

AGENDA
PENNINGTON COUNTY PLANNING COMMISSION
September 23, 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 October 1, 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 SEPTEMBER 9, 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 10-14:** William and Carol Shay. To review an accessory structure, garage, without a primary structure in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 7, Block 5, Green Valley Estates, Section 23, T1N, R8E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 10-14 with seven (7) conditions.

4. **CONDITIONAL USE PERMIT REVIEW / CU 12-26:** Mark and Mary Hansen. To review a Vacation Home Rental in a Suburban Residential District in accordance with Sections 208, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 28, Block E, Edelweiss Mountain Development, Section 20, T1N, R5E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 12-26 with twelve (12) conditions.

5. **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.

(Continued from the August 26, 2019, Planning Commission meeting.)

To recommend to continue the review of Conditional Use Permit / CU 15-14 to the October 28, 2019, Planning Commission meeting to allow the applicant time to obtain a Building Permit for the existing double-wide mobile home.

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

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

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

To recommend to continue the review of Conditional Use Permit / CU 18-10 to the October 28, 2019, Planning Commission with one (1) condition.

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.

(Continued from the August 26, 2019, Planning Commission meeting.)

To recommend to end Conditional Use Permit / CU 18-29, with the applicant's concurrence, as it is no longer needed.

8. **CONDITIONAL USE PERMIT REVIEW / CU 18-34:** Doug and Vicky Dahl. To review a second ranch hand's residence on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

The SE1/4, Section 30, T3N, R16E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 18-34 with nine (9) conditions.

9. **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.

(Continued from the August 26, 2019, Planning Commission meeting.)

To recommend approval of the extension of Conditional Use Permit / CU 19-07 with fifteen (15) conditions.

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

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

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

To recommend to continue Conditional Use Permit / CU 19-01 to no later than the October 28, 2019, Planning Commission meeting to allow the applicant additional time to address outstanding issues, with one (1) condition.

11. **CONDITIONAL USE PERMIT / CU 19-23:** Margaret Steele. To allow for a ranch hand residence on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

GL 2; E1/2E1/2 OF GL 3; NE1/4NE1/4 NE1/4SW1/4; N1/2N1/2 NW1/4 SE1/4; Less Right-of-Way, Section 1, T1S, R11E, BHM, Pennington County, South Dakota.

To recommend approval of the withdrawal of Conditional Use Permit / CU 19-23, with the applicant's concurrence, as it is not needed.

12. **CONDITIONAL USE PERMIT / CU 19-24:** Wilkison Family Living Trust. To live in a shop building while building a 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 1, Mae West Subdivision, Section 33, T1N, R4E, BHM, Pennington County, South Dakota.

To recommend approval of Conditional Use Permit / CU 19-24 with eight (8) conditions.

13. **PLANNED UNIT DEVELOPMENT REVIEW / PU 06-07:** Rapid City MHP, LLC. (Cimarron Mobile Home Park). To review a Planned Unit Development to allow a mobile home park in accordance with Section 213 of the Pennington County Zoning Ordinance.

Tract C of Lot B of NE1/4 NW1/4 less Pengra Subdivision, Section 17, T2N, R7E, BHM, Pennington County, South Dakota.

To recommend to continue the review of Planned Unit Development / PU 06-07 to no later than the November 12, 2019, Planning Commission meeting.

14. **PLANNED UNIT DEVELOPMENT REVIEW / PU 09-02:** Salvation Army. To review the Salvation Army Camp Planned Unit Development in accordance with Section 213 of the Pennington County Zoning Ordinance.

Lot B of Lot 1 of Lot C of Lot 8 of Lot E; Lot 2 of Lot C of Lot 8 of Lot E; and the unplatted portion of Lot C of Lot 8 of Lot E, Big Bend Placer MS 1442, Section 8, T1N, R6E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Planned Unit Development / PU 09-02 with twenty (20) conditions.

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

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

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

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

To recommend to continue Minor Plat / MPL 19-25 to the October 14, 2019, Planning Commission meeting in order for the applicant to submit percolation tests and soil profile hole information or to submit a Subdivision Regulations Variance waiving those requirements.

END OF CONSENT AGENDA

16. MINOR PLAT / MPL 19-27: 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

The following items have been placed on the Construction Permit Agenda to be heard for public comment and will not be voted on by the Planning Commission. Any Planning Commissioner, staff member, or audience member may comment on any of the items. Comments received will be considered by the Planning Director who will make the final decision on the Construction Permit.

17. CONSTRUCTION PERMIT REVIEW / CP 17-12: Lazy P6 Land Co. Inc. / Orvill Davis. To continue work initiated under Construction Permit 13-05, 14-02, 15-14, and 16-09. The proposed project includes stockpiling of soil for future use on-site. To continue reclamation of hay pasture west of Fifth Street.

South Gate Condos SE1/4; W1/2SW1/4 of Section 24, T1N, R7E; and W1/2SW1/4 of Section 19, T1N, R8E, BHM, Pennington County, South Dakota.

18. 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 August 26, 2019, Planning Commission meeting.)

19. CONSTRUCTION PERMIT REVIEW / CP 19-08: Mitch Morris. To review repair of an existing dam.

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

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

20. CONSTRUCTION PERMIT / CP 19-14: Michael Willard; Willard Ranch Irrevocable Trust. To construct a road and level an area for a future building site in a General Agriculture District in accordance with Sections 205 and 507 of the Pennington County Zoning Ordinance

END OF CONSTRUCTION PERMIT AGENDA

21. COUNTY BOARD REPORT

The Board of Commissioners will hear the Planning Commission's recommendations from the September 9th Planning Meeting at their September 20, 2019, Board of Commissioner's meeting.

22. ITEMS FROM THE PUBLIC

23. ITEMS FROM THE STAFF

24. ITEMS FROM THE MEMBERSHIP

25. ADJOURNMENT

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

**DRAFT MINUTES
PENNINGTON COUNTY PLANNING COMMISSION**

September 9, 2019 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Sonny Rivers, Travis Lasseter, Jim Coleman, Kathy Johnson, Sandra Runde, Ron Rossknecht.

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

ROLL CALL

1. APPROVAL OF THE AUGUST 26, 2019, MINUTES
Moved by Runde and seconded by Rossknecht to approve the Minutes of the August 26, 2019, Planning Commission meeting. Vote: unanimous 6 to 0.

2. APPROVAL OF THE AGENDA
Moved by Johnson and seconded by Lasseter to approve the Agenda of the September 9, 2019, Planning Commission meeting. Vote: unanimous 6 to 0.

Moved by Lasseter and seconded by Runde to approve the Consent Agenda of the September 9, 2019, Planning Commission meeting. Vote: unanimous 6 to 0.

CONSENT AGENDA

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

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

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

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

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

Vote: unanimous 6 to 0.

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 approve 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;**
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.**

Vote: unanimous 6 to 0.

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 approve 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.

Vote: unanimous 6 to 0.

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

Vote: unanimous 6 to 0.

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

Vote: unanimous 6 to 0.

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 approve of 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;**
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.

Vote: unanimous 6 to 0.

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 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.;
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.

Vote: unanimous 6 to 0.

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 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).

Vote: unanimous 6 to 0.

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.

Bolstad reviewed the Staff Report indicating the applicant has applied for a Layout Plat to create Lots A and B of Knotty Pine Subdivision.

Staff recommended 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.

Discussion followed.

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

All voting aye, the Motion carried 6 to 0.

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.

Molitor stated Staff recommended the Planning Director approve 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.
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.

Molitor stated Staff recommended the Planning Director approve 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;
 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.
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.)

Sack stated Staff recommended 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.
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.

Sack stated Staff recommended 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;
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.

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

No motions or actions were taken at this time.

18. ITEMS FROM THE STAFF

- A. Building Permit Report. Conover reviewed the Building Permit Report for August 2019.
- B. Comprehensive Plan Update. Conover stated the proposed Draft Comprehensive Plan / Ordinance Amendment 19-01 will be heard by the Board of Commissioners on November 5, 2019, at 8 a.m.
- C. October 14, 2019, Planning Commission meeting (Columbus Day / Native American Day). Conover noted that the County Offices are open and the Planning Commission will hold their regular meeting on this day.

19. ITEMS FROM THE MEMBERSHIP

Commissioner Johnson discussed Vacation Home Rentals and Construction Permits.

20. ADJOURNMENT

Moved by Runde and seconded by Lasseter to adjourn.

All voting aye, the Motion carried 6 to 0.

The meeting adjourned at 9:28 a.m.

Sonny Rivers, Chairperson

Agenda Item #3
William and Carol Shay
September 23, 2019

3

STAFF REPORT

GENERAL INFORMATION:

REQUEST: CONDITIONAL USE PERMIT REVIEW / CU 10-14: To review an accessory structure, garage, without a primary structure in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

ORIGINAL APPLICANT: Joyce Olson

NEW OWNER: William and Carol Shay

OWNER ADDRESS: 5407 Anderson Road, Rapid City, SD 57703

LEGAL DESCRIPTION: Lot 7, Block 5, Green Valley Estates, Section 23, T1N, R8E, BHM, Pennington County, South Dakota.

SITE LOCATION: 5383 Anderson Road, Rapid City, SD 57703

TAX ID: 2617

SIZE: 1.03 acres

EXISTING LAND USE: Garage

ZONING REFERENCE: §§ 208 and 510

CURRENT ZONING: Suburban Residential District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Flat, grassy

UTILITIES: Private

REPORT BY: Cassie Bolstad

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending approval of the extension of Conditional Use Permit / CU 10-14 with seven (7) conditions.

II. GENERAL DESCRIPTION

- A. The original applicant, Joyce Olson, requested a Conditional Use Permit to allow an accessory structure, a garage, prior to a primary structure on the subject property.
- B. June 14, 2010 – Conditional Use Permit / CU 10-14 was originally approved by Planning Commission with seven (7) conditions.
- C. During the original consideration of CU 10-14, it was determined that there was an existing on-site wastewater treatment system (OSWTS) on the property, which previously serviced a mobile home, that needed to be abandoned.
 - 1. Accordingly, Condition #2 required the applicant to abandon the OSWTS prior to the initial review CU 10-14.
 - 2. Following application for a Building Permit for the detached garage, the applicant decided to install a toilet in the garage, which would utilize the existing OSWTS on the subject property.
 - 3. Since the subject property fell within the one-mile septic jurisdiction of Rapid City at the time of the original request, approval was obtained from the Rapid City Public Works Department to allow for system to be utilized rather than abandoned.

III. EXISTING CONDITIONS

- A. Zoned Suburban Residential District.
- B. 1.03 acres.
- C. Lot contains:
 - 1. 32' x 30' detached garage – County Building Permit / 2010COBP0336.
 - 2. ~ 10' x 16' shed
 - a) Per aerial photos, it appears the shed existed prior to 1994 when there was a mobile home on the subject property.
- D. Special Flood Hazard Area on the subject property.
 - 1. Unregulated 500-year floodplain.

IV. ANALYSIS

- A. June 27, 2011 – Planning Commission approved the extension of Conditional Use Permit / CU 10-14 with seven (7) conditions.
- B. June 10, 2013 – Planning Commission approved the extension of Conditional Use Permit / CU 10-14 with the following seven (7) conditions:
 - 1. That legal access be maintained to the proposed structure at all times and an access easement be dedicated or a new approach be constructed in compliance with an approved Approach Permit, if the

subject property is ever sold separately from the adjacent property to the south;

2. That the existing septic system on the subject property be allowed to be utilized in accordance with the Rapid City Public Works Department's approval. If the existing septic system is not utilized, it needs to be properly abandoned in accordance with SDAR § 74:53:01:11 and inspected by the Rapid City Public Works Department;
3. That if the applicant intends to finish any space inside the detached garage, the Building Permit be amended to include the finished space;
4. That the garage and shed be used for personal use only and no commercial-type uses;
5. That the property remains free of debris and junk vehicles at all times;
6. That all natural drainage paths are maintained; and,
7. That this Conditional Use Permit be reviewed in two (2) years or on a complaint basis to verify that all conditions of approval are being met.

- C. This Conditional Use Permit has not been reviewed since 2013.
- D. May 1, 2019 – The subject property and the property to the south were sold to new owners, William and Carol Shay (Deed Document #201905020).
- E. September 13, 2019 – Staff performed a site visit to the subject property.
 1. It appears all Conditions of Approval are being met.



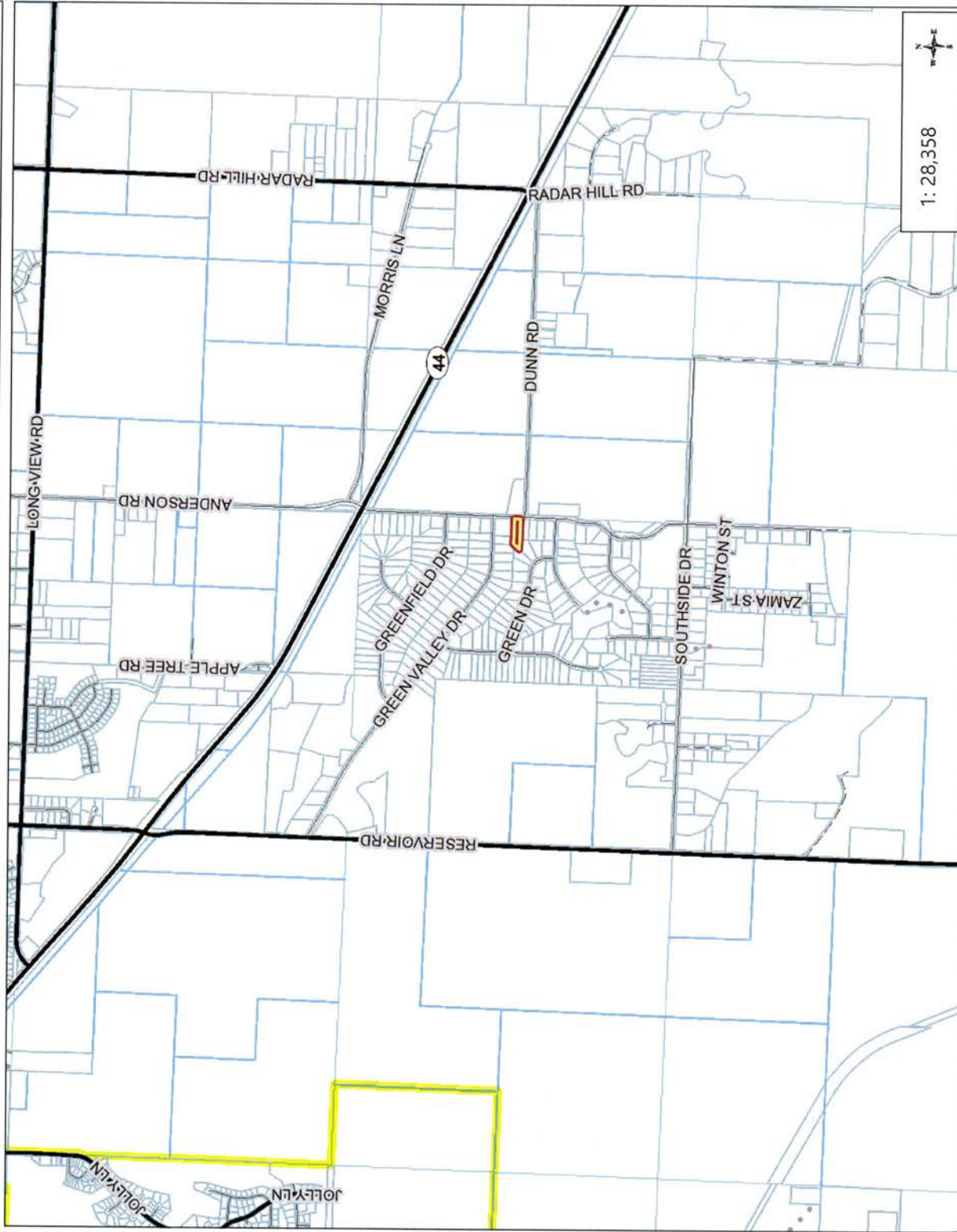
Site Visit 09.13.19

- F. As of this Staff Report writing, Staff has not received any complaints regarding the subject property or Conditional Use Permit / CU 10-14.

Agenda Item #3
William and Carol Shay
September 23, 2019

RECOMMENDATION: Staff recommends approval of the extension of Conditional Use Permit / CU 10-14 with the following seven (7) conditions:

1. That legal access continue to be maintained to the garage at all times and an access easement be dedicated or a new approach be constructed in compliance with an approved Approach Permit, if the subject property is ever sold separately from the adjacent property to the south;
2. That the existing septic system on the subject property be allowed to be utilized in accordance with the Rapid City Public Works Department's approval. If the existing septic system is not utilized, it needs to be properly abandoned in accordance with SDAR § 74:53:01:11 and inspected by the Rapid City Public Works Department;
3. That a Building Permit be obtained if any space within the detached garage is finished and for any structure exceeding 144 square feet or permanent anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
4. That the garage and shed continue to be used for personal use only and no commercial-type uses;
5. That the property continually remains free of debris and junk vehicles at all times;
6. That all natural drainage paths are continually maintained; and,
7. That this Conditional Use Permit be reviewed in five (5) years, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.



1: 28,358



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Map Notes:

Legend

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 - Trail
 - Driveway
 - Alley
 - Unimproved road
 - Airport Runway
 - Not yet coded
- Section Lines 0-25k
 Section Labels 0-25k
- Tax Parcels
 Lot Lines
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1: 886

73.85 147.7 Feet



NAD_1983_StatePlane_South_Dakota_South_FIPS_4002_Feet
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 - Not yet coded
- Address Points**
- Section Lines 0-25k
- Tax Parcels**
- Lot Lines
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Map Notes:

STAFF REPORT

GENERAL INFORMATION:

REQUEST: **CONDITIONAL USE PERMIT REVIEW/ CU 12-26**: To review a Vacation Home Rental in a Suburban Residential District in accordance with Sections 208, 319, and 510 of the Pennington County Zoning Ordinance.

APPLICANT: Mark and Mary Hansen

APPLICANT ADDRESS: 3006 E Marson Drive, Sioux Falls, SD 57103

LOCAL CONTACT: Ernie Rupp

CONTACT ADDRESS: PO Box 425, 11842 US Highway 14A, Deadwood, SD 57732

LEGAL DESCRIPTION: Lot 28, Block E, Edelweiss Mountain Development, Section 20, T1N, R5E, BHM, Pennington County, South Dakota.

SITE LOCATION: 120 Heidelberg Lane

TAX ID: 2035

SIZE: 2.43 acres

EXISTING LAND USE: Residential

ZONING REFERENCE: Sections 208, 319, and 510

CURRENT ZONING: Suburban Residential District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Forested and sloped

UTILITIES: Community water and sewer

REPORT BY: Kristina Proietti

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending approval of the extension of Conditional Use Permit / CU 12-26 with twelve (12) conditions.

II. GENERAL DESCRIPTION

- A. September 10, 2012, Conditional Use Permit / CU 12-26 to allow the existing residence on the property to be used as a Vacation Home Rental (VHR) was approved by the Planning Commission with the following eleven (11) conditions:

1. That no RVs, trailers or campers be occupied or used as living quarters on the subject property and that the existing RV hook-up be removed prior to further operation of the residence as a VHR;
2. That the maximum overnight occupancy be 12 people and the maximum daytime occupancy be 18 people;
3. That the applicant maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License);
4. That a minimum of four (4) off-street parking spaces be provided on-site, each measuring a minimum of nine (9) by eighteen feet and maintained in a dust-free manner;
5. That an interior informational sign be posted in accordance with the requirements of Section 319-G, prior to further operation of the residence as a VHR;
6. That no outside fires or fire pits be allowed on the property;
7. That the lot address be posted at all times so it is clearly visible from Heidelberg Lane in accordance with Ordinance #20;
8. That if the person designated as the Local Contact is ever changed from Executive Lodging, the interior informational sign be updated and the applicant re-notify the surrounding landowners within 500 feet via notices sent first-class;
9. That a sign be posted at the end of the driveway, providing contact information for the Local Contact (Executive Lodging);
10. That the applicant ensure the VHR is operated in accordance with the requirements of Section 319-F. (Performance Standards) at all times; and,
11. That this Conditional Use Permit be reviewed in one (1) year or on a complaint basis to verify that all conditions of approval are being met.

- B. September 23, 2013, the extension of Conditional Use Permit / CU 12-26 was approved with the following 11 (eleven) conditions:

1. That no RVs, trailers or campers be occupied or used as living quarters on the subject property and that the existing RV hook-up be removed prior to further operation of the residence as a VHR;

2. That the maximum overnight occupancy be 12 people and the maximum daytime occupancy be 18 people;
 3. That the applicant maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License);
 4. That a minimum of four (4) off-street parking spaces be provided on-site, each measuring a minimum of nine (9) by eighteen feet and maintained in a dust-free manner;
 5. That an interior informational sign be posted in accordance with the requirements of Section 319-G, prior to further operation of the residence as a VHR;
 6. That no outside fires or fire pits be allowed on the property;
 7. That the lot address be posted at all times so it is clearly visible from Heidelberg Lane in accordance with Ordinance #20;
 8. That if the person designated as the Local Contact is ever changed from Executive Lodging, the interior informational sign be updated and the applicant re-notify the surrounding landowners within 500 feet via notices sent first-class;
 9. That a sign be posted at the end of the driveway, providing contact information for the Local Contact (Executive Lodging);
 10. That the applicant ensure the VHR is operated in accordance with the requirements of Section 319-F. (Performance Standards) at all times; and,
 11. That this Conditional Use Permit be reviewed in one (1) year or on a complaint basis to verify that all conditions of approval are being met.
- C. September 26, 2016, the extension of Conditional Use Permit / CU 12-26 was approved with the following 11 (eleven) conditions:
1. That no RVs, trailers, or campers be occupied or used as living quarters on the subject property;
 2. That the maximum overnight occupancy continue to be twelve (12) people and the maximum daytime occupancy be eighteen (18) people;
 3. That the applicant continue to maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License);
 4. That a minimum of four (4) off-street parking spaces continue to be provided on-site, each measuring a minimum of nine (9) by eighteen (18) feet and maintained in a dust-free manner;
 5. That an interior informational sign continue to be posted in accordance with the requirements of Section 319-G;
 6. That no outside fires or fire pits be allowed on the property;
 7. That the lot address (120 Heidelberg Lane) continue to be posted at all times so it is clearly visible from Heidelberg Lane in accordance with Ordinance #20;

8. That if the person designated as the Local Contact is ever changed from Executive Lodging, the interior informational sign be updated and the applicant re-notify the Planning Department and the surrounding landowners within 500 feet via Certified Mail;
9. That a sign be continually posted at the end of the driveway, providing contact information for the Local Contact (Executive Lodging);
10. That the applicant ensure the Vacation Home Rental is operated in accordance with the requirements of Section 319-F. (Performance Standards) at all times; and,
11. That this Conditional Use Permit be reviewed in three (3) years, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all conditions of approval are being met.

III. EXISTING CONDITIONS

- A. Zoned Suburban Residential District.
- B. 2.43 acres.
- C. Located in Edelweiss Mountain Development, south of Pactola Reservoir.
- D. Access to the property is taken off of Heidelberg Lane.
- E. Section Line Right-of-Way relocated to Heidelberg Lane July 9, 1997 (Book 67, Page 8831).
- F. Connected to the Edelweiss Mountain Development community lagoon system.
- G. Lot contains:
 1. Single-family residence, County Building Permit (COBP) / 2001COBP0131.
 2. Detached garage, / COBP12-0469.
 3. Covered porch addition, / COBP12-0470.
 4. Deck addition, / COBP12-0478.

IV. ANALYSIS

- A. September 10, 2019, staff spoke with Amber from Executive Lodging, via phone regarding setting up a time to visit the VHR.
- B. September 11, 2019, staff performed a site visit to the subject property.
- C. The applicants have obtained the recent 2019 South Dakota Department of Health Lodging License for the Vacation Home Rental.
- D. All required fire extinguishers and smoke alarms are located in their designated spots, up-to-date, and at the required heights.
- E. At the time of this Staff Report, staff has not received any complaints regarding the subject property or Conditional Use Permit / CU 12-26.
- F. Staff will be adding a Condition of Approval regarding Section §511(F)(4).
 1. Staff has informed the Local Contact agency, Executive Lodging, that a \$100.00 fee is required for the site review.



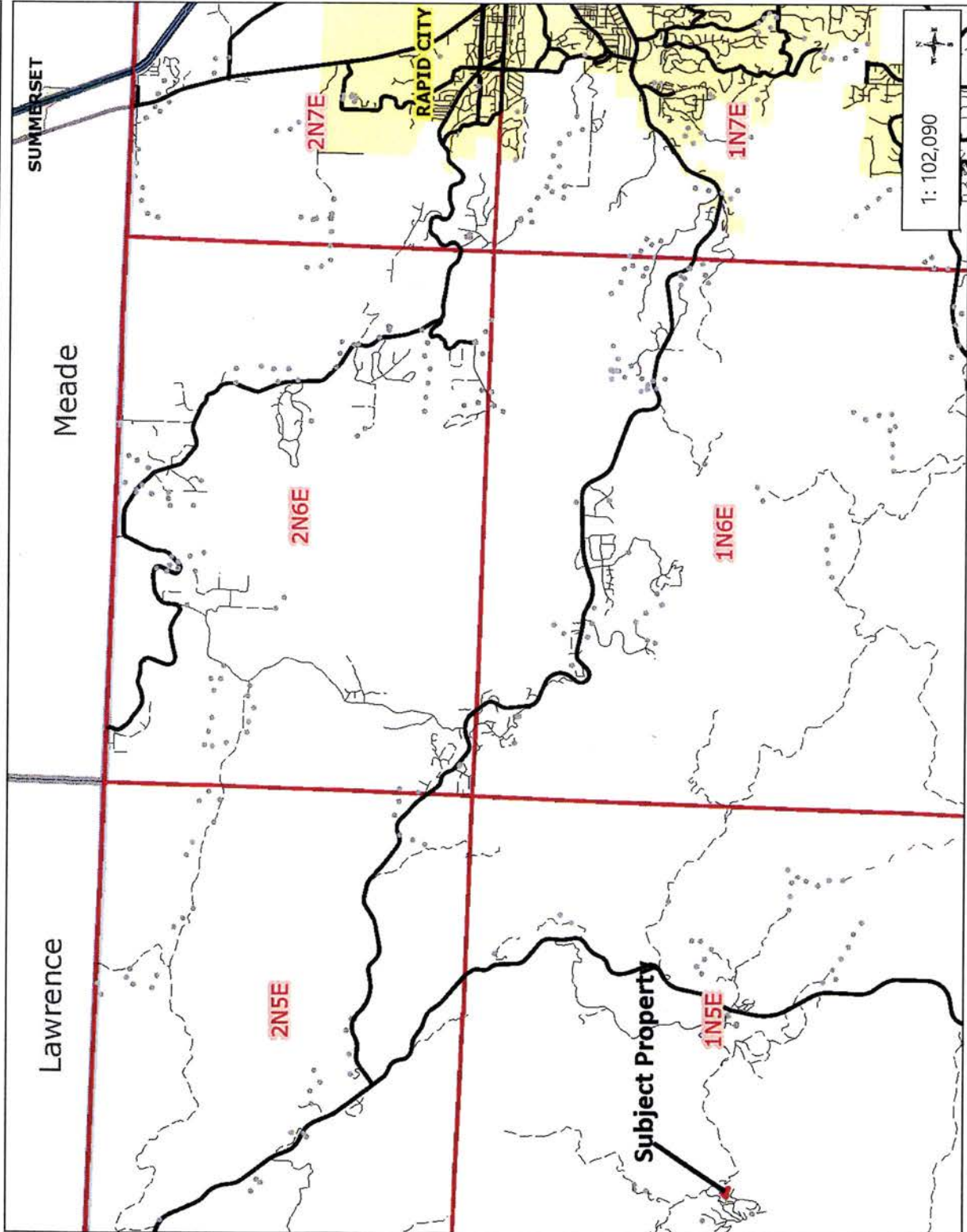
Site photo from 9.11.2019.

RECOMMENDATION: Staff recommends approval of the extension of Conditional Use Permit / CU 12-26 with the following twelve (12) conditions:

1. That no RVs, trailers, or campers be occupied or used as living quarters on the subject property;
2. That the maximum overnight occupancy continue to be twelve (12) people and the maximum daytime occupancy be eighteen (18) people;
3. That the applicants continually maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department, prior to operation of the Vacation Home Rental;
4. That a minimum of four (4) off-street parking spaces continue to be provided on-site, each measuring a minimum of nine (9) by eighteen (18) feet and maintained in a dust-free manner;
5. That an interior informational sign continue to be posted in accordance with the requirements of PCZO § 319(G), with 9-1-1 and (605) 394-4139 listed as contacts for Fire Department and Sheriff's Department, during operation of the Vacation Home Rental;

Agenda Item #4
Mark and Mary Hansen
September 23, 2019

6. That no outside fires or fire pits be allowed on the property;
7. That the lot address (120 Heidelberg Lane) continue to be posted on the residence at all times and at the driveway so that it is clearly visible from both directions of travel on Heidelberg Lane, in accordance with Pennington County's Ordinance #20;
8. That if the person designated as the Local Contact is ever changed from Executive Lodging, the interior informational sign be updated and the applicant re-notify the Planning Department and the surrounding landowners within 500 feet via First Class Mail;
9. That a sign be continually posted at the end of the driveway, providing contact information for the Local Contact (Executive Lodging);
10. That the applicant ensure the Vacation Home Rental is operated in accordance with the requirements of Section 319-F (Performance Standards) at all times;
11. That each review of Conditional Use Permit / CU 16-26, be subject to PCZO §511(F)(4), which imposes a \$100 fee per review; and,
12. That this Conditional Use Permit be reviewed in five (5) years, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all conditions of approval are being met.



1: 102,090



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 - Airport Runway
 - Not yet coded
- PLSS**
- 2N7E
 - 2N6E
 - 2N5E
 - 1N7E
 - 1N6E
 - 1N5E
- Townships**
- LAWRENCE
 - MEADE
 - SUMMERSET
- City Limits**
- BOX ELDER
 - ELLSWORTH AFB
 - HILL CITY
 - KEYSTONE
 - NEW UNDERWOOD
 - QUINN
 - RAPID CITY
 - WALL
 - WASTA



1: 7,068

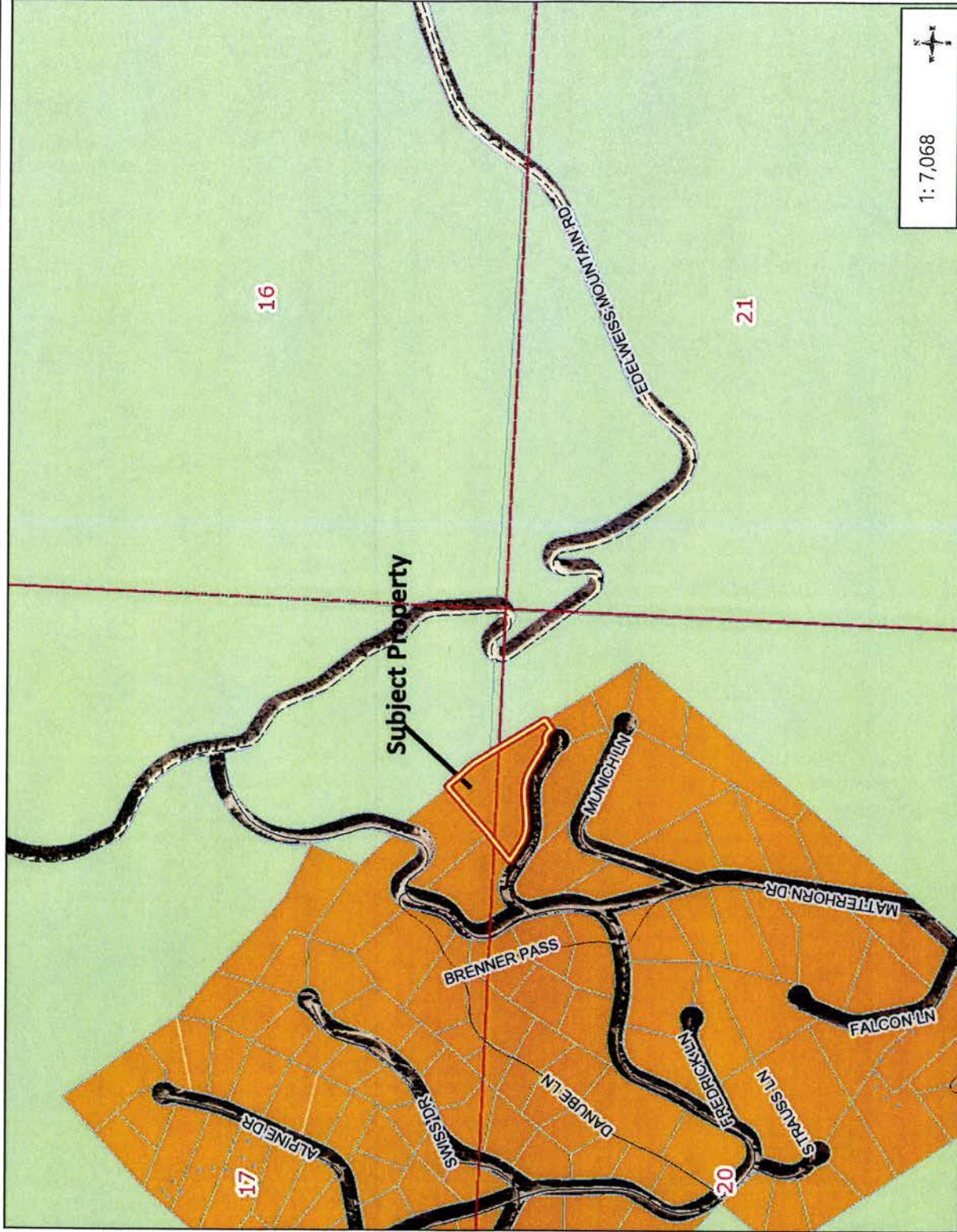


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- Tax Parcels
 - Lot Lines
 - <Null>
 - Lot Line
 - Parcel Line



1: 7,068

1,177.9 Feet
588.97 Feet
0 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
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Legend

- Roads**
- Interstate
 - US highway
 - SD highway
 - County highway
 - Main road
 - Minor arterial
 - Collector
 - Ramp
 - Paved road
 - Unpaved road
 - Trail
 - Driveway
 - Alley
 - Unimproved road
 - Airport Runway
 - Not yet coded
- Section Lines 0-25k**
- 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
 - Suburban Residential
 - NCC:DDF

Map Notes:



**SOUTH DAKOTA
DEPARTMENT OF HEALTH
LODGING LICENSE**



Issued To: MARY HANSEN
MARK HANSEN

Located At: MIDNIGHT BLU :
120 HEIDELBERG LN
RAPID CITY, SD 57702

License Type
Vacation Home License

License Number
13654
Number of Units
1
Swimming Pool
0
Spa or Hot Tub
1

PROVISION: Egress window
modification, on lower and upper level
bedrooms, is approved by DOH.

Expires
12/31/2019

Kim Malsam-Rydon
Secretary of Health

License is Not Transferable - Post in the Establishment

Smoke Alarms



Fire Extinguisher



Cabin Rental • Rules & Regulations •

1. Local Contact: Kim Rupp, Executive Lodging of the Black Hills (605) 578-3555 or Toll: (866)370-3555

2. The maximum number of occupants is 12 guests
(Children 5 and under do not count as occupants)

3. The maximum number of day guests is 18. *(12 occupants + 6 day guests = 18)*

4. There are 6-8 parking spaces located in the front entrance and North side of the cabin

5. The use of open fires, fire pits, fireworks, charcoal-burning grills, or other devices (as applicable) shall not be allowed.

6. No pets allowed in the house and pets must be leashed outdoors

7. The Quiet Hours: 10pm-7am *(No outside activities allowed after 10pm)*

8. Trash cans are located on North side of cabin; Guests are **REQUIRED** to drop all trash in dumpsters located at managers station located at bottom of hill on Alpine Dr.

9. Renters and occupants are responsible for the creation of any disturbances or for violating any other provisions.

10. Failure to conform to the parking and occupancy regulations of the VHR unit is a Violation of County Ordinance

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

12. Dial 911 for emergencies or local law enforcement officials:
Hill City (605) 574-2142 or Rapid City (605) 394-4131

13. ADDRESS: 120 Heidelberg Lane, Rapid City, SD 57702

STAFF REPORT

GENERAL INFORMATION:

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

APPLICANT/ OWNER: Darrell and Mary Harkin

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

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

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

SIZE: 280 acres

TAX ID: 60096

EXISTING LAND USE: Residential/Agriculture

ZONING REFERENCE: §§ 205 and 510

CURRENT ZONING: General Agriculture District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Flat / Pasture land

UTILITIES: Private

REPORT BY: Cassie Bolstad

I. PROPOSED RECOMMENDATION: Staff will be recommending to continue the review of Conditional Use Permit / CU 15-14 to the October 28, 2019, Planning Commission meeting.

II. GENERAL DESCRIPTION

- A. August 10, 2015 – Planning Commission originally approved Conditional Use Permit / CU 15-14 to allow a single-wide mobile home to be used as a permanent single-family residence with the following eight (8) conditions:
1. That an approved Building Permit be obtained for the single-wide mobile home prior to placement or construction of the residence, which requires a site plan to be reviewed and approved by the Planning Director;
 2. That a Building Permit be obtained for any structure exceeding 144 square feet or located on a permanent foundation, which requires a site plan to be reviewed and approved by the Planning Director;
 3. That an address be assigned for the single-wide mobile home and that it be posted both on the individual structure and at the end of the driveway where it intersects Murphy Road, in accordance with Pennington County's Ordinance #20;
 4. That the minimum setback requirements of a General Agriculture District be continually maintained on the property;
 5. That the subject property remains free of debris and junk vehicles;
 6. That the single-wide mobile home installed on the property have a peaked, non-reflective type roof and wood or simulated wood-type siding that is continually maintained;
 7. That the applicant signs the Statement of Understanding within seven (7) business days of approval of Conditional Use Permit #15-14, which is available at the Planning Office; and,
 8. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

III. EXISTING CONDITIONS

- A. Zoned General Agriculture District, minimum forty (40) acre lot size.
- B. 280 acres.
- C. Lot contains:
 1. Double-wide mobile home (DWMH) – no Building Permit on record.
 - i. It appears the DWMH replaced the previous single-wide mobile home and was installed sometime after 2017, according to aerial photos.
 2. On-Site Wastewater Treatment System – COSD15-0069.
- D. Access off of Murphy Road via an existing access.
- E. No Special Flood Hazard Area on the subject property.



Former Single-wide Mobile Home (2017)



Current Double-wide Mobile Home (2018)

IV. ANALYSIS

- A. August 22, 2016 – Planning Commission approved the extension of CU 15-14 with the following six (6) conditions:
1. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
 2. That the address (13988 Murphy Road) continue to be clearly posted on the single-wide mobile home and at the end of the driveway where it intersects Murphy Road, in accordance with Pennington County's Ordinance #20;
 3. That the minimum setback requirements of a General Agriculture District be continually maintained on the property;
 4. That the subject property continually remains free of debris and junk vehicles, in accordance with Pennington County's Ordinance #106;
 5. That the single-wide mobile home installed on the property continually have a peaked, non-reflective type roof and wood or simulated wood-type siding that is continually maintained; and,
 6. That this Conditional Use Permit be reviewed in three (3) years, on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.
- B. August 17, 2015 – Building Permit / COBP15-0414 was approved for a 14' x 80' single-wide mobile home (SWMH) on the subject property.
- C. June 29, 2017 – Building Permit / COBP17-0372 was approved to remove the above-referenced SWMH from the subject property.

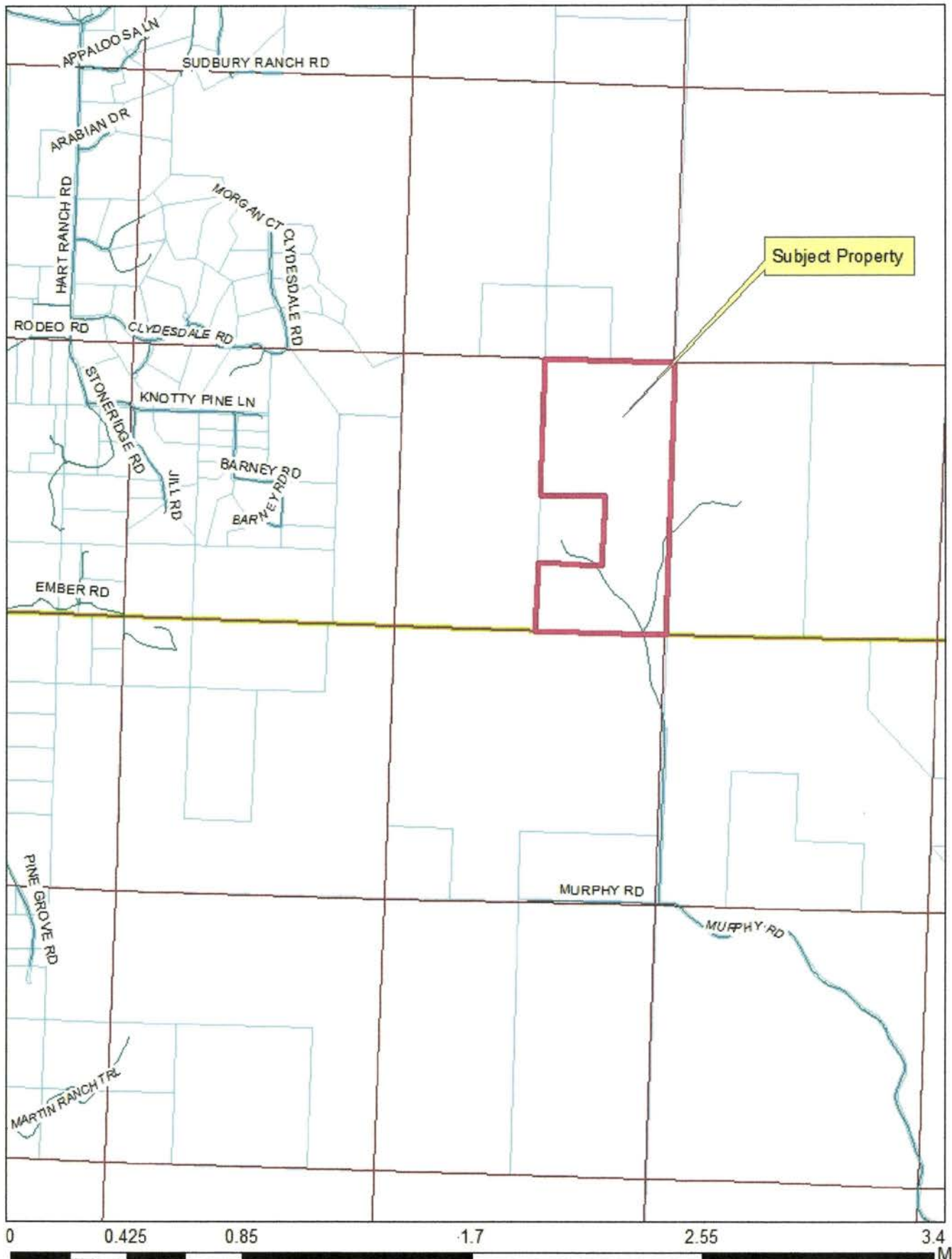
- D. It appears the SWMH was then replaced by a double-wide mobile home (DWMH); however, no Building Permit was obtained for the DWMH.
 - 1. A Building Permit, with applicable penalty fees, must be obtained for the DWMH.
- E. Once a Building Permit is obtained for the DWMH, Conditional Use Permit / CU 15-14 can end, as it will no longer be required.
- F. August 19, 2019 – Staff sent a letter to the property owner stating that a Building Permit must be obtained for the existing DWMH.
- G. August 26, 2019 – Planning Commission continued 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.

V. UPDATE (for the September 23, 2019, Planning Commission meeting)

- A. Staff has spoken with the applicant, Darrell Harkin, and has also been working with the applicant's granddaughter, Scarlet Harkin, to properly permit the DWMH.
- B. Staff will be recommending to continue the review of CU 15-14 to allow more time for the DWMH to be permitted.

RECOMMENDATION: Staff recommends to continue the review of Conditional Use Permit / CU 15-14 to the October 28, 2019, Planning Commission meeting to allow the applicant time to obtain a Building Permit for the existing double-wide mobile home.

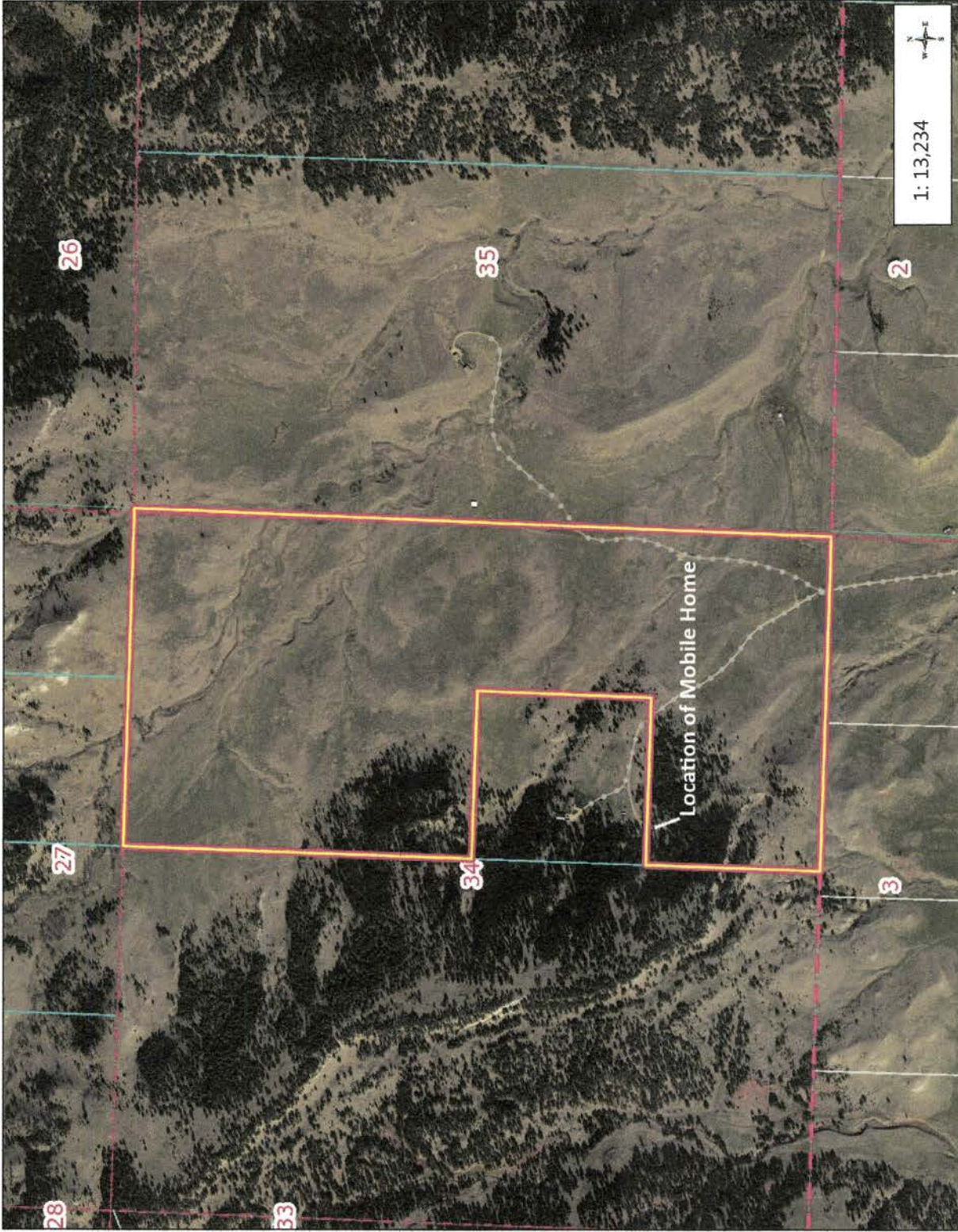
HARKIN



Subject Property



0 0.425 0.85 1.7 2.55 3.4 Miles



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

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

2,205.6 Feet

1,102.82

0 2,205.6 Feet

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© City of Rapid City GIS

STAFF REPORT

GENERAL INFORMATION:

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

APPLICANT: Ray or Erin Atkins

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

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

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

SIZE: 1.00 acre

TAX ID: 38974

EXISTING LAND USE: Garage

ZONING REFERENCE: Sections 206 and 510

CURRENT ZONING: Limited Agriculture District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Flat

UTILITIES: None

REPORT BY: Brittney Molitor

I. RECOMMENDATION

- A. Staff will be recommending to continue the review of Conditional Use Permit / CU 18-10 with one (1) condition.

II. GENERAL DESCRIPTION

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

III. EXISTING CONDITIONS LOT 8

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

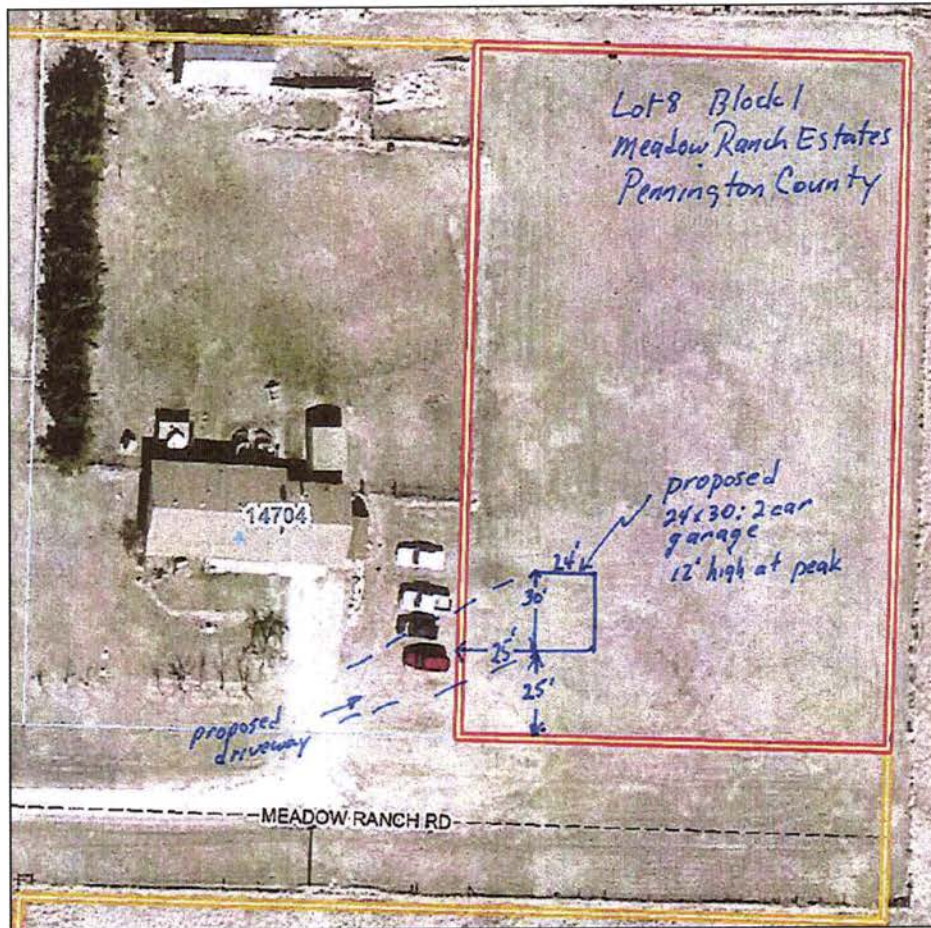
- (a) The sheds have never been permitted since the original request was approved in 2018.
 - (b) Staff sent a Notice of Violation for the sheds on June 20, 2019.
6. Surrounded on one (1) side by property owned by the United States of America (Ellsworth Air Force Base).
 7. The landowner also owns the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



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

IV. HISTORY

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



SITE MAP PROVIDED BY APPLICANT ON APRIL 10, 2018

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

Agenda Item #6
 Ray or Erin Atkins
 September 23, 2019

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

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

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

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

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

Latitude:	44	Deg	7	M	46.3	s	N	▼
Longitude:	103	Deg	6	M	32	s	W	▼
Horizontal Datum:	NAD83 ▼							
Site Elevation (SE):	3155 (nearest foot)							
Structure Height :	12 (nearest foot)							
Traverseway:	No Traverseway ▼ <small>(Additional height is added to certain structures under 77.9(c)) User can increase the default height adjustment for Traverseway, Private Roadway and Waterway</small>							
Is structure on airport:	<input checked="" type="radio"/> No <input type="radio"/> Yes							
<input type="button" value="Submit"/>								

Results

You exceed the following Notice Criteria:

Your proposed structure is in proximity to a navigation facility and may impact the assurance of navigation signal reception. The FAA, in accordance with 77.9, requests that you file.

The FAA requests that you file

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

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



Garage

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



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

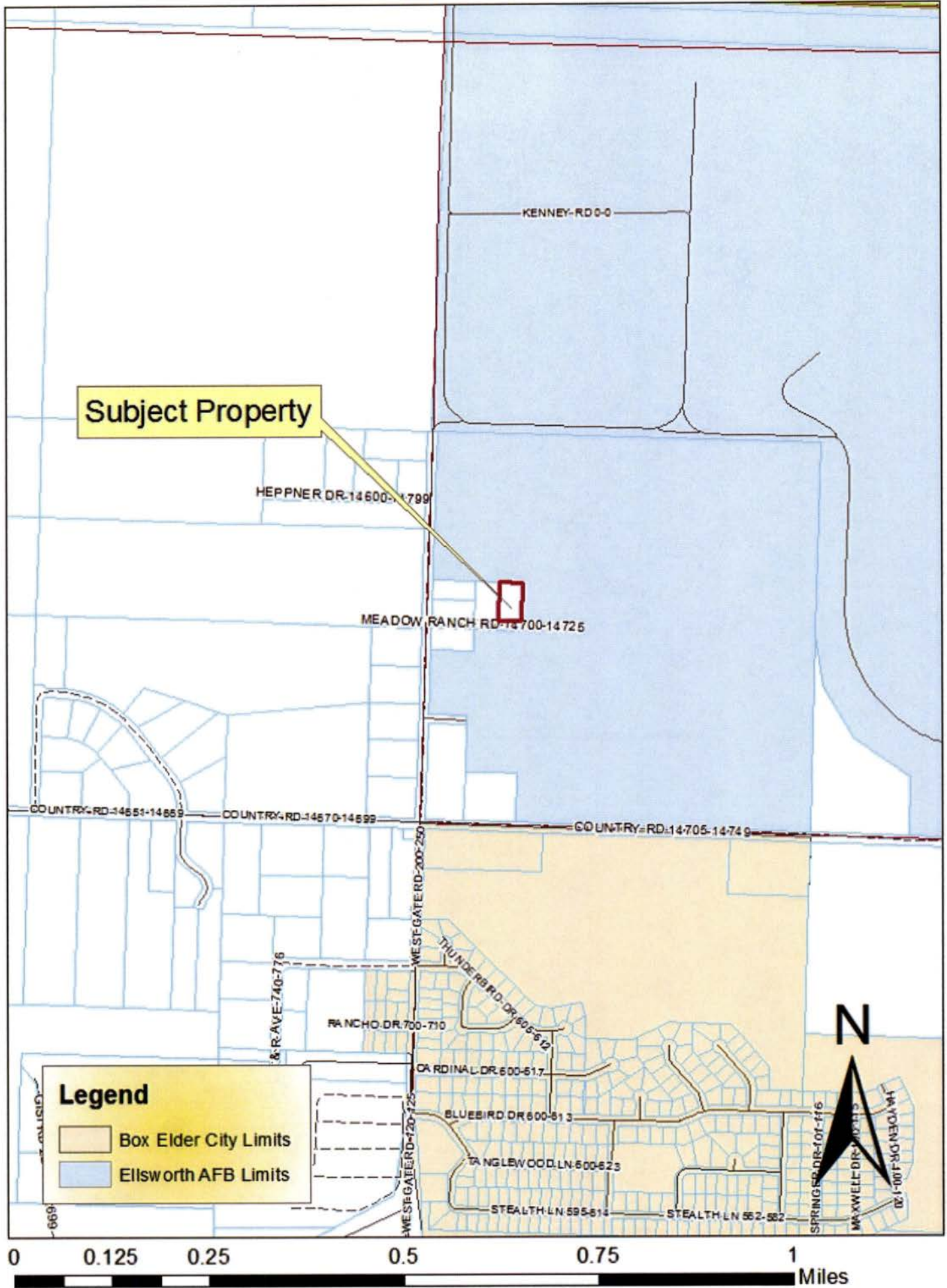
V. UPDATE FOR SEPTEMBER 23, 2019 PLANNING COMMISSION MEETING

- A. June 20, 2019 – A letter was sent to the property owner regarding the violations on the property.
- B. June 24, 2019 – The property owner applied for a Building Permit for one (1) of the unpermitted sheds on the subject property – COBP19-0340.
- C. September 17, 2019 – Staff sent another letter to the applicant regarding the two existing violations on the subject property that have yet to be resolved.
 1. One (1) shed is still not permitted and the garage setback encroachments have not been addressed.

RECOMMENDATION: Staff recommends to continue the review of Conditional Use Permit / CU 18-10 to the October 28, 2019, Planning Commission with one (1) condition:

1. That additional continuations of this request will be subject to the \$100.00 continuation fee in accordance with Pennington County Zoning Ordinance § 511 (X).

ATKINS



STAFF REPORT

GENERAL INFORMATION:

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

APPLICANT: Denny and Lea Henrikson

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

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

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

SIZE: 3.01 acres

TAX ID: 55530

EXISTING LAND USE: Residential

ZONING REFERENCE: Sections 207 and 510

CURRENT ZONING: Low Density Residential District

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

PHYSICAL CHARACTERISTICS: Flat / Open Meadow

UTILITIES: Private

REPORT BY: Kristina Proietti

I. PROPOSED RECOMMENDATION

Staff will be recommending to end Conditional Use Permit / CU 18-29, with the applicant's concurrence, as it is no longer needed.

II. GENERAL DESCRIPTION

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

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

III. EXISTING CONDITIONS

- A. Zoned Low Density Residential District.
- B. 3.01 acres.
- C. Access off of Back Country Trail.
 1. Located in the Back Country Road District.
- D. Lot contains:
 1. 18' x 25' Storage Shed, County Building Permit (COBP) / COBP16-0568.
 2. 30' x 40' Shop Building, / COBP15-0632.
 3. Single-family residence / COBP15-0631.

Agenda Item #7
Denny and Lea Henrikson
September 23, 2019

- a. Onsite Wastewater Treatment System Construction Permit / COSD15-0130.
- b. Onsite Wastewater Operating Permit / COOP19-0286.
- E. There is Special Flood Hazard Area on the subject property.

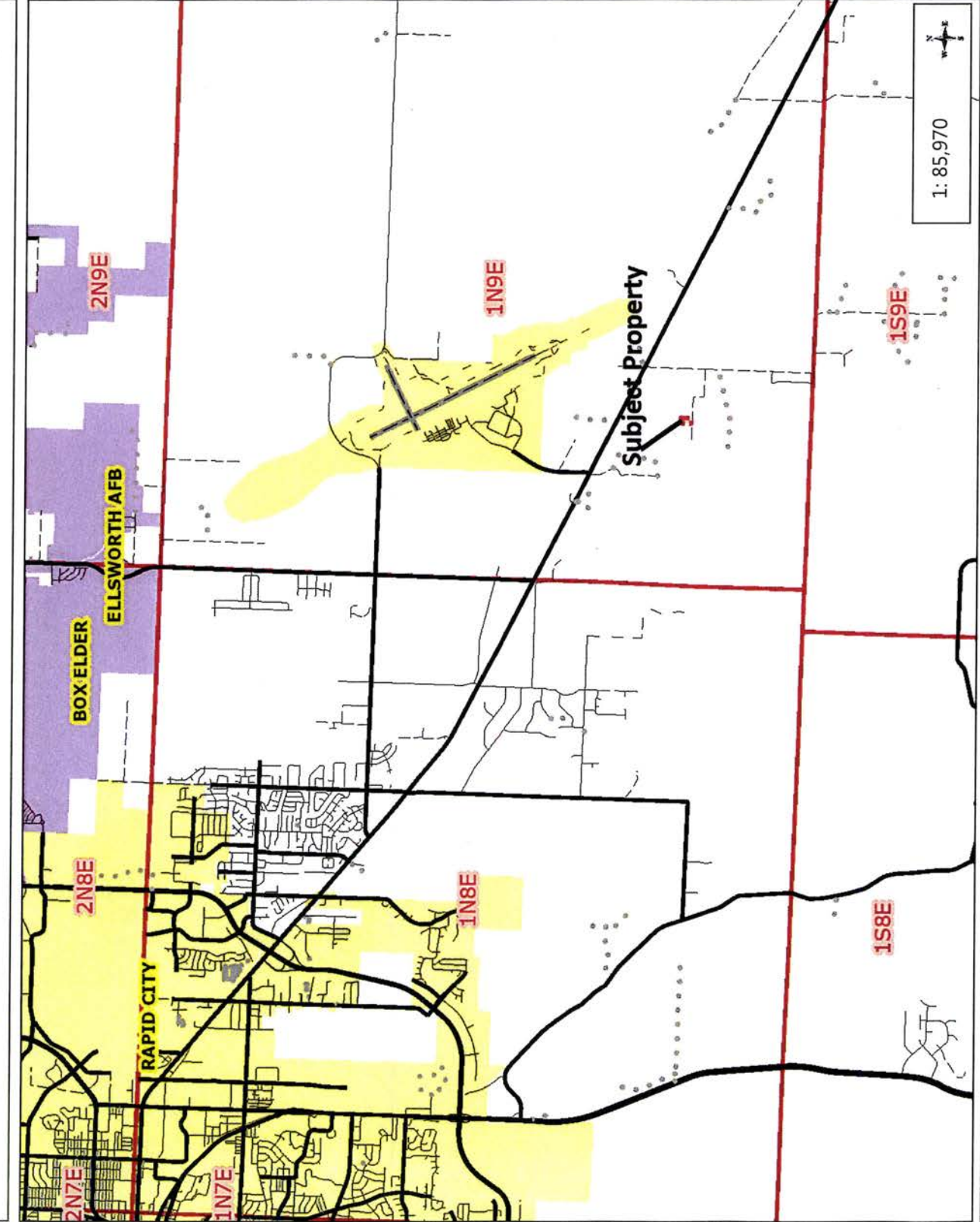


Staff photo of site location, 8/15/2019.

IV. ANALYSIS

- A. July 18, 2018 – The applicant, John Sabo, submitted an application for a Conditional Use Permit requesting to live in a shop building, while building a single-family residence.
- B. August 14, 2019, Staff contacted Mr. Sabo regarding the upcoming Conditional Use Permit review and Mr. Sabo stated that he had sold the property.
- C. August 15, 2019, staff spoke with the new property owner via phone, Denny Henrikson, who stated that the shop will not contain living quarters, and that he would not be living in the shop.
- D. August 15, 2019, staff performed a site visit to the subject property and met with Mr. Henrikson, who was working on finishing the interior of the structure. Mr. Henrikson stated that he does not know what the structure's intended use will be at this time.
 1. During the site visit staff found living quarters located within the structure.
- E. The review of Conditional Use Permit / CU 18-29 was continued from the August 26, 2019, Planning Commission meeting to allow time for Mr. Henrikson to notify staff of his plans for the subject property.
- F. September 9, 2019, Dwayne Allen, County Ordinance Enforcement Officer, spoke with Mr. Henrikson via phone; where Mr. Henrikson stated that his plan is to use the shop/living quarters as the only residence on the subject property. Staff informed Mr. Henrikson that if another residence is constructed on the subject property it will require the approval of a Conditional Use Permit.

RECOMMENDATION: Staff will be recommending to end Conditional Use Permit / CU 18-29, with the applicant's concurrence, as it is no longer needed.



1: 85,970



14,328.4 0 7,164.18 14,328.4 Feet

NAD_1983_StatePlane_South_Dakota_South_FPS_4002_Feet
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Legend

Roads

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

PLSS



Townships

City Limits

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

Map Notes:

Legend

Roads

- Interstate
- US highway
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- Ramp
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- Unpaved road
- Trail
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- Alley
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- Not yet coded

Section Lines 0-25k

- 0
- 7

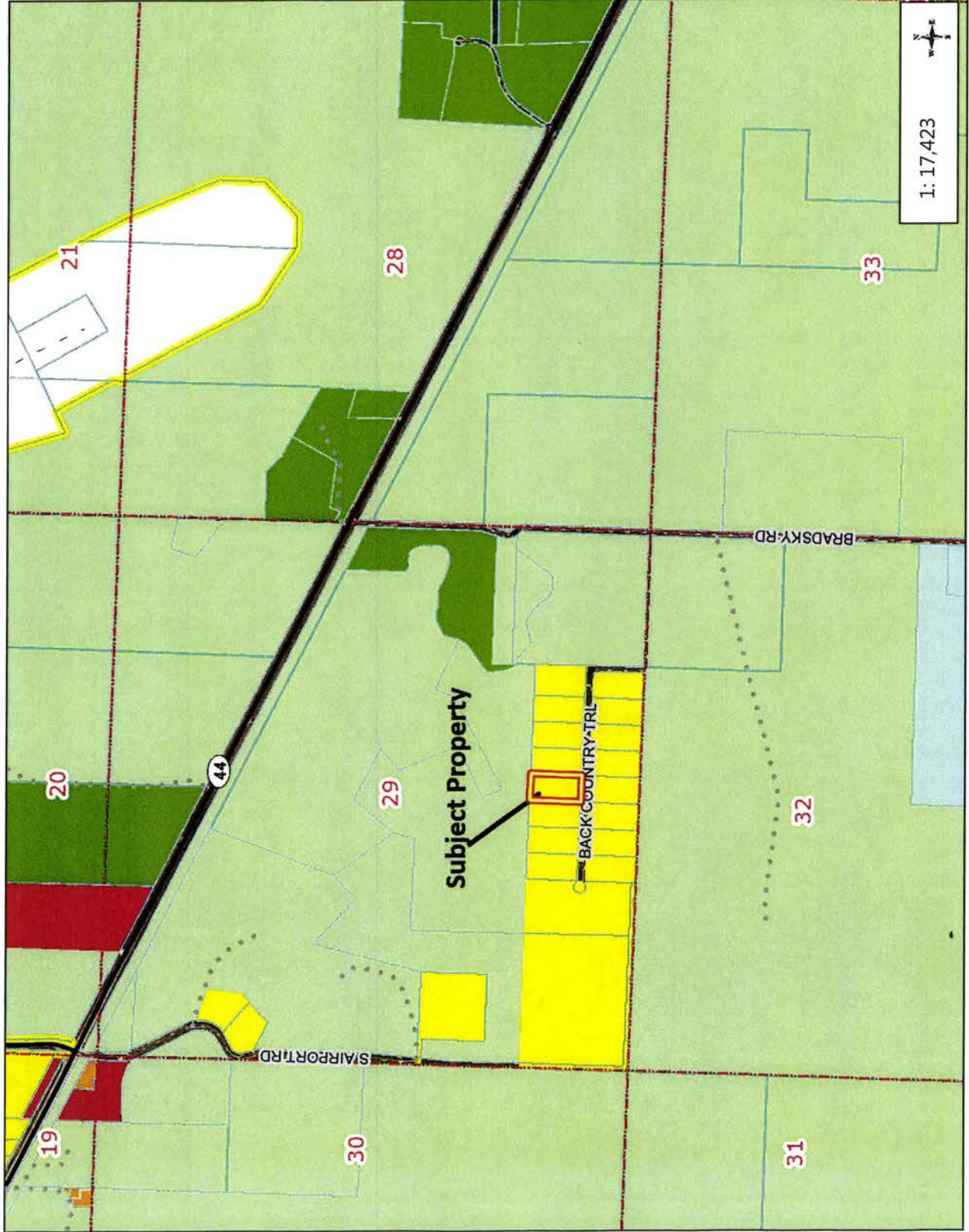
Tax Parcels

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

Pennington County Zoning

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

Map Notes:



1:17,423

2,903.8 Feet

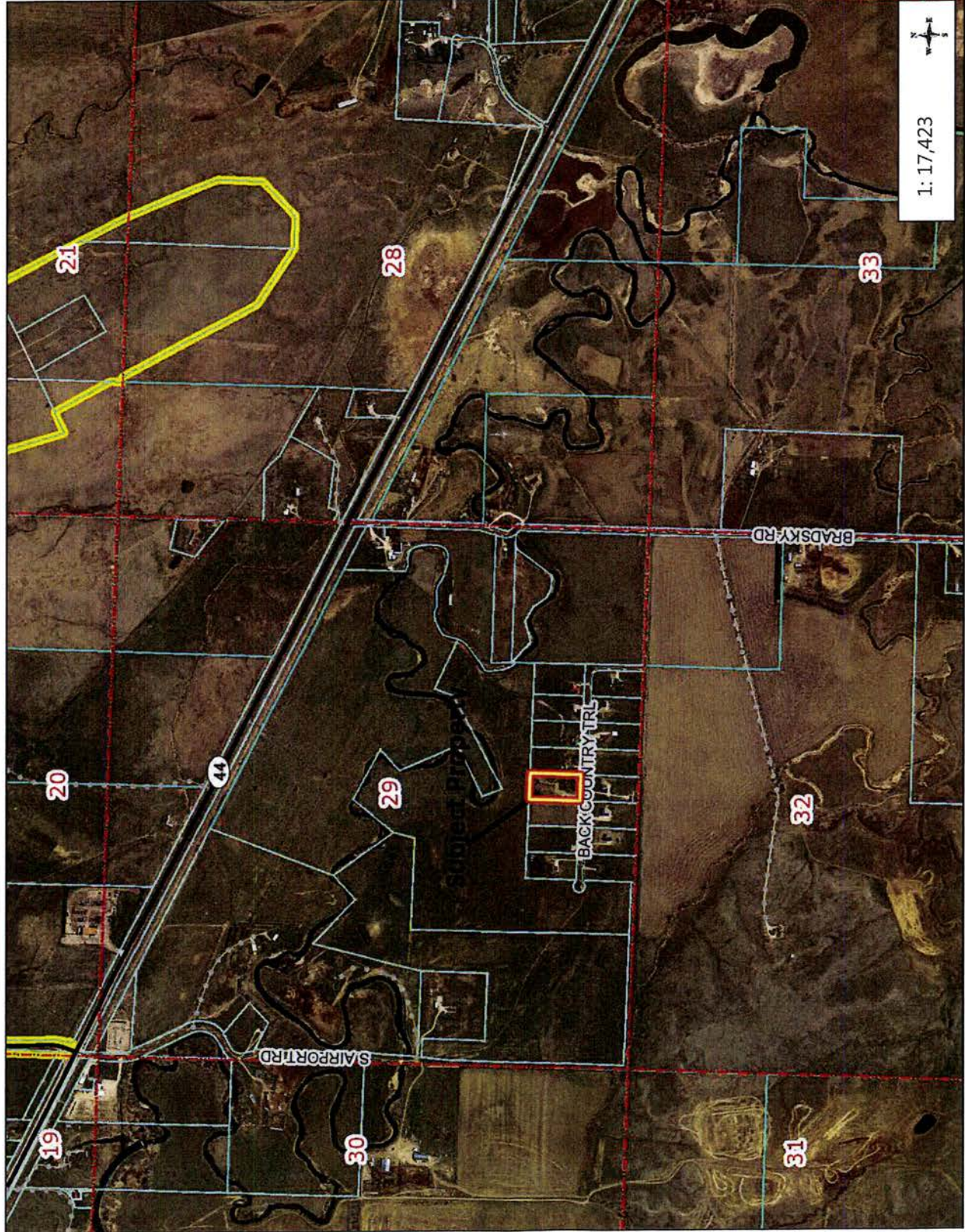
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1:17,423

2,903.8 0 1,451.90 2,903.8 Feet

NAD_1983_StatePlane_South_Dakota_South_FIPS_4002_Feet
 © City of Rapid City GIS

Legend

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

Map Notes:

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STAFF REPORT

GENERAL INFORMATION:

REQUEST: **CONDITIONAL USE PERMIT REVIEW / CU 18-34**: To review a second ranch hand's residence on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

APPLICANT/AGENT: Doug and Vicky Dahl

APPLICANT ADDRESS: 19044 222nd Street, Wall, SD 57790.

LEGAL DESCRIPTION: SE1/4, Section 30, T3N, R16E, BHM, Pennington County, South Dakota.

SITE LOCATION: 19040 222nd Street; near the intersection of 222nd Street and Creighton Road.

SIZE: 160 acres

TAX ID: 56962

EXISTING LAND USE: Residential / Agriculture

ZONING REFERENCE: §§ 205 and 510

CURRENT ZONING: General Agriculture District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Flat / Prairie

UTILITIES: Public / Private

REPORT BY: Jason Theunissen

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending to approve the extension of Conditional Use Permit / CU 18-34 with nine (9) conditions.

II. GENERAL DESCRIPTION

- A. The landowners, Doug and Vicky Dahl, have applied for a Conditional Use Permit to allow a second ranch hand's residence on the subject property.
- B. September 24, 2018 – The Planning Commission approved Conditional Use Permit / CU 18-34 to allow a second ranch hand's residence on the subject property with the following eleven (11) conditions:
1. That the addresses for both the existing house and ranch hand's residence and the proposed ranch hand's residence be posted, in accordance with Pennington County's Ordinance #20;
 2. That prior to the submittal of the Building Permit for the second ranch hand's residence, a Building Permit is obtained for the existing 16' x 76' single-wide mobile home;
 3. That an approved Building Permit be obtained for the new ranch hand's residence and any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
 4. That the applicant sign a "Ranch Hand's Statement" verifying he is directly engaged in the operation of the farm or ranch located on the property, at the time of application for the Building Permit for the proposed residence;
 5. That the minimum setback requirements of a General Agriculture District be continually maintained on the property;
 6. That the subject property remains free of debris and junk vehicles;
 7. That an On-Site Wastewater Construction Permit be obtained for the new second ranch hand's residence prior to obtaining a Building Permit and that all rules of Pennington County Zoning Ordinance Section 204-J be met;
 8. That prior to approval of the Building Permit for the existing 16' x 76' single-wide mobile home, the onsite wastewater treatment system (OSWTS) is verified to be sized correctly;
 9. That the residence be occupied by a ranch hand or used as housing for daily help at all times, and not be used as a rental by someone not engaged in the operating of the farm or ranch located on the subject property;
 10. That the landowner sign the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 18-34, which is available at the Planning Office; and,
 11. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

III. EXISTING CONDITIONS

- A. Zoned General Agriculture District (Current and Future Land Use Designations).
- B. 160 acres.
- C. Lot contains:
 - 1. Single-Family Residence – Built in 1918 per Department of Equalization (DOE) records.
 - 2. 16' x 76' Single-Wide Mobile Home (SWMH).
 - b. Placed in 1997, per DOE records. No Permit could be found.
 - 3. 72' x 54' Farm Utility Building – Built in 1978 per DOE.
 - 4. 4.34' x 24' Equipment Shop – Built in 1955 per DOE.
 - 5. 40' x 20' Farm Utility Building – Built in 1940 per DOE.
 - 6. 24' x 12' Tool Shed – Built in 1930 per DOE.
 - 7. 55' x 40' Confinement Barn – Built in 1917 per DOE.
 - 8. 28' x 8' Farm Utility Storage Shed – Built in 1930 per DOE.
 - 9. 10' x 20' Loafing Shed – County Building Permit (COBP) 2009COBP0023.
 - 10. Five (5) Steel Bins – Constructed between 1965 and 1978 per DOE.
- D. Access is off of 222nd Street.
- F. The Floodplain designation is “Not Studied”.

IV. ANALYSIS

- A. In a General Agriculture District, a primary residence and one ranch hand's residence are permitted uses, while additional ranch hand's residences or housing for hired help require a Conditional Use Permit in accordance with § 205(C)(24) of the Pennington County Zoning Ordinance.
- B. September 11, 2019 – Staff spoke with the applicant, Doug Dahl, via telephone.
 - 1. Mr. Dahl stated that he had not moved the second ranch hand residence onto the subject property. Staff made Mr. Dahl aware that he has two years to establish the use of the Conditional Use Permit, that date being September 24, 2020.
 - 2. Staff noted that a building Permit for the first ranch hand residence had not been applied for and informed Mr. Dahl this will need to occur prior to him applying for a permit for the second ranch hand residence (Conditions #2 and #8).
- C. September 18, 2019 – Staff conducted a site visit and met with Glenda Knapp, the resident of the existing ranch hand residence.
 - 1. Staff verified there was no second ranch hand residence on the subject property.
- D. September 19, 2019 – The applicant, Vicky Dahl, applied for County Building Permit COBP19-0496 for the existing SWMH (Condition #2). As of this report, the Building Permit is under Staff review and the Condition will remain in effect.

Agenda Item #8
Doug and Vicky Dahl
September 23, 2019



Site Visit 9.18.19



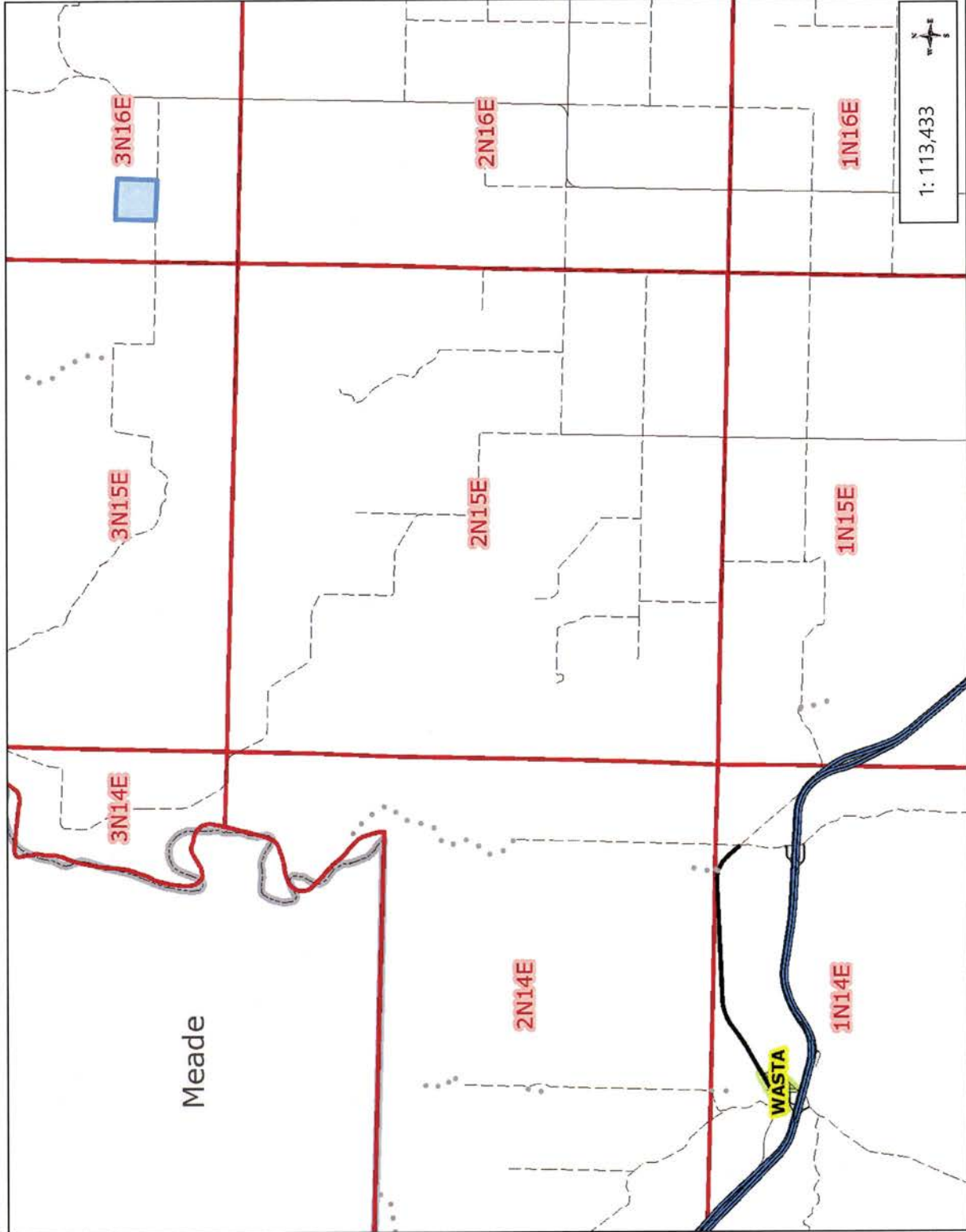
Site Visit 9.18.19

RECOMMENDATION: Staff recommends approval of the extension of Conditional Use Permit / CU 18-34 with the following nine (9) conditions:

1. That the addresses for both the existing single-family residence and ranch hand's residence and the proposed ranch hand's residence be posted, in accordance with Pennington County's Ordinance #20;
2. That prior to the submittal of the Building Permit for the second ranch hand's residence, a Building Permit is obtained for the existing 16' x 76' single-wide mobile home;

Agenda Item #8
Doug and Vicky Dahl
September 23, 2019

3. That an approved Building Permit be obtained for the new ranch hand's residence and any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
4. That the minimum setback requirements of a General Agriculture District be continually maintained on the property;
5. That the subject property remains free of debris and junk vehicles;
6. That an On-Site Wastewater Construction Permit be obtained for the second ranch hand's residence prior to obtaining a Building Permit and that all rules of Pennington County Zoning Ordinance Section 204-J be met;
7. That prior to approval of the Building Permit for the existing 16' x 76' single-wide mobile home, the onsite wastewater treatment system (OSWTS) is verified to be sized correctly;
8. That the residence be occupied by a ranch hand or used as housing for daily help at all times, and not be used as a rental by someone not engaged in the operating of the farm or ranch located on the subject property; and,
9. That this Conditional Use Permit be reviewed by September 24, 2020, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.



1: 113,433

18,905.5 0 9,452.74 18,905.5 Feet

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Legend

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 - Unimproved road
 - Airport Runway
 - Not yet coded
- PLSS**
- Townships
- City Limits**
- BOX ELDER
 - ELLSWORTH AFB
 - HILL CITY
 - KEYSTONE
 - NEW UNDERWOOD
 - QUINN
 - RAPID CITY
 - WALL
 - WASTA

Map Notes:



1: 9,832



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- Unimproved road
- Airport Runway
- Not yet coded



Section Lines 0-25k

Tax Parcels

Lot Lines

- <Null>
- Lot Line
- Parcel Line

Pennington County Zoning

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

Map Notes:



Legend

- Roads**
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1,638.7

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819.36

1,638.7 Feet



1: 2,458



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Legend

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

Map Notes:

STAFF REPORT

GENERAL INFORMATION:

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

APPLICANT: Black Hills Kart Racing, LLC / David Price

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

AGENT: Wade Bahr

AGENT ADDRESS: 14807 Fox Trail, Box Elder, SD 57719

OWNER: Cross Country Real Estate

OWNER ADDRESS: 3409 E. 2nd Street, Gillette, WY 82718

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

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

SIZE: 34.07 acres

TAX ID: 64331

EXISTING LAND USE: Drainage Easement / Black Hills Speedway

ZONING REFERENCE: § 209 and 510

CURRENT ZONING: General Commercial District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Flat Areas / Rolling Hills

UTILITIES: Rapid Valley Sanitary District

REPORT BY: P.J. Conover

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending to approve the extension of CU 19-07.

II. GENERAL DESCRIPTION

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

Agenda Item # 9

Black Hills Kart Racing, LLC; David Price – Agent

September 23, 2019

4. That the applicant or landowner, prior to May 31, 2019, apply for a Commercial Building Permit, with the applicable penalty fees, for the structure “concession stand” which serves the Dirt Race Track;
5. That per 9-1-1 Emergency Services comments, a unique address be assigned, by the Planning Department, for the Dirt Race Track and that this address be posted in accordance with County Ordinance # 20. The address creation and compliance with County Ordinance #20 shall occur prior to May 31, 2019;
6. That the applicant provide trash receptacles and keep the property cleaned of rubbish, trash, and debris;
7. That the applicant maintains and implements some type of dust control measures during the races and ensures that no sediment is leaving the property;
8. That the applicant acquire sign permits if the applicant were to locate any signs on the property;
9. That the applicant obtain any applicable federal, state, and local permits for the operation of the Kart Track;
10. That the applicant have a first aid kit with a fire extinguisher or have First Responders on hand during the operation of the races;
11. The Dirt Kart Track is located in a Public Drainage Basin and if approved, used only used seasonally (May, June, July, August, September), during the months the Dirt Kart Track is not in use (October, November, December, January, February, March, and April) all the hay bales, tires, flags, etc. used to define the area around, in, and on the Dirt Kart Track shall be removed;
12. That the applicant continually maintains and adheres to the County’s Storm Water Pollution Prevention Plan during any period of construction;
13. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than 14 days after the construction activity has stopped. All erosion control methods (mulch and seed) need to be certified noxious weed-free;
14. That any alterations or improvements to the Public Drainage Easement be engineered and stamped plans be submitted to and approved by the Board of Commissioners;
15. That the requirements, guidelines, and criteria for stormwater and erosion control in the Pennington County Stormwater Manual shall be followed during and construction;
16. That at the next review for CU 19-07, the applicant or landowner provide a plan for the future removal and remediation of the area used for the Kart Track;
17. That the applicant and landowner(s) sign the Statement of Understanding (SOU) within seven (7) business days of approval for

CU 19-07. The SOU is available in the Planning Office, the following business day; and,

18. That this Conditional Use Permit be reviewed no later than the August 26, 2019, Planning Commission meeting, and may be reviewed on a complaint basis, or as directed by the Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.
- C. Due to scheduling conflicts, Staff and a representative from BHKR were unable to meet onsite for a review of CU 19-07 prior to the Staff Report. A meeting was held on Tuesday, August 27, 2019.

III. UPDATE FOR SEPTEMBER 23, 2019 PLANNING COMMISSION MEETING

- A. **July 31, 2019 – Per Condition #5 and to ease emergency response, an address was assigned to the Kart Track (2464 Jolly Lane).**
- B. **August 26, 2019 – The Planning Commission continued the review of CU19-07 to the September 23, 2019, Planning Commission meeting to allow time for Staff and a representative from Black Hills Kart Racing to meet.**
- C. **September 04, 2019 - Staff met, on-site, with Wade Bahr, a representative from Black Hills Kart Racing. Mr. Bahr was the newly appointed Agent for CU 19-07; Mr. Bahr is appointed by applicant and agent David Price. Mr. Price was no longer involved with the Black Hills Kart Racing program.**
 1. **Mr. Bahr indicated there were a few races held on the Kart Track since the track first received operational approval in early 2019, but, due to the amount of precipitation, most of the planned races were not held**
 2. **Mr. Bahr stated the last race was run on the Kart Track sometime in June or early July 2019.**
 - a. **Staff observed that the surface of the Kart Track had not been disturbed for some time and tall grasses and weeds were growing on the tracks driving surface.**
 - b. **Per Pennington County Zoning Ordinance §510(A), “A Conditional Use Permit automatically expires if: a. The use for which the Conditional Use permit was granted has ceased for a period of one year or more;”**
 - i. **Based on Mr. Bahr’s statement, the condition of the Kart Track, and that the Kart Track Racing season is permitted per CU 19-07 to run through September of each year, staff will be scheduling the next review of CU 19-07 for September of 2020.**

3. **Staff went through all the Conditions of Approval with Mr. Bahr and informed him that a new address had been assigned to the Kart Track and that it needed to be posted per County Ordinances.**
 - a. **Mr. Bahr indicated that, after this season, he is no longer going to be the Agent for this Permit and is handing his keys in to the landowners.**
- D. **Conditions of Approval #2, #4, and #17 approved on May 13, 2019, have been removed as they have been satisfied or are no longer needed.**

RECOMMENDATION: Staff recommends approval of the extension of Conditional Use Permit / CU 19-07 to allow for a Kart Track with the following fifteen (15) conditions:

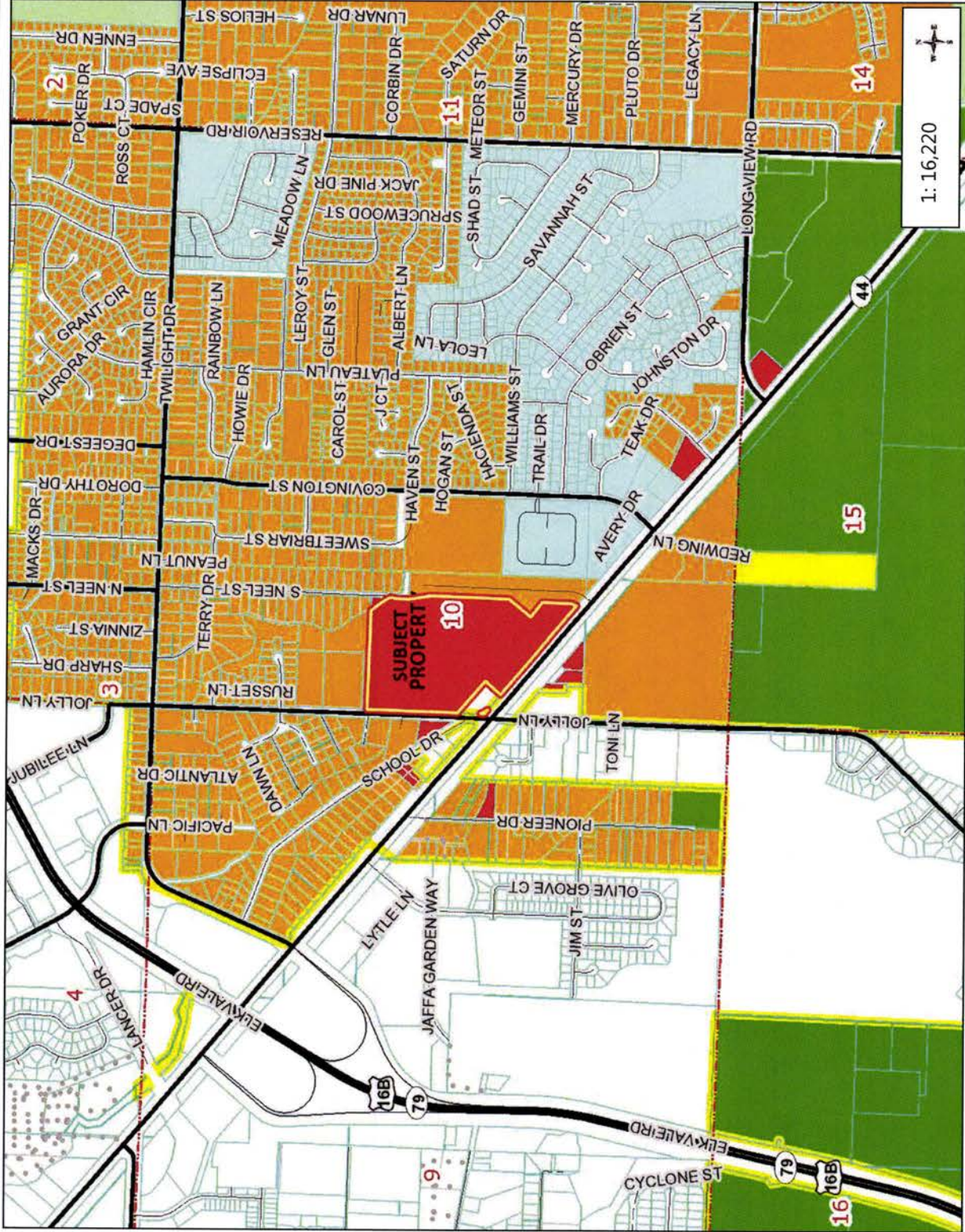
1. The CU 19-07 be for the following use: Dirt Kart Track; operated only during the following months May, June, July, August, and September; operation and use of the Dirt Kart Track is to only occur on Saturdays, and only operated between the hours of 11:00 a.m. and 2:00 p.m. and within the operational guidelines of the Work Kart Associations rules and guidelines. Where there exists a conflict between any of the Conditions of Approval within CU 19-07 and any other regulations applicable to the same area and use, the more stringent limitation or requirement shall govern and prevail.
2. That Building Permits be obtained for any structure exceeding 144 square feet or permanently anchored to the ground which includes the necessary site plans to be reviewed and approved by the Planning Director;
3. That the two addresses for the subject property be posted prior to the next review of CU 19-07 and in accordance with County Ordinance # 20;
4. That the applicant provide trash receptacles and keep the property cleaned of rubbish, trash, and debris;
5. That the applicant maintains and implements some type of dust control measures during the races and ensures that no sediment is leaving the;
6. That the applicant acquire sign permits if the applicant were to locate any signs on the property;
7. That the applicant obtain any applicable federal, state, and local permits for the operation of the racetrack;
8. That the applicant have a first aid kit with a fire extinguisher or have First Responders on hand during the operation of the races;

Agenda Item # 9

Black Hills Kart Racing, LLC; David Price – Agent

September 23, 2019

9. The Dirt Kart Track is located in a Public Drainage Basin and if approved, used only used seasonally (May, June, July, August, September), during the months the Dirt Kart Track is not in use (October, November, December, January, February, March, and April) all the hay bales, tires, flags, etc. used to define the area around, in, and on the Dirt Kart Track shall be removed;
10. That the applicant continually maintains and adheres to the County's Storm Water Pollution Prevention Plan during any period of construction;
11. 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;
12. That any alterations or improvements to the Public Drainage Easement be engineered and stamped plans be submitted to and approved by the Board of Commissioners;
13. That the requirements, guidelines, and criteria for stormwater and erosion control in the Pennington County Stormwater Manual shall be followed during and construction;
14. That at the next review for CU 19-07, the Landowner provide a written plan for the future removal and remediation of the area used for the Kart Track;
15. That this Conditional Use Permit be reviewed in September 2020, 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.



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Legend

Roads

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- Airport Runway
- Not yet coded

Section Lines 0-25k

0

7

Tax Parcels

Lot Lines

- <Null>
- Lot Line
- Parcel Line

Pennington County Zoning

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

Map Notes:

1: 16,220

2,703.3 Feet

NAD_1983_StatePlane_South_Dakota_South_FIPS_4002_Feet
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1: 4,055

675.8 Feet

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- 0
 - 7
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- Lot Lines
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Map Notes:

STAFF REPORT

GENERAL INFORMATION:

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

APPLICANT: NMMC, Inc; Terry Sayler

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

LOCAL CONTACT: Cody Peterka

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

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

SIZE: 4.74 acres

TAX ID: 63466

EXISTING LAND USE: Residential

ZONING REFERENCE: § 207, 319, and 510

CURRENT ZONING: Low Density Residential District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Forested / Hills

UTILITIES: Private

REPORT BY: Cassie Bolstad

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending to continue Conditional Use Permit / CU 19-01 to no later than the October 28, 2019, Planning Commission meeting with one (1) condition.

II. GENERAL DESCRIPTION

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

III. EXISTING CONDITIONS

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



Existing Lot

IV. REQUEST FOR COMMENT

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

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

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

V. ANALYSIS

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

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

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

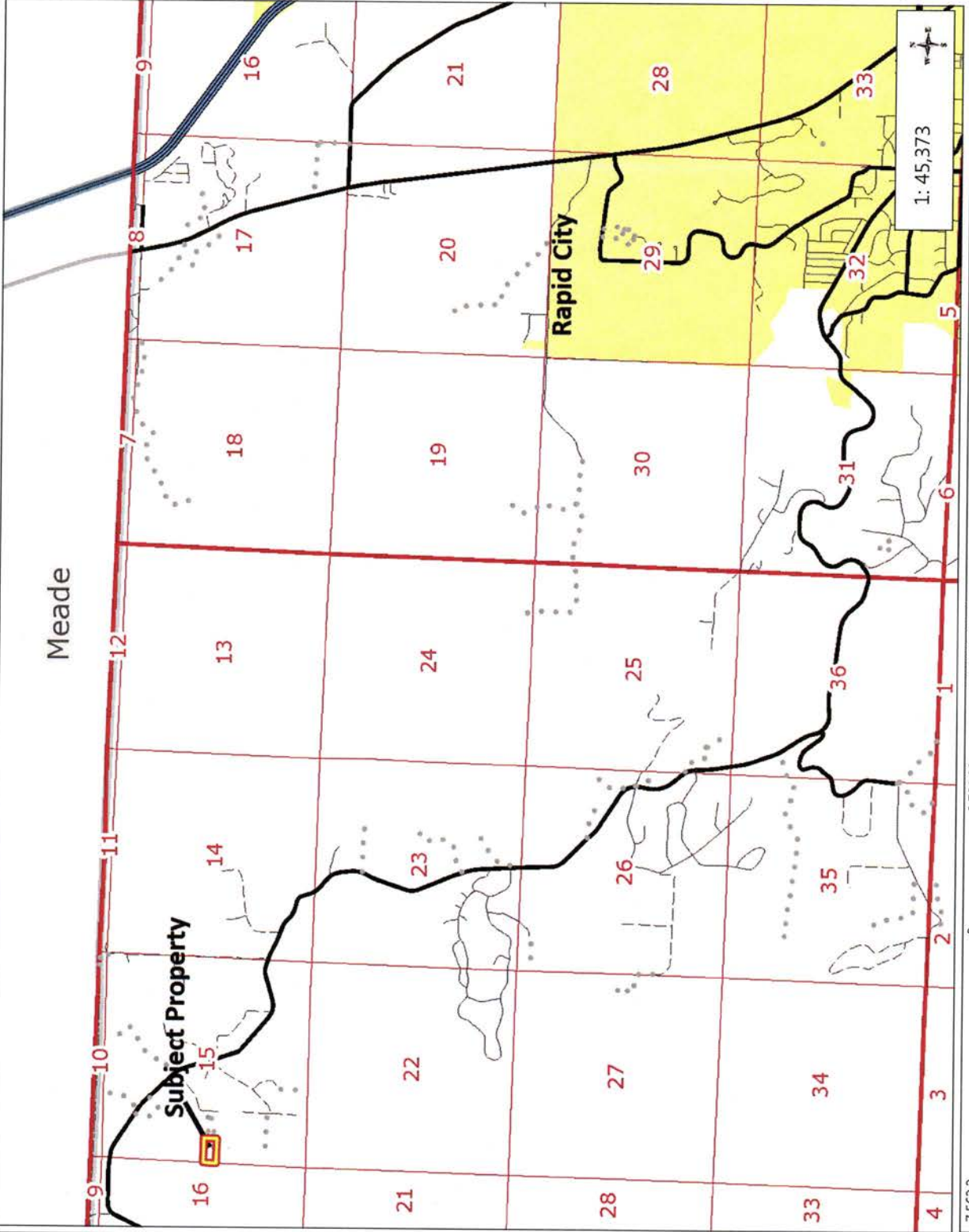
VII. UPDATE (For the September 23, 2019, Planning Commission meeting)

- A. July 22, 2019 – Planning Commission continued Conditional Use Permit / CU 19-01 to the September 23, 2019, Planning Commission meeting to allow the applicant additional time to address outstanding issues, with the following two (2) conditions:
 - 1. That the applicant pay the \$100 continuation fee in accordance with § 511(X) prior to the September 23, 2019, Planning Commission meeting; and,
 - 2. That if additional continuations are required beyond September 23, 2019, due to lack of action by the applicant, the applicant shall pay a \$100 fee for each continuation, in accordance with § 511(X).
- B. August 9, 2019 – Building Permit / COBP19-0417 was approved to permit the finished basement.
 - 1. At the time of Building Permit submittal, pump receipts were also provided for the holding tanks and provided to the Environmental Planning Supervisor.
 - 2. Staff asked Carmen Steffen, Power of Attorney for the applicant, to also provide a pumping contract with a Pennington County Certified Pumper and a plan outlining the procedure for how to deal with an alarm that indicates a full tank.
 - 3. Ms. Steffen also stated they have reduced the number of overnight guests to eight (8).
- C. August 27, 2019 – Ms. Steffen emailed documents regarding the holding tank alarms and a Service Contract from Hills Septic Service.
 - 1. The Service Contract provided was for an Aqua Safe Advanced Waste Treatment System, which is not the type of system utilized on the property.
 - 2. Staff replied to Ms. Steffen stating that we need a Service Contract for pumping the holding tanks and the contract provided does not apply.
 - 3. A copy of the email and documents provided are included with this Staff Report.

- D. September 16, 2019 – Staff sent an email to Ms. Steffen to follow up on the documents that were requested in the August 27, 2019, email.
 - 1. Ms. Steffen provided a picture of the alarms, a service log from Hills Septic Service and an observation form; however, no pumping contract was provided.
 - 2. Staff replied to Ms. Steffen requesting a pumping or service contract stating how frequently the tanks will be pumped, what services will be included, etc.
 - 3. A copy of the email and documents provided are included with this Staff Report.
 - 4. As of this Staff Report writing, no response has been received.
- E. The following items must still be addressed for Conditional Use Permit / CU 19-01 to move forward:
 - 1. The applicant must obtain approval from the South Dakota Department of Environment and Natural Resources (SD DENR) for the Vacation Home Rental.
 - 2. The applicant must provide a pumping contract with a Pennington County Certified Pumper, in accordance with § 204(J)(3)(O), and comply with § 204(J)(2) of the PCZO with regard to providing pump receipts.

RECOMMENDATION: Staff recommends to continue Conditional Use Permit / CU 19-01 to no later than the October 28, 2019, Planning Commission meeting to allow the applicant additional time to address outstanding issues, with the following one (1) condition:

- 1. That if additional continuations are required beyond October 28, 2019, due to lack of action by the applicant, the applicant shall pay a \$100 fee for each continuation, in accordance with § 511(X).



1: 45,373

7,562.2 Feet
3,781.09 Feet

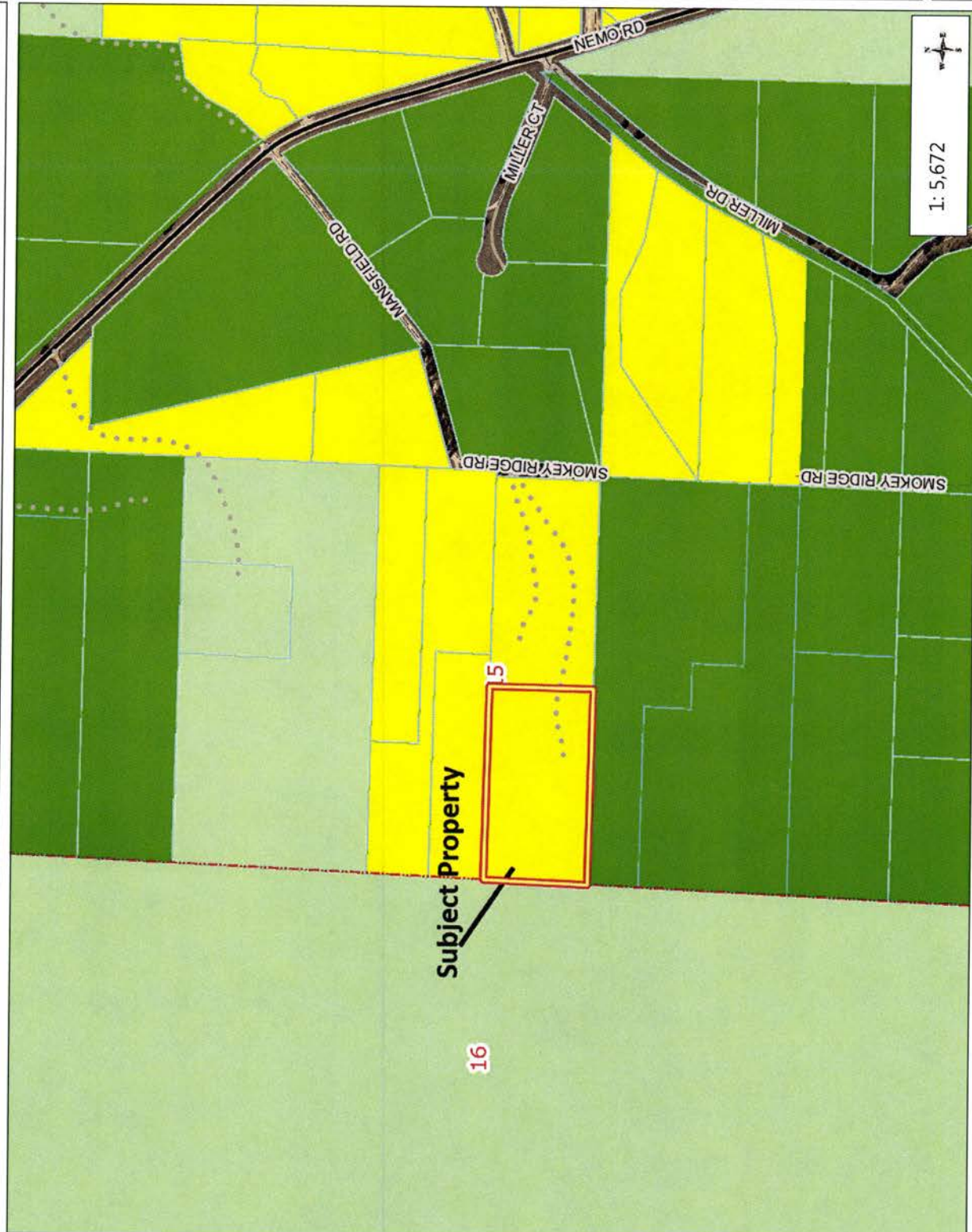
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
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Legend

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

Map Notes:

THIS MAP IS NOT TO BE USED FOR NAVIGATION



1: 5,672



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

945.3
 0 472.64 945.3 Feet
 NAD_1983_2011_StatePlane_South_Dakota_South_FIPS_4002_FT_US
 © City of Rapid City GIS

Legend

- Roads**
- Interstate
 - US highway
 - SD highway
 - County highway
 - Main road
 - 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: 6,617



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:

Bolstad Cassie

From: Bolstad Cassie
Sent: Wednesday, August 28, 2019 8:23 AM
To: 'Carmen Steffen'
Subject: RE: remaining document for lodging license

Carmen -

Thank you for sending that information. A couple of things that I have questions on:

- 1) Can you send me "picture P" as you reference in the first document that shows the lights for the holding tanks?
- 2) The service contract that you provided is for an Aqua Safe system, which is not what's installed on Terry's property. He has holding tanks, so we need a service contract for pumping the holding tanks. The service contract that was provided cannot be applied to Terry's property because none of the components of the contract are applicable to the wastewater system that exists in this case.

Please provide "picture P" and an updated service contract and then we can go from there.

Thanks!

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

-----Original Message-----

From: Carmen Steffen <proauto4142@yahoo.com>
Sent: Tuesday, August 27, 2019 12:04 PM
To: Bolstad Cassie <cassie.bolstad@pennco.org>
Subject: remaining document for lodging license

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

Cassie,

Hello, I have attached the remaining documents you requested in order to obtain a lodging license.?? Please let me know if you receive them and if they meet all the requirements.

Thank You,

Carmen Steffen

IN CASE OF AN EMERGENCY CALL 911

TERRY SAYLER	605-661-4344	OWNER
CARMEN STEFFEN	605-665-4142	MANAGER OF PROPERTY AND PRO AUTO INC
CODY P	605-760-3377	CONTACT WITH IN THE AREA FOR EMERGENCIES
HILLS SEPTIC SERVICE	605-348-3293	REMOVAL OF WASTE, CALL TERRY IMMEDIATELY
BLACK HILLS ELECTRIC	605-673-4461	IF RED LIGHT IS ON. SEE DIRECTION BOOK
RAPID CITY HEATING/COOLING	605-393-9804 OR 939-6126	LOCATION: C6-15-76#
SPLASH CITY	605-381-5947	JOSH GEO THERMAL HEATING AND COOLING
STERN OIL	605-381-1429	HOT TUB SERVICE
RAPID CITY POLICE DEPARTMENT	605-394-4133	PROPANE SERVICE
DOTY VOLUNTEER FIRE DEPT	605-341-61111	NON EMERGENCY NUMBER
POISON CONTROL CENTER	800-222-1222	NON EMERGENCY NUMBER

RECEIVED
AUG 28 2019
BY: CB

RECEIVED
AUG 28 2019
BY: *CB*

Picture K shows the last step. Attach the chain to the clip. Pull it very snug. There should be 6-8 links laying loose on the deck floor. *Pictures L, M, N, O-* show removing and reinstalling the hard cover. Please have 2 people doing these steps. It helps the vinyl not to tear. Please be careful removing the hard cover, two people make it safer and easier. The cover tears very easily. THANKS!

PLUMBING: Please do not flush anything down the toilets except for toilet paper. There are plungers located by each toilet. Our waste water is stored in large holding tanks. You will notice two red lights when you have entered through the front door of house. They are located to the right side of the closet with two doors. See picture P- When or if you notice either light glowing red, it is important to call me (Terry) at (605) 661-4344. These lights mean that the holding tanks are getting full and will need to be pumped. THANK YOU!

**CHECK-OUT INFORMATION CHECK OUT BY 11:00 PM
THANK YOU AGAIN FOR CHOOSING SMOKEY RIDGE LODGE**

Please strip all bedding and gather all towels and put in the appropriate set of washer/dryer for that floor. Main floor laundry goes in the hamper in master bathroom/laundry and the basement laundry in the basement bathroom.

Please turn off all lights (please don't forget the playhouse) and lock the doors, leave keys and remote control devices in same place you found them.

Please be sure that all dishes are washed and put away. Take trash to the dumpsters at the beginning of entry lane. (behind the large rocks)

Please turn down heat/air conditioner to original setting upon arrival. A/C is always turned off at the end of your stay. The heat is turned to 63 during the months of November thru February.

REFERRAL PROGRAM

If in any event we have a future reservation and you are the one who referred them, you will receive a \$100.00 credit on a future reservation. There is no limit on referrals.

HILLS SEPTIC SERVICE SERVICE CONTRACT

Rapid City, SD 57702 ☎ 605-348-3293

AQUA SAFE® Advanced Waste Treatment System

In consideration of prepayment of the Service Contract cost indicated below, this Authorized AQUA SAFE® service company, HILLS SEPTIC SERVICE agrees to make 4 inspection calls during the service period specified on the AQUA SAFE® system located at:

PROPERTY OWNER: Terry Saylor PHONE: 605-665-4142
ADDRESS: 22553 Smokey Ride Rd. COUNTY: PENNINGTON
TAX ID# 63466

Inspections calls will include:

- An effluent quality inspection consisting of a visual check for color, turbidity, scum overflow & examination for odors.
- Inspection, cleaning, adjustment & servicing of any mechanical and electrical components that is out of order.
- Repair/replacement of any component under warranty that is non-functional.
- Periodic sampling of the settled solids in the aeration chamber to determine pumping needs.
- Other service items
- If any improper operation is observed, which cannot be corrected during the inspection visit, the user shall be notified of the conditions and the estimated cost and date of correction.

Schedule of Routine Service and Maintenance Events:

- Routine Inspections.....6 months
- Air Filter Cleaning/Replacement.....6 months
- Compressor Diaphragm Replacement.....2-3 years
- Compressor Replacement.....6-8 years
- Removal of Residuals from Aerobic System/Pre-tank.....2-5 years
- Replacement of UV Bulbs (if applicable).....2 years

(Note: Replacement of components and pumping frequencies are estimates. The frequencies of these events will vary and are dependent upon usage, homeowner care and routine maintenance.)

The cost of the initial 2 year Warranty Service Contract is included with the cost of installation and is effective from the date of the final Pennington County Installation Inspection

The cost of the Continuing Service Agreement will be \$240.00.

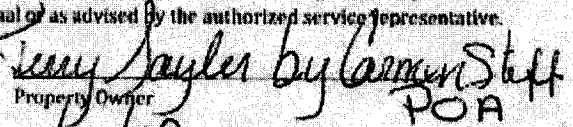
Additional service (as ordered), replacement of out-of-warranty components, laboratory test work, pumping of treatment plant or pre-treatment tank will be done upon approval from the customer and at an additional charge (unless included under 'other service items'.)

IMPORTANT: This warranty/service agreement does not cover the cost of service calls, labor or materials which are required due to misuse or abuse of the system, failure to maintain electrical power to the system; sewage flows that exceed the hydraulic or organic design capabilities; disposal of non-biodegradable materials, chemicals, solvents, grease, oil, paint, etc.; or any usage contrary to the requirements listed in the owner's manual or as advised by the authorized service representative.


Hills Septic Service Representative

INITIAL 2 YEAR WARRANTY
includes 4 inspections made at 6 month intervals

CONTINUING SERVICE AGREEMENT


Property Owner
8/12/19
Date

Bolstad Cassie

From: Bolstad Cassie
Sent: Monday, September 16, 2019 12:53 PM
To: 'Terry'
Subject: RE: 22553 Smokey Ridge Rd.

Thank you, Carmen.

Does Hills have any sort of service contract that states how frequently the tanks will be pumped, what services will be included when they come out, etc.? Similar to the contract you provided before, but for holding tanks rather than an ATU system.

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



From: Terry <proauto4142@yahoo.com>
Sent: Monday, September 16, 2019 11:22 AM
To: Bolstad Cassie <cassie.bolstad@pennco.org>
Subject: 22553 Smokey Ridge Rd.

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

Cassie,
Here are the documents you requested. I have to have someone out there take a picture of the instruction for the tanks, hopefully, I can get a neighbor to do it for me.
Thank you,
Carmen

From: Allison Ainslie
Sent: Thursday, August 29, 2019 3:26 PM
To: 'Terry'
Cc: 'Sack Cody'
Subject: 22553 Smokey Ridge Rd.

Hey there! Here is the correct information for Pennington County for the subjected address. It is a septic (holding tank) observation form with a list of the previous times we have serviced this location. Please let me know if I can get any more information or answer any questions for either of you.

Allison Ainslie

Hills Septic Service

605-348-3293

A to Z Shredding

605-716-5555





4761 Sturgis Rd, Rapid City, SD 57702 • Phone 605-348-3293 • Fax 605-348-6885
On the web: www.hillsseptic.com

Hills Septic Service Log

Address 22553 Smokey Ridge Rd.

Date of Service 6/21/19 Technician Andrew Gallons 2050
Observations good.

Date of Service 3/25/19 Technician Andrew Gallons 2050
Observations good.

Date of Service 10/1/18 Technician Jesse Gallons 2050
Observations good.

Date of Service 8/16/18 Technician Andrew Gallons 2050
Observations good.

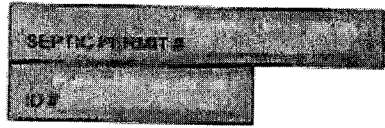
Date of Service 12/7/18 Technician Andrew Gallons 2050
Observations good.

Date of Service 1/19/18 Technician Jesse Gallons 2050
Observations good.

"We strive to be #1 in the #2 business"



PENNINGTON COUNTY
 PLANNING DEPARTMENT
 130 KANSAS CITY STREET, SUITE 200
 RAPID CITY, SD 57701
 605-394-2186 • FAX 605-394-6016
 www.pennco.org/wastewater



ON-SITE WASTEWATER TREATMENT SYSTEM OBSERVATION FORM

Date 8/9/19 Time 11:00 Weather Normal
 Owner Ferry Sauter Phone (605) 661-4311
 Address 22553 Smokey Ridge Rd. City Rapid City Zip 57702

System Information

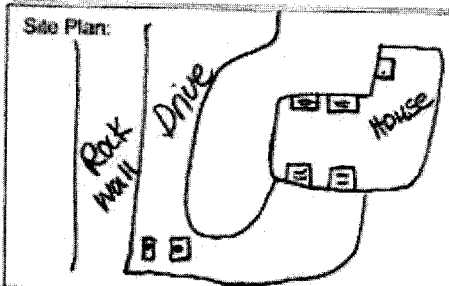
Septic Tank	Size (gallons)	Type of Tank *	Type of Drainfield**	Comments
Black 1	2050	(C) F P S X O T B M H ET DI O		
Black 2		C F P S X O T B M H ET DI O		
Gray	2050	(C) F P S X O T B M H ET DI O		

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

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

Performance and Integrity

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



Observation Completed by:
 (Print Name) Andrew Franz Date 8.29.19
 Signature [Signature]
 Company HILLS SEPTIC SERVICE
4781 STURGIS RD
RAPID CITY SD 57702

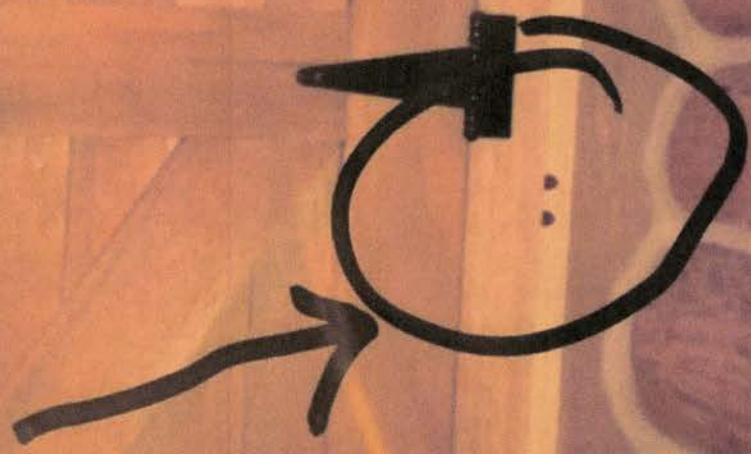
Comments: Observation re-done because of confusion with ATU contract. That's why signed 8/29/19.

A follow-up letter will be sent by Pennington County outlining the observation results and payment procedures.

RECEIVED

SEP 16 2019

CB



P

STAFF REPORT

GENERAL INFORMATION:

REQUEST: CONDITIONAL USE PERMIT / CU 19-23: To allow for a ranch hand's residence on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

APPLICANT: Margaret Steele

APPLICANT ADDRESS: 16495 Base Line Road
New Underwood, SD 57761

OWNER: Oliver and Elizabeth Johnson

OWNER ADDRESS: 16495 Base Line Road
New Underwood, SD 57761

LEGAL DESCRIPTION: GL 2; E1/2E1/2 OF GL 3; NE1/4NE1/4 NE1/4SW1/4; N1/2N1/2 NW1/4 SE1/4; Less Right-of-Way, Section 1, T1S, R11E, BHM, Pennington County, South Dakota.

SITE LOCATION: 16495 Base Line Road; south of New Underwood and east of the intersection of 161st Avenue and Base Line Road.

SIZE: 59.05 acres

TAX ID: 12005

EXISTING LAND USE: Residential / Agriculture

ZONING REFERENCE: §§ 205 and 509

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 / Open Meadow

UTILITIES: Private

PREPARED BY: Kristina Proietti

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending approval of the withdrawal of Conditional Use Permit / CU 19-23, with the applicant's concurrence, as it is not needed.

II. GENERAL DESCRIPTION

- A. The applicant, Margaret Steele, applied for a Conditional Use Permit to allow a single-wide mobile home to be used as a ranch hand's residence on the subject property.

III. EXISTING CONDITIONS

- A. Zoned General Agriculture District.
B. 59.05 acres.
C. No Special Flood Hazard Area.
D. Lot contains:
1. Single-family residence – built in 1908, per Department of Equalization (DOE) records.
a. On-site Wastewater System (OSWTS) requirements are legal non-conforming / grandfathered.
b. No OSWTS Operating Permit is required, per § 204 (J)(4)
2. 20' x 16' tool shed – built in 2016, per DOE records; *no permit obtained.*
3. 16' x 10' tool shed – build in 1995, per DOE records; *no permit obtained.*
4. 22' x 14' tool shed – built in 1965, per DOE records; no permit required.
5. 24' x 28' detached garage – built in 1965, per DOE records; no permit required.

1. ANALYSIS

- A. In a General Agriculture District, a primary residence and one Ranch Hand's Residence are permitted uses, as long as the Ranch Hand Residence is a mobile home. Additional ranch hand Residences or non-mobile home housing for hired help require a Conditional Use Permit in accordance with § 304(B)(1)(a) of the Pennington County Zoning Ordinance (PCZO).
1. August 19, 2019 – The applicant, Ms. Steele, applied for a Conditional Use Permit to use a single-wide mobile home as a ranch hand residence.

Agenda Item #11
Margaret Steele
September 23, 2019

2. September 17, 2019 – Staff left a message on the applicant’s voicemail, Ms. Steele, informing her that a Conditional Use Permit would not be required.
 3. September 18, 2019 – Staff spoke with the landowner, Mr. Oliver, to discuss that a Conditional Use Permit would not be required.
 4. Staff has determined that the applicant will be in compliance with § 304(B)(1)(a) and will not require a Conditional Use Permit.
- B. While doing research for the Staff report, there were discrepancies with what the Department of Equalization’s Record Card and what Planning and Zoning Department show for Building Permits.
- C. The two (2) existing tool sheds were constructed on the property without permits after February 1, 1994, the effective date of the current Pennington County Zoning Ordinance. Therefore, both require Building Permits and incur penalty fees.
- D. Prior to obtaining a Building Permit for the single-wide mobile home, the applicant must obtain an approved On-site Wastewater Treatment System Construction Permit for the ranch hand residence as well as the aforementioned missing Building Permits for the existing sheds.

RECOMMENDATION: A. Staff will be recommending approval of the withdrawal of Conditional Use Permit / CU 19-23, with the applicant’s concurrence, as it is not needed.



PLANNING DEPARTMENT

130 KANSAS CITY ST., SUITE 200 • RAPID CITY, SD 57701

605-394-2186 • FAX 605-394-6016

RANCH HAND'S STATEMENT

I, Oliver Johnson, state that a ranch hand will be residing in a single-wide mobile home at the property legally described as: The GL 2; E1/2E1/2 OF GL 3; NE1/4NE1/4NE1/4SW1/4; N1/2N1/2NW1/4SE1/4; LESS ROW, BHM, Pennington County, South Dakota.

(9-1-1 Address of Ranch Hand Residence: TBD)

I further attest that the ranch hand will be directly engaged in the operation of the farm or ranch located on the above-described property. The 2nd residence on the property will be utilized as a Ranch Hand Residence only and will meet all of the requirements of the Pennington County Zoning Ordinance.

If the operation of the farm or ranch is discontinued or the ranch hand is no longer needed, the Ranch Hand Residence will be removed or the property will be subdivided.

Oliver Johnson
Signature of Landowner
(Oliver Johnson)

9-3-19
Date

Subscribed and sworn before me at Rapid City, SD, this 3 day of September, 2019.
(City) (State) (date) (month)

Notary Public: [Signature]
My Commission Expires: 3/22/2025





PLANNING DEPARTMENT

130 KANSAS CITY ST., SUITE 200 • RAPID CITY, SD 57701

605-394-2186 • FAX 605-394-6016

TID# 12005

I, Margaret Steele, am directly engaged in the operation of the farm or ranch located at the property legally described as NW 1/4 NW 1/4 Less E 495 ft. Section 14 T2N, R9E

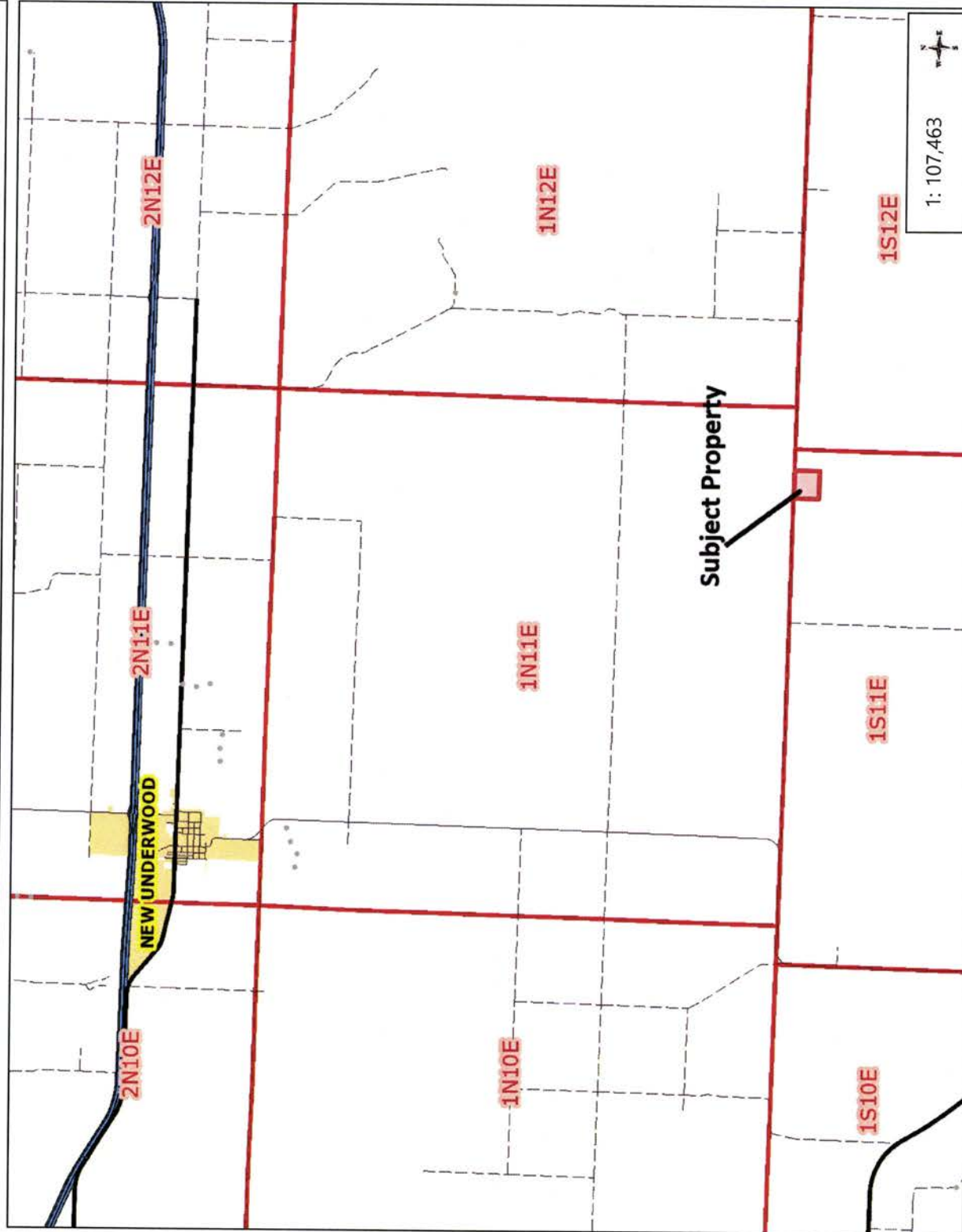
I do, hereby, certify that the additional residence will be utilized as a Ranch Hand's Residence on the above-described property.

Margaret L.D. Steele
Signature of Ranch Hand

Subscribe and sworn to before me at Rapid City, SD, this 12 day of September, 2019.

Notary Public: [Signature]
My Commission Expires: 3/22/2025





1: 107,463



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17,910.4

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Legend

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

Map Notes:



1: 26,680

4,446.6 0 2,223.29 4,446.6 Feet

NAD_1983_StatePlane_South_Dakota_South_FIPS_4002_Feet
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 - Not yet coded
- Section Lines 0-25k
- Section Labels 0-25k
- Tax Parcels
- Lot Lines
 - <Null>
 - Lot Line
 - Parcel Line
- OtherCitieslargerscale

Map Notes:



1: 26,680

4,446.6 0 2,223.29 4,446.6 Feet

NAD_1983_StatePlane_South_Dakota_South_FIPS_4002_Feet
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Section Lines 0-25k

Section Labels 0-25k

Tax Parcels

Lot Lines

- <Null>
- Lot Line
- Parcel Line

Pennington County Zoning

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

Map Notes:

STAFF REPORT

GENERAL INFORMATION:

REQUEST: CONDITIONAL USE PERMIT / CU 19-24: To live in a shop building while building a 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.

APPLICANT: Wilkison Family Living Trust

APPLICANT ADDRESS: 23501 Mystic Road, Hill City, SD 57745

LEGAL DESCRIPTION: Lot 1, Mae West Subdivision, Section 33, T1N, R4E, BHM, Pennington County, South Dakota.

SITE LOCATION: 23501 Mystic Road.

SIZE: 3.00 acres

TAX ID: 19556

EXISTING LAND USE: Pole Barn

ZONING REFERENCE: §§ 207 and 509

CURRENT ZONING: Low Density Residential District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Forested / Hills

UTILITIES: Private

PREPARED BY: Jason Theunissen

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending approval of Conditional Use Permit / CU 19-24 with eight (8) conditions.

II. GENERAL DESCRIPTION

- A. The applicant, Nick Wilkison, applied for a Conditional Use Permit to allow a future shop to be used as temporary living quarters during construction of a single-family residence.

III. EXISTING CONDITIONS

- A. Zoned Low Density Residential District.
- B. Three (3) acres.
- C. Platted March 17, 1983 – Book 19, Page 18.
- D. Access is off of Mystic Road.
- E. No Special Flood Hazard Area.
- F. Two (2) 22' x 14' tool sheds.
 - 1. One (1) built in 1988, per Department of Equalization (DOE) records.
 - 2. One (1) not on DOE records and no Building Permit.

IV. REQUEST FOR COMMENT

- A. County Highway Department
 - 1. It appears from RapidMap that the access is through Forest Service Land. The Forest Service doesn't recognize section line ROW. If they do not have a permit for this access, they will need to either obtain one from the Forest Service or an access easement from the landowner to the north.
- B. County Fire Administrator
 - 1. No comments received.
- C. County Environmental Planning Supervisor
 - 1. There is no Special Flood Hazard Area on the subject property.
 - 2. There is an existing OSWTS on the subject property and was pumped and observed in 2014 (COOP14-0511). It consisted of a 1,000-gallon septic tank and unknown drainfield.
- D. County Environmental Planner
 - 1. The applicant has a valid Operating Permit for an existing septic system (COOP14-0511). The applicant will need to utilize this system when living in the shop or provide for another means of septic disposal.
- E. County Ordinance Enforcement Officer
 - 1. No Current violation on this property.
- F. County Natural Resources Director
 - 1. No comments received.

- G. County Addressing Coordinator
 - 1. There is an existing address point on the subject property (23501 Mystic Road) that was previously assigned to a SWMH (since removed). The address point will need to be moved/updated during the Building Permit application process. The address must be posted in accordance with Pennington County Ordinance #20.
- H. Emergency Services (9-1-1)
 - 1. If approved, Garage needs to be addressed and the number posted in accordance with Penn Co Ord 20 and in this case, the number may need to be where the driveway intersects Mystic Rd.
- I. Black Hills Electric Cooperative
 - 1. No comments received.
- J. U. S. Forest Service
 - 1. The Forest Service has no objections to the proposed Wilkison (Oliver and Elizabeth Johnson) Conditional Use Permit.
 - 2. No legal access to the private property (Lot 1 of Mae West Subdivision); Steven and Dorothy Wilkison applied (04-28-2017) for a FLPMA Private Road Easement across National Forest System lands located in Section 4, T1S, R4E, BHM; Steven and Dorothy Wilkison put a hold on the application on 09-06-2018.
 - 3. Steven and Dorothy Wilkison purchased the private property (GL 3, Section 4, T1S, R4E, BHM) owned by Marvin W. Albert and Jeanette Albert (deceased); Steven and Dorothy Wilkison applied for a FLPMA Private Road Easement transfer from Albert to Wilkison on 12-11-2018; the Forest Service is currently working on the easement transfer from Albert to Wilkison. This FLPMA Private Road Easement route will be from the Mystic Road to the private property (GL 3) owned by Wilkison and does not include access to Lot 1, Mae West Subdivision.
 - 4. Protect all posted boundary line corners, signs and bearing trees.
 - 5. Adhere to the setback requirements along the posted boundary between National Forest System lands (USA Public Domain) and the private property.
 - 6. Protect all known stream courses, ponds and riparian areas located on National Forest System lands.
 - 7. No resource damage to occur on National Forest System lands.
 - 8. All straw bales, erosion mats, slash mats, etc. located on private property will need to be certified weed-free. Provide a copy of the certification to the Forest Service.
 - 9. No construction materials to be placed on National Forest System lands.
 - 10. All proposed drain fields, leach lines or septic systems will need to be located on private property and not located on or drain or leach onto National Forest System lands; septic system holding tank (s)

- and potable water holding tank (cistern) will be required to be located on private property.
11. All construction materials, supplies, trash or garbage or fill material will not be located or dumped on National Forest System lands; take all construction materials, supplies, trash or garbage to an approved location (approved sanitary landfill).
 12. Public roads in this area of the Black Hills National Forest are classified as "Other Public Roads" per the latest version (January 1, 2019) of the Motor Vehicle Use Map.
 13. No motorized trailheads or motorized trails or motorized roads are planned or scheduled for this portion of the Black Hills National Forest.
 14. No motorized trails for ATV, motorcycles or ORV will be authorized from private property unto National Forest System lands (USFS does not want unauthorized trails constructed on National Forest System lands).

V. ANALYSIS

- A. August 21, 2019 – The applicant, Nick Wilkison, applied for a Conditional Use Permit to allow a future shop to be used as temporary living quarters during construction of a single-family residence.
- B. September 10, 2019 – Staff spoke with the applicant via telephone.
 1. The applicant proposed to build a 60' x 80' shop building on the subject property and utilize approximately 30' x 30' of it as living quarters.
 2. Staff discussed the Building Permit and Onsite Wastewater Treatment System Permit processes and that both must be obtained.
 3. The applicant also stated the existing tool shed would be removed from the property, as it is in poor repair.
- C. September 11, 2019 – Staff performed a site visit.
 1. Department of Equalization property records lists one (1) 22' x 14' tool shed.
 2. Staff noted there was a second existing tool shed that appeared to be connected to utilities.
- D. September 19, 2019 – Staff spoke with the applicant via telephone.
 - a. The applicant stated that the second existing tool shed (unpermitted) will be removed from the property prior to construction of the proposed shop with living quarters. Staff advised that a Removal Permit will be required.
 - b. The applicant also stated that the proposed shop will include a new On-site Wastewater Treatment System (OSWTS). Staff advised that an approved OSWTS Construction Permit will be required prior to application for the proposed shop Building Permit.

Agenda Item #12
Wilkison Family Living Trust
September 23, 2019



Tool Shed on DOE Record, 9.11.19



Tool Shed NOT on DOE Record, 9.11.19

VI. CONSIDERATIONS FOR CONDITIONAL USE PERMIT REQUEST

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

- A. **The effect upon the use and enjoyment of other property in the immediate vicinity for the uses already permitted, and upon property values within the immediate vicinity.**
 - 1. It appears that by allowing this Conditional Use Permit, there should be no negative effects on the use and enjoyment of other properties in the immediate vicinity.
 - 2. Staff cannot predict the impact the use may have on property values in the surrounding area.

- B. **The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.**
 - 1. Allowing this Conditional Use Permit should not affect the normal, orderly development or improvement of any surrounding property in the area, as the use is temporary in nature.

- C. **That utilities, access roads, drainage, and/or other necessary facilities are provided.**
 - 1. The applicant has indicated they will be utilizing an existing on-site wastewater treatment system to serve the proposed single-family residence. The proposed shop must be connected to that system, while it is being utilized as living quarters.

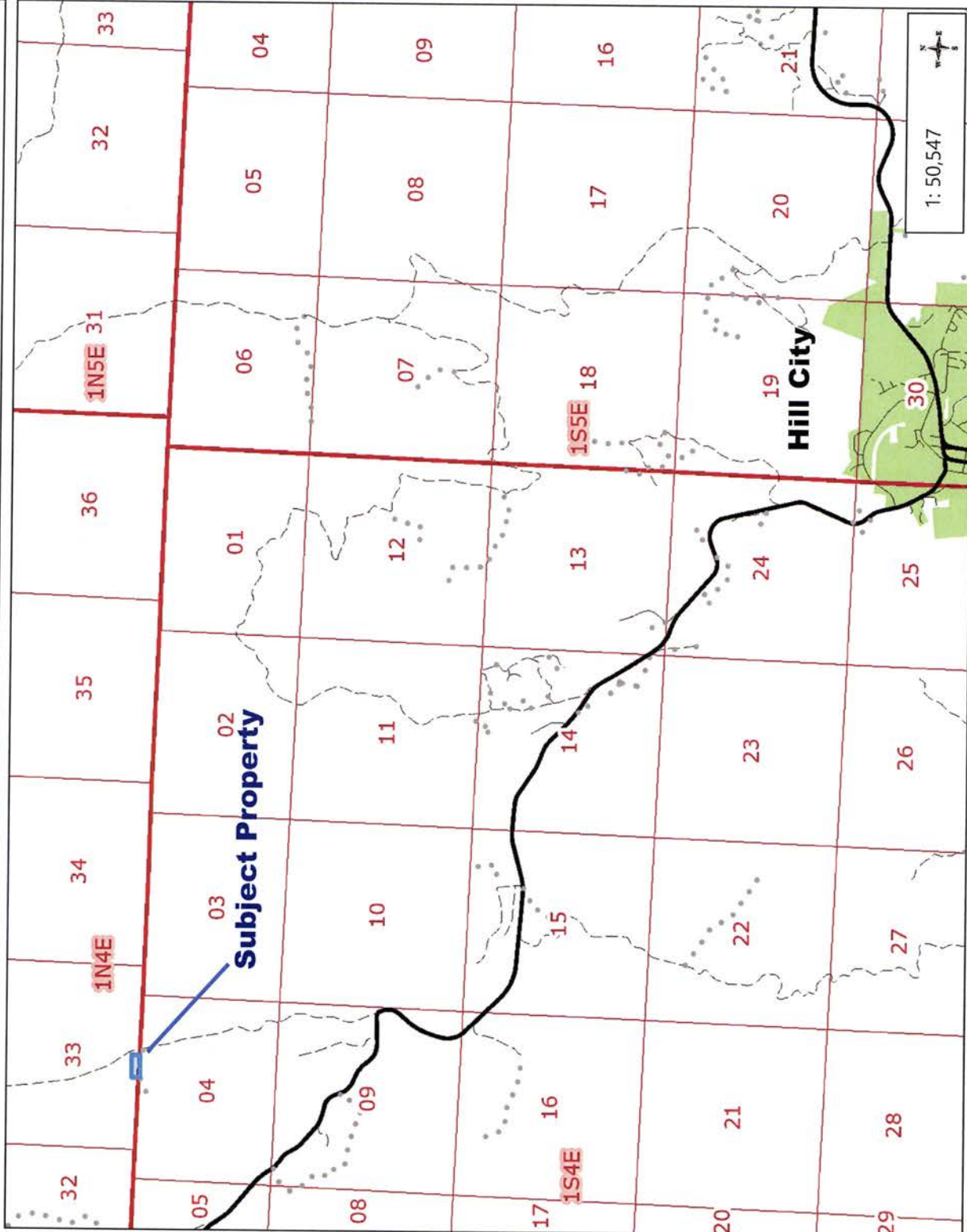
- D. **That the off-street parking and loading requirements are met.**
 - 1. Pennington County Zoning Ordinance (PCZO) § 310(A)(9)(k) requires two (2) off-street parking spaces for a single-family residence. It appears that adequate parking is provided on the subject property.

- E. **That measures are taken to control offensive odor, fumes, dust, noise, vibration, and lighting (inclusive of lighted signs), so that none of these will constitute a nuisance.**
 - 1. The proposed Conditional Use, by its very nature, should have limited odor, fumes, dust, noise, vibrations and intrusive lighting. The proposed use should not create any of the above-listed elements in amounts that would constitute a nuisance.

Agenda Item #12
Wilkison Family Living Trust
September 23, 2019

RECOMMENDATION: Staff recommends approval of Conditional Use Permit / CU 19-24 with the following eight (8) conditions:

1. That a Building Permit application for the proposed shop be submitted within one (1) year of approval of Conditional Use Permit / CU 19-24;
2. That applicant obtain an approved Removal Permit for the second tool shed, and that the shed be removed, prior to submission of a Building Permit application for the proposed shop.
3. That the applicant obtain an approved On-Site Wastewater Treatment System Construction Permit prior to submission of a Building Permit application for the proposed shop;
4. That the address assigned for the property be clearly posted on the shop while it is being utilized as living quarters, in accordance with Pennington County's Ordinance #20;
5. That the minimum setback requirements of a Section Line right-of-way and Low Density Residential District be continually maintained on the subject property, or approved Setback Variance(s) be obtained;
6. That the subject property remains free of debris and junk vehicles;
7. 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;
8. That upon completion of the single-family residence, the shop may no longer be utilized as living quarters on the subject property; and,
9. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.



1: 50,547

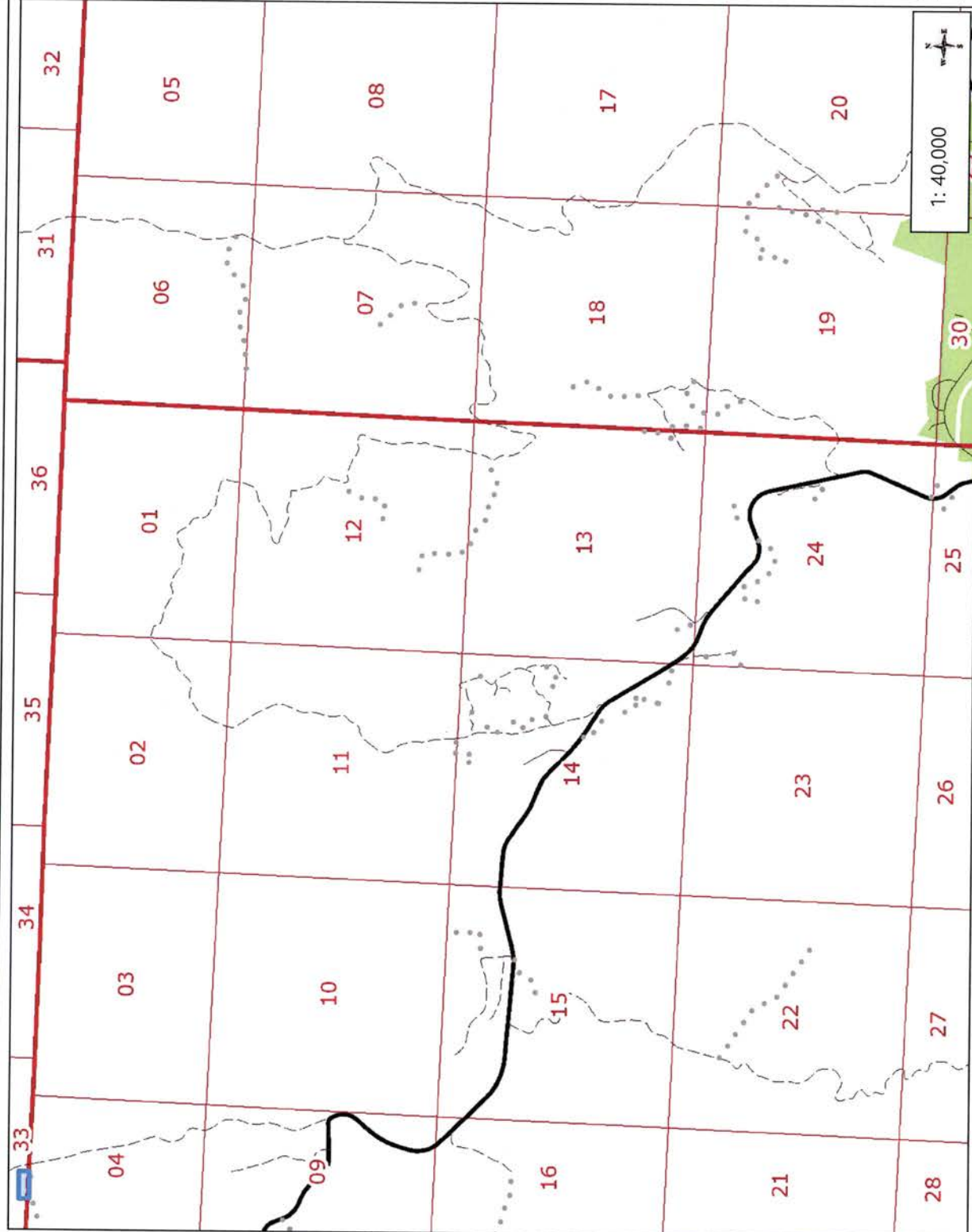
8,424.5
0 4,212.27 8,424.5 Feet
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© City of Rapid City GIS

Legend

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 - WALL
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- City Limits

Map Notes:

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1: 40,000

6,666.7 Feet
 0 3,333.33 6,666.7 Feet

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Map Notes:



1: 3,791



Legend

Roads

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

Address Points

Section Lines 0-25k

Tax Parcels

Lot Lines

- <Null>
- Lot Line
- Parcel Line

Pennington County Zoning

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

Map Notes:

631.8 0 315.92 631.8 Feet



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STAFF REPORT

GENERAL INFORMATION:

REQUEST: PLANNED UNIT DEVELOPMENT REVIEW / PU 06-07: To review a Planned Unit Development to allow a mobile home park in accordance with Section 213 of the Pennington County Zoning Ordinance.

OWNER: Rapid City MHP, LLC

OWNER ADDRESS: P.O. Box 457, Cedaredge, CO 81413

LEGAL DESCRIPTION: Tract C of Lot B of NE1/4 NW1/4 less Pengra Subdivision, Section 17, T2N, R7E, BHM, Pennington County, South Dakota.

SITE LOCATION: 4835 Sturgis Road; South of Merritt Road and West of Sturgis Road.

SIZE: 21.49 acres

EXISTING LAND USE: Mobile Home Park

ZONING REFERENCE: Section 213

CURRENT ZONING: Planned Unit Development

TAX ID: 14691

SURROUNDING ZONING:

North	Suburban Residential, General Agriculture, Highway Service & General Commercial Districts
South	Suburban Residential, General Commercial & General Agriculture Districts
East	Highway Service, Limited Agriculture & General Commercial Districts
West	General Agriculture and Suburban Residential Districts

PHYSICAL CHARACTERISTICS: Flat / Partially Forested

UTILITIES: Private

REPORT BY: Kristina Proietti

I. PROPOSED RECOMMENDATION

Staff will be recommending to continue the review of Conditional Use Permit / CU 06-07 to no later than the November 12, 2019, Planning Commission meeting.

II. GENERAL DESCRIPTION

A. July 24, 2006, the Planning Commission approved Conditional Use Permit / PU 06-07 with the following twenty (20) conditions:

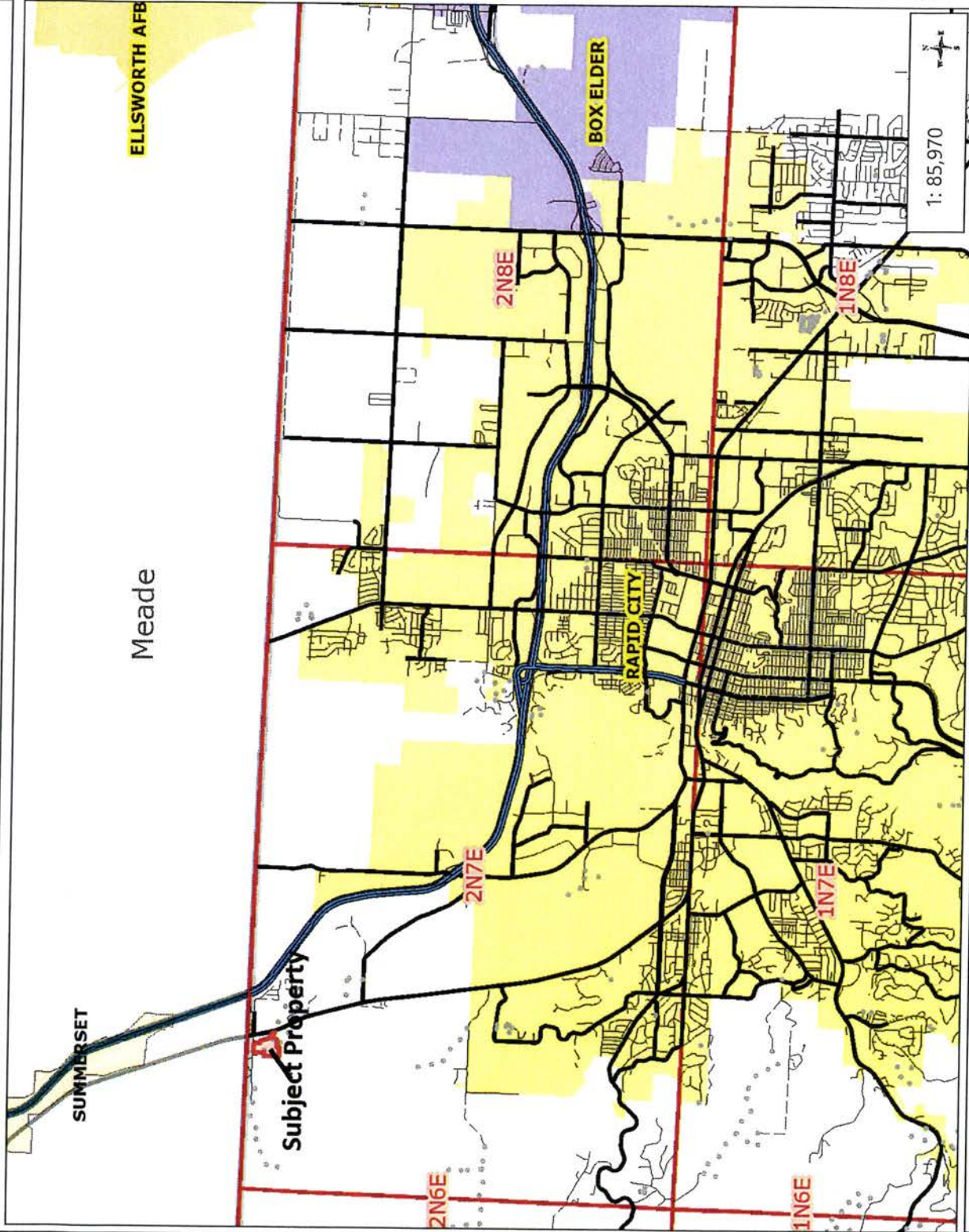
1. That the PUD has a maximum of 51 mobile home spaces, one duplex, two stick-built structures and a total of 75 storage units;
2. That each mobile home space be allowed one mobile home, manufactured home or modular home (single-wide or double-wide);
3. That the mobile homes shall have a minimum 20-foot separation between units;
4. That decks and/or porches be allowed as accessory structures to each mobile home;
5. That the mobile homes shall have a minimum front yard setback of ten (10) feet from all access roads within the mobile home park and a setback of twenty-five (25) feet from exterior property lines;
6. That the mobile homes maintain a minimum ten (10) foot rear yard and side yard setback from interior lot lines;
7. That each mobile home space have a minimum of two (2) off-street parking spaces, and that each parking space shall not be less than nine (9) feet by eighteen feet, surfaced with gravel, concrete or asphalt and maintained in such a manner that no dust will result from continuous use;
8. That 13 visitor parking spaces are provided. Each space must measure a minimum of 9 feet x 18 feet, be surfaced in gravel, concrete or asphalt and maintained in a dust free manner;
9. That a building permit shall be obtained for the removal or placement of mobile homes or manufactured homes on the property;
10. That a building permit be obtained for structures exceeding 144 square feet or located on a permanent foundation which will require a site plan to be reviewed and approved by the Planning Director;
11. That the mobile home park be provided with an on-site management office;
12. That all the interior streets shall be a minimum of 25 feet in width and surfaced with gravel, concrete or asphalt and maintained in a dust free manner as required by Section 305;

13. That prior to the placement of mobile homes or any other structures within the 100-year floodplain, a Flood Plain Development Permit shall be submitted for review and approval;
 14. That prior to any repair or replacement of the wastewater disposal system, the S.D. Department of Environment and Natural Resources and the Pennington County Environmental Technician shall review and approve the work and a Flood Plain Development Permit shall be obtained for any work within the one hundred year flood plain;
 15. That the storage units be used exclusively for storage and not retail business activities;
 16. That each unit has an individual address that must be posted in accordance with Pennington County Ordinance Amendment #20;
 17. That the Planning Director may allow additional development or construction which is consistent with the existing development on this property; significant changes in the use or impacts on adjacent land uses as determined by the Planning Director shall require an amendment to this Planned Unit Development; and,
 18. That this PUD be reviewed in one (1) year or upon a complaint basis.
 19. That a map be submitted to Rapid City's GIS Department showing the addresses for each lot within the mobile home park; and
 20. That the first one hundred feet off of Sturgis Road be hard surfaced.
- B. PU 06-07 has been reviewed and approved by the County Board of Commissioners on November 6, 2007; July 21, 2009; July 25, 2011; and March 23, 2015 with the same twenty (20) Conditions of Approval from the aforementioned Planning Commission meetings.

III. ANALYSIS

- A. September 5, 2019, Staff performed a site visit and found large amounts of water on the interior streets, it appeared that a water line was broken. There was no odor or evidence of sewage.
- B. September 12, 2019, Staff performed a site visit to the subject property and conducted a thorough investigation as to the structures located on each lot.
- C. Staff recommends continuing Planned Unit Development to allow Staff time to research mobile home lots, duplexes, stick0built homes, and storage sheds to ensure there are Building Permits for all pertinent structures.

RECOMMENDATION: Staff recommends to continue the review of Planned Unit Development / PU 06-07 to no later than the November 12, 2019, Planning Commission meeting.



1: 85,970

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- 2N6E
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 - 2N8E
 - 1N6E
 - 1N7E
 - 1N8E
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Map Notes:



1: 10,954

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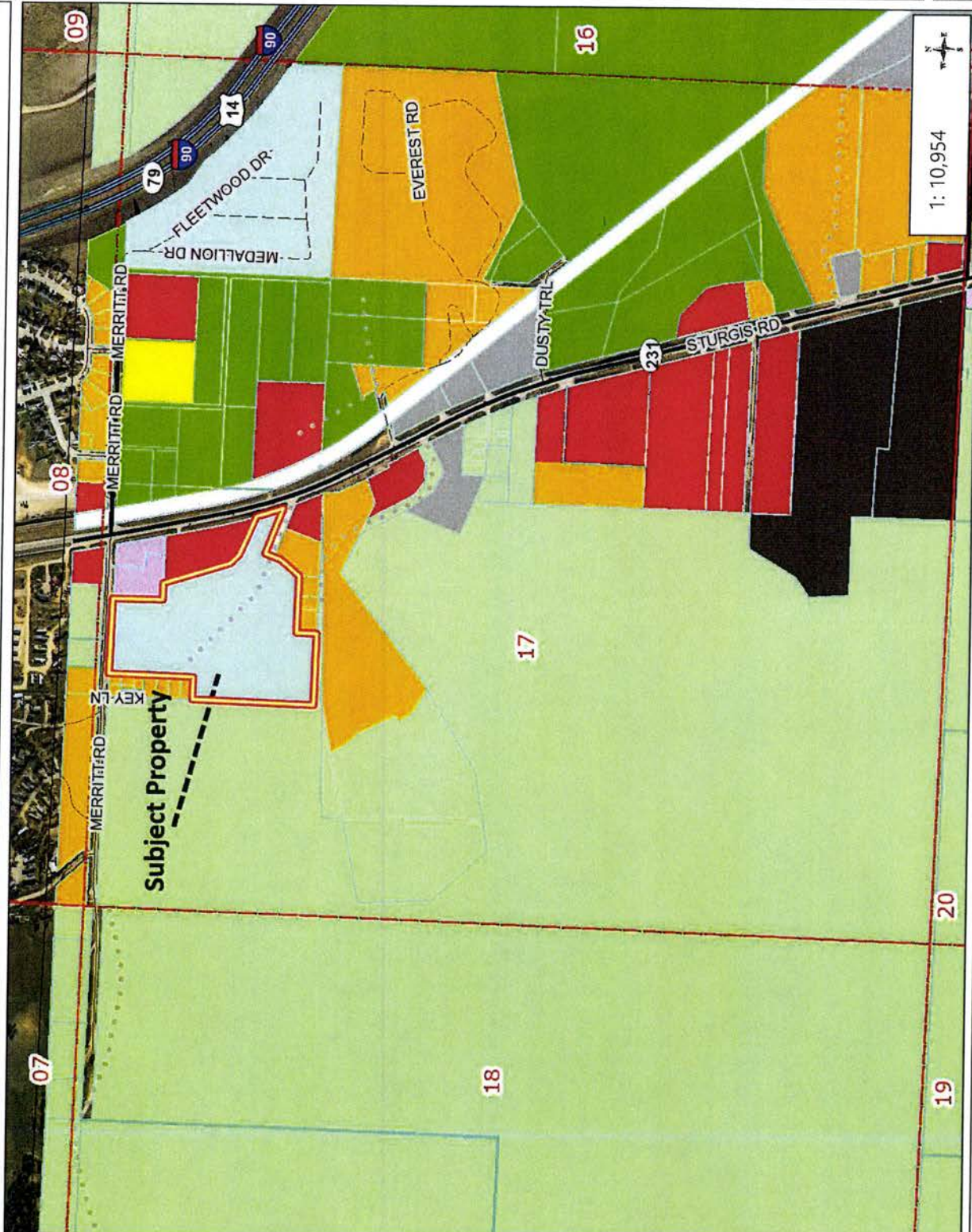
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Map Notes:



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1,825.7 0 912.87 1,825.7 Feet

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Pennington County Zoning

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

Map Notes:



Google Earth

Imagery Date: 5/4/2017 44°08'24.31"N 103°04'28.80"W elev: 1524 ft eye alt: 4698 ft

Canada 1998

plexes

4835 Slurgis Rd
Storage Units

Office

Cedarwood

Slurgis Rd

79

Body Dr

5/4/2017

5/4/2017

STAFF REPORT

GENERAL INFORMATION:

REQUEST: PLANNED UNIT DEVELOPMENT REVIEW / PU 09-02: To review the Salvation Army Camp Planned Unit Development in accordance with Section 213 of the Pennington County Zoning Ordinance.

PROPERTY OWNER: The Salvation Army

APPLICANT ADDRESS: 405 N. Cherry Avenue, Rapid City, SD 57701

LEGAL DESCRIPTION: Lot B of Lot 1 of Lot C of Lot 8 of Lot E; Lot 2 of Lot C of Lot 8 of Lot E; and the unplatted portion of Lot C of Lot 8 of Lot E, Big Bend Placer MS 1442, Section 8, T1N, R6E, BHM, Pennington County, South Dakota.

SITE LOCATION: 23095 Thunderhead Falls Road: approximately one mile south of Highway 44 on Thunderhead Falls Road.

SIZE: 15.30 acres

TAX ID: 43634

EXISTING LAND USE: Bed and Breakfast

ZONING REFERENCE: § 213

CURRENT ZONING: Religious campground with residence

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Sloping / Forested

UTILITIES: Private

REPORT BY: Jason Theunissen

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending approval of the extension of Planned Unit Development / PU 09-02 with twenty (20) conditions.

II. GENERAL DESCRIPTION

- A. March 3, 2009 – Board of Commissioners approved the second reading of Planned Unit Development / PU 09-02 with twenty-one (21) conditions.
1. That the setbacks from property lines be 25 feet from all property lines and 58 feet from Section Lines;
 2. That the Planning Director may allow additional development or construction, which is consistent with the existing development on this property. Significant changes in the use or impacts on adjacent land, uses as determined by the Planning Director, shall require an amendment to this Planned Unit Development;
 3. That a minimum of one 36-unit first aid kit be provided and accessible to the public at all times;
 4. That the internal driveway be a minimum of a 24-foot-wide driving surface and maintained in a dust free manner;
 5. That the uses for this Planned Unit Development shall be limited to the existing uses already on the property, which include a bunkhouse with a capacity of 15 people, picnic shelter, two (2) restrooms (male and female) with showers and toilets, church shelter, fire pit with seating, officer's residence, two (2) wells and drainfields, and the expansion to include a pastor's prayer retreat cabin, meeting/dining/safety hall, six (6) deck platforms, five (5) cabins, and five (5) RV sites;
 6. That approval of a Floodplain Development Permit be obtained prior to any work done within the boundaries of the 100-year floodplain;
 7. That the any new wastewater disposal system be designed by an engineer and that all the supporting percolation tests and soil profile information be stamped by the engineer and obtain approval from the South Dakota Department of Environment and Natural Resources;
 8. That applicant obtains Building Permits for the two deck platforms that were recently constructed on the property and administrative fees be paid for the Building Permits;
 9. That the applicant ensures the rustic character of the property is maintained;
 10. That no open fire shall be permitted, unless approved by the State Wild Land Fire Suppression or Johnson Siding Fire Chief;
 11. That barbecue pits, fireplaces, and incinerators shall be located, constructed, maintained, and used as to minimize fire hazard and smoke nuisance, both on and off the property. The Fire Chief shall approve the facilities before the use is permitted;

Agenda Item #14
The Salvation Army
September 23, 2019

12. That any parking areas be maintained in a dust free manner;
 13. That each sleeping room have a smoke/heat detector;
 14. That a portable fire extinguisher with a minimum 2 A-BC rating shall be placed in each structure and shall be inspected and tagged annually;
 15. That each floor where occupants are sleeping shall have two means of escape;
 16. That the applicant works with the Pennington County Fire Coordinator in regards to evacuation, mitigation; building construction, water supplies, safety drills, emergency alerting systems and other safety issues;
 17. That the applicant signs the Noxious Weed Management Plan;
 18. That the camp be limited to a maximum of 100 overnight total campers at one time;
 19. That the new cabins be limited to one story;
 20. That all structures be 45 feet from the west ridgeline; and,
 21. That the Planned Unit Development be reviewed in one (1) year.
- B. April 6, 2010 – Board of Commissioners approved the extension of PU 09-02 with nineteen (19) conditions.
1. Conditions #8 and #17 of the March 9, 2009, approval were removed as they were met.
- C. May 1, 2012 – Board of Commissioners approved the extension of PU 09-02 with the same nineteen (19) conditions as the April 6, 2010, approval.
- D. April 28, 2014 – Board of Commissioners approved the extension of PU 09-02 with the same nineteen (19) conditions as the May 2, 2012, approval with the review in three (3) years.
- E. October 3, 2017 – Board of Commissioners approved the extension of PU 09-02 with the following twenty-one (21) conditions:
1. That the setbacks from property lines be 25 feet from all property lines and 58 feet from Section Lines;
 2. That the Planning Director may allow additional development or construction, which is consistent with the existing development on this property. Significant changes in the use or impacts on adjacent land, uses as determined by the Planning Director, shall require an amendment to this Planned Unit Development;
 3. That a minimum of one 36-unit first aid kit be provided and accessible to the public at all times. First aid kit needs to be inspected monthly with consumables and dated items replaced as needed. Appropriate records are to be maintained;
 4. That the internal driveway be a minimum of a 24-foot-wide driving surface and maintained in a dust free manner;
 5. That the uses for this Planned Unit Development shall be limited to the existing uses already on the property, which include a bunkhouse with a capacity of 15 people, picnic shelter, two (2) restrooms (male and female) with showers and toilets, church shelter, fire pit with

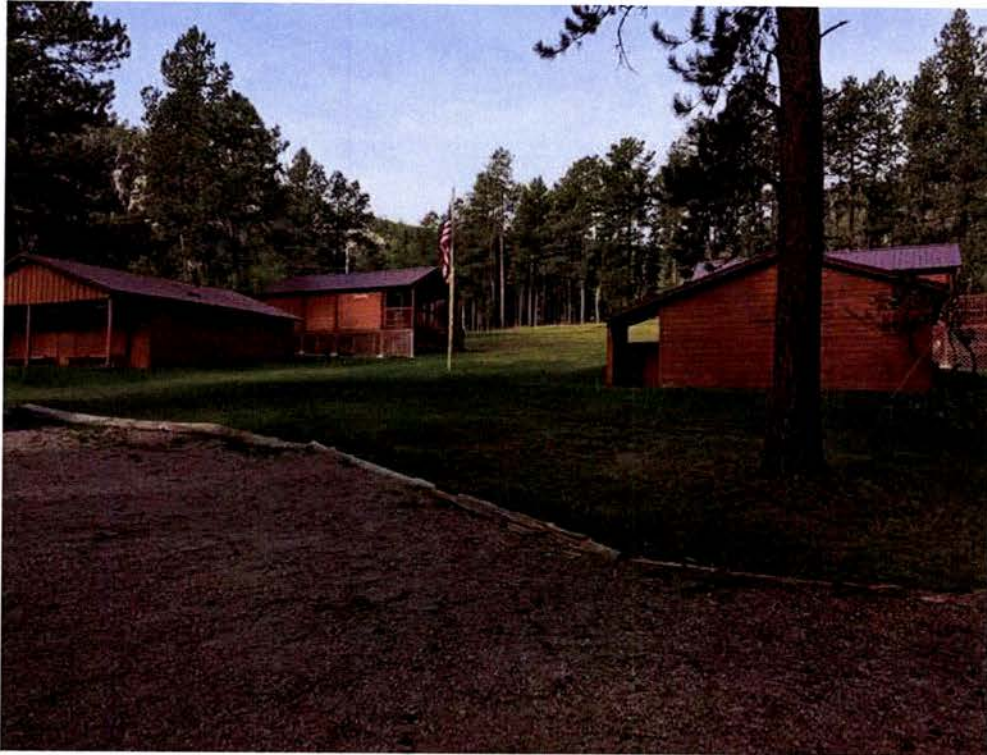
- seating, officer's residence, two (2) wells and drainfields, and the expansion to include a pastor's prayer retreat cabin, meeting/dining/safety hall, six (6) deck platforms, five (5) cabins, and five (5) RV sites;
6. That prior to any work being conducted within the boundaries of the Special Flood Hazard Area, an approved Floodplain Development Permit be obtained;
 7. 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;
 8. That the any new wastewater disposal system be designed by an engineer and that all the supporting percolation tests and soil profile information be stamped by the engineer and obtain approval from the South Dakota Department of Environment and Natural Resources;
 9. That the applicant ensures the rustic character of the property is maintained;
 10. That no open fire shall be permitted, unless approved and granted a permit by the South Dakota Division of Wildland Fire. Copies of the permit shall be available for inspection during normal business hours or anytime the Camp Fire Permit is in use by the Johnson Siding Fire Chief and or his designated representative;
 11. That barbecue pits, fireplaces, and incinerators shall be located, constructed, maintained, and used as to minimize fire hazard and smoke nuisance, both on and off the property. The Fire Chief shall approve the facilities before the use is permitted; Copies of the respective permit shall be available for inspection during normal business hours or anytime the Camp Fire Permit is in use by the Johnson Siding Fire Chief and or his designated representative;
 12. That any parking areas be maintained in a dust free manner;
 13. That each sleeping room have a smoke/heat detector;
 14. That a portable fire extinguisher with a minimum 2 A-BC rating shall be placed in each structure and shall be inspected and tagged annually; records of said inspection shall be maintained and available for inspection during normal business hours by the Johnson Siding Fire Chief and or his designated representative.
 15. That each floor where occupants are sleeping shall have two (2) means of escape;
 16. That the applicant works with the Johnson Siding Fire Chief and or the Pennington County Fire Coordinator and or their designated representative in regards to Evacuation Plans, mitigation; building construction, water supplies, safety drills, emergency alerting systems and other safety issues and updates the Evacuation Plan yearly;
 17. Develop, execute, and maintain a Hazardous Fuels Mitigation plan in conjunction with the South Dakota Department of Wildland Fire;

18. That the camp continually be limited to a maximum of 100 overnight total campers at one time;
 19. That the new cabins be limited to one (1) story;
 20. That all structures be forty-five (45) feet from the west ridgeline; and,
 21. That the Planned Unit Development 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.
 - a. Conditions of Approval were significantly revised for this approval.
- F. September 10, 2018 – Board of Commissioners approved the extension of PU 09-02 with the same twenty-one (21) conditions as the October 3, 2017, approval.

III. EXISTING CONDITIONS

- A. 15.30 acres.
- B. Zoned Planned Unit Development.
- C. Is considered a “Developmental Lot.”
 1. The Salvation Army has owned this property since April 17, 1973, per Deed Book 175, Page 629.
- D. Within Special Flood Hazard Area (SFHA).
- E. Access off of Thunderhead Falls Road.
- F. Section Line is located on the subject property.
- G. Lot contains:
 1. Single-family residence (an officer’s residence) – County Building Permit (COBP) 2004COBP0214.
 2. 28’ x 28’ picnic pavilion – COBP14-0150.
 3. Two (2) 15’ x 27’ cabins – COBP14-0524 and COBP14-0525.
 4. Two (2) shower/bathroom halls (male and female) – built prior to 1994, per Department of Equalization (DOE) records.
 5. Kitchen building – built prior to 1994, per DOE records.
 6. Bunk house/sleeping lodge – built prior to 1994, per DOE records.
 7. Three (3) RV sites.
 8. Fire pit with seats.
 9. Two (2) wells and a drainfield – COOP14-647 and COOP14-648.

Agenda Item #14
The Salvation Army
September 23, 2019



Site Visit, 9.17.19



Site Visit, 9.17.19

Agenda Item #14
 The Salvation Army
 September 23, 2019

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
 WILDLAND FIRE DIVISION
 Permit CTR. 303 87702
 Phone: 605.362.8977 Fax: 605.363.8044
 www.southdakota.gov

Permit Number: 09210201 State Permit Expires: 09/21/2021

PERMITTEE
 Name: [Blank] Address: [Blank]
 Phone: [Blank] E-mail: [Blank]

MAILING ADDRESS
 P.O. Box 3039 Rapid City, SD 57702

PROPERTY ADDRESS
 2280 Thunderhead Falls Rd. Rapid City, SD 57702
 Salvation Army of the Black Hills 20784346

LOCATION
 Latitude: 44° 32' 43.0" Longitude: 103° 29' 41.0"
 Township: 1N Range: 6E Section: 8

PERMITTED FOR USE
 Steel Ring
 Out door Barbecue
 Portable

* Do not burn when there are county fire restrictions or a county burn ban in effect.
 * Do not burn when a high wind advisory, high wind warning, fire weather watch, or red flag warning are forecasted or in effect. To check for possible activities.

This permit constitutes approval of the above named facilities and structures for the above mentioned time frame as required by SDCL 34-35-10. Failure to maintain the facilities in the condition which existed at the time of approval will result in automatic revocation of this permit. This permit does not remove the permittee from responsibility to obey all laws and regulations. Local regulations applicable to open burning. Firefighters/inspectors will automatically be re-inspected prior to the expiration date. This permit requires cooperation in preventing forest fires.

Date: 9/17/19 Permittee Signature: [Signature] Date: [Blank]
 Date: 9/17/19 Permitting Officer (Printed Name): CASEY GLAVES Title: APMS

Site Visit, 9.17.19

IV. ANALYSIS

- A. September 12, 2018 – Staff contacted the Captain Kelsi Moreno regarding the review of Planned Unit Development / PU 09-02. Captain Moreno stated she had recently taken over management of the camp and that she was unfamiliar with the Planned Unit Development review. Staff explained the process and provided her a copy of the September 10, 2018 Board of Commissioners meeting minutes, to include approved Conditions.
- B. September 17, 2019 – Staff performed a site visit to the subject property and found the property to be in a well-kept condition.
- C. Staff found:
 - 1. First aid kits were provided and accessible to the public – Condition #3.
 - 2. Staff discussed Condition #6 with Captain Moreno – that an approved Floodplain Development Permit shall be obtained prior to any work being conducted within the boundaries of the Special Flood Hazard Area.

Agenda Item #14
The Salvation Army
September 23, 2019

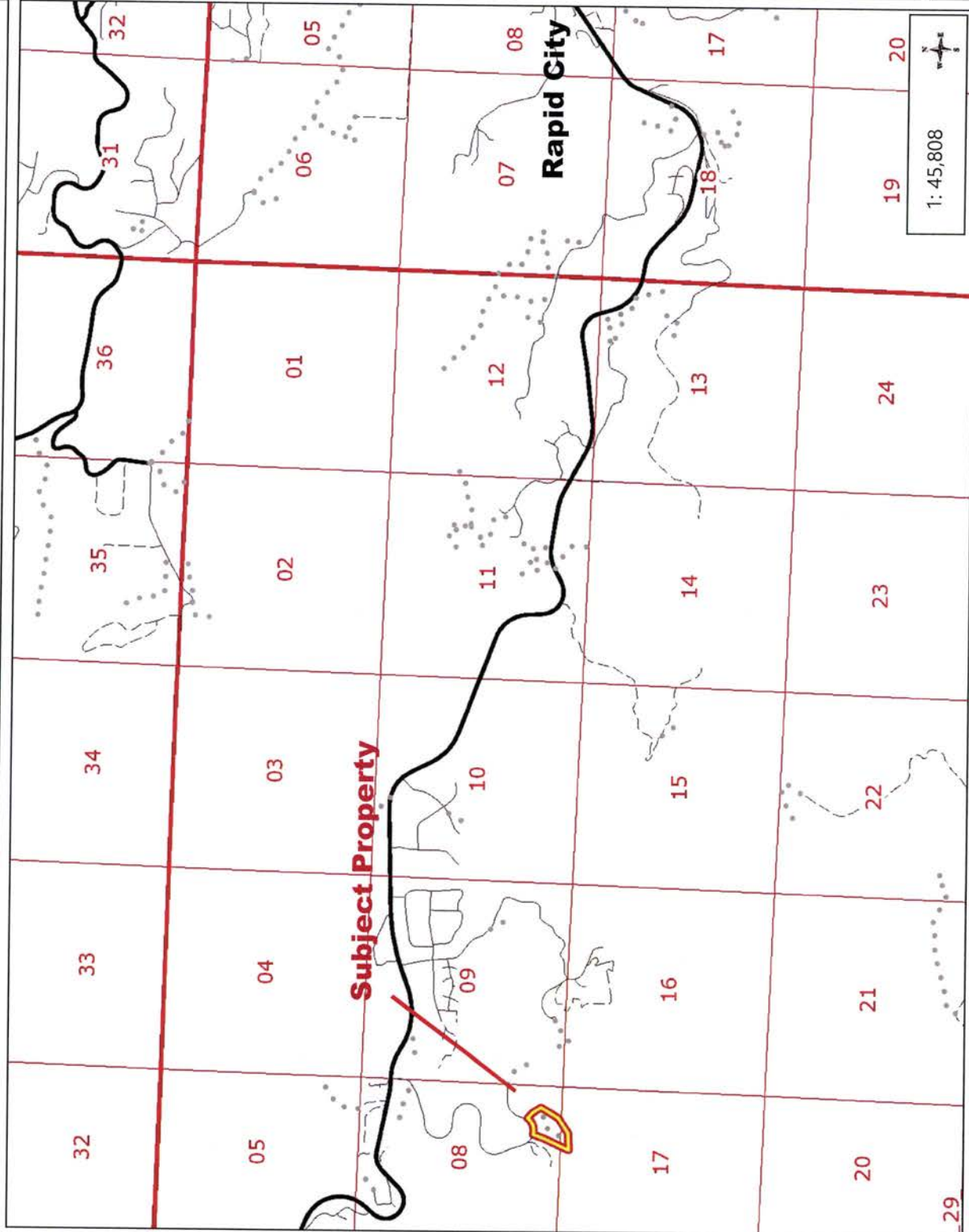
3. A South Dakota Division of Wildland Fire permit for the fireplaces, barbecue pits, and fire pits: permit expires June 30, 2021 – Conditions #10 and #11.
 4. Each cabin, the kitchen building, dining hall and the officer's residence had smoke detectors, portable fire extinguishers, and two (2) means of escape – Conditions #13 and #14.
- D. At the time of this Staff Report writing, Staff has not received any complaints regarding the subject property.
- E. Conditions #10 and #11 were administratively combined.
- F. All Conditions of Approval appeared to be met at this time.

RECOMMENDATION: Staff recommends approval of the extension of Planned Unit Development / PU 09-02 with the following twenty (20) conditions:

1. That the minimum setbacks from property lines continue to be twenty-five (25) feet from all property lines and fifty-eight (58) feet from Section Lines;
2. That the Planning Director may allow additional development or construction, which is consistent with the existing development on this property. Significant changes in the use or impacts on adjacent land, uses as determined by the Planning Director, shall require an amendment to this Planned Unit Development;
3. That a minimum of one 36-unit first aid kit continue to be provided and accessible to the public at all times.
4. That the internal driveway continue to be a minimum of a 24-foot-wide driving surface and maintained in a dust free manner;
5. That the uses for this Planned Unit Development shall continue to be limited to the existing uses already on the property, which include a bunkhouse with a capacity of 15 people, a picnic shelter, two (2) restrooms (male and female) with showers and toilets, a church shelter, a fire pit with seating, an officer's residence, two (2) wells and drainfields, and the expansion to include a pastor's prayer retreat cabin, a meeting/dining/safety hall, six (6) deck platforms, five (5) cabins, and five (5) RV sites;
6. That prior to any work being conducted within the boundaries of the Special Flood Hazard Area, an approved Floodplain Development Permit be obtained;
7. 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;

Agenda Item #14
The Salvation Army
September 23, 2019

8. That any new On-Site Wastewater Treatment System be designed by an engineer and that all the supporting percolation tests and soil profile information be stamped by the engineer and obtain approval from the South Dakota Department of Environment and Natural Resources;
9. That the applicant ensures the rustic character of the property is continually maintained;
10. That no open fires, barbecue pits, fireplaces, or incinerators shall be allowed, unless a permit is approved and granted by the South Dakota Division of Wildland Fire. Copies of the permit shall be available for inspection;
11. That any parking areas be maintained in a dust free manner;
12. That each sleeping room have a smoke/heat detector and a carbon monoxide detector;
13. That a portable fire extinguisher with a minimum 2-A:10-BC rating shall continually be placed in each structure and shall be inspected and tagged annually, records of said inspection shall be maintained and available for inspection;
14. That each floor, where occupants are to sleep, shall continually have two (2) means of escape;
15. That the applicant continues to work with the Pennington County Fire Administrator in regards to evacuation, mitigation, building construction, water supplies, safety drills, emergency alerting systems and other safety issues and updates the evacuation plan annually;
16. Develop, execute and maintain a Hazardous Fuels Mitigation plan in conjunction with the South Dakota Division of Wildland Fire;
17. That the camp continually be limited to a maximum of one hundred (100) overnight total campers at one time;
18. That any new cabins be limited to one (1) story;
19. That all structures continue to be forty-five (45) feet from the west ridgeline; and,
20. That this Planned Unit Development be reviewed in three (3) years, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.



1: 45,808



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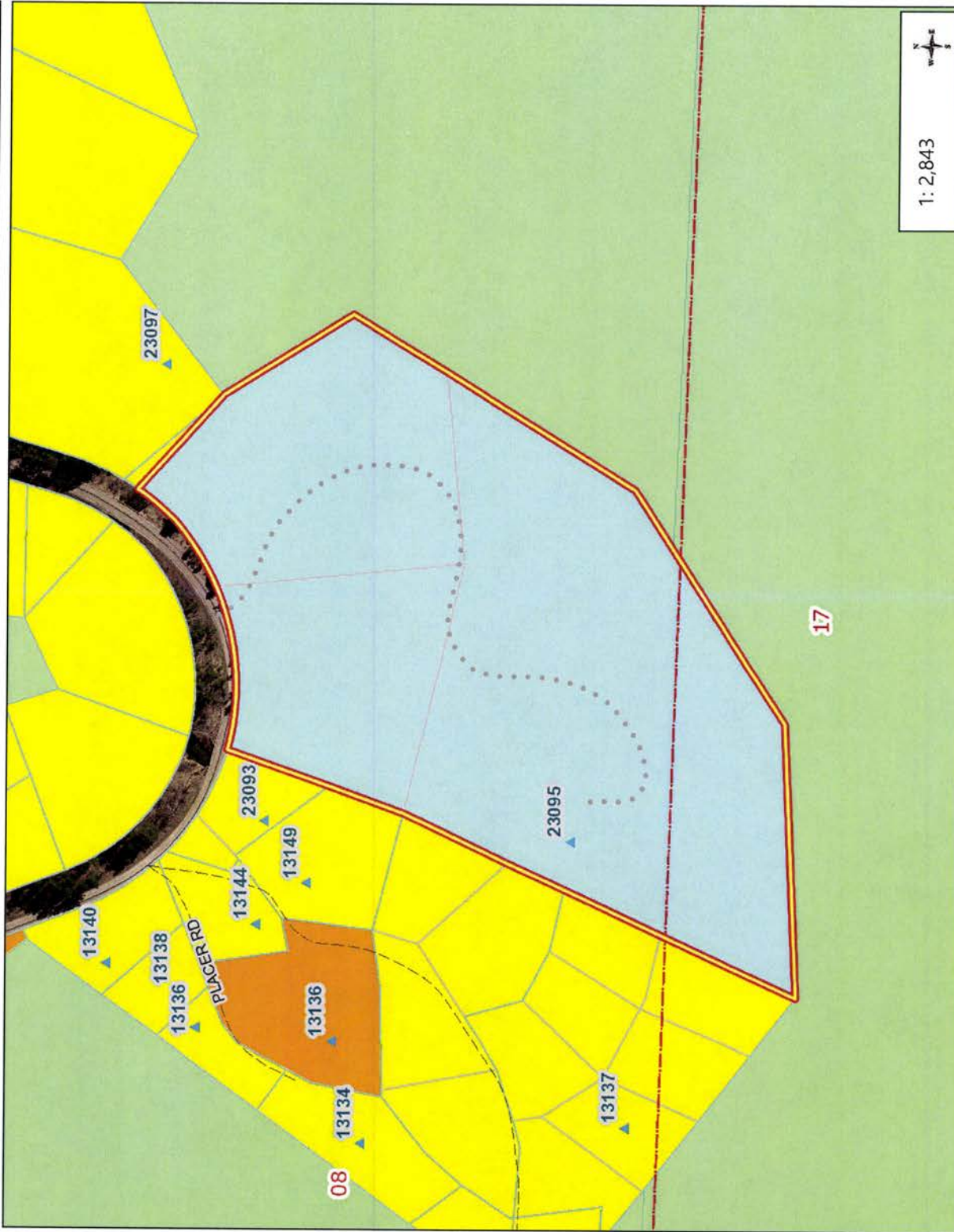
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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Legend

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

Map Notes:



1: 2,843



Legend

Roads

- Interstate
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- Paved road
- Unpaved road
- Trail
- Driveway
- Alley
- Unimproved road
- Airport Runway
- Not yet coded

Address Points

Section Lines 0-25k

Tax Parcels

Lot Lines

- <Null>
- Lot Line
- Parcel Line

Pennington County Zoning

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

Map Notes:

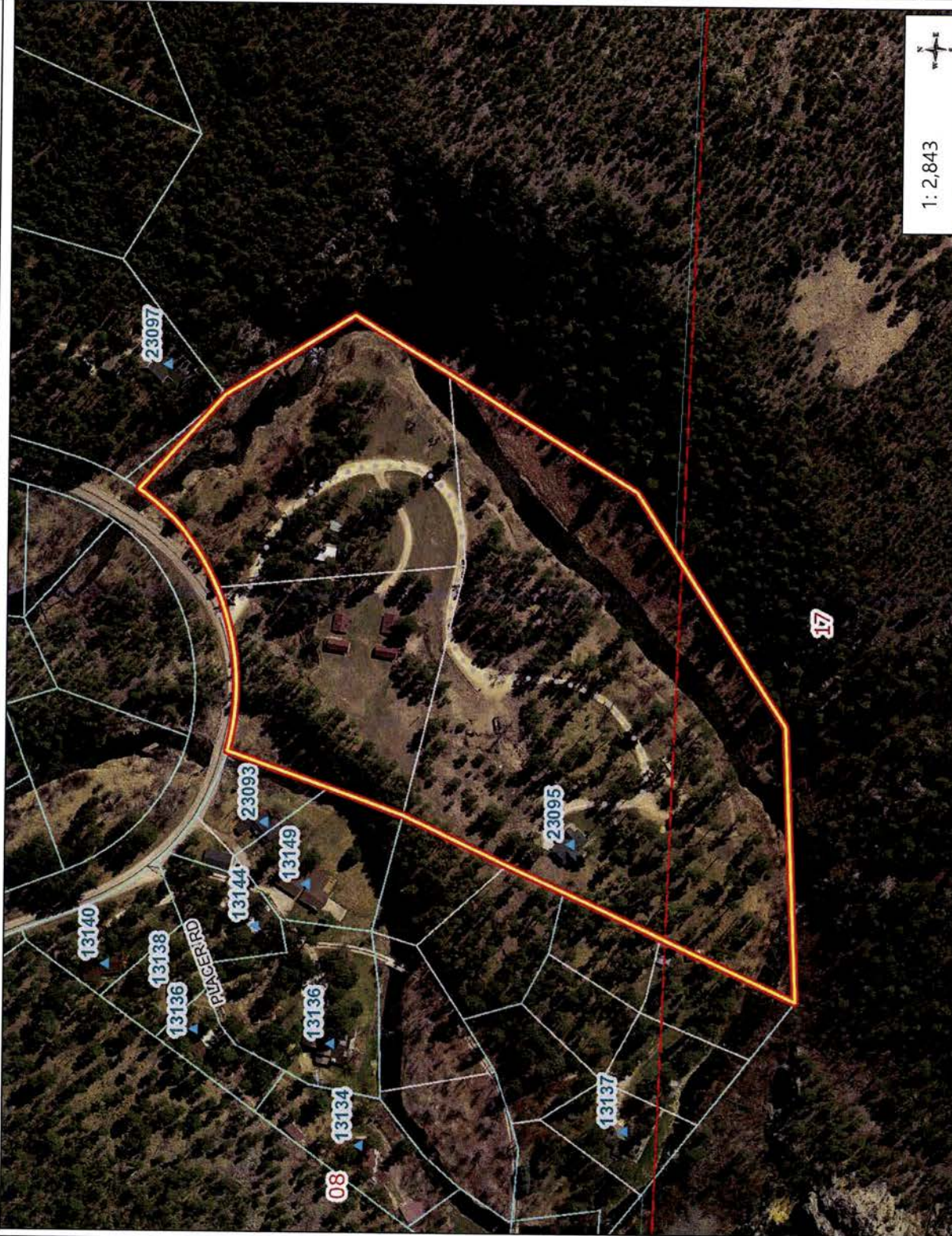
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473.9 Feet

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1: 2,843

473.9 0 236.94 473.9 Feet

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Map Notes:

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

STAFF REPORT

GENERAL INFORMATION:

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

APPLICANT: Julie Benson Wilber

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

LANDOWNER: Jerome Benson

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

SURVEYOR/ENGINEER: Renner Associates

ADDRESS: 3231 Teewinot Drive, Rapid City, SD 57703

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

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

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

SIZE: 46.74 acres

TAX ID: 14485

EXISTING LAND USE: Agriculture

SUBDIVISION REGULATIONS REFERENCE: § 400.3

CURRENT ZONING: General Agriculture District

Agenda Item #15
Julie Benson Wilber
September 23, 2019

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Forested

UTILITIES: None

REPORT BY: Brittney Molitor

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending to continue Minor Plat / MPL 19-25 to the October 14, 2019, Planning Commission meeting in order for the applicant to submit percolation tests and soil profile hole information or to submit a Subdivision Regulations Variance waiving those requirements.

II. GENERAL DESCRIPTION

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

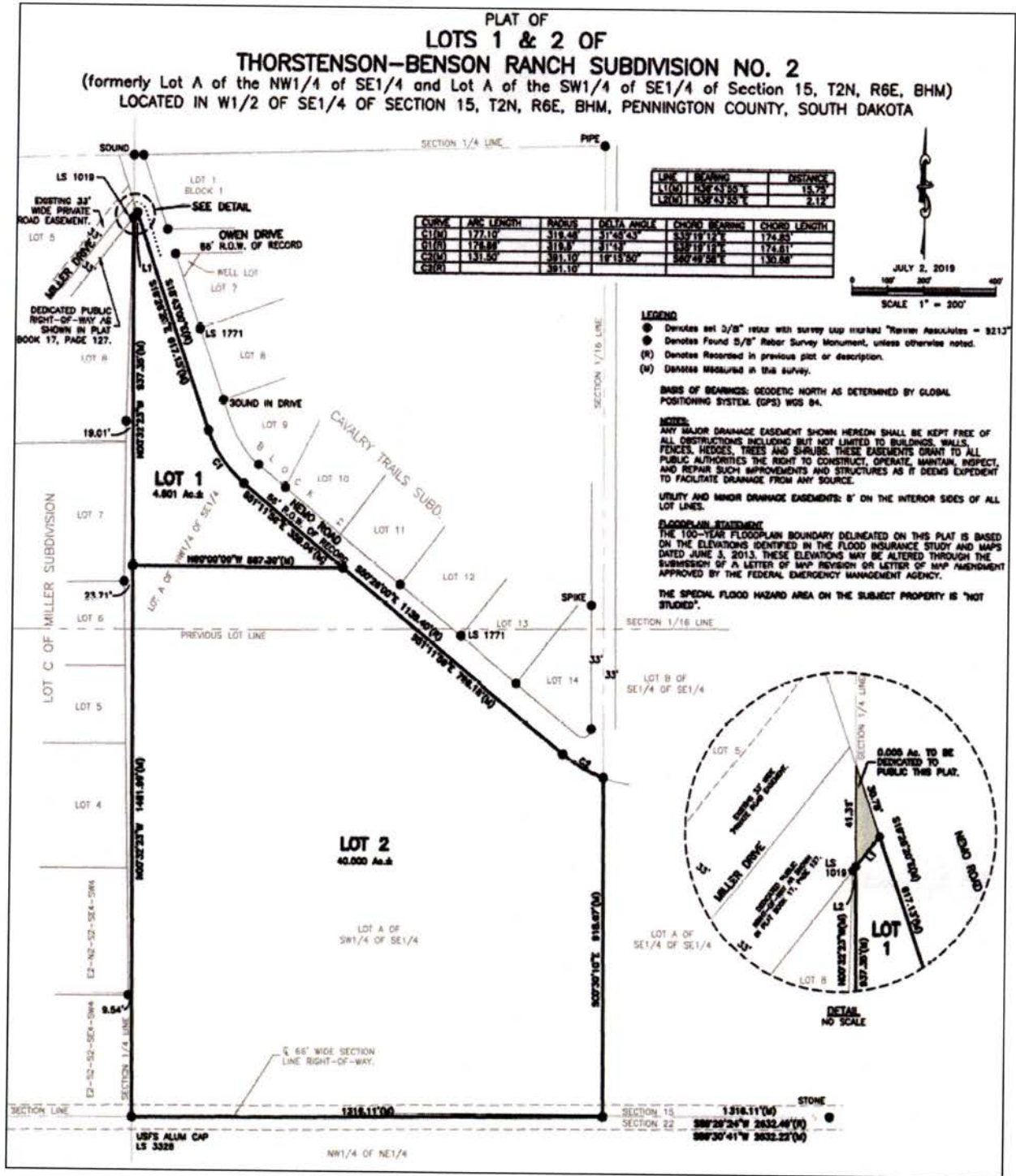
III. EXISTING CONDITIONS

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

IV. PROPOSED LOTS

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

- B. Lot 2
1. 41.74 acres.
 2. Meets the minimum lot size requirements for General Agriculture District.



Plat

V. REQUEST FOR COMMENT

- A. County Highway Department
 - 1. Approach permits will be required prior to a Building Permit.
- B. County Environmental Planning Supervisor
 - 1. The Special Flood Hazard Area on the subject property is “not studied”.
- C. County Onsite Wastewater Specialist
 - 1. According to the USDA Web Soil Survey, the soils are classified as Very Limited. If any septic systems are put on either of the two new lots, all rules of Pennington County Zoning Ordinance Section 204-J must be followed.
- D. County Ordinance Enforcement Officer
 - 1. Ordinance Enforcement has no objections.
- E. County Natural Resources
 - 1. No objections.
- F. County Addressing Coordinator
 - 1. No addressing concerns at this time. Future addresses must be posted in accordance with Pennington County Ordinance #20.
- G. Department of Equalization
 - 1. Looks good at this stage.
- H. Register of Deeds
 - 1. Plat heading is acceptable.
 - 2. Owner’s Certificate notary acknowledge need to be in corporation format for the partnership.
 - 3. Remaining certificates appear to be acceptable.
- I. Black Hills Electric Cooperative
 - 1. Black Hills Electric Cooperative has no concerns with this plat.
- J. Forest Service
 - 1. The Forest Service has no objections to the proposed Wilbur Minor Plat, Rezone and Comprehensive Plan Amendment request.
 - 2. Access to the private property is off of Nemo Road.
 - 3. Protect all posted boundary line corners, signs and bearing trees.
 - 4. Adhere to the setback requirements along the posted boundary between National Forest System lands (USA Public Domain) and private property.
 - 5. Protect all known stream courses, ponds and riparian areas located on National Forest System lands.
 - 6. No resource damage to occur on National Forest System lands.
 - 7. All straw bales, erosion mats, slash mats, etc. located on private property will need to be certified weed-free.
 - 8. No construction materials to be placed on National Forest System lands.
 - 9. All proposed drain fields, leach lines or septic systems will need to be located on private property and not located on or drain or leach onto National Forest System lands; septic system holding tank(s)

- and potable water holding tank (cistern) will be required to be located on private property.
10. All construction materials, supplies, trash or garbage will not be located or dumped on National Forest System lands.; take all construction materials, supplies, trash or garbage to an approved location (approved sanitary landfill).
 11. Public roads in this area of the Black Hills National Forest are classified as "Other Public Roads" per the latest version (January 1, 2019) of the Motor Vehicle Use Map.
 12. No motorized trailheads or motorized trails or motorized roads are planned or scheduled for this portion of the Black Hills National Forest.
 13. No motorized trails for ATV, motorcycles or ORV will not be authorized from private property unto National Forest System lands.

VI. ANALYSIS

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

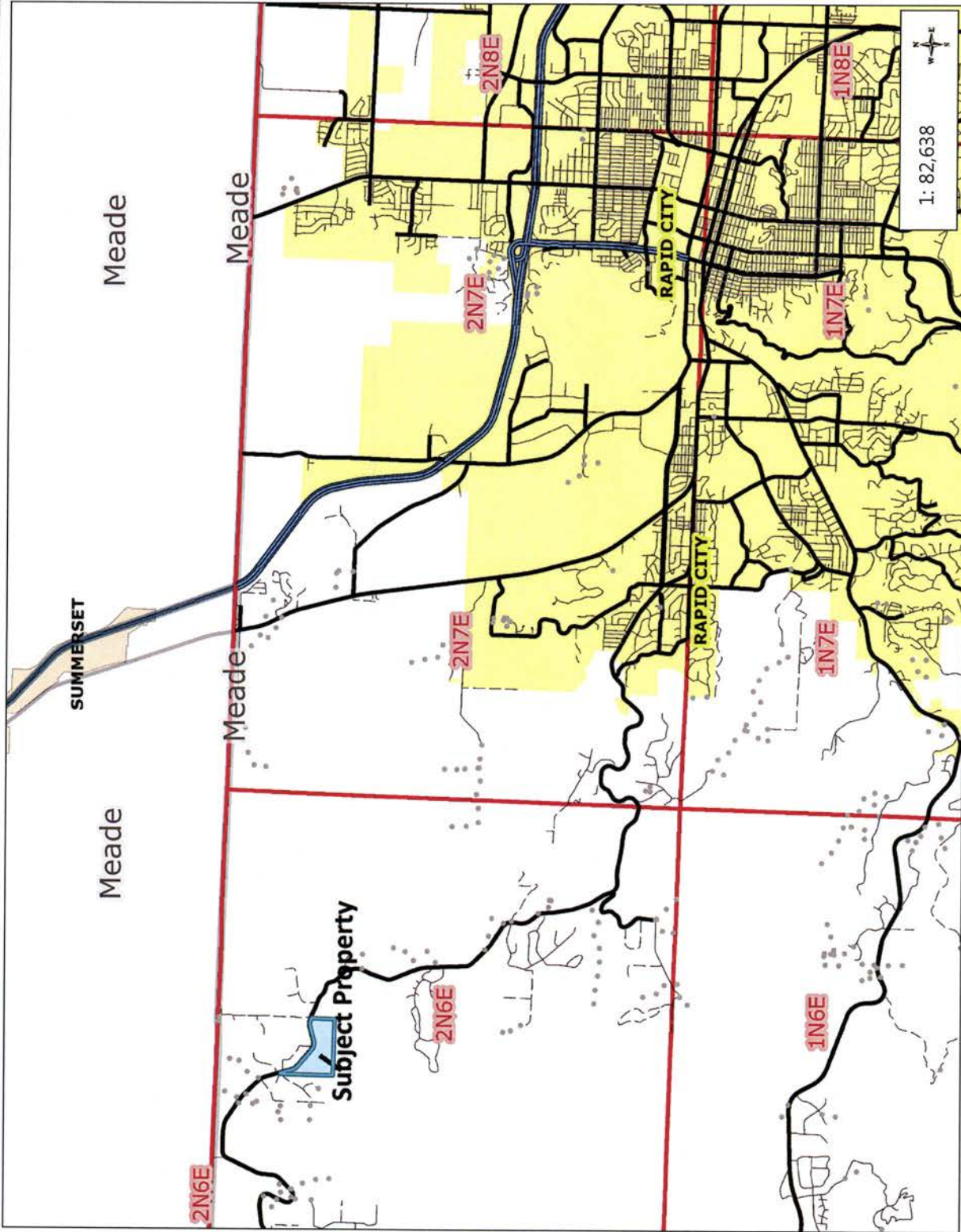
1. That at the time of Minor Plat submittal, eight (8) foot Minor Drainage Easements to be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
2. That at the time of the Minor Plat submittal, percolation tests and soil profile hole information be submitted for the proposed lot for review and approval by the County Environmental Planner, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
3. That at the time of the Minor Plat submittal, the proposed Plat be prepared by a Registered Land Surveyor;
4. That prior to the Plat being recorded with the Register of Deeds, the proposed Lot 1 and the remaining unplatted balance obtain a Lot Size Variance or be rezoned appropriately;
5. That prior to the Plat being recorded with the Register of Deeds, the plat meets all requirements of Pennington County Subdivision Regulations, or approved Subdivision Regulations Variance(s) be obtained waiving any of these requirements that are not met. Subdivision Regulations shall be submitted per Section 700 of Pennington County Subdivision Regulations;
6. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
7. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of § 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit; and,

8. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.
- B. A Rezone and Comprehensive Plan Amendment was applied for proposed Lot 1, which was heard at the August 26, 2019, Planning Commission meeting; the first reading in front of the Board of Commissioners meeting was September 3, 2019 and the second reading in front of the Board of Commissioners on September 20, 2019.
 - C. July 18, 2019 – Staff contacted the applicant’s agent regarding meeting Condition #2. The agent indicated that the property owner is working on getting the percolation tests done and turned into Pennington County and that a Subdivision Regulations Variance would not be submitted.
 - D. August 2, 2019 – Staff contacted the applicant’s agent again regarding Condition #2 as percolation test information has not been submitted to Pennington County and the Onsite Wastewater Specialist has not inspected a soil profile hole.
 1. The applicant’s agent indicated that the property owner is working on it and hasn’t completed them.

VII. UPDATE FOR SEPTEMBER 23, 2019

- A. September 17, 2019 – The applicant contacted Staff and indicated that percolation tests and a profile hole dug were to be done by September 20, 2019, however, the installer cancelled.

RECOMMENDATION: Staff recommends to continue Minor Plat / MPL 19-25 to the October 14, 2019, Planning Commission meeting in order for the applicant to submit percolation tests and soil profile hole information or to submit a Subdivision Regulations Variance waiving those requirements.



Legend

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

Map Notes:

TAX ID 14485

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

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STAFF REPORT

GENERAL INFORMATION:

REQUEST: **MINOR PLAT / MPL 19-27:** 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: 13835 Knotty Pine Drive, Rapid City, SD 57702

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 Drive; near the corner of Jill Road and Knotty Pine Drive.

TAX ID: 47947

SIZE: 11.64 acres

EXISTING LAND USE: Residential

SUBDIVISION REGULATIONS REFERENCE: § 400.3

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 Minor Plat / MPL 19-27 with seven (7) conditions.

II. GENERAL DESCRIPTION

- A. The applicant, Will Parsons, has submitted a Minor 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

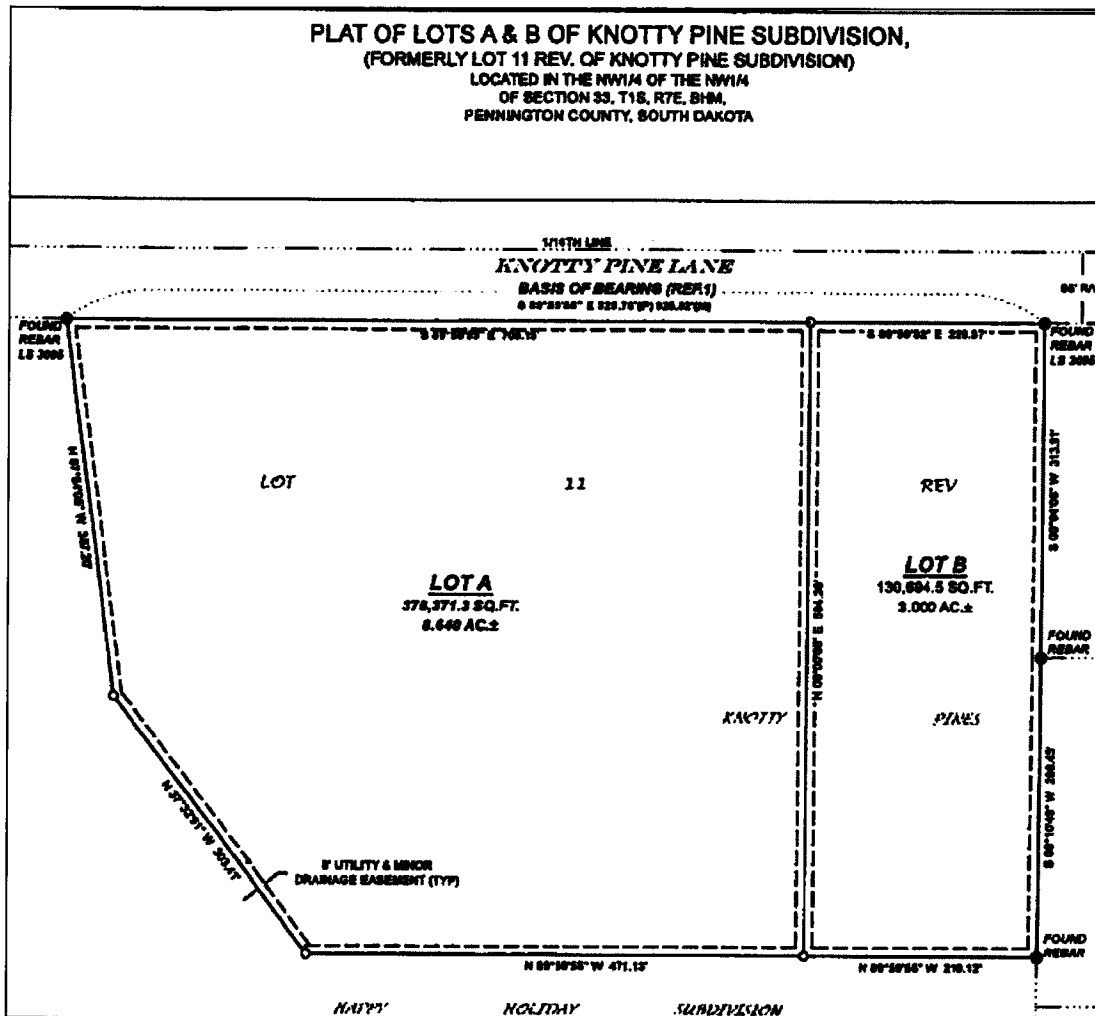
- A. Zoned Limited Agriculture District, minimum ten (10) acre lot size.
- B. 11.64 acres.
- C. Access off of Knotty Pine Lane.
 - 1. Located within the Knotty Pine Road District.
- D. Lot contains:
 - 1. Single-family residence – COBP17-0408.
 - a. Basement finish – COBP19-0039.
 - 2. 24' x 40' detached garage – 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.
 - i. COBP17-0408, COBP19-0039 and 2000COBP0007.
 - b. Existing on-site wastewater treatment system.
 - i. COSD17-0110 and COOP17-0540.
- 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. No Ordinance 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. Certificates appear to be the required certificates per state statute.
- I. Department of Equalization
 - 1. Looks good!
- J. Emergency Services (9-1-1)
 - 1. Good here.
- K. Black Hills Electric Cooperative
 - 1. Black Hills Electric Cooperative has no concerns with this minor 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 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. The applicant, Will Parsons, is again requesting to subdivide the property; however, rather than subdividing 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).
1. Per the applicant, proposed Lot B will be sold to the property owner directly south of the subject property.
- H. September 20, 2019 – The Board of Commissioners approved 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;

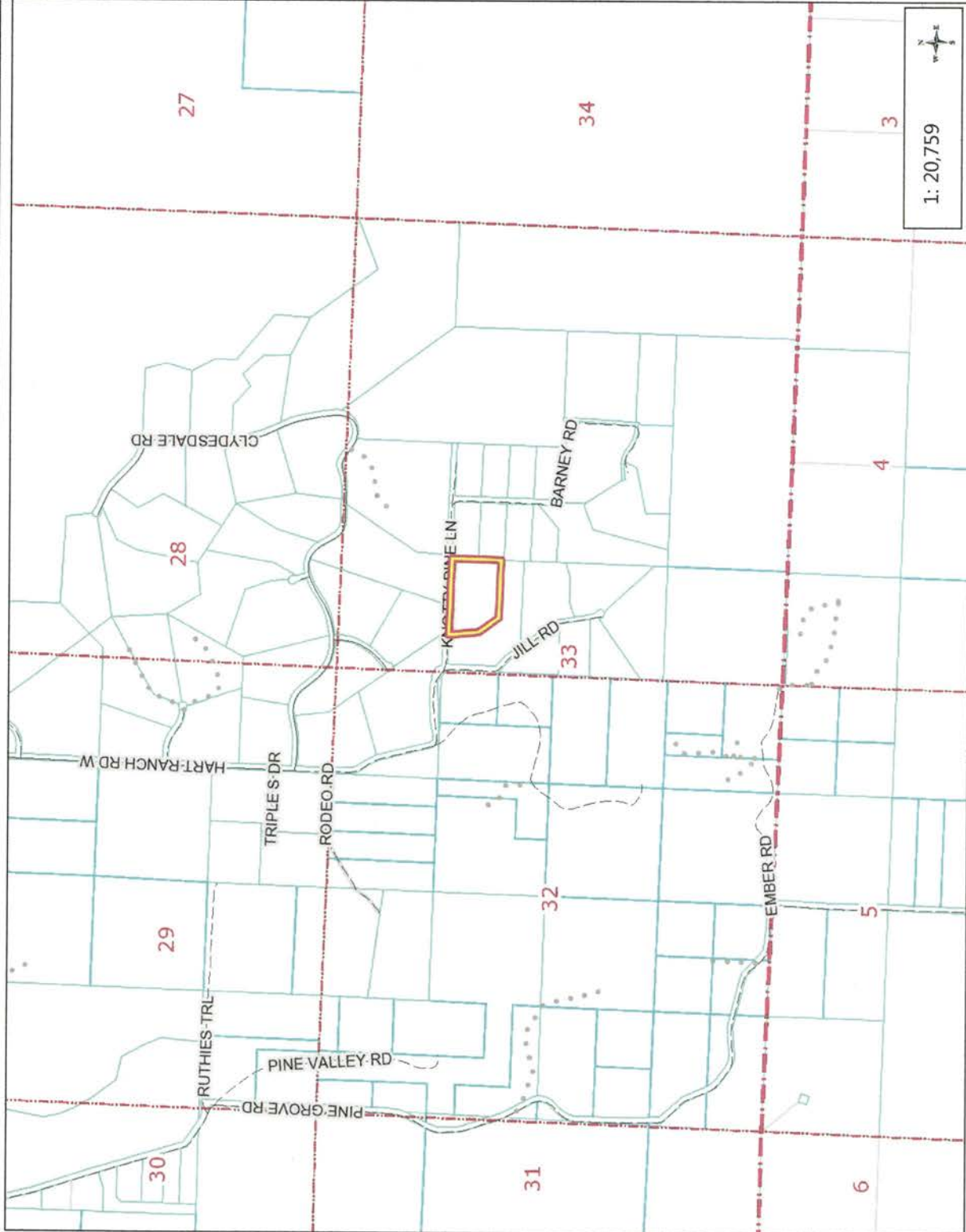
3. That upon filing the Plat with the Register of Deeds, the plat meets all the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
 4. That the Certifications on 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.
- I. The applicant has also applied for a Lot Size Variance / VA 19-12 to reduce the minimum required lot size from 10 acres to 8.64 acres and 3.00 acres in a Limited Agriculture District.
1. VA 19-12 will be heard by the Board of Adjustment at the October 1, 2019, Board of Commissioners meeting.

RECOMMENDATION: Staff recommends approval of Minor Plat / MPL 19-27 with the following seven (7) 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 upon filing the Plat with the Register of Deeds, eight (8) foot minor drainage and utility easements continue to be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
3. That 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;

Agenda Item #16
William and Makaley Parsons
September 23, 2019

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; and,
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.



1: 20,759

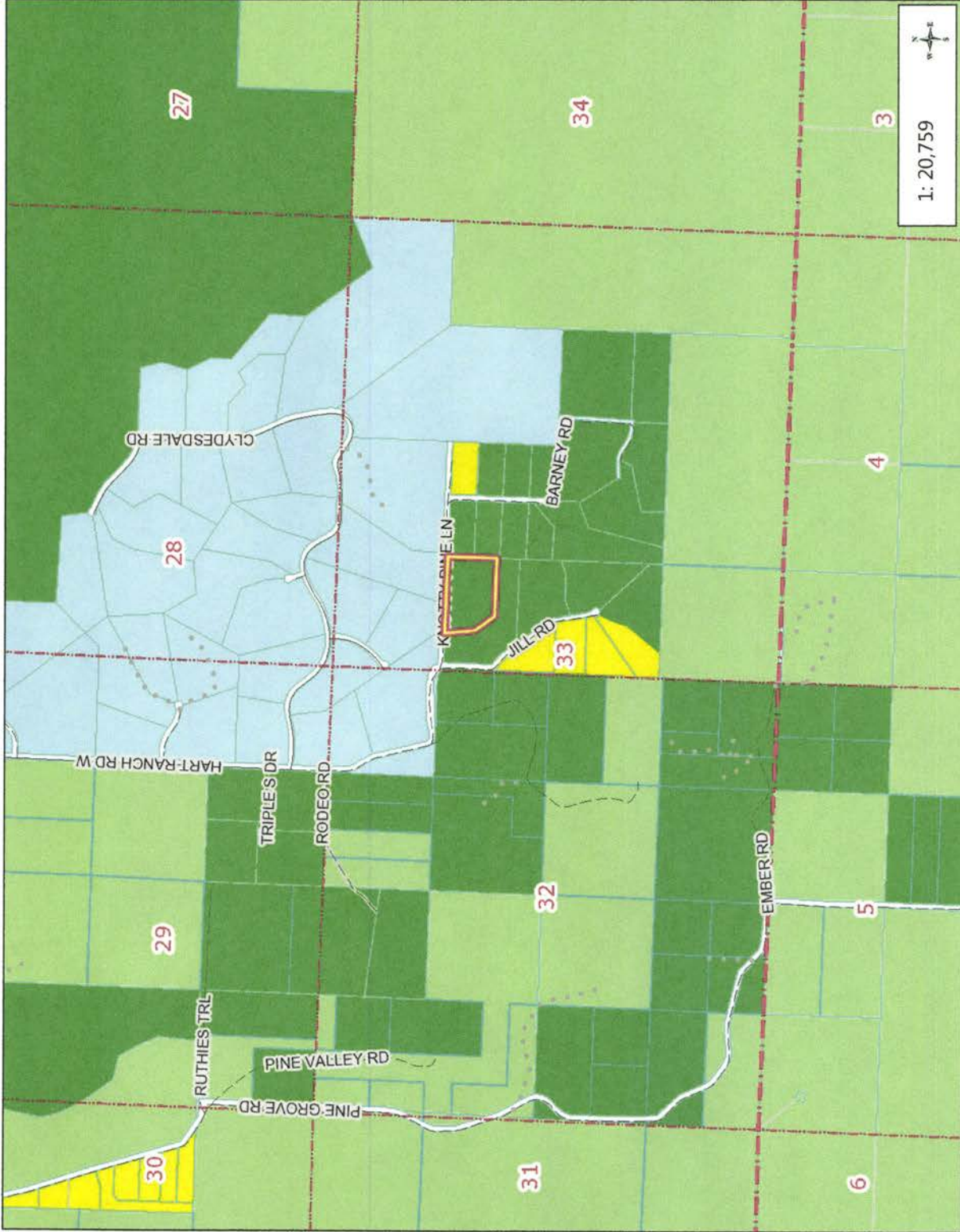


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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Map Notes:

Legend

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



1: 20,759

Legend

- Roads**
- Interstate
 - US highway
 - SD highway
 - County highway
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 - Airport Runway
 - Not yet coded
- Section Lines 0-25k**
- 0
 - 7
- Tax Parcels**
- Lot Lines**
- <Null>
 - Lot Line
 - Parcel Line
- Pennington County Zoning**
- General Agriculture
 - General Commercial
 - Heavy Industrial
 - Highway Services
 - Limited Agriculture
 - Low Density Residential
 - Light Industrial
 - Planned Unit Development

Map Notes:

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3,459.9 Feet

1,729.95

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© City of Rapid City GIS



1: 1,512

252.1 0 126.04 252.1 Feet

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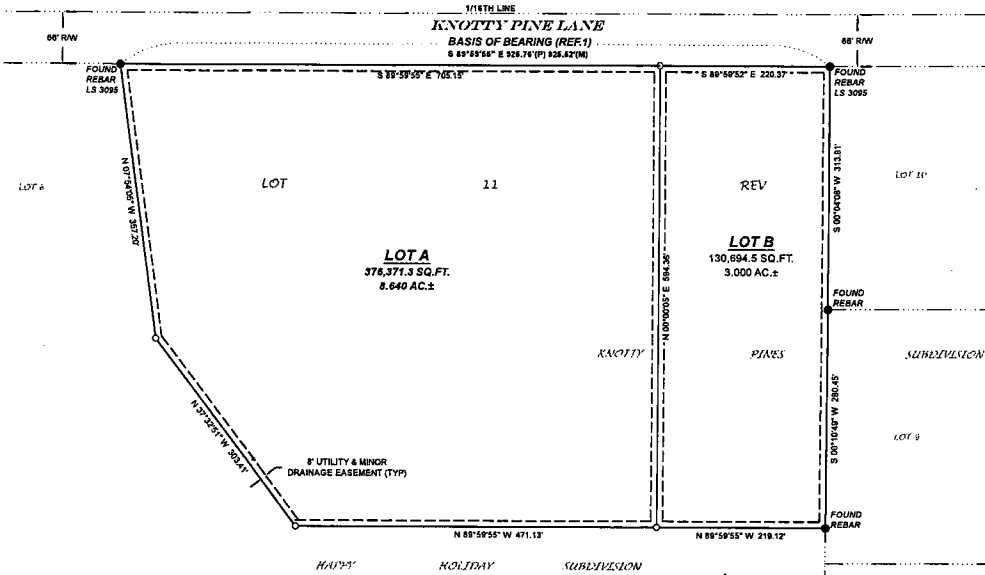
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 - 7
- Tax Parcels
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 - Lot Line
 - Parcel Line

Map Notes:

**PLAT OF LOTS A & B 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, B1M,
PENNINGTON COUNTY, SOUTH DAKOTA**



Basis of Bearing

The Basis of Bearing for this plat is S 89°59'55" 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 FIRI Map Number 46103C1195H the 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).

Water Protection Statement

Pursuant to SDCL 11-3-8, 1 and 11-3-2, the developer of the property described within this plat shall be responsible for protecting any waters of the state, including groundwater, located adjacent to or within such platted area from pollution from sewage from such subdivision and shall in prosecution of such protections conform to and follow all regulations of the South Dakota Department of Environment and Natural Resources relating to the same.

Utility and Minor Drainage Easements

Utility and Minor Drainage Easements are dedicated on the interior side of all lot lines.

References

- Plat of Lots 1 thru 6 Inclusive of Happy Holiday Subdivision and Lot 11 Rev of Knotty Pine Subdivision - Book 28 of Plats, Page 38, Pennington County Register of Deeds.
- 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 plot 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, forever, but such dedication shall not be construed to be a donation of the fee of such land.

OWNER: William C. E. Parsons

State of South Dakota
County of Pennington S.S.

On this _____ day of _____, 20____, before me, a Notary Public, personally appeared William C. E. Parsons, 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 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 plot 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, forever, but such dedication shall not be construed to be a donation of the fee of such land.

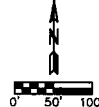
OWNER: Makoley Parsons

State of South Dakota
County of Pennington S.S.

On this _____ day of _____, 20____, before me, a Notary Public, personally appeared Makoley Parsons, 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: _____



LEGEND

- SET 5/8" REBAR W/ CAP MARKED HOWE LS 11917
- FOUND SURVEY MONUMENT AS NOTED

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 liens upon the within described lands are fully paid according to the records of my office.

Dated this _____ day of _____, 20____

Treasurer of Pennington County

CERTIFICATE OF 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

PREPARED BY



1830 Hartland Court
Rapid City, SD 57702
(605)939-4833
www.howelandsurveying.com

STAFF REPORT

GENERAL INFORMATION

REQUEST: **CONSTRUCTION PERMIT REVIEW / CP 17-12:** To review the continuing work initiated under Construction Permit 13-05, 14-02, 15-14, and 16-09. The proposed project includes stockpiling of soil for future use on-site. To continue reclamation of hay pasture west of Fifth Street.

APPLICANT / AGENT: Lazy P6 Land Co. Inc. / Orvil Davis

APPLICANT ADDRESS: P.O. Box 1684, Rapid City, SD 57709

LEGAL DESCRIPTION: SouthGate Condos SE1/4; W1/2SW1/4 of Section 24, T1N, R7E; and W1/2SW1/4 of Section 19, T1N, R8E, BHM, Pennington County, South Dakota.

SITE LOCATION: At the intersection of 5th Street and Catron Boulevard

SIZE: 25 acres

TAX ID: 64347, 64348, 64349, 64350, 64351, 64352

EXISTING LAND USE: Commercial and Agriculture

ZONING REFERENCE: Section 507

CURRENT ZONING: Highway Service District
General Commercial District
General Agriculture District
Suburban Residential District

SURROUNDING ZONING:

North	City Limits of Rapid City
South	General Agriculture District Suburban Residential District
East	City Limits of Rapid City
West	City Limits of Rapid City

PHYSICAL CHARACTERISTICS: Flat Land and Rolling Hills

UTILITIES: None

REPORT BY: T.J. Doreff

I. PROPOSED RECOMMENDATION

- A. Staff is recommending approval of the extension of Construction Permit / CP 17-12 with eight (8) conditions.

II. GENERAL DESCRIPTION

- A. This Construction Permit request is a continuation of work initiated under Construction Permits 13-05, 14-02, 15-14, and 16-09 which includes reclamation of hay pasture west of 5th Street, continuation of placing stockpiles of off-site soil material for future use on-site and miscellaneous channel maintenance and removal of debris and sediment.
- B. A portion of the property that was originally included in Construction Permits 13-05, 14-02, and 15-14 was annexed into the City of Rapid City.

III. EXISTING CONDITIONS

- A. UNIT I, Less Dedicated E Watts Ln ROW and Less Lot H-1 of Southgate Condominiums Phase I.
 - 1. Zoned General Commercial District.
 - 2. Lot consists of 34.87 acres.
 - 3. Lot is vacant of any structures.
 - 4. Access is off Fifth Street
 - 5. Stock dam/detention pond located on lot.
 - 6. Construction Activity: Stockpiling, leveling and grading for future development, and construction of stock pond/detention area.
- B. UNIT II, Southgate Condominiums Phase I.
 - 1. Zoned Highway Service District (north portion) and General Agriculture District (south portion).
 - 2. Lot consists of 35.88 acres.
 - 3. Lot is vacant of any structures.
 - 4. Access is off Catron Boulevard (State Highway) and Black Hills Boulevard.
 - 5. Gravel haul road and driveway to residence (located on an adjacent lot) on this lot.
 - 6. Construction Activity: Haul road to stockpile site, future improvement of Black Hills Boulevard, leveling and grading of area, and removal of existing stock pond.
- C. UNIT III, Southgate Condominiums Phase I.
 - 1. Zoned Highway Service District (north portion) and Suburban Residential District (south portion).

2. Lot consists of 30.74 acres.
3. Lot is vacant of any structures.
4. Access is off Catron Boulevard (State Highway), existing approach – right turn only.
5. Construction Activity: Stockpiling of dirt, leveling of an area for future building site, construction of access road off of Black Hills Boulevard, and equipment staging area.

D. UNIT V, Southgate Condominiums Phase I.

1. Zoned General Agriculture.
2. Lot consists of 40.18 acres.
3. Access is off of private driveway/ Black Hills Boulevard (future).
4. Construction Activity: Improvements to drainage channel.

E. UNIT VI, Southgate Condominiums Phase I.

1. Zoned General Commercial (East half) and General Agriculture (West half).
2. Lot consists of 38.65 acres.
3. Access is off of Fifth Street.
4. Construction Activity: Stockpiling and leveling, improvements to drainage channel, and future expansion of Fifth Street.

IV. ANALYSIS

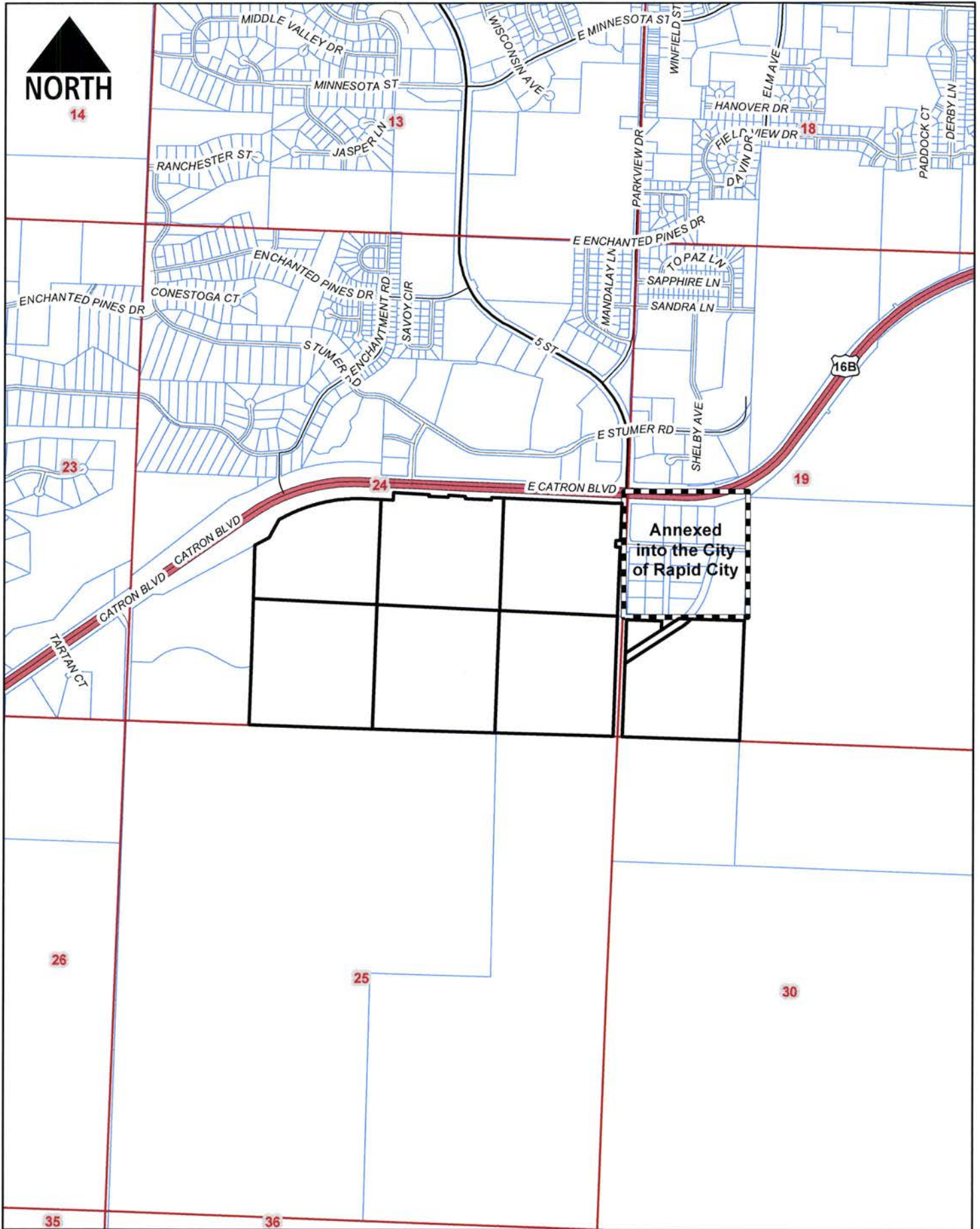
- A. Staff performed a site visit on November 20, 2017, and the applicant was present during the site visit.
 1. Stockpiling and leveling of ground in Unit I continued.
 - a. The applicant indicated that the area will be returned to farm ground and the stock pond was used as a sediment basin and sediment will be removed periodically.
 - b. Culverts had been added to divert runoff to natural drainage areas.
 2. Stockpiling and leveling of ground continued and was active. Slopes where to be softened and vegetated.
 3. Vegetated buffers were located adjacent to drainage areas in all locations.
 4. Improvements were being made to stock ponds/detention ponds and drainage channels as part of the request and were ongoing.
 5. The property owner indicated that areas have been re-seeded, however, due to the lack of moisture in the last year, vegetation was sparse.
 6. The area continued to be grazed.
- B. On November 27, 2017, the Planning Commission approved Construction Permit / CP 17-12.

- C. September 26, 2018, staff spoke with the applicant and the applicant stated that work is ongoing and requested an extension.
- D. It was discovered that a Statement of Understanding was not signed and would need to be done as part of this approval. (Condition #8 – 11.27.17)
- E. October 2, 2018, staff performed a site visit and verified that all conditions are being met. The applicant has continued to stockpile soils on the property and hay the designated field.
- F. On October 8, 2018 the Planning Commission approved the extension of Construction Permit / CP 17-12 with the following nine (9) conditions:
 - 1. That approval of this Construction Permit does not constitute approval of any further application to be submitted on the above described properties;
 - 2. That the conditions of approval of the South Dakota Department of Environment and Natural Resources General Permit for Storm Water Discharges Associated with Construction Activities be continually met;
 - 3. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;
 - 4. That the conditions of the City of Rapid City's Air Quality Permit be continually met;
 - 5. That any drainage ways and paths be continually maintained;
 - 6. That the requirements, guidelines, and criteria for stormwater and erosion control in the Pennington County Storm Water Manual shall be followed during construction;
 - 7. That upon completion of the project, the disturbed areas shall be reclaimed in accordance with § 507-A(5)(c) of the Pennington County Zoning Ordinance;
 - 8. That the applicant sign a Statement of Understanding within ten (10) days of Construction Permit approval, which is available at the Planning Office; and,
 - 9. That this Construction Permit expires one (1) year from the approval date or as directed by the Pennington County Board of Commissioners or the Pennington County Planning Commission.
- G. September 16, 2019 staff spoke with the applicant and the applicant stated that work was ongoing and requested an extension.
- H. September 17, 2019, staff performed a site visit with the applicant present and verified that all conditions are being met. The applicant has continued to stockpile soils on the property to level an area for possible future development and continues to hay the designated field and stated that he would like to continue the permit as long as it takes to complete the project. The applicant also stated that they would pay to renew the permit.
 - 1. Staff is recommending that the scope of work only include reclamation of disturbed areas, stockpiling of material and to hay the designated field.

RECOMMENDATION: Staff recommends approval of the extension of Construction Permit / CP 17-12 with the following eight (8) conditions:

1. That approval of this Construction Permit does not constitute approval of any further application to be submitted on the above described properties;
2. That the conditions of the approval of the South Dakota Department of Environment and Natural Resources General Permit for Storm Water Discharges Associated with Construction Activities be continually met;
3. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;
4. That the conditions of approval of the City of Rapid City's Air Quality Permit be continually met;
5. That any natural drainage ways and paths be continually maintained;
6. That the requirements, guidelines, and criteria for stormwater and erosion control in the Pennington County Storm Water Manual shall be followed during construction;
7. That upon completion of the project, the disturbed areas shall be reclaimed in accordance with Section 507-(A)(5)(c) of the Pennington County Zoning Ordinance; and,
8. That this Construction Permits expires one (1) year from the approval date or as directed by the Pennington County Board of Commissioners or the Pennington County Planning Commission.

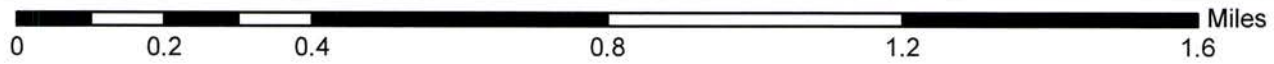
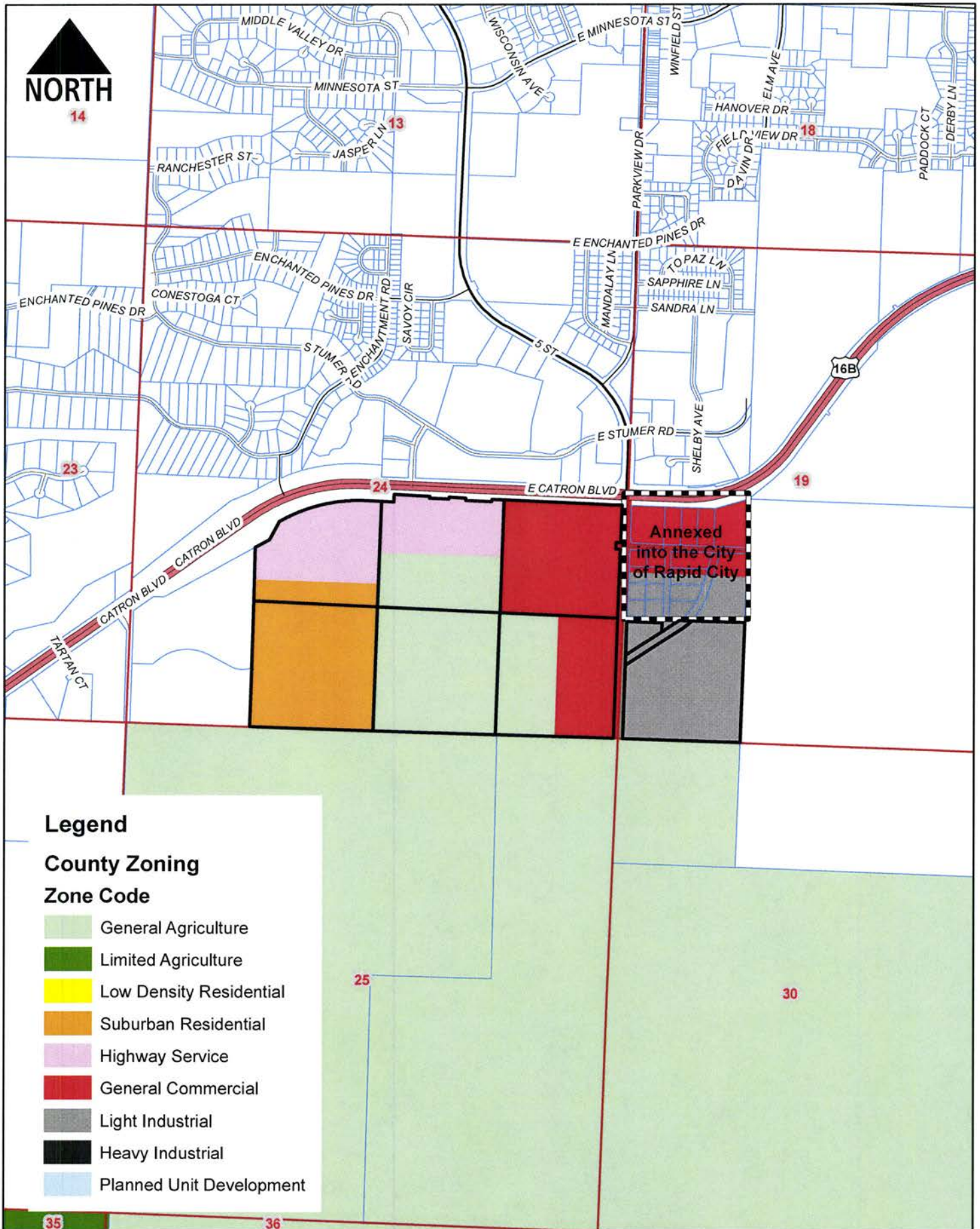
Lazy P6



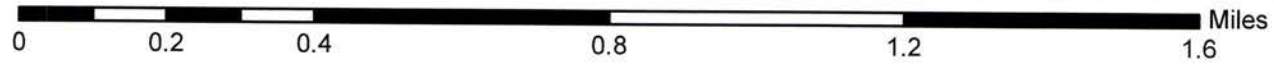
Annexed
into the City
of Rapid City

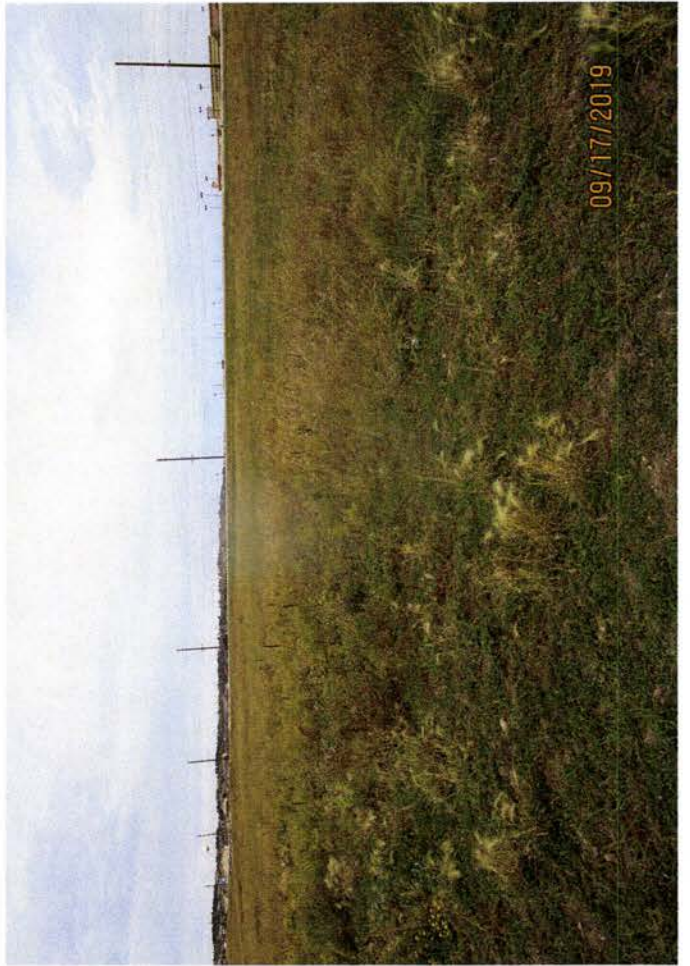
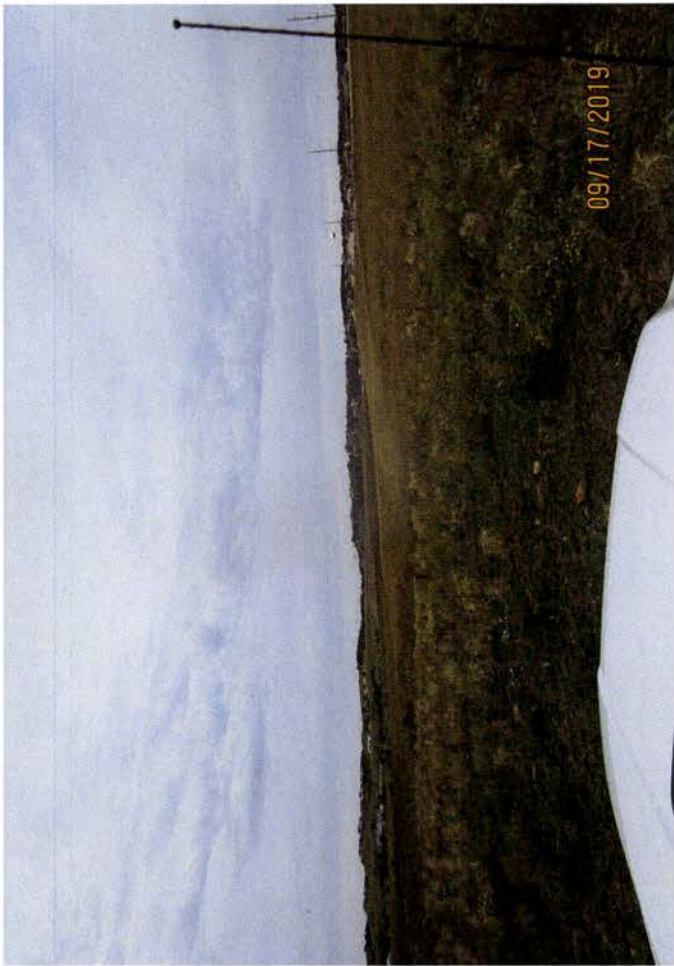
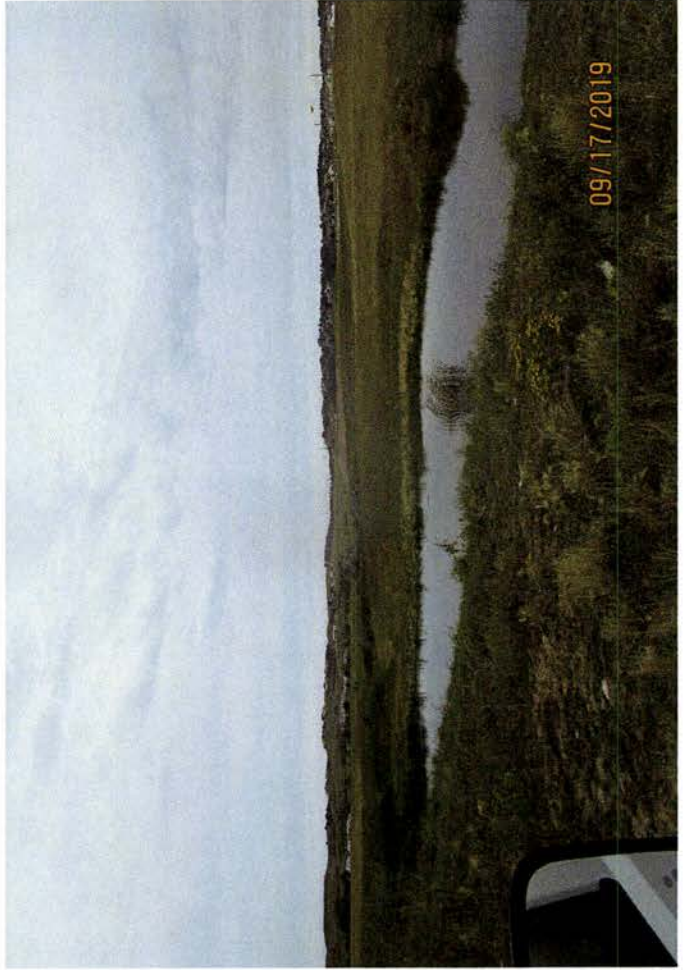
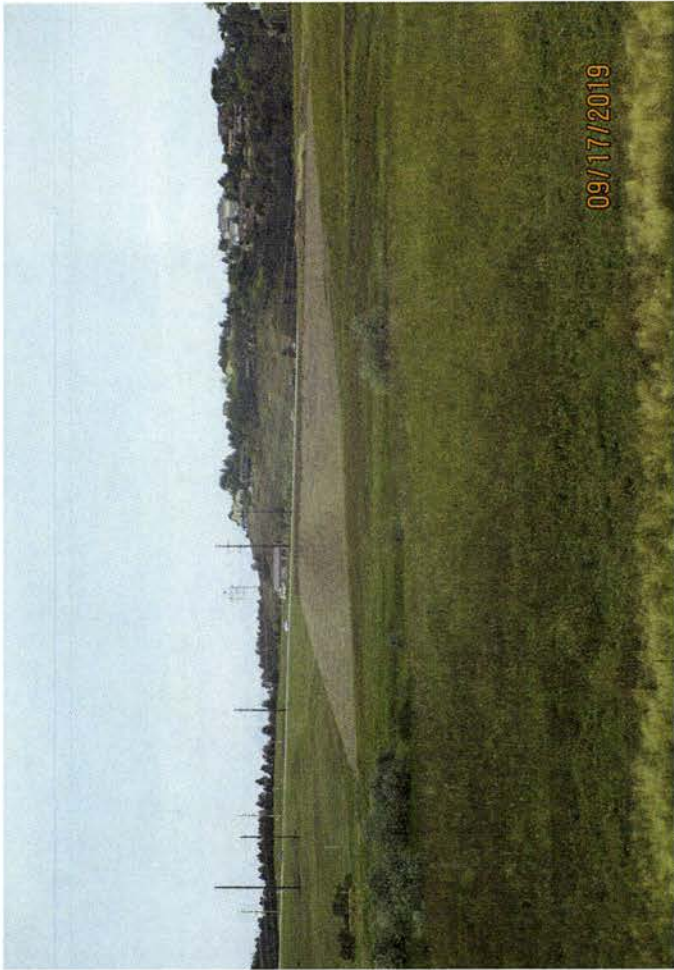


Lazy P6



Lazy P6





STAFF REPORT

GENERAL INFORMATION:

REQUEST:

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

APPLICANT/CONTRACTOR:

Site Work Specialists

APPLICANT ADDRESS:

P.O. Box 7504, Rapid City, SD 57709

LANDOWNER:

Tim and Laurel Danley

OWNER ADDRESS:

5027 Carriage Hills Drive, Rapid City, SD 57702

LEGAL DESCRIPTION:

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

SITE LOCATION:

West of Rapid City located off of National Guard Road.

SIZE:

40 acres

TAX ID:

10911

EXISTING LAND USE:

Vacant

ZONING REFERENCE:

Section 507 and 205

CURRENT ZONING:

General Agricultural District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Forested / Hills

UTILITIES:

None

REPORT BY: Cody Sack

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

I. PROPOSED RECOMMENDATION

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

II. GENERAL DESCRIPTION

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



Site Plan

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

14. That this Construction Permit be reviewed at the April 8, 2019, Planning Commission meeting, or on a complaint basis, or as directed by the Planning Commission and/or the Board of Commissioners to verify that all Conditions of Approval are being met.
- C. March 11, 2019 – The Planning Commission approved the amendment of Construction Permit / CP 19-02 to include common utility trench with thirteen (13) conditions.
 - D. May 28, 2019 – The Planning Director continued the review of Construction Permit / CP 19-02 twelve (12) conditions.
 - E. June 24, 2019 – Construction Permit / CP 19-02 was heard by the Planning Commission for Public Comment where staff recommended that the Planning Director continue the review of Construction Permit / CP 19-02 with twelve (12) conditions.
 - F. August 26, 2019 – – Construction Permit / CP 19-02 was heard by the Planning Commission for Public Comment where staff recommended that the Planning Director continue the review of Construction Permit / CP 19-02 with the following twelve (12) conditions:
 1. That erosion control measures are implemented immediately and maintained until the site has been revegetated in accordance with § 507(A)(5)(c) (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.

III. EXISTING CONDITIONS

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

IV. ANALYSIS

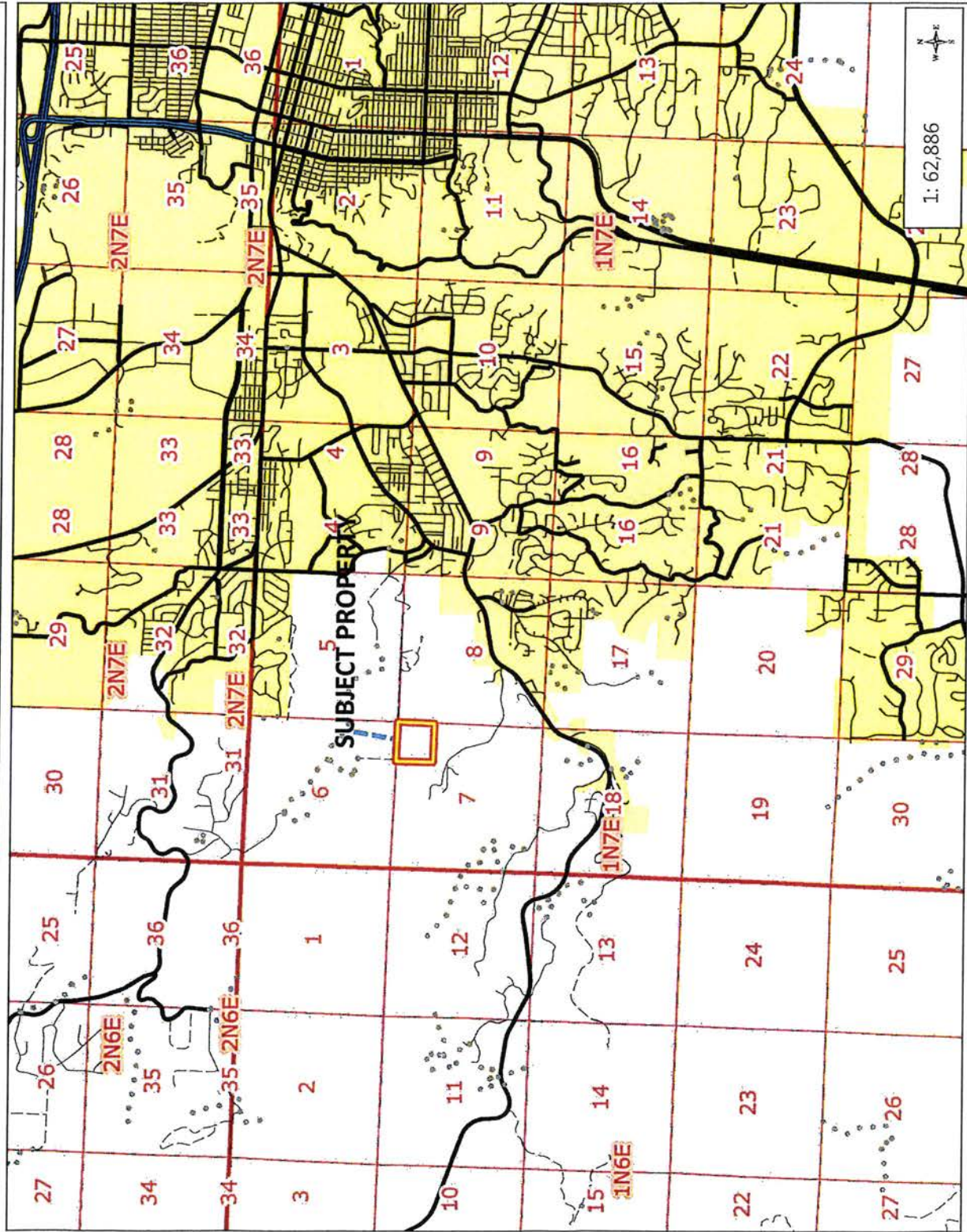
- A. The work on this section of road has been complete.
- B. September 18, 2019 – Staff contacted the applicant who stated:
 1. The site has been reseeded and there is 25-30% vegetative cover.
- C. At the time of this report, staff has not been able to verify that the site has been reseeded and meets condition #11.

RECOMMENDATION: Staff recommends the Planning Director continue the review of Construction Permit / CP 19-02 with the following twelve (12) conditions:

1. That erosion control measures are implemented *immediately* and maintained until the site has been revegetated in accordance with § 507(A)(5)(c) (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 October 28, 2019, Planning Commission meeting, or as directed by the Planning director to ensure that the applicant is meeting all conditions.



1: 62,886

10,480.9 Feet

5,240.46

10,480.9

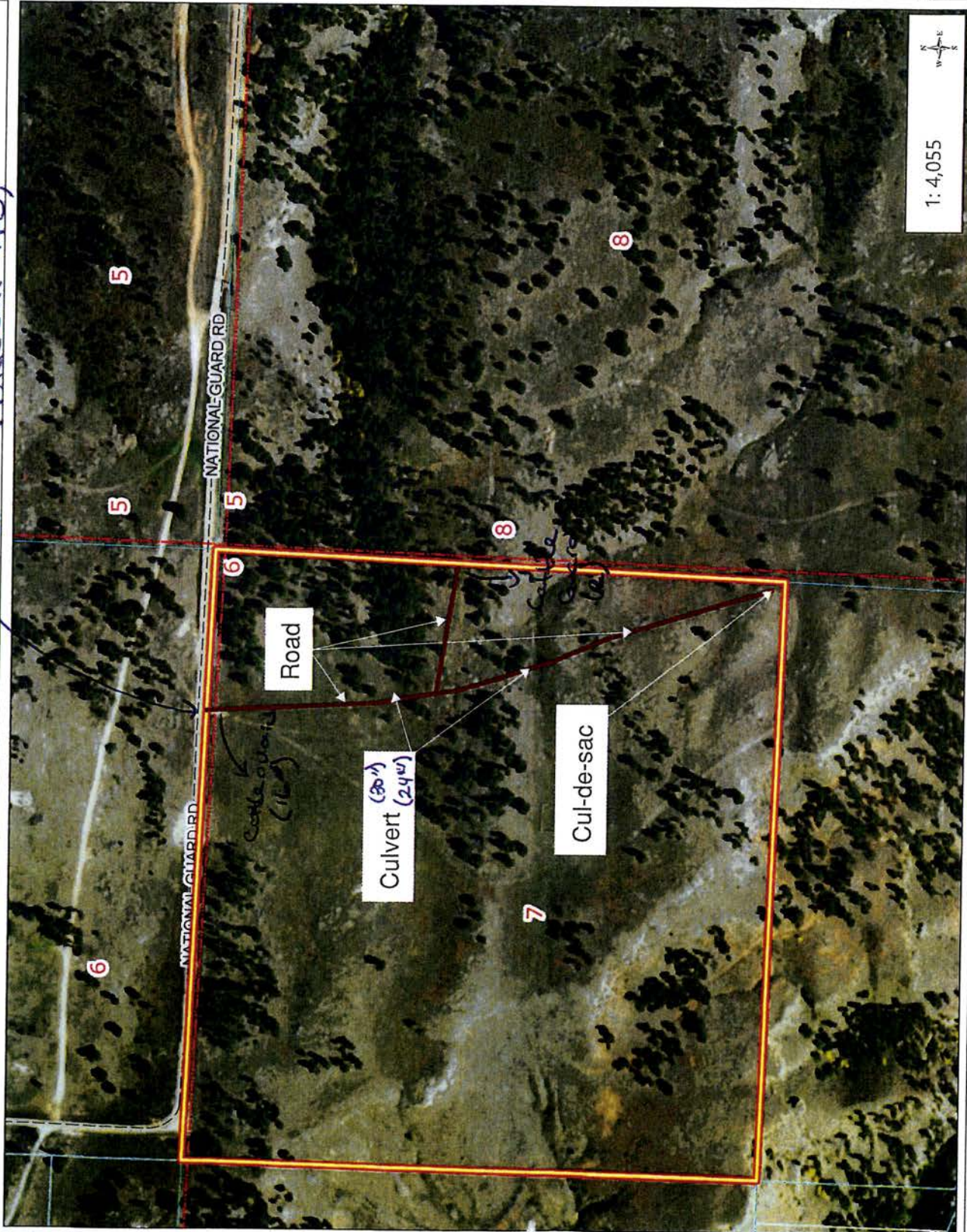
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Legend

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

Map Notes:

ACCESS Rd (TRACK OUT PAD)



1: 4,055

Legend

- Roads**
- Interstate
 - US highway
 - SD highway
 - County highway
 - Main road
 - Minor arterial
 - Collector
 - Ramp
 - Paved road
 - Unpaved road
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 - Trail
 - Airport Runway
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- Tax Parcels**
- Lot Lines**
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 - Lot Line
 - Parcel Line

Map Notes:

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

THIS MAP IS NOT TO BE USED FOR NAVIGATION

675.9 Feet

0 337.93

Agenda Item #19
Mitch Morris
September 23, 2019

19

STAFF REPORT

GENERAL INFORMATION:

REQUEST: CONSTRUCTION PERMIT REVIEW / CP 19-08: To review the repair of an existing dam.

APPLICANT: Mitch Morris

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

LANDOWNER: Pat Hall

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

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

SITE LOCATION: Located off of S. Highway 79.

SIZE: 320 acres

EXISTING LAND USE: Agriculture

TAX ID: 11709

ZONING REFERENCE: Section 212 and 507

CURRENT ZONING: Heavy Industrial District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Flat / Prairie

UTILITIES: None

REPORT BY: Cody Sack

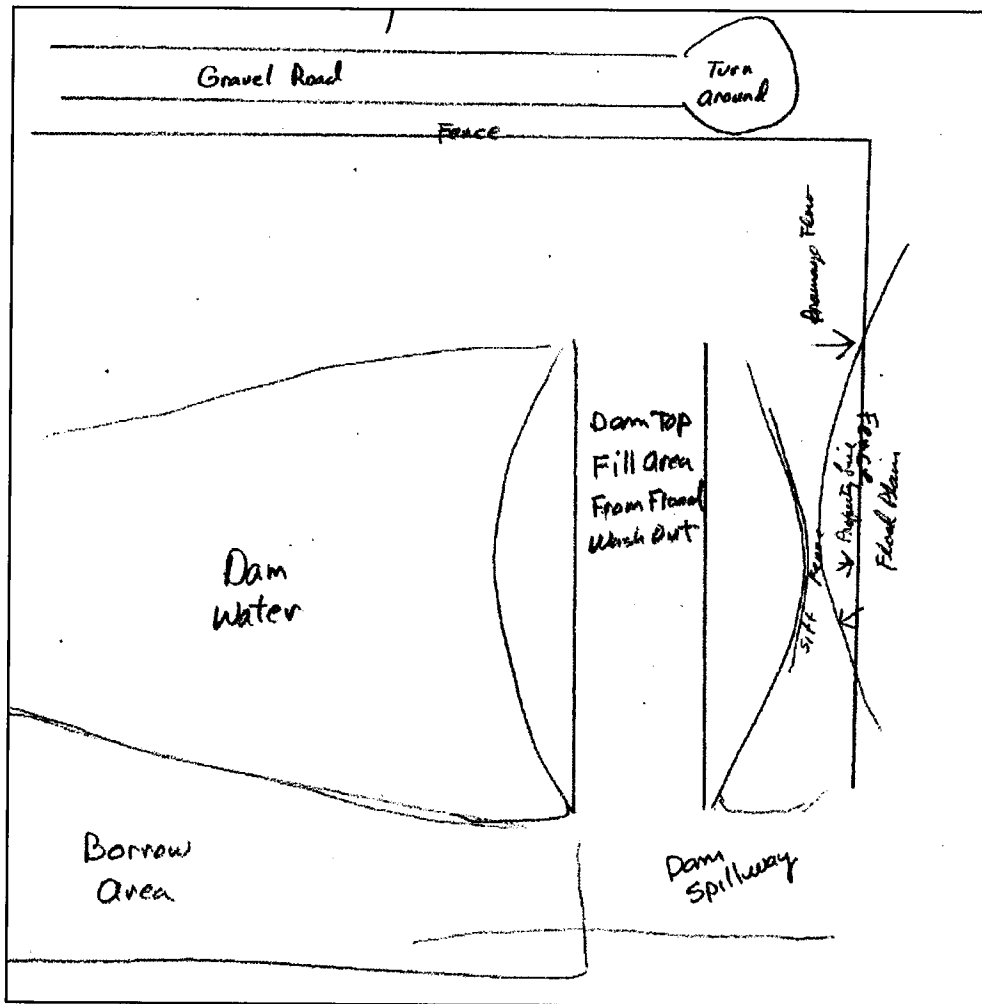
**** Staff is requesting public input on this request. The Planning Director will consider public input from private citizens, the applicant and the Planning Commission, in addition to information provided within this Staff Report, when rendering a decision on Construction Permit / CP 19-08. ****

I. PROPOSED RECCOMENDATION

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

II. GENERAL DESCRIPTION

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



Site Plan (submitted by applicant)

- D. June 24, 2019 – Construction Permit / CP 19-08 was heard by the Planning Commission for public comment. Staff recommended the Planning Director continue CP 19-08 with the following six (6) conditions:
1. That erosion control measures are maintained until the site has been revegetated in accordance with § 507(A)(5)(c) of the PCZO;
 2. That sediment from the site is contained in such a manner that sediment does not leave the site. If sediment does leave the site, it is the responsibility of the applicant fix;
 3. That the applicant or landowner have an engineer do a report to show that the increase in size of the spillway, will not have a negative effect on the drainage;
 4. That the disturbed areas be re-vegetated as required in § 507(A)(5)(c) of the PCZO;
 5. That the applicant signs a Statement of Understanding prior to CP 19-07 approval; and,
 6. That this Construction Permit be reviewed at the September 23, 2019 Planning Commission meeting or as directed by the Planning Director.

III. EXISTING CONDITIONS

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

IV. ANALYSIS

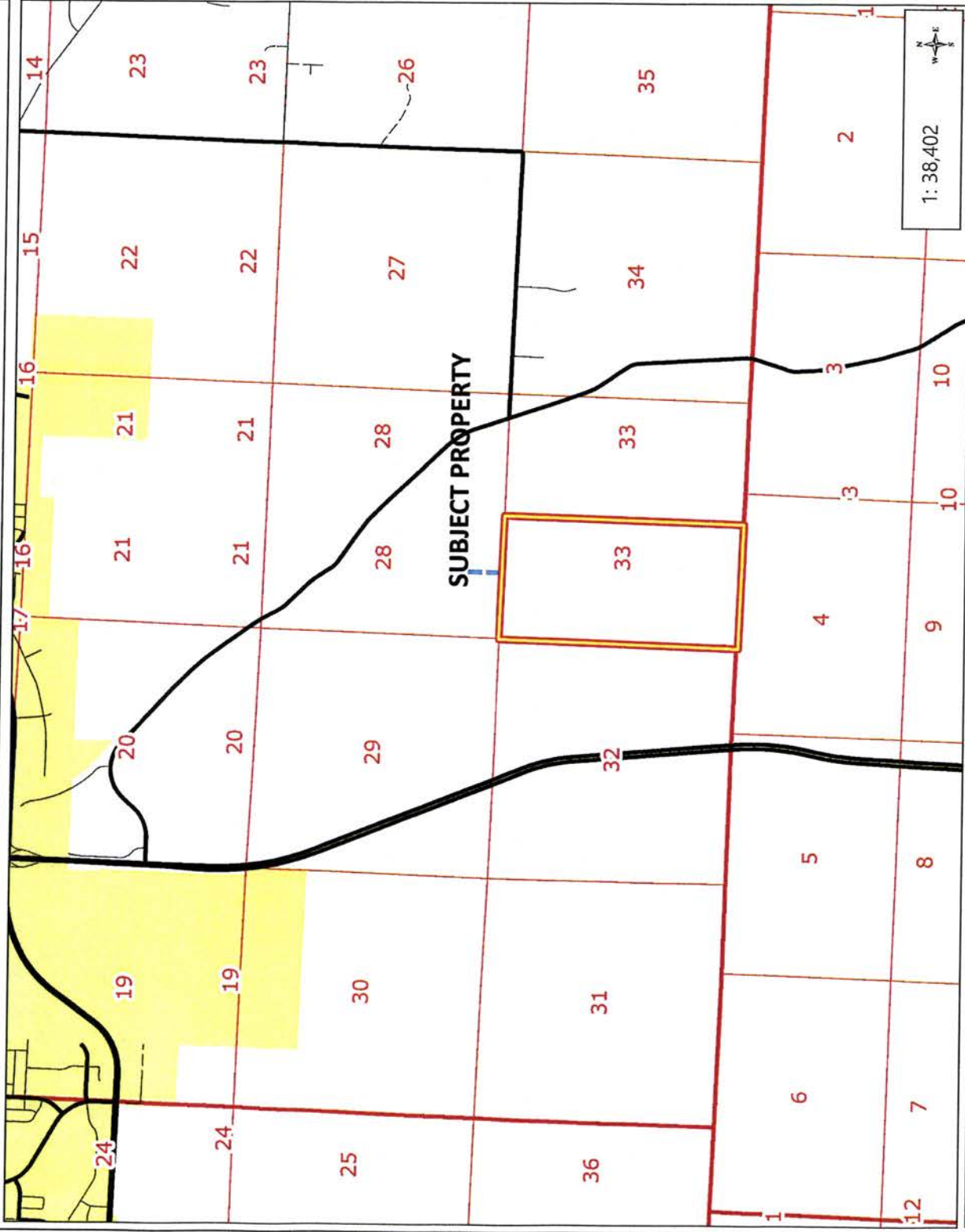
- A. The applicant has not signed a Statement of Understanding.
- B. Neither the applicant or land owner has submitted a report from an engineer showing that the increase in volume of the spillway will not negatively affect the drainage.
- C. Staff will continue the review to the October 28, 2019, Planning Commission meeting to allow the applicant time to meet these conditions.

RECOMMENDATION: Staff is recommending the Planning Director continue Construction Permit / CP 19-08 to the October 14, 2019, Planning Commission meeting with the following six (6) conditions:

1. That erosion control measures are maintained until the site has been revegetated in accordance with § 507(A)(5)(c) of the PCZO;

Agenda Item #19
Mitch Morris
September 23, 2019

2. That sediment from the site is contained in such a manner that sediment does not leave the site. If sediment does leave the site, it is the responsibility of the applicant fix;
3. That the applicant or landowner have an engineer do a report to show that the increase in size of the spillway, will not have a negative effect on the drainage;
4. That the disturbed areas be re-vegetated as required in § 507(A)(5)(c) of the PCZO;
5. That the applicant signs a Statement of Understanding prior to CP 19-07 approval; and,
6. That this Construction Permit be reviewed at the October 14, 2019 Planning Commission meeting or as directed by the Planning Director.



1: 38,402

6,400.3 0 3,200.15 6,400.3 Feet

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Legend

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 - HILL CITY
 - HILL CITY
 - KEYSTONE
 - NEW UNDERWOOD
 - QUINN
 - RAPID CITY
 - WALL
 - WASTA

Map Notes:



1: 7,432

1,238.6 0 619.30 1,238.6 Feet

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

Map Notes:

STAFF REPORT

GENERAL INFORMATION:

REQUEST: **CONSTRUCTION PERMIT / CP 19-14:** To construct a road and level an area for a future building site.

APPLICANT: Michael Willard; Willard Ranch Irrevocable Trust

APPLICANT ADDRESS: 12708 Kinsley Drive, Rapid City, SD 57702
12691 Kinsley Drive, Rapid City, SD 57702

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

SITE LOCATION: 22740 Highway 385; near the intersection of Highway 385 and W. Highway 44

SIZE: 61.83 acres

EXISTING LAND USE: Residential / Agriculture

TAX ID: 66486

ZONING REFERENCE: Sections 205 and 507

CURRENT ZONING: General Agriculture District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Flat / Open Meadow

UTILITIES: Private

REPORT BY: Brittney Molitor

Agenda Item #20
Michael Willard; Willard Ranch
September 23, 2019

****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 19-14.****

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending approval of Construction Permit / CP 19-14 with twelve (12) conditions.

II. GENERAL DESCRIPTION

- A. The applicant, Willard Ranch Irrevocable Trust, is requesting a Construction Permit to construct a driveway and clear an area for construction of a single-family home.
- B. There will be approximately 0.5 acre of dirtwork.
- C. The applicant also indicated that they plan on platting the property in the near future to allow for construction of the single-family residence.

III. EXISTING CONDITIONS

- A. Zoned General Agriculture District.
- B. 61.83 acres.
- C. There is Special Flood Hazard Area on the subject property.
- D. Lot contains:
 - 1. Manufactured home – 2010COBP0299.
 - a. Onsite Wastewater Treatment System – no Permit information.
 - 2. Shop/pole building – 2011COBP0421.
 - a. Onsite Wastewater Treatment System – 2012COSD0027.
 - i. 1,000 gallon holding tank.
 - 3. Single-wide mobile home – 1973 (per Department of Equalization records).
 - a. Onsite Wastewater Treatment System – COOP13-0127.
 - b. Ranch Hand's residence.



Existing lot and Special Flood Hazard Area (blue hatch)

IV. REQUEST FOR COMMENT

- A. County Highway
 - 1. No comments received.
- B. County Environmental Planning Supervisor
 - 1. There is Special Flood Hazard Area on the subject property. A Floodplain Development Permit is required prior to any disturbance in the Special Flood Hazard Area.
 - 2. Must follow the Storm Water Manual for implementation of Best Management Practices.
 - 3. Site Must be revegetated in accordance with Section 507 of the PCZO.
- C. County Environmental Planner
 - 1. The disturbed area will need to be revegetated.
 - 2. Inspection reports will need to be submitted weekly.
 - 3. Erosion and Sediment controls need to be installed immediately.
- D. County Ordinance Enforcement Officer
 - 1. During a recent site visit for a profile hole (with the Onsite Wastewater Specialist), it appeared that there is a home

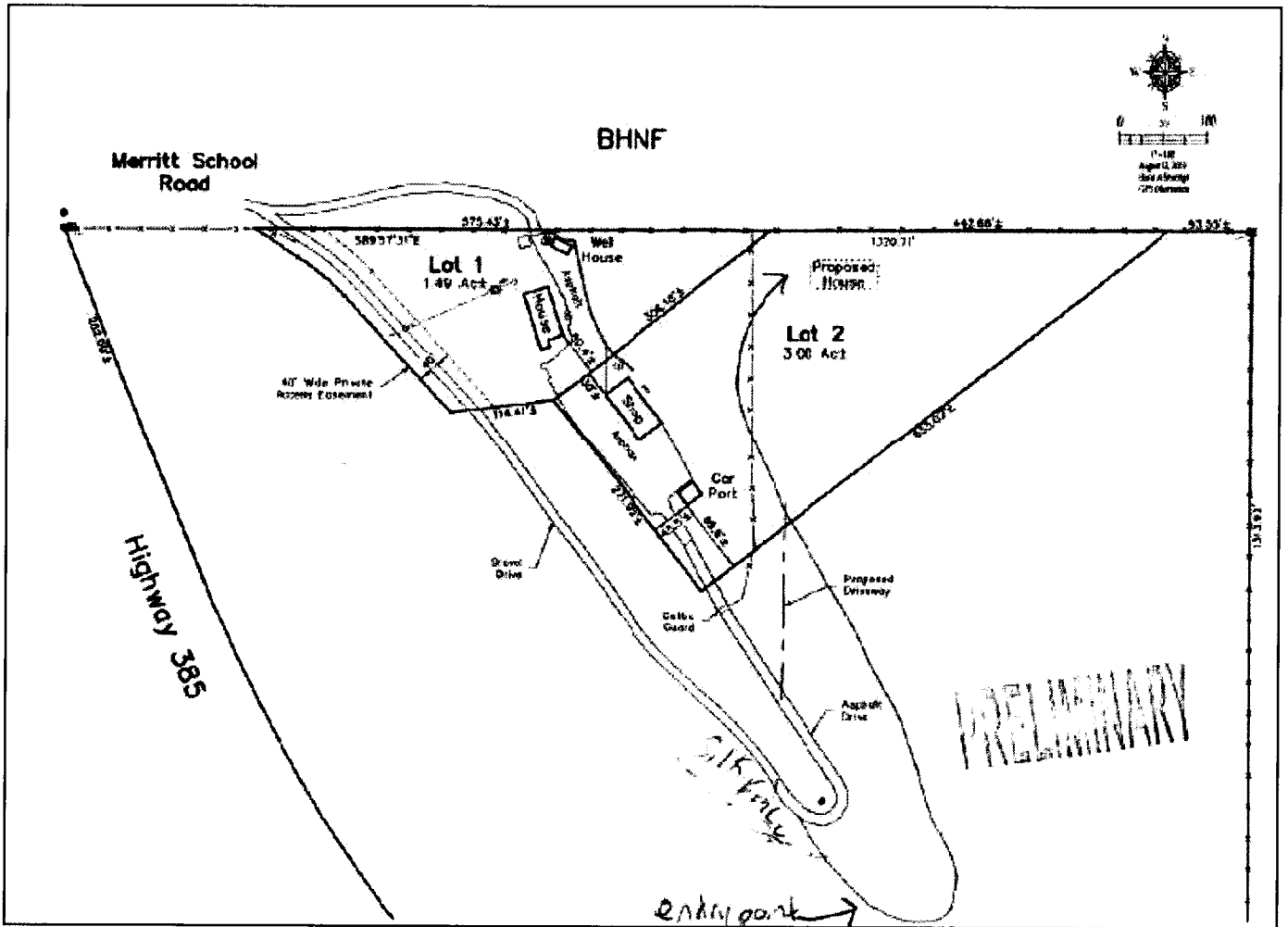
occupation/business being run out of the current manufactured home and shop building.

- a. *Staff Comment:* During research, it was discovered that a business (Steam Cleaning Specialist) utilizes its address as 22740 Highway 385, Rapid City, SD 57702.

- E. County Natural Resources, County Fire Administrator, Emergency Services
 1. No comments received.
- F. United States Forest Service
 1. The Forest Service has no objections to the Willard construction permit.
 2. The current landowner of record Michael Willard does not have legal access from the north side of the private property described as: that PT of W1/2SE1/4 and that PT of SE1/4SE1/4 east of Highway 44, Section 28, T1N R5E, BHM, Pennington County, South Dakota; the Forest Service has not granted a FLPMA Private Road Easement to Michael Willard that crosses National Forest System Lands to the National Forest System Road (NFSR) 642 Merritt School Road; no application has been filed by Michael Willard.
 3. Protect all posted boundary line corners, signs and bearing tress.
 4. Adhere to the setback requirements along the posted boundary between National Forest System lands (USA Public Domain; located on the north and east sides of private property) and private property.
 5. Protect all known stream courses, ponds and riparian areas located on National Forest System lands.
 6. No resource damage to occur on National Forest System lands.
 7. All proposed drain fields, leach lines or septic systems will need to be located on private property and not located on or drain or leach onto National Forest System lands.
 8. All construction materials, supplies, trash or garbage will not be located or dumped on National Forest System lands.
 9. Public roads in this area of the Black Hills National Forest are classified as "Roads Open to Highway Legal Vehicles Only" and "Roads open to all Vehicles" per the latest version (January 1, 2019) of the Motor Vehicle Use Map.
 10. No motorized trailheads or motorized trails or motorized roads are planned or scheduled for this portion of the Black Hills National Forest.
 11. No motorized trails for ATV, motorcycles or ORV will be authorized from private property unto National Forest System lands (USFS does not want unauthorized trails constructed on National Forest System lands).

V. ANALYSIS

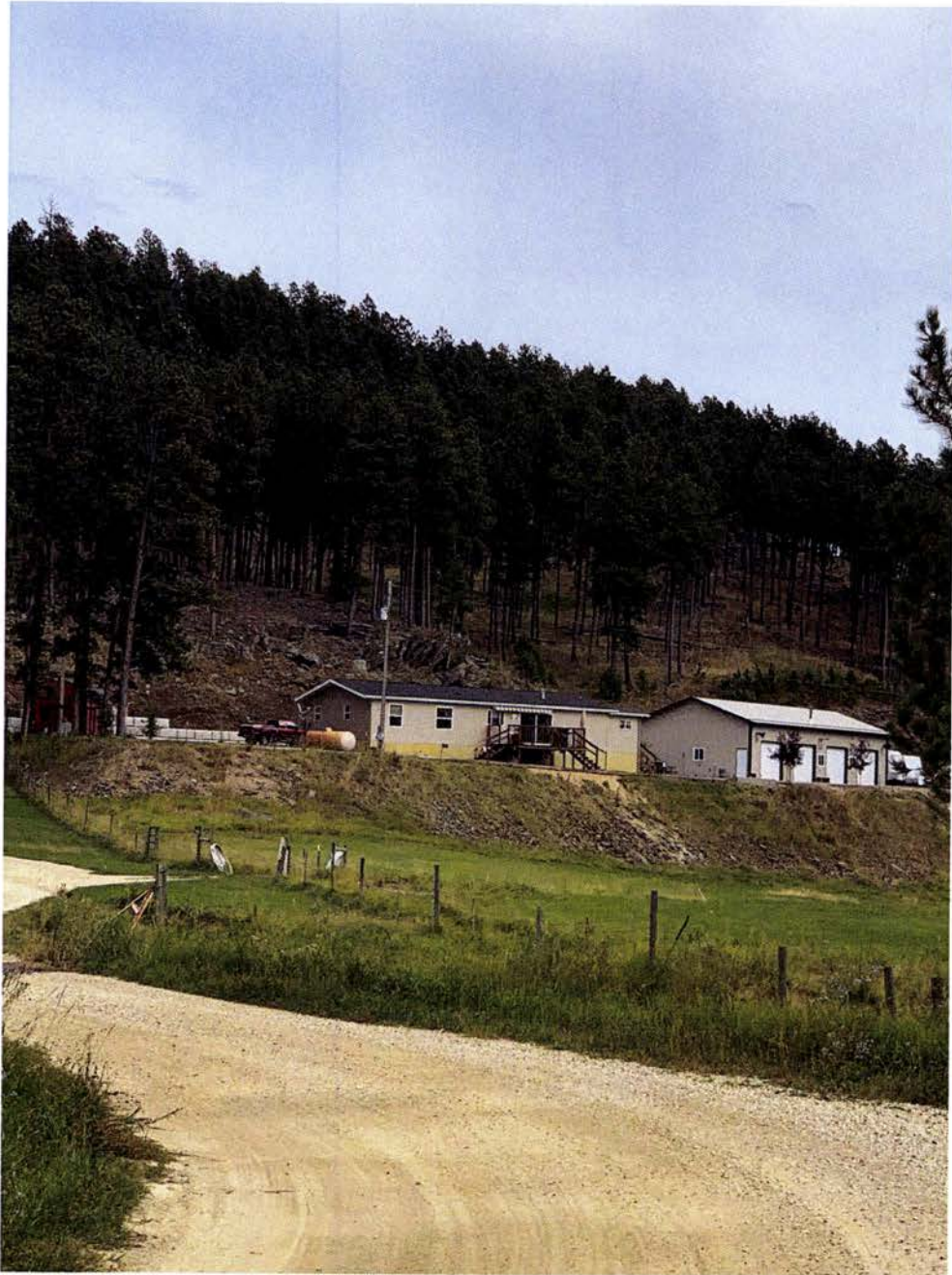
- A. August 19, 2019 - The applicant submitted a Construction Permit Application for construction of a driveway and site preparation for a single-family residence.
1. The applicant also indicated that they are planning to plat the property in the future.



Map and plan submitted by the applicant

- B. September 17, 2019 – A site visit was performed and the following was observed:
1. No work has commenced.

Agenda Item #20
Michael Willard; Willard Ranch
September 23, 2019



Current residence and shop building



Proposed area of disturbance

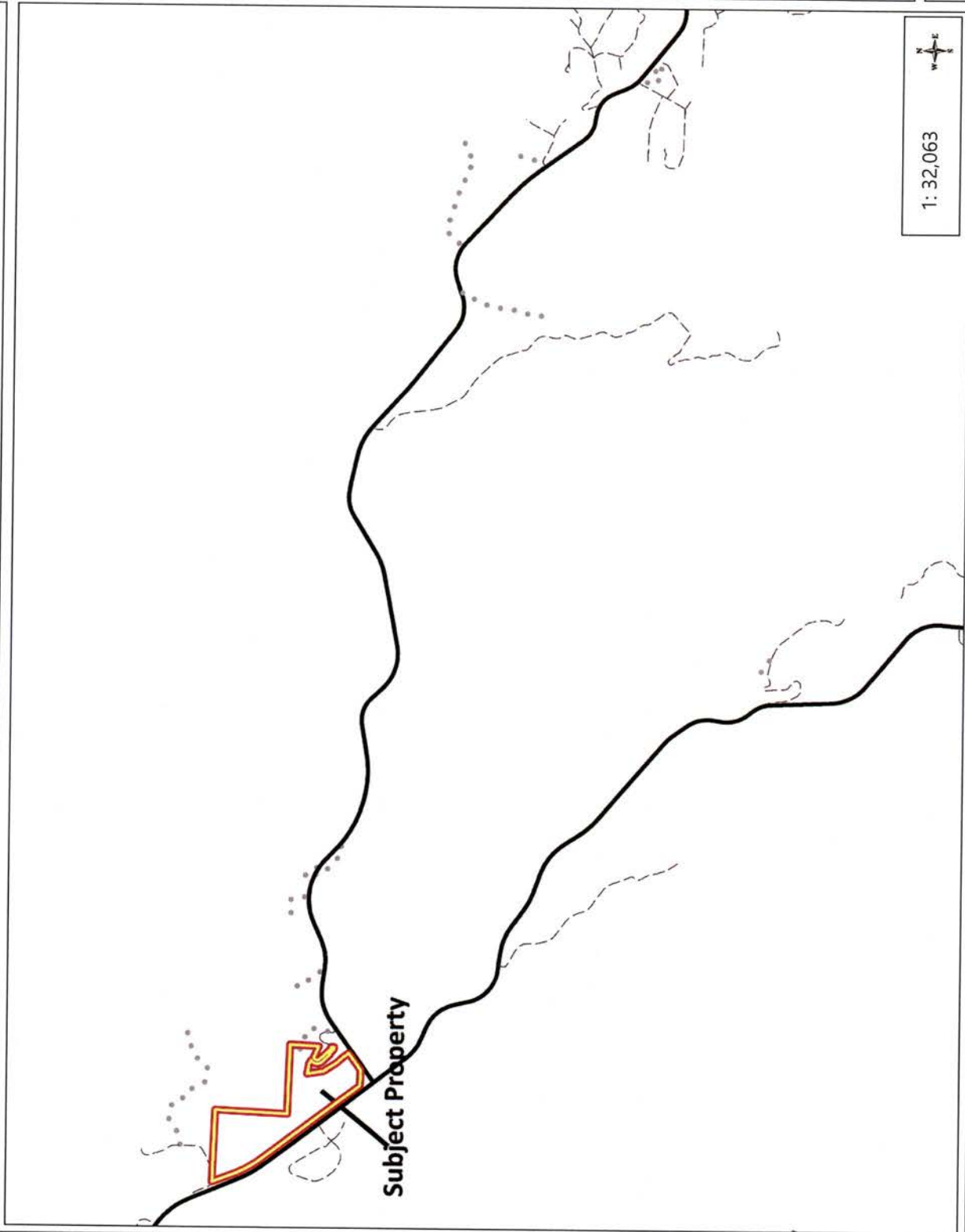
RECOMMENDATION: Staff recommends that the Planning Director approve Construction Permit / CP 19-14 with the following twelve (12) conditions:

1. That erosion control measures are implemented *immediately* and maintained until the site has been revegetated in accordance with § 507(A)(5)(c) of the Pennington county Zoning Ordinance (PCZO);
2. That a Floodplain Development Permit is approved prior to any disturbance in the Special Flood Hazard Area,
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

Agenda Item #20
Michael Willard; Willard Ranch
September 23, 2019

that exceeds 0.25 inches or snowmelt that generates runoff. A properly maintained rain gauge must be kept on the site. Inspection reports must be submitted by the contractor to the Planning Director every month during construction;

5. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;
6. That all natural drainage ways and paths be continually maintained;
7. That failure of the owner or designee to submit Inspection Reports, as required, shall result in the immediate issuance of a Stop Work Order and a review by the Planning Director to determine if all Conditions of Approval are being met;
8. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;
9. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than 14 days after the Construction Activity has stopped. All erosion control methods (mulch and seed) need to be certified noxious weed-free;
10. That the disturbed areas be re-vegetated as required in § 507(A)(5)(c) of the PCZO;
11. That the applicant signs a Statement of Understanding within ten (10) business days of approval; and,
12. That this Construction Permit be reviewed in three (3) months or as directed by the Planning director to ensure that the applicant is meeting all conditions.



1: 32,063

5,343.8 0 2,671.88 5,343.8 Feet

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Legend

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

Map Notes: