the Emergency Services Communication Center has verified the name **Lippert Ranch Road** is acceptable to use;

Whereas, the applicant (Lorin Lippert) will be responsible for posting and payment of a road name sign, in accordance with the standards set forth by the Pennington County Highway Department; and,

Now, therefore, the Pennington County Planning Department hereby requests that the road name for the above-described right-of-way be assigned the name **LIPPERT RANCH ROAD**, as indicated on the attached map.

Dated this 10th day of June, 2019.

PJ Conover, Director
Pennington County Planning Department

STAFF REPORT

GENERAL INFORMATION:

REQUEST: **CONDITIONAL USE PERMIT / CU 19-12:** To live in a Recreational Vehicle during construction of a barn, fences, and a future residence on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

APPLICANT: James and Jill Brunsch

APPLICANT ADDRESS: 11814 S. Airport Road, Buckeye, AZ 85326

LEGAL DESCRIPTION: Tract 5, Wileman Acres Subdivision, Section 30, T2N, R10E, BHM, Pennington County, South Dakota.

SITE LOCATION: Approximately 0.37 mile east of the intersection of 154th Avenue and Highway 1416.

SIZE: 19.26 acres

TAX ID: 69139

EXISTING LAND USE: Vacant

ZONING REFERENCE: § 205 and 510

CURRENT ZONING: General Agriculture District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Rolling hills / prairie

UTILITIES: None

REPORT BY: Cassie Bolstad

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending approval of Conditional Use Permit / CU 19-12 with twelve (12) conditions.

II. GENERAL DESCRIPTION

- A. The applicant, James Brunsch, is requesting a Conditional Use Permit to allow a Recreational Vehicle (RV) to be utilized as living quarters during construction of a barn and future single-family residence on the subject property.

III. EXISTING CONDITIONS

- A. Zoned General Agriculture District.
B. 19.26 acres.
C. Access off of Highway 1416.
D. No Special Flood Hazard Area on the subject property.
E. 16' x 22' pole barn – COBP19-0235.
1. Composting toilet.

IV. REQUEST FOR COMMENT

- A. County Highway Department
1. An Approach Permit will be required. They are currently using a non-permitted field entrance at the east lot line.
a. *Staff Comment: This will be included as a Condition of Approval.*
- 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 On-site Wastewater Specialist
1. The applicant indicated on their application that for septic they will “Compost”. An explanation of what this would be is required. If the applicant intends to use a compost toilet they will need to provide specs on the toilet and receive approval from the DENR.
a. *Staff Comment: This will be included as a Condition of Approval.*
- E. County Environmental Planner
1. No comments received.
- F. County Ordinance Enforcement
1. I show no record of any past or current ordinance violations on the subject property. It appears that Building Permit has already been submitted for a pole barn on the property – does the applicant know when construction of the house will begin or how long it will last?
a. *Staff Comment: The applicant has indicated he will be applying for the Building Permit for the single-family residence in the spring or summer of 2020. Once approved,*

the Building Permit is valid for two (2) years from the date of issuance.

2. Ordinance Enforcement has no objection to the CUP request, but it would seem reasonable to place a time limit on how long the RV can be used as a residence so that it doesn't become a long-term situation.
- G. County Natural Resources
 1. No objections.
- H. County Addressing Coordinator
 1. No addressing concerns at this time.
- I. Emergency Services (9-1-1)
 1. Our only comment is: Ensure the assigned physical address is posted on the camper or where the driveway intersects the named road, in accordance with Penn. Co. Ord. #20.
 - a. *Staff Comment: This will be included as a Condition of Approval.*
- J. West River Electric
 1. West River Electric has no objections to the Brunsch Conditional Use Permit (5/31/19).

V. ANALYSIS

- A. May 7, 2019 – The applicant applied for a Conditional Use Permit to allow a Recreational Vehicle (RV) to be utilized as temporary living quarters during construction of a barn and a future single-family residence on the subject property.
- B. The applicant has obtained an approved Building Permit (COBP19-0235) for a 16' x 22' pole barn on the subject property.
- C. The applicant has stated he plans to apply for a Building Permit for the single-family residence in the spring or summer of 2020.
 1. A Building Permit is valid for two (2) years from the date of issuance.
- D. The applicant indicated on the Conditional Use Permit application that a composting toilet will be utilized as the on-site wastewater treatment system.
 1. Comments provided by the On-Site Wastewater Specialist indicate the applicant must provide an explanation of this proposal, including specification on the toilet and approval from the South Dakota Department of Environment and Natural Resources (SD DENR).
- E. At the time of this Staff Report writing, Staff has not received any complaints or concerns regarding the subject property or the proposed conditional use.

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 a composting toilet. Specification of the composting toilet must be provided to Planning Staff, along with approval from SD DENR, and the proposed RV must utilize that system while it is being utilized as living quarters.
 - 2. 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 available 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.

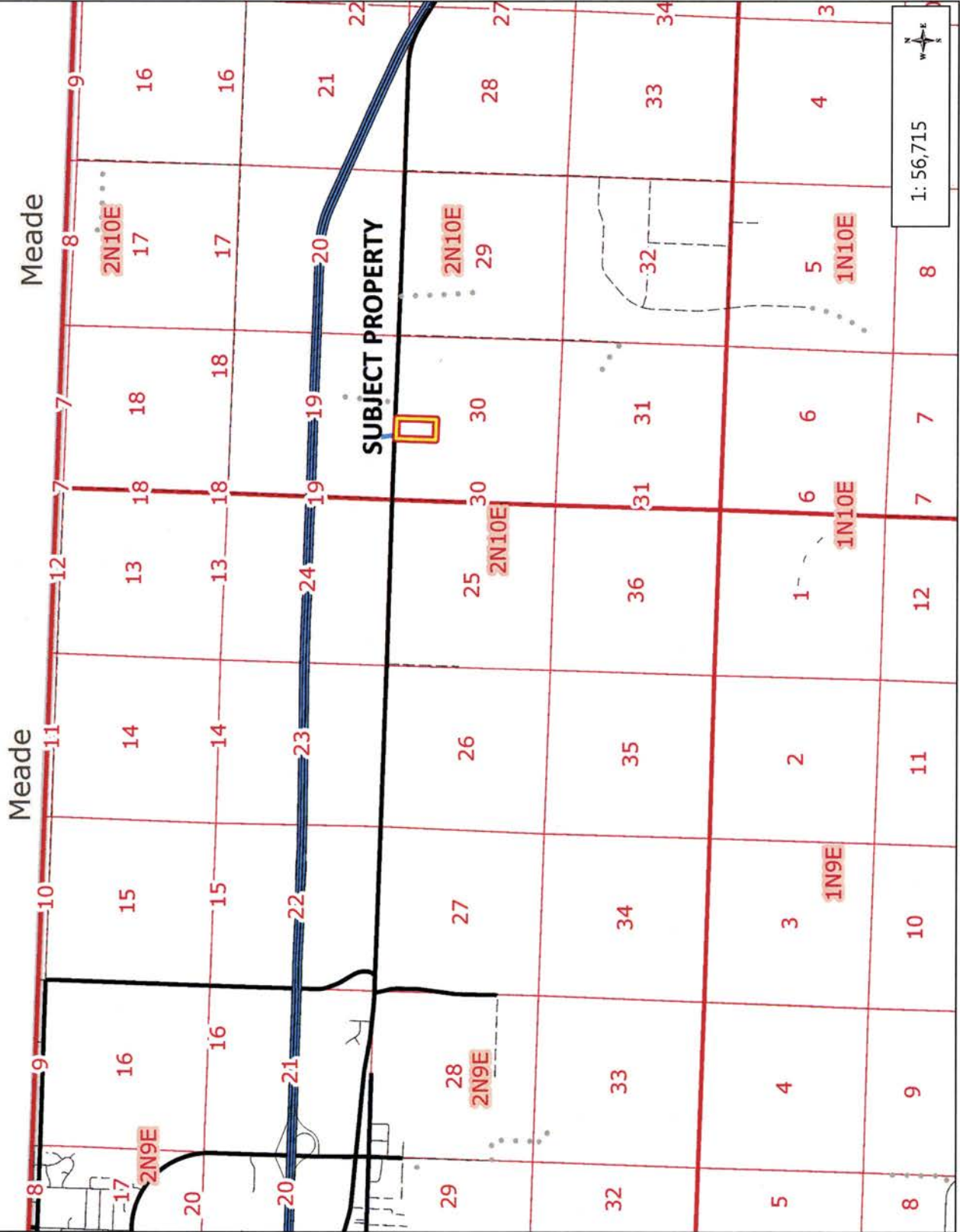
Agenda Item #16
James and Jill Brunsch
June 10, 2019

RECOMMENDATION: Staff recommends approval of Conditional Use Permit / CU 19-12 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 during construction of the barn and/or single-family residence;
2. That the applicant obtain an approved Approach Permit from the County Highway Department prior to placement of the RV on the subject property;
3. That prior to placement of the RV on the subject property, the applicant provide specifications on the proposed composting toilet and receive approval from the South Dakota Department of Environment and Natural Resources;
4. That a Building Permit application for the proposed single-family residence be submitted within one (1) year of approval of Conditional Use Permit / CU 19-12;
5. That the address assigned for the property be clearly posted on the RV while it is being utilized as living quarters, in accordance with Pennington County's Ordinance #20;
6. 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;
7. 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;
8. That the minimum setback requirements of a General Agriculture District be continually maintained on the subject property, or approved Setback Variance(s) be obtained;
9. That the subject property remains free of debris and junk vehicles;
10. That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
11. That upon completion of the single-family residence on the subject property, the RV be disconnected from all utilities and may no longer be utilized as living quarters on the subject property; and,
12. 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.

Live in the camper during construction
of barn, fences and future house.

Joseph Buensch



1: 56,715



9,452.4 0 4,726.21 9,452.4 Feet

NAD_1983_StatePlane_South_Dakota_South_FPS_4002_Feet
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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Legend

- Roads**
- Interstate
 - US highway
 - SD highway
 - County highway
 - Main road
 - Minor arterial
 - Collector
 - Ramp
 - Paved road
 - Unpaved road
 - Trail
 - Driveway
 - Alley
 - Unimproved road
 - Airport Runway
 - Not yet coded
- 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: 13,234



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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: 3,308

551.4

0 275.70 551.4 Feet

NAD_1983_StatePlane_South_Dakota_South_FIPS_4002_Feet

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Legend

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

Address Points

Section Lines 0-25k

0

7

Tax Parcels

Lot Lines

<Null>

Lot Line

Parcel Line

Map Notes:



1: 3,063

510.4 0 255.22 510.4 Feet

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NAD_1983_StatePlane_South_Dakota_South_FIPS_4002_Feet
© City of Rapid City GIS

Legend

- Roads**
- Interstate
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 - Paved road
 - Unpaved road
 - Trail
 - Driveway
 - Alley
 - Unimproved road
 - Airport Runway
 - Not yet coded
- Section Lines 0-25k**
- 0
 - 7
- Tax Parcels**
- Lot Lines**
- <Null>
 - Lot Line
 - Parcel Line
- Floodway**
- Flood Hazard Area**
- 100 Year
 - 500 Year
 - 500 Year - Protected by levee
 - Out
 - Not Studied

Map Notes:

STAFF REPORT

17

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 approval of Conditional Use Permit / CU 19-08 with twelve (12) conditions.

II. GENERAL DESCRIPTION

- A. The applicant, Jeff Scherr, requested 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

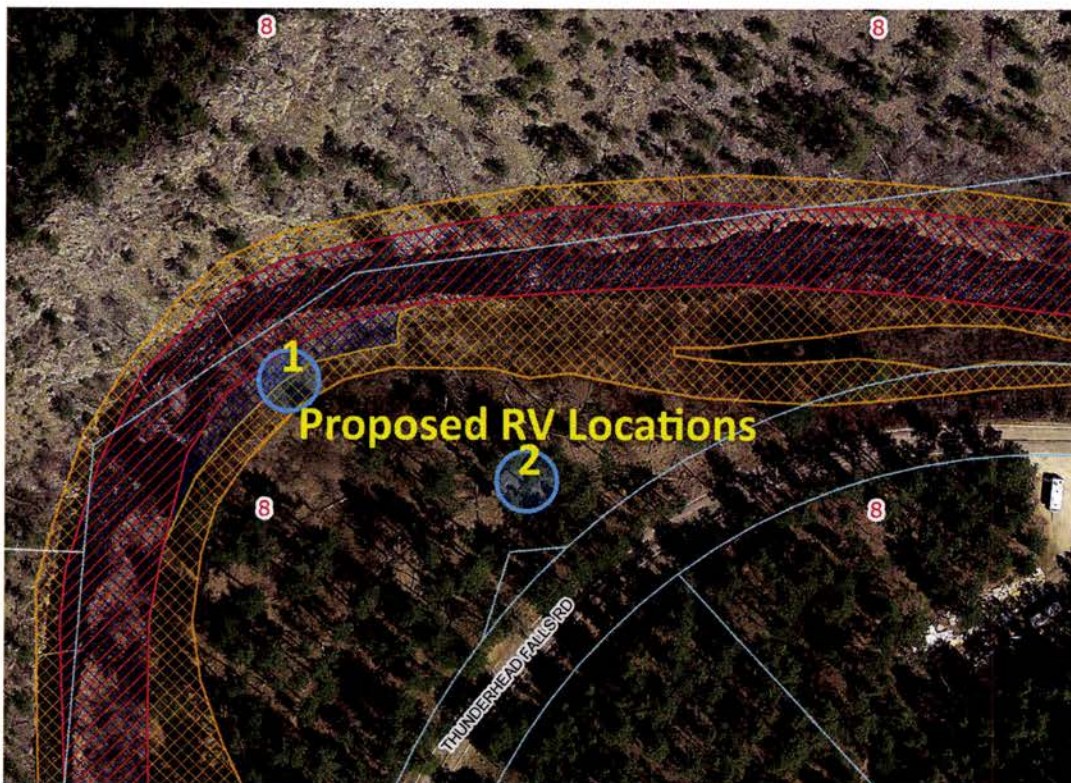
- A. County Highway Department
 - 1. An Approach Permit is required and has been applied for.
- B. County Fire Administrator
 - 1. No comments received.
- C. County Environmental Planning Supervisor
 - 1. There is a significant amount of Special Flood Hazard Area, including Floodway, on the subject property. 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 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 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. HISTORY

- 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 proposed two (2) locations for the RV. Staff recommends site (#2) outside of the Special Flood Hazard Area (red and blue hatch).



- C. A Building Permit can be issued on the existing lot for a single-family residence even though Thunderhead Falls Road is a dead end road with greater than 40 lots as the subject property was platted prior to the enactment of the Subdivision Regulations.
- D. 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).

Agenda Item #17
Jeffrey Scherr
June 10, 2019

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. It did not appear to be hooked up and utilized as living quarters.

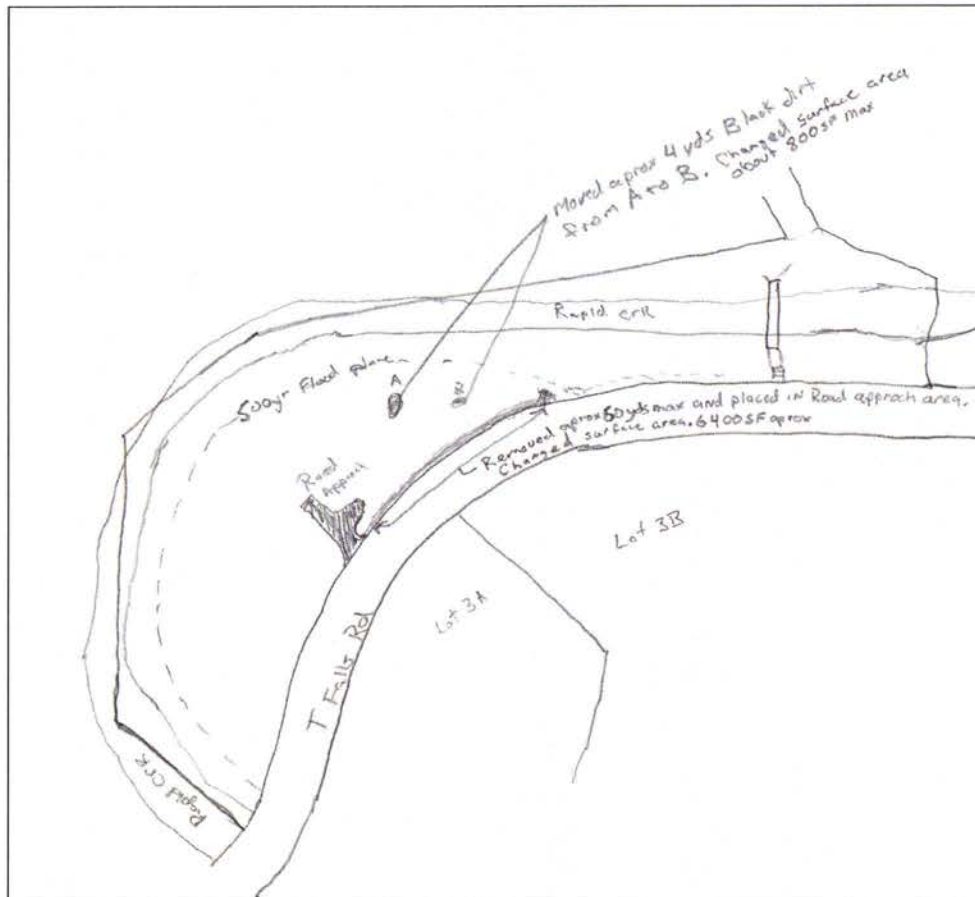


Photo of disturbance on the subject property

- E. May 20, 2019 – Staff sent an email to the applicant indicating that a Construction Permit may be needed.
- 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.
- G. On May 28, 2019, Planning Commission continued this Conditional Use Permit request in order for the applicant to address the land disturbance on the site and for the applicant to send the Notice of Hearing letters to the surrounding property owners.

VI. ANALYSIS (FOR JUNE 10, 2019)

- A. Staff contacted the applicant regarding the land disturbance.
 - 1. The applicant indicated that the land disturbance was due to fire mitigation measures and tree removal.
 - 2. The applicant submitted a site plan showing less than 10,000 square feet of disturbance.
 - 3. The area appears to be outside the Special Flood Hazard Area (information submitted by the applicant).
 - 4. Staff still requires erosion and sediment control to protect Rapid Creek.
- B. May 29, 2019 – The applicant submitted the following site plan:



Site Plan of Disturbance (submitted by the applicant)

- C. June 5, 2019 – Staff verified that the Notice of Hearing letters were mailed by the applicant by certified return receipt mail.

VII. 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.

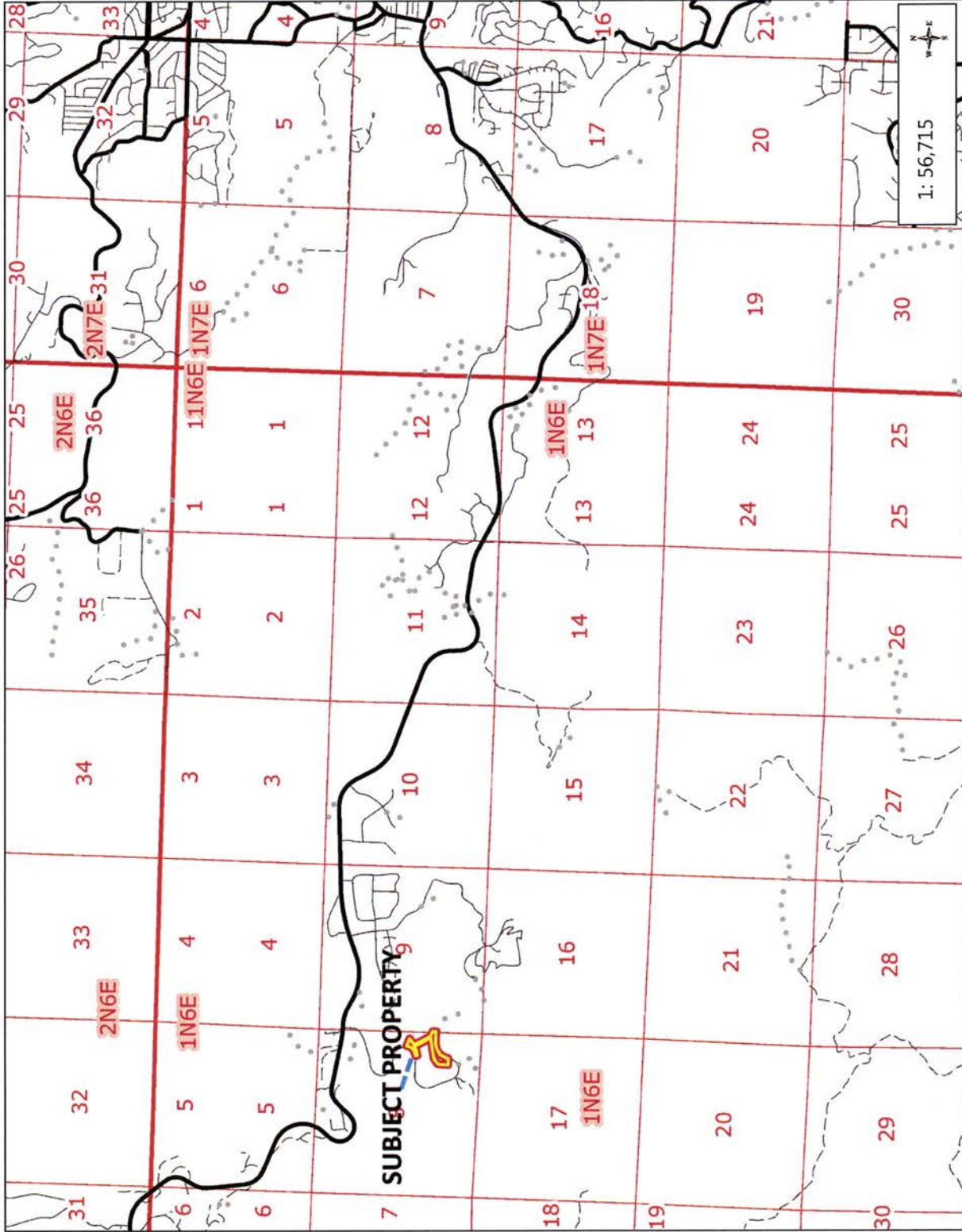
- C. **That utilities, access roads, drainage, and/or other necessary facilities are provided.**
 - 1. The applicant has indicated they will be installing an on-site wastewater treatment system to serve the proposed single-family residence. The proposed RV must be connected to that system, while it is 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 approval of Conditional Use Permit / CU 19-08 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 during construction of the single-family residence;
2. That the RV be located outside the Special Flood Hazard Area;
3. That a Building Permit application for the proposed single-family residence be submitted within one (1) year of approval of Conditional Use Permit / CU 19-08;
4. That the address assigned for the property be clearly posted on the RV while it is being utilized as living quarters, in accordance with Pennington County's Ordinance #20;
5. 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;
6. That prior to utilization of the RV on the subject property, the applicant install the onsite wastewater treatment system and have it inspected and approved by Pennington County;
7. That the RV being used as a temporary residence be hooked into the approved On-Site Wastewater Treatment System until the single-family residence is habitable;
8. That the minimum setback requirements of a Low Density Residential District be continually maintained on the subject property, or approved Setback Variance(s) be obtained;
9. That the subject property remains free of debris and junk vehicles;
10. That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
11. That upon completion of the single-family residence on the subject property, the RV be disconnected from all utilities and may no longer be utilized as living quarters on the subject property; and,
12. 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.



9,452.4 0 4,726.21 9,452.4 Feet

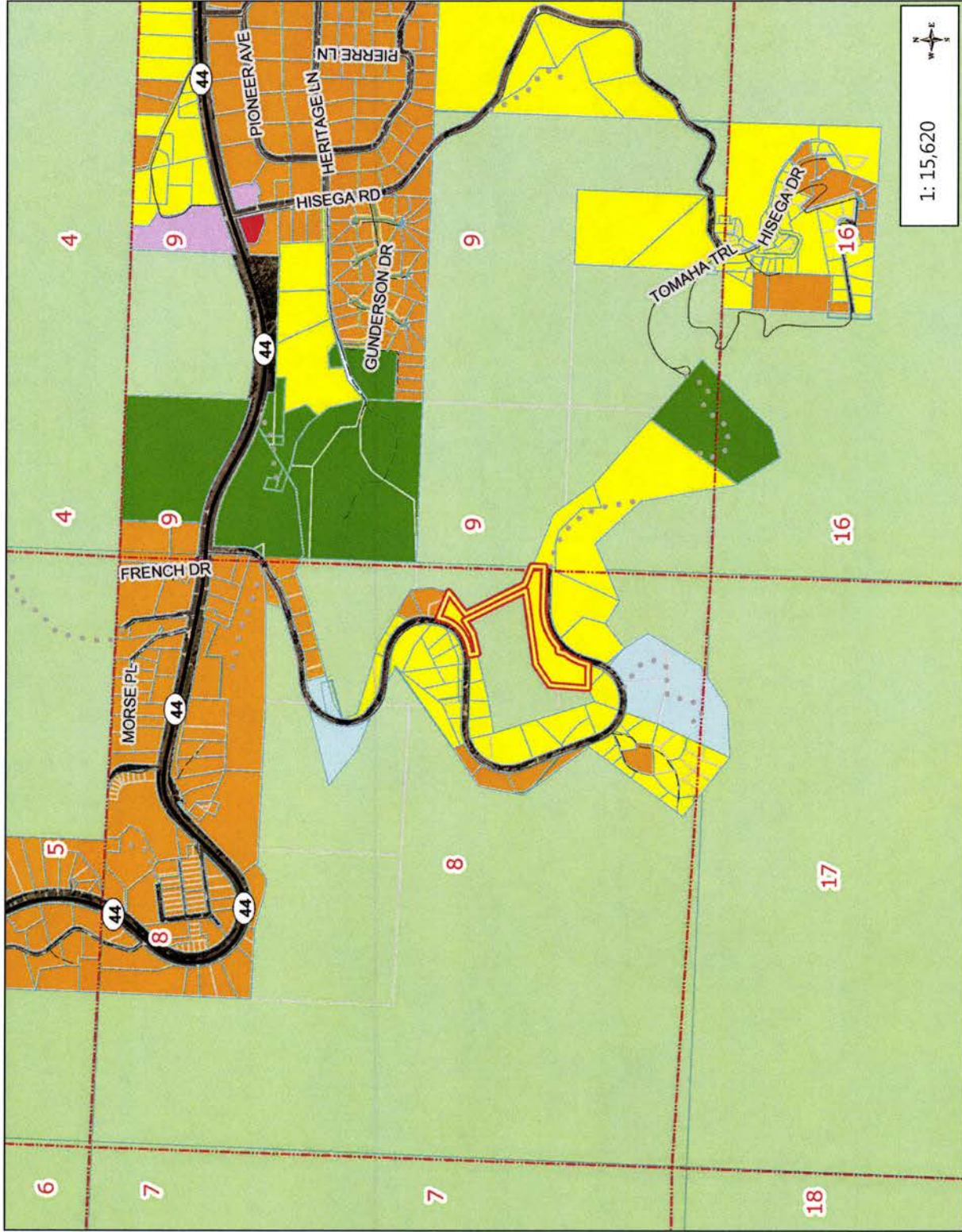
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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Legend

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

Map Notes:



1: 15,620

2,603.3 1,301.64 2,603.3 Feet

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- Public Buildings**
- Cemetery
 - Fire station
 - Government building
 - Hospital
 - Library
 - Police station
 - School
 - Tertiary School
- Section Lines 0-25k**
- 0
 - 7
- Tax Parcels**
- Lot Lines
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 - Parcel Line

Map Notes:



1: 3,905

650.8 0 325.41 650.8 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
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- Trail
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- Not yet coded

Public Buildings

- Cemetery
- Fire station
- Government building
- Hospital
- Library
- Police station
- School
- Tertiary School

Section Lines 0-25k

- 0
- 7

Tax Parcels

Lot Lines

- <Null>
- Lot Line
- Parcel Line

Map Notes:

STAFF REPORT

GENERAL INFORMATION:

REQUEST: **CONDITIONAL USE PERMIT / CU 19-11:** To allow a Guest House on the subject property in a Low Density Residential District in accordance with Sections 207, 318, and 510 of the Pennington County Zoning Ordinance.

APPLICANT: Paul and Rebecca Freidel

APPLICANT ADDRESS: 23567 Longhorn Court, Rapid City, SD 57703

LEGAL DESCRIPTION: Lot 6, Cedar Gulch Subdivision, Section 4, T1S, R6E, BHM, Pennington County, South Dakota.

SITE LOCATION: 23567 Longhorn Court; approximately 2.15 miles south of the intersection of Bradsky Road and E. Highway 44.

SIZE: 5.57 acres

TAX ID: 53825

EXISTING LAND USE: Residential

ZONING REFERENCE: §§ 207, 318, and 510

CURRENT ZONING: Low Density Residential District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Rolling hills / prairie

UTILITIES: Private / Shared Well

REPORT BY: Jason Theunissen

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending approval of Conditional Use Permit / CU 19-11 with eleven (11) conditions.

II. GENERAL DESCRIPTION

- A. The applicants, Paul and Rebecca Freidel, have requested a Conditional Use Permit to allow a modular home to be used as a Guest House in a Low Density Residential District.

III. EXISTING CONDITIONS

- A. Zoned Low Density Residential District, minimum three (3) acre lot size.
- B. 5.57 acres.
- C. Access off of Long Horn Court via an existing approach and Private Access Easement (Miscellaneous Book 94, Page 3904).
- D. No Special Flood Hazard Area on the property.
- E. Single-family residence – 2001COBP0754.
- F. Garage – 2001COBP0755.
- G. Three-sided barn – COBP17-0540.
- H. Three-sided barn – COBP17-0541.
- I. On-Site Wastewater Treatment System – COSD17-0121.
 - 1. Operating Permit – COOP17-0387.

IV. REQUEST FOR COMMENT

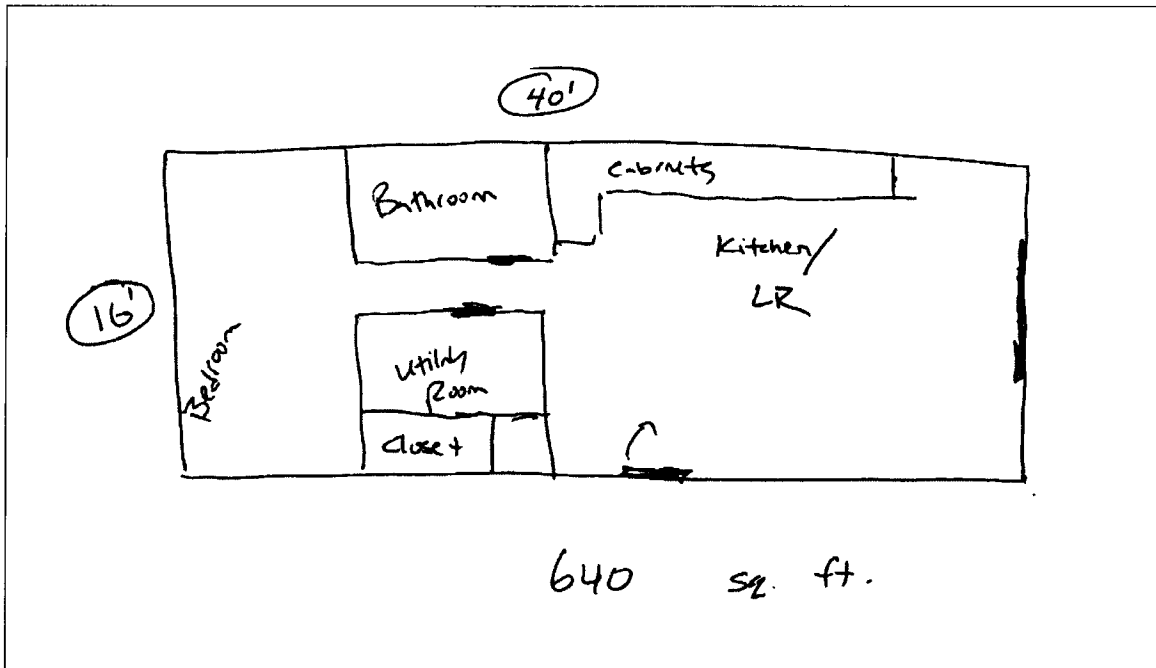
- A. County Highway
 - 1. Highway Department has no comments since this is in the Bradsky Road District and the lot size is adequate.
- B. County Fire Administrator
 - 1. The posted house number must be placed in such a way as to ensure its visibility year round and not be obstructed by such things as, but not limited to, snow or vegetation, to provide for emergency identification at all times.
- C. County Environmental Planning Supervisor
 - 1. There is no Special Flood Hazard Area on the subject property.
 - 2. In 2017, the OSWTS was expanded due to a surfacing drainfield. Currently, with the expansion, there are two (2) 1,500 gallon septic tanks and 1461 square feet of drainfield.
 - 3. An Operating Permit was issued for the new system – COOP17-0387.
- D. County Environmental Planner
 - 1. The applicant added on to an existing septic system (COSD17-0121) to have the ability to accommodate 6 bedrooms. According to the Department of Equalization records the current house has 4 bedrooms. The applicant is proposing to add 1 more bedroom in a separate guest house. If the applicant plans on hooking into the existing system, the system is sized properly.

- E. County Addressing Coordinator
 - 1. The Guest House will have to receive its own individual address. The address will need to be posted on the structure and at the end of each driveway so Emergency Services can locate the property. All addressing must follow Pennington County Zoning Ordinance #20.
- F. County Ordinance Enforcement
 - 1. There is no record of any past or current Ordinance Violations on the subject property. Ordinance Enforcement has no objection to the requested CUP, as long as the proposed Guest House meets all requirements of Section 318 of the Zoning Ordinance.
- G. Emergency Services (911)
 - 1. My only comment is to ensure a separate physical address is issued to the Guest House, if approved.

V. ANALYSIS

- A. May 6, 2019 – The applicants filed for a Conditional Use Permit to allow a Guest House on the subject property.
 - 1. The applicant's plan is to move a modular home to the subject property for use as a Guest House.
 - 2. Guest House dimensions are 16' x 40' or 640 square feet.
 - 3. The proposed Guest House will include:
 - a. One (1) bedroom
 - b. Kitchen/living room
 - c. One (1) bathroom
 - d. One (1) utility room
 - e. One (1) closet
 - f. 4' X 20" attached deck

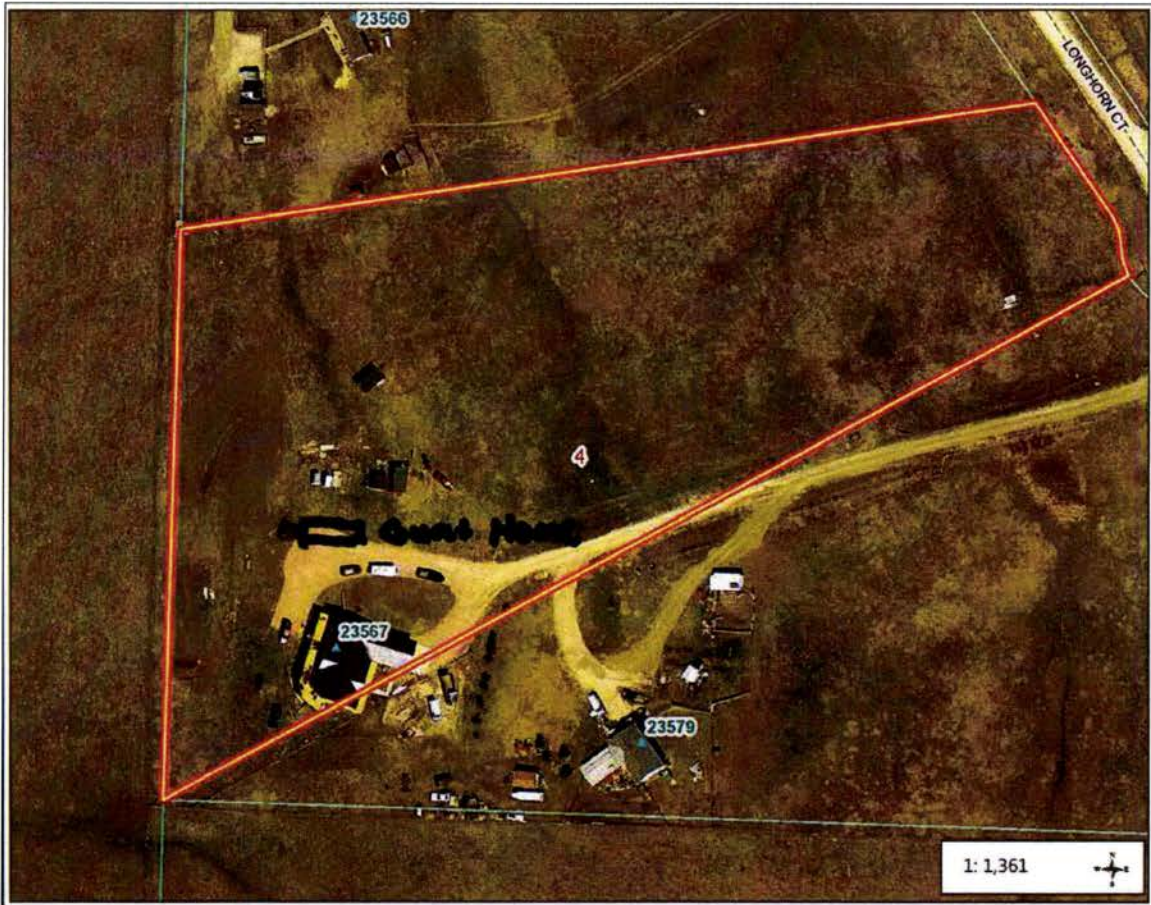
Agenda Item #18
Paul and Rebecca Freidel
June 10, 2019



Proposed layout of Guest House (provided by Applicant, 5.6.19)



Proposed layout of Guest House with deck (provided by Applicant, 6.5.19)



Location of Guest House on Property (Per Conversation with Applicant, 5.6.19)

- B. The Guest House will need to be connected to the same OSWTS as the primary residence.
- C. Guest Houses in Pennington County are governed under Pennington County Zoning Ordinance §318.
- D. § 318(B) states that, “an accessory Guest House shall be permitted in Low Density Residential, Limited Agriculture and General Agriculture Zoning Districts upon the issuance of a Conditional Use Permit or in Planned Unit Developments with approval of a Planned Unit Development Amendment and is subject to the following standards:”
 1. Only one (1) Guest House shall be allowed on a lot and/or parcel.
 - a. *Staff Comment: The applicant is requesting one (1) Guest House on the subject property.*
 2. The rental or lease of a Guest House or the use of a Guest House as a permanent resident for a second family on the premises shall be prohibited.
 3. The minimum lot size requirement for the construction of an accessory Guest House shall be three (3) acres.
 - a. *Staff Comment: The subject property is 5.57 acres.*

4. The maximum allowed living space of a Guest House shall not exceed 50% of the living space in the main dwelling unit or 1,000 square feet, whichever is less. Covered decks attached to the Guest House shall be included in the calculation for the overall square footage, but decking and garage space shall not.
 - a. *Staff Comment: DOE has the living area of the primary residence at 5,052 square feet. This would mean that the proposed Guest House cannot exceed 1,000 square feet. The proposed Guest House is 640 square feet.*
5. The Guest House shall not be used for more than 180 days per calendar year.
6. The Guest House shall use the same driveway approach as the primary dwelling. One additional off-street parking space, measuring a minimum of nine (9) feet by eighteen (18) feet and maintained in a dust free manner, shall be provided for the Guest House.
 - a. *Staff Comment: The proposed Guest House would have to utilize the same approach as the SFR on the subject property. It appears there is adequate parking to meet the requirement.*
7. The Guest House shall have a minimum setback of 25-feet from all property lines.
8. A single-wide mobile home shall not be allowed as a Guest House.
 - a. Pennington County Zoning Ordinance (PCZO) defines a Mobile Home as, "A transportable, factory-built home, designed to be used as a year-round single-family residential dwelling unit and not constructed to the Federal Manufactured Housing Construction and Safety Standard Act of 1974, which became effective June 15, 1976."
 - b. PCZO defines a Modular Home as, "A factory fabricated transportable building consisting of units installed on a permanent foundation construction, as per manufacture's recommendation and used as a single-family residential dwelling unit."
 - i. *Staff Comment: Based on conversations with the applicant on June 5, 2019, the proposed Guest House meets the definition of a Modular Home as it has no chassis and will be placed on a permanent foundation.*
9. The Guest House shall be located closer to the primary dwelling on the subject lot than a primary dwelling on any adjacent existing lot at the time the Building Permit is approved for the Guest House.
 - a. *Staff Comment: It appears that the proposed Guest House will be closer to the Primary Structure on the subject lot.*

10. The primary dwelling unit shall be classified as owner-occupied. Proof of status must be provided.
 - a. *Staff Comment: Staff confirmed with DOE that the primary dwelling is classified as owner-occupied.*
11. Utilities: All public water, sewer, electricity, and natural gas for the Guest House shall be extended from the primary dwelling unit's services. No separate meters for the Guest House shall be allowed, unless required by the utility service provider.
12. On-Site Wastewater Treatment Systems: A Guest House shall use the same on-site wastewater disposal system as the primary dwelling, except when a separate system is required by the Pennington County Environmental Planner due to site constraints, failure of the existing system, or where the size or condition of the existing system precludes its use.
 - a. *Staff note: According to the Environmental Planner, the primary dwelling's OSWTS is adequately sized to support the addition of the proposed Guest House.*
13. Prior to the issuance of a Building Permit for a Guest House, or for use of an existing structure as a Guest House, the applicant shall record a deed restriction stating the regulations applicable to the Guest House, including that the Guest House shall not be separately rented or leased from the main residence.

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. This Conditional Use Permit should not change the residential use of the property and, thus, should not have any long-term, 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.
 3. As of this Staff Report, one neighbor has come forward with concerns about adding a Guest House to the subject property.

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 vacant property in the area.

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

1. The subject property will be served by a private on-site wastewater treatment system. Access to the subject property is provided via an existing approach and Private Access Easement.

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

1. Pennington County Zoning Ordinance § 310(A)(9)(k) requires two (2) off-street parking spaces per dwelling unit and § 318(B)(6) requires one (1) additional off-street parking space for the Guest House. Therefore, three (3) spaces would be required on the subject property for the main dwelling and the Guest House. It appears there is sufficient parking on the subject property to meet this requirement.

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.

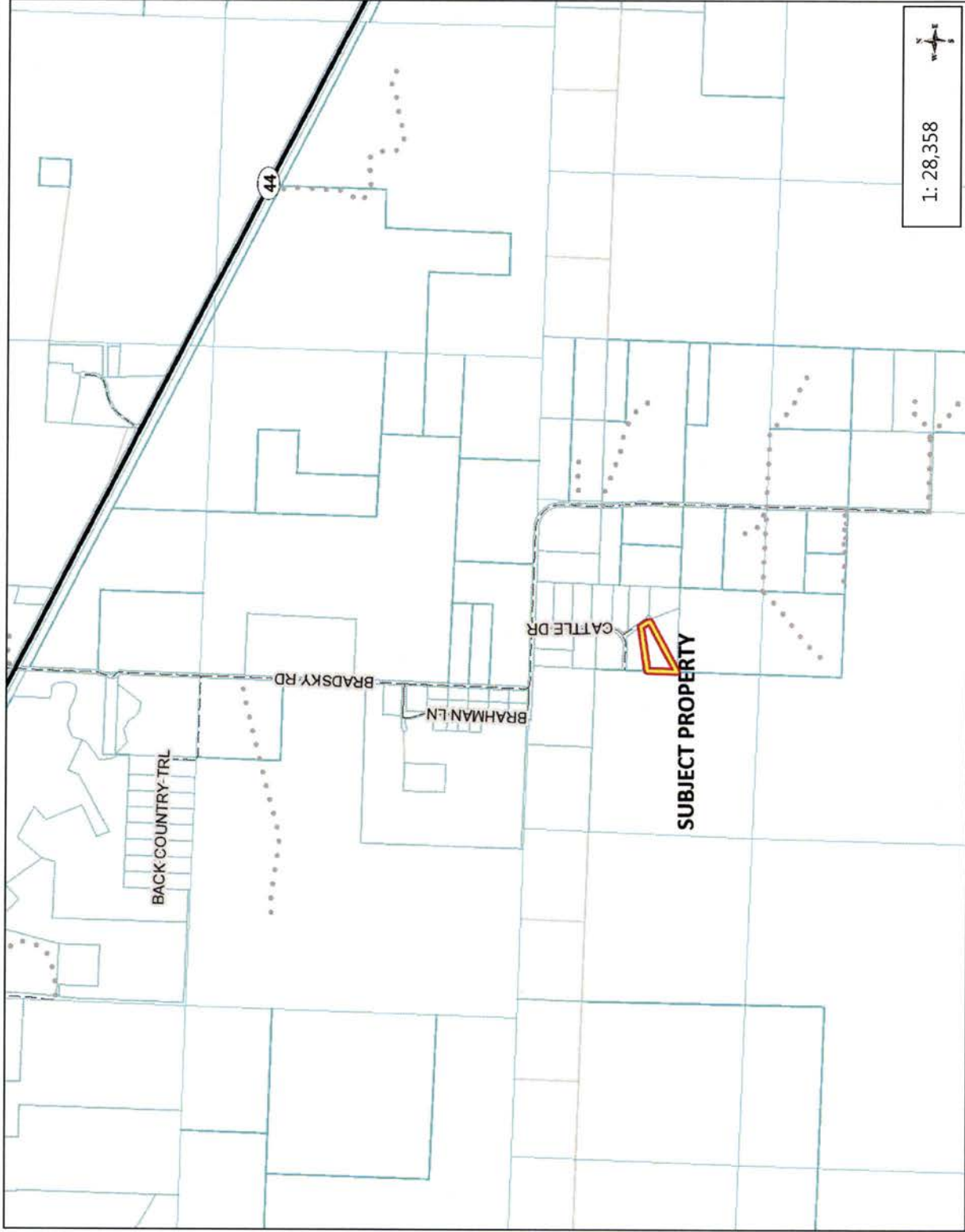
1. The proposed Conditional Use, by its very nature, should have limited odor, fumes, dust, noise, vibrations, and intrusive lighting. The applicant should take care so the proposed use should not create the above-listed elements in any amount that would constitute a nuisance.

RECOMMENDATION: Staff recommends approval of Conditional Use Permit / CU 19-11 with the following eleven (11) conditions:

1. That prior to issuance of the Building Permit for the Guest House, the applicant record a deed restriction with the Register of Deeds stating the regulations applicable to the Guest House, including that the Guest House shall not be separately rented or leased from the main residence, in accordance with Pennington County Zoning Ordinance (PCZO) § 318(B)(13);
2. The addition, removal, or relocation of the Guest House requires additional permits issued by the Planning Department;

Agenda Item #18
Paul and Rebecca Freidel
June 10, 2019

3. That the rental or lease of the Guest House or the use of the Guest House as a permanent residence for a second family on the premises shall be prohibited;
4. That the Guest House shall not be used for more than 180 days per calendar year;
5. That the primary dwelling be continually classified as owner-occupied and proof of status be provided to the Planning Department upon request, in accordance with PCZO § 318(B)(10);
6. That all necessary utilities for the Guest House shall be extended from the primary dwelling unit's services. No separate meters for the Guest House shall be allowed, unless required by the utility service provider;
7. That prior to any Building Permit for the Guest House being applied for, any On-site Wastewater Treatment System must be in compliance with PCZO § 318 and §204 (J), and be approved by the Pennington County Environmental Planner;
8. That both of the addresses assigned for the primary residence and the Guest House be posted so they are clearly visible from Longhorn Court, in accordance with Pennington County Ordinance #20;
9. That the Guest House be continually utilized and maintained in accordance with all requirements of the PCZO, with emphasis on § 318, or a Variance(s) be obtained and approved to waive any requirements;
10. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which will require a site plan to be reviewed and approved by the Planning Director; 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 or Board of Commissioners to verify that all Conditions of Approval are being met.



1: 28,358



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Legend

Roads

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

Section Lines 0-25k

- 0
- 7

Section Labels 0-25k

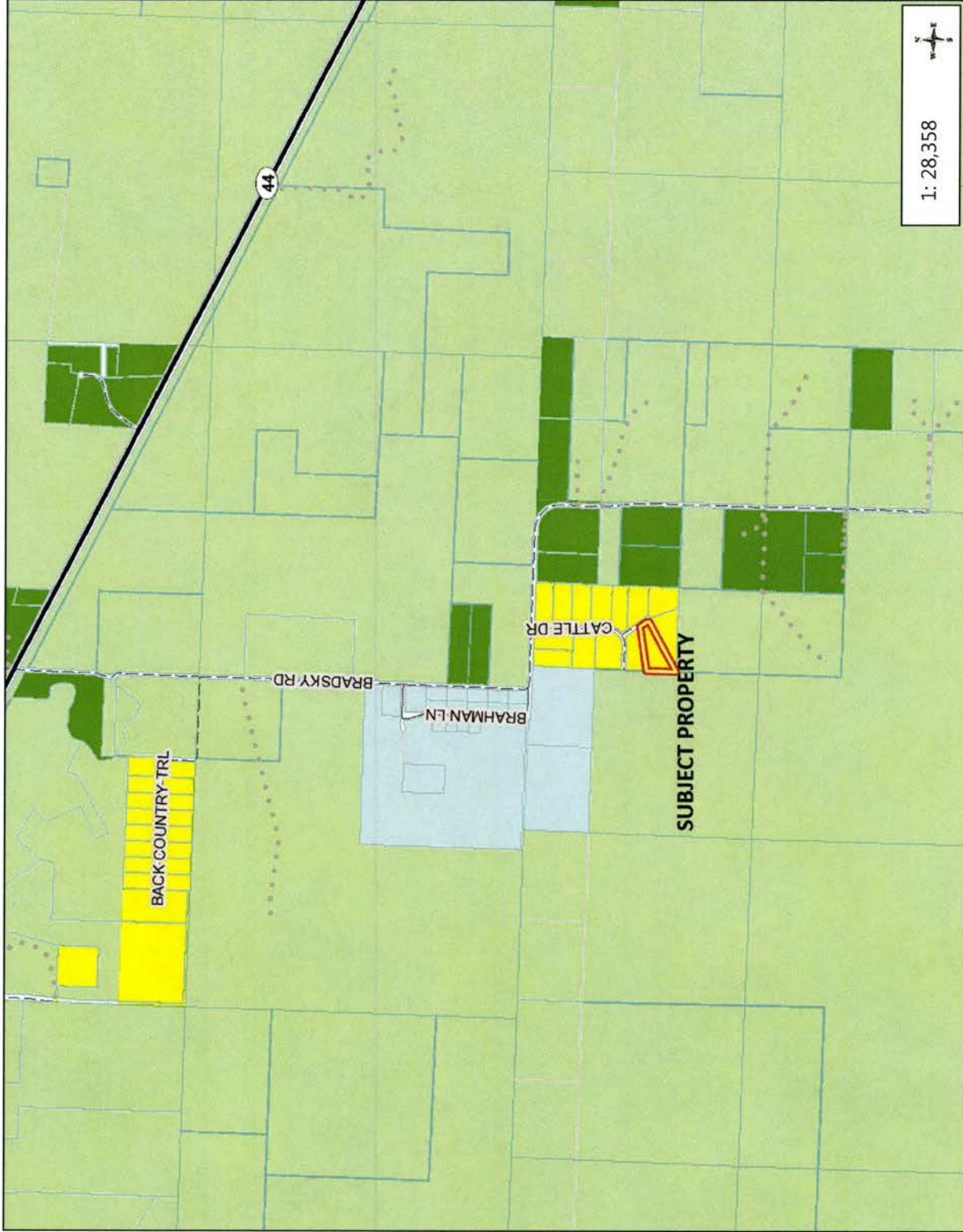
Tax Parcels

Lot Lines

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- Parcel Line

OtherCitieslargerscale

Map Notes:



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

Map Notes:



1: 1,772

295.4 Feet

147.70

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295.4

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Map Notes:



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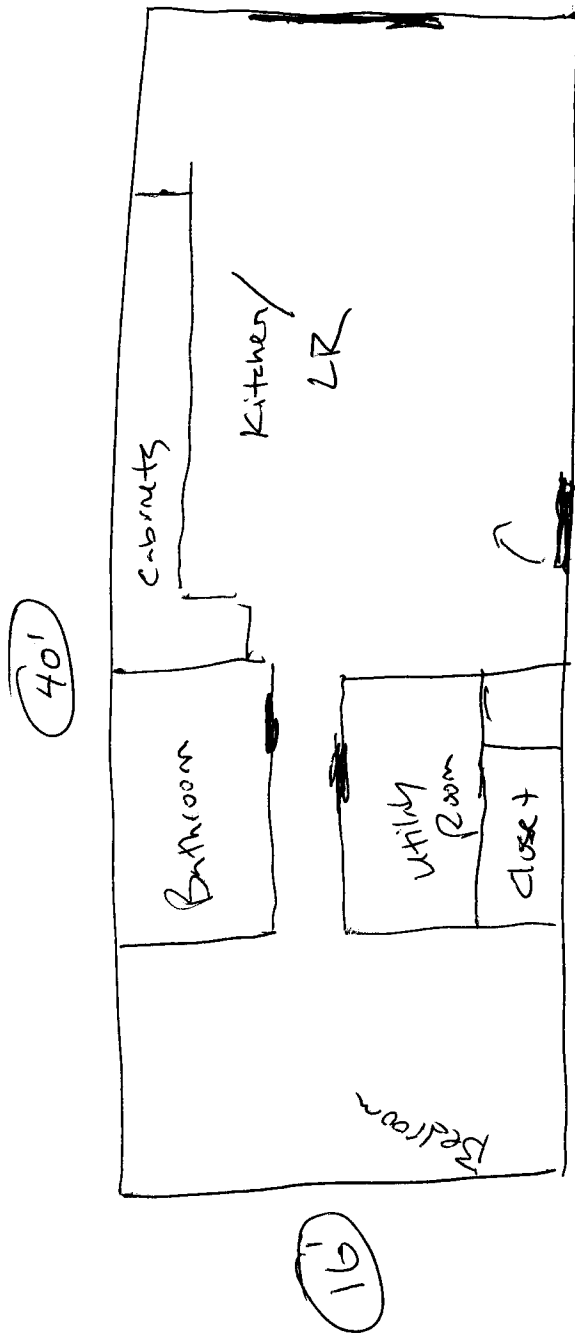
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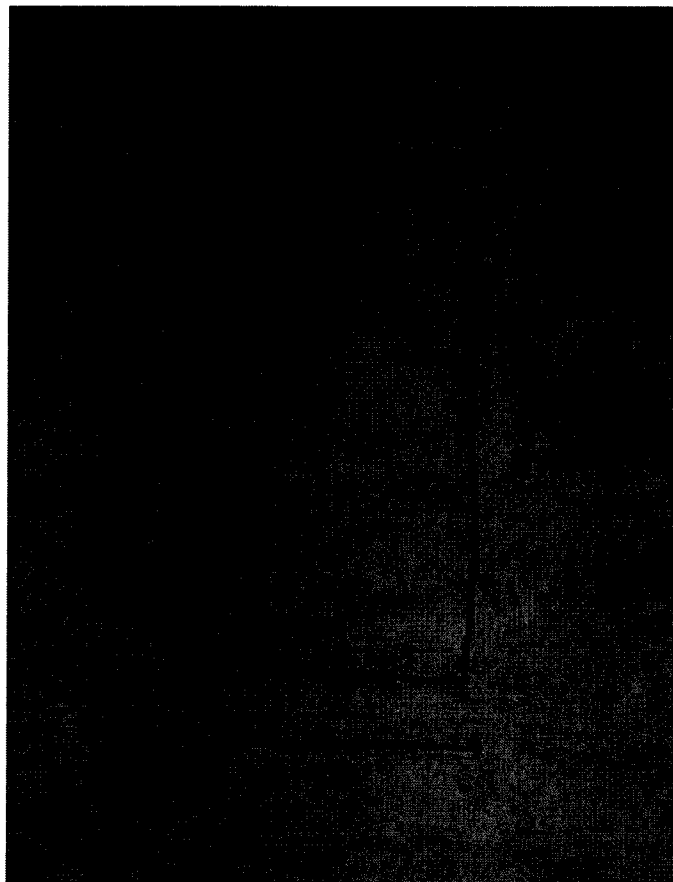
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 - Not yet coded
- Address Points**
- Section Lines 0-25k
- 0
 - 7
- Tax Parcels**
- Lot Lines
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 - Lot Line
 - Parcel Line
- Flood Hazard Area**
- 100 Year
 - 500 Year
 - 500 Year - Protected by levee
 - Out
 - Not Studied

Map Notes:

Guest Home Application



640 sq. ft.



Theunissen Jason

From: Paul Freidel <paul@freidellassoc.com>
Sent: Wednesday, June 5, 2019 12:07 PM
To: Theunissen Jason
Subject: 23567 Guest House
Attachments: 20190504_140229.jpg; 2019_06_05 12_03 PM Office Lens.jpg



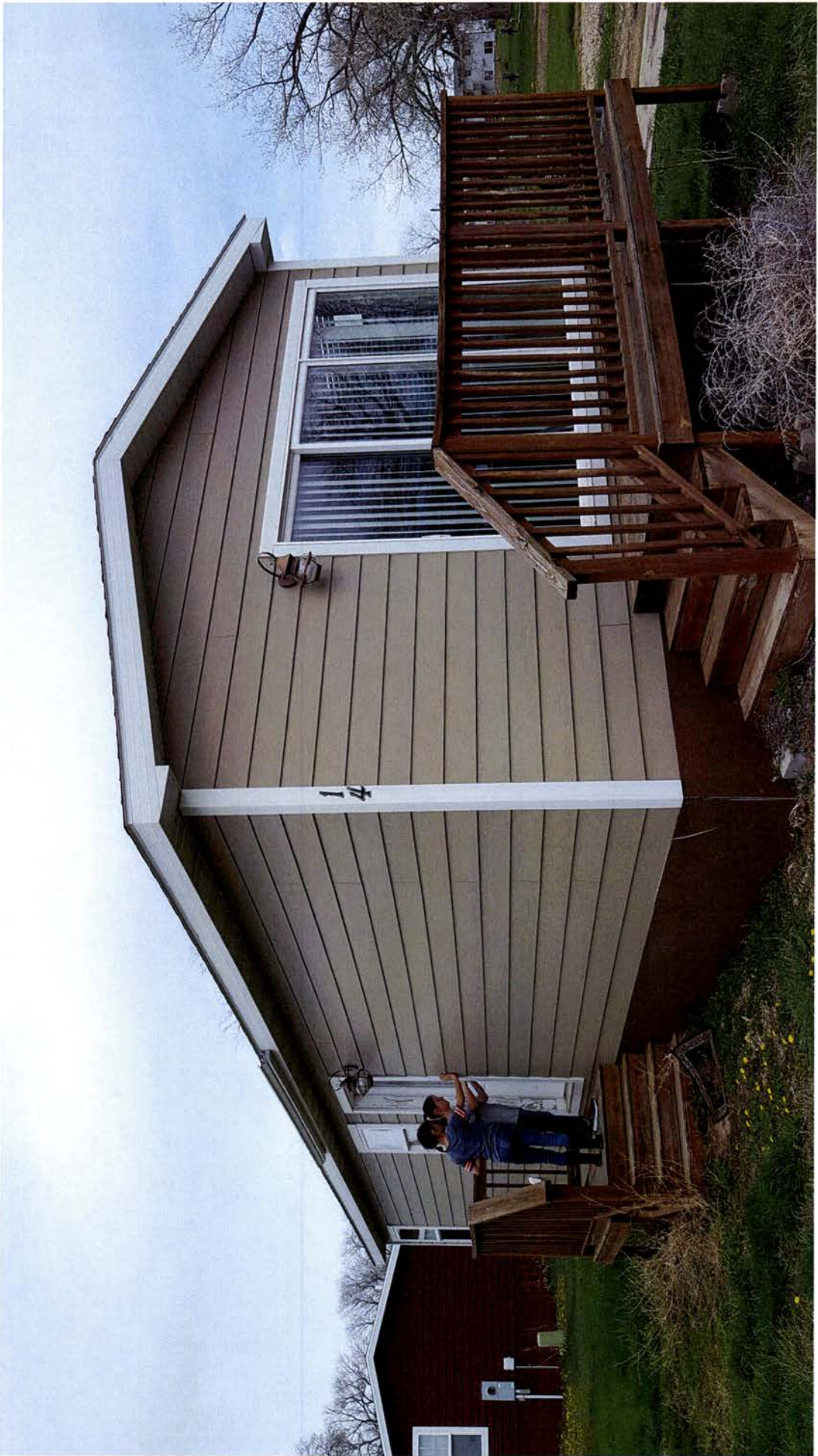
CAUTION: This email is from an outside source. Use caution before opening attachments, clicking links or providing confidential information.

Hi Jason,

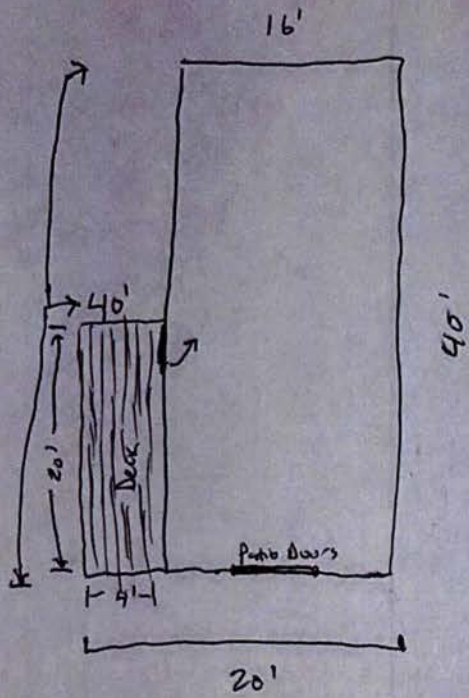
Thanks for the time today. Attached is a drawing of what it would look like. Assuming you need total living space that is at least 20 x 20, I would put a 4' x 20' deck on the side.

I've also attached a picture of the house I plan to move so you have that for reference so you can visualize it. I plan to put on a crawl space or unfinished basement.

Paul Freidel
224.436.6050



23567 Longhorn Ct. Guest House



STAFF REPORT

GENERAL INFORMATION:

REQUEST: **CONDITIONAL USE PERMIT / CU 19-14:** To allow a multi-family residence in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

APPLICANT: Dottie Pugsley

APPLICANT ADDRESS: 1640 Aurora Drive, Rapid City, SD 57703

AGENT: Dave Krogman

LEGAL DESCRIPTION: Lot 21, Block 4, County Heights Subdivision, Section 3, T1N, R8E, BHM, Pennington County, South Dakota.

SITE LOCATION: 1640 Aurora Drive; near the corner of Butte Circle and Aurora Drive.

SIZE: .21 acre

TAX ID: 976

EXISTING LAND USE: Residential

ZONING REFERENCE: § 208 and 510

CURRENT ZONING: Suburban Residential District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Flat

UTILITIES: Public

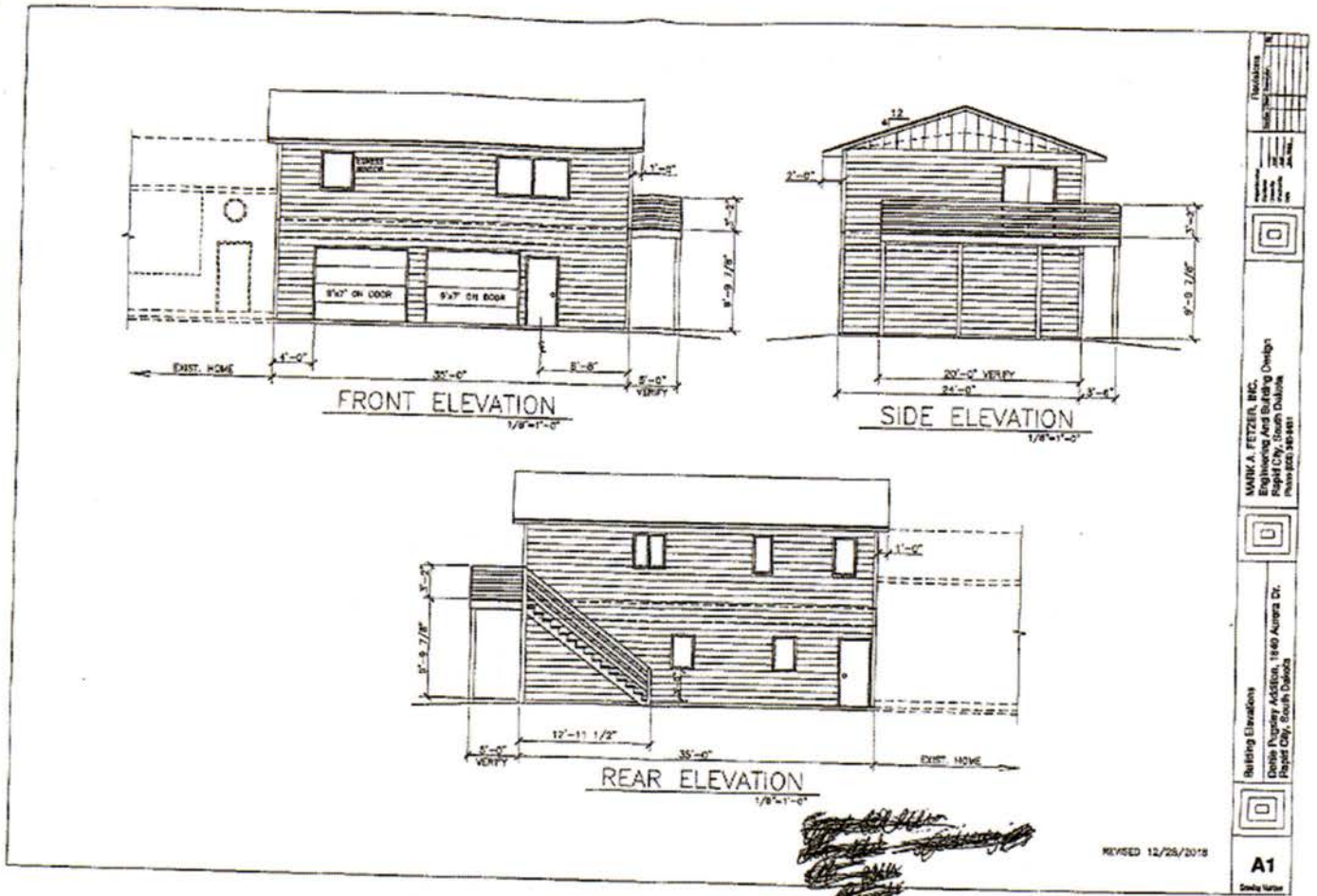
REPORT BY: Kristina Proietti

I. PROPOSED RECOMMENDATION

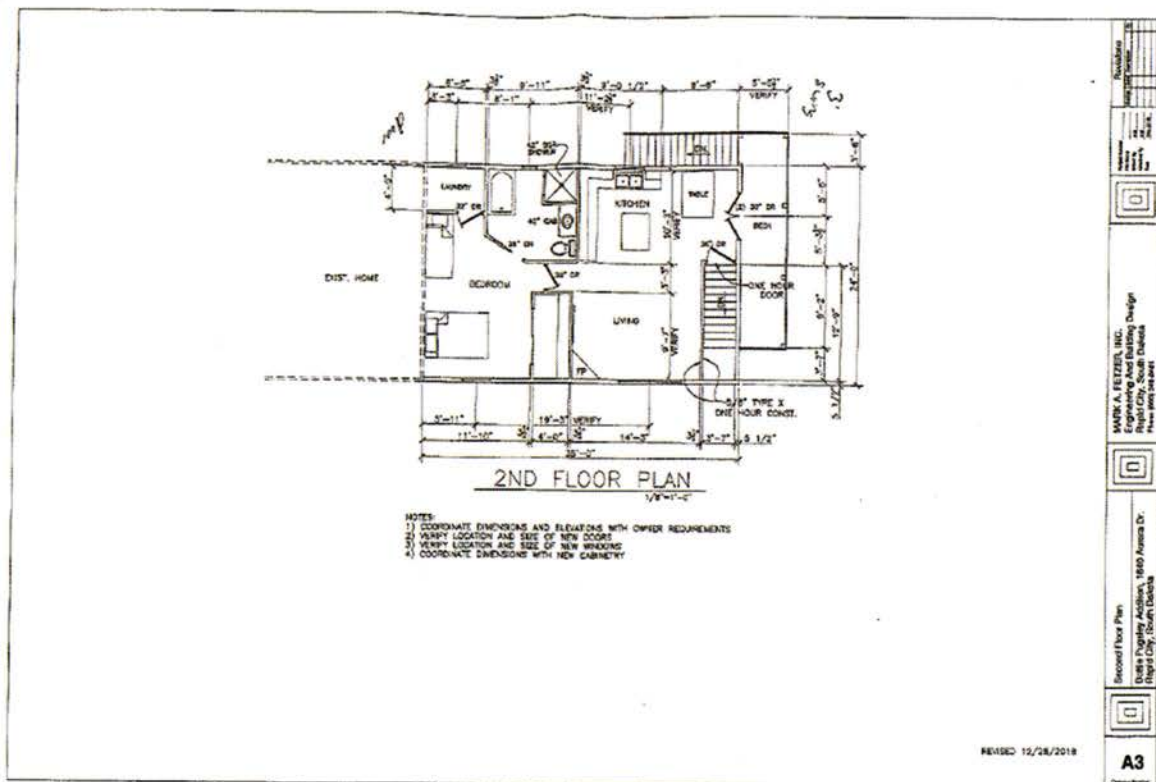
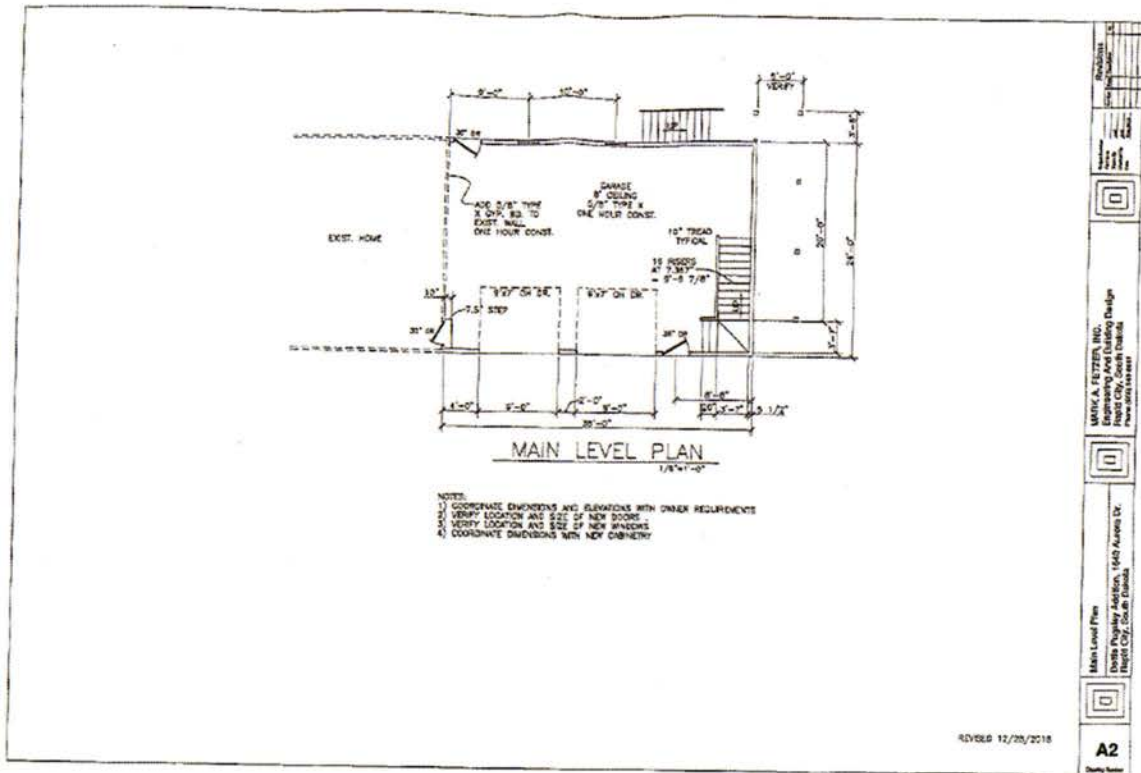
- A. Staff will be recommending approval of Conditional Use Permit / CU 19-14 with seven (7) conditions.

II. GENERAL DESCRIPTION

- A. The applicant, Dottie Pugsly, has applied for a Conditional Use Permit to allow for a multi-family dwelling unit on the subject property. If approved, the applicant will apply for a Building Permit to construct an addition onto the existing structure.



Proposed addition.



Proposed floor plans.

III. EXISTING CONDITIONS

- A. Zoned Suburban Residential District.
- B. 0.21 acre.
- C. Access is taken off of Aurora Drive.
- D. Located within the Rapid Valley Sanitary District.
- E. Located within the West Dakota Water Development District.
- F. Lot contains:
 - 1. Single-family residence with attached garage and a deck, built in 1986, County Building Permit (COBP) / BP7195.

IV. REQUEST FOR COMMENT

- A. County Highway Department
 - 1. Expanding single-family homes into multi-family will increase the impervious area by adding roof area and increased driveway width which generates more runoff. The lots were sized for single-family and should remain that way. In this case a garage was never built and this addition equals an over-sized two car garage. If the BOC approves this CUP, it should be conditional on the applicant providing off-street parking for 4 vehicles per Section 310 of the Zoning Ordinance otherwise vehicles will be parked on the street overnight hampering snow removal. Also, as a condition, an approach permit will be required since the existing approach is for a single car driveway.
 - a. *Staff Comment: Section 310(A)(1) states that Dwellings (multiple-family): Two spaces per dwelling unit for the first twenty units, plus one and one-half spaces for each dwelling unit exceeding twenty units.*
- B. County Environmental Planner Supervisor
 - 1. There is no Special Flood Hazard Area on the property.
 - 2. Utilities are provided by Rapid Valley Sanitary District.
- C. County Fire Administrator
 - 1. The posted house number must be placed in such a way as to ensure its visibility year round and not be obstructed by such things as, but not limited to, snow or vegetation, to provide for emergency identification at all times.
- D. County Addressing Coordinator
 - 1. The addition will be utilized as a separate living unit and should be addressed appropriately for 9-1-1 emergency response purposes, per County Ordinance 20.
- E. County Ordinance Enforcement Officer
 - 1. Ordinance Enforcement has no record of any Ordinance Violations on the subject property.

- F. Rapid City Community Planning
 - 1. Butte Circle and Aurora Drive are not identified on the City's Major Street Plan. Subsequently, they are classified as local streets pursuant to the Infrastructure Design Criteria Manual.
 - 2. The City's Future Land Use Plan identifies the appropriate use of the property as Low Density Neighborhood. The Low Density Neighborhood designation supports single-family and two-family residences.
- G. Rapid City Long Range Planning
 - 1. Future Land Use of the property is Low Density Neighborhood.
 - 2. The primary uses in LDN are one-family and two-family residences. This appears to be in compliance with Plan Rapid City.
 - 3. No transportation impacts.
- H. Emergency Services (9-1-1)
 - 1. Only comment would be, if the multi-family dwelling is approved, appropriate physical addresses must be issued for each living unit.
 - a. *Staff Comment: This will be addressed as a Condition of Approval.*
- I. West River Electric
 - 1. West River Electric has no comments regarding the attached conditional use permit application.
- J. City of Rapid City Development Review Engineer
 - 1. The property is located within the Rapid Valley Sanitary District. Public Works has no comments on this request at this time.

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. 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 multi-family residence will be connected to Rapid Valley Sanitary District services.
 - 2. Access will be off of Aurora Drive.

- 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. The applicants will have to establish off street parking if Conditional Use Permit CU 19-14 is approved.

- 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. May 2019, the applicant applied for Conditional Use Permit / CU 19-14.
- B. June 5, 2019 – Staff performed a site visit.
 - 1. The subject property appeared to be well maintained and free of junk and debris.

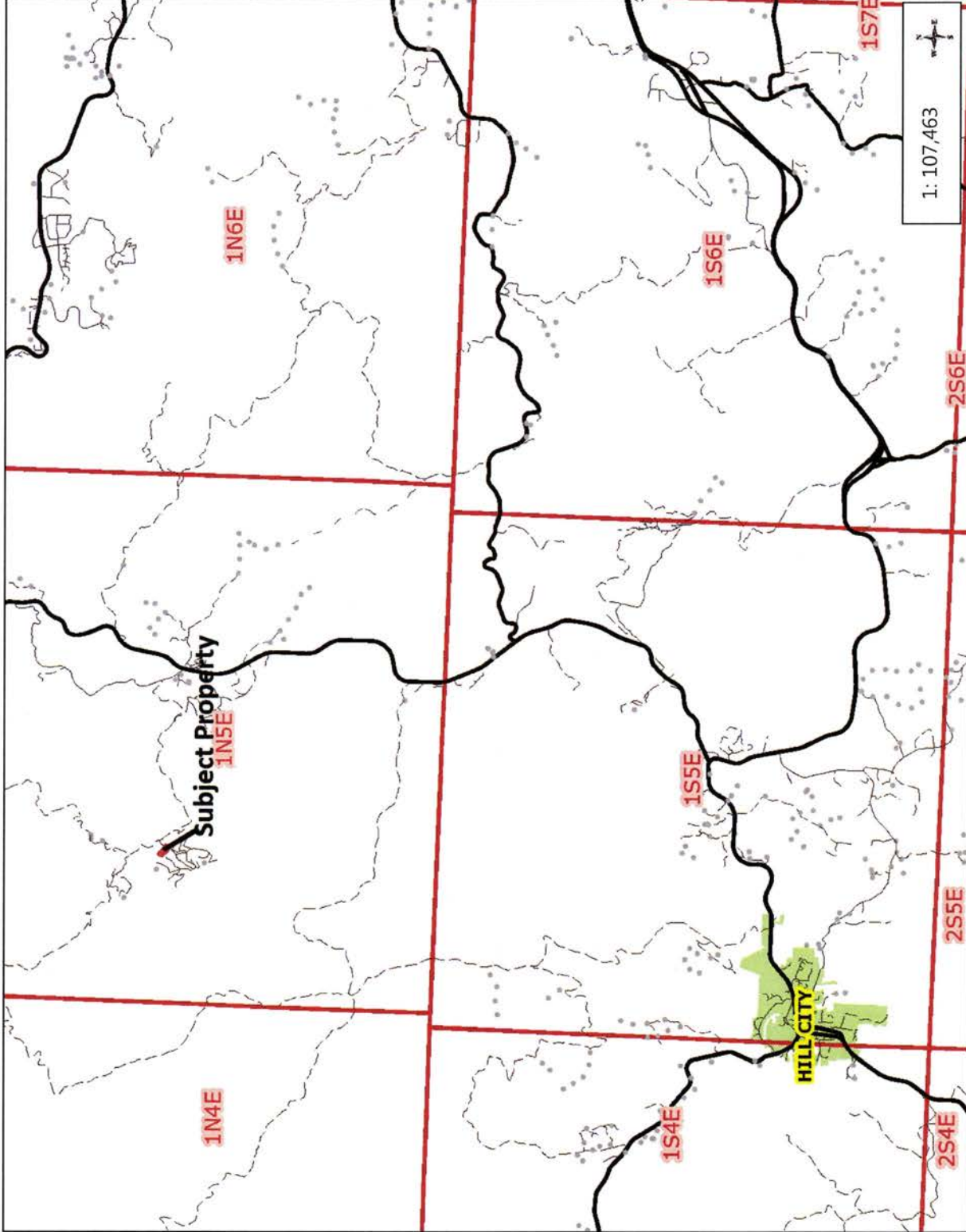


Agenda Item #19
Dottie Pugsley; Dave Krogman - Agent
June 10, 2019

2. The applicants are proposing to build an attached addition on to their existing residence so that the owner's daughter can live in one unit and the parent(s) live in the other adjoining unit.
3. The Conditional Use Permit sign was clearly posted in their front yard facing Aurora Street.

RECOMMENDATION: Staff recommends approval of Conditional Use Permit / CU 19-14 with the following seven (7) conditions:

1. That a Building Permit be obtained for the proposed multi-family dwelling unit addition prior to any work being done;
2. That the lot address be clearly posted, so as to be visible from Aurora Street, in accordance with Pennington County's Ordinance #20;
3. That the minimum of four (4) off-street parking spaces be provided on-site, each measure a minimum of nine (9) feet by eighteen (18) feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner in accordance with Section 310 of the Pennington County Zoning Ordinance;
4. That the minimum setback requirements of a Suburban Residential District be continually maintained on the property;
5. That the subject property *Site photo taken 6/4/2019.* remains free of debris and junk vehicles;
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: 107,463



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

Map Notes:

Legend

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- Not yet coded

Section Lines 0-25k

- 0
- 7

Tax Parcels

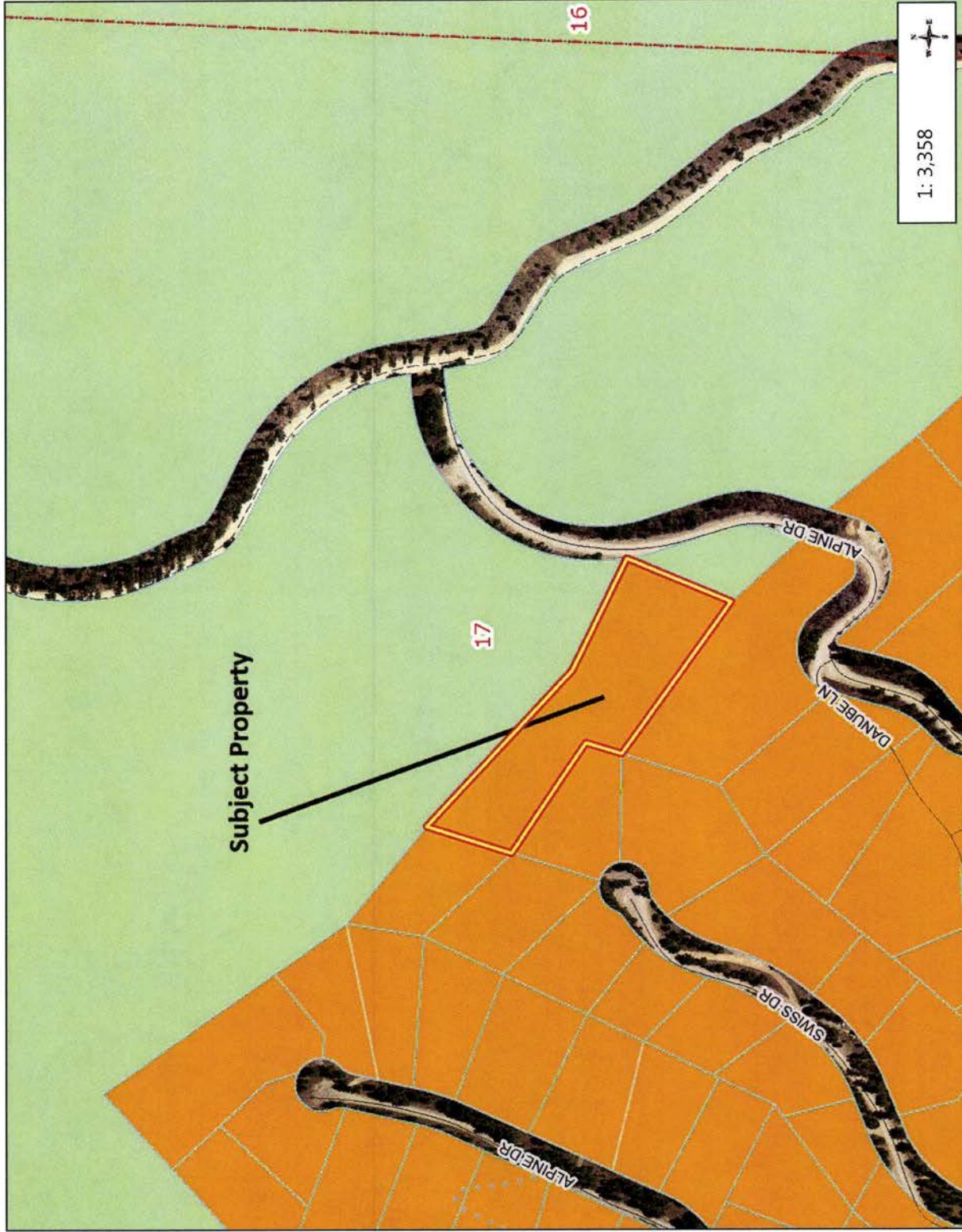
Lot Lines

- <Null>
- Lot Line
- Parcel Line

Pennington County Zoning

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

Map Notes:



1: 3,358

559.7 Feet

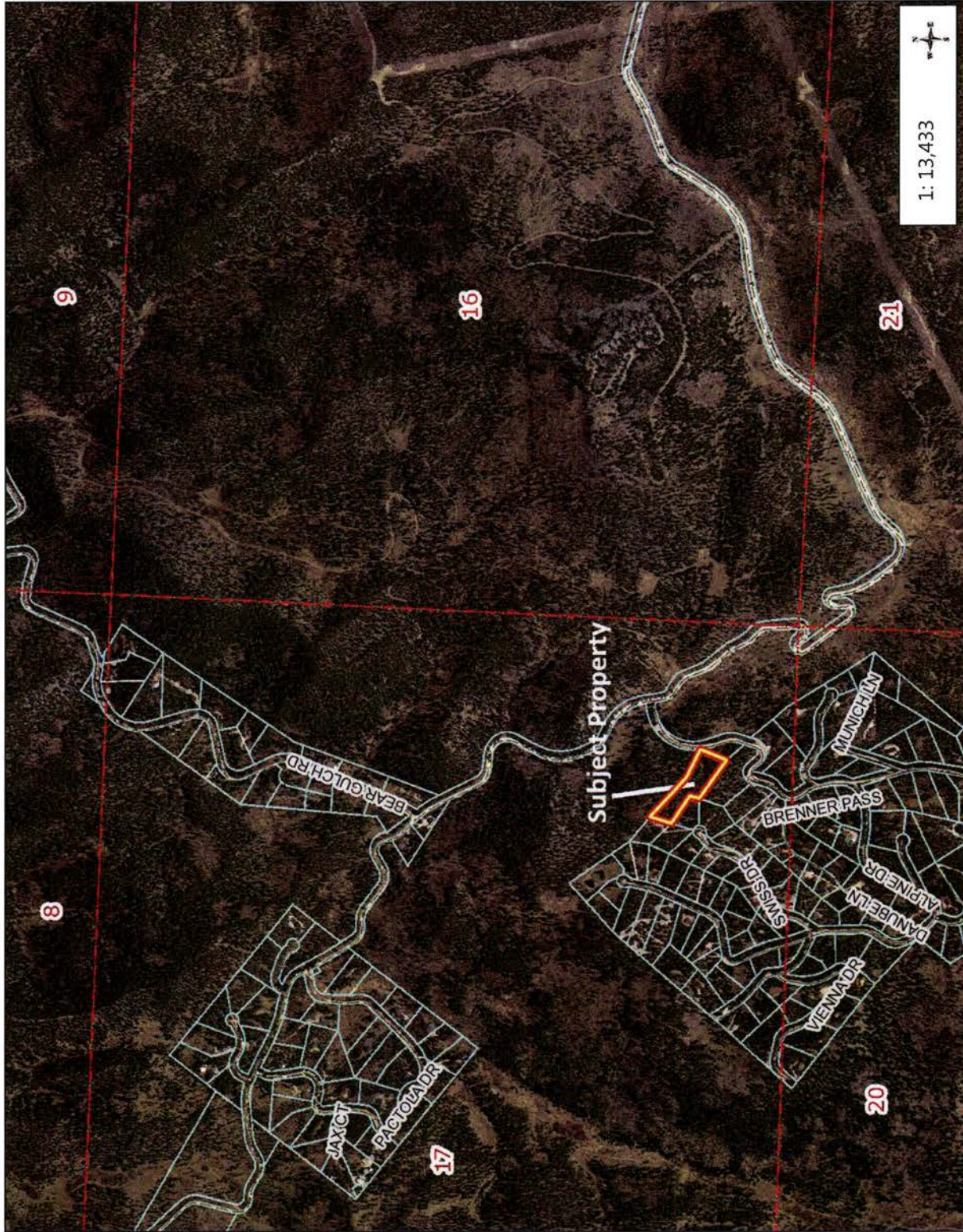
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1: 13,433

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

Map Notes:

190 Swiss Drive
VHR for Koenig Family/ Sheila Watkins

STAFF REPORT

GENERAL INFORMATION:

REQUEST: **REZONE / RZ 19-06 AND COMPREHENSIVE PLAN AMENDMENT / CA 19-06:** To rezone 111.48 acres from General Agriculture District to Low Density Residential District and to amend the Comprehensive Plan to change the Future Land Use from Limited Agriculture District to Low Density Residential District in accordance with Sections 205, 206, 209, and 508 of the Pennington County Zoning Ordinance.

APPLICANT: Magheramore, LLC / Michael Gould

APPLICANT ADDRESS: P.O. Box 5543, Rapid City, SD 57709

AGENT: Fisk Land Surveying

AGENT ADDRESS: P.O. Box 8154, Rapid City, SD 57709

LEGAL DESCRIPTION: That Portion of NE1/4 Lying west of RR ROW Less Darlington Estates Subdivision; SE1/4NW1/4; NE1/4SW1/4, Section 34, T1N, R8E, BHM, Pennington County, South Dakota.

SITE LOCATION: Southerly terminus of Kimberwick Road.

SIZE: 111.48 acres

TAX ID: 68906

EXISTING LAND USE: Vacant

ZONING REFERENCE: §§ 205, 206, 209, and 508

CURRENT ZONING: General Agriculture District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Flat / Rolling Prairie

UTILITIES: None

REPORT BY: Jason Theunissen

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending approval of Rezone / RZ 19-06 and Comprehensive Plan Amendment / CA 19-06.

II. GENERAL DESCRIPTION

- A. The applicant, Michael Gould, has submitted a request to rezone 111.48 acres from General Agriculture District to Low Density Residential District.
- B. The applicant is also requesting to amend the Pennington County Comprehensive Plan to change the Future Land Use from Limited Agriculture District to Low Density Residential District.
- C. The subject property is located within the 3-Mile Platting Jurisdiction of the City of Rapid City.
- D. The applicant would like to develop the existing vacant land for residential purposes and allow platting within the 3-Mile Platting Jurisdiction of the City of Rapid City.

III. EXISTING CONDITIONS

- A. Zoned: General Agriculture District.
 - 1. Future Land Use Zoning: Limited Agriculture District.
- B. Lot size: 111.48 acres.
- C. Currently undeveloped and vacant.
- D. Access is off of Kimberwick Road.
- E. No Special Flood Hazard Area.

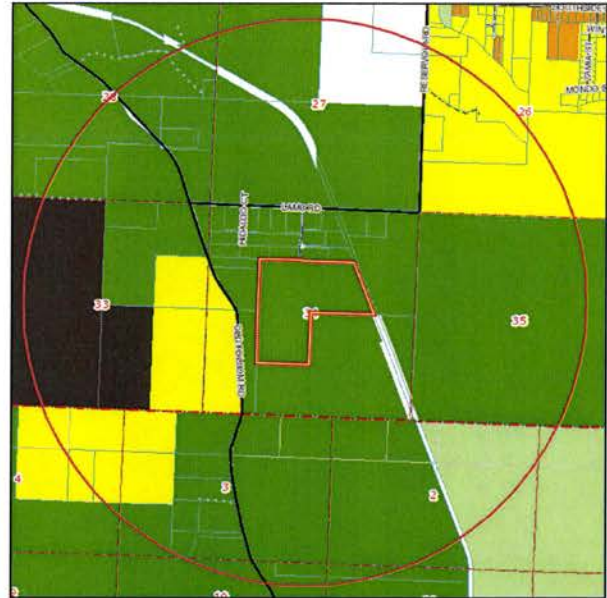
IV. CURRENT ZONING WITHIN 1 MILE

- A. Low Density Residential District.
- B. Limited Agriculture District.
- C. General Agriculture District.
- D. Heavy Industrial District.



**V. FUTURE LAND USE ZONING
WITHIN 1-MILE**

- A. Low Density Residential District.
- B. Limited Agriculture District.
- C. General Agriculture District.
- D. Heavy Industrial District.



VI. COMPREHENSIVE PLAN AMENDMENT / CA 19-06

- A. The applicant has requested to change the Future Land Use of the subject property from Limited Agriculture District to Low Density Residential District.
- B. The applicant's request appears to be in harmony with the County's Future Land Use designations in the area.

VII. REQUEST FOR COMMENT

- A. County Highway Department
 - 1. The intention of the rezone is to develop the property, so our comments address the development. The existing drainage is to the east and crosses under the RR tracks at the bridge. The drainage on the north portion of the development is captured by a dam and pond. What are their intentions with the dam and pond? If they plan on filling it in since it lies in the approximate location of Darlington Court cul-de-sac they may need to relocate it to the SE corner of the north portion of the development and will need to provide for a major drainage easement. A drainage study needs to be performed to verify the development will not increase the historic flows leaving the property. Road maintenance will need to be addressed by the developer.
- 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. According to the USDA NRCS Websoil Survey, the soils are very limited for septic tank absorption fields. The limitations include slow water movement ad depth to bedrock (shale).
 3. Geologic maps show this area to be predominantly Carlile Shale. Conventional onsite wastewater treatment systems may be difficult to install in these areas due to limitations such as high percolation rates and the presence of shale. Alternative or experimental onsite wastewater treatment systems (i.e. mound systems) may be required.
- D. County Onsite Wastewater Specialist
1. I have no concerns with the current proposal, however when future owners of the lots decide to install septic systems all rules of Pennington County Zoning Ordinance § 204-J must be followed.
- E. County Environmental Planner
1. No comments received.
- F. County Ordinance Enforcement
1. There is no record of any past or current Ordinance Violations on the subject property. Ordinance Enforcement has no objection to the proposed Rezone and Comp Plan Amendment.
- G. County Natural Resources
1. No objections.
- H. County Addressing Coordinator
1. No addressing concerns at this time. Future addresses must be posted in accordance with Pennington County Ordinance #20.
- I. Emergency Services (911)
1. Identify the complete road name with suffix on the plat: “Kimberwick Rd”.
 2. Identify the court shown on the plat as “Hidalgo Ct”.
 3. Applicant to provide alternate name to 911 for review and approval prior to final plat approval for the court identified as “Kimberwick Ct”. (Duplication of existing road name).
 4. Proposed road name “Darlington Ct” is OK.
 5. Proposed road name “Magheramore Ct” will likely be problematic for pronunciation and spelling. 911 suggests applicant provide alternate names for review and approval prior to final plat approval.
 6. If there is any chance the ROW identified as “Magheramore Ct” could continue south of the current proposed terminus, or, due to the length of the ROW, suggest a suffix other than “Ct” be used to avoid future address changes. Drive, Road, etc. would be more appropriate.
- J. Rapid City Community Planning
1. The City is currently reviewing a Preliminary Subdivision Plan to subdivide the subject property into 23 residential lots. The Preliminary Subdivision Plan also identifies the extension of Kimberwick Drive to serve as access to the proposed lots. Kimberwick Drive is not identified on the City’s Major Street Plan.

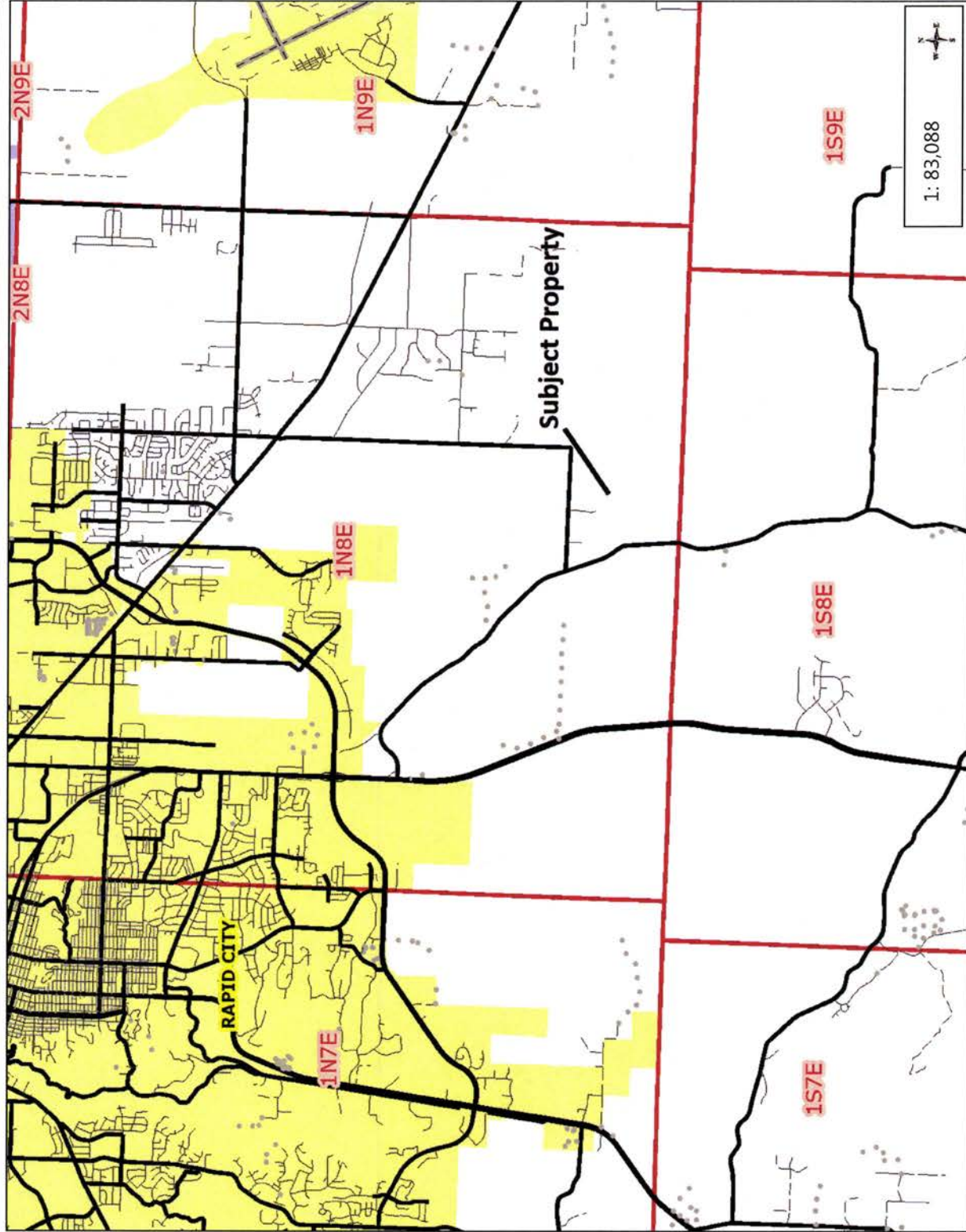
Agenda Item #20
Magheramore, LLC, Fisk Land Surveying – Agent
June 10, 2019

- K. Rapid City Engineering (3-Mile Platting)
 - 1. Public Works has no objections to this request.
- L. West River Electric
 - 1. West River Electric will require a minimum of an 8' easement on all the interior lot lines regarding the attached Magheramore LLC – Rezone & Comp Plan Amend. West River Electric also request that the developer contact West River Electric before starting any construction activities for planning purposes.

VIII. ANALYSIS

- A. March 20, 2019 – The applicant applied for Rezone / RZ 19-06 and Comprehensive Plan Amendment / CA 19-06.
- B. There are several Low Density Residential District properties within 1-mile of the subject property. Property sizes range from approximately five (5) acres to forty (40) acres. The applicant's request to rezone appears to be in harmony with the Current and Future Land Use zoning.

RECOMMENDATION: Staff is recommending approval of Rezone / RZ 19-06 and Comprehensive Plan Amendment / CA 19-06.



1: 83,088

13,847.9 0 6,923.97 13,847.9 Feet

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 - Not yet coded
- PLSS**
- Box Elder
 - Ellsworth AFB
 - Hill City
 - Keystone
 - New Underwood
 - Quinn
 - Rapid City
 - Wall
 - Wasta
- Townships**
- City Limits**
- Box Elder
 - Ellsworth AFB
 - Hill City
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Map Notes:



Legend

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- Airport Runway
- Not yet coded

Address Points

Section Lines 0-25k

- 0
- 7

Tax Parcels

Lot Lines

- <Null>
- Lot Line
- Parcel Line

Pennington County Zoning

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

Map Notes:

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1,731.0 0 865.50 1,731.0 Feet

1: 10,386





1: 10,386

1,731.0 0 865.50 1,731.0 Feet

NAD_1983_StatePlane_South_Dakota_South_FPS_4002_Feet
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- Section Lines 0-25k
- 0
- 7
- Tax Parcels
- Lot Lines
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- Lot Line
- Parcel Line

Map Notes:

Plat of Lots 1 through 23 of Darlington Estates Subdivision No 2 & Dedicated Right-of-Way

(Formerly that portion of the NE $\frac{1}{4}$ lying west of railroad [less Darlington Estates Subdivision]; SE $\frac{1}{4}$ NW $\frac{1}{4}$; and NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34, T1N, R1E, B1M) located in Section 34, T1N, R1E, B1M, Pennington County, South Dakota

Prepared by:
Fisk Land Surveying &
Consulting Engineers, Inc.
PO Box 8154
Rapid City, South Dakota, 57709
Project No. 18-09-08



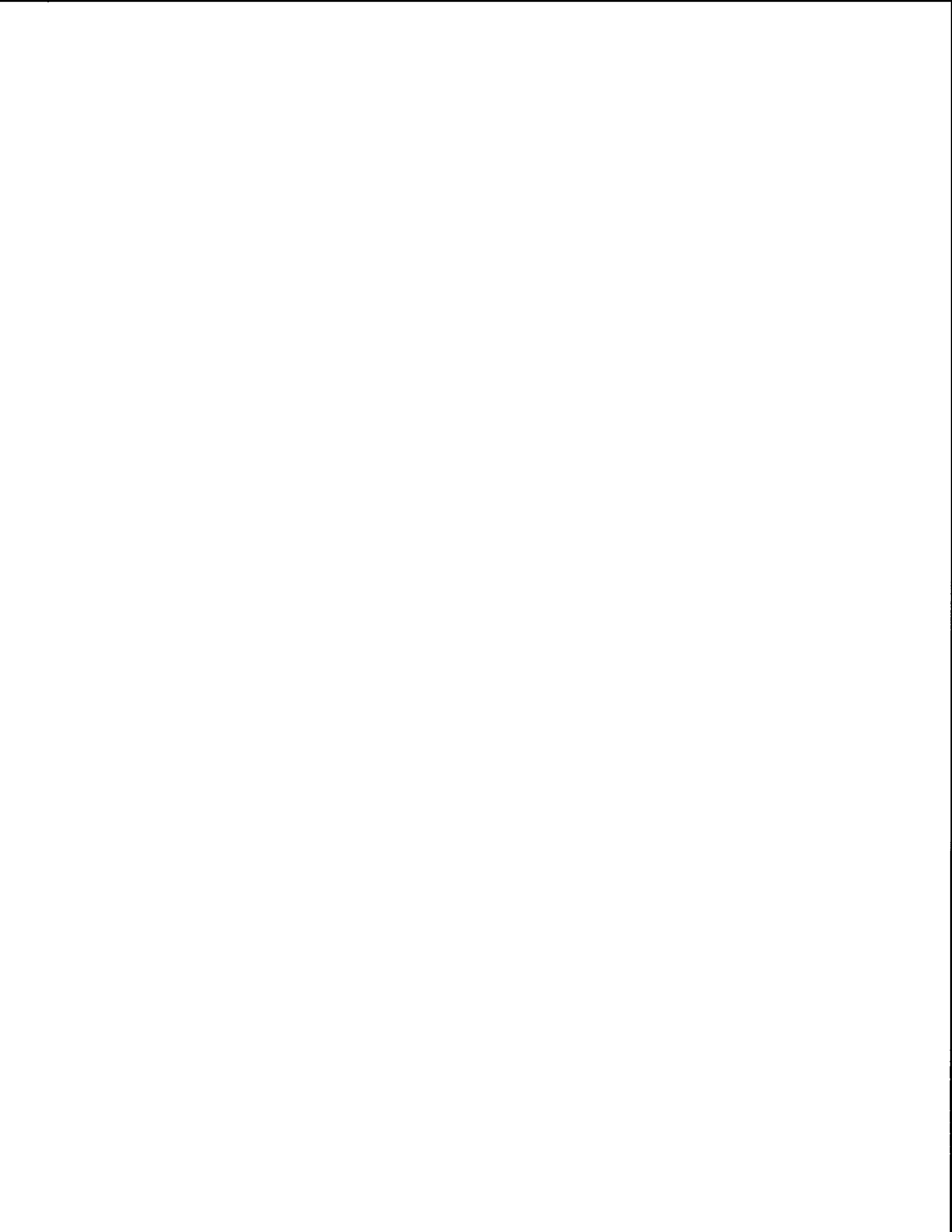
EASEMENTS

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

All major drainage easements shown hereon shall be kept free of all obstructions including but not limited to buildings, walls, fences, hedges, trees & shrubs. These easements grant to all public authorities the right to construct, operate, maintain, inspect, and repair such improvements and structures as it deems expedient to facilitate drainage from any source.



PROPOSED
DEVELOPMENT
FYI



STAFF REPORT

GENERAL INFORMATION:

REQUEST: **LAYOUT PLAT / LPL 19-13:** To create Lots D1, D2, and D3 of Lot 17 of Fort Meade Placer 244 in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

APPLICANT: Jeffrey Scherr

APPLICANT ADDRESS: 1510 Clipper Place, Bismarck, ND 58504

SURVEYOR / ENGINEER: Baseline Surveying, Inc.

SURVEYOR ADDRESS: 1921 Lazelle Street, Sturgis, SD 57785

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

PROPOSED LEGAL: Lots D1, D2, and D3 of Lot 17 of Fort Meade Placer 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

SUBDIVISION REGULATIONS REFERENCE: § 400.1

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: None

REPORT BY: Brittney Molitor

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending denial of Layout Plat / LPL 19-13.

II. GENERAL DESCRIPTION

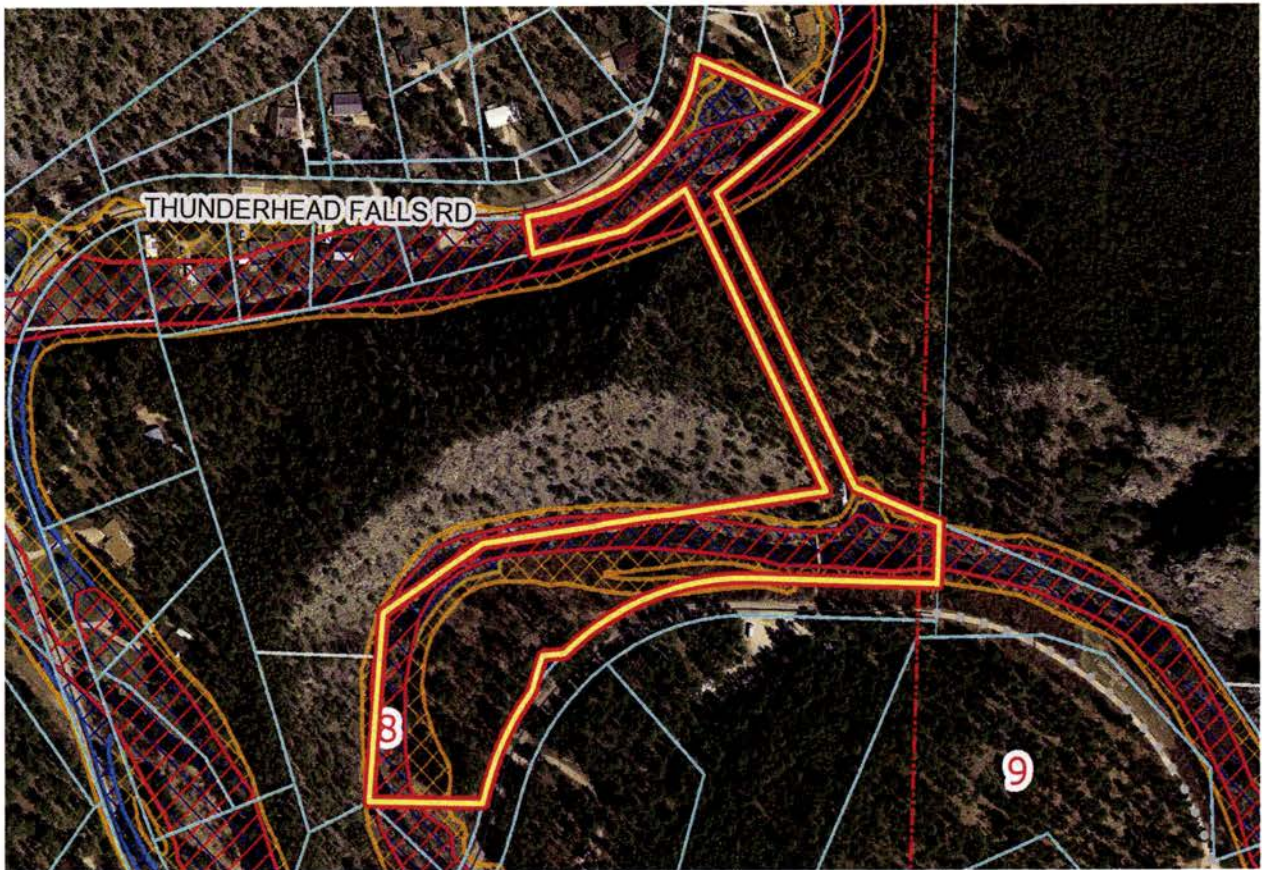
- A. The applicant, Jeff Scherr, has applied for a Layout Plat to create three (3) lots from one existing lot.

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

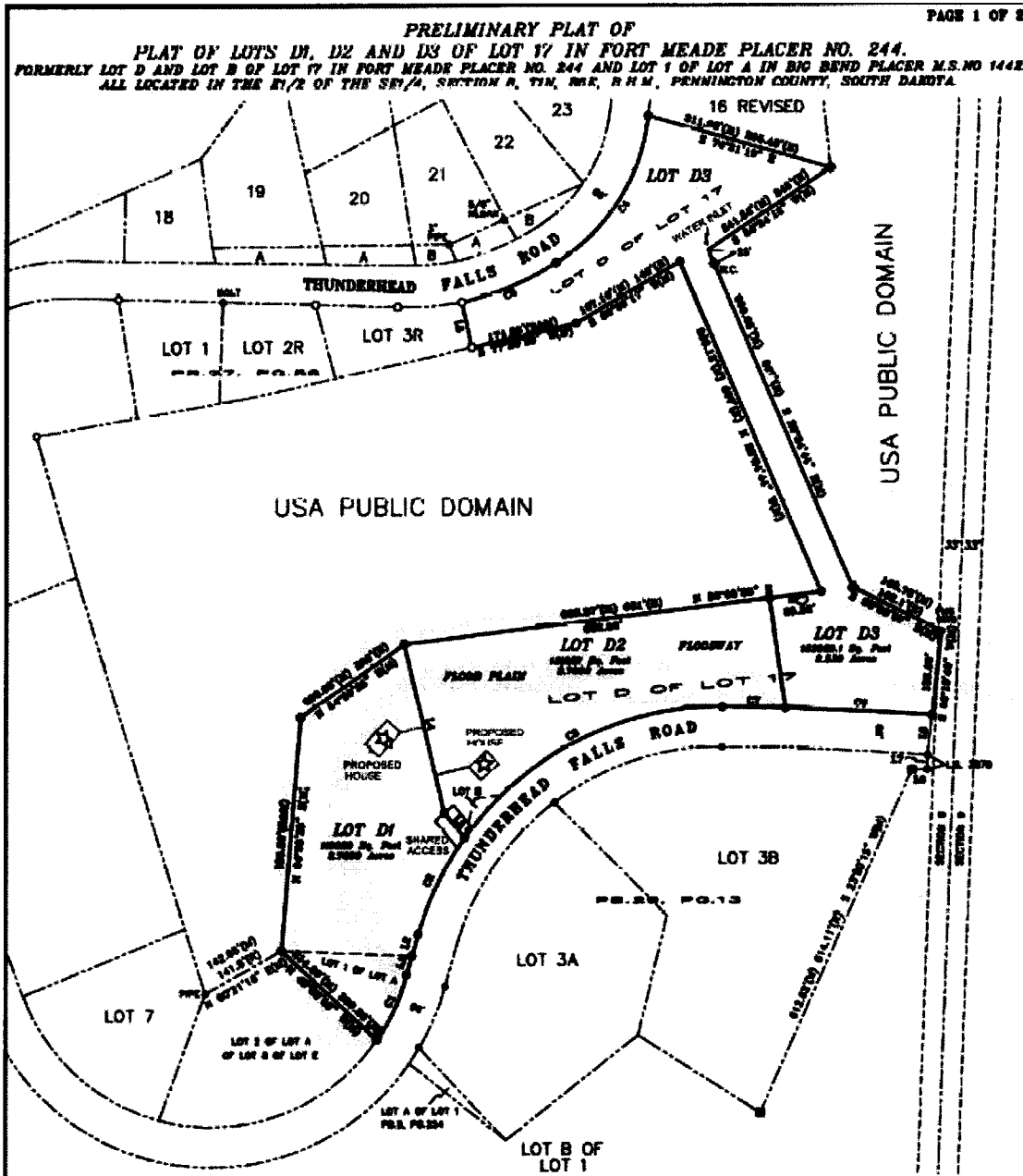


Location of Special Flood Hazard Area – Floodway (Red)

IV. PROPOSED LOTS

- A. Lot D1
 - 1. 2.509 acres.
 - 2. Zoned Low Density Residential District.
 - a. Requires a 3 acre minimum.
 - b. A Lot Size Variance or Rezone would be required.
 - 3. Shared Access with Proposed Lot D2 off of Thunderhead Falls Road.
 - 4. Proposed single-family residence.
 - 5. Special Flood Hazard Area, including Floodway.
- B. Lot D2
 - 1. 2.7993 acres.
 - 2. Zoned Low Density Residential District.
 - a. Requires a 3 acre minimum.
 - b. A Lot Size Variance or Rezone would be required.
 - 3. Shared Access with Proposed Lot D1 off of Thunderhead Falls Road.
 - 4. Proposed single-family residence.
 - 5. Special Flood Hazard Area, including Floodway.

- C. Lot D3
 - 1. 3.520 acres.
 - 2. Zoned Low Density Residential District.
 - a. Requires a 3 acre minimum.
 - 3. Access off of Thunderhead Falls Road from the north side of the lot and the south side of the lot (there is an existing approach).
 - 4. Special Flood Hazard Area, including Floodway.
 - 5. "Thunderhead Falls" are located on this lot.



Proposed Plat

V. 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 Register of Deeds
 - 1. Formerly needs to be amended to read: Lot D of Lot 17 in Fort Meade Placer No. 244, Lot B of Lot 8 of Lot e in Big Bend Placer M.S. No 1442 and Lot 1 of Lot A of Lot 8 of Lot E in Big Bend Placer M.S. 1442.
- D. County Department of Equalization (Cartographer)
 - 1. Looks pretty good to me. Two notes:
 - a. First, our current legal for one of the parent parcels is “Lot 1 of Lot A of Lot 8 of Lot E” but the plat title in the “formerly” section only specifies “Lot 1 of Lot A.” I don’t know how big a deal that is but it might be worth double checking what the plat title needs to say.
 - b. Second, there is a small “Lot B” poking into the proposed Lot D2. It would be helpful for me to have the dimensions for that lot though it’s not entirely necessary.
- E. County Environmental Planning Supervisor
 - 1. Thunderhead Falls Road exceeds the number of lots (>40) for ingress and egress on a dead end road.
 - 2. 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.
- F. 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.
- G. 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.
 - 2. Ordinance Enforcement does have concern with increasing density at the end of a dead end road that is rather narrow.
- H. County Natural Resources Director
 - 1. No objections.
- I. Pennington County 9-1-1
 - 1. No comments here.

- J. Black Hills Electric Cooperative
 - 1. Black Hills Electric Cooperative has no concerns with this subdivision.
- K. 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).

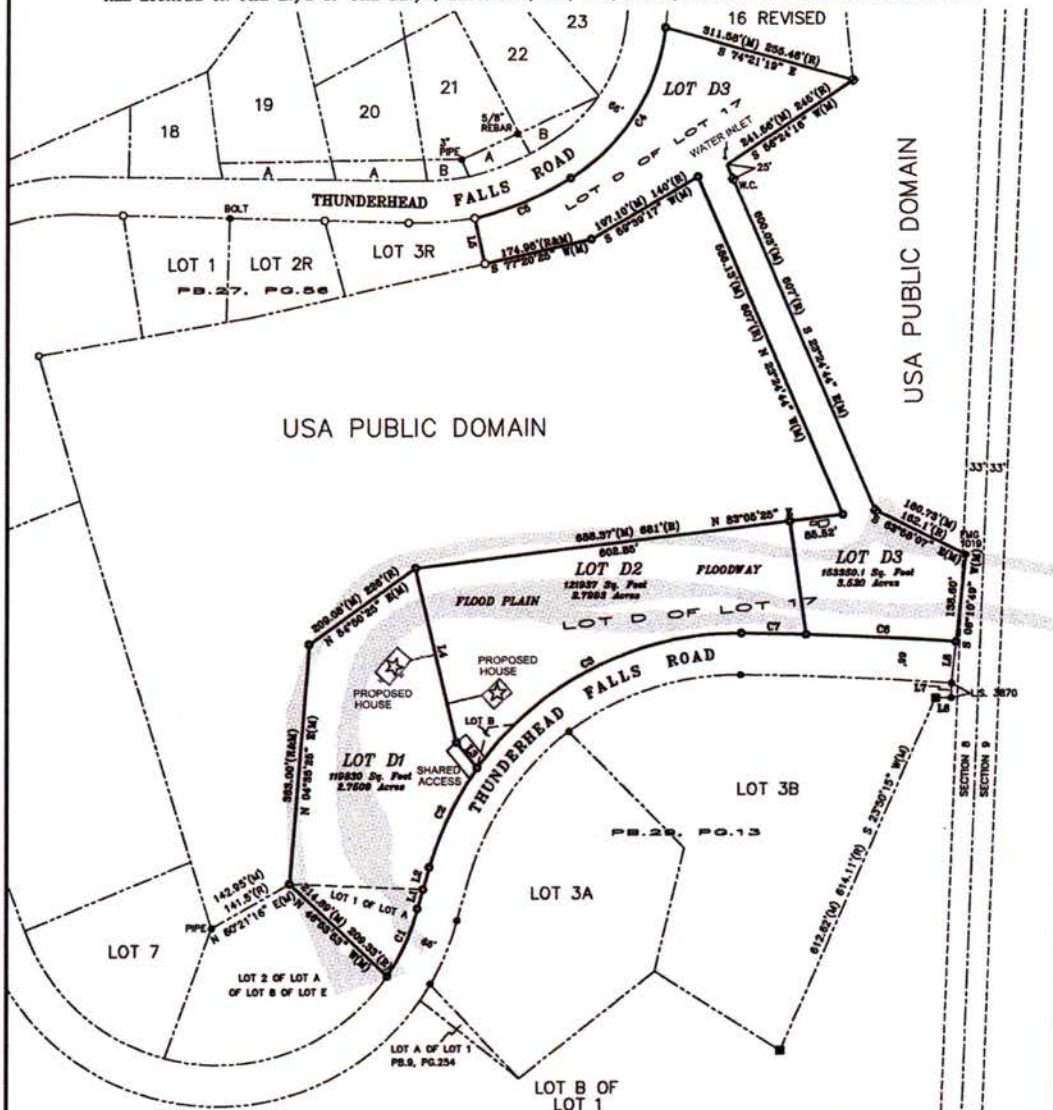
VI. ANALYSIS

- A. There is one means of ingress and egress to the subject properties via Thunderhead Falls Road.
 - 1. There are approximately 57 lots served by Thunderhead Falls Road.

- a. It appears that a majority of the lots along Thunderhead Falls Road were platted in the 1960s.
 - i. From platting records, it appears the dead end road system exceeded 40 lots over 40 years ago.
 - b. Two properties along Thunderhead Falls Road are overnight camps.
 - i. Presbyterian Church Camp – Conditional Use Permit / CU 94-26.
 - ii. Salvation Army Camp – Planned Unit Development / PUD 09-02.
2. In the case of fire or flooding, there is no alternative escape route.
- B. Thunderhead Falls Road has seven (7) water crossings between Highway 44 and the subject property.
 1. In the event a flood would take out any of those bridges, there is potential for numerous people being stranded and unable to escape to W. Highway 44.
- C. The proposed Plat will increase density on a dead-end road by two (2) lots.
 1. Pennington County Subdivision Regulations § 500.5(4) does not allow more than 40 lots on a dead end road system.
 - a. This increase in density would require a Subdivision Regulations Variance.
 - i. Staff does not support a Subdivision Regulations Variance due to the topography and potential fire and flooding issues along Thunderhead Falls Road.
 2. The last plat along Thunderhead Falls Road that increased density was filed July 6, 2000, prior to the effective date of the Subdivision Regulations (November 12, 2008).
- D. For the purposes of a Layout Plat, staff finds significant issues with the applicant's request and does not support further subdivision of property along a dead end road system.

RECOMMENDATION: Staff is recommending denial of Layout Plat / LPL 19-13.

**PRELIMINARY PLAT OF
PLAT OF LOTS D1, D2 AND D3 OF LOT 17 IN FORT MEADE PLACER NO. 244.
FORMERLY LOT D AND LOT B OF LOT 17 IN FORT MEADE PLACER NO. 244 AND LOT 1 OF LOT A IN BIG BEND PLACER M.S. NO 1442.
ALL LOCATED IN THE E1/2 OF THE SE1/4, SECTION 8, T1N, R6E, B.H.M., PENNINGTON COUNTY, SOUTH DAKOTA.**



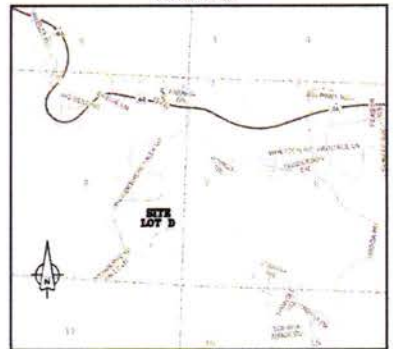
CURV	BEARING	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	S 111.74° E	117.42	117.42	S 27.28° E	183.77
C2	S 111.32° E	178.19	178.19	S 25.47° W	117.44
C3	S 111.32° E	481.34	472.80	S 63.11° W	155.03
C4	S 121.90° E	783.14	783.14	S 22.41° E	117.21
C5	S 87.42° E	240.25	240.25	S 87.04° E	122.35
C7	S 87.42° E	1103.68	1103.68	S 85.45° W	1100.40

LINE BEARING	DISTANCE	LINE BEARING	DISTANCE
L1	S 129° 23' W 532.18	L4	S 12° 39' 09" W 725.10
L2	S 129° 23' W 532.18	L5	S 88° 20' 34" E 1295.08
L3	S 129° 23' W 532.18	L6	S 101° 53' 24" E 1295.08
L4	S 129° 23' W 532.18	L7	S 101° 53' 24" E 1295.08



Sharon E. Vasinetz
Registered Land Surveyor No. 7718

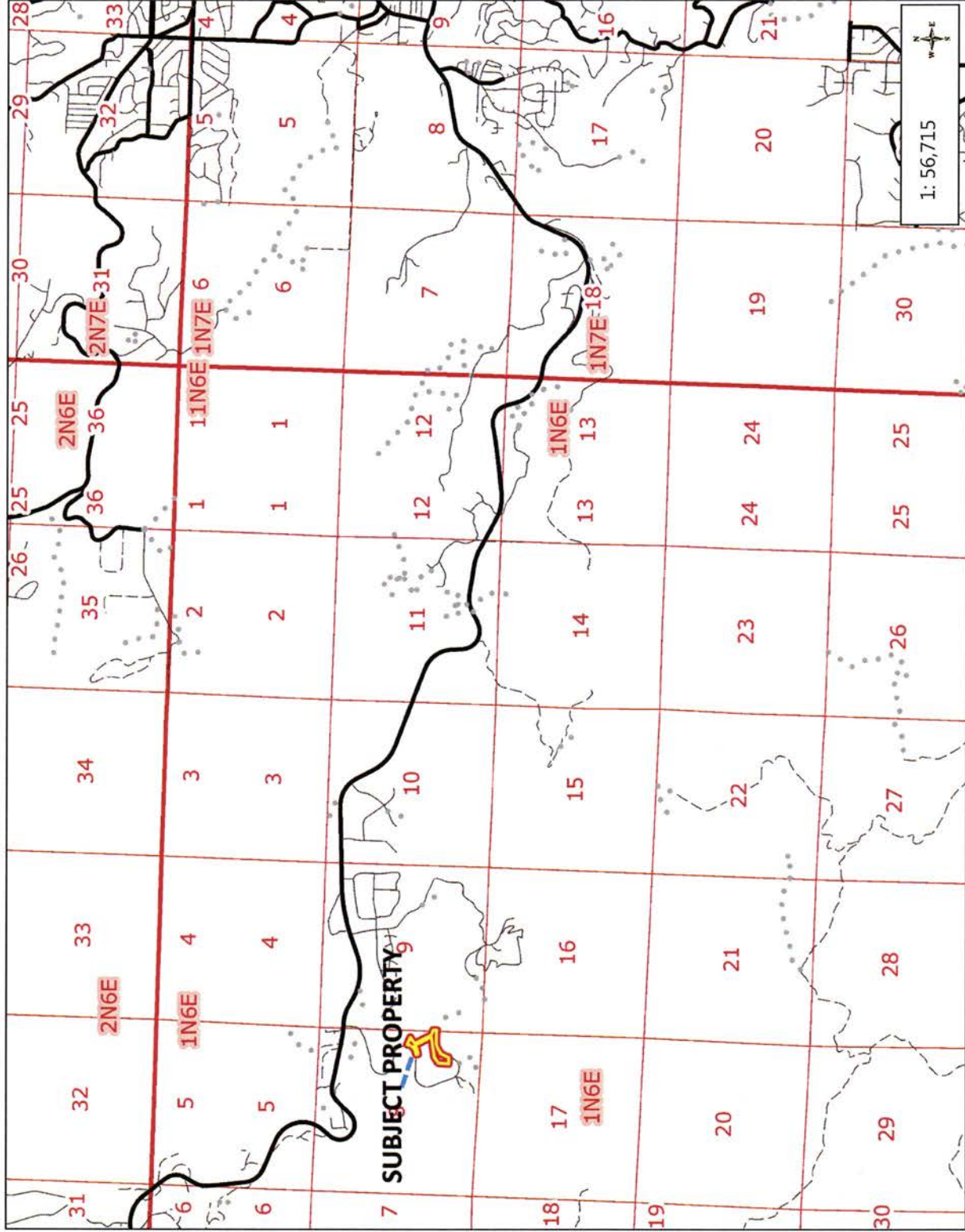
VICINITY MAP
NOT TO SCALE



- LEGEND:**
- - Denotes Found Survey Cap Monument Marked 'YASK ENG 1771'.
 - - Denotes Found Original Stone.
 - - Denotes Found Survey Cap Monument Marked 'SUBREC 3870', Unless Otherwise Noted.
 - ◆ - Denotes Found 3" Alum. U.S.F.S. Monument.
 - ⊙ - Denotes Set 5/8" Rebar and Cap Marked 'YASKNETZ 7718', Unless Otherwise Noted.
 - (R) - PREVIOUSLY RECORDED INFORMATION
 - (M) - MEASURED THIS SURVEY

SURVEYOR'S NOTES:

- 1.) Utility and Drainage Easement:
An eight foot (8') wide utility and minor drainage easement is hereby granted on the interior side of all lot lines or an approved Subdivision Regulations Variance is obtained waiving this requirement. Removal or modification of any obstruction or impediment to such an easement shall be the financial responsibility of the landowner.
 - 2.) Reference Plats:
Plats and Easements of Record as shown hereon; Plat Steel File of Fort Meade Placer as previously recorded with the Pennington County Register of Deeds Office.
 - 3.) Geodetic North Determined by Global Positioning System (GPS).
 - 4.) FEMA Mapping Indicates Zone AE and Minimal Flood Hazard, Zone X, Per FIRM Panel, 46103C 0741H with Effective Date 8/3/2013.
- All Access Easements, Major Drainage Easements and Sanitary Sewer Easements shown hereon shall be kept free of all obstructions, including but not limited to, buildings, walls, fences, hedges, trees and shrubs. These easements grant to Pennington County and all public authorities the right to enter upon the property to construct, operate, maintain, inspect and repair such improvements and structures as reasonably necessary to effectuate its purpose.



9,452.4 0 4,726.21 9,452.4 Feet

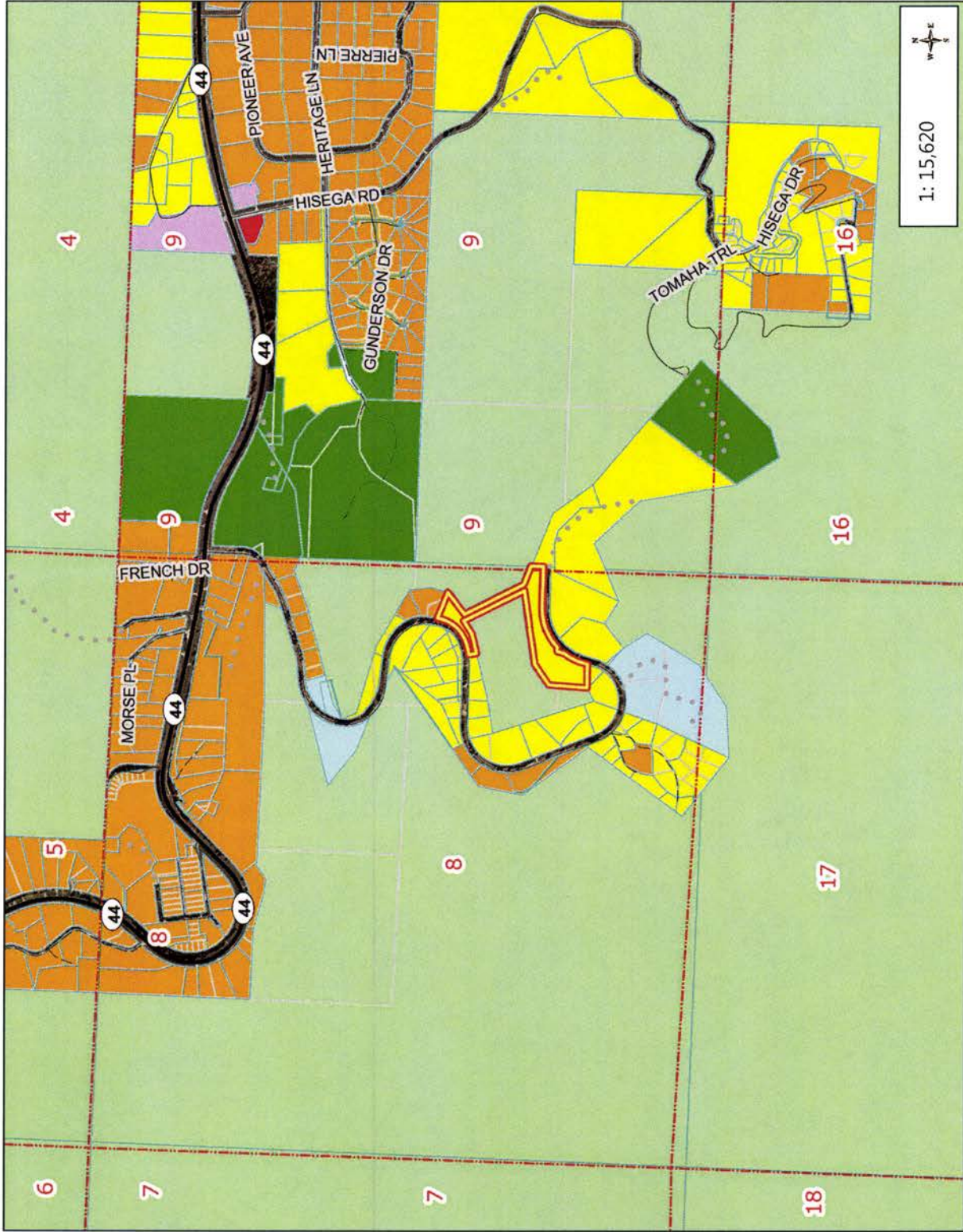
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Legend

- 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:



1: 15,620

2,603.3 0 1,301.64 2,603.3 Feet

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 - Not yet coded
- Public Buildings**
- Cemetery
 - Fire station
 - Government building
 - Hospital
 - Library
 - Police station
 - School
 - Tertiary School
- Section Lines 0-25k**
- 0
 - 7
- Tax Parcels**
- Lot Lines
 - <Null>
 - Lot Line
 - Parcel | Line

Map Notes:



1: 3,905

Legend

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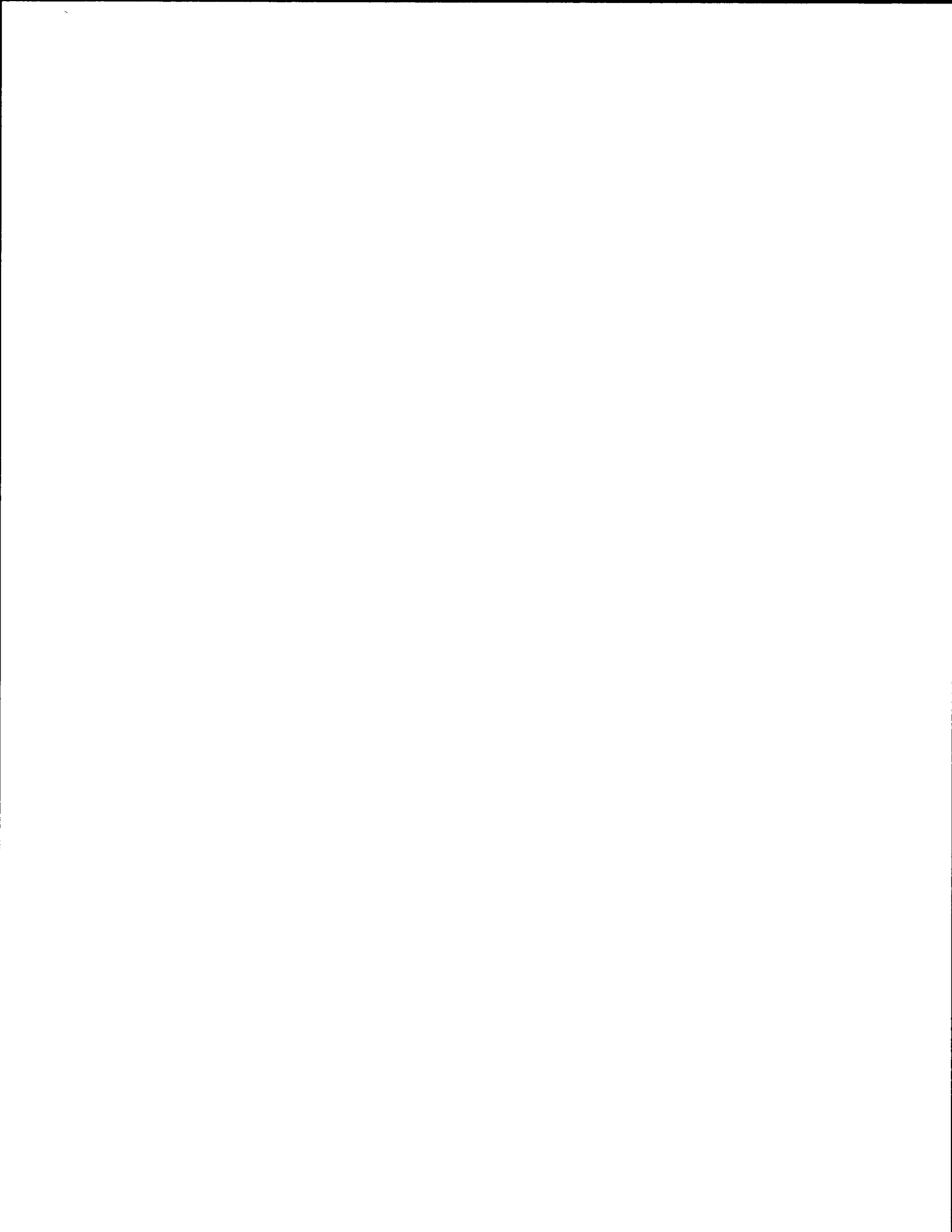
Map Notes:

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

650.8 0 325.41 650.8 Feet

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STAFF REPORT

GENERAL INFORMATION:

REQUEST: **LAYOUT PLAT / LPL 19-14:** To reconfigure lot lines to create Lots 1R and 2R of Monument Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

APPLICANT: Jerry and Darlene Litzel

APPLICANT ADDRESS: 10800 Nemo Road, Rapid City, SD 57702

OTHER LANDOWNER: Patricia Rinehart

LANDOWNER ADDRESS: 10900 Nemo Road, Rapid City, SD 57702

LEGAL DESCRIPTION: **EXISTING LEGAL:** Lot 1 and Lot 2 of Monument Subdivision, Section 15, T2N, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 1R and Lot 2R of Monument Subdivision, Section 15, T2N, R6E, BHM, Pennington County, South Dakota.

SITE LOCATION: 10900 Nemo Road and 10800 Nemo Road.

SIZE: 8.00 acres

TAX ID: 6288 / 6289

EXISTING LAND USE: Residential

SUBDIVISION REGULATIONS REFERENCE: § 400.1

CURRENT ZONING: Limited Agriculture District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Forested / Hills

UTILITIES: Private
REPORT BY: Kristina Proietti

I. PROPOSED RECOMMENDATION

A. Staff will be recommending approval of Layout Plat / LPL 19-14 with six (6) conditions.

II. GENERAL DESCRIPTION

A. The applicants, Patricia Rinehart and Darlene Litzel, have applied to create proposed Lots 1R and 2R of Monument Subdivision out of the existing Lot 1 and Lot 2 of Monument Subdivision. The purpose of this proposed plat is so as to move the property line so that the shared well is located on Darlene's property instead of Patricia's property.

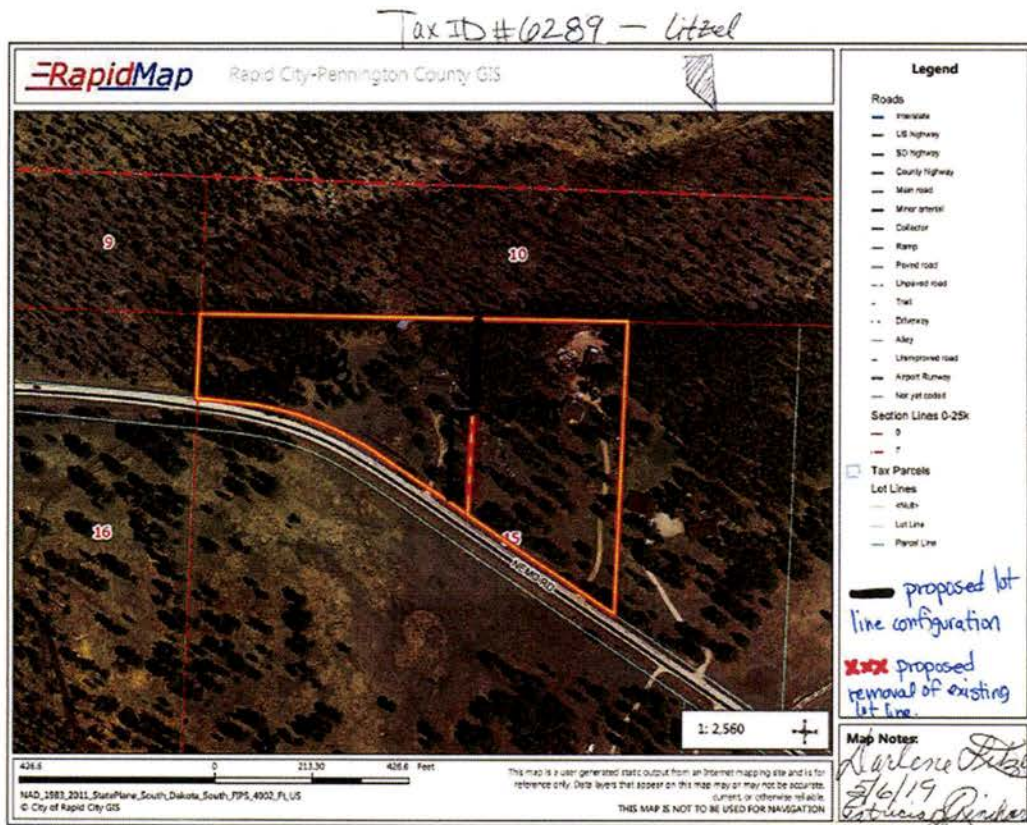


Image 1.

III. EXISTING CONDITIONS

- A. Zoned Limited Agriculture District.
- B. Lot size:
 - 1. Lot 1 contains 4 acres.
 - 2. Lot 2 contains 4 acres.
- C. Access off of Nemo Road.
- D. Located within the West Dakota Water District
- E. Lot Contains:
 - 1. Lot 1:
 - a. Single-family Residence (SFR), County Building Permit (COBP) / BP#2029.
 - b. Addition to SFR, COBP / BP#8270.
 - c. Two (2) entry ways and a fireplace, COBP / BP#3315.
 - d. On-Site Wastewater Treatment System Operating Permit / COOP13-0545.
 - 2. Lot 2:
 - a. Single-family residence (SFR) / 1992COBP0457.
 - b. Addition to SFR / 1993COBP0398.
 - c. On-Site Wastewater Treatment System Operating Permit / COOP13-0544.
 - d. Metal building, COBP / BP#7481.
 - e. Shop / BP#8401.

IV. REQUEST FOR COMMENT

- A. County Highway Department
 - 1. Highway Department has no comments.
- B. County Environmental Planning Supervisor
 - 1. The Operating Permit for these properties will expire July 19, 2019. COOP-0544 and COOP13-0545. There is no Special Flood Hazard Area on the subject properties.
- C. County Onsite Wastewater Specialist
 - 1. Both applicants have current Operating Permits. I have no concerns with the current proposal.
- D. County Ordinance Enforcement Officer
 - 1. Ordinance Enforcement has no objection to the requested lot line reconfiguration.
- E. County Natural Resources
 - 1. No objections.
- F. County Fire Administrator
 - 1. 1. Addressed to meet or exceed county regulations, in accordance with Pennington County Ordinance 20 and ESCC/911 Department guidelines. Signage clearly visible from both approaching directions;
 - 2. If the length of the driveway/access way exceeds 75 feet or a physical obstruction prevents the number from being visible from the road of

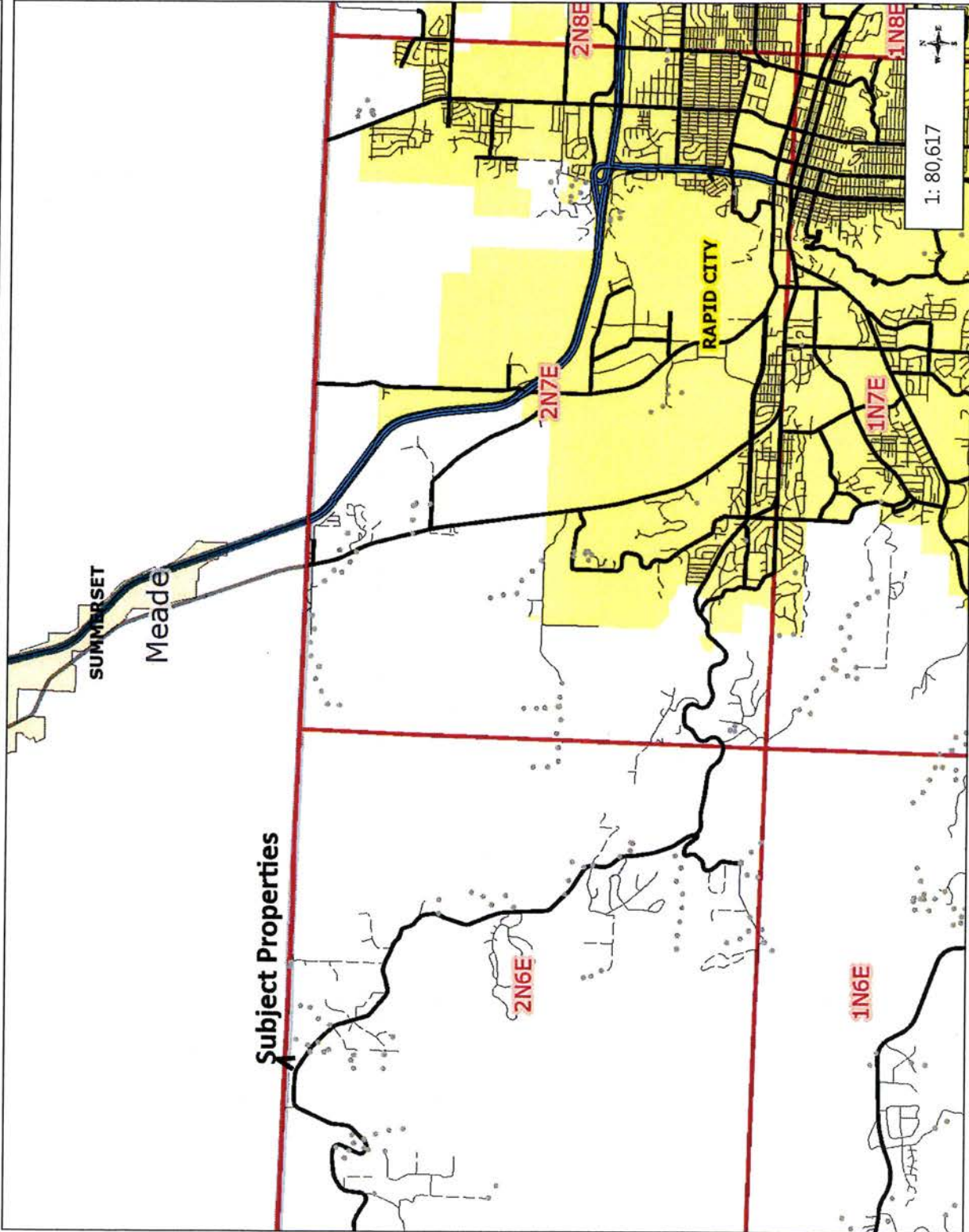
- which the address is taken, then the house number shall be posted adjacent to the area in which the driveway/access way intersects the road;
3. The posted house number must be placed in such a way as to ensure its visibility year round and not be obstructed by such things as, but not limited to, snow or vegetation, to provide for emergency identification at all times;
 4. Each character of the posted house number shall be a minimum of four (4) inches in height by three (3) inches in width and must be of a contrasting color to the background;
- G. U.S. Forest Service
1. The Forest Service does not have any objections to the proposed Rinehart & Litzel layout plat.
 2. Protect all posted boundary line corners, signs and bearing tress. On the north boundary line between private property and National Forest System lands, it appears that an encroachment (structure) is partially located on National Forest System lands; this encroachment will need to be removed.
 3. Adhere to the setback requirements along the posted boundary between National Forest System lands (USA Public Domain) and the private property (National Forest System lands located on the north and west side of 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. No construction materials to be placed on National Forest System lands.
 7. All drain fields, leach lines or septic systems will need to be located on private property and not located on or drain or leach onto National Forest System lands.
 8. Any 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.
 9. Any construction materials, supplies, trash or garbage or fill material 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" and "Other Public Roads" per the latest version 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).
- H. Department of Equalization
1. Looks fine at this stage.
- I. Register of Deeds
1. Proposed lots are okay.

V. ANALYSIS

- A. The applicant's request is to reconfigure the lot line so that the well that they currently share is transferred from Patricia Rinehart's property to Darlene Litzel's property.
- B. For the purposes of a Layout Plat, Staff finds no significant issues with the applicant's request.
 - 1. A Layout Plat is an informal preliminary review of the proposed subdivision for general scope and conditions, which might affect the plat.

RECOMMENDATION: Staff recommends approval of Layout Plat / LPL 19-14 with the following six (6) conditions:

- 1. That at the time of Minor Plat submittal, eight (8) foot Minor Drainage Easements to be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
- 2. That at the time of the Minor Plat submittal, the proposed Plat be prepared by a Registered Land Surveyor;
- 3. That prior to the Plat being recorded with the Register of Deeds, the plat meets all requirements of Pennington County Subdivision Regulations, or approved Subdivision Regulations Variance(s) be obtained waiving any of these requirements that are not met. Subdivision Regulations shall be submitted per Section 700 of Pennington County Subdivision Regulations;
- 4. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
- 5. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of § 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain and maintain an Operating Permit; and,
- 6. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.



13,436.2

6,718.10

13,436.2 Feet

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Legend

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

Map Notes:



1: 3,428



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

Map Notes:



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- Address Points**
- Section Lines 0-25k
- 0
 - 7
- Tax Parcels**
- Lot Lines**
- <Null>
 - Lot Line
 - Parcel Line
- Pennington County Zoning**
- General Agriculture
 - General Commercial
 - Heavy Industrial
 - Highway Services
 - Limited Agriculture
 - Low Density Residential
 - Light Industrial

Map Notes:

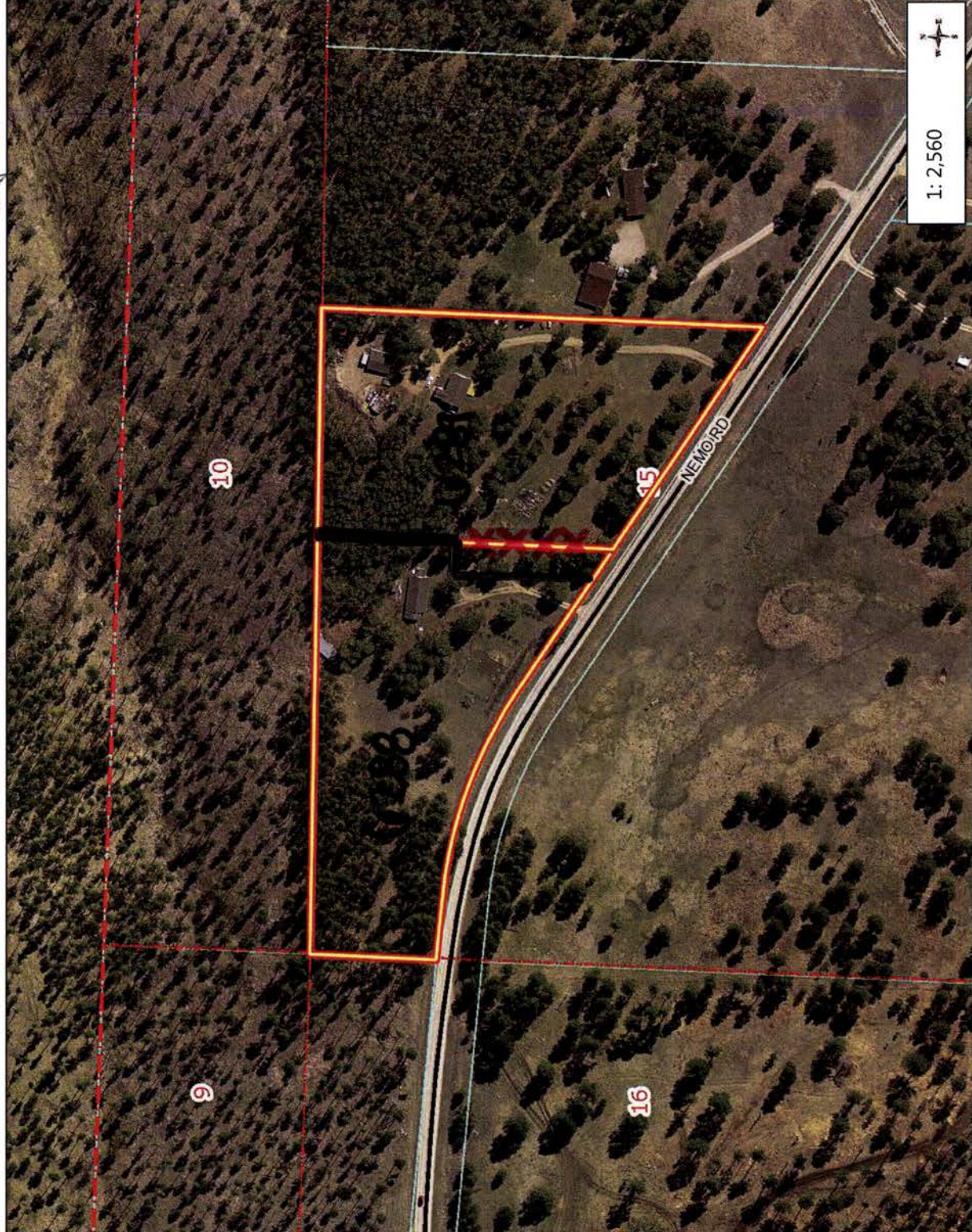
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Tax ID # 0289 - Litzel



Rapid City-Pennington County GIS



1: 2,560

426.6 213.30 426.6 Feet

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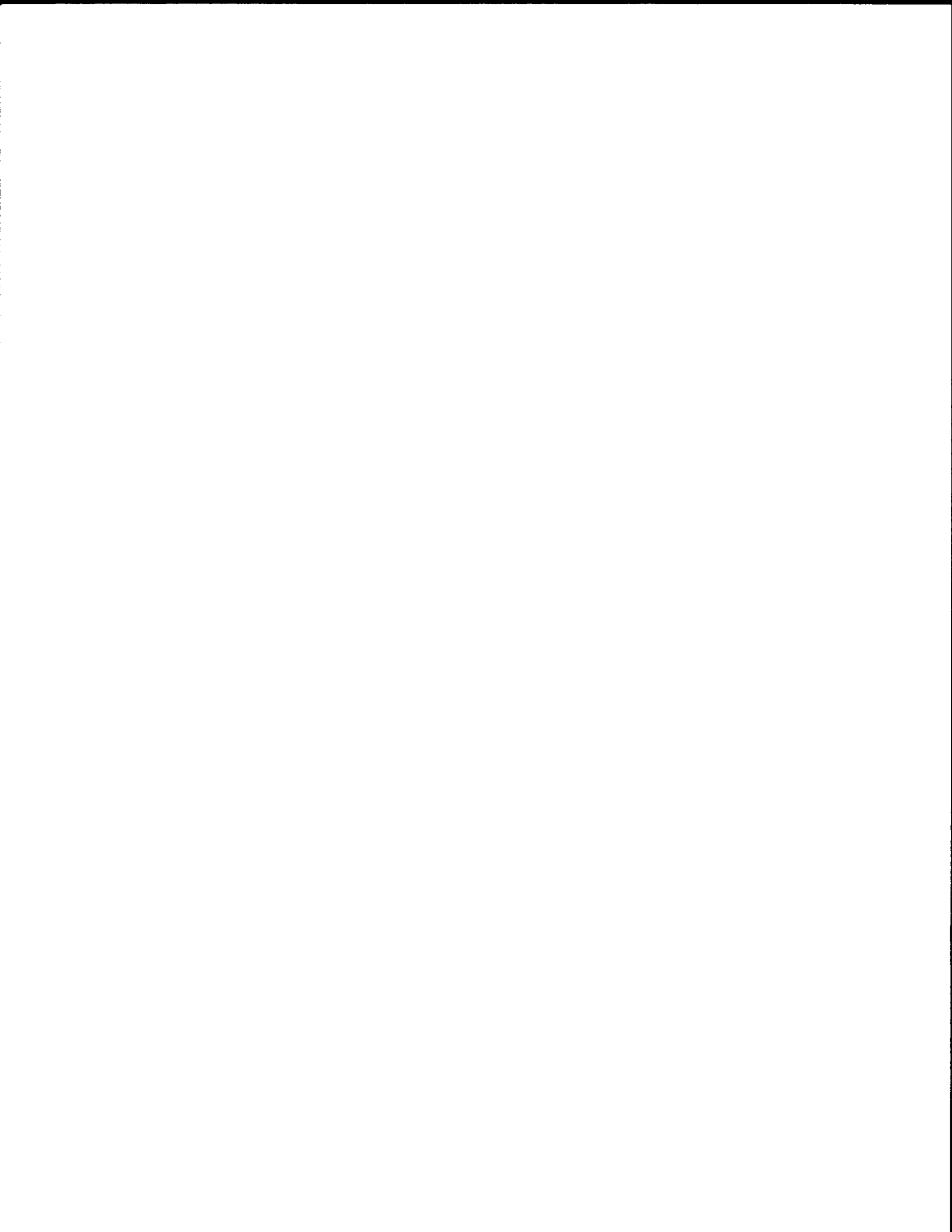
proposed lot line configuration

proposed removal of existing lot line.

Map Notes:

Marlene Litzel
5/6/19
Patricia Rinehart

Patricia Rinehart Tax ID # 0288





TO: Planning Commission
FROM: P.J. Conover, Director
MEMO DATE: June 04, 2019
MEETING DATE: June 10, 2019
RE: Proposed Tax Increment Financing District #4

23

On May 16, 2019, a project plan for a tax increment financing district (TIF) was submitted to the Planning Department, by BKE Consulting, Blaise Emerson as the Agent, on behalf of the City of Box Elder. Proposed TIF District #4 is associated with infrastructure development for the Seger Crossing Business Park and a community event center including street, water and sewer utilities, drainage improvements and other infrastructure elements that would serve proposed commercial and industrial development within the proposed district. The developer is B-1 Development, Inc. with shareholders of record being: Paul J. Bradsky, Thomas C. Bradsky, Walter John Bradsky, and Richard M. Bradsky. Shortly after submission of the project plan, Mr. Emerson took a position with the City of Box Elder and removed himself as the acting Agent. Mr. Tobin J. Morris of Dougherty & Company, LLC assumed Mr. Emerson's position as Agent for the Applicant and Developer. The Applicant is the City of Box Elder.

The boundaries of proposed TIF District #4 are located entirely within the city limits of the City of Box Elder. However, the City of Box Elder has limited financial resources and has a number of important infrastructure needs it must address that include new wells, street and sanitary upgrades. Furthermore, the creation of the proposed TIF district by the City of Box Elder exceeds the maximum percentage of taxable property allowed. Under SDCL § 11-9-7, "the aggregate assessed value of the taxable property in the [proposed] district plus the tax increment base of all other existing districts" may not "exceed ten percent of the total assessed value of all taxable property in the municipality." For these reasons, the City of Box Elder and Developer are requesting the creation of a TIF district by Pennington County. As required under SDCL § 11-9-8, the City of Box Elder has consented to Pennington County creating proposed Tax Increment Financing District #4.

Pursuant to SDCL § 11-9-3 notice of the Planning Commission hearing on the proposed creation of TIF District #4 was published on the following dates in the following newspapers: May 31, 2019 - Rapid City Journal, May 30, 2019 - Pennington County Courant, and May 29, 2019 - Hill City Prevailier. In addition, a copy of the notice was sent by first class mail to the chief executive officer of each local governmental entity having the power to levy taxes on property located within the proposed district and to the school board of any district that has property located within the proposed district. The Agent provided names and addresses, and notices were sent on May 24, 2019 to: Chairwomen Hadcock - Pennington County Commission, Dan Bjerke - West Dakota Water District, Superintendent Kerr - Douglas School District, Ronald Gonzales - Box Elder Fire District, Dr. Lori J. Simon - Rapid City School District, and Mayor Larry Larson - City of Box Elder.

The aerial map below highlights the boundaries of proposed TIF District #4. The subject area is located just east of the intersection of Interstate 90 and North Elk Vale Road.



Proposed TIF District #4 was routed for comment to the following governmental departments. Their comments, if received, are below:

- 1) South Dakota State Government
 - a. South Dakota Department of Transportation
 - i. "SDDOT has no comment".
- 2) Pennington County
 - a. County Auditor
 - i. "I have no comments I'd like to make on this project."
 - b. Highway Department
 - i. No comments received.
 - c. Department of Equalization
 - i. Recalculated aggregate assessed value of the taxable property in proposed TIF district based upon corrected legal description.
 - d. State's Attorney's Office
 - i. **Required Actions by the Planning Commission**

If the Planning Commission determines that the TIF district is needed, under SDCL § 11-9-4, the Planning Commission must:

 1. Recommend the creation of the tax increment financing district;
 2. Designate the boundaries of the district;



3. Submit its recommendation to the Pennington County Board of Commissioners.

Pursuant to SDCL § 11-9-13, the Planning Commission must also adopt a project plan for the recommended district and submit the plan to the Pennington County Board of Commissioners.

ii. Resolution by Board of Commissioners

If the recommendations of the Planning Commission are approved, the Pennington County Board of Commissioners is required to adopt a resolution officially creating the TIF district. Under SDCL § 11-9-5 the resolution must:

1. Describe the boundaries of the TIF district;
2. Create the district on a given date;
3. Assign a name to the district for identification purposes. The first district created in each municipality shall be known as “Tax Increment Financing District Number One, City (or Town, or County) of _____”. Each subsequently created district shall be assigned the next consecutive number.

In addition, the resolution required by SDCL § 11-9-5 shall contain the following findings:

- SDCL § 11-9-7 requires “a finding that the aggregate assessed value of the taxable property in the district plus the tax increment base of all other existing districts does not exceed ten percent of the total assessed value of all taxable property in the municipality.”
- SDCL § 11-9-8 requires findings that
 - 1) Not less than twenty-five percent, by area, of the real property within the district is a blighted area or not less than fifty percent, by area, of the real property within the district will stimulate and develop the general economic welfare and prosperity of the state through the promotion and advancement of industrial, commercial, manufacturing, agricultural, or natural resources development; and
 - 2) The improvement of the area is likely to significantly enhance the value of substantially all other real property in the district.
- SDCL § 11-9-17 requires the Board of Commissioners “approve a project plan for each district. The approval by resolution shall contain findings that the plan is feasible and in conformity with the master plan, if any, of the municipality.”



Pennington County Planning Department

Pennington County Administration Bldg • 130 Kansas City St. Ste 200
Rapid City, SD 57701 • Phone: (605) 394-2186

- 3) Box Elder
 - a. Planning and Zoning Department
 - i. “Would you also add Nicole Schneider (City Administrator) and Blaise Emerson (City Economic Development Director) to any correspondence regarding TIF #4.”
 1. NOTE: On June 03, 2019, Ron Koan (Box Elder Planning and Zoning Director) stated he had already forwarded the request for comment to Mrs. Schneider and Mr. Emerson.
 2. No further comments were received.

Included with this Memo are: 1) Project Plan submitted by the Agent titled “**Tax Increment Finance District #4 – Prepared For Pennington County on Behalf of the City of Box Elder,**”
2) letters of support for proposed TIF District #4, and 3) draft of proposed recommendation to create TIF District #4.

Proposed Motions:

1. Motion to recommend the creation of “Tax Increment Financing District Number Four, County of Pennington.”
2. Motion to adopt the project plan for the creation of TIF District #4 dated June 2019.
3. Motion to designate the boundaries of TIF District #4 as legally described in the adopted project plan.
4. Motion to submit the project plan and the recommendation of the Pennington County Planning Commission to create “Tax Increment Financing District Number Four, County of Pennington” to the Pennington County Board of Commissioners for further action.

TAX INCREMENT FINANCE DISTRICT #4



**PREPARED FOR:
PENNINGTON COUNTY
ON BEHALF OF THE
CITY OF BOX ELDER**

**Submitted by:
Tobin J. Morris
Dougherty & Company LLC**

June 2019

**Dougherty & Company LLC
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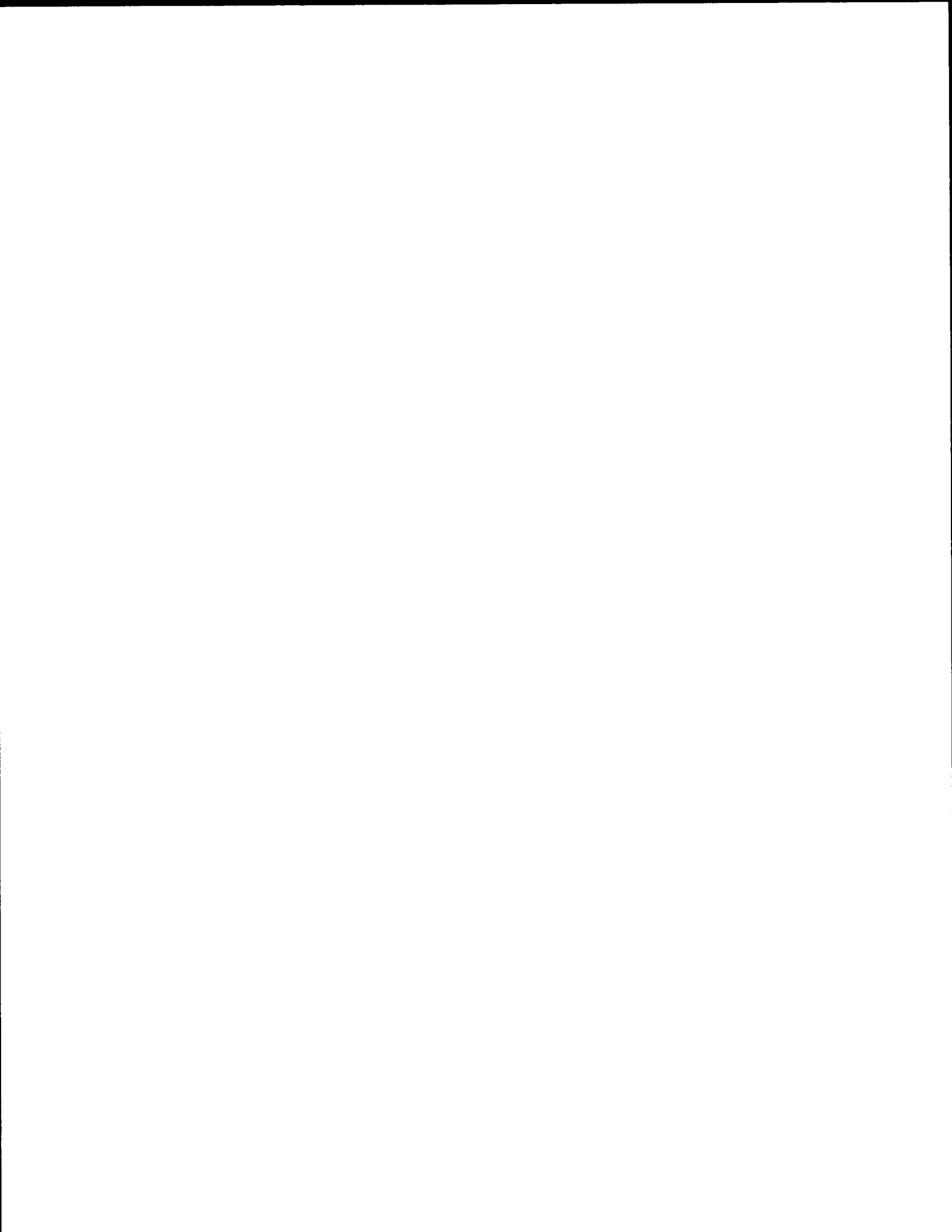


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INTRODUCTION – THE PROJECT

Tax Increment Financing (TIF) is an incentive utilized by local governments to attract private development and investment. New investment equals new jobs, more customers, and in turn, more investment opportunity. The incentive can also help attract and retain existing businesses and workers that might otherwise find more attractive options elsewhere. The jobs and additional investment, both private and public, mean more money for the community. Tax Increment Financing helps to overcome costs that often prevent redevelopment and private investment from occurring in the community. As a result, the TIF area itself improves and property values increase.

Specifically, money for improvements and other incentives comes from the growth in property valuations and the corresponding property tax revenues — the tax increment. A tax increment is the difference between the amount of property valuation present within the TIF district before TIF district designation and the amount of property valuation increase due to the creation of a TIF district. Property taxes collected on the original valuation existing in the TIF at the time of its designation continue to be distributed to the city, school district, county and all other taxing districts in the same manner as if the TIF district did not exist. Only property taxes collected as a result of the incremental increase in the value of these properties after formation of the TIF district are available for use by the counties or cities to fund projects costs in the TIF district.

In addition to increasing property valuation, creating a Tax Increment District for the benefit of economic development can mean retaining and creating more jobs. Today's business climate allows corporations the flexibility to call any state in the union their home. It is up to local communities to attract and retain companies to their communities. Using Tax Increment Financing is one of the most powerful economic development tools to help communities achieve their goals.

A local government, per South Dakota Codified Law, Chapter 11-9, can designate a specific area within its boundaries as a redevelopment area appropriate for a TIF district and prepare a plan for development. TIF projects must be recommended for approval by the County or City Planning Commission and the County or City Commission/Council.

The Developer is B-1 Development Inc. and is a sub-chapter S corporation formed 10/13/15 for the sole purpose of developing the 157-acre Seger Crossing Business Park. It's shareholders are: Paul J. Bradsky, Thomas C. Bradsky, Walter John Bradsky Jr., and Richard M. Bradsky.

The shareholders, in various capacities, have extensive experience in the development, restoration, and/or operation of several projects in the area, including Cadillac Jack's Gaming Resort, WaTiki Indoor Waterpark Resort, and the Historic Hotel Alex Johnson, just to name a few. They also have extensive business experience, primarily in hospitality, and are members of Liv Hospitality LLC.

The Seger Crossing Business Park aims to increase sales and property taxes and, through its development, provide new jobs and businesses to be located within the city limits of Box Elder, SD.

The developer is seeking the Tax Increment District through Pennington County due to limitation on Tax Increment Districts in the City of Box Elder. SDCL §11-9-8 allows counties to create tax increment districts within a municipality, in whole or in part, as long as the municipality consents to

the creation of the district. Box Elder has consented to the creation of this tax increment district. (see Resolution Section) The City of Box Elder currently is limited in creating any new Tax Increment District due to two issues. The first is under SDCL §11-9-7 a municipality may not have over ten percent of their total taxable value in tax increment districts.

The City of Box Elder currently is at or near this 10% limitation. Second is the City of Box Elder has limited debt capacity and has a number of important infrastructures needs they must address which include new wells, street upgrades, and sanitary sewer upgrades. For these reasons, the developer is requesting the tax increment district to be created by Pennington County.

Community Benefits to the City of Box Elder and Ellsworth AFB

One of the items that were identified during the BRAC closure as well as discussions that have happened over the years following the BRAC findings, was that the quality of life and infrastructure that is in place for base personnel in the communities they reside in plays a very crucial part. Although this may not have a direct impact on scoring for any type of closures, it does certainly have an indirect impact should the quality of life be substandard.

The proposed Box Elder Community Event Center will provide additional quality of life opportunities to area citizens and military families that are not currently readily available or, for which there is a shortage in the Box Elder, Rapid City Metro area.

Those opportunities include, however are not limited to indoor youth sporting events, receptions, adult sporting events such as dart & pool tournaments, military balls & recognition events that otherwise cannot be held on existing base facilities.

In addition, the facility will provide meeting and conference space for state and regional municipal events such as State Finance Officer Schools, Annual City Attorney convention, annual Municipal League Convention, State Police Law Enforcement Convention, etc. in addition to private organization events.

Right now the City of Box Elder is not able to host the Black Hills Defense & Industry Symposium that will be held in September of 2018. The entire conference is built around the enormous impact Ellsworth AFB has in Western South Dakota, yet it can't be held in the City of which Ellsworth AFB is located due to no meeting / convention space.

With the anticipation of welcoming the B-21 Raider to Ellsworth and it's support staff, the addition of the Box Elder Community Event center's state of the art meeting and conference facilities will be an asset to the military and civilian personnel on the base by providing additional space for education, training, professional development activities or career advancement or enhancement of skills and related events.

Additionally, the space will augment facilities that are either over utilized or not available within the confines of Ellsworth Air Force Base. The Powder River Train area being one of the nation's largest military airspace training facilities in close proximity to Box Elder. It is possible the Community Event Center with nearly 682 hotel rooms on site, will be an asset to the Air Force or military as organization.

Project Overview

The City of Box Elder is proposing to build a 56,000 sq. ft. Community Event Center with the capability of hosting everything from sports tournaments to formal banquets. The facility will provide for maximum flexibility to host a wide variety of events with an emphasis on competitive sports.

The main space would consist of a 21,600 sq. ft. flat floor area capable of accommodating up to 3 full sized basketball courts including area for team benches and guest seating. The main space will have a minimum 30 foot, clear height making it useful for a wide range of activities. Banquet seating can accommodate groups of up to 1,400 for food service events. The potential exists for concerts and configuration could create a venue with a capacity of up to 2,500 guests.

A block of 6,000 sq. ft. of meeting room space flanks one of the public concourses. This space is divisible into four or five smaller breakout rooms of approximately 1,200 to 1,500 sq. ft. that will be able to accommodate a variety of functions.

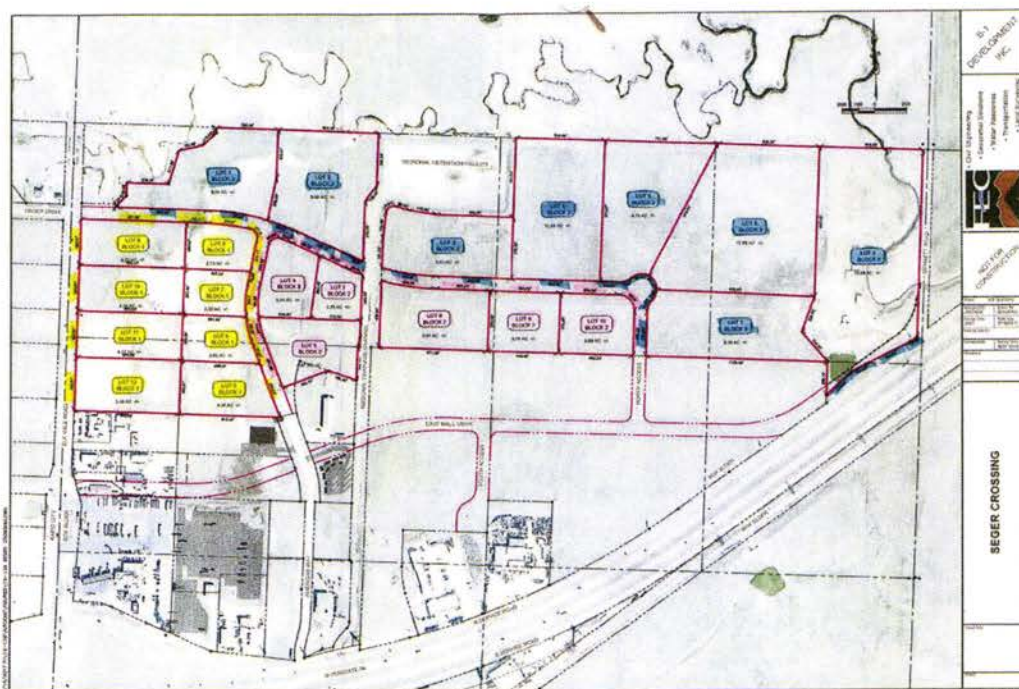
The remaining 27,600 sq. ft. is designated for pre-function and support space which would include restrooms, concession, ticketing and a full catering kitchen, team rooms and mechanical and storage areas. Parking for the facility is adequate for day to day operations and the existing and proposed hotels.





In addition to adding the critical infrastructure needed to make the Box Elder Event Center a reality, the Developer will be installing road, water, sewer and drainage infrastructure, to the Seger Crossing Business Park so lots can be sold to industrial and commercial businesses. This Business Park will be critical to develop the necessary increment to pay off the costs associated with the Event Center due to the fact that the Event Center is owned by the City, and thus does not pay property tax.

Shown below is the layout of Seger Crossing Business Park



Purpose & General Definitions

The property upon which this Tax Incremental District (TID) is proposed to be implemented is located within Pennington County, South Dakota.

As such, the creation of Pennington County TIF #4 shall be conditioned upon the creation of the District by resolution and the establishment of the TID boundaries.

The purpose of this Plan, to be implemented by Pennington County, South Dakota is to satisfy the requirements for a Tax Increment District #4 as specified in SDCL Chapter 11-9. The principal purpose of the Plan is to define eligible property and to define a Tax Increment Plan for funding eligible activities in an eligible area of the County. The Plan will describe the boundary, estimated costs, feasibility and fiscal impact of the District.

This Plan was prepared for adoption by the County Commissioners in recognition that the area requires a coordinated, cooperative strategy, with financing possibilities, to promote economic development and accomplish the County's development objectives for improving the continued viability by promoting economic development within the County.

The driving interest in the establishment of this Plan is to offer tax increment financing as a tool to stimulate and leverage private sector development and redevelopment, help offset infrastructure costs related to the Box Elder Events Center and to promote economic development throughout the District.

General Definitions

The following terms found in this Plan are defined as the following:

"Base" or "Tax Incremental Base" means the aggregate assessed value of all taxable property located within a Tax Incremental District on the date the district is created, as determined by SDCL § 11-9-20.

"Blighted or Economic Development" SDCL § 11-9-8.

- (1) Not less than twenty-five percent, by area, of the real property within the district is a blighted area or not less than fifty percent, by area, of the real property within the district will stimulate and develop the general economic welfare and prosperity of the state through the promotion and advancement of industrial, commercial, manufacturing, agricultural, or natural resources; and
- (2) The improvement of the area is likely to enhance significantly the value of substantially all of the other real property in the district.

"Commission" means the Board of County Commissioners of Pennington County, South Dakota

"Calendar Year" means the starting date of January 1 to an ending date of December 31st.

"Department of Revenue" means the South Dakota Department of Revenue.

"Developer" means B-1 Development Inc.

"Developer's Agreement" means the agreement between Developer and Pennington County concerning this Tax Incremental District

"District" means the Tax Incremental District.

"Economic Development" means all powers expressly granted and reasonably inferred pursuant to SDCL § 9-54.

"Generally Applicable Taxes" shall have the same meaning as set forth in 26 CFR § 1.141-4(e).

"Governing body" means the Pennington County Commissioners, South Dakota.

"Grant" means the transfer for a governmental purpose of money or property to a transferee that is not a related party to or an agent of the municipality;

"Infrastructure Improvements" means a street, road, sidewalk, parking facility, pedestrian mall, alley, bridge, sewer, sewage treatment plant, property designed to reduce, eliminate, or prevent the spread of identified soil or groundwater contamination, drainage system, waterway, waterline, water storage facility, rail line, utility line or pipeline, or other similar or related structure or improvement, together with necessary easements for the structure or improvement, for the benefit of or for the protection of the health, welfare, or safety of the public generally.

"Planning Commission" means the Pennington County Planning Commission

"Plan" means this Project Plan.

"Project Costs" means any expenditure or monetary obligations by Pennington County, whether made, estimated to be made, incurred or estimated to be incurred, which are listed as Project Costs herein will include any costs incidental thereto but diminished by any income, special assessments, or other revenues, other than tax increments, received, or reasonably expected to be received in connection with the implementation of this Plan.

"Project Plan" means a properly approved Plan for the development or redevelopment of a tax incremental district including all properly approved amendments thereto as recommended pursuant to SDCL § 11-9-13.

"Public Works" means the Infrastructure Improvements, the acquisition by purchase or condemnation of real and personal property within the Tax Incremental District and the sale, lease, or other disposition of such property to private individuals, partnerships, corporations, or other entities at a price less than the cost of such acquisition which benefit or further the health, safety, welfare and economic development of the County and Project Costs.

"Taxable Property" means all real taxable property located in a Tax Incremental District.

"Tax Incremental District" means a contiguous geographic area within a County defined and created by resolution of the governing body and named Pennington County Tax Incremental District #4.

"Tax Increment Valuation" is the total value of the Tax Incremental District minus the tax incremental base pursuant to § 11-9-19.

"Tax Increment Law" means South Dakota Codified Laws Chapter 11-9.

CREATION OF PENNINGTON COUNTY TAX INCREMENT DISTRICT #4

Property Within Tax Increment #4

The real property to be located within the Tax Increment District is described as follows:

THAT PORTION OF N1/2NW1/4 LYING North OF Road ROW, Section 26, T2N, R8E

N1/2NE1/4 less Lot H3, less Highway; Tract A OF SE1/4NE1/4; NW1/4 LESS Tract C, LESS Tract H, LESS LOT 1-2 OF Tract K, LESS LOT B OF Tract J Revised, LESS LOT 1-2 OF Tract L, LESS LOT A OF Tract C, LESS SEGER CROSSING Subdivision, LESS LOTS H3 AND H4, Section 27, T2N, R8E;

DRAINAGE Tract 1 and Drainage Tract 2, SEGER CROSSING Subdivision, Section 27, T2N, R8E;

Lot 1, Lot 2, Lot 3 less Lot H1, Lot 4, Block 1, SEGER CROSSING Subdivision, Section 27, T2N, R8E;

Lot 1, Lot 2, Lot 3, Lot 4 less Lot H1, Block 2, SEGER CROSSING Subdivision, Section 27, T2N, R8E;

Sign Tract 1, SEGER CROSSING Subdivision, Section 27, T2N, R8E;

LOT 1 and Lot 2 OF LOT D OF W1/2 E1/2, Section 27, T2N, R8E;

Lot 1 and Lot 2 Less Lot H1, RDO Subdivision, Section 27, T2N, R8E;

LOT 1 OF TRACT D, W-Y Addition, Section 27, T2N, R8E;

LOT 2 OF TRACT D, W-Y Addition, Section 27, T2N, R8E;

LOT 4 OF TRACT D, W-Y Addition, Section 27, T2N, R8E;

LOT 1 and Lot 2, DAVIS Subdivision, Section 27, T2N, R8E;

Lot 1 Revised, Lot 2a and 2b, Lot 4, ISIS Subdivision, Section 27, T2N, R8E;

All Located in the City of Box Elder, Black Hills Meridian, Pennington County, South Dakota including within and adjacent rights-of-ways.

TAXABLE VALUE OF PENNINGTON COUNTY

State law requires that tax increment districts cannot exceed ten percent of the taxable value of a municipality. The 2019 Taxes Payable value for Pennington County is \$10,924,561,900. The base value of the taxable property for inclusion into this Tax Incremental District #4, as estimated but not yet verified by Pennington County Director of Equalization, is \$36,003,900

11-9-7. Maximum percentage of taxable property in municipality permitted in districts. In order to implement the provisions of this chapter, the resolution required by § 11-9-5 shall contain a finding that the aggregate assessed value of the taxable property in the district plus the **tax incremental base of all other existing districts does not exceed ten percent** of the total assessed value of taxable property in the municipality.

There are currently no active TIF Districts under the jurisdiction of Pennington County, South Dakota.

Since there are no other TIFs in the county, the total value of all active TIF districts in Pennington County is less than ten (10) percent of total taxable value in the County. Using the estimates provided for TID #4, it is less than 10% of the total 2019 Taxable Valuation.

Table #1 Base Value Analysis	
2018 Pennington County Valuation	\$10,924,561,900
SDCL 11-9-7 - 10% Based Valuation	\$1,092,456,190
Tax Incremental District #4 (ext.)	\$36,003,900
Total Base Value in Tax Incremental Districts	\$36,003,900
Base Valuation Remaining	\$1,056,452,290

KIND, NUMBER, LOCATION, AND DETAILED COSTS OF PROPOSED PUBLIC WORKS AND IMPROVEMENTS SDCL § 11-9-13(1)

In order to implement the provisions of SDCL Chapter 11-9, the following are Project Costs and expenditures made or estimated to be made and the monetary obligations incurred or estimated to be incurred. The Project Costs include capital costs, financing costs, real property assembly costs, professional fee costs, imputed administration costs, relocation costs, organizational costs, discretionary costs and grants, plus any costs incidental thereto.

All Project Costs are found to be necessary and convenient to the creation of the Tax Incremental District and its implementation. The project constitutes economic development which is a proper public purpose of the County. The County exercises the powers expressly stated in and reasonably inferred by SDCL §11-9-15 and Chapter 9-54. The County shall enter into all contracts / agreements in accordance with South Dakota Law.

Costs of Public Works and Improvements

In accordance with SDCL § 11-9-14 the following is the kind, number, location and dollar amount of estimated Project Costs, costs of public works and improvements.

The following are estimated costs of the Project:

Kind of Project	Location ¹	Amount	Reference ²
Capital Costs (Street, Road, Water, Bridge& Sewer)	District		11-9-15(1)
Financing Costs	District		11-9-15(2)
Real Property Assembly	District		11-9-15(3)
Professional Fees	District		11-9-15(4)
Administrative Costs	District		11-9-15(5)
Relocation Costs	District		11-9-15(6)
Organizational Costs	District		11-9-15(7)
Discretionary Costs and Grants	District		11-9-15(8)
Eligible Project Costs		\$11,500,000	

The above are estimates of the costs involved in the project; the final total may be greater or smaller. An itemized listing of the estimated costs is set forth on Schedule 1. Because the cost estimates are only projected expenditures, the total authorized TID costs is expected to be \$11,500,000. This amount is the controlling value with respect to authorized TID Project Costs rather than the particular line item amounts contained in the above Chart and Schedule 1. The line item categories proposed are for guidance only, and actual costs will be determined upon completion of the improvements. The above total represents eligible Project Costs. Only such amounts as are feasible will be allowed by the County or by monetary obligation.

¹District shall mean the Tax Increment District.

²SDCL §11-9-15 (1) Capital costs, including the actual costs of the construction of public works or improvements, buildings, structures, and permanent fixtures; the demolition, alteration, remodeling, repair, or reconstruction of existing buildings, structures, and permanent fixtures; the acquisition of equipment; the clearing and grading of land; and the amount of interest payable on tax incremental bonds or notes issued pursuant to this chapter until such time as positive tax increments to be received from the district, as estimated by the Project Plan, are sufficient to pay the principal of and interest on the tax incremental bonds or notes when due;

(2) Financing costs, including all interest paid to holders of evidences of indebtedness issued to pay for Project Costs, any premium paid over the principal amount thereof because of the redemption of such obligations prior to maturity and a reserve for the payment of principal of and interest on such obligations in an amount determined by the governing body to be reasonably required for the marketability of such obligations;

(3) Real property assembly costs, including the actual cost of the acquisition by a municipality of real or personal property within a tax incremental district less any proceeds to be received by the municipality from the sale, lease, or other disposition of such property pursuant to a Project Plan;

(4) Professional service costs, including those costs incurred for architectural, planning, engineering, and legal advice and services;

(5) Imputed administrative costs, including reasonable charges for the time spent by municipal employees in connection with the implementation of a Project Plan;

(6) Relocation costs;

(7) Organizational costs, including the costs of conducting environmental impact and other studies and the costs of informing the public of the creation of tax incremental districts and the implementation of project plans; and

(8) Payments and grants made, at the discretion of the governing body, which are found to be necessary or convenient to the creation of tax incremental districts or the implementation of project plans.

Expenditures Exceeding Estimated Cost

Any expenditures, which in sum would exceed the total amount of the TID amount of \$11,500,000, will require an amendment of this Plan. All amendments would be undertaken pursuant to SDCL §11-9-23.

When the expenditures within the Plan are increased in excess of more than 35 percent of the total above, the Department of Revenue will be required to reset the base, in accordance with SDCL §11-9-23.

If the Project Costs are not provided for in the original plan, the governing body would be required to amend the plan which requires the South Dakota Department of Revenue to re-determine the tax increment base when additional Project Costs are added to a plan. SDCL §11-9-23.

Conditions of the Developer Agreement relating to Obligation

It is specifically a condition of the proposed Developer's Agreement that the County's obligation to pay is limited to the proceeds of the positive tax increment from the TID receipted into the TIF Fund. The obligation of the County to pay pursuant to the proposed Agreement does not constitute a general indebtedness of the County or a charge against the County's general taxing power. The provisions of SDCL 11-9-36 are specifically incorporated within the Agreement by reference. It is also to be specifically agreed that the County has made no representation that the proceeds from such Fund shall be sufficient to retire any indebtedness incurred by Developer. The parties further acknowledge that SDCL 11-9-25 limits the duration of allocation of the positive tax increment payments and the fund created by the TID.

Detailed List of Estimated Project Costs

Attached as Schedule 1 is a detailed list of estimated Project Costs for each of the improvements. The project as per SDCL § 11-9-13(3). No expenditure for Project Costs is provided for more than five years after the District is created. The costs will be classified as a Grant to reflect the expenditure has been within the five years from approval of the TIF Plan #4.

Tax Incremental District #4 Total Estimated Costs

	Development Costs ⁽¹⁾	Tax Incremental District Costs ⁽²⁾	Total Costs
Capital Costs			
<i>Seger Crossing Business Park</i>			
Land Cost	\$3,200,000		\$3,200,000
Grading Project Essentials	\$814,076	\$814,076	\$814,076
Water	\$609,284	\$609,284	\$609,284
Sanitary	\$349,247	\$349,247	\$349,247
Surfacing	\$1,444,590	\$1,444,590	\$1,444,590
Drainage	\$899,687	\$899,687	\$899,687
Sub-Total	\$7,316,884	\$4,116,884	\$7,316,884
<i>Box Elder Event Center</i>			
Streets / Utilities / Drainage /	\$2,008,426	\$2,008,426	\$2,008,426
Sub-Total	\$2,008,426	\$2,008,426	\$2,008,426
<i>Other Development Costs</i>			
Courtyard by Marriott	\$13,330,000		\$13,330,000
Box Elder Event Center	\$16,000,000		\$16,000,000
Seger Crossing Commercial buildings	\$23,037,750		\$23,037,750
Seger Crossing Industrial buildings	\$49,366,635		\$49,366,635
Other Commercial Development	\$25,000,000		\$25,000,000
Sub-Total	\$126,734,385	\$0	\$126,734,385
Fees			
Architectural	\$400,000		\$400,000
Engineering	\$410,660	\$410,660	\$410,660
Legal	\$50,000		\$50,000
Sub-Total	\$860,660		\$860,660
Contingency Costs			
Seger	\$205,845	\$205,845	\$205,845
Event Center	\$301,263	\$301,263	\$301,263
	\$507,108	\$507,108	\$507,108
Administrative Costs			\$0
Total Costs	\$137,427,463	\$7,043,078	\$137,427,463
Financing Costs (only TID related)			
Interest		\$4,456,922	\$6,000,000
Total TIF Allowable Expenditures		\$11,500,000	

FEASIBILITY STUDY, ECONOMIC DEVELOPMENT STUDY, AND FISCAL IMPACT STATEMENT

Feasibility Study

An economic feasibility study per SDCL § 11-9-13(2) is attached as Schedule 2.

Economic Development Study

Attached is Schedule 3 a Fiscal Impact Statement showing the impact of the Tax Increment District, until and after the bonds are repaid, upon all entities levying property taxes in the district. Required as per SDCL § 11-9-13(4).

Fiscal Impact Statement

Attached is Schedule 4 a Fiscal Impact Statement showing the impact of the Tax Increment District, until and after the bonds are repaid, upon all entities levying property taxes in the district. Required as per SDCL § 11-9-13(4).

METHOD OF FINANCING, TIMING OF COSTS AND MONETARY OBLIGATIONS

The payment of Project Costs is anticipated to be made by the County from the special fund of the Tax Incremental District. SDCL § 11-9-13(5).

Maximum Amount of Tax Increment Revenue

The maximum amount of tax increment revenue bonds or monetary obligations to be paid through Tax Increment District #4 shall be the amount sufficient to reimburse the Developer for the payments made for Project Costs and pay all tax increment bonds or monetary obligations in an amount not to exceed \$11,500,000 principal and interest or such lesser amount as may be feasible with the estimated revenue generated by the Tax Increment District. Final terms will be approved by a County resolution.

Duration of Tax Increment Plan

The duration of the Plan will extend to the number of years it will take for the reimbursement of the County, the extinguishment of bonds and the monetary obligation except that the Plan duration **shall not exceed 20 calendar years** of revenue from the date of creation of the District.

ESTIMATED IMPACT OF TAX INCREMENT FINANCING ON REVENUES OF TAXING JURISDICTIONS

The site will generate taxes to the local jurisdictions at or above the assessed value of the base. All taxing districts shall receive the taxes from that base which will be the value set for 2018 taxes payable in 2019. The tax increment will be available to the taxing jurisdictions at or before twenty years after the creation of the District. Schedule 5 details the tax capture implications to each of the local taxing jurisdictions. After the repayment of the bonds and monetary obligations, taxing entities will receive their proportionate share of tax dollars for the base value and the tax incremental values.

Mechanisms are built within State Codified Law to ensure that school districts are held harmless by TIF districts for their General and Special Education Funds. For these purposes, law (SDCL 13-13-10.2) defines three classifications of TIFs:

- Economic Development - Any area where there is or will be one or more businesses engaged in any activity defined as commercial or industrial by the governing body that has zoning authority over the land contained within the tax incremental district
- Industrial – Any factory or any business engaged primarily in the manufacturing or assembly of goods, the processing of raw materials, and the wholesale distribution of products for resale
- Affordable Housing – Includes an area where: 1. The original selling price of any house in the district will be at or below the first-time homebuyer purchase price limit being used by the South Dakota Housing Development Authority as of the date the house is sold; OR 2. The monthly rental rate of all multifamily housing units in the district will be at or below the calculated rent for the state's eighty percent area median income as of the date the district is created, for a minimum of five years following the date of first occupancy.
- Local – Any tax incremental districts that do not fall under Economic Development or Industrial

All public school districts are funded through the State Aid to Education formula. The two primary channels of the formula are State Aid and Local Effort. Multiple agencies of the State of South Dakota calculate the amount of General Fund monies to be distributed to school districts each year through the State portion. Local effort is considered the amount of revenue that is generated by local property taxes at maximum levies.

If a TIF is classified as Economic Development, Industrial, or Affordable Housing, the school funding that would be generated by the increment valuation is considered lost local effort and is paid through the State Aid side of the formula. If a TIF is classified as Local, the affected school district funding must be recouped through local effort in the form of an additional levy added to the General and Special Education Funds. In either scenario, the school district receives the financial need associated with the increment valuation.

Pennington County TIF #4 will be classified as Industrial; therefore, any lost local effort will be covered through the State Aid to Education Formula.

MAPS

The Conditions map, SDCL § 11-9-16(1), is included as Attachment 2.

The Improvements map, SDCL § 11-9-16(2), is included as Attachment 3.

The Zoning Change Map, SDCL § 11-9-16(3), is included as Attachment 4.

SUPPLEMENTARY FINDINGS

CHANGES TO CITY & COUNTY COMPREHENSIVE/MASTER PLAN MAP, BUILDING CODES & COUNTY ORDINANCES PER SDCL §11-9-16 (4)

No changes to neither City or County ordinances nor the City Master Plan are required.

LIST OF ESTIMATED NON-PROJECT COSTS

A list of the non-Project Costs per SDCL § 11-9-16(5) can be found on Schedule 1

STATEMENT OF DISPLACEMENT AND RELOCATION PLAN

No residents or families will be displaced by the Project. SDCL § 11-9-16(6)

PERFORMANCE BOND, SURETY BOND OR OTHER GUARANTY

As security for its fulfillment of the agreement with the governing body, a purchaser or lessee of redevelopment property may furnish a performance bond, with such surety and in such form and amount as the governing body may approve or make such other guaranty as the governing body may deem necessary in the public interest. The County may ask the Developer for such performance bond when the work is performed.

LIST OF SCHEDULES AND ATTACHMENTS

SCHEDULE 1 - Estimated Project Cost

SCHEDULE 2 - Economic Feasibility Study & Estimated Captured Taxable Values

SCHEDULE 3 - Economic Development Study

SCHEDULE 4 - Fiscal Impact Statement

Attachment 1 - Descriptions of Real Property

Attachment 2 - Conditions map, SDCL § 11-9-16(1)

Attachment 3 - Improvements map, SDCL § 11-9-16(2)

Attachment 4 - Zoning Change Map SDCL § 11-9-16(3)

Attachment 5 – Box Elder Event Center Opinion of Probable Costs

Attachment 6 – Resolution Authorizing Pennington County to Create District

Attachment 7 – Supporting Letters

SCHEDULE 1

DETAIL OF PROJECT COSTS

Tax Incremental District #4 Total Estimated Costs

	Development Costs ⁽¹⁾	Tax Incremental District Costs ⁽²⁾	Total Costs
Capital Costs			
<i>Seger Crossing Business Park</i>			
Land Cost	\$3,200,000		\$3,200,000
Grading Project Essentials	\$814,076	\$814,076	\$814,076
Water	\$609,284	\$609,284	\$609,284
Sanitary	\$349,247	\$349,247	\$349,247
Surfacing	\$1,444,590	\$1,444,590	\$1,444,590
Drainage	\$899,687	\$899,687	\$899,687
Sub-Total	\$7,316,884	\$4,116,884	\$7,316,884
 <i>Box Elder Event Center</i>			
Streets / Utilities / Drainage /	\$2,008,426	\$2,008,426	\$2,008,426
Sub-Total	\$2,008,426	\$2,008,426	\$2,008,426
 <i>Other Development Costs</i>			
Courtyard by Marriott	\$13,330,000		\$13,330,000
Box Elder Event Center	\$16,000,000		\$16,000,000
Seger Crossing Commercial buildings	\$23,037,750		\$23,037,750
Seger Crossing Industrial buildings	\$49,366,635		\$49,366,635
Other Commercial Development	\$25,000,000		\$25,000,000
Sub-Total	\$126,734,385	\$0	\$126,734,385
 Fees			
Architectural	\$400,000		\$400,000
Engineering	\$410,660	\$410,660	\$410,660
Legal	\$50,000		\$50,000
Sub-Total	\$860,660		\$860,660
 Contingency Costs			
Seger	\$205,845	\$205,845	\$205,845
Event Center	\$301,263	\$301,263	\$301,263
	\$507,108	\$507,108	\$507,108
 Administrative Costs			
Total Costs	\$137,427,463	\$7,043,078	\$137,427,463
 Financing Costs (only TID related)			
Interest		\$4,456,922	\$6,000,000
 Total TIF Allowable Expenditures		\$11,500,000	

MEMORANDUM

TO: Paul Bradsky

FROM: John Van Beek, PE *JVB*

DATE: May 24, 2019

RE: **Seger Crossing Public Infrastructure Improvements**

This memorandum has been prepared to identify the remaining necessary public infrastructure improvements and provide conceptual estimates of probable construction cost. The improvements will include the extension of Seger Drive from Elk Vale Road to Americas Way, the extension of Americas Way from East Mall Drive to Seger Drive, the west water and sanitary sewer extension approximately 700 feet east of Elk Vale Road and the extension of Seger Drive from Americas Way to and including the remainder of the North Access. Please refer to the figure of the Project Area at the end of this memorandum. Following is a detailed description of each portion of the project.

1. Seger Drive Extension from Elk Vale Road to the proposed intersection of Seger Drive and Americas Way approximately 1265 feet east of Elk Vale Road.
 - a. 36-foot wide, three lane street section with curb and gutter on each side.
 - b. 10-inch water main and hydrants in the easternmost 600 feet of Seger Drive.
 - c. 8-inch and 10-inch sanitary sewer in the easternmost 600 feet of Seger Drive.
 - d. Storm sewer and inlets for the full length of Seger Drive with a storm sewer outfall to the regional drainage channel (Unnamed Tributary to Box Elder Creek).
2. Americas Way Connection from East Mall Drive to Seger Drive.
 - a. 36-foot wide, three lane street section with curb and gutter on each side.
 - b. 8-inch water main and hydrants from 360 feet north of East Mall Drive to Seger Drive.
 - c. 8-inch sanitary sewer from 270 feet north of East Mall Drive to Seger Drive.
 - d. Storm sewer and inlets for the full length of Americas Way.
3. West water and sanitary sewer extension approximately 700 feet east of Elk Vale Road.
 - a. 10-inch water main will be connected between Seger Drive and East Mall Drive to provide service to adjacent properties and to provide a loop in the water system.
 - b. 8-inch sanitary sewer will be extended from Seger Drive to the south approximately 1225 feet to provide service to adjacent properties.

ACEC

729 East Watertown Street, Rapid City, SD 57701
www.ferberengineering.com ~ Phone: (605) 343-3311 ~ FAX: (605) 343-3399

May 24, 2019
Page 2

- c. A permanent utility easement for the construction of the west water and sanitary sewer extension will be donated to the City of Box Elder by the adjacent landowners.
4. Seger Drive from Americas Way to the east approximately 2400 feet and the Unnamed street connection from Seger Drive to the south to connect to East Mall Drive (North Access).
 - a. 26-foot wide, two lane street section with curb and gutter on each side.
 - b. 10-inch water main and hydrants for the full length of the roadway.
 - c. Storm sewer and inlets as necessary along Seger Drive.
 - d. Right-of-Way for the construction of Seger Drive and the North Access will be donated to the City of Box Elder by the adjacent landowners.
5. Double 9-foot by 5-foot box culvert crossing of the regional drainage channel (Unnamed Tributary to Box Elder Creek) under Seger Drive along with necessary drop structure and channel grading.

Budgetary Cost Estimate

Description	Cost
Grading and Project Essentials	\$814,076.00
Water	\$609,284.00
Sanitary Sewer	\$349,247.00
Surfacing	\$1,444,590.00
Drainage	\$899,687.00
Subtotal	\$4,116,884.00
5% Contingency	\$205,845.00
Total Construction Cost	\$4,322,729.00
Engineering and Construction Admin (9.5%)	\$410,660.00
Total Project	\$4,733,389.00

**Preliminary Cost Estimate
Infrastructure & Utility Improvements**

Item	Item Description	Estimated Quantity	Units	Engineer's Estimate	
				Unit Price	Total
Project: Box Elder Community Center					
1	Mobilization	1	LS	\$ 150,000.00	\$ 150,000.00
2	Incidental Work	1	LS	\$ 87,000.00	\$ 87,000.00
3	Staking	1	LS	\$ 75,000.00	\$ 75,000.00
4	AASHTO T-180 Soil Test	13	EA	\$ 180.00	\$ 2,340.00
5	Dewatering	1	LS	\$ 10,000.00	\$ 10,000.00
6	Traffic Control	1	LS	\$ 5,000.00	\$ 5,000.00
7	Unclassified Excavation	7,689	CY	\$ 15.00	\$ 115,335.00
8	Engineered Fill	7,530	CY	\$ 35.00	\$ 263,550.00
9	Remove & Dispose Curb and Gutter	1,333	LF	\$ 6.00	\$ 7,998.00
10	Remove & Dispose Concrete Fillet & Pan	32	SY	\$ 10.00	\$ 320.00
11	Remove & Dispose Inlet	2	EA	\$ 500.00	\$ 1,000.00
12	Remove & Dispose Concrete Valley Gutter	360	SF	\$ 3.50	\$ 1,260.00
13	Remove & Dispose Asphalt Full Depth	900	SY	\$ 10.00	\$ 9,000.00
14	Remove & Dispose Water Main	12	LF	\$ 15.00	\$ 180.00
15	Remove Existing Storm Pipe	493	LF	\$ 25.00	\$ 12,325.00
16	Asphalt Pavement Full Depth	615	TON	\$ 100.00	\$ 61,500.00
17	Common Utility Trench	1,010	LF	\$ 45.00	\$ 45,450.00
18	Gravity Block Wall	3,577	SF	\$ 52.00	\$ 186,004.00
19	Concrete Curb & Gutter	1,283	LF	\$ 25.00	\$ 32,075.00
20	Concrete Fillet & Pan, 6" Reinforced	115	SY	\$ 102.00	\$ 11,730.00
21	4" Concrete Sidewalk, Nonreinforced	36	SY	\$ 32.00	\$ 1,152.00
22	6" Concrete Sidewalk, Reinforced	458	SY	\$ 58.00	\$ 26,564.00
23	Detectable Warning Panel	50	SF	\$ 45.00	\$ 2,250.00
24	Aggregate Base Course	730	TON	\$ 29.00	\$ 21,170.00
25	Adjust Water Valve	1	EA	\$ 225.00	\$ 225.00
26	Hydrant w/ Auxiliary Valve	2	EA	\$ 5,600.00	\$ 11,200.00
27	8" Coupling	2	EA	\$ 350.00	\$ 700.00
28	8" Gate Valve	2	EA	\$ 1,200.00	\$ 2,400.00
29	8" PVC Water Main C-900 DR18	126	LF	\$ 50.00	\$ 6,300.00
30	18" RCP	210	LF	\$ 70.00	\$ 14,700.00
31	24" RCP	76	LF	\$ 75.00	\$ 5,700.00
32	30" RCP	156	LF	\$ 110.00	\$ 17,160.00
33	36" RCP	66	LF	\$ 120.00	\$ 7,920.00
34	36" ARCH RCP	235	LF	\$ 140.00	\$ 32,900.00
35	48" RCP	623	LF	\$ 190.00	\$ 118,370.00
36	48" Short Radius Bends	12	EA	\$ 750.00	\$ 9,000.00
37	36" ARCH RCP Bend	1	EA	\$ 1,200.00	\$ 1,200.00
38	2'x3' Type B Inlet w/Frame and Grate	5	EA	\$ 3,700.00	\$ 18,500.00
39	3'x4' Type B Inlet w/Frame and Grate	1	EA	\$ 4,400.00	\$ 4,400.00
40	4'x10' Type S Inlet	2	EA	\$ 8,500.00	\$ 17,000.00
41	60" Storm Orifice Manhole w/Frame and Lid	1	EA	\$ 16,000.00	\$ 16,000.00
42	72" Storm Manhole w/Frame and Lid	1	EA	\$ 20,000.00	\$ 20,000.00
43	48" x 36" Tee	1	EA	\$ 3,500.00	\$ 3,500.00
44	Storm Water Detention Cell	1	LS	\$ 540,000.00	\$ 540,000.00
45	30" FES W/ Cutoff Wall	1	EA	\$ 2,100.00	\$ 2,100.00
46	48" FES W/ Cutoff Wall	1	EA	\$ 3,800.00	\$ 3,800.00
47	Furnish and Place Topsoil	230	CY	\$ 18.00	\$ 4,140.00
48	Erosion Control Blanket	561	SY	\$ 3.50	\$ 1,963.50
49	Seeding, Fertilizing and Mulching	0.52	Acre	\$ 5,000.00	\$ 2,600.00
50	Rip Rap Class B	270	Ton	\$ 55.00	\$ 14,850.00
51	Sediment Control Wattles	900	LF	\$ 1.85	\$ 1,665.00
52	Vehicle Tracking Control	2	EA	\$ 900.00	\$ 1,800.00
53	Inlet Protection	7	EA	\$ 18.50	\$ 129.50
				Sub Total	\$ 2,008,426.00
				15% Contingency	\$ 301,263.90
				Total	\$ 2,309,689.90

Estimates TID Eligible of Project Costs Requested

Pennington County has determined that this will be an Economic Development Tax Increment District, thus the eligible cost will be in the form of Capital Costs, professional fee's and administrative costs that will not exceed \$11,500,000. This is a permitted use under SDCL 11-9-15.

11-9-15. Specific items included in project costs. Project costs include:

(1) Capital costs, including the actual costs of the construction of public works or improvements, buildings, structures, and permanent fixtures; the demolition, alteration, remodeling, repair, or reconstruction of existing buildings, structures, and permanent fixtures; the acquisition of equipment; the clearing and grading of land; and the amount of interest payable on tax incremental bonds issued pursuant to this chapter until such time as positive tax increments to

be received from the district, as estimated by the project plan, are sufficient to pay the principal of and interest on the tax incremental bonds when due;

(2) Financing costs, including all interest paid to holders of evidences of indebtedness issued to pay for project costs, any premium paid over the principal amount thereof because of the redemption of such obligations prior to maturity and a reserve for the payment of principal of and interest on such obligations in an amount determined by the governing body to be reasonably required for the marketability of such obligations;

(3) Real property assembly costs, including the actual cost of the acquisition by a municipality of real or personal property within a tax incremental district less any proceeds to be received by the municipality from the sale, lease, or other disposition of such property pursuant to a project plan;

(4) Professional service costs, including those costs incurred for architectural, planning, engineering, and legal advice and services;

(5) Imputed administrative costs, including reasonable charges for the time spent by municipal employees in connection with the implementation of a project plan;

(6) Relocation costs;

(7) Organizational costs, including the costs of conducting environmental impact and other studies and the costs of informing the public of the creation of tax incremental districts and the implementation of project plans; and

(8) Payments and grants made, at the discretion of the governing body, which are found to be necessary or convenient to the creation of tax incremental districts, the implementation of project plans, or to stimulate and develop the general economic welfare and prosperity of the state.

SCHEDULE 2

ECONOMIC FEASIBILITY STUDY & TAXABLE VALUE

The County will be creating a Tax Increment District to help the Developer offset the infrastructure costs associated with this project. This feasibility study provides that the Project Costs can be financed through tax increment financing under South Dakota Tax Incremental District Law (South Dakota Codified Laws Chapter 11-9). Tax increment financing is an indispensable self-financing tool used throughout the United States to help local governments successfully develop and redevelop areas and encourage economic development.

In tax increment financing, the current real property tax assessed value of all properties in a designated project area ("tax increment financing district") is established as the "base value." As development in the tax increment financing district increases the assessed values of the redeveloped properties, a portion of the additional tax revenue generated by the increase in assessed value over the base value is set aside and committed by the County to the reimbursement of approved project costs.

Tax increment financing is permitted only in connection with a "Project Plan" duly adopted by the County. The property is currently estimated to have a taxable value of \$36,003,900. The improvements to be made to the property are estimated to add to the assessed valuation. The estimated increment resulting from the improvements would be approximately anywhere from \$20,000,000 to \$40,000,000 in new value once fully developed. Since only positive tax increment will be applied, the proposed project is feasible.

The County's role is to create and administer Tax Increment District #4 and pass on the positive increment to the Developer or their assignee's. The County will collect all TIF revenue and pass on all positive increment to the Developer for their debt service and expenses, of which, will never exceed \$11,500,000 in total payments, or 20 years from the year of creation, whichever comes first.

It is assumed that all obligations incurred would be adequately secured as to allow the payment of principal and interest when due. The actual repayment schedule may change, but all principal and interest shall be paid within the life of the TID. Utilizing the information regarding expected increment valuation and tax generation, it is possible to estimate an expected revenue stream that can be utilized to retire debt that will be created as a result of implementing the Project Plan.

Pennington County TID #4 is proven feasible based upon the projections made by the Developer, projecting a total in excess of \$11,500,000 in tax revenue during the life of the 20-year TIF, based on the assumptions. The calculations of the estimated tax increment valuation and tax generated for the TID can be found in the following tables. For purposes of this Project Plan, it is anticipated no increment generated by County TID #4 will be available until the earliest of calendar year 2022 and thereafter.

TID Tax Revenue Estimates Available for Pennington County

The two different development areas within the Tax Increment District #4 will have different development characteristics. The Seger Crossing Business Park has 22 lots and will have a variety of different commercial and industrial business. The analysis for the future development of this area has taken a conservative approach in both lot sale price and build out investments. The analysis is showing that the individual lots assessed value for the development will range from \$1,450,000 to \$7,100,000 with the overall average lot assessment being \$3,300,000. The estimated total value of the Seger Crossing Business Park is \$72,404,335. This does not include the other vacant property located on the north side of the Interstate 90 that is included in Tax Increment District #4. It is estimated that this property will be another \$20,000,000 and this additional increase is not part of the analysis but will help reduce the debt service term.

The Box Elder Event Center area has a known build-out value. The only property that is being considered is the new Courtyard by Marriott hotel. It is expected to have an assessed value of \$12,000,000 based on similar properties. This is the only property that is located in the Rapid City Area School District that is part of the new increment valuation.

ESTIMATED FUTURE VALUATION OF PROPOSED DISTRICT

Estimated Current Assessed Value of District	\$	36,003,900
Estimated Assessed Value of New Projects	\$	20,000,000
Marriott Hotel Assessment	\$	12,000,000
Estimated Total Increment Valuation	\$	32,000,000

Pennington County Tax Increment District #4 Revenue Assumptions

Assumed Base Value				\$ 36,003,900									
Construction Year	Valuation Year	Revenue Year	Valuation Increment	Total School "Other"	City of Box Elder	County Mill Rate	Water Development District	Fire District	Total Mill Rate*	Total Revenue Increment	Total Increment for Debt Service		
2019	2020	2021	-	12	5.139	4.730	0.024	1.086	22.979	\$ -	\$ -		
2020	2021	2022	12,000,000	12	5.139	4.730	0.024	1.086	22.979	\$ 275,748.00	\$ 275,748.00		
2021	2022	2023	5,000,000	12	5.139	4.730	0.024	1.086	22.979	\$ 114,895.00	\$ 390,643.00		
2022	2023	2024	5,000,000	12	5.139	4.730	0.024	1.086	22.979	\$ 114,895.00	\$ 505,538.00		
2023	2024	2025	5,000,000	12	5.139	4.730	0.024	1.086	22.979	\$ 114,895.00	\$ 620,433.00		
2024	2025	2026	5,000,000	12	5.139	4.730	0.024	1.086	22.979	\$ 114,895.00	\$ 735,328.00		
2025	2026	2027	-	12	5.139	4.730	0.024	1.086	22.979	\$ -	\$ 735,328.00		
2026	2027	2028	-	12	5.139	4.730	0.024	1.086	22.979	\$ -	\$ 735,328.00		
2027	2028	2029	-	12	5.139	4.730	0.024	1.086	22.979	\$ -	\$ 735,328.00		
2028	2029	2030	-	12	5.139	4.730	0.024	1.086	22.979	\$ -	\$ 735,328.00		
2029	2030	2031	-	12	5.139	4.730	0.024	1.086	22.979	\$ -	\$ 735,328.00		
2030	2031	2032	-	12	5.139	4.730	0.024	1.086	22.979	\$ -	\$ 735,328.00		
2031	2032	2033	-	12	5.139	4.730	0.024	1.086	22.979	\$ -	\$ 735,328.00		
2032	2033	2034	-	12	5.139	4.730	0.024	1.086	22.979	\$ -	\$ 735,328.00		
2033	2034	2035	-	12	5.139	4.730	0.024	1.086	22.979	\$ -	\$ 735,328.00		
2034	2035	2036	-	12	5.139	4.730	0.024	1.086	22.979	\$ -	\$ 735,328.00		
2035	2036	2037	-	12	5.139	4.730	0.024	1.086	22.979	\$ -	\$ 735,328.00		
2036	2037	2038	-	12	5.139	4.730	0.024	1.086	22.979	\$ -	\$ 735,328.00		
2037	2038	2039	-	12	5.139	4.730	0.024	1.086	22.979	\$ -	\$ 735,328.00		
<div style="display: flex; justify-content: space-between;"> 32,000,000 \$ 12,086,954.00 </div>													

* Assumes Mill Levies remain constant for the duration of the TIF

Note: The Increment Valuations above are for projection purposes only and do not reflect what the actual number(s) may be. These projection numbers have not been certified or assessed by the Pennington County Director of Equalization.

*\$12,000,000 is the projected assessed valuation for the Marriott that will be completed in 2020

** the estimates for construction year 2021-2024 show what is needed in order to receive the \$11,500,000 in total TIF reimbursement as a breakeven estimate

SCHEDULE 3

ECONOMIC DEVELOPMENT STUDY

Introduction

Pennington County has a desire to create a tax increment district (TID). Per South Dakota Codified Law 11-9-8, the governing body must make a finding that not less than 50%, by area, of the real property within the district will stimulate and develop the general economic welfare and prosperity of the State through the promotion and advancement of industrial, commercial, manufacturing, agricultural and natural resources, and the improvement of the area is likely to enhance significantly the value of substantially all of the other real property in the district.

Study Area Boundary

The Project boundaries are described and depicted on the maps in Attachments 1 and 2 of this Plan.

Establishing Economic Development

South Dakota law describes economic development as activity that stimulates and develops the general economic welfare and prosperity of the state through the promotion and advancement of industrial, commercial, manufacturing, agricultural, or natural resources. The definition of Industrial for State Aid to Education Formula purpose is any area where there is or will be one or more businesses engaged in any activity defined as commercial or industrial. The proposed Pennington County TID #4 meets both of these criteria. The area within the boundaries of the TIF is currently within the City of Box Elder.

Finding That the Improvements to the Area Are Likely To Enhance Significantly the Value Of Substantially All Of The Other Real Property In The District

It is definitively found that once the improvements set forth within the Project Plan are initiated, the improvements will enhance significantly the value of substantially all of the other real property in the district. The Pennington County TID #4 will create needed infrastructure updates to support a City owned event center along with developing commercial and industrial lots for future growth and new jobs.

Conditions Within The Study Area; Land Use And Planning Land Use, Planning And Comprehensive Plan

The Pennington County Comprehensive Plan is consistent with the proposed use of the District as is the City of Box Elder's land use plan.

Findings within the Project Area Analysis

It is found that not less than 50%, by area, of the real property within the District will stimulate and develop the general economic welfare and prosperity of the State of South Dakota through the promotion and advancement of industrial, commercial, manufacturing, agricultural, and natural resources. It is also found that the improvement of the area is likely to enhance significantly the value of substantially all of the other real property in the District in accordance with SDCL 11-9-8.

The investment in the Project area will stimulate and develop the general economic welfare and prosperity of the region through the promotion of employment and advancement of commerce.

SCHEDULE 4

FISCAL IMPACT STATEMENT FOR PENNINGTON COUNTY TID #1

Introduction

A fiscal impact statement shows the impact of the TID, both until and after the bonds or obligations are repaid, upon all entities levying taxes upon property in the District. The following fiscal impact statement is intended to provide only a brief analysis of the estimated impact of the Tax Increment District to the public pursuant to SDCL § 11-9-13(4). It is not intended to challenge a more detailed, complete financial analysis.

Definitions

"Assumptions" means factors or definitions used in the fiscal analysis. Assumptions may include facts and figures identified by the District and educated guesses that are sometimes necessary when not all of the information is available. Assumptions are often used to extrapolate an estimate. Assumptions may include an estimate of tax levies of each taxing entity, the school aid formula contribution, the value of the real property, etc.

"Base Revenues" means the taxes collected on the base value.

"Fiscal Impact" means the increase or decrease in revenues and generally refers to an impact to revenues caused by the district.

"Revenue" means ad valorem taxes.

"Tax Increment District" means Pennington County Tax Increment District Number 4.

"Taxing Districts" means all political subdivisions of the state which have ad valorem taxing power over property within the boundaries of the Tax Increment District.

"Tax Increment Revenues" means all revenues above the Base Revenues.

Assumptions

1. The property will have improvements which at completion is estimated at taxable purposes at \$32,000,000 for breakeven purposes
2. The average tax levy of all taxing districts will be \$22.9 per thousand dollars of taxable valuation.
3. Tax increment will start to be collected in 2022 and end prior to 2039.
4. The discretionary formula is not available in this property

SCHEDULE 5

ESTIMATED CAPTURED TAXABLE VALUES

* Actual valuation shall depend upon the value determined by the Pennington County Director of Equalization when assessed, with the application of dollars-per-thousand from local taxes. All tax increment revenues shall be from Generally Applicable Taxes attributable to the improvements to be constructed in the TID. The potential for total increment collections are estimated to be at the maximum range of \$11,500,000 covering a span of captured tax years not to exceed 20. Collection is anticipated to begin in 2022, and the schedule carries out the tax captured 20 years from the date of Plan adoption.

The following dollars-per-thousand rates are the current taxing rates of the local taxing jurisdictions for Non-AG Other property types:

2019 Property Tax Rate

Non-Agricultural (Other) 2018 Tax Levies and Percentage of Total Levy

Taxing Entity	Tax Levy	% of Total Levy
Douglas School District	13.309	54.80%
City of Box Elder	5.139	21.16%
Pennington County	4.730	19.47%
Box Elder Fire District	1.086	4.47%
West Dakota Water Development	0.024	0.10%
Total Mill Levy	24.288	100.00%

Non-Agricultural (Other) 2018 Tax Levies and Percentage of Total Levy

Taxing Entity	Tax Levy	% of Total Levy
Rapid City School District	11.676	51.54%
City of Box Elder	5.139	22.68%
Pennington County	4.730	20.88%
Box Elder Fire District	1.086	4.79%
West Dakota Water Development	0.024	0.11%
Total Mill Levy	22.655	100.00%

It should be noted that the proposed Tax Increment District #4 has two different school district boundaries. For the purposes of projections a mill levy of 22.9 with relation to the Districts(s) will be used.

Utilizing the information regarding expected increment valuation and tax generation, it is possible to generate an expected revenue stream that can be utilized to retire debt that will be created as a result of implementing the Project Plan.

ATTACHMENT 1

DESCRIPTIONS OF REAL PROPERTY:

The real property to be located within the Tax Increment District is described as follows:

THAT PORTION OF N1/2NW1/4 LYING North OF Road ROW, Section 26, T2N, R8E

N1/2NE1/4 less Lot H3, less Highway; Tract A OF SE1/4NE1/4; NW1/4 LESS Tract C, LESS Tract H, LESS LOT 1-2 OF Tract K, LESS LOT B OF Tract J Revised, LESS LOT 1-2 OF Tract L, LESS LOT A OF Tract C, LESS SEGER CROSSING Subdivision, LESS LOTS H3 AND H4, Section 27, T2N, R8E;

DRAINAGE Tract 1 and Drainage Tract 2, SEGER CROSSING Subdivision, Section 27, T2N, R8E;

Lot 1, Lot 2, Lot 3 less Lot H1, Lot 4, Block 1, SEGER CROSSING Subdivision, Section 27, T2N, R8E;

Lot 1, Lot 2, Lot 3, Lot 4 less Lot H1, Block 2, SEGER CROSSING Subdivision, Section 27, T2N, R8E;

Sign Tract 1, SEGER CROSSING Subdivision, Section 27, T2N, R8E;

LOT 1 and Lot 2 OF LOT D OF W1/2 E1/2, Section 27, T2N, R8E;

Lot 1 and Lot 2 Less Lot H1, RDO Subdivision, Section 27, T2N, R8E;

LOT 1 OF TRACT D, W-Y Addition, Section 27, T2N, R8E;

LOT 2 OF TRACT D, W-Y Addition, Section 27, T2N, R8E;

LOT 4 OF TRACT D, W-Y Addition, Section 27, T2N, R8E;

LOT 1 and Lot 2, DAVIS Subdivision, Section 27, T2N, R8E;

Lot 1 Revised, Lot 2a and 2b, Lot 4, ISIS Subdivision, Section 27, T2N, R8E;

All Located in the City of Box Elder, Black Hills Meridian, Pennington County, South Dakota including within and adjacent rights-of-ways.

ATTACHMENT 2

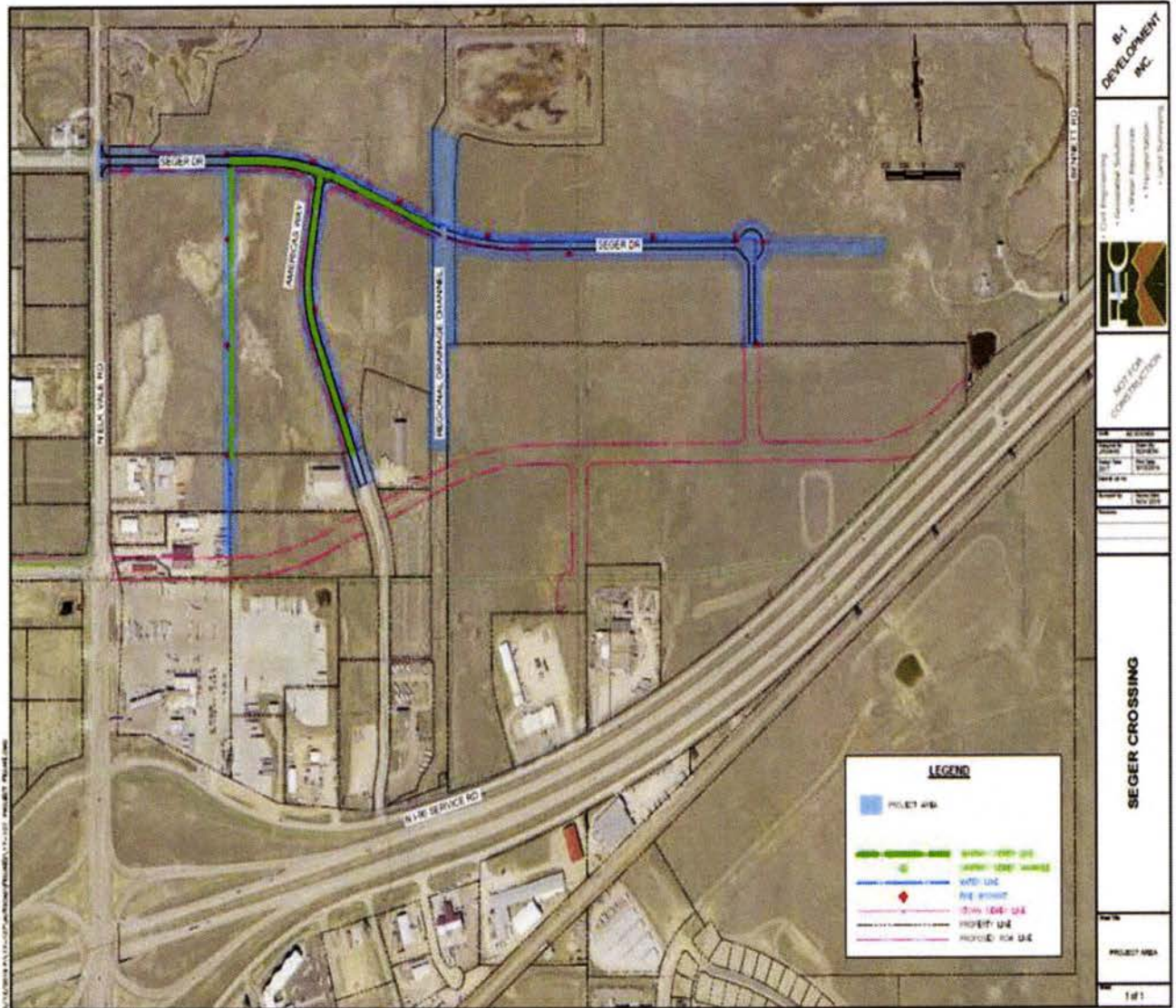
Conditions picture for Pennington County Tax Incremental District #4, SDCL § 11-9-16(1)

The following is a picture showing the current conditions of the proposed location of TIF #4



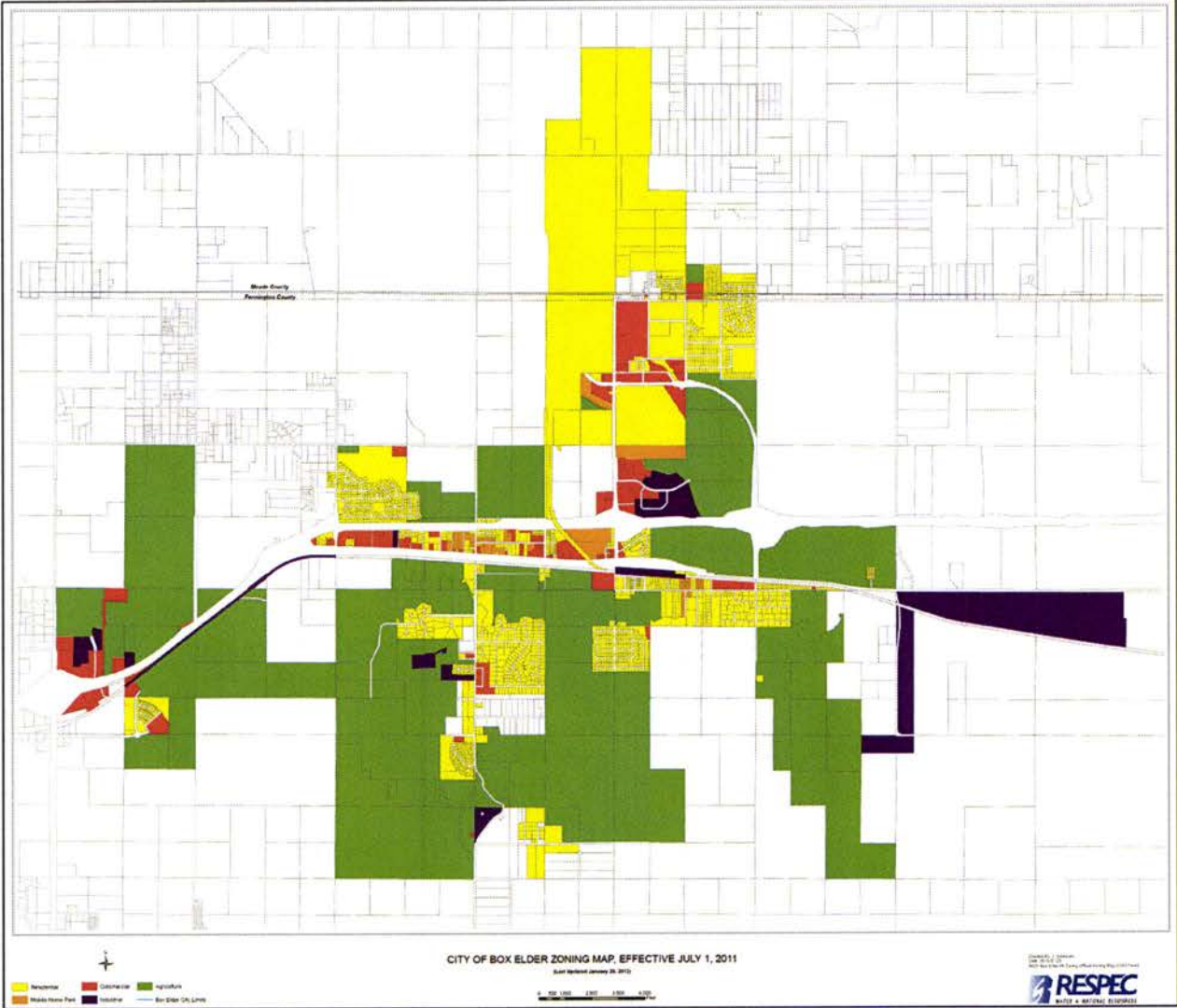
ATTACHMENT 3

Improvements map for Pennington County Tax Incremental District #4, SDCL § 11-9-16(2).



ATTACHMENT 4

The following map shows the current zoning map for the City of Box Elder



ATTACHMENT 5

Box Elder Community Center Design

Development Budget

Base Bid Building
 Square Feet 49,229
 Revised 5/20/19 9:02 AM

BID PACKAGES			9/10/18	12/10/18 Design Development Drawings	DD Goals /Value Engineering	Goal/VE Comments
BID DATE / Schematic Design	DESCRIPTION	SUBCONTRACTOR / COMMENTS				
BID PACKAGE	1A	Surveying	Estimate	35,000	81,000	
	1B	Testing	Estimate	50,000	29,000	
	1C	Final Cleaning	Estimate	20,000	20,000	
	3A	Foundation and Site Concrete	Estimate	727,000	727,924	
	3B	Precast	Estimate	700,000	615,000	
	4A	Masonry	Estimate	200,000	149,864	
	5A	Structural Steel	Estimate	1,030,499	1,061,438	
	6A	Rough Carpentry	Estimate	105,000	118,600	
	6B	Finish Carpentry	Estimate	82,000	56,624	
	6B	Finish Carpentry - Quartz C-Tops/Window Sills	Estimate		81,262	
	7A	Membrane Roofing	Estimate	500,000	465,000	
	7B	Metal Siding & Roofing / Soffits / Fascia	Estimate	300,184	225,000	
	7C	Joint Sealants	Estimate	25,000	25,000	
	7D	EIPS	Estimate	70,087	85,404	
	8A	Glass, Glazing, & Storefront	Estimate	1,000,000	375,000	
	8B	HM Frames, Door, and Hardware	Estimate	159,000	146,449	
	8C	Overhead and Coiling Doors	Estimate	12,000	39,797	
	9A	Gypsum Board Assemblies	Estimate	615,000	752,587	Tape/Texture now included in 9A
	9B	Tiling	Estimate	93,000	79,400	
	9C	Acoustical Ceilings	Estimate	105,000	143,000	-35,000 Delete canopies at entrances and replace with clouds; look at alternate ceiling grid/tile materials
	9C	Sound Absorbing Wall Panels	Estimate	40,000	112,000	-60,000 Reduce sound wall panels in gym by 50%
	9D	Flooring	Estimate	147,000	117,774	
	9E	Painting/Coating/Wall Coverings	Estimate	296,250	182,850	Tape/Texture now included in 9A
	9F	Wood Spans Flooring	Estimate	267,340	233,835	
	10A	Specialties	Estimate	108,000	199,000	-48,000 Use standard toilet partitions; potential alternate
	10C	Operable Partitions	Estimate	485,000	357,540	
	11A	Food Service Equipment	Estimate	600,000	999,267	-399,267 Identify equipment alternates that can be purchased at a later time
	11B	Gymnasium Equipment	Included in FFE			
	11C	Scoreboards	Included in FFE			
	12A	Window Treatments	Estimate	14,000	62,746	-35,998 Use manually operated shades in lieu of motorized; potential alternate
	12B	Portable Bleachers	Included in FFE			
	21A	Fire Suppression	Estimate	115,000	106,000	
	22A	Plumbing	Estimate	657,555	801,133	
	23A	Snow Melt	Estimate	154,922	300,000	-300,000 Alternate
	23A	HVAC	Estimate	1,439,100	1,322,718	
	26A	Electrical and Communications	Estimate	1,583,411	2,560,560	-430,000 Equal fixture savings; eliminate hand dryers; eliminate lightning protection; AVI savings
	31A	Earthwork and Utilities	Estimate	900,000	900,000	
	32A	Asphalt Paving	Estimate	116,500	156,979	
	32B	Landscape and Irrigation	Estimate	80,000	17,680	
	32C	Site Concrete	Included in BF #3A			
BID PACKAGE TOTAL				13,642,826	12,384,563	
CONSTRUCTION MANAGERS GENERAL CONDITIONS						
		General Conditions		747,050	747,050	747,050
		Winter Conditions		0	0	0
SUBTOTAL				13,431,798	14,389,876	13,131,613
INSURANCE / TAXES / FEE						
Rate	INSURANCE / BOND / TAXES					
6.00%	Contingency - 8% @ Schematic / 6% @ CD/Goals		1,074,544	869,393	787,897	
	Permit (City stated that they will waive any building permit fees)		0	0	0	
5.20%	Fee		484,203	488,108	445,424	
0.07%	AGC		10,479	11,019	10,055	
0.50%	Builders Risk		74,905	78,762	71,875	
0.55%	Bond		82,808	87,071	79,458	
2.04%	Excise Tax		308,850	324,732	296,337	
TOTAL COST OF CONSTRUCTION			15,447,567	16,242,957	14,822,659	
OWNER COSTS						
		Design Fees - Upper Deck		820,000	820,000	820,000
		Civil Design Fees - AE25		100,000	100,000	100,000
		FFE		1,000,000	1,000,000	1,000,000
		Owner Contingency		500,000	500,000	500,000
TOTAL COST OF PROJECT			17,867,567	18,662,957	17,242,659	
ALTERNATES						
(See Alternate Breakout Sheet)						
		Alternate #1 - Meeting Rooms - \$49,962 included for FFE		1,052,413	1,052,413	
		Alternate #2 - Upgrade Toilet Partitions		48,000	48,000	
		Alternate #3 - Food Service Equipment		359,267	359,267	
		Alternate #4 - Electrically Operated Window Shades		80,000	80,000	
		Alternate #5 - Snow Melt		300,000	300,000	

ATTACHMENT 6

City of Box Elder Resolution Authorizing Pennington County to Create a Tax Increment District Within City Boundaries

CITY OF BOX ELDER

RESOLUTION NO. 19-09

A RESOLUTION TO APPROVE THE CREATION BY PENNINGTON COUNTY OF A TAX INCREMENT FINANCING DISTRICT TIF#4 WITHIN THE CITY OF BOX ELDER PURSUANT TO SDCL 11-9-8

WHEREAS, Pennington County is considering the creation of a Tax Increment Financing District (TIF#4) for a project plan for infrastructure improvements for the development or redevelopment of Seger Business Park and the proposed Box Elder Community Events Center, all of which will stimulate and develop the general economic welfare and prosperity of the City of Box Elder through the promotion and advancement of industrial and commercial development within the City of Box Elder; and,

WHEREAS, the improvement of the area is likely to significantly enhance the value of substantially all other real property in the district; and,

WHEREAS, the TIF#4 will be located, in whole or part, within the City of Box Elder and is legally described and depicted on the attached Exhibit A; and,

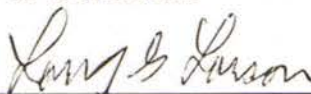
WHEREAS, SDCL 11-9-8 provides that no County may create a tax increment financing district located, in whole or part, within a municipality, unless the governing body of the municipality has consented to the creation of the district by resolution;

NOW, THEREFORE, the City Council of the City of Box Elder hereby resolves, approves and consents to the creation of a TIF#4 by Pennington County located within the municipal boundaries of the City of Box Elder for a project plan for infrastructure improvements for the development or redevelopment of Seger Business Park and the proposed Box Elder Community Events Center.

Dated this 7th day of May, 2019.



CITY OF BOX ELDER


LARRY LARSON, Mayor


NICOLE SCHNEIDER, City Administrator
& City Finance Officer

EXHIBIT A

THAT PORTION OF N1/2NW1/4 LYING North OF Road ROW, Section 26, T2N, R8E

N1/2NE1/4 less Lot H3, less Highway; Tract A OF SE1/4NE1/4; NW1/4 LESS Tract C, LESS Tract H, LESS LOT 1-2 OF Tract K, LESS LOT B OF Tract J Revised, LESS LOT 1-2 OF Tract L, LESS LOT A OF Tract C, LESS SEGER CROSSING Subdivision, LESS LOTS H3 AND H4, Section 27, T2N, R8E;

DRAINAGE Tract 1 and Drainage Tract 2, SEGER CROSSING Subdivision, Section 27, T2N, R8E;

Lot 1, Lot 2, Lot 3 less Lot H1, Lot 4, Block 1, SEGER CROSSING Subdivision, Section 27, T2N, R8E;

Lot 1, Lot 2, Lot 3, Lot 4 less Lot H1, Block 2, SEGER CROSSING Subdivision, Section 27, T2N, R8E;

Sign Tract 1, SEGER CROSSING Subdivision, Section 27, T2N, R8E;

LOT 1 and Lot 2 OF LOT D OF W1/2 E1/2, Section 27, T2N, R8E;

Lot 1 and Lot 2 Less Lot H1, RDO Subdivision, Section 27, T2N, R8E;

LOT 1 OF TRACT D, W-Y Addition, Section 27, T2N, R8E;

LOT 2 OF TRACT D, W-Y Addition, Section 27, T2N, R8E;

LOT 4 OF TRACT D, W-Y Addition, Section 27, T2N, R8E;

LOT 1 and Lot 2, DAVIS Subdivision, Section 27, T2N, R8E;

Lot 1 Revised, Lot 2a and 2b, Lot 4, ISIS Subdivision, Section 27, T2N, R8E;

All Located in the City of Box Elder, Black Hills Meridian, Pennington County, South Dakota including within and adjacent rights-of-ways.



DEPARTMENT OF THE AIR FORCE
28TH FORCE SUPPORT SQUADRON
ELLSWORTH AIR FORCE BASE SOUTH DAKOTA

15 May 19

Lorie Vega
Deputy Commander, 28th Force Support Squadron
28 FSS/DD
1000 Ellsworth St, Suite 203
Ellsworth AFB SD 57706

To whom it may concern,

I am providing this letter in response to your request for information regarding potential Air Force use for two local projects, 1) a proposed Seger Crossing Business Park and 2) a proposed Box Elder Event Center. While federal law and regulation prohibits me from taking a position on or endorsing infrastructure development or other outlays to support these projects, I am happy to offer the following information for your consideration:

In regard to the proposed business park, recent formal and informal surveys of the Ellsworth military and civilian population shows a strong desire for additional business and services closer to Ellsworth Air Force Base. I anticipate this desire and the available market to increase in coming years due to the projected expansion of the base population that will presumably accompany the new B-21 mission. A business park at the location in question could attract businesses that might provide additional options for a growing Ellsworth market.

Addressing the possibility of a nearby Box Elder Event Center, we frequently have the need to find venues for a wide variety of programs, ceremonies, and banquets for our Ellsworth community that are too large to be housed on the installation. The current downtown venues are quite a distance from the base, making driving during much of the year a bit hazardous and time-consuming. Further, parents need child care for these events, and if there is not an option on site, parents have expressed interest in being closer to on-base child care facilities. We would expect that the convenience and proximity afforded by the proposed venue would support greater participation at these large events.

Additionally, we are currently unable to host large Air Force or sister-service sporting events due to capacity and conducting them in Rapid City is not feasible due to distance. A local option might enable us to host these events in the future.

Our community comes from all over the world. Weather, driving conditions and unfamiliarity with the area and roads sometimes limits our Airmen's willingness to participate in off-base events. We are hopeful that a nearby venue will be easier to access for those more reticent Airmen. As we continue to enhance our partnerships with our community, I foresee a demand for more joint programs and events to be locate conveniently near the installation to foster a more actively engaged Ellsworth population.

Thank you for reaching out. If you need additional information, please don't hesitate to contact me at 605-385-1315.

Sincerely

LORETTA M. VEGA
Deputy Commander, 28th Force Support Squadron

DESTINATION RAPID CITY

512 Main St., Ste. 980 • Rapid City, South Dakota 57701
605-716-7979
www.downtownrapidcity.com

FROM: Dan Senftner

DATE: May 15, 2019

RE: Proposed Infrastructure for (1) Seger Crossing Business Park and (2) Box Elder Events Center

Destination Rapid City and Main Street Square support the proposals for the Box Elder events center and Seger Crossing business park. It is essential to business and community functionality that we put into place infrastructures to back the growth of our Black Hills communities and the arrival of the B-21 program.

A multi-purpose event center will provide the Box Elder community with a diverse gathering space that will allow the community to bond over new experiences and common interests. An additional events center to our region will also grant the surrounding communities' access to an expanded variety of events. This will also aid in the economic prosperity of the Box Elder area.

The business park at Seger Crossing is a logical next step in the preparation for the B-21 Program. In our support of Box Elder and the Ellsworth Airforce Base comes the accountability of supporting these types of framework projects to ensure they, as well as Rapid City, succeed. A business park builds the foundation to guarantee that the incoming private and government development needs are met.

These infrastructure projects will be a great addition to the City of Box Elder and the Black Hills region.

Sincerely,



Dan Senftner



Ellsworth Development Authority

PO Box 477 • Rapid City, SD 57709 • Tel 605-719-3844

May 16, 2019

Re: Proposed Infrastructure Improvements in Box Elder, SD: Seger Crossing Business Park and Box Elder Convention Center

To Whom It May Concern,

The South Dakota Ellsworth Development Authority (SDEDA) has been informed of new developments coming to the Box Elder area, a multi-purpose event center and a planned business and industrial park north of Exit 61 on Interstate 90. The mission of SDEDA is to make sure that South Dakota and the Black Hills are a great home for the Department of Defense and the Air Force to conduct its mission. We believe these developments will assist the Authority in fulfilling that mission.

These developments will provide opportunities for business growth and expansion that will be necessary with the expanding mission of Ellsworth Air Force Base (EAFB). In addition, the development will provide land for potential business growth that will add to the quality of life for the airmen and their families living and working at EAFB. More retail and other amenities in closer proximity to EAFB are consistently expressed as a need for those living and serving at EAFB.

The siting of the B-21 Bomber at EAFB and associated growth will create a demand for convention and meeting venues. The proposed multi-purpose facility will address those needs as the proximity to EAFB will make it a convenient site. In addition, the proposed amenities at the multi-purpose facility will also add to the quality of life of the military families.

The South Dakota Ellsworth Development Authority supports these projects as they directly support our mission of making South Dakota and the Black Hills a great home for the Air Force.

Sincerely,

Scott Landguth
Executive Director
South Dakota Ellsworth Development Authority



May 14, 2019

Re: Proposed Infrastructure Improvements in Box Elder, SD: (1) Seger Crossing Business Park; & (2) Box Elder Event Center

To Whom It May Concern,

The Elevate Board of Directors has been apprised of two very powerful and exciting developments coming to the Box Elder community: A multi-purpose event center and development of critical infrastructure to provide access to a planned commercial & industrial business park north of Interstate 90, Exit 61.

This new multi-purpose event center that is being considered for development is located in the fast-growing community of Box Elder, South Dakota. The populous of Pennington and Meade County, the City of Box Elder, Douglas Public School System, Ellsworth Air Force Base and many other local and regional organizations will benefit by this development that will provide social, leisure, cultural, educational, recreational, athletic, and healthy living programs and services for the entire community.

As currently envisioned and proposed, the venue will provide a large, open flat floor multi-purpose event space; some element of portable or retractable seating; a limited amount of flexible meeting/classroom space; large commercial kitchen facility, and a variety of informal gathering spaces. The highly flexible venue could be suitable for hosting various local and community events, SMERF (social military, educational, religious and fraternal) functions, fundraisers, youth after school programs, adult continuing educational classes, adult fitness and wellness activities, programs for underserved individuals and those with disabilities, public/consumer shows, meetings, banquets, live entertainment, theater/performing arts, conventions, tradeshow, school programs, charitable events, civic groups, youth and amateur sporting events and tournaments, and a wide variety of other functions and uses.

An open (yet divisible) configuration could provide space for several simultaneous events or one contiguous area for a larger single event. Given the many proposed uses and the lack of existing public/community event space in the Box Elder area, the proposed community center will assist in the City's vision to diversify and strengthen the community's regional economic prosperity. The site being considered for the development is adjacent to Interstate 90, a primary east/west thoroughfare into the Rapid City metro area. A number of visitor-related and other developments surround the parcel, including more than 1,100 existing and planned hotel rooms, restaurants, convenience stores, a Black Hills State University satellite campus and



a truck stop. The facility will be attached to a new 174 room Courtyard by Marriott hotel, that is owned by Atlantis, LLC and operated by Liv Hospitality, LLC.

Additionally, B-1 Development, Inc., a sister company to Liv Hospitality, LLC and Atlantis, LLC owns 157 unplatted acres in a planned business park development north of I-90, at Exit 61, near America's Mailbox and Jump Craze herein known as Seger Crossing Business Park. This business park is poised to accommodate much of the upcoming private and government contractor development that could potentially be needed to support the new B-21 deployment, training and missions into 2025. The extension of Seger Drive and installation of the utilities necessary to accommodate commercial development is compulsory.

As such, B-1 Development Inc. is approaching Pennington County with a request to utilize tax increment financing (TIF) for necessary infrastructure development required for both projects; essentially assisting the City of Box Elder in obtaining the necessary infrastructure in this time of explosive city growth and development within their municipality.

Elevate Rapid City strongly endorses these infrastructure projects and hope to see both projects underway in a true public/private partnership. Securing this TIF will set the City of Box Elder on a path of responsible and measured growth as the military and government sectors assimilate into our community in the eastern Black Hills of the Rushmore region.

Sincerely,

Pat Burchill, Interim CEO
Elevate Rapid City

**A RECOMMENDATION TO CREATE
TAX INCREMENT FINANCING DISTRICT NUMBER FOUR,
COUNTY OF PENNINGTON**

WHEREAS, the City of Box Elder requests the creation of a tax increment financing district for purpose of infrastructure development for the Seger Crossing Business Park and a community event center located in the City of Box Elder; and

WHEREAS, the aggregate assessed value of the proposed tax increment financing district plus the tax increment base of all other existing districts exceeds ten percent of the total assessed value of all taxable property in the City of Box Elder; and

WHEREAS, the City of Box Elder passed a resolution consenting to Pennington County creating "Tax Increment Financing District Number Four, County of Pennington" (hereinafter "TIF District #4") for purpose of infrastructure development for the Seger Crossing Business Park and a community event center located in the City of Box Elder; and

WHEREAS, the South Dakota Department of Revenue preliminarily classified TIF District #4 as an Economic Development district for purpose of the state-aid to education formula; and

WHEREAS, the City of Box Elder submitted a project plan complying with the requirements of SDCL chapter 11-9 for the creation of TIF District #4; and

WHEREAS, upon proper notice on June 10, 2019, the Pennington County Planning Commission held a hearing on the proposed creation of TIF District #4;

**NOW, THEREFORE, THE PENNINGTON COUNTY PLANNING COMMISSION
HEREBY:**

1. Recommends the creation of TIF District #4; and
2. Adopts the project plan for the creation of TIF District #4 dated June 2019 and attached as Exhibit A; and
3. Designates the real property to be located within TIF District #4 legally described as follows:

THAT PORTION OF N1/2NW1/4 LYING North OF Road ROW, Section 26, T2N, R8E

N1/2NE1/4 less Lot H3, less Highway; Tract A OF SE1/4NE1/4; NW1/4 LESS Tract C, LESS Tract H, LESS LOT 1-2 OF Tract K, LESS LOT B OF Tract J Revised, LESS LOT 1-2 OF Tract L, LESS LOT A OF Tract C, LESS SEGER CROSSING Subdivision, LESS LOTS H3 AND H4, Section 27, T2N, R8E;

DRAINAGE Tract 1 and Drainage Tract 2, SEGER CROSSING Subdivision, Section 27, T2N, R8E;

Lot 1, Lot 2, Lot 3 less Lot H1, Lot 4, Block 1, SEGER CROSSING Subdivision, Section 27, T2N, R8E;

Lot 1, Lot 2, Lot 3, Lot 4 less Lot H1, Block 2, SEGER CROSSING Subdivision, Section 27, T2N, R8E;

Sign Tract 1, SEGER CROSSING Subdivision, Section 27, T2N, R8E;

LOT 1 and Lot 2 OF LOT D OF W1/2 E1/2, Section 27, T2N, R8E;

Lot 1 and Lot 2 Less Lot H1, RDO Subdivision, Section 27, T2N, R8E;

LOT 1 OF TRACT D, W-Y Addition, Section 27, T2N, R8E;

LOT 2 OF TRACT D, W-Y Addition, Section 27, T2N, R8E;

LOT 4 OF TRACT D, W-Y Addition, Section 27, T2N, R8E;

LOT 1 and Lot 2, DAVIS Subdivision, Section 27, T2N, R8E;

Lot 1 Revised, Lot 2a and 2b, Lot 4, ISIS Subdivision, Section 27, T2N, R8E;

All Located in the City of Box Elder, Black Hills Meridian, Pennington County, South Dakota including within and adjacent rights-of-ways.

and;

4. Submits the project plan attached as Exhibit A and this "Recommendation to Create Tax Increment Financing District Number Four, County of Pennington" to the Pennington County Board of Commissioners for further action.

Dated this _____ day of June, 2019.

Travis Lasseter, Chair
Pennington County Planning Commission

ATTEST:

Pennington County Auditor
(SEAL)

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.

The Planning Commission diligently reviewed and commented on proposed Comprehensive Plan – View to 2040, with hearing dates of: January 28, 2019, February 25, 2019, March 11, 2019, March 25, 2019, April 22, 2019, May 13, 2019, and May 28, 2019. After the May 28, 2019 hearing, Staff has heard and collected Planning Commissioner and public comments relative to the proposed Comprehensive Plan. Staff is working on consolidating this collective of comments and will be sending them off to Matrix for a revision to the proposed Comprehensive Plan. Matrix will make the necessary adjustment to the current document and submit a revised draft, showing the current and proposed changes, for review. It is anticipated that Matrix Design Group can have the document completed in a short period of time.

Once the update is available, the Planning Commission will need to hold an additional hearing to review and possibly make a recommendation on the document that will be taken to the Board of Commissioners. The earliest possible Planning Commission hearing date for a review and possible Recommendation is Monday, June 24, 2019.

NEXT STEPS

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

1. That the Planning Commission set a date or dates for a Comprehensive Plan review with a possible recommendation to the Board of Commissioners.

**PENNINGTON COUNTY
COMPREHENSIVE PLAN**

PENNINGTON COUNTY



"PRIDE IN THE PAST; FAITH IN THE FUTURE"

AUGUST 2003

**Pennington County
Comprehensive Plan**

County Commission

Ken Davis, Chairperson

**Delores Coffing
Lyle Hendrickson**

**James Kjerstad
Gale Holbrook**

Planning Commission

Linda Peterson, Chairperson

**Bob Brandt
Tim Pfisterer
John Herr**

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

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

**Prepared by Pennington County
Planning Department**

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

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

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Comprehensive Plan



Pennington County Comprehensive Plan
VIEW TO 2040

Public Review Draft

July 2018



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



Pennington County Comprehensive Plan
VIEW TO 2040



Pennington County Comprehensive Plan
VIEW TO 2040

Public Review Draft

Prepared for:



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

Prepared by:



July 2018

ACKNOWLEDGEMENTS

Pennington County Board of Commissioners

- ▶ Ron Rossknecht District 1
- ▶ Lloyd LaCroix..... District 2
- ▶ Deb Hadcock, Chair District 3
- ▶ Mark DiSanto..... District 4
- ▶ Gary Drewes, Vice Chair District 5

Planning Commission

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

County Staff

- ▶ Cassie Bolstad Assistant Planning Director
- ▶ P.J. Conover Planning Director
- ▶ Jerome Harvey..... County Fire Administrator
- ▶ Holli Hennies..... Commission Office Manager
- ▶ Michael Hoffmann Deputy State's Attorney
- ▶ Brittney Molitor..... Environmental Planning Supervisor
- ▶ Julie Pearson..... Auditor
- ▶ Shannon Rittberger Director of Equalization
- ▶ Dustin Willett..... Director Emergency Management

Other Jurisdictions and Organizations

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

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

Public Input

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



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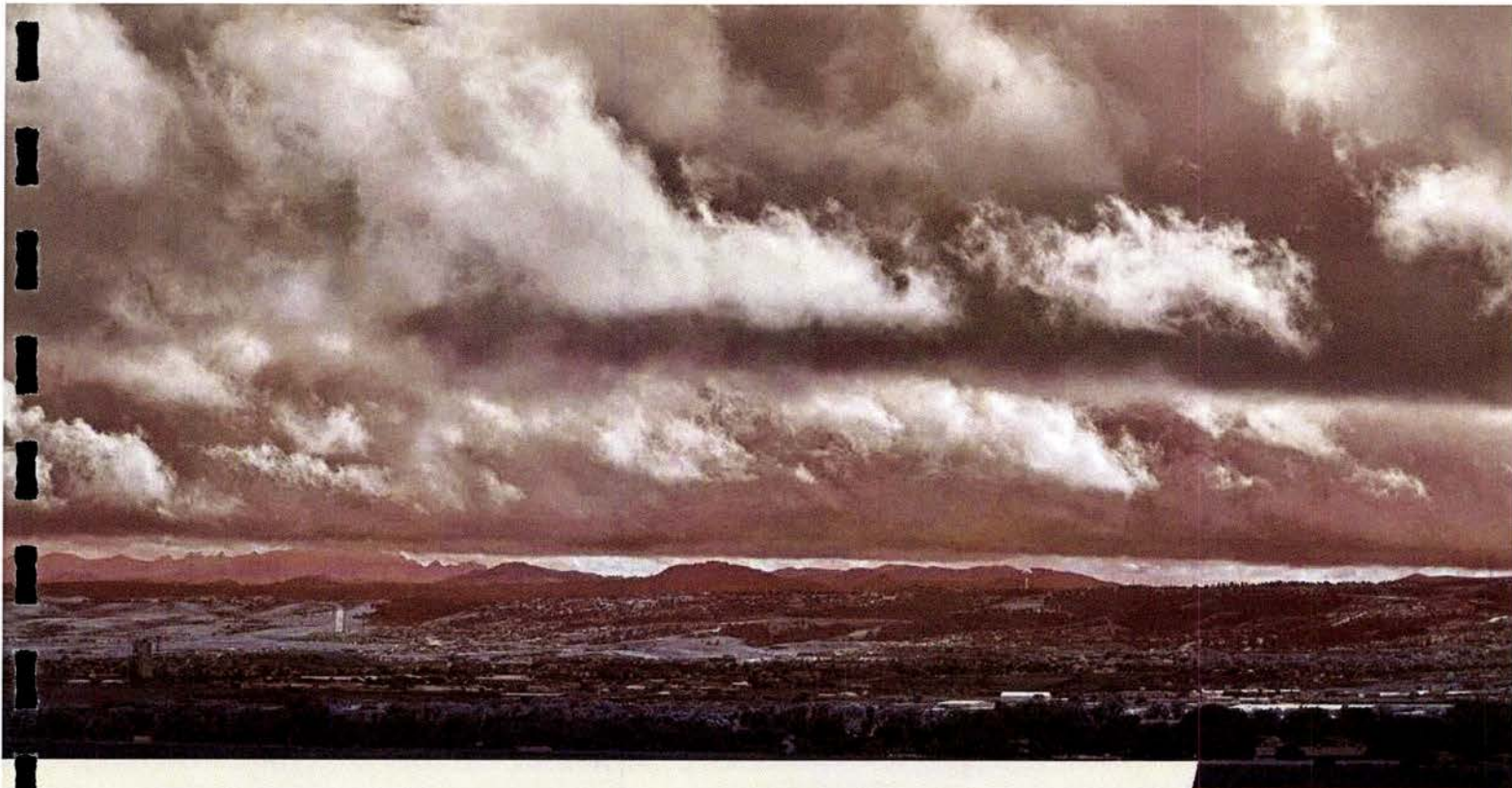


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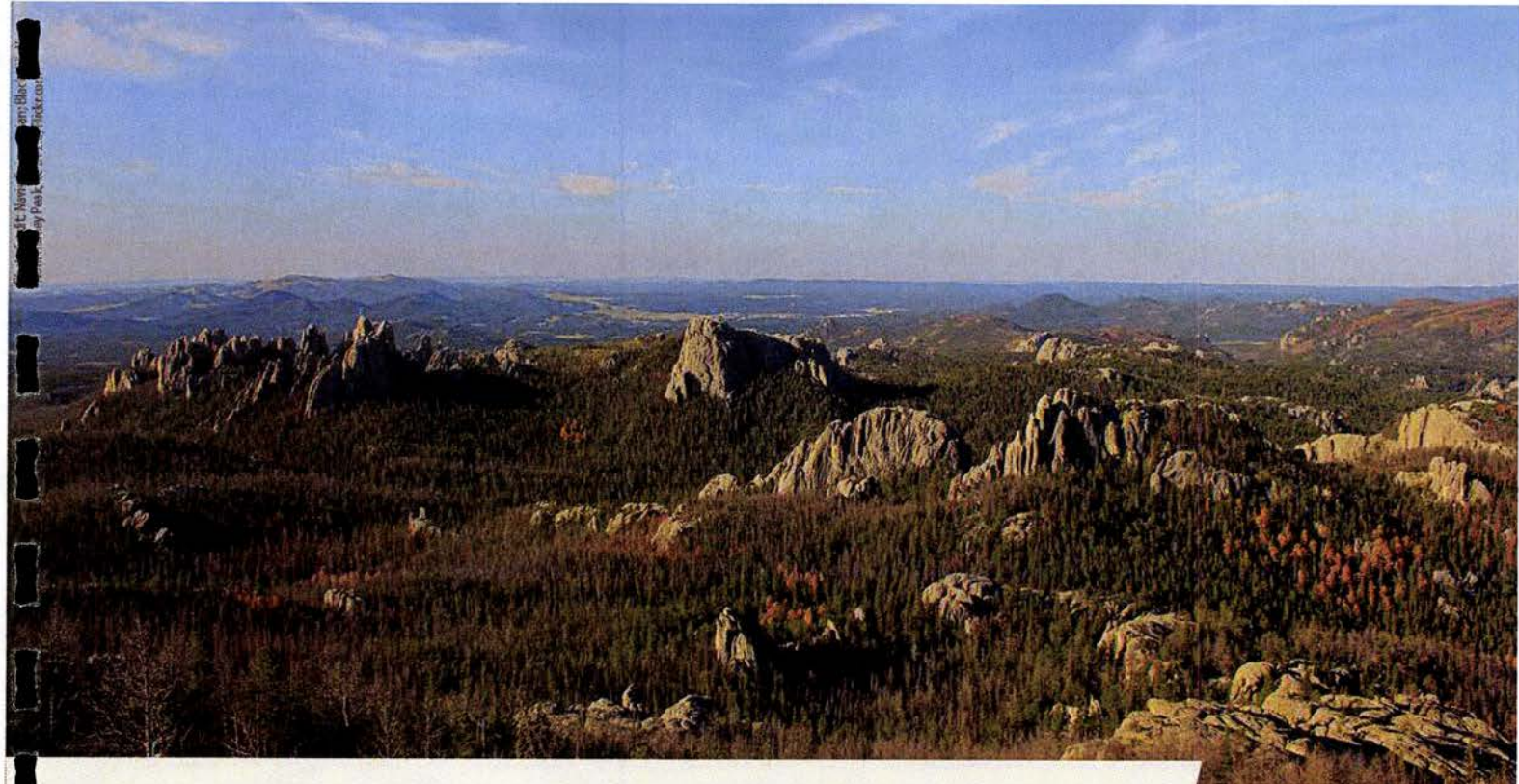
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Introduction

1

1.1 Purpose of a Comprehensive Plan

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

The Comprehensive Plan has three defining features:

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



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1.2 Comprehensive Plan Process

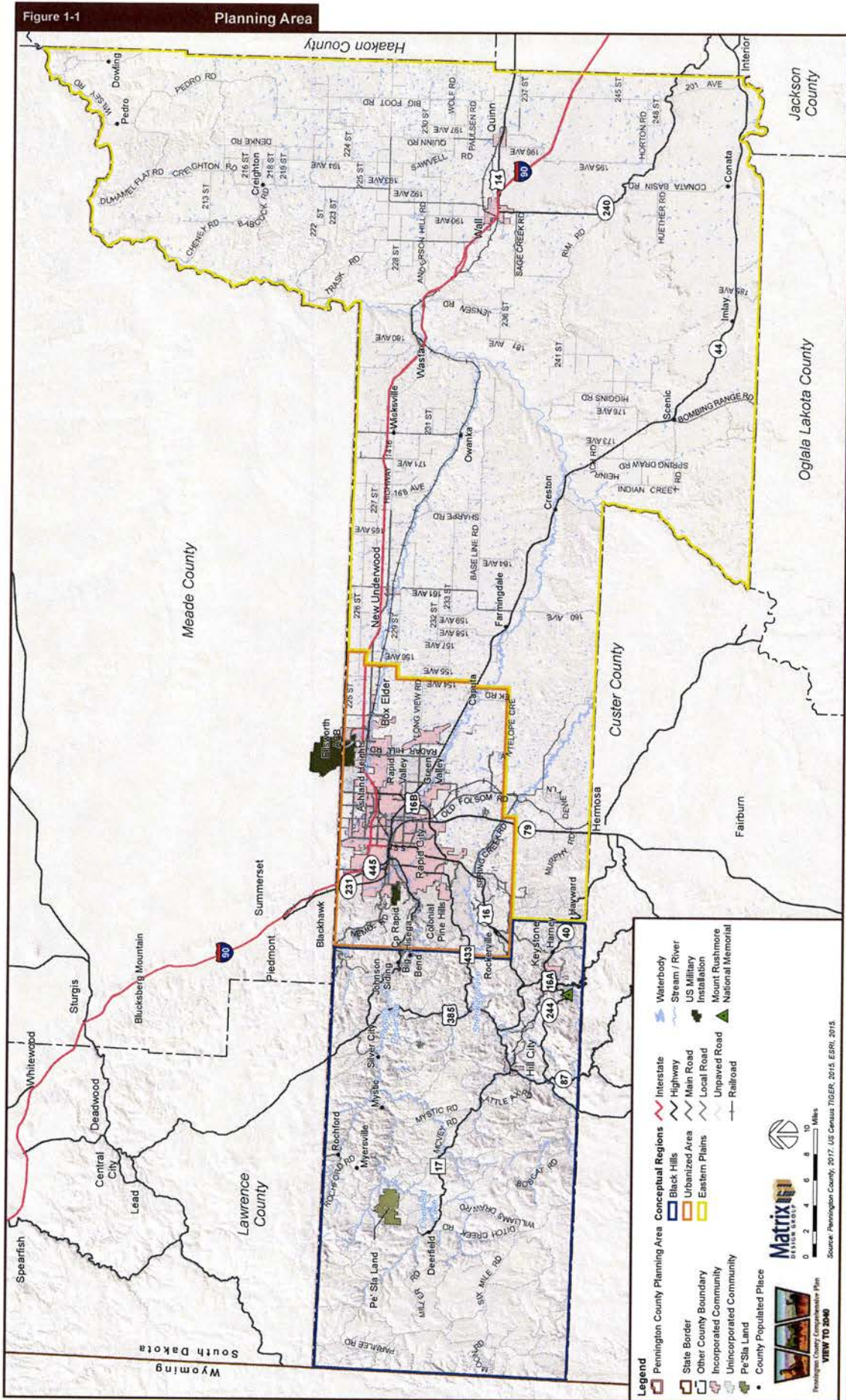
The process for developing the Comprehensive Plan occurred in seven tasks that build on each other. Several opportunities for residents to provide ideas and help guide the future of the community were included in the development of the Plan.

- ▶ **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

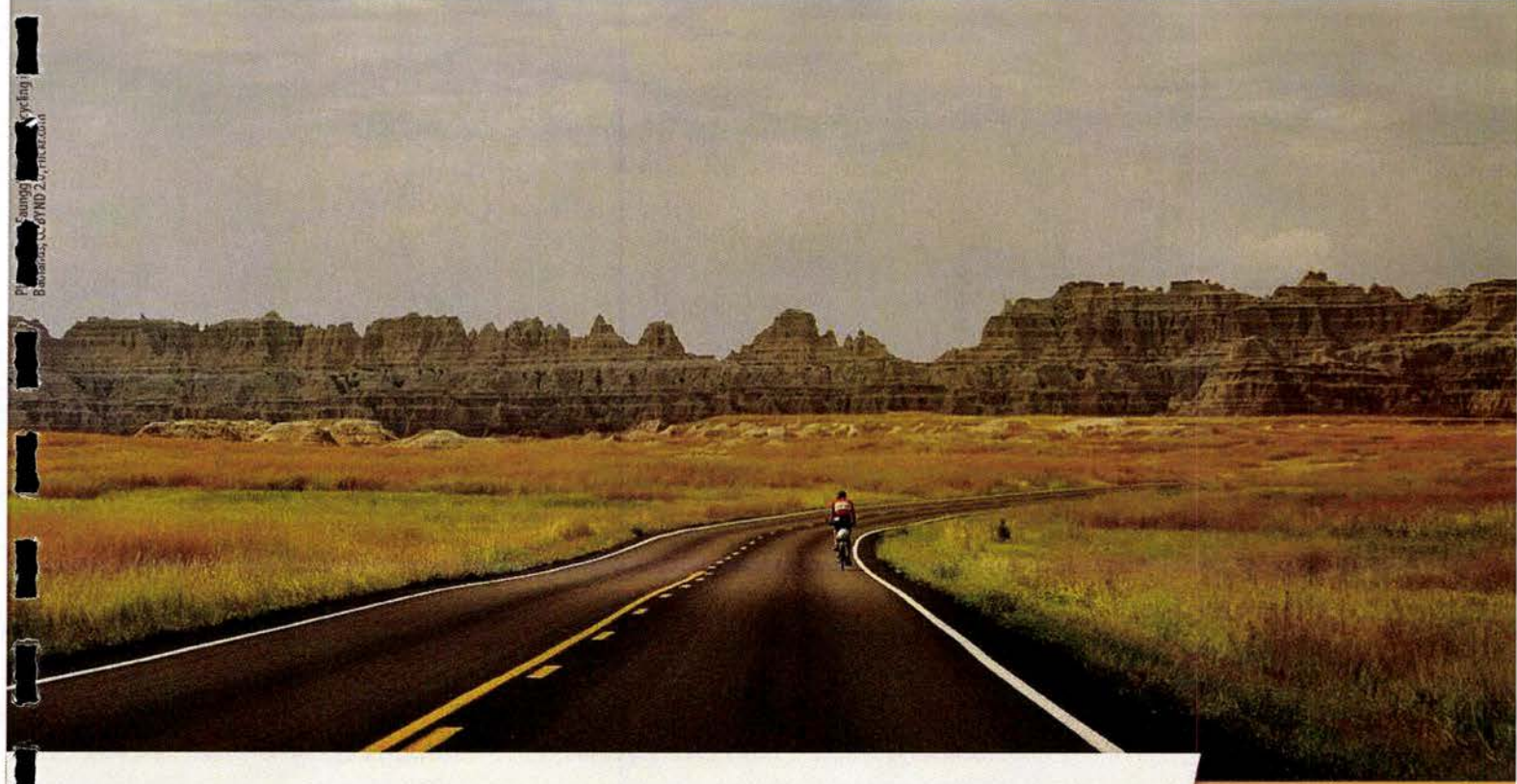


Central Pennington Focus Area



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

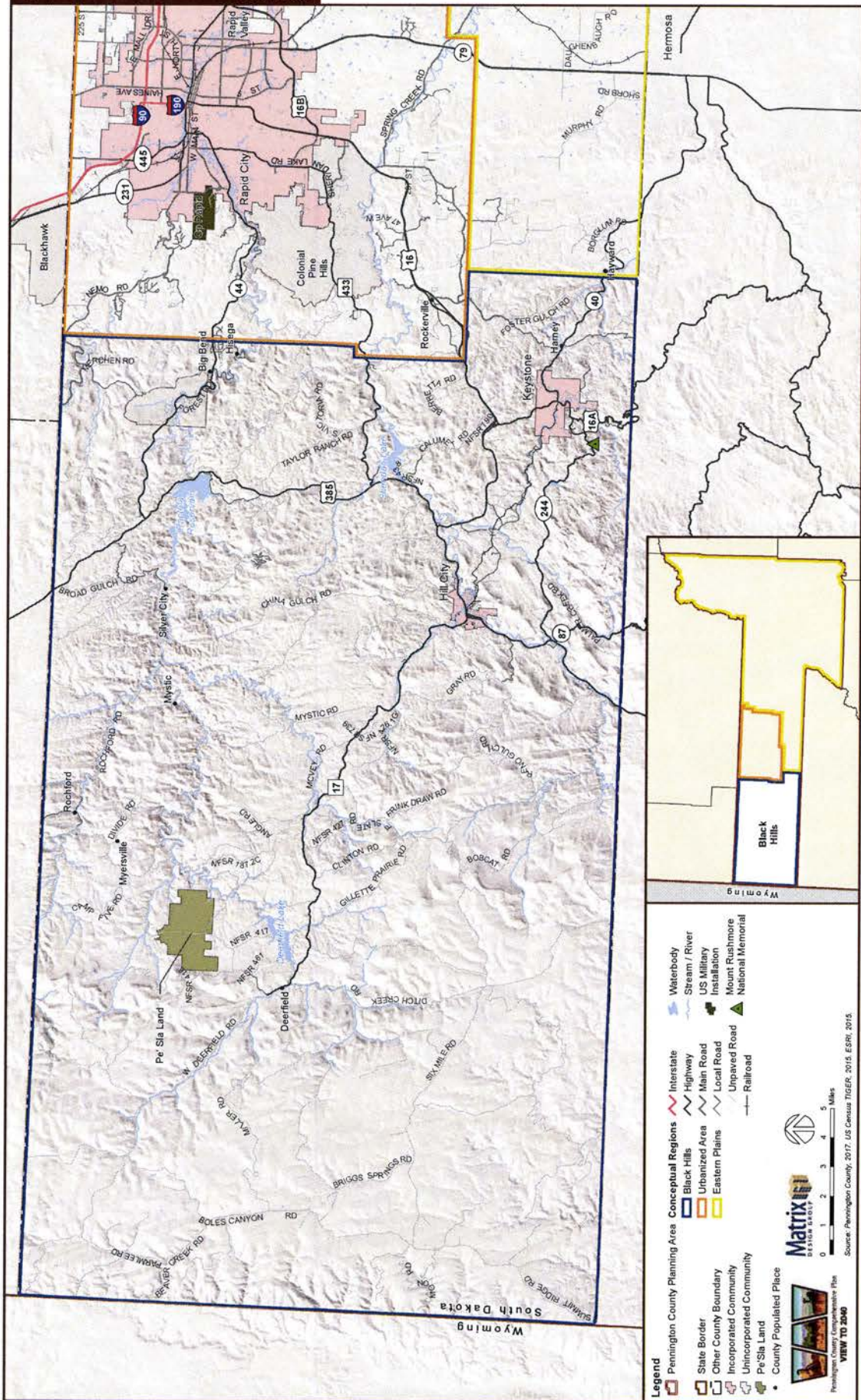


Figure 2-2 Central Pennington

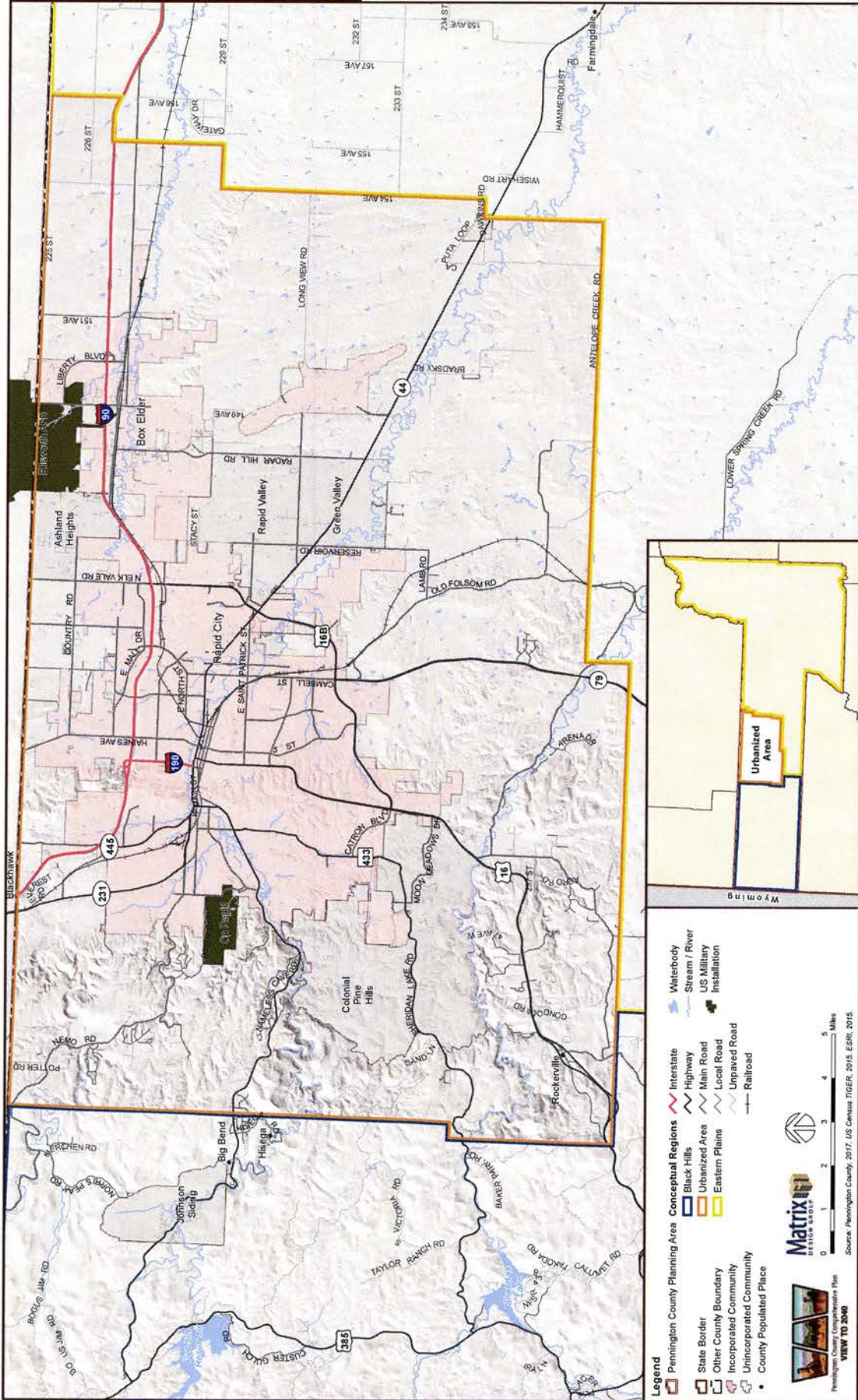
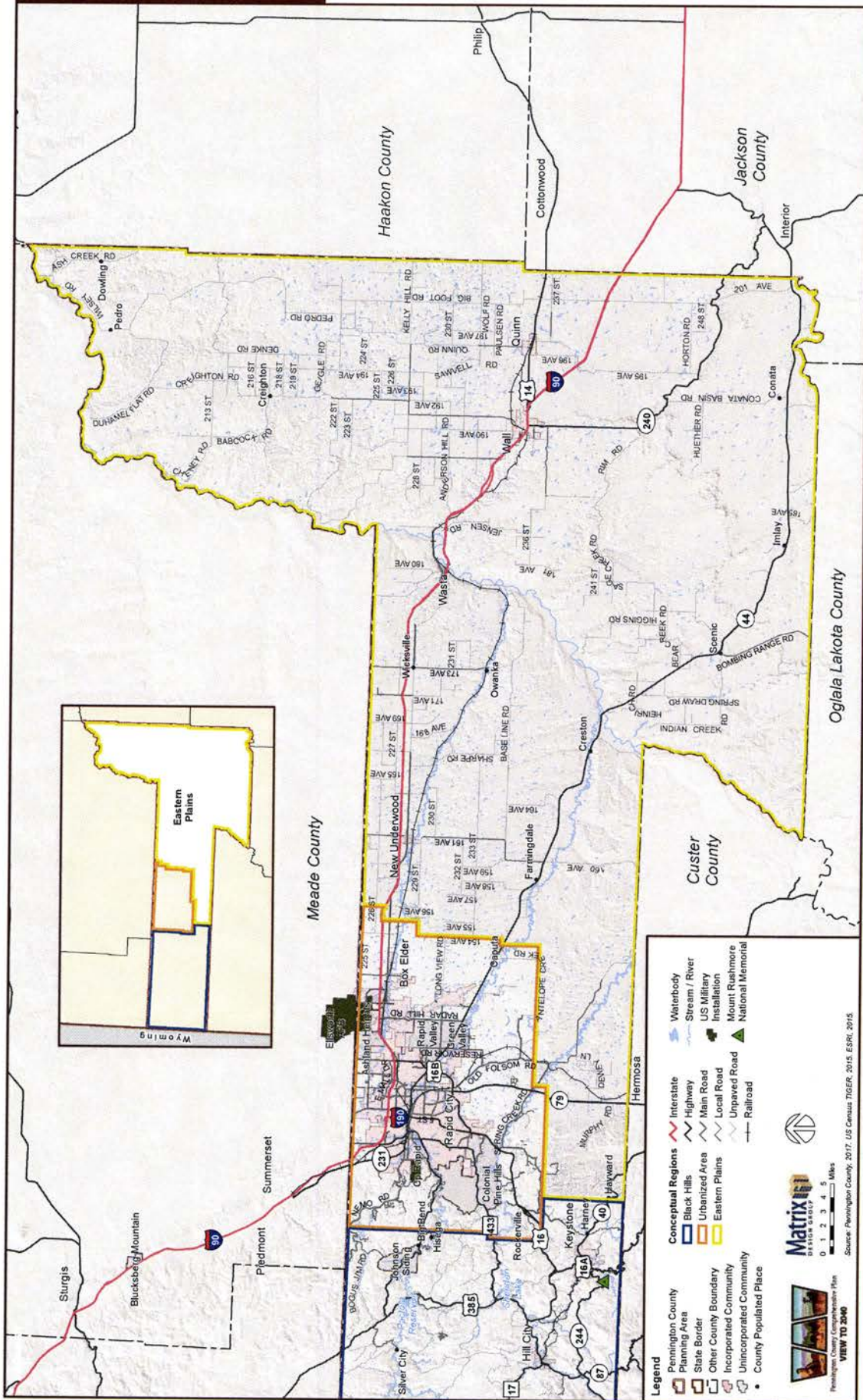


Figure 2-3

Eastern Plains



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	<p>Purpose and Application The Agriculture designation denotes areas that have large tracts of land dedicated to agricultural uses or resource utilization uses.</p> <p>Allowed Uses</p> <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	<p>Purpose and Application The Ranchette category is intended to be a “bridge” between Rural Residential and Agriculture designations.</p> <p>Allowed Uses</p> <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	<p>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.</p> <p>Allowed Uses</p> <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

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



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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.**



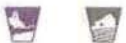
LUH-6.1 New, non-residential development should incorporate design components that are less impacting on the natural environment.



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.

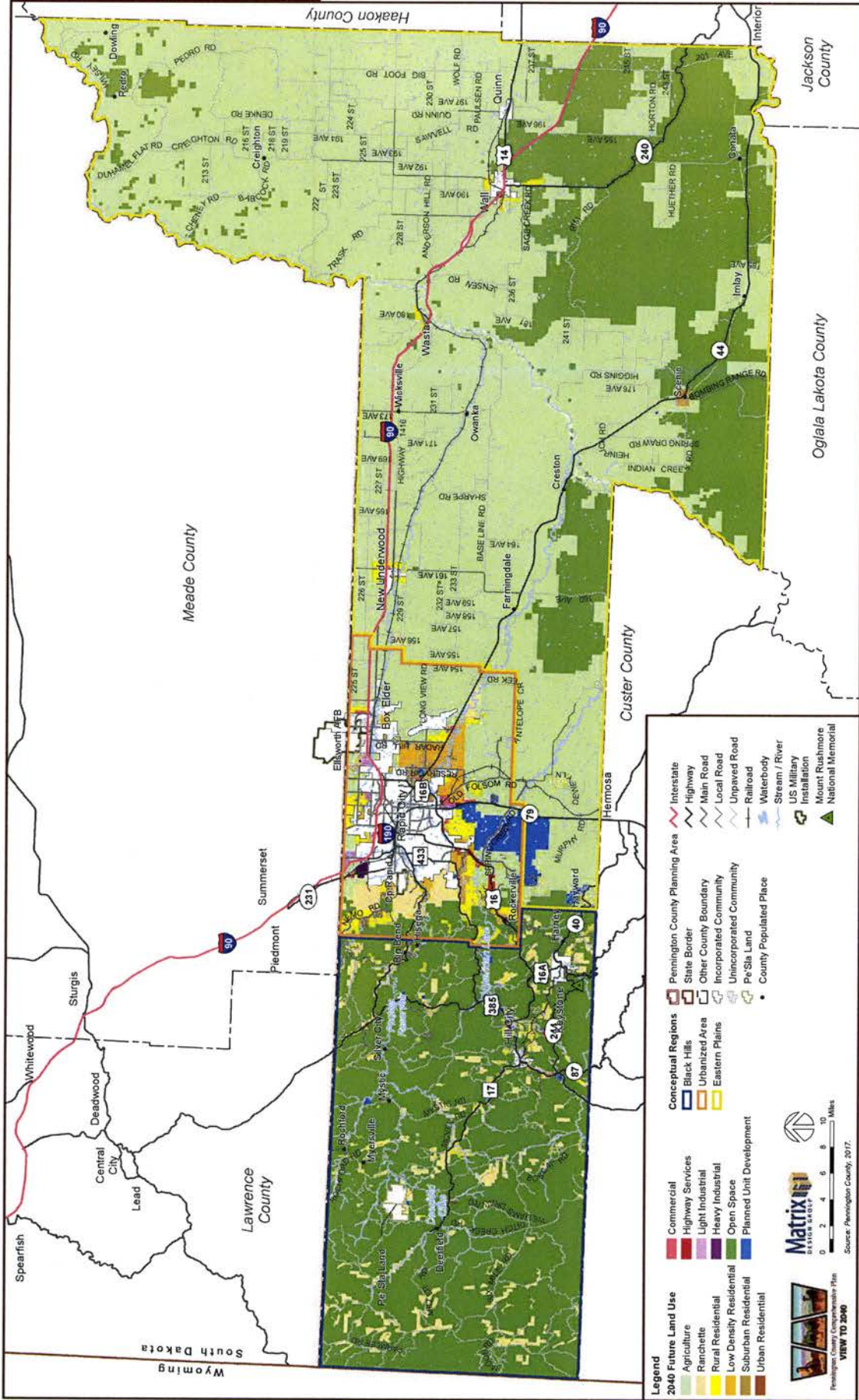


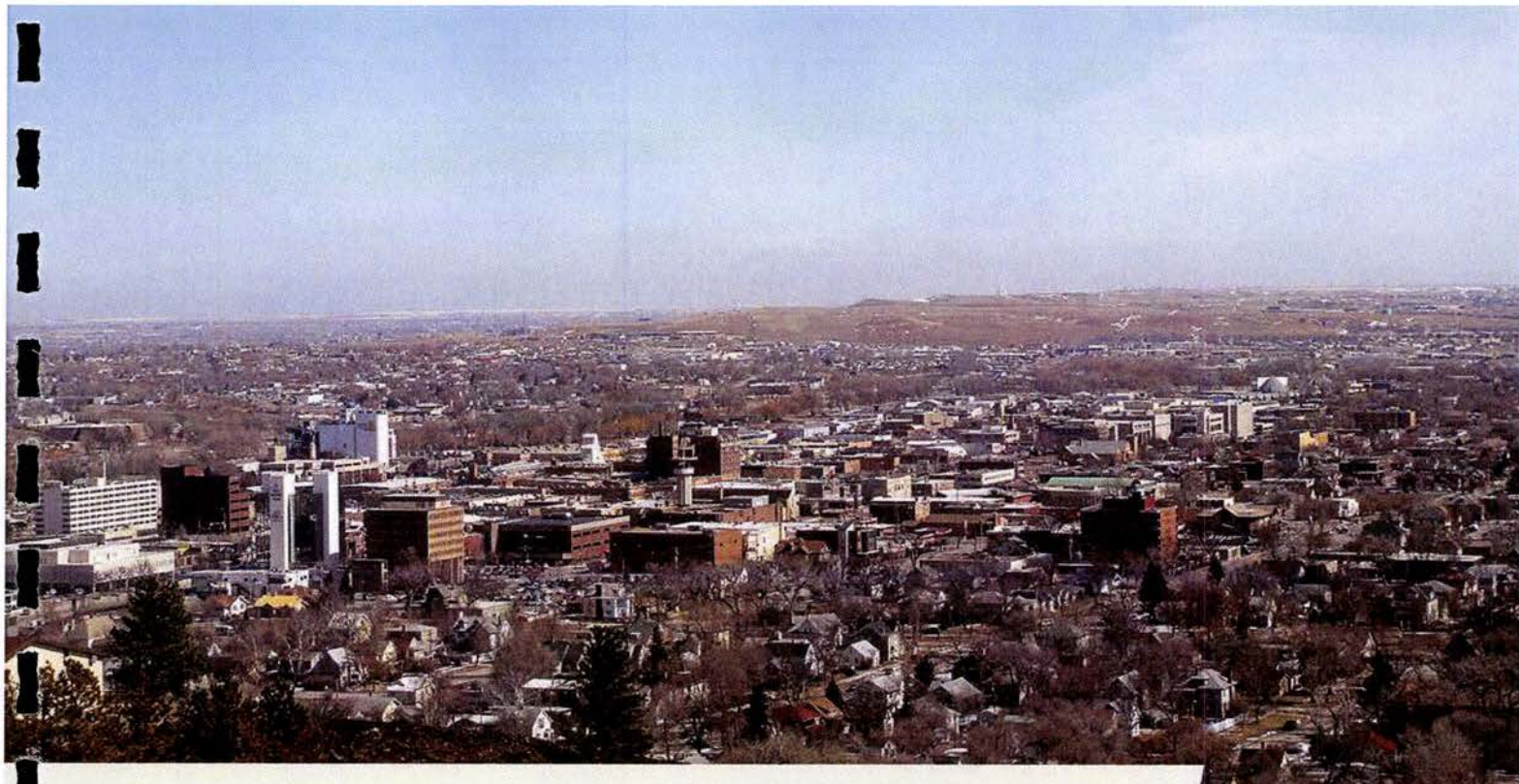
LUH-9.1 The County shall maintain the Comprehensive Plan as needed to ensure that it reflects the needs and desires of those who live, work, and vacation in Pennington County.



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.



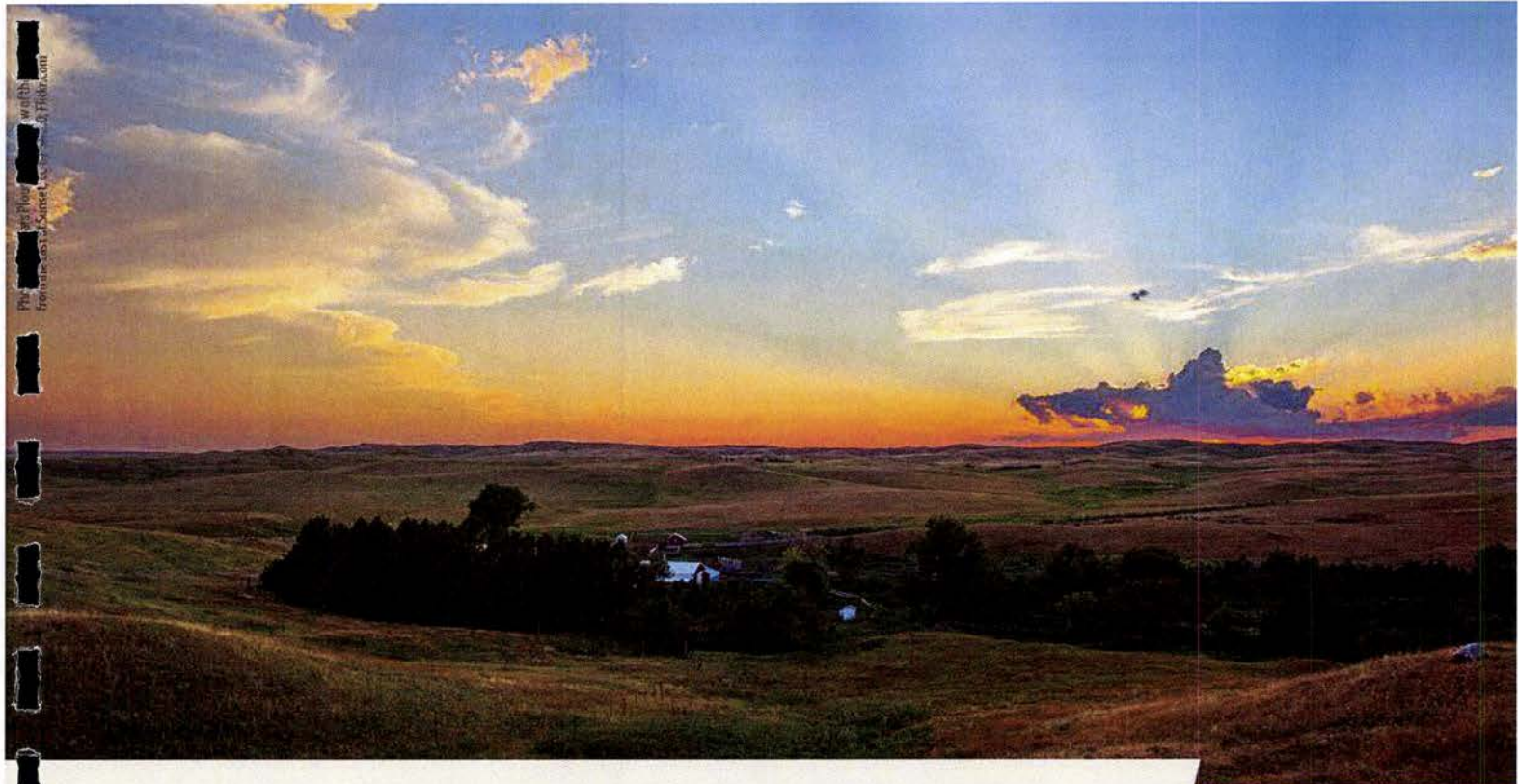
ED-5.2 The County should require disclosure statements for any residential development within or adjacent to airport noise contours.



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.



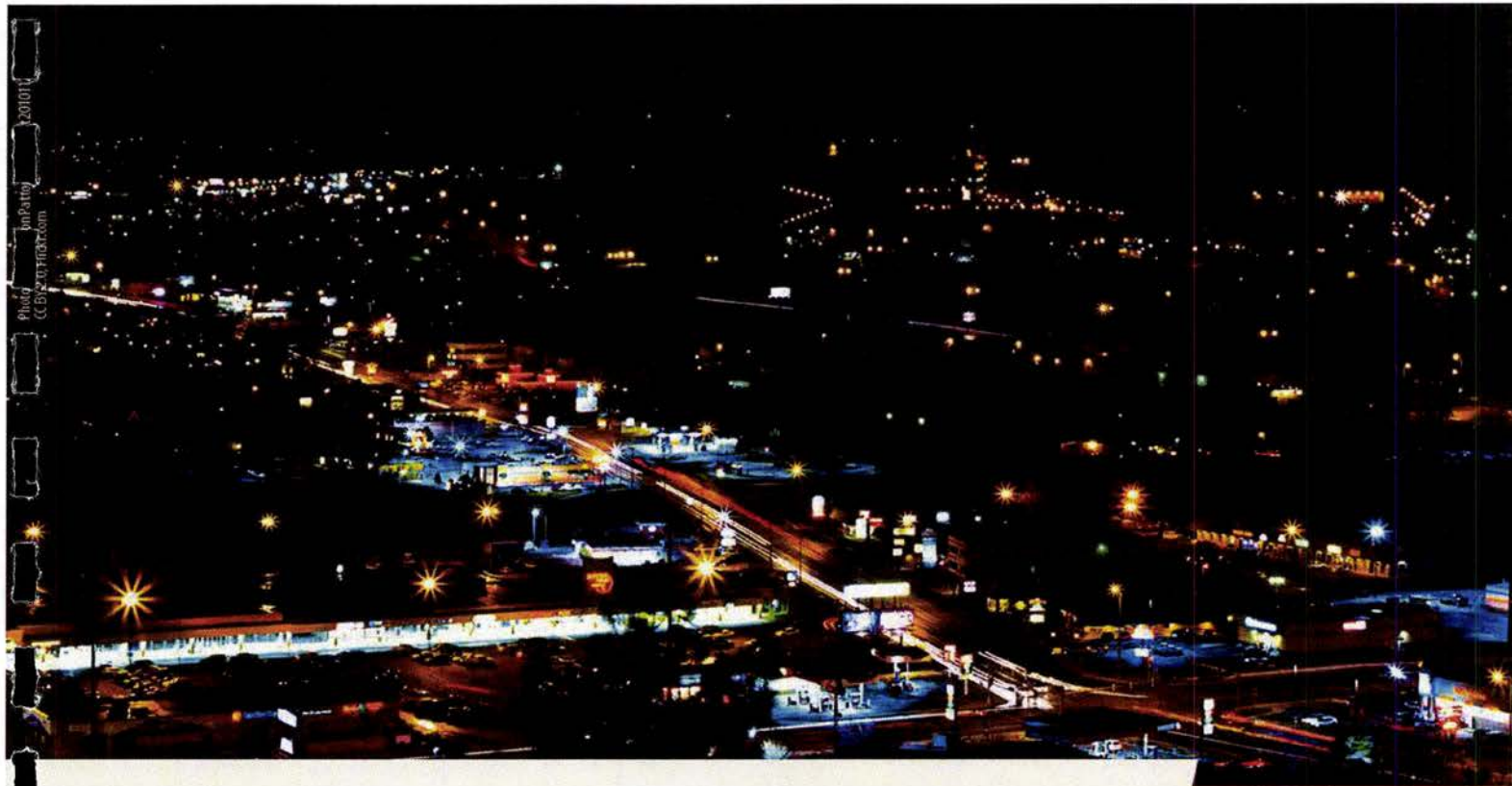
AG-2.2

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

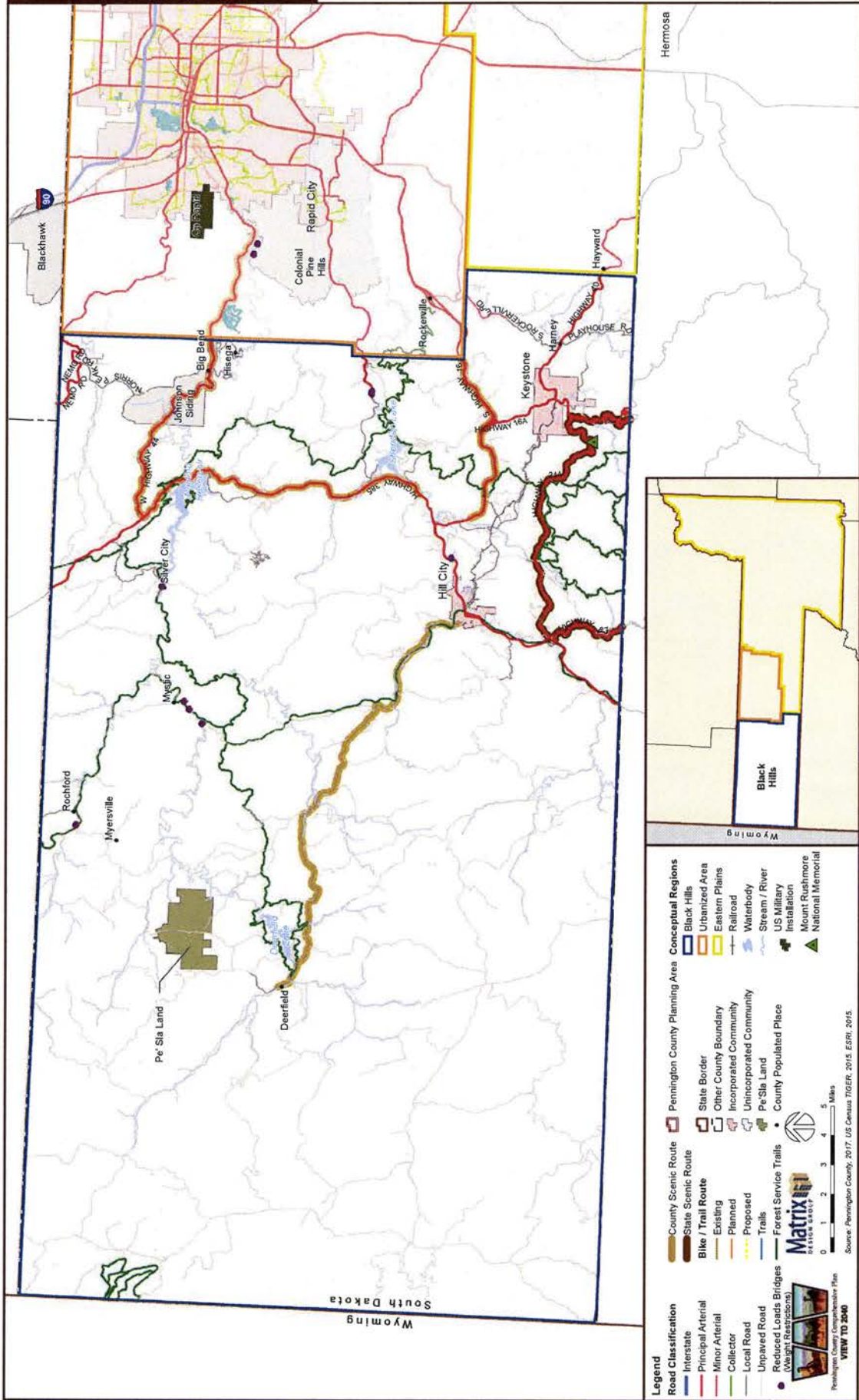


Figure 6-2 Transportation - Central Pennington

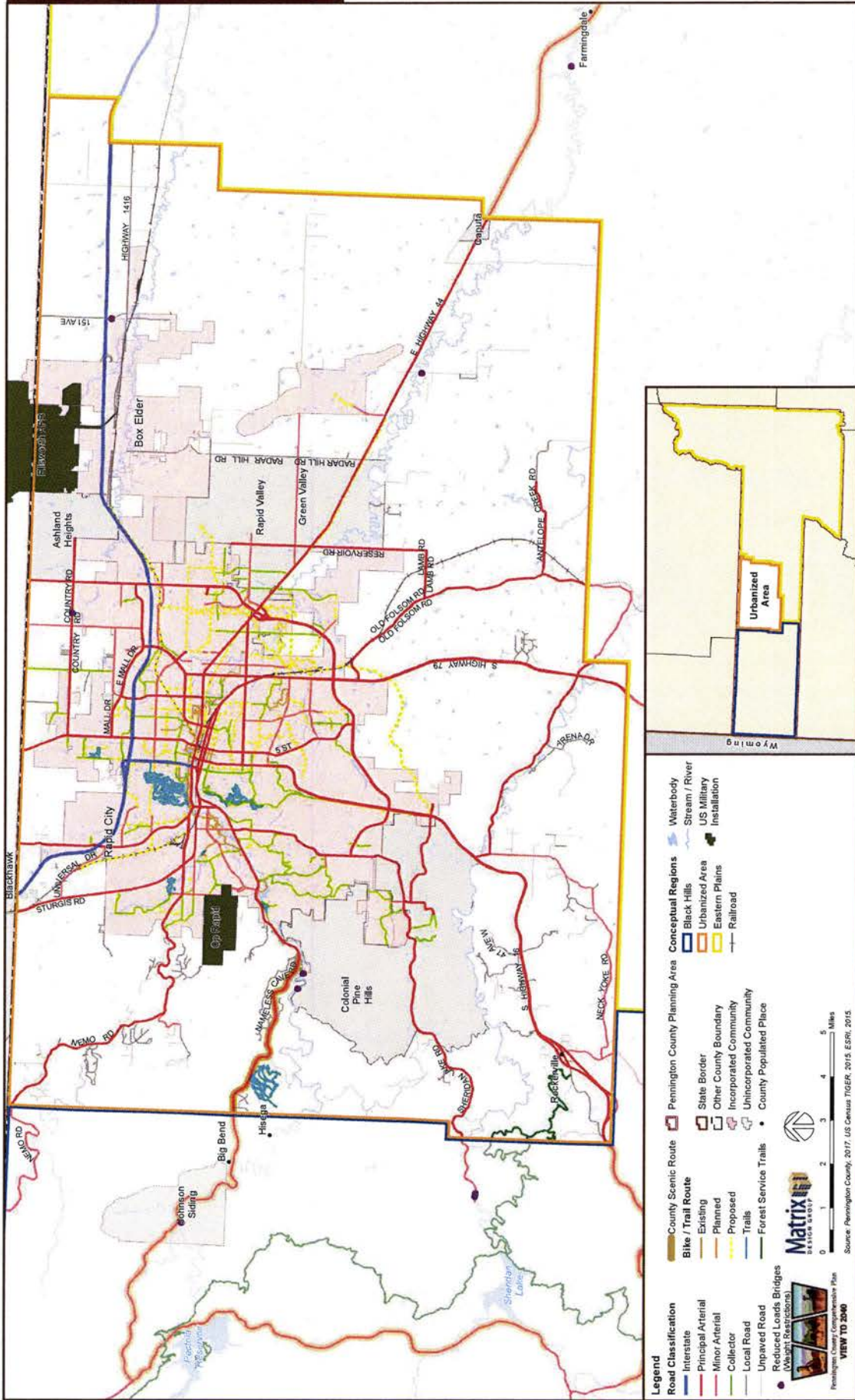
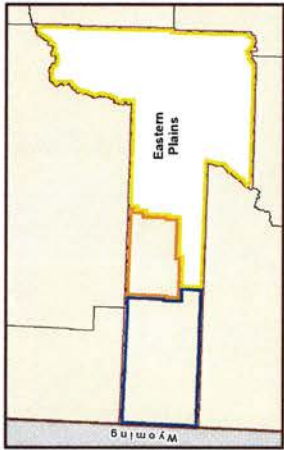
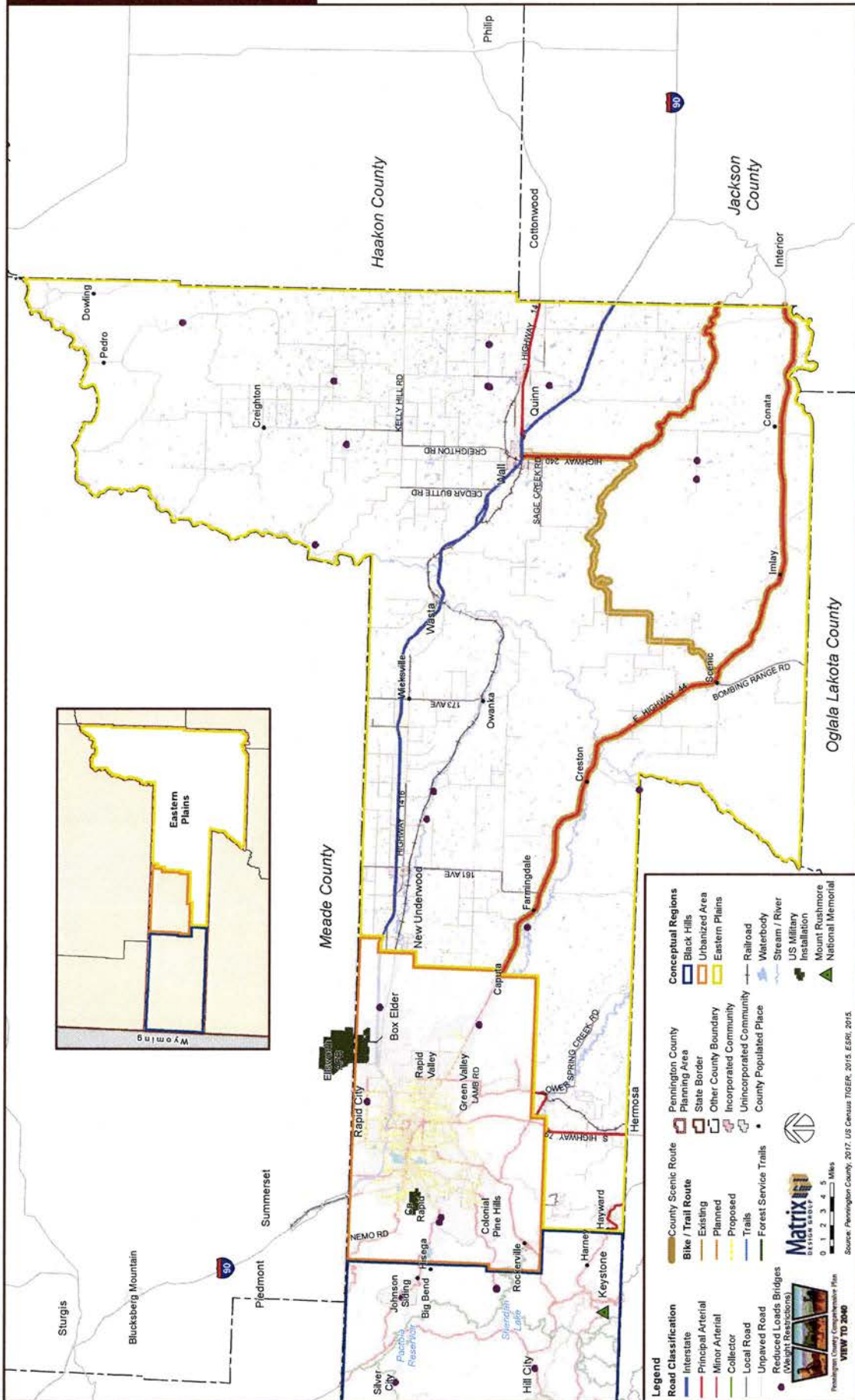


Figure 6-3 Transportation - Eastern Plains



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

Other Features

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

Pennington County Planning Area

- Existing
- Planned
- Proposed
- Trails
- Forest Service Trails
- County Populated Place

Matrix
DESIGN GROUP

Scale: 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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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.

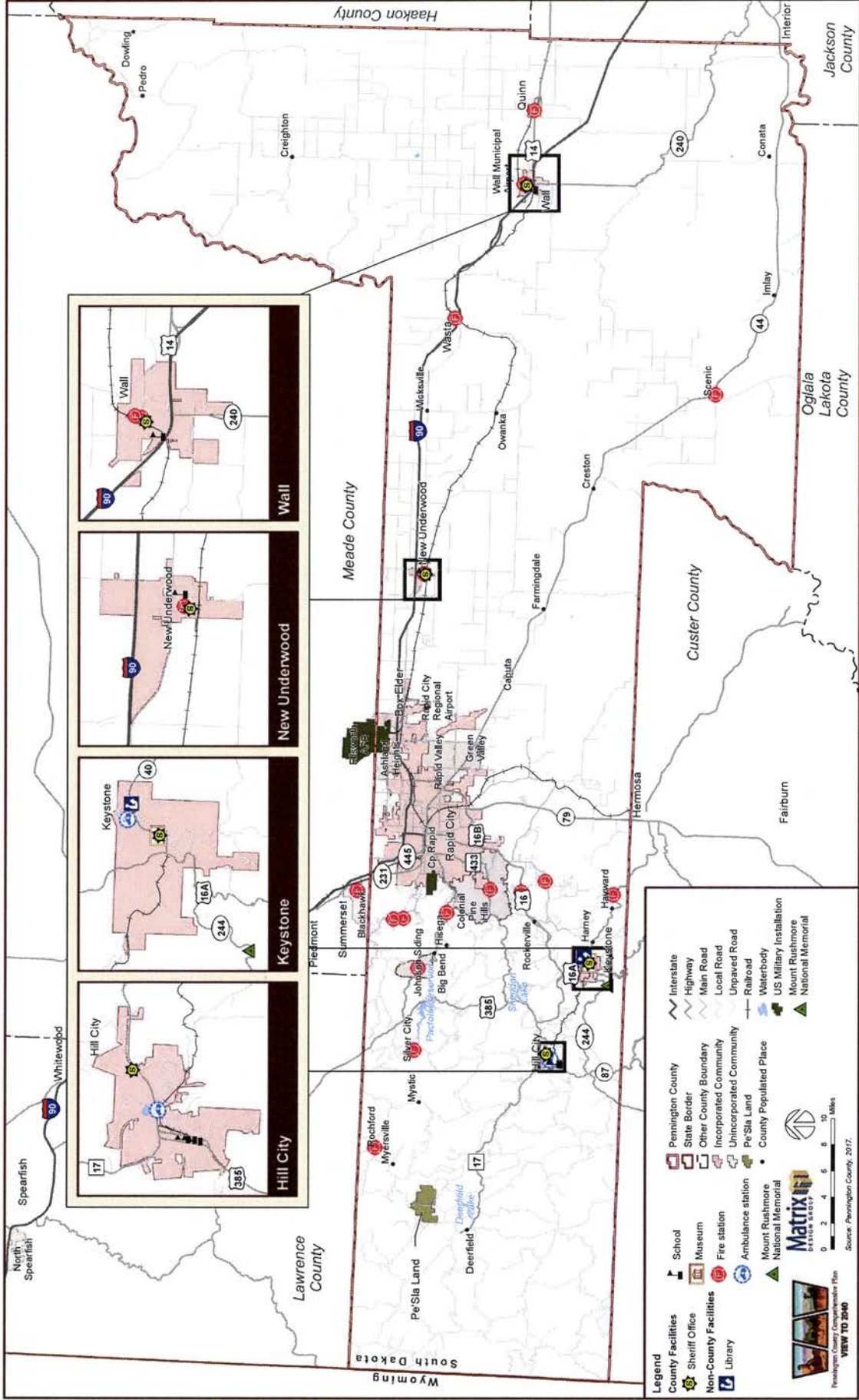
Wastewater

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



7.2 Public Safety Overview

Fire

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

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

Emergency Management

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

7.3 Public Facilities Overview

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

Libraries

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

Schools

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



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7.4 Goals and Policies

Goal PSF-1 The County protects its water resources.



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



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



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



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

Goal PSF-2 Storm drainage facilities are of adequate size and location to serve the needs of the County and enhance public safety.



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



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



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

Goal PSF-3 On-site wastewater treatment systems in the County are well-maintained and protect the County's water resources.



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



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



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



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



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



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

Goal PSF-4

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



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



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



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



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



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



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



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

Goal PSF-5

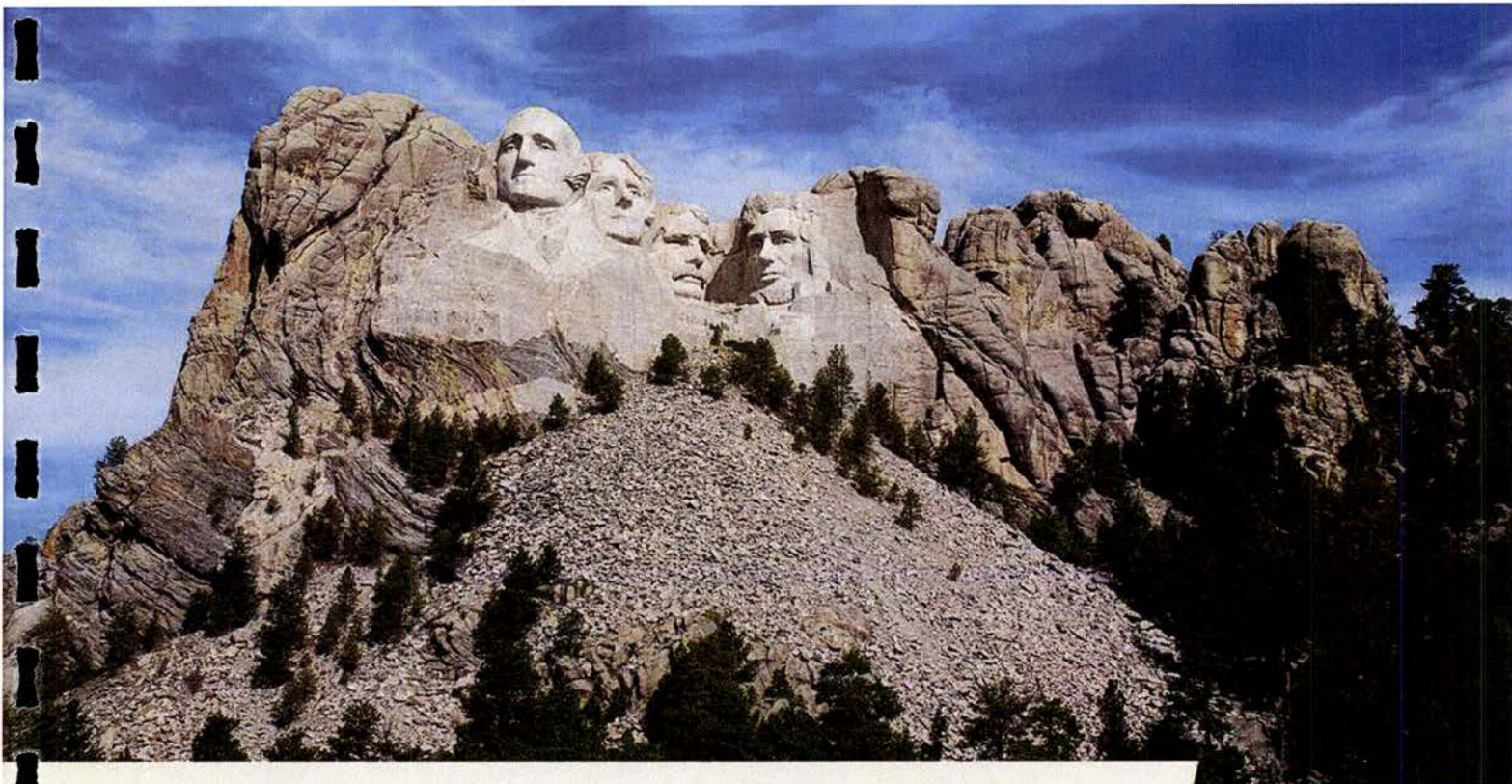
The County has adequate public facilities to provide for its residents.



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



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



Recreation, Open Space & Tourism Element

8

8.1 Recreation, Open Space and Tourism Overview

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

Community Parks

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

Federal Lands

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



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Badlands National Park

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

Black Hills National Forest

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

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

Buffalo Gap National Grassland

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

Minuteman Missile National Historic Site

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

Mount Rushmore National Memorial

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

Tourism

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

Wine Trail

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

Figure 8-1 Parks and Recreation Locations

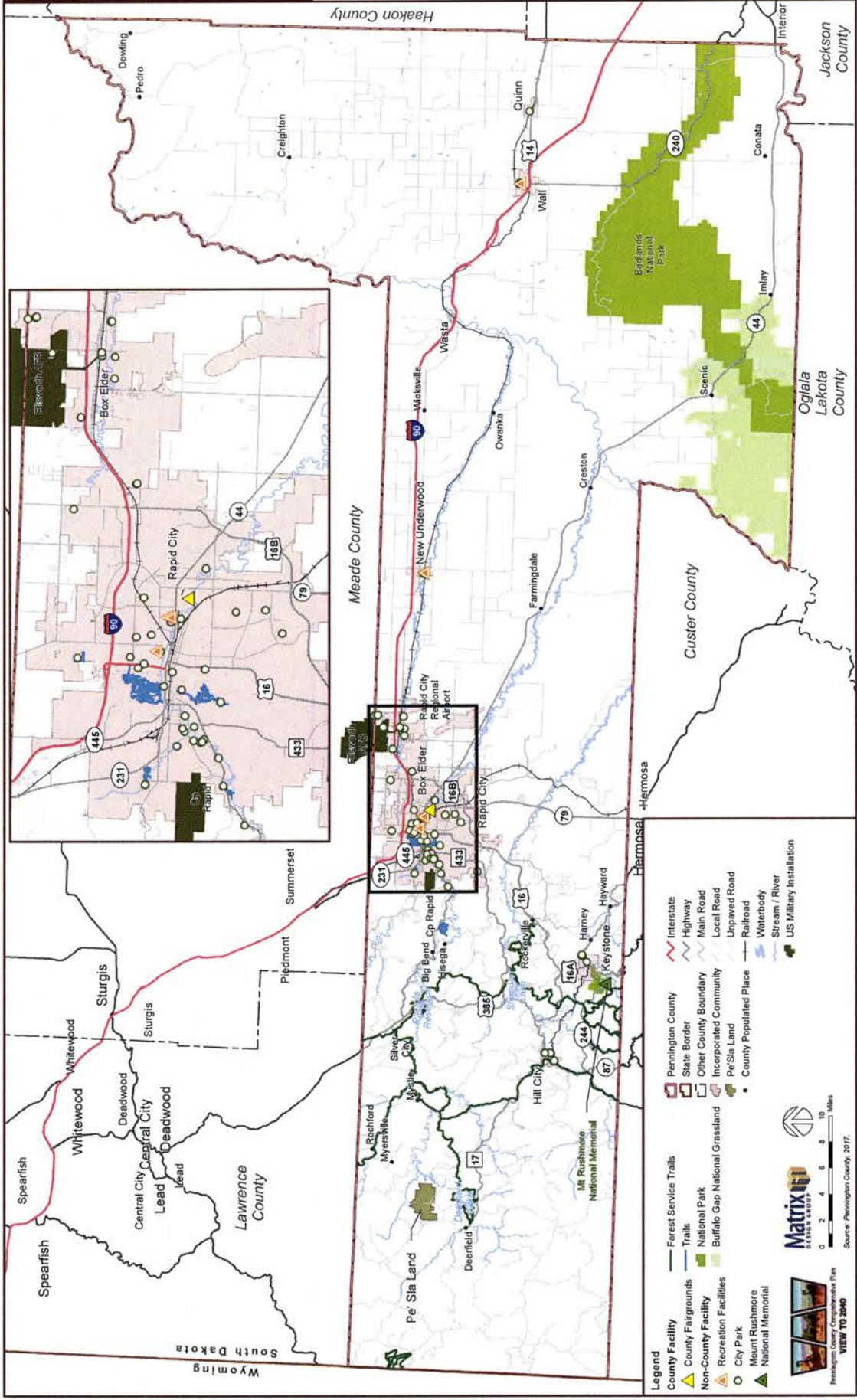
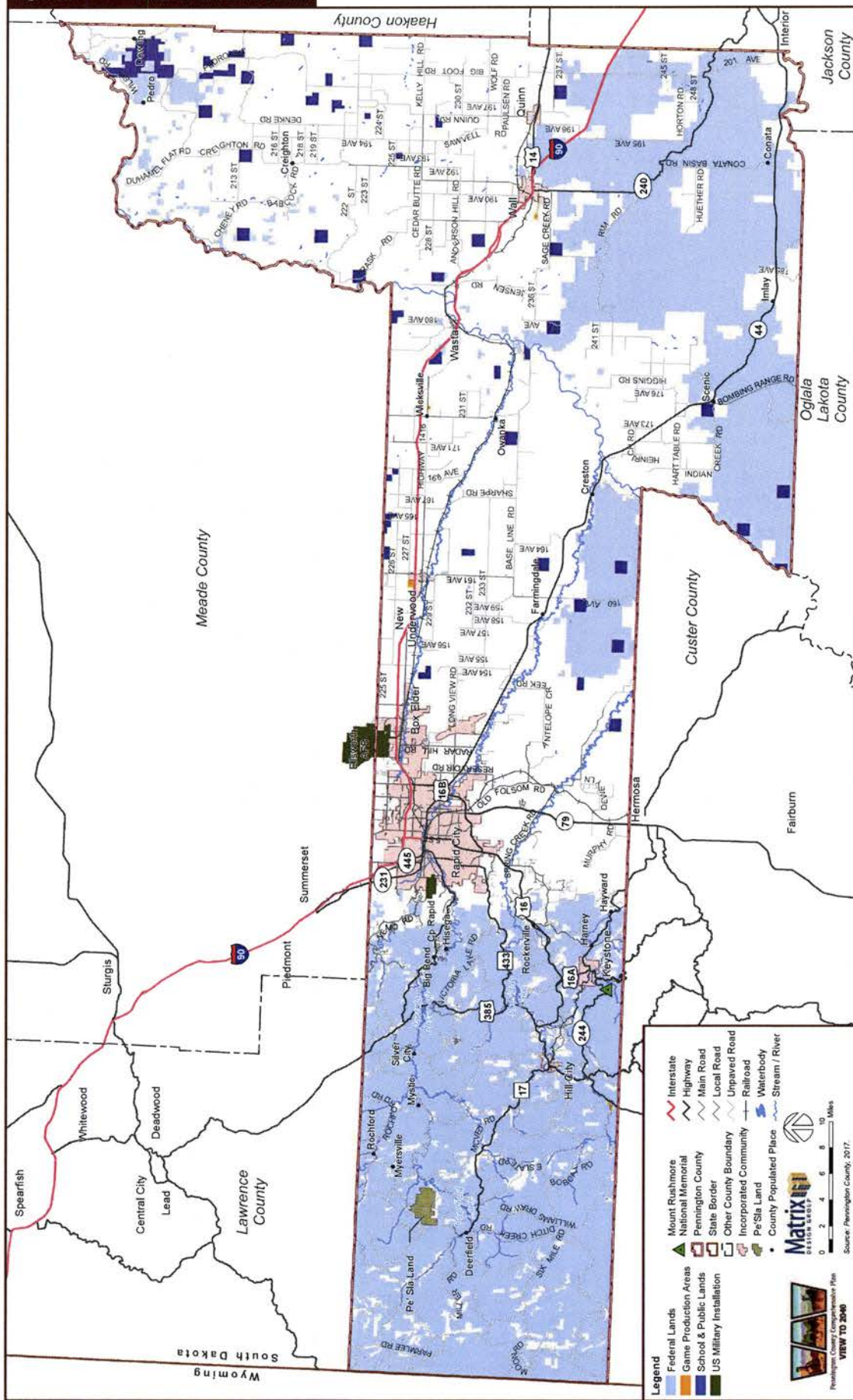


Figure 8-2 Federal and State Lands



Wall Drug Store

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

Sturgis Motorcycle Rally

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

8.2 Goals and Policies

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



ROST-1.1 The County should ensure roadways and accessways to public lands like Mount Rushmore National Memorial are safe and easy to traverse.



ROST-1.2 The County should work with SDDOT and local cities to develop and support a unified, county-wide wayfinding program.



ROST-1.3 The County should work with the National Forest Service and National Park Service to routinely coordinate on upcoming plans and program changes that could have benefits or challenges that the other entities should address.

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



ROST-2.1 The County should explore methods to fund an open space system that meets the needs of county residents and visitors.



ROST-2.2 The County should support private land managers, management agencies, and citizen groups in their maintenance efforts of recreational opportunities



Health & Safety Element

9

9.1 Health & Safety Overview

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

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

Flood Hazards

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

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



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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

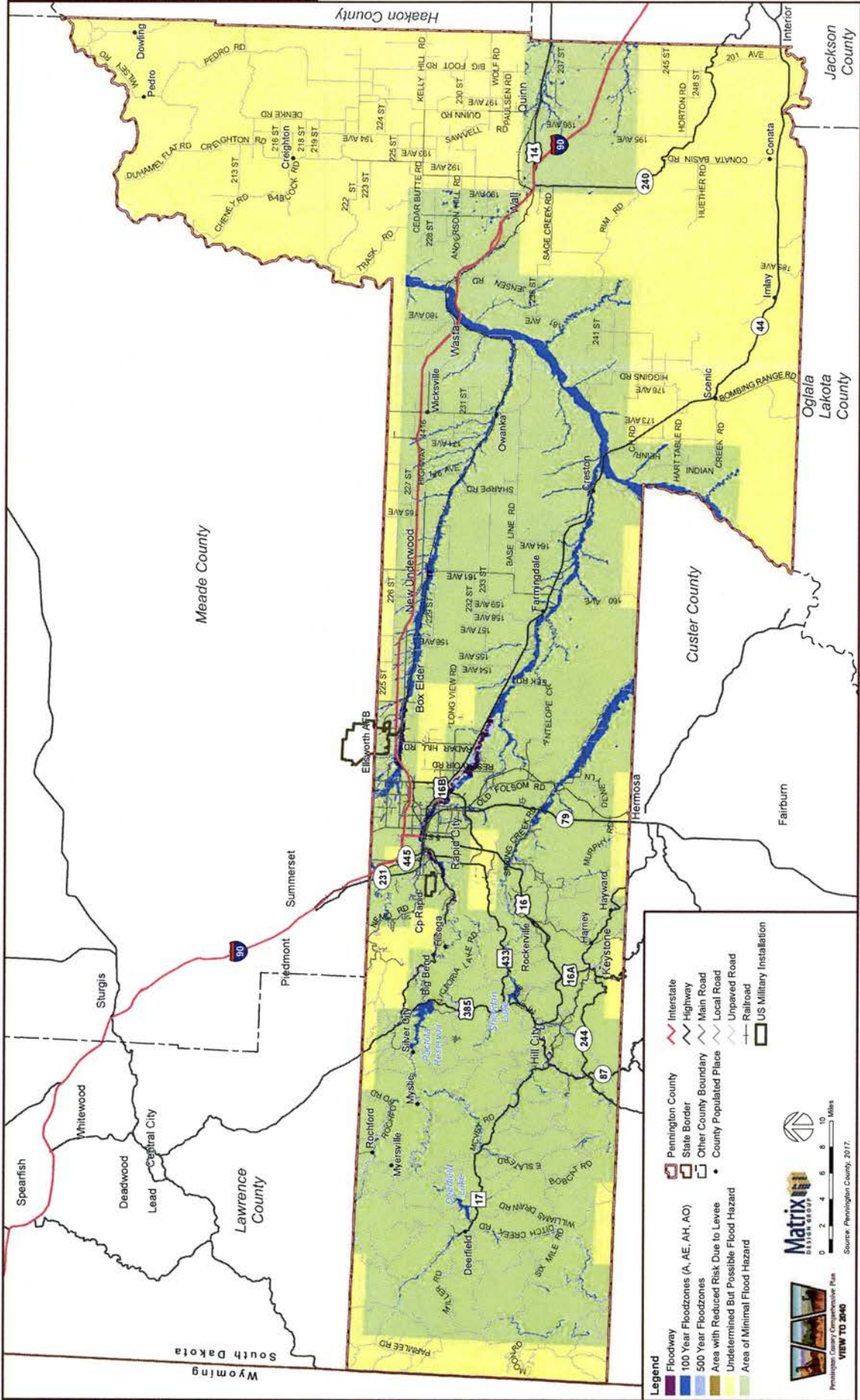
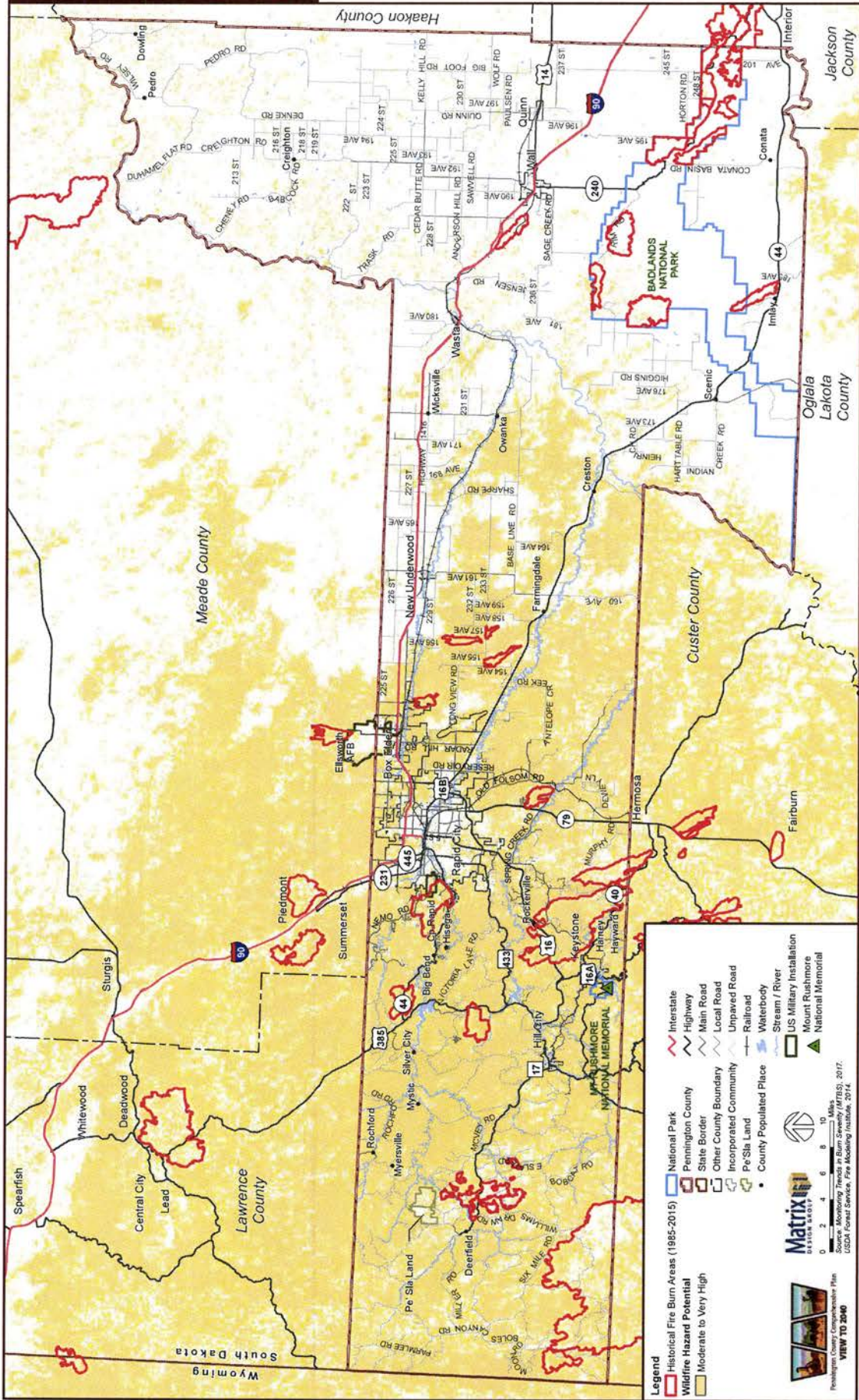


Figure 9-2 Wildfires, 1984 to 2015



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.



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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.

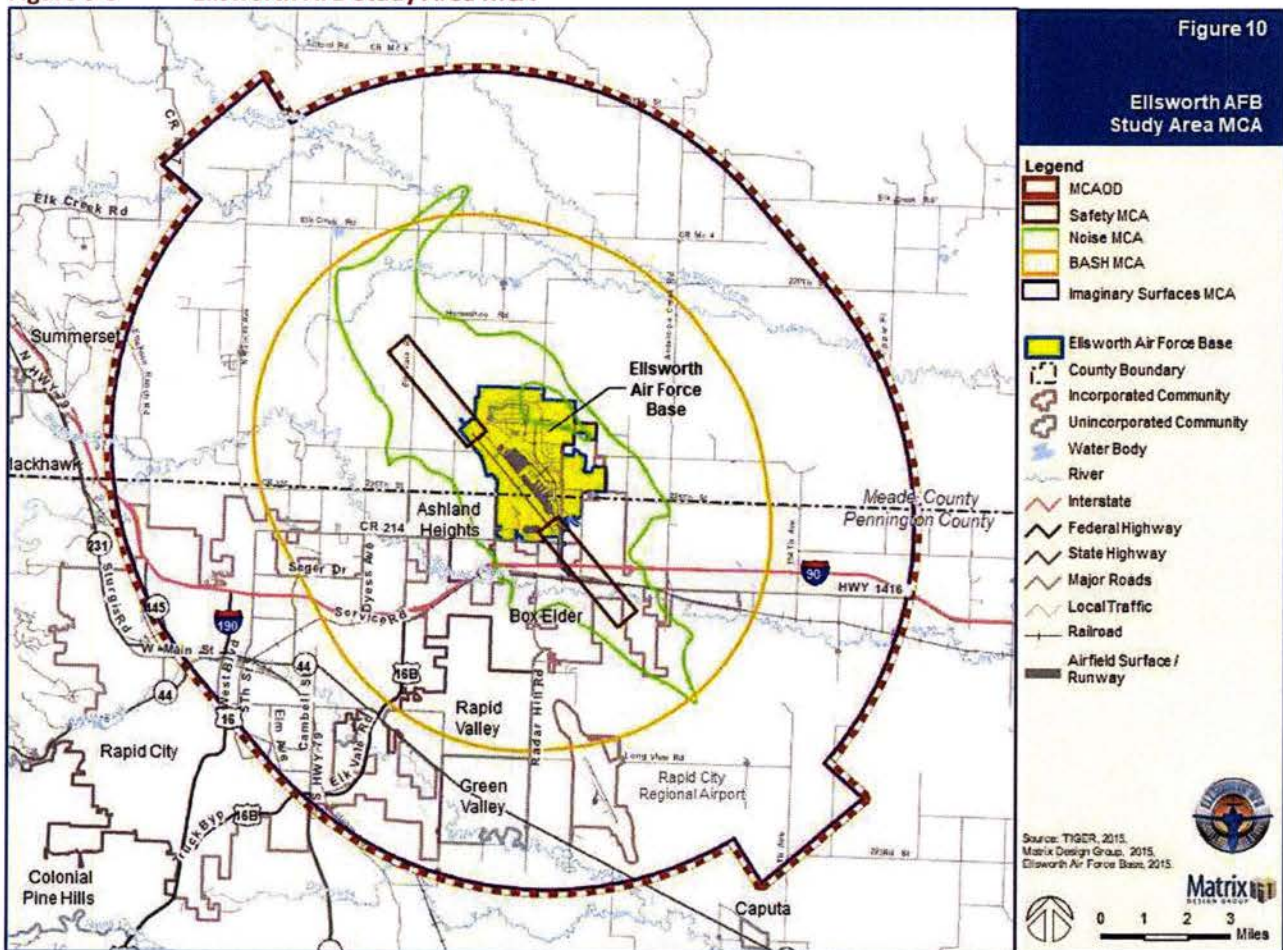
Key issues addressed in the JLUS typically are associated with one of seven Military Compatibility Areas (MCA):

- ▶ 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





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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 Resistant 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.



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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.



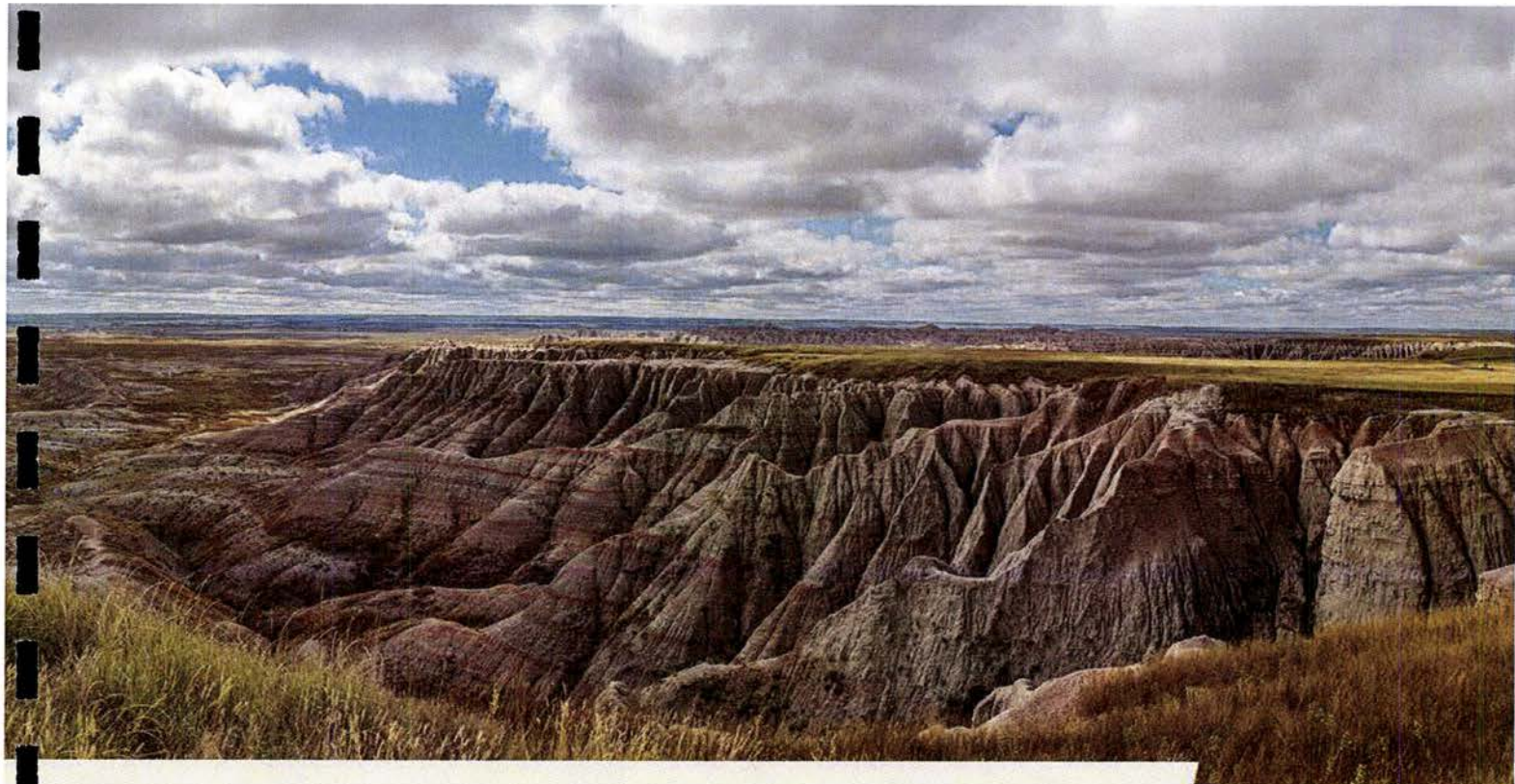
HS-9.10 The County should identify emergency evacuation routes and effectively communicate the information to the public.



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



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



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



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



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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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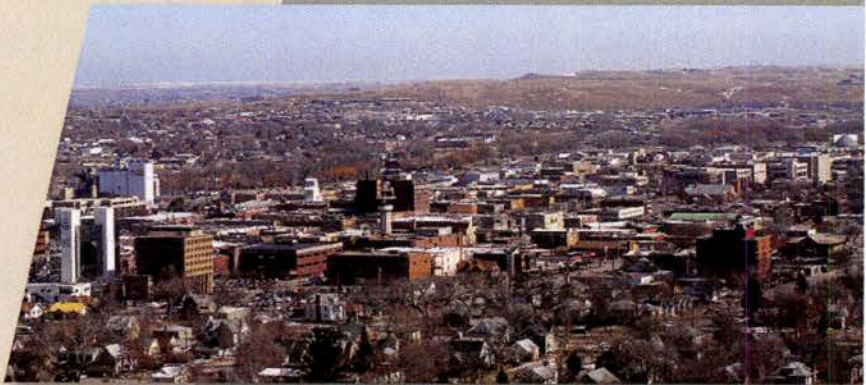
Action Number	Implementation Action	Relevant Goal	Short-Term	Mid-Term	Long-Term	On-Going
31	The County should identify and map wildlife corridors in Pennington County by working with USFS, USFWS, state universities, and other available resources.	NCR-3				■
32	The County shall continue to regularly monitor 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				■



Pennington County Comprehensive Plan
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Pennington County Comprehensive Plan
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Lars Plouganato; View of the Ranch from the East at Sunset; CC BY SA 2.0; Flickr.com