

**AGENDA**  
**PENNINGTON COUNTY PLANNING COMMISSION**

**August 26, 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 September 3, 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 AUGUST 12, 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 01-01:** Ursula Brackett. To review a mobile home park in a Suburban Residential District in accordance with Section 208-C-2 of the Pennington County Zoning Ordinance.

The North 175 feet and the West 250 feet of Lot D, Section 17, T2N, R7E, BHM, Pennington County, South Dakota.

To recommend to continue the review of Conditional Use Permit / CU 01-01 to no later than the October 28, 2019, Planning Commission meeting, in order for staff to meet with the landowner.

4. **CONDITIONAL USE PERMIT REVIEW / CU 15-14:** Darrell and Mary Harkin. To review a single-wide mobile home to be used as a permanent single-family residence in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

NE1/4; SW1/4SE1/4; E1/2SE1/4, Section 34, T1S, R7E, BHM, Pennington County, South Dakota.

To recommend to continue the review of Conditional Use Permit / CU 15-14 to the September 23, 2019, Planning Commission meeting to allow the applicant time to obtain a Building Permit for the existing double-wide mobile home.

5. **CONDITIONAL USE PERMIT REVIEW / CU 15-16:** Nick Hobart. To review a guest house on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

The W1/2W1/2NW1/4SE1/4, Section 16, T1S, R3E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 15-16 with four (4) conditions.

6. **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.

(Continued from the August 12, 2019, Planning Commission meeting.)

To recommend approval of the extension of Conditional Use Permit / CU 17-31 with seven (7) conditions.

7. **CONDITIONAL USE PERMIT REVIEW / CU 18-29:** Denny and Lea Henrikson. To review living in an existing shop building, while building single-family residence on the subject property in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot 10, Back Country Subdivision, Section 29, T1N, R9E, BHM, Pennington County, South Dakota.

To recommend to continue Conditional Use Permit / CU 18-29 to no later than the November 12, 2019, Planning Commission meeting.

8. **CONDITIONAL USE PERMIT REVIEW / CU 18-33:** Fatter Boys, Inc. / Bob Fuchs. To review three (3) internally illuminated signs within 1,500 feet of a residential zoning district/dwelling unit in a Highway Service District in accordance with Sections 210, 312, and 510 of the Pennington County Zoning Ordinance.

Lot 9, Spring Creek Palisades Subdivision, Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 18-33 with five (5) conditions.

9. **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.

(Continued from the August 12, 2019, Planning Commission meeting.)

To recommend to continue the review of Conditional Use Permit / CU 18-43 to the September 9, 2019, Planning Commission meeting with fourteen (14) conditions.

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

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

To recommend to continue the review of Conditional Use Permit / CU 19-07 to no later than the September 23, 2019, Planning Commission meeting, in order for staff to meet with the agent on site.

11. **PLANNED UNIT DEVELOPMENT REVIEW / PU 01-05:** William Anderson, Cliff and Billy Janis, and S-L Holdings LLC. To review an existing Planned Unit Development in accordance with Section 213 of the Pennington County Zoning Ordinance.

Tract 1 and Tract 2, of KWA Subdivision and NE1/4SE1/4 Less KWA Subdivision Less Lot H-1 of S1/2NE1/4SE1/4, all located in Section 1, T1N, R8E, BHM, Pennington County, South Dakota.

To recommend to continue the review of Planned Unit Development / PU 01-05 to no later than the October 28, 2019, Planning Commission meeting, in order for staff to meet with the landowner located within the Planned Unit Development.

12. **MINOR PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PU 17-06:** Coyote Blues Vintage Bed and Breakfast. To review the existing Planned Unit Development to allow the road to be constructed with a 12-foot-wide minimum surface area width and 4 inches of gravel; that a maximum of 10 bedrooms be utilized in the bed and breakfast establishment with a maximum occupancy of 24 persons at any one time; to remove Condition #13; and that the specific uses of this Planned Unit Development be for a resort development consisting of a 10 bedroom bed and breakfast and a residential development not exceeding 1 residence per 10 acres in accordance with Section 213 of the Pennington County Zoning Ordinance.

N1/2NW1/4SE1/4; SW1/4NW1/4SE1/4, Section 14, T1N, R5E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Minor Planned Unit Development Amendment / PU 17-06 with eleven (11) conditions.

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

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

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

To recommend to end Construction Permit / CP 18-01.

14. **CONSTRUCTION PERMIT REVIEW / CP 18-09:** Don and Karen Weber. To review placing fill and level an area for an existing project.

Lot 2, Block 2, Whispering Pines Subdivision, Section 32, T1N, R7E, BHM, Pennington County, South Dakota.

To recommend to end Construction Permit / CP 18-09.

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

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

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

To recommend approval of the extension of Construction Permit / CP 19-02 with twelve (12) conditions.

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

16. **CONDITIONAL USE PERMIT / CU 19-21:** Ryan and Dawn Loraas. To allow an existing residence to be used as a Vacation Home Rental in a Suburban Residential District in accordance with Sections 208, 319, and 510 of the Pennington County Zoning Ordinance.

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

17. CONDITIONAL USE PERMIT / CU 19-22: Michael and Soraya Pellan. To allow an existing residence to be used as a Vacation Home Rental in a Suburban Residential District in accordance with Sections 208, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 24R, Block B, Edelweiss Mountain Development Subdivision, Section 17, T1N, R5E, BHM, Pennington County, South Dakota.

18. REZONE / RZ 19-12 AND COMPREHENSIVE PLAN AMENDMENT / CA 19-12: Julie Benson Wilber. To rezone 4.606 acres from General Agriculture District to Low Density Residential District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Planned Unit Development Sensitive to Low Density Residential District in accordance with Sections 205, 207, and 508 of the Pennington County Zoning Ordinance.

Commencing at the northern most corner of Lot A of the NW1/4 of the SE1/4, common to a point on the Section 1/4 line and common to a point on the westerly edge of Nemo Road right-of-way, and the Point of Beginning. Thence, first course: S 19°26'20" E, along the easterly boundary of said Lot A, common to the westerly edge of said Nemo Road right-of-way, a distance of 647.91 feet; Thence, second course: along the easterly boundary of said Lot A, common to the westerly edge of said Nemo Road right-of way, on a curve turning to the left with an arc length of 177.10 feet, a delta angle of 31°45'43", a radius of 319.48 feet, a chord bearing of S35°19'12"E, and a chord length of 174.85 feet; Thence, third course: S 51°11'59" E, along the easterly boundary of said Lot A, common to the westerly edge of said Nemo Road right-of-way, a distance of 359.04 feet; Thence, fourth course: N 90°00'00" W, a distance of 587.31 feet, to a point on the westerly boundary of said Lot A, common to a point on the said Section 1/4 line; Thence, fifth course: N 00°32'23" W, along the westerly boundary of said Lot A, common to the said Section 1/4 line, a distance of 978.66 feet, to the said Point of Beginning. Said Parcel contains 4.606 acres more or less; Section 15, T2N, R6E, BHM, Pennington County, South Dakota; in accordance with Sections 205, 207, and 508 of the Pennington County Zoning Ordinance.

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

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

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

## **CONSTRUCTION PERMIT AGENDA**

20. CONSTRUCTION PERMIT / CP 19-11: Jeff and Marcia Spilker. To bring in fill and grade for a future residence and garage.

Lot 13, Whaley Subdivision, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

21. CONSTRUCTION PERMIT / CP 19-12: Site Work Specialists. To perform work to install a graveled access road to include common utility trench on the subject property.

W1/2NW1/4; SE1/4NW1/4, Section 8, T1N, R7E, BHM, Pennington County, South Dakota.

## **END OF CONSTRUCTION PERMIT AGENDA**

22. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the August 12, 2019, Planning Commission meeting.

23. ITEMS FROM THE PUBLIC

24. ITEMS FROM THE STAFF

- 1) Update - Comprehensive Process.
- 2) Update - 2020 Census Update.

25. ITEMS FROM THE MEMBERSHIP

26. ADJOURNMENT

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

**DRAFT MINUTES  
PENNINGTON COUNTY PLANNING COMMISSION  
August 12, 2019 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Administration Building

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

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

ROLL CALL

1. APPROVAL OF THE JULY 22, 2019, MINUTES  
**Moved by Lasseter and seconded by Runde to approve the Minutes of the July 22, 2019, Planning Commission meeting. Vote: unanimous 7 to 0.**

2. APPROVAL OF THE AGENDA  
**Moved by Runde and seconded by Rivers to approve the Agenda of the August 12, 2019, Planning Commission meeting. Vote: unanimous 7 to 0.**

**Moved by DiSanto and seconded by Lasseter to approve the Consent Agenda of the August 12, 2019, Planning Commission meeting, with the removal of Item #11. Vote: unanimous 7 to 0.**

**CONSENT AGENDA**

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

3. CONDITIONAL USE PERMIT REVIEW / CU 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 approve 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 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 has 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.

**Vote: unanimous 7 to 0.**

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 approve of the extension of 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;
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.

**Vote: unanimous 7 to 0.**

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

**Vote: unanimous 7 to 0.**

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

**Vote: unanimous 7 to 0.**

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

**Vote: unanimous 7 to 0.**

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 approve 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;**
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.**

**Vote: unanimous 7 to 0.**

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 approve 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;**
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.**

**Vote: unanimous 7 to 0.**

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 approve 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.**

**Vote: unanimous 7 to 0.**

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 approve 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.

**Vote: unanimous 7 to 0.**

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.**

**Vote: unanimous 7 to 0.**

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.**

**Vote: unanimous 7 to 0.**

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

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.

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

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

Discussion followed.

**Moved by DiSanto and seconded by Lasseter to continue the review of Conditional Use Permit / CU 18-43 to the August 26, 2019, meeting 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;**
- 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.

All voting aye, the Motion carried 7 to 0.

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.

Proietti reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow an existing single-family residence to be used as a Vacation Home Rental.

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

Discussion followed.

**Moved by DiSanto and seconded by Johnson to continue Conditional Use Permit / CU 19-18 to no later than the November 12, 2019, Planning Commission meeting, with the agent's concurrence.**

All voting aye, the Motion carried 7 to 0.

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.



Bolstad reviewed the Staff Report indicating the applicant has 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 19-20 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);
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;
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.

Discussion followed.

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

All voting aye, the Motion carried 7 to 0.

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.)

Molitor reviewed the Special Consideration to Trailwood Village Planned Unit Development indicating the applicant has applied 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.

Staff recommended 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.

Discussion followed.

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

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

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.

Molitor reviewed the Staff Report indicating the applicant have applied for a Layout Plat to combine lots to create Lot 18R of Gold Mountain Subdivision.

Staff recommended 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;
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.

Discussion followed.

**Moved by DiSanto and seconded by Johnson to approve 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;**
- 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.

All voting aye, the Motion carried 7 to 0.

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.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Layout Plat to create Lots 1 and 2 of Rand Lode Subdivision and to waive platting requirements.

Staff recommended approval of Subdivision Regulations Variance / SV 19-07 to waive submittal of the following platting requirements: (1.) Section 500.5, Table 1: road design standards for a Limited Agriculture District, turnarounds, and length of a dead-end road (Takoda Road); and, (2.) Section 500.5, 1a, 3a: the maximum number of lots an access easement shall serve in a Limited Agriculture District.

Staff recommended approval of Layout Plat / 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.

Discussion followed.

**Moved by Johnson and seconded by Runde to approve of Subdivision Regulations Variance / SV 19-07 to waive submittal of the following platting requirements: (1.) Section 500.5, Table 1: road design standards for a Limited Agriculture District, turnarounds, and length of a dead-end road (Takoda Road); and, (2.) Section 500.5, 1a, 3a: the maximum number of lots an access easement shall serve in a Limited Agriculture District.**

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

**Moved by Johnson and seconded by Lasseter to approve of Layout Plat / 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.**

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

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.

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

Staff recommended approval of Rezone / RZ 19-11 and Comprehensive Plan Amendment / CA 19-11.

Discussion followed.

**Moved by Lasseter and seconded by Johnson to approve of Rezone / RZ 19-11 and Comprehensive Plan Amendment / CA 19-11.**

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

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

No motions or actions were taken at this time.

23. ITEMS FROM THE STAFF

A. Building Permit Report. Bolstad reviewed the July 2019 Building Permit Report.

24. ITEMS FROM THE MEMBERSHIP

There were no items from the membership.

25. ADJOURNMENT

**Moved by Lasseter and seconded by Coleman to adjourn.**

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

**The meeting adjourned at 9:46 a.m.**

---

Rich Marsh, Chairperson

**STAFF REPORT**

GENERAL INFORMATION:

REQUEST:

**CONDITIONAL USE PERMIT REVIEW / CU 01-01:** To review a mobile home park in a Suburban Residential District in accordance with Section 208-C-2 of the Pennington County Zoning Ordinance.

LANDOWNER / APPLICANT: Ursula Brackett

LANDOWNER ADDRESS: 4729 Sturgis Road, Rapid City, SD 57702

LEGAL DESCRIPTION: N175 ft and the W250ft of Lot D, Section 17, T2N, R7E, BHM, Pennington County, South Dakota.

LOCATION: 4731 Sturgis Road; approximately ½ mile north of the intersection of Universal Drive and Sturgis Road.

SIZE: 3.8 acres

TAX ID: 14708

EXISTING LAND USE: Mobile Home Park

ZONING REFERENCE: Section 208-C-2

CURRENT ZONING: Suburban Residential District  
General Commercial District

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

PHYSICAL CHARACTERISTICS: Flat

UTILITIES: Private

REPORT BY: P.J. Conover

**PROPOSED RECOMMENDATION:** Staff will be recommending to continue the review of CU 01-01 to no later than the October 28, 2019, Planning Commission meeting to allow time for Staff and the landowner to meet onsite.

**GENERAL DESCRIPTION:** Conditional Use Permit / CU 01-01 to allow a mobile home park on the subject property was initially approved by the Pennington County Board of Commissioners on February 6, 2001, with fifteen (15) conditions. Since that time, CU 01-01 has been reviewed over ten (10) times, with the most recent review having been on October 23, 2017.

For the 2019 review of CU 01-01, Staff is having difficulty contacting the landowner to this new review and to discuss septic concerns identified by the City of Rapid City Public Works Department (the subject property is located within the City's Septic Jurisdiction).

An aerial of the subject property taken in 2018 is below.



**RECOMMENDATION:** Staff recommends to continue the review of CU 01-01 to no later than the October 28, 2019, Planning Commission meeting to allow time for Staff and the landowner to meet onsite.

**Legend**

**Roads**

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

**Section Lines 0-25k**

- 0
- 7

**Section Labels 0-25k**

**Tax Parcels**

**Lot Lines**

- <Null>
- Lot Line
- Parcel Line

**OtherCitieslargerscale**



1: 25,522



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:**



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

Agenda Item #4  
Darrell and Mary Harkin  
August 26, 2019

**STAFF REPORT**

**4**

GENERAL INFORMATION:

REQUEST: **CONDITIONAL USE PERMIT REVIEW / CU 15-14:** To review a single-wide mobile home to be used as a permanent single-family residence in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

APPLICANT/ OWNER: Darrell and Mary Harkin

APPLICANT ADDRESS: P.O. Box 140, Hermosa, SD 57744

LEGAL DESCRIPTION: The NE1/4; SW1/4SE1/4; E1/2SE1/4, Section 34, T1S, R7E, BHM, Pennington County, South Dakota.

SITE LOCATION: 13988 Murphy Road, approximately five (5) miles from the intersection of Murphy Road and U.S. Highway 79.

SIZE: 280 acres

TAX ID: 60096

EXISTING LAND USE: Residential/Agriculture

ZONING REFERENCE: §§ 205 and 510

CURRENT ZONING: General Agriculture District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Flat / Pasture land

UTILITIES: Private

REPORT BY: Cassie Bolstad

- I. PROPOSED RECOMMENDATION:** Staff will be recommending to continue the review of Conditional Use Permit / CU 15-14 to the September 23, 2019, Planning Commission meeting.

**II. GENERAL DESCRIPTION**

- A. August 10, 2015 – Planning Commission originally approved Conditional Use Permit / CU 15-14 to allow a single-wide mobile home to be used as a permanent single-family residence with the following eight (8) conditions:
1. That an approved Building Permit be obtained for the single-wide mobile home prior to placement or construction of the residence, which requires a site plan to be reviewed and approved by the Planning Director;
  2. That a Building Permit be obtained for any structure exceeding 144 square feet or located on a permanent foundation, which requires a site plan to be reviewed and approved by the Planning Director;
  3. That an address be assigned for the single-wide mobile home and that it be posted both on the individual structure and at the end of the driveway where it intersects Murphy Road, in accordance with Pennington County's Ordinance #20;
  4. That the minimum setback requirements of a General Agriculture District be continually maintained on the property;
  5. That the subject property remains free of debris and junk vehicles;
  6. That the single-wide mobile home installed on the property have a peaked, non-reflective type roof and wood or simulated wood-type siding that is continually maintained;
  7. That the applicant signs the Statement of Understanding within seven (7) business days of approval of Conditional Use Permit #15-14, 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 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 Agriculture District, minimum forty (40) acre lot size.
- B. 280 acres.
- C. Lot contains:
  1. Double-wide mobile home (DWMH) – no Building Permit on record.
    - i. It appears the DWMH replaced the previous single-wide mobile home and was installed sometime after 2017, according to aerial photos.
  2. On-Site Wastewater Treatment System – COSD15-0069.
- D. Access off of Murphy Road via an existing access.
- E. No Special Flood Hazard Area on the subject property.



Former Single-wide Mobile Home (2017)



Current Double-wide Mobile Home (2018)

#### IV. ANALYSIS

- A. August 22, 2016 – Planning Commission approved the extension of CU 15-14 with the following six (6) 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 (13988 Murphy Road) continue to be clearly posted on the single-wide mobile home and at the end of the driveway where it intersects Murphy Road, in accordance with Pennington County's Ordinance #20;
  3. That the minimum setback requirements of a General Agriculture District be continually maintained on the property;
  4. That the subject property continually remains free of debris and junk vehicles, in accordance with Pennington County's Ordinance #106;
  5. That the single-wide mobile home installed on the property continually have a peaked, non-reflective type roof and wood or simulated wood-type siding that is continually maintained; and,
  6. That this Conditional Use Permit be reviewed in three (3) years, on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.
- B. August 17, 2015 – Building Permit / COBP15-0414 was approved for a 14' x 80' single-wide mobile home (SWMH) on the subject property.

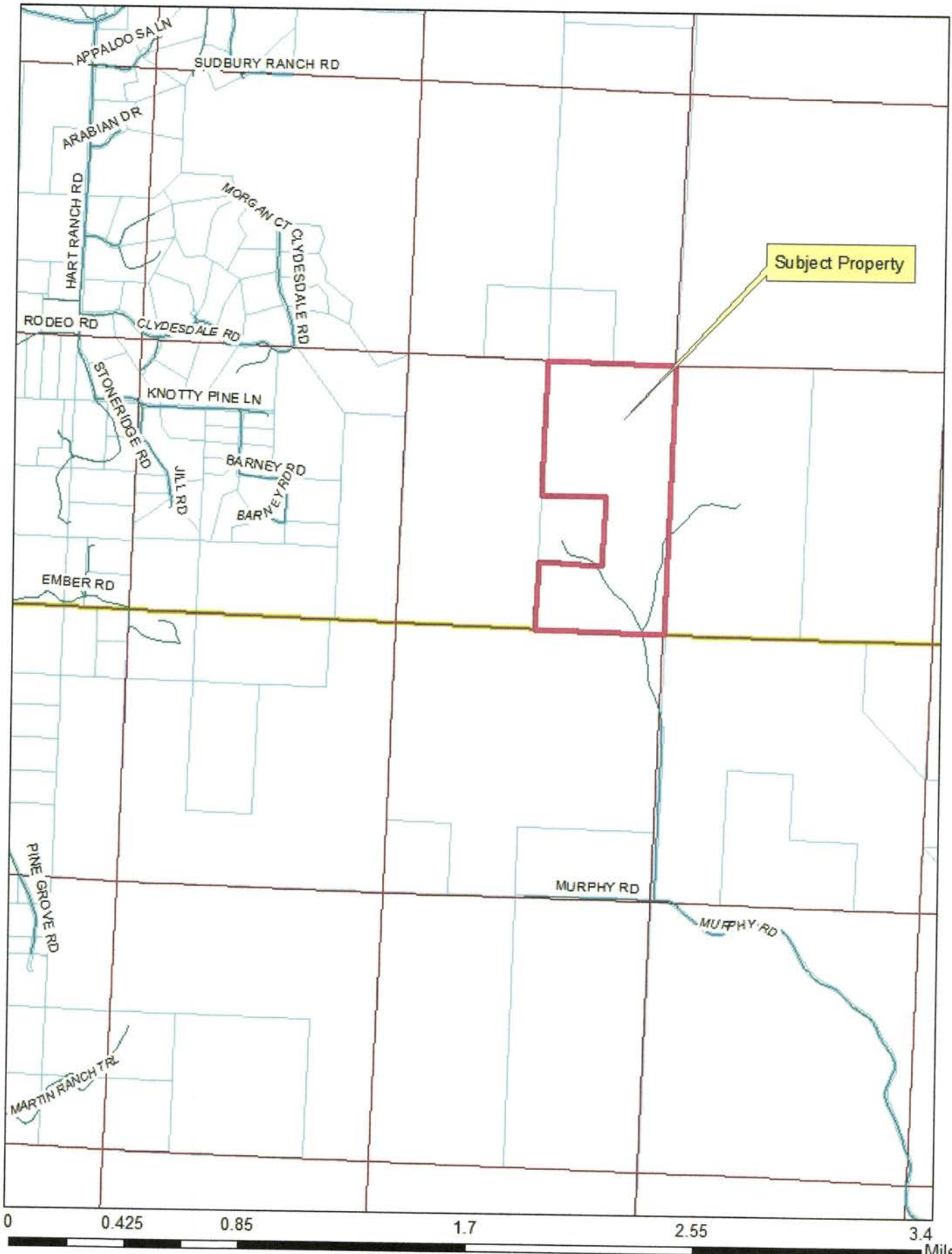


Agenda Item #4  
Darrell and Mary Harkin  
August 26, 2019

- C. June 29, 2017 – Building Permit / COBP17-0372 was approved to remove the above-referenced SWMH from the subject property.
- D. It appears the SWMH was then replaced by a double-wide mobile home (DWMH); however, no Building Permit was obtained for the DWMH.
  - 1. A Building Permit, with applicable penalty fees, must be obtained for the DWMH.
- E. Once a Building Permit is obtained for the DWMH, Conditional Use Permit / CU 15-14 can end, as it will no longer be required.
- F. August 19, 2019 – Staff sent a letter to the property owner stating that a Building Permit must be obtained for the existing DWMH.

**RECOMMENDATION:** Staff recommends to continue the review of Conditional Use Permit / CU 15-14 to the September 23, 2019, Planning Commission meeting to allow the applicant time to obtain a Building Permit for the existing double-wide mobile home.

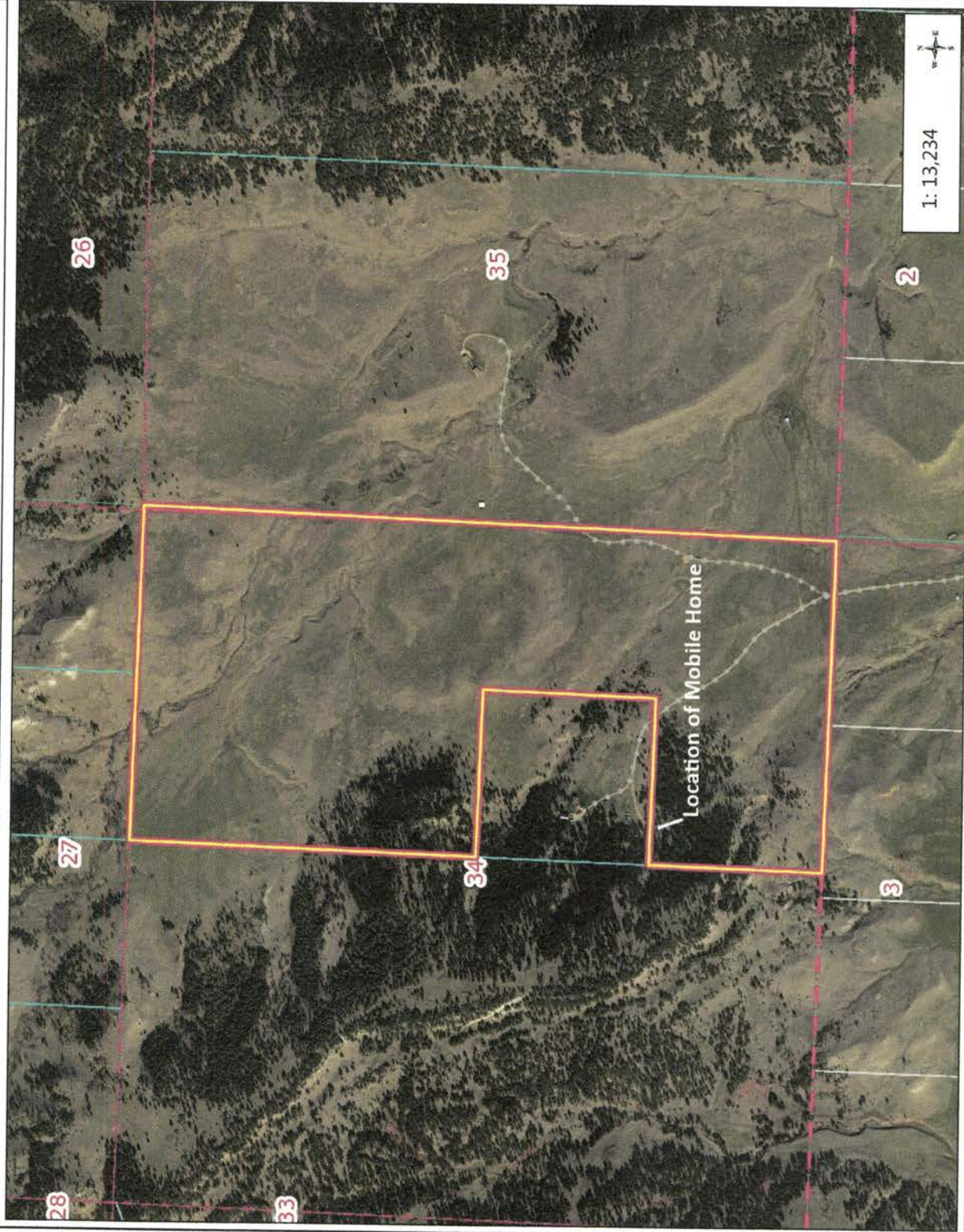
# HARKIN



Subject Property



0 0.425 0.85 1.7 2.55 3.4 Miles



1: 13,234



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

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

**Legend**

- Roads**
- Interstate
  - US highway
  - SD highway
  - County highway
  - Main road
  - Minor arterial
  - Collector
  - Ramp
  - Paved road
  - Unpaved road
  - Trail
  - Driveway
  - Alley
  - Unimproved road
  - Airport Runway
  - Not yet coded
- 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 15-16: To review a Guest House on the subject property in a General Agriculture District in accordance with Sections 204, 205 and 510 of the Pennington County Zoning Ordinance.

APPLICANT/ OWNER: Nicholas Hobart

APPLICANT ADDRESS: 11475 Gillette Prairie Road, Hill City, SD 57745

LEGAL DESCRIPTION: The W1/2W1/2NW1/4SE1/4, Section 16, T1S, R3E, BHM, Pennington County, South Dakota.

SITE LOCATION: 11477 Gillette Prairie Road

SIZE: 10.00 acres

TAX ID: 58898

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: Flat

UTILITIES: Private

REPORT BY: Kristina Proietti

**I. PROPOSED RECOMMENDATION**

- A. Staff will be recommending approval of the extension of Conditional Use Permit / CU 15-16 with four (4) conditions.

**II. GENERAL DESCRIPTION**

- A. July 12, 2015, the applicant, Nick Hobart, requested a Conditional Use Permit to allow for a 16' X 24' cabin to be utilized as a guest house on the subject property.
- B. August 24, 2015, Planning Commission approved Conditional Use Permit / CU 15-16 with the following six (6) conditions:
1. That the lot address assigned for the Guest House be posted so it is clearly visible from Gillette Prairie Road in accordance with Pennington County Ordinance #20;
  2. That the applicant file a deed restriction at the Register of Deeds stating the regulations applicable to the Guest House, including that the Guest House shall not be separately rented or leased from the main residence, in accordance with Section 318-B-13 of the Zoning Ordinance;
  3. That the Guest House be utilized and maintained in accordance with the requirements of Section 318 of the Zoning Ordinance, including the Guest House may not be used more than 180 days per calendar year and the primary dwelling must be continually classified as owner-occupied by the Department of Equalization;
  4. That the existing On-Site Wastewater Treatment System be pumped and inspected and re-filled with water to check the integrity of the tank and obtain an Operating Permit prior to a Building Permit being issued;
  5. That the applicant signs the Statement of Understanding within seven (7) business days of approval of Conditional Use Permit# 15-16, which is available at the Planning Office; and,
  6. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.
- C. Staff has removed Conditions #2, #4, and #5 because they had been met.
- D. August 22, 2016, Planning Commission approved the extension of Conditional Use Permit / CU 15-16 with the following four (4) conditions:
1. That the lot address (11479 Gillette Prairie Road) assigned for the Guest House be continually posted on the residence and at the end of the driveway, so it is clearly visible from Gillette Prairie Road in accordance with Pennington County Ordinance #20;
  2. That the Guest House continually be utilized and maintained in accordance with the requirements of Pennington County Zoning Ordinance Section 318;

3. That if the Guest House is not used in accordance with Section 318, this Conditional Use Permit will be automatically revoked; and,
4. That this Conditional Use Permit be reviewed in three (3) years, 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 Agriculture District [minimum forty (40) acre lot size].
- B. 10 acres.
  1. Variance / VA 04-37 to reduce the minimum required lot size in General Agriculture District from forty (40) acres to ten (10) acres.
- C. Access taken off of Gillette Prairie Road.
- D. Single-family residence, County Building Permit (COBP) / 2003COBP0762.
  1. Onsite Wastewater Treatment System Operating Permit / COOP15-0324.
- E. 16' x 24' cabin, / COBP15-0470.
  1. Onsite Wastewater Treatment System Operating Permit / COOP14-0676.
- F. Several ranch outbuildings.
  1. Confinement barn (62' x 24') – built in 1979 per Department of Equalization (DOE) records.
  2. Steel grain bin – built in 1960 per DOE records.
  3. Several small sheds (under 144 square feet and not permanently anchored to the ground, no building permits required).
  4. Pole Barn (35' x 40') (not assessed by DOE, and is falling down).

### IV. ANALYSIS

- A. The applicant, Nicholas Hobart, lives on the subject property with his wife. The Guest House is for family to stay in when they are visiting.
- B. August 14, 2019, staff performed a site visit to the subject property and found the site to be in compliance and meeting all of the Conditions of Approval.



Staff site photo of Guest House, 8/14/2019.

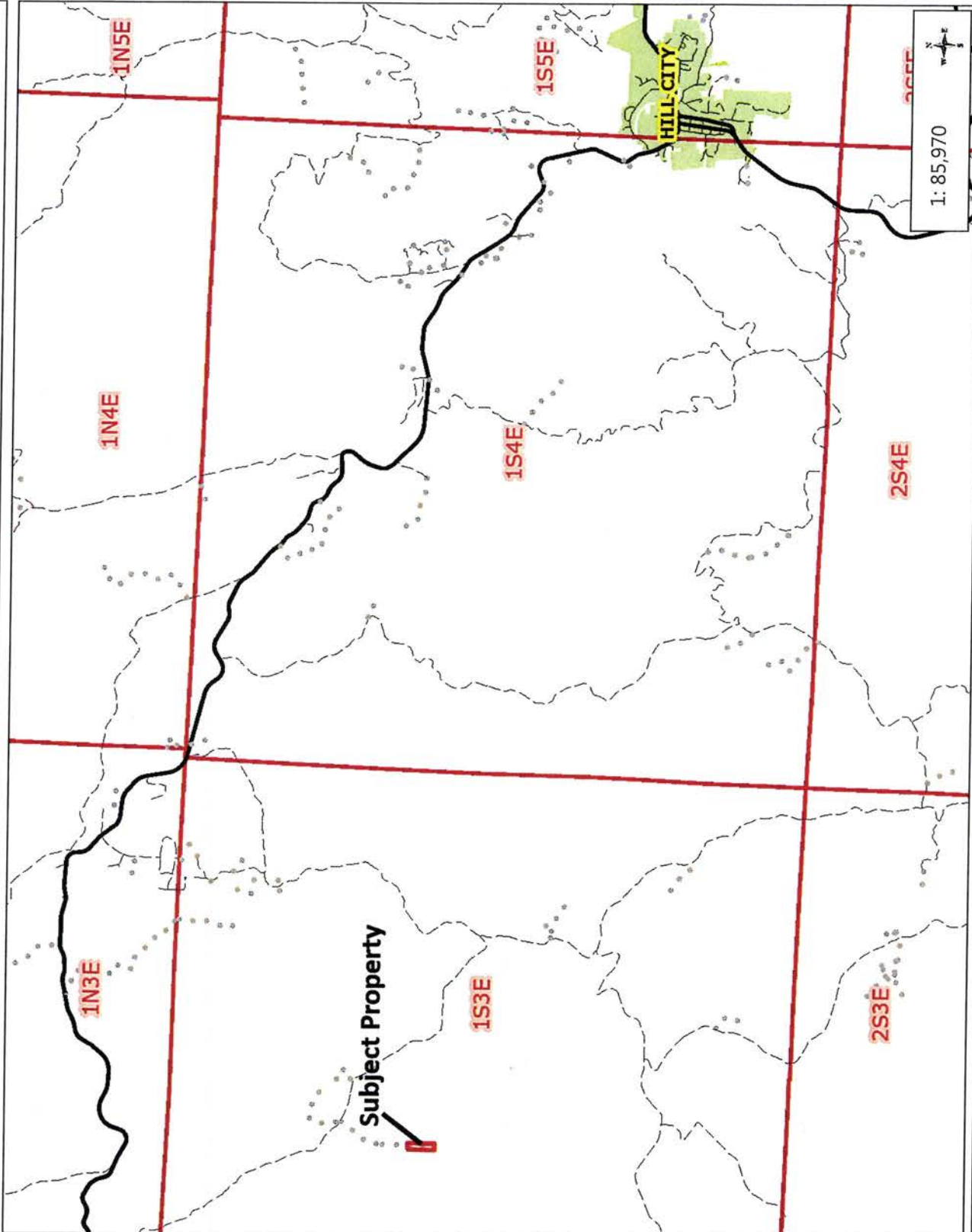
**RECOMMENDATION:** Staff recommends approval of the extension of Conditional Use Permit / CU 15-16 with the following four (4) conditions:

1. That the lot address (11479 Gillette Prairie Road) assigned for the Guest House be continually posted on the residence and at the end of the driveway, so it is clearly visible from Gillette Prairie Road in accordance with Pennington County Ordinance #20;
2. That the Guest House continually be utilized and maintained in accordance with the requirements of Pennington County Zoning Ordinance Section 318;
3. That if the Guest House is not used in accordance with Section 318, this Conditional Use Permit will be automatically revoked; and,
4. That this Conditional Use Permit be reviewed in five (5) years, 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.

**Legend**

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

**Map Notes:**



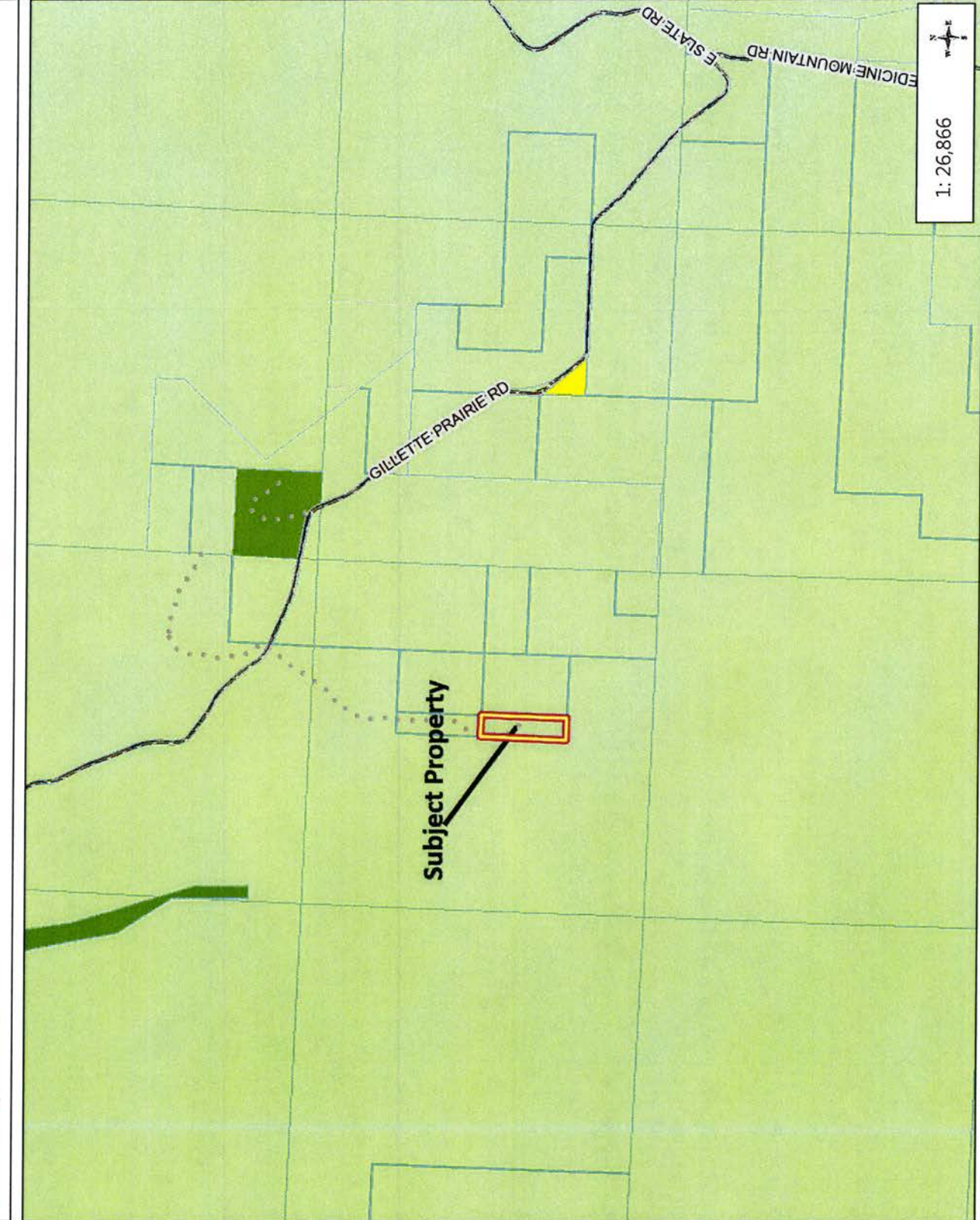
This map is a user generated static output from an internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

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

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





1: 26,866

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

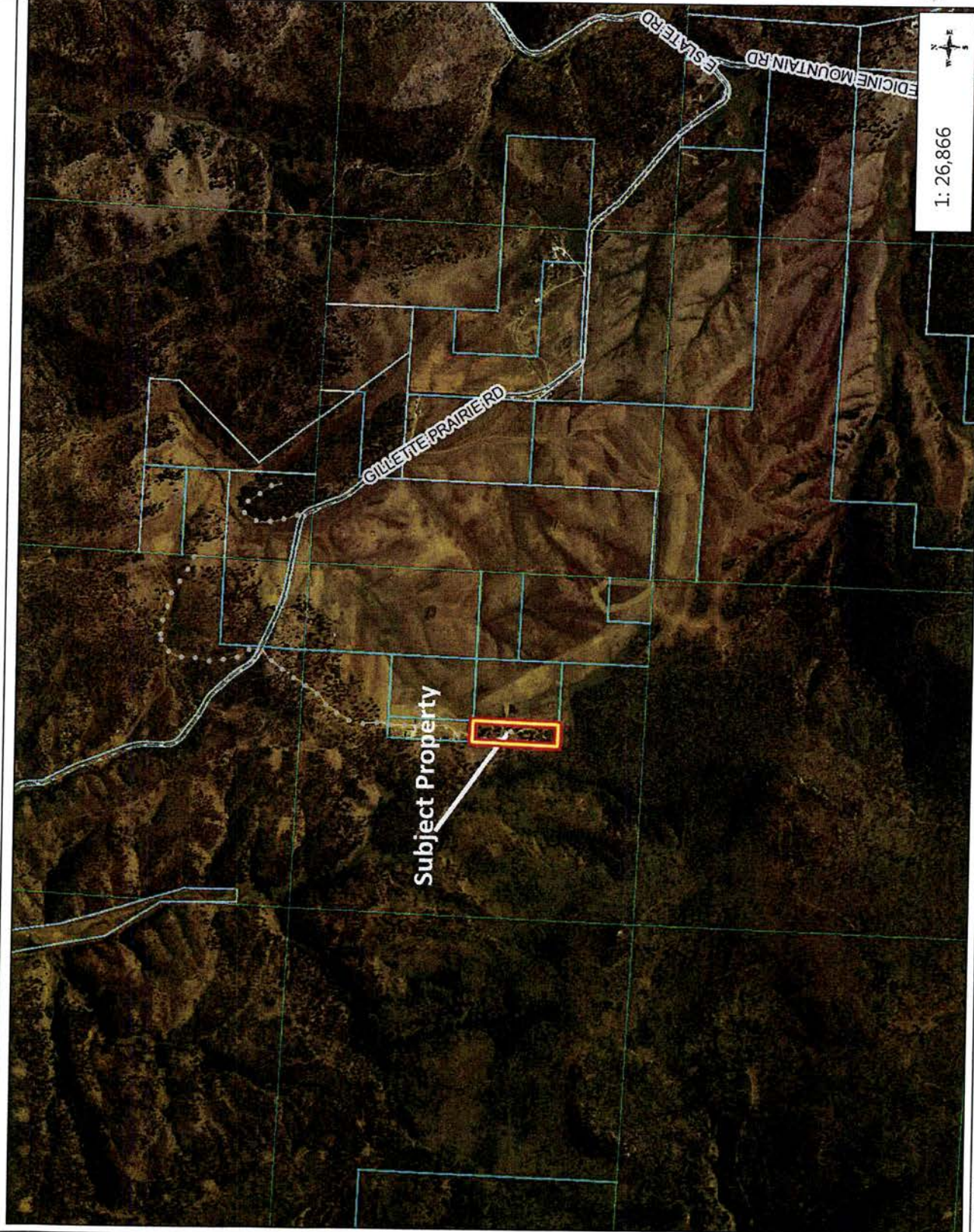
4,477.6 0 2,238.81 4,477.6 Feet

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

**Map Notes:**



4,477.6

0 2,238.81

4,477.6 Feet

1: 26,866



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

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

### Legend

#### Roads

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

#### Section Lines 0-25k

- 0
- 7

#### Section Labels 0-25k

- Tax Parcels

#### Lot Lines

- <Null>
- Lot Line
- Parcel Line

#### Other Cities/largerscale

### Map Notes:

Agenda Item #6  
Jack Andersen  
August 26, 2019

6

**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 approve the extension of Conditional Use Permit / CU 17-31 with seven (7) conditions.

**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.
- C. August 12, 2019 – the Planning Commission continued the review of Conditional Use Permit / CU 17-31 to the August 26, 2019, Planning Commission meeting.

**III. EXISTING CONDITIONS**

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

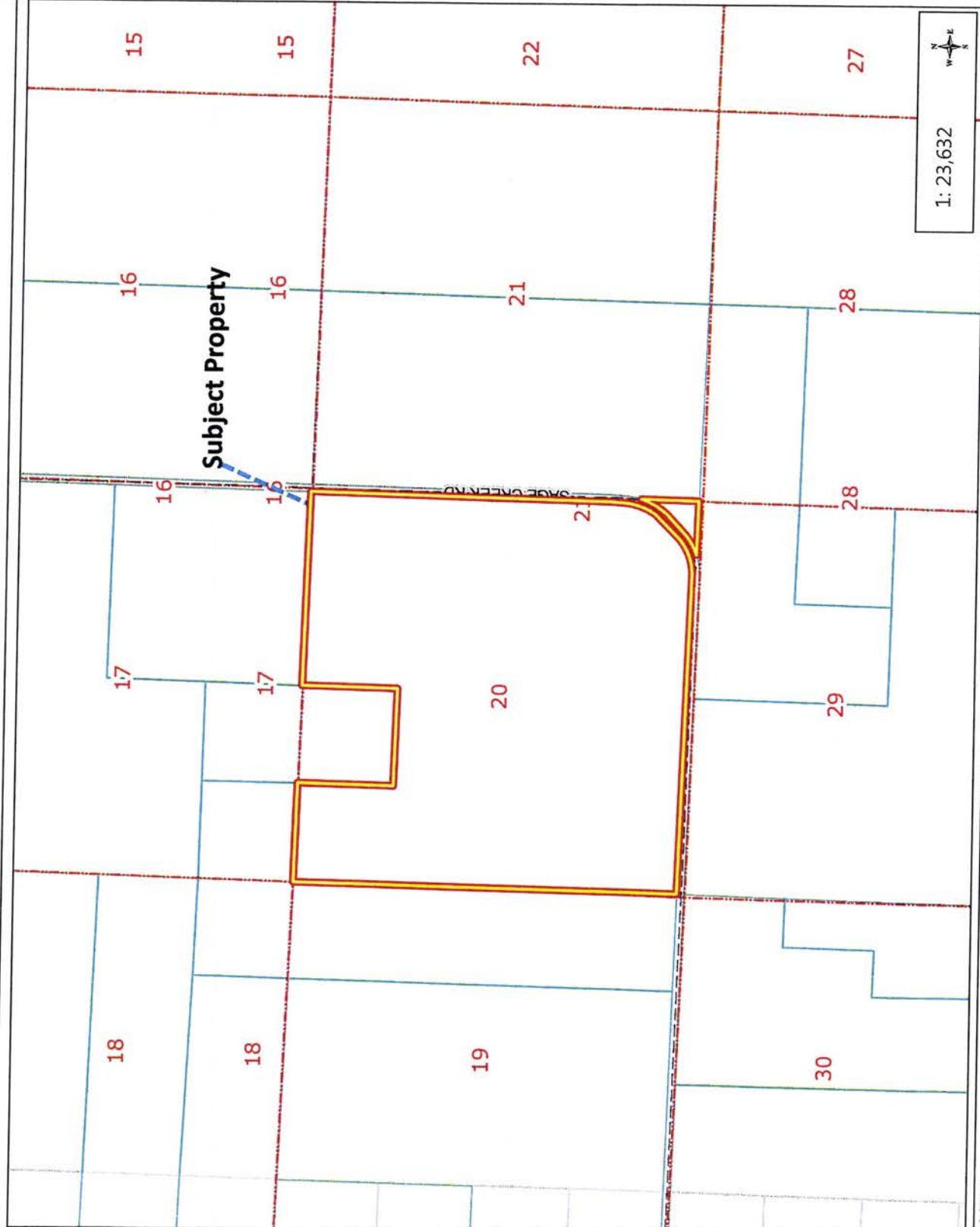
- C. Lot contains:
1. Single-family residence with attached decks and entryway, finished basement, mudroom and garage – 1997COBP0334, 2001COBP0296, 2001COBP0297, and COBP17-0387.
    - a. 40' x 88' Pole Barn – COBP17-0385.
    - b. 40' x 30' Shop – COBP17-0386.
    - c. Double wide mobile home – COBP17-0520.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

#### IV. ANALYSIS

- A. August 17, 2019 – the applicant, Jack Anderson, provide staff a updated doctors note stating that care is still needed for him and his wife.
- B. It appears to staff that all conditions of approval are being met.

**RECOMMENDATION:** Staff recommends to approve the extension of Conditional Use Permit / CU 17-31 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 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 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 and Sandra 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; and,
7. That this Conditional Use Permit be reviewed in two (2) years, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.



**Subject Property**



1: 23,632

3,938.6 Feet

1,969.32

0

3,938.6

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.  
© City of Rapid City GIS  
THIS MAP IS NOT TO BE USED FOR NAVIGATION

**Legend**

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

**Section Lines 0-25k**

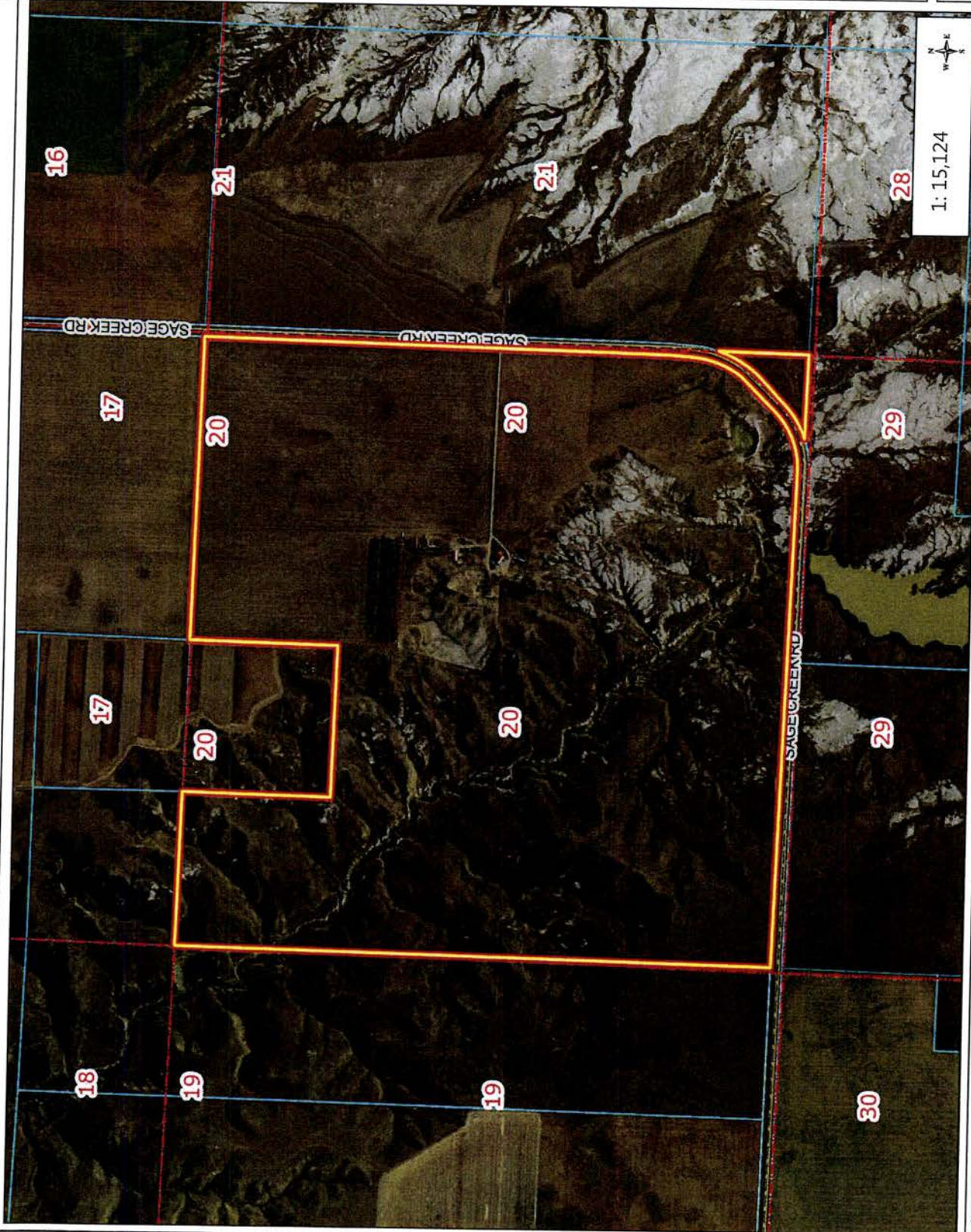
- 0
- 7

**Tax Parcels**

**Lot Lines**

- <Null>
- Lot Line
- Parcel Line

**Map Notes:**



1: 15,124



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

**Legend**

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

**Section Lines 0-25k**

- 0
- 7

**Tax Parcels**

**Lot Lines**

- <Null>
- Lot Line
- Parcel Line

**Map Notes:**

**STAFF REPORT**

GENERAL INFORMATION:

REQUEST: CONDITIONAL USE PERMIT REVIEW / CU 18-29: To review living in an existing shop building, while a new single-family residence is under construction on the subject property in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

APPLICANT: Denny and Lea Henrikson

APPLICANT ADDRESS: 8651 Morris Lane, Rapid City, SD 57703.

LEGAL DESCRIPTION: Lot 10, Back Country Subdivision, Section 29, T1N, R9E, BHM, Pennington County, South Dakota.

SITE LOCATION: 14946 Back Country Trail; intersection of Bradsky Road and Back Country Trail, located near the end of Back Country Trail.

SIZE: 3.01 acres

TAX ID: 55530

EXISTING LAND USE: Residential

ZONING REFERENCE: Section 207 and 510

CURRENT ZONING: Low Density Residential District

SURROUNDING ZONING:

|       |                         |
|-------|-------------------------|
| North | Low Density Residential |
| South | Low Density Residential |
| East  | Low Density Residential |
| West  | Low Density Residential |

PHYSICAL CHARACTERISTICS: Flat / Open Meadow

UTILITIES: Private

REPORT BY: Kristina Proietti



**I. PROPOSED RECOMMENDATION**

Staff will be recommending to continue Conditional Use Permit / CU 18-29 to no later than the November 12, 2019, Planning Commission meeting.

**II. GENERAL DESCRIPTION**

A. On August 13, 2018, the Planning Commission approved Conditional Use Permit / CU 18-29 with the following nine (9) conditions:

1. That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
2. That the address is clearly posted on the residence and at the driveway so that it is visible from both directions of Back Country Trail, in accordance with Pennington County's Ordinance #20;
3. That the subject property not contain more than one (1) residential structure (i.e. single-family residence or living quarters);
4. That the minimum setback requirements of a Low Density Residential District be continually maintained on the property or the appropriate Setback Variance(s) be obtained;
5. That an onsite wastewater treatment system is installed and connected to the temporary living quarters, prior to occupancy, and, once the single-family residence is constructed and habitable, the onsite wastewater treatment system is connected to the residence and disconnected from the temporary living quarters;
6. That the temporary living quarters is removed from the shop building once the single-family residence is habitable;
7. That the subject property remains free of debris and junk vehicles;
8. That the applicant signs the Statement of Understanding at the Planning Office within ten (10) business days of approval of Conditional Use Permit / CU 18-29; and,
9. 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.

B. Staff recommends removing Condition #8 as it has been met.

**III. EXISTING CONDITIONS**

- A. Zoned Low Density Residential District.
- B. 3.01 acres.
- C. Access off of Back Country Trail.
  1. Located in the Back Country Road District.
- D. Lot contains:
  1. 18' x 25' Storage Shed, County Building Permit (COBP) / COBP16-0568.

Agenda Item #7  
Denny and Lea Henrikson  
August 26, 2019

2. 30' x 40' Shop Building, COBP / COBP15-0632
3. A Building Permit for a single-family residence was approved on December 17, 2015 and extended on December 16, 2017.
  - a. Onsite Wastewater Operating Construction Permit / COSD15-0130.
  - b. Onsite Wastewater Operating Permit / COOP19-0286.
- E. There is Special Flood Hazard Area on the subject property.



Staff photo of site location, 8/15/2019.

**IV. ANALYSIS**

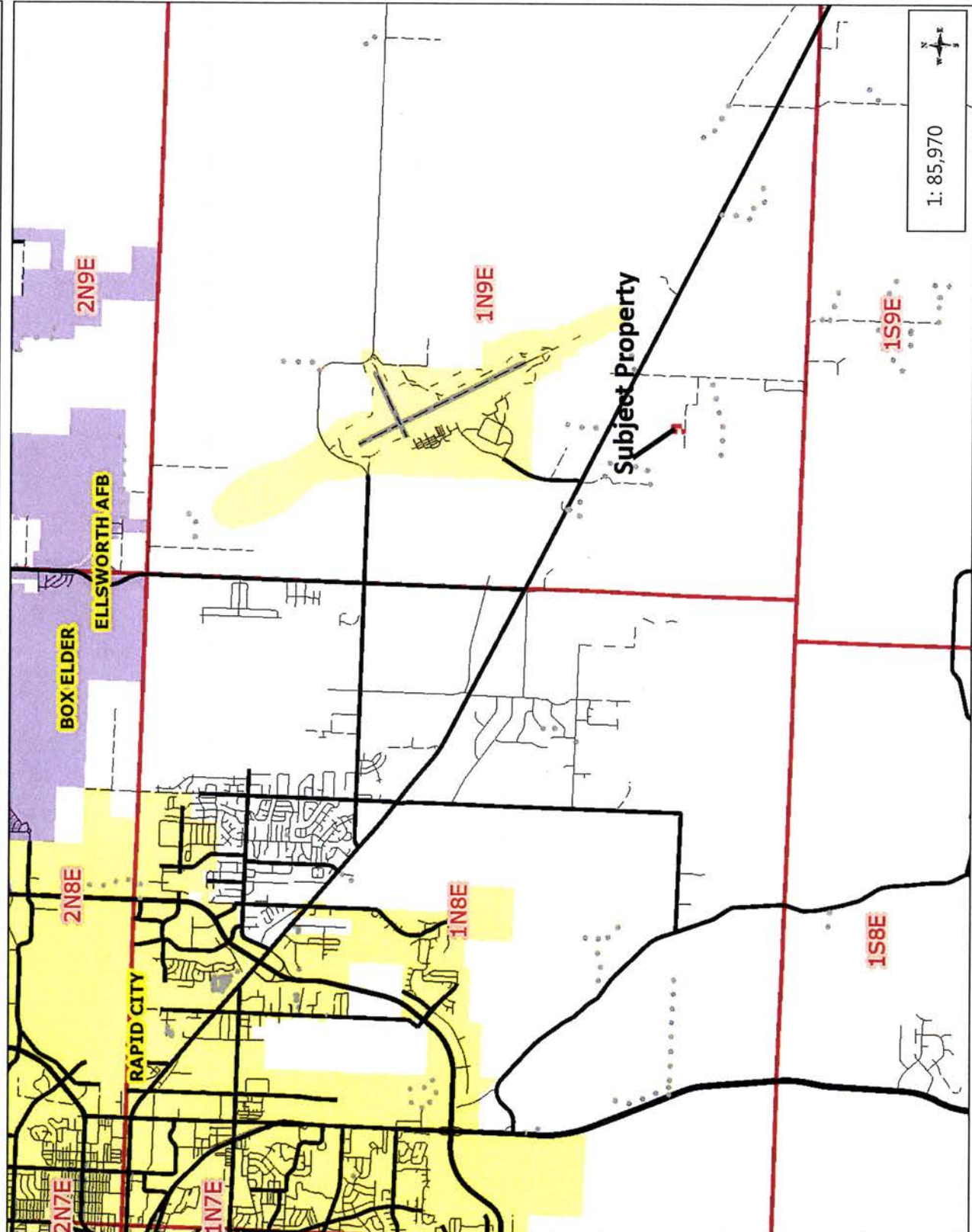
- A. July 18, 2018 – The applicant, John Sabo, submitted an application for a Conditional Use Permit requesting to live in a shop building, while building a single-family residence.
- B. August 14, 2019, staff contacted Mr. Sabo regarding the upcoming Conditional Use Permit Review, and Mr. Sabo stated that he had sold the property.
- C. August 15, 2019, staff spoke with the new property owner via phone, Denny Henrikson, who stated that the shop will not contain living quarters, and that he would not be living in the shop.
- D. August 15, 2019, staff performed a site visit to the subject property and met with Mr. Henrikson who was working on finishing the interior of the structure. Mr. Henrickson stated that he does not know what the structures intended use will be; therefore, staff recommends to continue the review of this Conditional Use Permit to allow time for Mr. Henrikson to inform the Planning and Zoning Department what his plans are for the structure that he is currently working on.

**RECOMMENDATION:** Staff recommends to continue Conditional Use Permit / CU 18-29 to no later than the November 12, 2019, Planning Commission meeting.

**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:**



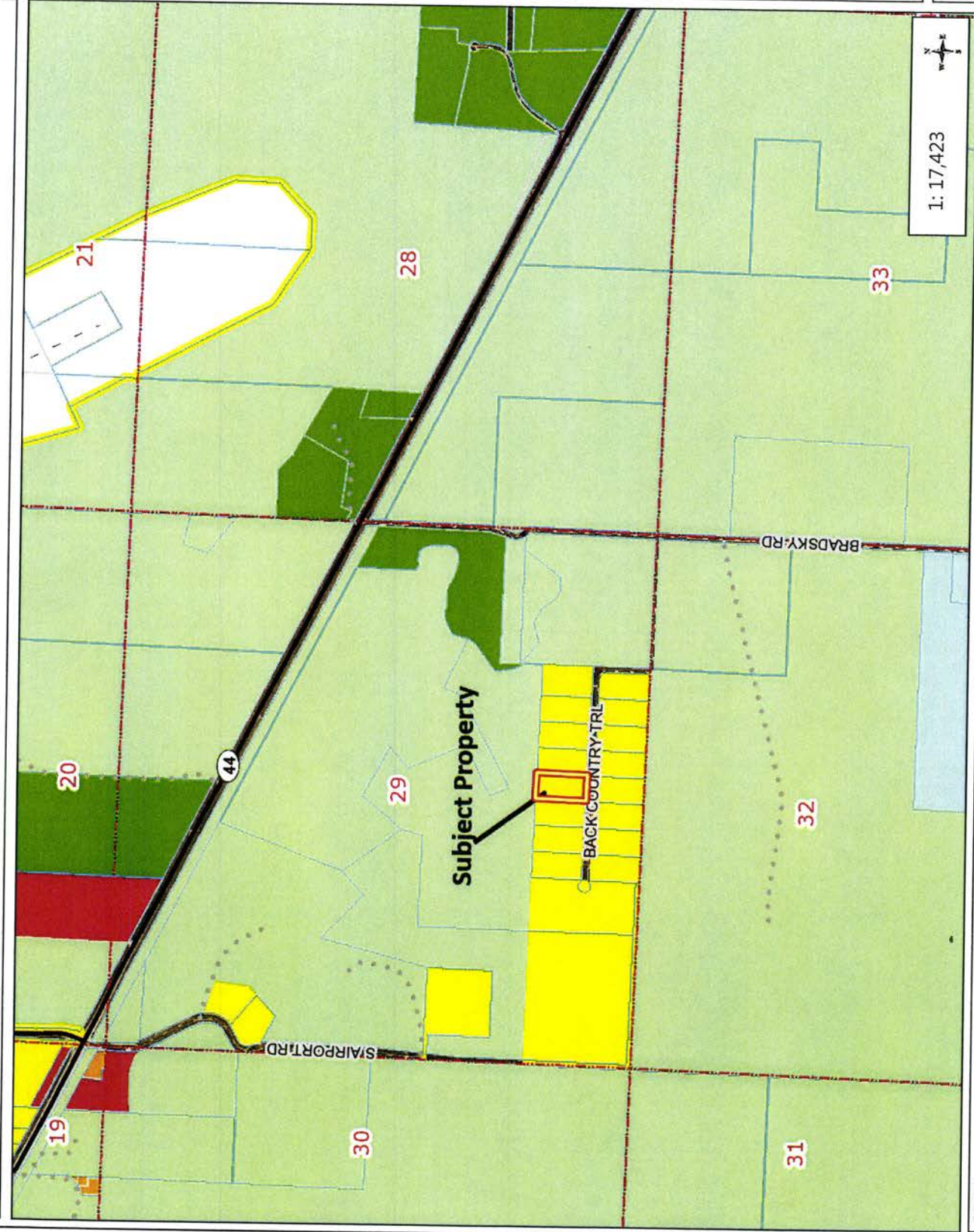
1: 85,970

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

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



1: 17,423

2,903.8  
0 1,451.90 2,903.8 Feet  
NAD\_1983\_StatePlane\_South\_Dakota\_South\_FIPS\_4002\_Feet  
© City of Rapid City GIS

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

**Legend**

**Roads**

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

**Section Lines 0-25k**

- 0
- 7

**Tax Parcels**

**Lot Lines**

- <Null>
- Lot Line
- Parcel Line

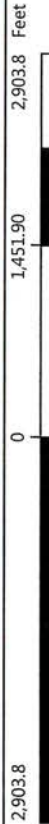
**Pennington County Zoning**

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

**Map Notes:**



1: 17,423



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

**Map Notes:**

**Legend**

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

**STAFF REPORT**

GENERAL INFORMATION:

REQUEST: CONDITIONAL USE PERMIT REVIEW / CU 18-33: To review three (3) illuminated signs within 1,500 feet of a residential zoning district/dwelling unit in a Highway Service District in accordance with Sections 210, 312, and 510 of the Pennington County Zoning Ordinance.

APPLICANT/AGENT: Fatter Boys, Inc. / Bob Fuchs

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

LEGAL DESCRIPTION: Lot 9, Spring Creek Palisades Subdivision, Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

SITE LOCATION: 23858 Highway 385; approximately one mile west of Three Forks (the intersection of Highway 385 and S. Highway 16).

SIZE: 1.62 acres

TAX ID: 9115

EXISTING LAND USE: Commercial

ZONING REFERENCE: §§ 210, 312, and 510

CURRENT ZONING: Highway Service District

SURROUNDING ZONING:

|       |                              |
|-------|------------------------------|
| North | Highway Service District     |
| South | Limited Agriculture District |
| East  | Limited Agriculture District |
| West  | Highway Service 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 18-33 with five (5) conditions.

**II. GENERAL DESCRIPTION**

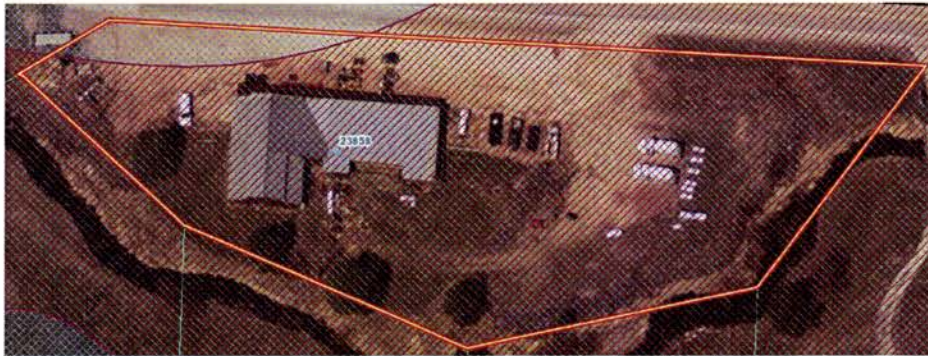
- A. August 27, 2018 – The Planning Commission approved of Conditional Use Permit / CU 18-33 with the following seven (7) conditions:
  - 1. That all lighting be installed and maintained so as to minimize spillage of light outside of each sign face so as not to create a nuisance and the signs must be effectively shielded to prevent beams or rays from being directed toward any portion of the roadways, and must not be of such intensity or brilliance to cause glare or impair the vision of the driver of any motor vehicle, or otherwise interfere with any driver’s operation of a motor vehicle;
  - 2. That an approved Floodplain Development Permit is obtained prior to any disturbance within the Special Flood Hazard Area located on the subject property;
  - 3. That the applicant update the approved Sign Permits from “unlighted” to “lighted” prior to any work being done to illuminate the signs;
  - 4. That the signs continually conform to all regulations in § 312 of the Pennington County Zoning Ordinance;
  - 5. That the signs be maintained so as to have an aesthetically pleasing appearance at all times and not appear dilapidated;
  - 6. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 18-33, which is available at the Planning Office; and,
  - 7. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditionals of Approval are being met.

**III. EXISTING CONDITIONS**

- A. Zoned Highway Service District.
- B. 1.62 acres.
- C. Access off of Highway 385.
- D. Special Flood Hazard Area on the subject property, including Floodway – Image 1.



Agenda Item #8  
Fatter Boys, Inc.; Bob Fuchs - Agent  
August 26, 2019



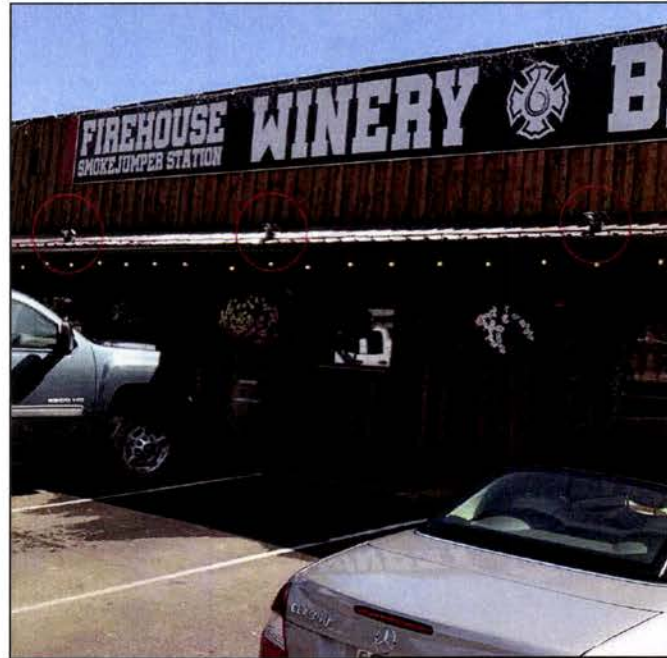
*Image 1, Rapid Map, 2018*

- E. Lot contains:
1. Retail store / restaurant – built in 1947, per Department of Equalization (DOE) records.
    - a. 10' x 27' finished bathroom – COBP18-0386.
  2. Temporary tent for seasonal use – COBP18-0460.
  3. Airplane on a pole – COSP18-0030.
  4. Seven (7) wall mounted signs – COSP18-0016, COSP18-0017, COSP18-0018, COSP18-0019, COSP18-0020, COSP18-0021 and COSP18-0022.
    - a. These seven (7) signs were combined to form the three (3) signs that the applicant has illuminated.

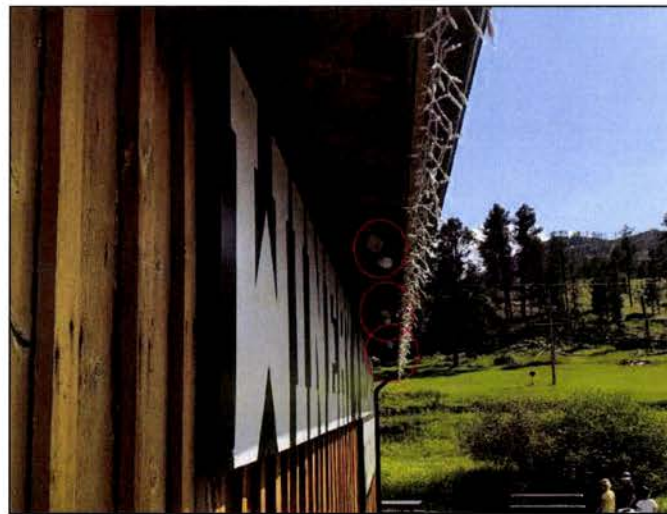
#### **IV. ANALYSIS**

- A. August 14, 2019 – Staff performed a site visit and validated all Conditions of Approval were being met.
1. Staff administratively updated the approved Sign Permits from “unlighted” to “lighted”, therefore satisfying Condition # 3.
  2. Condition # 6 was removed as it had been fulfilled.

Agenda Item #8  
Fatter Boys, Inc.; Bob Fuchs - Agent  
August 26, 2019

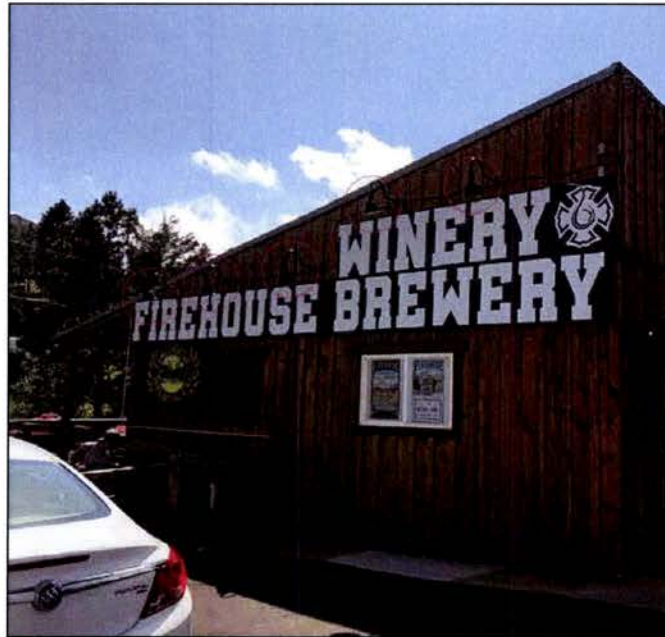


*Site Visit, 8.14.19*



*Site Visit, 8.14.19*

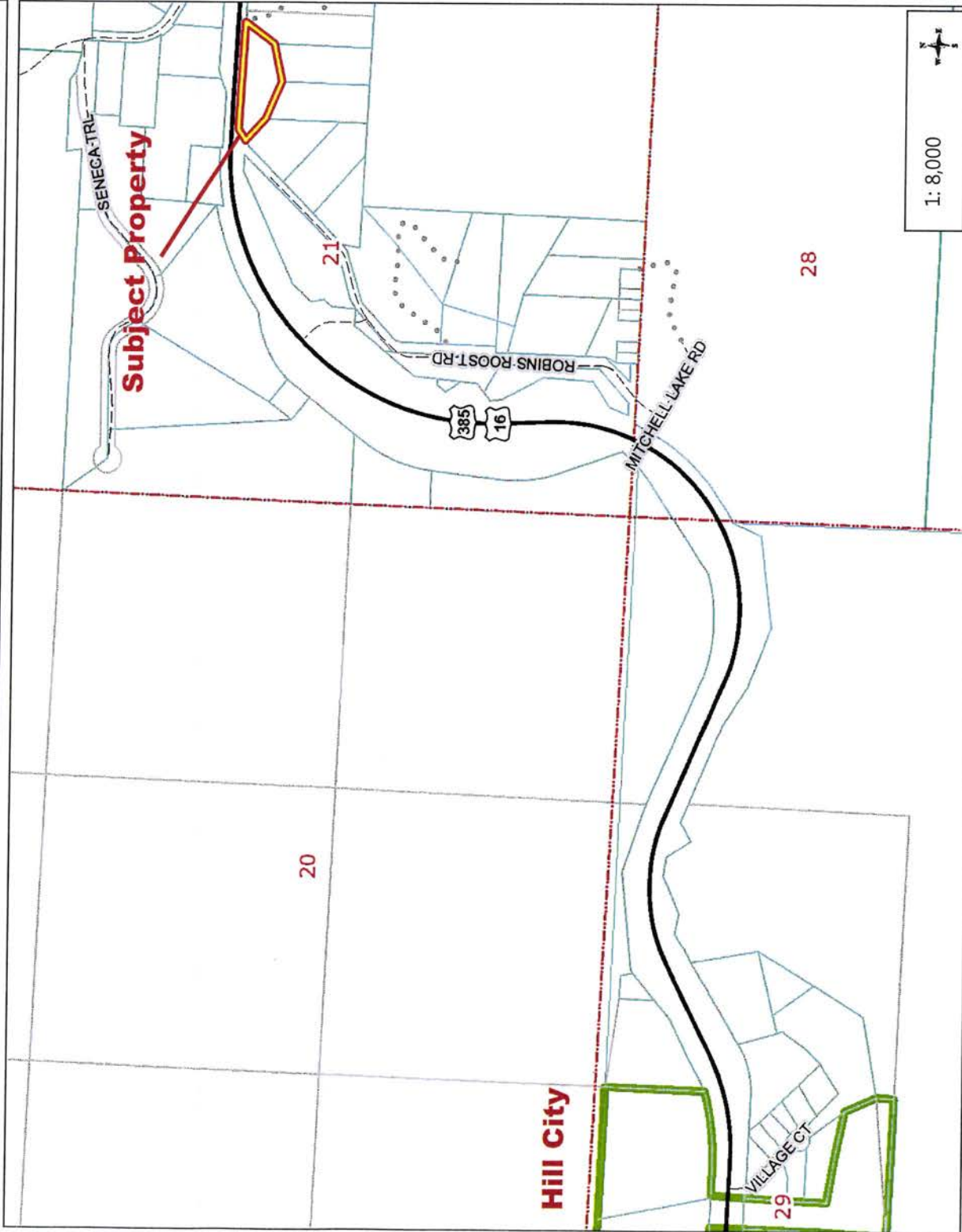
Agenda Item #8  
Fatter Boys, Inc.; Bob Fuchs - Agent  
August 26, 2019



*Site Visit, 8.14.19*

**RECOMMENDATION:** Staff recommends approval of the extension of Conditional Use Permit / CU 18-33 with the following five (5) conditions:

1. That all lighting continue to be installed and maintained so as to minimize spillage of light outside of each sign face so as not to create a nuisance and the signs continue to be effectively shielded to prevent beams or rays from being directed toward any portion of the roadways, and must not be of such intensity or brilliance to cause glare or impair the vision of the driver of any motor vehicle, or otherwise interfere with any driver's operation of a motor vehicle;
2. That an approved Floodplain Development Permit is obtained *prior* to any disturbance within the Special Flood Hazard Area located on the subject property;
3. That the signs continually conform to all regulations in § 312 of the Pennington County Zoning Ordinance;
4. That the signs continue to be maintained so as to have an aesthetically pleasing appearance at all times and not appear dilapidated; and,
5. That this Conditional Use Permit be reviewed in 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 Conditionals of Approval are being met.



1: 8,000

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

### Legend

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

### Map Notes:



1: 1,891

**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:**

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**

315.1 Feet

157.55

0

315.1

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



1: 945

157.5 0 78.77 157.5 Feet

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

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

### Legend

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

### Map Notes:

**STAFF REPORT**

9

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 #9  
Border States Paving; Jason Wettels - Agent  
August 26, 2019

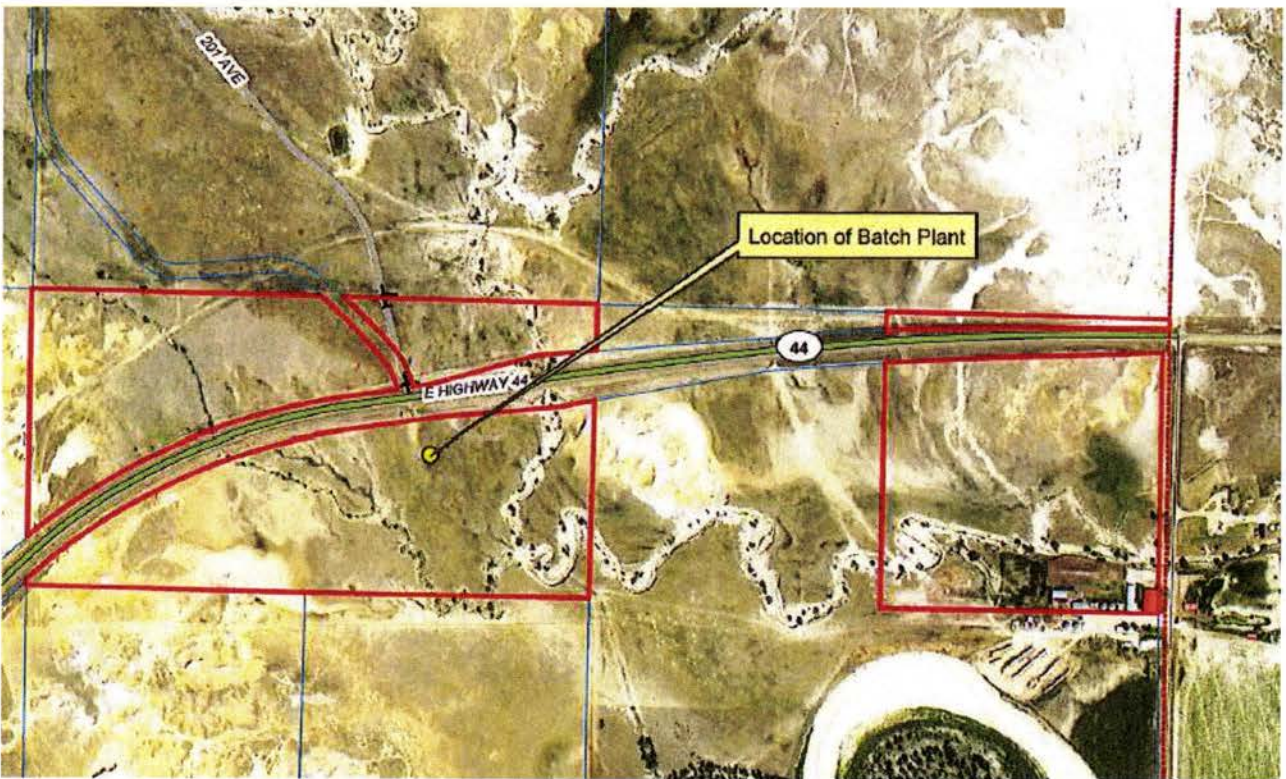
REPORT BY: Cody Sack

**I. PROPOSED RECOMMENDATION**

- A. Staff will be recommending to continue the review of Conditional Use Permit / CU 18-43 to the September 9, 2019, Planning Commission meeting with fourteen (14) conditions.

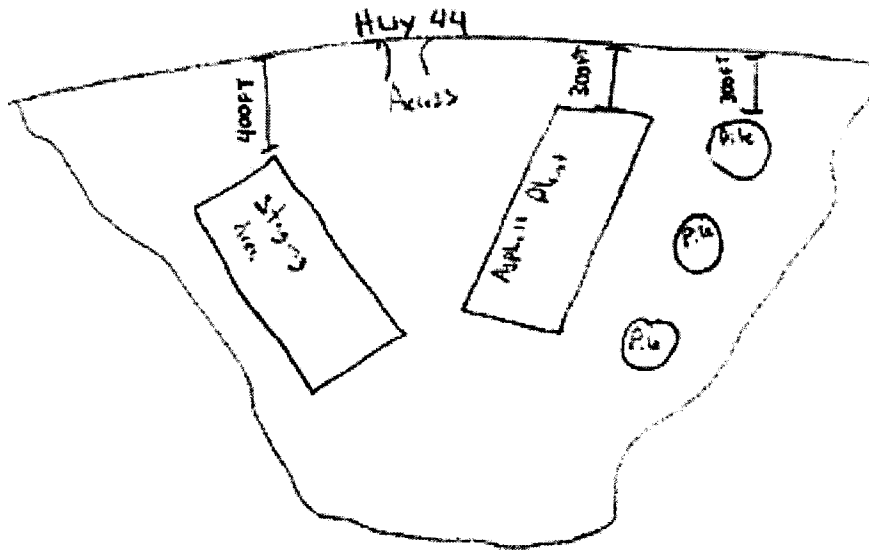
**II. GENERAL DESCRIPTION**

- 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.
- C. August 12, 2019 – the Planning Commission continued the review of Conditional Use Permit / CU 18-43 to the August 26, 2019, Planning Commission meeting 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 #9

Border States Paving; Jason Wettels - Agent

August 26, 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;
13. 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.

Agenda Item #9  
Border States Paving; Jason Wettels - Agent  
August 26, 2019

- B. August 20, 2019 – Staff contacted the applicant who could not be reached.
  - 1. Staff left a voicemail.
    - a. Staff will continue CU 18-43 to allow the applicant time to contact staff.
- C. The Applicant does have an Air Quality Permit (SDG02A037) for the batch plant.
- D. Site still needs reclaimed if the batch plant has been removed.



*Site Visit (8/1/19)*

**RECOMMENDATION:** Staff recommends to continue the review of Conditional Use Permit / CU 18-43 to the September 9, 2019, Planning Commission meeting with the following fourteen (14) conditions:

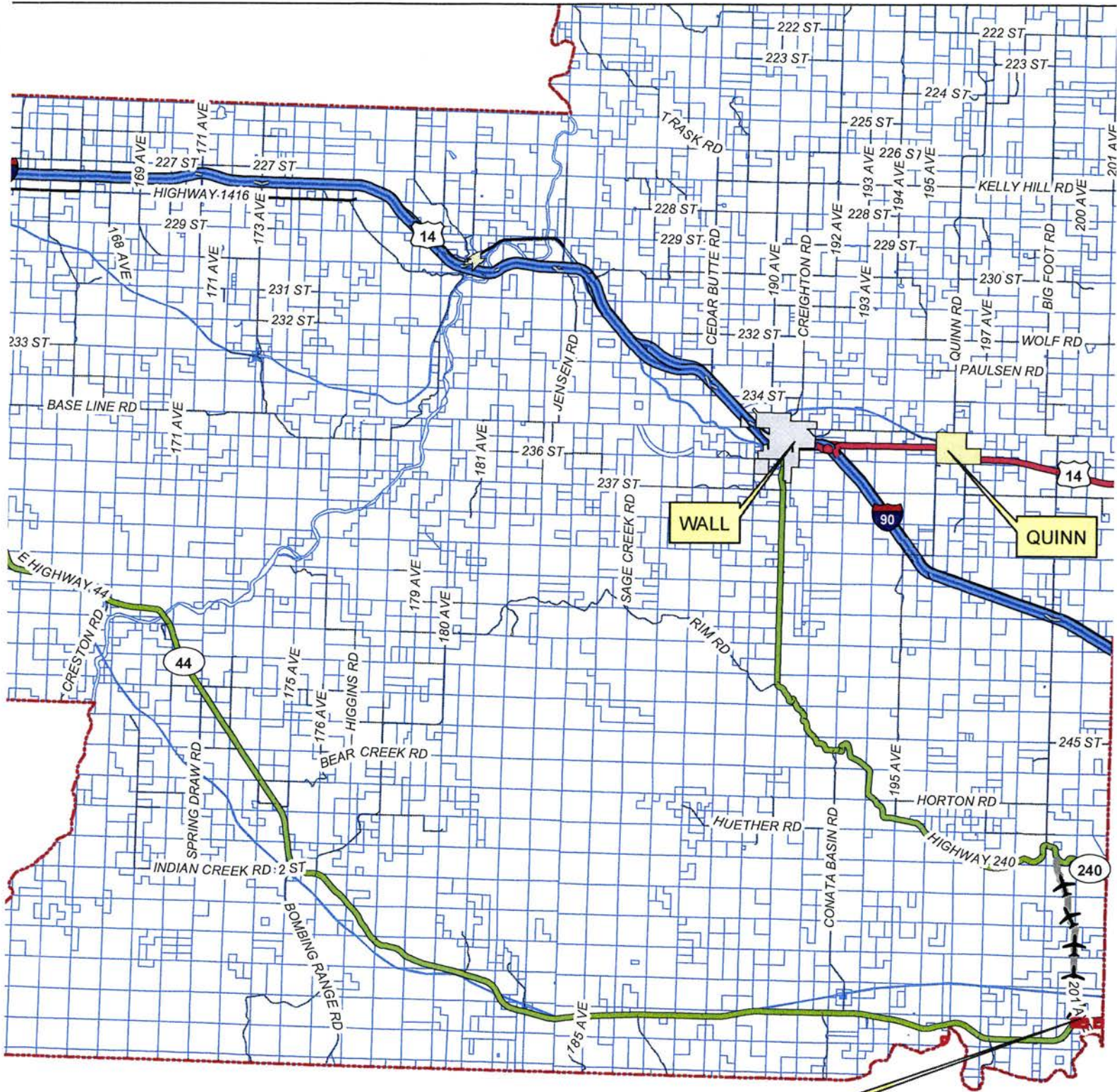
- 1. That port-o-potties are provided on-site: one (1) unit per 50 employees, throughout the operation of the stockpile and portable asphalt plant;
- 2. That an approved temporary Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;

Agenda Item #9

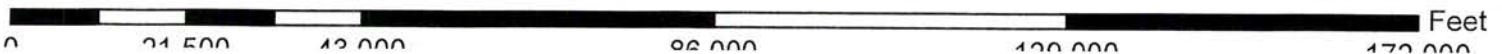
Border States Paving; Jason Wettels - Agent

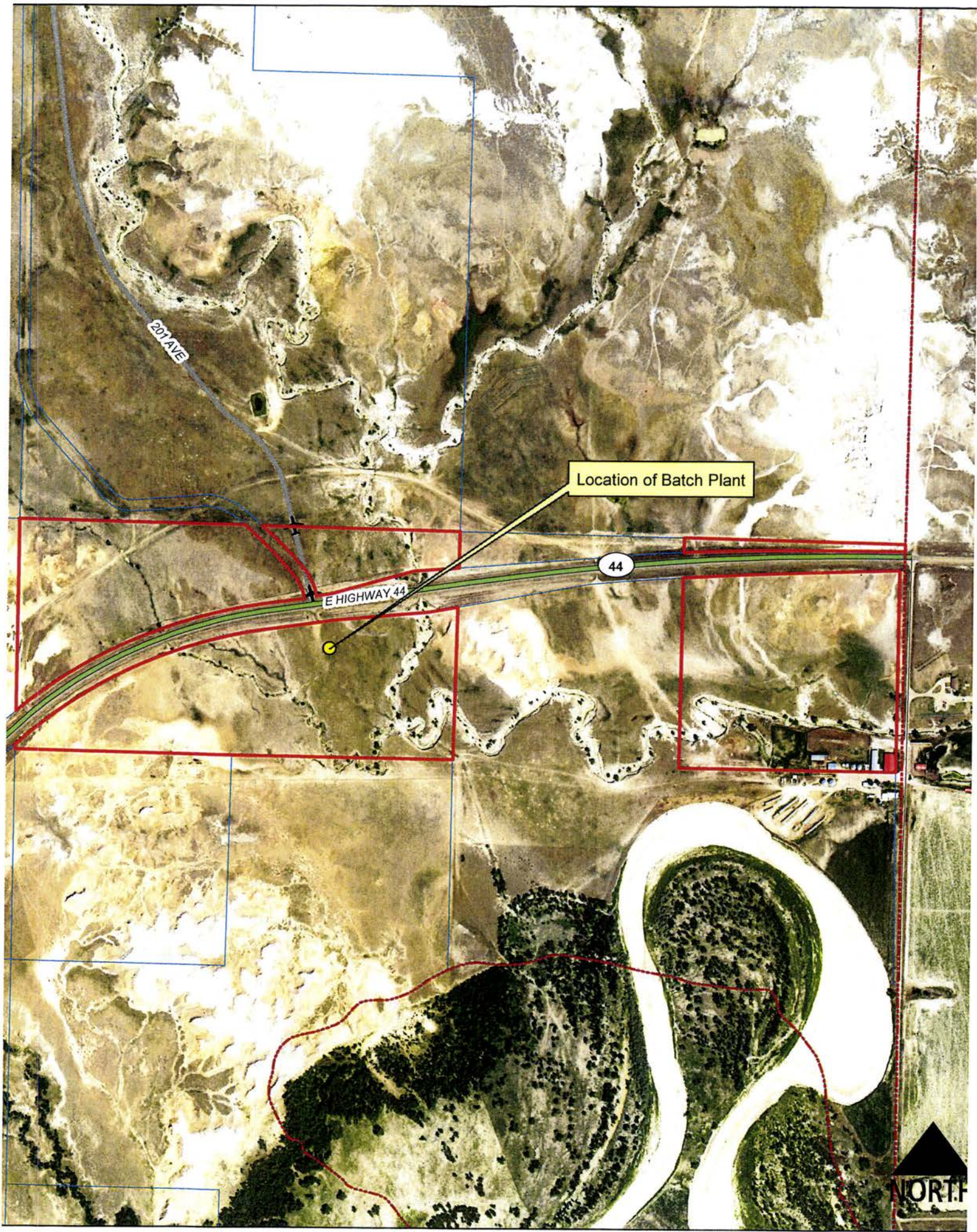
August 26, 2019

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) of the PCZO;
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 pays a \$100.00 continuation fee in accordance with § 511(X) of the PCZO; and,
14. That this Conditional Use Permit be reviewed at the September 9, 2019, Planning Commission meeting, 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.



Subject Property





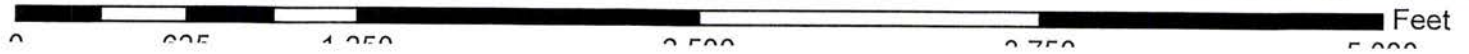
Location of Batch Plant

201 AVE

E HIGHWAY 44

44

NORTH



## STAFF REPORT

### GENERAL INFORMATION:

REQUEST: CONDITIONAL USE PERMIT REVIEW/ CU 19-07: To review a dirt track to be used for dirt track kart racing on the subject property in a General Commercial District in accordance with Sections 209 and 510 of the Pennington County Zoning Ordinance.

APPLICANT/AGENT: Black Hills Kart Racing, LLC / David Price

APPLICANT ADDRESS: P.O. Box 327, Rapid City, SD 57709

OWNER: Cross Country Real Estate

OWNER ADDRESS: 3409 E. 2<sup>nd</sup> Street, Gillette, WY 82718

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

SITE LOCATION: 2467 Jolly Lane; located at the intersection of E. Highway 44 and Jolly Lane.

SIZE: 34.07 acres

TAX ID: 64331

EXISTING LAND USE: Drainage Easement / Black Hills Speedway

ZONING REFERENCE: § 209 and 510

CURRENT ZONING: General Commercial District

SURROUNDING ZONING:

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



City Limits of Rapid City  
PHYSICAL CHARACTERISTICS: Flat Areas / Rolling Hills

UTILITIES: Rapid Valley Sanitary District

REPORT BY: P.J. Conover

## **I. PROPOSED RECOMMENDATION**

- A. Staff will be recommending to continue the hearing of CU 19-07, to no later than the September 23, 2019, Planning Commission meeting to allow time for staff and a representative from Black Hills Hart Racing (BHKR) to meet.
  - 1. As of this Staff Report, an onsite meeting has been scheduled for Tuesday, August 27, 2019.

## **II. GENERAL DESCRIPTION**

- A. The applicant, BHKR, LLC. requested a Conditional Use Permit to allow for an existing Kart Track to be utilized in the existing drainage easement.
- B. On May 13, 2019, CU 19-07 was approved by the Planning Commission with the following eighteen (18) conditions:
  - 1. The CU 19-07 be for the following use: Dirt Kart Track; operated only during the following months May, June, July, August, and September; operation and use of the Dirt Kart Track is to only occur on Saturdays, and only operated between the hours of 11:00 a.m. and 2:00 p.m. and within the operational guidelines of the Work Kart Associations rules and guidelines. Where there exists a conflict between any of the Conditions of Approval within CU 19-07 and any other regulations applicable to the same area and use, the more stringent limitation or requirement shall govern and prevail;
  - 2. That the applicant submit stamped engineered construction plans and drainage study showing that the existing Kart Track and items associated with this activity will not impact upstream or downstream properties. The plans and study are to be submitted to the Planning Department within twenty-one (21) days of approval of this Permit and prior to commencement of any further construction activity on the existing track;
  - 3. That Building Permits be obtained for any structure exceeding 144 square feet or permanently anchored to the ground which includes the necessary site plans to be reviewed and approved by the Planning Director;
  - 4. That the applicant or landowner, prior to May 31, 2019, apply for a Commercial Building Permit, with the applicable penalty fees, for the structure “concession stand” which serves the Dirt Race Track;
  - 5. That per 9-1-1 Emergency Services comments, a unique address be assigned, by the Planning Department, for the Dirt Race Track and

that this address be posted in accordance with County Ordinance # 20. The address creation and compliance with County Ordinance #20 shall occur prior to May 31, 2019;

6. That the applicant provide trash receptacles and keep the property cleaned of rubbish, trash, and debris;
7. That the applicant maintains and implements some type of dust control measures during the races and ensures that no sediment is leaving the property;
8. That the applicant acquire sign permits if the applicant were to locate any signs on the property;
9. That the applicant obtain any applicable federal, state, and local permits for the operation of the Kart Track;
10. That the applicant have a first aid kit with a fire extinguisher or have First Responders on hand during the operation of the races;
11. The Dirt Kart Track is located in a Public Drainage Basin and if approved, used only used seasonally (May, June, July, August, September), during the months the Dirt Kart Track is not in use (October, November, December, January, February, March, and April) all the hay bales, tires, flags, etc. used to define the area around, in, and on the Dirt Kart Track shall be removed;
12. That the applicant continually maintains and adheres to the County's Storm Water Pollution Prevention Plan during any period of construction;
13. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than 14 days after the construction activity has stopped. All erosion control methods (mulch and seed) need to be certified noxious weed-free;
14. That any alterations or improvements to the Public Drainage Easement be engineered and stamped plans be submitted to and approved by the Board of Commissioners;
15. That the requirements, guidelines, and criteria for stormwater and erosion control in the Pennington County Stormwater Manual shall be followed during and construction;
16. That at the next review for CU 19-07, the applicant or landowner provide a plan for the future removal and remediation of the area used for the Kart Track;
17. That the applicant and landowner(s) sign the Statement of Understanding (SOU) within seven (7) business days of approval for CU 19-07. The SOU is available in the Planning Office, the following business day; and,
18. That this Conditional Use Permit be reviewed no later than the August 26, 2019, Planning Commission meeting, and may be reviewed on a complaint basis, or as directed by the Planning

Agenda Item # 10  
Black Hills Kart Racing, LLC; David Price – Agent  
August 26, 2019

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

- C. Due to scheduling conflicts, Staff and a representative from BHKR were unable to meet onsite for a review of CU 19-07 prior to this Staff Report. A meeting is scheduled for Tuesday, August 27, 2019.

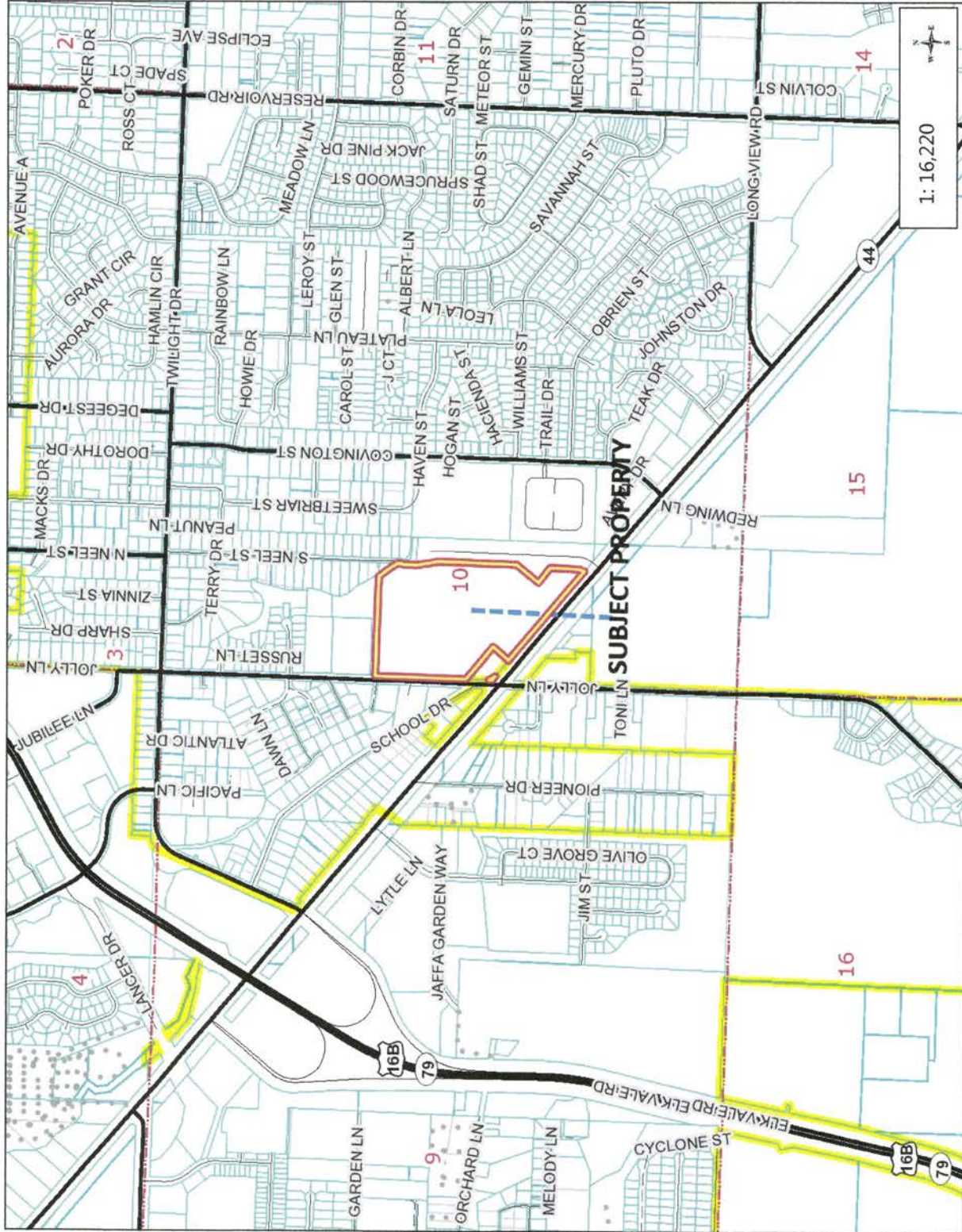
**RECOMMENDATION:** Staff recommends to continue the review of CU 19-07, to no later than the September 23, 2019, Planning Commission meeting to allow time for staff and a representative from Black Hills Hart Racing to meet.

Location of Kart Track



**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: 16,220



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:**

**STAFF REPORT**

**GENERAL INFORMATION:**

REQUEST: PLANNED UNIT DEVELOPMENT REVIEW/ PU 01-05: To review an existing Planned Unit Development in accordance with Section 213 of the Pennington County Zoning Ordinance.

LANDOWNER/APPLICANT: William Anderson

APPLICANT ADDRESS: 23049 Radar Hill Road, Rapid City, SD 57703

LANDOWNER: Cliff and Billy Janis

LANDOWNER ADDRESS: 22961 Radar Hill Road, Rapid City, SD 57703

LANDOWNER: S-L Holdings LLC.

LANDOWNER ADDRESS: P.O. Box 9401, Rapid City, SD 57709

LEGAL DESCRIPTION: Tract 1 and Tract 2, of KWA Subdivision and NE1/4SE1/4 LESS KWA SUBD LESS LOT H-1 OF S1/2NE1/4SE1/4 all located in Section 01, T1N, R8E, BHM, Pennington County, South Dakota.

LOCATION: Approximately 1.5 miles north of the intersection of Radar Hill Road and Longview Road on Radar Hill Road.

SIZE: 40 acres

TAX ID: 54463 / 66080 / 66081

EXISTING LAND USE: Agriculture

ZONING REFERENCE: Section 213

CURRENT ZONING: Planned Unit Development

SURROUNDING ZONING:  
North General Agriculture District  
South Suburban Residential District

Agenda Item # 11  
William Anderson; Cliff Janis;  
Billy Janis; and, S-L Holdings LLC.  
August 26, 2019  
Page 2

East  
West

Limited Agriculture District  
Suburban Residential District

PHYSICAL CHARACTERISTICS: Flat

UTILITIES: Central water, underground electric

REPORT BY: P.J. Conover

**PROPOSED RECOMMENDATION:** Staff will be recommending to continue the review of PU 01-05 to no later than the October 28, 2019, Planning Commission meeting to allow time for Staff and the Landowners to meet and address a complaint and possible amendments to PU 01-05.

**GENERAL DESCRIPTION:**

- April 2019 – Staff was notified of a neighbor concern relative to bright lights located at 22909 Radar Hill Road (Depot Storage).
- May 30, 2019 – Staff sent a courtesy letter to the landowners of Depot Storage ask for action to be taken to minimize light spillage and for the landowners to take proactive measures to prevent future complaints.
- June 08, 2019 – The site manager for Depot Storage emailed Planning Staff to describe the reasoning behind the brightness of the lights.
- June 11, 2019 – The site manager followed up the June 08, 2019 email with more information.
- July 29, 2019 -- An official complaint was submitted to the Planning Department relative to the brightness of security lights located on a storage unit lot. This complaint is the catalyst for a review of PU 01-05.
- Photos of the subject site, at night, are below:





- PU 01-05 was approved by the Board of Commissioners on January 02, 2002, with the following ten (10) conditions:
  1. That prior to County Board approval of the Planned Unit Development, a comprehensive drainage plan showing the post development flows be submitted to the County Drainage Engineer for review and approval;
  2. That prior to County Board approval of the Planned Unit Development, the sight distance be measured for all approaches onto Radar Hill Road to insure adequacy;
  3. That two means of ingress/egress be provided to the residential development and the neighborhood commercial area;
  4. That prior to County Board approval of the Planned Unit Development, a plan indicating a central water system with fire hydrants and gallon per minute flows in accordance with the Uniform Fire Code for the residential and commercial areas be submitted to the Fire Coordinator for review and approval;
  5. That a maximum of fifty-one (51) dwelling units be constructed on the forty acre parcel;
  6. That a maximum of ten (10) acres be utilized for neighborhood commercial uses;
  7. Neighborhood commercial uses shall be limited to: convenience store with gas facilities, screened outdoor storage, enclosed storage units, food markets including bakery goods and delicatessen goods, meat market, drug

store, book store, tobacco store, vanity goods store, pharmacy, banks, barber shops and beauty shops, dry cleaning business, gift shops, self service laundries, shoe repair, professional and business offices, veterinary clinic, package liquor sales (to be consumed off premise), hardware or home improvement retail establishments, video rentals, child care facility, restaurant with a bar and casino, clothing stores and postal substation;

8. That each residential lot shall be a minimum of 24,000 square feet in size exclusive of any access easements;
  9. That each new residence either be provided with a minimum 1,500 gallon septic tank or connected to a municipal sewer system; and,
  10. That a drainfield reserve area be provided for each residential or commercial lot. This reserve area can be shown on a building permit or on the plat of the lot.
- Originally, PU 01-05 was for the development of one parcel that was forty (40) acres in size. Over time, the City of Box Elder subdivided the forty (40) acre parent parcel into three separate parcels. Since its approval, PU 01-05 has not been developed as the Conditions of Approval state.
    - NOTE: The subject properties are now within the platting jurisdiction of the City of Rapid City.
  - PU 01-05 has not been reviewed or amended since 2002.
    - The existing uses on the subject properties located within PU 01-05 are a mix of residential and commercial.
    - See aerial photo below



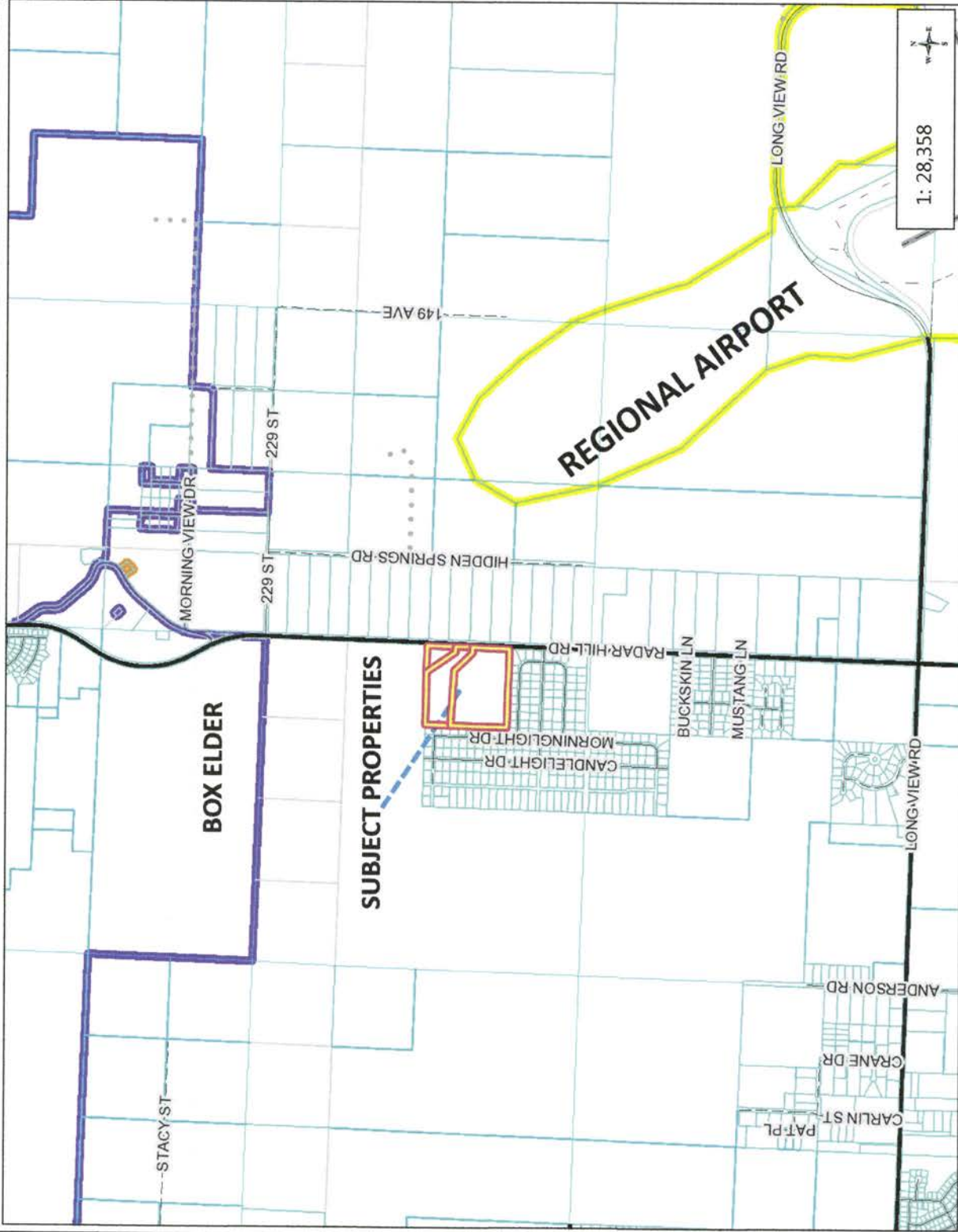


Agenda Item # 11  
William Anderson; Cliff Janis;  
Billy Janis; and, S-L Holdings LLC.  
August 26, 2019  
Page 5

**ANALYSIS:**

- Staff is attempting to contact all three landowners to amend PU 01-05 and bring it current with the uses and future uses of the subject properties, while simultaneously addressing the lighting complaint on the storage unit property.
- As of this Staff report, Staff has not heard from any of the landowners.

**RECOMMENDATION:** Staff recommends to continue the review of PU 01-05 to no later than the October 28, 2019, Planning Commission meeting to allow time for Staff and the Landowners to meet and address the complaint and possible amendments to PU 01-05.



4,726.4 0 2,363.18 4,726.4 Feet

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

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

**Legend**

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

**Map Notes:**

1: 28,358



## PLANNING DEPARTMENT

315 ST JOSEPH ST., SUITE 118 • RAPID CITY, SD 57701

605-394-2186 • FAX 605-394-6016

DATE: May 30, 2019  
TO: S-L Holdings LLC  
22909 Radar Hill Road  
Rapid City, SD 57703  
RE: Lighting of Storage Units

This is a courtesy letter being sent to the business owner(s) of Depot Storage to make them aware of a concern from a homeowner against the Depot Storage due to the lighting on the storage units. Please be advised that the lighting on the outside of the storage units should be directed towards the ground so as to prevent beams of light from projecting toward any residential areas or structures.

Taking this measure would be proactive on the business owner's part and may prevent further complaints. Please contact our office at 605-394-2186 with any questions and how you plan to proceed with the aforementioned information.



Sincerely,

Kristina Proietti Planner I

CC: P.J. Conover

## Proietti Kristina

---

**From:** Depot Storage <depot.storage.rapid.city@gmail.com>  
**Sent:** Saturday, June 08, 2019 3:15 PM  
**To:** Proietti Kristina  
**Subject:** S\_L Holdings LLC. 22909 Radar Hill Rd.  
**Attachments:** Lights\_Depot Units.jpeg

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

Good Afternoon Kristina,

After purchasing the business at 22909 Radar Hill Road we had a series of bi-weekly burglaries due to the lack of lighting and security cameras; Several reports were made on our behalf.

To resolve this issue and protect our self as well as our lessees, we installed down facing area lights as well as security cameras at each building end. Since doing so we have had no issues and has resolved the trespassing on the property. I have attached a photo of our lighting on the property for reference.

Please let me know if I can help with anything else

Kind Regards,

Daniela Stetser  
Manager,  
Depot Storage  
605.545.1021

6/11/19 ≈ 3:10 pm.  
Called Corey Schmitz  
605-673-1021  
He will have another  
email sent stating that  
he has spoken w/ the  
complaintants (sp?).

06/11/19

We have received calls from the residents across the road from our outdoor 24-hour storage facility about our lights that were installed approximately two years ago now. The first call we received was to see if we could rotate or take the lights out, since they were shining the resident's windows. We let them know that these were new bulbs and needed a few days to burn down and not be as bright.

They called back and said they were still too bright and shining in their windows. We explained that we could not move them as they are attached to the building.

Before the lighting was installed at our facility we had numerous break-ins to the units. Since the lights were installed the break-ins have stopped.

We are an outdoor 24-hour storage facility to accommodate everyone's schedule. There are no other lights out there for our customers.

We strive on keeping people and their belongings safe. We reduce the risk of storage theft by providing the following features:

Surveillance System

Password Protected Access

Efficient Lighting in All Areas

Well Maintained Property

Proper lighting provides important benefits when operating an outdoor 24-hour storage facility, it can be used to promote security and provides a safe environment for customers, drivers, riders and pedestrians.

## STAFF REPORT

### GENERAL INFORMATION:

#### REQUEST:

**MINOR PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PU 17-06:** To review an existing Planned Unit Development to allow a road to be constructed with a 12-foot-wide minimum surface area width and 4 inches of gravel; that a maximum of 10 bedrooms be utilized in the bed and breakfast establishment with a maximum occupancy of 24 persons at any one time; and that the specific uses of this Planned Unit Development be for a resort development consisting of a 10 bedroom bed and breakfast and a residential development not exceeding 1 residence per 10 acres in accordance with Section 213 of the Pennington County Zoning Ordinance.

PROPERTY OWNER: Coyote Blues Vintage B and B LLC.

APPLICANT ADDRESS: PO Box 413, Hill City, SD 57745

LEGAL DESCRIPTION: N1/2NW1/4SE1/4; SW1/4NW1/4SE1/4, Section 14, T1N, R5E, BHM, Pennington County, South Dakota.

SITE LOCATION: 23165 Horsemans Ranch Road; near intersection of Taylor Ranch Road and Horsemans Ranch Road.

SIZE: 30.00 acres

TAX ID: 50551

EXISTING LAND USE: Bed and Breakfast

ZONING REFERENCE: Section 213

CURRENT ZONING: Planned Unit Development District

SURROUNDING ZONING:

|       |                              |
|-------|------------------------------|
| North | General Agriculture District |
| South | General Agriculture District |
| East  | General Agriculture District |
| West  | General Agriculture District |

Agenda Item #12  
Coyote Blues Vintage B and B LLC.  
August 26, 2019

PHYSICAL CHARACTERISTICS: Forested

UTILITIES: Private

REPORT BY: Jason Theunissen

**I. PROPOSED RECOMMENDATION**

- A. Staff is recommending approval of the extension of Minor Planned Unit Development Amendment / PU 17-06 with twelve (12) conditions.

**II. GENERAL DESCRIPTION**

- A. June 17, 1997 – The Board of Commissioners approved Rezone / RZN 97-12 to change zoning from General Agriculture District to Planned Unit Development with 15 conditions.
- B. August 28, 2017 – The Planning Commission approved Minor Planned Unit Development Amendment / PU 17-06 with 13 conditions.
- C. August 27, 2018 – The Planning Commission approved the extension of Minor Planned Unit Development Amendment / PU 17-06, with 12 conditions.

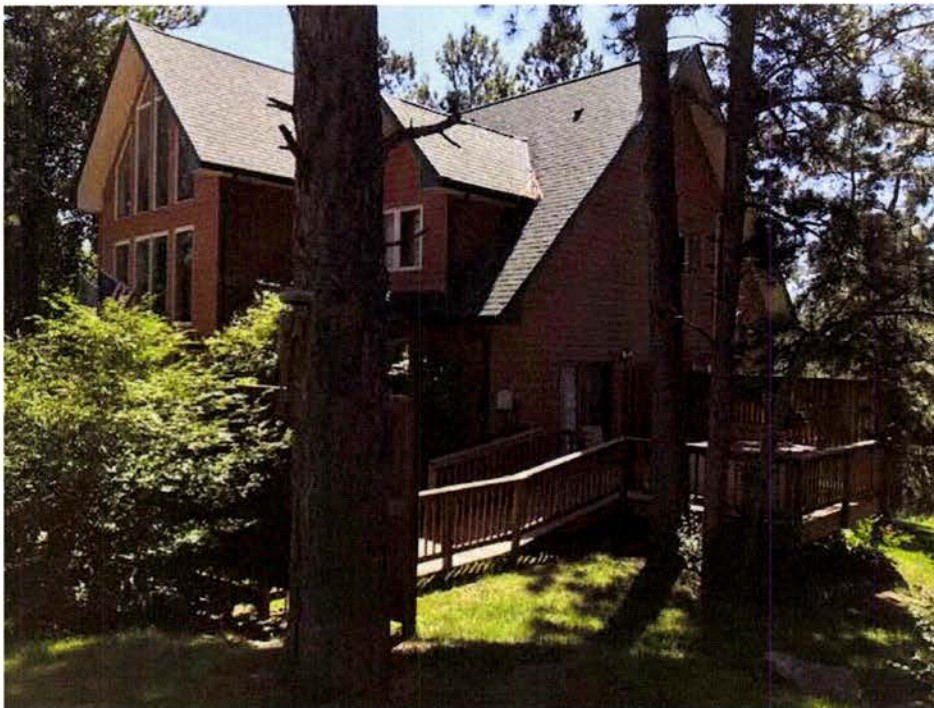
**III. EXISTING CONDITIONS**

- A. 30 acres.
- B. Zoned Planned Unit Development.
- C. Lot contains:
  - 1. Bed and Breakfast – 1996COBP0402.
  - 2. Attached decks – COBP17-0480.
  - 3. 8' x 20' shed – COBP17-0481.
  - 4. Onsite Wastewater Treatment System – 1994COSD0015 and 1996COSD0115.
    - a. Operating Permit – COOP17-0262.
- D. Special Flood Hazard Area.
- E. Access via Horsemans Ranch Road.

Agenda Item #12  
Coyote Blues Vintage B and B LLC.  
August 26, 2019



*Site Visit, 8.19.19*



*Site Visit, 8.19.19*



#### IV. ANALYSIS

- A. August 27, 2018 – The Planning Commission approved the extension of Minor Planned Unit Development Amendment / PU 17-06, with the following twelve (12) conditions:
1. That the proposed roads (driveways) within the Planned Unit Development be constructed to a minimum twelve (12) foot-wide minimum surface width and four (4) inches of gravel;
  2. That a Floodplain Development Permit be obtained for any existing or proposed construction or development within the area on the property located in a federally designated floodplain (Special Flood Hazard Area);
  3. That a Sales Tax License from the South Dakota Department of Revenue be obtained prior to operating the proposed bed and breakfast;
  4. That a Specialty Resort License from the South Dakota Department of Health be obtained prior to operating the proposed bed and breakfast;
  5. That the “Coyote Blues Village Bed and Breakfast” be registered with the Department of Health prior to operation;
  6. That a minimum of ten (10) off-street parking spaces be provided for guest parking, and two (2) parking spaces be provided for the owners personal use. Each parking space shall not be less than one hundred sixty-two square feet, or nine feet by eighteen feet. The parking area shall be surfaced with gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;
  7. That a maximum of ten (10) bedrooms be utilized in the bed and breakfast establishment and a 2-bedroom residential owner suite, with a maximum occupancy of twenty-four (24) persons at any one time;
  8. That no wood shake shingles be allowed as requested by the Pennington County Fire Coordinator;
  9. That the specific uses of this Planned Unit Development be for a resort development consisting of a ten (10) bedroom bed and breakfast and a residential development, not exceeding one residence per ten acres;
  10. That the required setbacks for all structures be a minimum of 25 feet from the property lines;
  11. That the owner(s) notify the Planning Director prior to transferring ownership of the property so that the Planned Unit Development / PUD 17-06, may be brought forth for review; and,
  12. That this Planned Unit Development be reviewed in one (1) year, on 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. August 15, 2019 – Staff performed a site visit to the subject property and met with the property owners to review the current Conditions of Approval. It

Agenda Item #12  
Coyote Blues Vintage B and B LLC.  
August 26, 2019

appeared all Conditions were being met and the property owners had no questions or concerns.

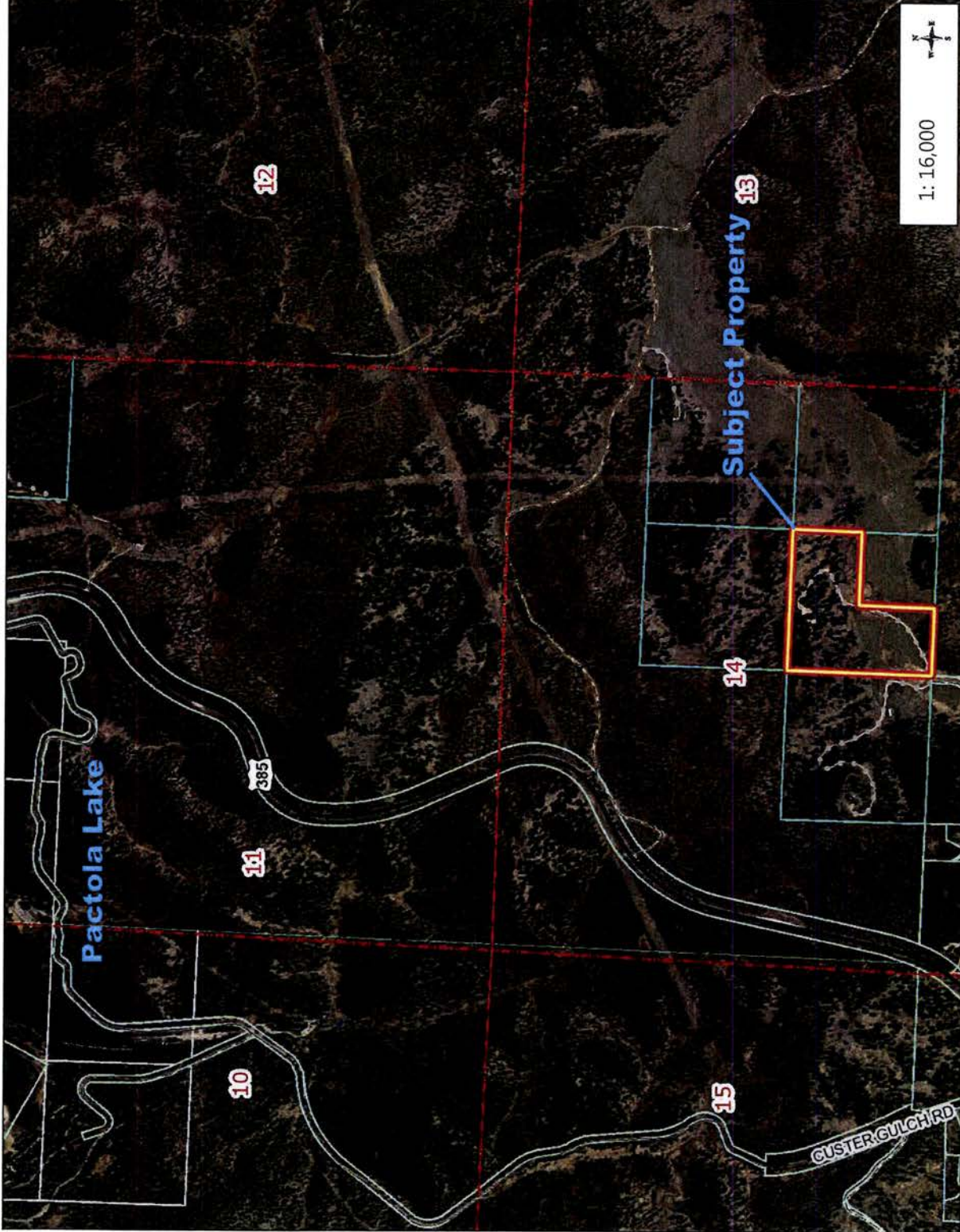
- C. Conditions #4 and #5 have been administratively combined.
- D. Staff has not received any complaints regarding the subject property.

**RECOMMENDATION:** Staff recommends approval of the extension of Minor Planned Unit Development Amendment / PU 17-06 with the following eleven (11) conditions:

1. That the proposed roads (driveways) within the Planned Unit Development be constructed to a minimum twelve (12) foot-wide minimum surface width and four (4) inches of gravel;
2. That a Floodplain Development Permit be obtained for any existing or proposed construction or development within the area on the property located in a federally designated floodplain (Special Flood Hazard Area);
3. That a Sales Tax License from the South Dakota Department of Revenue continue to be maintained while operating the proposed bed and breakfast;
4. That the "Coyote Blues Village Bed and Breakfast" continue to be registered with the Department of Health and maintain a Specialty Resort License while operating the proposed bed and breakfast;
5. That a minimum of ten (10) off-street parking spaces be provided for guest parking, and two (2) parking spaces be provided for the owners personal use. Each parking space shall not be less than one hundred sixty-two square feet, or nine feet by eighteen feet. The parking area shall be surfaced with gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;
6. That a maximum of ten (10) bedrooms be utilized in the bed and breakfast establishment and a 2-bedroom residential owner suite, with a maximum occupancy of twenty-four (24) persons at any one time;
7. That no wood shake shingles be allowed as requested by the Pennington County Fire Coordinator;
8. That the specific uses of this Planned Unit Development be for a resort development consisting of a ten (10) bedroom bed and breakfast and a residential development, not exceeding one residence per ten acres;
9. That the required setbacks for all structures be a minimum of 25 feet from the property lines;

Agenda Item #12  
Coyote Blues Vintage B and B LLC.  
August 26, 2019

10. That the owner(s) notify the Planning Director prior to transferring ownership of the property so that the Planned Unit Development / PUD 17-06, may be brought forth for review; and,
11. That this Planned Unit Development be reviewed in three (3) years, on complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.



1: 16,000



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

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

### Legend

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

### Map Notes:



1: 3,781

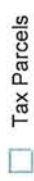


**Legend**

- 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

**Section Lines 0-25k**

- 0
- 7



Tax Parcels

Lot Lines

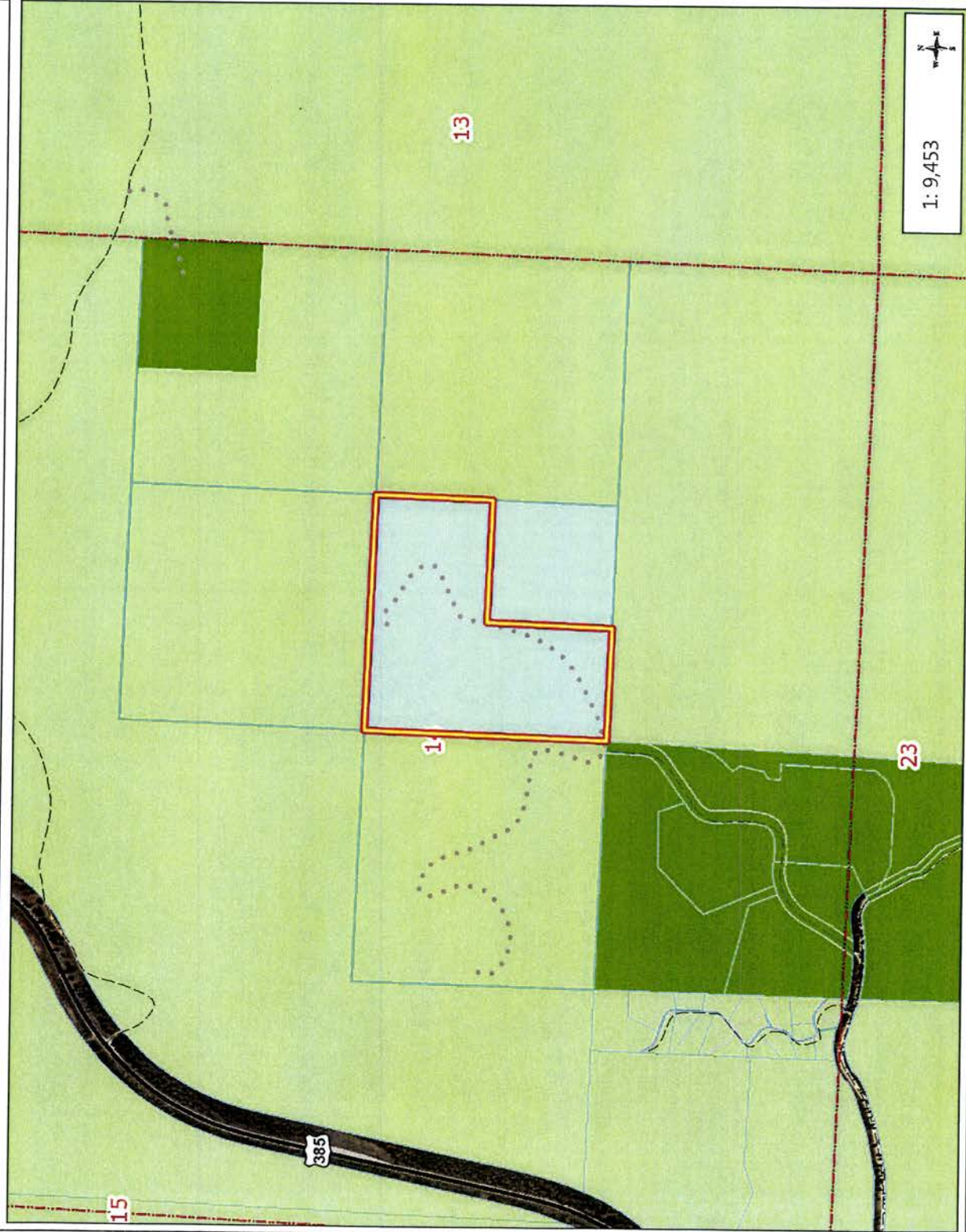
- <Null>
- Lot Line
- Parcel Line

**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

630.2 0 315.09 630.2 Feet





1: 9,453

1,575.5 0 787.73 1,575.5 Feet

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

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

### Legend

#### Roads

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

#### Section Lines 0-25k

- 0
- 7

#### Tax Parcels

#### Lot Lines

- <Null>
- Lot Line
- Parcel Line

#### Pennington County Zoning

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

#### Map Notes:

## STAFF REPORT

### GENERAL INFORMATION:

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

APPLICANT: R.C.S Construction, Inc.

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

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

SITE LOCATION: Southside Drive north along Reservoir Road.

SIZE: Approximately 7.5 acres of disturbance

TAX ID: Various

EXISTING LAND USE: Vacant

ZONING REFERENCE: Section 507

CURRENT ZONING: Limited Agriculture District

SURROUNDING ZONING:

|       |                              |
|-------|------------------------------|
| North | Limited Agriculture District |
| South | Limited Agriculture District |
| East  | Limited Agriculture District |
| West  | Limited Agriculture District |

PHYSICAL CHARACTERISTICS: Flat / Prairie

UTILITIES: Private

REPORT BY: Cody Sack

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

**I. GENERAL DESCRIPTION**

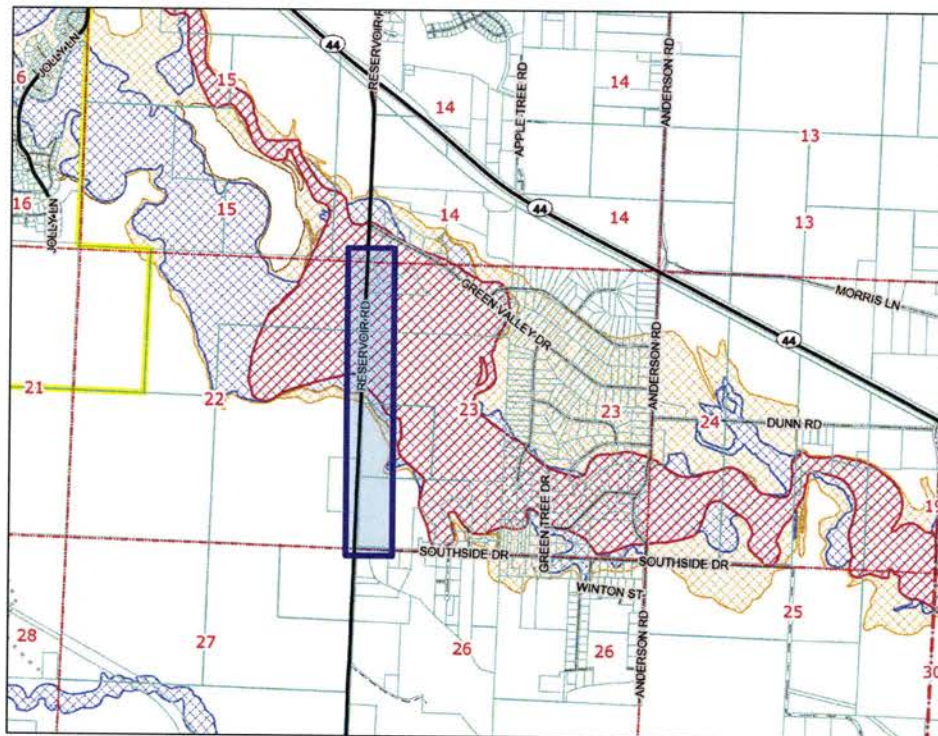
- A. The project is the second phase of Rapid City's Southside Sanitary Sewer Trunk Main project to extend sanitary sewer from the Rapid City Reclamation Plant to the Jolly Lane lift station and to a bypass sewer connection to the existing City sewer adjacent to Highway 44.
- B. February 12, 2018 – The Planning Commission originally approved Construction Permit / CP 18-01 with the following eleven (11) conditions:
  1. That a South Dakota Department of Environment and Natural Resources General Permits for Storm Water Discharges Associated with Construction Activities be obtained and the Conditions of the Approval of the South Dakota Department of Environment and Natural Resources General Permits for Storm Water Discharges Associated with Construction Activities be continually met;
  2. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;
  3. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than 14 days after the Construction Activity has stopped. All erosion control methods (mulch and seed) need to be certified noxious weed-free;
  4. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;
  5. That the disturbed areas be re-vegetated with weed free seed as required in §507(A)(5)(c);
  6. That during the period of construction, streets are not blocked and all homes are accessible by emergency vehicles;
  7. That a "Utility Installation or Excavation within Public Right-of-Ways Permit" be obtained from the Pennington County Highway Department;
  8. That the sewer stubs be extended as close as possible to the ROW line to avoid digging up the road when connections are made and that the asphalt be replaced at a uniform top surface of 20 feet;
  9. That the conditions and requirements set forth in Floodplain Development Permit / FP 17-39 are continually met;
  10. That the applicant sign a Statement of Understanding within ten (10) business days of Permit approval; and,



11. That this Construction Permit expires one (1) year from approval date, and may be reviewed on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all conditions of approval are being met.
- C. January 14, 2019 – The Planning Commission continued the review of Construction Permit / 18-01 to the May 28, 2019 Planning Commission meeting.
- D. May 28, 2019 – Construction Permit 18-01 was heard in front of the Planning Commission for public comment.
  1. Staff recommended that the Planning Director continue the review of Construction Permit / CP 18-01 to the August 26, 2019, Planning Commission meeting.

## II. EXISTING CONDITIONS

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



*Approximate Project Location – Special Flood Hazard Area in RED.*

**III. ANALYSIS**

- A. August 20, 2019 – Staff performed a site visit and found:
1. The site has reached final stabilization.

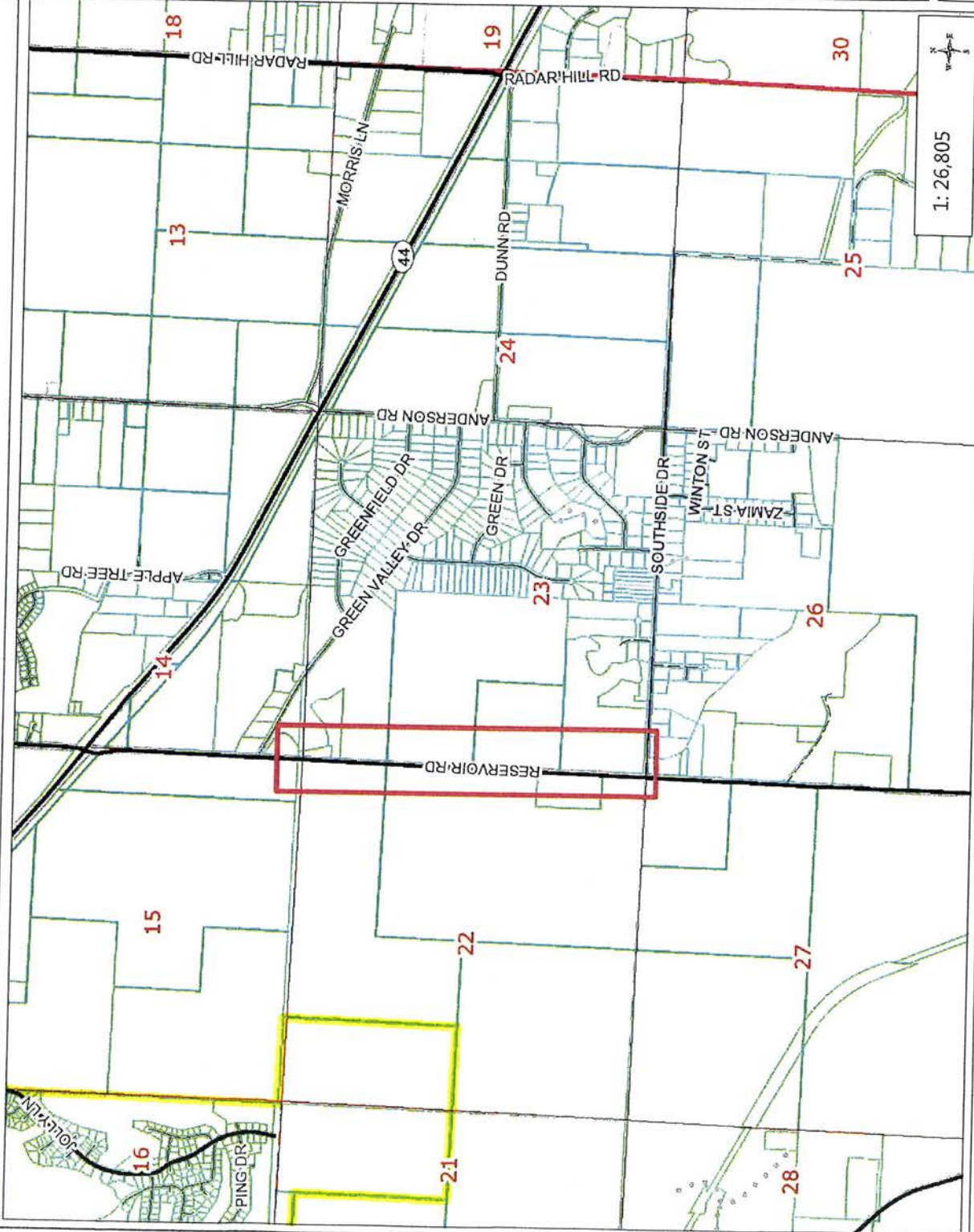


*Site Visit (8/29/19)*

**RECOMMENDATION:** Staff recommends the Planning Director end Construction Permit / CP 18-01.

## Legend

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



1: 26,805



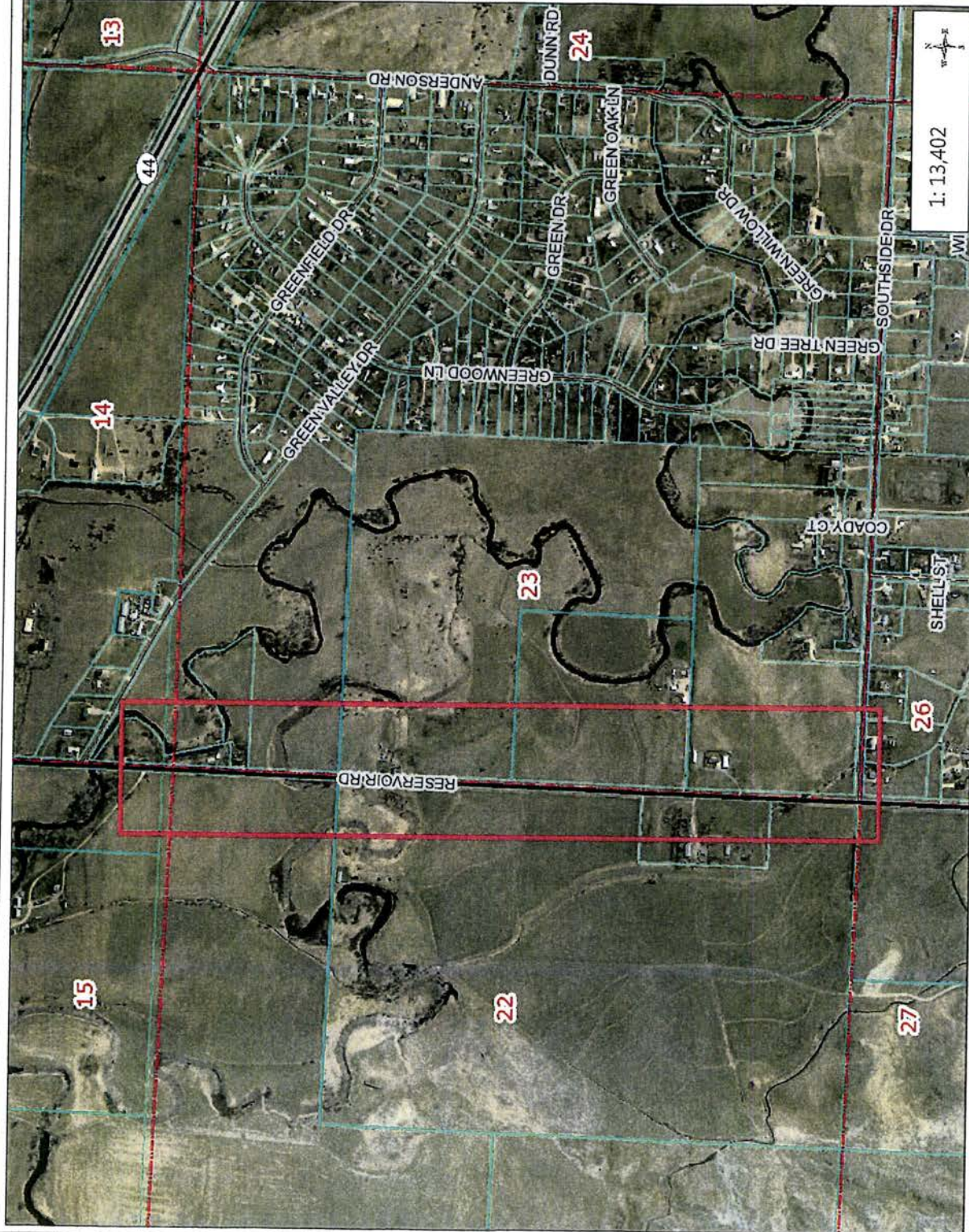
## Map Notes:

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**



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



1: 13,402

0 1,116.86 2,233.7 Feet

NAD\_1983\_2011\_StatePlane\_South\_Dakota\_South\_FIPS\_4002\_Ft\_US  
 © City of Rapid City GIS  
 This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.  
 THIS MAP IS NOT TO BE USED FOR NAVIGATION

**Legend**

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

**Map Notes:**

## STAFF REPORT

### GENERAL INFORMATION:

REQUEST: **CONSTRUCTION PERMIT REVIEW/ CP 18-09**: To review placing fill and leveling an area for an existing project.

APPLICANT: Don and Karen Weber

APPLICANT ADDRESS: 7807 Croyle Avenue, Rapid City, SD 57702

LEGAL DESCRIPTION: Lot 2, Block 2, Whispering Pines Subdivision, Section 32, T1N, R7E, BHM, Pennington County, South Dakota.

SITE LOCATION: 7807 Croyle Avenue; approximately two miles west of Rapid City off of Sheridan lake Road.

SIZE: 1.08 Acres

TAX ID: 19137

EXISTING LAND USE: Residential

ZONING REFERENCE: Section 507

CURRENT ZONING: Suburban Residential District

### SURROUNDING ZONING:

|       |                               |
|-------|-------------------------------|
| North | Suburban Residential District |
| South | Suburban Residential District |
| East  | Suburban Residential District |
| West  | Suburban Residential District |

PHYSICAL CHARACTERISTICS: Trees

UTILITIES: Community

REPORT BY: Brittney Molitor

### I. PROPOSED RECOMMENDATION

- A. Staff will be recommending to end Construction Permit / CP 18-09.

**II. GENERAL DESCRIPTION**

- A. The applicant requested a Construction Permit to place fill and level an area on the subject property.

**III. EXISTING CONDITIONS**

- A. Zoned Suburban Residential District.
- B. 1.08 acres.
- C. Lot contains:
  - 1. Single-family residence – 2008COBP0379.
  - 2. Two sheds (appear to be less than 144 square feet).
  - 3. On-site Wastewater treatment system.
    - a. Colonial Pine Hills Sanitary District.

**IV. HISTORY**

- A. On July 25, 2018, Ordinance Enforcement received a complaint.
- B. On July 26, 2018, Ordinance Enforcement gave a violation letter to the property owner/applicant.
- C. On July 26, 2018, Ordinance Enforcement performed a site visit.
  - 1. Significant disturbance had occurred on the site.
  - 2. Disturbance appeared to exceed 10,000 square feet.
  - 3. Material (rocks and other debris) was observed on the neighbor's property.



*Disturbance*



*Hillside*

- D. August 1, 2018 – The property owner/applicant submitted a Construction Permit application.
- E. August 22, 2018 – Staff performed a site visit and observed the following:
  - 1. There was a wattle in place at the base of the hill, however, it was not staked down and material was passing through.
  - 2. The hill side was rutted from storm events and not stabilized.
  - 3. Material appeared to be on the neighbor's property.
- F. August 28, 2018 – The applicant requested that the Planning Commission continue this Construction Permit to the September 10, 2018, Planning Commission meeting.
- G. August 31, 2018 – Staff met with the applicant regarding concerns over the recommended Conditions of Approval.
  - 1. The applicant agreed to the Conditions of Approval.
- H. September 10, 2019 – The Planning Commission approved Construction Permit / CP 18-09 with the following seven (7) conditions:
  - 1. That a South Dakota Department of Environment and Natural Resources General Permits for Storm Water Discharges Associated with Construction Activities be obtained, if the disturbance exceeds one (1) acre and the Conditions of the Approval of the South Dakota Department of Environment and Natural Resources General Permits for Storm Water Discharges Associated with Construction Activities be continually met;
  - 2. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction, if applicable;

3. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than 14 days after the Construction Activity has stopped. All erosion control methods (mulch and seed) need to be certified noxious weed-free;
4. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;
5. That the disturbed areas be re-vegetated with weed free seed as required in PCZO §507(A)(5)(c);
6. That the applicant sign a Statement of Understanding within ten (10) business days of Permit approval; and,
7. That this Construction Permit be reviewed in one (1) year from approval date, 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.

**V. REVIEW FOR AUGUST 26, 2019**

- A. August 21, 2019 – Staff performed a site visit and found the site has been revegetated and stabilized.

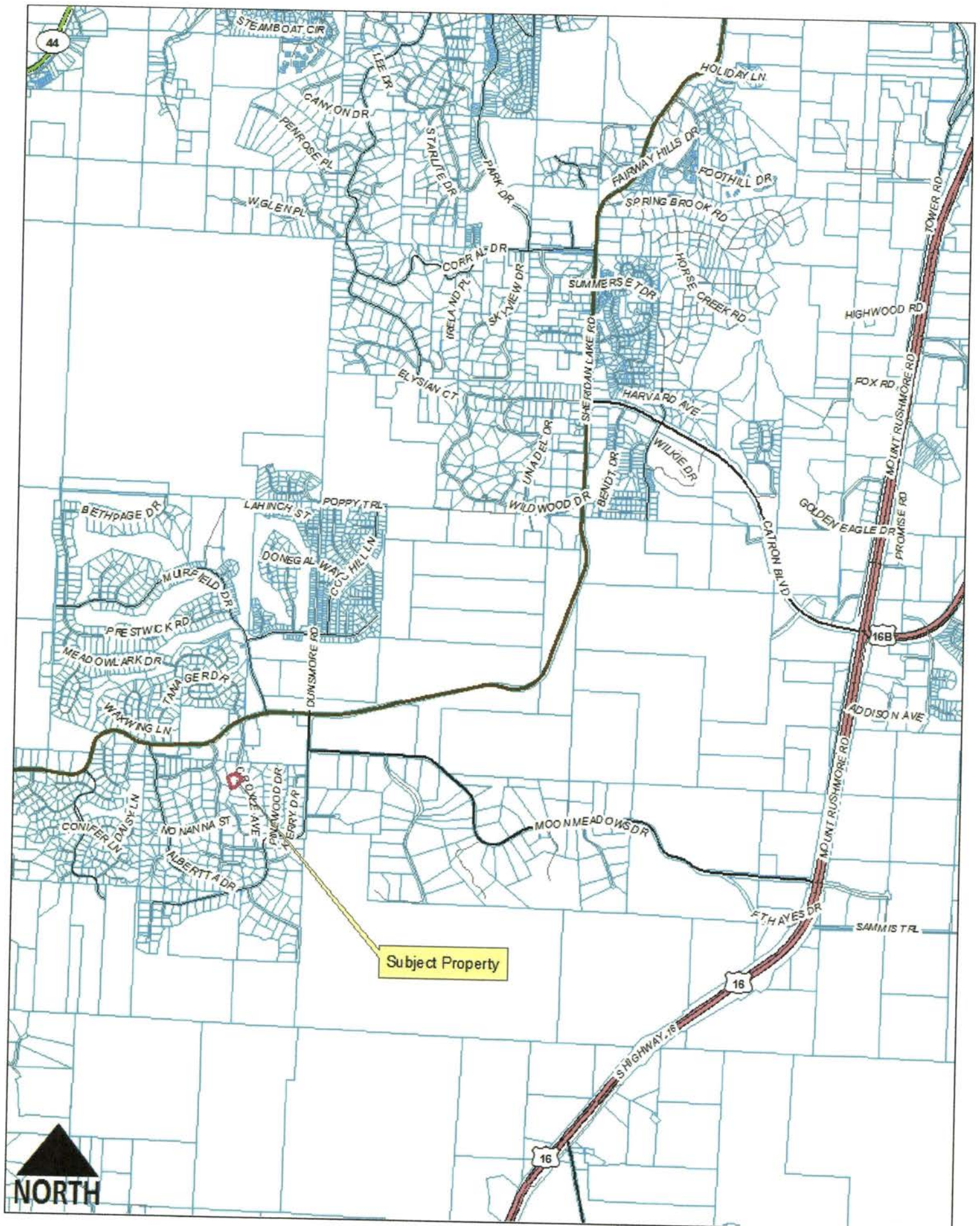


*Photos from Site Visit - August 21, 2019*

**RECOMMENDATION:** Staff is recommending to end Construction Permit / CP 18-09.



# WEBER



Subject Property

NORTH



## STAFF REPORT

### GENERAL INFORMATION:

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

APPLICANT/CONTRACTOR: Site Work Specialists

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

LANDOWNER: Tim and Laurel Danley

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

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

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

SIZE: 40 acres

TAX ID: 10911

EXISTING LAND USE: Vacant

ZONING REFERENCE: Section 507 and 205

CURRENT ZONING: General Agricultural District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Forested / Hills

UTILITIES: None

REPORT BY: Cody Sack

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

**I. PROPOSED RECOMMENDATION**

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

**II. GENERAL DESCRIPTION**

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



*Site Plan*

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

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

12. That the applicant and the landowner sign a Statement of Understanding within ten (10) business days of approval of Construction Permit / CP 19-02, which is available at the Planning Office; and,
  13. That this Construction Permit be reviewed at the May 28, 2019, Planning Commission meeting, or on a complaint basis, or as directed by the Planning Commission and/or the Board of Commissioners to verify that all Conditions of Approval are being met.
- D. May 28, 2019 – The Planning Director continued the review of Construction Permit / CP 19-02 with the following twelve (12) conditions:
1. That erosion control measures are implemented immediately and maintained until the site has been revegetated in accordance with § 507(A)(5)(c) of the Pennington county Zoning Ordinance (PCZO);
  2. That all erosion control measures submitted with the Construction Permit application be implemented prior to the Stop Work Order being lifted;
  3. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan;
  4. That the owner or designee must inspect the site at least once every 7 calendar days or every 14 calendar days and within 24 hours of the end of a storm event that exceeds 0.25 inches or snowmelt that generates runoff. A properly maintained rain gauge must be kept on the site. Inspection reports must be submitted by the contractor to the Planning Director every month during construction;
  5. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;
  6. That all natural drainage ways and paths be continually maintained;
  7. That failure of the owner or designee to submit Inspection Reports, as required, shall result in the immediate issuance of a Stop Work Order and a review by the Planning Director to determine if all Conditions of Approval are being met;
  8. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;
  9. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than 14 days after the Construction Activity has stopped. All erosion control methods (mulch and seed) need to be certified noxious weed-free;
  10. That the disturbed areas be re-vegetated as required in § 507(A)(5)(c) of the PCZO;

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

11. That the applicant and the landowner sign a Statement of Understanding within ten (10) business days of approval of Construction Permit / CP 19-02, which is available at the Planning Office; and,
12. That this Construction Permit be reviewed at the August 26, 2019, Planning Commission meeting, or as directed by the Planning director to ensure that the applicant is meeting all conditions.

### III. EXISTING CONDITIONS

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

### IV. ANALYSIS

- A. August 20, 2019 – Staff conducted a site visit and found:
  1. The access road and utility lines have been installed.
  2. The site has not been reclaimed.
  3. No evidence of sediment leaving the site.
- B. The applicants have applied for a Construction in a Section Line Right-of-Way along with another Construction Permit (COCP19-0012) to extend the road through a Section Line onto an adjacent property.
- C. If the work on this section of road is complete or has stopped, then the applicants will need to re-vegetate the disturbed areas in accordance with § 507 of the Pennington county Zoning Ordinance (PCZO).

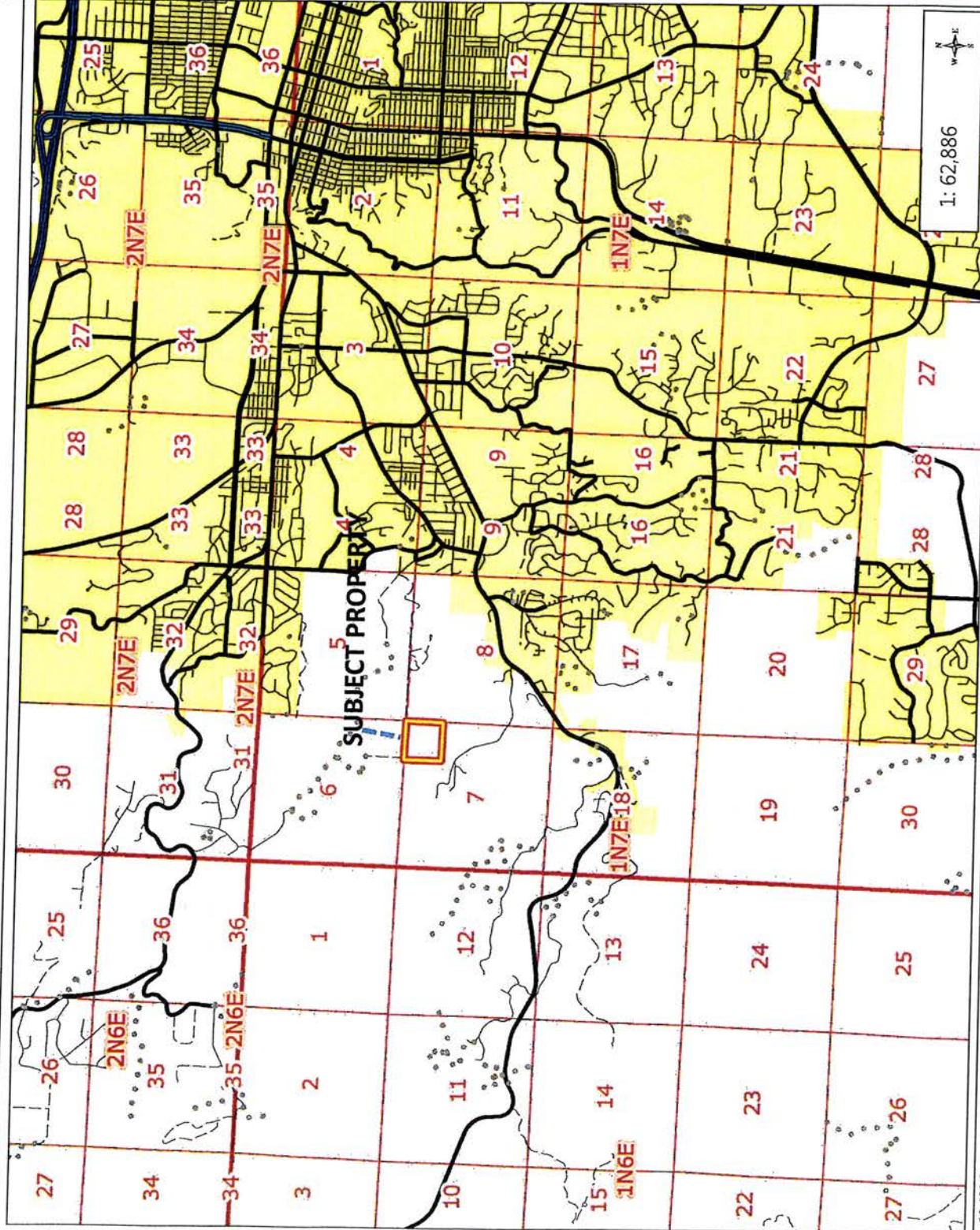


*Site Visit (8/20/19)*



**RECOMMENDATION:** Staff recommends the Planning Director approve the extension of Construction Permit / CP 19-02 with the following twelve (12):

1. That erosion control measures are implemented *immediately* and maintained until the site has been revegetated in accordance with § 507(A)(5)(c) (PCZO);
2. That all erosion control measures submitted with the Construction Permit application be implemented prior to the Stop Work Order being lifted;
3. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan;
4. That the owner or designee must inspect the site at least once every 7 calendar days or every 14 calendar days and within 24 hours of the end of a storm event that exceeds 0.25 inches or snowmelt that generates runoff. A properly maintained rain gauge must be kept on the site. Inspection reports must be submitted by the contractor to the Planning Director every month during construction;
5. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;
6. That all natural drainage ways and paths be continually maintained;
7. That failure of the owner or designee to submit Inspection Reports, as required, shall result in the immediate issuance of a Stop Work Order and a review by the Planning Director to determine if all Conditions of Approval are being met;
8. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;
9. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than 14 days after the Construction Activity has stopped. All erosion control methods (mulch and seed) need to be certified noxious weed-free;
10. That any portion of disturbed area that remain dormant for more than fourteen (14) days be stabilized and re-vegetated.
11. That the disturbed areas be re-vegetated as required in § 507(A)(5)(c) of the PCZO; and,
12. That this Construction Permit be reviewed at the September 23, 2019, Planning Commission meeting, or as directed by the Planning director to ensure that the applicant is meeting all conditions.



**Legend**

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

**Map Notes:**

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

THIS MAP IS NOT TO BE USED FOR NAVIGATION

10,480.9 0 5,240.46 10,480.9 Feet

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

ACCESS Rd (TRACK OUT PAD)



1: 4,055

**Legend**

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

**Map Notes:**

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**

675.9 Feet

0 337.93

675.9

## STAFF REPORT

### GENERAL INFORMATION:

**REQUEST:** CONDITIONAL USE PERMIT / CU 19-21: To allow for a Vacation Home Rental in a Suburban Residential District in accordance with Sections 208, 319, and 510 of the Pennington County Zoning Ordinance.

**APPLICANT:** Ryan and Dawn Loraas

**APPLICANT ADDRESS:** 2020 Meadow Ridge Place, Bismarck, ND 58703

**LOCAL CONTACT:** Julie Mechaley

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

**SITE LOCATION:** 205 Danube Lane, Rapid City, SD 57702.

**SIZE:** 2.15 acres

**TAX ID:** 69834

**EXISTING LAND USE:** Residential

**ZONING REFERENCE:** §§ 208, 319, and 510

**CURRENT ZONING:** Suburban Residential District

**SURROUNDING ZONING:**

|       |                               |
|-------|-------------------------------|
| North | Suburban Residential District |
| South | Suburban Residential District |
| East  | Suburban Residential District |
| West  | Suburban Residential District |

**PHYSICAL CHARACTERISTICS:** Hills / Trees

**UTILITIES:** Community

**REPORT BY:** Jason Theunissen

**I. PROPOSED RECOMMENDATION**

- A. Staff will be recommending approval of Conditional Use Permit / CU 19-21 with thirteen (13) conditions.

**II. GENERAL DESCRIPTION**

- A. The applicants, Ryan and Dawn Loraas, are requesting a Conditional Use Permit to allow an existing three (3) bedroom residence to be utilized as a Vacation Home Rental (VHR) on the subject property.

**III. EXISTING CONDITIONS**

- A. Zoned Suburban Residential District.
- B. 2.15 acres.
- C. Access of off Danube Lane.
  - 1. Located within the Edelweiss Mountain Road District.
  - 2. Located within the West Dakota Water District.
- D. Edelweiss Community Lagoon System.
- E. No Special Flood Hazard Area.
- F. Lot contains:
  - 1. Single-family residence built in 2007, per Department of Equalization records / 2006COBP0409.



*Existing Lot, Rapid Map, 2018*

**IV. REQUEST FOR COMMENT**

- A. County Highway Department
  - 1. Highway Department has no comments since this is in the Edelweiss Mountain Road District.
- B. County Fire Administrator
  - 1. Free wildfire risk assessment of the property by the South Dakota Wildland Fire Suppression-Urban Interface Technician, Logan Brown Urban Interface Specialist South Dakota Wildland Fire (605) 394-2584; 3305 W SOUTH ST. RAPID CITY SD 57702-8160 Office: 605-394-5203 Fax: 605-393-8044;
- C. County Natural Resources Director
  - 1. No comments received.
- D. County Ordinance Enforcement Officer
  - 1. There are no current Ordinance Violations on the subject property.
- E. County Environmental Planning Supervisor
  - 1. There is no Special Flood Hazard Area on the subject property. A community lagoon serves as wastewater treatment for the structure.
- F. County Addressing Coordinator
  - 1. No addressing concerns at this time. The assigned address must be posted in accordance with Pennington County's Ordinance #20.
- G. County Sherriff's Office
  - 1. No comments received.
- H. Emergency Services (9-1-1)
  - 1. Approve with 1 condition: That the physical address house number is posted where the driveway meets Danube Lane and, on the home, visible from the driveway, as responders and the public come up the driveway.
- I. Edelweiss Mountain Road District
  - 1. No comments received.
- J. US Forest Service
  - 1. The Forest Service has no objections to the proposed Loraas vacation home rental.
  - 2. The Forest Service granted a FLPMA Private Road Easement to the Edelweiss Mountain Improvement Association, PAH406401 on 03-23-1988. This easement expired on 12-31-2017. The Forest Service is currently working on a new Forest Road Easement to be granted to the Edelweiss Mountain Improvement Association, PAH707. All private property landowners within the Edelweiss Mountain Improvement Association have legal access to their private property across National Forest System lands and by using the Edelweiss Mountain Improvement Association FLPMA Private Road Easement. I have attached a pdf copy of the easement for your files.
  - 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" and "Roads Open to Highway Legal Vehicles Only" per the latest version (January 1, 2019) of the Motor Vehicle Use Map.
12. No motorized trailheads or motorized trails or motorized roads are planned or scheduled for this portion of the Black Hills National Forest.
13. No motorized trails for ATV, motorcycles or ORV will be authorized from private property unto National Forest System lands (USFS does not want unauthorized trails constructed on National Forest System lands).

**V. CONSIDERATIONS FOR CONDITIONAL USE PERMIT REQUEST**

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

1. **The effect upon the use and enjoyment of the other property in the immediate vicinity for the uses already permitted, and upon property values within the immediate vicinity.**
  - a. The proposed use for the single-family residence as a Vacation Home Rental should not affect the use and enjoyment of other property in the immediate vicinity for the uses already permitted, and upon property values in the surrounding properties.

2. **The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.**
  - a. It appears that by allowing this Conditional Use Permit, the use should not affect the normal, orderly development or improvement of any surrounding vacant property in the area.
3. **That utilities, access roads, drainage, and/or other necessary facilities are provided.**
  - a. The proposed use of the existing single-family residence should not require any utilities or facilities that are not already in place. Access is to be provided off of Danube Lane. 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)(gg) requires one (1) off-street parking spaces per bedroom. It appears that adequate parking is provided on the subject property.
5. **That measures are taken to control offensive odor, fumes, dust, noise, vibration, and lighting (inclusive of lighted signs), so that none of these will constitute a nuisance.**
  - a. The proposed Conditional Use, by its very nature, should have limited odor, fumes, dust, noise, vibrations, and intrusive lighting. The applicant should take care so the proposed use does not create the above-listed elements in any amount that would constitute a nuisance.

## VI. ANALYSIS

- A. July 19, 2019 – Ryan and Dawn Loraas applied for Conditional Use Permit / CU 19-21 to allow an existing three (3) bedroom residence to be utilized as a Vacation Home Rental on the subject property in a Suburban Residential District.
- B. August 19, 2019 – Staff performed a site visit and met with the local contact, Julie Mechaley, and found the subject property to be in compliance.
- C. Section 207(C)(18) of the Pennington County Zoning Ordinance (PCZO) lists “Vacation Home Rental in accordance with Section 319” as a Conditional Use in a Suburban Residential District.

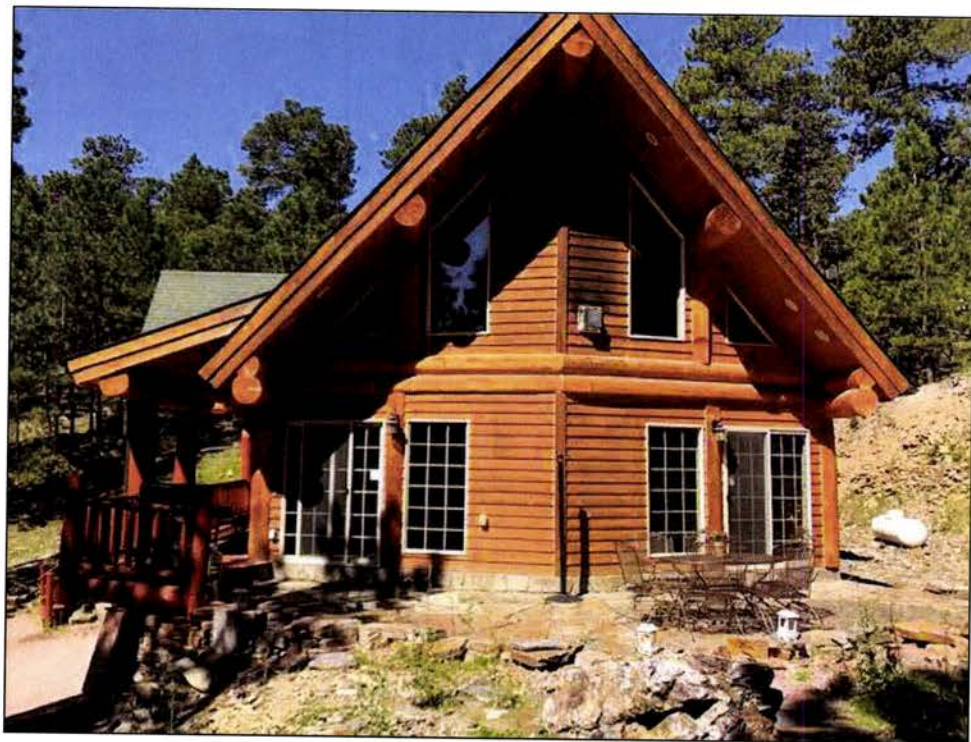


- D. Section 319(B) states:
  - 1. "As long as the subject property for the VHR is a minimum of 1-acre with a combination of acceptable Public and/or Private Systems, as determined by the South Dakota Department of Health and the Pennington County Planning Department; VHRs are permitted with approval 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."
- E. The applicant has complied with all of the application and submittal requirements for a VHR, as listed in PCZO §319, including the following:
  - a. Complete application and floor plans.
  - b. South Dakota Department of Revenue Sales Tax License.
  - c. South Dakota Department of Health Lodging License.
  - d. Local contact: Julie Mechaley.
  - e. Since the proposed VHR is serviced by the Edelweiss lagoon, the maximum overnight occupancy is calculated in accordance with § 319(F)(1) of the Pennington County Zoning Ordinance, which states, "the maximum overnight occupancy allowed in a VHR shall be no greater than two (2) persons per bedroom, plus four (4) additional persons, but may be fewer based on the capacity of the wastewater system." The proposed VHR is a three (3) bedroom residence. Thus, the maximum overnight occupancy would be ten (10) persons.

Agenda Item #16  
Ryan & Dawn Loraas  
August 26, 2019



*Site Visit, August 19, 2019.*



*Site Visit, August 19, 2019.*

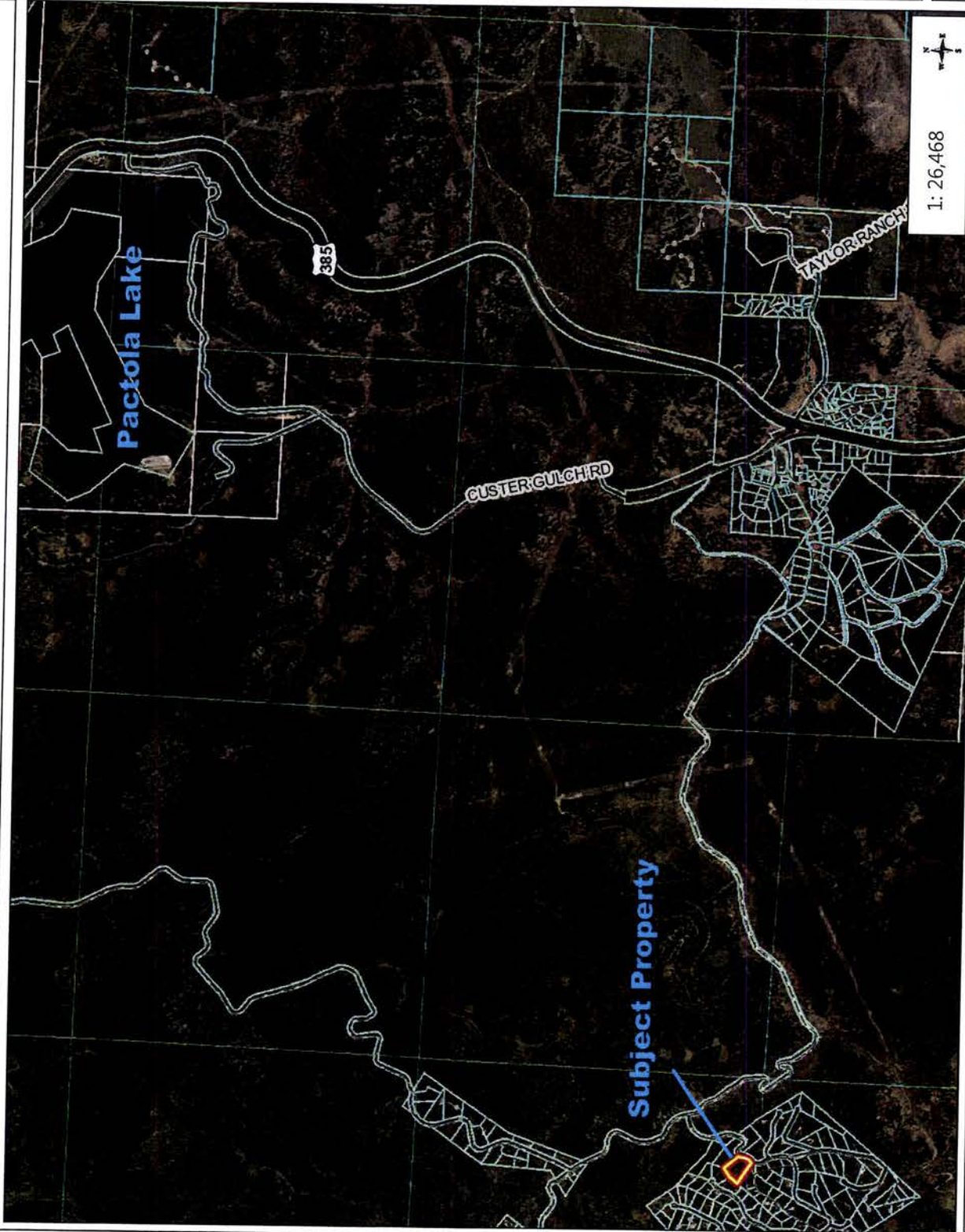
Agenda Item #16  
Ryan & Dawn Loraas  
August 26, 2019

**RECOMMENDATION:** Staff recommends approval of Conditional Use Permit / CU 19-21 with the following thirteen (13) conditions:

1. That the maximum overnight occupancy, per Pennington County Zoning Ordinance (PCZO) § 319(F)(1), be limited to ten (10) people and the maximum daytime occupancy be limited to twenty (20) people, per PCZO § 319(F)(13);
2. That each review of Conditional Use Permit / CU 19-21, be subject to PCZO §511(F)(4), which imposes a \$100 fee per review;
3. That the applicant continually maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department upon request;
4. That the applicant 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 provided to the Planning Department upon request;
5. 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;
6. 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;
7. That the lot address (205 Danube Lane) be posted on the residence and be clearly visible from Danube Lane at all times, in accordance with Pennington County's Ordinance #20;
8. That the applicant ensure the Vacation Home Rental is continually operated in accordance with the requirements of PCZO § 319(F) (Performance Standards) at all times;
9. That if the person designated as the Local Contact is ever changed from Julie Mechaley, the interior informational sign be updated and the applicant re-notify the Planning Director and surrounding landowners within 500 feet via notices sent by First Class Mail;
10. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;

Agenda Item #16  
Ryan & Dawn Loraas  
August 26, 2019

11. That an approved Sign Permit be obtained prior to the placement of any sign(s);
12. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; and,
13. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.



1: 26,468

4,411.3 2,205.64 4,411.3 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
- Section Lines 0-25k
  - 0
  - 7
- Section Labels 0-25k
- Tax Parcels
- Lot Lines
  - <Null>
  - Lot Line
  - Parcel Line
- OtherCitieslargerscale

**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: 945

157.5 Feet

78.77

0

157.5

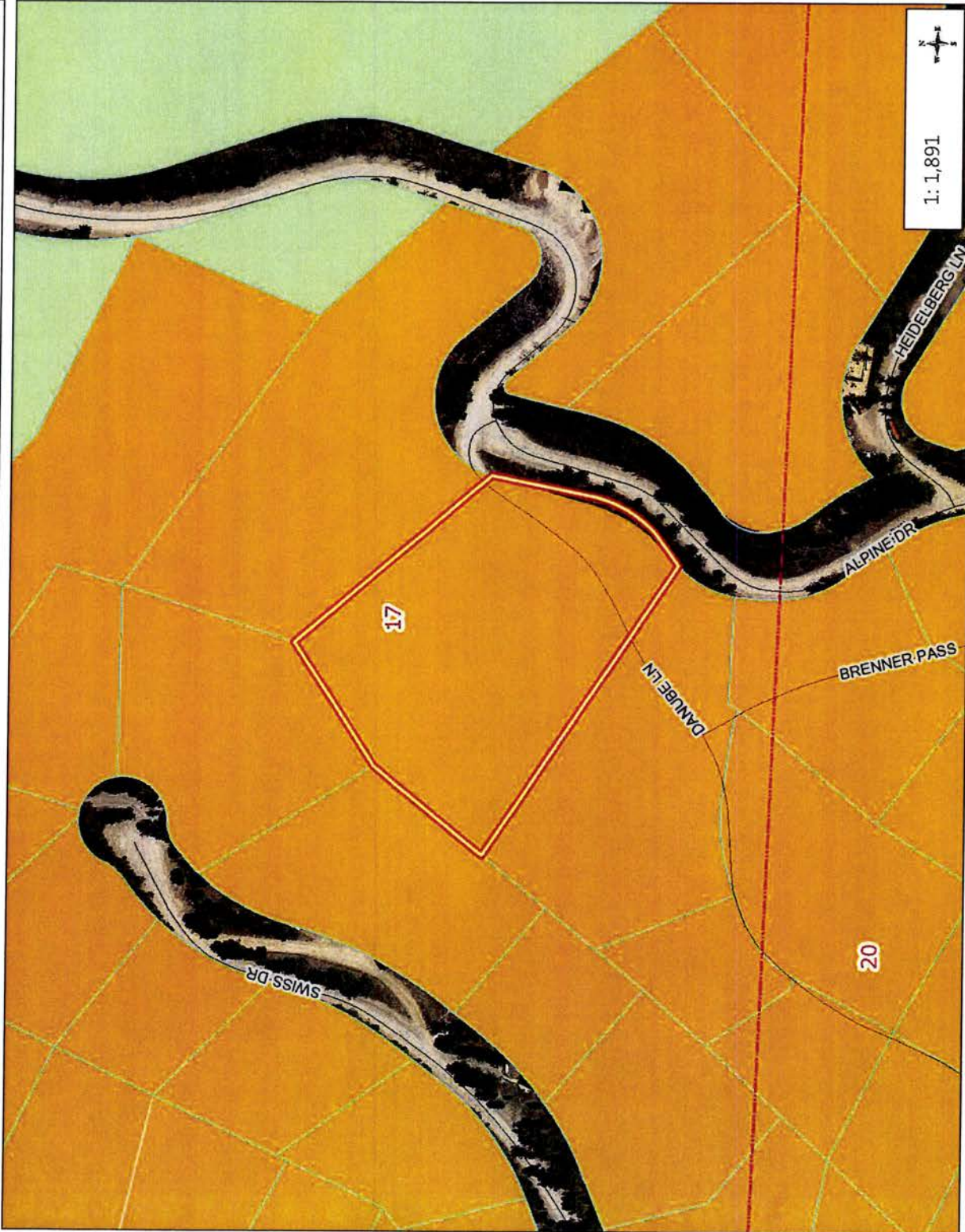
NAD\_1983\_StatePlane\_South\_Dakota\_South\_FIPS\_4002\_Feet  
© City of Rapid City GIS

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

### Legend

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

**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.

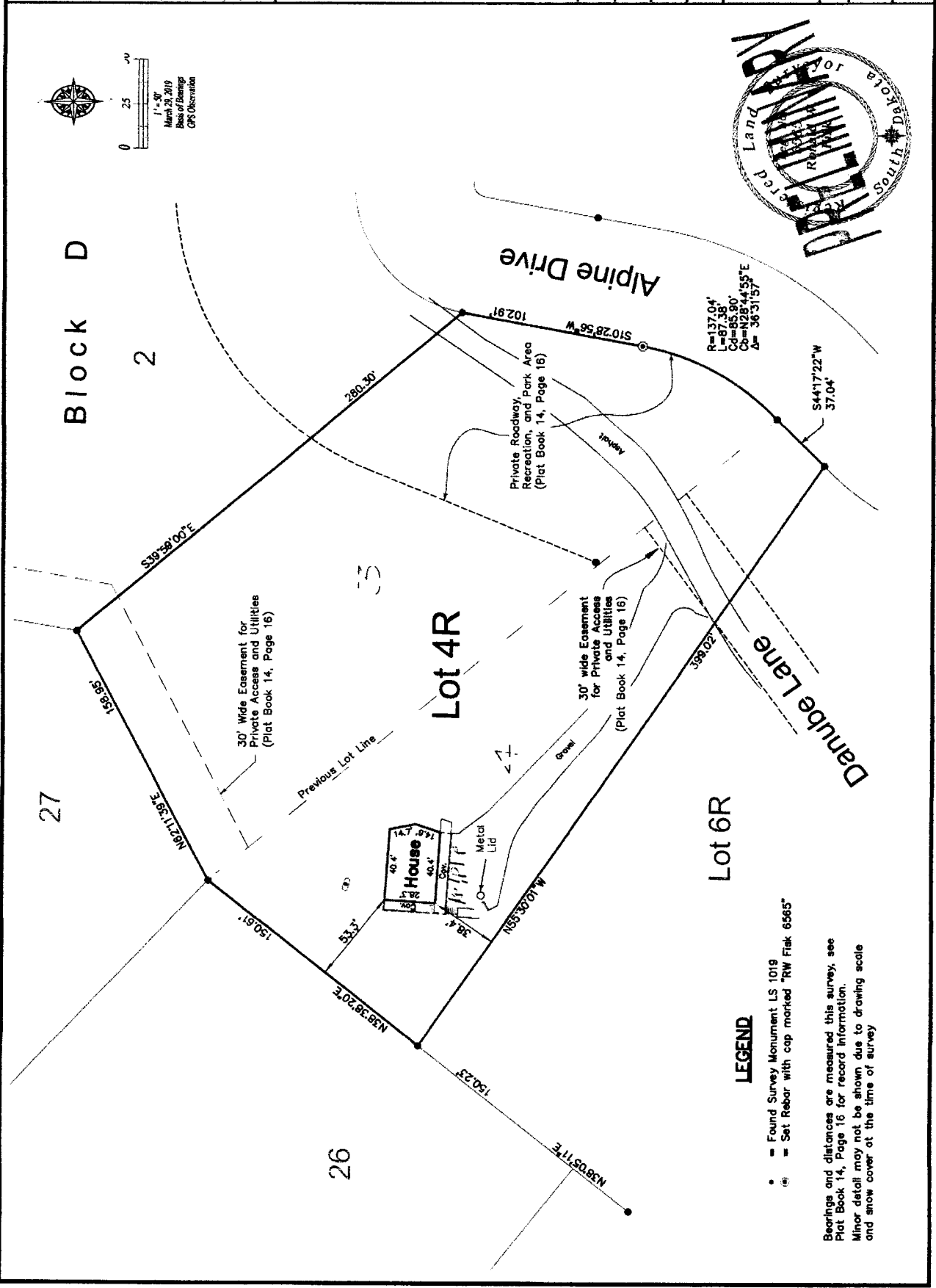
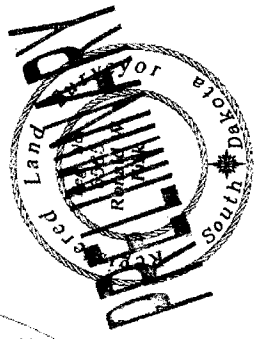
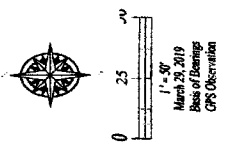
THIS MAP IS NOT TO BE USED FOR NAVIGATION

**Fisk Land Surveying & Consulting Engineers, Inc**  
 1022 Main Street (P.O. Box 8134)  
 Rapid City, South Dakota 57709  
 (605) 348-1558 fsklnd@fisklandurveying.com

**Proposed Lot 4R - Ryan Loraas**  
 Block D, Edelweiss Mountain Development  
 S1/2 of Section 17, T1N, R5E, BHM,  
 Pennington County, South Dakota

|                       |                   |                  |                   |           |
|-----------------------|-------------------|------------------|-------------------|-----------|
| Surveyed by:<br>CD/JH | Date<br>3/28/2019 | Drawn by:<br>CDD | Checked by:<br>JF | Revisions |
| Site Plan             |                   |                  | 1 of 1            |           |

Project No.  
19-02-07



**LEGEND**

- Found Survey Monument LS 1019
- ⊙ Set Rebar with cap marked "RW Flak 6565"

Bearings and distances are measured this survey, see Plat Book 14, Page 16 for record information.  
 Minor detail may not be shown due to drawing scale and snow cover at the time of survey





**SOUTH DAKOTA  
DEPARTMENT OF HEALTH  
LODGING LICENSE**



Issued To: RYAN H LORAAS  
DAWN R LORAAS

Located At: LORAAS RENTAL  
205 DANUBE PL  
RAPID CITY, SD 57702

License Type  
**Vacation Home License**

License Number  
**21060**  
Number of Units  
**1**  
Swimming Pool  
**0**  
Spa or Hot Tub  
**0**

Expires  
**12/31/2019**

*Kim Malsam-Rydon*  
Secretary of Health

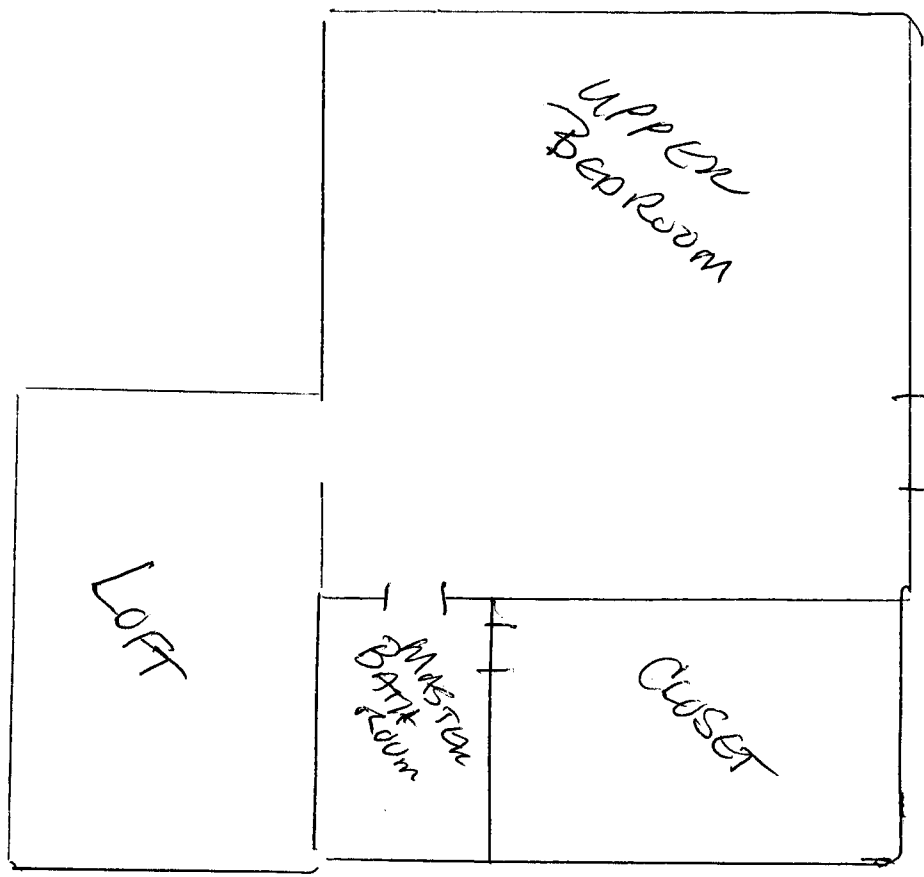
*License is Not Transferable - Post in the Establishment*

**WHISPERING PINES CABIN  
205 DANUBE LN  
RAPID CITY SD 57702**

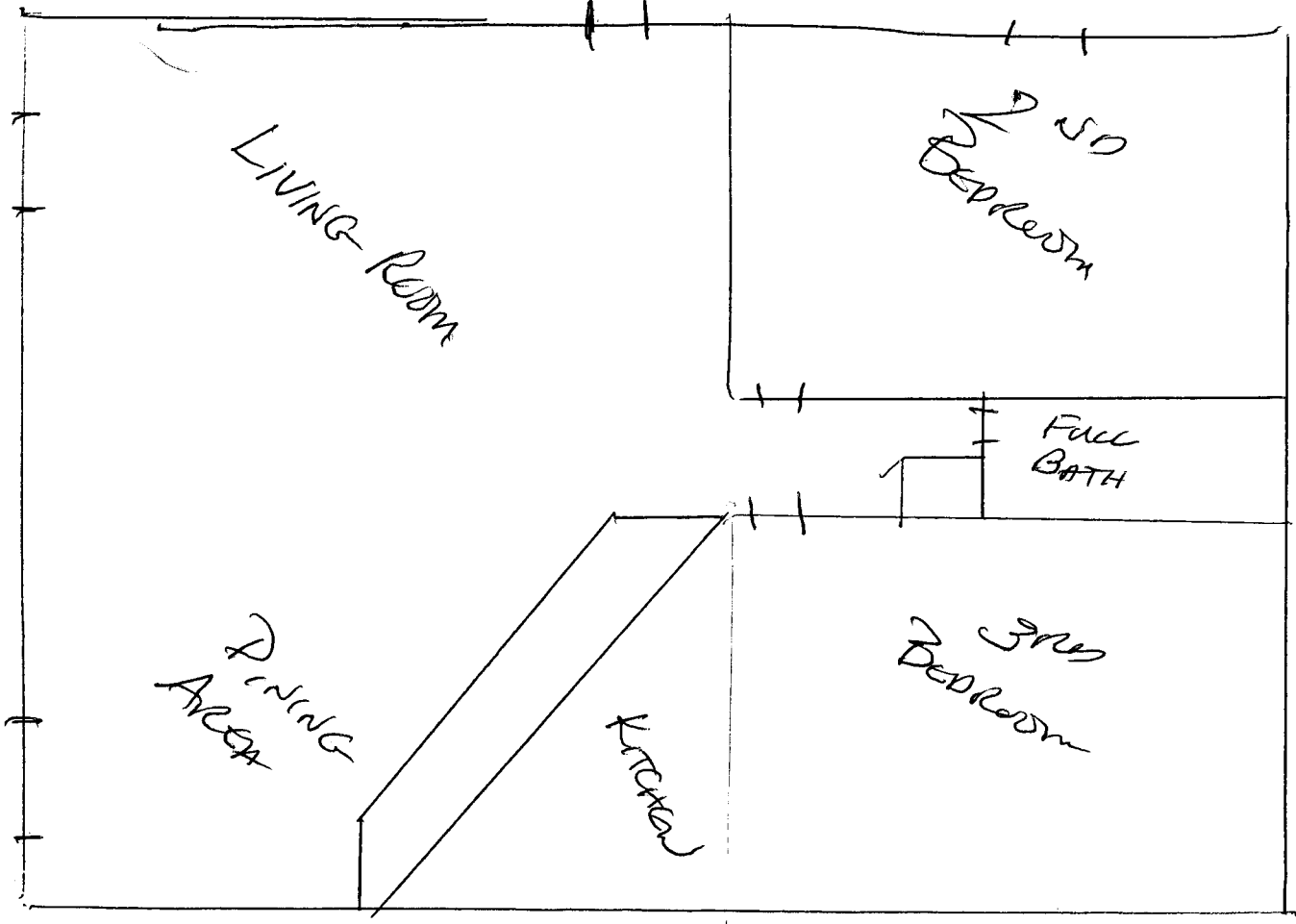
**If any questions or problems call the office located at 12780 Black Forest Rd.  
Phone number of the office 605-574-2430**

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

UPPER LEVEL



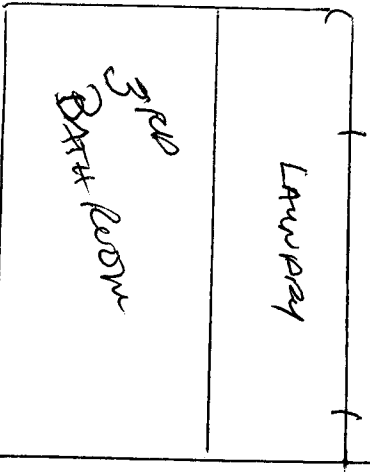
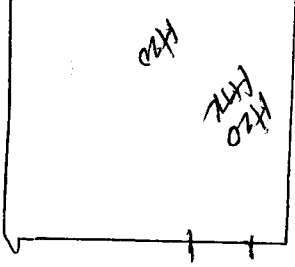
MAIN LEVEL



\* NOT TO SCALE  
REF. ONLY.

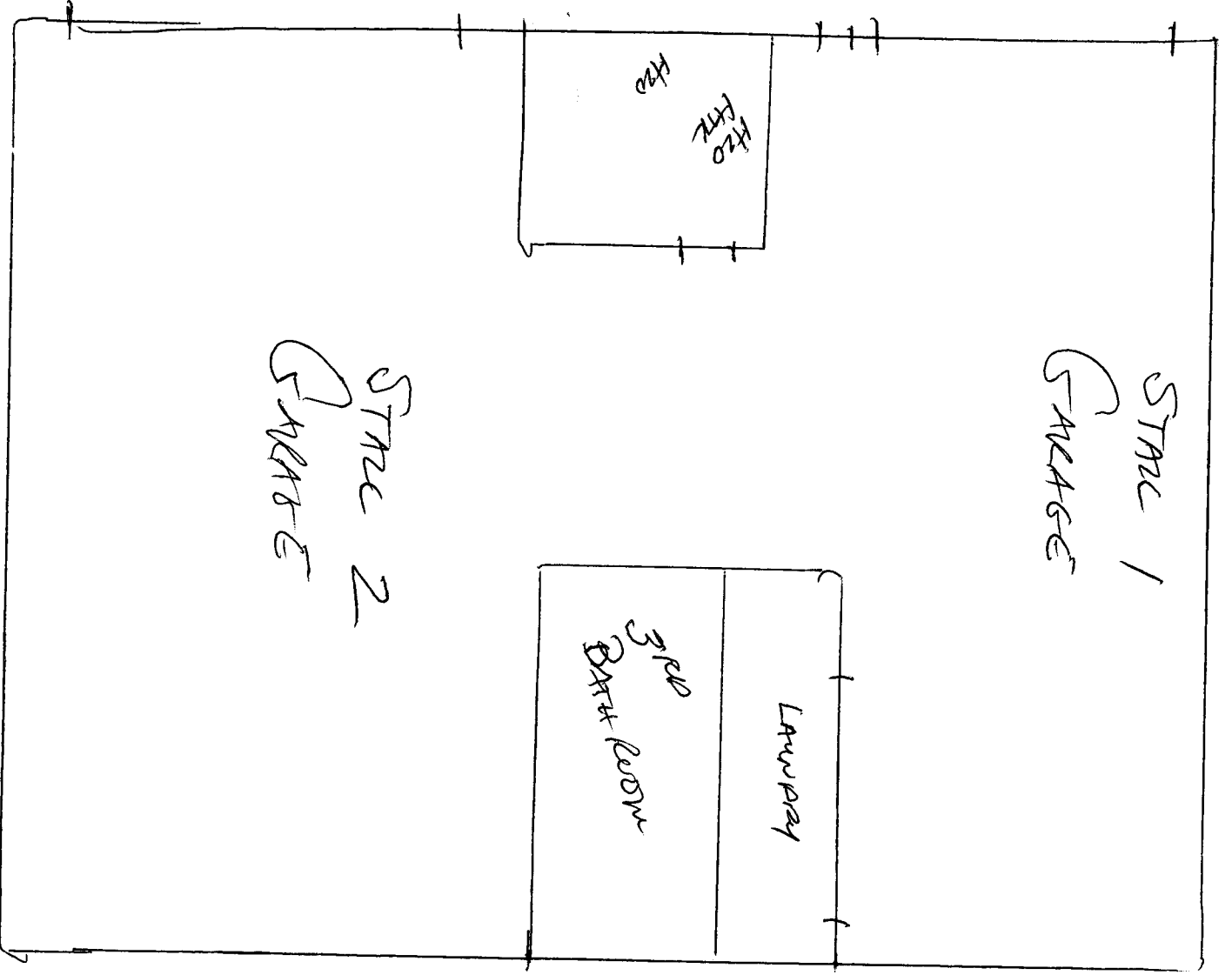
205 Danvers Lane.

STAIR 1  
GARAGE



STAIR 2  
GARAGE

X NOT TO SCALE



**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: Julie Mechatky Primary Contact Number: 605-574-2430  
Mailing Address: 12780 Black Forest Rd  
City: Rapid City State: SD Zip Code: 57102

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

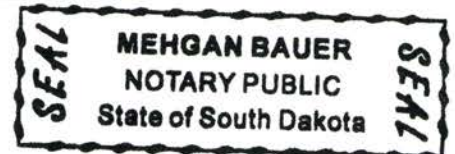
Julie Mechatky  
Signature of Local Contact

7-19-2019  
Date

Subscribed and sworn to before me this 19<sup>th</sup> day of July, 2019.

Mehgan Bauer  
Notary Public for the State of South Dakota

November 6, 2019  
My Commission Expires





## Department Of Health - Vacation Homes Inspection Report

|                                       |                              |                                |                               |                           |
|---------------------------------------|------------------------------|--------------------------------|-------------------------------|---------------------------|
| <b>Establishment</b><br>LORAAS RENTAL | <b>City</b><br>Rapid City SD | <b>Owner</b><br>RYAN LORAAS    | <b># of Units</b><br>1        | <b>License #</b><br>21060 |
| <b>Address</b><br>205 DANUBE PL       | <b>Zip Code</b><br>57702     | <b>Insp. Date</b><br>5/10/2019 | <b>Water Supply</b><br>Public | <b>Inspector #</b><br>415 |

**Purpose of Inspection:** Initial

| Item | Requirements  | Weight | Item | Requirements  | Weight | Item | Requirements  | Weight |
|------|---|--------|------|---|--------|------|---|--------|
|      | <b>Health</b>                                       |        | 16   | Clean, sanitary and good repair                       | 2/2    |      | <b>CLEAN, GOOD REPAIR, SAFETY EQUIPMENT, DAILY LOG</b>    |        |
|      | <b>EMPLOYEE HEALTH</b>                              |        |      | <b>CARPET PROHIBITED IN RESTROOMS AND KITCHEN</b>     |        | 28   | Clean, good repair, safety equipment, daily log           | 3/3    |
| 1 *  | Disease Control                                     | 4/4    | 17   | Carpet prohibited in restrooms and kitchen            | 1/1    |      | <b>SANITIZER AND pH LEVEL MAINTAINED, TEST KIT</b>        |        |
|      | <b>EMPLOYEE HYGIENE</b>                             |        |      | <b>Lighting</b>                                       |        | 29 * | Sanitizer and pH level maintained, test kit               | 4/4    |
| 2    | Hand washing, clean cloths                          | 1/1    |      | <b>ADEQUATE AND SAFE LIGHTING</b>                     |        |      | <b>WATER SAMPLES SUBMITTED</b>                            |        |
|      | <b>Water Supply</b>                                 |        | 18   | Adequate and safe lighting                            | 2/2    | 30   | Water samples submitted biweekly                          | 2/2    |
|      | <b>ADEQUATE AND SAFE</b>                            |        |      | <b>Ventilation</b>                                    |        |      | <b>Food supplies</b>                                      |        |
| 3 *  | Adequate and safe                                   | 4/4    |      | <b>TOILET ROOMS, LAUNDRY ROOM PROPERLY VENTED</b>     |        | 31 * | Approved, safe, unadulterated                             | 4/4    |
|      | <b>WATER SAMPLE SUBMITTED</b>                       |        | 19   | Toilet rooms, laundry rooms properly vented           | 2/2    |      | <b>Food protection</b>                                    |        |
| 4    | Water sample submitted                              | 2/2    |      | <b>Heating equipment</b>                              |        |      | <b>COOKING AND REHEATING POTENTIALLY HAZARDOUS FOODS</b>  |        |
|      | <b>Ice</b>  |        |      | <b>FUEL-FIRED EQUIPMENT ADEQUATE, INSPECTED</b>       |        | 32 * | Cooking and reheating potentially hazardous foods         | 4/4    |
|      | <b>PROPER DISPENSING</b>                            |        | 20   | Fuel-fired equipment adequate, inspected              | 3/3    |      | <b>POTENTIALLY HAZARDOUS FOOD PROPERLY COOLED</b>         |        |
| 5    | Clean and sanitary                                  | 2/2    |      | <b>Cleanliness of equipment and utensils</b>          |        | 33 * | Potentially hazardous food properly cooled                | 4/4    |
|      | <b>ICE MAKING EQUIPMENT</b>                         |        |      | <b>UTENSILS PROPERLY SANITIZED</b>                    |        |      | <b>THAWING POTENTIALLY HAZARDOUS FOODS</b>                |        |
| 6    | Air Gap   | 2/2    | 21 * | Utensils properly sanitized                           | 4/4    | 34   | Thawing potentially hazardous foods                       | 2/2    |
|      | <b>Toilet and bathing facilities</b>                |        |      | <b>PROPERLY STORED, WRAPPED, SEALED</b>               |        |      | <b>STORAGE, HANDLING, DISPLAY, DISPENSED AND SERVICED</b> |        |
|      | <b>CLEAN AND SANITARY</b>                           |        | 22   | Properly stored, wrapped, sealed                      | 2/2    | 35   | Storage, handling, display, dispensed and serviced        | 2/2    |
| 7 *  | Good repair   | 4/4    |      | <b>Single Service items</b>                           |        |      | <b>Food equipment and utensils</b>                        |        |
|      | <b>NON-SLIP SURFACE IN BATHTUB OR SHOWER</b>        |        |      | <b>STORED, HANDLED AND PROPERLY DISPENSED</b>         |        |      | <b>DISHWASHING FACILITY</b>                               |        |
| 8    | Non-slip surface in bathtub or shower               | 2/2    | 23   | Stored, handled and properly dispensed                | 2/2    | 36   | Design, location, operation                               | 3/3    |
|      | <b>TOILET, LAVATORY, BATHROOM FIXTURE RATIO</b>     |        |      | <b>Bedding and linen</b>                              |        |      | <b>STORAGE</b>  |        |
| 9    | Toilet, lavatory, bathroom fixture ratio            | 2/2    |      | <b>CLEAN AND GOOD REPAIR, STORED PROPERLY, DRIED</b>  |        | 37   | Utensils cleaned and sanitized                            | 1/1    |
|      | <b>SOAP, TOILET TISSUE AND CLEAN LINEN PROVIDED</b> |        | 24   | Clean and good repair, stored properly, dried         | 2/2    |      | <b>Other operations</b>                                   |        |
| 10   | Soap, toilet tissue and clean linen provided        | 2/2    |      | <b>Housekeeping</b>                                   |        |      | <b>HANDWASHING</b>  |        |
|      | <b>WATER TEMPERATURE SAFE AND ADEQUATE</b>          |        |      | <b>PREMISES NEAT, CLEAN AND FREE FROM LITTER</b>      |        | 38   | Location, accessible, soap, towels                        | 3/3    |
| 11   | Water temperature safe and adequate                 | 2/2    | 25   | Premises neat, clean and free from litter             | 3/3    |      | <b>PETS</b>   |        |
|      | <b>Garbage and rubbish storage and disposal</b>     |        |      | <b>APPROVED CLEANERS, SANITIZERS, STORED, LABELED</b> |        | 39   | Excluded from food area, good health                      | 2/2    |
|      | <b>ROOM WASTE CONTAINERS LINED OR SANITIZED</b>     |        | 26 * | Approved cleaners, sanitizers, stored, labeled        | 4/4    |      | <b>REGISTER MAINTAINED, LICENSE POSTED</b>                |        |
| 12   | Room waste containers lined or sanitized            | 1/1    |      | <b>Hazardous conditions</b>                           |        | 40   | Register maintained, license posted                       | 1/1    |
|      | <b>RUBBISH STORED AND DISPOSED PROPERLY</b>         |        |      | <b>DANGEROUS AND UNSAFE CONDITIONS</b>                |        |      |   |        |
| 13   | Rubbish stored and disposed properly                | 1/1    | 27 * | Dangerous and unsafe conditions                       | 4/4    |      |   |        |
|      | <b>Vermin Control</b>                               |        |      | <b>Water recreation facilities</b>                    |        |      |   |        |
|      | <b>ENTRANCE PREVENTED</b>                           |        |      |   |        |      |   |        |
| 14   | Entrance Prevented                                  | 1/1    |      |   |        |      |   |        |
|      | <b>PRESENCE OF VERMIN</b>                           |        |      |   |        |      |   |        |
| 15 * | Presence of vermin                                  | 4/4    |      |   |        |      |   |        |
|      | <b>Condition of floors, walls and ceilings</b>      |        |      |   |        |      |   |        |
|      | <b>CLEAN, SANITARY AND GOOD REPAIR</b>              |        |      |   |        |      |   |        |

\* CRITICAL ITEMS REQUIRE IMMEDIATE ACTION

**Overall Inspection Rating SCORE:**  
(100 less weight of items violated)

# 100



## Department Of Health - Vacation Homes Inspection Report

|                                       |                              |                                |                               |                           |
|---------------------------------------|------------------------------|--------------------------------|-------------------------------|---------------------------|
| <b>Establishment</b><br>LORAAS RENTAL | <b>City</b><br>Rapid City SD | <b>Owner</b><br>RYAN LORAAS    | <b># of Units</b><br>1        | <b>License #</b><br>21060 |
| <b>Address</b><br>205 DANUBE PL       | <b>Zip Code</b><br>57702     | <b>Insp. Date</b><br>5/10/2019 | <b>Water Supply</b><br>Public | <b>Inspector #</b><br>415 |

**Purpose of Inspection:** Initial

### Fire Safety Survey

|              |  |
|--------------|--|
| N/A          | FS-1--Each floor where 10 or more occupants are sleeping shall have access to at least two remote exits.   |
| Satisfactory | FS-2--All primary exits that lead to the exterior of the structure shall be unlocked and free from obstruction. Sleeping rooms with direct exits to the exterior of the building are exempt from this requirement. |
| Satisfactory | FS-3--There shall be a smoke detector in each sleeping room. (Battery operated tested 2X/yr)   |
| Satisfactory | FS-4--Any sleeping room shall be equipped with an operable egress window.  |
| Satisfactory | FS-5--Portable fire extinguishers with a minimum 2-A rating shall be available on each floor and shall be inspected and tagged annually.   |

| Bedroom ID      | Width            | Height          | Openable Space   | Sill Height | Comments        |
|-----------------|------------------|-----------------|------------------|-------------|-----------------|
| main BR #1      | 20.5"            | 44.75"          | 6.3 sq. ft.      | 34"         | slider          |
| main BR #2      | direct exit      |                 |                  |             | door to outside |
| upper master BR | direct exit      |                 |                  |             | door to outside |
| Room ID         | Water Temp       |                 |                  | Comments    |                 |
|                 |                  |                 |                  |             |                 |
| Rec Water ID    | Chlorine/Bromine | Sanitizer(Free) | Sanitizer(Total) | pH          | Comments        |
|                 |                  |                 |                  |             |                 |

### PUBLISHED COMMENTS

OK to operate & license.

3 level home: 3 BR, 3 BA  
 - lower: 1 BA; main: 2 BR, 1 BA; upper: 1 BR, 1 BA  
 - lower level is garage

**NOTES:**

- Ensure hot water does not exceed 120 F (water heater not on during inspection)
- Fuel fired heating appliances (fireplaces) must be inspected annually, documentation maintained
- Ensure fire extinguishers are inspected/tagged annually
- Electric heat in bedrooms

| Received By           | Signature | Sig. Date | Inspected By      | Signature | Sig. Date |
|-----------------------|-----------|-----------|-------------------|-----------|-----------|
| (Owner Not Available) |           | 5/10/2019 | Charlotte Johnson |           | 5/10/2019 |

## STAFF REPORT

### GENERAL INFORMATION:

REQUEST: **CONDITIONAL USE PERMIT / CU 19-22:** To allow an existing residence to be used as a Vacation Home Rental in a Suburban Residential District in accordance with Sections 208, 319, and 510 of the Pennington County Zoning Ordinance.

APPLICANT: Michael and Soraya Pellan

APPLICANT ADDRESS: 1545 Manasco Circle, Folsom, CA 95630

LOCAL CONTACT/AGENT: Patrick Coupens

AGENT ADDRESS: 135 Swiss Drive, Rapid City, SD 57702

LEGAL DESCRIPTION: Lot 24R, Block B, Edelweiss Mountain Development Subdivision, Section 17, T1N, R5E, BHM, Pennington County, South Dakota.

SITE LOCATION: 140 Swiss Drive; located near the intersection of Alpine Drive and Swiss Drive.

SIZE: 0.93 acre

TAX ID: 1964

EXISTING LAND USE: Residential

ZONING REFERENCE: §§ 208, 319 and 509

CURRENT ZONING: Suburban Residential District

SURROUNDING ZONING:

|       |                               |
|-------|-------------------------------|
| North | Suburban Residential District |
| South | Suburban Residential District |
| East  | Suburban Residential District |
| West  | Suburban Residential District |

PHYSICAL CHARACTERISTICS: Forested / Mountainous

UTILITIES: Community



PREPARED BY: Cassie Bolstad

**I. PROPOSED RECOMMENDATION**

- A. Staff will be recommending approval of Conditional Use Permit / CU 19-22 with thirteen (13) conditions.

**II. GENERAL DESCRIPTION**

- A. The applicants, Michael and Soraya Pellan, are requesting a Conditional Use Permit to allow an existing three (3) bedroom residence to be utilized as a Vacation Home Rental on the subject property.

**III. EXISTING CONDITIONS**

- A. Zoned Suburban Residential District.
- B. 0.93 acre.
  - 1. Plat originally filed in 1972 (Plat Book 12, Page 48).
  - 2. Plat of existing Lot 24R, Block B was filed in 1976 (Plat Book 14, Page 280).
- C. Access off of Swiss Drive via an existing approach.
  - 1. Located within the Edelweiss Road District.
- D. Lot contains:
  - 1. Single-family residence with deck – built in 1975 per Department of Equalization records.
  - 2. 20' x 24' detached garage – built via 1992COBP0331.
  - 3. Connected to the Edelweiss Mountain lagoon system.
- E. No Special Flood Hazard Area on the subject property.

**IV. REQUEST FOR COMMENT**

- A. County Highway Department
  - 1. Highway Department has no comments since this is in the Edelweiss Mountain Road District and drainage isn't impacted.
- B. County 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;

Agenda Item #17

Michael & Soraya Pellan; Patrick Coupens - Agent

August 26, 2019

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;
  6. Develop and execute a plan following fire wise guidelines based on the Free State assessment to create defensible space to include the proposed or existing structures. 50% cost-share funds MAY be available through South Dakota Wildland Fire to execute the creation or enhancement of defensible space <http://wildlandfire.sd.gov/fuelsmitigation/fuelsmitigation.aspx> ; and,
  7. Fire wise Information: <http://www.gpfiresafecouncil.com/> .County Environmental Planning Supervisor
  8. There is no Special Flood Hazard Area on the subject property.
  9. The structure is serviced by the Edelweiss Mountain lagoon system. A sanitary district is in place to oversee the maintenance of the lagoon. The sanitary district should be contacted by the owner of the property to verify that the lagoon system's capacity will not be impacted by the Vacation Home Rental.
- C. County Environmental Planning Supervisor
1. There is no Special Flood Hazard Area on the subject property.
  2. The structure is serviced by the Edelweiss Mountain lagoon system. A sanitary district is in place to oversee the maintenance of the lagoon. The sanitary district should be contacted by the owner of the property to verify that the lagoon system's capacity will not be impacted by the Vacation Home Rental.
    - a. *Staff Comment: The applicant has provided a letter from Doyle Stern, President of the Edelweiss HOA stating, in part, that the applicants are in good standing for water and sewer. A copy of the letter is included with this Staff Report.*
- D. County Onsite Wastewater Specialist
1. I have no concerns with the current proposal.
- E. County Ordinance Enforcement
1. There is an open Ordinance Violation (COVO19-0032) on the subject property for a Vacation Home Rental under 1 acre without permits. Staff has spoken with the property owners and met with them at the Planning Office to discuss the steps required to bring the property into compliance and resolve COVO19-0032. The requested Variance is the first step in that process.

- F. County Addressing Coordinator
  - 1. No addressing concerns at this time. The assigned addresses must continue to be posted in accordance with Pennington County Ordinance #20.
- G. Emergency Services (9-1-1)
  - 1. Approve with condition that assigned physical address house number is posted in accordance with Penn Co Ord #20.
- H. Edelweiss Mountain Road District
  - 1. No comments received.

**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 Swiss Drive. 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 three (3) 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. July 26, 2006 – The applicants purchased the subject property (Deed Book 160, Page 2092).
- B. January 11, 2017 – § 319 of the PCZO, which regulates Vacation Home Rentals, was amended.
  1. § 319(B)(3) states, “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.”
- C. April 1, 2019 – Staff received a complaint regarding a Vacation Home Rental being operated on the subject property without an approved Conditional Use Permit.
  1. Ordinance Violation (COVO19-0032) was opened.
- D. Since the property is less than 1-acre (0.93 acre), the applicants could not apply for a Conditional Use Permit unless they received approval of a Variance to § 319(B)(3) to allow the Vacation Home Rental on a lot less than one (1) acre in size.
- E. June 18, 2019 – Board of Commissioners approved Variance / VA 19-05, a Variance to Section 319-B-3 of the Pennington County Zoning Ordinance to allow a less than one (1) acre lot size for a Vacation Home Rental in a Suburban Residential District.
  1. “MOVED by Hadcock and seconded by Drewes to approve Variance / VA 19-05, with the following two (2) conditions, and in one year bring this item back to the Commissioners for review. Vote: The motion carried 4-1 with DiSanto voting no.
    1. That this Variance only applies for the existing single-family residence to be utilized as a Vacation Home Rental; and,
    2. That an approved Conditional Use Permit is obtained for the Vacation Home Rental on the subject property within sixty (60) days of approval of Variance / VA 19-05.”

- F. July 30, 2019 – The applicants applied for Conditional Use Permit / CU 19-22.
- G. The applicants have 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. Confirmation from SD DENR that the VHR is connected to the Edelweiss Mountain lagoon system – received April 30, 2019.
  - 3. South Dakota Department of Revenue Sales Tax License (License # 1033-8914-ST);
  - 4. South Dakota Department of Health Lodging License (License # 20483 – expires 12/31/2019); and,
  - 5. Local Contact: Patrick Coupens.
- H. Since the proposed VHR is serviced by the Edelweiss lagoon, the maximum overnight occupancy is calculated in accordance with § 319(F)(1) of the Pennington County Zoning Ordinance, which states, “the maximum overnight occupancy allowed in a VHR shall be no greater than two (2) persons per bedroom, plus four (4) additional persons, but may be fewer based on the capacity of the wastewater system.”
  - 1. The proposed VHR is a three (3) bedroom residence. Thus, the maximum overnight occupancy would be ten (10) people.
- I. Currently, there are several other Vacation Home Rentals permitted within the Edelweiss Mountain Development.



*Existing single-family residence*

- J. 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.

**RECOMMENDATION:** Staff recommends approval of Conditional Use Permit / CU 19-22 with the following thirteen (13) conditions:

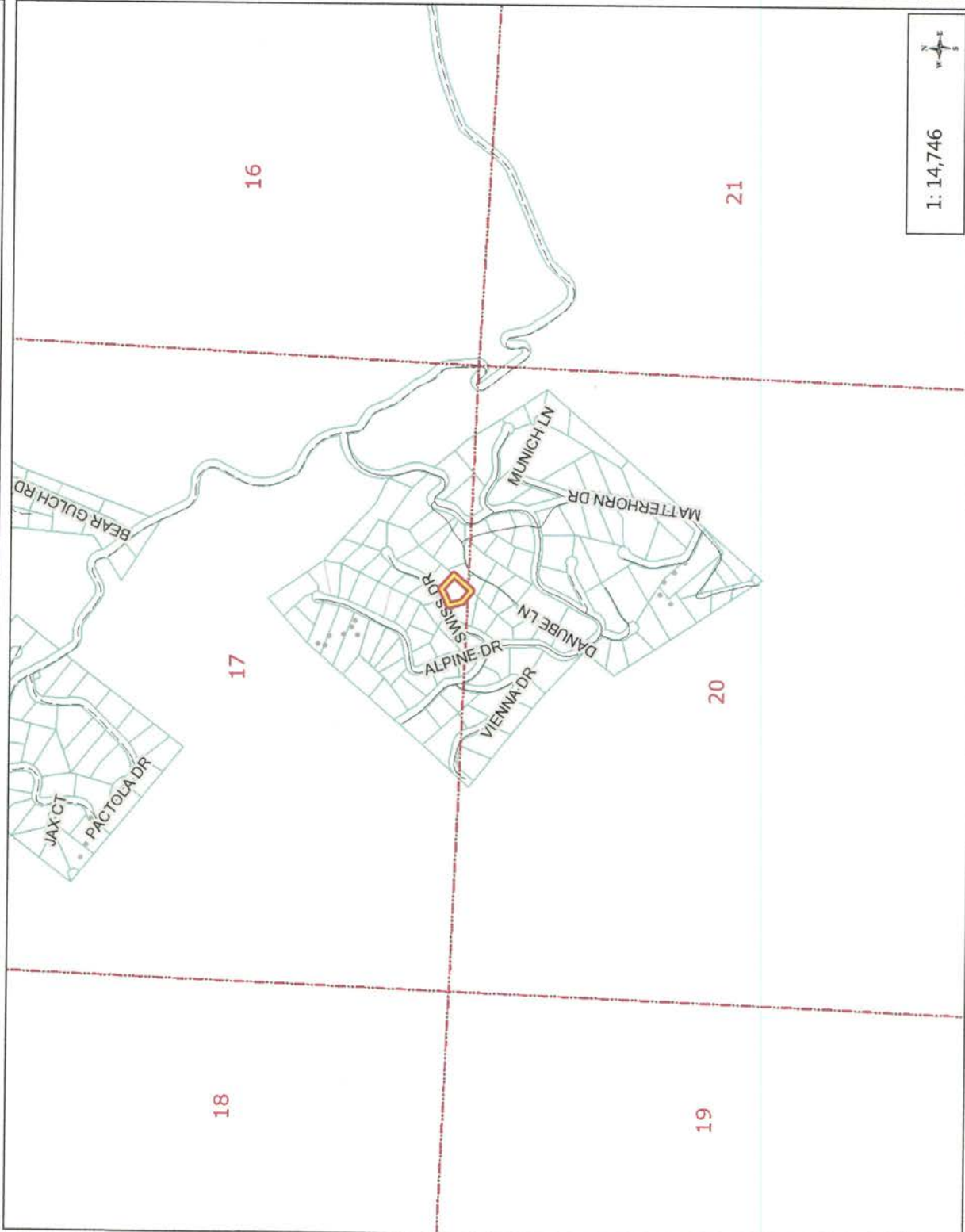
1. That the maximum overnight occupancy, per Pennington County Zoning Ordinance (PCZO) § 319(F)(1), be limited to ten (10) people and the maximum daytime occupancy be limited to twenty (20) people, per PCZO § 319(F)(13);
2. That each review of Conditional Use Permit / CU 19-22, be subject to PCZO § 511(F)(3), which imposes a \$100 fee per review;
3. That the applicant continually maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department upon request;
4. That the applicant continually maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;
5. That a minimum of 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;
6. 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;
7. That the lot address (140 Swiss Drive) be posted on the residence at all times and so it is clearly visible from Swiss Drive, in accordance with Pennington County's Ordinance #20;

Agenda Item #17

Michael & Soraya Pellan; Patrick Coupens - Agent

August 26, 2019

8. That the applicant ensure the Vacation Home Rental is continually operated in accordance with the requirements of PCZO § 319(F) (Performance Standards) at all times;
9. That if the person designated as the Local Contact is ever changed from Patrick Coupens, the interior informational sign be updated and the applicant re-notify the Planning Director and surrounding landowners within 500 feet via notices sent by First Class Mail;
10. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
11. That an approved Sign Permit be obtained prior to the placement of any sign(s);
12. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; and,
13. That this Conditional Use Permit be reviewed at the June 22, 2020, Planning Commission meeting (to coincide with the review of Variance / VA 19-05), on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.



1: 14,746



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

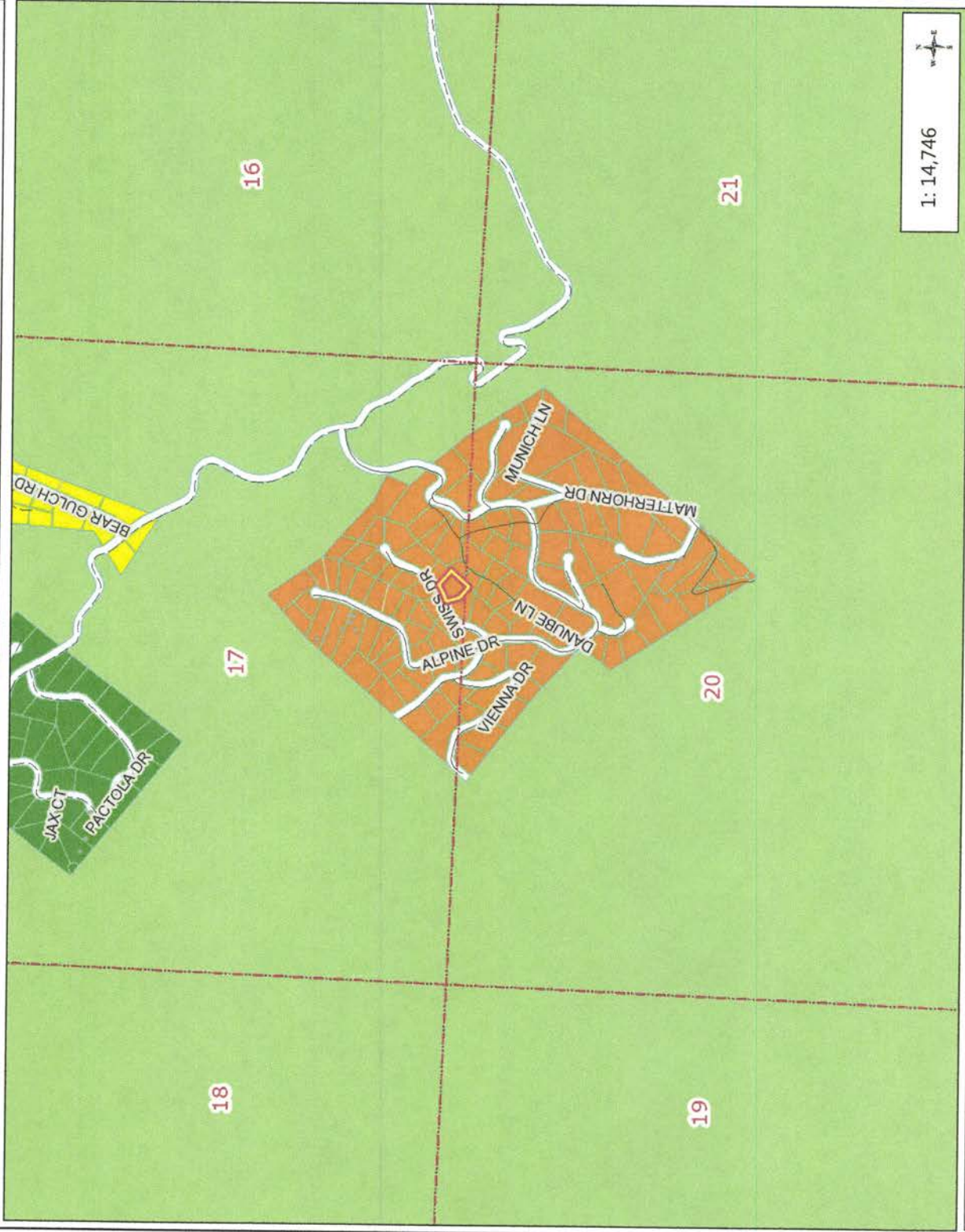
NAD\_1983\_StatePlane\_South\_Dakota\_South\_FIPS\_4002\_Feet  
 © City of Rapid City GIS

**Legend**

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

**Map Notes:**





**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:**

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: 14,746

2,457.7 0 1,228.86 2,457.7 Feet

NAD 1983 StatePlane\_South\_Dakota\_South\_FIPS\_4002\_Feet

© City of Rapid City GIS



1: 662

110.3 0 55.14 110.3 Feet

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

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

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

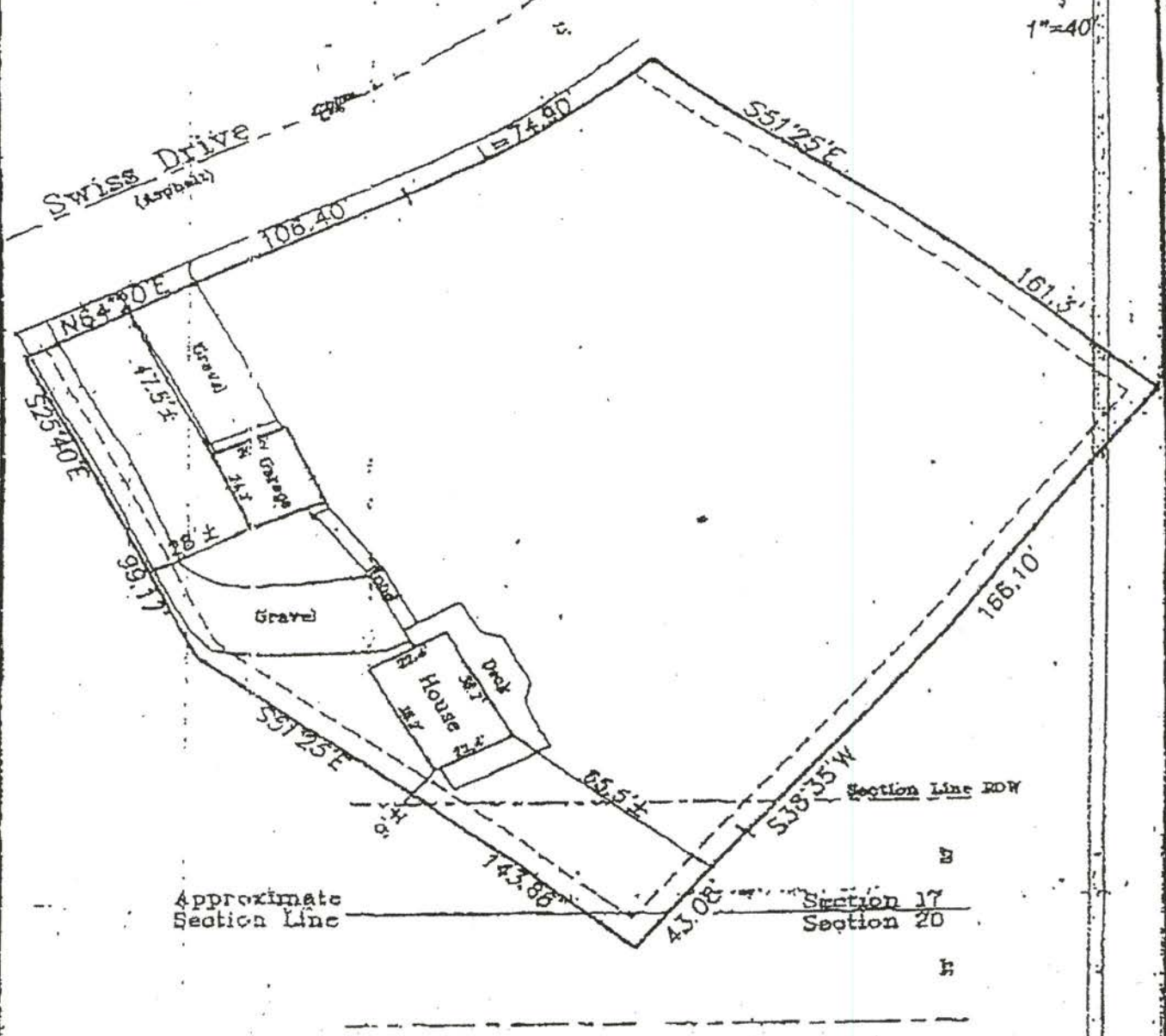
**Legend**

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

**Map Notes:**

Utility and Dr usage Easements: 6' on the interior sides all side and rear lot lines

1"=40'



LEGAL: Lot 24R, Block B, Elkhorn Mountain Subdivision  
Pennington County South Dakota

CLIENT: Rebecca Laughlin, 1-140 Swiss Drive  
Allied Home Mortgage Capital Corp.

I, the Registered Land Surveyor in the State of South Dakota as signed herein, do hereby certify that this drawing was prepared by me or under my direct supervision. The boundary lines of the parcel of land shown and described hereon are the deed lines of the property as described on the record plat of said property. The location of the major improvements are geometrically calculated from the nearest reliable property corners. This is not a boundary survey and the precise property lines were not determined at the time of this survey. The dimensions to the deed lines are shown to the degree of accuracy required to satisfy the needs of a lending institution or the company and should not be used to establish the true boundary. Easements or restrictions of miscellaneous records or private agreements that are not known to me are not shown hereon.  
Copy of Title Commitment Provided:  Not Provided



P.O. Box 8124  
Rapid City, SD 57709  
Phone (605) 343-1838  
Fax (605) 343-1112

FISK LAND SURVEYING  
& CONSULTING ENGINEERS, INC.

SURVEYED: WPTZB03  
DRAWN: CTM/TG/103  
PROJECT NO. 03-112



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

denr.sd.gov

April 30, 2019

Michael Pellan  
1545 Manasco Circle  
Folsom, CA 95630

RE: On-site wastewater system for your vacation rental located at 140 Swiss Drive, Rapid City, SD

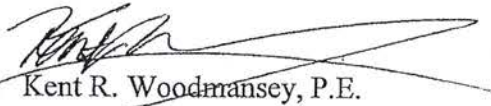
Dear Mr. Pellan:

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 Lot 24R, Block B, Edelweiss Mountain Development Subdivision, Section 17, 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.

This home's is connected to the Edelweiss Development Association's central wastewater collection system that was built in 1972. This wastewater system consists of a lagoon and drainfield system. This system services approximately 62 homes, is designed for total retention, and has a No Discharge Permit from this department.

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

Sincerely,



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

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



**SOUTH DAKOTA  
DEPARTMENT OF HEALTH  
LODGING LICENSE**



Issued To: MICHAEL PELLAN  
SORAYA PELLAN

Located At: PELLAN CABIN  
140 SWISS DR  
RAPID CITY, SD 57702

License Type  
**Vacation Home License**

License Number  
**20483**

Number of Units  
**1**

Swimming Pool  
**0**

Spa or Hot Tub  
**0**

PROVISION: Upper level windows  
approved by DOH

Expires

**12/31/2019**

*Kim Malsam-Rydon*

Secretary of Health

*License is Not Transferable - Post in the Establishment*

SORAYA G PELLAN  
PELLAN CABIN  
1545 MANASCO CIR  
FOLSOM, CA 95630

October 22, 2018

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](mailto:bustax@state.sd.us)

Streamlined Sales Tax Website: [www.streamlinedsalestax.org](http://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: 10/04/2018

EXPIRATION DATE:

LICENSE NUMBER: 1033-8914-ST

LICENSE TYPE: Sales Tax

ISSUED TO:

SORAYA G PELLAN  
1545 MANASCO CIR  
FOLSOM, CA 95630

PELLAN CABIN  
140 SWISS DR  
RAPID CITY, SD 57702-6007

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

Andy Gerlach  
Secretary of Revenue

NON-TRANSFERABLE

**Pellan, Michael**

---

**From:** Gabriell Pellan <sglemm@yahoo.com>  
**Sent:** Monday, May 6, 2019 12:49 PM  
**To:** Pellan, Michael  
**Subject:** [EXTERNAL] Fw: Reference for 140 Swiss Dr, Edelweiss Mountain, Rapid City, SD

Sent from Yahoo Mail on Android

----- Forwarded Message -----

**From:** "dastern72@sio.midco.net" <dastern72@sio.midco.net>  
**To:** "sglemm@yahoo.com" <sglemm@yahoo.com>  
**Sent:** Thu, Apr 25, 2019 at 4:30 PM  
**Subject:** Reference for 140 Swiss Dr, Edelweiss Mountain, Rapid City, SD  
Michael and Soraya Pellan are in good standing with Edelweiss HOA since 2006 with no past complaints or concerns from neighboring property owners. All monthly expenses for utility services to include: water, sewer, and garbage have been paid on time, and all annual assessments or special assessments have been paid on time.

Should you have any questions, please feel free to contact me.

Doyle Stern, President of Edelweiss HOA  
605-366-6926

PENNINGTON COUNTY BOARD OF COMMISSIONERS  
Meeting of June 18, 2019

- A. BLACK HILLS SPEEDWAY FIREWORKS DISPLAY PERMIT: MOVED by DiSanto and seconded by LaCroix to approve a public display of fireworks for Black Hills Speedway on Friday, June 28, 2019 with a rainout date of Friday, July 5, 2019 contingent upon a certificate of insurance being provided and all other requirements are met. Vote: Unanimous.

**ITEMS FROM HIGHWAY DEPARTMENT**

- A. SOUTH ROCHFORD ROAD PROJECT UPDATE  
B. FLOODING UPDATE

**ITEMS FROM HUMAN RESOURCES**

- A. COMPENSATION STUDY AWARD – GALLAGHER: MOVED by Rossknecht and seconded by Drewes to approve the Chair's signature on the proposal from Gallagher Benefit Services Inc. for the completion of a compensation study not to exceed \$72,000. Vote: Unanimous.
- B. HARTFORD RETIREMENT PLAN CHANGE (NACO): MOVED by Drewes and seconded by LaCroix to approve the Chair's signature and select Option 2 as the change for the Nationwide Stable Value Plan. Vote: Unanimous.

MOVED by DiSanto and seconded by Rossknecht to take a 5 minute recess. Vote: Unanimous.

The Board reconvened at 10:54 a.m.

**ITEMS FROM PLANNING & ZONING**

**BOARD OF ADJUSTMENT**: MOVED by DiSanto and seconded by Rossknecht to convene as the Board of Adjustment. Vote: Unanimous.

- A. VARIANCE / VA 19-05: Michael and Soraya Pellan. A Variance to Section 319-B-3 of the Pennington County Zoning Ordinance to allow a less than one (1) acre lot size for a Vacation Home Rental in a Suburban Residential District in accordance with Sections 208, 319, and 509 of the Pennington County Zoning Ordinance.

Lot 24R, Block B, Edelweiss Mountain Development Subdivision, Section 17, T1N, R5E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by Drewes to approve Variance / VA 19-05, with the following two (2) conditions, and in one year bring this item back to the Commissioners for review. Vote: The motion carried 4-1 with DiSanto voting no.

1. That this Variance only applies for the existing single-family residence to be utilized as a Vacation Home Rental; and,
2. That an approved Conditional Use Permit is obtained for the Vacation Home Rental on the subject property within sixty (60) days of approval of Variance / VA 19-05



## STAFF REPORT

### GENERAL INFORMATION:

REQUEST: **REZONE / RZ 19-12 AND COMPREHENSIVE PLAN AMENDMENT / CA 19-12:** To rezone 4.606 acres from General Agriculture District to Low Density Residential District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Planned Unit Development Sensitive to Low Density Residential District in accordance with Sections 205, 207, and 508 of the Pennington County Zoning Ordinance.

APPLICANT: Julie Benson Wilber

APPLICANT ADDRESS: 1111 12<sup>th</sup> Street, Rapid City, SD 57701

OTHER 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: Located on the following metes and bounds description: Commencing at the northern most corner of Lot A of the NW1/4 of the SE1/4, common to a point on the Section 1/4 line and common to a point on the westerly edge of Nemo Road right-of-way, and the Point of Beginning. Thence, first course: S 19°26'20" E, along the easterly boundary of said Lot A, common to the westerly edge of said Nemo Road right-of-way, a distance of 647.91 feet; Thence, second course: along the easterly boundary of said Lot A, common to the westerly edge of said Nemo Road right-of way, on a curve turning to the left with an arc length of 177.10 feet, a delta angle of 31°45'43", a radius of 319.48 feet, a chord bearing of S35°19'12"E, and a chord length of 174.85 feet; Thence, third course: S 51°11'59" E, along the easterly boundary of said Lot A, common to the westerly edge of said Nemo Road right-of-way, a distance of 359.04 feet; Thence, fourth course: N 90°00'00" W, a distance of 587.31 feet, to a point on the westerly boundary of said Lot A, common to a point on the said Section 1/4 line; Thence, fifth course: N 00°32'23" W, along the westerly boundary of said Lot A, common to the said Section 1/4 line, a distance of 978.66 feet, to the said Point of Beginning. Said Parcel contains 4.606 acres more or less; Section 15, T2N, R6E, BHM, Pennington County, South Dakota; in accordance with Sections 205, 207, and 508 of the Pennington County Zoning Ordinance.

Agenda Item #18  
Julie Benson Wilbur  
August 26, 2019

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

SIZE: 4.601 acres

TAX ID: 14485

EXISTING LAND USE: Agriculture

ZONING REFERENCE: §§ 205, 207, and 508

CURRENT ZONING: General Agriculture District

SURROUNDING ZONING:

|       |  |
|-------|--|
| North | General Agriculture District<br>Low Density Residential District |
| South | General Agriculture District                                     |
| East  | General Agriculture District                                     |
| West  | General Agriculture District<br>Limited Agriculture District     |

PHYSICAL CHARACTERISTICS: Forested

UTILITIES: None

REPORT BY: Kristina Proietti

**I. PROPOSED RECOMMENDATION**

- A. Staff will be recommending approval of Rezone / RZ 19-12 and Comprehensive Plan Amendment / CA 19-12.

**II. GENERAL DESCRIPTION**

- A. The applicant, Julie Benson Wilbur, has applied for a request to rezone a 4.60 acre lot from General Agriculture District to Low Density Residential District for proposed Lot 1 of Thorstenson-Benson Ranch Subdivision No. 2.
- B. The applicant is also requesting to amend the Pennington County Comprehensive Plan to change the Future Land Use from Planned Unit Development Sensitive to Low Density Residential District.
- C. The applicant is currently in the process of subdividing the subject property into two (2) lots, proposed plat map included in with this staff report.

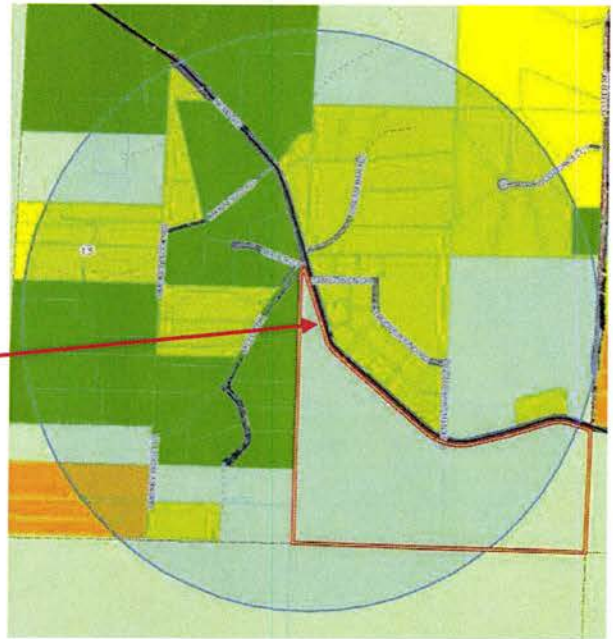
**III. EXISTING CONDITIONS**

- A. Zoned: General Agriculture District.
  - 1. Future Land Use Zoning: Planned Unit Development Sensitive.
- B. ± 4.6 acres.
- C. Currently undeveloped and vacant.
- D. Access taken from Nemo Road.
- E. There has been no studies on the subject property to delineate any “Special Flood Hazard Area.”

**IV. SURROUNDING CURRENT ZONING WITHIN ½ MILE OF THE SUBJECT PROPERTY**

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

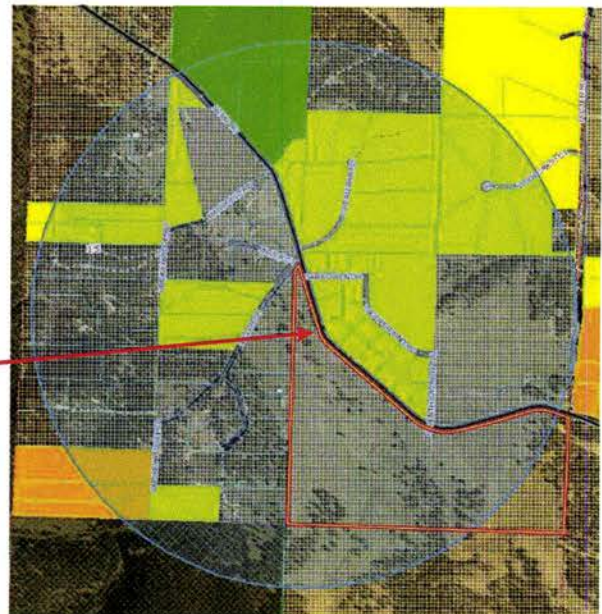
Proposed region for Lot 1.



**V. SURROUNDING FUTURE LAND USE (FLU) ZONING WITHIN ½ MILE OF THE SUBJECT PROPERTY**

- A. Low Density Residential District.
- B. Planned Unit Development Sensitive.
- C. Suburban Residential District.

Proposed region for Lot 1.



## **VI. REQUEST FOR COMMENT**

- A. County Highway Department
  - 1. Highway Department has no comments.
- B. County Fire Administrator
  - 1. Free wildfire risk assessment of the property by the South Dakota Wildland Fire Suppression-Urban Interface Technician, Logan Brown Urban Interface Specialist South Dakota Wildland Fire (605) 394-2584; 3305 W SOUTH ST. RAPID CITY SD 57702-8160 Office: 605-394-5203 Fax: 605-393-8044;
  - 2. Develop and execute a plan following fire wise guidelines based on the Free State assessment to create defensible space to include the proposed or existing structures. 50% cost-share funds MAY be available through South Dakota Wildland Fire to execute the creation or enhancement of defensible space <http://wildlandfire.sd.gov/fuelsmitigation/fuelsmitigation.aspx>; and,
  - 3. Fire wise Information: <http://www.gpfiresafecouncil.com/>.
- C. County Environmental Planning Supervisor
  - 1. The "Special Flood Hazard Area" has not been studied on the subject property.
- D. County Onsite Wastewater Specialist
  - 1. According to the USDA NRCS Websoil Survey, the soils are very limited. If any septic systems are put on the property, all rules of Pennington County Zoning Ordinance Section 204-J must be followed.
- E. County Ordinance Enforcement
  - 1. There is no record of any past or current Ordinance Violations on the subject property. Ordinance Enforcement has no objection to the proposed Rezone and Comp Plan Amendment.
- F. County Addressing Coordinator
  - 1. No addressing concerns at this time. Future addresses must be posted in accordance with Pennington County Ordinance #20.
- G. County Natural Resources
  - 1. No objections.

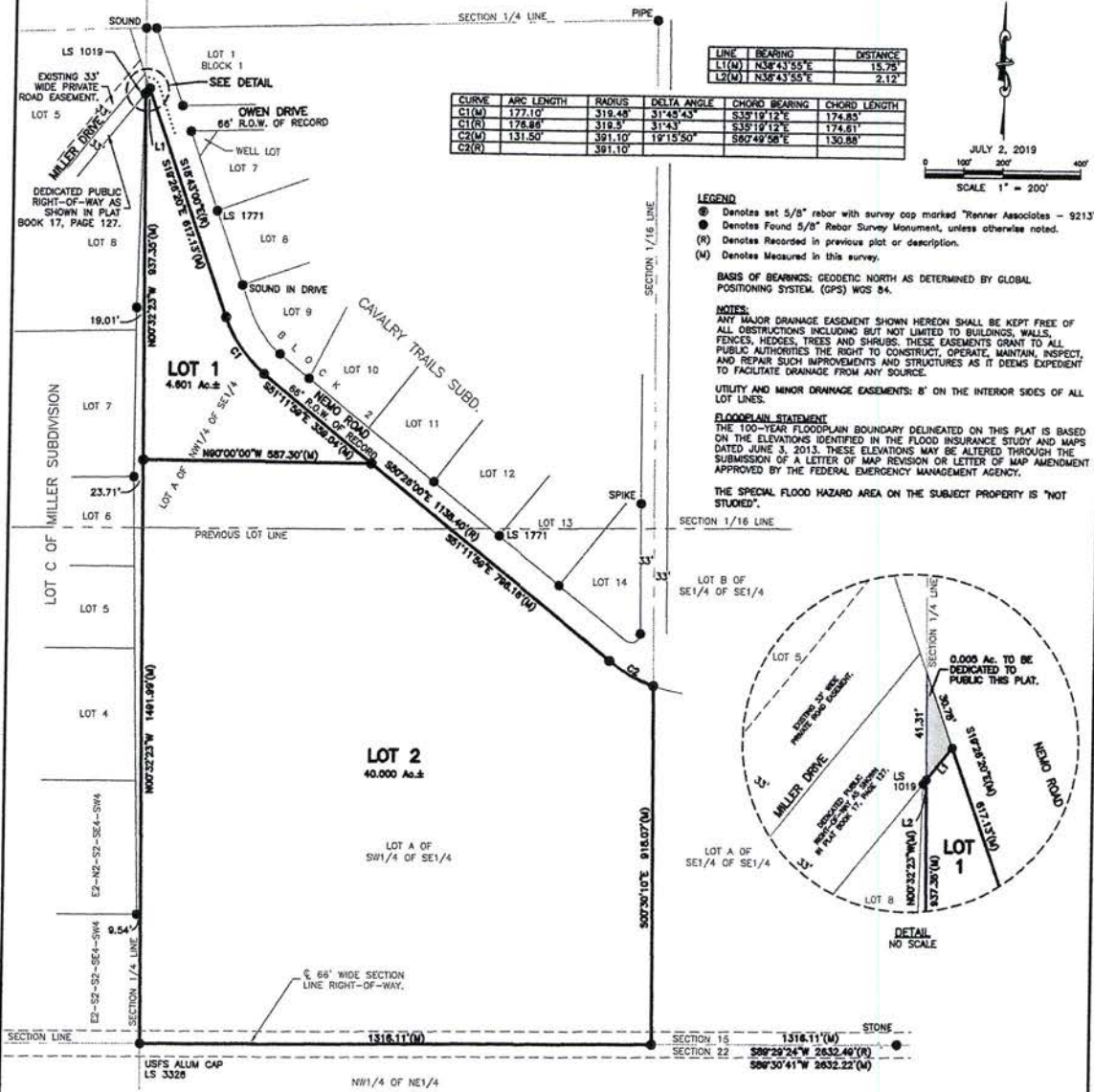
## **VII. ANALYSIS**

- A. July 9, 2019 – The applicant applied for Rezone / RZ 19-12 and Comprehensive Plan Amendment / CA 19-12.
- B. There are several Low Density Residential District properties located within 1-mile of the subject property. Property sizes range from approximately five (5) acres to forty (40) acres. The applicant's request to rezone appears to be in harmony with the Current and Proposed Future Land Use zoning.
- C. The applicant's minor plat request was continued until percolation and profile hole data is submitted, or a Subdivision Regulations Variance is approved waiving the requirements.

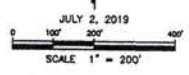
Agenda Item #18  
Julie Benson Wilbur  
August 26, 2019

**RECOMMENDATION:** Staff recommends approval of Rezone / RZ 19-12 and Comprehensive Plan Amendment / CA 19-12.

PLAT OF  
**LOTS 1 & 2 OF**  
**THORSTENSON-BENSON RANCH SUBDIVISION NO. 2**  
 (formerly Lot A of the NW1/4 of SE1/4 and Lot A of the SW1/4 of SE1/4 of Section 15, T2N, R6E, BHM)  
 LOCATED IN W1/2 OF SE1/4 OF SECTION 15, T2N, R6E, BHM, PENNINGTON COUNTY, SOUTH DAKOTA



| CURVE | ARC LENGTH | RADIUS  | DELTA ANGLE | CHORD BEARING | CHORD LENGTH |
|-------|------------|---------|-------------|---------------|--------------|
| C1(M) | 177.10'    | 319.48' | 31°42'43"   | S39°19'12"E   | 174.85'      |
| C1(R) | 176.88'    | 319.5'  | 31°43'      | S39°19'12"E   | 174.61'      |
| C2(M) | 131.50'    | 391.10' | 19°15'50"   | S60°49'58"E   | 130.88'      |
| C2(R) |            | 391.10' |             |               |              |



**LEGEND**  
 (M) Denotes set 5/8" rebar with survey cap marked "Renner Associates - 9213"  
 (F) Denotes Found 5/8" Rebar Survey Monument, unless otherwise noted.  
 (R) Denotes Recorded in previous plat or description.  
 (M) Denotes Measured in this survey.

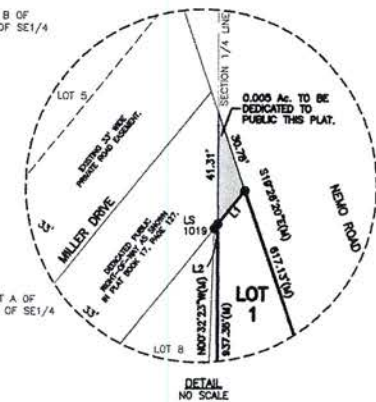
**BASIS OF BEARINGS:** GEODETIC NORTH AS DETERMINED BY GLOBAL POSITIONING SYSTEM. (GPS) WGS 84.

**NOTES:**  
 ANY MAJOR DRAINAGE EASEMENT SHOWN HEREIN SHALL BE KEPT FREE OF ALL OBSTRUCTIONS INCLUDING BUT NOT LIMITED TO BUILDINGS, WALLS, FENCES, HEDGES, TREES AND SHRUBS. THESE EASEMENTS GRANT TO ALL PUBLIC AUTHORITIES THE RIGHT TO CONSTRUCT, OPERATE, MAINTAIN, INSPECT, AND REPAIR SUCH IMPROVEMENTS AND STRUCTURES AS IT DEEMS EXPEDIENT TO FACILITATE DRAINAGE FROM ANY SOURCE.

**UTILITY AND MINOR DRAINAGE EASEMENTS:** 8" ON THE INTERIOR SIDES OF ALL LOT LINES.

**FLOODPLAIN STATEMENT**  
 THE 100-YEAR FLOODPLAIN BOUNDARY DELINEATED ON THIS PLAT IS BASED ON THE ELEVATIONS IDENTIFIED IN THE FLOOD INSURANCE STUDY AND MAPS DATED JUNE 3, 2013. THESE ELEVATIONS MAY BE ALTERED THROUGH THE SUBMISSION OF A LETTER OF MAP REVISION OR LETTER OF MAP AMENDMENT APPROVED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

THE SPECIAL FLOOD HAZARD AREA ON THE SUBJECT PROPERTY IS "NOT STUDIED".



**WATER PROTECTION STATEMENT**  
 PURSUANT TO SDCL 11-3-8.1 AND 11-3-8.2, THE DEVELOPER OF THE PROPERTY DESCRIBED WITHIN THIS PLAT SHALL BE RESPONSIBLE FOR PROTECTING ANY WATERS OF THE STATE, INCLUDING GROUNDWATER, LOCATED ADJACENT TO OR WITHIN SUCH 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.

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

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

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

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

OWNERS: THORSTENSON-BENSON LIMITED PARTNERSHIP  
 BY: \_\_\_\_\_  
 Paul Thorstenson  
 BY: \_\_\_\_\_  
 Jerome O. Benson

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

NOTARY PUBLIC: \_\_\_\_\_  
 My commission expires: \_\_\_\_\_

On the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a Notary Public, personally appeared Jerome O. Benson, known to me to be the person described in the foregoing instrument and acknowledged to me that he signed the same.

NOTARY PUBLIC: \_\_\_\_\_  
 My commission expires: \_\_\_\_\_

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

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
 \_\_\_\_\_  
 Director of Equalization of Pennington County

APPROVED: \_\_\_\_\_ Date: \_\_\_\_\_



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

I, Eric D. Howard, Registered Land Surveyor No. 9213 in the State of South Dakota, do hereby certify that at the request of the owners listed hereon, I have surveyed the tract of land shown, and to the best of my knowledge and belief, the within plat is a representation of said survey. Easements or restrictions of miscellaneous record or private easements that are not known to me are not shown hereon.

In witness whereof, I have hereunto set my hand and seal.  
 Eric D. Howard, Registered Land Surveyor Date: \_\_\_\_\_

**CERTIFICATE OF COUNTY AUDITOR**  
 Resolution by Governing Board  
 State of South Dakota  
 County of Pennington

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

\_\_\_\_\_  
 Auditor of Pennington County

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

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
 \_\_\_\_\_  
 Highway Authority of Pennington County

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

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
 \_\_\_\_\_  
 Treasurer of Pennington County

**CERTIFICATE OF REGISTER OF DEEDS**  
 State of South Dakota  
 County of Pennington S.S.

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

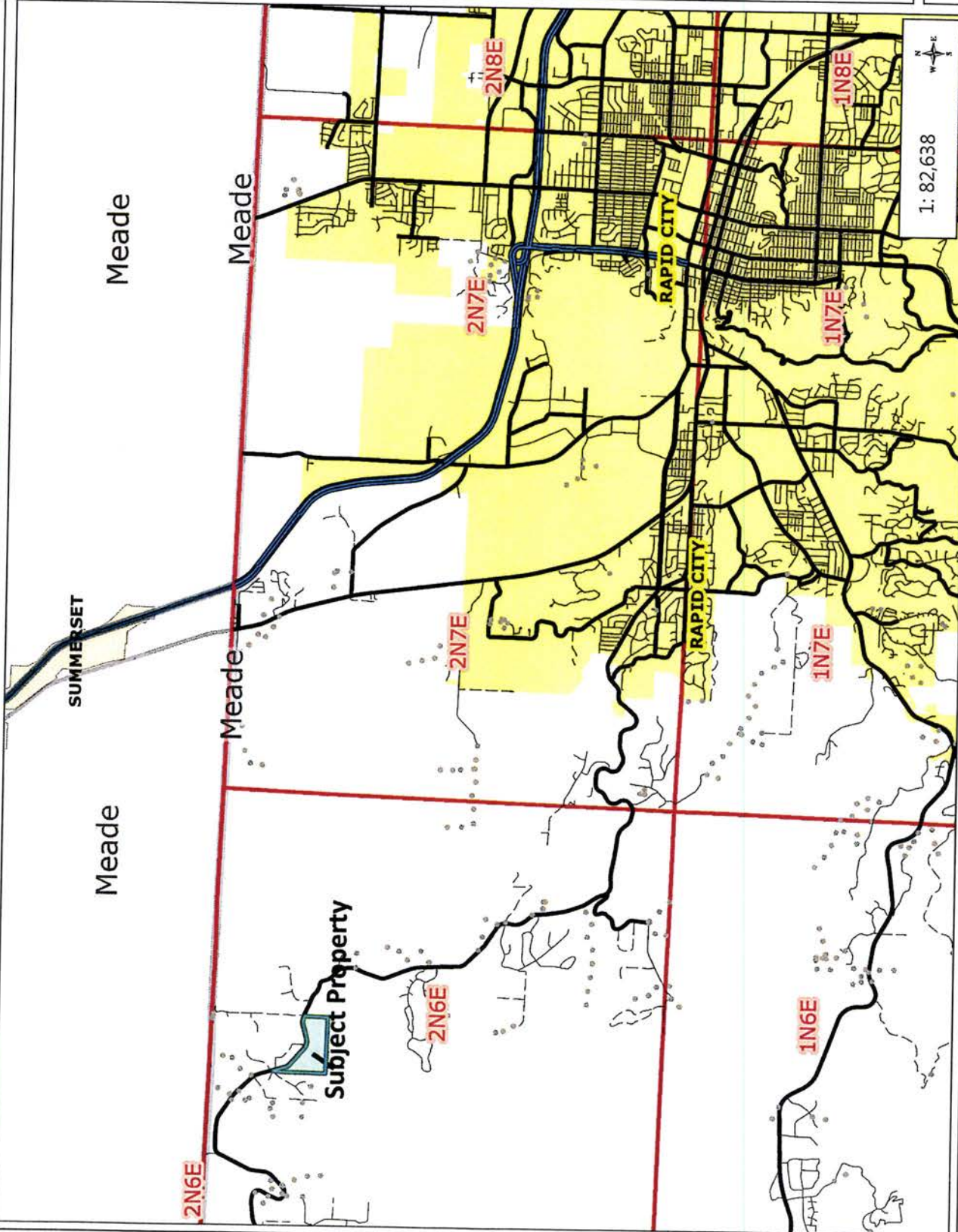
\_\_\_\_\_  
 Register of Deeds of Pennington County Fee: \$ \_\_\_\_\_

**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**
- 2N6E
  - 2N7E
  - 2N8E
  - 1N6E
  - 1N7E
  - 1N8E
- City Limits**
- BOX ELDER
  - ELLSWORTH AFB
  - HILL CITY
  - KEYSTONE
  - NEW UNDERWOOD
  - QUINN
  - RAPID CITY
  - WALL
  - WASTA

**Map Notes:**

TAX ID 14485



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**

13,772.9 Feet

6,886.47

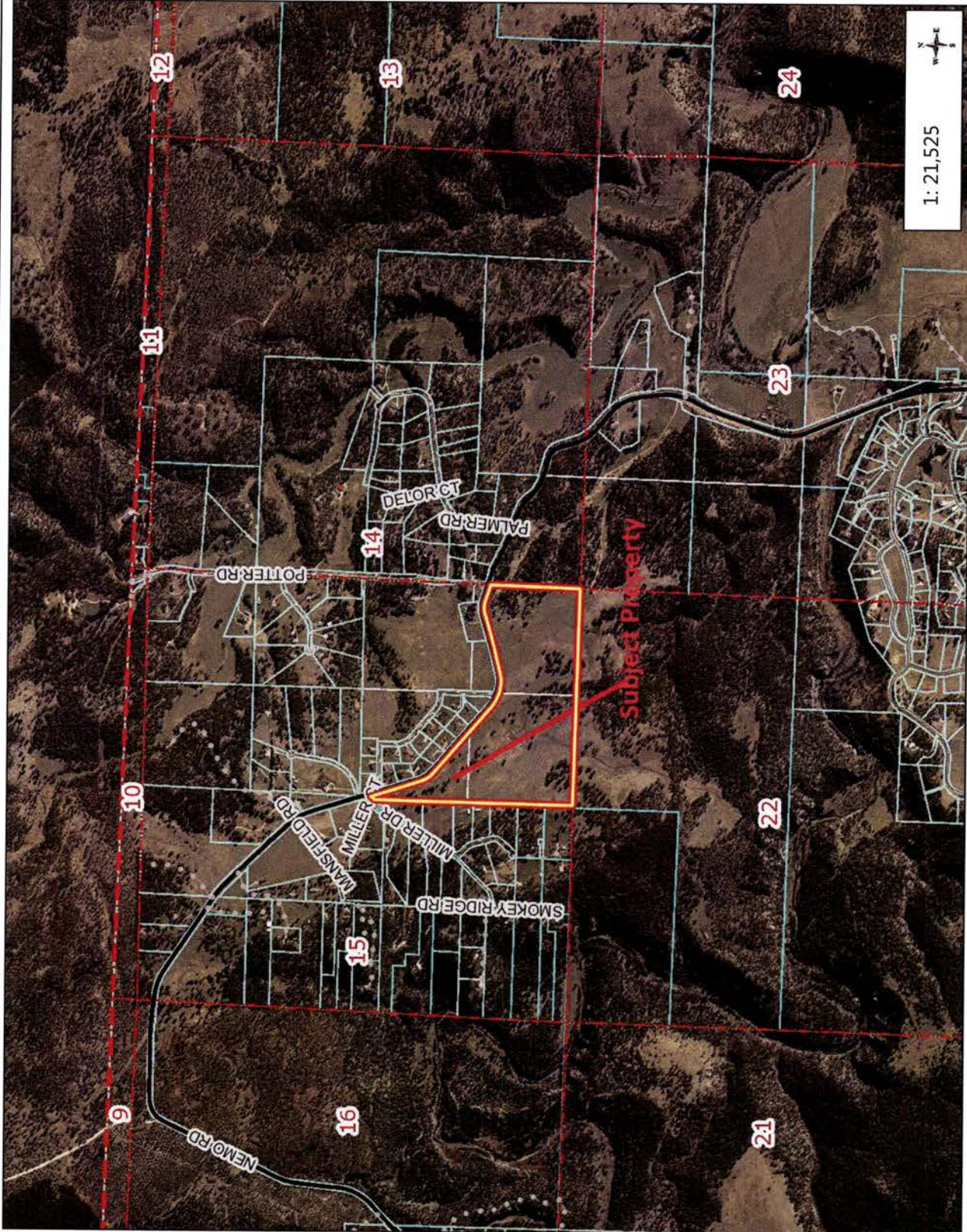
0

13,772.9

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

**Legend**

- Roads**
- Interstate
  - US highway
  - SD highway
  - County highway
  - Main road
  - 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: 21,525

**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**

3,587.5 Feet

1,793.77

0

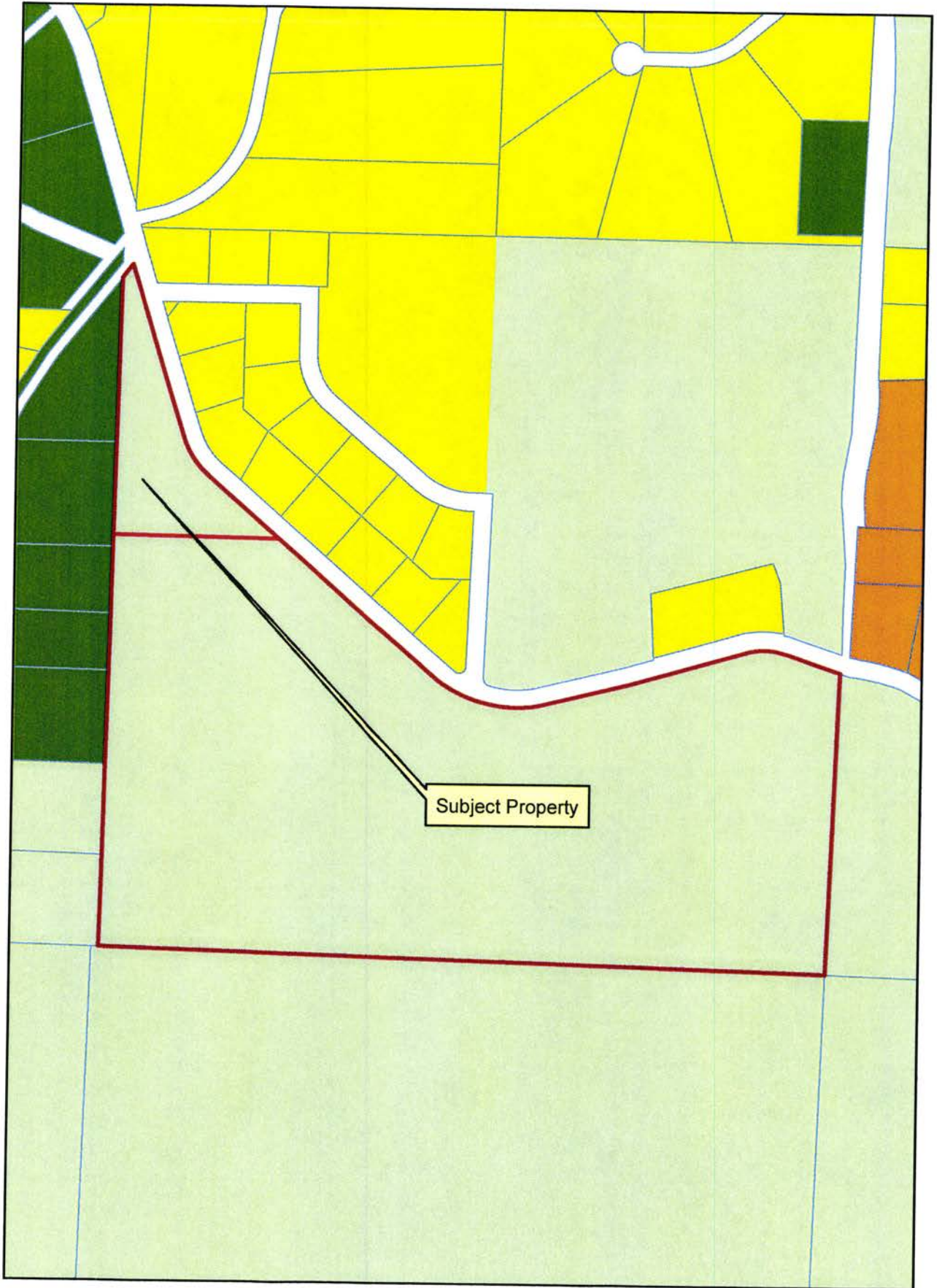
3,587.5

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

© City of Rapid City GIS



# Benson - Wilbur





---

MEMORANDUM

TO: Planning Commission & Board of Commissioners  
FROM: Cassie Bolstad, Assistant Director  
DATE: August 26, 2019  
RE: Reconsideration of Minor Plat / MPL 19-19

---

19

**HISTORY**

- A. July 8, 2019 – Planning Commission recommended approval of Minor Plat / PL 19-19 to create Lot 1 of Grover Subdivision with the following nine (9) conditions:
1. That upon filing the Plat with the Register of Deeds, eight (8) foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
  2. That upon filing the Plat with the Register of Deeds, the plat meets all requirements of § 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
  3. That upon filing the Plat with the Register of Deeds, the plat meets all requirements of § 508 *or* § 509 of the Pennington County Subdivision Regulations, to obtain either a Rezone or a Lot Size Variance;
  4. That upon filing the Plat with the Register of Deeds, the Certifications on the plat be in accordance with § 400.3(1)(n) of the Pennington County Subdivision Regulations;
  5. That at the time of Minor Plat submittal, the plat meets all requirements of Pennington County Subdivision Regulations, or approved Subdivision Regulations Variance(s) be obtained waiving any of these requirements that are not met. Subdivision Regulations shall be submitted per § 700 of Pennington County Subdivision Regulations;
  6. That upon filing the plat with the Register of Deeds, the plat show “Towering Pines Lane” on the west edge of the subject property;
  7. That prior to any work being done on proposed Lot 1 of Grover Subdivision, or the remaining unplatted balance, the landowners contact the Pennington County Planning Department first, to see what Permits, if any, are required;
  8. That prior to the Plat being recorded with the Register of Deeds, proposed Lot 1 of Grover Subdivision be in compliance with Pennington County Zoning Ordinances; and,
  9. That the applicant ensures that all natural drainage ways are maintained and are not blocked.

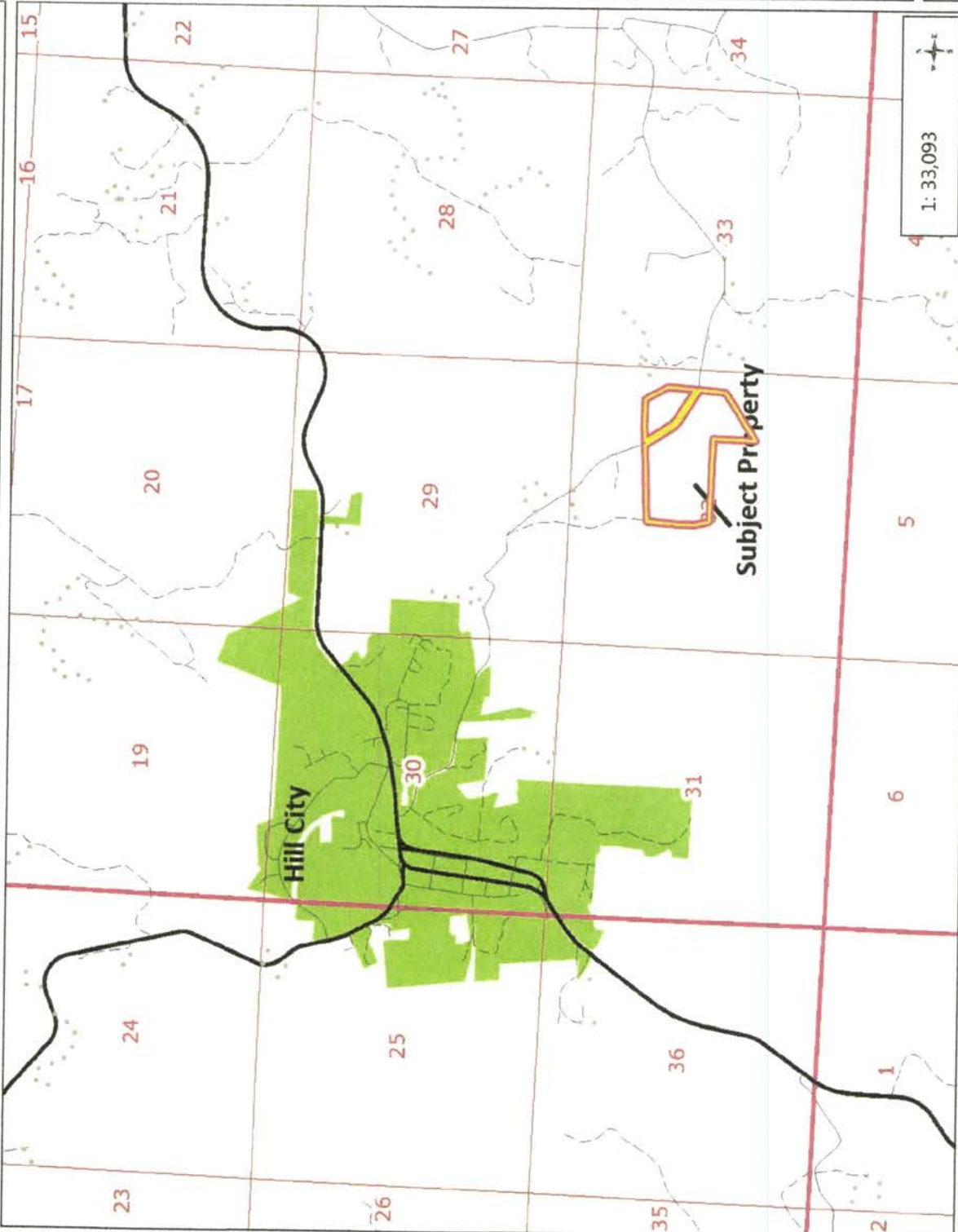
## ANALYSIS

- A. July 16, 2019 – Board of Commissioners concurred with the Planning Commission’s recommendation and approved Minor Plat / MPL 19-19.
- B. August 2, 2019 – The applicant, David Grover, attempted to file the approved Plat with the Register of Deeds.
  1. At this time, Mr. Grover was informed by the Register of Deeds that the Plat could not be filed because Lot 1 of Grover Subdivision already exists in a different area of Pennington County.
  2. Mr. Grover was informed that he would either need to rename the proposed subdivision or rename the proposed lot.
- C. Staff spoke with the State’s Attorney’s Office and it was determined that MPL 19-19 could be brought back before the Planning Commission and Board of Commissioners for reconsideration with a new subdivision name.
  1. Nothing else about the proposed Plat with regard to the lot size, configuration or location is being changed at this time. Solely the subdivision name is changing so the Plat can be filed.
- D. Staff has spoke with David Grover and he has requested the proposed lot be renamed to Lot 1 of Buzmar Subdivision.
  1. Staff has verified that Buzmar Subdivision is an acceptable subdivision name.

**REQUESTED ACTION:** Staff is requesting approval of the Reconsideration of Minor Plat / MPL 19-19 to create Lot 1 of Buzmar Subdivision, Section 32, T1S, R5E, BHM, Pennington County, South Dakota with the following nine (9) conditions:

1. That upon filing the Plat with the Register of Deeds, eight (8) foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
2. That upon filing the Plat with the Register of Deeds, the plat meets all requirements of § 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
3. That upon filing the Plat with the Register of Deeds, the plat meets all requirements of § 508 or § 509 of the Pennington County Subdivision Regulations, to obtain either a Rezone or a Lot Size Variance;
4. That upon filing the Plat with the Register of Deeds, the Certifications on the plat be in accordance with § 400.3(1)(n) of the Pennington County Subdivision Regulations;
5. That at the time of Minor Plat submittal, the plat meets all requirements of Pennington County Subdivision Regulations, or approved Subdivision Regulations Variance(s) be obtained waiving any of these requirements that are not met. Subdivision Regulations shall be submitted per § 700 of Pennington County Subdivision Regulations;

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



1: 33,093

5,515.5 Feet  
0 2,757.77 5,515.5 Feet

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

THIS MAP IS NOT TO BE USED FOR NAVIGATION

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

**Legend**

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

**Map Notes:**



1: 8,273



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**

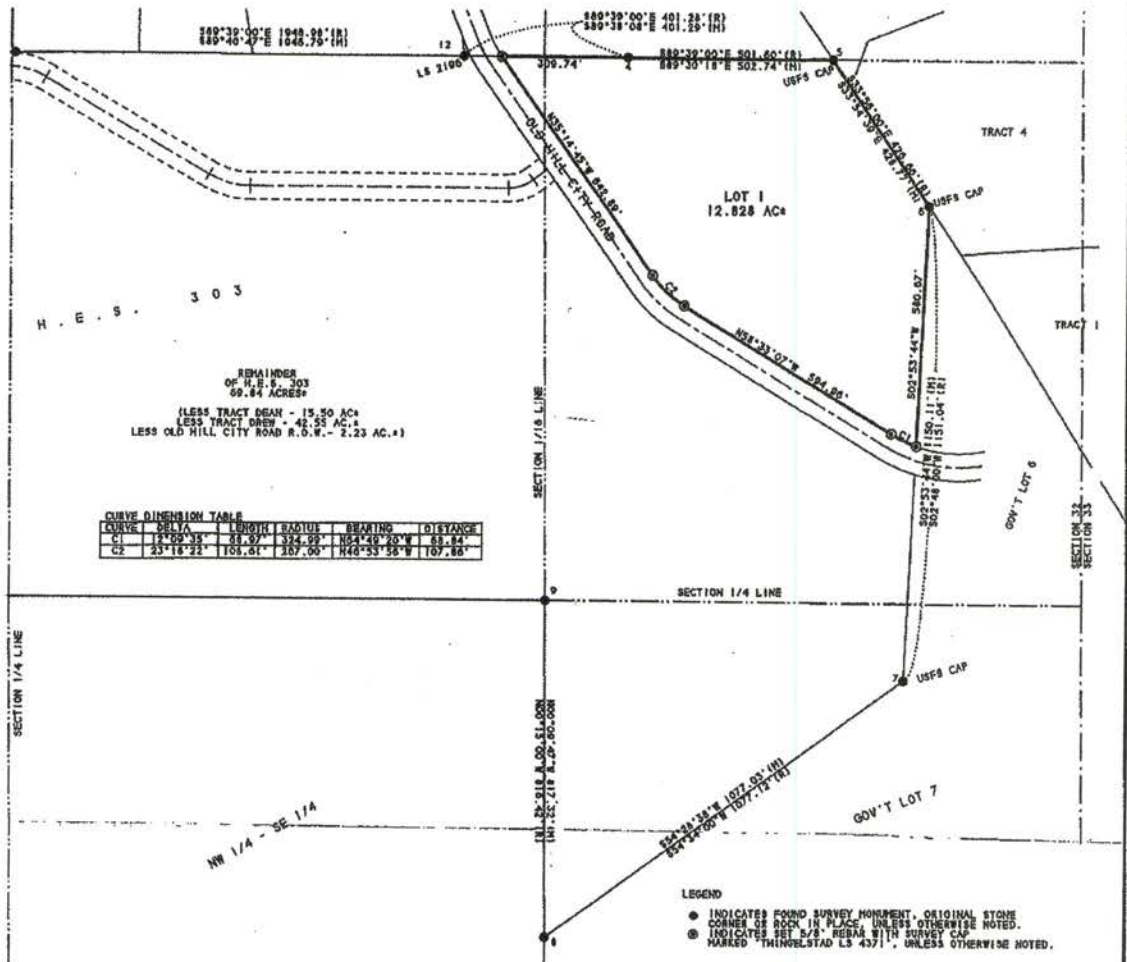
1.3789  
 NAD\_1983\_2011\_StatePlane\_South\_Dakota\_South\_FIPS\_4002\_Ft\_US  
 © City of Rapid City GIS

**Legend**

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

**Map Notes:**

**PLAT OF BUZMAR**  
**LOT 1 OF GROVER SUBDIVISION**  
 (FORMERLY A PORTION OF H.E.S. 303,  
 LESS TRACT DEAN, LESS TRACT DREW AND LESS  
 OLD HILL CITY ROAD R.O.W.)  
 LOCATED IN THE S1/2 OF THE NE1/4 OF SECTION 32,  
 T1S, R5E, BHM, PENNINGTON COUNTY, SOUTH DAKOTA



**FLOODPLAIN STATEMENT**  
 THE 100-YEAR FLOODPLAIN, AS SHOWN HEREON, IS BASED ON THE ELEVATIONS IDENTIFIED ON FLOOD INSURANCE RATE MAP NUMBER 460084 1184A, WITH AN EFFECTIVE DATE OF JUNE 3, 2013, OR AS GRAPHICALLY DEPICTED ON SAID MAP IN UNSTIPED AREAS. THE FLOODPLAIN INFORMATION SHOWN HEREON SERVES AS CONSTRUCTIVE NOTICE THAT CERTAIN FLOOD HAZARDS EXIST ON PORTIONS OF THE SUBJECT PROPERTY. THE LOCATION OF THE FLOODPLAIN, AS SHOWN HEREON, MAY BE SUBJECT TO CHANGE.

**WATER PROTECTION STATEMENT**  
 PURSUANT TO SDCL 1E-3-8.1 AND 1E-3-8.2, THE DEVELOPER OF THE PROPERTY DESCRIBED WITHIN THIS PLAT SHALL BE RESPONSIBLE FOR PROTECTING ANY WATERS OF THE STATE, INCLUDING GROUNDWATER, LOCATED ADJACENT TO, OR WITHIN SUCH 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.

**CERTIFICATE OF TREASURER**  
 STATE OF SOUTH DAKOTA: s.s.  
 COUNTY OF PENNINGTON: I  
 I, TREASURER OF PENNINGTON COUNTY, CERTIFY THAT ALL TAXES WHICH ARE LIENS UPON THE TRACT AS SHOWN HEREON AND BY RECEIPTS OF MY OFFICE HAVE BEEN PAID TO DATE.

**CERTIFICATE OF PLANNING DIRECTOR**  
 I, PLANNING DIRECTOR OF THE COUNTY OF PENNINGTON HAVE REVIEWED THIS PLAT AND HAVE FOUND IT TO CONFORM TO ALL THE SUBDIVISION REQUIREMENTS OF THE PENNINGTON COUNTY SUBDIVISION REGULATIONS AND AS SUCH I HAVE APPROVED THIS PLAT AS A FINAL PLAT.

**PENNINGTON COUNTY AUDITOR**  
 STATE OF SOUTH DAKOTA  
 COUNTY OF PENNINGTON  
 I, AUDITOR OF PENNINGTON COUNTY, DO HEREBY CERTIFY THAT AT THE PENNINGTON COUNTY PLANNING DIRECTOR HAS REVIEWED AND APPROVE THIS FINAL PLAT AS SHOWN HEREON.

**CERTIFICATE OF STREET AUTHORITY**  
 THE LOCATION OF THE PROPOSED PROPERTY LINES ABUTTING THE COUNTY OR STATE HIGHWAY OR COUNTY ROAD AS SHOWN HEREON, IS HEREBY APPROVED. ANY CHANGE IN THE LOCATION OF THE PROPOSED LINES MUST BE APPROVED BY THE PENNINGTON COUNTY PLANNING DIRECTOR.

**LEGEND**  
 ● INDICATES FOUND SURVEY MONUMENT, ORIGINAL STONE CORNER OR ROCK IN PLACE, UNLESS OTHERWISE NOTED.  
 ⊙ INDICATES SET 5/8" REBAR WITH SURVEY CAP MARKED "THINDELSTAD LS 4371", UNLESS OTHERWISE NOTED.  
 (M) INDICATES MEASURED DIMENSION, THIS SURVEY.  
 (R) INDICATES RECORD DIMENSION PREVIOUSLY RECORDED ON PLAT OR DEED.

**OWNER'S CERTIFICATE**  
 WE, LYNDA FISHER AND ROBERT GROW DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE TRACT OF LAND SHOWN AND DESCRIBED HEREON, THE SURVEY WAS DONE AT OUR REQUEST FOR THE PURPOSES INDICATED HEREON. THE DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION, EROSION AND SEDIMENT CONTROL REGULATIONS, AND HEREBY APPROVES THE SURVEY AND WITHIN PLAT OF SAID LAND.

IN WITNESS WHEREOF, WE HAVE HERETO SET OUR HAND THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.  
 OWNER: \_\_\_\_\_

STATE OF SOUTH DAKOTA  
 COUNTY OF PENNINGTON: s.s.  
 ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019, BEFORE ME, A NOTARY PUBLIC, PERSONALLY APPEARED LYNDA FISHER AND ROBERT GROW, KNOWN TO ME TO BE THE PERSON(S) DESCRIBED IN THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY SIGNED THE SAME.  
 NOTARY PUBLIC: \_\_\_\_\_  
 MY COMMISSION EXPIRES \_\_\_\_\_

**SURVEYOR'S CERTIFICATE**  
 I, STEVEN O. THINDELSTAD, REGISTERED LAND SURVEYOR, SD NO. 4371, DO HEREBY CERTIFY THAT AT THE DIRECTION OF THE OWNERS OF THE LAND HEREIN DESCRIBED I HAVE MADE THE SURVEY AND WITHIN PLAT OF LAND DESCRIBED AND SHOWN HEREON. THE LOCATION AND DIMENSIONS ARE AS SHOWN ON THE PLAT AND SAID PLAT IS IN ALL RESPECTS TRUE AND CORRECT.  
 REGISTERED LAND SURVEYOR LS #4371 \_\_\_\_\_ DATE \_\_\_\_\_



**OFFICE OF DIRECTOR OF EQUALIZATION**  
 STATE OF SOUTH DAKOTA:  
 COUNTY OF PENNINGTON: s.s.  
 I, DIRECTOR OF EQUALIZATION, PENNINGTON COUNTY, CERTIFY THAT I HAVE RECEIVED A COPY OF THIS PLAT, AND IS FILED IN MY OFFICE. DATE: \_\_\_\_\_  
 PENNINGTON COUNTY DIRECTOR OF EQUALIZATION \_\_\_\_\_

**OFFICE OF REGISTER OF DEEDS**  
 STATE OF SOUTH DAKOTA:  
 COUNTY OF PENNINGTON: s.s.  
 FILED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019, AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M.  
 DOCUMENT NUMBER \_\_\_\_\_

## STAFF REPORT

### GENERAL INFORMATION:

REQUEST: **CONSTRUCTION PERMIT / CP 19-11:** To bring in fill and grade for a future residence and garage.

APPLICANT: Jeff and Marcia Spilker

APPLICANT ADDRESS: 23813 Highway 385, Rapid City, SD 57702

LEGAL DESCRIPTION: Lot 13, Whaley Subdivision, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

SITE LOCATION: East of the intersection of Three Forks, along Highway 385.

SIZE: 3.00 acres

EXISTING LAND USE: Vacant

TAX ID: 57965

ZONING REFERENCE: Sections 207 and 507

CURRENT ZONING: Low Density Residential District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Open Meadow

UTILITIES: Private

REPORT BY: Cody Sack



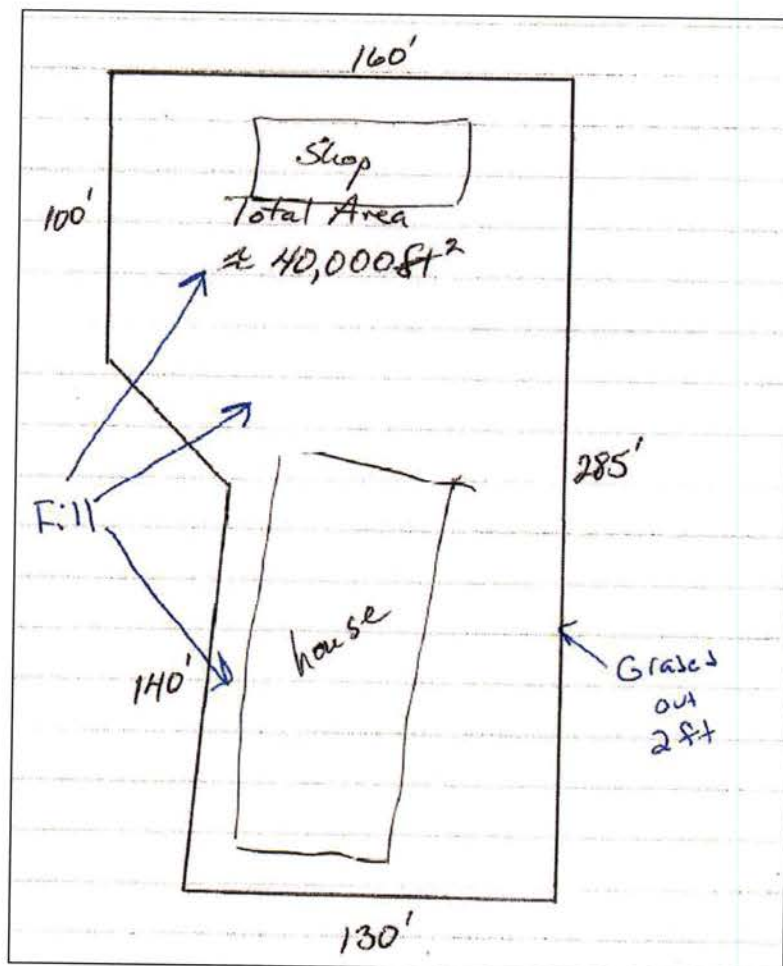
**\*\*Staff is requesting public input on this request. The Planning Director will consider public input from private citizens, the applicant and the Planning Commission, in addition to information provided within this Staff Report, when rendering a decision on Construction Permit / CP 19-11.\*\***

**I. PROPOSED RECOMMENDATION**

- A. Staff will be recommending that the Planning Director approve Construction Permit / CP 19-11 with eleven (11) conditions:

**II. GENERAL DESCRIPTION**

- A. The applicant, Jeff Spilker, applied for a Construction Permit to bring in fill and to grade an area for a future residence and garage and to bring the property into compliance.



Site Plan

**III. EXISTING CONDITIONS**

- A. Zoned Low Density Residential District.
- B. 3 Acres.
- C. Single Family Residence with attached garage (COBP19-0378).
- D. Detached Garage (COBP19-0159).
- E. No Special Flood Hazard Area.

**IV. REQUEST FOR COMMENT**

- A. County Highway
  - 1. Drainage to the Culvert across US 385 must not be impacted. This includes flow from the west and north of the culvert.
- B. County Environmental Planning Supervisor
  - 1. There is no Special Flood Hazard Area on the subject property.
  - 2. Must follow the Storm Water Manual for implementation of Best Management Practices.
  - 3. Site Must be revegetated in accordance with Section 507 of the PCZO.
- C. County Environmental Planner
  - 1. The disturbed area will need to be revegetated.
  - 2. Inspection reports will need to be submitted weekly.
  - 3. Erosion and Sediment controls need to be installed immediately.
- D. County Ordinance Enforcement Officer
  - 1. No ordinance violations.
- E. County Natural Resources, County Fire Administrator, Emergency Services
  - 1. No comments received.

**V. ANALYSIS**

- A. April 2, 2019 – A Building Permit (COBP19-0159) was applied for to place a detached garage on the subject property.
  - 1. The Building Permit was not approved until July 22, 2019.
    - a. Dirt work had started on the property without an Approved Construction Permit or Building Permit.
- B. July 10, 2019 – Staff sent a violation letter for dirt work exceeding 10,000 square feet without proper permits.
- C. Most of the work has already been done.
  - 1. The disturbed area will be re-seeded when the work is complete.



*Site Visit (7/9/19)*

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

1. That erosion control measures are implemented *immediately* and maintained until the site has been revegetated in accordance with § 507(A)(5)(c) of the Pennington county Zoning Ordinance (PCZO);
2. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan;
3. That the owner or designee must inspect the site at least once every 7 calendar days or every 14 calendar days and within 24 hours of the end of a storm event that exceeds 0.25 inches or snowmelt that generates runoff. A properly maintained rain gauge must be kept on the site. Inspection reports must be submitted by the contractor to the Planning Director every month during construction;
4. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;
5. That all natural drainage ways and paths be continually maintained;
6. That failure of the owner or designee to submit Inspection Reports, as required, shall result in the immediate issuance of a Stop Work Order and a review by the Planning Director to determine if all Conditions of Approval are being met;
7. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;

Agenda Item #20  
Jeff and Marcia Spilker  
August 26, 2019

8. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than 14 days after the Construction Activity has stopped. All erosion control methods (mulch and seed) need to be certified noxious weed-free;
9. That the disturbed areas be re-vegetated as required in § 507(A)(5)(c) of the PCZO;
10. That the applicant signs a Statement of Understanding within ten (10) business days of approval; and,
11. That this Construction Permit be reviewed in three (3) months or as directed by the Planning director to ensure that the applicant is meeting all conditions.



1: 1,512

Total: 0.29 mi

252.1 Feet

126.04

0

252.1

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

© City of Rapid City GIS

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

THIS MAP IS NOT TO BE USED FOR NAVIGATION

**Legend**

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

**Section Lines 0-25k**

- 0
- 7

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

**Map Notes:**



1: 12,100

2,016.6 0 1,008.29 2,016.6 Feet

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

**Map Notes:**

**Legend**

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

## STAFF REPORT

### GENERAL INFORMATION:

REQUEST: **CONSTRUCTION PERMIT / CP 19-12:** To install a graveled access road to include common utility trench on the subject property.

APPLICANT/CONTRACTOR: Site Work Specialists

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

LANDOWNER: Scott Yeoman

OWNER ADDRESS: 3901 Wonderland Drive, Rapid City, SD 57702

LEGAL DESCRIPTION: W1/2NW1/4; SE1/4NW1/4, Section 8, T1N, R7E, BHM, Pennington County, South Dakota.

SITE LOCATION: Located off of National Guard Road

SIZE: 120.00 acres

EXISTING LAND USE: Vacant

TAX ID: 10931

ZONING REFERENCE: Sections 206 and 507

CURRENT ZONING: Limited Agriculture District

### SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Mountainous / Forested

UTILITIES: None

REPORT BY: Cody Sack

**\*\*Staff is requesting public input on this request. The Planning Director will consider public input from private citizens, the applicant and the Planning Commission, in addition to information provided within this Staff Report, when rendering a decision on Construction Permit / CP 19-12.\*\***

**I. PROPOSED RECOMMENDATION**

- A. Staff is recommending that the Planning Director approve Construction Permit / CP 19-12 with twelve (12) conditions.

**II. GENERAL DESCRIPTION**

- A. The applicant, Site Work Specialists, applied for a construction Permit to install a graveled access road to include common utility trench on the subject property.



Site Plan



### III. EXISTING CONDITIONS

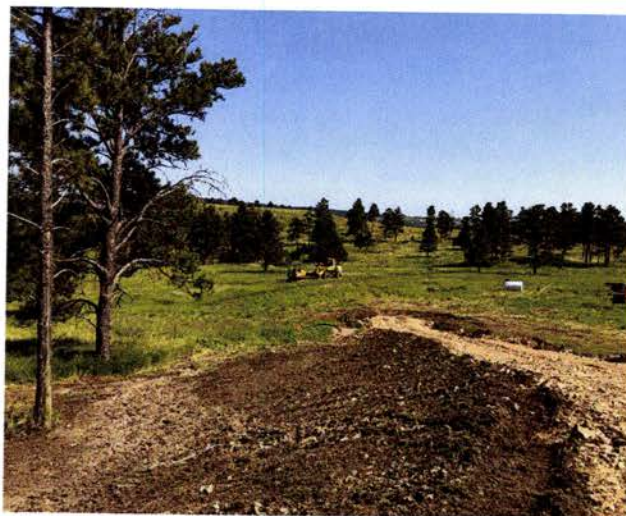
- A. Zoned Limited Agricultural District.
- B. 120 acres.
- C. Lot is vacant of any structures.
- D. No Special Flood Hazard Area.

### IV. REQUEST FOR COMMENT

- A. County Highway
  - 1. County Highway has no comments since this is in the National Guard Road District.
- B. County Environmental Planning Supervisor.
  - 1. There is no Special Flood Hazard Area on the subject property.
  - 2. Must follow the Storm Water Manual for implementation of Best Management Practices.
  - 3. Site Must be revegetated in accordance with Section 507 of the PCZO.
- C. County Environmental Planner
  - 1. The applicants have also applied for Road Construction within a Section Line Right-of-Way.
    - a. Work can not be done inside the Section Line until their application is approved.
  - 2. The disturbed area will need to be revegetated.
  - 3. Inspection reports will need to be submitted weekly.
  - 4. Erosion and Sediment controls need to be installed immediately.
- D. County Natural Resources, County Fire Administrator, Emergency Services, National Guard Road District
  - 1. No comments received.

### V. ANALYSIS

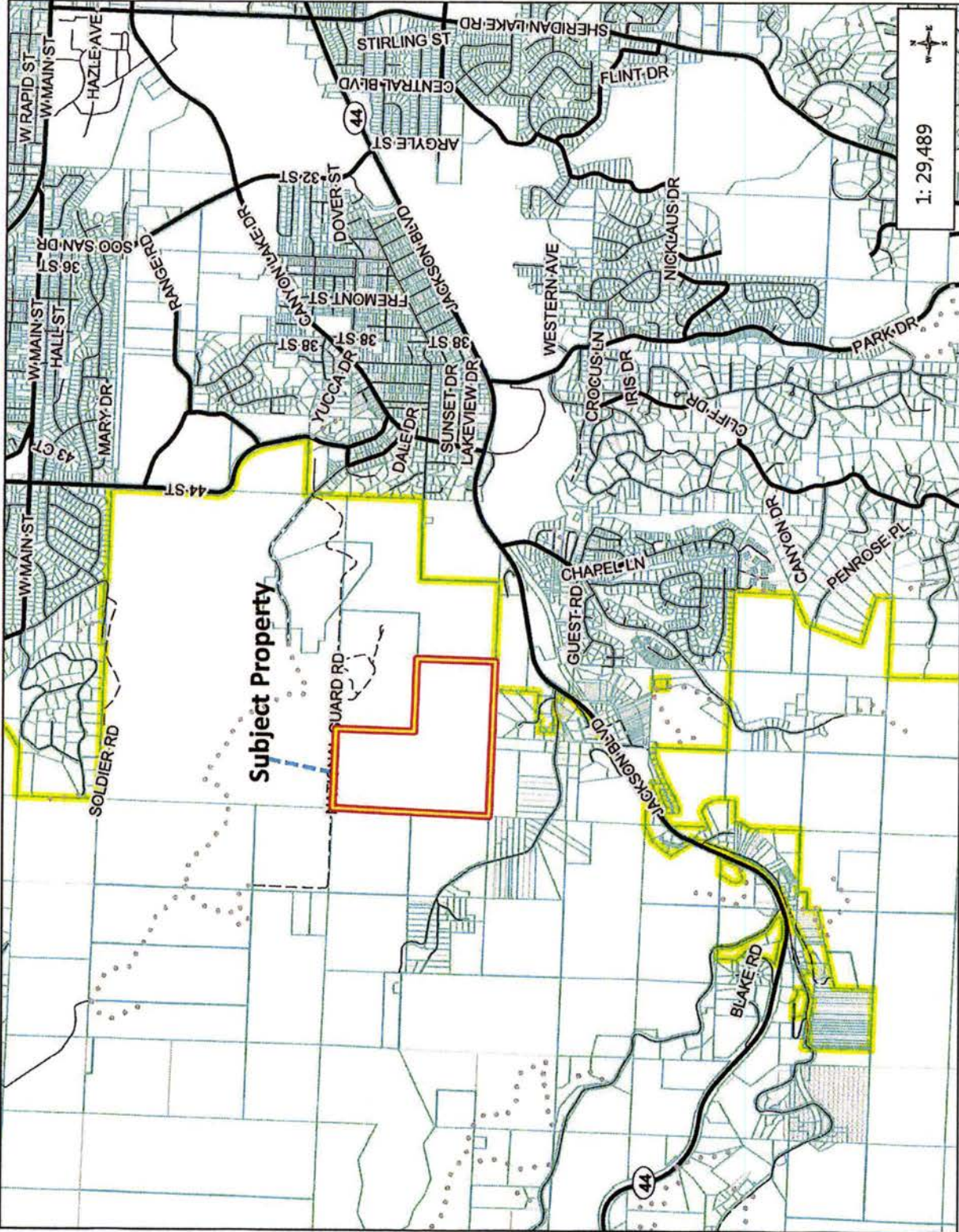
- A. August 20, 2019 – Staff conducted a site visit and found:
  - 1. Works has not begun.
- B. The applicants will need to get an approved Road Construction in a Section Line Right-of-Way before any work can be done within the Section Line.
  - 1. From conversations that staff has had with the applicant, they will construct the portion within the Section Line to County Highway standards.



*Site Visit (8/20/19)*

**RECOMMENDATION:** Staff is recommending that the Planning Director approve Construction Permit / CP 19-12 with the following twelve (12) conditions:

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



1: 29,489



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

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

**Legend**

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

**Map Notes:**



1: 7,372

1,228.7 0 614.35 1,228.7 Feet

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

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

**Legend**

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

**Section Lines 0-25k**

- 0
- 7

**Tax Parcels**

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

**Map Notes:**