

**AGENDA**  
**PENNINGTON COUNTY PLANNING COMMISSION**  
**June 24, 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 July 2, 2019, at 10:30 a.m.

ROLL CALL

1. APPROVAL OF THE JUNE 10, 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 04-46:** A & B Ranch, Inc.; Brian Barber - Agent. To review a metal fabrication business as a home occupation in a General Agriculture District in accordance with Sections 204, 205-C-6, and 510 of the Pennington County Zoning Ordinance.

SW1/4 less ROW; S1/2SW1/4NW1/4 less ROW; SW1/4SE1/4NW1/4; SW1/4 SE1/4 SE1/4NW1/4; S1/2SE1/4SE1/4SE1/4NW1/4, Section 9, T2S, R9E, BHM, Pennington County, South Dakota.

To recommend approve of the extension of Conditional Use Permit / CU 04-46 with eleven (11) conditions.

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

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

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

To recommend approval of the extension of Conditional Use Permit / CU 08-07 with five (5) conditions.

5. **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.

(Continued from the June 10, 2019, Planning Commission meeting.)

To recommend to end Conditional Use Permit / CU 08-48.

6. **CONDITIONAL USE PERMIT REVIEW / CU 11-02:** Jeff DeVeny. To review an internally illuminated, on-premise sign within 1,500 feet of a residential zoning district/dwelling unit in a Highway Service District in accordance with Sections 210 and 510 of the Pennington County Zoning Ordinance.

Lot 3 of Lot D, Murray Subdivision, Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

To recommend to continue the review of Conditional Use Permit / CU 11-02 to the July 22, 2019, Planning Commission meeting.

7. **CONDITIONAL USE PERMIT REVIEW / CU 16-27:** Gene and Carllen Van Der Wert. To review a Vacation Home Rental on the subject property in a Low Density Residential District in accordance with Sections 207-C-18, 319, and 510 of the Pennington County Zoning Ordinance.

Lot K, Brechtel #1, Section 34, T1S, R5E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 16-27 with fourteen (14) conditions.

8. **CONDITIONAL USE PERMIT REVIEW / CU 17-03:** McDaniel Trust; Susan McDaniel. To review a Vacation Home Rental on the subject property in a Limited Agriculture District in accordance with Sections 206, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 39, Oak Meadows Estates, Section 23, T2S, R6E, BHM, Pennington County, South Dakota.

To recommend to end Conditional Use Permit / CU 17-03 with the applicant's concurrence.

9. **CONDITIONAL USE PERMIT REVIEW / CU 17-46:** Matt and Donna Bowen. To review living in an existing residence while building a new single-family residence on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

W1/2; S1/2SE1/4 Less Lot H1, Section 36, T2S, R13E, BHM, Pennington County, South Dakota.

To recommend to end Conditional Use Permit / CU 17-46.

10. **CONDITIONAL USE PERMIT REVIEW / CU 18-07:** Tim McTavish. To review five (5) illuminated, on-premise signs within 1,500 feet of a residential zoning district / dwelling unit in a Highway Service District in accordance with Sections 210, 312, and 510 of the Pennington County Zoning Ordinance.

Lot 3, The Forks at Remmington Ranch, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 18-07 with six (6) conditions.

11. **CONDITIONAL USE PERMIT REVIEW / CU 18-10:** Ray and Erin Atkins. To allow 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.

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

To recommend approval of the extension of Conditional Use Permit / CU 18-10 with eight (8) conditions.

12. **CONDITIONAL USE PERMIT REVIEW / CU 18-18:** Randy Dowdy and Laura Luthy. To review a rental home park on the subject property to include four (4) existing mobile home rental units and to allow an additional ten (10) rental units, which would include mobile homes and/or governor's homes, and to also allow a caretaker/manager's residence and shop building on the subject property in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

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

To recommend approval of the extension of Conditional Use Permit / CU 18-18 with nineteen (19) conditions.

13. **CONDITIONAL USE PERMIT REVIEW / CU 18-19:** Greg Bolt. To review 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 7, Back Road Subdivision, Section 22, T1S, R6E, BHM, Pennington County, South Dakota.

To recommend to continue the review of Conditional Use Permit / CU 18-19 to the July 22, 2019, Planning Commission meeting.

14. **CONDITIONAL USE PERMIT REVIEW / CU 18-20:** William and Corissa Busse. To review an existing shop building with living quarters to be used as a Vacation Home Rental on the subject property in a Suburban Residential District in accordance with Sections 208, 318, and 510 of the Pennington County Zoning Ordinance.

Lot 8, Feay Reder Subdivision, Section 36, T1N, R6E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 18-20 with sixteen (16) conditions.

15. **CONDITIONAL USE PERMIT REVIEW / CU 18-44:** Edward McMahon. To review a Ranch Hand's residence on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

W1/2NE1/4 less Lot H1 and Lot H2; NW1/4; NE1/4SW1/4; S1/2SW1/4; NW1/4SE1/4 less Lot H1 and Lot H2, Section 17, T1S, R8E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 18-44 with seven (7) conditions.

16. **CONDITIONAL USE PERMIT / CU 19-15:** Samuel G. Fullerton III. To allow for a caretaker's residence on the subject property after a single-family residence is built in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Lot 12, Kieffer Ranch Estates, Section 16, T1S, R7E, BHM, Pennington County, South Dakota.

To recommend to continue Conditional Use Permit / CU 19-15 to the July 8, 2019, Planning Commission meeting.

17. **CONSTRUCTION PERMIT REVIEW / CP 15-15:** Flack Trucking, Inc. To review the continuation of stockpiling soil, leveling the plowed fields, and removing soil from the property. The disturbed area is being returned to farm ground.

Balance of the W1/2SE1/4 less lot H7; SW1/4 less Lot H6 and less right-of-way, Section 23, T2N, R8E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Construction Permit / CP 15-15 with eleven (11) conditions.

18. **CONSTRUCTION PERMIT REVIEW/ CP 17-03:** Mitch Morris. To review the grading of the site, use as a storage area to stockpile soil and concrete debris, and to make improvements to a drainage channel.

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

To recommend approval of the extension of Construction Permit / CP 17-03 with eight (8) conditions.

19. **CONSTRUCTION PERMIT REVIEW / CP 17-09:** City of Rapid City; Banner Associates – Agent. To review the installation of a 12 inch water main to provide water quality and supply looping capabilities to the East Rapid Water Users Region and Rapid City Regional Airport.

Section 13, T1N, R8E, BHM, Pennington County, South Dakota.

To recommend to end Construction Permit / CP 17-09.

20. **CONSTRUCTION PERMIT REVIEW / CP 19-02:** Site Work Specialists, Inc. To review the construction of 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 May 28, 2019, Planning Commission meeting.)

To recommend to continue the review of Construction Permit / CP 19-02 to the August 26, 2019, Planning Commission meeting with twelve (12) conditions.

21. **CONSTRUCTION PERMIT / CP 19-08:** Mitch Morris. To repair an existing dam.

W1/2, Section 33, T1N, R8E, BHM, Pennington County, South Dakota.

To recommend to continue Construction Permit / CP 19-08 to the September 23, 2019, Planning Commission meeting with six (6) conditions.

22. **MINOR PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PU 18-02:** Thomas Skoog. To review an amendment to the existing Trailwood Village Planned Unit Development to allow for the sale of retail and wholesale seasonal fireworks, to allow the future construction of a building up to 10,000 square feet for the storage and sales of fireworks, and to allow the sales of used vehicles on the subject property in accordance with Section 213 of the Pennington County Zoning Ordinance.

Lot C, Trailwood Village Subdivision, Section 10, T1N, R8E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Minor Planned Unit Development Amendment / PU18-02 with fifteen (15) conditions.

23. **MINOR PLAT / MPL 19-16:** John and Ann Hovdenes; Fisk Land Surveying – Agent. To create Lots 1 and 2 of Cosmos Subdivision and dedicated Right-of-Way in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

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

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

To recommend approval of Minor Plat / MPL 19-16 with nine (9) conditions.

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

24. **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.

(Continued from the June 10, 2019, Planning Commission meeting.)

25. **LAYOUT PLAT / LPL 19-17:** Brian and Summer Boock. To reconfigure lot lines to create Lots 12R and 13R of Block 12 of The Ranch at Black Gap in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 12, Lot 13, and Lot 14 of Block 12, The Ranch at Black Gap, Section 9, T1S, R8E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 12R and Lot 13R of Block 12, The Ranch at Black Gap, Section 9, T1S, R8E, BHM, Pennington County, South Dakota.

26. MINOR PLAT / MPL 19-18 AND SUBDIVISION REGULATIONS VARIANCE / SV 19-05: Lorin Lippert. To reconfigure lot lines to create Lot 10R and Lot 11 of Bromegrass Subdivision and to waive platting requirements in accordance with Sections 400.3 and 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 10 of Bromegrass Subdivision and SW1/4SE1/4; SE1/4SW1/4, all located in Section 2, T1S, R9E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 10R and Lot 11 of Bromegrass Subdivision, Section 2, T1S, R9E, BHM, Pennington County, South Dakota.

27. REZONE / RZ 19-07 AND COMPREHENSIVE PLAN AMENDMENT / CA 19-07: Lorin Lippert. To rezone 35.452 acres from General Agriculture District to Limited Agriculture District and to amend the Comprehensive Plan to change the Future Land Use from General Agriculture District to Limited Agriculture District in accordance with Sections 205, 206, and 508 of the Pennington County Zoning Ordinance.

LEGAL DESCRIPTION: Commencing at the Northeasterly corner of Lot 10 of Bromegrass Subdivision, common with the Southeasterly corner of Lot 9 of Bromegrass Subdivision, and the point of beginning of the subject property as surveyed, thence S 89°43'20" E, a distance of 1,347.99 feet along the northerly boundary of said Lot 10 common with the southerly line of said Lot 9 to an angle point common with Lot 8, Lot 9, and Lot 10 of Bromegrass Subdivision, thence S 00°00'00" W along the easterly boundary of Lot 10 of Bromegrass a distance of 189.12 feet to an angle point on the easterly boundary of Lot 10 of Bromegrass Subdivision, common with the southwesterly boundary of Lot 8 of Bromegrass Subdivision, thence S 34°48'11" E a distance of 160.00 feet to an angle point on the easterly boundary of Lot 10 of Bromegrass Subdivision, common with the southwesterly boundary of Lot 8 of Bromegrass Subdivision, thence S 74°32'32" E a distance of 127.63 feet to an angle point on the easterly boundary of Lot 10 of Bromegrass Subdivision, common with the southwesterly boundary of Lot 8 of Bromegrass Subdivision, thence N 26°33'09" E a distance of 363.10 feet to an angle point on the easterly boundary of Lot 10 of Bromegrass Subdivision, common with the southeasterly boundary of Lot 8 of Bromegrass Subdivision, thence N 00°00'00" E a distance of 240.00 feet to an angle point on the easterly boundary of Lot 10 of Bromegrass Subdivision, common with the southeasterly boundary of Lot 8 of Bromegrass Subdivision, thence N 55°06'52" E a distance of 263.04 feet to an angle point on the easterly boundary of Lot 10 of Bromegrass Subdivision, common with the southerly boundary of Lot 8 of Bromegrass Subdivision, thence S 81°19'12" E a distance of 269.72 feet to an angle point on the easterly boundary of Lot 10 of Bromegrass Subdivision, common with the southerly boundary of Lot 8, and common with the westerly boundary of Lot 5 of Bromegrass Subdivision, thence S 67°50'06" E a distance of 87.94 feet to an angle point on the easterly boundary of Lot 10 of Bromegrass Subdivision, common with the westerly boundary of Lot 5 of Bromegrass Subdivision, thence S 00°33'47" E a distance of 260.42 feet to an angle point on the easterly boundary of Lot 10 of Bromegrass Subdivision, common with the westerly boundary of Lot 5 of Bromegrass Subdivision, thence S 33°16'24" W a distance of 295.03 feet to an angle point on the easterly boundary of Lot 10 of Bromegrass Subdivision, common with the

Southwesterly corner of Lot 5 of Bromegrass Subdivision and common with the northwesterly corner of Lot 7 of Bromegrass Subdivision, thence S 42°51'38" W a distance of 394.56 feet to an angle point on the easterly boundary of Bromegrass Subdivision, common with the westerly boundary of Lot 7 of Bromegrass Subdivision, thence S 19°54'53" W a distance of 236.72 feet to a random point on the easterly boundary of Lot 10 of Bromegrass Subdivision, a random point on the westerly boundary of Lot 7 of Bromegrass Subdivision, thence N 89°41'13" W a distance of 1,780.97 feet to a random point on the westerly boundary of Lot 10 of Bromegrass Subdivision, thence N 00°03'49" E along the westerly boundary of Lot 10 of Bromegrass Subdivision a distance of 728.82 feet to the Northeasterly corner of Lot 10 of Bromegrass Subdivision, common with the Southeasterly corner of Lot 9 of Bromegrass Subdivision, and the point of beginning, Said Parcel contains 1,544,279 square feet or 35.452 acres more or less; Section 2, T1S, R9E, BHM, Pennington County, South Dakota.

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

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

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

29. LAYOUT PLAT / LPL 19-15: Terry and Marcia Graber. To create three new parcels in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: SE1/4NE1/4NW1/4 SE1/4 NE1/4; S1/2SW1/4 NW1/4SE1/4NE1/4; SE1/4 NW1/4SE1/4NE1/4; NE1/4SE1/4NE1/4; S1/2S E1/4NE1/4, Section 32, T1S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: NW1/4SE1/4NW1/4 SE1/4NE1/4; NE1/4NE1/4 SE1/4NE1/4; NE1/4 NW1/4NE1/4SE1/4NE1/4; and SE1/4NE1/4 SE1/4NE1/4; S1/2SW1/4 NW1/4SE1/4NE1/4; N1/2 NW1/4SE1/4SE1/4NE1/4; N1/2NE1/4SE1/4 SE1/4 NE1/4; NE1/4NE1/4SW1/4SE1/4NE1/4; SE1/4 SE1/4NW1/4SE1/4NE1/4, Sec 32, T1S, R6E, BHM, Pennington County, South Dakota.

30. TELECOMMUNICATIONS FACILITY PERMIT / TC 19-01: AT&T, New Cingular Wireless. To allow for a 400 foot guyed telecommunications tower and equipment shelter in a General Agriculture District in accordance with Sections 205 and 316 of the Pennington County Zoning Ordinance.

Lot 2, Castle Creek Estates, Section 35, T1N, R2E, BHM, Pennington County, South Dakota.

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

(Continued from the June 10, 2019, Planning Commission meeting.)



32. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the June 10, 2019, Planning Commission meeting.

Appeal of 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 approved by the Board of Commissioners on June 18<sup>th</sup>.

33. ITEMS FROM THE PUBLIC

34. ITEMS FROM THE STAFF

35. ITEMS FROM THE MEMBERSHIP

36. 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**

**June 10, 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 Deb Hadcock.

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

ROLL CALL

1. APPROVAL OF THE MAY 28, 2019, MINUTES  
Moved by Johnson and seconded by Marsh to approve the Minutes of the May 28, 2019, Planning Commission meeting. Vote: unanimous 7 to 0.

2. APPROVAL OF THE AGENDA  
Moved by Runde and seconded by Marsh to approve the Agenda of the June 10, 2019, Planning Commission meeting. Vote: unanimous 7 to 0.

Moved by Marsh and seconded by Rivers to approve the Consent Agenda of the June 10, 2019, Planning Commission meeting, with the removal of Item #11. Vote: unanimous 7 to 0.

**CONSENT AGENDA**

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

3. CONDITIONAL USE PERMIT REVIEW / CU 08-48: 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 continue the review of Conditional Use Permit / CU 08-48 to the June 24, 2019, Planning Commission meeting.

Vote: unanimous 7 to 0.

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 approve 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;**
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 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.

**Vote: unanimous 7 to 0.**

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 approve 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;
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.

Vote: unanimous 7 to 0.

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 approve 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;
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.

**Vote: unanimous 7 to 0.**

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

1. That the proposed use be limited to: seasonal retail sales of Class C fireworks;
2. That the sale of fireworks be limited to June 27<sup>th</sup> to July 5<sup>th</sup> 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;
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.

**Vote: unanimous 7 to 0.**



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 approve 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;
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.

**Vote: unanimous 7 to 0.**

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 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;
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.

**Vote: unanimous 7 to 0.**

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 approve 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;
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.

**Vote: unanimous 7 to 0.**

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 approve of the extension of 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;
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.

**Vote: unanimous 7 to 0.**

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 end Construction Permit / CP 17-14.**

**Vote: unanimous 7 to 0.**

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 end Construction Permit / CP 18-03.**

**Vote: unanimous 7 to 0.**

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.**

**Vote: unanimous 7 to 0.**

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 approve 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.

**Vote: unanimous 7 to 0.**

**END OF CONSENT AGENDA**

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.

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 18-17 with eight (8) conditions.

Discussion followed.

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

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

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.)

Molitor reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to live in a Recreational Vehicle (camper) while building a single-family residence on the subject property.

Staff recommended 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.

Discussion followed.

**Moved by Rivers and seconded by Runde to approve of Conditional Use Permit / CU 19-08 with the following thirteen (13) 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;
12. That the property owner implements erosion and sediment controls; and,
13. 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, the Motion carried 6 to 1. Commissioner Hadcock voted no.

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.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow a Guest House on the subject property.

Staff recommended 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;
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.

Discussion followed.

**Moved by Hadcock and seconded by Rivers to continue Conditional Use Permit / CU 19-11 to the June 24, 2019, Planning Commission meeting.**

**All voting, the Motion carried 6 to 1. Commissioner Coleman voted no.**

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.

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

Staff recommended 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 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.

Discussion followed.

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

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

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.

Theunissen reviewed the Staff Report indicating the applicant has applied 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.

Staff recommended approval of Rezone / RZ 19-06 and Comprehensive Plan Amendment / CA 19-06.

Discussion followed.

**Moved by Marsh and seconded by Coleman to approve of Rezone / RZ 19-06 and Comprehensive Plan Amendment / CA 19-06.**

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

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 1 of Lot A of Lot 8 of Lot E and Lot B of Lot 8 of Lot E of Big Bend Placer MS 1442 and Lot D of Lot 17 of Fort Mead Placer MS 244, all located in 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.

Molitor reviewed the Staff Report indicating the applicant has applied for a Layout Plat to create Lots D1, D2, and D3 of Lot 17 of Fort Meade Placer 244.

Staff recommended denial of Layout Plat / LPL 19-13.

Discussion followed.

Commissioner Rivers left the meeting at 10:45 a.m.

**Moved Hadcock and seconded by Marsh to deny Layout Plat / LPL 19-13.**

Commissioner Rivers returned to the meeting at 10:47 a.m.

**All voting, the Motion to deny carried 5 to 2. Roll call vote: Commissioners Hadcock, Marsh, Coleman, and Rivers voted yes. Commissioners Johnson and Runde voted no.**

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.

Proietti reviewed the Staff Report indicating the applicant has applied for a Layout Plat to reconfigure lot lines to create Lots 1R and 2R of Monument Subdivision.

Staff recommended 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.

Discussion followed.

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

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

**Moved by Lasseter and seconded by Marsh to take a recess. All voting aye, the Motion carried 7 to 0.**

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

23. TAX INCREMENT FINANCE DISTRICT #4: A Tax Increment Finance District (TIF) has been 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.

The TIF District includes 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.

Conover presented the proposed Tax Increment Finance District #4 which was submitted by the City of Box Elder.

Discussion followed.

**Moved by Runde and seconded by Johnson to recommend the creation of "Tax Increment Financing District Number Four, County of Pennington". All voting aye, the Motion carried 7 to 0.**

**Moved by Marsh and seconded by Hadcock to adopt the project plan for the creation of TIF District #4 dated June 2019. All voting aye, the Motion carried 7 to 0.**

**Moved by Runde and seconded by Marsh to designate the boundaries of TIF District #4 as legally described in the adopted project plan. All voting aye, the Motion carried 7 to 0.**

**Moved by Runde and seconded by Johnson to submit the 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. All voting aye, the Motion carried 7 to 0.**

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.)

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

Commissioner Runde requested that the consultants correct the punctuation for the Draft Comprehensive Plan Amendment.

Discussion followed.

Commission Hadcock left the meeting at 11:42 a.m.

**Moved by Rivers and seconded by Johnson to continue Ordinance Amendment / OA 19-01 to the July 8, 2019, Planning Commission meeting.**

**All voting aye, the Motion carried 6 to 0.**

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 and heard at the 06-04-19 BOC meeting and was continued to the 06-18-19 BOC meeting.

26. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

27. ITEMS FROM THE STAFF

- A. Building Permit Report. Conover reviewed the May 2019 Building Permit Report.

28. ITEMS FROM THE MEMBERSHIP

Commissioner Runde spoke of the memberships for Planning Commission.

29. ADJOURNMENT

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

**All voting aye, the Motion carried 6 to 0.**

**The meeting adjourned at 11:52 a.m.**

---

Travis Lasseter, Chairperson

**STAFF REPORT**

**GENERAL INFORMATION:**

**REQUEST:** **CONDITIONAL USE PERMIT REVIEW / CU 04-46:** To review a metal fabrication business as a home occupation in a General Agriculture District all in accordance with Sections 204, 205-C-6 and 510 of the Pennington County Zoning Ordinance.

**APPLICANT:** A & B Ranch, Inc.

**APPLICANT ADDRESS:** 15001 Lower Spring Creek Rd, Hermosa, SD 57744

**AGENT:** Brian Barber

**AGENT ADDRESS:** 15001 Lower Spring Creek Rd, Hermosa, SD 57744

**LEGAL DESCRIPTION:** SW1/4 less ROW; S1/2 SW1/4 NW1/4 less ROW; SW1/4 SE1/4 NW1/4; SW1/4 SE1/4 SE1/4 NW1/4; S1/2 SE1/4 SE1/4 SE1/4 NW1/4, Section 9, T2S, R9E, BHM, Pennington County, South Dakota.

**SITE LOCATION:** Approximately 8 1/2 miles southeast of the intersection of Lower Spring Creek Road and Highway 79.

**SIZE:** 160 Acres

**TAX ID:** 45757

**EXISTING LAND USE:** Ranch

**ZONING REFERENCE:** Sections 204, 205-C-6 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

UTILITIES: Private

REPORT BY: Brittney Molitor

**I. PROPOSED RECOMMENDATION**

- A. Staff will be recommending approval of the extension of Conditional Use Permit / CU 04-46 with eleven (11) conditions.

**II. GENERAL DESCRIPTION**

- A. On January 10, 2005, the Planning Commission approved the request to allow a metal fabrication business as a home occupation with eleven (11) conditions. Since the original approval, the CUP has been reviewed every two (2) years to ensure all conditions were being met.
1. At the time of the reviews, Staff found that all Conditions of Approval were being met.
- B. The most recent review occurred on June 10, 2013, whereby the Planning Commission approved the extension of the Conditional Use Permit / CU 04-46 with the following eleven (11) conditions:
1. That a Building Permit be obtained for any new structures exceeding 144 square feet and located on a permanent foundation, which will require a site plan to be reviewed and approved by the Planning Director;
  2. That no alteration to any building shall indicate from the exterior that the building is being utilized in whole or in part for any purpose other than a residential or agricultural use;
  3. That a maximum of one (1) employee not residing on the premises or employed as a ranch hand may be employed by the home occupation;
  4. That stock or trade stored outside the enclosed structures located on the property shall be arranged in an organized manner, not to create safety, fire or vermin hazard;
  5. That the applicant ensures all trucks delivering metal or fabricated tanks are of legal axle weights and obey all seasonal load limits;
  6. That a minimum of four (4) off-street parking spaces be provided in accordance with Section 310-A-9.t. of the Pennington County Zoning Ordinance. Each parking space shall measure at least nine (9) feet by eighteen (18) feet and shall be kept in a dust free manner;
  7. That the applicant maintains the outside area in a weed free manner as to prevent create safety, fire or vermin hazard;
  8. That the applicant has a minimum of three (3) 20# ABC fire extinguishers and they are to be kept in the area were tank fabrication is being conducted;
  9. That the applicant have all operations and material associated with the home occupation inside the existing shop structure, utilize flood

- proofing methods specified in the Flood Damage Prevention Ordinance or obtain a Floodplain Development Permit;
10. That the home occupation be limited to a metal fabrication business. Any expansion beyond this would require the Conditional Use Permit to be reviewed; and,
  11. That this Conditional Use Permit be reviewed in two (2) years or on a complaint basis to determine if the conditions are being met.

### **III. EXISTING CONDITIONS**

- A. Zoned General Agriculture District, requires a 40-acre minimum.
- B. 193.75 acres.
- C. Special Flood Hazard Area.
  1. Zone A.
- D. Lot contains:
  1. Single-family residence (SFR) with attached garage – Built in 1946 per Department of Equalization (DOE) records.
    - a) Addition (14' x 44') to the SFR – 2007COBP0658.
    - b) Addition (12' x 44") to the SFR – COBP12-0511.
  2. Double-wide mobile home – 2007COBP0589.
    - a) Removal Permit – COBP19-0057.
  3. Agricultural Building (50' x 128') – 2007COBP0122.
  4. Tool shed (24' x 32') – Built in 1945 per DOE records.
  5. Farm shed (28' x 105') – Built in 1950 per DOE records.
  6. Storage shed (12' x 20') – Built in 2010 per DOE records.
    - a) No Building Permit.
      - (1) A Notice will be sent to the property owner on June 20, 2019, regarding the need for a Building Permit for this structure.

### **IV. METAL FABRICATION BUSINESS**

- A. Barber Industries LLC – Construction of Livestock Water Storage Tanks.
  1. Business in good standing with the Secretary of State.

### **V. ANALYSIS**

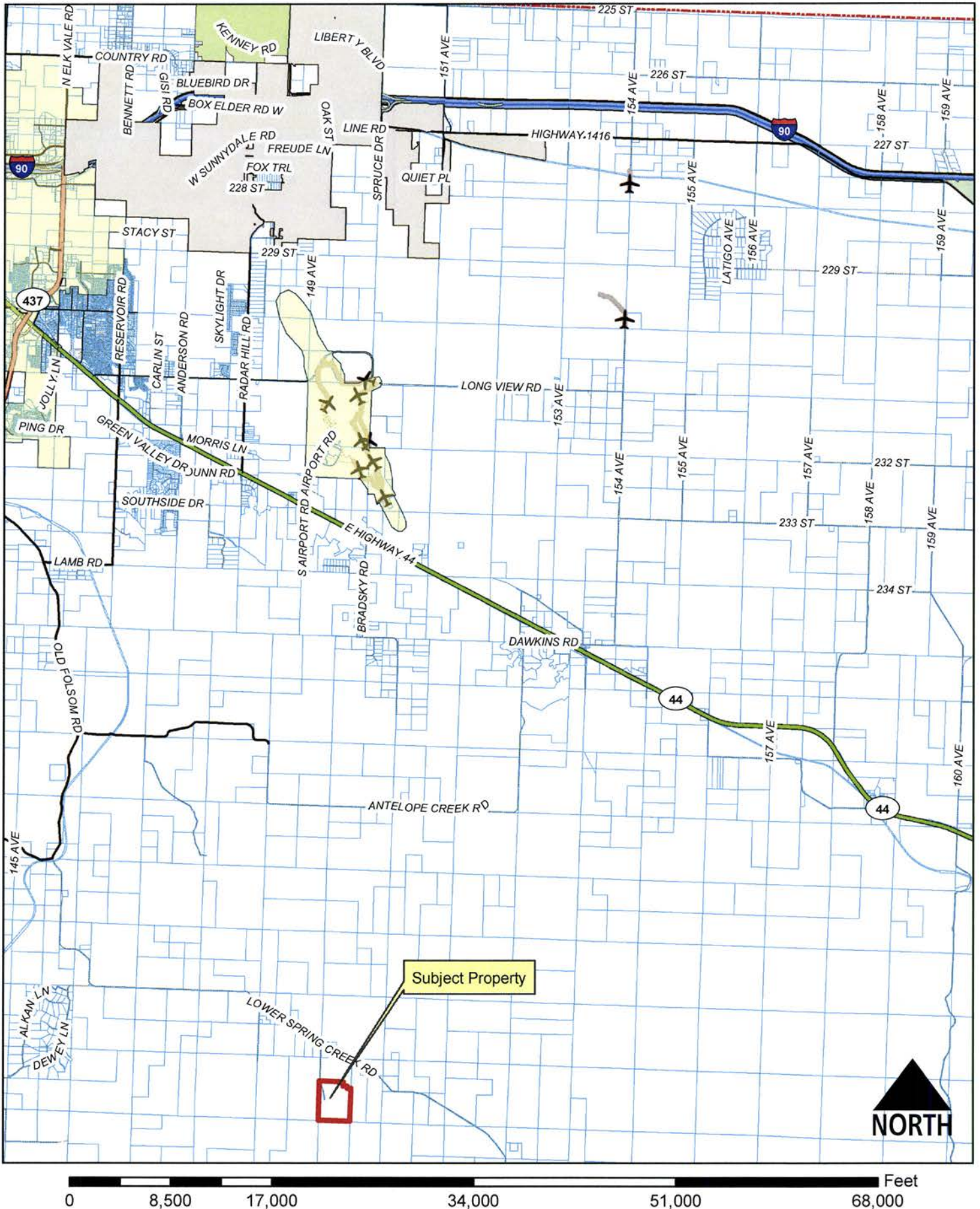
- A. Staff verified that the business is still in operation.
  1. Registered Agent is Shane Barber at 15001 Lower Spring Creek Road, Hermosa, SD 57744.
  2. Staff has not received any complaints regarding the Conditional Use on the subject property for this review.
    - a) There are no documented complaints on this property since the approval of this Conditional Use Permit in 2005.

**RECOMMENDATION:** Staff recommends approval of the extension of Conditional Use Permit 04-46 with the following eleven (11) conditions:

1. That a Building Permit be obtained for any new structures exceeding 144 square feet and located on a permanent foundation, which will require a site plan to be reviewed and approved by the Planning Director;
2. That no alteration to any building shall indicate from the exterior that the building is being utilized in whole or in part for any purpose other than a residential or agricultural use;
3. That a maximum of one (1) employee not residing on the premises or employed as a ranch hand may be employed by the home occupation;
4. That stock or trade stored outside the enclosed structures located on the property shall be arranged in an organized manner, not to create safety, fire or vermin hazard;
5. That the applicant ensures all trucks delivering metal or fabricated tanks are of legal axle weights and obey all seasonal load limits;
6. That a minimum of four (4) off-street parking spaces be provided in accordance with Section 310(A)(9)(t) of the Pennington County Zoning Ordinance. Each parking space shall measure at least nine (9) feet by eighteen (18) feet and shall be kept in a dust free manner;
7. That the applicant maintains the outside area in a weed free manner as to prevent create safety, fire or vermin hazard;
8. That the applicant has a minimum of three (3) 20# ABC fire extinguishers and they are to be kept in the area were tank fabrication is being conducted;
9. That the applicant have all operations and material associated with the home occupation inside the existing shop structure, utilize flood proofing methods specified in the Flood Damage Prevention Ordinance or obtain a Floodplain Development Permit;
10. That the home occupation be limited to a metal fabrication business. Any expansion beyond this would require the Conditional Use Permit to be reviewed; and,
11. That this Conditional Use Permit be reviewed in five (5) years, on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all the Conditions of Approval are being met.

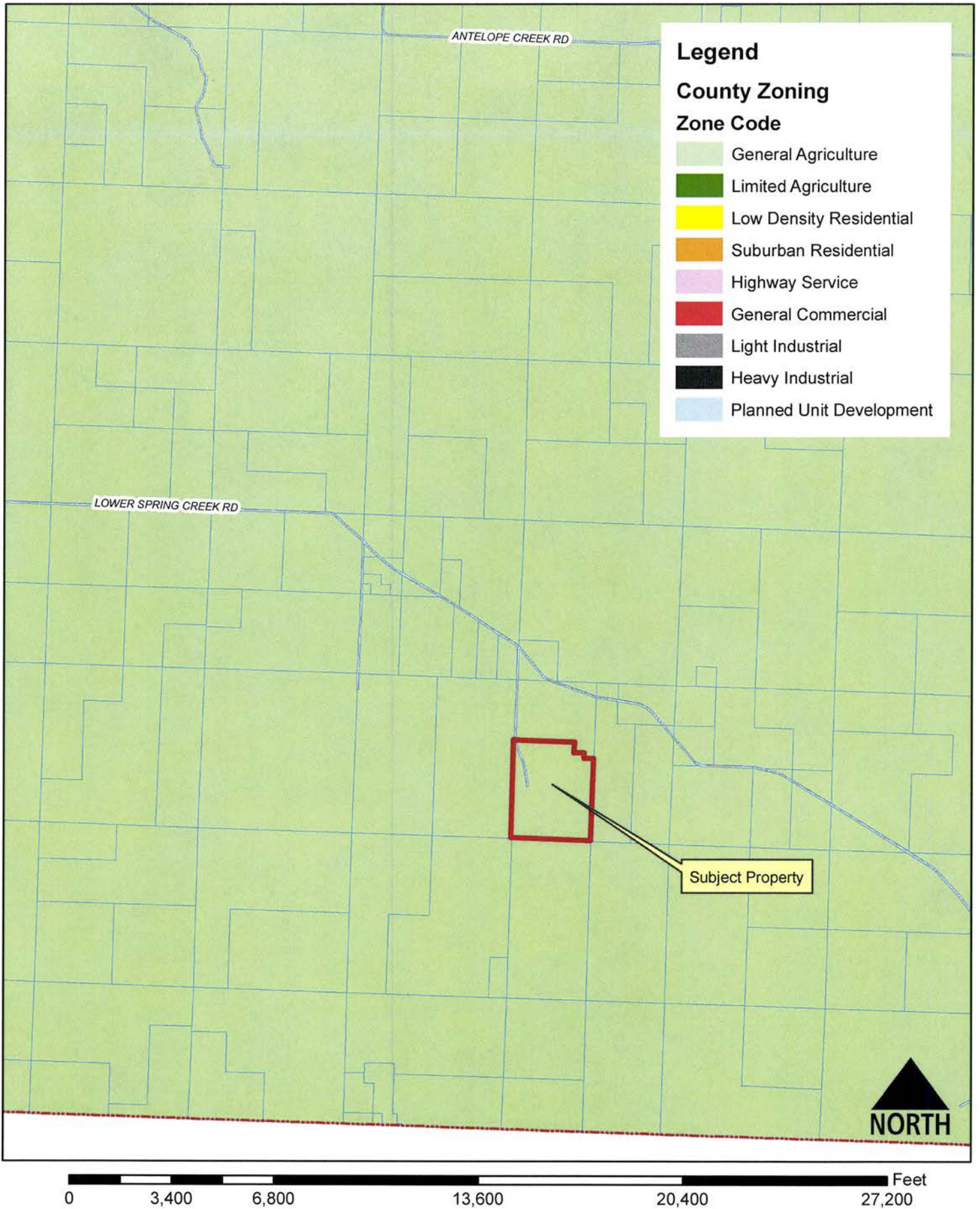


# A & B Ranch, Inc.

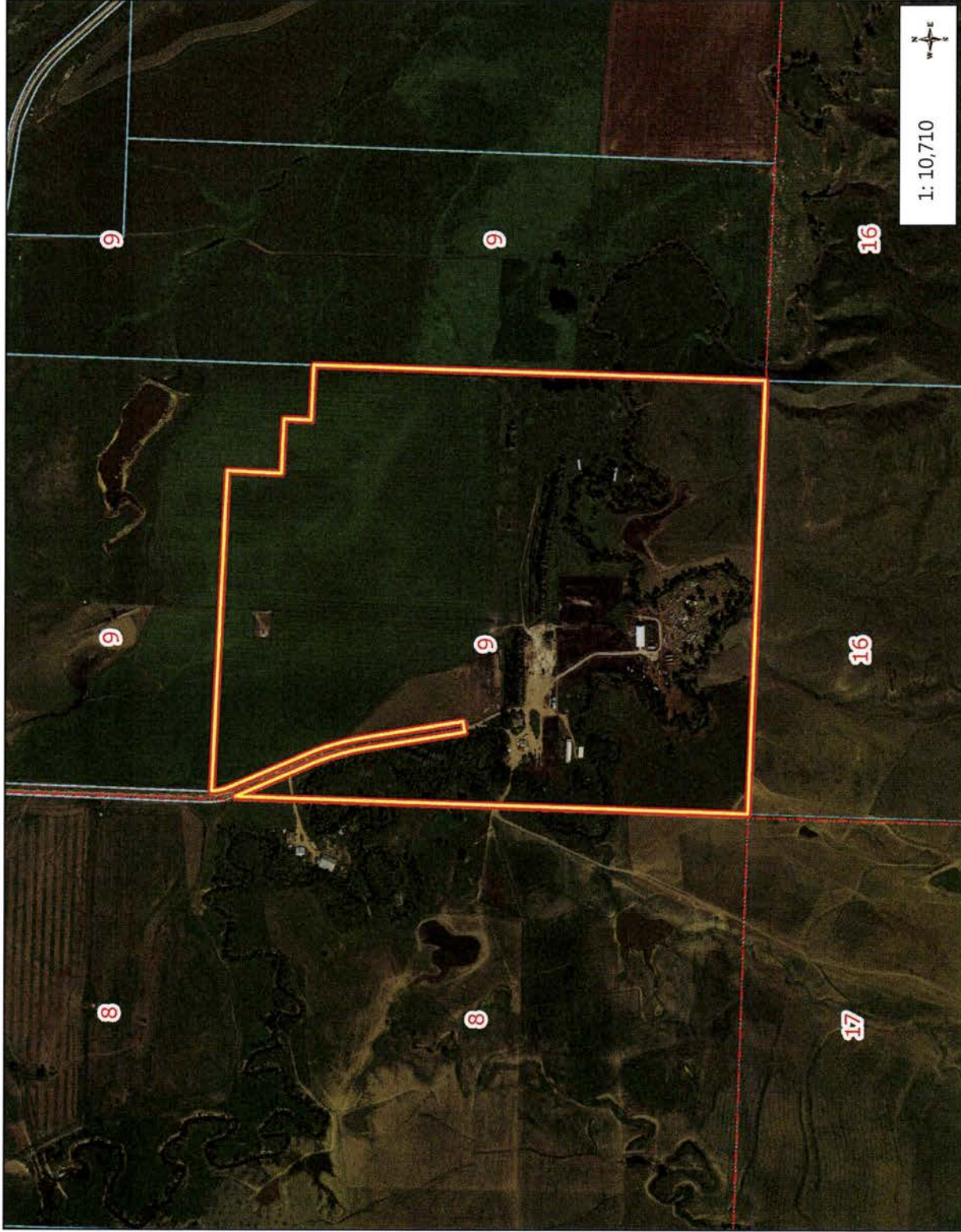


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# A & B Ranch, Inc.



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



1: 10,710

**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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**STAFF REPORT**

GENERAL INFORMATION:

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

OWNER: Marilyn Welch

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

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

SITE LOCATION: 5435 Greenwood Lane

TAX ID: 2593

SIZE: 1.00 acre

EXISTING LAND USE: Residential

ZONING REFERENCE: § 208 and 510

CURRENT ZONING: Suburban Residential District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Flat

UTILITIES: Private

REPORT BY: Cassie Bolstad

**RECOMMENDATION:** Staff will be recommending approval of the extension of Conditional Use Permit / CU 08-07 with five (5) conditions.

**GENERAL DESCRIPTION:**

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

**EXISTING CONDITIONS:**

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

**ANALYSIS:**

- November 7, 2016 – Ordinance Violation case (COVO16-0281) was opened for junk and vehicles on the property.
  - According to notes in COVO16-0281, a follow-up inspection of the property was performed on December 6, 2016, and it was verified that work was being done to clean the property.
  - The property was again inspected on January 23, 2017, and continued progress was observed; therefore, COVO16-0281 was closed.
- January 31, 2019 – Staff performed a site visit and found:
  - There are inoperable and unlicensed vehicles on the subject property, along with a large amount of debris and junk.
    - This is a violation of Condition #4 of CU 08-07 and Pennington County Ordinance 106.
  - It does not appear that continued progress is being made toward cleaning the property, as was observed in 2016 and 2017.
- February 11, 2019 – Planning Commission continued the review of Conditional Use Permit / CU 08-07 to the May 13, 2019, Planning Commission meeting, in order to allow the applicant time to clean the property and bring it into compliance with Ordinance 106 and Condition #4.
- February 14, 2019 – Ordinance Violation case (COVO19-0013) was opened for the Ordinance 106 violations on the subject property.
  - A Notice of Violation was sent to the property owner.
- February 14, 2019 – Ordinance Officer spoke with the property owner's daughter, Lisa, who stated:
  - They had a death in the family and would be out of town for a week.
  - They would work on the property and remove the vehicles the following week.
- March 5, 2019 – Ordinance Enforcement performed a follow-up inspection and spoke with the property owner's daughter, Melissa, who stated:
  - They were making progress, but many of the items were frozen to the ground.
  - Ordinance Enforcement set a follow-up inspection date for the end of the month.

- March 26, 2019 – Ordinance Enforcement performed a follow-up inspection and noted very little progress had been made toward clean-up. Ordinance Enforcement spoke with the property owner, Marilyn, who stated:
  - It was just her and her daughter doing the cleaning and both had injuries at that time.
  - Ordinance Enforcement set a follow-up inspection date one month out.
- April 24, 2019 – Ordinance Enforcement performed a follow-up inspection and noted there were still several abandoned vehicles and numerous items that needed to be disposed of.
  - No contact was made with anyone on the property at this inspection.
  - A Notice of Violation reminder was sent to the property owner.
- May 13, 2019 – Planning Commission continued the review of Conditional Use Permit / CU 08-07 to the June 24, 2019, Planning Commission meeting.

**UPDATE (For the June 24, 2019, Planning Commission meeting):**

- June 17, 2019 – Staff performed a site visit to the subject property and observed:
  - The front of the house appeared clean and no inoperable vehicles were present.
  - It appeared there may still be debris in the back yard; however, it is shielded by a 6-foot privacy fence and not visible from the public Right-of-Way.
  - Ordinance Violation (COVO19-0013) was closed.



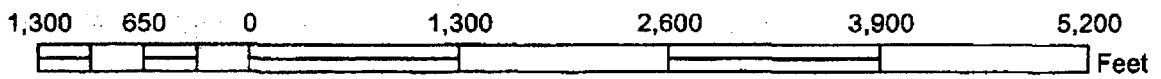
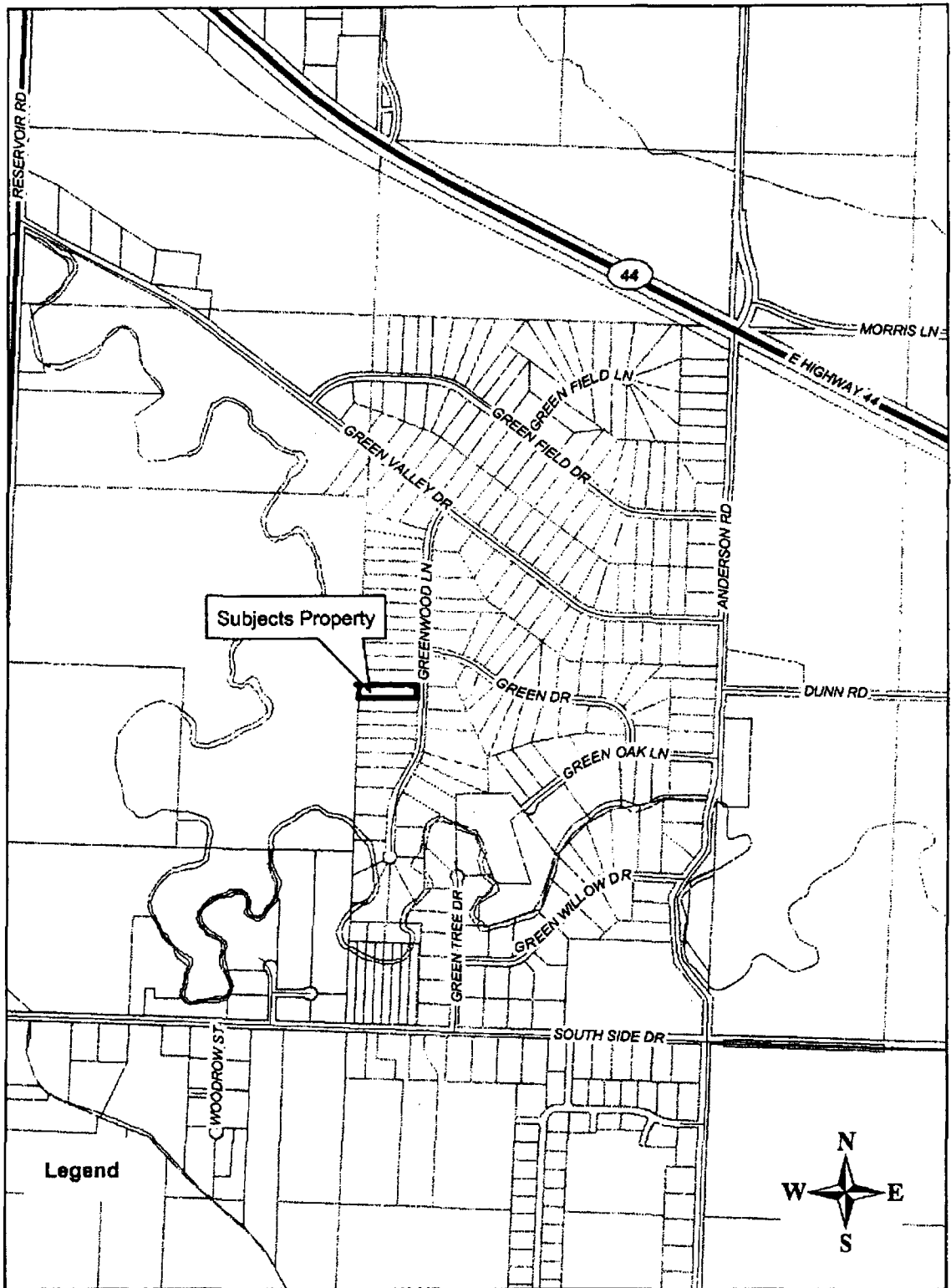
Site Visit 06.17.19



**RECOMMENDATION:** Staff recommends approval of the extension of Conditional Use Permit / CU 08-07 with the following five (5) conditions:

1. That a Building Permit be obtained for any structure exceeding 144 square feet or located on a permanent foundation, which requires a site plan to be reviewed and approved by the Planning Director;
2. That the applicant limits the number of horses on Lot 37 to one (1);
3. That the manufactured home continues to have a peaked nonreflective-type roof, and wood or simulated wood-type siding;
4. That the property remains free of debris and junk vehicles; and,
5. That this Conditional Use Permit be reviewed in five (5) years, on a complaint basis, or as deemed necessary by either the Pennington County Board of Commissioners and/or Planning Commission to verify that all conditions are being met.

# Conditional Use Application/Welch



**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 end Conditional Use Permit / CU 08-48.

**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; and,
  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.
- G. June 10, 2019 – The Planning Commission continued the review of Conditional Use Permit / CU 08-48 to the June 24, 2019 Planning Commission meeting.

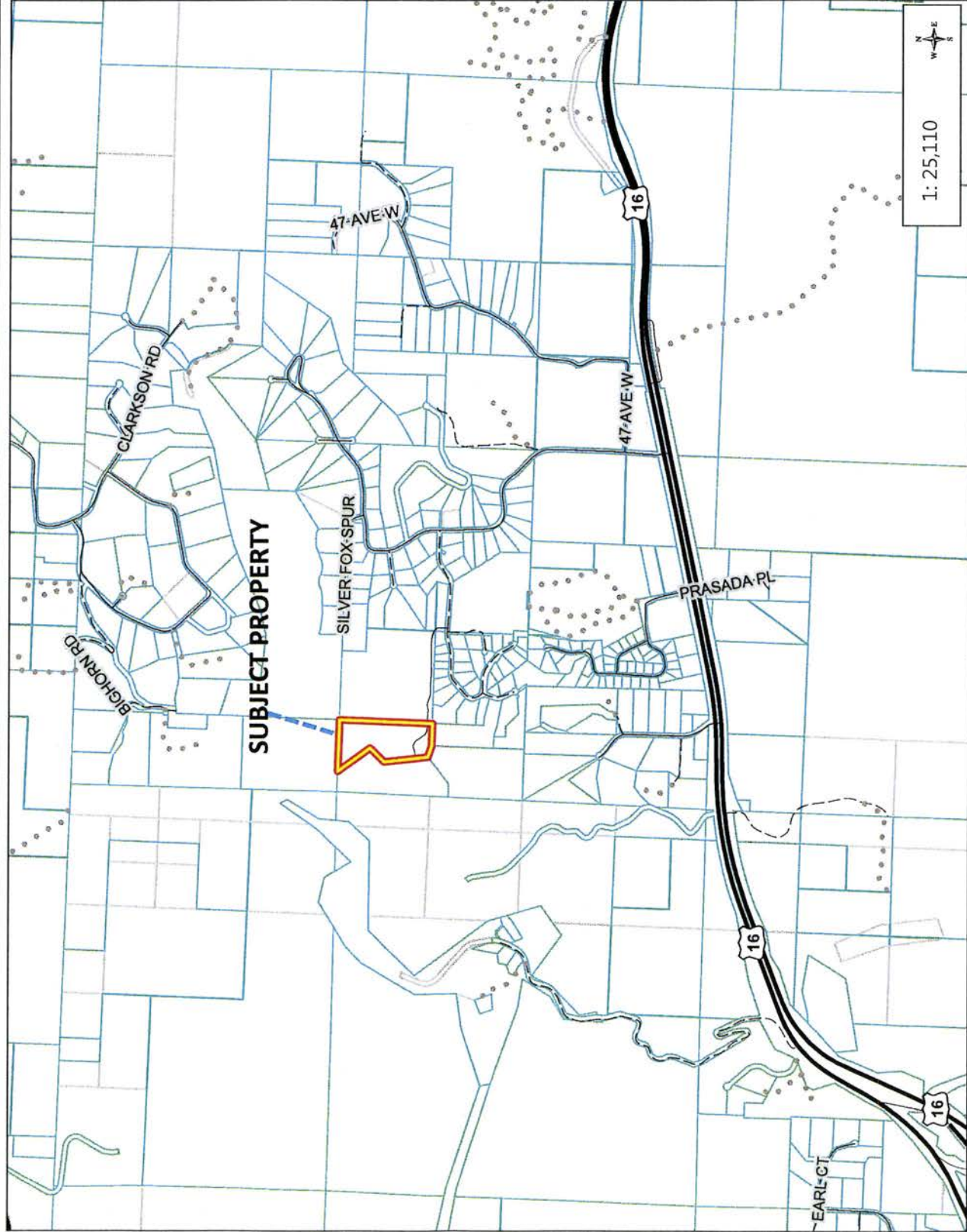
### III. EXISTING CONDITIONS

- 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. June 14, 2019 – Staff attempted to contact the applicant who could not be reached.
- D. June 19, 2019 – The applicant contacted staff and stated he would like to extend his Building Permit out for another year and does not want the Conditional Use Permit to end.
- E. At the time of this staff report, the applicant has not requested an extension for COBP17-0297, which will expire June 21, 2019.
- F. At the June 12, 2017, Planning Commission meeting, the Planning Commission approved a Condition that states “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.”
  1. *Staff note: Since construction on the proposed 36' x 48' has not been completed or started, staff is recommending to end Conditional Use Permit / CU 08-48.*

**RECOMMENDATION:** Staff recommends to end Conditional Use Permit / CU 08-48.



1: 25,110



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

**Map Notes:**

**Legend**

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





1: 3,139

523.1

261.56

523.1 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.  
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**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

**Map Notes:**

**STAFF REPORT**

GENERAL INFORMATION:

REQUEST: **CONDITIONAL USE PERMIT REVIEW/ CU 11-02:** To review an internally illuminated, on premise sign within 1,500 feet of a residential zoning district/dwelling unit in a Highway Service District in accordance with Sections 210 and 510 of the Pennington County Zoning Ordinance.

APPLICANT: Jeff and Cheryl DeVeny

APPLICANT ADDRESS: 23823 Syndicate Court, Hill City, SD 57745

LEGAL DESCRIPTION: Lot 3 of Lot D, Murray Subdivision, Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

SITE LOCATION: 23855 Highway 385; at the northwest intersection of Highway 385 and Penalua Gulch Road.

TAX ID: 48244

SIZE: 1.00 acre

EXISTING LAND USE: Commercial

ZONING REFERENCE: Sections 210 and 510

CURRENT ZONING: Highway Service District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Flat

UTILITIES: Private

REPORT BY: Brittney Molitor

**RECOMMENDATION:** Staff is recommending to continue the review of Conditional Use Permit / CU 11-02 until the July 22, 2019, Planning Commission meeting.

**I. GENERAL DESCRIPTION**

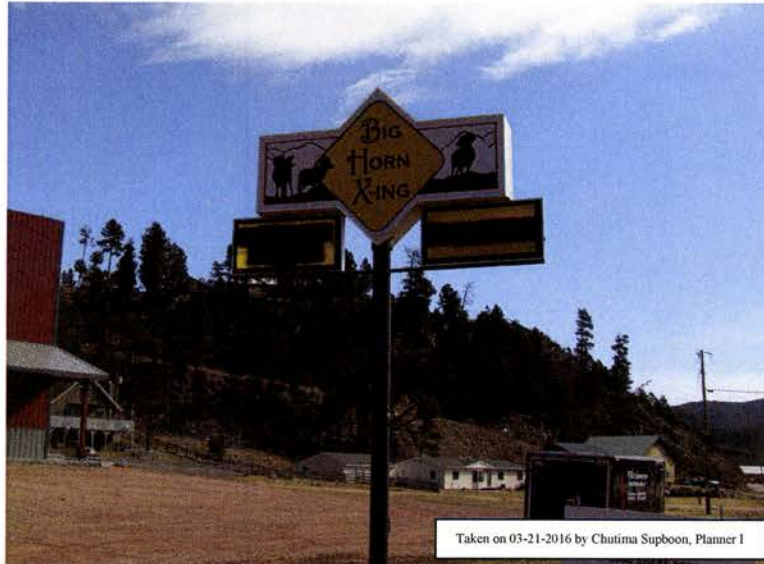
- A. Planning Commission approved Conditional Use Permit / CU 11-02 on February 14, 2011, with the following ten (10) conditions:
1. That this Conditional Use Permit only allows for one internally, illuminated, on premise sign within 1,500 feet of a residential zoning district/dwelling unit in a Highway Service District;
  2. That access to the site be taken from Highway 385 and not from Penalua Gulch Road;
  3. That all lighting be installed and maintained so as to minimize spillage of light outside of the sign face so as not to create a nuisance and the sign must be effectively shielded to prevent beams or rays from being directed toward any portion of the traveled ways, and must not be of such intensity or brilliance to cause glare or impair the vision of the driver of any motor vehicle or otherwise interfere with any driver's operation of a motor vehicle;
  4. That the sign must meet a minimum of a five (5) foot setback from the front property line and ten (10) foot setbacks from all side property lines. Also, that no part of the sign or infrastructure used for lighting be placed in a right-of-way;
  5. That the sign conform to all regulations in Section 312 of the Pennington County Zoning Ordinance;
  6. That the sign shall be painted and maintained in muted colors as to blend into the natural surroundings;
  7. That the sign be maintained so as to have an aesthetically pleasing appearance at all times and not appear dilapidated;
  8. That no debris, such as wood, posts, metal or other materials, from the construction or maintenance of the sign shall be left at the location or the vicinity of the sign;
  9. That only on premise advertising be allowed on the existing sign and no off-premise advertising is allowed unless an approved Zoning Variance is obtained from the Pennington County Board of Commissioners waiving the distance to the nearest dwelling unit requirement and CU 11-02 is amended to allow for an off-premise sign; and,
  10. That this Conditional Use Permit be reviewed in six (6) months or on a complaint basis.

## II. PROPERTY HISTORY

- A. Planning Commission reviewed and approved Conditional Use Permit / CU 11-02 on February 25, 2012, with the following ten (10) conditions:
1. That this Conditional Use Permit only allows for one internally illuminated, on premise sign within 1,500 feet of a residential zoning district/dwelling unit in a Highway Service District;
  2. That access to the site be taken from Highway 385 and not from Penalua Gulch Road;
  3. That all lighting be installed and maintained so as to minimize spillage of light outside of the sign face so as not to create a nuisance and the sign must be effectively shielded to prevent beams or rays from being directed toward any portion of the traveled ways, and must not be of such intensity or brilliance to cause glare or impair the vision of the driver of any motor vehicle or otherwise interfere with any driver's operation of a motor vehicle;
  4. That the sign must meet a minimum of a five (5) foot setback from the front property line and ten (10) foot setbacks from all side property lines. Also, that no part of the sign or infrastructure used for lighting be placed in a right-of-way;
  5. That a Sign Permit be obtained for any on-premise signs, which requires a site plan to be reviewed and approved by the Planning Director;
  6. That the sign shall be painted and maintained in muted colors as to blend into the natural surroundings;
  7. That the sign be maintained so as to have an aesthetically pleasing appearance at all times and not appear dilapidated;
  8. That no debris, such as wood, posts, metal or other materials, from the construction or maintenance of the sign shall be left at the location or the vicinity of the sign;
  9. That only on-premise advertising be allowed on the existing sign and no off-premise advertising is allowed unless an approved Zoning Variance is obtained from the Pennington County Board of Commissioners waiving the distance to the nearest dwelling unit requirement and CU 11-02 is amended to allow for an off-premise sign; and,
  10. That this Conditional Use Permit be reviewed in six (6) months or on a complaint basis.
- B. On November 12, 2013, the Planning Commission, (changing wording in Condition #6 and adding Condition #10) approved Conditional Use Permit / CU 11-02 with the following eleven (11) conditions:
1. That this Conditional Use Permit only allows for one internally, illuminated, on premise sign within 1,500 feet of a residential zoning district/dwelling unit in a Highway Service District;

2. That access to the site be taken from Highway 385 and not from Penalua Gulch Road;
  3. That all lighting be installed and maintained so as to minimize spillage of light outside of the sign face so as not to create a nuisance and the sign must be effectively shielded to prevent beams or rays from being directed toward any portion of the traveled ways, and must not be of such intensity or brilliance to cause glare or impair the vision of the driver of any motor vehicle or otherwise interfere with any driver's operation of a motor vehicle;
  4. That the sign must meet a minimum of a five (5) foot setback from the front property line and ten (10) foot setbacks from all side property lines. Also, that no part of the sign or infrastructure used for lighting be placed in a right-of-way;
  5. That a Sign Permit be obtained for any on premise signs, which requires a site plan to be reviewed and approved by the Planning Director;
  6. That the sign conform to all regulations in Section 312 of the Pennington County Zoning Ordinance;
  7. That the sign be maintained so as to have an aesthetically pleasing appearance at all times and not appear dilapidated;
  8. That only on premise advertising be allowed on the existing sign and no off-premise advertising is allowed unless an approved Zoning Variance is obtained from the Pennington County Board of Commissioners waiving the distance to the nearest dwelling unit requirement and this CUP is amended to allow for an off-premise sign;
  9. That the existing on premise sign be removed by January 2014, if it continues to advertise for Big Horn Crossing restaurant, in accordance with Section 312-B-d of the Zoning Ordinance;
  10. That this Conditional Use Permit be revoked in January of 2015, if the approved use (one (1) illuminated on premise sign) is not established on the property at that time or the applicant apply for a one (1) year extension in accordance with Section 510-E of the Zoning Ordinance; and,
  11. That this Conditional Use Permit be reviewed in January of 2015, or on a complaint basis.
- C. January 26, 2015 – CU 11-02 was continued to the February 23, 2015, Planning Commission Meeting to allow the applicant time to apply for the extension needed in Condition #10, since the sign is not advertising for an approved use because a fire destroyed the establishment the sign promoted.

- D. The sign advertises for Big Horn Crossing, which was what the building being constructed (COBP14-0584) was named. There are two areas on the sign that previously said restaurant and casino which have been covered until the new use is determined, at which time the applicant will replace those areas of the sign.



- E. The Conditional Use Permit itself can remain “active” for a period of one (1) year without the approved use being established on the property. Therefore, CU 11-02 was extended until January 2015, at which time it was to be revoked or the applicant could apply for a one (1) year extension, in accordance with Section 510-E of the Zoning Ordinance.
- F. The applicant applied for a one (1) year extension of CU 11-02 on February 12, 2015, complying with Condition #10 (Section 510-E-2) as noted above.
- G. March 23, 2015 – Planning Commission approved the extension of CU 11-02 with the following ten (10) conditions:
1. That this Conditional Use Permit only allows for one internally, illuminated, on premise sign within 1,500 feet of a residential zoning district/dwelling unit in a Highway Service District;
  2. That access to the site be taken from Highway 385 and not from Penalua Gulch Road;
  3. That all lighting be installed and maintained so as to minimize spillage of light outside of the sign face so as not to create a nuisance and the sign must be effectively shielded to prevent beams or rays from being directed toward any portion of the traveled ways, and must not be of such intensity or brilliance to cause glare or impair the vision of the driver of any motor vehicle

or otherwise interfere with any driver's operation of a motor vehicle;

4. That the sign maintain a minimum of a five (5) foot setback from the front property line and ten (10) foot setbacks from all side property lines. Also, that no part of the sign or infrastructure used for lighting be placed in a right-of-way;
5. That a Sign Permit be obtained for any on premise signs, which requires a site plan to be reviewed and approved by the Planning Director;
6. That the sign conforms to all regulations in Section 312 of the Pennington County Zoning Ordinance;
7. That the sign continue to be maintained so as to have an aesthetically pleasing appearance at all times and not appear dilapidated;
8. That only on premise advertising be allowed on the existing sign and no off-premise advertising is allowed unless an approved via a Zoning Variance waiving the distance to the nearest dwelling unit requirement and this CUP is amended to allow for an off-premise sign;
9. That the applicant sign the Statement of Understanding, which is available at the Planning Department within seven (7) working days from approval of CUP; and,
10. That this Conditional Use Permit be reviewed in one (1) year or upon a complaint basis, or as directed by the Pennington County Board of Commissioners and/or Planning Commission to verify that all conditions of approval are being met.

- H. March 18, 2016 – Staff spoke with the applicant, Jeff DeVeney, to inform him that CU 11-02 is scheduled for a review on March 28, 2016.
- I. March 21, 2016 – Staff performed a site visit and spoke with the applicant.
1. The existing sign (2011COSP0005) meets the above-listed Conditions of Approval.
  2. A Building Permit (COBP14-0584) was obtained for a commercial building located on the same location as the previous structure, which was destroyed by fire.
- J. The applicant requested that CU 11-02 be reviewed in June 2016, to allow additional time to post an advertisement on the existing sign for a new use on the property.
- K. May 23, 2016 – Staff spoke with the applicant regarding the internally illuminated on-premise sign on the subject property.

1. The applicant stated that a new advertisement was not posted on the existing sign; however, he contacted with his renter regarding the advertisement.
- L. June 6, 2016 – Staff spoke with Planning Director and Assistant Planning Director regarding this Conditional Use Permit. CU 11-02 is to allow an internally illuminated, on premise sign within 1,500 feet of a residential zoning district/dwelling unit in a Highway Service District.
1. Planning Commission approved CU 11-02 on February 14, 2011. The original sign advertised the uses of the restaurant, which burned down in 2013.
  2. CU 11-02 remained active with the intention of rebuilding a new structure and determining the new use.
  3. A commercial building was constructed in the same location of the previous structure. The applicant stated that this building is called Big Horn Crossing, which met the purpose of the existing internally illuminated, on-premise sign. A construction company is currently renting part of the applicant's building.
- M. Staff recommended to remove Condition #9 because the applicant signed the Statement of Understanding.
- N. On June 13, 2016, the Planning Commission approved the of the extension of Conditional Use Permit / CU 11-02 with the following nine (9) conditions:
1. That this Conditional Use Permit only allows for one internally, illuminated, on-premise sign within 1,500 feet of a residential zoning district/dwelling unit in a Highway Service District;
  2. That access to the site continue to be taken from Highway 385 and not from Penalua Gulch Road;
  3. That all lighting be continually maintained so as to minimize spillage of light outside of the sign face so as not to create a nuisance and the sign must be effectively shielded to prevent beams or rays from being directed toward any portion of the traveled ways, and must not be of such intensity or brilliance to cause glare or impair the vision of the driver of any motor vehicle or otherwise interfere with any driver's operation of a motor vehicle;
  4. That the sign maintain a minimum of a five (5) foot setback from the front property line and ten (10) foot setbacks from all side property lines. Also, that no part of the sign or infrastructure used for lighting be placed in a Right-of-Way;
  5. That a Sign Permit be obtained for any on-premise signs, which requires a site plan to be reviewed and approved by the Planning Director;



6. That the sign continually conforms to all regulations in Section 312 of the Pennington County Zoning Ordinance;
7. That the sign continue to be maintained so as to have an aesthetically pleasing appearance at all times and not appear dilapidated;
8. That only on premise advertising be allowed on the existing sign and no off-premise advertising is allowed unless an approved Zoning Variance is obtained from the Pennington County Board of Commissioners waiving the distance to the nearest dwelling unit requirement and this CUP is amended to allow for an off-premise sign; and,
9. 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. ANALYSIS

- A. On June 6, 2019, Staff performed a site visit and found the following signs present on the site:



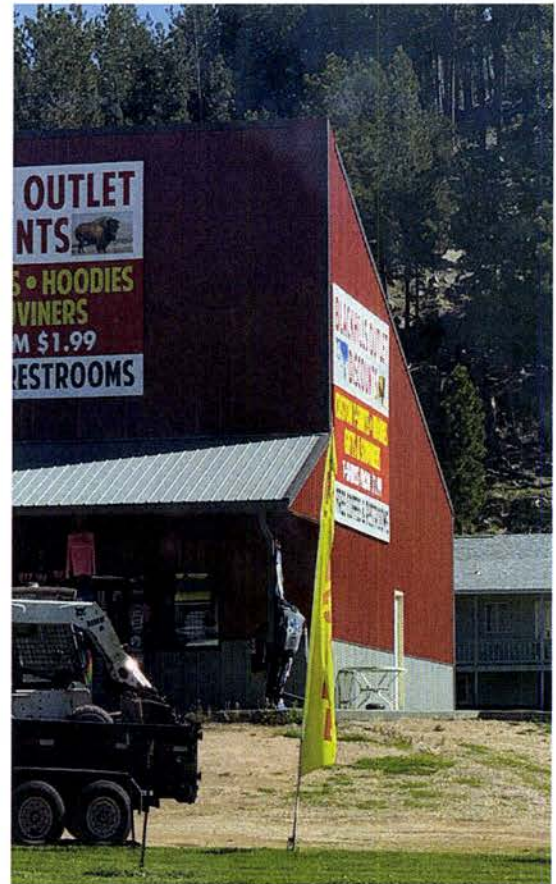
*Lighted sign*



*Existing banner sign*



*12' x 20' wall signs*

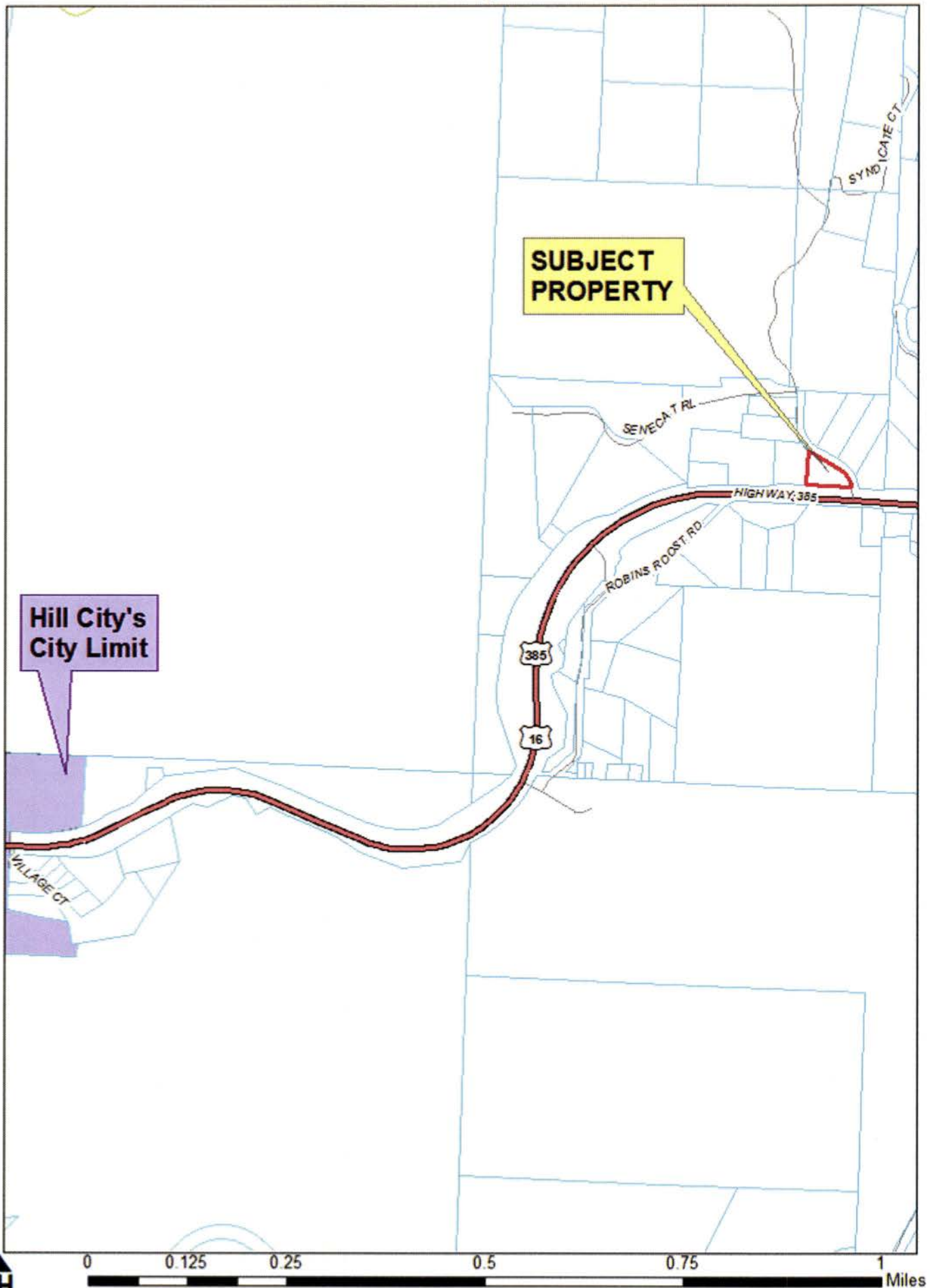


*12' x 20' wall signs*

- A. There are sign permits for all the signs that are attached to the building.
  - 1. COSP17-0024 – Existing banner sign.
  - 2. COSP17-0025 – 12' x 20' wall sign.
  - 3. COSP17-0026 - 12' x 20' wall sign.
  
- B. The lighted sign appears to be in need of repair and does not meet Condition of Approval #7.

**RECOMMENDATION:** Staff recommends a one-time continuation of the review of Conditional Use Permit / CU 11-02 to the July 22, 2019, Planning Commission meeting in order for the applicant to repair the sign.

# DeVeny



Hill City's  
City Limit

SUBJECT  
PROPERTY

SYNDICATE CT

SEMECA TR

HIGHWAY 385

ROBINS ROAD

385


16

VILLAGE CT

0 0.125 0.25 0.5 0.75 1 Miles



BIG  
HORN  
X-ING

CKHILLS OUTL  
DISCOUNTS 

OM T-SHIRTS • HOODI  
GIFTS & SOUVINERS  
T-SHIRTS FROM \$1.99

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**STAFF REPORT**

**GENERAL INFORMATION:**

REQUEST: **CONDITIONAL USE PERMIT REVIEW/ CU 16-27:** To review a Vacation Home Rental on the subject property in a Low Density Residential District in accordance with § 207(C)(18), 319, and 510 of the Pennington County Zoning Ordinance.

APPLICANT / OWNER: Gene and Carllen Van Der Wert

APPLICANT ADDRESS: 24003 Pink Cabin Road, Hill City, SD 57745

LOCAL CONTACT: Sheralin Groves (Black Hills Retreats)

LEGAL DESCRIPTION: Lot K, Brechtel #1 Subd, Section 34, T1S, R5E, BHM, Pennington County, South Dakota.

SITE LOCATION: 24003 Pink Cabin Road; near the intersection of Pink Cabin Road and Old Hill City Road.

SIZE: 2.74 acres

TAX ID: 531

EXISTING LAND USE: Residential / Vacation Home Rental

ZONING REFERENCE: § 207, 319, and 510

CURRENT ZONING: Low Density Residential District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Forested

UTILITIES: Private

REPORT BY: Kristina Proietti

**I. PROPOSED RECOMMENDATION**

- A. Staff will be recommending approval of the extension of Conditional Use Permit / CU 16-27 with fourteen (14) conditions.

**II. GENERAL DESCRIPTION**

- A. On August 12, 2016, the original applicant, Thrive Properties, LLC. (Owners, Gene and Carllen Van Der Wert), requested a Conditional Use Permit to allow an existing two (2) bedroom home to be used as a Vacation Home Rental (VHR) on the subject property.
- B. September 12, 2016 – Planning Commission approved Conditional Use Permit / CU 16-27 with sixteen (16) conditions.
- C. October 9, 2017 – CU 16-27 was reviewed and extended with the following sixteen (16) conditions:
1. That the maximum overnight occupancy, based on SD DENR approval, continue to be limited to six (6) people and the maximum daytime occupancy be limited to nine (9) people, per Pennington County Zoning Ordinance (PCZO) § 319(F)(13);
  2. That if an addition is constructed and/or the on-site wastewater treatment system is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DENR;
  3. That all necessary permits are obtained prior to any additions to the structure or upgrades/alterations to the on-site wastewater treatment system;
  4. That the 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, upon request;
  5. 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;
  6. That a minimum of two (2) off-street parking spaces continue to be provided on-site, per PCZO § 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt, and maintained in a dust-free manner;
  7. That an interior informational sign or signs continue to be posted in accordance with the requirements of Pennington County Zoning Ordinance Section 319-G, with 9-1-1 and contact numbers for both the Fire Department and Sheriff's Department, during operation of the Vacation Home Rental;
  8. That the lot address be posted on the residence at all times and so that it is clearly visible from Pink Cabin Road, in accordance with Pennington County's Ordinance #20;

9. That the applicant ensure the Vacation Home Rental is operated in accordance with the requirements of Pennington County Zoning Ordinance Section 319(F) (Performance Standards) at all times;
  10. That the agent submits an updated "Local Contact Information" from the Vacation Home Rental Checklist Form and this updated information / form shall be provided to the Planning Department by Friday, October 13, 2017;
  11. That if the person designated as the Local Contact is ever changed, or their contact information changed, 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 on-premise 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;
  15. That the applicant pay the \$100 review fee per PCZO § 511(F)(3) within seven (7) business days of the extension of Conditional Use Permit / CU 16-27; and,
  16. That this Conditional Use Permit be reviewed in six (6) months, on a complaint basis, or as directed by the Pennington County Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.
- G. May 14, 2018 – Staff received an email from Sheralin Groves stating that her property management company, Black Hills Retreats, would be managing the Van Der Wert's property.
1. Sheralin Groves has agreed to be the Local Contact for this Vacation Home Rental.
- H. May 14, 2018 – The review of Conditional Use Permit / CU 16-27 was continued to the May 29, 2018, Planning Commission meeting to allow the applicant/agent to notify surrounding landowners of the updated Local Contact.
- I. May 18, 2018 – Staff received an email from Sheralin Groves confirming that letters had been mailed with the updated Local Contact information, in accordance with PCZO § 319(F)(5).
- J. May 29, 2018 – Planning Commission approved the extension of Conditional Use Permit / CU 16-27 with the following fourteen (14) conditions:
1. That the maximum overnight occupancy, based on SD DENR approval, continue to be limited to six (6) people and the maximum

- daytime occupancy be limited to twelve (12) people, per Pennington County Zoning Ordinance (PCZO) § 319(F)(13);
2. That if an addition is constructed and/or the on-site wastewater treatment system is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DENR;
  3. That all necessary *permits* are obtained *prior to any additions* to the structure or upgrades/alterations to the on-site wastewater treatment system;
  4. That the applicants continually maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department, prior to operation of the Vacation Home Rental;
  5. That the applicants continually maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;
  6. That a minimum of two (2) off-street parking spaces continue to be provided on-site, per PCZO § 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
  7. That an interior informational sign continue to be posted in accordance with the requirements of PCZO § 319(G), with 9-1-1 and (605) 394-4139 listed as contacts for Fire Department and Sheriff's Department, during operation of the Vacation Home Rental. The interior informational sign must also contain a color map illustrating the Special Flood Hazard Area, as determined by FEMA;
  8. That the lot address (24003 Pink Cabin Road) continue to be posted on the residence at all times and at the driveway so that it is clearly visible from both directions of travel on Pink Cabin Road, in accordance with Pennington County's Ordinance #20;
  9. That the applicants ensure the Vacation Home Rental is continually operated in accordance with the requirements of PCZO § 319(F) (Performance Standards) at all times;
  10. That if the person designated as the Local Contact is ever changed from Sheralin Groves, or their contact information changed, the interior informational sign be updated and the applicant re-notify the Planning Director and surrounding landowners within 500 feet via notices sent by First Class Mail;
  11. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08,



- which regulates Vacation Home Rentals;
12. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
  13. That the applicant signs an updated Statement of Understanding within ten (10) business days of approval of the extension of Conditional Use Permit / CU 16-27, which is available at the Planning Office; and,
  14. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

### III. EXISTING CONDITIONS

- A. Zoned Low Density Residential District, minimum three (3) acre lot size.
- B. 2.74 acres.
  1. Plat recorded in 1974 (Register of Deeds – Plat Book 13, Page 163).
  2. Lot size is legal non-conforming.
- C. Access off of Pink Cabin Road.
- D. Lot contains:
  1. Single-family residence – built in 2012, via County Building Permit / COBP12-0370.
  2. Partial Basement Finish – via County Building Permit / COBP13-0109.
  3. On-Site Wastewater Treatment System Construction Permit / COSD12-0072.
    - a. On-Site Wastewater Treatment System Operating Permit / COOP19-0072.
  4. Two (2) 10' x 12' sheds – COBP16-0465 and COBP16-0466
- E. August 2, 2016 – The Board of Commissioners approved a Vacation of Section Line for the subject property and the property adjoining to the west, via Vacation of Section Line / VS 16-05.

### IV. ANALYSIS

- A. June 11, 2019 staff performed a site-visit to the subject property and found the owner to be in compliance and meeting the all Conditions of Approval.
- B. The subject property is located within one (1) mile of a Special Flood Hazard Area (SFHA), the interior information sign contained a colored map illustrating the SFHA, as determined by the Federal Emergency Management Agency (FEMA), in accordance with § 319(G)(1)(n) (revised 01-11-17).
- C. The applicants have obtained the recent 2019 South Dakota Department of Health Lodging License for the Vacation Home Rental.

Agenda Item #7  
Gene and Carllen Van Der Wert  
June 24, 2019

- D. All required fire extinguishers and smoke alarms are located in their designated spots.
- E. At the time of this Staff Report, staff has not received any complaints regarding the subject property or Conditional Use Permit / CU 16-27.



Proximity of SFHA to the subject property.



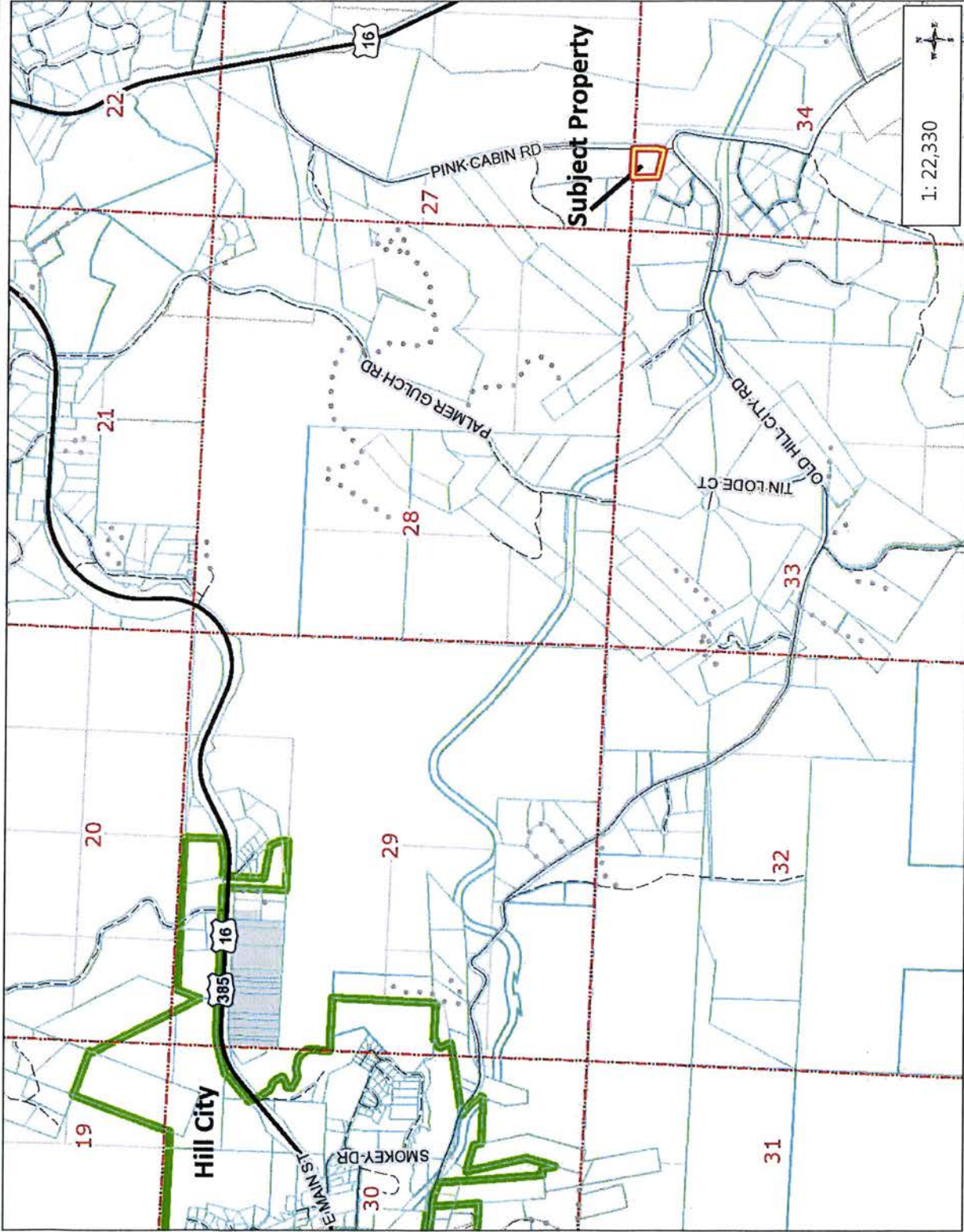
Site photo from 6/11/2019.

**RECOMMENDATION:** Staff recommends approval of the extension of Conditional Use Permit / CU 16-27 with the following fourteen (14) conditions:

1. That the maximum overnight occupancy, based on SD DENR approval, continue to be limited to six (6) people and the maximum daytime occupancy be limited to twelve (12) people, per Pennington County Zoning Ordinance (PCZO) § 319(F)(13);
2. That if an addition is constructed and/or the on-site wastewater treatment system is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DENR;
3. That all necessary permits are obtained prior to any additions to the structure or upgrades/alterations to the on-site wastewater treatment system;
4. That the applicants continually maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department, prior to operation of the Vacation Home Rental;
5. That the applicants continually maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;
6. That a minimum of two (2) off-street parking spaces continue to be provided on-site, per PCZO § 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
7. That an interior informational sign continue to be posted in accordance with the requirements of PCZO § 319(G), with 9-1-1 and (605) 394-4139 listed as contacts for Fire Department and Sheriff's Department, during operation of the Vacation Home Rental. The interior informational sign must also contain a color map illustrating the Special Flood Hazard Area, as determined by FEMA;
8. That the lot address (24003 Pink Cabin Road) continue to be posted on the residence at all times and at the driveway so that it is clearly visible from both directions of travel on Pink Cabin Road, in accordance with Pennington County's Ordinance #20;
9. That the applicants ensure the Vacation Home Rental is continually operated in accordance with the requirements of PCZO § 319(F) (Performance Standards) at all times;

Agenda Item #7  
Gene and Carllen Van Der Wert  
June 24, 2019

10. That if the person designated as the Local Contact is ever changed from Sheralin Groves, or their contact information changed, the interior informational sign be updated and the applicant re-notify the Planning Director and surrounding landowners within 500 feet via notices sent by First Class Mail;
11. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
12. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
13. That each review of Conditional Use Permit / CU 16-27, be subject to PCZO §511(F)(4), which imposes a \$100 fee per review; and,
14. That this Conditional Use Permit be reviewed in three (3) years, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.



1: 22,330

3,721.7 0 1,860.87 3,721.7 Feet

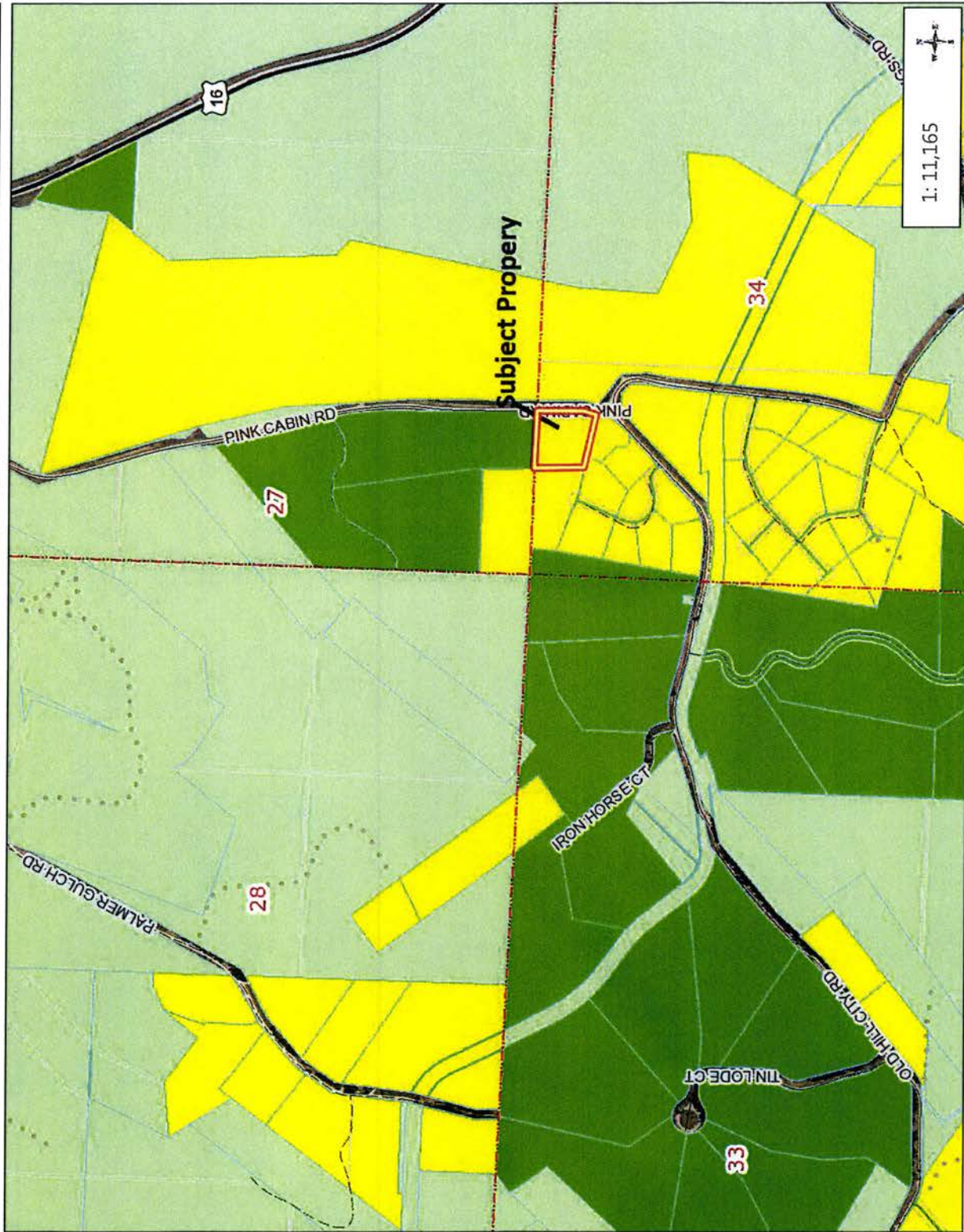
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.  
THIS MAP IS NOT TO BE USED FOR NAVIGATION

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**
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  - Lot Line
  - Parcel Line

**Map Notes:**



1: 11,165

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**Legend**

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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:**



1: 11,165

1,860.9 Feet  
930.44  
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This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.  
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NAD\_1983\_StatePlane\_South\_Dakota\_South\_FIPS\_4002\_Feet  
© City of Rapid City GIS

**Legend**

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- Interstate
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  - County highway
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  - Unpaved road
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  - Not yet coded
- Section Lines 0-25k**
- 0
  - 7
- Tax Parcels**
- Lot Lines
  - <Null>
  - Lot Line
  - Parcel Line

**Map Notes:**

6.11.2019 Site Visit  
24003 Pink Cabin Road  
Whitetail Haven

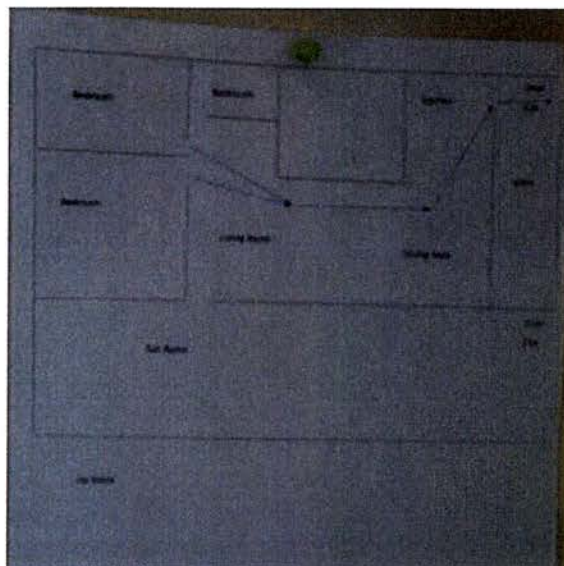
Fire Extinguishers



Smoke Alarms



Evacuation Plan







Proximity of SFHA to the subject property.

**BLACK HILLS RETREATS, LLC**  
**Whitetail Haven**

Sheralin Groves, Property Manager 605-391-1872

Emergencies: Phone Number 911 or Pennington County Sheriff 605-394-4131

The property address is 24003 Pink Cabin Rd Hill City, SD 57751

Directions to the cabin from Hill City: Hwy 385 approximately 5 miles from Hill City turn onto  
Pink Cabin Rd

The maximum number of occupants permitted to stay in the unit any time is 2.

Parking spots are located:

- 2 spots in front of garage

Failure to conform to the parking and occupancy regulations of the VNR unit is a violation of County Ordinance.

The rental is located in the National Forest Service Fire Protection District. Fireworks, charcoal grills, bonfires and fire pits are prohibited. The use of gas fired grills or other devices (as applicable) shall not be allowed without permission of Black Hills Retreats, LLC or the Owner.

No pets are allowed at the rental.

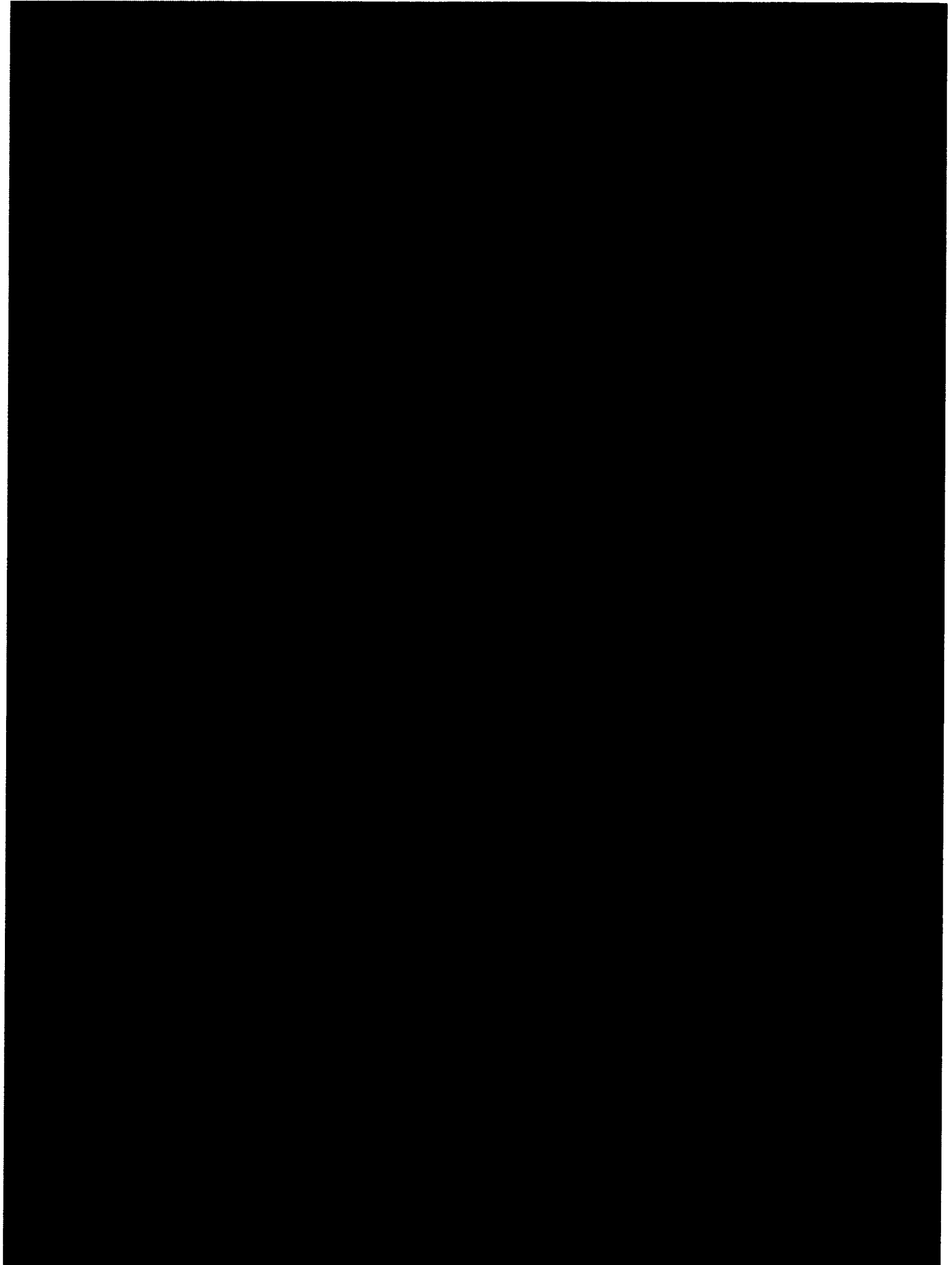
The trash pickup day is Wednesday the dumpster is located end of the driveway.

Maximum occupancy at any time is 5.

Guest shall comply with all Federal, State and Local laws and ordinances regarding the use of the premises, and shall not engage in any illegal activity on the premises, including, but not limited to, drug-related activities, lewd behavior, discharge of firearms, etc.

Guests are expected to be courteous to all neighbors and respect property boundaries.

Guest shall not obstruct common rights of way. Further, vehicles shall not be parked or driven except on roadways, approaches and driveways. ATV's and snowmobiles and the like are permitted only to gain access to and from the premises and are not to be driven on other properties or the Mickelson Trail. Loud noises or excessive speeds will not be tolerated. Noise Ordinances are enforced by the Sherriff's Department. Noise shall be kept to a minimum after the hour of 10 pm mountain time until 7 am mountain time.



**STAFF REPORT**

GENERAL INFORMATION:

REQUEST: **CONDITIONAL USE PERMIT REVIEW / CU 17-03:** To review a Vacation Home Rental on the subject property in a Limited Agriculture District in accordance with Sections 206, 319, and 510 of the Pennington County Zoning Ordinance.

APPLICANT: McDaniel Trust; Susan McDaniel

APPLICANT ADDRESS: 6303 Cog Hill Lane, Rapid City, SD 57702

LOCAL CONTACT: Susan McDaniel

LEGAL DESCRIPTION: Lot 39, Oak Meadows Estates, Section 23, T2S, R6E, BHM, Pennington County, South Dakota.

SITE LOCATION: 24405 Oak Meadows Road; near the intersection of Playhouse Road and Oak Meadows Road.

SIZE: 3.11 acres

TAX ID: 6823

EXISTING LAND USE: Residential

ZONING REFERENCE: Sections 206, 319, and 510

CURRENT ZONING: Limited Agriculture District

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

PHYSICAL CHARACTERISTICS: Forested

UTILITIES: Private

REPORT BY: Brittney Molitor

**I. PROPOSED RECOMMENDATION**

- A. Staff will be recommending to end Conditional Use Permit / CU 17-03 with the applicant's concurrence.

**II. GENERAL DESCRIPTION**

- A. February 13, 2017 – The Planning Commission approved Conditional Use Permit / CU 17-03 with the following seventeen (17) conditions:
1. That the maximum overnight occupancy, based on South Dakota Department of Environmental and Natural Resource (SD DENR) approval, be limited to six (6) people and the maximum daytime occupancy be limited to twelve (12) people, per Section 319-F-13 of the Pennington County Zoning Ordinance;
  2. That if an addition is constructed and/or the On-Site Wastewater Treatment System is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DENR;
  3. That all necessary permits are obtained prior to any additions to the structure or upgrades/alterations to the On-Site Wastewater Treatment System;
  4. That the applicant maintains current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department, prior to operation of the Vacation Home Rental;
  5. That the applicant maintains an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;
  6. That a minimum of two (2) off-street parking spaces be provided on-site, per Section 310-A-9-gg of the Pennington County Zoning Ordinance, with each measuring a minimum of nine (9) feet by eighteen (18) feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
  7. That an interior informational sign be posted in accordance with the requirements of Pennington County Zoning Ordinance Section 319-G, with 9-1-1 and (605) 394-4139 listed as contacts for the Fire Department and the Sheriff's Department, during operation of the Vacation Home Rental;
  8. That the lot address (24405 Oak Meadows Road) be posted on the residence at all times and at the end of the driveway so that it is clearly visible from both directions of travel on Oak Meadows Road, in accordance with Pennington County's Ordinance #20;

9. That the applicant ensures the Vacation Home Rental is operated in accordance with the requirements of Section 319-F (Performance Standards) of the Pennington County Zoning Ordinance at all times;
10. That if the person designated as the Local Contact is ever changed from Susan McDaniel, the interior informational sign be updated and the applicant re-notify the Planning Department and surrounding landowners within five hundred (500) feet of the outer boundaries of the Vacation Home Rental property via notices sent by First Class Mail;
11. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
12. That an approved Sign Permit be obtained prior to the placement of any sign(s), per Pennington County Zoning Ordinance Section 312;
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 prior to the transfer of this Vacation Home Rental property to a new owner(s), Section 319-C-5 must be followed;
15. That prior to the first review of this Conditional Use Permit, the applicant provides a new survey showing the location of all structures on the subject property, and, that if any structures do not meet the setback requirements of Section 206 (Limited Agriculture), the applicant brings the subject property into compliance with the Pennington County Zoning Ordinance;
16. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 17-03, which is available at the Planning Office; and,
17. That this Conditional Use Permit be reviewed in on July 10, 2017, 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 Limited Agriculture District – Minimum ten (10) acre lot size.
- B. 3.11 acres.
  1. Lot size is legal nonconforming.
    - a. Plat Book 17, Page 181. Plat was filed at Register of Deeds on June 6, 1980.
- C. Access off of Oak Meadows Road.
- D. Twenty (20) foot Power Line Easement, per Book 14, Pages 5252-5260 and Book 43, Pages 9465-9466.

- E. Lot contains:
  - 1. Single-family residence.
    - a. 1997COBP0377 (expired).
    - b. 1999COBP0763 (Single-family residence).
    - c. COBP17-0036 (Residential addition).
    - d. COBP17-0037 (Covered porch).
  - 2. 30' x 40' detached garage (2003COBP0036).
  - 3. A 6' x 6' shed, smaller than 144 square feet. No Building Permit required.
  - 4. On-site Wastewater Treatment System – 1996COSD0192.
    - a. Operating Permit – COOP17-0028.

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

- A. January 25, 2017 – The applicant applied for Building Permits (COBP17-0036 and COBP17-0037) for additions to the existing residence.
- B. January 31, 2017 – Staff performed a site visit to the subject property and spoke with the applicant.
  - 1. The single-family residence contains two (2) bedrooms, each bedroom has a smoke detector, and each floor has a fire extinguisher.
  - 2. The applicant has designated five (5) parking spaces on the property, which exceeds the off-street parking requirements of Section 310-A-9-gg of the Pennington County Zoning Ordinance.
  - 3. The existing on-site wastewater treatment system was approved by the South Dakota Department of Environment and Natural Resources (SD DENR) on October 21, 2016, which allows for a maximum overnight occupancy of six (6) people.
  - 4. The applicant has obtained a new Operating Permit – COOP17-0028.
  - 5. The applicant has submitted a copy of the current Vacation Home License approved by the South Dakota Department of Health (License Number 19281) and a copy of a South Dakota Department of Revenue Sales Tax License application.
  - 6. The applicant, Susan McDaniel, is also designated as the Local Contact for the VHR.
- C. January 31, 2017 – The applicant emailed a copy of the South Dakota Department of Health Vacation Home Inspection Report with an Acknowledgement that the residence meets all Fire Safety Standards, as required by SDCL 34-18-22.3 for Vacation Home Establishments.
  - 1. The inspection of the property by the South Dakota Department of Health was performed on December 19, 2016, and was compliant.
  - 2. A copy of this inspection report also includes the Fire Safety Survey.

Agenda Item #8  
McDaniel Trust; Susan McDaniel  
June 24, 2019

- D. February 6, 2017 – The applicant submitted an interior informational sign for the VHR. The applicant was made aware of comments from the County Fire Administrator and the US Forest Service.
- E. February 7, 2017 – After reviewing the submitted interior informational sign, staff informed the applicant via an email that this sign needs to be updated to comply with Section 319-G-1 of the Pennington County Zoning Ordinance.
- F. February 9, 2017 – The applicant provided an updated interior informational sign.
- G. February 9, 2017 – Staff received a phone call from a neighbor opposed to the applicant's request.
- H. June 28, 2017 – Staff spoke with the applicant regarding the site survey of the property.
- I. July 5, 2017 – A site survey of the property was submitted by Howe Land Surveying. It appears the garage, in question, on the subject property is meeting the setback requirement.
- J. June 13, 2018 – Staff spoke with the applicant regarding the subject property and obtained current copies of the South Dakota Department of Health Lodging License and the Department of Revenue Sales Tax License.
- K. June 13, 2018 – Staff conducted a site visit to the subject property and noted it appeared to be in compliance with all necessary conditions.
- L. All other Conditions of Approval appear to be met.
- M. June 12, 2018 – Staff performed a site visit and took the following photos:





- N. On June 25, 2018, the Planning Commission approved of the extension of Conditional Use Permit / CU 17-03 with the following sixteen (16) conditions:
1. That the maximum overnight occupancy, based on South Dakota Department of Environmental and Natural Resource (SD DENR) approval, continue to be limited to six (6) people and the maximum daytime occupancy be limited to twelve (12) people, per Section 319(F)(13) of the Pennington County Zoning Ordinance;
  2. That if an addition is constructed and/or the On-Site Wastewater Treatment System is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DENR;
  3. That all necessary permits are obtained prior to any additions to the structure or upgrades/alterations to the On-Site Wastewater Treatment System;
  4. That the applicant continues to maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department, prior to operation of the Vacation Home Rental;
  5. That the applicant continues to maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;
  6. That a minimum of two (2) off-street parking spaces be provided on-site, per Section 310(A)(9)(gg) of the Pennington County Zoning Ordinance, with each measuring a minimum of nine (9) feet by eighteen (18) feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
  7. That an interior informational sign continues to be posted in accordance with the requirements of Pennington County Zoning Ordinance Section 319(G), with 9-1-1 and (605) 394-2151 listed as contacts for the Fire Department and the Sheriff's Department, during operation of the Vacation Home Rental;
  8. That the lot address (24405 Oak Meadows Road) continues to be posted on the residence at all times and at the end of the driveway so that it is clearly visible from both directions of travel on Oak Meadows Road, in accordance with Pennington County's Ordinance #20;
  9. That the applicant ensures the Vacation Home Rental is operated in accordance with the requirements of Section 319(F) (Performance Standards) of the Pennington County Zoning Ordinance at all times;
  10. That if the person designated as the Local Contact is ever changed from Susan McDaniel, the interior informational sign be updated and the applicant re-notify the Planning Department and surrounding landowners within five hundred (500) feet of the outer boundaries of

the Vacation Home Rental property via notices sent by First Class Mail;

11. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
12. That an approved Sign Permit be obtained prior to the placement of any sign(s), per Pennington County Zoning Ordinance Section 312;
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 prior to the transfer of this Vacation Home Rental property to a new owner(s), Section 319(C)(5) must be followed;
15. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 17-03, which is available at the Planning Office; and,
16. That this Conditional Use Permit be reviewed in three (3) 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.

**V. REVIEW FOR JUNE 24, 2019 PLANNING COMMISSION MEETING**

- A. May 16, 2019 – Staff received a letter from the property owner requesting to end this Conditional Use Permit.

**RECOMMENDATION:** Staff is recommending to end Conditional Use Permit / CU 17-03, with the applicant's concurrence.

5-16-19

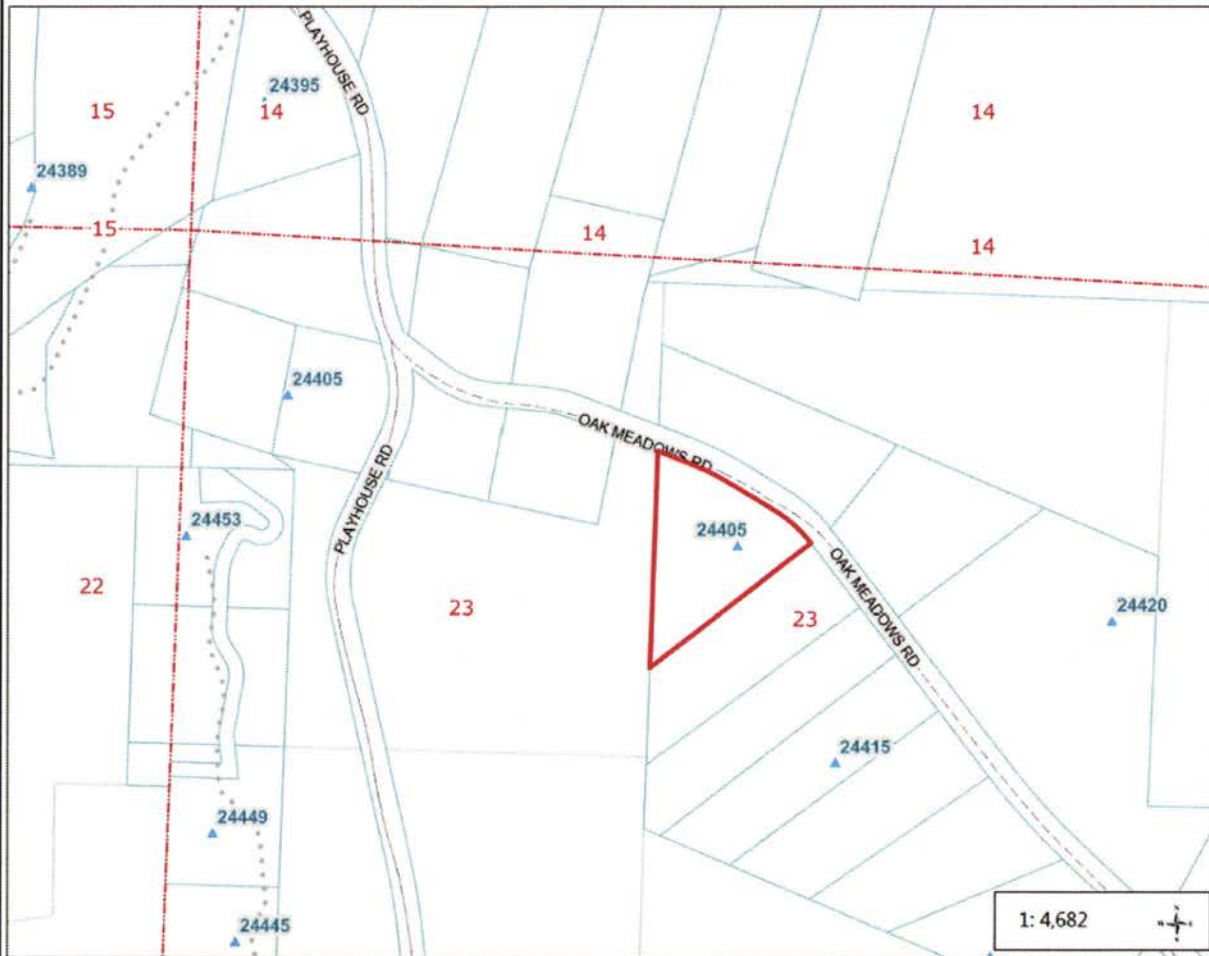
To whom it may concern,



I no longer need my Conditional Use Permit  
to run our vacation rental at 24405 Oak Meadows Rd.  
Keystone, SD. I am requesting it to end.

Thank you,

Jason McDaniel  
805-915-7209 cell



**Legend**

**Roads**

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

**Address Points**

**Section Lines 0-25k**

- - - 0
- - - 7

**Tax Parcels**

**Lot Lines**

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

1: 4,682

**Map Notes:**  
Tax ID: 6823



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

**STAFF REPORT**

GENERAL INFORMATION:

REQUEST: **CONDITIONAL USE PERMIT REVIEW / CU 17-46**: To review living in an existing residence while building a new single-family residence on the subject property in a General Agriculture District in accordance with § 205 and 510 of the Pennington County Zoning Ordinance.

APPLICANT/ OWNER: Matt and Donna Bowen

APPLICANT ADDRESS: 17745 Bear Creek Road, Scenic, SD 57780

LEGAL DESCRIPTION: W1/2; S1/2SE1/4 Less Lot H1, Section 36, T2S, R13E, BHM, Pennington County, South Dakota.

SITE LOCATION: 17745 Bear Creek Road; located off of E. Highway 44 and Bear Creek Road.

SIZE: 399.49 acres

TAX ID: 63485

EXISTING LAND USE: Residential

ZONING REFERENCE: § 205 and 510

CURRENT ZONING: General Agriculture District

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

PHYSICAL CHARACTERISTICS: Flat / Prairie

UTILITIES: Private

REPORT BY: Cassie Bolstad

- I. PROPOSED RECOMMENDATION**
  - A. Staff will be recommending to end Conditional Use Permit / CU 17-46.

## II. GENERAL DESCRIPTION

- A. February 26, 2018 – Planning Commission approved Conditional Use Permit / CU 17-46 with the following fourteen (14) conditions:
1. That Building Permits, with any applicable penalty fees, be obtained for the silo within thirty (30) days of approval of the Conditional Use Permit / CU 17-46 or automatic revocation shall occur and that the unpermitted feed bin be removed from the subject property by June 30, 2018;
  2. That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
  3. That the address is clearly posted on the residence and at the driveway so that it is visible from both directions of Bear Creek Road, in accordance with Pennington County's Ordinance #20;
  4. That the subject property not contain more than one (1) residential structure (i.e. single-family residence or living quarters);
  5. That the minimum setback requirements of a General Agriculture District be continually maintained on the property or the appropriate Setback Variance(s) be obtained;
  6. That should the approach for the new single-family residence differ from the existing approach, the applicant must obtain a new Approach Permit from the Highway Department, prior to approval of a Building Permit for the new single-family residence;
  7. That upon completion of the new single-family residence, the double-wide mobile home is removed from the property;
  8. That the applicant notify the Planning Department when the new single-family residence is habitable and allow staff to verify that the double-wide mobile home is removed from the subject property;
  9. That a Removal Permit be obtained prior to removing the double-wide mobile home from the subject property;
  10. That the single-family residence and existing double-wide mobile home never utilize the existing septic system at the same time;
  11. That the property is kept free of junk and debris;
  12. That the landowner signs the Statement of Understanding at the Planning Office within ten (10) business days of approval of Conditional Use Permit / CU 17-46 or face revocation;
  13. That applicant comply with §511(X) of the PCZO and if the applicant does not comply with all the Conditions of Approval within thirty (30) days of approval, CU 17-46 automatically end; and,
  14. That this Conditional Use Permit be reviewed at the July 9, 2018, Planning Commission, on a complaint basis, or as directed by the Planning Director, Planning Commission, and/or Board of Commissioners to verify that all Conditions of Approval are being met.

### III. EXISTING CONDITIONS

- A. Zoned General Agriculture District.
- B. 399.49 acres.
- C. Lot contains:
  - 1. 60' x 60' Pole Barn - 2010COBP0611.
  - 2. Single-family residence with attached garage – COBP17-0706.
  - 3. 32' x 76' double-wide mobile home – COBP17-0732.
    - a. Removed via COBP18-0525.
  - 4. Three (3) Silos (36' diameter x 32' height) – two were present on the property when 2010COBP0611 was issued, one was permitted via COBP18-0216.
  - 5. Feed bins of various dimension are exempt from obtaining Building Permits as they meet exempt listed in §511(A)(8)(b) of the PCZO.

### IV. ANALYSIS

- A. May 14, 2018 – Planning Commission approved the extension of Conditional Use Permit / CU 17-46 with the following eleven (11) conditions:
  - 1. 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;
  - 2. That the address is clearly posted on the residence and at the driveway so that it is visible from both directions of Bear Creek Road, in accordance with Pennington County's Ordinance #20;
  - 3. That the subject property not contain more than one (1) residential structure (i.e. single-family residence or living quarters);
  - 4. That the minimum setback requirements of a General Agriculture District be continually maintained on the property or the appropriate Setback Variance(s) be obtained;
  - 5. That should the approach for the new single-family residence differ from the existing approach, the applicant must obtain a new Approach Permit from the Highway Department, prior to approval of a Building Permit for the new single-family residence;
  - 6. That upon completion of the new single-family residence, the double-wide mobile home is removed from the property;
  - 7. That the applicant notify the Planning Department when the new single-family residence is habitable and allow staff to verify that the double-wide mobile home is removed from the subject property;
  - 8. That a Removal Permit be obtained prior to removing the double-wide mobile home from the subject property;
  - 9. That the single-family residence and existing double-wide mobile home never utilize the existing septic system at the same time;
  - 10. That the property is kept free of junk and debris; and,
  - 11. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Planning Director, Planning

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

- B. September 7, 2018 – Removal Permit (COBP18-0525) was approved to remove the double-wide mobile home.
- C. Based on aerial photos, the double-wide has been removed. Therefore, Conditional Use Permit / CU 17-46 is no longer needed.



Photo of subject property via Google Earth taken 6/15/2016.

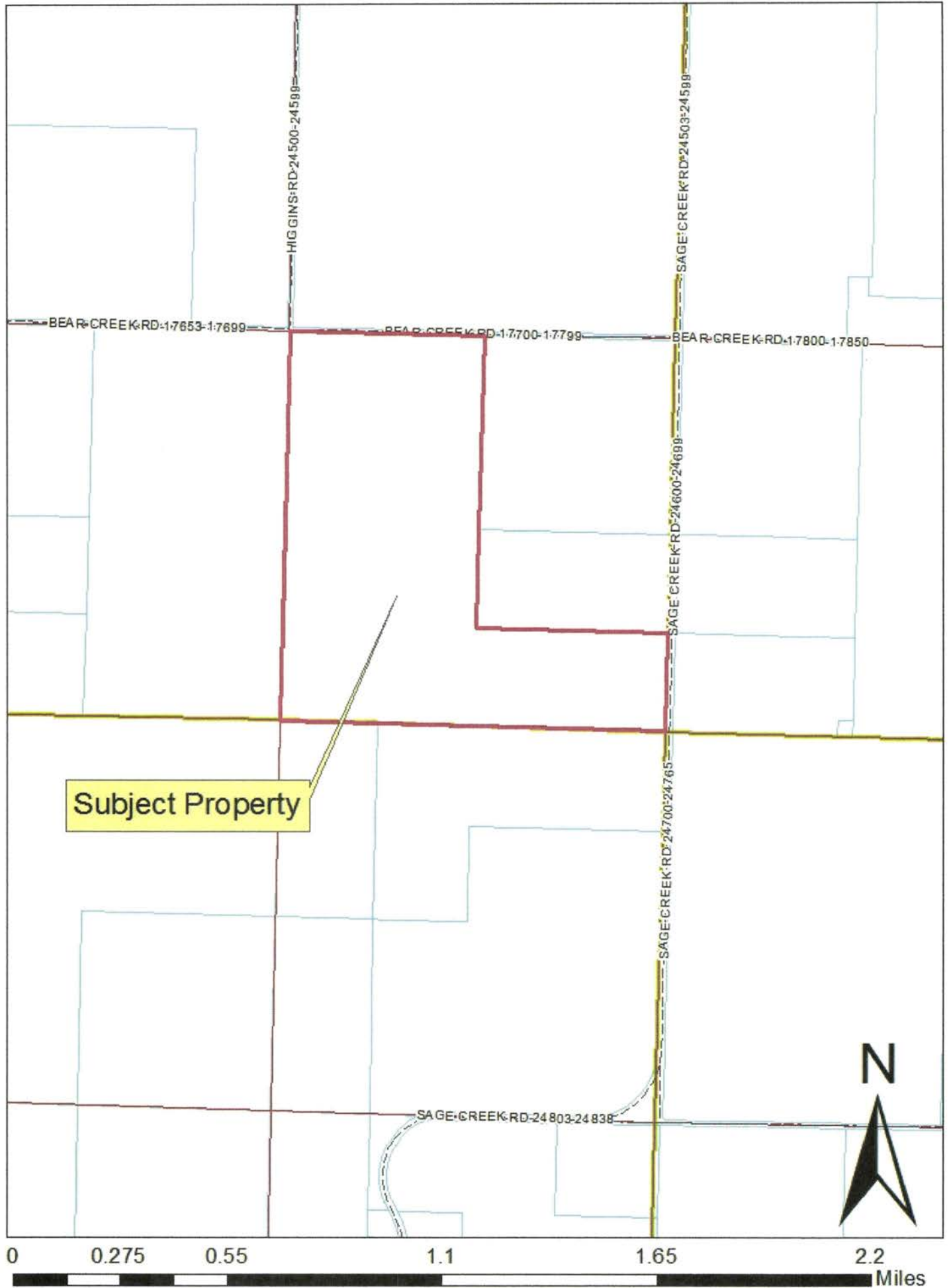


Photo of subject property via RapidMap taken 2018.

**RECOMMENDATION:** Staff recommends to end Conditional Use Permit / CU 17-46, as it is no longer needed.



# BOWEN



## STAFF REPORT

### GENERAL INFORMATION:

REQUEST: **CONDITIONAL USE PERMIT REVIEW / CU 18-07:** To review five (5) illuminated, on-premise signs within 1,500 feet of a residential zoning district / dwelling unit in a Highway Service District in accordance with Sections 210, 312, and 510 of the Pennington County Zoning Ordinance.

APPLICANT: Tim McTavish

APPLICANT ADDRESS: P.O. Box 319, Hill City, SD 57745

LANDOWNER: Three Forks Development Company

LANDOWNER ADDRESS: P.O. Box 7105, Rapid City, SD 57709

LEGAL DESCRIPTION: Lot 3, The Forks at Remmington Ranch, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

SITE LOCATION: 23842 Mill Iron Drive; corner of Mill Iron Drive and Highway 385 near the Three Forks Intersection.

SIZE: 0.54 acre

TAX ID: 60486

EXISTING LAND USE: Commercial

ZONING REFERENCE: § 210, 312, and 510

CURRENT ZONING: Highway Service District

SURROUNDING ZONING:

North	Highway Service District
South	Highway Service District
East	Highway Service District
West	Highway Service District

PHYSICAL CHARACTERISTICS: Flat / Sloping

Agenda Item #10  
Tim McTavish  
June 24, 2019

UTILITIES: Community Well / Private Septic

REPORT BY: Cassie Bolstad

**I. PROPOSED RECOMMENDATION**

- A. Staff will be recommending approval of the extension of Conditional Use Permit / CU 18-07 with six (6) conditions.

**II. GENERAL DESCRIPTION**

- A. The applicant, Tim McTavish (Black Hills Power Equipment), requested a Conditional Use Permit to allow for five (5) illuminated signs within 1,500 feet of a residential zoning district/dwelling unit.

**III. EXISTING CONDITIONS**

- A. Zoned Highway Service District.
- B. 0.54 acre.
- C. Accesses off of Mill Iron Drive.
- D. Special Flood Hazard Area – Floodway.
  - 1. Located along the rear lot line.
- E. Lot contains:
  - 1. Black Hills Power Equipment Commercial Building – COBP17-0657.
  - 2. Commercial Septic Permit – COSD17-0136.
    - a. Operating Permit – COOP19-0209.
  - 3. County Sign Permit – COSP18-0008.
    - a. 16’ x 5’.3” Non-Illuminated Sign.
  - 4. County Sign Permit – COSP18-0009.
    - a. 8’ x 24’ Non-Illuminated Sign.
  - 5. County Sign Permit – COSP18-0010.
    - a. 4’ x 6’ Non-Illuminated Sign.
  - 6. County Sign Permit – COSP18-0011.
    - a. 4’ x 6’ Non-Illuminated Sign.



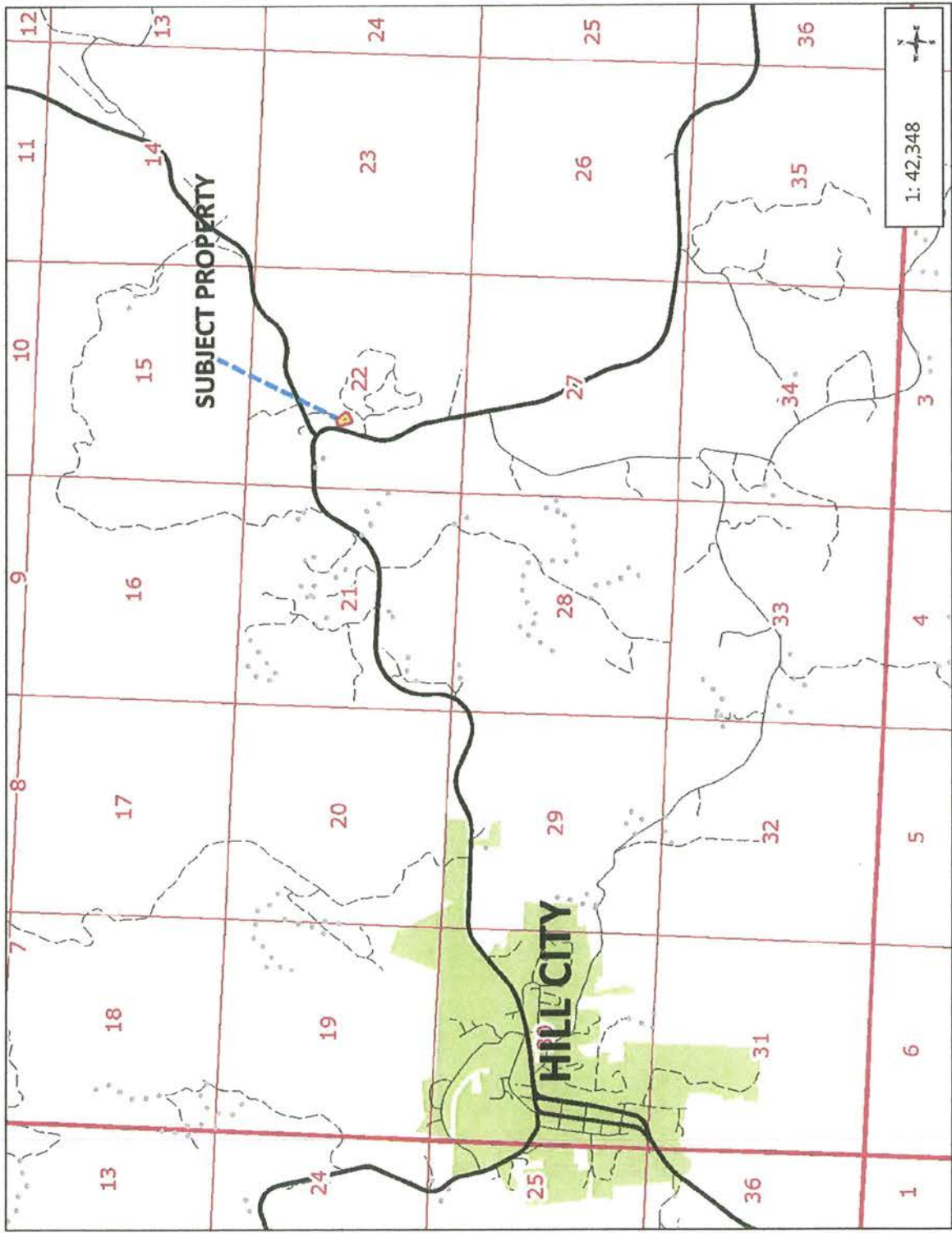
COMMERCIAL STRUCTURE

#### IV. ANALYSIS

- A. April 17, 2018 – The applicant obtained approval of four (4) non-illuminated Sign Permits.
  - 1. COSP18-0008, COSP18-0009, COSP18-0010 and COSP18-0011.
- B. May 29, 2018 – Planning Commission approved Conditional Use Permit / CU 18-07 with the following six (6) conditions:
  - 1. That all lighting be installed and maintained so as to minimize spillage of light outside of each sign face so as not to create a nuisance and the signs must be effectively shielded to prevent beams or rays from being directed toward any portion of the roadways, and must not be of such intensity or brilliance to cause glare or impair the vision of the driver of any motor vehicle or otherwise interfere with any driver's operation of a motor vehicle;
  - 2. That the applicant obtain a Sign Permit for additional proposed sign(s) prior to any work being done, which requires a site plan to be reviewed and approved by the Planning Director;
  - 3. That the signs continually conforms to all regulations in Section 312 of the Pennington County Zoning Ordinance;
  - 4. That the sign be maintained so as to have an aesthetically pleasing appearance at all times and not appear dilapidated;
  - 5. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 18-07, which is available at the Planning Office; and,
  - 6. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or County Board of Commissions to verify that all Conditionals of Approval are being met.
- C. The applicant intends to apply for the fifth sign permit and have the four (4) existing signs illuminated and also install a fifth illuminated sign, if CU 18-07 was approved.
- D. To date it does not appear the Sign Permits have been amended to indicate the existing signs are illuminated nor has a fifth Sign Permit been applied for.
- E. Per § 510(E)(2) of the Pennington County Zoning Ordinance, "A Conditional Use Permit shall automatically expire if the use for which the Conditional Use Permit was granted has not been established, according to the terms and conditions of the Conditional Use Permit, within two years following the date of approval."
  - 1. The applicant has until May 29, 2020, to establish the use granted by Conditional Use Permit / CU 18-07.
- F. Staff recommends to remove Condition #5, as it has been met.
- G. Staff recommends to add a new condition stating, "That the four (4) approved Sign Permits be amended to indicate that the signs are illuminated prior to any lighting being installed."

**RECOMMENDATION:** Staff recommends approval of the extension of Conditional Use Permit / CU 18-07 with the following six (6) conditions:

1. That all lighting be installed and maintained so as to minimize spillage of light outside of each sign face so as not to create a nuisance and the signs must be effectively shielded to prevent beams or rays from being directed toward any portion of the roadways, and must not be of such intensity or brilliance to cause glare or impair the vision of the driver of any motor vehicle or otherwise interfere with any driver's operation of a motor vehicle;
2. That the applicant obtain a Sign Permit for additional proposed sign(s) prior to any work being done, which requires a site plan to be reviewed and approved by the Planning Director;
3. That the signs continually conform to all regulations in Section 312 of the Pennington County Zoning Ordinance;
4. That the signs be maintained so as to have an aesthetically pleasing appearance at all times and not appear dilapidated;
5. That the four (4) approved Sign Permits be amended to indicate that the signs are illuminated prior to any lighting being installed; and,
6. That this Conditional Use Permit be reviewed at the May 25, 2020 Planning Commission meeting, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissions to verify that all Conditions of Approval are being met.



1: 42,348

**Legend**

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

**Map Notes:**

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

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

7,058.0 0 3,529.02 7,058.0 Feet

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

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1: 5,294



**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:**

882.3 Feet

441.13

0

882.3

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

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



1: 756

### 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:

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

126.0 0 63.02 126.0 Feet

NAD\_1983\_StatePlane\_South\_Dakota\_South\_FIPS\_4002\_Feet  
© City of Rapid City GIS



## STAFF REPORT

### GENERAL INFORMATION:

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

APPLICANT: Ray or Erin Atkins

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

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

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

SIZE: 1.00 acre

TAX ID: 38974

EXISTING LAND USE: Vacant

ZONING REFERENCE: Sections 206 and 510

CURRENT ZONING: Limited Agriculture District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Flat

UTILITIES: None

REPORT BY: Brittney Molitor

**I. RECOMMENDATION**

- A. Staff will be recommending approval of the extension of Conditional Use Permit / CU 18-10 with eight (8) conditions.

**II. GENERAL DESCRIPTION**

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

**III. EXISTING CONDITIONS LOT 8**

- A. Lot 8, Block 1 of Meadow Ranch Estates.
1. Zoned Limited Agriculture District, minimum 10 acre lot size.
  2. 1 acre.
  3. Created via Plat 13 Page 207
    - a. Superseded by Plat 15-79
      - i. Recorded on May 31, 1977
  4. Fifteen (15) foot Utility Easement on the interior of all lot lines.
  5. Lot contains a 24' x 30' garage – COBP18-0378.
  6. Access is off of Meadow Ranch Road and the existing approach, located on the adjacent property to the west, will be used.
  7. Surrounded on three (3) sides by property owned by the United States of America (Ellsworth Air Force Base).
  8. The landowner also owns the adjacent property (Lot 7 of Block 1 of Meadow Ranch Estates).
  9. Located within the Platting Jurisdiction of the City of Box Elder.
- B. Lot 7, Block 1 of Meadow Ranch Estates.
1. Zoned Limited Agriculture District, minimum 10 acre lot size.
  2. 1 acre.
  3. Created via Plat 13 Page 207
    - a. Superseded by Plat 15-79
      - i. Recorded on May 31, 1977
  4. Fifteen (15) foot Utility Easement on the interior of all lot lines.
  5. Lot contains:
    - a. Single-family residence (Built in 1977 per Department of Equalization Property Card)
    - b. 32' x 20' (approximate) accessory structure (Built prior to 1994 per RapidMap historic aerials).
    - c. Two (2) 16' x 12' tool sheds (Built in 2005, without Building Permits, Per DOE Property Card).
      - i. Staff recommends Lot 7 of Block 1 of Meadow Ranch Estates be brought into compliance, as the existing approach on Lot 7 of Block 1 of Meadow Ranch Estates will be used to access Lot 8 of Block 1 of Meadow Ranch Estates.

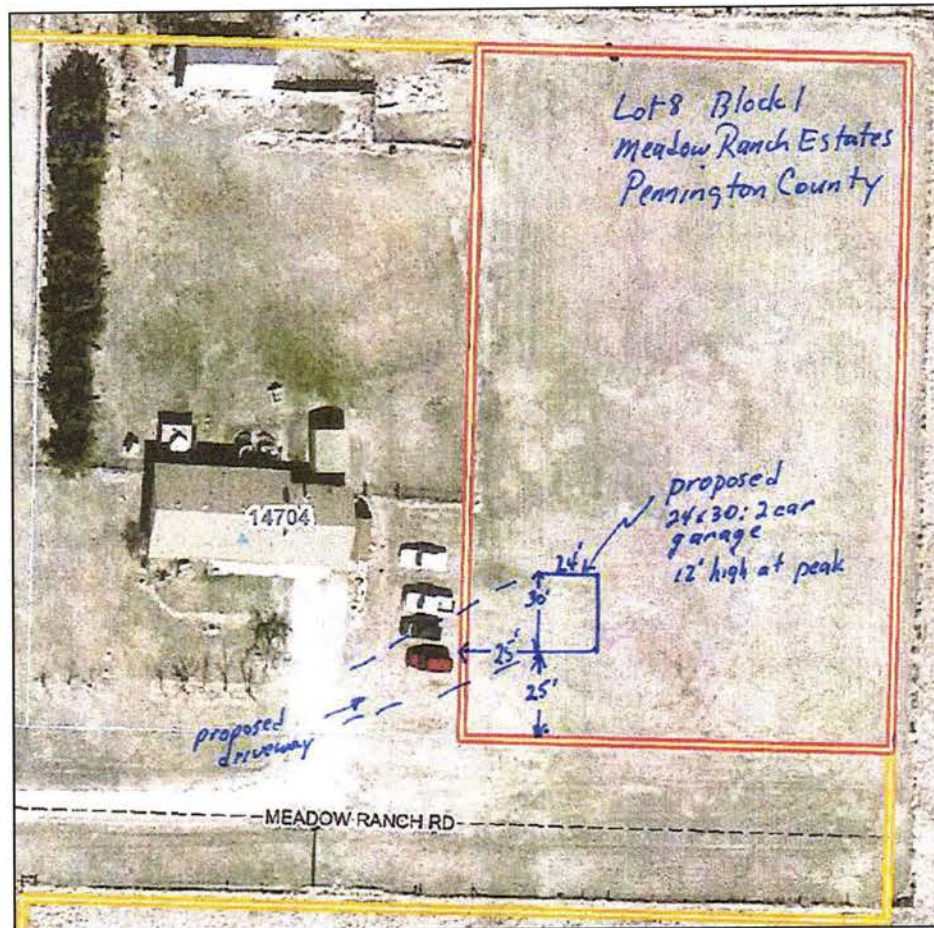
- (a) The sheds have never been permitted since the original request was approved in 2018.
  - (b) Staff sent a Notice of Violation for the sheds on June 20, 2019.
6. Surrounded on three (3) sides by property owned by the United States of America (Ellsworth Air Force Base).
  7. The landowner also owns the adjacent property (Lot 8 of Block 1 of Meadow Ranch Estates).
  8. Located within the Platting Jurisdiction of the City of Box Elder.



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

#### IV. HISTORY

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



SITE MAP PROVIDED BY APPLICANT ON APRIL 10, 2018

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

Agenda Item #11  
 Ray or Erin Atkins  
 June 24, 2019

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

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

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

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

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

Latitude:  Deg  M  S

Longitude:  Deg  M  S

Horizontal Datum:

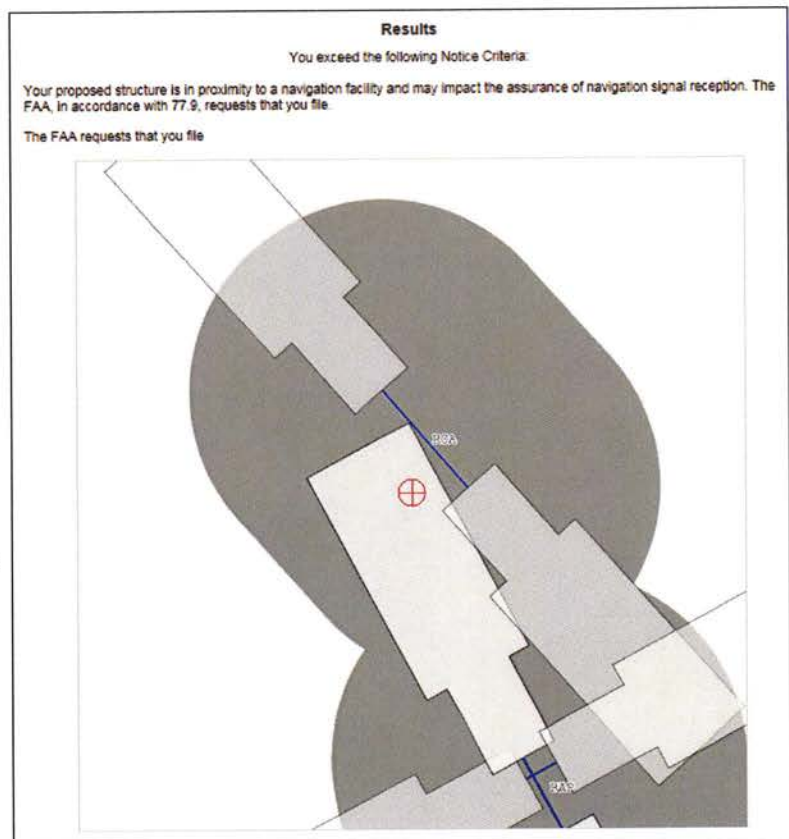
Site Elevation (SE):  (nearest foot)

Structure Height:  (nearest foot)

Traverseway:

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

Is structure on airport:  No  Yes



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

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



*Garage*

- V. UPDATE FOR JUNE 24, 2019 PLANNING COMMISSION MEETING**
- A. June 17, 2019 – Staff performed a site visit and verified the following:
1. The garage is constructed on Lot 8 as requested.
    - a. It appears that the garage is not meeting setbacks.
  2. It appears all other Conditions of Approval are being met.



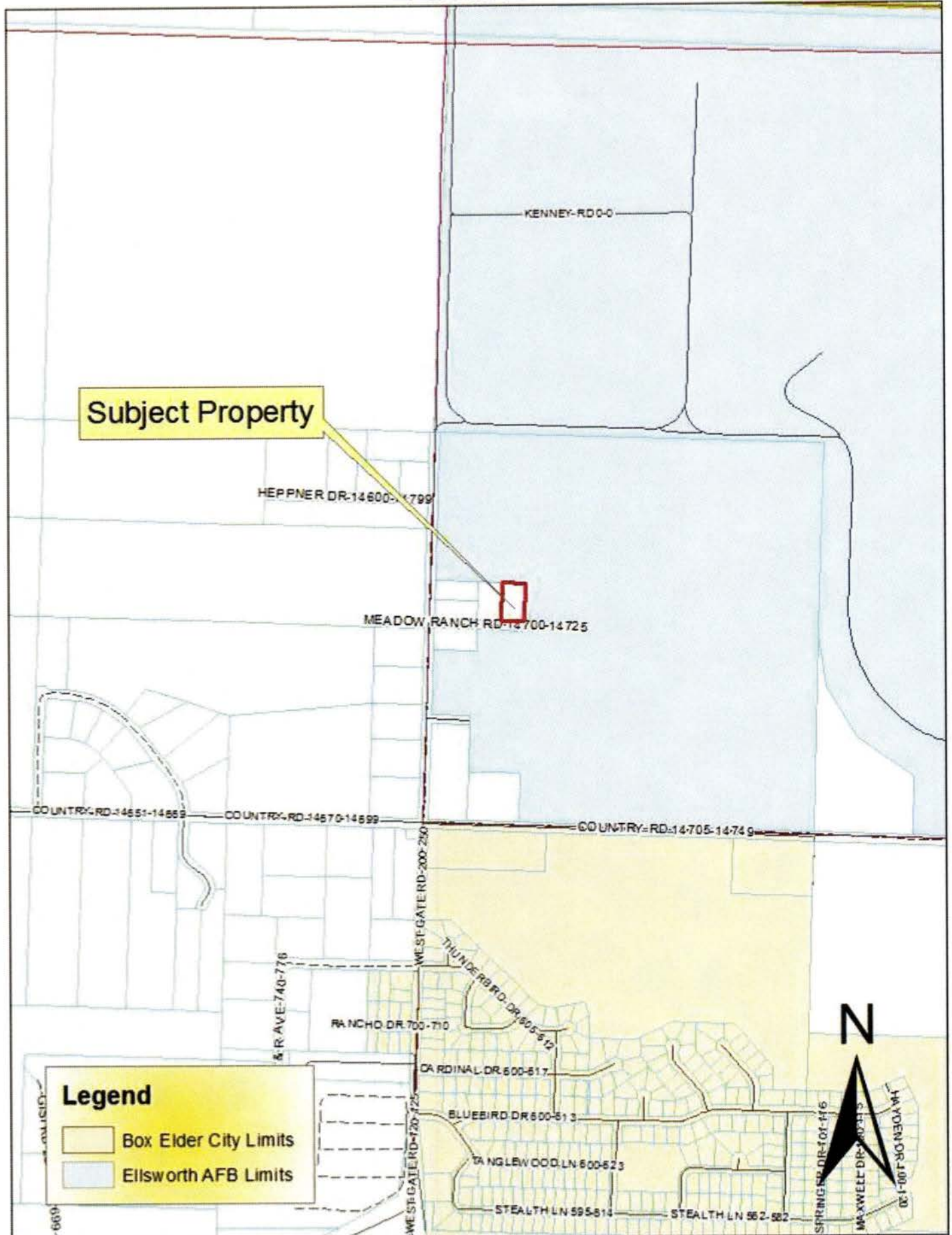
*Distance of garage from existing shed (shed on or over property line of Lot 7)*

**RECOMMENDATION:** Staff recommends approval of the extension of Conditional Use Permit / CU 18-10 with the following eight (8) conditions:

1. That the applicant obtains a setback Variance within three (3) months of approval of the extension of this Conditional Use Permit for the existing garage on Lot 8 or move/remove the structure;
2. That the applicant stays familiar with Pennington County Zoning Ordinance § 301 (Airport Height and Hazard Zoning) and § 315 (Development Standards for Ellsworth Air Force Installation Compatibility Use Area) regarding future development of the existing properties involved in CU 18-10;
3. That all current and future addresses be posted in accordance with Pennington County Ordinance #20;
4. That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
5. That all local, state, and federal requirements for construction of the pole building and any other structures on the subject property be met;
6. That the subject property remains free of debris and junk vehicles;
7. That the accessory structures be used for personal use only and no commercial-type uses and not for living space; and,
8. That this Conditional Use Permit be reviewed in three (3) months in order for the applicant to have time to apply for a Variance or move the existing structure, on a complaint basis, or as directed by the Pennington County Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.



# ATKINS



Subject Property

KENNEY RD 0-0

HEPPNER DR. 14600-14799

MEADOW RANCH RD. 14700-14725

COUNTRY RD. 14651-14669

COUNTRY RD. 14670-14699

COUNTRY RD. 14705-14749

WEST GATE RD. 200-299

& R AVE. 740-776

RANCHO DR. 700-710

THUNDER RD. DR. 805-812

CARDINAL DR. 600-617

BLUEBIRD DR. 600-613

TANGLEWOOD LN. 600-623

STEALTH LN. 595-614

STEALTH LN. 562-582

SPRING HILL DR. 101-116

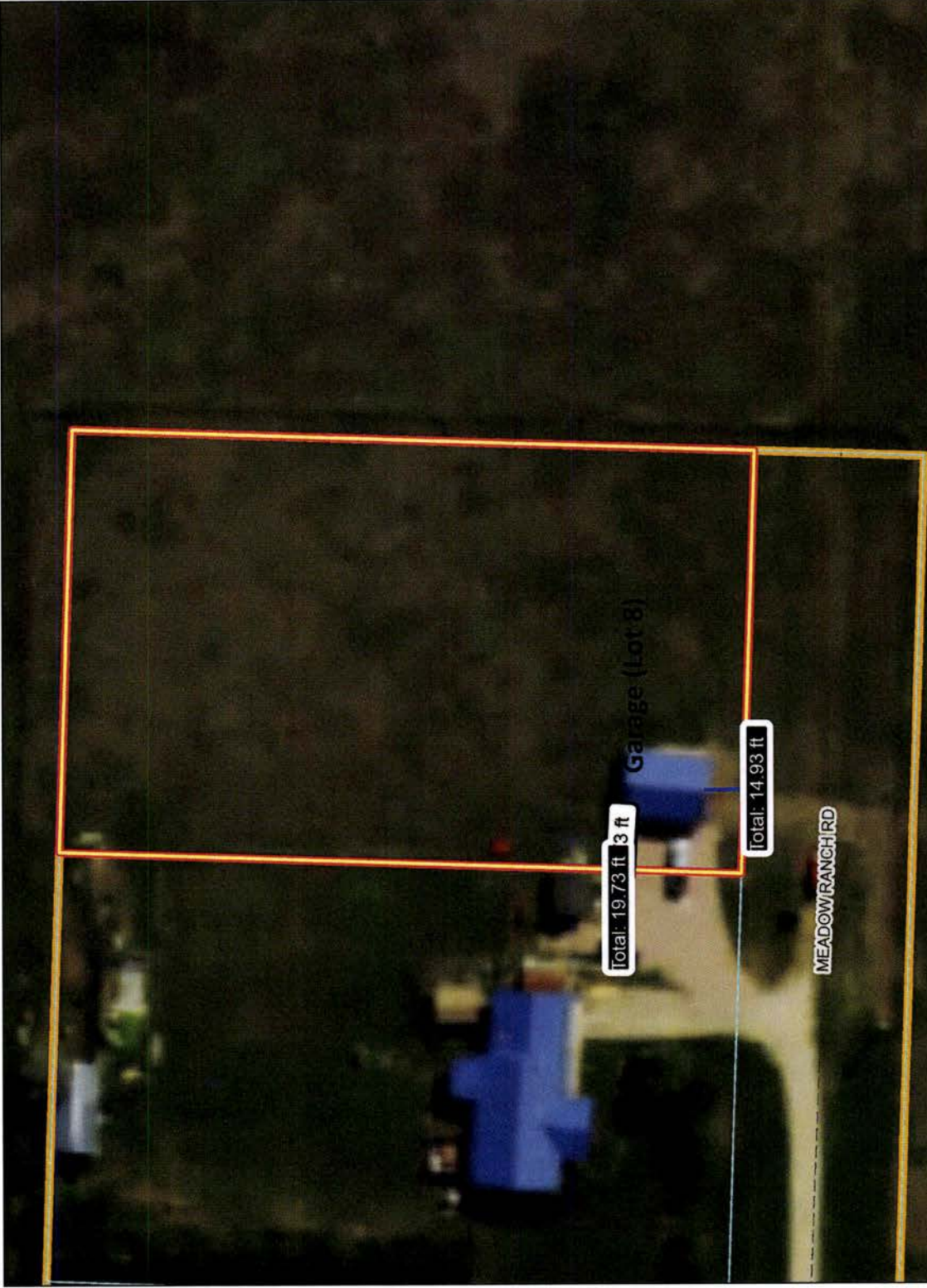
MAXWELL DR. 600-613

HAYDEN DR. 100-120

## Legend

- Box Elder City Limits
- Ellsworth AFB Limits

0 0.125 0.25 0.5 0.75 1 Miles



1: 692

### 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:

ATKINS

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**

115.3 Feet

57.64

0

## STAFF REPORT

### GENERAL INFORMATION:

#### REQUEST:

**CONDITIONAL USE PERMIT REVIEW / CU 18-18:** To review a rental home park on the subject property to include four (4) existing mobile home rental units and to allow an additional ten (10) rental units, which would include mobile homes and/or governor's homes, and to also allow a caretaker/manager's residence and shop building on the subject property in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

#### APPLICANT:

Randy Dowdy and Laura Luthy

#### APPLICANT ADDRESS:

1912 Country Road, Rapid City, SD 57701

#### OWNER:

Karen Luthy

#### OWNER ADDRESS:

22478 Bennett Road, Rapid City, SD 57701

#### LEGAL DESCRIPTION:

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

#### SITE LOCATION:

1912 Country Road; approximately .30 mile east of the intersection of 143<sup>rd</sup> Avenue and Country Road.

#### SIZE:

10.00 acres

#### TAX ID:

15073

#### EXISTING LAND USE:

Residential

#### ZONING REFERENCE:

§ 208 and 510

#### CURRENT ZONING:

Suburban Residential District

#### SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Flat

UTILITIES: Private

REPORT BY: Cassie Bolstad

### I. PROPOSED RECOMMENDATION

- A. Staff will be recommending approval of the extension of Conditional Use Permit / CU 18-18 with nineteen (19) conditions.

### II. GENERAL DESCRIPTION

- A. The applicant, Randy Dowdy, requested a Conditional Use Permit to allow a rental home park on the subject property. The rental home park will consist of: the four (4) existing mobile home rental units, up to ten (10) additional rental units, which would include mobile homes and/or governor's homes, and a caretaker/manager's residence and shop building.

### III. EXISTING CONDITIONS

- A. Zoned Suburban Residential District.
- B. 10 acres.
- C. Current access off of Country Road via existing approaches.
- D. Special Flood Hazard Area (100-year floodplain) on northern side of subject property.
- E. Lot contains:



- 1. Four (4) rental homes
  - a. Single-family residence (1910 Country Road) – built in 1974, per Department of Equalization (DOE) records.
  - b. Single-wide mobile home (1912 Country Road) – built in 1980, per DOE records.
  - c. Single-wide mobile home (1910 ½ Country Road) – moved on without a Building Permit in 2016.
    - i. Building Permit (COBP18-0320) submitted on May 15, 2018.
  - d. Single-wide mobile home (unknown address) – placed in 1988, per property card information.
    - i. Conditional Use Permit / CU 88-21 was approved by County Board on May 31, 1988, to allow this mobile home on the subject property.
- 2. Detached garage (32' x 25') – built in 1974, per DOE records.
- 3. Three (3) on-site wastewater treatment systems, per the applicant.
  - a. Located within Rapid City's 1-mile septic jurisdiction.

Existing lot

#### IV. ANALYSIS

- A. May 15, 2018 – The applicant, Randy Dowdy, applied for a Conditional Use Permit to allow a rental home park on the subject property.
- B. There are currently four (4) rental units on the subject property.
  1. It appears the use of the four (4) existing rental homes is legal non-conforming, based on aerial photos and DOE records.
- C. The applicant will be adding up to ten (10) rental homes and a caretaker/manager's residence, in addition to the four (4) existing homes.
  1. The applicant has indicated the additional ten (10) rental homes will be mobile homes and/or governor's homes and that he intends to personally own each of the homes and rent them out; rather than renting the lot like a mobile home park.
- D. The applicant plans to add additional on-site wastewater treatment systems for the new rental homes.
- E. June 25, 2018 – Planning Commission approved Conditional Use Permit / CU 18-18 with the following twenty (20) conditions:
  1. That the uses of the Conditional Use Permit be limited to a maximum of fourteen (14) rental homes, either mobile homes or governor's homes, and one (1) residence to be used as the caretaker/manager's residence;
  2. That the rental home park continually have a caretaker or manager's residence on-site and it be appropriately identified as such;
  3. That decks and accessory structures (i.e. garages and sheds) be allowed with the issuance of an approved Building Permit;
  4. That a minimum 20-foot separation between units (mobile home living space, including attached decks) and a minimum 10-foot separation between accessory structures (e.g. garages, sheds) and adjacent residences be maintained;
  5. That the minimum setback requirements of a Suburban Residential District be maintained. In addition, a minimum setback of ten (10) feet shall be maintained from all access roads within the rental home park;
  6. That the cul-de-sac radius of the interior roadway be increased to 48-feet and the interior roadway be constructed and maintained to a twenty-five (25) foot driving surface with a minimum four (4) inches of gravel and be continually maintained in a dust free manner;
  7. That prior to issuance of Building Permits for any of the proposed additional residences, the interior access road be named, access be consolidated to one (1) point, and all existing and future rental units be addressed off of the proposed interior roadway;
  8. That the four (4) existing rental units have their physical addresses verified and/or assigned, and added into the GIS system. ½ number addresses will not be allowed;

9. That prior to issuance of Building Permits for any of the proposed additional residences, the applicant provide the Planning Department with a Class I water system operator certification and State approved plans;
10. That prior to issuance of Building Permits for any of the proposed additional residences, the applicant meet with West River Electric to discuss the layout for the utilities and provide written approval from West River Electric to the Planning Department;
11. That all addresses assigned must be posted in accordance with Pennington County's Ordinance #20;
12. That approved On-Site Wastewater Permits be obtained from the City of Rapid City prior to any on-site wastewater treatment system(s) being installed on the subject property, which will also require review and approval by the South Dakota Department of Environment and Natural Resources;
13. That a minimum of two (2) off-street parking spaces be provided for each residence on the subject property. Each parking space must measure a minimum of nine (9) feet by eighteen (18) feet and be surfaced with gravel, concrete or asphalt and maintained in such a manner that no dust will result from continuous use;
14. That a Sign Permit be obtained prior to the installation of any signs on the subject property; all signs must meet the requirements of § 312 of the Pennington County Zoning Ordinance (PCZO);
15. That the property remains free of debris and junk vehicles and all structures be well-maintained;
16. That all existing drainage ways be maintained and erosion control measures be implemented on all disturbed areas so as not to allow any sedimentation of existing drainage ways or bodies of water per PCZO § 507(A). This includes any requirements set forth in the Pennington County Stormwater Quality Manual for erosion and sediment measures;
17. That an approved Building Permit be obtained for each new residence prior to construction and 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;
18. That an approved Floodplain Development Permit be obtained *prior* to any disturbance within the Special Flood Hazard Area on the subject property;
19. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 18-18, which is available at the Planning Office; and,
20. 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.

- F. To date, no work has been done to establish the rental home park.
- G. May 31, 2019 – Staff received an email from the applicant, Laura Luthy, who stated they plan to start installing utilities for the new homes before winter of 2019.
- H. Per § 510(E)(2) of the Pennington County Zoning Ordinance, “A Conditional Use Permit shall automatically expire if the use for which the Conditional Use Permit was granted has not been established, according to the terms and conditions of the Conditional Use Permit, within two years following the date of approval.”
  - 1. The applicants have until June 25, 2020, to establish the use granted by Conditional Use Permit / CU 18-18.
- I. Staff recommends to remove Condition #18, as it has been met.

**RECOMMENDATION:** Staff recommends approval of the extension of Conditional Use Permit / CU 18-18 with the following nineteen (19) conditions:

- 1. That the uses of the Conditional Use Permit be limited to a maximum of fourteen (14) rental homes, either mobile homes or governor’s homes, and one (1) residence to be used as the caretaker/manager’s residence;
- 2. That the rental home park continually have a caretaker or manager’s residence on-site and it be appropriately identified as such;
- 3. That decks and accessory structures (i.e. garages and sheds) be allowed with the issuance of an approved Building Permit;
- 4. That a minimum 20-foot separation between units (mobile home living space, including attached decks) and a minimum 10-foot separation between accessory structures (e.g. garages, sheds) and adjacent residences be maintained;
- 5. That the minimum setback requirements of a Suburban Residential District be maintained. In addition, a minimum setback of ten (10) feet shall be maintained from all access roads within the rental home park;
- 6. That the cul-de-sac radius of the interior roadway be increased to 48-feet and the interior roadway be constructed and maintained to a twenty-five (25) foot driving surface with a minimum four (4) inches of gravel and be continually maintained in a dust free manner;
- 7. That prior to issuance of Building Permits for any of the proposed additional residences, the interior access road be named, access be consolidated to one (1) point, and all existing and future rental units be addressed off of the proposed interior roadway;

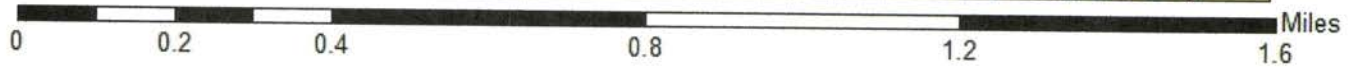
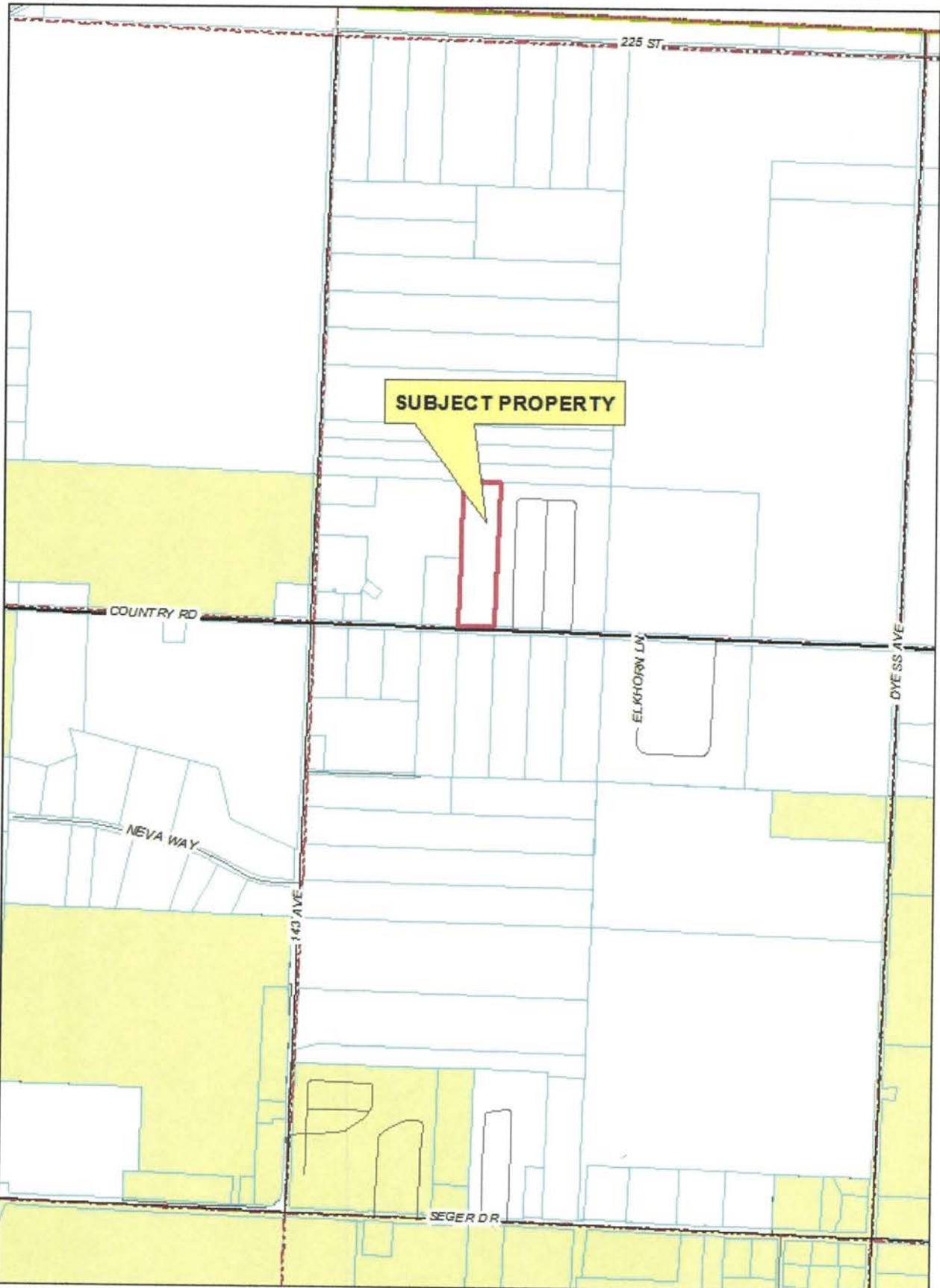
8. That the four (4) existing rental units have their physical addresses verified and/or assigned, and added into the GIS system. ½ number addresses will not be allowed;
9. That prior to issuance of Building Permits for any of the proposed additional residences, the applicant provide the Planning Department with a Class I water system operator certification and State approved plans;
10. That prior to issuance of Building Permits for any of the proposed additional residences, the applicant meet with West River Electric to discuss the layout for the utilities and provide written approval from West River Electric to the Planning Department;
11. That all addresses assigned must be posted in accordance with Pennington County's Ordinance #20;
12. That approved On-Site Wastewater Permits be obtained from the City of Rapid City prior to any on-site wastewater treatment system(s) being installed on the subject property, which will also require review and approval by the South Dakota Department of Environment and Natural Resources;
13. That a minimum of two (2) off-street parking spaces be provided for each residence on the subject property. Each parking space must measure a minimum of nine (9) feet by eighteen (18) feet and be surfaced with gravel, concrete or asphalt and maintained in such a manner that no dust will result from continuous use;
14. That a Sign Permit be obtained prior to the installation of any signs on the subject property; all signs must meet the requirements of § 312 of the Pennington County Zoning Ordinance (PCZO);
15. That the property remains free of debris and junk vehicles and all structures be well-maintained;
16. That all existing drainage ways be maintained and erosion control measures be implemented on all disturbed areas so as not to allow any sedimentation of existing drainage ways or bodies of water per PCZO § 507(A). This includes any requirements set forth in the Pennington County Stormwater Quality Manual for erosion and sediment measures;
17. That an approved Building Permit be obtained for each new residence prior to construction and 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;
18. That an approved Floodplain Development Permit be obtained *prior* to any disturbance within the Special Flood Hazard Area on the subject property; and,



Agenda Item #12  
Randy Dowdy and Laura Luthy  
June 24, 2019

19. 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.

# DOWDY / LUTHY



# DOWDY / LUTHY



SUBJECT PROPERTY

COUNTRY RD

Rapid City-Pennington County GIS Division



NORTH



0 0.025 0.05 0.1 0.15 0.2 Miles



## STAFF REPORT

### GENERAL INFORMATION:

REQUEST: CONDITIONAL USE PERMIT REVIEW/ CU 18-19: To review 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: Greg Bolt

APPLICANT ADDRESS: 13347 Silver Mountain Road  
Rapid City, SD 57702

LEGAL DESCRIPTION: Lot 7, Back Road Subdivision, Section 22, T1S, R6E, BHM, Pennington County, South Dakota.

SITE LOCATION: 13351 Silver Mountain Road; approximately 0.6 miles northeast of the intersection of S. Highway 16 and Silver Mountain Road.

SIZE: 3.07 acres

TAX ID: 68662

EXISTING LAND USE: Residential

ZONING REFERENCE: § 207, 318, and 510

CURRENT ZONING: Low Density Residential District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Forested / Hills

UTILITIES: Private

REPORT BY: Brittney Molitor

**I. PROPOSED RECOMMENDATION**

- A. Staff will be recommending to continue the review of Conditional Use Permit / CU 18-19 to the July 22, 2019, Planning Commission meeting.

**II. GENERAL DESCRIPTION**

- A. The applicant, Greg Bolt, requested a Conditional Use Permit to allow a one (1) bedroom Guest House on the subject property.

**III. EXISTING CONDITIONS**

- A. Zoned Low Density Residential District, minimum three (3) acre lot size.  
B. 3.07 acres.  
C. Access off of Silver Mountain Road.  
D. No Special Flood Hazard Area on the subject property.  
E. Lot contains:  
1. A single-family residence with attached garage and decks - COBP18-0293 and COSD 18-0032.  
a. Building Permit approved on May 18, 2018.  
2. A guest house - COBP18-0294 and COSD18-0032.  
a. Building Permit approved on July 11, 2018.

**IV. HISTORY**

- A. May 7, 2018 – The applicant, Greg Bolt, applied for two (2) Building Permits.  
1. COBP18-0293 – to construct a single-family residence with attached garage and decks to be constructed on the subject property.  
2. COBP18-0294 – to construct a Guest House on the subject property.  
B. During review of COBP18-0294, staff found that a Conditional Use Permit had not been obtained for the proposed Guest House.  
1. Pennington County Zoning Ordinance (PCZO) § 207(C)(17) lists “Guest House in accordance with Section 318” as a Conditional Use in a Low Density Residential District.  
C. May 30, 2018 – Applicant applied for Conditional Use Permit / CU 18-19.  
D. On June 25, 2018, the Planning Commission approved Conditional Use Permit / CU 18-19 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. That the rental or lease of the Guest House or the use of the Guest House as a permanent resident for a second family on the premises shall be prohibited;  
3. That the Guest House shall not be used for more than 180 days per calendar year;

4. That the primary dwelling, upon completion, be classified as owner-occupied and proof of status be provided to the Planning Department, in accordance with PCZO § 318(B)(10);
  5. 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;
  6. That the Guest House utilize the same on-site wastewater treatment system as the primary dwelling, except if required and approved by the Pennington County Environmental Planner;
  7. That both the addresses assigned for the primary residence and the Guest House be posted so they are clearly visible from Silver Mountain Road, in accordance with Pennington County Ordinance #20;
  8. That the Guest House be continually utilized and maintained in accordance with all requirements of PCZO § 318;
  9. 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;
  10. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 18-19, which is available at the Planning Office; and,
  11. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.
- E. On August 6, 2018, the onsite wastewater treatment system serving both the residence and the Guest House was installed and approved by Pennington County.

**V. REVIEW FOR JUNE 24, 2019 PLANNING COMMISSION MEETING**

- A. June 17, 2019 – Staff performed a site visit and found the following:
  1. The single-family residence is still under construction and not complete.
  2. The Guest House is still under construction and not complete.
- B. The single-family structure is still non-owner occupied, per Department of Equalization records (Condition #4).
- C. There is no deed restriction filed with the Register of Deeds for the guest house (Condition #1).
- D. Addresses were not posted (Condition #7).
- E. Staff does not have a copy of the signed Statement of Understanding (Condition #10).

Agenda Item #13  
Greg Bolt  
June 24, 2019

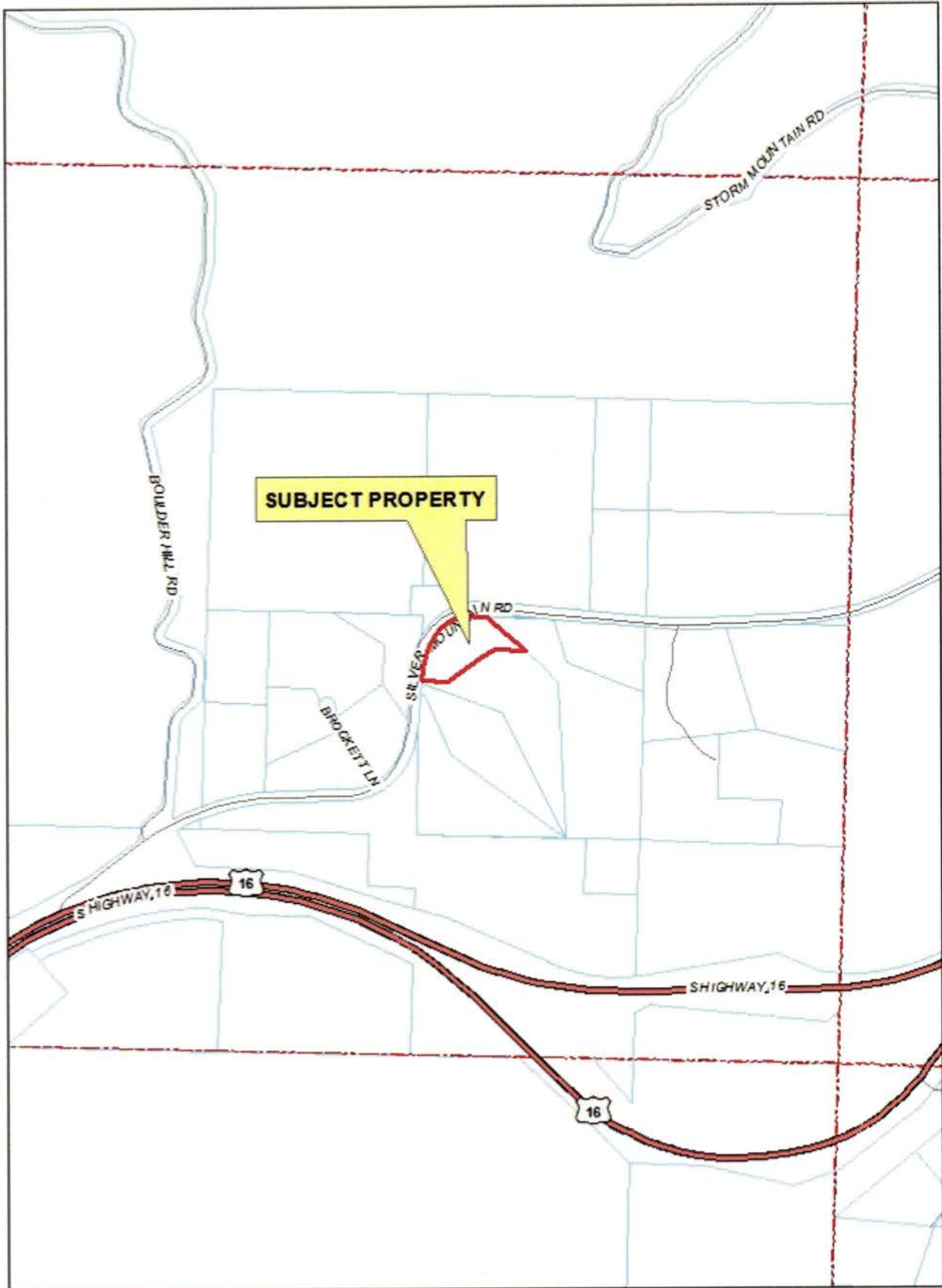


*Guest house and single-family residence*

**RECOMMENDATION:** Staff recommends to continue the review of Conditional Use Permit / CU 18-19 to the July 22, 2019, Planning Commission meeting in order for the applicant to file a deed restriction for the Guest House and sign the Statement of Understanding.



# BOLT



**SUBJECT PROPERTY**

STORM MOUNTAIN RD

BOULDER HILL RD

**SUBJECT PROPERTY**

SILVER MOUNTAIN RD

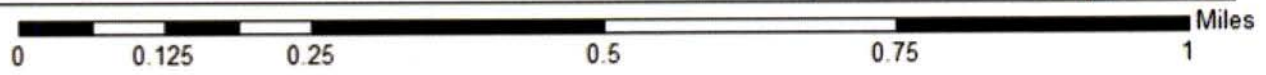
BRIDGET LN

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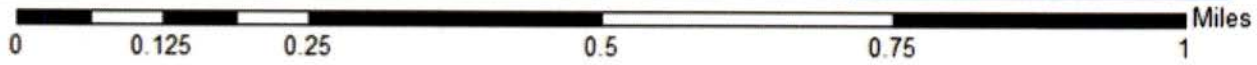
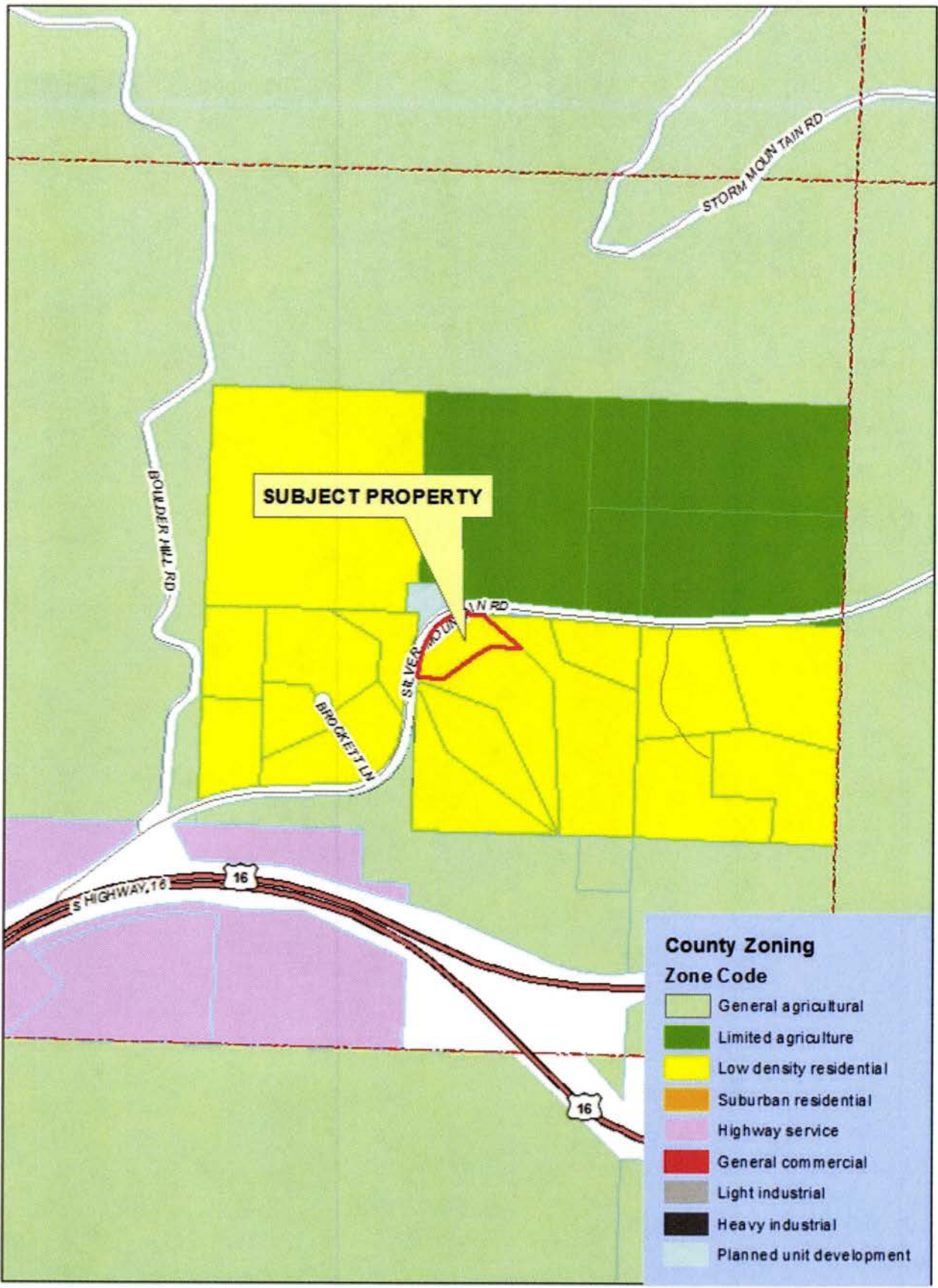
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SHIGHWAY, 16

16



# BOLT



STAFF REPORT

GENERAL INFORMATION:

REQUEST: **CONDITIONAL USE PERMIT REVIEW/ CU 18-20**: To review an existing shop building with living quarters to be used as 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: William and Corissa Busse

APPLICANT ADDRESS: 9750 Sheridan Lake Road, Rapid City, SD 57702

LOCAL CONTACT: William Busse

LEGAL DESCRIPTION: Lot 8, Feay Reder Subdivision, Section 36, T1N, R6E, BHM, Pennington County, South Dakota.

SITE LOCATION: 9750 Sheridan Lake Road; approximately 1.5 miles west of the City Limits of Rapid City and west of the intersection of Stirrup Court and Sheridan Lake Road.

SIZE: 1.47 acres

TAX ID: 2266

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	Suburban Residential District
West	Suburban Residential District

PHYSICAL CHARACTERISTICS: Forested / Hills

UTILITIES: Private

REPORT BY: Kristina Proietti

**I. PROPOSED RECOMMENDATION**

- A. Staff will be recommending approval of the extension of Conditional Use Permit / CU 18-20 with sixteen (16) conditions.

**II. GENERAL DESCRIPTION**

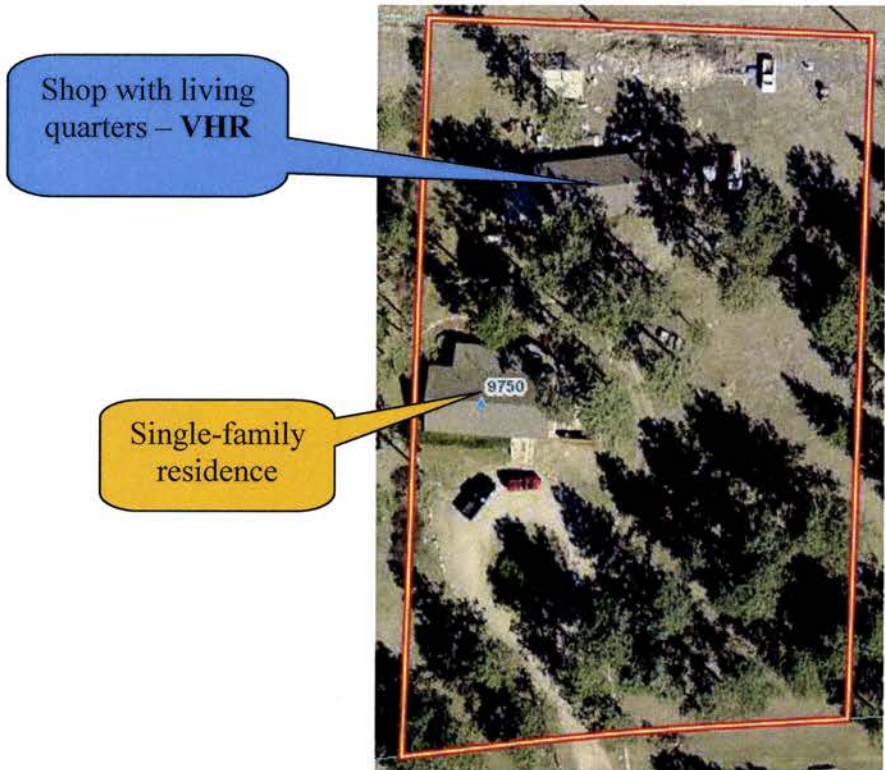
- A. On May 29, 2018, the applicants, William and Corissa Busse, requested a Conditional Use Permit to allow an existing one (1) bedroom shop building with living quarters to be used as a Vacation Home Rental on the subject property.
- B. On June 25, 2018, Planning Commission approved Conditional Use Permit / CU 18-20 with the following seventeen (17) conditions:
1. That only the existing one (1) bedroom shop with living quarters be allowed to be utilized as a Vacation Home Rental on the subject property;
  2. That the maximum overnight occupancy of the VHR, 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 to the structure or upgrades/alterations to the on-site wastewater treatment system;
  5. That each review of Conditional Use Permit / CU 18-20, be subject to PCZO § 511(F)(3), which imposes a \$100 fee per review;
  6. That prior to operation, the applicant obtain 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;
  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 two (1) off-street parking spaces be provided on-site for the VHR, per PCZO § 310(A)(9)(gg), 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 Department, during operation of the Vacation Home Rental;
10. That a physical address be assigned for the VHR and the addresses for both residences be posted 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 William Busse, the interior informational sign be updated and the applicant re-notify the Planning Department and surrounding landowners within 500 feet via notices, provided by the Planning Department, sent by First Class Mail;
13. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
14. That an approved Sign Permit be obtained prior to the placement of any on premise sign(s);
15. That an approved 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 at the Planning Office within ten (10) business days of approval of Conditional Use Permit / CU 18-20; 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.

### III. EXISTING CONDITIONS

- A. Suburban Residential District.
- B. 1.47 acres.
- C. Access off of Sheridan Lake Road, via an existing approach.
- D. No Special Flood Hazard Area on the subject property.
- E. Lot contains:
  1. Single-family residence – Built in 1961, per Department of Equalization (DOE) records.
    - i. On-Site Wastewater Treatment System Construction Permit / 20000COSD240.
      - (a) Operating Permit / COOP17-0073.
  2. Detached shop building with living quarters – Built in 1968 per DOE records.
    - i. Operating Permit (COOP18-0364).
  3. 12' x 16' storage shed – COBP17-0204.

Agenda Item #14  
William and Corissa Busse  
June 24, 2019



Site photo 6/12/2019.

**IV. ANALYSIS**

- A. June 12, 2019, staff performed a site-visit to the subject property and found the owner to be in compliance and meeting all the Conditions of Approval.
- B. The applicants have obtained the recent 2019 South Dakota Department of Health Lodging License for the cabins.
- C. The Vacation Home Rental informational and evacuation sheets are current and posted accordingly.
- D. All required fire extinguishers and smoke alarms are located in their designated spots.
- E. At the time of this Staff Report, staff has not received any complaints regarding the subject property or Conditional Use Permit / CU 18-20.

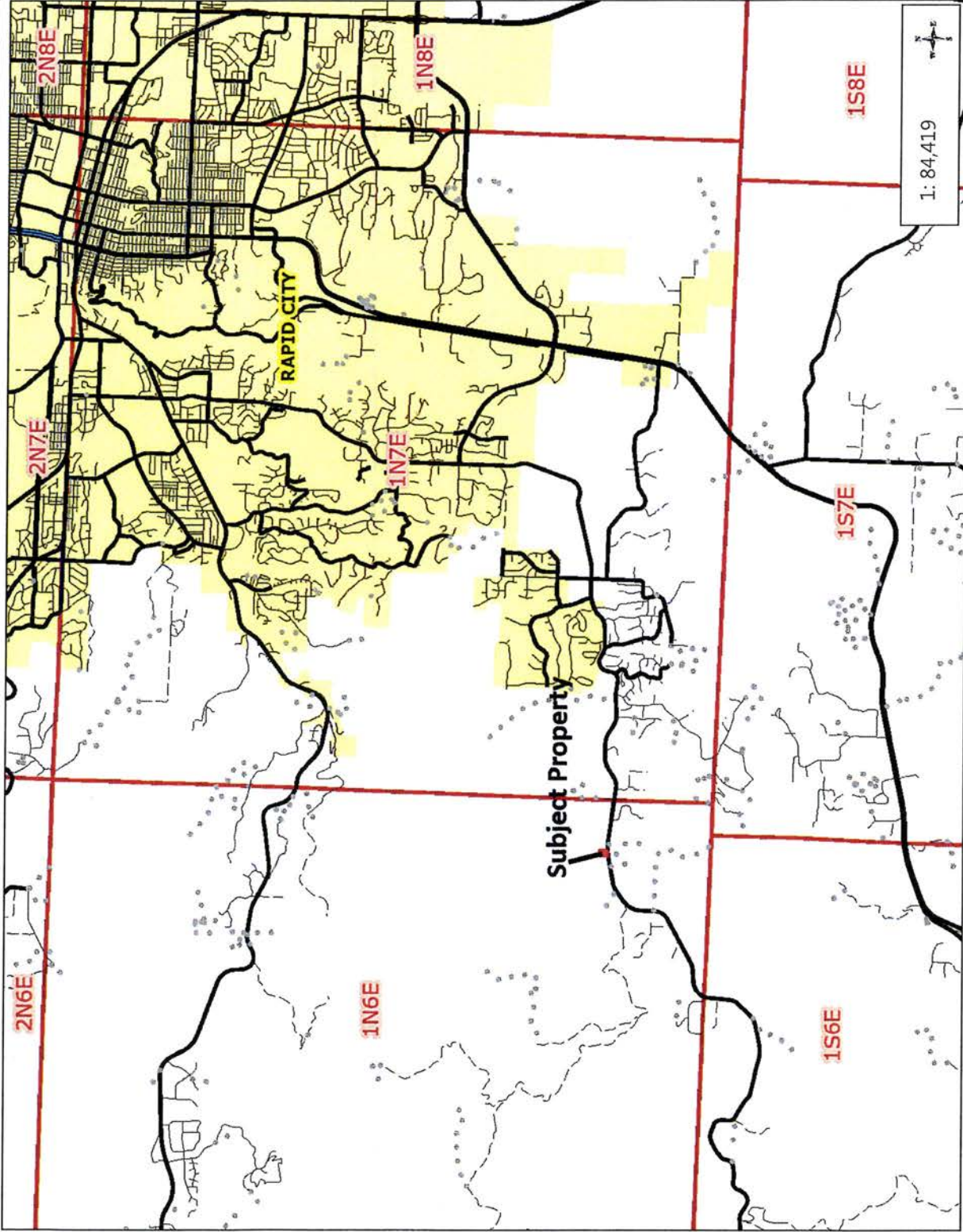
**RECOMMENDATION:** Staff recommends approval of Conditional Use Permit / CU 18-20 with the following sixteen (16) conditions:

1. That only the existing one (1) bedroom shop with living quarters be allowed to be utilized as a Vacation Home Rental on the subject property;
2. That the maximum overnight occupancy of the VHR, 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 to the structure or upgrades/alterations to the on-site wastewater treatment system;
5. That each review of Conditional Use Permit / CU 18-20, be subject to PCZO § 511(F)(3), which imposes a \$100 fee per review;
6. That the applicant continually maintain 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;
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 upon request;
8. That a minimum of one (1) off-street parking spaces continue to be provided on-site for the VHR, per PCZO § 310(A)(9)(gg), measuring a minimum of 9-feet by 18-

feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;

9. That an interior informational sign continue to be posted in accordance with the requirements of PCZO § 319(G), with 9-1-1 and (605) 394-2151 listed as contacts for Fire Department and Sheriff's Department, during operation of the Vacation Home Rental;
10. That the property addresses continue to be clearly posted on the property so it is visible from both directions along Sheridan Lake Road, in accordance to 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 William Busse, the interior informational sign be updated and the applicant re-notify the Planning Department and surrounding landowners within 500 feet via notices, provided by the Planning Department, sent by First Class Mail;
13. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
14. That an approved Sign Permit be obtained prior to the placement of any on premise sign(s);
15. That an approved 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,
16. 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.





14,069.8

7,034.92

14,069.8 Feet

1: 84,419

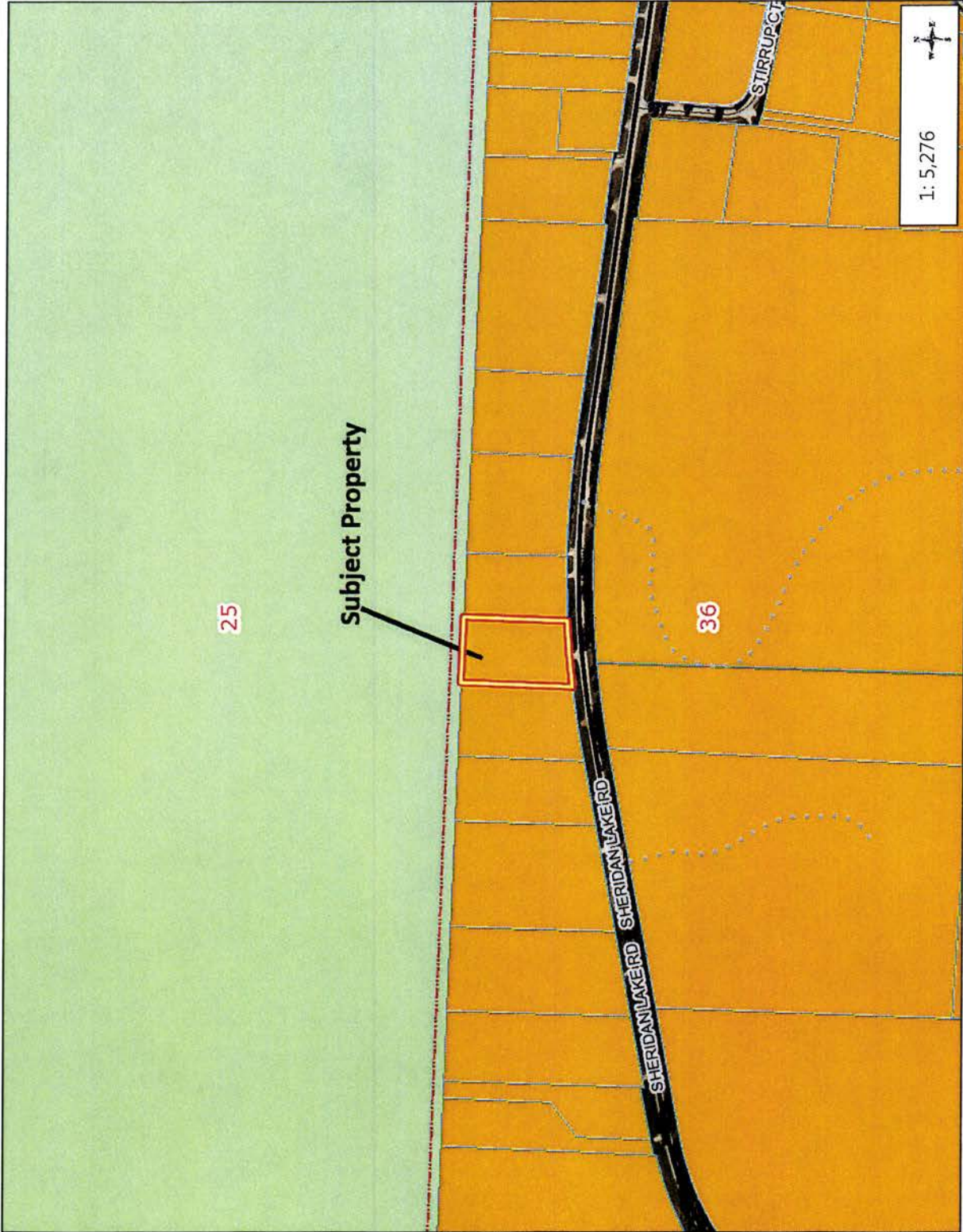


This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.  
THIS MAP IS NOT TO BE USED FOR NAVIGATION

### Map Notes:

### Legend

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



1: 5,276

879.4 0 439.68 879.4 Feet

NAD\_1983\_StatePlane\_South\_Dakota\_South\_FPS\_4002\_Feet  
© City of Rapid City GIS

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**Legend**

**Roads**

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

**Section Lines 0-25k**

- 0
- 7

**Tax Parcels**

**Lot Lines**

- <Null>
- Lot Line
- Parcel Line

**Pennington County Zoning**

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

**Map Notes:**



1: 10,552



1,758.7  
879.37  
1,758.7 Feet  
NAD\_1983\_StatePlane\_South\_Dakota\_South\_FIPS\_4002\_Feet  
© City of Rapid City GIS

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**Legend**

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

**Map Notes:**

William Busse VHR  
Guest House in the Forest  
Site visit photos  
6/12/2019

Fire extinguishers



Smoke alarms



**Welcome to the Guest House in the Forest!**

**In the event of an emergency call 911.**

Homeowner and Host: William Busse; Direct Phone 605 430 8068 (May be reached on a 24 hr basis)

**Guest House Address:**

**9752 Sheridan Lake Rd. / Rapid City, SD 57702**

**House Rules and Regulations**

Maximum amount of individuals allowed to stay in the house is limited to 6 occupants per South Dakota DNR. House rules are 2 adults and children.

Maximum of 2 daytime guests are allowed in addition to overnight guests. No parties are allowed and no daytime guests or guests will be allowed to visit after 9pm. Quiet time is 10pm and strictly enforced.

There are several parking spaces, please park on the north side of the guest house or on the north property boundary. Failure to park in the designed areas is a violation of county ordinance.

The use of open fires, fire pits, fireworks, charcoal burning grills, (or other open flames) is not allowed. No smoking is allowed in the house and must be completely put out and butts thrown in the trash.

No pets are allowed on property without permission from host. South Dakota leash laws apply if pet is allowed.

Quiet Hours are strictly enforced 10pm to 6am. No loud music or obnoxious behavior.

Please drop off trash in the black trash can located on the east side of the main house. Pick up day is Monday morning and the can goes out Sunday night.

Occupants and guests are responsible for any disturbances or for violating any provisions stated here or among State and Local Laws.

Guest are expected to be courteous to all neighbors and respect property boundaries.

**Rapid City Regional Emergency Hospital**

853 Fairmont Blvd, Rapid City, SD 57701  
Phone: (605) 755-8222

**Pennington County Sheriff's Office**

300 Kansas City St #300, Rapid City, SD 57701  
Phone: (605) 394-6113



**SOUTH DAKOTA  
DEPARTMENT OF HEALTH  
LODGING LICENSE**



Issued To: GUEST HOUSE IN THE FOREST LLC

License Type  
**Bed and Breakfast License**

Located At: GUEST HOUSE IN THE FOREST  
9750 SHERIDAN LAKE RD  
RAPID CITY, SD 57702

License Number  
**20590**  
Number of Units

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 18-44**: To review a Ranch Hand's residence on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

APPLICANT/AGENT: Ed McMahon

APPLICANT ADDRESS: 23805 S. Highway 79, Rapid City, SD 57702

LEGAL DESCRIPTION: W1/2NE1/4 less Lot H1 and Lot H2; NW1/4; NE1/4SW1/4; S1/2SW1/4; NW1/4SE1/4 less Lot H1 and Lot H2, Section 17, T1S, R8E, BHM, Pennington County, South Dakota.

SITE LOCATION: 23805 S. Highway 79; near the intersection of Lower Spring Creek Road and S. Highway 79.

SIZE: 376.75 acres

TAX ID: 49659

EXISTING LAND USE: Residential / Agriculture

ZONING REFERENCE: § 205 and 510

CURRENT ZONING: General Agriculture

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Rolling Hills / Open Meadow

UTILITIES: Private

REPORT BY: Kristina Proietti

**I. PROPOSED RECOMMENDATION**

- A. Staff will be recommending approval of Conditional Use Permit / CU 18-44 with seven (7) conditions.

**II. GENERAL DESCRIPTION**

- A. The applicant, Ed McMahan, applied for a Conditional Use Permit to allow an existing Ranch Hand's Residence, which is not a mobile home, for use on the subject property.
1. When the existing structure was permitted on December 7, 2004, a Flood Study was provided by FMG, Inc., showing the subject property to be out of the Special Flood Hazard Area, Building Permit / 2004COBP0765.
  2. In 2008, Mr. McMahan started converting a portion of the pre-existing structure into livable space.
  3. In 2013, FEMA delineated the lines and the subject property was placed into the Special Flood Hazard area (since the structure and livable space were constructed prior to the 2013 FEMA maps, the structure is considered to be legal non-conforming, or Pre-FIRM).
- B. In a General Agriculture District, a primary residence and one Ranch Hand's Residence are permitted uses as long as the Ranch Hand Residence is a mobile home. Additional Ranch Hand's Residences or non-mobile home housing for hired help require a Conditional Use Permit in accordance with § 205(C)(24) of the Pennington County Zoning Ordinance (PCZO).
- C. Conditional Use Permit / CU 18-44 was approved by the Planning Commission on December 17, 2018 to allow for the existing Ranch Hand's Residence on the subject property with the following ten (10) conditions:
1. That the addresses for both the existing house and ranch hand's residence be posted, in accordance with Pennington County's Ordinance #20;
  2. That a Floodplain Development Permit be obtained prior to any disturbance within the Special Flood Hazard Area;
  3. 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;
  4. That the applicant sign a "Ranch Hand's Statement" verifying that he is directly engaged in the operation of the farm or ranch located on the property;
  5. That the minimum setback requirements of a General Agriculture District be continually maintained on the property;
  6. That the subject property remains free of debris and junk vehicles;
  7. That an On-Site Wastewater Construction Permit be obtained or if already existing, the OSWTS be verified and sized correctly for the Ranch Hand's Residence within sixty (60) days of Conditional Use Permit approval;

8. That the residence be occupied by a Ranch Hand or used as housing for daily help at all times, and not be used as a rental by someone not engaged in the operating of the farm or ranch located on the subject property;
9. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 18-44, which is available at the Planning Office; and,
10. That this Conditional Use Permit be reviewed in six (6) months, on a complaint basis, or as deemed necessary by the 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. Lot contains:
  1. Single-Family Residence constructed in 1896 per Department of Equalization (DOE) records.
  2. 9,000 square foot Storage Shed / 2004COBP0765, containing the living quarters.
- C. There is Special Flood Hazard Area on the subject property where the existing Ranch Hand Residence is located, however, when the existing structure was permitted on December 7, 2004, a Flood Study was provided by FMG, Inc., showing the subject property to be out of the Special Flood Hazard Area, see Image 1.





**IV. ANALYSIS**

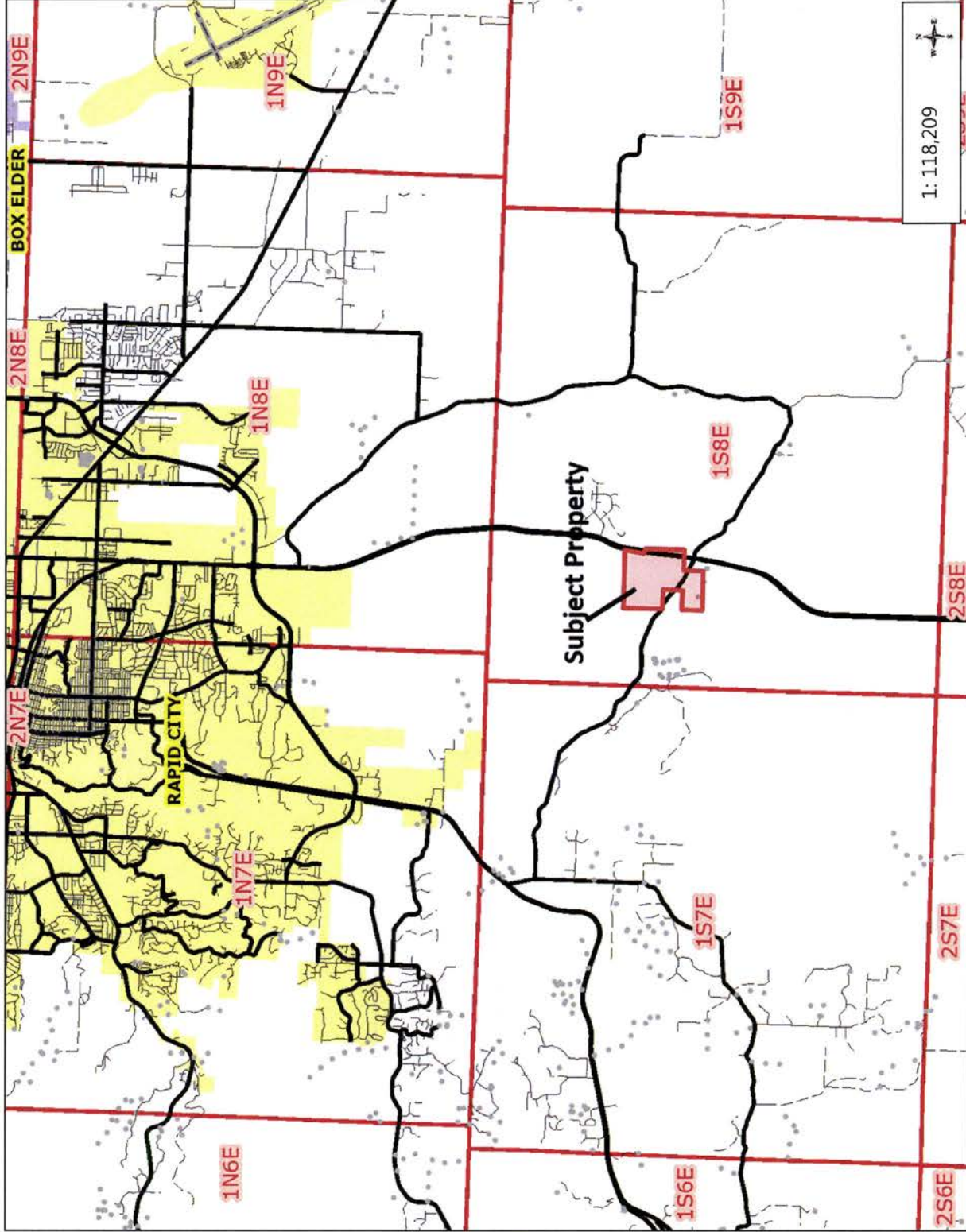
- A. Staff spoke with the applicant, Mr. McMahon on the phone on June 17, 2019, and on June 18, 2019 staff performed a site visit to the subject property and found the owner to be in compliance and meeting all the Conditions of Approval.
- B. At the time of this Staff Report, staff has not received any complaints regarding the subject property or Conditional Use Permit / CU 18-44.
- C. Staff recommends to remove Condition #7 as it has been met.



Agenda Item #15  
Ed McMahan  
June 10, 2019

**RECOMMENDATION:** Staff recommends approval of Conditional Use Permit / CU 18-44 with the following seven (7) conditions:

1. That the addresses for both the existing house and ranch hand's residence continue to be posted, in accordance with Pennington County's Ordinance #20;
2. That a Floodplain Development Permit be obtained prior to any disturbance within the Special Flood Hazard Area;
3. 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;
4. That the applicant sign a "Ranch Hand's Statement" verifying that he is directly engaged in the operation of the farm or ranch located on the property;
5. That the minimum setback requirements of a General Agriculture District be continually maintained on the property;
6. That the residence be occupied by a Ranch Hand or used as housing for daily help at all times, and not be used as a rental by someone not engaged in the operating of the farm or ranch located on the subject property; and,
7. That this Conditional Use Permit be reviewed in two (2) years, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.



1: 118,209



**Legend**

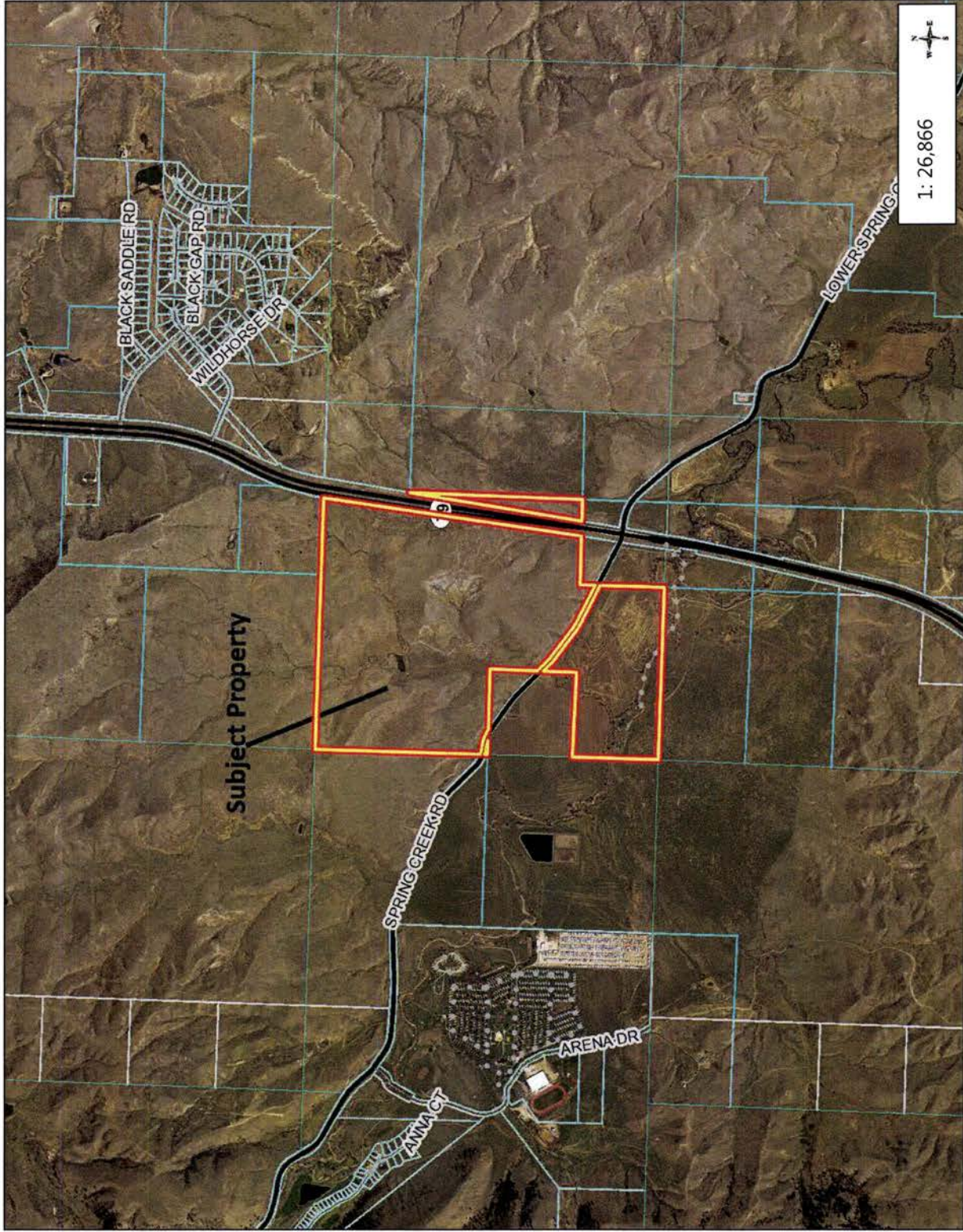
- Roads**
- Interstate
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  - County highway
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  - Collector
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  - Paved road
  - Unpaved road
  - Trail
  - Driveway
  - Alley
  - Unimproved road
  - 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:**

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





4,477.6

2,238.81

4,477.6 Feet

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

**Legend**

**Roads**

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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**

- <Null>
- Lot Line
- Parcel Line

**OtherCitieslargerscale**

**Map Notes:**

## STAFF REPORT

### GENERAL INFORMATION:

**REQUEST:** **CONDITIONAL USE PERMIT / CU 19-15:** To allow for a caretaker's residence on the subject property after a single-family residence is built in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

**APPLICANT:** Samuel G. Fullerton III

**APPLICANT ADDRESS:** 2911 Motherlode Drive, Rapid City, SD 57702

**LEGAL DESCRIPTION:** Lot 12, Kieffer Ranch Estates, Section 16, T1S, R7E, BHM, Pennington County, South Dakota.

**SITE LOCATION:** Windmill Road; located east of the intersection of Windmill Road and Kieffer Ranch Road.

**SIZE:** 13.43 acres

**TAX ID:** 57478

**EXISTING LAND USE:** Vacant

**ZONING REFERENCE:** § 206 and 510

**CURRENT ZONING:** Limited Agriculture District

**SURROUNDING ZONING:**

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

**PHYSICAL CHARACTERISTICS:** Forested / Mountainous

**UTILITIES:** None

**REPORT BY:** Kristina Proietti

**I. PROPOSED RECOMMENDATION**

- A. Staff will be recommending to continue Conditional Use Permit / CU 19-15 to the July 8, 2019 Planning Commission meeting.

**II. GENERAL DESCRIPTION**

- A. The applicant, Samuel Fullerton applied for a Conditional Use Permit on May 14, 2019 to allow for a two (2) bedroom caretaker's residence on the subject property after a single-family residence is built.

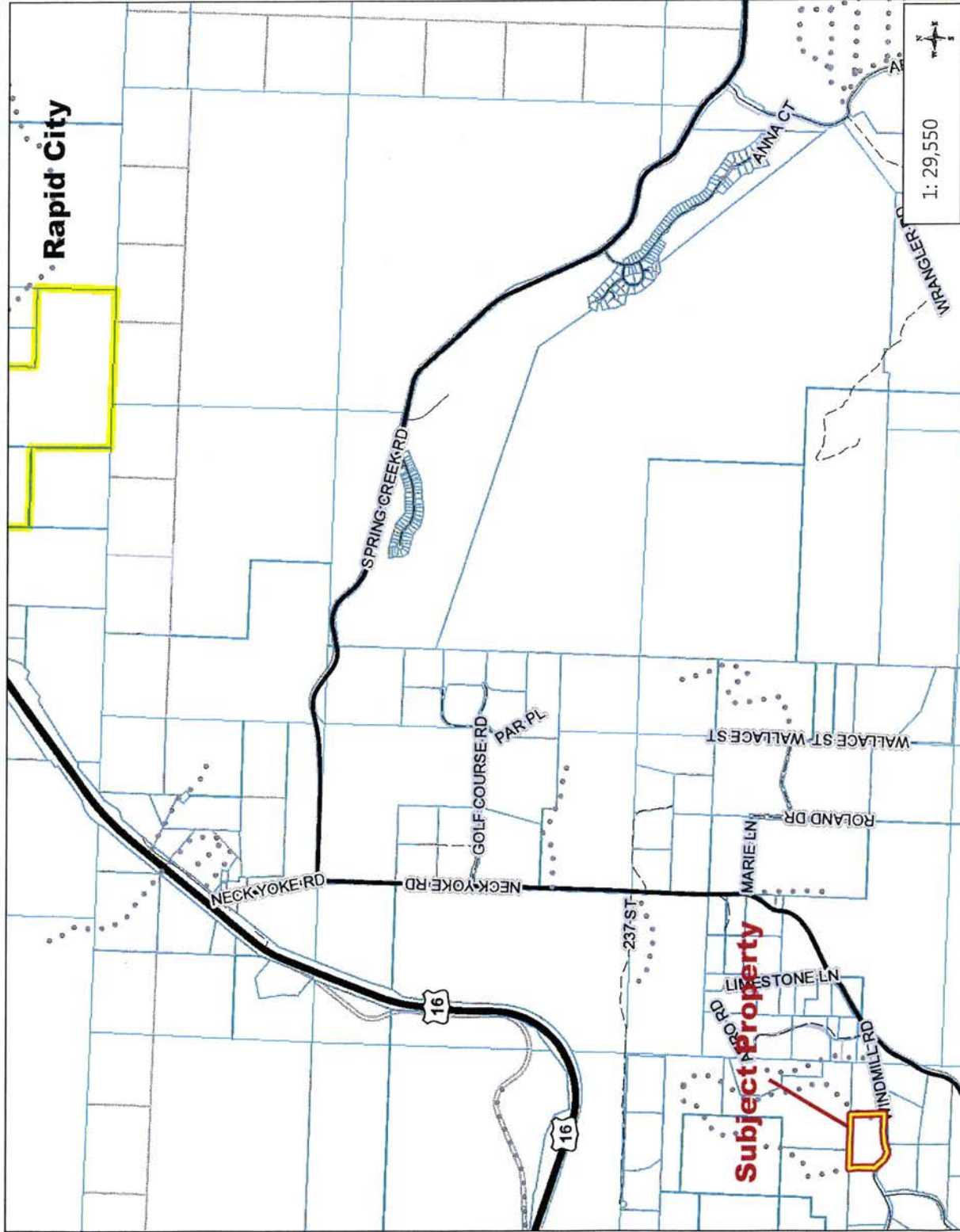
**III. EXISTING CONDITIONS**

- A. Zoned General Agriculture District.
- B. 13.43 acres.
- C. Access taken off of Windmill Road.
- D. Located within the Kieffer Ranch Road District.
- E. Located within the West Dakota Water District.
- F. Currently a vacant lot.
- G. No Special Flood Hazard Area on the subject property.

**VI. ANALYSIS**

- A. Staff was unable to contact the applicant, Mr. Fullerton, by way of the telephone number provided on the Conditional Use Permit Application to provide the applicant with the Property Owner Mailings, the sign to be posted on the subject property, as well as receiving a doctor's note indicating that care would be needed for occupant of the proposed caretaker's residence.
- B. Staff spoke with Mr. Fullerton on June 17, 2019, at the Planning and Zoning Office and informed him that the hearing date had been moved to July 8, 2019, to allow time for the applicant to address the aforementioned items listed above.

**RECOMMENDATION:** Staff recommends to continue Conditional Use Permit / CU 19-15 to the July 8, 2019, Planning Commission meeting, with the applicant's concurrence.



1: 29,550



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 THIS MAP IS NOT TO BE USED FOR NAVIGATION

**Legend**

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

**Map Notes:**



1:7,943



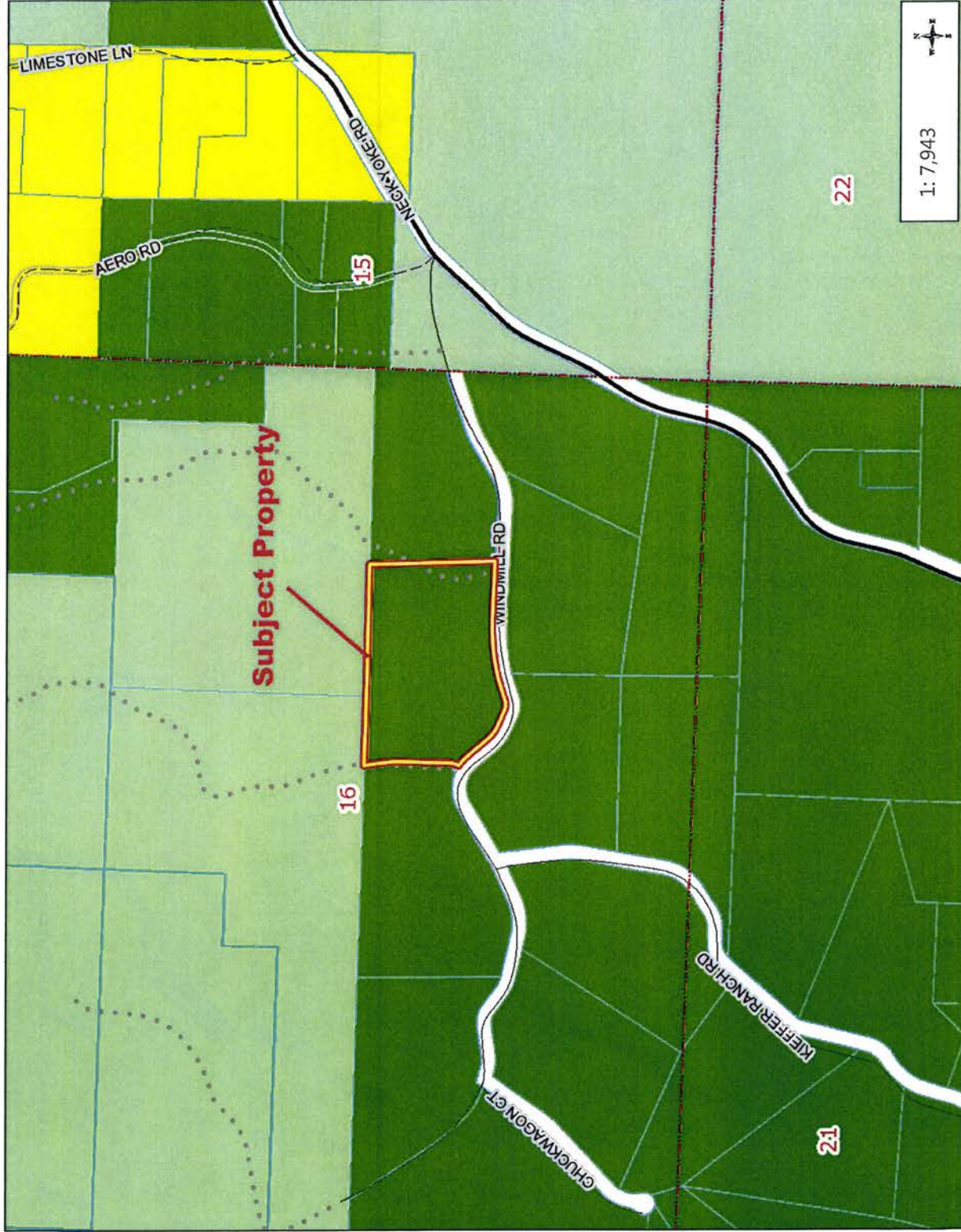
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**Map Notes:**

**Legend**

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





1: 7,943

1.323.8 0 661.89 1.323.8 Feet

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NAD\_1983\_StatePlane\_South\_Dakota\_South\_FIPS\_4002\_Feet  
© City of Rapid City GIS

**Legend**

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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:**

STAFF REPORT

GENERAL INFORMATION:

REQUEST: **CONSTRUCTION PERMIT REVIEW/ CP 15-15:** To review the stockpiling soil, leveling of plowed fields, and removal of soil from the property. The disturbed area is being returned to farm ground.

APPLICANT: Flack Trucking, Inc.

APPLICANT ADDRESS: 6568 Greenfield Drive, Rapid City, SD 57703

OWNER: Ted Schamber

OWNER ADDRESS: 3300 Bennett Road, Rapid City, SD 57701

LEGAL DESCRIPTION: Balance of the W1/2SE1/4 less lot H7; SW1/4 less Lot H6 and less right-of-way, Section 23, T2N, R8E, BHM, Pennington County, South Dakota.

SITE LOCATION: 3300 Bennett Road

TAX ID: 47739

SIZE: 3.00 acres of disturbance

EXISTING LAND USE: Vacant Land

ZONING REFERENCE: Section 507

CURRENT ZONING: General Agriculture District

SURROUNDING ZONING:

North	General Agriculture District Limited Agriculture District
South	City Limits of Box Elder
East	Interstate I-90
West	City Limits of Box Elder

PHYSICAL CHARACTERISTICS: Flat / Vacant

UTILITIES: None

REPORT BY: Cody Sack

**\*\*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 15-15.\*\***

**I. PROPOSED RECOMMENDATION**

- A. Staff will be recommending that the Planning Director approve Construction Permit / CP 15-15 with eleven (11) conditions.

**II. GENERAL DESCRIPTION**

- A. The applicant is requesting to extend Construction Permit / CP 15-15 and will continue stockpiling dirt and leveling plowed fields to remove soil from the above-legally described property. This Project was originally approved by the Planning Commission on June 23, 2008.
- B. July 10, 2017, the Planning Commission extended Construction Permit / 15-15 for this Project with the following eleven (11) conditions:
  - 1. That the approval of this Construction Permit does not constitute approval of any further application to be submitted on the above described properties;
  - 2. That a Haul Road Agreement from the County Highway Department be obtained, if necessary;
  - 3. That the Conditions of the Approval of the South Dakota Department of Environment and Natural Resources General Permit for Storm Water Discharges Associated with Construction Activities be continually met;
  - 4. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;
  - 5. That the Conditions of Approval of the City of Rapid City's Air Quality Permit be continually met;
  - 6. That the work be performed in accordance with the approved Floodplain Development Permit and the Pennington County Flood Damage Prevention Ordinance;
  - 7. That the applicant use the south approach off of Bennett Road to access the site;
  - 8. That any natural drainage ways and paths be continually maintained;
  - 9. That any monuments establishing property boundaries be replaced as necessary;

Agenda Item #17  
Flack Trucking  
June 24, 2019

10. That upon completion of the project, the disturbed areas shall be reclaimed in accordance with Section 507-A(5)(c) of the Pennington County Zoning Ordinance; and
  11. That this Construction Permits expires one (1) year from the approval date and may be reviewed on a complaint basis, or as directed by the Pennington County Planning Commission or the Board of Commissioners to verify that all Conditions of Approval are being met.
- C. June 25, 2018 – The Planning Commission approved the extension of Construction Permit / CP 15-15 with the following twelve (12) conditions:
1. That the approval of this Construction Permit does not constitute approval of any further application to be submitted on the above described properties;
  2. That a Haul Road Agreement from the County Highway Department be obtained, if necessary;
  3. That the Conditions of the Approval of the South Dakota Department of Environment and Natural Resources General Permit for Storm Water Discharges Associated with Construction Activities be continually met;
  4. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;
  5. That the Conditions of Approval of the City of Rapid City's Air Quality Permit be continually met;
  6. That the work be performed in accordance with the approved Floodplain Development Permit and the Pennington County Flood Damage Prevention Ordinance;
  7. That the applicant use the south approach off of Bennett Road to access the site;
  8. That any natural drainage ways and paths be continually maintained;
  9. That any monuments establishing property boundaries be replaced as necessary;
  10. That upon completion of the project, the disturbed areas shall be reclaimed in accordance with Section 507-A(5)(c) of the Pennington County Zoning Ordinance; and
  11. That a fee of \$250 be paid for the Construction Permit within 30 days of approval of this extension; and
  12. That this Construction Permits expires one (1) year from the approval date and may be reviewed on a complaint basis, or as directed by the Pennington County Planning Commission or the Board of Commissioners to verify that all Conditions of Approval are being met.

### III. EXISTING CONDITIONS

- A. Zoned General Agriculture District.
- B. Lot consists of 166.66 acres.
- C. Lot contains:
  - 1. Single-family residence - 1995COBP0516.
  - 2. Onsite Wastewater Treatment System - 1995COSD0112.
  - 3. Confinement barn (50' x 32') - Built in 1971.
  - 4. Farm Utility Building (20' x 20') - Built in 1971.
  - 5. Access is off Bennett Road (paved 24-foot-wide road maintained by Pennington County Highway).
  - 6. Five (5) approaches.
- D. Special Flood Hazard Area located on the property.
  - 1. Floodway and Floodplain.

### IV. ANALYSIS

- A. June 17, 2019 – Staff performed a site visit and found:
  - 1. There was machinery in the field but no work was being done.
  - 2. The field was flooded but it appeared to staff that the applicants are reclaiming the land back to agricultural use.
- B. June 19, 2019 – Staff spoke with the applicant who stated:
  - 1. Work is still being done on the property but with weather is hindering the work.
  - 2. The location of the work is the same.
  - 3. He would like to extend his permit for another year.

**RECOMMENDATION:** Staff would recommend the Planning Director approve Construction Permit / CP 15-15 with the following fifteen (15) conditions:

- 1. That the approval of this Construction Permit does not constitute approval of any further application to be submitted on the above described properties;
- 2. That a Haul Road Agreement from the County Highway Department be obtained, if necessary;
- 3. That the Conditions of the Approval of the South Dakota Department of Environment and Natural Resources General Permit for Storm Water Discharges Associated with Construction Activities be continually met;
- 4. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;
- 5. That the Conditions of Approval of the City of Rapid City's Air Quality Permit be continually met;

Agenda Item #17  
Flack Trucking  
June 24, 2019

6. That the work be performed in accordance with the approved Floodplain Development Permit and the Pennington County Flood Damage Prevention Ordinance;
7. That the applicant use the south approach off of Bennett Road to access the site;
8. That any natural drainage ways and paths be continually maintained;
9. That any monuments establishing property boundaries be replaced as necessary;
10. That upon completion of the project, the disturbed areas shall be reclaimed in accordance with Section 507-A(5)(c) of the Pennington County Zoning Ordinance; and
11. That this Construction Permits expires one (1) year from the approval date and may be reviewed upon the request of the Planning Director.

**Legend**

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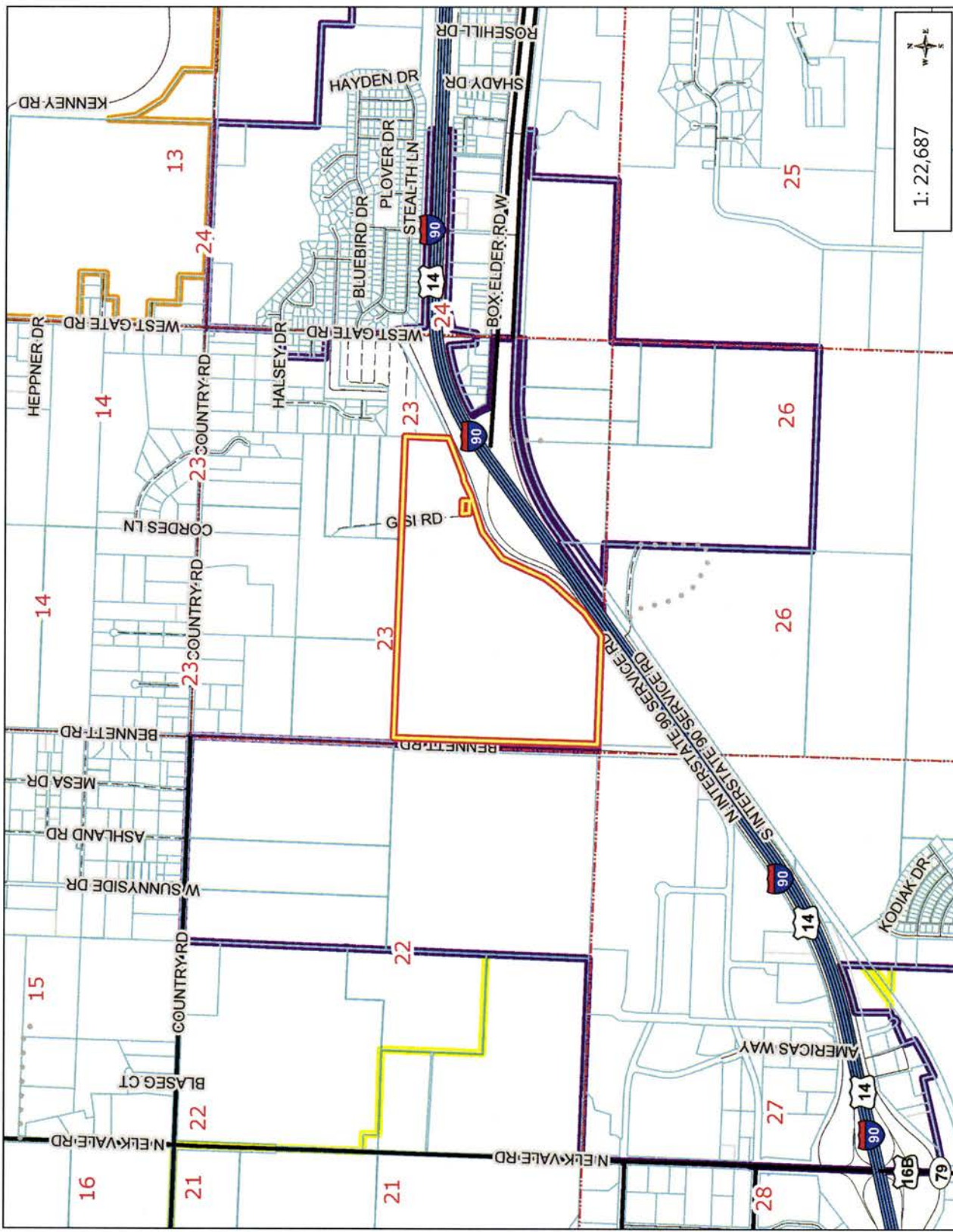
**Section Lines 0-25k**

- 0
- 7

**Tax Parcels**

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

**Map Notes:**



1: 22,687



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



1: 7,432

1,238.6 Feet

619.30

0

1,238.6

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NAD\_1983\_StatePlane\_South\_Dakota\_South\_FIPS\_4002\_Feet  
© City of Rapid City GIS

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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

**Map Notes:**



## STAFF REPORT

### GENERAL INFORMATION:

REQUEST: **CONSTRUCTION PERMIT REVIEW/ CP 17-03**: To review the grading of the site, use as a storage area to stockpile soil and concrete debris, and to make improvements to a drainage channel.

APPLICANT: Mitch Morris

APPLICANT ADDRESS: P.O. Box 867, Rapid City, SD 57709

LANDOWNER: Patrick Hall

LANDOWNER ADDRESS: 528 Kansas City St, Rapid City, SD 57701

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

SITE LOCATION: S. Highway 79

SIZE: 32.03 acres

EXISTING LAND USE: Residential/Vacant agriculture land

TAX ID: 68329

ZONING REFERENCE: § 209 and 507

CURRENT ZONING: General Commercial District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Flat / Prairie

UTILITIES: Private

REPORT BY: Cody Sack

**\*\*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 17-03.\*\***

**I. PROPSOED RECOMMENDATION**

- A. Staff will be recommending the Planning Director approve the extension of Construction Permit / CP 17-03 with the eight (8) conditions.

**II. GENERAL DESCRIPTION**

- A. The applicant applied for a Construction Permit to grade a portion of the site to be used as a soil and concrete debris stockpile area.
- B. On February 13, 2017, the Planning Commission approved Construction Permit / CP 17-03 with the following seven (7) conditions:
1. If the construction site exceeds one (1) acre, the Conditions of the Approval of the South Dakota Department of Environment and Natural Resources General Permits for Storm Water Discharges Associated with Construction Activities be continually met;
  2. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;
  3. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than 14 days after the Construction Activity has stopped. All erosion control methods (mulch and seed) need to be certified noxious weed-free;
  4. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;
  5. That the disturbed areas be re-vegetated as required in Section 507-A(5)(c);
  6. That the applicant sign a Statement of Understanding within ten (10) days of Permit approval; and,
  7. That this Construction Permit expires one (1) year from approval date, and may be reviewed on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all conditions of approval are being met.
- C. On March 26, 2018, the Planning Commission approved the extension of Construction Permit / CP 17-03 with the following seven (7) conditions:
1. If the construction site exceeds one (1) acre, the Conditions of the Approval of the South Dakota Department of Environment and Natural Resources General Permits for Storm Water Discharges Associated with Construction Activities be continually met;

2. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;
  3. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than 14 days after the Construction Activity has stopped. All erosion control methods (mulch and seed) need to be certified noxious weed-free;
  4. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;
  5. That the disturbed areas be re-vegetated as required in Section 507-A(5)(c);
  6. That perimeter controls must be implemented by October 3, 2018, and verified by staff that they are in place; and,
  7. That this Construction Permit be reviewed at the April 23, 2018, Planning Commission meeting, 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. November 13, 2018 – The Planning Commission approved the extension of Construction Permit / CP 17-03 with the following seven (7) conditions:
1. If the construction site exceeds one (1) acre, the Conditions of the Approval of the South Dakota Department of Environment and Natural Resources General Permits for Storm Water Discharges Associated with Construction Activities be continually met;
  2. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;
  3. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than 14 days after the Construction Activity has stopped. All erosion control methods (mulch and seed) need to be certified noxious weed-free;
  4. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;
  5. That the disturbed areas be re-vegetated as required in Section 507-A(5)(c);
  6. That the applicant pay a \$100.00 continuation fee as required in Section 511(X); and,
  7. 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.

- E. May 13, 2019 – The Planning Director continued the review of Construction Permit / CP 17-03 with the following seven (7) conditions:
1. That erosion control measures implemented immediately and are maintained until the site has been revegetated in accordance with § 507(A)(5)(c) of the PCZO;
  2. If the construction site exceeds one (1) acre, the Conditions of the Approval of the South Dakota Department of Environment and Natural Resources General Permits for Storm Water Discharges Associated with Construction Activities be continually met;
  3. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;
  4. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than 14 days after the Construction Activity has stopped. All erosion control methods (mulch and seed) need to be certified noxious weed-free;
  5. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;
  6. That the disturbed areas be re-vegetated as required in Section 507-A(5)(c); and,
  7. That this Construction Permit be reviewed on a complaint basis or as directed by the Planning Director.

### **III. EXISTING CONDITIONS**

- A. Lot consists of 32.03 acres.
- B. Zoned General Commercial District.
- C. Future Land Use is General Commercial.
- D. Lot is currently vacant of any structures.
- E. Concrete debris is piled on the site.

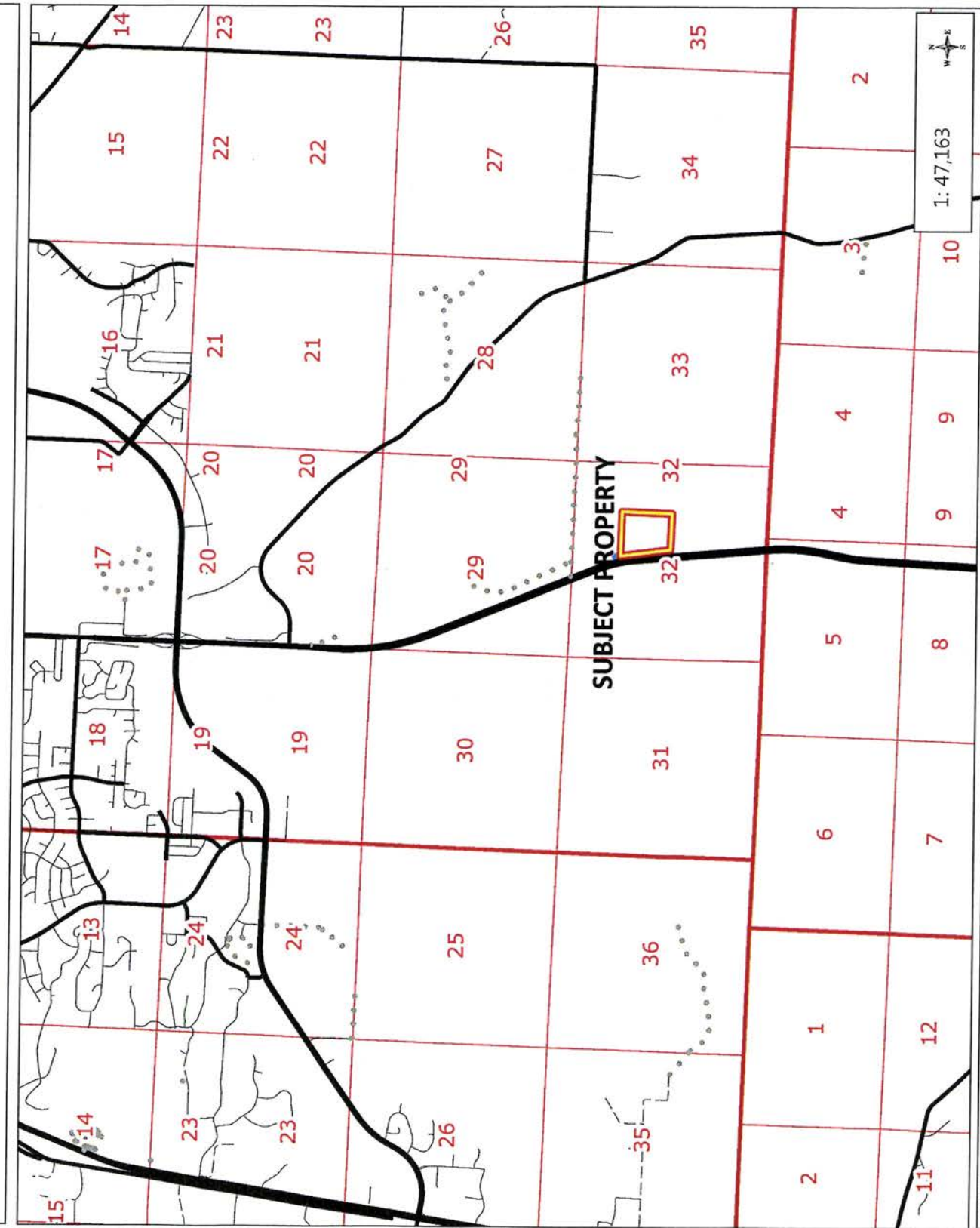
### **IV. ANALYSIS**

- A. May 24, 2019 – The agent for the property owner emailed staff a plan to improve the drainage on the subject property.
  1. Staff informed the agent that they would need to get a Permit from the Army Corps of Engineers and that the Construction Permit for the subject property would need to be amended to include the drainage improvements.
- B. June 5, 2019 – The agent informed staff that they had started the process of obtaining the Army Corps of Engineers 404 Permit.

Agenda Item #18  
Mitch Morris  
June 24, 2019

**RECOMMENDATION TO THE PLANNING DIRECTOR:** Staff recommends the Planning Director approve the extension of Construction Permit / CP 17-03 with the following eight (8) conditions:

1. That erosion control measures implemented immediately and are maintained until the site has been revegetated in accordance with § 507(A)(5)(c) of the PCZO;
2. That the applicant obtains and adheres to any permit(s) required by the Army Corps of Engineers;
3. If the construction site exceeds one (1) acre, the Conditions of the Approval of the South Dakota Department of Environment and Natural Resources General Permits for Storm Water Discharges Associated with Construction Activities be continually met;
4. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;
5. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than 14 days after the Construction Activity has stopped. All erosion control methods (mulch and seed) need to be certified noxious weed-free;
6. 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 the disturbed areas be re-vegetated as required in Section 507- A(5)(c); and,
8. That this Construction Permit be reviewed in six (6) months or as directed by the Planning Director.



1: 47,163

7,860.4 Feet

3,930.22

0

7,860.4

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

**Legend**

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

**Map Notes:**



1: 2,948

491.3 Feet

245.64

0

491.3

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:

## STAFF REPORT

### GENERAL INFORMATION:

**REQUEST:** **CONSTRUCTION PERMIT REVIEW / CP 17-09:** To review a Construction Permit for the installation of a 12-inch water main to provide water quality and supply looping capabilities to the East Rapid Water Users Region and Rapid City Regional Airport.

**APPLICANT:** City of Rapid City

**APPLICANT ADDRESS:** 300 Sixth Street, Rapid City, SD 57701

**AGENT:** Banner Associates

**AGENT ADDRESS:** 2201 Jackson Boulevard, Suite 200  
Rapid City, SD 57702

**LEGAL DESCRIPTION:** Section 13, T1N, R8E, BHM, Pennington County, South Dakota.

**SITE LOCATION:** Intersection of Long View Road and Anderson Road, south along Anderson Road to E. Highway 44

**SIZE:** 7 acres

**EXISTING LAND USE:** Right-of-Way

**TAX ID:** Various

**ZONING REFERENCE:** Section 507

**CURRENT ZONING:** General Agriculture District  
Limited Agriculture District

**SURROUNDING ZONING:**

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



PHYSICAL CHARACTERISTICS: Flat / Prairie

UTILITIES: None

REPORT BY: Cody Sack

**\*\*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 17-09. \*\***

**I. PROPOSED RECOMMENDATION**

- A. Staff will be recommending the Planning Director end Construction Permit / CP 17-09.

**II. GENERAL DESCRIPTION**

- A. The applicant, Banner and Associates, requested a Construction Permit to install 12-inch water main to provide water quality and supply looping capabilities to the East Rapid Water Users Region and Rapid City Regional Airport.
- B. On August 14, 2017, the Planning Commission approved Construction Permit / CP 17-09 with the following eight (8) conditions:
1. That a South Dakota Department of Environment and Natural Resources General Permits for Storm Water Discharges Associated with Construction Activities be obtained and the Conditions of the Approval of the South Dakota Department of Environment and Natural Resources General Permits for Storm Water Discharges Associated with Construction Activities be continually met;
  2. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;
  3. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than 14 days after the Construction Activity has stopped. All erosion control methods (mulch and seed) need to be certified noxious weed-free;
  4. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;
  5. That the street sweeping on Anderson Road is performed on an as-needed basis by the contractor during the period of construction;
  6. That the disturbed areas be re-vegetated as required in Section 507-A(5)(c);
  7. That the applicant sign a Statement of Understanding within ten (10) business days of Permit approval; and,

8. That this Construction Permit expires one (1) year from approval date, and may be reviewed on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all conditions of approval are being met.
- C. July 23, 2018 – The Planning Commission approved the extension of Construction Permit / CP 17-09 with the following seven (7) conditions:
1. That a South Dakota Department of Environment and Natural Resources General Permits for Storm Water Discharges Associated with Construction Activities be obtained and the Conditions of the Approval of the South Dakota Department of Environment and Natural Resources General Permits for Storm Water Discharges Associated with Construction Activities be continually met;
  2. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;
  3. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than 14 days after the Construction Activity has stopped. All erosion control methods (mulch and seed) need to be certified noxious weed-free;
  4. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;
  5. That the street sweeping on Anderson Road is performed on an as-needed basis by the contractor during the period of construction;
  6. That the disturbed areas be re-vegetated as required in Section 507-A(5)(c); and,
  7. That this Construction Permit expires one (1) year from approval date, and may be reviewed on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all conditions of approval are being met.

### III. EXISTING CONDITIONS

- A. Area of disturbance is approximately 7 acres.
- B. Zoned General Agriculture District.
- C. Is vacant of any structures as the Project is located within the Right-of-Way.
- D. No Special Floodplain Hazard Area.
- E. Work was along Anderson Rd.

### IV. ANALYSIS

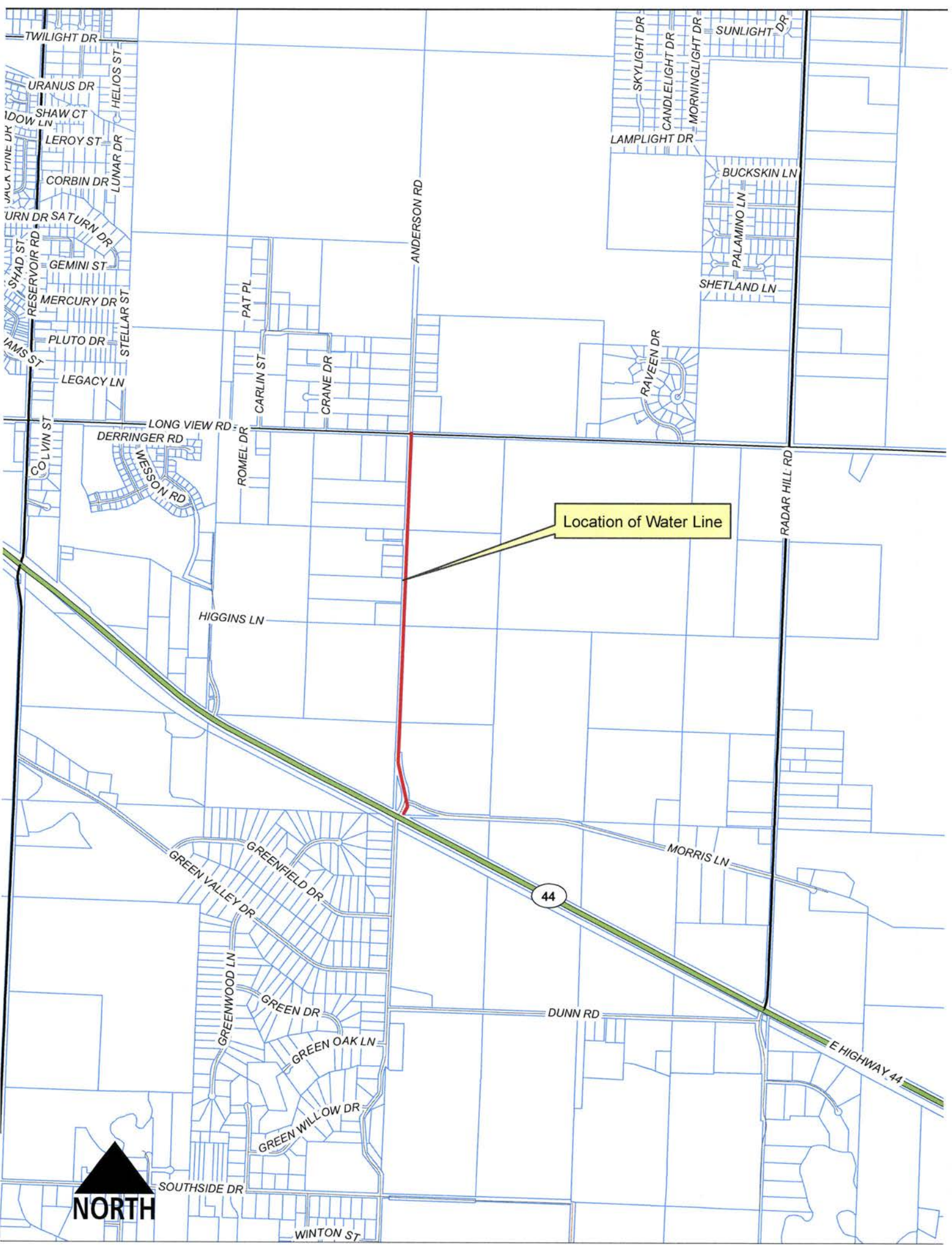
- A. June 17, 2019 – Staff performed a site visit and found:
  1. The work has been completed.
  2. The site has reached final stabilization.
    - a. Since the site has reached final stabilization, Construction Permit / CP 17-09 can end.

Agenda Item #19  
City of Rapid City; Banner Associates - Agent  
June 24, 2019



*Site Visit (6/17/19)*

**RECOMMENDATION:** Staff recommends the Planning Director end Construction Permit / CP 17-09.



Location of Water Line



44

E HIGHWAY 44



TWILIGHT DR  
URANUS DR  
SHAW CT  
DOW LN  
LEROY ST  
CORBIN DR  
LUNAR DR  
SATURN DR  
GEMINI ST  
MERCURY DR  
PLUTO DR  
STELLAR ST  
LEGACY LN  
COLVIN ST  
RESERVOIR RD  
SHAD ST  
WILSON PINE DR

LONG VIEW RD  
DERRINGER RD  
WESSON RD  
HIGGINS LN

GREEN VALLEY DR  
GREENFIELD DR  
GREENWOOD LN  
GREEN DR  
GREEN OAK LN  
GREEN WILLOW DR  
SOUTHSIDE DR  
WINTON ST

HELIOS ST  
LUNAR DR  
PAT PL  
CARLIN ST  
CRANE DR  
ROMEL DR

ANDERSON RD

ANDERSON RD

SKYLIGHT DR  
CANDLELIGHT DR  
MORNINGLIGHT DR  
LAMPLIGHT DR  
RAVEEN DR

BUCKSKIN LN  
PALAMINO LN  
SHETLAND LN  
RADAR HILL RD

MORRIS LN  
DUNN RD  
E HIGHWAY 44

Location of Water Line



## STAFF REPORT

### GENERAL INFORMATION:

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

APPLICANT/CONTRACTOR: Site Work Specialists

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

LANDOWNER: Tim and Laurel Danley

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

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

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

SIZE: 40 acres

TAX ID: 10911

EXISTING LAND USE: Vacant

ZONING REFERENCE: Section 507

CURRENT ZONING: Suburban Residential District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Forested / Hills

UTILITIES: None

REPORT BY: Cody Sack

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

**I. PROPOSED RECOMMENDATION**

- A. Staff will be recommending the Planning Director approve of the extension of Construction Permit / CP 19-02 with twelve (12) conditions.

**II. GENERAL DESCRIPTION**

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



*Site Plan*

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



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

12. That the applicant and the landowner sign a Statement of Understanding within ten (10) business days of approval of Construction Permit / CP 19-02, which is available at the Planning Office; and,
  13. That this Construction Permit be reviewed at the May 28, 2019, Planning Commission meeting, or on a complaint basis, or as directed by the Planning Commission and/or the Board of Commissioners to verify that all Conditions of Approval are being met.
- D. May 28, 2019 – The Planning Director continued the review of Construction Permit / CP 19-02 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 ensure that that applicants are meeting all conditions.

### III. EXISTING CONDITIONS

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

### IV. ANALYSIS

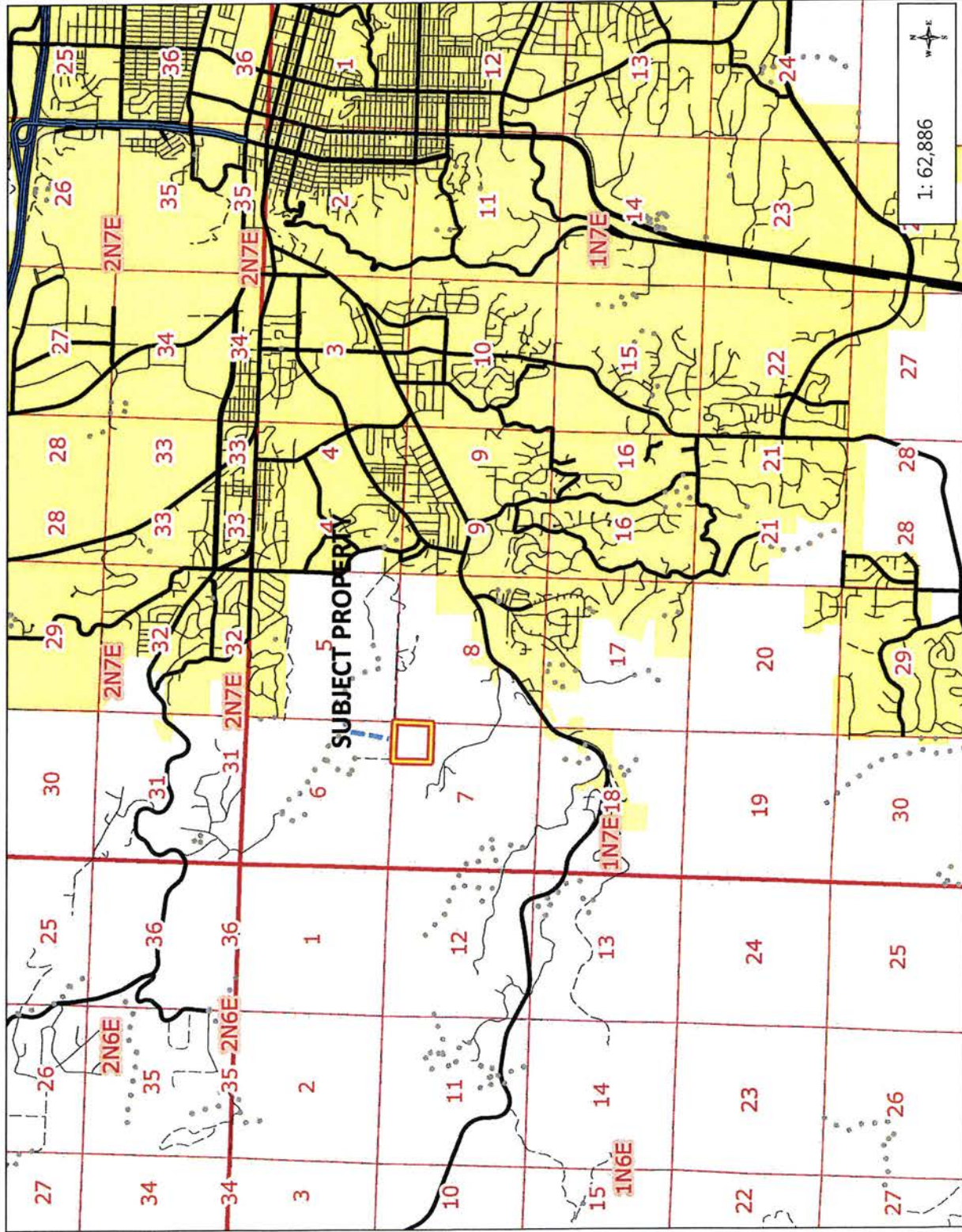
- A. May 16, 2019 – Staff had a conversation with the owner of the subject property at the Planning and Zoning counter:
  1. The owner was unaware that a Stop Work Order was in place on the property.
  2. The owner stated that there was no erosion or sediment control measures implemented on the property.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

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

1. That erosion control measures are implemented *immediately* and maintained until the site has been revegetated in accordance with § 507(A)(5)(c) of the Pennington county Zoning Ordinance (PCZO);
2. That all erosion control measures submitted with the Construction Permit application be implemented prior to the Stop Work Order being lifted;
3. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan;
4. That the owner or designee must inspect the site at least once every 7 calendar days or every 14 calendar days and within 24 hours of the end of a storm event that exceeds 0.25 inches or snowmelt that generates runoff. A properly maintained rain gauge must be kept on the site. Inspection reports must be submitted by the contractor to the Planning Director every month during construction;
5. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;
6. That all natural drainage ways and paths be continually maintained;
7. That failure of the owner or designee to submit Inspection Reports, as required, shall result in the immediate issuance of a Stop Work Order and a review by the Planning Director to determine if all Conditions of Approval are being met;
8. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;
9. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than 14 days after the Construction Activity has stopped. All erosion control methods (mulch and seed) need to be certified noxious weed-free;
10. That the disturbed areas be re-vegetated as required in § 507(A)(5)(c) of the PCZO;

Agenda Item #20  
Site Work Specialists, Inc.  
June 24, 2019

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 August 26, 2019, Planning Commission meeting, or as directed by the Planning director to ensure that the applicant is meeting all conditions.



10,480.9 0 5,240.46 10,480.9 Feet

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

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

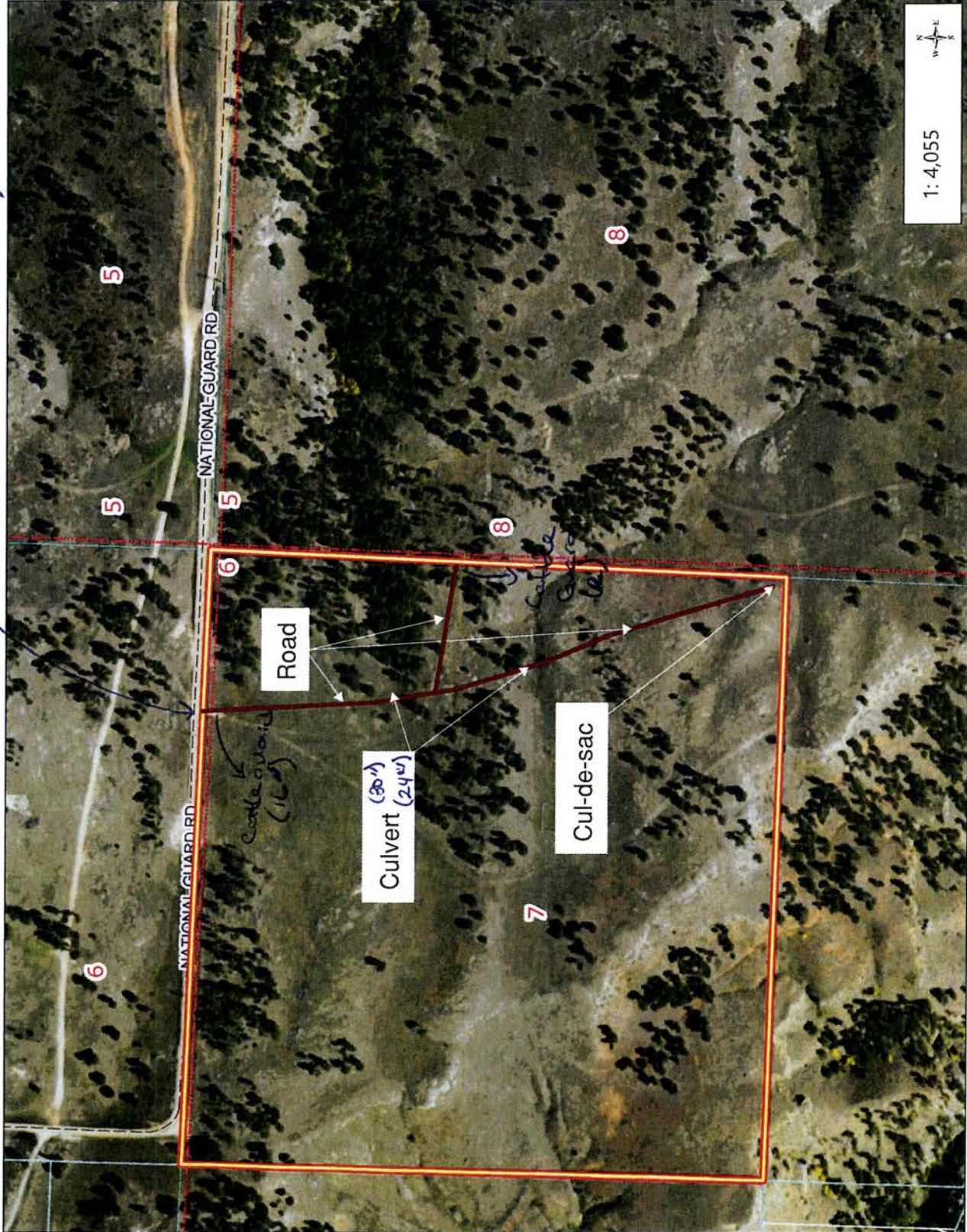
THIS MAP IS NOT TO BE USED FOR NAVIGATION

**Legend**

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

**Map Notes:**

ACCESS Rd (TRACK OUT PAD)



1: 4,055

**Legend**

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

**Section Lines 0-25k**

- 0
- 7

**Tax Parcels**

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

**Map Notes:**

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

675.9 Feet

337.93

0

## STAFF REPORT

### GENERAL INFORMATION:

REQUEST: CONSTRUCTION PERMIT / CP 19-08: To repair an existing dam.

APPLICANT: Mitch Morris

APPLICANT ADDRESS: P.O. Box 867, Rapid City, SD 57709

LANDOWNER: Pat Hall

OWNER ADDRESS: 528 Kansas City St., Ste. 5, Rapid City, SD 57701

LEGAL DESCRIPTION: W1/2, Section 33, T1N, R8E, BHM, Pennington County, South Dakota.

SITE LOCATION: Located off of S. Highway 79.

SIZE: 320 acres

EXISTING LAND USE: Agriculture

TAX ID: 11709

ZONING REFERENCE: Section 212 and 507

CURRENT ZONING: Heavy Industrial District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Flat / Prairie

UTILITIES: None

REPORT BY: Cody Sack



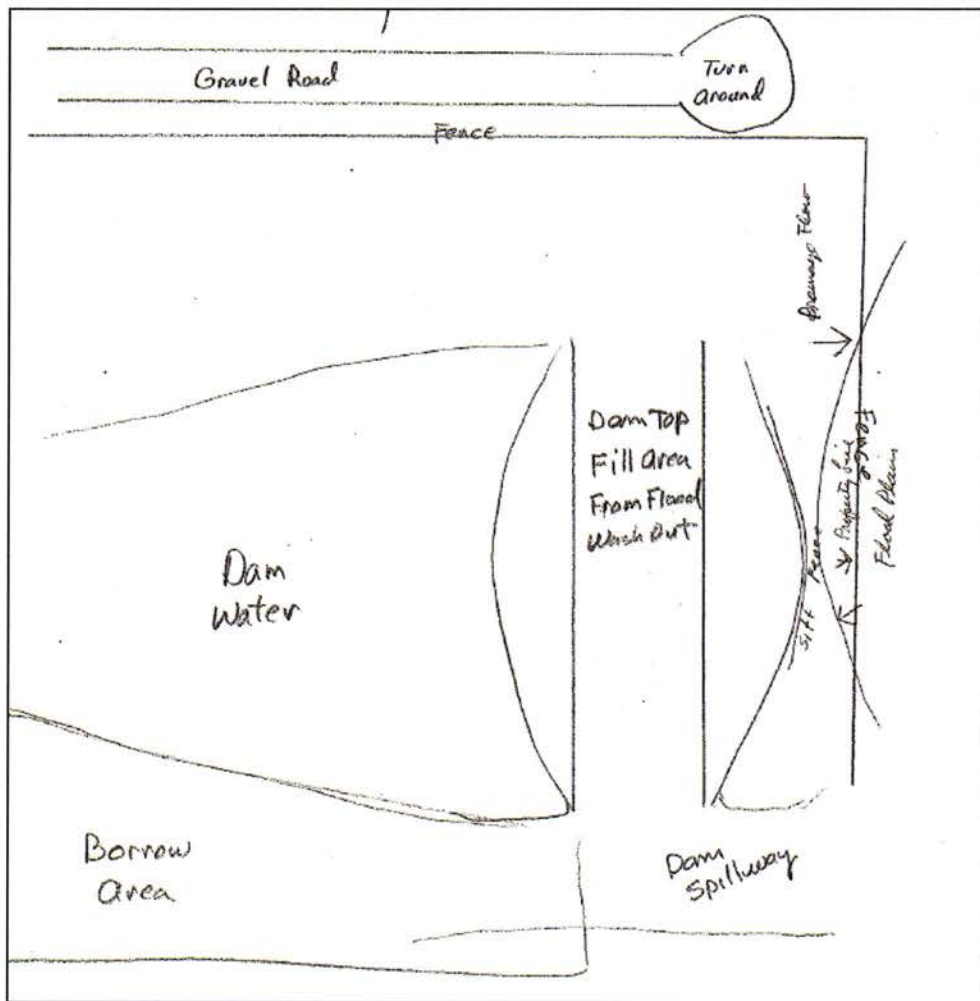
**\*\* Staff is requesting public input on this request. The Planning Director will consider public input from private citizens, the applicant and the Planning Commission, in addition to information provided within this Staff Report, when rendering a decision on Construction Permit / CP 19-08. \*\***

**I. PROPOSED RECCOMENDATION**

- A. Staff is recommending the Planning Director continue Construction Permit / CP 19-08 with six (6) conditions:

**II. GENERAL DESCRIPTION**

- A. The applicant, Mitch Morris, has requested a construction permit to repair an existing stock dam.
- B. The dame was refilled and compacted to the pre-existing conditions per Floodplain Development Permit / FP19-26.
- C. The spillway of the dam was rebuilt to handle a larger volume of water.



Site Plan

**III. EXISTING CONDITIONS**

- A. Heavy Industrial District.
- B. 320 acres.
- C. There is Special Floodplain Hazard Area on the property.
- D. Area of disturbance to be under an acre.
- E. Access off of S. Highway 79.
- F. Flood Plain Development Permit (FP19-26).
- G. Parking Area (COCP15-0012).

**IV. REQUEST FOR COMMENT**

- A. County Highway
  - 1. Increasing the spillway capacity will increase the downstream flow and possibly create flooding issues downstream. The owner and or applicant needs to hire a qualified professional engineer to analyze the dam and determine the proper course of action. Until a report is furnished, the permit should be denied or put on hold.
- B. County Environmental Supervisor
  - 1. There is Special Flood Hazard Area on the subject property.
- C. County Environmental Planner
  - 1. There is Flood Hazard Area on the property within the construction site.
  - 2. The pond and the drainage need to be protected so no sediment enters.
  - 3. That any work done does not increase flooding downstream of the dam.
- D. County Enforcement Officer
  - 1. There was an Ordinance Violation (COVO15-0073) on the subject property in 2015 for construction debris and asphalt materials. This Violation was closed on June 22, 2015.
  - 2. There is an open Environmental Ordinance Violation (COEV19-0021) on the subject property for dirt work in the Flood Hazard Area without a Permit.
- E. County Fire Administrator, County Natural Resources Director, and Emergency Services (9-1-1)
  - 1. No comments received.

**V. ANALYSIS**

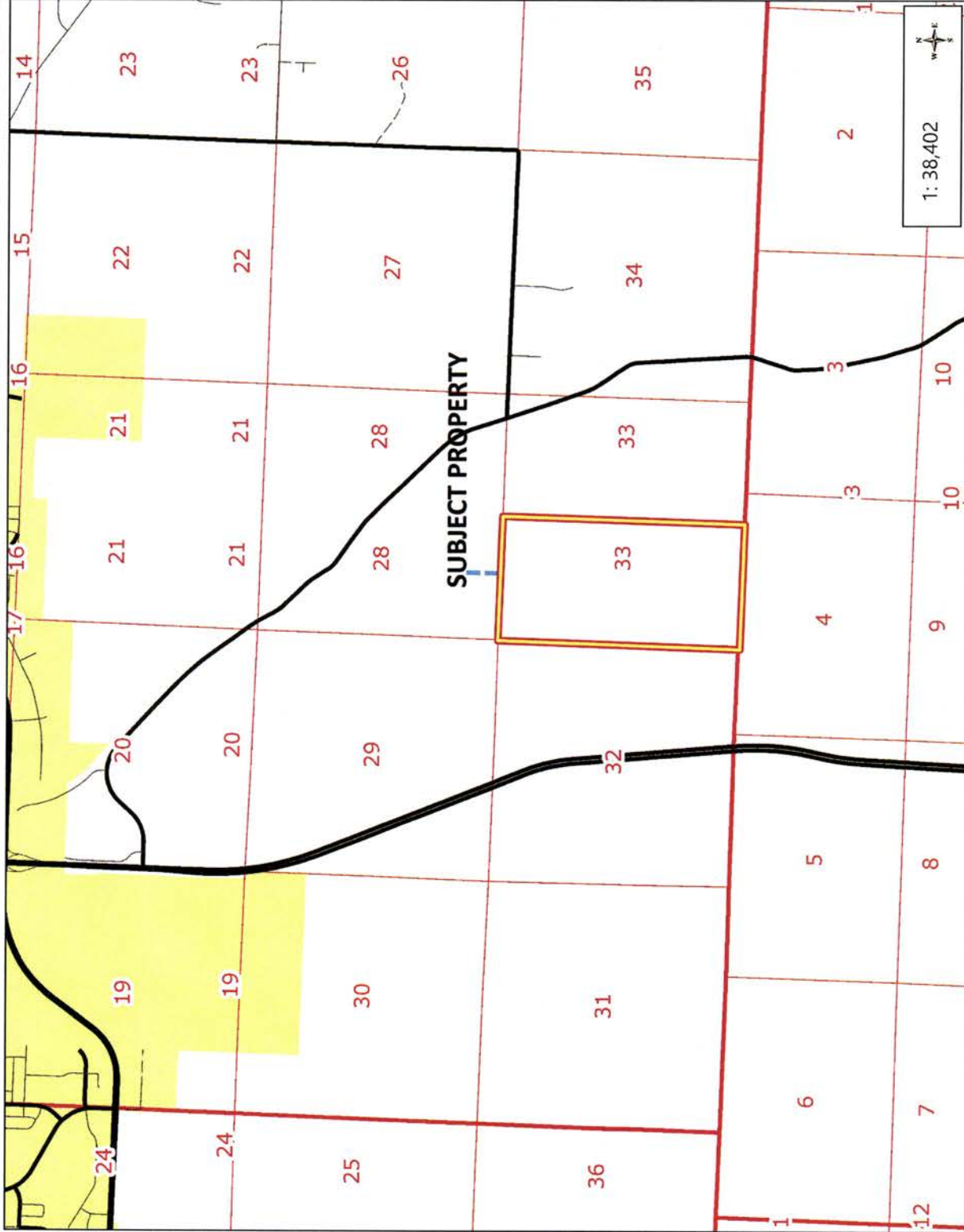
- A. May 21, 2019 – The Applicant applied for a Construction Permit and submitted a Floodplain Development Permit.
- B. The work has already been completed.
  - 1. The applicant will need to have an engineer stamped document verifying that increasing the spillway does not have a negative affect on the downstream drainage.

Agenda Item #21  
Mitch Morris  
June 24, 2019

- C. The site needs to be revegetated to reach final stabilization as required in § 507(A)(5)(C) of the Pennington County Zoning Ordinance (PCZO).

**RECOMMENDATION:** Staff is recommending the Planning Director continue Construction Permit / CP 19-08 to the September 23, 2019, Planning Commission meeting with the following six (6) 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 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;
3. That the applicant or land owner have an engineer do a report to show that the increase in size of the spillway, will not have a negative effect on the drainage;
4. That the disturbed areas be re-vegetated as required in § 507(A)(5)(c) of the PCZO;
5. That the applicant signs a Statement of Understanding prior to CP 19-07 approval; and,
6. That this Construction Permit be reviewed at the September 23, 2019 Planning Commission meeting or as directed by the Planning Director.



**Legend**

- Roads**
- Interstate
  - US highway
  - SD highway
  - County highway
  - Main road
  - Minor arterial
  - Collector
  - Ramp
  - Paved road
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- Townships
  - City Limits
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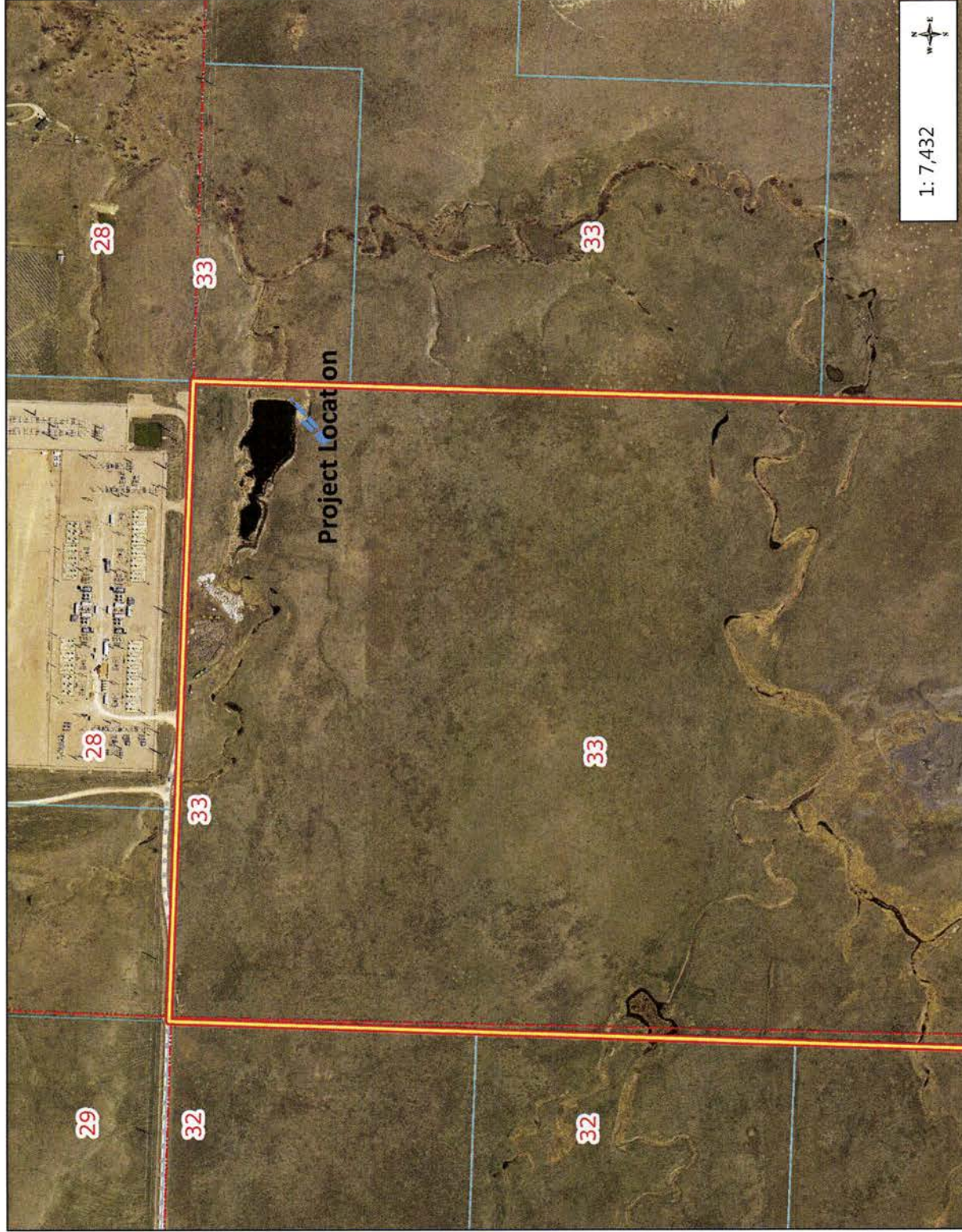
6,400.3 Feet

3,200.15

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1: 7,432

1,238.6 0 619.30 1,238.6 Feet

NAD\_1983\_StatePlane\_South\_Dakota\_South\_FIPS\_4002\_Feet  
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  - Trail
  - Driveway
  - Alley
  - Unimproved road
  - Airport Runway
  - Not yet coded

**Section Lines 0-25k**

- 0
- 7

Tax Parcels

**Lot Lines**

- <Null>
- Lot Line
- Parcel Line

**Map Notes:**

STAFF REPORT

GENERAL INFORMATION:

REQUEST:

**MINOR PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PU 18-02**: To review an amendment to the existing Trailwood Village Planned Unit Development to allow for the sale of retail and wholesale seasonal fireworks, to allow the future construction of a building up to 10,000 square feet for the storage and sales of fireworks, and to allow the sales of used vehicles on the subject property in accordance with Section 213 of the Pennington County Zoning Ordinance.

APPLICANT/AGENT:

Thomas Skoog

APPLICANT ADDRESS:

13804 Appaloosa Lane, Rapid City, SD 57702

LEGAL DESCRIPTION:

Lot C, Trailwood Village Subdivision, Section 10, T1N, R8E, BHM, Pennington County, South Dakota.

SITE LOCATION:

4481 Avery Drive; at the corner of E. Highway 44 and Covington Street.

TAX ID:

58400

SIZE:

1.97 acres

EXISTING LAND USE:

Vacant

ZONING REFERENCE:

§ 213

CURRENT ZONING:

Planned Unit Development District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Flat / Sloping

UTILITIES:

None

REPORT BY: Cassie Bolstad

**I. PROPOSED RECOMMENDATION**

- A. Staff will be recommending approval of the extension of Minor Planned Unit Development Amendment / PU 18-02 with fifteen (15) conditions.

**II. GENERAL DESCRIPTION**

- A. The applicant, Thomas Skoog, requested a Minor Planned Unit Development (PUD) Amendment to amend the existing Trailwood Village PUD to allow for the sale of retail and wholesale seasonal fireworks, to allow the future construction of a building up to 10,000 square feet for the storage and sales of fireworks, and to allow the sales of used vehicles on Lot C.

**III. EXISTING CONDITIONS**

- A. Zoned Planned Unit Development.
  - 1. Trailwood Village – PU 97-02.
- B. 1.97 acres.
- C. Located within the Rapid Valley Sanitary District.
- D. Access off of Avery Drive via an existing approach.
- E. Currently vacant.

**IV. ANALYSIS**

- A. The applicant requested to make the following changes to the existing Planned Unit Development:
  - 1. To allow for the sale of fireworks on Lot C during both the Retail and Wholesale Seasons, as outlined by the State;
    - a. Per the applicant, the Retail Seasons are June 27<sup>th</sup> – July 5<sup>th</sup> and December 28<sup>th</sup> – January 1<sup>st</sup> (SDCL § 34-37-10) and the Wholesale Seasons are May 1<sup>st</sup> – July 5<sup>th</sup> and/or July 6<sup>th</sup> – August 31<sup>st</sup> (SDCL § 34-37-2.2).
  - 2. To allow for the future construction of a building, up to 10,000 square feet, on Lot C for the storage and sales of fireworks; and,
  - 3. To allow the sale of used vehicles.
- B. June 25, 2018 – Planning Commission approved Minor Planned Unit Development Amendment / PU 18-02 with the following sixteen (16) conditions:
  - 1. That the Conditions of Approval of Planned Unit Development / PU 05-19 be continually adhered to;
  - 2. That prior to operation, the applicant submit all necessary permits/licenses from other governing bodies for operation of the Class C Fireworks, including, but not limited to: written approval from the South Dakota State Fire Marshal's office and a Sales Tax License from the South Dakota Department of Revenue;

3. That the address assigned to the property (4481 Avery Drive) be posted in accordance with Pennington County Ordinance #20 in the structure or tent where fireworks are being sold;
4. That the uses allowed on Lot C of Trailwood Village be limited to: seasonal retail and wholesale sales of Class C fireworks, in accordance with South Dakota Codified Laws; and, parking of used vehicles for sale, not to exceed ten (10) at any given time;
5. That the sale of fireworks be limited to the hours of 7 a.m. to 12 a.m.;
6. That prior to approval of a Building Permit for a commercial structure on Lot C of Trailwood Village, the applicant have an engineering study performed to determine the need for storm water detention and the study be submitted to the Planning Department and Highway Drainage Engineer for review;
7. That one (1) commercial building, not to exceed 10,000 square feet, be allowed on Lot C of Trailwood Village, with the issuance of an approved Building Permit;
8. That a minimum of twenty-five (25) parking spaces be provided on-site, each parking space must be a minimum of 9 feet x 18 feet and be maintained in a dust free manner;
9. That a minimum of one (1) port-a-potty be available to the public during fireworks sales and be accessible for pumping and/or removal when necessary;
10. That the applicant ensures the safety of the customers by providing adequate security, fire protection, and a phone available to the public in case of an emergency;
11. That no parking be allowed along the frontage roads;
12. 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);
13. 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;
14. That no fireworks be stored on the subject property outside of the Retail and/or Wholesale selling seasons, as defined by South Dakota Codified Law, unless stored in a secured, permanent building;
15. That the applicant sign a Statement of Understanding within ten (10) business days of approval of Minor Planned Unit Development Amendment / PU 18-02, which is available at the Planning Office; and,
16. That this Minor Planned Unit Development Amendment be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.



- C. June 17, 2019 – The applicant applied for Building Permit (COBP19-0322) to erect a temporary 40' x 80' fireworks tent.
  - 1. The applicant also provided a copy of his Fireworks License and Sales Tax License.
- D. To date the applicant has not applied for a Building Permit to construct a permanent building.
- E. June 17, 2019 – Staff performed a site visit and found the property was vacant of any structures and there was one (1) car for sale on the property.
  - 1. It appears all Conditions of Approval are being met.
- F. Staff recommends to remove Condition #15, as it has been met.

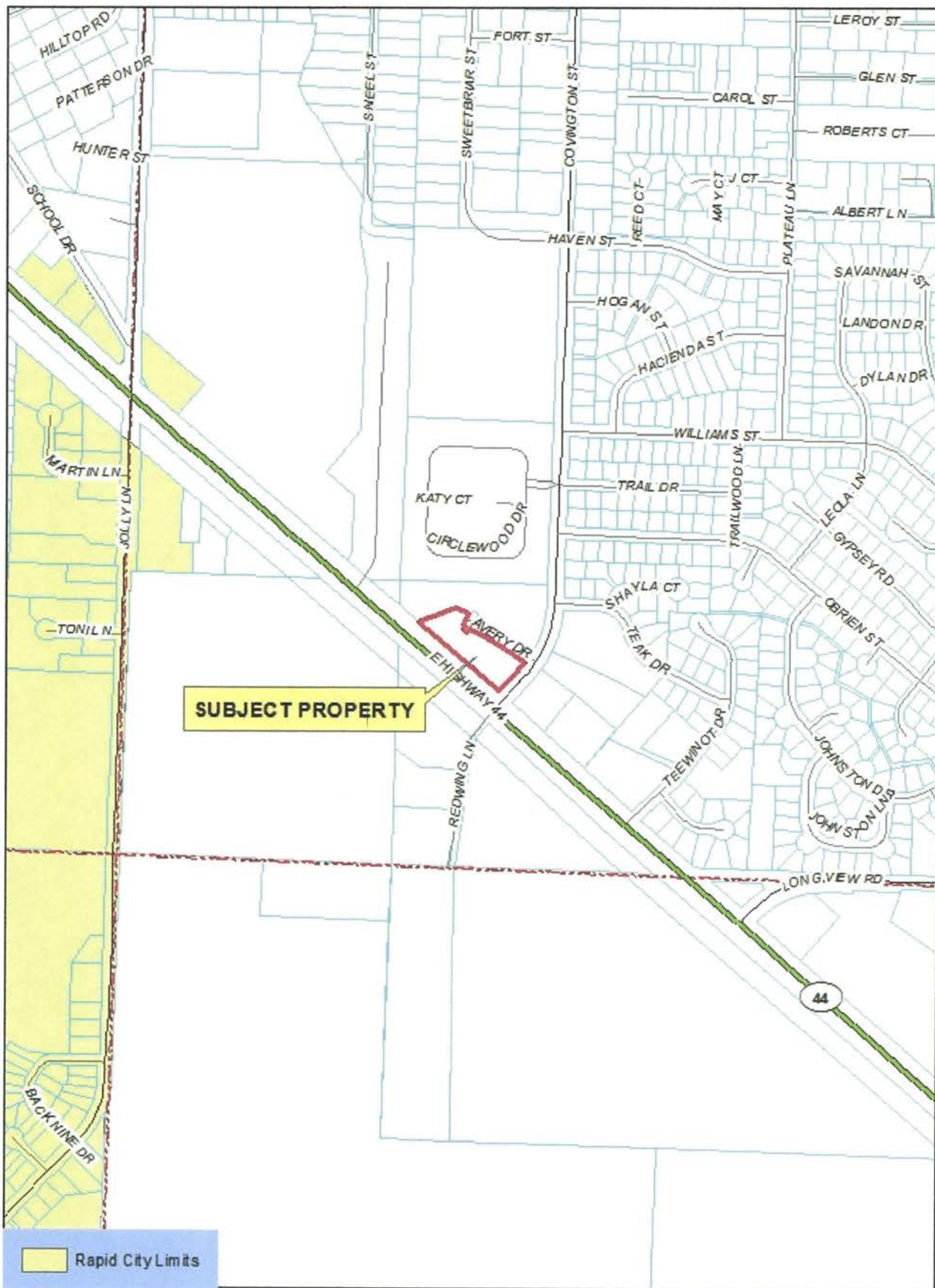
**RECOMMENDATION:** Staff recommends approval of the extension of Minor Planned Unit Development Amendment / PU 18-02 with the following fifteen (15) conditions:

- 1. That the Conditions of Approval of Planned Unit Development / PU 05-19 be continually adhered to;
- 2. That prior to operation, the applicant submit all necessary permits/licenses from other governing bodies for operation of the Class C Fireworks, including, but not limited to: written approval from the South Dakota State Fire Marshal's office and a Sales Tax License from the South Dakota Department of Revenue;
- 3. That the address assigned to the property (4481 Avery Drive) be posted in accordance with Pennington County Ordinance #20 on the structure or tent where fireworks are being sold;
- 4. That the uses allowed on Lot C of Trailwood Village be limited to: seasonal retail and wholesale sales of Class C fireworks, in accordance with South Dakota Codified Laws; and, parking of used vehicles for sale, not to exceed ten (10) at any given time;
- 5. That the sale of fireworks be limited to the hours of 7 a.m. to 12 a.m.;
- 6. That prior to approval of a Building Permit for a commercial structure on Lot C of Trailwood Village, the applicant have an engineering study performed to determine the need for storm water detention and the study be submitted to the Planning Department and Highway Drainage Engineer for review;
- 7. That one (1) commercial building, not to exceed 10,000 square feet, be allowed on Lot C of Trailwood Village, with the issuance of an approved Building Permit;
- 8. That a minimum of twenty-five (25) parking spaces be provided on-site, each parking space must be a minimum of 9 feet x 18 feet and be maintained in a dust free manner;

Agenda Item #22  
Thomas Skoog  
June 24, 2019

9. That a minimum of one (1) port-a-potty be available to the public during fireworks sales and be accessible for pumping and/or removal when necessary;
10. That the applicant ensures the safety of the customers by providing adequate security, fire protection, and a phone available to the public in case of an emergency;
11. That no parking be allowed along the frontage roads;
12. 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;
13. 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;
14. That no fireworks be stored on the subject property outside of the Retail and/or Wholesale selling seasons, as defined by South Dakota Codified Law, unless stored in a secured, permanent building; and,
15. That this Minor Planned Unit Development Amendment 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.

# SKOOG



**SUBJECT PROPERTY**

Rapid City Limits





1: 1,229



204.8 0 102.40 204.8 Feet



NAD\_1983\_StatePlane\_South\_Dakota\_South\_FIPS\_4002\_Feet  
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**Legend**

- Roads**
- Interstate
  - US highway
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  - County highway
  - Main road
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  - 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:**

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

**STAFF REPORT**

**GENERAL INFORMATION:**

**REQUEST:** **MINOR PLAT / MPL 19-16:** To create Lots 1 and 2 of Cosmos Subdivision and dedicated Right-of-Way in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

**APPLICANT:** John and Ann Hovdenes

**APPLICANT ADDRESS:** 24024 Cosmos Road, Rapid City, SD 57702

**AGENT:** Fisk Land Surveying

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

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

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

**SITE LOCATION:** 24024 Cosmos Road; located off of S. Highway 16 on Cosmos Road.

**SIZE:** 17.57 acres

**TAX ID:** 44921

**EXISTING LAND USE:** Residential

**SUBDIVISION REGULATIONS REFERENCE:** § 400.3

**CURRENT ZONING:** General Agriculture District

**SURROUNDING ZONING:**

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

**PHYSICAL CHARACTERISTICS:** Forested / Hills

**UTILITIES:** Private

**REPORT BY:** Kristina Proietti

**I. PROPOSED RECOMMENDATION**

- A. Staff will be recommending approval of Minor Plat / MPL 19-16 with nine (9) conditions.

**II. GENERAL DESCRIPTION**

- A. The applicants, John and Ann Hovdenes, have applied for a Minor Plat to create proposed Lot 1 (10.89 acres) and Lot 2 (6.22 acres) of Cosmos Subdivision and to dedicate approximately an additional 16,311-feet of Right-of-Way (ROW) to Cosmos Road.
  - 1. The proposed additional ROW exists within the Cosmos Road District and is not part of the County's Highway System.
- B. The purpose of the subdivision is for the transfer of proposed Lot 2 to the owners of the Cosmos Mystery Area for a proposed expansion of the Cosmos Mystery Area parking.

**III. EXISTING CONDITIONS**

- A. 17.57 acres.
- B. General Agriculture – existing Zoning District.
  - 1. 40 acre minimum lot size.
- C. Planned Unit Development Sensitive – Future Land Use Zoning District.
- D. No Special Flood Hazard Area.
- E. Access off of Cosmos Road, which takes access off of S. Highway 16.
- F. Forest Road Special Use Permit (PAH588).
  - 1. PAH588 is for that portion of Cosmos Road (approximately 0.35 mile) between the existing Cosmos Road District and S. Highway 16.
  - 2. Expires: December 31, 2033.
  - 3. Exhibit A – Vicinity Map – Page 10 of 23 of PAH588, is included with this Staff Report.
- G. Located within the Cosmos Road District.

Agenda Item # 23

John and Ann Hovdenes; Fisk Land Surveying - Agent

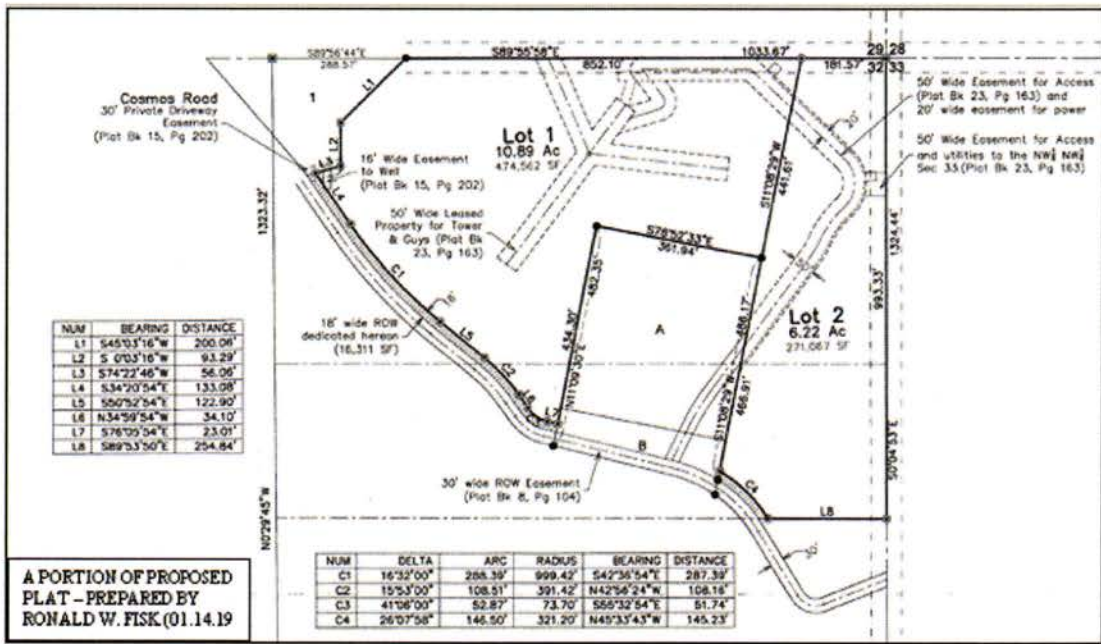
June 24, 2019

- H. Existing Easements:
  - 1. 30' Private Driveway – Plat Book 15, Page 202.
  - 2. 30' Wide ROW Easement – Plat Book 8, Page 104.
  - 3. 16' Wide Easement to Well – Plat Book 5, Page 202.
  - 4. 50' Wide Leased Property for Tower & Guys – Plat Book 23, Page 163.
  - 5. 50' Wide Easement for Access, Plat Book 23 Page 163, and 20' Wide Easement for Power.
  - 6. 50' Wide Easement for Access and Utilities to the NW1/4 NW1/4 Section 33, Plat Book Page 23, Page 163.
- I. Single-Family Residence – built in 1963 per Department of Equalization (DOE) records.
- J. 2010COSD0066 – Onsite Wastewater Treatment System Construction Permit.
- K. COOP14-0051 – OSWTS Operating Permit.
- L. County Building Permit / COBP14-0130 – 19' x 28' Living Room Addition to existing SFR
- M. COBP14-0156 – Removal of 24' x 36' Double Wide Mobile Home.
  - 1. Mobile Home placed on property in 1977.
- N. COBP18-0629 – Detached 32' x 44' garage.
- O. Per DOE Records:
  - 1. 320 ft<sup>2</sup> - tool shed built in 1962.
  - 2. 720 ft<sup>2</sup> - detached three stall detached residential garage built in 1979.
    - a. This structure appears to be 6.1' from the property line.
      - i. Due to the year of construction, this three stall detached residential garage is considered legal non-conforming for setbacks and shall be considered under Section 401 of the Pennington County Zoning Ordinance (PCZO).
      - ii. It appears, on the proposed Layout Plat, that eight (8) foot Utility and Minor Drainage Easements (UMDE) are being dedicated on the interior of all lot lines, which will create an Easement Encroachment Violation.
      - iii. Site Plans (Page 1 & 2), showing all existing structures, in relation to existing lot lines are included with this Staff Report.
  - 3. 266 ft<sup>2</sup> - tool shed built in 1982.
  - 4. 280 ft<sup>2</sup> - tool shed built in 1982.
  - 5. 192 ft<sup>2</sup> - tool shed built in 1991.

- P. Telecommunication Facility / Communications Tower.
  - 1. September 1, 1988 – Conditional Use Permit / CU88-34 (for a Communications Tower) is approved by the Board of Commissioners with no conditions.
  - 2. CU88-34 has never been reviewed.
  - 3. County Building Permits associated with CU88-34.
    - a. #8372; 2004COBP0207; COBP14-0060; COBP16-0279; COBP17-0224; COBP17-0591; and COBP18-0730: Antenna upgrades and Additions.
    - COBP17-0590 – Removal of three AT&T Antenna's.
- Q. March 19, 2019, County Board of Commissioners approved Layout Plat / LPL 19-04.
- R. June 4, 2019, County Board of Commissioners approved Rezone / RZ 19-05 and Comprehensive Plan Amendment / CA 19-05, to rezone from General Agriculture District to Limited Agriculture District.

**IV. PROPOSED LOTS AND CONDITIONS**

- A. Lot 1
  - 1. 10.89 acres.
  - 2. To include all information contained within Section III of this Staff Report (MPL19-16), with the exception of Section III(H)(5) & (6).
- B. Lot 2
  - 1. 6.22 acres.
  - 2. Vacant of any structures.
  - 3. Containing easements as noted in Section III(H)(5) & (6) of this Staff Report (MPL19-16).





**V. REQUEST FOR COMMENT**

- A. County Fire Administrator, U.S. Forest Service, and Cosmos Road District.
  - 1. No comments received.
- B. County Highway Department
  - 1. Highway Department has no comments since this is in the Cosmos Road District and drainage isn't impacted.
- C. County Environmental Planning Supervisor
  - 1. There is no Special Flood Hazard Area on the subject properties.
- D. County Environmental Planner
  - 1. The owner of the lot currently has a valid Operating Permit (COOP15-0051). I have no concerns with the current proposal, however, if the applicant wishes to install a septic system on either proposed lot, all rules of Pennington County Zoning Ordinance [Section] 204-J must be followed.
- E. County Ordinance Enforcement
  - 1. There is no record of past or current Ordinance Violations on the subject property. Ordinance Enforcement has no objections to the proposed Plat.
- F. Register of Deeds
  - 1. Plat heading is acceptable.
  - 2. Certificates appear to be the required certificates per state statute.
- G. Department of Equalization
  - 1. Okay.
- H. Emergency Services (9-1-1)
  - 1. Good here.
- I. Black Hills Electric Cooperative
  - 1. Black Hills Electric Cooperative would like to request that all existing powerlines be shown on the new plat.
    - a. *Staff Comment: Staff will address this in the Conditions.*

**VI. ANALYSIS**

- A. The proposed subdivision will create two (2) new lots out of one (1) parent parcel.
- B. The Cosmos Road District utilizes Forest Road Special Use Permit, PAH588, for ingress and egress onto S. Highway 16.
  - 1. PAH588 expires on December 31, 2033.
- C. The dedication of additional ROW, as proposed on the Plat, is located entirely within the Cosmos Road District and is not part of the County's Highway System.
- D. Under Subdivision Regulations Section 500.5(1)(a), ROWs must be improved as required under existing Subdivision Regulations, IF, such ROW is dedicated as **public** ROW.

1. Staff conducted a search of all Plats associated with Cosmos Road, back to its creation in 1961. Staff cannot locate any reference to Cosmos Road as a **public** ROW, only as a ROW.
- E. The National Forest Service suggest that Cosmos Road be maintained to County Highway Standards.
- F. The Pennington County Planning Department suggests that the South Dakota Department of Transportation and/or Pennington County Highway Department laws, rules, ordinances, and regulations be complied with. (Section 500.1 Pennington County Subdivision Regulations).
  1. See Pennington County Ordinance #14.
- G. The addition of a proposed eight (8) foot Utility and Minor Drainage (UMDE) Easement, on the interior of all lot lines is a requirement of Pennington County Subdivision Regulations Section 500.4(9)(a).
  1. If approved, an existing legal non-conforming, three (3) stall detached garage will encroach into the newly created eight (8) foot UMDE and will need to be brought into compliance (for easement encroachment) prior to the plat being recorded with the Register of Deeds.
- H. That current and future landowners become aware that additional Permits may be required for work done on the existing property or proposed Lot 1 and 2 of Cosmos Subdivision.

**RECOMMENDATION:** Staff recommends approval of Minor Plat / PL 19-16 with the following nine (9) conditions:

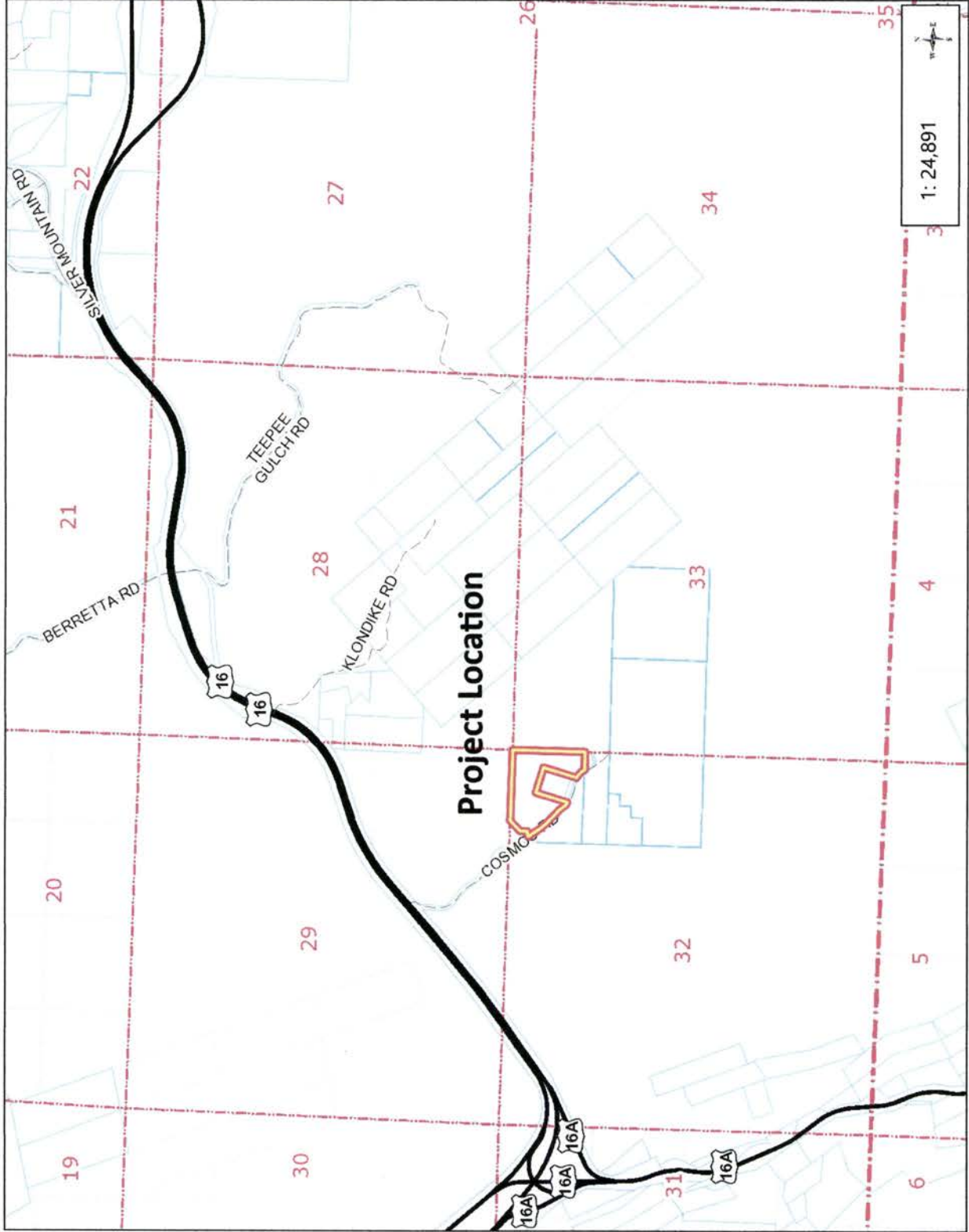
1. That upon filing the Plat with the Register of Deeds, eight (8) foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
2. That upon filing the Plat with the Register of Deeds, the plat meets all requirements of § 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
3. That upon filing the plat with the Register of Deeds, the plat show all existing powerlines on the subject property;
4. That the Certifications on the plat be in accordance with § 400.3(1)(n) of the Pennington County Subdivision Regulations;
5. That at the time of Minor Plat submittal, the plat meets all requirements of Pennington County Subdivision Regulations, or approved Subdivision Regulations Variance(s) be obtained waiving any of these requirements that are not met. Subdivision Regulations shall be submitted per Section 700 of Pennington County Subdivision Regulations;

Agenda Item # 23

John and Ann Hovdenes; Fisk Land Surveying - Agent

June 24, 2019

6. That prior to any work being done on the existing property or Lot 1 or Lot 2 of Cosmos Subdivision, the landowners contact the Pennington County Planning Department first, to see what Permits, if any, are required;
7. That prior to the Plat being recorded with the Register of Deeds, proposed Lot 1 and Lot 2 of Cosmos Subdivision be in compliance with Pennington County Zoning Ordinances;
8. That the applicant ensures that all natural drainage ways are maintained and are not blocked; and,
9. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of § 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit.



1: 24,891

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

**Legend**

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

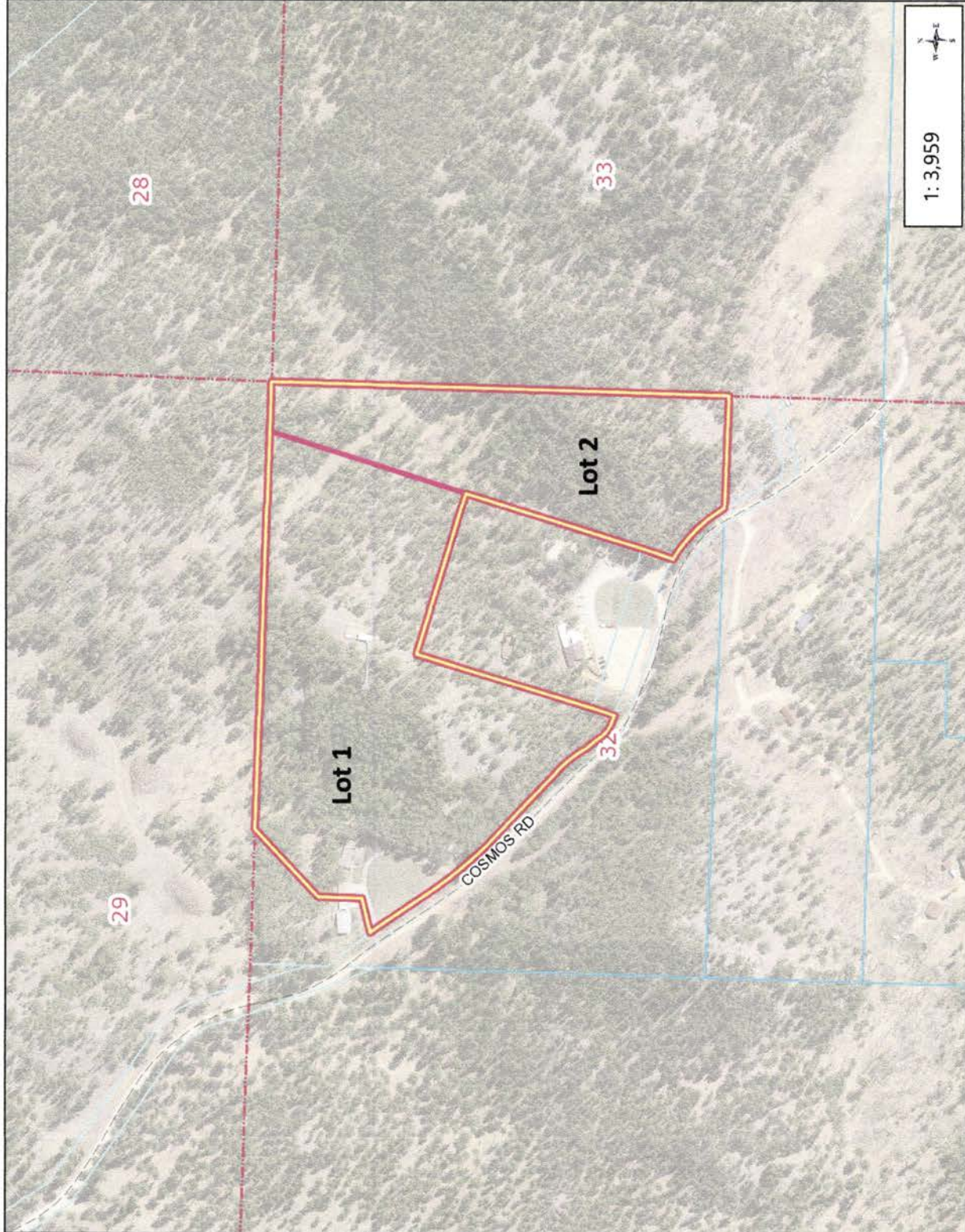
**Section Lines 0-25k**

- 0
- 7

**Tax Parcels**

- Lot Lines
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- Lot Line
- Parcel Line

**Map Notes:**



1: 3,959

659.9 0 329.93 659.9 Feet

NAD\_1983\_2011\_StatePlane\_South\_Dakota\_South\_FIPS\_4002\_Ft\_US  
© Rapid City-Pennington County GIS Division

### Legend

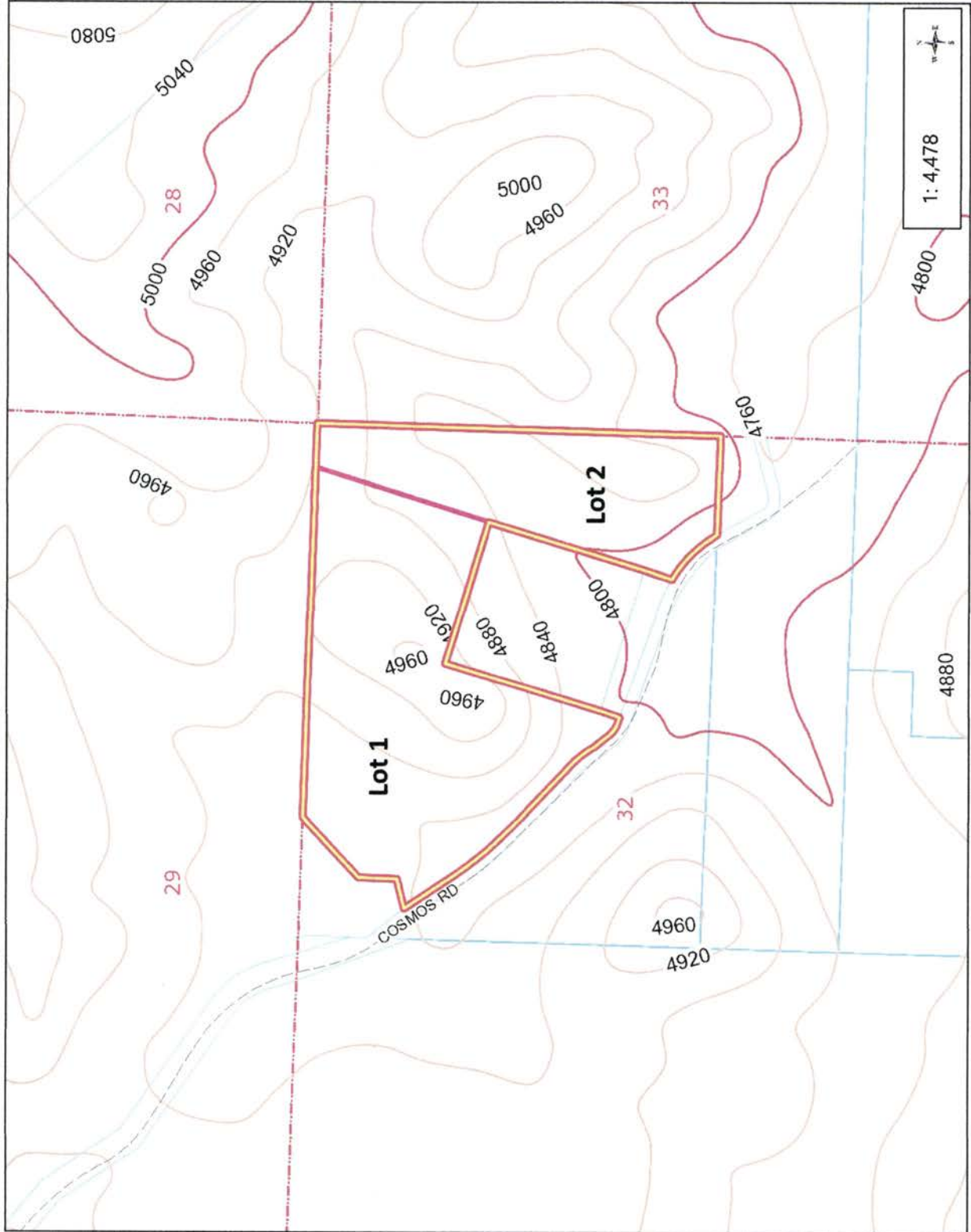
- Roads**
- Interstate
  - US highway
  - SD highway
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  - Main road
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  - Ramp
  - Paved road
  - Unpaved road
  - Unimproved road
  - Trail
  - Airport Runway
  - Not yet coded
- Section Lines 0-25k**
- 0
  - 7

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

### Map Notes:

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



North arrow pointing up.

Scale: 1: 4,478

**Legend**

- Roads**
- Interstate
- US highway
- SD highway
- County highway
- Main road
- Minor arterial
- Collector
- Ramp
- Paved road
- Unpaved road
- Unimproved road
- Trail
- Airport Runway
- Not yet coded
- USGS Contours (NAVD88)**
- Index
- Intermediate
- Section Lines 0-25k**
- 0
- 7
- Tax Parcels**
- Lot Lines
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- Lot Line
- Parcel Line

**Map Notes:**

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

746.4 0 373.19 746.4 Feet

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

© Rapid City-Pennington County GIS Division



1: 16,681

2,780.2 0 1,390.09 2,780.2 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.  
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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:**

**Plat of Lots 1 & 2 of Cosmos Subdivision and Dedicated Right-of-Way**  
 (formerly the unplatted portion of N $\frac{1}{2}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$  Lying North of Highway and the unplatted portion of the N $\frac{1}{2}$  S $\frac{1}{2}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$  lying North of Highway, Sec. 32, T1S, R6E, BHM) located in the NE $\frac{1}{4}$  NE $\frac{1}{4}$  Section 32, T1S, R6E, BHM, Pennington County, South Dakota

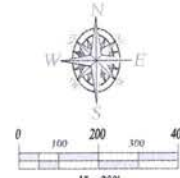
Prepared by:  
 Fisk Land Surveying  
 & Consulting Engineers, Inc.  
 P.O. Box 8154  
 Rapid City, SD 57709  
 (605) 348-1538  
 Project # 18-12-02

**EASEMENTS**

Utility & Minor Drainage Easements; 8' on the interior side of all lot lines --with the exception of Lot Line L2 (as noted with asterisks) whose easement shall be 6'.

**Water Protection Statement**

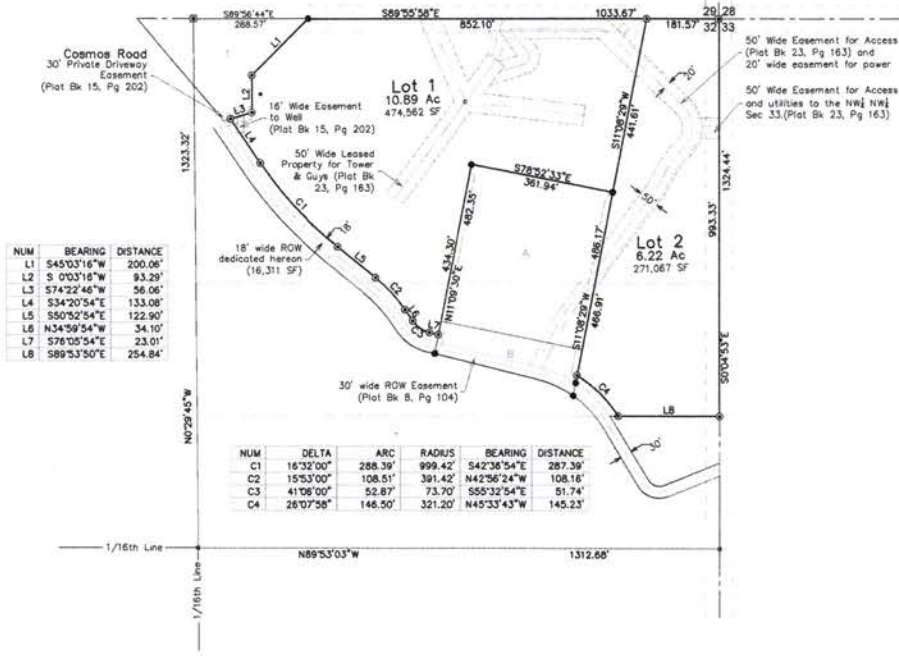
Pursuant to SDCL 11-3-8.1 and 11-3-2, the developer of the property described within this plat shall be responsible for protecting any waters of the state, including groundwater, located adjacent to or within such platted area from pollution from sewage from such subdivision and shall in prosecution of such protections conform to and follow all regulations of the South Dakota Department of Environment and Natural Resources relating to the same.



1" = 200'  
 January 14, 2019  
 Revised May 15, 2019  
 Basis of Bearings North (GPS)

**LEGEND**

- ⊙ = Set survey monument "LS 6565"
- ⊠ = Found USFS Aluminum Cap
- = Found rebar/cap LS 1019 or as noted



PRELIMINARY

**CERTIFICATE OF SURVEYOR**  
 State of South Dakota County of Pennington §

I, Ronald W. Fisk, Registered Land Surveyor No. 6565 in the State of South Dakota, do hereby certify that being so authorized, I made the survey and within plat of the land shown and described hereon and that the same is, in all things, true and correct to the best of my knowledge and belief.

In Witness Whereof, I have hereunto set my hand and official seal

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Ronald W. Fisk  
 Registered Land Surveyor No. 6565



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

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

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Highway/Street Authority \_\_\_\_\_

**CERTIFICATE OF COUNTY TREASURER**  
 State of South Dakota County of Pennington §

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

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Treasurer of Pennington County \_\_\_\_\_

**RESOLUTION BY GOVERNING BOARD**  
 State of South Dakota County of Pennington §

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

Pennington County Auditor / Deputy \_\_\_\_\_

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

Filed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Document Number \_\_\_\_\_

Register of Deeds of Pennington County \_\_\_\_\_

**CERTIFICATE AND ACKNOWLEDGEMENT OF OWNERSHIP**  
 State of South Dakota County of Pennington §

We, John Hovdenes and Ann Hovdenes, do hereby certify that we are the owners of the above described land, and that we did authorize and do hereby approve the survey and within plat of said land, and that development of this land shall conform to all existing applicable zoning, subdivision, and erosion and sediment control regulations.

John Hovdenes - Owner \_\_\_\_\_ Ann Hovdenes - Owner \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a Notary Public, personally appeared John Hovdenes and Ann Hovdenes, known to me to be the persons described in the foregoing instrument and acknowledged to me that they signed the same.

Notary Public \_\_\_\_\_

My Commission Expires \_\_\_\_\_

**CERTIFICATE OF DIRECTOR OF EQUALIZATION**  
 State of South Dakota County of Pennington §

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

Director of Equalization of Pennington County \_\_\_\_\_

Approved \_\_\_\_\_

Date \_\_\_\_\_



## 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**

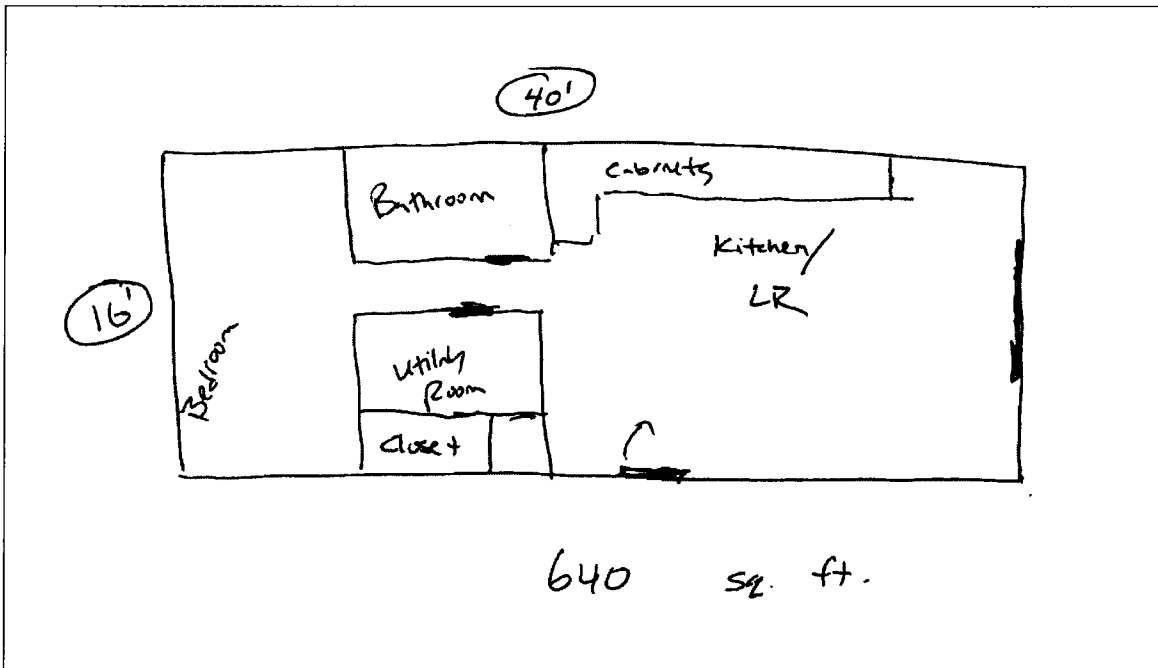
- A. County Highway
  - 1. Highway Department has no comments since this is in the Bradsky Road District and the lot size is adequate.
- B. County Fire Administrator
  - 1. The posted house number must be placed in such a way as to ensure its visibility year round and not be obstructed by such things 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

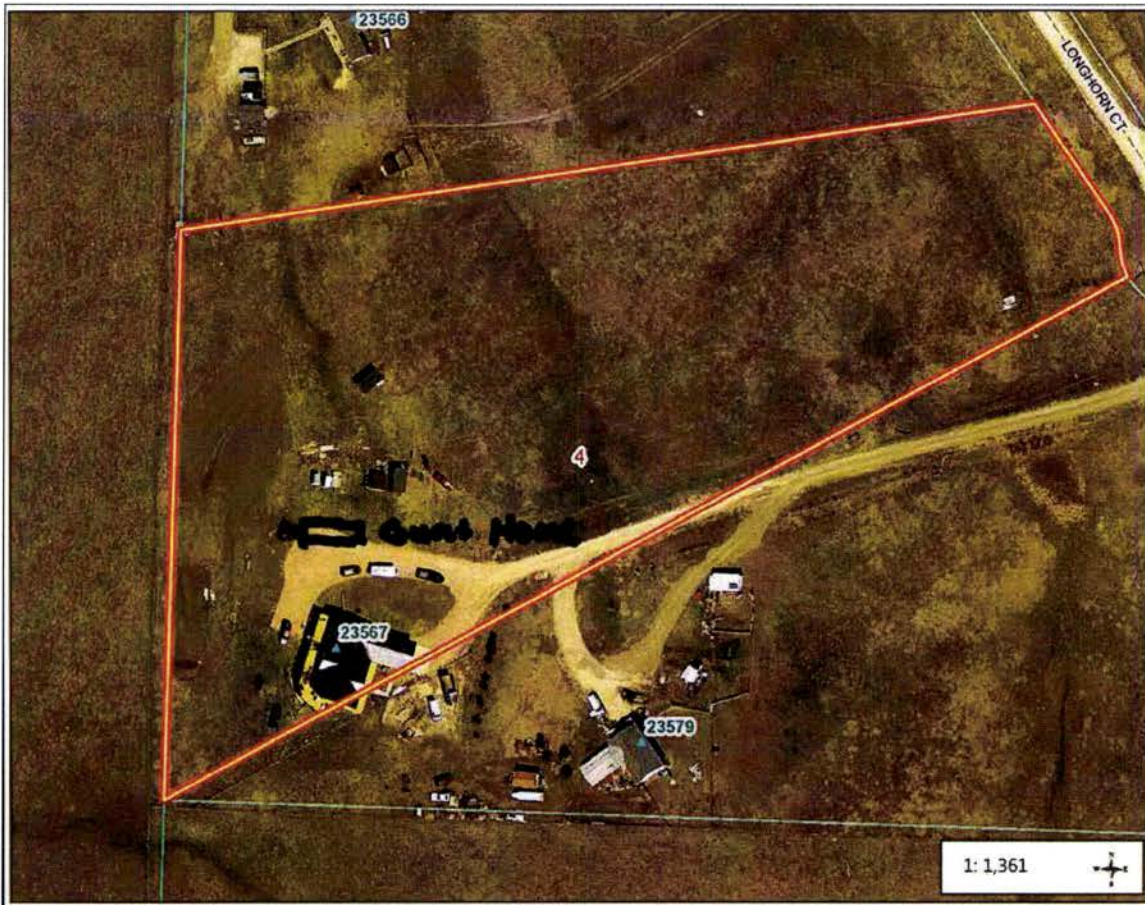
Agenda Item #24  
Paul and Rebecca Freidel  
June 24, 2019



*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.
14. June 10, 2019 – The Planning Commission voted to continue Conditional Use Permit / CU 19-11 to the June 24, 2019 Planning Commission Meeting.
15. **UPDATE for June 24, 2019 Planning Commission meeting, addressing the adjacent property owner's concerns:**
  - a. That the well system be researched.
    - i. According to the 2018 (August 29, 2017) Cedar Gulch #1 Drinking Water Report;
    - ii. The well has fourteen (14) service connections;
    - iii. Is regulated by SD DENR, as it serves 45 customers; and,
    - iv. Is managed by Matt Shull (23566 Cattle Dr).
  - b. That the On-site Wastewater Treatment System be adequately sized for the addition of the Guest House.
    - i. The property owner confirmed there are five (5) bedrooms in the existing single-family residence.
    - ii. The existing septic system is sized appropriately for up to six (6) bedrooms and has a current Operating Permit (COOP17-0387).
  - c. That a Condition be made to vacate the existing Private Access Easement.

- i. Access is off of Long Horn Court via an existing approach and Private Access Easement (Miscellaneous Book 94, Page 3904).
- ii. A condition of the Guest House cannot legally be made to vacate the Easement.
- d. That there will be checks and balances associated with the Conditional Use Permit.
  - i. If approved, CUP 19-11 will be reviewed in one (1) year.

#### **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;
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;

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Paul and Rebecca Freidel  
June 24, 2019

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.

Mr. Theunissen,

Our names are Glenn and Wand Miller and we are the property owners of the address identified as 23579 Longhorn Court in the Cedar Gulch Subdivision. We would like to express our concerns with the requested building permit that pertains to the property to the west of ours, owned by Paul and Rebecca Freidel. The change being requested by the Freidel's involves adding a Guest House to the current property.

Due to the ordinances as we understand them, this Guest House could be occupied for up to 180 days per year and could be up to one thousand square feet in size. (The current home on the property is approximately 5,200 sq feet.)

The addition of a guest house presents several concerns. The Freidel's residence already serves a large family and it is our belief that the home has been modified from the original three-bedroom capacity to a five- or six-bedroom capacity already. This information was passed on to us (second party) by other neighbors who have been in the home themselves. We have not observed this firsthand, although we have seen construction and plumbing materials being disposed of. Adding a guest house, that may be sizeable and occupiable for half of the year, would increase the water usage impacting water testing and possible well requirements for the homeowner's association, septic system functions and driveway usage.

We would like this item to be continued at the very least, to allow time to assess the condition of the shared well, the water sampling requirements and limitations concerning the number of persons/households on the well and how increasing this number will impact the current restrictions, testing requirements, water availability and water pressure.

We have experienced a noticeable decline in water pressure with the additional usage, since the Friedel's have moved in. We share a water line that only maintains pressure due to decreasing the size of the water line forcing the water line up the hill to both residences. Additional usage can only have one impact on our currently reduced water availability, and it is only in to the negative. We would request that if the Guest House is permitted, the Freidels be required to install a water line specific to their property. A tie in was provided on the main line at the property line adjacent to cul-de-sac area where the property is addressed.

Our second concern is the Septic System that the Guest House would be tied into. This septic system has had ongoing issues, sewage leaching above ground and permeating odor. This was partially due to a portion of the line to the drain field collapsing and partially due to the number of people the septic system was designed for verses the number of people utilizing it. The wind generally blows out of the north west toward our home and we are already very familiar with the issues concerning this and we are apprehensive at the thought of adding more usage to the current system. A minimal attempt to correct the problem did appear to be completed, but we would like to ensure that the septic system has been updated to accommodate the current number of bedrooms in the home in addition to the proposed quest house.

We would also ask that the county consider our concerns regarding the driveway easement that the Freidel's have through our property. We recognize that this easement was granted prior to the Freidel's taking possession of the property where they are requesting the Guest House be placed. We live in a rural area and obviously desire minimal traffic going past our residence. The Freidel's do have a rather large number of deliveries via FedEx and UPS and our driveway is already seeing a great deal more traffic than it was designed for. Adding a secondary residence that could be rented out for half of the year places an unreasonable expectation of tolerance on us as the property owners of the only access to the residence requesting the Guest House be allowed.

The Freidel's have not been considerate when it comes to driveway usage and we have no reason to believe they would be in the future. They indicated that our access from the easement on their property was located in the wrong spot (although it was in place prior to the survey for the easement being done). They placed posts across it, and we were required to build a new access off our driveway, which we did without incident.

The Freidel's have proceeded to trench, causing runoff to pool at the base of our property, they have placed the gate to their pasture directly across from our newly constructed driveway entrance so that they could use our new driveway to backup and maneuver truck and livestock trailers (blocking us in our own driveway and preventing Wanda from getting to work). When it would have been reasonable, to have placed their new pasture gate so that they could back around onto the old driveway access they caused us to abandon or onto their own property.

Most recently, the Freidel's planted trees along the property line next to the driveway, in a location that will cause our newly constructed driveway entrance to drift shut during the winter season. (When the Freidel's originally purchased the property, we had snow fences properly placed along the shared access to ensure minimal drifting impact and had generally had easy access after snow impacts. We had explained to them the necessity of snow fences and the benefits. They did not utilize a snow fence during the last winter season and were significantly drifted in.) They did not plant trees or shrubs in any other location along the driveway, other than the portion that will directly impact our new driveway.

I have taken the time to explain these issues only to give you insight as to why we are concerned, and why we do not believe that the Freidel's will self-regulate or operate with consideration for others utilizing the primary systems impacted, being the water source, the driveway or the current septic system.

We have contacted a surveyor who will be surveying the utility easement given to the property the Freidel's currently own. This is being done because Wanda is the original owner of the property, and the current utilities are not installed in the utility easement. (They were not placed in the easement as it was understood that the residence the Freidel's currently own would access the designated tie in and install a separate water line at a later date.)

**If the ability to place a Guest House on the Freidel's property is granted, we would respectfully request that;**

First, it be conditional upon them building an independent access to the property and vacating the easement through our property.

Second, that an inspection of the home be completed verifying the number of bedrooms and the additional bedrooms being introduced by adding a Guest House, and that the Septic System be examined to ensure it has the ability to adequately function with the capacity of proposed bedrooms.

Third, that the impact on the already tenuous well system be researched to ensure that we will be able to remain within compliance and that it is acceptable to add another residence to our current subdivision.

Fourth, that some method of ensuring that the Freidel's comply with the use limitations associated with the Guest House zoning is put into place, and that it not be a form of self-governing with no probability of checks and balances.

Photo's are attached to this letter for clarification.

Thank you,

Glenn and Wanda Miller

23579 Longhorn Court,

Rapid City,

SD 57703

Are the owners of the guest house allowed to advertise for rental?

If the ability to place a Guest House on the Freidel's property is granted, we would respectfully request that;

First, it be conditional upon them building an independent access to the property and vacating the easement through our property.

Second, that an inspection of the home be completed verifying the number of bedrooms and the additional bedrooms being introduced by adding a Guest House, and that the Septic System be examined to ensure it has the ability to adequately function with the capacity of proposed bedrooms.

X Third, that the impact on the already tenuous well system be researched to ensure that we will be able to remain within compliance and that it is acceptable to add another residence to our current subdivision.

X Fourth, that some method of ensuring that the Freidel's comply with the use limitations associated with the Guest House zoning is put into place, and that it not be a form of self-governing with no probability of checks and balances.

Photo's are attached to this letter for clarification.

Thank you,

Glenn and Wanda Miller

23579 Longhorn Court,

Rapid City,

SD 57703

- impact well system & water pressure
- compliance & accountability for the guest house regulations

I support this letter and the requests.

Paula K. Kear

6/10/19

605-431-0338

23566 Longhorn Ct.















DECLARATION OF  
COVENANTS, CONDITIONS AND RESTRICTIONS CEDAR GULCH SUBDIVISION, PENNINGTON COUNTY, SOUTH DAKOTA

THIS DECLARATION, MADE ON THE DATE HEREINAFTER SET FORTH BY GORDON K. HOWE AND CONNIE L. HOWE, AND GORDON HOWE REAL ESTATE, INC. , HEREINAFTER REFERRED TO AS "DECLARANT"

WITNESSETH:

WHEREAS, DECLARANT OWNS PROPERTY IN THE COUNTY OF PENNINGTON, STATE OF SOUTH DAKOTA, DESCRIBED AS HOLY COW RANCH SUBDIVISION ACCORDING TO THE PLAT THEREOF, WHICH IS RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR PENNINGTON COUNTY, SOUTH DAKOTA, AND IS DESCRIBED AS FOLLOWS:

LOTS ONE THROUGH FOURTEEN (1-14) OF CEDAR GULCH SUBDIVISION, PENNINGTON COUNTY, SOUTH DAKOTA.

WHEREAS, DECLARANT INTENDS TO SELL LOTS IN CEDAR GULCH SUBDIVISION AND TO IMPOSE ON THE PROPERTY CERTAIN COVENANTS, CONDITIONS AND RESTRICTIONS FOR THE BENEFIT OF THE OWNERS OF THE PROPERTY.

NOW, THEREFORE, DECLARANT HEREBY DECLARES THAT THE PROPERTY SHALL BE HELD, SOLD, AND CONVEYED SUBJECT TO THE FOLLOWING COVENANTS, RESTRICTIONS AND CONDITIONS WHICH ARE IMPOSED TO PROTECT THE VALUE OF THE LAND AND WHICH SHALL RUN WITH THE LAND AND BE BINDING ON ALL PARTIES HAVING ANY RIGHT, TITLE OR INTEREST IN THE PROPERTY AND THEIR HEIRS, SUCCESSORS AND ASSIGNS, AND SHALL INURE TO THE BENEFIT OF EACH SUCH PARTY.

HOMEOWNERS ASSOCIATION

1. THERE IS HEREBY CREATED AN ASSOCIATION TO BE KNOWN AS CEDAR GULCH HOMEOWNERS ASSOCIATION. THIS HOMEOWNERS ASSOCIATION MAY INCLUDE PROPERTY OWNERS OUTSIDE OF THE CEDAR GULCH SUBDIVISION, AT THE SOLE DISCRETION OF THE HOMEOWNERS ASSOCIATION. NO MEMBERSHIP OR ACCESS TO THE WELL SHALL BE ALLOWED WITHOUT THE CONSENT OF THE ASSOCIATION.
2. MEMBERSHIP IN THE ASSOCIATION SHALL BE APPURTENANT TO AND MAY NOT BE SEPARATED FROM OWNERSHIP OF A LOT.
3. THE ASSOCIATION SHALL OPERATE AND SUPERVISE THE MAINTENANCE, REPAIR AND USE OF THE ROAD KNOWN AS CEDAR DRIVE, AND THE WELL LOCATED ON LOT 11 OF CEDAR GULCH SUBDIVISION. MEMBERS, THEIR FAMILIES AND GUESTS SHALL BE SUBJECT TO REASONABLE RULES AND REGULATIONS FOR THE USE OF THE COMMON ROAD, AS DIRECTED BY THE ASSOCIATION.
4. MEMBERS RIGHTS. EVERY OWNER SHALL, UPON THE PURCHASE OF A LOT, AUTOMATICALLY BECOME A MEMBER OF THE ASSOCIATION. MEMBERSHIP SHALL CONTINUE UNTIL THE MEMBER NO LONGER HOLDS OWNERSHIP IN THE PROPERTY, OR UNTIL THE MEMBER ASSIGNS HIS MEMBERSHIP TO A NEW CONTRACT PURCHASER OR MORTGAGEE.
5. THE ASSOCIATION MAY PROVIDE PENALTIES FOR VIOLATION OF ITS DULY ADOPTED RULES AND REGULATIONS AND FOR FAILURE TO PAY ASSESSMENTS DUE AND PAYABLE TO THE ASSOCIATION.
6. UPON A TWO-THIRDS VOTE OF THE MEMBERS, THE ASSOCIATION MAY BORROW MONEY TO IMPROVE THE ROAD. THE ASSOCIATION SHALL NOT ENCUMBER ANY OF THE LOTS FOR ANY REASON WITHOUT THE EXPRESS WRITTEN CONSENT OF THE INDIVIDUAL LOT OWNERS.
7. ASSESSMENTS. THE ASSOCIATION SHALL HAVE THE RIGHT TO LEVY ANNUAL ASSESSMENTS UPON ITS MEMBERS FOR THE MAINTENANCE OF THE ROAD. THE DEVELOPER/ORIGINAL OWNER OF THE LOTS SHALL BE RESPONSIBLE FOR THE CONSTRUCTION OF THE ROAD, BUT SHALL NOT BE SUBJECT TO ANY ASSESSMENT AT ANY TIME. NO ASSESSMENT SHALL BE LEVIED AGAINST ANY LOT BY THE ASSOCIATION AS LONG AS THE DEVELOPER/ORIGINAL OWNER OWNS SAID LOT(S).

COVENANTS AND RESTRICTIONS

THESE COVENANTS AND RESTRICTIONS SHALL BE VALID REGARDLESS OF OWNERSHIP OR TRANSFER OF TITLE.



1. NO HOME SHALL BE ALLOWED TEMPORARILY OR PERMANENTLY WHICH DOES NOT HAVE A PITCHED ROOF, EITHER SHINGLED OR COLORED STEEL; MASONITE, HARDBOARD, VINYL, WOOD OR WOOD GRAIN SIDING. NO SHEET METAL ROOF OR SHEET METAL SIDING (THE TYPE USED ON MOBILE HOMES BUILT IN THE 1980'S AND EARLIER) SHALL BE ALLOWED ON ANY HOME.
2. ALL HOMES MUST HAVE AT LEAST 900 SQUARE FEET OF LIVING SPACE.
3. OUTBUILDINGS SHALL BE CONSTRUCTED OF NEW MATERIALS. COLORED STEEL EXTERIORS ARE ACCEPTABLE, BUT SILVER BARN STEEL IS NOT ACCEPTABLE.
4. ALL CORRALS SHALL BE CONSTRUCTED OF NEW MATERIAL AND SHALL BE COLORED STEEL PANELS, WOOD OR OTHER NEW MATERIAL COMMONLY USED IN CORRALS.
5. ALL FENCES SHALL BE CONSTRUCTED OF NEW MATERIAL AND SHALL BE SPLIT RAIL, POST AND POLE, SMOOTH OR BARBED WIRE, TREATED LUMBER, OR NEW FABRICATED FENCE MATERIAL.
6. ANIMALS OR PETS ARE ALLOWED ON THE PROPERTY, BUT MUST BE RESTRAINED AT ALL TIMES AND NOT ALLOWED TO ROAM OR WANDER OFF THE PROPERTY. LIVESTOCK MAY GRAZE, BUT THE GRASS MUST NOT BE OVERGRAZED. LIVESTOCK SHOULD BE STABLED OR CORRALED SO AS NOT TO CAUSE OVERGRAZING. LIVESTOCK NUMBERS SHALL BE LIMITED AS FOLLOWS: NO MORE THAN 3 ADULT ANIMALS FROM THE FOLLOWING GROUP SHALL BE ALLOWED PER LOT HORSES - COWS - BULLS - HEIFERS - STEERS - GOATS OR SHEEP; NO MORE THAN 3 DOGS PER LOT. NO SWINE OR PET PIGS ARE PERMITTED.
7. NO MORE THAN ONE THIRD OF THE ANY LOT MAY BE USED FOR STABLES OR CORRALS.
8. THERE ARE TWO LOTS ON WHICH THERE ARE EXISTING IMPROVEMENTS, <sup>LOTS ONE (1) and eleven (11)</sup> THESE EXISTING IMPROVEMENTS ARE EXEMPT FROM THE COVENANTS AND RESTRICTIONS HEREIN. ANY NEW IMPROVEMENTS ON THESE LOTS SHALL BE BOUND BY ALL THESE COVENANTS AND RESTRICTIONS.

IN WITNESS WHEREOF, THE UNDERSIGNED, BEING THE DECLARANTS HEREIN, HAVE HEREUNTO SET THEIR HANDS AND SEALS THIS

20~~15~~ DAY OF August, 2001  
  
 GORDON K. HOWE, DECLARANT

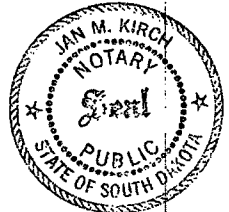
CONNIE L. HOWE, DECLARANT

State of South Dakota )  
 ) ss.  
 County of Pennington )

On this 20 day of August, 2001, before me, Jahubh the undersigned officer, personally appeared Gordon K. Howie and Connie L. Howie known to me or satisfactorily proven to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purpose therein contained.

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

notary public



My commission Expires: 1-4-2004

Prepared By:  
 Gordon K. Howie  
 23415 Bradsky Rd.  
 Rapid City, SD 57703  
 (605) 393-2234

# Cedar Gulch #1 Drinking Water Information

## (System Information, Sampling Requirements, and Compliance Report)

**This system is not a candidate for an award:**

**Operator Certification , Violation**

**Population Served:** 45

**System Population:** 45

**Certified Operator:** Mr Zach Shull  
23566 Cattle Drive  
Rapid City, SD 57703

**Work Phone:**  
**Home Phone:**  
**Cell Phone:**  
**Fax:**  
**Email:** zach.shull12@gmail.com

**Financial Contact:** Ms Lane Shull  
23566 Cattle Drive  
Rapid City, SD 57703

**Work Phone:**  
**Home Phone:** (605)786-7326  
**Cell Phone:**  
**Fax:**  
**Email:** lane@cultivateletters.com

**Other Contacts:** Mr Zach Shull  
23566 Cattle Drive  
Rapid City, SD 57703

**Work Phone:**  
**Home Phone:**  
**Cell Phone:**  
**Fax:**  
**Email:** zach.shull12@gmail.com

**Last Inspection:** June 17, 2015

**Type of System:** Community

**Area Served:** Pennington County

**Number of Service Connections:** 14

**Contamination Risk:** high

### Water Produced And Used By The Cedar Gulch #1 Public Water System

**PWS Owner Type:** Private Ownership

**Service Area:** Housing Development

**Contract Laboratory:**

Midcontinent Laboratory

# Monitoring/Reporting - Entry Point

Cedar Gulch #1

EPA ID: 2301

## SAMPLING

Entry point: Well #1

	Chemical	Sampling Frequency	Waivers	Taken Last	Due Next	Notes
1	Inorganic Chemicals					
	A. Antimony	Triennially	No	Oct-16		
	B. Arsenic	Triennially	No	Oct-16		
	C. Barium	Triennially	No	Oct-16		
	D. Beryllium	Triennially	No	Oct-16		
	E. Cadmium	Triennially	No	Oct-16		
	F. Chromium	Triennially	No	Oct-16		
	G. Cyanide		Yes			State-wide waiver
	H. Fluoride	Triennially	No	Oct-16		
	I. Mercury	Triennially	No	Oct-16		
	J. Nickel	Triennially	No	Oct-16		
	K. Selenium	Triennially	No	Oct-16		
	L. Thallium	Triennially	No	Oct-16		
2	Radiological Chemicals	Annually	N/A			
3	VOC Chemicals	Quarterly	No	Dec-17	2017	
4	SOC Chemicals					
	A. Method 515.1	Triennially	No	Oct-16	2019	
	B. Method 524	Triennially	No	Oct-16	2019	
	C. Method 525	Triennially	No	Oct-16	2019	
	D. Method 531.1	Triennially	No	Oct-16	2019	
	E. Method 547	Triennially	No	Oct-16	2019	
	F. Method 548	Triennially	No	Oct-16	2019	
	G. Method 549	Triennially	No	Oct-16	2019	
5	Nitrate	Annually	N/A	Dec-17		
6	Nitrite	Triennially	N/A	Nov-15		

(These values are calculated from available data. Check correspondence for verification.)



### Bacteriological Monitoring

Bacteriological sampling and analysis: January 1, 2017 to January 1, 2018

A Samples submitted:	<u>10</u>
B Samples required:	<u>One Sample Each Month.</u>
C Survey samples:	<u>0</u>
D Safe samples:	<u>9</u>
E Unsafe samples:	<u>1</u>
F Repeat samples:	<u>0</u>
H Groundwater Samples:	

### Lead and Copper Monitoring

(These values are calculated from available data. Check correspondence for verification.)

A Date Last Tested:	<u>September 30, 2016</u>
B Samples required:	<u>5</u>
C Sampling Frequency	<u>Triennially</u>
D Date Due Next	<u>2019</u>
E Lead - 90% Level	<u>1</u> Action Level - 15 ug/l
F Copper 90% Level	<u>0.115</u> Action Level - 1.3 mg/l

### Disinfectant Residual Monitoring

Residual sampling and analysis: \_\_\_\_\_ to \_\_\_\_\_

A Samples submitted:	<u>No Tests</u>
B Samples required:	
C Last Qtr Cl Residual:	_____ mg/l
D Running Annual Average:	_____ mg/l
E Date of last DBP test:	<u>No Tests</u>
F THM - Qtr Average:	_____ ug/l
G Haa5 - Qtr Average:	_____ ug/l

### Asbestos

A Date of last test:	<u>Waiver - Testing Not Required</u>
B Asbestos Result:	_____ million fibers per liter

Comments \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# Violations and Significant Deficiencies

Cedar Gulch #1

EPA ID: 2301

Violations From January 1, 2013 To January 1, 2018

Violation Type	Parameter	Date	Status
Failure to Monitor	Uranium	01/01/2017	Public Notice Requested
Failure to Monitor	Combined Radium	01/01/2017	Public Notice Requested
Failure to Monitor	Alpha Emitters	01/01/2017	Public Notice Requested
FTM-Routine Samples	RTCR	08/01/2017	Public Notice Requested
No Level I Assessment	RTCR	04/13/2017	Public Notice Requested
	RTCR		Compliance Achieved
	RTCR		Public Notice Received
FTM-Routine Samples	RTCR	01/01/2017	Public Notice Requested
	RTCR		Compliance Achieved
Failure to Send Lead Consumer Notifications	Lead/Copper	01/01/2017	Reminder Notice
	Lead/Copper		Compliance Achieved
Failure to Take Source Samples	E. Coli	03/04/2017	Public Notice Requested
	E. Coli		Public Notice Received
	E. Coli		Compliance Achieved
FTM-Routine Samples	RTCR	12/01/2016	Public Notice Requested
	RTCR		Compliance Achieved
FTM-Routine Samples	RTCR	11/01/2016	Public Notice Requested
	RTCR		Compliance Achieved
Failure To Address Significant Deficiency On	Groundwater Rule	04/01/2016	Reminder Notice
	Groundwater Rule		Compliance Achieved
Routine Sample Monitoring Violation	Total Coliform Bacteria	12/01/2014	Public Notice Requested
	Bacteriological		Compliance Achieved
	Bacteriological		Public Notice Received
Failure to Monitor	SOCs - Diquat	01/01/2014	Public Notice Requested
	SOCs - Diquat		Compliance Achieved
Failure to Monitor	SOCs - Glyphosate	01/01/2014	Public Notice Requested
	SOCs - Glyphosate		Compliance Achieved
Failure to Monitor	SOCs - Endothall	01/01/2014	Public Notice Requested
	SOCs - Endothall		Compliance Achieved
Failure to Monitor	SOCs - Ethylene dibromide	01/01/2014	Public Notice Requested
	SOCs - Ethylene dibromide		Compliance Achieved
Failure to Monitor	SOCs - Dibromochloropropane	01/01/2014	Public Notice Requested
	SOCs - Dibromochloropropane		Compliance Achieved
Failure to Monitor	SOCs - 2,4-D	01/01/2014	Public Notice Requested
	SOCs - 2,4-D		Compliance Achieved
Failure to Monitor	SOCs - Pichloram	01/01/2014	Public Notice Requested
	SOCs - Pichloram		Compliance Achieved
Failure to Monitor	SOCs - Pentachlorophenol	01/01/2014	Public Notice Requested
	SOCs - Pentachlorophenol		Compliance Achieved
Failure to Monitor	SOCs - 2,4,5-TP (Silvex)	01/01/2014	Public Notice Requested
	SOCs - 2,4,5-TP (Silvex)		Compliance Achieved
Failure to Monitor	SOCs - Dinoseb	01/01/2014	Public Notice Requested
	SOCs - Dinoseb		Compliance Achieved
Failure to Monitor	SOCs - Dalapon	01/01/2014	Public Notice Requested
	SOCs - Dalapon		Compliance Achieved
Failure to Monitor	SOCs - Oxamyl	01/01/2014	Public Notice Requested
	SOCs - Oxamyl		Compliance Achieved
Failure to Monitor	SOCs - Carbofuran	01/01/2014	Public Notice Requested
	SOCs - Carbofuran		Compliance Achieved

Failure to Monitor	SOCs - Simazine	01/01/2014	Public Notice Requested
	SOCs - Simazine		Compliance Achieved
Failure to Monitor	SOCs - Toxaphene	01/01/2014	Public Notice Requested
	SOCs - Toxaphene		Compliance Achieved
Failure to Monitor	SOCs - Chlordane	01/01/2014	Public Notice Requested
	SOCs - Chlordane		Compliance Achieved
Failure to Monitor	SOCs - Lindane	01/01/2014	Public Notice Requested
	SOCs - Lindane		Compliance Achieved
Failure to Monitor	SOCs - Hexachlorobenzene	01/01/2014	Public Notice Requested
	SOCs - Hexachlorobenzene		Compliance Achieved
Failure to Monitor	SOCs - Endrin	01/01/2014	Public Notice Requested
	SOCs - Endrin		Compliance Achieved
Failure to Monitor	SOCs - Hexachlorocyclopentadiene	01/01/2014	Public Notice Requested
	SOCs - Hexachlorocyclopentadiene		Compliance Achieved
Failure to Monitor	SOCs - Di(2-ethylhexyl)phthalate	01/01/2014	Public Notice Requested
	SOCs - Di(2-ethylhexyl)phthalate		Compliance Achieved
Failure to Monitor	SOCs - Di(2-ethylhexyl)adipate	01/01/2014	Public Notice Requested
	SOCs - Di(2-ethylhexyl)adipate		Compliance Achieved
Failure to Monitor	SOCs - PCBs	01/01/2014	Public Notice Requested
	SOCs - PCBs		Compliance Achieved
Failure to Monitor	SOCs - Methoxychlor	01/01/2014	Public Notice Requested
	SOCs - Methoxychlor		Compliance Achieved
Failure to Monitor	SOCs - Benzo(a)pyrene (PAH)	01/01/2014	Public Notice Requested
	SOCs - Benzo(a)pyrene (PAH)		Compliance Achieved
Failure to Monitor	SOCs - Atrazine	01/01/2014	Public Notice Requested
	SOCs - Atrazine		Compliance Achieved
Failure to Monitor	SOCs - Heptachlor Epoxide	01/01/2014	Public Notice Requested
	SOCs - Heptachlor Epoxide		Compliance Achieved
Failure to Monitor	SOCs - Heptachlor	01/01/2014	Public Notice Requested
	SOCs - Heptachlor		Compliance Achieved
Failure to Monitor	SOCs - Alachlor	01/01/2014	Public Notice Requested
	SOCs - Alachlor		Compliance Achieved
Failure to Monitor	VOCs - Toluene	01/01/2014	Public Notice Requested
	VOCs - Toluene		Compliance Achieved
Failure to Monitor	VOCs - Trichloroethylene	01/01/2014	Public Notice Requested
	VOCs - Trichloroethylene		Compliance Achieved
Failure to Monitor	VOCs - 1,2 Dichloroethane	01/01/2014	Public Notice Requested
	VOCs - 1,2 Dichloroethane		Compliance Achieved
Failure to Monitor	VOCs - p-Dichlorobenzene	01/01/2014	Public Notice Requested
	VOCs - p-Dichlorobenzene		Compliance Achieved
Failure to Monitor	VOCs - Benzene	01/01/2014	Public Notice Requested
	VOCs - Benzene		Compliance Achieved
Failure to Monitor	VOCs - 1,2 Dichloropropane	01/01/2014	Public Notice Requested
	VOCs - 1,2 Dichloropropane		Compliance Achieved
Failure to Monitor	VOCs - trans 1,2 Dichloroethylene	01/01/2014	Public Notice Requested
	VOCs - trans 1,2 Dichloroethylene		Compliance Achieved
Failure to Monitor	VOCs - o-Dichlorobenzene	01/01/2014	Public Notice Requested
	VOCs - o-Dichlorobenzene		Compliance Achieved
Failure to Monitor	VOCs - Styrene	01/01/2014	Public Notice Requested
	VOCs - Styrene		Compliance Achieved
Failure to Monitor	VOCs - Chlorobenzene	01/01/2014	Public Notice Requested
	VOCs - Chlorobenzene		Compliance Achieved
Failure to Monitor	VOCs - Carbon Tetrachloride	01/01/2014	Public Notice Requested
	VOCs - Carbon Tetrachloride		Compliance Achieved
Failure to Monitor	VOCs - 1,1 Dichloroethylene	01/01/2014	Public Notice Requested
	VOCs - 1,1 Dichloroethylene		Compliance Achieved
Failure to Monitor	VOCs - Total Xylenes	01/01/2014	Public Notice Requested
	VOCs - Total Xylenes		Compliance Achieved

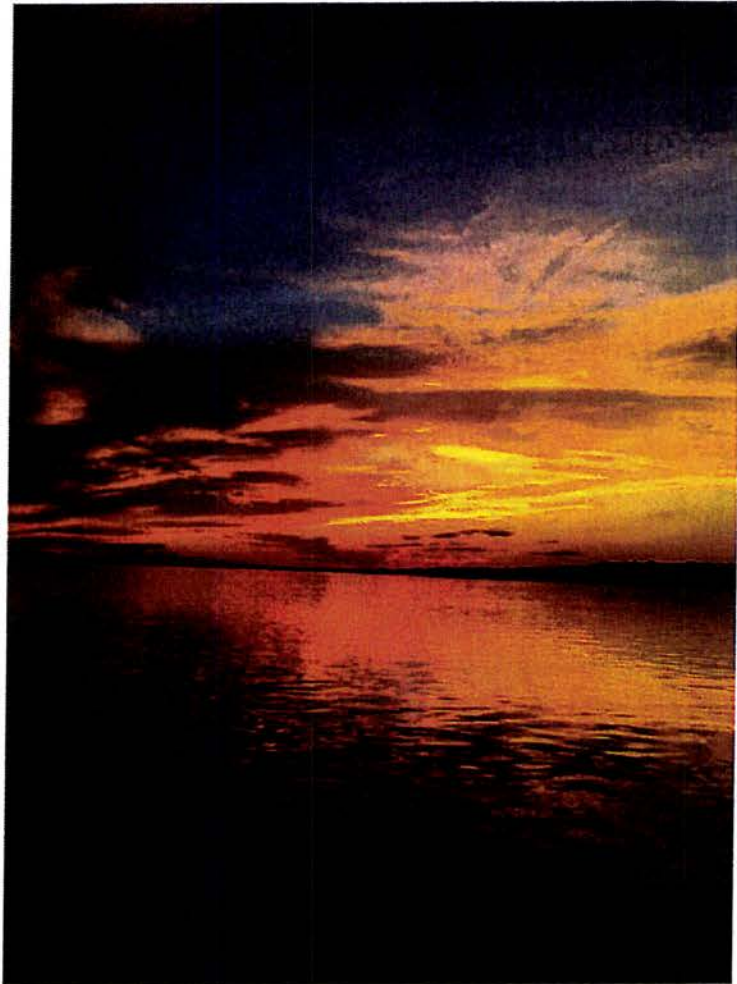
Failure to Monitor	VOCs - 1,1,2 Trichloroethane	01/01/2014	Public Notice Requested
	VOCs - 1,1,2 Trichloroethane		Compliance Achieved
Failure to Monitor	VOCs - 1,2,4 Trichlorobenzene	01/01/2014	Public Notice Requested
	VOCs - 1,2,4 Trichlorobenzene		Compliance Achieved
Failure to Monitor	VOCs - Dichloromethane	01/01/2014	Public Notice Requested
	VOCs - Dichloromethane		Compliance Achieved
Failure to Monitor	VOCs - Ethylbenzene	01/01/2014	Public Notice Requested
	VOCs - Ethylbenzene		Compliance Achieved
Failure to Monitor	VOCs - Tetrachloroethylene	01/01/2014	Public Notice Requested
	VOCs - Tetrachloroethylene		Compliance Achieved
Failure to Monitor	VOCs - 1,1,1 Trichloroethane	01/01/2014	Public Notice Requested
	VOCs - 1,1,1 Trichloroethane		Compliance Achieved
Failure to Monitor	VOCs - Vinyl Chloride	01/01/2014	Public Notice Requested
	VOCs - Vinyl Chloride		Compliance Achieved
Failure to Monitor	VOCs - cis 1,2 Dichloroethylene	01/01/2014	Public Notice Requested
	VOCs - cis 1,2 Dichloroethylene		Compliance Achieved
Exceedance of Allowable Contaminant Level	Combined Radium	01/01/2014	Public Notice Requested
	Combined Radium		Compliance Achieved
Exceedance of Allowable Contaminant Level	Combined Radium	10/01/2013	Public Notice Requested
	Combined Radium		Public Notice Received
	Combined Radium		State Action-No Penalty
	Combined Radium		Compliance Achieved
Exceedance of Allowable Contaminant Level	Combined Radium	07/01/2013	Public Notice Requested
	Combined Radium		Public Notice Received
	Combined Radium		State Action-No Penalty
	Combined Radium		Compliance Achieved
Exceedance of Allowable Contaminant Level	Combined Radium	04/01/2013	Public Notice Requested
	Combined Radium		Public Notice Received
	Combined Radium		State Action-No Penalty
	Combined Radium		Compliance Achieved
Failure to Monitor	VOCs - Toluene	04/01/2013	Public Notice Requested
	VOCs - Toluene		Compliance Achieved
Failure to Monitor	VOCs - Trichloroethylene	04/01/2013	Public Notice Requested
	VOCs - Trichloroethylene		Compliance Achieved
Failure to Monitor	VOCs - 1,2 Dichloroethane	04/01/2013	Public Notice Requested
	VOCs - 1,2 Dichloroethane		Compliance Achieved
Failure to Monitor	VOCs - p-Dichlorobenzene	04/01/2013	Public Notice Requested
	VOCs - p-Dichlorobenzene		Compliance Achieved
Failure to Monitor	VOCs - Benzene	04/01/2013	Public Notice Requested
	VOCs - Benzene		Compliance Achieved
Failure to Monitor	VOCs - 1,2 Dichloropropane	04/01/2013	Public Notice Requested
	VOCs - 1,2 Dichloropropane		Compliance Achieved
Failure to Monitor	VOCs - trans 1,2 Dichloroethylene	04/01/2013	Public Notice Requested
	VOCs - trans 1,2 Dichloroethylene		Compliance Achieved
Failure to Monitor	VOCs - o-Dichlorobenzene	04/01/2013	Public Notice Requested
	VOCs - o-Dichlorobenzene		Compliance Achieved
Failure to Monitor	VOCs - Styrene	04/01/2013	Public Notice Requested
	VOCs - Styrene		Compliance Achieved
Failure to Monitor	VOCs - Chlorobenzene	04/01/2013	Public Notice Requested
	VOCs - Chlorobenzene		Compliance Achieved
Failure to Monitor	VOCs - Carbon Tetrachloride	04/01/2013	Public Notice Requested
	VOCs - Carbon Tetrachloride		Compliance Achieved
Failure to Monitor	VOCs - 1,1 Dichloroethylene	04/01/2013	Public Notice Requested
	VOCs - 1,1 Dichloroethylene		Compliance Achieved
Failure to Monitor	VOCs - Total Xylenes	04/01/2013	Public Notice Requested
	VOCs - Total Xylenes		Compliance Achieved
Failure to Monitor	VOCs - 1,1,2 Trichloroethane	04/01/2013	Public Notice Requested
	VOCs - 1,1,2 Trichloroethane		Compliance Achieved

Failure to Monitor	VOCs - 1,2,4 Trichlorobenzene	04/01/2013	Public Notice Requested
	VOCs - 1,2,4 Trichlorobenzene		Compliance Achieved
Failure to Monitor	VOCs - Dichloromethane	04/01/2013	Public Notice Requested
	VOCs - Dichloromethane		Compliance Achieved
Failure to Monitor	VOCs - Ethylbenzene	04/01/2013	Public Notice Requested
	VOCs - Ethylbenzene		Compliance Achieved
Failure to Monitor	VOCs - Tetrachloroethylene	04/01/2013	Public Notice Requested
	VOCs - Tetrachloroethylene		Compliance Achieved
Failure to Monitor	VOCs - 1,1,1 Trichloroethane	04/01/2013	Public Notice Requested
	VOCs - 1,1,1 Trichloroethane		Compliance Achieved
Failure to Monitor	VOCs - Vinyl Chloride	04/01/2013	Public Notice Requested
	VOCs - Vinyl Chloride		Compliance Achieved
Failure to Monitor	VOCs - cis 1,2 Dichloroethylene	04/01/2013	Public Notice Requested
	VOCs - cis 1,2 Dichloroethylene		Compliance Achieved
Failure to Monitor	SOCs - Diquat	04/01/2013	Public Notice Requested
	SOCs - Diquat		Compliance Achieved
Failure to Monitor	SOCs - Glyphosate	04/01/2013	Public Notice Requested
	SOCs - Glyphosate		Compliance Achieved
Failure to Monitor	SOCs - Endothall	04/01/2013	Public Notice Requested
	SOCs - Endothall		Compliance Achieved
Failure to Monitor	SOCs - Ethylene dibromide	04/01/2013	Public Notice Requested
	SOCs - Ethylene dibromide		Compliance Achieved
Failure to Monitor	SOCs - Dibromochloropropane	04/01/2013	Public Notice Requested
	SOCs - Dibromochloropropane		Compliance Achieved
Failure to Monitor	SOCs - 2,4-D	04/01/2013	Public Notice Requested
	SOCs - 2,4-D		Compliance Achieved
Failure to Monitor	SOCs - Pichloram	04/01/2013	Public Notice Requested
	SOCs - Pichloram		Compliance Achieved
Failure to Monitor	SOCs - Pentachlorophenol	04/01/2013	Public Notice Requested
	SOCs - Pentachlorophenol		Compliance Achieved
Failure to Monitor	SOCs - 2,4,5-TP (Silvex)	04/01/2013	Public Notice Requested
	SOCs - 2,4,5-TP (Silvex)		Compliance Achieved
Failure to Monitor	SOCs - Dinoseb	04/01/2013	Public Notice Requested
	SOCs - Dinoseb		Compliance Achieved
Failure to Monitor	SOCs - Dalapon	04/01/2013	Public Notice Requested
	SOCs - Dalapon		Compliance Achieved
Failure to Monitor	SOCs - Oxamyl	04/01/2013	Public Notice Requested
	SOCs - Oxamyl		Compliance Achieved
Failure to Monitor	SOCs - Carbofuran	04/01/2013	Public Notice Requested
	SOCs - Carbofuran		Compliance Achieved
Failure to Monitor	SOCs - Simazine	04/01/2013	Public Notice Requested
	SOCs - Simazine		Compliance Achieved
Failure to Monitor	SOCs - Toxaphene	04/01/2013	Public Notice Requested
	SOCs - Toxaphene		Compliance Achieved
Failure to Monitor	SOCs - Chlordane	04/01/2013	Public Notice Requested
	SOCs - Chlordane		Compliance Achieved
Failure to Monitor	SOCs - Lindane	04/01/2013	Public Notice Requested
	SOCs - Lindane		Compliance Achieved
Failure to Monitor	SOCs - Hexachlorobenzene	04/01/2013	Public Notice Requested
	SOCs - Hexachlorobenzene		Compliance Achieved
Failure to Monitor	SOCs - Endrin	04/01/2013	Public Notice Requested
	SOCs - Endrin		Compliance Achieved
Failure to Monitor	SOCs - Hexachlorocyclopentadiene	04/01/2013	Public Notice Requested
	SOCs - Hexachlorocyclopentadiene		Compliance Achieved
Failure to Monitor	SOCs - Di(2-ethylhexyl)phthalate	04/01/2013	Public Notice Requested
	SOCs - Di(2-ethylhexyl)phthalate		Compliance Achieved
Failure to Monitor	SOCs - Di(2-ethylhexyl)adipate	04/01/2013	Public Notice Requested
	SOCs - Di(2-ethylhexyl)adipate		Compliance Achieved

Failure to Monitor	SOCs - PCBs	04/01/2013	Public Notice Requested
	SOCs - PCBs		Compliance Achieved
Failure to Monitor	SOCs - Methoxychlor	04/01/2013	Public Notice Requested
	SOCs - Methoxychlor		Compliance Achieved
Failure to Monitor	SOCs - Benzo(a)pyrene (PAH)	04/01/2013	Public Notice Requested
	SOCs - Benzo(a)pyrene (PAH)		Compliance Achieved
Failure to Monitor	SOCs - Atrazine	04/01/2013	Public Notice Requested
	SOCs - Atrazine		Compliance Achieved
Failure to Monitor	SOCs - Heptachlor Epoxide	04/01/2013	Public Notice Requested
	SOCs - Heptachlor Epoxide		Compliance Achieved
Failure to Monitor	SOCs - Heptachlor	04/01/2013	Public Notice Requested
	SOCs - Heptachlor		Compliance Achieved
Failure to Monitor	SOCs - Alachlor	04/01/2013	Public Notice Requested
	SOCs - Alachlor		Compliance Achieved

Significant Deficiency	Date Identified	Date Corrected

# CEDAR GULCH #1



2018

Drinking Water Report

Contact us by calling or write us at 23566 Cattle Drive Rapid City SD 57703

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# Cedar Gulch #1

## DRINKING WATER REPORT

### WATER QUALITY

Last year, the Cedar Gulch #1 monitored your drinking water for possible contaminants. This report is a snapshot of the quality of the water that we provided last year. Included are details about where your water comes from, what it contains, and how it compares to Environmental Protection Agency (EPA) and state standards. We are committed to providing you with information because informed customers are our best allies.

### Water Source

We serve more than 45 customers an average of 3,375 gallons of water per day. Our water is groundwater that we produce from local wells. The state has performed an assessment of our source water and they have determined that the relative susceptibility rating for the Cedar Gulch I public water supply system is high.

**For more information about your water and information on opportunities to participate in public meetings, call and ask for Lane Shull.**

### Additional Information

The sources of drinking water (both tap water and bottled water) include rivers, lakes, streams, ponds, reservoirs, springs, and wells. As water travels over the surface of the land or through the ground, it dissolves naturally-occurring minerals, and can pick up substances resulting from the presence of animals or from human activity.

Contaminants that may be present in source water include:

- *Microbial contaminants*, such as viruses and bacteria, which may come from sewage treatment plants, septic systems, agricultural livestock operations, and wildlife.
- *Inorganic contaminants*, such as salts and metals, which can be naturally-occurring or result from urban stormwater runoff, industrial or domestic wastewater discharges, oil and gas production, mining, or farming.
- *Pesticides and herbicides*, which may come from a variety of sources such as agriculture, urban stormwater runoff, and residential uses.
- *Organic chemical contaminants*, including synthetic and volatile organic chemicals, which are by-products of industrial processes and petroleum production, and can also come from gas stations, urban stormwater runoff, and septic systems.
- *Radioactive contaminants*, which can be naturally-occurring or be the result of oil and gas production and mining activities.



In order to ensure that tap water is safe to drink, EPA prescribes regulations which limit the amount of certain contaminants in water provided by public water systems. FDA regulations establish limits for contaminants in bottled water which must provide the same protection for public health.

Drinking water, including bottled water, may reasonably be expected to contain at least small amounts of some contaminants. The presence of contaminants does not necessarily indicate that water poses a health risk. More information about contaminants and potential health effects can be obtained by calling the Environmental Protection Agency's Safe Drinking Water Hotline (800-426-4791).

Some people may be more vulnerable to contaminants in drinking water than the general population. Immuno-compromised persons such as persons with cancer undergoing chemotherapy, persons who have undergone organ transplants, people with HIV/AIDS or other immune system disorders, some elderly, and infants can be particularly at risk from infections. These people should seek advice about drinking water from their health care providers. EPA/CDC guidelines on appropriate means to lessen the risk of infection by *Cryptosporidium* and other microbial contaminants can be obtained by calling the Environment Protection Agency's Safe Drinking Water Hotline (800-426-4791).

If present, elevated levels of lead can cause serious health problems, especially for pregnant women and young children. Lead in drinking water is primarily from materials and components associated with service lines and home plumbing. The Cedar Gulch #1 public water supply system is responsible for providing high quality drinking water, but cannot control the variety of materials used in plumbing components. When your water has been sitting for several hours, you can minimize the potential for lead exposure by flushing your tap for 30 seconds to 2 minutes before using water for drinking or cooking. If you are concerned about lead in your water, you may wish to have your water tested. Information on lead in drinking water, testing methods, and steps you can take to minimize exposure is available from the Safe Drinking Water Hotline or at <http://www.epa.gov/safewater/lead>.

## **Detected Contaminants**

The attached table lists all the drinking water contaminants that we detected during the 2018 calendar year. The presence of these contaminants in the water does not necessarily indicate that the water poses a health risk. Unless otherwise noted, the data presented in this table is from testing done January 1 – December 31, 2018. The state requires us to monitor for certain contaminants less than once per year because the concentrations of these contaminants are not expected to vary significantly from year to year. Some of the data, though representative of the water quality, is more than one year old.

## **VIOLATIONS**

Your system had violations in 2018 and this report is being used as a public notice. Although these incidences were not an emergency, as customers, you have the right to know what happened and what we did to correct the situation. An alternative water supply was never needed and there is nothing you need to do at this time.

Information concerning these violations can be found on the attached Table of Violations. For additional information concerning any violation, please contact us. Please share this information with all the people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and business). You can do this by posting this notice in a public place or distributing copies by hand or by mail.

---

**2018 Table of Detected Regulated Contaminants For Cedar Gulch I (EPA ID 2301)**

**Terms and abbreviations used in this table:**

- \* **Maximum Contaminant Level Goal (MCLG):** the level of a contaminant in drinking water below which there is no known or expected risk to health. MCLGs allow for a margin of safety.
- \* **Maximum Contaminant Level (MCL):** the highest level of a contaminant that is allowed in drinking water. MCLs are set as close to the MCLGs as feasible using the best available treatment technology.
- \* **Action Level (AL):** the concentration of a contaminant which, when exceeded, triggers treatment or other requirements which a water system must follow. For Lead and Copper, 90% of the samples must be below the AL.
- \* **Treatment Technique (TT):** A required process intended to reduce the level of a contaminant in drinking water. For turbidity, 95% of samples must be less than 0.3 NTU
- \* **Running Annual Average (RAA):** Compliance is calculated using the running annual average of samples from designated monitoring locations.

**Units:**

- \*MFL: million fibers per liter
- \*pCi/l: picocuries per liter (a measure of radioactivity)
- \*ppt: parts per trillion, or nanograms per liter
- \*mrem/year: millirems per year (a measure of radiation absorbed by the body)
- \*ppm: parts per million, or milligrams per liter (mg/l)
- \*ppq: parts per quadrillion, or picograms per liter
- \*NTU: Nephelometric Turbidity Units
- \*ppb: parts per billion, or micrograms per liter (ug/l)
- \*pspm: positive samples per month

Substance	98% Level	Test Sites > Action Level	Date Tested	Highest Level Allowed (AL)	Ideal Goal	Units	Major Source of Contaminant
Copper	0.1	0	09/30/16	AL=1.3	0	ppm	Corrosion of household plumbing systems; erosion of natural deposits; leaching from wood preservatives.
Lead	1	0	09/30/16	AL=15	0	ppb	Corrosion of household plumbing systems; erosion of natural deposits.

Substance	Highest Level Detected	Range	Date Tested	Highest Level Allowed (MCL)	Ideal Goal (MCLG)	Units	Major Source of Contaminant
Alpha emitters	1	ND - 1	12/30/17	15	0	pCi/l	Erosion of natural deposits.
Combined Radium	2	ND - 2	12/30/17	5	0	pCi/l	Erosion of natural deposits.

Please direct questions regarding this information to Mr Zach Shull with the Cedar Gulch I public water system.

## 2018 Information on Violations For Cedar Gulch I (EPA ID 2301)

(This Drinking Water Report can be used as a Tier III Public Notice if distributed to each customer within 12 months of when the system was notified of the violation.)

Violation Type	Parameter	Date System Notified	Duration In Months	Health Effects Language	Action Taken By Your System
FTM-Routine Samples	RTCR	05/07/18		Monitoring and reporting violations do not necessarily indicate a health risk. However, since levels of this parameter was not monitored the potential health risk posed by this contaminant may not be known.	<p>Corrective action taken by your system:</p> <p><input checked="" type="checkbox"/> We have since completed the required compliance measures.</p> <p><input type="checkbox"/> We have taken additional measures within the water system administration to be sure that samples are taken properly in the future.</p> <p><input type="checkbox"/> The proper number of samples was taken in the following month and we are now back in compliance with the sampling regulations.</p> <p><input type="checkbox"/> Other(specify) _____</p>
FTM-Routine Samples	RTCR	06/05/18		Monitoring and reporting violations do not necessarily indicate a health risk. However, since levels of this parameter was not monitored the potential health risk posed by this contaminant may not be known.	<p>Corrective action taken by your system:</p> <p><input checked="" type="checkbox"/> We have since completed the required compliance measures.</p> <p><input type="checkbox"/> We have taken additional measures within the water system administration to be sure that samples are taken properly in the future.</p> <p><input type="checkbox"/> The proper number of samples was taken in the following month and we are now back in compliance with the sampling regulations.</p> <p><input type="checkbox"/> Other(specify) _____</p>
FTM-Routine Samples	RTCR	08/07/18		Monitoring and reporting violations do not necessarily indicate a health risk. However, since levels of this parameter was not monitored the potential health risk posed by this contaminant may not be known.	<p>Corrective action taken by your system:</p> <p><input checked="" type="checkbox"/> We have since completed the required compliance measures.</p> <p><input type="checkbox"/> We have taken additional measures within the water system administration to be sure that samples are taken properly in the future.</p> <p><input type="checkbox"/> The proper number of samples was taken in the following month and we are now back in compliance with the sampling regulations.</p> <p><input type="checkbox"/> Other(specify) _____</p>
FTM-Routine Samples	RTCR	09/07/18		Monitoring and reporting violations do not necessarily indicate a health risk. However, since levels of this parameter was not monitored the potential health risk posed by this contaminant may not be known.	<p>Corrective action taken by your system:</p> <p><input checked="" type="checkbox"/> We have since completed the required compliance measures.</p> <p><input type="checkbox"/> We have taken additional measures within the water system administration to be sure that samples are taken properly in the future.</p> <p><input type="checkbox"/> The proper number of samples was taken in the following month and we are now back in compliance with the sampling regulations.</p> <p><input type="checkbox"/> Other(specify) _____</p>
FTM-Routine Samples	RTCR	10/03/18		Monitoring and reporting violations do not necessarily indicate a health risk. However, since levels of this parameter was not monitored the potential health risk posed by this contaminant may not be known.	<p>Corrective action taken by your system:</p> <p><input checked="" type="checkbox"/> We have since completed the required compliance measures.</p> <p><input type="checkbox"/> We have taken additional measures within the water system administration to be sure that samples are taken properly in the future.</p>

Violation Type	Parameter	Date System Notified	Duration In Months	Health Effects Language	Action Taken By Your System
FTM-Routine Samples	RTCR	11/09/18		Monitoring and reporting violations do not necessarily indicate a health risk. However, since levels of this parameter was not monitored the potential health risk posed by this contaminant may not be known.	<input type="checkbox"/> The proper number of samples was taken in the following month and we are now back in compliance with the sampling regulations. <input type="checkbox"/> Other(specify) _____ Corrective action taken by your system: <input checked="" type="checkbox"/> We have since completed the required compliance measures. <input type="checkbox"/> We have taken additional measures within the water system administration to be sure that samples are taken properly in the future. <input type="checkbox"/> The proper number of samples was taken in the following month and we are now back in compliance with the sampling regulations. <input type="checkbox"/> Other(specify) _____
FTM-Routine Samples	RTCR	12/04/18		Monitoring and reporting violations do not necessarily indicate a health risk. However, since levels of this parameter was not monitored the potential health risk posed by this contaminant may not be known.	Corrective action taken by your system: <input checked="" type="checkbox"/> We have since completed the required compliance measures. <input type="checkbox"/> We have taken additional measures within the water system administration to be sure that samples are taken properly in the future. <input type="checkbox"/> The proper number of samples was taken in the following month and we are now back in compliance with the sampling regulations. <input type="checkbox"/> Other(specify) _____

For additional information concerning any violation please contact Mr Zach Shull with the Cedar Gulch I public water system.

**EPA ID#: 2301 System Name: Cedar Gulch #1**

Sampler- Mr Zach Shull Work Phone-  
 Title- Water Manager  
 Address- 23566 Cattle Drive  
 Rapid City SD 57703

Location- City: Pennington  
 Service Area- Homeowners Association  
 PWS Owner Type- Private Ownership  
 Water Supply Type- Groundwater Supply

Population Served- 45 Service Connections- 14

**Sources for Cedar Gulch I**

Source	Name	Year Built	Depth (feet)	Diameter (inches)	Availability	Type	Vulnerability	Treatment
					Permanent	Groundwater	Non-Vulnerable	No Treatment
01	#1	1994	2427	7				

**EPA ID#: 2301 System Name: Cedar Gulch #1**

**Common Ion Data**

*(All chemical data are reported in milligrams per liter (mg/l) except pH and Langlier Index)*

*Please refer to Private Well Data for more information about these test results.*

Source	Type	Date	TDS	Conductance	pH	Alk-M	Alk-P	Na	K	Ca	Mg	Fe	Mn	Cl	SO4	HCO3	CO3	Hardness	Langlier	NO3	F
01	Raw	05/23/12	570	814	7.71	228	0	58	6.0	80.0	23.0	2.55	0.16	6.0	222	278	0	290	+0.22	0.0	0.60

Rapid City-Pennington County  
Parcel Report

Parcel ID: 5604201004

Report generated 6/11/2019 9:05:40 AM

Parcel Information

Parcel ID: 5604201004

Tax ID: 53823

Property Address: 23541 CATTLE DR

Legal: LOT 4

Block:

Subdivision: CEDAR GULCH SUBD

Section: 04

Township: 1 S

Range: 09 E

Acres: 5.84

Owner Last Name: GOWEY-HAYNES/HAYNES

First Owner: CAROL

Second Owner: CHRISTOPH

Mailing Address: 23541 CATTLE DR

Mailing City: RAPID CITY

State: SD

Zip Code: 57703-8503

Land Value: 35800

Non-ag Structure Value: 104400

Ag Structure Value: 0

Total Value: 140200

Land Use Code: N

Land Type Code: C

Commercial Use Code:

Improvements Code: 1

Subdivision Code: 1130

Fire Department: RV

Ambulance District:

Fire District: Rapid Valley Fire District

Civil District:

Road District: Bradsky Road District

Sanitary Sewer District:

Water District: West Dakota Water District

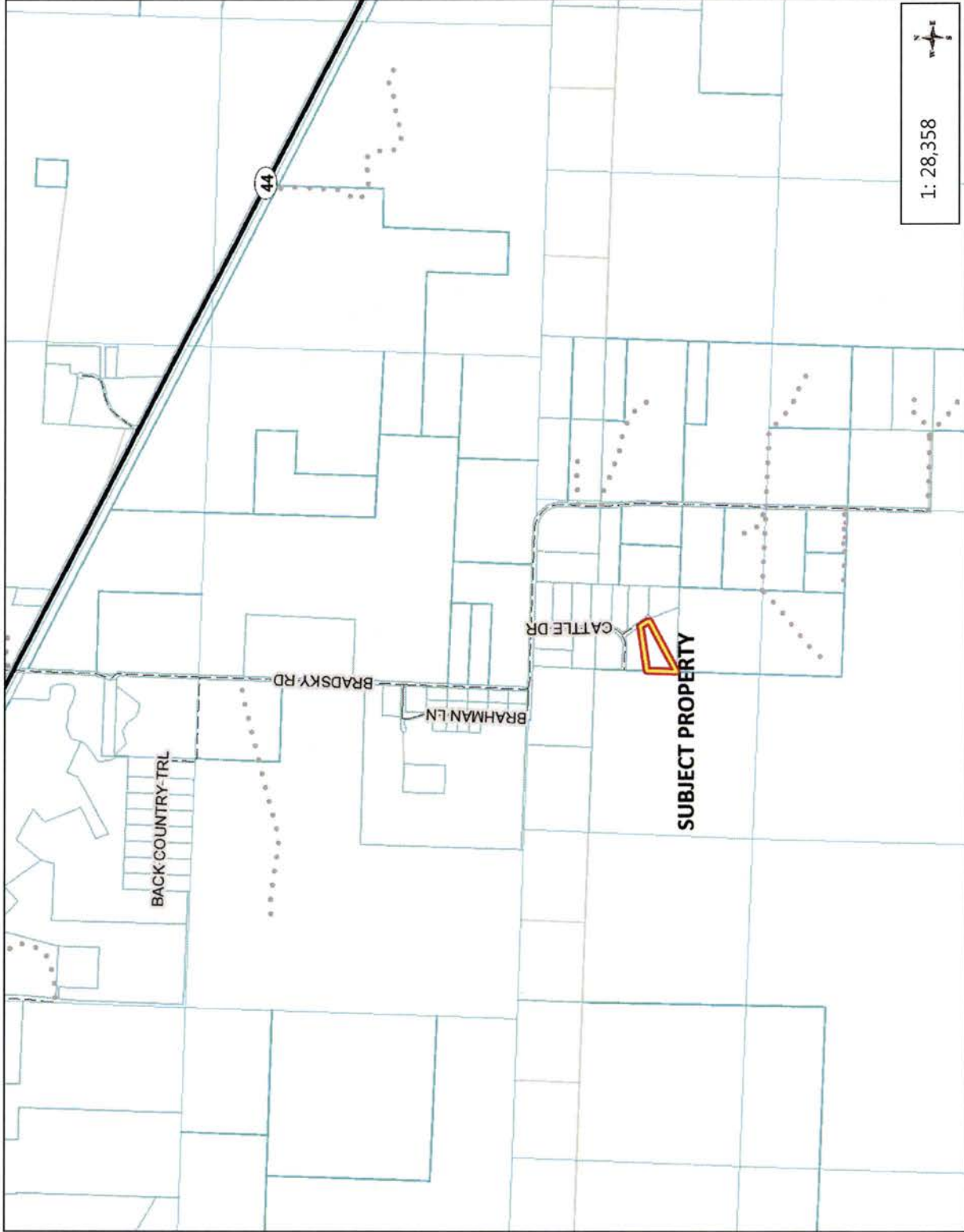
Deed Filing Date (mm/dd/yy): 011416

Deed Type: SW

Deed Book:

Deed Page:

Deed Document Number: 201600510



1: 28,358



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**

4,726.4

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

<Null>

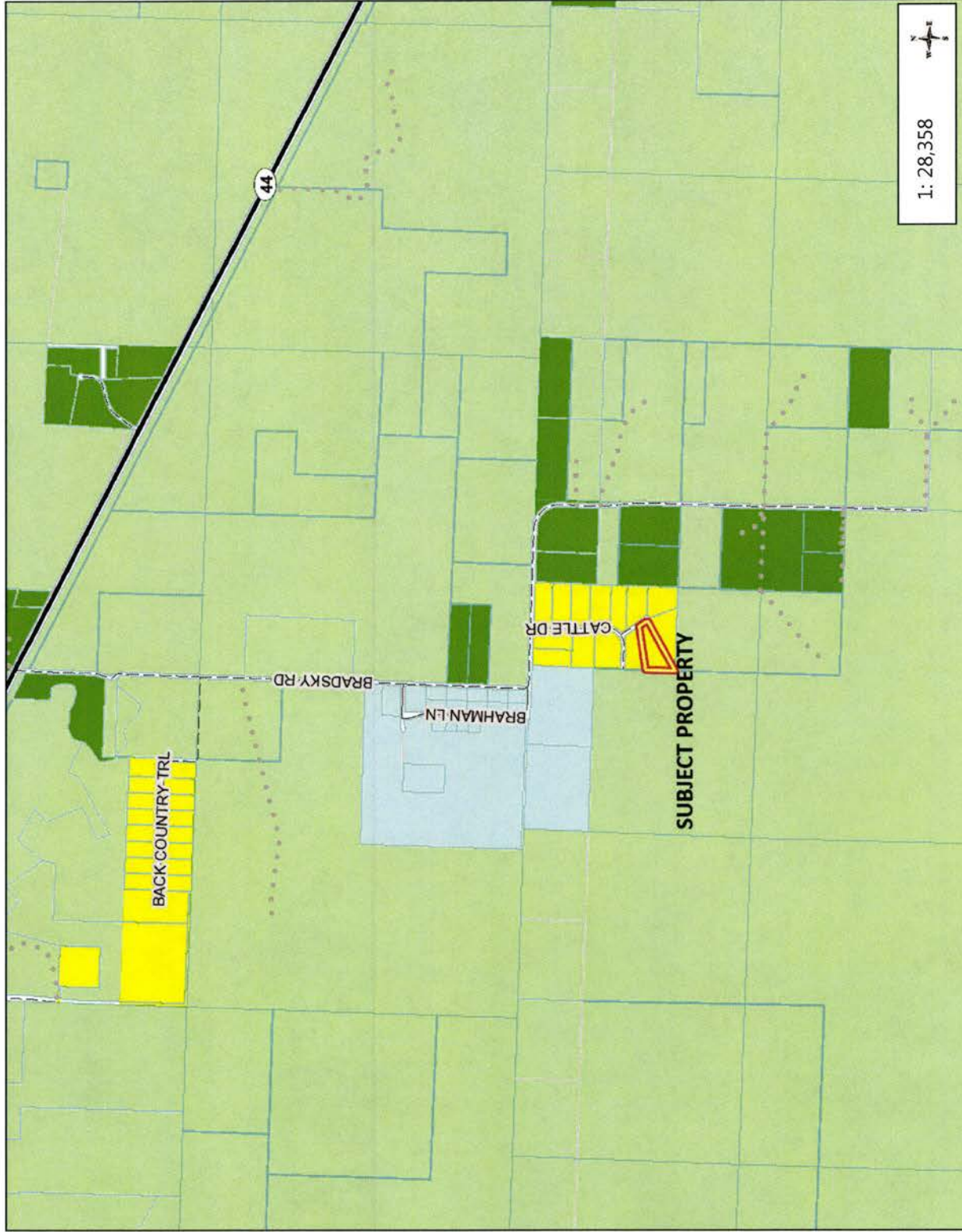
Lot Line

Parcel Line

OtherCitieslargerscale

**Map Notes:**





1: 28,358



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

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- 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

**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 0 147.70 295.4 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
- Address Points**
- Section Lines 0-25k
- 0
  - 7
- Tax Parcels**
- Lot Lines**
- <Null>
  - Lot Line
  - Parcel Line

### Map Notes:



1: 1,361

226.9 0 113.43 226.9 Feet

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NAD\_1983\_StatePlane\_South\_Dakota\_South\_FIPS\_4002\_Feet  
© City of Rapid City GIS

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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

**Address Points**

Section Lines 0-25k

- 0
- 7

**Tax Parcels**

**Lot Lines**

- <Null>
- Lot Line
- Parcel Line

**Flood Hazard Area**

- 100 Year
- 500 Year
- 500 Year - Protected by levee
- Out
- Not Studied

**Map Notes:**

## STAFF REPORT

### GENERAL INFORMATION:

REQUEST: **LAYOUT PLAT / LPL 19-17:** To reconfigure lot lines to create Lots 12R and 13R of Block 12 of The Ranch at Black Gap in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

APPLICANT: Brian and Summer Boock

APPLICANT ADDRESS: 2700 Morning Star Court, Rapid City, SD 57703

AGENT: Renner & Associates

AGENT ADDRESS: 616 Sixth Street, Rapid City, SD 57701

LEGAL DESCRIPTION: EXISTING LEGAL: Lot 12, Lot 13, and Lot 14 of Block 12, The Ranch at Black Gap, Section 9, T1S, R8E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 12R and Lot 13R of Block 12, The Ranch at Black Gap, Section 9, T1S, R8E, BHM, Pennington County, South Dakota.

SITE LOCATION: 2700 Morning Star Court.

SIZE: 2.18 acres

TAX ID: 57574 / 57575 / 57576

EXISTING LAND USE: Residential / Vacant

SUBDIVISION REGULATIONS REFERENCE: § 400.1

CURRENT ZONING: Planned Unit Development District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Rolling hills

UTILITIES: Private

REPORT BY: Jason Theunissen

**I. PROPOSED RECOMMENDATION**

- A. Staff will be recommending approval of Layout Plan / LPL 19-17 with seven (7) conditions.

**II. GENERAL DESCRIPTION**

- A. The applicant, Brian Boock, has applied for a Layout Plan to reconfigure lots lines, in order to create two (2) lots from three (3) existing lots in The Ranch at Black Gap Subdivision.

**III. EXISTING CONDITIONS**

- A. Lot 12
1. Zoned Planned Unit Development District.
  2. 0.64 acres.
  3. Access off of Morning Star Court.
  4. Single-family residence (SFR), built in 2005 – 2005COBP0111.
  5. SFR addition – COBP15-0229.
  6. Plat filed in 2004 (Plat Book 32, page 69).
    - a. *Plat Note: Prior to any Building Permit, each lot must identify two on-site wastewater systems with accompanying percolation tests and soil profiles for each location.*
  7. Borders platted Common Lot 3, Major Drainage Easement to the north (Plat Book 29, Page 164).
  8. No Special Flood Hazard Area on the subject property.
  9. Onsite Wastewater Treatment System – 2005COSD0024.
    - a. Operating Permit – COOP19-0188.
- B. Lot 13
1. Zoned Planned Unit Development District.
  2. 0.61 acres.
  3. Access off of Morning Star Court.
  4. Lot is currently vacant.
  5. Plat filed in 2004 (Plat Book 32, page 69).
    - a. *Plat Note: Prior to any Building Permit, each lot must identify two on-site wastewater systems with accompanying percolation tests and soil profiles for each location.*
  6. Borders platted Common Lot 3, Major Drainage Easement to the north (Plat Book 29, Page 164).
  7. No Special Flood Hazard Area on the subject property.
- C. Lot 14
1. Zoned Planned Unit Development District.

2. 0.93 acre.
3. Access off of Morning Star Court.
4. Lot is currently vacant.
5. Plat filed in 2004 (Plat Book 32, page 69).
  - a. *Plat Note: Prior to any Building Permit, each lot must identify two on-site wastewater systems with accompanying percolation tests and soil profiles for each location.*
6. Borders platted Common Lot 3, Major Drainage Easement to the north (Plat Book 29, Page 164).
7. No Special Flood Hazard Area on the subject property.



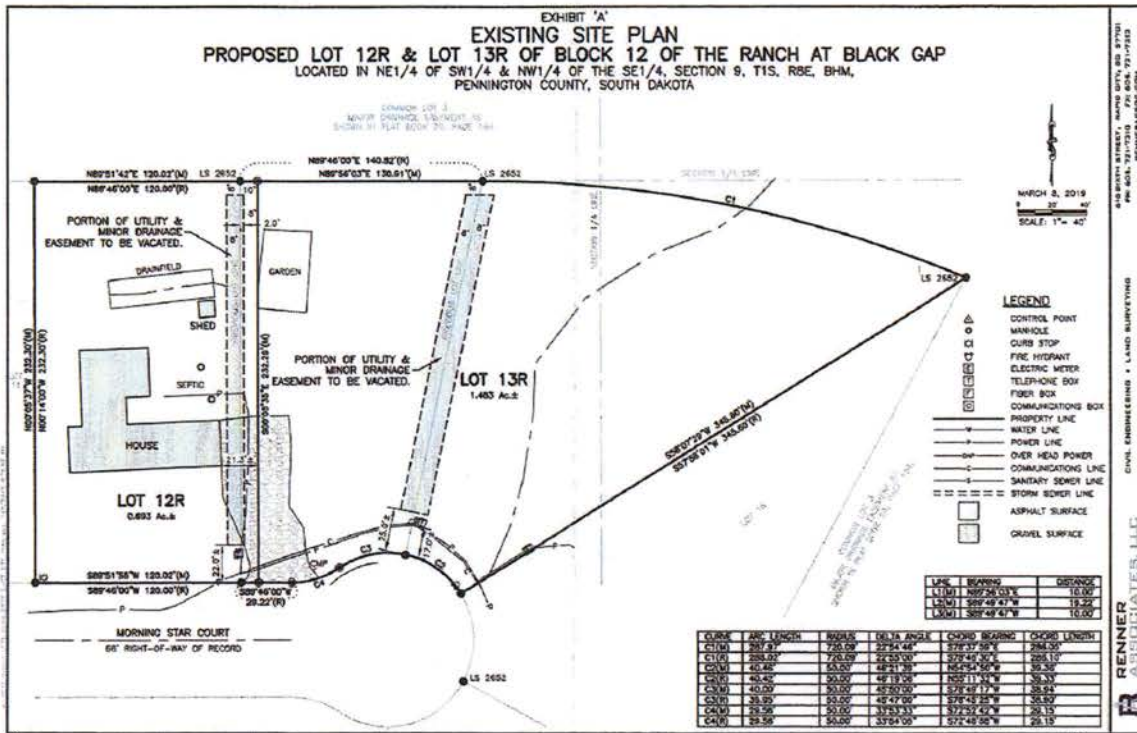
Existing lots

#### IV. PROPOSED LOTS

##### A. Lot 12R

1. Zoned Planned Unit Development District.
2. 0.64 acres.
3. Access off of Morning Star Court.
4. Single-family residence (SFR), built in 2005 – 2005COBP0111.
5. SFR addition – COBP15-0229.
6. Borders platted Common Lot 3, Major Drainage Easement to the north (Plat Book 29, Page 164).
7. No Special Flood Hazard Area on the subject property.
8. Onsite Wastewater Treatment System – 2005COSD0024.
  - a. Operating Permit – COOP19-0188.

- B. Lot 13R
1. Zoned Planned Unit Development District.
  2. 1.483 acres.
  3. Access off of Morning Star Court.
  4. Lot is currently vacant.
  5. Borders platted Common Lot 3, Major Drainage Easement to the north (Plat Book 29, Page 164).
  6. No Special Flood Hazard Area on the subject property.



Proposed Lots, Renner & Associates, March 8, 2019

V. REQUEST FOR COMMENT

- A. County Highway Department
  1. Highway Department has no comments since this is in the Black Gap Road District and drainage isn't impacted.
- B. Black Gap Road District
  1. No comments received.
- C. County Fire Administrator
  1. No comments received.
- D. County Environmental Planning Supervisor
  1. There is no Special Flood Hazard Area on the subject property.
- E. County Environmental Planner
  1. The house on current Lot 12 has a valid Septic Permit (2005COSD0024) and an Operating Permit (COOP19-0188). According to the USDA Web Soil Survey, the soils in the area are

classified as “Very Limited”. Past history for this area shows us that all precautions and considerations should be taken when designing and installing a septic system as this area has had several septic systems that have failed. Platting requirements also require systems in Black Gap be designed by an engineer and a reserve drainfield be designated. When installing a septic system, all rules of Pennington County Zoning Ordinance §204-J must be followed.

a. *Staff Comment: This will be addressed as a Condition of Approval.*

- F. County Ordinance Enforcement
  - 1. There is no record of any past or current ordinance violations on any of the 3 existing properties. Ordinance Enforcement has no objections to the proposed Plat.
- G. County Natural Resources
  - 1. No comments received.
- H. County Addressing Coordinator
  - 1. No addressing concerns at this time. Future addresses must be posted in accordance with Pennington County Ordinance 20.
- I. County Sheriff's Office
  - 1. No comments received.
- J. Register of Deeds
  - 1. Plat heading is ok.
  - 2. Certificates appear to be required certificate per state statute.
- K. Natural Resources Department
  - 1. No objections.
- L. Department of Equalization
  - 1. Looks good but there's a little typo in the “formerly” section of the plat title. I think they need to take out the “a” after “formerly”.
    - a. *Staff Comment: This will be addressed as a Condition of Approval.*
- M. Emergency Services (9-1-1)
  - 1. Good here.
- N. Black Hills Electric Cooperative
  - 1. Black Hills Electric Cooperative has no concerns with this layout plat.

## VI. ANALYSIS

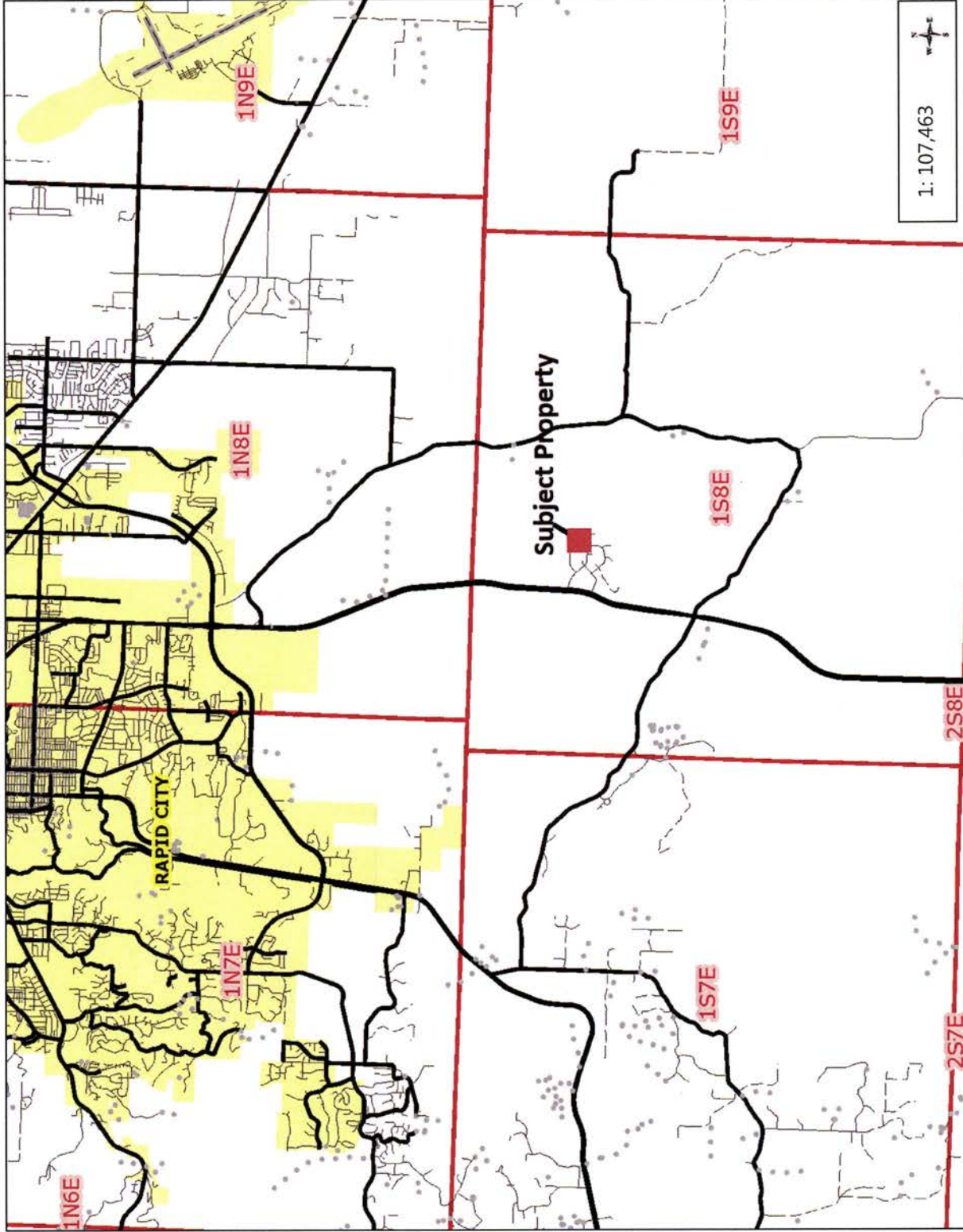
- A. May 21, 2019 – The applicant Brian Boock, applied for Layout Plan / LPL 19-17 to reconfigure lot lines in order to create Lot 12R and Lot 13R of The Ranch at Black Gap Subdivision.
- B. Existing Lot 12 will increase from 0.64 acre to 0.693 acre and become Lot 12R.
  - 1. The existing eight (8) foot utility and minor drainage easement between existing Lot 12 and Lot 13 will be relocated to account for the lot line reconfiguration.



- C. Existing Lot 13 and Lot 14 will be combined to form Lot 13R consisting of 1.483 acres.
  - 1. The existing eight (8) foot utility and minor drainage easements on both sides of the former lot line will be vacated.
- D. Existing Plat Note states: "Prior to any Building Permit, each lot must identify two on-site wastewater systems with accompanying percolation tests and soil profiles for each location."
- E. For the purposes of a Layout Plan, staff finds no significant issues with the applicant's request.
  - 1. A Layout Plan is an informal preliminary review of the proposed subdivision for general scope and conditions, which might affect the plat.

**RECOMMENDATION:** Staff recommends approval of Layout Plan / LPL 19-17 with the following seven (7) conditions:

- 1. That at the time of the Minor Plat submittal, the Plat title be amended per Department of Equalization comments;
- 2. That at the time of the Minor Plat submittal, the Plat include the following note:  
Prior to any Building Permit, each lot must identify two on-site wastewater systems with accompanying percolation tests and soil profiles for each location;
- 3. That at the time of the Minor Plat submittal, percolation tests and soil profile hole information be submitted for the proposed lots for review and approval by the County Environmental Planner, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
- 4. That at the time of Minor Plat submittal, the plat meets all requirements of Pennington County Subdivision Regulations, or approved Subdivision Regulations Variance(s) be obtained waiving any of these requirements that are not met. Subdivision Regulations shall be submitted per Section 700 of Pennington County Subdivision Regulations;
- 5. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
- 6. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of § 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit; and,
- 7. That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.



1: 107,463

17,910.4 8,955.22 17,910.4 Feet

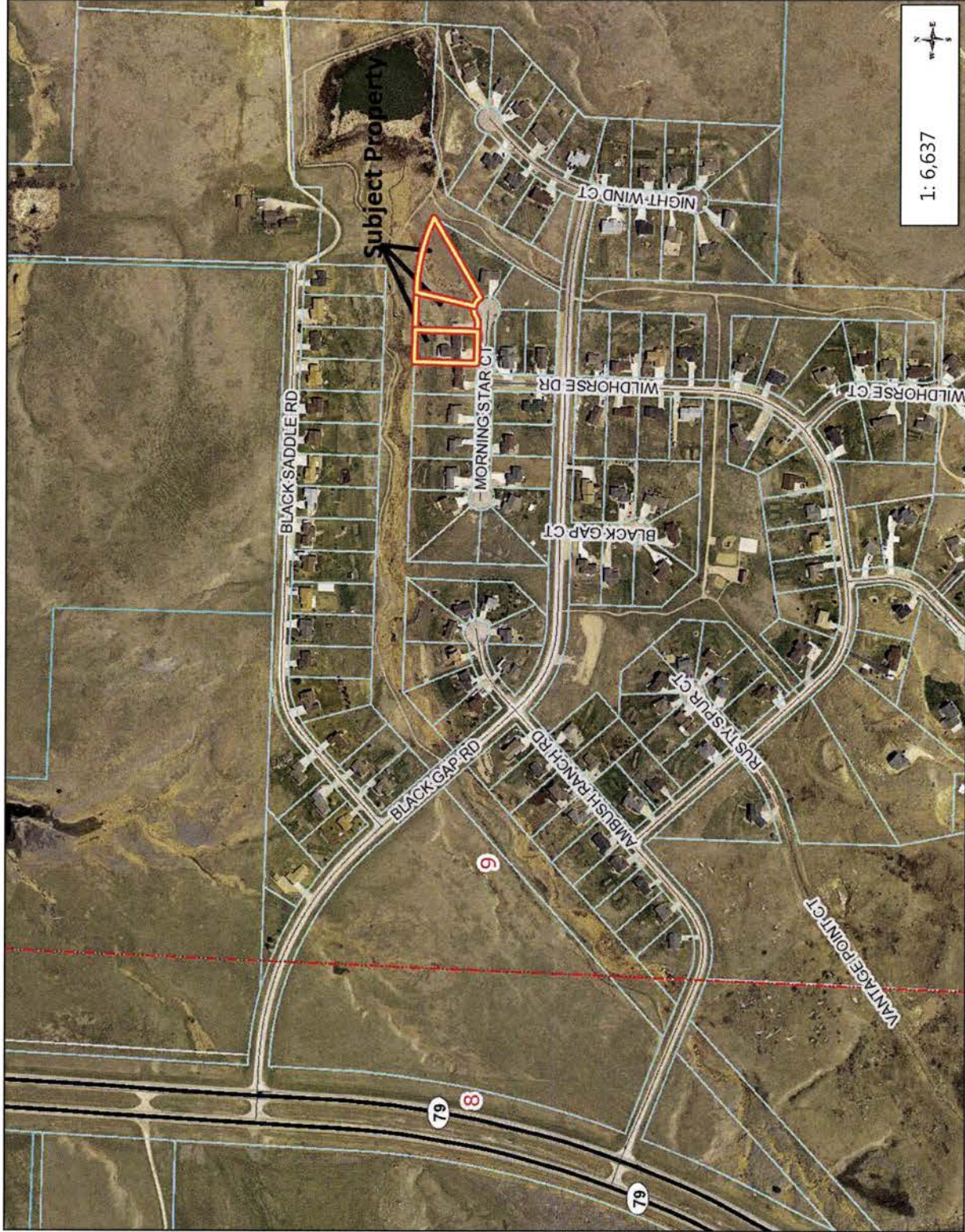
NAD\_1983\_StatePlane\_South\_Dakota\_South\_FIPS\_4002\_Feet  
© City of Rapid City GIS

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

**Legend**

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

**Map Notes:**



1: 6,637

1,106.2 553.11 0 1,106.2 Feet

NAD\_1983\_StatePlane\_South\_Dakota\_South\_FIPS\_4002\_Feet  
© City of Rapid City GIS

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  - Ramp
  - Paved road
  - Unpaved road
  - Trail
  - Driveway
  - Alley
  - Unimproved road
  - Airport Runway
  - Not yet coded
- Section Lines 0-25k**
- 0
  - 7

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

**Map Notes:**



**Subject Property**

1: 3,319

**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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553.1 Feet

276.55

553.1  
 NAD\_1983\_StatePlane\_South\_Dakota\_South\_FIPS\_4002\_Feet  
 © City of Rapid City GIS

**EXHIBIT 'A'**  
**EXISTING SITE PLAN**  
**PROPOSED LOT 12R & LOT 13R OF BLOCK 12 OF THE RANCH AT BLACK GAP**  
 LOCATED IN NE1/4 OF SW1/4 & NW1/4 OF THE SE1/4, SECTION 9, T1S, R8E, BHM,  
 PENNINGTON COUNTY, SOUTH DAKOTA

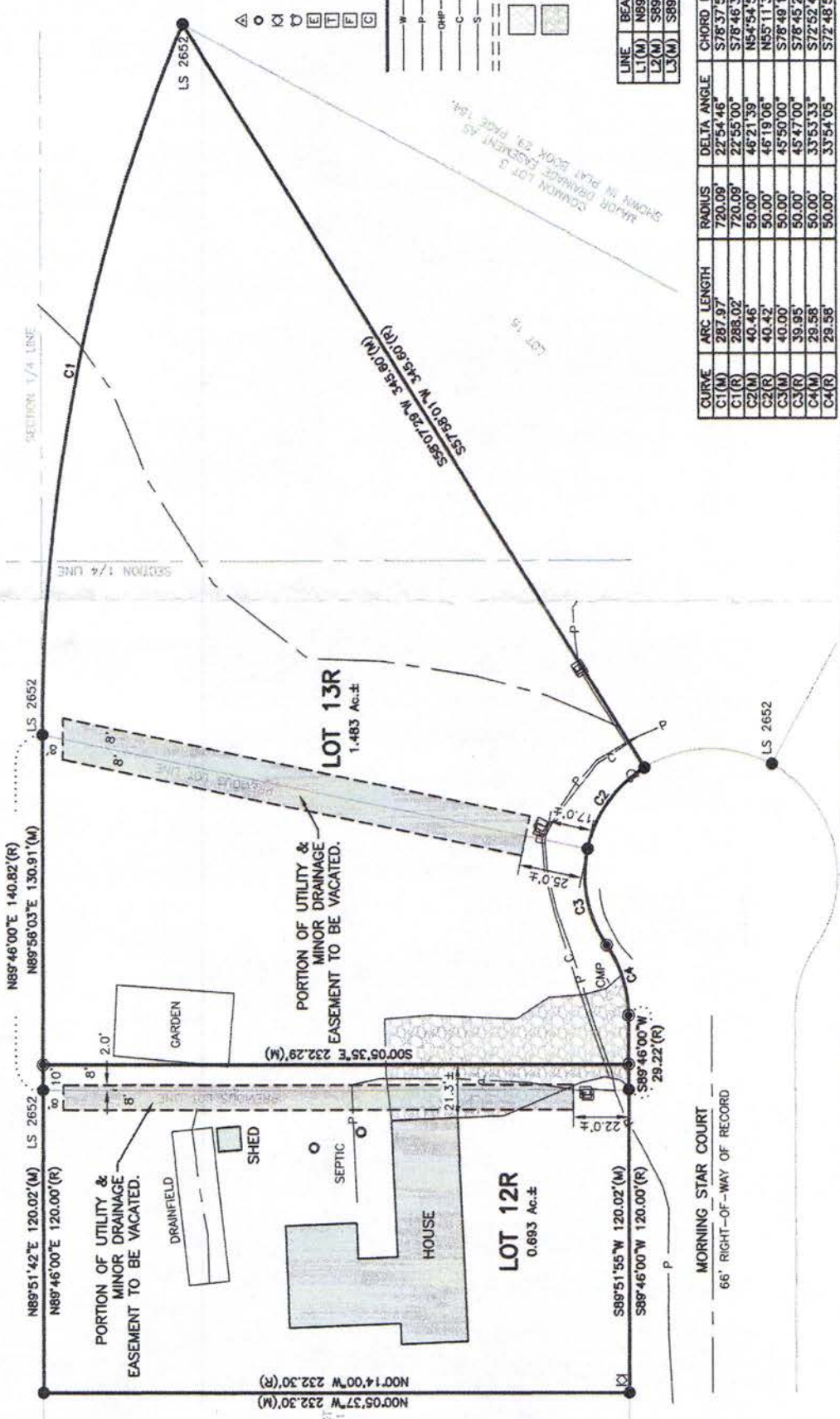
COMMON LOT 3  
 MAJOR DRAINAGE EASEMENT AS  
 SHOWN IN PLAT BOOK 29, PAGE 114.



- LEGEND**
- △ CONTROL POINT
  - MANHOLE
  - ⊗ CURB STOP
  - ⊕ FIRE HYDRANT
  - ⊖ ELECTRIC METER
  - ⊘ TELEPHONE BOX
  - ⊙ FIBER BOX
  - ⊚ COMMUNICATIONS BOX
  - PROPERTY LINE
  - WATER LINE
  - POWER LINE
  - OHP OVER HEAD POWER
  - COMMUNICATIONS LINE
  - SANITARY SEWER LINE
  - STORM SEWER LINE
  - ▨ ASPHALT SURFACE
  - ▩ GRAVEL SURFACE

LINE	BEARING	DISTANCE
L1(M)	N89°56'03"E	10.00'
L2(M)	S89°49'47"W	19.22'
L3(M)	S89°49'47"W	10.00'

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1(M)	287.97'	720.09'	22°54'46"	S78°37'59"E	286.05'
C1(R)	288.02'	720.09'	22°55'00"	S78°46'30"E	286.10'
C2(M)	40.46'	50.00'	46°21'39"	N54°54'50"W	39.36'
C2(R)	40.42'	50.00'	46°19'06"	N55°11'32"W	39.33'
C3(M)	40.00'	50.00'	45°50'00"	S78°49'17"W	38.94'
C3(R)	39.95'	50.00'	45°47'00"	S78°45'25"W	38.90'
C4(M)	29.58'	50.00'	33°53'33"	S72°52'42"W	29.15'
C4(R)	29.58'	50.00'	33°54'05"	S72°48'58"W	29.15'



MORNING STAR COURT  
 66' RIGHT-OF-WAY OF RECORD

## STAFF REPORT

### GENERAL INFORMATION:

REQUEST: MINOR PLAT / MPL 19-18 AND SUBDIVISION REGULATIONS VARIANCE / SV 19-05: To create Lot 10R and Lot 11 of Bromegrass Subdivision and to waive platting requirements in accordance with Section 400.3 and 700.1 of the Pennington County Subdivision Regulations.

APPLICANT: Lorin Lippert

APPLICANT ADDRESS: 14830 Longview Drive, Rapid City, SD 57703

LANDOWNER(s): Gordon and Connie Howie / Antelope Creek, L.L.C.

OWNER ADDRESS: 15372 Antelope Creek Road  
Rapid City, SD 57703

LEGAL DESCRIPTION: EXISTING LEGAL: Lot 10 of Bromegrass Subdivision and SW1/4SE1/4; SE1/4SW1/4, all located in Section 2, T1S, R9E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 10R and Lot 11 of Bromegrass Subdivision, Section 2, T1S, R9E, BHM, Pennington County, South Dakota.

SITE LOCATION: South of the intersection of E. Highway 44 and Antelope Creek Road.

SIZE: 135.66 acres

TAX ID: 68890 / 68891

EXISTING LAND USE: Agriculture

SUBDIVISION REGULATIONS REFERENCE: § 400.3 and 700.1

CURRENT ZONING: General Agriculture District

Agenda Item #26  
Lorin Lippert  
June 24, 2019

**SURROUNDING ZONING:**

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

**PHYSICAL CHARACTERISTICS:** Rolling Hills / Open Prairie

**UTILITIES:** None

**REPORT BY:** Jason Theunissen

**I. PROPOSED RECOMMENDATION**

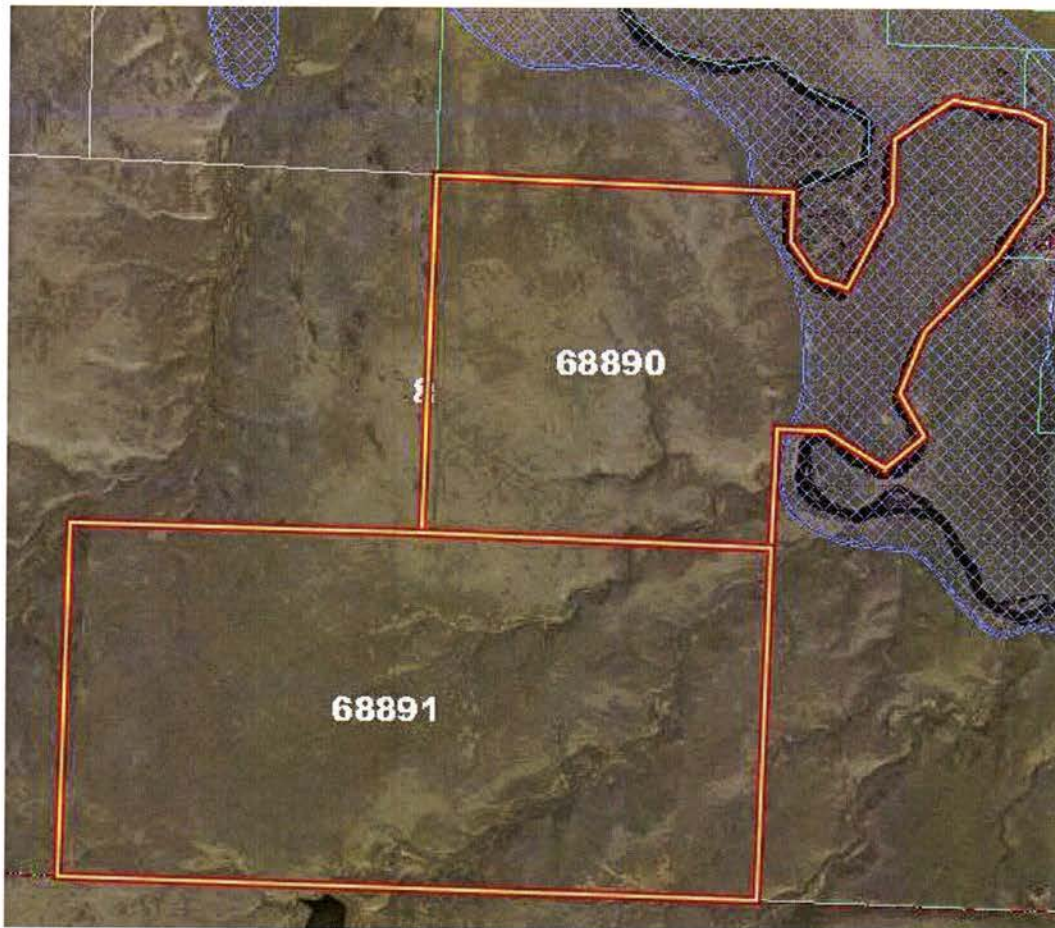
- A. Staff will be recommending approval of Minor Plat / MPL 19-18 and Subdivision Regulations Variance / SV 19-05.

**II. GENERAL DESCRIPTION**

- A. The applicant, Lorin Lippert, has applied for a Minor Plat / MPL 19-18 and Subdivision Regulations Variance / SV 19-05 to reconfigure lots lines, in order to create Lot 10R and Lot 11 of Bromegrass Subdivision.

**III. EXISTING CONDITIONS**

- A. Lot 10 of Bromegrass Subdivision (Tax ID: 68890)
  - 1. Zoned General Agriculture District, minimum 40-acre lot size
  - 2. 55.66 acres.
  - 3. Access via a Section Line and two (2) 40-foot-wide Access Easements (Misc. Doc. A201810006 and Plat A201810659).
  - 4. Special Flood Hazard Area (100-year floodplain) on the subject property.
  - 5. Lot is currently vacant.
- B. SW1/4SE1/4; SE1/4SW1/4 (Tax ID: 68891)
  - 1. Zoned General Agriculture District, minimum 40-acre lot size.
  - 2. 80.00 acres.
  - 3. Access via a Section Line.
  - 4. No Special Flood Hazard Area on the subject property.
  - 5. Lot is currently vacant.

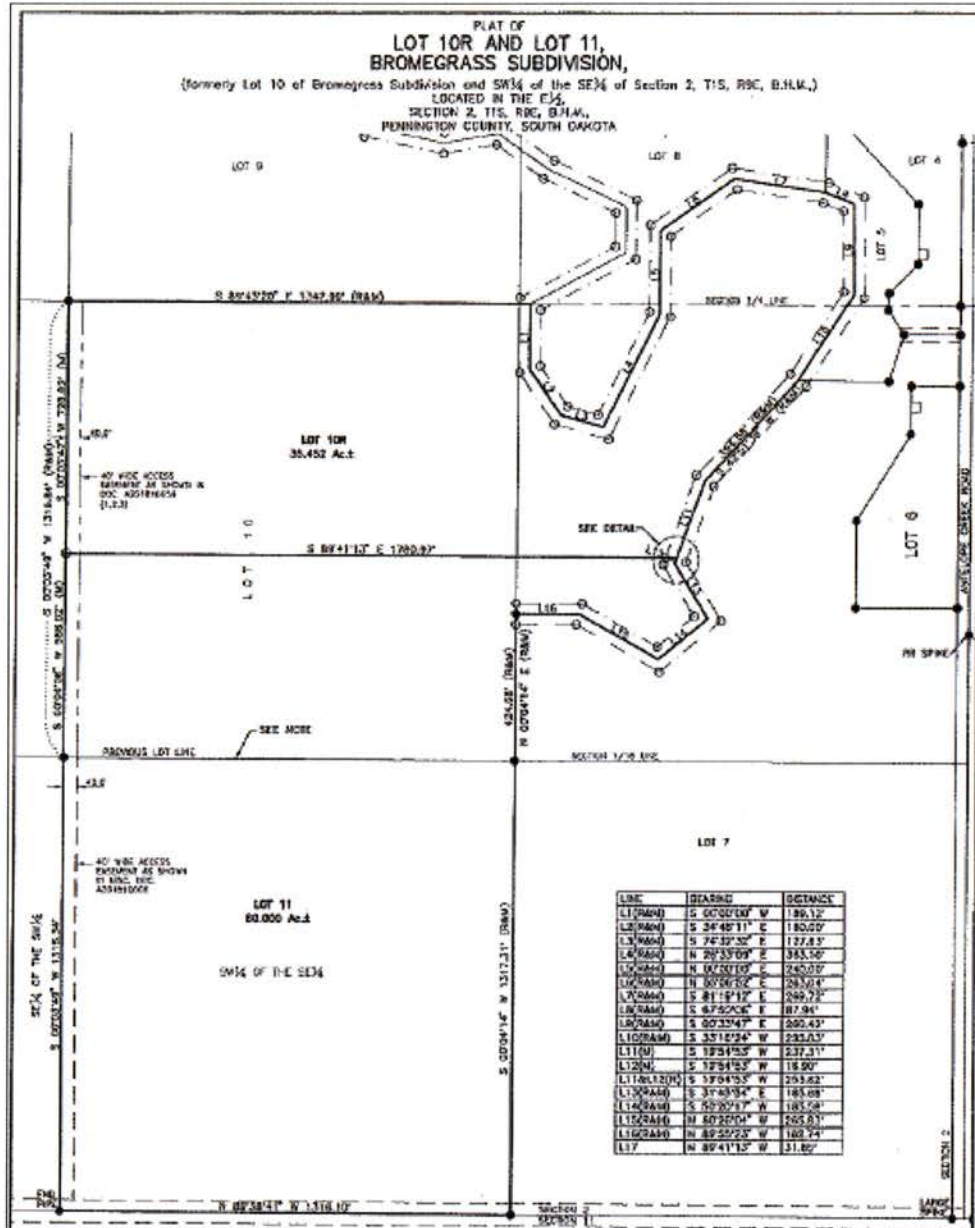


*Existing lots*

#### **IV. PROPOSED LOTS**

- A. Lot 10R of Bromegrass Subdivision
  - 1. 35.452 acres ±
    - a. Does not meet the minimum lot size requirement for a General Agriculture District, per § 205 of the Pennington County Zoning Ordinance (PCZO).
    - b. Rezone and Comprehensive Plan Amendment applications have been submitted for proposed Lot 10R (RZ 19-07 and CA 19-04).
  - 2. Access via a Section Line and two (2) 40-foot-wide Access Easements (Misc. Doc. A201810006 and Plat A201810659).
- B. Lot 11 of Bromegrass Subdivision
  - 1. 60.00 acres ±
    - a. Meets the minimum lot size requirement for a General Agriculture District, per § 205 of the PCZO.
  - 2. Access via Section Line.
    - a. June 10, 2019 – The Planning Commission approved naming a portion of the Section Line “Lippert Ranch Road”.





A Portion of Proposed Reconfiguration, Sperlich Consulting, March 6, 2019

**V. SUBDIVISION REGULATIONS VARIANCE / SV 19-05**

- A. The applicant has requested to waive the following Subdivision Regulations:
  - 1. The submittal of percolation tests and soil profile hole information.
  - 2. To not improve the Section Line located on the southern property line of proposed Lot 11.
- B. Staff does not object to the two above-mentioned requests.

**VI. REQUEST FOR COMMENT FOR MPL 19-18 AND SV 19-05**

- A. County Highway Department
  - 1. Ordinance 14 requires that approaches shall be constructed perpendicular as practical to the County Road. To accomplish this the road will need to be extended past the house. An Approach Permit will be required. A previous routing only shows the road up to the 1/16 line.
    - a. *Staff Comment: This will be addressed as a Condition of Approval.*
- B. County Fire Administrator
  - 1. 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.
- C. County Environmental Planning Supervisor
  - 1. There is Special Flood Hazard Area (SFHA) on the subject property. A Floodplain Development Permit is required prior to any disturbance within the regulated SFHA.
    - a. *Staff Comment: This will be addressed as a Condition of Approval.*
- D. County Environmental Planner
  - 1. If the applicants wishes to install a septic system on either of the two future lots, all rules of Pennington County Zoning Ordinance Section 204(J) must be followed.
    - a. *Staff Comment: This will be addressed as a Condition of Approval.*
- E. County Ordinance Enforcement
  - 1. Ordinance Enforcement has no objection.
- F. County Natural Resources
  - 1. No comments received.
- G. County Addressing Coordinator
  - 1. An address will be assigned upon Building Permit submittal and must be posted in accordance with Pennington County Ordinance #20.
- H. County Sheriff's Office
  - 1. No comments received.
- I. Register of Deeds
  - 1. Plat heading is acceptable.
  - 2. Certificates appear to be required certificate per state statute.
  - 3. Notary acknowledgement for Gordon Howie signing on behalf of Antelope Creek needs to reflect he is signing on behalf of the LLC. The attached corporate acknowledgement may be amended to work for an LLC.

- a. *Staff Comment: To clarify, the notary acknowledgement for the Certificate of Ownership regarding Antelope Creek L.L.C. needs to read "... personally appeared Gordon Howie, Member of Antelope Creek L.L.C. known to me to be...". This will be addressed as a Condition of Approval.*
- J. Department of Equalization
  - a. Looks good at this stage.
- K. Emergency Services (9-1-1)
  - 1. Proposed road name works for 911.
- L. West River Electric
  - 1. West River has no comments regarding Howie / Lippert: Minor Plat – Rezone – Variance – Comprehensive Plan Amendment.
- M. Rapid City Regional Airport
  - 1. It appears these are going to remain in some form of Ag and are not necessarily going to become a housing development. This property is in Safety Zone 3 and inside the Precision Flight Corridor. In the event they want to start building houses, we would recommend the County push for an acknowledgement of the proximity to the airport for noise purposes. Typically, the document would follow the deed of the property and the buyers would need to sign. They usually state that they recognize they are within 4 miles of the airport and that they will have airplanes flying overhead. It helps to prevent from people stating they had no idea there would be airplanes noise and flying over their house on a regular basis.

## VII. ANALYSIS

- A. March 6, 2019 – The applicant, Lorin Lippert, applied for Layout Plan / LPL 19-06 to reconfigure lot lines in order to create Lot 10R and Lot 11 of Bromegrass Subdivision.
- B. April 16, 2019 – The Board of Commissioners approved Layout Plan / LPL 19-06 with the following twelve (12) conditions:
  - 1. That prior to filing the Plat with the Register of Deeds, proposed Lot 10R obtain an approved Lot Size Variance or be Rezoned appropriately;
  - 2. That at the time of Minor Plat submittal, the Ownership Certificates be corrected to show Antelope Creek Ranch, LLC; along with Connie and Gordon Howie, per Department of Equalization comments;
  - 3. That at the time of Minor Plat submittal, twenty-five (25) foot Minor Drainage & Utility Easements be dedicated on the interior sides of all lot lines, per West River Electric comments;
  - 4. That the applicant obtain an Approach Permit from the County Highway Department prior to installation of any approaches off of Antelope Creek Road;

5. That prior to constructing any access road to the proposed lots, the applicant obtain approval of a Road Construction within a Section Line Right-of-Way Permit from the Pennington County Board of Commissioners;
  6. That prior to approval of a Building Permit on either of the proposed lots, the Section Line and Easements that provides access to the subject properties be named with a Road Name approved by 9-1-1 and the Pennington County Board of Commissioners, per comments from Emergency Services;
  7. That at the time of the Minor Plat submittal, percolation tests and soil profile hole information be submitted for the proposed lots for review and approval by the County Environmental Planner, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
  8. That at the time of Minor Plat submittal, the plat meets all requirements of Pennington County Subdivision Regulations, or approved Subdivision Regulations Variance(s) be obtained waiving any of these requirements that are not met. Subdivision Regulations shall be submitted per Section 700 of Pennington County Subdivision Regulations;
  9. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
  10. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of § 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit;
  11. That an approved Floodplain Development Permit be obtained prior to any disturbance within the regulated Special Flood Hazard Area; and,
  12. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.
- C. May 22, 2019 – The applicant, Lorin Lippert, applied for Minor Plat / MPL 19-18 to reconfigure lot lines in order to create Lot 10R and Lot 11 of Bromegrass Subdivision.
- D. June 4, 2019 – the Board of Commissioners approved the applicant’s request CS 19-02: To construct a road within the Section Line Right-of-Way to provide access to property located in Sections 2 and 11, T1S, R9E.
- E. June 4, 2019 – The Board of Commissioners approved the applicant’s request to waive engineered road construction plans.
- F. Staff reviewed this request and determined that the Conditions of Approval of Layout Plat / LPL 19-06 have been met.

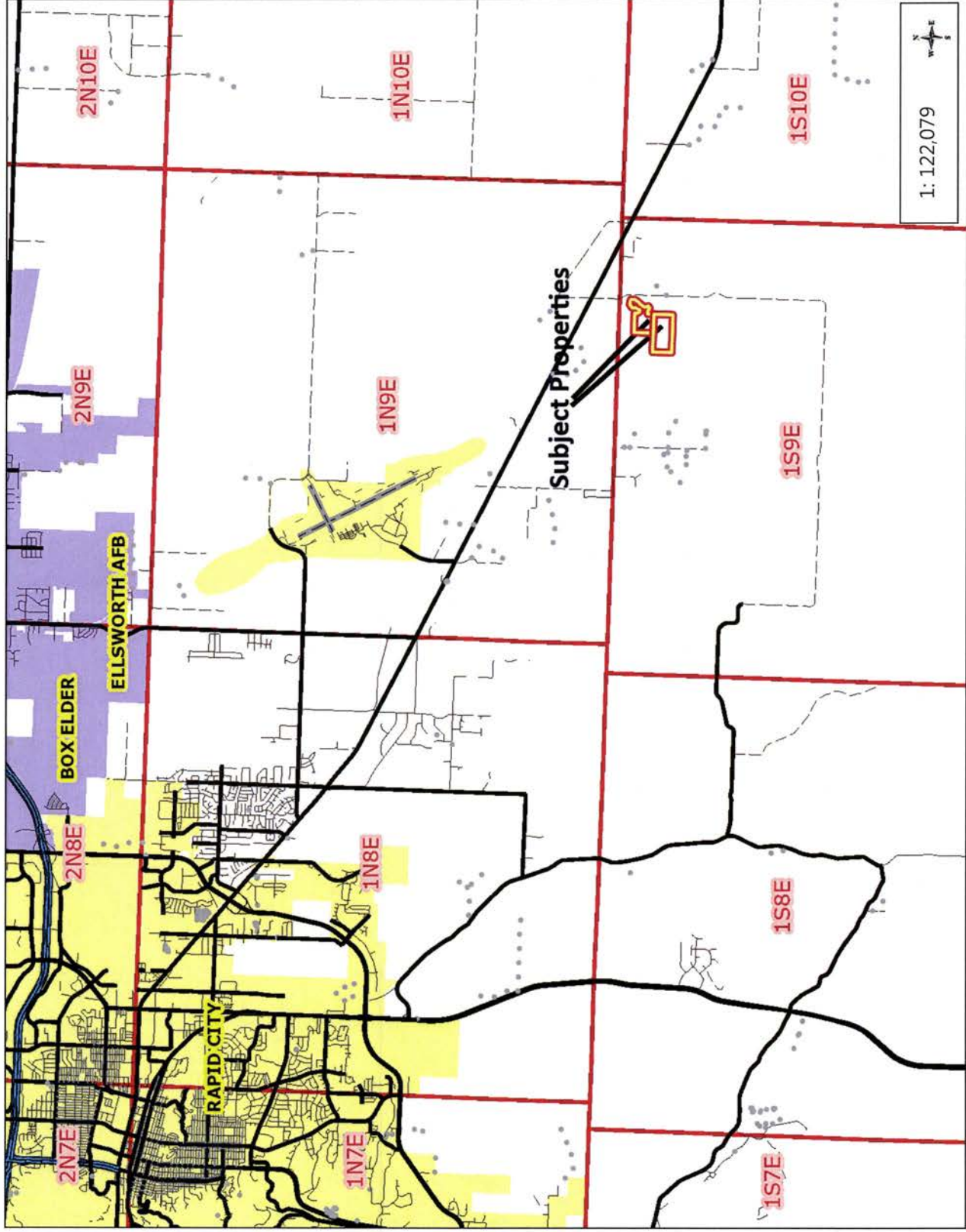
**RECOMMENDATION:** Staff recommends approval of Subdivision Regulations Variance / SV 19-05 to waive submittal of the following: 1. The submittal of percolation tests and soil profile hole information; and, 2. To not improve the Section Line located on the southern property line of proposed Lot 11.

**RECOMMENDATION:** Staff recommends approval of Minor Plat / MPL 19-18 with the following seven (7) conditions:

1. That prior to filing the Plat with the Register of Deeds, proposed Lot 10R meets County requirements by way of an approved Lot Size Variance or Rezoning;
2. That prior to filing the Plat with the Register of Deeds, the Certificate of Ownership be amended per Register of Deeds and Staff's clarifying comments;
3. That the applicant obtain an Approach Permit from the County Highway Department prior to installation of any approaches off of Antelope Creek Road;
4. That the applicant ensures a turnaround is installed at the temporary dead end of the road constructed on the Section Line Right-Of-Way, per Pennington County Subdivision Regulations §500.5(2)(a);
5. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
6. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of § 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit; and,
7. That an approved Floodplain Development Permit be obtained *prior* to any disturbance within the regulated Special Flood Hazard Area.

- Legend**
- Roads**
- Interstate
  - US highway
  - SD highway
  - County highway
  - Main road
  - Minor arterial
  - Collector
  - Ramp
  - Paved road
  - Unpaved road
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  - KEYSTONE
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  - QUINN
  - RAPID CITY
  - WALL
  - WASTA
- City Limits**
- City Limits

**Map Notes:**

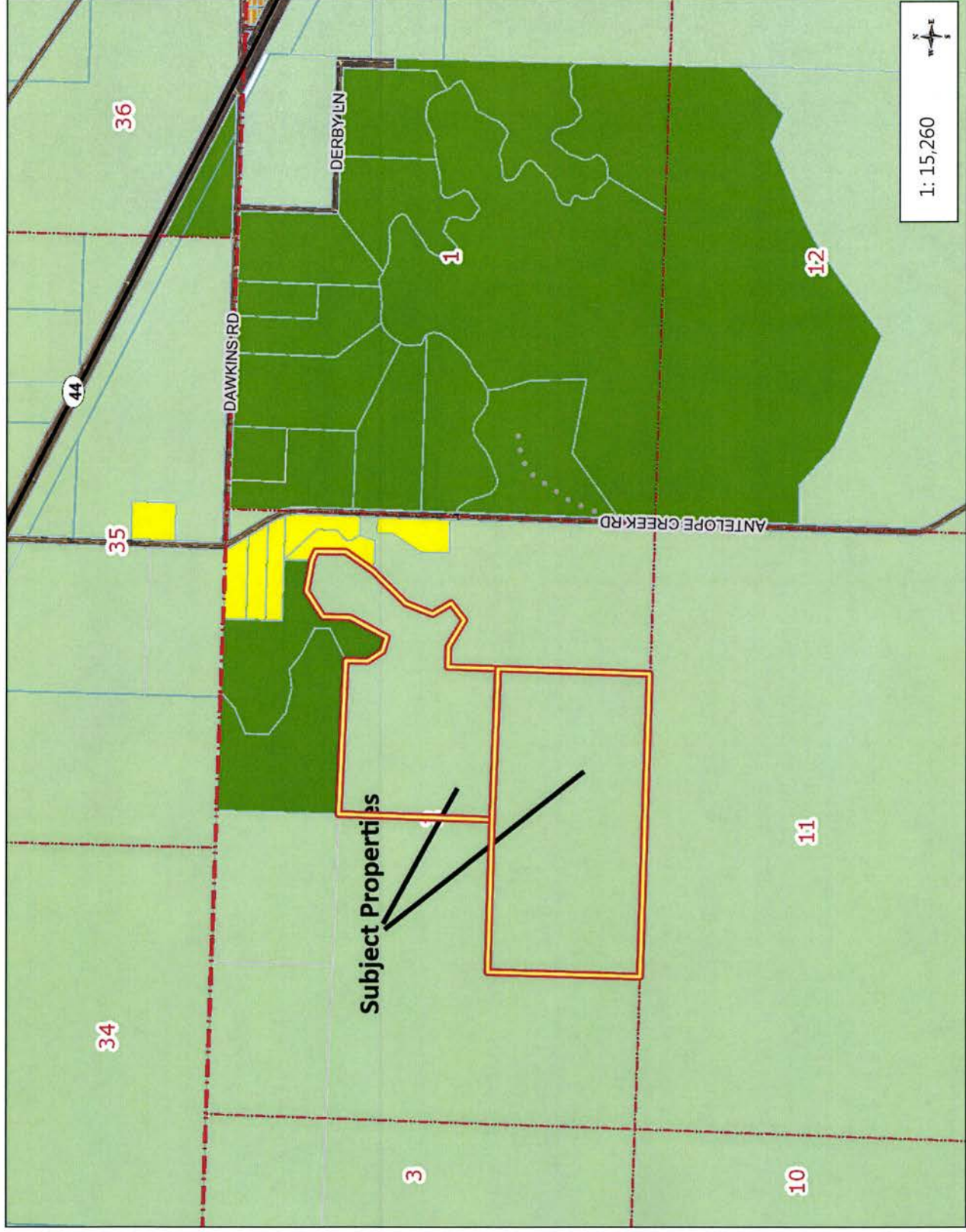


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20,346.6      10,173.29      20,346.6      Feet

NAD\_1983\_2011\_StatePlane\_South\_Dakota\_South\_FIPS\_4002\_Ft\_US  
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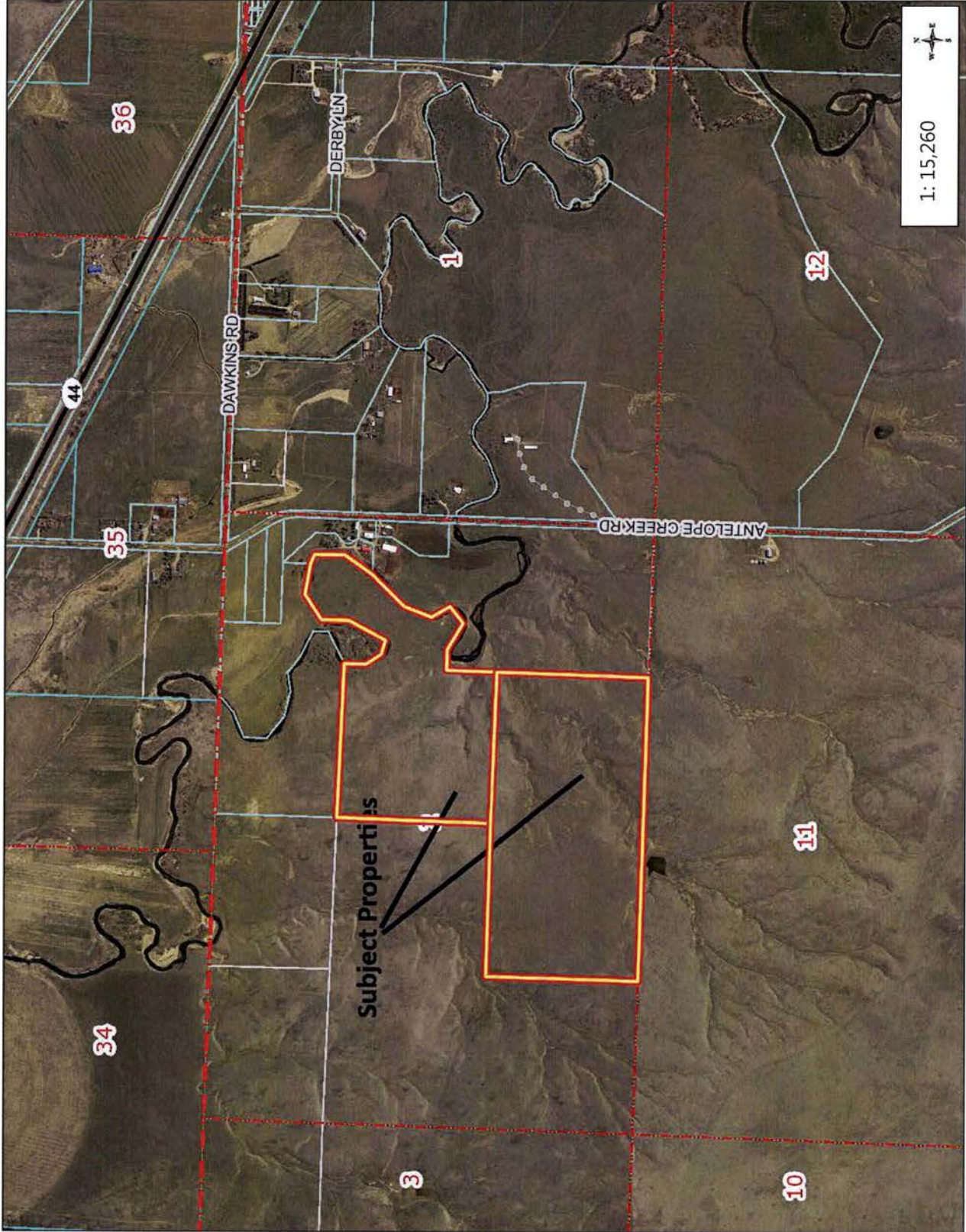
1: 15,260

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  - General Commercial
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  - Limited Agriculture
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  - Light Industrial
  - Planned Unit Development

**Map Notes:**



1: 15,260

2,543.3 0 1,271.66 2,543.3 Feet



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

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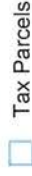
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- Driveway
- Alley
- Unimproved road
- Airport Runway
- Not yet coded

**Section Lines 0-25k**

- 0
- 7



Tax Parcels

Lot Lines

<Null>

Lot Line

Parcel Line

**Map Notes:**



ACKNOWLEDGEMENT BY INDIVIDUAL

STATE OF SOUTH DAKOTA, }  
 }ss.  
County of \_\_\_\_\_ }

On this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me,  
\_\_\_\_\_, the undersigned officer, personally appeared  
\_\_\_\_\_

known to me or satisfactorily proven to be the person whose name \_\_\_ is/are subscribed to the within instrument

and acknowledged that \_\_\_ he \_\_\_ executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

\_\_\_\_\_  
\_\_\_\_\_  
Title of Officer

ACKNOWLEDGEMENT BY CORPORATION

STATE OF SOUTH DAKOTA }  
 }ss.  
County of \_\_\_\_\_ }

On this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me,  
\_\_\_\_\_ the undersigned officer, personally appeared  
\_\_\_\_\_, who acknowledged himself/herself to be the  
\_\_\_\_\_ of  
\_\_\_\_\_

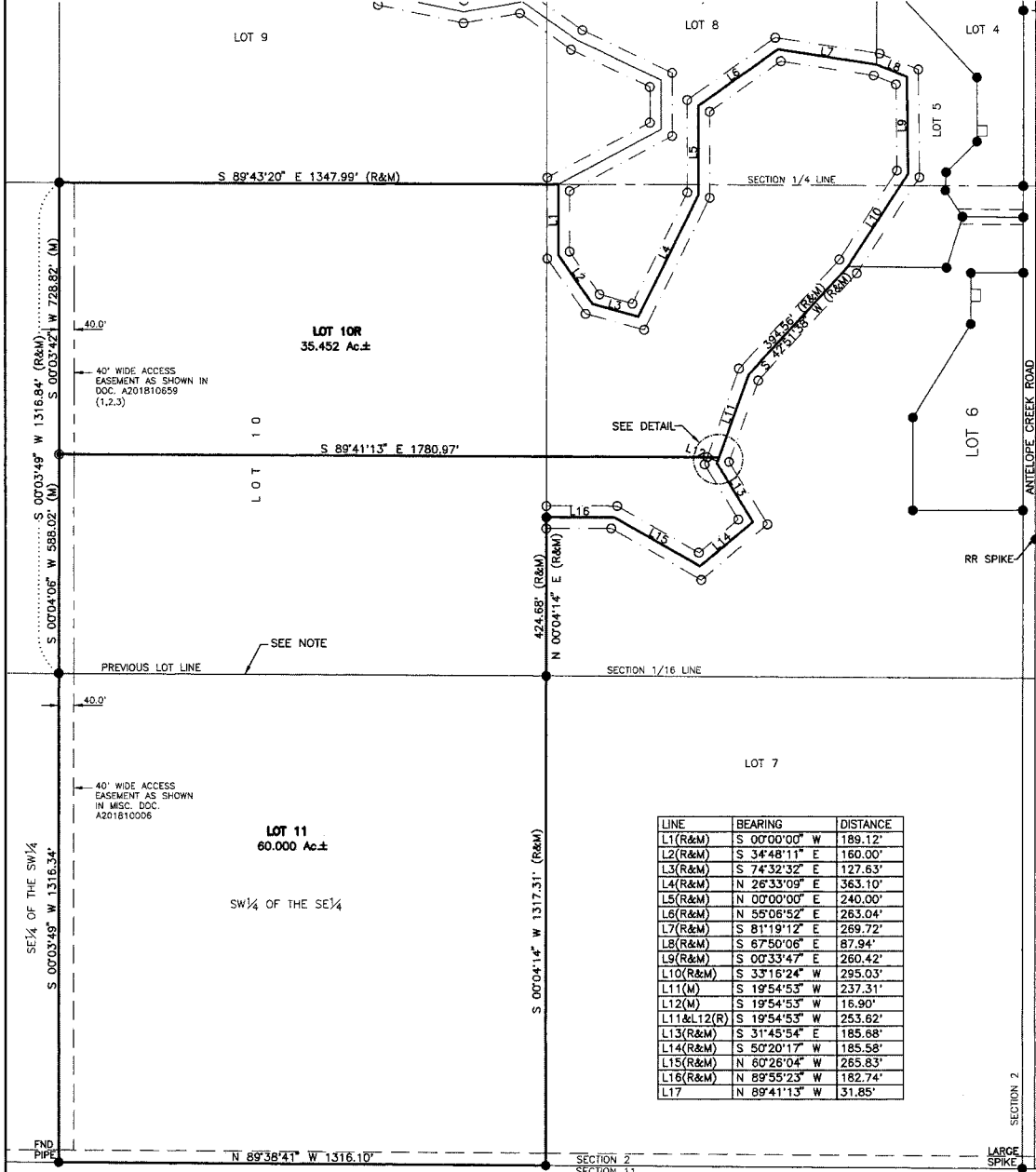
a corporation, and that \_\_\_ he, as such, \_\_\_\_\_  
name of the corporation by himself/herself as \_\_\_\_\_

In witness whereof I hereunto set my hand and official seal.

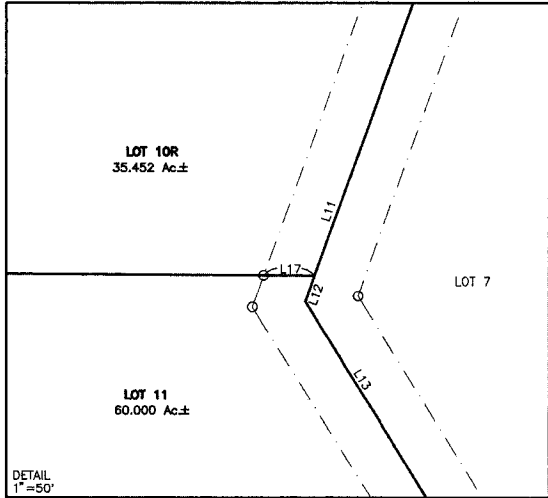
\_\_\_\_\_  
\_\_\_\_\_  
Title of officer

PLAT OF  
**LOT 10R AND LOT 11,  
 BROMEGRASS SUBDIVISION,**

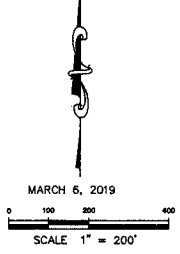
(formerly Lot 10 of Bromegrass Subdivision and SW $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section 2, T1S, R9E, B.H.M.)  
 LOCATED IN THE E $\frac{1}{2}$ ,  
 SECTION 2, T1S, R9E, B.H.M.,  
 PENNINGTON COUNTY, SOUTH DAKOTA



LINE	BEARING	DISTANCE
L1(R&M)	S 00°00'00" W	189.12'
L2(R&M)	S 34°48'11" E	160.00'
L3(R&M)	S 74°32'32" E	127.63'
L4(R&M)	N 26°33'09" E	363.10'
L5(R&M)	N 00°00'00" E	240.00'
L6(R&M)	N 55°06'52" E	263.04'
L7(R&M)	S 81°19'12" E	269.72'
L8(R&M)	S 67°50'06" E	87.94'
L9(R&M)	S 00°33'47" E	260.42'
L10(R&M)	S 33°16'24" W	295.03'
L11(M)	S 19°54'53" W	237.31'
L12(M)	S 19°54'53" W	16.90'
L11&L12(R)	S 19°54'53" W	253.62'
L13(R&M)	S 31°45'54" E	185.68'
L14(R&M)	S 50°20'17" W	185.58'
L15(R&M)	N 60°26'04" W	265.83'
L16(R&M)	N 89°55'23" W	182.74'
L17	N 89°41'13" W	31.85'



NOTE: ACCEPTANCE OF THIS PLAT HEREBY  
 VACATES THE EXISTING 8" UTILITY AND  
 MINOR DRAINAGE EASEMENT AS SHOWN IN  
 DOC. NO. A201810659 (1-3).



- NOTES:**
- Denotes set 5/8" rebar with survey cap marked "Janis LS 11700"
  - Denotes Found Survey Monument "Janis LS 11700" unless otherwise noted
  - Denotes set 5/8" rebar with survey cap marked "Janis LS 11700" Witness Corner.
  - (R) Denotes Recorded in previous plat or description.
  - (M) Denotes Measured this survey.
  - CB Denotes Chord Bearing
  - CD Denotes Chord Distance
- Basis of Bearings: Geodetic North determined by Global Positioning (GPS)  
 Utility and Minor Drainage Easements: 25' on the Interior sides of all lot lines, except where major drainage easements, access easements and section lines exist.
- Any major drainage easement shown hereon shall be kept free of all obstructions including but not limited to buildings, walls, fences, hedges, trees and shrubs. These easements grant to all public authorities the right to construct, operate, maintain, inspect, and repair such improvements and structures as it deems expedient to facilitate drainage from any source.

PLAT OF  
**LOT 10R AND LOT 11,**  
**BROMEGRASS SUBDIVISION,**  
 (formerly Lot 10 of Bromegrass Subdivision and SW¼ of the SE¼ of Section 2, T1S, R9E, B.H.M.,)  
 LOCATED IN THE E½,  
 SECTION 2, T1S, R9E, B.H.M.,  
 PENNINGTON COUNTY, SOUTH DAKOTA

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

I, the undersigned, do hereby certify that I am a member of ANTELOPE CREEK, L.L.C., a corporation, and the owner of the land shown and described hereon; that the survey was done at my request for the purposes indicated hereon; that I do hereby approve the survey and within plot of said land; and that the development of this land shall conform to all existing applicable zoning, subdivision, and erosion and sediment control regulations.

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

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

Owner: ANTELOPE CREEK, L.L.C.

By: \_\_\_\_\_  
 Gordon Howie, Member

On the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a Notary Public, personally appeared Gordon Howie known to me to be the person(s) described in the foregoing instrument and acknowledged to me that he signed the same.

Notary Public: \_\_\_\_\_  
 My Commission Expires: \_\_\_\_\_

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

We, the undersigned, do hereby certify that we are the owners of the land shown and described hereon; that the survey was done at our request for the purposes indicated hereon; that we do hereby approve the survey and within plot of said land; and that the development of this land shall conform to all existing applicable zoning, subdivision, and erosion and sediment control regulations.

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

In witness whereof, we have set our hand and seal.

Owner: \_\_\_\_\_  
 Gordon Howie

Owner: \_\_\_\_\_  
 Connie Howie

On the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a Notary Public, personally appeared Gordon & Connie Howie, known to me to be the person(s) described in the foregoing instrument and acknowledged to me that they signed the same.

Notary Public: \_\_\_\_\_  
 My Commission Expires: \_\_\_\_\_

**CERTIFICATE BY COUNTY AUDITOR**  
 State of South Dakota  
 County of Pennington s.s.

I, Auditor of Pennington County, do hereby certify that the Pennington County Planning Director has reviewed and approved this Final Plat as shown hereon.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
 Pennington County Auditor/Deputy

**CERTIFICATE OF DIRECTOR OF EQUALIZATION**

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

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
 Director of Equalization of Pennington County

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

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

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

\_\_\_\_\_  
 Jeffrey L. Janis, Registered Land Surveyor Date



**FLOODPLAIN STATEMENT**  
 Floodplain Statement

The 100-year floodplain, as shown hereon, is based on the elevations identified in the Flood Insurance Rate Map Number 45103C1250H, Effective Date June 3, 2013, or as graphically depicted on said map in unstudied areas. The floodplain information shown hereon serves as constructive notice that certain flood hazards exist on portions of the subject property. The Location of the floodplain, as shown hereon, may be subject to change.

**WATER PROTECTION STATEMENT**

Water Protection Statement  
 Pursuant to SDCL 11-3-8.1 and 11-3-2, the developer of the property described within this plat shall be responsible for protection any waters of the state, including groundwater, located adjacent to or within such platted area from pollution from seepage from such subdivision and shall in prosecution of such protections conform to and follow all regulations of the South Dakota Department of Environment and Natural Resources relating to the same.

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

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

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
 Pennington County Planning Director

**CERTIFICATE OF STREET AUTHORITY**

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

Approved: \_\_\_\_\_ Date: \_\_\_\_\_

**CERTIFICATE OF COUNTY TREASURER**

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

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
 Treasurer of Pennington County

**CERTIFICATE OF REGISTER OF DEEDS**

State of South Dakota  
 County of Pennington s.s.

Filed this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_ o'clock \_\_\_\_ M.

In Document No. \_\_\_\_\_

\_\_\_\_\_  
 Register of Deeds Fee: \$\_\_\_\_\_

STAFF REPORT

GENERAL INFORMATION:

REQUEST: **REZONE / RZ 19-07 AND COMPREHENSIVE PLAN AMENDMENT / CA 19-07:** To rezone 35.452 acres from General Agriculture District to Limited Agriculture District and to amend the Comprehensive Plan to change the Future Land Use from General Agriculture District to Limited Agriculture District in accordance with Sections 205, 206, and 508 of the Pennington County Zoning Ordinance.

APPLICANT: Lorin Lippert  
APPLICANT ADDRESS: 14830 Longview Drive, Rapid City, SD 57703  
LANDOWNER(s): Gordon & Connie Howie / Antelope Creek, L.L.C.  
OWNER ADDRESS: P.O. Box 8023, Rapid City, SD 57709

LEGAL DESCRIPTION: Commencing at the Northeasterly corner of Lot 10 of Bromegrass Subdivision, common with the Southeasterly corner of Lot 9 of Bromegrass Subdivision, and the point of beginning of the subject property as surveyed, thence S 89°43'20" E, a distance of 1,347.99 feet along the northerly boundary of said Lot 10 common with the southerly line of said Lot 9 to an angle point common with Lot 8, Lot 9, and Lot 10 of Bromegrass Subdivision, thence S 00°00'00" W along the easterly boundary of Lot 10 of Bromegrass a distance of 189.12 feet to an angle point on the easterly boundary of Lot 10 of Bromegrass Subdivision, common with the southwesterly boundary of Lot 8 of Bromegrass Subdivision, thence S 34°48'11" E a distance of 160.00 feet to an angle point on the easterly boundary of Lot 10 of Bromegrass Subdivision, common with the southwesterly boundary of Lot 8 of Bromegrass Subdivision, thence S 74°32'32" E a distance of 127.63 feet to an angle point on the easterly boundary of Lot 10 of Bromegrass Subdivision, common with the southwesterly boundary of Lot 8 of Bromegrass Subdivision, thence N 26°33'09" E a distance of 363.10 feet to an angle point on the easterly boundary of Lot 10 of Bromegrass Subdivision, common with the southeasterly boundary of Lot 8 of Bromegrass Subdivision, thence N 00°00'00" E a distance of 240.00 feet to an angle point on the easterly boundary of Lot 10 of Bromegrass Subdivision, common with the southeasterly boundary of Lot 8 of Bromegrass Subdivision, thence N 55°06'52" E a distance of 263.04 feet to an angle point on the easterly boundary of Lot 10 of Bromegrass Subdivision, common with the southerly boundary of Lot 8 of Bromegrass Subdivision, thence S 81°19'12" E a distance of 269.72 feet to an angle point on the easterly boundary of Lot 10 of Bromegrass Subdivision, common with the southerly boundary of Lot 8, and common with the

Agenda Item #27  
Lorin Lippert  
June 24, 2019

westerly boundary of Lot 5 of Bromegrass Subdivision, thence S 67°50'06" E a distance of 87.94 feet to an angle point on the easterly boundary of Lot 10 of Bromegrass Subdivision, common with the westerly boundary of Lot 5 of Bromegrass Subdivision, thence S 00°33'47" E a distance of 260.42 feet to an angle point on the easterly boundary of Lot 10 of Bromegrass Subdivision, common with the westerly boundary of Lot 5 of Bromegrass Subdivision, thence S 33°16'24" W a distance of 295.03 feet to an angle point on the easterly boundary of Lot 10 of Bromegrass Subdivision, common with the Southwesterly corner of Lot 5 of Bromegrass Subdivision and common with the northwesterly corner of Lot 7 of Bromegrass Subdivision, thence S 42°51'38" W a distance of 394.56 feet to an angle point on the easterly boundary of Bromegrass Subdivision, common with the westerly boundary of Lot 7 of Bromegrass Subdivision, thence S 19°54'53" W a distance of 236.72 feet to a random point on the easterly boundary of Lot 10 of Bromegrass Subdivision, a random point on the westerly boundary of Lot 7 of Bromegrass Subdivision, thence N 89°41'13" W a distance of 1,780.97 feet to a random point on the westerly boundary of Lot 10 of Bromegrass Subdivision, thence N 00°03'49" E along the westerly boundary of Lot 10 of Bromegrass Subdivision a distance of 728.82 feet to the Northeasterly corner of Lot 10 of Bromegrass Subdivision, common with the Southeasterly corner of Lot 9 of Bromegrass Subdivision, and the point of beginning, Said Parcel contains 1,544,279 square feet or 35.452 acres more or less; Section 2, T1S, R9E, BHM, Pennington County, South Dakota.

SITE LOCATION: South of the intersection of E. Highway 44 and Antelope Creek Road, along Antelope Creek Road.

SIZE: 35.452 acres

TAX ID: 68890 / 68891

EXISTING LAND USE: Agriculture

ZONING REFERENCE: §§ 205, 206 and 508

CURRENT ZONING: General Agriculture District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Rolling Hills / Open Prairie

UTILITIES: None

REPORT BY: Jason Theunissen

**I. PROPOSED RECOMMENDATION**

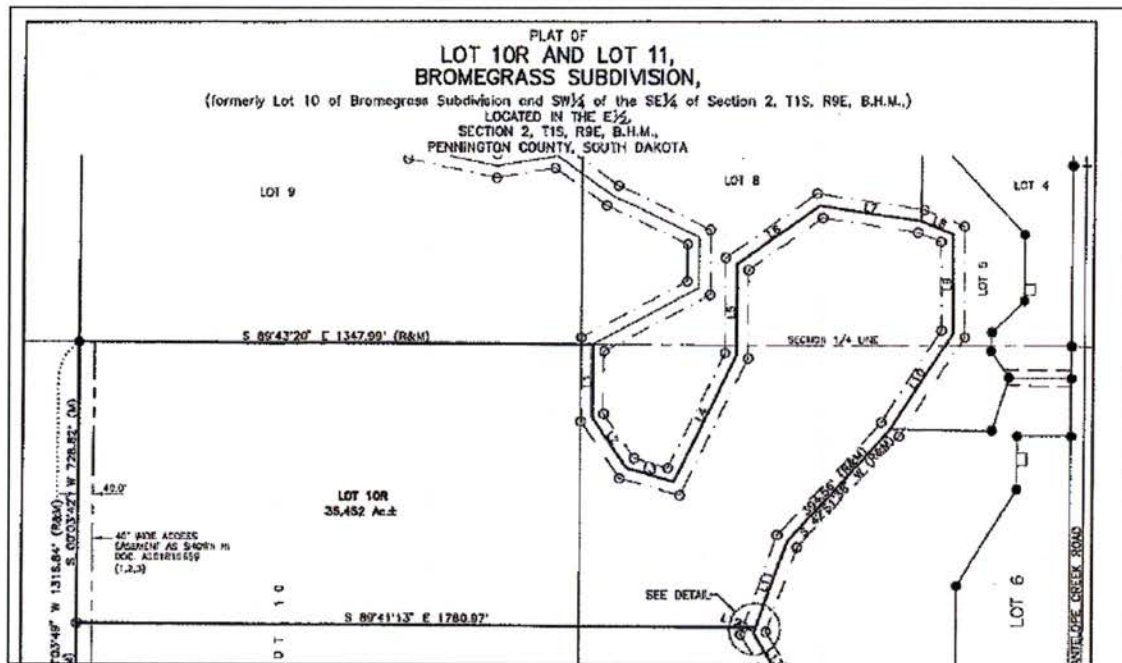
- A. Staff will be recommending approval of Rezone / RZ 19-07 and Comprehensive Plan Amendment / CA 19-07.

**II. GENERAL DESCRIPTION**

- A. The applicant, Lorin Lippert, has submitted a request to rezone 35.452 acres from General Agriculture District to Limited Agriculture District.
- B. The applicant is also requesting to amend the Pennington County Comprehensive Plan to change the Future Land Use from General Agriculture District to Limited Agriculture District.
- C. The applicant is in the process of subdividing the subject property.

**III. EXISTING CONDITIONS**

- A. Zoned General Agriculture District.
- B. 55.66 acres.
  - 1. March 6, 2019 – The applicant, applied for Layout Plan / LPL 19-06 to reconfigure lot lines in order to create Lot 10R (35.452 acres) and Lot 11 of Bromegrass Subdivision.
  - 2. April 16, 2019 – The Board of Commissioners approved Layout Plan / LPL 19-06.
  - 3. May 22, 2019 – The applicant applied for Minor Plat / MPL 19-18 to reconfigure lot lines in order to create Lot 10R (35.452 acres) and Lot 11 of Bromegrass Subdivision.
- C. Lot is currently vacant.
- D. Access via a Section Line and two (2) 40-foot-wide Access Easements (Miscellaneous Document A201810006 and Plat A201810659).
- E. Special Flood Hazard Area (100-year floodplain) on the subject property.



*A Portion of Proposed Reconfiguration (Lot 10R), Sperlich Consulting, March 6, 2019*

**IV. CURRENT ZONING WITHIN 1-MILE**

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



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

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



**VI. COMPREHENSIVE PLAN AMENDMENT / CA 19-07**

- A. The applicant has requested to change the Future Land Use of the subject property from General Agriculture District to Limited Agriculture 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. Ordinance 14 requires that approaches shall be constructed perpendicular as practical to the County Road. To accomplish this the road will need to be extended past the house. An approach permit will be required. A previous routing only shows the road up to the 1/16 line.
- B. County Fire Administrator
  - 1. 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.
- C. County Environmental Planning Supervisor
  - 1. There is Special Flood Hazard Area (SFHA) on the subject property. A Floodplain Development Permit is required prior to any disturbance within the regulated SFHA.

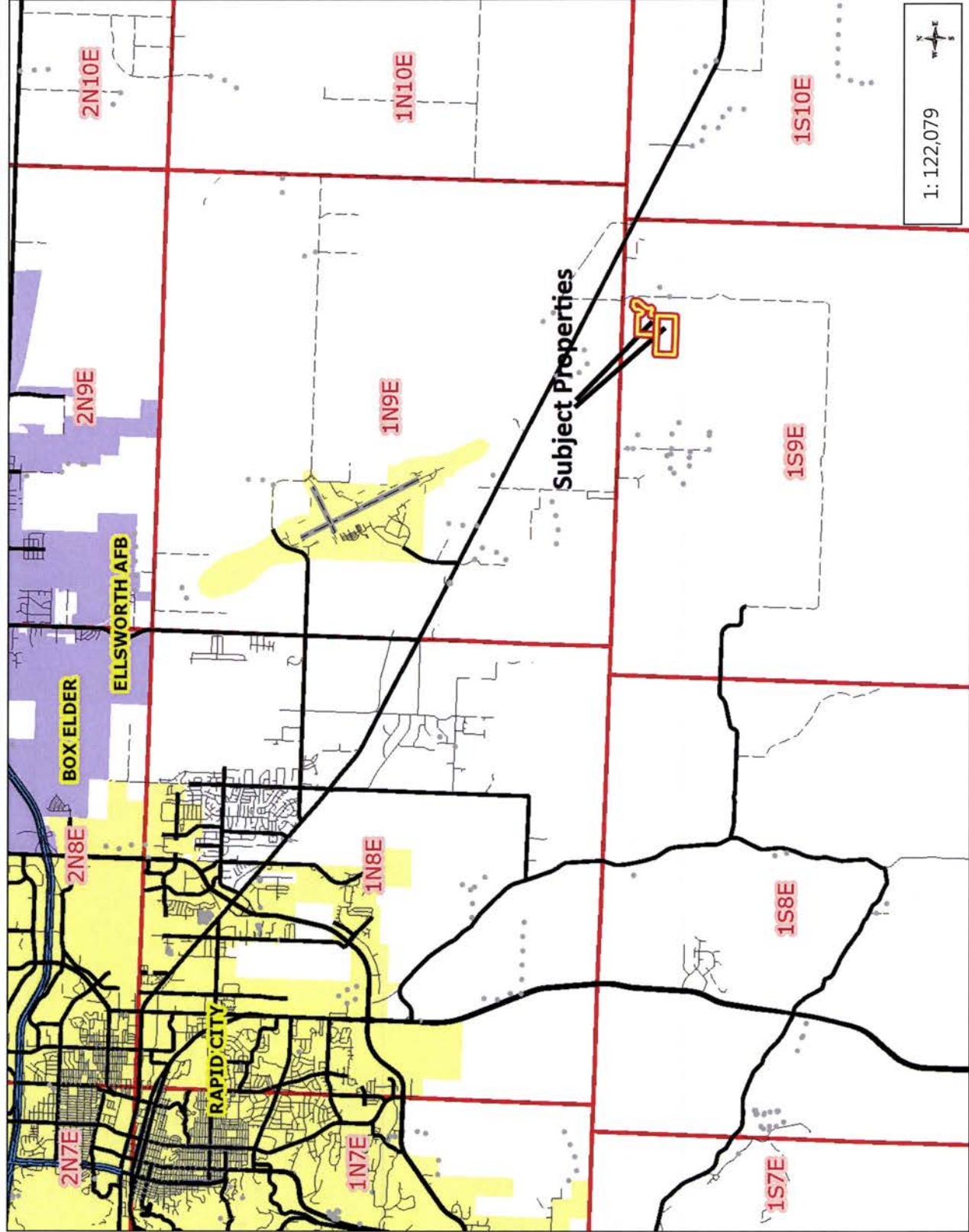


- D. County Environmental Planner
  - 1. If the applicant wishes to install a septic system on either of the two future lots, all rules of Pennington County Zoning Ordinance Section 204(J) must be followed.
- E. County Ordinance Enforcement
  - 1. Ordinance Enforcement has no objection.
- F. County Natural Resources
  - 1. No comments received.
- G. County Addressing Coordinator
  - 1. An address will be assigned upon Building Permit submittal and must be posted in accordance with Pennington County Ordinance #20.
- H. County Sheriff's Office
  - 1. No comments received.
- I. Register of Deeds
  - 1. Plat heading is acceptable.
  - 2. Certificates appear to be required certificate per state statute.
  - 3. Notary acknowledgement for Gordon Howie signing on behalf of Antelope Creek needs to reflect he is signing on behalf of the LLC. The attached corporate acknowledgement may be amended to work for an LLC.
- J. Department of Equalization
  - a. Looks good at this stage.
- K. Emergency Services (9-1-1)
  - 1. Proposed road name works for 911.
- L. West River Electric
  - 1. West River has no comments regarding Howie / Lippert: Minor Plat – Rezone – Variance – Comprehensive Plan Amendment.
- M. Rapid City Regional Airport
  - 1. It appears these are going to remain in some form of Ag and are not necessarily going to become a housing development. This property is in Safety Zone 3 and inside the Precision Flight Corridor. In the event they want to start building houses, we would recommend the County push for an acknowledgement of the proximity to the airport for noise purposes. Typically, the document would follow the deed of the property and the buyers would need to sign. They usually state that they recognize they are within 4 miles of the airport and that they will have airplanes flying overhead. It helps to prevent from people stating they had no idea there would be airplanes noise and flying over their house on a regular basis.

**VIII. ANALYSIS**

- A. March 20, 2019 – The applicant applied for Rezone / RZ 19-07 and Comprehensive Plan Amendment / CA 19-07.
- B. There are several Limited Agriculture District properties within 1-mile of the subject property and future land use identifies an increase in Limited Agriculture District zoning in the area. The applicant's request to rezone appears to be in harmony with the Current and Future Land Use zoning.
- C. April 16, 2019 – The Board of Commissioners approved Layout Plan / LPL 19-06, with twelve (12) conditions.
  - 1. If approved, Rezone / RZ 19-07 will satisfy one of those conditions.

**RECOMMENDATION:** Staff is recommending approval of Rezone / RZ 19-07 and Comprehensive Plan Amendment / CA 19-07.



1: 122,079



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

20,346.6 0 10,173.29 20,346.6 Feet

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

**Legend**

**Roads**

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

**Townships**

**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**

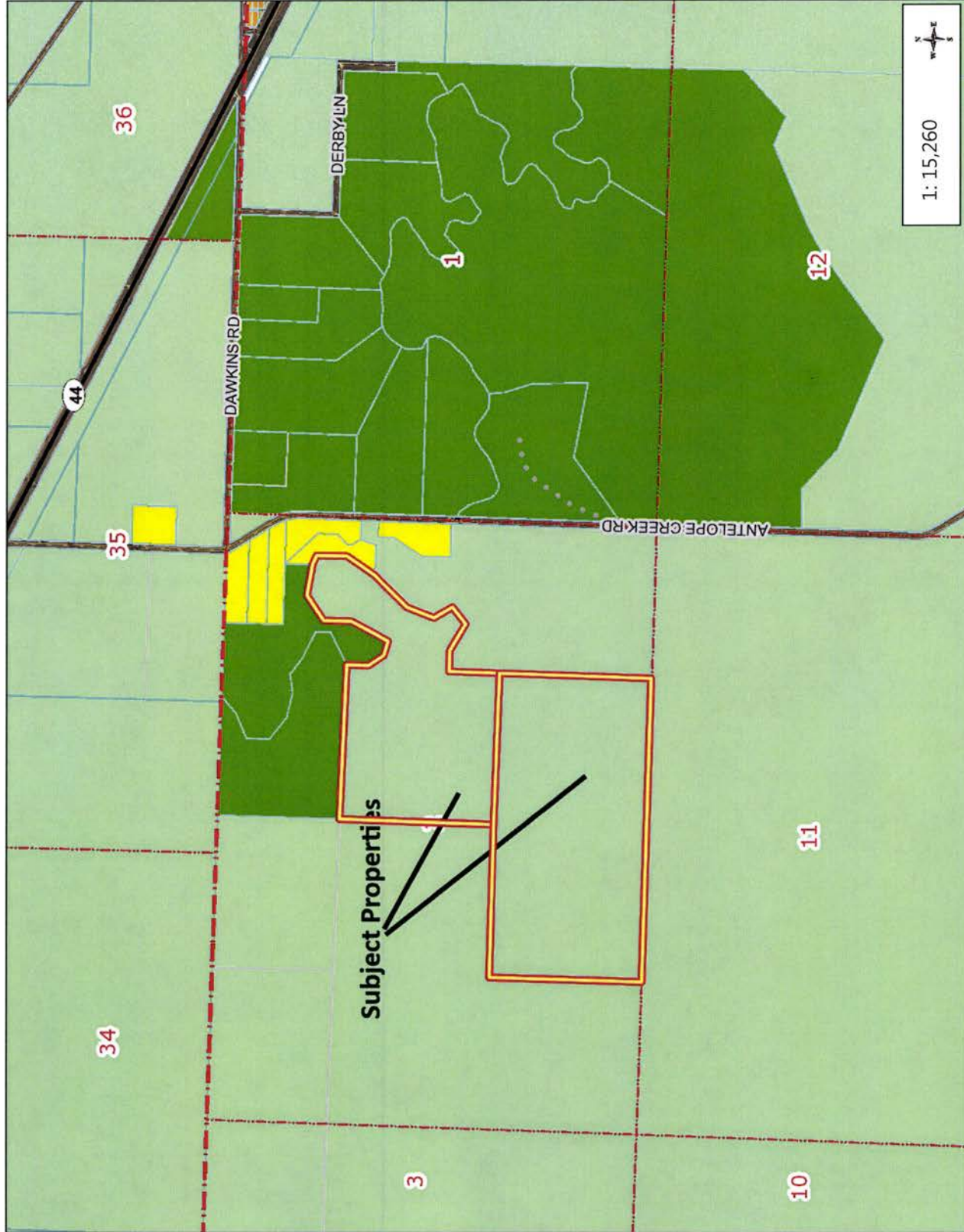
**Lot Lines**

- <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:**



1: 15,260

2,543.3 Feet

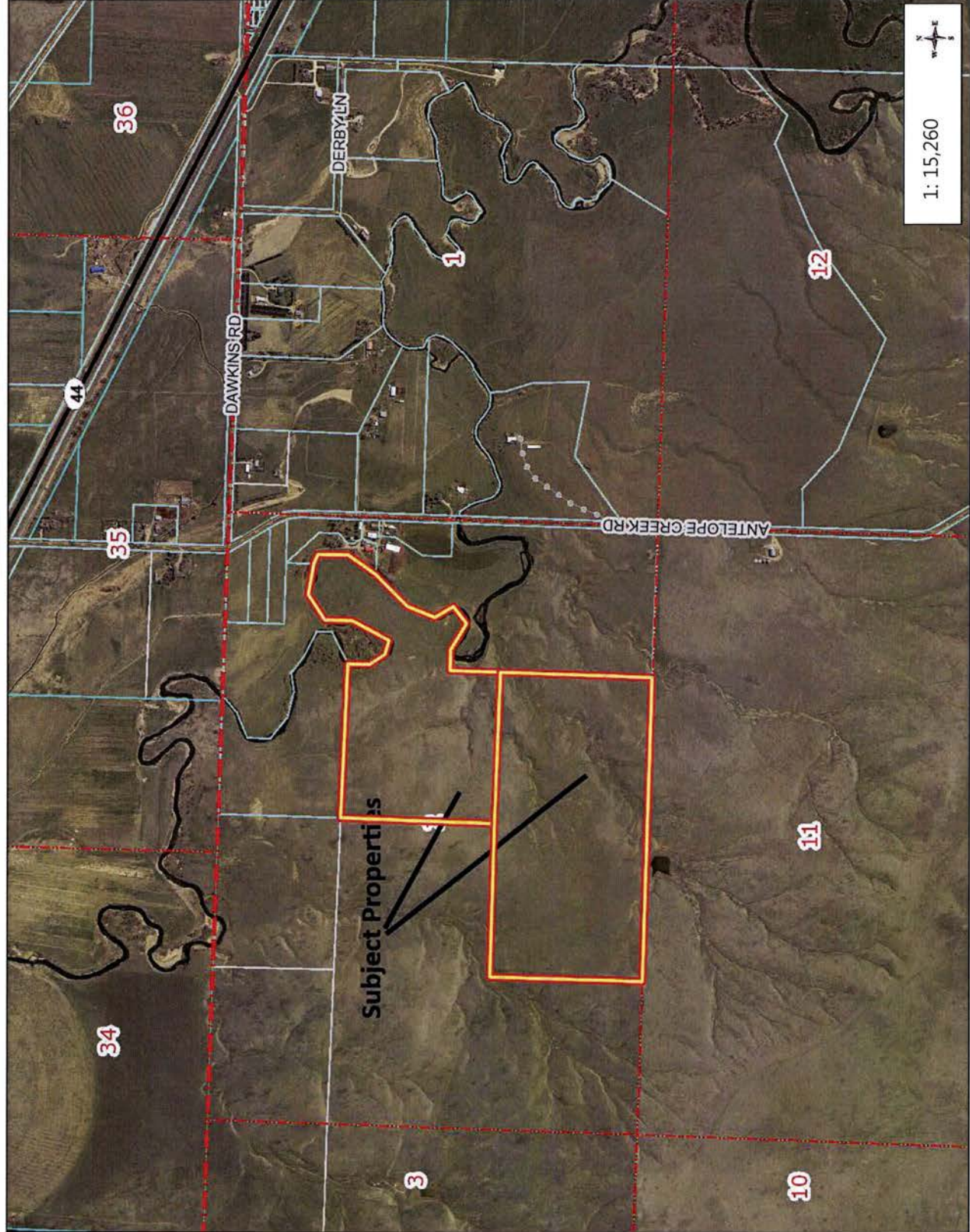
1,271.66

0

2,543.3

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THIS MAP IS NOT TO BE USED FOR NAVIGATION



1: 15,260



2,543.3 0 1,271.66 2,543.3 Feet



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

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**Legend**

**Roads**

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

**Section Lines 0-25k**

- 0
- 7

**Tax Parcels**

**Lot Lines**

- <Null>
- Lot Line
- Parcel Line

**Map Notes:**



1: 13,179



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**Legend**

**Roads**

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

**Section Lines 0-25k**

- 0
- 7

**Tax Parcels**

- Lot Lines

- <Null>
- Lot Line
- Parcel Line

**County Zoning Districts**

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

**Map Notes:**

## STAFF REPORT

### GENERAL INFORMATION:

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

APPLICANT: Cross Country Real Estate

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

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

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

SIZE: 34.07 acres

TAX ID: 64331

EXISTING LAND USE: Race Track / Go Karts

ZONING REFERENCE: Section 507

CURRENT ZONING: General Commercial District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Flat Areas / Rolling Hills

UTILITIES: Rapid Valley Sanitary District

REPORT BY: Brittney Molitor

**I. GENERAL DESCRIPTION**

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

**II. EXISTING CONDITIONS**

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



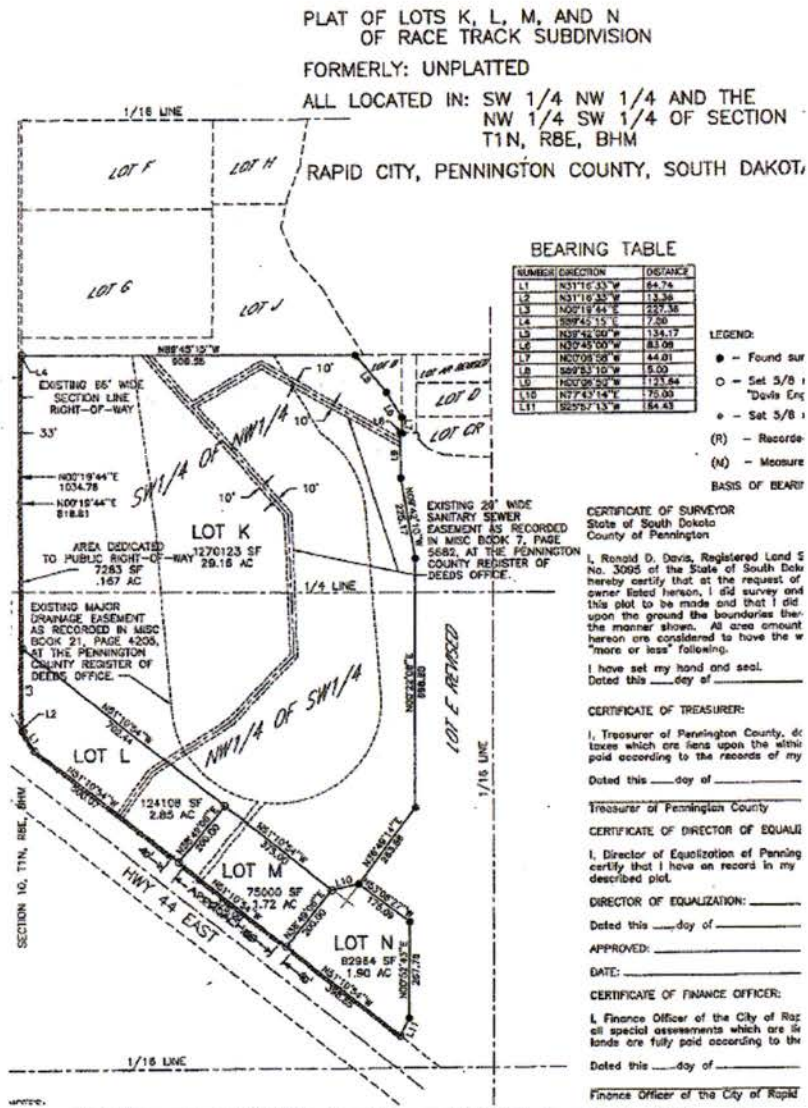
*2018 aerial of subject property*





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

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



Copy of

Proposed Plat 01PL018

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

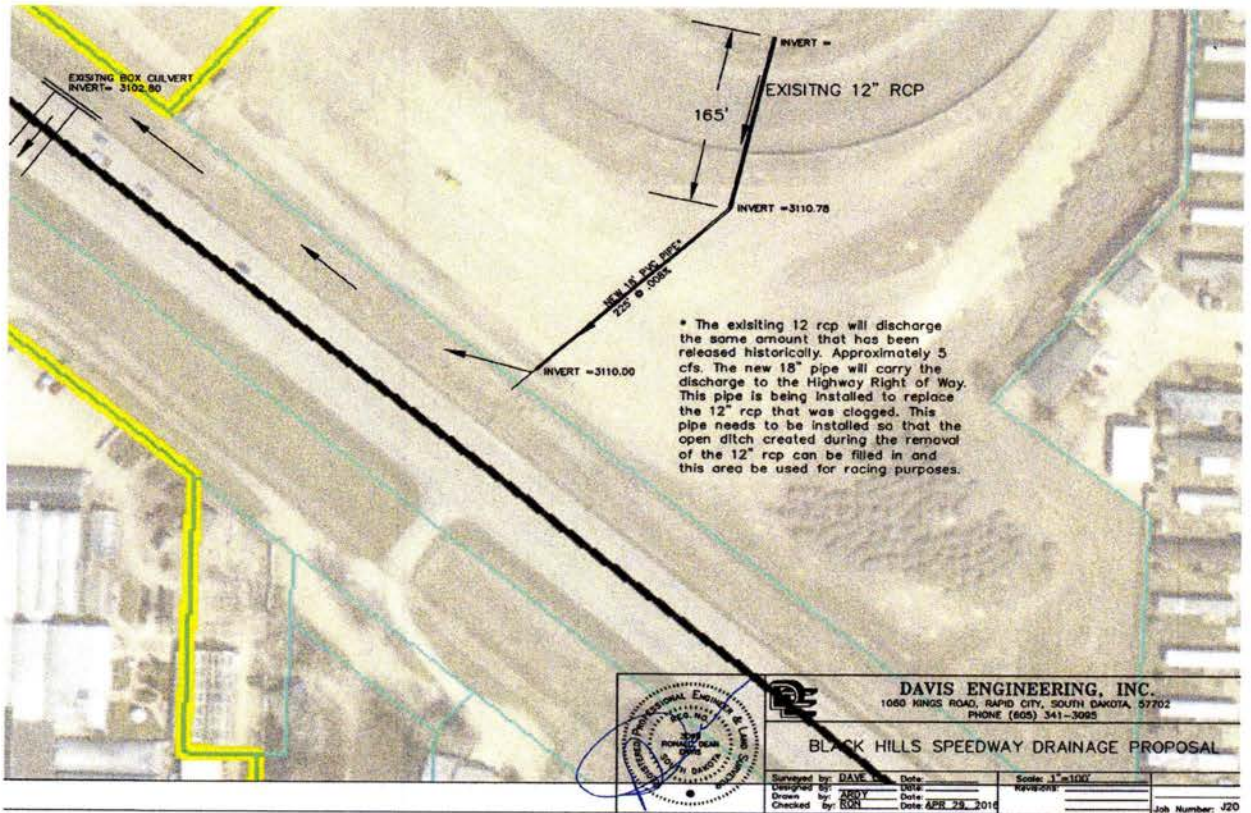
3. That the applicant provides the Planning Department with a copy of the Storm Water Pollution Prevention Plan within seven (7) days of approval of this Permit;
4. That the Conditions of the Approval of the South Dakota Department of Environment and Natural Resources General Permits for Storm Water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

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



- D. Request for Improvements in a Public Drainage Easement (Board of Commissioners) – To replace a 12” reinforced concrete pipe (RCP) with an 18” polyvinyl chloride (PVC) pipe at the southern end of the Public Drainage Easement.

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



5. During the review of this request, Staff observed:
  - a. Installation of a large concrete drive/pad in the Public Drainage Easement.

- b. A bermed area on the north side of the racetrack that was not included in the Construction Permit approval.
  - c. Prairie dog holes were active at the site.
  - d. Work was initiated for the replacement of the 12” reinforced concrete pipe.
  - e. Structures were moved into and around the Public Drainage Easement from other locations of the property.
6. During testimony at the May 17, 2016 Board of Commissioners meeting the following was stated by Ron Davis, Davis Engineering:
- a. Five or six cubic feet per second (cfs) leaving the pipe from the southern portion of the property.
  - b. That the structures located in the drainage easement will not interfere with the flow of the water. This is not a “defined channel”.
  - c. “In a 100-year storm, it’s going to fill up north of the track first then it is going to run through the entrance where they go in through the pits and down over that track and it is going to come into the infield and slowly raise up and go back down. There is 500 cfs coming into the track and there is 5 cfs leaving which means in a 100-year storm that’s probably going to be four to five feet deep inside that track for an hour to an hour, hour and half, to two hours before it drains out.”
  - d. The buildings inside the track cannot be washed downstream.
  - e. There is a retaining wall on the southern end that is 11 to 12 feet above the flow line of the pipe.
  - f. The 12” pipe under the south end of the track for normal drainage was plugged up because there was an old metal culvert that rotted away.
  - g. They want to put an 18” back in to give it a little more room to flow down a little quicker.
  - h. The amount of the water coming out of the track is still five to six cfs and it will remain that amount; there will just be a bigger pipe for it to flow through.
  - i. The South Dakota Department of Transportation lowered the road ditch on the north side a couple of feet and cleaned their box culvert so that will flow the way it supposed to.
  - j. The following questions were asked by Commissioner Hadcock:
    - i. “How does a 12 inch have the same cfs as an 18? It was answered, “It doesn’t, an 18 will carry 24 cfs but only 5 cfs can get to it. That pipe coming out of the track is not being taken out.”

- ii. “That 18”, once it drains, is it going to drain and cause a bigger issue downstream to where it’s draining or is it draining onto your property?” It was answered, “No. It’s draining down to the south end of his property, into the road ditch, and into the culvert where it has been going historically for 50 years.”
7. The Board of Commissioners approved the request to replace a 12” reinforced concrete pipe (RCP) with an 18” polyvinyl chloride (PVC) pipe at the southern end of the Public Drainage Easement based upon the testimony given at the Hearing on May 17, 2016.

## VI. VIOLATION HISTORY

- A. 2008COVO0025 – Dirtwork without an approved Construction Permit (See Construction Permit / CP 09-05).
- B. 2009COVO0049 – Trash and weeds in southeast corner of property.
- C. 2010COVO0072 – Garbage and weeds in southeast corner of property.
- D. CIBS13-0061 – Complaint/violation for dust.
- E. COVO14-0132 – Weeds and grass in excess of 18 inches.
- F. COVO15-0125 – Weeds along fence.
- G. COVO15-0199 – Garbage inside fence line.
- H. COVO16-0064 – Stop Work Order issued for building an addition without a Building Permit.
  1. Applicant indicated that the structures had wheels and were therefore mobile (see picture below).



*Photo of mobile structure*



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

#### **VII. BUILDING PERMITS**

- A. 2010COBP0149 – Demolition of a 20' x 20' shed.
- B. 2010COSP0004 – Sign Permit.
- C. 2010COSP0005 – Sign Permit.
- D. 2010COBP0277 – Removal of 48' x 32' concession building.
- E. 2010COBP0278 – 16' x 32' deck remodel.
- F. COBP12-0282 – Temporary fireworks stand.
- G. COSP12-0007 – Sign Permit.
- H. COSP12-0008 – Sign Permit.
- I. COSP12-0009 – Sign Permit.
- J. COBP13-0192 – 12' x 60' temporary office.
- K. COBP14-0308 – 12' x 60' temporary fireworks stand.
- L. CIBP15-2239 – Air Quality Permit (expired November 19, 2018).
- M. COBP16-0218 – Movement of existing shed.
- N. COBP16-0219 – Movement of existing bathroom.
- O. CIBP18-3157 – Air Quality Permit (expires September 10, 2021).

#### **VIII. REQUEST FOR COMMENT**

- A. County Highway
  - 1. Highway Department has no comments since this drains to SD 44.
- B. County Natural Resources Director
  - 1. Regarding previous concerns of prairie dogs on the subject property: I haven't looked lately, I've only noticed a few remaining last time I looked and haven't received any complaints.
- C. County Environmental Planner
  - 1. Rapid City one-mile.
    - a. *Staff Comment: Property is located in the Rapid Valley Sanitary District and services are provided by them.*
- D. County Environmental Planning Supervisor
  - 1. The subject property is located within Pennington County's regulated Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) Permit area. The applicant must meet the requirements set forth in the Storm Water Management Plan as well as the Storm Water Quality Manual.

2. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual shall be followed during construction.
3. The Storm Water Quality Manual requires that an owner must inspect the site at least once every 7 days and within 24 hours of the end of a storm that is one-half inch or greater. Inspection reports must be submitted to the Planning Director every month during construction.
4. The site must be stabilized and sediment contained such that sediment does not reach or fill the right-of-way (road ditch). If sediment is deposited in the right-of-way (road ditch) from the construction activity, the owner will be responsible for the removal immediately after being notified.
5. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than 14 days after the Construction Activity has stopped. All erosion control methods (mulch and seed) need to be certified noxious weed-free.
6. There is no Special Flood Hazard Area on the subject property.
7. The site shall be re-vegetated as required in Section 507-A(5)(c).

E. County Ordinance Enforcement

1. Ordinance Enforcement recommends that the property be in compliance before approving Construction Permit. The Black Hills Speedway has expanded its use and needs a Conditional Use Permit to allow the activities on the property. I do not recommend approval until the violations have been corrected.
  - a. *Staff Comment: Staff will address with the Planning Commission.*

F. City of Rapid City Community Development

1. Thank you for the site plan. It shows that the proposed parking area is located within the area of the property located within the City limits and outside the City limits. Please note that the property has two tax ID numbers (64328 and 64331) to allow DOE to assess the taxes addressing the difference in taxation due to the City limit boundary. At one time, the property owner was proposing to plat the area within the City limits into a separate lot. A requirement of the platting was to annex prior to submittal of a Final Plat. Subsequently, this area was annexed but the Final Plat was never submitted. As such, we now have one property partially in the City limits and partially outside of the City limits. It appears on RapidMap that they are two separate properties. Actually, it is one property with two separate tax ID numbers.
2. For that portion of the parking located within the City limits, a Building Permit must be submitted to the City for review and

approval. The parking must be constructed in compliance with Section 17.50.270 of the Rapid City Municipal Code.

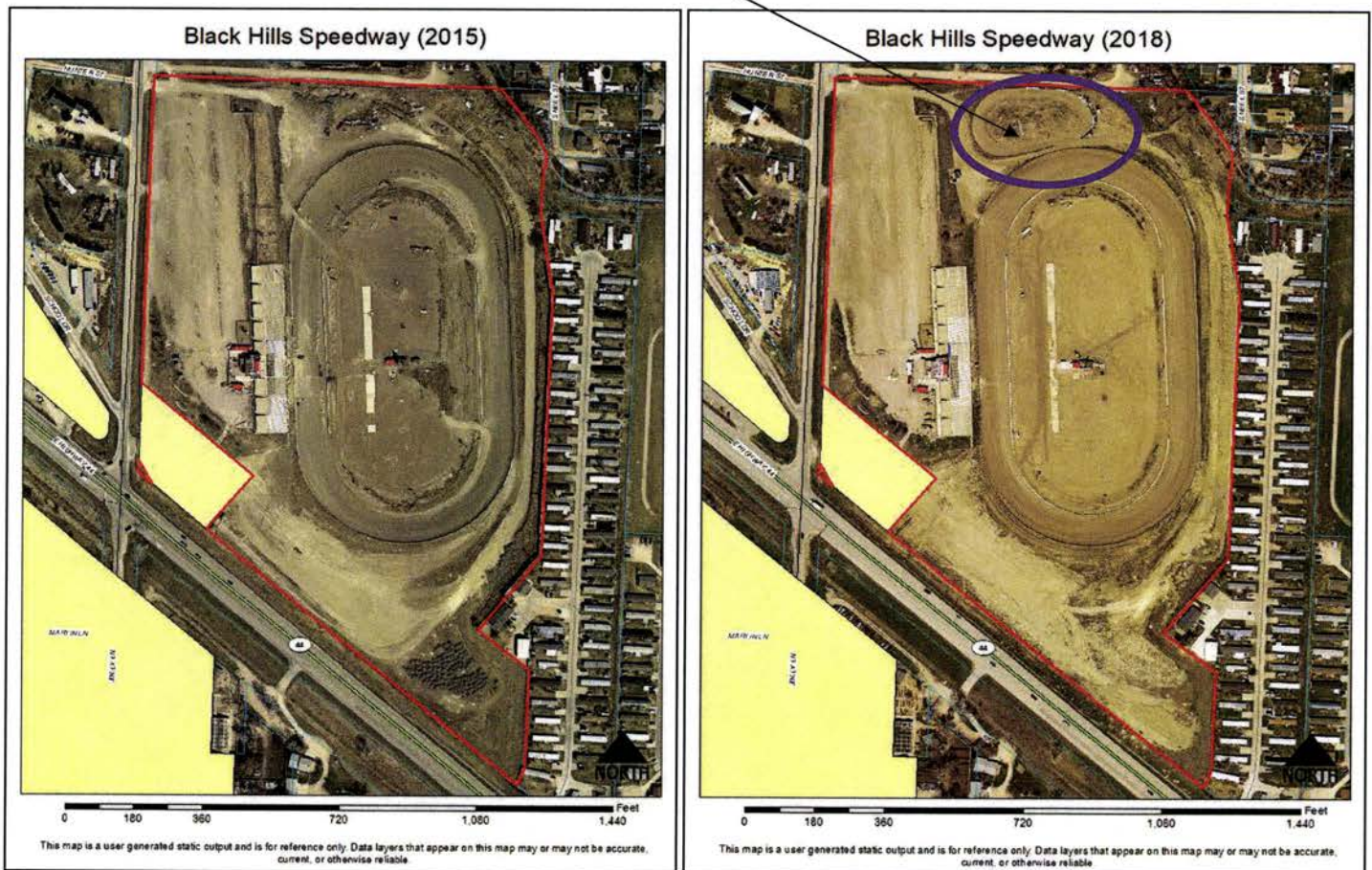
- G. City of Rapid City Engineering
  - 1. Haven't seen anything, but the work within City limits requires a Building permit submittal.
    - a. *Staff Comment: A Building Permit was submitted to the City of Rapid City – CIBP18-2866 for a retaining wall.*
- H. City of Rapid City Air Quality
  - 1. Obtain an air quality permit prior to disturbing an acre or more of soil.
    - a. *Staff Comment: Air Quality Permit – CIBP18-3157.*
- I. South Dakota Department of Transportation (SDDOT)
  - 1. Our concern is placing additional burden on the ROW ditch by adding additional runoff from this development. Please see attached.
  - 2. The only concerns I have is for the drainage of the property? We discussed with Mr. Kirchoff last year about possible detention ponds. The drainage easement that dumps into the 44 ROW that was piped to the fence, is still depositing some sediment into the ROW. With filling and graveling more area, I assume this will cause more sediment into the ROW. It would be nice to see what the plans are for drainage and contours of proposed grade?
    - a. Staff Comment: Plans were sent to the SDDOT.
  - 3. **Additional Comments to the property owner from SDDOT:**
    - a. The plan you have to concentrate the flows from your property to the Hwy 44 ROW is concerning. I assume you plan to pave these lots at some point? The Department doesn't allow increased flows from drainage into the ROW. That being said a detention pond or other controls will be required. The existing culvert that was placed last year at your fence line, should also have some type of outlet protection so it doesn't cut a hole and wash material out into the ROW. Can you please address these issues on your plans and send back to us? If you have further questions please let me know? Thanks
      - i. *Staff Comment: To Staff's knowledge, the SDDOT concerns have not been addressed.*

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

- A. Section 401(D) states "any nonconforming use of land shall not be expanded in such a manner so as to increase its nonconformity."
  - 1. Prior to 2015, the Kart Track was not constructed.

2. Due to the construction of the Kart Track, the use on the subject property was expanded and is no longer a legal nonconforming use.
3. A Notice of Violation was sent to the applicant on June 21, 2018 regarding the need for a Conditional Use Permit to bring the property into compliance.
4. Staff met with the applicant(s) on two occasions to discuss the Violation Letter and the need for a Conditional Use Permit.
  - a. The applicant indicated that they will “just remove” the Kart Track and that they were apprehensive to notify the neighbors regarding the Conditional Use Permit.
  - b. In addition, the Kart Track was constructed in the Public Drainage Easement without approval from the Board of Commissioners.
  - c. An application for a Conditional Use Permit for the Kart Track was submitted.

*Location of Kart Track*



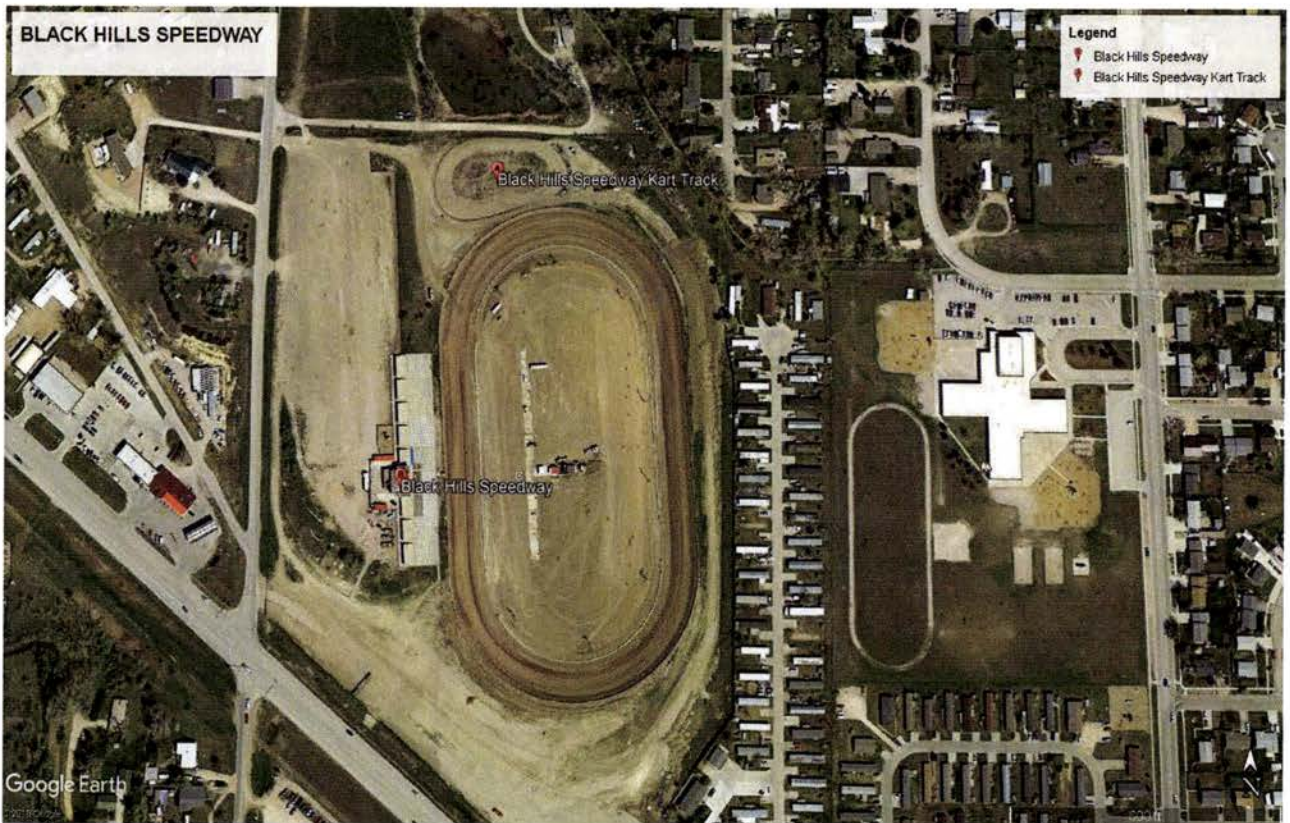


*2018 Black Hills Speedway / Go-Kart Track – Close-Up*

## **X. HISTORY**

- A. December 5, 1983 – Date of Perpetual Public Drainage Easement for a majority of the subject property where the Black Hills Speedway is located.
- B. December 26, 1990 – Final Draft of the Racetrack Draw Drainage Basin Design Plan prepared by Davis-Atkins and Associates submitted to the Pennington County Drainage Commission.
  1. Elements of this design plan for the racetrack crossing were not constructed and were indicated in the plan as a low priority (page 44 of the plan).
- C. April 26, 2001 – Rapid City Layout Plat submitted by Davis Engineering was denied without prejudice due to drainage issues, approach location issues, and subdivision lot layout issues.
- D. March 9, 2009 – Construction Permit / CP 05-09 recommended denial due the need for a complete Drainage Plan.
- E. March 31, 2009 - Letter received by Advanced Engineering and Surveying, Inc. stating that they are changing the plan and will only do minor grading due to the requirement of extensive plans and design considerations. Construction Permit / CP 05-09 was no longer needed and voided.
- F. May 4, 2010 – Board of Commissioners agenda Item E regarding the Black Hills Speedway was removed from the agenda. A memo was submitted to the Board of Commissioners by the Planning Director regarding legal non-conforming uses and the placement of on-premise billboards. (attached)
- G. June 22, 2015 – Planning Commission approved Construction Permit / CP 15-10 to grade and level stock piles.
- H. April 13, 2016 – A Stop Work Order was issued for building in the drainage easement without Building Permits or approval from the Board of Commissioners.
- I. May 25, 2016 – Stop Work Order lifted and permits applied for.

- J. August 10, 2016 – Complaint received by the Board of Commissioners for noise and lack of oversight of the Speedway.
- K. March 17, 2017 – A Stop Work Order was issued for work being done without engineered plans.
- L. April 29, 2018 – A Rapid City Journal Article titled *Carlton takes over management of Black Hills Speedway* in which journalist Geoff Preston interviewed Mr. Carlton for the article, stated “Carlton comes to the speedway after running a go-kart track next to the track”. (A copy of the article is attached)
- M. June 21, 2018 – A Notice of Violation was sent to the applicant regarding the need for a Conditional Use Permit, an as-built, alterations in the Drainage Easement (Kart Track) without Board of Commissioner approval, and lack of final stabilization. (see photos above and below for “Kart Track”)

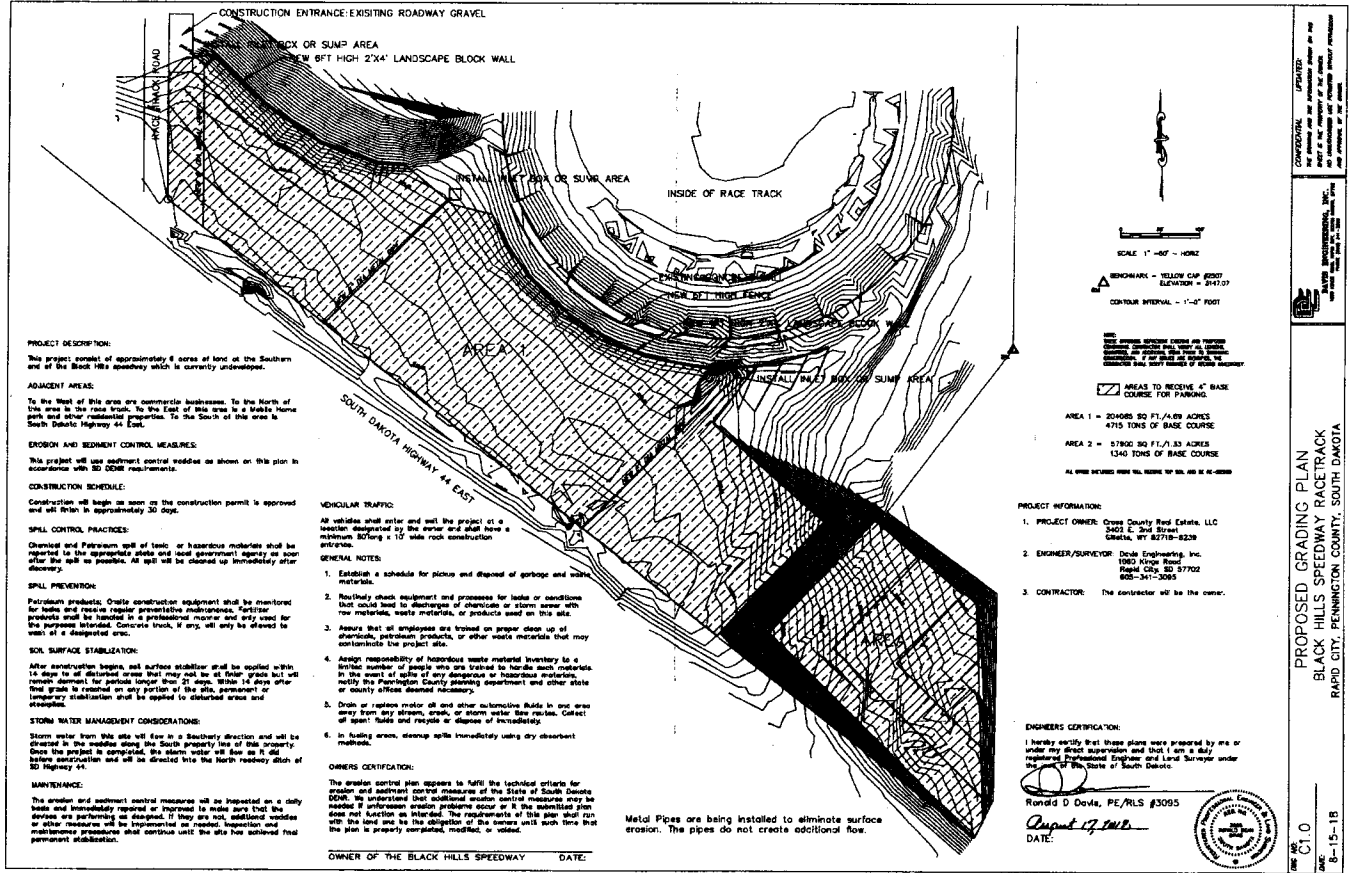


Google Earth Map (2017) showing location of “Black Hills Speedway Kart Track”

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



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



- P. September 11, 2018 – A letter was received by the Planning Department from Nooney and Solay, LLP regarding the need for a Conditional Use Permit and forwarded to the State’s Attorney’s Office.
- Q. September 20, 2018 – A new approach was constructed off of E. Highway 44 for entrance into the Black Hills Speedway. (see photo below) A permit from the SDDOT was obtained by the applicant for this approach. (attached)





*New approach off of E. Highway 44*

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

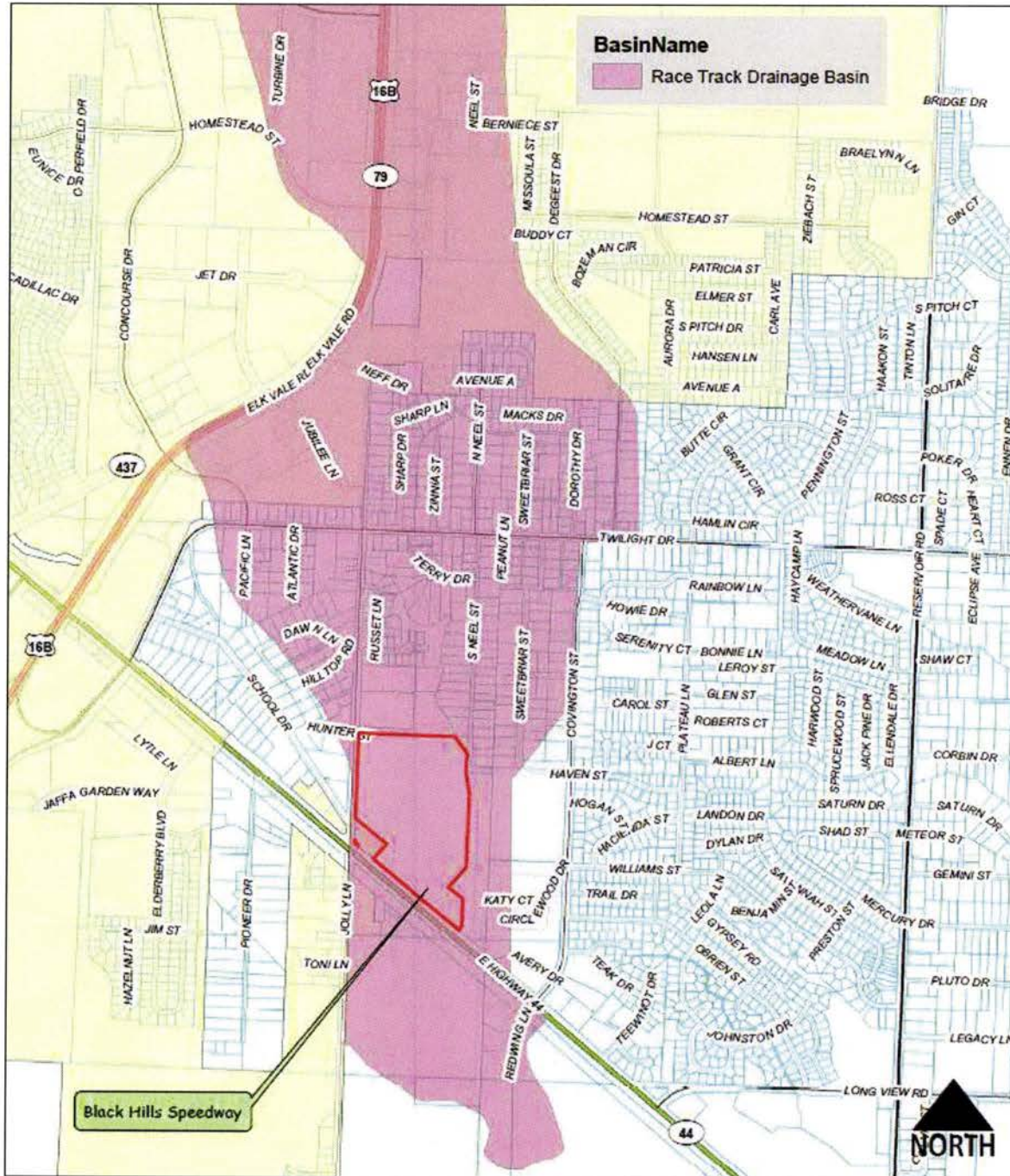
**XI. JANUARY 28, 2019 PLANNING COMMISSION MEETING (Excerpts only, not inclusive)**

- A. The applicant's agent, Ron Davis, stated, "There are a ton of drainage issue problems out here and there has been for years okay. What we're trying to do does not resolve those drainage issues but what we are doing does not affect the drainage at the south end of the track. We are just going clean up and put some gravel, we are not changing the elevations, not changing the cross sections – the flow will be exactly the same. We're not doing a thing but leveling it off and putting some gravel down is all we're doing. We are not affecting the overall drainage basin. This is a major problem and has been for a long time."
- B. A question was asked of Mr. Davis by Commissioner Marsh, "I am just looking at the plan, the plan that was submitted August 17, 2018, is the proposed plan correct? Um there is a large area called Area 2 that appears to have a significant grade change from Area 1. Um and I don't know how they are going to get there. I am looking at the contours and wondering will there be a road that gets there or how will that....". *The last page of the report was put up on the screen.*
- C. Commissioner Marsh also asked, "How many cubic yards of material are being proposed to move? Mr. Davis responded, "I have never calculated..." (Could not hear as agent was not near the podium). "I have the amount of base course. I never did calculate the um yardage, this wasn't going out for bid. It's a private guy doing his own work so we didn't do the yardage it's just. But the area to the right, the upper area, we're leveling that off but that's not within this drainage basin at all. It's up on the hill, it's up on top of a hill so I, so we're not getting down into that drainage area as defined down in there. So it's just some additional work we want to do to get leveled off to make more parking up there."
- D. Commissioner Marsh asked, "Is that material going to be taken off site then or?" Mr. Davis responded, "No, it will be, it, ah you see the darker areas the slope on the east end of it, or not the east end the, you see the dark areas that is a contour lines are closer together? You got the flat area than it goes down a slope. Well that slope is fill from the dirt from the upper side of the lot. We're just taking the upper side of the lot, pushing it over and leveling it off and then sloping it down into the existing grade. Just making a flat spot up there."
- E. Commissioner Marsh asked, "So it's not going to be used as parking or is that meant to be used as parking as well?" Mr. Davis responded, "That could be used as parking, it will be graveled, like the rest of it."
- F. The Planning Commission made the motion: *Moved by Johnson and seconded by Drewes to continue Construction Permit / CP 18-10 to a time after the applicant satisfies the concerns of the SD DOT, as described in their comments on Page 14 of the January 28, 2019, Staff Report and the meeting will be scheduled after the SD DOT is satisfied with the response*

*from the applicant and the meeting with the Planning Commission is held no earlier than February 25, 2019.*

## XII. DRAINAGE BASIN STUDY

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



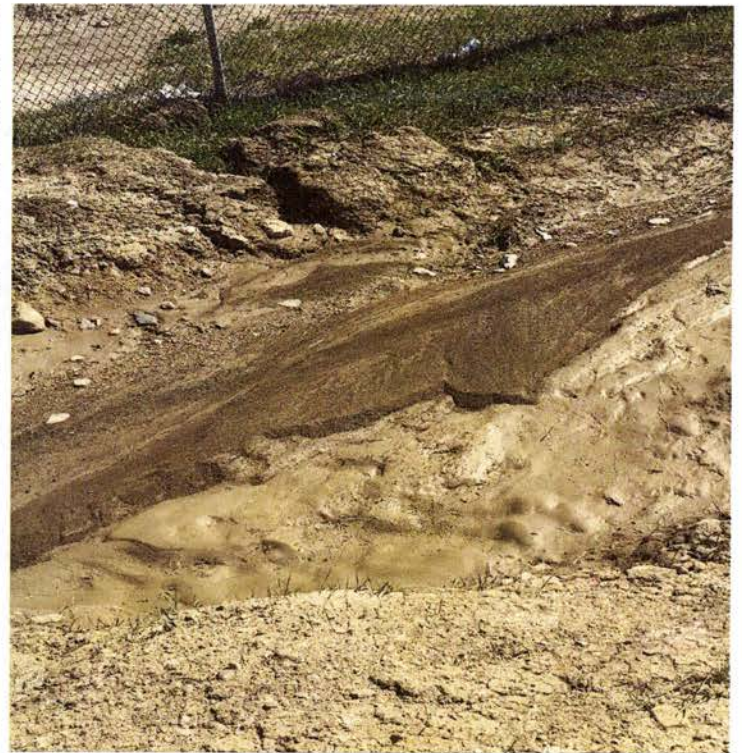
- B. Staff never received a drainage study as required in Condition #1 of Construction Permit / CP 18-10 for the alterations in and around the drainage easement on and after 2015.
1. A similar requirement was placed on Construction Permit / CP 09-05.
    - a. This request was pulled by the applicant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

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

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

### **XIII. MAY 13, 2019 PLANNING COMMISSION MEETING**

- A. April 22, 2019 – A complaint was filed with the Planning Department regarding sediment entering the Right-of-Way from the racetrack.
- B. April 23, 2019 – Staff performed a site visit to confirm the validity of the complaint. (See photos on next page)



*Sediment in road ditch on the south side of racetrack*

- C. Staff contacted the applicant via telephone regarding the complaints.
  - 1. The applicant indicated that Best Management Practices would be installed to mitigate the sediment entering the Right-of-Way.



*Photo submitted by applicant on May 3, 2019 of installed BMPs at outlet to the Right-of-Way*

- D. May 07, 2019 - During a hearing before the Board of Commissioners, the owner testified that the requested drainage study for the entire property will be done.
  - 1. Once received, the plans will require review and approval by County Engineers.
  - 2. A Conditional Use Permit (CU 19-07) was submitted on the subject property for a Kart Track in the north portion of the drainage basin.
  - 3. During the discussion on May 07, 2019, the existence of the Kart Track for CU 19-07 was not discussed.
  - 4. The existence of the Kart Track will need to be included as an area of disturbance.

**XIV. UPDATE FOR JUNE 24, 2019 PLANNING COMMISSION MEETING**

- A. May 13, 2019 – The Planning Commission approved a Conditional Use Permit / CU 19-07 for a kart racing dirt track on the north portion of the property.
- B. May 22, 2019 – Staff met with the property owners and engineer Dave Muck. It appears that the property owners are making progress to get the drainage basin information completed.
- C. A meeting is scheduled with Staff from the State, Rapid City, Pennington County and the applicants on Friday, June 21, 2019 to discuss future drainage plans.

*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 18-10.*

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



## STAFF REPORT

### GENERAL INFORMATION:

REQUEST: **LAYOUT PLAT / LPL 19-15:** To create three new parcels in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

APPLICANT: Terry and Marcia Graber

APPLICANT ADDRESS: 24060 Cosmos Road, Rapid City, SD 57702

AGENT: Andersen Engineers

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

LEGAL DESCRIPTION: EXISTING LEGAL: SE1/4NE1/4NW1/4 SE1/4 NE1/4; S1/2SW1/4 NW1/4SE1/4NE1/4; SE1/4 NW1/4SE1/4NE1/4; NE1/4SE1/4NE1/4; S1/2S E1/4NE1/4, Section 32, T1S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: NW1/4SE1/4NW1/4 SE1/4NE1/4; NE1/4NE1/4 SE1/4NE1/4; NE1/4 NW1/4NE1/4SE1/4NE1/4; and SE1/4NE1/4 SE1/4NE1/4; S1/2SW1/4NW1/4SE1/4NE1/4; N1/2 NW1/4SE1/4SE1/4NE1/4; N1/2NE1/4SE1/4 SE1/4 NE1/4; NE1/4NE1/4SW1/4SE1/4NE1/4; SE1/4 SE1/4NW1/4SE1/4NE1/4, Sec 32, T1S, R6E, BHM, Pennington County, South Dakota.

SITE LOCATION: 24049 Cosmos Road.

SIZE: 34.38 acres

TAX ID: 65816

EXISTING LAND USE: Residential

SUBDIVISION REGULATIONS REFERENCE: § 400.1

CURRENT ZONING: General Agriculture District

Agenda Item # 29  
Terry and Marcia Graber  
June 24, 2019

**SURROUNDING ZONING:**

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

**PHYSICAL CHARACTERISTICS:** Forested / Mountainous

**UTILITIES:** Private

**REPORT BY:** P.J. Conover

**I. PROPOSED RECOMMENDATION**

- A. Staff will be recommending the continuation of Layout Plat / LPL 19-15, to the July 08, 2019, Planning Commission meeting to allow staff time to meet with the applicants.

**II. GENERAL DESCRIPTION**

- A. The applicants, Terry and Marci Graber, have applied for a Layout Plat to subdivide an existing 34+ acre Parent Parcel [IMAGE 1] for the purposes transfer.
  1. The applicant submitted a proposed subdivision map. This map can be found at the end of this Staff Report. [IMAGE 2]
- B. Staff spoke to the landowners about the proposed subdivision and suggested a two-week continuation of LPL 19-15 to allow for a face-to-face meeting to discuss alternative processes available to the landowners, other than platting.
- C. The proposed subdivision would create multiple zoning violations for multiple landowners and Staff is working to prevent this.

**RECOMMENDATION:**

Staff is recommending to continue Layout Plat / LPL 19-15 to the July 08, 2019, Planning Commission meeting, with the applicants concurrence.



IMAGE 1

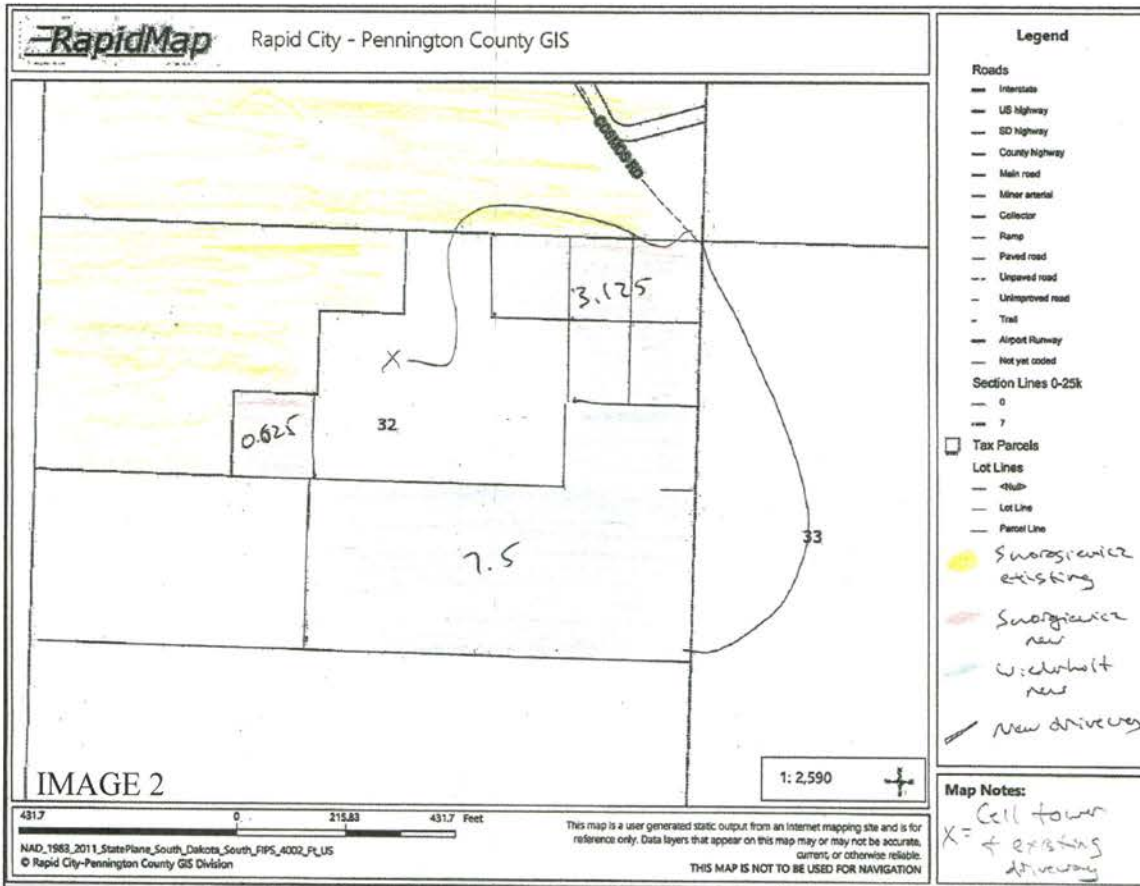


IMAGE 2

## STAFF REPORT

### GENERAL INFORMATION:

REQUEST: TELECOMMUNICATIONS FACILITY PERMIT / TC 19-01: To allow for a 400 foot guyed telecommunications tower and equipment shelter in a General Agriculture District in accordance with Sections 205 and 316 of the Pennington County Zoning Ordinance.

APPLICANT: AT&T, New Cingular Wireless

APPLICANT ADDRESS: 7900 Xerxes Avenue S., Bloomington, MN, 55431

AGENT: Steve Ward / Ward Development Services

AGENT ADDRESS: 15 Park Place Professional Centre  
Swansea, IL 62226

OWNER: Jon and Barbara Wilson

OWNER ADDRESS: 11061 S. Castle Creek Road, Hill City, SD 57745

LEGAL DESCRIPTION: Lot 2, Castle Creek Estates, Section 35, T1N, R2E, BHM, Pennington County, South Dakota.

SITE LOCATION: 11061 S. Castle Creek Road.

SIZE: 83.07 acres

TAX ID: 69321

EXISTING LAND USE: Residential

ZONING REFERENCE: § 205 and 316

CURRENT ZONING: General Agriculture District

SURROUNDING ZONING:

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

Agenda Item # 30  
AT&T, New Cingular Wireless  
June 24, 2019

PHYSICAL CHARACTERISTICS: Forested / Mountainous

UTILITIES: Private

REPORT BY: P.J. Conover

**I. PURPOSE**

- A. To allow a 400-foot tall multi carrier guyed antenna support structure with ground based equipment shelter on the subject property.

**II. PROPOSED MOTION**

- A. Staff will be recommending Telecommunications Facility Permit / TC 19-01 be withdrawn per the applicants request.

**III. GENERAL DESCRIPTION**

- A. June 20, 2019 – the applicant submitted an email indicating AT&T’s intent to decrease the overall height of the proposed tower to 300-feet, please see the redacted email below.

**From:** [steve@ward-development.com](mailto:steve@ward-development.com) <[steve@ward-development.com](mailto:steve@ward-development.com)>  
**Sent:** Thursday, June 20, 2019 9:07 AM  
**To:** Conover PJ <[pj.conover@pennco.org](mailto:pj.conover@pennco.org)>  
**Cc:** 'Noura Elmansy' [REDACTED] 'Bethany Davison' [REDACTED]  
**Subject:** RE: Pennington County - 400' proposed Tower Deerfield Lake

PJ  
We had our team review the final location and elevation and plot the propagation information with the existing network along with some other proposed sites and find that most of our coverage objective can be met with a 300' tower. To that point, we ask to withdraw the application for height variance that is in the mail to your office. Please call to discuss any questions or concerns

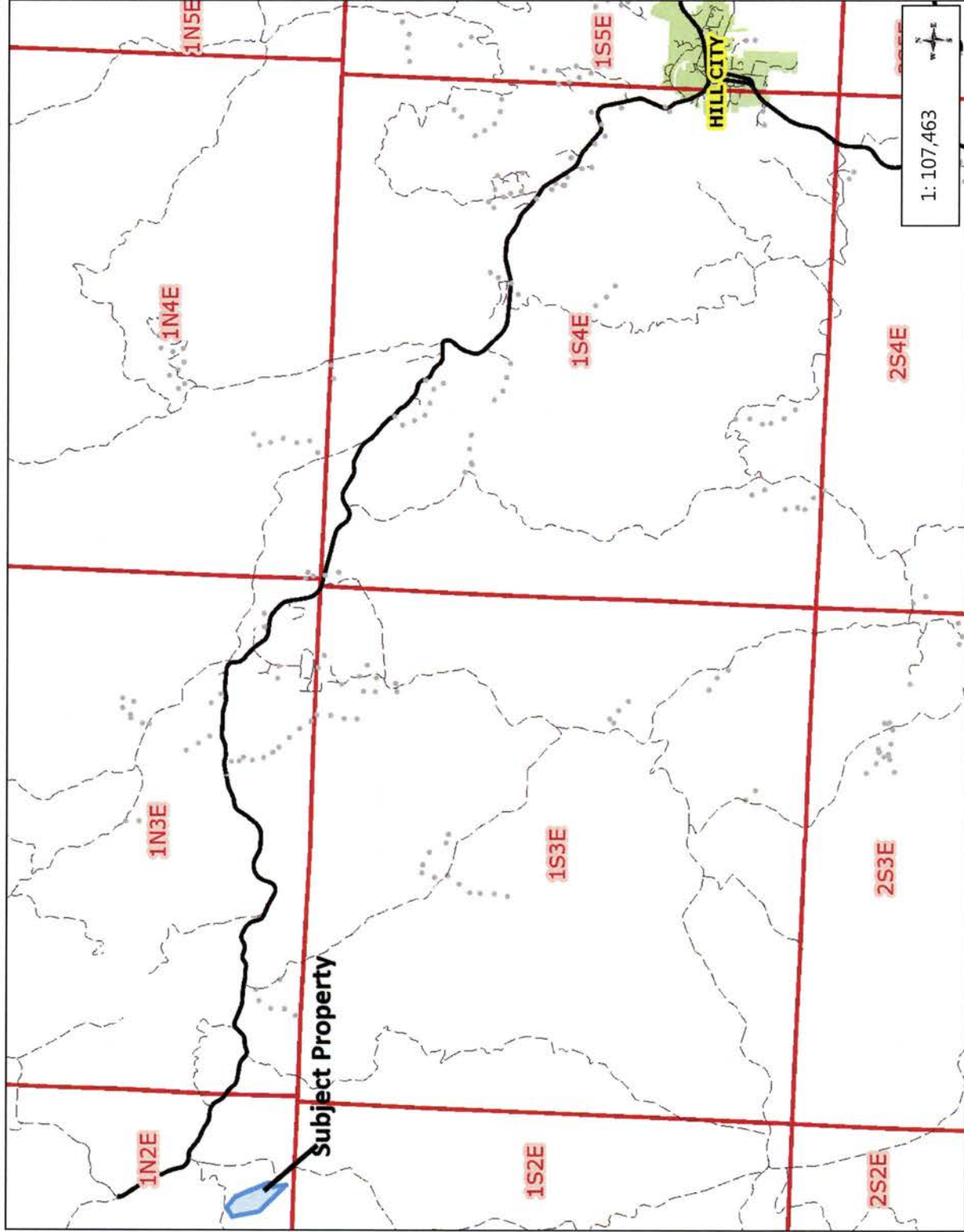
**Thanx**  
**Steve Ward**

**Ward Development Services**  
618.222.2840 OFFICE • 314.503.4444 CELL • [steve@ward-development.com](mailto:steve@ward-development.com)  
15 Park Place Centre • Swansea, IL 62226  
866.656-2853 Fax

- B. With the proposed decrease in tower height, the applicant can reapply for an Administrative Review of a new Telecommunications Facility Permit, per Pennington County Zoning Ordinances §§316(C)(1)(d) and 316(F)(2)(c).

**MOTION**

That Telecommunications Facility Permit / TC 19-01 be withdrawn per the applicants request.



1: 107,463

17,910.4 8,955.22 17,910.4 Feet

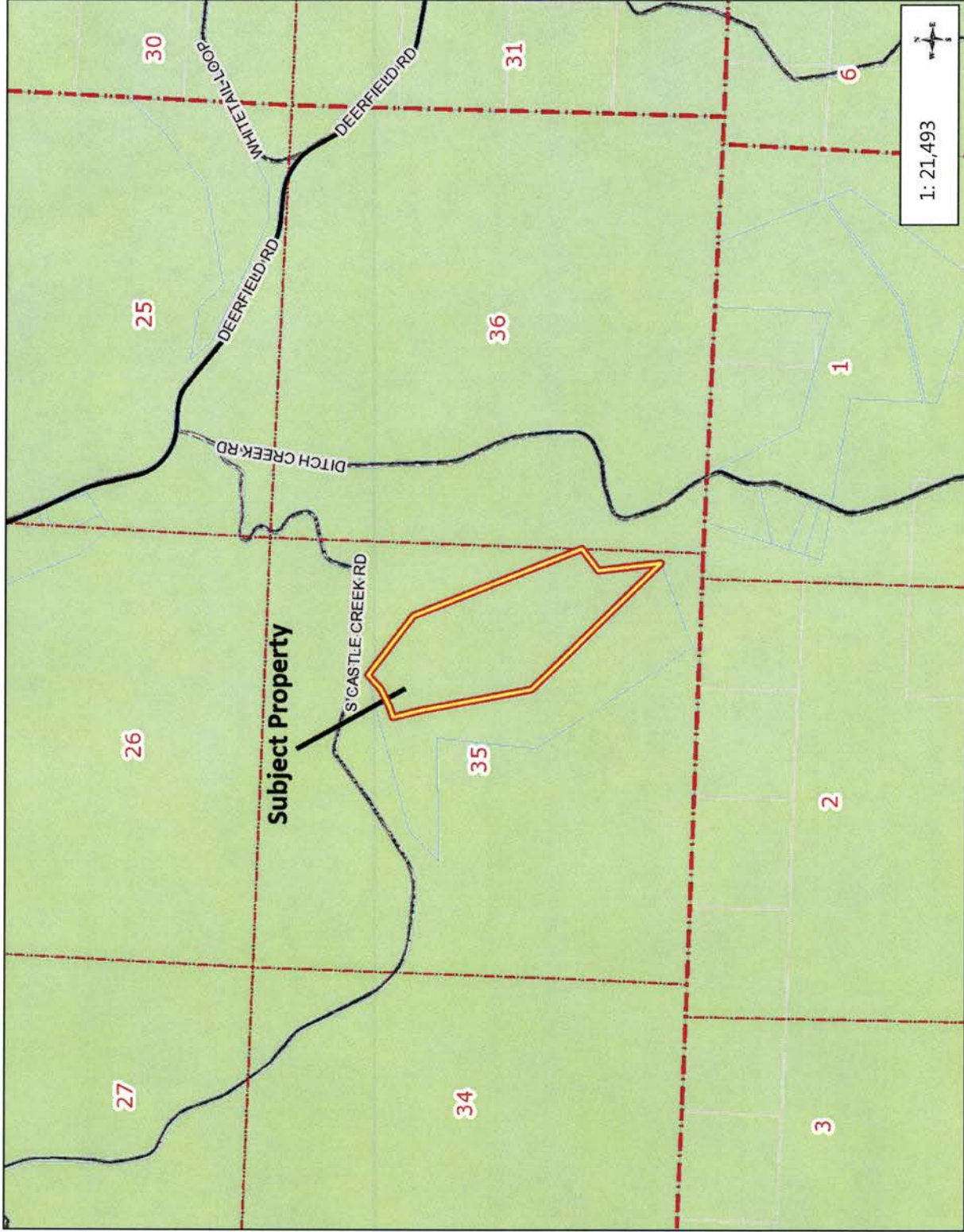
NAD\_1983\_StatePlane\_South\_Dakota\_South\_FPS\_4002\_Feet  
© City of Rapid City GIS

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

**Legend**

- Roads**
- 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**

**Roads**

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

**Section Lines 0-25k**

- 0
- 7

**Tax Parcels**

**Lot Lines**

- <Null>
- Lot Line
- Parcel Line

**Pennington County Zoning**

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

**Map Notes:**

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7,164.2

0 3,582.09 7,164.2 Feet

1: 42,985



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### Legend

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  - Interstate
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  - 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
- City Boundaries**
  - BOX ELDER
  - ELLSWORTH AFB
  - HILL CITY
  - KEYSTONE
  - NEW UNDERWOOD
  - QUINN
  - RAPID CITY

### Map Notes:





1: 7,751

1,291.9 Feet  
645.94  
0

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

NAD\_1983\_StatePlane\_South\_Dakota\_South\_FIPS\_4002\_Feet  
© City of Rapid City GIS

**Legend**

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

**Map Notes:**



## STAFF REPORT

### GENERAL INFORMATION:

REQUEST: ORDINANCE AMENDMENT / OA 19-01: To amend/adopt the Pennington County Comprehensive Plan.

REPORT BY: P.J. Conover

GENERAL DESCRIPTION: On December 20, 2016, the Board of Commissioners approved an agreement for professional services between Pennington County and Matrix Design Group, Inc. Matrix Design Group, Inc. is contracted to assist Pennington County in the updating and amendment/adoption of the Pennington County Comprehensive Plan (View to 2040).

To understand the purpose of a Comprehensive Plan and what it is, consider a quote from the View to 2040 document itself, *"The purpose of the Pennington County Comprehensive Plan is to guide government officials, residents, and developers in sound decision-making about current and future development of Pennington County. The Comprehensive Plan is an advisory document that provides a framework for land use decisions, public service expansions, economic development, resource management, and the general growth of the county. This plan serves as a guide that should be used to gauge short-term and current decisions against the long-range vision that has been developed."*

### EXISTING TEXT:

The existing Pennington County Comprehensive Plan is available for viewing at the Planning Department and online by going to the Planning Department's website.

### PROPOSED TEXT:

The proposed text is contained within the Public Review Draft. The Public Review Draft (July 2018) of the View to 2040 Comprehensive Plan has been available for public viewing and input:

- 1) [www.viewto2040.com](http://www.viewto2040.com);
- 2) Planning Department; and,
- 3) Planning Department's website.

### REVIEW AND COMMENTS:

Starting in early 2017, consultants held no less than thirty (30) scheduled face-to-face meetings with Elected Officials and Staff from: Pennington County, Rapid City, Box Elder, Keystone, Hill City, Wall, and Ellsworth Airforce Base to collect comments and opinions to help produce a draft document for Public Review. To collect more information, the consultants held a total of fifteen (15) meetings between March 2017 and June 2018 in Rapid City, Wall, Keystone and Hill City. Along with comments received from the [viewto2040.com](http://viewto2040.com) website and various emails, the consultants produced the current document.

**ANALYSIS:**

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

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

The Planning Commission reviewed and commented on the 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, May 28, 2019, and June 10, 2019. After the June 10, 2019 hearing, Staff heard and collected Planning Commission and public comments relative to the proposed Comprehensive Plan. Staff has been working with Matrix for a revision to the proposed Comprehensive Plan and Matrix will have an updated draft available for review prior to the July 8, 2019, Planning Commission meeting.

**RECOMMENDATION:** Staff recommends to continue Ordinance Amendment / OA 19-01 to the July 8, 2019, Planning Commission meeting.