

AGENDA
PENNINGTON COUNTY PLANNING COMMISSION
August 12, 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 20, 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 22, 2019, MINUTES
2. APPROVAL OF THE AGENDA

CONSENT AGENDA

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

3. **CONDITIONAL USE PERMIT REVIEW / CU 14-24:** Lawrence Meagher and Margaret Chalcraft. To review a single-wide mobile home as a single-family residence in a Low Density Residential Zoning District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot 2, Buchholz Subdivision, Section 14, T1N, R8E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 14-24 with six (6) conditions.

4. **CONDITIONAL USE PERMIT REVIEW / CU 15-15:** Gerald Meredith. To review a caretaker's residence on the subject property in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot B of Lot 3 of SE1/4NE1/4, Section 9, T1N, R8E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 15-15 with five (5) conditions.

5. **CONDITIONAL USE PERMIT REVIEW / CU 15-26:** Richard Burton. To review an existing accessory structure (a garage) and a new accessory structure (a pole barn) prior to a principle structure on the subject property in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

NE1/4SW1/4NE1/4; S1/2SW1/4SW1/4NE1/4; SE1/4SW1/4NE1/4; N1/2N1/2NW1/4 SE1/4; Section 29, T2N, R6E, BHM, Pennington County, South Dakota.

To recommend to end Conditional Use Permit / CU 15-26, as it is no longer needed.

6. **CONDITIONAL USE PERMIT REVIEW / CU 16-15:** Tom or Lynne Distler. To review a Recreational Vehicle to be used as a temporary residence while building a single-family residence on the subject property in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Lot 1 of Tract A, Bonnita Subdivision, Section 21, T1S, R7E, BHM, Pennington County, South Dakota.

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

To recommend to end Conditional Use Permit / CU 16-15, as it is no longer needed.

7. **CONDITIONAL USE PERMIT REVIEW / CU 17-31:** Jack Andersen. To review a double-wide mobile home to be used as a caretaker's residence in a General Agriculture District in accordance with Sections 205, and 510 of the Pennington County Zoning Ordinance.

NE1/4; W1/2NW1/4; SE1/4NW1/4; SW1/4; SE1/4; Section 20, T2S, R14E, BHM, Pennington County, South Dakota.

To recommend to continue the review of Conditional Use Permit / CU 17-31 to the August 26, 2019, Planning Commission meeting.

8. **CONDITIONAL USE PERMIT REVIEW / CU 18-27:** John and Vicki Hansen. To review a Recreational Vehicle to be used for no more than 180 calendar days on the subject property (seasonally) and to also allow a carport to cover the Recreational Vehicle and deck in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot 5 (also in Section 20), Black Metal Lode MS 1986, Section 19, T1S, R5E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 18-27 with ten (10) conditions.

9. **CONDITIONAL USE PERMIT REVIEW / CU 18-28:** Harry and Gail McKane. To review living in the existing residence while building a new single-family residence on the subject property in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Lot 1 (also in Section 36, T1N, R3E), Deerfield Park Parcel #2, Section 1, T1S, R3E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 18-28 with eight (8) conditions.

10. **CONDITIONAL USE PERMIT REVIEW / CU 18-32:** Katrena Roseland. To review a caretaker's residence on the subject property in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 7, Block 4, Eastern Acres Subdivision, Section 11, T1N, R8E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 18-32 with seven (7) conditions.

11. **CONDITIONAL USE PERMIT REVIEW / CU 18-43:** Border States Paving; Jason Wettels – Agent. To review a temporary asphalt batch plant and contractor's storage area on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

NE1/4NE1/4 Less Lot H-1; N1/2NW1/4 Less Lot H-1, Section 12, T4S, R17E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 18-43 with thirteen (13) conditions.

12. **CONDITIONAL USE PERMIT / CU 19-19:** Dale and Sarah Gadbois. To allow a secondary structure prior to a primary residence in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

SE1/4SE1/4, Section 8, T2S, R7E, BHM, Pennington County, South Dakota.

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

13. **LAYOUT PLAT / LPL 19-23:** Faith Lewis / Robert Crisman. To create Jinks Tract in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: SE1/4NE1/4 Less Tracts 2, 3, 4, 8A and 8B of Bear Mountain Ranch Subdivision Less Bear Mountain Drive; SW1/4NE1/4 Less Bear Mountain Drive, Section 24, T2S, R3E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Jinks Tract and the unplatted portion of SE1/4NE1/4, less Tracts 2, 3, 4, 8A, and 8B of Bear Mountain Subdivision and less SW1/4SW1/4SE1/4NE1/4, Section 24, T2S, R3E, BHM, Pennington County, South Dakota.

To recommend approval of the withdrawal of Layout Plat / LPL 19-23, per the applicant's request.

14. **MINOR PLAT / MPL 19-25:** Julie Benson Wilber. To create Lots 1 and 2 of Thorstenson-Benson Ranch Subdivision in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot A of NW1/4SE1/4, Lot A of SW1/4SE1/4, and Lot A of SE1/4SE1/4, Section 15, T2N, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1 and 2 of Thorstenson-Benson Ranch Subdivision, Section 15, T2N, R6E, BHM, Pennington County, South Dakota

To recommend to continue Minor Plat / MPL 19-25 to no later than the September 23, 2019, Planning Commission meeting in order for the applicant to submit percolation tests and soil profile hole information or to submit a Subdivision Regulations Variance waiving those requirements.

END OF CONSENT AGENDA

15. **CONDITIONAL USE PERMIT / CU 19-18:** Perry and Vicki Van Newkirk. To allow an existing single-family residence to be used as a Vacation Home Rental in a Low Density Residential District in accordance with Sections 207, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 47 Revised, Burns Placer MS 697, Section 14, T1S, R4E, BHM, Pennington County, South Dakota.

16. **CONDITIONAL USE PERMIT / CU 19-20:** Cody Rust Butler; Jeannie Marr – Agent. To allow an existing residence to be used as a Vacation Home Rental in a General Agriculture District in accordance with Sections 205, 319, and 510 of the Pennington County Zoning Ordinance.

Tract A of Lot 2 of SW1/4NW1/4, Section 19, T1S, R5E, BHM, Pennington County, South Dakota.

17. **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 and to reduce the rear yard and side yard setback from 25 feet to 8 feet to bring into compliance two (2) existing sheds 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.

(Continued from the July 8, 2019, Planning Commission meeting.)

18. LAYOUT PLAT / LPL 19-22: Duane and Margaret Gaulke. To combine lots to create Lot 18R of Gold Mountain Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 17 and Lot 18 of Gold Mountain Subdivision, Section 14, T1S, R4E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 18R of Gold Mountain Subdivision, Section 14, T1S, R4E, BHM, Pennington County, South Dakota.

19. LAYOUT PLAT / LPL 19-24 AND SUBDIVISION REGULATIONS VARIANCE / SV 19-07: Olson Rental Properties LLC; Fisk Land Surveying – Agent. To create Lots 1 and 2 of Rand Lode Subdivision and to waive platting requirements in accordance with Sections 400.1 and 700.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: All, Rand Lode MS 1483, Section 18, T1S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1 and 2 of Rand Lode Subdivision, Section 18, T1S, R6E, BHM, Pennington County, South Dakota.

20. REZONE / RZ 19-11 AND COMPREHENSIVE PLAN AMENDMENT / CA 19-11: Olson Rental Properties LLC; Fisk Land Surveying – Agent. To rezone 20.19 acres from General Agriculture District to Limited Agriculture District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Planned Unit Development Sensitive District to Limited Agriculture District in accordance with Sections 205, 206, and 508 of the Pennington County Zoning Ordinance.

All, Rand Lode MS 1483, Section 18, T1S, R6E, BHM, Pennington County, South Dakota.

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

22. ITEMS FROM THE PUBLIC

23. ITEMS FROM THE STAFF

A. Building Permit Report.

24. ITEMS FROM THE MEMBERSHIP

25. 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 22, 2019 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Administration Building

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

STAFF PRESENT: PJ Conover, Brittney Molitor, Kristina Proietti, Cody Sack, Jason Theunissen, and Jeri Ervin.

ROLL CALL

1. APPROVAL OF THE JULY 8, 2019, MINUTES
Moved by Johnson and seconded by Rivers to approve the Minutes of the July 8, 2019, Planning Commission meeting. Vote: unanimous 6 to 0.

2. APPROVAL OF THE AGENDA
Moved by Rivers and seconded by Runde to approve the Agenda of the July 22, 2019, Planning Commission meeting. Vote: unanimous 6 to 0.

Moved by Runde and seconded by Coleman to approve the Consent Agenda of the July 22, 2019, Planning Commission meeting, with the removal of Item #9. 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.

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 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.

Vote: unanimous 6 to 0.

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

Vote: unanimous 6 to 0.

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 approve 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.

Vote: unanimous 6 to 0.

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 approve 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;
2. That the address for NW1/4NE1/4SW1/4 (8368 Miracle Drive) 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 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.

Vote: unanimous 6 to 0.

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 approve 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;
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.

Vote: unanimous 6 to 0.

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 approve 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;
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.

Vote: unanimous 6 to 0.

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 continue Conditional Use Permit / CU 19-01 to the September 23, 2019, Planning Commission meeting 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).**

Vote: unanimous 6 to 0.

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.

Vote: unanimous 6 to 0.

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 end Construction Permit / CP 16-08.

Vote: unanimous 6 to 0.

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 approve 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;**
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 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.**

Vote: unanimous 6 to 0.

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

Vote: unanimous 6 to 0.

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 end Construction Permit / CP 18-08.

Vote: unanimous 6 to 0.

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 end Construction Permit / CP 18-13.

Vote: unanimous 6 to 0.

END OF CONSENT AGENDA

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.

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

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

Discussion followed.

Moved by Johnson and seconded by Runde to approve of the extension 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;**
- 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 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.

All voting aye, the Motion carried 6 to 0.

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.

Theunissen reviewed the Staff Report indicating the applicants have applied for a Conditional Use Permit to allow an existing residence to be used as a Vacation Home Rental.

Staff recommended approval of Conditional Use Permit / CU 19-17 with fifteen (15) conditions.

Discussion followed.

Moved by Coleman and seconded by Runde to approve 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;**
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.

All voting aye, the Motion carried 6 to 0.

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.

Proietti reviewed the Staff Report indicating the applicants have applied for a Conditional Use Permit to utilize an existing second residence on the subject property as a Bed and Breakfast/Recreational Area.

Staff recommended approval of Conditional Use Permit / CU 19-16 with eighteen (18) conditions.

Discussion followed.

Moved by Johnson and seconded by Coleman to approve of Conditional Use Permit / CU 19-16 with the following nineteen (19) 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;**
- 4. 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;**
- 5. 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;**
- 6. 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;**
- 7. 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;**

8. 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;
9. 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;
10. 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;
11. That the property remains free of debris and junk vehicles and all structures be well-maintained;
12. 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;
13. That all exterior lighting must be of low-level intensity, which does not result in excessive glare upon surrounding neighbors;
14. 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;
15. That quiet hours for the Recreational Resort be between 10 p.m. and 8 a.m.;
16. That the applicant works with the South Dakota Division of Wildland Fire Suppression-Urban Interface Technician on any required fire mitigation plans;
17. That the applicant is aware of and adheres to all Forest Service requirements;
18. 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,
19. 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.

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.

Proietti reviewed the Staff Report indicating the applicant has applied to waive platting requirements in order to create Lots 1 and 2 of Greyhound Gulch Subdivision.

Staff recommended approval of Subdivision Regulations Variance / SV 19-06 to waive the following two (2) platting requirements: (1.) Any additional road construction plans and road improvements; and, (2.) The submittal of percolation tests and soil profile hole information.

Discussion followed.

Moved by Runde and seconded by Johnson to approve of Subdivision Regulations Variance / SV 19-06 to waive the following platting requirements: (1.) Any additional road construction plans and road improvements; and, (2.) The submittal of percolation tests and soil profile hole information.

All voting aye, the Motion carried 6 to 0.

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.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Rezone 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.

Staff recommended approval of Rezone / RZ 19-09 and Comprehensive Plan Amendment / CA 19-09.

Discussion followed.

Moved by Runde and seconded by Johnson to approve of Rezone / RZ 19-09 and Comprehensive Plan Amendment / CA 19-09.

All voting aye, the Motion carried 6 to 0.

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 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.

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

Staff recommended 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;

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.

Discussion followed.

Moved by Johnson and seconded by Runde to approve 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;**
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.

All voting, the Motion carried 5 to 1. Commissioner Coleman voted no.

22. REZONE / RZ 19-10 AND COMPREHENSIVE PLAN AMENDMENT / CA 19-10:
Duane Scott; D.C. Scott – 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.

Conover reviewed the Staff Report indicating the applicant has applied 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.

Staff recommended approval of Rezone / RZ 19-10 and Comprehensive Plan Amendment / CA 19-10.

Discussion followed.

Moved by Runde and seconded by Johnson to approve of Rezone / RZ 19-10 and Comprehensive Plan Amendment / CA 19-10.

All voting aye, the Motion carried 6 to 0.

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

No motions or actions were taken at this time.

25. ITEMS FROM THE STAFF

- A. By-Law Committee - Update. Conover spoke of the By-Law Committee and Planning Commission members meeting for discussion and/or recommended changes.

- B. Draft Comprehensive Plan - Update. Conover spoke of the draft Comprehensive Plan and the Ordinance Amendment to be heard by the Board of Commissioners at a possible October meeting date.

26. ITEMS FROM THE MEMBERSHIP

Chairman Marsh spoke of the Speaker Request Forms.

27. ADJOURNMENT

Moved by LaCroix and seconded by Rivers to adjourn.

All voting aye, the Motion carried 6 to 0.

The meeting adjourned at 10:50 a.m.

Rich Marsh, Chairperson

STAFF REPORT

GENERAL INFORMATION:

REQUEST: **CONDITIONAL USE PERMIT REVIEW / CU 14-24:** To review a single-wide mobile home as a single-family residence in a Low Density Residential Zoning District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

APPLICANT/ OWNER: Lawrence Meagher and Margaret Chalcraft

APPLICANT ADDRESS: 335 Hillview Drive, Box Elder, SD 57719

LEGAL DESCRIPTION: Lot 2, Buchholz Subdivision, Section 14, T1N, R8E, BHM, Pennington County, South Dakota.

SITE LOCATION: 4121 Apple Tree Road; approximately one-half (1/2) mile east of intersection of Reservoir Road and E Highway 44, near Cotton Wood Grove Mobile Home Park.

SIZE: 2.00 acres

TAX ID: 534

EXISTING LAND USE: Residential

ZONING REFERENCE: §§ 207 and 510

CURRENT ZONING: Low Density Residential District

SURROUNDING ZONING:
North Limited Agriculture District
South Low Density Residential District
East Suburban Residential District / General Agriculture District
West General Agriculture District

PHYSICAL CHARACTERISTICS: Flat

UTILITIES: Private

REPORT BY: Jason Theunissen

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending approval of the extension of Conditional Use Permit / CU 14-24 with six (6) conditions.

II. GENERAL DESCRIPTION

- A. August 11, 2014 – The Planning Commission approved CU 14-24 with the following eight (8) conditions:

1. That a Building Permit be obtained for the single-wide mobile home before it is moved onto the property;
2. That prior to a Building Permit being obtained for the single-wide mobile home, the City of Rapid City must approve the design of the new septic system that will be installed on the property;
3. That the minimum setback requirements of a Low Density Residential District be continually maintained on the property;
4. That the property be kept free of debris and junk vehicles;
5. That the lot address (4121 Apple Tree Road) be posted on the mobile home and posted so it is clearly visible from both directions of travel along Apple Tree Road at all times in accordance with Pennington County's Ordinance #20;
6. That the mobile home have a continually maintained non-reflective type roof, wood or simulated wood-type siding, and skirting;
7. 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; and,
8. That this Conditional Use Permit be reviewed in two (2) years or on a complaint basis to verify that all conditions of approval are being met.

- B. August 8, 2016 – The Planning Commission approved the extension of CU 14-24 with the following six (6) conditions:

1. That the minimum setback requirements of a Low Density Residential District be continually maintained on the property;
2. That the property be kept free of debris and junk vehicles;
3. That the lot address (4121 Apple Tree Road) continue to be posted on the mobile home and posted so it is clearly visible from both directions of travel along Apple Tree Road at all times in accordance with Pennington County's Ordinance #20;
4. That the mobile home have a continually maintained non-reflective type roof, wood or simulated wood-type siding, and skirting;
5. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; and,
6. That this Conditional Use Permit be reviewed in three (3) years, on a complaint basis, or as deemed necessary by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

III. EXISTING CONDITIONS

- A. Zoned Low Density Residential District.
- B. 2.00 acres.
- C. Single-wide mobile home – COBP14-0397.
- D. Pole Barn – COBP14-0398 (expired) not built as of this Staff Report writing.
- E. Outbuilding built in 1975 per Department of Equalization records; no Building Permit required.
- F. Shed – less than 144 square feet; no Building Permit required.
- G. On-site Wastewater Treatment System – COSD15-0107.
 1. Operating Permit – COOP15-0591.

IV. ANALYSIS

- A. July 25, 2019 – Staff met with the applicant, Lawrence Meagher, at the subject property and reviewed the approved Conditions of Approval. Staff verified the following:
 1. The proposed and permitted pole barn had not been built; COBP14-0398 is expired so applicant will need to reapply if he intends to build.
 2. The mobile home address was posted in accordance with Pennington County Ordinance #20 (Condition #3).
 3. Setbacks appeared to be met, no additional structures over 144 square feet have been placed on the property, and there did not appear to be any junk vehicles or debris kept on the property. (Conditions #1, #2, and #5).
 4. The mobile home appeared to be maintained in accordance with Pennington County Zoning Ordinance requirements (Condition #4).

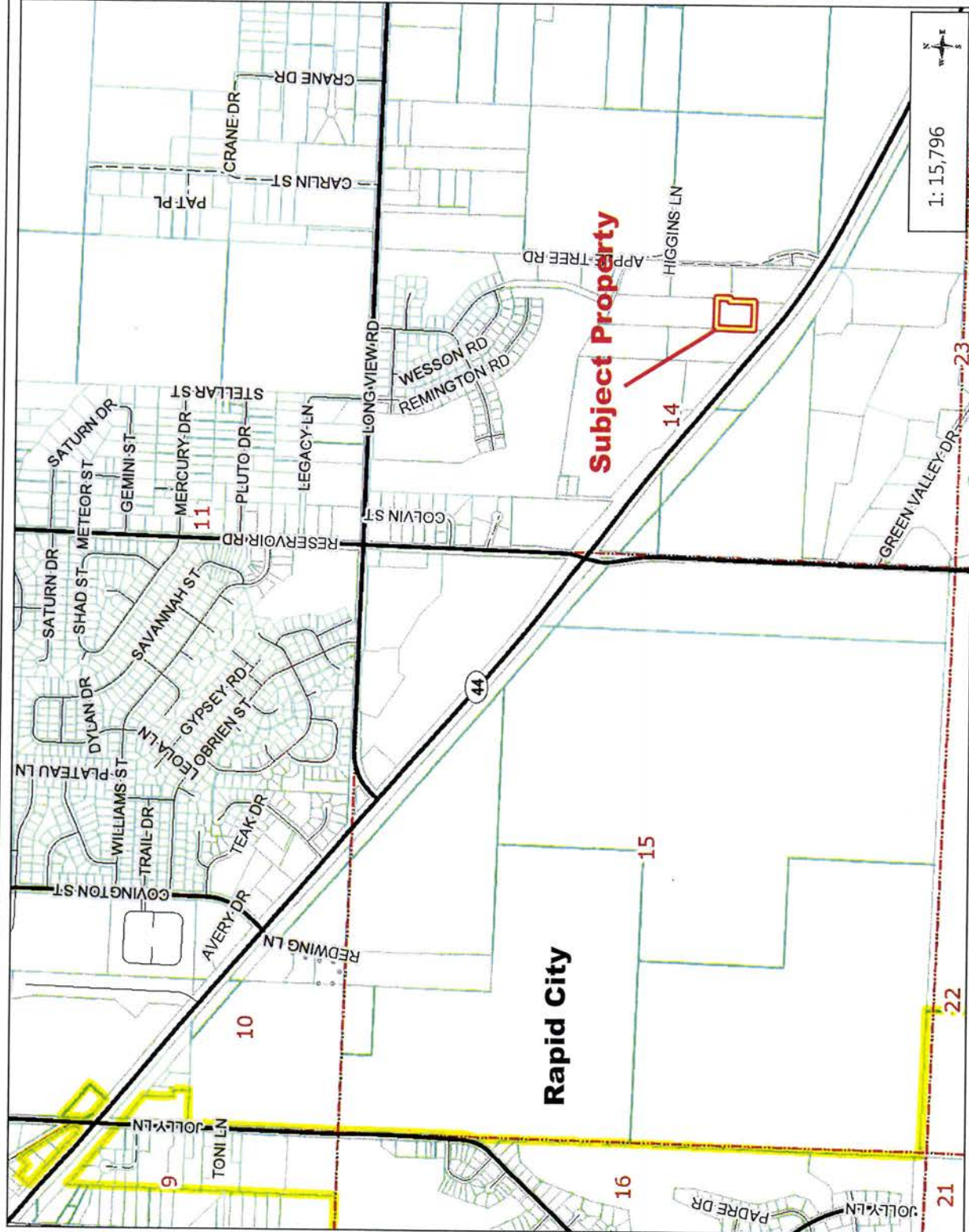


Site Visit, July 30, 2019.

Agenda Item #3
Lawrence Meagher and Margaret Chalcraft
August 12, 2019

RECOMMENDATION: Staff recommends approval of the extension of Conditional Use Permit / CU 14-24 with the following six (6) conditions:

1. That the minimum setback requirements of a Low Density Residential District continue to be maintained on the property;
2. That the property be kept free of debris and junk vehicles;
3. That the lot address (4121 Apple Tree Road) continue to be posted on the mobile home and at the entrance to the driveway so it is clearly visible from both directions of travel along Apple Tree Road, in accordance with Pennington County's Ordinance #20;
4. That the mobile home be continually maintained to have a non-reflective type roof, wood or simulated wood-type siding, and skirting;
5. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; and,
6. That this Conditional Use Permit be reviewed in five (5) years, on a complaint basis, or as deemed necessary by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.



1: 15,796



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Legend

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

Map Notes:



1: 3,949

Legend

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

Map Notes:

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658.2 Feet
 329.08
 0
 NAD_1983_StatePlane_South_Dakota_South_FIPS_4002_Feet
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158.0 78.98 158.0 Feet

1: 948

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

Map Notes:

STAFF REPORT

GENERAL INFORMATION:

REQUEST: **CONDITIONAL USE PERMIT REVIEW/ CU 15-15:** To review a caretaker's residence on the subject property in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

APPLICANT/ OWNER: Gerald Meredith

APPLICANT ADDRESS: 3681 School Drive, Rapid City, SD 57703

LEGAL DESCRIPTION: Lot B of Lot 3 of SE1/4NE1/4, Section 9, T1N, R8E, BHM, Pennington County, South Dakota.

SITE LOCATION: 3681 School Drive.

SIZE: 0.46 acre

TAX ID: 11351

EXISTING LAND USE: Residential

ZONING REFERENCE: §§ 208 and 510

CURRENT ZONING: Suburban Residential District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Flat

UTILITIES: Rapid Valley Sanitary District

REPORT BY: Jason Theunissen

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending to approve the extension of Conditional Use Permit / CU 15-15 with five (5) conditions.

II. GENERAL DESCRIPTION

- A. August 10, 2015 – The Planning Commission approved CU 15-15 with the following seven (7) conditions:
1. That the addresses for both the existing single-family residence and the proposed caretaker's residence be posted in accordance with Ordinance #20 on each residence and so that they are visible from School Drive;
 2. That an updated Doctor's note be provided during each review and that the caretaker's residence be removed from the property once care is no longer needed for Dawn Clarkson;
 3. That prior to issuance of a Building Permit for the caretaker's residence, a site plan is submitted showing the caretaker's residence maintains the setback requirements or an approved Setback Variance is obtained;
 4. That a Building Permit be obtained for any structure exceeding 144 square feet or located on a permanent foundation which requires a site plan to be reviewed and approved by the Planning Director;
 5. That all future structures meet the minimum required setbacks for a Suburban Residential District or an approved Setback Variance be obtained prior to Building Permit approval;
 6. That the applicant signs the Statement of Understanding within seven (7) business days of approval of Conditional Use Permit #15-15, which is available at the Planning Office; and,
 7. That this Conditional Use Permit be reviewed in two (2) years, on a complaint basis, or as deemed necessary by the Planning Commission or County Board of Commissioners to verify that all Conditions of Approval are being met.
- B. August 14, 2017 – The Planning Commission approved the extension of CU 15-15 with the following five (5) conditions:
1. That the addresses for both the existing single-family residence and the caretaker's residence be posted in accordance with Ordinance #20 on each residence and so that they are visible from School Drive;
 2. That an updated Doctor's note be provided during each review and that the caretaker's residence be removed from the property once care is no longer needed for Dawn Clarkson;
 3. That a Building Permit be obtained for any structure exceeding 144 square feet or located on a permanent foundation which requires a site plan to be reviewed and approved by the Planning Director;
 4. That all future structures meet the minimum required setbacks for a Suburban Residential District or an approved Setback Variance be obtained prior to Building Permit approval; and,
 5. That this Conditional Use Permit be reviewed in two (2) years, on a complaint basis, or as deemed necessary by the Planning Commission or County Board of Commissioners to verify that all Conditions of Approval are being met.

III. EXISTING CONDITIONS

- A. Zoned Suburban Residential District.
- B. 0.46 acre.
- C. Doublewide Mobile Home – COBP16-0033.
- D. Garage – Built in 1989 per DOE records, no Building Permit required.
 - 1. Does not meet side setback requirements and is considered legal-non-conforming until it is replaced or expanded.
- E. Caretaker's Residence – Placed in 1983 per Department of Equalization (DOE) records, no Building Permit required.
 - 1. Does not meet side setback requirements and is considered legal-non-conforming until it is replaced or expanded.

IV. ANALYSIS

- A. July 30, 2019 – Staff preformed a site visit and spoke with the occupant of the residence, Dawn Clarkson, who verified care is still required and stated that she would provide an updated doctor's note. Staff also verified that the addresses were clearly visible and that no structures exceeding 144 square feet have been placed on the property without a Building Permit. (Conditions #1, #2, and #3).
- B. August 5, 2019 – Staff received an updated doctor's note from Ms. Clarkson.
- C. Staff has not received any complaints regarding the subject property.



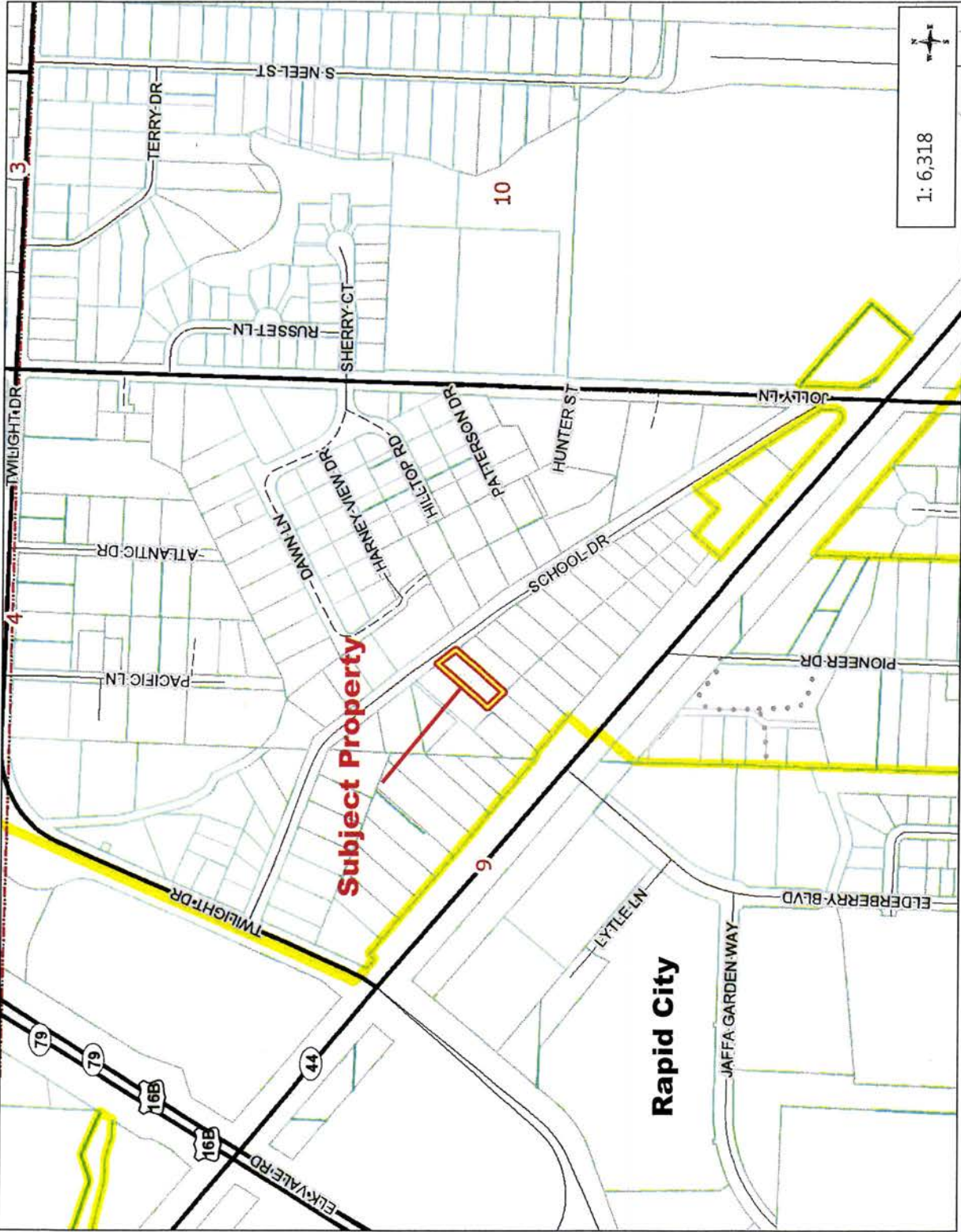
Site Visit, July 30, 2019

RECOMMENDATION: Staff recommends approval of extension Conditional Use Permit / CU 15-15 with the following five (5) conditions:

- 1. That the addresses for the single-family residence and the Caretaker's Residence both be posted so they are visible from School Drive, in accordance with Ordinance #20;
- 2. That an updated doctor's note be provided during each review and that the caretaker's residence be removed from the property once care is no longer needed for Dawn Clarkson;

Agenda Item #4
Gerald Meredith
August 12, 2019

3. That a Building Permit be obtained for any structure exceeding 144 square feet or located on a permanent foundation which requires a site plan to be reviewed and approved by the Planning Director;
4. That all future structures meet the minimum required setbacks for a Suburban Residential District or an approved Setback Variance be obtained prior to Building Permit approval; and,
5. That this Conditional Use Permit be reviewed in three (3) years, on a complaint basis, or as deemed necessary by the Planning Commission or County Board of Commissioners to verify that all Conditions of Approval are being met.



1: 6,318



Legend

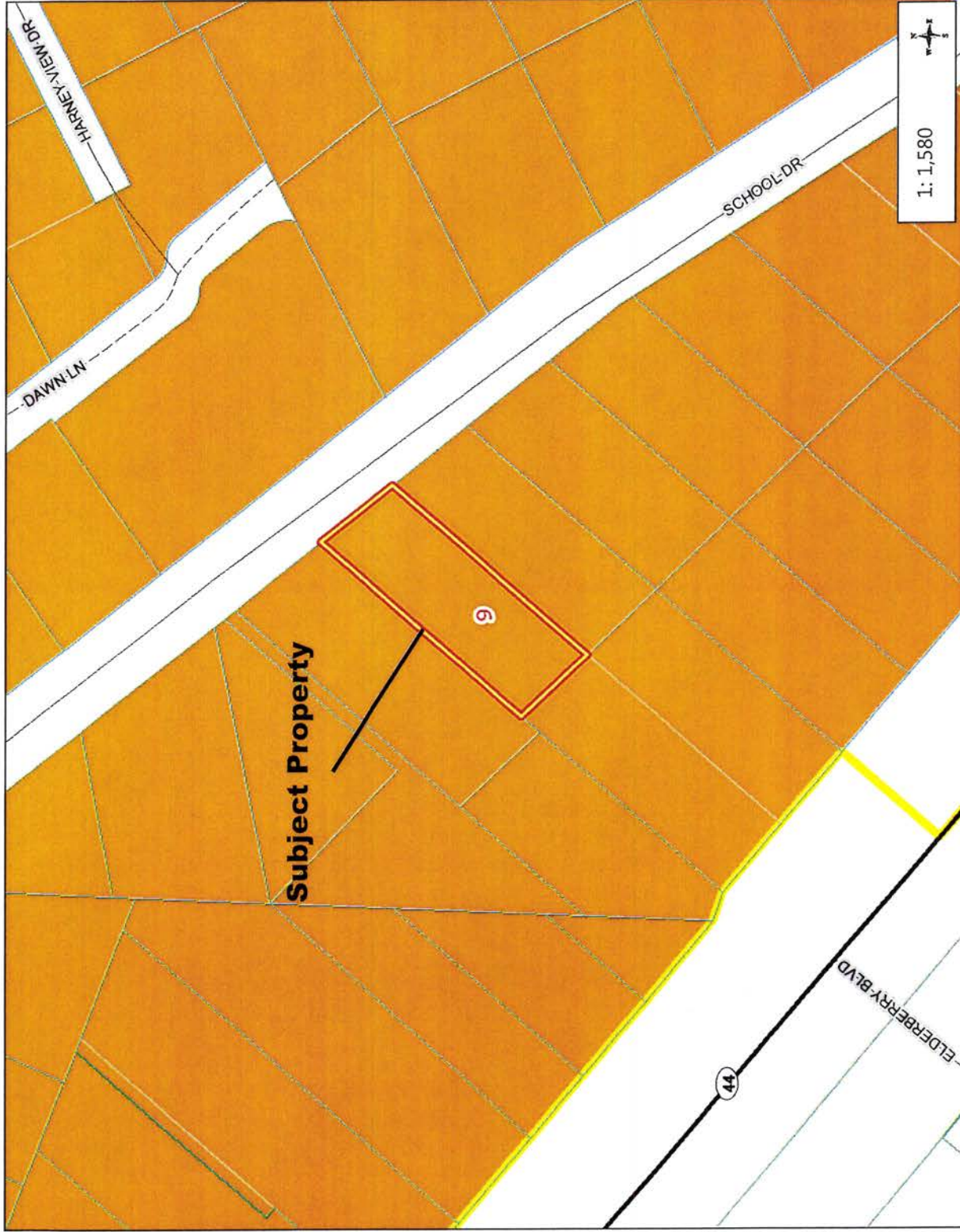
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 - Collector
 - Ramp
 - Paved road
 - Unpaved road
 - Trail
 - Driveway
 - Alley
 - Unimproved road
 - Airport Runway
 - Not yet coded
- Section Lines 0-25k**
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- Tax Parcels**
- Lot Lines
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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

Map Notes:

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

THIS MAP IS NOT TO BE USED FOR NAVIGATION





263.3 131.63 0 263.3 Feet

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Legend

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 - 7
- Tax Parcels**
- Lot Lines**
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 - Lot Line
 - Parcel Line
- Pennington County Zoning**
- General Agriculture
 - General Commercial
 - Heavy Industrial
 - Highway Services
 - Limited Agriculture
 - Low Density Residential
 - Light Industrial
 - Planned Unit Development

Map Notes:



1: 474

79.0 Feet

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Legend

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 - 7
- Tax Parcels**
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 - Parcel Line

Map Notes:

STAFF REPORT

GENERAL INFORMATION:

REQUEST:

CONDITIONAL USE PERMIT REVIEW/ CU 15-26: To review an existing accessory structure (a garage) and a new accessory structure (a pole barn) prior to a principle structure on the subject property in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

APPLICANT/ OWNER:

Richard Burton

APPLICANT ADDRESS:

13160 Geary Boulevard, Rapid City, SD 57702

LEGAL DESCRIPTION:

NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$; S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$; N $\frac{1}{2}$ N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$; Section 29, T2N, R6E, BHM, Pennington County, South Dakota.

SITE LOCATION:

13180 Geary Boulevard; approximately 0.3 miles northeast of the intersection of Geary Boulevard and Norris Peak Road.

SIZE:

35.00 acres

TAX ID:

14575

EXISTING LAND USE:

Accessory Structures

ZONING REFERENCE:

§ 207 and 510

CURRENT ZONING:

Low Density Residential District

SURROUNDING ZONING:

North
South
East
West

General Agriculture District
General Agriculture District
General Agriculture District
General Agriculture District
Low Density Residential District

PHYSICAL CHARACTERISTICS: Forested / Meadow

UTILITIES:

Private

REPORT BY:

Cassie Bolstad

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending to end Conditional Use Permit / CU 15-26.

II. GENERAL DESCRIPTION

- A. September 28, 2015 – Planning Commission approved Conditional Use Permit / CU 15-26 to allow an existing garage and a proposed pole barn to be used as accessory structures prior to a principal structure with the following nine (9) conditions:
1. That an approved Building Permit be obtained for the existing detached garage, with all applicable fees paid, within five (5) business days of approval of Conditional Use Permit / CU 15-26 or the Conditional Use Permit shall be reviewed and revoked by the Planning Commission;
 2. That an approved Building Permit be obtained for the proposed new pole barn prior to placement or construction of the structure, which requires a site plan to be reviewed and approved by the Planning Director;
 3. That a Building Permit be obtained for any structure exceeding 144 square feet or located on a permanent foundation, which requires a site plan to be reviewed and approved by the Planning Director;
 4. That the minimum setback requirements of a Low Density Residential District be continually maintained on the property, or the appropriate Variance(s) be obtained;
 5. That the subject property remains free of debris and junk vehicles;
 6. That the accessory structures be used for personal use only and no commercial-type uses;
 7. That an approved On-Site Wastewater Construction Permit be obtained, if a new septic system is installed;
 8. That the applicant signs the Statement of Understanding within seven (7) business days of approval of Conditional Use Permit / CU 15-26, which is available at the Planning Office; and,
 9. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.
- B. November 14, 2016 – Planning Commission approved the extension of Conditional Use Permit / CU 15-26 with the following eight (8) 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 address (13180 Geary Boulevard) be posted at the entrance to the property at all times in accordance with Pennington County's Ordinance #20;

3. That the minimum setback requirements of a Low Density Residential District be continually maintained on the property, or the appropriate Variance(s) be obtained;
 4. That the subject property continually remains free of debris and junk vehicles;
 5. That the accessory structures continue to be used for personal use only and no commercial-type uses;
 6. That an approved On-Site Wastewater Construction Permit be obtained, if a new septic system is installed;
 7. That the property owner signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 15-26, which is available at the Planning Office; and,
 8. That this Conditional Use Permit be reviewed in two (2) years, on a complaint basis, or as directed by the Pennington County Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.
- C. November 13, 2018 – Planning Commission approved the extension of Conditional Use Permit / CU 15-26 with the following seven (7) conditions:
1. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
 2. That the address (13180 Geary Boulevard) continues to be posted at the entrance to the property at all times in accordance with Pennington County’s Ordinance #20;
 3. That the minimum setback requirements of a Low Density Residential District be continually maintained on the property, or the appropriate Variance(s) be obtained;
 4. That the subject property continually remains free of debris and junk vehicles;
 5. That the accessory structures continue to be used for personal use only and no commercial-type uses;
 6. That an approved On-Site Wastewater Construction Permit be obtained, if a new OSWTS system is installed; and,
 7. That this Conditional Use Permit be reviewed in August 2019, on a complaint basis, or as directed by the Pennington County Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

III. EXISTING CONDITIONS

- A. Zoned Low Density Residential District, minimum three (3) acre lot size.
- B. 35 acres.
- C. Located within the Norris Peak Road District.
- D. Access off of Geary Boulevard via an existing 10-foot-wide driveway.
- E. Lot contains:
 1. 36’ x 36’ horse feeder – 1993COBP0354.

2. 30' x 42' detached garage – COBP15-0510.
3. 32' x 56' pole barn – COBP15-0511.
4. Single-family residence – COBP17-0469.
 - a. On-site Wastewater Treatment System Construction Permit – COSD17-0087.
 - b. Operating Permit – COOP17-0544.
5. Three (3) sheds - due to their size, Building Permits are not required.

IV. ANALYSIS

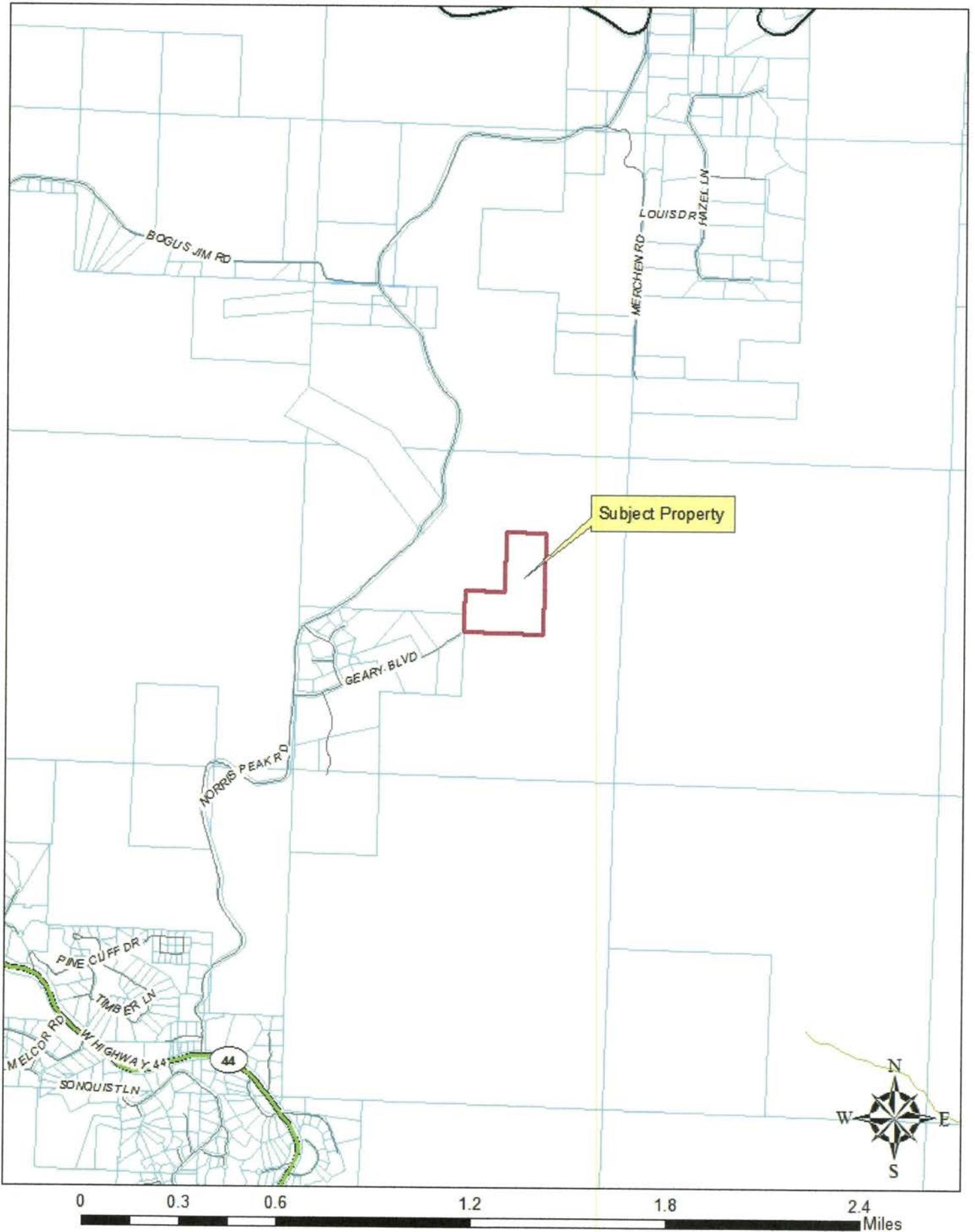
- A. August 4, 2017 – Building Permit / COBP17-0469 for the single-family residence (SFR) was approved.
 1. COBP17-0469 expired on August 5, 2019.
- B. The applicant also has a second Conditional Use Permit (CU 17-40) for a caretaker's residence on the subject property.
- C. August 1, 2019 – Staff spoke with the applicant's wife via phone.
 1. She stated the proposed caretaker's residence was going to be for her mother; however, their plans have changed and they are no longer planning to construct that house at this time.
- D. Based on aerial photos, it appears the primary SFR has been constructed; therefore, CU 15-26 is no longer necessary.
 1. The applicant's wife stated they wish to keep CU 17-40 for the caretaker's residence.
 2. CU 17-40 is scheduled for review in October 2019.



2018 Aerial Photo – RapidMap

RECOMMENDATION: Staff recommends to end Conditional Use Permit / CU 15-26, as it is no longer needed.

Burton





1: 3,781

630.2 0 315.09 630.2 Feet

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Legend

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

Map Notes:

STAFF REPORT

GENERAL INFORMATION:

REQUEST: CONDITIONAL USE PERMIT REVIEW/ CU 16-15: To review a Recreational Vehicle to be used as a temporary residence while building a single-family residence on the subject property in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

APPLICANT/ OWNER: Tom and Lynne Distler

APPLICANT ADDRESS: 13849 Neck Yoke Rd, Rapid City, SD 57702

LEGAL DESCRIPTION: Lot 1 of Tract A, Bonnita Subdivision, Section 21, T1S, R7E, BHM, Pennington County, South Dakota.

SITE LOCATION: 13849 Neck Yoke Road; approximately 0.2 miles east of the intersection of Neck Yoke Road and Kieffer Ranch Road.

SIZE: 10.09 acres

TAX ID: 57591

EXISTING LAND USE: Vacant

ZONING REFERENCE: Sections 206 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: Trees/ Sloping

UTILITIES: Private

REPORT BY: Brittney Molitor

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending to end Conditional Use Permit / CU 16-15 as the Recreational Vehicle is no longer needed.

II. GENERAL DESCRIPTION

- A. On June 13, 2016, the Planning Commission approved a Conditional Use Permit to allow a Recreational Vehicle (RV) to be used as a temporary residence while building a single-family residence with nine (9) conditions.
- B. February 11, 2019 – Planning Commission approved the extension of Conditional Use Permit / CU 16-15 to allow a Recreational Vehicle (RV) to be used as a temporary residence while building a single-family residence with the following ten (10) conditions:
1. That the address for the residence (13849 Neck Yoke Road) be posted at the driveway so that it is visible from both directions of travel on Neck Yoke Road in accordance with Pennington County's Ordinance #20;
 2. That the On-Site Wastewater Treatment System be installed prior to the Recreational Vehicle (RV) being used as a temporary residence, and the RV must be hooked into the newly installed On-Site Wastewater Treatment System until the single-family residence is habitable;
 3. That the minimum setback requirements of a Limited Agriculture District be continually maintained on the property;
 4. That the subject property remains free of debris and junk vehicles;
 5. That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
 6. That the RV no longer be used as a temporary residence once the new single-family residence is habitable, following which it may only be allowed to be stored on the property;
 7. That should a second RV be used as a temporary residence, the applicant must apply for an additional Conditional Use Permit to allow multiple RVs as living quarters in Suburban Residential District;
 8. That the applicant notify the Planning Department when the new residence is habitable, so that this Conditional Use Permit may be automatically revoked;
 9. That the applicant signs the Statement of Understanding within ten (10) business days of approval, which is available at the Planning Department; and,
 10. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as deemed necessary by the Planning Commission or County Board of Commissioners to verify that all Conditions of Approval are being met.

III. EXISTING CONDITIONS

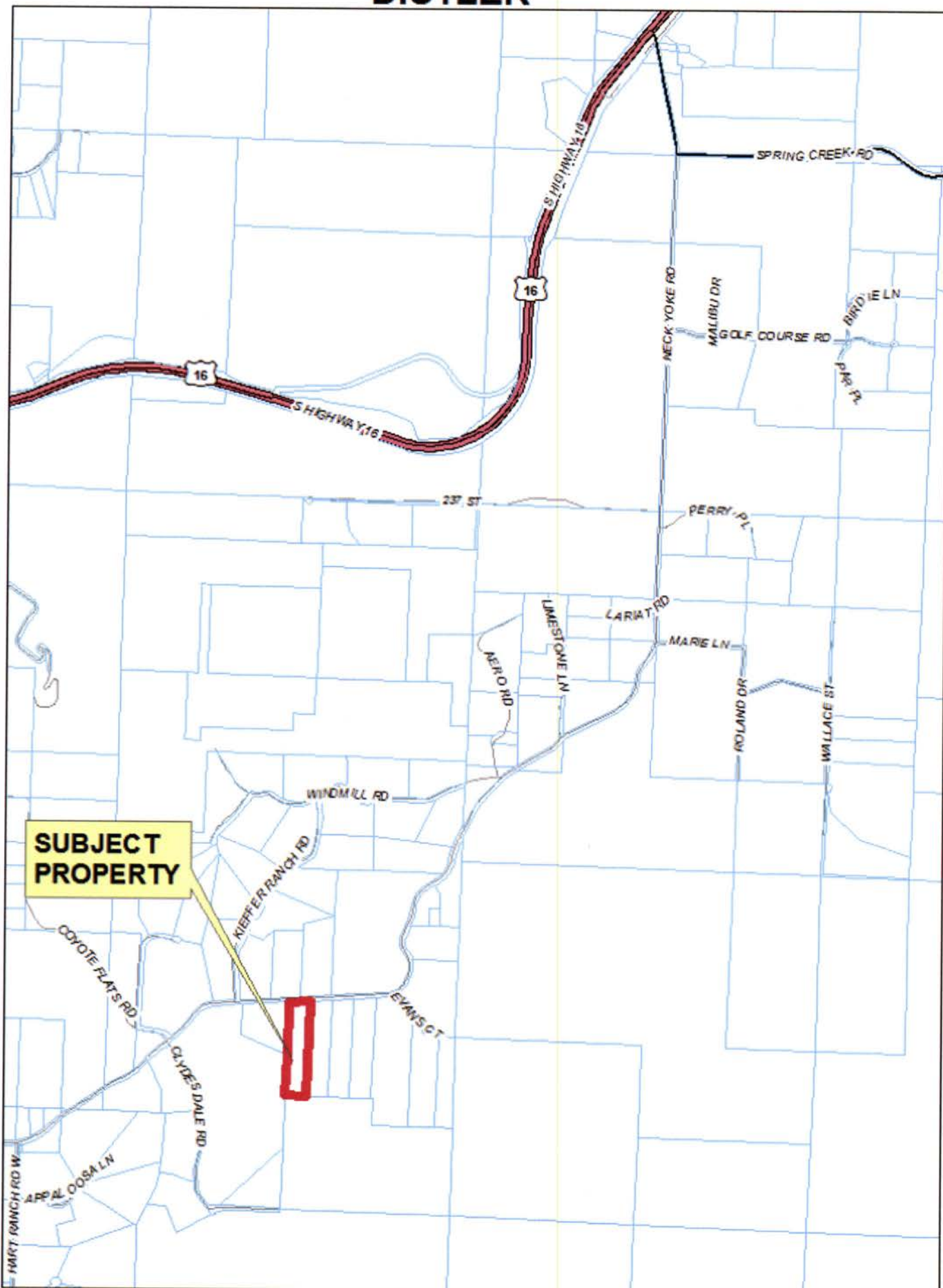
- A. Zoned Limited Agriculture District (minimum lot size is 10 acres).
- B. 10.09 acres.
- C. Detached garage (COBP16-0235).
- D. Soil profile hole and percolation tests have been completed on the subject property.
- E. An On-Site Wastewater Construction Permit (COSD16-0031), and Building Permit for the new residence (COBP16-0194) have been approved.

IV. ANALYSIS

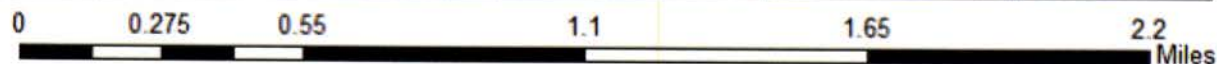
- A. February 6, 2019 - Staff contacted the applicant.
 - 1. The applicant indicated that there is about a month of work that needs to be completed (kitchen) and they would be working on it in May/June of 2019 and would still need to live in the RV while completing the work.
- B. August 5, 2019 – Staff conducted a site visit and found that the RV is no longer located on the site and the home appeared to be finished.

RECOMMENDATION: Staff recommends to end Conditional Use Permit / CU 16-15, as it is no longer needed.

DISTLER



**SUBJECT
PROPERTY**



Agenda Item #7
Jack Andersen
August 12, 2019

7

STAFF REPORT

GENERAL INFORMATION:

REQUEST: **CONDITIONAL USE PERMIT REVIEW / CU 17-31**: To review a double-wide mobile home to be used as a caretaker's residence on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

APPLICANT/ OWNER: Jack Andersen

OWNER: Evan Deutscher

APPLICANT ADDRESS: 24455 Sage Creek Road, Wall, SD 57790

LEGAL DESCRIPTION: NE1/4; W1/2NW1/4; SE1/4NW1/4; SW1/4; SE1/4; Section 20, T2S, R14E, BHM, Pennington County, South Dakota.

SITE LOCATION: Located near the dam along Sage Creek Road.

SIZE: 600 acres

TAX ID: 58673

EXISTING LAND USE: General Agriculture

ZONING REFERENCE: Sections 205 and 510

CURRENT ZONING: General Agriculture District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Grass and Hills

UTILITIES: Private

REPORT BY: Cody Sack

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending to continue the review of Conditional Use Permit / CU 17-31.

II. GENERAL DESCRIPTION

- A. The applicant, Jack Andersen, and owner, Evan Deutscher, applied for a Conditional Use Permit to allow a second residence, a caretaker's residence, to be utilized on the subject property.
- B. August 14, 2017 – The Planning Commission approved Conditional Use Permit / CU 17-31 with the following eight (8) conditions:
1. That the addresses for both the existing 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 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;
 3. That the minimum setback requirements of a General Agriculture District be continually maintained on the property;
 4. That the subject property remains free of debris and junk vehicles;
 5. That an updated Doctor's note be provided during each review of Conditional Use Permit / CU 17-31;
 6. That once care is no longer needed for Jack Andersen, 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;
 7. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 17-31, which is available at the Planning Office; and,
 8. That this Conditional Use Permit be reviewed in two (2) years, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

III. EXISTING CONDITIONS

- A. Zoned General Agriculture District, minimum forty (40) acre lot size.
B. 600 acres.

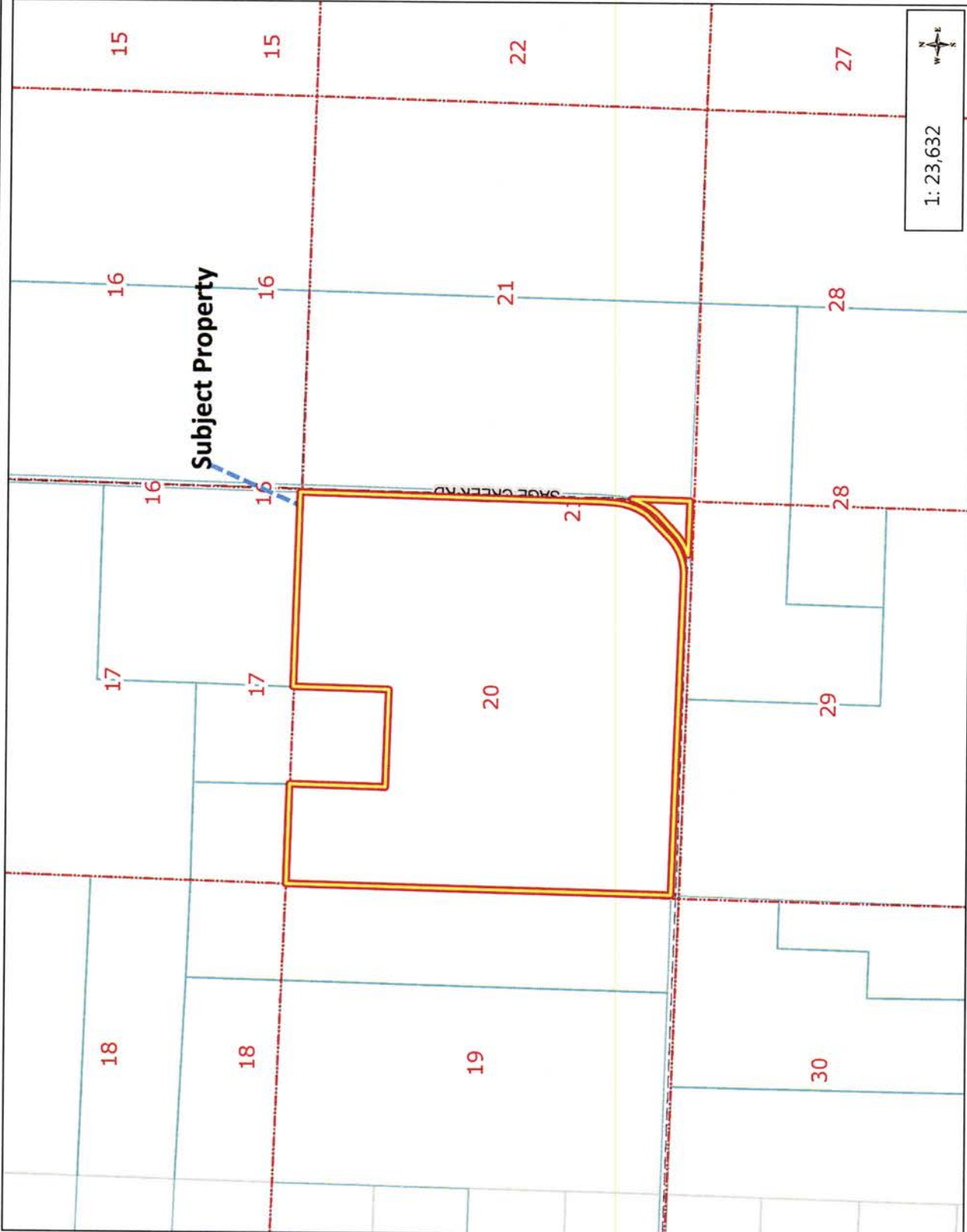
Agenda Item #7
Jack Andersen
August 12, 2019

- C. Lot contains:
 - 1. Single-family residence with attached decks and entryway, finished basement, mudroom and garage – 1997COBP0334, 2001COBP0296, 2001COBP0297, and COBP17-0387.
 - a. 40' x 88' Pole Barn – COBP17-0385.
 - b. 40' x 30' Shop – COBP17-0386.
 - c. DWMH – COBP17-0520.
 - 2. On-Site Wastewater Treatment Systems
 - a. 1997COSD0073 – Primary Residence.
 - b. 2001COSD0225 – For proposed Caretakers Residence.

IV. ANALYSIS

- A. August 5, 2019 – Staff contacted the applicant who stated that:
 - 1. Care is still needed for Jack Anderson.
 - 2. The applicant will send an updated doctor note to staff.
- B. Staff removed condition #7 as it has been met.

RECOMMENDATION: Staff recommends to continue the review of Conditional Use Permit / CU 17-31 to the August 26, 2019, Planning Commission meeting.



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Legend

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Section Lines 0-25k

- 0
- 7

Tax Parcels

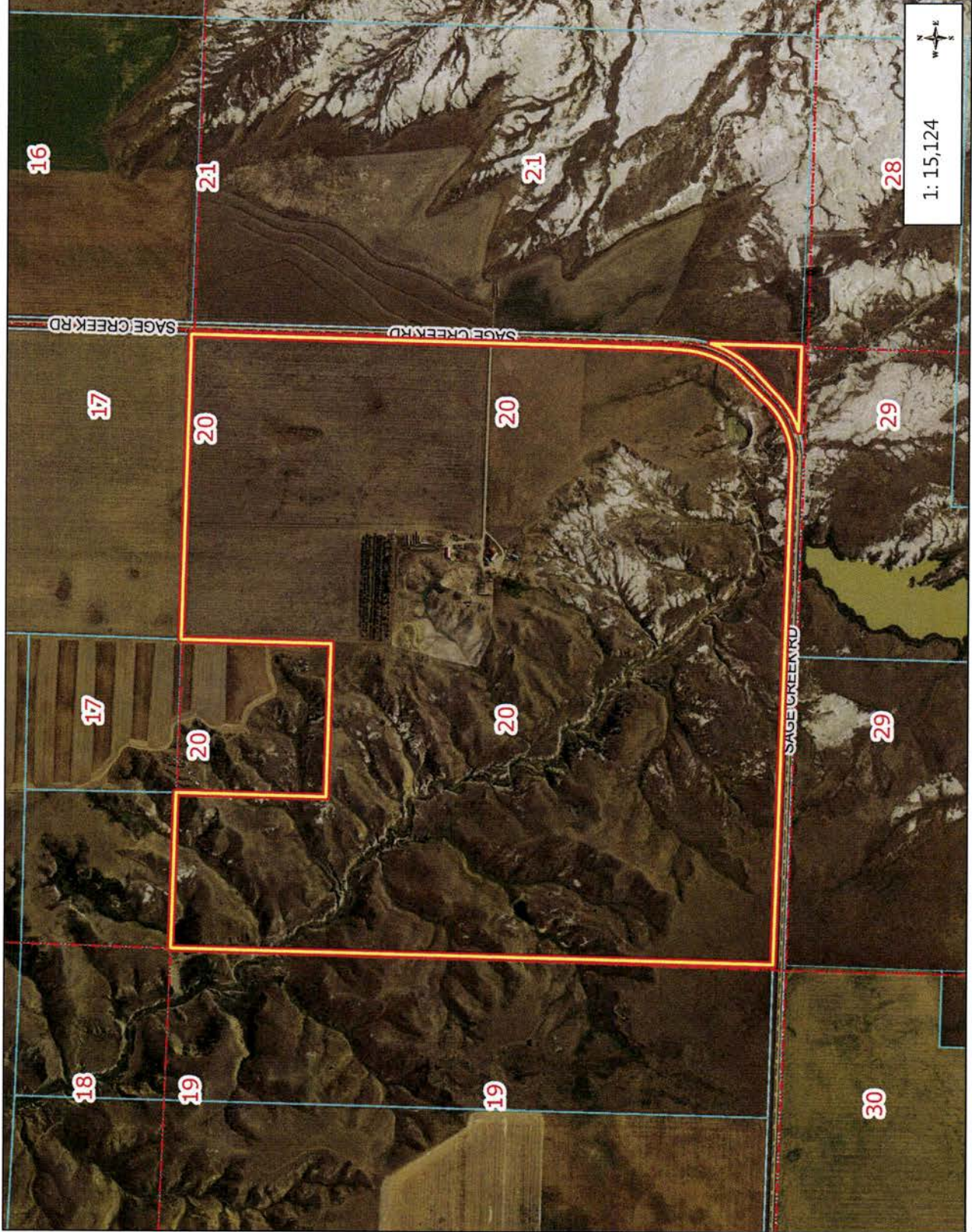
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Map Notes:



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Section Lines 0-25k

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- 7

Tax Parcels

Lot Lines

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- Lot Line
- Parcel Line

Map Notes:

STAFF REPORT

GENERAL INFORMATION:

REQUEST: **CONDITIONAL USE PERMIT REVIEW / CU 18-27**: To review a Recreational Vehicle to be used for no more than 180 calendar days on the subject property (seasonally) and to also allow a carport to cover the Recreational Vehicle and deck in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

APPLICANT: John and Vicki Hansen

APPLICANT ADDRESS: 423 W. 11th Avenue, Mitchell, SD 57301

LEGAL DESCRIPTION: Lot 5 (also in Section 20), Black Metal Lode MS 1986, Section 19, T1S, R5E, BHM, Pennington County, South Dakota.

SITE LOCATION: 12491 Tall Pine Road; approximately 3/4 mile southwest of the intersection of China Gulch Road and Bradley Gulch Road, on Tall Pine Road.

SIZE: 6.05 acres

TAX ID: 40820

EXISTING LAND USE: Vacant

ZONING REFERENCE: § 207 and 510

CURRENT ZONING: Low Density Residential District

SURROUNDING ZONING:

North	Low Density Residential District
South	City Limits of Hill City
East	General Agriculture District
West	Low Density Residential District

PHYSICAL CHARACTERISTICS: Forested / Hills

UTILITIES: Private

REPORT BY: Cassie Bolstad

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending approval of the extension of Conditional Use Permit / CU 18-27 with ten (10) conditions.

II. GENERAL DESCRIPTION

- A. The applicants, John and Vicki Hansen, requested a Conditional Use Permit to allow a Recreational Vehicle (RV) to be used for no more than 180 calendar days on the subject property (seasonally) and to also allow a carport to cover the RV and a deck.

III. EXISTING CONDITIONS

- A. Zoned Low Density Residential District.
- B. 6.05 acres.
- C. Access off of Tall Pine Road.
 - 1. Located within the Deegan Drive Road District.
- D. Currently vacant.
- E. No Special Flood Hazard Area on the subject property.



Existing lot

IV. ANALYSIS

- A. September 11, 2012
 - 1. Building Permit (COBP12-0405) was approved to construct a 28' x 28' garage with living quarters on the subject property.
 - a. COBP12-0405 expired on September 11, 2014, and the proposed garage was not constructed.

2. On-Site Wastewater Treatment System Construction Permit (COSD12-0077) was approved to install an on-site wastewater treatment system (OSWTS) on the subject property.
 - a. The OSWTS was installed and obtained an Operating Permit in 2014 (COOP14-0048).
 - b. The OSWTS consists of a 1,500 gallon tank and 750 square feet of drainfield.
- B. July 22, 2016 – Building Permit (COBP16-0323) was approved to construct a single-family residence (SFR) on the subject property.
 1. COBP16-0323 expired on September 10, 2018.
- C. The applicants have indicated that, due to construction costs, they are not able to construct a residence on the property at this time.
- D. July 5, 2018 – The applicants applied for Conditional Use Permit / CU 18-27.
 1. The applicants indicated the RV would be utilized during the summer months and an occasional holiday or weekend.
- E. A site plan submitted by the applicants indicates they were proposing the RV to be located in the northwest corner of the subject property and indicated the proposed carport would be 13-feet from the west property line.
 1. The property is currently zoned Low Density Residential District, which requires a minimum 25-foot setback to all property lines.
 2. The carport must meet the minimum setback requirements or an approved Setback Variance must be obtained.
- F. August 13, 2018 – Planning Commission approved Conditional Use Permit / CU 18-27 with the following eleven (11) conditions:
 1. That there be no more than one (1) Recreational Vehicle allowed to be utilized as living quarters on the subject property (Lot 5, Black Metal Lode MS 1986) at any time;
 2. That the RV may not be utilized as living quarters for more than 180 days per calendar year;
 3. That the applicants be allowed to construct one (1) RV carport and one (1) deck, with the issuance of approved Building Permits;
 4. That the applicant work with South Dakota Wildland Fire to develop a fire mitigation plan and a copy of the plan be provided to the Planning Department;
 5. That the address assigned for the property (12491 Tall Pine Road) be clearly posted on the Recreational Vehicle (RV) while it is being utilized as living quarters and at the driveway, in accordance with Pennington County's Ordinance #20;
 6. That while the RV is being used as living quarters it be hooked into the approved On-Site Wastewater Treatment System;
 7. That the minimum setback requirements of a Low Density Residential District be continually maintained on the subject property, or an approved Setback Variance be obtained;

Agenda Item #8
John and Vicki Hansen
August 12, 2019

8. That the subject property remains free of debris and junk vehicles, in accordance with Ordinance #106;
 9. That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
 10. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 18-27, 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 deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.
- G. Staff recommends to remove Condition #10, as it has been met.
- H. At the time of this Staff Report writing, Building Permits have not been submitted for either the proposed carport or the proposed deck.
- I. July 31, 2019 – Staff performed a site visit.
1. There is one (1) RV on the property along with a small trailer and a small shed.
 2. Neither a carport nor a deck have been constructed.



Site Visit 07.31.19



Site Visit 07.31.19

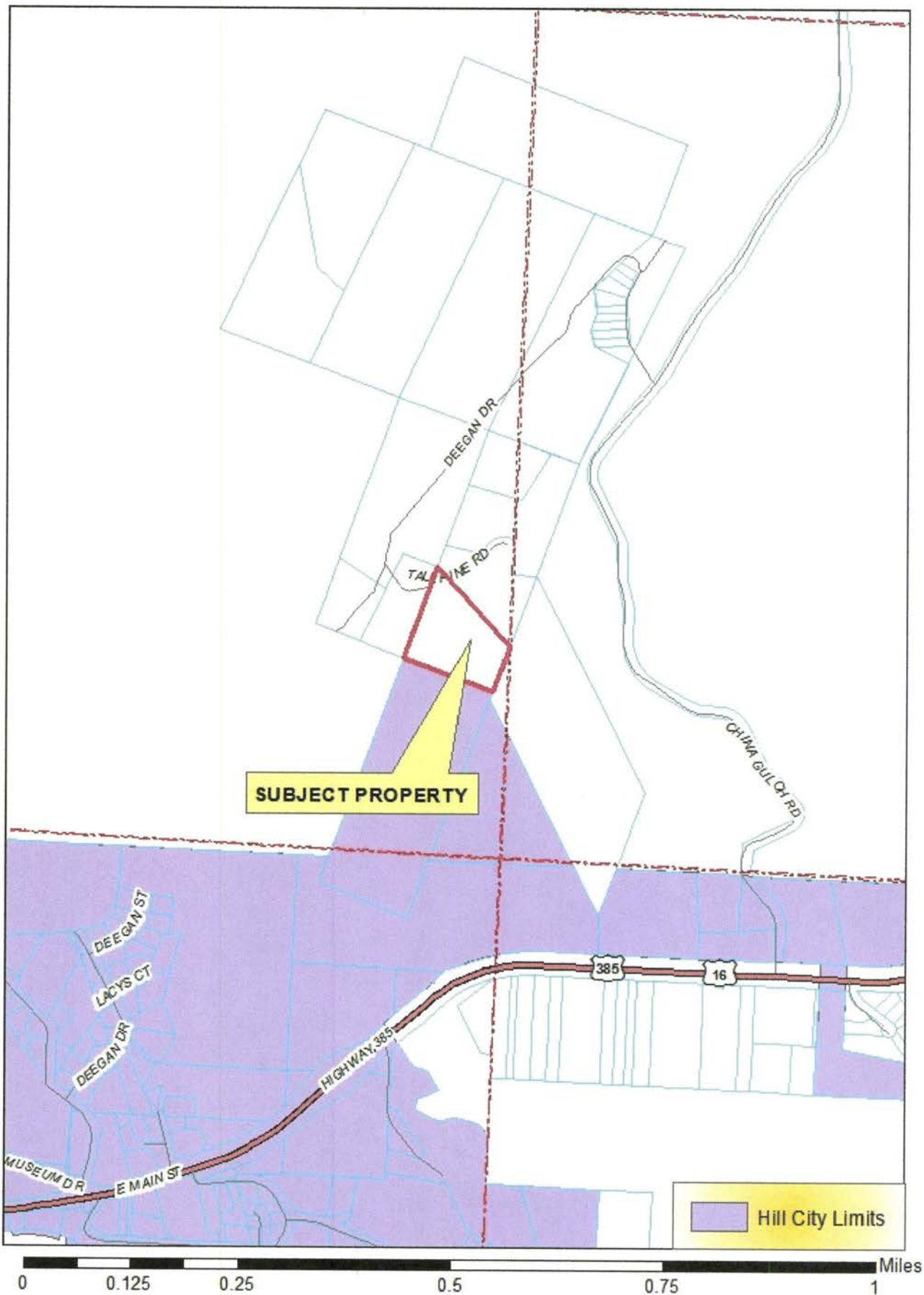
RECOMMENDATION: Staff recommends approval of the extension of Conditional Use Permit / CU 18-27 with the following ten (10) conditions:

1. That there be no more than one (1) Recreational Vehicle (RV) allowed to be utilized as living quarters on the subject property (Lot 5, Black Metal Lode MS 1986) at any time;
2. That the RV may not be utilized as living quarters for more than 180 days per calendar year;
3. That the applicants be allowed to construct one (1) RV carport and one (1) deck, with the issuance of approved Building Permits;
4. That the applicant work with South Dakota Wildland Fire to develop a fire mitigation plan and a copy of the plan be provided to the Planning Department;
5. That the address assigned for the property (12491 Tall Pine Road) continue to be clearly posted on the RV while it is being utilized as living quarters and at the driveway, in accordance with Pennington County's Ordinance #20;
6. That while the RV is being used as living quarters it be hooked into an approved On-Site Wastewater Treatment System;

Agenda Item #8
John and Vicki Hansen
August 12, 2019

7. That the minimum setback requirements of a Low Density Residential District be continually maintained on the subject property, or an approved Setback Variance be obtained;
8. That the subject property continues to remain free of debris and junk vehicles, in accordance with Ordinance #106;
9. That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; and,
10. That this Conditional Use Permit be reviewed in three (3) years, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

HANSEN



HANSEN



Hill City Limits

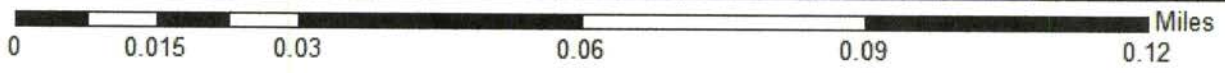
TALL PINE RD

SUBJECT PROPERTY



NORTH

Rapid City/Fennington County GIS Division



STAFF REPORT

GENERAL INFORMATION:

REQUEST: **CONDITIONAL USE PERMIT REVIEW / CU 18-28**: To review living in the existing residence while building a new single-family residence on the subject property in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

APPLICANT: Harry and Gail McKane

APPLICANT ADDRESS: 23510 Deerfield Park Drive, Hill City, SD 57745

LEGAL DESCRIPTION: Lot 1 (also in Section 36, T1N, R3E), Deerfield Park Parcel #2, Section 1, T1S, R3E, BHM, Pennington County, South Dakota.

SITE LOCATION: 23510 Deerfield Park Drive; near the intersection of Deerfield Park Court and Deerfield Park Drive.

SIZE: 19.26 acres

TAX ID: 64151

EXISTING LAND USE: Residential

ZONING REFERENCE: § 206 and 510

CURRENT ZONING: Limited Agriculture District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Hills / Open Meadow

UTILITIES: Private

REPORT BY: Cassie Bolstad

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending approval of the extension of Conditional Use Permit / CU 18-28 with eight (8) conditions.

II. GENERAL DESCRIPTION

- A. The applicants, Harry Scott and Gail W. McKane, requested a Conditional Use Permit to live in an existing residence while building a new single-family residence.

III. EXISTING CONDITIONS

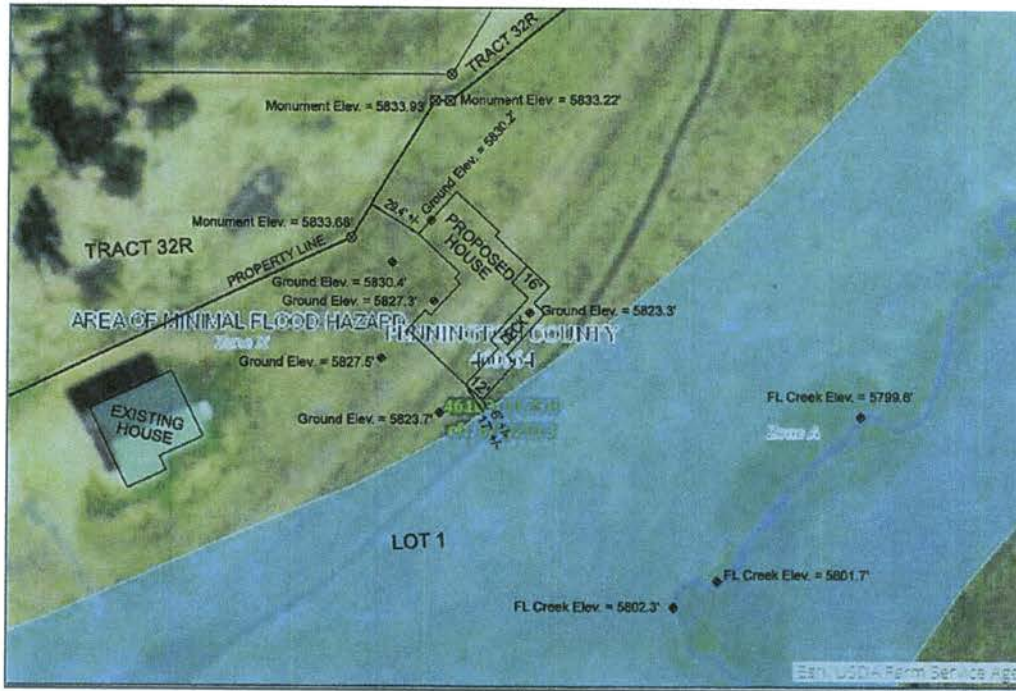
- A. 19.26 acres.
- B. Zoned Limited Agriculture District.
- C. Access off of Deerfield Park Drive.
- D. Lot contains:
 - 1. Pole Barn, with attached garage, converted into living quarters.
 - a. Hay storage shed (pole barn) built via 2004COBP0184.
 - b. Living quarters permitted via 2011COBP0044 on February 28, 2011.
 - 3. On-site Wastewater Treatment System (OSWTS) Construction Permit – 2006COSD0177 issued on November 21, 2006.
 - 4. OSWTS Construction Permit / 2011COSD0010 approved on April 12, 2011.
 - 5. Operating Permit / COOP17-0181 approved on June 22, 2017 for a conventional system.
- E. Special Flood Hazard Area (Zone A – 100-year Floodplain) located on the subject property.



Existing pole barn with living quarters.

IV. ANALYSIS

- A. July 17, 2018 – The applicants applied for Conditional Use Permit / CU 18-28.
- B. August 13, 2018 – Planning Commission approved CU 18-28 with the following ten (10) conditions:
 - 1. That an approved Floodplain Development Permit be obtained prior to any work being done near or within the Special Flood Hazard Area;
 - 2. That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
 - 3. That the address is clearly posted on the residence and at the driveway in accordance with Pennington County's Ordinance #20;
 - 4. That the subject property not contain more than one (1) residential structure (i.e. single-family residence or living quarters) unless a Conditional Use Permit is approved to allow the existing residence (hay shed) as a second residence;
 - 5. That the minimum setback requirements of a Limited Agriculture District be continually maintained on the property or the appropriate Setback Variance(s) be obtained;
 - 6. That the landowners work with the Pennington County Environmental Planner to ensure compliance with Pennington County Zoning Ordinance § 204(J);
 - 7. That the temporary living quarters be removed from the hay shed once the single-family residence is habitable or the expiration of the Building Permit for the single-family residence, whichever comes first. If the applicants wish to keep the living quarters in the hay shed, a new Conditional Use Permit allowing such use must be applied for once the new single-family residence is habitable;
 - 8. That the subject property remains free of debris and junk vehicles;
 - 9. That the applicant signs the Statement of Understanding at the Planning Office within ten (10) business days of approval of Conditional Use Permit / CU 18-28; and,
 - 10. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.
- C. April 23, 2019 – On-site Wastewater Treatment System (OSWTS) Construction Permit / COSD19-0019 was issued to install an OSWTS to service the new single-family residence.
- D. May 17, 2019 – Building Permit / COBP19-0216 was issued for a new single-family residence with attached garage and decks.
 - 1. COBP19-0216 will expire on May 18, 2021.



Location of new single-family residence (COBP19-0216)

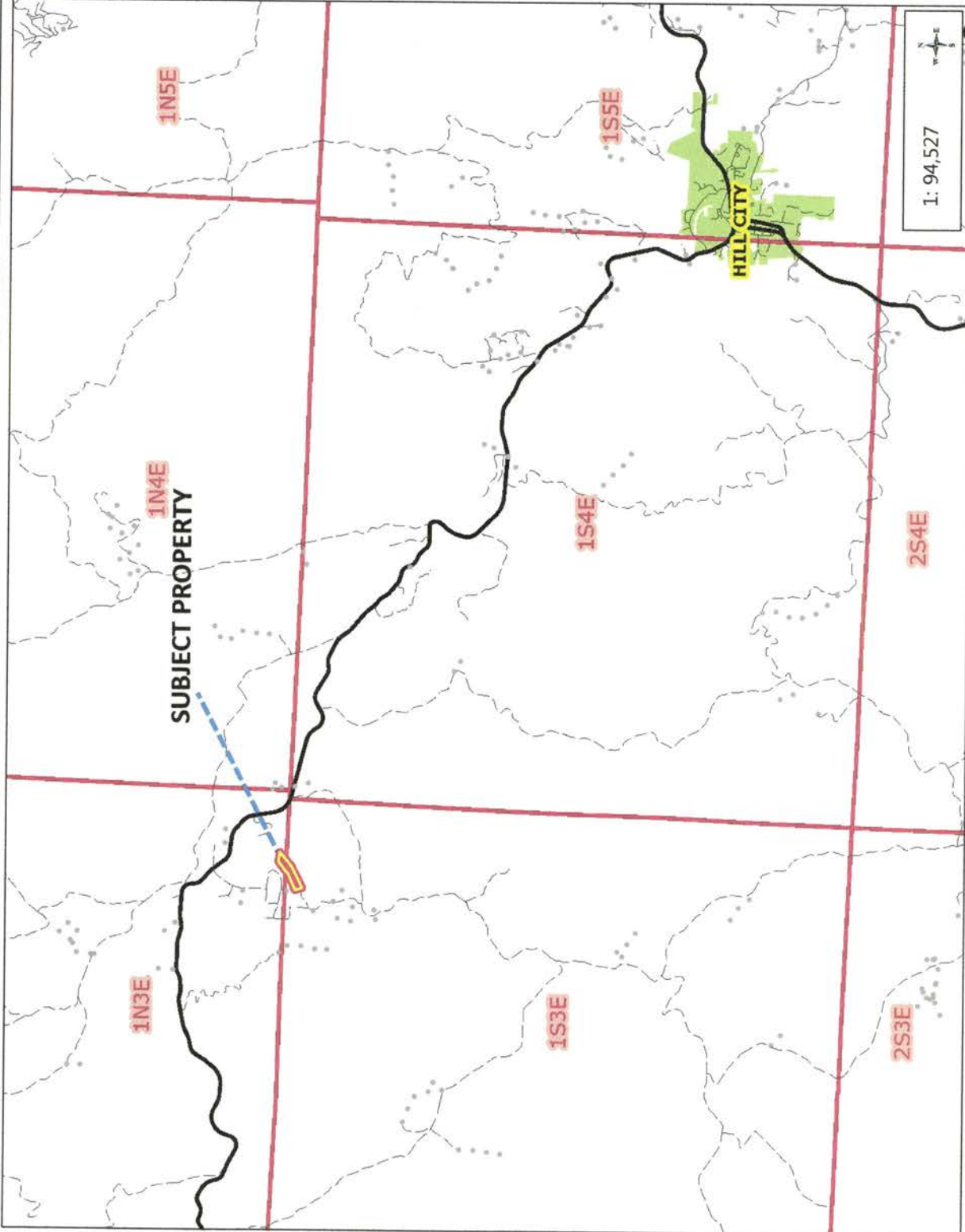
E. Staff recommends to remove Conditions #6 and #9, as they have been met.

RECOMMENDATION: Staff recommends approval of the extension of Conditional Use Permit / CU 18-28 with the following eight (8) conditions:

1. That an approved Floodplain Development Permit be obtained prior to any work being done near or within the Special Flood Hazard Area;
2. That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
3. That the address is clearly posted on the residence and at the driveway in accordance with Pennington County's Ordinance #20;
4. That the subject property not contain more than one (1) residential structure (i.e. single-family residence or living quarters) unless a Conditional Use Permit is approved to allow the existing residence (hay shed) as a second residence;
5. That the minimum setback requirements of a Limited Agriculture District be continually maintained on the property or the appropriate Setback Variance(s) be obtained;

Agenda Item #9
Harry & Gail McKane
August 12, 2019

6. That the temporary living quarters be removed from the hay shed once the single-family residence is habitable or the expiration of the Building Permit for the single-family residence, whichever comes first. If the applicants wish to keep the living quarters in the hay shed, a new Conditional Use Permit allowing such use must be applied for once the new single-family residence is habitable;
7. That the subject property continually remains free of debris and junk vehicles; and,
8. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.



1: 94,527

15,754.6 0 7,877.28 15,754.6 Feet

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 © City of Rapid City GIS

Legend

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

Map Notes:



1: 3,781



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630.2
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Legend

Roads

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

Section Lines 0-25k

- 0
- 7

Tax Parcels

Lot Lines

- <Null>
- Lot Line
- Parcel Line

Floodway

Flood Hazard Area

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

Map Notes:

STAFF REPORT

GENERAL INFORMATION:

REQUEST: **CONDITIONAL USE PERMIT REVIEW/ CU 18-32**: To review a caretaker's residence on the subject property in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

APPLICANT: Katrena Roseland

APPLICANT ADDRESS: 5809 Gemini Street, Rapid City, SD 57703

LEGAL DESCRIPTION: Lot 7, Block 4, Eastern Acres Subdivision, Section 11, T1N, R8E, BHM, Pennington County, South Dakota.

SITE LOCATION: 5809 Gemini Street; located near the intersection of Reservoir Road and Gemini Street; at the end of Gemini Street.

SIZE: 0.81 acre

TAX ID: 1767

EXISTING LAND USE: Residential

ZONING REFERENCE: Sections 208 and 510

CURRENT ZONING: Suburban Residential District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Flat

UTILITIES: Public

REPORT BY: Kristina Proietti

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending approval of the extension of Conditional Use Permit / CU 18-32 with seven (7) conditions.

II. GENERAL DESCRIPTION

- A. On August 27, 2018, the Planning Commission approved CU 18-32 with the following eight (8) conditions:
1. That the addresses for both the existing single-wide mobile home and the proposed caretaker's residence be posted, in accordance with Pennington County's Ordinance #20;
 2. That an approved Building Permit be obtained for the new 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;
 3. That the minimum setback requirements of a Suburban Residential District be continually maintained on the property;
 4. That the subject property remains free of debris and junk vehicles;
 5. That an updated doctor's note be provided prior to each review of Conditional Use Permit / CU 18-32;
 6. That once care is no longer needed for Katrena Roseland, either the existing residence or 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;
 7. That the landowner sign the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 18-32, which is available at the Planning Office; and
 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 Conditions of Approval are being met.
- B. Staff recommends removing Condition # 7, as that has been met.
- C. Care is provided by her son, Lee Roseland, who resides on the subject property at 5811 Gemini Street.

III. CONDITIONAL USE PERMIT / CU 90-48

- A. CU 90-48 was to allow a single-wide mobile home to be used as a caretaker's residence (for Ruth Wortham) in a Suburban Residential Zoning District.
1. CU 90-48 was reviewed and extended in: 1990, 1991, 1996, 1998, 2002, 2004, 2007, 2010, 2013, and 2016.
 2. In 1996, the Planning Commission approved the extension of CU 90-48, along with a replacement of an existing 14' x 70' SWMH with a new 16' x 80' SWMH, with approved Building Permit 1996COBP0410.

- B. August 08, 2016 – the Planning Commission approved the extension of CU 90-48 with the following four (4) conditions:
 - 1. 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 by the Planning Director;
 - 2. That an updated Doctor's note be submitted to the Planning Department as soon as possible prior to the next review of this Conditional Use Permit;
 - 3. That one of the manufactured homes be removed from the property when care is no longer needed for Mr. Wortham or when Mrs. Roseland and/or Mr. Wortham no longer resides on the property; and,
 - 4. That this Conditional Use Permit be reviewed in three (3) years or on a complaint basis.
- C. On July 24, 2018, the applicant applied for a new CUP for a Tiny Home to be used as a caretaker's residence for herself, as Mr. Wortham no longer required care.
- D. On August 27, 2018, the Planning Commission approved CU 18-32, and on September 10, 2018, CU 90-48 was ended with the applicant's concurrence.

IV. EXISTING CONDITIONS

- A. Zoned Suburban Residential District (Current and Future Land Use Designations).
- B. 0.81 acres.
- C. Lot contains:
 - 1. 16' x 80' Single-wide Mobile Home (SWMH).
 - a. County Building Permit / 9353.
 - 2. 16' x 76' SWMH.
 - a. County Building Permit / 1996COBP0410.
 - 3. 40' x 24' Detached Garage built in 1970, per Department of Equalization's Property Records Card.
- D. Located within the Platting Jurisdiction of the City of Rapid City.
- E. Located within the Rapid Valley Sanitary District.
- F. Access is off of Gemini Road.
- G. No Special Flood Hazard Areas on the subject property.



Staff photo of primary residence.



Staff photo of caretaker's residence.

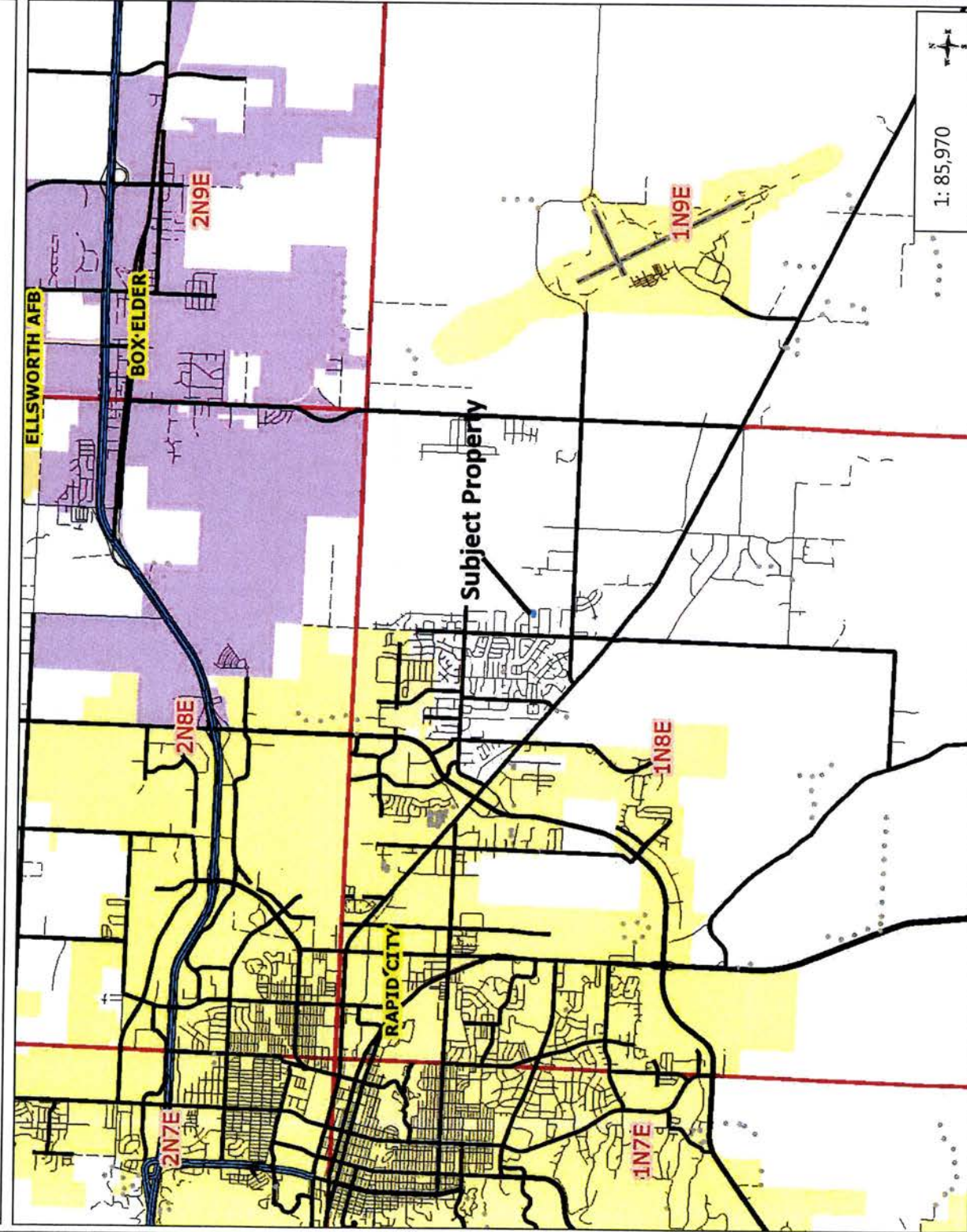
V. ANALYSIS

- A. July 24, 2019, staff spoke on the phone with the applicant, Katrena Roseland, who stated that she would be providing us with a current physician's note stating that care is beneficial for her. Mrs. Roseland also stated that the residence was getting new siding.
- B. July 24, 2019, staff performed a site visit to the subject property and found it to be in compliance.
- C. Since 1990, the Planning Commission has approved two residence on the subject property, with one to be used as a primary residence and one to be used as a caretaker's residence.
- D. Due to the assumed temporary nature of a caretaker's residence, once care is no longer needed, the caretaker's residence must be removed or the property must be platted into separate lots.
- E. At the time of this Staff Report, staff has not received any complaints regarding the subject property or Conditional Use Permit / CU 18-32.
- F. Staff found no other concerns relative to this property.

Agenda Item #10
Katrena Roseland
August 12, 2019

RECOMMENDATION: Staff recommends approval of the extension of Conditional Use Permit / CU 18-32 with the following seven (7) conditions:

1. That the addresses for both residences be posted, in accordance with Pennington County's Ordinance #20;
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 setback requirements of a Suburban Residential District be continually maintained on the property;
4. That the subject property remains free of debris and junk vehicles;
5. That an updated doctor's note be provided prior to each review of Conditional Use Permit / CU 18-32;
6. That once care is no longer needed for Katrena Roseland, either the existing residence or 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 three (3) years, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.



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**
- 2N7E
 - 2N8E
 - 2N9E
 - 1N7E
 - 1N8E
 - 1N9E
- Townships**
- BOX ELDER
 - ELLSWORTH AFB
 - HILL CITY
 - KEYSTONE
 - NEW UNDERWOOD
 - QUINN
 - RAPID CITY
 - WALL
 - WASTA
- City Limits**
- RAPID CITY

Map Notes:

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 © City of Rapid City GIS



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895.5 Feet

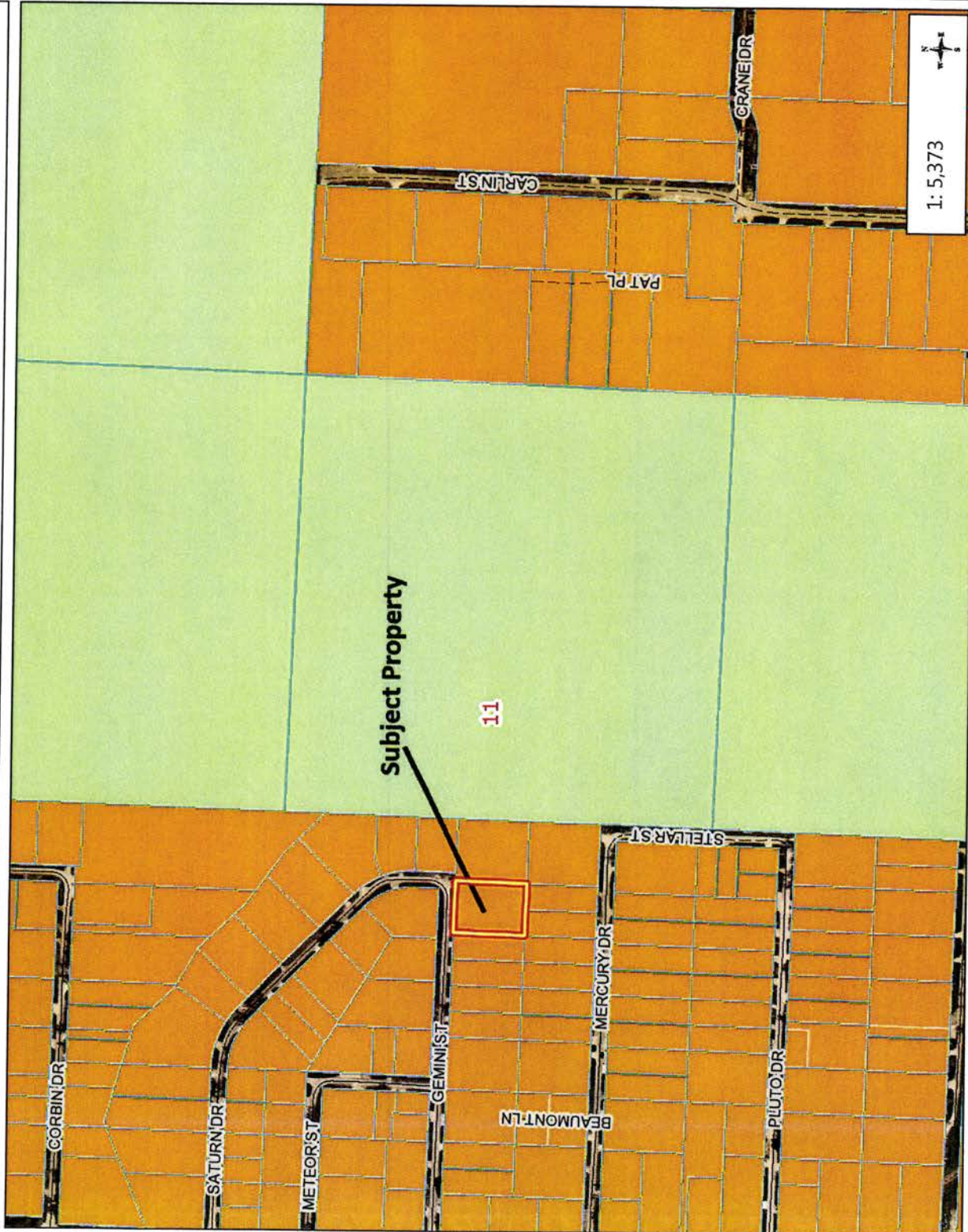
NAD_1983_StatePlane_South_Dakota_South_FIPS_4002_Feet
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 - Ramp
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 - Unpaved road
 - Trail
 - Driveway
 - Alley
 - Unimproved road
 - Airport Runway
 - Not yet coded
- Section Lines 0-25k**
- 0
 - 7
- Tax Parcels**
- Lot Lines**
- <Null>
 - Lot Line
 - Parcel Line

Map Notes:



Legend

Roads

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

Section Lines 0-25k

- 0
- 7

Tax Parcels

Lot Lines

- <Null>
- Lot Line
- Parcel Line

Pennington County Zoning

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

Map Notes:

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

895.5 Feet

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895.5

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1: 5,373



STAFF REPORT

GENERAL INFORMATION:

REQUEST: CONDITIONAL USE PERMIT REVIEW/ CU 18-43: To review a temporary asphalt batch plant and contractor's storage area on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

APPLICANT: Border States Paving/ Jason Wettels

APPLICANT ADDRESS: P.O. Box 2586, Fargo, ND 58108

PROPERTY OWNER: Wayne and Marica Huether

OWNER ADDRESS: P.O. Box 106, Interior, SD 57750

LEGAL DESCRIPTION: NE1/4NE1/4 Less Lot H-1; N1/2NW1/4 Less Lot H-1, Section 12, T4S, R17E, BHM, Pennington County, South Dakota.

SITE LOCATION: 20201 E. Highway 44

SIZE: 106.42 acres

TAX ID: 17612

EXISTING LAND USE: Residential / Agriculture

ZONING REFERENCE: Sections 205 and 510

CURRENT ZONING: General Agriculture District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Rolling Hills

UTILITIES: Private

Agenda Item #11
Border States Paving; Jason Wettels - Agent
August 12, 2019

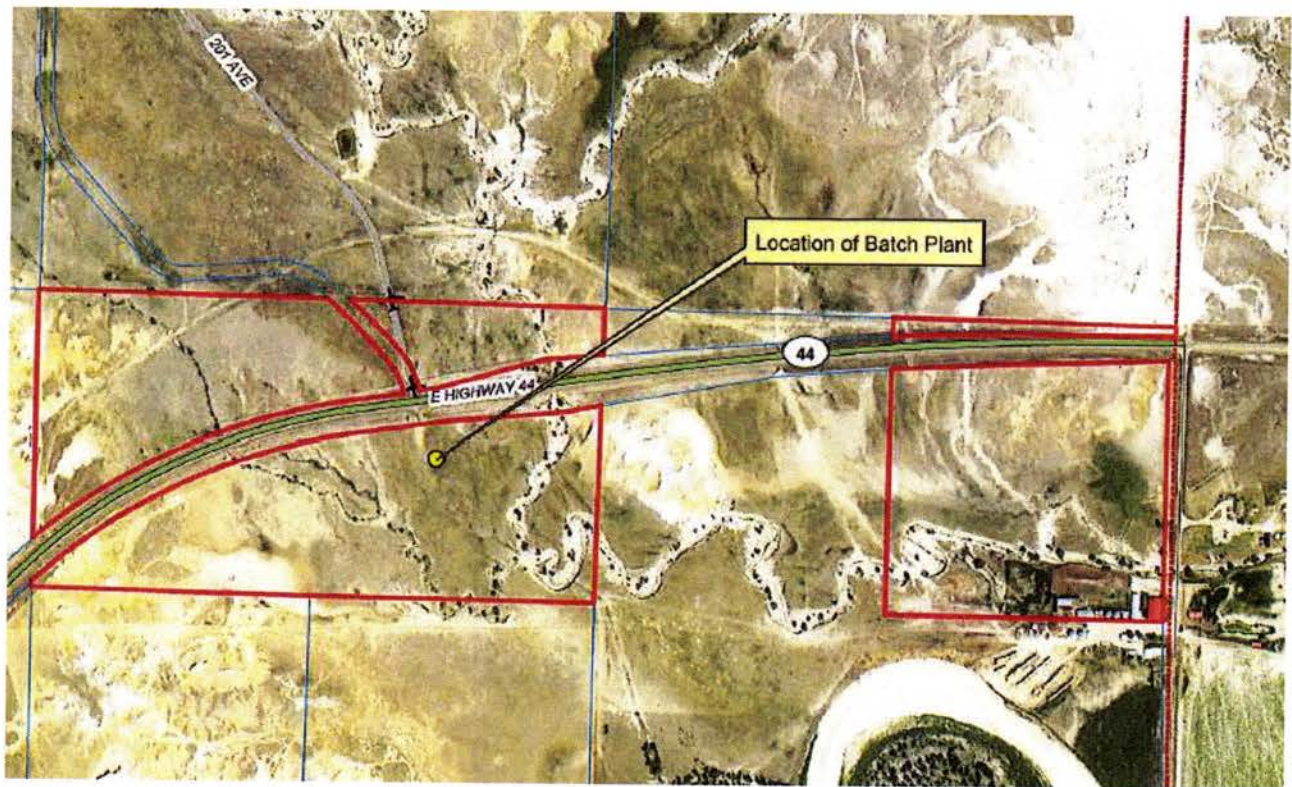
REPORT BY: Cody Sack

I. PROPOSED RECOMMENDATION

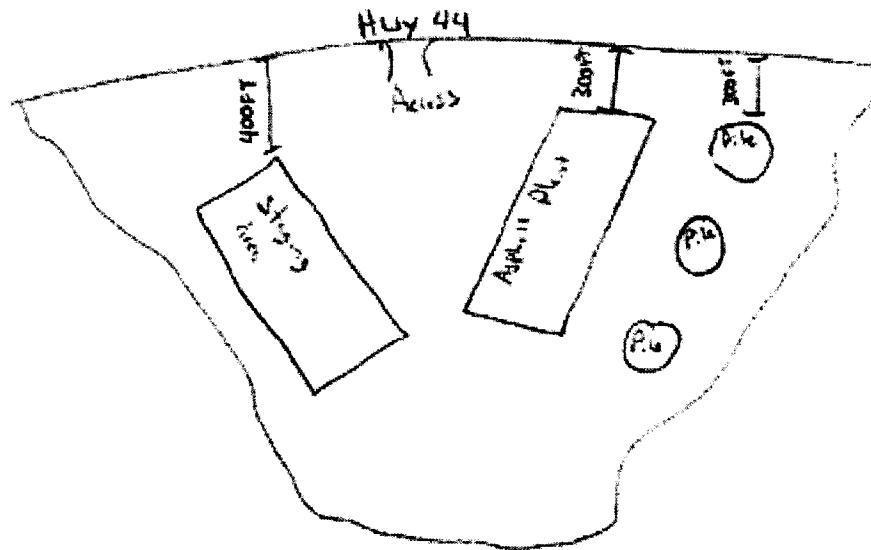
- A. Staff will be recommending approval of the extension of Conditional Use Permit / CU 18-43 with thirteen (13) conditions.

II. GENERAL DESCRIPTION

- A. The applicant, Border States Paving, Jason Wettels, as the agent, requested a Conditional Use Permit to allow an asphalt batch plant and contractor's storage area to be set up at the above-described property.



Proposed Location of Batch Plant



Site Plan

- B. December 17, 2018 – The Planning Commission approved Conditional Use Permit / CU 18-43 with the following fourteen (14) conditions:
1. That port-o-potties are provided on-site: one (1) unit per 50 employees, throughout the operation of the stockpile and portable asphalt plant;
 2. That an approved temporary Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
 3. That any structure that remains after this CUP ends will require a permanent Building Permit.
 4. That a temporary address will be assigned to the Contractors Storage area and portable asphalt plant and must be conspicuously posted at all times and a cell phone shall be present on the site at all times as well;
 5. That all access to the temporary asphalt batch plant be via the existing private approach off of E. Highway 44;
 6. That appropriate measures are taken to protect all drainage ways and limit runoff from the subject property by implementing Best Management Practices prior to any land disturbance;
 7. That all debris and construction items be cleaned up and removed from the property upon completion of the project, and that the applicant reclaim all disturbed areas to the state-of-condition that was seen prior to the temporary asphalt plant installation;

8. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than fourteen (14) days after Construction Activity has stopped and that all erosion control methods (mulch and seed) need to be certified noxious weed-free.
9. That the disturbed areas be re-vegetated as required in § 507(A)(5)(c);
10. That all necessary Permits from the Department of Environmental and Natural Resources (Industrial Stormwater Permit) be obtained, and copies submitted within seven (7) business days of approval of this Conditional Use Permit;
11. That dust control measures be taken to reduce the amount of dust pollution produced by the project and insures that the parking areas and approach are maintained in a dust free condition;
12. That erosion control measures be implemented and maintained and barrier protection measures (i.e. wattles, silt fence, etc.) be installed to prevent sediment from leaving the site;
13. That the applicant signs a Statement of Understanding within ten (10) business days of approval of this permit; and,
14. That this Conditional Use Permit be reviewed in six (6) months, or 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 General Agricultural District.
- B. 106.42 acres.
- C. Access off of E. Highway 44.
- D. Lot is vacant.
- E. There are two (2) legal descriptions for the property.
 1. The legal description where the batch plant is located is N1/2NW1/4 Less Lot H-1.
 2. There are no structures on this area of property.
- F. Special Flood Hazard Area is not studied on the property.

IV. ANALYSIS

- A. August 1, 2019 – Staff performed a site visit and found:
 1. The area where the batch plant was located had been disturbed.
 2. The batch plant is no longer there.
 3. The site has not been reclaimed.
- B. August 5, 2019 – Staff attempted to contact the applicant who could not be reached.
- C. Staff will continue to attempt to contact the applicant.
- D. The Applicant does have an Air Quality Permit (SDG02A037) for the batch plant.



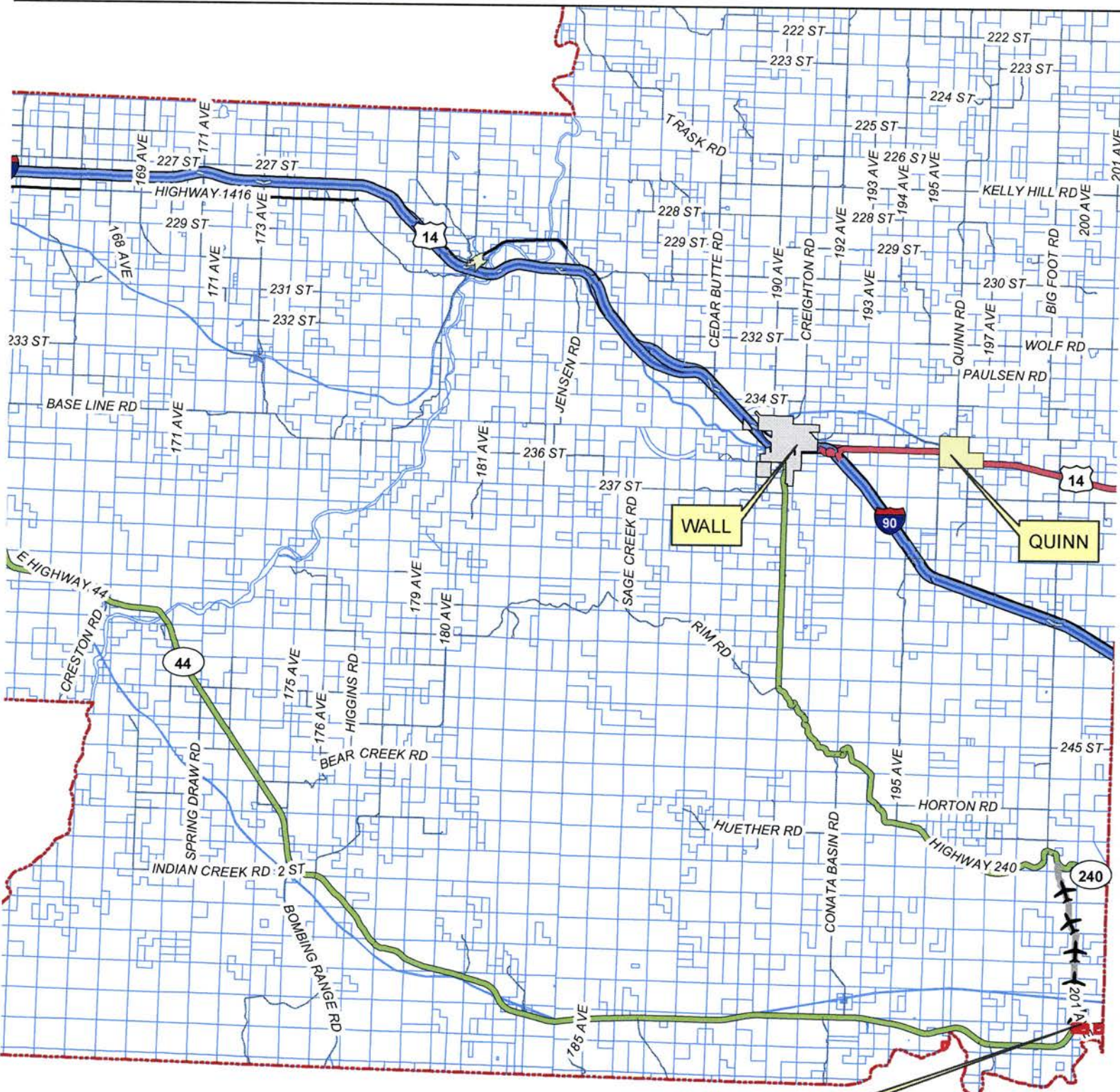
Site Visit (8/1/19)

RECOMMENDATION: Staff recommends approval of the extension of Conditional Use Permit / CU 18-43 with the following thirteen (13) conditions:

1. That port-o-potties are provided on-site: one (1) unit per 50 employees, throughout the operation of the stockpile and portable asphalt plant;
2. That an approved temporary Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
3. That any structure that remains after this CUP ends will require a permanent Building Permit.
4. That a temporary address will be assigned to the Contractors Storage area and portable asphalt plant and must be conspicuously posted at all times and a cell phone shall be present on the site at all times as well;
5. That all access to the temporary asphalt batch plant be via the existing private approach off of E. Highway 44;

Agenda Item #11
Border States Paving; Jason Wettels - Agent
August 12, 2019

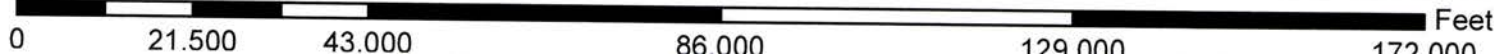
6. That appropriate measures are taken to protect all drainage ways and limit runoff from the subject property by implementing Best Management Practices prior to any land disturbance;
7. That all debris and construction items be cleaned up and removed from the property upon completion of the project, and that the applicant reclaim all disturbed areas to the state-of-condition that was seen prior to the temporary asphalt plant installation;
8. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than fourteen (14) days after Construction Activity has stopped and that all erosion control methods (mulch and seed) need to be certified noxious weed-free;
9. That the disturbed areas be re-vegetated as required in § 507(A)(5)(c);
10. That all necessary Permits from the Department of Environmental and Natural Resources (Industrial Stormwater Permit) be obtained, and copies submitted within seven (7) business days of approval of this Conditional Use Permit;
11. That dust control measures be taken to reduce the amount of dust pollution produced by the project and insures that the parking areas and approach are maintained in a dust free condition;
12. That erosion control measures be implemented and maintained and barrier protection measures (i.e. wattles, silt fence, etc.) be installed to prevent sediment from leaving the site; and,
13. That this Conditional Use Permit be reviewed in three (3) months, on a complaint basis, or as directed by the Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

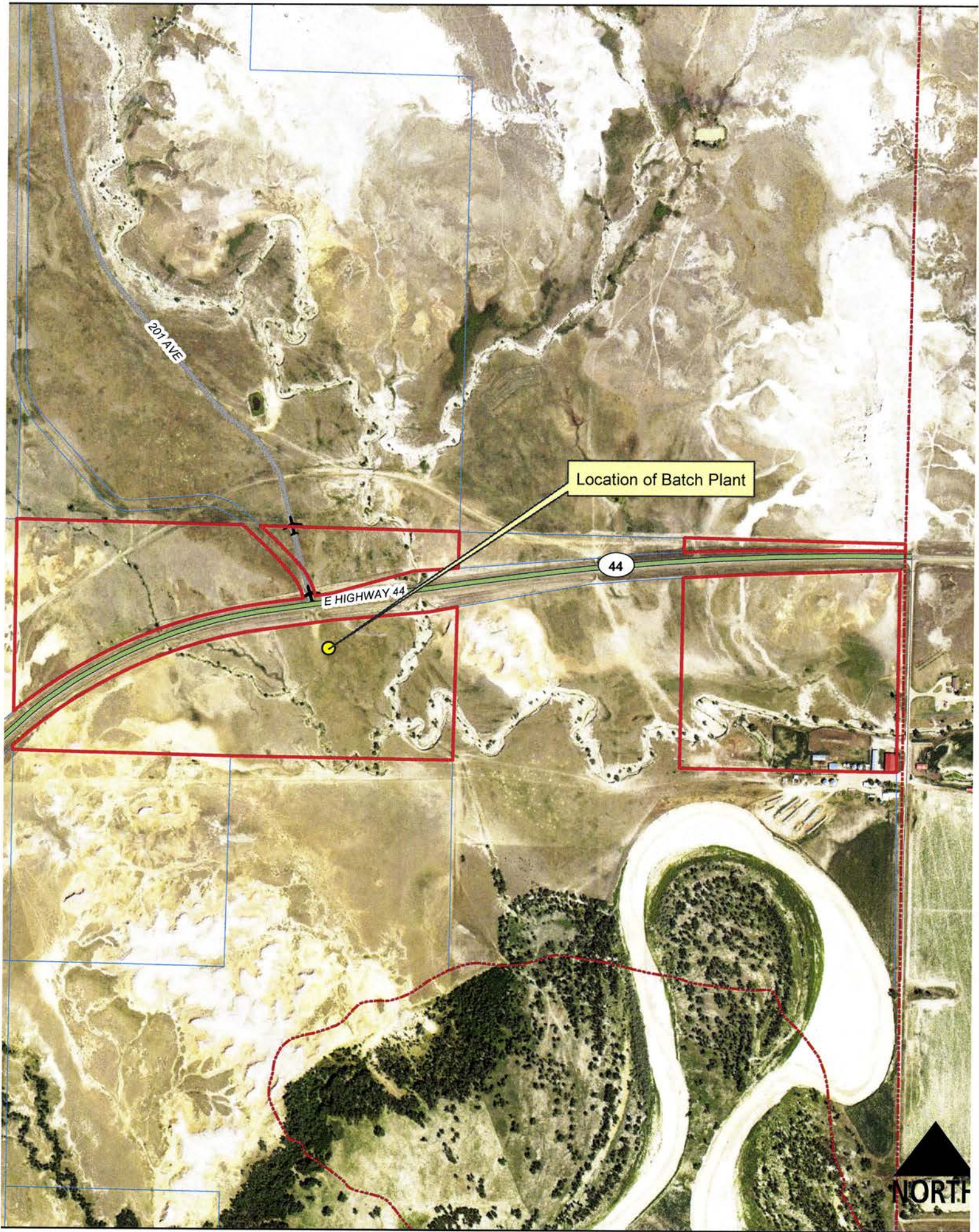


WALL

QUINN

Subject Property





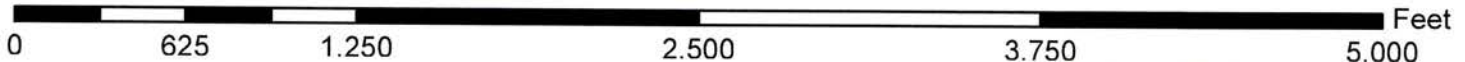
Location of Batch Plant

207 AVE

E HIGHWAY 44

44

NORTH



STAFF REPORT

GENERAL INFORMATION:

REQUEST: **CONDITIONAL USE PERMIT / CU 19-19:** To allow a secondary structure prior to a primary residence in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

APPLICANT: Dale or Sarah Gadbois

APPLICANT ADDRESS: 13876 Box Canyon Road, Hermosa, SD 57744

LEGAL DESCRIPTION: SE1/4SE1/4, Section 8, T2S, R7E, BHM, Pennington County, South Dakota.

SITE LOCATION: Located east of the intersection of Rushmore Ranch Road and Martin Ranch Trail, along Martin Ranch Trail.

SIZE: 40.00 acres

TAX ID: 61563

EXISTING LAND USE: Vacant

ZONING REFERENCE: § 205 and 510

CURRENT ZONING: General Agriculture District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Forested / Hills

UTILITIES: None

REPORT BY: Kristina Proietti

I. PROPOSED RECOMMENDATION

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

II. GENERAL DESCRIPTION

- A. The applicant is requesting a Conditional Use Permit to allow an accessory structure, a shed, prior to a primary structure on the subject property.

III. EXISTING CONDITIONS

- A. Zoned General Agriculture District.
- B. Located within the Martin Ranch Trail Road District.
- C. 40 acres.
- D. Lot currently vacant.

IV. REQUEST FOR COMMENT

- A. County Highway
 - 1. Highway Department has no comments since this is in the Martin Ranch Trail Road District.
- B. County Ordinance Enforcement
 - 1. Ordinance Enforcement has no objections.
- C. County Environmental Planner
 - 1. According to USDA Web Soil Survey, the soils are classified as Very Limited for a septic absorption field. If the secondary structure has living quarters and requires a septic system, all rules of Pennington County Zoning Ordinance §204-J must be followed.
- D. County Environmental Planning Supervisor
 - 1. There is no Special Flood Hazard Area on the property.
- E. County Addressing Coordinator
 - 1. No addressing concerns at this time. Future addresses will be assigned during the Building Permit application process. Once assigned, addresses must be posted in accordance with Pennington County's Ordinance #20.
- F. Emergency Services
 - 1. I assume a secondary structure is not a home but a garage or shop? If it is something they will live in, will it get the same physical address as the main home when it is built?
 - 2. Either way, approve with the condition that the assigned physical address be posted at the end of the driveway and on the structure(s) in accordance with Penn. Co. Ord. #20.
- G. Black Hills Electric Cooperative
 - 1. Black Hills Electric Cooperative has no concerns with this secondary structure.

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 use of the proposed accessory structure (shed) as personal storage 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 constructing accessory structures on the property should not require any utilities or facilities that are not already in place. Access is to be provided off of Martin Ranch Trail. Lastly, 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) does not identify a minimum number of off-street parking spaces for an accessory structure. However, § 310(A)(9)(K) requires two (2) off-street parking spaces for a single-family residence.
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

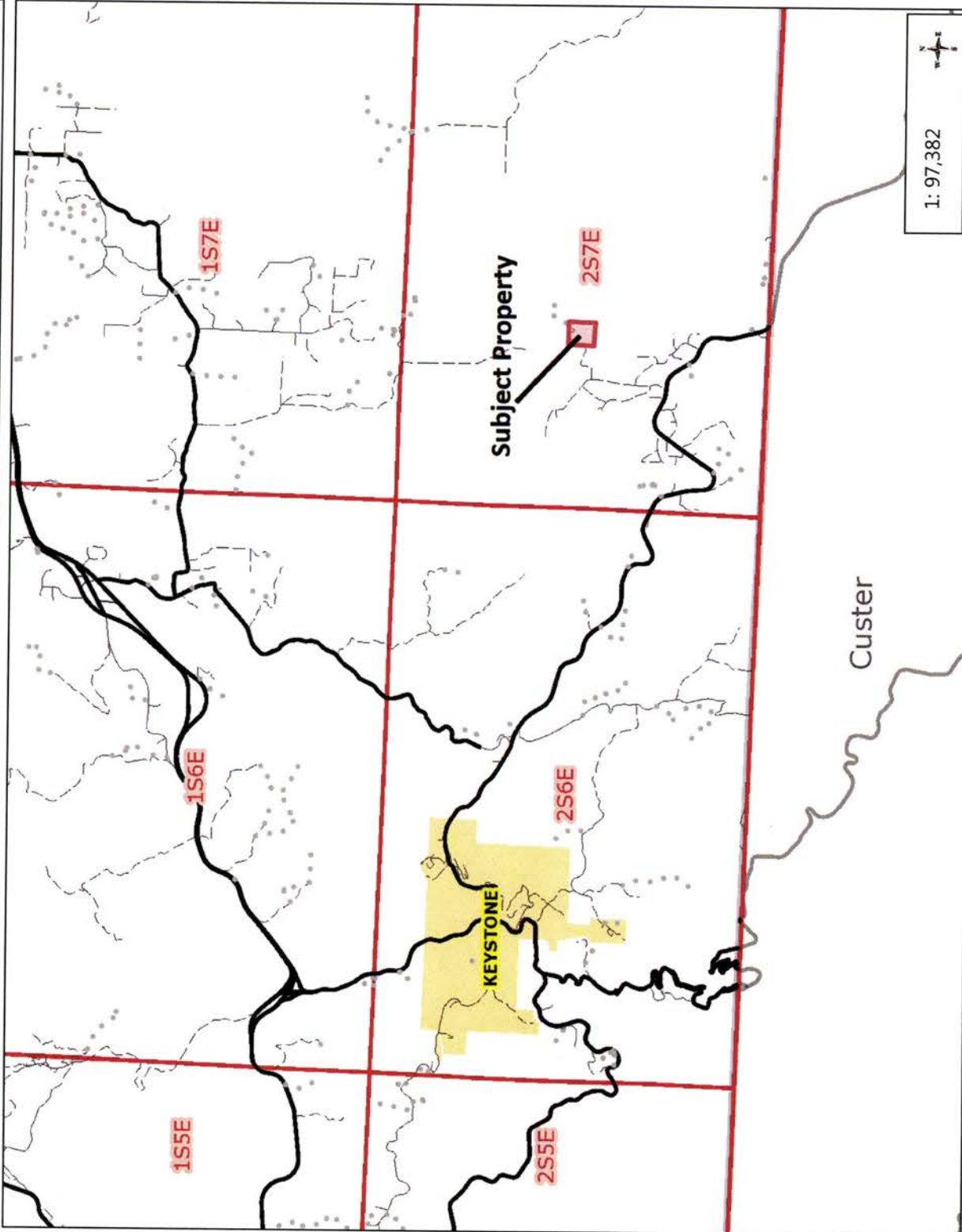
- A. July 9, 2019 – The applicant, Dale Gadbois, submitted a Conditional Use Permit to allow an accessory structure prior to a principal structure.
- B. An approved Approach Permit from the Martin Ranch Trail Road District will be required prior to the construction of s driveway.



Aerial photo of lot taken from RapidMap 2018.

RECOMMENDATION: Staff recommends approval of Conditional Use Permit / CU 19-19 with the following twelve (12) conditions:

1. That an approved On-Site Wastewater Construction Permit be obtained prior to the installation of an On-Site Wastewater Treatment System on the property;
2. That an approved Approach Permit be obtained from Martin Ranch Trail Road District prior to the installation of a driveway;
3. That an approved Building Permit be obtained for the proposed shed prior to any construction, which requires a site plan to be reviewed and approved by the Planning Director;
4. That an approved Construction Permit be obtained for the access road to the shed on the property if over 10,000 square feet of dirt is disturbed, per Pennington County Zoning Ordinance (PCZO) § 507(A) and 511(C)(1);
5. That a Building Permit be obtained for any structures exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
6. That if any plumbing is to be installed in the accessory structure, the shed, it be hooked into an approved means of wastewater disposal;
7. That the proposed shed be used for personal use only and no commercial and or residential-type uses;
8. That all the natural drainage paths be maintained;
9. That the minimum setback requirements of a General Agriculture District be maintained on the property or the appropriate Variance(s) be obtained;
10. That the address, once assigned, be posted during the construction of the shed and at the end of the driveway off of Martin Ranch Trail, so it is visible from both directions of travel on Martin Ranch Trail, in accordance with Pennington County's Ordinance #20;
11. That the applicant adhere to PCZO § 510(E) regarding the time limit on Conditional Use Permit established uses; and,
12. 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.



1: 97,382



16,230.4 0 8,115.19 16,230.4 Feet



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THIS MAP IS NOT TO BE USED FOR NAVIGATION

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Legend

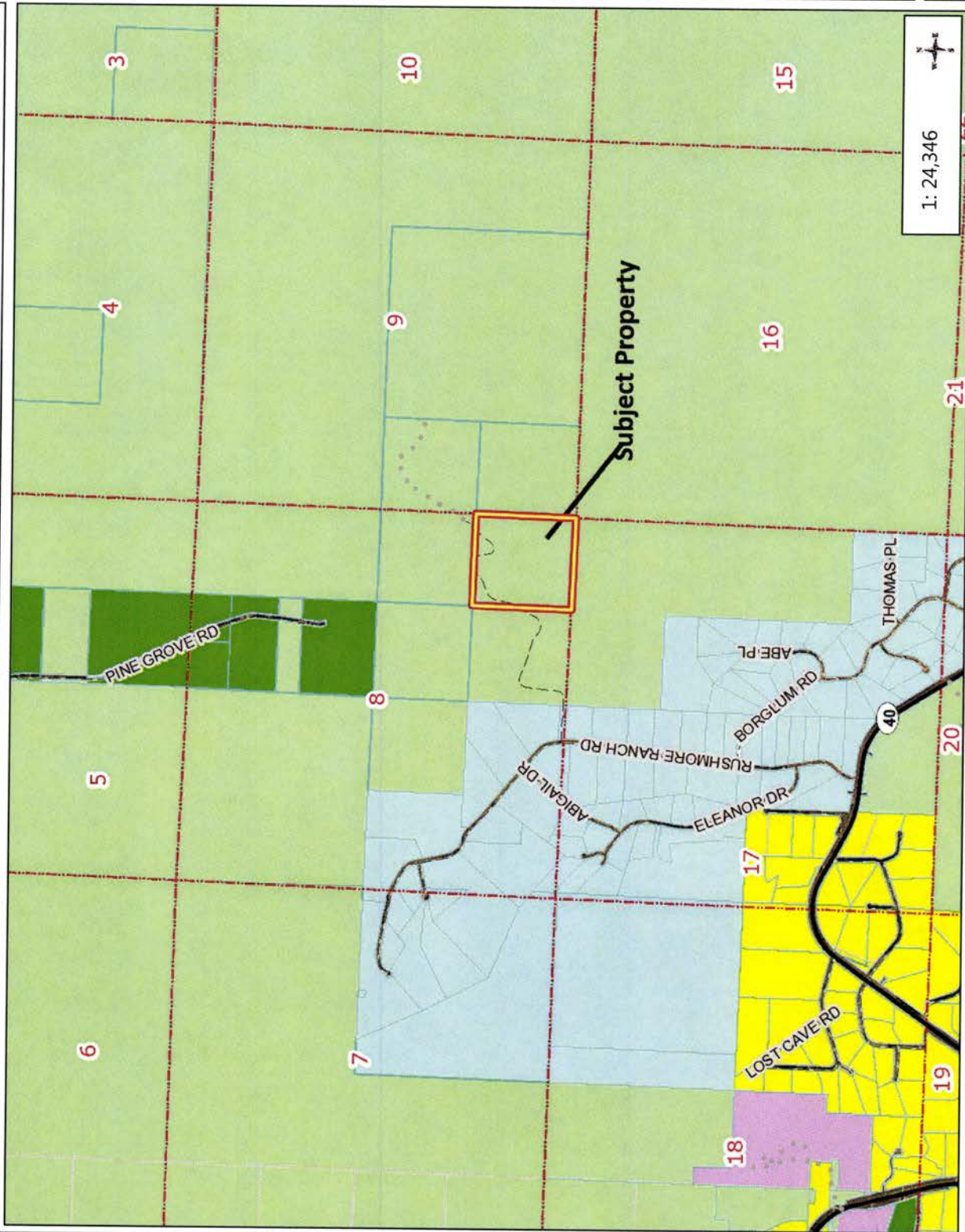
- Roads**
- Interstate
 - US highway
 - SD highway
 - County highway
 - Main road
 - Minor arterial
 - Collector
 - Ramp
 - Paved road
 - Unpaved road
 - Trail
 - Driveway
 - Alley
 - Unimproved road
 - Airport Runway
 - Not yet coded
- PLSS**
- Townships
 - City Limits
- City Limits**
- BOX ELDER
 -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

Map Notes:

Legend

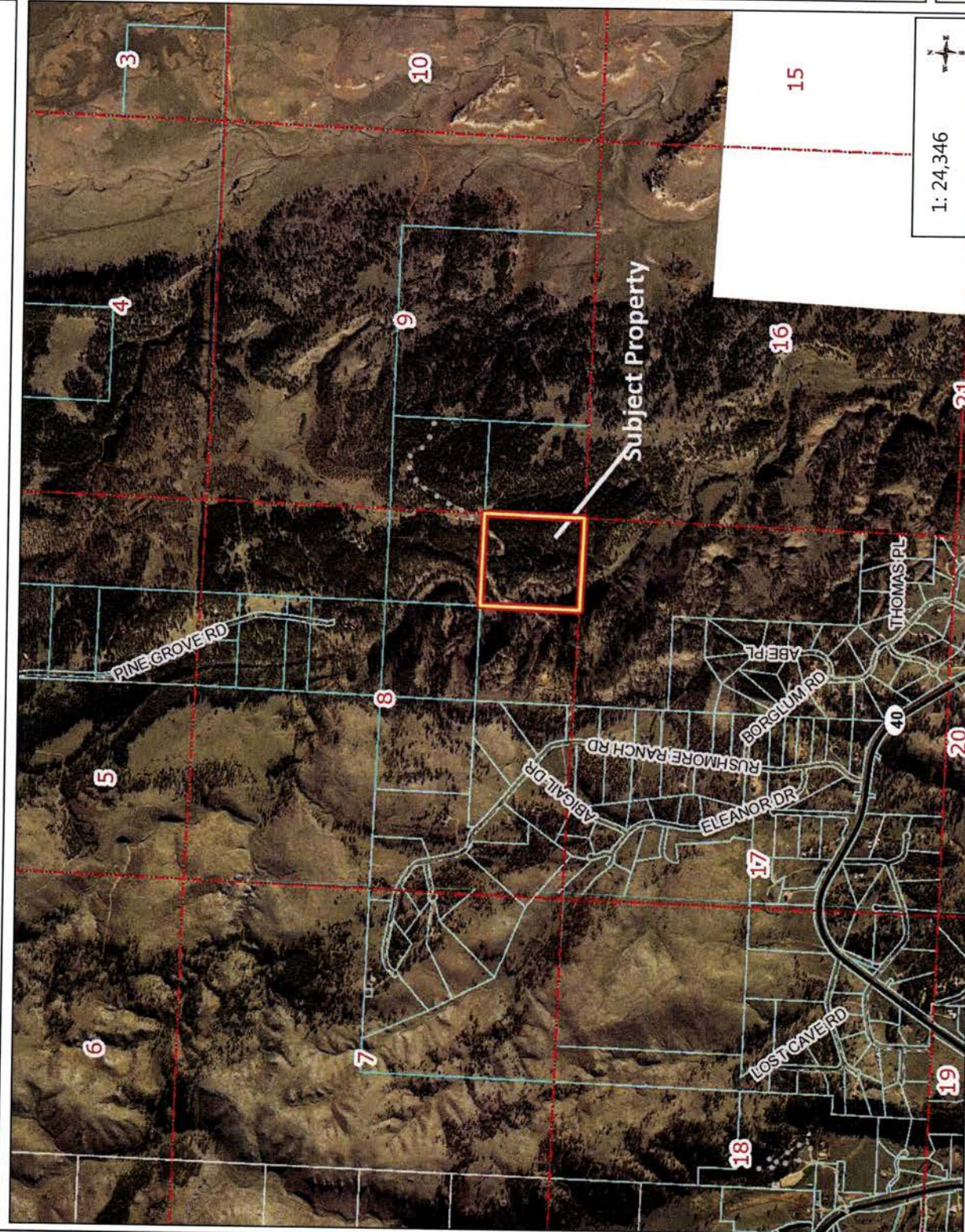
- Roads**
- Interstate
 - US highway
 - SD highway
 - County highway
 - Main road
 - Minor arterial
 - Collector
 - Ramp
 - Paved road
 - Unpaved road
 - Trail
 - Driveway
 - Alley
 - Unimproved road
 - Airport Runway
 - Not yet coded
- Section Lines 0-25k**
- 0
 - 7
- Tax Parcels**
- Lot Lines**
- 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

Map Notes:



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1: 24,346



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
- OtherCitieslargerscale**

Map Notes:

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4,057.6 Feet

2,028.80

0

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Agenda Item #13
Faith Lewis
August 12, 2019

13

STAFF REPORT

GENERAL INFORMATION:

REQUEST: LAYOUT PLAT / LPL 19-23: To create Jinks Tract in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

APPLICANT: Faith Lewis / Robert Crisman

APPLICANT ADDRESS: P.O. Box 97, Custer, SD 57730
24245 Medicine Mountain Road, Custer, SD 57730

SURVEYOR/ENGINEER: Andersen Engineers

ADDRESS: P.O. Box 446, Edgemont, SD 57735

LEGAL DESCRIPTION: EXISTING LEGAL: SE1/4NE1/4 LESS TRACTS 2, 3, 4, 8A AND 8B OF BEAR MOUNTAIN RANCH SUBD LESS BEAR MOUNTAIN DR; SW1/4NE1/4 LESS BEAR MOUNTAIN DR, Section 24, T2S, R3E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Jinks Tract and the unplatted portion of SE1/4NE1/4, less Tracts 2, 3, 4, 8A, and 8B of Bear Mountain Subdivision and less SW1/4SW1/4SE1/4NE1/4, Section 24, T2S, R3E, BHM, Pennington County, South Dakota.

SITE LOCATION: Bear Mountain Drive.

SIZE: 56.08 acres

TAX ID: 65694

EXISTING LAND USE: Vacant

SUBDIVISION REGULATIONS REFERENCE: § 400.1

CURRENT ZONING: General Agriculture District

SURROUNDING ZONING: North Low Density Residential District

Agenda Item #13
Faith Lewis
August 12, 2019

South
East
West

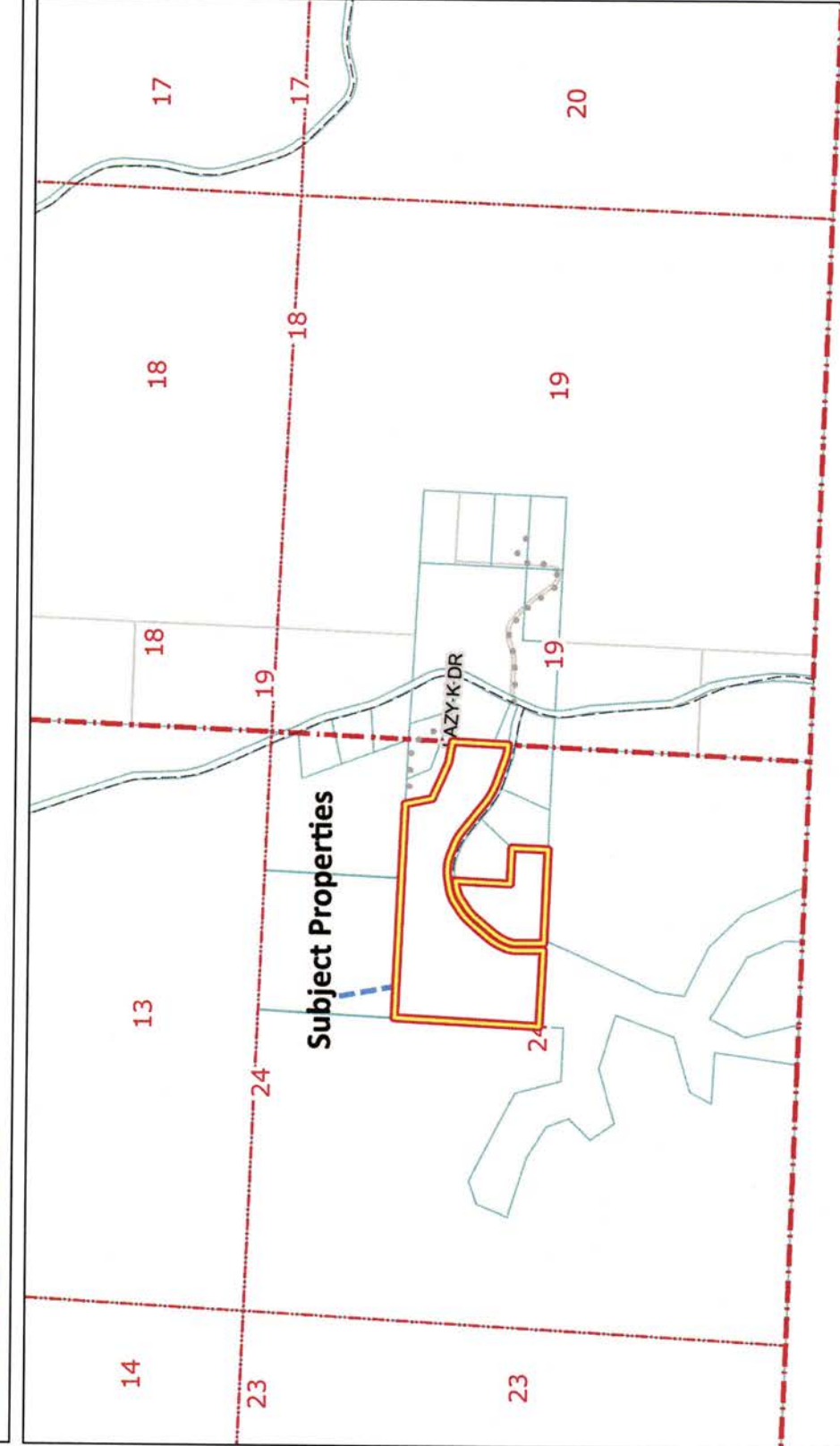
General Agriculture District
Low Density Residential District
General Agriculture District

PHYSICAL CHARACTERISTICS: Forested / Hills

UTILITIES: None

REPORT BY: Brittney Molitor

RECOMMENDATION: This request is being withdrawn per the applicant's request.



Subject Properties

LAZY-K DR

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: 18,905

3,150.9 Feet

1,575.46

0

3,150.9

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1: 15,124

2,520.7
1,260.36
0
2,520.7 Feet

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Legend

Roads

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

Section Lines 0-25k

- 0
- 7

Tax Parcels

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

Pennington County Zoning

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

Map Notes:

Legend

Roads

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

Section Lines 0-25k

- 0
- 7

Tax Parcels

Lot Lines

- <Null>
- Lot Line
- Parcel Line

Map Notes:



1: 3,781

630.2 Feet

315.09

0

630.2

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Current & proposed legal descriptions

Existing legal - all highlighted below 55 ± acs

The Southwest Quarter of the Southwest Quarter of the Southeast Quarter of the Northeast Quarter (SW1/4SW1/4SE1/4NE1/4), - AND - The Southwest Quarter of the Northeast Quarter (SW1/4NE1/4), all in Section 24, Township 2 South, Range 3 East of the Black Hills Meridian, Pennington County, South Dakota; EXCEPTING Bear Mountain Drive, a 66' dedicated public right of way, as shown on the plat filed in Plat Book 23 on Page 220.

The unplatted portion of SE1/4NE1/4, less Tracts 2, 3, 4, 8A, and 8B of Bear Mountain Ranch Subdivision and less SW1/4SW1/4SE1/4NE1/4, Section 24, T2S, R3E, BHM, Pennington County, South Dakota;

15.26 acres

Proposed Legal
"Jinks Tract"



STAFF REPORT

GENERAL INFORMATION:

REQUEST: **MINOR PLAT / MPL 19-25:** To create Lots 1 and 2 of Thorstenson-Benson Ranch Subdivision in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

APPLICANT: Julie Benson Wilber

APPLICANT ADDRESS: 1111 12th Street, Rapid City, SD 57701

LANDOWNER: Jerome Benson

OWNER ADDRESS: 255 Texas Street, Rapid City, SD 57701

SURVEYOR/ENGINEER: Renner Associates

ADDRESS: 3231 Teewinot Drive, Rapid City, SD 57703

LEGAL DESCRIPTION: **EXISTING LEGAL:** Lot A of NW1/4SE1/4, Lot A of SW1/4SE1/4, and Lot A of SE1/4SE1/4, Section 15, T2N, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1 and 2 of Thorstenson-Benson Ranch Subdivision, Section 15, T2N, R6E, BHM, Pennington County, South Dakota.

SITE LOCATION: Near the intersection of Miller Drive and Nemo Road, located off of Nemo Road.

SIZE: 46.74 acres

TAX ID: 14485

EXISTING LAND USE: Agriculture

SUBDIVISION REGULATIONS REFERENCE: § 400.3

CURRENT ZONING: General Agriculture District

Agenda Item #14
Julie Benson Wilbur
August 12, 2019

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Forested

UTILITIES: None

REPORT BY: Brittney Molitor

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending to continue Minor Plat / MPL 19-25 to no later than the September 23, 2019, Planning Commission meeting in order for the applicant to submit percolation tests and soil profile hole information or to submit a Subdivision Regulations Variance waiving those requirements.

II. GENERAL DESCRIPTION

- A. The applicant, Julie Benson Wilbur, has applied to create Lots 1 and 2 of Thorstenson-Benson Ranch Subdivision out of the existing Lot A of NW1/4SE1/4, Lot A of SW1/4SE1/4, and Lot A of SE1/4SE1/4, Section 15, T2N, R6E, BHM, Pennington County, South Dakota (see image 1 on page 3).

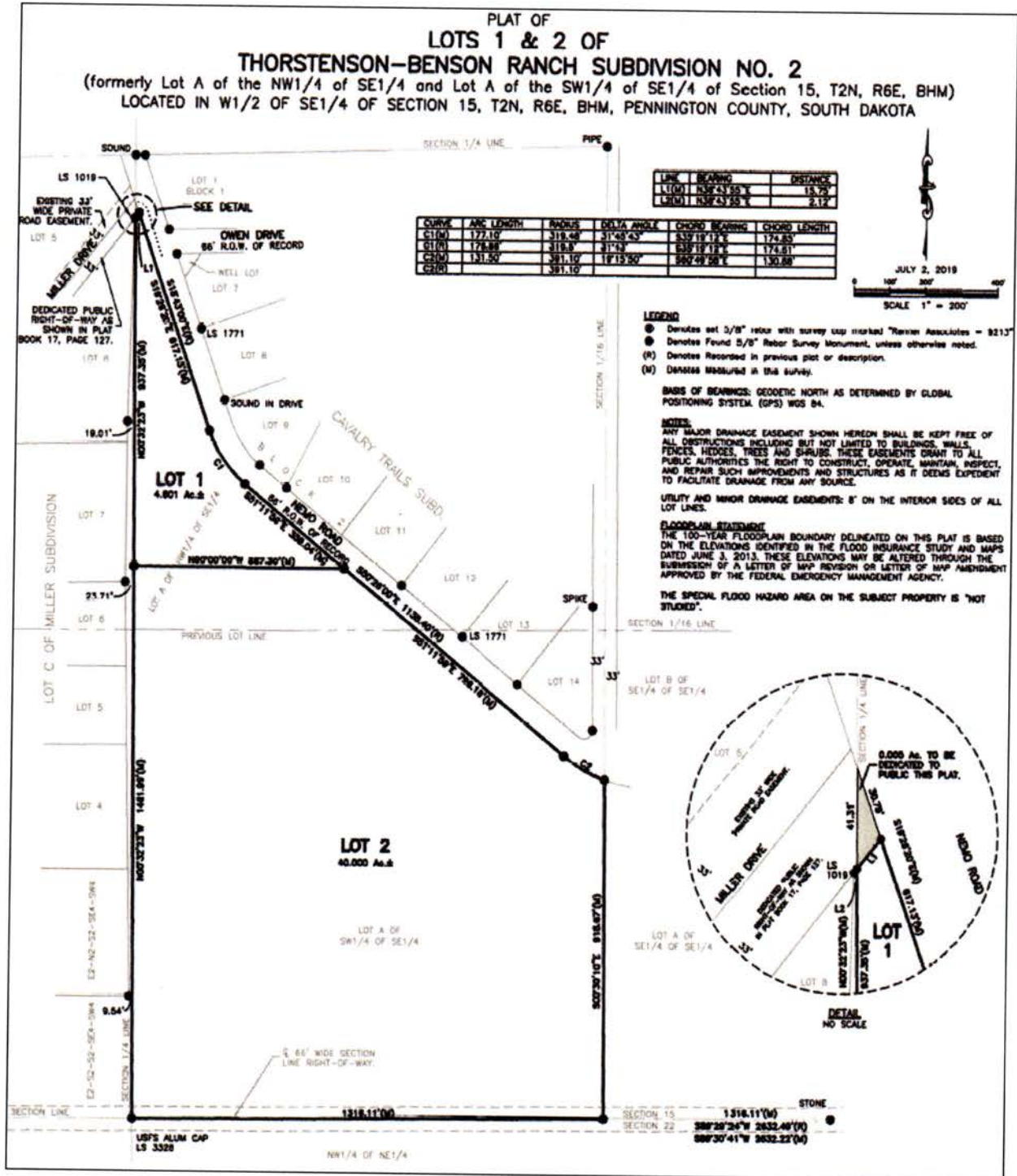
III. EXISTING CONDITIONS

- A. Zoned General Agriculture District.
- B. 79.37 acres.
- C. Access off of Nemo Road.
- D. The Special Flood Hazard Area has not been "studied".
- E. Parcel History:
 - 1. No structures on subject property.
- F. The subject property contains three (3) developmental lots which have always been bought and sold as one land unit. The creation of the two (2) new lots and the remaining unplatted balance will nullify the three (3) developmental lot lines.

IV. PROPOSED LOTS

- A. Lot 1
 - 1. 5 acres.
 - 2. Rezone *or* Lot Size Variance required.
- B. Lot 2
 - 1. 41.74 acres.

- Meets the minimum lot size requirements for General Agriculture District.



Plat

V. REQUEST FOR COMMENT

- A. County Highway Department
 - 1. Approach permits will be required prior to a Building Permit.
- B. County Environmental Planning Supervisor
 - 1. The Special Flood Hazard Area on the subject property is “not studied”.
- C. County Onsite Wastewater Specialist
 - 1. According to the USDA Web Soil Survey, the soils are classified as Very Limited. If any septic systems are put on either of the two new lots, all rules of Pennington County Zoning Ordinance Section 204-J must be followed.
- D. County Ordinance Enforcement Officer
 - 1. Ordinance Enforcement has no objections.
- E. County Natural Resources
 - 1. No objections.
- F. County Addressing Coordinator
 - 1. No addressing concerns at this time. Future addresses must be posted in accordance with Pennington County Ordinance #20.
- G. Department of Equalization
 - 1. Looks good at this stage.
- H. Register of Deeds
 - 1. Plat heading is acceptable.
 - 2. Owner’s Certificate notary acknowledge need to be in corporation format for the partnership.
 - 3. Remaining certificates appear to be acceptable.
- I. Black Hills Electric Cooperative
 - 1. Black Hills Electric Cooperative has no concerns with this plat.
- J. Forest Service
 - 1. The Forest Service has no objections to the proposed Wilbur Minor Plat, Rezone and Comprehensive Plan Amendment request.
 - 2. Access to the private property is off of Nemo 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 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.
 - 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 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 "Other Public Roads" 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 not be authorized from private property unto National Forest System lands.

VI. ANALYSIS

- A. Layout Plat / LPL 19-05 was approved by the Board of Commissioners on April 16, 2019 with the following eight (8) conditions:

1. That at the time of Minor Plat submittal, eight (8) foot Minor Drainage Easements to be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
2. That at the time of the Minor Plat submittal, percolation tests and soil profile hole information be submitted for the proposed lot for review and approval by the County Environmental Planner, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
3. That at the time of the Minor Plat submittal, the proposed Plat be prepared by a Registered Land Surveyor;
4. That prior to the Plat being recorded with the Register of Deeds, the proposed Lot 1 and the remaining unplatted balance obtain a Lot Size Variance or be rezoned appropriately;
5. 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;
6. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
7. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of § 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit; and,

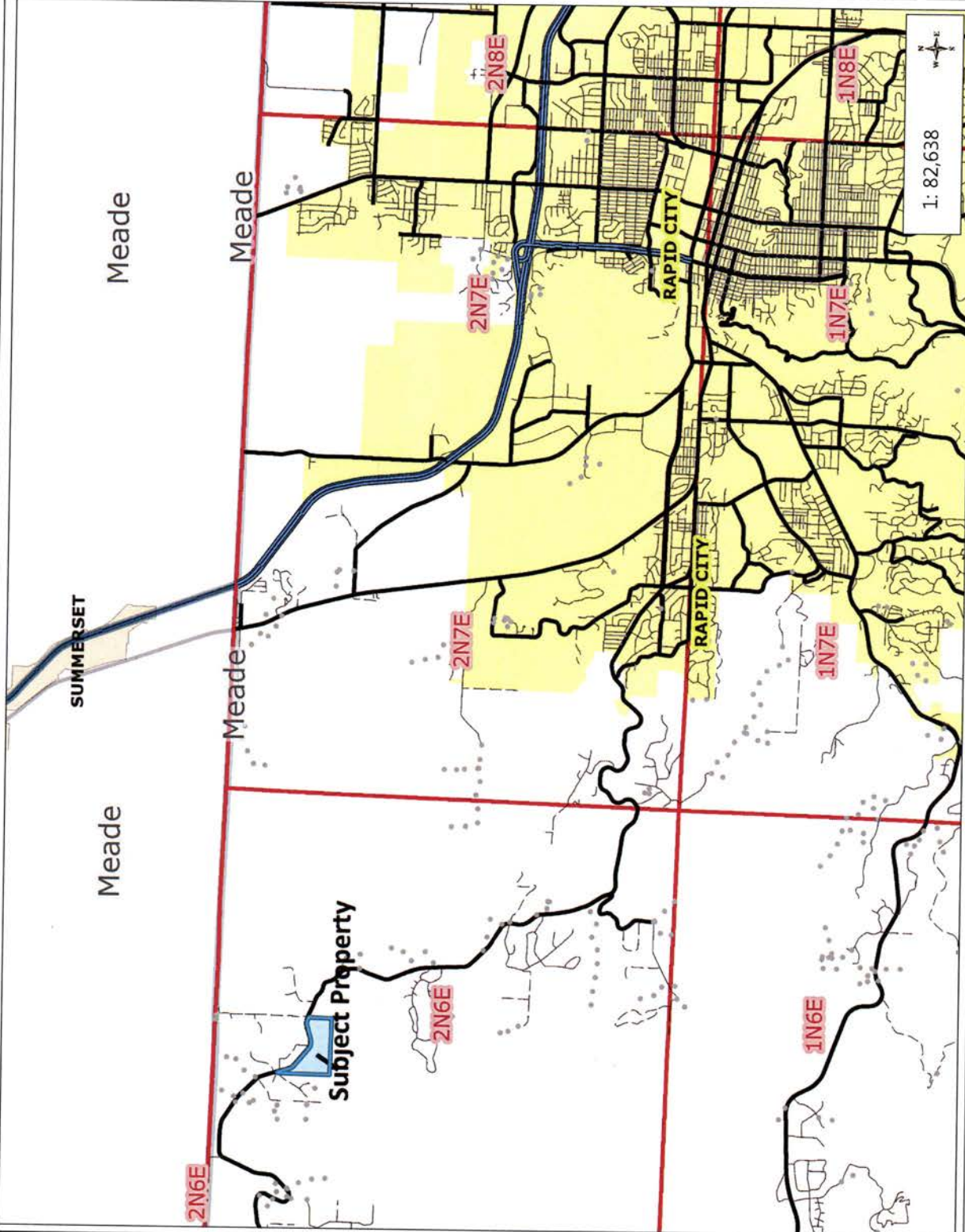
Agenda Item #14
Julie Benson Wilbur
August 12, 2019

8. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

VI. ANALYSIS

- A. July 18, 2019 – Staff contacted the applicant’s agent regarding meeting Condition #2. The agent indicated that the property owner is working on getting the percolation tests done and turned into Pennington County and that a Subdivision Regulations Variance would not be submitted.
- B. August 2, 2019 – Staff contacted the applicant’s agent again regarding Condition #2 as percolation test information has not been submitted to Pennington County and the Onsite Wastewater Specialist has not inspected a soil profile hole.
 1. The applicant’s agent indicated that the property owner is working on it and hasn’t completed them.

RECOMMENDATION: Staff recommends to continue Minor Plat / MPL 19-25 to no later than the September 23, 2019, Planning Commission meeting in order for the applicant to submit percolation tests and soil profile hole information or to submit a Subdivision Regulations Variance waiving those requirements.



1: 82,638

13,772.9 0 6,886.47 13,772.9 Feet

NAD_1983_2011_StatePlane_South_Dakota_South_FIPS_4002_Ft_US
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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Legend

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

Map Notes:

TAX ID 14485

STAFF REPORT

GENERAL INFORMATION:

REQUEST: **CONDITIONAL USE PERMIT / CU 19-18:** To allow an existing single-family residence to be used as a Vacation Home Rental in a Low Density Residential District in accordance with Sections 207, 319, and 510 of the Pennington County Zoning Ordinance.

APPLICANT: Perry and Vicki Van Newkirk

APPLICANT ADDRESS: 197 County Road 161
Pine Bluffs, WY 82082

AGENT / LOCAL CONTACT: LeeAnn McDonald

ADDRESS: P.O. Box 161, Hill City, SD 57745

LEGAL DESCRIPTION: Lot 47 Revised, Burns Placer MS 697, Section 14, T1S, R4E, BHM, Pennington County, South Dakota.

SITE LOCATION: 12283 Deerfield Road

SIZE: 3.37 acres

TAX ID: 69364

EXISTING LAND USE: Residential

ZONING REFERENCE: Sections 207, 319, and 510

CURRENT ZONING: Low Density Residential District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Open Meadow / Trees

UTILITIES: Private

REPORT BY: Kristina Proietti

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending to continue Conditional Use Permit / CU 19-18 to no later than the November 12, 2019, Planning Commission meeting.

II. GENERAL DESCRIPTION

- A. The applicants, Perry and Vicki Van Newkirk, are requesting a Conditional Use Permit to allow an existing three (3) bedroom residence to be used as a Vacation Home Rental on the subject property.
- B. Floor plans turned in to staff on July 16, 2019, for the proposed Vacation Home Rental (VHR) show four (4) bedrooms; however, the floor plans submitted in 1997 (BP 97-0519) with the building permit application show three (3) bedrooms.
- C. The septic system for this house is currently designed for a three (3) bedroom residence; therefore, the septic tank and drainfield will need to be sized appropriately prior to Conditional Use Permit / CU 19-18 being heard in front of the Planning Commission.

III. EXISTING CONDITIONS

- A. Zoned Low Density Residential.
- B. 3.37 acres.
- C. There is Special Flood Hazard on the property. (Image 1)
- D. Single-family residence County Building Permit (COBP) / 1997COBP0519.
- E. Detached garage COBP / 1998COBP0509.
- F. On-site Wastewater Treatment System Construction Permit / COSD15-0108.
- G. On-Site Wastewater Treatment System Operating Permit / COOP13-0853.



Image 1, Special Flood Hazard Area

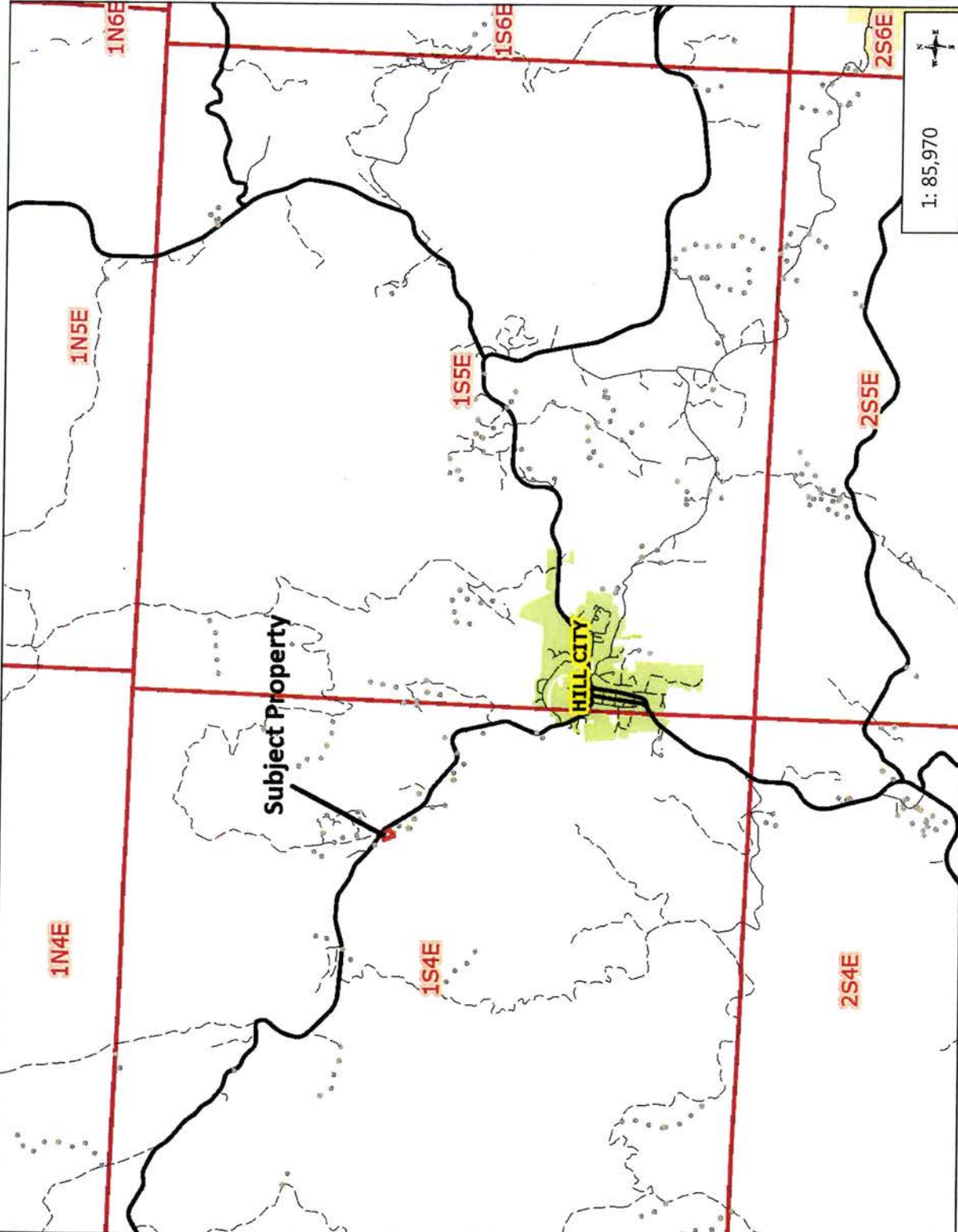
Agenda Item #15

Perry and Vicki Van Newkirk; LeeAnn McDonald - Agent
August 12, 2019

IV. ANALYSIS

- A. Staff spoke on the phone with the designated Local Contact, LeeAnn McDonald, on July 26, 2019 regarding the septic issues. Ms. McDonald stated that she would contact the property owners to address the septic concerns.

RECOMMENDATION: Staff recommends to continue Conditional Use Permit / CU 19-18 to no later than the November 12, 2019, Planning Commission meeting, with the agent's concurrence.



1: 85,970



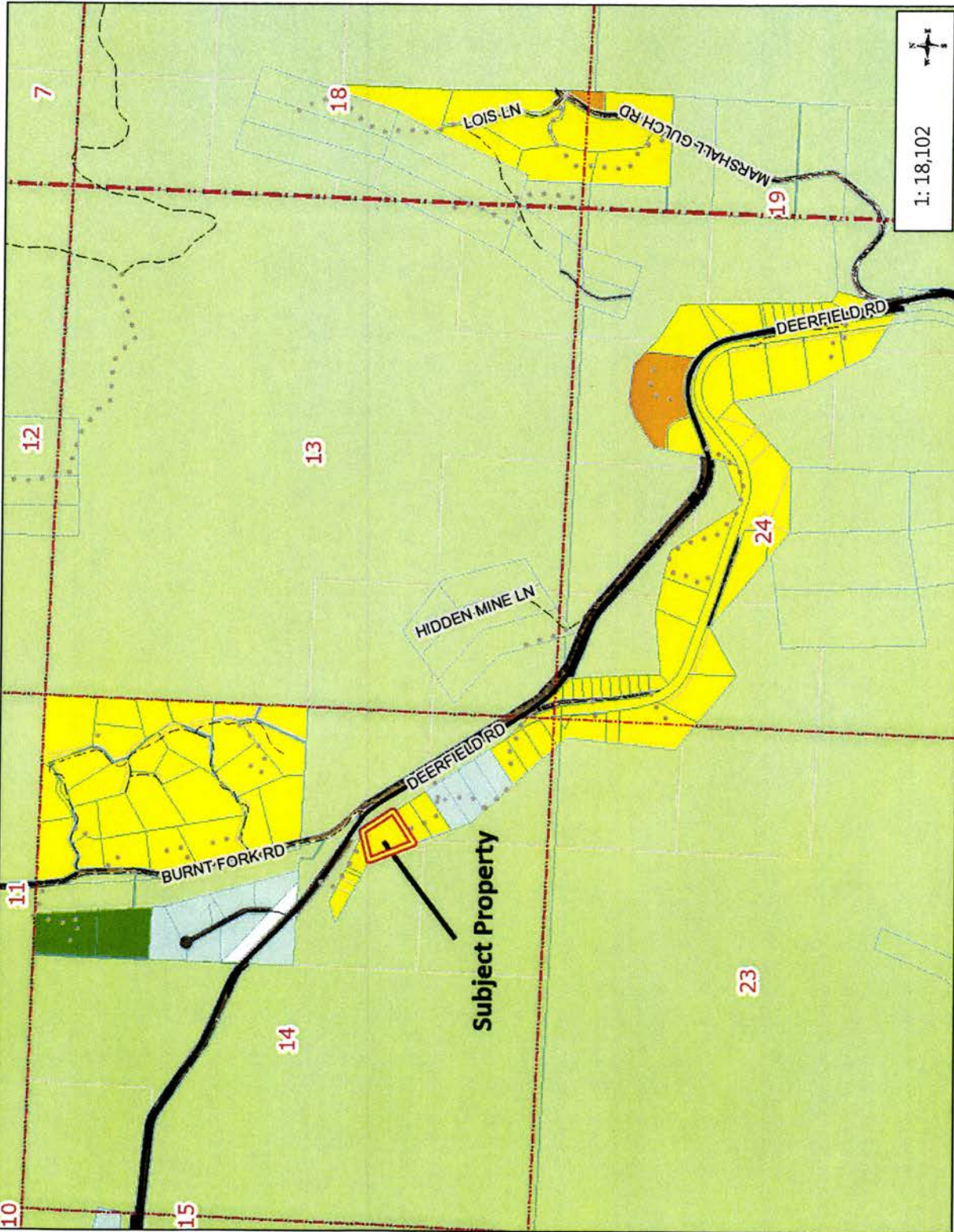
14,328.4
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 © City of Rapid City GIS

Legend

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- Interstate
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 - WASTA

Map Notes:

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1: 18,102

3,017.0 1,508.48 3,017.0 Feet

NAD_1983_StatePlane_South_Dakota_South_FIPS_4002_Feet
© City of Rapid City GIS

Legend

Roads

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

Section Lines 0-25k

- 0
- 7

Tax Parcels

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

Pennington County Zoning

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

Map Notes:

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1: 1,512

252.1 0 126.04 252.1 Feet

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

Map Notes:



1: 18,102

3,017.0 1,508.48 3,017.0 Feet

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NAD_1983_StatePlane_South_Dakota_South_FIPS_4002_Feet
© City of Rapid City GIS

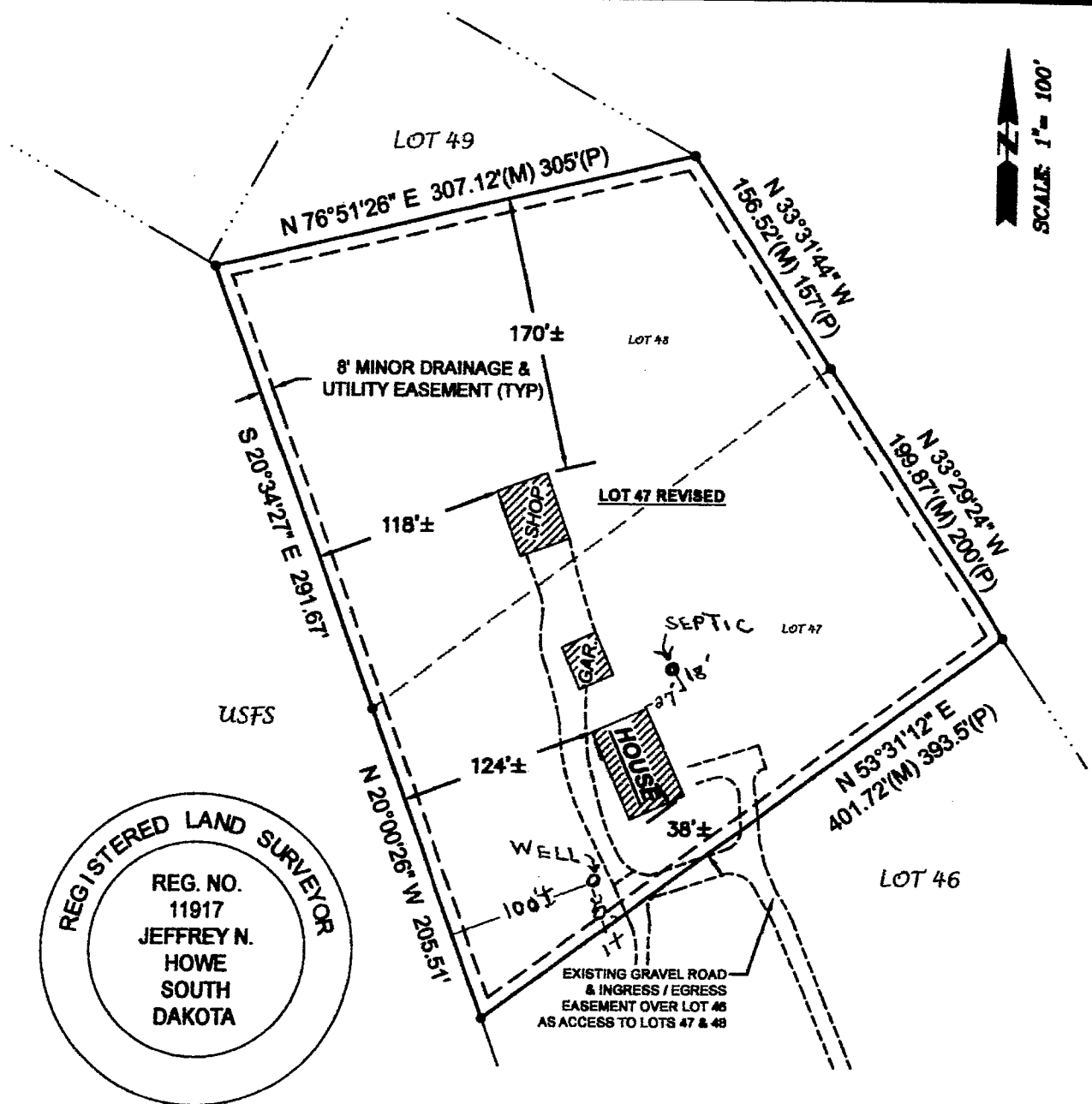
Legend

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

Map Notes:

IMPROVEMENT LOCATION SURVEY

LOT 47 REVISED OF BURNS PLACER M.S. #697,
SECTION 14, T1S, R4E, B.H.M.,
PENNINGTON COUNTY, SOUTH DAKOTA



REGISTERED LAND SURVEYOR
REG. NO.
11917
JEFFREY N.
HOWE
SOUTH
DAKOTA

ADDRESS:	12283 DEERFIELD ROAD
JOB #:	18282
DESC:	IMPROVEMENT LOCATION EXHIBIT
DATE:	MAY 17, 2019
DRAWN BY:	JNH



1010 Soo San Drive Suite 202
Rapid City, SD 57702
(605)939-4833
www.howlandsurveying.com

VACATION HOME RENTAL (VHR)
CHECKLIST and SUPPLEMENTAL APPLICATION

APPLICATION REQUIREMENTS:

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

LOCAL CONTACT INFORMATION:

Name: LeeAnn McDonald Primary Contact Number: (307)680-5514
Mailing Address: P.O. Box 666
City: Hill City State: SD Zip Code: 57730

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

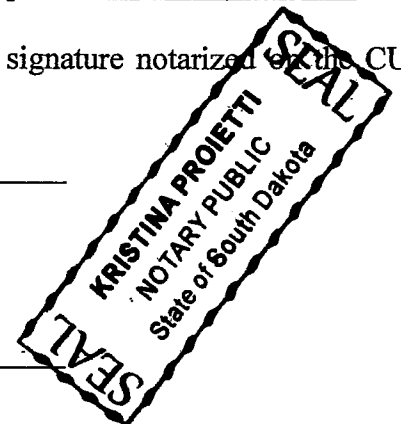
[Signature]
Signature of Local Contact

7/16/19
Date

Subscribed and sworn to before me this 19 day of July, 2019.

[Signature]
Notary Public for the State of South Dakota

3/22/2025
My Commission Expires





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

July 23, 2019

Lee Ann McDonald
Rushmore Vacation Rentals
P.O. Box 616
Hill City, SD 57745

RE: On-site wastewater system for a vacation rental located at 12283 Deerfield Road, Hill City, SD

Dear Ms. McDonald:

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 on Lot 47, Burns Placer MS 697, SE ¼, Section 14, Township 1 South, Range 4 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 is a three bedroom home, and
- After checking with Pennington County and our files we find no history of problems with the existing wastewater system.

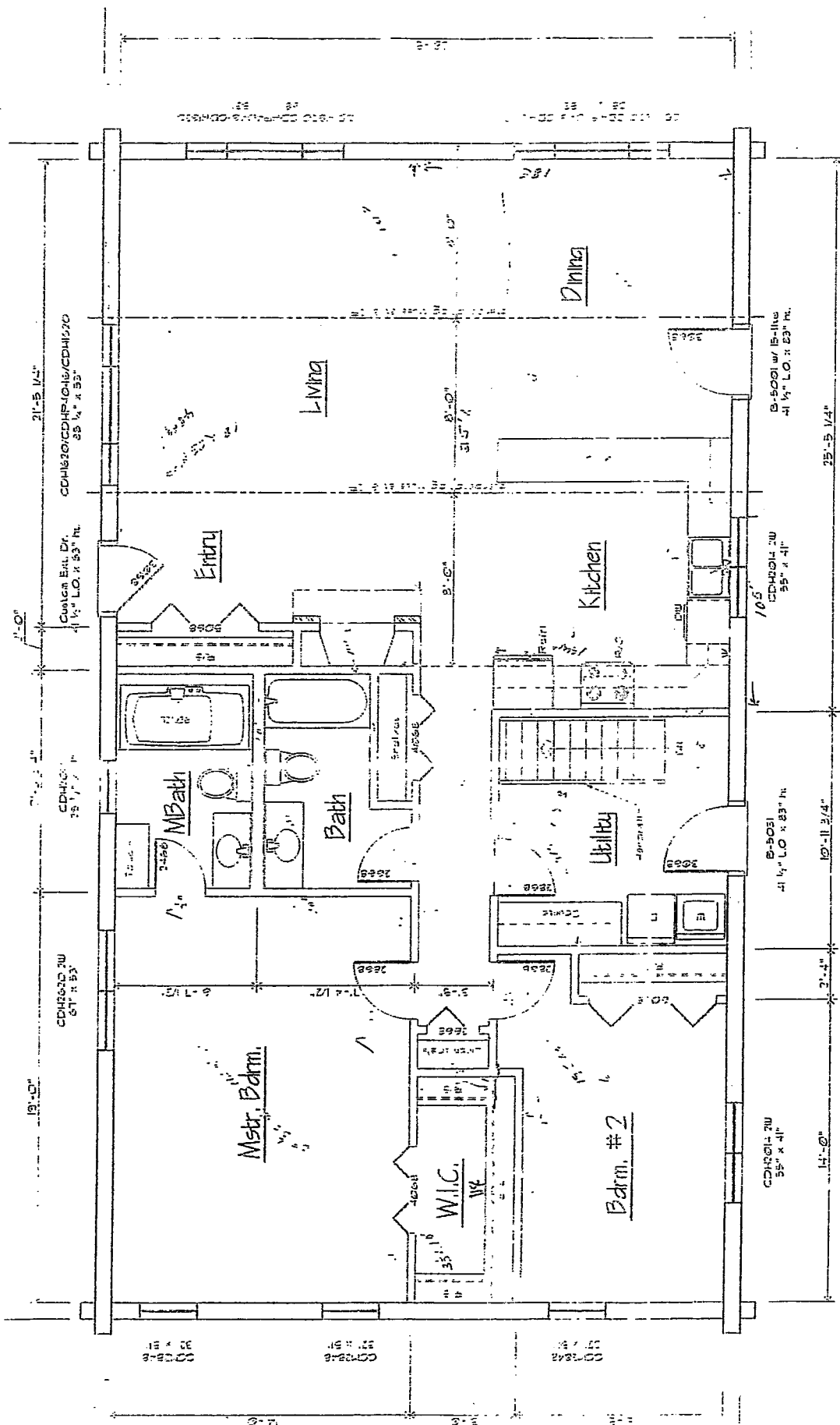
Based on the information provided by Pennington County we consider this wastewater system approved for a maximum daily flow of 360 gallons, until such time as the system is altered or fails. This would be sufficient for up to 6 persons per night staying at this vacation rental.

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

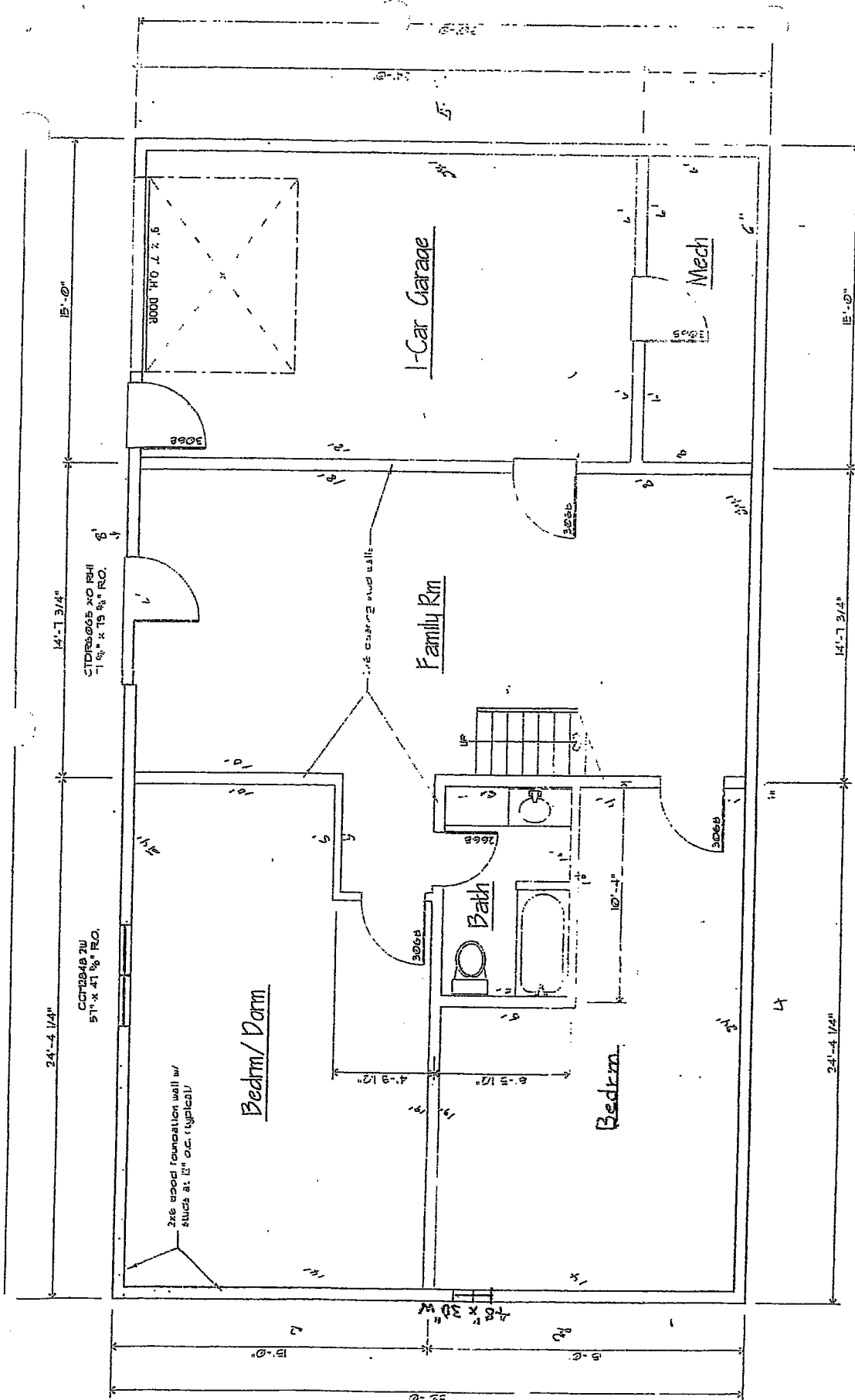
Sincerely,

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

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



MAIN FLOOR



BASEMENT

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 Newton Creek Retreat		LIST PREVIOUS ESTABLISHMENT NAME emit		OLD LIC. #	
CORPORATION/OWNER NAME Perry Vicki Van Newkirk		CORPORATE CONTACT/PHONE 688-934-1116		ESTABLISHMENT PHONE info@rushmorevacationrentals.com	
ESTABLISHMENT PHYSICAL ADDRESS (NO PO BOX #S) 12283 Deerfield Road		CITY Hill City		STATE SD	
IF RURAL LOCATION, GIVE DIRECTIONS FROM NEAREST CITY		COUNTY		ZIP 57745	
MAILING ADDRESS (IF DIFFERENT THAN PHYSICAL ADDRESS) P.O. Box 266		CITY Hill City		STATE SD	
EMAIL ADDRESS info@rushmorevacationrentals.com		CITY Hill City		STATE SD	
APPLICATION IS FOR: <input checked="" type="checkbox"/> NEW BUSINESS <input type="checkbox"/> CHANGE OF OWNERSHIP		DATES OPEN - IF SEASONAL From: _____ To: _____		PROPOSED OPENING DATE 7/15/19	
		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	[]
Vacation Home:		<input type="checkbox"/> \$70.00 This includes the inspection fee ²	<input checked="" type="checkbox"/> \$35.00 This includes the inspection fee ²	[]
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	[]
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)	[]
Initial License Fee³: <small>See reverse side for explanation</small>		<input type="checkbox"/> \$100.00	<input checked="" type="checkbox"/> \$100.00	[135.00]

SECTION 3: WATER RECREATION FEES

Number of Pools and Hot Tubs	FULL YEAR FEE:			HALF YEAR FEE:			TOTAL ALL FEES ABOVE THIS IS THE AMOUNT YOU OWE
	None	One	Two or More	None	One	Two or More	
Pools ___ Hot Tubs ___	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	[0]
	\$0	\$40.00	\$65.00	\$0	\$20.00	\$32.50	
Is Your Pool Or Hot Tub Associated With Another Licensed Establishment? Yes <input type="checkbox"/> No <input type="checkbox"/>							\$ [135.00]
If Yes, Please Name Other Licensed Facility _____							

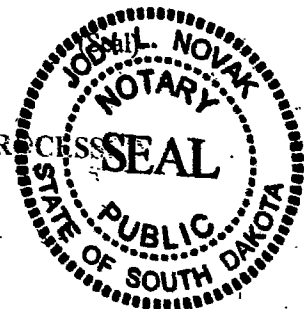
SECTION 4: SIGNATURE

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.

Owner/Agent Signature: *[Signature]* Date: 6/19/19

Subscribed and sworn to before me this 19th day of June, 2019.

Notary Public: *[Signature]* My commission expires: 10/24/20



RUSHMORE VACATION RENTALS LLC
PO BOX 616
HILL CITY, SD 57745

April 27, 2015

Below is your current South Dakota tax license.

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

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

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

Taxpayer Assistance Number: 1.800.829.9188
Email: bustax@state.sd.us

Streamlined Sales Tax Website: www.streamlinedsalestax.org



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

<http://dor.sd.gov>

ISSUE DATE: 01/20/2011
EXPIRATION DATE:
LICENSE NUMBER: 1023-8593-ST
LICENSE TYPE: Sales Tax

ISSUED TO:
RUSHMORE VACATION RENTALS LLC
25084 WILLOW DR
CUSTER, SD 57730

RUSHMORE VACATION RENTALS LLC
25084 WILLOW DR
CUSTER, SD 57730

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

Andy Gerlach
Secretary of Revenue

NON-TRANSFERABLE

STAFF REPORT

GENERAL INFORMATION:

REQUEST: **CONDITIONAL USE PERMIT / CU 19-20:** To allow an existing residence to be used as a Vacation Home Rental in a General Agriculture District in accordance with Sections 205, 319, and 510 of the Pennington County Zoning Ordinance.

APPLICANT: Cody Rust Butler

APPLICANT ADDRESS: 1301 Ottawa Trail, Amarillo, TX 79118

AGENT / LOCAL CONTACT: Jeannie Marr

ADDRESS: 1005 Needles Drive, Custer, SD 57730

LEGAL DESCRIPTION: Tract A of Lot 2 of SW1/4NW1/4, Section 19, T1S, R5E, BHM, Pennington County, South Dakota.

SITE LOCATION: 23835 Marshall Gulch Road; located northeast of the intersection of Deerfield Road and Marshall Gulch Road.

SIZE: 21.79 acres

TAX ID: 12848

EXISTING LAND USE: Residential

ZONING REFERENCE: § 205, 319, and 510

CURRENT ZONING: General Agriculture District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Forested / Hills

UTILITIES: Private

REPORT BY: Cassie Bolstad

I. PROPOSED RECOMMENDATION

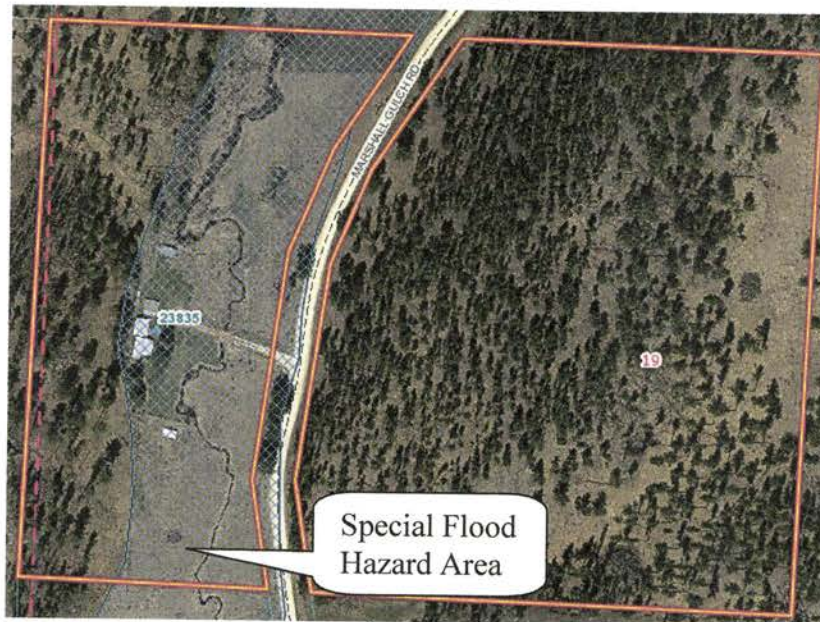
- A. Staff will be recommending approval of Conditional Use Permit / CU 19-20 with seventeen (17) conditions.

II. GENERAL DESCRIPTION

- A. The applicant, Cody Rust Butler, is requesting a Conditional Use Permit to allow an existing two (2) bedroom residence to be utilized as a Vacation Home Rental on the subject property.

III. EXISTING CONDITIONS

- A. Zoned General Agriculture District.
- B. 21.79 acres.
- C. Access off of Marshall Gulch Road via an existing approach.
- D. Lot contains:
 - 1. Single-family residence – built in 1930, per Department of Equalization (DOE) records.
 - 2. Detached garage – built in 1930, per DOE records.
 - 3. Two (2) loafing sheds – built in 1965 and 1984, per DOE records.
 - 4. On-site Wastewater Treatment System (OSWTS) Construction Permit / COSD15-0043 to install a new OSWTS.
 - a. Operating Permit – COOP15-0499.
- E. Special Flood Hazard Area (100-year floodplain) located on the subject property.
 - 1. All existing structures appear to be located with the boundaries of the Special Flood Hazard Area.



Existing lot and Special Flood Hazard Area

IV. REQUEST FOR COMMENT

- A. County Highway Department
 - 1. Highway Department has no comments.
- B. Country Fire Administrator
 - 1. Addressed to meet or exceed county regulations, in accordance with Pennington County Ordinance 20 and ESCC/911 Department guidelines. Signage clearly visible from both approaching directions;
 - 2. If the length of the driveway/access way exceeds 75 feet or a physical obstruction prevents the number from being visible from the road of which the address is taken, then the house number shall be posted adjacent to the area in which the driveway/access way intersects the road;
 - 3. The posted house number must be placed in such a way as to ensure its visibility year round and not be obstructed by such things as, but not limited to, snow or vegetation, to provide for emergency identification at all times;
 - 4. Each character of the posted house number shall be a minimum of four (4) inches in height by three (3) inches in width and must be of a contrasting color to the background;
 - 5. 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 Special Flood Hazard Area (SFHA) on the subject property. A Floodplain Development Permit is required prior to any disturbance within the boundaries of the SFHA.
- D. County Onsite Wastewater Specialist
 - 1. The applicant has met all septic requirements. I have no further concerns.
- E. County Ordinance Enforcement
 - 1. There is an open Ordinance Violation case (COVO19-0017) for operating a VHR without a Conditional Use Permit and substantial improvement in the floodplain. The applicant had made improvements to the residence, which is located within the 100-year floodplain. Ordinance Enforcement has worked with the applicant to determine whether 50% substantial improvement has been reached. Based on information provided by the property owner, the house has not been improved beyond 50% of the appraised value at this time.
- F. County Natural Resources
 - 1. No objections.
- G. County Addressing Coordinator
 - 1. No addressing concerns at this time.

- H. County Sheriff's Office
 - 1. No comments received.
- I. Emergency Services (9-1-1)
 - 1. Good here as long as they are in compliance with Penn Ord #20.
- J. U.S. Forest Service
 - 1. The Forest Service has no objections to the proposed Cody Rust (Butler) Conditional Use Permit –VHR.
 - 2. Access to the private property is off the Marshall 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 “Other Public Roads” per the latest version (January 1, 2019) of the Motor Vehicle Use Map.
 - 12. No motorized trailheads or motorized trails or motorized roads are planned or scheduled for this portion of the Black Hills National Forest.
 - 13. No motorized trails for ATV, motorcycles or ORV will be authorized from private property unto National Forest System lands (USFS does not want unauthorized trails constructed on National Forest System lands).

V. 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 the other property in the immediate vicinity for the uses already permitted, and upon property values within the immediate vicinity.**
 - 1. The proposed use of 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.
 - 2. Staff cannot predict the impact the proposed use will have on property values in 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. 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.

- C. **That utilities, access roads, drainage, and/or other necessary facilities are provided.**
 - 1. The proposed use of the existing single-family residence should not require any utilities or facilities that are not already in place. Access is provided off of Marshall Gulch Road. Lastly, staff has no drainage concerns relating specifically to the applicant's request at this time.

- D. **That the off-street parking and loading requirements of these Zoning Ordinances are met.**
 - 1. Pennington County Zoning Ordinance § 310(A)(9)(gg) requires one (1) off-street parking spaces per bedroom; therefore, the applicant is required to have two (2) parking spaces. It appears that adequate parking is provided on the subject property.

- E. **That measures are taken to control offensive odor, fumes, dust, noise, vibration, and lighting (inclusive of lighted signs), so that none of these will constitute a nuisance.**
 - 1. The proposed Conditional Use, by its very nature, should have limited odor, fumes, dust, noise, vibrations, and intrusive lighting. The 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. February 20, 2019 – Staff received information of a Vacation Home Rental being operated on the subject property without an approved Conditional Use Permit.
 1. Staff verified the listing on vrbo.com.
 2. Ordinance Violation Case / COVO19-0017 was opened.
- B. According to the vrbo.com listing, updates have been made to the existing structure, including new flooring, wall and ceilings surfaces, a new roof, windows, blinds, paneling, and an enlarged bathroom.
 1. As the structure is located within the Special Flood Hazard Area, the structure falls within the substantial improvement rule.
 2. FEMA Standard 44 CFR 59.1 (Definitions) states, “substantial improvement means any reconstruction, rehabilitation, addition or other improvement to a structure, the total cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement.”
- C. March 22, 2019 – The applicant signed an Owner’s Affidavit stating the total cost of the improvements did not exceed 50% of the market value of the structure.
 1. A copy of the Owner’s Affidavit is included with this Staff Report.
- D. July 3, 2019 – The applicant applied for Conditional Use Permit / CU 19-20 requesting the use of the existing single-family residence to be used as a Vacation Home Rental.
- E. § 205(C)(30) of the Pennington County Zoning Ordinance (PCZO) lists “Vacation Home Rental in accordance with Section 319” as a Conditional Use in a General Agriculture District.
- F. § 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 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.”
 - i. The subject property is zoned General Agriculture District with 21.79 acres.
- G. The applicant has complied with all of the application submittal requirements for a VHR, as listed in PCZO § 319, including the following:
 1. Complete application and floorplans;
 2. Approval from SD DENR – received April 2, 2019.
 3. South Dakota Department of Revenue Sales Tax License;
 4. South Dakota Department of Health Lodging License.
 5. Local Contact: Jeannie Marr.

- H. The SD DENR approved the Vacation Home Rental for a maximum overnight occupancy of six (6) persons.
- I. The following items must be addressed by the applicant and have been included as Conditions of Approval:
 - 1. An interior informational sign must be posted in accordance with the requirements of PCZO §319(G), 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.
 - 2. An Evacuation (Emergency) Plan must be maintained and provided to all overnight guests.
 - 3. The vrbo.com listing currently has conflicting information with regard to the number of overnight guests allow. SD DENR has approved the Vacation Home Rental for six (6) overnight guests. The website listing(s) must be corrected to avoid confusion.

Quaint Cabin in the Heart of the Black Hills

Cabin - 800 sq. ft.

Sleeps: 8

Bedrooms: 1

Bathrooms: 1

Min Stay: 2 nights

Premier Partner Instant Confirmation Good for families Pets Welcome

Cabin sleeps 6 people, 1 full bathroom, full kitchen.

Vrbo.com listing – 8.5.19

RECOMMENDATION: Staff recommends approval of Conditional Use Permit / CU 19-20 with the following seventeen (17) 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);

Agenda Item #16

Cody Rust Butler; Jeannie Marr - Agent

August 12, 2019

2. That the website listing(s) for the Vacation Home Rental is updated to correctly state that six (6) overnight occupants are allowed;
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 19-20, be subject to PCZO § 511(F)(3), which imposes a \$100 fee per review;
6. That the applicant continually maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department upon request;
7. That the applicant continually maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;
8. That a minimum of two (2) off-street parking spaces be provided on-site, per PCZO § 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
9. That an interior informational sign be posted in accordance with the requirements of PCZO §319(G), with 9-1-1 and (605) 394-2151 listed as contacts for Fire Department and Sheriff's Office respectively, during operation of the Vacation Home Rental. The interior informational sign must also contain a color map illustrating the Special Flood Hazard Area, as determined by FEMA;
10. That the lot address (23835 Marshall Gulch Road) be posted on the residence at all times and so it is clearly visible from Marshall Gulch Road, in accordance with Pennington County's Ordinance #20;
11. That the applicant ensure the Vacation Home Rental is continually operated in accordance with the requirements of PCZO § 319(F) (Performance Standards) at all times;

Agenda Item #16

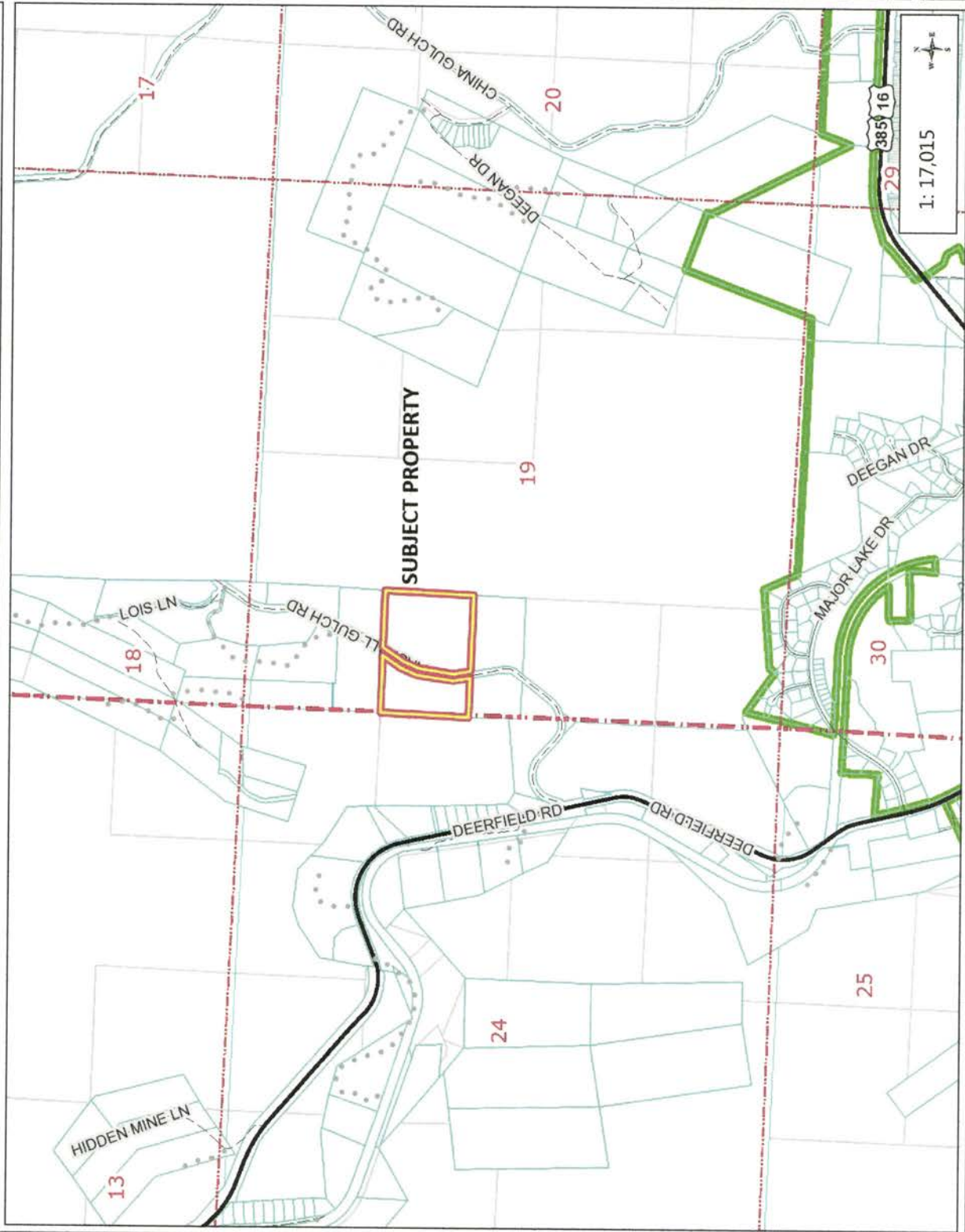
Cody Rust Butler; Jeannie Marr - Agent

August 12, 2019

12. That if the person designated as the Local Contact is ever changed from Jeannie Marr, the interior informational sign be updated and the applicant re-notify the Planning Director and surrounding landowners within 500 feet via notices sent by First Class Mail;
13. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
14. That an approved Sign Permit be obtained prior to the placement of any sign(s);
15. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
16. That an approved Floodplain Development Permit be obtained prior to any disturbance within the boundaries of the Special Flood Hazard Area located on the subject property; and,
17. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

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



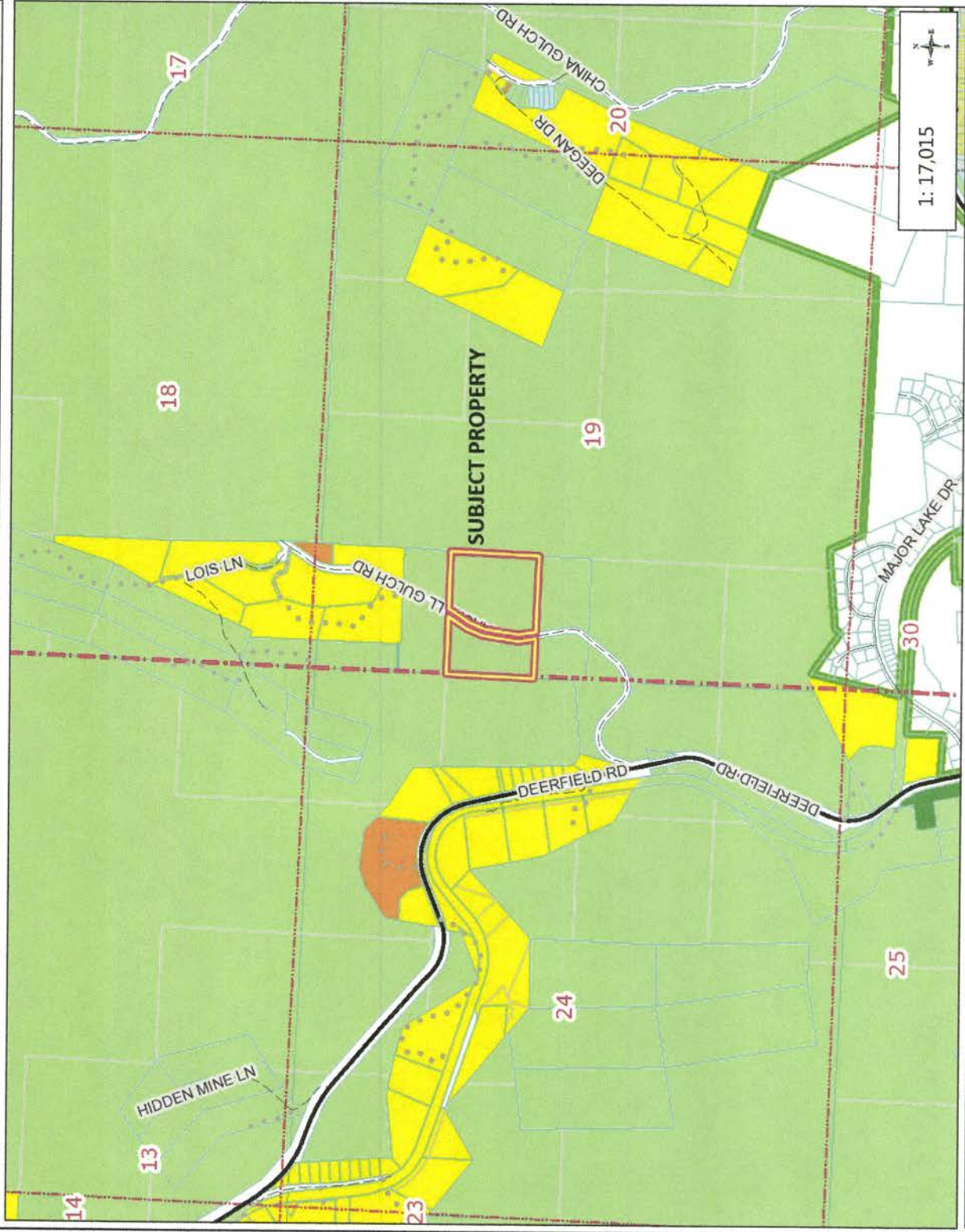
1: 17,015

2,835.8 0 1,417.91 2,835.8 Feet

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

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Map Notes:



1: 17,015



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THIS MAP IS NOT TO BE USED FOR NAVIGATION

NAD_1983_StatePlane_South_Dakota_South_FIPS_4002_Feet
© City of Rapid City GIS

Legend

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

Map Notes:



1: 2,363

393.9 0 196.93 393.9 Feet

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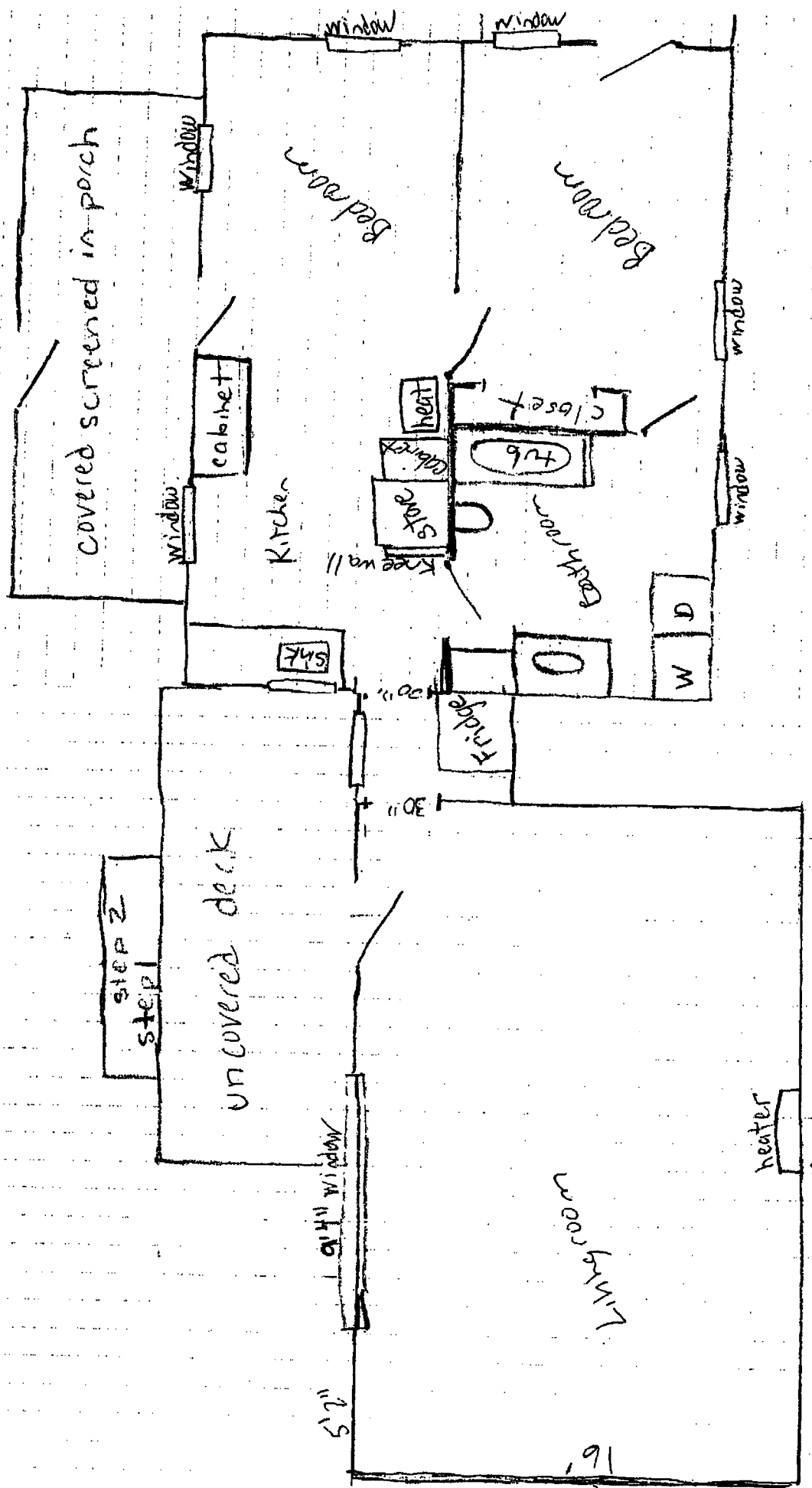
THIS MAP IS NOT TO BE USED FOR NAVIGATION

NAD_1983_StatePlane_South_Dakota_South_FIPS_4002_Feet
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Legend

- Roads**
- Interstate
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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
- Floodway**
- Flood Hazard Area**
- 100 Year
 - 500 Year
 - 500 Year - Protected by levee
 - Out
 - Not Studied

Map Notes:





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

April 2, 2019

Cody Rust
1301 Ottawa Trails
Amarillo, TX 79118

RE: On-site wastewater system for a vacation rental located at 23835 Marshall Gulch Road, Hill City, SD

Dear Ms. Rust:

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 home located on Tract A of Lot 2, Southwest ¼ Northwest ¼, Section 19, Township 1 South, Range 5 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.

- This home's septic system was replaced in 2015 and Pennington County has provided us with a copy of the plans and specifications. The septic system was sized to meet the minimum design requirements for a three bedroom home.
- After checking with Pennington County and our files we find no history of problems with the existing wastewater system since the new system was installed.

Based on the information provided by Pennington County the wastewater system is hereby 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.



On-Site Wastewater Treatment System Operating Permit

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

Operating Permit Number: COOP15-0499

PROPERTY INFORMATION

Property Address: 23835 MARSHALL GULCH RD	Legal Description:
Pin #: 52-19-100-005	
Tax ID #: 12848	Block:
Owner Name: RUST CODY M	Subdivision:
Owner Address: 1301 OTTAWA TRL AMARILLO, TX 79118-5158	Section-Township-Range: 19-1S-5E

ON-SITE WASTEWATER TREATMENT SYSTEM INFORMATION

Septic/Holding Tank System

Tank Size: 1500
Tank Material: Concrete
Treatment System Type: Trench

Graywater System (if applicable)

Tank Present:
Tank Size: 0
Tank Material:

OSWTS Permit Number (new systems only):

~~GOSD15-0043~~

PERMIT INFORMATION

Date of System Observation: 25-Jan-2013
Operating Permit Expiration: 1-Jun-2021
Observed By: DAVID WIEGE

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

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

§ 204(J) of the Pennington County Zoning Ordinance requires that your onsite wastewater treatment system be pumped and observed at a minimum frequency of six (6) years. There are subdivisions and commercial properties within the County that require more frequent pumping and observation. The longevity and performance of your onsite wastewater treatment system is dependent upon proper maintenance and care of the system, which may require more frequent pumping and/or observation. For more information, please visit <<http://water.eps.gov/infrastructure/septic/septicmart.cfm>>

MAY 23 2016

SOUTH DAKOTA DEPARTMENT OF HEALTH

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

18735

SECTION 1: ESTABLISHMENT INFORMATION

ESTABLISHMENT NAME Grandma's House		LIST PREVIOUS ESTABLISHMENT NAME		OLD LIC. #
CORPORATION/OWNER NAME Cody Rust		CORPORATE CONTACT/ PHONE 806-282-5973	ESTABLISHMENT PHONE	CELL PHONE
ESTABLISHMENT PHYSICAL ADDRESS (NO PO BOX #'S) 23835 Marshall Gukh Rd			CITY Hill City	STATE SD
IF RURAL LOCATION, GIVE DIRECTIONS FROM NEAREST CITY			COUNTY	
MAILING ADDRESS (IF DIFFERENT THAN PHYSICAL ADDRESS) 1301 Ottawa Trl			CITY Amarillo	STATE TX
EMAIL ADDRESS rustcdiamonds@sbcbglobal.net				
APPLICATION IS FOR: <input checked="" type="checkbox"/> NEW BUSINESS <input type="checkbox"/> CHANGE OF OWNERSHIP	DATES OPEN - IE SEASONAL From: May 20 To: Sept 30	PROPOSED OPENING DATE June 1, 2016	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	
Vacation Home:		<input checked="" type="checkbox"/> \$70.00 This includes the inspection fee ²	<input type="checkbox"/> \$35.00 This includes the inspection fee ²	70.00
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	
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)	
Initial License Fee³: See reverse side for explanation		<input checked="" type="checkbox"/> \$100.00	<input type="checkbox"/> \$100.00	100.00

SECTION 3: WATER RECREATION FEES

Number of Pools and Hot Tubs	FULL YEAR FEE:			HALF YEAR FEE:			
	None	One	Two or More	None	One	Two or More	
Pools ___ Hot Tubs ___	<input type="checkbox"/> \$0	<input type="checkbox"/> \$40.00	<input type="checkbox"/> \$65.00	<input type="checkbox"/> \$0	<input type="checkbox"/> \$20.00	<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 \$ 170.00

SECTION 4: SIGNATURE

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.

Owner/Agent Signature: **Cody Rust** Date: **5-3-16**

Subscribed and sworn to before me this **3rd** day of **May**, 20**16**.

Notary Public: **Jay Lewter** My Commission expires: **10/28/2019**

JAY LEWTER
NOTARY PUBLIC,
STATE OF TEXAS
My Commission Expires 10-28-2019

MAY 23 2016

Lodging Establishment Plan Review Questionnaire

sbcglobal.net

Establishment Name	Grandma's House	E-mail	rusteddiamonds@
Owner's Name	Cody Rust	Phone #	
Physical Address	23835 Marshall Gulch Rd Hill City SD 57745		
Mailing Address	1301 Ottawa Trl Amarillo TX 79118		
City, State, Zip			

Please complete and return the following questionnaire along with the layout plan (drawn to at least a minimum scale of 1/4" = 1 foot) at least 30 days prior to the beginning of any construction.

Estimated Completion Date: May 15 2016 Number of Units: 1

Type of Lodging Establishment Hotel Specialty Resort

1. Has a layout plan of the lodging establishment been provided to the State Health Department for review? Yes No

Date Submitted 5-16-16

2. Water Supply: Public Private Rural Water
Note: Private water systems must be analyzed for bacteriological and nitrate contamination. Attach a copy of the laboratory results.

3. Sewer System: Public Private
Note: Private sewer systems must be approved by the Dept. of Environment and Natural Resources. Please contact DENR at (605)773-3351 for information on obtaining Sewer System approval.

4. What type of room heating equipment is provided? Fuel Fired Electric Other

5. Is an area for outside garbage storage provided? Yes No

A. If yes, are leakproof, nonabsorbant containers provided? Yes No

6. Are smoke detectors provided in each sleeping room? Yes No

Hardwired with battery backup Battery operated only

7. Is each sleeping room properly equipped with an approved accessible means of egress? Yes No

Note: Included 'Egress Window Requirements' sheet for clarification of these requirements.

8. What type of ventilation is provided in the bathrooms? Mechanical Natural

9. Please describe the floor, wall, and ceiling coverings in the following areas:

Room Type	Floor	Wall	Ceiling
Sleeping Room	vinyl/laminate	sheetrock / paneling	sheetrock
Bathroom	vinyl	sheetrock / paneling	sheetrock
Laundry Room	vinyl	sheetrock / paneling	sheetrock
Storage Room	NA	NA	NA
Kitchen	vinyl		tile
Continental Breakfast	NA	NA	NA

Owner's Affidavit: Substantial Improvement or Repair of Substantial Damage

Property Address: 23835 Marshall Gulch Road, Hill City, SD

Parcel ID Number: 52-19-100-005

Owner's Name: Cody Rust

Owner's Address/Phone: 1301 Ottawa Trl Amarillo Tx 79118

Contractors: NA 806 282 5973

Contractor's License Number: NA We did work.

Date of Contractor's Invoice: NA

Total Cost of Improvements: \$16,902.59

Market Value (as determined by current appraised value): \$50,400.00

Improvement Percentage: 33.5%

I hereby attest that the description included in the permit application for the work on the existing building that is located at the property identified above is all of the work that has been done to date (March 20, 2019), including all improvements, rehabilitation, remodeling, repairs, additions, and any other form of improvement. I further attest that I paid the above-identified contractor(s) a total sum of \$16,902.59 for all of the work, including the contractor's overhead and profit. I acknowledge that if I decide to add more work or to modify the work described, that Pennington County will re-evaluate its comparison of the cost of work to the market value of the building to determine if the work is substantial improvement. Such re-evaluation may require Floodplain Development Permit(s) and may subject the property to additional requirements.

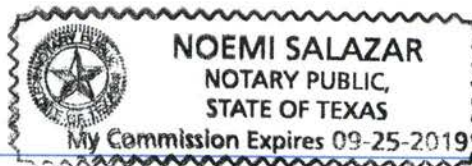
I also understand that I am subject to enforcement action and/or fines if inspection of the property reveals that I have made or authorized repairs or improvements that were not included in the description of work and the cost estimate for that work that were the basis for this affidavit.

Owner's Signature: Cody Rust Butler

Date: 3-22-2019

Notarized:

Noemi Salazar



Agenda Item #17
Misty Cline LaBelle
August 12, 2019

17

STAFF REPORT

GENERAL INFORMATION:

REQUEST: **SPECIAL CONSIDERATION TO TRAILWOOD VILLAGE PLANNED UNIT DEVELOPMENT / PU 19-04:** 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 and to reduce the rear yard and side yard setback from 25 feet to 8 feet to bring into compliance two (2) existing sheds in accordance with Section 213 of the Pennington County Zoning Ordinance.

APPLICANT: Misty Cline LaBelle

APPLICANT ADDRESS: 2891 Leola Lane, Rapid City, SD 57703

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

SITE LOCATION: 2891 Leola Lane; at the corner of Leola Lane and Connie Court.

SIZE: 0.18 acre

EXISTING LAND USE: Residential

TAX ID: 50513

ZONING REFERENCE: Section 213

CURRENT ZONING: Planned Unit Development

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Flat

UTILITIES: Rapid Valley Sanitary District

REPORT BY: Brittney Molitor

I. PROPOSED RECOMMENDATION

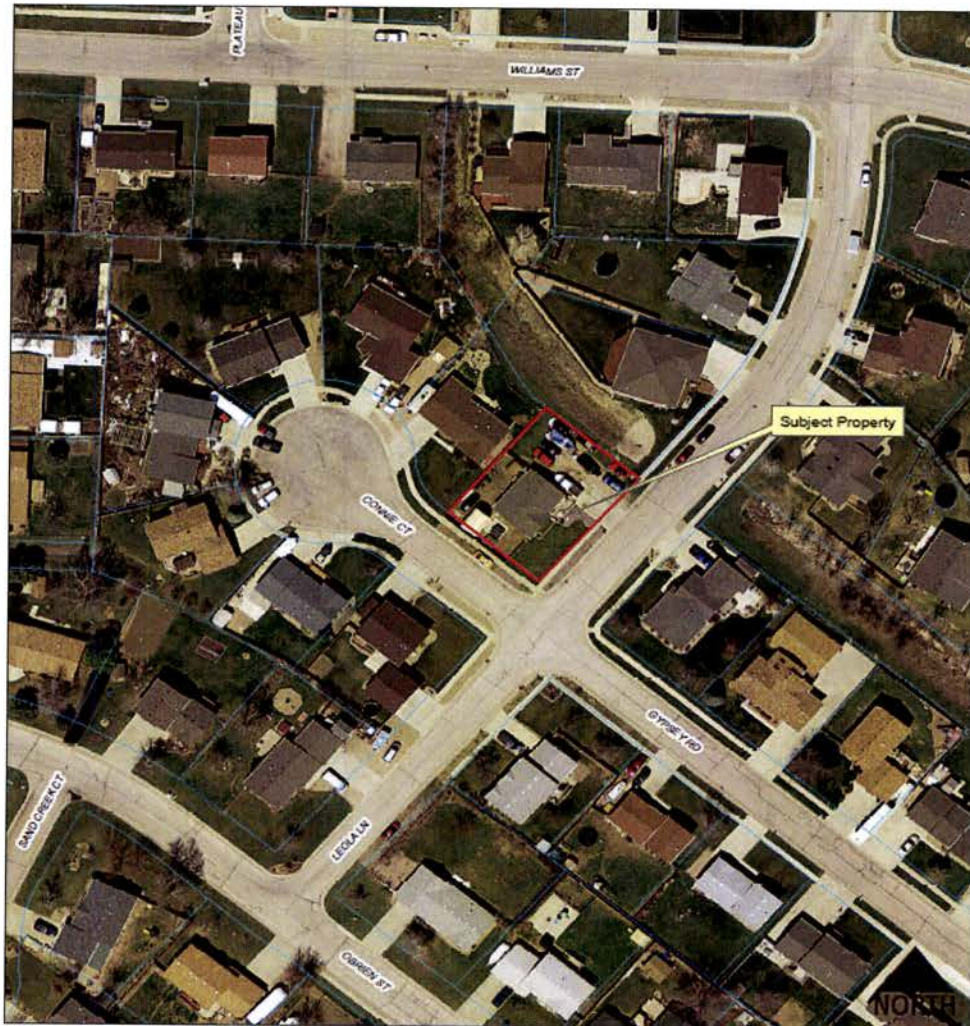
- A. Staff will be recommending approval of the Special Consideration of the Trailwood Village Planned Unit Development / PU 19-04 to reduce the minimum rear yard setback from 25 feet to 23 feet to allow for the construction of a garage and to reduce the rear yard and side yard setback from 25 feet to 8 feet to bring into compliance two (2) existing sheds with two (2) conditions.

II. GENERAL DESCRIPTION

- A. The applicant, Misty Cline LaBelle, is requesting a Special Consideration to the Trailwood Village Planned Unit Development (PUD) to reduce the minimum required rear yard setback from twenty-five (25) feet to twenty-three (23) feet, in order to construct a garage and to to reduce the rear yard and side yard setback from 25 feet to 8 feet to bring into compliance two (2) existing sheds.

III. EXISTING CONDITIONS

- A. Zoned Planned Unit Development (PUD).
 - 1. Trailwood Village (PU 79-02 and PU 05-19).
- B. Lot size is 0.18 acre.
- C. Access off of Leola Lane via an existing approach.
- D. Lot contains:
 - 1. Single-family residence with attached garage, porch and deck (1998COBP0128).
 - 2. Shed – 12' x 16' – no Building Permit.
 - a. A Building Permit will be required as a Condition of Approval.
 - 3. Shed – 8' x 8' – no Building Permit required as it is under 144 square feet and not anchored to the ground.
- E. Rapid Valley Sanitary District.



Location of Property

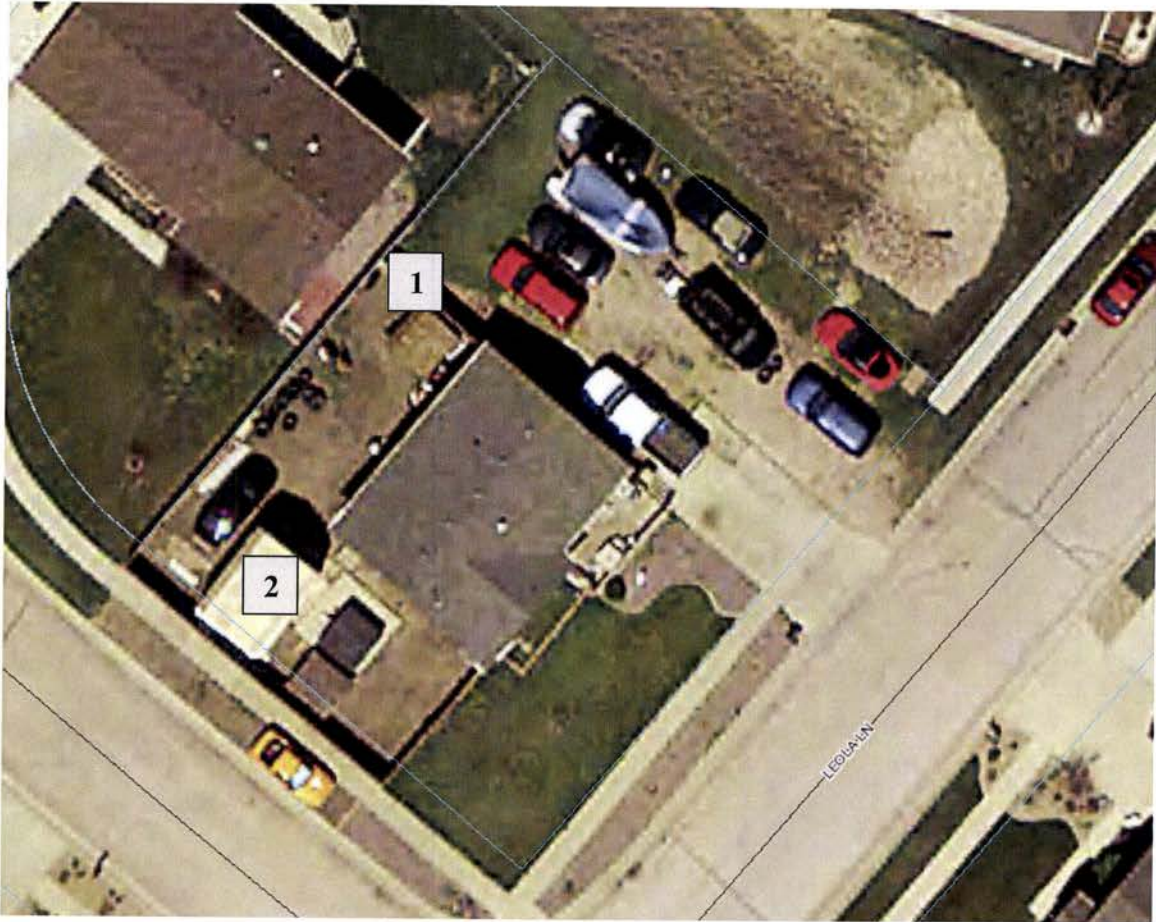
IV. REQUEST FOR COMMENT

- A. County Highway Department
 - 1. Highway has no comment.
- B. County Fire Coordinator
 - 1. No comments received.
- C. County Environmental Planner
 - 1. Rapid City 1-mile.
- D. County Environmental Planning Supervisor
 - 1. There is no Special Flood Hazard Area on the subject property.
- E. County Ordinance Enforcement Officer
 - 1. There were past Ordinance Violations on the subject property, but all have been closed. Ordinance Enforcement has no record of current Ordinance Violations or complaints on the subject property.
- F. County Natural Resources Director
 - 1. No objections.
- G. County Addressing Coordinator
 - 1. No addressing concerns at this time.

- H. County 9-1-1
 - 1. Tight space on all sides and the drainage ditch as well.
 - 2. Really no comment from me but have a great day!
- I. Rapid City Community Planning
 - 1. No comments received.
- J. Rapid City Public Works
 - 1. No comments received.
- K. Rapid City Septic Coordinator
 - 1. No comments received.
- L. West River Electric
 - 1. West River Electric has no objections to the reduced setback as shown on PUD - Cline (LaBelle) - To reduce setback.

V. HISTORY

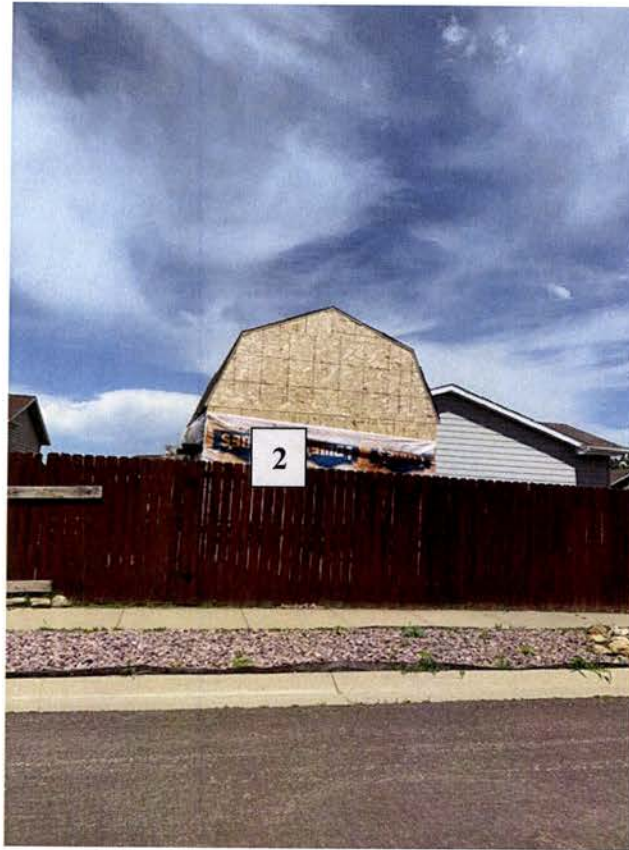
- A. June 26, 2019 – Staff performed a site visit and found the following:
 - 1. There were two (2) sheds on the subject property.
 - a. Both appeared to be located within the 25’ setback for the Trailwood Village Planned Unit Development.
 - i. The large shed also required a Building Permit as it is over 144 square feet.
- B. June 26, 2019 – Staff contacted the applicant regarding the sheds located in the easement and setback.
 - 1. The applicant indicated that her husband came to the Planning Department and was told that if the shed was movable, no Permit was needed.
 - a. Staff explained that sheds less than 144 square feet and not on a permanent foundation must still meet the setback and easement requirements.
 - i. One of the sheds was greater than 144 square feet and will require a Building Permit.
 - (a) This shed does not meet setbacks and was located within the 8-foot minor utility and drainage easement.
 - ii. In addition, the sheds will have to meet the setbacks.
 - ii. In addition, the sheds will have to meet the setbacks.
 - b. The applicant asked why she has to comply when all of her neighbors have sheds and garages in the setbacks.
 - i. Staff indicated that we do not “look” for violations and we work on a complaint basis only. If a complaint is filed with the Planning Department, it will be addressed by Ordinance Enforcement.
 - 2. Staff requested that the applicant amend her application to include all structures on her property that encroach into the setback.
 - 3. Staff also indicated to the applicant that the easement would have to be vacated through the City of Rapid City, if the shed is to remain in its current location.



Locations of sheds (#1 and #2)



Shed #1



Shed #2

VI. ANALYSIS

- A. July 8, 2019 – The Planning Commission continued this request in order to allow the property owner time to move the shed(s) and amend the request for Special Consideration.
- B. July 22, 2019 – Spoke with the applicant via phone regarding her intentions with the movement of the two (2) existing sheds.
- C. July 23, 2019 – Staff received an email from the applicant requesting to be put on the August 12, 2019, Planning Commission meeting agenda. In addition, the applicant requested that the rear and side yard setbacks are reduced to 8 feet to allow placement of the sheds in the back yard.
- D. The applicant intends to move the sheds so that they meet an 8-foot setback and will be located out of the drainage and utility easement.

Agenda Item #17
Misty Cline LaBelle
August 12, 2019

RECOMMENDATION: Staff is recommending approval of the Special Consideration of the Trailwood Village Planned Unit Development / PU 19-04 to reduce the minimum rear yard setback from 25 feet to 23 feet to allow for the construction of a garage and to reduce the rear yard and side yard setback from 25 feet to 8 feet to bring into compliance two (2) existing sheds with the following two (2) conditions:

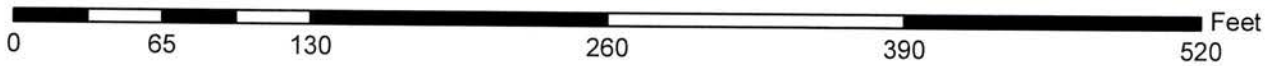
1. That the minimum rear yard setback is reduced from twenty-five (25) feet to twenty-three (23) feet for the construction of a garage only and the minimum rear and side yard setbacks are reduced from twenty-five (25) feet to eight (8) feet for two (2) existing sheds only; and,
2. That approval of this Special Consideration allows for the construction of a detached garage and to bring into compliance two (2) existing sheds. All other structures must maintain the setback requirements as outlined in the Trailwood Village PUD or obtain approval of a separate Special Consideration to the Trailwood Village PUD.

2891 Leola Lane



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

2891 Leola Lane



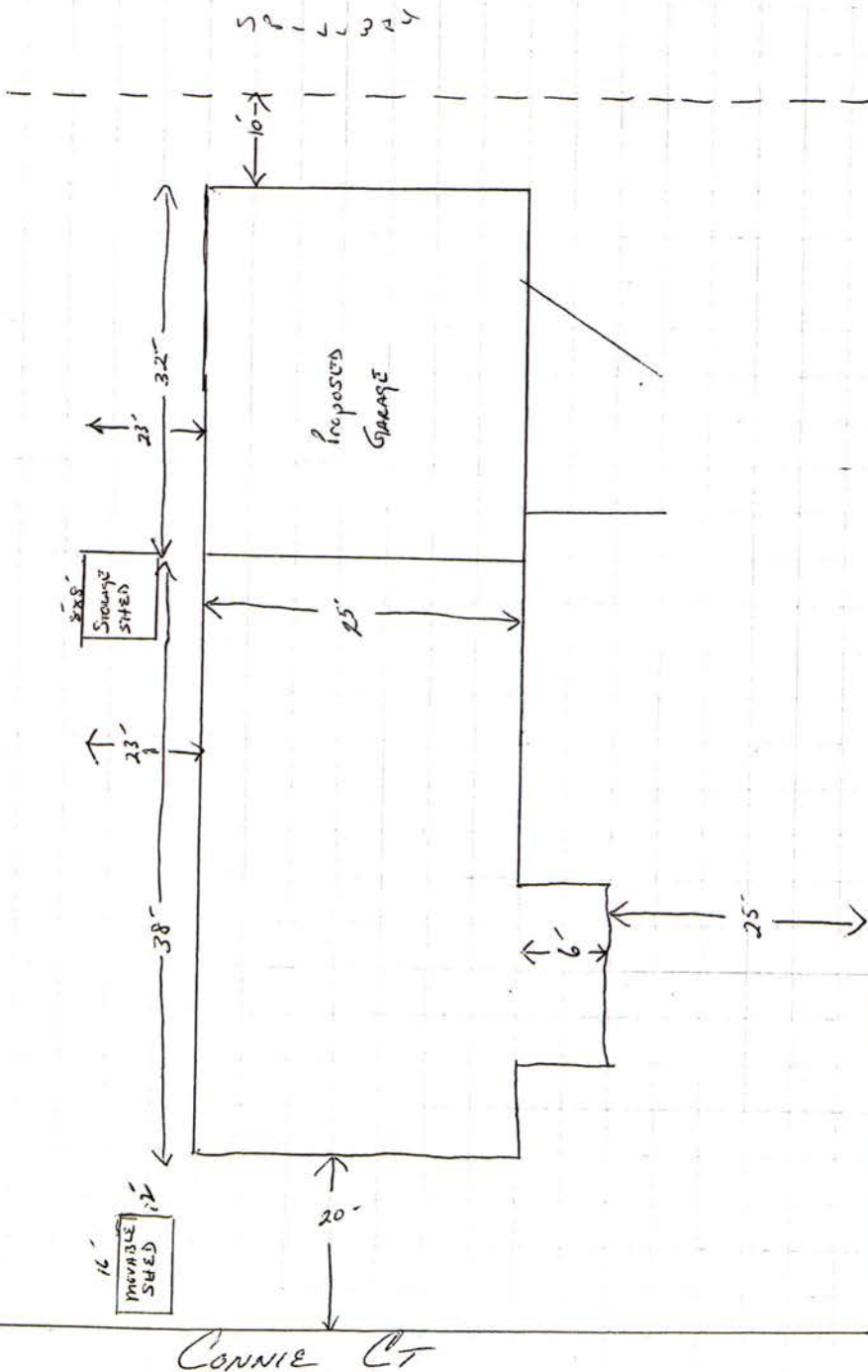
This map is a user generated static output and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

2891 Leola Lane



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

MISTY LA BELLE
2891 LEOLA LN
RAPID CITY SD 57703



The improvement to the property is adding a garage attached to the house using the front and rear as the boundary and roof line matching the house as well. It will be an oversized two car with a rear door access, siding color & trim to match house. Dimensions are 25' x 32'. To reduce the setback from 25 feet to 23 feet in the rear.

STAFF REPORT

GENERAL INFORMATION:

REQUEST: **LAYOUT PLAT / LPL 19-22:** To combine lots to create Lot 18R of Gold Mountain Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

APPLICANT: Duane and Margaret Gaulke

APPLICANT ADDRESS: P.O. Box 1141, Hill City, SD 57745

LEGAL DESCRIPTION: EXISTING LEGAL: Lot 17 and Lot 18 of Gold Mountain Subdivision, Section 14, T1S, R4E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 18R of Gold Mountain Subdivision, Section 14, T1S, R4E, BHM, Pennington County, South Dakota.

SITE LOCATION: 12269 Gilt Crest Place.

SIZE: 9.01 acres

TAX ID: 67498 / 67499

EXISTING LAND USE: Vacant / Residential

SUBDIVISION REGULATIONS REFERENCE: § 400.1

CURRENT ZONING: Low Density Residential District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Forested / Hills

UTILITIES: None

REPORT BY: Brittney Molitor

I. PROPOSED RECOMMENDATION

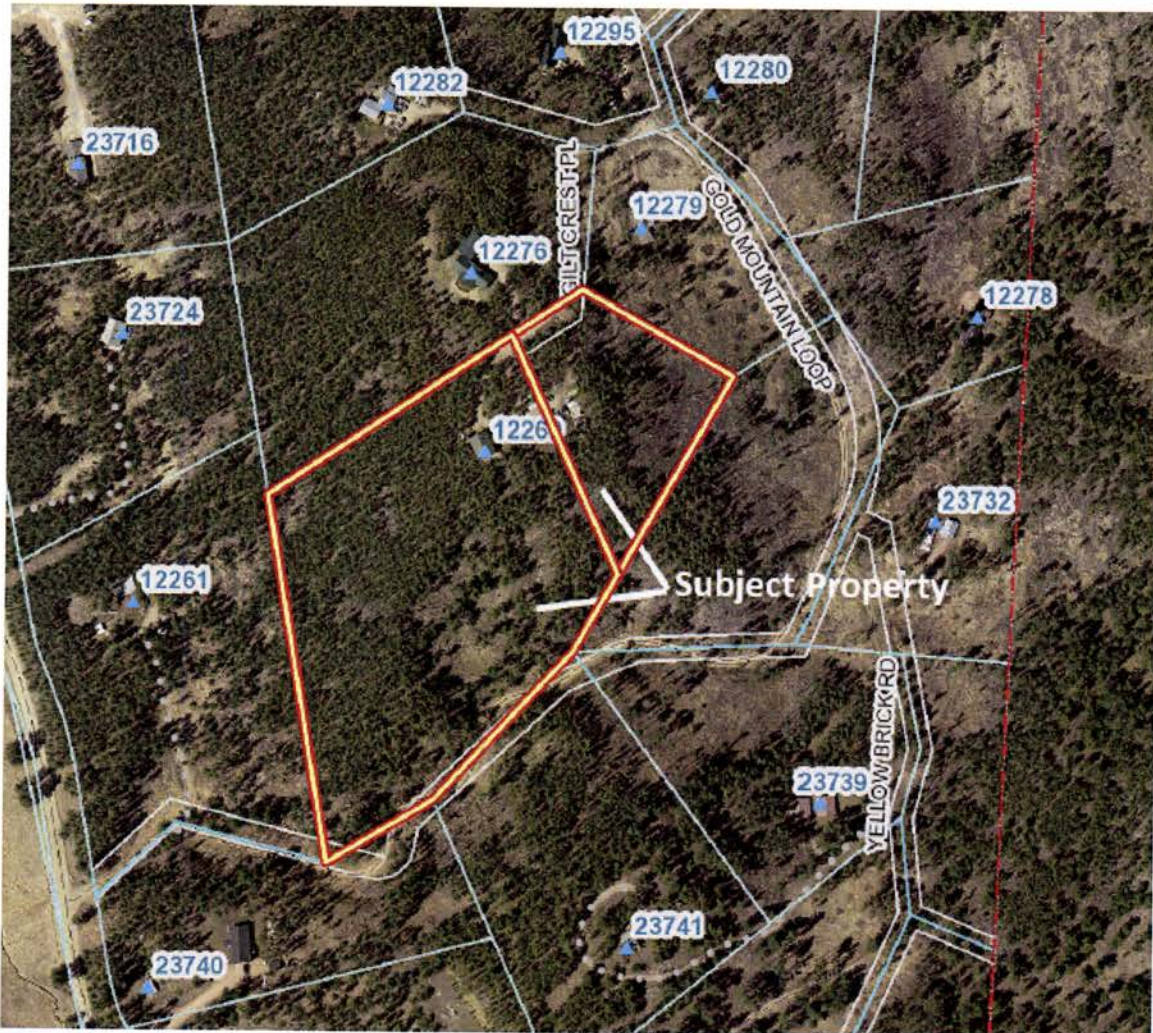
- A. Staff will be recommending approval of Layout Plat / LPL 19-22 with nine (9) conditions.

II. GENERAL DESCRIPTION

- A. The applicant, Mr. Gaulke, is requesting to combine Lot 17 and Lot 18 to create Lot 18R of Gold Mountain Subdivision.
- B. The applicant would like to combine his two lots in order to create a larger building envelope in order to build.

III. EXISTING CONDITIONS

- A. Lot 17 of Gold Mountain Subdivision.
 - 1. Zoned Low Density Residential District, requires a three (3) acre minimum.
 - 2. 1.96 acres.
 - 3. Vacant of any structures.
 - 4. No Special Flood Hazard Area.
- B. Lot 18 of Gold Mountain Subdivision.
 - 1. Zoned Low Density Residential District, requires a three (3) acre minimum.
 - 2. 7.05 acres.
 - 3. Lot contains:
 - a. Single-family residence with attached decks – 1997COBP0375.
 - b. Onsite wastewater treatment system – 1997COSD0201
 - i. The system was pumped on September 29, 2010.
 - (a) No Operating Permit was issued as a pump receipt only was submitted.
 - ii. A FIRST NOTICE was sent on March 6, 2019.
 - (a) The system must be pumped prior to moving forward in the platting process.



Existing Lots

IV. PROPOSED LOT

- A. Lot 18R of Gold Mountain Subdivision
 1. Zoned Low Density Residential District, requires a three (3) acre minimum.
 2. 9.01 acres.
 3. Lot will contain:
 - a. Single-family residence with attached decks – 1997COBP0375.
 - b. Onsite wastewater treatment system – 1997COSD0201.
 - i. The system must be pumped prior to moving forward in the platting process.
 4. The proposed Layout Plat will essentially remove the center lot line to create one (1) lot.

V. REQUEST FOR COMMENT

- A. County Highway
 - 1. Highway Department has no comments since this is the Gold Mountain Loop Road District.
- B. County 9-1-1
 - 1. No comments here.
- C. Department of Equalization
 - 1. Looks fine at this stage.
- D. Register of Deeds
 - 1. Proposed legal description is okay.
- E. County Ordinance Enforcement
 - 1. There are no past or current Ordinance Violations on the subject property.
- F. County Natural Resource Director
 - 1. No objections.
- G. County Environmental Planning Supervisor
 - 1. There is no Special Flood Hazard Area on the subject property.
 - 2. A First Notice was sent for pump and observation of the onsite wastewater treatment system on March 6, 2019. An Observation Form for the system must be received and approved prior to filing the Plat with the Register of Deeds. To date, the Planning Office has not received an Observation Form.
- H. County Onsite Wastewater Specialist
 - 1. The applicant has a valid septic permit (1997COSD0201). I have no further concerns with the current proposal.

VI. ANALYSIS

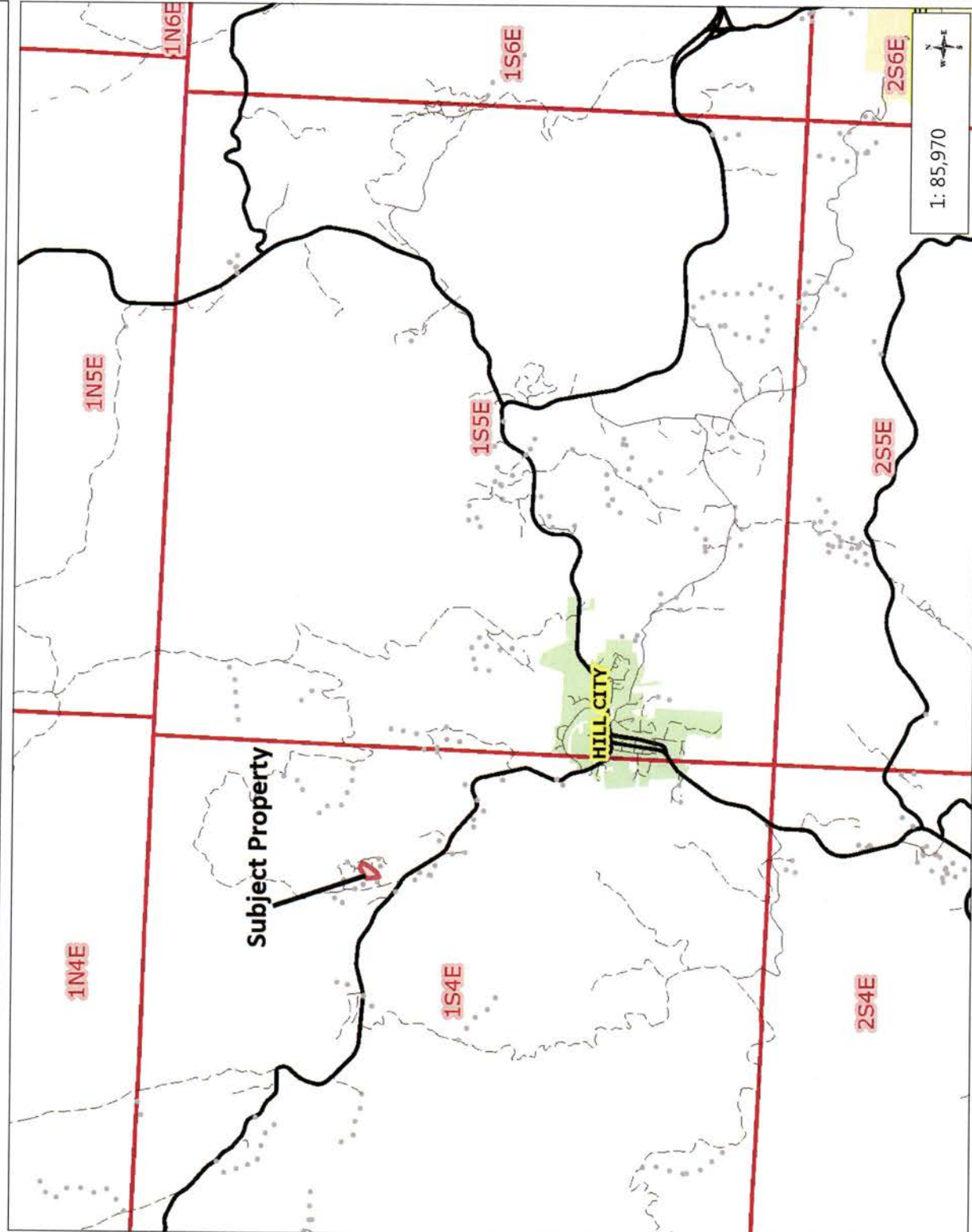
- A. June 20, 2019 – The applicant, Duane Gaulke, submitted an application for Layout Plat / LPL 19-22 to create Lot 18R of Gold Mountain Subdivision.
- B. The applicant's request will decrease density by one (1) lot.
- C. For the purposes of a Layout Plat, staff finds no significant issues with the applicant's request.
 - 1. A Layout Plat is an informal preliminary review of the proposed subdivision for general scope and conditions, which might affect the plat.

RECOMMENDATION: Staff recommends approval of Layout Plat / LPL 19-22 with the following nine (9) conditions:

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

Agenda Item #18
Duane and Margaret Gaulke
August 12, 2019

2. That at the time of Minor Plat submittal, the plat meets all the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
3. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations and as deemed appropriate by the Register of Deeds;
4. That at the time of a Minor Plat submittal, the plat meets all necessary requirements of Section 500 of the Pennington County Subdivision Regulations, or approved Subdivision Regulations Variance(s) be obtained waiving any of these requirements;
5. That the existing address continue to be properly posted in accordance with Pennington County's Ordinance #20;
6. That the applicant ensures that all natural drainage ways are maintained and are not blocked and that all necessary drainage ways are properly noted on plats;
7. That the existing onsite wastewater treatment system is pumped and observed and an Observation Form for the system be reviewed and approved by the Planning Department prior to Minor Plat submittal and an approved Operating Permit is obtained prior to the mylar being filed with the Register of Deeds;
8. 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,
9. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.



1: 85,970

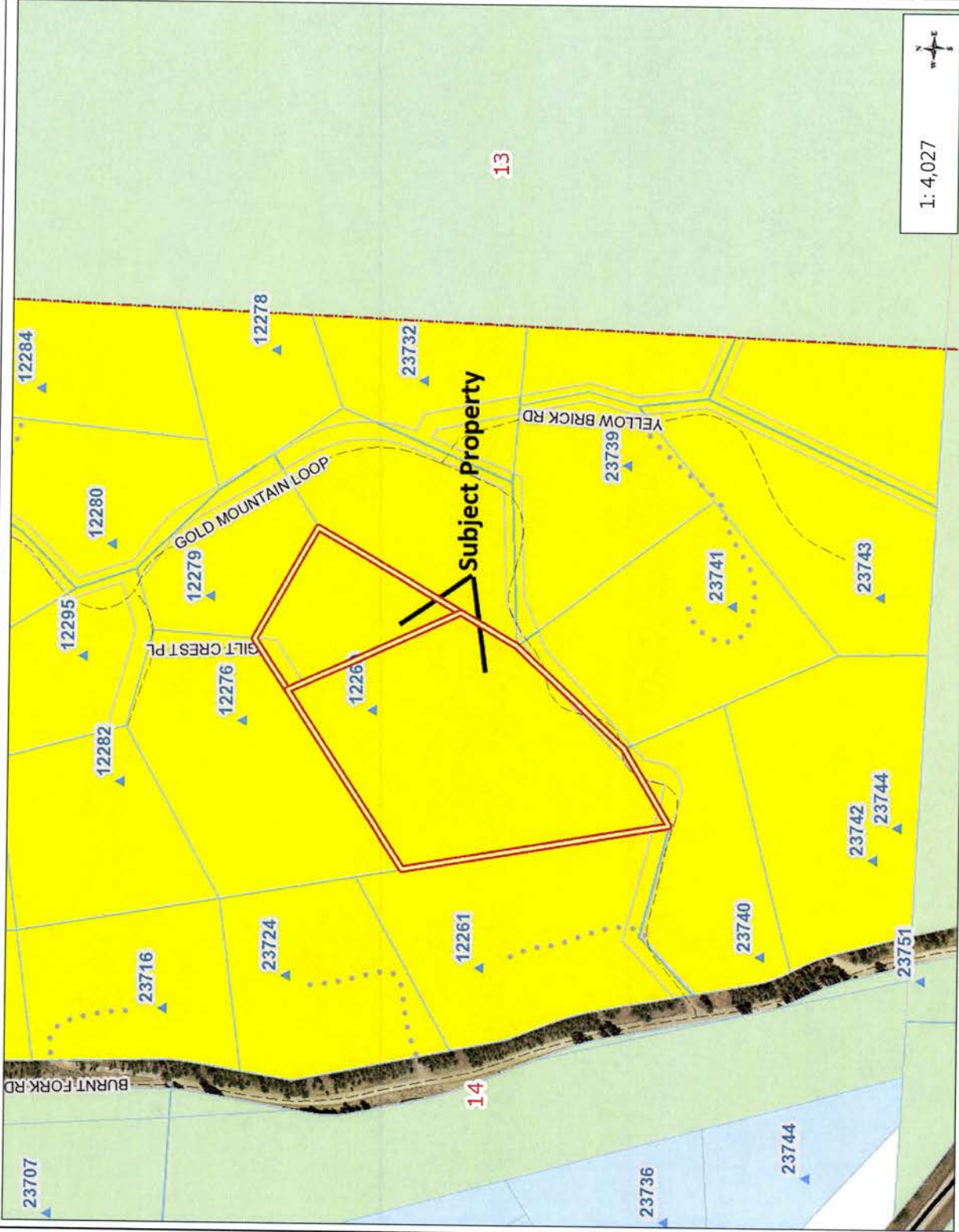
14,328.4
0 7,164.18 14,328.4 Feet
NAD_1983_StatePlane_South_Dakota_South_FIPS_4002_Feet
© City of Rapid City GIS

Legend

- Roads**
- Interstate
 - US highway
 - SD highway
 - County highway
 - 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:

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THIS MAP IS NOT TO BE USED FOR NAVIGATION



1: 4,027

Legend

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

Map Notes:

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671.2 0 335.58 671.2 Feet
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1: 4,027

671.2 Feet

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

Map Notes:

TID# 67498 and 67499



Rapid City-Pennington County GIS



368.7 Feet

184.33

0

NAD_1983_StatePlane_South_Dakota_South_FIPS_4002_Feet

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Legend

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- 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

LEGEND

} Lot line to be removed.

Map Notes:

Kevin Markle

6-20-19

STAFF REPORT

GENERAL INFORMATION:

REQUEST: LAYOUT PLAT / LPL 19-24 AND SUBDIVISION REGULATIONS VARIANCE / SV 19-07: To create Lots 1 and 2 of Rand Lode Subdivision and to waive platting requirements in accordance with Sections 400.1 and 700.1 of the Pennington County Subdivision Regulations.

APPLICANT: Olson Rental Properties LLC / Aaron Olson

APPLICANT ADDRESS: 2320 Sophia Court, Rapid City, SD 57702

AGENT: Fisk Land Surveying

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

LEGAL DESCRIPTION: EXISTING LEGAL: All, Rand Lode MS 1483, Section 18, T1S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1 and 2 of Rand Lode Subdivision, Section 18, T1S, R6E, BHM, Pennington County, South Dakota.

SITE LOCATION: North of the intersection of Calumet Road and Takoda Road, along Takoda Road.

SIZE: 20.19 acres

TAX ID: 5350

EXISTING LAND USE: Vacant

SUBDIVISION REGULATIONS REFERENCE: §§ 400.1 and 700.1

CURRENT ZONING: General Agriculture District

SURROUNDING ZONING:

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

Agenda Item #19
Olson Rental Properties LLC; Fisk Land Surveying - Agent
August 12, 2019

West General Agriculture District
Planned Unit Development District

PHYSICAL CHARACTERISTICS: Forested / Hills

UTILITIES: None

REPORT BY: Jason Theunissen

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending approval of Layout Plan / LPL 19-24 and Subdivision Regulations Variance / SV 19-07.

II. GENERAL DESCRIPTION

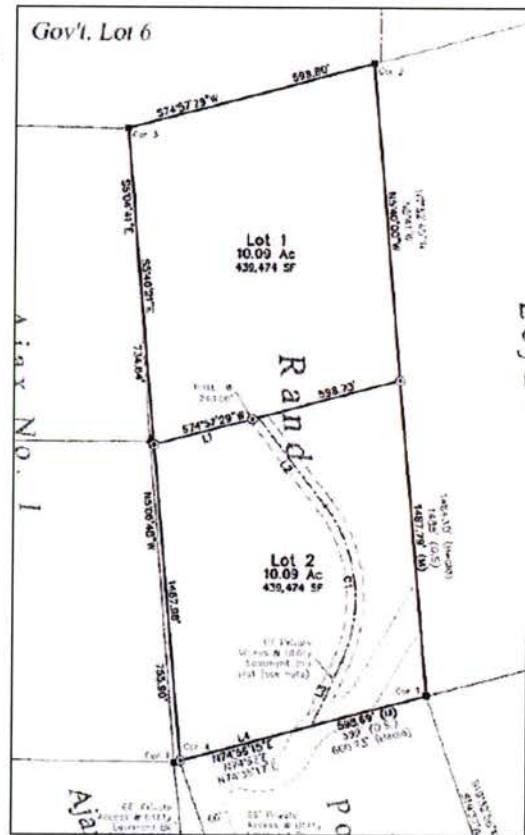
- A. The applicant, Aaron Olson, has applied for a Layout Plan / LPL 19-24 and Subdivision Regulations Variance / SV 19-07 to subdivide one (1) existing lot and create 2 (two) lots.

III. EXISTING CONDITIONS

- A. Zoned General Agriculture District (40-acre minimum lot size).
- B. 20.19 acres.
- C. Access off of Takoda Road.
- D. No Special Flood Hazard Area.
- E. No structures on subject property.
- F. No existing utilities.

IV. PROPOSED LOT 1 & LOT 2

- A. Zoned General Agriculture District (40-acre minimum lot size).
- B. 10.09 acres each.
 - 1. Applicant has applied to Rezone both lots to Limited Agriculture District under RZ 19-11.
- C. Access off of Takoda Road, via 40-foot-wide Private Access & Utility easement.
- D. No Special Flood Hazard Area.
- E. No structures on proposed properties.
- F. No existing utilities.



A Portion of Proposed Plan – Prepared by Fisk Land Surveying (6.19.19)

**V. SUBDIVISION REGULATIONS
VARIANCE / SV 19-07**

- A. The applicant has requested to waive the following Subdivision Regulations:
1. 500.5, Table 1: Specifically, road design standards for a Limited Agriculture District, turnarounds, and length of a dead-end road (Takoda Road).
 2. 500.5, 1a, 3a: Specifically, the maximum number of lots an access easement shall serve in a Limited Agriculture District (maximum is two (2) lots).
- B. Staff does not object to the above-mentioned requests.



Topographic Aerial

VI. REQUEST FOR COMMENT

- A. County Highway Department
1. Highway Department's only concern is to have a turnaround at the end of the access easement, which from the aerial can be accommodated.
- B. County Fire Administrator
1. If the length of the driveway/access way exceeds 75 feet or a physical obstruction prevents the number from being visible from the road of which the address is taken, then the house number shall be posted adjacent to the area in which the driveway/access way intersects the road.
- C. County Environmental Planning Supervisor
1. No comments.
- D. County Environmental Planner
1. The applicant has approved profile holes on both lots. The USDA Soil Survey lists the sols as "Very Limited". I have no further concerns.
- E. County Ordinance Enforcement
1. Ordinance Enforcement has no objections.
- F. County Addressing Coordinator

1. No addressing concerns at this time. An address will be assigned upon Building Permit submittal and must be posted in accordance with Pennington County Ordinance #20.
- G. Register of Deeds
 1. Proposed subdivision name is acceptable. Plat heading is acceptable. Certificates appear to be the required certificates per state statute.
- H. Department of Equalization
 1. The survey info itself looks good. However, a change needs to be made on the signature page because of the way the deed was done. There should be a line not only for the owner but also for the grantors. So, the signature page should have a line for Olson Rental Properties LLC as the grantee as well as lines for Harley D. Rounds Revocable Trust; Coleen K. Rounds Revocable Trust; Harley D. Rounds Co-Trustee; and Coleen K. Rounds Co-Trustee.
- I. Emergency Services (9-1-1)
 1. No comments received.
- J. U.S. Forest Service
 1. No comments received.

VII. ANALYSIS

- A. July 9, 2019 – The applicant applied for Layout Plan / LPL 19-24 to subdivide the subject property into two separate lots, each 10.09 acres.
- B. July 9, 2019 – The applicant applied for Subdivision Regulations Variance / SV 19-07.
 1. 500.5, Table 1: Specifically, road design standards for a Limited Agriculture District, turnarounds, and length of a dead-end road (Takoda Road).
 - a. *Staff Comment: Due to the steep topography of the area and limited expected travel.*
 2. 500.5, 1a, 3a: Specifically, the maximum number of lots an access easement shall serve in a Limited Agriculture District (maximum is two (2) lots).
 - a. *Staff Comment: Proposed Access Easement will only serve two (2) lots, per LPL 19-24.*
- C. For the purposes of a Layout Plan, staff finds no significant issues with the applicant's request as it appears to be in harmony with existing lots and current land uses in the area.
 1. A Layout Plan is an informal preliminary review of the proposed subdivision for general scope and conditions, which might affect the plat.

Agenda Item #19

Olson Rental Properties LLC; Fisk Land Surveying - Agent
August 12, 2019

RECOMMENDATION: Staff recommends approval of Subdivision Regulations Variance / SV 19-07 to waive the following Subdivision Regulations.

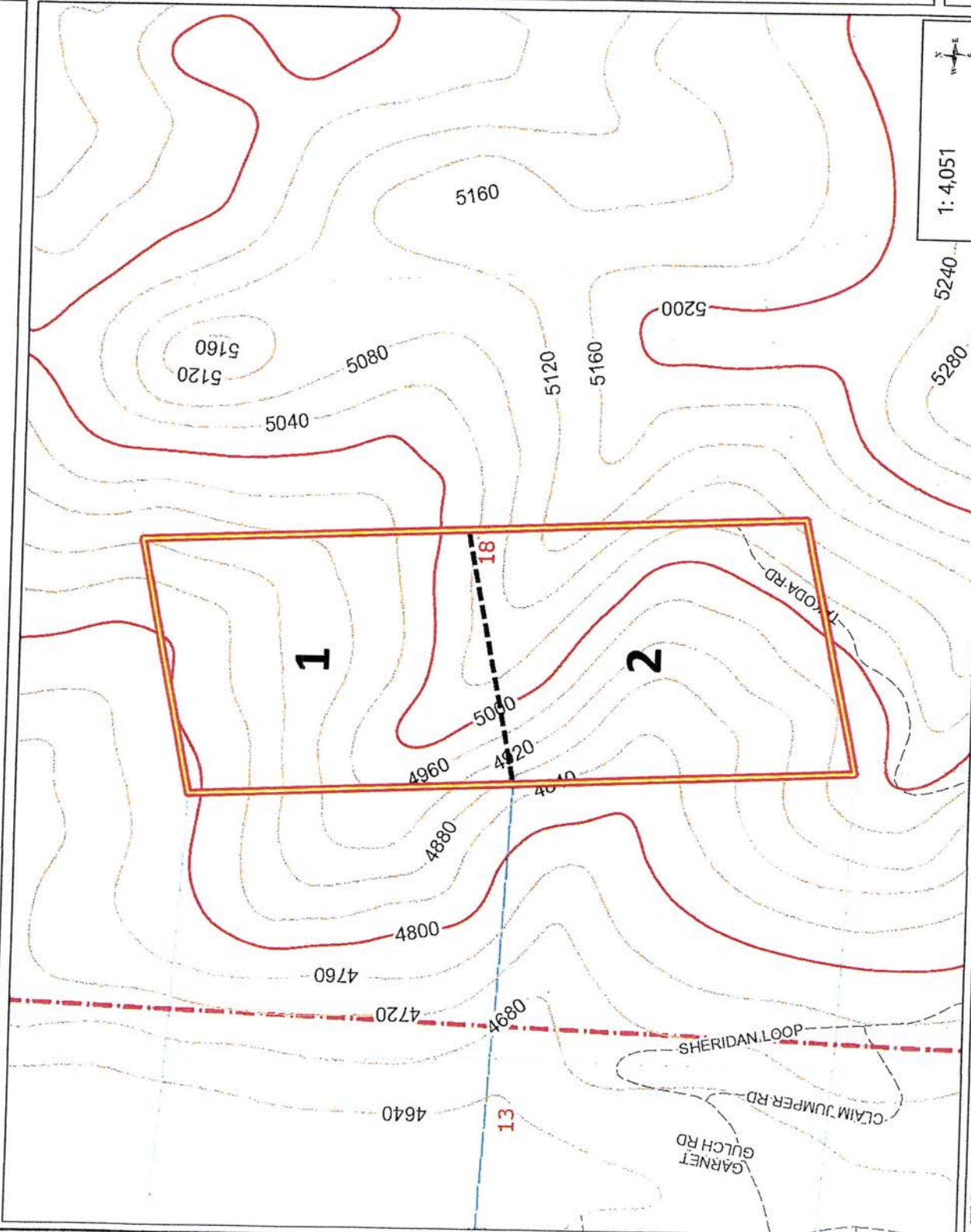
1. Section 500.5, Table 1: Specifically, road design standards for a Limited Agriculture District, turnarounds, and length of a dead-end road (Takoda Road).
2. Section 500.5, 1a, 3a: Specifically, the maximum number of lots an access easement shall serve in a Limited Agriculture District.

RECOMMENDATION: Staff recommends approval of Layout Plan / LPL 19-24 with the following six (6) conditions:

1. That prior to filing the Minor Plat with the Register of Deeds, proposed Lot 1 and Lot 2 obtain an approved Lot Size Variance or be Rezoned appropriately;
2. That at the time of Minor Plat submittal, the Plat signature page be corrected, per Department of Equalization comments;
3. 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 Variances shall be submitted per § 700 of Pennington County Subdivision Regulations;
4. That the applicant ensures all natural drainage ways are maintained and are not blocked;
5. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of § 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit; and,
6. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

Legend

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



1:4,051



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Map Notes:



1: 3,781

Legend

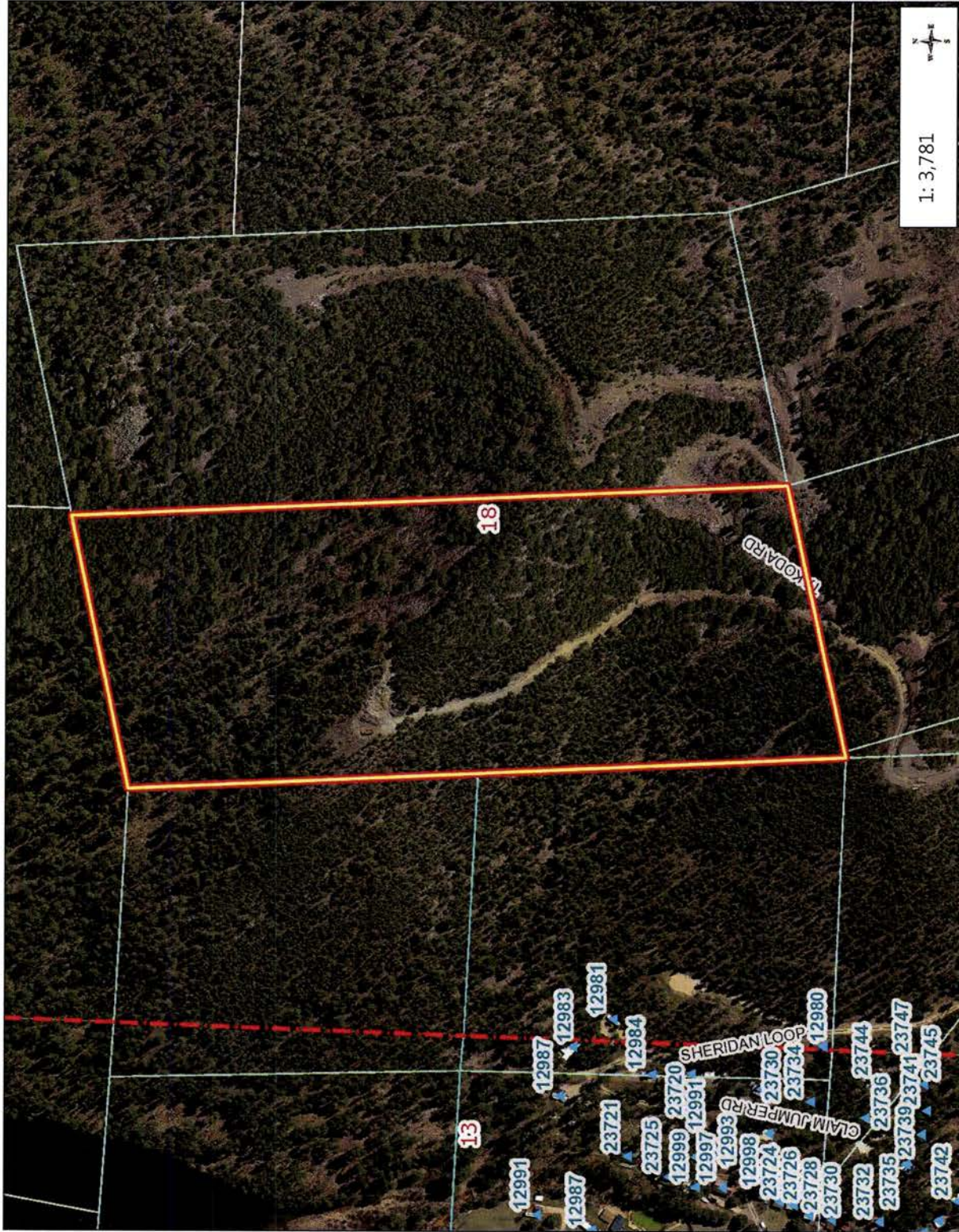
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- Address Points**
- Section Lines 0-25k**
 - 0
 - 7
- Tax Parcels**
- Lot Lines**
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 - Lot Line
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 - General Agriculture
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 - Limited Agriculture
 - Low Density Residential
 - Light Industrial

Map Notes:

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630.2 Feet

0 315.09 630.2 Feet
 NAD_1983_StatePlane_South_Dakota_South_FPS_4002_Feet
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1: 3,781

Legend

Roads

- Interstate
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- Not yet coded

Address Points

Section Lines 0-25k

0

7

Tax Parcels

Lot Lines

<Null>

Lot Line

Parcel Line

Map Notes:

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0 315.09 630.2 Feet



1: 30,249



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NAD_1983_StatePlane_South_Dakota_South_FIPS_4002_Feet
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Legend

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

Plat of Lots 1 and 2 of Rand Lode Subdivision
 (formerly all of Rand Lode of M.S 1483)
 located in Section 18, T1S, R6E, BHM,
 Pennington County, South Dakota

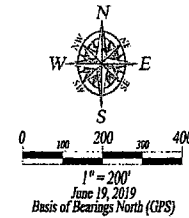
Prepared by:
 Fisk Land Surveying
 & Consulting Engineers, Inc.
 P.O. Box 8154
 Rapid City, SD 57709
 (605) 346-1538
 Project # 19-05-08

EASEMENTS

Utility & Minor Drainage Easements on the interior side of all lot lines

Water Protection Statement

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



LEGEND

- ⊙ = Set Rebar with cap marked "RW Fisk 6585"
- = Found original stone as noted
- ▲ = Found USFS Aluminum Monument LS 3471

RETRACEMENT NARRATIVE

Corner 1 of the Rand Lode is a property marked stone with bearing line stump. Unmarked stone erroneously accepted by plat and miscellaneous document bears N32°28'E 4.14' (see detail).

Corner 2 of the Rand is on "X" carved on in place rock as originally described.

Corner 3 of the Rand is a properly marked stone.

Corner 4 of the Rand falls in an embankment and was reestablished from witness tie an CLCR from corner 1 of the Ajax No. 1.

PRIVATE ACCESS & UTILITY EASEMENT NOTES

The existing 65' wide private access and utility easement (Bk 103 Pg 2902) does not close geometrically on the boundaries as reflected on the drawing. The easement shown hereon is retraced from a tie to Corner 4 of the Rand Lode. Extension of the easement beyond the limits of geometric information does not imply closure or a guarantee of location.

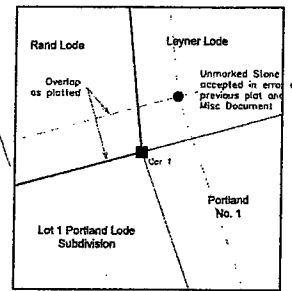
The 40' wide Private Access and Utility easement created by this plat is tied to the north and south boundaries of Lot 2. Annotations are to the centerline - and the sides are extended and shortened as necessary to terminate on the lot boundary or existing easement as applicable.

Private Access & Utility Easement Course Table

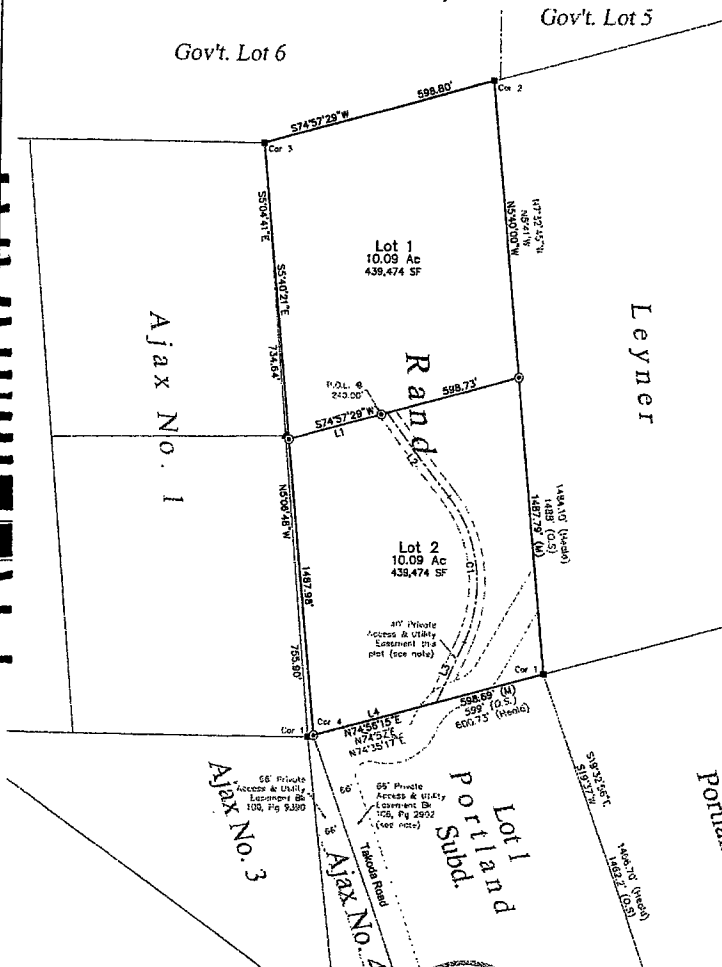
NUM	DELTA	ARC	RADIUS	BEARING	DISTANCE
C1	S17°19'29"W	385.31'	360.00'	S 6°50'58"E	387.18'

NUM	BEARING	DISTANCE
L1	N74°57'29"E	255.00'
L2	S37°30'42"E	261.62'
L3	S23°48'46"W	165.47'
L4	S74°56'15"W	320.00'

**Gov't. Lot 8
Area of Detail**



PRELIMINARY

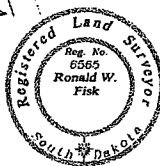


CERTIFICATE OF SURVEYOR
 State of South Dakota County of Pennington §

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

In Witness Whereof, I have hereunto set my hand and official seal
 Dated this _____ day of _____, 20____.

Ronald W. Fisk
 Registered Land Surveyor No. 6565



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

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

Director of Equalization of Pennington County
 Approved _____
 Date _____

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

I, Aaron L. Olson, Member of Olson Rental Properties LLC, do hereby certify that Olson Rental Properties LLC is the contract owner of the above described land, and that on its behalf, I did authorize and do hereby approve the survey and within plot of said land, and that development of this land shall conform to all existing applicable zoning, subdivision, and erosion and sediment control regulations.

Aaron L. Olson - Member, Olson Rental Properties LLC

On this _____ day of _____, 20____, before me, a Notary Public, personally appeared Aaron L. Olson, known to me to be the person described in the foregoing instrument and attesting to me that he is a Member of Olson Rental Properties LLC and acknowledged to me that he signed the same.

Notary Public _____
 My Commission Expires _____

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

I, Horley D. Rounds, Trustee of The Horley D. Rounds Revocable Trust, do hereby certify that the Horley D. Rounds Revocable Trust is the owner of the above described land, and that on its behalf, I did authorize and do hereby approve the survey and within plot of said land, and that development of this land shall conform to all existing applicable zoning, subdivision, and erosion and sediment control regulations.

Horley D. Rounds, Trustee - The Horley D. Rounds Revocable Trust - Owner

On this _____ day of _____, 20____, before me, a Notary Public, personally appeared Horley D. Rounds, known to me to be the person described in the foregoing instrument and attesting to me that he is a Trustee of The Horley D. Rounds Revocable Trust and acknowledged to me that he signed the same.

Notary Public _____
 My Commission Expires _____

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

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

Dated this _____ day of _____, 20____.
 Highway/Street Authority _____

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

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

Dated this _____ day of _____, 20____.
 Treasurer of Pennington County _____

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

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

Pennington County Auditor / Deputy _____

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

Filed this _____ day of _____, 20____.
 Document Number _____

Register of Deeds of Pennington County _____

STAFF REPORT

GENERAL INFORMATION:

REQUEST: **REZONE / RZ 19-11 AND COMPREHENSIVE PLAN AMENDMENT / CA 19-11:** To rezone 20.19 acres from General Agriculture District to Limited Agriculture District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Planned Unit Development Sensitive District to Limited Agriculture District in accordance with Sections 205, 206, and 508 of the Pennington County Zoning Ordinance.

APPLICANT: Olson Rental Properties LLC. / Aaron Olson

APPLICANT ADDRESS: 2320 Sophia Court, Rapid City, SD 57702

AGENT: Fisk Land Surveying

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

LEGAL DESCRIPTION: All, Rand Lode MS 1483, Section 18, T1S, R6E, BHM, Pennington County, South Dakota.

SITE LOCATION: North of the intersection of Calumet Road and Takoda Road, along Takoda Road.

SIZE: 20.19 acres

TAX ID: 5350

EXISTING LAND USE: Vacant

ZONING REFERENCE: §§ 205, 206, and 508

CURRENT ZONING: General Agriculture District

SURROUNDING ZONING:

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

West General Agriculture District
Planned Unit Development District

PHYSICAL CHARACTERISTICS: Forested / Hills

UTILITIES: None

REPORT BY: Jason Theunissen

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending approval of Rezone / RZ 19-11 and Comprehensive Plan Amendment / CA 19-11.

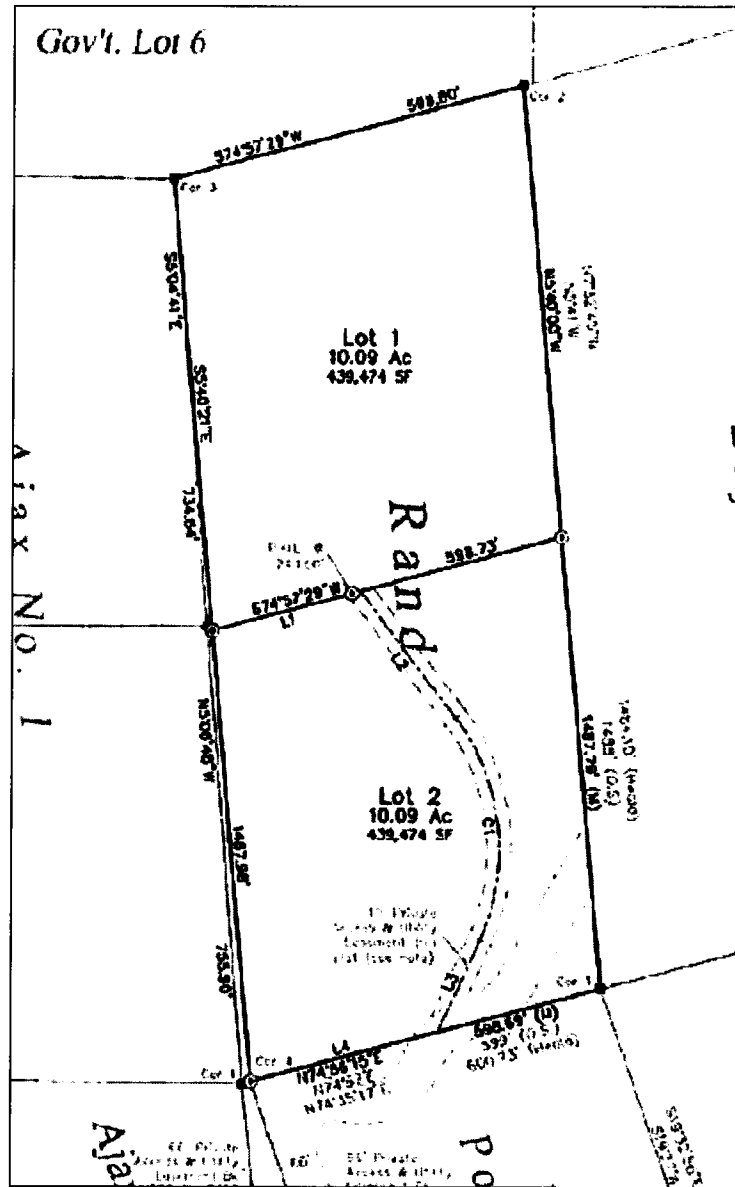
II. GENERAL DESCRIPTION

- A. The applicant, Aaron Olson, has submitted a request to rezone 20.19 acres from General Agriculture District to Limited Agriculture District.
- B. The applicant is also requesting to amend the Pennington County Comprehensive Plan to change the Future Land Use from Planned Unit Development Sensitive District to Limited Agriculture District.
- C. The applicant is in the process of subdividing the subject property into two (2) lots and neither will meet the minimum lot size requirements for current zoning.

III. EXISTING CONDITIONS

- A. Zoned General Agriculture District (40-acre minimum lot size).
- B. 20.19 acres.
 - 1. July 9, 2019 – The applicant submitted Layout Plan / LPL 19-24 to subdivide the subject property into two separate lots, each 10.09 acres.
- C. Access off of Takoda Road.
- D. No Special Flood Hazard Area.
- E. No structures on subject property.
- F. No existing utilities.

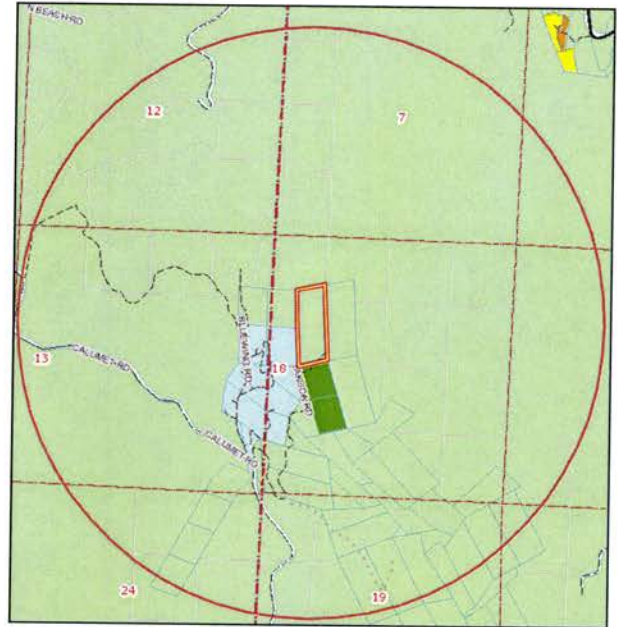
Agenda Item #20
 Olson Rental Properties LLC.; Fisk Land Surveying - Agent
 August 12, 2019



A Portion of Proposed Plan – Prepared by Fisk Land Surveying (6.19.19)

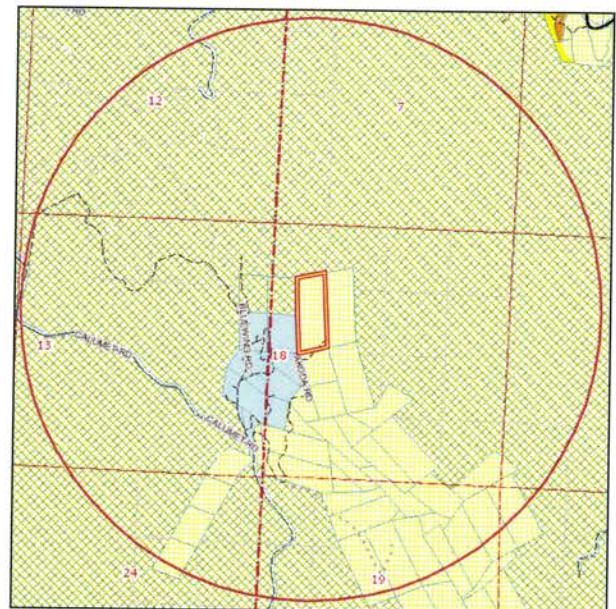
IV. CURRENT ZONING WITHIN 1-MILE

- A. General Agriculture District.
- B. Limited Agriculture District.
- C. Planned Unit Development District.



V. FUTURE LAND USE ZONING WITHIN 1-MILE

- A. Public Land.
- B. Planned Unit Development Sensitive District.
- C. Planned Unit Development District.



VI. COMPREHENSIVE PLAN AMENDMENT / CA 19-11

- A. The applicant has requested to change the Future Land Use of the subject property from Planned Unit Development Sensitive District to Limited Agriculture District.
- B. The subject property borders two adjacent 10.06 acre lots, currently zoned Limited Agriculture District. Therefore, the applicant's request appears to be in harmony with the County's Current and Future Land Use designations in the area.

VII. REQUEST FOR COMMENT

- A. County Highway Department
 - 1. Highway Department has no comments.
- B. County Fire Administrator
 - 1. If the length of the driveway/access way exceeds 75 feet or a physical obstruction prevents the number from being visible from the road of which the address is taken, then the house number shall be posted adjacent to the area in which the driveway/access way intersects the road.
- C. County Environmental Planning Supervisor
 - 1. No comments.
- D. County Environmental Planner
 - 1. The applicant has approved profile holes on both lots. The USDA Soil Survey lists the sols as "Very Limited". I have no further concerns.
- E. County Ordinance Enforcement
 - 1. Ordinance Enforcement has no objections.
- F. County Addressing Coordinator
 - 1. No addressing concerns at this time. An address will be assigned upon Building Permit submittal and must be posted in accordance with Pennington County Ordinance #20.
- G. Register of Deeds
 - 1. Proposed subdivision name is acceptable. Plat heading is acceptable. Certificates appear to be the required certificates per state statute.
- H. Department of Equalization
 - 1. The survey info itself looks good. However, a change needs to be made on the signature page because of the way the deed was done. There should be a line not only for the owner but also for the grantors. So, the signature page should have a line for Olson Rental Properties LLC as the grantee as well as lines for Harley D. Rounds Revocable Trust; Coleen K. Rounds Revocable Trust; Harley D. Rounds Co-Trustee; and Coleen K. Rounds Co-Trustee.
- I. Emergency Services (9-1-1)
 - 1. Would Takoda Road be the name used on this?
 - 2. *Staff Response: Yes, that's correct. The applicant has made no mention of naming the 40' wide access easement.*
 - 3. OK. Thanks.
- J. U.S. Forest Service
 - 1. No comments received.

Agenda Item #20
Olson Rental Properties LLC.; Fisk Land Surveying - Agent
August 12, 2019

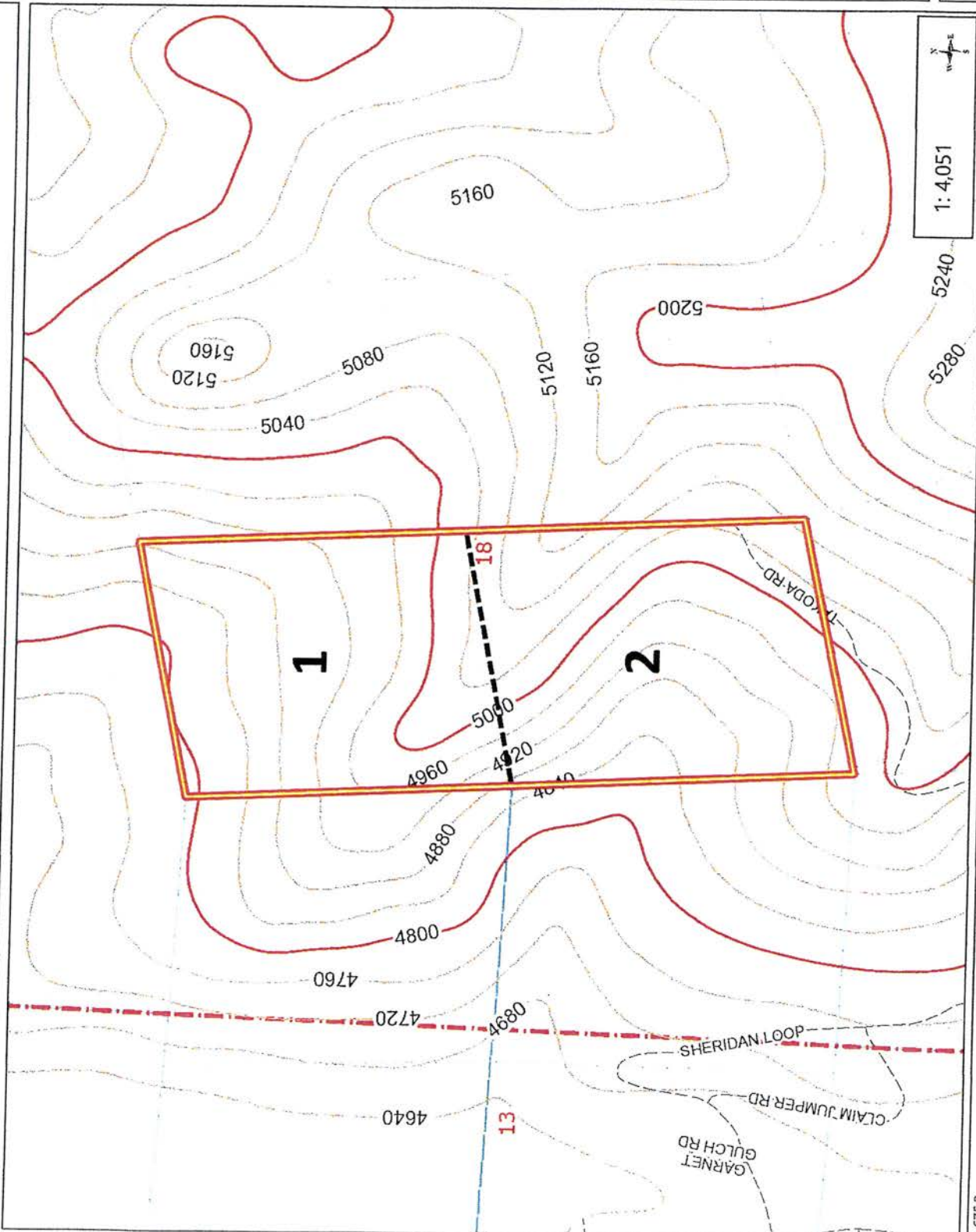
VIII. ANALYSIS

- A. July 9, 2019 – The applicant applied for Layout Plan / LPL 19-24 to subdivide the subject property into two separate lots, each 10.09 acres.
- B. July 9, 2019 – The applicant applied for Rezone / RZ 19-11 and Comprehensive Plan Amendment / CA 19-11.
- C. The subject property borders two adjacent 10.06 acre lots, both currently zoned Limited Agriculture District. Therefore, the applicant's request to rezone appears to be in harmony with the Current and Future Land Use zoning in the area.

RECOMMENDATION: Staff is recommending approval of Rezone / RZ 19-11 and Comprehensive Plan Amendment / CA 19-11.

Legend

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



1: 4,051

675.2 Feet

337.61

675.2

Map Notes:

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

THIS MAP IS NOT TO BE USED FOR NAVIGATION



1: 3,781

Legend

Roads

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

Address Points

Section Lines 0-25k

- 0
- 7

Tax Parcels

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

Pennington County Zoning

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

Map Notes:

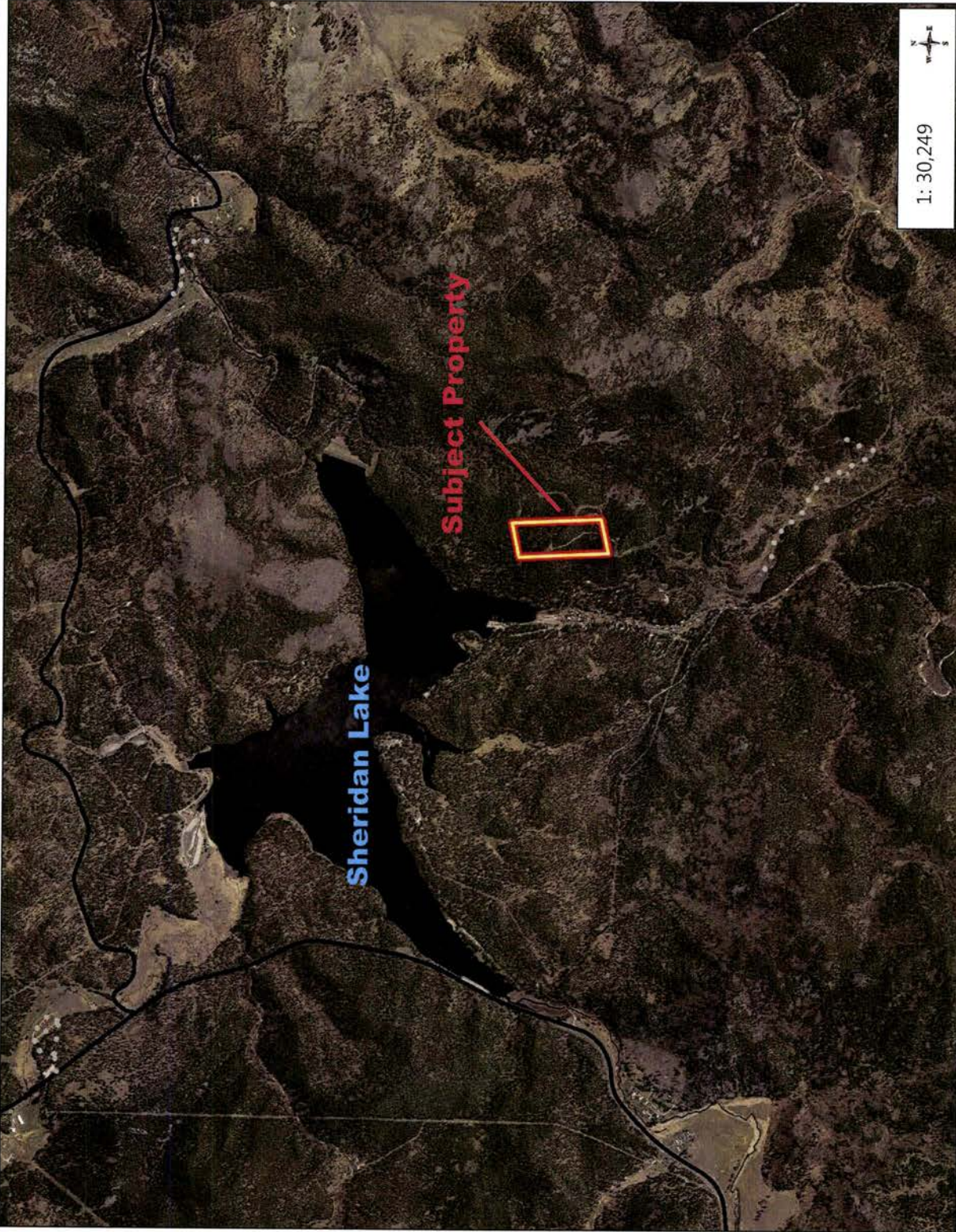
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

630.2 Feet

315.09

0



1: 30,249

5,041.5 2,520.73 5,041.5 Feet

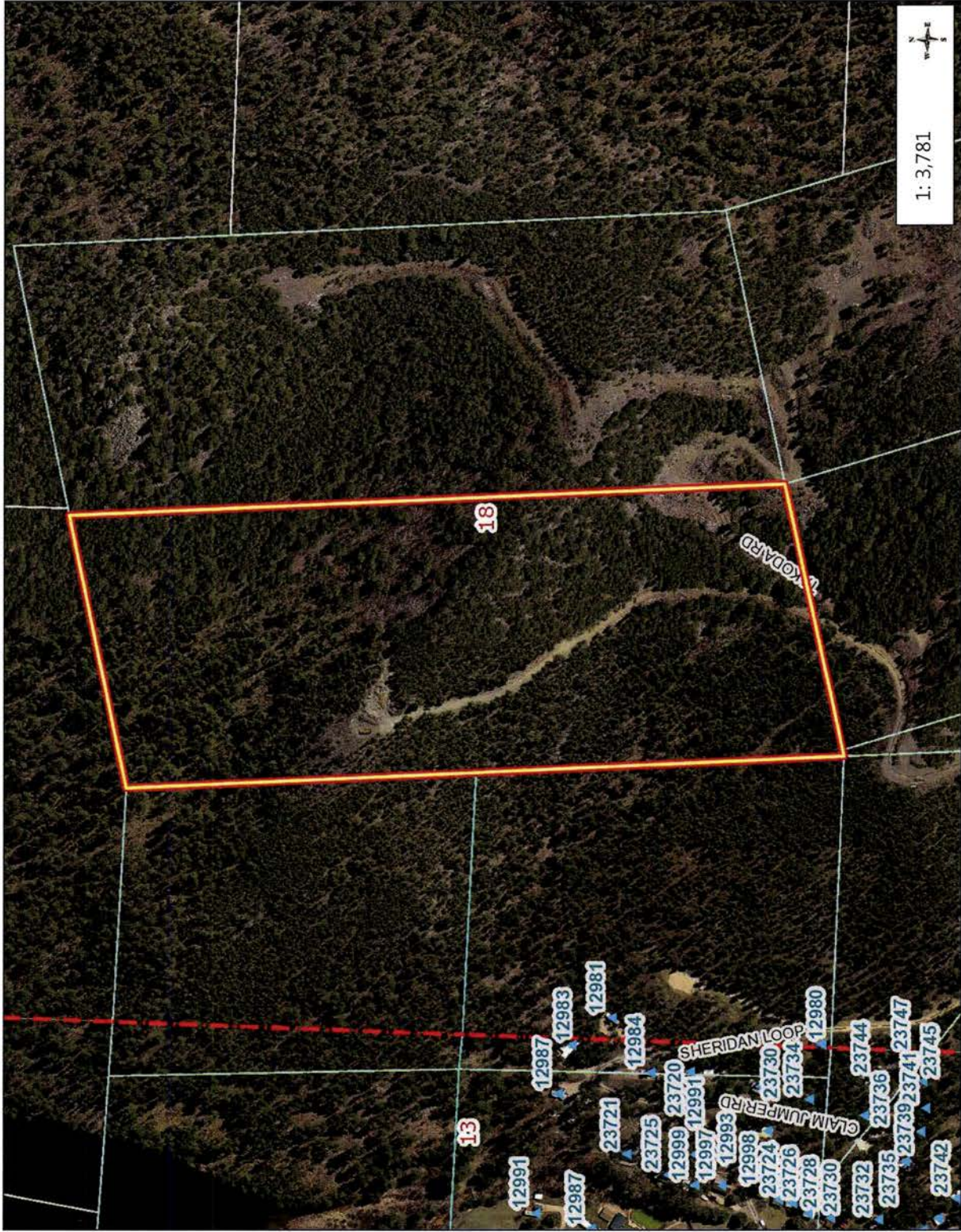
NAD_1983_StatePlane_South_Dakota_South_FIPS_4002_Feet
© City of Rapid City GIS

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Legend

- Roads**
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 - 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: 3,781

630.2 315.09 630.2 Feet

NAD_1983_StatePlane_South_Dakota_South_FIPS_4002_Feet
© City of Rapid City GIS

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Legend

- Roads**
- Interstate
 - US highway
 - SD highway
 - County highway
 - Main road
 - Minor arterial
 - Collector
 - Ramp
 - Paved road
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 - Trail
 - Driveway
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- Section Lines 0-25k
- 0
 - 7
- Tax Parcels**
- Lot Lines**
- <Null>
 - Lot Line
 - Parcel Line

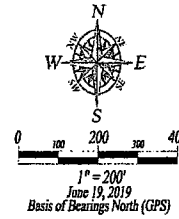
Map Notes:

Plat of Lots 1 and 2 of Rand Lode Subdivision
 (formerly all of Rand Lode of M.S. 1483)
 located in Section 18, T1S, R6E, BHM,
 Pennington County, South Dakota

Prepared by:
 Fisk Land Surveying
 & Consulting Engineers, Inc.
 P.O. Box 8154
 Rapid City, SD 57709
 (605) 348-1538
 Project # 18-05-08

EASEMENTS
 Utility & Minor Drainage Easements on the interior side of all lot lines

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



- LEGEND**
- ⊙ = Set Rebar with cap marked "RW Fisk 6585"
 - = Found original stone as noted
 - ▲ = Found USFS Aluminum Monument LS 3471

RETRACEMENT NARRATIVE

Corner 1 of the Rand Lode is a property marked stone with bearing tree stump. Unmarked stone recently accepted by plat and miscellaneous document bears N32°28' E 4.14' (see detail).

Corner 2 of the Rand is on "X" carved on in place rock as originally described.

Corner 3 of the Rand is a properly marked stone.

Corner 4 of the Rand falls in an embankment and was reestablished from witness tie an CLCR from corner 1 of the Ajax No. 1.

PRIVATE ACCESS & UTILITY EASEMENT NOTES

The existing 66' wide private access and utility easement (Bk 103 Pg 2902) does not close geometrically on the boundaries as reflected on the drawing. The easement shown herein is retraced from a tie to Corner 4 of the Rand Lode. Extension of the easement beyond the limits of geometric information does not imply closure or a guarantee of location.

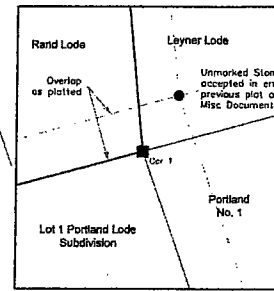
The 40' wide Private Access and Utility easement created by this plat is tied to the north and south boundaries of Lot 2. Annotations are to the centerline - and the sides are extended and shortened as necessary to terminate on the lot boundary or existing easement as applicable.

Private Access & Utility Easement Course Table

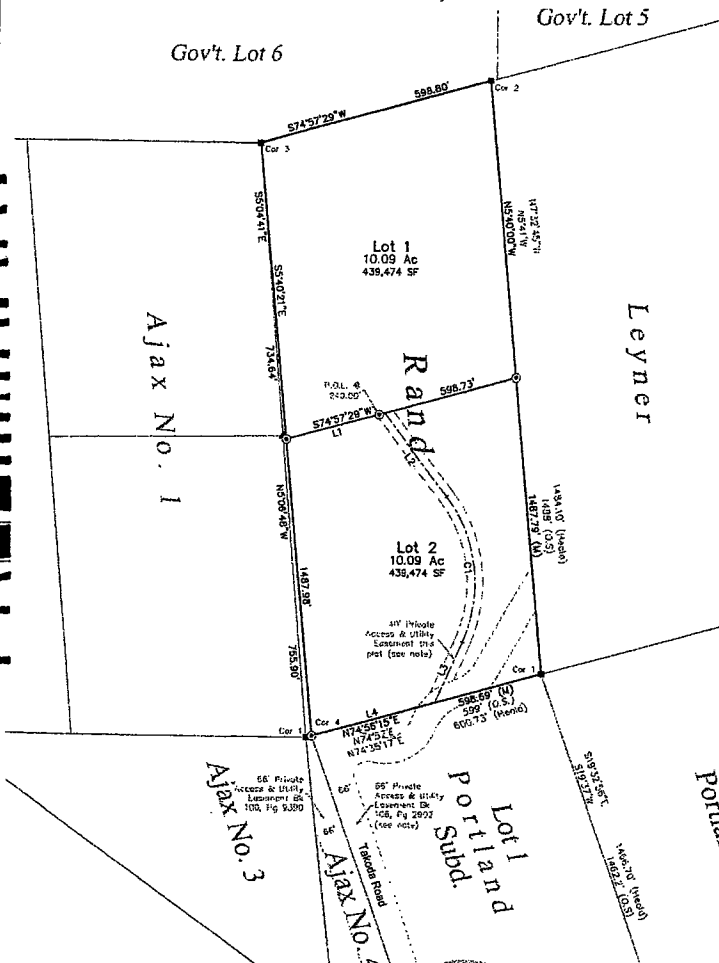
NUM	DELTA	ARC	RADIUS	BEARING	DISTANCE
C1	S17°29'29"W	385.31'	389.00'	S 6°50'58"E	357.18'

NUM	BEARING	DISTANCE
L1	N74°57'29"E	255.00'
L2	S37°30'42"E	261.62'
L3	S23°48'46"W	185.47'
L4	S74°56'19"W	320.00'

Gov't. Lot 8 Area of Detail



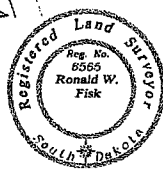
PRELIMINARY



CERTIFICATE OF SURVEYOR
 State of South Dakota County of Pennington §

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

In Witness Whereof, I have hereunto set my hand and official seal
 Dated this _____ day of _____, 20____.



Ronald W. Fisk
 Registered Land Surveyor No. 6565

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

I, Aaron L. Olson, Member of Olson Rental Properties LLC, do hereby certify that Olson Rental Properties LLC is the contract owner of the above described land, and that on its behalf, I did authorize and do hereby approve the survey and within plot of said land, and that development of this land shall conform to all existing applicable zoning, subdivision, and erosion and sediment control regulations.

Aaron L. Olson - Member, Olson Rental Properties LLC

On this _____ day of _____, 20____, before me, a Notary Public, personally appeared Aaron L. Olson, known to me to be the person described in the foregoing instrument and attesting to me that he is a Member of Olson Rental Properties LLC and acknowledged to me that he signed the same.

Notary Public _____

My Commission Expires _____

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

I, Harley D. Rounds, Trustee of The Harley D. Rounds Revocable Trust, do hereby certify that the Harley D. Rounds Revocable Trust is the owner of the above described land, and that on its behalf, I did authorize and do hereby approve the survey and within plot of said land, and that development of this land shall conform to all existing applicable zoning, subdivision, and erosion and sediment control regulations.

Harley D. Rounds, Trustee - The Harley D. Rounds Revocable Trust - Owner

On this _____ day of _____, 20____, before me, a Notary Public, personally appeared Harley D. Rounds, known to me to be the person described in the foregoing instrument and attesting to me that he is a Trustee of The Harley D. Rounds Revocable Trust and acknowledged to me that he signed the same.

Notary Public _____

My Commission Expires _____

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

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

Director of Equalization of Pennington County

Approves _____

Date _____

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

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

Dated this _____ day of _____, 20____.

Highway/Street Authority _____

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

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

Dated this _____ day of _____, 20____.

Treasurer of Pennington County _____

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

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

Pennington County Auditor / Deputy _____

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

Filed this _____ day of _____, 20____

Document Number _____

Register of Deeds of Pennington County _____