

AGENDA
PENNINGTON COUNTY PLANNING COMMISSION

July 22, 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 August 6, 2019, at 10:30 a.m. The Planning Commission utilizes Speaker Request Forms, which are available in the Commission Chambers during the meeting.

ROLL CALL

1. APPROVAL OF THE JULY 8, 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 11-22:** Jeff Sadergaski. To review a home occupation (detailing and refurbishing small engine equipment and motorcycles) in a detached garage in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 2 of Lot D of NE1/4NW1/4 less Lot H1, Section 10, T1N, R8E, BHM, Pennington County, South Dakota.

To recommend to continue the review of Conditional Use Permit / CU 11-22 to no later than the September 9, 2019, Planning Commission meeting in order for staff to contact the new landowner.

4. **CONDITIONAL USE PERMIT REVIEW / CU 07-11:** Bernard Ness; Ronnie Ness – Agent. To review an auto repair business in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

All Section less Right-of-Way, Section 1, T1N, R9E, BHM, Pennington County, South Dakota.

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

To recommend to end Conditional Use Permit / CU 07-11 per the applicant's request.

5. **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.

(Continued from the June 24, 2019, Planning Commission meeting.)

To recommend approval of the extension of Conditional Use Permit / CU 11-02 with nine (9) conditions.

6. **CONDITIONAL USE PERMIT REVIEW / CU 17-25:** Donald Wojciechowski; Lisa Loerzel – Agent. To review one (1) pole barn and three (3) greenhouse structures in a Suburban Residential District located on the NW1/4NE1/4SW1/4 in Section 31, T1N, R7E, BHM; and to review one (1) pole barn structure in a Suburban Residential District located on the E1/2 GL3, Section 31, T1N, R7E, BHM; and to allow the one (1) pole barn structure to remain on the E1/2 GL3, Section 31, T1N, R7E, BHM, when the principle structure is removed from the property in the future, in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

NW1/4NE1/4SW1/4, and E1/2 GL3, all located in Section 31, T1N, R7E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 17-25 with eight (8) conditions.

7. **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.

(Continued from the June 24, 2019, Planning Commission meeting.)

To recommend approval of the extension of Conditional Use Permit / CU 18-19 with nine (9) conditions.

8. **CONDITIONAL USE PERMIT REVIEW / CU 18-22:** Hay Yard Hills, LLC; Rodney Sather. To review an existing single-family residence to be used as 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.

Tract A of Lot 1, Harrington Subdivision, Section 19, T2S, R7E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 18-22 with fifteen (15) conditions.

9. **CONDITIONAL USE PERMIT REVIEW / CU 18-24:** Plainsview Mobile Manor / Ernest Tschannen; Kristine Forrest – Agent. To review an existing mobile home park (Plainsview Mobile Manor) in a Suburban Residential District in accordance with Sections 208, 305, and 510 of the Pennington County Zoning Ordinance.

Tract 2, Plainsview Subdivision, Section 23, T2N, R8E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 18-24 with twenty-one (21) conditions.

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

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

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

To recommend to continue Conditional Use Permit / CU 19-01 to the September 23, 2019, Planning Commission meeting with two (2) conditions.

11. **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.

(Continued from the June 24, 2019, Planning Commission meeting.)

To recommend to end Layout Plat / LPL 19-15, per the applicant's request.

12. **CONSTRUCTION PERMIT REVIEW / CP 16-08:** Highmark, Inc. To review the removal of existing surfacing, installation of a 33 foot sanitary sewer along the centerline of the existing roadway, and reconstructing the roadway with asphalt surfacing.

Southside Drive between Reservoir Road and Felicia Street, BHM, Pennington County, South Dakota.

To recommend to end Construction Permit / CP 16-08.
13. **CONSTRUCTION PERMIT REVIEW / CP 16-09:** Lazy P6 Land Co. Inc. / Orvill Davis. To review the continuing work initiated under Construction Permits 13-05, 14-02, and 15-14. Reclamation of hay pasture west of Fifth Street and to continue stockpiles of off-site soil material for future use on-site. Miscellaneous channel maintenance, removal of debris, and sediment.

Unit I less dedicated E. Watts Lane ROW; Unit II; and Unit III of Southgate Condominiums Phase I; Section 24, T1N, R7E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Construction Permit / CP 16-09 with nine (9) conditions.
14. **CONSTRUCTION PERMIT REVIEW / CP 17-10:** Site Work Specialist, Inc. To review excavating and stockpiling of material for off-site use for South Valley Drive property.

Lot 3 of Lot B, Block 16, Trailwood Village Subdivision, Section 10, T1N, R8E, BHM, Pennington County, South Dakota.

To recommend to continue the review of Construction Permit / CP 17-10 to the September 9, 2019, Planning Commission meeting.
15. **CONSTRUCTION PERMIT REVIEW / CP 18-08:** Heavy Constructors. To review the excavation and grading of land to install 8 inch and 12 inch water main and water service installation.

Rapid Valley Sanitary District, BHM, Pennington County, South Dakota.

To recommend to end Construction Permit / CP 18-08.
16. **CONSTRUCTION PERMIT REVIEW / CP 18-13:** James and Amanda Taylor. To review the construction of a road to access a future residence in accordance with Sections 208 and 507 of the Pennington County Zoning Ordinance.

Lot 3, Dark Canyon Subdivision, Section 18, T1N, R7E, BHM, Pennington County, South Dakota.

To recommend to end Construction Permit / CP 18-13.

END OF CONSENT AGENDA

17. CONDITIONAL USE PERMIT / CU 19-17: Manya Larson / Mike Harmon. To allow an existing residence to be used as a Vacation Home Rental in a Limited Agriculture District in accordance with Sections 206, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 2 Revised, Greens Subdivision, Section 15, T2N, R6E, BHM, Pennington County, South Dakota.

18. CONDITIONAL USE PERMIT / CU 19-16: Terry and Marcia Graber. To utilize an existing second residence on the subject property as a Bed and Breakfast/ Recreational Area in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

SE1/4NW1/4 less PT Welcome Lode, Section 33, T1S, R6E, BHM, Pennington County, South Dakota.

19. SUBDIVISION REGULATIONS VARIANCE / SV 19-06: Debra Legge. To waive platting requirements in order to create Lots 1 and 2 of Greyhound Gulch Subdivision in accordance with Section 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 1 of Tract B including Lot A of Lot 1 of Tract B, HES #281, Section 15, T2S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1 and 2 of Greyhound Gulch Subdivision, Section 15, T2S, R6E, BHM, Pennington County, South Dakota.

20. REZONE / RZ 19-09 AND COMPREHENSIVE PLAN AMENDMENT / CA 19-09: Debra Legge. To rezone 3.18 acres from Low Density Residential District to Suburban Residential District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Low Density Residential District to Suburban Residential District in accordance with Sections 207, 208, and 508 of the Pennington County Zoning Ordinance.

Lot 1 of Tract B (less Lot A of Lot 1) of HES 281 in the N1/2 of Section 15, T2S, R6E, BHM, Pennington County, South Dakota.

21. LAYOUT PLAT / LPL 19-21: Jeff Scherr. To combine lots to create Lot D1 and Lot D2 of Lot 17, Fort Meade Placer 244 in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot D of Lot 17 of Fort Meade Placer MS 244; Lot 1 of Lot A of Lot 8 of Lot E of Big Bend Placer MS 144; and, Lot B of Lot 8 of Lot E of Big Bend Placer MS 1442, all located in Section 8, T1S, R6E, BHM, Pennington County, South Dakota.

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

22. REZONE / RZ 19-10 AND COMPREHENSIVE PLAN AMENDMENT / CA 19-10:
Duane Scott; D.C. Scott - Agent – Agent. To rezone 32.58 acres from General Agriculture District to Limited Agriculture District and to amend the Pennington County 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.

W1075 feet of SW1/4SW1/4 Less N850 feet; N425 feet of W1075 feet of SW1/4SW1/4; S425 feet of N850 feet of W1075 feet of SW1/4SW1/4, Section 13, T1N, R9E, BHM, Pennington County, South Dakota.

23. COUNTY BOARD REPORT
The Board of Commissioners concurred with the Planning Commission's recommendations from the July 8, 2019, Planning Commission meeting.

24. ITEMS FROM THE PUBLIC

25. ITEMS FROM THE STAFF

- A. By-Law Committee - Update.
- B. Draft Comprehensive Plan - Update.

26. ITEMS FROM THE MEMBERSHIP

27. 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**

July 8, 2019 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Administration Building

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

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

ROLL CALL

1. ELECTION OF OFFICERS

Conover stated that, during the first annual organizational meeting in July of each year, the Planning Commission elects new Planning Commission officers.

Conover opened nominations for officer positions.

Moved by Johnson and seconded by Lasseter to nominate Rich Marsh as Chairperson, Sonny Rivers as Vice-Chairperson and Travis Lasseter as Second Vice-Chairperson. Written vote passed 6 to 0.

2. APPROVAL OF THE JUNE 24, 2019, MINUTES

Moved by Runde and seconded by Travis to approve the Minutes of the June 24, 2019, Planning Commission meeting. Vote: unanimous 6 to 0.

3. APPROVAL OF THE AGENDA

Moved by Lasseter and seconded by Runde to approve the Agenda of the July 8, 2019, Planning Commission meeting. Vote: unanimous 6 to 0.

Moved by Lasseter and seconded by Johnson to approve the Consent Agenda of the July 8, 2019, Planning Commission meeting, with the removal of Items #9 and #13. Vote: unanimous 6 to 0.

CONSENT AGENDA

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

4. **CONDITIONAL USE PERMIT REVIEW / CU 17-33:** Bituminous Paving/Terry Sewell. To review a temporary hot mix asphalt batch plant / stockpile site and contractor's storage area for contract work in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

That PT of W1/2SE1/4 and that PT of SE1/4SE1/4 located E of Highway 385 less Forest View Subdivision less Lot H1, Section 28, T2N, R5E, BHM, Pennington County, South Dakota.

To end Conditional Use Permit / CU 17-33.

Vote: unanimous 6 to 0.

5. **CONDITIONAL USE PERMIT REVIEW / CU 18-08:** Stromer Properties, LLC; Brook Stromer. To review an illuminated, on-premise sign within 1,500 feet of a residential zoning district / dwelling unit in a General Commercial in accordance with Sections 209, 312, and 510 of the Pennington County Zoning Ordinance.

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

To approve of the extension of Conditional Use Permit / CU 18-08 with the following eight (8) 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 or airspace, and must not be of such intensity or brilliance to cause glare or impair the vision of the driver of any motor vehicle or pilot of an aircraft, or otherwise interfere with any driver's operation of a motor vehicle or pilot's operation of an aircraft;**
2. **That the applicant obtain a Sign Permit for the proposed sign prior to any work being done, which requires a site plan to be reviewed and approved by the Planning Director;**
3. **That the sign continually conforms to all regulations in § 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 sign must meet a minimum of a five (5) foot setback from the front property lines and twenty-five (25) foot setbacks from all side and rear property lines. In addition, no part of the sign or infrastructure may be located in any right-of-way;**
6. **That the overall height of the proposed sign, including ground clearance, not exceed 30 feet and the maximum display area not exceed 250 square feet on each face; and,**

7. That this Conditional Use Permit shall automatically expire if the use for which the use was granted, has not been established within two years following the date of approval, May 29, 2018;
8. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditionals of Approval are being met.

Vote: unanimous 6 to 0.

6. **CONDITIONAL USE PERMIT REVIEW / CU 18-21:** David and Leah Byers. To review a single-family residence in a Highway Service District in accordance with Sections 210 and 510 of the Pennington County Zoning Ordinance.

Lot 1, Pankratz Subdivision, Section 22, T1S, R6E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 18-21 with the following six (6) conditions:

1. That the applicant work with the SDDOT to approve any changes to the existing access to the subject property, per the applicable Administrative Rules of South Dakota;
2. That an On-Site Wastewater Construction Permit be submitted prior to installation of an On-Site Wastewater Treatment System;
3. That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
4. That all current and future addresses be posted in accordance with Pennington County Ordinance #20;
5. That the subject property remains free of debris and junk vehicles, in accordance with Ordinance #106; and,
6. 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.

Vote: unanimous 6 to 0.

7. **CONDITIONAL USE PERMIT REVIEW / CU 18-23**: BCS Invest, LLC; Kevin Haberstroh. To review six storage units and a caretaker / manager's residence on the subject property in a General Commercial District / General Agriculture District in accordance with Sections 205, 209, and 510 of the Pennington County Zoning Ordinance.

Lot 2 (also in Section 19), Heavlin #2 Addition, Section 30, T1N, R9E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 18-23 with following eighteen (18) conditions:

1. **That setbacks be in accordance with § 209 of the Pennington County Zoning Ordinance (PCZO) or approved Variance(s) be obtained;**
2. **That upon sale/transfer of the property, the new landowner(s) notify the Planning Director of the sale/transfer in writing; and the new landowner, applicant, or agent notify the surrounding property owners in accordance with § 510 of the PCZO;**
3. **That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director and additional Staff as deemed necessary by the Planning Director;**
4. **That a minimum of four (4) parking spaces be provided at the location of the storage unit office and a loading and unloading zone be provided for all storage units. The interior roadways must have four (4) inches of gravel, concrete, or asphalt and be maintained in such a manner that no dust will result from continuous use;**
5. **That, in addition to existing car sales, only the following be allowed on the subject property with approved Permits:**
 - A. **Six (6) storage units, not to exceed the square footage as indicated on the applicant's site plan included with this Staff Report;**
 - B. **One (1) Office;**
 - C. **One (1) Shop; and,**
 - D. **One (1) Caretaker's residence, only to be lived in by an individual engaged in the day-to-day operation of the storage unit business and not to be used as a Vacation Home Rental;**
6. **That additional non-storage unit structures placed on the subject property may require the Conditional Use Permit to be amended and reviewed by the Planning Commission;**
7. **That Floodplain Development Permits shall be required for construction in the Special Flood Hazard Area;**

8. That the office/shop building and the caretaker's residence are assigned separate addresses and posted, clearly visible and maintained in accordance with Pennington County Ordinance #20;
9. That any lighting used to illuminate off-street parking or on premise lighting shall be so arranged as to deflect the light away from all adjoining residences;
10. That no more than two (2) premise signs shall be allowed in accordance with § 312 of the PCZO, with an approved Sign Permit;
11. That this Conditional Use Permit shall automatically expire if the use for which the it was granted has not been established within two years following the date of approval, July 9, 2020;
12. 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;
13. That the hours of operation for the storage units be from 6:00 a.m. to 10:00 p.m. and a sign be posted indicating after hours contact with the owner's or caretaker's phone number, which must be clearly visible at the entrance of the lot;
14. That the applicant ensure that all natural drainage ways must be maintained and are not blocked;
15. That any work encompassing over one (1) acre will require the applicant to obtain an approved Storm Water Construction Permit from the South Dakota Department of Environmental and Natural Resources;
16. That the property continually remains free of junk and debris;
17. That if any increase of impervious area is greater than 15%, the property owner shall provide storm water treatment of the runoff generated by the first 0.5" of rainfall (See Pennington County Storm Water Manual); and,
18. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as deemed necessary by either the Pennington County Planning Commission or Board of Commissioners to ensure that all conditions are being met.

Vote: unanimous 6 to 0.

8. **CONDITIONAL USE PERMIT REVIEW / CU 19-02:** Greg and Angelina Anderson. 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 8, Block 2, Whispering Pines Subdivision, Section 32, T1N, R7E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 19-02 with the following fifteen (15) conditions:

1. That the maximum overnight occupancy, based on SD DENR approval, be limited to eight (8) people and the maximum daytime occupancy be limited to sixteen (16) people, per Pennington County Zoning Ordinance (PCZO) § 319(F)(13);
2. That if an addition is constructed and/or the on-site wastewater treatment system is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DENR;
3. That all necessary permits are obtained prior to any additions and/or alterations to the structure or upgrades/alterations to the on-site wastewater treatment system;
4. That each review of Conditional Use Permit / CU 19-02, be subject to PCZO §511(F)(4), which imposes a \$100 fee per review;
5. That the applicant continually maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department upon request;
6. That the applicant maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;
7. That a minimum of three (3) off-street parking spaces be provided on-site, per PCZO § 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
8. That an interior informational sign be posted in accordance with the requirements of PCZO §319(G), with 9-1-1 and (605) 394-2151 listed as contacts for Fire Department and Sheriff's Office respectively, during operation of the Vacation Home Rental;

9. That the lot address (8107 Croyle Court) be posted on the residence at all times and so it is clearly visible from Croyle Court, in accordance with Pennington County's Ordinance #20;
10. That the applicant ensure the Vacation Home Rental is continually operated in accordance with the requirements of PCZO § 319(F) (Performance Standards) at all times;
11. That if the person designated as the Local Contact is ever changed from Greg Anderson, the interior informational sign be updated and the applicant re-notify the Planning Director and surrounding landowners within 500 feet via notices sent by First Class Mail;
12. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
13. That an approved Sign Permit be obtained prior to the placement of any sign(s);
14. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; and,
15. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 6 to 0.

- 10** **MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PU 18-01:** Deerfield Cabins, LLC; Deon Wynia. To review an existing Planned Unit Development to allow the existing single-family residence on Lot 43 to be used as a Vacation Home Rental on the subject property in accordance with Sections 213 and 319 of the Pennington County Zoning Ordinance.

Lot 43, Burns Placer MS 697, Section 14, T1S, R4E, BHM, Pennington County, South Dakota.

To approve of the extension of Major Planned Unit Development Amendment / PU 18-01 with the following twenty-five (25) conditions:

1. That the Planned Unit Development consist of four (4) lots with one (1) vacation home and accessory structure on each lot, and one (1) picnic pavilion on Lot 43, with all structures being stick built;

2. That the setbacks for the planned Unit Development be 25 feet from all property lines;
3. That each unit have smoke/heat detectors, fire extinguishers and two means of escape;
4. That each unit have a minimum of one (1) parking space per bedroom be provided for each Vacation Home Rental measuring at least 9 feet by 18 feet and be maintained in a dust free manner;
5. That Building Permits be obtained for any structure exceeding 144 square feet or located on a permanent foundation, which includes the necessary site plans to be reviewed and approved by the Planning Director;
6. That prior to construction or dirt work within the 100-year floodplain the applicant must obtain approval of a Floodplain Development Permit;
7. That no drainfield be located within the areas designated as 100-year floodplain;
8. That the internal roads and parking spaces be maintained in a dust free manner;
9. That each unit have the address properly posted in compliance with County Ordinance # 20;
10. That no additional trails shall be constructed onto National Forest Service Lands without obtaining permission from the U.S. Forest Service;
11. That all necessary permits are obtained prior to any additions to the structure or upgrades/alterations to the on-site wastewater treatment system;
12. That for each unit the applicants maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a current copy of said plan be kept on file at the Planning Department;
13. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
14. That an approved Sign Permit be obtained prior to the placement of any sign(s), per PCZO § 312;
15. That the dwelling on Lot 43 is rented as one (1) Vacation Home Rental Unit to one (1) family at a time and is not occupied by the property owner at the time of rental, and if both units are utilized separately as Vacation Home Rental Units, an additional Major Planned Unit Development Amendment

must be obtained to allow a multi-family Vacation Home Rental Unit prior to operation;

16. That the applicant and/or landowner of the Lot 43 continues to obtain a license from the 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;
17. That prior to operation, the Vacation Home Rental, on Lot 43, designate five (5) off-street parking spaces in such a manner that does not block or obstruct any means of ingress or egress to and from the residence and subject property, with each parking space measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
18. That the residence on Lot 43 continues to remain garbage disposal free or the landowner must increase the septic tank capacity to accommodate the increase wastewater;
19. That Lot 43 continues to remain fire pit free or the landowner obtain State Burn Permits to be filed with the Planning Department;
20. That if encroachments are located on National Forest System lands and adjacent to Lot 43, the landowner of record has the responsibility to remove all personal property and real property from National Forest System lands at the landowners' expense per the email from the U.S. Forest Service;
21. That, for Lot 43, the number of nightly guests shall not exceed fourteen (14) people per § 319(F)(1), with the number of day guests at a maximum of eighteen (18) people, based on the DENR approval letter;
22. That interior informational signs continue to be posted in the residence on Lot 43, 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;
23. That the applicants ensure the Vacation Home Rental on Lot 43 is operated in accordance with the requirements of PCZO § 319-F (Performance Standards) at all times;
24. That prior to the next review, the Building Permit and Septic concerns be corrected or a method for correction be in place and agreed upon in writing by Staff and the Landowner; and

25. That Major Planned Unit Development Amendment / PU 18-01 be reviewed at the November 19, 2019, Planning Commission meeting to ascertain all Conditions of Approval are being met.

Vote: unanimous 6 to 0.

11. CONSTRUCTION PERMIT REVIEW / CP 17-05: Anthony and Michele Griffith. To review bringing in fill to an area to level, gravel and allow for reclamation of the remaining area.

Balance of Lot 1 of NE1/4SW1/4; Lot 1 of SE1/4SW1/4; E1/2 of Lot A of SE1/4SW1/4; E1/2 of Lot A of NE1/4SW1/4 Adjacent to Lot 1, Section 29, T1N, R8E, BHM, Pennington County, South Dakota.

(Continued from April 8, 2019, Planning Commission meeting.)

To end Construction Permit / CP 17-05.

Vote: unanimous 6 to 0.

12. CONSTRUCTION PERMIT REVIEW / CP 19-03: Mike and Kimberly Van Loan. To review the leveling and grading of a road to be utilized as a driveway for future construction of a single-family residence.

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

To approve of the extension of Construction Permit / CP 19-03 with the following nine (9) conditions:

- 1. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction and that the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;**
- 2. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than 14 days after the Construction Activity has stopped. All erosion control methods (mulch and seed) need to be certified noxious weed-free;**
- 3. That the disturbed areas be re-vegetated as required in §507(A)(5)(c);**
- 4. That the requirements, guidelines, and criteria for stormwater and erosion and sediment control in the Pennington County Stormwater Manual shall be followed;**

5. That weed free seed or mulch be used when re-seeding and any equipment coming onto the site is clean of earthen material and noxious weeds;
6. That all natural drainage ways and paths be continually maintained;
7. That the owner or designee must inspect the site at least once every 7 calendar days or every 14 calendar days and within 24 hours of the end of a storm event that exceeds 0.25 inches or snowmelt that generates runoff. A properly maintained rain gauge must be kept on the site. Inspection reports must be submitted to the Planning Director every month during construction;
8. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;
9. That this Construction Permit is reviewed in six (6) months or as directed by the Planning Director.

Vote: unanimous 6 to 0.

14. **MINOR PLAT / MPL 19-19:** David Grover. To create Lot 1 of Grover Subdivision in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

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

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

To recommend approval of Minor Plat / MPL 19-19 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 meets all requirements of § 508 or § 509 of the Pennington County Subdivision Regulations, to obtain either a Rezone or a Lot Size Variance;

4. That upon filing the Plat with the Register of Deeds, 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 § 700 of Pennington County Subdivision Regulations;
6. That upon filing the plat with the Register of Deeds, the plat show "Towering Pines Lane" on the west edge of the subject property;
7. That prior to any work being done on proposed Lot 1 of Grover Subdivision, or the remaining unplatted balance, the landowners contact the Pennington County Planning Department first, to see what Permits, if any, are required;
8. That prior to the Plat being recorded with the Register of Deeds, proposed Lot 1 of Grover Subdivision be in compliance with Pennington County Zoning Ordinances; and,
9. That the applicant ensures that all natural drainage ways are maintained and are not blocked.

Vote: unanimous 6 to 0.

15. **MINOR PLAT / MPL 19-20:** Ryan and Dawn Loraas; Fisk Land Surveying – Agent. To combine two lots to create Lot 4R of Block D, Edelweiss Mountain Development Subdivision in accordance with Sections 400.3 of the Pennington County Subdivision Regulations.

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

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

To recommend approval of Minor Plat / MPL 19-20 with the following six (6) conditions:

1. That upon submitting the Plat with the Register of Deeds, a minimum eight (8) foot Minor Drainage and Utility Easements continue to be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;

2. That upon filing the Plat with the Register of Deeds, the plat meets all the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
3. That prior to filing the Plat with the Register of Deeds, the plat meets all necessary requirements of Section 500 of the Pennington County Subdivision Regulations, or approved Subdivision Regulations Variance(s) be obtained waiving any of these requirements;
4. That the existing address continue to be properly posted in accordance with Pennington County's Ordinance #20;
5. That the applicant ensures that all natural drainage ways are maintained and are not blocked and that all necessary drainage ways are properly noted on plats; and,
6. 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.

Vote: unanimous 6 to 0.

END OF CONSENT AGENDA

9. 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.

(Continued from June 24, 2019, Planning Commission meeting.)

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

Conover noted that the recommendation on the Agenda is for approval of the extension of Conditional Use Permit / CU 19-15 and the language needs to be amended to note as recommend approval of Conditional Use Permit / CU 19-15, as this is a new application and not a review.

Moved by Johnson and seconded by Lasseter to approve of Conditional Use Permit / CU 19-15 with the following seven (7) conditions:

1. That the addresses for both the proposed single-family residence and the proposed caretaker's residence be posted on each residence and at the driveway(s), in accordance with Pennington County's Ordinance #20;
2. That an approved On-Site Wastewater Construction Permit be obtained prior to the installation of an On-Site Wastewater Treatment System on the property;
3. That an approved Building Permit be obtained for the caretaker's residence and any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
4. That the minimum setback requirements of a Limited Agriculture District be continually maintained on the property or a setback Variance be obtained;
5. That the subject property remains free of debris and junk vehicles;
6. That once care is no longer needed, the caretaker's residence be removed from the subject property, or the subject property be subdivided so that each residence is on a separate lot; and,
7. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

All voting aye, the Motion carried 6 to 0.

13. SPECIAL CONSIDERATION TO TRAILWOOD VILLAGE PLANNED UNIT DEVELOPMENT / PU 19-04: Misty Cline LaBelle. A special consideration to PUD 79-02 to reduce the minimum rear yard setback from 25 feet to 23 feet to allow for the construction of a garage in accordance with Section 213 of the Pennington County Zoning Ordinance.

Lot 11, Block 8, Trailwood Village, Section 10, T1N, R8E, BHM, Pennington County, South Dakota.

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

Staff recommended to continue the Special Consideration to Trailwood Village Planned Unit Development / PU 19-04 to allow the applicant time to address the two sheds, both are located within the setback and one is located within the easement.

Discussion followed.

Moved by Johnson and seconded by Runde to continue the Special Consideration to Trailwood Village Planned Unit Development / PU 19-04 to allow the applicant time to address the two sheds, both are located within the setback and one is located within the easement.

All voting aye, the Motion carried 6 to 0.

16. REZONE / RZ 19-08 AND COMPREHENSIVE PLAN AMENDMENT / CA 19-08: Brad and Colleen Kurtz. To rezone 10.5 acres from Limited Agriculture District to Low Density Residential District and to amend the Comprehensive Plan to change the Future Land Use from Planned Unit Development Sensitive District to Low Density Residential District in accordance with Sections 206, 207, and 508 of the Pennington County Zoning Ordinance.

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

Theunissen reviewed the Staff Report indicating the applicants have applied for a Rezone and Comprehensive Plan Amendment to rezone 10.5 acres from Limited Agriculture District to Low Density Residential District and to amend the Comprehensive Plan to change the Future Land Use from Planned Unit Development Sensitive District to Low Density Residential District.

Staff recommended approval of Rezone / RZ 19-08 and Comprehensive Plan Amendment / CA 19-08.

Moved by Johnson and seconded by Runde to approve of Rezone / RZ 19-08 and Comprehensive Plan Amendment / CA 19-08.

All voting aye, the Motion carried 6 to 0.

CONSTRUCTION PERMIT AGENDA

17. CONSTRUCTION PERMIT / CP 19-09: Rangel Construction Company. To improve the drainage around Rapid Valley Elementary School.

Tract 1 of Lot W of (SE1/4NW1/4 and NE1/4SW1/4) (Easement), Williams Subdivision, Section 10, T1N, R8E, BHM, Pennington County, South Dakota.

Sack stated Staff recommended the Planning Director approve Construction Permit / CP-19-09 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 PCZO;
2. That the Conditions of the Approval of the South Dakota Department of Environment and Natural Resources General Permits for Storm Water Discharges Associated with Construction Activities be continually met;

3. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;
4. That the owner or designee must inspect the site at least once every 7 calendar days or every 14 calendar days and within 24 hours of the end of a storm event that exceeds 0.25 inches or snowmelt that generates runoff. A properly maintained rain gauge must be kept on the site. Inspection reports must be submitted to the Planning Director every month during construction;
5. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;
6. That all-natural drainage ways and paths be continually maintained;
7. That sediment from the site is contained in such a manner that sediment does not reach or fill the drainage. If sediment is deposited in the drainage from the construction activity, the owner will be responsible for the removal of sediment from the drainage *immediately* after being notified or as discovered by the owner during weekly inspections;
8. That failure of the owner or designee to submit Inspection Reports, as required, shall result in the immediate issuance of a Stop Work Order and a review by the Planning Commission to determine if all Conditions of Approval are being met;
9. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;
10. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than 14 days after the Construction Activity has stopped. All erosion control methods (mulch and seed) need to be certified noxious weed-free;
11. That the disturbed areas be re-vegetated as required in § 507(A)(5)(c) of the PCZO;
12. That prior to the Planning Director's approval, the applicant pay a penalty fee in accordance with § 511(W)(2) of the PCZO;
13. That the applicant signs a Statement of Understanding within ten (10) days of approval; and
14. That this Construction Permit be reviewed in three (3) months, or as directed by the Planning Director.

18. CONSTRUCTION PERMIT / CP 19-10: Jess and Sarah Pekarski. To grade portions of an access easement and to construct a private gravel driveway to include ditches and culverts.

Lot 6 (Plat #4), Block 5, Clarkson Subdivision, and the Balance of SW1/4NE1/4, Section 31, T1N, R7E, BHM, Pennington County, South Dakota.

Sack stated Staff recommended the Planning Director approve Construction Permit / CP 19-10 with the following eleven (11) conditions:

1. That erosion and sediment controls are implemented immediately and maintained until the site has reached final stabilization as required in §507(A)(5)(c) of the Pennington County Zoning Ordinance;
2. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction and that the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;
3. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than 14 days after the Construction Activity has stopped. All erosion control methods (mulch and seed) need to be certified noxious weed-free;
4. That the disturbed areas be re-vegetated as required in §507(A)(5)(c);
5. That the requirements, guidelines, and criteria for stormwater and erosion and sediment control in the Pennington County Stormwater Manual shall be followed;
6. That weed free seed or mulch be used when re-seeding and any equipment coming onto the site is clean of earthen material and noxious weeds;
7. That all-natural drainage ways and paths be continually maintained;
8. 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;
9. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;
10. That the applicant signs a Statement of Understanding within ten (10) days of Permit approval; and,

11. That this Construction Permit is reviewed in one (1) year or as directed by the Planning Director.

END OF CONSTRUCTION PERMIT AGENDA

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

(Continued from the June 24, 2019, Planning Commission meeting.)

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

Discussion followed.

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

Moved by Lasseter and seconded by Johnson to reconvene. All voting aye, the Motion carried 5 to 0. Commissioner Runde had not returned to the meeting during this Motion.

Discussion further continued.

Moved by Lasseter and seconded by Johnson to approve of Ordinance Amendment / OA 19-01 with recommended changes to the draft Comprehensive Plan.

All voting aye, the Motion carried 6 to 0.

20. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the June 24, 2019, Planning Commission meeting.

21. ITEMS FROM THE PUBLIC

There were no motions or actions taken at this time.

22. ITEMS FROM THE STAFF

- A. Building Permit Report. Conover reviewed the Building Permit Report for June 2019.
- B. Planning Commission By-Laws. Conover spoke of updating the Planning Commission By-Laws.
- C. Speaker Request Forms. The Planning Commission discussed using the form at meetings moving forward.

D. Zoning Ordinance / Violations. Conover discussed staff working with applicants on current violations and the Planning Director allowing leniency in bringing violations into compliance.

23. ITEMS FROM THE MEMBERSHIP

Commissioner Johnson recognized Commissioner Lasseter for his past leadership on the Planning Commission.

Commissioner Lasseter will not be at the July 22nd Planning Commission meeting.

24. ADJOURNMENT

Moved by Lasseter and seconded by Rivers to adjourn.

All voting aye, the Motion carried 6 to 0.

The meeting adjourned at 12:33 p.m.

Rich Marsh, Chairperson

STAFF REPORT

GENERAL INFORMATION:

REQUEST: CONDITIONAL USE PERMIT REVIEW/ CU 11-22: To review a home occupation (detailing and refurbishing small engine equipment and motorcycles) in a detached garage in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

APPLICANT: Jeff Sadergaski

APPLICANT ADDRESS: 4517 Twilight Drive, Rapid City, SD 57701

LANDOWNER: Melissa Johnson

LANDOWNER ADDRESS: 22737 E. Alamo Lane, Aurora, CO, 80015

LEGAL DESCRIPTION: Lot 2 of Lot D of NE1/4NW1/4 less Lot H1, Section 10, T1N, R8E, BHM, Pennington County, South Dakota.

SITE LOCATION: 4517 Twilight Drive: corner of Twilight and Covington Street.

SIZE: .350 acre

EXISTING LAND USE: Residential

ZONING REFERENCE: Sections 208 and 510

CURRENT ZONING: Suburban Residential District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Flat

UTILITIES: Public

REPORT BY: P.J. Conover

PROPOSED RECOMMENDATION: Staff will be recommending to continue the review of Conditional Use Permit / CU 11-22 to no later than September 09, 2019, in order for Staff to contact the new landowner.

GENERAL DESCRIPTION: The applicant requested a Conditional Use Permit to allow for a Home Occupation. Specifically, to detail and re-furbish small engine equipment and motorcycles in a detached garage located on the subject property. The refurbished parts, ATV's and motorcycles will be sold off-site, as no retail sales to customers will occur on the property. Further, the applicant indicated he will have no employees, but on occasion, he will receive deliveries from UPS.

HISTORY: On October 10, 2011, the Planning Commission approved CU 11-22 with the following twelve 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 adheres to all necessary County, State, and Federal regulations, and maintains the necessary permits to conduct the business;
3. That the home occupation be conducted by members of the family residing on the premises and no more than one (1) additional, full-time person;
4. That all aspects of the business be conducted entirely within an enclosed structure and no stock in-trade shall be displayed outside the enclosed structure;
5. That the hours of operation will be conducted between the hours of 7:00 a.m. and 6:00 p.m.;
6. That the home occupation appears secondary to the primary, residential use of the property;
7. That no customers or on-premise retail sales be allowed;
8. That reasonable measures are taken to control odors, fumes, dust, noise, vibration and lighting resulting from the home occupation so as to not constitute a nuisance to the general public;
9. That if the amount of waste generated from the restoration shop and disposed of in the sanitary sewer exceeds 10,000 gallons per month, Rapid Valley Sanitary District and City of Rapid City must be notified and pretreatment (i.e. sand filter) implemented prior to disposal;
10. This Conditional Use Permit is not valid until the Statement of Understanding, which is available at the Planning Office, has been signed by the applicant;
11. That the address for the property be properly posted in accordance with Pennington County's Ordinance #20; and,
12. 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.

The Planning Commissions decision was appealed to the Board of Commissioners.

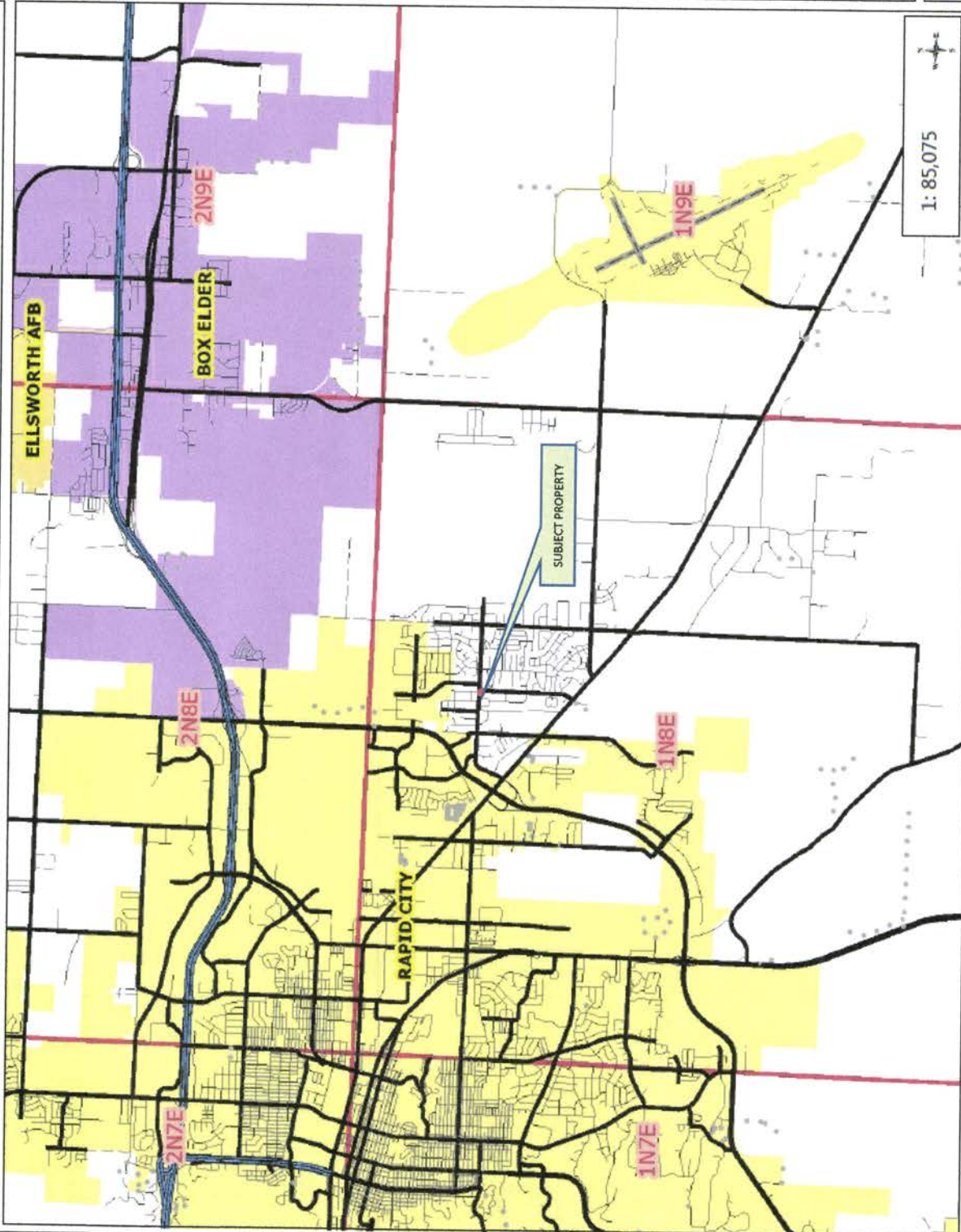
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Jeff Sadergaski
July 22, 2019
Page 3

On November 01, 2011, the Board of Commissioners approved CU 11-22 with the same twelve conditions.

ANALYSIS: CU 11-22 was to be reviewed in November 2012, but has not been reviewed by staff since November 2011. Since July 05, 2019, Staff has been unable to reach Mr. Sadergaski by phone or mail. It appears, Mr. Sadergaski no longer lives at the subject property, as there is a new owner of record, Melissa Johnson, as of April 2018 and Mrs. Johnson's contact address is out-of-state.

Staff is attempting to contact Mrs. Johnson to verify that CU 11-22 can end.

RECOMMENDATION: Staff recommends to continue the review of Conditional Use Permit / CU 11-22 to no later than September 09, 2019, in order for Staff to contact the new landowner.



1: 85,075

0 7,089.55 14,179.1 Feet

14,179.1

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

NAD_1983_StatePlane_South_Dakota_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
- PLSS
- Townships
- City Limits
- BOX ELDER
 - ELLSWORTH AFB
 - HILL CITY
 - KEYSTONE
 - NEW UNDERWOOD
 - QUINN
 - RAPID CITY
 - WALL
 - WASTA

Map Notes:

STAFF REPORT

GENERAL INFORMATION:

REQUEST: **CONDITIONAL USE PERMIT REVIEW/ CU 07-11:** To review an auto repair business in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

OWNER: Bernard Ness

APPLICANT ADDRESS: P.O. Box 27, Caputa, SD 57725

APPLICANT: Ronnie Ness

AGENT ADDRESS: P.O. Box 27, Caputa, SD 57725

LEGAL DESCRIPTION: All Section less Right-of-Way, Section 1, T1N, R9E, BHM, Pennington County South Dakota.

SITE LOCATION: 23001 154th Avenue: approximately 2 miles North of the intersection of Longview Road and 154th Avenue.

SIZE: 641.38 acres

TAX ID: 11721

EXISTING LAND USE: Residential/Agriculture

ZONING REFERENCE: §§ 205 and 510

CURRENT ZONING: General Agriculture District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Rolling plains

UTILITIES: Private

REPORT BY: Jason Theunissen

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending to end Conditional Use Permit 07-11, per the applicant's request.

II. GENERAL DESCRIPTION

- A. On April 23, 2007, Planning Commission approved Conditional Use Permit 07-11 to allow for an auto repair business as a home occupation on the above legally described property with nine (9) conditions.
- B. On April 28, 2008; April 9, 2010; April 11, 2012; April 14, 2014; and April 25, 2016, the Planning Commission approved the extension of Conditional Use Permit 07-11 with nine (9) conditions.
- C. On April 22, 2019, the Planning Commission approved the continuation of the review of Conditional Use Permit 07-11 to the July 22, 2019 Planning Commission meeting.

III. EXISTING CONDITIONS

- A. Zoned General Agriculture District.
- B. 641.38 acres.
- C. Access of 154th Avenue via an existing approach.
- D. Lot contains the following:
1. Single-family residence.
 - a. Built in 1920, per Department of Equalization records.
 - b. No Building Permit required.
 2. 24' x 20' Quonset
 - a. Built in 1950, per Department of Equalization records.
 - b. No Building Permit required.
 3. 64' x 31' Utility Building.
 - a. Built in 1970, per Department of Equalization records.
 - b. No Building Permit required.
 4. 60' x 38' Utility Building – COBP87-7936.
 5. 72' x 40' Utility Building
 - a. Built in 1995, per Department of Equalization records.
 - b. No Building Permit.
 - c. Applicant stated the building existed prior to 1994.
 - d. Google Earth shows it existed in 1997, no prior aerials available.
 6. 35' x 27' Utility Building – COBP99-0300.
 7. 21' x 18' Bunkhouse
 - a. Not listed on Department of Equalization records.
 - b. No Building Permit.
 - c. Applicant stated the building existed prior to 1994.
 - d. Google Earth shows it existed in 1997, no prior aerials available.

Agenda Item # 4
Bernard Ness; Ronnie Ness
July 22, 2019

8. No Operating Permit for on-site wastewater treatment system.
 - a. Exempt, as property is unplatted and over 40 acres.

IV. ANALYSIS

- A. On July 10, 2019, Staff spoke with the Applicant, Ronnie Ness, via telephone.
 1. The Applicant stated that the home occupation permitted under CU 07-11 has been closed since January 2019 and he has no plans to resume the operation.
 2. Staff followed-up the phone conversation with an email to the applicant, requesting that he validate his desire to end CU 07-11 via email reply. The applicant's request is attached to this Staff Report.

RECOMMENDATION: Staff recommends to end Conditional Use Permit 07-11, per the applicant's request.

Theunissen Jason

From: Ronnie ness <yldryd69@gmail.com>
Sent: Wednesday, July 10, 2019 1:01 PM
To: Theunissen Jason
Subject: Re: Conditional Use Permit 07-11
Attachments: image002.png

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

Yes, that is correct. Please proceed with the removal of the C.U.P.

Thank you
Ronnie Ness

On Wed, Jul 10, 2019, 12:50 PM Theunissen Jason <Jason.Theunissen@pennco.org> wrote:

Mr. Ness,

Per our phone conversation today, you expressed a desire to end the subject permit as it is no longer needed for your home occupation. Please respond to this email validating that is your intent. Thank you!

Jason

Jason Theunissen, Planner II

Pennington County Administration Building

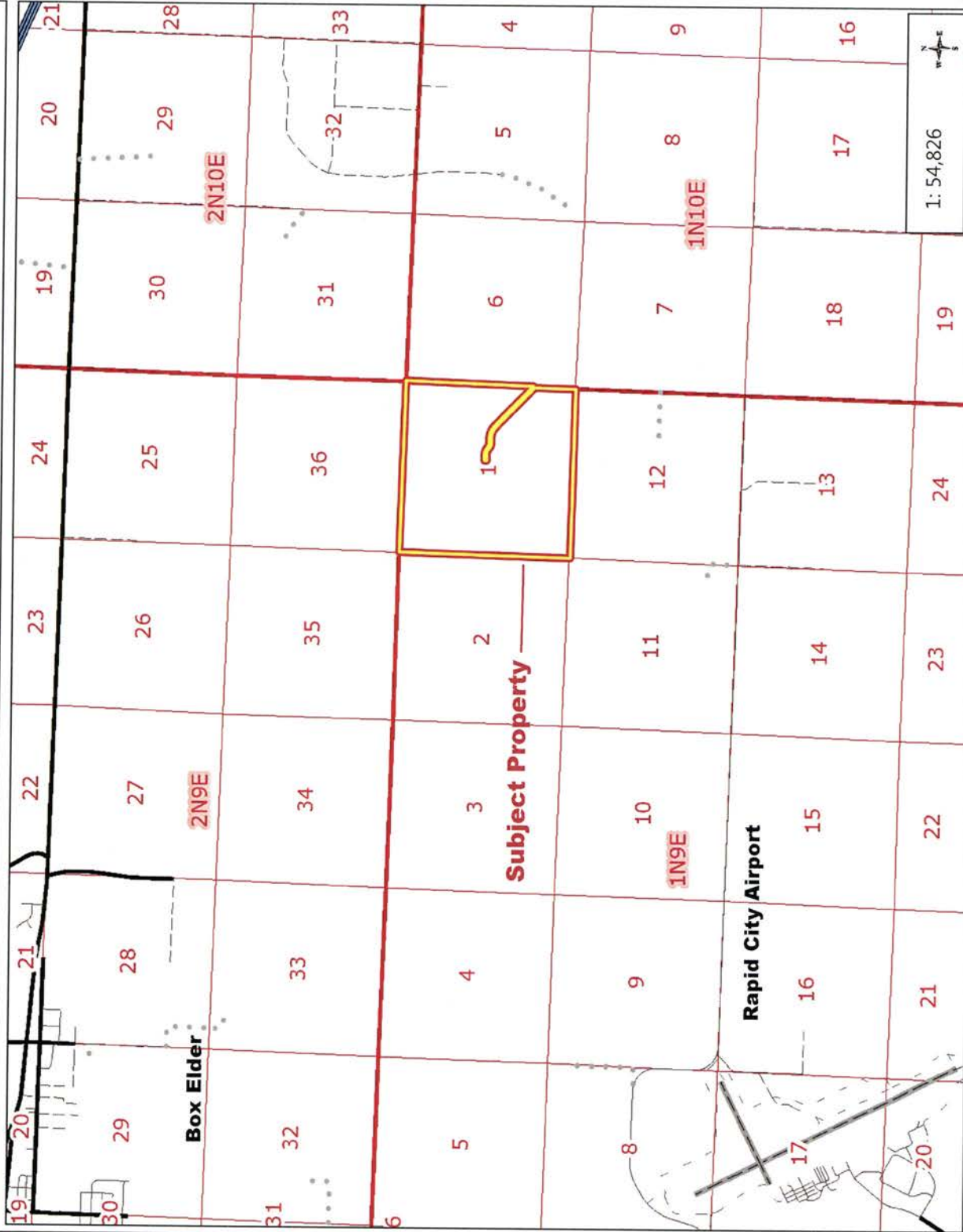
Planning and Zoning Department

130 Kansas City Street, Suite 200

Rapid City, SD 57701

Phone: 605-394-2186





1: 54,826

Legend

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

Map Notes:

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1: 37,811

6,301.8 0 3,150.91 6,301.8 Feet

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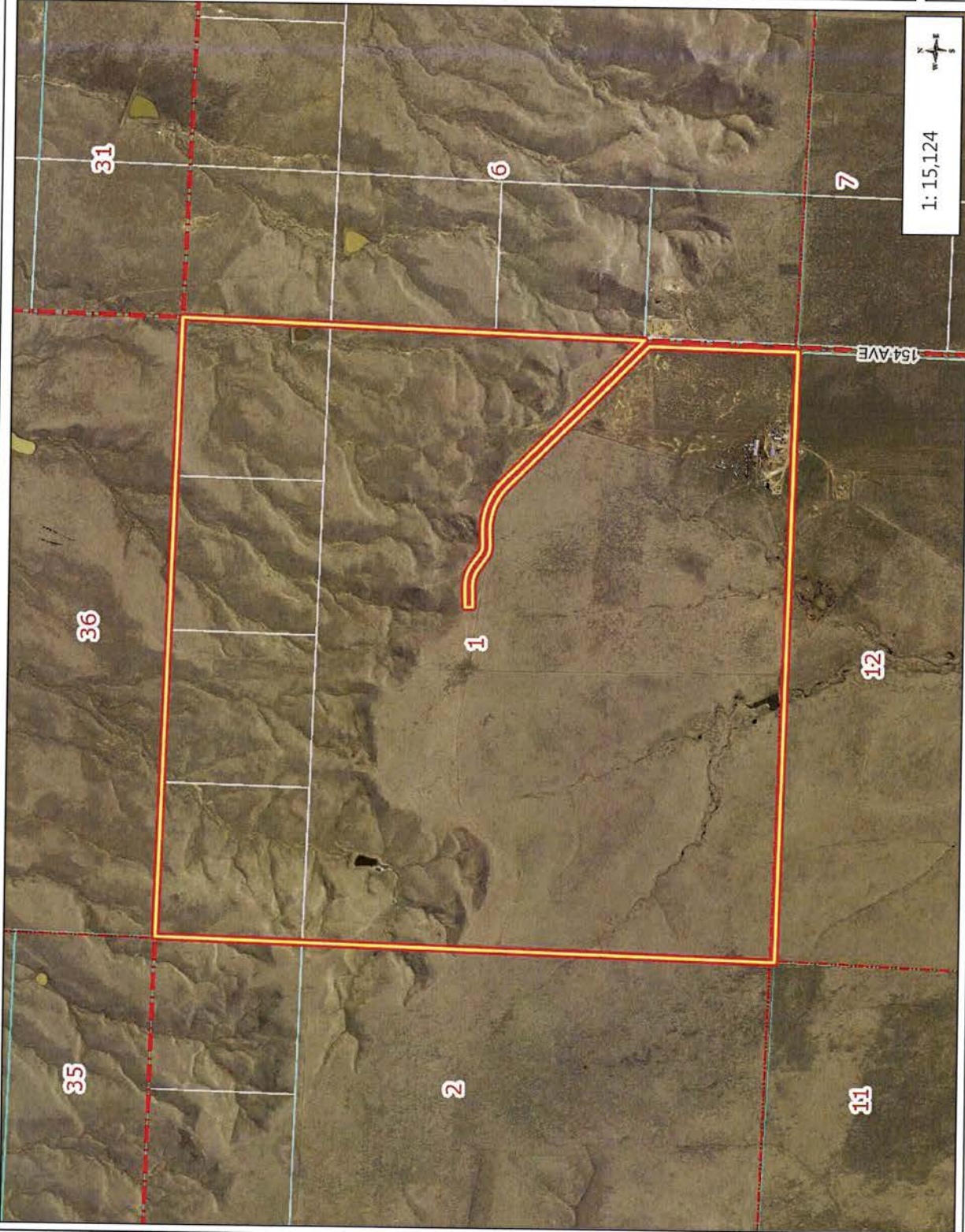
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Legend

- Roads**
 - Interstate
 - US highway
 - SD highway
 - County highway
 - Main road
 - Minor arterial
 - Collector
 - Ramp
 - Paved road
 - Unpaved road
 - Trail
 - Driveway
 - Alley
 - Unimproved road
 - Airport Runway
 - Not yet coded
- Section Lines 0-25k**
 - 0
 - 7
- Section Labels 0-25k**
- Tax Parcels**
- Lot Lines**
 - <Null>
 - Lot Line
 - Parcel Line
- City Boundaries**
 - BOX ELDER
 - ELLSWORTH AFB
 - HILL CITY
 - KEYSTONE
 - NEW UNDERWOOD
 - QUINN
 - RAPID CITY

Map Notes:



1: 15,124

2,520.7 0 1,260.36 2,520.7 Feet

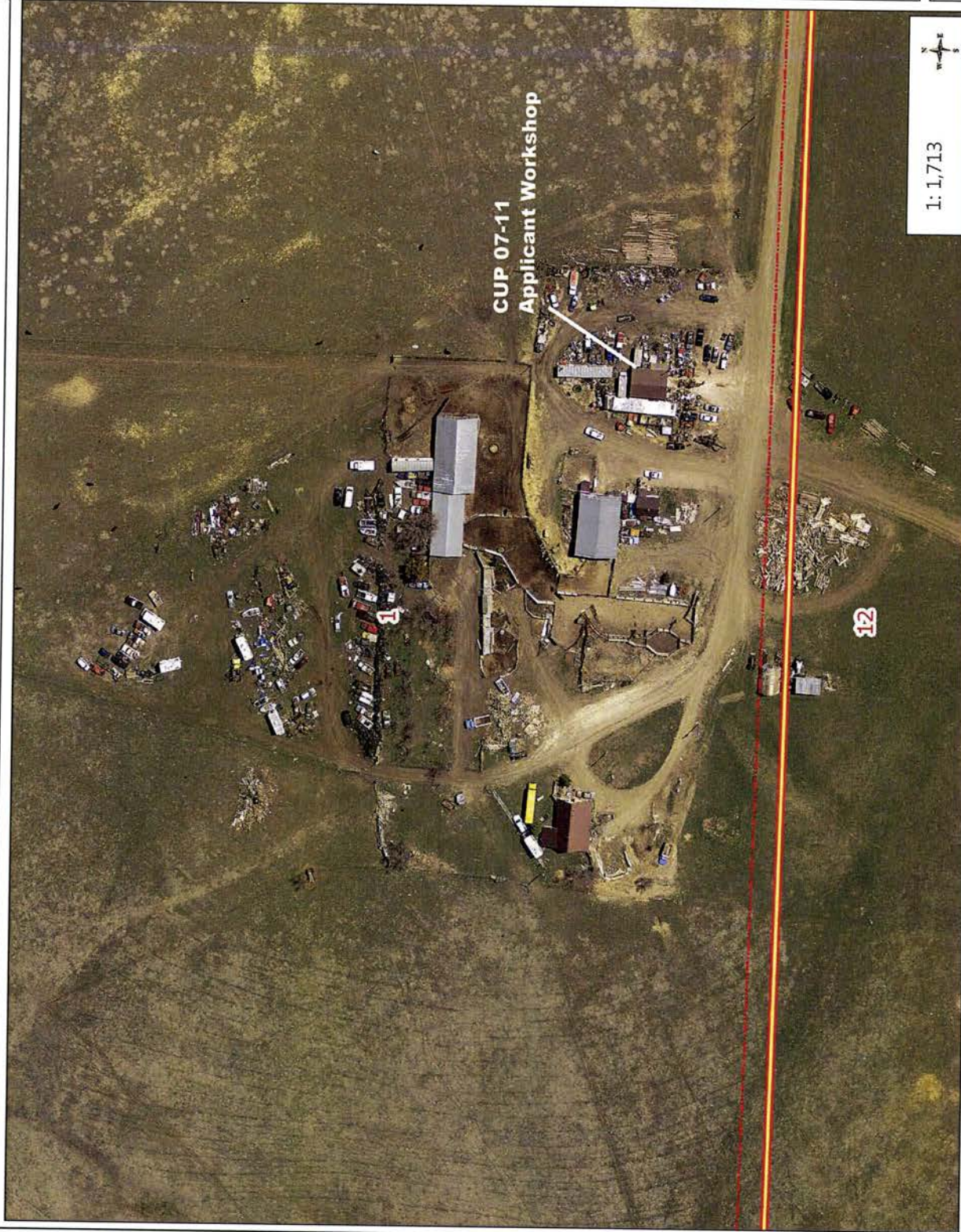
NAD_1983_StatePlane_South_Dakota_South_FIPS_4002_Feet
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 - Airport Runway
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- 0
 - 7
- Tax Parcels**
- Lot Lines**
- <Null>
 - Lot Line
 - Parcel Line

Map Notes:



1: 1,713

285.6 Feet

142.78

0

285.6

NAD_1983_StatePlane_South_Dakota_South_FIPS_4002_Feet

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- 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 approval of the extension of Conditional Use Permit / CU 11-02 with nine (9) conditions.

I. GENERAL DESCRIPTION

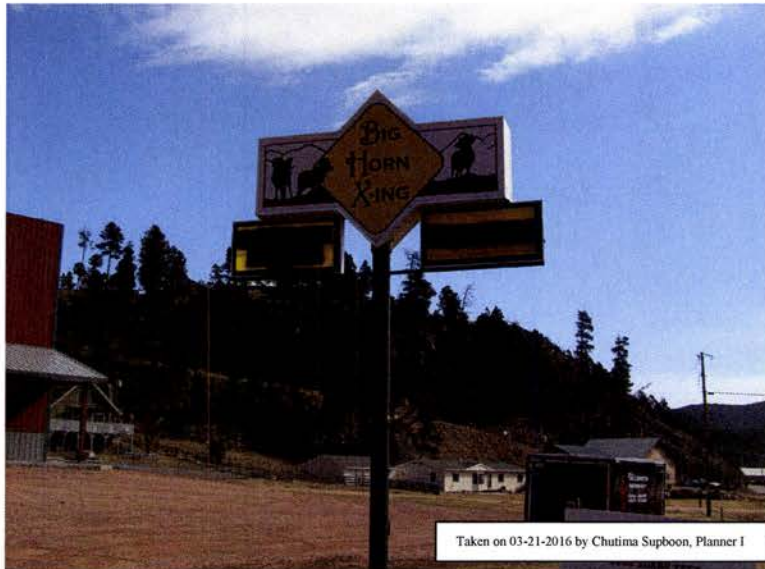
- A. Planning Commission approved Conditional Use Permit / CU 11-02 on February 14, 2011, with the following ten (10) conditions:
1. That this Conditional Use Permit only allows for one internally, illuminated, on premise sign within 1,500 feet of a residential zoning district/dwelling unit in a Highway 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 was 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€ 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 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.
- I. 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.
- J. 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.
- K. Staff recommended to remove Condition #9 because the applicant signed the Statement of Understanding.
- L. 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

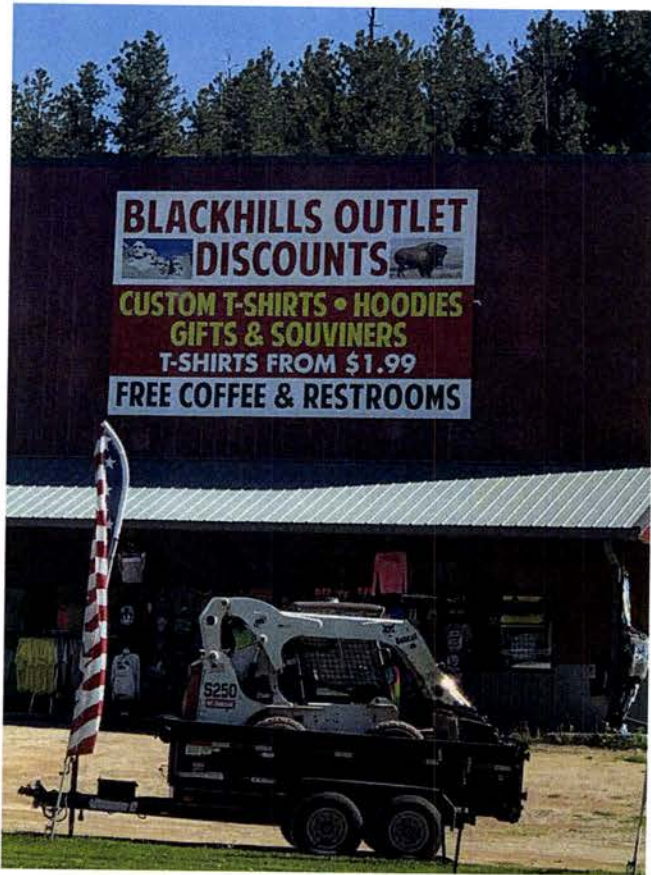
- A. On June 6, 2019, Staff performed a site visit and found the following signs present on the site:



Lighted sign



Existing banner sign



12' x 20' wall signs



12' x 20' wall signs

- B. 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.
- C. The lighted sign appeared to be in need of repair and did not meet Condition of Approval #7.
- D. July 10, 2019 - Staff performed a site visit and verified that the sign had been repaired and was in good condition.
- E. All other Conditions of Approval appear to be met.



Lighted sign – July 10, 2019

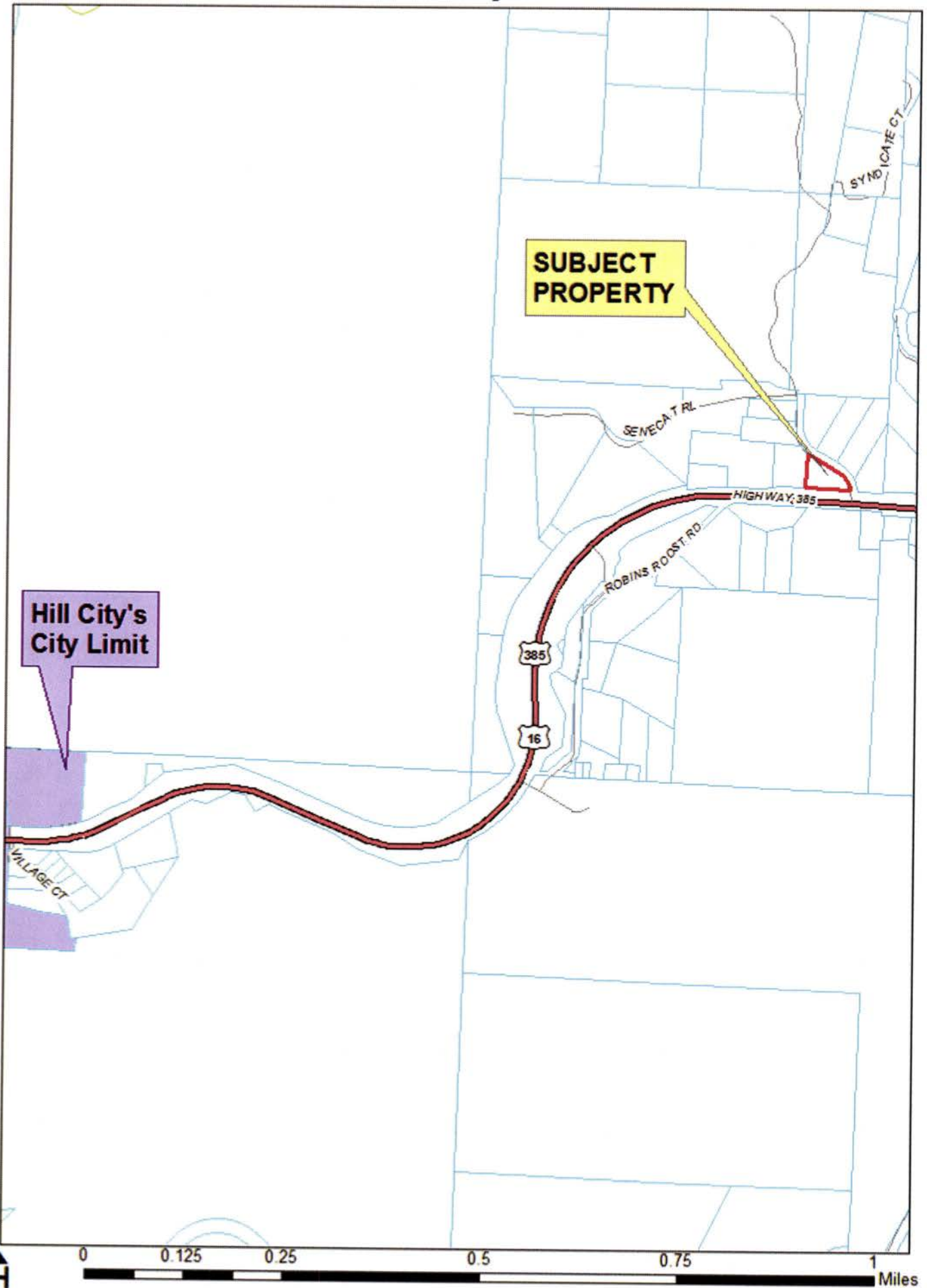
RECOMMENDATION: Staff recommends approval of the extension of Conditional Use Permit / CU 11-02 with the following nine (9) conditions:

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 continues to 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 continues 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.

DeVeny



STAFF REPORT

GENERAL INFORMATION:

REQUEST: **CONDITIONAL USE PERMIT REVIEW/ CU 17-25:** To review a Conditional Use Permit to allow one (1) pole barn and three (3) greenhouse structures in a Suburban Residential District located on the NW1/4NE1/4SW1/4 in Section 31, T1N, R7E, BHM; and to allow one (1) pole barn structure in a Suburban Residential District located on the E1/2 GL3, Section 31, T1N, R7E, BHM; and to allow the one (1) pole barn structure to remain on the E1/2 GL3, Section 31, T1N, R7E, BHM, when the principle structure is removed from the property in the future, in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

APPLICANT: Donald Wojciechowski

APPLICANT ADDRESS: 13908 Battle Creek Road, Hermosa, SD 57744

AGENT: Lisa Loerzel

AGENT ADDRESS: 24590 Chokecherry Ridge Road
Hermosa, SD 57744

LEGAL DESCRIPTION: NW1/4NE1/4SW1/4, and E1/2 GL3, all located in Section 31, T1N, R7E, BHM, Pennington County, South Dakota.

SITE LOCATION: 8368 Miracle Road; West of Rapid City on Sheridan Lake Road; south of the intersection of Laveeda Drive and Miracle Road.

SIZE: 29.76 acres

TAX ID: 11203 / 65566

EXISTING LAND USE: Residential/Accessory Structures

ZONING REFERENCE: §§ 208 and 510

CURRENT ZONING: Suburban Residential District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Forest / Hills / Rock outcroppings

UTILITIES: Private

REPORT BY: Cassie Bolstad

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending approval of the extension of Conditional Use Permit / CU 17-25 with eight (8) conditions.

II. GENERAL DESCRIPTION

- A. The applicant, Lisa Loerzel, submitted a Conditional Use Permit request to allow for one (1) pole barn and three (3) greenhouse structures on the NW1/4NE1/4SW1/4 and one (1) pole barn in the E½ GL3 of Section 31, T1N, R7E, in a Suburban Residential District

III. EXISTING CONDITIONS

- A. E½ GL3 (8374 Miracle Road).
 - 1. Zoned Suburban Residential District.
 - 2. 19.76 acres.
 - 3. Lot contains:
 - a. Double-wide mobile home (COBP17-0305).
 - i. Onsite Wastewater Treatment System (COSD17-0120).
 - b. 12' x 20' Shed (COBP17-0306).
 - c. 12' x 20' Shed (COBP17-0573).
 - 4. Access off of a Private Access Easement (Doc #A201706374) from Miracle Road.
 - a. Road is improved to through Lot 5 of Tract 2 (SE¼NW¼).
 - b. A 19-foot-wide by 650-foot-wide driveway was constructed to access the structures (Construction Permit / CP 17-08).
- B. NW1/4NE1/4SW1/4 (8368 Miracle Road).
 - 1. Zoned Suburban Residential District.
 - 2. 10 acres.
 - 3. Lot contains:
 - a. 40' x 60' Pole Barn (COBP17-0323).
 - 4. Access off of a Private Access Easement (Doc #A201706374) from Miracle Road.

- a. Road is improved to through Lot 5 of Tract 2 (SE1/4NW1/4).
- b. A 19-foot-wide by 650-foot-wide driveway was constructed to access the structures (Construction Permit / CP 17-08).

IV. HISTORY

- A. June 2, 2017 – the applicant applied for Conditional use Permit/ CU 17-25 to allow for one (1) pole barn and three (3) greenhouses structures prior structure and one (1) pole barn structure in a Suburban Residential Zoning District.
- B. At this time, there will not be a single-family residence (SFR) on lot NW1/4NE1/4SW1/4 and, on lot E½ GL3, the SFR will eventually be removed and only the pole barn will remain.
- C. July 10, 2017 – Planning Commission approved Conditional Use Permit / CU 17-25 with the following ten (10) conditions:
 1. That the address, 8374 Miracle Drive, for subject property of lot E1/2 GL3, be posted so it is clearly visible from Miracle Road in accordance with Pennington County Ordinance #20;
 2. That the address, 8368 Miracle Drive, for subject property of lot NW1/4NE1/4SW1/4, be posted so it is clearly visible from Miracle Road in accordance with Pennington County Ordinance #20;
 3. That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
 4. That the minimum setback requirements of a Suburban Residential District be continually maintained on the properties, or the appropriate Variance(s) be obtained;
 5. That the subject properties remains free of debris and junk vehicles;
 6. That the accessory structures be used for personal-use only and no commercial-type uses and not for living space;
 7. That the structures are located on the subject properties in accordance with the submitted Site Plan (Exhibit A – Wojciechowski dated July 10, 2017) with the Conditional Use Permit Application;
 8. That an approved On-Site Wastewater Construction Permit be obtained, if a new on-site wastewater treatment system is installed;
 9. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 17-25, which is available at the Planning Office; and,
 10. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

V. ANALYSIS

- A. July 23, 2018 – Planning Commission approved the extension of Conditional Use Permit / CU 17-25 with the following nine (9) conditions:
1. That the address, 8374 Miracle Drive, for subject property of lot E1/2 GL3, continue to be posted so it is clearly visible from Miracle Road in accordance with Pennington County Ordinance #20;
 2. That the address, 8368 Miracle Drive, for subject property of lot NW1/4NE1/4SW1/4, continue to be posted so it is clearly visible from Miracle Road in accordance with Pennington County Ordinance #20;
 3. That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
 4. That the minimum setback requirements of a Suburban Residential District be continually maintained on the properties, or the appropriate Variance(s) be obtained;
 5. That the subject properties remains free of debris and junk vehicles;
 6. That the accessory structures be used for personal-use only and no commercial-type uses and not for living space;
 7. That the structures are located on the subject properties in accordance with the submitted Site Plan (Exhibit A – Wojciechowski dated July 10, 2017) with the Conditional Use Permit Application;
 8. That an approved On-Site Wastewater Construction Permit be obtained, if a new on-site wastewater treatment system is installed; and,
 9. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.
- B. As of the date of this Staff Report writing, it does not appear the uses or structures on the subject properties have changed.
1. In addition, no complaints regarding the subject properties have been received.
- C. Staff recommends to remove Condition #7, as Building Permits have been obtained for the accessory structures; therefore, their location has been approved.

RECOMMENDATION: Staff recommends approval of the extension of Conditional Use Permit / CU 17-25 with the following eight (8) conditions:

1. That the address for E1/2 GL3 (8374 Miracle Drive) continue to be posted so it is clearly visible from Miracle Road in accordance with Pennington County Ordinance #20;

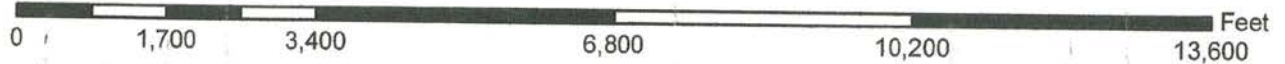
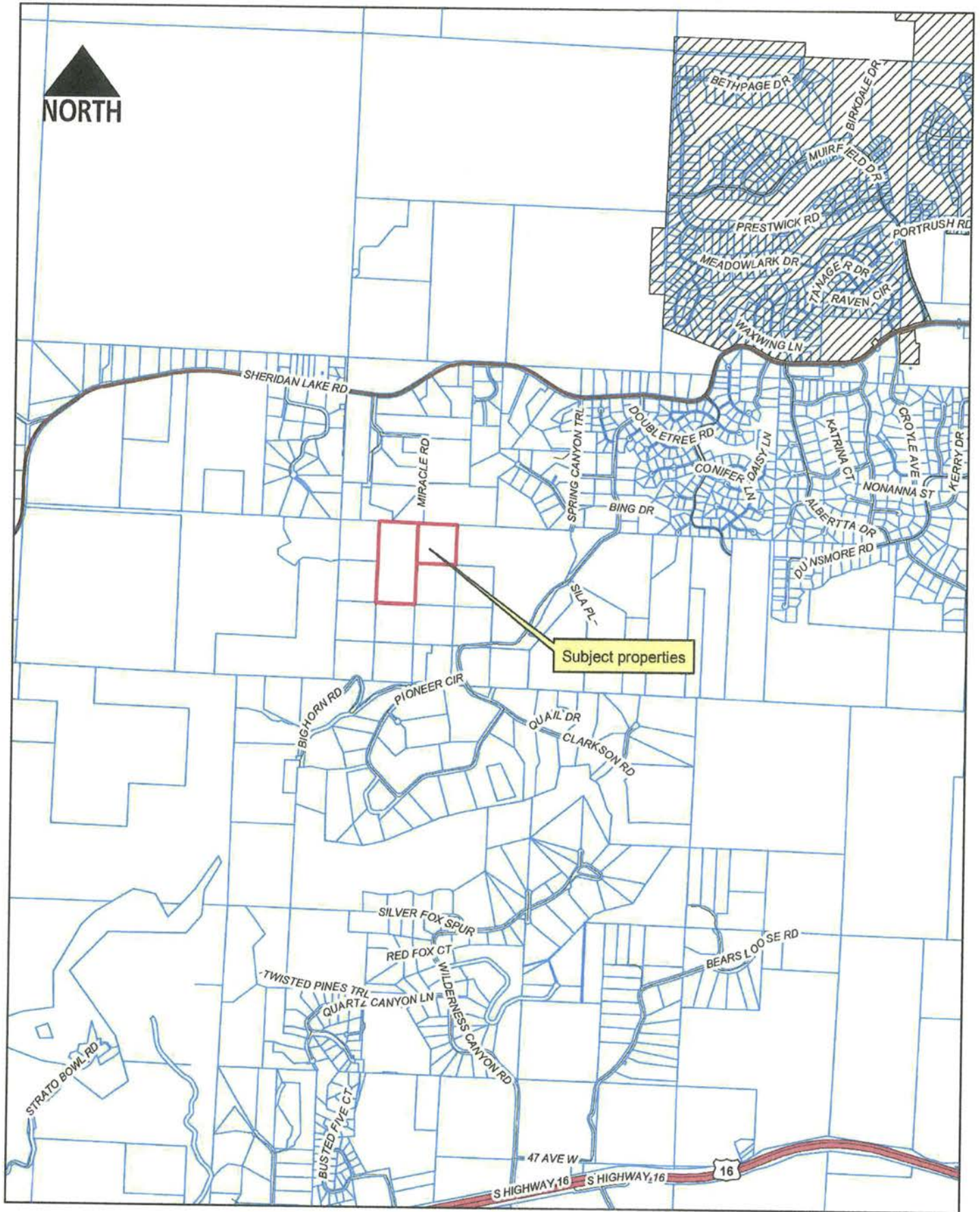
Agenda Item #6

Donald Wojciechowski; Lisa Loerzel – Agent

July 22, 2019

2. That the address for NW1/4NE1/4SW1/4 (8368 Miracle Drive) continue to be posted so it is clearly visible¹ from Miracle Road in accordance with Pennington County Ordinance #20;
3. That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
4. That the minimum setback requirements of a Suburban Residential District be continually maintained on the properties, or the appropriate Variance(s) be obtained;
5. That the subject properties remain free of debris and junk vehicles;
6. That the accessory structures be used for personal use only and no commercial-type uses and not for living space;
7. That an approved On-Site Wastewater Construction Permit be obtained, if a new on-site wastewater treatment system is installed; 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.

Wojciechowski

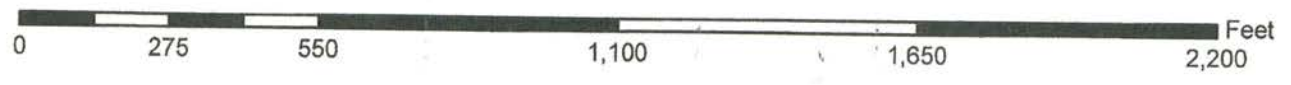


Wojciechowski



Three greenhouses and a pole barn on this lot.

Double-wide and pole barn
(double-wide to be removed in the future) on this lot.



Agenda Item #7
Greg Bolt
July 22, 2019

STAFF REPORT

7

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 approve the extension of Conditional Use Permit / CU 18-19 with nine (9) conditions.

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 COSD18-0032.
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.
- F. June 17, 2019 – Staff performed a site visit and found the following:
1. The single-family residence was still under construction and not complete.
 2. The Guest House was still under construction and not complete.
- G. The single-family structure was still non-owner occupied, per Department of Equalization records (Condition #4).
- H. There was no deed restriction filed with the Register of Deeds for the guest house (Condition #1).
- I. Addresses were not posted (Condition #7).
- J. Staff does not have a copy of the signed Statement of Understanding (Condition #10).



Guest house and single-family residence

V. REVIEW FOR JULY 22, 2019 PLANNING COMMISSION MEETING

- A. June 28, 2019 – The applicants filed a Deed Restriction with the Register of Deeds for the Guest House and signed the Statement of Understanding.
- B. The single-family structure was still non-owner occupied, per Department of Equalization records (Condition #4).
 1. Once construction is complete, the applicant must file with the Department of Equalization for owner-occupied status.
- C. Addresses were not posted (Condition #7).
 1. Addresses must be posted immediately and will be verified by Staff within 30 days of approval of this review.

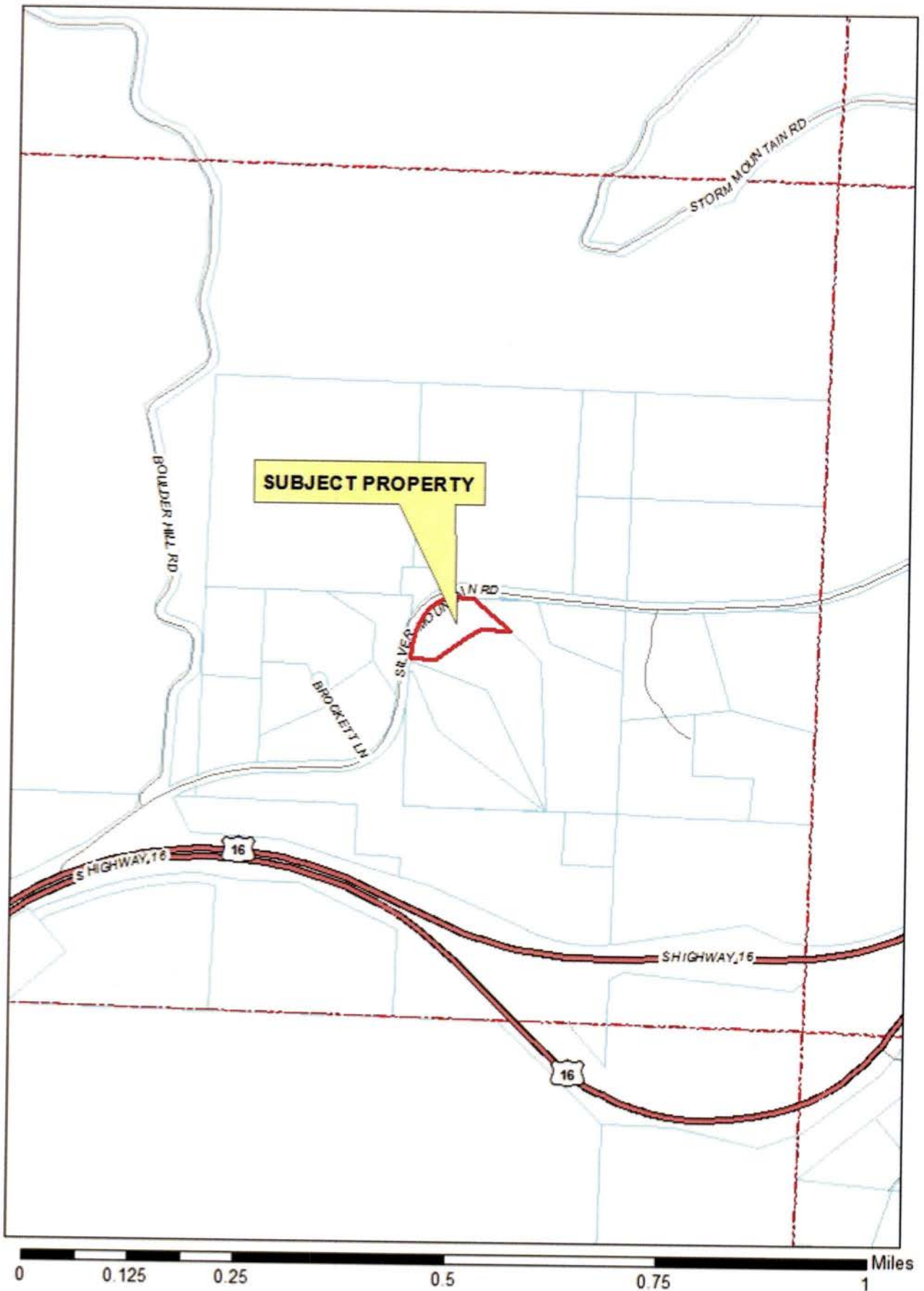
RECOMMENDATION: Staff recommends approval of the extension of Conditional Use Permit / CU 18-19 with the following nine (9) conditions:

1. 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;
2. That the Guest House shall not be used for more than 180 days per calendar year;
3. 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);
4. 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;

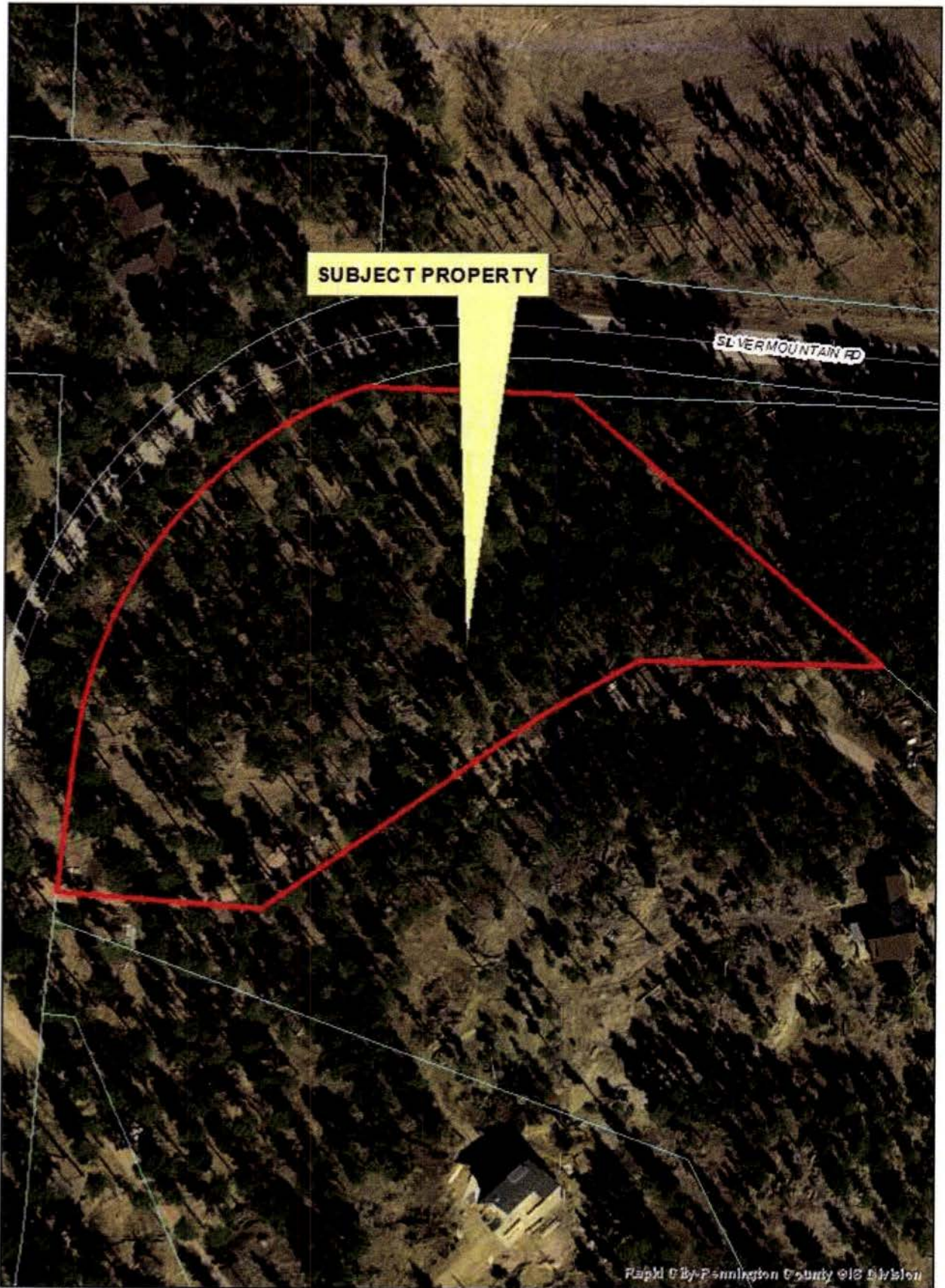
Agenda Item #7
Greg Bolt
July 22, 2019

5. 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;
6. 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 within 30 days of approval of this review;
7. That the Guest House be continually utilized and maintained in accordance with all requirements of PCZO § 318;
8. 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,
9. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

BOLT



BOLT



SUBJECT PROPERTY

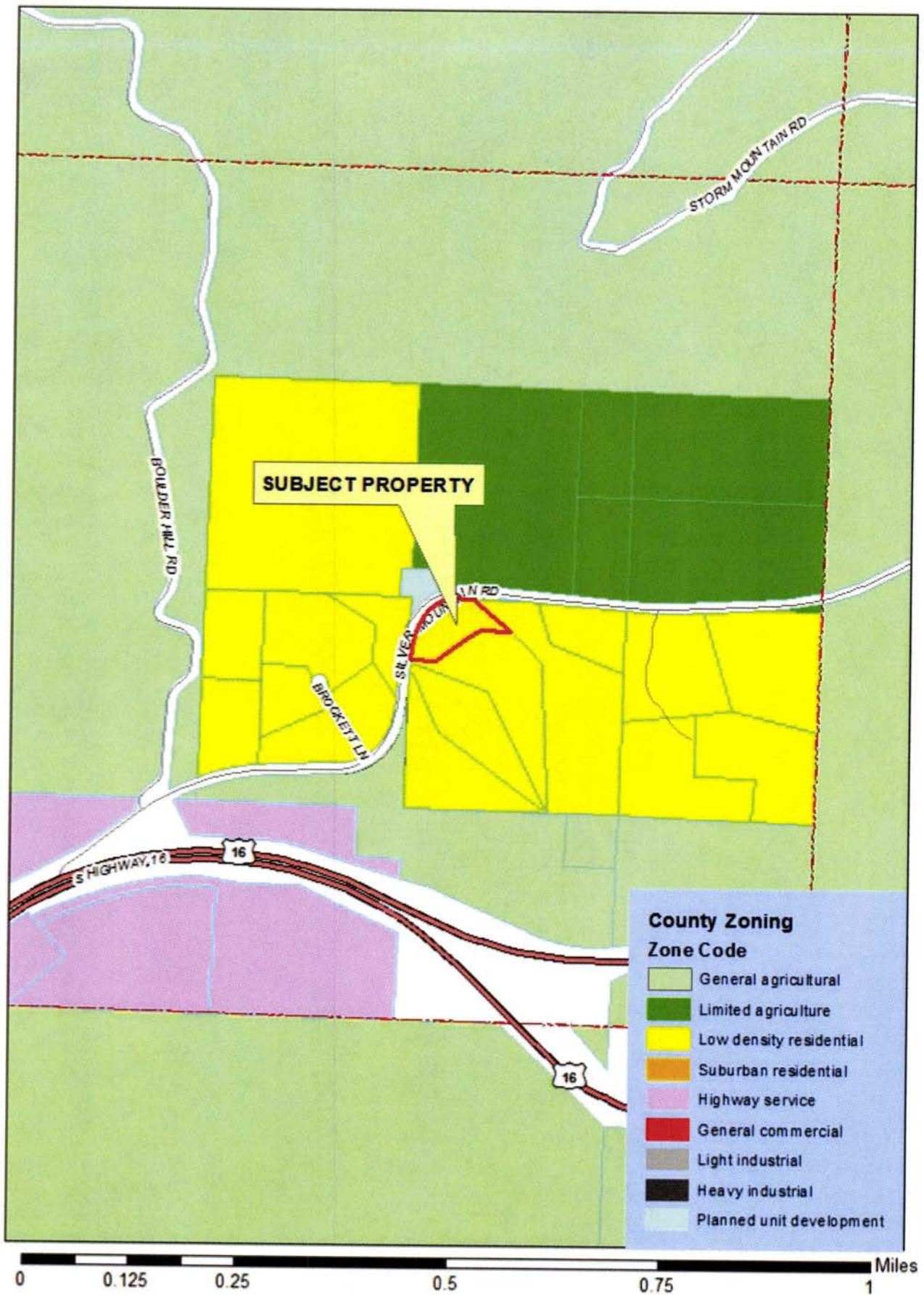
SILVERMOUNTAIN RD

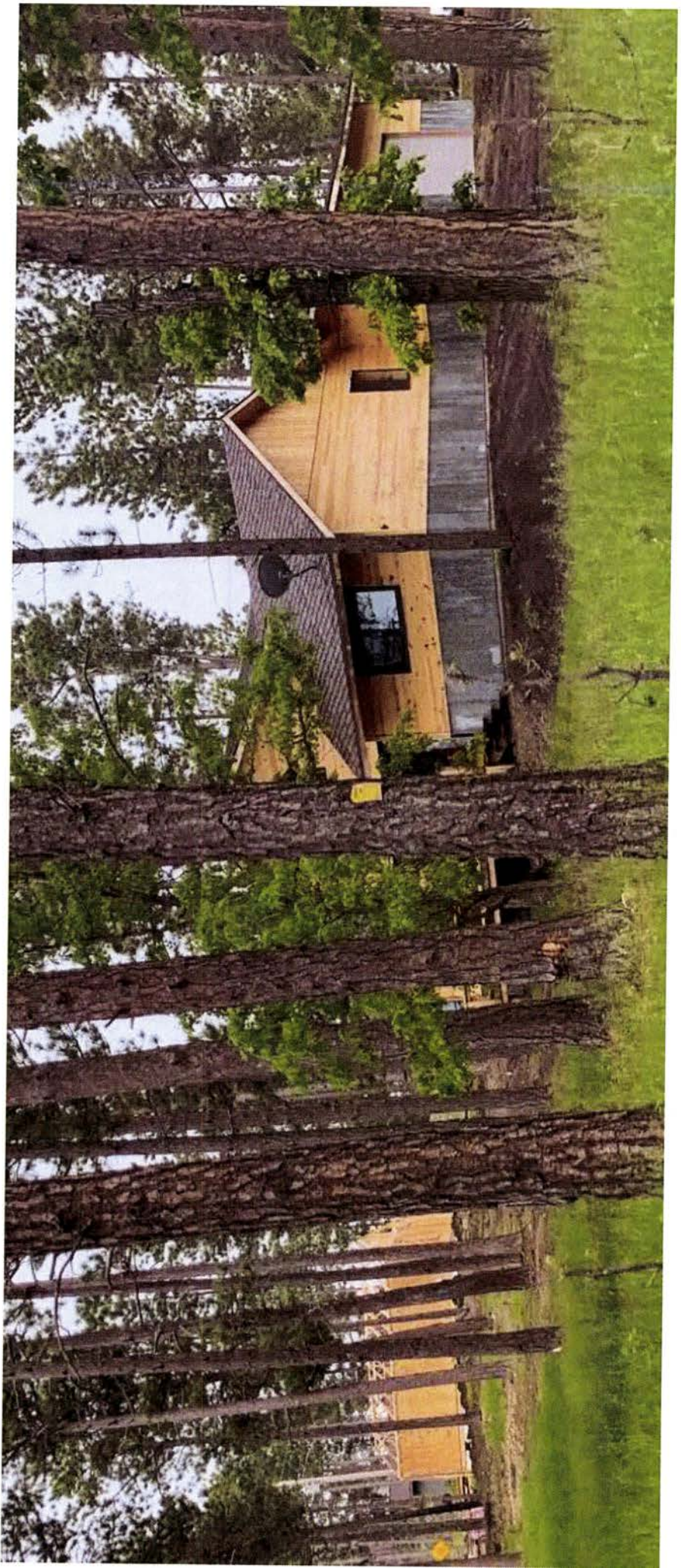


0 0.015 0.03 0.06 0.09 0.12 Miles

Map by Pennington County GIS Division

BOLT





STAFF REPORT

GENERAL INFORMATION:

REQUEST: **CONDITIONAL USE PERMIT REVIEW / CU 18-22:** To review an existing single-family residence to be used as a Vacation Home Rental on the subject property in a Low Density Residential District in accordance with Sections 207, 319, and 510 of the Pennington County Zoning Ordinance.

APPLICANT: Hay Yard Hills, LLC; Rodney Sather – Owner

APPLICANT ADDRESS: P.O. Box 26, Vivian, SD 57576

LOCAL CONTACT: Sheralin Groves

LEGAL DESCRIPTION: Tract A of Lot 1, Harrington Subdivision, Section 19, T2S, R7E, BHM, Pennington County, South Dakota.

SITE LOCATION: 13621 Battle View Road; near the intersection of Battle View Road and Highway 40.

SIZE: 3.59 acres

TAX ID: 53192

EXISTING LAND USE: Residential

ZONING REFERENCE: Sections 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: Open Meadows / Trees

UTILITIES: Private

REPORT BY: Kristina Proietti

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending approval of the extension of Conditional Use Permit / CU 18-22 with fifteen (15) conditions.

II. GENERAL DESCRIPTION

- A. July 9, 2018 – Planning Commission approved Conditional Use Permit / CU 18-22 to allow an existing three (3) bedroom residence to be utilized as a Vacation Home Rental on the subject property with the following twenty (20) conditions:

1. That prior to operation, the applicant or agent work with the Planning Director so that a hearing before the Board of Commissioners can be scheduled to address the existing second approach on the subject property. The applicant shall comply with the Board's ruling;
2. That the maximum number of occupants per day be based on SD DENR approval;
3. That if an addition is constructed and/or the on-site wastewater treatment system is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DENR;
4. That all necessary permits are obtained prior to any additions and/or alterations to the structure or upgrades/alterations to the on-site wastewater treatment system;
5. That each review of Conditional Use Permit / CU 18-22, be subject to PCZO § 511(F)(3), which imposes a \$100 fee per review;
6. That the applicant obtain and continually maintain a current lodging license with the South Dakota Department of Health (SD DH) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department upon request;
7. That prior to operation, the applicant receive an approved SD DH Lodging License and shall submit the License to the Planning Director upon receipt;
8. That the applicant continue to maintain a SD DH Lodging License and submit the License to the Planning Department upon request;
9. 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;
10. 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;

11. That an interior informational signs 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;
 12. That the lot address (13621 Battle View Road) 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;
 13. That the applicant ensure the Vacation Home Rental is operated in accordance with the requirements of PCZO § 319(F) (Performance Standards) at all times;
 14. That if the person designated as the Local Contact is ever changed from Sheralin Groves, the interior informational sign be updated and the applicant re-notify the Planning Director and PCZO § 319(C)(5)(c) be enforced;
 15. 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;
 16. That an approved Sign Permit be obtained prior to the placement of any sign(s) per PCZO § 312;
 17. That prior to operation, that applicant update the informational sign to reflect the correct available parking location (from the approved approach);
 18. 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;
 19. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 18-22, 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.
- B. Staff recommends removing Conditions #1, #7, #8, #17, and #19 as they have been met or are no longer needed.

III. EXISTING CONDITIONS

- A. Zoned Low Density Residential District.
- B. 3.59 acres.
- C. Access off of Battle View Road.
 1. First approved approach, northwest of existing house, via Approach Permit # 10/12/00-1.
 2. Second approved approach, northeast of existing house, via Approach Permit # 04/10/19-1
- D. No Special Flood Hazard Area on the subject property.

Agenda Item #8

Hay Yard Hills, LLC; Rodney Sather – Owner

July 22, 2019

- E. October 06, 1998 – The County Board approved Rezone / RZ 98-26 from General Agriculture to Low Density Residential for purposes of residential development and to create proposed Lots 1 through 5 of Harrington Subdivision.
- F. November 17, 1998 – The County Board approved Minor Plat / PL 98-38 and Subdivision Regulations Variance / SV 98-21 to create Lots 1 through 5 of Harrington Subdivision.
 - 1. Plat recorded as Book 28 Page 196.
- G. February 17, 1999 – The Planning Department administratively approved Construction Permit / CP 99-03 to allow the construction of 1,700 feet of roadway within Harrington Subdivision.
- H. Plat Book 29 Page 227 created Tract A of Lot 1 of Harrington Subdivision out of Lot 1 of Harrington Subdivision.
- I. Lot contains:
 - 1. Single-family residence via County Building Permit / 2000COBP0795.
 - 2. 12' x 41' (approximate) Lean-To – appears to have been constructed prior to 1994.
 - 3. 2000COSD0172 - On-Site Wastewater Treatment System (OSWTS) Construction Permit.
 - 4. COOP18-0108 – OSWTS Operating Permit.



2018 RapidMap Aerial

STAFF NOTE: In the aerial photo on page 4, it appears a large agricultural structure intersects the southern lot line of existing Tract A of Lot 1. The subject structure appears to have been constructed prior to 1994. The landowner for Tract B of Lot 1 of Harrington Subdivision recently received approval of COBP17-0518, and within the application packet for COBP17-0518, an engineered stamped site-map illustrates the subject structure is approximately 8-feet south of the property line and located on Tract B of Lot 1.

IV. ANALYSIS

- A. July 8, 2019 – Staff performed a site visit with the agent, Sheralin Groves.
- B. It appears that all Conditions of Approval are being met at this time.
 1. The applicant had up-to-date fire extinguishers, smoke alarms, an emergency evacuation plan, a floodplain map, an informational sheet, and a 2019 South Dakota Lodging License.
- C. At the time of this Staff Report, staff has not received any complaints regarding the subject property or Conditional Use Permit / CU 18-22.



Site visit 7/8/2019.

Agenda Item #8

Hay Yard Hills, LLC; Rodney Sather – Owner

July 22, 2019

RECOMMENDATION: Staff recommends approval of the extension of Conditional Use Permit / CU 18-22 with the following fifteen (15) conditions:

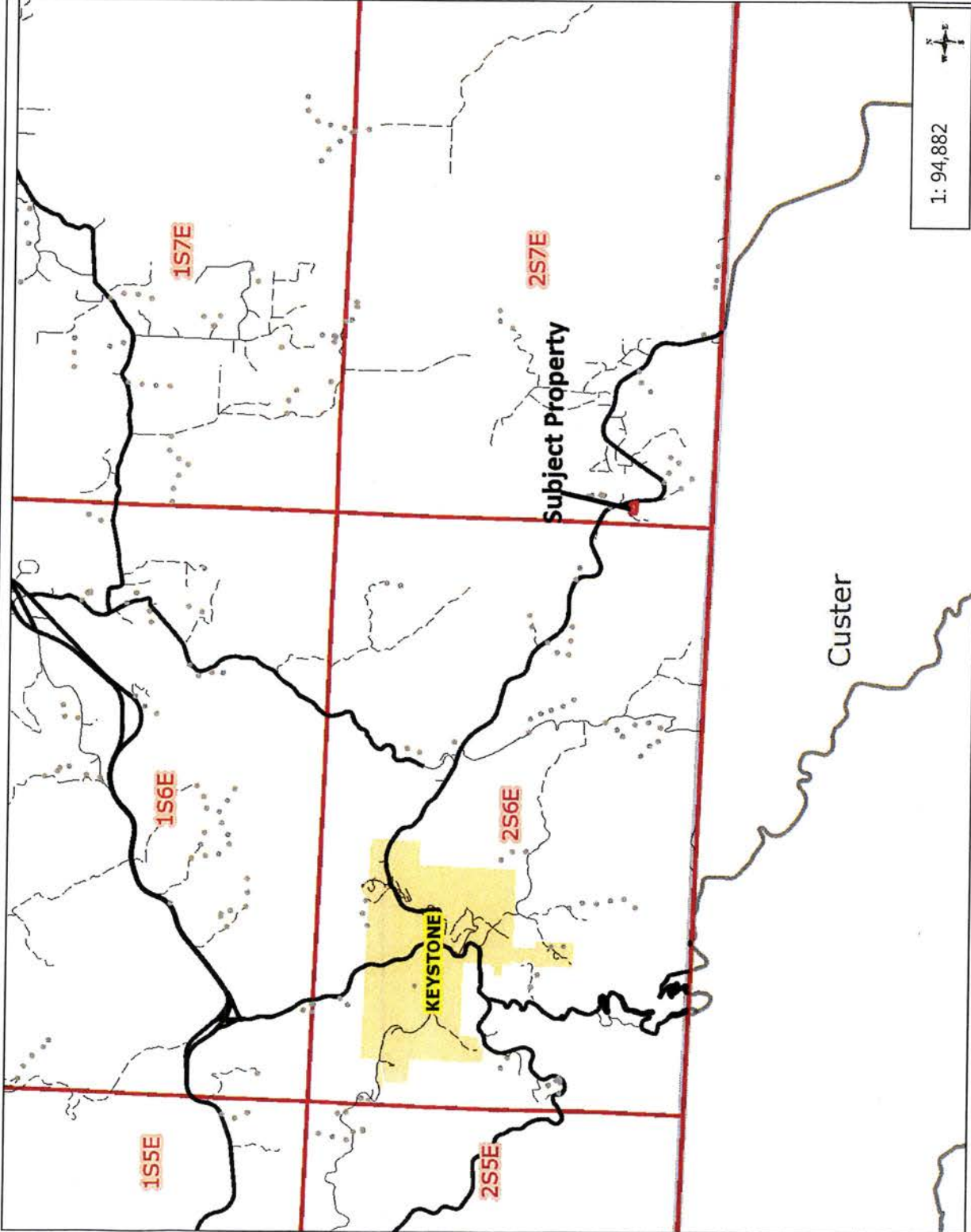
1. That the maximum overnight occupancy continue to be limited to six (6) people and the maximum daytime occupancy be limited to twelve (12);
2. That if an addition is constructed and/or the on-site wastewater treatment system is upgraded in the future, this Conditional Use Permit be reviewed so that 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 18-22, be subject to PCZO § 511(F)(3), which imposes a \$100 fee per review;
5. That the applicant continually maintain a current lodging license with the South Dakota Department of Health (SD DH) 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 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;
8. That an interior informational sign(s) 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;
9. That the lot address (13621 Battle View Road) continue to be posted on the residence at all times and so it is clearly visible from Battle View Road, in accordance with Pennington County's Ordinance #20;
10. That the applicant ensure the Vacation Home Rental is operated in accordance with the requirements of PCZO § 319(F) (Performance Standards) at all times;

Agenda Item #8

Hay Yard Hills, LLC; Rodney Sather – Owner

July 22, 2019

11. That if the person designated as the Local Contact is ever changed from Sheralin Groves, the interior informational sign be updated and the applicant re-notify the Planning Director and PCZO § 319(C)(5)(c) be enforced;
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) per PCZO § 312;
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 two (2) years, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.



1: 94,882



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

15,813.6
 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
- PLSS
- Townships
- City Limits
- BOX ELDER
 - ELLSWORTH AFB
 - HILL CITY
 - KEYSTONE
 - NEW UNDERWOOD
 - QUINN
 - RAPID CITY
 - WALL
 - WASTA

Map Notes:



1: 11,860

1,976.7 Feet

988.35

0

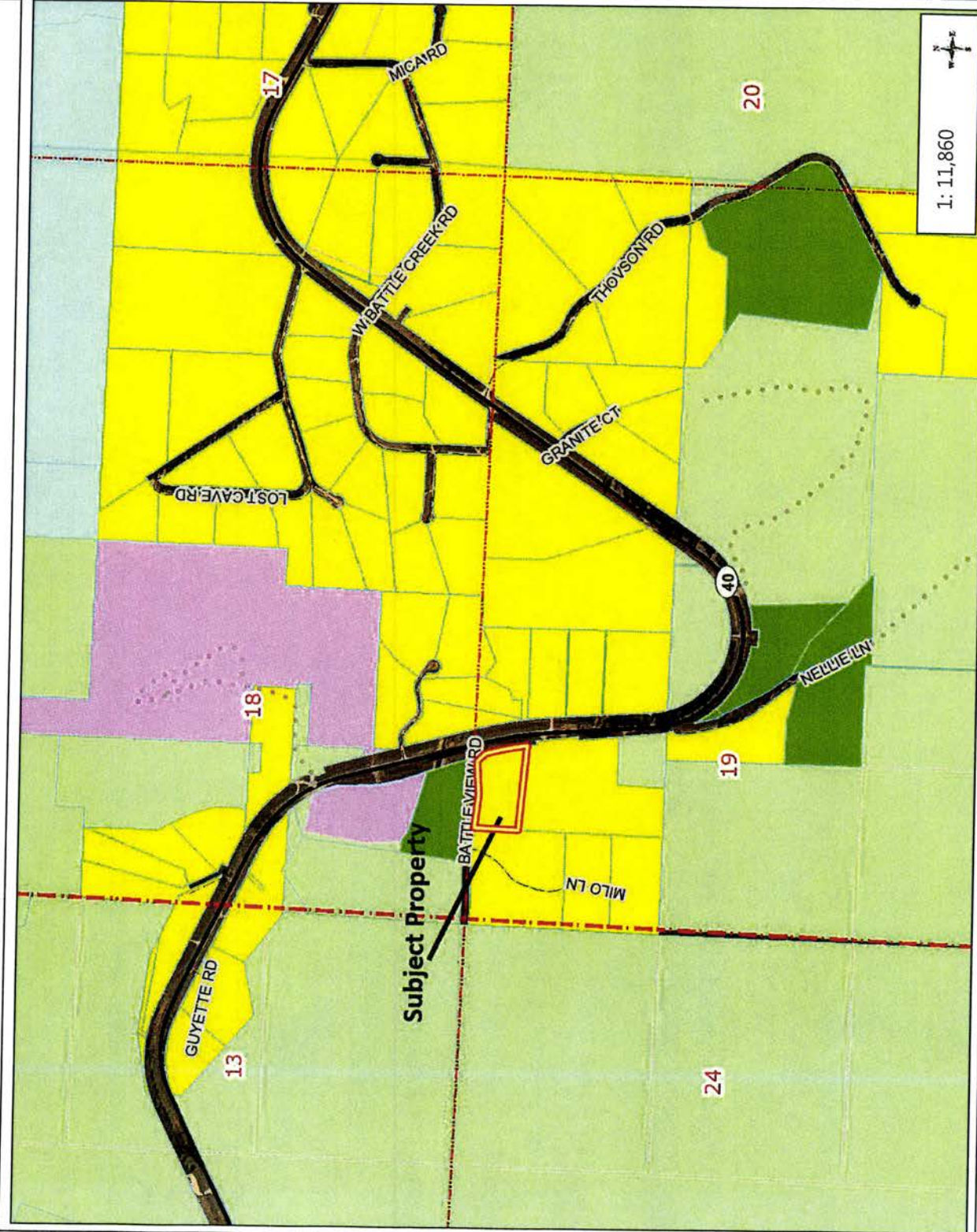
1,976.7

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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



1: 11,860

1,976.7 0 988.35 1,976.7 Feet

NAD_1983_StatePlane_South_Dakota_South_FIPS_4002_Feet
© City of Rapid City GIS

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Legend

- Roads**
- Interstate
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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:

VACATION HOME RENTAL (VHR)
CHECKLIST and SUPPLEMENTAL APPLICATION

APPLICATION REQUIREMENTS:

- Site plan depicting the layout of the property, including all existing and proposed structures with setbacks, wells and/or water lines, on-site wastewater treatment system and/or sanitary sewer lines, and on-site parking spaces.
- An interior diagram/plan of the VHR.
- The maximum number of overnight occupants.
- Acknowledgement from the Owner that the VHR meets all Fire Safety Standards for Vacation Home Establishments requirements in accordance with current South Dakota Codified Laws.
- Specifications of the existing wastewater treatment system.
- Copy of Covenants, if applicable. *no covenants*
- Copy of approval letter from SD DENR for the on-site wastewater treatment system (for existing systems only).
- Copy of approved Operating Permit, from the Planning & Zoning Department, for the on-site wastewater treatment system (for existing systems only).
- A copy of the Vacation Home Rental License or Application from the South Dakota Department of Health. At the time of issuance of the Vacation Home Rental License from the South Dakota Department of Health, a copy of the license shall be furnished to the Planning Department.

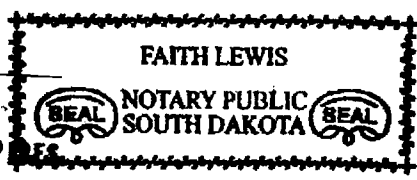
LOCAL CONTACT INFORMATION:

Name: Sheralin Groves Primary Contact Number: 605-391-1872
Mailing Address: PO Box 192
City: Hill City State: SD Zip Code: 57745

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

Sheralin Groves
Signature of Local Contact

3/24/18
Date



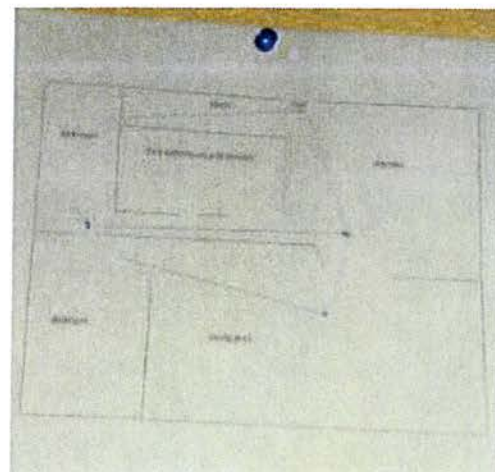
Subscribed and sworn to before me this 24 day of May, 2018

Faith Lewis
Notary Public for the State of South Dakota

MY COMMISSION EXPIRES
JUNE 24 2021
My Commission Expires

Hayward Valley House Site Visit 7.8.2019

Evacuation Plan



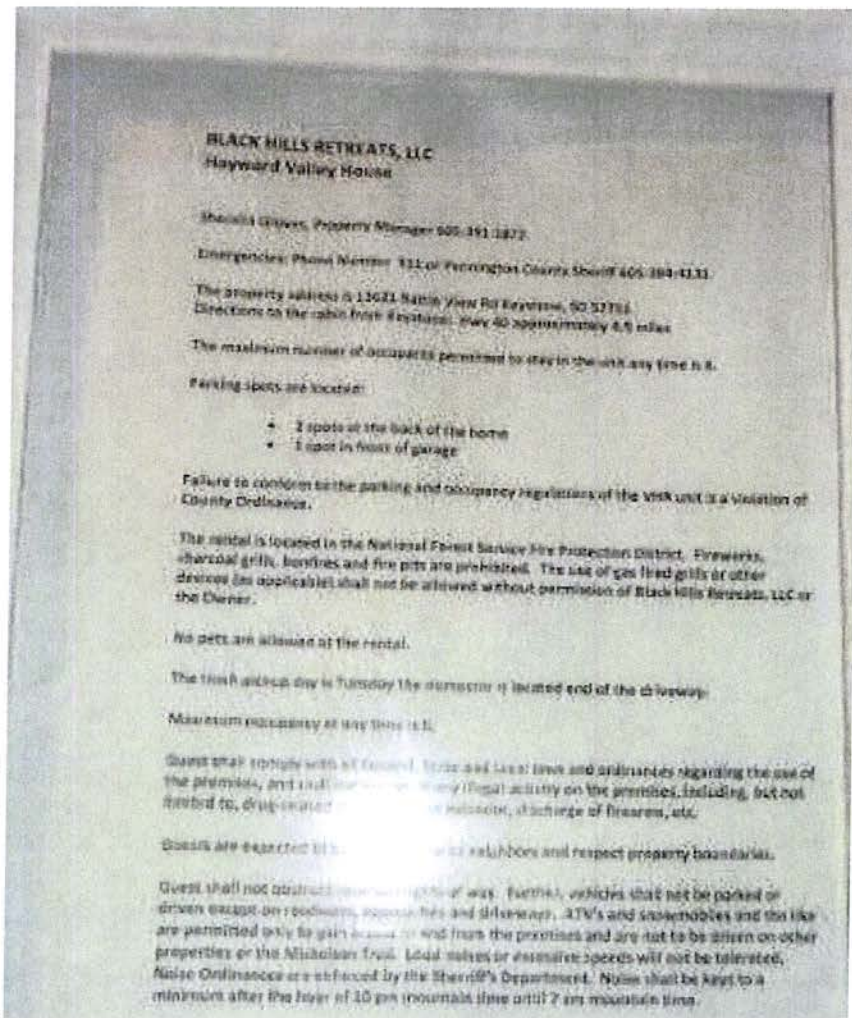
Fire Extinguishers



Smoke Alarms



Informational Sheet





**SOUTH DAKOTA
DEPARTMENT OF HEALTH
LODGING LICENSE**



Issued To: HAY YARD HILLS LLC

Located At: HAYWARD VALLEY HOUSE
13621 BATTLE VIEW RD
KEYSTONE, SD 57751

License Type
Vacation Home License

License Number
20531
Number of Units
1
Swimming Pool
0
Spa or Hot Tub
0

Expires

12/31/2019

Kim Malcom-Rydon

Secretary of Health

License is Not Transferable - Post in the Establishment

STAFF REPORT

GENERAL INFORMATION:

REQUEST: **CONDITIONAL USE PERMIT REVIEW / CU 18-24**: To review an existing mobile home park (Plainsview Mobile Manor) in a Suburban Residential District in accordance with Sections 208, 305, and 510 of the Pennington County Zoning Ordinance.

APPLICANT: Plainsview Mobile Manor / Ernest Tschannen

APPLICANT ADDRESS: 125 Westgate Road #106, Box Elder, SD 57719

AGENT: Kristine Forrest

AGENT ADDRESS: 125 Westgate Road #106, Box Elder, SD 57719

LEGAL DESCRIPTION: Tract 2, Plainsview Subdivision, Section 23, T2N, R8E, BHM, Pennington County, South Dakota.

SITE LOCATION: 125 Westgate Road; approximately 0.4 mile north of the intersection of Highway 1416 and Westgate Road.

SIZE: 18.76 acres

TAX ID: 40780

EXISTING LAND USE: Mobile Home Park

ZONING REFERENCE: § 208, 305, and 510

CURRENT ZONING: Suburban Residential District

SURROUNDING ZONING:

North	Suburban Residential District
South	Suburban Residential District
East	City Limits of Box Elder
West	Light Industrial District General Commercial District

PHYSICAL CHARACTERISTICS: Flat

UTILITIES: Box Elder Sewer / Private Well

REPORT BY: Cassie Bolstad

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending approval of the extension of Conditional Use Permit / CU 18-24 with twenty-one (21) conditions.

II. GENERAL DESCRIPTION

- A. The applicant, Plainsview Mobile Manor (Kristine Forrest – Agent), requested a Conditional Use Permit to bring an existing mobile home park into compliance with the Pennington County Zoning Ordinance.

III. EXISTING CONDITIONS

- A. Zoned Suburban Residential District.
- B. 18.76 acres.
- C. Access off of West Gate Road via an existing approach and internal road system.
- D. Sewer is provided by the City of Box Elder.
- E. The applicant has stated the subject property is serviced by a well (EPA ID: SD4600259).
- F. Located entirely within the Special Flood Hazard Area (100-year floodplain).
- G. Lot contains:
 - 1. 119 designated mobile home park spaces.
 - a. Currently seventy-seven (77) spaces are occupied and have a mobile home on the lot.
 - b. As of the date of this Staff Report, all existing mobile homes are either properly permitted or legal non-conforming.
 - 2. Several sheds, carports and deck/porch additions on various lots.



IV. CONDITIONAL USE PERMIT / CU 71-11

- A. To allow for the expansion of an already existing mobile home park.
 - 1. At the time, the mobile home park had 88 existing lots and they were proposing to add 12 more, for a total of 100 lots within the park.
- B. Approved by the "Planning and Zoning Commission" on July 27, 1971.

V. SECTION 305 – MOBILE HOME PARKS

- A. § 305(B) lists the Area Regulations for a mobile home park as follows:
 - 1. There shall be a front yard setback of ten (10) feet from all access roads within the mobile home park.
 - 2. Minimum distance between units shall be twenty (20) feet.
 - 3. Maximum lot coverage shall be twenty-five (25) percent.
 - 4. There shall be at least two paved or graveled off-street parking spaces for each mobile home space.
 - 5. Where a side or rear yard abuts a street, the yard shall be not less than twenty-five (25) feet.
 - 6. Each mobile home park shall have a rear yard and a side yard on both sides of the parcel of not less than ten (10) feet.
- B. § 305(C) lists the General Regulations for a mobile home park as follows:
 - 1. Additional accessory structures shall require a Building Permit.
 - 2. There shall be established and maintained within each park an automobile parking area for the use of guests. The number of spaces within this area shall be equal to one for every four mobile home spaces.
 - 3. Mobile home spaces may abut upon a driveway of not less than twenty-five (25) feet in width, which shall have unobstructed access to the access road within the mobile home park. Vehicular access shall be provided from a public street, and all dead-end driveways shall include a minimum forty-two (42) foot turning radius.
 - 4. Each mobile home park shall be provided with a management office and such service buildings as are necessary.

VI. FLOOD DAMAGE PREVENTION ORDINANCE - § 500

- A. § 501(A) of the Flood Damage Prevention Ordinance lists anchoring standards for structures located within Special Flood Hazard Areas. The standards are as follows:
 - 1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure, and shall be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy generated by the 100-year flood. (If the structure is elevated on fill a minimum of one (1) foot above the base flood level, the anchoring requirement is satisfied.)

2. All manufactured homes to be placed within an area of special flood hazard shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be anchored to resist flotation, collapse, or lateral movement. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors, as specifically listed below.
Other anchoring techniques that are as effective, or more effective, in resisting flood forces as over-the-top or frame ties may also be employed (refer to FEMA manual "Manufactured Home Installation in Flood Hazard Areas", published 9/85, and its successors for guidance on other anchoring techniques).
 - a. Over-the-top ties shall be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations, with homes less than 50 feet long requiring only one additional tie per side; or,
 - b. Frame ties shall be provided at each corner of the manufactured home with five additional ties per side at intermediate locations, with homes less than 50 feet long requiring only four additional ties per side;
 - c. All components of the anchoring system shall be capable of carrying a force of 4,800 pounds; and,
 - d. Any additions to the manufactured home shall be similarly anchored.
 3. A registered professional engineer shall develop and/or review any designs, specifications and plans for anchoring, and shall certify that the design and methods of anchoring are in accordance with the applicable provisions of this Ordinance and are adequate to withstand flood forces associated with the base flood.
- B. In addition to the Flood Damage Prevention Ordinance, FEMA Document P-85 "Protecting Manufactured Homes from Floods and Other Hazards" is a manual published by FEMA to "assist in protecting manufactured homes from floods and other hazards."
1. The standards and practices set forth in FEMA P-85 should also be followed.

VII. ANALYSIS

- A. March 27, 2015 – Ordinance Violation / COVO15-0031 was opened due to unpermitted mobile homes within the floodplain.
- B. During review of the subject property with relation to Ordinance Violation / COVO15-0031, Staff verified the following violations:
 1. The mobile home park had exceeded its maximum capacity, as approved via CU 71-11.

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5. That a minimum 20-foot separation between units (mobile home living space, including attached decks) be maintained;
6. That a minimum 10-foot separation between accessory structures (e.g. garages, sheds) and adjacent residences be maintained;
7. 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 mobile home park;
8. That the existing mobile homes (as of the original date of approval of this Conditional Use Permit) be allowed to remain in their current location. New or replacement mobile homes must meet the minimum setback and separation requirements;
9. That all new or replacement mobile homes installed on the property have a peaked, non-reflective type roof and wood or simulated wood-type siding that is continually maintained;
10. That an approved Floodplain Development Permit be obtained *prior* to any work being done within the Special Flood Hazard Area on the subject property (including dirtwork and any structures or additions to existing structures);
11. That the installation of mobile homes on the subject property continually be in conformance with the Pennington County Flood Damage Prevention Ordinance and FEMA P-85;
12. 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;
13. That an approved Removal Permit be obtained prior to any mobile home being removed from the property;
14. That mobile homes not be allowed to be stored unoccupied on the subject property;
15. That all lot numbers must be posted in accordance with Pennington County's Ordinance #20, preferably of the same type and style of Lot number. Each number shall measure a minimum of 4" high and be of the same colors, preferably reflective, in approximately the same location on each mobile home;
16. 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;
17. That the interior roads be continually maintained in a dust free manner;

18. 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);
 19. That the property continually remain free of debris and no inoperable or junk vehicles be allowed on the property;
 20. 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;
 21. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 18-24, which is available at the Planning Office; and,
 22. 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. July 16, 2019 – Staff performed a site visit and observed:
1. There appear to be 77 occupied mobile home spaces within the park.
 2. The internal road system has been recently graveled and graded.
- G. Staff recommends to remove Condition #21, as it has been met.
- H. Staff has received complaints regarding the condition of the internal road system.
1. Staff recommends to amend Condition #17 to add additional verbiage regarding road maintenance.

RECOMMENDATION: Staff recommends approval of Conditional Use Permit / CU 18-24 with the following twenty-one (21) conditions:

1. That the uses of the Conditional Use Permit continue to be limited to a maximum of 112 mobile homes spaces with one (1) of the lots acting as the manager's residence;
2. That no mobile homes are allowed to be located on the southernmost seven (7) spaces on the subject property, where no utility hook-ups exist;
3. That the rental home park continually have a caretaker or manager living on-site and the residence be appropriately identified as such;
4. That decks and accessory structures (i.e. garages and sheds) be allowed with the issuance of an approved Floodplain Development Permit and Building Permit;
5. That a minimum 20-foot separation between units (mobile home living space, including attached decks) be maintained;

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6. That a minimum 10-foot separation between accessory structures (e.g. garages, sheds) and adjacent residences be maintained;
7. 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 mobile home park;
8. That the existing mobile homes (as of the original date of approval of this Conditional Use Permit) be allowed to remain in their current location. New or replacement mobile homes must meet the minimum setback and separation requirements;
9. That all new or replacement mobile homes installed on the property have a peaked, non-reflective type roof and wood or simulated wood-type siding that is continually maintained;
10. That an approved Floodplain Development Permit be obtained *prior* to any work being done within the Special Flood Hazard Area on the subject property (including dirtwork and any structures or additions to existing structures);
11. That the installation of mobile homes on the subject property continually be in conformance with the Pennington County Flood Damage Prevention Ordinance and FEMA P-85;
12. 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;
13. That an approved Removal Permit be obtained prior to any mobile home being removed from the property;
14. That mobile homes not be allowed to be stored unoccupied on the subject property;
15. That all lot numbers must be posted in accordance with Pennington County's Ordinance #20, preferably of the same type and style of Lot number. Each number shall measure a minimum of 4" high and be of the same colors, preferably reflective, in approximately the same location on each mobile home;
16. 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;

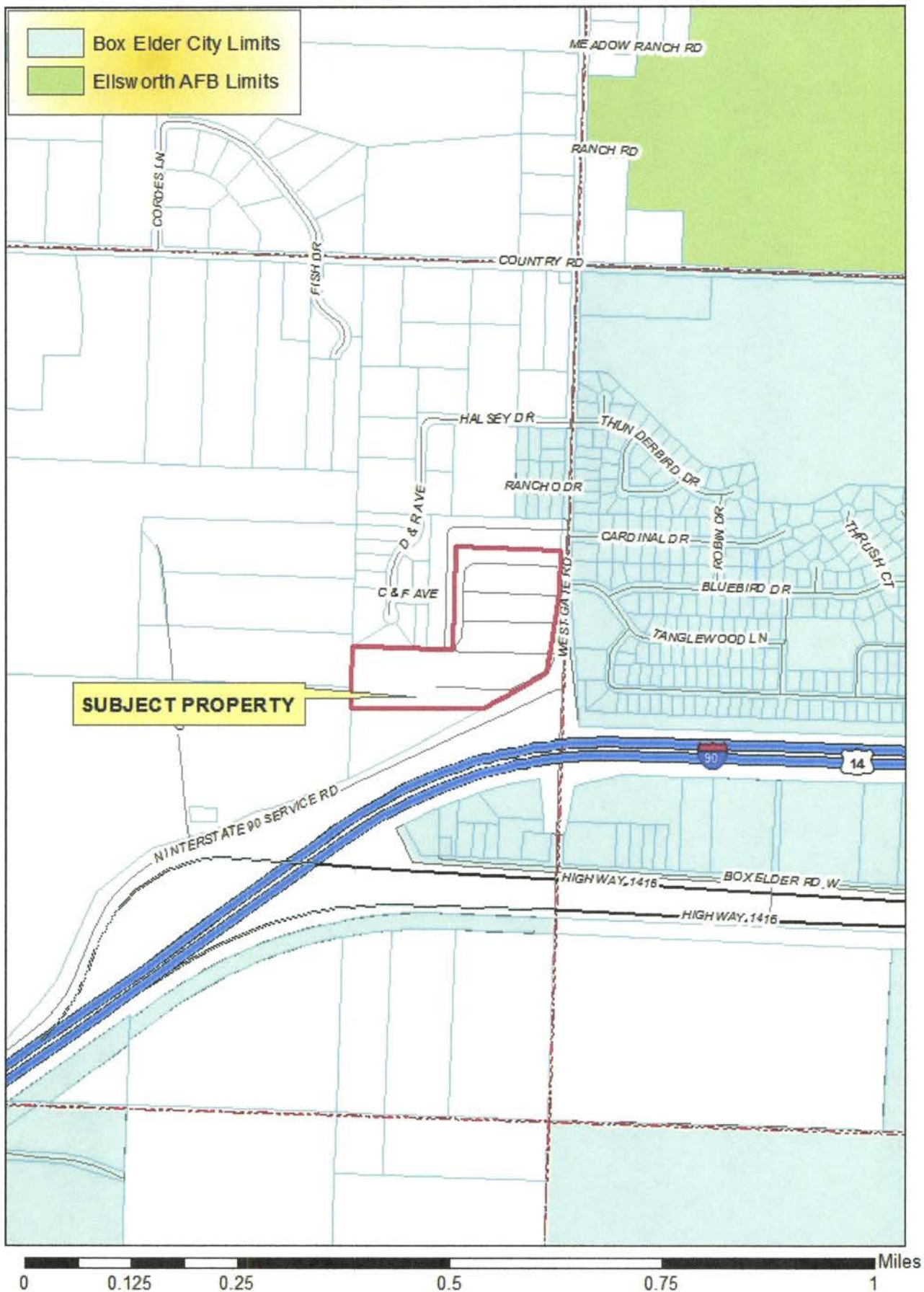
Agenda Item #9

Plainsview Mobile Manor; Ernest Tschannen - Owner

July 22, 2019

17. That the interior roads be continually surfaced and maintained with gravel, concrete or asphalt and maintained in a dust free manner;
18. 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);
19. That the property continually remain free of debris and no inoperable or junk vehicles be allowed on the property;
20. 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; and,
21. 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.

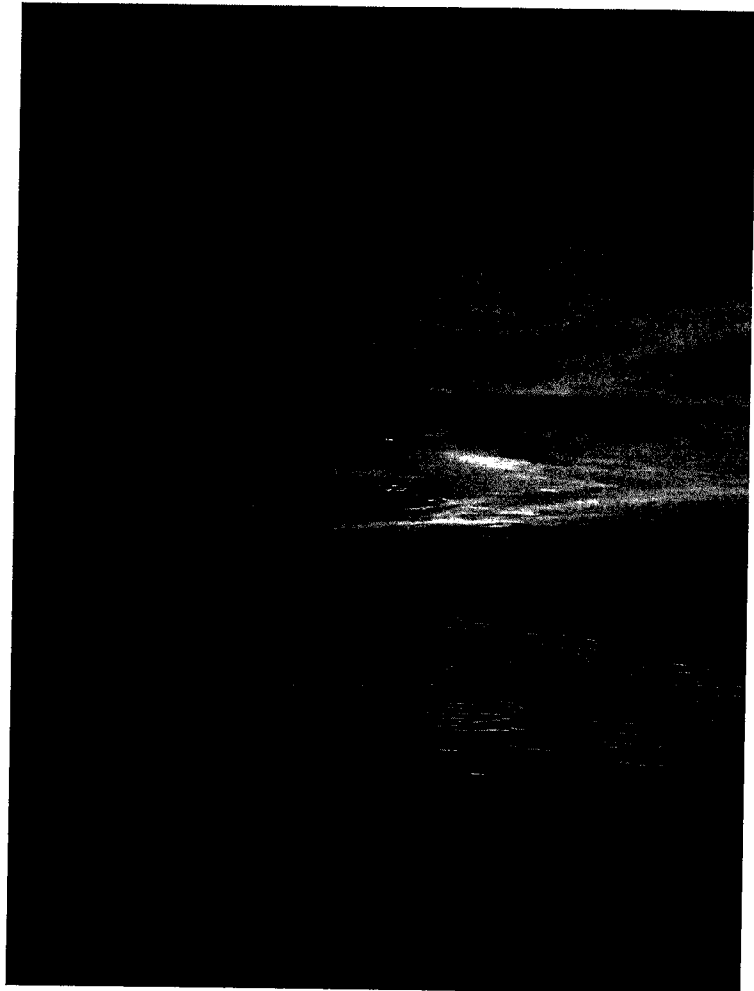
PLAINSVIEW MOBILE MANOR



PLAINSVIEW MOBILE MANOR



PLAINSVIEW MOBILE MANOR



2018

Drinking Water Report

Contact us by calling 916 989-1238 or write us at 6029 Woodminster Circle
Orangevale CA 95662

Plainsview Mobile Manor

DRINKING WATER REPORT

WATER QUALITY

Last year, the Plainsview Mobile Manor 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 210 customers an average of 15,750 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 Plainsview Mobile Manor public water supply system is low.

For more information about your water and information on opportunities to participate in public meetings, call 916 989-1238 and ask for Ernest Tschannen.

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 Plainsview Mobile Manor 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.

2018 Table of Detected Regulated Contaminants For Plainsview Mobile Manor (EPA ID 0259)

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)

*ppg: 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	90% Level	Test Sites > Action Level	Date Tested	Highest Level Allowed (AL)	Ideal Goal	Units	Major Source of Contaminant
Copper	0.2	0	09/19/18	AL=1.3	0	ppm	Corrosion of household plumbing systems; erosion of natural deposits; leaching from wood preservatives.
Lead	4	0	09/19/18	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	7	ND - 7	07/30/15	15	0	pCi/l	Erosion of natural deposits.
Nitrate (as Nitrogen)	2.19		05/20/18	10	10	ppm	Runoff from fertilizer use; leaching from septic tanks, sewage; erosion of natural deposits.
Total trihalomethanes (RAA)	9.01		09/21/18	80	0	ppb	By-product of drinking water chlorination. Results are reported as a running annual average of test results.

Please direct questions regarding this information to Mr Brandon Powles with the Plainsview Mobile Manor public water system at 916 989-1238.

STAFF REPORT

GENERAL INFORMATION:

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

APPLICANT: NMMC, Inc; Terry Sayler

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

LOCAL CONTACT: Cody Peterka

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

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

SIZE: 4.74 acres

TAX ID: 63466

EXISTING LAND USE: Residential

ZONING REFERENCE: § 207, 319, and 510

CURRENT ZONING: Low Density Residential District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Forested / Hills

UTILITIES: Private

REPORT BY: Cassie Bolstad

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending to continue Conditional Use Permit / CU 19-01 to the September 23, 2019, Planning Commission meeting with two (2) conditions.

II. GENERAL DESCRIPTION

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

III. EXISTING CONDITIONS

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



Existing Lot

IV. REQUEST FOR COMMENT

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

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

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

V. ANALYSIS

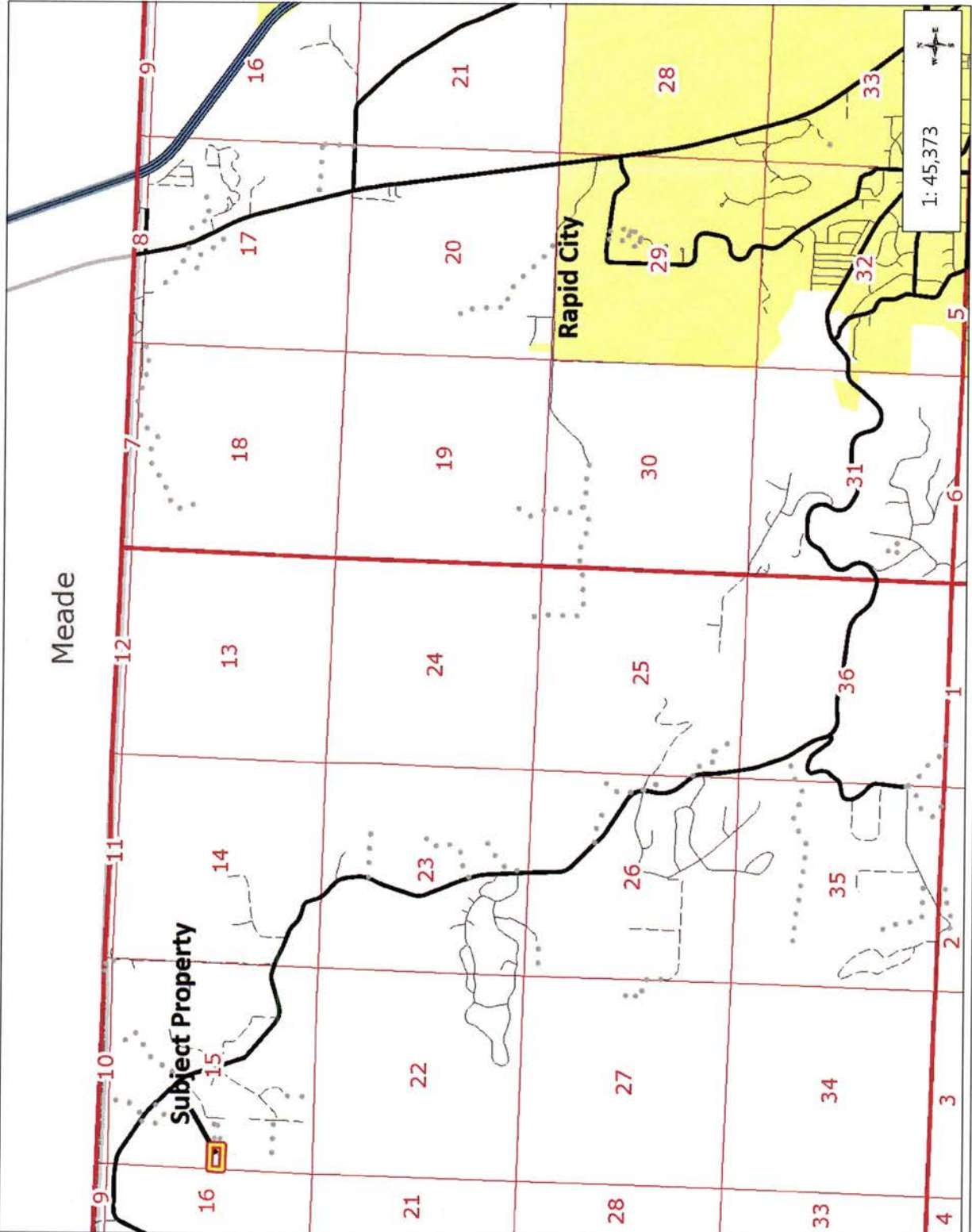
- A. January 23, 2019 – The applicant applied for Conditional Use Permit / CU 19-01 to allow the existing five (5) bedroom residence to be utilized as a Vacation Home Rental;
- B. Upon review of the subject property and submittal documents, Staff has identified the following issues that must be addressed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

VI. UPDATE (For the July 22, 2019, Planning Commission meeting)

- A. June 17, 2019 – Staff received an email from Carmen Steffen, who stated she has Power of Attorney for the applicant.
 1. Ms. Steffen was inquiring about what must be done to move forward with CU 19-01.
- B. June 18, 2019 – Staff replied to Ms. Steffen’s email advising of the issues that must be addressed.
- C. June 19, 2019 – Ms. Steffen replied to Staff’s email stating, “I will get this information to you as soon as possible, thank you so much for your help.”
 1. A copy of the email chain is included with this Staff Report.
- D. As of this Staff Report writing, Staff has not received any further communication or documentation from Mr. Steffen.

RECOMMENDATION: Staff recommends to continue Conditional Use Permit / CU 19-01 to the September 23, 2019, Planning Commission meeting to allow the applicant additional time to address outstanding issues, with the following two (2) conditions:

1. That the applicant pay the \$100 continuation fee in accordance with § 511(X) prior to the September 23, 2019, Planning Commission meeting; and,
2. That if additional continuations are required beyond September 23, 2019, due to lack of action by the applicant, the applicant shall pay a \$100 fee for each continuation, in accordance with § 511(X).



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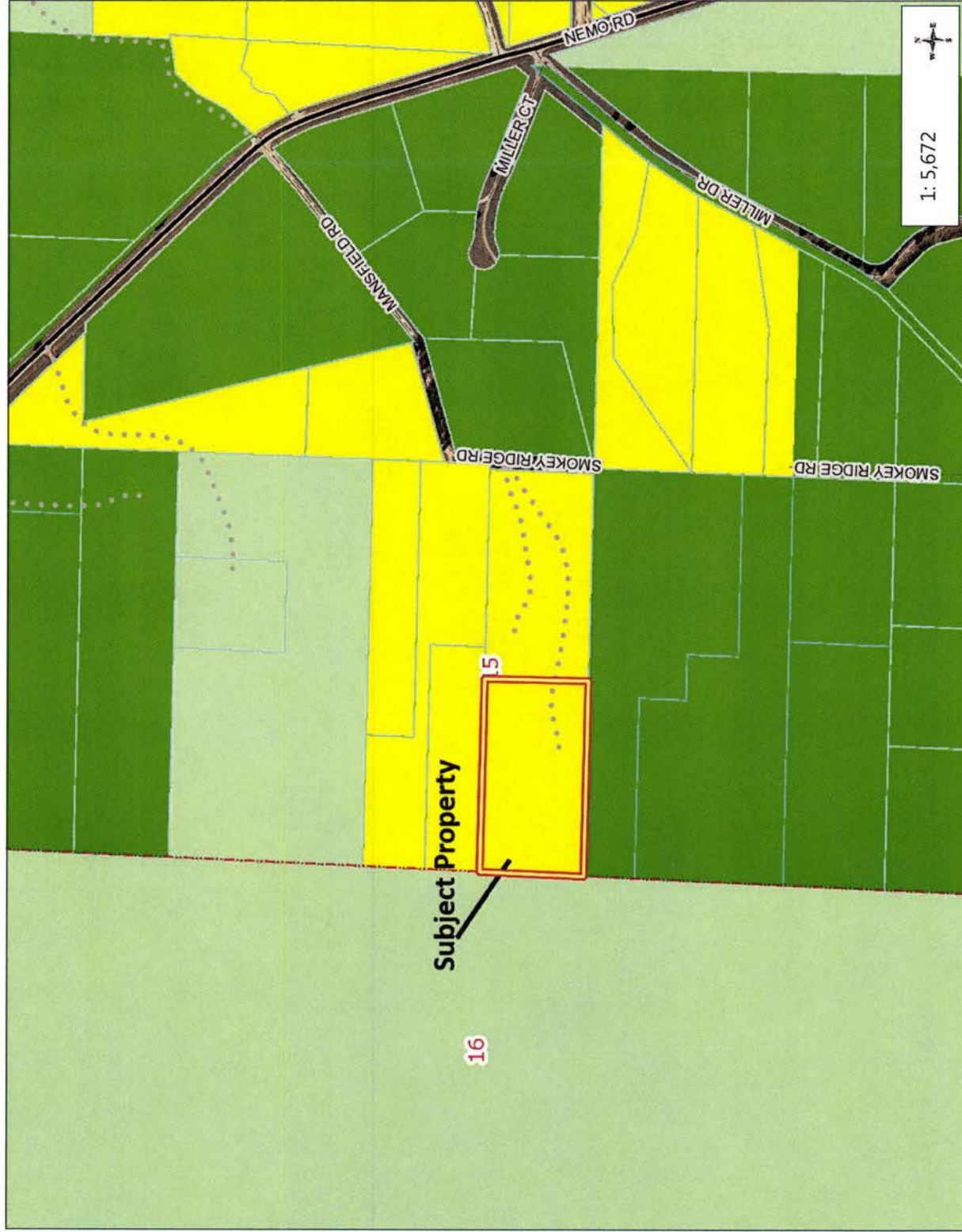


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 THIS MAP IS NOT TO BE USED FOR NAVIGATION

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

Map Notes:



945.3 0 472.64 945.3 Feet

NAD_1983_2011_StatePlane_South_Dakota_South_FIPS_4002_Ft_US

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1: 5,672



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Legend

Roads

- Interstate
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- Main road
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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:

Legend

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



1: 6,617

1,102.8 Feet

551.41

0

1,102.8

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Map Notes:

Bolstad Cassie

From: Bolstad Cassie
Sent: Thursday, June 20, 2019 1:17 PM
To: 'Carmen Steffen'
Subject: RE: Terry Saylor cabin

Thank you, Carmen. Please let me know if you have any questions along the way!

Cassie Bolstad, Assistant Director
Pennington County Administration Building
Planning and Zoning Department
130 Kansas City Street, Suite 200
Rapid City, SD 57701
Phone: 605-394-2186 ext. 1402

From: Carmen Steffen <carmen.proauto@yahoo.com>
Sent: Wednesday, June 19, 2019 5:00 PM
To: Bolstad Cassie <cassie.bolstad@pennco.org>
Subject: Re: Terry Saylor cabin

I will get this information to you as soon as possible, thank you so much for your help.
Carmen

Sent from Yahoo Mail for iPhone

On Tuesday, June 18, 2019, 11:45 AM, Bolstad Cassie <cassie.bolstad@pennco.org> wrote:

Hi, Carmen –

Thank you for your email. Based on the information that we have, the Building Permit that was approved for the house in 2010 was for a 3 bedroom house with a partial unfinished basement. The documents that were submitted for Conditional Use Permit 19-01 show the house is a 5 bedroom. It appears the basement was fully finished without an approved Building Permit. Therefore, you'll need to obtain a Building Permit for the basement. In order to submit a Building Permit, you'll need to fill out the attached Building Permit application and provide a labeled floor plan of the basement.

As for the septic, there are still several outstanding issues that must be addressed:

1. The applicant must increase his holding tank capacity, if he wishes to have 14 occupants in the VHR and SD DENR must approve 14 occupants.
2. Per the County Environmental Planning Supervisor, in order to obtain a current Operating Permit, the applicant must provide at least two (2) years of pump receipts from July 7, 2017, which is the first date of

record that the holding tanks were pumped by a Pennington County Certified Pumper. If those requirements are met, the applicant will be eligible to obtain an Operating Permit in July 2019.

3. The applicant must provide a pumping contract with a Pennington County Certified Pumper, in accordance with § 204(J)(3)(O), and comply with § 204(J)(2) of the PCZO with regard to providing pump receipts.

4. The applicant must provide a plan outlining the procedure for how to deal with an alarm that indicates a full tank. This plan must be provided to all future guests, if CU 19-01 is approved and the VHR is allowed to operate.

Please let me know if you have further questions.

Thank you,

Cassie Bolstad, Assistant Director

Pennington County Administration Building

Planning and Zoning Department

130 Kansas City Street, Suite 200

Rapid City, SD 57701

Phone: 605-394-2186 ext. 1402



From: Carmen Steffen <carmen.proauto@yahoo.com>
Sent: Monday, June 17, 2019 1:06 PM
To: Bolstad Cassie <cassie.bolstad@pennco.org>
Subject: Ref: Terry Sayler cabin

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

Hello, I was hoping you could help me with a few issues we have with the cabin, I believe we need to apply for a updated building permit. Please give me some information you need so we can be up tp date and ready to move

onto the next step.(Conditional Use Permit 1901) I understand that you have more questions about the septic, I realize you have all the paperwork that we can come up with, however, how can we get this resolved in manner that will be acceptable to you and the board of commission? Please let me know at your earliest convenience.

Thank You,

Carmen Steffen POA

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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 # 11
Terry and Marcia Graber
July 22, 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

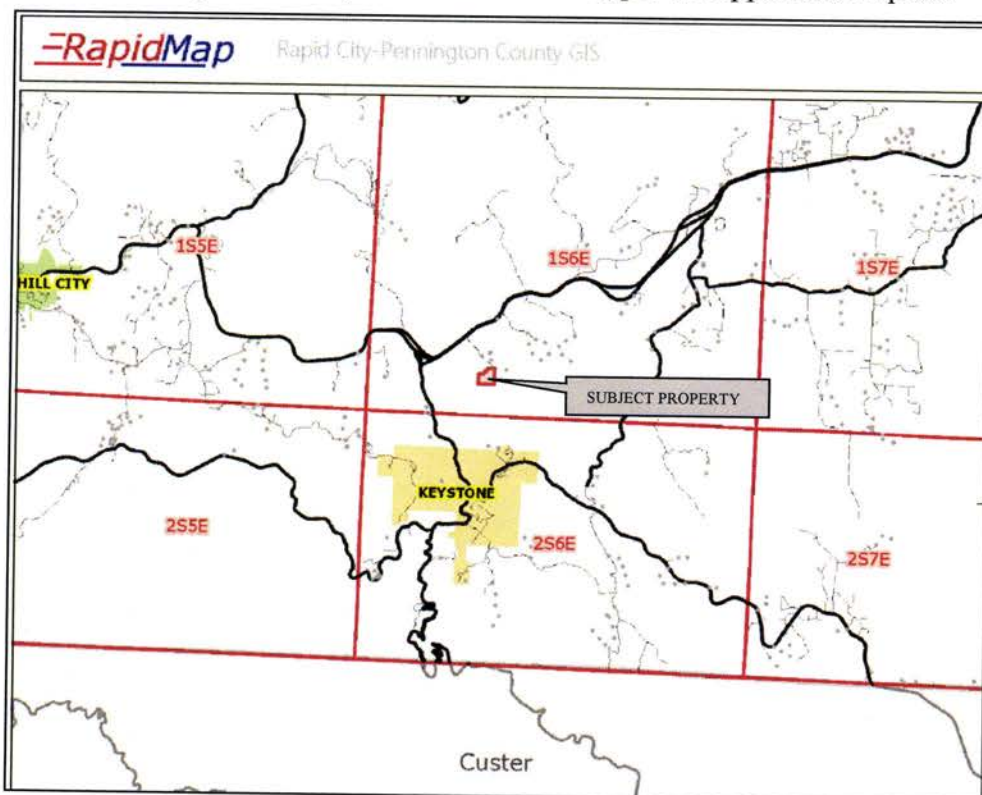
- A. Staff will be recommending the end Layout Plat / LPL 19-15, per the applicants request.

II. GENERAL DESCRIPTION

- A. The applicants, Terry and Marci Graber, applied for a Layout Plat to subdivide an existing 34+ acre parcel.
- B. The applicants have chosen to pursue subdivisions by eloquent description, instead of going through the process of platting.
- C. The applicants have requested to end LPL 19-15.

RECOMMENDATION:

Staff is recommending to **end** Layout Plat LPL 19-15, per the applicants request.



STAFF REPORT

GENERAL INFORMATION:

REQUEST: **CONSTRUCTION PERMIT REVIEW/ CP 16-08:** To review the removal of existing surfacing, installation of a 33-foot sanitary sewer along the centerline of the existing roadway, and the reconstruction of the roadway with asphalt surfacing.

APPLICANT: Highmark, Inc.

APPLICANT ADDRESS: 14667 139th Place, Piedmont, SD 57769

LANDOWNER: City of Rapid City

OWNER ADDRESS: 300 Sixth Street, Rapid City, SD 57701

SITE LOCATION: Southside Drive between Reservoir Road and Felicia Street.

SIZE: 6.4 acres of disturbed area

EXISTING LAND USE: Residential / Right-of-Way

ZONING REFERENCE: Section 507

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Flat

UTILITIES: None / 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 16-08.****

I. PROPOSED RECOMMENDATION

- A. Staff is recommending the Planning Director end Construction Permit / CP 16-08.

II. GENERAL DESCRIPTION

- A. The applicant requested to remove existing surfacing, install a 33” sanitary sewer along the centerline of an existing roadway (Southside Drive), and to reconstruct the roadway with asphalt surfacing.
- B. The Project consisted of one main work area along Southside Drive with several phases of work. The sequencing of work required that most of the work be completed in the previous phase before work could begin on the next phase.
- C. September 12, 2016 - The Planning Commission approved Construction Permit / CP 16-08 with the following eleven (11) conditions:
1. That the Conditions of the Approval of the South Dakota Department of Environment and Natural Resources General Permits for Storm Water Discharges Associated with Construction Activities be continually met;
 2. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;
 3. That erosion control measures, such as seeding and mulching the disturbed area, 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 Conditions of Approval of the City of Rapid City’s Air Quality Permit be continually met;
 5. That a Floodplain Development Permit be submitted for work done within the designed Special Flood Hazard Area prior to commencement of any disturbance;
 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);
 8. That during the period of construction, that the street is not blocked and that all homes are accessible by emergency vehicles;

9. That Construction Permit fees (which includes a penalty fee) be paid within seven (7) business days of approval of the Construction Permit;
10. That the applicant sign a Statement of Understanding within ten (10) days of Permit approval; and,
11. That this Construction Permit expires one (1) year from approval date, and may be reviewed on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all conditions of approval are being met.

III. EXISTING CONDITIONS

- A. The Project is located in the Pennington County Right-of-Way.
 1. Southside Drive Right-of-Way.
- B. Lots along Southside Drive are zoned Suburban Residential, Planned Unit Development, General Agriculture, Low Density Residential, and Limited Agriculture District.

IV. ANALYSIS

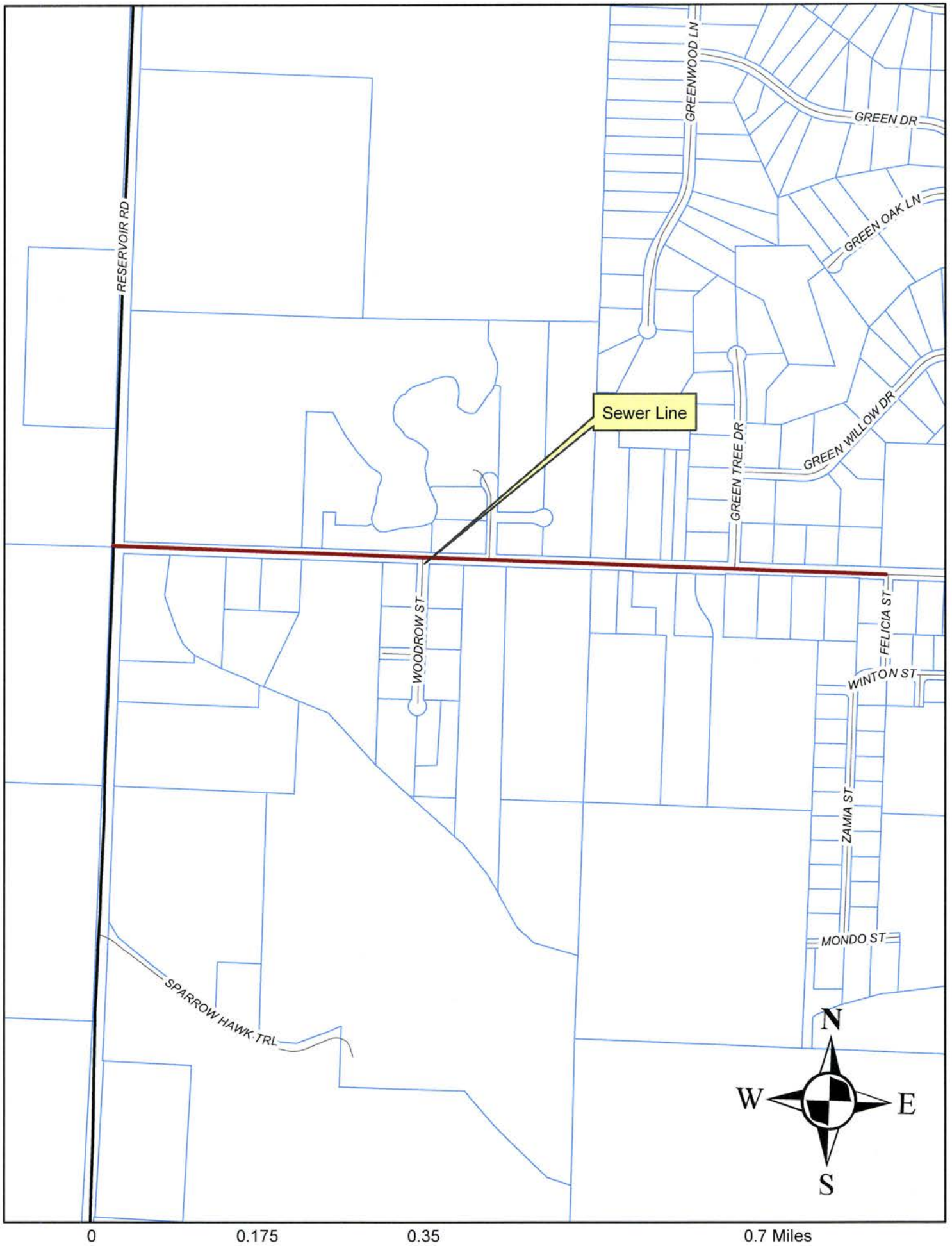
- A. July 16, 2019 – Staff performed a site visit and found:
 1. The work has been completed.
 2. The roadway has been paved.
 3. The ditches have been revegetated.



Site Visit (7/15/19)

RECOMMENDATION: Staff recommends the Planning Director end Construction Permit / CP 16-08.

City of Rapid City/Highmark



City of Rapid City/Highmark



STAFF REPORT

GENERAL INFORMATION

REQUEST:

CONSTRUCTION PERMIT REVIEW/ CP

16-09: To review the continuing work initiated under Construction Permits 13-05, 14-02, and 15-14. Reclamation of a hay pasture west of Fifth Street and to continue stockpiles of off-site soil material for future use on-site. Miscellaneous channel maintenance, removal of debris, and sediment.

APPLICANT / AGENT:

Lazy P6 Land Co. Inc. / Orvill Davis

APPLICANT ADDRESS:

P.O. Box 1684, Rapid City, SD 57709

LEGAL DESCRIPTION:

Unit I less dedicated E. Watts Lane ROW; Unit II; and Unit III of Southgate Condominiums Phase I; Section 24, T1N, R7E, BHM, Pennington County, South Dakota.

SITE LOCATION:

At the intersection of 5th Street and Catron Boulevard

SIZE:

101.52 acres

TAX ID:

64347 / 64348 / 64349

EXISTING LAND USE:

Commercial / Agriculture

ZONING REFERENCE:

Section 507

CURRENT ZONING:

Highway Service District
General Commercial District
General Agriculture District
Suburban Residential District

SURROUNDING ZONING:

North

City Limits of Rapid City

South

General Agriculture District

Suburban Residential District

Highway Service District

East

City Limits of Rapid City

West

City Limits of Rapid City

PHYSICAL CHARACTERISTICS: Flat / Rolling Hills

UTILITIES: None

REPORT BY: T.J. Doreff

I. PROPOSED RECOMMENDATION

- A. Staff is recommending approval of the extension of Construction Permit / CP 16-09 with eight (8) conditions.

II. GENERAL DESCRIPTION

- A. The Construction Permit requested is a continuation of work initiated under Construction Permits 13-05, 14-02, and 15-14 which includes reclamation of a hay pasture west of 5th Street, continuation of placing stockpiles of off-site soil material for future use on-site and miscellaneous channel maintenance and removal of debris and sediment.
- B. A portion of the property that was originally included in Construction Permits 13-05, 14-02, and 15-14 has been annexed into the City of Rapid City.

III. EXISTING CONDITIONS

- A. UNIT I Less Dedicated E Watts Ln ROW of Southgate Condominiums Phase I.
1. Zoned General Commercial District.
 2. Lot consists of 34.9 acres.
 3. Lot is vacant of any structures.
 4. Access is off Fifth Street (24-foot-wide improved road).
 5. Stock dam located on lot.
 6. Proposed Construction Activity: Stockpiling of dirt south of stock dam.
- B. UNIT II, Southgate Condominiums Phase I.
1. Zoned Highway Service District (north portion) and General Agriculture District (south portion).
 2. Lot consists of 35.88 acres.
 3. Lot is vacant of any structures.
 4. Access is off Catron Boulevard (State Highway).
 5. Gravel haul road and driveway to residence (located on an adjacent lot) on this lot.
 6. Proposed Construction Activity: Haul road to stockpile site.

- C. UNIT III AND UNDIVIDED INTEREST IN COMMON AREA, Southgate Condominiums Phase I.
1. Zoned Highway Service District (north portion) and Suburban Residential District (south portion).
 2. Lot consists of 30.74 acres.
 3. Lot is vacant of any structures.
 4. Access is off Catron Boulevard (State Highway).
 5. Proposed Construction Activity: Stockpiling of dirt and equipment staging area.

IV. ANALYSIS

- A. Staff performed a site visit on September 21, 2016. The applicant was present during the site visit.
1. Stockpiling and leveling of ground in Unit I continues.
 - a. The applicant indicated that the area will be returned to farm ground and that the stock pond was used as a sediment basin and sediment would be removed periodically.
 - b. Culverts have been added to divert runoff to natural drainage areas.
 2. Stockpiling and leveling of ground in Unit II continued and was active.
 3. Vegetated buffers were located adjacent to drainage areas.
- B. On September 26, 2016, the Planning Commission approved Construction Permit / CP 16-09.
- C. On August 13, 2018, the Planning Commission approved the extension of Construction Permit / CP 16-09 with the following eight (8) conditions:
1. That approval of this Construction Permit does not constitute approval of any further application to be submitted on the above described properties;
 2. 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;
 3. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;
 4. That the conditions of approval of the City of Rapid City's Air Quality Permit be continually met;
 5. That any natural drainage ways and paths be continually maintained;
 6. That the requirements, guidelines, and criteria for stormwater and erosion control in the Pennington County Storm Water Manual shall be followed during construction;

7. 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;
 8. That this Construction Permits expires one (1) year from the approval date or as directed by the Pennington County Board of Commissioners or the Pennington County Planning Commission.
- C. Staff spoke with the applicant on July 24, 2018, and the applicant stated that work was ongoing and requested an extension.
 - D. Staff performed a site visit with the applicant present on July 30, 2018, and verified that all conditions are being met. The applicant has continued to stockpile soils on the property and to hay the designated field. The applicant is also filling in the retention pond located by 5th street and Elk Vale road and will relocate approximately 500 feet to the west.
 - E. Staff spoke with the applicant on July 12, 2019, and the applicant stated that work was ongoing and requested an extension.
 - F. Staff performed a site visit with the applicant present on July 12, 2019, and verified that all conditions are being met. The applicant has continued to stockpile soils on the property to level an area for possible future development and continues to hay the designated field.
 1. Staff is recommending that the scope of work only include reclamation of disturbed areas and stockpiling of material.

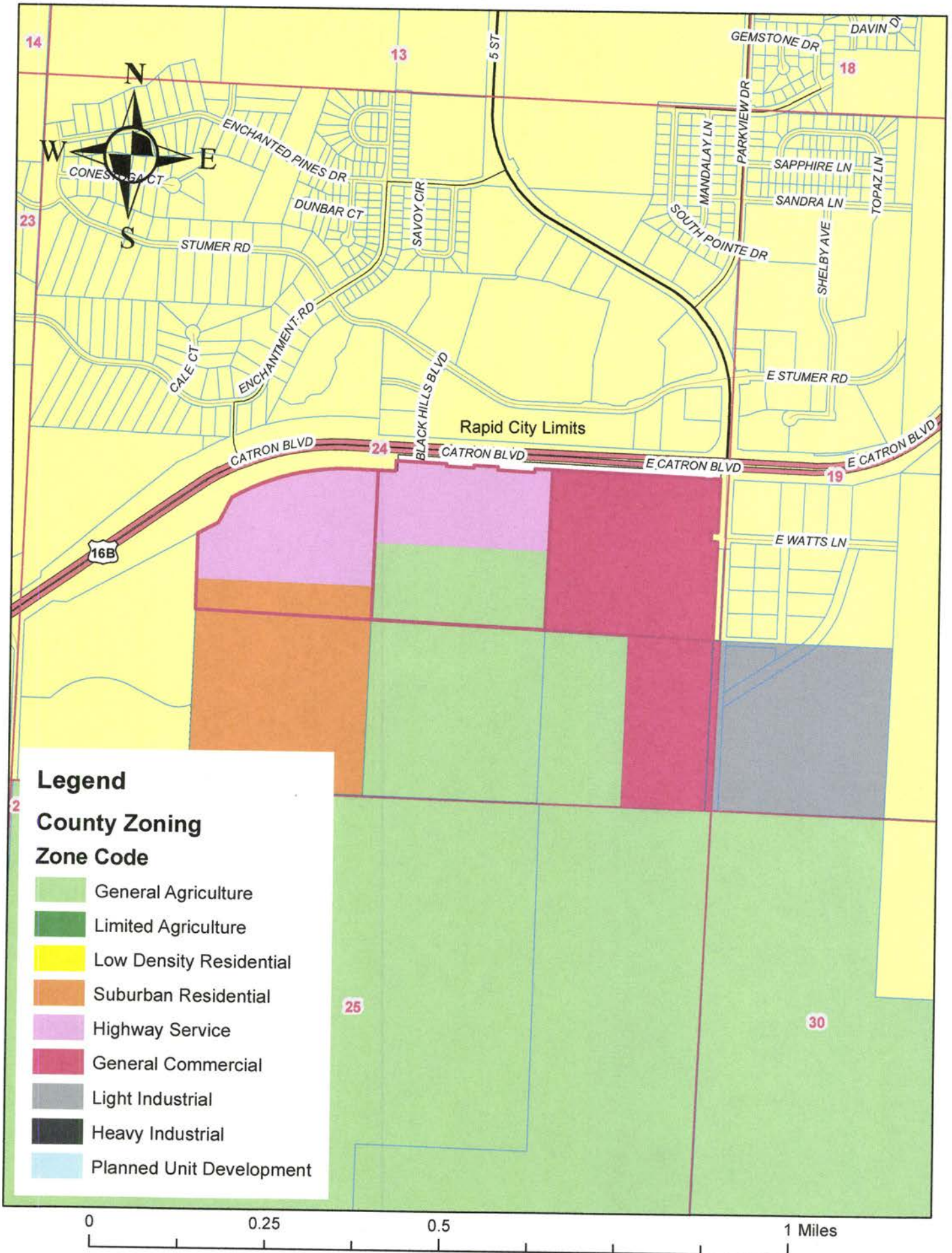
RECOMMENDATION: Staff recommends approval of the extension of Construction Permit / CP 16-09 with the following nine (9) conditions:

1. That approval of this Construction Permit does not constitute approval of any further application to be submitted on the above described properties;
2. 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;
3. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;
4. That the conditions of approval of the City of Rapid City's Air Quality Permit be continually met;
5. That any natural drainage ways and paths be continually maintained;
6. That the requirements, guidelines, and criteria for stormwater and erosion control in the Pennington County Storm Water Manual shall be followed during construction;

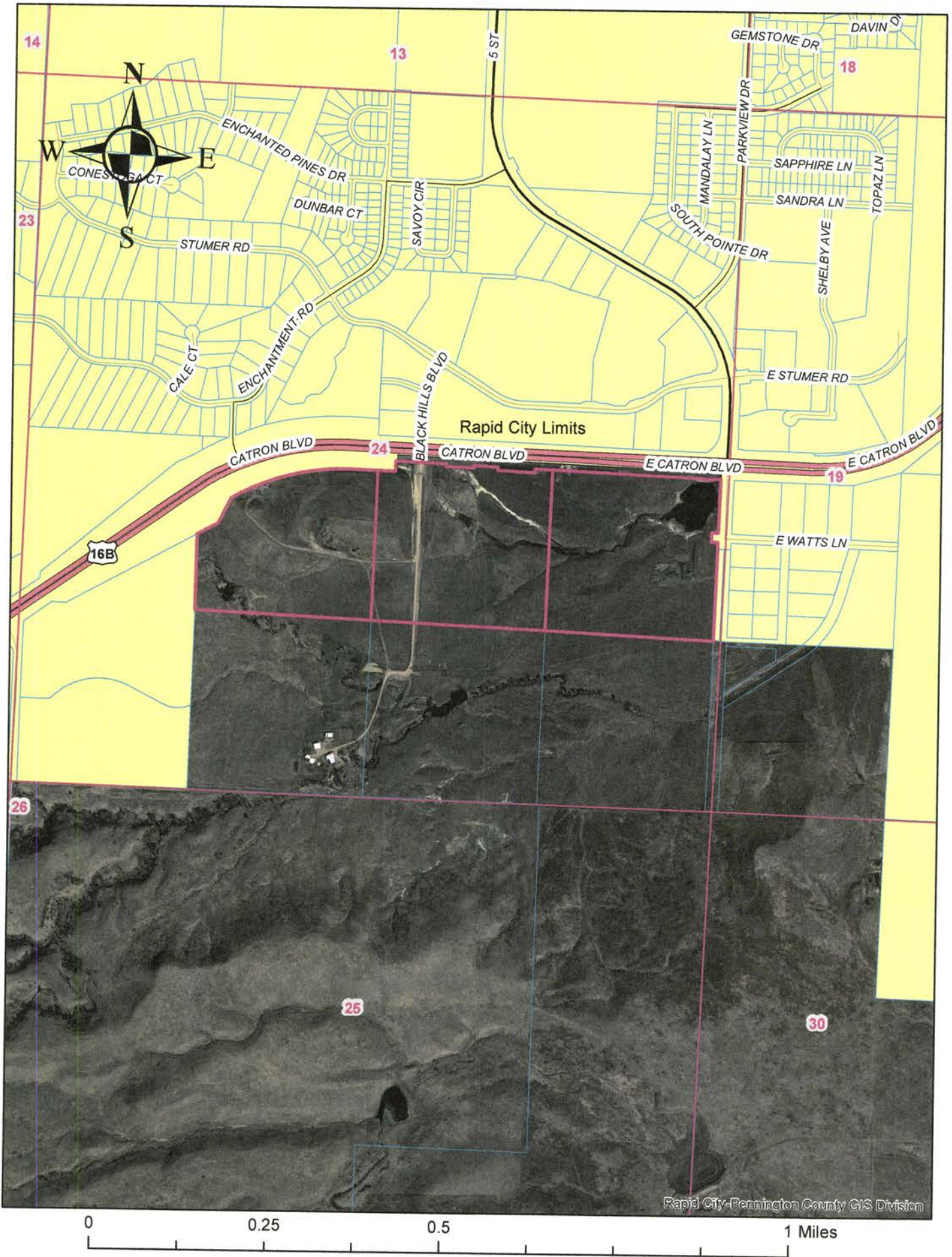
Agenda Item # 13
Lazy P6 Land Co.
July 22, 2019

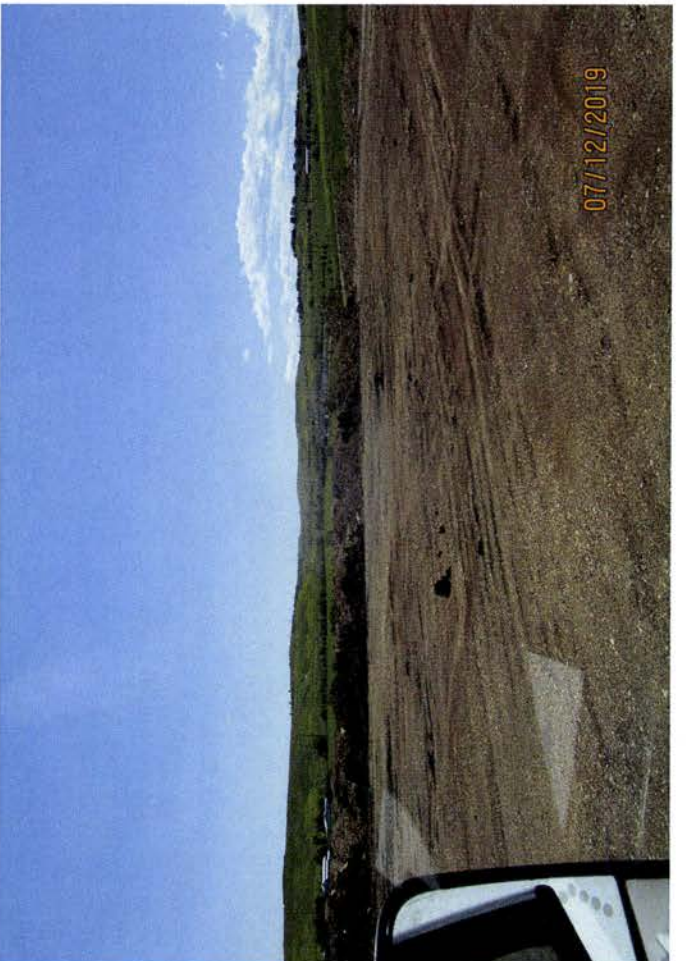
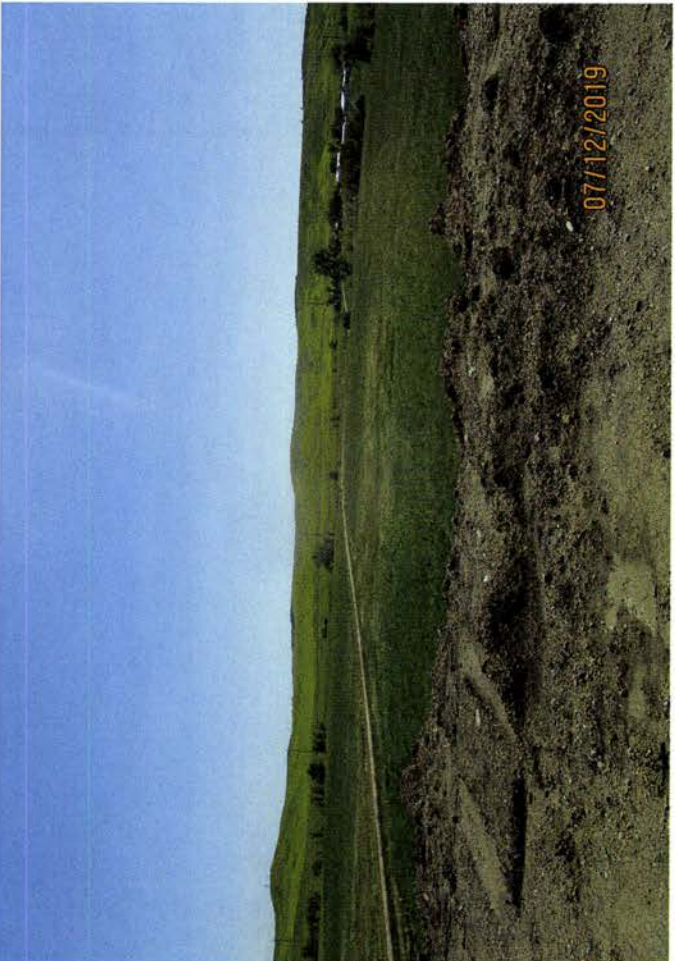
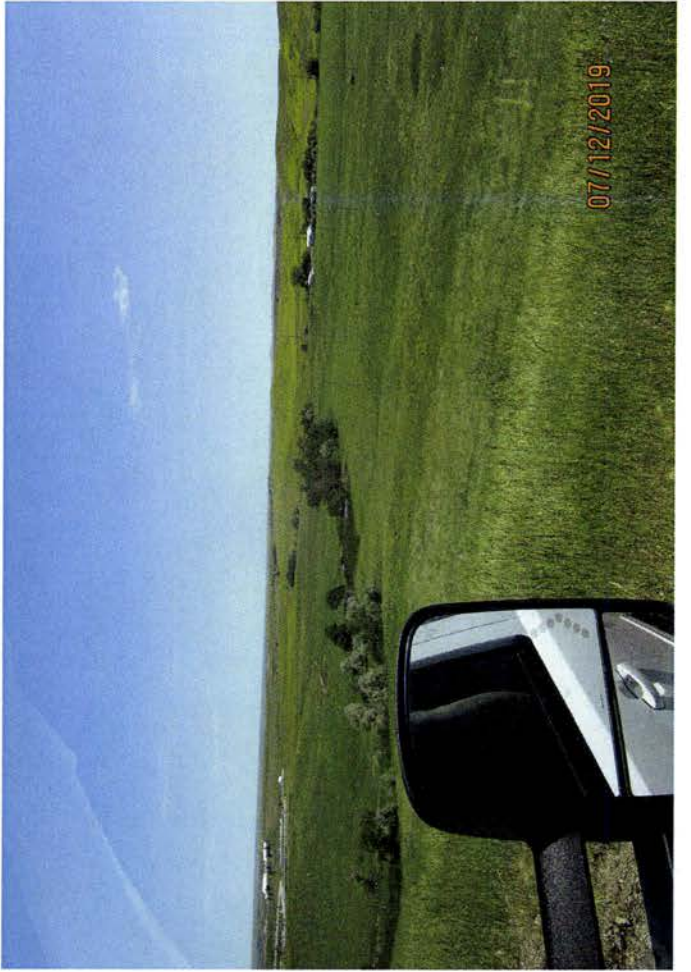
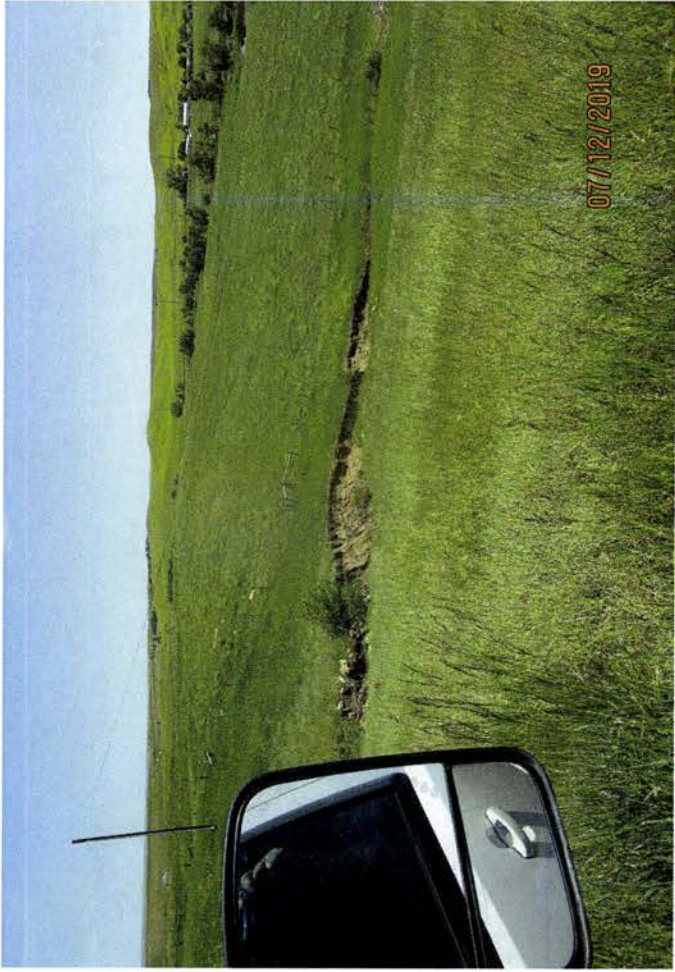
7. That upon completion of the project, the disturbed areas shall be reclaimed in accordance with Section 507-A(5)(c) of the Pennington County Zoning Ordinance;
8. Approval of this permit is only for reclamation of disturbed areas and stockpiling of material; and,
9. That this Construction Permits expires one (1) year from the approval date or as directed by the Pennington County Board of Commissioners or the Pennington County Planning Commission.

Lazy P6



Lazy P6





STAFF REPORT

GENERAL INFORMATION:

REQUEST: CONSTRUCTION PERMIT REVIEW / CP 17-10: To review a Construction Permit to strip, excavate, and stockpile material for off-site use for South Valley Drive property.

APPLICANT: Site Work Specialist, Inc.

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

LANDOWNER: Covington Consulting Group, Inc.

ADDRESS: P.O. Box 1761, Rapid City, SD 57709

LEGAL DESCRIPTION: Lot 3 of Lot B, Block 16, Trailwood Village Subdivision, Section 10, T1N, R8E, BHM, Pennington County, South Dakota.

SITE LOCATION: Corner of Covington Street and E. Highway 44.

SIZE: 1.76 acres

EXISTING LAND USE: Vacant

TAX ID: 65479

ZONING REFERENCE: Section 507

CURRENT ZONING: Planned Unit Development District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Sloping

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 17-10.****

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending to continue the review of Construction Permit / CP 17-10.

II. GENERAL DESCRIPTION

- A. The applicant is proposing to strip, excavate and stockpile material for off-site use.
- B. October 23, 2017 – The Planning Commission approved Construction Permit / CP 17-10 with the following ten (10) conditions:
1. That the conditions of approval of the South Dakota Department of Environment and Natural Resources General Permit 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;
 7. That a temporary address be assigned, in accordance with Pennington County's Ordinance #20;
 8. That the applicant obtain a Road Haul Agreement from Pennington County Highway Department for Covington Street;
 9. That the applicant obtains a Rapid City Air Quality Permit prior to commencement of construction activity; and,
 10. That this Construction Permit be reviewed in one (1) year to ensure that all required permits have been obtained.
- C. August 27, 2018 – The Planning Commission approved the extension of Construction Permit / CP 17-10 with the following ten (10) conditions:
1. That the conditions of approval of the South Dakota Department of Environment and Natural Resources General Permit 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 a temporary address be assigned, in accordance with Pennington County's Ordinance #20;
 7. That the applicant obtain a Road Haul Agreement from Pennington County Highway Department for Covington Street;
 8. That the applicant obtains a Rapid City Air Quality Permit prior to commencement of construction activity;
 9. That work must commence and/or be completed prior to August 27, 2019 or this Construction Permit will automatically end; and,
 10. That this Construction Permit be reviewed in one (1) year, or on a complaint basis or as directed by the Planning Commission on and/or the Board of Commissioners to ensure that all required permits have been obtained.

III. EXISTING CONDITIONS

- A. Lot consists of 1.76 acres.
- B. Zoned Planned Unit Development.
- C. Future Land Use is Planned Unit Development.
- D. The lot is currently vacant of any structures.
- E. No Special Flood Hazard Area.

IV. ANALYSIS

- A. July 15, 2019 – Staff performed a site inspection and found:
 1. Work has appeared to have stopped.
 2. The site has vegetation coverage over the disturbed area.
 - a. The vegetation is weeds and does not meet the requirements in Section 507-A(5)(c) of the Pennington County Zoning Ordinance. (PCZO).
 3. There was sediment and debris in the roadway and along the curbs.

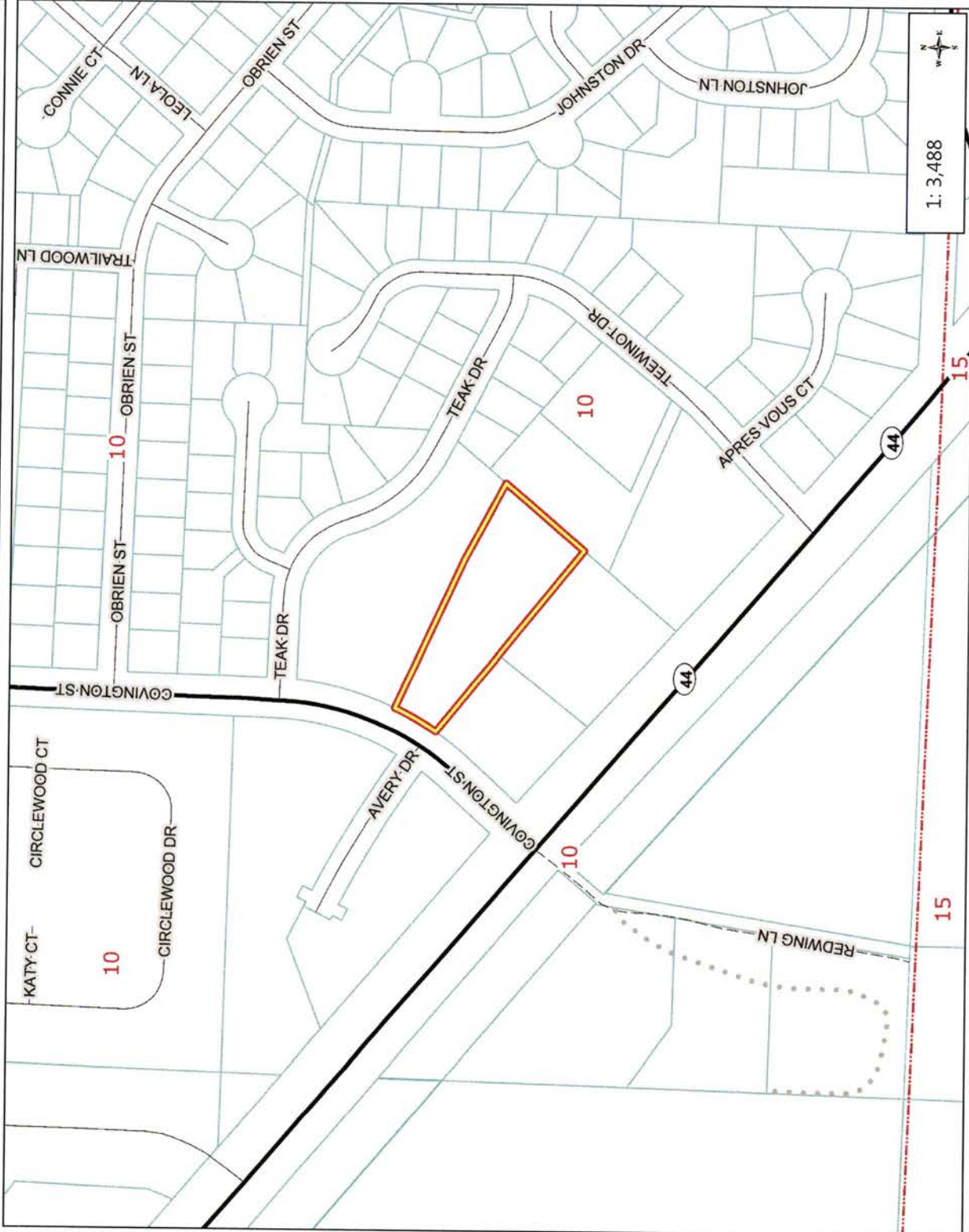
Agenda Item #14
Site Work Specialist, Inc.
July 22, 2019

- B. The applicants will be receiving a report compiled by the Environmental Planner outlining the findings of the site inspection performed on July 15, 2019.
 - 1. The applicants will be given a timeline to perform any corrective actions that are required.
- C. The applicants obtained a South Dakota Department of Environment and Natural Resources General Permit for Storm Water Discharges Associated with Construction Activities (Permit #SDR10I320).
- D. The applicants obtained a Rapid City Air Quality Permit (CIBP17-2493).
- E. The applicant will need to pay \$250.00 to extend the Construction Permit past August 27, 2019.



Site Visit (7-15-19)

RECOMMENDATION: Staff recommends the Planning Director continue the review of Construction Permit / CP 17-10 to the September 9, 2019 Planning Commission meeting.



1: 3,488



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



1: 3,488

581.4 290.70 581.4 Feet

NAD_1983_2011_StatePlane_South_Dakota_South_FIPS_4002_Ft_US
© City of Rapid City GIS

Legend

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

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STAFF REPORT

GENERAL INFORMATION:

REQUEST: **CONSTRUCTION PERMIT REVIEW/ CP 18-08**: To review the excavation and grading of land to install 8-inch and 12-inch water main and water service installation.

APPLICANT: Heavy Constructors

APPLICANT ADDRESS: P.O. Box 3239, Rapid City, SD 57709

LANDOWNER: Rapid Valley Sanitary District / ROW

OWNER ADDRESS: 4611 Teak Drive, Rapid City, SD 57703

LEGAL DESCRIPTION: Rapid Valley Sanitary District, BHM, Pennington County, South Dakota.

SITE LOCATION: Earth Drive and Legacy Lane and Long View Road.

SIZE: 2.89 Acres

TAX ID: Various

EXISTING LAND USE: Residential / Vacant

ZONING REFERENCE: Section 507

CURRENT ZONING: General Agriculture District
Suburban Residential District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Flat / Rolling Hills

Agenda Item #15
Heavy Constructors
July 22, 2019

UTILITIES: None / Right-of-Way

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 18-08.****

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending the Planning Director end Construction Permit / CP 18-08.

II. GENERAL DESCRIPTION

- A. The applicant, Heavy Constructor, Inc., requested a Construction Permit to install 8-inch and 12-inch water main for Rapid Valley Sanitary District.
- B. The total area expected to be disturbed by excavation, grading, grubbing, or other activities is approximately 2.89 acres.
1. (See Attached).
- C. August 13, 2019 – The Planning Commission approved Construction Permit / CP 18-08 with the following ten (10) conditions:
1. That a South Dakota Department of Environment and Natural Resources General Permits for Storm Water Discharges Associated with Construction Activities be obtained and the Conditions of the Approval of the South Dakota Department of Environment and Natural Resources General Permits for Storm Water Discharges Associated with Construction Activities be continually met;
 2. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;
 3. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than 14 days after the Construction Activity has stopped. All erosion control methods (mulch and seed) need to be certified noxious weed-free;
 4. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;
 5. That Long View Road and the right-of-way must be restored to the pre-construction condition;
 6. That any traffic signs that are damaged and/or removed shall be replaced by RVSD or the contractor;
 7. That one lane of Long View Road must be open to traffic with the use of a pilot car or flaggers;

8. That the disturbed areas be re-vegetated as required in PCZO §507(A)(5)(c);
9. That the applicant sign a Statement of Understanding within ten (10) business days of Permit approval; and,
10. That this Construction Permit expires one (1) year from approval date, and may be reviewed on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all conditions of approval are being met.

III. EXISTING CONDITIONS

- A. Zoned General Agriculture, Limited Agriculture, Low Density Residential, and Suburban Residential District,
- B. Lot sizes range from 0.48 acres to 40 acres.

IV. ANALYSIS

- A. July 15, 2019- Staff performed a site visit and found:
 1. The work has been completed.
 2. The site has been revegetated.
- B. Rapid Valley Sanitary District applied and obtained a South Dakota Department of Environment and Natural Resources General Permits for Storm Water Discharges Associated with Construction Activities (Permit #SDR10J073).



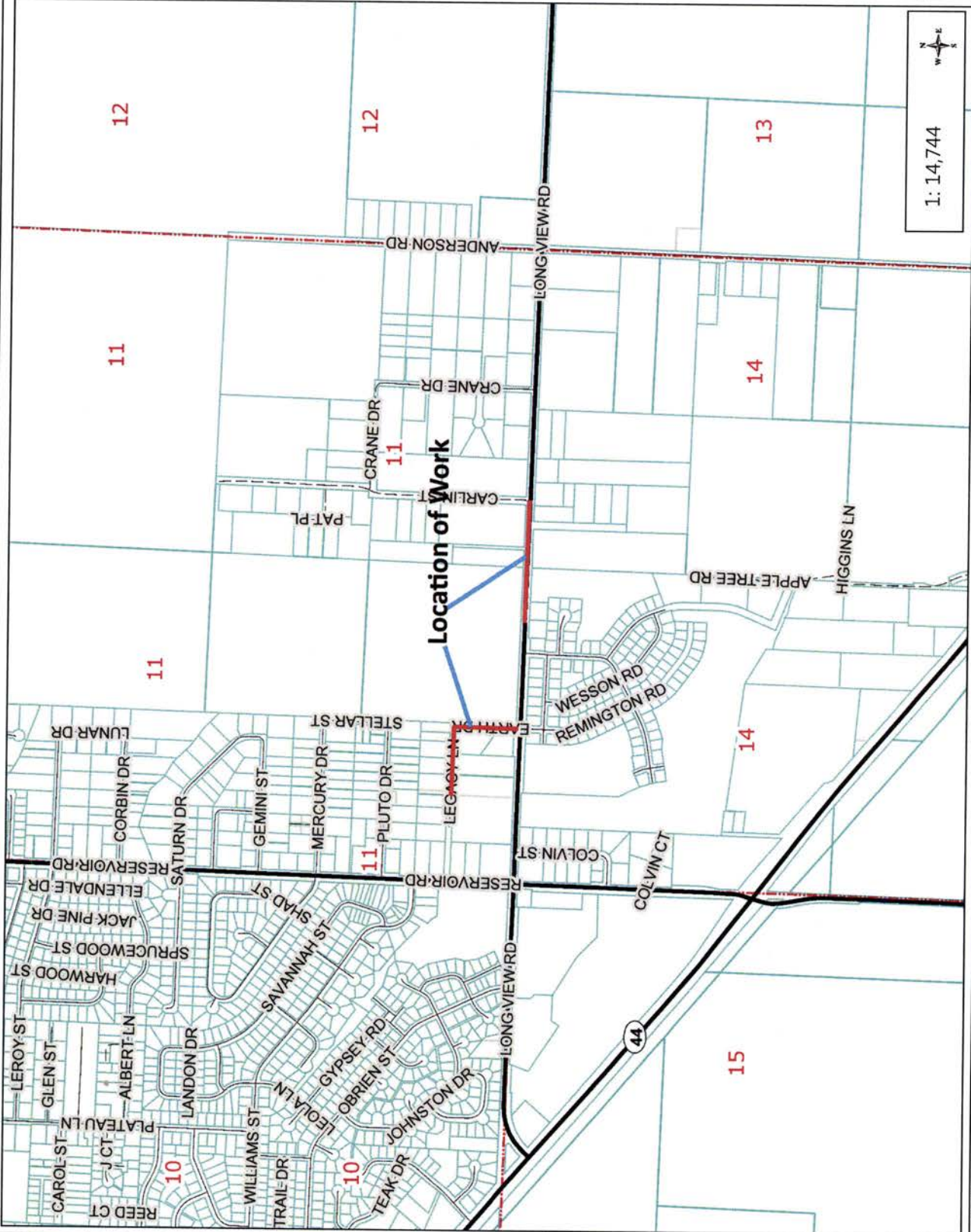
Site Visit (7/15/19)

RECOMMENDATION: Staff recommends the Planning Director end Construction Permit / CP 18-08.

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: 14,744

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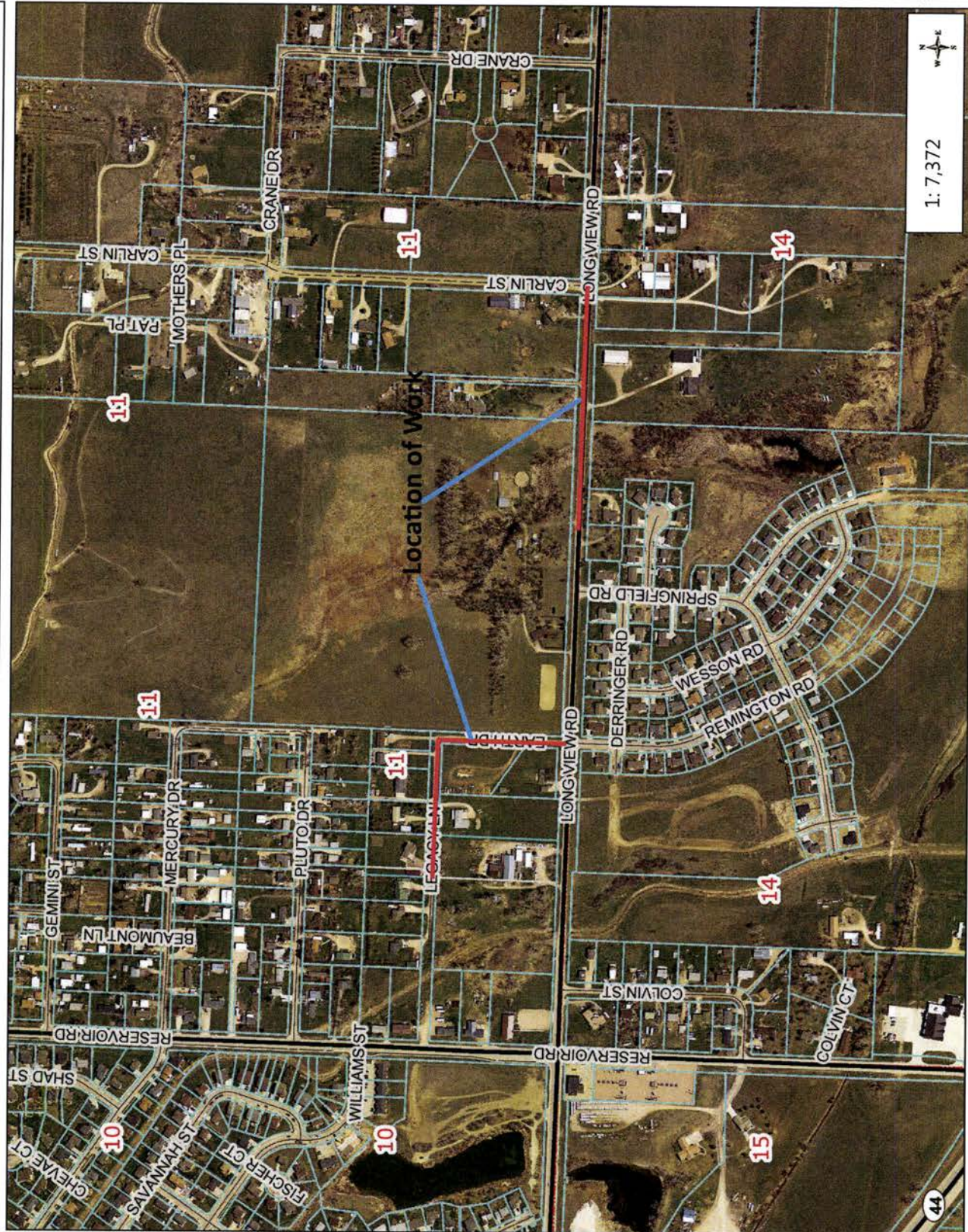
2,457.4 0 1,228.70 2,457.4 Feet

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Legend

- Roads**
- Interstate
 - US highway
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- 0
 - 7
- Tax Parcels**
- Lot Lines**
- <Null>
 - Lot Line
 - Parcel Line

Map Notes:



1: 7,372

1,228.7 Feet

614.35

0

1,228.7

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

STAFF REPORT

GENERAL INFORMATION:

REQUEST: **CONSTRUCTION PERMIT REVIEW/ CP 18-13:** To review the construction of a road to access a future residence in accordance with Sections 208 and 507 of the Pennington County Zoning Ordinance.

APPLICANT: James and Amanda Taylor

APPLICANT ADDRESS: 6813 Kennemer Drive, Rapid City, SD 57702

LEGAL DESCRIPTION: Lot 3, Dark Canyon Subdivision, Section 18, T1N, R7E, BHM, Pennington County, South Dakota.

SITE LOCATION: W. Highway 44; near the intersection of Blake Road and W. Highway 44.

TAX ID: 1461

SIZE: 8.08 acres

EXISTING LAND USE: Vacant

ZONING REFERENCE: Sections 208 and 507

CURRENT ZONING: Suburban Residential District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Forested / Hillside / Rock outcroppings

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 18-13.****

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending the Planning Director end Construction Permit / CP 18-13.

II. GENERAL DESCRIPTION

- A. The applicant, James Taylor, applied for a Construction Permit to construct a road/driveway to access a future residence.
- B. November 13, 2019 – The Planning Commission approved Construction Permit / CP 18-13 with the following seven (7) conditions:
1. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction and that the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;
 2. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than 14 days after the Construction Activity has stopped. All erosion control methods (mulch and seed) need to be certified noxious weed-free;
 3. That the disturbed areas be re-vegetated as required in §507(A)(5)(c);
 4. That the requirements, guidelines, and criteria for stormwater and erosion and sediment control in the Pennington County Stormwater Manual shall be followed;
 5. That weed free seed or mulch be used when re-seeding and any equipment coming onto the site is clean of earthen material and noxious weeds;
 6. That the applicant sign a Statement of Understanding within ten (10) days of Permit approval; and,
 7. That this Construction Permit is reviewed one (1) month from approval date to verify that erosion control measures were implemented, 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.

III. EXISTING CONDITIONS

- A. Zoned Suburban Residential District.
- B. 8.08 acres.
- C. Flood Data:
 - 1. Floodway.
 - 2. Special Flood Hazard Area
 - a. 100-year and 500-year flood.
- D. Single family residence (County Building Permit / COBP18-0682).

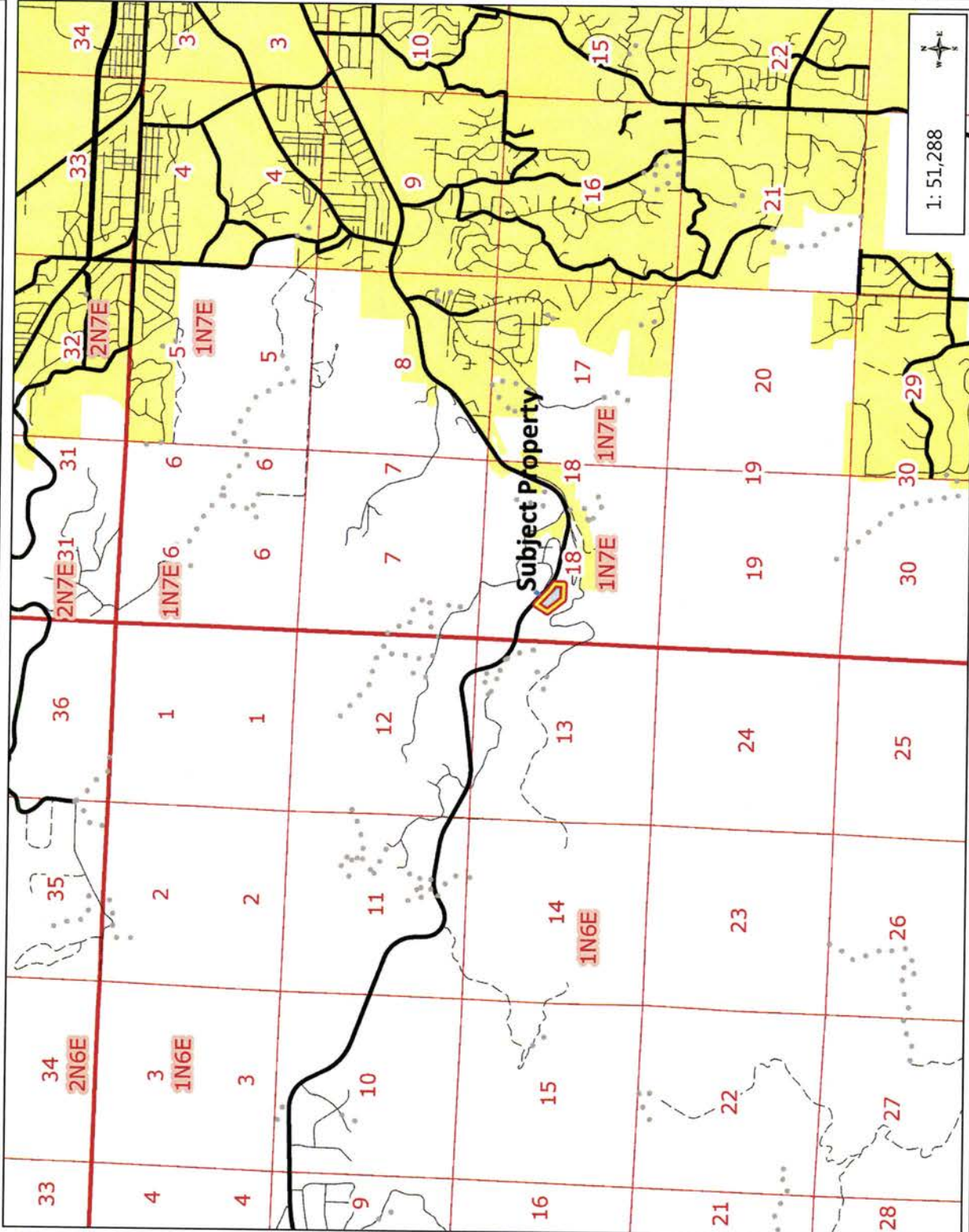
IV. ANALYSIS

- A. July 15, 2019 – Staff performed a site visit and found:
 - 1. The work on the driveway has been completed.
 - 2. The site is majority rock and staff saw no evidence of sediment leaving the site.
- B. The construction on the road was completed prior to the issuance of the Construction Permit.
- C. The applicant paid a \$250.00 penalty fee.
- D. The site appears to be stabilized.



Site Visit (7/15/19)

RECOMMENDATION: Staff recommends the Planning Director end Construction Permit / CP 18-13.



1: 51,288



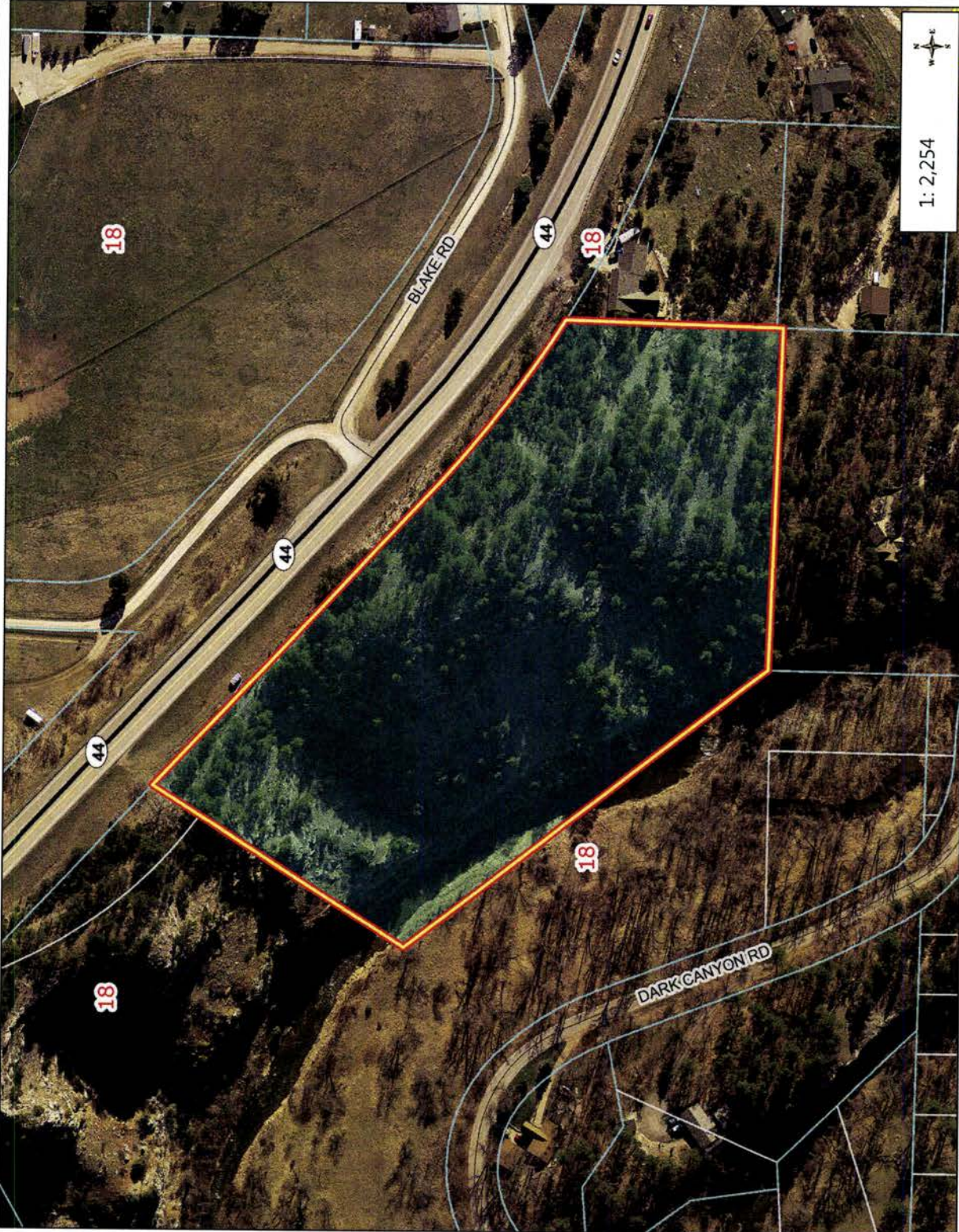
NAD_1983_2011_StatePlane_South_Dakota_South_FIPS_4002_Ft_US
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Legend

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

Map Notes:



1:2,254



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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Legend

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

Map Notes:

STAFF REPORT

17

GENERAL INFORMATION:

REQUEST: **CONDITIONAL USE PERMIT / CU 19-17:** To allow an existing residence to be used as a Vacation Home Rental in a Limited Agriculture District in accordance with Sections 206, 319, and 510 of the Pennington County Zoning Ordinance.

APPLICANT/OWNER: Manya Larson/ Mike Harmon

APPLICANT ADDRESS: 22569 Smokey Ridge Road, Rapid City, SD 57702

LEGAL DESCRIPTION: Lot 2 Revised, Greens Subdivision, Section 15, T2N, R6E, BHM, Pennington County, South Dakota.

SITE LOCATION: 22569 Smokey Ridge Road

SIZE: 3.00 acres

TAX ID: 2511

EXISTING LAND USE: Residential

ZONING REFERENCE(S): §§ 206, 319, and 510

CURRENT ZONING: Limited Agriculture District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Forested / Hills

UTILITIES: Private

REPORT BY: Jason Theunissen

I. PROPOSED RECOMMENDATION

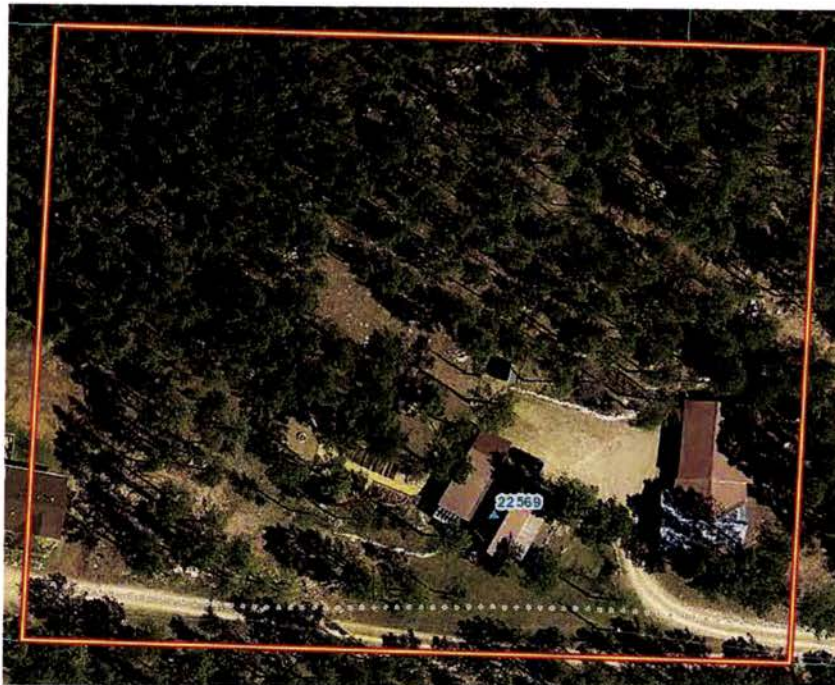
- A. Staff will be recommending approval of Conditional Use Permit / CU 19-17 with fifteen (15) conditions.

II. GENERAL DESCRIPTION

- A. The applicant, Manya Larson, is requesting a Conditional Use Permit to allow an existing three (3) bedroom residence to be utilized as a Vacation Home Rental (VHR) on the subject property.

III. EXISTING CONDITIONS

- A. Zoned Limited Agriculture District.
B. 3 acres.
C. No Special Flood Hazard Area.
D. Access off of Smokey Ridge Road via a platted 33-foot-wide Access Easement (Plat Book 14, Page 66).
1. Located within the Smokey Ridge Road District.
E. Lot contains:
1. Single-family residence – built in 1975, County Building Permit #2511.
2. Detached garage with carport– built in 1975, per Department of Equalization records.
3. Three (3) small sheds – less than 144 square feet, no Building Permit required.
4. On-site wastewater treatment system – 2011COSD0064.
i. Operating Permit – COOP16-0436.



Existing Lot

IV. REQUEST FOR COMMENT

- A. County Highway Department
 - 1. Highway Department has no comments since this is in the Smokey Ridge Road District and drainage isn't impacted.
- B. Smokey Ridge Road District
 - 1. No concerns (applicant holds position).
- C. County Fire Administrator
 - 1. The posted house number must be placed in such a way as to ensure its visibility year-round and not be obstructed by such things as, but not limited to, snow or vegetation, to provide for emergency identification at all times;
- D. County Environmental Planning Supervisor
 - 1. The Special Flood Hazard Area is "not studied" for the subject property. An Operating Permit was issued for the onsite wastewater treatment system in 2016 (COOP16-0436).
- E. County Onsite Wastewater Specialist
 - 1. The applicant has a valid Septic Permit (2011COSD0064) and an Operating Permit (COOP16-0436). The applicant will still need to get approval from the SD DENR.
- F. County Ordinance Enforcement
 - 1. There were past Ordinance Violations on the subject property from 2006, 2010 and 2012. However, it appears all of those Violations have been resolved. There are no current Ordinance Violations on the subject property.
- G. County Addressing Coordinator
 - 1. No addressing concerns at this time.
- H. Black Hills Electric Cooperative
 - 1. Black Hills Electric Cooperative has no concerns with this conditional use permit.
- I. Emergency Services (9-1-1)
 - 1. OK with it as long as they have their house number properly posted in accordance with Penn. Co. Ord. #20.

V. CONSIDERATIONS FOR CONDITIONAL USE PERMIT REQUEST

- A. The Zoning Ordinance lists five (5) factors that the Planning Commission may consider in their review of Conditional Use Permit applications. They are as follows:
 - 1. **The effect upon the use and enjoyment of the other property in the immediate vicinity for the uses already permitted, and upon property values within the immediate vicinity.**
 - a. The proposed use for the single family residence as a Vacation Home Rental should not affect the use and enjoyment of other property in the immediate vicinity for the

uses already permitted, and upon property values in the surrounding properties.

2. **The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.**
 - a. It appears that by allowing this Conditional Use Permit, the use should not affect the normal, orderly development or improvement of any surrounding vacant property in the area.
3. **That utilities, access roads, drainage, and/or other necessary facilities are provided.**
 - a. The proposed use of the existing single family residence should not require any utilities or facilities that are not already in place. Access is to be provided off of Smokey Ridge Road. Additionally, staff has no drainage concerns relating specifically to the applicant's request at this time.
4. **That the off-street parking and loading requirements of these Zoning Ordinances are met.**
 - a. Pennington County Zoning Ordinance § 310(A)(9)(gg) requires one (1) off-street parking space per bedroom. Three (3) parking spaces are required for CU 19-17 and it appears that adequate parking is provided on the subject property.
5. **That measures are taken to control offensive odor, fumes, dust, noise, vibration, and lighting (inclusive of lighted signs), so that none of these will constitute a nuisance.**
 - a. 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 does not create the above-listed elements in any amount that would constitute a nuisance.

VI. ANALYSIS

- A. June 21, 2019 – The applicant applied for Conditional Use Permit / CU 19-17 to allow the existing three (3) bedroom residence to be utilized as a Vacation Home Rental.
- B. Section 206(C)(27) of the Pennington County Zoning Ordinance (PCZO) lists “Vacation Home Rental in accordance with Section 319” as a Conditional Use in a Limited Agriculture District.
- C. Section 319(B) states:
 1. “As long as the subject property for the VHR is a minimum of 1-acre with a combination of acceptable Public and/or Private Systems, as determined by the South Dakota Department of Health

Agenda Item # 17
Manya Larson
July 22, 2019

and the Pennington County Planning Department; VHRs are permitted with approval of a Conditional Use Permit in:

- a. General Agriculture Zoning Districts;
 - b. Limited Agriculture Zoning Districts;
 - c. Low Density Residential Zoning Districts; and,
 - d. Suburban Residential Zoning Districts.”
- D. The applicant has complied with all of the application and submittal requirements for a VHR, as listed in PCZO §319, including the following:
- a. Complete application and floor plan.
 - b. South Dakota Department of Health Lodging License – applied for June 21, 2019.
 - c. Local contact: Manya Larson (applicant).
 - d. Approval from SD DENR – received July 15, 2019.



Site Visit, July 12, 2019

Agenda Item # 17
Manya Larson
July 22, 2019



Site Visit, July 12, 2019



Site Visit, July 12, 2019



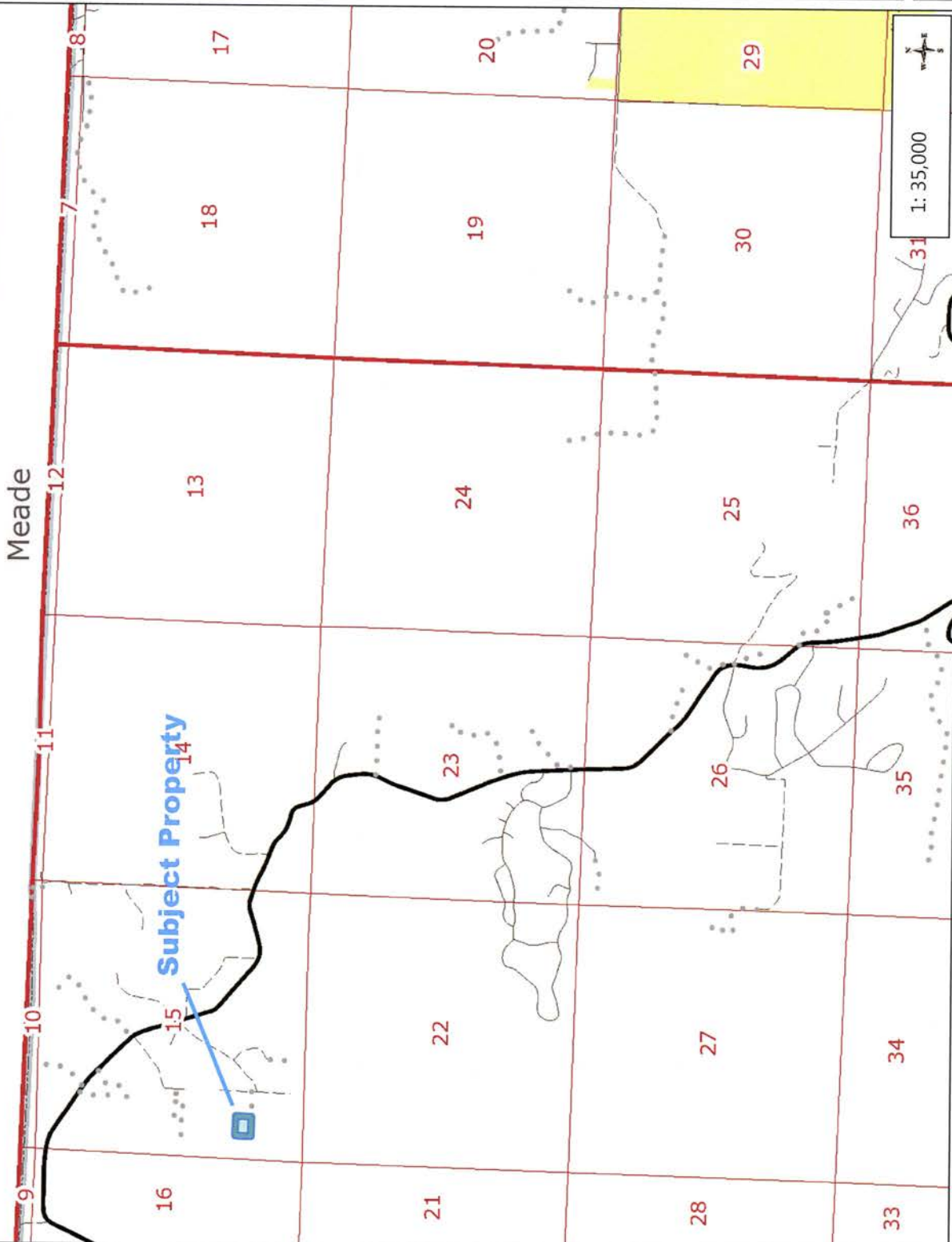
Site Visit, July 12, 2019

RECOMMENDATION: Staff recommends approval of Conditional Use Permit / CU 19-17 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 the proper permits be obtained prior to utilizing a fire pit on the property and all fire restrictions be followed at all times;
4. That each review of Conditional Use Permit / CU 19-17, be subject to PCZO §511(F)(4), which includes a \$100 fee per review;
5. That the applicant continually 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 upon request;

Agenda Item # 17
Manya Larson
July 22, 2019

6. 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;
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 (22569 Smokey Ridge Road) continue be posted on the residence at all times and so it is clearly visible from Smokey Ridge Road, in accordance with Pennington County's Ordinance #20;
10. That the applicant ensures 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 Manya Larson, the interior informational sign be updated and the applicant re-notify the Planning Director and surrounding landowners within 500 feet via notices sent by First Class Mail;
12. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
13. That an approved Sign Permit be obtained prior to the placement of any sign(s);
14. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; and,
15. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.



Legend

- Roads**
- Interstate
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 - SD highway
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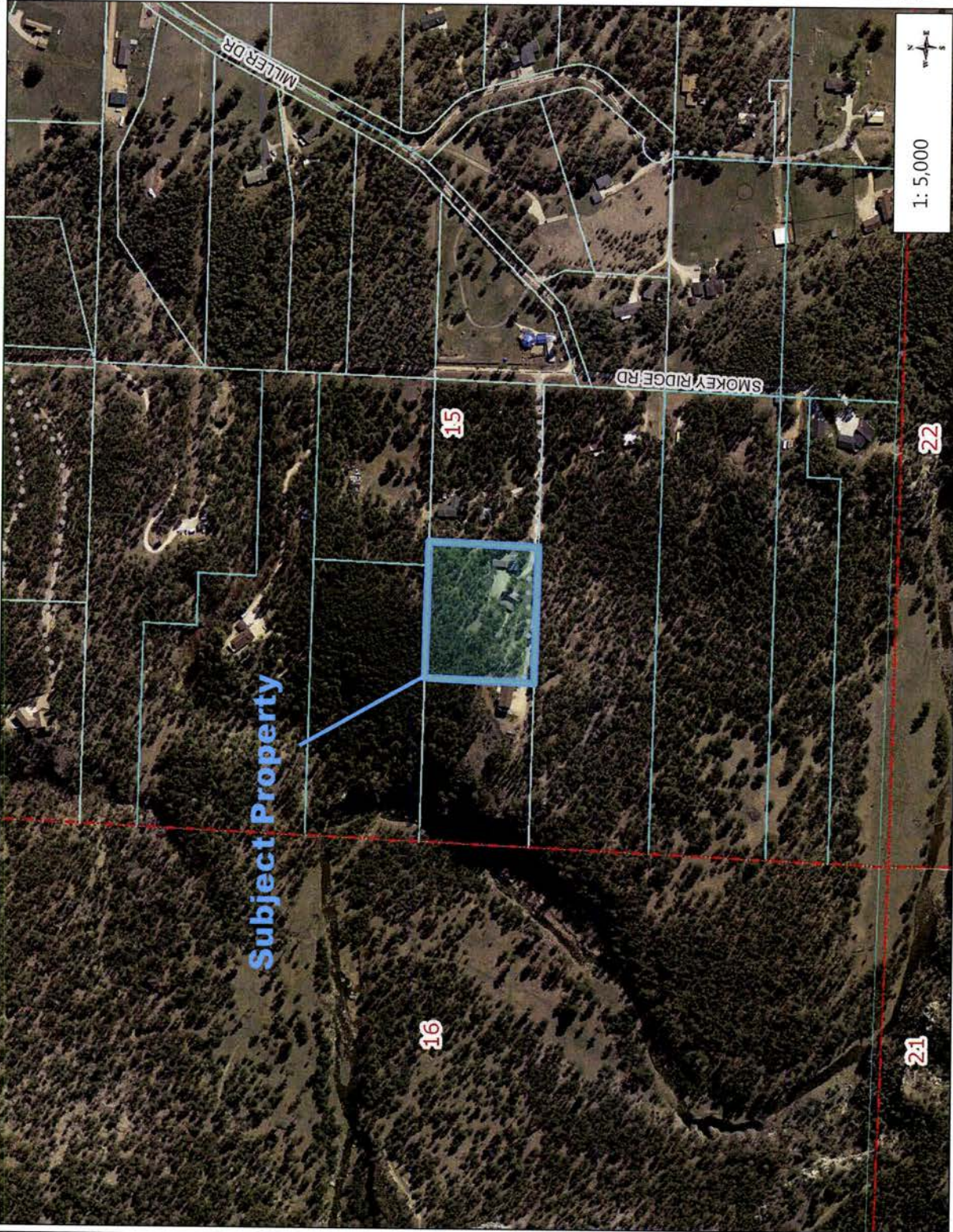
Map Notes:

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

5,833.3 0 2,916.67 5,833.3 Feet

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© City of Rapid City GIS



1: 5,000



Legend

- Roads**
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833.3 Feet

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Legend

Roads

- Interstate
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- Trail
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- Airport Runway
- Not yet coded

Section Lines 0-25k

- 0
- 7

Tax Parcels

Lot Lines

- <Null>
- Lot Line
- Parcel Line

Pennington County Zoning

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

Map Notes:

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833.3 Feet

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VACATION HOME RENTAL (VHR)
CHECKLIST and SUPPLEMENTAL APPLICATION

APPLICATION REQUIREMENTS:

- Site plan depicting the layout of the property, including all existing and proposed structures with setbacks, wells and/or water lines, on-site wastewater treatment system and/or sanitary sewer lines, and on-site parking spaces.
- An interior diagram/plan of the VHR.
- The maximum number of overnight occupants. *10*
- Acknowledgement from the Owner that the VHR meets all Fire Safety Standards for Vacation Home Establishments requirements in accordance with current South Dakota Codified Laws.
- Specifications of the existing wastewater treatment system.
- Copy of Covenants, if applicable.
- Copy of approval letter from SD DENR for the on-site wastewater treatment system (for existing systems only).
- Copy of approved Operating Permit, from the Planning & Zoning Department, for the on-site wastewater treatment system (for existing systems only).
- A copy of the Vacation Home Rental License or Application from the South Dakota Department of Health. At the time of issuance of the Vacation Home Rental License from the South Dakota Department of Health, a copy of the license shall be furnished to the Planning Department.

LOCAL CONTACT INFORMATION:

Name: Manya Larson Primary Contact Number: 605-828-0099
Mailing Address: 22569 Smokey Ridge Road
City: Rapid City State: SD Zip Code: 57702

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

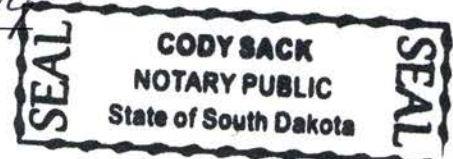
Manya Larson
Signature of Local Contact

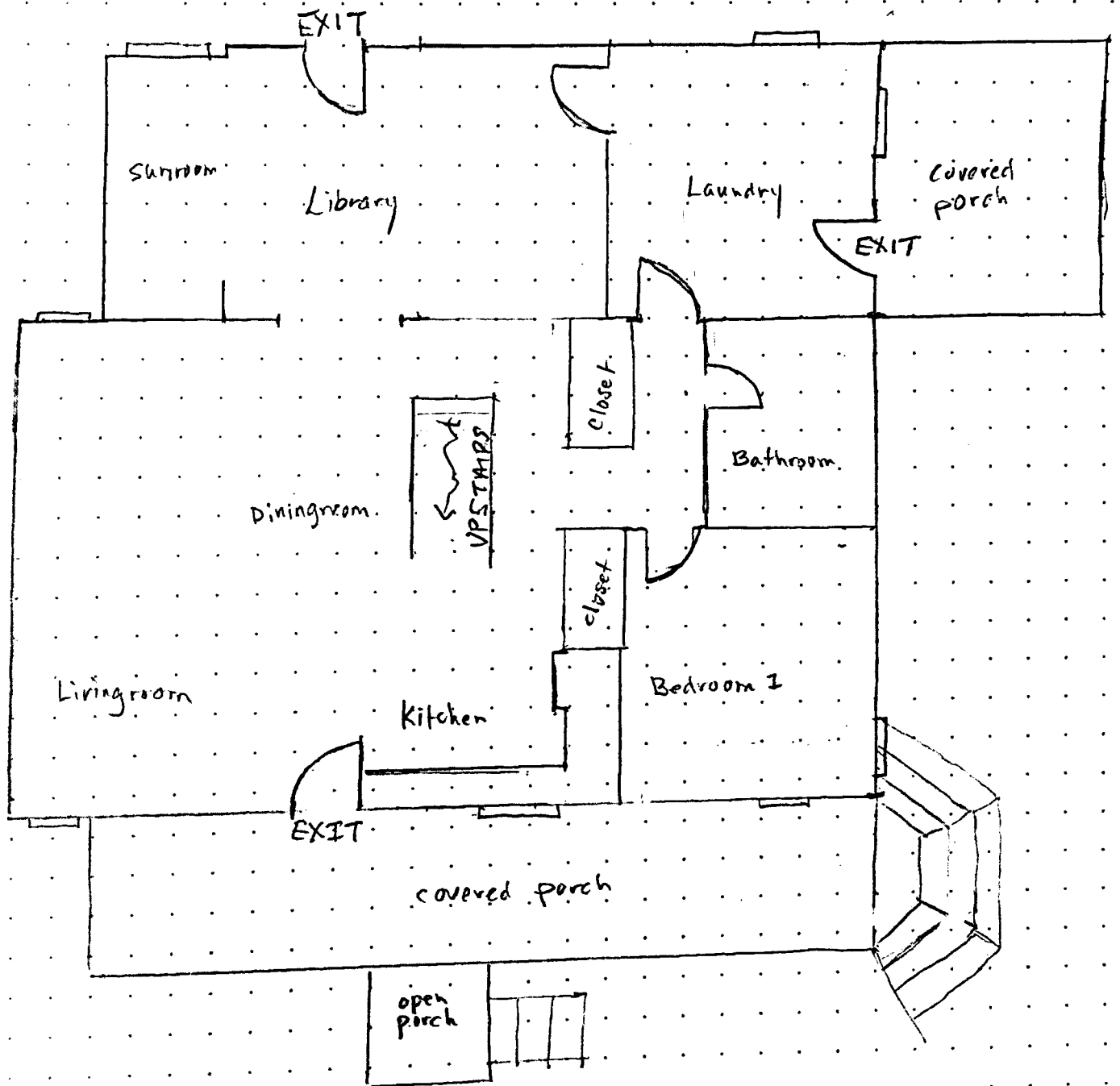
June 21, 2019
Date

Subscribed and sworn to before me this 21 day of June, 2019.

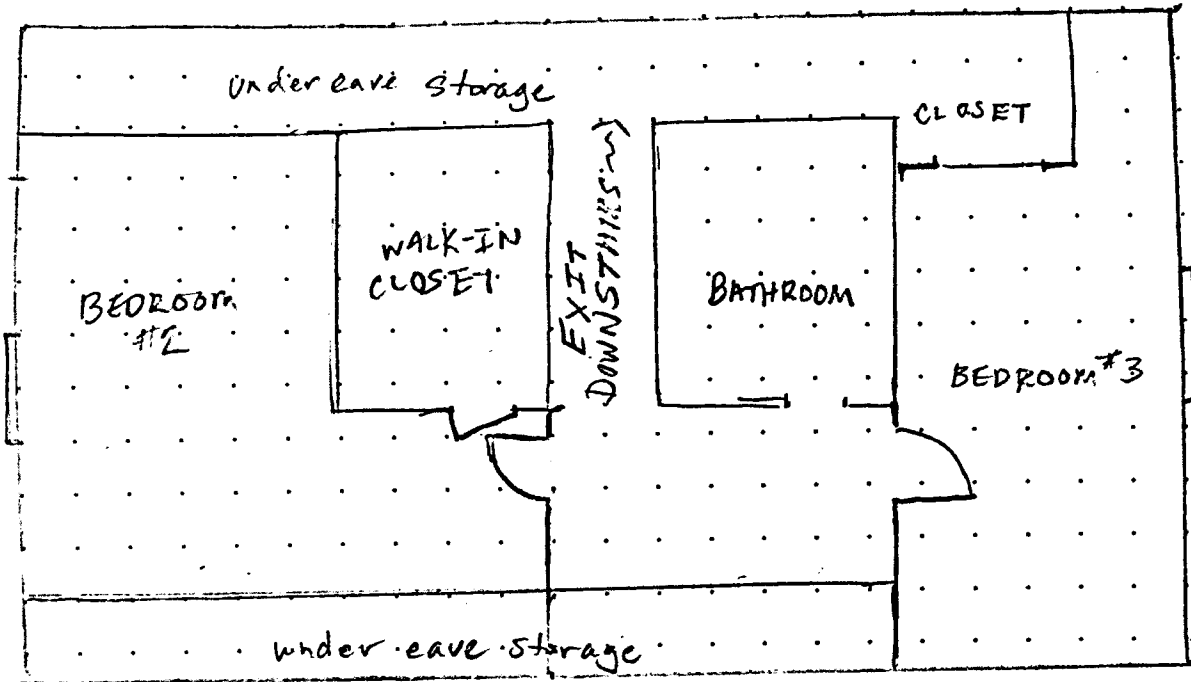
Chy SM
Notary Public for the State of South Dakota

3/22/25
My Commission Expires





UPPER LEVEL





PENNINGTON COUNTY
PLANNING DEPARTMENT
100 W. MAIN ST., 2ND FLOOR, SUITE 200
RAPID CITY, SD 57701
605-342-2200
www.penningtoncounty.org

On-site Wastewater Treatment System Operating Permit

Operating Permit Number(s) COOP16-0436

PROPERTY INFORMATION

Ten Digit Pin	1915351002	Last Name	HARMON/LARSON
PIN	2511	Owner First Name	MICHAEL MANYA
Township	2 N	Physical Address	22569 SMOKEY RIDGE RD
Range	6 E	Mailing Address	
Section	15	22569	SMOKEY RIDGE RD
Block		RAPID CITY	SD 57702-

ON-SITE WASTEWATER TREATMENT SYSTEM INFORMATION

Construction Permit Number(s) 2011COSD0064

Pump Frequency 6YRS

Septic /Holding Tank		Absorption System		
Tank Material	Tank Size	System Type	System Media	Actual System Size
CONCRETE	1500	TRENCH		

Graywater Tank Material	Graywater Tank Size	(if applicable)
NA	NA	

Permit Expires 9/9/2022

Date of Tank Pumping 9 /9 /2016



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

July 12, 2019



Manya Larson
22569 Smokey Ridge Road
Rapid City, SD 57702

RE: On-site wastewater system for a vacation rental located at 22569 Smokey Ridge Road, Rapid City, SD

Dear Ms. Larson:

The South Dakota Department of Environment and Natural Resources is in receipt of your request for approval of an existing wastewater system for a home/vacation rental located at Lot 2 Revised, Green's Subdivision in the Southwest $\frac{1}{4}$, Section 15, Township 2 North, Range 6 East, Pennington County, South Dakota. The request has been reviewed for compliance with South Dakota's "Individual and Small On-Site Wastewater Systems" regulations.

The following information was used in making the determination.

- The present home was built in 1975 and is a three bedroom home,
- The septic tank for the home was replaced in 2011, and
- After checking with Pennington County and our files we find no history of problems with the existing wastewater system.

Based on the information provided by Pennington County we consider this wastewater system approved for a maximum daily flow of 360 gallons, until such time as the system is altered or fails. This would be sufficient for up to 6 persons per night staying at this vacation rental.

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

Sincerely,

Kent R. Woodmansey, P.E.
Engineering Manager
(605) 773-3351

cc: TJ Doreff, Pennington County Planning
Bill Chalcraft, Administrator DOH – Robert Hayes Bldg.

SOUTH DAKOTA DEPARTMENT OF HEALTH

LODGING LICENSE APPLICATION

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

SECTION 1: ESTABLISHMENT INFORMATION				
ESTABLISHMENT NAME Smokey Ridge Vacation Home		LIST PREVIOUS ESTABLISHMENT NAME		OLD LIC. #
CORPORATION/OWNER NAME Get Manya Larson		CORPORATE CONTACT/PHONE	ESTABLISHMENT PHONE	CELL PHONE 605-828-0099
ESTABLISHMENT PHYSICAL ADDRESS (NO PO BOX #'S) 22569 Smokey Ridge Road			CITY Rapid City	STATE SD
IF RURAL LOCATION, GIVE DIRECTIONS FROM NEAREST CITY West on South Canyon 6 miles, Left on Miller Dr. R, then L. Smokey Ridge Rd.			CITY Rapid City	STATE SD
MAILING ADDRESS (IF DIFFERENT THAN PHYSICAL ADDRESS)			CITY	STATE
EMAIL ADDRESS manylarson@gmail.com				
APPLICATION IS FOR: <input checked="" type="checkbox"/> NEW BUSINESS <input type="checkbox"/> CHANGE OF OWNERSHIP	DATES OPEN - IF SEASONAL From: July To: Dec	PROPOSED OPENING DATE July 1, 2019	WATER SUPPLY <input type="checkbox"/> Public <input checked="" type="checkbox"/> Private <input type="checkbox"/> Rural	SEWER SYSTEM <input type="checkbox"/> Public <input checked="" type="checkbox"/> Private

SECTION 2: LODGING LICENSING FEES - Type of Business (Choose One)				
	Number of Units	FULL YEAR FEE: Jan 1 - Dec 31	HALF YEAR FEE: July 1 - Dec 31 ¹	FEE TOTAL Complete all that apply
Bed & Breakfast: (No other fees apply)		<input type="checkbox"/> \$38.00 Registration Fee	<input type="checkbox"/> \$38.00 Registration Fee	<input type="text"/>
Vacation Home:	1	<input type="checkbox"/> \$70.00 This includes the inspection fee ²	<input checked="" type="checkbox"/> \$35.00 This includes the inspection fee ²	<input type="text" value="35.00"/>
Specialty Resort: 10 or Less Sleeping Rooms		<input type="checkbox"/> \$70.00 This includes the inspection fee ²	<input type="checkbox"/> \$35.00 This includes the inspection fee ²	<input type="text"/>
Hotel: 11 or More Sleeping Rooms *See reverse side for example		<input type="checkbox"/> \$2.25 per unit Plus \$25.00 Inspection Fee ² (\$70.00 Minimum Total)	<input type="checkbox"/> \$1.12 per unit Plus \$12.50 Inspection Fee ² (\$35.00 Minimum Total)	<input type="text"/>
Initial License Fee³: See reverse side for explanation		<input type="checkbox"/> \$100.00	<input checked="" type="checkbox"/> \$100.00	<input type="text" value="100.00"/>

SECTION 3: WATER RECREATION FEES						
	FULL YEAR FEE:			HALF YEAR FEE:		
Number of Pools and Hot Tubs Pools <input checked="" type="checkbox"/> Hot Tubs <input checked="" type="checkbox"/>	None	One	Two or More	None	One	Two or More
	<input checked="" type="checkbox"/> \$0	<input type="checkbox"/> \$40.00	<input type="checkbox"/> \$65.00	<input checked="" type="checkbox"/> \$0	<input type="checkbox"/> \$20.00	<input type="checkbox"/> \$32.50

Is Your Pool Or Hot Tub Associated With Another Licensed Establishment? Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes, Please Name Other Licensed Facility _____	TOTAL ALL FEES ABOVE THIS IS THE AMOUNT YOU OWE <div style="border: 2px solid black; padding: 5px; display: inline-block; font-size: 1.2em;">\$ 135.00</div>
---	--

SECTION 4: SIGNATURE	
<i>Being first duly sworn, I, as the owner or the owner's agent with legal authority to bind the owner, verify that the information contained in this application is true and complete, and I consent to allow inspections of the food service, lodging, or campground establishment by authorized inspectors during normal business hours upon the presentation of identification.</i>	
Owner/Agent Signature Manya Larson	Date: July 21, 2019
Subscribed and sworn to before me this 21st day of June , 20 19 . (Seal)	
Notary Public Karaal Tuner	My commission expires: August 8, 2019

STAFF REPORT

18

GENERAL INFORMATION:

REQUEST: CONDITIONAL USE PERMIT / CU 19-16: To utilize an existing second residence on the subject property as a Bed and Breakfast/ Recreational Area in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance

APPLICANT: Terry and Marcia Graber

APPLICANT ADDRESS: 24060 Cosmos Road, Rapid City, SD 57702

LEGAL DESCRIPTION: SE1/4NW1/4 less PT Welcome Lode, Section 33, T1S, R6E, BHM, Pennington County, South Dakota.

SITE LOCATION: 24064 Cosmos Road.

SIZE: 39.52 acres

TAX ID: 38768

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: Forested / Hills

UTILITIES: Private

REPORT BY: Kristina Proietti

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending approval of Conditional Use Permit / CU 19-16 with eighteen (18) conditions.

II. GENERAL DESCRIPTION

- A. The applicant, Marcia Graber, is requesting a Conditional Use Permit to allow for a Recreational Resort to be utilized on the property, including renting the original two (2) bedroom homestead house as a Bed and Breakfast, while Mr. and Mrs. Graber stay in the primary residence on the subject property.

III. EXISTING CONDITIONS

- A. Zoned General Agriculture District, minimum forty (40) acre lot size.
B. 39.52 acres, legal non-conforming lot.
C. Access off of Cosmos Road.
D. Located within the Cosmos Road District.
E. No Special Flood Hazard Area on the subject property.
F. Lot contains:
1. Single-family residence (SFR) with attached garage built in 1984, County Building Permit (COBP) / BP6382.
2. On-Site Wastewater Treatment System (OSWTS) Operating Permit for SFR / COOP19-0813.
3. Detached garage built in 2011 / 2011COBP0389.
4. Gazebo built in 2011 / 2011COBP0390.
5. Original homestead house built in 1910, according to Department of Equalization Property Record Card.
6. OSWTS Operating Permit for the homestead house / COOP13-0316.
a. Mrs. Graber had the wastewater treatment system pumped on June 10, 2019. The Observation Form submitted to the office by Hills Septic Service showed that repairs are needed for the system that services this house.
i. *Staff note: Staff will make a condition of approval stating that the applicants will need to work with the Planning Department to address the septic issues. See attached Observation Form for the proposed Bed and Breakfast Resort at the end of report.*



Existing homestead residence/proposed Bed and Breakfast.

IV. REQUEST FOR COMMENT

- A. County Highway Department
 - 1. Highway Department has no comments since this is in the Cosmos Road District and drainage isn't impacted.
- B. County Fire Administrator
 - 1. No comment received.
- C. County Environmental Planning Supervisor
 - 1. There is no Special Flood Hazard Area on the subject property.
 - 2. Operating Permits COOP13-0315 and COOP13-0316 are both expired. The property must have the onsite wastewater treatment systems pumped and observed. In addition, an Operating Permit must be issued prior to the approval of the Conditional Use Permit for a Recreational Resort.
- D. County On-Site Wastewater Specialist
 - 1. The applicant has two Operating Permits, one for each structure (COOP13-0315 & COOP13-0316). Both permits expired on May 3, 2019. These will need to be updated. I have no further concerns.
 - i. *Staff note: Staff will make a Condition of Approval stating that the applicants will need to work with the Planning Department to address septic concerns prior to the homestead residence being utilized as a Bed and Breakfast.*

- E. County Ordinance Officer
 - 1. There are no past or current Ordinance Violations on the subject property.
- F. County Addressing Coordinator
 - 1. The second residence will need to be assigned an address and have it posted in accordance with Pennington County Ordinance 20.
- G. U.S. Forest Service
 - 1. The Forest Service has no objections to the proposed Graber Conditional Use Permit –VHR.
 - 2. Access to the private property is off the Cosmos Road.
 - 3. The Forest Service issued a Forest Road Special Use Permit, PAH588 to the Cosmos Road District for the National Forest System Road 464 on July 26, 2017. All private property landowners have access to their private property across National Forest System lands and by using the Cosmos Road District, Forest Road Special Use Permit, PAH588. I have attached a pdf copy of the Cosmos Road District, Forest Road Special Use Permit, PAH588 for your files.
 - 4. Protect all posted boundary line corners, signs and bearing trees.
 - 5. Adhere to the setback requirements along the posted boundary between National Forest System lands (USA Public Domain) and the private property.
 - 6. Protect all known stream courses, ponds and riparian areas located on National Forest System lands.
 - 7. No resource damage to occur on National Forest System lands.
 - 8. All straw bales, erosion mats, slash mats, etc. located on private property will need to be certified weed-free. Provide a copy of the certification to the Forest Service.
 - 9. No construction materials to be placed on National Forest System lands.
 - 10. All proposed drain fields, leach lines or septic systems will need to be located on private property and not located on or drain or leach onto National Forest System lands; septic system holding tank (s) and potable water holding tank (cistern) will be required to be located on private property.
 - 11. All construction materials, supplies, trash or garbage or fill material will not be located or dumped on National Forest System lands; take all construction materials, supplies, trash or garbage to an approved location (approved sanitary landfill).
 - 12. Public roads in this area of the Black Hills National Forest are classified as “Highways” and “Roads Open to Highway Legal Vehicles Only” per the latest version (January 1, 2019) of the Motor Vehicle Use Map.

13. No motorized trailheads or motorized trails or motorized roads are planned or scheduled for this portion of the Black Hills National Forest.
 14. No motorized trails for ATV, motorcycles or ORV will be authorized from private property unto National Forest System lands (USFS does not want unauthorized trails constructed on National Forest System lands).
- H. Emergency Services (9-1-1)
1. Our only comment would be to ensure they have assigned physical address posted on each home in accordance with Penn Co Ord. #20. If the second house does not have a separate physical address it should.

V. ANALYSIS

- A. June 13, 2019 – The applicant, Marcia Graber, applied for Conditional Use Permit / CU 19-16 to allow a Recreational Resort on the subject property to include the existing homestead house to be used as a Bed and Breakfast.
- B. The subject property currently contains a single-family residence and the original homestead house built in 1910.
 1. There are two (2) existing on-site wastewater treatment systems (OSWTS) on the subject property to serve both of these structures.
 - a. Both systems were pumped and observed on June 10, 2019
 - b. The OSWTS for the proposed Bed and Breakfast failed. Staff will work with the applicant to ensure that the septic system is updated prior to the renting of the proposed Bed and Breakfast residence. The OSWTS for the primary residence passed and was given a current Operating Permit (COOP19-0813).

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 could affect the use and enjoyment of other properties in the immediate vicinity due to increased traffic and potential noise. The applicant will be managing the Bed and Breakfast and will be living on-site.
 2. The subject property is bordered on two (2) sides by U.S. Forest Service lands and a small section of the northeastern most bordering private land, which is currently vacant of any structures.

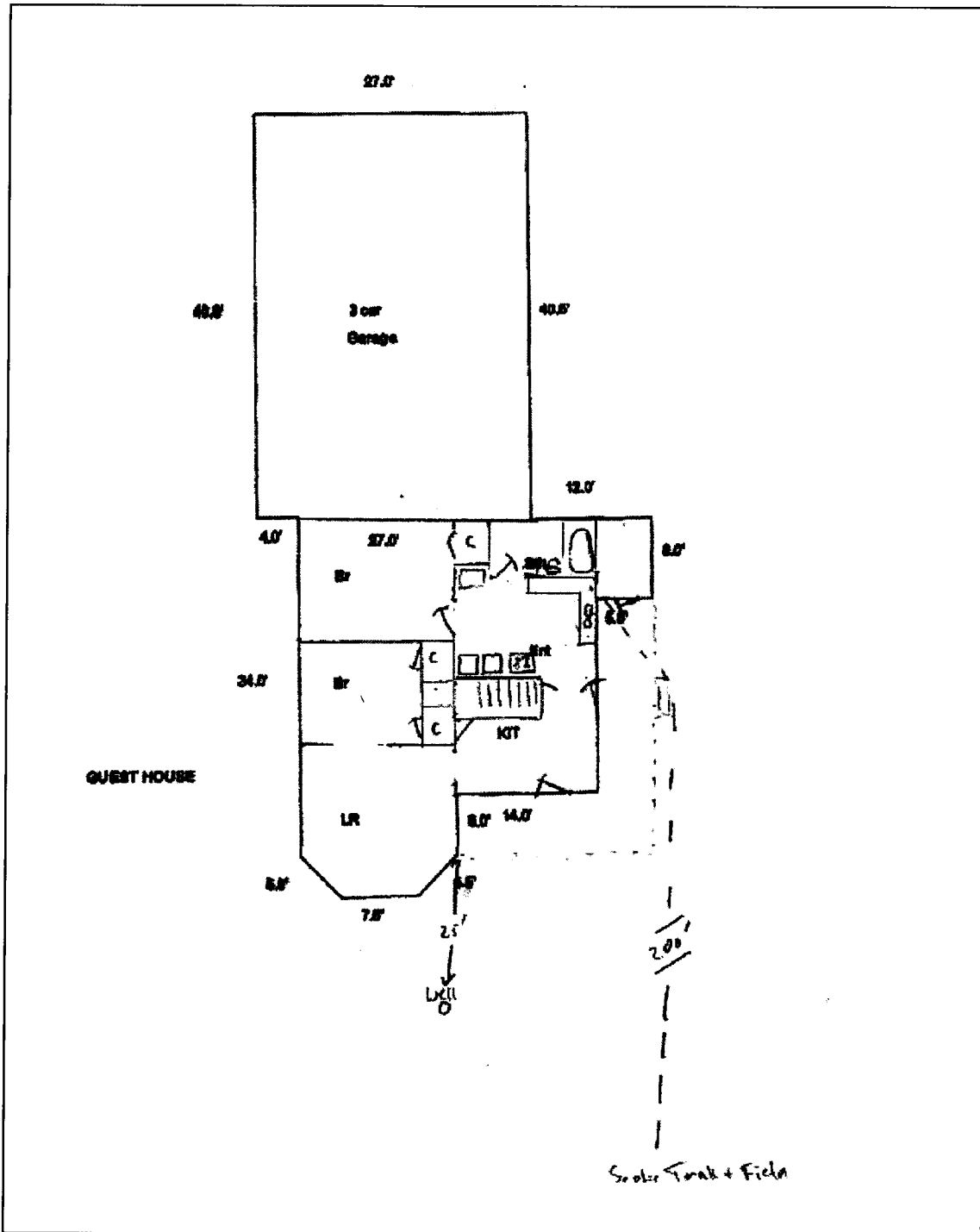
3. Staff cannot predict the effect that the requested use will have on property values within the immediate vicinity.
- B. The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.**
1. The proposed use should have a minimal effect on the normal, orderly development or improvement of any surrounding vacant property in the area.
 1. The subject property is bordered on two (2) sides by U.S. Forest Service lands and a small section of the northeastern most bordering private land which is currently vacant of any structures.
- C. That utilities, access roads, drainage and/or other necessary facilities are provided.**
1. Access to the property is provided off of Cosmos Road which is located within the Cosmos Road District. In addition, there is an existing internal road within the subject property that can be used to provide access to the proposed Bed and Breakfast Resort.
- D. That the off-street parking and loading requirements are met.**
1. Per Section 310 of the Pennington County Zoning Ordinance, the proposed Recreational Resort will require one (1) parking space per bedroom and two (2) parking spaces for every three (3) employees.
 - a. There is ample parking on site for both the Recreational Resort for the Resort Manager at the primary residence, as well as adequate space for the two (2) required parking spots at the proposed Bed and Breakfast.
 2. The site plan submitted by the applicant does not identify the parking areas for each cabin. However, it appears that ample space for parking on the subject property can be provided.
- 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.
 2. The proposed use should not create the above-listed elements in an amount that would constitute a nuisance.

RECOMMENDATION: Staff recommends approval of Conditional Use Permit / CU 19-16 with the following eighteen (18) conditions:

1. That the maximum overnight occupancy, based on SD DENR approval, be limited to four (4) people and the maximum daytime occupancy be limited to eight (8) people, per Pennington County Zoning Ordinance (PCZO) § 319(F)(13);
2. 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;
3. That the minimum required setbacks of a General Agriculture District and the minimum required setback of fifty-eight (58) feet to the Section Line on the northern border of the subject property be continually maintained on the subject property, or approved Setback Variance(s) be obtained;
2. That the addresses for each residence (24060 and 24064 Cosmos Road) be posted on the primary residence and the Bed and Breakfast Resort at all times and so it is clearly visible from Cosmos Road, in accordance with Pennington County's Ordinance #20;
4. That the applicant work with Planning and Zoning staff to bring the failed septic system into compliance prior to operation of the Bed and Breakfast Resort;
5. That an On-Site Wastewater Construction Permit be obtained prior to any additional on-site wastewater treatment systems being installed on the subject property, which will also require review and approval by the South Dakota Department of Environmental and Natural Resources;
6. That the minimum number of required parking spaces be provided in accordance with Pennington County Zoning Ordinance Section 310, which requires one (1) parking space per guest bedroom for the Bed and Breakfast Resort;
7. That a Sign Permit be obtained prior to the installation of any signs on the subject property. All signs must meet the requirements of Section 312 of the Pennington County Zoning Ordinance;
8. That prior to renting any portion of the existing structure for the Bed and Breakfast, the applicant obtains all necessary permits from other governing bodies for the operation of the Recreational Resort, including, but not limited to, approval from the South Dakota Department of Health and a Sales Tax License from the South Dakota Department of Revenue;

Agenda Item #18
Terry and Marcia Graber
July 22, 2019

9. 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;
10. That the property remains free of debris and junk vehicles and all structures be well-maintained;
11. That all existing drainage ways be maintained and that erosion control measures be implemented on all disturbed areas so as not to allow any sedimentation of existing drainage ways or bodies of water per Pennington County Zoning Ordinance Section 507-A. This includes any requirements set forth in the Pennington County Stormwater Quality Manual for erosion and sediment measures;
12. That all exterior lighting must be of low level intensity, which does not result in excessive glare upon surrounding neighbors;
13. That portable fire extinguishers be placed on each floor level of the Bed and Breakfast so they are accessible to all guests at all times and the fire extinguishers shall be inspected and tagged annually;
14. That quiet hours for the Recreational Resort be between 10 p.m. and 8 a.m.;
15. That the applicant works with the South Dakota Division of Wildland Fire Suppression-Urban Interface Technician on any required fire mitigation plans;
16. That the applicant is aware of and adheres to all Forest Service requirements;
17. That the applicant comply with SDCL 34-18-9.4, which regulates Bed and Breakfast establishments and requires a guest list to be maintained; and,
18. 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.



Floor plans of the existing homestead residence on the subject property.

Conditional Use Proposal, June 12, 2019

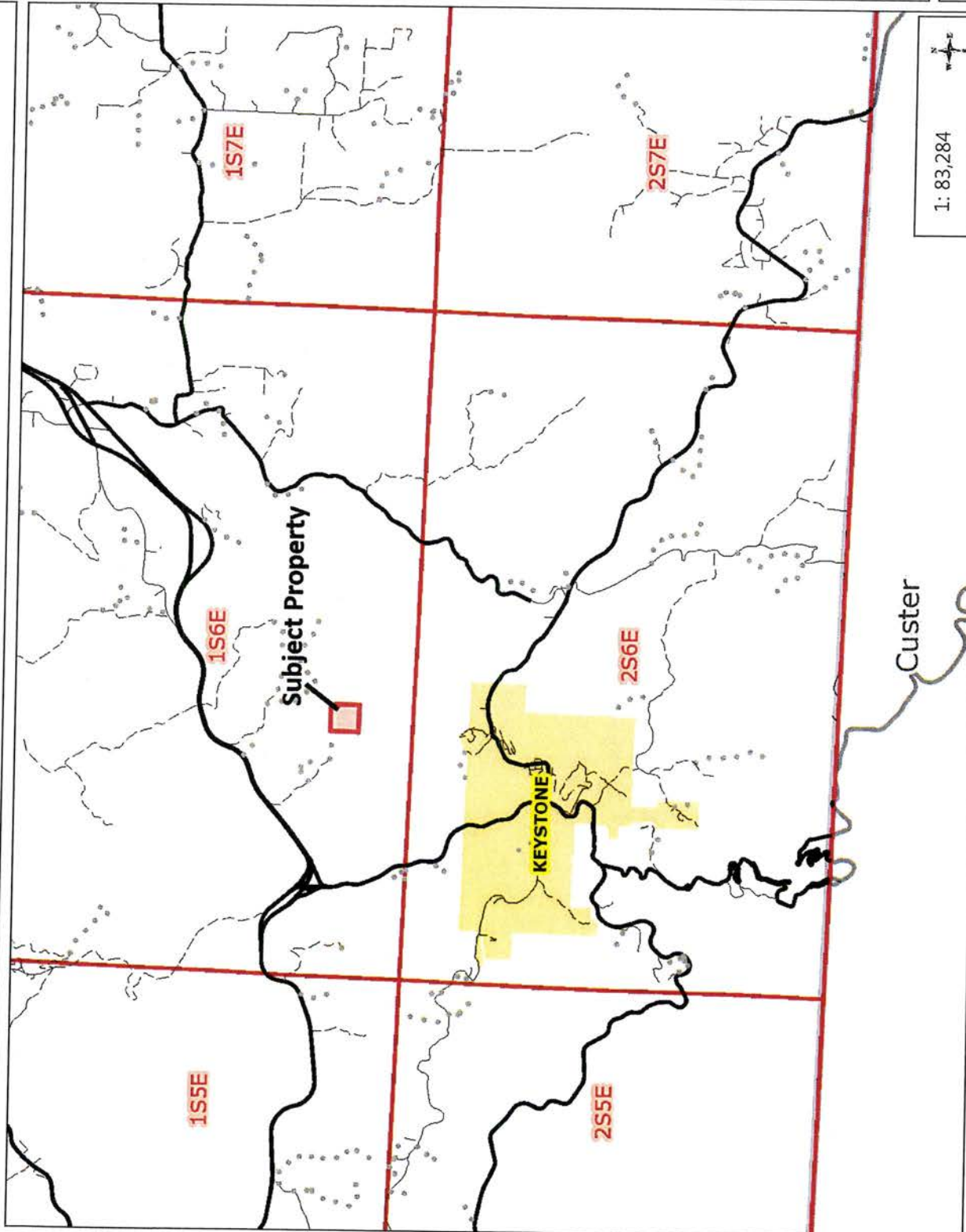
Our Property at 24060 Cosmos Rd southwest of Rapid City has 2 houses on it. We live in the larger one and the smaller house, which was the original homestead house, generally sits empty. We would like to use the Homestead House for nightly vacation rentals.

The 2 houses share a driveway but sit physically separate from each other. Access is from Cosmos Road off US Highway 16. We are part of the Cosmos Road District which has a Special Use Permit , PAH 588, with the US Forest Service for access across Forest Service land between Highway 16 and our property. The Homestead House has separate parking space for 2 vehicles. Cosmos Road District maintains the road to the edge of our property and we maintain a gravel driveway.

The homestead house has its own well and 700 gal septic tank/field, which is inspected every 6 years.

The Homestead House is attached to a garage that we use for other purposes. There is no direct access between the garage and the Homestead residential space.

The Homestead House has 2 bedrooms and 1 bathroom. We would operate it under the State of South Dakota's guidelines for a Bed and Breakfast business. The Homestead House meets all Fire Safety Standards for Vacation Home Establishments. Maximum occupancy would be 6 people.



1: 83,284

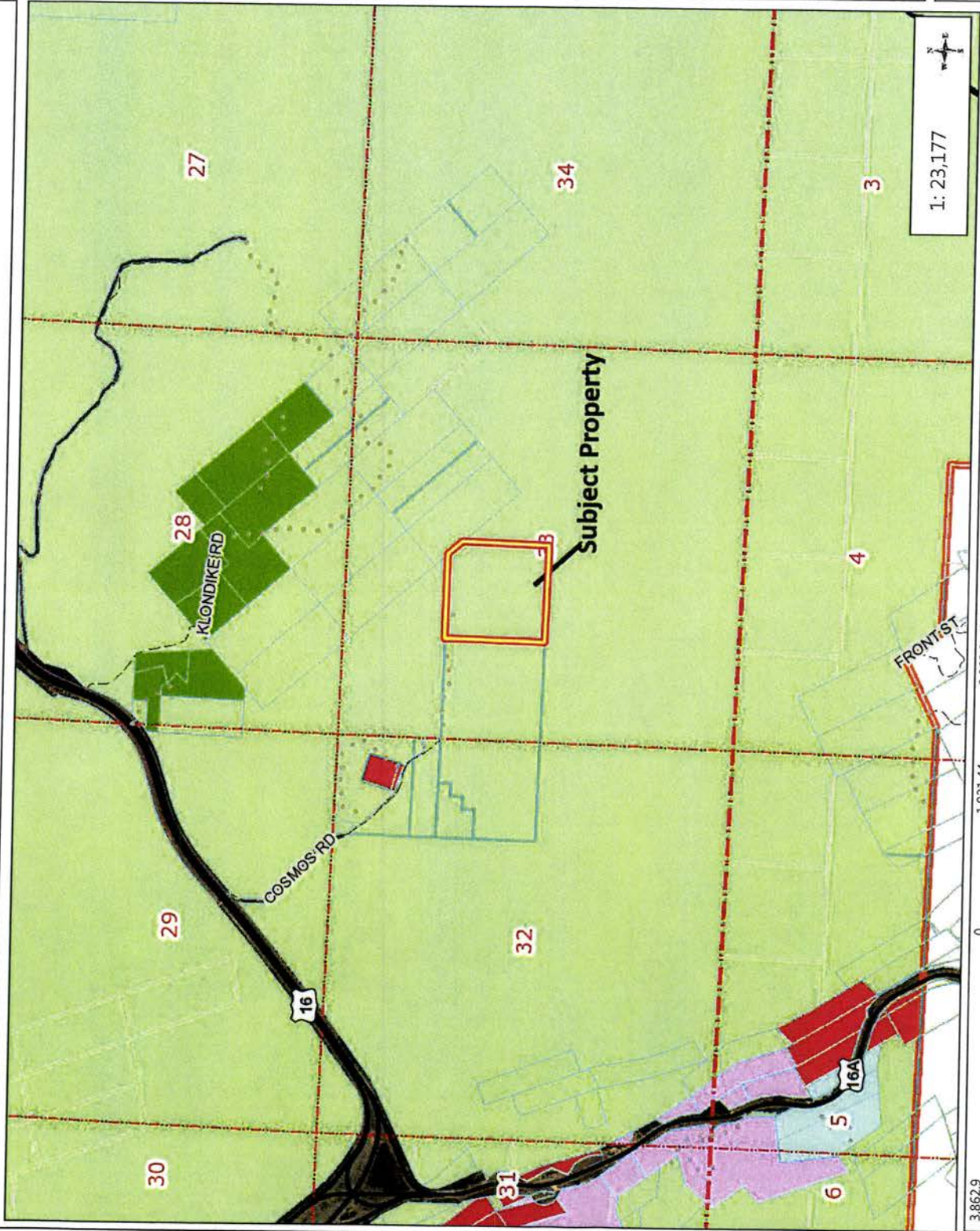


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 THIS MAP IS NOT TO BE USED FOR NAVIGATION

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: 23,177

3,862.9 0 1,931.44 3,862.9 Feet

NAD_1983_StatePlane_South_Dakota_South_FIPS_4002_Feet
© City of Rapid City GIS

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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:



Legend

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

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3,862.9 0 1,931.44 3,862.9 Feet

NAD_1983_StatePlane_South_Dakota_South_FIPS_4002_Feet
© City of Rapid City GIS

VACATION HOME RENTAL (VHR)
CHECKLIST and SUPPLEMENTAL APPLICATION

APPLICATION REQUIREMENTS:

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

LOCAL CONTACT INFORMATION:

Name: Maruca Eraber Primary Contact Number: 605 209-2379
Mailing Address: 24060 Cosmos Rd
City: Rapid City State: SD Zip Code: 57702

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

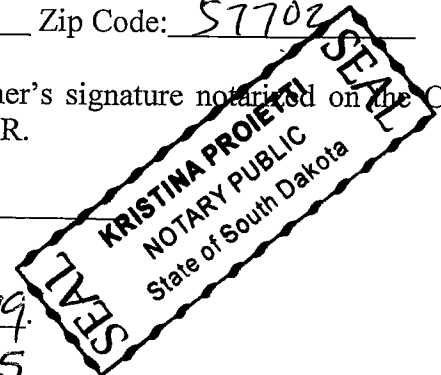
Maruca Eraber
Signature of Local Contact

6/13/2019
Date

Subscribed and sworn to before me this 13 day of June, 2019.

[Signature]
Notary Public for the State of South Dakota

3/22/2025
My Commission Expires



ON-SITE WASTEWATER TREATMENT SYSTEM OBSERVATION FORM

Date 6/10/19 Time 1:50pm Weather nice
 Owner Terry & Marcia Graber Phone (605) 209-2379
 Address 24060 Cosmos rd City Rapid City Zip 57702

System Information

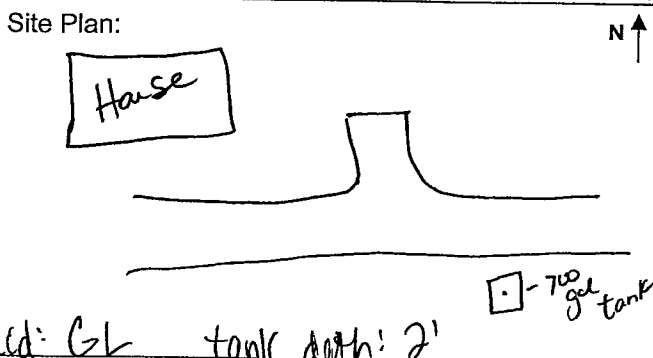
Septic Tank	Size (gallons)	Type of Tank *	Type of Drainfield**	Comments
Black 1	<u>700</u>	<input checked="" type="radio"/> C <input type="radio"/> F <input type="radio"/> P <input type="radio"/> S <input type="radio"/> X <input type="radio"/> O	<input type="radio"/> T <input type="radio"/> B <input type="radio"/> M <input type="radio"/> H <input type="radio"/> ET <input type="radio"/> DI <input type="radio"/> O	<u>unknown drainfield</u>
Black 2		<input type="radio"/> C <input type="radio"/> F <input type="radio"/> P <input type="radio"/> S <input type="radio"/> X <input type="radio"/> O	<input type="radio"/> T <input type="radio"/> B <input type="radio"/> M <input type="radio"/> H <input type="radio"/> ET <input type="radio"/> DI <input type="radio"/> O	
Gray		<input type="radio"/> C <input type="radio"/> F <input type="radio"/> P <input type="radio"/> S <input type="radio"/> X <input type="radio"/> O	<input type="radio"/> T <input type="radio"/> B <input type="radio"/> M <input type="radio"/> H <input type="radio"/> ET <input type="radio"/> DI <input type="radio"/> O	

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

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

Performance and Integrity

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



Observation Completed by:
 (Print Name) Andrew Franz Date 6/10/19
 Signature [Signature]
 Company _____
 Phone () HILLS SEPTIC SERVICE
4761 STURGIS RD
RAPID CITY, SD 57702
 Comments: _____

Permit Managed by HSS



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

June 6, 2019

Marcia Graber
24060 Cosmos Road
Rapid City, SD 57702

RE: On-site wastewater system for a vacation rental located at 24060 Cosmos Road, Rapid City, SD

Dear Ms. Graber:

The South Dakota Department of Environment and Natural Resources is in receipt of your request for approval of an existing wastewater system that serves a guest house located in the Southeast ¼ Northwest ¼, Section 33, Township 1 South, Range 6 East, Pennington County, South Dakota. The request has been reviewed for compliance with South Dakota's "Individual and Small On-Site Wastewater Systems" regulations.


The following information was used in making the determination.

- The present home was built in 1910 and is a two bedroom home.
- After checking with Pennington County and our files we find no history of problems with the existing wastewater system.

Based on the information provided by Pennington County we consider this wastewater system approved for a maximum daily flow of 3360 gallons, until such time as the system is altered or fails. This would be sufficient for up to 6 persons per night staying at this vacation rental.

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

Sincerely,



Kent R. Woodmansey, P.E.
Engineering Manager
(605) 773-3351

cc: TJ Doreff, Pennington County Planning
Bill Chalcraft, Administrator DOH – Robert Hayes Bldg.



**SOUTH DAKOTA
DEPARTMENT OF HEALTH
LODGING LICENSE**



Issued To: **MARCIA Z GRABER**

Located At: **THE HOMESTEAD AT EAGLE ROCK
24060 COSMOS RD
RAPID CITY, SD 57702**

License Type
Bed and Breakfast License

License Number
21316

Number of Units
1

Swimming Pool
0

Spa or Hot Tub
0

Expires

12/31/2019

Kim Malsam-Rydon

Secretary of Health

License is Not Transferable - Post in the Establishment

MARCIA GRABER
24060 COSMOS RD
RAPID CITY, SD 57702

June 07, 2019

Below is your current South Dakota tax license

Please review this card. Please contact our department if there are any changes in ownership, names, or addresses.

If you have a Streamlined sales tax license any changes must be made through the Streamlined Registration System.

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

Taxpayer Assistance Number: 1.800.829.918
Email: bustax@state.sd.us

Streamlined Sales Tax Website: www.streamlinedsalestax.org



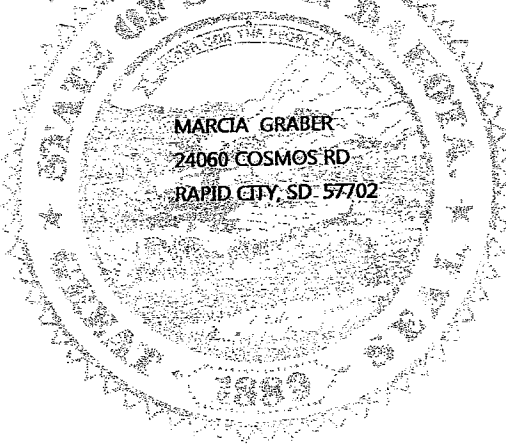
<http://dor.sd.gov>

ISSUE DATE: 06/04/2019
EXPIRATION DATE:
LICENSE NUMBER: 1034-8734-ST
LICENSE TYPE: Sales Tax
ISSUED TO:

MARCIA GRABER
24060 COSMOS RD
RAPID CITY, SD 57702

NON-TRANSFERABLE

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



A handwritten signature in black ink that reads 'Jim Terwilliger'.

Jim Terwilliger
Secretary of Revenue

SOUTH DAKOTA DEPARTMENT OF HEALTH LODGING LICENSE APPLICATION

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

SECTION 1: ESTABLISHMENT INFORMATION				
ESTABLISHMENT NAME <i>The Homestead at Eagle Rock</i>		LIST PREVIOUS ESTABLISHMENT NAME		OLD LIC. #
CORPORATION/OWNER NAME <i>Marcia Graber</i>		CORPORATE CONTACT/PHONE <i>605 209 2379</i>	ESTABLISHMENT PHONE	CELL PHONE
ESTABLISHMENT PHYSICAL ADDRESS (NO PO BOX #'S) <i>24060 Cosmos Rd</i>			CITY <i>Rapid City</i>	STATE <i>SD</i>
IF RURAL LOCATION, GIVE DIRECTIONS FROM NEAREST CITY			COUNTY <i>Pennington</i>	
MAILING ADDRESS (IF DIFFERENT THAN PHYSICAL ADDRESS)			CITY	STATE
EMAIL ADDRESS <i>grabers99@gmail.com</i>				
APPLICATION IS FOR: <input checked="" type="checkbox"/> NEW BUSINESS <input type="checkbox"/> CHANGE OF OWNERSHIP	DATES OPEN - IF SEASONAL From: _____ To: _____	PROPOSED OPENING DATE <i>7/01/19</i>	WATER SUPPLY <input type="checkbox"/> Public <input checked="" type="checkbox"/> Private <input type="checkbox"/> Rural	SEWER SYSTEM <input type="checkbox"/> Public <input checked="" type="checkbox"/> Private

SECTION 2: LODGING LICENSING FEES - Type of Business (Check One)				
	Number of Units	FULL YEAR FEE: Jan 1 - Dec 31	HALF YEAR FEE: July 1 - Dec 31 ¹	FEE TOTAL Complete all that apply
Bed & Breakfast: (No other fees apply)	<i>1</i>	<input type="checkbox"/> \$38.00 Registration Fee	<input type="checkbox"/> \$38.00 Registration Fee	<div style="border: 1px solid black; padding: 2px;"><i>38.00</i></div>
Vacation Home:		<input type="checkbox"/> \$70.00 This includes the inspection fee ²	<input type="checkbox"/> \$35.00 This includes the inspection fee ²	<div style="border: 1px solid black; width: 50px; height: 20px;"></div>
Specialty Resort: 10 or Less Sleeping Rooms		<input type="checkbox"/> \$70.00 This includes the inspection fee ²	<input type="checkbox"/> \$35.00 This includes the inspection fee ²	<div style="border: 1px solid black; width: 50px; height: 20px;"></div>
Hotel: 11 or More Sleeping Rooms <small>*See reverse side for example</small>		<input type="checkbox"/> \$2.25 per unit Plus \$25.00 Inspection Fee ² (\$70.00 Minimum Total)	<input type="checkbox"/> \$1.12 per unit Plus \$12.50 Inspection Fee ² (\$35.00 Minimum Total)	<div style="border: 1px solid black; width: 50px; height: 20px;"></div>
Initial License Fee³: See reverse side for explanation		<input type="checkbox"/> \$100.00	<input type="checkbox"/> \$100.00	<div style="border: 1px solid black; width: 50px; height: 20px;"></div>

SECTION 3: WATER RECREATION FEES							
	FULL YEAR FEE:			HALF YEAR FEE:			
	None	One	Two or More	None	One	Two or More	
Number of Pools and Hot Tubs Pools <u>0</u> Hot Tubs <u>0</u>	<input type="checkbox"/> \$0	<input type="checkbox"/> \$40.00	<input type="checkbox"/> \$65.00	<input type="checkbox"/> \$0	<input type="checkbox"/> \$20.00	<input type="checkbox"/> \$32.50	<div style="border: 1px solid black; width: 50px; height: 20px;"></div>
Is Your Pool Or Hot Tub Associated With Another Licensed Establishment? Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes, Please Name Other Licensed Facility _____							TOTAL ALL FEES ABOVE THIS IS THE AMOUNT YOU OWE <div style="border: 2px solid black; padding: 5px; display: inline-block;">\$ 38.00</div>

SECTION 4: SIGNATURE	
<i>Being first duly sworn, I, as the owner or the owner's agent with legal authority to bind the owner, verify that the information contained in this application is true and complete, and I consent to allow inspections of the food service, lodging, or campground establishment by authorized inspectors during normal business hours upon the presentation of identification.</i>	
Owner/Agent Signature <i>Marcia Graber</i>	Date: <i>6/13/2019</i>
Subscribed and sworn to before me this <u>June</u> day of <u>13</u> , 20 <u>19</u> .	
Notary Public <i>[Signature]</i>	My commission expires: <i>3/22/25</i>
<div style="display: flex; justify-content: space-between; align-items: center;"> <div style="border: 1px solid black; padding: 5px; transform: rotate(-90deg); font-weight: bold;">SEAL</div> <div style="text-align: center;"> KRISTINA PROIETTI NOTARY PUBLIC State of South Dakota </div> <div style="border: 1px solid black; padding: 5px; transform: rotate(90deg); font-weight: bold;">SEAL</div> </div>	

STAFF REPORT

GENERAL INFORMATION:

REQUEST: **SUBDIVISION REGULATIONS VARIANCE / SV 19-06:** To waive platting requirements in order to create Lots 1 and 2 of Greyhound Gulch Subdivision in accordance with Section 700.1 of the Pennington County Subdivision Regulations.

APPLICANT: Debra Legge

APPLICANT ADDRESS: 6420 West 64th Place, Wheat Ridge, CO 80033

OTHER LANDOWNER: Rhonda Champion

OWNER ADDRESS: 6420 West 64th Place, Wheat Ridge, CO 80033

AGENT: Fisk Land Surveying

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

LEGAL DESCRIPTION: EXISTING LEGAL: Lot 1 of Tract B including Lot A of Lot 1 of Tract B, HES #281, Section 15, T2S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1 and 2 of Greyhound Gulch Subdivision, Section 15, T2S, R6E, BHM, Pennington County, South Dakota.

SITE LOCATION: 13335 Greyhound Gulch Road; approximately one mile northwest of the intersection of Playhouse Road and Greyhound Gulch Road.

SIZE: 5.18 acres

TAX ID: 54692

EXISTING LAND USE: Vacant

SUBDIVISION REGULATIONS REFERENCE: Section 400.1

CURRENT ZONING: Suburban Residential District
Low Density Residential

Agenda Item #19
Debra Legge
July 22, 2019

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Open Meadow / Trees

UTILITIES: None

REPORT BY: Kristina Proietti

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending approval of Subdivision Regulations Variance / SV 19-06.

II. GENERAL DESCRIPTION

- A. The applicants are requesting a Subdivision Regulations Variance to waive the following platting requirements:
 - 1. Any road construction plans and road improvements; and,
 - 2. Percolation tests and soil profile hole information.
- B. The applicants, Debra Legge and Rhonda Champion, were approved for Layout Plat / LPL 18-40 to subdivide and create Lot 1 Revised of Tract B and Lot A Revised of Lot 1 of Tract B of HES 281.

III. EXISTING CONDITIONS

- A. Dual zoning:
 - 1. Suburban Residential District, and
 - 2. Low Density Residential District.
- B. 5.18 acres.
- C. No Special Flood Hazard Area on the subject property.
- D. Access off Greyhound Gulch Road.
- E. Lot is vacant of any structures.

IV. REQUEST FOR COMMENT

- A. County Highway Department
 - 1. Highway Department has no comments since Greyhound Gulch Road isn't a County maintained road.
- B. County Fire Administrator
 - 1. No comments received.

- C. County Environmental Planning Supervisor
 - 1. There is no special Flood Hazard Area on the subject property.
 - 2. According to the NRCS Websoil Survey, the soils on the subject property are somewhat limited for onsite wastewater treatment system absorption fields. The limitations include slow water movement and flooding. In addition, the geology in the area is predominately schist. Profile holes and percolations tests may determine that the soils/geology do not support a conventional system. An alternative onsite wastewater treatment system may be required.
 - D. County Onsite Wastewater Specialist
 - 1. I have no concerns with the current proposals, however when the applicant decides to install a septic system on either of the lots all rules of Pennington County Zoning Ordinance Section 204(J) must be followed.
 - E. County Ordinance Enforcement
 - 1. No record of past or current Ordinance Violations on the subject property. Ordinance Enforcement has no object to the proposed Rezone or Sub Reg Variances.
 - F. County Addressing Coordinator
 - 1. No addressing concerns at this time. Future addresses must be assigned and posted in accordance with Pennington County Ordinance #20.
 - G. Department of Equalization
 - 1. Looks fine, no comments.
 - H. Emergency Services (9-1-1)
 - 1. No concerns here.
- V. SUBDIVISION REGULATIONS VARIANCE / SV 19-06**
- A. The applicants are requesting to waive the following Subdivision Regulations:
 - 1. Any additional road improvements to Greyhound Gulch Road.
 - a. *Staff Comment: Greyhound Gulch Road is approximately 10-to-12-foot wide with widths varying along the entirety of the road. Staff does not see an issue with waiving road improvements to Greyhound Gulch Road.*
 - 2. Percolation tests and soil profile hole information.
 - a. *Staff Comment: Percolation tests and soil profile hole information will be required prior to submittal of a Building Permit for a residence or an On-Site Wastewater System Construction Permit, however, staff's understanding is that the applicant/landowners do not have any plans to develop the lots.*

VI. ANALYSIS

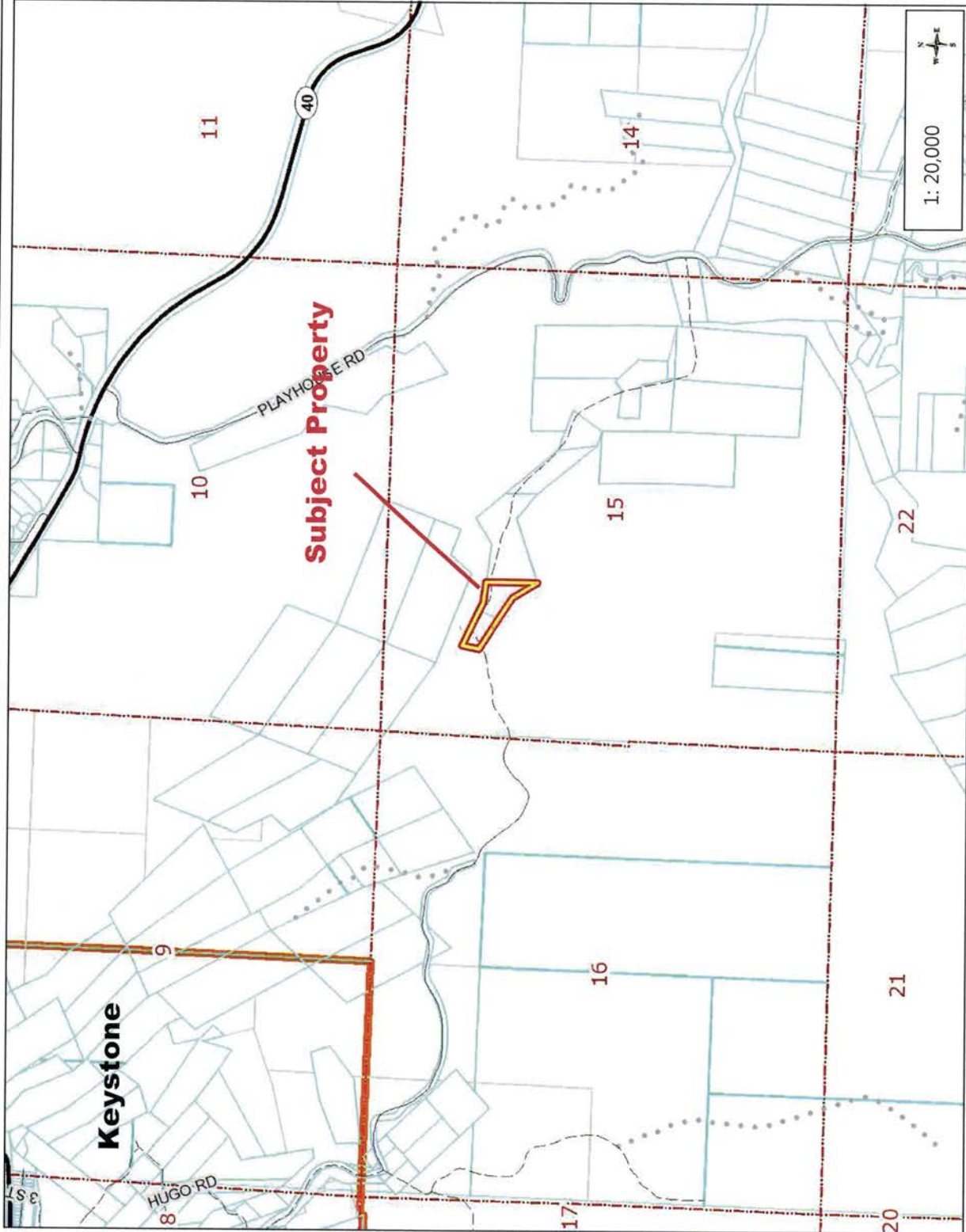
- A. December 18, 2018 the Board of Commissioners approved Layout Plat / LPL 18-40 with the following ten (10) conditions:
1. That at the time of Minor Plat submittal, the required changes are made to the proposed Plat, per comments from the Register of Deeds regarding using a Subdivision name;
 2. That prior to filing the Plat with the Register of Deeds, the proposed lots be rezoned appropriately.
 3. 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;
 4. 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;
 5. That at the time of the Minor Plat submittal, the proposed Plat be prepared by a Registered Land Surveyor;
 6. 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;
 7. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
 8. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of § 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit;
 9. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Layout Plat / PL 18-40, which is available at the Planning Office; and,
 10. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.
- B. The purpose of LPL 18-40 is to subdivide and create Lot 1 Revised of Tract B and Lot A Revised of Lot 1 of Tract B of HES 281, so as to divide the property with each lot containing approximately 2.5 acres. This lot is currently a developmental lot.

Agenda Item #19
Debra Legge
July 22, 2019

- C. The applicant has also submitted a Rezone (RZ 19-09) and Comprehensive Plan Amendment (CA 19-09), requesting to rezone 3.18 acres from Low Density Residential District to Suburban Residential District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Low Density Residential District to Suburban Residential District.
 1. RZ 19-09 and CA 19-09 will also be heard by the Planning Commission on July 22, 2019.

RECOMMENDATION: Staff recommends approval of Subdivision Regulations Variance / SV 19-06 to waive the following two (2) items:

1. To waive any additional road construction plans and road improvements; and,
2. To waive the submittal of percolation tests and soil profile hole information.



1: 20,000

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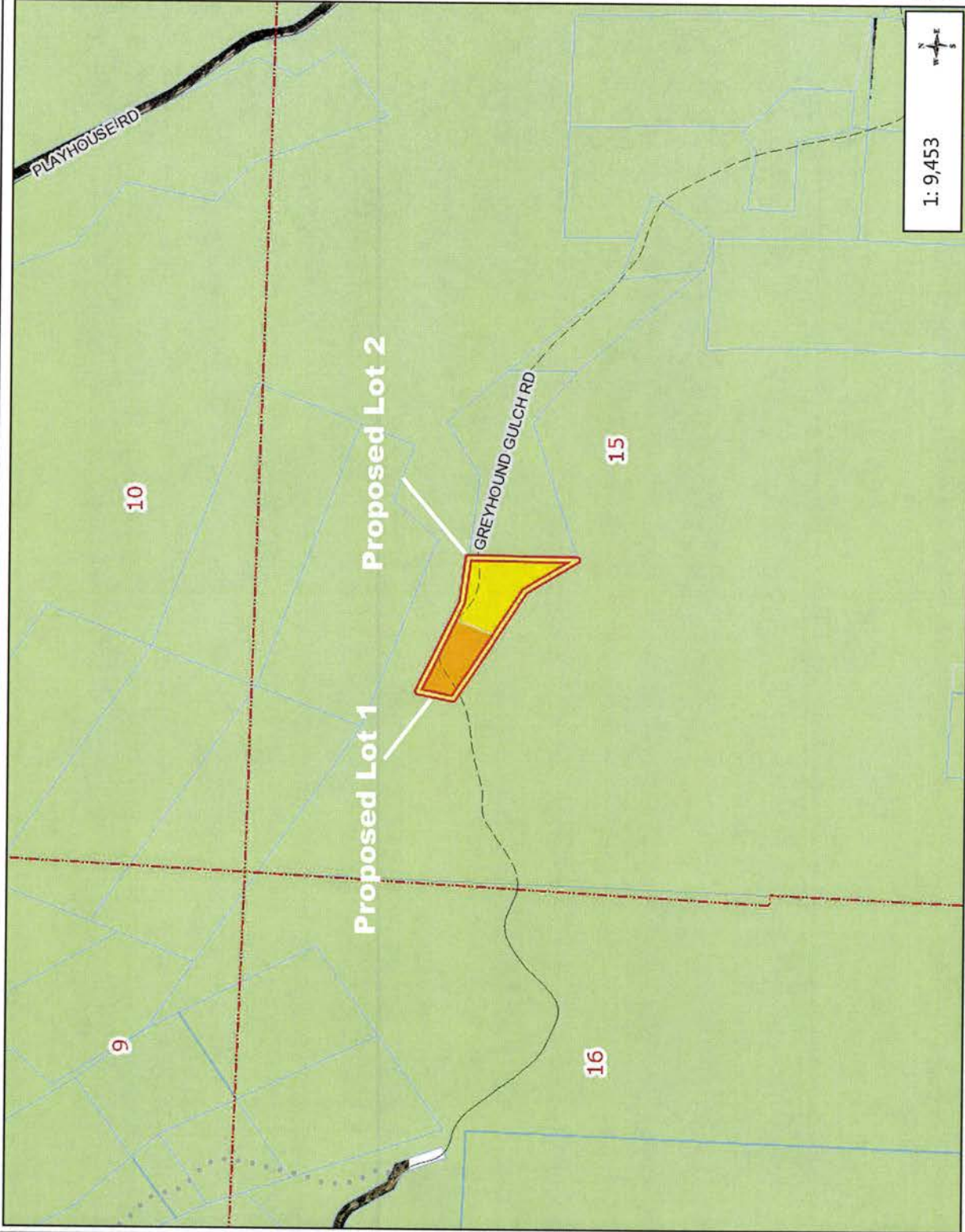
3,333.3 0 1,666.67 3,333.3 Feet

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Legend

- Roads**
- Interstate
 - US highway
 - SD highway
 - County highway
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 - 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: 9,453

1,575.5 Feet
0 787.73 1,575.5 Feet

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

Map Notes:



1: 1,891

315.1 157.55 315.1 Feet

NAD_1983_StatePlane_South_Dakota_South_FIPS_4002_Feet
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- Lot Lines**
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Map Notes:

STAFF REPORT

GENERAL INFORMATION:

REQUEST: **REZONE / RZ 19-09 AND COMPREHENSIVE PLAN AMENDMENT / CA 19-09:** To rezone 3.18 acres from Low Density Residential District to Suburban Residential District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Low Density Residential District to Suburban Residential District in accordance with Sections 207, 208, and 508 of the Pennington County Zoning Ordinance.

APPLICANT: Debra Legge

APPLICANT ADDRESS: 6420 West 64th Place, Wheat Ridge, CO 80033

OTHER LANDOWNER: Rhonda Champion

OWNER ADDRESS: 6420 West 64th Place, Wheat Ridge, CO 80033

AGENT: Fisk Land Surveying

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

LEGAL DESCRIPTION: Lot 1 of Tract B (less Lot A of Lot 1) of HES 281 in the N1/2 of Section 15, T2S, R6E, BHM, Pennington County, South Dakota.

SITE LOCATION: 13335 Greyhound Gulch Road; approximately one mile northwest of the intersection of Playhouse Road and Greyhound Gulch Road.

SIZE: 3.18 acres

TAX ID: 54692

EXISTING LAND USE: Vacant

ZONING REFERENCE: §§ 207, 208, and 508

CURRENT ZONING: Suburban Residential District
Low Density Residential

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Mountain Meadow

UTILITIES: None

REPORT BY: Jason Theunissen

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending approval of Rezone / RZ 19-09 and Comprehensive Plan Amendment / CA 19-09.

II. GENERAL DESCRIPTION

- A. The applicant, Debra Legge, has submitted a request to rezone 3.18 acres from Low Density Residential District to Suburban Residential District.
- B. The applicant is also requesting to amend the Pennington County Comprehensive Plan to change the Future Land Use from Low Density Residential District to Suburban Residential District.
- C. The purpose of the requests is to conform with lot size requirements of the zoning ordinance before final platting.
 - 1. December 18, 2018 – The Board of Commissioners approved Layout Plan / LPL 18-40 to subdivide the property into two (2) lots, each approximately 2.5 acres.



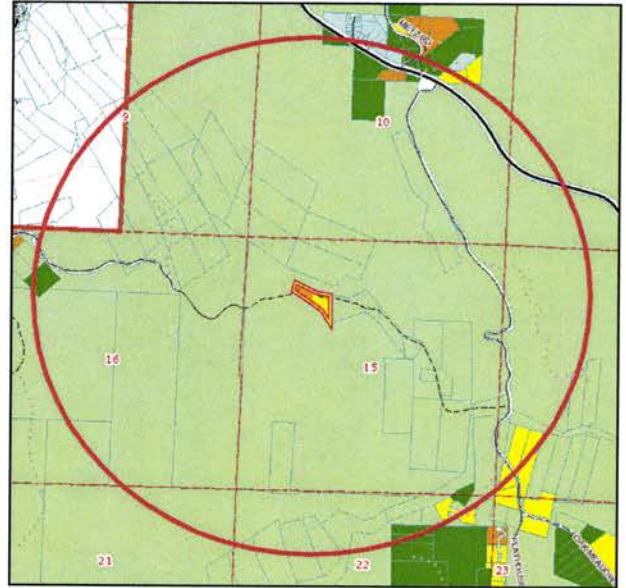
Proposed Lots per LPL 18-40, December 18, 2018

III. EXISTING CONDITIONS

- A. 5.18 acres
- B. Dual Zoned
 - 1. 3.18 acres zoned Low Density Residential District
 - 2. 2 acres zoned Suburban Residential District.
- C. Vacant of any structures.
- D. No Special Flood Hazard Area.
- E. Access from Greyhound Gulch Road.

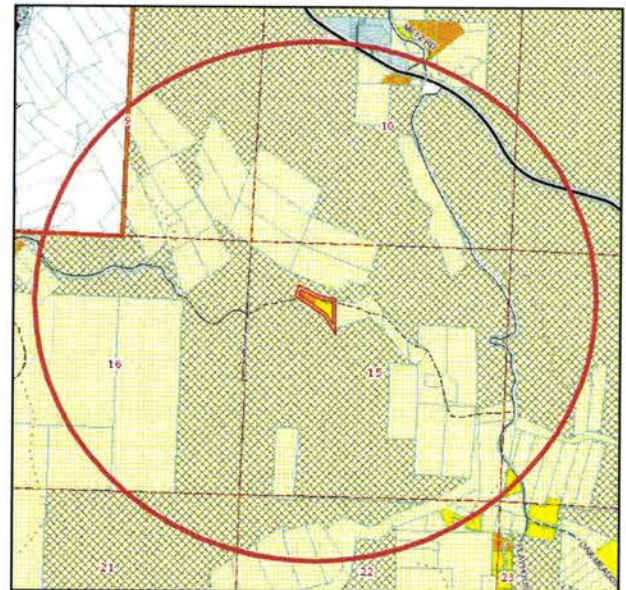
IV. CURRENT ZONING WITHIN 1 MILE

- A. General Agriculture District.
- B. Keystone City Limits.
- C. Limited Agriculture District.
- D. Low Density Residential District.
- E. Suburban Residential District.
- F. Planned Unit Development.



V. FUTURE LAND USE ZONING WITHIN 1-MILE

- A. Public Land.
- B. Planned Unit Development Sensitive.
- C. Keystone City Limits.
- D. Planned Unit Development.
- E. Low Density Residential District.
- F. Suburban Residential District.



VI. COMPREHENSIVE PLAN AMENDMENT / CA 19-06

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

VII. REQUEST FOR COMMENT

- A. County Highway Department
 - 1. Highway Department has no comments since Greyhound Gulch Road isn't a County maintained road.
- B. County Fire Administrator
 - 1. Free wildfire risk assessment of the property by the South Dakota Wildland Fire Suppression-Urban Interface Technician, Logan Brown Urban Interface Specialist South Dakota Wildland Fire (605) 394-2584; 3305 W SOUTH ST. RAPID CITY SD 57702-8160 Office: 605-394-5203 Fax: 605-393-8044;
- C. County Environmental Planning Supervisor
 - 1. There is no Special Flood Hazard Area on the subject property.
 - 2. According to the USDA NRCS Websoil Survey, the soils are somewhat limited for septic tank absorption fields. The limitations include slow water movement and flooding. In addition, the geology in the is predominantly schist. Profile holes and percolation tests may determine that the soils/geology do not support a conventional system. Alternative onsite wastewater treatment systems may be required.
- D. County Onsite Wastewater Specialist
 - 1. I have no concerns with the current proposals, however when the applicant decides to install a septic system on either or all of the lots all rules of Pennington County Zoning Ordinance § 204-J must be followed.
- E. County Ordinance Enforcement
 - 1. No record of past or current Ordinance Violations on the subject property. Ordinance Enforcement has no objection to the proposed Rezone and Comp Plan Amendment.
- F. County Sheriff's Office
 - 1. No comments received.
- G. County Addressing Coordinator
 - 1. No addressing concerns at this time. Future addresses must be posted in accordance with Pennington County Ordinance #20.
- H. Emergency Services (911)
 - 1. No comments here.
- I. Forest Service
 - 1. The Forest Service has no objections to the proposed Debra Legge Rezone and Amend Comprehensive Plan request.

2. Access to the private property is off the Greyhound Gulch Road.
 3. Protect all posted boundary line corners, signs and bearing trees.
 4. Adhere to the setback requirements along the posted boundary between National Forest System lands (USA Public Domain) and the private property.
 5. Protect all known stream courses, ponds and riparian areas located on National Forest System lands.
 6. No resource damage to occur on National Forest System lands.
 7. All straw bales, erosion mats, slash mats, etc. located on private property will need to be certified weed-free. Provide a copy of the certification to the Forest Service.
 8. No construction materials to be placed on National Forest System lands.
 9. All proposed drain fields, leach lines or septic systems will need to be located on private property and not located on or drain or leach onto National Forest System lands; septic system holding tank (s) and potable water holding tank (cistern) will be required to be located on private property.
 10. All construction materials, supplies, trash or garbage or fill material will not be located or dumped on National Forest System lands; take all construction materials, supplies, trash or garbage to an approved location (approved sanitary landfill).
 11. Public roads in this area of the Black Hills National Forest are classified as "Roads Open to Highway Legal Vehicles Only" per the latest version (January 1, 2019) of the Motor Vehicle Use Map.
 12. No motorized trailheads or motorized trails or motorized roads are planned or scheduled for this portion of the Black Hills National Forest.
 13. No motorized trails for ATV, motorcycles or ORV will be authorized from private property unto National Forest System lands (USFS does not want unauthorized trails constructed on National Forest System lands).
- J. Black Hills Energy
1. No comments received.

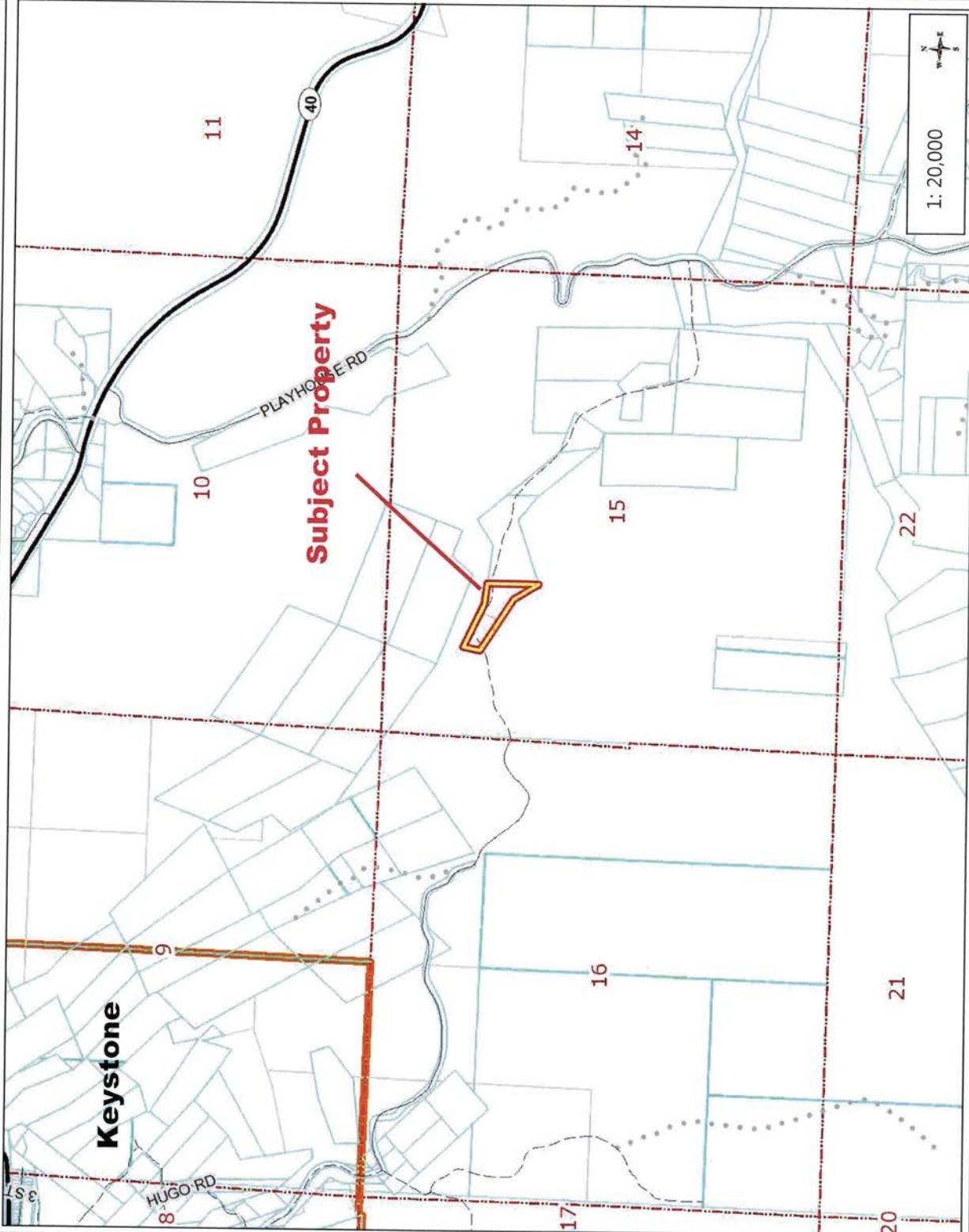
VIII. ANALYSIS

- A. December 18, 2018 – The Board of Commissioners approved Layout Plan / LPL 18-40 to subdivide the property into two (2) lots, each approximately 2.5 acres.
 1. Minimum lot size requirement for Low Density Residential zoning is 3 acres.
- B. June 12, 2019 – The applicant applied for Rezone / RZ 19-09 and Comprehensive Plan Amendment / CA 19-09 to conform to zoning requirements.

Agenda Item #20
Debra Legge; Fisk Land Surveying - Agent
July 22, 2019

- C. There are several Suburban Residential District properties within 1-mile, including two (2) acres of the dual zoned subject property. Therefore, the applicant's request to rezone appears to be in harmony with the Current and Future Land Use zoning.

RECOMMENDATION: Staff is recommending approval of Rezone / RZ 19-09 and Comprehensive Plan Amendment / CA 19-09.



1: 20,000

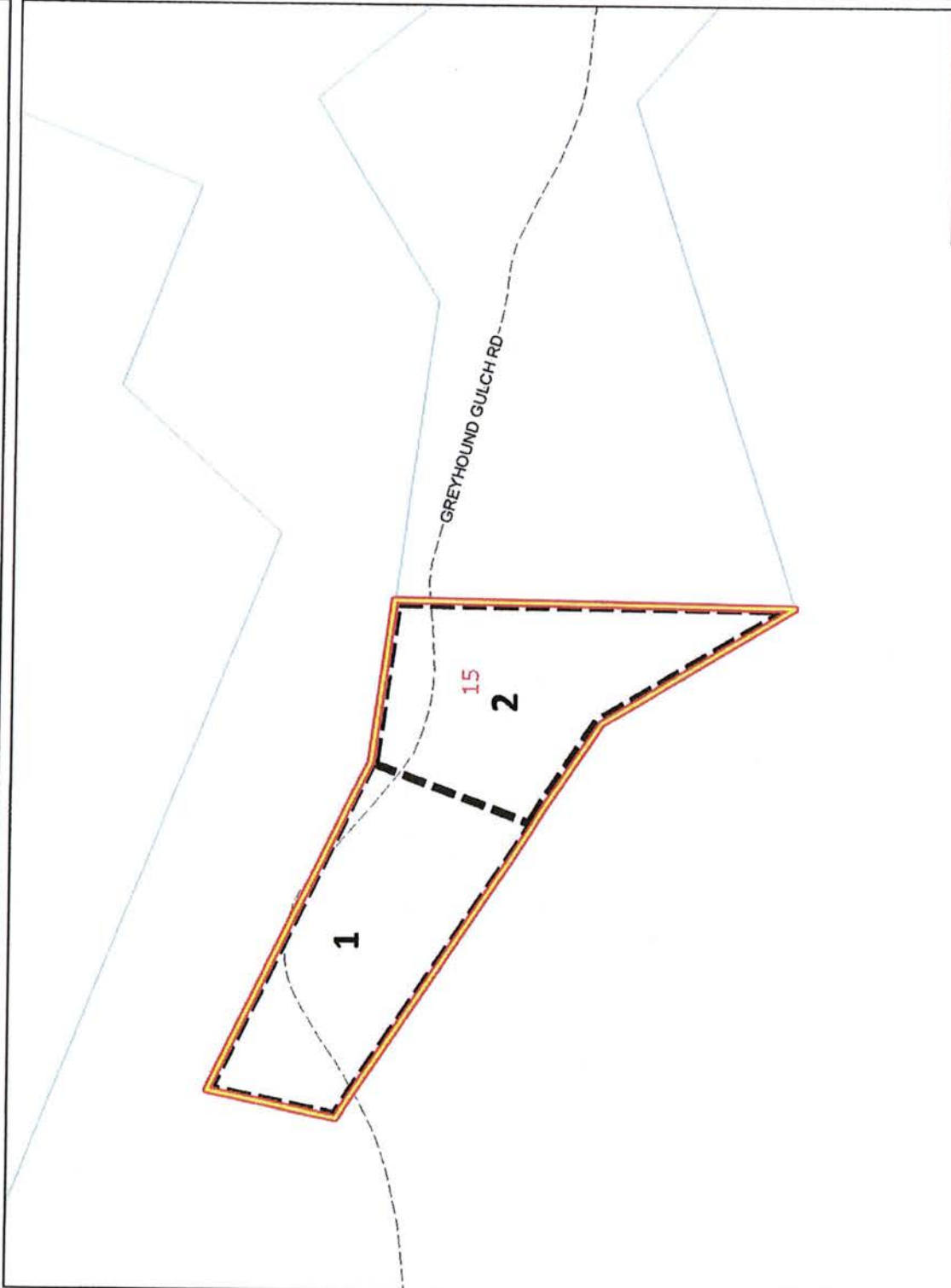
3,333.3 0 1,666.67 3,333.3 Feet

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Map Notes:

1: 2,697



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THIS MAP IS NOT TO BE USED FOR NAVIGATION



1: 1,891



315.1 0 157.55 315.1 Feet



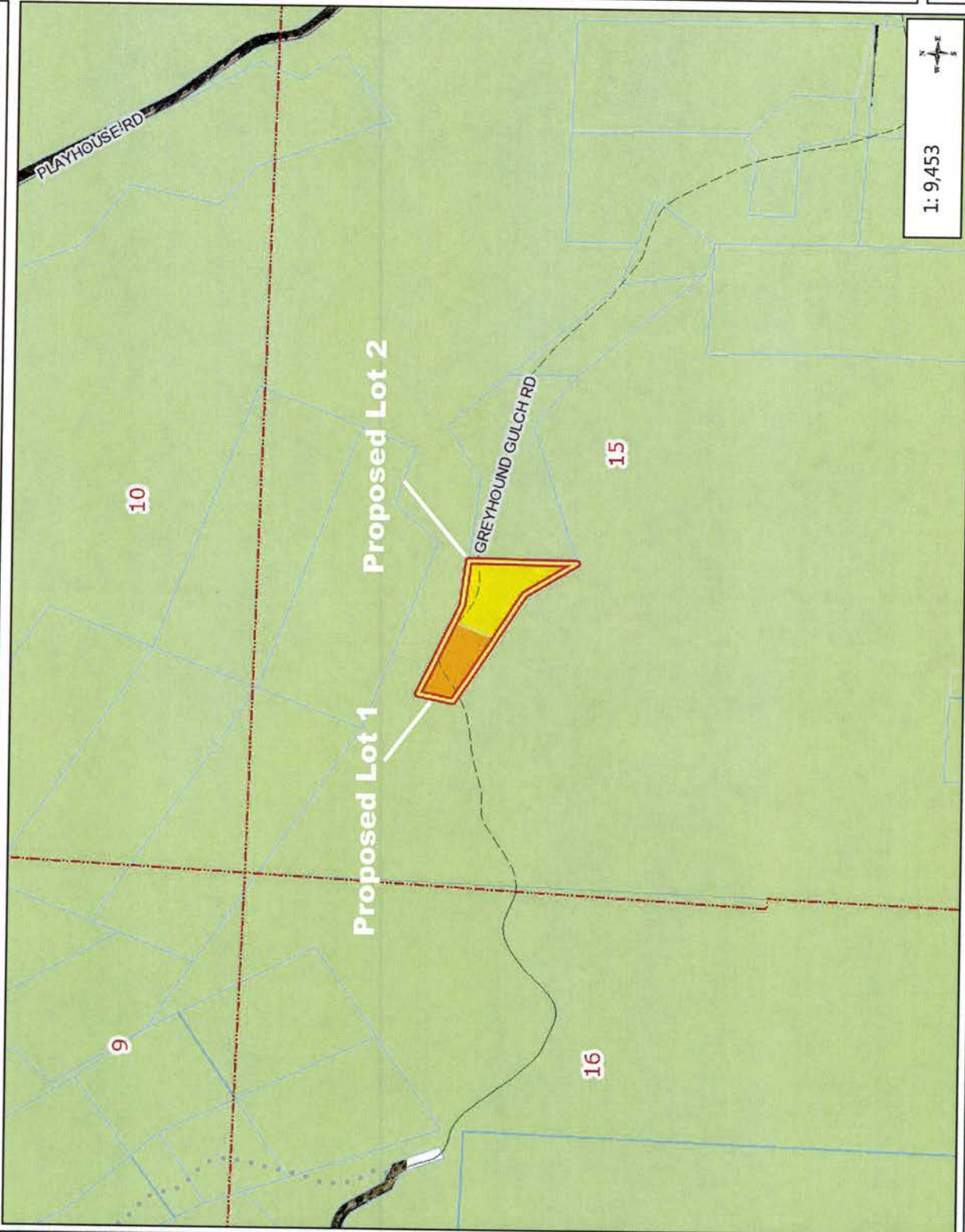
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Map Notes:



1: 9,453



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 - County highway
 - Main road
 - Minor arterial
 - Collector
 - Ramp
 - Paved road
 - Unpaved road
 - Trail
 - Driveway
 - Alley
 - Unimproved road
 - Airport Runway
 - Not yet coded
- Address Points**
- Section Lines 0-25k
- 0
 - 7
- Tax Parcels**
- Lot Lines**
- <Null>
 - Lot Line
 - Parcel Line
- Pennington County Zoning**
- General Agriculture
 - General Commercial
 - Heavy Industrial
 - Highway Services
 - Limited Agriculture
 - Low Density Residential
 - Light Industrial

Map Notes:

STAFF REPORT

GENERAL INFORMATION:

REQUEST: **LAYOUT PLAT / LPL 19-21:** To combine lots to create Lot D1 and Lot D2 of Lot 17, Fort Meade Placer 244 in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

APPLICANT: Jeffrey Scherr

APPLICANT ADDRESS: 1510 Clipper Place, Bismarck, ND 58504

SURVEYOR / ENGINEER: Baseline Surveying, Inc.

SURVEYOR ADDRESS: 1921 Lazelle Street, Sturgis, SD 57785

LEGAL DESCRIPTION: EXISTING LEGAL: Lot D of Lot 17 of Fort Meade Placer MS 244; Lot 1 of Lot A of Lot 8 of Lot E of Big Bend Placer MS 1442; and, Lot B of Lot 8 of Lot E of Big Bend Placer MS 1442, all located in Section 8, T1S, R6E, BHM, Pennington County, South Dakota.

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

SITE LOCATION: 23098 Thunderhead Falls Road.

SIZE: 7.81 acres

TAX ID: 51604 / 69233 / 69234

EXISTING LAND USE: Vacant / Residential

SUBDIVISION REGULATIONS REFERENCE: § 400.1

CURRENT ZONING: Low Density Residential District

SURROUNDING ZONING:

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

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Jeffrey Scherr
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East	Low Density Residential District General Agriculture District
West	General Agriculture District Low Density Residential District

PHYSICAL CHARACTERISTICS: Forested / Hills

UTILITIES: None

REPORT BY: Brittney Molitor

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending approval of Layout Plat / LPL 19-21 with eight (8) conditions.

II. GENERAL DESCRIPTION

- A. The applicant, Jeff Scherr, has applied for a Layout Plat to create two (2) lots from three (3) existing lots.

III. EXISTING CONDITIONS

- A. Lot D of Lot 17 of Fort Meade Placer MS 244.
1. Zoned Low Density Residential District, minimum three (3) acre lot size.
 2. 7.42 acres.
 3. Access off of Thunderhead Falls Road.
 - a. Maintained by Pennington County Highway.
 - b. More than 40 lots on a dead end road.
 4. Lot contains:
 - a. Retail store – built in 1970 per Department of Equalization (DOE) Records.
 - b. Commercial Utility Building – built in 1988 per DOE records.
 - c. “Thunderhead Falls”
 5. Special Flood Hazard Area on the subject property, including Floodway.
- B. Lot 1 of Lot A of Lot 8 of Lot E
4. Zoned Low Density Residential District, minimum three (3) acre lot size.
 5. Restriction on Plat for a Holding Tank only as a means of wastewater treatment.
 6. 0.36 acres.
 - a. Access off of Thunderhead Falls Road.
 - b. Maintained by Pennington County Highway.
 7. More than 40 lots on a dead end road.
 8. Vacant of any structures.

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9. Special Flood Hazard Area on the subject property, including Floodway.
- C. Lot B of Lot 8 of Lot E of Big Bend Placer MS 1442
4. Zoned Low Density Residential District, minimum three (3) acre lot size.
 5. 0.03 acres.
 - a. Access off of Thunderhead Falls Road.
 - b. Maintained by Pennington County Highway.
 6. More than 40 lots on a dead end road.
 7. Vacant of any structures.



Site Map



Location of Special Flood Hazard Area – Floodway (Red)

IV. PROPOSED LOTS

A. Lot D1

1. 4.534 acres.
2. Zoned Low Density Residential District.
 - a. Requires a 3 acre minimum.
3. Shared Access with Proposed Lot D2 off of Thunderhead Falls Road.
4. Proposed single-family residence.
5. Special Flood Hazard Area, including Floodway.

B. Lot D2

1. 4.537 acres.
2. Zoned Low Density Residential District.
 - a. Requires a 3 acre minimum.
3. Shared Access with Proposed Lot D1 off of Thunderhead Falls Road.
4. Proposed single-family residence.
5. Special Flood Hazard Area, including Floodway.
6. Lot contains:
 - a. Retail store – built in 1970 per Department of Equalization (DOE) Records.
 - b. Commercial Utility Building – built in 1988 per DOE records.
 - c. “Thunderhead Falls”

- E. County Register of Deeds
 - 1. Formerly needs to be amended to read: Lot D of Lot 17 in Fort Meade Placer No. 244, Lot B of Lot 8 of Lot e in Big Bend Placer M.S. No 1442 and Lot 1 of Lot A of Lot 8 of Lot E in Big Bend Placer M.S. 1442.
- F. County Department of Equalization (Cartographer)
 - 1. First, it appears that the “formerly” section of the title has an incorrect reference to an existing parcel. According to the plat, the new lots are coming out of “Lot B of Lot 8 of Lot E of Big Bend Placer” (Tax ID 69234) and not out of “Lot B of Lot 17 of Fort Meade Placer” (Tax ID 44104), the latter of which is across the road to the north and has different ownership. Also in the “formerly” section “Lot 1 of Lot A” should be specified as “Lot 1 of Lot A of Lot 8 of Lot E of Big Bend Placer.” I would therefore suggest that the “formerly” section read as follows: “formerly Lot D of Lot 17 in Fort Meade Placer No. 244 and Lot B of Lot 8 of Lot E and Lot 1 of Lot A of Lot 8 of Lot E of Big Bend Placer M.S. No. 1442.”
 - 2. Second, the acreage of the proposed lots does not match up with the current acreage of the existing parcels. The sum acreage of the existing parcels is 7.81 and the sum of the proposed is 9.08. My thought is that this is a steep and difficult area to survey, and the previous surveys we have of this area all have different measurements, so some discrepancies are probably not out of line. I don’t think there’s anything that needs to be fixed or corrected. I would just make sure the property owner knows that the acreage as newly surveyed is greater than it was, and he will therefore likely have a slightly higher assessment on his land.
- G. County Environmental Planning Supervisor
 - 1. Thunderhead Falls Road exceeds the number of lots (>40) for ingress and egress on a dead end road.
 - 2. There is a significant amount of Special Flood Hazard Area, including Floodway, on the subject property. A Floodplain Development Permit will be required for any disturbance in the Special Flood Hazard Area. If structures (or an RV) are served by an onsite wastewater treatment system, alternative or experimental systems may be required. As a last resort, a holding tank may be allowed.
- H. County Environmental Planner
 - 1. According to the USDA Web Soil Survey the soils in the area are classified as Very Limited for an absorption bed. I have no further concerns with the current proposal.
- I. County Ordinance Enforcement Officer
 - 1. There was an Ordinance Violation (COVO14-0142) on the property in 2014 for an RV being lived in; however, that violation was closed.

2. Ordinance Enforcement does have concern with increasing density at the end of a dead end road that is rather narrow.
- J. County Natural Resources Director
1. No objections.
- K. Pennington County 9-1-1
1. No comments here.
- L. Black Hills Electric Cooperative
1. Black Hills Electric Cooperative has no concerns with this subdivision.
- M. U. S. Forest Service
1. Access to the private property is off the Thunderhead Falls Road.
 2. The Forest Service will not authorize a secondary access from and/or across National Forest System lands to access the private property.
 3. Protect all posted boundary line corners, signs and bearing tress.
 4. Adhere to the setback requirements along the posted boundary between National Forest System lands (USA Public Domain; located on the west and east sides of private property) and private property.
 5. Protect all known stream courses, ponds and riparian areas located on National Forest System lands.
 6. No resource damage to occur on National Forest System lands.
 7. No road construction materials to be placed on National Forest System lands.
 8. All proposed drain fields, leach lines or septic systems will need to be located on private property and not located on or drain or leach onto National Forest System lands; septic system holding tank (s) and potable water holding tank (cistern) will be required to be located on private property.
 9. All proposed electrical service to the private property that may cross National Forest System lands will need to be buried; coordinate with utility company for electrical service.
 10. All construction materials, supplies, trash or garbage will not be located or dumped on National Forest System lands; take all construction materials, supplies, trash or garbage to an approved location (approved sanitary landfill).
 11. Public roads in this area of the Black Hills National Forest are classified as "Highways" per the latest version (January 1, 2019) of the Motor Vehicle Use Map.
 12. No motorized trailheads or motorized trails or motorized roads are planned or scheduled for this portion of the Black Hills National Forest.
 13. No motorized trails for ATV, motorcycles or ORV will be authorized from private property unto National Forest System

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

VI. ANALYSIS

- A. There is one means of ingress and egress to the subject properties via Thunderhead Falls Road.
 1. There are approximately 57 lots served by Thunderhead Falls Road.
 - a. It appears that a majority of the lots along Thunderhead Falls Road were platted in the 1960s.
 - i. From platting records, it appears the dead end road system exceeded 40 lots over 40 years ago.
 - b. Two properties along Thunderhead Falls Road are overnight camps.
 - i. Presbyterian Church Camp – Conditional Use Permit / CU 94-26.
 - ii. Salvation Army Camp – Planned Unit Development / PUD 09-02.
 2. In the case of fire or flooding, there is no alternative escape route.
- B. Thunderhead Falls Road has seven (7) water crossings between Highway 44 and the subject property.
 1. In the event a flood would take out any of those bridges, there is potential for numerous people being stranded and unable to escape to W. Highway 44.
- C. The proposed Plat will not increase density for “buildable” lots.
 1. One existing lot consists of 0.36 acre and has a note on the plat that requires only a sewage holding tank to be placed on the lot if a residence is constructed.
 - a. The lot does not meet the minimum requirements (1 acre) for a well and onsite wastewater treatment system Pennington County Zoning Ordinance (PCZO) §.
 - b. The lot was platted after February 28, 1975 (November 5, 1975).
 - i. SDAR 74:53:01:16. Minimum lot size required. A water-carriage wastewater system may not be installed or operated on a lot which is smaller than 20,000 square feet in surface area. A water-carriage wastewater system may not be installed or operated on a lot which is smaller than 43,560 square feet (1 acre) when potable water is supplied by a private water supply system located on the lot. A water-carriage wastewater treatment system may be installed and operated on a lot which is 20,000 square feet in surface area or larger if the requirements of § 74:53:01:19 are met and the premises are supplied by a public water supply system, a private water supply

system not located on the lot, or by hauling and storage of potable water in a cistern. The requirements of this section do not apply if wastewater is emptied into a holding tank or an unconventional system is used.

- ii. SDAR 74:53:01:05. Existing subdivisions and developments exempted from lot size requirements -- Proviso. Housing subdivisions and housing developments platted before February 28, 1975, are exempt from the lot size requirements of § 74:53:01:16 provided compliance with other provisions of this chapter can be achieved.
2. Pennington County Subdivision Regulations § 500.5(4) does not allow more than 40 lots on a dead end road system.
3. The last plat along Thunderhead Falls Road that increased density was filed July 6, 2000, prior to the effective date of the Subdivision Regulations (November 12, 2008).
4. The applicant previously submitted a Layout Plat (LPL19-13) for the subject properties to plat Lots D1, D2 and D3.
 - a. The Planning Commission denied Layout Plat (LPL19-13).
 - b. The applicant withdrew the application for LPL 19-13 and resubmitted this request.

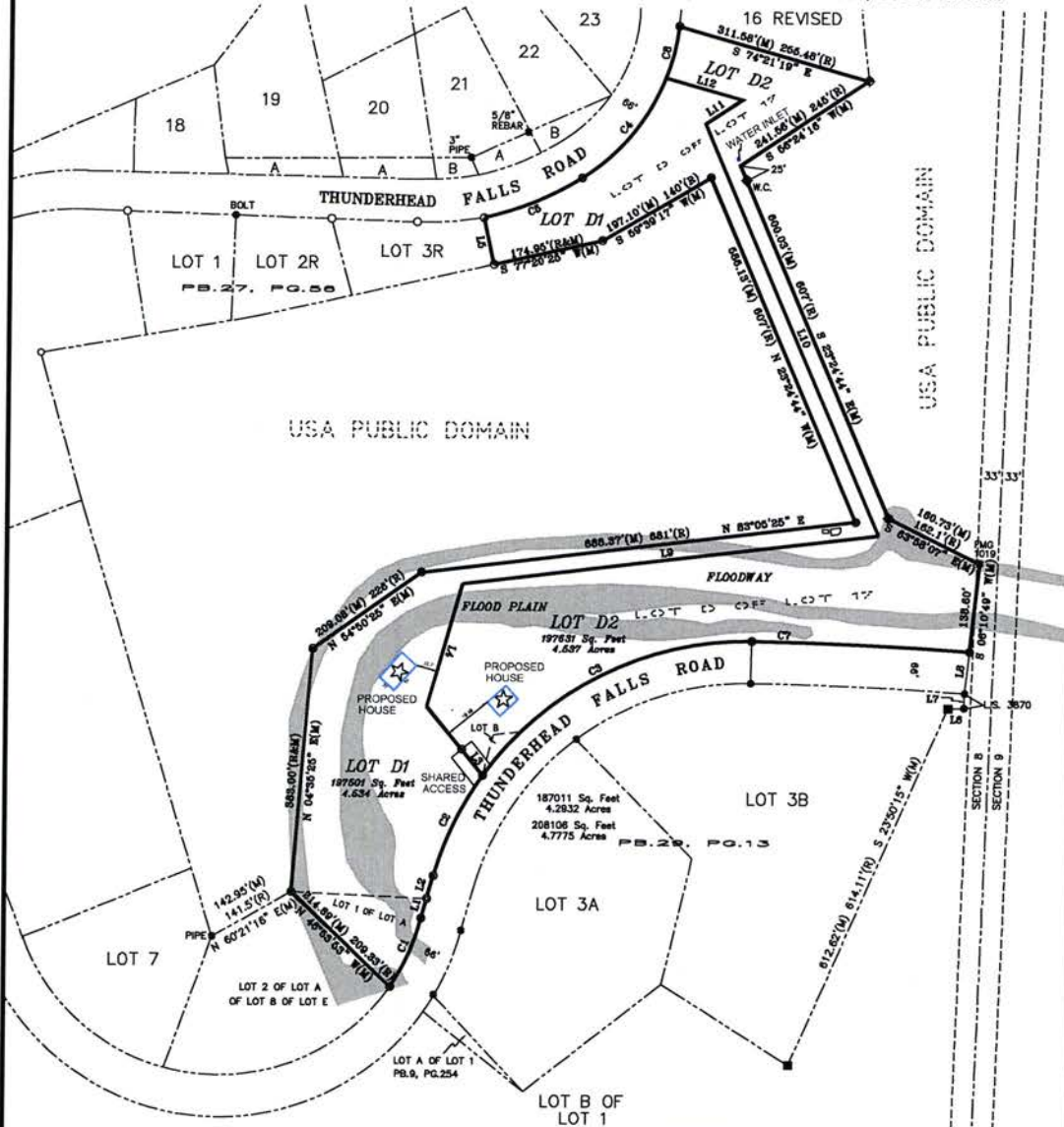
RECOMMENDATION: Staff is recommending approval of Layout Plat / LPL 19-21 with the following eight (8) conditions:

1. That at the time of Minor Plat submittal, the “formally” portion of the proposed Plat be corrected per Register of Deeds and Department of Equalization comments to state, “Formerly Lot D of Lot 17 in Fort Meade Placer No. 244 and Lot B of Lot 8 of Lot E and Lot 1 of Lot A of Lot 8 of Lot E of Big Bend Placer M.S. No. 1442, Section 8, T1S, R6E, B.H.M., Pennington County, South Dakota;”
2. That at the time of Minor Plat submittal, eight (8) foot minor drainage and utility easements continue to be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
3. That at the time of Minor Plat submittal, the plat meets all the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
4. That at the time of Minor Plat submittal, the applicant submits percolation tests and soil profile information for proposed Lots D1 and D2 to be reviewed and approved by the County On-site Wastewater Specialist, or an approved Subdivision Regulations Variance be obtained waiving this requirement;

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5. That following platting of proposed Lots D1 and D2, any on-site wastewater treatment system(s) be subject to the requirements of Section 204(J) of the Pennington County Zoning Ordinance;
6. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
7. That the applicant ensures that all natural drainage ways be continually maintained and are not blocked; and,
8. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

PRELIMINARY PLAT OF
 PLAT OF LOTS D1 AND D2 OF LOT 17 IN FORT MEADE PLACER NO. 244.
 FORMERLY LOT D AND LOT B OF LOT 17 IN FORT MEADE PLACER NO. 244 AND LOT 1 OF LOT A IN BIG BEND PLACER M.S. NO 1442.
 ALL LOCATED IN THE E1/2 OF THE S81/4, SECTION 8, T1N, R6E, B.H.M., PENNINGTON COUNTY, SOUTH DAKOTA.



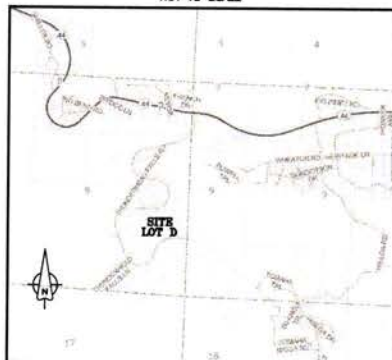
CURV	TRANSIT	ARC	LENGTH	CHORD	ANGLE	CHORD	BEARING	ANGLE	CHORD
C1	137.92	118.00	117.37	S 24°26'58" W	20°37'04"				
C2	511.32	178.19	175.32	S 25°47'58" W	19°44'33"				
C3	511.32	481.34	472.85	S 63°11'58" W	55°03'24"				
C4	321.90	145.94	144.89	N 45°15'14" W	73°58'37"				
C5	503.88	165.94	165.19	S 87°51'52" W	18°51'58"				
C6	5874.62	240.25	240.23	N 87°04'30" W	2°20'35"				
C7	5374.62	103.88	103.88	N 88°45'08" W	1°00'40"				
C8	1321.80	48.23	48.19	S 10°24'17" W	18°13'45"				

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	S 15°58'53" W	139.18	L7	N 01°53'53" E	23.08
L2	S 15°58'53" W	138.98	L8	N 06°10'49" E	66.04
L3	N 39°29'59" W	152.34	L9	S 87°05'23" W	1658.19
L4	S 15°58'48" W	1200.28	L10	S 23°24'44" W	1680.94
L5	N 12°39'09" W	178.18	L11	S 58°24'18" W	68.57
L6	N 88°40'37" E	25.05	L12	N 74°21'18" W	1125.56



Shanon E. Vosknetz
 Registered Land Surveyor No. 7719

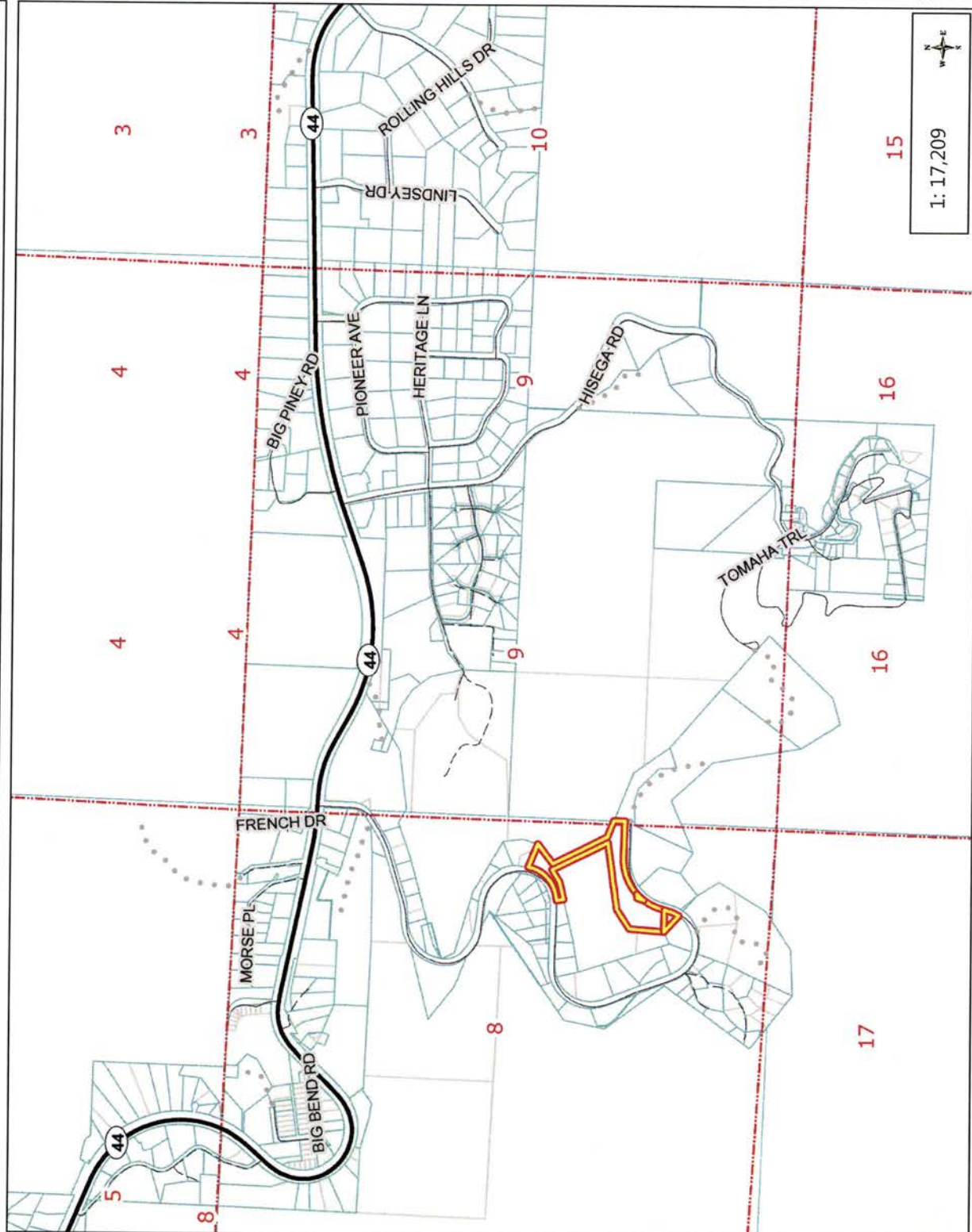
VICINITY MAP
 NOT TO SCALE



- - Denotes Found Survey Cap Monument Marked 'FISK ENG 1771'.
- - Denotes Found Original Stone.
- - Denotes Found Survey Cap Monument Marked 'SUBBECK 3870', Unless Otherwise Noted.
- ◆ - Denotes Found 3" Alum. U.S.F.S. Monument.
- ⊙ - Denotes Set 5/8" Rebar and Cap Marked 'VOSKNETZ 7719', Unless Otherwise Noted.
- (R)-PREVIOUSLY RECORDED INFORMATION
- (M)-MEASURED THIS SURVEY

SURVEYOR'S NOTES:

- 1.) Utility and Drainage Easement:
 An eight foot (8') wide utility and minor drainage easement is hereby granted on the interior side of all lot lines or an approved Subdivision Regulations Variance be obtained waiving this requirement. Removal or modification of any obstruction or impediment to such an easement shall be the financial responsibility of the landowner.
 - 2.) Reference Plats:
 Plats and Easements of Record as shown hereon; Plat Steel File of Fort Meade Placer as previously recorded with the Pennington County Register of Deeds Office.
 - 3.) Geodetic North Determined by Global Positioning System (GPS).
 - 4.) FEMA Mapping indicates Zone AE and Minimal Flood Hazard, Zone X, Per FIRM Panel, 46103C 0741H with Effective Date 6/3/2013.
- All Access Easements, Major Drainage Easements and Sanitary Sewer Easements shown hereon shall be kept free of all obstructions, including but not limited to, buildings, walls, fences, hedges, trees and shrubs. These easements grant to Pennington County and all public authorities the right to enter upon the property to construct, operate, maintain, inspect and repair such improvements and structures as reasonably necessary to effectuate its purpose.



1: 17,209



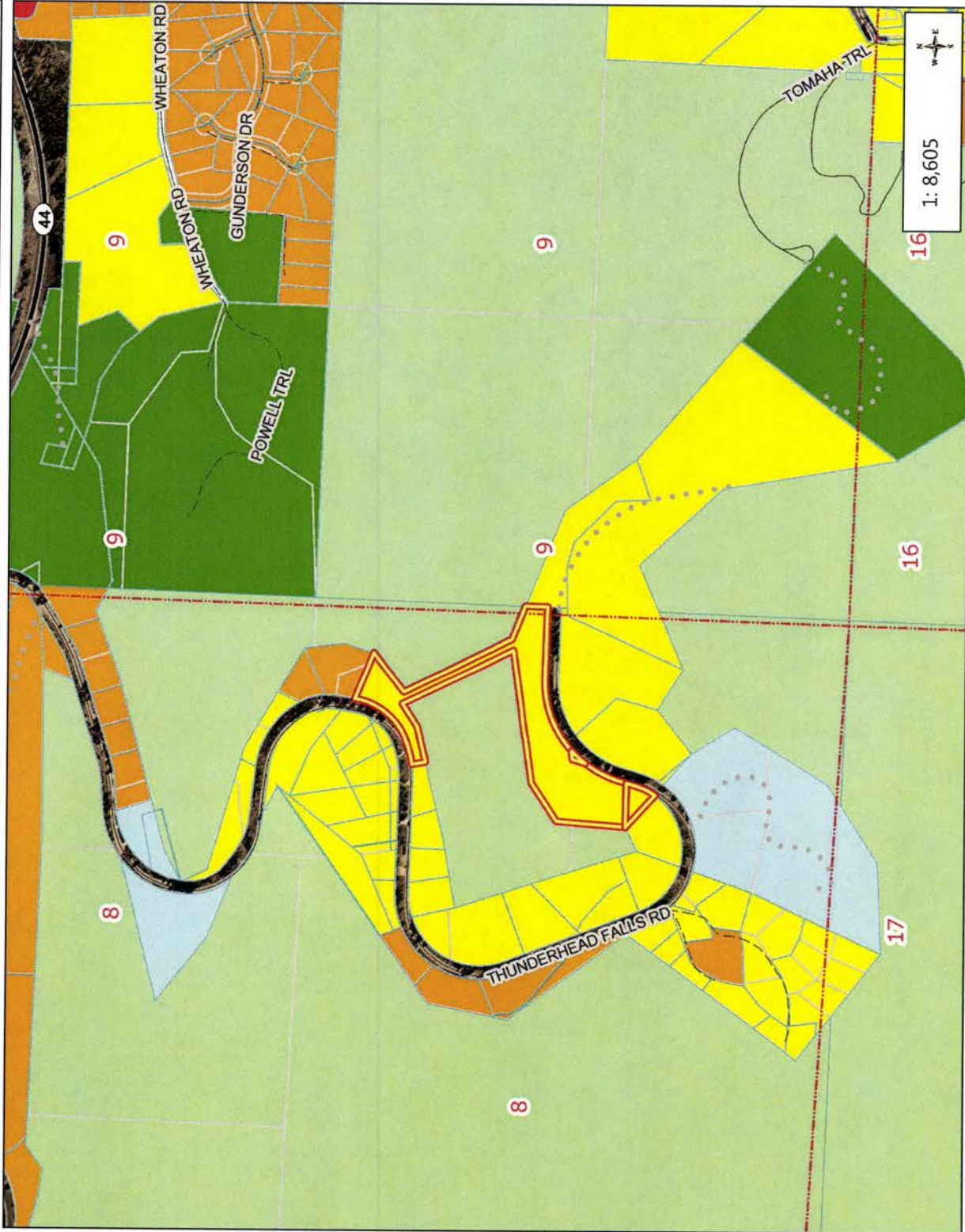
2,868.2 0 1,434.12 2,868.2 Feet

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

Map Notes:

Legend

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



Legend

Roads

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- US highway
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- Not yet coded

Section Lines 0-25k

- 0
- 7

Tax Parcels

Lot Lines

- <Null>
- Lot Line
- Parcel Line

Pennington County Zoning

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

Map Notes:

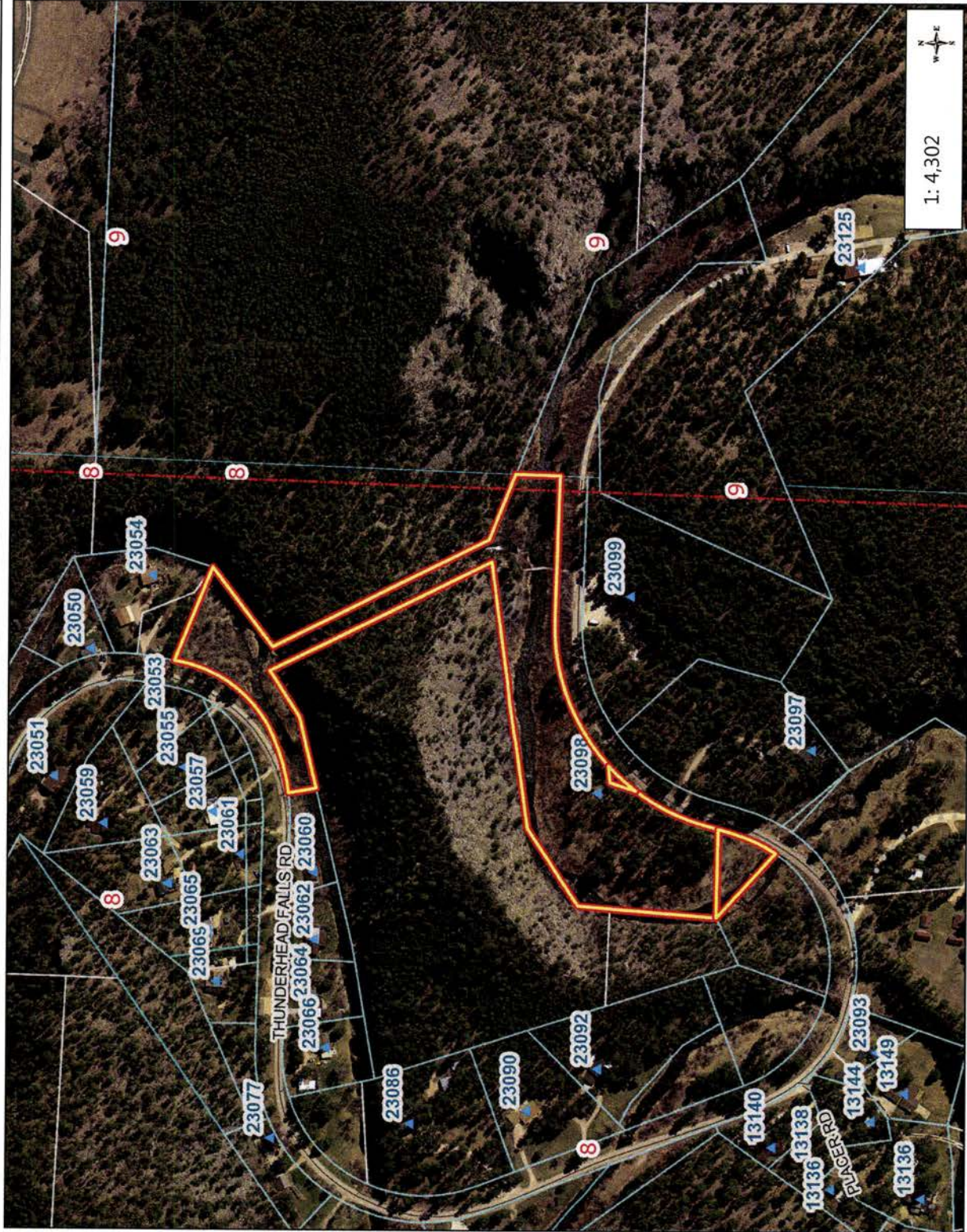
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1,434.1 0 717.06 1,434.1 Feet

1: 8,605

NAD_1983_StatePlane_South_Dakota_FIPS_4002_Feet
© City of Rapid City GIS



1: 4,302



717.1 0 358.53 717.1 Feet



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© City of Rapid City GIS

Legend

- Roads**
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STAFF REPORT

GENERAL INFORMATION:

REQUEST:

REZONE / RZ 19-10 AND COMPREHENSIVE PLAN AMENDMENT / CA 19-10: To rezone 32.58 acres from General Agriculture District to Limited Agriculture District and to amend the Pennington County 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:

Duane Scott

APPLICANT ADDRESS:

3155 Anderson Road, Rapid City, SD 57703

OTHER LANDOWNER:

Travis and Melissa Woodward

OWNER ADDRESS:

4288 Twilight Drive, Rapid City, SD 57703

AGENT:

D.C. Scott Surveying

AGENT ADDRESS:

3153 Anderson Road, Rapid City, SD 57703

LEGAL DESCRIPTION:

W1075 feet of SW1/4SW1/4 Less N850 feet; N425 feet of W1075 feet of SW1/4SW1/4; S425 feet of N850 feet of W1075 feet of SW1/4SW1/4, Section 13, T1N, R9E, BHM, Pennington County, South Dakota.

SITE LOCATION:

South of the intersection of Long View Road and 153rd Avenue.

SIZE:

32.588 acres

TAX ID:

69707 / 69708

EXISTING LAND USE:

Vacant

ZONING REFERENCE:

Sections 205, 206, and 508

CURRENT ZONING:

General Agriculture District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Flat / Open prairie

UTILITIES: None

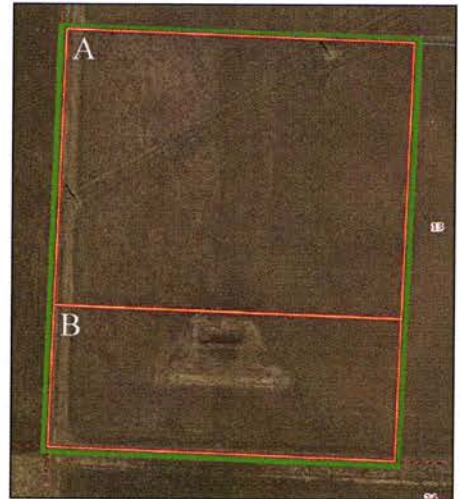
REPORT BY: P.J. Conover

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending approval of Rezone / RZ 19-10 and Comprehensive Plan Amendment / CA 19-10.

II. GENERAL DESCRIPTION

- A. The applicant, Duane C. Scott, has submitted a request to rezone 20.98 acres (Property A) and 11.6 acres (Property B), totaling 32.58 acres, from General Agriculture District to Limited Agriculture District, for the purposes of selling the lots for residential use.
1. Property A is legally described as N425 feet of W1075 feet of SW1/4SW1/4; S425 feet of N850 feet of W1075 feet of SW1/4SW1/4, Section 13, T1N, R9E, BHM, Pennington County, South Dakota.
 2. Property B is legally described as W1075 feet of SW1/4SW1/4 Less N850 feet, Section 13, T1N, R9E, BHM, Pennington County, South Dakota.
 3. For purposes of this Staff Report, the descriptors Property A and Property B are not part of a legal description and are being used solely for simplicity.
- B. The applicants are also requesting to amend the Pennington County Comprehensive Plan to change the Future Land Use of Property A and Property B from General Agriculture District to Limited Agriculture District.



III. EXISTING CONDITIONS ON PROPERTY A & B

- A. Property A is 20.98 acres.
- B. Property B is 11.6 acres.
- C. Section Line Right-of-Ways (SLROW)
 - 1. Property A has a SLROW along its western property line.
 - 2. Property B has a SLROW along its western and southern property lines.
- D. Property A and B:
 - 1. No structures.
 - 2. No Special Flood Hazard Areas.
 - 3. Current Zoning: General Agriculture District – 40 acre minimum lot size.
 - 4. Future Land Use Zoning: General Agriculture District – 40 acre minimum lot size.
 - 5. Access is off of a two-track-trail along the north/south SLROW between Section 13 and Section 14, T1N, R9E, BHM, Pennington County, South Dakota.
 - a. Any improvements to the SLROW will require additional Permits and permission from Pennington County.

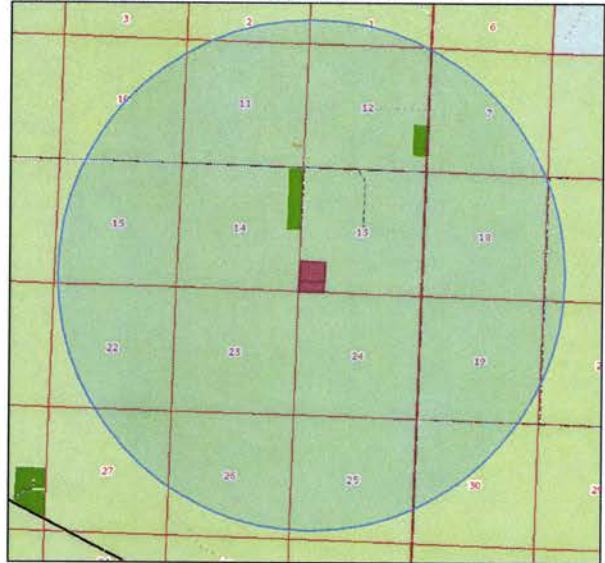
IV. REQUEST FOR COMMENT

- A. County Highway Department
 - 1. Highway Department has no comments.
- B. County Environmental Planning Supervisor
 - 1. There is no Special Flood Hazard Area on the subject property.
 - 2. It appears that access to the subject property is from unimproved Section Line Rights-of-Way. Road Construction in a Section Line Right-of-Way Application will need to be approved by the Board of Commissioners for access to the residential lot, if the Section Line is used.
 - 3. The soils on the subject property as rated as Very Limited by the USDA Web Soil survey. The limitations include slow water movement, ponding, depth to saturated zone, and depth to bedrock.
- C. County Onsite Wastewater Specialist
 - 1. I have no concerns with the current proposal, however, when future owners of the lots [properties] decide to install septic systems all rules of Pennington County Zoning Ordinance [Section] 204-J must be followed.
- D. County Ordinance Enforcement
 - 1. There is no record of any past or current Ordinance Violations on the subject property.
- E. County Weed and Pest
 - 1. No objections.
- F. 9-1-1 Emergency Services
 - 1. Good here.

- G. County Addressing Coordinator
 - 1. No addressing concerns at this time. Future addresses must be assigned and posted in accordance with Pennington County Ordinance #20.

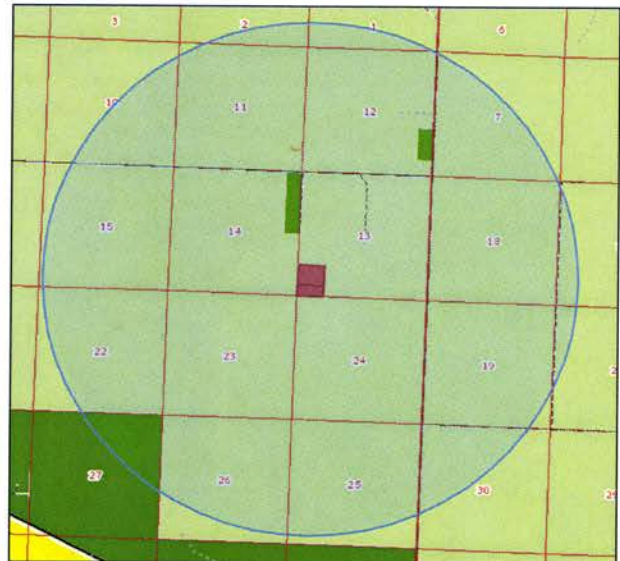
V. SURROUNDING CURRENT ZONING WITHIN TWO (2) MILES OF THE SUBJECT PROPERTY

- A. General Agriculture District.
- B. Limited Agriculture District.
- C. Suburban Residential District.



VI. SURROUNDING FUTURE LAND USE (FLU) ZONING WITHIN TWO (2) MILES OF THE SUBJECT PROPERTY

- A. General Agriculture District.
- B. Limited Agriculture District.
- C. Suburban Residential District.

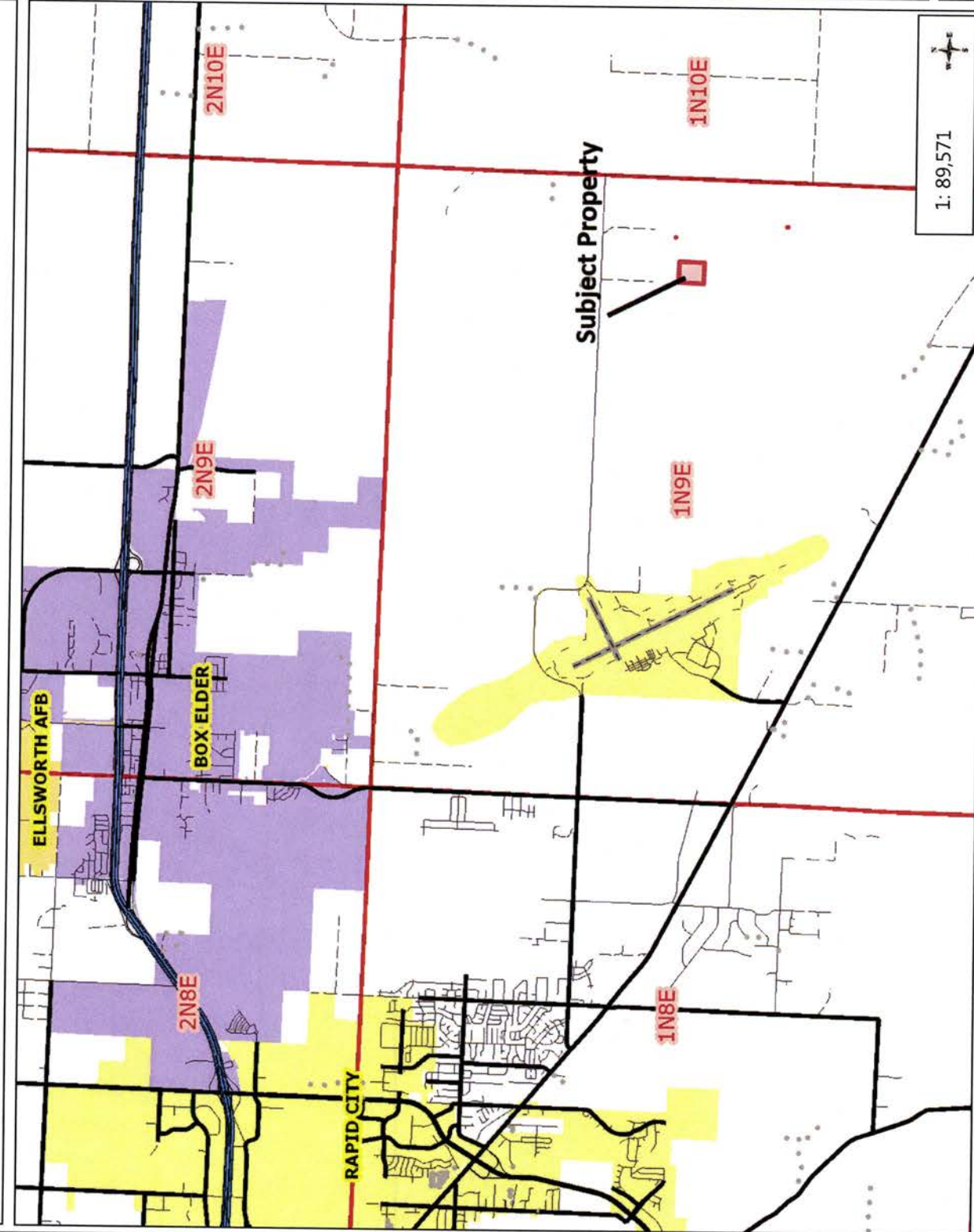


Agenda Item #22
Duane Scott; D.C. Scott - Agent
July 22, 2019

VII. ANALYSIS

- A. The applicants are requesting the following rezone:
 - 1. Proposed property A and B from General Agriculture District to Limited Agriculture District.
- B. The applicant has already sold Property B (the 11.6 acre lot) to a new owner, who plans to build a single-family residence on the subject property.
- C. The applicant's requests (RZ 19-10 and CA 19-10) are in harmony with the surrounding current zoning and the current uses in the surrounding area.

RECOMMENDATION: Staff recommends approval of Rezone / RZ 19-10 and Comprehensive Plan Amendment / CA 19-10.



1: 89,571

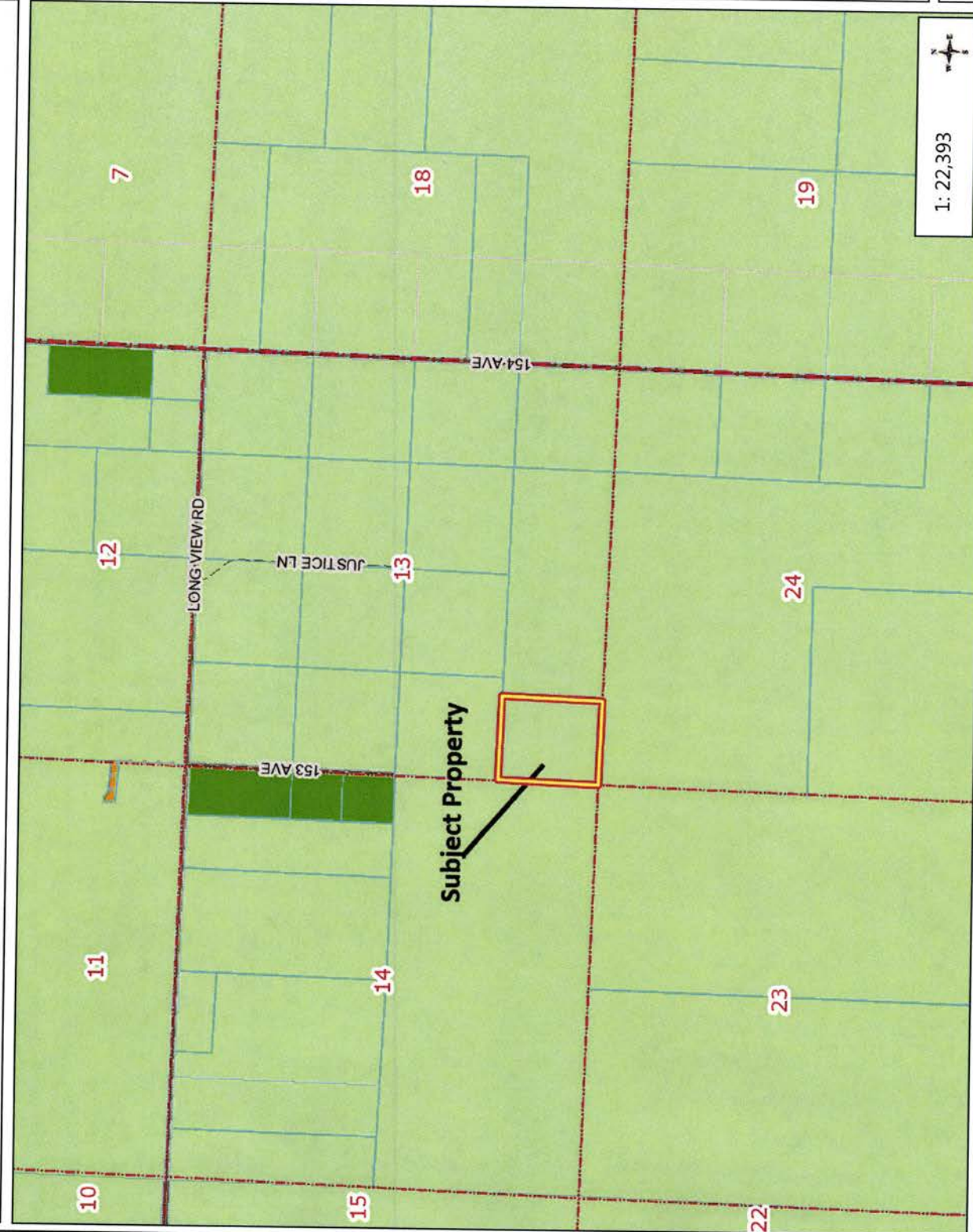


14,928.5
 NAD_1983_StatePlane_South_Dakota_South_FIPS_4002_Feet
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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Legend

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

Map Notes:



1: 22,393



3,732.1
 NAD_1983_StatePlane_South_Dakota_South_FIPS_4002_Feet
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Legend

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- Unimproved road
- Airport Runway
- Not yet coded

Section Lines 0-25k

- 0
- 7

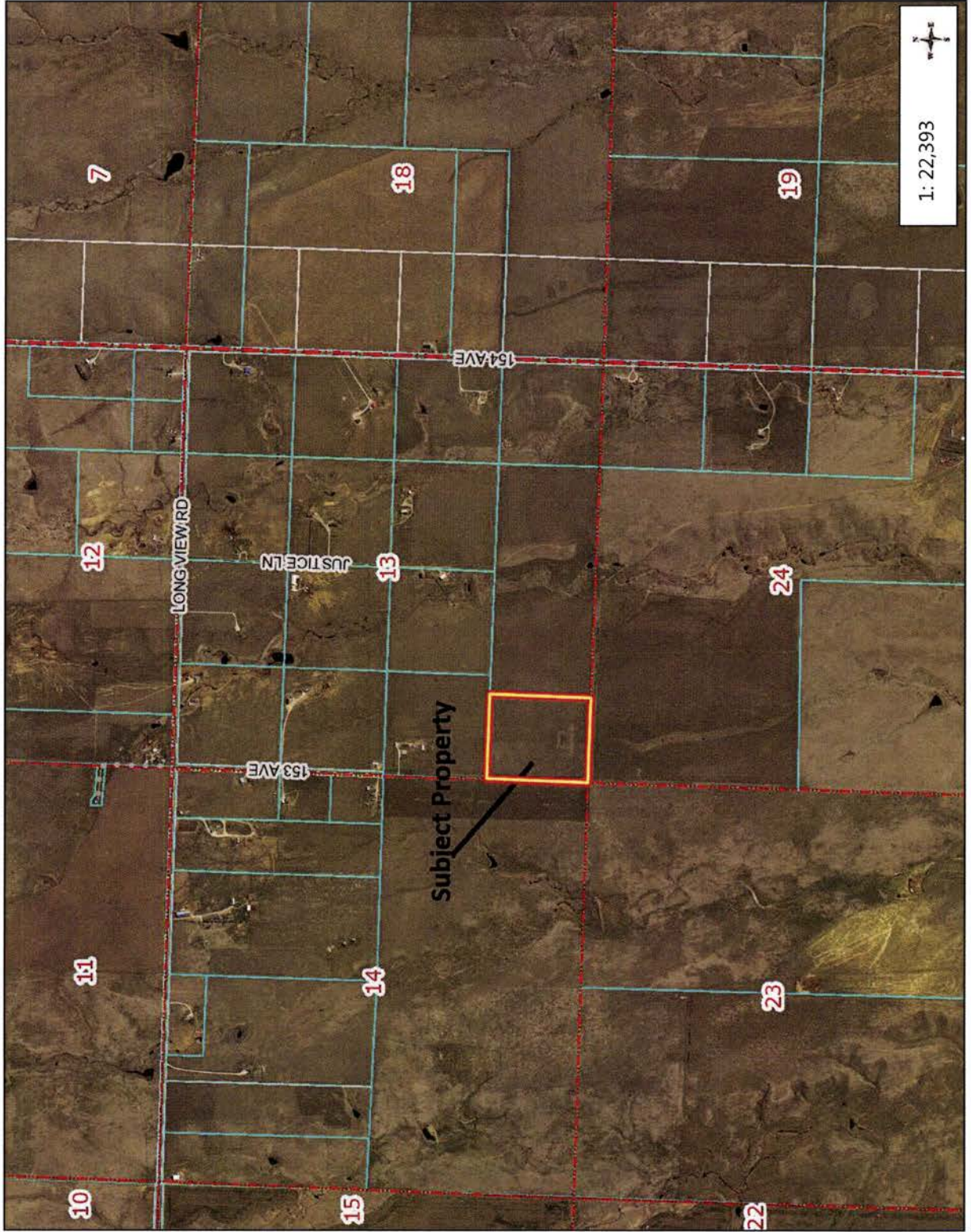
Tax Parcels

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

Pennington County Zoning

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

Map Notes:



1: 22,393

Legend

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 - 0
 - 7
- Tax Parcels**
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 - <Null>
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Map Notes:

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3,732.1 0 1,866.06 3,732.1 Feet

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