

AGENDA
PENNINGTON COUNTY PLANNING COMMISSION
October 14, 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 November 5, 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 23, 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 12-21:** Ken and Cory Tomovick. To review a Vacation Home Rental in a Suburban Residential District in accordance with Sections 206, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 4, Bonanza Bar MC 970, Section 12, T1S, R6E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 12-21 with nine (9) conditions.

4. **CONDITIONAL USE PERMIT REVIEW / CU 13-22:** Dudley and Ila LaPointe. To review a single-wide mobile home to be used as a single-family residence in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 25, Block 7, Green Valley Estates, Section 23, T1N, R8E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 13-22 with seven (7) conditions.

5. **CONDITIONAL USE PERMIT REVIEW / CU 17-37:** Ken and Nancy Denke. To review the use of a camper as temporary living quarters, not to exceed 180 days a year, on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

All, Hidden Treasure Lode MS 607, Section 26, T1N, R4E, BHM, Pennington County, South Dakota.

To recommend to continue the review of Conditional Use Permit / CU 17-37 to the November 25, 2019, Planning Commission meeting to allow the applicants time to contact Staff and to address outstanding issues with one (1) condition.

6. **CONDITIONAL USE PERMIT REVIEW / CU 17-44:** Gregory Yates. To review the transfer of an existing Conditional Use Permit to allow for an existing residence to continue to be used as a Vacation Home Rental on the subject property in a Low Density Residential District in accordance with Sections 207, 319, and 510 of the Pennington County Zoning Ordinance.

Tract 1, Annie Lode MS 1721, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

To recommend approval of the transfer of Conditional Use Permit / CU 17-44 with fifteen (15) conditions.

7. **CONDITIONAL USE PERMIT REVIEW / CU 18-35:** Lorrie Behl. To review a single-wide mobile home to be used as a 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 6 of Lot L of E1/2SE1/4, Section 9, T1N, R8E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 18-35 with six (6) conditions.

8. **CONDITIONAL USE PERMIT REVIEW / CU 18-36:** Shadrach and Holly Howie. To review a Guest House on the subject property in a Low Density Residential District in accordance with Sections 207, 318, and 510 of the Pennington County Zoning Ordinance.

Lot 1, Bromegrass Subdivision, Section 2, T1S, R9E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 18-36 with ten (10) conditions.

9. **CONDITIONAL USE PERMIT / CU 19-25:** Houwman Properties, LLC / Chadwick Houwman. To allow an existing residence to be used as a Vacation Home Rental in a Low Density Residential District in accordance with Sections 207, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 5, Starwood Subdivision, Section 23, T2S, R6E, BHM, Pennington County, South Dakota.

To recommend to continue Conditional Use Permit / CU 19-25 with one (1) condition.

10. **MINOR PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / 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.

(Continued from the September 9, 2019, Planning Commission meeting.)

To recommend to continue the review of Minor Planned Unit Development Amendment / PU 17-05 to no later than the November 12, 2019, Planning Commission meeting with three (3) conditions.

11. **MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PU 18-06:** Catherine Sopinski; Rob Livingston – Agent. To review an existing Planned Unit Development to allow the single-family residence to be used as a Vacation Home Rental on the subject property in accordance with Sections 213 and 319 of the Pennington County Zoning Ordinance.

Lot 1, Block 1, The Reserve at Remington Ranch, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Major Planned Unit Development Amendment / PU 18-06 with fourteen (14) conditions.

END OF CONSENT AGENDA

12. 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 September 23, 2019, Planning Commission meeting.)

13. MINOR PLAT / MPL 19-28: Brad and Colleen Kurtz. To create Lots 8A and 8B of Collins Addition in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

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

PROPOSED LEGAL: Lots 8A and 8B, Collins Addition, Section 20, T2N, R5E, BHM, Pennington County, South Dakota.

14. MINOR PLAT / MPL 19-30: Olson Rental Properties LLC / Aaron Olson. To create Lots 1 and 2 of Rand Lode Subdivision in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

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

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

15. MINOR PLAT / MPL 19-31: Double L Properties, LLC. To create Lot 10, Block 3 of the Ranch at Black Gap in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Balance of Tract A, The Ranch at Black Gap, Sections 8 and 9, T1S, R8E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 10, Block 3, The Ranch at Black Gap, Sections 8 and 9, T1S, R8E, BHM, Pennington County, South Dakota.

16. LAYOUT PLAT / LPL 19-29: Jeremiah and Trista Vlcek. To combine two lots to create Lot 6R, Block 10, The Ranch at Black Gap in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lots 6 and 7, Block 10, The Ranch at Black Gap, Section 9, T1S, R8E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 6R, Block 10, The Ranch at Black Gap, Section 9, T1S, R8E, BHM, Pennington County, South Dakota.

17. REZONE / RZ 19-13 AND COMPREHENSIVE PLAN AMENDMENT / CA 19-13: Leslie McGourty. To rezone 3.02 acres from Planned Unit Development to Low Density Residential District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Planned Unit Development Sensitive to Low Density Residential District in accordance with Sections 207, 213, and 508 of the Pennington County Zoning Ordinance.

Lot 1, Voshall Addition, Section 10, T2S, R6E, 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.

18. 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 September 23, 2019, Planning Commission meeting.)

19. CONSTRUCTION PERMIT REVIEW / CP 19-09: Rangel Construction Company. To review the improvement to the drainage around Rapid Valley Elementary School.

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

END OF CONSTRUCTION PERMIT AGENDA

20. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the September 23, 2019, Planning Commission meeting.

21. ITEMS FROM THE PUBLIC

22. ITEMS FROM THE STAFF

A. Building Permit Report.

23. ITEMS FROM THE MEMBERSHIP

24. 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 23, 2019 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Rich Marsh, Travis Lasseter, Jim Coleman, Sandra Runde, Ron Rossknecht.

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

ROLL CALL

1. APPROVAL OF THE SEPTEMBER 9, 2019, MINUTES
Moved by Runde and seconded by Lasseter to approve the Minutes of the August 9, 2019, Planning Commission meeting. Vote: unanimous 5 to 0.

2. APPROVAL OF THE AGENDA
Moved by Lasseter and seconded by Coleman to approve the Agenda of the September 23, 2019, Planning Commission meeting. Vote: unanimous 5 to 0.

Moved by Rossknecht and seconded by Lasseter to approve the Consent Agenda of the September 23, 2019, Planning Commission meeting. Vote: unanimous 5 to 0.

CONSENT AGENDA

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

4. CONDITIONAL USE PERMIT REVIEW / CU 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 approve 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;
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.

Vote: unanimous 5 to 0.

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 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.

Vote: unanimous 5 to 0.

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 continue the review of Conditional Use Permit / CU 18-10 to the October 28, 2019, Planning Commission with the following 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).**

Vote: unanimous 5 to 0.

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

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

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

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

Vote: unanimous 5 to 0.

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 approve 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;
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.

Vote: unanimous 5 to 0.

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 approve of the extension of Conditional Use Permit / CU 19-07 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;
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.

Vote: unanimous 5 to 0.

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

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

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

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).

Vote: unanimous 5 to 0.

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

Vote: unanimous 5 to 0.

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

Vote: unanimous 5 to 0.

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 approve 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;
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.

Vote: unanimous 5 to 0.

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 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.

Vote: unanimous 5 to 0.

END OF CONSENT AGENDA

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.

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

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

Discussion followed.

Moved by Coleman and seconded Lasseter to approve 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.**

All voting aye, the Motion carried 5 to 0.

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.

Staff asked to have this Item removed from the Consent Agenda for discussion and to amend the Conditions of Approval.

Staff recommended approval of Conditional Use Permit / CU 19-24 with the following nine (9) 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.

Discussion followed.

Moved by Runde and seconded by Rossknecht to approve of Conditional Use Permit / CU 19-24 with the following ten (10) conditions:

- 1. That the 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 be;**
- 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 applicant work with the U.S. Forest Service to ensure there is legal and permitted access to the subject property;**
- 5. 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;**
- 6. 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;**

7. That the subject property remains free of debris and junk vehicles;
8. 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;
9. That upon completion of the single-family residence, the shop may no longer be utilized as living quarters on the subject property; and,
10. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

All voting aye, the Motion carried 5 to 0.

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.

Bolstad reviewed the Staff Report indicating the applicants have applied for a Minor Plat to create Lots A and B of Knotty Pine Subdivision.

Staff recommended 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;
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.

Discussion followed.

Moved by Rossknecht and seconded by Lasseter to approve 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;**
- 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.

All voting aye, the Motion carried 5 to 0.

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.

Doreff stated Staff recommended the Planning Director approve 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.
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.)

Sack stated Staff recommended 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.
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.)

Sack stated Staff recommended 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;
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.

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.

Molitor stated Staff recommended 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 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.

END OF CONSTRUCTION PERMIT AGENDA

21. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the September 9, 2019, Planning Commission meeting

22. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

23. ITEMS FROM THE STAFF

There were no items from Staff.

24. ITEMS FROM THE MEMBERSHIP

Commissioner Coleman will not be at the October 14th PC meeting.

25. ADJOURNMENT

Moved by Lasseter and seconded by Runde to adjourn.

All voting aye, the Motion carried 5 to 0.

The meeting adjourned at 9:28 a.m.

Rich Marsh, Chairperson

STAFF REPORT

GENERAL INFORMATION:

REQUEST: **CONDITIONAL USE PERMIT REVIEW / CU 12-21**: To review a Vacation Home Rental in a Suburban Residential District in accordance with Sections 206, 319, and 510 of the Pennington County Zoning Ordinance.

APPLICANT: Ken and Cory Tomovick

APPLICANT ADDRESS: 23637 Strato Bowl Road, Rapid City, SD 57702

LEGAL DESCRIPTION: Lot 4, Bonanza Bar MC 970, Section 12, T1S, R6E, BHM, Pennington County, South Dakota.

SITE LOCATION: 23639 Strato Bowl Road: approximately one mile north of Highway 16 on Strato Bowl Road.

SIZE: 1.05 acre

TAX ID: 5197

EXISTING LAND USE: Residential Rental

ZONING REFERENCE: Sections 206, 319, and 510

CURRENT ZONING: Suburban Residential District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Forested

UTILITIES: Private

REPORT BY: Kristina Proietti

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending approval of the extension of Conditional Use Permit / CU 12-21 with nine (9) conditions.

II. GENERAL DESCRIPTION

- A. August 13, 2012, Planning Commission approved Conditional Use Permit / CU 12-21 to allow a Vacation Home Rental on the above legally described property with the following eight (8) conditions:

1. That the Vacation Home Rental be allowed to have a maximum occupancy of four (4) people;
2. That a minimum of two (2) off-street parking spaces be provided and each parking space shall not be less than one hundred sixty-two square feet, not less than nine feet by eighteen feet, surfaced with gravel, concrete or asphalt and maintained in a dust free manner;
3. That the address be properly posted on both the residence and at the approach so it be visible in both directions in accordance with Pennington County's Ordinance #20;
4. That the applicants comply with South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
5. That the applicants obtain all the necessary permits from the State pertaining to the use of the Vacation Home Rental;
6. That applicants comply with the Performance Standards outlined in Section 319 of the Zoning Ordinance, which regulates Vacation Home Rentals;
7. That this Conditional Use Permit not be valid until the applicant signs the Statement of Understanding, which is available at the Planning Office; and,
8. 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. August 26, 2013, the Planning Commission approved the extension of Conditional Use Permit / CU 12-21 with the following seven (7) conditions:

1. That the Vacation Home Rental be allowed to have a maximum occupancy of four (4) people;
2. That a minimum of two (2) off-street parking spaces be provided and each parking space shall not be less than one hundred sixty-two square feet, not less than nine feet by eighteen feet, surfaced with gravel, concrete or asphalt and maintained in a dust free manner;
3. That the address be properly posted on both the residence and at the approach so it be visible in both directions in accordance with Pennington County's Ordinance #20;

4. That the applicants continually comply with South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
 5. That the applicants obtain all the necessary permits from the State pertaining to the use of the Vacation Home Rental;
 6. That applicants continually comply with the Performance Standards outlined in Section 319 of the Zoning Ordinance, which regulates Vacation Home Rentals; and,
 7. That this Conditional Use Permit be reviewed on a complaint basis only.
- C. Conditions #4 and #6 were amended to include the words “continually” and Condition #8 was changed to review this Conditional Use Permit on a complaint basis only. Condition #7 was removed because that Condition was fulfilled when the applicants signed the Statement of Understanding.
- D. June 27, 2016, the Planning Commission approved the extension of Conditional Use Permit / CU 12-21 with the following seven (7) conditions:
1. That the Vacation Home Rental be allowed to have a maximum occupancy of eight (8) people;
 2. That a minimum of three (3) off-street parking spaces be provided and each parking space shall not be less than one hundred sixty-two square feet, not less than nine feet by eighteen feet, surfaced with gravel, concrete or asphalt and maintained in a dust free manner;
 3. That the address (23639 Strato Bowl Road) continue to be properly posted on both the residence and at the approach so it is visible from both directions of Strato Bowl Road in accordance with Pennington County’s Ordinance #20;
 4. That the applicants continually comply with South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
 5. That the applicants obtain and maintain all the necessary permits from the State pertaining to the use of the Vacation Home Rental;
 6. That applicants continually comply with the Performance Standards outlined in Section 319 of the Zoning Ordinance, which regulates Vacation Home Rentals; and,
 7. That this Conditional Use Permit be reviewed in three (3) years, on a complaint basis, or as directed by the Pennington County Board of Commissioners or Planning Commission to verify that all Conditions of Approval are being met.
- E. The applicants requested that this Conditional Use Permit be brought up for review on June 27, 2016, in front of the Planning Commission because they upgraded the On-Site Wastewater Treatment System and would like to update the number of occupants to allow for eight (8) persons per night.

III. ANALYSIS

- A. October 7, 2019, Staff conducted a site visit to the subject property to verify the applicant is meeting all of the Conditions of Approval.
- B. The applicants have obtained the 2019 South Dakota Department of Health Lodging License for the Vacation Home Rental.
- C. All required fire extinguishers and smoke alarms are located in their designated spots and are up-to-date.
- D. At the time of this Staff Report, Staff has not received any complaints regarding the subject property or Conditional Use Permit / CU 12-21.
- E. Staff will be adding a Condition of Approval regarding Section §511(F)(4).



Site Photo 10/7/2019.

IV. EXISTING CONDITIONS

- A. Zoned Suburban Residential District.
- B. 1.05 acres.
- C. Access off of Strato Bowl Road.
- D. Special Flood Hazard Area on the subject property.
- E. Lot contains:
 - i. Single-family residence with attached garage, built in 1988 per Department of Equalization Record Card
 - ii. On-Site Wastewater Treatment System (OSWTS) Construction Permit / COSD15-0121.
 - 1. Operating Permit / COOP15-0569.

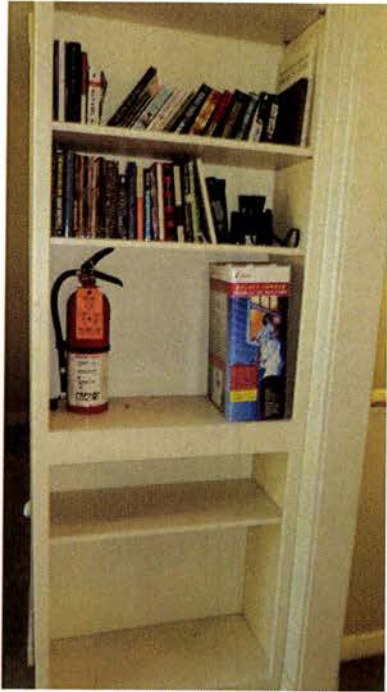
RECOMMENDATION: Staff recommends to approve the extension of Conditional Use Permit/ CU 12-21 with the following nine (9) conditions:

1. That the Vacation Home Rental be allowed to have a maximum overnight occupancy, based on SD DENR approval, be limited to eight (8) people and the maximum daytime occupancy be limited to sixteen (16) people, per Pennington County Zoning Ordinance (PCZO) § 319(F)(13);
2. That a minimum of three (3) off-street parking spaces be provided and each parking space shall not be less than one hundred sixty-two square feet, not less than nine feet by eighteen feet, surfaced with gravel, concrete or asphalt and maintained in a dust free manner;
3. That the address (23639 Strato Bowl Road) continue to be properly posted on both the residence and at the approach so it is visible from both directions of Strato Bowl Road in accordance with Pennington County's Ordinance #20;
4. That if the person designated as the Local Contact is ever changed Ken and Cory Tomovick, the interior informational sign be updated and the applicant re-notify the Planning Director and surrounding landowners within 500 feet via notices sent by First Class Mail;
5. That the applicants continually comply with South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
6. That the applicants maintain all the necessary permits from the State pertaining to the use of the Vacation Home Rental;
7. That applicants continually comply with the Performance Standards outlined in § 319 of the Zoning Ordinance, which regulates Vacation Home Rentals;

Agenda Item #3
Ken and Cory Tomovick
October 14, 2019

8. That each review of Conditional Use Permit / CU 16-21, be subject to PCZO §511(F)(4), which imposes a \$100 fee per review; and,
9. That this Conditional Use Permit be reviewed in five (5) years, on a complaint basis, or as directed by the Pennington County Board of Commissioners or Planning Commission to verify that all Conditions of Approval are being met.

Tomovick Site Visit 10.7.2019





**SOUTH DAKOTA
DEPARTMENT OF HEALTH
LODGING LICENSE**



Issued To: KEN TOMOVICK
CORY TOMOVICK

Located At: STRATO BOWL RETREAT - 1
23639 STRATO BOWL RD
RAPID CITY, SD 57702

License Type
Vacation Home License

License Number
10960

Number of Units
1

Swimming Pool
0

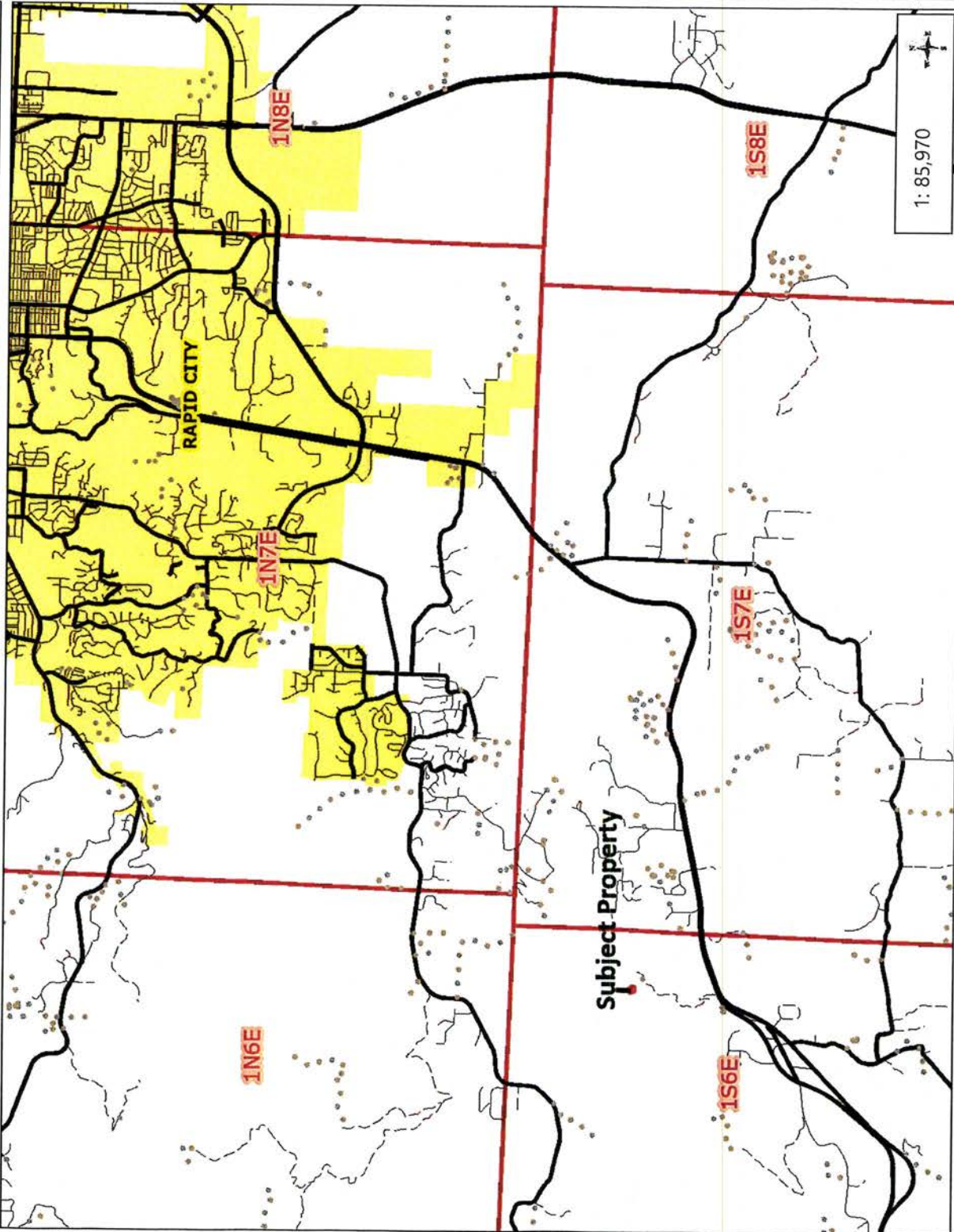
Spa or Hot Tub
0

Expires
12/31/2019

Kim Malsam-Rydon

Secretary of Health

License is Not Transferable - Post in the Establishment



1: 85,970

14,328.4 0 7,164.18 14,328.4 Feet

NAD_1983_StatePlane_South_Dakota_South_FIPS_4002_Feet
© City of Rapid City GIS

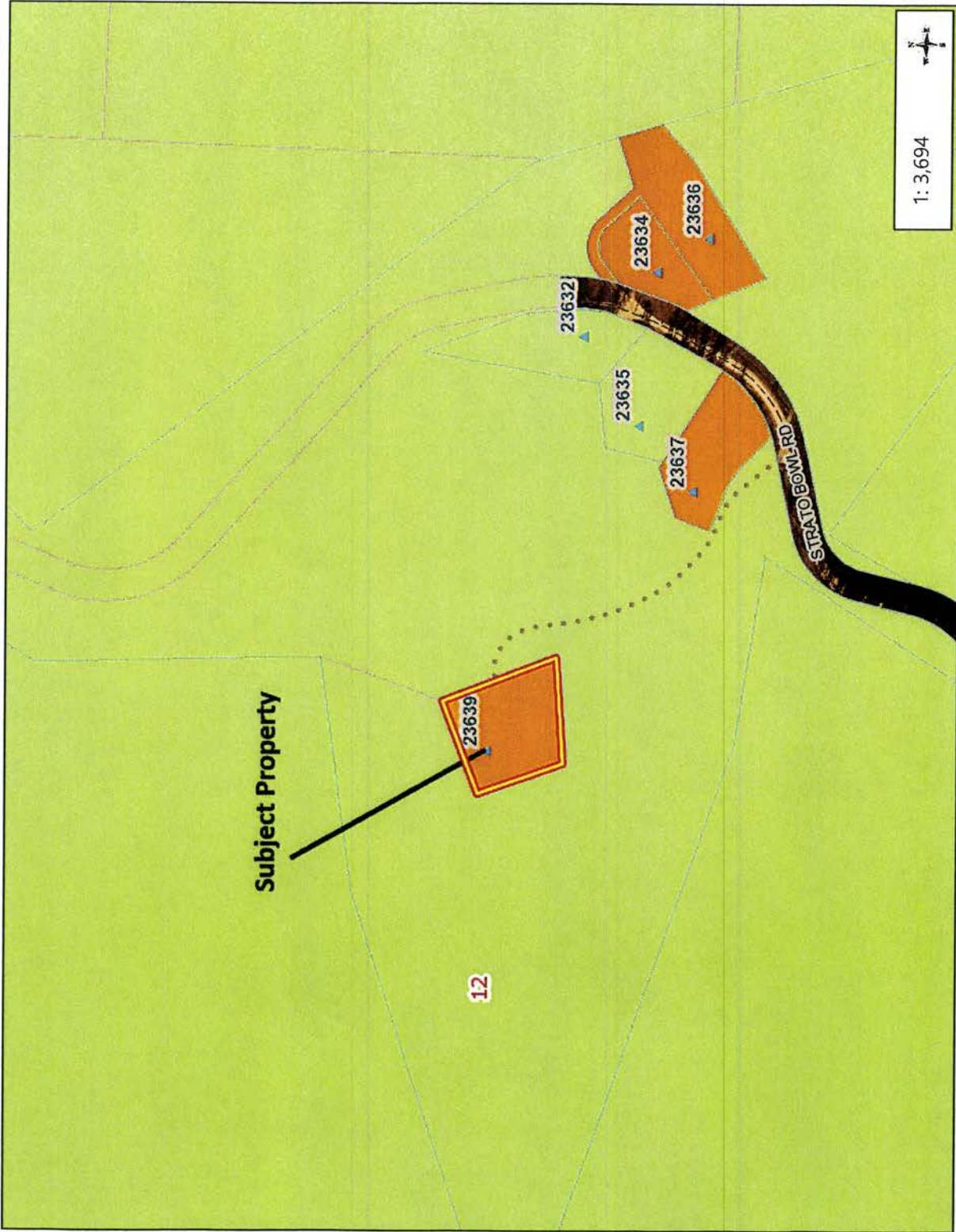
Legend

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

Map Notes:

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

THIS MAP IS NOT TO BE USED FOR NAVIGATION



1: 3,694

Legend

Roads

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

Address Points

Section Lines 0-25k

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:

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

615.7 Feet

307.84

0

615.7



1: 14,776

0 1,231.34 2,462.7 Feet

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

Map Notes:

STAFF REPORT

GENERAL INFORMATION:

REQUEST: CONDITIONAL USE PERMIT REVIEW/ CU 13-22: To review a single-wide mobile home to be used as a single-family residence in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

APPLICANT: Dudley and Ila LaPointe

APPLICANT ADDRESS: 4847 Anderson Road, Rapid City, SD 57703

LEGAL DESCRIPTION: Lot 25, Block 7, Green Valley Estates, Section 23, T1N, R8E, BHM, Pennington County, South Dakota.

SITE LOCATION: 4667 Anderson Road, Rapid City, South Dakota 57703, at the intersection of E. Highway 44 and Anderson Road.

SIZE: 1.2 acres

EXISTING LAND USE: Vacant

TAX ID: 2721

ZONING REFERENCE: Sections 208 and 510

CURRENT ZONING: Suburban Residential District

SURROUNDING ZONING:

North	Limited Agriculture District and Suburban Residential District
South	Suburban Residential District
East	General Agriculture District
West	Suburban Residential District

PHYSICAL CHARACTERISTICS: Flat

UTILITIES: Private Septic / Public Water

REPORT BY: Cody Sack

I. PROPOSED RECOMMENDATION: Staff will be recommending approval of the extension of Conditional Use Permit / CU 13-22 with seven (7) conditions.

II. GENERAL DESCRIPTION:

- A. October 28, 2013 – Conditional Use Permit / CU 13-22 was originally approved by the Planning Commission with the following nine (9) conditions:
1. That a Building Permit be obtained for the single-wide mobile home only after the applicant is issued an approved On-Site Wastewater Treatment Construction Permit through the City of Rapid City;
 2. That the minimum setback requirements of a Suburban Residential District be continually maintained on the property;
 3. That no parking be allowed in the area containing the on-site wastewater treatment system (OSWTS) or any part of the driveway be located over the OSWTS unless approved by Rapid City;
 4. That two (2) off-street parking spaces be provided in accordance with Pennington County Zoning Ordinance Section #310;
 5. That the property be kept free of debris and junk vehicles and the truck, located on-site, be licensed or removed prior to issuance of a Building Permit in accordance with Pennington County's Ordinance #106;
 6. That if any land disturbance occurs, erosion, stabilization and sediment control measures (i.e. silt fence, wattles, erosion mats) be implemented;
 7. That the lot address (4667 Anderson Road) be posted so it is clearly visible from both directions of travel along Anderson Road, at all times, in accordance with Pennington County's Ordinance #20;
 8. That the single-wide mobile home have a continually maintained peaked non-reflective type roof, wood or simulated wood-type siding, and skirting; and,
 9. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission to verify that all Conditions of Approval are being met.
- B. November 2012 – The existing single-wide mobile home was removed via COBP12-0485.
1. Property has been vacant of a residence since that time.
- C. October 28, 2013 – The Planning Commission approved Conditional Use Permit / CU 13-22 to allow for a new single-wide mobile home to be used as a single-family residence.
- D. October 2014 – Several lots were de-annexed from the City of Rapid City limits, which changed the extent of the City of Rapid City's One-Mile Septic Jurisdiction.
1. The subject property is now located inside Pennington County's On-Site Wastewater Treatment System Jurisdiction.
- E. October 1, 2015 – Staff spoke with the property owner's son who stated that his parents would like to put in a new single-wide mobile home and rent the property, but they were unsure if this was an option because, during the initial Conditional Use Permit approval, the Rapid City Public Works Department

stated that the existing On-Site Wastewater Treatment System (OSWTS) had failed.

1. The Rapid City Public Works Department determined that, because part of the existing drainfield was located under the gravel driveway and regularly driven over, which causes soil compaction, the existing OSWTS must be abandoned and a new OSWTS installed.
 2. Pennington County Staff stated to the property owner's son that a new OSWTS can be installed with the issuance of a Pennington County On-Site Wastewater Construction Permit.
- F. October 26, 2015 – Planning Commission approved the extension of Conditional Use Permit Review / CU 13-22 with the following nine (9) conditions:
1. That a Building Permit be obtained for the single-wide mobile home only after the applicant is issued an approved On-Site Wastewater Construction Permit through Pennington County;
 2. That the minimum setback requirements of a Suburban Residential District be continually maintained on the property;
 3. That no parking be allowed in the area containing the on-site wastewater treatment system (OSWTS) or any part of the driveway be located over the OSWTS unless approved by Pennington County;
 4. That two (2) off-street parking spaces be provided in accordance with Pennington County Zoning Ordinance Section #310;
 5. That the property be kept free of debris and junk vehicles and the truck, located on-site, be licensed or removed prior to issuance of a Building Permit in accordance with Pennington County's Ordinance #106;
 6. That if any land disturbance occurs, erosion, stabilization and sediment control measures (i.e. silt fence, wattles, erosion mats) be implemented;
 7. That the lot address (4667 Anderson Road) be posted so it is clearly visible from both directions of travel along Anderson Road, at all times, in accordance with Pennington County's Ordinance #20;
 8. That the single-wide mobile home have a continually maintained peaked non-reflective type roof, wood or simulated wood-type siding, and skirting; and,
 9. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or County Board of Commissioners to verify that all Conditions of Approval are being met.
- G. October 10, 2016 – Planning Commission approved the extension of Conditional Use Permit / CU 13-22 with the following ten (10) conditions:
1. That a Building Permit be obtained for a new mobile home only after the Pennington County Environmental Planner has approved the applicant's proposal to either install a new On-Site Wastewater Treatment System or relocate the existing driveway;
 2. That the applicant either install a new On-Site Wastewater Treatment System or relocate the driveway and obtain a Building Permit for a single-

- family residence within one (1) year, or Conditional Use Permit / CU 13-22 be automatically revoked;
3. That the minimum setback requirements of a Suburban Residential District be continually maintained on the property;
 4. That no parking be allowed in the area containing the On-Site Wastewater Treatment System (OSWTS) or any part of the driveway be located over the OSWTS unless approved by Pennington County;
 5. That two (2) off-street parking spaces continue to be provided in accordance with Pennington County Zoning Ordinance Section #310;
 6. That the property continue to be kept free of debris and junk vehicles and the truck, located on-site, be licensed or removed prior to issuance of a Building Permit, in accordance with Pennington County's Ordinance #106;
 7. That if any land disturbance occurs, erosion, stabilization and sediment control measures (i.e. silt fence, wattles, erosion mats) be implemented;
 8. That the lot address (4667 Anderson Road) continue to be posted so it is clearly visible from both directions of travel along Anderson Road, at all times, in accordance with Pennington County's Ordinance #20;
 9. That the mobile home have a continually maintained peaked non-reflective type roof, wood or simulated wood-type siding, and skirting; and,
 10. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.
- H. October 9, 2017 - Planning Commission approved the extension of Conditional Use Permit / CU 13-22 with the following nine (9) conditions:
1. That a Building Permit be obtained for a new mobile home only after the Pennington County Environmental Planner has approved the applicant's proposal to either install a new On-Site Wastewater Treatment System or relocate the existing driveway;
 2. That the minimum setback requirements of a Suburban Residential District be continually maintained on the property, or the appropriate Setback Variance be obtained;
 3. That no parking be allowed in the area containing the On-Site Wastewater Treatment System (OSWTS) or any part of the driveway be located over the OSWTS unless approved by Pennington County;
 4. That two (2) off-street parking spaces continue to be provided in accordance with Pennington County Zoning Ordinance Section #310;
 5. That the property continue to be kept free of debris and junk vehicles and the truck, located on-site, be licensed or removed prior to issuance of a Building Permit, in accordance with Pennington County's Ordinance #106;
 6. That if any land disturbance occurs, erosion, stabilization and sediment control measures (i.e. silt fence, wattles, erosion mats) be implemented;

7. That the lot address (4667 Anderson Road) continue to be posted so it is clearly visible from both directions of travel along Anderson Road, at all times, in accordance with Pennington County's Ordinance #20;
 8. That the mobile home have a continually maintained peaked non-reflective type roof, wood or simulated wood-type siding, and skirting; and,
 9. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.
- I. October 3, 2018 – The Planning Commission approved the extension of Conditional Use Permit / CU 13-22 with the following ten (10) conditions:
1. That a Building Permit be obtained for a new mobile home only after the Pennington County Environmental Planner has approved the applicant's proposal to either install a new On-Site Wastewater Treatment System or re-size the existing system to accommodate additional bedrooms;
 2. That the minimum setback requirements of a Suburban Residential District be continually maintained on the property, or the appropriate Setback Variance be obtained;
 3. That no parking be allowed in the area containing the On-Site Wastewater Treatment System (OSWTS) or any part of the driveway be located over the OSWTS unless approved by Pennington County;
 4. That two (2) off-street parking spaces continue to be provided in accordance with Pennington County Zoning Ordinance Section #310;
 5. That the property continues to be kept free of debris and junk vehicles, in accordance with Pennington County's Ordinance #106;
 6. That if any land disturbance occurs, erosion, stabilization and sediment control measures (i.e. silt fence, wattles, erosion mats) be implemented;
 7. That the lot address (4667 Anderson Road) continue to be posted so it is clearly visible from both directions of travel along Anderson Road, at all times, in accordance with Pennington County's Ordinance #20;
 8. That the mobile home has a continually maintained peaked non-reflective type roof, wood or simulated wood-type siding, and skirting;
 9. That the Conditional Use Permit will automatically expire on October 29, 2019, if the use of CU 13-22 has not been established, per Section 510-(E) and that the applicant signs a Statement of Understanding at the Planning Department within ten (10) business days of the approval of the extension of Conditional Use Permit / CU 13-22; and,
 10. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

III. EXISTING CONDITIONS

- A. 1.2 acres.
- B. Zoned Suburban Residential District.
- C. Access off of Anderson Road.
- D. 16' x 80' single-wide mobile home (SWMH)(COBP19-0442).
- E. Current Operating Permit (COOP17-0345).
- F. No Special Flood Hazard Area.

IV. ANALYSIS

- A. August 23, 2017 - The applicant had a certified installer inspect the existing On-Site Wastewater Treatment System (OSWTS) to determine the size and location and to have driveway relocated to the north so it is no longer located over the drainfield.
 1. The OSWTS is sized for two bedrooms, with 180 linear feet of drain field and a 1000-gallon septic tank (COOP17-0345).
 2. If the applicant wishes to place a mobile home with more than two (2) bedrooms, they will need to re-size the OSWTS to allow for three (3) bedrooms.
- B. August 23, 2019 – A Building Permit was applied for to place a 16' x 80' SWMH on the subject property.
 1. The SWMH has two (2) bedrooms.
- C. October 7, 2019 – Staff performed a site visit and found:
 1. The SWMH is in the process of being placed on the subject property and the use is being established.

RECOMMENDATION: Staff recommends approval of the extension of Conditional Use Permit / CU 13-22 with the following seven (7) conditions:

1. That the minimum setback requirements of a Suburban Residential District be continually maintained on the property, or the appropriate Setback Variance be obtained;
2. That no parking be allowed in the area containing the On-Site Wastewater Treatment System (OSWTS) or any part of the driveway be located over the OSWTS unless approved by Pennington County;
3. That two (2) off-street parking spaces continue to be provided in accordance with Pennington County Zoning Ordinance Section #310;
4. That the property continues to be kept free of debris and junk vehicles, in accordance with Pennington County's Ordinance #106;
5. That the lot address (4667 Anderson Road) continue to be posted so it is clearly visible from both directions of travel along Anderson Road, at all times, in accordance with Pennington County's Ordinance #20;

Agenda Item #4
Dudley and Ila LaPointe
October 14, 2019

6. That the mobile home has a continually maintained peaked non-reflective type roof, wood or simulated wood-type siding, and skirting; and,
7. That this Conditional Use Permit be reviewed in six (6) months, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Legend

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



1: 19,662

Map Notes:

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

THIS MAP IS NOT TO BE USED FOR NAVIGATION

3,276.9

1,638.47

3,276.9 Feet

NAD_1983_StatePlane_South_Dakota_South_FIPS_4002_Feet

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1: 614

102.4 Feet

51.20

0

102.4

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NAD_1983_StatePlane_South_Dakota_South_FIPS_4002_Feet
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Legend

Roads

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- 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

Map Notes:

STAFF REPORT

GENERAL INFORMATION:

REQUEST: CONDITIONAL USE PERMIT REVIEW/ CU 17-37: To review the use of a camper for temporary living quarters, not to exceed 180-days a year, on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

APPLICANT: Ken and Nancy Denke

APPLICANT ADDRESS: 21150 Creighton Road, Creighton, SD 57790

LEGAL DESCRIPTION: All, Hidden Treasure Lode MS 607, Section 26, T1N, R4E, BHM, Pennington County, South Dakota.

SITE LOCATION: 12233 Horse Creek Road; near the intersection of Mystic Road and Horse Creek Road.

SIZE: 10.33 acres

TAX ID: 4427

EXISTING LAND USE: Vacant / Camper

ZONING REFERENCE: Sections 205 and 510

CURRENT ZONING: General Agriculture District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Forested / Hills

UTILITIES: Private

REPORT BY: P.J. Conover

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending to continue the review of Conditional Use Permit / CU 17-37, with XXX conditions, to allow time for the applicant to contact Staff.

II. GENERAL DESCRIPTION

- A. 2017 - The applicants originally applied for a Conditional Use Permit to allow a camper to be used as temporary living quarters (less than 180-days in one calendar year) while the applicants build a new single-family residence, and to allow up to four (4) additional camper RVs on the subject property for seasonal use by family and friends.
- B. After further discussions with the applicants, Staff determined that a Conditional Use Permit to allow the camper as temporary living quarters was acceptable, but that a Variance would be needed to allow the additional campers/RVs on the subject property:
1. Per the Pennington County Zoning Ordinance (PCZO) § 205-C-26: *“Recreational vehicle as temporary living quarters. (This ordinance shall not allow multiple recreational vehicles as temporary living quarters on the same parcel and shall not allow additional living quarters when living quarters already exist on the property). The site must have an approved wastewater disposal system, including bathroom/shower facilities and an improved site area for the recreational vehicle. If the recreational vehicle is not equipped with a bathroom/shower facility, said facility must be provided on the premises and connected to the wastewater disposal system. The recreational vehicle shall not be used as temporary living quarters on premises for more than 180 days per calendar year.”*

- C. Prior to their hearing in 2017, the applicants, Ken and Nancy Denke, requested a Conditional Use Permit to allow a camper to be used as temporary living quarters while building a single-family residence on the subject property. The existing camper is pictured to the right of this text.



OCTOBER 04, 2017 CAMPER & DECK

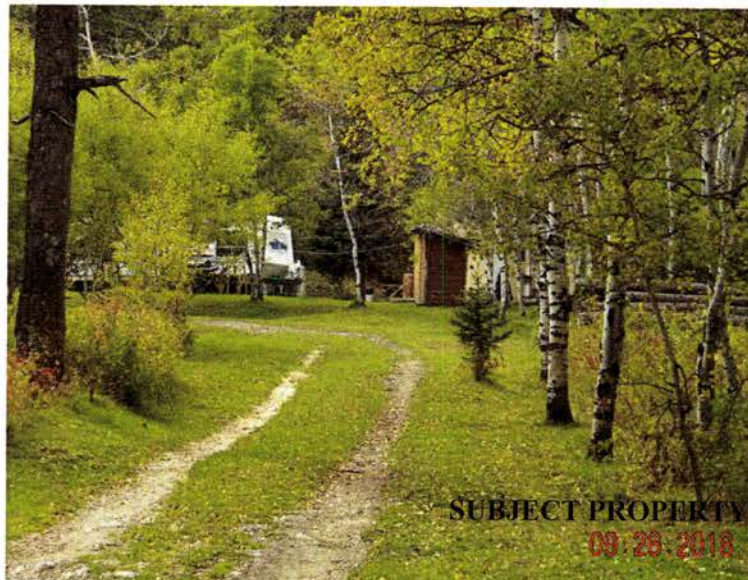
- D. October 09, 2017 – The Planning Commission approved CU 17-37 with the following eleven (11) conditions:
1. That there be no more than one (1) Recreational Vehicle (RV) allowed to be utilized as temporary living quarters on the subject property during construction of the single-family residence or cabin; unless the Landowner(s) receive an approved Variance, for said use, by the Board of Adjustment;
 2. That an address be assigned for the property and clearly posted on the Recreational Vehicle (RV)/Camper while it is being utilized as living quarters. Once the single-family residence is complete, the address must be posted on the residence in accordance with Pennington County's Ordinance #20;
 3. That prior to any Building Permits being approved on the subject property, the landowner bring the existing deck into compliance and obtain an approved Building Permit, with applicable fees;
 4. That prior to the Recreational Vehicle (RV)/Camper being used as a temporary residence an approved means On-Site Wastewater Disposal be determined by the Pennington County Environmental Planning Supervisor or designee.
 5. That the minimum setback requirements of a General Agriculture District be continually maintained on the subject property, or an approved Setback Variance be obtained;
 6. That the subject property remains free of debris and junk vehicles, in accordance with Ordinance #106;
 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 or cabin on the subject property, the Recreational Vehicle (RV) will be disconnected from all utilities and may no longer be utilized as living quarters on the subject property, unless the Landowner(s) receive an approved Variance, for said use, by the Board of Adjustment;
 9. That the applicant notify the Planning Department when the new residence is habitable, so that this Conditional Use Permit can end;
 10. That the applicant signs the Statement of Understanding within ten (10) business days of Conditional Use Permit / CU 17-37, 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, minimum forty (40) acre lot size.
- B. 10.33 acres.
- C. The applicant owns seven (7) adjoining Mining Claims in the area totaling over 70+ acres. This conglomerate of Mining Claims are completely surrounded by Forest Service Land, which stretches out, at a minimum, 1.35 miles in every direction.
- D. Lot contains:
 1. Camper (8-feet x 26-feet).
 2. Wood Deck (size unknown)
 - a. Unpermitted.
 3. Two storage structures each under 144 square feet and not permanently attached to the ground.
 4. Outhouse.

IV. UPDATE FOR OCTOBER 08, 2018 PLANNING COMMISSION MEETING

- A. September 26, 2018 – Staff spoke to the applicant and performed a site visit the same day.
 1. The applicants indicated they have not moved forward with any improvements on the subject property.
 2. Per Staff's site visit, it appears no work has been done on the subject property.
 3. Prior to the next review, Staff required:
 - a. That the applicants meet with Planning Staff to discuss the proper means of septic disposal; and
 - b. The unpermitted deck be brought into compliance.
 4. The above-mentioned items were adjustments to the previously approved Conditions of Approval and are evident in Conditions #3 and #4.



V. REQUEST FOR COMMENT – RESPONSES

NOTE: Routing comments are traditionally not included with Conditional Use Permit reviews – however, due to the nature of this permit Staff feels it is important to include the original comments from the October 09, 2017 Staff Report.

A. County Highway Department

1. The landowner/applicant owns a total of seven mineral loads at this location. Only one is highlighted in the routing, but the application implies all lots are included. The other size lots have Section Lines, so any structures must meet setback requirements or the Section Line needs to be vacated.
 - a. *The Legal Description for each of the seven (7) above-mentioned “mineral loads” are unique.*

B. County Fire Administrator

1. County Fire recommends the following:
 - a. 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.
 - b. If the length of the driveway/access way exceeds 75 feet or a physical obstruction prevents the number from being visible from the road of which the address is taken, then the house number shall be posted adjacent to the area in which the driveway/access way intersects the road.
 - c. The posted house number must be placed in such a way as to ensure its visibility year round and not be obstructed by such things as, but not limited to, snow or vegetation, to provide for emergency identification at all times.
 - d. 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.
 - e. Hazardous Fuels Mitigation, and a free assessment of the property by the South Dakota Division of 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.
 - f. 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 structure. 50% cost-share funds MAY be available through the South Dakota Division of Wildland Fire Suppression to execute the Hazardous Fuels Mitigation Plan

<http://wildlandfire.sd.gov/fuelsmitigation/fuelsmitigation.aspx>

g. Fire wise Information: <http://www.gpfiresafecouncil.com/>

C. County Environmental Planning Supervisor

1. There is no Special Flood Hazard Area on the subject property.
2. The applicants use of the existing outhouse may be allowed if pumped and inspected to determine if the subject outhouse is in conformance with Section 204-J of the Pennington County Zoning Ordinance. If not, it may need to be removed, filled in, or abandoned.
3. The applicant has stated they plan to install and use an incinerator toilet for the proposed cabin. This alternative system will need approval from the Department of Environmental Natural Resources.
4. Further, the applicant will need to comply with all requirements for gray-water disposal on the subject property.
 - a. *Staff Comment: The applicant mentioned utilizing a port-a-john would be acceptable, and also indicated that pumping the outhouse would not be out of the question. Staff will include this as a Condition of Approval.*

D. County Environmental Planner

1. The future cabin will require a means of septic disposal. If an incinerator toilet is used, the applicant will still need to find a way for gray water disposal with a holding tank or tank and drainfield. The type of outhouse will need to be known. If the outhouse has an open pit/cesspool below it, it will need to be abandoned. If it is used as a structure to contain a legal form of waste disposal (incinerator toilet, compost toilet, etc...) than this would be allowed. The family members can use the tanks in their campers and properly dispose of the waste at a dump station. If this does not the work, the applicant will need to find a different method of septic disposal for the campers. The use of a port-a-john is acceptable if it is properly maintained and pumped as needed. If any form of septic disposal is added to the property, all rules of Pennington County Zoning Ordinance Section 204-J must be followed.
 - a. *Staff Comment: The applicant mentioned utilizing a port-a-john which would be acceptable, and also indicated that pumping the outhouse would not be out of the question. Staff will include this as a Condition of Approval.*

- E. County Ordinance Enforcement Officer
 - 1. Ordinance Enforcement has no objection.

- F. County Natural Resources Director
 - 1. No objections.

- G. County Addressing Coordinator
 - 1. An address should be assigned to the lot for identification and location of the RV sites. This address should be used for the proposed cabin on the property and, when completed, posted on the structure in accordance with Pennington County Ordained #20.
 - 2. The address should also be posted at the access of the property in accordance with Pennington County Ordinance #20.
 - a. *Staff Comment: This will be added as a Condition of Approval.*

- H. Emergency Services (9-1-1)
 - 1. Guessing there is no cell service there and there is no land line phone service there I am aware of. My concern is, in the event of an emergency, dispatchers would have a tough time locating this on a map and, responders would have a tough time getting to it. I was thinking perhaps an address I needed to help 911 locate it on a map and talk responders in there. This is in Silver City VFD.
 - a. *Staff Comment: The applicant says there is some cell service on the subject property and on the top of a nearby hill and an address has been assigned.*

- I. U.S. Forest Service
 - 1. Protect all posted boundary line corners, signs and bearing tress.
 - 2. Adhere to the setback requirements along the posted boundary between National Forest System lands and private property.
 - 3. Protect all known stream courses, ponds and riparian areas located on National Forest System lands.
 - 4. Protect all range allotment improvements located on National Forest System lands; private property is within the Red Fern Range Allotment and the Queen Bee Pasture.
 - 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 not located on or drain or leach 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. Ken and Nancy Denke have applied for a FLPMA Private Road Special Use Permit located in the NW1/4NW1/4 of Section 26,

- T1N, R4E, BHM; permit is tentatively planned for completion in 2018.
9. All interior roads within the private property need to be designed not to drain or wash or erode onto National Forest System lands.
 10. National Forest System Roads in this area of the Black Hills National Forest are classified as “Roads Open to Highway Legal Vehicles Only”, “Roads Open to All Vehicles”, per the latest version of the Motor Vehicle Use Map.
 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).

Additional information, for Forest Service, pertaining to Conditional Use Permit:

1. Outhouse – adhere to Pennington County Septic Ordinances and State of South Dakota regulations
 2. Dave Griffie has an approved “Plan of Operations” for unpatented mining claims in the area adjacent to the patented mining claims (New Holland #2 MS 606, Hidden Treasure Lode MS 607, Queen Bee Lode MS 608, Queen Bee Lode MS 609, Western Bell Lode MS 610, Summer Cloud Lode MS 611 and Landis Lode MS 612).
- J. Department of Environmental Natural Resources.
- a. No comments received.

VI. UPDATED AERIAL PHOTO

- A. An updated RapidMap aerial photo from mid-2018 showing the subject area on the property is included below.



VII. UPDATE

- A. October 09, 2017, the Planning Commission approved CU 17-37, with eleven conditions.
- B. October 15, 2017, the applicant signed the Statement of Understanding for the above-mentioned eleven (11) conditions. A copy of this document is included with this Staff Report.
- C. October 08, 2018, the Planning Commission approved the extension of CU 17-37, with eleven conditions. A copy of the minutes from the October 08, 2019, meeting are included with this Staff Report.
- D. Beginning on October 01, 2019, Staff has attempted to make contact with the applicant via phone calls. Staff is seeking permission to be on the subject property to perform the review.
 1. During the first phone call attempt, the person who answered the phone hung up after Staff mentioned they were from Pennington County and that it was time to do a review of their Conditional Use Permit.
- E. Since the initial attempt, Staff has only received a busy signal when attempting to call back.
- F. October 08, 2019 – Staff mailed a first class letter to the Landowner requesting contact.
- G. At the time of this Staff Report, Staff has only not been able to confirm if the immediately applicable Conditions of Approval from the October 08, 2018, Planning Commission meeting (Conditions #1, 2, 3, 4, 6, 7, and 11) are met, and that the applicants use of CU 17-37 warrants extension.

RECOMMENDATION: Staff recommends to continue the review of Conditional Use Permit / CU 17-37 to the November 25, 2019, Planning Commission meeting to allow the applicants time to contact Staff and to address outstanding issues, with the following one (1) condition:

1. That if additional continuations are required beyond November 25, 2019, due to lack of action by the applicants, the applicants shall pay a \$100 fee for each continuation, in accordance with § 511(X) and the County may pursue legal remedies and/or revoke the Conditional Use Permit, per § 511(G).



1: 189,055



31,509.1 0 15,754.56 31,509.1 Feet



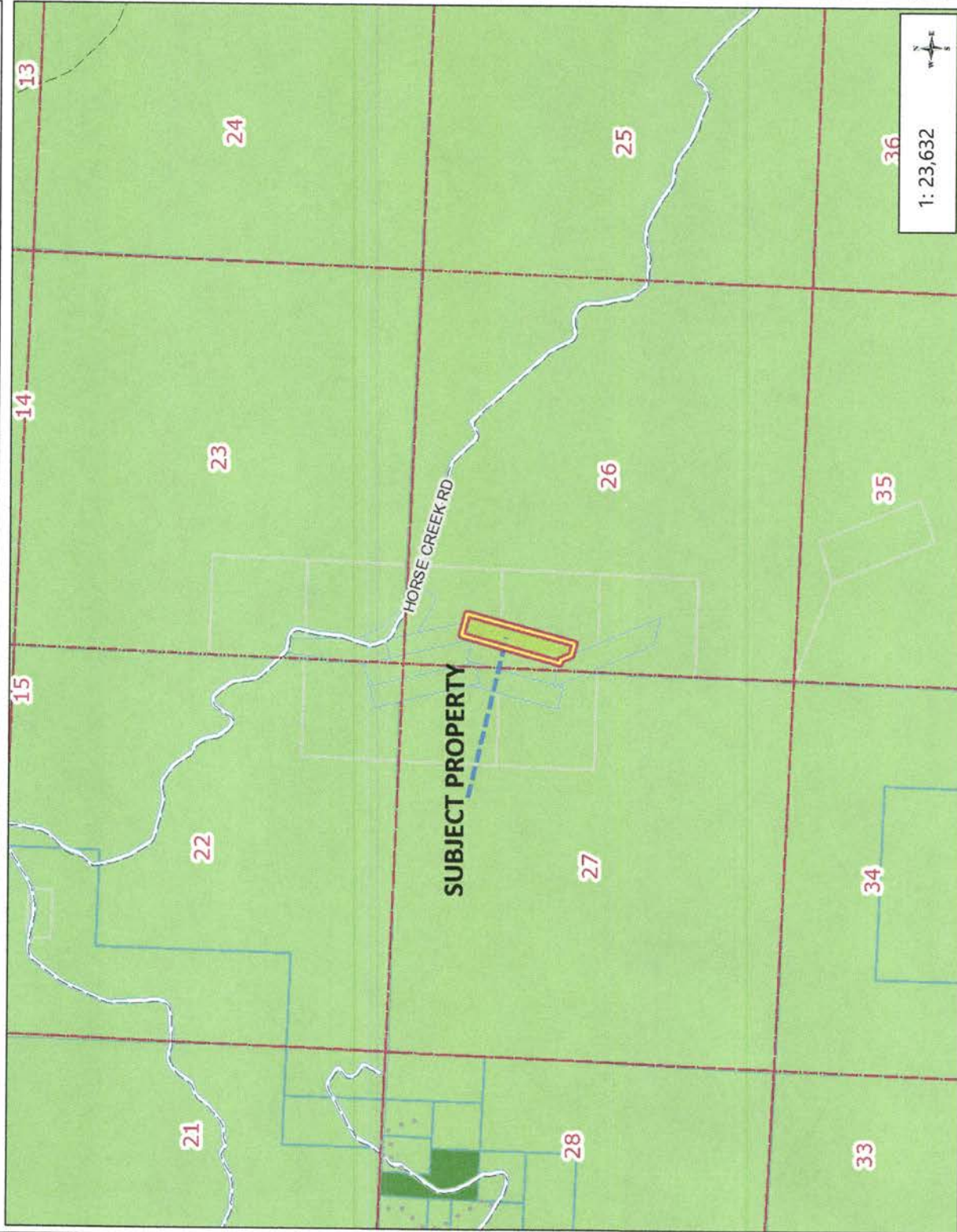
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Legend

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

Map Notes:



1: 23,632

3,938.6 0 1,969.32 3,938.6 Feet

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Roads

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- 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

NOCODE

Map Notes:

**MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
October 8, 2018 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Travis Lasseter, Rich Marsh, Kathryn Johnson, Sandra Runde; and
Lloyd LaCroix.

STAFF PRESENT: PJ Conover, Cassie Bolstad, Michael Hoffmann (SAO) and Jeri
Ervin

ROLL CALL

1. APPROVAL OF THE SEPTEMBER 24, 2018, MINUTES
**Moved by Marsh and seconded by Runde to approve the Minutes of the September
24, 2018, Planning Commission meeting. Vote: unanimous 5 to 0.**

2. APPROVAL OF THE AGENDA
**Moved by Johnson and seconded by Marsh to approve the Agenda of the October 8,
2018, Planning Commission meeting. Vote: unanimous 5 to 0.**

**Moved by Marsh and seconded by Johnson to approve the Consent Calendar of the
October 8, 2018, Planning Commission meeting. Vote: unanimous 5 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.

13. CONDITIONAL USE PERMIT REVIEW / CU 17-37: Ken and Nancy Denke. To review living in an existing camper while building a single-family residence or cabin on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

All, Hidden Treasure Lode MS 607, Section 26, T1N, R4E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 17-37 with the following eleven (11) conditions:

1. **That there be no more than one (1) Recreational Vehicle (RV) allowed to be utilized as temporary living quarters on the subject property during construction of the single-family residence or cabin; unless the Landowner(s) receive an approved Variance, for said use, by the Board of Adjustment;**

2. That an address be assigned for the property and clearly posted on the Recreational Vehicle (RV)/Camper while it is being utilized as living quarters. Once the single-family residence is complete, the address must be posted on the residence in accordance with Pennington County's Ordinance #20;
3. That prior to the October 2019 review of CU 17-37, the landowner bring the existing deck into compliance and obtain an approved Building Permit, with applicable penalty fees;
4. That prior to the October 2019 review of CU 17-37 or prior to the Recreational Vehicle (RV)/Camper being used as a temporary residence, whichever comes first, the landowners meet with Planning Staff to discuss an approved means of On-Site Wastewater Disposal for the subject property;
5. That the minimum setback requirements of a General Agriculture District be continually maintained on the subject property, or an approved Setback Variance be obtained;
6. That the subject property remains free of debris and junk vehicles, in accordance with Ordinance #106;
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 or cabin on the subject property, the Recreational Vehicle (RV) will be disconnected from all utilities and may no longer be utilized as living quarters on the subject property, unless the Landowner(s) receive an approved Variance, for said use, by the Board of Adjustment;
9. That the applicant notify the Planning Department when the new residence is habitable, so that this Conditional Use Permit may be ended;
10. That the applicant signs the Statement of Understanding within ten (10) business days of Conditional Use Permit / CU 17-37, 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.

Vote: unanimous 5 to 0.



PLANNING DEPARTMENT

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

605-394-2186 • FAX 605-394-6016

STATEMENT OF UNDERSTANDING

TO: Nancy Denke
DATE: October 16, 2017
RE: Conditional Use Permit / CU 17-37

Re: All, Hidden Treasure Lode MS 607, Section 26, T1N, R4E, BHM, Pennington County, South Dakota.

Listed below are eleven (11) conditions that have been placed on Conditional Use Permit (CU 17-37) request. Please carefully read all of the Conditions of Approval. It is important that you completely understand and adhere to these conditions at all times. *Any deviation from the conditions listed below, may constitute an immediate review of the approved Conditional Use Permit request and possible revocation and termination of the approved use.*

1. That there be no more than one (1) Recreational Vehicle (RV) allowed to be utilized as temporary living quarters on the subject property during construction of the single-family residence or cabin; unless the Landowner(s) receive an approved Variance, for said use, by the Board of Adjustment;
2. That an address be assigned for the property and clearly posted on the Recreational Vehicle (RV)/Camper while it is being utilized as living quarters. Once the single-family residence is complete, the address must be posted on the residence in accordance with Pennington County's Ordinance #20;
3. That prior to any Building Permits being approved on the subject property, the landowner bring the existing deck into compliance and obtain an approved Building Permit, with applicable fees;
4. That prior to the Recreational Vehicle (RV)/Camper being used as a temporary residence an approved means On-Site Wastewater Disposal be determined by the Pennington County Environmental Planning Supervisor or designee.
5. That the minimum setback requirements of a General Agriculture District be continually maintained on the subject property, or an approved Setback Variance be obtained;
6. That the subject property remains free of debris and junk vehicles, in accordance with Ordinance #106;
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 or cabin on the subject property, the Recreational Vehicle (RV) will be disconnected from all utilities and may no longer be utilized as living quarters on the subject property, unless the Landowner(s) receive an approved Variance, for said use, by the Board of Adjustment;
9. That the applicant notify the Planning Department when the new residence is habitable, so that this Conditional Use Permit may be ended;
10. That the applicant signs the Statement of Understanding within ten (10) business days of Conditional Use Permit / CU 17-37, 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.

By signing this form, you hereby acknowledge that you fully understand and agree to comply with all the above Conditions of Approval.

Nancy Denke
 Nancy Denke

10/15/17
 Date

Subscribed and sworn before me at Rego City, SD, this 16 day of Oct, 2017.
(City) (State) (Month)

Notary Public: [Signature]
 My Commission Expires: 4/15/2020



STAFF REPORT

GENERAL INFORMATION:

REQUEST: CONDITIONAL USE PERMIT REVIEW/ CU 17-44: To transfer 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.

ORIGINAL APPLICANT: Jeff Miller

NEW OWNER: Yates Living Trust; Gregory Yates

OWNER ADDRESS: 4307 Hayvenhurst Avenue, Encino, CA 91436

LOCAL CONTACT: LeeAnn McDonald

LEGAL DESCRIPTION: Tract 1, Annie Lode MS 1721, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

SITE LOCATION: 23826 Highway 385; located off of Highway 16/385, near the Three Forks Intersection.

SIZE: 6.02 acres

TAX ID: 40757

EXISTING LAND USE: Residential

ZONING REFERENCE: §§ 207, 319, and 510

CURRENT ZONING: Low Density Residential District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Forested

UTILITIES: Private

REPORT BY: Cassie Bolstad

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending approval of the transfer of Conditional Use Permit / CU 17-44 with fifteen (15) conditions.

II. GENERAL DESCRIPTION

- A. On January 8, 2018, the Planning Commission originally approved Conditional Use Permit / CU 17-44 to allow a Vacation Home Rental in a Low Density Residential District with sixteen (16) conditions.
- B. The subject property has been sold and the owner, Gregory Yates, is requesting to transfer the Conditional Use Permit.

III. EXISTING CONDITIONS

- A. Zoned Low Density Residential District, minimum three (3) acre lot size.
- B. 6.02 acres.
- C. Lot contains:
1. Single-family residence with attached garage – 2010COBP0533.
 - a. 480 square foot addition – COBP14-0102.
 2. 30' x 30' pole barn – COBP14-0103.
 - a. Variance / VA 14-10 to reduce the rear property line setback from 25' to 6' for the pole barn was approved by the Board of Commissioners on May 6, 2014.
 3. On-site wastewater treatment system
 - a. COOP15-0084 – Operating Permit for 1,500 gallon tank with 800 square feet of drainfield.

IV. ANALYSIS

- A. January 28, 2019 – Planning Commission approved the extension of Conditional Use Permit / CU 17-44 with the following fifteen (15) conditions:
1. That the maximum overnight occupancy, based on SD DENR approval, continue to be limited to eight (8) people and the maximum daytime occupancy be limited to sixteen (16) people, per Pennington County Zoning Ordinance Section 319(F)(13);
 2. That if an addition is constructed and/or the on-site wastewater treatment system is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DENR;
 3. That all necessary permits are obtained prior to any additions to the structure or upgrades/alterations to the on-site wastewater treatment system;
 4. That the applicant 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 each year the Vacation Home Rental is in operation;
5. That the applicant maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;
 6. That a minimum of four (4) off-street parking spaces continue to be provided on-site, per Pennington County Zoning Ordinance Section 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
 7. That an interior informational sign continue to be posted in accordance with the requirements of Pennington County Zoning Ordinance Section 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;
 8. That the lot address (23826 Highway 385) 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 Highway 385, in accordance with Pennington County's Ordinance #20;
 9. That the applicant ensure the Vacation Home Rental continues to be operated in accordance with the requirements of Pennington County Zoning Ordinance Section 319(F) (Performance Standards) at all times;
 10. That if the person designated as the Local Contact is ever changed from LeeAnn Jensen, the interior informational sign be updated and the applicant re-notify the Planning Department and surrounding landowners within 500 feet via notices sent by Certified Mail as stated by requirement §319 (F)(5);
 11. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
 12. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
 13. That the proper permits be obtained prior to utilizing the fire pits on the property and all fire restrictions be followed at all times;
 14. That if the subject property is sold, the applicant must notify the Planning Department at least twenty (20) days prior to the date of the transfer, pay the VHR Conditional Use Permit Review Fee and have the new owner meet all of the conditions of Section 319(C)(b) or Conditional Use Permit / CU 17-44 will end at the time of the sale; and,

15. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.
- B. July 23, 2019 – The subject property was sold to a new owner, Yates Living Trust (Gregory Yates) – Deed 201909053.
- C. Pennington County Zoning Ordinance (PCZO) §319 was revised on January 11, 2017 to read: As used in Section 319(C)(5), the term transfer shall mean the grant or conveyance of an ownership interest in the Vacation Home Rental property from an entity, trust, person or combination thereof to another entity, trust, person, or combination thereof. The grant or conveyance of an ownership interest in the Vacation Home Rental property from one spouse to his or her respective spouse by lawful marriage shall not be considered a transfer.

PCZO § 319(C) Permit Requirements:

5. Conditional Use Permits for VHRs in General Agriculture Districts, Limited Agriculture Districts, Low Density Residential Districts and Suburban Residential Districts shall be allowed to be transferred if the following conditions are met:
 - a. Conditions that must be met by the *existing owner(s)*:
 1. Notify the Planning Department in writing of the transfer at least twenty (20) days prior to the date of the transfer.
[The new owner failed to notify the Planning Department prior to transfer.]
 2. Pay the VHR Conditional Use Permit Review Fee to the Planning Department and complete an information sheet provided by the Planning Department.
[Rushmore Vacation Rentals paid the CUP review fee on September 30, 2019.]
 - b. Conditions that must be met by the *new owner(s)* upon transfer, prior to being able to operate the VHR.
 1. Sign off on existing information provided for in the original application under Sections 319-D, E, F, and G for the Conditional Use Permit that is transferring ownership and update all pertinent contact information.
[Gregory Yates completed this requirement on September 20, 2019.]

2. The Owner must have applied for a South Dakota Vacation Home Lodging License from the South Dakota Department of Health. A copy of the application or license must be provided to the Planning Department prior to operation. At the time of issuance of the South Dakota Vacation Home Lodging License from the South Dakota Department of Health, a copy of the license shall be furnished to the Planning Department. The Owner must also provide proof of a South Dakota Sales Tax License.

[Gregory Yates applied for the required South Dakota Department of Health Lodging License and provided a copy of the application to the Planning Department on September 20, 2019. The applicant also provided a current SD Sales Tax License # 1023-8593-ST.]

3. Notify surrounding property owners of land within five-hundred (500) feet of the outer boundaries of the VHR property of the change of ownership and new Local Contact information. The Planning Department shall provide a list of the relevant property owners. The notice must be sent out within ten (10) days of the transfer of the VHR property or any time prior thereto.

[The Planning Department provided Rushmore Vacation Rentals a list of 8 surrounding property owners and the applicant mailed notifications to these individuals on September 27, 2019.]

- c. If the new owner(s) want(s) to change any of the items of the Conditional Use Permit required under Section 319-D, E, F, or G of the Zoning Ordinance, a new hearing will be set and the documentation treated as a new application.

[The new landowner stated on September 20, 2019 that no items of the Conditional Use Permit will be changed.]

- d. One year from the date of transfer, the Planning Department will do a one-year review of the Conditional Use Permit.

[A one-year review is included as a Condition of Approval.]

- D. A Deed was executed on July 23, 2019. The prior owner failed to notify the Planning Department of the transfer, per PCZO § 319(C)(5)(a)(1).
 1. Upon consulting with legal counsel, however, a question exists as to the enforceability of the notice requirement.
- E. Staff has not received any complaints regarding the subject property or Conditional Use.

Agenda Item #6
Gregory Yates
October 14, 2019



Site photo 1/10/2019



Site photo 1/10/2019



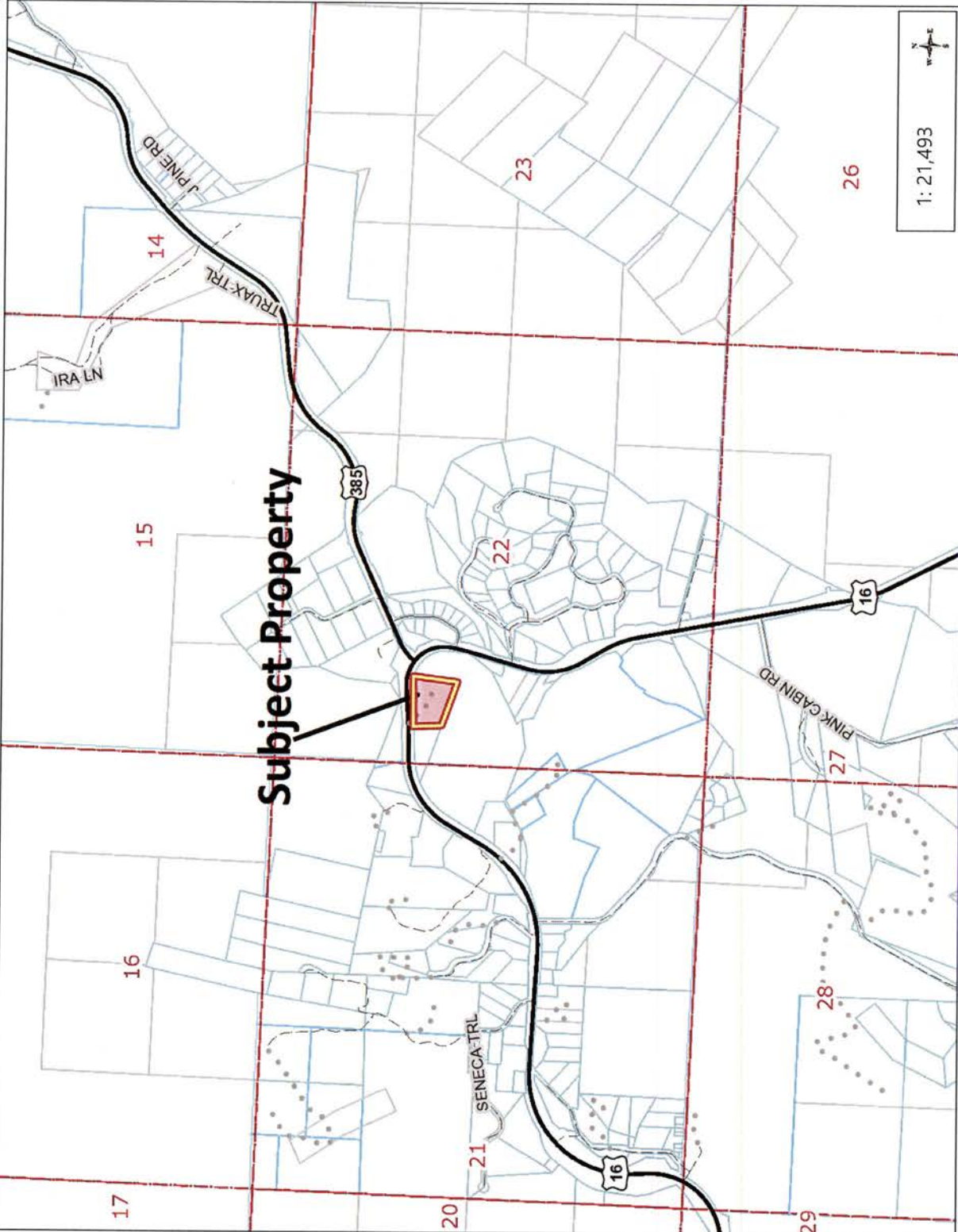
Site photo 1/10/2019

RECOMMENDATION: Staff recommends approval of the transfer of Conditional Use Permit / CU 17-44 with the following fifteen (15) conditions:

1. That the maximum overnight occupancy, based on SD DENR approval, continue to be limited to eight (8) people and the maximum daytime occupancy be limited to sixteen (16) people, per Pennington County Zoning Ordinance Section 319(F)(13);
2. That if an addition is constructed and/or the on-site wastewater treatment system is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DENR;
3. That all necessary permits are obtained prior to any additions to the structure or upgrades/alterations to the on-site wastewater treatment system;
4. That the applicant 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 each year the Vacation Home Rental is in operation;
5. That the applicant maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;
6. That a minimum of four (4) off-street parking spaces continue to be provided on-site, per Pennington County Zoning Ordinance Section 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
7. That an interior informational sign continue to be posted in accordance with the requirements of Pennington County Zoning Ordinance Section 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;
8. That the lot address (23826 Highway 385) 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 Highway 385, in accordance with Pennington County's Ordinance #20;
9. That the applicant ensure the Vacation Home Rental continues to be operated in accordance with the requirements of Pennington County Zoning Ordinance Section 319(F) (Performance Standards) at all times;
10. That if the person designated as the Local Contact is ever changed from LeeAnn McDonald, the interior informational sign be updated and the applicant re-notify the Planning Department and surrounding landowners within 500 feet via notices sent by First Class Mail as stated by requirement §319(F)(5);

Agenda Item #6
Gregory Yates
October 14, 2019

11. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
12. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
13. That the proper permits be obtained prior to utilizing the fire pits on the property and all fire restrictions be followed at all times;
14. That if the subject property is sold, the applicant must notify the Planning Department at least twenty (20) days prior to the date of the transfer, pay the VHR Conditional Use Permit Review Fee and have the new owner meet all of the conditions of Section 319(C)(b); and,
15. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.



1: 21,493

3,582.1 Feet
0 1,791.04 3,582.1 Feet

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

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

Map Notes:



1: 1,135

189.2 0 94.59 189.2 Feet

NAD_1983_StatePlane_South_Dakota_South_FIPS_4002_Feet
© City of Rapid City GIS

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

- Roads**
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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

Map Notes:

CU17-44

RECEIVED
SEP 20 2019
BY: CB

VACATION HOME RENTAL (VHR) CHECKLIST and SUPPLEMENTAL APPLICATION

APPLICATION REQUIREMENTS:

- Site plan depicting the layout of the property, including all existing and proposed structures with setbacks, wells and/or water lines, on-site wastewater treatment system and/or sanitary sewer lines, and on-site parking spaces.
- An interior diagram/plan of the VHR.
- Acknowledgement from the Owner that the VHR meets all Fire Safety Standards for Vacation Home Establishments requirements in accordance with current South Dakota Codified Laws.
- Specifications of the existing wastewater treatment system.
- Copy of Covenants, if applicable.
- Copy of approval letter from SD DENR for the on-site wastewater treatment system (for existing systems only). ** Contact SD DENR as (605) 773-3351 to obtain this letter **
- The maximum number of overnight occupants. ** This comes from the SD DENR letter referenced above **
- Copy of approved Operating Permit, from the Planning & Zoning Department, for the on-site wastewater treatment system (for existing systems only).
- A copy of the Vacation Home Rental License or Application from the South Dakota Department of Health. At the time of issuance of the Vacation Home Rental License from the South Dakota Department of Health, a copy of the license shall be furnished to the Planning Department.

LOCAL CONTACT INFORMATION:

Name: LeeAnn McDonald Primary Contact Number: (305) 680-5514

Mailing Address: PO Box 1010

City: Hill City State: SD Zip Code: 57745

[Signature]
Signature of Local Contact

9/10/19
Date

Subscribed and sworn to before me this 10th day of September, 2019.

[Signature]
Notary Public for the State of South Dakota

10/15/2024
My Commission Expires



SOUTH DAKOTA DEPARTMENT OF HEALTH LODGING LICENSE APPLICATION

RECEIVED
SEP 20 2019

BY: CB

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

SECTION 1: ESTABLISHMENT INFORMATION

ESTABLISHMENT NAME <u>The Ponderosa</u>		LIST PREVIOUS ESTABLISHMENT NAME		OLD LIC. #
CORPORATION/OWNER NAME <u>Gregory A. Yates</u>		CORPORATE CONTACT/PHONE <u>(307) 680-5514</u>	ESTABLISHMENT PHONE	CELL PHONE
ESTABLISHMENT PHYSICAL ADDRESS (NO PO BOX #'S) <u>23826 Highway 385</u>			CITY <u>Hill City</u>	STATE <u>SD</u> ZIP <u>57745</u>
IF RURAL LOCATION, GIVE DIRECTIONS FROM NEAREST CITY			COUNTY <u>Pennington</u>	
MAILING ADDRESS (IF DIFFERENT THAN PHYSICAL ADDRESS) <u>PO Box 616</u>			CITY <u>Hill City</u>	STATE <u>SD</u> ZIP <u>57745</u>
EMAIL ADDRESS				
APPLICATION IS FOR: <input checked="" type="checkbox"/> NEW BUSINESS <input type="checkbox"/> CHANGE OF OWNERSHIP	DATES OPEN - IF SEASONAL From: _____ To: _____	PROPOSED OPENING DATE <u>9/15/19</u>	WATER SUPPLY <input type="checkbox"/> Public <input checked="" type="checkbox"/> Private <input type="checkbox"/> Rural	SEWER SYSTEM <input type="checkbox"/> Public <input checked="" type="checkbox"/> Private

SECTION 2: LODGING LICENSING FEES - Type of Business (Choose One)

	Number of Units	FULL YEAR FEE: Jan 1 - Dec 31	HALF YEAR FEE: July 1 - Dec 31	FEE TOTAL Complete all that apply
Bed & Breakfast: <small>(No other fees apply)</small>		<input type="checkbox"/> \$38.00 Registration Fee	<input type="checkbox"/> \$38.00 Registration Fee	
Vacation Home:		<input type="checkbox"/> \$70.00 <small>This includes the inspection fee</small>	<input checked="" type="checkbox"/> \$35.00 <small>This includes the inspection fee</small>	<u>35.00</u>
Specialty Resort: <small>10 or Less Sleeping Rooms</small>		<input type="checkbox"/> \$70.00 <small>This includes the inspection fee</small>	<input type="checkbox"/> \$35.00 <small>This includes the inspection fee</small>	
Hotel: <small>11 or More Sleeping Rooms</small>		<input type="checkbox"/> \$2.25 per unit Plus \$25.00 Inspection Fee (\$70.00 Minimum Total)	<input type="checkbox"/> \$1.12 per unit Plus \$12.50 Inspection Fee (\$35.00 Minimum Total)	
Initial License Fee :		<input type="checkbox"/> \$100.00	<input checked="" type="checkbox"/> \$100.00	<u>100.00</u>

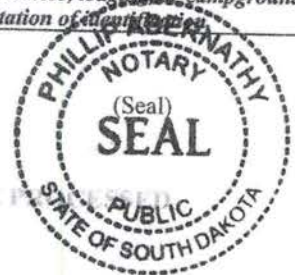
SECTION 3: WATER RECREATION FEES

Number of Pools and Hot Tubs	FULL YEAR FEE:			HALF YEAR FEE:			
	None	One	Two or More	None	One	Two or More	
Pools <u> </u> Hot Tubs <u>1</u>	<input type="checkbox"/> \$0	<input checked="" type="checkbox"/> \$40.00	<input type="checkbox"/> \$65.00	<input type="checkbox"/> \$0	<input type="checkbox"/> \$20.00	<input type="checkbox"/> \$32.50	<u>40.00</u>
Is Your Pool Or Hot Tub Associated With Another Licensed Establishment? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>							TOTAL ALL FEES ABOVE THIS IS THE AMOUNT YOU OWE
If Yes, Please Name Other Licensed Facility _____							\$ <u>175.00</u>

SECTION 4: SIGNATURE

Being first duly sworn, I, as the owner or the owner's agent with legal authority to bind the owner, verify that the information contained in this application is true and complete, and I consent to allow inspections of the food service, lodging, or campground establishment by authorized inspectors during normal business hours upon the presentation of identification.

Owner/Agent Signature <u>[Signature]</u>	Date: <u>9/10/19</u>
Subscribed and sworn to before me this <u>10th</u> day of <u>September, 2019</u> .	
Notary Public <u>Phillip Abernathy</u>	My commission expires: <u>10/15/2024</u>





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

April 27, 2015

Below is your current South Dakota tax license.

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

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

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

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

Streamlined Sales Tax Website: www.streamlinedsalestax.org



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

<http://dor.sd.gov>

ISSUE DATE: 01/20/2011

EXPIRATION DATE:

LICENSE NUMBER: 1023-8593-ST

LICENSE TYPE: Sales Tax

ISSUED TO:

RUSHMORE VACATION RENTALS LLC
25084 WILLOW DR
CUSTER, SD 57730

RUSHMORE VACATION RENTALS LLC
25084 WILLOW DR
CUSTER, SD 57730

Andy Gerlach
Secretary of Revenue

NON-TRANSFERABLE

RECEIVED
SEP 20 2019
BY: CB

**MINUTES
PENNINGTON COUNTY PLANNING COMMISSION**

January 28, 2019 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Administration Building

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

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

ROLL CALL

1. APPROVAL OF THE JANUARY 14, 2019, MINUTES
Moved by Johnson and seconded by Marsh to approve the Minutes of the January 14, 2019, Planning Commission meeting. Vote: unanimous 6 to 0.

2. APPROVAL OF THE AGENDA
Moved by Runde and seconded by Rivers to approve the Agenda of the January 28, 2019, Planning Commission meeting. Vote: unanimous 6 to 0.

Moved by Marsh and seconded by Runde to approve the Consent Agenda of the January 28, 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.

4. CONDITIONAL USE PERMIT REVIEW / CU 17-44: Jeff Miller. To review a Vacation Home Rental on the subject property in a Low Density Residential District in accordance with Sections 207, 319, and 510 of the Pennington County Zoning Ordinance.

Tract 1, Annie Lode MS 1721, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 17-44 with the following fifteen (15) conditions:

1. **That the maximum overnight occupancy, based on SD DENR approval, continue to be limited to eight (8) people and the maximum daytime**

91



occupancy be limited to sixteen (16) people, per Pennington County Zoning Ordinance Section 319(F)(13);

2. That if an addition is constructed and/or the on-site wastewater treatment system is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DENR;
3. That all necessary permits are obtained prior to any additions to the structure or upgrades/alterations to the on-site wastewater treatment system;
4. That the applicant 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 each year the Vacation Home Rental is in operation;
5. That the applicant maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;
6. That a minimum of four (4) off-street parking spaces continue to be provided on-site, per Pennington County Zoning Ordinance Section 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
7. That an interior informational sign continue to be posted in accordance with the requirements of Pennington County Zoning Ordinance Section 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;
8. That the lot address (23826 Highway 385) 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 Highway 385, in accordance with Pennington County's Ordinance #20;
9. That the applicant ensure the Vacation Home Rental continues to be operated in accordance with the requirements of Pennington County Zoning Ordinance Section 319(F) (Performance Standards) at all times;
10. That if the person designated as the Local Contact is ever changed from LeeAnn Jensen, the interior informational sign be updated and the applicant re-notify the Planning Department and surrounding landowners within 500 feet via notices sent by Certified Mail as stated by requirement §319 (F)(5);

RECEIVED
SEP 20 2019
BY: *OB*

11. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
12. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
13. That the proper permits be obtained prior to utilizing the fire pits on the property and all fire restrictions be followed at all times;
14. That if the subject property is sold, the applicant must notify the Planning Department at least twenty (20) days prior to the date of the transfer, pay the VHR Conditional Use Permit Review Fee and have the new owner meet all of the conditions of Section 319(C)(b) or Conditional Use Permit / CU 17-44 will end at the time of the sale; and,
15. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 6 to 0.

I AGREE TO MEET ALL OF THE ABOVE CONDITIONS.
[Signature]
GREGORY A. YATES, TRS
FOR YATES LIVING TRUST
9/10/19
DATED

GA



September 19, 2019



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

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

RE: On-site wastewater system for a vacation rental located at 23826 Hwy 385, Hill City, SD

Dear Ms. McDonald:

The South Dakota Department of Environment and Natural Resources is in receipt of your request for approval of an existing wastewater system that serves a home located on Tract 1, Annie Lode MS 1721 Subdivision, Section 22, Township 1 South, Range 5 East, Pennington County, South Dakota. The request has been reviewed for compliance with South Dakota's "Individual and Small On-Site Wastewater Systems" regulations.

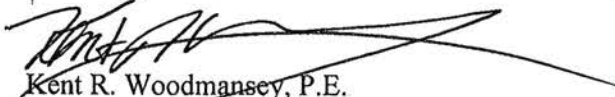
The following information was used in making the determination.

- The present home was built in 2014 and the Pennington County on-site wastewater inspection report shows that the septic system is sized for an anticipated maximum daily flow of 480 gallons.
- The system was sized so a garbage disposal could be installed.
- After checking with Pennington County and our files we find no history of problems with the existing wastewater system.
- This system was previously approved on November 6, 2017.

Based on the information provided by Pennington County we consider this wastewater system approved for a maximum daily flow of 480 gallons. This would be sufficient for up to 8 persons per night occupying this vacation rental.

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

Sincerely,


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

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

Agenda Item #7
Lorrie Behl
October 14, 2019

7

STAFF REPORT

GENERAL INFORMATION:

REQUEST: CONDITIONAL USE PERMIT REVIEW/ CU 18-35: To review a single-wide mobile home used as a single-family residence on the subject property in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

APPLICANT: Lorrie Behl

APPLICANT ADDRESS: 6418 Fairway Drive, Black Hawk, SD 57718

LEGAL DESCRIPTION: Lot 6 of Lot L of E1/2SE1/4, Section 9, T1N, R8E, BHM, Pennington County, South Dakota.

SITE LOCATION: 3117 Pioneer Drive; approximately 0.42 mile south of the intersection of E. Highway 44 and Pioneer Drive.

SIZE: 1.00 acre

TAX ID: 68917

EXISTING LAND USE: Residential

ZONING REFERENCE: § 208 and 510

CURRENT ZONING: Suburban Residential District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Flat

UTILITIES: Public (Rapid Valley Sanitary District)

REPORT BY: Brittney Molitor

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending approval of the extension of Conditional Use Permit / CU 18-35 with six (6) conditions.

II. GENERAL DESCRIPTION

- A. The applicant, Lorrie Behl, requested a Conditional Use Permit to allow a single-wide mobile home to be utilized as a permanent single-family residence on the subject property.

III. EXISTING CONDITIONS

- A. Zoned Suburban Residential District.
B. 1.00 acres.
C. Access off of Pioneer Drive.
D. Lot contains:
1. Single-wide mobile home – COBP18-0647.
E. Special Flood Hazard Area on the subject property (500-year floodplain, unregulated) – Image 1.



Image 1

IV. HISTORY

- A. The subject property was formerly part of a developmental lot with the property directly to the north (owned by Diana Bryant, a family member of the applicant).
1. Developmental lot information can be found in § 401(H) of the Pennington County Zoning Ordinance (PCZO).
B. August 31, 2018 – A Quit Claim Deed was filed with the Register of Deeds (Document #A201811859) to deed the subject property to the applicant.
1. Deeding the property ended the developmental lot status and the subject property is now treated as its own separate lot.
C. September 5, 2018 – The applicant applied for Conditional Use Permit / CU 18-35.
D. September 27, 2018 – Staff performed a site visit.

- E. October 8, 2018 – The Planning Commission approved Conditional Use Permit / CU 18-35 with the following (8) conditions:
1. That a Building Permit be obtained for the proposed single-wide mobile home prior to any work being done;
 2. That the single-wide mobile home be assigned an address, which must be posted in accordance with Pennington County Ordinance #20;
 3. That the minimum setback requirements of a Suburban Residential District be continually maintained on the property;
 4. That the subject property remains free of debris and junk vehicles;
 5. That the single-wide mobile home installed on the property have a peaked, non-reflective type roof and wood or simulated wood-type siding that is continually maintained;
 6. That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
 7. That the applicant signs the Statement of Understanding at the Planning Office within ten (10) business days of approval of Conditional Use Permit / CU 18-35; and,
 8. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

V. ANALYSIS

- A. October 3, 2019 - Staff performed a site visit and found the following:
1. A single-wide mobile home was placed on the property.



Single-wide mobile home – 3117 Pioneer Drive – Taken October 3, 2019

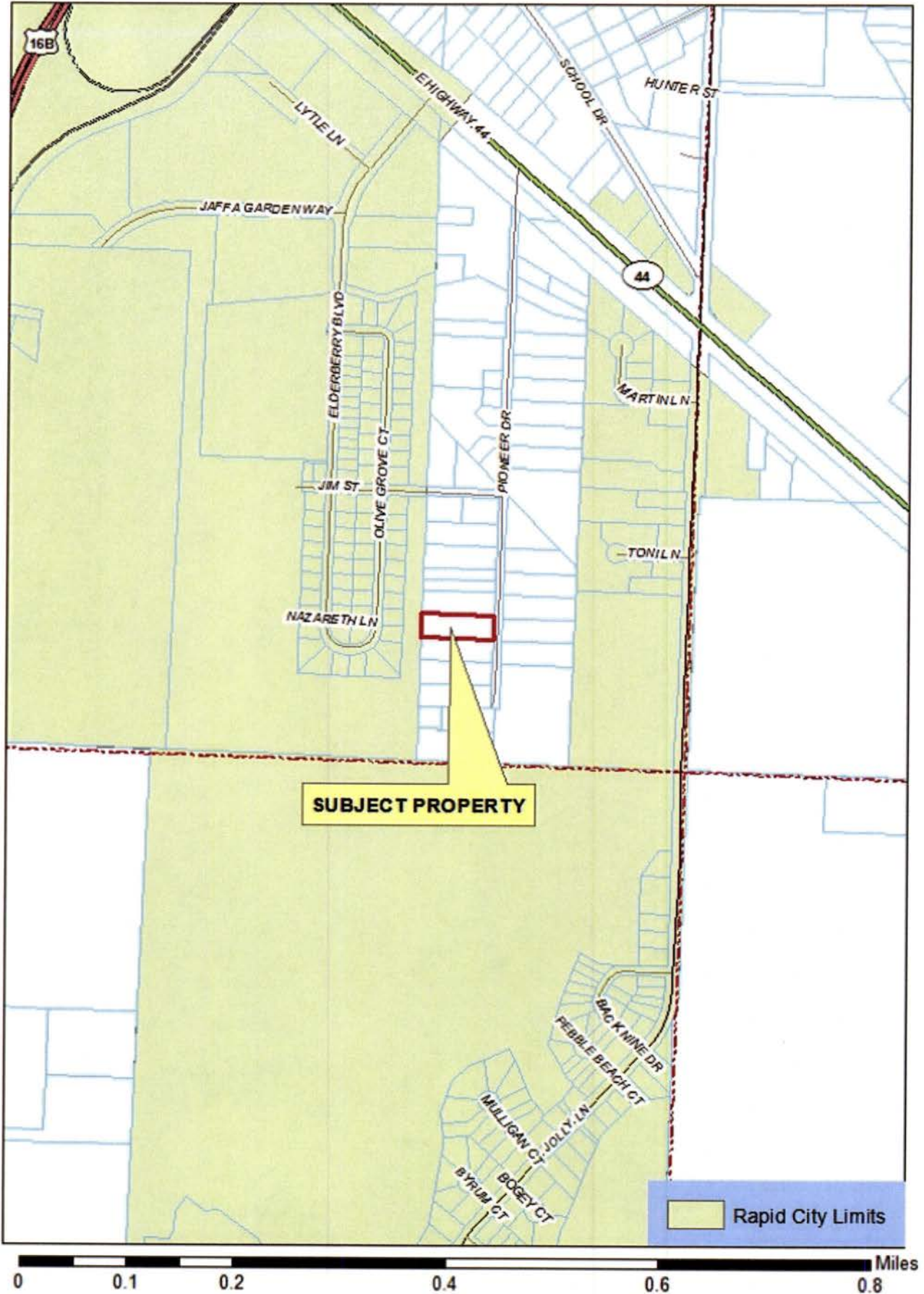
Agenda Item #7
Lorrie Behl
October 14, 2019

2. The address was clearly marked on the mobile home and the mail box.
3. All other Conditions of Approval appear to be met.

RECOMMENDATION: Staff is recommending approval of the extension of Conditional Use Permit / CU 18-35 with the following six (6) conditions:

1. That the address continues to be posted in accordance with Pennington County Ordinance #20;
2. That the minimum setback requirements of a Suburban Residential District be continually maintained on the property;
3. That the subject property remains free of debris and junk vehicles;
4. That any 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;
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; 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.

BEHL



STAFF REPORT

GENERAL INFORMATION:

REQUEST: CONDITIONAL USE PERMIT REVIEW / CUR 18-36: To review a Guest House on the subject property in a Low Density Residential District in accordance with Sections 207, 318, and 510 of the Pennington County Zoning Ordinance.

APPLICANT/AGENT: Shadrach and Holly Howie

APPLICANT ADDRESS: 15372 Antelope Creek Road
Rapid City, SD 57703.

LEGAL DESCRIPTION: Lot 1, Bromegrass Subdivision, Section 2, T1S, R9E, BHM, Pennington County, South Dakota.

SITE LOCATION: Antelope Creek Road; approximately 0.38 mile south of the intersection of E. Highway 44 and Antelope Creek Road; looking west at the intersection of Antelope Creek Road and Dawkins Road.

SIZE: 3.00 acres

TAX ID: 68881

EXISTING LAND USE: Vacant

ZONING REFERENCE: § 207, 318, and 510

CURRENT ZONING: Low Density Residential District

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

PHYSICAL CHARACTERISTICS: Flat / Prairie

UTILITIES: Residential

REPORT BY: Kristina Proietti

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending approval of the extension of Conditional Use Permit / CU 18-36 with ten (10) conditions.

II. GENERAL DESCRIPTION

- A. On September 12, 2018, the applicant, Shadrach Howie, applied for a Conditional Use Permit to allow a Guest House (cabin) on the subject property.
- B. On October 8, 2018, the Planning Commission approved Conditional Use Permit CU 18-36 with the following twelve (12) conditions:
1. That prior to issuance of the Building Permit for the Guest House, the applicant record a deed restriction with the Register of Deeds stating the regulations applicable to the Guest House, including that the Guest House shall not be separately rented or leased from the main residence, in accordance with Pennington County Zoning Ordinance (PCZO) § 318(B)(13);
 2. The addition, removal, or relocation of the Guest House requires additional permits issued by the Planning Department;
 3. That the rental or lease of the Guest House or the use of the Guest House as a permanent resident for a second family on the premises shall be prohibited;
 4. That the Guest House shall not be used for more than 180 days per calendar year;
 5. That the primary dwelling, upon completion, be classified as owner-occupied and proof of status be provided to the Planning Department, in accordance with PCZO § 318(B)(10) prior to the next review of CU 18-36;
 6. That all necessary utilities for the Guest House shall be extended from the primary dwelling unit's services. No separate meters for the Guest House shall be allowed, unless required by the utility service provider;
 7. That the Guest House utilize the same on-site wastewater treatment system as the primary dwelling, except if required and approved in accordance with the Pennington County Zoning Ordinance;
 8. That both the addresses assigned for the primary residence and the Guest House be posted so they are clearly visible from Antelope Creek Road, in accordance with Pennington County Ordinance #20;
 9. That the Guest House be continually utilized and maintained in accordance with all requirements of the PCZO, with emphasis on § 318 and 502 or a Variance(s) be approved to waive any requirements;

10. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which will require a site plan to be reviewed and approved by the Planning Director;
11. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 18-36, which is available at the Planning Office; and,
12. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

III. EXISTING CONDITIONS

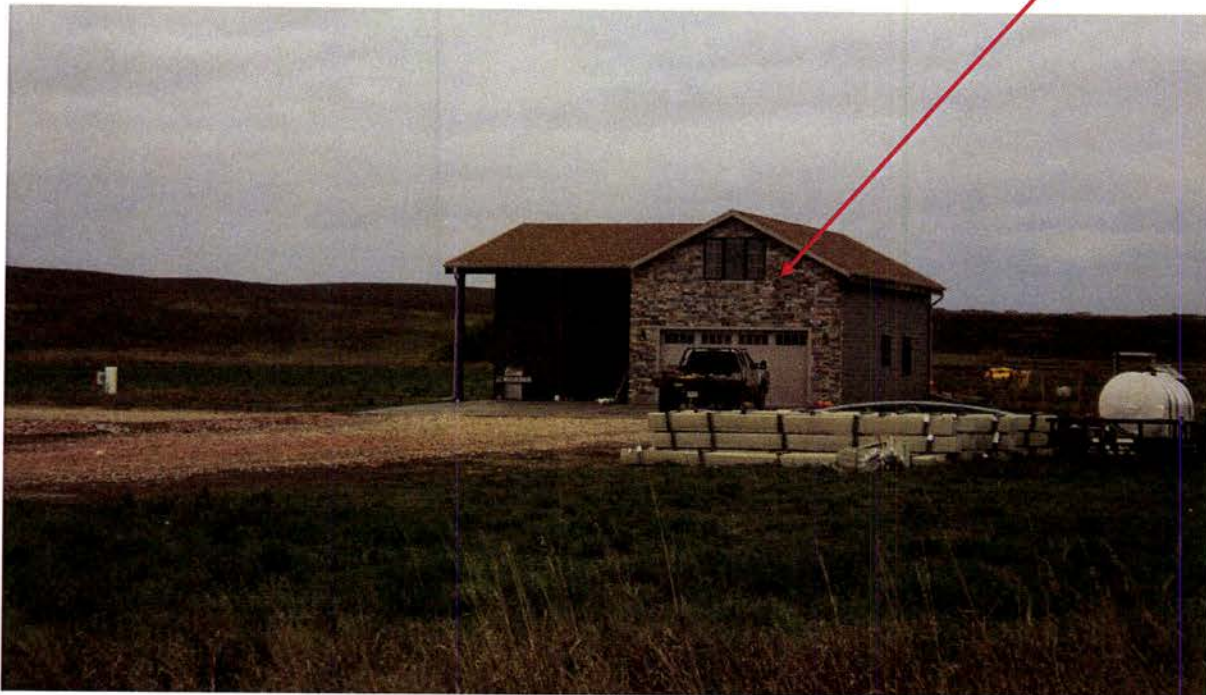
- A. Zoned Low Density Residential District, minimum three (3) acre lot size.
- B. 3.00 acres.
- C. Access off of Antelope Creek Road.
 1. County Highway approved a single-approach (#09/05/18-5) for the subject property, which is to be located in the southeastern corner of the lot. County Highway also indicated that Lots 2 and 3 of Bromegrass Subdivision will be required to have a single shared approach.
- D. There is Special Flood Hazard Area on western side of the subject property.
- E. Lot 1 contains:
 1. Single family residence (SFR), County Building Permit / COBP18-0581.
 2. Onsite Wastewater Construction Permit / COSD18-0074.
 - a. The system has been built, per the application, for four (4) bedrooms; three (3) in the SFR and one (1) in the Guest House.
 3. On-Site Wastewater Treatment System Operating Permit / COOP19-0130.

IV. ANALYSIS

- A. September 9, 2018 – The applicant, Shadrach Howie, applied for COBP18-0581 for a single-family residence.
- B. Guest Houses in Pennington County are governed under Pennington County Zoning Ordinance §318.
- C. A Building Permit for the Guest House has not been applied for yet to date.
 1. Section 510(E)(1)(b) states that the applicant has two (2) years to establish use from when the Conditional Use Permit was approved.
 - a. On October 8, 2018, the Planning Commission approved a Conditional Use Permit to allow a Guest House (cabin) on the subject property.
 - b. The two (2) years will expire on October 8, 2020.
- D. The subject property is well kept, and it appears that the applicant, Shadrach Howie, is meeting his Conditions of Approval at this time.
- E. Staff removed Condition #11 as it has been met.

Agenda Item #8
Shadrach and Holly Howie
October 14, 2019

Single-family residence.



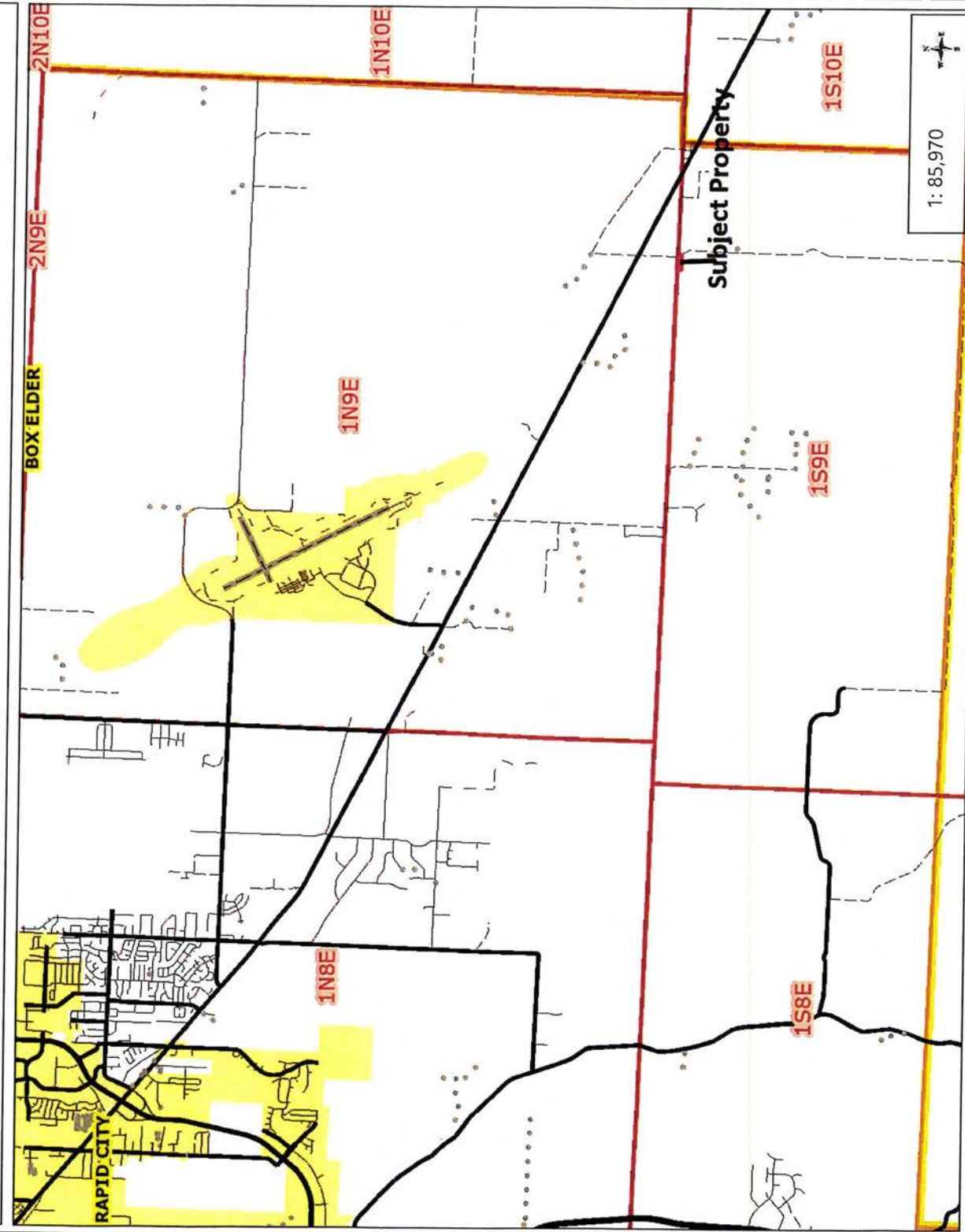
Subject property, 9/27/2019.



Subject property, 9/27/2019.

RECOMMENDATION: Staff recommends approval of Conditional Use Permit / CU 18-36 with the following ten (10) conditions:

1. That prior to issuance of the Building Permit for the Guest House, the applicant record a deed restriction with the Register of Deeds stating the regulations applicable to the Guest House, including that the Guest House shall not be separately rented or leased from the main residence, in accordance with Pennington County Zoning Ordinance (PCZO) § 318(B)(13);
2. The addition, removal, or relocation of the Guest House requires additional permits issued by the Planning Department;
3. That the rental or lease of the Guest House or the use of the Guest House as a permanent resident for a second family on the premises shall be prohibited;
4. That the Guest House shall not be used for more than 180 days per calendar year;
5. That all necessary utilities for the Guest House shall be extended from the primary dwelling unit's services. No separate meters for the Guest House shall be allowed, unless required by the utility service provider;
6. That the Guest House utilize the same on-site wastewater treatment system as the primary dwelling, except if required and approved in accordance with the Pennington County Zoning Ordinance;
7. That both the addresses assigned for the primary residence and the Guest House be posted so they are clearly visible from Antelope Creek Road, in accordance with Pennington County Ordinance #20;
8. That the Guest House be continually utilized and maintained in accordance with all requirements of the PCZO, with emphasis on § 318 and 502 or a Variance(s) be approved to waive any requirements;
9. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which will require a site plan to be reviewed and approved by the Planning Director; and,
10. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.



1: 85,970



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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
- Conceptual_Regions_Updated
- Black Hills
 - Urbanized Area
 - Eastern Plains

Map Notes:



1: 6,156

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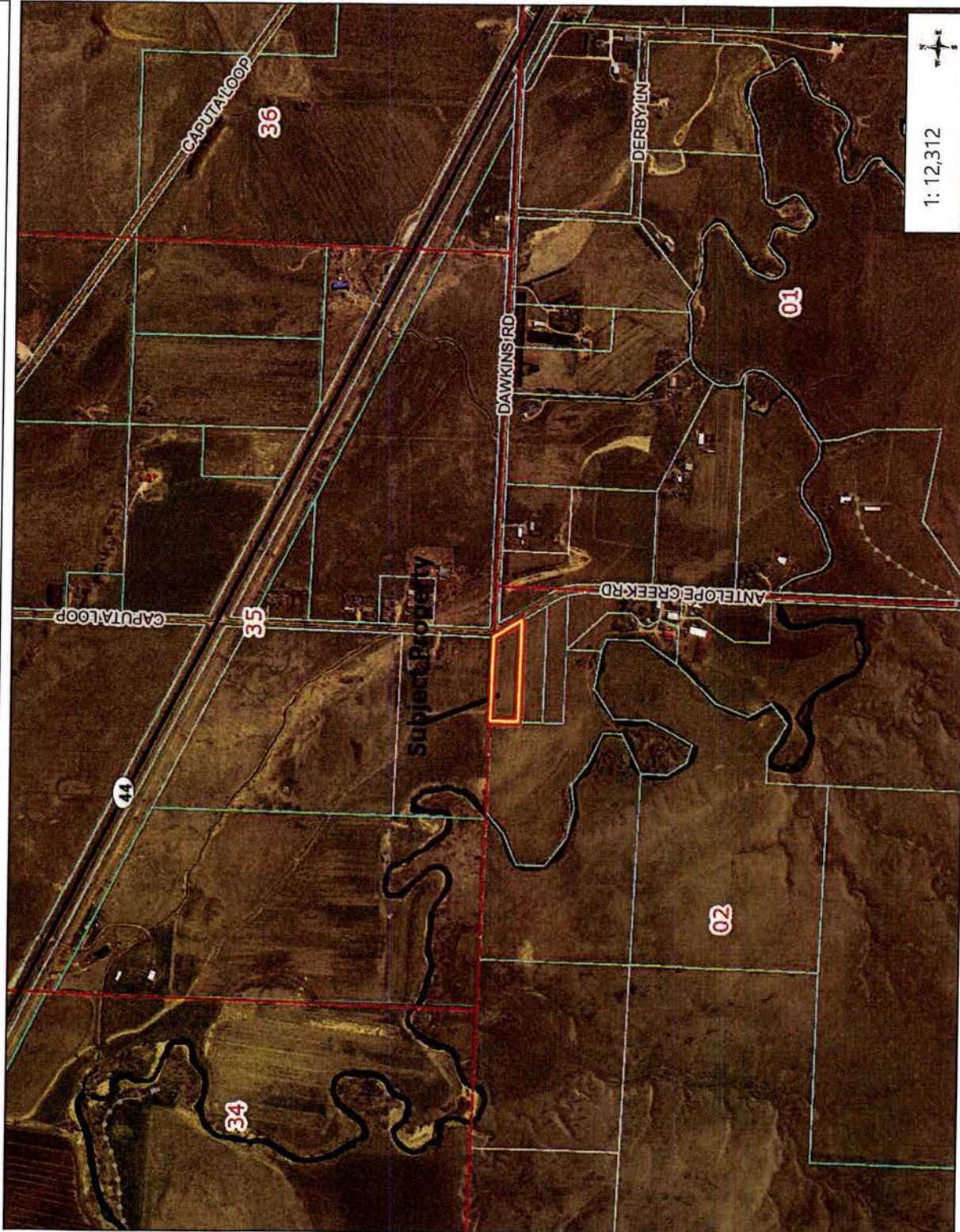
NAD_1983_StatePlane_South_Dakota_South_FIPS_4002_Feet
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 - Alley
 - Unimproved road
 - Airport Runway
 - Not yet coded
- Address Points**
- Section Lines 0-25k**
- Tax Parcels**
- Lot Lines**
 - <Null>
 - Lot Line
 - Parcel Line
- Pennington County Zoning**
 - General Agriculture
 - General Commercial
 - Heavy Industrial
 - Highway Services
 - Limited Agriculture
 - Low Density Residential
 - Light Industrial
 - Planned Unit Development
 - Suburban Residential

Map Notes:



1: 12,312

2,052.0 0 1,025.98 2,052.0 Feet

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 - Trail
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 - Alley
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 - 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: **CONDITIONAL USE PERMIT / CU 19-25:** To allow an existing residence to be used as a Vacation Home Rental in a Low Density Residential District in accordance with Sections 207, 319, and 510 of the Pennington County Zoning Ordinance.

APPLICANT: Houwman Properties, LLC / Chadwick Houwman

APPLICANT ADDRESS: 200 S. Phillips Avenue, Suite 200
Sioux Falls, SD 57106

LOCAL CONTACT: Kristin Bennett

AGENT ADDRESS: 22640 Hazel Lane, Rapid City, SD 57702

LEGAL DESCRIPTION: Lot 5, Starwood Subdivision, Section 23, T2S, R6E, BHM, Pennington County, South Dakota.

SITE LOCATION: 24449 Playhouse Road; located south of the intersection of Highway 40 and Playhouse Road.

SIZE: 2.83 acres

TAX ID: 9251

EXISTING LAND USE: Residential

ZONING REFERENCE: §§ 207, 319 and 510

CURRENT ZONING: Low Density Residential District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Forested

UTILITIES: Private

PREPARED BY: Brittney Molitor

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending to continue Conditional Use Permit / CU 19-25 with one (1) condition.

II. GENERAL DESCRIPTION

- A. The applicant, Chadwick Houwman, applied for a Conditional Use Permit to allow an existing two (2) bedroom residence to be utilized as a Vacation Home Rental on the subject property.

III. EXISTING CONDITIONS

- A. Zoned Low Density Residential District.
- B. 2.83 acres.
- C. No Special Flood Hazard Area.
- D. Lot contains:
 - 1. Single-family residence – built in 1989 – BP8741.
 - a. Onsite wastewater treatment system.
 - i. 1,000-gallon septic tank and 400 square feet of drainfield.
 - ii. Operating Permit – COOP16-0355.
 - 2. Shop building with addition – built in 1995.
 - a. 1350 square foot shop building.
 - b. 456 square foot addition.
- E. Access off of Playhouse Road.
 - 1. Located in Pennington County Highway jurisdiction.

IV. ANALYSIS

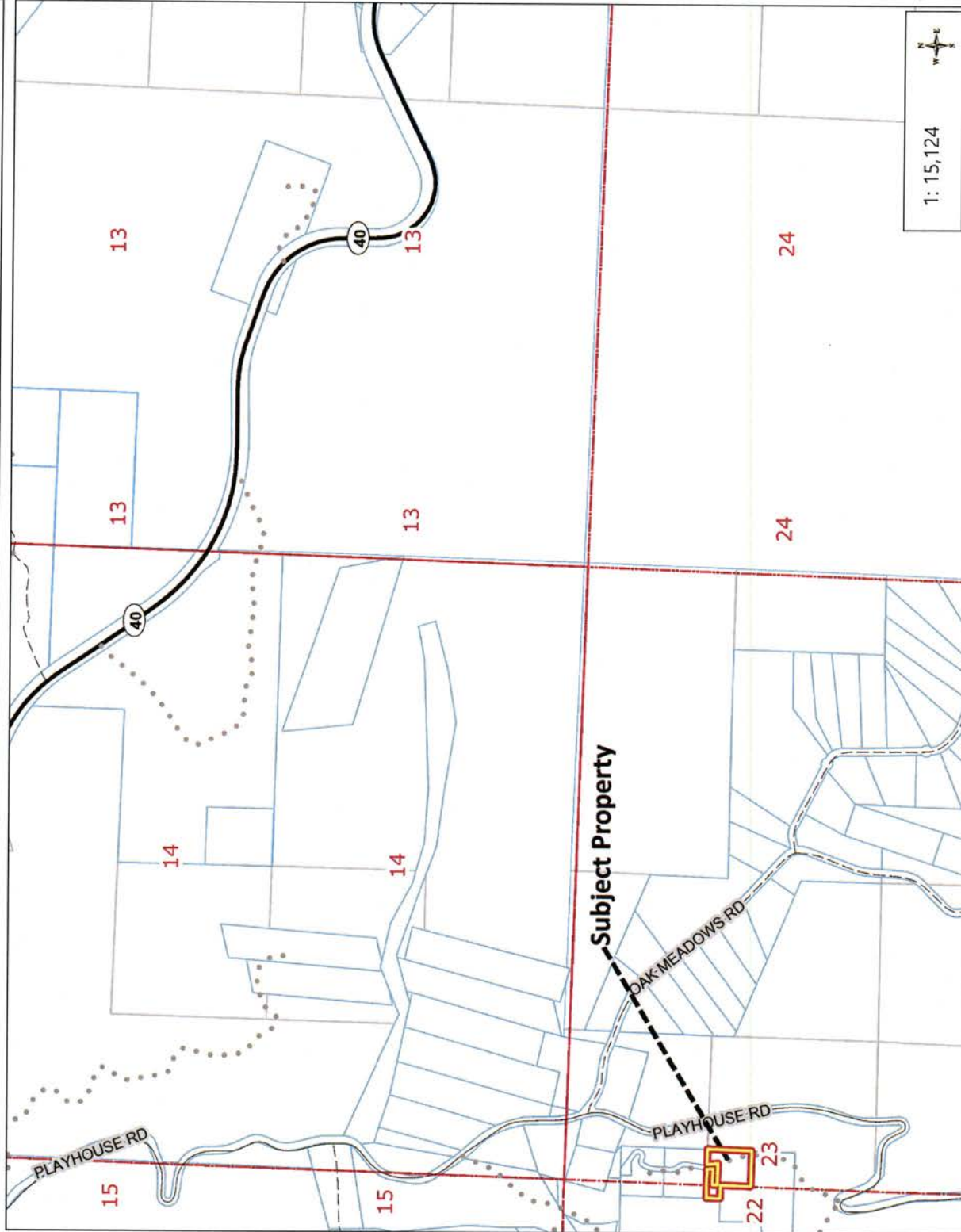
- A. August 28, 2019 – The applicant’s agent applied for a Conditional Use Permit for a Vacation Home Rental.
- B. September 1, 2019 – The South Dakota Department of Health performed an inspection of the residence.
 - 1. There are several items that must be corrected prior to obtaining a Lodging License from the Department of Health:
 - a. Water samples must be submitted.
 - b. Carpet removed from a bathroom.
 - c. Smoke detectors not functioning.
 - d. Egress windows in bedrooms.
 - e. Fire extinguisher provided on each floor.
- C. October 7, 2019 – Staff received an email from the applicant’s agent indicating that she could not meet Staff at the residence prior to the October 14, 2019, Planning Commission meeting.
- D. October 9, 2019 – Staff was not able to verify that Notice of Hearing letters were sent by the applicant or the applicant’s agent.

Agenda Item #9
Houwman Properties, LLC / Chadwick Houwman
October 14, 2019

- E. As of the writing of this Staff Report, several items must be addressed in order for the applicant to meet the requirements of the Pennington County Zoning Ordinance.

RECOMMENDATION: Staff is recommending to continue Conditional Use Permit / CU 19-25 with the following one (1) condition:

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



Legend

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

Map Notes:

24449 Playhouse Road
Conditional Use Permit
Vacation Home Rental

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2,520.7 0 1,260.36 2,520.7 Feet

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STAFF REPORT

GENERAL INFORMATION:

REQUEST:

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

APPLICANT:

Tanner Colburn

APPLICANT ADDRESS:

1577 Lonesome Dove Street, Box Elder, SD 57719

LEGAL DESCRIPTION:

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

SITE LOCATION:

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

SIZE:

6.07 acres

TAX ID:

61424

EXISTING LAND USE:

Residential

ZONING REFERENCE:

§ 213

CURRENT ZONING:

Planned Unit Development District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Flat / Sloping / Prairie

UTILITIES:

Private

REPORT BY:

Jason Theunissen

I. PROPOSED RECOMMENDATION

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

II. GENERAL DESCRIPTION

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

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

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

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

III. EXISTING CONDITIONS

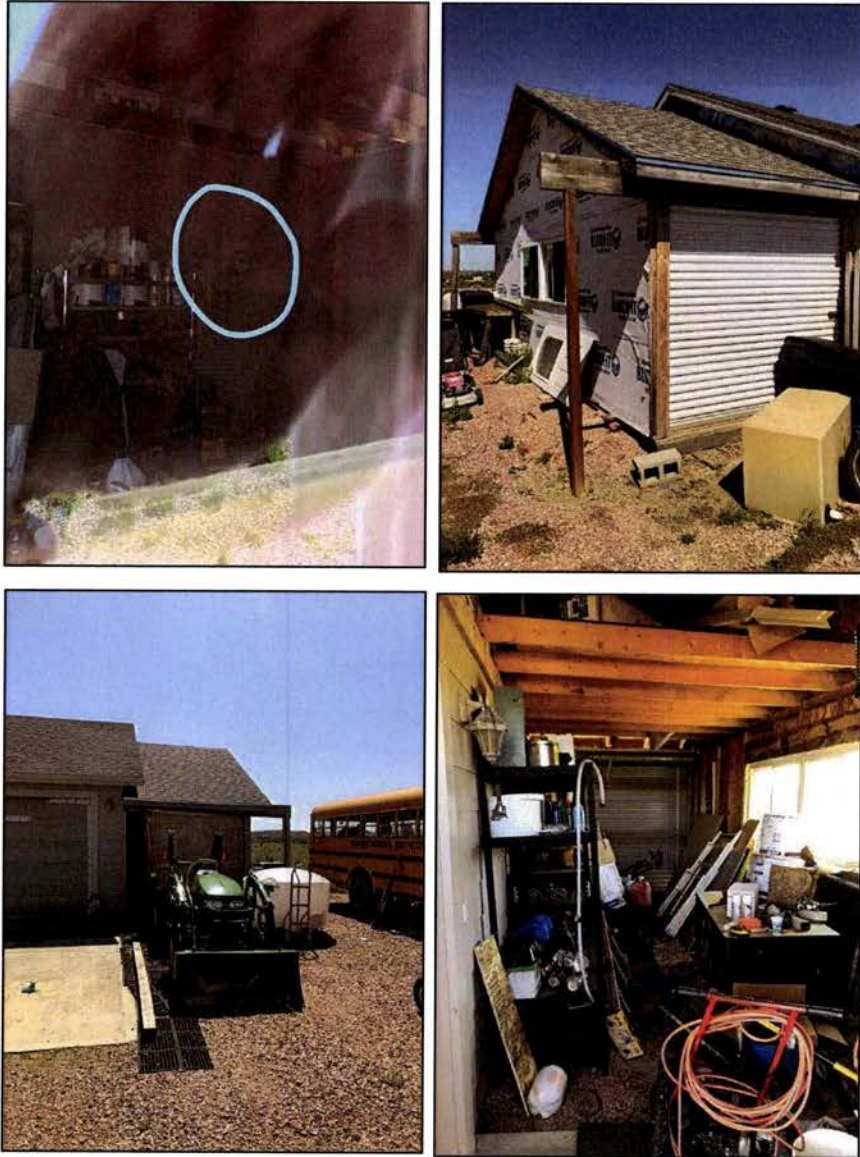
- A. 6.07 acres.
- B. Zoned Planned Unit Development (PUD)
- C. Lot contains:
 - 1. Single-family residence with attached garage – 2007COBP0514.
 - a. Garage was converted to a living room – COBP17-0092.
 - b. 12' x 16' garage – COBP17-0090.
 - 2. Storage Sheds.
 - a. 12' x 20' office shed – COBP17-0675.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

IV. ANALYSIS

- A. June 19, 2019 – Staff received a complaint (COVO19-0082) regarding a failing (surfacing) drainfield and an enclosed electric meter in the garage addition (COBP17-0090) on the subject property.
- B. August 23, 2019 – Staff reviewed video footage of the August 28, 2017 Planning Commission meeting and noted:
 - 1. The approved meeting minutes for Condition #18 contained errors and should be corrected to read:
 - a. That the setbacks for Lot 3, Block 4 of Sunset Ranch be twenty-five (25) feet from all property lines, with the exception of the parameters of the garage shown on COBP17-0090.
 - 2. The applicant stated the rear portion of the proposed garage would not be enclosed and the electric meter would remain outside.
- C. August 27, 2019 – Staff performed a site visit and noted the following:
 - 1. That the drainfield area was dry and did not appear to be surfacing.
 - 2. The applicant has installed a roll-up door on the back side of the garage addition; thereby, enclosing the electric meter.
 - 3. That, with the exception of the garage addition, all other structures on the subject property appeared to meet or exceed the 25-foot setback requirement.
 - 4. Staff was unable to make contact with the applicant during the visit or via phone call.
- D. September 3, 2019 – Staff mailed a letter to the applicant noting the concerns found during the site visit.
- E. **Update for the October 14, 2019 Planning Commission meeting:**
 - 1. September 27, 2019 – Staff mailed a certified letter to the applicant, to include a copy of Conditions of Approval from the September 9, 2019 Planning Commission meeting.

Agenda Item #10
Tanner Colburn
October 14, 2019

2. September 30, 2019 – the applicant signed for the certified letter.
3. October 7, 2019 – Staff called the phone number listed on the original PUD Amendment application. There was no answer and Staff could not leave a message because the voice mailbox was full.
4. At the time of this report, Staff has been unable to contact the applicant.



Site visit, 8.27.19

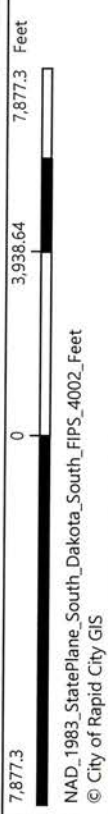
Agenda Item #10
Tanner Colburn
October 14, 2019

RECOMMENDATION: Staff recommends to continue the review of Minor Planned Unit Development Amendment / PU 17-05 to no later than the November 12, 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 November 5, 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 November 12, 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: 47,264



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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: 3,000



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

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Legend

Roads

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

Section Lines 0-25k

- 0
- 7

Tax Parcels

Lot Lines

- <Null>
- Lot Line
- Parcel Line

Pennington County Zoning

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

Map Notes:



Legend

- Roads**
 - Interstate
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 - SD highway
 - County highway
 - Main road
 - Minor arterial
 - Collector
 - Ramp
 - Paved road
 - Unpaved road
 - Trail
 - Driveway
 - Alley
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 - 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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250.0 0 125.00 250.0 Feet

NAD_1983_StatePlane_South_Dakota_South_FIPS_4002_Feet
© City of Rapid City GIS



Pennington County Planning Department

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

9/27/2019

Tanner Colburn
15577 Lonesome Dove Street
Box Elder, SD 57019

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

Dear Mr. Colburn,

On June 19, 2019, the Planning Department received a complaint regarding the property legally described above. A condition of Minor Planned Unit Development Amendment / PU 17-05 is that it be reviewed on a complaint basis. Therefore, PU 17-05 was heard by the Planning Commission on September 9, 2019. The Planning Commission approved to continue your hearing to the October 14, 2019 meeting due to Staff being unable to contact you. Please see the attached meeting minutes for the Conditions associated with the Planning Commission's decision.

At this time, the Planning Staff **will not** recommend approval of Minor Planned Unit Development Amendment / PU 17-05 until Condition #1 is addressed. Please notify this office as soon as this occurs so that PU 17-05 can be reviewed by the Planning Commission. Further continuations due to inaction on your part may lead to action by the State's Attorney Office.

Thank you for your consideration in this matter.

Sincerely,

Jason Theurfissen
Pennington County Planner II

**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.

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.

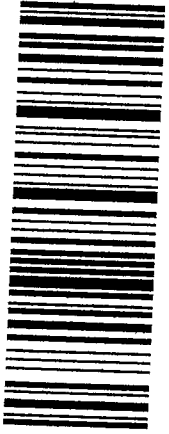
Lot 3, Block 4, Sunset Ranch Subdivision, Section 32, T2N, R10E, BHM, Pennington County, South Dakota.

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.

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



7004 2890 0003 8607 9304

Tanner Colburn
15577 Lonesome Dove Street
Box Elder, SD 57019



**U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT**
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Restricted Delivery Fee (Endorsement Required)	

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Sent To
Street, Apt.
or PO Box
City, State

Tanner Colburn
15577 Lonesome Dove Street
Box Elder, SD 57019

PS Form 3800, June 2002 See Reverse for Instructions

7004 2890 0003 8607 9304

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Tanner Colburn
15577 Lonesome Dove Street
Box Elder, SD 57019



9590 9402 2270 6225 6214 18

2. Article Number (Transfer from service label)

7004 2890 0003 8607 9304

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

Agent
 Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

KA

3. Service Type

- Priority Mail Express®
- Registered Mail™
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Mail Restricted Delivery
- Mail Restricted Delivery (J)
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

Domestic Return Receipt

STAFF REPORT

GENERAL INFORMATION:

REQUEST: **MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW/ PU 18-06:** To amend an existing Planned Unit Development to allow the single-family residence to be used as a Vacation Home Rental on the subject property in accordance with Sections 213 and 319 of the Pennington County Zoning Ordinance.

APPLICANT: Catherine Sopinski

APPLICANT ADDRESS: 2529 N. 173rd Street, Omaha, NE 68116

LOCAL CONTACT/AGENT: Rob Livingston

LEGAL DESCRIPTION: Lot 1, Block 1, The Reserve at Remington Ranch, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

SITE LOCATION: 23801 Placer Place; approximately 0.15 mile southeast of the intersection of Placer Place and S. Highway 16.

TAX ID: 46347

SIZE: 3.86 acres

EXISTING LAND USE: Residential

ZONING REFERENCE: § 213

CURRENT ZONING: Planned Unit Development District

SURROUNDING ZONING:

North	Planned Unit Development District
South	Planned Unit Development District
East	Planned Unit Development District
West	Highway Service District Low Density Residential District

PHYSICAL CHARACTERISTICS: Forested

UTILITIES: Private

REPORT BY: Kristina Proietti

I. PROPOSED RECOMMENDATION

- A. Staff recommends approval of the extension of Major Planned Unit Development Amendment / PU 18-06 with fourteen (14) conditions.

II. GENERAL DESCRIPTION

- A. August 8, 2018, the applicant, Catherine Sopinski, applied for a Major Planned Unit Development Amendment to allow an existing residence to continue being utilized as a Vacation Home Rental.
- B. September 10, 2018, Major Planned Unit Development / PU 18-06 was approved by the Planning Commission with the following fifteen (15) conditions:
 - 1. That this Major Planned Unit Development Amendment allow for a three (3) bedroom Vacation Home Rental within the existing residence located on Lot 1, Block 1 of The Reserve at Remington Ranch;
 - 2. That the maximum overnight occupancy, based on SD DENR approval, be limited to six (6) people and the maximum daytime occupancy be limited to twelve (12) people;
 - 3. That all necessary permits are obtained prior to any additions and/or alterations to the structure or upgrades/alterations to the on-site wastewater treatment system;
 - 4. That the applicant continually maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department upon request;
 - 5. That the applicant continually maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;
 - 6. That a minimum of three (3) off-street parking spaces be provided on-site, per Pennington County Zoning Ordinance (PCZO) § 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
 - 7. That an interior informational sign be posted in accordance with the requirements of PCZO §319(G), with 9-1-1 and (605) 394-4131 listed as contacts for Fire Department and Sheriff's Office respectively, during operation of the Vacation Home Rental;

8. That the lot address (23801 Placer Place) be continually posted on the residence at all times and so it is clearly visible from Placer Place, in accordance with Pennington County's Ordinance #20;
9. That the applicant ensure the Vacation Home Rental is continually operated in accordance with the requirements of PCZO § 319(F) (Performance Standards) at all times;
10. That if the person designated as the Local Contact is ever changed from Rob Livingston, the interior informational sign be updated and the applicant re-notify the Planning Director and surrounding landowners within 500 feet via notices sent by First Class Mail;
11. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
12. That an approved Sign Permit be obtained prior to the placement of any sign(s);
13. 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;
14. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Major Planned Unit Development Amendment / PU 18-06, which is available at the Planning Office; and,
15. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

III. EXISTING CONDITIONS

- A. Zoned Planned Unit Development.
- B. 3.86 acres.
- C. Access off of Placer Place.
- D. No Special Flood Hazard Area on the subject property.
- E. Lot contains:
 1. Single-family residence with attached garage – 1993COBP0461.
 2. On-Site Wastewater Treatment System (OSWTS)
 - a. Operating Permit (COOP15-0110).
 - b. The OSWTS consists of a 1,000 gallon tank and 175 square feet of drainfield.



Existing lot

IV. ZONING HISTORY

- A. August 4, 1992 – Board of Commissioners approved Planned Unit Development / PU 92-4 to allow for a residential development with the following seven (7) conditions:
1. That all roads be constructed to Pennington County Highway specifications or a width of 24 feet wide and capable of handling 20 ton vehicles, whichever is more practical;
 2. That the road Placer Place have a 100 foot diameter, gravel turnaround at the end, and that all future dead end road or cul-de-sacs be constructed with a 100 foot diameter turnaround;
 3. That when either phase 2 or phase 3 is begun that the road Placer Place be “looped” around to the approximate beginning and that this additional road be constructed to meet the necessary standards;
 4. That an emergency egress route be constructed to meet the approval of the County Highway Department and the Fire Department;
 5. That the emergency egress routes be marked with an appropriate number and size of sign so that a person unfamiliar with the area could locate and travel the emergency egress routes;
 6. That the Hill City VFD be supplied with an 8 ½” x 11” map showing the road name and lot numbers and/or street name and house numbers. Also, that street and road signs be located in intersections with the size of letter and numbers not less than 4” high and houses and/or buildings be issued an address; and,

7. That the proposed Planned Unit Development be amended to provide not more than one dwelling unit per three acres including platted private drives or dedicated rights-of-way.
- B. December 7, 1993 – Board of Commissioners approved Planned Unit Development / PU 93-05 to amend the setbacks and building envelopes with the following two (2) conditions:
1. All building setbacks shall be 25 feet from the lot lines; and,
 2. The existing encroachment of 20 feet along the northwesterly boundary of Lot 1 is acceptable.
- C. December 7, 1999 – Board of Commissioners approved Planned Unit Development Review / PU 92-4 to eliminate the emergency fire egress with the following two (2) conditions:
1. That Placer Place be constructed as a looped roadway in Phase Two of the proposed development; and,
 2. That a cul-de-sac with a minimum 100 foot wide right-of-way diameter and a 50 wide surface be constructed along the most northern end of Placer Place in Phase Three of the proposed development.

V. ANALYSIS

- A. October 8, 2019, Staff performed a site visit to the subject property to verify the applicant is meeting all of the Conditions of Approval.
- B. The applicants have obtained the 2019 South Dakota Department of Health Lodging License for the Vacation Home Rental.
- C. All required fire extinguishers and smoke alarms are located in their designated spots and are up-to-date.
- D. At the time of this Staff Report, Staff has not received any complaints regarding the subject property or the Major Planned Unit Development / PUD 18-06.
- E. Staff removed Condition #14 as it has been met.



Site photo 10/8/2019.

RECOMMENDATION: Staff recommends approval of the extension of Major Planned Unit Development Amendment / PU 18-06 with fourteen (14) conditions.

1. That this Major Planned Unit Development Amendment allow for a three (3) bedroom Vacation Home Rental within the existing residence located on Lot 1, Block 1 of The Reserve at Remington Ranch;
2. That the maximum overnight occupancy, based on SD DENR approval, be limited to six (6) people and the maximum daytime occupancy be limited to twelve (12) people;
3. That all necessary permits are obtained prior to any additions and/or alterations to the structure or upgrades/alterations to the on-site wastewater treatment system;
4. That the applicant continually maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department upon request;
5. That the applicant continually maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;

Agenda Item #11

Catherine Sopinski; Rob Livingston - Agent

October 14, 2019

6. That a minimum of three (3) off-street parking spaces be provided on-site, per Pennington County Zoning Ordinance (PCZO) § 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
7. That an interior informational sign be posted in accordance with the requirements of PCZO §319(G), with 9-1-1 and (605) 394-4131 listed as contacts for Fire Department and Sheriff's Office respectively, during operation of the Vacation Home Rental;
8. That the lot address (23801 Placer Place) be continually posted on the residence at all times and so it is clearly visible from Placer Place, in accordance with Pennington County's Ordinance #20;
9. That the applicant ensure the Vacation Home Rental is continually operated in accordance with the requirements of PCZO § 319(F) (Performance Standards) at all times;
10. That if the person designated as the Local Contact is ever changed from Rob Livingston, the interior informational sign be updated and the applicant re-notify the Planning Director and surrounding landowners within 500 feet via notices sent by First Class Mail;
11. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
12. That an approved Sign Permit be obtained prior to the placement of any sign(s);
13. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; and,
14. That this Major Planned Unit Development be reviewed in two (2) years, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.



**SOUTH DAKOTA
DEPARTMENT OF HEALTH
LODGING LICENSE**



Issued To: CATHY J SOPINSKI
PAUL R SOPINSKI

Located At: MT VERNON
23801 PLACER PLACE RD
RAPID CITY, SD 57702

License Type
Vacation Home License

License Number
20502

Number of Units
1

Swimming Pool
0

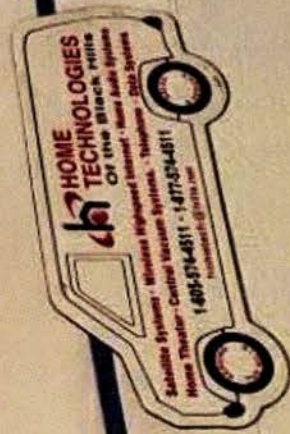
Spa or Hot Tub
0

Expires
12/31/2019

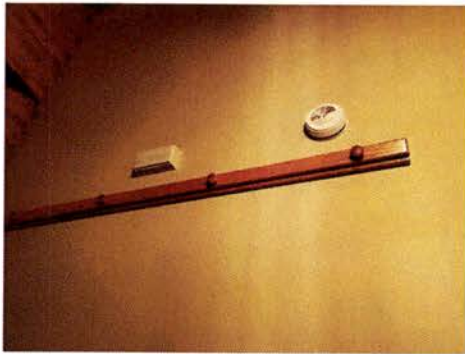
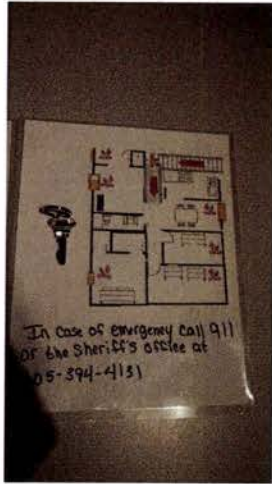
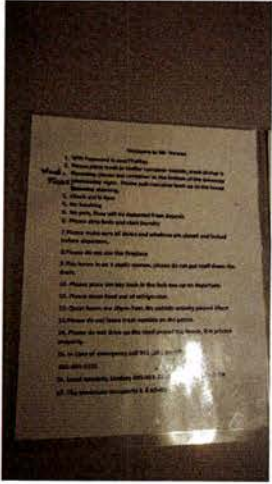
Karen Malvern Register

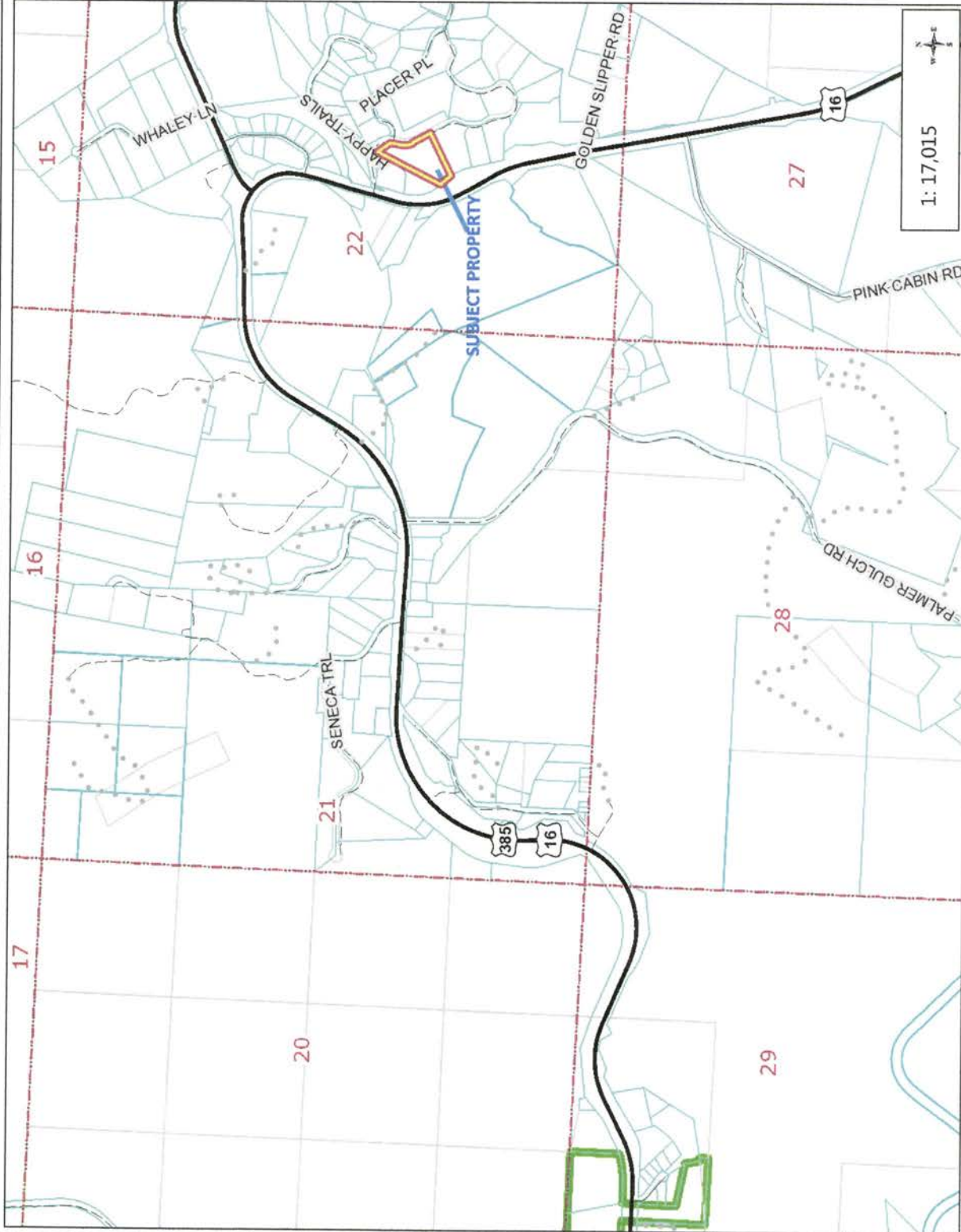
Secretary of Health

License is Not Transferable - Post in the Establishment



Catherine Sopinski VHR 10.8.2019





1:17,015

2,835.8 0 1,417.91 2,835.8 Feet

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NAD_1983_2011_StatePlane_South_Dakota_South_FIPS_4002_Ft_US
 © City of Rapid City GIS

Legend

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

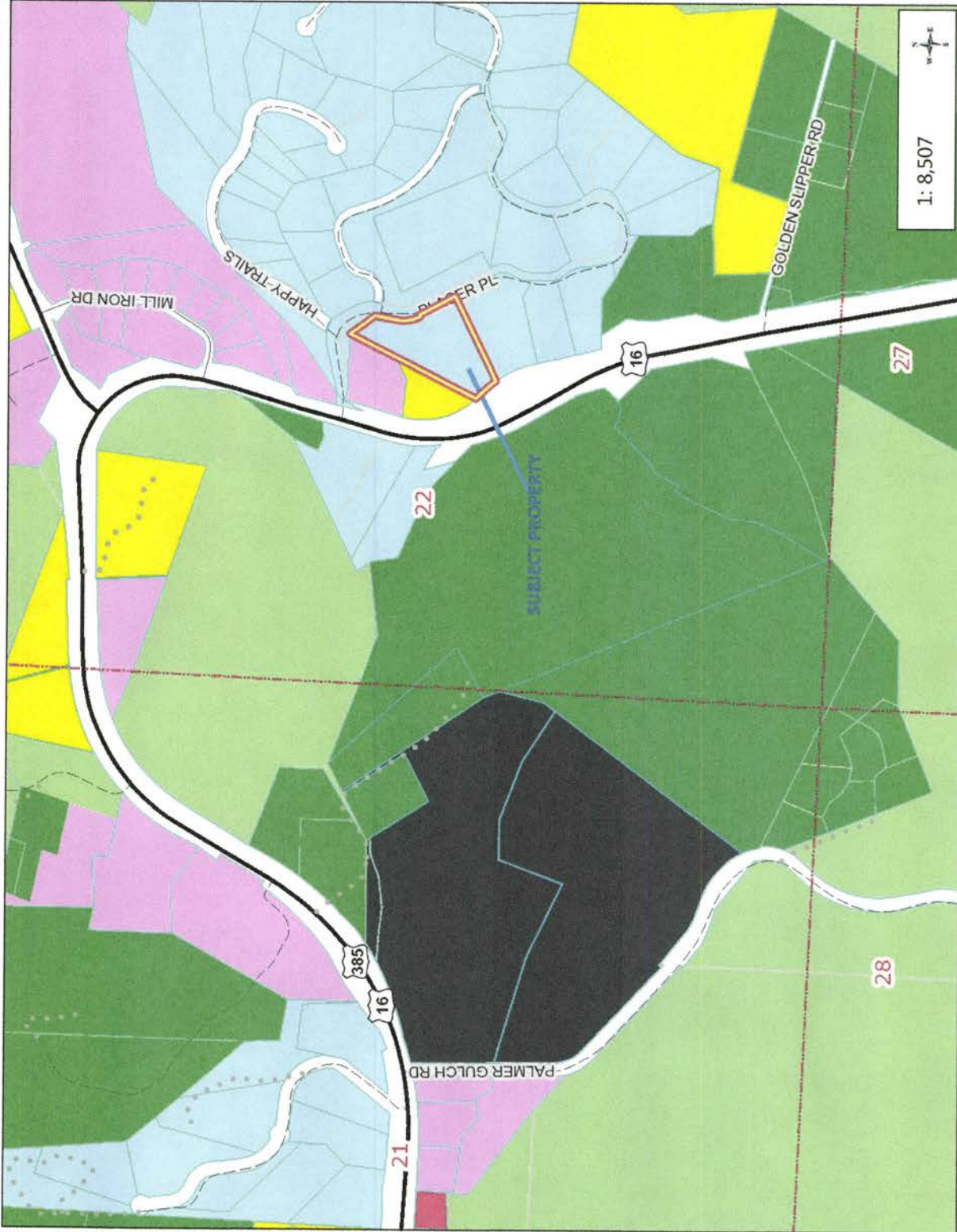
Section Lines 0-25k

- 0
- 7

Tax Parcels

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

Map Notes:



1: 8,507

1,417.9 0 708.96 1,417.9 Feet

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

NAD_1983_2011_StatePlane_South_Dakota_South_FIPS_4002_Ft_US
 © City of Rapid City GIS

Legend

Roads

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

Section Lines 0-25k

- 0
- 7

Tax Parcels

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

Pennington County Zoning

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

Map Notes:



1: 2,127

354.5 177.24 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

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
- Address Points**
- Section Lines 0-25k
- 0
 - 7
- 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 #12
Julie Benson Wilber
October 14, 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 approval of Minor Plat / MPL 19-25 with eight (8) conditions.

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).

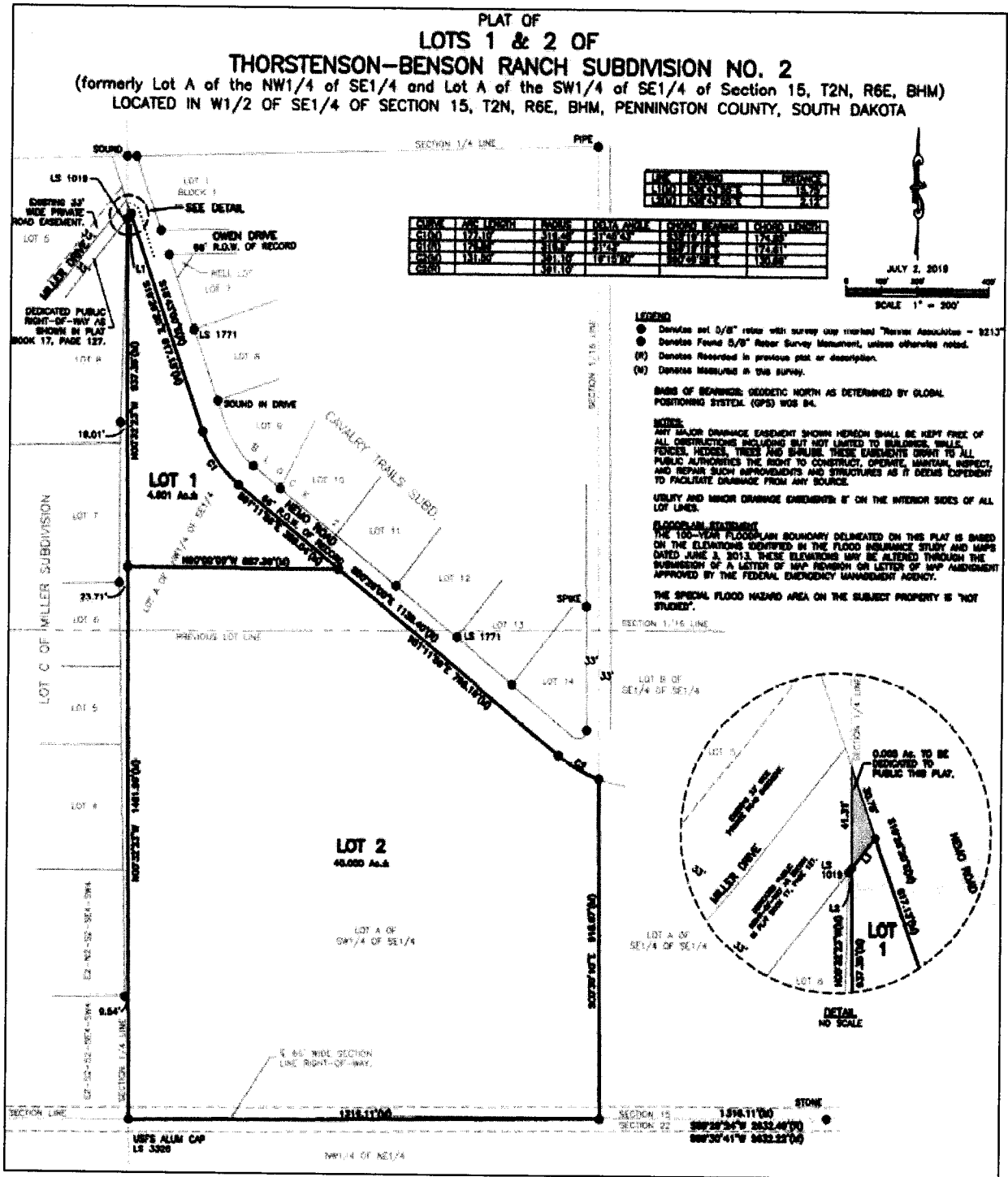
III. EXISTING CONDITIONS

- A. Zoned General Agriculture District.
B. 79.37 acres.
1. One Tax Parcel with three (3) developmental lots.
a. Lot A of the NW1/4SE1/4
b. Lot A of the SW1/4SE1/4
c. Lot A of the SE1/4SE1/4
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 balance will nullify the three (3) developmental lot lines.

IV. PROPOSED LOTS

- A. Lot 1 Thorstenson-Benson Ranch Subdivision
1. 4.601 acres.
2. Rezone *or* Lot Size Variance required.

- B. Lot 2 Thorstenson-Benson Ranch Subdivision
1. 40.00 acres.
 2. Meets the minimum lot size requirements for General Agriculture District.



Plat

- C. Lot A of the SE $\frac{1}{4}$ SE $\frac{1}{4}$
 - 1. 34.769 acres.
 - 2. Legal nonconforming lot size.

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 septics 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. 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.
- C. 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.
- D. 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.

VII. UPDATE FOR OCTOBER 14, 2019

- A. Staff determined that a Rezone or Lot Size Variance is not required for Lot A of the SE¹/₄SE¹/₄ (remaining (unplatted this plat) balance) as it is considered legal nonconforming.
- B. September 20, 2019 – A soil profile hole was approved by the Onsite Wastewater Specialist on proposed Lot 1.
1. A soil profile hole evaluation and percolation tests must still be performed on proposed Lot 2.
- C. September 20, 2019 – The Board of Commissioners approved the Second Reading of Rezone / RZ 19-12 and Comprehensive Plan Amendment / CA 19-12 to rezone 4.606 acres from General Agriculture District to Low Density Residential District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Planned Unit Development Sensitive to Low Density Residential District.

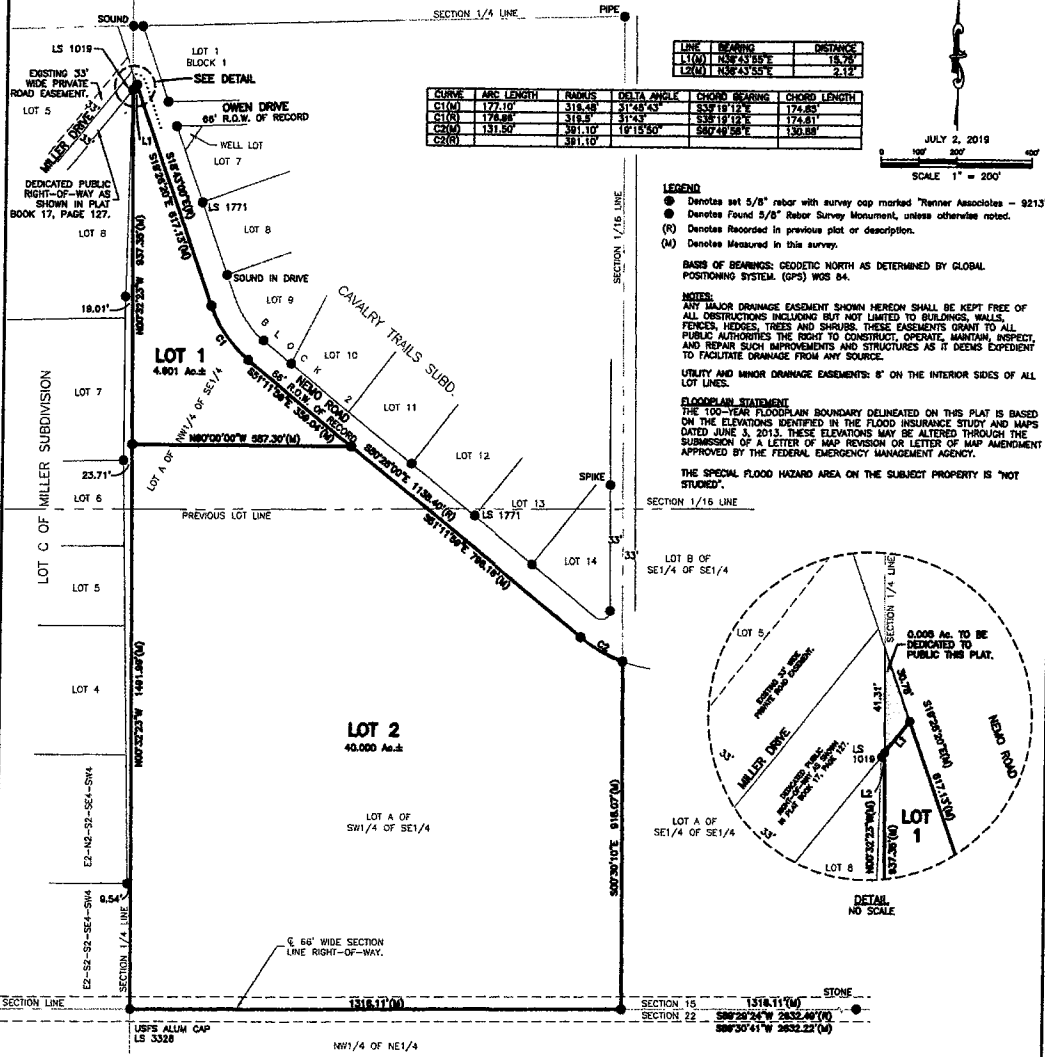
RECOMMENDATION: Staff recommends approval of Minor Plat / MPL 19-25 with the following eight (8) conditions:

1. 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;

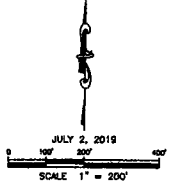
Agenda Item #12
Julie Benson Wilber
October 14, 2019

2. That prior to the Plat being recorded with the Register of Deeds, percolation tests and soil profile hole information be submitted for proposed Lot 2 of Thorstenson-Benson Ranch Subdivision for review and approval by the County Onsite Wastewater Specialist, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
3. That the applicant obtains an Approach Permit from Pennington County Highway prior to installation of any approaches off of Nemo Road;
4. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
5. That prior to the Plat being recorded with the Register of Deeds, the Owner's Certificate notary acknowledgment needs to be in corporation format for the partnership;
6. That all future addresses must be posted in accordance with Pennington County Ordinance #20;
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 the applicant ensures that all natural drainage ways are maintained and are not blocked.

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



CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1(A)	177.10'	318.48'	31°48'43"	S39°10'12"E	174.85'
C1(B)	176.88'	318.8'	31°43'	S38°19'12"E	174.81'
C2(A)	131.50'	391.10'	18°15'50"	S67°40'58"E	130.88'
C2(B)					



LEGEND

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

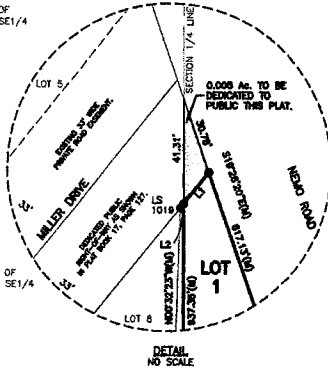
BASE OF BEARINGS: GEODETIC NORTH AS DETERMINED BY GLOBAL POSITIONING SYSTEM (GPS) WGS 84.

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

UTILITY AND MINOR DRAINAGE EASEMENTS: 6" ON THE INTERIOR SIDES OF ALL LOT LINES.

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

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



WATER PROTECTION STATEMENT
PURSUANT TO SDCL 11-3-2.1 AND 11-3-8.2, THE DEVELOPER OF THE PROPERTY DESCRIBED WITHIN THIS PLAT SHALL BE RESPONSIBLE FOR PROTECTING ANY WATERS OF THE STATE, INCLUDING GROUNDWATER, LOCATED ADJACENT TO OR WITHIN SUCH PLATTED AREA FROM POLLUTION FROM SEWAGE FROM SUCH SUBDIVISION AND SHALL IN PROSECUTION OF SUCH PROTECTIONS CONFORM TO AND FOLLOW ALL REGULATIONS OF THE SOUTH DAKOTA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES RELATING TO THE SAME.

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

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

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

In witness whereof, we have set our hand and seal.
OWNERS: THORSTENSON-BENSON LIMITED PARTNERSHIP

BY: Paul Thorstenson
BY: Jerome O. Benson

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

NOTARY PUBLIC: _____
My commission expires: _____

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

NOTARY PUBLIC: _____
My commission expires: _____

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

Dated this _____ day of _____, 20____
Director of Equalization of Pennington County

APPROVED: _____ Date: _____



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

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

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

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

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

Auditor of Pennington County

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

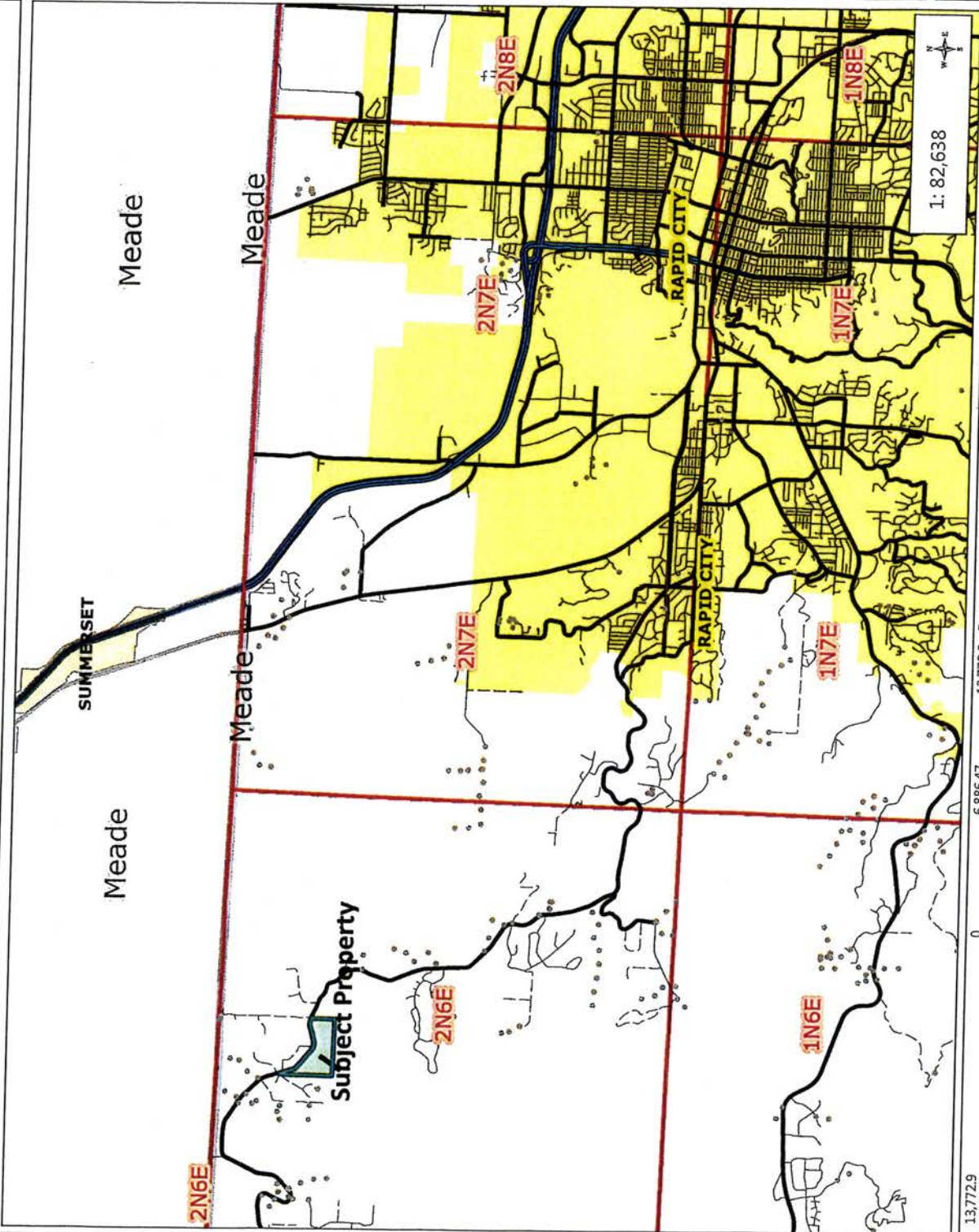
Dated this _____ day of _____, 20____
Highway Authority of Pennington County

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

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

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

Filed this _____ day of _____, 20____ at _____ o'clock
_____ M. in Document Number _____
Register of Deeds of Pennington County



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

Map Notes:

TAX ID 14485

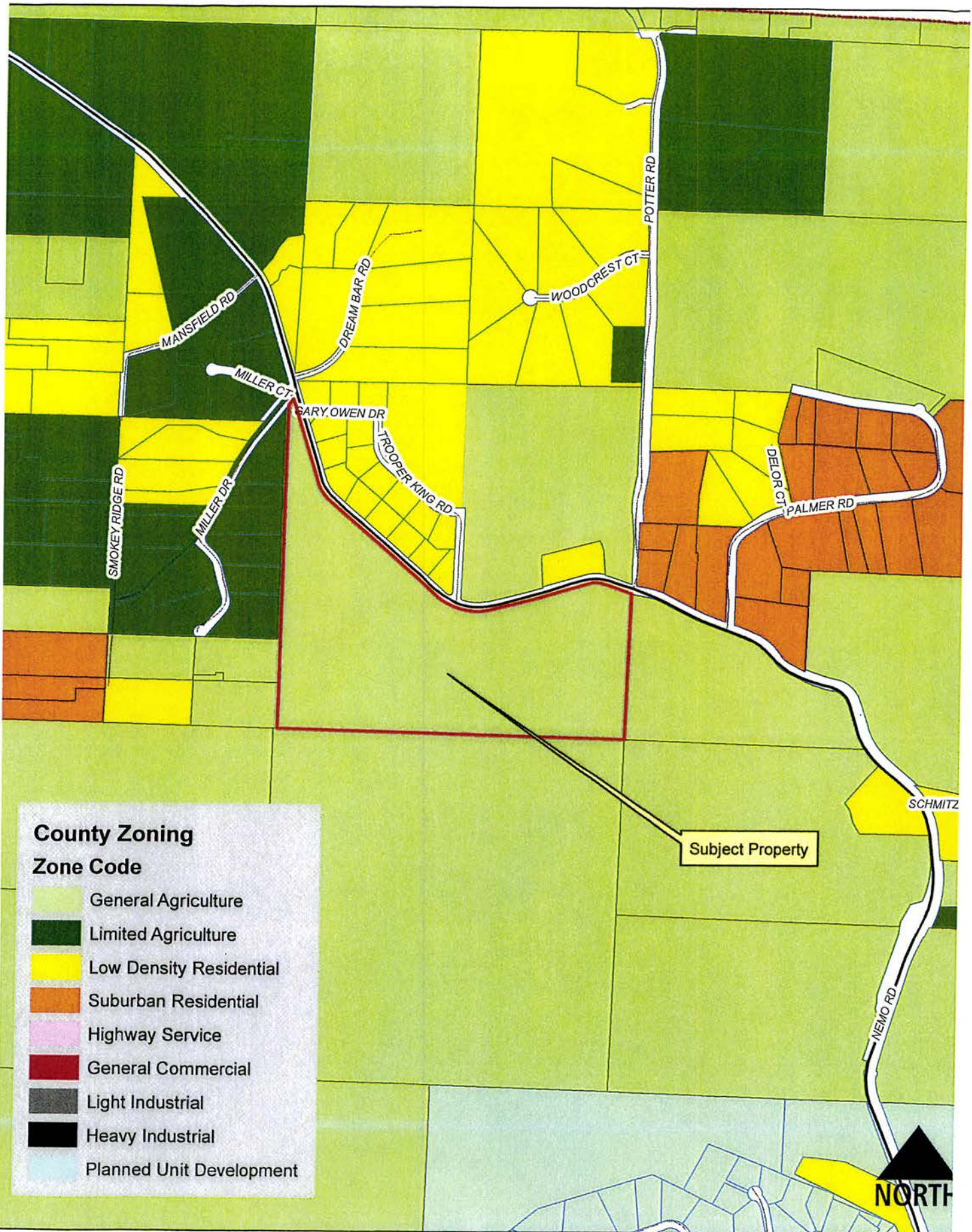
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

13,772.9

0 6,886.47 13,772.9 Feet

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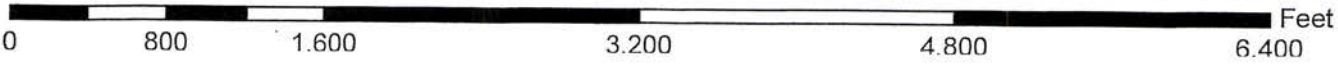
County Zoning

Zone Code

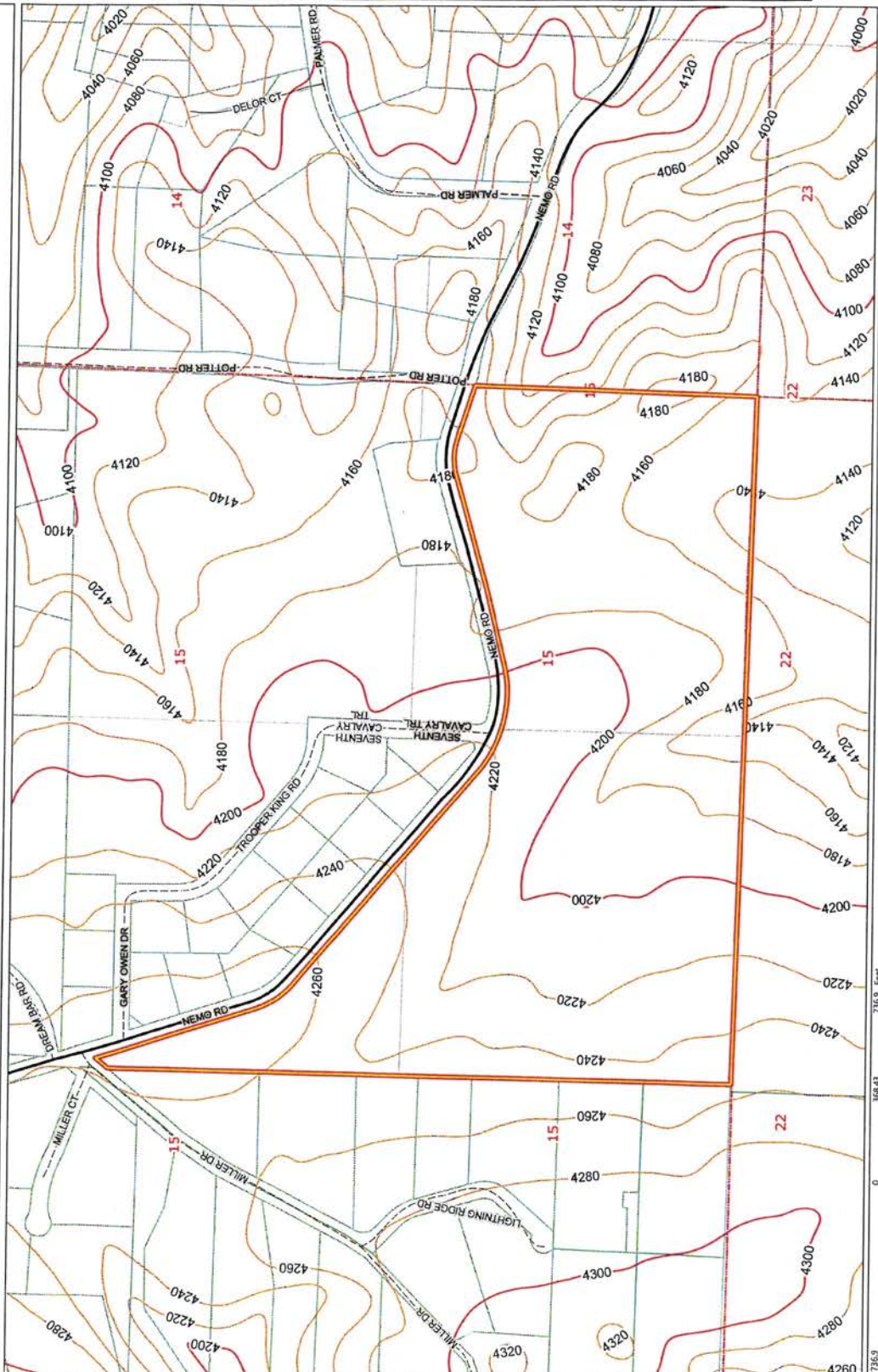
- General Agriculture
- Limited Agriculture
- Low Density Residential
- Suburban Residential
- Highway Service
- General Commercial
- Light Industrial
- Heavy Industrial
- Planned Unit Development

Subject Property

NORTH



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



1:4,421



Map Notes:

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NAD_1983_2011_StatePlane_South_Dakota_South_FIPS_4002_Ft_US
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STAFF REPORT

GENERAL INFORMATION:

REQUEST: MINOR PLAT / MPL 19-28: To create Lots 8A and 8B of Collins Addition in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

APPLICANT: Brad and Colleen Kurtz

APPLICANT ADDRESS: 22673 Highway 385, Rapid City, SD 57702

SURVEYOR / ENGINEER: D.C. Scott Surveyors

SURVEYOR ADDRESS: 3153 Anderson Road, Rapid City, SD 57703

LEGAL DESCRIPTION: EXISTING LEGAL: Lot 8, Collins Addition, Section 20, T2N, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 8A and 8B, Collins Addition, Section 20, T2N, R5E, BHM, Pennington County, South Dakota.

SITE LOCATION: Two and one-half (2.5) miles north of the intersection of W. Highway 44 and Highway 385.

SIZE: 10.5 acres

TAX ID: 57745

EXISTING LAND USE: Vacant

SUBDIVISION REGULATIONS REFERENCE: § 400.3

CURRENT ZONING: Low Density Residential District

SURROUNDING ZONING:

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

Agenda Item # 13
Brad and Colleen Kurtz
October 14, 2019

PHYSICAL CHARACTERISTICS: Hills/open meadow/wooded

UTILITIES: Private

REPORT BY: Jason Theunissen

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending approval of Minor Plat / MPL 19-28 with six (6) conditions.

II. GENERAL DESCRIPTION

- A. The applicants, Brad and Colleen Kurtz, have applied for Minor Plat / MPL 19-28 in order to subdivide one (1) existing lot and create two (2) lots.

III. EXISTING CONDITIONS

- A. Lot 8 of Collins Addition.
1. Zoned: Low Density Residential District (3-acre minimum lot size).
 2. Lot size: 10.5 acres.
 3. Access off of Highway 385.
 4. No Special Flood Hazard Area.
 5. No structures on subject property.
 6. No existing utilities.



Existing Lot

V. REQUEST FOR COMMENT

- A. Pennington County Highway Department
 - 1. Highway Department has no comments.
- B. County Environmental Planning Supervisor
 - 1. No Special Flood Hazard Area on the subject property.
- C. County Onsite Wastewater Specialist
 - 1. According to the USDA Web Soil Survey the soils are classified as Very to Somewhat Limited. If the applicants decide to install a septic system on either lot, all rules of Pennington County Zoning Ordinance § 204-J must be followed.
- D. County Ordinance Enforcement Officer
 - 1. No comments or concerns from Ordinance Enforcement.
- E. County Addressing Coordinator
 - 1. No addressing concerns at this time. Future addresses must be posted in accordance with Pennington County Ordinance #20.
- F. Department of Equalization
 - 1. Looks pretty good.
- G. Emergency Services (9-1-1)
 - 1. Good here.
- H. Register of Deeds
 - 1. Plat heading is acceptable. Certificates appear to be the required certificates per state statute.
- I. County Fire Administrator
 - 1. No comments received.
- J. United States Forest Service
 - 1. The Forest Service has no objections to the Kurtz Minor Plat request.
 - 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 (USA Public Domain; located on the north side of private property) and private property.
 - 4. Protect all known stream courses, ponds 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 not located on or drain or leach 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 all Vehicles", "Other Public Roads" per the latest version (January 1, 2019) of the Motor Vehicle Use Map.

Agenda Item # 13
Brad and Colleen Kurtz
October 14, 2019

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).
- K. Black Hills Electric Cooperative
1. Black Hills Electric Cooperative has no concerns with the proposed plat.

VI. ANALYSIS

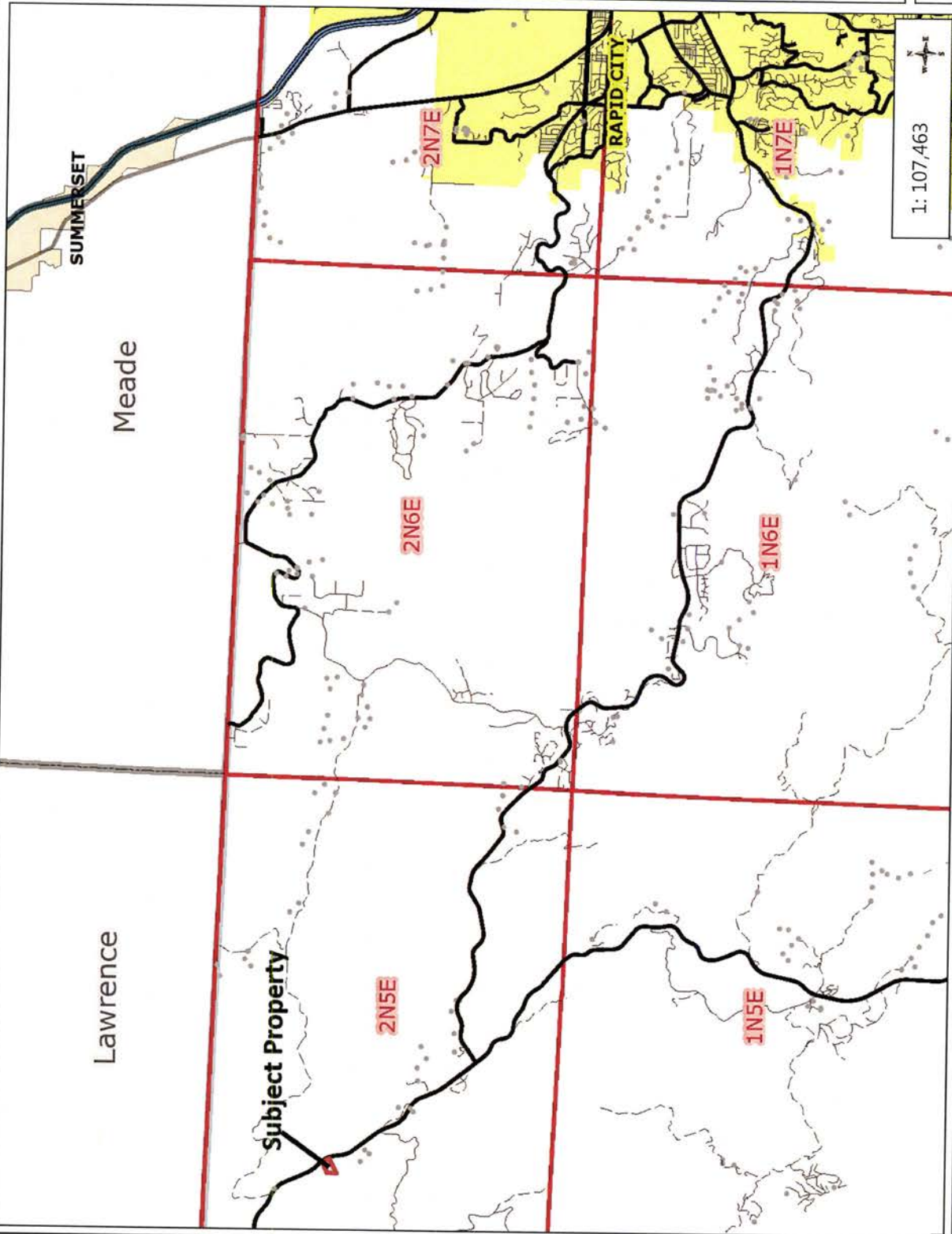
- A. June 4, 2019 – the Board of Commissioners approved Layout Plan / LPL 19-10, with the following nine (9) conditions:
1. That the applicant obtain Approach Permits from the State Highway Department prior to installation of any approaches off of Highway 385;
 2. That the applicant adhere to all comments provided by the Forest Service;
 3. That prior to the new Plat being recorded with the Register of Deeds, the proposed lots obtain a Lot Size Variance or be Rezoned appropriately;
 4. That the applicant ensures all natural drainage ways are maintained and are not blocked;
 5. That at the time of new Plat submittal, the plat meets the requirements of § 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
 6. 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;
 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;
 8. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Layout Plan / LPL 19-10, which is available at the Planning Office; and,
 9. That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.

Agenda Item # 13
Brad and Colleen Kurtz
October 14, 2019

- B. August 6, 2019 – the Board of Commissioners approved the second reading of Rezone / RZ 19-08 and Comprehensive Plan Amendment / CA 19-08 to rezone 10.5 acres from Limited Agriculture District to Low Density Residential District and to amend the Comprehensive Plan to change the Future Land Use from Planned Unit Development Sensitive District to Low Density Residential District.
- C. August 26, 2019 – the applicants, Brad and Colleen Kurtz, applied for Minor Plat / MPL 19-28 to create Lots 8A and 8B of Collins Addition.
 - 1. As part of the review for MPL 19-28, Staff has determined the Conditions of Approval from LPL 19-10 have been met.
- D. For the purposes of a Minor Plat, Staff finds no significant issues with the applicant's request.

RECOMMENDATION: Staff recommends approval of Minor Plat / MPL 19-28, with the following six (6) conditions:

- 1. That the applicant obtain Approach Permits from the State Highway Department prior to installation of any approaches off of Highway 385;
- 2. That the applicant ensures all natural drainage ways are maintained and are not blocked;
- 3. 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;
- 4. That all future addresses must be posted in accordance with Pennington County Ordinance #20.
- 5. 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; and,
- 6. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations.



1: 107,463



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THIS MAP IS NOT TO BE USED FOR NAVIGATION

NAD_1983_StatePlane_South_Dakota_South_FIPS_4002_Feet
© City of Rapid City GIS

Legend

- Roads**
- Interstate
 - US highway
 - SD highway
 - County highway
 - Main road
 - Minor arterial
 - Collector
 - Ramp
 - Paved road
 - Unpaved road
 - Trail
 - Driveway
 - Alley
 - Unimproved road
 - Airport Runway
 - Not yet coded
- PLSS**
- 2N7E
 - 2N6E
 - 2N5E
 - 1N7E
 - 1N6E
 - 1N5E
- Townships**
- BOX ELDER
 - ELLSWORTH AFB
 - HILL CITY
 - KEYSTONE
 - NEW UNDERWOOD
 - QUINN
 - RAPID CITY
 - WALL
 - WASTA
- City Limits**
- BOX ELDER
 - ELLSWORTH AFB
 - HILL CITY
 - KEYSTONE
 - NEW UNDERWOOD
 - QUINN
 - RAPID CITY
 - WALL
 - WASTA

Map Notes:



1: 6,854



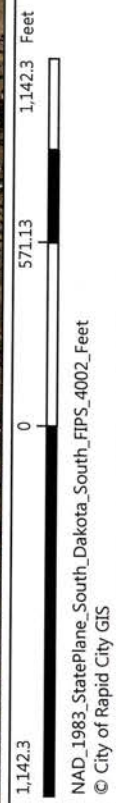
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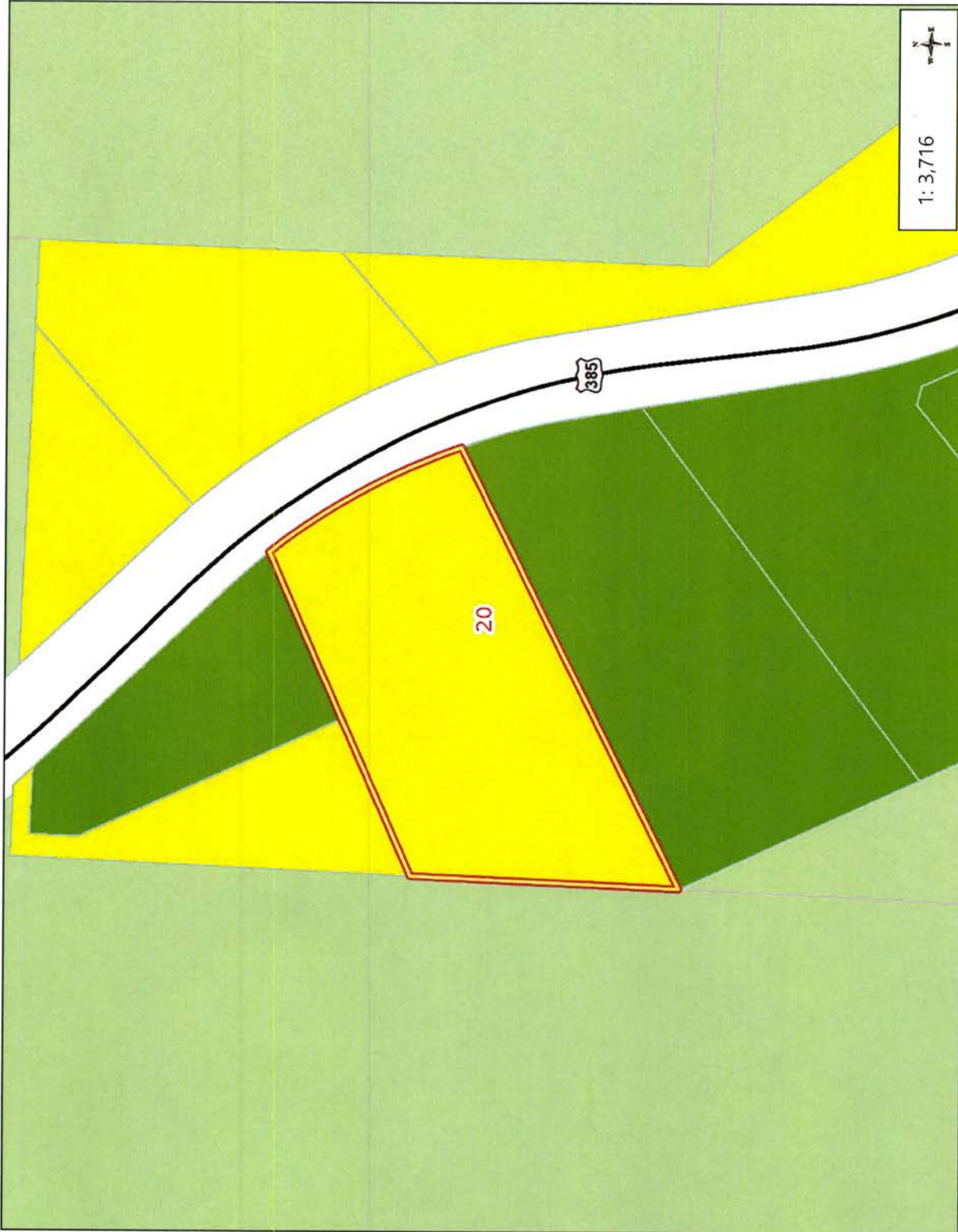
- Roads**
- Interstate
 - US highway
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 - Main road
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 - Collector
 - Ramp
 - Paved road
 - Unpaved road
 - Trail
 - Driveway
 - Alley
 - Unimproved road
 - Airport Runway
 - Not yet coded
- Section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

Map Notes:

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

THIS MAP IS NOT TO BE USED FOR NAVIGATION





1: 3,716

619.3 Feet

309.65

0

619.3

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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

- 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
- NOCCODE

STAFF REPORT

GENERAL INFORMATION:

REQUEST: **MINOR PLAT / MPL 19-30:** To create Lots 1 and 2 of Rand Lode Subdivision in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

APPLICANT: Olson Rental Properties LLC / Aaron Olson

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

AGENT: Fisk Land Surveying

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

LEGAL DESCRIPTION: **EXISTING LEGAL:** All, Rand Lode MS 1483, Section 18, T1S, R6E, BHM, Pennington County, South Dakota.
PROPOSED LEGAL: Lots 1 and 2 of Rand Lode Subdivision, Section 18, T1S, R6E, BHM, Pennington County, South Dakota.

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

SIZE: 20.19 acres

TAX ID: 5350

EXISTING LAND USE: Vacant

SUBDIVISION REGULATIONS REFERENCE: § 400.3

CURRENT ZONING: General Agriculture District

SURROUNDING ZONING:

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

Agenda Item # 14
Olson Rental Properties LLC; Fisk Land Surveying - Agent
October 14, 2019

PHYSICAL CHARACTERISTICS: Forested / Hills

UTILITIES: None

REPORT BY: Jason Theunissen

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending approval of Minor Plat / MPL 19-30, with five (5) conditions.

II. GENERAL DESCRIPTION

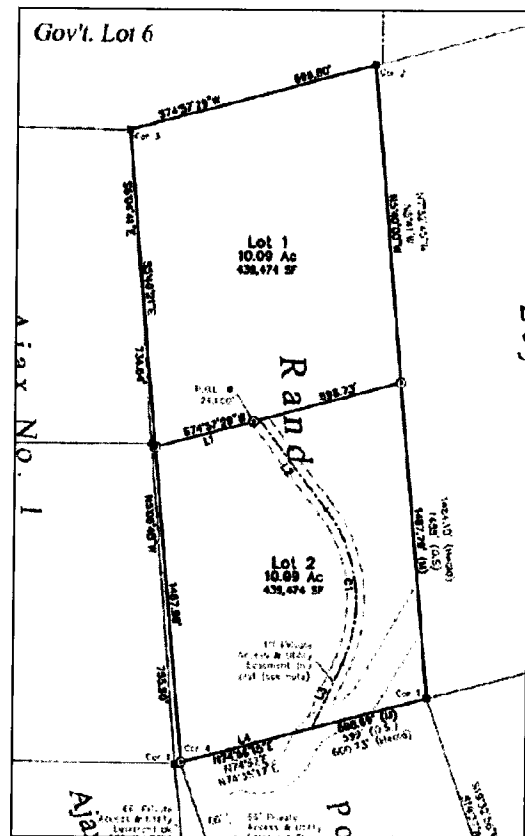
- A. The applicant, Aaron Olson, has applied for Minor Plat / MPL 19-30 in order to subdivide one (1) existing lot and create two (2) lots.

III. EXISTING CONDITIONS

- A. Zoned Limited Agriculture District (10-acre minimum lot size).
- B. 20.19 acres.
- C. Access off of Takoda Road.
- D. No Special Flood Hazard Area.
- E. No structures on subject property.
- F. No existing utilities.

IV. PROPOSED LOT 1 & LOT 2

- A. Zoned Limited Agriculture District.
- B. 10.09 acres each.
- C. Access off of Takoda Road, via 40-foot-wide Private Access & Utility easement.
- D. No Special Flood Hazard Area.
- E. No structures on proposed properties.
- F. No existing utilities.



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

V. REQUEST FOR COMMENT

- A. County Highway Department
 - 1. Highway Department has no comments.
- B. County Fire Administrator
 - 1. If the length of the driveway/access way exceeds 75 feet or a physical obstruction prevents the number from being visible from the road of which the address is taken, then the house number shall be posted adjacent to the area in which the driveway/access way intersects the road.
- C. County Environmental Planning Supervisor
 - 1. There is no Special Flood Hazard Area on the subject property.
- D. County Environmental Planner
 - 1. The applicant has approved profile holes on both lots. The USDA Soil Survey lists the sols as "Very Limited". I have no further concerns.
- E. County Ordinance Enforcement
 - 1. No current violations on this property.
- F. County Addressing Coordinator
 - 1. No addressing concerns at this time. An address will be assigned upon Building Permit submittal and must be posted in accordance with Pennington County Ordinance #20.
- G. Register of Deeds
 - 1. Plat heading is acceptable. In the "Private Access & Utility Easement Notes" it says "Book 103" – the plat drawing shows it to be "Book 106". After review of the permanent records it should say "Book 106" in the "Notes". Certificates appear to be the required certificates per state statute.
 - a. *Staff Comment: This will be addressed as a Condition of Approval.*
- H. Department of Equalization
 - 1. Looks good!
- I. Emergency Services (9-1-1)
 - 1. No comments received.
- J. U.S. Forest Service
 - 1. The Forest Service has no objections to the proposed Olson, Aaron; minor plat request.
 - 2. Access to the private property is off the Calumet Road and not through the Sheridan Lake Recreation Area (Campground).
 - 3. The Forest Service issued a FLPMA Private Road Special Use Permit, PAH440 to the Blue Wing Recreation Corporation on April 04, 2009 and expires on December 31, 2028. This special use permit provides access to the Calumet Boat Launch and parking area at the Sheridan Lake Recreation Area from the Blue Wing Recreation Corporation private property during the spring, summer and fall seasons. Blue Wing Corporation landowners must comply

Agenda Item # 14

Olson Rental Properties LLC; Fisk Land Surveying - Agent

October 14, 2019

with all of the special use permit clauses and provisions of the permit.

4. The Forest Service is currently reviewing a Forest Road application submitted by Blue Wing Road District, PAH780 to use existing National Forest System Road 392.
 5. Protect all posted boundary line corners, signs and bearing trees.
 6. Adhere to the setback requirements along the posted boundary between National Forest System lands (USA Public Domain) and the private property.
 7. Protect all known stream courses, ponds and riparian areas located on National Forest System lands.
 8. No resource damage to occur on National Forest System lands.
 9. 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.
 10. No construction materials to be placed on National Forest System lands.
 11. 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.
 12. 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).
 13. Public roads in this area of the Black Hills National Forest are classified as "Roads Open to Highway Legal Vehicles Only" per the latest version (January 1, 2019) of the Motor Vehicle Use Map.
 14. No motorized trailheads or motorized trails or motorized roads are planned or scheduled for this portion of the Black Hills National Forest.
 15. 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).
- K. Black Hills Energy
1. The only comment I would have is to maybe clarify the minor drainage and utility easement on the interior lot lines noted on the plat, typically this is listed as 8 feet.
 - a. *Staff Comment: This will be addressed as a Condition of Approval.*

VI. ANALYSIS

- A. August 20, 2019 – The Board of Commissioners approved Layout Plan / LPL 19-24 with the following six (6) conditions:
1. That prior to filing the Minor Plat with the Register of Deeds, proposed Lot 1 and Lot 2 obtain an approved Lot Size Variance or be Rezoned appropriately;
 2. That at the time of Minor Plat submittal, the Plat signature page be corrected, per Department of Equalization comments;
 3. That at the time of Minor Plat submittal, the plat meets all requirements of Pennington County Subdivision Regulations, or approved Subdivision Regulations Variance(s) be obtained waiving any of these requirements that are not met. Subdivision Regulations Variances shall be submitted per § 700 of Pennington County Subdivision Regulations;
 4. That the applicant ensures all natural drainage ways are maintained and are not blocked;
 5. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of § 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit; and,
 6. That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.
- B. August 20, 2019 – The Board of Commissioners approved Subdivision Regulations Variance / SV 19-07 to waive the following platting requirements:
1. 500.5, Table 1: Specifically, road design standards for a Limited Agriculture District, turnarounds, and length of a dead-end road (Takoda Road).
 2. 500.5, 1a, 3a: Specifically, the maximum number of lots an access easement shall serve in a Limited Agriculture District (maximum is two (2) lots).
- C. September 3, 2019 – The Board of Commissioners approved the second reading of Rezone / RZ 19-11 and Comprehensive Plan Amendment / CA 19-11 to rezone 20.19 acres from General Agriculture District to Limited Agriculture District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Planned Unit Development Sensitive District to Limited Agriculture District. RZ 19-11 and CA 19-11 became effective October 9, 2019.
- D. September 3, 2019 – the applicant, Aaron Olson, applied for Minor Plat / MPL 19-30 to create Lots 1 and 2 of Rand Lode Subdivision.
1. As part of the review for MPL 19-30, Staff has determined the Conditions of Approval from LPL 19-24 have been met.
- E. For the purposes of a Minor Plat, Staff finds no significant issues with the applicant's request.

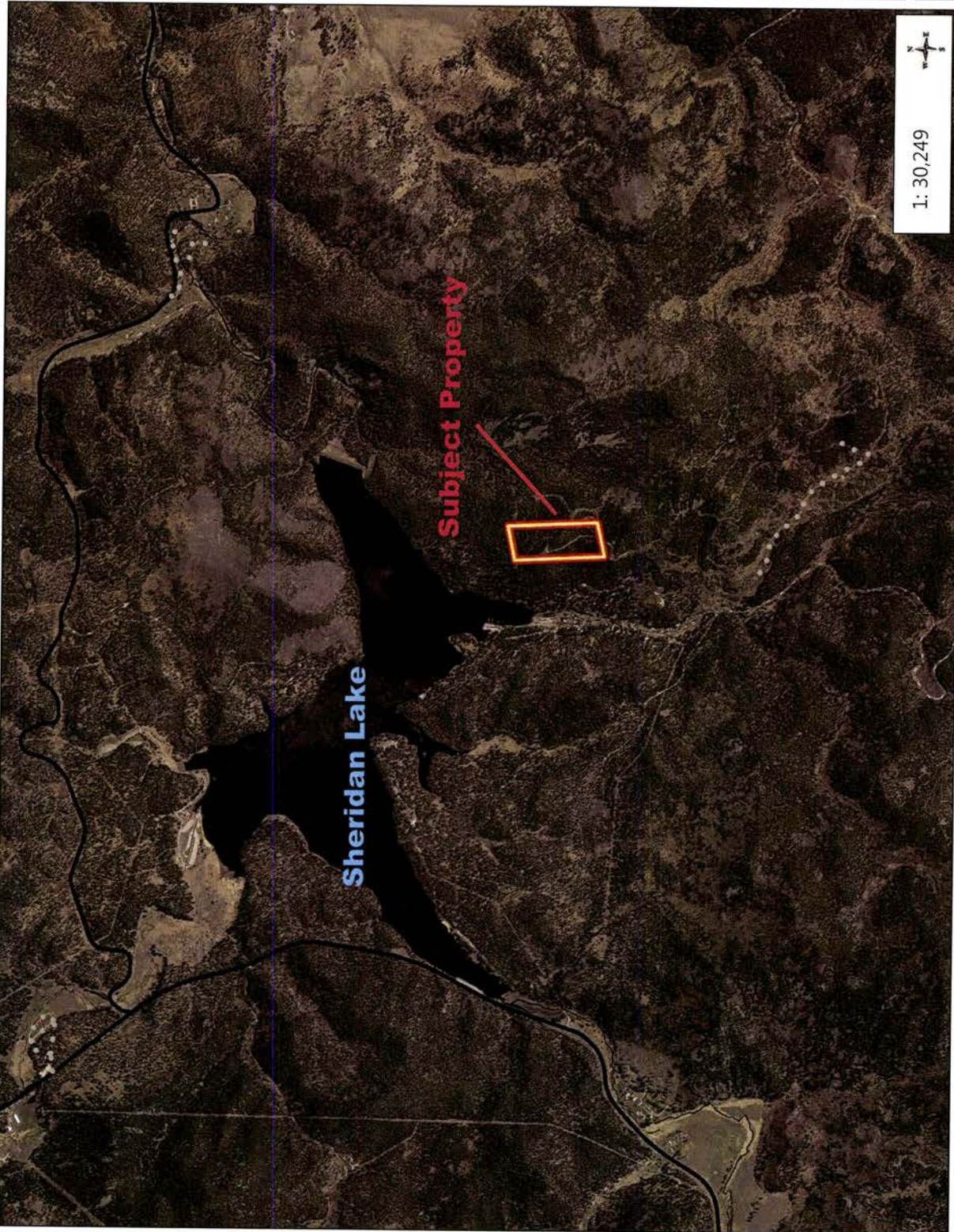
Agenda Item # 14

Olson Rental Properties LLC; Fisk Land Surveying - Agent

October 14, 2019

RECOMMENDATION: Staff recommends approval of Minor Plat / MPL 19-30, with the following five (5) conditions:

1. That prior to filing the Minor Plat with the Register of Deeds, the Plat Private Access & Utility Easement Notes be corrected, per Register of Deeds comments;
2. That prior to filing the Minor Plat with the Register of Deeds, the Plat Utility and Minor Drainage Easements be clarified, per Black Hills Energy comments;
3. That the applicant ensures all natural drainage ways are maintained and are not blocked;
4. 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;
5. That all future addresses must be posted in accordance with Pennington County Ordinance #20.
6. 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; and
7. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;



1: 30,249



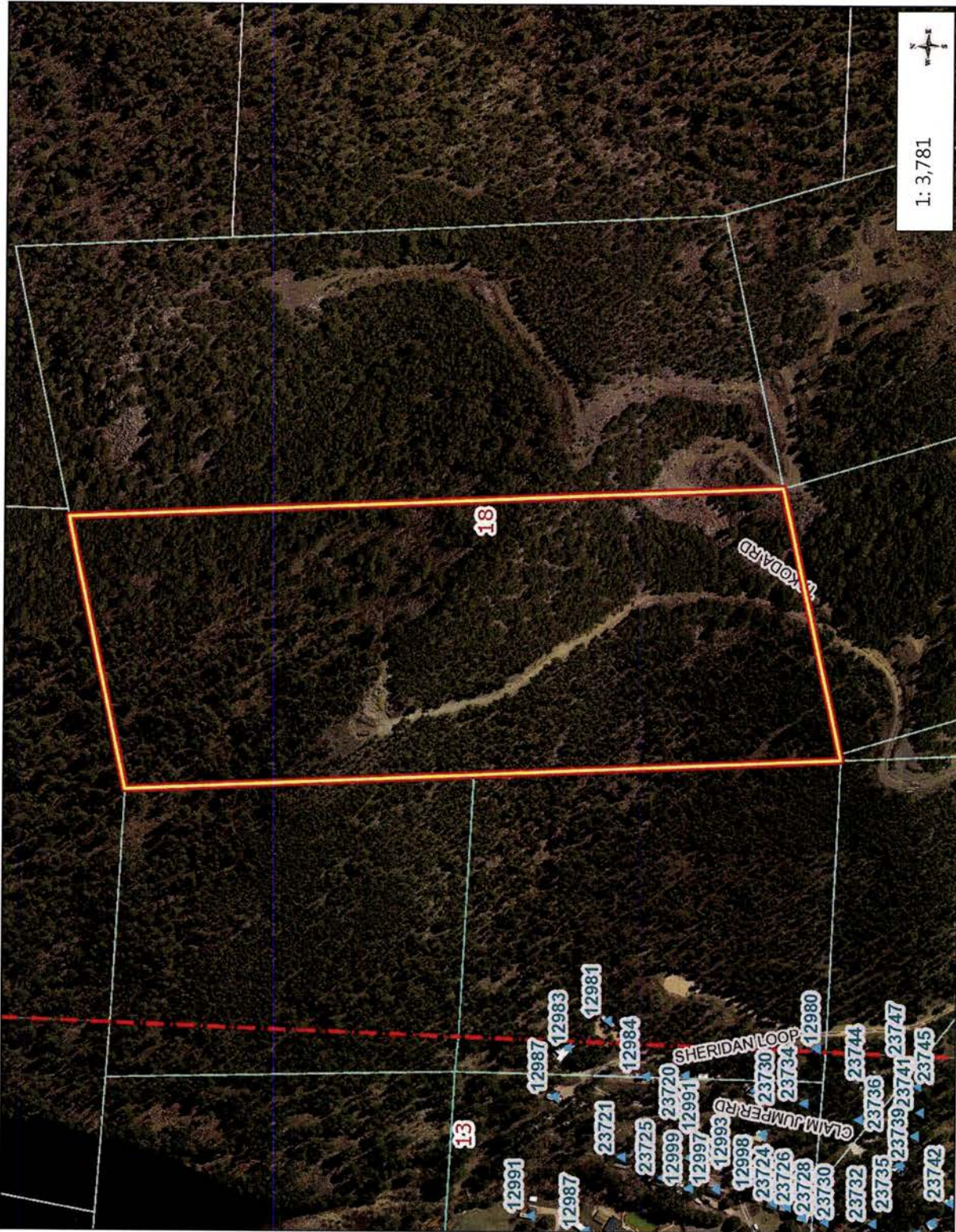
NAD_1983_StatePlane_South_Dakota_South_FIPS_4002_Feet
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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Legend

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

Map Notes:



1: 3,781

Legend

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

Map Notes:

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

THIS MAP IS NOT TO BE USED FOR NAVIGATION

630.2 0 315.09 630.2 Feet

NAD_1983_StatePlane_South_Dakota_South_FIPS_4002_Feet
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STAFF REPORT

GENERAL INFORMATION:

REQUEST: **MINOR PLAT / MPL 19-31:** To create Lot 10, Block 3 of the Ranch at Black Gap in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

APPLICANT: Double L Properties, LLC

APPLICANT ADDRESS: 3006 W. Saint Louis St., Rapid City, SD 57702

SURVEYOR / ENGINEER: Longbranch Civil Engineering.

SURVEYOR ADDRESS: 821 Columbus St. Ste. 1, Rapid City, SD 57701

LEGAL DESCRIPTION: EXISTING LEGAL: Balance of Tract A, The Ranch at Black Gap, Sections 8 and 9, T1S, R8E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 10, Block 3, The Ranch at Black Gap, Sections 8 and 9, T1S, R8E, BHM, Pennington County, South Dakota.

SITE LOCATION: At the intersection of S. Highway 79 and Black Gap Road; located south of Rapid City.

SIZE: 25.033 acres

TAX ID: 52624

EXISTING LAND USE: Vacant

SUBDIVISION REGULATIONS REFERENCE: § 400.1 and 700.1

CURRENT ZONING: Planned Unit Development District

SURROUNDING ZONING:

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

Agenda Item #15
Double L Properties, LLC
October 14, 2019

PHYSICAL CHARACTERISTICS: Open Meadow / Sloping

UTILITIES: None

REPORT BY: Cassie Bolstad

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending approval of Minor Plat / MPL 19-31 with six (6) conditions.

II. GENERAL DESCRIPTION

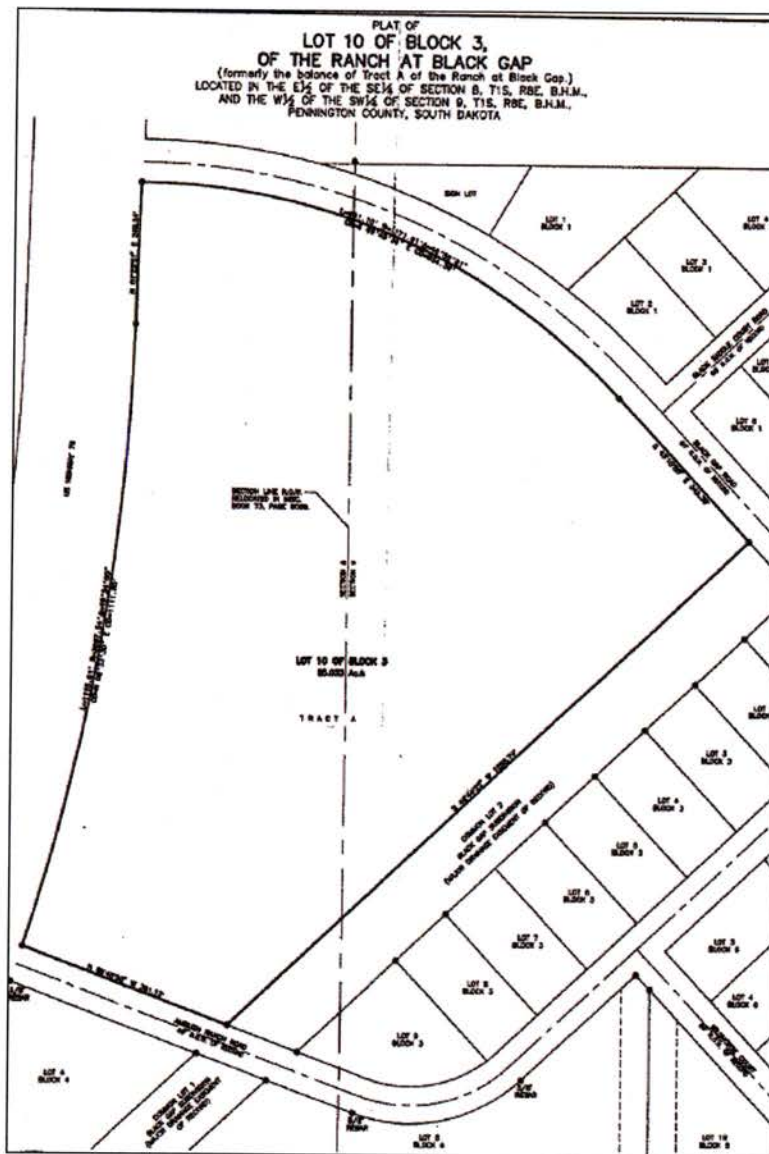
- A. The applicant, Double L Properties, has applied for a Minor Plat to create a platted lot to eliminate an existing non-transferable balance of property.

III. EXISTING CONDITIONS

- A. Zoned Planned Unit Development (PU 06-02).
- B. 25.033 acres.
- C. Access off of Black Gap Road.
 - 1. Located within the Ranch at Black Gap Road District.
- D. Currently vacant.
- E. No Special Flood Hazard Area on the subject property.
- F. The Section Line Right-of-Way on the subject property was relocated to Highway 79 in 1998 (Book 73, Pages 9069-9071).

IV. PROPOSED LOT

- A. Lot 10 of Block 3 of The Ranch at Black Gap
 - 1. 25.033 acres.
 - 2. Access off of Black Gap Road.
 - 3. Currently vacant.



Proposed Lot (Longbranch Civil Engineering – April 11, 2019)

V. REQUEST FOR COMMENT

- A. County Highway Department
 - 1. Highway Department has no comments.
- 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.
- D. County Onsite Wastewater Specialist
 - 1. The soils on this lot are listed as "Very Limited" according to the USDA Web Soil Survey. The applicant will need to conduct percolation tests and a profile hole when any septic system is proposed for this lot. All rules of Pennington County Zoning Ordinance Section 204-J must be followed.

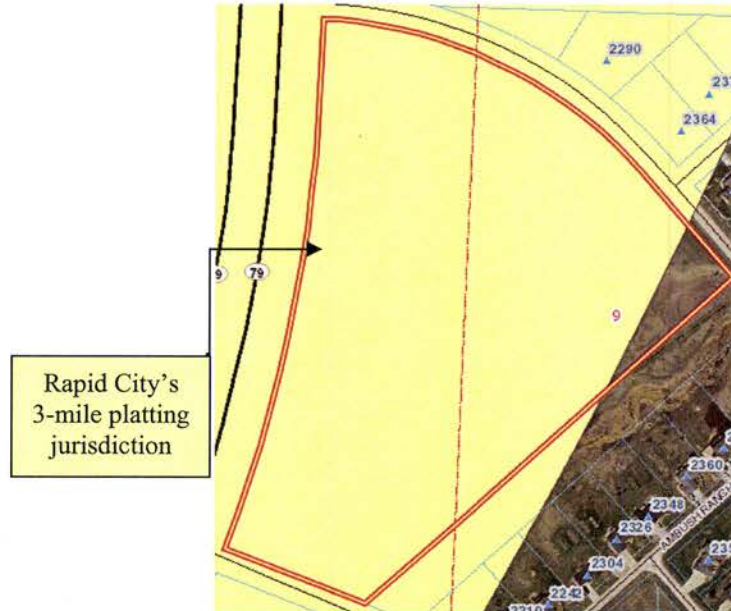
- E. County Environmental Planner
 - 1. No comments received.
- F. County Ordinance Enforcement
 - 1. No known violations on this property.
- G. County Addressing Coordinator
 - 1. No addressing concerns at this time. Future addresses must be posted in accordance with Pennington County Ordinance #20.
- 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, thanks!
- J. Emergency Services (9-1-1)
 - 1. No comment here.
- K. Rapid City Community Planning & Development
 - 1. A majority of the proposed lot is located within the City's three mile platting jurisdiction. On June 20, 2019, the City Council approved a Preliminary Subdivision Plat to create that portion of the proposed lot located within the City's three mile platting jurisdiction. A Final Plat must be submitted to the City for review and approval prior to recording the plat document.
 - 2. Please note that the plat document must be revised to show the "Certificates of Community Planning and Development Services Director" as the "Certificate of Community Development Director". In addition, the Certificate of Finance officer must be revised to read "I, Finance Officer of the City of Rapid City, do hereby certify that the Community Development Director of the City of Rapid City has approved this Final Plat as shown hereon.
- L. Rapid City Long Range Planning
 - 1. Future Land Use of the property is Low Density Neighborhood.
 - 2. SD Hwy 79 is classified as a Principal Arterial on the Major Street Plan.
 - 3. No transportation impacts.
- M. Rapid City Engineering
 - 1. No comments received.
- N. Black Hills Electric Cooperative
 - 1. Black Hills Electric Cooperative has no concerns for this minor plat.
- O. Ranch at Black Gap Road District
 - 1. No comments received.

VI. ANALYSIS

- A. March 7, 2006 – Board of Commissioners approved Planned Unit Development / PU 06-02 with the following twenty-one (21) conditions:
1. That the Planned Unit Development consists of 156 residential lots with 44.7 acres designated as Common Area and 28.369 acres as an area of Neighborhood Commercial Development;
 2. That the Neighborhood Commercial uses be limited to one or more of the following: convenience store with gas facilities, screened outdoor storage and enclosed storage units, food markets including bakery goods and delicatessen goods, meat market, drug store, book store, tobacco store, vanity goods store, pharmacy, equestrian center and riding arena, golf driving range and clubhouse, bank, barber shop and beauty shop, dry cleaning business, gift shop, self service laundry, shoe repair, professional and business offices, veterinary clinic, package liquor sales (to be consumed off premise), hardware or home improvement retail establishments, video rentals, child care facility, restaurant with a bar and casino, clothing stores, postal substation, four unit motel and business signs;
 3. That the Neighborhood Commercial uses be located within the designated Neighborhood Commercial Area with access exclusively from "Ranch Road" and not S. D. Highway 79. Landscaping and/or screening along S. D. Highway 79 may be required at the time that a Building Permit is obtained as determined by the Planning Director;
 4. That the following uses and/or structures be allowed in the Common Area: drainage and detention areas, walking, hiking, horse riding and mountain bike riding trails, picnic areas, picnic shelters, climbing equipment, community center/clubhouse with a swimming pool, party room, tennis courts, sales office and restaurant, golf driving range, equestrian center and riding arena;
 5. That all uses within the Neighborhood Commercial and Common Areas serve the residents (and their guests) within the proposed development exclusively while minimizing any undesirable impact of such uses; and that such uses shall not materially increase traffic in that district;
 6. That the proposed residential area allow for a single family residence to be constructed on each lot; and that townhouses, condominiums or single family residences be allowed on Lots 1-18 of Block 9, Lots 1-9 of Block 3, Lots 3-8 of Block 7 and Lots 1-6 of Block 6;
 7. That the following setbacks be met within the designated Residential Area: A. Front Yard: All structures shall have a front yard setback of twenty-five feet. B. Side Yard: All structures, located on interior lots, side yards shall be not less than eight (8) feet in width. C. Rear Yard: For main buildings, there shall be a rear yard of not less than twenty-five feet. Unattached accessory building shall not be located closer than five feet from the rear lot line;

8. That the following setbacks be met within the Neighborhood Commercial and Common Area: A. Front Yard: All structures shall have a front yard setback of twenty-five feet. B. Side Yard: The minimum side yard shall be ten feet except that the width of a side yard which abuts the residential area shall not be less than thirty feet. C. Rear Yard: All structures shall have a rear yard setback of twenty-five feet unless it abuts the residential area and then it shall be thirty feet;
9. That, when required by the Planning Director, screening between the residential and commercial areas shall be fencing or shrubbery which is sufficiently opaque or resistant to penetration to alleviate the apparent nuisance;
10. No structure shall exceed three stories or 35 feet in height except as allowed in Section 204 (F) of the Zoning Ordinance;
11. That at any time there is a deviation from the setback, screening or height requirements, the Planning Director may bring the permit to the Planning Commission for consideration;
12. That the construction, or placement, of structures, including the addition of accessory structures (i.e., portable tool sheds) be allowed through the issuance of a Building Permit which will include the necessary site plans to be reviewed and approved by the Planning Director;
13. That the development be served with on-site wastewater facilities to be reviewed and approved by the Pennington County Environmental Technician and, when applicable, the South Dakota Department of Natural Resources;
14. That the development be served with a central water system as reviewed and approved by the Pennington County Fire Coordinator;
15. That "Black Gap Road" be constructed as a Collector Road with a minimum 66 foot wide right-of-way and a 32 foot wide paved surface; and that the remaining roads within the subdivision be constructed as Local Roads with a minimum fifty foot wide right-of-way and a 24 foot wide paved surface;
16. That the proposed roadways within the unplatted areas be seeded in order to maintain erosion control and that barricades be placed preventing travel along these undeveloped roadways;
17. That a Homeowners Association be formed to accept maintenance of the common areas and central water system within the development;
18. 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;
19. That a road district be formed to maintain all roads within the development;

20. That any new septic systems be designed by a Registered Professional Engineer based on soil percolation and soil profile information certified by Registered Professional Engineer; and,
 21. That the Planned Unit Development be reviewed on a complaint basis only.
- B. The majority of the subject property is located within the three-mile platting jurisdiction of the City of Rapid City.



- C. Due to the subject property lying within two (2) separate platting jurisdictions, the applicant must have the proposed Plat approved through both the City and the County.
1. In addition, the Plat that is filed with the Register of Deeds must contain certificates and signatures from all applicable County and City authorities.
- D. The purpose of the Plat is to create one (1) platted lot and eliminate the existing non-transferable balance.
- E. The applicant's proposal does not change density within the subdivision.
- F. June 4, 2019 – Board of Commissioners approved Subdivision Regulations Variance / SV 19-04 to waive improvements to Black Gap Road and to waive submittal of percolations tests and soil profile hole information; and, approved Layout Plat / LPL 19-11 with the following ten (10) conditions:
1. That at the time of Minor Plat submittal, the “located in” portion of the proposed Plat be corrected per Register of Deeds comments to state, “Located in the SE of the NE1/4 and the NE1/4 of the SE1/4 of Section 8, T1S, R8E, B.H.M., and the SW1/4 of the NW1/4 and the NW1/4 of the SW1/4 of Section 9, T1S, R8E, B.H.M., Pennington County, South Dakota”;

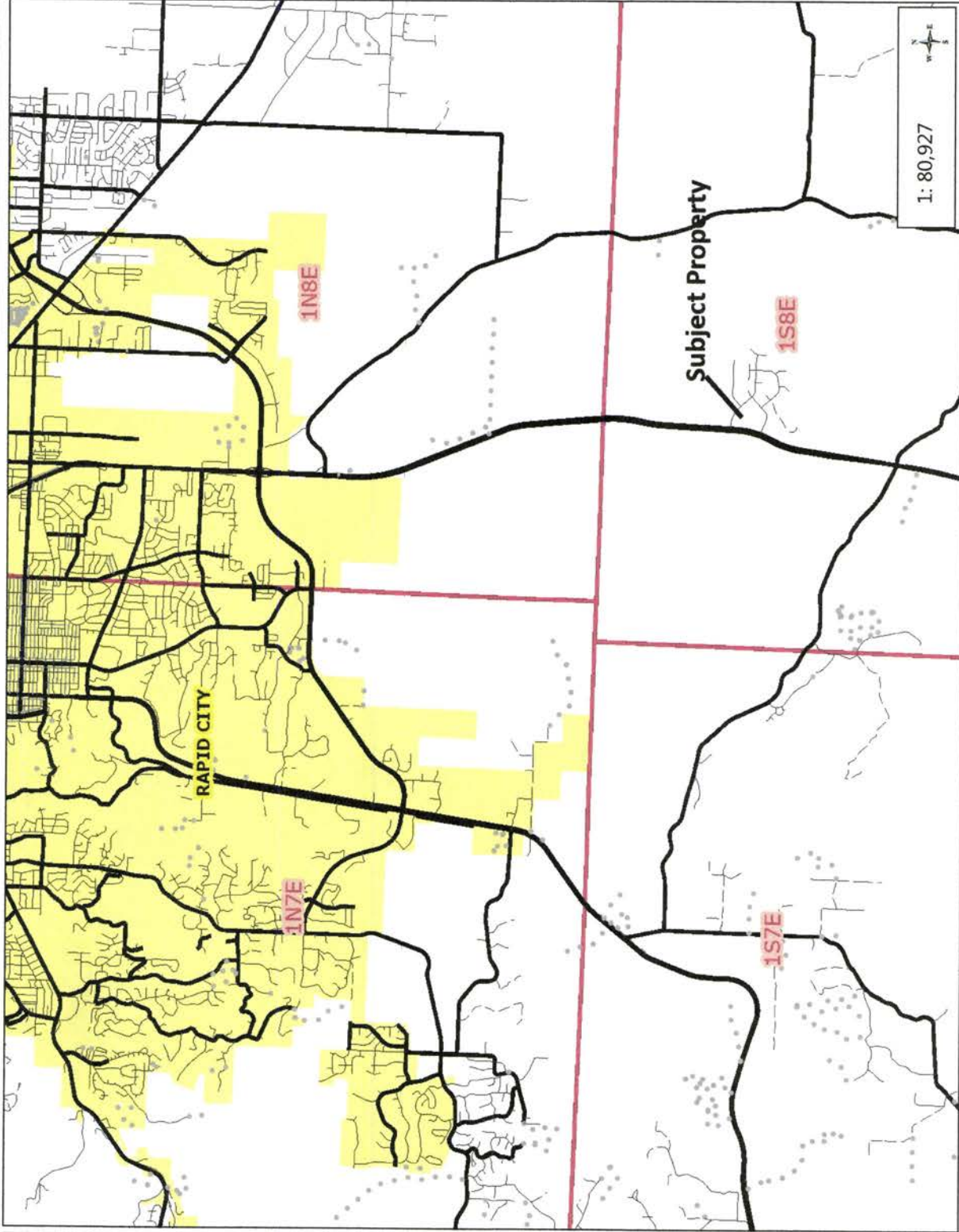
2. That at the time of Minor Plat submittal, eight (8) foot minor drainage and utility easements continue to be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
 3. That at the time of Minor Plat submittal, the plat meets all the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
 4. That at the time of Minor Plat submittal, the applicant submits percolation tests and soil profile information for proposed Lot 10 of Block 3 to be reviewed and approved by the County On-site Wastewater Specialist, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
 5. That at the time of new Plat submittal, the applicant provide engineered road construction plans for road improvements to Black Gap Road, including width and surface requirements that meet road authority standards, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
 6. That at the time of Building Permit submittal for proposed Lot 10 of Block 3, an address will be assigned and shall be posted so it is clearly visible at all times, in accordance with Pennington County's Ordinance #20;
 7. That following platting of proposed Lot 10 of Block 3, any on-site wastewater treatment system(s) be subject to the requirements of Section 204(J) of the Pennington County Zoning Ordinance;
 8. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
 9. That the applicant ensures that all natural drainage ways be continually maintained and are not blocked; and,
 10. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.
- G. September 9, 2019 – The applicant applied for Minor Plat / MPL 19-31.
- H. Condition #1 from Layout Plat / LPL 19-11 has been met, as the Register of Deeds stated, "plat heading is acceptable."
- I. Conditions #4 and #5 from Layout Plat / LPL 19-11 can be removed, as Subdivision Regulations Variance / SV 19-04 was approved to waive those requirements.

RECOMMENDATION: Staff recommends approval of Minor Plat / MPL 19-31 with the following six (6) conditions:

1. 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;

Agenda Item #15
Double L Properties, LLC
October 14, 2019

2. That upon filing the Plat with the Register of Deeds, the plat meets all the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
3. That at the time of Building Permit submittal for proposed Lot 10 of Block 3, an address will be assigned and shall be posted so it is clearly visible at all times, in accordance with Pennington County's Ordinance #20;
4. That following platting of proposed Lot 10 of Block 3, any on-site wastewater treatment system(s) be subject to the requirements of Section 204(J) of the Pennington County Zoning Ordinance;
5. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations and also include the appropriate Certifications for the City of Rapid City; and,
6. That the applicant ensures that all natural drainage ways be continually maintained and are not blocked.



1: 80,927

13,487.8 0 6,743.88 13,487.8 Feet

NAD_1983_StatePlane_South_Dakota_South_FPS_4002_Feet
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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Legend

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

Map Notes:



1,941.6 0 970.80 1,941.6 Feet

NAD_1983_StatePlane_South_Dakota_South_FIPS_4002_Feet
© City of Rapid City GIS

1: 11,650



Map Notes:

Legend

Roads

- Interstate
- US highway
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- Ramp
- Paved road
- Unpaved road
- Trail
- Driveway
- Alley
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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



1: 11,650

1,941.6 0 970.80 1,941.6 Feet

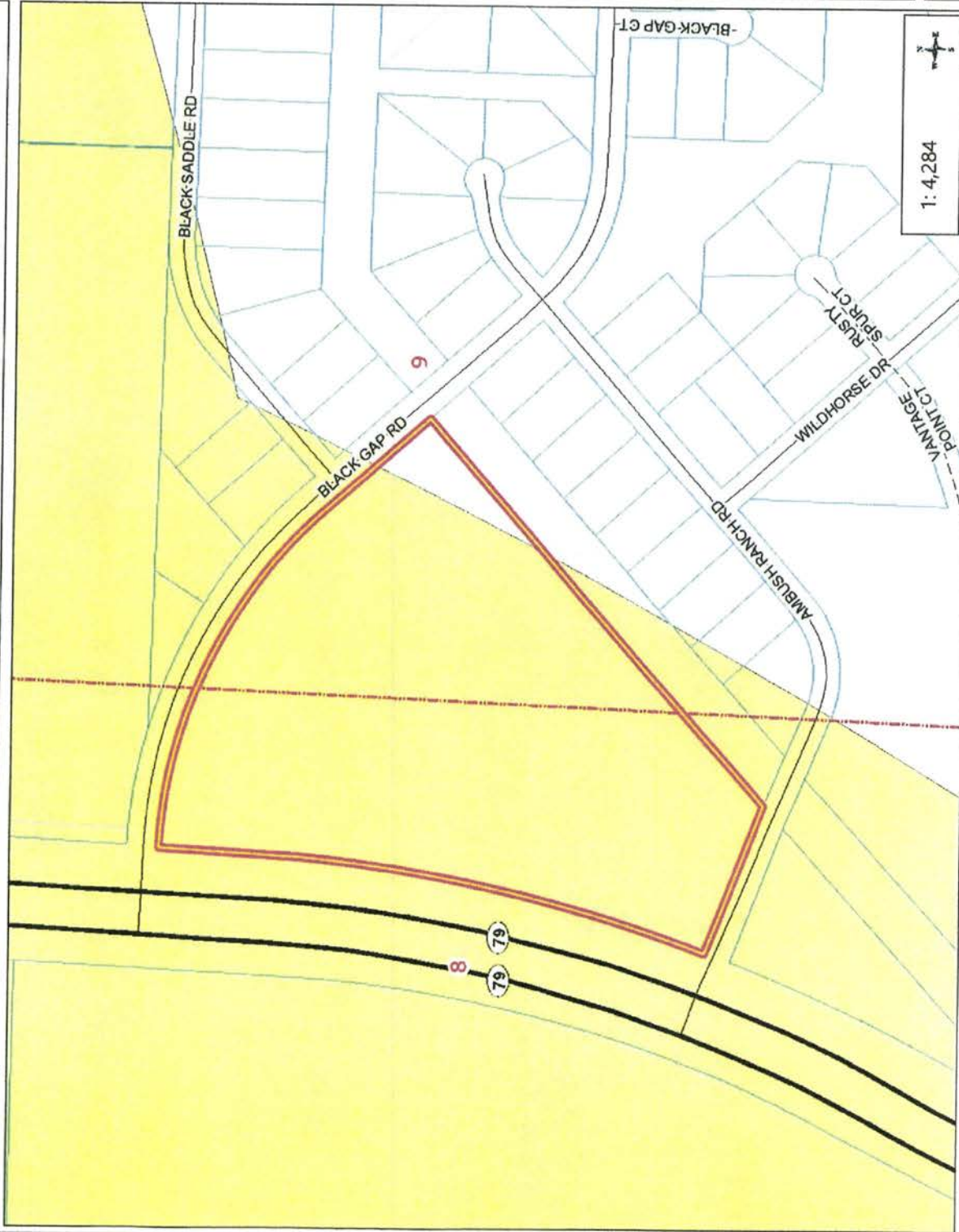
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 - Trail
 - Driveway
 - Alley
 - Unimproved road
 - Airport Runway
 - Not yet coded
- Section Lines 0-25k**
 - 0
 - 7
- Tax Parcels**
- Lot Lines**
 - <Null>
 - Lot Line
 - Parcel Line

Map Notes:



1: 4,284

714.0
0 356.99 714.0 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.
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Legend

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 - Trail
 - Airport Runway
 - Not yet coded
- Section Lines 0-25k**
- 0
 - 7
- Tax Parcels**
- Lot Lines**
- <Null>
 - Lot Line
 - Parcel Line
- Rapid City/Box Elder 3-Mile Pl:**
- BOX ELDER
 - RAPID CITY

Map Notes:

Plattling Jurisdiction

**PLAT OF
LOT 10 OF BLOCK 3,
OF THE RANCH AT BLACK GAP
(formerly the balance of Tract A of the Ranch at Black Gap.)
LOCATED IN THE E $\frac{1}{2}$ OF THE SE $\frac{1}{4}$ OF SECTION 8, T1S, R8E, B.H.M.,
AND THE W $\frac{1}{2}$ OF THE SW $\frac{1}{4}$ OF SECTION 9, T1S, R8E, B.H.M.,
PENNINGTON COUNTY, SOUTH DAKOTA**

Pursuant to SDCL 11-2-31 and 11-2-32, the developer of the proposed plat shall be responsible for providing any copies of the plat, including any corrections, located adjacent to or within each plat and from public access areas from such subdivision and shall in possession of such plat, maintain and keep a record of the plat in the South Dakota Department of Environment and Natural Resources relating to the same.



CERTIFICATE OF OWNERSHIP
State of South Dakota
County of Pennington s.s.

I, Jennifer K. Landwehr, do hereby certify that I am a member of DOUBLE L PROPERTIES, L.L.C., in possession of the survey of the land shown and described herein that the survey was done at my request for the purposes indicated herein and that I do hereby approve the survey and within part of said land and that the development of this land shall conform to all zoning, applicable zoning, subdivision, and zoning and without 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 shown, however, but such dedication shall not be construed to be a donation of the fee of such land.

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

Owner DOUBLE L PROPERTIES, L.L.C.

Jennifer K. Landwehr, member

On the _____ day of _____, 20____ before me, a Notary Public, personally appeared _____ known to me to be the person(s) described in the foregoing instrument and acknowledged to me that they signed the same.

Notary Public: _____
My Commission Expires: _____

CERTIFICATE OF PLANNING DIRECTOR
State of South Dakota
County of Pennington s.s.

I, Planning Director of Pennington County, have reviewed this plat and have found it to conform to all of the Subdivision requirements of the Pennington Subdivisions Regulations and, as such, I have approved this Plat as a Final Plat.

Dated this _____ day of _____, 20____

Planning Director of Pennington County

CERTIFICATE BY COUNTY AUDITOR (MINOR PLAT)
State of South Dakota
County of Pennington s.s.

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

Pennington County Auditor / Deputy

CERTIFICATE OF COMMUNITY PLANNING AND DEVELOPMENT SERVICES DIRECTOR

I, Community Planning and Development Services Director of the City of Rapid City, have reviewed this plat and have found it to conform to the subdivision requirements of Chapter 16.08.030 of the Rapid City Municipal Code and as such I have approved this as a Final Plat.

Dated this _____ day of _____, 20____

Community Planning and Development Services Director of the City of Rapid City

CERTIFICATE OF FINANCE OFFICER

I, Finance Officer of the City of Rapid City, do hereby certify that the Community Planning and Development Services Director of the City of Rapid City has approved this Final Plat as shown herein.

Dated this _____ day of _____, 20____

Finance Officer of the City of Rapid City

CERTIFICATE OF FINANCE OFFICER

I, Finance Officer of the City of Rapid City, do hereby certify that all special assessments which are due upon the within described lands are fully paid according to the records of my office.

Dated this _____ day of _____, 20____

Finance Officer of the City of Rapid City

CERTIFICATE OF SURVEYOR
State of South Dakota
County of Pennington s.s.

I, Jeffrey L. Jank, Registered Land Surveyor No. 11950 in the State of South Dakota, do hereby certify that all of the corner(s) listed herein, I have surveyed the tract of land shown, and to the best of my knowledge and belief, the within plat is a representation of said survey. Easements or restrictions of whatsoever record or public representations that are not shown to me are not shown herein.

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

Jeffrey L. Jank, Registered Land Surveyor Date

FLOODPLAIN STATEMENT
Floodplain Statement

The 100-year floodplain, as shown herein, is based on the elevation identified on Flood Insurance Rate Map Number 48033C0101E Effective Date June 3, 2013, or as originally depicted on said map it is unmodified areas. The floodplain information shown herein is not an indicative notice that certain flood hazards such as portions of the subject property. The location of the floodplain, as shown herein, may be subject to change.

CERTIFICATE OF DIRECTOR OF REGISTRATION

I, Director of Registration 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 Registration of Pennington County

APPROVED: _____
Director of Registration of Pennington County

CERTIFICATE OF HIGHWAY OR STREET AUTHORITY

The location of the proposed lot lines abutting the County or State Highway, or the County Road, as shown herein, is hereby approved. Any change in the location of the proposed access shall require additional approval.

Dated this _____ day of _____, 20____

Highway Authority Pennington County

CERTIFICATE OF HIGHWAY OR STREET AUTHORITY

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

Dated this _____ day of _____, 20____

Highway/Street Authority

CERTIFICATE OF COUNTY TREASURER

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

Dated this _____ day of _____, 20____

Treasurer of Pennington County

CERTIFICATE OF REGISTER OF DEEDS

State of South Dakota
County of Pennington s.s.

Filed this _____ day of _____, 20____, at _____ o'clock _____ p.m.

In Document No. _____

Register of Deeds Fee: \$ _____

STAFF REPORT

GENERAL INFORMATION:

REQUEST: LAYOUT PLAT / LPL 19-29: To combine two lots to create Lot 6R, Block 10, The Ranch at Black Gap in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

APPLICANT: Jeremiah and Trista Vlcek

APPLICANT ADDRESS: 22673 Highway 385, Rapid City, SD 57702

LEGAL DESCRIPTION: **EXISTING LEGAL:** Lots 6 and 7, Block 10, The Ranch at Black Gap, Section 9, T1S, R8E, BHM, Pennington County, South Dakota.
PROPOSED LEGAL: Lots 6R, Block 10, The Ranch at Black Gap, Section 9, T1S, R8E, BHM, Pennington County, South Dakota

SITE LOCATION: 11540 Night Wind Court; near the corner of Black Gap Road and Night Wind Court.

SIZE: 2.06 acres

TAX ID: 57547 / 57548

EXISTING LAND USE: Vacant / Residential

SUBDIVISION REGULATIONS REFERENCE: § 400.1

CURRENT ZONING: Planned Unit Development District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Flat

UTILITIES: Private

REPORT BY: Kristina Proietti

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending approval of Layout Plat / PL 19-29 with six (6) conditions.

II. GENERAL DESCRIPTION

- A. The applicants, Jeremiah and Trista Vlcek, applied for a Layout Plat to consolidate two (2) existing lots into one (1) lot to create a larger building envelope on their land.

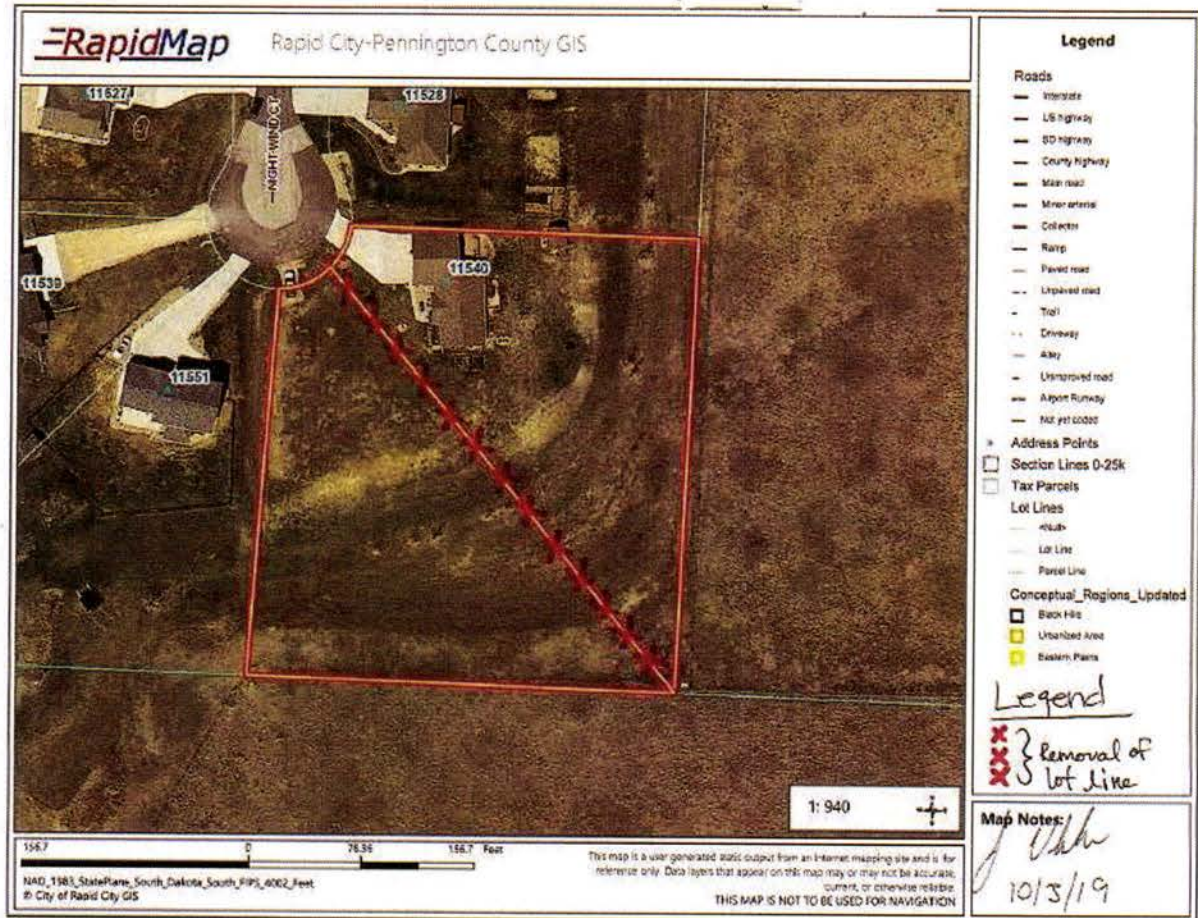
III. EXISTING CONDITIONS

- A. Zoned Planned Unit Development.
- B. Lot size:
 - 1. Lot 6 is 1.03 acres
 - 2. Lot 7 is 1.03 acres.
- C. Located within the Ranch at Black Gap Road District.
- D. No Special Flood Hazard Area present.
- E. Access is taken off of Night Wind Court.
- F. Lot 6 contains:
 - 1. Vacant.
- G. Lot 7 contains:
 - 1. Single-family residence, County Building Permit / 2006COBP0395.
 - 2. On-site Wastewater Treatment System Construction Permit / 2006COSD0103.
 - a. On-Site Wastewater Treatment System Operating Permit / COOP19-0744.

IV. PROPOSED LOT

- A. 2.06 acres ±
- B. Lot 6R, Block 10 of The Ranch at Black Gap, Section 9, T1S, R08E, BHM, Pennington County, South Dakota.

Agenda Item #16
 Jeremiah and Trista Vlcek
 October 14, 2019



Proposed lot configuration.

V. REQUEST FOR COMMENT

- A. County Highway Department
 - 1. Highway Department has no comments since this is in the Ranch at Black Gap Road District.
- B. County Environmental Planning Supervisor
 - 1. There is o Special Flood Hazard Area on the subject property.
 - 2. An Operating Permit has been issued for the Onsite Wastewater Treatment System (COOP19-0744).
- C. County Onsite Wastewater Specialist
 - 1. The applicant currently has an approved septic permit (2006COSD0103) and a valid Operating Permit (COOP19-0744). According to the USDA Web Soil Survey the soils are classified as “Very Limited”. If the applicant decides to install a new septic system all rules of Pennington County Zoning Ordinance 204-J must be followed.
- D. County Ordinance Enforcement Officer
 - 1. No violations that I’m aware of.
- E. County Addressing Coordinator
 - 1. No addressing concerns at this time. All current and future addresses must be posted in accordance with Pennington County Ordinance #20.
- F. Register of Deeds
 - 1. Proposed legal description is acceptable.
- G. Department of Equalization
 - 1. Looks fine.
- H. Black Hills Electric Cooperative
 - 1. Black Hills Electric Cooperative has no concerns with this layout plat.

VI. ANALYSIS

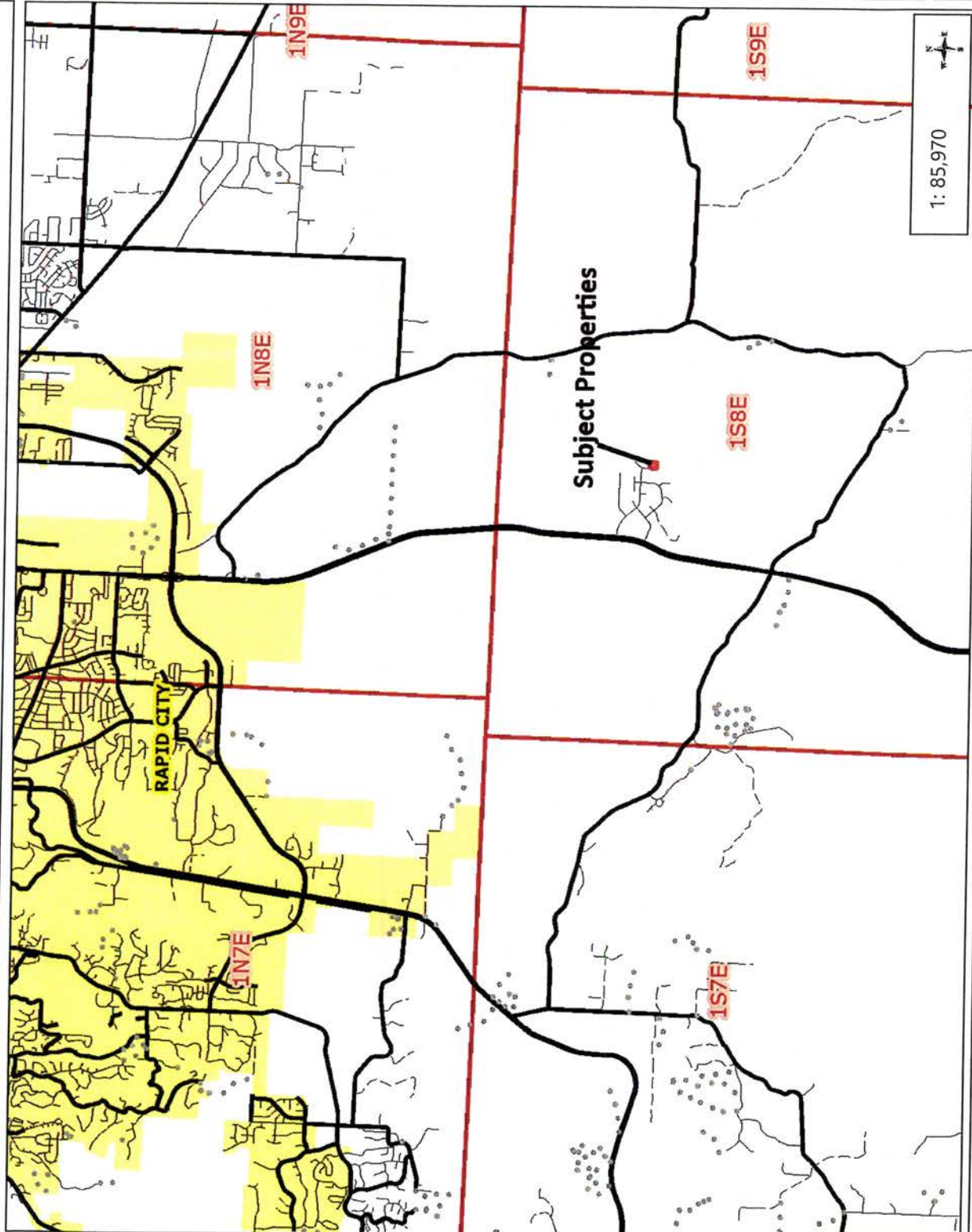
- A. August 27, 2019 - The applicants applied for Layout Plat / PL 19-29.
- B. The applicant’s request is to combine both parcels into one lot, which if approved, will decrease density within the Black Gap Subdivision.
- C. For the purposes of a Layout Plat, Staff finds no significant issues with the applicant’s request.
 - 1. A Layout Plat is an informal preliminary review of the proposed subdivision for general scope and conditions, which might affect the plat.

RECOMMENDATION: Staff recommends approval of Layout Plat / PL 19-29 with the following six (6) conditions:

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

Agenda Item #16
Jeremiah and Trista Vlcek
October 14, 2019

2. That at the time of the Minor Plat application submittal, the proposed Plat be prepared by a Registered Land Surveyor;
3. 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;
4. That at the time of the Minor Plat application submittal, the prepared plat has a note stating that prior to obtaining a building permit each lot must identify two (2) Onsite Wastewater Systems with accompanying percolation tests and soil profiles for each location, see book 29, page 164.
5. That the applicant ensures that all natural drainage ways are maintained and are not blocked; and,
6. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.



1: 85,970

14,328.4 0 7,164.18 14,328.4 Feet

NAD_1983_StatePlane_South_Dakota_South_FIPS_4002_Feet
© City of Rapid City GIS

Legend

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

Map Notes:

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THIS MAP IS NOT TO BE USED FOR NAVIGATION



1: 5,104

850.7

0 425.37 850.7 Feet

NAD_1983_StatePlane_South_Dakota_South_FIPS_4002_Feet
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Legend

Roads

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

Section Lines 0-25k

- 0
- 7

Tax Parcels

Lot Lines

- <Null>
- Lot Line
- Parcel Line

Pennington County Zoning

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

Map Notes:



1: 5,104



Legend

- Roads**
- Interstate
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Section Lines 0-25k

- 0
- 7

Tax Parcels

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

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850.7 Feet

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NAD_1983_StatePlane_South_Dakota_South_FIPS_4002_Feet

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1: 940



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Legend

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 - Alley
 - Unimproved road
 - Airport Runway
 - Not yet coded
- Address Points
- Section Lines 0-25k
- Tax Parcels
- Lot Lines
 - <Null>
 - Lot Line
 - Parcel Line
- Conceptual_Regions_Updated
 - Black Hills
 - Urbanized Area
 - Eastern Plains

Legend

Red X's } Removal of lot line

Map Notes:

J. Johnson
 10/3/19

STAFF REPORT

GENERAL INFORMATION:

REQUEST: REZONE / RZ 19-13 AND COMPREHENSIVE PLAN AMENDMENT / CA 19-13: To rezone 3.02 acres from Planned Unit Development to Low Density Residential District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Planned Unit Development Sensitive to Low Density Residential District in accordance with Sections 207, 213, and 508 of the Pennington County Zoning Ordinance.

APPLICANT: Leslie McGourty

APPLICANT ADDRESS: 24294 Metz Road, Keystone, SD 57751

LEGAL DESCRIPTION: Lot 1, Voshall Addition, Section 10, T2S, R6E, BHM, Pennington County, South Dakota.

SITE LOCATION: 24294 Metz Road; east of Keystone located along Highway 40.

SIZE: 3.02 acres

TAX ID: 62475

EXISTING LAND USE: Residential

ZONING REFERENCE: §§ 207, 213, and 508

CURRENT ZONING: Planned Unit Development District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Flat

UTILITIES: Private

REPORT BY: Cassie Bolstad

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending approval of Rezone / RZ 19-13 and Comprehensive Plan Amendment / CA 19-13.

II. GENERAL DESCRIPTION

- A. The applicant, Leslie McGourty, is requesting to rezone 3.02 acres from Planned Unit Development to Low Density Residential District.
B. The applicant is also requesting the change the Future Land Use from Planned Unit Development Sensitive to Low Density Residential.

III. EXISTING CONDITIONS

- A. Zoned Planned Unit Development (PU 08-01).
B. 3.02 acres.
C. Access off of Metz Road via a 16-foot-wide platted Access Easement (Plat Book 12, Page 146).
D. Lot contains:
1. Single-wide mobile home – 1964 per Department of Equalization (DOE) records.
a. New roof – COBP19-0207.
2. Two (2) outbuildings that appear to have been on the property prior to 1994, per aerial photos.
a. Not listed on DOE Property Record Card.
3. On-site wastewater treatment system – Operating Permit COOP15-0509).
E. Special Flood Hazard Area (100-year floodplain) covers the property.



1991-1998 RapidMap Aerial



Existing lot - floodplain

IV. PLANNED UNIT DEVELOPMENT / PU 08-01

- A. April 15, 2008 – Board of Commissioners approved Planned Unit Development / PU 08-01 to rezone 3.02 acres from Limited Agriculture District to Planned Unit Development to allow three existing mobile homes, a home occupation, and outbuilding with sixteen (16) conditions.
- B. PU 08-01 was reviewed and approved by the Board of Commissioners on October 20, 2009; November 1, 2011; November 5, 2013; and most recently on November 7, 2017, with the following nine (9) conditions:
 1. That this Planned Unit Development allows for a 3.02 acre parcel with no more than three mobile homes and existing outbuildings;
 2. That if, at any time, one of the mobile homes becomes uninhabitable, the property owner must remove it immediately;
 3. That approval of this Planned Unit Development does not hold Pennington County liable for any damages and/or losses during the event of a flood;
 4. That this Planned Unit Development be valid only for the current existing uses; any expansion or change that requires a Building Permit, the property must be rezoned;
 5. That each mobile home be addressed and the addresses must be posted per Ordinance 20 Standards at both the road and driveway;
 6. That a Floodplain Development Permit be obtained prior to the placement of any structure within the boundaries of the 100-year floodplain;
 7. That the property remains free of debris and junk vehicles;
 8. That a minimum of four (4) off-street parking spaces be provided and that each parking space shall not be less than one hundred sixty two square feet, or nine feet by eighteen feet, surfaced with gravel,

concrete or asphalt and maintained in such a manner that no dust will result from continuous use; and,

9. That the 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 ensure all Conditions of Approval are being met.

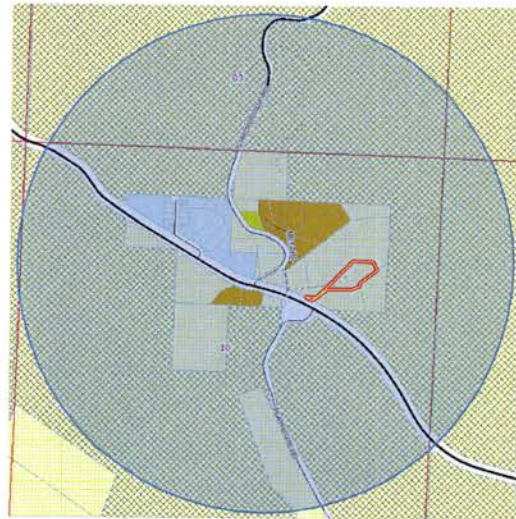
V. CURRENT ZONING WITHIN ½ MILE OF THE SUBJECT PROPERTY

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



VI. FUTURE LAND USE WITHIN ½ MILE OF THE SUBJECT PROPERTY

- A. Suburban Residential District
- B. Low Density Residential District
- C. Planned Unit Development
- D. PUD Sensitive
- E. Public Land



VII. REQUEST FOR COMMENT

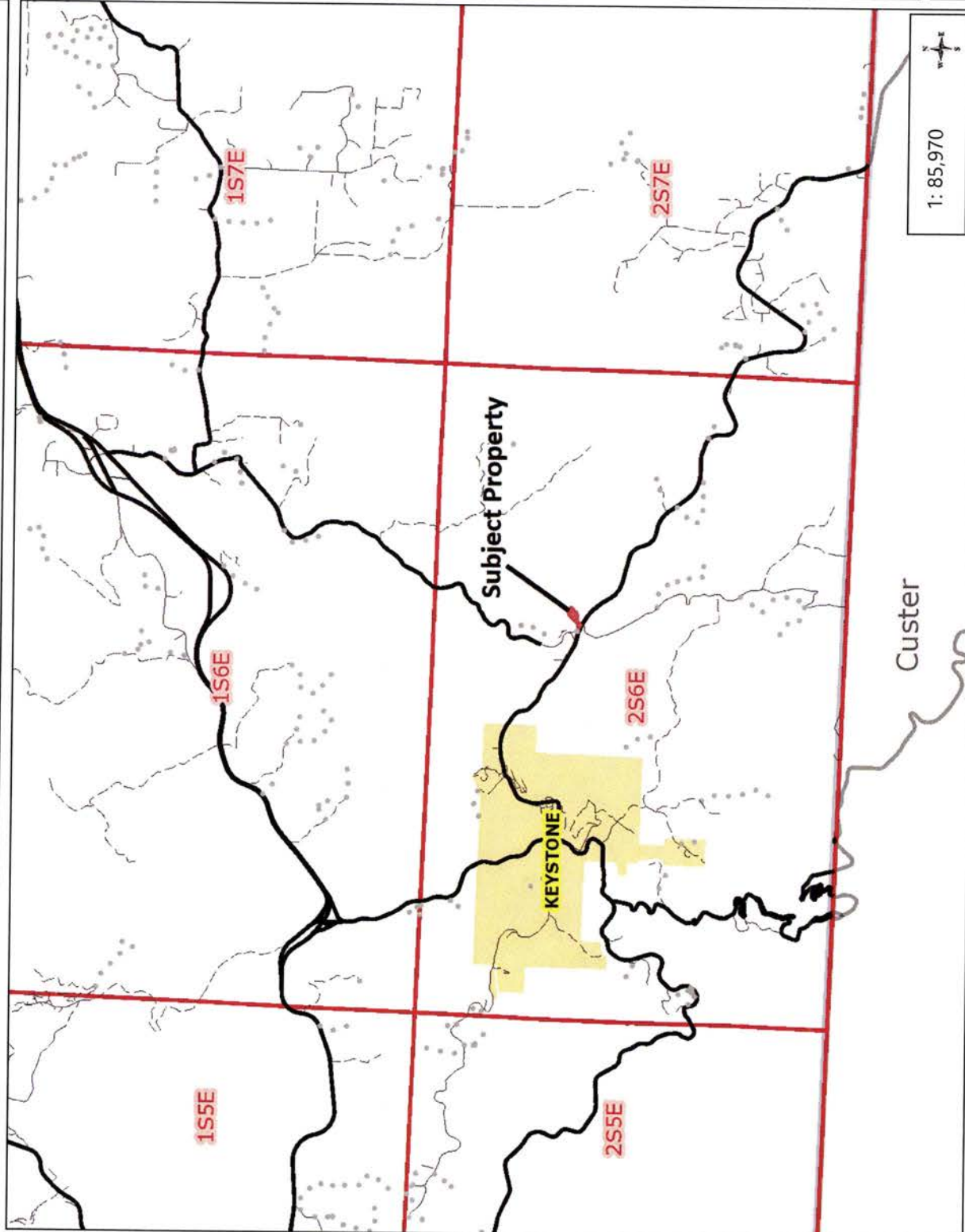
- A. County Highway Department
 1. Highway Department has no comments.
- B. County Fire Administrator
 1. No comments received.

- C. County Professional Environmental Planner
 - 1. There is Special Flood Hazard Area (SFHA) on the subject property. A Floodplain Development Permit is required prior to any disturbance within the SFHA.
- D. County Onsite Wastewater Specialist
 - 1. According to the USDA Web Soil Survey, the soils are classified as "Very Limited". The applicant also has a current Operating Permit (COOP15-0509). I have no further concerns.
- E. County Ordinance Enforcement
 - 1. No active ordinance violations on record.
- F. County Addressing Coordinator
 - 1. No addressing concerns at this time. Future addresses will be assigned/removed during the Building Permit application process. Once assigned, addressees must be posted in accordance with Pennington County Ordinance #20.
- G. Emergency Services (9-1-1)
 - 1. No comments received.

VIII. ANALYSIS

- A. November 9, 2017 – The applicant purchased the property (Deed # 201715616).
- B. April 24, 2019 – Building Permit / COBP19-0207 was approved to remove one (1) single-wide mobile home from the subject property.
 - 1. Addressed as 24290 Metz Road.
- C. September 9, 2019 – Building Permit / COBP19-0443 was approved to remove a second single-wide mobile home from the subject property.
 - 1. Addressed as 24298 Metz Road.
- D. Only one (1) single-wide mobile home and outbuildings remain on the subject property.
- E. Since the applicant has removed two (2) mobile homes from the subject property, the existing Planned Unit Development is no longer applicable.
- F. August 23, 2019 – The applicant applied to rezone the subject property from Planned Unit Development to Low Density Residential.
 - 1. The applicant stated the reason for the rezone is the existing Planned Unit Development is too restrictive.
- G. The applicant is also requesting to change the Future Land Use to coincide with the rezone request.
- H. The applicant's requests appear to be in harmony with the surrounding zoning and land uses in the area.

RECOMMENDATION: Staff recommends approval of Rezone / RZ 19-13 and Comprehensive Plan Amendment / CA 19-13.



1: 85,970

14,328.4 0 7,164.18 14,328.4 Feet

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

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Legend

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

Map Notes:



1: 4,203



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Legend

Roads

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- Alley
- Unimproved road
- Airport Runway
- Not yet coded

Section Lines 0-25k

- 0
- 7

Tax Parcels

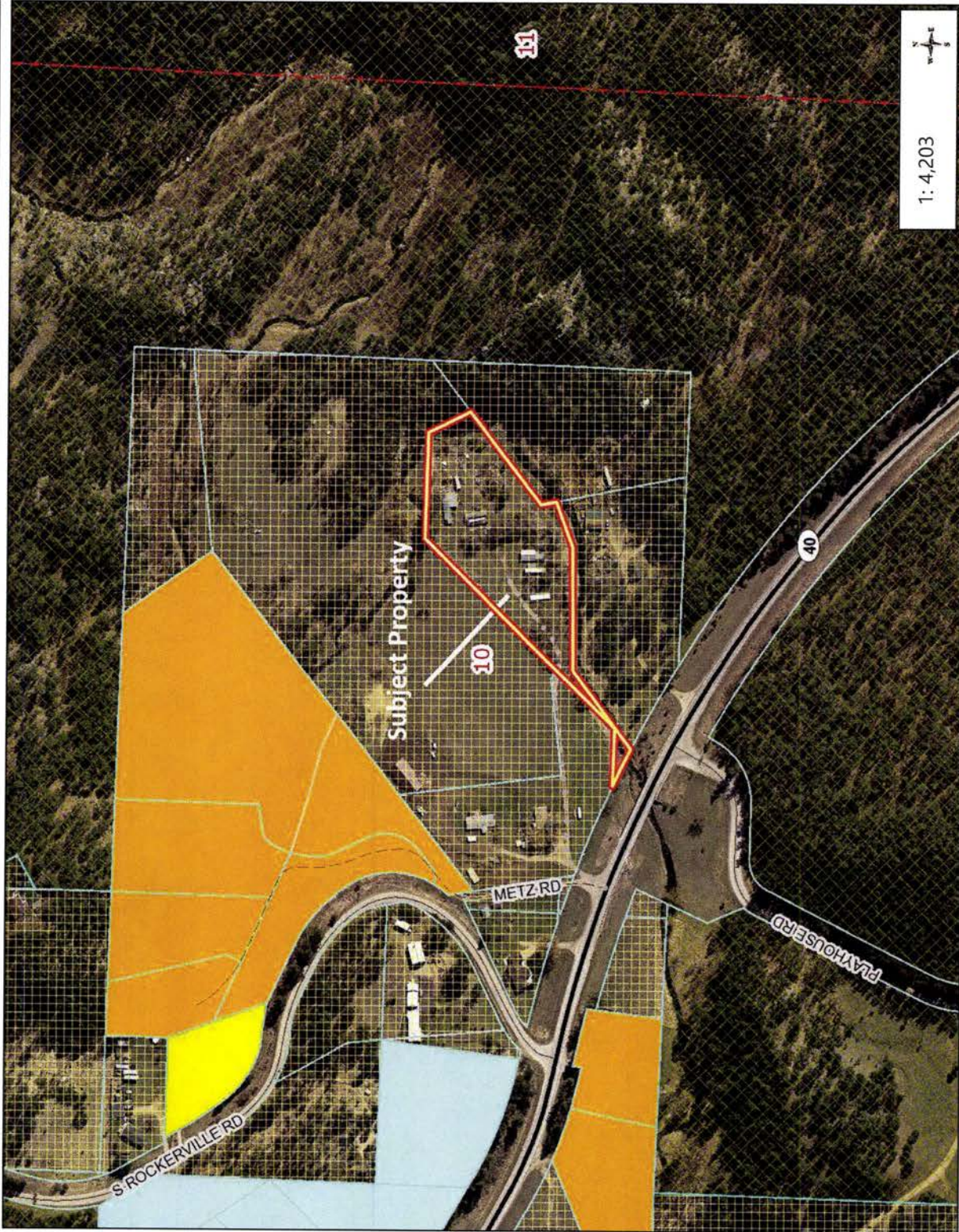
Lot Lines

- <Null>
- Lot Line
- Parcel Line

Pennington County Zoning

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

Map Notes:



Legend

Roads

- Interstate
- US highway
- SD highway
- County highway
- Main road
- Minor arterial
- Collector
- Ramp
- Paved road
- Unpaved road
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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 FLU

- NO CODE
- GENERAL AGRICULTURE
- LIMITED AGRICULTURE
- LOW DENSITY RESIDENTIAL
- SUBURBAN RESIDENTIAL
- PLANNED UNIT DEVELOPMENT
- HIGHWAY SERVICE
- GENFRAI COMMERCIAL

Map Notes:

1: 4,203

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1:4,203

700.5 0 350.26 700.5 Feet

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

Map Notes:

STAFF REPORT

GENERAL INFORMATION:

REQUEST: CONSTRUCTION PERMIT REVIEW / CP 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
	Low Density Residential
East	Heavy Industrial District
	General Agriculture District
West	Heavy Industrial District

PHYSICAL CHARACTERISTICS: Flat / Prairie

UTILITIES: None

REPORT BY: Cody Sack

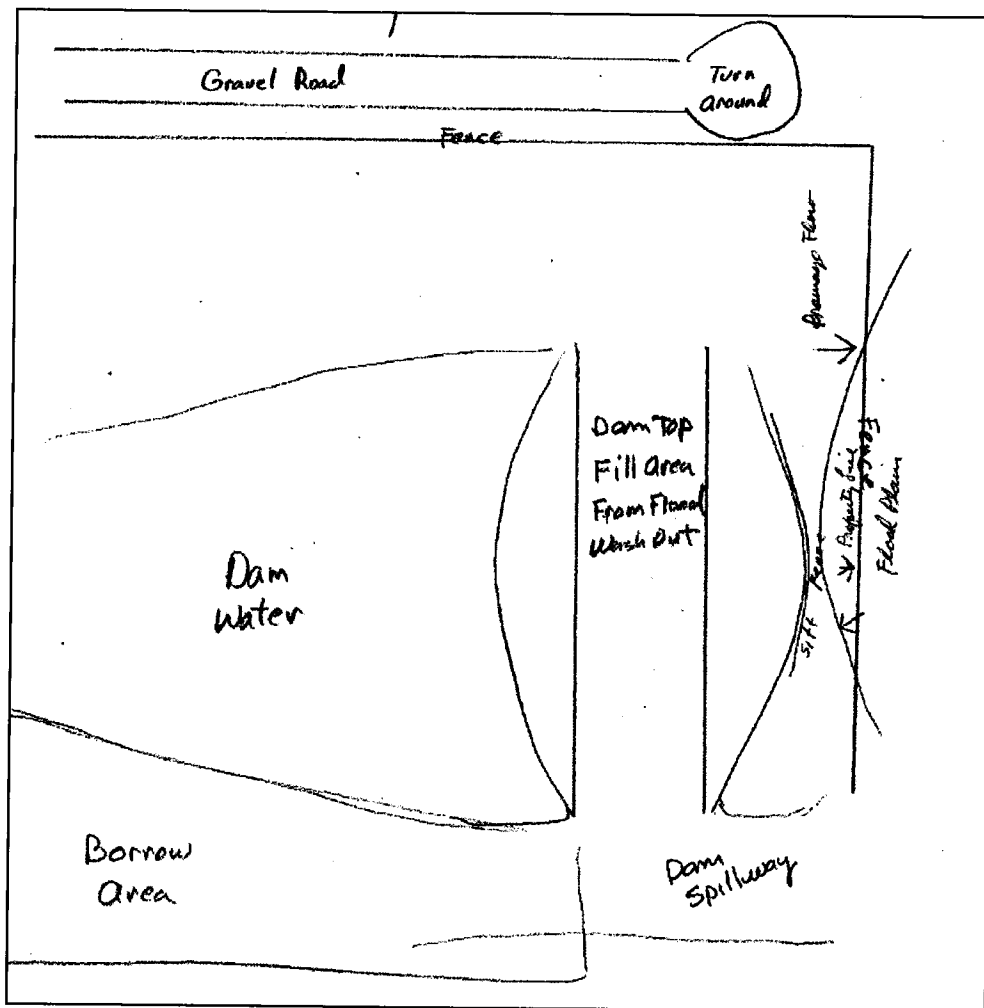
**** Staff is requesting public input on this request. The Planning Director will consider public input from private citizens, the applicant and the Planning Commission, in addition to information provided within this Staff Report, when rendering a decision on Construction Permit / CP 19-08. ****

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.
- E. September 23, 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 October 14, 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. Access off of S. Highway 79.
- E. Floodplain Development Permit (FP19-26).
- F. Parking Area (COCP15-0012).

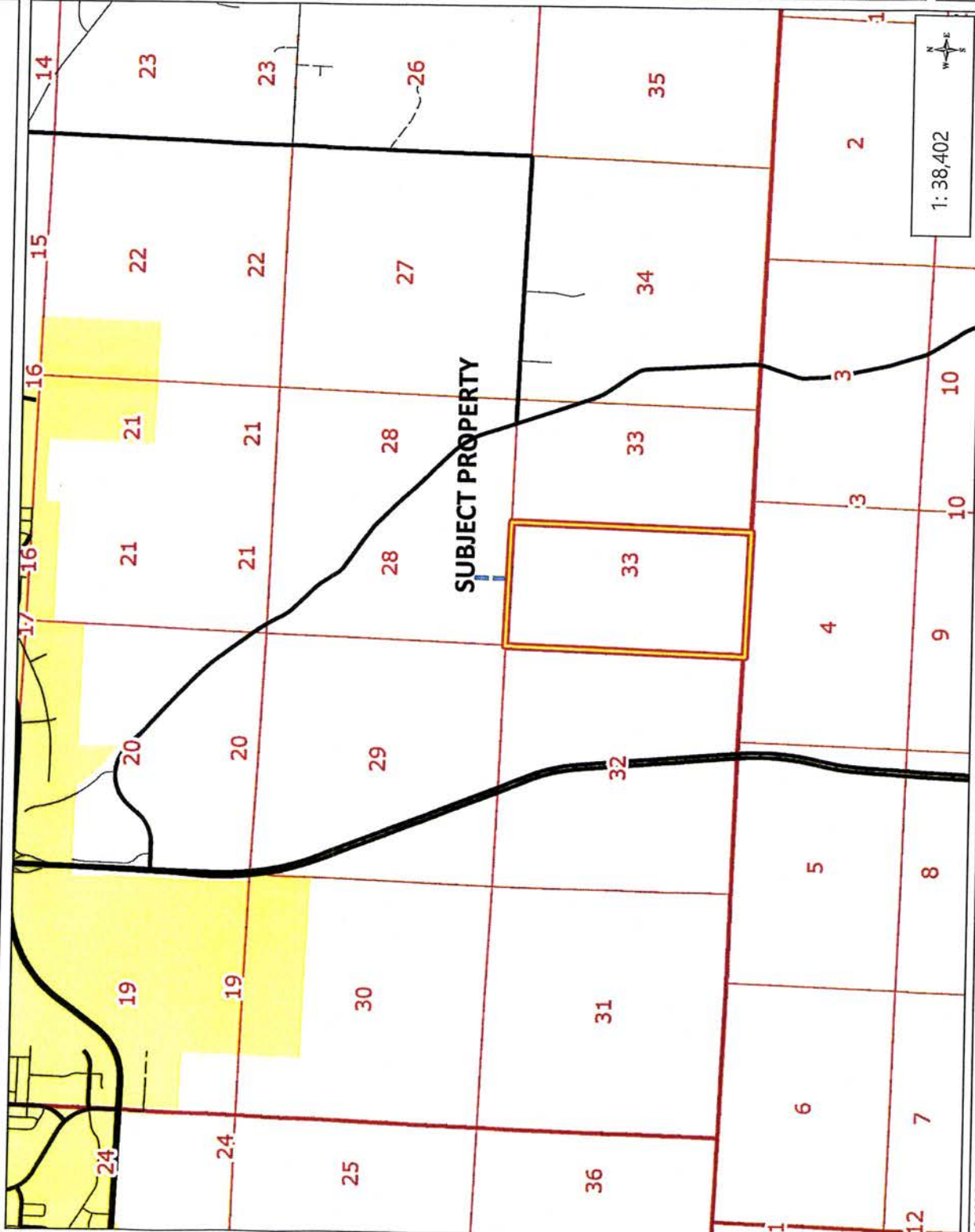
Agenda Item #18
Mitch Morris
October 14, 2019

IV. ANALYSIS

- A. October 25, 2019 – Staff spoke with the agent for Pat Hall who stated:
 - 1. The owner of the property is working on getting an engineered report for the increase in the size of the spillway and having the applicant sign the Statement of Understanding.
- B. At the time of this staff report, Conditions #3 and #5 have not been met.

RECOMMENDATION: Staff is recommending the Planning Director continue Construction Permit / CP 19-08 to the October 28, 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;
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 November 12, 2019 Planning Commission meeting or as directed by the Planning Director.



Legend

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

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1: 7,432

1,238.6 0 619.30 1,238.6 Feet

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

Map Notes:

STAFF REPORT

GENERAL INFORMATION:

REQUEST: CONSTRUCTION PERMIT REVIEW / CP 19-09: To review the improvement of the drainage around Rapid Valley Elementary School.

APPLICANT: Rangel Construction Company

APPLICANT ADDRESS: 2626 W. Main St., Ste. 3, Rapid City, SD 57702

LANDOWNER: Rapid City Area School District

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

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

SITE LOCATION: 2601 Covington Street

SIZE: 15.00 acres

EXISTING LAND USE: School

TAX ID: 18735

ZONING REFERENCE: Section 208 and 507

CURRENT ZONING: Suburban Residential District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Flat

UTILITIES: Public

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 19-09.****

I. PROPOSED RECOMMENDATION: Staff will be recommending to continue the review of Construction Permit / CP 19-09 with thirteen (13) conditions.

II. GENERAL DESCRIPTION

- A. The applicant, Rangel Construction Company, applied for a Construction Permit to improve the drainage around Rapid Valley Elementary School.
- B. See attached site plan and engineered plans.
- C. July 8, 2019 – Construction Permit / CP 19-09 was heard in front of the Planning Commission for public comment. Staff recommended that the Planning Director approve Construction Permit 19-09 with the following fourteen (14) conditions:
 - 1. That erosion control measures are implemented immediately and maintained until the site has been revegetated in accordance with § 507(A)(5)(c) of the PCZO;
 - 2. That the Conditions of the Approval of the South Dakota Department of Environment and Natural Resources General Permits for Storm Water Discharges Associated with Construction Activities be continually met;
 - 3. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;
 - 4. That the owner or designee must inspect the site at least once every 7 calendar days or every 14 calendar days and within 24 hours of the end of a storm event that exceeds 0.25 inches or snowmelt that generates runoff. A properly maintained rain gauge must be kept on the site. Inspection reports must be submitted to the Planning Director every month during construction;
 - 5. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;
 - 6. That all-natural drainage ways and paths be continually maintained;
 - 7. That sediment from the site is contained in such a manner that sediment does not reach or fill the drainage. If sediment is deposited in the drainage from the construction activity, the owner will be responsible for the removal of sediment from the drainage immediately after being notified or as discovered by the owner during weekly inspections;

8. That failure of the owner or designee to submit Inspection Reports, as required, shall result in the immediate issuance of a Stop Work Order and a review by the Planning Commission to determine if all Conditions of Approval are being met;
9. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;
10. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than 14 days after the Construction Activity has stopped. All erosion control methods (mulch and seed) need to be certified noxious weed-free;
11. That the disturbed areas be re-vegetated as required in § 507(A)(5)(c) of the PCZO;
12. That prior to the Planning Director's approval, the applicant pay a penalty fee in accordance with § 511(W)(2) of the PCZO;
13. That the applicant signs a Statement of Understanding within ten (10) days of approval; and
14. That this Construction Permit be reviewed in three (3) months, or as directed by the Planning Director.

III. EXISTING CONDITIONS

- A. Zoned Suburban Residential District.
- B. 15 acres.
- C. No Special Flood Plain Hazard Area.
- D. Lot contains:
 1. Elementary School (BP #6301 from 1984))
 2. Ball Wall (COBP95-0163).
 3. Shed (COBP11-0460).
 4. Free standing, on-premise sign (COSP13-0001).
 5. COEV19-0052 – work without an approved Construction Permit.
 - a. Closed.

IV. ANALYSIS

- A. The total area to be disturbed is approximately 0.69 acre.
- B. October 3, 2019 – Staff performed a site visit and found:
 1. The construction appeared to have been completed.
 2. Staff could not verify that final stabilization has taken place.
- C. The disturbed areas will need to be revegetated in accordance with §507(A)(5)(c) of the Pennington County Zoning Ordinance (PCZO).
- D. Staff has not received any inspection reports from the applicant or landowner.

RECOMMENDATION TO THE PLANNING DIRECTOR: Staff is recommending that the Planning Director continue the review of Construction Permit / CP 19-09 with the following thirteen (13) conditions:

1. That erosion control measures are implemented *immediately* and maintained until the site has been revegetated in accordance with § 507(A)(5)(c) of the PCZO;
2. That the Conditions of the Approval of the South Dakota Department of Environment and Natural Resources General Permits for Storm Water Discharges Associated with Construction Activities be continually met;
3. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;
4. That the owner or designee must inspect the site at least once every 7 calendar days or every 14 calendar days and within 24 hours of the end of a storm event that exceeds 0.25 inches or snowmelt that generates runoff. A properly maintained rain gauge must be kept on the site. Inspection reports must be submitted to the Planning Director every month during construction;
5. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;
6. That all-natural drainage ways and paths be continually maintained;
7. That sediment from the site is contained in such a manner that sediment does not reach or fill the drainage. If sediment is deposited in the drainage from the construction activity, the owner will be responsible for the removal of sediment from the drainage *immediately* after being notified or as discovered by the owner during weekly inspections;
8. That failure of the owner or designee to submit Inspection Reports, as required, shall result in the immediate issuance of a Stop Work Order and a review by the Planning Commission to determine if all Conditions of Approval are being met;
9. That all inspection reports since July 8, 2019 be submitted to the Planning Department for review on or by October 31, 2019
10. 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;
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

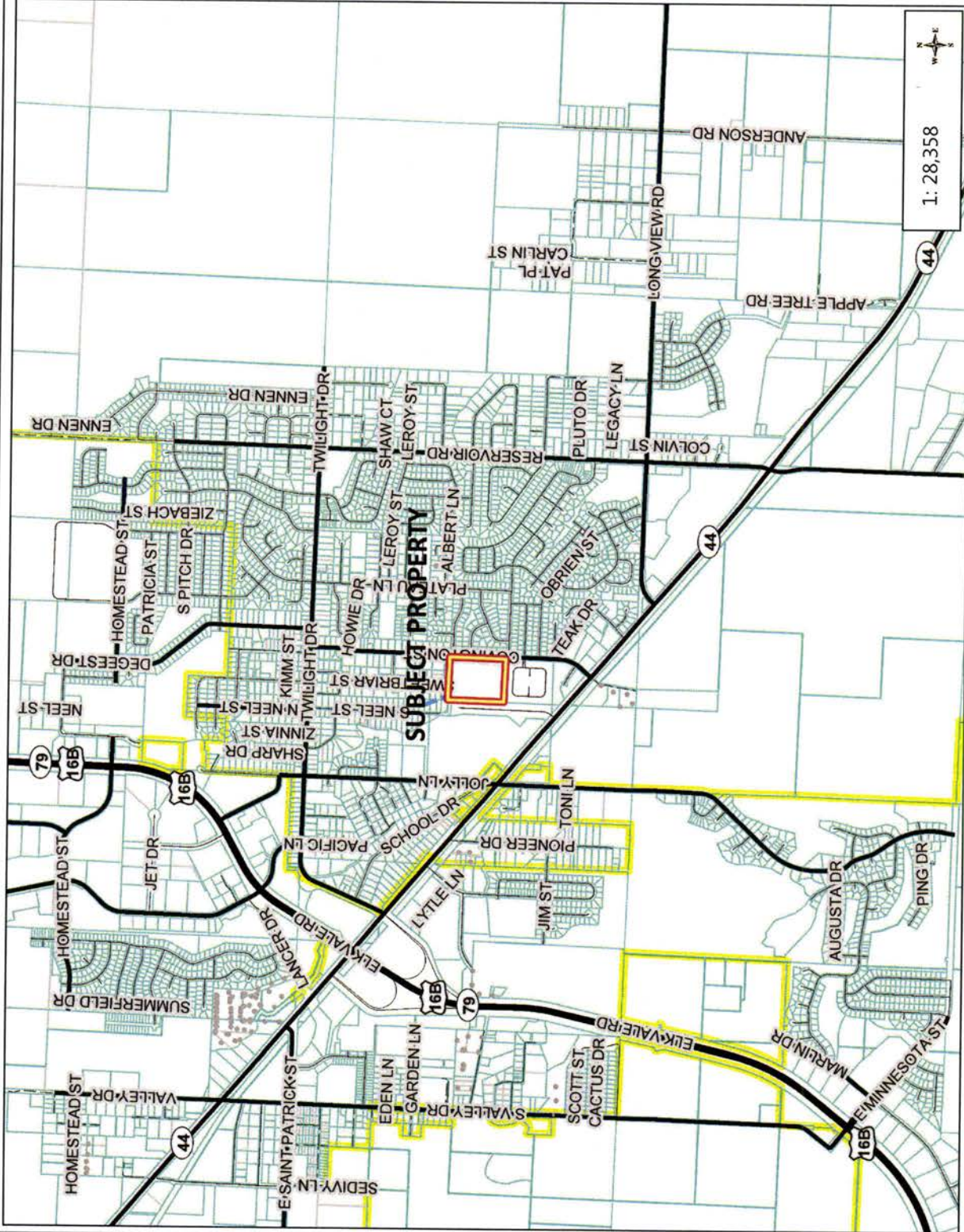
Agenda Item #19
Rangel Construction Company
October 14, 2019

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 the disturbed areas be re-vegetated as required in § 507(A)(5)(c) of the PCZO;
13. That this Construction Permit be reviewed at the November 12, 2019 Planning Commission meeting, or as directed by the Planning Director.

Legend

- Roads**
- Interstate
- US highway
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- County highway
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- Section Lines 0-25k
- 0
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- Section Labels 0-25k
- Tax Parcels
- Lot Lines
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1: 28,358



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Map Notes:



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▲ Address Points

Section Lines 0-25K

- 0
- 7

□ Tax Parcels

— Lot Lines

- <Null>
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- Parcel Line

Map Notes:

1: 2,400