

AGENDA
PENNINGTON COUNTY PLANNING COMMISSION
September 9, 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 20, 2019, at 10:30 a.m. The Planning Commission utilizes Speaker Request Forms, which are available in the Commission Chambers during the meeting.

ROLL CALL

1. APPROVAL OF THE AUGUST 26, 2019, MINUTES
2. APPROVAL OF THE AGENDA

CONSENT AGENDA

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

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

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

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

To recommend to end Conditional Use Permit / CU 11-22 with the applicant's concurrence, as it is no longer needed.

4. **CONDITIONAL USE PERMIT REVIEW / CU 15-23:** Perry and Gretchen Strombeck. To review a caretaker's 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 1, Strombeck Subdivision, Section 34, T1N, R5E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 15-23 with six (6) conditions.

5. **CONDITIONAL USE PERMIT REVIEW / CU 16-33**: Clinton Nulle. To review a single-wide mobile home to be used as a permanent single-family residence on the subject property in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 5C of Lot DR of Lot 6 of Lot L, Nelson Acres Subdivision, Section 23, T2N, R8E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 16-33 with eight (8) conditions.

6. **CONDITIONAL USE PERMIT REVIEW / CU 17-22**: Pamela Phillips. To review a single-wide mobile to be used as a permanent, single-family residence on the subject property in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 49A of Lot D, Sweetbriar Heights Subdivision, Section 10, T1N, R8E, BHM, Pennington County, South Dakota.

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

To recommend to continue the review of Conditional Use Permit / CU 17-22 to the November 25, 2019, Planning Commission meeting, with the applicant's concurrence.

7. **CONDITIONAL USE PERMIT REVIEW / CU 18-05**: Harry and Rosina Hilgemann; Bret Hilgemann – Agent. To review a caretaker's residence on the subject property in a Suburban Residential District in accordance with Sections 204-D, 208, and 510 of the Pennington County Zoning Ordinance.

Parcel C less Lots H1 and H2 and less 40-foot-wide dedicated right-of-way, Section 17, T2N, R6E, BHM, Pennington County, South Dakota.

To recommend to end Conditional Use Permit / CU 18-05 with the applicant's concurrence.

8. **CONDITIONAL USE PERMIT REVIEW / CU 18-43**: Border States Paving. 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 26, 2019, Planning Commission meeting.)

To recommend approval of the extension of Conditional Use Permit / CU 18-43 with fourteen (14) conditions.

9. **MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PU 17-01:** Karen Moore. To review the existing Planned Unit Development to allow for a specialty / recreational resort for a Bed and Breakfast and events, such as: weddings, receptions, company picnics, family reunions, bridal and baby showers, and other types of small gatherings similar in nature, and additional RV sites in accordance with Section 213 of the Pennington County Zoning Ordinance.

Parcel A, B, and C, Ewalt Subdivision, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Major Planned Unit Development Amendment / PU 17-01 with forty (40) conditions.

10. **MINOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 17-05:** Tanner Colburn. To review the existing Sunset Ranch Planned Unit Development to reduce the setback from 25 feet to 12 feet along the west property line in accordance with Section 213 of the Pennington County Zoning Ordinance.

Lot 3, Block 4, Sunset Ranch Subdivision, Section 32, T2N, R10E, BHM, Pennington County, South Dakota.

To recommend continue the review of Minor Planned Unit Development Amendment / PU 17-05 to no later than the October 14, 2019, Planning Commission meeting with three (3) conditions.

END OF CONSENT AGENDA

11. **LAYOUT PLAT / LPL 19-26:** William and Makaley Parsons. To create Lots A and B of Knotty Pine Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 11 Revised, Knotty Pine Subdivision, Section 33, T1S, R7E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot A and Lot B, Knotty Pine Subdivision, Section 33, T1S, R7E, BHM, Pennington County, South Dakota.

CONSTRUCTION PERMIT AGENDA

12. **CONSTRUCTION PERMIT REVIEW / CP 99-43:** Pete Lien & Sons. To review a Construction Permit to allow for mining activities in accordance with Section 507 of the Pennington County Zoning Ordinance.

SW1/4SE1/4, Section 20, T2N, R7E, BHM, Pennington County, South Dakota.

13. CONSTRUCTION PERMIT REVIEW / CP 99-44: Pete Lien & Sons. To review a Construction Permit to allow for mining activities in accordance with Section 507 of the Pennington County Zoning Ordinance.

Sections 12, 13, 24, and 25, T2N, R6E and Sections 7, 17, 18, 19, 20, 30, T2N, R7E, BHM, Pennington County, South Dakota.

14. CONSTRUCTION PERMIT REVIEW / CP 17-10: Site Work Specialist, Inc. To review excavating and stockpiling of material for off-site use for South Valley Drive property in a Planned Unit Development District in accordance with Sections 213 and 507 of the Pennington County Zoning Ordinance

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

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

15. CONSTRUCTION PERMIT / CP 19-13: James Quinn. To bring in fill and grade for a creek crossing in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

E1/2NW1/4 Less Green Mountain Subdivision and Right-of-Way and NE1/4 Less E525 feet and Green Mountain Subdivision, Section 19, T2N, R6E, BHM, Pennington County, South Dakota.

END OF CONSTRUCTION PERMIT AGENDA

16. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the August 26, 2019, Planning Commission meeting.

17. ITEMS FROM THE PUBLIC

18. ITEMS FROM THE STAFF

- A. Building Permit Report.
- B. Comprehensive Plan Update.

19. ITEMS FROM THE MEMBERSHIP

20. 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 26, 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: Cassie Bolstad, PJ Conover, Kristina Proietti, Cody Sack, Jason Theunissen, and Michael Hofmann (SAO).

ROLL CALL

1. APPROVAL OF THE AUGUST 12, 2019, MINUTES
Moved by Lasseter and seconded by Runde to approve the Minutes of the August 12, 2019, Planning Commission meeting. Vote: unanimous 7 to 0.

2. APPROVAL OF THE AGENDA
Moved by DiSanto and seconded by Runde to approve the Agenda of the August 26, 2019, Planning Commission meeting. Vote: unanimous 7 to 0.

Moved by Johnson and seconded by Rivers to approve the Consent Agenda of the August 26, 2019, Planning Commission meeting with the removal of Items #12, #13, #14 and #15. 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 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 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.

Vote: unanimous 7 to 0.

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 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.

Vote: unanimous 7 to 0.

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 approve 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.**

Vote: unanimous 7 to 0.

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 approve of 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.

Vote: unanimous 7 to 0.

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

Vote: unanimous 7 to 0.

8. **CONDITIONAL USE PERMIT REVIEW / CU 18-33**: Fatter Boys, Inc. / Bob Fuchs. 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.

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

To approve 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.**

Vote: unanimous 7 to 0.

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 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;
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.

Vote: unanimous 7 to 0.

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 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.

Vote: unanimous 7 to 0.

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 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 landowners located within the Planned Unit Development.

Vote: unanimous 7 to 0.

END OF CONSENT AGENDA

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.

Commissioner Runde asked to have this Item removed from the Consent Agenda, in order to recuse herself from the vote.

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

Discussion followed.

Moved by Coleman and seconded by Lasseter to approve of the review 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;
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.

All voting, the Motion carried 6 to 0. Commissioner Runde abstained.

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.)

Staff asked to have this Item removed from the Consent Agenda in order to allow public comment, as is required by Ordinance and the Storm Water Manual for Construction Permits.

Sack stated Staff recommended the Planning Director end Construction Permit / CP 18-01.

Discussion followed.

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

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

Staff asked to have this Item removed from the Consent Agenda in order to allow public comment, as is required by Ordinance and the Storm Water Manual for Construction Permits.

Sack stated Staff recommended the Planning Director 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.)

Staff asked to have this Item removed from the Consent Agenda in order to allow public comment, as is required by Ordinance and the Storm Water Manual for Construction Permits.

Sack stated Staff recommended the Planning Director approve the extension 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) (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.

Discussion followed.

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.

Theunissen 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 19-21 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;
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.

Discussion followed.

Moved by Marsh and seconded by Johnson to approve 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;
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.

All voting aye, the Motion carried 7 to 0.

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.

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 19-22 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;
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.

Discussion followed.

Moved by Runde and seconded by Johnson to approve 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;
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.

All voting aye, the Motion carried 6 to 1. Commissioner DiSanto voted no.

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.

Proietti reviewed the Staff Report indicating the applicant has applied 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.

Staff recommended approval of Rezone / RZ 19-12 and Comprehensive Plan Amendment / CA 19-12.

Discussion followed.

Moved by Rivers and seconded Lasseter to approve of Rezone / RZ 19-12 and Comprehensive Plan Amendment / CA 19-12.

All voting aye, the Motion carried 7 to 0.

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.

Bolstad reviewed the Staff Report indicating the applicant is requesting a Reconsideration of Minor Plat / MPL 19-19 to create Lot 1 of Buzmar Subdivision.

Staff recommended approval of the Reconsideration of Minor Plat / MPL 19-19 with the following nine (9) conditions:

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

Moved by Coleman and seconded by Lasseter to recommend approval of the Reconsideration of Minor Plat / MPL 19-19 with the following nine (9) conditions:

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

All voting aye, the Motion carried 7 to 0.

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.

Sack stated Staff recommended 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;
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.
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.

Sack stated Staff recommended 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.

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

No motions or actions were taken at this time.

24. ITEMS FROM THE STAFF

- A. Update - Comprehensive Process. Conover stated the Comprehensive Plan is proposed to go in front of the Board of Commissioners at the October 15, 2019, meeting, but the date has not been finalized. Public comment will be taken at this time and a representative from Matrix will be present.
- B. Update - 2020 Census Update. Conover stated the Planning Department is a liaison for the 2020 Census and gave an update on the process.
- C. Zoning Ordinance Update. Conover stated the Planning Commissioners have been given updated Zoning Ordinance books.

25. ITEMS FROM THE MEMBERSHIP

Commissioner Johnson spoke of Vacation Home Rental requirements. Commissioner Rivers spoke of Construction Permit requirements.

26. ADJOURNMENT.

Moved by Coleman and seconded by Lasseter to adjourn.

All voting aye, the Motion carried 7 to 0.

The meeting adjourned at 10:05 a.m.

Rich Marsh, Chairperson

STAFF REPORT

GENERAL INFORMATION:

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

APPLICANT: Jeff Sadergaski

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

NEW LANDOWNER: Melissa Johnson

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

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

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

SIZE: .350 acre

TAX ID: 49693

EXISTING LAND USE: Residential

ZONING REFERENCE: Sections 208 and 510

CURRENT ZONING: Suburban Residential District

SURROUNDING ZONING:
North Suburban Residential
South Suburban Residential
East Suburban Residential
West Suburban Residential

PHYSICAL CHARACTERISTICS: Flat

UTILITIES: Public

REPORT BY: P.J. Conover

PROPOSED RECOMMENDATION: Staff will be recommending Conditional Use Permit / CU 11-22 end, with the applicant's concurrence, as it is no longer needed.

GENERAL DESCRIPTION: CU 11-22 is to allow for a Home Occupation. Specifically, to detail and re-furbish small engine equipment and motorcycles in a detached garage located on the subject property (IMAGE 1).

HISTORY

- October 10, 2011, the Planning Commission approved CU 11-22 with twelve (12) conditions.
 - The Planning Commission's decision to approve CU 11-22 was appealed to the Board of Commissioners.
- November 01, 2011 – the Board of Commissioners upheld the Planning Commission's Decision to approve CU 11-22.
- CU 11-22 was to be reviewed in October 2012, but has never been reviewed.
- June 2019 – Staff became aware of CU 11-22 and attempted to contact the applicant and found the property had been sold to Melissa Johnson.
- July 29, 2019 – Staff spoke with the new landowner, Melissa Johnson, who confirmed the applicant had moved away and that CU 11-22 is no longer needed.

RECOMMENDATION: Staff recommends to end Conditional Use Permit / CU 11-22, with the applicant's concurrence, as it is no longer needed.



Legend

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

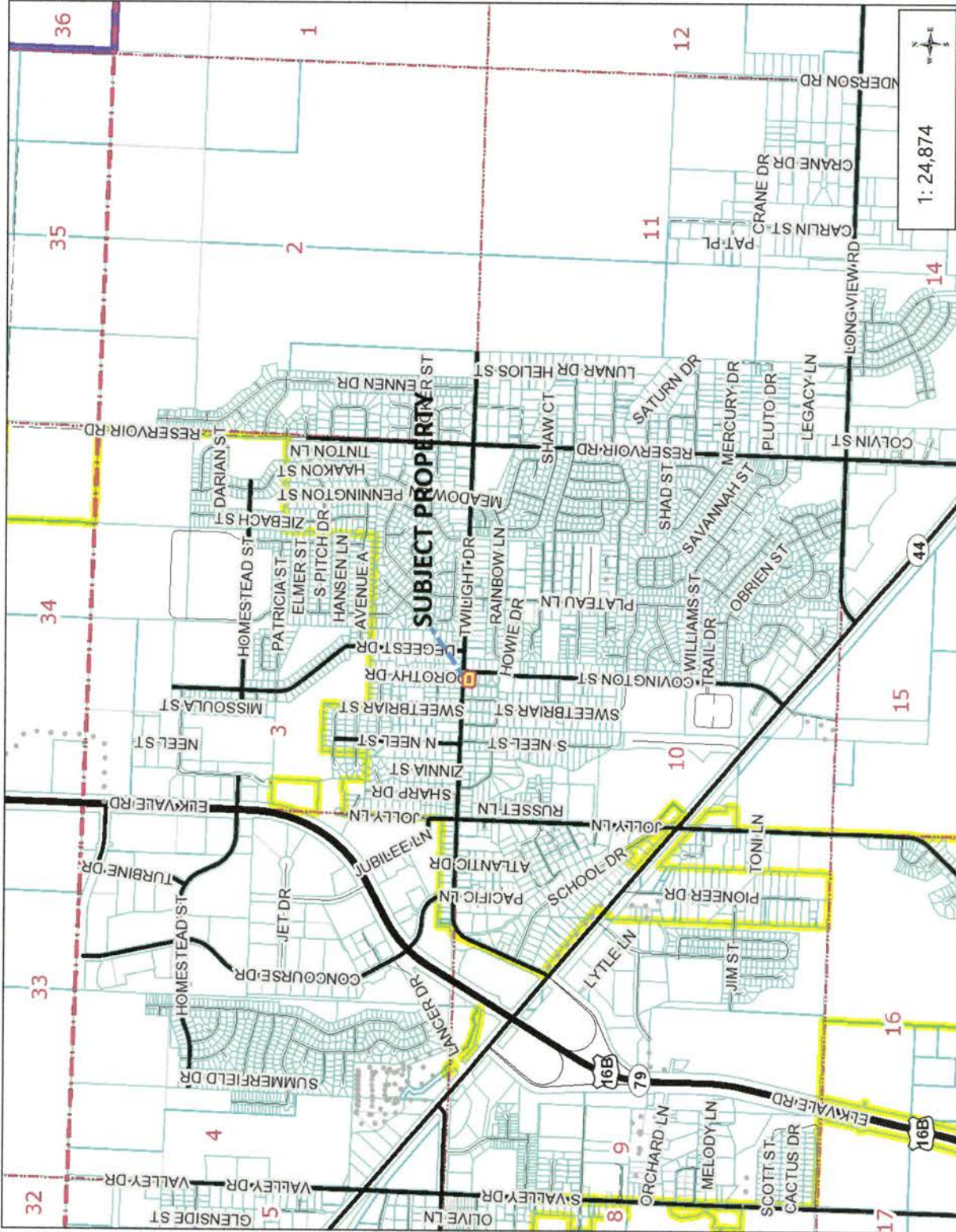
Section Lines 0-25k

- 0
- 7

Tax Parcels

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

OtherCitieslargerscale



1: 24,874



4,145.7 0 2,072.83 4,145.7 Feet

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

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Map Notes:

STAFF REPORT

GENERAL INFORMATION:

REQUEST: **CONDITIONAL USE PERMIT REVIEW / CU 15-23:** To review a caretaker's residence on the subject property in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

APPLICANT/ OWNER: Perry and Gretchen Strombeck

APPLICANT ADDRESS: 12739 Horse Creek Road, Rapid City, SD 57702

LEGAL DESCRIPTION: Lot 1, Strombeck Subdivision, Section 34, T1N, R5E, BHM, Pennington County, South Dakota.

SITE LOCATION: 12739 Horse Creek Road; west of the intersection of Horse Creek Road and Highway 385.

SIZE: 9.78 acres

TAX ID: 49235

EXISTING LAND USE: Residential

ZONING REFERENCE: §§ 207 and 510

CURRENT ZONING: Low Density Residential District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Valley, forested, floodplain

UTILITIES: Private

REPORT BY: Jason Theunissen

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending approval of the extension of Conditional Use Permit / CU 15-23 with six (6) conditions.

II. GENERAL DESCRIPTION

- A. September 14, 2015 – the Planning Commission approved Conditional Use Permit / CU 15-23 with eight (8) conditions.
1. That the addresses for both the existing single-family residence and the proposed caretaker's residence be posted in accordance with Pennington County's Ordinance #20 on each residence and so that they are visible from Horse Creek Road;
 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 Clay Strombeck, either by removing the range to make the space a studio, or by obtaining a second Conditional Use Permit for a Guest House;
 3. That prior to issuance of a Building permit for the caretaker's residence, a site plan is submitted showing the caretaker's residence maintains the setback requirements or an approved Setback Variance is obtained;
 4. That a Building Permit be obtained for any structure exceeding 144 square feet or located on a permanent foundation which requires a site plan to be reviewed and approved by the Planning Director;
 5. That all future structures meet the minimum required setbacks for a Low Density Residential District or an approved Setback Variance be obtained prior to Building Permit approval;
 6. That the proposed caretaker's residence and new On-Site Wastewater Treatment System be located outside of the 100-year floodplain boundary or an approved Floodplain Development Permit is obtained prior to Building Permit approval;
 7. That the applicant signs the Statement of Understanding within seven (7) business days of approval of Conditional Use Permit /CU 15-23, 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 Planning Commission or County Board of Commissioners to verify that all Conditions of Approval are being met.
- B. September 11, 2017 – the Planning Commission approved Conditional Use Permit / CU 15-23 with the following seven (7) conditions:
1. That the addresses for both the existing single-family residence and the proposed caretaker's residence be posted in accordance with Pennington County's Ordinance #20 on each residence and so that they are visible from Horse Creek Road;
 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 Clay Strombeck, either by removing the range to make the space a studio, or by obtaining a second Conditional Use Permit for a Guest House;
3. That prior to issuance of a Building Permit for the caretaker's residence, a site plan is submitted showing the caretaker's residence maintains the setback requirements or an approved Setback Variance is obtained;
 4. That a Building Permit be obtained for any structure exceeding 144 square feet or located on a permanent foundation which requires a site plan to be reviewed and approved by the Planning Director;
 5. That all future structures meet the minimum required setbacks for a Low Density Residential District or an approved Setback Variance be obtained prior to Building Permit approval;
 6. That the applicant signs the Statement of Understanding within seven (7) business days of approval of Conditional Use Permit /CU 15-23, which is available at the Planning Office; and,
 7. That this Conditional Use Permit be reviewed in two (2) years, on a complaint basis, or as deemed necessary by the Planning Commission or County Board of Commissioners to verify that all Conditions of Approval are being met.
- C. Condition #6 was removed, as the caretaker's residence was constructed outside of the 100-year floodplain boundary.

III. EXISTING CONDITIONS

- A. 9.78 acres.
- B. Zoned: Low Density Residential District.
- C. Lot contains:
 1. Single-family residence – built in 1941 per Department of Equalization (DOE) records.
 - a. On-site Wastewater Treatment System – County Operating Permit (COOP)13-0671.
 2. 24' x 22' Detached Garage – County Building Permit (COBP)15-0436.
 3. 38' x 38' caretaker's residence w/ garage space for applicant's son – COBP15-0479.
 - a. On-site Wastewater Treatment System – COSD15-0096 / COOP15-0584.
 4. 21' x 11' Equipment Building – built 1941 per DOE records.
 5. 35' x 24' Shop Building – 1997COBP0658.
 6. 15' x 12' Storage Shed – built in 1980 per DOE records.
 7. 15' x 12' Storage Shed – built in 1980 per DOE records.
 8. 14' x 12' Tool Shed – built in 1983 per DOE records.
 9. 60' x 24' Stables – built in 1983 per DOE records.
- D. A portion of the subject property is located in the 100-year Floodplain (southern portion).

IV. ANALYSIS

- A. August 29, 2019 – Staff performed a site visit to the subject property and spoke with Gretchen Strombeck, who validated care is still required for Clay Clarkson. Staff also verified the remaining Conditions of Approval were being met and requested an updated doctor's note.
- B. September 6, 2019 – Staff received an updated doctor's note.
- C. Staff has not received any complaints regarding the property.
- D. Condition #6 was removed, as a Statement of Understanding is no longer required.



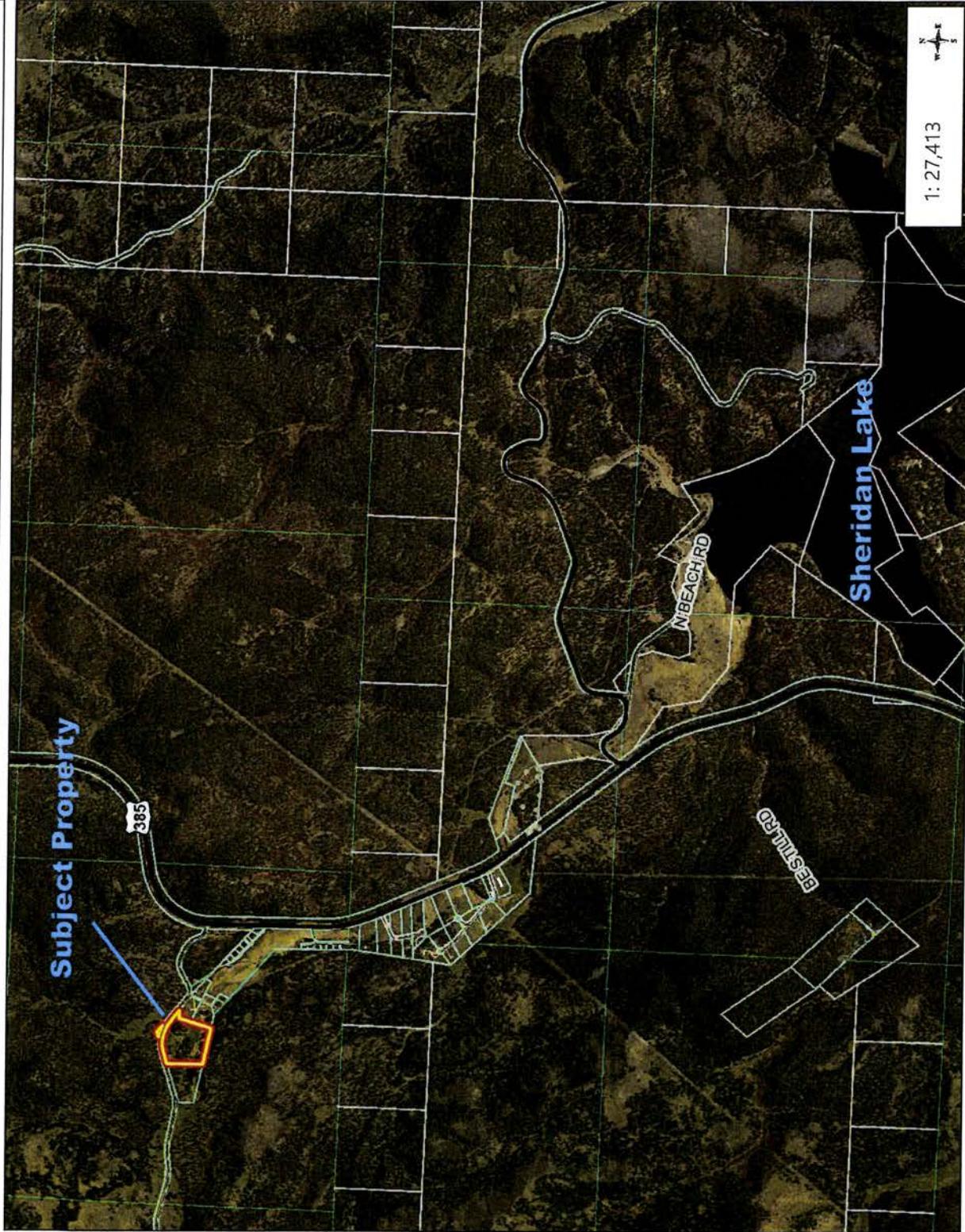
Site Visit, 8.29.19

RECOMMENDATION: Staff recommends approval of the extension of Conditional Use Permit / CU 15-23 with the following six (6) conditions:

1. That the addresses for the single-family residence and the caretaker's residence both continue to be posted so they are visible from Horse Creek Road, in accordance with Pennington County's 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 Clay Strombeck;

Agenda Item #4
Perry and Gretchen Strombeck
September 9, 2019

3. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground which requires a site plan to be reviewed and approved by the Planning Director;
4. That all future structures be located outside of the 100-year floodplain boundary or an approved Floodplain Development Permit is obtained prior to Building Permit approval;
5. That all future structures meet the minimum required setbacks for a Low Density Residential District or an approved Setback Variance be obtained prior to Building Permit approval; 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 County Board of Commissioners to verify that all Conditions of Approval are being met.



1: 27,413

4,568.8 0 2,284.41 4,568.8 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
- Section Labels 0-25k
- Tax Parcels
- Lot Lines
 - <Null>
 - Lot Line
 - Parcel Line
- OtherCitieslargerscale

Map Notes:



Subject Property

1: 13,706

2,284.4 0 1,142.21 2,284.4 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

NAD_1983_StatePlane_South_Dakota_South_FIPS_4002_Feet
 © City of Rapid City GIS

Legend

Roads

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

Section Lines 0-25k

- 0
- 7

Tax Parcels

Lot Lines

- <Null>
- Lot Line
- Parcel Line

Pennington County Zoning

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

Map Notes:



1: 1,822

303.6 151.80 303.6 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
- Address Points**
- Section Lines 0-25k**
- 0
 - 7
- Tax Parcels**
- Lot Lines**
- <Null>
 - Lot Line
 - Parcel Line

Map Notes:

STAFF REPORT

GENERAL INFORMATION:

REQUEST: **CONDITIONAL USE PERMIT REVIEW/ CU 16-33**: To review a single-wide mobile home to be used as a permanent single-family residence on the subject property in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

APPLICANT: Clinton Nulle

APPLICANT ADDRESS: 785 C and F Avenue, Box Elder, SD 57719

LEGAL DESCRIPTION: Lot 5C of Lot DR of Lot 6 of Lot L, Nelson Acres Subdivision, Section 23, T2N, R8E, BHM, Pennington County, South Dakota.

SITE LOCATION: 785 C and F Avenue; near the corner of D and R Avenue and C and F Avenue.

SIZE: 0.52 acre

TAX ID: 38615

EXISTING LAND USE: Residential

ZONING REFERENCE: Sections 208 and 510

CURRENT ZONING: Suburban Residential District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Flat

UTILITIES: Private On-Site Wastewater Treatment System / Box Elder Water

REPORT BY: Kristina Proietti

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending approval of the extension of Conditional Use Permit / CU 16-33 with eight (8) conditions.

II. GENERAL DESCRIPTION

- A. August 25, 2016, the applicant requested a Conditional Use Permit to allow a single-wide mobile home (SWMH) to be used as a permanent single-family residence on the subject property in a Suburban Residential District.
- B. September 26, 2016, the Planning Commission approved Conditional Use Permit / CU 16-33 with the following twelve (12) conditions:
1. That a Building Permit be obtained for the proposed single-wide mobile home prior to any work being done to install it on the property;
 2. That the septic tank be repaired within thirty (30) days of approval of Conditional Use Permit / CU 16-33;
 3. That the applicant obtain an Operating Permit prior to the first review of Conditional Use Permit / CU 16-33;
 4. That the minimum setback requirements of a Suburban Residential District be continually maintained on the property;
 5. That the property be brought into compliance with Ordinance 106 by the time of the first review of Conditional Use Permit / CU 16-33, and 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 CFR 60.3(b)(8) standards be met requiring that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and Local anchoring requirements for resisting wind forces;
 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;
 9. That the address (785 C&F Avenue) be clearly posted on the residence and so that it is visible from C&F Avenue, in accordance with Pennington County's Ordinance #20;
 10. That an approved Floodplain Development Permit be obtained prior to any construction or disturbance being done within the designated Special Flood Hazard Area on the subject property;

11. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 16-33, which is available at the Planning Office; 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 or Board of Commissioners to verify that all Conditions of Approval are being met.
- C. September 10, 2018, the Planning Commission approved the extension of Conditional Use Permit / CU 16-33 with the following nine (9) conditions:
1. That the subject property remains free of debris and junk vehicles;
 2. That the minimum setback requirements of a Suburban Residential District be continually maintained or a Variance be approved by the Board of Adjustment for any encroachment;
 3. That the single-wide mobile home continue to have a peaked, non-reflective type roof and wood or simulated wood-type siding that is continually maintained;
 4. That CFR 60.3(b)(8) standards continue to be met using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and Local anchoring requirements for resisting wind forces;
 5. 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;
 6. That the address (785 C&F Avenue) continues to be clearly posted on the residence and so that it is visible from C&F Avenue, in accordance with Pennington County's Ordinance #20;
 7. That an approved Floodplain Development Permit be obtained prior to any construction or disturbance being done within the designated Special Flood Hazard Area on the subject property;
 8. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 16-33, which is available at the Planning Office; and,
 9. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

III. EXISTING CONDITIONS

- A. Zoned Suburban Residential District.
- B. 0.52 acre.
- C. Access is taken off of C and F Avenue.
 - 1. Platted in 1984 (Plat Book 19, Page 181).
- D. Water is provided to the subject property by the City of Box Elder.
- E. Existing On-site Wastewater Treatment System (OSWTS).
 - 1. On-Site Wastewater Treatment System Operating Permit (COOP17-0537).
- F. Special Flood Hazard Area on the subject property.
 - 1. Floodplain Development Permit / FP 16-20, was approved for the single-wide mobile home.
 - 2. Floodplain Development Permit / FP 18-19, was approved for the attached deck.
 - 3. Any additions or alterations will require a new Floodplain Development Permit.

IV. ANALYSIS

- A. August 30, 2019, staff performed a site visit to the subject property and found that the skirting and anchoring had occurred on the SWMH and that a wooden fence is surrounding the property. It appeared that all of the Conditions of Approval have been met at this time.
- B. Staff has not received any complaints regarding the subject property.
- C. Staff recommends to remove Condition #8 as it has been met.



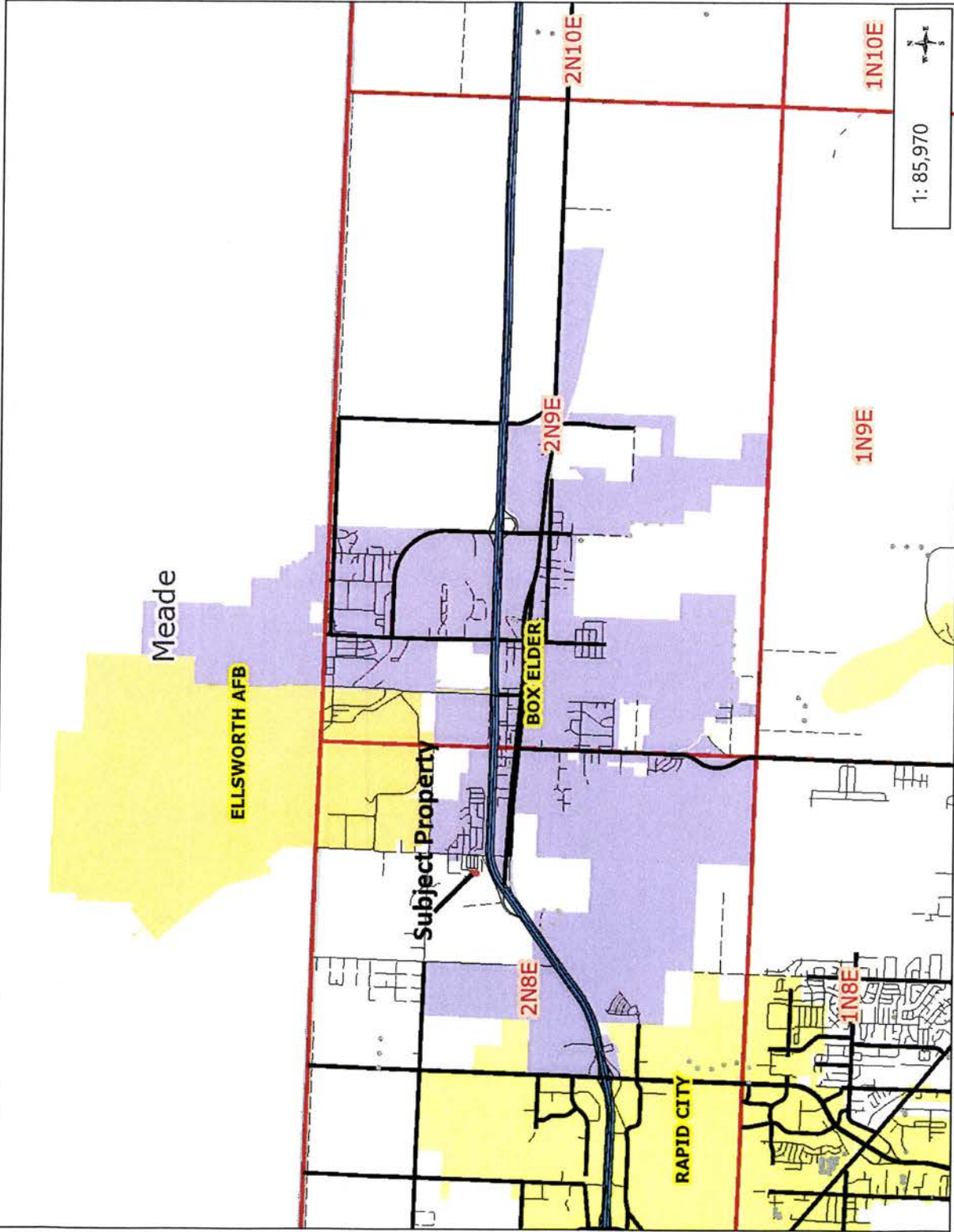
August 30, 2019, site visit.

RECOMMENDATION: Staff recommends approval of the extension of Conditional Use Permit / CU 16-33 with the following eight (8) conditions:

1. That the subject property remains free of debris and junk vehicles;
2. That the minimum setback requirements of a Suburban Residential District be continually maintained or a Variance be approved by the Board of Adjustment for any encroachment;
3. That the single-wide mobile home continue to have a peaked, non-reflective type roof and wood or simulated wood-type siding that is continually maintained;
4. That CFR 60.3(b)(8) standards continue to be met using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and Local anchoring requirements for resisting wind forces;
5. 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;
6. That the address (785 C&F Avenue) continues to be clearly posted on the residence and so that it is visible from C&F Avenue, in accordance with Pennington County's Ordinance #20;
7. That an approved Floodplain Development Permit be obtained prior to any construction or disturbance being done within the designated Special Flood Hazard Area on the subject property; and,
8. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

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

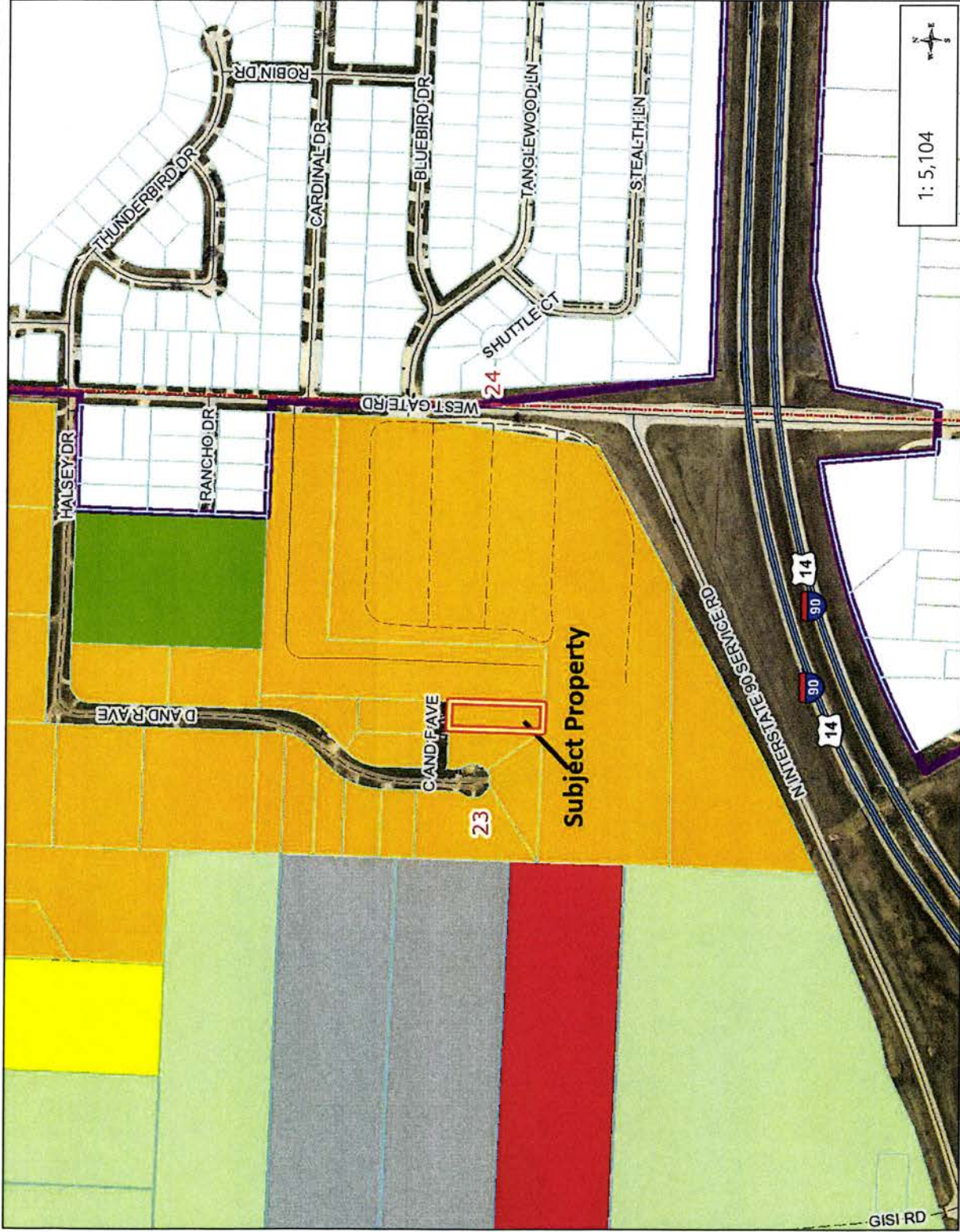
Map Notes:



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





1: 5,104



850.7 Feet
425.37

850.7
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: 5,104

850.7 0 425.37 850.7 Feet

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

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 17-22: To review a single-wide mobile to be used as a permanent, single-family residence on the subject property in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

APPLICANT: Pamela Phillips

APPLICANT ADDRESS: 2465 Covington Street, Rapid City, SD 57703

LEGAL DESCRIPTION: Lot 49A of Lot D, Sweetbriar Heights Subdivision, Section 10, T1N, R8E, BHM, Pennington County, South Dakota.

SITE LOCATION: South of the intersection of Twilight Drive and Covington Street, on Covington Street.

SIZE: 0.29 acre

TAX ID: 67756

EXISTING LAND USE: Residential

ZONING REFERENCE: § 208 and 510

CURRENT ZONING: Suburban Residential District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Flat

UTILITIES: Public (Rapid Valley Sanitary District)

REPORT BY: PJ Conover

NOTE: Updated information in BOLD on page 7.

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending to continue the review of Conditional Use Permit / CU 17-22 to the November 25, 2019, Planning Commission meeting.

II. GENERAL DESCRIPTION

- A. The applicant, Pamela Phillips, requested a Conditional Use Permit to allow a single-wide mobile home to be used as a permanent, single-family residence in a Suburban Residential District.
- B. June 12, 2017 – The Planning Commission approved CU 17-22 with the following nine (9) conditions:
1. That a Building Permit be obtained for the proposed single-wide mobile home prior to any work being done;
 2. That an approved Approach Permit from County Highway be obtained prior to submittal of a Building Permit;
 3. That the minimum setback requirements of a Suburban Residential District be continually maintained on the property;
 4. That the subject property remains free of debris and junk vehicles;
 5. That the single-wide mobile home installed on the property have a peaked, non-reflective type roof and wood or simulated wood-type siding that is continually maintained;
 6. That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
 7. That the address is clearly posted on the residence and so that it is visible from both directions of Covington Street, in accordance with Pennington County's Ordinance #20;
 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 17-22; 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.
- C. June 13, 2018 - During a site visit, Staff noticed that the existing single-wide mobile home with deck and the new detached garage appear to violate the setbacks for a Suburban Residential District (SRD), and also appear to cross lot lines.
- D. June 25, 2018 – The Planning Commission continued the review of CU 17-22 to the August 27, 2018, Planning Commission meeting to allow the applicant time to bring the subject property into compliance.

Agenda Item # 6
Pamela Phillips
September 09, 2019


- E. July 13, 2018 – Staff met with the applicant and agent to further discuss bringing the subject property into compliance.
- F. August 21, 2018 – The Planning Department received a letter from Pamela Phillips, along with a Site Plan (from Fisk Land Surveying) of the subject property.
- G. August 22, 2018 – Staff spoke with the applicant and informed her that CU 17-22 was not ready for a hearing before the Planning Commission yet, due in part to the Site Plan from Fisk Land Surveying, and that Staff would need to set up an additional meeting with her, in September, to further discuss CU 17-22
- H. September 2018 – Staff briefly spoke to the applicant regarding CU 17-22 about the need to set up a meeting. Staff has not been able to meet with the applicant to fully discuss the findings of the Fisk Land Surveying Site Plan.

III. EXISTING CONDITIONS

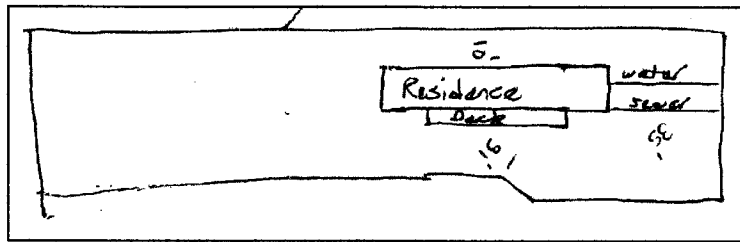
- A. Zoned Suburban Residential District.
- B. 0.29 acre.
- C. Access off of Covington Street by way of an existing approach, approved for shared use by the County Highway Department.
 - 1. The County Highway Department commented that a new approach onto Covington, from the subject property, would not be approved.
- D. Lot contains:
 - 1. Single-wide mobile home with uncovered deck – COBP17-0344 (approved on July 29, 2017).
 - 2. Detached garage – constructed without a Building Permit.

IV. ANALYSIS

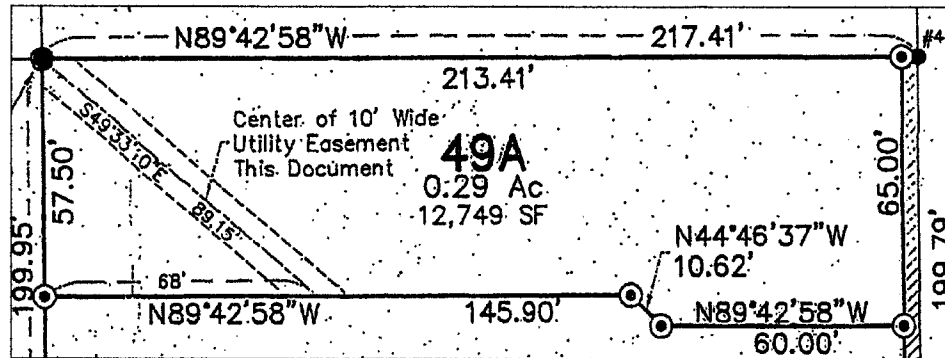
- A. The use of a single-wide mobile home as a single-family residence appears to be consistent with existing uses in the surrounding area.
- B. COBP17-0344 was approved, based on the following information provided by the applicant.
 - 1. The applicant signed Page 1 of 3 of the Building Permit Application to acknowledge the accuracy of the information provided therein.

** INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED **		
<i>I certify that all information contained within this application form and any other information provided by me in relation to this application is true and accurate to the best of my knowledge; I certify that I will comply with all applicable Federal, State and local laws and regulations in performing the work for which this permit is intended, up to and including current International Building Codes, as applicable; and, I FURTHER UNDERSTAND THAT SUBMITTAL OF THIS APPLICATION IS NOT AND DOES NOT CONSTITUTE AN APPROVED BUILDING PERMIT.</i>		
Landowner/Applicant/Agent: <small>CIRCLE ONE OR MORE</small>	 <small>SIGNATURE</small>	6/12/17 <small>DATE</small>

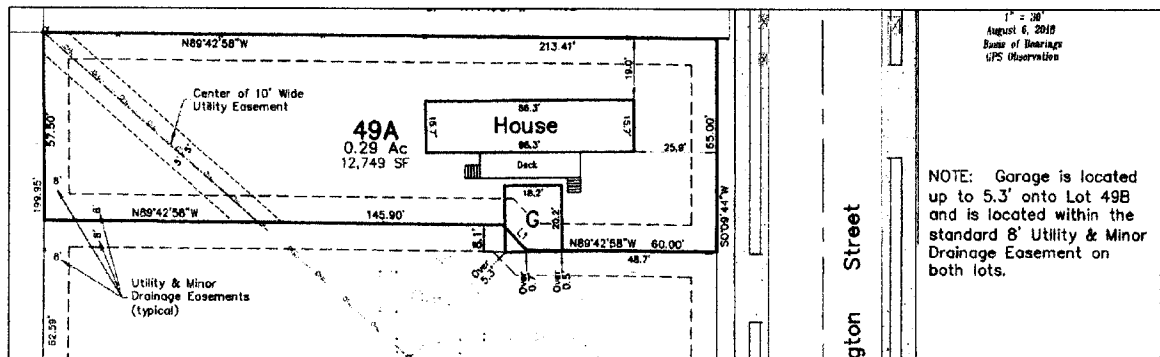
2. The site plan shows that the residence and deck will not encroach into the Utility and Minor Drainage Easement and setbacks in SRD.



3. Plat Document # A201617012 shows the existing width of Lot 49A.



- D. In addition to the possible encroachment of the existing deck, it appears the detached single-car garage also traverses the existing Utility and Minor Drainage Easement as well as the setbacks in SRD.
- E. On August 06, 2018, Fisk Land Surveying completed a Site Plan for the applicant which included the following:



- F. The detached single-car garage was built without an approved Building Permit.
 1. An approved Building Permit will be required.
- G. Staff has requested continuations of CU 17-22 to allow time for Staff and the applicant/landowner to discuss the violations and what was needed to bring the subject property into compliance.
 1. The abutting property to the south is also owned by Pamela Phillips. Staff has not held-back approval of Building Permits on the abutting property due to the encroachment of the garage.

V. PHOTOS FROM SITE VISIT ON JUNE 13, 2018.



VI. DECEMBER 2018

- A. December 11, 2018 – Staff contacted the applicant/owner regarding the unpermitted garage and the encroachment into the easement (and over the property line). Staff indicated to the applicant/owner that a structure cannot be located in an easement and the easement will need to be vacated and the garage moved and/or removed.
1. The following was stated by the applicant/owner:
 - a. The company that was hired to place the garage, just “showed up and put it up”.
 - i. The company that put it there is “no longer in business and no other company wants anything to do with moving the garage”.
 - b. The “garage is temporary and is for storage of Christmas stuff” for the applicant’s/owner’s mother.
 - c. There is “no other place on the property to put it and the applicant’s/owner’s mother is not going to walk farther” due to age.
 - d. The applicant/owner was told by the City that the easement could not be vacated, however, there are no utilities currently in the easement.
 - e. An employee at Fisk Land Surveying said “not to vacate it and didn’t believe it was needed”.
 - f. That the garage “will be moved” when the applicant’s/owner’s mother no longer is residing on the property.
 - g. The applicant/owner will not work with anyone in the Planning Department except the Planning Director and wants to meet with him.
 - h. The applicant/owner stated she was misled and told not to apply for the carport at the time of the submittal of the Building Permit for the single-wide mobile home.

VII. FEBRUARY – MARCH 2019

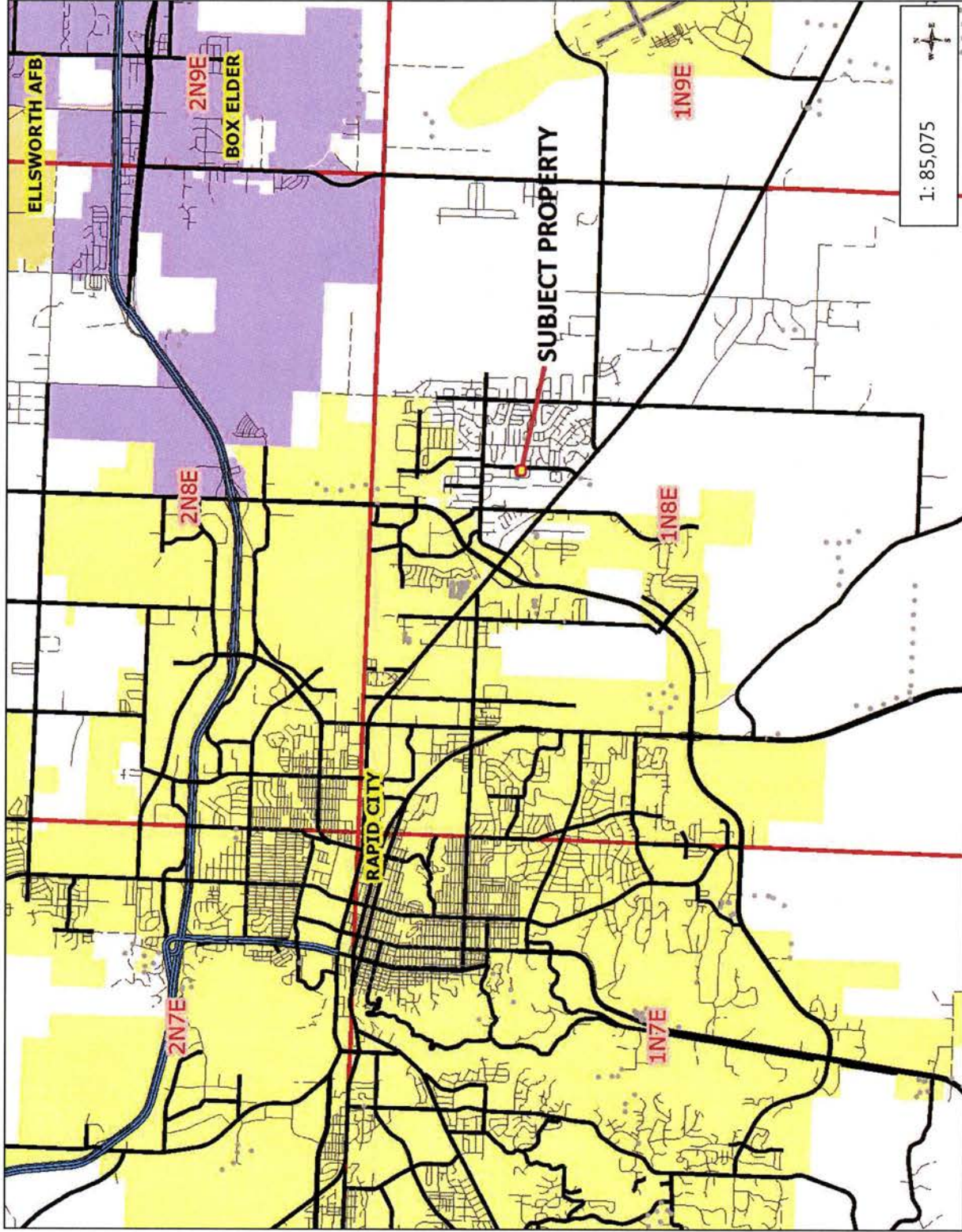
- A. February 20, 2019 – Staff received comments from the City of Rapid City Department of Community Development regarding CU 17-22.
- B. March 20, 2019 – Staff met with Pamela Phillips to discuss options to bring the property into compliance.
1. A friend of Ms. Phillips will be working on searching South Dakota Codified Laws to see if there are Laws which could be used to help Ms. Phillips, and the County, to avoid having to go through Vacations and Variances.
 2. County Staff will assist in this research.
- C. Ms. Phillips is the owner of records for both properties involved with CU 17-22.

- D. The existing non-compliant, four-sided carport crosses into setbacks and newly platted Utility and Minor Drainage Easements.
 - 1. At this time, the City of Rapid City Department of Community Development, who platted the subject properties, has no issues with the encroachments, but suggests that it be corrected.
- E. As of this Staff Report, no known Utilities are located within either Utility and Minor Drainage Easements.

VIII. UPDATE

- A. **August 2019 – The Planning Department received an email from the City of Rapid City’s Community Development Department (RCCD) concerning their long-standing practice of vacating easements, plats, Right-of-Way’s, etc., within their Platting Jurisdiction. The RCCD concluded that they had no authority to continue with that practice.**
 - 1. **During this time, County Staff is looking into the validity of the RCCD conclusion and believes it may impact the concerns with CU 17-22.**
 - 2. **Staff spoke to the applicant and informed them of the new information.**
 - 3. **Staff has also set up a site-visit with the applicant for September 10, 2019.**
 - 4. **In lieu of the new information, Staff will be recommending a continuation of the hearing of CU 17-22 with the applicant’s concurrence.**

RECOMMENDATION: Staff recommends to continue the review of Conditional Use Permit / CU 17-22 to the November 25, 2019, Planning Commission meeting, with the applicant’s concurrence.



1: 85,075

14,179.1 7,089.55 14,179.1 Feet

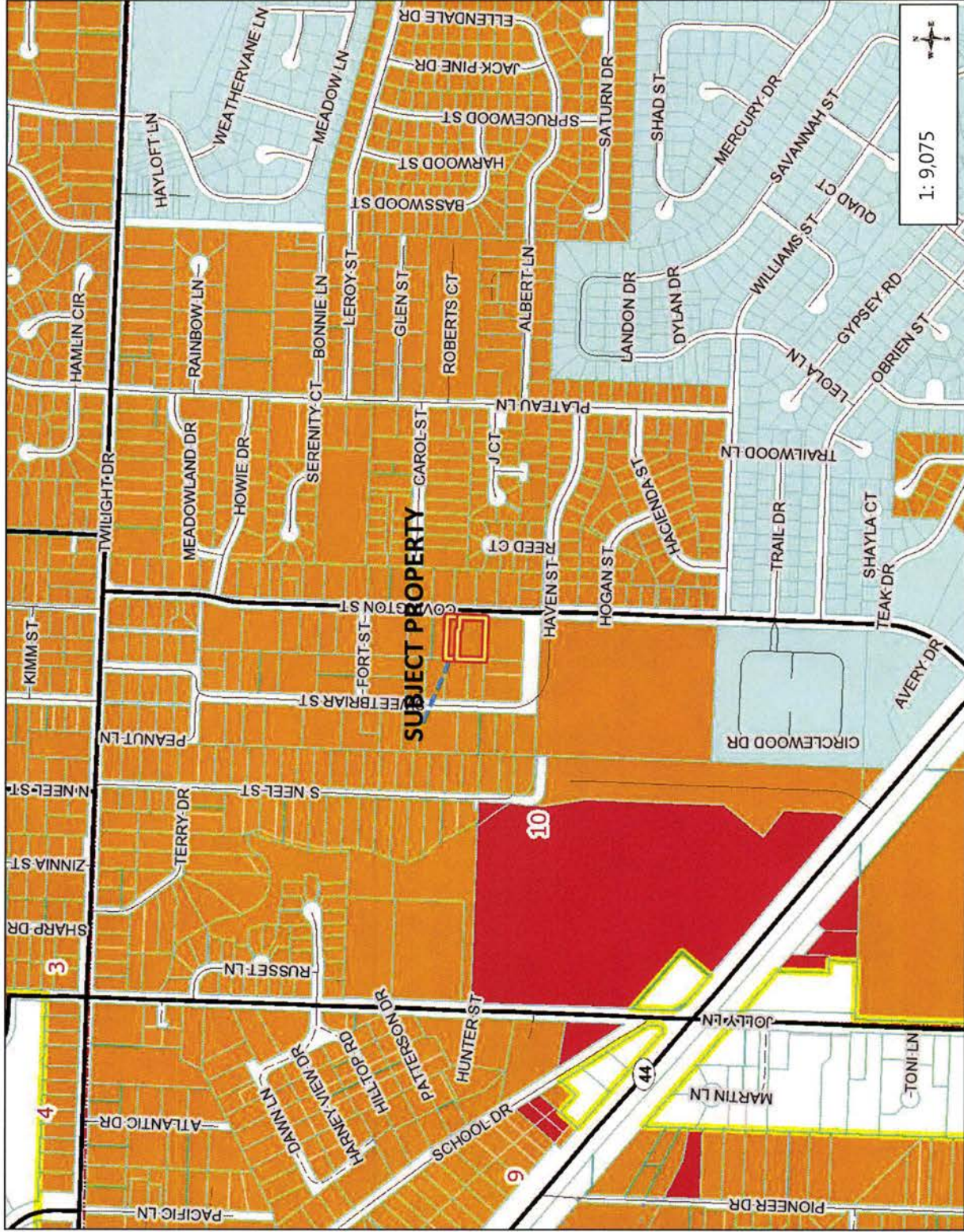
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
 THIS MAP IS NOT TO BE USED FOR NAVIGATION

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
- 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

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

- <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: 9,075

1,512.4 756.22 1,512.4 Feet



1: 567

94.5 Feet

47.26

0

94.5

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: **CONDITIONAL USE PERMIT REVIEW / CU 18-05:** To allow for a caretaker's residence on the subject property in a Suburban Residential District in accordance with Sections 204-D, 208 and 510 of the Pennington County Zoning Ordinance.

APPLICANT: Harry and Rosina Hilgemann

APPLICANT ADDRESS: 22536 Sanctuary Place, Rapid City, SD 57702

LANDOWNER/AGENT: Brett and Linda Hilgemann

AGENT ADDRESS: 4823 S. Canyon Road, Rapid City, SD 57702

LEGAL DESCRIPTION: Parcel C less Lots H1 and H2 and less 40-foot-wide dedicated right-of-way, Section 17, T2N, R6E, BHM, Pennington County, South Dakota.

SITE LOCATION: 22536 Sanctuary Place; west of Rapid City off of Nemo Road.

SIZE: 2.59 acres

TAX ID: 48303

EXISTING LAND USE: Residential

ZONING REFERENCE: Sections 204-D, 208 and 510

CURRENT ZONING: Suburban Residential District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Forested

UTILITIES: Private

REPORT BY: P.J. Conover

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending to end Conditional Use Permit / CU 18-05 with the applicant's concurrence.

II. MEETING HISTORY

- A. The applicants applied for CU 18-05 on March 28, 2018, and were scheduled for a hearing before the Planning Commission on April 23, 2018.
- B. The applicant's file was misplaced in the Office and when found, a hearing on April 23, 2018 was not possible.
- C. On April 09, 2018, the Planning Commission voted unanimously to allow CU 18-05 to go before the Board of Commissioners for possible approval, so that the timeline for CU 18-05 is not altered and then back to the Planning Commission on May 14, 2018 for a review and approval.
- D. On May 1, 2018, the Board of Commissioners approved Conditional Use Permit / CU 18-05 with twelve (12) conditions.

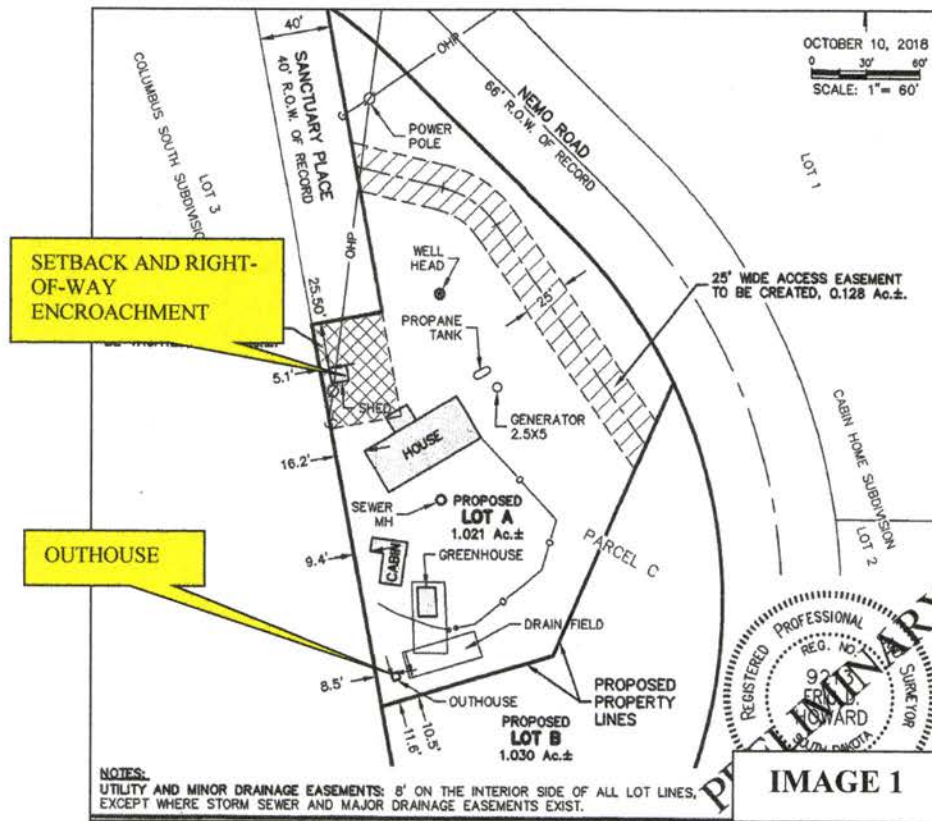
III. EXISTING CONDITIONS

- A. Zoned Suburban Residential District.
- B. 2.59 acres.
- C. Special Flood Hazard Area is "not studied."
- D. Lot contains:
 - 1. Cabin (cold storage) (1990 Building Permit # 9355).
 - a. On April 24, 2018, the Agent stated the cabins were converted years ago into storage, Staff has verified this by way of a site visit.
 - 2. 28' x 60' Double-wide Mobile Home (1994COBP0372).
 - a. 100 ft² front deck (COBP18-0258).
 - b. 330 ft² back deck (COBP18-0259).
 - 3. Shed (1995COBP0158).
 - 4. Access off of Sanctuary Place.
 - 5. Outhouse.
- E. Historical Note: In 1992, the Hilgemann's started the process to subdivide the existing property into two (2) lots – Lot 1 and Lot 2, but never completed the platting process.

IV. GENERAL DESCRIPTION

- A. Recent Building Permit History:
 - 1. County Building Permit / COBP19-0405.
 - a. Single-family residence with decks.
 - b. Approved 08.02.2019.

2. COBP19-0406.
 - a. 24' x 31' Detached Garage.
 - b. Approved 08.02.2019.
3. COBP19-0407.
 - a. Removal of 28' x 64' Double-Wide Mobile Home.
 - b. Not yet approved as of this Staff Report.
- B. During a conversation with Brett Hilgemann in 2019, Staff was informed that Harry and Rosina no longer resides on the subject property and Brett and Linda are now the landowners.
- C. CU 18-05 is no longer needed and Brett Hilgemann requested CU 18-05 to end.
- D. Staff will be recommending to end CU 18-05 with the applicant's concurrence, but concerns remain (IMAGE 1) regarding issues which were identified in 2018.
 1. Those concerns are:
 - a. The existence of an outhouse on the subject property; and,
 - b. Shed encroachments in the setback and Right-of-Way.
- E. The Planning Departments Ordinance Enforcement Officer will work with the Hilgemann's regarding the above-mentioned concerns.



RECOMMENDATION: Staff recommends to end Conditional Use Permit / CU 18-05 with the applicant's concurrence.

STAFF REPORT

GENERAL INFORMATION:

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

APPLICANT: Border States Paving

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

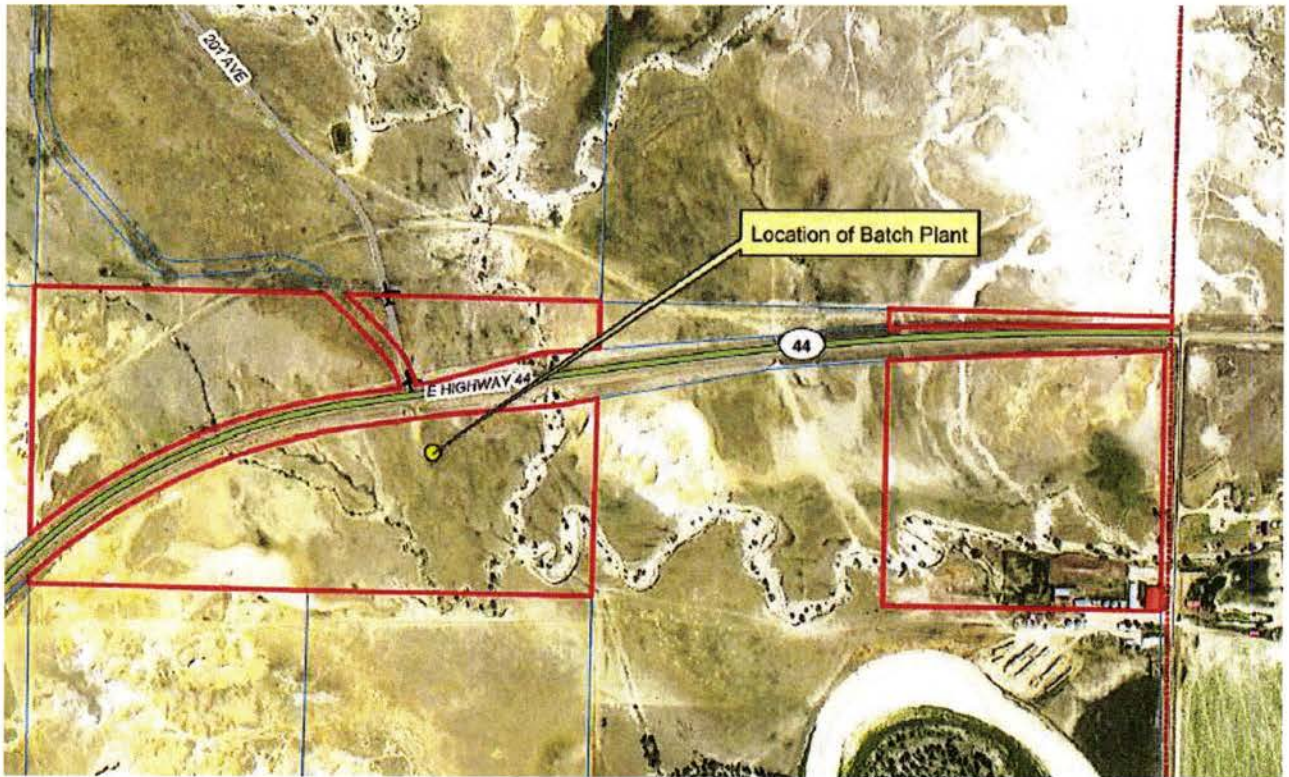
REPORT BY: Cody Sack

I. PROPOSED RECOMMENDATION

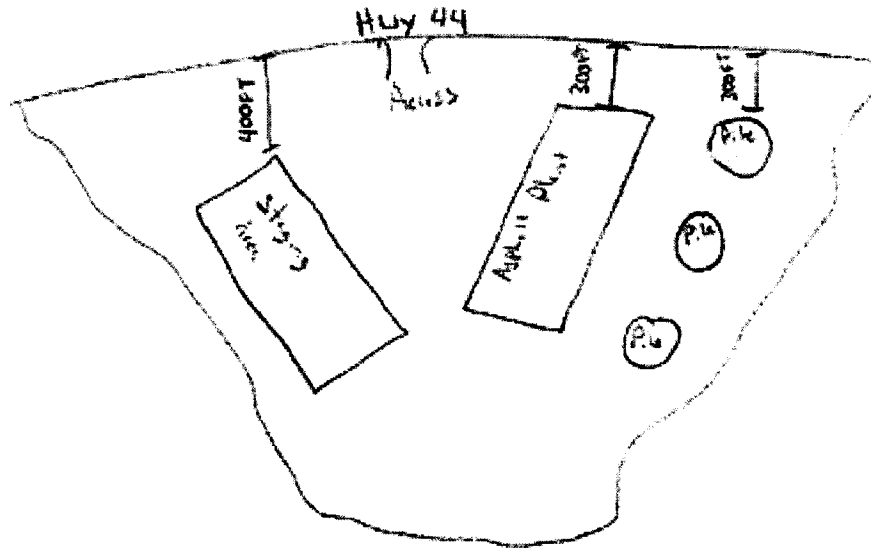
- A. Staff will be recommending to approve the extension of Conditional Use Permit / CU 18-43 with fourteen (14) conditions.

II. GENERAL DESCRIPTION

- A. The applicant, Border States Paving 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;

Agenda Item #8
Border States Paving
September 9, 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 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;
 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;

Agenda Item #8
Border States Paving
September 9, 2019

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.
- D. August 26, 2019 – The Planning Commission continued the review of Conditional Use Permit / CU 18-43 with the following fourteen (14):
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) 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.

III. EXISTING CONDITIONS

- A. Zoned General Agricultural District.
- B. 106.42 acres.
- C. Access off of E. Highway 44.
- D. Lot is vacant.
- E. There are two (2) legal descriptions for the property.
 1. The legal description where the batch plant is located is N1/2NW1/4 Less Lot H-1.
 2. There are no structures on this area of property.
- F. Special Flood Hazard Area is not studied on the property.

IV. ANALYSIS

- A. August 1, 2019 – Staff performed a site visit and found:
 - 1. The area where the batch plant was located had been disturbed.
 - 2. The batch plant is no longer there.
 - 3. The site has not been reclaimed.
- B. August 26, 2019 – Staff contacted the applicant who stated:
 - 1. The work has been finished however; there is material still being taken from the site to another project.
 - 2. When the stockpiles are removed, the site will be reclaimed.
 - 3. The applicant is expecting for reclamation to begin in October.
- C. The Applicant does have an Air Quality Permit (SDG02A037) for the batch plant.



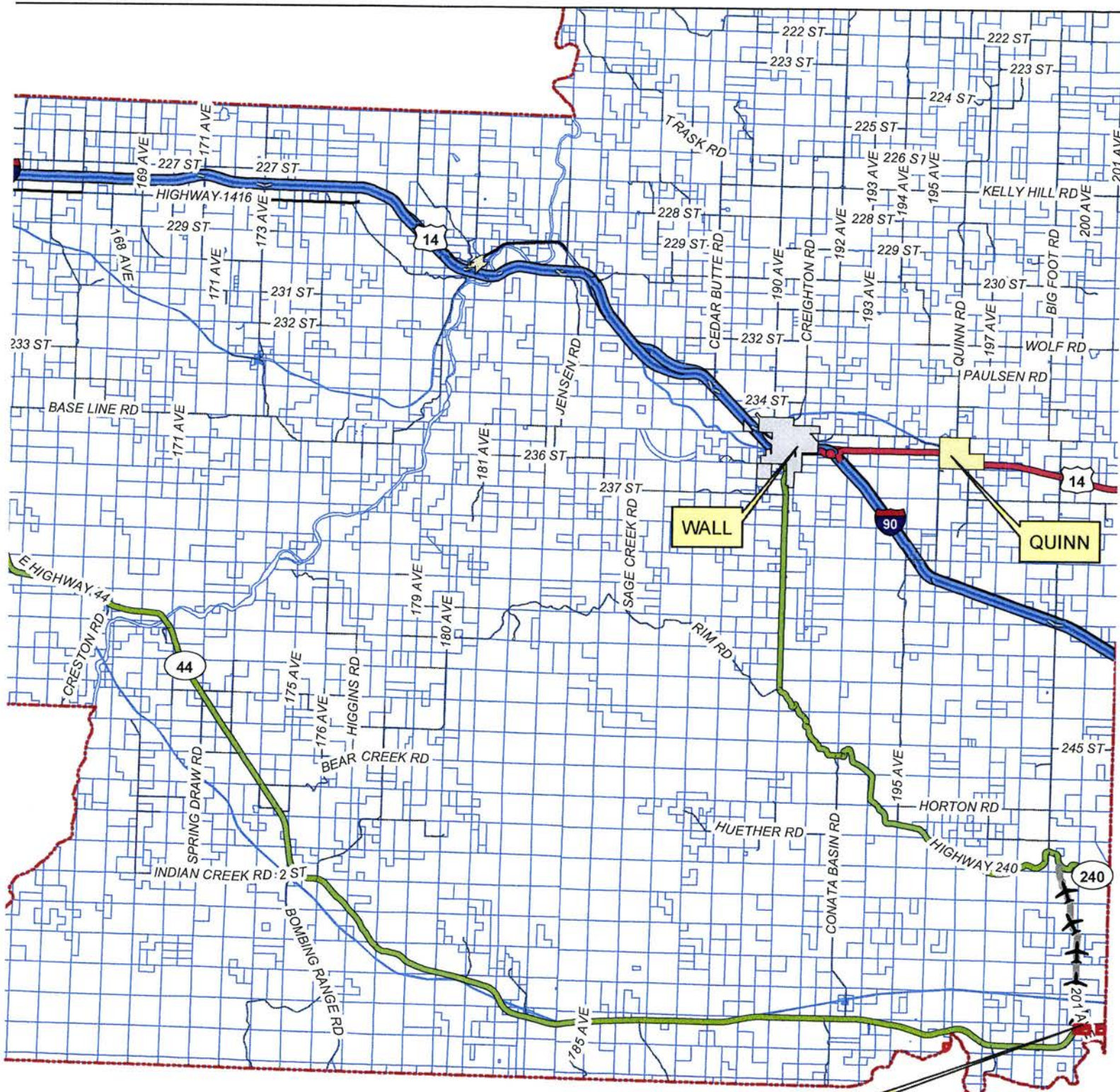
Site Visit (8/1/19)

RECOMMENDATION: Staff recommends to approve the extension of 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;

Agenda Item #8
Border States Paving
September 9, 2019

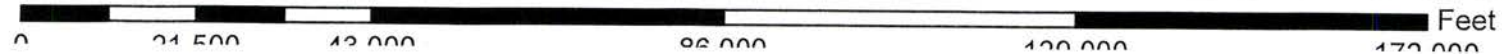
2. That an approved temporary Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
3. That any structure that remains after this CUP ends will require a permanent 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) 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 November 12, 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.

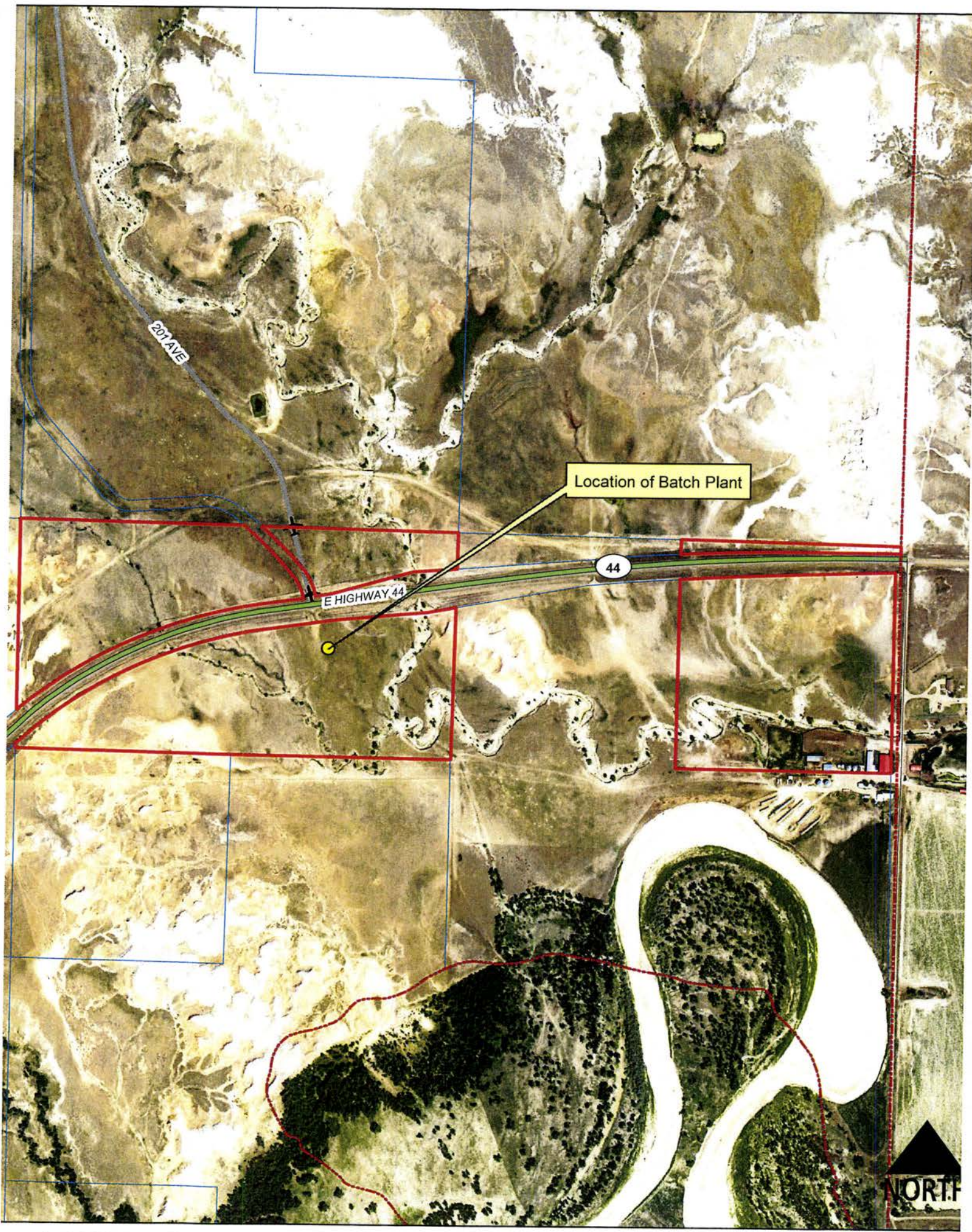


WALL

QUINN

Subject Property





Location of Batch Plant

E HIGHWAY 44

44

201 AVE



STAFF REPORT

GENERAL INFORMATION:

REQUEST:

MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PU 17-01: To review a Planned Unit Development to allow for a specialty / recreational resort for a Bed and Breakfast and events, such as: weddings, receptions, company picnics, family reunions, bridal and baby showers, and other types of small gatherings similar in nature, and have additional RV sites in accordance with Section 213 of the Pennington County Zoning Ordinance.

APPLICANT:

Karen Moore

APPLICANT ADDRESS:

12647 S. Highway 16, Hill City, SD 57745

LEGAL DESCRIPTION:

Parcel A, B, and C, Ewalt Subdivision, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

SITE LOCATION:

12647 and 12653 S. Highway 16, near the intersection of S. Highway 16 and Highway 385 (Three Forks).

SIZE:

6.79 acres

TAX ID:

39428 / 58676

EXISTING LAND USE:

Specialty Resort

ZONING REFERENCE:

Section 213

CURRENT ZONING:

Planned Unit Development District

SURROUNDING ZONING:

North

General Agriculture District

South

Limited Agriculture District

East

Low Density Residential District /

Highway Service District / Planned Unit Development

West

General Agriculture District /

Limited Agriculture District

PHYSICAL CHARACTERISTICS: Flat / Slightly sloping

Agenda Item #9
Karen Moore
September 9, 2019

UTILITIES: Private

REPORT BY: Kristina Proietti

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending approval of the extension of Planned Unit Development / PU 17-01 with forty (40) conditions.

II. GENERAL DESCRIPTION

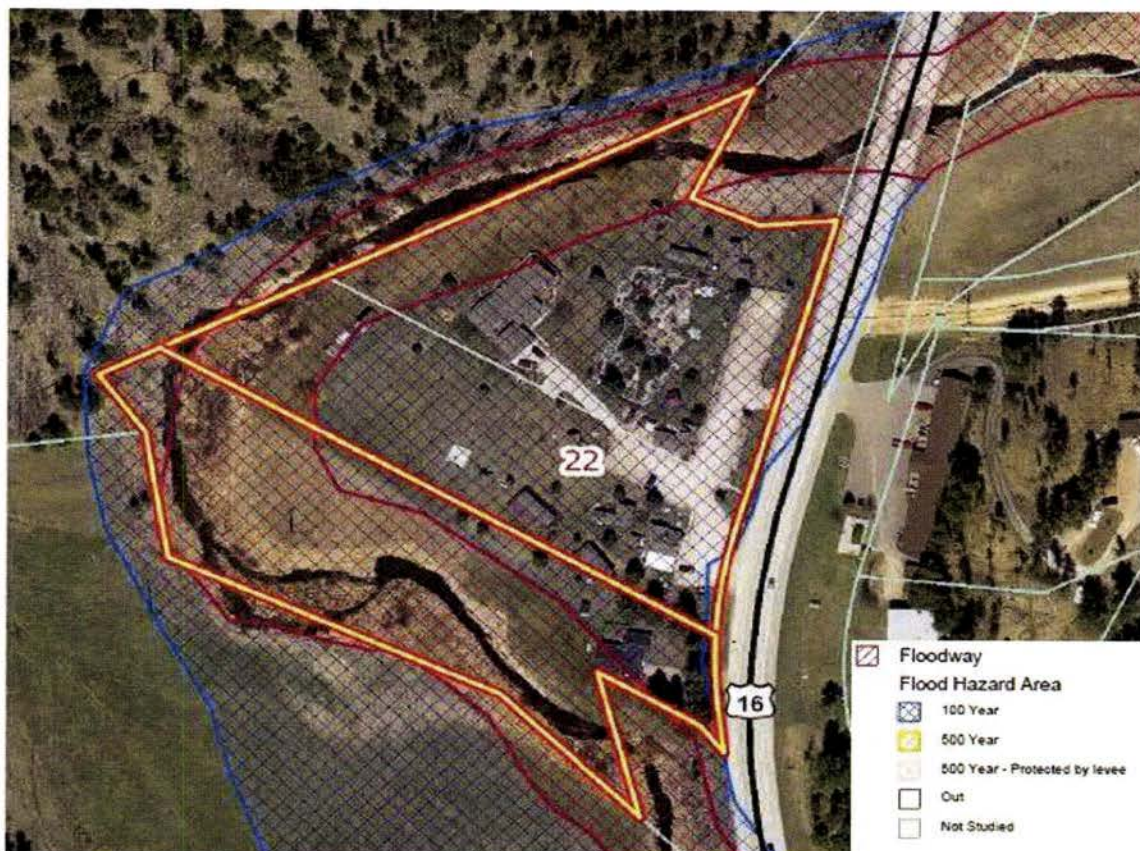
- A. To review an existing Planned Unit Development to allow for a specialty recreational resort on the subject property which contains: cabins, a Bed and Breakfast, restaurant, miniature golf, office, recreational vehicle site, storage sheds, signs, and a caretaker's residence and garage.



Photo of Resort from Highway 16, via Google Earth 2018 imagery.



Aerial of Subject Properties.



Map of Flood Hazard Area.

- B. Planned Unit Development / PU 96-39
 1. On January 7, 1997, the Board of Commissioners approved Rezone 96-39 to allow for a resort development consisting of one (1) restaurant, one (1) mobile home, a maximum of eleven (11) cabins, each measuring 24 foot x 24 foot, and one bathhouse on Parcel B of Ewalt Subdivision.
 2. On January 5, 1999, the Board of Commissioners approved an amendment to PU 96-39 to allow for one (1) mobile home as a caretaker's dwelling unit in addition to one (1) restaurant, a mobile home rental unit, eleven (11) cabins and one bathhouse on Parcel B of Ewalt Subdivision.
 3. On January 18, 2000, the Board of Commissioners approved the extension of PUD 96-39 as all conditions of approval were being met.
- C. Planned Unit Development / PU 02-08
 1. On April 7, 1998, the Board of Commissioners approved a Planned Unit Development (Rezone from Highway Service to Planned Unit Development) to allow a miniature golf course, a one-space recreational vehicle park and a caretaker's dwelling unit on Parcel C of Ewalt Subdivision.
 2. On November 12, 2002, the Board of Commissioners approved an amendment to Planned Unit Development / PU 02-08 to add a billboard, three (3) rental cabins, and a storage building on Parcel C of Ewalt Subdivision.
- D. Planned Unit Development / PU 16-03 (Rezone of Parcel A)
 1. On February 7, 2017, the Board of Commissioners approved Planned Unit Development (Rezone from Suburban Residential District to Planned Unit Development) on Parcel A of Ewalt Subdivision.
 2. The applicant added the single-family residence on this lot to the existing Planned Unit Development and use it as a Rental/Bed and Breakfast.
- E. April 18, 2017 – The Board of Commissioners approved Major Planned Unit Development / PU 17-01 with the following forty-three (43) conditions:
 1. That the Planned Unit Development consist of a Specialty / Recreational Resort, Bed and Breakfast and allow events, such as: weddings, receptions, company picnics, family reunions, church functions, bridal and baby showers, and other types of small gatherings similar in nature;
 2. That the number of guests be limited to 25 people;
 3. That a minimum of 13 parking spaces be provided on-site, each measuring a minimum of 9 feet by 18 feet and maintained in a dust-free manner;

Agenda Item #9
Karen Moore
September 9, 2019

4. That prior to operation of the Specialty / Recreational Resort, the applicant submits a Parking Plan to the Planning Department for review to ensure its compliance with the Minimum Off-Street Parking requirements as outlined in Section 310 of the Pennington County Zoning Ordinance;
5. That temporary structures, such as tents and port-o-potties only be erected when needed and not on a permanent basis;
6. That the applicant obtain all necessary permits from other governing bodies for operation of the Specialty Resort including, but not limited to, approval from the South Dakota Department of Health and a Sales Tax License from the South Dakota Department of Revenue;
7. That the maximum number of people staying at the Bed and Breakfast establishment at one time be in compliance with the South Dakota Lodging Establishments Health and Safety Manual;
8. That the applicant comply with South Dakota Codified Law 34-18-9.4, which regulates Bed and Breakfast establishments and requires a guest list to be maintained;
9. That the applicant obtain approval from the South Dakota Department of Environment and Natural Resources for the existing means of wastewater disposal servicing the residence prior to operation of the Bed and Breakfast;
10. That port-o-potties may be utilized by the guests of the events for wastewater disposal, but any other means of wastewater disposal will require proper permitting and review of the system by both the Pennington County Planning Department and South Dakota Department of Environment and Natural Resources;
11. That Parcel B include a new request for five (5) RV sites;
12. That a minimum 10 foot separation be maintained at all times between each RV site;
13. That each RV site has a lot number clearly posted;
14. That each RV site conforms to all regulations in Section 306 of the Pennington County Zoning Ordinance;
15. That, for Parcel B, the five (5) recreational vehicle parking spaces shall be a minimum of 20 feet by 20 feet with a four (4) inch graveled surface, and maintained in a dust free manner;
16. That the permitted existing uses allowed on Parcel A consist of one (1) single-family residence and a storage shed, to include the single-family residence to be used as a Guest House or Bed and Breakfast;
17. That the permitted existing uses allowed for Parcel B consist of one (1) restaurant, one (1) single-wide mobile home to be used as a nightly/weekly rental, a maximum of eleven (11) cabins each with a maximum of 650 square feet; one (1) bathhouse and a 14 foot by 70 foot single-wide mobile home as a caretaker's dwelling unit;

18. That the permitted existing uses allowed for Parcel C consist of a miniature golf course, a one (1) space recreational vehicle park, three (3) rental cabins not to exceed 650 square feet, and also a caretaker's dwelling unit;
19. That, for Parcel B, a parking space shall be provided for each guest bedroom; and one parking space per three cafe employees, plus 100 square feet of usable cafe floor space; and two parking spaces for the caretaker's dwelling unit. Each parking space shall not be less than 162 square feet, nor 9 feet by 18 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;
20. That, for Parcel C, one parking space shall be provided per five customers computed on the basis of maximum serving capacity at any one time, plus one additional space for every two people regularly employed on the premises and two additional parking spaces for each rental cabin. Each parking space shall not be less than 162 square feet, nor 9 feet by 18 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;
21. That, for Parcel C, each recreational vehicle parking space shall be a minimum of 20 feet by 20 feet with a four (4) inch graveled surface, and maintained in a dust free manner;
22. That, for Parcel C, the private well located on the property serve as the water source to the property;
23. 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;
24. That the Planning Director may allow additional development or construction, which is consistent with the proposed development on this property. Significant changes in the use or impact on adjacent land uses as determined by the Planning Director shall require an amendment to this Planned Unit Development;
25. That the required setbacks for all structures be a minimum of 25 feet from the front and rear property lines and eight (8) feet from the side yard property lines, zero foot from the interior lot lines, and a 58 foot setback from Section Lines or the Section Line Right-of-Ways be vacated;
26. That an approved Floodplain Development Permit be obtained prior to any disturbance within the Special Flood Hazard Area located on the subject property;
27. That no future drainfield be located within the areas designated as floodway;

Agenda Item #9
Karen Moore
September 9, 2019

28. That any future expansion of the Specialty Resort / Recreational Resort may require upgrades to the existing on-site wastewater treatment system;
29. That any future alterations or additions to the wastewater treatment system be allowed through the issuance of an On-Site Wastewater Construction Permit, which will include the necessary site plans to be reviewed and approved by the Pennington County Environmental Planner and the SD Department of Environmental and Natural Resources;
30. That the address assigned to each property be properly posted on each residential unit so that it is visible from both directions of travel on S. Highway 16, in accordance with Pennington County's Ordinance #20;
31. That the physical address for the residence be posted in each guest room utilized for the Guest House / Bed and Breakfast;
32. That a guest list is maintained and smoke detectors placed in each sleeping room;
33. That a smoke detector be placed in each sleeping room utilized for the Bed and Breakfast with a minimum of at least one (1) smoke detector per floor;
34. That a portable fire extinguisher with a minimum 2 A-BC rating shall be placed on each floor level of the Bed and Breakfast so it accessible to all guests at all times and the fire extinguisher shall be inspected and tagged annually;
35. Quiet hours shall be from 10 p.m. until 7 a.m.;
36. The use of open fires, fire pits, fireworks, charcoal burning grills, gas fired grills, or other devices (as applicable) shall not be allowed without permission from the Owner. The Owner must comply with any and all federal, state and/or local laws, ordinances or rules regarding open burning, burn barrels, fire pits, fireworks, fireplace or the burning of any flammable material. All authorized open fires shall be extinguished by 10 p.m.;
37. That prior to the placement of any sign, the applicant obtain approval of a Sign Permit;
38. That all exterior lighting must be of low level intensity, which does not result in excessive glare upon surrounding neighbors;
39. That the subject property remains free of debris and junk vehicles;
40. That all single-family residences must meet the standards for stick-built as outlined in Section 204;
41. That a Building Permit is obtained for the 14' x 30' (approximate) shed;
42. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Planned Unit Development / PU 17-01, which is available at the Planning Office; and,

Agenda Item #9
Karen Moore
September 9, 2019

43. That this Planned Unit Development be reviewed in one (1) year, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.
- F. Staff recommends to remove Conditions #4, #9, #41 and #42 as they have been met or are in progress.

III. EXISTING CONDITIONS

- A. Parcel A of Ewalt Subdivision.
 1. 2.54 acres.
 2. Zoned Planned Unit Development.
 3. Lot contains:
 - a. Single-family residence.
 - i. Built in 1960 per Department of Equalization records.
 - ii. A portion of the structure is located in the floodway.
 - b. 8' x 10' Shed.
 - c. Onsite wastewater treatment system – Operating Permit (COOP13-0323).
- B. Parcel B; Parcel C of Ewalt Subdivision.
 1. 4.25 acres.
 2. Zoned Planned Unit Development.
 3. Properties in Special Flood Hazard Area (Parcel A, B, and C of Ewalt Subdivision)
 4. Access is off of South Dakota State Highway 16.
 5. Lot contains:
 - a. Single-family residence – double-wide mobile home.
 - i. 2000COBP0539
 - (a) Removal of double-wide – 2009COBP0147
 - ii. 2009COBP0146 – Triple-wide mobile home.
 - b. Detached garage.
 - i. 2000COBP0540.
 - c. Restaurant.
 - i. Built in 1985 – BP #6768.
 - ii. Addition in 1992 for laundry enclosure.
 - (a) 1992COBP0198.
 - iii. Addition to restaurant.
 - (a) 2008COBP0583.
 - d. 10' x 12' Shed - No BP needed.
 - e. 14' x 30' Shed – No Building Permit.
 - i. Appears to be built after 2006.
 - ii. Building Permit is in progress.
 - f. Cabins.
 - i. 2003COBP0152.
 - ii. 2003COBP0154.
 - iii. 2003COBP0155.

- (a) Deck – 2005COBP0562.
 - iv. 2004COBP0089
 - (a) Addition – 2008COBP0459.
 - v. 2004COBP0090.
 - g. Office building.
 - i. Built in 1987.
 - ii. Additions.
 - (a) 2000COBP0541.
 - (b) 2001COBP0698.
 - h. Onsite Wastewater Treatment Systems (4).
 - i. BP #6768.
 - (a) Operating Permit - COOP14-0459.
 - ii. 2000COSD0119.
 - (a) Operating Permit - COOP14-0458.
 - iii. 2003COSD0027.
 - (a) Operating Permit - COOP15-0148.
 - iv. 2003COSD0028.
 - (a) Operating Permit - COOP14-0460.
- 6. Signs.
 - a. 1993COSP0012.
 - b. 1996COSP0006.
- 7. Mobile Homes.
 - a. 1998COBP0659 – Double-wide mobile home (Cabin).
 - b. 2001COBP0666 – Removal of single-wide mobile home (Caretaker’s residence behind Dairy Twist).
 - c. 2001COBP0667 – Single-wide mobile home (Cabin).

IV. ANALYSIS

- A. August 28, 2019, staff performed a site visit and found the subject property to contain: cabins, a Bed and Breakfast, restaurant, miniature golf, office, recreational vehicle site, storage sheds, signs, and a caretaker’s residence and garage.
- B. The applicant, Karen Moore, applied for a Building Permit for the 14’ x 30’ shed on September 3, 2019.
 - 1. See Floodplain Development Permit / FP 18-15.
- C. The subject property appeared to be meeting all of the Conditions of Approval.
- D. Staff has not received any complaints regarding the subject property at this time.

RECOMMENDATION: Staff is recommending approval of the extension of Major Planned Unit Development Amendment / PU 17-01 with the following forty (40) conditions:

1. That the Planned Unit Development consist of a Specialty / Recreational Resort, Bed and Breakfast and allow events, such as: weddings, receptions, company picnics, family reunions, church functions, bridal and baby showers, and other types of small gatherings similar in nature;
2. That the number of guests continue to be limited to 25 people;
3. That a minimum of 13 parking spaces be provided on-site, each measuring a minimum of 9 feet by 18 feet and maintained in a dust-free manner;
4. That temporary structures, such as tents and port-o-potties only be erected when needed and not on a permanent basis;
5. That the applicant continue to obtain all necessary permits from other governing bodies for operation of the Specialty Resort including, but not limited to, approval from the South Dakota Department of Health and a Sales Tax License from the South Dakota Department of Revenue;
6. That the maximum number of people staying at the Bed and Breakfast establishment at one time be in compliance with the South Dakota Lodging Establishments Health and Safety Manual;
7. That the applicant comply with South Dakota Codified Law 34-18-9.4, which regulates Bed and Breakfast establishments and requires a guest list to be maintained;
8. That port-o-potties may be utilized by the guests of the events for wastewater disposal, but any other means of wastewater disposal will require proper permitting and review of the system by both the Pennington County Planning Department and South Dakota Department of Environment and Natural Resources;
9. That a minimum 10 foot separation be maintained at all times between each RV site;
10. That the RV site continue to have a lot number clearly posted;
11. That Parcel B include a new request for five (5) RV sites;
12. That each RV site conforms to all regulations in Section 306 of the Pennington County Zoning Ordinance;

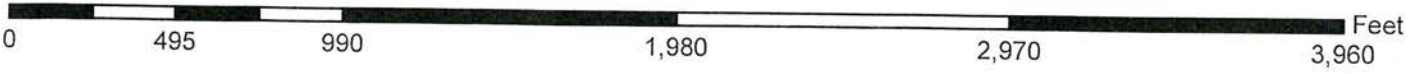
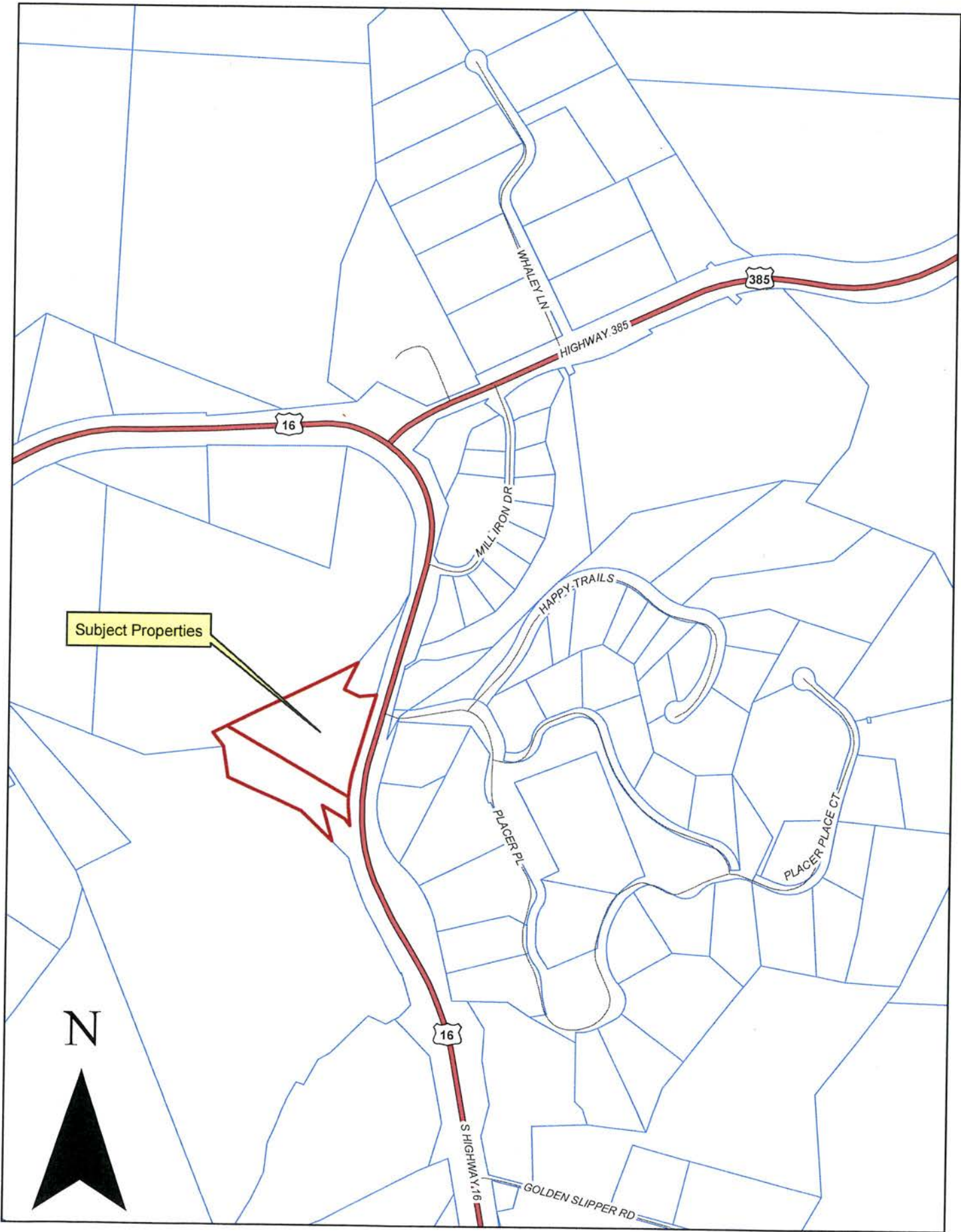
13. That, for Parcel B, the five (5) recreational vehicle parking spaces shall be a minimum of 20 feet by 20 feet with a four (4) inch graveled surface, and maintained in a dust free manner;
14. That the permitted existing uses allowed on Parcel A consist of one (1) single-family residence and a storage shed, to include the single-family residence to be used as a Guest House or Bed and Breakfast;
15. That the permitted existing uses allowed for Parcel B consist of one (1) restaurant, one (1) single-wide mobile home to be used as a nightly/weekly rental, a maximum of eleven (11) cabins each with a maximum of 650 square feet; one (1) bathhouse and a 14 foot by 70 foot single-wide mobile home as a caretaker's dwelling unit;
16. That the permitted existing uses allowed for Parcel C consist of a miniature golf course, a one (1) space recreational vehicle park, three (3) rental cabins not to exceed 650 square feet, and also a caretaker's dwelling unit;
17. That, for Parcel B, a parking space shall be provided for each guest bedroom; and one parking space per three cafe employees, plus 100 square feet of usable cafe floor space; and two parking spaces for the caretaker's dwelling unit. Each parking space shall not be less than 162 square feet, nor 9 feet by 18 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;
18. That, for Parcel C, one parking space shall be provided per five customers computed on the basis of maximum serving capacity at any one time, plus one additional space for every two people regularly employed on the premises and two additional parking spaces for each rental cabin. Each parking space shall not be less than 162 square feet, nor 9 feet by 18 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;
19. That, for Parcel C, each recreational vehicle parking space shall be a minimum of 20 feet by 20 feet with a four (4) inch graveled surface, and maintained in a dust free manner;
20. That, for Parcel C, the private well located on the property serve as the water source to the property;
21. 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;

22. That the Planning Director may allow additional development or construction, which is consistent with the proposed development on this property. Significant changes in the use or impact on adjacent land uses as determined by the Planning Director shall require an amendment to this Planned Unit Development;
23. That the required setbacks for all structures be a minimum of 25 feet from the front and rear property lines and eight (8) feet from the side yard property lines, zero foot from the interior lot lines, and a 58 foot setback from Section Lines or the Section Line Right-of-Ways be vacated;
24. That an approved Floodplain Development Permit be obtained prior to any disturbance within the Special Flood Hazard Area located on the subject property;
25. That no future drainfield be located within the areas designated as floodway;
26. That any future expansion of the Specialty Resort / Recreational Resort may require upgrades to the existing on-site wastewater treatment system;
27. That any future alterations or additions to the wastewater treatment system be allowed through the issuance of an On-Site Wastewater Construction Permit, which will include the necessary site plans to be reviewed and approved by the Pennington County Environmental Planner and the SD Department of Environmental and Natural Resources;
28. That the address assigned to each property continue to be properly posted on each residential unit so that it is visible from both directions of travel on S. Highway 16, in accordance with Pennington County's Ordinance #20;
29. That the physical address for the residence continue to be posted in each guest room utilized for the Guest House / Bed and Breakfast;
30. That a guest list is maintained and smoke detectors placed in each sleeping room;
31. That a smoke detector be placed in each sleeping room utilized for the Bed and Breakfast with a minimum of at least one (1) smoke detector per floor;
32. That a portable fire extinguisher with a minimum 2 A-BC rating continue to be placed on each floor level of the Bed and Breakfast so it accessible to all guests at all times and the fire extinguisher shall be inspected and tagged annually;
33. Quiet hours shall be from 10 p.m. until 7 a.m.;

Agenda Item #9
Karen Moore
September 9, 2019

34. The use of open fires, fire pits, fireworks, charcoal burning grills, gas fired grills, or other devices (as applicable) shall not be allowed without permission from the Owner. The Owner must comply with any and all federal, state and/or local laws, ordinances or rules regarding open burning, burn barrels, fire pits, fireworks, fireplace or the burning of any flammable material. All authorized open fires shall be extinguished by 10 p.m.;
35. That prior to the placement of any sign, the applicant obtain approval of a Sign Permit;
36. That all exterior lighting must be of low level intensity, which does not result in excessive glare upon surrounding neighbors;
37. That the subject property remains free of debris and junk vehicles;
38. That all single-family residences must meet the standards for stick-built as outlined in Section 204;
39. That a Building Permit is obtained for the 14' x 30' (approximate) shed; and,
40. That this Planned Unit Development 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.

Moore





836.1
0
418.07
836.1 Feet
NAD_1983_StatePlane_South_Dakota_South_FIPS_4002_Feet
© City of Rapid City GIS

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

THIS MAP IS NOT TO BE USED FOR NAVIGATION

1:5,017



Legend

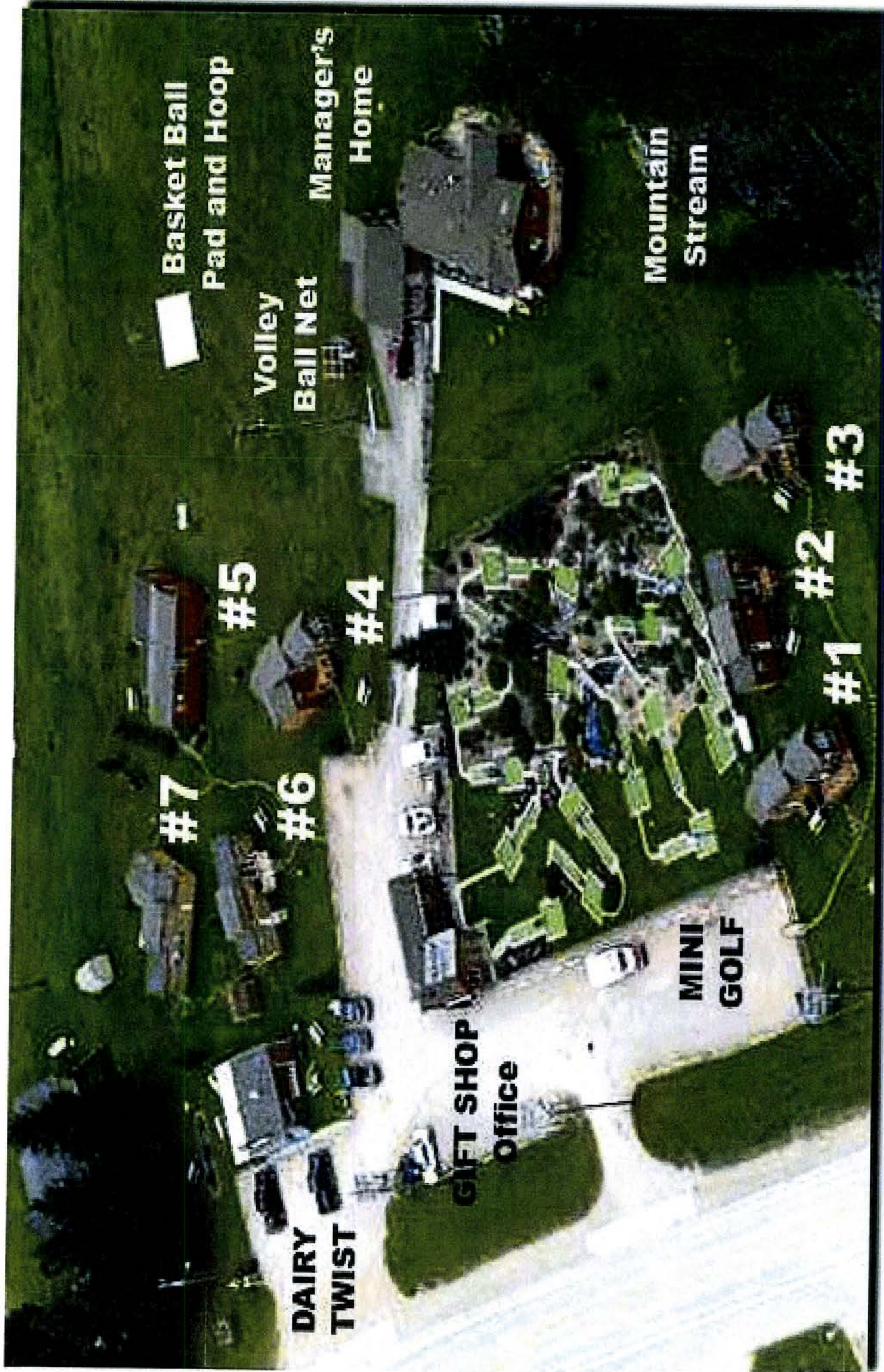
- Roads**
 - Interstate
 - US highway
 - SD highway
 - County highway
 - Main road
 - Minor arterial
 - Collector
 - Ramp
 - Paved road
 - Unpaved road
 - Trail
 - Driveway
 - Alley
 - Unimproved road
 - Airport Runway
 - Not yet coded
- Section Lines 0-25k**
 - 0
 - 7
- Tax Parcels**
- Lot Lines**
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

Map Notes:

Moore



0 495 990 1,980 2,970 3,960 Feet



**DAIRY
TWIST**

**GIFT SHOP
Office**

**MINI
GOLF**

#7

#5

#6

#4

**Basket Ball
Pad and Hoop**

**Volley
Ball Net**

**Manager's
Home**

**Mountain
Stream**

#1

#2

#3



**SOUTH DAKOTA
DEPARTMENT OF HEALTH
LODGING LICENSE**



Issued To: KAREN MOORE

Located At: CREEKSIDE COUNTRY RESORT
12647 S HWY 16
HILL CITY, SD 57745

License Type
Specialty Resort License

License Number
2390
Number of Units
7
Swimming Pool
0
Spa or Hot Tub
0

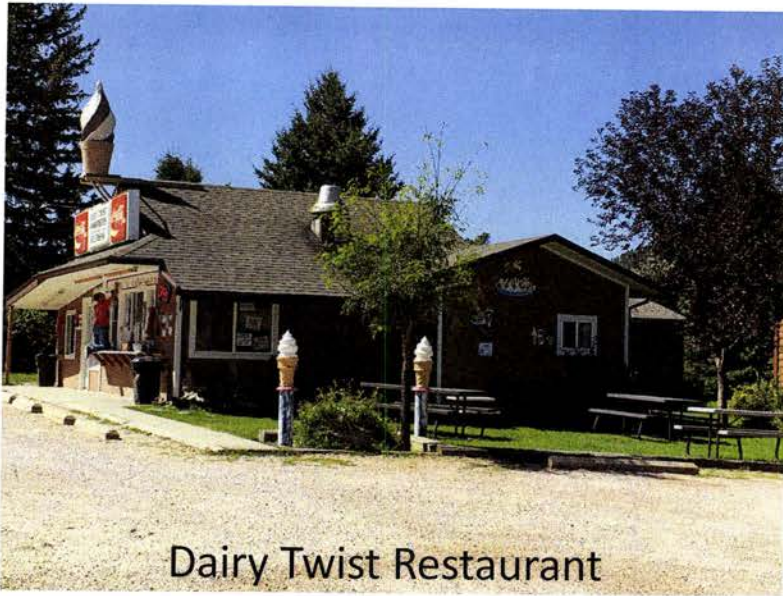
Expires

12/31/2019

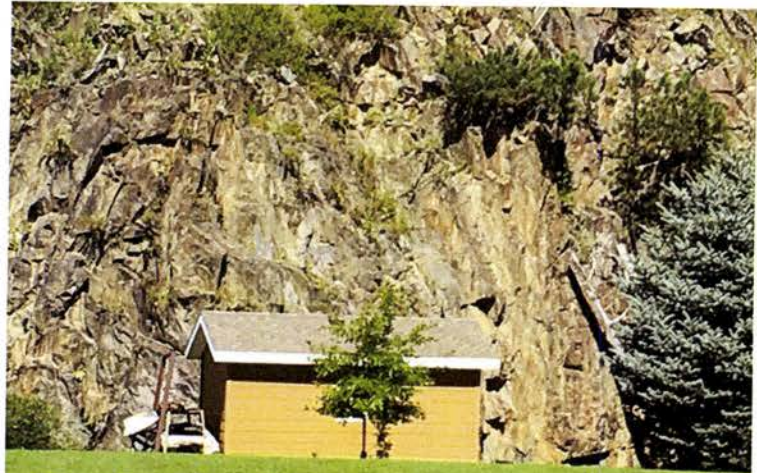
Kim Malsam-Rydon

Secretary of Health

License is Not Transferable - Post in the Establishment



Dairy Twist Restaurant



Shed in floodplain – Building Permit Application turned in on 9.3.2019



STAFF REPORT

GENERAL INFORMATION:

REQUEST: MINOR PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PU 17-05: To review the existing Sunset Ranch Planned Unit Development to reduce the setback from 25 feet to 12 feet along the west property line in accordance with Section 213 of the Pennington County Zoning Ordinance.

APPLICANT: Tanner Colburn

APPLICANT ADDRESS: 1577 Lonesome Dove Street, Box Elder, SD 57719

LEGAL DESCRIPTION: Lot 3, Block 4, Sunset Ranch Subdivision, Section 32, T2N, R10E, BHM, Pennington County, South Dakota.

SITE LOCATION: 15577 Lonesome Dove Street; near the intersection of 156th Avenue and Lonesome Dove Street

SIZE: 6.07 acres

TAX ID: 61424

EXISTING LAND USE: Residential

ZONING REFERENCE: Section 213

CURRENT ZONING: Planned Unit Development District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Flat / Sloping / Prairie

UTILITIES: Private

REPORT BY: Jason Theunissen

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending to continue the review of Minor Planned Unit Development Amendment / PU 17-05 to no later than the October 14, 2019 Planning Commission meeting, with three (3) conditions.

II. GENERAL DESCRIPTION

- A. August 2, 2005 – The Board of Commissioners approved PU 04-04 with seventeen (17) conditions.
- B. November 10, 2008 – The Board of Commissioners approved Planned Unit Development / PU 08-10 with twenty-two (22) conditions.
- C. February 27, 2017 – Staff received an Ordinance Violation complaint from a neighbor stating that building was occurring on the subject property without Building Permits (COVO17-0060).
- D. March 6, 2017 – Staff received an additional Ordinance Violation complaint from a neighbor regarding building within the 25 (twenty-five) foot setback without Building Permits.
- E. March 6, 2017 – The applicant applied for a Building Permit (COBP17-0090) for finishing the existing attached garage, converting it into a living room, with penalty fees, to satisfy COVO17-0060.
- F. March 8, 2017 – The applicant submitted a Building Permit for an attached garage addition to bring the property into compliance.
- G. June 12, 2017 – The applicant, Tanner Colburn, submitted a Minor Planned Unit Development Amendment request to reduce the side yard setback from 25 feet to 12 feet.
- H. July 18, 2017 – Staff performed a site visit. During the site visit, there were several sheds (over 144 square feet) constructed to the rear of the single-family residence.
- I. July 24, 2017 – Planning Commission continued Minor Planned Unit Development Amendment / PU 17-05 to the August 14, 2017, Planning Commission meeting in order for Staff to meet with the applicant.
- J. July 31, 2017 – Planning staff, the Pennington County Ordinance Enforcement Officer, the Pennington County Fire Administrator, and the New Underwood Volunteer Fire Department performed a site visit to the subject property to address the neighbor's concerns regarding fire safety hazards on the subject property. The Pennington County Fire Administrator and the New Underwood Volunteer Fire Department recommended the following:
 - 1. Removing all debris away from the propane tank to a distance of at least twelve (12) feet or move the tank to a more suitable location away from the cluster of buildings and the fence.
 - 2. Create a non-flammable barrier between the wooden fence and any structures it contacts now or in the future.
 - 3. Create a non-flammable barrier of several feet between the grass and the various structures, this barrier can be mineral soil, gravel or similar.

4. Eliminate “Ember Traps” on the various structures.
 5. Maintain the field behind the house in a Firewise condition by mowing or natural methods.
 6. Eliminate the continuous bed of flammable grass that creates a continuous path for fire to follow into the various piles of stored wood and pallets.
 7. If the various piles of wood and pallets cannot be removed from the property, they need to be broken up in to individual piles with a minimum of thirty (30) feet of separation between them and various structures, fencing, etc.
 8. Maintain Fire Extinguishers in the cluster of buildings, keep them routinely services and inspected.
 9. Maintain a water source with a house and firefighting tools in the immediate area of the cluster of buildings.
 10. Follow Pennington County Board of Commissioners Ordinance #632, approved on April 17, 2012.
- K. August 14, 2017 – Planning Commission continued Minor Planned Unit Development Amendment / PU 17-05 to the August 28, 2017, Planning Commission meeting, with the applicant’s concurrence.
- L. August 15, 2017 – Staff received a revised statement from the applicant addressing the desired setback reduction to twelve (12) feet, the plan for handling the fire safety recommendations, and other issues that had come up during previous Planning Commission meetings.
- M. August 28, 2017 – The Planning Commission approved Minor Planned Unit Development Amendment / PU 17-05 with twenty-three (23) conditions.
- N. September 10, 2018 – The Planning Commission approved the extension of Minor Planned Unit Development Amendment / PU 17-05 with the following twenty-two (22) conditions:
1. The density of the Planned Unit Development shall not exceed 148 residential lots;
 2. That the common areas include a golf driving range, mini golf course, hiking-biking trails, frisbee course, picnic area, picnic shelter, recreation pond/lake, archery area, exercise/community building, pool/water park, kid play equipment, softball field, football field, basketball court, tennis court, volleyball court, skate park, garden plots, hobby plane/paraplane flying area, horseshoe pits and paintball area;
 3. That a horse boarding/arena/barn be allowed on Common Lot 1, Block 1 and that the horse area be for the residents of the Sunset Ranch and their guests;
 4. That a BMX racetrack, motor cross and ATV track be allowed on Common Lot 16, Block 6 and that the racetracks be for the residents of the Sunset Ranch and their guests only;
 5. That the Special Animal Keeping Regulations, as outlined in Section 204 of the Pennington County Zoning Ordinance and no more than

- one (1) large animal be housed on three (3) acres, be continually followed;
6. The minimum lot size for the development shall five (5) acres;
 7. That a minimum of eighty (80) acres is maintained as Common area;
 8. The approved uses of the Planned Unit Development shall be for up to 148 stick-built, single-family residences and accessory structures;
 9. All residences must meet the standards for stick-built and manufactured homes as outlined in Section 204;
 10. The applicant submits an engineered individual wastewater disposal system to be approved by the Pennington County Environmental Planner;
 11. That the entire portion of 156th Avenue to 229th Street be paved and improved in accordance with the approved Construction Plans prior to issuance of the fifty-first (51st) Building Permit or Surety be posted that will expire within six (6) months after the issuance of the fifty-first (51st) Building Permit;
 12. That the applicant obtains an approved Floodplain Development Permit for any construction work within the 100-year floodplain;
 13. That prior to platting, the applicant provides documentation from Dakota, Minnesota & Eastern Railroad allowing the two (2) primary routes through the railroad right-of-way;
 14. That prior to any plat approval, the applicant provide lighted warning devices at the two (2) primary route crossings through DM&E railroad right-of-way;
 15. That 229th Street is maintained according to Ordinance 14 Standards;
 16. That prior to County Board approval of the Planned Unit Development, the applicant shall submit a Fire Protection Plan for review and approval by the Pennington County Fire Coordinator. The Pennington County Fire Coordinator will determine the number of fire hydrants and exact locations;
 17. The minimum setbacks for the Planned Unit Development shall be twenty-five (25) feet from all property lines and fifty-eight (58) feet from all Section Lines;
 18. That the setbacks for Lot 4, Block 4 of Sunset Ranch be twenty-five (25) feet for the front, rear and east property boundaries and twelve (12) feet for the west property boundary;
 19. That a Homeowner's Association be created for the maintenance of the road, community water system, and all use within the common areas;
 20. That one wind generator be allowed on each lot and the wind generator not exceed a height of 55 feet;
 21. That the applicant signs a Noxious Weed Plan to control noxious weeds located on the property; and,
 22. That this Minor Planned Unit Development Amendment be reviewed in one (1) year, on a complaint basis, or as deemed necessary by the

Pennington County Planning Commission or Board of Commissioners to ensure that all Conditions of Approval are being met.

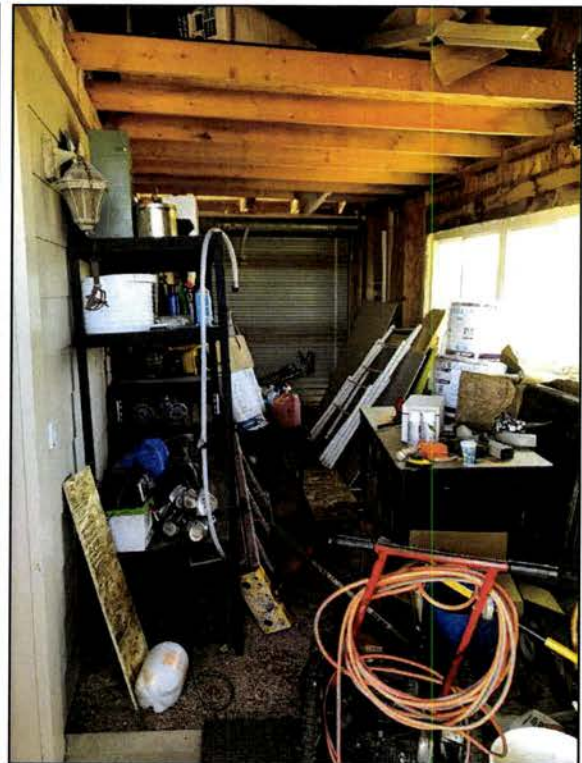
III. EXISTING CONDITIONS

- A. 6.07 acres.
- B. Zoned Planned Unit Development (PUD)
- C. Lot contains:
 - 1. Single-family residence with attached garage – 2007COBP0514.
 - a. Garage was converted to a living room – COBP17-0092.
 - b. 12' x 16' garage – COBP17-0090.
 - 2. Storage Sheds.
 - a. 12' x 20' office shed – COBP17-0675.
 - b. 12' x 24' shed with 8' x 16' deck – COBP17-0676.
 - c. 12' x 24' shed with 8' x 24' deck – COBP17-0677.

IV. ANALYSIS

- A. June 19, 2019 – Staff received a complaint (COVO19-0082) regarding a failing (surfacing) drainfield and an enclosed electric meter in the garage addition (COBP17-0090) on the subject property.
- B. August 23, 2019 – Staff reviewed video footage of the August 28, 2017 Planning Commission meeting and noted:
 - 1. The approved meeting minutes for Condition #18 contained errors and should be corrected to read:
 - a. That the setbacks for Lot 3, Block 4 of Sunset Ranch be twenty-five (25) feet from all property lines, with the exception of the parameters of the garage shown on COBP17-0090.
 - 2. The applicant stated the rear portion of the proposed garage would not be enclosed and the electric meter would remain outside.
- C. August 27, 2019 – Staff performed a site visit and noted the following:
 - 1. That the drainfield area was dry and did not appear to be surfacing.
 - 2. The applicant has installed a roll-up door on the back side of the garage addition; thereby, enclosing the electric meter.
 - 3. That, with the exception of the garage addition, all other structures on the subject property appeared to meet or exceed the 25-foot setback requirement.
 - 4. Staff was unable to make contact with the applicant during the visit or via phone call.
- D. September 3, 2019 – Staff mailed a letter to the applicant noting the concerns found during the site visit.

Agenda Item #10
Tanner Colburn
September 9, 2019



Site visit, 8.27.19

Agenda Item #10
Tanner Colburn
September 9, 2019

RECOMMENDATION: Staff recommends to continue the review of Minor Planned Unit Development Amendment / PU 17-05 to no later than the October 14, 2019, Planning Commission meeting with the following three (3) conditions:

1. That the applicant work with the utility company to relocate the enclosed electric meter to the outside of the structure or reconstruct the rear of the garage to be an open patio no later than October 7, 2019;
2. That the setbacks for Lot 3, Block 4 of Sunset Ranch be twenty-five (25) feet from all property lines, with the exception of the parameters of the garage shown on COBP17-0090; and,
3. That if additional continuations are required beyond October 14, 2019, due to lack of action by the applicant, the applicant shall pay a \$100 fee for each continuation, in accordance with §511(X).

PENNINGTON COUNTY
PLANNING DEPARTMENT
130 KANSAS CITY STREET, SUITE 200
RAPID CITY, SD 57701

Tanner Colburn
15577 Lonesome Dove Street
Box Elder, SD 57019





Pennington County Planning Department

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

9/3/2019

Tanner Colburn
15577 Lonesome Dove Street
Box Elder, SD 57019

RE: Lot 3, Block 4, Sunset Ranch Subdivision Section 32, T2N, R10E, BHM, Pennington County, South Dakota.

Dear Mr. Colburn,

On June 19, 2019, the Planning Department received a complaint regarding the property legally described above. A condition of Minor Planned Unit Development Amendment / PU 17-05 is that it be reviewed on a complaint basis. Therefore, PU 17-05 is scheduled to be heard on September 9, 2019 at 9:00 am. Staff has drafted a report with the following conditions and recommendation to the Planning Commission:

RECOMMENDATION: Staff recommends to continue the review of Minor Planned Unit Development Amendment / PU 17-05 to no later than the October 14, 2019 Planning Commission meeting with the following three (3) conditions:

1. That the applicant work with the utility company to relocate the enclosed electric meter to the outside of the structure or reconstruct the rear of the garage to be an open patio no later than October 7, 2019;
2. That the setbacks for Lot 3, Block 4 of Sunset Ranch be twenty-five (25) feet from all property lines, with the exception of the parameters of the garage shown on COBP17-0090; and,
3. That if additional continuations are required beyond October 14, 2019, due to lack of action by the applicant, the applicant shall pay a \$100 fee for each continuation, in accordance with §511(X).

At this time, the Planning Staff **cannot** recommend approval of Minor Planned Unit Development Amendment / PU 17-05 until Condition #1 is addressed. Please notify this office as soon as this occurs so that PU 17-05 can be reviewed by the Planning Commission.

Thank you for consideration in this matter.

Sincerely,

Jason Theunissen
Pennington County Planner II



COMPLAINT FORM

JUN 19 2019

PLEASE READ: Submission of this form to the Planning Department will initiate an investigation of the complaint by the County Ordinance Enforcement Officer. If the Ordinance Enforcement Officer determines the complaint is unfounded, or does not constitute a violation, no further action will be taken with regard to the complaint by the Planning Department. Complainant information is kept confidential unless the complaint and/or property is involved in any form of legal action.

SUBMITTAL OF THIS FORM DOES NOT CONSTITUTE A VALID VIOLATION, NOR GUARANTEE RESOLUTION OUTSIDE OF THE PARAMETERS OF APPLICABLE PENNINGTON COUNTY ORDINANCES.

Name of Complainant: _____ Phone #: _____

Location of Complaint: TH 61424

Building w/o Permit Illegal Use CUP Violation _____
(CUP #: _____)

Description of Complaint: ENCLOSED ELEC METER ON ADDITION
& SEPTIC SEE REVERSE

Property Owner: TANNER COLBURN Tax ID: _____

OFFICE USE ONLY

Complaint Received By: PJ Date: 6.19.19

Complaint Finding: Unfounded Verified / Valid

Explanation of Unfounded Finding: _____

Action(s) Taken on Verified / Valid Complaint: 8.28.17 PC meeting 59:00 discussion
of power box & design of garage. Tanner said power box will remain
outside. 1:04:28 - further discussion of power box

* PU17-05 Condition #18 amended but amended language did
not carry over correctly when approved in 2018.

— SHEDS WERE TO BE MOVED & Garage BP AMENDED —

519-4434

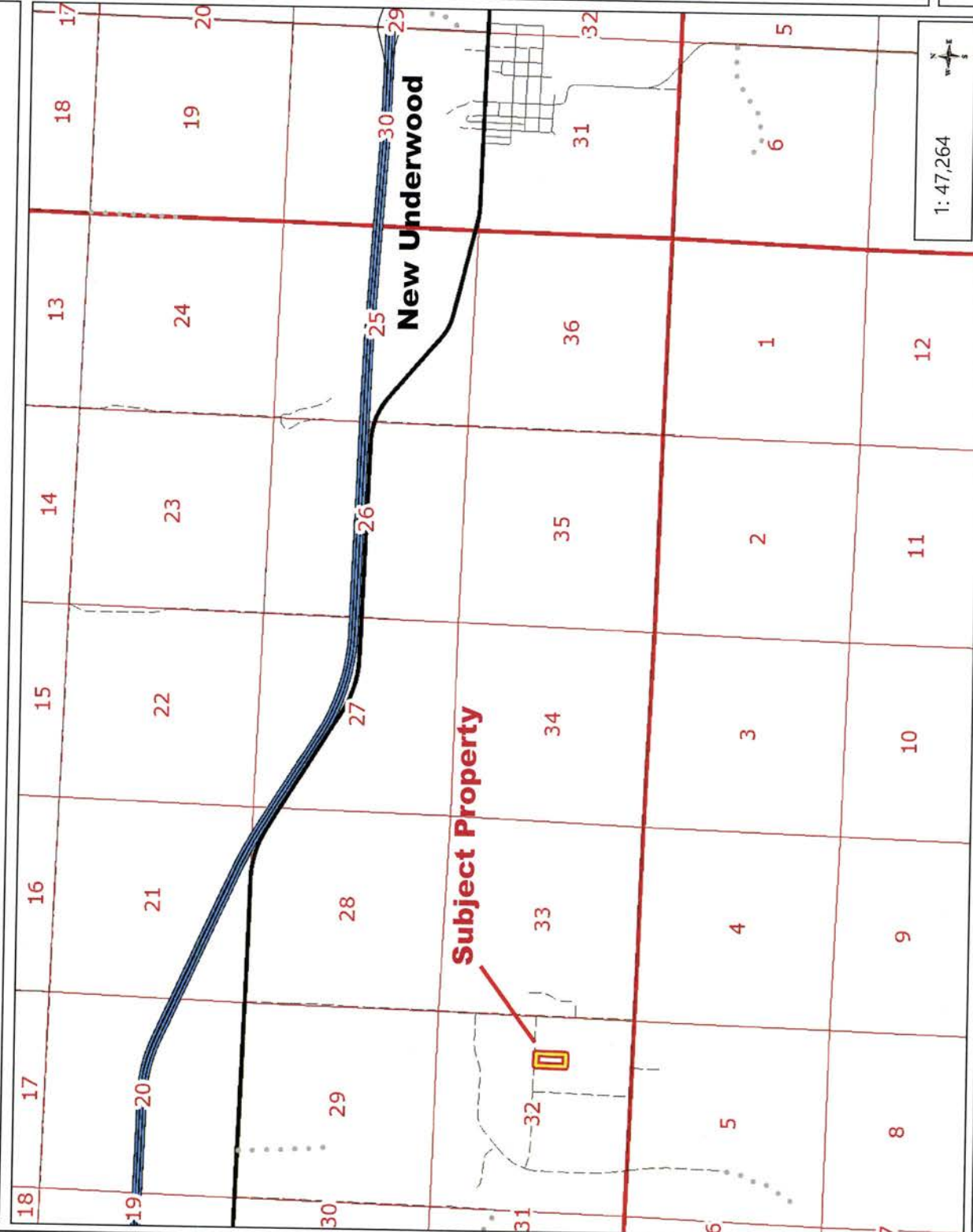
754-6072

Case Open Date: _____ Case Closed Date: _____

Referred To: _____ Date Referred: _____

IN SEPT - 20 - 18

PLANNING COM TOLD HIM THAT
HE COULD NOT ENCLOSE ELEC. METER
IN ADDITION AND HE DID



1: 47,264

Legend

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

Map Notes:

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



1: 3,000



500.0 0 250.00 500.0 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: 1,500

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

250.0 0 125.00 250.00 Feet

NAD_1983_StatePlane_South_Dakota_South_FIPS_4002_Feet
© City of Rapid City GIS

PENNINGTON COUNTY BUILDING PERMIT



Pennington County Planning Department
 130 Kansas City St., Suite #200 - Rapid City, SD 57701
 Phone: (605) 394-2186

PERMIT TYPE: CO BUILDING PERMIT
PERMIT SUB-TYPE: 330CO RES GARAGES CARPOR'
APPLICATION DATE: 03/06/2017

Address Treasurer
 OSWTS Ordinance
 MS4 _____

PERMIT #: COBP17-0090
TAX ID #: 61424
PIN #: 23-32-400-011

RECEIVED BY: CS

PROPERTY INFORMATION	CONTRACTOR INFORMATION
<p>LOT ADDRESS: 15577 LONESOME DOVE ST OWNER NAME: TANNER COLBURN ADDRESS: 15577 LONESOME DOVE ST BOX ELDER, SD 57719-8139</p> <p>LEGAL DESCRIPTION: LOT 3</p> <p>BLOCK: 4 SUBDIVISION: SUNSET RANCH SEC-TWNSHP-RNG: 32-2N-10E LOT SIZE: 6.07 acres ZONED: PLANNED UNIT DEVELOPMENT (PUD4-04) SETBACKS: F = <u>25'</u> S = <u>25'</u> R = <u>25'</u> ACCESS FROM: LONESOME DOVE STREET PROPERTY NOTES: <u>TO SATISFY COVD 17-0060; PUD4-04;</u> <u>2007COBP0514 (SFR ATT. GRG); 2007CO5D0103; COOP14-0072;</u> <u>10' x 12' SHED ON THE SKID, PER APPLICANT.</u> THE</p>	<p>ELECTRICAL N/A</p> <p>PLUMBING N/A</p> <p>CONTRACTOR TANNER COLBURN 15577 LONESOME DOVE ST BOX ELDER, SD 57719-8139 (605)519-4434</p> <p>**Erosion and sediment controls shall be implemented during construction to prevent sediment from leaving the site or tracking onto roadways. No sediment shall be intentionally washed into storm sewers or drainage ways.**</p>
PERMIT INFORMATION	FEE INFORMATION
<p>PERMIT DESCRIPTION: <u>EXISTING: 16' X 12' GARAGE</u></p> <p>TOTAL SQUARE FOOTAGE: <u>192</u></p> <p>PERMIT NOTES: _____</p>	<p>ESTIMATED COST OF CONSTRUCTION: \$4,800.00</p> <p style="font-size: 2em; font-weight: bold; text-align: center; margin-left: 100px;">PAID</p> <p style="margin-left: 100px;">PERMIT FEE: \$ 25.00 Penalty Fee: \$ 25.00 Total Fee: \$ 50.00</p>
APPLICANT INFORMATION	APPROVAL & ISSUE DATE
<p>NAME: TANNER COLBURN ADDRESS: 15577 LONESOME DOVE ST CITY/STATE: BOX ELDER, SD 57719-8139 PHONE: (605)519-4434</p> <p>INITIAL HERE IF THE ABOVE INFORMATION IS CORRECT: <u>XTC</u></p>	<div style="text-align: center;">  </div> <p style="text-align: center; margin-top: 50px;">  APPROVED BY </p> <p style="text-align: right; margin-top: 10px;"> <u>3.7.17</u> DATE* </p>

*Building Permits expire two years of the date of issuance.

MAIL TO → Applicant _____ Contractor _____ *Property Owner _____ Other _____ Pick Up

*The Building Permit and associated paperwork will be sent to the Property Owner if none of the above are checked.

TYPE OF CONSTRUCTION

New Residence*

Finishing Basement*

Addition to Residence*

Accessory Structure (i.e. garage, shed)

Mobile or Manufactured Home*

Other: _____

SQUARE FEET			
Finished Space:	N/A	Garage:	187
Unfinished Space:	N/A	Deck or Porch:	N/A
Finishing Basement: (new construction)	N/A	Shed or Carport:	N/A
		Agricultural Structure:	N/A
Finishing Basement: (existing dwelling)	N/A	Mobile or Man. Home: (Year: _____)	N/A
Total Square Footage:		187	

↓

For * above, please answer the following:

of Bedrooms in Residence: 3

of Bedrooms Being Added: 0

Is your Septic Sized appropriately for the number of bedrooms: NO YES

Means of Wastewater Disposal: SEPTIC

Setback Distances to Lot Lines							
Existing Structures				Proposed Structure			
Front	75'6"	Side	30'8"	Front	75'6"	Side	25'0"
Rear	60'5'11"	Side	233'11"	Rear	60'5'11"	Side	233'11"

Additional Property Information Required

Section Line(s) on Property? NO YES _____ Is one or more Vacated or Relocated? NO _____ *YES _____

*If yes, enter Document Number or date of hearing: _____

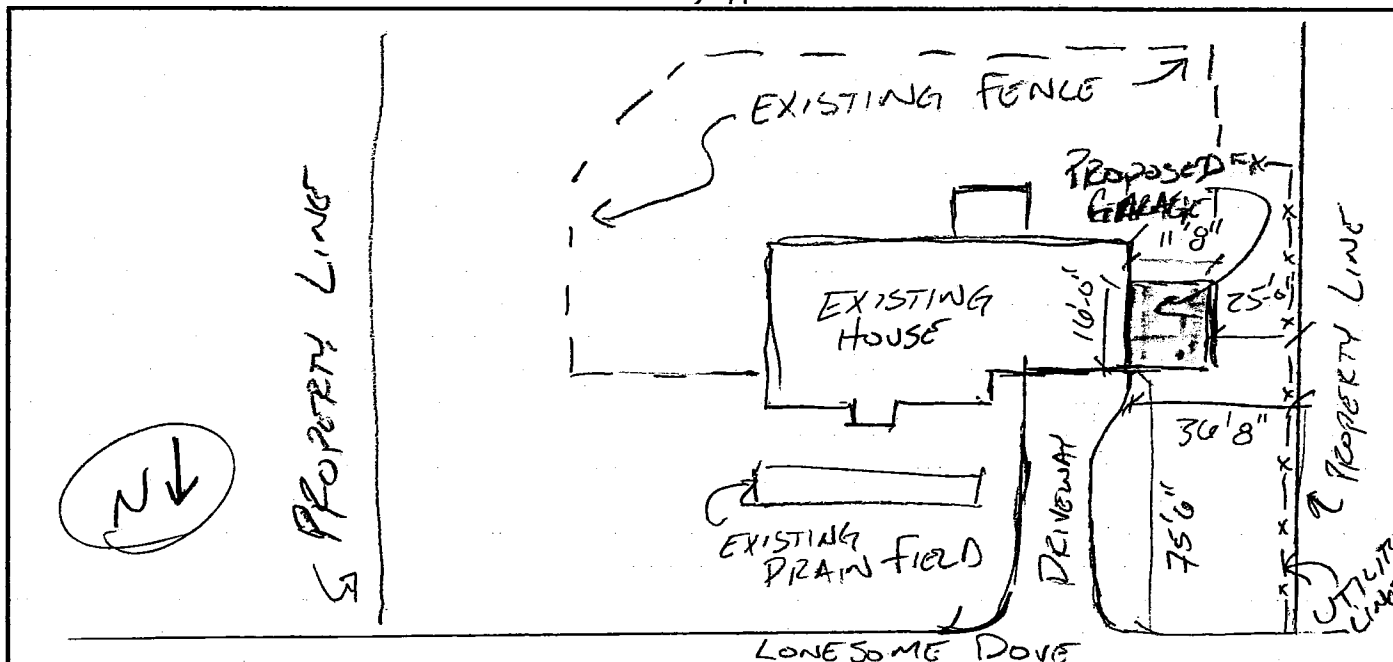
Is the property platted? NO _____ *YES *If yes, the most current plat # is: ATTACHED

Is the property a Developmental Lot per the Zoning Ordinance? NO _____ YES _____

Site Plan Drawing (drawn to scale):

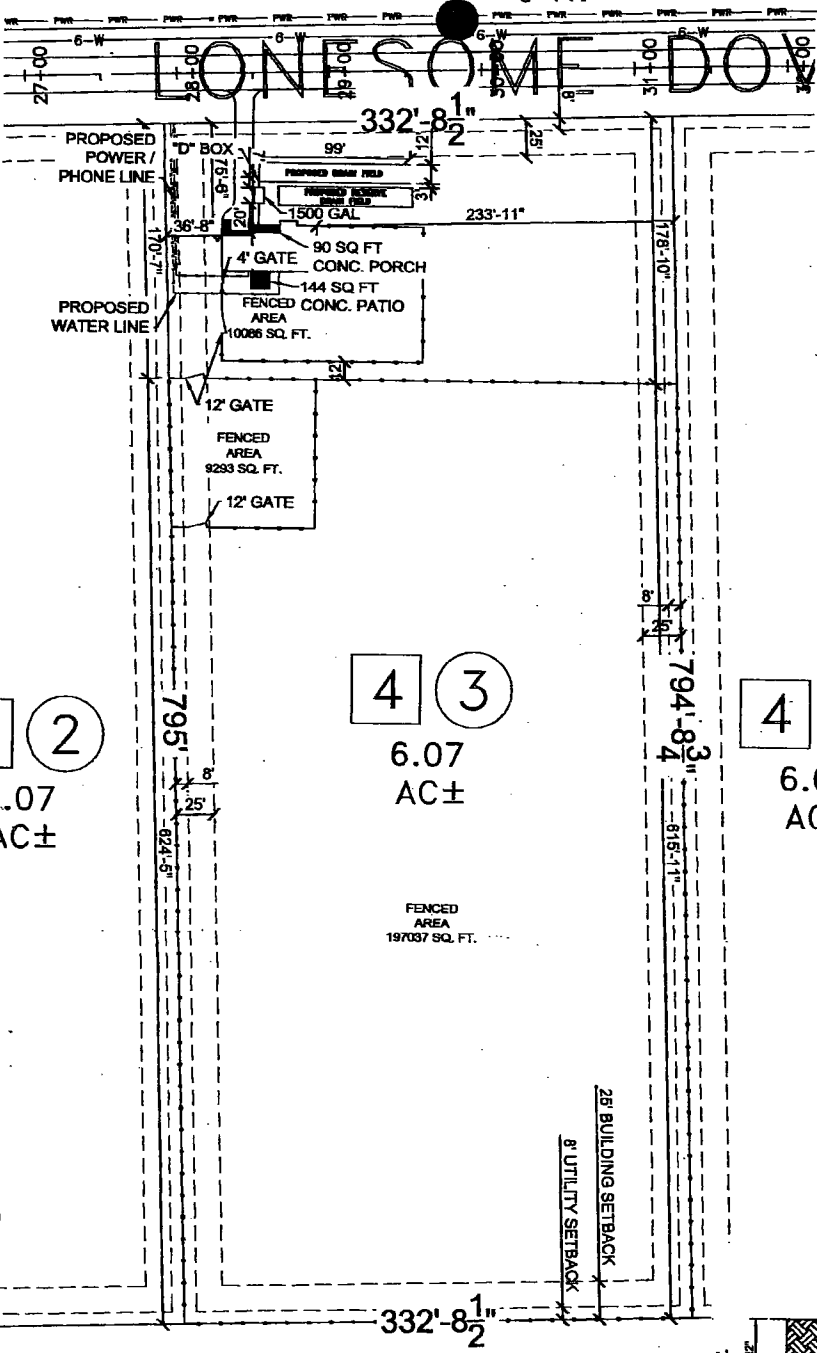
In lieu of drawing a Site Plan, I have attached additional drawings. SUNSET RANCH BLK 46
INITIALS _____ DATED 9/24/07

NOTE: Additional documents must be initialed and dated by applicant.



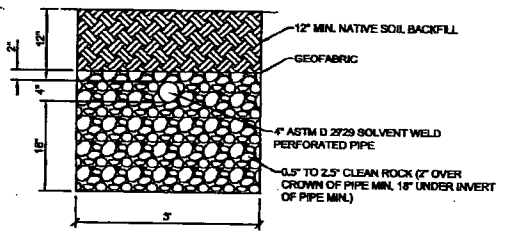
(EXAMPLE OF SITE PLAN AND A CHECKLIST OF NEEDED ITEMS ARE LOCATED ON PAGE 3)

A lot of people build houses.... We Build Homes



NOTES:
 COMMUNITY WELL SYSTEM
 DIRT WORK AREAS
 HOMES LOCATION
 SEPTIC LOCATION
 DRIVE WAY
 NO EXISTING STRUCTURES

NOTES:
 FINISHED 1245 SQFT
 GARAGE 480 SQFT
 CONC. PATIO 234 SQFT



SR 4-3 PLOT MAP
 SCALE - 1" = 80'

SR 4-3 TRENCH CROSS SECTION
 SCALE - 1/2" = 1'

IMPORTANT
 These drawings may not meet applicable building codes. These drawings may need to be adapted to your specific local code. Check with local building officials about a building permit. While every effort has been made in the preparation of these plans to avoid mistakes, the drafter makes no guarantee against human error. The contractor on the job must check all dimensions of structural components and other details and be responsible for the same. We cannot be held responsible for any errors.

These general drawings have been prepared using information provided by the customer who is solely responsible for the accuracy of the information provided. The drawings are not a substitute for general drawings prepared by a contractor or architect and may not meet applicable state and local building codes which may vary widely. Before starting construction, the customer should consult a contractor or architect for information if the drawings need to be changed for safety, state or local building codes and regulations; 2) the project's structural requirements; or 3) existing conditions specific to the project or the project site. Overall local building officials to determine if a building permit is required. We assume no responsibility for claims or damage arising from errors, omissions, deficiencies or defects in the drawings.

PROJECT: SUNSET RANCH BLK 4 LOT 3
 DRAFTSMAN: KASKI HOMES INC.



DATE: 9/24/07
 PAGE: 1 OF 1

THE STATE OF SOUTH CAROLINA DOES NOT REGULATE RESIDENTIAL HOME PLANS TO BE DESIGNED AND DRAFTED BY A LICENSED ARCHITECT. WHEREAS, THIS HOME PLAN HAS NOW BEEN DESIGNED OR APPROVED BY A LICENSED ARCHITECT AND DOES NOT INCLUDE A REGISTERED ARCHITECT'S "STAMP" REFERENCE FROM WHERE THIS HOME IS TO BE BUILT AND THE LATEST GOVERNING AREA, A PLAN FOR A RESIDENTIAL STRUCTURE MAY REQUIRE A LICENSED ARCHITECT'S APPROVAL PRIOR TO CONSTRUCTION IF SUGGESTED THAT A LICENSED ARCHITECT APPROVE THE PLANS AND THE APPLICATION OF THE PLANS FOR THE PARTICULAR LOCATION.

STAFF REPORT

GENERAL INFORMATION:

REQUEST: LAYOUT PLAT / LPL 19-26: To create Lots A and B of Knotty Pine Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

APPLICANT: William and Makaley Parsons

APPLICANT ADDRESS: 2724 Lynnwood Drive, Rapid City, SD 57701

SURVEYOR: Howe Land Surveying / Jeff Howe

AGENT ADDRESS: 1830 Hartland Court, Rapid City, SD 57702

LEGAL DESCRIPTION: EXISTING LEGAL: Lot 11 Revised, Knotty Pine Subdivision, Section 33, T1S, R7E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot A and Lot B, Knotty Pine Subdivision, Section 33, T1S, R7E, BHM, Pennington County, South Dakota.

SITE LOCATION: 13835 Knotty Pine Lane; near the corner of Jill Road and Knotty Pine Lane

TAX ID: 47947

SIZE: 11.64 acres

EXISTING LAND USE: Residential

SUBDIVISION REGULATIONS REFERENCE: § 400.1

CURRENT ZONING: Limited Agriculture District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Forested

UTILITIES: Community Well / Private Septic

REPORT BY: Cassie Bolstad

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending approval of Layout Plat / LPL 19-26 with eight (8) conditions.

II. GENERAL DESCRIPTION

- A. The applicant, Will Parsons, has submitted a Layout Plat request to subdivide one (1) existing lot into two (2) lots, in order to create Lots A and B of Knotty Pine Subdivision.
- B. The purpose of the subdivision is to sell one of the proposed lots, Lot B, to a neighboring property owner.

III. EXISTING CONDITIONS

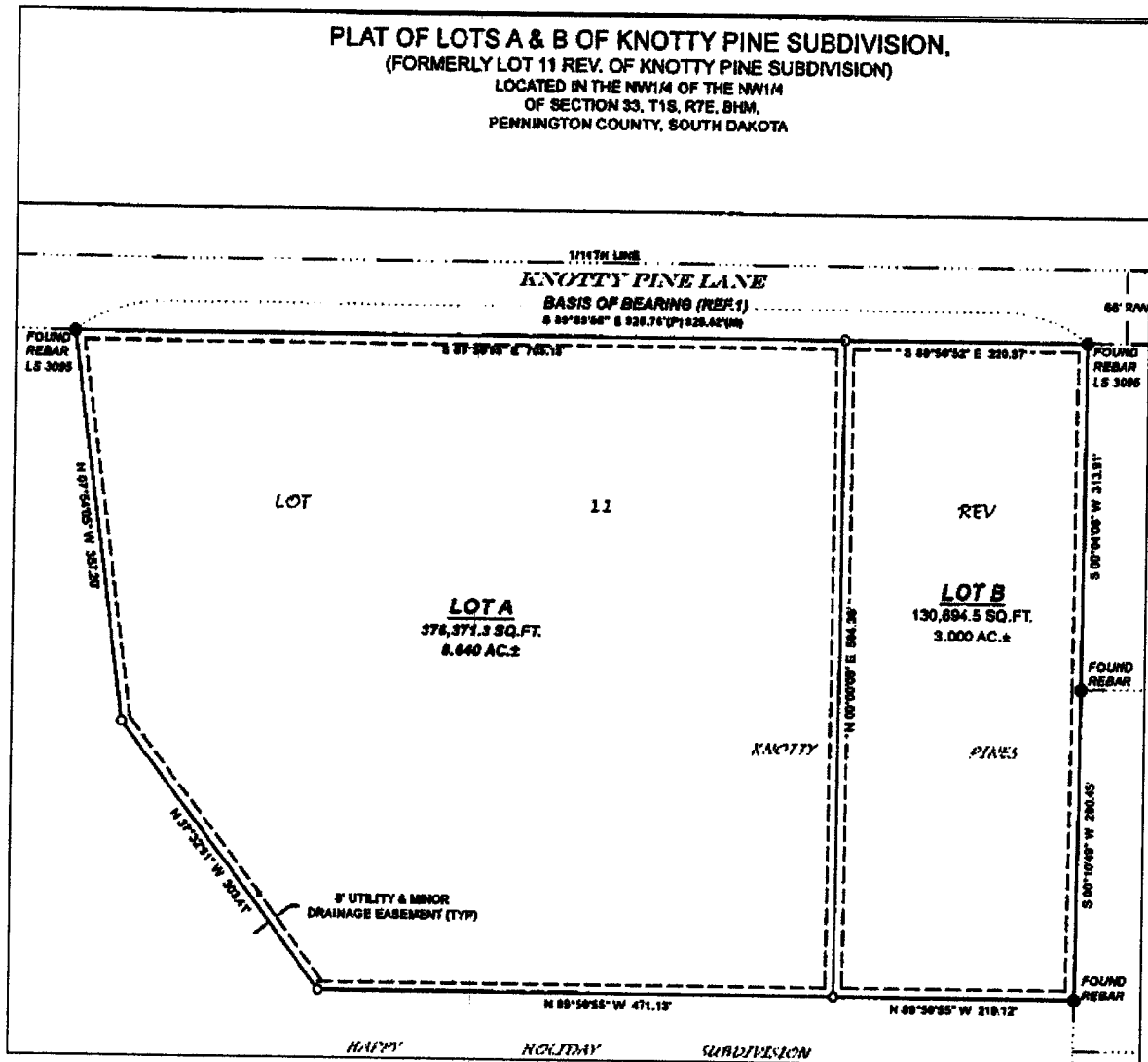
- A. Zoned Limited Agriculture District, minimum ten (10) acre lot size.
- B. 11.64 acres.
- C. Access off of Knotty Pine Lane.
 - 1. Located within the Knotty Pine Road District.
- D. Lot contains:
 - 1. Single-family residence – COBP17-0408.
 - a. Basement finish – COBP19-0039.
 - 2. 24' x 40' detached garage – built via 2000COBP0007.
 - 3. On-site wastewater treatment system – Operating Permit (COOP17-0540).
 - a. Tank replacement – COSD17-0110.
- E. No Special Flood Hazard Area on the subject property.



Existing lot

IV. PROPOSED LOTS

- A. Lot A of Knotty Pine Subdivision
 - 1. 8.639 acres ±
 - 2. Zoned Limited Agriculture District, minimum ten (10) acre lot size.
 - a. A Lot Size Variance or Rezone will be required.
 - 3. Will contain:
 - a. Existing single-family residence and detached garage.
 - b. Existing on-site wastewater treatment system.
- B. Lot B of Knotty Pine Subdivision
 - 1. 3.00 acres ±
 - 2. Zoned Limited Agriculture District, minimum ten (10) acre lot size.
 - a. A Lot Size Variance or Rezone will be required.
 - 3. Vacant of any structures.
 - 4. Per the applicant, this lot will be sold to the neighboring property owner to the south.



Proposed subdivision (Howe Land Surveying)

V. REQUEST FOR COMMENT

- A. County Highway Department
 - 1. Highway Department has no comments since this is in the Knotty Pine 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;
 - 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/>.
- C. County Environmental Planning Supervisor
 - 1. There is no Special Flood Hazard Area on the subject property.
- D. County Onsite Wastewater Specialist
 - 1. Proposed Lot A has a newly installed septic system (COSD17-0110) and a valid Operating Permit (COOP17-0540). The soils on proposed Lot B are listed as "Very Limited" by the USDA Web soil survey. Any future septic system installed on Lot B will need to follow all rules of Pennington County Zoning Ordinance Section 204-J.
- E. County Ordinance Enforcement
 - 1. There are no open violations on this property.
- F. County Natural Resources
 - 1. No objections.

- G. County Addressing Coordinator
 - 1. No addressing concerns at this time. Future addresses will be assigned during the Building Permit application process. Once assigned, addresses must be posted in accordance with Pennington County Ordinance #20.
- H. Register of Deeds
 - 1. Plat heading is acceptable.
 - 2. Owner's certificate – there appears to be an additional owner.
 - 3. Remaining certificates appear to be acceptable.
- I. Department of Equalization
 - 1. No comments received.
- J. Emergency Services (9-1-1)
 - 1. Good here.
- K. Black Hills Electric Cooperative
 - 1. Black Hills Electric Cooperative has no concerns with this plat.
- L. Knotty Pine Road District
 - 1. No comments received.

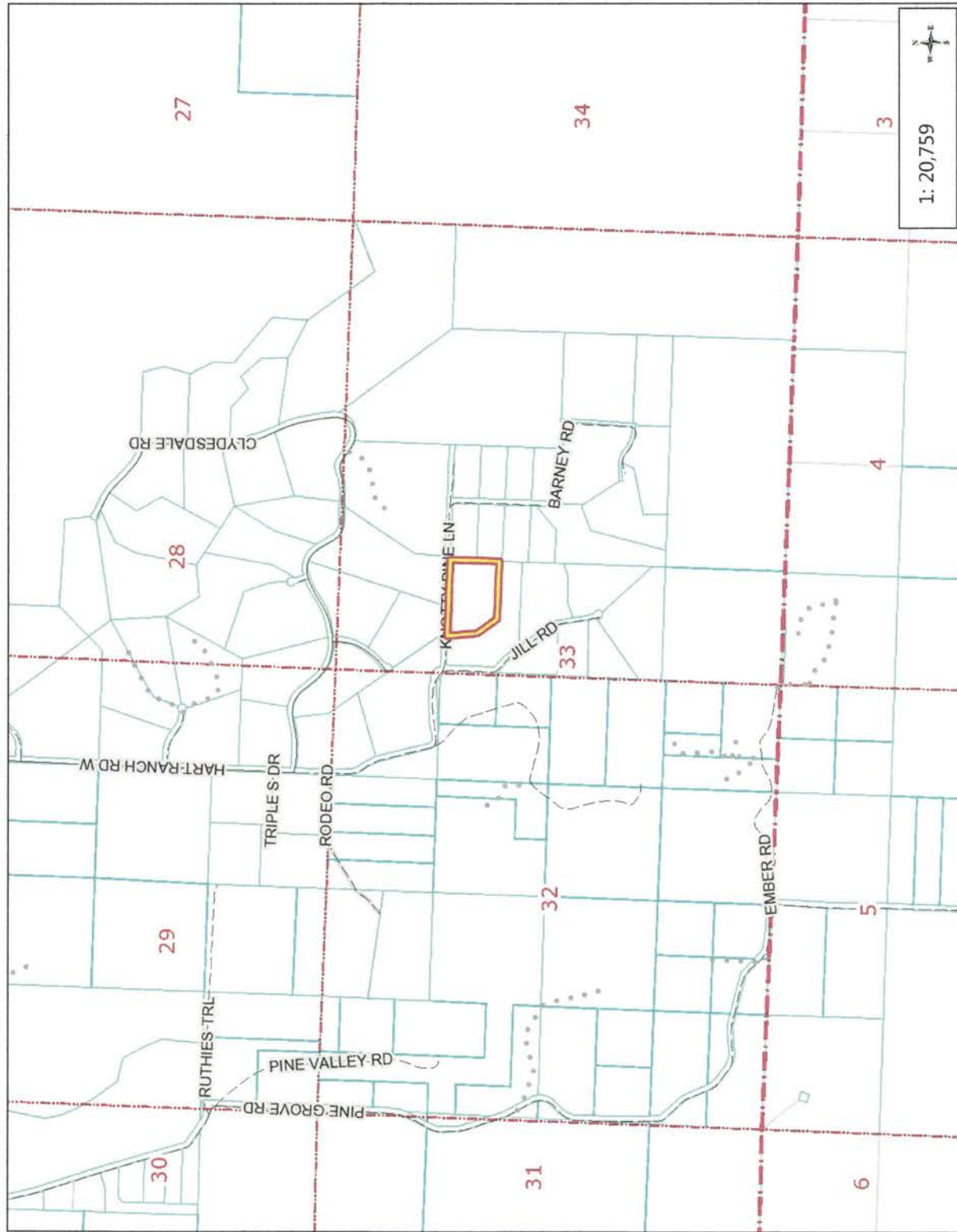
VI. ANALYSIS

- A. January 17, 2017 – Board of Commissioners approved Layout Plat / PL 16-32 to create Lots A, B, and C of Knotty Pine Subdivision with the following eleven (11) conditions:
 - 1. That prior to filing the Plat with the Register of Deeds, proposed Lots A, B, and C obtain approved Lot Size Variances or be Rezoned appropriately;
 - 2. That at the time of new Plat submittal, Makaley Parsons be added to the certificates as an Owner and William's name on the Owner certificate be corrected to read William C. E. Parsons, as listed on the Deed;
 - 3. That at the time of new Plat submittal, eight (8) foot minor drainage and utility easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
 - 4. That at the time of new Plat submittal, the applicant submits percolation tests and soil profile information for proposed Lot A and proposed Lot C to be reviewed and approved by the County Environmental Planner, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
 - 5. That at the time of new 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;
 - 6. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;

7. That addresses be properly posted on the existing residence and any future residence(s) constructed on proposed Lot A or proposed Lot C and at the approaches so they are visible from both directions of travel on Knotty Pine Road, in accordance with Pennington County's Ordinance #20;
 8. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
 9. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of Section 204-J of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit;
 10. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Layout Plat / PL 16-32, which is available at the Planning Office; and,
 11. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.
- B. The purpose of Layout Plat / PL 16-32 was to subdivide the existing lot, in order to create three (3) residential lots that could be sold and developed separately.
- C. January 25, 2017 – The applicant applied for Minor Plat / PL 17-03 and Subdivision Regulations Variance / SV 17-03 to create Lots A, B, and C of Knotty Pine Subdivision.
- D. January 25, 2017 – The applicant, Will Parsons, applied for Variance / VA 17-02 to reduce the minimum required lot size from ten (10) acres to 3.00 acres, 5.639 acres, and 3.00 acres in a Limited Agriculture District.
- E. February 21, 2017 – Board of Commissioners denied Variance / VA 17-02.
- F. March 7, 2017 – Board of Commissioners approved the withdrawal of Minor Plat / PL 17-03 and Subdivision Regulations Variance / SV 17-03, per the applicant's request.
- G. August 7, 2019 – The applicant applied for Layout Plat / LPL 19-26 to create Lots A and B of Knotty Pine Subdivision.
1. Rather than subdivide the existing lot into three (3) lots, as previously requested in 2017, the applicant is proposing to reduce the number of lots to two (2).
 2. Per the applicant, proposed Lot B will be sold to the property owner directly south of the subject property.
- H. For the purposes of a Layout Plat, staff finds no significant issues with the applicant's request.
1. A Layout Plat is an informal preliminary review of the proposed subdivision for general scope and conditions, which might affect the plat.

RECOMMENDATION: Staff recommends approval of Layout Plat / LPL 19-26 with the following eight (8) conditions:

1. That prior to filing the Plat with the Register of Deeds, proposed Lots A and B obtain approved Lot Size Variances or be Rezoned appropriately;
2. That at the time of Minor Plat submittal, eight (8) foot minor drainage and utility easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
3. That upon filing the Plat with the Register of Deeds, the plat meets all the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
4. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
5. That addresses be properly posted on the existing residence and any future residence(s) constructed on proposed Lot B and at the approaches so they are visible from both directions of travel on Knotty Pine Road, in accordance with Pennington County's Ordinance #20;
6. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
7. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of Section 204-J of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit; and,
8. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.



1: 20,759

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

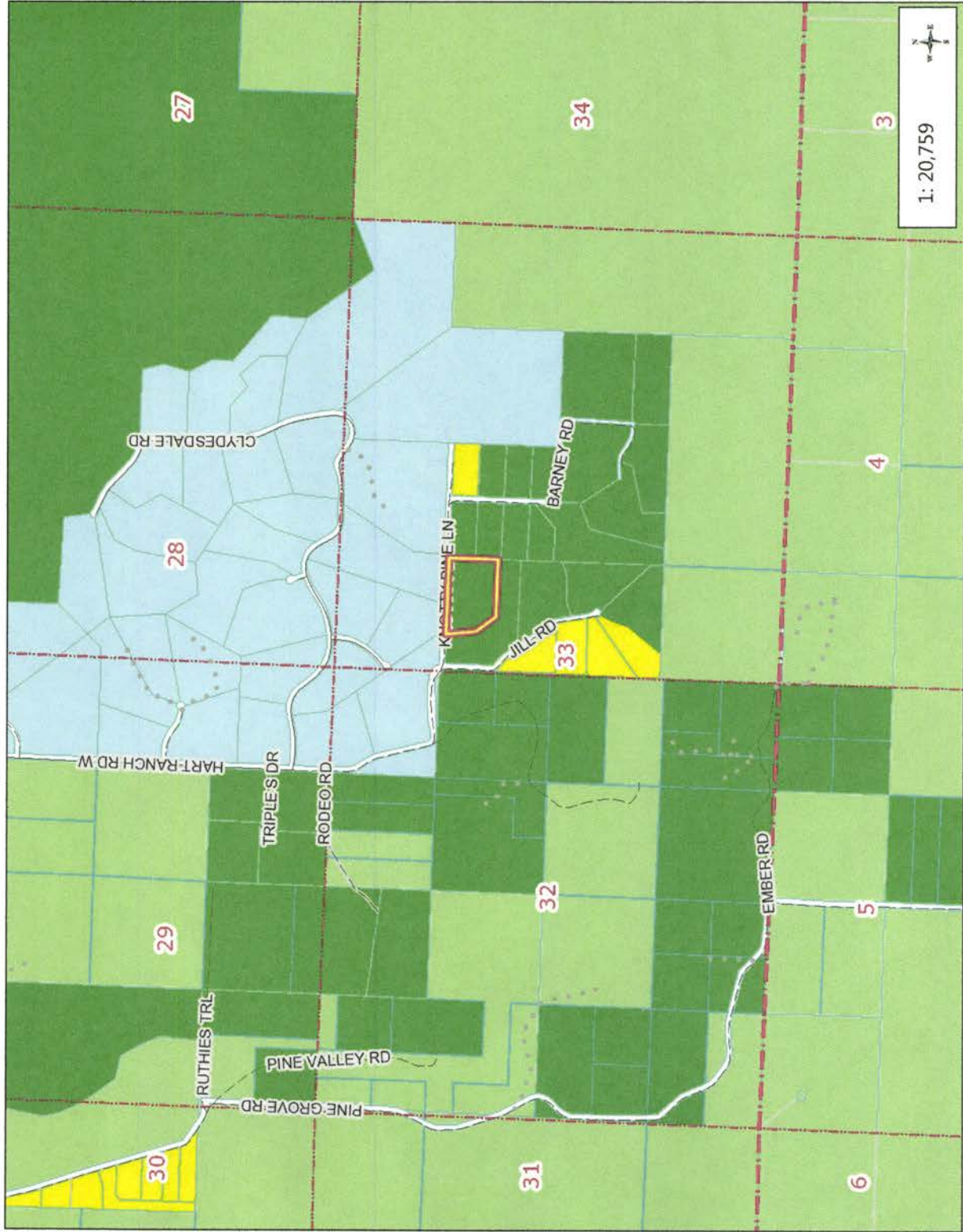
- Tax Parcels
- Lot Lines
- <Null>
- Lot Line
- Parcel Line

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





1: 20,759



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

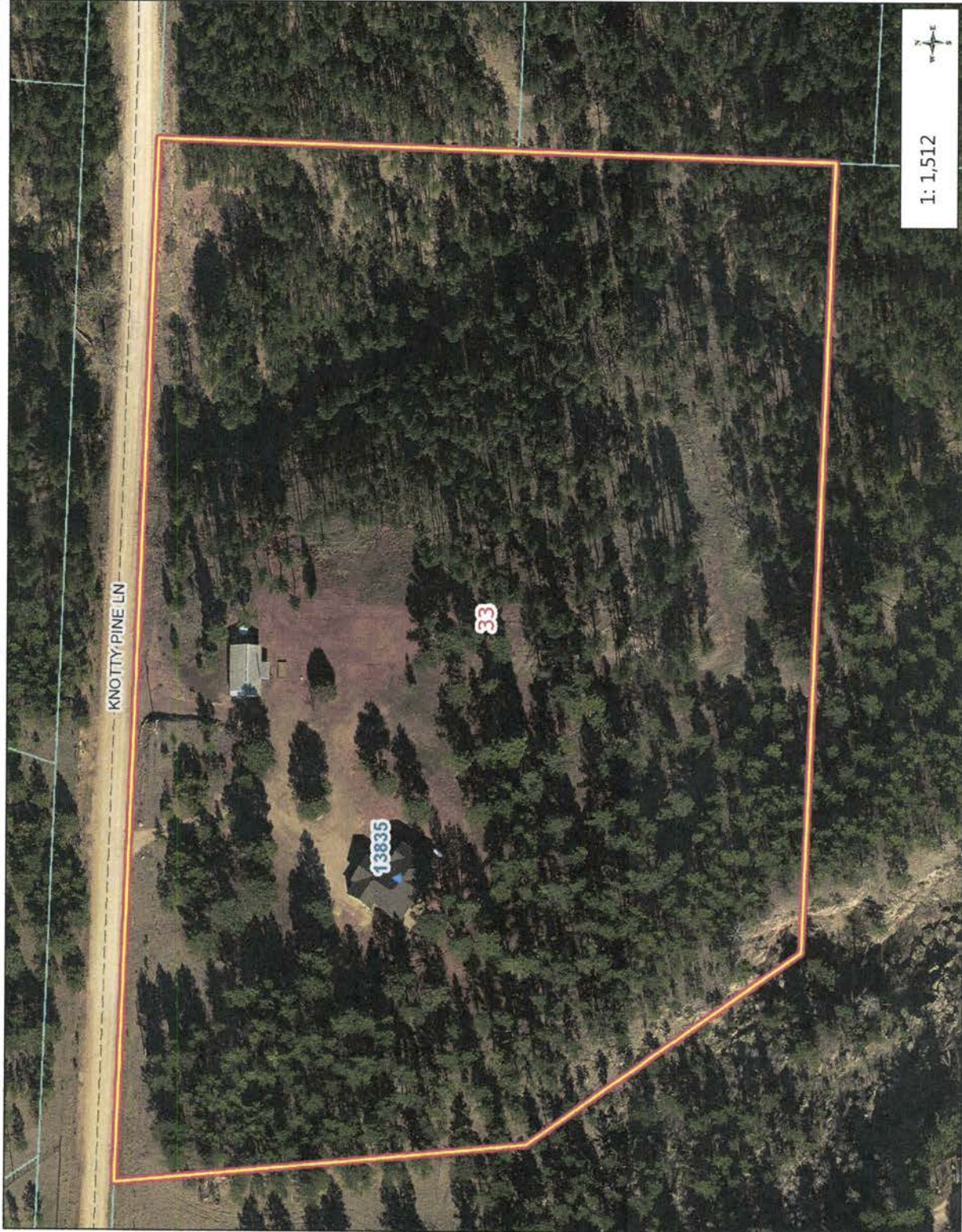
Tax Parcels

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

Pennington County Zoning

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

Map Notes:



1: 1,512



NAD_1983_StatePlane_South_Dakota_South_FIPS_4002_Feet
© City of Rapid City GIS

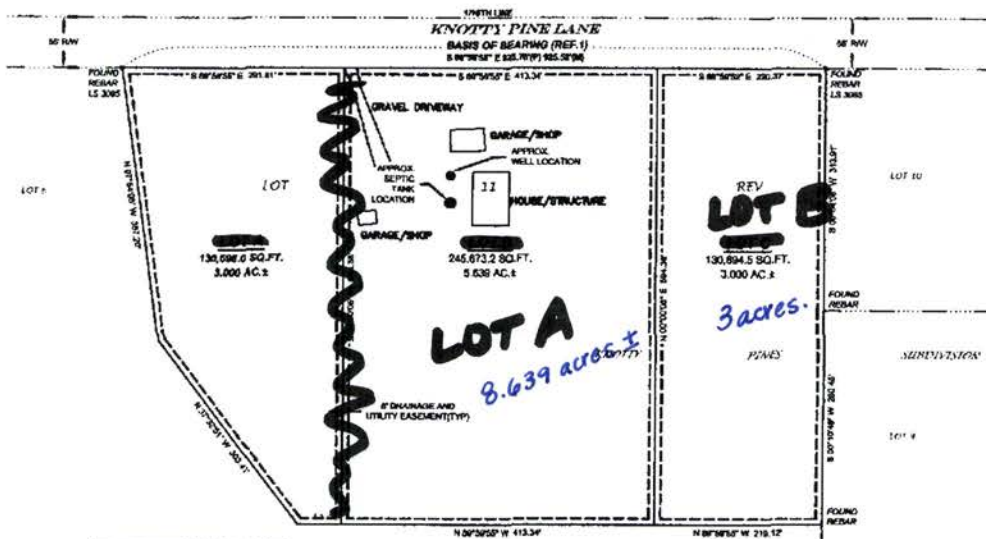
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

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

Map Notes:

PLAT OF LOTS A, B & C OF KNOTTY PINE SUBDIVISION,
(FORMERLY LOT 11 REV OF KNOTTY PINE SUBDIVISION)
LOCATED IN THE NW1/4 OF THE NW1/4
OF SECTION 33, T1S, R7E, B9M,
PENNINGTON COUNTY, SOUTH DAKOTA



Point of Beginning

The lines of bearing for this plat is S 89°56'57" E between found monuments at the northwest and northeast corners of Lot 11 Rev, as shown hereon.

Floodplain Statement

The 100-year floodplain boundary delineated on this plat is based on the elevations identified in the Flood Insurance Rate 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. Per FEMA Map Number 48700C11991 for subject property is located within Flood Zone X (outside the 0.2% annual chance floodplain) or Flood Zone D (areas in which flood hazards are undetermined, but possible).

These Provisions Statement

Pursuant to SDCL 11-3-6, 1 and 11-3-2, the developer of the property described within this plat shall be responsible for protecting any waters of the state, including groundwater, located adjacent to or within north-platted areas from pollution from sewage from such subdivision and shall in protection of such provisions conform to and follow all regulations of the South Dakota Department of Environment and Natural Resources relating to the same.

References

1. Plat of Lot 11 Rev of Knotty Pine Subdivision and Lot 11 Rev of Knotty Pine Subdivision - Book 28 of Plats, Page 28, Pennington County Register of Deeds.
2. Plat of a portion of Knotty Pine Subdivision - Book 15 of Plats, Page 130, Pennington County Register of Deeds.

CERTIFICATE OF SURVEYOR

State of South Dakota
County of Pennington S.S.

I, Jeffrey N. Howe, Registered Land Surveyor No. 11917 in the State of South Dakota, do hereby certify that at the request of the owners listed hereon, I have surveyed that tract of land shown, and to the best of my knowledge and belief, the within plat is a representation of said survey.

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

Jeffrey N. Howe - Registered Land Surveyor No. 11917



CERTIFICATE AND ACKNOWLEDGMENT OF OWNERSHIP

I, the undersigned do hereby certify that I am the owner of the land shown and described hereon; that the survey was done at my request for the purpose indicated hereon; that I do hereby approve the survey and within plat of said land; and that the development of this land shall conform to all existing applicable zoning, subdivision and erosion 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; however, but such dedication shall not be construed to be a donation of the fee of such land.

OWNER: William Persons

State of South Dakota
County of Pennington S.S.

On this _____ day of _____, 20____, before me, a Notary Public, personally appeared William Persons, known to me to be the person described in the foregoing instrument and acknowledged to me that such corporation executed the same.

Notary Public: _____

My Commission Expires: _____

CERTIFICATE OF COUNTY AUDITOR

Resolution of Governing Board
State of South Dakota
County of Pennington S.S.

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

Pennington County Auditor / Deputy

CERTIFICATE OF HIGHWAY OR STREET AUTHORITY

State of South Dakota
County of Pennington S.S.

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

Highway or Street Authority: _____

CERTIFICATE OF COUNTY TREASURER

State of South Dakota
County of Pennington S.S.

I, Treasurer of Pennington County, do hereby certify that all taxes which are due 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 DIRECTOR OF EQUALIZATION

State of South Dakota
County of Pennington S.S.

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 THE REGISTER OF DEEDS

State of South Dakota
County of Pennington S.S.

Filed for record this _____ day of _____, 20____.

at _____ o'clock _____ M. as Document Number: _____

Register of Deeds of Pennington County



LEGEND

- SET BY HOWE SURVEYING CO. PLAT NO. 11917
- FOUND SURVEY MONUMENT AS NOTED

PREPARED BY



1830 Hartland Court
Rapid City, SD 57702
(605) 330-4833
www.howelandsurveying.com

STAFF REPORT

GENERAL INFORMATION:

REQUEST: **CONSTRUCTION PERMIT REVIEW/ CP 99-43:** To review a Construction Permit to allow for mining activities in a General Agriculture District in accordance with Section 507 of the Pennington County Zoning Ordinance.

APPLICANT: Pete Lien & Sons, Inc.

APPLICANT ADDRESS: P.O. Box 440, Rapid City, SD 57709-0440

LEGAL DESCRIPTION: SW¼SE¼, Section 20, T2N, R7E, BHM, Pennington County, South Dakota.

LOCATION: Approximately 500 feet west of the intersection of S.D. Highway 79 and Universal Drive on the south side of Universal Drive.

SIZE: 40 acres

EXISTING LAND USE: Mining / Vacant Land

ZONING REFERENCE: §§ 205 and 507

CURRENT ZONING: General Agriculture District

SURROUNDING ZONING:

North	Heavy Industrial District
South	City of Rapid City Limits
East	Heavy Industrial District
West	General Agriculture District

PHYSICAL CHARACTERISTICS: Prairie

UTILITIES: None

REPORT BY: Brittney Molitor

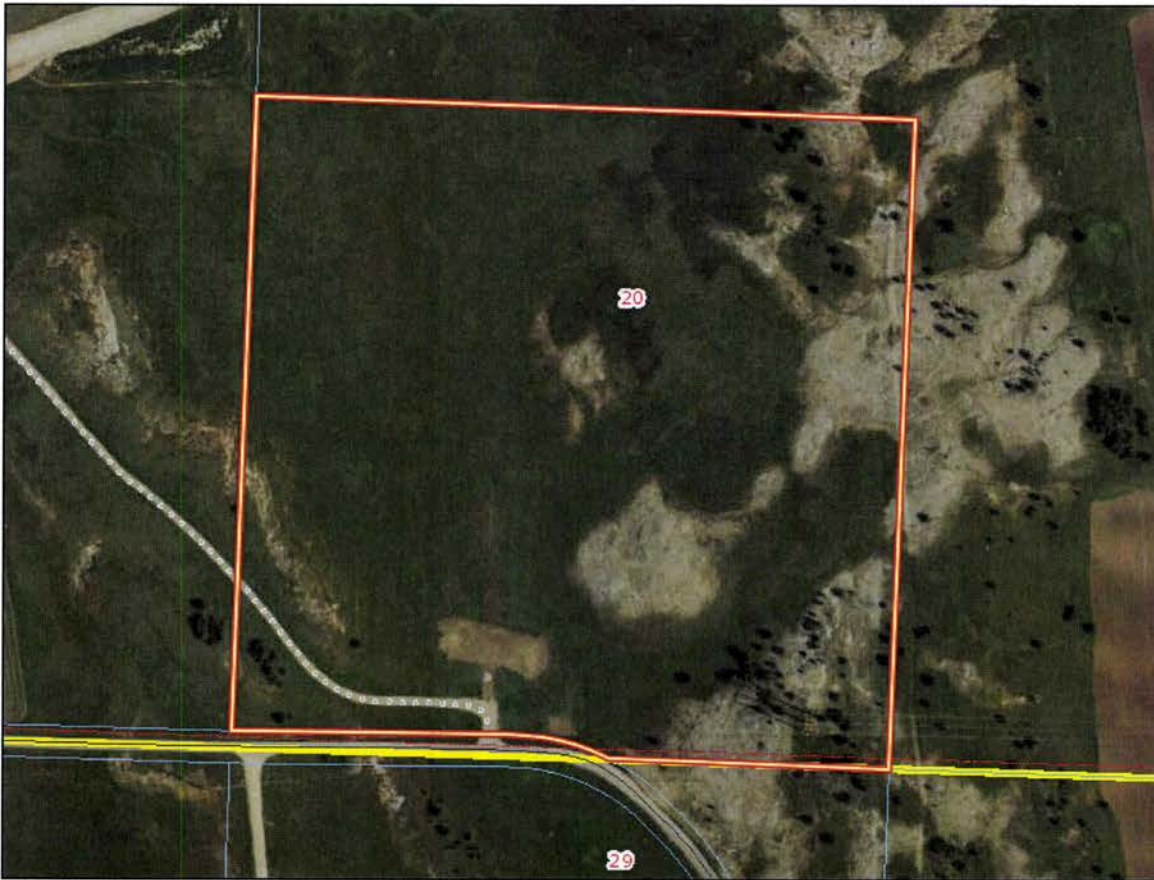
- I. RECOMMENDATION:** Staff will be recommending approval of the extension of Construction Permit / CP 99-43 with six (6) conditions.

II. GENERAL DESCRIPTION

- A. The applicant applied in 1999, under §§ 205(B)(17) and 507 of the Pennington County Zoning Ordinance (PCZO), for a Construction Permit to allow for aggregate mining on the subject property.

III. EXISTING CONDITIONS

- A. Zoned General Agriculture District.
- B. 40 acres.
- C. No Special Flood Hazard Area on the subject property.
- D. Access off of Hidden Valley Road.
 - 1. Located within Pennington County Highway's jurisdiction.
- E. Lot is vacant of any structures.
- F. Access road to a neighboring lot for access to the main internal haul road.



Aerial of the subject property (2018)

IV. PROPERTY HISTORY

- A. A Construction Permit / CP 99-43 to allow mining activities on the above described property was approved in December 3, 1999 with the following six (6) conditions:
 - 1. That the applicant re-claim the disturbed areas by replacing the topsoil and revegetating that portion of the property;

2. That the conditions of approval of the "Part 70 Air Quality Permit" be continually met as required by the South Dakota Department of Environment and Natural Resources;
 3. That the conditions of approval of the "South Dakota Department of Environment and Natural Resources Mining & Minerals Permits (Mining License #83-100 and Mining Permit #216)" be continually met;
 4. That a building permit be obtained for the proposed over land conveyor;
 5. That a "Haul Road Agreement" be obtained from the Pennington County Highway Department prior to utilizing Hidden Valley Road as a haul road to transport the proposed mining materials; and,
 6. That the Construction Permit be reviewed in two (2) years to insure that the conditions of approval are being met.
- B. The permit was initially reviewed every two (2) years; however, recent reviews have been extended to every three (3) years.
- C. The applicant submitted drainage plans, a cross-section diagram showing the topography of the property currently and after the mining has been completed.
- D. The applicant had also submitted a copy of a Part 70 Air Quality Permit from the South Dakota Department of Environment and Natural Resources.
- E. Construction Permit / CP 99-43 was reviewed in 2003, 2005, 2008, 2010 and 2013. To date, no mining activity has occurred in the permit area.
- F. Staff performed an on-site visit to the property in July 2013. Staff met with Danielle Wiebers, Manager of Environmental and Safety Affairs with Pete Lien & Sons, Inc. Ms. Wiebers accompanied staff on the site visit.
1. Ms. Wiebers indicated that all necessary permits required by the South Dakota Department of Environment and Natural Resources are current with the exception of the Title V Air Quality Permit. The Title V Air Quality Permit was submitted to DENR on time and is awaiting approval. An administrative continuation from DENR is in place until DENR approves the permit. A DENR Industrial Stormwater Permit was issued in 1998 and is still active for the site.
- G. On July 25, 2016, the Planning Commission approved a Conditional Use Permit / CU 16-24 on the subject lot to allow a Contractor's Storage Yard for the Teckla-Osage-Rapid City 230 kV Transmission Line Project. This Conditional Use Permit is temporary and the site will be returned to pre-existing conditions following the completion of the transmission line.
- H. Staff performed a site visit in July 2016 and no mining activity had occurred at the site.

- I. The last review and approval of Construction Permit / CP 99-43 was on September 12, 2016 and approved by the Planning Commission with the following six (6) conditions:
 1. That the applicant reclaims the disturbed areas. This includes replacing topsoil, vegetating the disturbed areas, all necessary grading, and all necessary backfilling, which can include the use of clean concrete or brick;
 2. That the conditions of approval of the "Part 70 Air Quality Permit" (Air Quality Permit #28.1143-02) be continually met as required by the South Dakota Department of Environment and Natural Resources;
 3. That the conditions of approval of the South Dakota Department of Environment and Natural Resources Mining & Minerals Permits (Mining License #383-100 and Mining Permit #216) be continually met;
 4. That a "Haul Road Agreement" be obtained from the Pennington County Highway Department prior to utilizing Hidden Valley Road as a haul road to transport the proposed mining materials;
 5. That a maximum of 10 million tons of mined material be quarried from the property; and,
 6. That the Construction Permit be reviewed in three (3) years to ensure that the Conditions of Approval are being met.

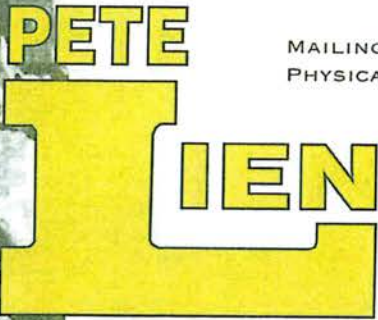
V. ANALYSIS

- A. On August 8, 2019, Staff received a letter from the applicant indicating the following regarding Construction Permit / CP 99-43:
 1. Reclamation is ongoing.
 2. SD DENR Air Quality Permit #28.1143-02 conditions are being met.
 3. SD DENR Mining License (#93-100) and Permit (#216) conditions are being met.
 4. No material has been hauled down Hidden Valley Road.
 5. We have not exceeded 10 million tons of material mined.
 6. We are submitting this Compliance letter to meet the three (3) year review requirement.
- B. On August 27, 2019, Staff performed a site visit with the applicant's Environmental Coordinator.
 1. No mining activity has commenced on this site.
 2. A small access road had been constructed to access the larger internal haul road from the subject property.

Agenda Item #12
Pete Lien & Sons, Inc.
September 9, 2019

RECOMMENDATION: Staff recommends approval of the extension of Construction Permit / CP 99-43 with the following six (6) conditions:

1. That the applicant reclaims the disturbed areas. This includes replacing topsoil, vegetating the disturbed areas, all necessary grading, and all necessary backfilling, which can include the use of clean concrete or brick;
2. That the conditions of approval of the "Part 70 Air Quality Permit" (Air Quality Permit #28.1143-02) be continually met as required by the South Dakota Department of Environment and Natural Resources;
3. That the conditions of approval of the South Dakota Department of Environment and Natural Resources Mining & Minerals Permits (Mining License #93-100 and Mining Permit #216) be continually met;
4. That a "Haul Road Agreement" be obtained from the Pennington County Highway Department prior to utilizing Hidden Valley Road as a haul road to transport the proposed mining materials;
5. That a maximum of 10 million tons of mined material be quarried from the property; and,
6. That the Construction Permit be reviewed in five (5) years, on a complaint basis or as directed by the Planning Commission or Board of Commissioners to ensure the Conditions of Approval are being met.



MAILING ADDRESS: P.O. Box 440 RAPID CITY, SD 57709-0440 PH. 605-342-7224
PHYSICAL ADDRESS: 3401 UNIVERSAL DR. RAPID CITY, SD 57702 FX. 605-342-6979

& Sons, Inc.

August 8, 2019

Pennington County
Planning & Zoning Department
315 St. Joseph St., Suite 118
Rapid City, SD 57701

Re: Pete Lien & Sons, Inc.; Review & Renewal for Construction Permits CP#99-43 & CP#99-44

Please find the enclosed completed construction permit applications for Construction Permits CP#99-43 and CP#99-44. A check for \$500 has been included to be applied to the renewal fees. Pete Lien & Sons, Inc. continues to comply with the conditions of these permits and reviews annually. The reviewed specific conditions are listed below.

CP 99-43

1. Reclamation is ongoing.
2. SD DENR Air Quality Permit #28.1143-02 conditions are being met.
3. SD DENR Mining License (#93-100) and Permit (#216) conditions are being met.
4. No material has been hauled down Hidden Valley Road.
5. We have not exceeded 10 million tons of material mined.
6. We are submitting this Compliance letter to meet the 3 year review requirement.

CP 99-44

1. Berm has been constructed.
2. Reclamation is ongoing.
3. SD DENR Air Quality Permit #28.1143-02 conditions are being met.
4. SD DENR Mining License (#93-100) and Permit (#216) conditions are being met.
5. Additional land was added to mining license 83-100.
6. Floodplain development permit has been obtained.
7. We have not exceeded 100 million tons of material mined.
8. No material has been hauled down Hidden Valley Road.
9. We are submitting this Compliance letter to meet the 3 year review requirement.

August 8, 2019
Planning and Zoning Department
Page 2

If there are any questions regarding this submittal or if additional information is required, please feel free to contact me at (605) 939-2690 or by email at cbeck@petelien.com.

Respectfully,

A handwritten signature in blue ink, appearing to read 'CD Beck', written over the word 'Respectfully,'.

Clinton D. Beck, P.E.
Environmental Coordinator
Pete Lien & Sons, Inc.

Enclosures

Return Receipt: 7014 2870 0000 3077 8389

**CONSTRUCTION PERMIT APPLICATION
PENNINGTON COUNTY, SOUTH DAKOTA**

1. Applicant: Pete Lien & Sons, Inc. Daytime Phone: (605) 342-7224
Mailing Address: PO Box 440 Rapid City, SD 57709
(Street or P.O. Box) (City, State, Zip)
Landowner: Pete Lien & Sons, Inc. Daytime Phone: (605) 342-7224
Mailing Address: PO Box 440 Rapid City, SD 57709
Contractor: Pete Lien & Sons, Inc. Daytime Phone: (605) 342-7224
Mailing Address: PO Box 440 Rapid City, SD 57709

2. Legal Description: SW1/4SE1/4 Section 20, T2N R7E, Pennington County, SD
Location of Project: West of HWY 79 (See Attached)
Description of Work: (use separate sheet of paper to describe work)
Quantity of Disturbance:
Excavation and/or Grading: Length _____ Width _____ Depth _____ = TOTAL: Varies sqft
Stockpile: Length _____ Width _____ Height _____ Number of Stockpiles _____ = TOTAL: Varies sqft
Area to be disturbed by proposed work: Approx. 40 acres

Will the proposed work be located in Floodplain? Yes No
If yes, has a Floodplain Development Permit been issued? Yes No

Site Plan and/or SWPPP Prepared by: PLS Air Quality Permit # (if applicable) Title V 28.1143-02
Identify types of Erosion Control to be applied: Berms, Rip Rap, Silt Fence, and Vegetated Buffers

Person responsible for Erosion Control Implementation and Maintenance: Michael Gollither, Mine Planning Division Manager

Identify Stabilization Practices: Erosion Mat, Contouring, Reclamation

A General Permit for Storm Water Discharge from the South Dakota DENR may be required if the work under this application or the overall plan of development will result in the disturbance of over 1 acre of land.

Storm Water Permit application attached: Yes No N/A
SDR00A560

3. I hereby agree to do the proposed work as described in this application and in accordance with the Pennington County Zoning Ordinance. I authorize the Pennington County staff and designees to enter onto and inspect the above-described property. I understand this permit is void one (1) year from issue date.



Signature of Landowner: [Handwritten Signature]

Date: 8/28/2019

Subscribed and sworn to before me at Rapid City, South Dakota, this 28 day of August, 2019.

Notary Public: [Handwritten Signature]

My Commission Expires: Aug. 30, 2022

Approved (Staff Authorized Signature)

This permit will expire on: _____

****The Planning Department must be notified upon start of work and completion of work for inspection purposes****

**CONSTRUCTION PERMIT PROCEDURE
PENNINGTON COUNTY, SOUTH DAKOTA**

The Application Fee for a Construction Permit is \$250.00

A. CONSTRUCTION PERMIT REQUIRED

A Construction Permit shall be required for any excavation, clearing, or land disturbances greater than or equal to 10,000 square feet.

B. EXEMPT ACTIVITIES FOR CONSTRUCTION PERMITS

A Construction Permit is not required for the following:

- Work in lands zoned General Agriculture District for construction that is agriculturally related.
- Clearing for a Fire Mitigation Plan.
- Construction Activity covering an area of less than 10,000 square feet.

Exempt activities from Construction Permits may still require other federal, state or county permits.

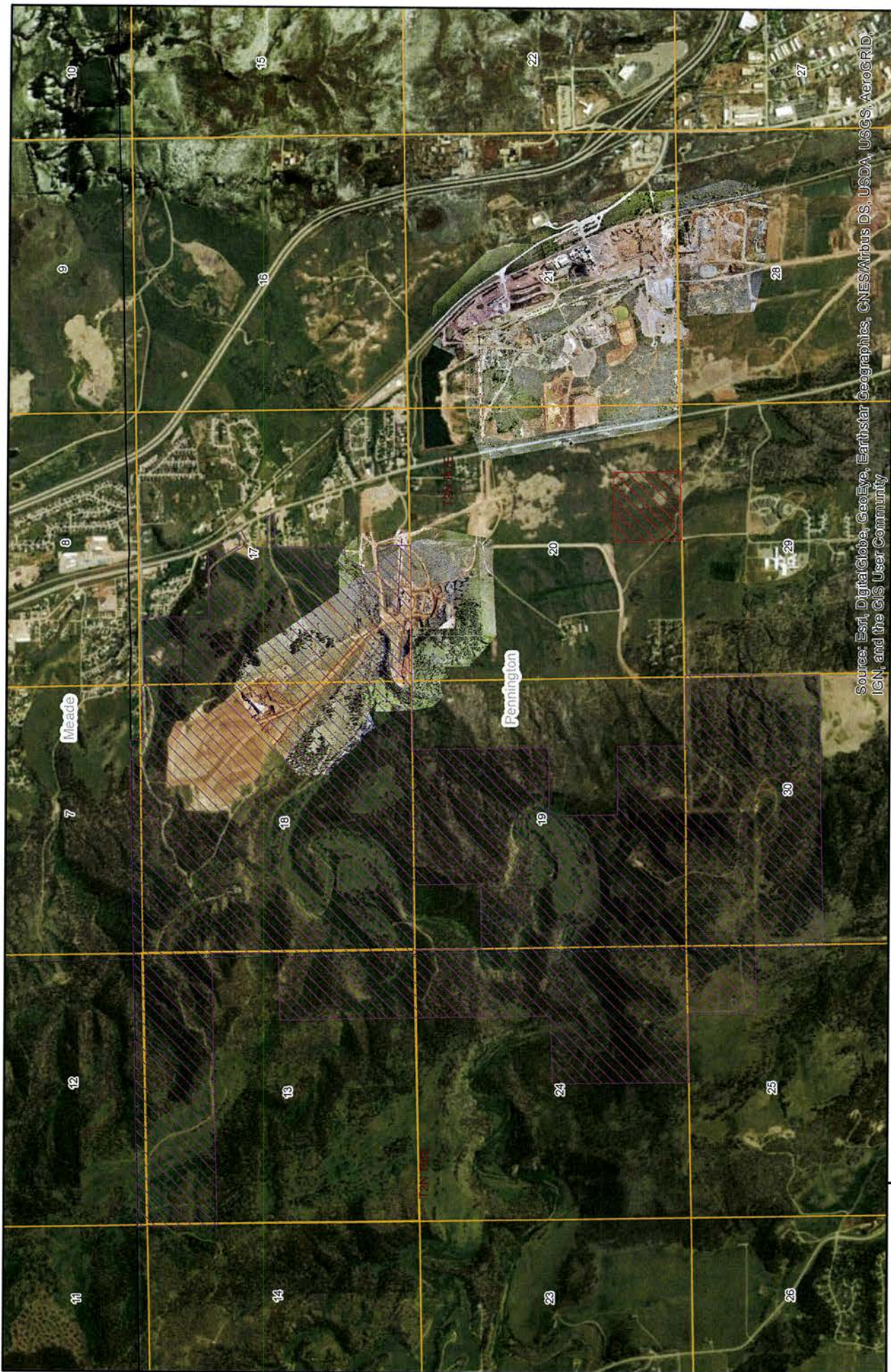
C. SUBMITTAL REQUIREMENTS:

Submit one (1) set of drawings (minimum map size 8½"x11") for review with the following information required to be shown on the plans:

- | | |
|---|--|
| <input type="checkbox"/> All property lines. | <input type="checkbox"/> Identify the area(s) to be disturbed. |
| <input type="checkbox"/> Complete legal description. | <input type="checkbox"/> Floodplain designation (include dimensions). |
| <input type="checkbox"/> Address of property. | <input type="checkbox"/> Location of storm water inlets (if located with designated MS4 area). |
| <input type="checkbox"/> Identify all existing structures on property. | <input type="checkbox"/> Concrete washout area (if required). |
| <input type="checkbox"/> Designated entry point. | <input type="checkbox"/> Existing and proposed slopes. |
| <input type="checkbox"/> Building setback dimensions from property lines for existing structures. | <input type="checkbox"/> Measures to protect nearest downstream storm water inlets (if located with designated MS4 area). |
| <input type="checkbox"/> Location of utilities on property. | <input type="checkbox"/> Measures to protect downstream water bodies. Include ephemeral, intermittent & seasonal water bodies. |
| <input type="checkbox"/> Scale of drawing. | <input type="checkbox"/> Measures to protect drainage areas. |
| <input type="checkbox"/> Name, address, and telephone number of the applicant and person who prepared the Site Plan or Storm Water Pollution Prevention Plan (SWPPP). | |
| <input type="checkbox"/> Mud Tracking measures. | |




D. STABILIZATION PRACTICES

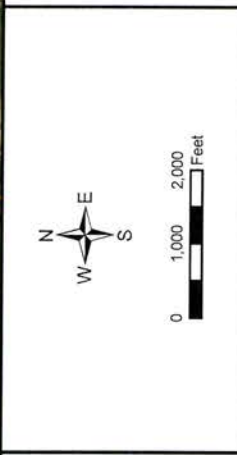
A written description and schedule of interim and permanent stabilization practices, a record of dates when major grading activities occur, when construction activities temporarily or permanently cease on a portion of the site, and when stabilization measures are initiated.



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Rapid City Complex:
 Pennington County
 Construction Permit
 CP#99-43 & CP#99-44
 Property: Rapid City Complex
 Location: Sections 21 & 28
 T2N R7E Pennington County, SD
 Background: 2015 Rapid Map Aerials

- Legend**
-  Construction Permit 99-43
 -  Construction Permit 99-44
 -  Section Lines_SD



PETE IEN & Sons, Inc.

Last Revised: 08/08/2019
 Drawn by: CBeck
 Verified by: MColliner
 Surveyed: None

STAFF REPORT

GENERAL INFORMATION:

REQUEST: **CONSTRUCTION PERMIT REVIEW/ CP 99-44:** To review a Construction Permit to allow for mining activities in a General Agriculture District in accordance with Section 507 of the Pennington County Zoning Ordinance.

APPLICANT: Pete Lien & Sons, Inc.

APPLICANT ADDRESS: P.O. Box 440, Rapid City, SD 57709-0440

LEGAL DESCRIPTION: Sections 12, 13, 24 and 25, T2N, R6E, Sections 7, 17, 18, 19, 20, 30, T2N, R7E, BHM, Pennington County, South Dakota.

LOCATION: Sturgis Road south of Meade County

SIZE: 1,040 acres

EXISTING LAND USE: Mining

ZONING REFERENCE: §§ 205 and 507

CURRENT ZONING: General Agriculture District

SURROUNDING ZONING:

North	Heavy Industrial District
South	City of Rapid City Limits
East	Heavy Industrial District
West	General Agriculture District

PHYSICAL CHARACTERISTICS: Prairie

UTILITIES: None

REPORT BY: Brittney Molitor

I. RECOMMENDATION: Staff will be recommending approval of the extension of Construction Permit / CP 99-44 with nine (9) conditions.

II. GENERAL DESCRIPTION

- A. The applicant applied in 1999, under §§ 205(B)(17) and 507 of the Pennington County Zoning Ordinance (PCZO), for a Construction Permit to allow for aggregate mining on the subject property.

III. EXISTING CONDITIONS

- A. Zoned General Agriculture District.
- B. Approximately 1,040 acres.
- C. There is Special Flood Hazard Area, including Floodway, on the subject property.



Location of Special Flood Hazard Area (Blue) and Floodway (Red)

- D. “Black Hawk Mine”
- E. Main access off of Sturgis Road.
- F. A large berm has been constructed along Sturgis Road.

IV. PROPERTY HISTORY

- A. A Construction Permit / CP 99-44 to allow mining activities on the above described property was approved in December 3, 1999 with the following ten (10) conditions:
 1. That a fifteen-foot-high berm be constructed to serve as a buffer between the residential development located on adjacent properties if the quarrying encroaches into that area of the subject property;
 2. That the applicant re-claim the disturbed areas by replacing the topsoil and revegetating as the mining is completed in each phase;
 3. That the conditions of approval of the “Part 70 Air Quality Permit” be continually met as required by the South Dakota Department of Environment and Natural Resources;

4. That the conditions of approval of the “South Dakota Department of Environment and Natural Resources Mining & Minerals Permit (Mining License #83-100 and Mining Permit #216)” be continually met;
 5. That Mining License #83-100 and Mining Permit #216 be extended to include the property located in Section 13, T2N, R6E prior to any mining being allowed within that portion of the subject property;
 6. That a Floodplain Development Permit be obtained prior to any construction, mining or development within that portion of the property located within the 100 year federally designated floodplain;
 7. That the Section Line Highway be relocated or vacated prior to the extension of the over land conveyor under Universal Drive;
 8. That a building permit be obtained for the proposed over land conveyor;
 9. That a “Haul Road Agreement” be obtained from the Pennington County Highway Department prior to utilizing Universal Drive as a haul road to transport the proposed mining materials; and,
 10. That the Construction Permit be reviewed in two (2) years to insure that the conditions of approval are being met.
- B. The permit was initially reviewed every two (2) years; however, recent reviews have been extended to every three (3) years.
- C. The applicant submitted drainage plans, a cross-section diagram showing the topography of the property currently and after the mining has been completed.
- D. The applicant had also submitted a copy of a Part 70 Air Quality Permit from the South Dakota Department of Environment and Natural Resources.
- E. The applicant has indicated that approximately 1,000,000 cubic yards of limestone will be quarried from the property and that the mine will be known as “Black Hawk Mine”.
- F. Construction Permit / CP 99-44 was reviewed in 2003, 2005, 2008, 2010 and 2013. Mining activity has continued at the site.
- G. Staff performed an on-site visit to the property in July 2013. Staff met with Danielle Wiebers, Manager of Environmental and Safety Affairs with Pete Lien & Sons, Inc. Ms. Wiebers accompanied staff on the site visit.
1. Ms. Wiebers indicated that all necessary permits required by the South Dakota Department of Environment and Natural Resources are current with the exception of the Title V Air Quality Permit. The Title V Air Quality Permit was submitted to DENR on time and is awaiting approval. An administrative continuation from DENR is in place until DENR approves the permit. A DENR Industrial Stormwater Permit was issued in 1998 and is still active for the site.

- H. Staff performed a site visit in July 2016 and mining activity continues at the site.
- I. The last review and approval of Construction Permit / CP 99-43 was on September 12, 2016 and approved by the Planning Commission with the following nine (9) conditions:
 - 1. That the 15-foot high berm, located along the residential district, remain in place;
 - 2. That the applicant reclaims the disturbed areas. This includes replacing topsoil, vegetating the disturbed areas, all necessary grading, and all necessary backfilling, which can include the use of clean concrete or brick;
 - 3. That the conditions of approval of the "Part 70 Air Quality Permit" (Air Quality Permit #28.1143-02) be continually met as required by the South Dakota Department of Environment and Natural Resources;
 - 4. That the conditions of approval of the South Dakota Department of Environment and Natural Resources Mining & Minerals Permits (Mining License #83-100 and Mining Permit #216) be continually met;
 - 5. That the applicant submit a copy of the annual Mine License Report and a copy of the Mine License when it is renewed to verify the amount of material mined at the site;
 - 6. That a Floodplain Development Permit is obtained for any disturbance within the designated Special Flood Hazard Area;
 - 7. That a maximum of 100 million tons of mined material be quarried from the property;
 - 8. That a "Haul Road Agreement" be obtained from the Pennington County Highway Department prior to utilizing Hidden Valley Road as a haul road to transport the proposed mining materials; and,
 - 9. That the Construction Permit be reviewed in three (3) years to ensure the Conditions of Approval are being met.

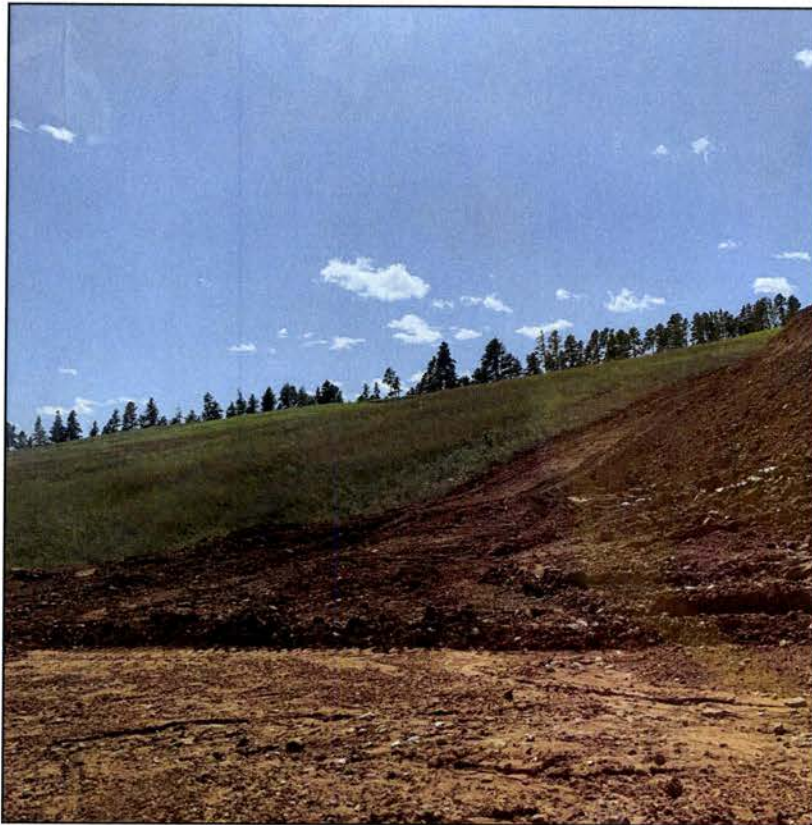
V. ANALYSIS

- A. On August 8, 2019, Staff received a letter from the applicant indicating the following regarding Construction Permit / CP 99-44:
 - 1. Berm has been constructed.
 - 2. Reclamation is ongoing.
 - 3. SD DENR Air Quality Permit #28.1143-02 conditions are being met.
 - 4. SD DENR Mining License (#93-100) and Permit (#216) conditions are being met.
 - 5. Additional land was added to Mining License 83-100.
 - 6. Floodplain Development Permit has been obtained.
 - 7. Have not exceeded 100 million tons of material mined.
 - 8. No material has been hauled down Hidden Valley Road.

9. We are submitted this Compliance letter to meet the three (3) year review requirement.
- B. On August 27, 2019, Staff performed a site visit with the applicant's Environmental Coordinator.
 1. Mining activity has moved to the southern portion of the subject property.
 1. The applicant is mining material for GCC Dacotah in this location.



2. A considerable amount of the north area of mine is currently being reclaimed.
 1. Mining will not resume in this area for several years according to the Environmental Coordinator for the applicant.



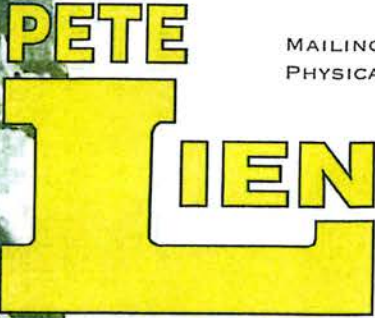
Existing area of reclamation

RECOMMENDATION: Staff recommends approval of the extension of Construction Permit / CP 99-44 with the following nine (9) conditions:

1. That the 15-foot high berm, located along the residential district, remain in place;
2. That the applicant reclaims the disturbed areas. This includes replacing topsoil, vegetating the disturbed areas, all necessary grading, and all necessary backfilling, which can include the use of clean concrete or brick;
3. That the conditions of approval of the "Part 70 Air Quality Permit" (Air Quality Permit #28.1143-02) be continually met as required by the South Dakota Department of Environment and Natural Resources;
4. That the conditions of approval of the South Dakota Department of Environment and Natural Resources Mining & Minerals Permits (Mining License #83-100 and Mining Permit #216) be continually met;
5. That the applicant submit a copy of the annual Mine License Report and a copy of the Mine License when it is renewed to verify the amount of material mined at the site;

Agenda Item #13
Pete Lien & Sons, Inc.
September 9, 2019

6. That a Floodplain Development Permit is obtained for any disturbance within the designated Special Flood Hazard Area;
7. That a maximum of 100 million tons of mined material be quarried from the property;
8. That a "Haul Road Agreement" be obtained from the Pennington County Highway Department prior to utilizing Hidden Valley Road as a haul road to transport the proposed mining materials; and,
9. That the Construction Permit be reviewed in five (5) years, on a complaint basis or as directed by the Planning Commission or Board of Commissioners to ensure the Conditions of Approval are being met.



MAILING ADDRESS: P.O. BOX 440 RAPID CITY, SD 57709-0440 PH. 605-342-7224
PHYSICAL ADDRESS: 3401 UNIVERSAL DR. RAPID CITY, SD 57702 FX. 605-342-6979

& Sons, Inc.

August 8, 2019

Pennington County
Planning & Zoning Department
315 St. Joseph St., Suite 118
Rapid City, SD 57701

Re: Pete Lien & Sons, Inc.; Review & Renewal for Construction Permits CP#99-43 & CP#99-44

Please find the enclosed completed construction permit applications for Construction Permits CP#99-43 and CP#99-44. A check for \$500 has been included to be applied to the renewal fees. Pete Lien & Sons, Inc. continues to comply with the conditions of these permits and reviews annually. The reviewed specific conditions are listed below.

CP 99-43

1. Reclamation is ongoing.
2. SD DENR Air Quality Permit #28.1143-02 conditions are being met.
3. SD DENR Mining License (#93-100) and Permit (#216) conditions are being met.
4. No material has been hauled down Hidden Valley Road.
5. We have not exceeded 10 million tons of material mined.
6. We are submitting this Compliance letter to meet the 3 year review requirement.

CP 99-44

1. Berm has been constructed.
2. Reclamation is ongoing.
3. SD DENR Air Quality Permit #28.1143-02 conditions are being met.
4. SD DENR Mining License (#93-100) and Permit (#216) conditions are being met.
5. Additional land was added to mining license 83-100.
6. Floodplain development permit has been obtained.
7. We have not exceeded 100 million tons of material mined.
8. No material has been hauled down Hidden Valley Road.
9. We are submitting this Compliance letter to meet the 3 year review requirement.

August 8, 2019
Planning and Zoning Department
Page 2

If there are any questions regarding this submittal or if additional information is required, please feel free to contact me at (605) 939-2690 or by email at cbeck@petelien.com.

Respectfully,

A handwritten signature in blue ink, appearing to read 'C. Beck', written over the word 'Respectfully,'.

Clinton D. Beck, P.E.
Environmental Coordinator
Pete Lien & Sons, Inc.

Enclosures

Return Receipt: 7014 2870 0000 3077 8389

CONSTRUCTION PERMIT APPLICATION

PENNINGTON COUNTY, SOUTH DAKOTA

1. Applicant: Pete Lien & Sons, Inc. Daytime Phone: (605) 342-7224
 Mailing Address: PO Box 440 Rapid City, SD 57709
 (Street or P.O. Box) (City, State, Zip)
 Landowner: Pete Lien & Sons, Inc. Daytime Phone: (605) 342-7224
 Mailing Address: PO Box 440 Rapid City, SD 57709
 Contractor: Pete Lien & Sons, Inc. Daytime Phone: (605) 342-7224
 Mailing Address: PO Box 440 Rapid City, SD 57709

2. Legal Description: Sec. 12, 13, 24, and 25, T2N R6E, Sec. 7, 17, 18, 19, 20, 30, T2N R7E, BHM, Pennington County, SD
 Location of Project: Sturgis Road South of Meade County (See Attached)
 Description of Work: (use separate sheet of paper to describe work)
 Quantity of Disturbance:
 Excavation and/or Grading: Length _____ Width _____ Depth _____ = TOTAL: Varies sqft
 Stockpile: Length _____ Width _____ Height _____ Number of Stockpiles _____ = TOTAL: Varies sqft

Area to be disturbed by proposed work: Approx. 1,040 acres
 Will the proposed work be located in Floodplain? Yes No
 If yes, has a Floodplain Development Permit been issued? Yes No

Site Plan and/or SWPPP Prepared by: PLS Air Quality Permit # (if applicable) Title V 28.1143-02
 Identify types of Erosion Control to be applied: Berms, Rip Rap, Silt Fence, and Vegetated Buffers

Person responsible for Erosion Control Implementation and Maintenance: Michael Gollither, Mine Planning Division Manager
 Identify Stabilization Practices: Erosion Mat, Contouring, Reclamation

A General Permit for Storm Water Discharge from the South Dakota DENR may be required if the work under this application or the overall plan of development will result in the disturbance of over 1 acre of land.

Storm Water Permit application attached: Yes No N/A
SDR00A560

3. I hereby agree to do the proposed work as described in this application and in accordance with the Pennington County Zoning Ordinance. I authorize the Pennington County staff and designees to enter onto and inspect the above-described property. I understand this permit is void one (1) year from issue date.



Wade Balle Signature of Landowner Date 8/28/2019
 Subscribed and sworn to before me at Rapid City, South Dakota, this 28 day of August, 2019.
 Notary Public: Jacqueline R. Chucas My Commission Expires: Aug. 30, 2022

Approved (Staff Authorized Signature) _____ This permit will expire on: _____

****The Planning Department must be notified upon start of work and completion of work for inspection purposes****

**CONSTRUCTION PERMIT PROCEDURE
PENNINGTON COUNTY, SOUTH DAKOTA**

The Application Fee for a Construction Permit is \$250.00

A. CONSTRUCTION PERMIT REQUIRED

A Construction Permit shall be required for any excavation, clearing, or land disturbances greater than or equal to 10,000 square feet.

B. EXEMPT ACTIVITIES FOR CONSTRUCTION PERMITS

A Construction Permit is not required for the following:

- Work in lands zoned General Agriculture District for construction that is agriculturally related.
- Clearing for a Fire Mitigation Plan.
- Construction Activity covering an area of less than 10,000 square feet.

Exempt activities from Construction Permits may still require other federal, state or county permits.

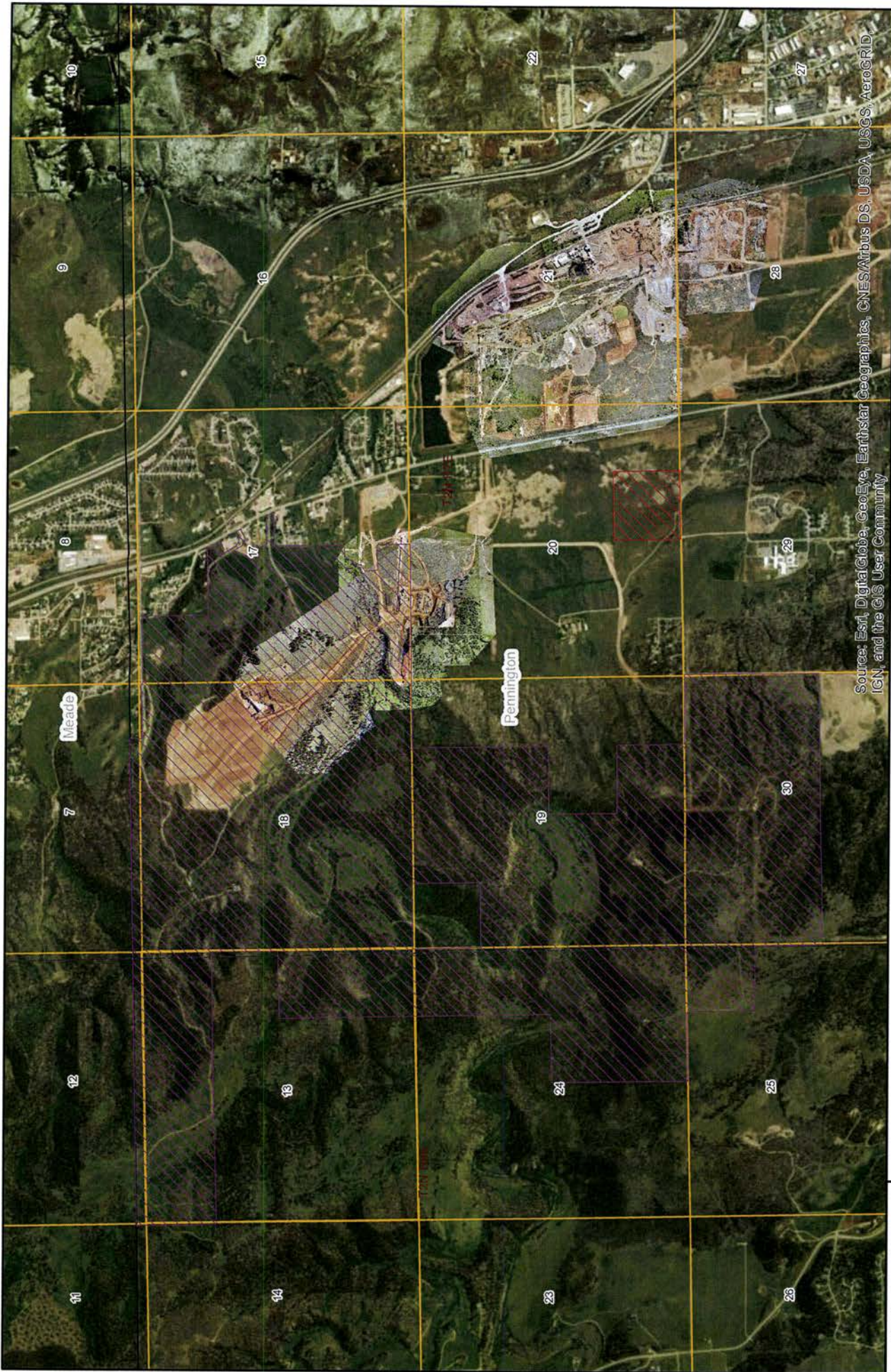
C. SUBMITTAL REQUIREMENTS:

Submit one (1) set of drawings (minimum map size 8½"x11") for review with the following information required to be shown on the plans:

- | | |
|---|--|
| <input type="checkbox"/> All property lines. | <input type="checkbox"/> Identify the area(s) to be disturbed. |
| <input type="checkbox"/> Complete legal description. | <input type="checkbox"/> Floodplain designation (include dimensions). |
| <input type="checkbox"/> Address of property. | <input type="checkbox"/> Location of storm water inlets (if located with designated MS4 area). |
| <input type="checkbox"/> Identify all existing structures on property. | <input type="checkbox"/> Concrete washout area (if required). |
| <input type="checkbox"/> Designated entry point. | <input type="checkbox"/> Existing and proposed slopes. |
| <input type="checkbox"/> Building setback dimensions from property lines for existing structures. | <input type="checkbox"/> Measures to protect nearest downstream storm water inlets (if located with designated MS4 area). |
| <input type="checkbox"/> Location of utilities on property. | <input type="checkbox"/> Measures to protect downstream water bodies. Include ephemeral, intermittent & seasonal water bodies. |
| <input type="checkbox"/> Scale of drawing. | <input type="checkbox"/> Measures to protect drainage areas. |
| <input type="checkbox"/> Name, address, and telephone number of the applicant and person who prepared the Site Plan or Storm Water Pollution Prevention Plan (SWPPP). | |
| <input type="checkbox"/> Mud Tracking measures. | |

D. STABILIZATION PRACTICES

A written description and schedule of interim and permanent stabilization practices, a record of dates when major grading activities occur, when construction activities temporarily or permanently cease on a portion of the site, and when stabilization measures are initiated.



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Rapid City Complex:
 Pennington County
 Construction Permit
 CP#99-43 & CP#99-44
 Property: Rapid City Complex
 Location: Sections 21 & 28
 T2N R7E Pennington County, SD
 Background: 2015 Rapid Map Aerials

Legend

-  Construction Permit 99-43
-  Construction Permit 99-44
-  Section Lines_SD


 N
 W E
 S


 0 1,000 2,000 Feet


 PETE IEN & Sons, Inc.
 Last Revised: 08/08/2019
 Drawn by: CBeck
 Verified by: MColliner
 Surveyed: None

STAFF REPORT

GENERAL INFORMATION:

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

APPLICANT: Site Work Specialist, Inc.

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

LANDOWNER: Covington Consulting Group, Inc.

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

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

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

SIZE: 1.76 acres

EXISTING LAND USE: Vacant

TAX ID: 65479

ZONING REFERENCE: Section 507

CURRENT ZONING: Planned Unit Development District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Sloping

UTILITIES: None

REPORT BY: Cody Sack

****Staff is requesting public input on this request. The Planning Director will consider public input from private citizens, the applicant and the Planning Commission, in addition to information provided within this Staff Report, when rendering a decision on Construction Permit / CP 17-10.****

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending the Planning Director approve the extension of Construction Permit / CP 17-10 with five (5) conditions.

II. GENERAL DESCRIPTION

- A. The applicant requested to strip, excavate and stockpile material for off-site use.
- B. October 23, 2017 – The Planning Commission approved Construction Permit / CP 17-10 with the following ten (10) conditions:
1. That the conditions of approval of the South Dakota Department of Environment and Natural Resources General Permit for Storm Water Discharges Associated with Construction Activities be continually met;
 2. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;
 3. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than 14 days after the Construction Activity has stopped. All erosion control methods (mulch and seed) need to be certified noxious weed-free;
 4. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;
 5. That the disturbed areas be re-vegetated as required in Section 507-A(5)(c);
 6. That the applicant sign a Statement of Understanding within ten (10) days of Permit approval;
 7. That a temporary address be assigned, in accordance with Pennington County's Ordinance #20;
 8. That the applicant obtain a Road Haul Agreement from Pennington County Highway Department for Covington Street;
 9. That the applicant obtains a Rapid City Air Quality Permit prior to commencement of construction activity; and,
 10. That this Construction Permit be reviewed in one (1) year to ensure that all required permits have been obtained.
- C. August 27, 2018 – The Planning Commission approved the extension of Construction Permit / CP 17-10 with the following ten (10) conditions:
1. That the conditions of approval of the South Dakota Department of Environment and Natural Resources General Permit for Storm

Water Discharges Associated with Construction Activities be continually met;

2. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;
 3. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than 14 days after the Construction Activity has stopped. All erosion control methods (mulch and seed) need to be certified noxious weed-free;
 4. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;
 5. That the disturbed areas be re-vegetated as required in Section 507-(A)(5)(c);
 6. That a temporary address be assigned, in accordance with Pennington County's Ordinance #20;
 7. That the applicant obtain a Road Haul Agreement from Pennington County Highway Department for Covington Street;
 8. That the applicant obtains a Rapid City Air Quality Permit prior to commencement of construction activity;
 9. That work must commence and/or be completed prior to August 27, 2019 or this Construction Permit will automatically end; and,
 10. That this Construction Permit be reviewed in one (1) year, or on a complaint basis or as directed by the Planning Commission on and/or the Board of Commissioners to ensure that all required permits have been obtained.
- D. July 22, 2019 – Construction Permit / CP 17-10 was heard in front of the Planning Commission for public comment where staff recommended that the Planning Director continue the review to the September 9, 2019 Planning Commission meeting.

III. EXISTING CONDITIONS

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

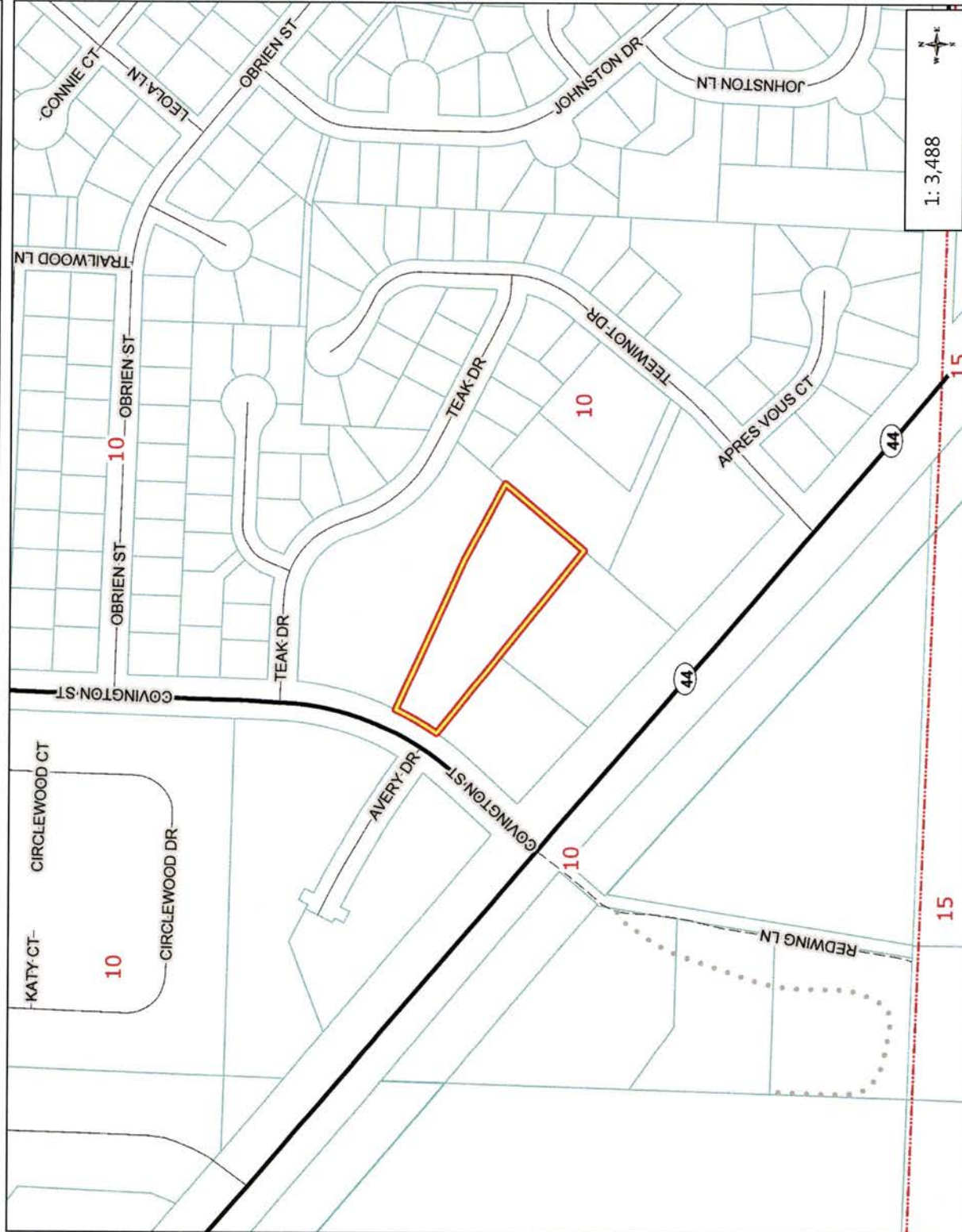
IV. ANALYSIS

- A. August 26, 2019 – Staff contacted the applicant who stated:
 1. The site has been reseeded and mulch has been placed over the seed.
- B. The applicants obtained a South Dakota Department of Environment and Natural Resources General Permit for Storm Water Discharges Associated with Construction Activities (Permit #SDR10I320).

C. The applicants obtained a Rapid City Air Quality Permit (CIBP17-2493).

RECOMMENDATION: Staff recommends the Planning Director approve the extension of Construction Permit / CP 17-10 with the following five (5) conditions:

1. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;
2. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than 14 days after the Construction Activity has stopped. All erosion control methods (mulch and seed) need to be certified noxious weed-free;
3. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;
4. That the disturbed areas be re-vegetated as required in Section 507-A(5)(c); and,
5. That this Construction Permit be reviewed at the May 25, 2020, Planning Commission meeting or as directed by the Planning Director.



Legend

- Roads**
- Interstate
 - US highway
 - SD highway
 - County highway
 - Main road
 - Minor arterial
 - Collector
 - Ramp
 - Paved road
 - 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



1: 3,488

581.4 Feet

290.70

0

581.4

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

Legend

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

Map Notes:

STAFF REPORT

GENERAL INFORMATION:

REQUEST: CONSTRUCTION PERMIT / CP 19-13: To bring in fill and grade for a creek crossing.

APPLICANT: James Quinn

APPLICANT ADDRESS: 13052 Bogus Jim Road, Rapid City, SD 57702

LEGAL DESCRIPTION: E1/2NW1/4 Less Green Mountain Subdivision and Right-of-Way and NE1/4 Less E525 feet and Green Mountain Subdivision, Section 19, T2N, R6E, BHM, Pennington County, South Dakota.

SITE LOCATION: 13048 Bogus Jim Road

SIZE: 158.49 acres

EXISTING LAND USE: Residential

TAX ID: 39640 / 39642

ZONING REFERENCE: Sections 205 and 507

CURRENT ZONING: General Agriculture District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Flat

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 19-13.****

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending the Planning Director approve Construction Permit / CP 19-13 with thirteen (13) conditions.

II. GENERAL DESCRIPTION

- A. The applicant, James Quinn, has requested a Construction Permit to bring in fill to construct a crossing.

III. EXISTING CONDITIONS

- A. General Agriculture District.
- B. 158.49 acres.
- C. Lot contains:
 - 1. A single-family residence – 2009COBP0280.
 - a. Onsite wastewater treatment system.
 - 2. Barn – 1994COBP0415.

IV. REQUEST FOR COMMENT

- A. County Highway
 - 1. No comments since this is a private road.
- B. County Environmental Planning Supervisor
 - 1. The Special Flood Hazard Area is not studied.
 - 2. The applicant will need to work with the Army Corps of Engineers to obtain a 404 Permit, if needed.
 - 3. Must follow the Storm Water Manual for implementation of Best Management Practices.
 - 4. 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 Natural Resources, County Fire Administrator, Emergency Services
 - 1. No comments received.

V. ANALYSIS

- A. August 14, 2019 – The applicant submitted a request for a Construction Permit to bring in fill, re-grade and add culverts to an existing crossing.
- B. August 23, 2019 – Staff performed a site visit to the subject property and met with the applicant.
 - 1. The applicant stated he is working to get the proper permits with the State of South Dakota and the Army Corps of Engineers.
 - 2. The applicant is requesting a Construction Permit to construct a new creek crossing and to remove the current crossing.

- C. September 5, 2019 – The Army Corps of Engineers confirmed that the applicant is going through the Permit process.



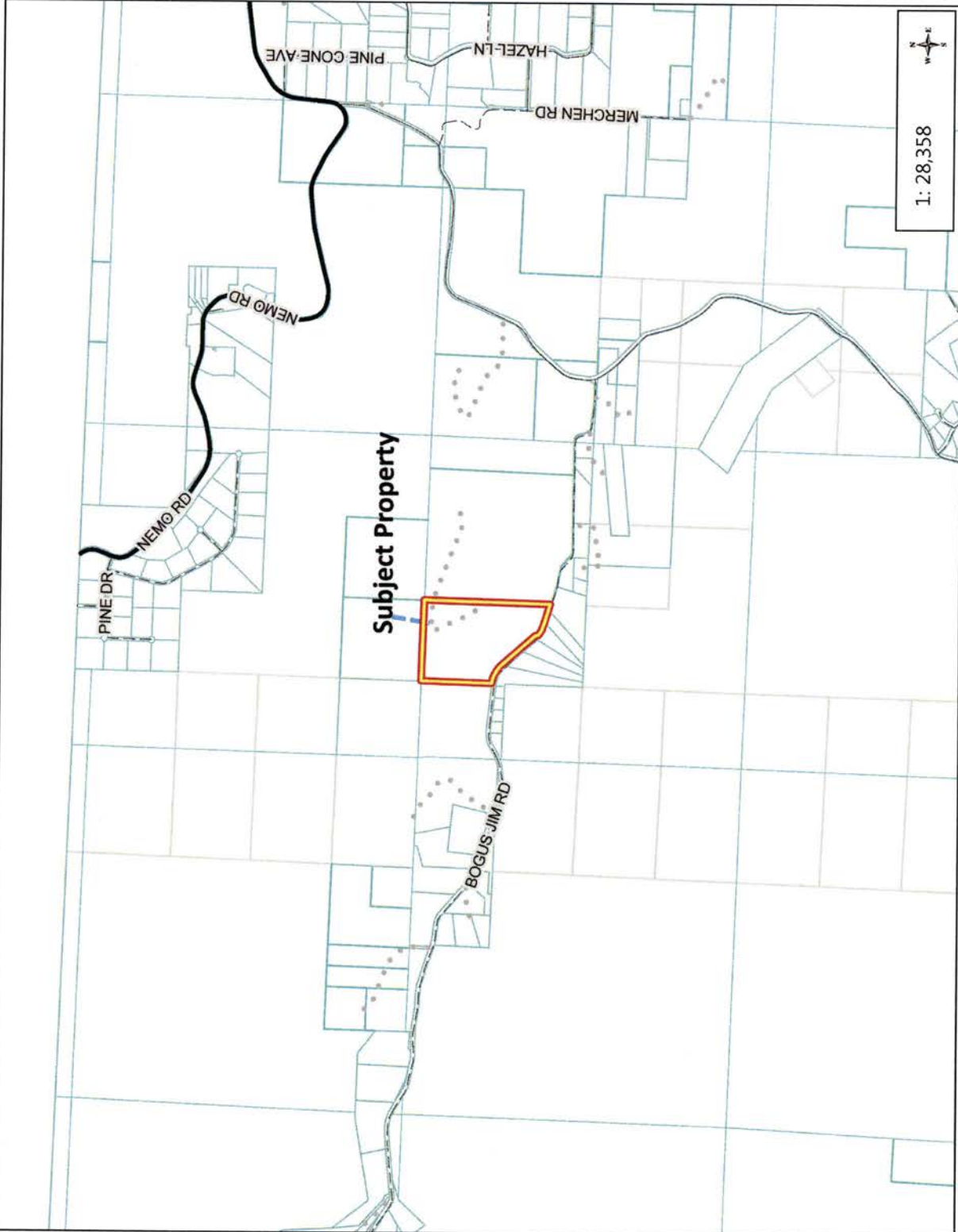
Site Visit (8/23/19)

RECOMMENDATION: Staff recommends the Planning Director approve Construction Permit / CP 19-13 with the following thirteen (13) 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 obtains the proper Permits from the State of South Dakota and/or the Army Corps of Engineers if a Permit is required;
4. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan;

Agenda Item #15
James Quinn
September 9, 2019

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



1: 28,358



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

Legend

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

Map Notes:



1: 4,726

787.7

393.86

787.7 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: