

**AGENDA**  
**PENNINGTON COUNTY PLANNING COMMISSION**  
**October 28, 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 OCTOBER 14, 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 98-10:** Hard Rock Investments, LLC. To review a well drilling business and accessory exterior equipment and material storage in a Highway Service District in accordance with Sections 210-C and 510 of the Pennington County Zoning Ordinance.

Lot A of Lot 7, Block 2, Original Town of Deadbroke, Section 1, T2S, R4E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 98-10 with seven (7) conditions.

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

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

To recommend approval of the extension of Conditional Use Permit / CU 01-01 with seventeen (17) conditions.

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

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

(Continued from the September 23, 2019, Planning Commission meeting.)

To recommend to end Conditional Use Permit / CU 15-14, as it is no longer needed.

6. **CONDITIONAL USE PERMIT REVIEW / CU 17-40:** Richard Burton. To review a caretaker's residence on the subject property in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

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

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

To recommend to end Conditional Use Permit / CU 17-40 with the applicant's concurrence.

7. **CONDITIONAL USE PERMIT REVIEW / CU 17-42:** Kyle and Kristina Volmer. To review living in a Recreational Vehicle while building a single-family residence on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

SE1/4 of GL4, Section 7, T1N, R13E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 17-42 with eleven (11) conditions.

8. **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 September 23, 2019, Planning Commission meeting.)

To recommend to continue the review of Conditional Use Permit / CU 18-10 to the April 27, 2020, Planning Commission meeting with one (1) condition.

9. **CONDITIONAL USE PERMIT REVIEW / CU 18-37:** Glenn and Debbie Lepp. To review an Alpaca Guest Ranch and store on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

PT S1/2E1/4 N of Highway, Section 35, T1N, R9E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 18-37 with eleven (11) conditions.

10. **CONDITIONAL USE PERMIT REVIEW / CU 18-39:** Michael Busetti; Rob Livingston – Agent. To review an existing single-family residence to be used as a Vacation Home Rental in a Low Density Residential District in accordance with Sections 207, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 5, Gold Mountain Subdivision, Section 14, T1S, R4E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 18-39 with fifteen (15) conditions.

11. **CONDITIONAL USE PERMIT REVIEW / CU 18-40:** Eli Rodolph / Rodolph Investments. To review an accessory structure (pole barn building) prior to a principal structure on the subject property in a Highway Service District in accordance with Sections 210 and 510 of the Pennington County Zoning Ordinance.

Lot 2, Pankratz Subdivision, Section 22, T1S, R6E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 18-40 with ten (10) conditions.

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

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

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

To recommend to continue the review of Planned Unit Development / PU 01-05 to no later than the December 16, 2019, Planning Commission meeting to allow time for Staff and the Landowners to meet and address the complaint and possible amendments to PU 01-05.

13. **PLANNED UNIT DEVELOPMENT / PU 19-05 AND MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 19-06:** To rezone 20.8 acres from Highway Service District and General Agriculture District to a Planned Unit Development and to amend an existing Planned Unit Development to allow for townhomes, apartments, and commercial businesses in accordance with Sections 205, 210, 213, and 508 of the Pennington County Zoning Ordinance.

(Rezone) W1/2SE1/4SE1/4 South of Hwy 16 Westboundless Lot A, Less Lot 1, and Less ROW; E1/2SE1/4SE1/4 South of Hwy 16 Westbound Less ROW; and That Part of the SW1/4SW1/4 lying S of Hwy 16 and W of CO RD, Sections 13 and 14, T1S, R6E, BHM, Pennington County, South Dakota.

(Major PUD Amendment) W1/2SE1/4SE1/4 South of Hwy 16 Westboundless Lot A, Less Lot 1, and Less ROW; E1/2SE1/4SE1/4 South of Hwy 16 Westbound Less ROW; and That Part of the SW1/4SW1/4 lying S of Hwy 16 and W of CO RD; and Lots 6-15, Lot 17, Tract B-1 and Tract B-2; and Common Lot B of Rockerville Ghost Town Subdivision, Sections 13 and 14, T1S, R6E, BHM, Pennington County, South Dakota.

To recommend approval of the continuation of the hearing of Planned Unit Development / PU 19-05 and to recommend approval of the continuation of the hearing of Major Planned Unit Development Amendment / PU 19-06 with one (1) condition.

**END OF CONSENT AGENDA**

14. **MINOR PLAT / MPL 19-32:** Debra Legge; Fisk Land Surveying – Agent. To subdivide and create Lots 1 and 2 of Greyhound Gulch Subdivision in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 1 of Tract B including Lot A of Lot 1 of Tract B, HES #281, Section 15, T2S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1 and 2 of Greyhound Gulch Subdivision, Section 15, T2S, R6E, BHM, Pennington County, South Dakota.

15. **LAYOUT PLAT / LPL 19-36:** Par Properties / Paul Zweifel. To subdivide and create Lots 1, 2, and 3 of Par Properties Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: SE1/4SW1/4NE1/4, Section 27, T2N, R3E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1, 2, and 3 of Par Properties Subdivision, Section 27, T2N, R3E, BHM, Pennington County, South Dakota.

16. LAYOUT PLAT / LPL 19-37: Battle Creek Fire District. To subdivide and create Lots A and B of Rushmore Ranch Estates in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Tract Well, Rushmore Ranch Estates Subdivision, Section 17, T2S, R7E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots A and B of Rushmore Ranch Estates Subdivision, Section 17, T2S, R7E, BHM, Pennington County, South Dakota.

17. REZONE / RZ 19-15 AND COMPREHENSIVE PLAN AMENDMENT / CA 19-15: Harold Bies. To rezone 40.00 acres from General Agriculture District to Limited Agriculture District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Suburban Residential District to Limited Agriculture District in accordance with Sections 205, 206, 208, and 508 of the Pennington County Zoning Ordinance.

SW1/4NW1/4, Section 13, T1N, R8E, BHM, Pennington County, South Dakota.

18. MINOR PLAT / MPL 19-34: Jeffrey Scherr. To combine lots to create Lot D1 and Lot D2 of Lot 17, Fort Meade Placer 244 in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot D of Lot 17 of Fort Meade Placer MS 244; Lot 1 of Lot A of Lot 8 of Lot E of Big Bend Placer MS 1442; and, Lot B of Lot 8 of Lot E of Big Bend Placer MS 1442, all located in Section 8, T1S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot D1 and Lot D2 of Lot 17 of Fort Meade Placer 244, Section 8, T1S, R6E, BHM, Pennington County, South Dakota.

19. LAYOUT PLAT / LPL 19-35: Ken Willard; Fisk Land Surveying – Agent. To create Lots 1 and 2 of Willard Ranch Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

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

PROPOSED LEGAL: Lots 1 and 2 of Willard Ranch Subdivision, Section 28, T2N, R5E, BHM, Pennington County, South Dakota.

20. REZONE / RZ 19-14 AND COMPREHENSIVE PLAN AMENDMENT / CA 19-14: Ken Willard; Fisk Land Surveying – Agent. To rezone 8.82 acres from General Agriculture District to Low Density Residential District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Planned Unit Development Sensitive to Low Density Residential District in accordance with Sections 205, 207, and 508 of the Pennington County Zoning Ordinance.

A parcel of land located in the Northwest One-Quarter of the Southeast One-Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$ ) of Section Twenty-Eight (28), Township Two North (T2N), Range Five East (R5E) of the Black Hills Meridian (BHM), Pennington County, South Dakota and proposed as Lots 1 and 2 of Willard Ranch Subdivision and more particularly described as follows: Beginning at the northeast corner of said NW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 28, T2N, R5E, BHM, Pennington County, South Dakota, said point being marked by a USFS Aluminum Monument marked LS 3491; thence, South 33 degrees 40 minutes 46 seconds West a distance of 852.68 feet more or less to a point marked by a rebar with survey cap “RW Fisk 6565”; thence, North 42 degrees 18 minutes 36 seconds West a distance of 310.54 feet more or less to a point marked by a rebar with survey cap “RW Fisk 6565”; thence, North 37 degrees 15 minutes 34 seconds West a distance of 349.52 feet more or less to a point marked by a rebar with survey cap “RW Fisk 6565”; thence, North 42 degrees 12 minutes 53 seconds West a distance of 173.48 feet more or less to a point marked by a rebar with survey cap “RW Fisk 6565”; thence curving to the left on a curve with a radius of 240.00 feet, a delta of 15 degrees 52 minutes 16 seconds, and arc length of 66.48 feet and a chord bearing and distance of North 50 degrees 09 minutes 01 seconds West 66.27 feet more or less to a point marked by a rebar with survey cap “RW Fisk 6565”; thence, North 58 degrees 05 minutes 09 seconds West a distance of 59.73 feet more or less to a point on the east-west  $\frac{1}{4}$  section line and said point being marked by a rebar with survey cap “RW Fisk 6565”; thence, easterly along said  $\frac{1}{4}$  section line South 89 degrees 57 minutes 31 seconds East a distance of 1,111.64 feet more or less to the point of beginning. Said tract of land contains 8.82 acres more or less; Section 28, T2N, R5E, BHM, Pennington County, South Dakota; in accordance with Sections 205, 207, and 508 of the Pennington County Zoning Ordinance.

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

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

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

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

23. CONDITIONAL USE PERMIT / CU 19-26: Danny Kruse. To live in a Recreational Vehicle, stored within a pole barn, on the subject property in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot C, Kruse Subdivision, Section 18, T1N, R9E, BHM, Pennington County, South Dakota.

24. CONDITIONAL USE PERMIT / CU 19-27: Marilyn and Greg Bolt. To allow an existing single-family residence to be used as a Bed and Breakfast in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot 7, Back Road Subdivision, Section 22, T1S, R6E, BHM, Pennington County, South Dakota.

25. CONDITIONAL USE PERMIT / CU 19-28: R & J, LLC; Juston Eisenbraun – Agent. To allow a campground on the subject property to include RV hookups, cabin rentals, pool, office, laundry facilities, and additional outbuildings in a Highway Service District in accordance with Sections 210 and 510 of the Pennington County Zoning Ordinance.

Lot 1, Borglum Subdivision, Section 13, T1S, 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.

26. CONSTRUCTION PERMIT REVIEW / CP 17-13: Western Construction, Inc. To review a portable asphalt batch plant on the subject property, and to level and grade approximately 26 acres with berms and dust control ponds implemented on site.

S1/2NE1/4 Less Lot 1 of Blue Marlin Estates and Less Dedicated Row, Section 20, T2N, R8E, BHM, Pennington County, South Dakota.

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

28. CONSTRUCTION PERMIT REVIEW / CP 19-06: Pat and Emily Rowe. To review excavation of a pond and to use the dirt to level an area for a future barn.

PT Ray Smith Placer MS 995 S of HWY, Ray Smith Placer MS 995, Section 15, T1S, R4E, BHM, Pennington County, South Dakota.

29. CONSTRUCTION PERMIT REVIEW / CP 19-07: Fatter Boys, LLC / Bob Fuchs. To review adding fill and grading a low spot on the subject property.

Lot 1-3 less Lot 1A of Spring Creek Palisades, Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

30. CONSTRUCTION PERMIT / CP 19-15: Pat Hall. To repair and extend an existing road, to construct a new road, and to regrade and level portions of the subject property in accordance with Sections 209, 212, and 507 of the Pennington County Zoning Ordinance.

Lot 1 of NW1/4NE1/4; E1/2 of Lot A of NW1/4NE1/4; E1/2 of Lot A of E1/2NW1/4; NE1/4NE1/4; Lot 1 of SW1/4NE1/4; SE1/4NE1/4; Lot 1 of NW1/4SE1/4; NE1/4SE1/4; Lot 1 of SW1/4SE1/4; SE1/4SE1/4; and W1/2; all located in Sections 32 and 33, T1N, R8E, BHM, Pennington County, South Dakota.

31. CONSTRUCTION PERMIT / CP 19-16: Cody Taggert; Recreational Adventures – Owner. To grade, excavate, and demo areas within the Palmer Gulch KOA campground in accordance with Sections 210 and 507 of the Pennington County Zoning Ordinance.

Tract 1 of Tract B, Home Sweet Home Placer MS 804, Section 4, T2S, R5E, BHM, Pennington County, South Dakota.

#### **END OF CONSTRUCTION PERMIT AGENDA**

32. COUNTY BOARD REPORT

The Board of Commissioners will hear the Planning Commission's recommendations from the October 14<sup>th</sup> Planning Commission meeting at their Tuesday, November 5<sup>th</sup> meeting.



33. ITEMS FROM THE PUBLIC
34. ITEMS FROM THE STAFF
35. ITEMS FROM THE MEMBERSHIP
36. 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  
October 14, 2019 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Administration Building

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

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

ROLL CALL

1. APPROVAL OF THE SEPTEMBER 23, 2019, MINUTES  
**Moved by Runde and seconded by Lasseter to approve the Minutes of the September 23, 2019, Planning Commission meeting. Vote: unanimous 5 to 0.**

2. APPROVAL OF THE AGENDA  
**Moved by Drewes and seconded by Johnson to approve the Agenda of the October 14, 2019, Planning Commission meeting. Vote: unanimous 5 to 0.**

**Moved by Drewes and seconded by Lasseter to approve the Consent Agenda of the October 14, 2019, Planning Commission meeting, with the removal of Items #6 and #9. 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.

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 approve of 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;
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.

**Vote: unanimous 5 to 0.**

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 approve 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;
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.

**Vote: unanimous 5 to 0.**

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 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).

**Vote: unanimous 5 to 0.**

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 approve 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.**

**Vote: unanimous 5 to 0.**

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 approve of the extension 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.

**Vote: unanimous 5 to 0.**

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 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).

Vote: unanimous 5 to 0.

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 the following 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;
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.

**Vote: unanimous 5 to 0.**

**END OF CONSENT AGENDA**



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.

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

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

Discussion followed.

**Moved by Lasseter and seconded by Drewes to approve 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);
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.

All voting aye, the Motion carried 5 to 0.

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.

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

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

Discussion followed.

**Moved by Johnson and seconded by Lasseter to continue the hearing of the application for 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).**

**All voting, the Motion carried 4 to 1. Commissioner Runde voted no.**

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.)

Molitor reviewed the Staff Report indicating the applicant has applied for a Minor Plat to create Lots 1 and 2 of Thorstenson-Benson Ranch Subdivision

Staff recommended 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;

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.

Discussion followed.

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

All voting aye, the Motion carried 5 to 0.

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.

Conover reviewed the Staff Report indicating the applicant has applied for a Minor Plat to create Lots 8A and 8B of Collins Addition.

Staff recommended 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.

Discussion followed.

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

**All voting aye, the Motion carried 5 to 0.**

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.

Conover reviewed the Staff Report indicating the applicant has applied for a Minor Plat to create Lots 1 and 2 of Rand Lode Subdivision.

Staff recommended approval of Minor Plat / MPL 19-30 with the following seven (7) 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.

Discussion followed.

**Moved by Lasseter and seconded by Runde to approve of Minor Plat / MPL 19-30 with the following seven (7) 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.**

**All voting aye, the Motion carried 5 to 0.**

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.

Bolstad reviewed the Staff Report indicating the applicant has applied for a Minor Plat to create Lot 10, Block 3 of the Ranch at Black Ga.

Staff recommended 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;
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.

Discussion followed.

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

**All voting aye, the Motion carried 5 to 0.**

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.

Proietti reviewed the Staff Report indicating the applicant has applied for a Layout Plat to combine two lots to create Lot 6R, Block 10, The Ranch at Black Gap.

Staff recommended 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;
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.

Discussion followed.

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

All voting aye, the Motion carried 5 to 0.

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.

Bolstad reviewed the Staff Report indicating the applicant has applied for a Rezone and Comprehensive Plan Amendment 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.

Staff recommended approval of Rezone / RZ 19-13 and Comprehensive Plan Amendment / CA 19-13.

Discussion followed.

**Moved by Johnson and seconded by Lasseter to approve of Rezone / RZ 19-13 and Comprehensive Plan Amendment / CA 19-13.**

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.

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.)

Sack stated Staff recommended the Planning Director continue Construction Permit / CP 19-08 to the November 12, 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.

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.

Sack stated Staff recommended 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 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.

**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

No motions or actions were taken at this time.

22. ITEMS FROM THE STAFF

A. Building Permit Report. Conover reviewed the Building Permit Report for September 2019.

B. County Building Permit Reports. Conover stated that Staff has been in contact with the KOTA radio station and they will include announcing the monthly County Building Permit Report.

23. ITEMS FROM THE MEMBERSHIP

There were no items from the membership.

24. ADJOURNMENT

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

**All voting aye, the Motion carried 5 to 0.**

**The meeting adjourned at 9:43 a.m.**

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Sonny Rivers, Vice Chairperson

**STAFF REPORT**

GENERAL INFORMATION:

REQUEST: **CONDITIONAL USE PERMIT REVIEW / CU 98-10:**  
To review a well drilling business and accessory exterior equipment and material storage in a Highway Service District in accordance with Sections 210-C-5 and 510 of the Pennington County Zoning Ordinance.

APPLICANT: Hard Rock Investments LLC

APPLICANT ADDRESS: P.O. Box 615, Hill City, SD 57745

CONTRACT FOR DEED HOLDER: Donna and Roy Alexander

CONTRACT HOLDER ADDRESS: P.O. Box 615, Hill City, SD 57745

LEGAL DESCRIPTION: Lot A of Lot 7 of Block 2 of Deadbroke Subdivision, South Dakota, Section 1, T2S, R4E, BHM, Pennington County, South Dakota.

LOCATION: 24172 S. U.S. Highway 385, located two miles south of Hill City on U.S. Highway 385.

SIZE: 2.06 Acres

TAX ID: 51157

EXISTING LAND USE: Commercial

ZONING REFERENCE: § 210(C)(5)

CURRENT ZONING: Highway Service District

PHYSICAL CHARACTERISTICS: Flat creek bottom

UTILITIES: Private

REPORT BY: Brittney Molitor

**I. PROPOSED RECOMMENDATION**

- A. Staff will be recommending approval of the extension of Conditional Use Permit / CU 98-10 with seven (7) conditions.

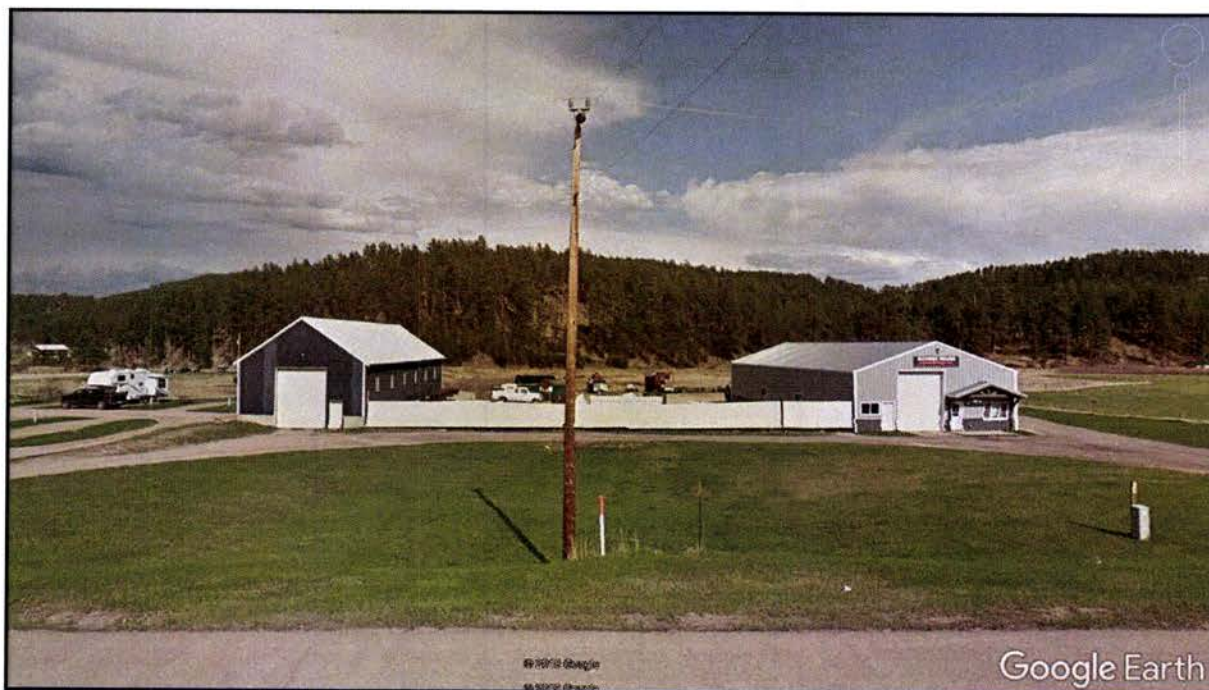
## II. GENERAL DESCRIPTION

- A. In 1998, the applicant, Alexander Drilling, applied for a Conditional Use Permit to allow for a well drilling business in a Highway Service District.
- B. On April 21, 1998, County Board approved Conditional Use Permit / CU 98-10 to allow a well drilling business and accessory exterior equipment and material storage with the following seven (7) conditions:
  1. That the hours of business operation be between 6 a.m. to 10 p.m. and all heavy equipment and pipe be moved, loaded or unloaded between the hours of 6:30 a.m. and 9:00 p.m. between April 1 and November 1. During the remaining months, the hours of business operation shall not be restricted;
  2. That the addition of accessory structures (i.e. decks, sheds, garages, additions to the mobile home, etc.) shall be allowed through the issuance of building permits which include necessary site plans to be reviewed and approved by the Planning Director;
  3. That the applicant hold an Excise Tax License as required by the South Dakota Department of Revenue;
  4. That a minimum six (6) foot tall solid fence be constructed between the two buildings to enclose and screen from view the following:
    - a. Scrap iron
    - b. Bobcat
    - c. Backhoe for Bobcat and grout pump
    - d. Wire spools
    - e. Wood pallets
    - f. Drill rod
    - g. Well casing
    - h. Bobcat trailer
    - i. Gas and fuel tanks
    - j. Old tires
    - k. All other equipment/material similar to the above;
  5. That prior to County Board, the applicant shall provide a landscaping plan to the Planning Department for a visual/noise barrier to be placed along the north property line between the highway right-of-way, 66-foot common access easement and the 100-year flood plain. The landscape plan shall contain a minimum of five (5) evergreens and five (5) deciduous trees all at least five (5) feet tall at the time of planting. All landscaping material to be maintained in a live state and be provided with an irrigation system;
  6. That a minimum of five (5) off-street parking spaces be provided. All off-street parking spaces shall measure at least nine (9) feet by eighteen (18) feet, be surfaced with gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use; and,
  7. That failure to comply with these conditions constitutes grounds for revocation of this CUP, which will be reviewed in six months or upon a complaint basis.



### III. EXISTING CONDITIONS

- A. Zoned Highway Service District.
- B. 2.06 acres.
- C. Access off of Highway 385.
- D. Lot contains:
  - 1. Storage Warehouse Office Building.
    - a. 1993COBP0407 - 43' x 84'.
    - b. 1998COBP0255 - 24' x 36' office area.
  - 2. Storage Building.
    - a. 1995COBO0073 - 30' x 80'.



### IV. ANALYSIS

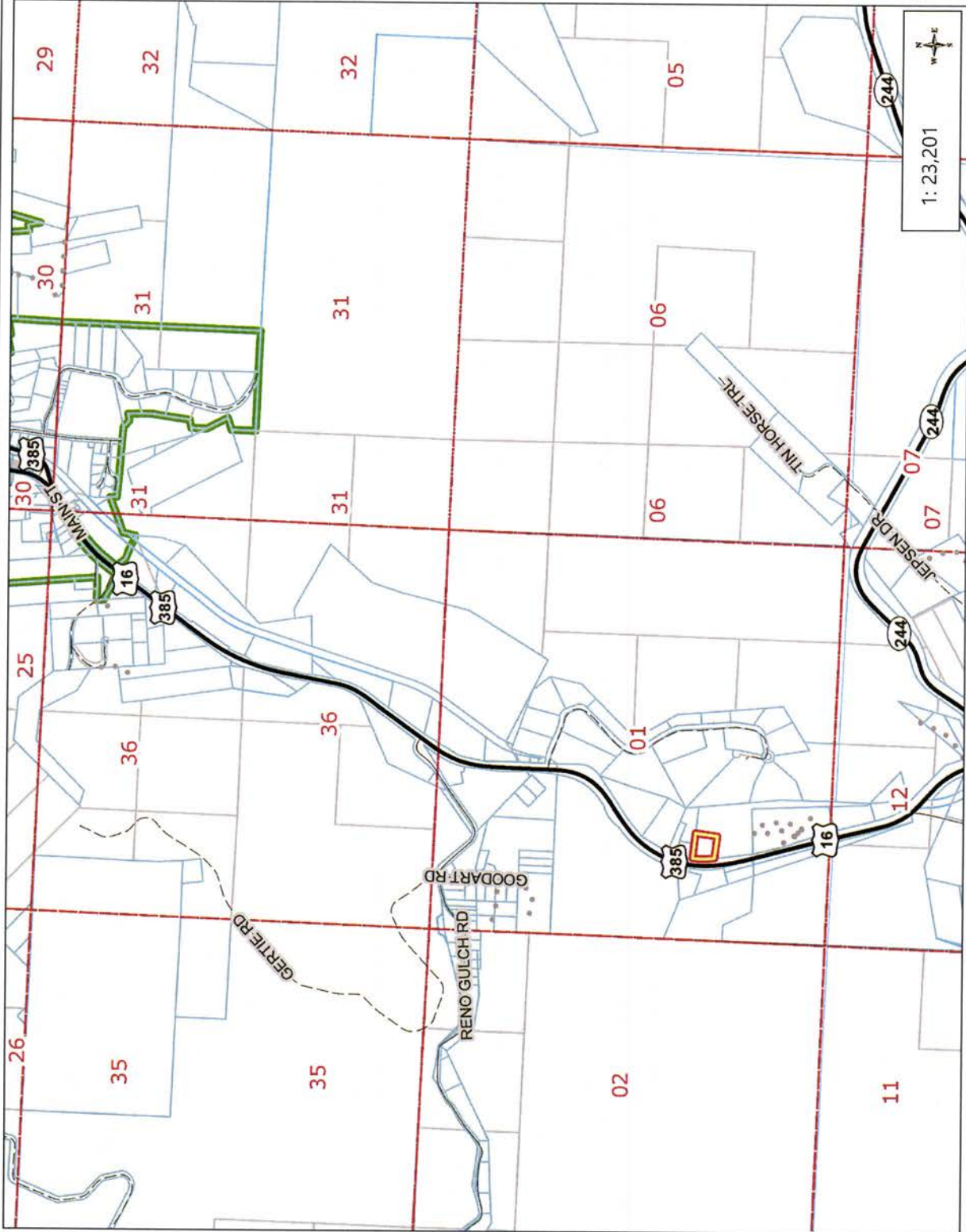
- A. This Conditional Use has been reviewed in 1999, 2000, 2001, 2002, 2003, 2005, 2007, and lastly in 2008 and approved by the Planning Commission with the following seven (7) conditions:
  - 1. That the hours of business operation be between 6:00 a.m. to 10:00 p.m. and all heavy equipment and pipe be moved, loaded or unloaded between the hours of 6:30 a.m. and 9:00 p.m. between April 1 and November 1. During the remaining months, the hours of business operation shall not be restricted;
  - 2. That the addition of accessory structures (i.e. decks, sheds, garages, additions to the mobile home, etc.) shall be allowed through the issuance of Building Permits which include necessary site plans to be reviewed and approved by the Planning Director;

3. That the applicant continues to hold an Excise Tax License as required by the South Dakota Department of Revenue;
  4. That the applicant maintains the six (6) foot tall solid fence that was constructed between the two (2) buildings to store and screen from view all material and equipment used in the operation of the business from the general public;
  5. That the applicant maintains the visual/noise barrier that was placed along the north property line between the highway right-of-way, 66-foot common access easement and the 100-year floodplain. The landscape plan shall remain containing a minimum of five (5) evergreens and five (5) deciduous trees all at least five (5) feet tall at the time of planting. All landscaping material to be maintained in a live state and be provided with an irrigation system;
  6. That the applicant maintains the minimum of five (5) off-street parking spaces that have been provided. All off-street parking spaces shall measure at least nine (9) feet by eighteen (18) feet, be surfaced with gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use; and,
  7. That failure to comply with these conditions constitutes grounds for revocation of this CUP, which will be reviewed upon a complaint basis.
- B. On September 30, 2019, the applicant's legal counsel requested that this Conditional Use Permit be reviewed in order to modify the property description to only pertain to Lot A. At this time, Alexander Drilling, Inc. operates only on Lot A.
1. The original request was for Lot 7 of Block 2 of the Original Town of Deadbroke. This property has since been platted to Lots A and B of Lot 7 of Deadbroke Subdivision.
- C. Staff reviewed the Conditions of Approval and it appears that they are being met with the exception of Condition # 5.
1. There appears to be six (6) trees planted along the north property line. However, there are no deciduous trees planted. They will need to be planted within one (1) year of this review.
- D. There have been no documented complaints regarding the operation of this well drilling business since the last review.

**RECOMMENDATION:** Staff is recommending approval of the extension of Conditional Use Permit / CU 98-10 with the following seven (7) conditions:

1. That the hours of business operation be between 6:00 a.m. to 10:00 p.m. and all heavy equipment and pipe be moved, loaded or unloaded between the hours of 6:30 a.m. and 9:00 p.m. between April 1 and November 1. During the remaining months, the hours of business operation shall not be restricted;
2. That the addition of accessory structures (i.e. decks, sheds, garages, additions to the mobile home, etc.) shall be allowed through the issuance of Building

- Permits which include necessary site plans to be reviewed and approved by the Planning Director;
3. That the applicant continues to hold an Excise Tax License as required by the South Dakota Department of Revenue;
  4. That the applicant maintains the six (6) foot tall solid fence that was constructed between the two (2) buildings to store and screen from view all material and equipment used in the operation of the business from the general public;
  5. That the applicant maintains the visual/noise barrier that was placed along the north property line between the highway right-of-way, 66-foot common access easement and the 100-year floodplain. The landscape plan shall remain containing a minimum of five (5) evergreens and five (5) deciduous trees all at least five (5) feet tall at the time of planting. All landscaping material to be maintained in a live state and be provided with an irrigation system;
  6. That the applicant maintains the minimum of five (5) off-street parking spaces that have been provided. All off-street parking spaces shall measure at least nine (9) feet by eighteen (18) feet, be surfaced with gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use; and,
  7. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.



1: 23,201

0 1,933.39 3,866.8 Feet

3,866.8

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

**Map Notes:**

**STAFF REPORT**

GENERAL INFORMATION:

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

LANDOWNER / APPLICANT: Ursula Brackett

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

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

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

SIZE: 3.8 acres

TAX ID: 14708

EXISTING LAND USE: Mobile Home Park

ZONING REFERENCE: Section 208-C-2

CURRENT ZONING: Suburban Residential District  
General Commercial District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Flat

UTILITIES: Private

REPORT BY: P.J. Conover

**PROPOSED RECOMMENDATION:** Staff will be recommending the extension of Conditional Use Permit / CU 01-01 with seventeen (17) conditions.



2018 RAPID MAP AERIAL

**GENERAL DESCRIPTION:** Conditional Use Permit / CU 01-01 which is to allow a mobile home park was initially approved by the Pennington County Board of Commissioners on February 6, 2001, with fifteen (15) conditions. It has since been reviewed and approved on June 18, 2002, June 28, 2004, June 12, 2006, June 9, 2008, October 11, 2010, October 10, 2011, November 13, 2012, October 14, 2013, and May 12, 2014, whereby it was extended by the Planning Commission with the following sixteen (16) conditions:

1. That the mobile home park is limited to a total of fourteen (14) mobile home lots and one (1) caretaker's residence;
2. That two (2) graveled parking spaces be provided for each mobile home lot, an additional parking space for guests, (one for every four mobile homes located in the mobile home park);
3. That a Floodplain Development Permit be obtained for any work, including the placement of mobile homes in the designated 100-year flood plain;

4. That at the time of Building Permit application, the applicant indicate alternative locations for a second drainfield and adequate space for accessory structures on the site plan for each lot;
5. That prior to any expansion to the existing mobile home park, an On-Site Wastewater Construction Permit be reviewed and approved by the South Dakota Department of Environment and Natural Resources and the Pennington County Environmental Planner;
6. That it be recommended that individual water meters be supplied for each new mobile home, or replacement of existing mobile homes;
7. That a Building Permit shall be obtained for the removal or placement of mobile homes on the property;
8. That a Building Permit be obtained for structures exceeding 144 square feet or located on a permanent foundation which will require a site plan to be reviewed and approved by the Planning Director;
9. That the interior roads be maintained with a twenty-five (25) foot-wide, four-inch graveled driving surface, the cul-de-sac be a minimum of 42 feet in radius, and roads be maintained in a dust free manner;
10. That all structures be located a minimum of ten (10) feet from interior access roads within the mobile home park and there be a minimum of twenty (20) feet between units;
11. That the mobile home park have a rear yard and side yard setback of not less than ten (10) feet;
12. That the mobile home park have a management office and such service buildings as necessary, located on the property;
13. That the applicant continues to maintain the second means of ingress and egress to the property onto the road north of the property;
14. That the mobile home park has one (1) common address that shall be posted on the management office and that each home in the park shall be individually labeled with its own unit number or letter. The unit numbers shall be posted on the homes so that they are clearly visible from the main access road;
15. At such time the mobile homes on Lots 1, 2, or 3 or the caretaker's residence is to be replaced, they must be relocated on the portion of the property zoned Suburban Residential District; and,
16. That this Conditional Use Permit be reviewed in one (1) year or upon a complaint basis to verify the applicant is complying with the conditions of approval.

During the October 11, 2010, review of this Conditional Use Permit, it was found that four (4) of the mobile homes were actually located on the portion of the property that is zoned General Commercial District. Since General Commercial District does not allow for mobile home parks, Condition #15 was added to ensure that those existing four (4) mobile home lots would be moved onto the portion of the property that is zoned Suburban Residential District where this Conditional Use Permit applies.

## HISTORY

- March 10, 2014
  - Staff found an uninhabited mobile home on the property that was being demolished on-site and two mobile homes that were not skirted.
  - Review was continued to the May 12, 2014, Planning Commission meeting to let the applicant work on those issues.
  - The applicant was able to bring the property back into compliance before the May 12, 2014, Planning Commission meeting, where it was approved with sixteen (16) conditions.
  
- May 5, 2015 – Site visit to the subject property
  - Staff again found an uninhabited mobile home on the property.
  - Staff spoke with the applicant who stated that it would be removed in a couple of weeks.
  
- May 6, 2015
  - Staff spoke with the applicant who asked if they would be allowed to refurbish the uninhabited mobile home on the property to replace one of the existing mobile homes.
  - Staff told the applicant that replacing an existing mobile home would require a Floodplain Development Permit, a Removal Permit for the existing mobile home, and a Building Permit for the uninhabited mobile home that is being refurbished and moved onto the empty lot if the Floodplain Development Permit is approved.
  - The applicant applied for both the Removal Permit and the Building Permit.
  
- May 28, 2015 – Applicant met with PJ Conover, Planning Director
  - The applicant was working with Ferber Engineering to obtain a Floodplain Development Permit and LOMA, but nothing has been submitted at the time this staff report was written.
  - Applicant requested that a Condition be added to this Conditional Use Permit to allow them to refurbish one mobile home at a time to replace their existing mobile homes.
  
- June 3, 2015
  - Staff spoke with the applicant. The applicant had not completed the refurbishment of the uninhabited mobile home, and the Floodplain Development Permit had not been approved so staff recommended to continue the review for two more weeks.

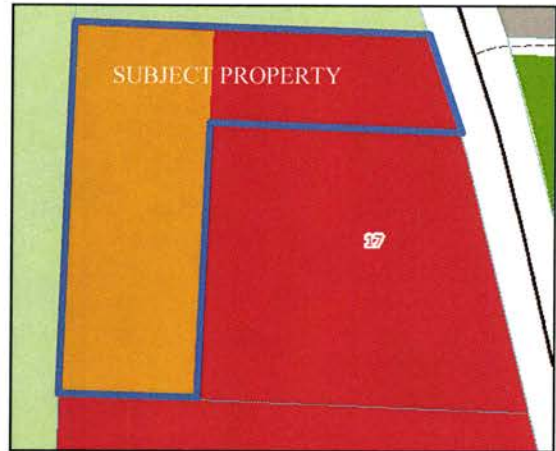


- June 17, 2015
  - Site visit to the subject property.
    - The uninhabited mobile home was still being refurbished
  - A Floodplain Development Permit / FP 15-02 was submitted and subsequently approved.
  - As soon as the uninhabited mobile home was refurbished, the applicants would be able to move it onto Lot #5 with approved Building Permit (COBP15-0211). As of this Staff Report, COBP15-0211 the Building Permit is still not approved, though County Staff has seen the septic permit. The applicant must give the permit to the City's Public Works Department for approval of the system, so that COBP15-0211 can be approved..
  
- June 22, 2015 – Planning Commission approved the extension of Conditional Use Permit / CU 01-01 with the following eighteen (18) conditions:
  1. That the mobile home park is limited to a total of fourteen (14) mobile home lots and one (1) caretaker's residence;
  2. That two (2) graveled parking spaces be provided for each mobile home lot, an additional parking space for guests, (one for every four mobile homes located in the mobile home park);
  3. That a Floodplain Development Permit be obtained for any work, including the placement of mobile homes in the designated 100-year flood plain;
  4. That at the time of Building Permit application, the applicant indicate alternative locations for a second drainfield and adequate space for accessory structures on the site plan for each lot;
  5. That prior to any expansion to the existing mobile home park, an On-Site Wastewater Construction Permit be reviewed and approved by the South Dakota Department of Environment and Natural Resources and the Pennington County Environmental Planner;
  6. That it be recommended that individual water meters be supplied for each new mobile home, or replacement of existing mobile homes;
  7. That a Building Permit shall be obtained for the removal or placement of mobile homes on the property;
  8. That a Building Permit be obtained for structures exceeding 144 square feet or located on a permanent foundation which will require a site plan to be reviewed and approved by the Planning Director;
  9. That the interior roads be maintained with a twenty-five (25) foot-wide, four-inch graveled driving surface, the cul-de-sac be a minimum of 42 feet in radius, and roads be maintained in a dust free manner;
  10. That all structures be located a minimum of ten (10) feet from interior access roads within the mobile home park and there be a minimum of twenty (20) feet between living units;

11. That the mobile home park have a rear yard and side yard setback of not less than ten (10) feet;
  12. That the mobile home park have a management office and such service buildings as necessary, located on the property;
  13. That the applicant continues to maintain the second means of ingress and egress to the property onto the road north of the property;
  14. That the mobile home park has one (1) common address that shall be posted on the management office and that each home in the park shall be individually labeled with its own unit number or letter. The unit numbers shall be posted on the homes so that they are clearly visible from the main access road;
  15. At such time the mobile homes on Lots 1, 2, or 3 or the caretaker's residence is to be replaced, they must be relocated on the portion of the property zoned Suburban Residential District;
  16. That the applicant may be allowed to refurbish one (1) mobile home at a time, on site, in order to replace existing mobile homes on site;
  17. That the applicant sign a Statement of Understanding within seven (7) business days of approval of Conditional Use Permit #01-01, which is available at the Planning Office; and,
  18. That this Conditional Use Permit be reviewed in two (2) years, on a complaint basis, or as directed by the Pennington County Board of Commissioners and/or the Pennington County Planning Commission to verify that all conditions of approval are being met.
- May 2017 -- Staff spoke with the applicants to discuss setting up time for a site-visit. A continuation of the review was discussed, due to an unforeseen circumstance with the applicants.
  - June 12, 2017 -- The Planning Commissioner approved the continuation of the review of CU 01-01 to the July 24, 2017, Planning Commission Meeting.
  - July 19, 2017 -- Due to continued unforeseen circumstances, with the applicants, Staff recommended continuing the review of CU 01-01 to the October 23, 2017, Planning Commission Meeting.

- October 11, 2017 – Staff performed a site visit and identified a few areas of concern that would require follow-up and a site visit with the landowner present. Some of these items were:

*Note: This one tax parcel has dual-zoning (RED) General Commercial Zoning District and (ORANGE) Suburban Residential Zoning District.*



- Within the portion of the property zoned General Commercial District:

- 1) Two (2) Recreational Vehicles (RV's) that appeared to have foot-traffic outside the entry doors;
- 2) Four (4) inch graveled driving surface; and,
- 3) Abandoned or unlicensed vehicles/boats.

- Within the portion of the property zoned Suburban Residential District:

- 1) Unpermitted SWMH(s), specifically Lot 5;
- 2) Four (4) inch gravel driving surface;
- 3) Abandoned or unlicensed vehicles/boats; and,
- 4) On-site Wastewater Treatment System.

Since the review in 2015, the subject property is now located within the City of Rapid City's Septic Jurisdiction. City Staff has contacted the landowner regarding Onsite Wastewater Treatment Systems, however, City Staff has informed County Staff that the landowner has indicated their OSWTS are regularly pumped and inspected and will provide the City with the documents when needed.

October 16, 2017 – Staff performed a site visits with the landowner present and discussed the items of concern listed above. In addition, the landowner indicated she is working to clean-up the entire property and that it will take a little time. In addition, existing Condition #16 is no longer necessary, as the landowner is no longer refurbishing old SWMHs.

October 23, 2017 – The Planning Commission approved the extension of CU 01-01 with the following nineteen (19) conditions:

1. That the mobile home park continue to be limited to a total of twelve (12) mobile home lots, two (2) apartments, one (1) caretaker's residence, and one (1) manager's office;
2. That two (2) graveled parking spaces continue to be provided for each mobile home lot and four (4) additional parking space for guests continue to be located by the manager's office;

3. That, at a minimum, a No-Rise Certificate and Floodplain Development Permit be obtained for any work, including the placement of mobile homes in the designated Special Flood Hazard Area;
4. That prior to the next scheduled review, the applicant remove the following from the property: the uninhabitable single-wide mobile home located to the west of the Managers Office that was being refurbished; the two (2) Recreational Vehicles located outside the Managers Office; and, the junk and debris located on the south-end of the subject property;
5. That prior to any expansion to the existing mobile home park, an On-Site Wastewater Construction Permit be reviewed and approved by the South Dakota Department of Environment and Natural Resources and the City of Rapid City;
6. That it be recommended that individual water meters be supplied for each new mobile home, or at the time of replacement of existing mobile homes;
7. That a Building Permit shall be obtained for the removal or placement of mobile homes on the property;
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 the interior roads continue to be maintained with a twenty-five (25) foot-wide, four-inch graveled driving surface, the cul-de-sac be a minimum of 42 feet in radius, and all roads continue to be maintained in a dust free manner;
10. That all structures continue to be located a minimum of ten (10) feet from interior access roads, within the mobile home park, and there be a minimum of twenty (20) feet between living units;
11. That the mobile home park continue to have a rear and side yard setback of not less than ten (10) feet;
12. That the mobile home park continue to have a Management Office and such service buildings as necessary, located on the property;
13. That the applicant continues to maintain the second means of ingress and egress to the property onto the road north of the property;
14. That the mobile home park has one (1) common address that shall continue to be posted on the management office and that each home in the park shall continue to be individually labeled with their own unit number. The unit numbers shall continue to be posted on the homes so that they are clearly visible from the main access road;
15. At such time the living units on Lots 1, 2, or 3 or the caretaker's residence is to be replaced, they must be relocated on the portion of the property zoned Suburban Residential District;
16. That the applicant provide the pumping and inspection information for Lot 5, prior to December 31, 2017, so that the County can issue COBP15-0211;
17. That prior to the next review of CU 01-01, the applicant provide the Planning Department with copies of the Operating Permits, for the subject property, as provided by the City of Rapid City;

18. That the applicant sign a Statement of Understanding (SOU) within ten (10) business days of approval of Conditional Use Permit Review / CU 01-01. The SOU is available at the Planning Office; and,
19. That this Conditional Use Permit be reviewed in June 2019, on a complaint basis, or as directed by the Pennington County Board of Commissioners, and/or the Pennington County Planning Commission to verify that all conditions of approval are being met.

- CU 01-01 was not heard again until August 26, 2019.

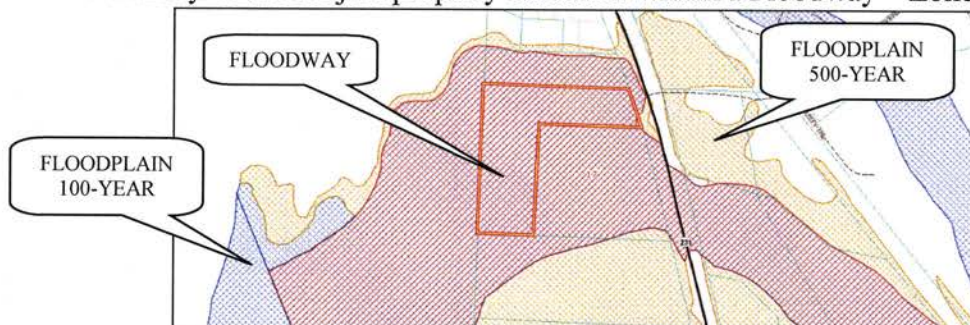
Below are the items of concern, with updated information.

- Concerns identified on the property:

- 1) Two (2) Recreational Vehicles (RV's) that appeared to have foot-traffic outside the entry doors;  
*UPDATE: The landowner is not using the RV's as living quarters and plans to sell both.*
- 2) Four (4) inch graveled driving surface;  
*UPDATE: The landowner was aware of bare-spots and "holes" in the driving surface and has taken measures to improve the driving driveway driving surface.*
- 3) Abandoned and unlicensed vehicles/boats;  
*UPDATE: This property appears to be in conformance with County Ordinance #106.*

### **SPECIAL FLOOD HAZARD AREA**

- The entirety of the subject property is located within a Floodway – Zone AE.



### **ANALYSIS**

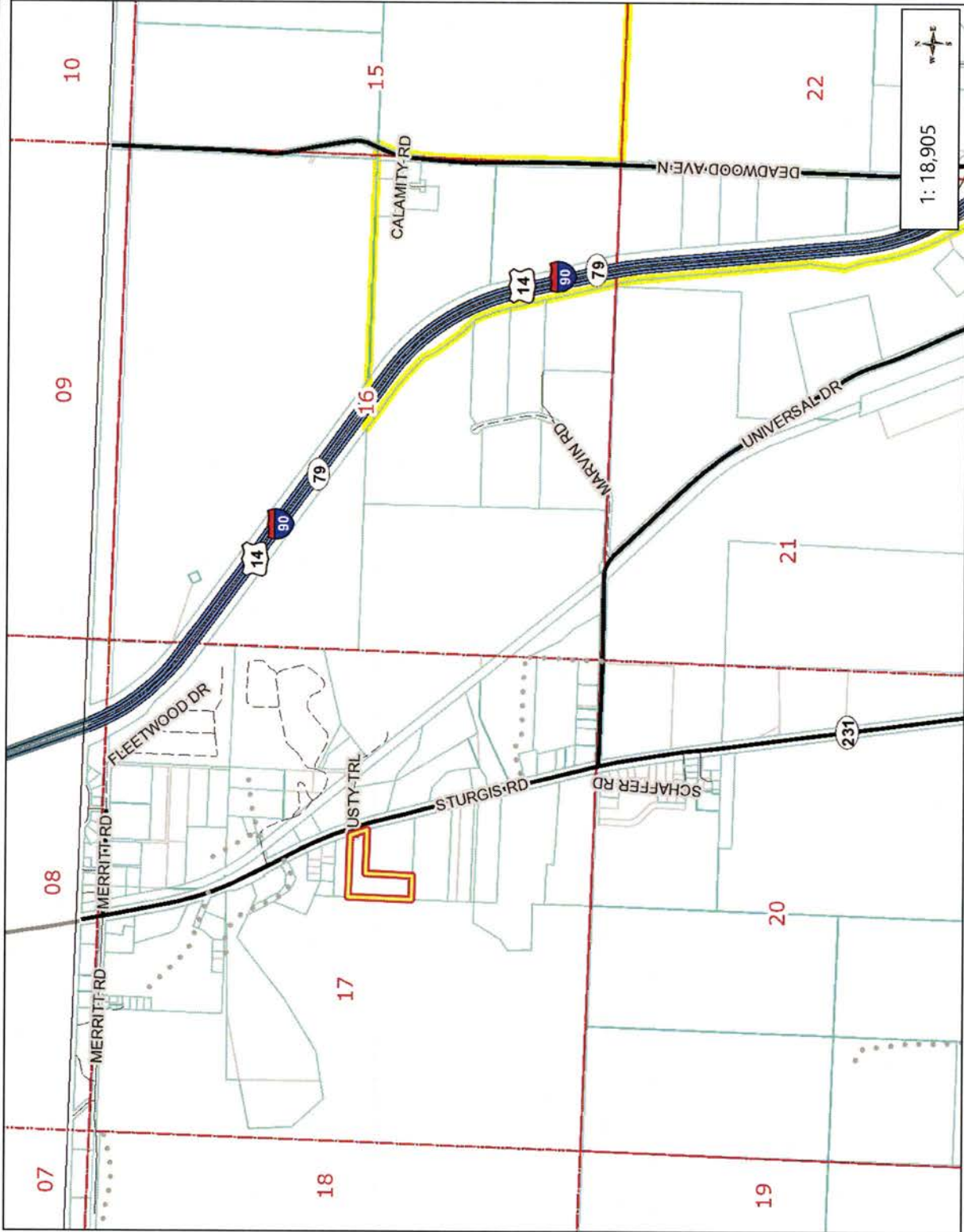
- CU 01-01 was heard on August 26, 2019, and continued until October 28, 2019 to allow staff time to meet with the applicant.
- In September 2019, Staff met with the applicant on-site.
- The Landowner continues to make improvements to the property by removing junk and re-graveling the driveway.
- The Landowner indicated ownership of the property may be handed down to immediate family members or sold in the future.

- The subject property has only twelve (12) mobile homes and two (2) apartments totaling fourteen (14) units. The apartments have been included in the total count of mobile homes for many years.
- September 2019 – The City of Rapid City – Public Works Department has identified some outstanding septic issues with the property and indicated they are working with the Landowner to bring the property into compliance with their septic regulations.
- October 23, 2019 – The City of Rapid City – Onsite Wastewater Inspector stated, “They continue to work with the applicant to mitigate their concerns, and the City would support a recommendation for the extension of CU 01-01.

**RECOMMENDATION:** Staff recommends approval of Conditional Use Permit Review / CU 01-01 with the following seventeen (17) conditions:

1. That the mobile home park continue to be limited to a total of twelve (12) mobile home lots, two (2) apartments, one (1) caretaker’s residence, and one (1) manager’s office;
2. That two (2) graveled parking spaces continue to be provided for each mobile home lot and four (4) additional parking space for guests continue to be located by the manager’s office;
3. That, at a minimum, a No-Rise Certificate and Floodplain Development Permit be obtained for any work, including the placement of mobile homes in the designated Special Flood Hazard Area;
4. That prior to any expansion to the existing mobile home park, an On-Site Wastewater Construction Permit be reviewed and approved by the South Dakota Department of Environment and Natural Resources and the City of Rapid City;
5. That it be recommended that individual water meters be supplied for each new mobile home, or at the time of replacement of existing mobile homes;
6. That a Building Permit shall be obtained for the removal or placement of mobile homes on the property;
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 the interior roads continue to be maintained with a twenty-five (25) foot-wide, four-inch graveled driving surface, the cul-de-sac be a minimum of 42 feet in radius, and all roads continue to be maintained in a dust free manner;

9. That all structures continue to be located a minimum of ten (10) feet from interior access roads, within the mobile home park, and there be a minimum of twenty (20) feet between living units;
10. That the mobile home park continue to have a rear and side yard setback of not less than ten (10) feet;
11. That the mobile home park continue to have a Management Office and such service buildings as necessary, located on the property;
12. That the applicant continues to maintain the second means of ingress and egress to the property onto the road north of the property;
13. That the mobile home park has one (1) common address that shall continue to be posted on the management office and that each home in the park shall continue to be individually labeled with their own unit number. The unit numbers shall continue to be posted on the homes so that they are clearly visible from the main access road;
14. At such time the living units on Lots 1, 2, or 3 or the caretaker's residence is to be replaced, they must be relocated on the portion of the property zoned Suburban Residential District;
15. That the applicant provide the pumping and inspection information to the City for Lot 5, prior to the next review, so that the County can issue COBP15-0211;
16. That prior to the next review of CU 01-01, the applicant provide the Planning Department with copies of all Operating Permits, for the subject property, as provided by the City of Rapid City;
17. That this Conditional Use Permit in three (3) years, on a complaint basis, or as directed by the Pennington County Board of Commissioners, and/or the Pennington County Planning Commission to verify that all conditions of approval are being met.



1: 18,905

3,150.9 0 1,575.46 3,150.9 Feet

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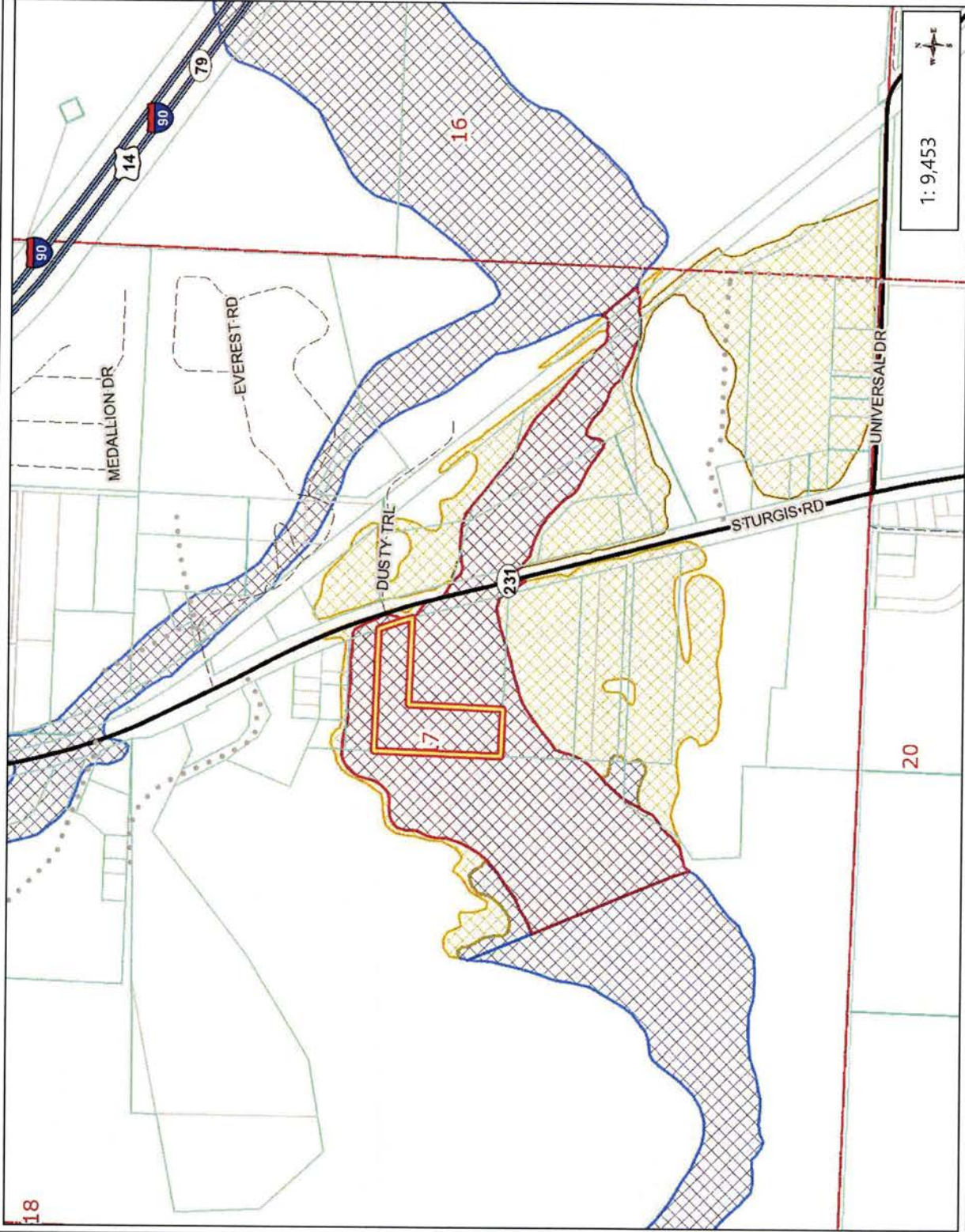
NAD\_1983\_StatePlane\_South\_Dakota\_South\_FIPS\_4002\_Feet  
 © City of Rapid City GIS

**Legend**

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

**Map Notes:**





1,575.5 0 787.73 1,575.5 Feet

1:9,453



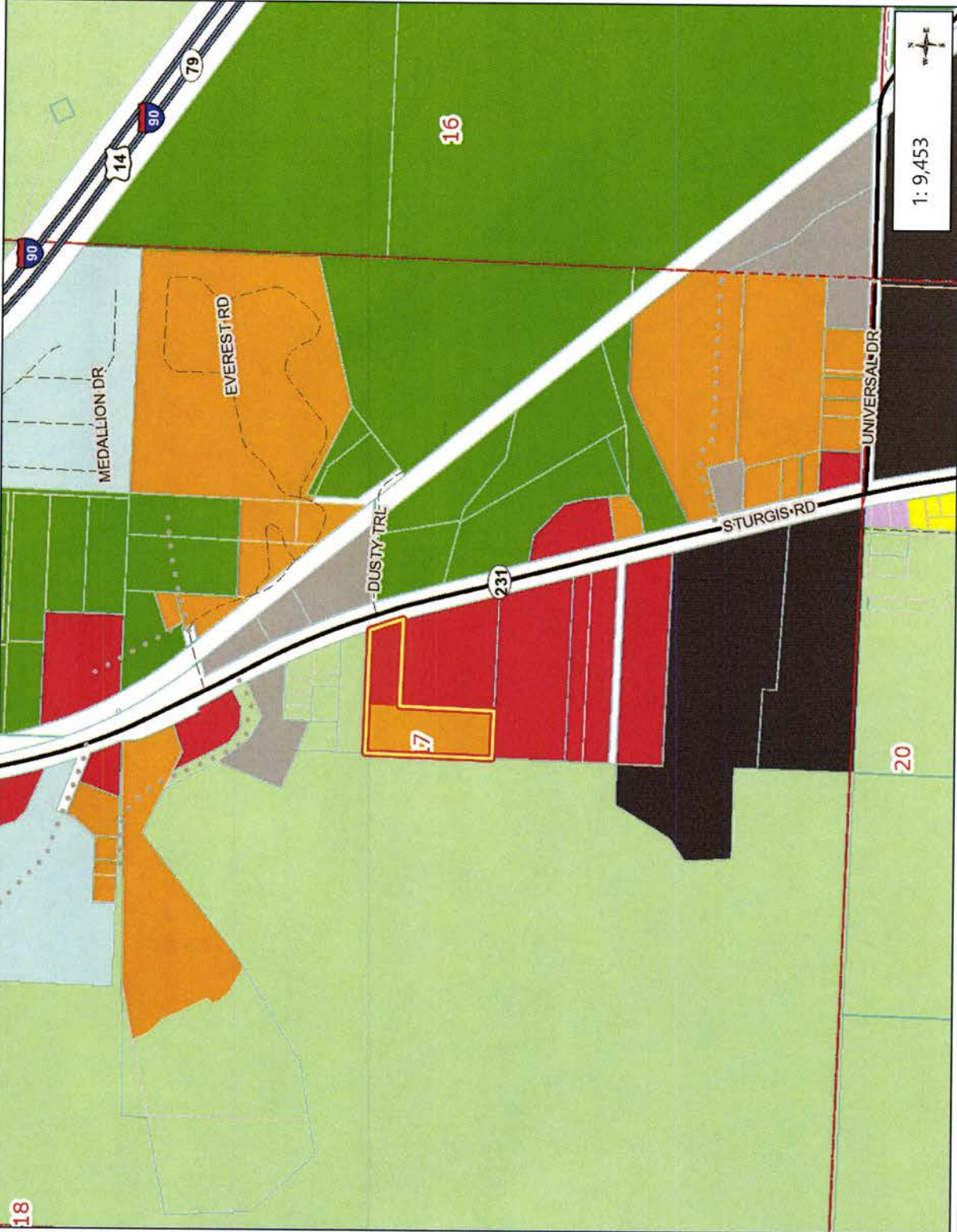
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.  
**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

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

## Legend

- Roads**
- Interstate
  - US highway
  - SD highway
  - County highway
  - Main road
  - Minor arterial
  - Collector
  - Ramp
  - Paved road
  - Unpaved road
  - Trail
  - Driveway
  - Alley
  - Unimproved road
  - Airport Runway
  - Not yet coded
- Section Lines 0-25k**
- Tax Parcels
  - Lot Lines
  - <Null>
  - Lot Line
  - Parcel Line
- Floodway**
- 100 Year
  - 500 Year
  - 500 Year - Protected by levee
  - Out
  - Not Studied
- Flood Hazard Area**

## Map Notes:



1: 9,453

1,575.5 0 787.73 1,575.5 Feet

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

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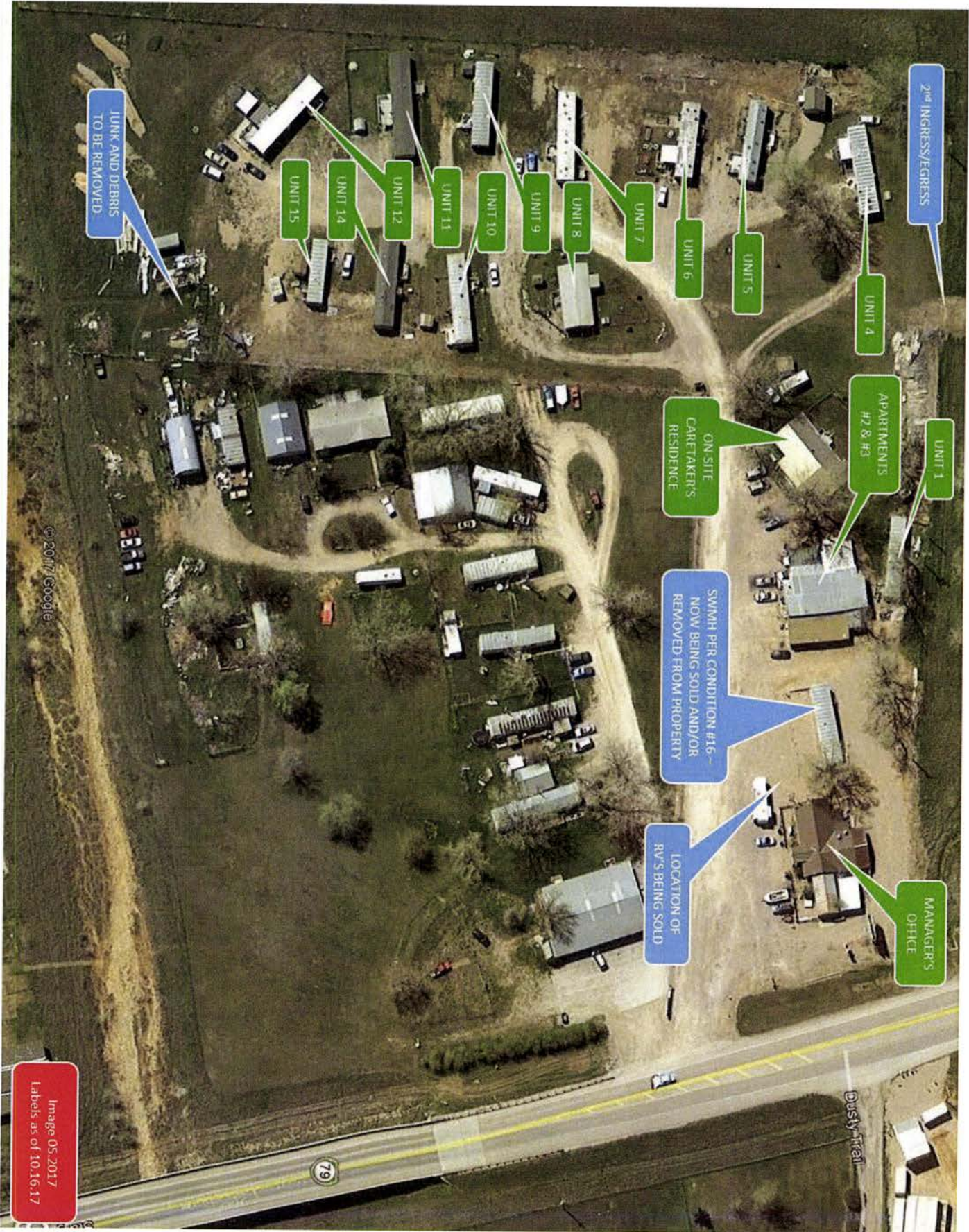
**Legend**

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

**Pennington County Zoning**

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

**Map Notes:**



2nd INGRESS/EGRESS

UNIT 4

APARTMENTS #2 & #3

UNIT 1

ON-SITE CARETAKER'S RESIDENCE

SWMH PER CONDITION #16 - NOW BEING SOLD AND/OR REMOVED FROM PROPERTY

LOCATION OF RV'S BEING SOLD

MANAGER'S OFFICE

UNIT 5

UNIT 6

UNIT 7

UNIT 8

UNIT 9

UNIT 10

UNIT 11

UNIT 12

UNIT 14

UNIT 15

JUNK AND DEBRIS TO BE REMOVED

Dusty Trail

79

Image 05.2017  
Labels: as of 10.16.17

© 2017 Google

STAFF REPORT

GENERAL INFORMATION:

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

APPLICANT/ OWNER: Darrell and Mary Harkin

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

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

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

SIZE: 280 acres

TAX ID: 60096

EXISTING LAND USE: Residential/Agriculture

ZONING REFERENCE: §§ 205 and 510

CURRENT ZONING: General Agriculture District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Flat / Pasture land

UTILITIES: Private

REPORT BY: Cassie Bolstad / P.J. Conover

**I. PROPOSED RECOMMENDATION:** Staff will be recommending to end Conditional Use Permit / CU 15-14, as it is no longer needed.

**II. GENERAL DESCRIPTION**

- A. August 10, 2015 – Planning Commission originally approved Conditional Use Permit / CU 15-14 to allow a single-wide mobile home to be used as a permanent single-family residence with the following eight (8) conditions:
1. That an approved Building Permit be obtained for the single-wide mobile home prior to placement or construction of the residence, which requires a site plan to be reviewed and approved by the Planning Director;
  2. That a Building Permit be obtained for any structure exceeding 144 square feet or located on a permanent foundation, which requires a site plan to be reviewed and approved by the Planning Director;
  3. That an address be assigned for the single-wide mobile home and that it be posted both on the individual structure and at the end of the driveway where it intersects Murphy Road, in accordance with Pennington County's Ordinance #20;
  4. That the minimum setback requirements of a General Agriculture District be continually maintained on the property;
  5. That the subject property remains free of debris and junk vehicles;
  6. That the single-wide mobile home installed on the property have a peaked, non-reflective type roof and wood or simulated wood-type siding that is continually maintained;
  7. That the applicant signs the Statement of Understanding within seven (7) business days of approval of Conditional Use Permit #15-14, which is available at the Planning Office; and,
  8. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.
- B. August 22, 2016 – Planning Commission approved the extension of CU 15-14 with the following six (6) conditions:
1. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
  2. That the address (13988 Murphy Road) continue to be clearly posted on the single-wide mobile home and at the end of the driveway where it intersects Murphy Road, in accordance with Pennington County's Ordinance #20;
  3. That the minimum setback requirements of a General Agriculture District be continually maintained on the property;
  4. That the subject property continually remains free of debris and junk vehicles, in accordance with Pennington County's Ordinance #106;

5. That the single-wide mobile home installed on the property continually have a peaked, non-reflective type roof and wood or simulated wood-type siding that is continually maintained; and,
6. That this Conditional Use Permit be reviewed in three (3) years, on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

### **III. EXISTING CONDITIONS**

- A. Zoned General Agriculture District, minimum forty (40) acre lot size.
- B. 280 acres.
- C. Lot contains:
  1. Double-wide mobile home (DWMH) – COBP19-0519.
  2. On-Site Wastewater Treatment System – COSD15-0069.
- D. Access off of Murphy Road via an existing access.
- E. No Special Flood Hazard Area on the subject property.

### **IV. ANALYSIS**

- A. August 17, 2015 – Building Permit / COBP15-0414 was approved for a 14' x 80' single-wide mobile home (SWMH) on the subject property.
- B. June 29, 2017 – Building Permit / COBP17-0372 was approved to remove the above-referenced SWMH from the subject property.
- C. It appears the SWMH was then replaced by a double-wide mobile home (DWMH); however, no Building Permit was obtained for the DWMH.
  1. A Building Permit, with applicable penalty fees, must be obtained for the DWMH.
- D. Once a Building Permit is obtained for the DWMH, Conditional Use Permit / CU 15-14 can end, as it will no longer be required.
- E. August 19, 2019 – Staff sent a letter to the property owner stating that a Building Permit must be obtained for the existing DWMH.
- F. August 26, 2019 – Planning Commission continued the review of Conditional Use Permit / CU 15-14 to the September 23, 2019, Planning Commission meeting to allow the applicant time to obtain a Building Permit for the existing double-wide mobile home.

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

- A. Staff had spoken with the applicant, Darrell Harkin, and had also been working with the applicant's granddaughter, Scarlet Harkin, to properly permit the DWMH.
- B. September 23, 2019 – Planning Commission continued 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.

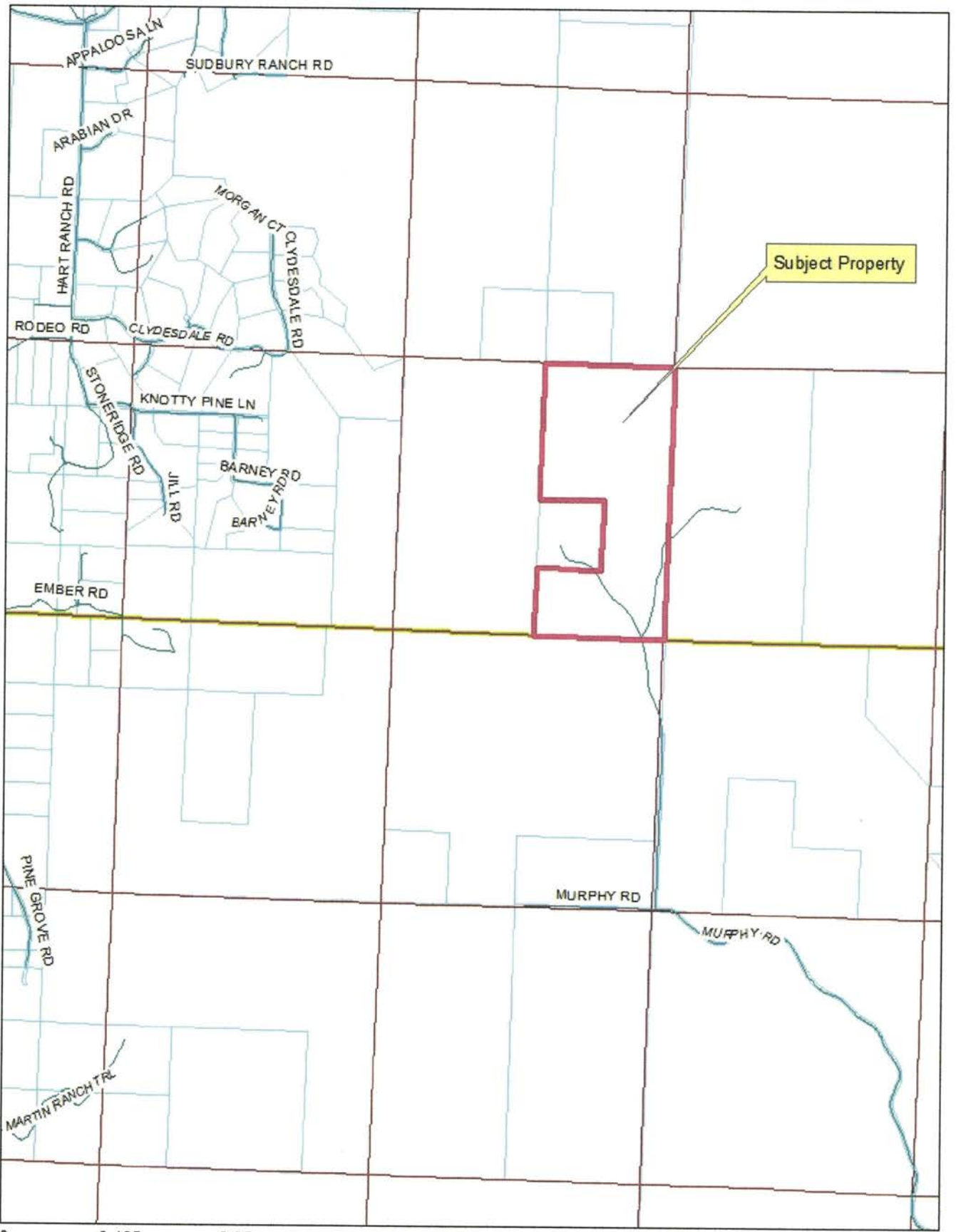
Agenda Item # 5  
Darrell and Mary Harkin  
October 28, 2019

**VI. UPDATE (For the October 28, 2019, Planning Commission meeting)**

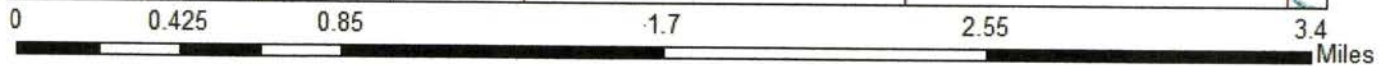
- A. October 2, 2019 – Building Permit / COBP19-0519 was submitted for the existing DWMH on the property.
  - 1. COBP19-0519 was approved on October 22, 2019
- B. Since a DWMH now exists on the property, Conditional Use Permit / CU 15-14 is no longer required and can end.

**RECOMMENDATION:** Staff recommends to end Conditional Use Permit / CU 15-14, as it is no longer needed.

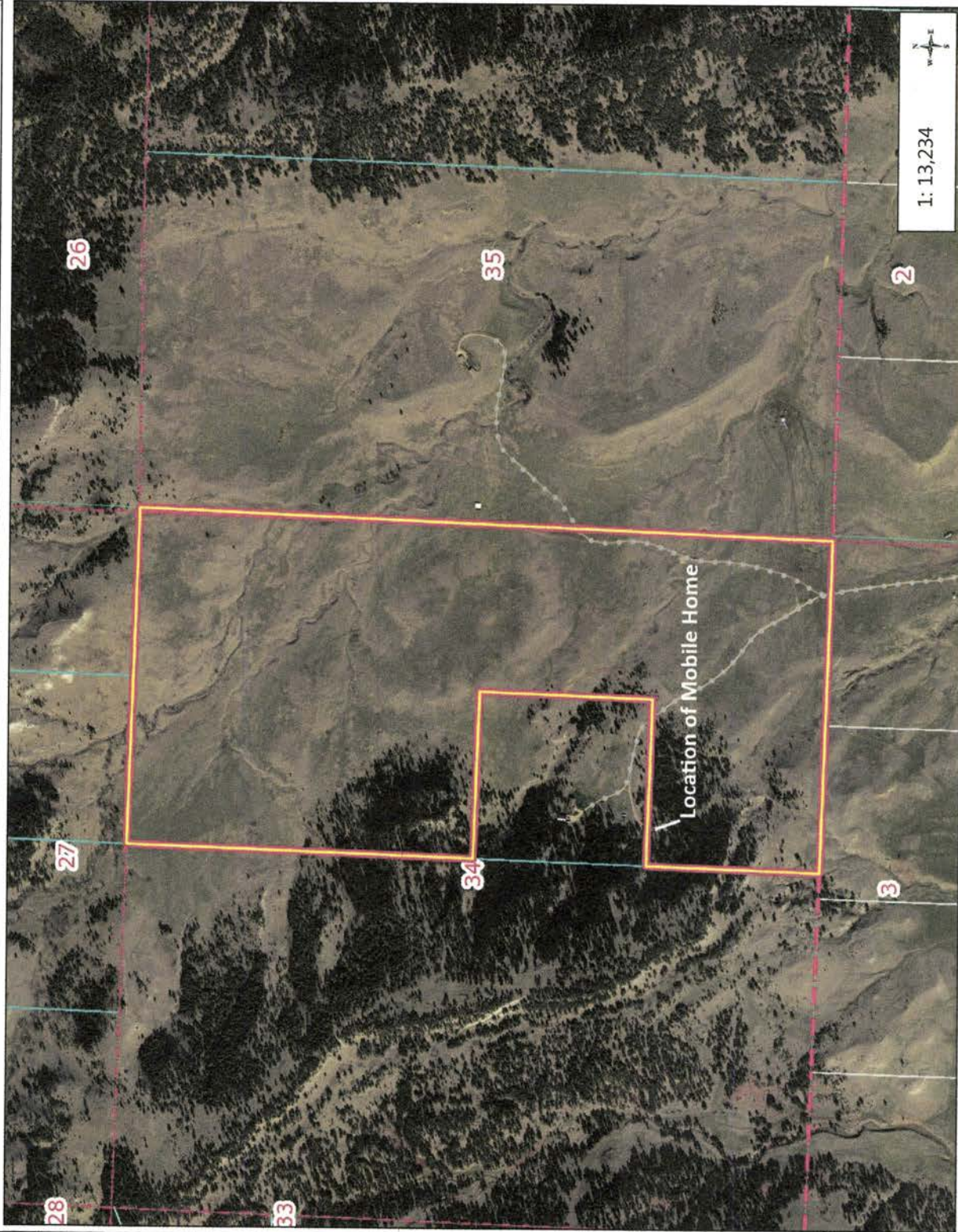
# HARKIN



NORTH







1: 13,234

### Legend

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

### Map Notes:

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

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

2,205.6 0 1,102.82 2,205.6 Feet

NAD\_1983\_StatePlane\_South\_Dakota\_South\_FIPS\_4002\_Feet  
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**STAFF REPORT**

GENERAL INFORMATION:

REQUEST: **CONDITIONAL USE PERMIT REVIEW / CU 17-40:** To review a caretaker's residence on the subject property in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

APPLICANT/ OWNER: Richard Burton

APPLICANT ADDRESS: 13160 Geary Boulevard, Rapid City, SD 57702

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

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

SIZE: 35.0 acres

TAX ID: 14575

EXISTING LAND USE: Residential

ZONING REFERENCE: § § 207 and 510

CURRENT ZONING: Low Density Residential District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Forested / Meadow

UTILITIES: Private

REPORT BY: Kristina Proietti

**I. PROPOSED RECOMMENDATION**

- A. Staff will be recommending to end Conditional Use Permit / CU 17-40, with the applicant's concurrence.

**II. GENERAL DESCRIPTION**

- A. On November 27, 2017, the Planning Commission approved CU 17-40 with the following ten (10) conditions:
1. That the addresses for both the existing single-family residence and the proposed caretaker's residence be posted on each residence and at the driveway(s), in accordance with Pennington County's Ordinance #20;
  2. That an approved Building Permit be obtained for the caretaker's residence and any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
  3. That an approved On-Site Wastewater Treatment System Permit be obtained for the proposed caretaker's residence or that the existing system be expanded to accommodate for the proposed caretaker's residence approved by the Environmental Planner;
  4. That the minimum setback requirements of a Low Density Residential District be continually maintained on the property or an appropriate Variance be obtained;
  5. That the subject property remains free of debris and junk vehicles;
  6. That a Doctor's note be provided within ninety (90) days of approval of Conditional Use Permit / CU 17-40;
  7. That an updated Doctor's notes be provided during each review of Conditional Use Permit / CU 17-40;
  8. That once care is no longer needed, the caretaker's residence be converted to a studio or storage, be removed from the subject property, or the subject property be subdivided so that each residence is on a separate lot;
  9. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 17-40, which is available at the Planning Office; and,
  10. That this Conditional Use Permit be reviewed at the February 26, 2018, Planning Commission meeting, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.
- B. On February 26, 2018, the Planning Commission approved the extension of CU 17-40 with the following six (6) conditions:
1. That the addresses for both the existing single-family residence and the proposed caretaker's residence be posted on each residence and at the driveway(s), in accordance with Pennington County's Ordinance #20;

2. That an approved Building Permit be obtained for the caretaker's residence and any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
  3. That the minimum setback requirements of a Low Density Residential District be continually maintained on the property or an appropriate Variance be obtained;
  4. That the subject property remains free of debris and junk vehicles;
  5. That once care is no longer needed, the caretaker's residence be converted to a studio or storage, be removed from the subject property, or the subject property be subdivided so that each residence is on a separate lot; and,
  6. 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.
- C. On February 25, 2019, the Planning Commission approved the extension of CU 17-40 with the following six (6) conditions:
1. That the addresses for both the existing single-family residence and the proposed caretaker's residence be posted on each residence and at the driveway(s), in accordance with Pennington County's Ordinance #20;
  2. That an approved Building Permit be obtained for the caretaker's residence and any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
  3. That the minimum setback requirements of a Low Density Residential District be continually maintained on the property or a setback Variance be obtained;
  4. That the subject property remains free of debris and junk vehicles;
  5. That once care is no longer needed, the caretaker's residence be converted to a studio or storage, be removed from the subject property, or the subject property be subdivided so that each residence is on a separate lot; and,
  6. That this Conditional Use Permit be reviewed on October 28, 2019, 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 Low Density Residential District, minimum three (3) acre lot size.
- B. 35 acres.
- C. Located within the Norris Peak Road District.
- D. Lot contains:
  - 1. 36' x 36' horse feeder – 1993COBP0354.
  - 2. 30' x 42' detached garage – COBP15-0510.
  - 3. 32' x 56' pole barn – COBP15-0511.
  - 4. Single-family residence – COBP17-0469.
  - 5. Onsite Wastewater Treatment System Construction Permit – COSD17-0087.
  - 6. Onsite Wastewater Treatment System Operating Permit – COOP17-0544.
  - 7. Three (3) sheds - due to their size, Building Permits are not required.

**IV. ANALYSIS**

- A. Staff spoke with Mr. and Mrs. Burton on October 11, 2019, where they stated they have decided to end Conditional Use Permit / CU 17-40, as the use has not been established for the Caretaker's Residence, and there are no definitive plans to do so.

**RECOMMENDATION:** Staff is recommending to end Conditional Use Permit / CU 17-40, with the applicant's concurrence.

## Proietti Kristina

---

**From:** RD Burton <rd20171112@gmail.com>  
**Sent:** Friday, October 11, 2019 2:25 PM  
**To:** Proietti Kristina  
**Subject:** End Permit

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

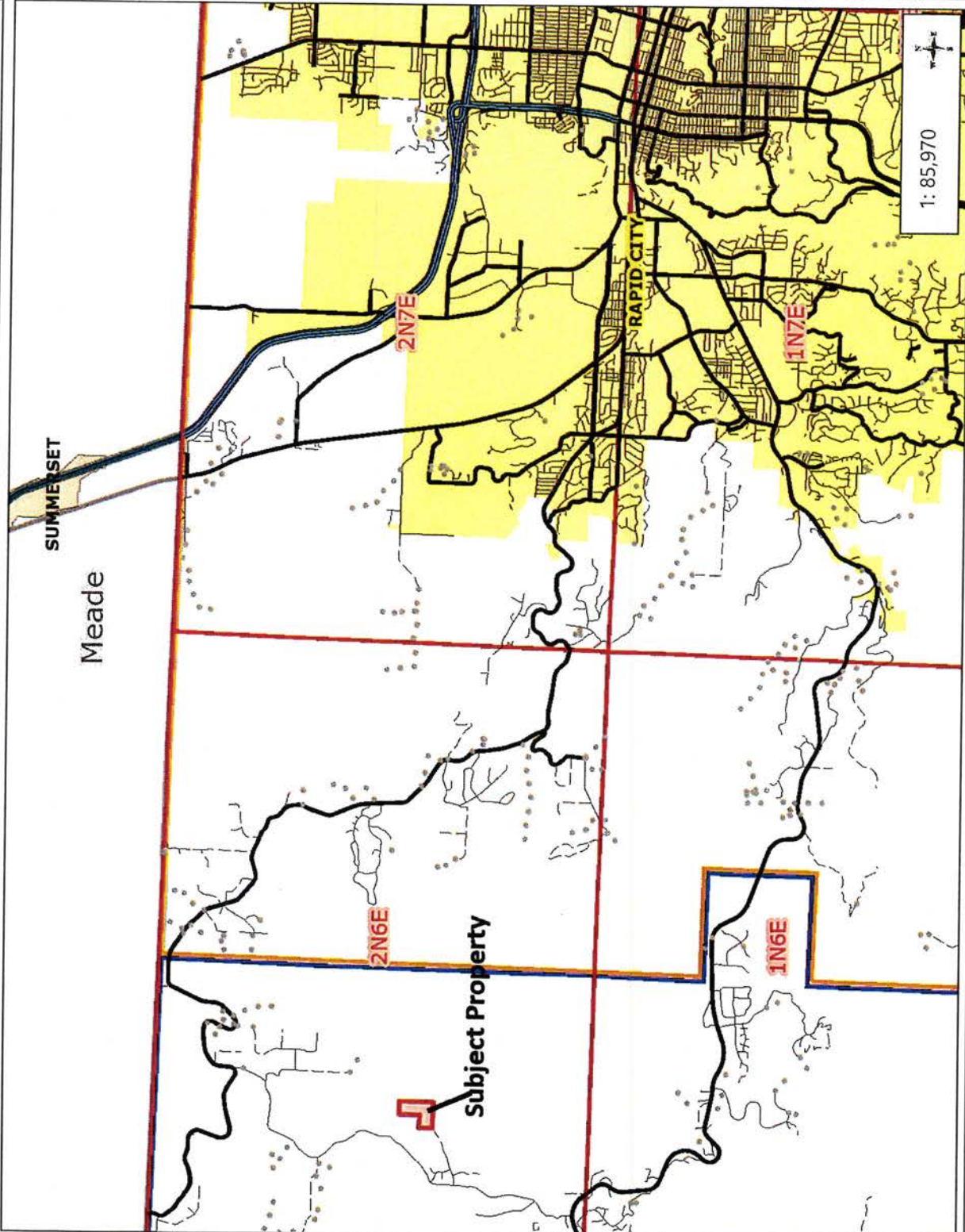
Kristina,

As discussed, we Have chosen not to renew the permit for the caretaker residence at 13180 Geary Blvd.

Thank you.

Richard and Debra Burton  
605-343-5154

Get [Outlook for iOS](#)



## Legend

- |              |            |            |             |                |               |                |           |               |            |              |       |          |        |                 |                |                     |                          |
|--------------|------------|------------|-------------|----------------|---------------|----------------|-----------|---------------|------------|--------------|-------|----------|--------|-----------------|----------------|---------------------|--------------------------|
| <b>Roads</b> | 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    | Points | AllPoints       | Gateway        | Revitalization Node | Regional Activity Center |

## Map Notes:

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

Agenda Item #7  
Kyle & Kristina Volmer  
October 28, 2019

7

**STAFF REPORT**

GENERAL INFORMATION:

REQUEST: CONDITIONAL USE PERMIT REVIEW / CU 17-42: To review living in a Recreational Vehicle while building a single-family residence on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

APPLICANT/AGENT: Kyle and Kristina Volmer

APPLICANT ADDRESS: 17151 230<sup>th</sup> Street, Owanka, SD 57767

LEGAL DESCRIPTION: SE1/4 of GL4, Section 7, T1N, R13E, BHM, Pennington County, South Dakota.

SITE LOCATION: Southeast of Wasta - located off of 231<sup>st</sup> Street.

TAX ID: 65747

SIZE: 9.62 acres

EXISTING LAND USE: Recreational Vehicle / Residential

ZONING REFERENCE: Sections 205 and 510

CURRENT ZONING: General Agriculture District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Rolling Hills / Prairie

UTILITIES: Private

REPORT BY: Cody Sack



**I. PROPOSED RECOMMENDATION**

- A. Staff will be recommending approval of the extension of Conditional Use Permit / CU 17-42 with eleven (11) conditions.

**II. GENERAL DESCRIPTION**

- A. December 18, 2017 - Conditional Use Permit / CU 17-42 was originally approved by the Planning Commission with the following twelve (12) conditions:

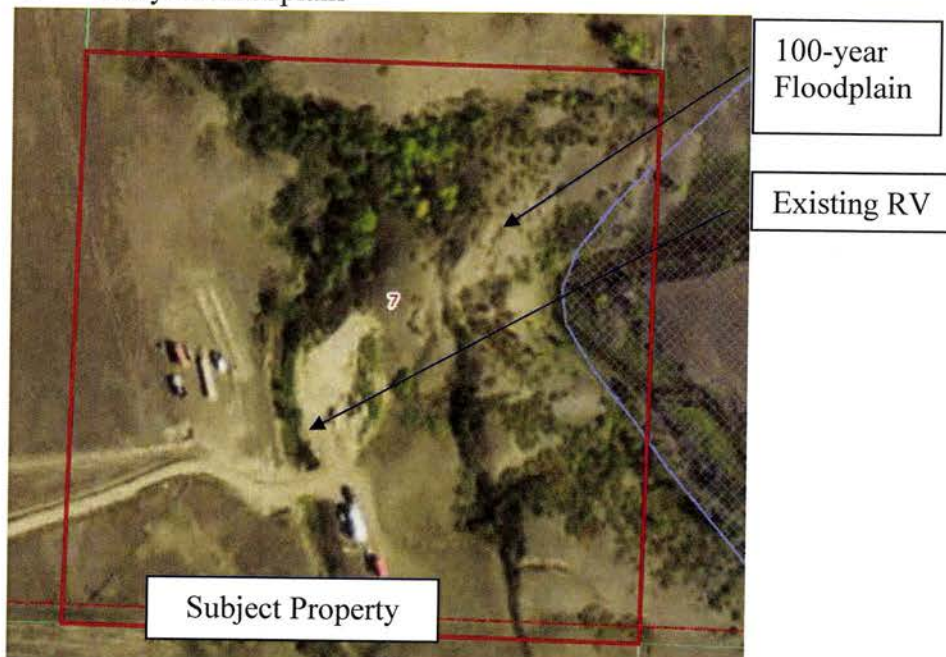
1. That there be no more than one (1) Recreational Vehicle (RV) allowed to be utilized as living quarters on the subject property during construction of the single-family residence;
2. That the address for the property be clearly posted on the Recreational Vehicle (RV) while it is being utilized as living quarters. Once the single-family residence is complete, the address must be posted on the residence and at the driveway so as to be visible from 231<sup>st</sup> St, in accordance with Pennington County's Ordinance #20;
3. That the Recreational Vehicle (RV) being used as a temporary residence be hooked into the approved On-Site Wastewater Treatment System until the single-family residence is habitable;
4. That the minimum setback requirements of a General Agriculture District be continually maintained on the subject property, or an approved Setback Variance be obtained;
5. That an approved Floodplain Development Permit be obtained prior to any disturbance within the boundaries the Special Flood Hazard Area located on the subject property;
6. That the subject property remains free of debris and junk vehicles, in accordance with Ordinance #106;
7. That a private access easement to cross the neighboring property (GL 1-2; W1/2 of GL 3; W1/2 of GL 4) to complete the access to the subject property be filed with the Register of Deeds prior to application of a Building Permit for the proposed single-family residence;
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 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;
10. That the applicant notify the Planning Department when the new residence is habitable, so that this Conditional Use Permit may be ended;

11. That the applicant signs the Statement of Understanding within ten (10) business days of Conditional Use Permit / CU 17-42, 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 deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.
- B. December 3, 2018 – The Planning Commission approved the extension of Conditional Use Permit / CU 17-42 with the following fourteen (14) conditions:
1. That there be no more than one (1) Recreational Vehicle (RV) allowed to be utilized, only by the landowners, as living quarters on the subject property during construction of the single-family residence;
  2. That the address for the property be clearly posted on the Recreational Vehicle (RV) while it is being utilized as living quarters. Once the single-family residence is complete, the address must be posted on the residence and at the driveway so as to be visible from 231st St, in accordance with Pennington County's Ordinance #20;
  3. That the Recreational Vehicle (RV) being used as a temporary residence be hooked into the approved On-Site Wastewater Treatment System until the single-family residence is habitable;
  4. That the minimum setback requirements of a General Agriculture District be continually maintained on the subject property, or an approved Setback Variance be obtained;
  5. That an approved Floodplain Development Permit be obtained prior to any disturbance within the boundaries the Special Flood Hazard Area located on the subject property;
  6. That the subject property remains free of debris and junk vehicles, in accordance with Ordinance #106;
  7. That a private access easement to cross the neighboring property (GL 1-2; W1/2 of GL 3; W1/2 of GL 4) to complete the access to the subject property be filed with the Register of Deeds prior to application of a Building Permit for the proposed single-family residence;
  8. That a Building Permit Application must be submitted to the Planning Office Prior to September 1, 2019, to allow the applicants time to establish a use and construct a SFR;
  9. That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
  10. That upon completion of the single-family residence 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;
11. That the applicant notify the Planning Department when the new residence is habitable, so that this Conditional Use Permit may be ended;
  12. That the Conditional Use Permit will automatically expire on December 18, 2019, if the use of CU 17-42 has not been established or progress on a SFR has not been made, per Section 510-(E);
  13. That the applicant signs the Statement of Understanding within ten (10) business days of Conditional Use Permit / CU 17-42, which is available at the Planning Office; and,
  14. That this Conditional Use Permit be reviewed in October, 2019, 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. 9.62 acres.
- B. Zoned General Agriculture District
- C. Access via Section Line – Construction in a Section Line / CS 17-03, approved by the Board of Commissioners on December 5, 2017.
- D. Lot contains:
  1. Recreational Vehicle being used as living quarters.
  2. On-Site Wastewater Treatment System COSD14-0119.
    - a. Operating Permit – COOP16-0604.
- E. There is Special Flood Hazard Area on the subject property.
  1. 100-year floodplain



#### IV. ANALYSIS

- A. Applicant has an approved On-Site Wastewater Treatment System (COSD14-0119).
  - 1. Current Operating Permit (COOP16-0604).
- B. June 12, 2019 – The applicants applied for a Building Permit to construct a single-family residence with an attached shop (COBP19-0311).
  - 1. Building Permits are good for two (2) years.
    - a. Expires June 28, 2021.
    - b. Condition #8 and #12 have been removed.
- C. October 22, 2019 - Staff performed a site visit and found:
  - 1. No progress has been made on the single-family residence but the attached shop has been placed on the property.
- D. Staff has not received any complaints regarding Conditional Use / CU 17-42.



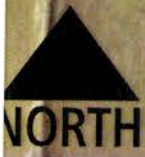
Site Visit (10/22/19)

**RECOMMENDATION:** Staff recommends to approve the extension of Conditional Use Permit / CU 17-42 with the following twelve (1) conditions:

- 1. That there be no more than one (1) Recreational Vehicle (RV) allowed to be utilized, only by the landowners, as living quarters on the subject property during construction of the single-family residence;

2. That the address for the property be clearly posted on the Recreational Vehicle (RV) while it is being utilized as living quarters. Once the single-family residence is complete, the address must be posted on the residence and at the driveway so as to be visible from 231<sup>st</sup> St, in accordance with Pennington County's Ordinance #20;
3. That the Recreational Vehicle (RV) being used as a temporary residence be hooked into the approved On-Site Wastewater Treatment System until the single-family residence is habitable;
4. That the minimum setback requirements of a General Agriculture District be continually maintained on the subject property, or an approved Setback Variance be obtained;
5. That an approved Floodplain Development Permit be obtained prior to any disturbance within the boundaries the Special Flood Hazard Area located on the subject property;
6. That the subject property remains free of debris and junk vehicles, in accordance with Ordinance #106;
7. That a private access easement to cross the neighboring property (GL 1-2; W1/2 of GL 3; W1/2 of GL 4) to complete the access to the subject property be filed with the Register of Deeds;
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 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;
10. That the applicant notify the Planning Department when the new residence is habitable, so that this Conditional Use Permit may be ended;
11. That this Conditional Use Permit be reviewed in October 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.





1N13E

7

House Location

Existing RV

18



**STAFF REPORT**

GENERAL INFORMATION:

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

APPLICANT: Ray or Erin Atkins

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

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

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

SIZE: 1.00 acre

TAX ID: 38974

EXISTING LAND USE: Garage

ZONING REFERENCE: Sections 206 and 510

CURRENT ZONING: Limited Agriculture District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Flat

UTILITIES: None

REPORT BY: Brittney Molitor



**I. RECOMMENDATION**

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

**II. GENERAL DESCRIPTION**

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

**III. EXISTING CONDITIONS LOT 8**

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

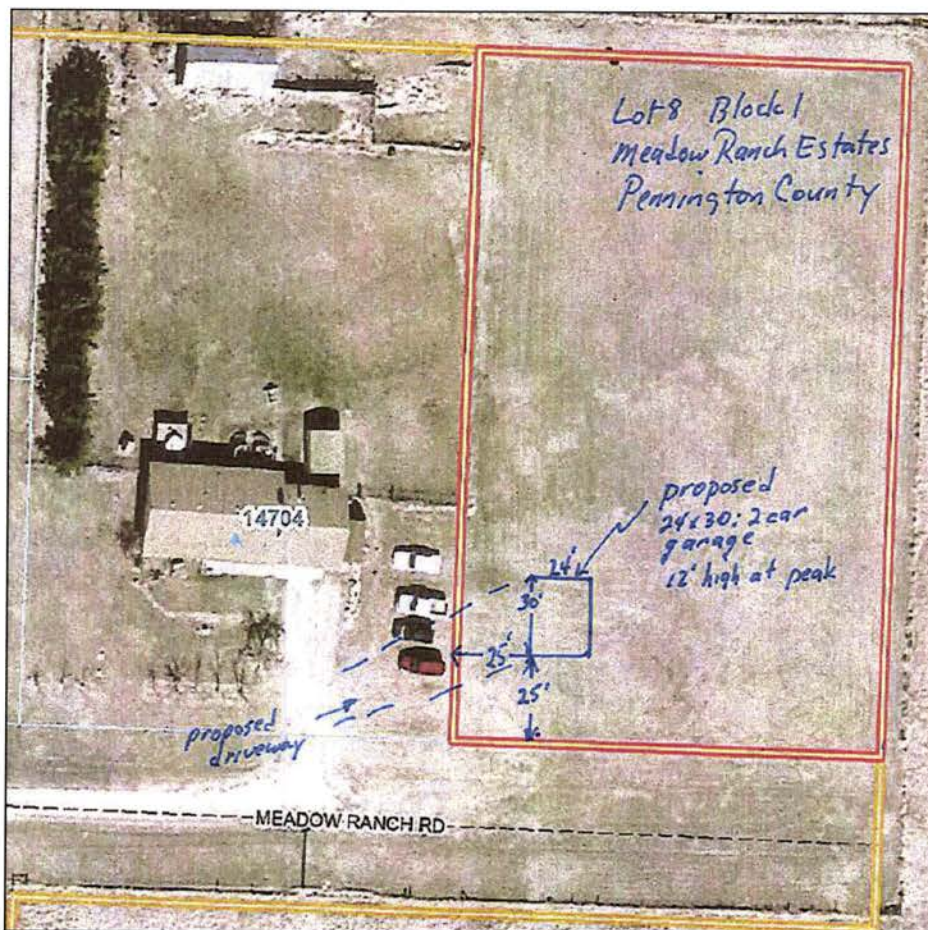
- (a) The sheds have never been permitted since the original request was approved in 2018.
  - (b) Staff sent a Notice of Violation for the sheds on June 20, 2019.
6. Surrounded on one (1) side by property owned by the United States of America (Ellsworth Air Force Base).
  7. The landowner also owns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



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

#### IV. HISTORY

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



SITE MAP PROVIDED BY APPLICANT ON APRIL 10, 2018

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

Agenda Item #8  
 Ray or Erin Atkins  
 October 28, 2019

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

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

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

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

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

Latitude:  Deg  M  s

Longitude:  Deg  M  s

Horizontal Datum:

Site Elevation (SE):  (nearest foot)

Structure Height :  (nearest foot)

Traverseway:

(Additional height is added to certain structures under 77.9(c)  
 User can increase the default height adjustment for  
 Traverseway, Private Roadway and Waterway)

Is structure on airport:  No  Yes

**Results**

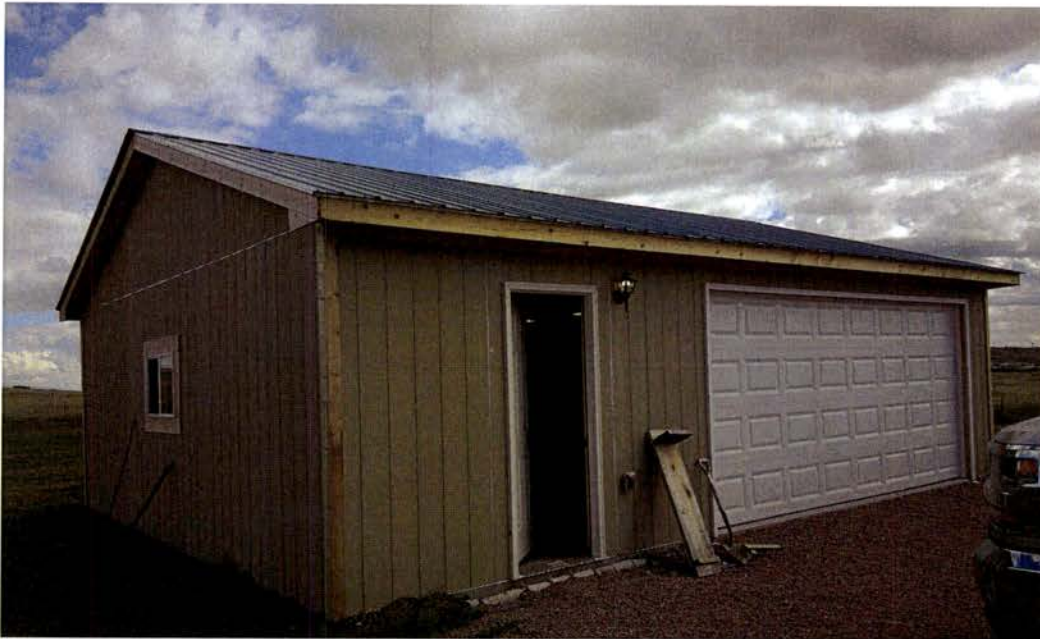
You exceed the following Notice Criteria:

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

The FAA requests that you file

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

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



*Garage*

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



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

Agenda Item #8  
Ray or Erin Atkins  
October 28, 2019

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

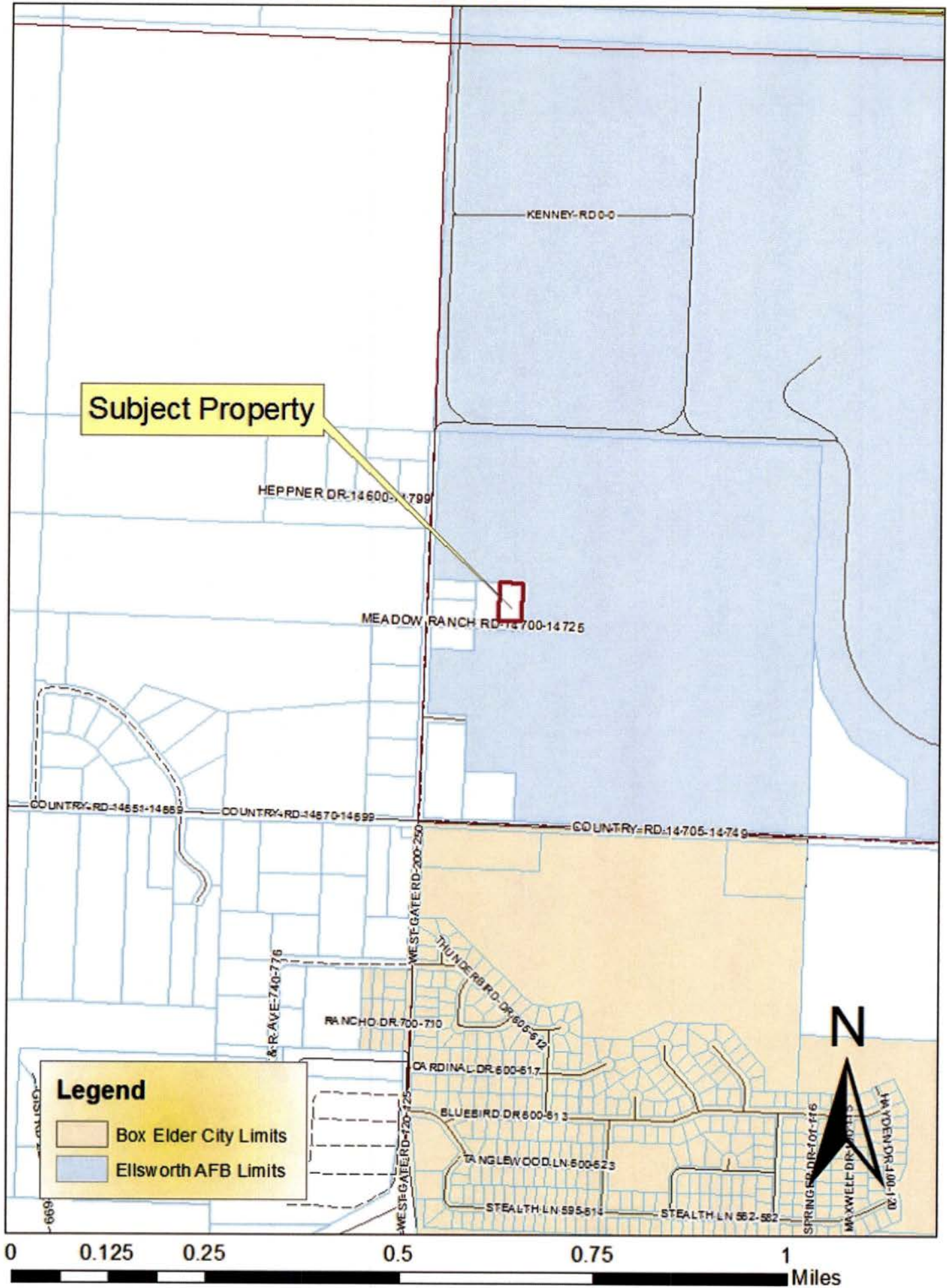
**V. UPDATE FOR OCTOBER 28, 2019 PLANNING COMMISSION MEETING**

- A. Staff was contacted by the City of Box Elder's Community and Economic Development Director.
  - 1. The applicant is working with the City of Box Elder to vacate a portion of the Public Right-of-Way and plat the two properties together to bring the structure into compliance with Pennington County's setback requirements.

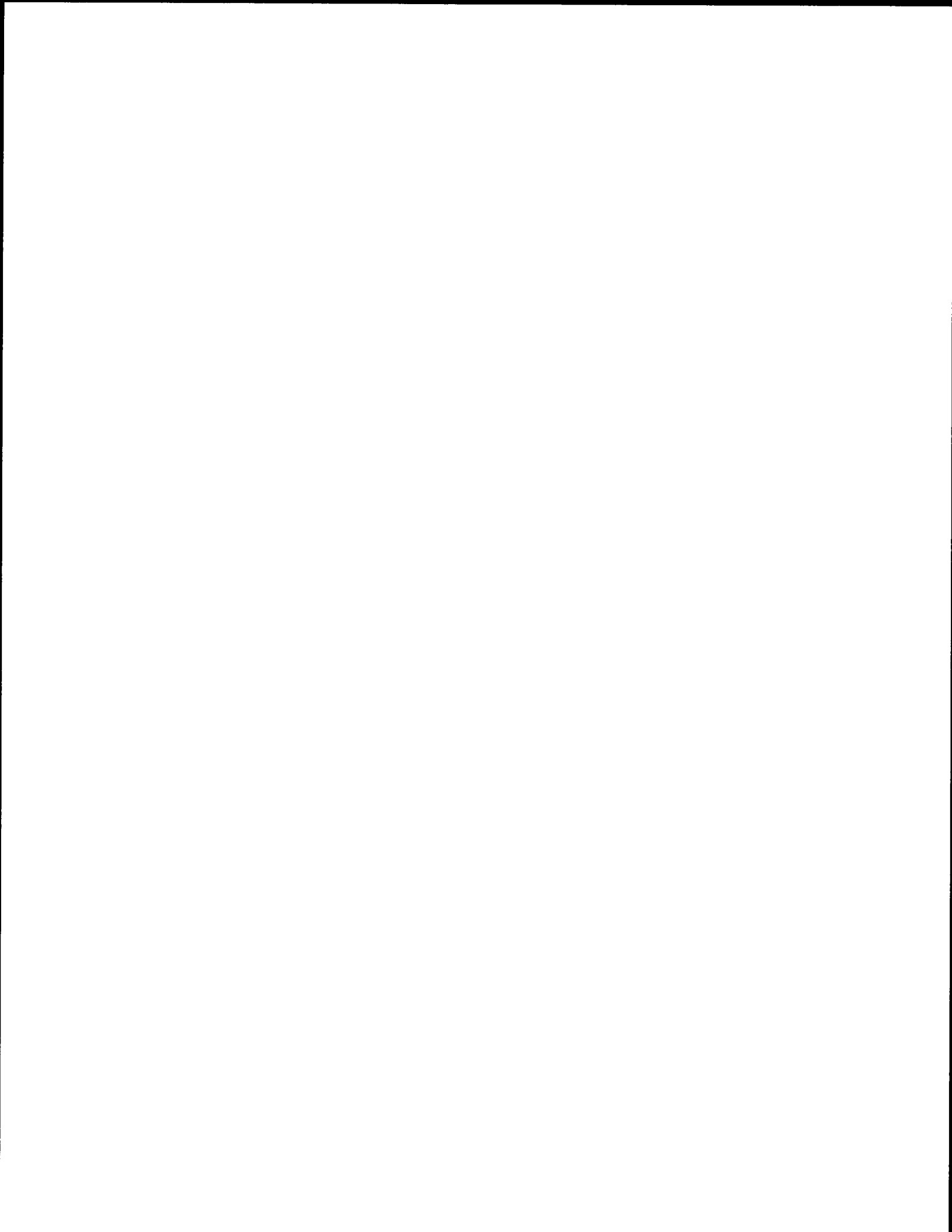
**RECOMMENDATION:** Staff recommends to continue the review of Conditional Use Permit / CU 18-10 to the April 27, 2020, Planning Commission with one (1) condition:

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

# ATKINS







**STAFF REPORT**

GENERAL INFORMATION:

REQUEST: **CONDITIONAL USE PERMIT REVIEW/ CU 18-37**: To review an Alpaca Guest Ranch and store on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

APPLICANT/AGENT: Glenn and Debbie Lepp

APPLICANT ADDRESS: P.O. Box 64, Caputa, SD 57725

SITE LOCATION: 15268 E. Highway 44; east of the intersection of Antelope Creek Road and Caputa Loop.

SIZE: 6.61 acres

TAX ID: 11853

EXISTING LAND USE: Residential

ZONING REFERENCE: Sections 205 and 510

CURRENT ZONING: General Agriculture District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Flat

UTILITIES: Public

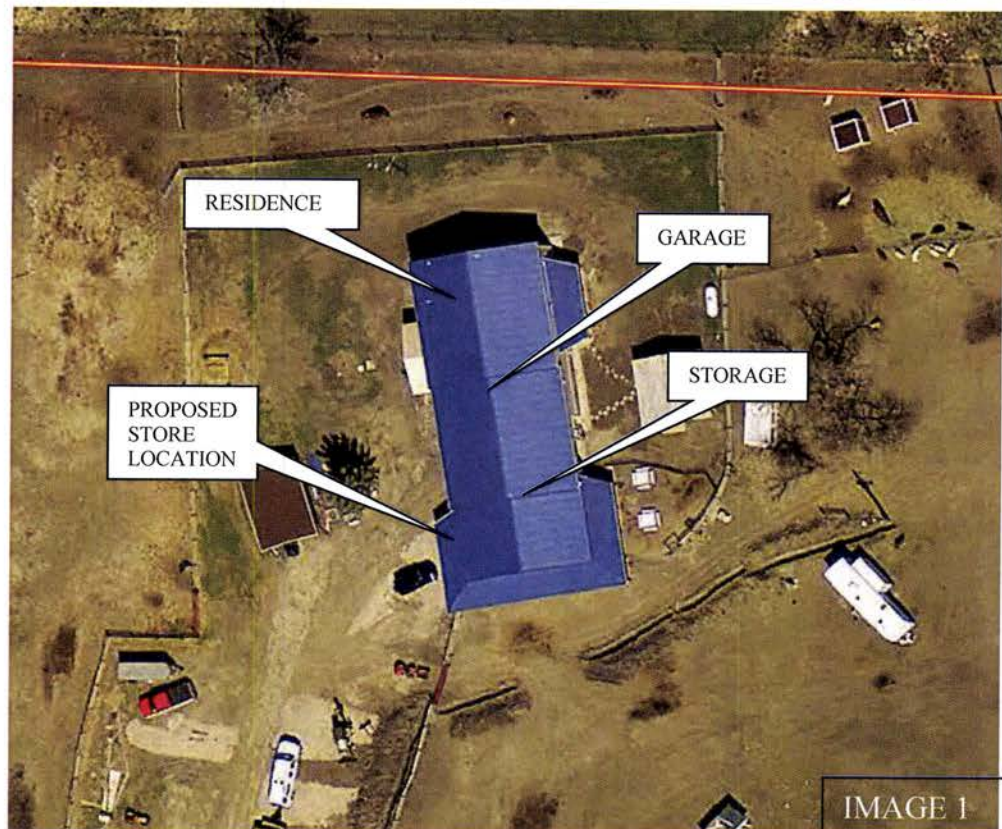
REPORT BY: P.J. Conover

**I. PROPOSED RECOMMENDATION**

- A. Staff will be recommending approval of Conditional Use Permit / CU 18-37 with eleven (11) conditions.

## II. GENERAL DESCRIPTION

- A. 2018 - The applicant, Glenn and Debbie Lepp, have requested a Conditional Use Permit to allow for an Alpaca Guest Ranch, shop, fiber mill, and RV Campground.
- B. The applicant's request was considered an Agritourism Operation for purposes of operation.
  1. Per the United States Department of Agriculture, Agritourism is described as, "[A] way to add value to enterprises, and increasingly the public is visiting these agricultural, horticultural, or similar enterprises to learn more about them, to take part in farming activities, or just to enjoy a day out."
- C. Through the research process for CU 18-37, Staff discovered several items of concern which needed to be resolved prior to allowing the applicant to move forward.
- D. In 2018 through early 2019, Staff worked with the applicant regarding these concerns and allowed the applicant time to work on non-compliant issues.
- E. Due to the cost involved in coming into compliance, the applicant chose to downgrade from the original request and pursued only the approval of the Alpaca Store.
- F. IMAGE 1 – Per the applicant, this is the interior make-up of the large structure pictured below, with the proposed location of the Alpaca Store.



### III. EXISTING CONDITIONS

- A. 6.61 acres.
- B. General Agriculture District – Current Zoning.
- C. Limited Agriculture District – Future Land Use Zoning.
- D. Single access off of Highway 44.
- E. Structures on the subject property:
  - 1. County Building Permit / COBP16-0368 for removal of Single-family residence (SFR) with attached garage.
    - a. SFR was destroyed by fire.
  - 2. County Building Permit / COBP17-0008 for SFR with attached garage and storage.
  - 3. Two 8' x 7' loafing sheds (movable).
    - a. Building Permits not needed.
    - b. Floodplain Development Permits needed only **if** structures are not moved every 180-days.
  - 4. 5' x 7' chicken coop (movable).
    - a. Building Permit not needed.
    - b. Floodplain Development Permits needed only **if** structure are not moved every 180-days.
  - 5. 20' x 12' Loafing shed (movable).
    - a. Was built in or around 2000 without a Building Permit.
      - i. A Building Permit may be needed.
    - b. Floodplain Development Permit needed only **if** structure is not moved every 180-days.
  - 6. 24' x 12' Loafing shed (movable).
    - a. Was built in or around 2000 without a Building Permit.
      - i. A Building Permit may be needed.
    - b. Appears to be encroaching within the Section-Line Right-of-Way and/or the ROW setback and the twenty-five (25) foot side-yard setback and/or rear yard setback of the irregular lot.
    - c. Floodplain Development Permit needed only **if** structure is not moved every 180-days.
  - 7. 20' x 14' Equipment Shop.
    - a. No Building Permit needed as Department of Equalization (DOE) records indicate the shop was constructed in 1980.
  - 8. 24' x 16' Equipment Shop.
    - a. No Building Permit needed as DOE records indicate the shop was constructed in 1980.
  - 9. 20' x 40' Mini Mobile storage unit.
    - a. Was placed on the subject property without a Building Permit.
      - i. A Building Permit may be needed.
    - b. Appears to be encroaching within the Section Line ROW and/or the ROW setback.

- c. Floodplain Development Permits needed only **if** structure is not moved every 180-days.
- 10. 20' x 20' enclosed gazebo.
  - a. Was placed on the subject property without a Building Permit.
    - i. A Building Permit may be needed.
  - b. Floodplain Development Permit needed only **if** structure is not moved every 180-days.
- 11. 20' x 26' carport.
  - a. Was placed on the subject property without a Building Permit.
    - i. A Building Permit may be needed.
  - b. Floodplain Development Permit needed only **if** structure is not moved every 180-days.
- F. Zone A – Special Flood Hazard Area on the subject property.
  - 1. Floodplain Development Permit / FP 14-09 to place the new SFR on the subject property via COBP17-0008.

#### IV. REQUEST FOR ROUTING COMMENTS

*NOTE: The comments below were based on the applicant's full request and were received in 2018, but are still applicable as of this Staff Report.*

- A. South Dakota Department of Environment and Natural Resources
  - 1. Plans and specifications for the wastewater system will need to be submitted to DENR.
    - a. *STAFF COMMENT: Due to the wet year, the applicant's property has been unable to dry-out to the extent necessary to perform work on the septic system.*
- B. 9-1-1 Emergency Services
  - 1. Was this the place that burned down a while back? In all the aerials I have access to (Rapid City.Sid, Penn FSA and Google Maps) the main structure is either missing or different. Regardless, I am thinking if there is a residence it needs a separate physical address from the proposed camp ground. The residence and Alpaca business could share a physical address but the camp ground should be separate.
  - 2. My other concern is more an item for Jerome. In their proposed campground plans it looks really tight in there to get a fire truck, ambulance or even LE vehicle in and turned around. The proposed camp sites look close together. If one camper were to catch fire, the others would likely go us as well. At least it looks that way to me.
  - 3. So my main comment is, the campground, if approved, needs a separate address with both addresses posted along SD 44 in accordance with Penn Co. Ord. # 20.

- C. South Dakota Department of Transportation
  - 1. At this time SDDOT has no comment.
- D. County Environmental Planner (Onsite Wastewater Specialist)
  - 1. The only septic information that could be found for this property is associated with the 3-bedroom residence located on the property. The new house was connected to an existing septic system that was installed by the homeowner. For the RV campground it appears there are no septic hookups for the RV sites but there are restrooms with showers that were added to the septic system used for the house this would require DENR approval.. The owner wishes to add a store to the existing house. This would also require DENR approval and information regarding the septic usage required for this store. The homeowner would need to calculate what size the existing system is and calculate what size the septic system would need to be sized for to include the store and shower/restroom facilities.
    - a. *STAFF COMMENT: Due to the wet year, the applicant's property has been unable to dry-out to the extent necessary to perform work on the septic system. The applicant is still required to obtain a permit from the County.*
- E. County Environmental Planning Supervisor (Professional Environmental Planner)
  - 1. The subject property has Special Flood Hazard Area on its eastern side. Any work done within the SFHA will require, at a minimum, a Flood Plain Development Permit.
- F. County Ordinance Enforcement
  - 1. There are several unpermitted structures on the subject property that required either Permits, Variances, Vacations, or removal/replacement to come into compliance.
    - a. *STAFF COMMENT: Staff continues to be aware of these issues and the applicant has not increased any non-compliance on the subject property. The disposition of the current and possible future upgrades to the existing On-Site Waste Water Treatment System (OSWTS) may determine where the non-complaint structures can be moved to on the property. As the structures, in their current location are not a hazard to abutting neighbors or the public, Staff will address these concerns after the issues with the OSWTS are addressed.*
  - 1. West River Electric has no comments regarding the attached request.
- G. County Highway
  - 1. Highway Department has no comments since this abuts a State Highway and drainage isn't impacted.

**VI. ANALYSIS**

- A. During the initial Comment Period in 2018, several responses were received by staff that required further investigation and additional comment from the Landowner.
- B. On several occasions, Staff met with the applicant to discuss the items of concern.
- C. Throughout 2018 and 2019, the applicant provided several photos showing the flooding on the subject property. This continued flooding has prevented the applicant from performing the necessary investigations into the existing OSWTS. Examples of the photos sent by the applicant are shown below:



- D. Staff performed a site-visit on October 23, 2019, and spoke to the Landowner regarding CU 18-37.
1. Staff noticed a camper parked outside of the main residence in what was to be the RV-Park. Staff observed the campers extensions, extended out, a car parked in close proximity to the camper, and a man walk in and out of the camper.
    - i. Staff spoke to the Landowner about this and the Landowner indicated that was a relative of his who was in the process of cleaning out the camper.
  2. Staff is aware of the difficulties encountered by the Landowner due to the Special Flood Hazard Area on the property and the amount of rain that has fallen in 2019.
  3. Staff proposed another review in June of 2020, whereupon the items of concern will need to be addressed. The applicant agreed to this proposal.

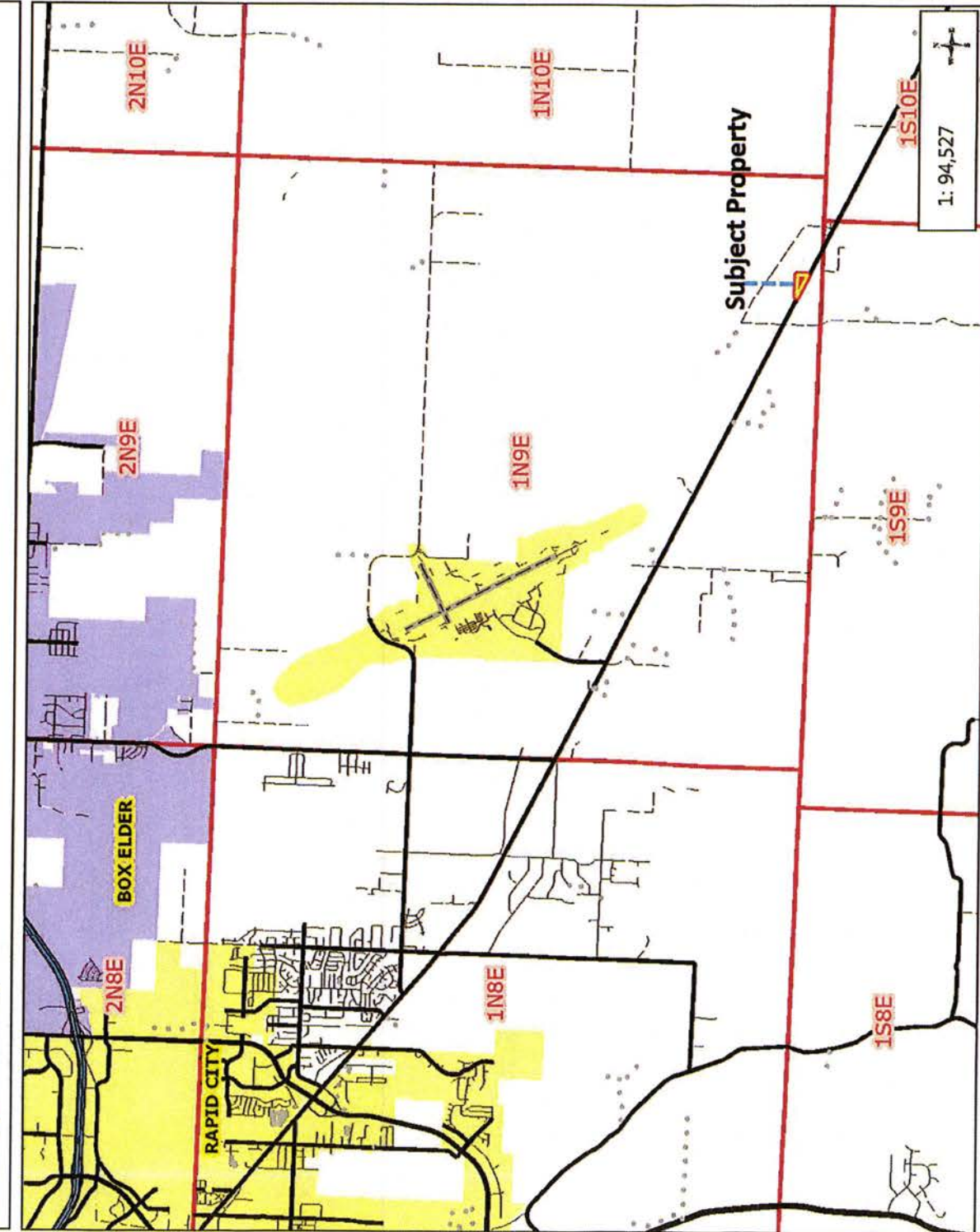
**RECOMMENDATION:** Staff recommends approval of the extension of Conditional Use Permit / CU 18-37, with the following eleven (11) conditions:

1. That Conditional Use Permit / CU 18-37 is for the continued on-site operation of an Alpaca Store which is located within the single-family residential structure;
2. That additional uses on the subject property, not approved under CU 18-37, shall require amendments to CU 18-37 in accordance with *Pennington County Zoning Ordinance §510(A)*;
3. That the Alpaca Store business be in compliance with all Federal, State, and Local requirements prior to operations;
4. That all materials for the Alpaca Store shall be stored within an enclosed structure when not in use;
5. That the Alpaca Store may be operated daily, but shall only operate between the hours of 8 a.m. to 7 p.m.;
6. That two (2) portable fire extinguishers, each with a minimum 2 A-BC rating, be placed within the structure that houses the Alpaca Store;
7. That parking is provided per Pennington County Zoning Ordinance § 310;
8. That a Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;



Agenda Item #9  
Caputa Alpaca's Guest Ranch and Fiber Mill  
October 28, 2019

9. That the property remain free of debris and junk, in accordance with Pennington County Ordinance #106;
10. That all outside lighting be continually directed towards the ground and must be of low level intensity, which does not result in excessive glare upon surrounding neighbors;
11. That this Conditional Use Permit be reviewed in June 2020, 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.



15,754.5 0 7,877.28 15,754.6 Feet

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

THIS MAP IS NOT TO BE USED FOR NAVIGATION

1: 94,527

**Legend**

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

**Map Notes:**



1: 9,776

1.629.3 814.63 1.629.3 Feet

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

**Legend**

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

**Map Notes:**



1: 1,701

283.6 0 141.79 283.6 Feet

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

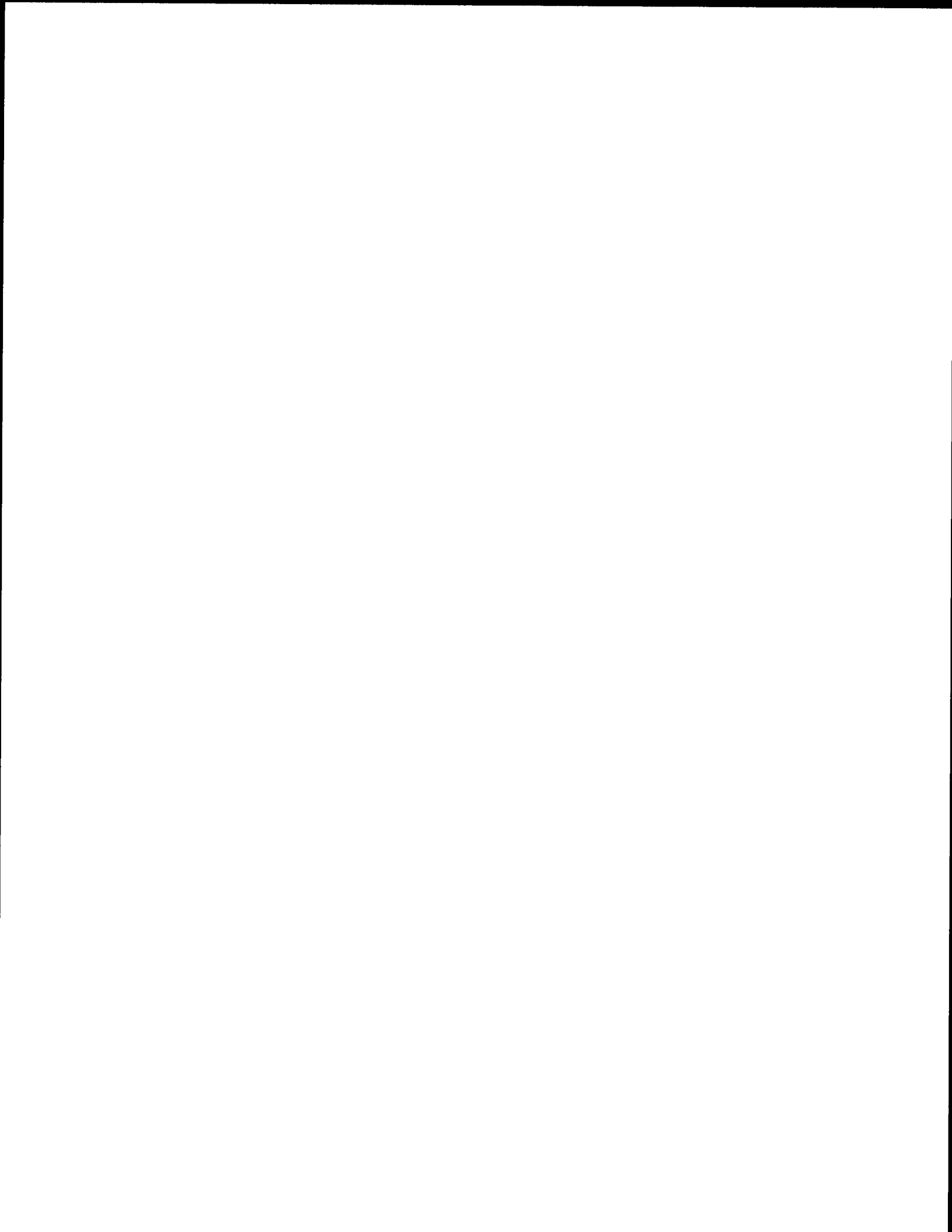
THIS MAP IS NOT TO BE USED FOR NAVIGATION

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

**Map Notes:**



## STAFF REPORT

### GENERAL INFORMATION:

#### REQUEST:

**CONDITIONAL USE PERMIT REVIEW / CU 18-39**: To allow an existing single-family residence to be used as a Vacation Home Rental in a Low Density Residential District in accordance with Sections 207, 319, and 510 of the Pennington County Zoning Ordinance.

#### APPLICANT:

Michael Buseti

#### APPLICANT ADDRESS:

P.O. Box 11, Hill City, SD 57745

#### LOCAL CONTACT:

Michael Buseti

#### AGENT:

Rob Livingston

#### AGENT ADDRESS:

24010 Twin Springs Road, Hill City, SD 57745

#### LEGAL DESCRIPTION:

Lot 5, Gold Mountain Subdivision, Section 14, T1S, R4E, BHM, Pennington County, South Dakota.

#### SITE LOCATION:

12284 Gold Mountain Loop; located off of Gold Mountain Loop near the intersection of Deerfield Road and Burnt Fork Road.

#### SIZE:

2.92 acres

#### TAX ID:

2449

#### EXISTING LAND USE:

Residential

#### ZONING REFERENCE:

§§ 207, 319, and 510

#### CURRENT ZONING:

Low Density Residential District

#### SURROUNDING ZONING:

North  
South  
East  
West

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

PHYSICAL CHARACTERISTICS: Forested / Hills

UTILITIES: Private

REPORT BY: Jason Theunissen

**I. PROPOSED RECOMMENDATION**

- A. Staff will be recommending approval of the extension of Conditional Use Permit / CU 18-39 with fifteen (15) conditions.

**II. GENERAL DESCRIPTION**

- A. October 2, 2018 – Planning Commission approved Conditional Use Permit / CU 18-39 with following sixteen (16) conditions:
1. That the maximum overnight occupancy, based on SD DENR approval, be limited to six (6) people and the maximum daytime occupancy be limited to twelve (12) people, per Pennington County Zoning Ordinance (PCZO) § 319(F)(13);
  2. That if an addition is constructed and/or the on-site wastewater treatment system is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DENR;
  3. That all necessary permits are obtained prior to any additions and/or alterations to the structure or upgrades/alterations to the on-site wastewater treatment system;
  4. That each review of Conditional Use Permit / CU 18-39, be subject to PCZO § 511(F)(3), which imposes a \$100 fee per review;
  5. 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;
  6. That the applicant continually maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;
  7. That a minimum of two (2) off-street parking spaces be provided on-site, per PCZO § 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
  8. That an interior informational sign be posted in accordance with the requirements of PCZO §319(G), with 9-1-1 and (605) 394-2151 listed as contacts for Fire Department and Sheriff's Office respectively, during operation of the Vacation Home Rental;

9. That the lot address (12284 Gold Mountain Loop) be posted on the residence at all times and so it is clearly visible from Devin Court, in accordance with Pennington County's Ordinance #20;
10. 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;
11. That if the person designated as the Local Contact is ever changed from Mike Busetti, the interior informational sign be updated and the applicant re-notify the Planning Director and surrounding landowners within 500 feet via notices sent by First Class Mail;
12. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
13. That an approved Sign Permit be obtained prior to the placement of any sign(s);
14. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
15. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 18-39, which is available at the Planning Office; and,
16. 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. 2.92 acres.
  1. Plat filed in 1975 (Book 14, Page 47).
  2. Lot size is legal non-conforming.
- C. Access off of Gold Mountain Loop via an existing access easement (Plat Book 14, Page 47).
- D. No Special Flood Hazard Area on the subject property.
- E. Lot contains:
  1. Single-family residence
    - a. Building Permit #2963.
  2. Residential addition
    - a. 1993COBP0296.
  3. On-site wastewater treatment system
    - a. Operating Permit – COOP14-0002.
      - i. Expires November 11, 2019.
      - ii. First notice sent October 18, 2019.



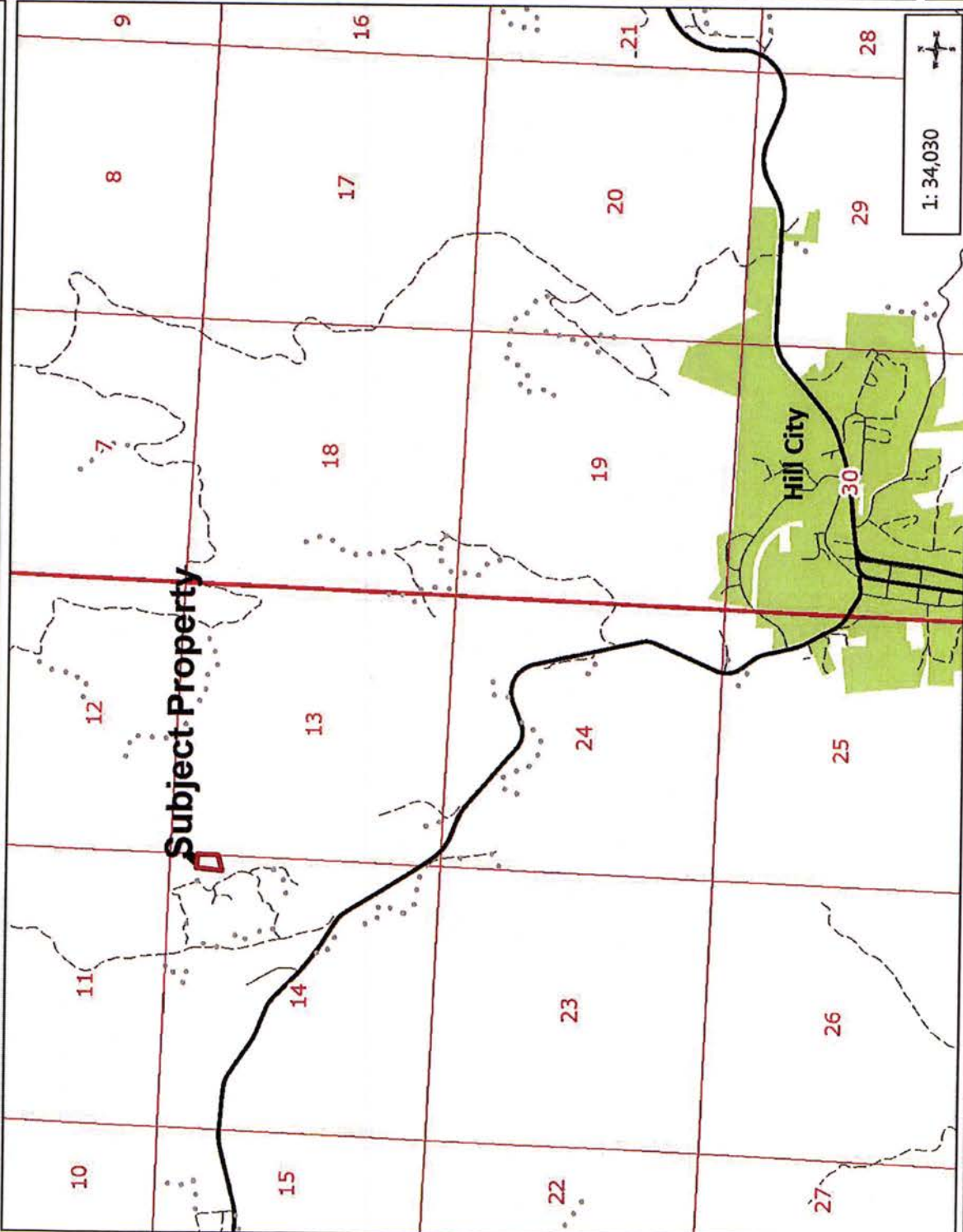
#### IV. ANALYSIS

- A. Pennington County Zoning Ordinance (PCZO) § 207(C)(18) lists “Vacation Home Rental in accordance with Section 319” as a Conditional Use in a Low Density Residential District.
1. October 21, 2019 – Staff spoke with the applicant, Michael Buseti, via telephone and notified him of the Planning Commission hearing and scheduled a site visit.
  2. October 22, 2019 – Staff met with the applicant at the subject property and verified the following:
    - a. Staff collected the \$100 review fee (Condition #4).
    - b. Current South Dakota Department of Health and Department of Revenue licenses (Condition #5).
    - c. Evacuation plan, off-street parking, interior informational sign, and local contact information (Conditions #6, #7, #8, and #11).
    - d. Address was posted in accordance with Pennington County Ordinance #20 (Condition # 9).
    - e. All other Conditions appeared to be met.
  3. Staff removed Condition #15 because it had been met.

**RECOMMENDATION:** Staff recommends approval of the extension of Conditional Use Permit / CU 18-39 with the following fifteen (15) conditions:

1. That the maximum overnight occupancy, based on SD DENR approval, continue to be limited to six (6) people and the maximum daytime occupancy be limited to twelve (12) people, per Pennington County Zoning Ordinance (PCZO) § 319(F)(13);
2. That if an addition is constructed and/or the on-site wastewater treatment system is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DENR;
3. That all necessary permits are obtained prior to any additions and/or alterations to the structure or upgrades/alterations to the on-site wastewater treatment system;
4. That each review of Conditional Use Permit / CU 18-39, be subject to PCZO § 511(F)(3), which imposes a \$100 fee per review;
5. 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;

6. That the applicant continually maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;
7. That a minimum of two (2) off-street parking spaces continue to be provided on-site, per PCZO § 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
8. That an interior informational sign continue to be posted in accordance with the requirements of PCZO §319(G), with 9-1-1 and (605) 394-2151 listed as contacts for Fire Department and Sheriff's Office respectively, during operation of the Vacation Home Rental;
9. That the lot address (12284 Gold Mountain Loop) continue to be posted on the residence at all times and so it is clearly visible from Devin Court, in accordance with Pennington County's Ordinance #20;
10. 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;
11. That if the person designated as the Local Contact is ever changed from Mike Buseti, the interior informational sign be updated and the applicant re-notify the Planning Director and surrounding landowners within 500 feet via notices sent by First Class Mail;
12. That all applicable Federal, State, and local regulations continue to be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
13. That an approved Sign Permit be obtained prior to the placement of any sign(s);
14. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
15. That this Conditional Use Permit be reviewed in one (2) 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: 34,030



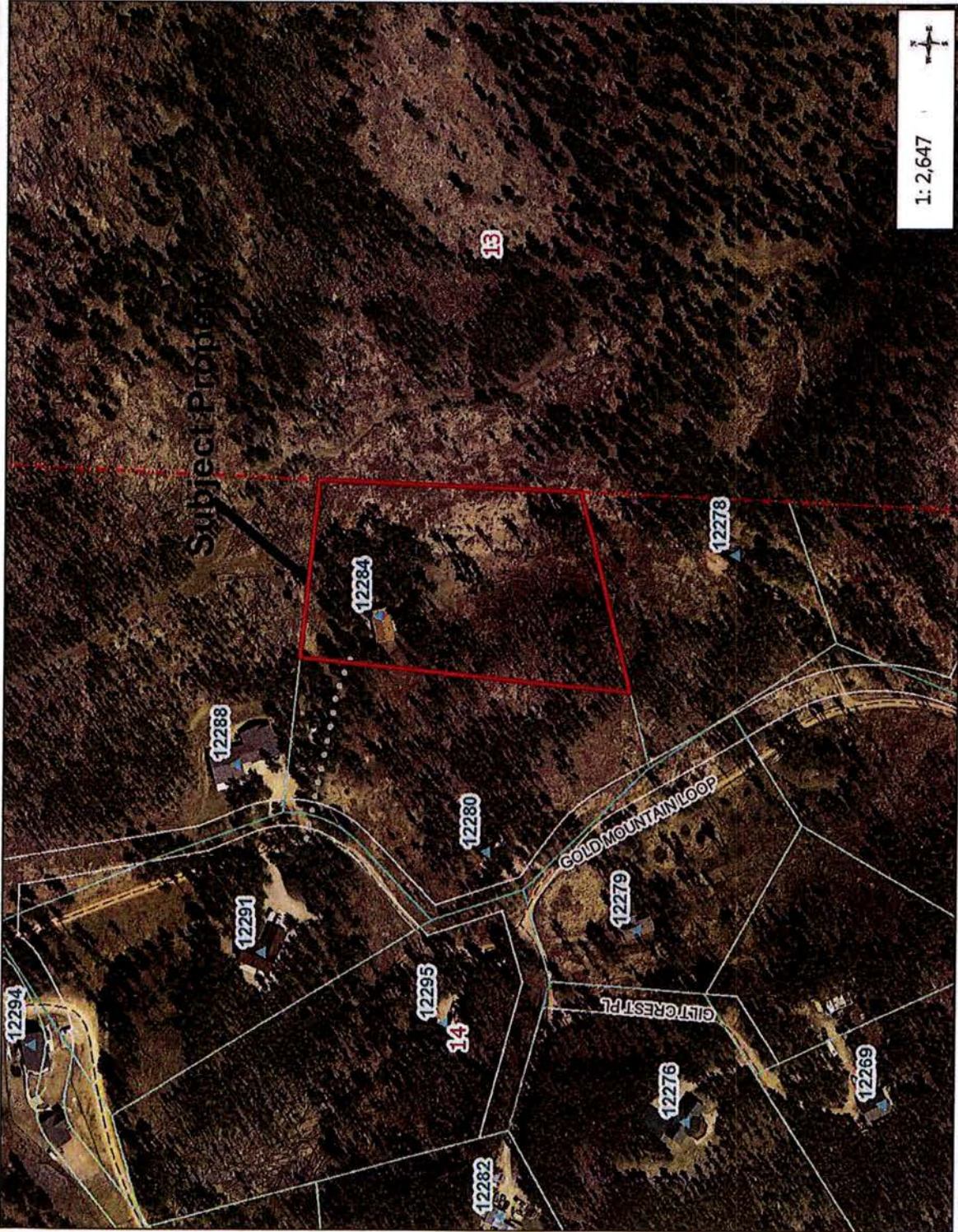
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.  
**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

5,671.6  
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 © City of Rapid City GIS

**Legend**

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

**Map Notes:**



1: 2,647

441.1 0 220.56 441.1 Feet

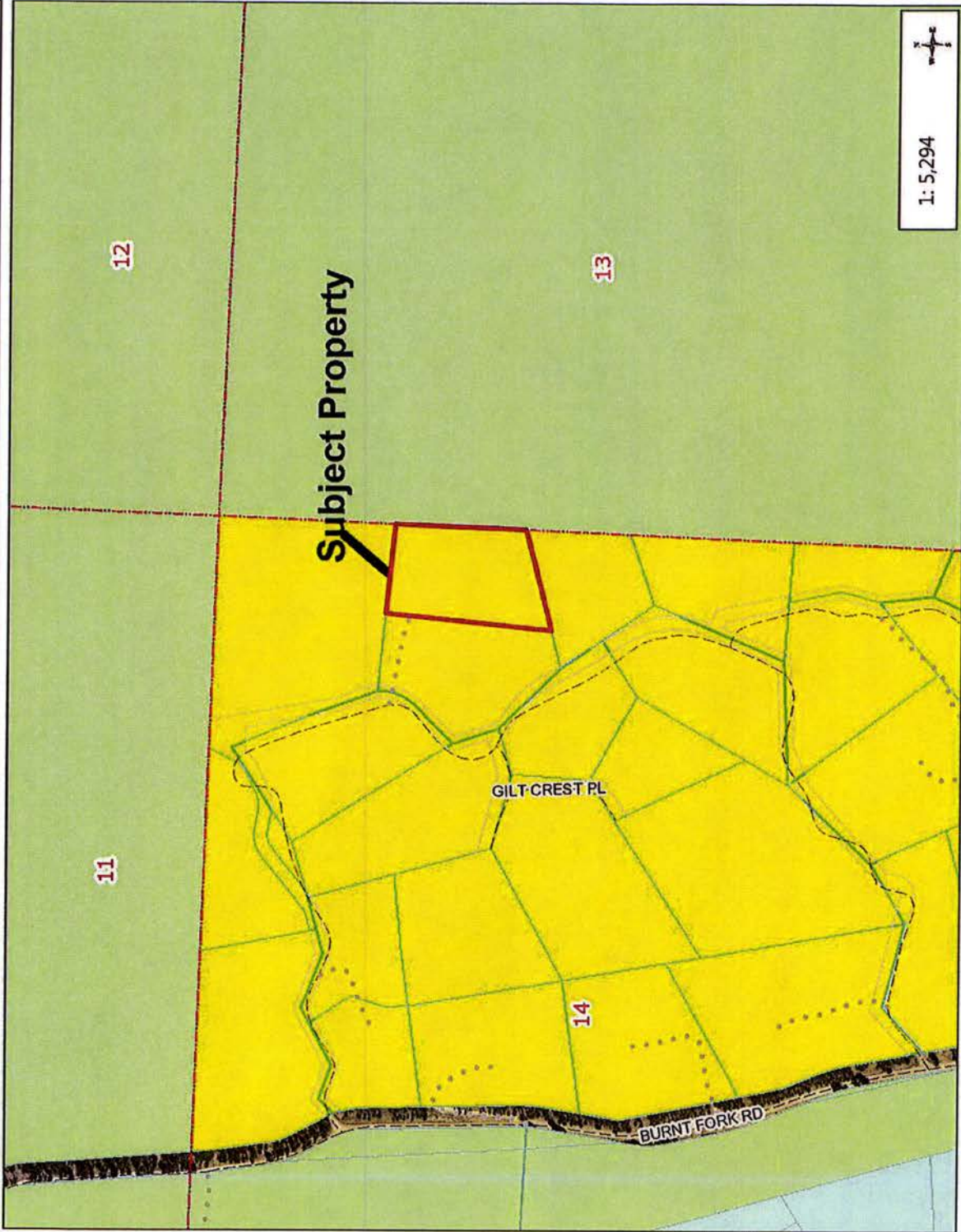
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**Legend**

- Roads**
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  - Ramp
  - Paved road
  - Unpaved road
  - Trail
  - Driveway
  - Alley
  - Unimproved road
  - Airport Runway
  - Not yet coded
- Address Points**
- Section Lines 0-25k**
- 0
  - 7
- Tax Parcels**
- Lot Lines**
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  - Parcel Line

**Map Notes:**



1: 5,294



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

**Legend**

**Roads**

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

**Section Lines 0-25k**

- 0
- 7

**Tax Parcels**



**Lot Lines**

- <Null>
- Lot Line
- Parcel Line

**Pennington County Zoning**

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

**Map Notes:**

STAFF REPORT

GENERAL INFORMATION:

REQUEST: CONDITIONAL USE PERMIT REVIEW/ CU 18-40: To review a pole barn structure prior to a principle use structure on the subject property in a Highway Service District in accordance with Sections 210 and 510 of the Pennington County Zoning Ordinance.

APPLICANT: Eli Rodolph / Rodolph Investments LLC

APPLICANT ADDRESS: 13320 Silver Mountain Road  
Rapid City, SD 57702

LEGAL DESCRIPTION: Lot 2, Pankratz Subdivision, Section 22, T1S, R6E, BHM, Pennington County, South Dakota.

SITE LOCATION: 13337 S. Highway 16, Rapid City, SD 57702

SIZE: 18.35 acres

TAX ID: 68720

EXISTING LAND USE: Vacant

ZONING REFERENCE: §§ 210 and 510

CURRENT ZONING: Highway Service District

SURROUNDING ZONING:

North	Highway Service District
South	General Agriculture District
East	Forest Service / DOT ROW
West	Highway Service District

PHYSICAL CHARACTERISTICS: Forested / Rolling Hills

UTILITIES: None

REPORT BY: Kristina Proietti

**I. PROPOSED RECOMMENDATION**

- A. Staff will be recommending approval of the extension of Conditional Use Permit / CU 18-40 with ten (10) conditions.

**II. GENERAL DESCRIPTION**

- A. October 18, 2018, the Planning Commission approved Conditional Use Permit / CU 18-40 with the following thirteen (13) conditions:
1. That an approved On-Site Wastewater Construction Permit be obtained prior to the installation of an On-Site Wastewater Treatment System on the property;
  2. That an approved Building Permit be obtained for the proposed pole barn prior to any construction, which requires a site plan to be reviewed and approved by the Planning Director;
  3. That a Building Permit be obtained for any structures exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
  4. That if any plumbing is to be installed in the accessory structure, the pole barn, it be hooked into an approved means of wastewater disposal;
  5. That the proposed pole barn be used for personal use only and no commercial-type uses;
  6. That all the natural drainage paths be maintained;
  7. That the minimum setback requirements of a Highway Service District be maintained on the property or the appropriate Variance(s) be obtained;
  8. That either an approved Construction Permit or an approved Building Permit be obtained prior to the improvement of the road on the property, per Pennington County Zoning Ordinance § 507(A) and 511(C)(1);
  9. That the address, once assigned be posted during the construction of the pole barn and at the end of the driveway off of South Highway 16, so it is visible from both directions of travel on South Highway 16, in accordance with the Pennington County's Ordinance #20;
  10. That the applicant adhere to § (510)(E) of the Zoning Ordinance regarding the time limit on Conditional Use Permit established uses;
  11. That the subject property remains free of debris and junk vehicles, in accordance with Pennington County's Ordinance #106;
  12. That the applicant sign a Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 18-40, which is available at the Planning Office; and,
  13. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

### III. EXISTING CONDITIONS

- A. Zoned Highway Service District.
- B. 18.35 acres.
- C. Access is taken off of S. Highway 16.
- D. Lot contains:
  - 1. One detached garage/pole barn, County Building Permit / COBP18-0693.

### IV. ANALYSIS

- A. October 15, 2019, Staff left a message regarding the upcoming Planning Commission hearing and site visit dates.
- B. October 18, 2019, Staff performed a site visit to the subject property where it appeared that all of the Conditions of Approval were being met.
- C. Staff has removed Condition #12 and #2 as they have been met.



Google Earth Image 2019.



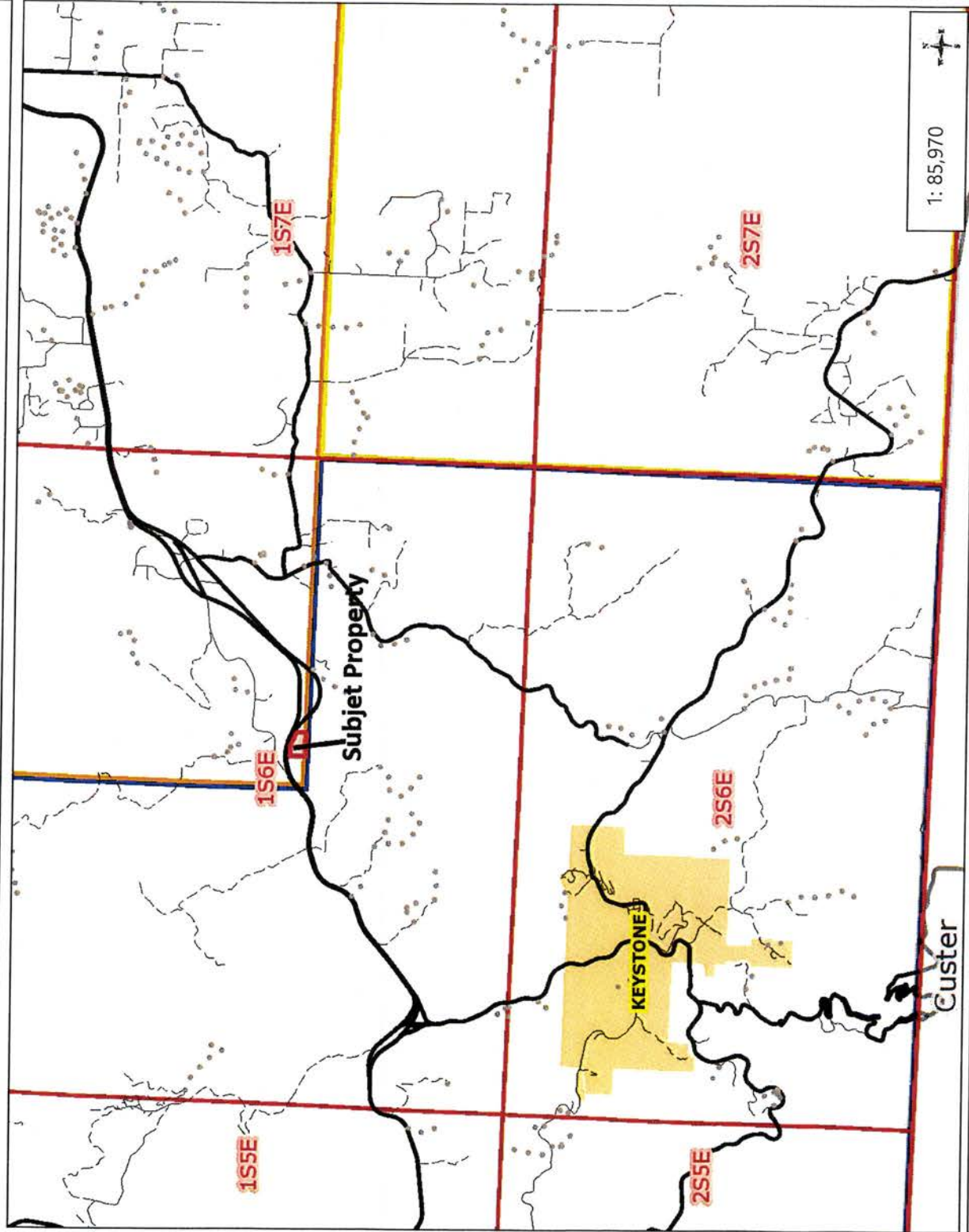
Site photo 10/18/2019.



Agenda Item #11  
Eli Rodolph  
October 28, 2019

**RECOMMENDATION:** Staff recommends approval of the extension of Conditional Use Permit / CU 18-40 with the following ten (10) conditions:

1. That an approved On-Site Wastewater Construction Permit be obtained prior to the installation of an On-Site Wastewater Treatment System on the property;
2. That a Building Permit be obtained for any structures exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
3. That if any plumbing is to be installed in the accessory structure, the pole barn, it be hooked into an approved means of wastewater disposal;
4. That the proposed pole barn be used for personal use only and no commercial-type uses;
5. That all the natural drainage paths be maintained;
6. That the minimum setback requirements of a Highway Service District be maintained on the property or the appropriate Variance(s) be obtained;
7. That either an approved Construction Permit or an approved Building Permit be obtained prior to the improvement of the road on the property, per Pennington County Zoning Ordinance § 507(A) and 511(C)(1);
8. That the lot address (13337 S. Highway 16) continue to be posted on the pole barn at all times and at the end of the driveway off of S. Highway 16, in accordance with Pennington County's Ordinance #20;
9. That the subject property remains free of debris and junk vehicles, in accordance with Pennington County's Ordinance #106; 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 and/or Board of Commissioners to verify that all Conditions of Approval are being met.



**Legend**

- Roads**
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  - SD highway
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  - 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

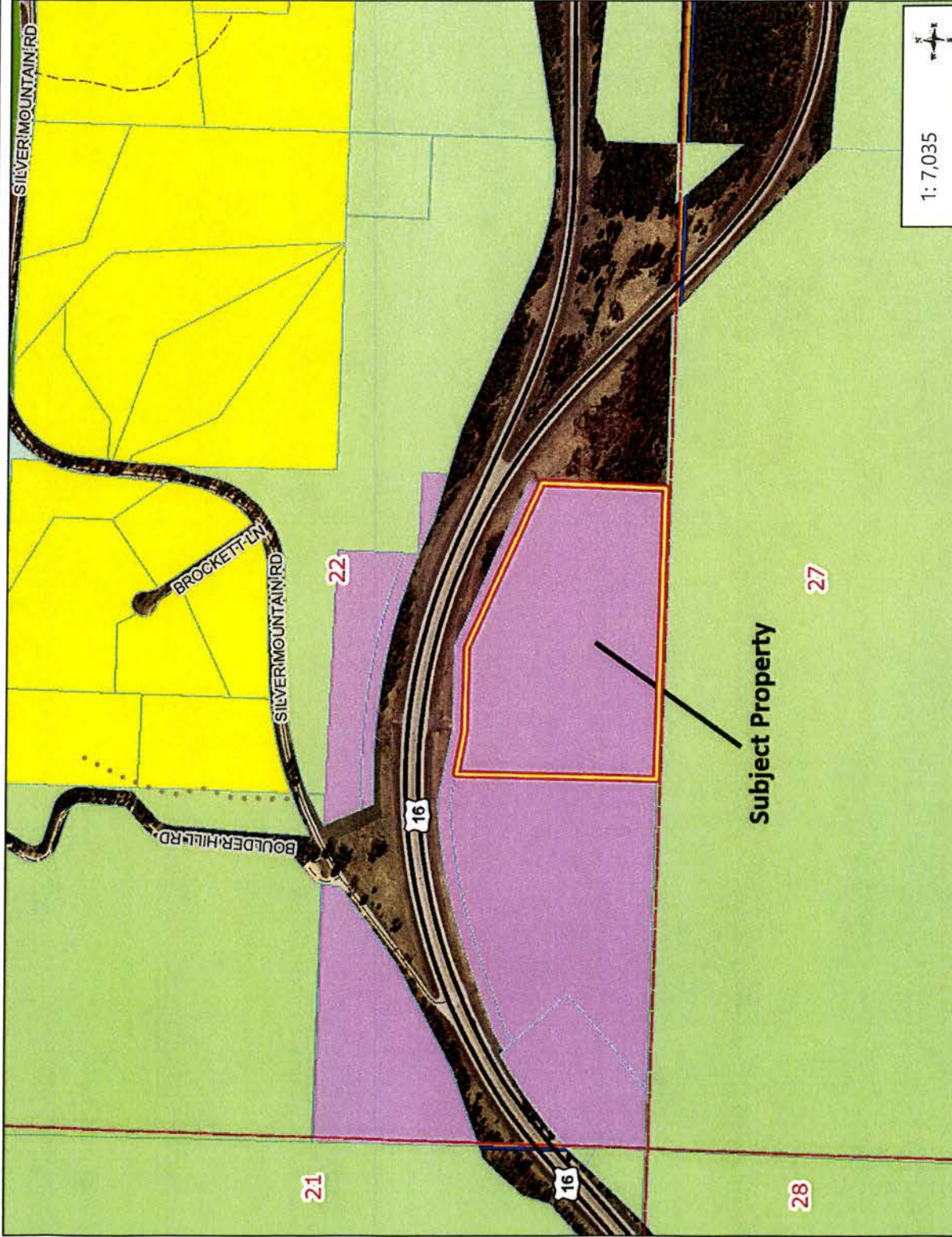
**Map Notes:**

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

14,328.4 0 7,164.18 14,328.4 Feet

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1: 7,035



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**Legend**

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- 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

**Map Notes:**

NCCDDF



1: 14,071



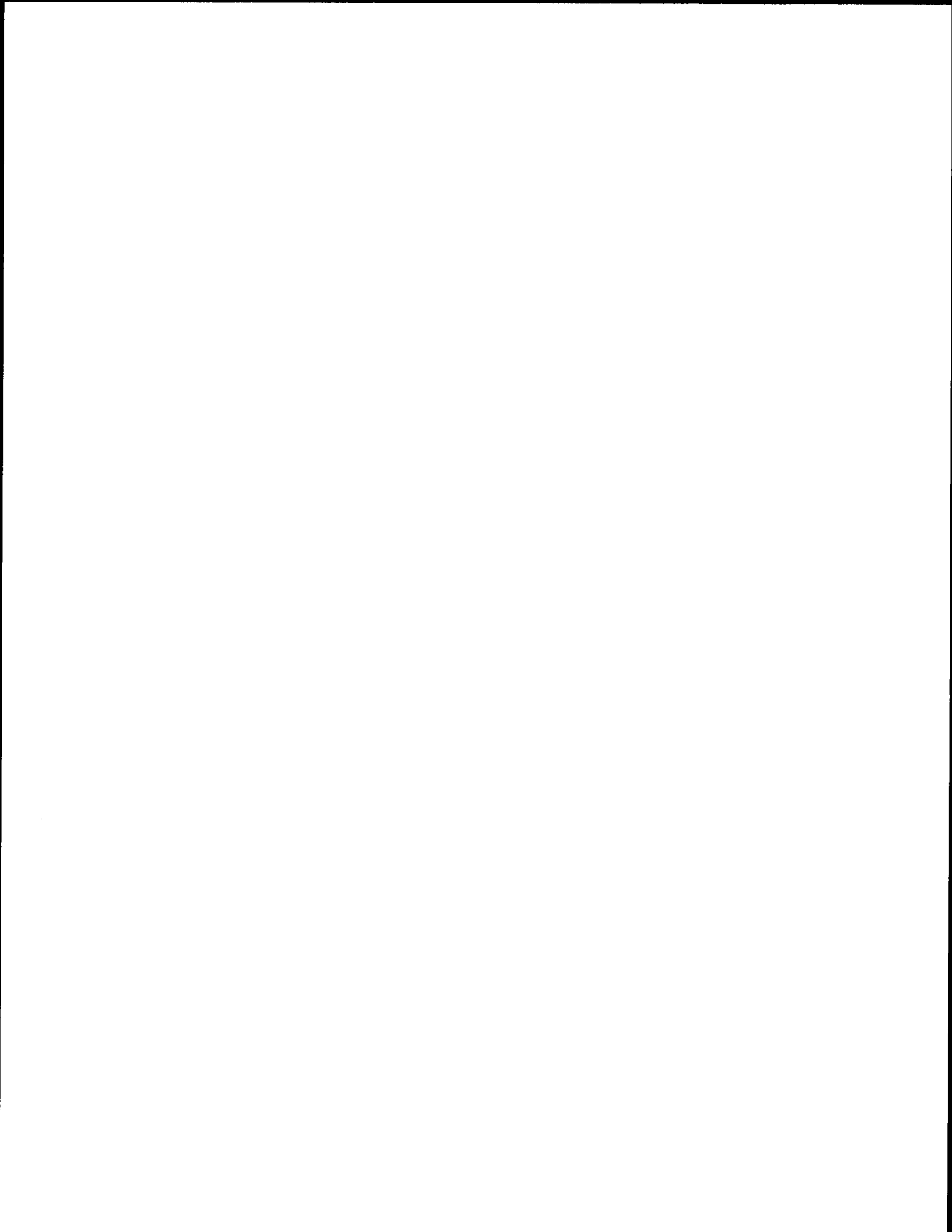
NAD, 1983\_StatePlane\_South\_Dakota\_South\_FIPS\_4002\_Feet  
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- Tax Parcels
  - Lot Lines
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  - Parcel Line
- Conceptual\_Regions\_Updated**
- Black Hills
  - Urbanized Area
  - Eastern Plains

**Map Notes:**



**STAFF REPORT**

**GENERAL INFORMATION:**

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

LANDOWNER/APPLICANT: William Anderson

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

LANDOWNER: Cliff and Billy Janis

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

LANDOWNER: S-L Holdings LLC.

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

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

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

SIZE: 40 acres

TAX ID: 54463 / 66080 / 66081

EXISTING LAND USE: Redisential / Storage Units

ZONING REFERENCE: Section 213

CURRENT ZONING: Planned Unit Development

SURROUNDING ZONING:  
North General Agriculture District

Agenda Item # 12  
William Anderson; Cliff Janis;  
Billy Janis; and, S-L Holdings LLC.  
October 28, 2019  
Page 2

South	Suburban Residential District
East	Limited Agriculture District
West	Suburban Residential District

PHYSICAL CHARACTERISTICS: Flat

UTILITIES: Central water, underground electric

REPORT BY: P.J. Conover

**PROPOSED RECOMMENDATION:** Staff will be recommending to continue the review of PU 01-05 to no later than the December 16, 2019, Planning Commission meeting to allow time for Staff and the Landowners to meet and address a complaint and possible amendments to PU 01-05.

**GENERAL DESCRIPTION:**

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



05.24.2019 AT OR ABOUT 3:30AM



- Since the complaint, the Landowner of the Storage Units has spoken with the complainant and has taken measures to minimize light spillage outside the property.
  - In September of 2019, the Landowner of the Storage Units disclosed that their property had recently been burglarized. In addition, the Landowner stated that the security of the property and the security for their tenants is of great concern, but they will work to mitigate light spillage as much as possible.
    - As there are no conditions within PU 01-05 for lighting, the review and amendments to PU 01-05 will contain conditions addressing this concern.
- PU 01-05 was approved by the Board of Commissioners on January 02, 2002, with the following ten (10) conditions:
  1. That prior to County Board approval of the Planned Unit Development, a comprehensive drainage plan showing the post development flows be submitted to the County Drainage Engineer for review and approval;
  2. That prior to County Board approval of the Planned Unit Development, the sight distance be measured for all approaches onto Radar Hill Road to insure adequacy;



3. That two means of ingress/egress be provided to the residential development and the neighborhood commercial area;
  4. That prior to County Board approval of the Planned Unit Development, a plan indicating a central water system with fire hydrants and gallon per minute flows in accordance with the Uniform Fire Code for the residential and commercial areas be submitted to the Fire Coordinator for review and approval;
  5. That a maximum of fifty-one (51) dwelling units be constructed on the forty acre parcel;
  6. That a maximum of ten (10) acres be utilized for neighborhood commercial uses;
  7. Neighborhood commercial uses shall be limited to: convenience store with gas facilities, screened outdoor storage, enclosed storage units, food markets including bakery goods and delicatessen goods, meat market, drug store, book store, tobacco store, vanity goods store, pharmacy, banks, barber shops and beauty shops, dry cleaning business, gift shops, self service laundries, shoe repair, professional and business offices, veterinary clinic, package liquor sales (to be consumed off premise), hardware or home improvement retail establishments, video rentals, child care facility, restaurant with a bar and casino, clothing stores and postal substation;
  8. That each residential lot shall be a minimum of 24,000 square feet in size exclusive of any access easements;
  9. That each new residence either be provided with a minimum 1,500 gallon septic tank or connected to a municipal sewer system; and,
  10. That a drainfield reserve area be provided for each residential or commercial lot. This reserve area can be shown on a building permit or on the plat of the lot.
- Originally, PU 01-05 was for the development of one parcel that was forty (40) acres in size. Over time, the property was subdivided, through Box Elder, into three separate parcels. Since its approval, PU 01-05 has not been developed as the Conditions of Approval state.
- NOTE: The subject properties are now located within the platting jurisdiction of the City of Rapid City.

- PU 01-05 has not been reviewed or amended since 2002.
- The existing uses on the subject properties located within PU 01-05 are a mix of residential and commercial.
- See aerial photo below:



**ANALYSIS:**

- Staff is attempting to contact all three landowners to amend PU 01-05 and bring it current with the uses and future uses of the subject properties, while simultaneously addressing the lighting complaint on the storage unit property.
- As of this Staff Report, Staff has had success speaking with two of the three landowners within PU 01-05.
- Staff has not been able to speak with Mr. Anderson, the owner of the largest property within PU 01-05 and the original applicant for PU 01-05.

Agenda Item # 12  
William Anderson; Cliff Janis;  
Billy Janis; and, S-L Holdings LLC.  
October 28, 2019  
Page 6

- Attempts to contact Mr. Anderson by phone and postal mail have yielded no results and on October 22, 2019, while out on routine site-visits, the County Ordinance Officer left a County Planning Department Business card at Mr. Anderson's front door in hopes he would reach out to the Department.
- As Mr. Anderson is the original applicant for PU 01-05, Staff is making every effort to contact him prior to moving forward with a review and changes to PU 01-05.
- A Certified letter, with signature return receipt, will be mailed to Mr. Anderson prior to October 26, 2019.
  - If Mr. Anderson fails to contact the Planning Department prior to November 08, 2019, relative to PU 01-05, Staff will move forward with the review and amendments to PU 01-05 based on the complaint, existing land use, and future land use needs of the Landowners who have responded.
- As of this Staff Report, concern about the lighting of the Storage Facility still exists, but no further complaints have been filed on this issue.

**RECOMMENDATION:** Staff recommends to continue the review of PU 01-05 to no later than the December 16, 2019, Planning Commission meeting to allow time for Staff and the Landowners to meet and address the complaint and possible amendments to PU 01-05.

## STAFF REPORT

### GENERAL INFORMATION:

#### REQUEST:

#### PLANNED UNIT DEVELOPMENT / PU 19-05:

To rezone 20.8 acres from Highway Service District and General Agriculture District to a Planned Unit Development in accordance with Sections 205, 210, 213, and 508 of the Pennington County Zoning Ordinance.

#### MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 19-06:

To amend an existing Planned Unit Development to allow for townhomes, apartments, and commercial businesses in accordance with Section 213 of the Pennington County Zoning Ordinance.

#### APPLICANT:

Rockerville Gold Town, LLC (Pat Hall)

#### APPLICANT ADDRESS:

528 Kansas City Street, Ste. 5  
Rapid City, SD 57701

#### AGENT:

Brian Hammerbeck

#### AGENT ADDRESS:

528 Kansas City Street, Ste. 5  
Rapid City, SD 57701

#### LEGAL DESCRIPTION:

(Rezone) W1/2SE1/4SE1/4 South of Hwy 16 Westboundless Lot A, Less Lot 1, and Less ROW; E1/2SE1/4SE1/4 South of Hwy 16 Westbound Less ROW; and That Part of the SW1/4SW1/4 lying S of Hwy 16 and W of CO RD, Sections 13 and 14, T1S, R6E, BHM, Pennington County, South Dakota.

#### LEGAL DESCRIPTION:

(Major PUD Amendment) W1/2SE1/4SE1/4 South of Hwy 16 Westboundless Lot A, Less Lot 1, and Less ROW; E1/2SE1/4SE1/4 South of Hwy 16 Westbound Less ROW; and That Part of the SW1/4SW1/4 lying S of Hwy 16 and W of CO RD; and Lots 6-15, Lot 17, Tract B-1 and Tract B-2; and Common Lot B of Rockerville Ghost Town Subdivision, Sections 13 and 14, T1S, R6E, BHM, Pennington County, South Dakota.

Agenda Item #13  
Rockerville Gold Town, LLC (Pat Hall); Brian Hammerbeck - Agent  
October 28, 2019

SITE LOCATION: 23793 S. Rockerville Road, 13487 Main Street in Rockerville.

TAX ID: 46747 / 46749 / 19292 / 19388 / 19389 / 19390 / 19391 / 19392 / 19393 / 19394 / 19634 / 19635 / 19636 / 19387

SIZE: 25.28 acres

EXISTING LAND USE: Residential

ZONING REFERENCE: § 205, 210, 213, and 508

CURRENT ZONING: Highway Service District  
General Agriculture District  
Planned Unit Development

**SURROUNDING ZONING:**

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

PHYSICAL CHARACTERISTICS: Flat

REPORT BY: P.J. Conover

**I. PROPOSED RECOMMENDATION**

- A. Staff will be recommending a continuation of the hearing for PU 19-05 and PU 19-06.

**II. GENERAL DESCRIPTION**

- A. The applicant has requested to rezone 20.8 acres from Highway Service District and General Agriculture District to a Planned Unit Development and to amend an existing Planned Unit Development to allow for townhomes, apartments, and commercial businesses.
1. A copy of a portion of the applicant's application packet is included with the Staff Report.

Agenda Item #13

Rockerville Gold Town, LLC (Pat Hall); Brian Hammerbeck - Agent

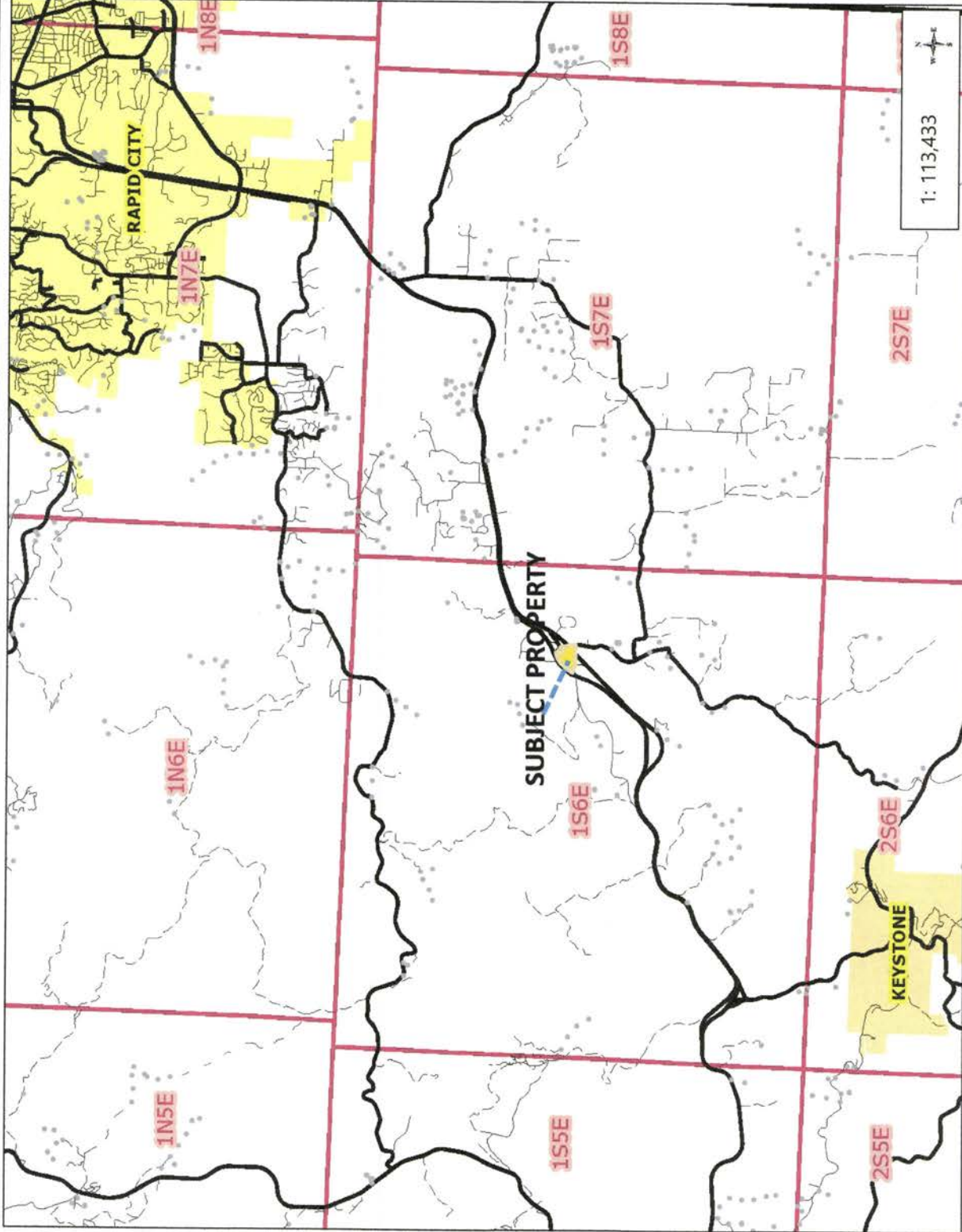
October 28, 2019

**III. UPDATE**

- A. The applicant has requested a continuation of the hearing for PU 19-05 and PU 19-06.
- B. The applicant is unsure, at this time, when they would like PU 19-05 and PU 19-06 to be heard again.
- C. The applicant has been made aware of and agreed that, when a date is determined new hearing letters and re-advertisements will need to be resent at their expense.
  1. The applicant will need to work with Planning Staff to obtain copies of the updated letters.

**RECOMMENDATION:** Staff recommends approval of the continuation of the hearing for PU 19-05 and PU 19-06, with one (1) condition:

1. That when a new hearing date is determined, the applicant will pay for new hearing letters, along with new advertising.



1: 113,433

18,905.5 0 9,452.74 18,905.5 Feet

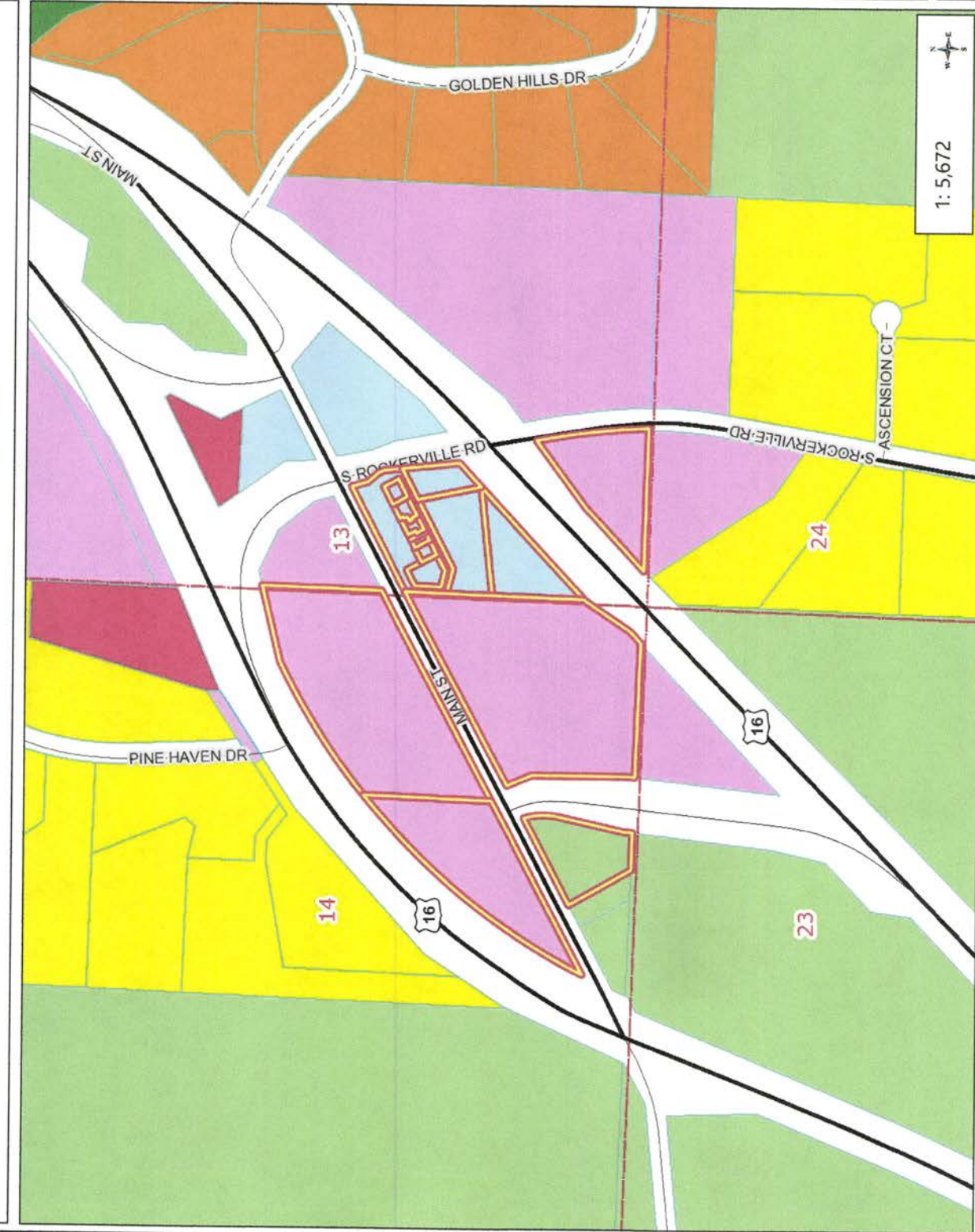
This map is a user generated static output from an internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.  
**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

NAD\_1983\_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**
- 1N8E
  - 1N7E
  - 1N6E
  - 1N5E
  - 1S8E
  - 1S7E
  - 1S6E
  - 1S5E
  - 2S7E
  - 2S6E
  - 2S5E
- Townships**
- BOX ELDER
  - ELLSWORTH AFB
  - HILL CITY
  - KEYSTONE
  - NEW UNDERWOOD
  - QUINN
  - RAPID CITY
  - WALL
  - WASTA
- City Limits**
- RAPID CITY
  - KEYSTONE

**Map Notes:**



1: 5,672

945.3 Feet

472.64

0

945.3

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© City of Rapid City GIS

**Legend**

**Roads**

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

**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

NCCODE

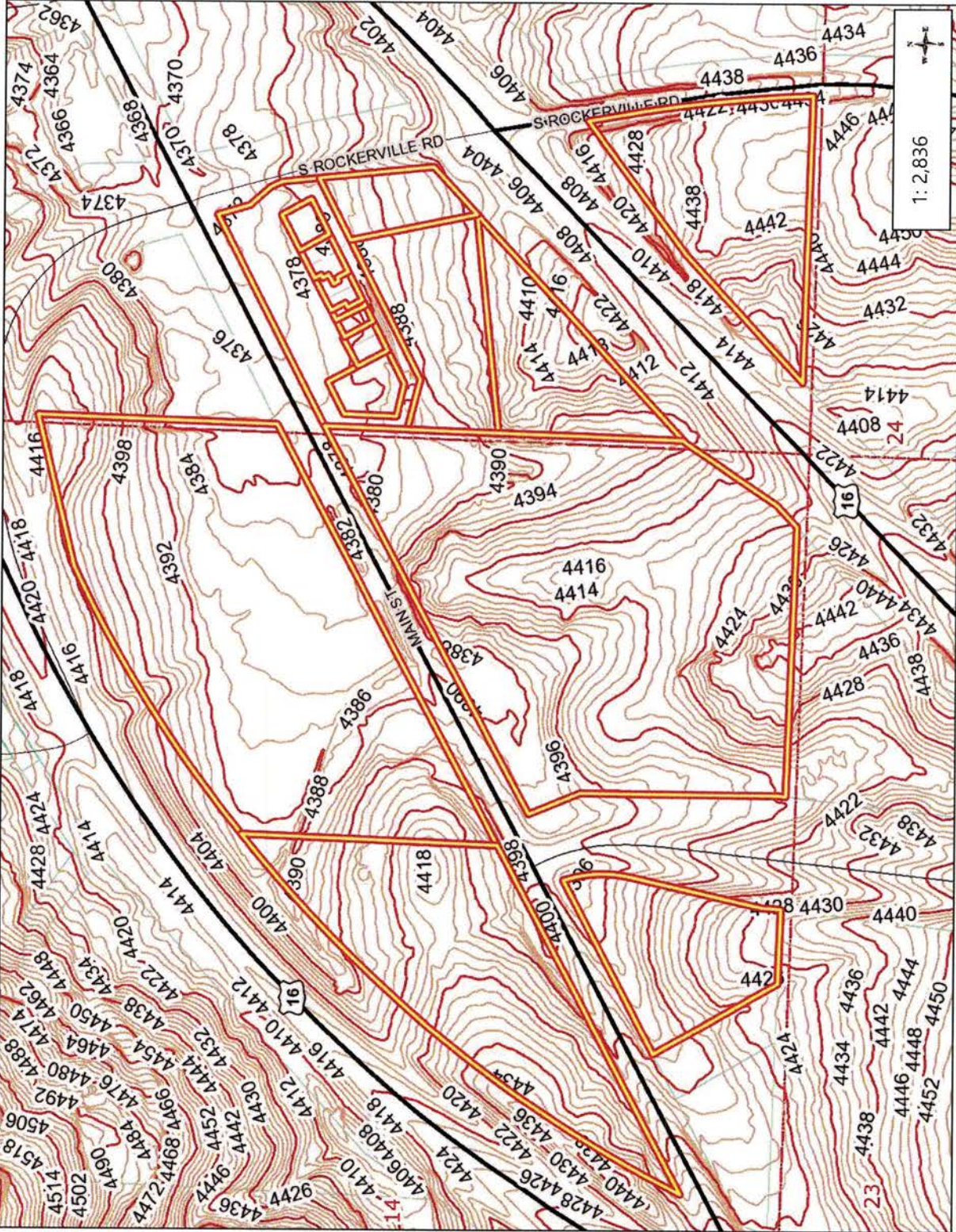
**Map Notes:**



## 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
- 2015 Rapid City 2ft contours**
- Index
  - Index Depression
  - Intermediate
  - Intermediate Depression
- Section Lines 0-25k**
- Tax Parcels
  - Lot Lines
  - <Null>
  - Lot Line
  - Parcel Line

## Map Notes:



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THIS MAP IS NOT TO BE USED FOR NAVIGATION

© City of Rapid City GIS

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



1:3,781

630.2 0 315.09 630.2 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.  
**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:**

# Exhibit A

## Legal description:

Lots 6 through 15, inclusive, and Common Lot B, in the Rockerville Ghost Town Subdivision, Pennington County, South Dakota, as shown on the plat filed in Plat Book 18, page 197;

and

Lot 17 and Tract B-1 and B-2 in the Rockerville Ghost Town Subdivision, Pennington County, South Dakota, as shown on the plat filed in Plat Book 19, Page 38;

and

That portion of the Southwest Quarter of the Southwest Quarter (SW1/4SW1/4) of Section 13, Township 1 South, Range 6 East of the Black Hills Meridian, Pennington County, South Dakota, lying south of the eastbound lanes of U.S. Highway #16, as shown on the Plat of Lots H-2, H-3 and H-4 of the SW1/4SW1/4 of Section 13, T1S, R6E, BHM, filed in Highway Plat Book 4, Page 166, and also lies west of the county road from Rockerville to Harney, the route of which is shown on a survey filed on Page 47 of the Road and Bridge Calendar in the Office of the Auditor of Pennington County;

And

That portion of the Southeast Quarter of the Southeast Quarter (SE1/4SE1/4) of Section 14, Township 1 South, Range 6 East of the Black Hills Meridian, Pennington County, South Dakota, lying south and east of the westbound lane of U.S. Highway No. 16, said lane shown as Lot H-2 in Highway Plat Book 4, Page 187; EXCEPTING therefrom Lot 1, as shown on the plat filed in Plat Book 3, Page 139; and EXCEPTING therefrom Lot H-1, as shown on the plat filed in Highway Plat Book 2, Page 8; and EXCEPTING therefrom Lot H-3, as shown on the plat filed in Highway Plat Book 4, page 187.

## **Exhibit B**

The parcels identified with Tax ID numbers: 19292, 19636, 19635, 19634, 19387, 19388, 19389, 19390, 19391, 19393, 19394 are currently zoned as Planned Unit Development.

The parcels identified with TAX ID numbers: 46747, 46749 and 19292 are currently zoned as Highway Service. The proposed is to have all the property as a Planned Unit Development.

# Exhibit B

## Current Zoning

Highway Services

Planned Unit  
Development



**Exhibit B  
Proposed Zoning**

**Planned Unit  
Development**



## Item #2

Development schedule and copies of any special agreements, conveyances, restrictions or covenants.

The proposed plan is to completed the site plan in two phases. There are no special agreements, conveyances, restrictions or covenants.

## Item #3

Performance bond equal to the cost of all improvements to be posted prior to any final platting being filed.

There will be no platting filed, therefore no performance bond will be posted.

## Item #4

Written narrative addressing provisions for any of the following:

- a. Characteristics of the PUD.

The requested allowable, as Per Attached Exhibit 4A, uses are identified in the submittal materials.

- b. Expected densities and land coverage.

The landowner is expecting proposed densities of approximately one four-plex or three-plex or two-plex.

The landowner is proposing to build apartment complexes.

Attached Exhibit 4B.

- c. Number, type and size of buildings, and/or units.

The proposed plan is to build four-plex, three-plex, two-plex and apartment buildings in two phases. The apartments are proposed to be three stories, with units ranging from 500 to 950 square feet to include, studio, 1-bedroom and 2-bedroom.

Attached Exhibit 4C is an artist rendering of the four-plex.

- d. Drainage pattern and drainage plan.

There is no anticipation of altering any existing natural drainage pattern. The proposed drainage plan will be to move increase water flows from the development into the natural drainage pattern.

- e. Parking.



The proposed parking for each unit will be provided through garages, driveways and carports.

f. Utility services.

Water – There are two wells.

Main well information:

- 6" steel casing
- 160 feet deep
- Static water level 71'
- Pump set at 141' on 1 1/4" schedule 80 PVC with stainless steel drop couplings
- Pump – 3/4 HP, AY McDonald, 12 gallons per minute, MDL 23075K, DC J15
- Motor – 3/4 HP, FR, 230 volt, 2 wire MDL 3129-734, DC J15
- Pump Saver – SYMCOM, 233, timer set for 50 minutes
- Pressure Tank – AMTROL, WX202, Air Charge 19 PSI
- Pressure Switch – Square D, FSG 30/50 Set 25/45

Sewer – We will obtain a permit from the State of South Dakota per South Dakota guidelines, along with Pennington County approval for the waste water treatment system(s). We are considering waste water treatment options ranging from a tradition Nodak mound system to Aerobic Treatment Units (ATU) and are consulting with waste water engineers for guidance. We will meet the specifications of the State of South Dakota and Pennington County.

Electricity – will be provided by Black Hills Electric Cooperative, Inc.

Natural Gas – will be provided by propane.

Internet/telephone lines – this will be determined.

- g. Location, height and size of any proposed signs.

There will be standard road signs for the developments. There may also be other signs as allowed as part of the various permitted uses within the PUD.

Any billboards will be in accordance with section 312.

- h. Types of all existing uses, including permitted uses.

The existing uses of this property include Highway Services and Planned Unit Development.

## Exhibit 4A

This property is currently zoned as Highway Services. The proposal is to have the zoning as Planned Unit Development with the following:

Allowable Uses, may include, but are not limited to the following purposes:

1. Manufactured home, modular homes and site or stick built homes in compliance with Section 204-I.
2. Transportation and utility easements and rights-of-way.
3. Temporary buildings for uses incidental to construction work. These buildings shall be immediately adjacent to the construction work and shall be removed upon competition or abandonment of the construction work and shall require a temporary building permit. Temporary living quarters shall require an accessory building permit.
4. Home offices.
5. Community signs, outdoor advertising, signs and billboards in accordance with Section 312 – Signs, Billboards and other Advertising Structures.
6. Telecommunication facilities in accordance with Section 316 – Telecommunications Facility.
7. Home occupations, in accordance with Section 204 – General District Provisions.
8. Parks, playgrounds, play fields and community centers.
9. Childcare centers and kindergartens.
10. Churches or similar places of worship.
11. Public service structures, such as fire stations, police stations and post offices.
12. Neighborhood commercial uses, as regulated in Section 302 – Neighborhood Commercial.
13. Multiple-family dwellings, including but not limited to Section 303 – Multiple Family Dwellings.
14. Lodge hall, Veterans organization and service organizations.
15. Seasonal cabin/dwelling.

16. Model home and sales office.
17. Manufactured homes, modular homes and site or stick-built homes not in compliance with Section 204 – General District Provisions.
18. Guest house, in accordance with Section 318 – Guest House.
19. Vacation home rental, in accordance with Section 319 – Vacation Home Rental.
20. Rooming and boarding houses.
21. Convalescent and nursing homes.
22. Family and group care facilities.
23. Medical centers and/or dental clinics or office and hospitals.
24. Zero lot line or common wall dwellings. This will include zero lot lines of all of: lot 6, 7 – 8, 9, 10, 11 – 12, 13 – 14 , 15, Rockerville Ghost Town Subdivision and the back lot line and the SW lot line of common lot B Rockerville Ghost Town Subdivision
25. Retail establishments, including incidental manufacturing of goods for sale at retail on the premises, when conducted entirely in an enclosed building.
26. The storage, display and sale of new, used, repossessed and traded-in merchandise, when conducted entirely in an enclosed building.
27. Barber and beauty shops and schools.
28. Hotels, motels, rooming and boarding houses.
29. Clubs and lounges.
30. Eating and drinking establishments, including drive-in eating establishments.
31. Offices, studios, clinic and laboratories.
32. Financial and credit institutes.
33. Bakeries.
34. Auditoriums, libraries, art galleries, museums and other cultural structures and activities and community centers.

35. Laboratories and establishments for production and repair of jewelry, eyeglasses, hearing aids and prosthetic appliances.
36. Commercial recreation and amusement structures and uses conducted entirely in an enclosed building, such as theaters, bowling alleys and poolrooms.
37. Public buildings and grounds other than elementary or high schools.
38. Service and repair establishments, including automobile service and repair, but excluding airplane and railroad establishments.
39. New and used motor vehicle sales, rental and repair, including trailers, boat sales, motorcycle sales and service and travel trailer sales.
40. New and used farm implement and machinery sales.
41. Accessory uses and structures on the same premises and clearly incidental to permitted uses or structures, including a dwelling unit for occupancy only by owners or caretakers.
42. Construction equipment sales.
43. Warehousing, wholesale and distribution establishments.
44. Kennels, catteries and animal hospitals.
45. Other general commercial uses, which, although they are not specified in this section due to omission or lack of technological development, in the opinion of the Commission, are not contrary to the intent of the general commercial district.
46. Souvenir, gift, jewelry, arts and crafts shops.
47. Retail businesses.
48. Coin-operated laundry and dry-cleaning establishments.
49. Commercial recreation and amusement structures and uses, including theaters, amusement parks, bowling alleys, ice and roller rinks, archery ranges and miniature golf.
50. Accessory uses and structures on the same premises and clearly incidental to permitted uses or structures, including a dwelling unit for occupancy only by owners and caretakers.
51. Auction house.

52. Other highway-orientated businesses which are not listed but which the Commission may determine meet the intent of the Highway Service District. This shall not be construed to include general commercial activities which more appropriately fit the General Commercial District.
53. Recreational vehicle parks, in accordance with Section 306 – Recreational Vehicle Parks.
54. Other uses, in accordance with Section 307 – Other Uses.

# Exhibit 4B

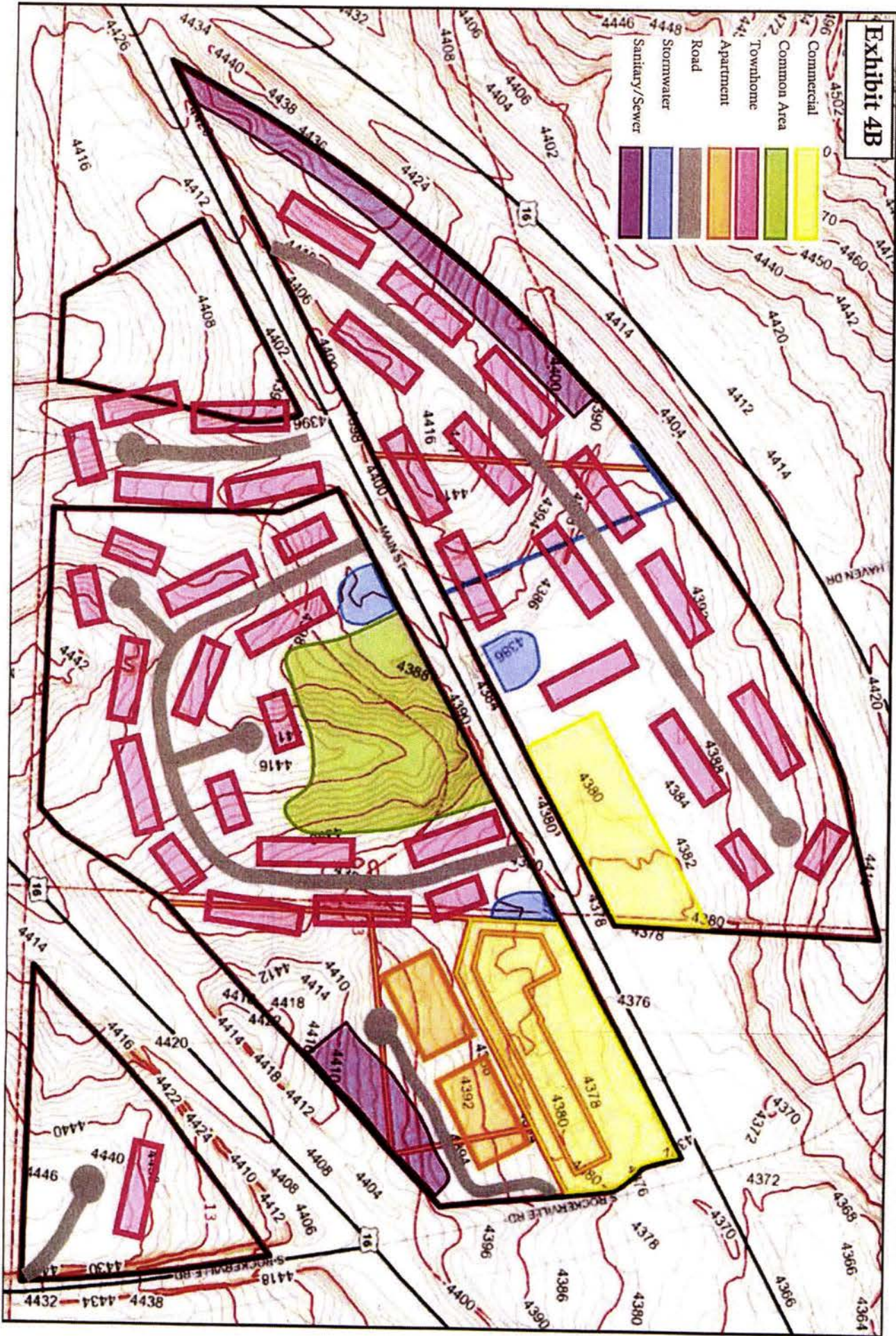
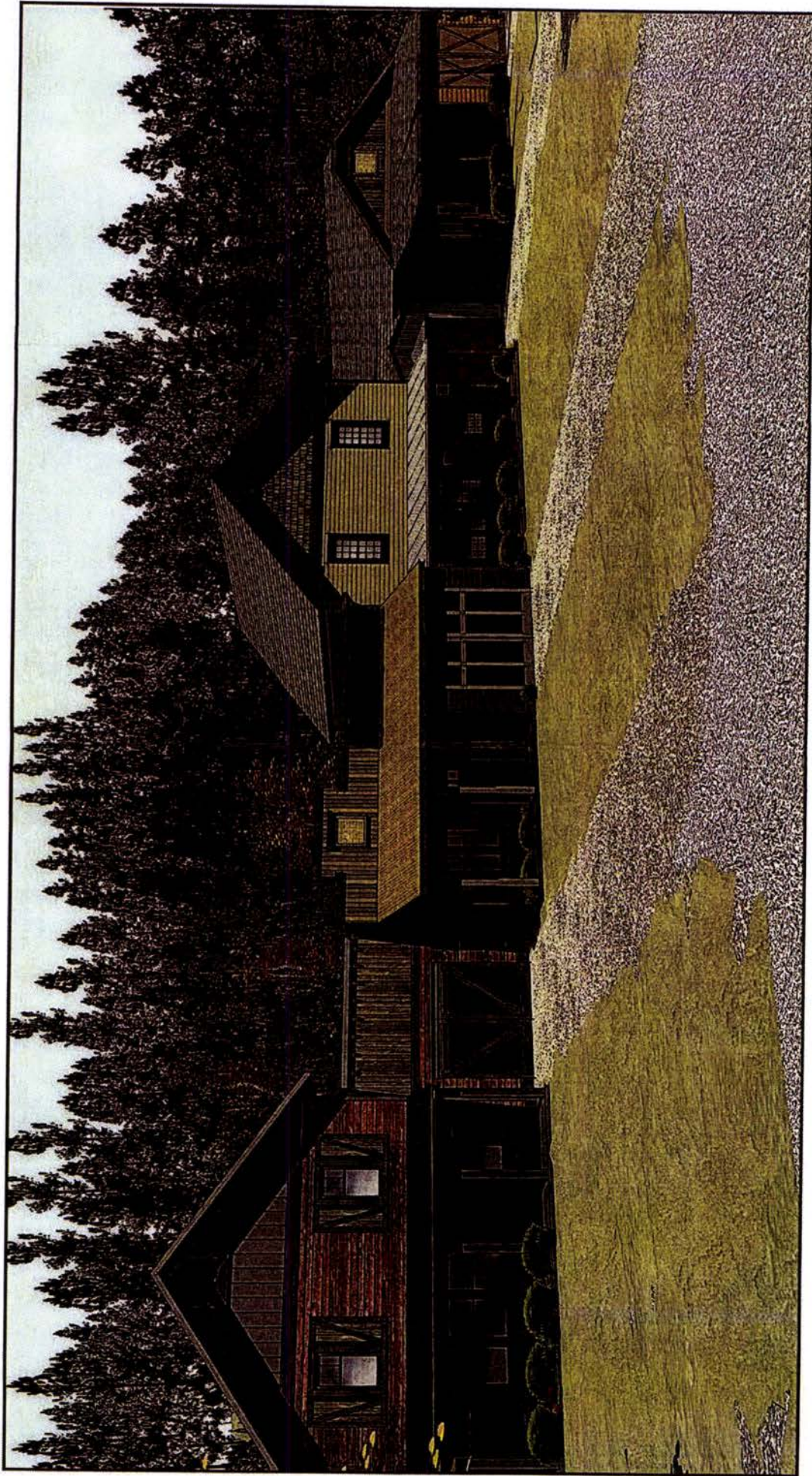


Exhibit 4C





## Item #5

### Complete Site Plan

A. Site plan.

Attached as Exhibit 5A.

B. Name of the PUD.

The name of the PUD will be Rockerville Gold Town PUD.

C. Legal Description.

Attached as Exhibit 5C.

D. Property lines and dimensions of the property.

Attached as Exhibit 5D.

E. All easements and 100-year flood plain boundaries.

The easements are attached as Exhibits 5E.

According to RapidMap.org, no part of the property is located in the 100-year flood plain.

F. All proposed streets and/or easements.

All proposed streets are marked in Site Plan, Exhibit 5A.

G. Area to be conveyed, dedicated or reserved as common areas, including parks, schools and other public buildings.

The area that will be designed as the proposed common area is marked in green on Exhibit 5A.

- H. Proof that all parks and open spaces will be dedicated to a Homeowner's Association.

The landowner will utilize a Home Owners Association and will provide documentation as required.

- I. Internal traffic and circulations system, off-street parking, service areas, loading area and points of access to public right-of-ways.

Main Street, Highway 16 and South Rockerville Road, as per attached Exhibit 5I.

- J. Minimum and maximum square footage and/or number of units.

This is proposed minimum is 800 square feet and the maximum is 1,600 square feet.

- K. Location of all existing on-site utilities.

On-site utilities are marked in red on attached Exhibit 5K.

- L. Location, dimensions and types of existing buildings on the property and their distances from the property lines.

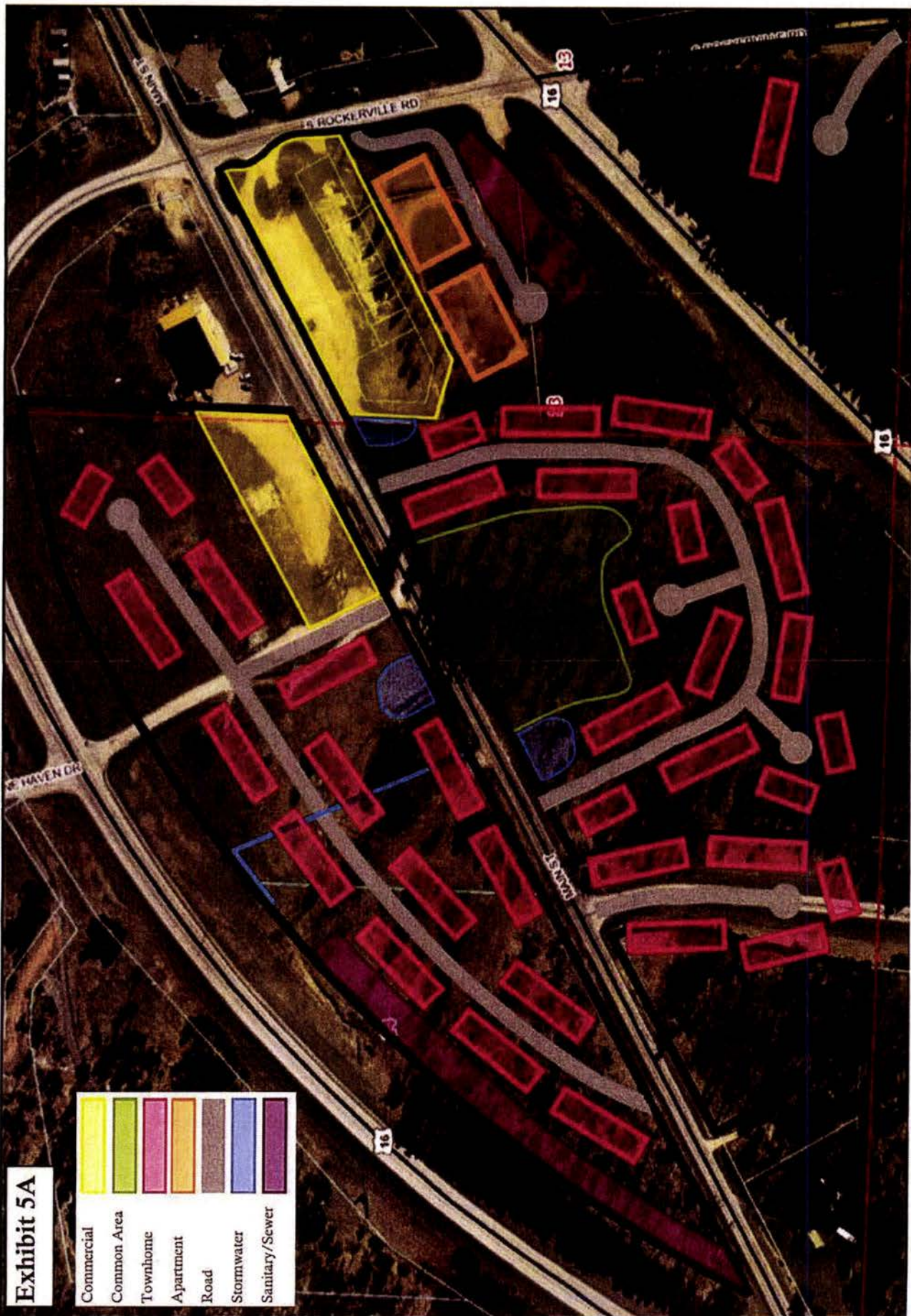
Rental home could possibly stay, all other buildings will be torn down.

M. The right-of-way of any public road(s) that is contiguous to the property.

Roads and right-of-way are marked in blue, as per attached Exhibit 5I.

# Exhibit 5A

Commercial	Common Area	Townhome	Apartment	Road	Stormwater	Sanitary/Sewer



## Exhibit 5C

**Legal description:**

Lots 6 through 15, inclusive, and Common Lot B, in the Rockerville Ghost Town Subdivision, Pennington County, South Dakota, as shown on the plat filed in Plat Book 18, page 197;

and

Lot 17 and Tract B-1 and B-2 in the Rockerville Ghost Town Subdivision, Pennington County, South Dakota, as shown on the plat filed in Plat Book 19, Page 38;

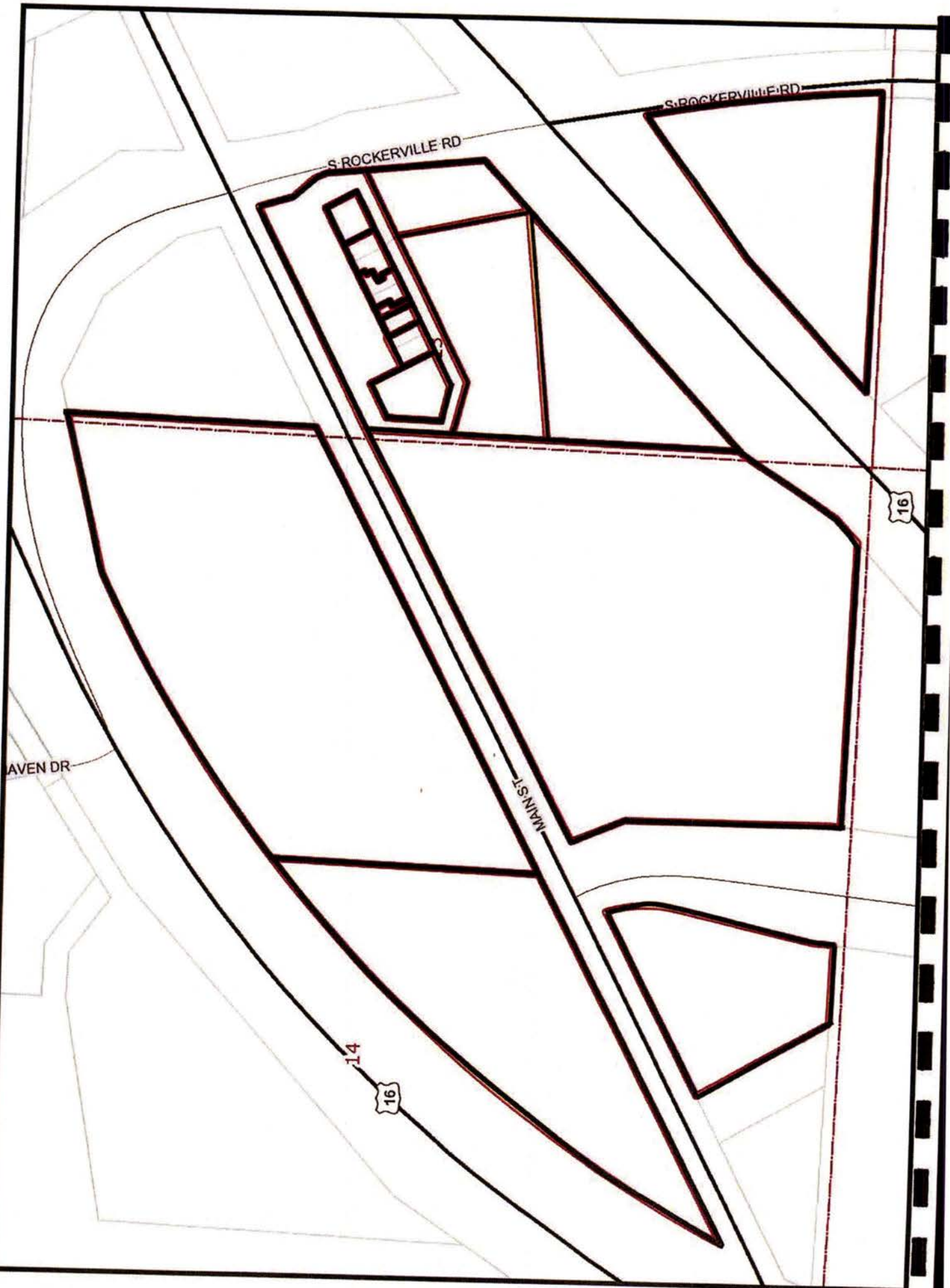
and

That portion of the Southwest Quarter of the Southwest Quarter (SW1/4SW1/4) of Section 13, Township 1 South, Range 6 East of the Black Hills Meridian, Pennington County, South Dakota, lying south of the eastbound lanes of U.S. Highway #16, as shown on the Plat of Lots H-2, H-3 and H-4 of the SW1/4SW1/4 of Section 13, T1S, R6E, BHM, filed in Highway Plat Book 4, Page 166, and also lies west of the county road from Rockerville to Harney, the route of which is shown on a survey filed on Page 47 of the Road and Bridge Calendar in the Office of the Auditor of Pennington County;

And

That portion of the Southeast Quarter of the Southeast Quarter (SE1/4SE1/4) of Section 14, Township 1 South, Range 6 East of the Black Hills Meridian, Pennington County, South Dakota, lying south and east of the westbound lane of U.S. Highway No. 16, said lane shown as Lot H-2 in Highway Plat Book 4, Page 187; EXCEPTING therefrom Lot 1, as shown on the plat filed in Plat Book 3, Page 139; and EXCEPTING therefrom Lot H-1, as shown on the plat filed in Highway Plat Book 2, Page 8; and EXCEPTING therefrom Lot H-3, as shown on the plat filed in Highway Plat Book 4, page 187.

Exhibit 5D





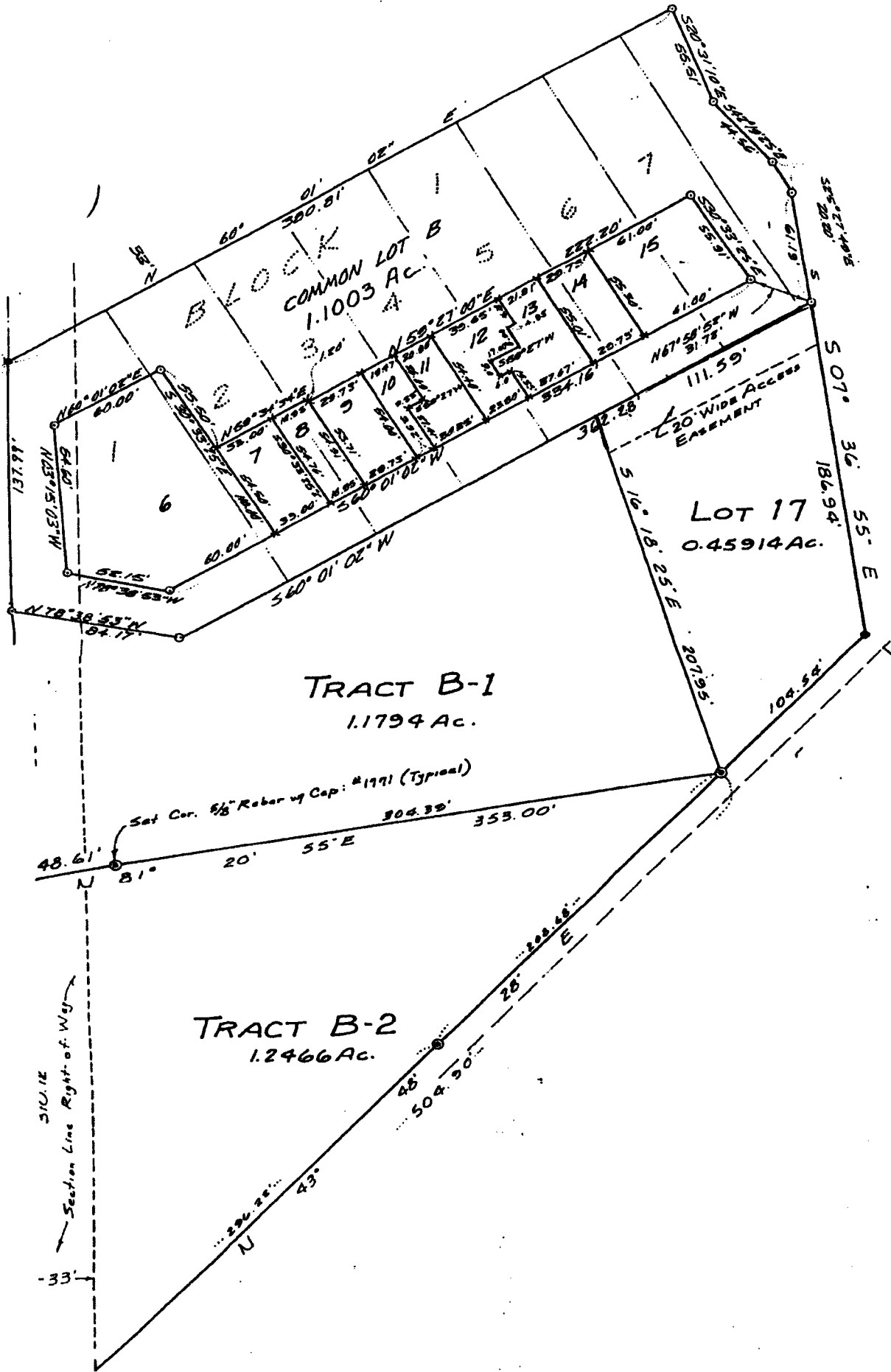






Exhibit 5E

Record 10810

# PLAT OF LOT 13 SW 1/4 SW 13-T15-R6E

Showing Right of Way to be acquired for highway purposes

in the SW 1/4 of Section 13 Township 15 North Range 6 East of the 9th M. for construction of Federal Aid Project No. 1111111

## PENNINGTON COUNTY, S.D.A.K.

Scale: 1" = 400 Feet



Anterior 1/4 cor SW 1/4 T15 R6E 61°02'27"

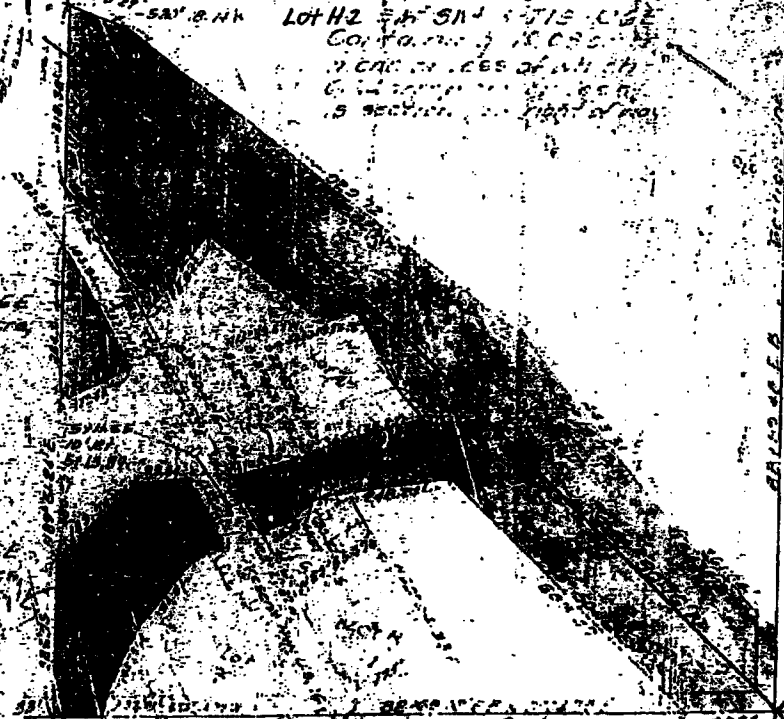
108 22' - S 81° 8' N Lot 12 SW 1/4 SW 13-T15-R6E

Containing 18.68 acres  
7.68 acres of which  
6.12 acres are in  
1/2 section and 1.56 acres

**EAST BOUND LINES**  
PC 5768.52  
PT 60130.00  
PT 80138.52  
D 22134.00/21  
D 1700  
T 1160.48  
L 2586.00  
R 5728.55

Lot 13 SW 1/4 SW 13-T15-R6E  
Containing 2.386 acres  
more or less

Lot 14 SW 1/4 SW 13-T15-R6E  
Containing 1.50 acres  
more or less, of which  
1.25 acres are in  
1/2 section and .25 acres  
is section line right of  
way



**RAMP D**

PC	5768.52	PT	60130.00
PT	80138.52	D	22134.00/21
D	1700	T	1160.48
L	2586.00	R	5728.55

STATE OF SOUTH DAKOTA  
COUNTY OF PENNINGTON  
I, John H. [Signature]  
Surveyor, do hereby certify that the above is a true and correct copy of the original plat of the above described land as the same appears on the records of the County of Pennington, South Dakota.

Drawn, revised in Plans 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100  
Drawn by: [Signature] Checked by: [Signature]  
Date: 1-1-19

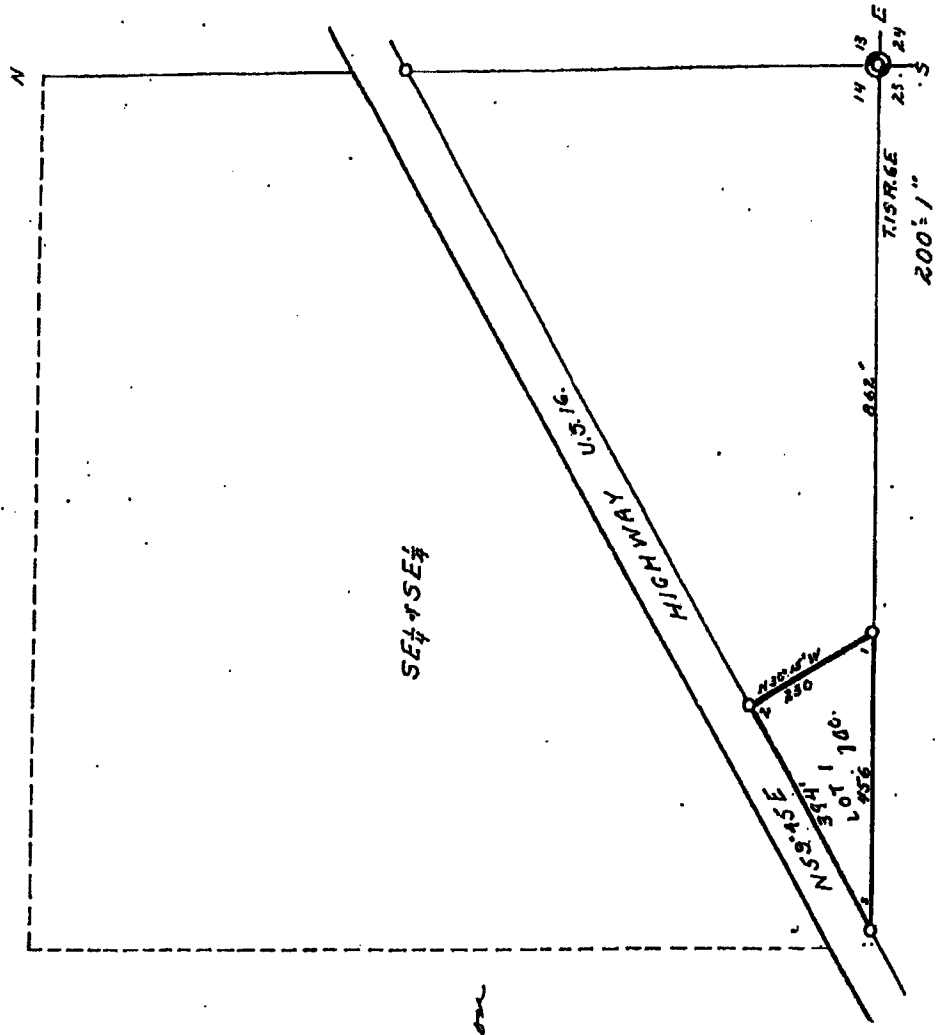
**SURVEYORS CERTIFICATE**  
I, S. W. [Signature] Registered Land Surveyor, do hereby certify that the above is a true and correct copy of the original plat of the above described land as the same appears on the records of the County of Pennington, South Dakota. In witness whereof, I have set my hand and seal this 1st day of January, 1919 A. D.

SEAL

[Signature]  
REGISTERED LAND SURVEYOR



LOT 1 of SE 1/4 SE 4 of Sec 14, T.15 R.6 E



**FIELD NOTES:**  
 Beginning at Cor N<sup>o</sup> 1, from which the section corner common to Sec 13-14, 23 & 24 this line bears East 86° distant, thence  
 Cor 1. N 30° 15' W 230' to Cor N<sup>o</sup> 2, on S. 1/4 Sec 14  
 - 2 S 59° 45' E 394' - - - - - to beginning of Sec 14  
 - 3 East 956' - - - - - land place of beginning, enclosing 1 ac. 6 c.

STATE OF MINNESOTA  
 COUNTY OF MARSHALL  
 do hereby certify that I am the owner of the SE 1/4 SE 4 of Sec 14, T.15, R.6 E. and that I authorized the survey and plat of Lot 1 as here shown.

*Buelah Mikkelsen*  
 Surveyor  
 Signed & sworn to before me a notary public in and for the county of Marshall, this 30th day of March, 1939.

*[Signature]*  
 Notary Public  
 My commission expires 10/27/41

STATE OF SOUTH DAKOTA  
 COUNTY OF PENNINGTON  
 I, Stein Bangs, a registered engineer, do hereby certify that, being so authorized, I made the survey & plat of Lot 1 of the SE 1/4 SE 4 of Sec 14, T.15, R.6 E. S.M. and same is correctly shown.

*Stein Bangs* reg. eng.  
 Signed & sworn to before me this 30th day of March, 1939.  
*[Signature]*  
 Notary Public.



RIGHT-OF-WAY DEED  
(Telephone Line)

KNOW ALL MEN BY THESE PRESENTS, That Pennington County, South Dakota, in consideration of the sum of One Dollar in hand paid, and other good and valuable considerations, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto the United States of America, an easement and right of way in gross over and across the following described tracts or parcels of land situate, lying, and being in the County of Pennington, State of South Dakota, to-wit:

SW $\frac{1}{4}$  SW $\frac{1}{4}$  Section 13, and SE $\frac{1}{4}$  SE $\frac{1}{4}$  Section 14, T. 1 S., R. 6 E., B.H.M. Said right of way hereby granted is more particularly described as follows, to-wit: Beginning at a point on the west boundary of the SE $\frac{1}{4}$  SE $\frac{1}{4}$  Section 14, T. 1 S., R. 6 E., B.H.M., from which point the southwest corner of the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of said Section 14 bears due south 55 feet, and extending thence north 60 degrees east 2415 feet to a point from which the section corner common to Sections 13, 14, 23 and 24 of said township bears south 60 degrees west 846 feet to intersection with the section line common to said Sections 13 and 14, thence due south 830 feet, together with all and singular the rights and privileges thereunto belonging or in any wise appertaining.

Said right of way is for use as a telephone line by the grantee, its officers, agents and employees.

The grantee shall, at all reasonable times, have the right to enter for the purpose of constructing, repairing, patrolling, and removing such telephone line, doing as little damage as possible.

The grant shall be effective so long as said easement shall be actually used for the purpose above specified, and all rights hereunder shall revert to the owner of the land as soon as said use thereof shall be abandoned, in fact, and discontinued.

In witness whereof, the grantor has caused these presents to be executed by its Commissioners, and its corporate seal to be hereunto affixed this 9th day of March, 1939.

(County Seal)

Pennington County, South Dakota  
Charles P. Tittle  
William A. Wallin  
Edward Brabander  
Thomas B. Rimmer  
Frank O. Johnson  
Commissioners.

Acknowledged Mar. 9, 1939.  
Filed April 12, 1939 at  
1:30 P.M.  
Recorded in Book 27 page  
581 of Misc. Records.

Hygie Printing Co., Pierre, S. D.

WARRANTY DEED - Full Form

1802

BOOK 151 PAGE 94  
Serial 151-101

Grantor of Pennington County State of South Dakota

for and in consideration of One Dollar and other valuable considerations (\$1.00) DOLLARS

GRANTS, CONVEYS AND WARRANTS to the STATE OF SOUTH DAKOTA

grantee of Pierre, South Dakota P. O., the following described real estate in the County of Pennington in the State of South Dakota:

Lots H-2 and H-3 in the P. 1/4 SE 1/4 of Section 14, Township 1 South, Range 6 East of the 1st Meridian in Pennington County, South Dakota, as shown by plat made by S. M. Gentile, Registered Land Surveyor, under date of April 22, 1966; said plat to be filed in the office of the Register of Deeds, in Pennington County, South Dakota.

Said Lot H-2 contains 8.74 acres, more or less.  
Said Lot H-3 contains 1.24 acres, more or less.



The transfer of the above property is to include "CONTROLLED ACCESS" in accordance with Chapter 28,09A of the 1960 Supplement to the South Dakota Code of 1939 and amendments thereto. Access to be provided at Survey Station R4:00 Right and Left (West Bound Lane)

This Deed is given for highway purposes only with full reversionary rights.

Dated this 15th day of June, 1966

RECORDED  
INDEXED

STATE OF SOUTH DAKOTA COMMISSIONER OF LANDS

FILED THIS 22nd DAY OF August 1966 at Pierre, S. D. 151-101-94

Notary Public seal for the State of South Dakota, Pennington County.

On this 15th day of June, 1966 in the year 1966 before me, Notary Public, within and for said County and State, personally appeared

Richard J. Hill known to me to be the person who described in, and who executed the within instrument, and acknowledged to me that he executed the same.

Notary Public signature and title.

My Commission expires 12-17-70



BEULAH J. HULL and C. A. Hull wife and husband

Grantor, K., of

Pennington County, State of South Dakota

for and in consideration of One Dollar and other valuable consideration

GRANTS, CONVEYS AND WARRANTS to

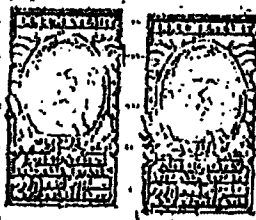
THE STATE OF SOUTH DAKOTA

grantee of Pierre, South Dakota P. O., the following described real estate in the County of Pennington in the State of South Dakota:

Lots H-2 and H-3 in the Elysee of Section 14, Township 1 South, Range 6 East of the Black Hills Meridian, Pennington County, South Dakota, as shown by plat made by S. W. Gentle, Registered Land Surveyor, under date of April 22, 1966, and filed in the office of the Registrar of Deeds, Pennington County, South Dakota, on August 2, 1966, in Book 4 of Highway Plats, page 187. Said Lot H-2 contains 8.74 acres, more or less, of which 0.22 acres, more or less, is section line right of way. Said Lot H-3 contains 1.24 acres, more or less, of which 0.13 acres, more or less, is section line right of way.

The transfer of the above property is to include "CONTROLLED ACCESS" in accordance with Chapter 28-09A of the 1960 Supplement to the South Dakota Code of 1939 and amendments thereto. Access to be provided at Survey Station 84+00 right and left (West bound lane).

This deed is given for highway purposes only with full reversionary rights.



Witnessed this 8th day of May 1967

RECORDED INDEXED

Handwritten signatures and initials.

State of South Dakota County of Pennington

Notary Public seal and signature area.

On this 8th day of May in the year 1967

before me Mary Jane Olson a Notary Public within and for said County and State, personally appeared BEULAH J. HULL and C. A. HULL wife and husband, known to me to be the persons who are described in, and who executed the within instrument, and acknowledged to me that they executed the same.

Handwritten signature of Notary Public.

Notary Public.

My Commission expires 6-13-68

Form 152-17  
Rev. 12-25

BOOK 103 PAGE 283

### BURIED EXCHANGE FACILITY EASEMENT

The undersigned owner(s) of an interest in the real estate described below (hereinafter called "Owner") hereby grant(s) and convey(s) to NORTHWESTERN BELL TELEPHONE COMPANY, an Iowa corporation, its associated and other companies, its and their respective successors, assigns, licensees and agents (hereinafter called "Company"), in consideration of the sum of \$50.00

Fifty and no/100 Dollars received from the Company and of the agreement stated below, a right of way and easement to construct, operate, maintain, replace, and remove a communications system consisting of poles, wires, surface terminals, surface markers (at least three (3) and less than six (6) feet) and other with the right of access thereto for the purpose of exercising the rights herein granted, above, below and across the following described real estate located in the County of Pennington State of South Dakota.

S½ of SW¼ of Section 13, T-1-S, R-6-E  
NW¼ of NW¼ of Section 24, T-1-S, R-6-E

The Company agrees to bury all cables and wires below plow depth in order to not interfere with ordinary cultivation of the land, and to pay for all damage to Owner's property arising from the Company's exercise of the rights herein granted, except as stated below: None

Signed this 8<sup>th</sup> day of July, 1976

WITNESSES:  
R. E. Breen  
\_\_\_\_\_  
\_\_\_\_\_

OWNER:  
James C. Bailey  
Ardis H. McCullen  
\_\_\_\_\_

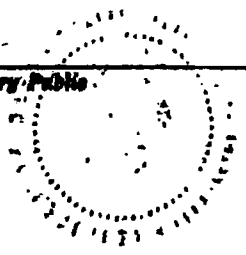
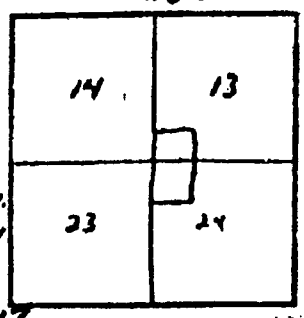
I, John A. S. Borden, Notary Public,  
 do hereby certify that on the 20th day of July, 1970, before me,  
 the undersigned officer,  
John A. S. Borden, Notary Public  
 personally appeared one person(s) whose name(s) are subscribed to  
 the instrument and acknowledged that they executed the same for the purposes therein  
 expressed. In witness whereof I hereunto set my hand and official seal.  
Ralph G. [Signature]  
 Notary Public

N  
10517

**Corporate Acknowledgment**  
 STATE OF \_\_\_\_\_  
 COUNTY OF \_\_\_\_\_  
 On this the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, before me,  
 \_\_\_\_\_, the undersigned officer,  
 personally appeared \_\_\_\_\_  
 who acknowledged himself to be the \_\_\_\_\_  
 of \_\_\_\_\_, a corporation,  
 and that he, as such \_\_\_\_\_, being authorized  
 to do, executed the foregoing instrument for the purposes therein contained, by signing the name  
 of the corporation by himself as \_\_\_\_\_  
 In witness whereof I hereunto set my hand and official seal.

Notary Public

Name of Town Redwood City, SD  
 Last Section \_\_\_\_\_  
 Secured by R. E. Bryson  
 Post Office Address of Owner  
3621 Vista Corporation Dr.  
Ocean Side, Calif 92057  
 P.O. No. 70695  
 R.F. No. 7265



Recognized and  
 Certified  
**RECORDED**  
**INDEXED**

10517  
 STATE OF SOUTH CAROLINA, COUNTY OF FLEMING  
 25 August 70  
[Signature]  
 Notary Public

**BURIED INTER-EXCHANGE FACILITY EASEMENT**

The undersigned owner(s) of an interest in the real estate described below (hereinafter called the "Owner") hereby grant(s) and convey(s) to **NORTHWESTERN BELL TELEPHONE COMPANY**, an Iowa corporation, its associated and allied companies, its, and their respective successors, assigns, licensees and agents (hereinafter called the "Company"), in consideration of the sum of (2.50)

fifty Dollars received from the Company and of the proceeds as stated below, a right of way and easement to construct, operate, maintain, replace, and remove such communications systems as the Company may from time to time require, consisting of underground cables, wires, conduits, splicing boxes, and \_\_\_\_\_ and surface teletype terminals and markers, together with the right of access thereto for the purpose of exercising the rights herein granted, upon, under and across a strip of land one rod wide situated within the following described real estate located in the County of \_\_\_\_\_

Thompson State of South Dakota  
S.W. 1/4 of S.W. 1/4 Section 13 T-1-S- R6E  
N.W. 1/4 of N.W. 1/4 Section 24 T-1-S- R6E

together with the following right to place surface markers beyond said strip to show and keep clear of all trees, roots, brush and other obstructions from the surface and underlines of said strip and within ten feet thereof; and to install poles and other in any places crossing said strip. The boundary of said one-rod strip shall be a line parallel to and \_\_\_\_\_ of the first cable laid, which cable shall have its location indicated on surface markers set at intervals on the land of the Owner or on adjacent lands. The Owner for himself and (s) (and) his heirs, executors, administrators, successors and assigns, hereby covenants that no structure shall be erected or maintained on said strip.

The Company agrees to bury all cables and wires below plow depth in order to not interfere with ordinary cultivation of the land, and to pay for all damage to Owner's property resulting from the Company's exercise of the rights herein granted, including crops, livestock, fences, and improvements and improvements, as the interests may appear, except as stated below: Exceptions (if any):

Signed this 29 day of September 1969

WITNESSES:  
Ralph Anderson

OWNER:  
[RECEIVED]  
By [Signature]

Individual Acknowledgment

STATE OF Delaware  
COUNTY OF Kent

On this the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, before me,  
the undersigned officer,

personally appeared \_\_\_\_\_

known to me or satisfactorily proven to be the person(s) whose name(s) \_\_\_\_\_ subscribed to  
the within instrument and acknowledged that \_\_\_\_\_ executed the same for the purposes therein  
specified.

In witness whereof I hereunto set my hand and official seal.

Notary Public

Corporate Acknowledgment

STATE OF Delaware  
COUNTY OF Kent

On this the 27 day of September, 1969, before me,  
Joseph W. Coker, the undersigned officer,

personally appeared Harvey Pifer

who acknowledged himself to be the President  
of Peterman Incorporated

and that he, as such Manager or Controller, being authorized  
to do so, executed the foregoing instrument for the purpose therein contained, by signing the same  
of the corporation by himself as President

In witness whereof I hereunto set my hand and official seal.

Notary Public

Name of Town Leggett City S.D.

Line Section \_\_\_\_\_

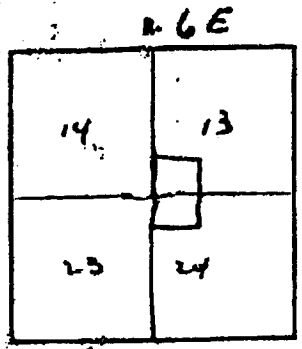
Subdivided by Leggett City S.D.

Post Office Address of Owner  
138 E. SAINT ANDREW

Leggett City S.D.

R.O.W. No. 70695

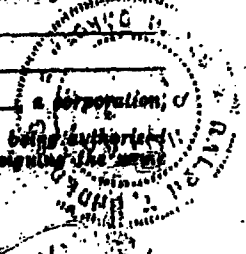
P.O. No. 7265



RECORDED  
INDEXED

10518  
STATE OF SOUTH DAKOTA, COUNTY OF PENNINGTON  
Notary Public  
John J. [Signature]  
Notary Public

11501





Book: 124  
Page: 1187  
RB-27692-8 Page: 601 of 601  
10/21/2001 09:02a 18-89  
Pennington County, South Dakota  
David H. Haver Deed



CORRECTIVE QUIT CLAIM DEED

ADMINISTRATOR, SMALL BUSINESS ADMINISTRATION, an Agency of the United States of America, Grantor, for and in consideration of One Dollar (\$1.00) and other good and valuable consideration, conveys and quit claims to Kelly Moore and Denise Moore, the Grantees, of 3351 Pinewood Drive, Rapid City, Pennington County, South Dakota, the following described real estate in the County of Pennington in the State of South Dakota, subject to an easement permitting that access reasonably necessary to gain reasonable access from the Old Rockerville to Keystone Road to the following described property, which is the dominant land and whose owner shall keep and maintain such easement at his or her own expense: That portion of the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) of Section Thirteen-(13), that lies south of the eastbound lanes of U.S. Highway #16 as shown on the plat of Lots H-2, H-3 and H-4 of the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) of Section Thirteen (13), Township One South (T1S), Range Six East of the Black Hills Meridian (R6E BHM), Pennington County, South Dakota, filed in Highway Plat Book 4, Page 166, and also lies west of the County Road from Rockerville to Harney, the route of which is shown on a survey filed on page 47 of the Road and Bridge Calendar in the office of the Auditor of Pennington County (Dominant Property).

The following described property:

That portion of the Northwest Quarter of the Northwest Quarter (NW 1/4 NW 1/4) of Section Twenty-four (24) that lies south of the eastbound lanes of U.S. Highway #16 as shown on the plat filed in Highway Plat Book 4, Page 166, and also lies west of the County Road from Rockerville to Harney, the route of which is shown on a survey filed on page 47 of the Road and Bridge Calendar in the office of the Auditor of Pennington County, excepting therefrom the South Four Hundred Eighty-Eight and Ninety-Six Hundreths Feet (488.96') of the Southwest Quarter of the Northwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4 NW 1/4) of Section Twenty-four (24) lying west of said County Road, Township One (1) South, Range Six (6) East, B.H.M., Pennington County, South Dakota (granted and servient property).

This Deed is given to correct the description of the dominant property for the access easement. EXEMPT FROM TRANSFER FEE 43-4-22 (4) :

Dated this 6th day of September, 1990.

SMALL BUSINESS ADMINISTRATION

By Chester B. Leedom  
Chester B. Leedom  
District Director

STATE OF SOUTH DAKOTA  
SS:  
COUNTY OF MINNEHAHA

TRANSFER FEE PAID \$ \_\_\_\_\_  
 EXEMPT FROM TRANSFER FEE

Before me, the undersigned Notary Public in and for said County and State, personally appeared Chester B. Leedom, to me known to be the person who executed the foregoing instrument and who, being duly sworn on oath, stated that he is District Director of the STOUT FALLS, South Dakota, District Office of the Small Business Administration, and that said instrument was executed by him for and on behalf of said Small Business Administration, pursuant to Delegation of Authority 13 CFR Part 101, as amended, and he acknowledged said instrument to be the free and voluntary act and deed of said Small Business Administration.

Witness my hand and official seal this 6th day of September, 1990.

Bronwyn A. Waldhaen  
Notary Public, Minnehaha County  
South Dakota

My Commission Expires: 2-26-97

(Notary Seal)

Exhibit 51

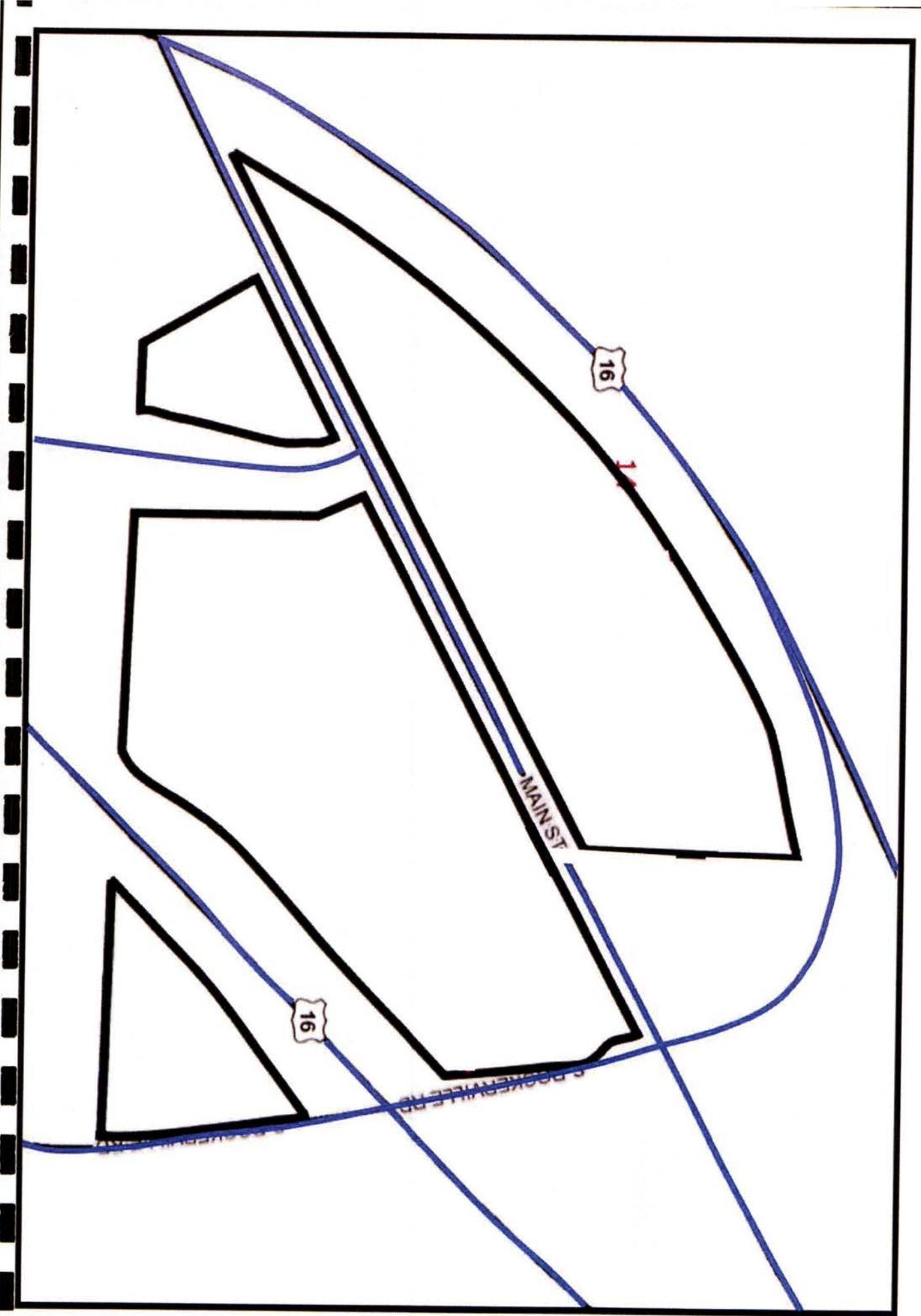
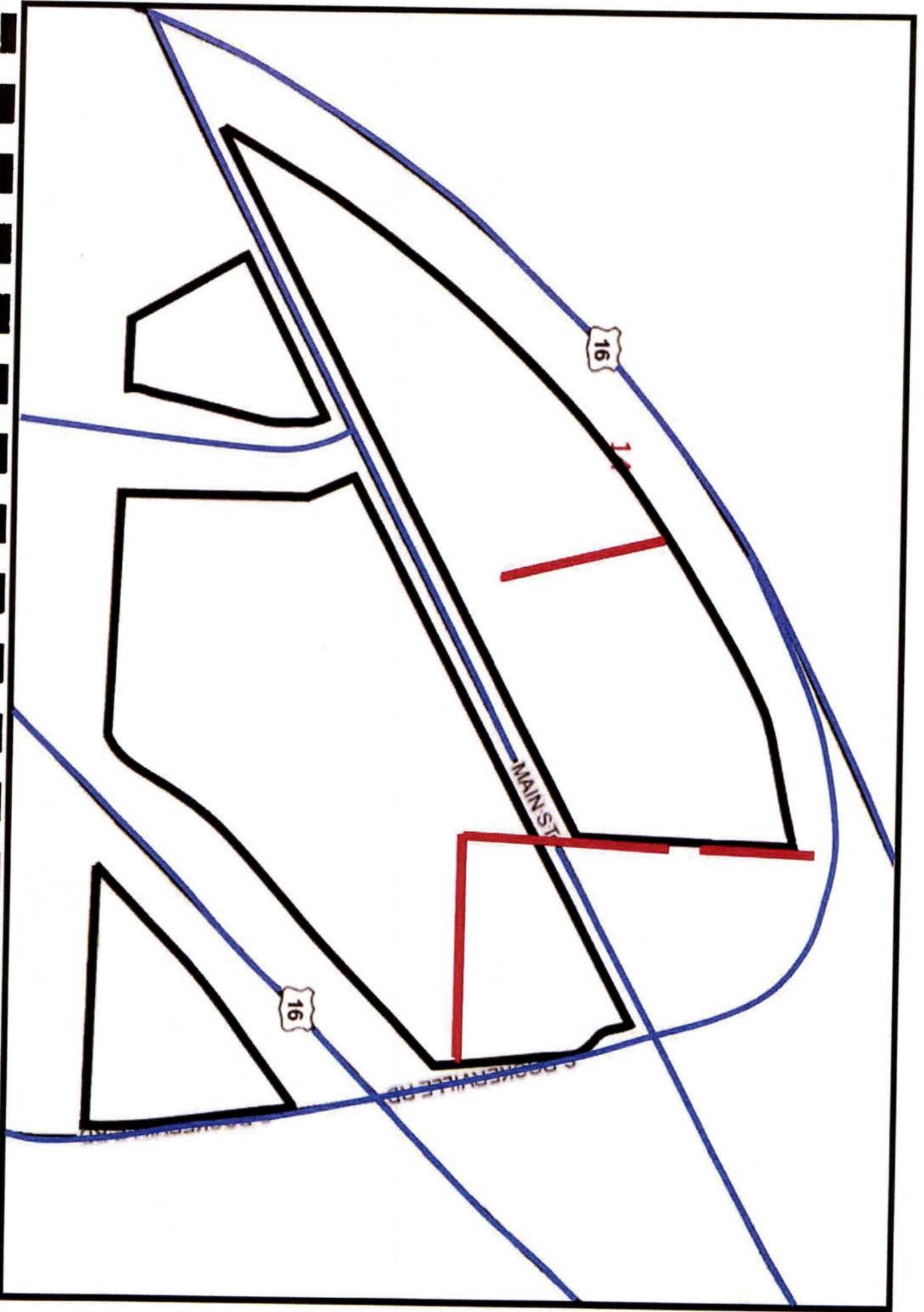




Exhibit 5K



## STAFF REPORT

### GENERAL INFORMATION:

REQUEST: MINOR PLAT / MPL 19-32: To subdivide and create Lots 1 and 2 of Greyhound Gulch Subdivision in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

APPLICANT: Debra Legge

APPLICANT ADDRESS: 3167 Moon Meadows Drive, Rapid City, SD 57702

AGENT: Fisk Land Surveying

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

OTHER LANDOWNER: Rhonda Champion

LANDOWNER ADDRESS: 6420 West 46<sup>th</sup> Place, Wheat Ridge, CO 80033

LEGAL DESCRIPTION: EXISTING LEGAL: Lot 1 of Tract B including Lot A of Lot 1 of Tract B, HES #281, Section 15, T2S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1 and 2 of Greyhound Gulch Subdivision, Section 15, T2S, R6E, BHM, Pennington County, South Dakota.

SITE LOCATION: 13335 Greyhound Gulch Road; approximately one mile northwest of the intersection of Playhouse Road and Greyhound Gulch Road.

SIZE: 5.18 acres

TAX ID: 54692

EXISTING LAND USE: Vacant

SUBDIVISION REGULATIONS REFERENCE: Section 400.3

CURRENT ZONING: Suburban Residential District

Agenda Item #14  
Debra Legge  
October 28, 2019

**SURROUNDING ZONING:**

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

**PHYSICAL CHARACTERISTICS:** Open Meadow / Trees

**UTILITIES:** None

**REPORT BY:** Cassie Bolstad / P.J. Conover

**I. PROPOSED RECOMMENDATION**

A. Staff will be recommending approval of Minor Plat / MPL 19-32 with five (5) conditions.

**II. GENERAL DESCRIPTION**

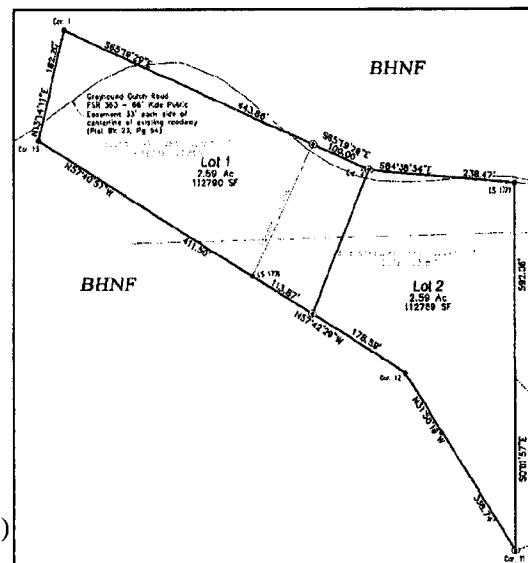
A. The applicant, Debra Legge, has applied for a Minor Plat to subdivide one (1) existing lot in order to create Lots 1 and 2 of Greyhound Gulch Subdivision.

**III. EXISTING CONDITIONS**

- A. Zoned Suburban Residential District.
- B. 5.18 acres.
- C. Access off of Greyhound Gulch Road.
  - 1. Greyhound Gulch Road is a platted 66-foot-wide Public Easement (Plat Book 23, Page 54).
- D. Currently vacant.
- E. No Special Flood Hazard Area on the subject property.

**IV. PROPOSED LOTS**

- A. Lot 1 of Greyhound Gulch Subd.
  - 1. 2.59 acres.
- B. Lot 2 of Greyhound Gulch Subd.
  - 1. 2.59 acres.



Proposed Subdivision (Fisk Land Surveying 7-25-19)

**V. REQUEST FOR COMMENT**

- A. County Highway Department
  - 1. Highway Department has no comments since Greyhound Gulch Road isn't a County maintained road.
- B. County Fire Administrator
  - 1. No comments received.
- C. County Professional Environmental Planner
  - 1. There is no Special Flood Hazard Area on the subject property.
- D. County Onsite Wastewater Specialist
  - 1. According to the USDA Web Soil Survey the soils are classified as "Somewhat Limited" to "Very Limited". If the applicant wishes to install a septic system on either lot, all rules of Pennington County Zoning Ordinance Section 204-J must be followed.
- E. County Ordinance Enforcement
  - 1. I retrieved the sign from out there and they had fixed or worked on the road leading into this property. I have no violations with it.
- F. County Addressing Coordinator
  - 1. No addressing concerns at this time. Future addresses will be assigned during the Building Permit application process. Once assigned, addresses must be posted in accordance with Pennington County Ordinance #20.
- G. Register of Deeds
  - 1. Proposed subdivision name is acceptable.
  - 2. Plat heading needs corrections – should say...(formerly all of Lot A of Lot 1 of Tract B of HES 281 Addition and the Balance of Lot 1 of Tract B of HES 281).
    - a. *Staff Comment: This will be included as a Condition of Approval.*
  - 3. Certificates appear to be the required certificates per state statute.
- H. Department of Equalization
  - 1. Looks good as far as I'm concerned.
- 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 Debra Legge minor plat request.
  - 2. Access to the private property is off the Greyhound Gulch Road.
  - 3. Protect all posted boundary line corners, signs and bearing trees.
  - 4. Adhere to the setback requirements along the posted boundary between National Forest System lands (USA Public Domain) and the private property.
  - 5. Protect all know stream courses, ponds and riparian areas located on National Forest System lands.
  - 6. No resource damage to occur on National Forest System lands.

7. All straw bales, erosion mats, slash mats, etc. located on private property will need to be certified weed-free. Provide a copy of the certification to the Forest Service.
  8. No construction materials to be placed on National Forest System lands.
  9. All proposed drain fields, leach lines or septic systems will need to be located on private property and not located on or drain onto National Forest System lands; septic system holding tank(s) and potable water holding tank (cistern) will be required to be located on private property.
  10. All construction materials, supplies, trash or garbage or fill material will not be located or dumped on National Forest System lands; take all construction materials, supplies, trash or garbage to an approved location (approved sanitary landfill).
  11. Public roads in this area of the Black Hills National Forest are classified as "Roads Open to Highway Legal Vehicles Only" per the latest version (January 1, 2019) of the Motor Vehicle Use Map.
  12. Not motorized trailheads or motorized trails or motorized roads are planned or scheduled for this portion of the Black Hills National Forest.
  13. No motorized trails for ATV, motorcycles or ORV will be authorized from private property unto National Forest System lands (USFS does not want unauthorized trails constructed on National Forest System lands).
- K. Black Hills Electric Cooperative
1. Black Hills Electric Cooperative has no concerns with this proposed plat.

## VI. ANALYSIS

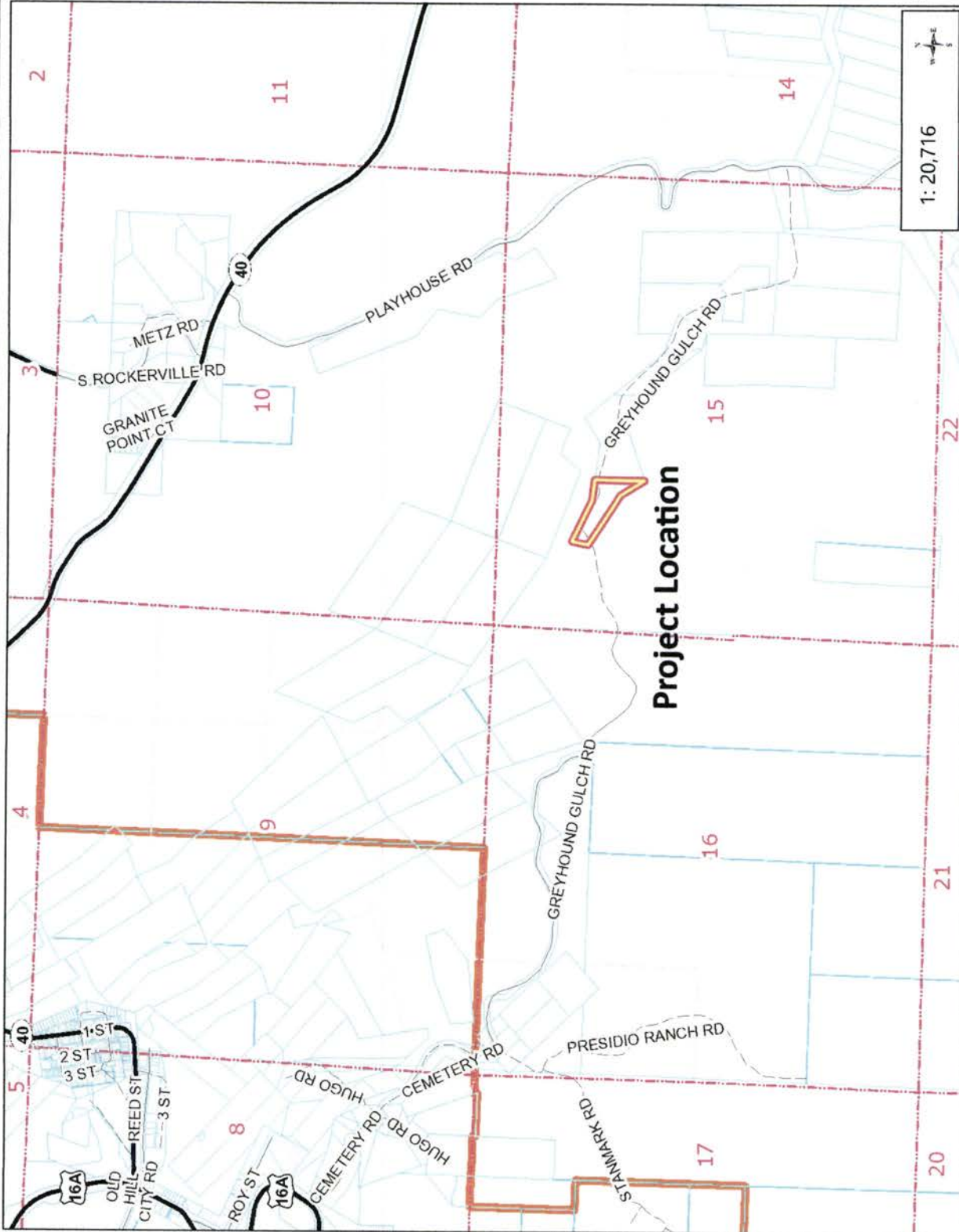
- A. December 18, 2018 – Board of Commissioners approved Layout Plat / PL 18-40 with the following ten (10) conditions:
1. That at the time of Minor Plat submittal, the required changes are made to the proposed Plat, per comments from the Register of Deeds regarding using a Subdivision name;
  2. That prior to filing the Plat with the Register of Deeds, the proposed lots be rezoned appropriately.
  3. 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;
  4. That at the time of the Minor Plat submittal, percolation tests and soil profile hole information be submitted for the proposed lots for review and approval by the County Environmental Planner, or an approved Subdivision Regulations Variance be obtained waiving this requirement;

5. That at the time of the Minor Plat submittal, the proposed Plat be prepared by a Registered Land Surveyor;
  6. 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;
  7. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
  8. 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;
  9. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Layout Plat / PL 18-40, which is available at the Planning Office; and,
  10. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.
- B. August 6, 2019 – Board of Commissioners approved Subdivision Regulations Variance / SV 19-06 to waive the following platting requirements: (1.) Any additional road construction plans and road improvements; and, (2.) The submittal of percolation tests and soil profile hole information.
- C. August 20, 2019 – Board of Commissioners approved the Second Reading of Rezone / RZ 19-09 and Comprehensive Plan Amendment / CA 19-09 to rezone 3.18 acres from Low Density Residential District to Suburban Residential District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Low Density Residential District to Suburban Residential District.
- D. September 18, 2019 – Applicant applied for Minor Plat / MPL 19-32.
- E. The proposed Plat indicates “Utility & Minor Drainage Easements on the interior side of all lot lines”; however, a width is not identified.
  1. This will be included as a Condition of Approval.
- F. Condition #2 of Layout Plat / PL 18-40 has been met (RZ 19-09 and CA 19-09).
- G. Condition #4 of Layout Plat / PL 18-40 has been met (SV 19-06).
- H. Condition #5 of Layout Plat / PL 18-40 has been met, as the Plat was prepared by Ronald W. Fisk, a Registered Land Surveyor.

Agenda Item #14  
Debra Legge  
October 28, 2019

**RECOMMENDATION:** Staff recommends approval of Minor Plat / MPL 19-32 with the following five (5) conditions:

1. That prior to filing the Plat with the Register of Deeds, the Plat heading be corrected to state "... (formerly all of Lot A of Lot 1 of Tract B of HES 281 Addition and the Balance of Lot 1 of Tract B of HES 281)", per comments from the Register of Deeds;
2. That at the time of Minor Plat submittal, a minimum of 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;
3. That upon 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 the applicant ensures that all natural drainage ways are maintained and are not blocked; and,
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;



1:20,716



**Legend**

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

**Map Notes:**

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

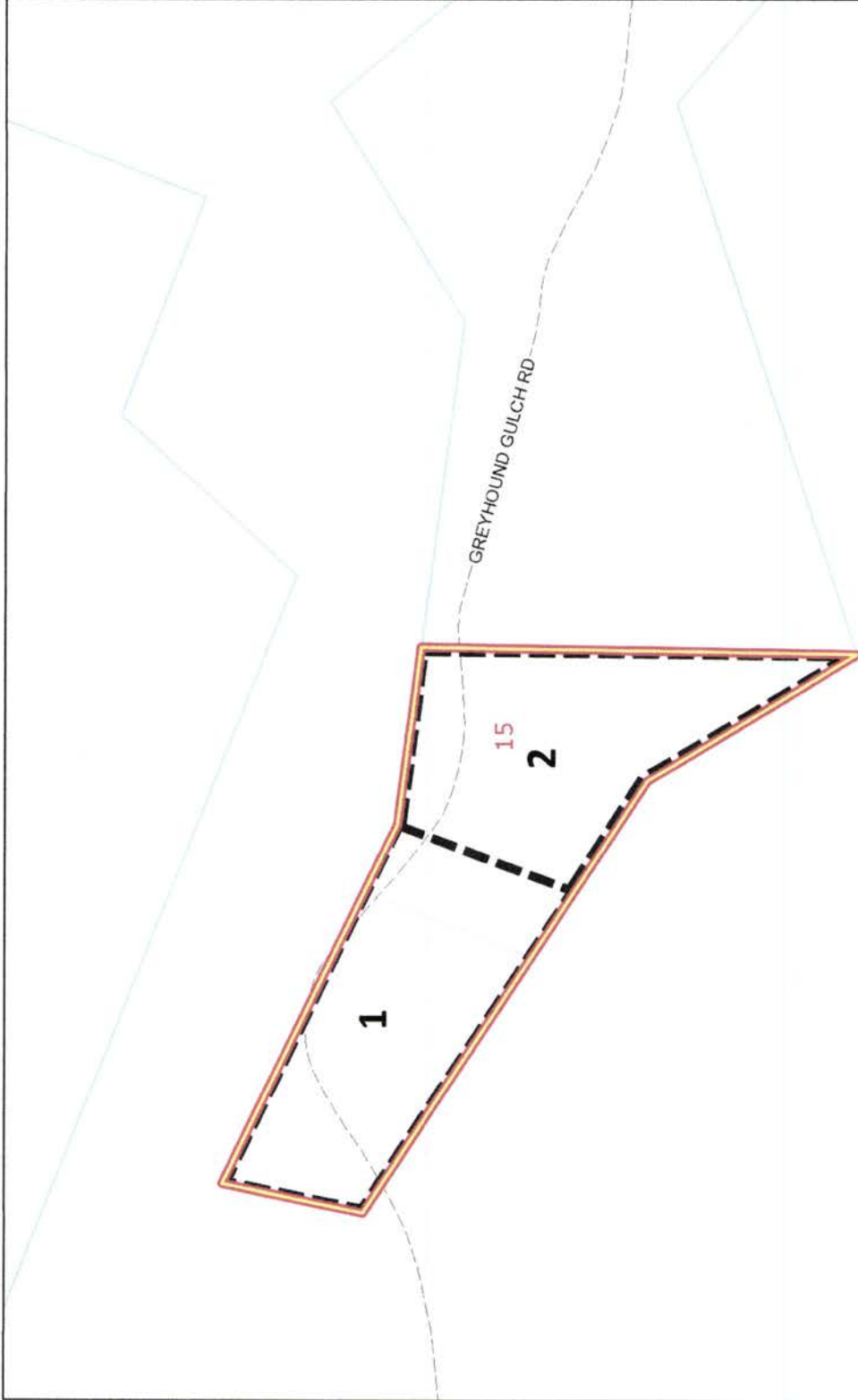
**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

3,452.7 0 1,726.35 3,452.7 Feet



NAD\_1983\_2011\_StatePlane\_South\_Dakota\_South\_FIPS\_4002\_FT\_US  
© Rapid City-Pennington County GIS Division





**Legend**

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

**Section Lines 0-25k**

- 0
- 7

**Tax Parcels**

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

1: 2,697

**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**

**Plat of Lots 1 and 2 of Greyhound Gulch Subdivision**  
 (formerly all of Lot A of Lot 1 of Tract B and the Balance of Lot 1 of HES 281)  
 located in the N $\frac{1}{2}$  Section 15, T2S, R6E, BHM,  
 Pennington County, South Dakota

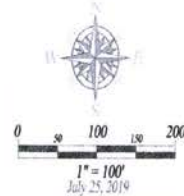
Prepared by  
 Fisk Land Surveying  
 & Consulting Engineers, Inc.  
 P.O. Box 8154  
 Rapid City, SD 57709  
 (605) 348-1538  
 Project # 12-08-01

**EASEMENTS**

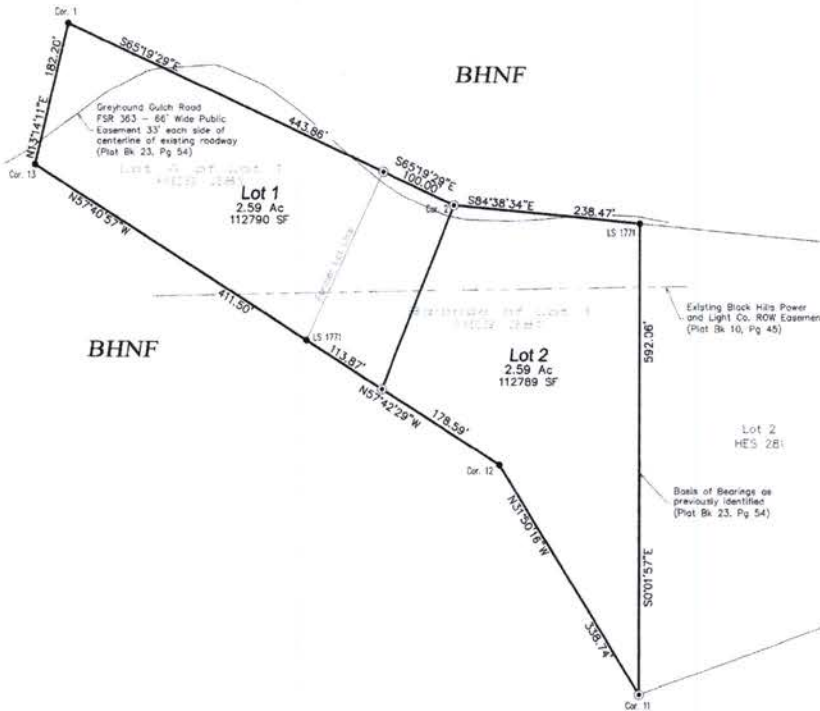
Utility & Minor Drainage Easements on the interior side of all lot lines

**Water Protection Statement**

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



- LEGEND**
- = Found or Set Rebar with cap marked "RW Fisk 6565"
  - = Found original wood post monument, or as noted



**CERTIFICATE OF SURVEYOR**  
 State of South Dakota County of Pennington §

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

In Witness Whereof, I have hereunto set my hand and official seal

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Ronald W. Fisk  
 Registered Land Surveyor No. 6565



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

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

Director of Equalization of Pennington County

Approved \_\_\_\_\_  
 Date \_\_\_\_\_

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

The location of the proposed lot lines with respect to the Highway or Street as shown 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**  
 State of South Dakota County of Pennington §

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

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Treasurer of Pennington County

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

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

Pennington County Auditor / Deputy

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

Filed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Document Number \_\_\_\_\_

Register of Deeds of Pennington County

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

I, Debra Legge do hereby certify that I am an owner of the above described lands, and that I did authorize and do hereby approve the survey and within plot of said land, and that development of this land shall conform to all existing applicable zoning, subdivision, and erosion and sediment control regulations.

Debra Legge - Owner

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

Notary Public \_\_\_\_\_

My Commission Expires \_\_\_\_\_

**CERTIFICATE AND ACKNOWLEDGEMENT OF OWNERSHIP**  
 State of \_\_\_\_\_ County of \_\_\_\_\_ §

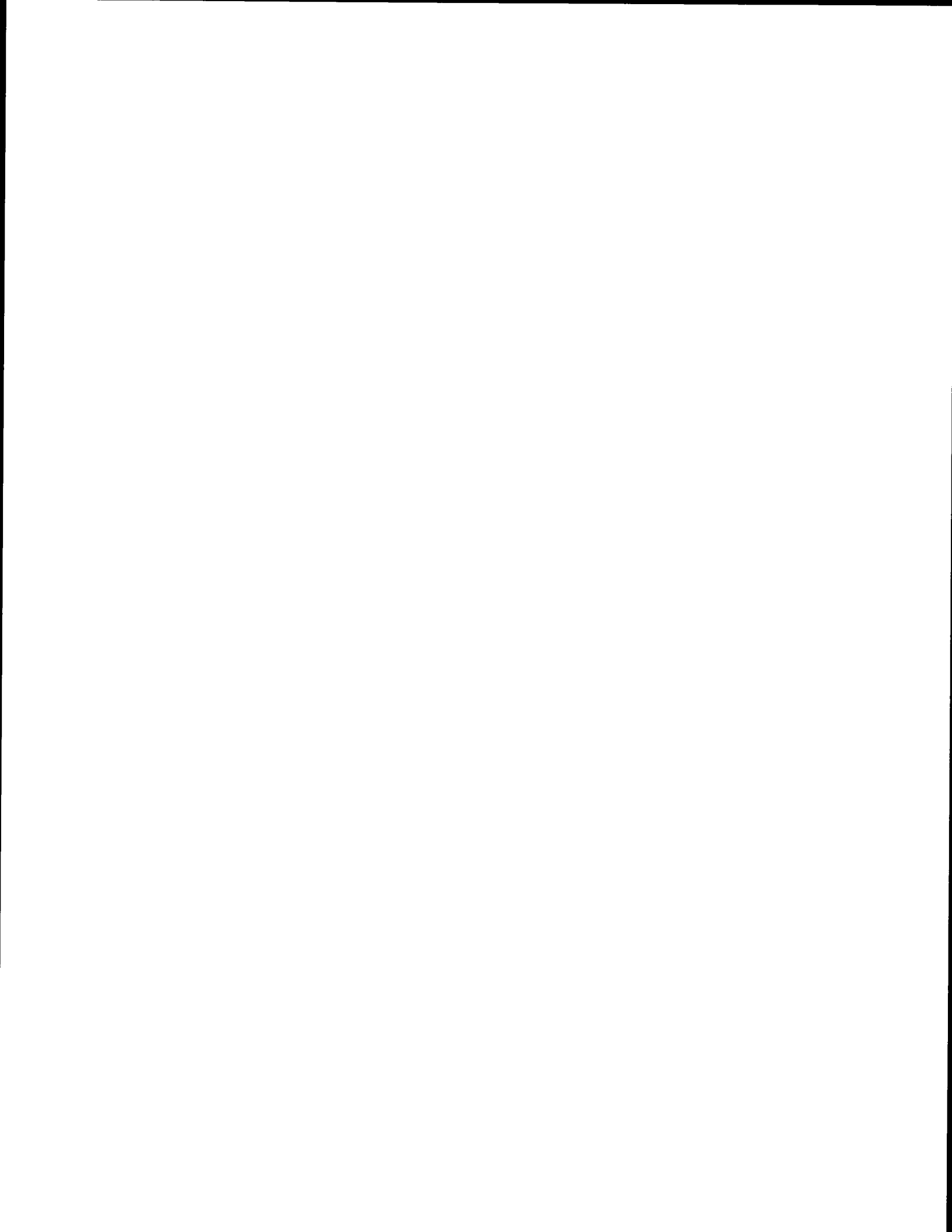
I, Rhonda Champion, do hereby certify that I am an owner of the above described lands, and that I did authorize and do hereby approve the survey and within plot of said land, and that development of this land shall conform to all existing applicable zoning, subdivision, and erosion and sediment control regulations.

Rhonda Champion - Owner

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

Notary Public \_\_\_\_\_

My Commission Expires \_\_\_\_\_



## STAFF REPORT

### GENERAL INFORMATION:

REQUEST: **LAYOUT PLAN / LPL 19-36:** To subdivide and create Lots 1, 2, and 3 of Par Properties Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

APPLICANT: Par Properties / Paul Zweifel

APPLICANT ADDRESS: 905 Par Lane, Dell Rapids, SD 57022

SURVEYOR: Brad Limbo

SURVEYOR ADDRESS: 444 St. Joe Street, Spearfish, SD 57783

LEGAL DESCRIPTION: EXISTING LEGAL: SE1/4SW1/4NE1/4, Section 27, T2N, R3E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1, 2, and 3 of Par Properties Subdivision, Section 27, T2N, R3E, BHM, Pennington County, South Dakota.

SITE LOCATION: 22742 S. Rochford Road.

SIZE: 10.00 acres

TAX ID: 59332

EXISTING LAND USE: Residential

SUBDIVISION REGULATIONS REFERENCE: §§ 400.1

CURRENT ZONING: Limited Agriculture District

### SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Forested / Partial Sloped

Agenda Item #15  
Par Properties; Paul Zweifel  
October 28, 2019

UTILITIES: Private

REPORT BY: Kristina Proietti

**I. PROPOSED RECOMMENDATION**

- A. Staff will be recommending approval of Layout Plan / LPL 19-36 with eight (8) conditions.

**II. GENERAL DESCRIPTION**

- A. The applicant, Paul Zweifel, has applied for a Layout Plan to create three (3) lots from the one (1) existing lot.

**III. EXISTING CONDITIONS**

- A. Zoned Limited Agriculture District.  
B. Lot size 10 acres.  
C. Access is taken off of Divide Road.  
D. No Special Flood Hazard Area on the subject property.  
E. Lot contains:  
1. Single-family residence, County Building Permit (COBP) / 2001COBP0375, and deck addition / COBP17-0622.  
2. Detached garage / COBP17-0621.  
3. The Onsite Wastewater Treatment System information is from a pump receipt dated 7/12/2012.  
a. The pump receipt indicates that the home has a 1000-gallon tank and an unknown drainfield size (pump receipt attached to Staff Report).  
4. Barn/tool shed, built in 1982, per Department of Equalizations Property Record Card.  
5. Cabin, approximately 16' X 21' (according to the exhibit provided to us from All Aspects Inc., see Images 1 and 2), no records can be found on this structure. According to Google Earth Pro's Historical Imagery, the cabin appears on the property somewhere between the years of 2013 and 2016.

**IV. PROPOSED LOTS**

- A. Lot 1  
1. Currently vacant.  
B. Lot 2  
1. Manufactured home.  
2. Barn/tool shed  
C. Lot 3  
1. Cabin

Agenda Item #15  
Par Properties; Paul Zweifel  
October 28, 2019

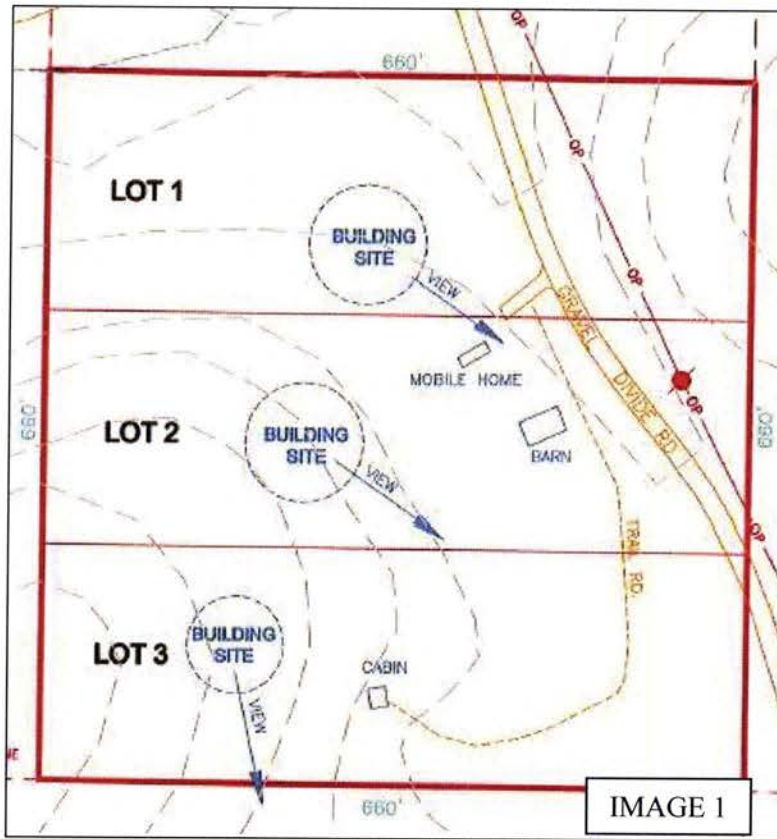


Image 1 and image 2 are the Proposed lot line configurations from All Aspects Inc.

**V. REQUEST FOR COMMENT**

- A. County Highway Department
  - 1. Subdividing the 10 acre parcel will require either rezoning or variance. Divide Road will need to be improved to meet section 500.5 of the Subdivision Regulations or variance obtained. The drainage way must be maintained.
- B. County Fire Administrator
  - 1. No comments received.
- C. County Environmental Planning Supervisor
  - 1. There is no Special Flood Hazard on the subject property.
  - 2. A pump receipt was submitted for this property in 2012 in lieu of an Observation Form. An Operating Permit must be obtained prior to submitting a Minor/Preliminary Plat request.
- D. County Onsite Wastewater Specialist
  - 1. No septic information could be found for this property. According to the USDA Web Soil Survey the soils are classified as "Somewhat to Very Limited". If the applicant wishes to install a new septic system on any of the proposed lots, all rules of Pennington County Zoning Ordinance 204-J must be followed.
- E. County Ordinance Enforcement Officer
  - 1. No violations.
- F. County Natural Resources
  - 1. No objections.
- G. Emergency Services (9-1-1)
  - 1. Good here but please ask the applicant to label the road names differently. The way they have it now, it looks like the word "Gravel" is part of the name. They need to clearly identify "S Rochford Rd" and "Divide Rd" without the confusion the current color and placement of the word "Gravel" causes.
- H. Department of Equalization
  - 1. Looks good at this stage!
- I. Register of Deeds
  - 1. Proposed subdivision name is acceptable and proposed lots are acceptable.
- J. U.S. Forest Service
  - 1. The Forest Service has no objections to the proposed Par Properties LLC Layout Plat.
  - 2. The United States of America, acting by and through the Forest Service, Department of Agriculture acquired an "Easement" on 08-07-1974 from Lyle O. Barker to access National Forest System lands on National Forest System Road, 238 Divide Road. The Barker Easement is located in SW1/4NE1/4 of Section 27, Township 2 North, Range 3 East, BHM and recorded in the Public Records for Pennington County, SD in Book 119, Page 672. See attached Barker Easement for details.

3. Access to the proposed legal description: Lots 1, 2, 3 of Par Properties Subdivision of the SE1/4SW1/4NE1/4 of Section 27, T2N, R3E, BHM is off of the National Forest System Road 238 Divide Road located on private property. No additional access roads will be authorized from National Forest System lands.
  4. Protect all posted boundary line corners, signs and bearing trees.
  5. Adhere to the setback requirements along the posted boundary between National Forest System lands (USA Public Domain) and the private property.
  6. Protect all known stream courses, ponds and riparian areas located on National Forest System lands.
  7. No resource damage to occur on National Forest System lands.
  8. All straw bales, erosion mats, slash mats, etc. located on private property will need to be certified weed-free. Provide a copy of the certification to the Forest Service.
  9. No construction materials to be placed on National Forest System lands.
  10. All proposed drain fields, leach lines or septic systems will need to be located on private property and not located on or drain or leach onto National Forest System lands; septic system holding tank (s) and potable water holding tank (cistern) will be required to be located on private property.
  11. All construction materials, supplies, trash or garbage or fill material will not be located or dumped on National Forest System lands; take all construction materials, supplies, trash or garbage to an approved location (approved sanitary landfill).
  12. Public roads in this area of the Black Hills National Forest are classified as "Roads Open to Highway Legal Vehicles Only" and "Other Public Roads" per the latest version (January 1, 2019) of the Motor Vehicle Use Map.
  13. No motorized trailheads or motorized trails or motorized roads are planned or scheduled for this portion of the Black Hills National Forest.
  14. No motorized trails for ATV, motorcycles or ORV will be authorized from private property unto National Forest System lands (USFS does not want unauthorized trails constructed on National Forest System lands).
- K. Black Hills Electric Cooperative
1. Black Hills Electric Cooperative has no concerns with this layout plat.



## VI. ANALYSIS

- A. The applicant's request is to create three (3) separate lots out of one (1) lot.
- B. Proposed Lots 1-3 will require either a Rezone *or* Lot Size Variance prior to applying for the Minor Plat, as they will be under the allotted acreage for the current zoning of Limited Agriculture District.
- C. Prior to submittal of Minor Plat Application, the applicant will need to work with Planning and Zoning Staff to determine what the cabin structure's use is and to get it properly permitted.
- D. 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 19-36 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 lots for review and approval by the On-Site Wastewater Specialist, 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 Lots 1-3 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.
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.

# PENNINGTON COUNTY – RAPID CITY PLANNING DEPARTMENT

300 Sixth Street, Rapid City, South Dakota 57701

URBAN DIVISION  
(605) 394-4120

TRANSPORTATION PLANNING  
(605) 394-4120

RURAL DIVISION  
(605) 394-2186

FAX (605) 394-6636

September 23, 1998

Sharon & Gary Frohme  
22742 South Rochford Road  
Hill City, SD 57745

RE: Lot 4 of Block 2 and Pt of Lot 1 of Block 3 of Rochford Subdivision of Dakota,  
Lode MS, Section 23, T1S, R5E, BHM, Pennington County, South Dakota

Dear Mr. & Mrs. Frohme;

Thank you for working with me on the wastewater disposal system for the above described properties.

The location of the holding tank is fine and will be permitted per the Pennington County Zoning Ordinance. Please note the tracer wire requirement that is now a part of the Ordinance. The holding tank agreement form will need to be signed and returned if a drainfield is not going to be installed. The County wastewater disposal permit will need to be filled out and submitted, also. If a drainfield will be installed the permit will be amended accordingly. There is an inspection fee of one hundred and one dollars (\$101.00). This should be paid now, but I can send an invoice once all the approvals are done, and after we have decided whether a drainfield can be permitted.

The alarm system required for a holding tank can be left out for now, as long as the goal is to install a drainfield. This will require percolation tests and a submittal to the South Dakota Department of Environment and Natural Resources for review. A variance to the setback from the cistern to the drainfield will be required as well as a variance to the property line setback. The property line setback variance is typically approved if you include a signed statement from the affected property owner indicating their approval. When requesting the setback variance to the cistern, include a profile sketch indicating the elevation of the base of the cistern relative to the elevation of the drainfield. Please submit the review to the State as soon as possible. A checksheet form for DENR and a card for your contact person, Rich Hanson, are enclosed.

If you have any questions please contact me at 394-2186.

Sincerely,



Marlin Johnson

Environmental Technician/Field Inspector



EQUAL HOUSING  
OPPORTUNITY

EQUAL OPPORTUNITY EMPLOYER

ID: 59332

# Invoice

M&M SANITATION, INC.  
PO BOX 695  
Spearfish, SD 57783

Date	Invoice #
7/12/2012	20513

(605) 642-4577 or (605) 578-7568

**PAID**  
07/12/2012

Bill To
Gary & Sharon Frohme 22742 S. Rochford Road Hill City, SD 57745

P.O. No.	Terms
	Net 30

Quantity	Description	Rate	Amount
1	Septic Tank Pumping and Travel - 1000 gallons - 7-11-12	190.00	190.00
1	Dump Fee	55.00	55.00
1	Bioforce Bacteria Agent	40.00	40.00

Payment in full is due Net 30 days following invoice date. In the event payment is not made when due, reasonable collection fees, lien fees, and attorney fees with or without suit, together with .5% per month FINANCE CHARGE which is an ANNUAL PERCENTAGE RATE of 18%, will be assessed until paid.

<b>Subtotal</b>	\$285.00
<b>Sales Tax (4.0%)</b>	\$11.40
<b>Total</b>	\$296.40
<b>Payments/Credits</b>	\$-296.40
<b>Balance Due</b>	\$0.00

LAYOUT PLAN  
 LOTS 1, 2, AND 3 OF THE PAR PROPERTIES SUBDIVISION;  
 BEING A SUBDIVISION OF THE SE1/4SW1/4NE1/4  
 OF SECTION 27, T2N, R3E, B.H.M.,  
 PENNINGTON COUNTY, SOUTH DAKOTA



LOCATION MAP  
 NOT TO SCALE



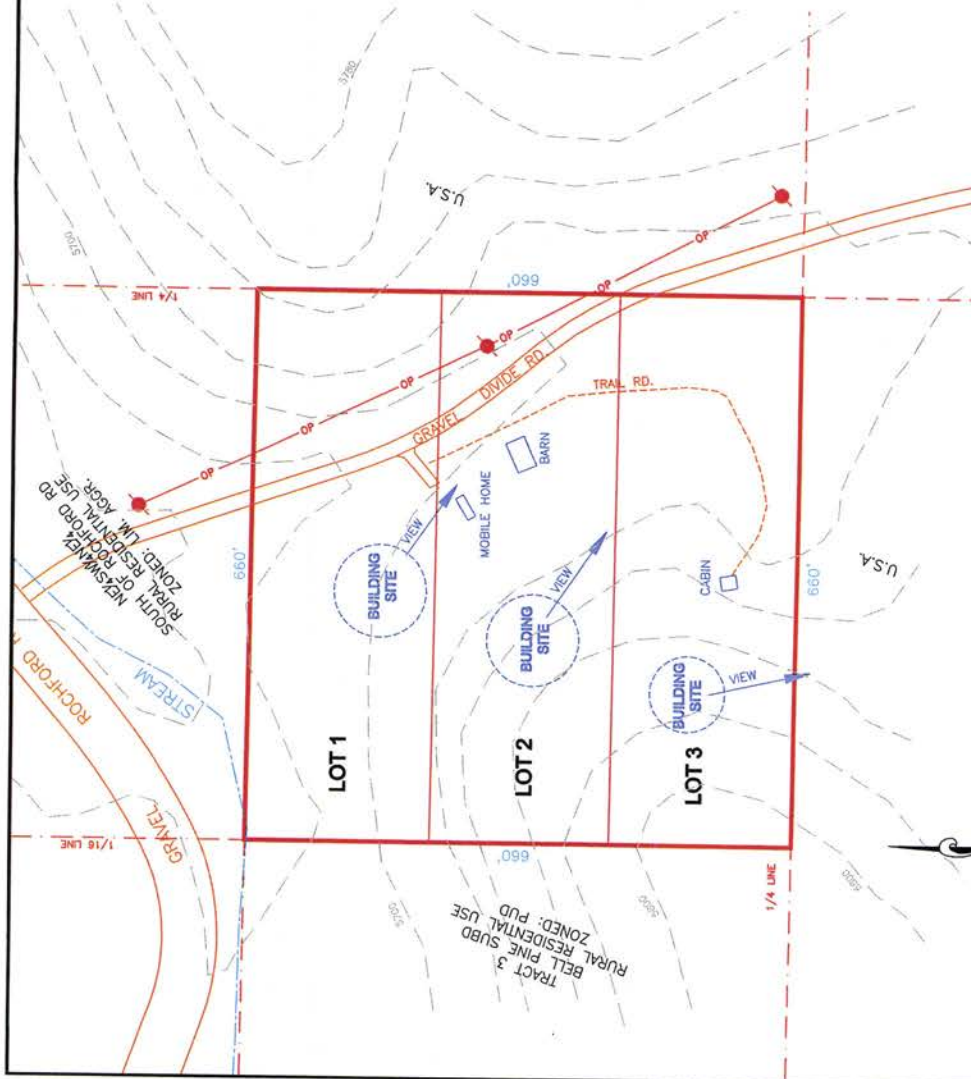
OWNER/DEVELOPER:  
 PAR PROPERTIESLLC  
 905 PAR LN  
 DELL RAPIDS, SD 57022-1576  
 1-605-940-0866

PREPARED BY:  
**All Aspects INC.**  
 Project: AH-19-090  
 Date: SEPT. 19, 2019  
 Rec: 444 Saint Joe Bl.  
 Surveyed by: B.L.  
 PENNINGTON, SD, US  
 L:\WP\19\AH\19090\

**LAYOUT PLAN  
 LOTS 1, 2, AND 3 OF THE PAR PROPERTIES SUBDIVISION;  
 BEING A SUBDIVISION OF THE SE1/4SW1/4NE1/4  
 OF SECTION 27, T2N, R3E, B.H.M.,  
 PENNINGTON COUNTY, SOUTH DAKOTA**

OWNER/DEVELOPER:  
 PAR PROPERTIESLLC  
 905 PAR LN  
 DELL RAPIDS, SD 57022-1576  
 1-605-940-0866

- NOTES:
1. TOTAL PROPOSED AREA 10.0 ACRES±;  
 PROPOSED R-O-W AREA = 0.00 ACRES±;  
 AVERAGE DENSITY PER LOT = 3.3 ACRES±
  2. CURRENT DEED DOC# 2019 10045.
  3. COUNTY ZONING IS LIMITED AGRICULTURE.
  4. FLOOD ZONE IS ZONE "X" AS SHOWN ON FEMA PANEL 46103C  
 0700H DATED JUNE 13, 2013.
  5. CURRENT USAGE IS RURAL RESIDENTIAL.
  6. INTENDED USAGE IS RESIDENTIAL.
  7. PROPOSED LOTS TO BE SERVED BY WELL AND SEPTIC SYSTEMS.



- LEGEND:
- SET REBAR AND CAP STAMPED LS11918
  - FOUND MONUMENT AS NOTED
  - OP POWER POLE
  - UGT OVERHEAD POWER
  - W UNDERGROUND POWER
  - X COMMUNICATION
  - WATERLINE
  - FENCE



PROJECT: AL-19-050  
 DATE: SEPT. 19, 2013  
 BY: All Aspects Inc.  
 444 South Joe St.  
 Spearfish SD 57783  
 605-490-0944  
 www.allaspects.com

PREPARED BY:  
**All Aspects INC.**



1: 171,940

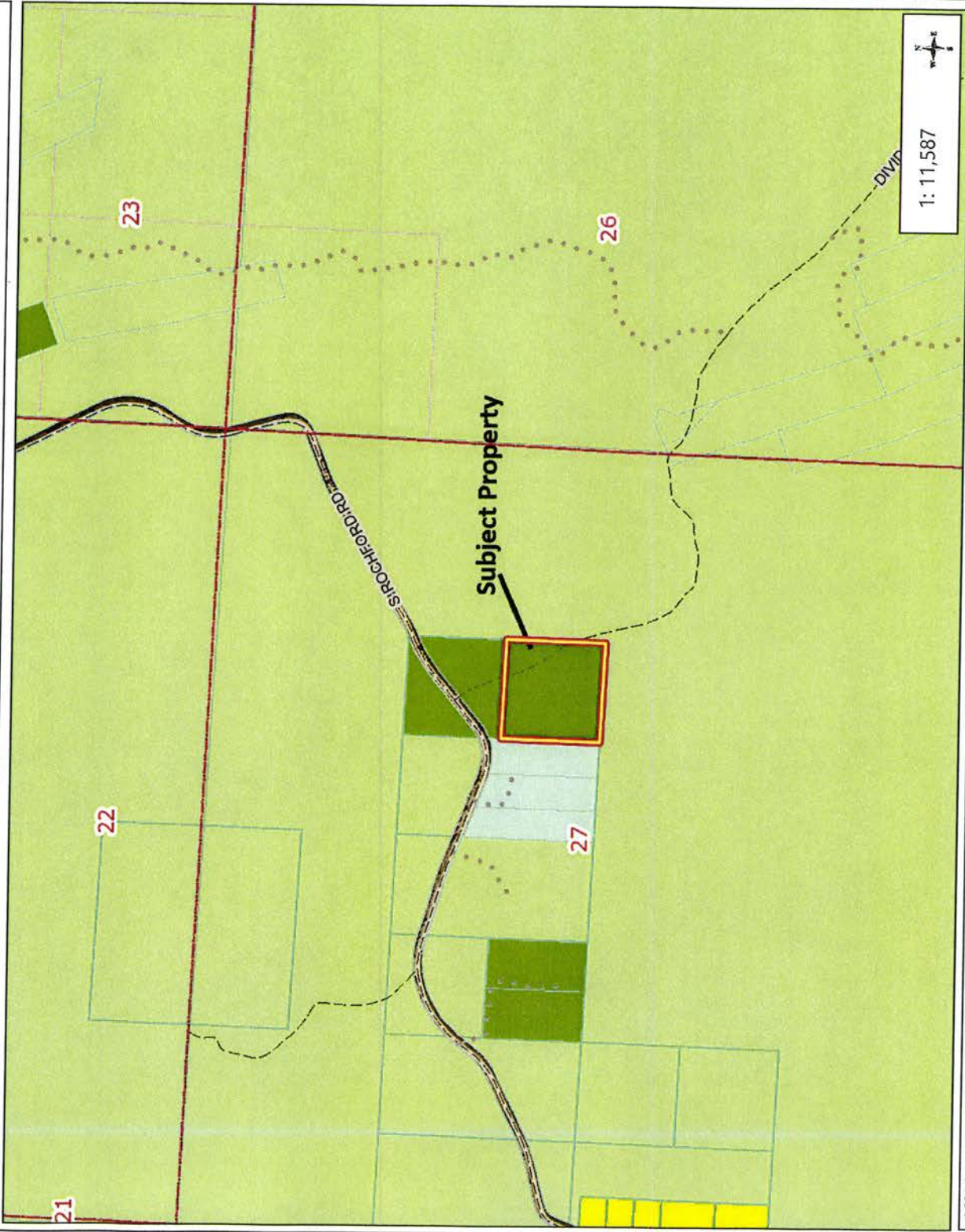
**Legend**

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  - Unpaved road
  - Trail
  - Driveway
  - Alley
  - Unimproved road
  - Airport Runway
  - Not yet coded
- PLSS
- Townships
- City Limits
  - BOX ELDER
  - ELLSWORTH AFB
  - HILL CITY
  - KEYSTONE
  - NEW UNDERWOOD
  - QUINN
  - RAPID CITY
  - WALL
  - WASTA
- Conceptual\_Regions\_Updated
  - Black Hills
  - Urbanized Area
  - Eastern Plains

**Map Notes:**

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28,656.7  
 0 14,328.36 28,656.7 Feet  
 NAD\_1983\_StatePlane\_South\_Dakota\_South\_FIPS\_4002\_Feet  
 © City of Rapid City GIS



1: 11,587

**Legend**

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

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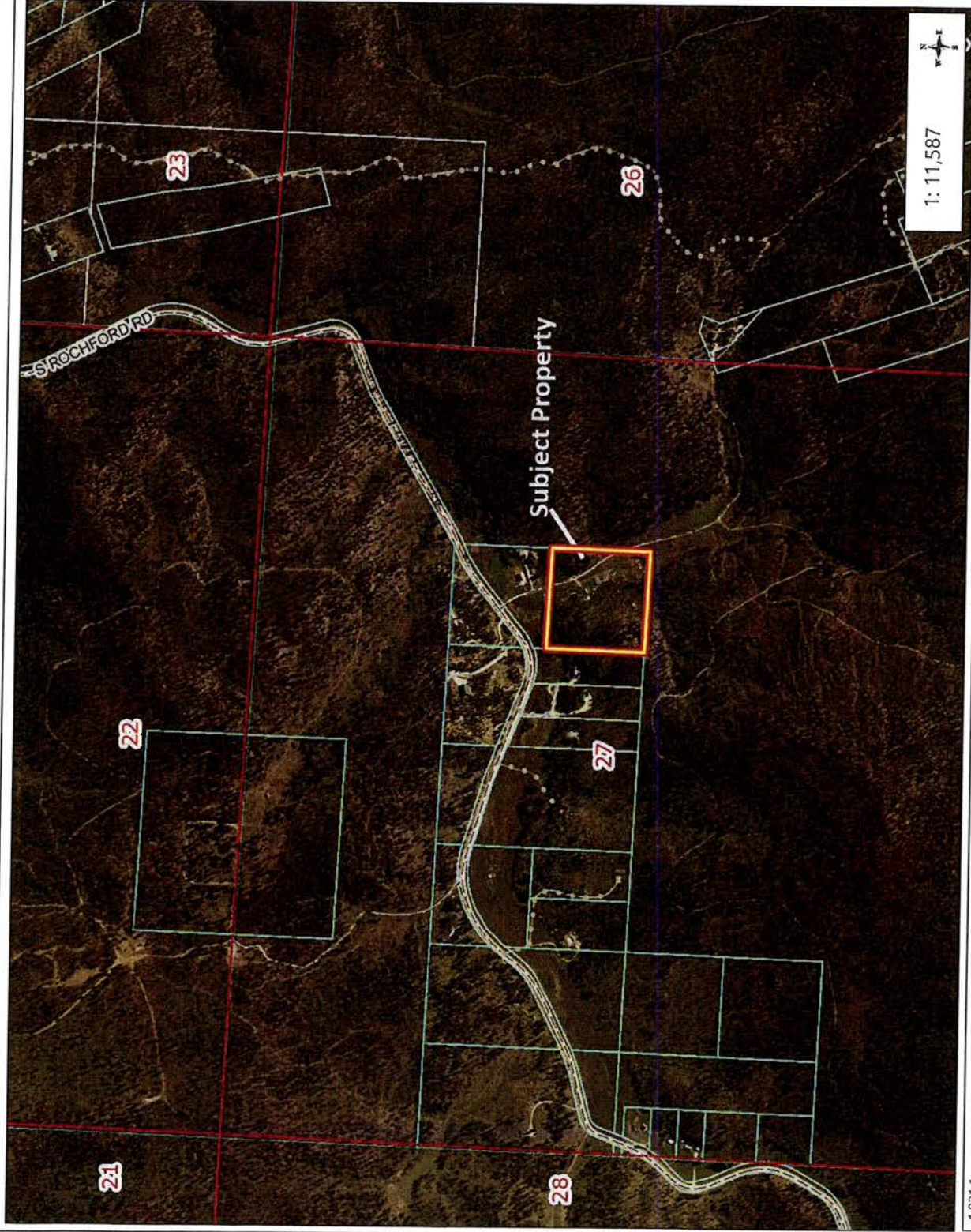
1,931.1 Feet

965.56

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1,931.1

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



**Legend**

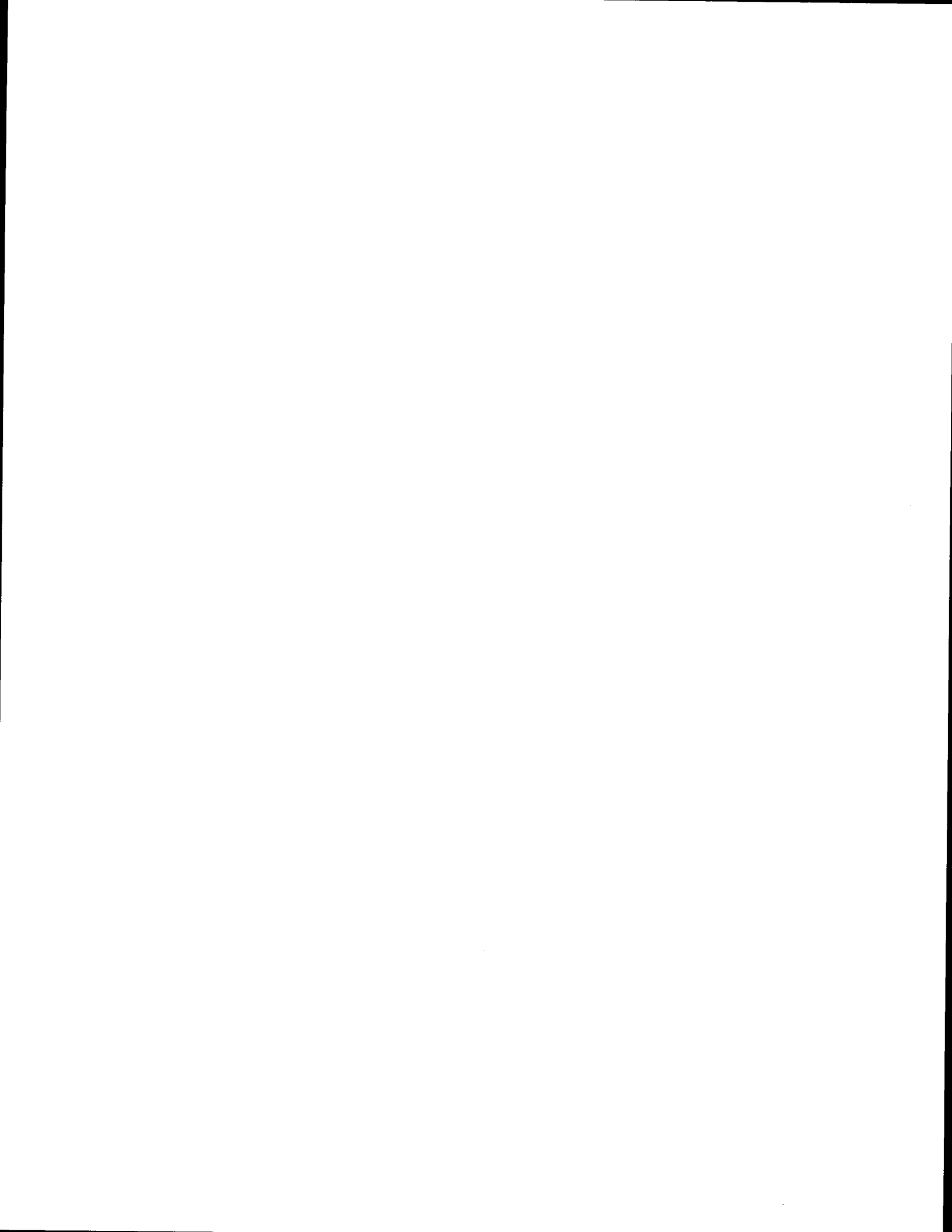
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1,931.1  
 0 965.56 1,931.1 Feet  
 NAD\_1983\_StatePlane\_South\_Dakota\_South\_FIPS\_4002\_Feet  
 © City of Rapid City GIS





## STAFF REPORT

### GENERAL INFORMATION:

**REQUEST:** LAYOUT PLAN / LPL 19-37: To subdivide and create Lots A and B of Rushmore Ranch Estates in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

**APPLICANT:** Battle Creek Fire District  
Hayward Fire & Emergency Services

**APPLICANT ADDRESS:** 13730 Highway 40, Keystone, SD 57751

**SURVEYOR:** Longbranch Civil Engineering

**SURVEYOR ADDRESS:** 831 Columbus St., Ste. 1, Rapid City, SD 57702

**LEGAL DESCRIPTION:** **EXISTING LEGAL:** Tract Well, Rushmore Ranch Estates Subdivision, Section 17, T2S, R7E, BHM, Pennington County, South Dakota.  
**PROPOSED LEGAL:** Lots A and B of Rushmore Ranch Estates Subdivision, Section 17, T2S, R7E, BHM, Pennington County, South Dakota.

**SITE LOCATION:** 13730 Highway 40.

**SIZE:** 7.18 acres

**TAX ID:** 48835

**EXISTING LAND USE:** Fire Station / Well Lot

**SUBDIVISION REGULATIONS REFERENCE:** § 400.1

**CURRENT ZONING:** Planned Unit Development District

**SURROUNDING ZONING:**  
North Planned Unit Development District  
South General Agriculture District  
East Planned Unit Development District  
West Low Density Residential District

**PHYSICAL CHARACTERISTICS:** Flat / Ravine / Trees

UTILITIES: Private

REPORT BY: Jason Theunissen

**I. PROPOSED RECOMMENDATION**

- A. Staff will be recommending approval of Layout Plan / LPL 19-37 with five (5) conditions.

**II. GENERAL DESCRIPTION**

- A. The applicant, Battle Creek Fire District, has applied for a Layout Plan / LPL 19-37 to subdivide one (1) existing lot and create 2 (two) lots.

**III. EXISTING CONDITIONS**

- A. Zoned Planned Unit Development District / PUD 02-05.
- B. Lot size: 7.18 acres.
- C. Hayward Volunteer Fire Department.
  - 1. Building Permit.
    - a. 2007COBP0686.
- D. On-site Wastewater Treatment System.
  - 1. Construction Permit.
    - a. 2007COSD0145.
  - 2. Operating Permit.
    - a. COOP14-0175.
- E. Rushmore Ranch Estates Well.
  - 1. EPA ID: 2212.
- F. No Special Flood Hazard Area.
- G. Takes access from Highway 40.



Existing Lot

**IV. PROPOSED LOT A & LOT B**

- A. Zoned Planned Unit Development District / PUD 02-05.
- B. No Special Flood Hazard Area.
- C. Lot A:
  - 1. 6.479 acres.
  - 2. Hayward Volunteer Fire Department.
    - a. Building Permit.
      - i. 2007COBP0686.
  - 3. Onsite Wastewater Treatment System.
    - a. Construction Permit.
      - i. 2007COSD0145.
    - b. Operating Permit.
      - i. COOP14-0175.
  - 4. Takes access from Highway 40.
- D. Lot B:
  - 1. 0.701 acres.
  - 2. Rushmore Ranch Estates Well.
    - a. EPA ID: 2212.
  - 3. Takes access from Rushmore Ranch Road.



A Portion of Proposed Plan  
 – Prepared by Longbranch  
 Civil Engineering (9.25.19)

**V. 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. No Special Flood Hazard Area on the subject property.
- D. County On-site Wastewater Specialist
  - 1. The applicant currently has an approved septic permit (2007COSD-0145) and a current Operating Permit (COOP14-0175). According to the USDA Web Soil Survey the soils are classified as “Very Limited”. If the applicant ever decides to install a new septic on the property all rules of Pennington County Zoning Ordinance 204-J must be followed.
- E. County Ordinance Enforcement
  - 1. No known 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. Lots A thru H of Rushmore Ranch Estates Subdivision already exist. I suggest they use Lots J and K of Rushmore Ranch Estates Subdivision for the new plat. 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. Good here.
- J. Black Hills Electric Cooperative
  - 1. Black Hills Electric Cooperative has no concerns with this lot subdivision.

## VI. ANALYSIS

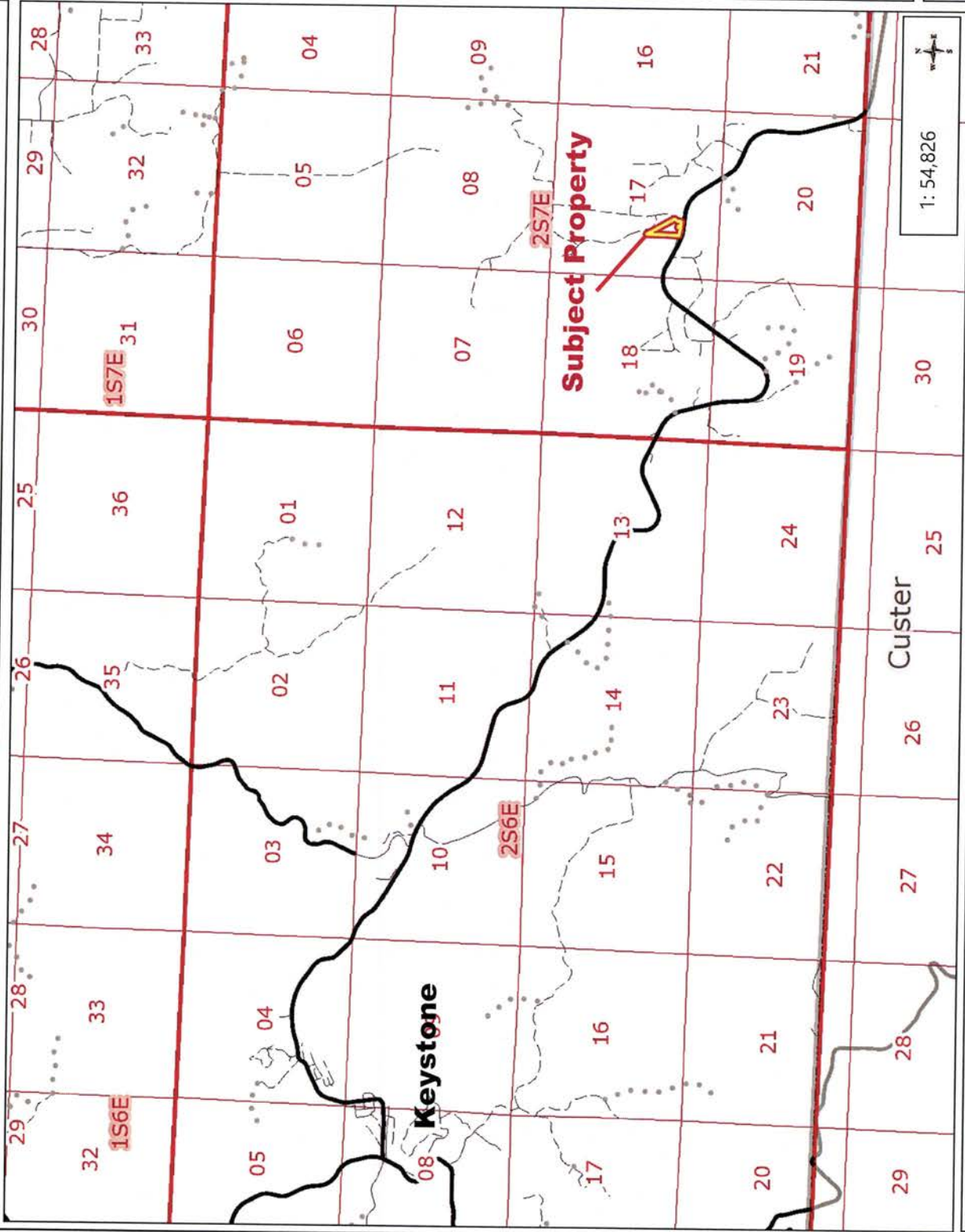
- A. July 23, 2002 – the County Board of Adjustment approved Planned Unit Development / PUD 02-05.
  - 1. Condition #1 states, “That lot described as Well Tract in Phase I be allowed to be subdivided into two lots and that the use of one lot shall be as a Well Tract and the use of the other lot to be as a Fire Station.”
- B. September 25, 2019 – The applicant applied for Layout Plan / LPL 19-37 to subdivide the subject property into two separate lots.
- C. For the purposes of a Layout Plan, staff finds no significant issues with the applicant’s request as it appears to be in harmony with Planned Unit Development / PUD 02-05, Condition #1.
  - 1. A Layout Plan 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 Plan / LPL 19-37 with the following five (5) conditions:

- 1. That at the time of Minor Plat submittal, the lot names be corrected, per Register of Deeds comments;
- 2. 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;

Agenda Item #16  
Battle Creek Fire District  
October 28, 2019

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



1: 54,826



9,137.6 0 4,568.82 9,137.6 Feet



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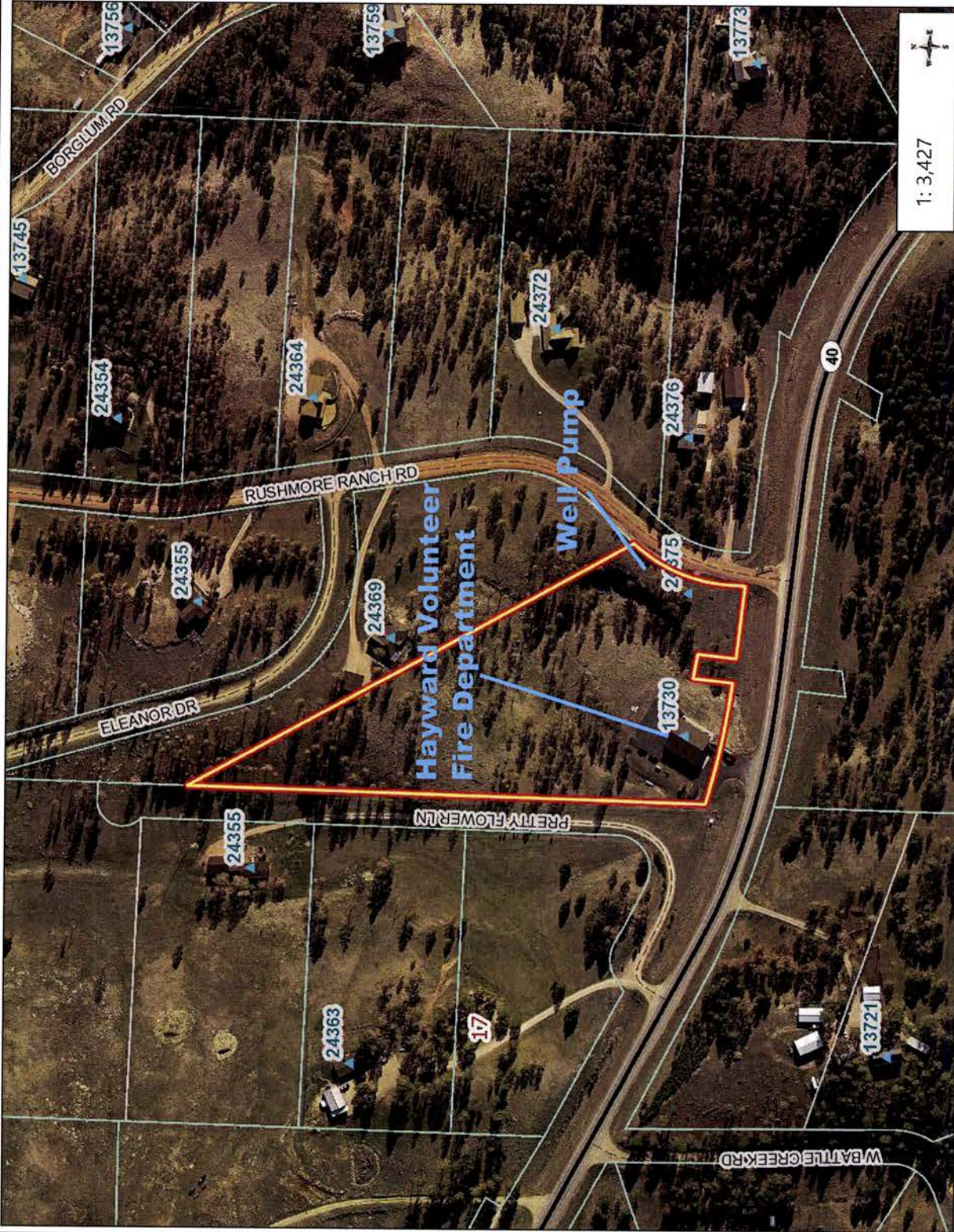
9,137.6

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
  - 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: 3,427

571.1 0 285.55 571.1 Feet

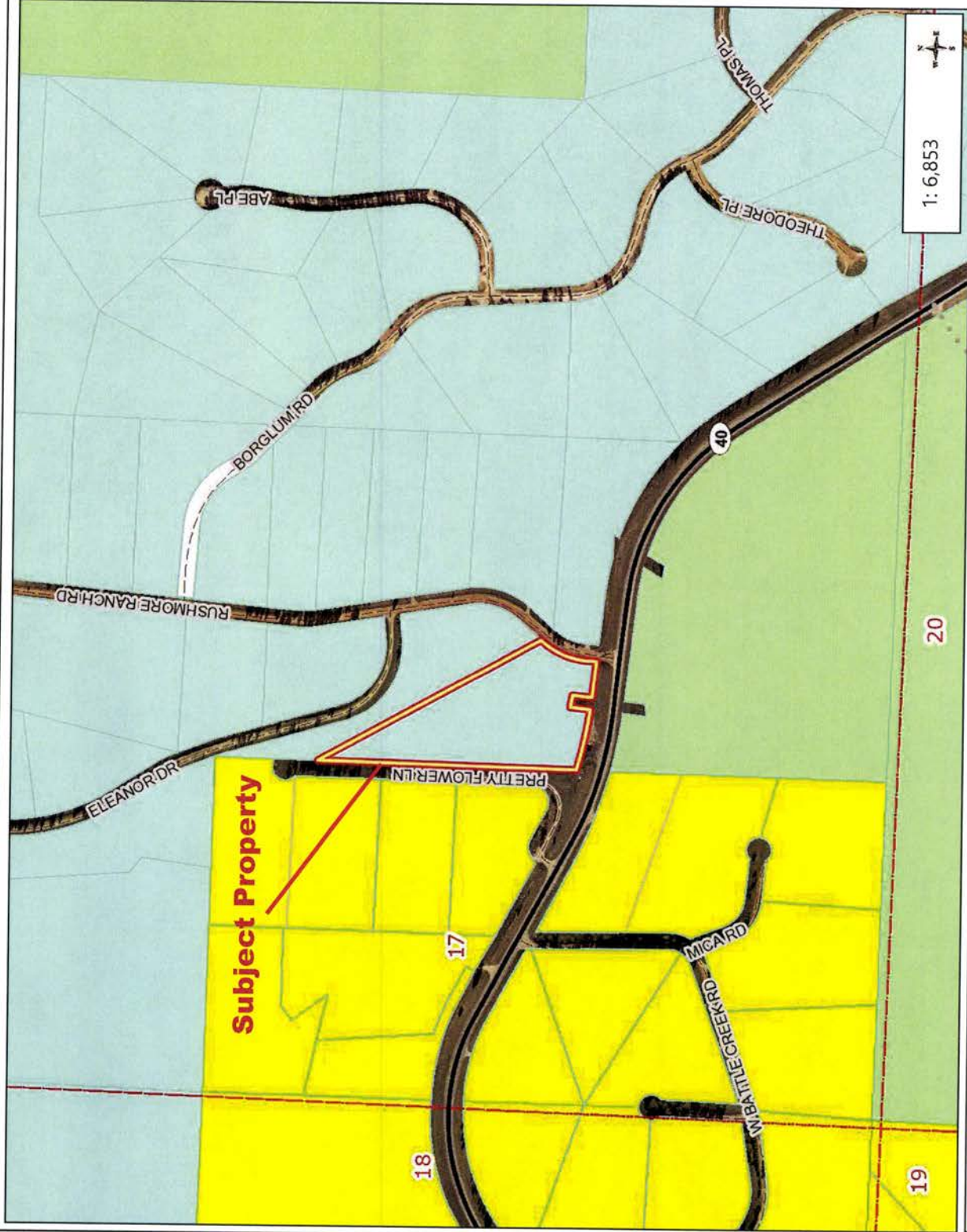
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**Legend**

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

**Map Notes:**





1: 6,853

0 571.10 1,142.2 Feet

1,142.2

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

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

**Roads**

- Interstate
- 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**

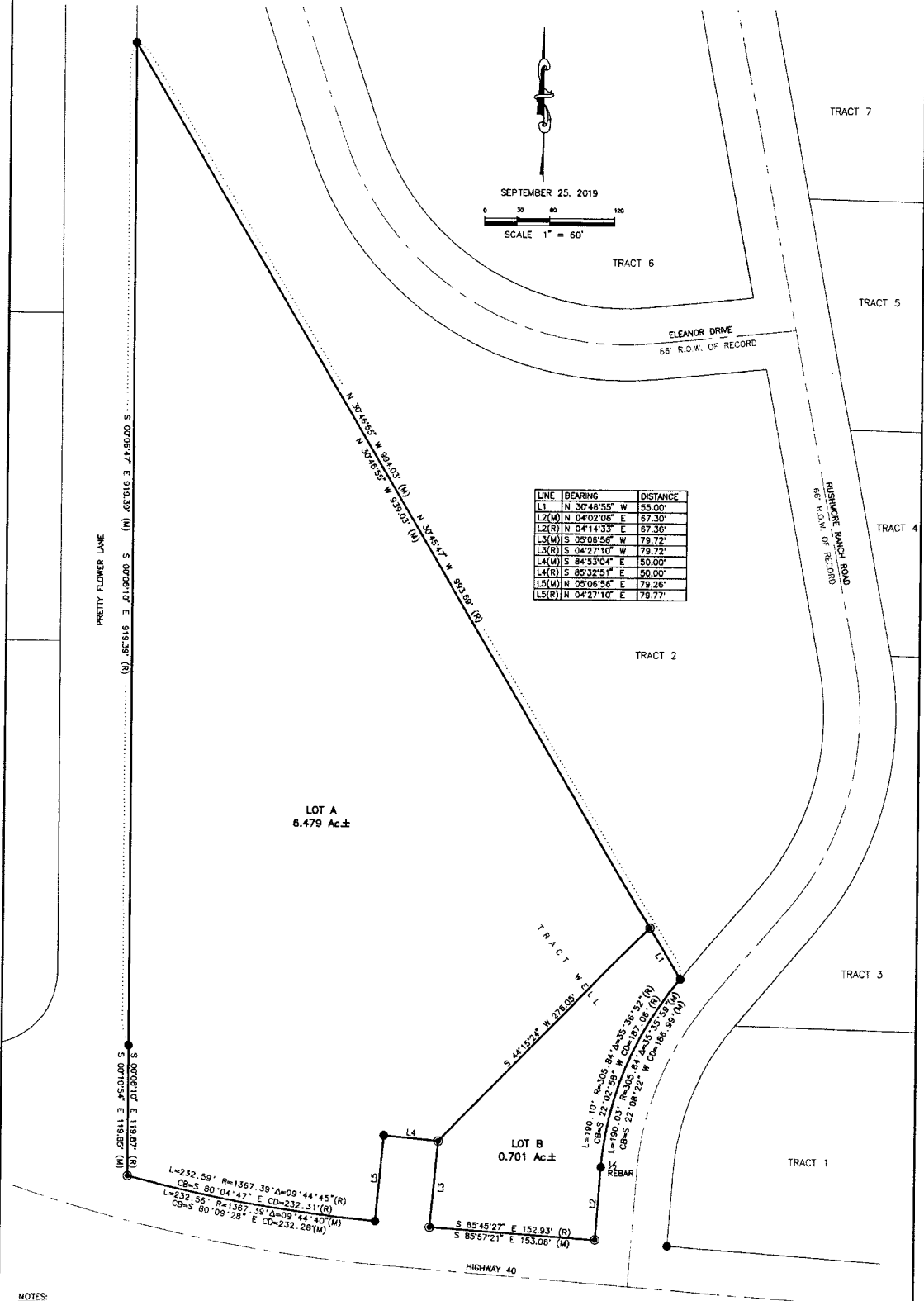
- General Agriculture
- General Commercial
- Heavy Industrial
- Highway Services
- Limited Agriculture
- Low Density Residential
- Light Industrial
- Planned Unit Development
- Suburban Residential

**Map Notes:**

PLAT OF  
**LOT A AND LOT B**  
**RUSHMORE RANCH ESTATES SUBDIVISION**  
 (formerly Tract Well of Rushmore Ranch Estates Subdivision)  
 LOCATED IN THE E 1/2 OF THE SW 1/4,  
 SECTION 17, T2S, R7E, B.H.M.,  
 PENNINGTON COUNTY, SOUTH DAKOTA

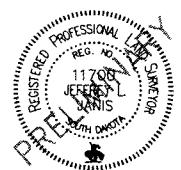


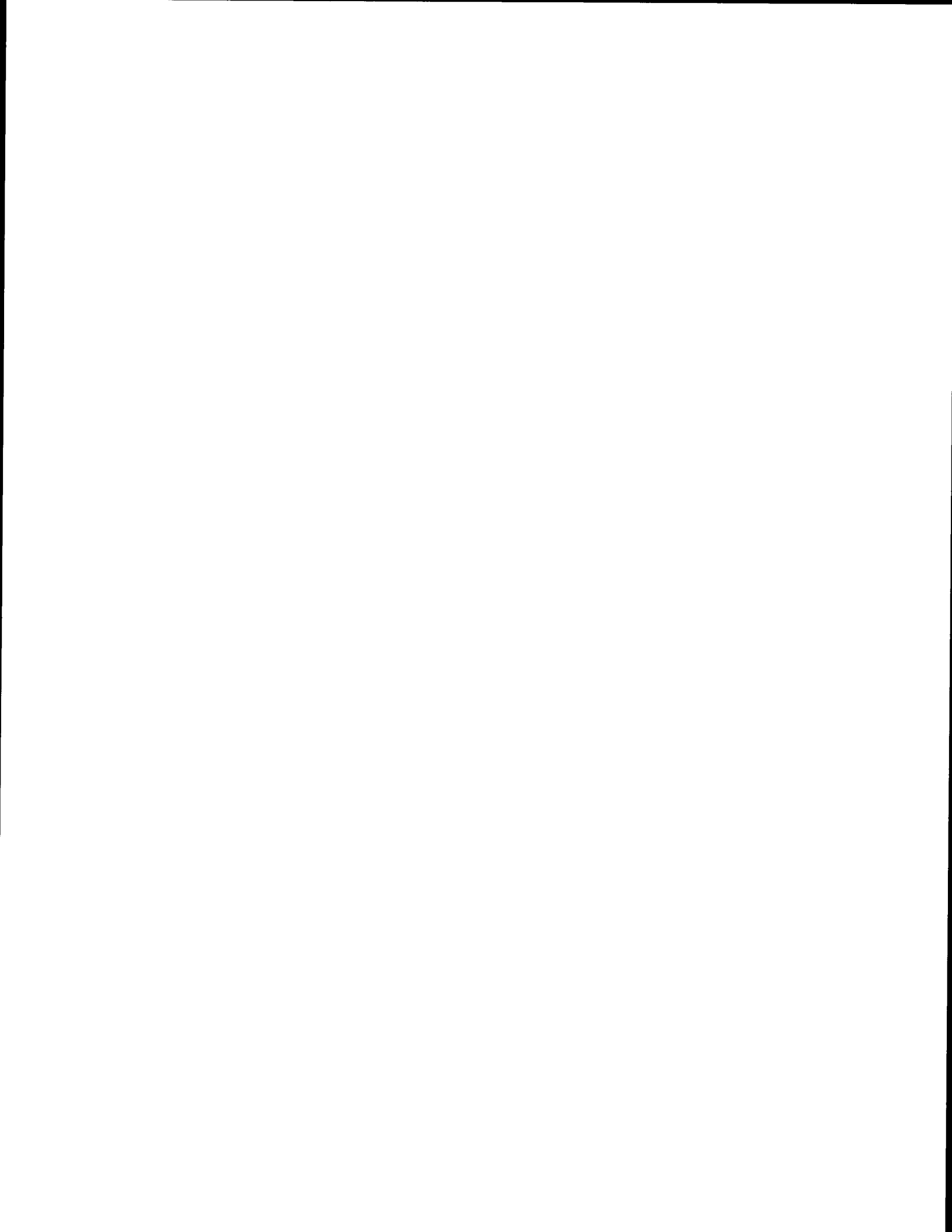
LINE	BEARING	DISTANCE
L1	N 30°48'55" W	55.00'
L2(M)	N 04°02'06" E	57.30'
L2(R)	N 04°14'33" E	67.36'
L3(M)	S 05°08'56" W	79.72'
L3(R)	S 04°27'10" W	79.72'
L4(M)	S 84°37'04" E	50.00'
L4(R)	S 85°32'51" E	50.00'
L5(M)	N 05°06'56" E	79.28'
L5(R)	N 04°27'10" E	79.77'



- NOTES:**
- Denotes set 5/8" rebar with survey cap marked "Jonia LS 11700"
  - Denotes Found Survey Monument marked LS 2196 unless otherwise noted
  - (R) Denotes Recorded in previous plat or description
  - (M) Denotes Measured in this survey.
  - CB Denotes Chord Bearing
  - CD Denotes Chord Distance

Basis of Bearings: Geodetic North determined by Global Positioning (GPS)  
 Utility and Minor Drainage Easements: 8' on the interior sides of all lot lines, except where major drainage easements exist.  
 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.





STAFF REPORT

GENERAL INFORMATION:

REQUEST:

**REZONE / RZ 19-15 AND COMPREHENSIVE PLAN AMENDMENT / CA 19-15:** To rezone 40.00 acres from General Agriculture District to Limited Agriculture District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Suburban Residential District to Limited Agriculture District in accordance with Sections 205, 206, 208, and 508 of the Pennington County Zoning Ordinance.

APPLICANT:

Harold Bies

APPLICANT ADDRESS:

23138 Radar Hill Road, Rapid City, SD 57703

AGENT:

FMG Engineering

AGENT ADDRESS:

3700 Sturgis Road, Rapid City, SD 57702

LEGAL DESCRIPTION:

SW1/4NW1/4, Section 13, T1N, R8E, BHM, Pennington County, South Dakota.

SITE LOCATION:

South of the intersection of Long View Road and Anderson Road, along Anderson Road.

SIZE:

40.00 acres

TAX ID:

11533

EXISTING LAND USE:

Vacant

ZONING REFERENCE:

§§ 205, 206, 208, and 508

CURRENT ZONING:

General Agriculture District

SURROUNDING ZONING:

North  
South  
East  
West

General Agriculture District  
General Agriculture District  
General Agriculture District  
Suburban Residential District  
Planned Unit Development District  
Limited Agriculture District

Agenda Item #17  
Harold Bies  
October 28, 2019

PHYSICAL CHARACTERISTICS: Flat / Pasture Land

UTILITIES: None

REPORT BY: Cassie Bolstad / P.J. Conover

**I. PROPOSED RECOMMENDATION**

- A. Staff will be recommending approval of Rezone / RZ 19-15 and Comprehensive Plan Amendment / CA 19-15.

**II. GENERAL DESCRIPTION**

- A. The applicant, Harold Bies, is request to rezone 40 acres from General Agriculture District to Limited Agriculture District.
- B. The applicant is also requesting to change the Future Land Use from Suburban Residential District to Limited Agriculture District.
- C. According to the applicant, the purpose of the rezone is to allow the property to be subdivided into four (4) 10-acre lots.

**III. EXISTING CONDITIONS**

- A. Zoned General Agriculture District.
- B. 40 acres.
- C. Access off of Anderson Road.
- D. Currently vacant.
- E. No Special Flood Hazard Area on the subject property.

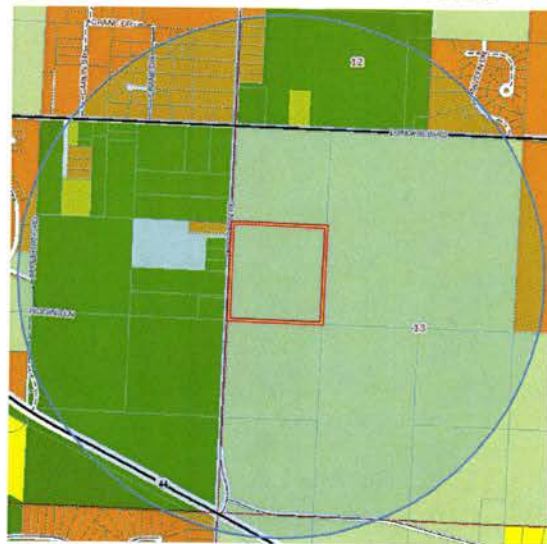
**IV. REQUEST FOR COMMENT**

- 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 no Special Flood Hazard Area on the subject property.
  - 2. Once platted, the subject properties must comply with Section 204(J)(2) of the PCZO.
- D. County Onsite Wastewater Specialist
  - 1. According to the USDA Web Soil Survey the soils are classified as "Somewhat Limited". If the applicant decides to install a septic system on the property all rules of Pennington County Zoning Ordinance Section 204-J must be followed.
- E. County Ordinance Enforcement
  - 1. I have no violations on this property.
- F. County Natural Resources
  - 1. No objections.

- G. County Addressing Coordinator
  - 1. No addressing concerns at this time. Future addresses will be assigned during the Building Permit application process. Once assigned, the addresses must be posted in accordance with Pennington County Ordinance #20.
- H. Register of Deeds
  - 1. No comment.
- I. Department of Equalization
  - 1. Since there is no plat yet I don't have anything to review. However, I would advise him to double check if he would still qualify for ag tax exemptions if that matters to him at all.
- J. Emergency Services (9-1-1)
  - 1. No comments received.
- K. Rapid City Community Planning & Development Services
  - 1. The City's Major Street Plan identifies Anderson Road as a minor arterial street. In addition, the City's Future Land Use Plan identifies the appropriate use of the property as Low Density Neighborhood. The Low Density Neighborhood designation appears to support single-family and two-family development.
- L. Rapid City Engineering (3-mile platting)
  - 1. There is a 12-inch City water main along the frontage of the parcel that is available to be tapped for the future lots. Public Works has no further comments.
- M. West River Electric
  - 1. West River Electric has no objection to the request to change the land use on the parcel regarding Bies – RZ & CA.

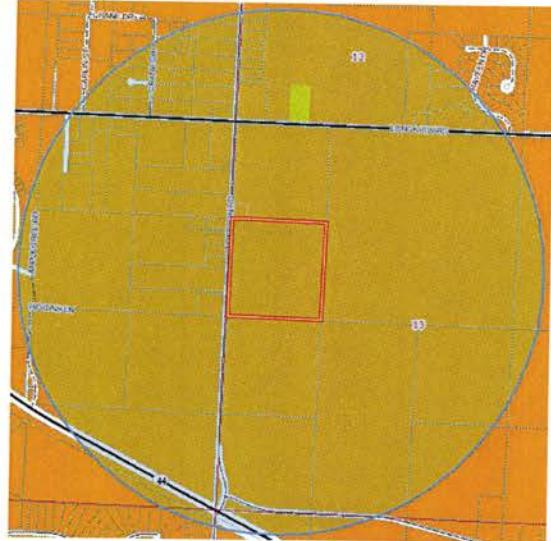
**V. CURRENT ZONING WITHIN ½ MILE OF THE SUBJECT PROPERTY**

- 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**

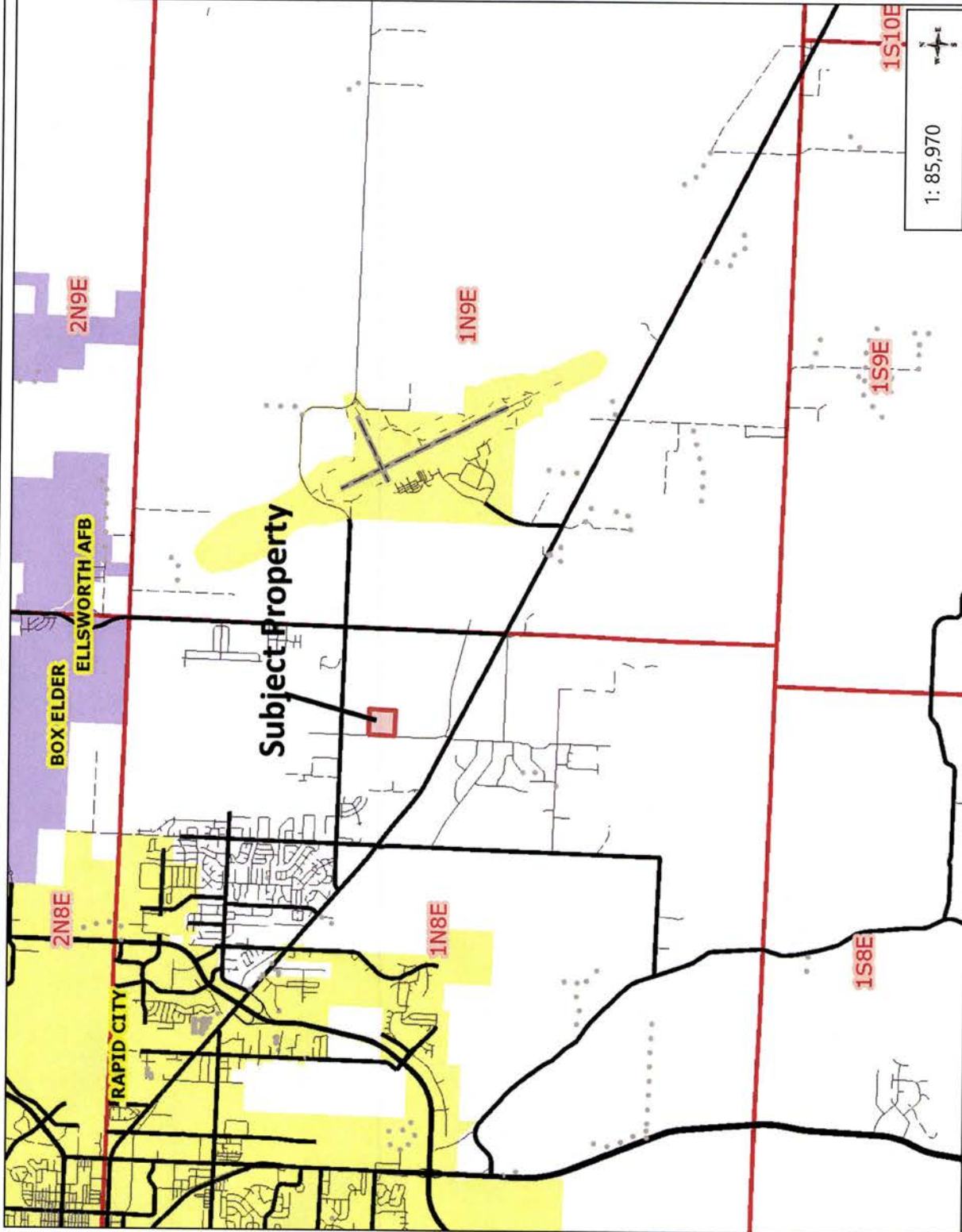
- A. Suburban Residential District
- B. Low Density Residential District



**VII. ANALYSIS**

- A. September 24, 2019 – The applicant applied for Rezone / RZ 19-15 and Comprehensive Plan Amendment / CA 19-15.
  - 1. The applicant is also requesting to change the Future Land Use to coincide with the rezone request.
- B. According to the application submitted, the purpose of the rezone is to subdivide the subject property into four (4) 10-acre lots.
- C. The subject property is located within the 3-mile platting jurisdiction of the City of Rapid City.
- D. 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 19-15 and Comprehensive Plan Amendment / CA 19-15.



**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**
- 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: 85,970



14,328.4 0 7,164.18 14,328.4 Feet

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1: 7,481

### 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:

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1,246.9 Feet

623.45

0

1,246.9

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

TIN# 11533



Rapid City-Pennington County GIS



1:7,481

1,246.9 0 623.45 1,246.9 Feet

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

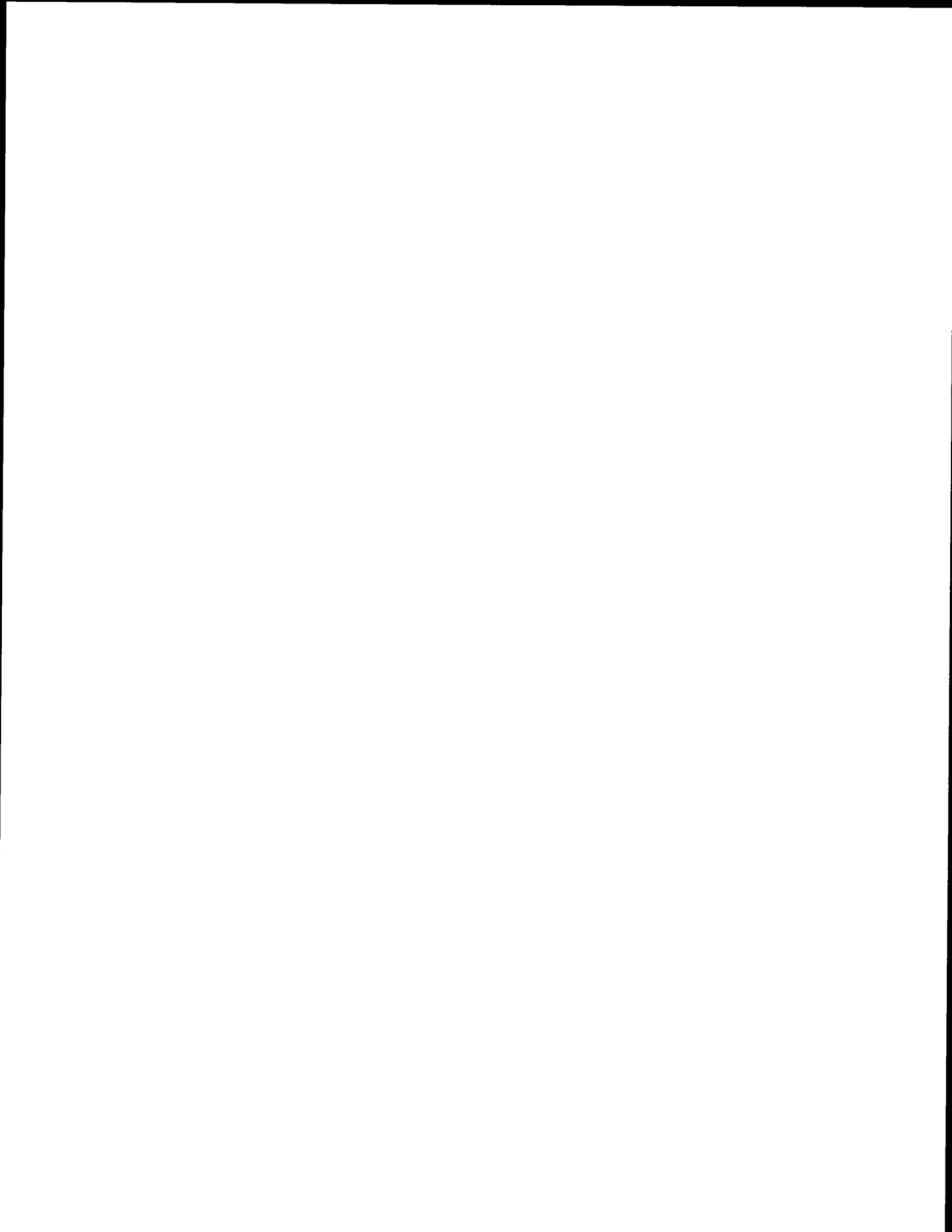
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### Legend

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

### Map Notes:



**STAFF REPORT**

18

**GENERAL INFORMATION:**

**REQUEST:** **MINOR PLAT / MPL 19-34:** To combine lots to create Lot D1 and Lot D2 of Lot 17, Fort Meade Placer 244 in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

**APPLICANT:** Jeffrey Scherr

**APPLICANT ADDRESS:** 1510 Clipper Place, Bismarck, ND 58504

**SURVEYOR / ENGINEER:** Baseline Surveying, Inc.

**SURVEYOR ADDRESS:** 1921 Lazelle Street, Sturgis, SD 57785

**LEGAL DESCRIPTION:** **EXISTING LEGAL:** Lot D of Lot 17 of Fort Meade Placer MS 244; Lot 1 of Lot A of Lot 8 of Lot E of Big Bend Placer MS 1442; and, Lot B of Lot 8 of Lot E of Big Bend Placer MS 1442, all located in Section 8, T1S, R6E, BHM, Pennington County, South Dakota.

**PROPOSED LEGAL:** Lot D1 and Lot D2 of Lot 17 of Fort Meade Placer 244, Section 8, T1S, R6E, BHM, Pennington County, South Dakota.

**SITE LOCATION:** 23098 Thunderhead Falls Road.

**SIZE:** 7.81 acres

**TAX ID:** 51604 / 69233 / 69234

**EXISTING LAND USE:** Vacant / Residential

**SUBDIVISION REGULATIONS REFERENCE:** § 400.3

**CURRENT ZONING:** Low Density Residential District

**SURROUNDING ZONING:**

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

**PHYSICAL CHARACTERISTICS:** Forested / Hills

**UTILITIES:** None

**REPORT BY:** Brittney Molitor

**I. PROPOSED RECOMMENDATION**

- A. Staff will be recommending approval of Minor Plat / MPL 19-34 with seven (7) conditions.

**II. GENERAL DESCRIPTION**

- A. The applicant, Jeff Scherr, has applied for a Minor Plat to create two (2) lots from three (3) existing lots.
  - 1. The Board of Commissioners approved Layout Plat / LPL 19-21 on August 6, 2019

**III. EXISTING CONDITIONS**

- A. Lot D of Lot 17 of Fort Meade Placer MS 244.
  - 1. Zoned Low Density Residential District, minimum three (3) acre lot size.
  - 2. 7.42 acres.
  - 3. Access off of Thunderhead Falls Road.
    - a. Maintained by Pennington County Highway.
    - b. More than 40 lots on a dead end road.
  - 4. Lot contains:
    - a. Retail store – built in 1970 per Department of Equalization (DOE) Records.
    - b. Commercial Utility Building – built in 1988 per DOE records.
    - c. “Thunderhead Falls”
  - 5. Special Flood Hazard Area on the subject property, including Floodway.
  - 6. Single-family residence – COBP19-0365.
    - a. Onsite wastewater treatment system – COSD19-0055.

- B. Lot 1 of Lot A of Lot 8 of Lot E
  - 4. Zoned Low Density Residential District, minimum three (3) acre lot size.
  - 5. Restriction on Plat for a Holding Tank only as a means of wastewater treatment.
  - 6. 0.36 acres.
    - a. Access off of Thunderhead Falls Road.
    - b. Maintained by Pennington County Highway.
  - 7. More than 40 lots on a dead end road.
  - 8. Vacant of any structures.
  - 9. Special Flood Hazard Area on the subject property, including Floodway.
- C. Lot B of Lot 8 of Lot E of Big Bend Placer MS 1442
  - 4. Zoned Low Density Residential District, minimum three (3) acre lot size.
  - 5. 0.03 acres.
    - a. Access off of Thunderhead Falls Road.
    - b. Maintained by Pennington County Highway.
  - 6. More than 40 lots on a dead end road.
  - 7. Vacant of any structures.



*Site Map*



*Location of Special Flood Hazard Area – Floodway (Red)*

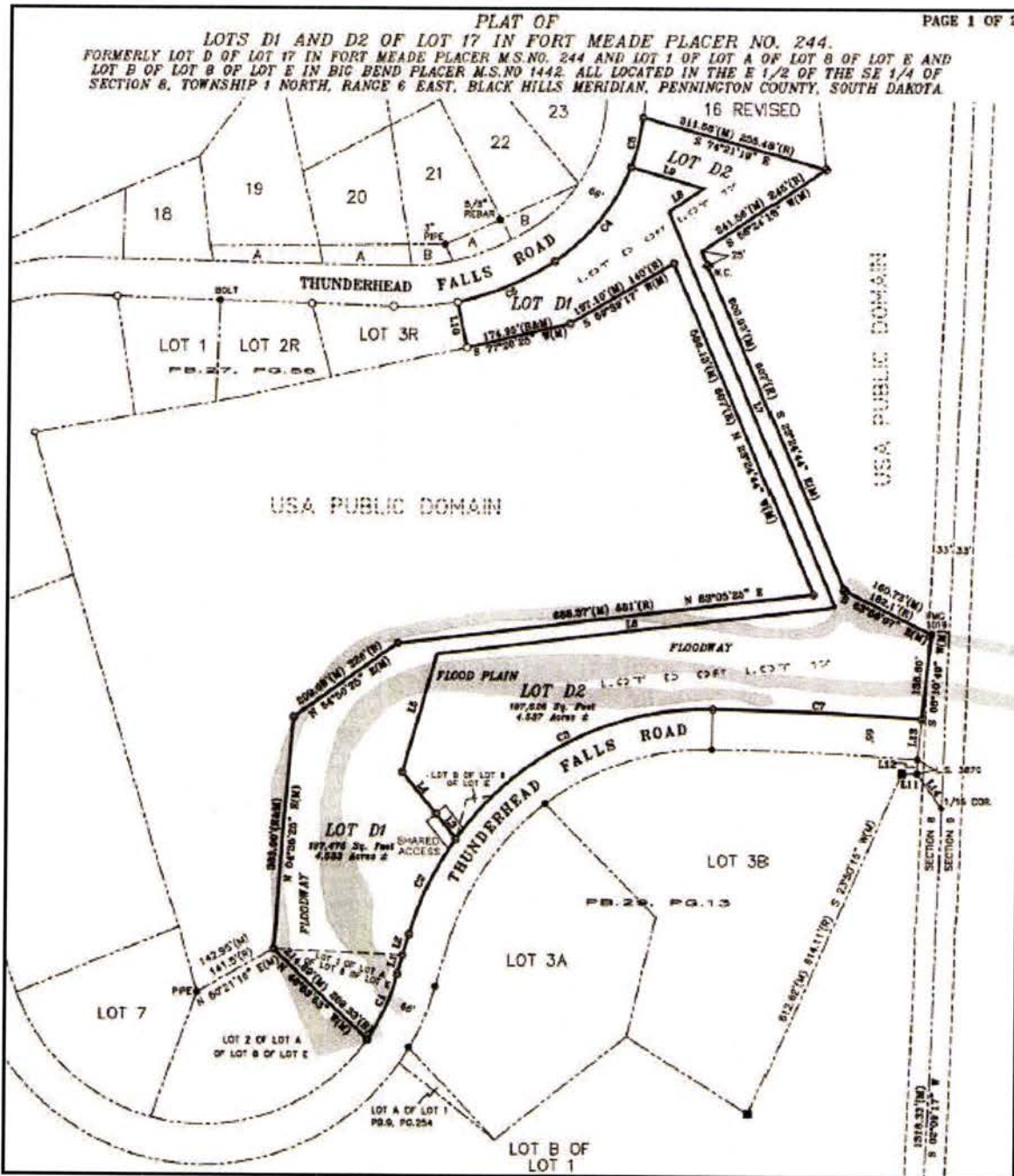
#### **IV. PROPOSED LOTS**

##### **A. Lot D1**

1. 4.534 acres.
2. Zoned Low Density Residential District.
  - a. Requires a 3 acre minimum.
3. Shared Access with Proposed Lot D2 off of Thunderhead Falls Road.
4. Single-family residence – COBP19-0365
  - a. Onsite wastewater treatment system – COSD19-0055.
5. Special Flood Hazard Area, including Floodway.

##### **B. Lot D2**

1. 4.537 acres.
2. Zoned Low Density Residential District.
  - a. Requires a 3 acre minimum.
3. Shared Access with Proposed Lot D1 off of Thunderhead Falls Road.
4. Proposed single-family residence.
5. Special Flood Hazard Area, including Floodway.
6. Lot contains:
  - a. Retail store – built in 1970 per Department of Equalization (DOE) Records.
  - b. Commercial Utility Building – built in 1988 per DOE records.
  - c. “Thunderhead Falls”



*Proposed Plat*

**IV. REQUEST FOR COMMENT (Some comments from LPL 19-21)**

- A. County Highway Department
  - 1. No comments.
- B. County Fire Administrator
  - 1. Addressed to meet or exceed county regulations, in accordance with Pennington County Ordinance 20 and ESCC/911 Department



- guidelines. Signage clearly visible from both approaching directions
2. If the length of the driveway/access way exceeds 75 feet or a physical obstruction prevents the number from being visible from the road of which the address is taken, then the house number shall be posted adjacent to the area in which the driveway/access way intersects the road.
  3. The posted house number must be placed in such a way as to ensure its visibility year round and not be obstructed by such things as, but not limited to, snow or vegetation, to provide for emergency identification at all times.
  4. Each character of the posted house number shall be a minimum of four (4) inches in height by three (3) inches in width and must be of a contrasting color to the background.
  5. 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.
  6. Develop and execute a plan following fire wise guidelines based on the Free State assessment to create defensible space to include the proposed or existing 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>
  7. Fire wise Information: <http://www.gpfiresafecouncil.com/>
- C. County Register of Deeds
1. Plat heading is acceptable.
  2. Certificates appear to be the required certificates per state statute.
- D. County Department of Equalization (Cartographer)
1. The only change that I see from the last time this plat went around is a bend in the lot line in the northern chunk between proposed lots D1 and D2. If that's the case, my only comment is that there's still an acreage discrepancy with the tax parcels as they exist now. My understanding is that this can sometimes happen with plats from several decades ago and occasionally even with hilly areas. It's fine by me, though I'd be interested in any surveyor comments, and the land owners should understand that they will be assessed on a slightly larger acreage so their taxes may go up as a result.
- E. County Professional Environmental Planner
1. Thunderhead Falls Road exceeds the number of lots (>40) for ingress and egress on a dead end road.
  2. There is a significant amount of Special Flood Hazard Area, including Floodway, on the subject property. A Floodplain Development Permit will be required for any disturbance in the

Special Flood Hazard Area. If structures (or an RV) are served by an onsite wastewater treatment system, alternative or experimental systems may be required. As a last resort, a holding tank may be allowed.

- F. County Onsite Wastewater Specialist
  - 1. According to the USDA Web Soil Survey the soils in the area are classified as "Very Limited".
  - 2. The applicant currently has an approved septic permit for Proposed Lot D1 (COSD19-0055). The applicant will need to require a Subdivision Regulations Variance to waive the septic requirements for proposed Lot D2.
    - a. *Staff Comment: This will be addressed as a Condition of Approval.*
- G. County Ordinance Enforcement Officer
  - 1. No record of any active Ordinance Violations on the subject property.
- H. County Natural Resources Director
  - 1. No objections.
- I. Pennington County 9-1-1
  - 1. No comments here.
- J. Black Hills Electric Cooperative
  - 1. Black Hills Electric Cooperative has no concerns with this proposed plat.
- K. U. S. Forest Service
  - 1. Access to the private property is off the Thunderhead Falls Road.
  - 2. The Forest Service will not authorize a secondary access from and/or across National Forest System lands to access the private property.
  - 3. Protect all posted boundary line corners, signs and bearing tress.
  - 4. Adhere to the setback requirements along the posted boundary between National Forest System lands (USA Public Domain; located on the west and east sides of private property) and private property.
  - 5. Protect all known stream courses, ponds and riparian areas located on National Forest System lands.
  - 6. No resource damage to occur on National Forest System lands.
  - 7. No road construction materials to be placed on National Forest System lands.
  - 8. 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.

9. All proposed electrical service to the private property that may cross National Forest System lands will need to be buried; coordinate with utility company for electrical service.
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 “Highways” per the latest version (January 1, 2019) of the Motor Vehicle Use Map.
12. No motorized trailheads or motorized trails or motorized roads are planned or scheduled for this portion of the Black Hills National Forest.
13. No motorized trails for ATV, motorcycles or ORV will be authorized from private property unto National Forest System lands (USFS does not want unauthorized trails constructed on National Forest System lands).

L. County Addressing Coordinator

1. No addressing concerns at this time. Future addresses will be assigned during the Building Permit application process. Once assigned, addresses must be posted in accordance with Pennington County Ordinance #20.

V. ANALYSIS

- A. There is one means of ingress and egress to the subject properties via Thunderhead Falls Road.
  1. There are approximately 57 lots served by Thunderhead Falls Road.
    - a. It appears that a majority of the lots along Thunderhead Falls Road were platted in the 1960s.
      - i. From platting records, it appears the dead end road system exceeded 40 lots over 40 years ago.
    - b. Two properties along Thunderhead Falls Road are overnight camps.
      - i. Presbyterian Church Camp – Conditional Use Permit / CU 94-26.
      - ii. Salvation Army Camp – Planned Unit Development / PUD 09-02.
  2. In the case of fire or flooding, there is no alternative escape route.
- B. Thunderhead Falls Road has seven (7) water crossings between Highway 44 and the subject property.
  1. In the event a flood would take out any of those bridges, there is potential for numerous people being stranded and unable to escape to W. Highway 44.
- C. The proposed Plat will not increase density for “buildable” lots.

1. One existing lot consists of 0.36 acre and has a note on the plat that requires only a sewage holding tank to be placed on the lot if a residence is constructed.
    - a. The lot does not meet the minimum requirements (1 acre) for a well and onsite wastewater treatment system Pennington County Zoning Ordinance (PCZO).
    - b. The lot was platted after February 28, 1975 (November 5, 1975).
      - i. South Dakota Administrative Rule 74:53:01:16. Minimum lot size required. A water-carriage wastewater system may not be installed or operated on a lot which is smaller than 20,000 square feet in surface area. A water-carriage wastewater system may not be installed or operated on a lot which is smaller than 43,560 square feet (1 acre) when potable water is supplied by a private water supply system located on the lot. A water-carriage wastewater treatment system may be installed and operated on a lot which is 20,000 square feet in surface area or larger if the requirements of § 74:53:01:19 are met and the premises are supplied by a public water supply system, a private water supply system not located on the lot, or by hauling and storage of potable water in a cistern. The requirements of this section do not apply if wastewater is emptied into a holding tank or an unconventional system is used.
      - ii. SDAR 74:53:01:05. Existing subdivisions and developments exempted from lot size requirements -- Proviso. Housing subdivisions and housing developments platted before February 28, 1975, are exempt from the lot size requirements of § 74:53:01:16 provided compliance with other provisions of this chapter can be achieved.
  2. Pennington County Subdivision Regulations § 500.5(4) does not allow more than 40 lots on a dead end road system.
  3. The last plat along Thunderhead Falls Road that increased density was filed July 6, 2000, prior to the effective date of the Subdivision Regulations (November 12, 2008).
  4. The applicant previously submitted a Layout Plat / LPL19-13 for the subject properties to plat Lots D1, D2 and D3.
    - a. The Planning Commission denied Layout Plat / LPL19-13.
    - b. The applicant withdrew the application for LPL 19-13 and resubmitted this request.
- D. On July 5, 2019, the applicant submitted a Building Permit application for the construction of a single-family residence – COBP19-0365.

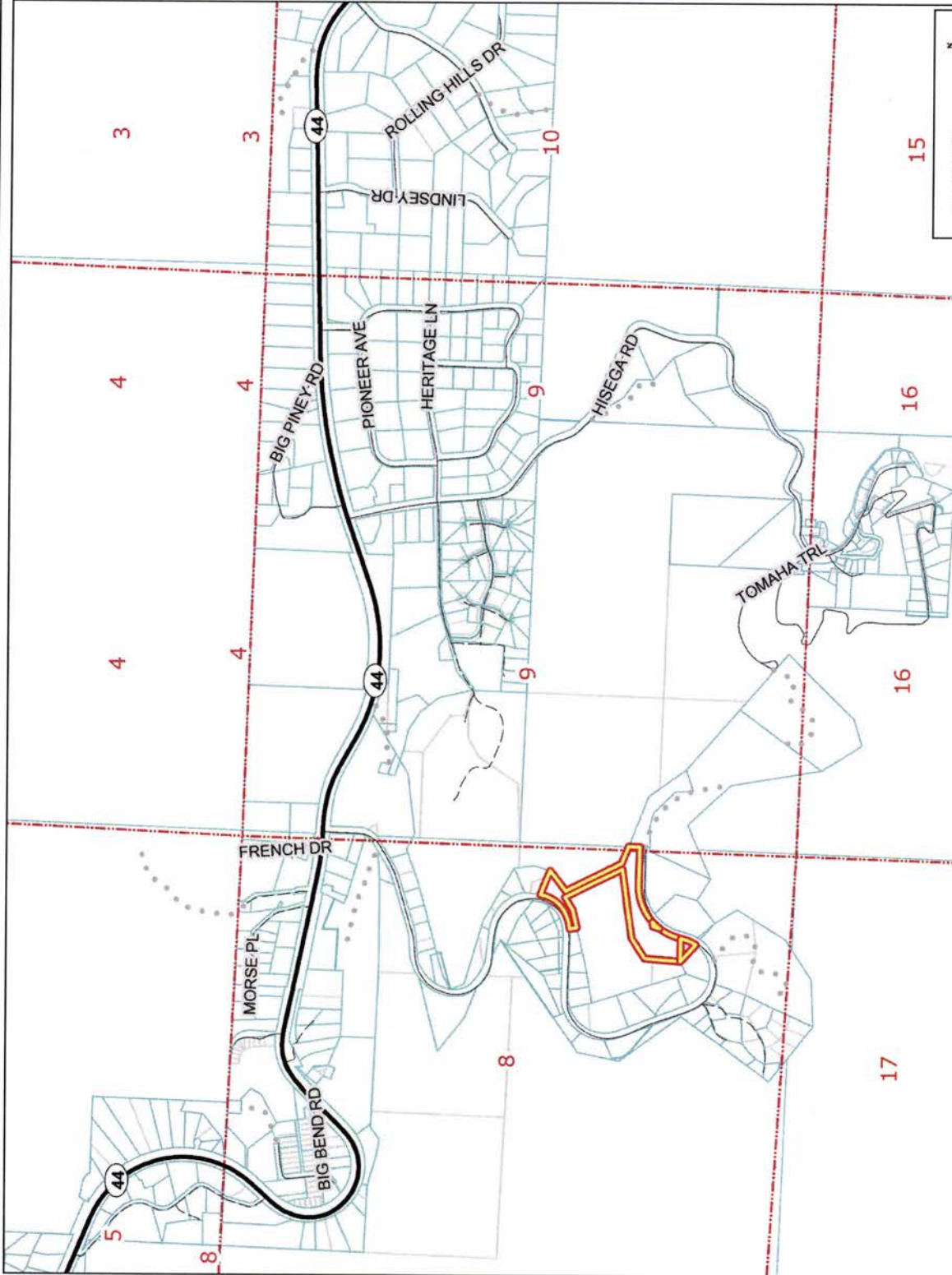
1. The single-family residence is currently under construction on Proposed Lot D1.
- E. On August 6, 2019, the Board of Commissioners approved Layout Plat / LPL 19-21 with the following eight (8) conditions:
1. That at the time of Minor Plat submittal, the “formally” portion of the proposed Plat be corrected per Register of Deeds and Department of Equalization comments to state, “Formerly Lot D of Lot 17 in Fort Meade Placer No. 244 and Lot B of Lot 8 of Lot E and Lot 1 of Lot A of Lot 8 of Lot E of Big Bend Placer M.S. No. 1442, Section 8, T1S, R6E, B.H.M., Pennington County, South Dakota;”
  2. That at the time of Minor Plat submittal, eight (8) foot minor drainage and utility easements continue to be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
  3. That at the time of Minor Plat submittal, the plat meets all the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
  4. That at the time of Minor Plat submittal, the applicant submits percolation tests and soil profile information for proposed Lots D1 and D2 to be reviewed and approved by the County On-site Wastewater Specialist, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
  5. That following platting of proposed Lots D1 and D2, any on-site wastewater treatment system(s) be subject to the requirements of Section 204(J) of the Pennington County Zoning Ordinance;
  6. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
  7. That the applicant ensures that all natural drainage ways be continually maintained and are not blocked; and,
  8. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

**RECOMMENDATION:** Staff is recommending approval of Minor Plat / MPL 19-34 with the following seven (7) conditions:

1. That prior to 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 Variance to Subdivision Regulations be obtained waiving this requirement;

Agenda Item #18  
Jeffrey Scherr  
October 28, 2019

2. That prior to 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 Variance to Subdivision Regulations be obtained waiving any of these requirements that are not met;
3. That prior to filing the Plat with the Register of Deeds, the applicant submits percolation tests and soil profile information for proposed Lot D2 to be reviewed and approved by the County On-site Wastewater Specialist, or an approved Variance to Subdivision Regulations be obtained waiving this requirement;
4. That following platting of proposed Lots D1 and D2, any on-site wastewater treatment system(s) be subject to the requirements of Section 204(J) of the Pennington County Zoning Ordinance;
5. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;
6. That following the platting of proposed Lots D1 and D2, prior to any disturbance in the Special Flood Hazard Area will require an approved Floodplain Development Permit; and,
7. That the applicant ensures that all natural drainage ways be continually maintained and are not blocked.



1: 17,209



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



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

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

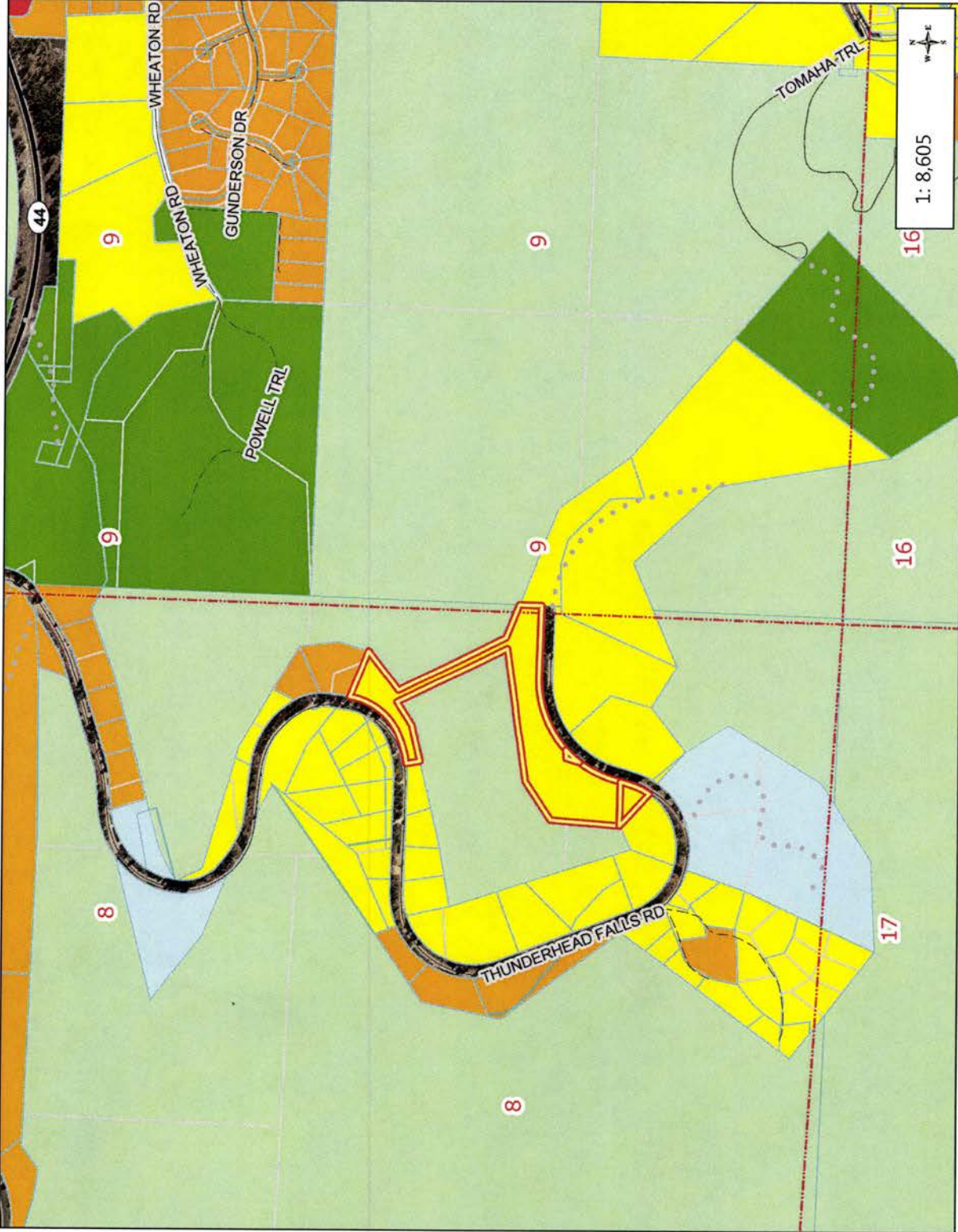
**Section Lines 0-25k**

- 0
- 7

**Tax Parcels**

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

**Map Notes:**



**Legend**

**Roads**

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- Airport Runway
- Not yet coded

**Section Lines 0-25k**

- 0
- 7

**Tax Parcels**

**Lot Lines**

- <Null>
- Lot Line
- Parcel Line

**Pennington County Zoning**

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

**Map Notes:**

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1,434.1 Feet

717.06

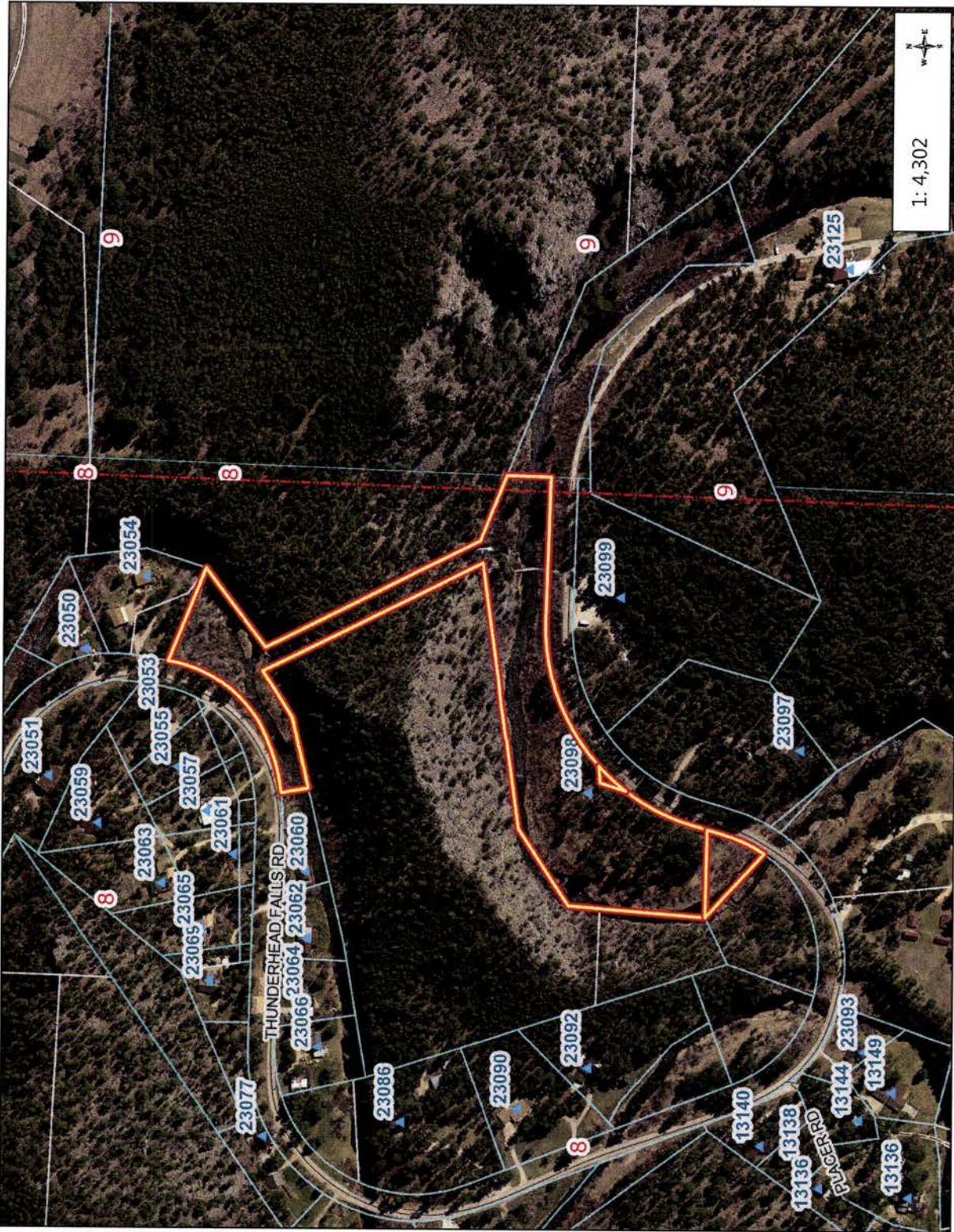
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1: 8,605







1: 4,302

717.1

358.53 717.1 Feet

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

**Map Notes:**

**STAFF REPORT**

**GENERAL INFORMATION:**

**REQUEST:** **LAYOUT PLAT / LPL 19-35:** To create Lots 1 and 2 of Willard Ranch Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

**APPLICANT:** Willard Ranch / Ken Willard

**APPLICANT ADDRESS:** 22740 Highway 385, Rapid City, SD 57702  
12691 Kinsley Drive, Rapid City, SD 57702

**AGENT:** Fisk Land Surveying

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

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

**PROPOSED LEGAL:** Lots 1 and 2 of Willard Ranch Subdivision, Section 28, T2N, R5E, BHM, Pennington County, South Dakota.

**SITE LOCATION:** North of the intersection of W. Highway 44 and Highway 385.

**SIZE:** 61.83 acres

**TAX ID:** 66486

**EXISTING LAND USE:** Residential/Agriculture

**SUBDIVISION REGULATIONS REFERENCE:** §§ 400.1

**CURRENT ZONING:** General Agriculture District

**SURROUNDING ZONING:**

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



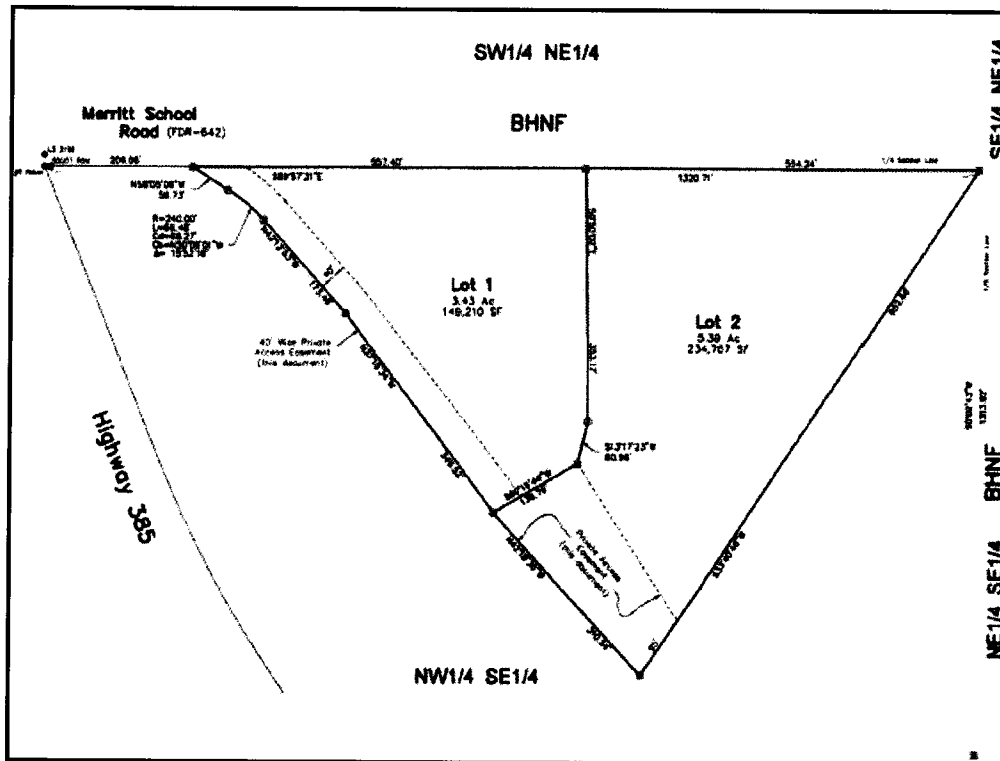


*Existing Lot (Parent Parcel)*

#### IV. LAYOUT PLAT REQUEST

- A. Proposed Lot 1 of Willard Ranch Subdivision.
  - 1. Zoned General Agriculture District.
  - 2. 3.43 acres.
    - a. Rezone or Lot Size Variance is required.
  - 3. Lot will contain:
    - a. Manufactured home – 2010COBP0299.
      - i. Onsite wastewater treatment system – 1,000-gallon septic tank and unknown drainfield size – COOP18-0952.
    - b. Shop/pole building – 2011COBP0421.
      - i. Onsite wastewater treatment system – 2012COSD0027.
        - (a) 1,000-gallon holding tank.
  - 4. Special Flood Hazard Area.
- B. Proposed Lot 2 of Willard Ranch Subdivision.
  - 1. Zoned General Agriculture District.
  - 2. 5.39 acres.
    - a. Rezone or Lot Size Variance is required.
  - 3. Lot will be vacant of any structures.
  - 4. Special Flood Hazard Area.

- C. Remaining Balance of THAT PT OF W1/2SE1/4 AND THAT PT OF SE1/4SE1/4 LOCATED E OF HIGHWAY 385 LESS FOREST VIEW SUBD LESS LOT H1.
1. Zoned General Agriculture District.
  2. ~53 acres.
  3. Lot will contain:
    - a. Single-wide mobile home – 1973 (per Department of Equalization records).
    - b. Onsite Wastewater Treatment System – 1,000-gallon septic tank and unknown drainfield size - COOP13-0127.
    - c. Ranch Hand's residence (will become primary residence once plat is filed with the Register of Deed's Office).



*Proposed Plat of Willard Ranch Subdivision*

**V. REZONE REQUEST**

- A. The applicant has requested to rezone approximately 8.82 acres from General Agriculture District to Low Density Residential District and to change the Future Land Use Designation from PUD Sensitive to Low Density Residential District.

## VI. REQUEST FOR COMMENT

- A. County Highway Department
  - 1. No comments.
- B. County Fire Administrator
  - 1. Addressed to meet or exceed county regulations, in accordance with Pennington County Ordinance 20 and ESCC/911 Department guidelines. Signage clearly visible from both approaching directions
  - 2. If the length of the driveway/access way exceeds 75 feet or a physical obstruction prevents the number from being visible from the road of which the address is taken, then the house number shall be posted adjacent to the area in which the driveway/access way intersects the road.
  - 3. The posted house number must be placed in such a way as to ensure its visibility year round and not be obstructed by such things as, but not limited to, snow or vegetation, to provide for emergency identification at all times.
  - 4. Each character of the posted house number shall be a minimum of four (4) inches in height by three (3) inches in width and must be of a contrasting color to the background.
  - 5. 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.
  - 6. Develop and execute a plan following fire wise guidelines based on the Free State assessment to create defensible space to include the proposed or existing 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>
- C. County Professional Environmental Planner
  - 1. There is Special Flood Hazard Area on the subject property.
- D. County Register of Deeds
  - 1. Proposed subdivision name is acceptable.
  - 2. Plat heading is acceptable.
  - 3. Certificates appear to be the required certificates per state statute.
- E. County Onsite Wastewater Specialist
  - 1. No comments received.
- F. County Ordinance Enforcement Officer
  - 1. There appeared to be a business operating from this location.
    - a. *Staff Comment: This will be addressed as a Condition of Approval.*
- G. County Natural Resources Director
  - 1. No comments received.

- H. Pennington County 9-1-1
  - 1. No comments received.
- I. U. S. Forest Service
  - 1. The current landowner of record Willard Ranch Irrevocable Trust (Kien and Lillian Willard, Michael Willard) do not have legal access across National Forest System lands to the National Forest System Road (NFSR) 642 Merritt School Road from the north side of the private property described as: THAT PT OF W1/2SE1/4 AND THAT PT OF SE1/4SE1/4 LOCATED E OF HIGHWAY 385 LESS FOREST VIEW SUBD LESS LOT H1, BHM, Pennington County, South Dakota; the Forest Service has not granted a Federal Land Policy and Management Act (FLPMA) Private Road Easement or a FLPMA Forest Road Special Use Permit to the Willard Ranch Irrevocable Trust (Kien and Lillian Willard, Michael Willard) that crosses National Forest System Lands to the National Forest System Road (NFSR) 642 Merritt School Road; no application has been filed by Willard Ranch Irrevocable Trust (Kien and Lillian Willard, Michael Willard).
  - 2. Protect all posted boundary line corners, signs and bearing tress.
  - 3. Adhere to the setback requirements along the posted boundary between National Forest System lands (USA Public Domain; located on the north and east sides of private property) and private property.
  - 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 Highway Legal Vehicles Only" and "Roads open to all Vehicles" per the latest version (January 1, 2019) of the Motor Vehicle Use Map.
  - 9. No motorized trailheads or motorized trails or motorized roads are planned or scheduled for this portion of the Black Hills National Forest.
  - 10. No motorized trails for ATV, motorcycles or ORV will be authorized from private property unto National Forest System lands (USFS does not want unauthorized trails constructed on National Forest System lands).
- L. County Addressing Coordinator
  - 1. No comments received.

## VII. ANALYSIS

- A. September 18, 2019 – The applicant applied for Layout Plan / LPL 19-35 to subdivide the subject property into two lots (and leave a remaining balance).
- B. September 18, 2019 – The applicant applied for Rezone / RZ 19-14 and Comprehensive Plan Amendment / CA 19-14.
  - 1. Request will be heard in front of the Planning Commission on October 28, 2019.
- C. September 23, 2019 – The Planning Director approved Construction Permit / CP 19-14 to construct a driveway to access the building site on Proposed Lot 2 of Willard Ranch Subdivision.
- D. A Floodplain Development Permit Application / FP 19-45 was approved for construction of the driveway within the Special Flood Hazard Area.
- E. Staff verified that there is a business being conducted at 22740 Highway 385.
  - 1. The business was identified as “Steam Cleaning Specialist” which is a business specializing in cleaning kitchen equipment.
    - a. The business is registered under Willard Enterprises, Inc. and has identified Kenneth Willard as the agent.
  - 2. A Conditional Use Permit will be required to allow for a home occupation in a Low Density Residential District.
- H. For the purposes of a Layout Plat, staff finds no significant issues with the applicant’s request.
  - 1. A Layout Plat is an informal preliminary review of the proposed subdivision for general scope and conditions, which might affect the plat.

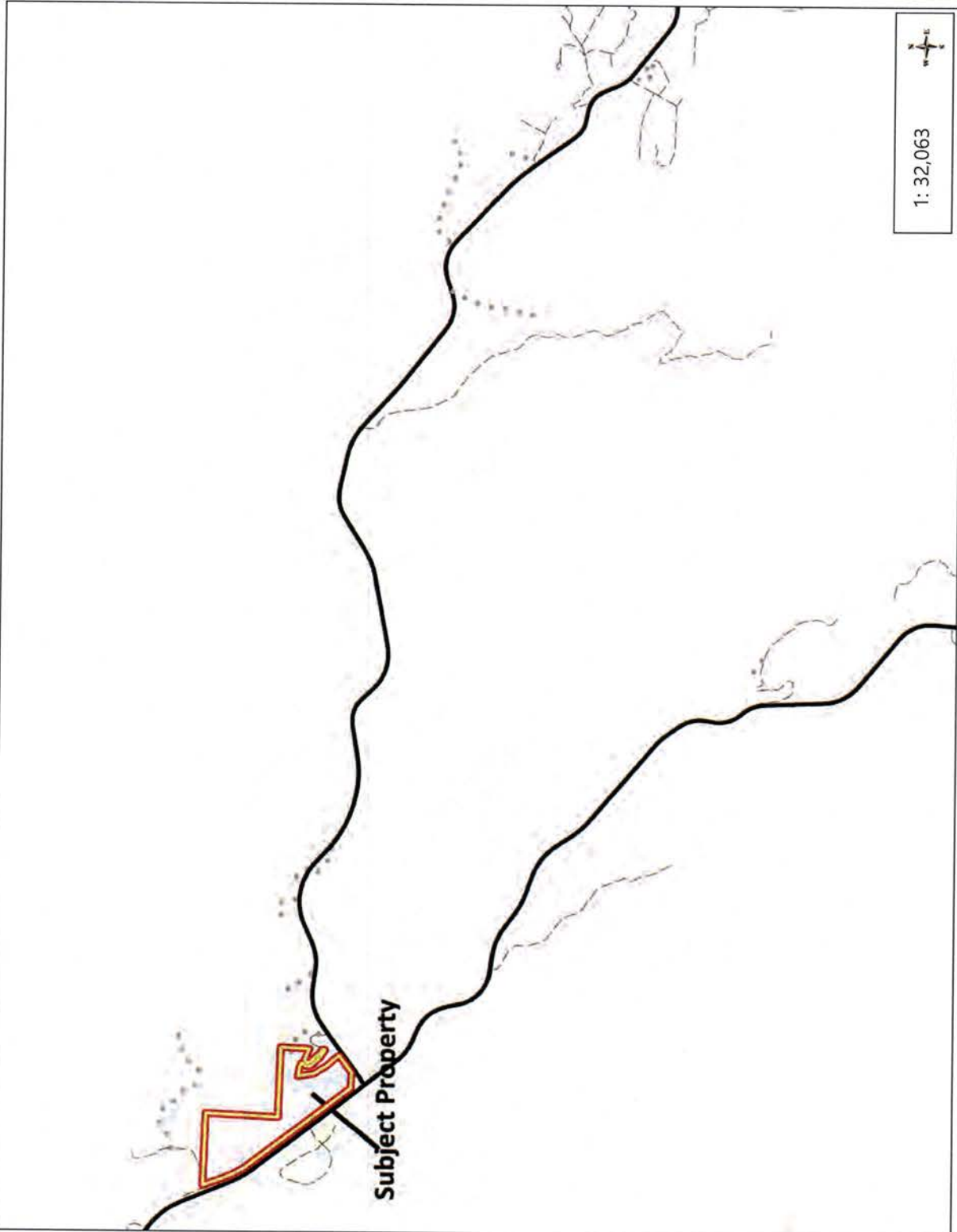
**RECOMMENDATION:** Staff recommends approval of Layout Plan / LPL 19-35 with nine (9) conditions:

- 1. That prior to filing the Plat with the Register of Deeds, proposed Lots 1 and 2 of Willard Ranch Subdivision obtain approved Lot Size Variances or be Rezoned appropriately;
- 2. That at the time of Minor Plat submittal, eight (8) foot minor drainage and utility easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
- 3. That upon filing the Plat with the Register of Deeds, the plat meets all the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
- 4. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations;



Agenda Item #19  
Ken Willard; Fisk Land Surveying - Agent  
October 28, 2019

5. That addresses be properly posted on the existing residence and any future residence(s) constructed on proposed Lot 2 and at the approaches so they are visible from both directions of travel on Merritt School Road, in accordance with Pennington County's Ordinance #20;
6. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
7. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of Section 204-J of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit;
8. That a Conditional Use Permit is obtained for operation of the cleaning business located on proposed Lot 1 prior to filing the Plat with the Register of Deeds; and,
9. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.



1: 32,063

5,343.8 0 2,671.88 5,343.8 Feet

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

- Roads**
- Interstate
  - US highway
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  - Main road
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  - 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: 8,016



**Legend**

- Roads**
- Interstate
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  - SD highway
  - County highway
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  - 7

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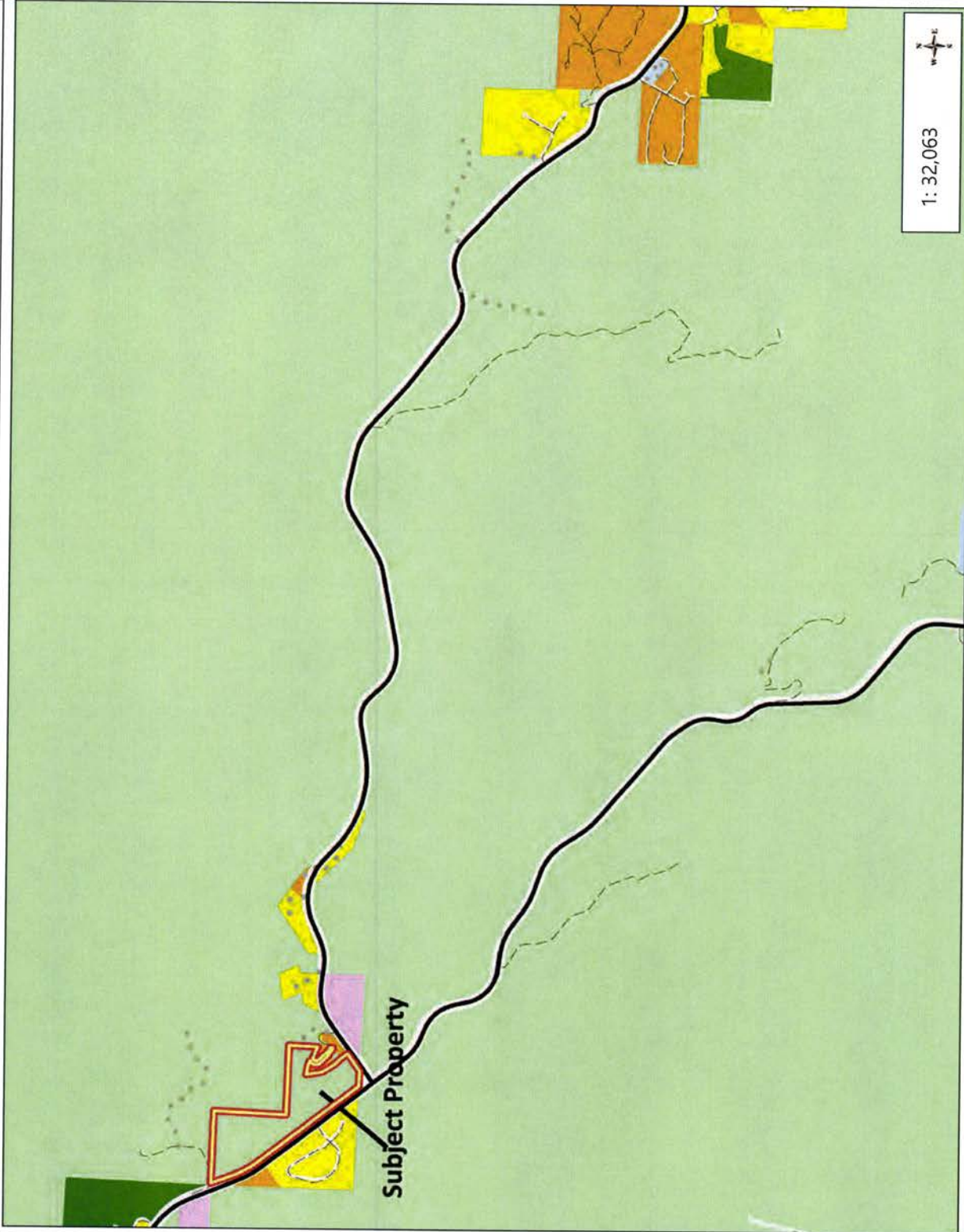
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1,335.9 Feet



1,335.9

NAD\_1983\_StatePlane\_South\_Dakota\_South\_FIPS\_4002\_Feet  
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1: 32,063

5,343.8  
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2,671.88  
5,343.8 Feet

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- Section Labels 0-25k**
- Tax Parcels**
- Lot Lines**
- <Null>
  - Lot Line
  - Parcel Line
- City Boundaries**
- BOX ELDER
  - ELLSWORTH AFB
  - HILL CITY
  - KEYSTONE
  - NEW UNDERWOOD
  - QUINN
  - RAPID CITY

**Map Notes:**

# Plat of Lots 1 and 2 of Willard Ranch Subdivision

located in portions of the NW1/4 SE1/4 of Section 28, T2N, R5E, BHM,  
Pennington County, South Dakota

Prepared by  
Paul Lutz Surveying  
& Consulting Engineers, Inc.  
P.O. Box 8154  
Rapid City, SD 57709  
(605) 348-1538  
Project # 19-05-08

### EASEMENTS

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

### Water Protection Statement

Pursuant to SDCL 11-3-81 and 11-3-2, the developer of the property described within this plat shall be responsible for protecting any waters of the state, including groundwater, located adjacent to or within such platted area from pollution from sewage from such subdivision and shall in prosecution of such protections conform to and follow all regulations of the South Dakota Department of Environment and Natural Resources relating to the same.



### LEGEND

- ⊙ = Set Rebar with cap marked "TW Fish 6565"
- ⊛ = Found Survey Monument as noted
- ⊠ = Found USFS Aluminum Monument LS 3481

SW1/4 NE1/4

SE1/4 NE1/4

Merritt School Road (FDR-642)

BHNF

Lot 1  
3.43 Ac  
149,210 SF

Lot 2  
5.39 Ac  
234,767 SF

Highway 385

NW1/4 SE1/4

SE1/4 SE1/4  
BHNF

PRELIMINARY

### CERTIFICATE OF SURVEYOR

State of South Dakota County of Pennington §

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

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

Ronald W. Fish  
Registered Land Surveyor No. 6565



### CERTIFICATE OF HIGHWAY OR STREET AUTHORITY

State of South Dakota County of Pennington §

The location of the proposed lot lines with respect to the Highway or Street as shown 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

State of South Dakota County of Pennington §

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 AND ACKNOWLEDGEMENT OF OWNERSHIP

State of South Dakota County of Pennington §

I, Lilian E. Kienke, Trustee of the Willard Ranch Irrevocable Trust Dated January 3, 2018, do hereby certify that the Willard Ranch Irrevocable Trust Dated January 3, 2018 is the owner of the above described land, and that as it's agent, I do authorize and do hereby approve the survey and within plat of said land, and that development of this land shall conform to all existing applicable zoning, subdivision, and erosion and sediment control regulations.

Lilian E. Kienke - Trustee of the Willard Ranch Irrevocable Trust Dated January 3, 2018 [Owner]

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a Notary Public, personally appeared Lilian E. Kienke, known to me to be the person described in the foregoing instrument, and attesting to me that she is a Trustee of the Willard Ranch Irrevocable Trust Dated January 3, 2018, and acknowledged to me that she signed the same.

Notary Public:

My Commission Expires \_\_\_\_\_

### RESOLUTION BY GOVERNING BOARD

State of South Dakota County of Pennington §

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

Pennington County Auditor / Deputy:

### CERTIFICATE OF DIRECTOR OF EQUALIZATION

State of South Dakota County of Pennington §

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

Director of Equalization of Pennington County:

Approved:

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

### CERTIFICATE OF THE REGISTER OF DEEDS

State of South Dakota County of Pennington §

Filed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Document Number \_\_\_\_\_

Register of Deeds of Pennington County:

Fisk Land Surveying & Consulting Engineers, Inc.  
 1022 Main Street (R.O. Box 8164)  
 Rapid City, South Dakota 57709  
 (605) 342-1233 [www.fisklandsurveying.com](http://www.fisklandsurveying.com)

Layout - Ken Willard  
 Proposed Lots 1 and 2  
 of Willard Ranch Subdivision,  
 Section 28, T2N, R5E, B1M,  
 Pennington County, South Dakota

Surveyed by:	CD/JH
Date:	7/31/2019
Drawn by:	COO
Checked by:	JF
Revisions	
Lot Configuration	8/23/2019
Site Plan	1 of 1
Project No.	19-05-06

**PRELIMINARY**

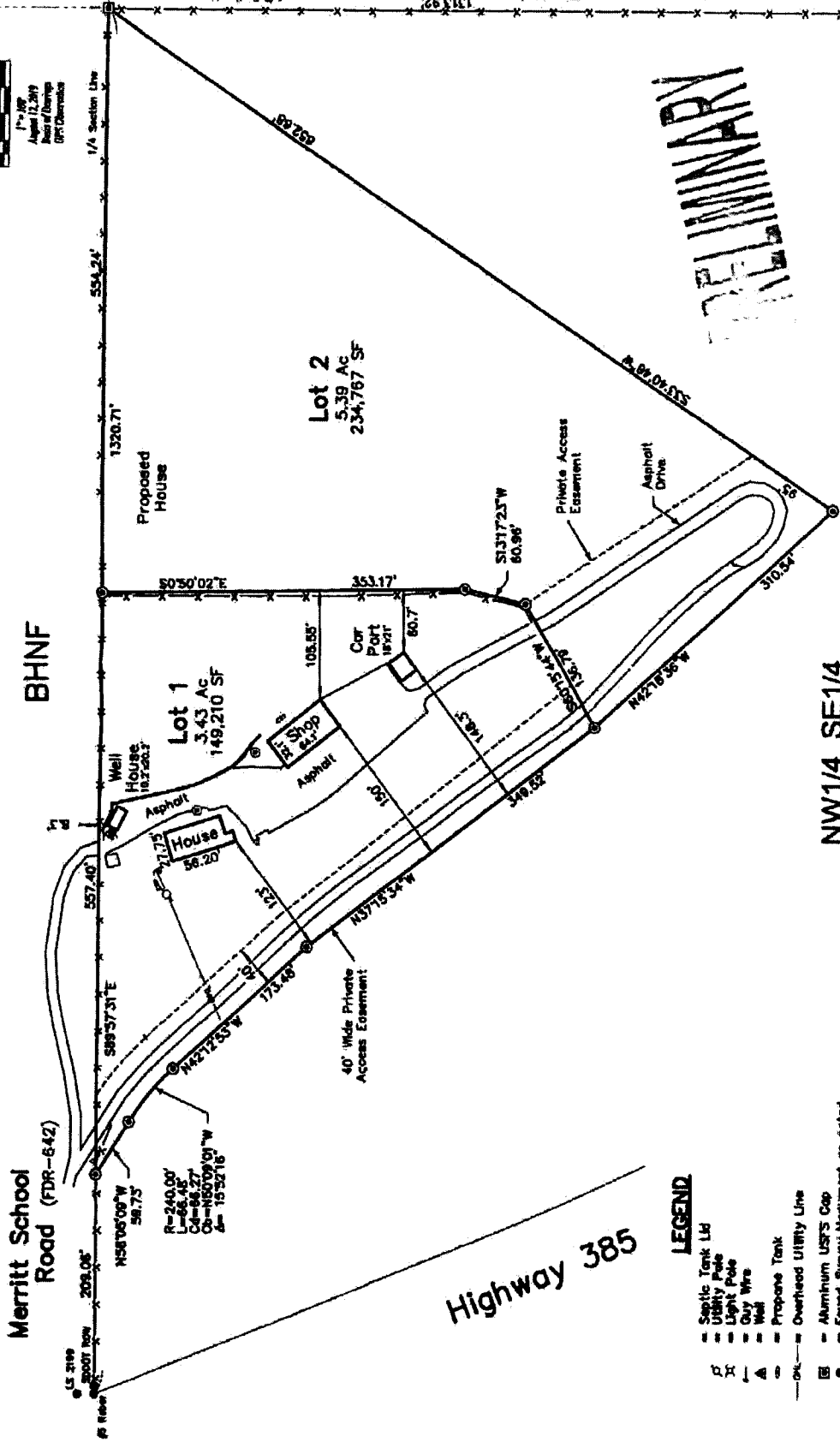
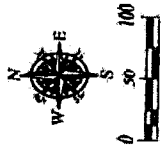
SE1/4 NE1/4

NE1/4 SE1/4 BHNF

SW1/4 NE1/4

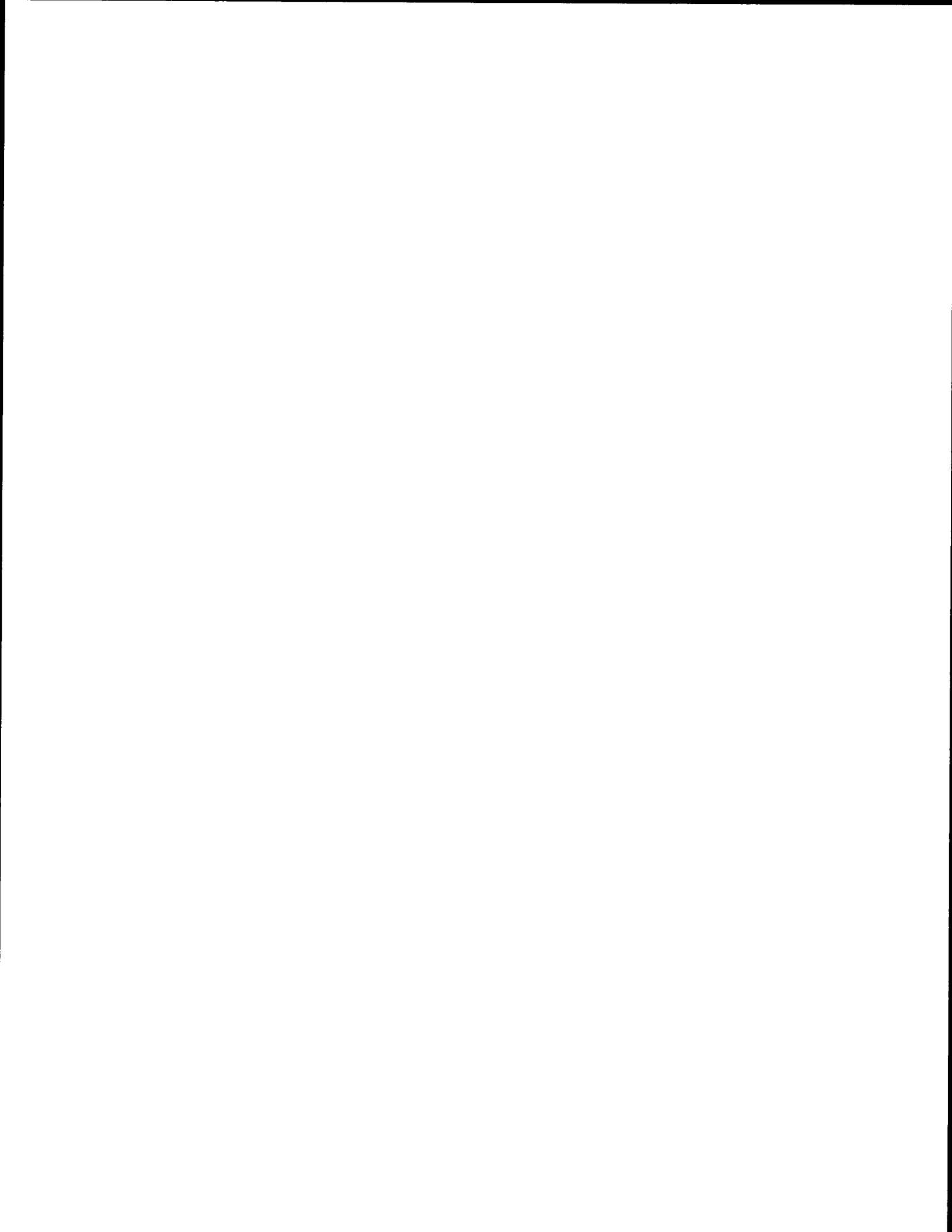
BHNF

NW1/4 SE1/4



**LEGEND**

- Septic Tank Lid
- Utility Pole
- Light Pole
- Guy Wire
- Well
- Propane Tank
- Overhead Utility Line
- Aluminum USFS Cap
- Found Survey Monument as noted
- Set Rebar with cap marked "RW Fisk 6565"



STAFF REPORT

GENERAL INFORMATION:

REQUEST: REZONE / RZ 19-14 AND COMPREHENSIVE PLAN AMENDMENT / CA 19-14: To rezone 8.82 acres from General Agriculture District to Low Density Residential District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Planned Unit Development Sensitive to Low Density Residential District in accordance with Sections 205, 207, and 508 of the Pennington County Zoning Ordinance.

APPLICANT: Willard Ranch / Ken Willard

APPLICANT ADDRESS: 22740 Highway 385, Rapid City, SD 57702  
12691 Kinsley Drive, Rapid City, SD 57702

AGENT: Fisk Land Surveying

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

LEGAL DESCRIPTION: Located on the following metes and bounds description: A parcel of land located in the Northwest One-Quarter of the Southeast One-Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$ ) of Section Twenty-Eight (28), Township Two North (T2N), Range Five East (R5E) of the Black Hills Meridian (BHM), Pennington County, South Dakota and proposed as Lots 1 and 2 of Willard Ranch Subdivision and more particularly described as follows: Beginning at the northeast corner of said NW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 28, T2N, R5E, BHM, Pennington County, South Dakota, said point being marked by a USFS Aluminum Monument marked LS 3491; thence, South 33 degrees 40 minutes 46 seconds West a distance of 852.68 feet more or less to a point marked by a rebar with survey cap "RW Fisk 6565"; thence, North 42 degrees 18 minutes 36 seconds West a distance of 310.54 feet more or less to a point marked by a rebar with survey cap "RW Fisk 6565"; thence, North 37 degrees 15 minutes 34 seconds West a distance of 349.52 feet more or less to a point marked by a rebar with survey cap "RW Fisk 6565"; thence, North 42 degrees 12 minutes 53 seconds West a distance of 173.48 feet more or less to a point marked by a rebar with survey cap "RW Fisk 6565"; thence curving to the left on a curve with a radius of 240.00 feet, a delta of 15 degrees 52 minutes 16 seconds, and arc length of 66.48 feet and a chord bearing and distance of North 50 degrees 09 minutes 01 seconds West 66.27 feet more or less to a point marked by a rebar with survey cap "RW Fisk 6565"; thence, North 58 degrees 05 minutes 09 seconds West a distance of 59.73 feet more or less to a point on the east-west  $\frac{1}{4}$  section line and said point being marked by a rebar with survey cap "RW Fisk 6565"; thence, easterly along said  $\frac{1}{4}$  section line South 89 degrees 57 minutes 31 seconds East a distance of 1,111.64 feet more or less to



Agenda Item #20  
Ken Willard; Fisk Land Surveying - Agent  
October 28, 2019

the point of beginning. Said tract of land contains 8.82 acres more or less; Section 28, T2N, R5E, BHM, Pennington County, South Dakota; in accordance with Sections 205, 207, and 508 of the Pennington County Zoning Ordinance.

SITE LOCATION: North of the intersection of W. Highway 44 and Highway 385.

SIZE: 61.83 acres

TAX ID: 66486

EXISTING LAND USE: Vacant

ZONING REFERENCE: §§ 205, 207, and 508

CURRENT ZONING: General Agriculture District

**SURROUNDING ZONING:**

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

PHYSICAL CHARACTERISTICS: Forested / Open Meadow

UTILITIES: Private

REPORT BY: Brittney Molitor

**I. PROPOSED RECOMMENDATION**

- A. Staff will be recommending approval of Rezone / RZ 19-14 and Comprehensive Plan Amendment / CA 19-14.

**II. GENERAL DESCRIPTION**

- A. The applicant, Ken Willard, has requested to rezone approximately 8.82 acres from General Agriculture District to Low Density Residential District and to change the Future Land Use Designation from PUD Sensitive to Low Density Residential District.
- B. The rezone request is to allow two (2) lots to be subdivided off of the parent parcel to allow to for construction of a single-family residence on the proposed vacant lot.

### III. EXISTING CONDITIONS

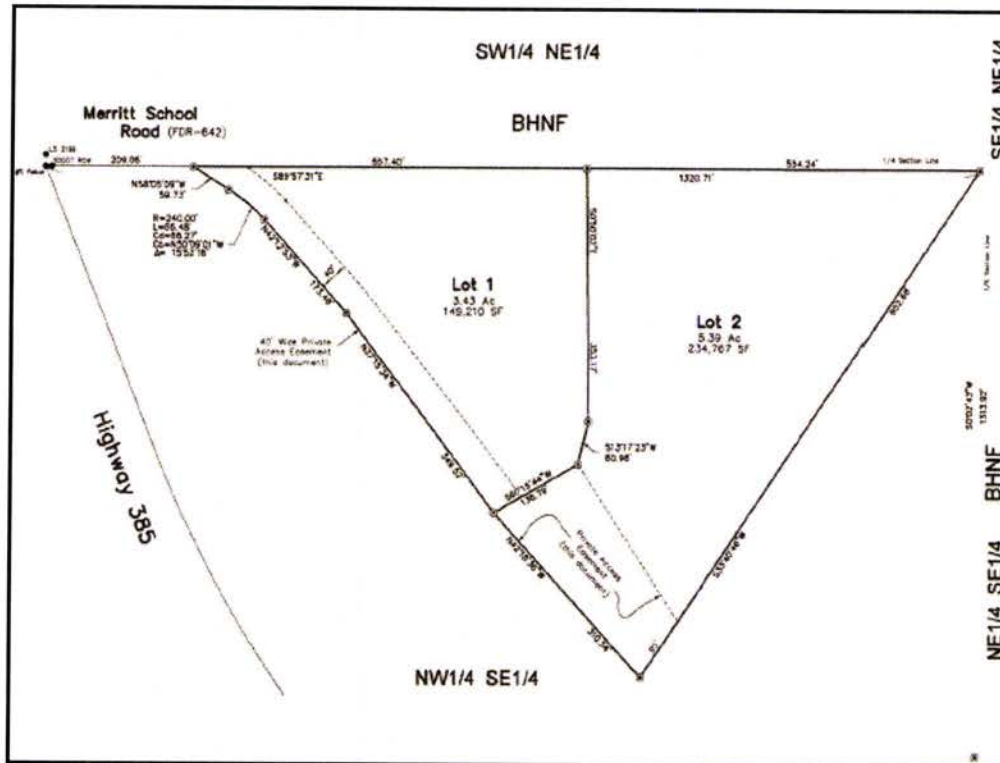
- A. Parent Parcel (*THAT PT OF W1/2SE1/4 AND THAT PT OF SE1/4SE1/4 LOCATED E OF HIGHWAY 385 LESS FOREST VIEW SUBD LESS LOT HI*):
1. Zoned General Agriculture District.
  2. 61.83 acres.
  3. There is Special Flood Hazard Area on the subject property.
  4. Lot contains:
    - a. Manufactured home – 2010COBP0299.
      - i. Onsite wastewater treatment system – 1,000-gallon septic tank and unknown drainfield size – COOP18-0952.
    - b. Shop/pole building – 2011COBP0421.
      - i. Onsite wastewater treatment system – 2012COSD0027.
        - (a) 1,000 gallon holding tank.
    - c. Single-wide mobile home – 1973 (per Department of Equalization records).
      - i. Onsite Wastewater Treatment System – 1,000-gallon septic tank and unknown drainfield size - COOP13-0127.
      - ii. Ranch Hand's residence.



*Existing Lot (Parent Parcel)*

**IV. LAYOUT PLAT REQUEST / LPL 19-35**

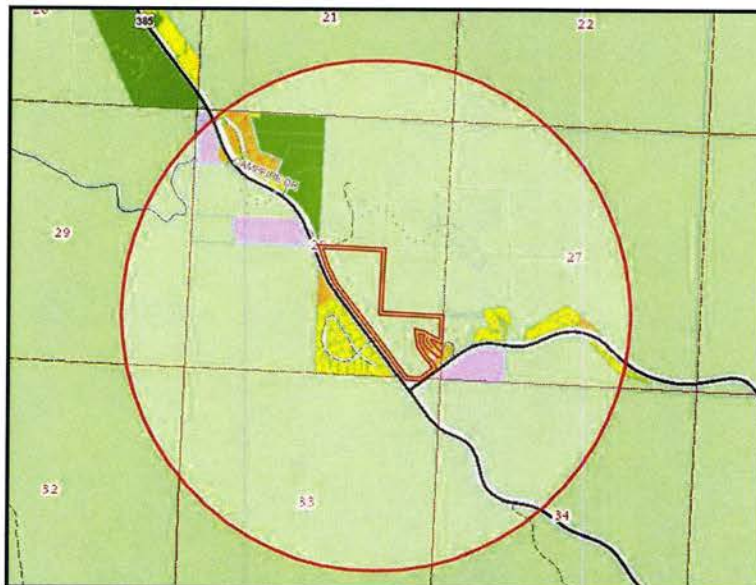
- A. Proposed Lot 1 of Willard Ranch Subdivision.
  - 1. Zoned General Agriculture District.
  - 2. 3.43 acres.
    - a. Rezone or Lot Size Variance is required.
  - 3. Lot will contain:
    - a. Manufactured home – 2010COBP0299.
      - i. Onsite wastewater treatment system – 1,000-gallon septic tank and unknown drainfield size – COOP18-0952.
    - b. Shop/pole building – 2011COBP0421.
      - i. Onsite wastewater treatment system – 2012COSD0027.
        - (a) 1,000-gallon holding tank.
  - 4. Special Flood Hazard Area.
- B. Proposed Lot 2 of Willard Ranch Subdivision.
  - 1. Zoned General Agriculture District.
  - 2. 5.39 acres.
    - a. Rezone or Lot Size Variance is required.
  - 3. Lot will be vacant of any structures.
  - 4. Special Flood Hazard Area.
- C. Remaining Balance of THAT PT OF W1/2SE1/4 AND THAT PT OF SE1/4SE1/4 LOCATED E OF HIGHWAY 385 LESS FOREST VIEW SUBD LESS LOT H1.
  - 1. Zoned General Agriculture District.
  - 2. ~53 acres.
  - 3. Lot will contain:
    - a. Single-wide mobile home – 1973 (per Department of Equalization records).
    - b. Onsite Wastewater Treatment System – 1,000-gallon septic tank and unknown drainfield size - COOP13-0127.
    - c. Ranch Hand's residence (will become primary residence once plat is filed with the Register of Deed's Office).



*Proposed Plat of Willard Ranch Subdivision*

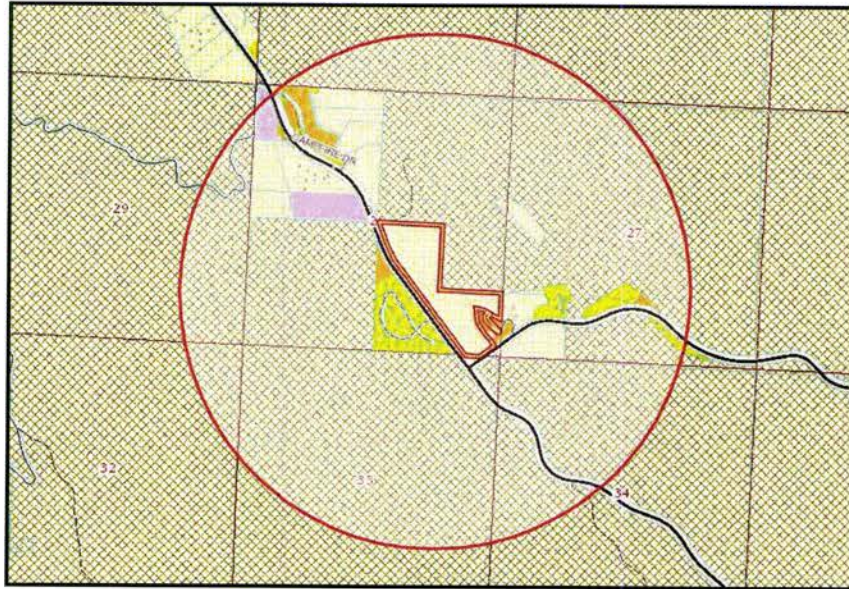
**V. CURRENT ZONING WITHIN 1-MILE**

- A. General Agriculture District.
- B. Limited Agriculture District.
- C. Highway Service District.
- D. Low Density Residential District.
- E. Suburban Residential District.



**VI. FUTURE LAND USE ZONING WITHIN 1-MILE**

- A. Planned Unit Development (PUD) Sensitive
- B. Public Lands
- C. Highway Service District.
- D. Low Density Residential District.
- E. Suburban Residential District.



**VII. REQUEST FOR COMMENT**

- A. County Highway Department
  - 1. No comments.
- B. County Fire Administrator
  - 1. Addressed to meet or exceed county regulations, in accordance with Pennington County Ordinance 20 and ESCC/911 Department guidelines. Signage clearly visible from both approaching directions
  - 2. If the length of the driveway/access way exceeds 75 feet or a physical obstruction prevents the number from being visible from the road of which the address is taken, then the house number shall be posted adjacent to the area in which the driveway/access way intersects the road.
  - 3. The posted house number must be placed in such a way as to ensure its visibility year round and not be obstructed by such things as, but not limited to, snow or vegetation, to provide for emergency identification at all times.
  - 4. Each character of the posted house number shall be a minimum of four (4) inches in height by three (3) inches in width and must be of a contrasting color to the background.

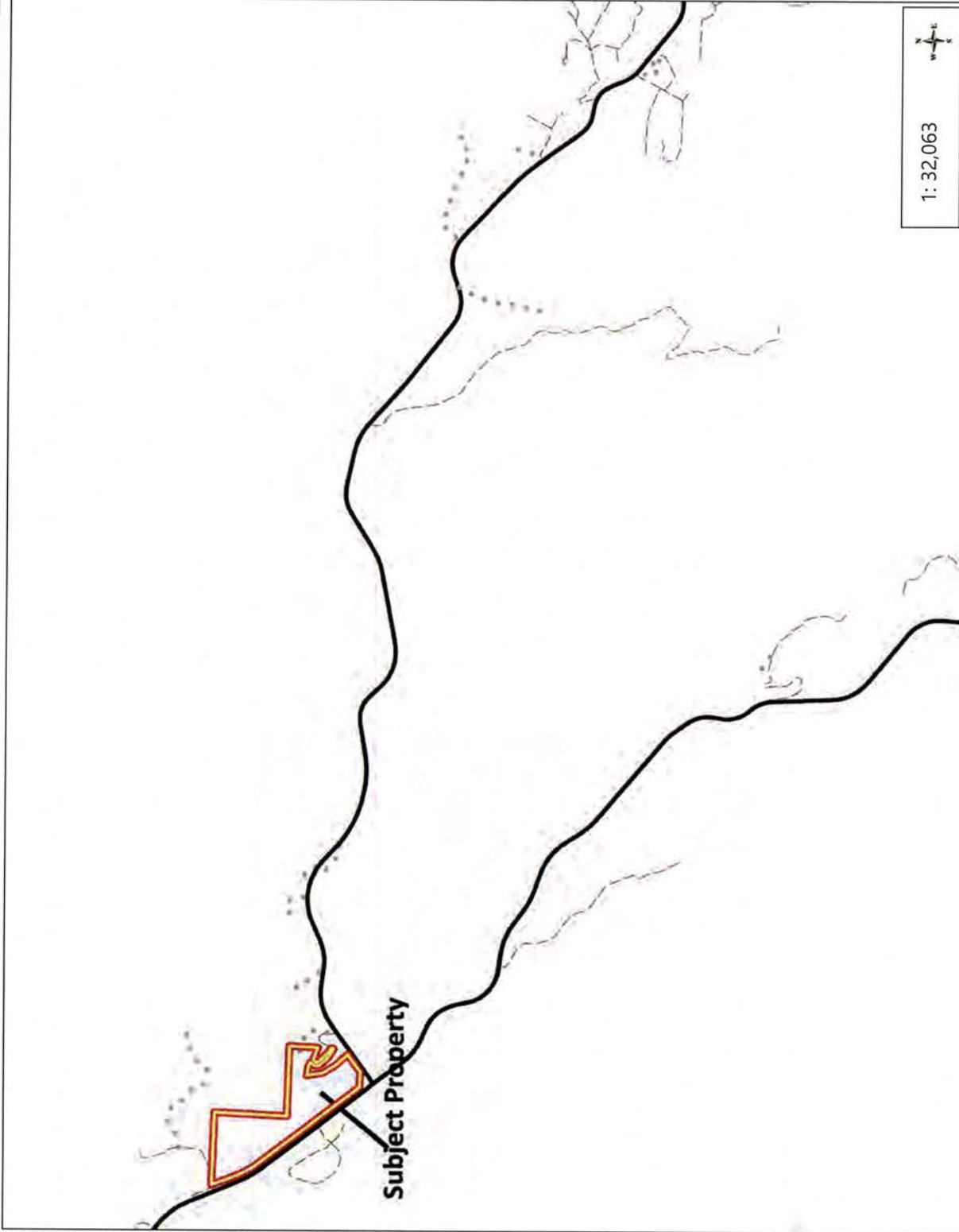
5. Hazardous Fuels Mitigation, and a free assessment of the property by the South Dakota Division of Wildland Fire Suppression-Urban Interface Technician Logan Brown Urban Interface Specialist South Dakota Wildland Fire (605) 394-2584; 3305 W SOUTH ST. RAPID CITY SD 57702-8160 Office: 605-394-5203 Fax: 605-393-8044.
  6. Develop and execute a plan following fire wise guidelines based on the Free State assessment to create defensible space to include the proposed or existing 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>
- C. County Professional Environmental Planner
1. There is Special Flood Hazard Area on the subject property.
- D. County Register of Deeds
1. Proposed subdivision name is acceptable.
  2. Plat heading is acceptable.
  3. Certificates appear to be the required certificates per state statute.
- E. County Onsite Wastewater Specialist
1. No comments received.
- F. County Ordinance Enforcement Officer
1. There appeared to be a business operating from this location.
- G. County Natural Resources Director
1. No comments received.
- H. Pennington County 9-1-1
1. No comments received.
- I. U. S. Forest Service
1. The current landowner of record Willard Ranch Irrevocable Trust (Kien and Lillian Willard, Michael Willard) do not have legal access across National Forest System lands to the National Forest System Road (NFSR) 642 Merritt School Road from the north side of the private property described as: THAT PT OF W1/2SE1/4 AND THAT PT OF SE1/4SE1/4 LOCATED E OF HIGHWAY 385 LESS FOREST VIEW SUBD LESS LOT H1, BHM, Pennington County, South Dakota; the Forest Service has not granted a Federal Land Policy and Management Act (FLPMA) Private Road Easement or a FLPMA Forest Road Special Use Permit to the Willard Ranch Irrevocable Trust (Kien and Lillian Willard, Michael Willard) that crosses National Forest System Lands to the National Forest System Road (NFSR) 642 Merritt School Road; no application has been filed by Willard Ranch Irrevocable Trust (Kien and Lillian Willard, Michael Willard).
  2. Protect all posted boundary line corners, signs and bearing tress.
  3. Adhere to the setback requirements along the posted boundary between National Forest System lands (USA Public Domain;

- located on the north and east sides of private property) and private property.
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 Highway Legal Vehicles Only" and "Roads open to all Vehicles" per the latest version (January 1, 2019) of the Motor Vehicle Use Map.
  9. No motorized trailheads or motorized trails or motorized roads are planned or scheduled for this portion of the Black Hills National Forest.
  10. No motorized trails for ATV, motorcycles or ORV will be authorized from private property unto National Forest System lands (USFS does not want unauthorized trails constructed on National Forest System lands).
- L. County Addressing Coordinator
1. No comments received.

#### **VIII. ANALYSIS**

- A. September 18, 2019 – The applicant applied for Layout Plan / LPL 19-35 to subdivide the subject property into two lots (and leave a remaining balance).
  1. Request will be heard in front of the Planning Commission on October 28, 2019.
- B. September 18, 2019 – The applicant applied for Rezone / RZ 19-14 and Comprehensive Plan Amendment / CA 19-14.
- C. The applicant's request to rezone appears to be in harmony with current land use and zoning in the area.

**RECOMMENDATION:** Staff is recommending approval of Rezone / RZ 19-14 and Comprehensive Plan Amendment / CA 19-14.



1: 32,063



5,343.8 0 2,671.88 5,343.8 Feet

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

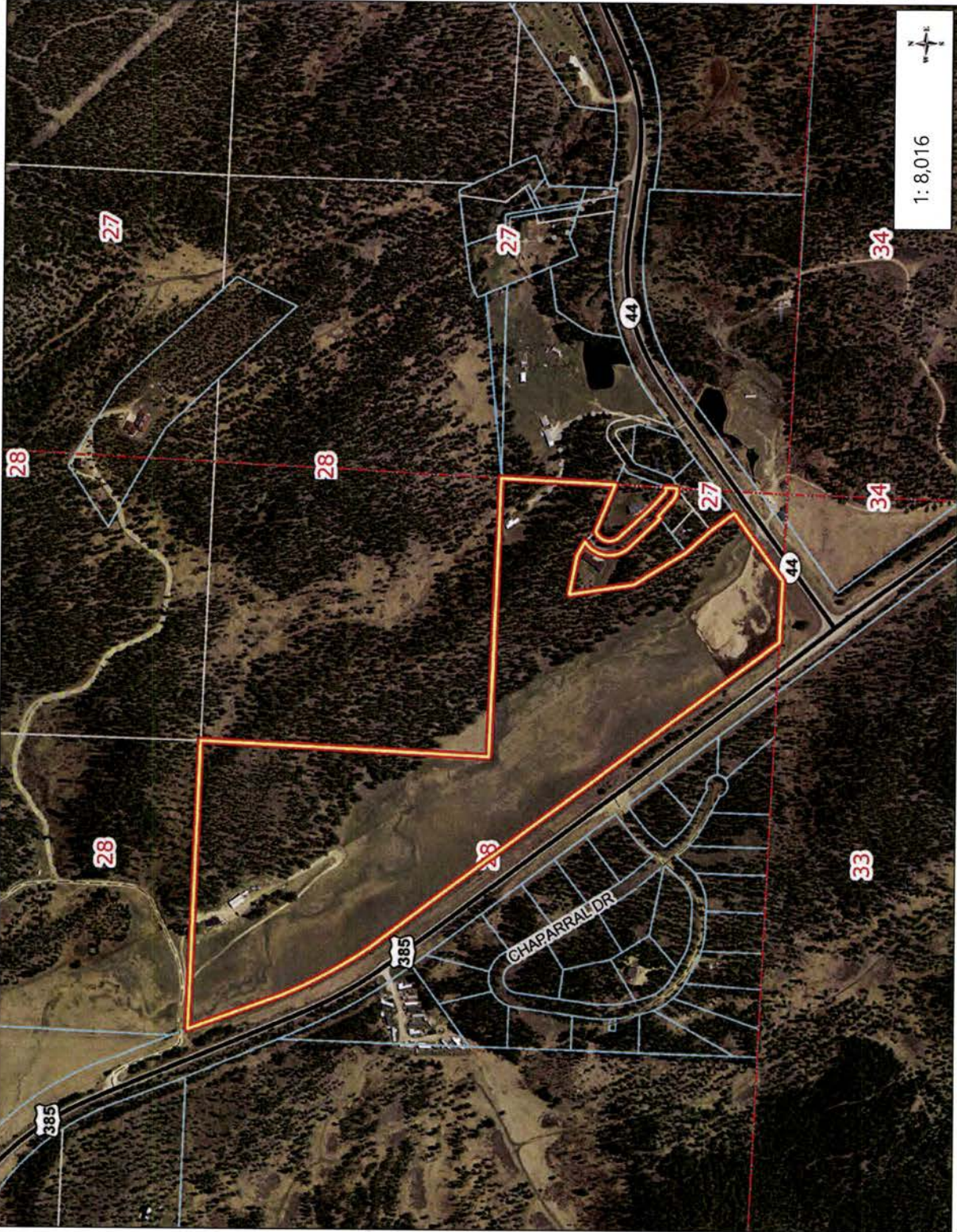
This map is a user generated static output from an internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.  
**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

**Legend**

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

**Map Notes:**





1:8,016

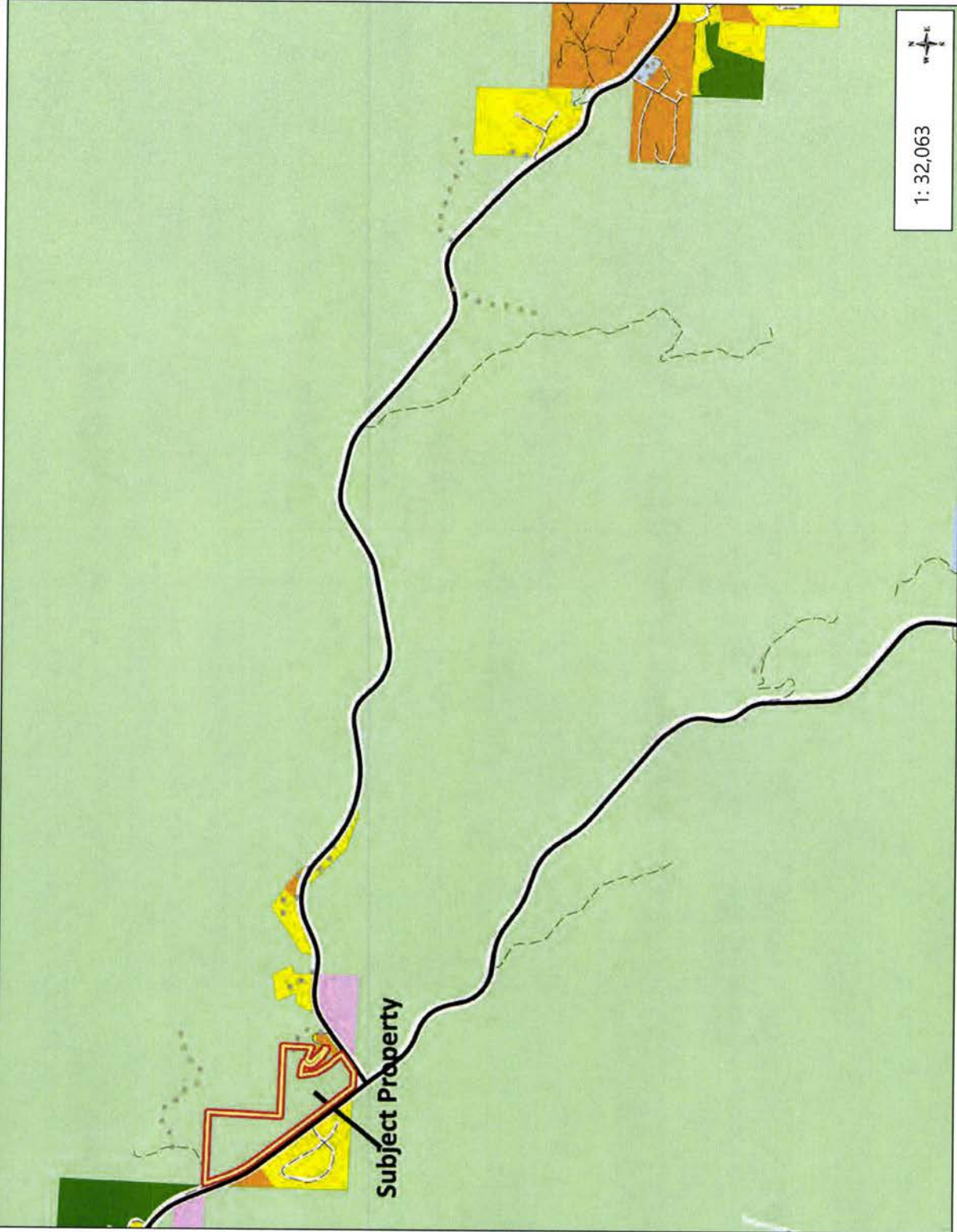
1,335.9 0 667.97 1,335.9 Feet

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**Map Notes:**

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



1: 32,063



5,343.8 0 2,671.88 5,343.8 Feet



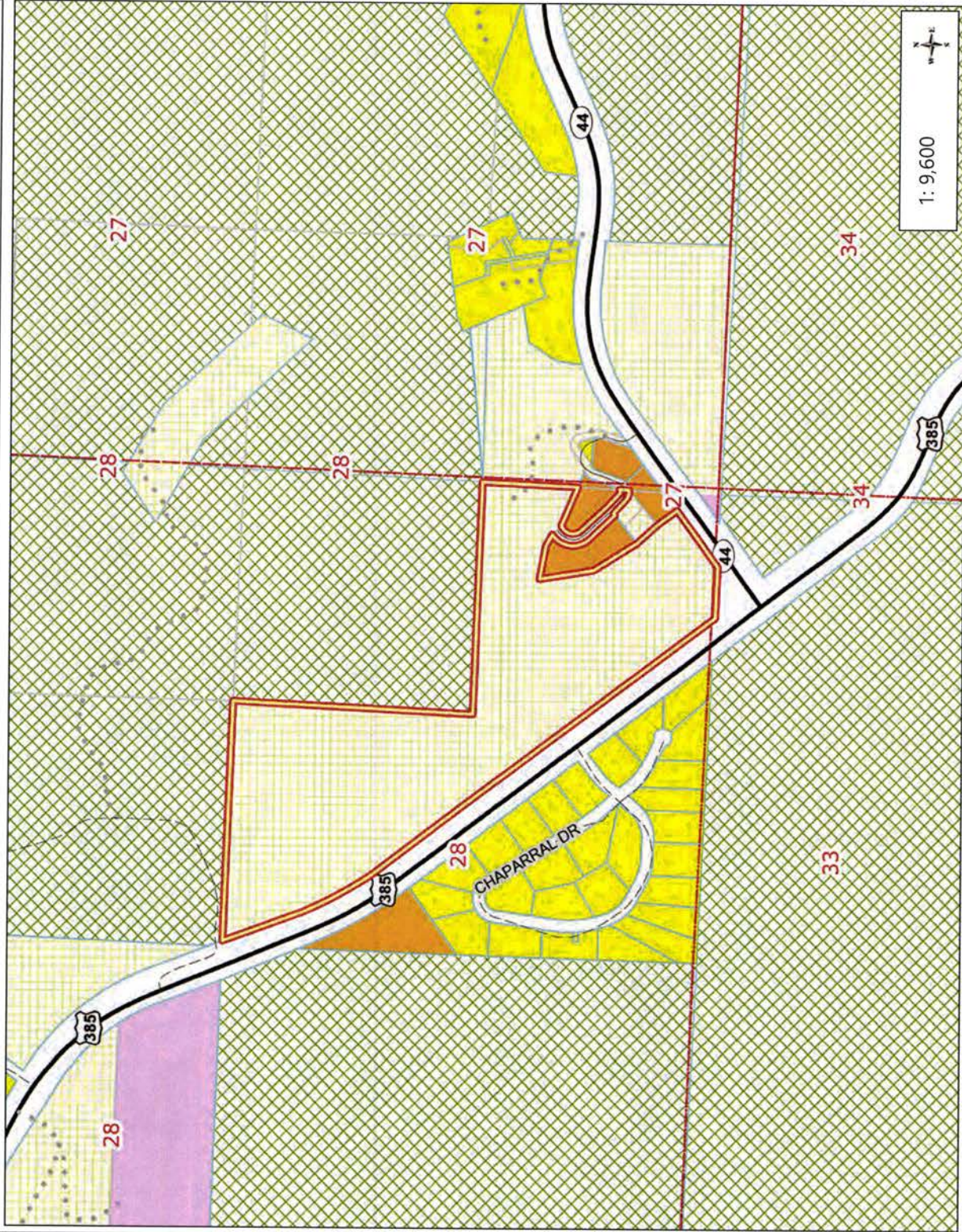
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NAD\_1983\_StatePlane\_South\_Dakota\_South\_FIPS\_4002\_Feet  
© City of Rapid City GIS

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

**Map Notes:**



1: 9,600

1,600.1 Feet  
800.04  
0

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© City of Rapid City GIS

**Legend**

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

**Section Lines 0-25k**

- 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
- GENERAL COMMERCIAL
- HEAVY INDUSTRIAL
- LIGHT INDUSTRIAL

**Map Notes:**

# Plat of Lots 1 and 2 of Willard Ranch Subdivision

located in portions of the NW1/4 SE1/4 of Section 28, T2N, R5E, BHM,  
Pennington County, South Dakota

Prepared by  
Paul Land Surveys  
& Consulting Engineers, Inc.  
P.O. Box 3154  
Rapid City, SD 57709  
(605) 348-1338  
Project # 18-06-08

### EASEMENTS

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

### Water Protection Statement

Pursuant to SDCL 31-2-1 and 11-2-2, 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 protection conform to and follow all regulations of the South Dakota Department of Environment and Natural Resources relating to the same.



### LEGEND

- ⊙ = Set Rebar with cap marked "TW Flak 6565"
- = Found Survey Monument as noted
- ⊠ = Found USGS Aluminum Monument LS 3461

SW1/4 NE1/4

SE1/4 NE1/4

Merritt School Road (FDR-642)

BHNF

Lot 1  
3.43 Ac  
149,210 SF

Lot 2  
5.38 Ac  
234,767 SF

Highway 385

NW1/4 SE1/4

PRELIMINARY

### CERTIFICATE OF SURVEYOR

State of South Dakota County of Pennington §

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

In Witness Whereof, I have hereunto set my hand and official seal  
Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

Ronald W. Flak  
Registered Land Surveyor No. 6565



### CERTIFICATE OF HIGHWAY OR STREET AUTHORITY

State of South Dakota County of Pennington §

The location of the proposed lot lines with respect to the Highway or Street as shown 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

State of South Dakota County of Pennington §

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

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

Treasurer of Pennington County:

### CERTIFICATE AND ACKNOWLEDGEMENT OF OWNERSHIP

State of South Dakota County of Pennington §

I, Lillian E. Klenske, Trustee of the Willard Ranch Irrevocable Trust Dated January 3, 2018, do hereby certify that the Willard Ranch Irrevocable Trust Dated January 3, 2018 is the owner of the above described land, and that as its trustee, I do authorize and do hereby approve the survey and within plat of said land, and that development of this land shall conform to all existing applicable zoning, subdivision and erosion and sediment control regulations.

Lillian E. Klenske - Trustee of the Willard Ranch Irrevocable Trust Dated January 3, 2018 (Owner)

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ before me, a Notary Public, personally appeared Lillian E. Klenske, known to me to be the person described in the foregoing instrument and attesting to me that she is a Trustee of the Willard Ranch Irrevocable Trust Dated January 3, 2018, and acknowledged to me that she signed the same.

Notary Public:

My Commission Expires \_\_\_\_\_

### RESOLUTION BY GOVERNING BOARD

State of South Dakota County of Pennington §

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

Pennington County Auditor / Deputy:

### CERTIFICATE OF DIRECTOR OF EQUALIZATION

State of South Dakota County of Pennington §

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

Director of Equalization of Pennington County:

Approved:

Date:

### CERTIFICATE OF THE REGISTER OF DEEDS

State of South Dakota County of Pennington §

Filed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

Document Number \_\_\_\_\_

Register of Deeds of Pennington County

**Fisk Land Surveying & Consulting Engineers, Inc**  
 1022 Main Street (P.O. Box 1704)  
 Rapid City, South Dakota 57709  
 (605) 346-1231 fisklandsurveying.com

Layout - Ken Willard  
 Proposed Lots 1 and 2  
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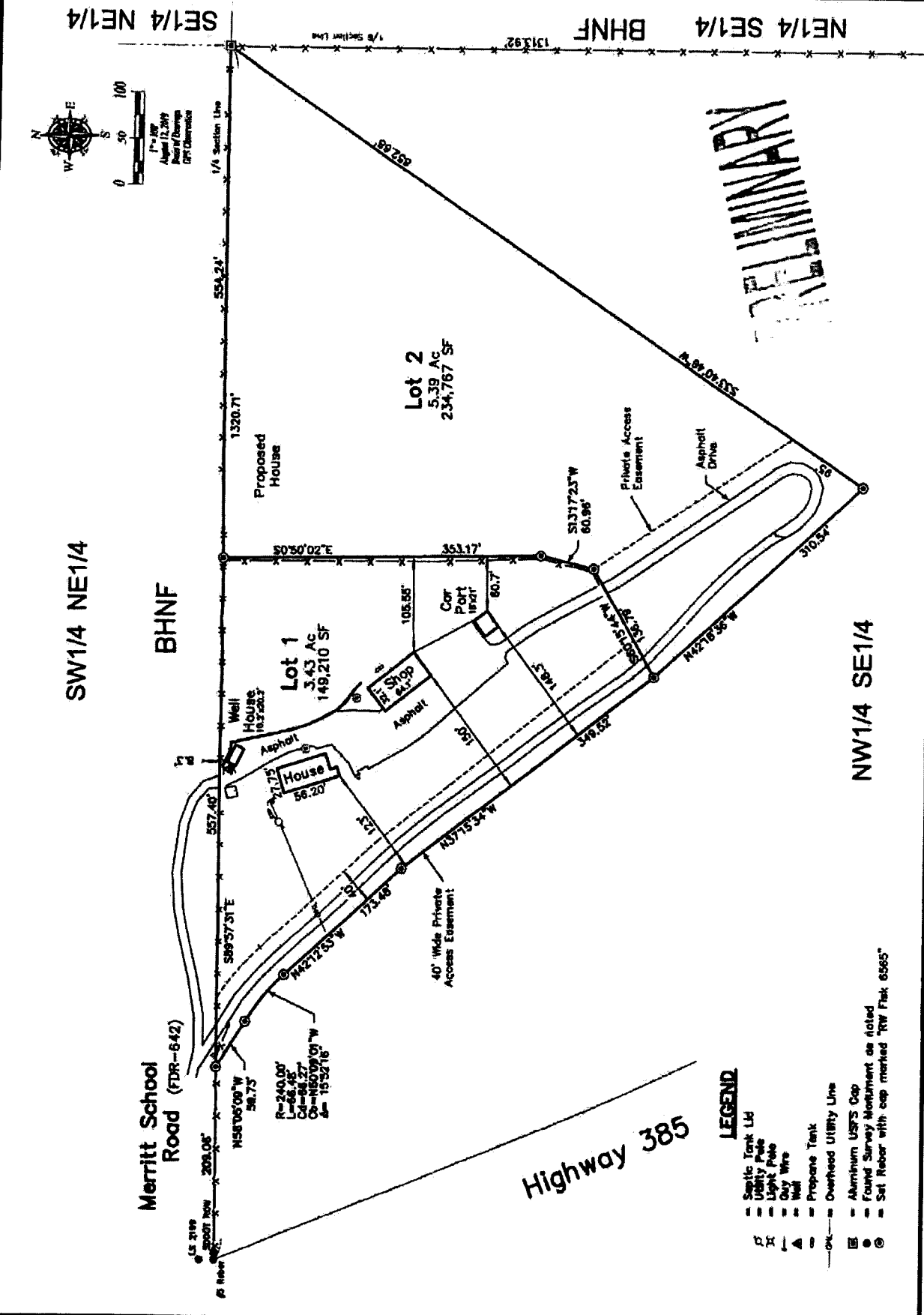
Surveyed by: CD/JF  
 Date: 7/31/2019  
 Drawn by: CDD  
 Checked by: JF

Revisions  
 Lot Configuration  
 8/23/2019

Site Plan  
 1 of 1

Project No  
 19-05-06

**PRELIMINARY**

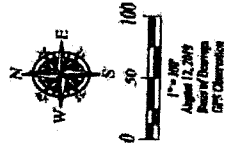


SW1/4 NE1/4

BHNF

NW1/4 SE1/4

Highway 385



- LEGEND**
- Sewer Tank Lid
  - Utility Pole
  - Light Pole
  - Gas Wire
  - Water
  - Prepane Tank
  - Overhead Utility Line
  - Aluminum USFS Cap
  - Fused Survey Monument as noted
  - Set Rebar with cap marked "RW Fisk 6565"

## STAFF REPORT

### GENERAL INFORMATION:

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

APPLICANT: NMMC, Inc; Terry Sayler

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

LOCAL CONTACT: Cody Peterka

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

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

SIZE: 4.74 acres

TAX ID: 63466

EXISTING LAND USE: Residential

ZONING REFERENCE: § 207, 319, and 510

CURRENT ZONING: Low Density Residential District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Forested / Hills

UTILITIES: Private

REPORT BY: Cassie Bolstad / P.J. Conover

NOTE: All new information has been **bolded** below.

**I. PROPOSED RECOMMENDATION**

- A. **Staff will be recommending to continue Conditional Use Permit / CU 19-01 to the November 12, 2019, Planning Commission meeting with two (2) conditions.**

**II. GENERAL DESCRIPTION**

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

**III. EXISTING CONDITIONS**

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



Existing Lot

#### **IV. REQUEST FOR COMMENT**

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



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

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

## V. ANALYSIS

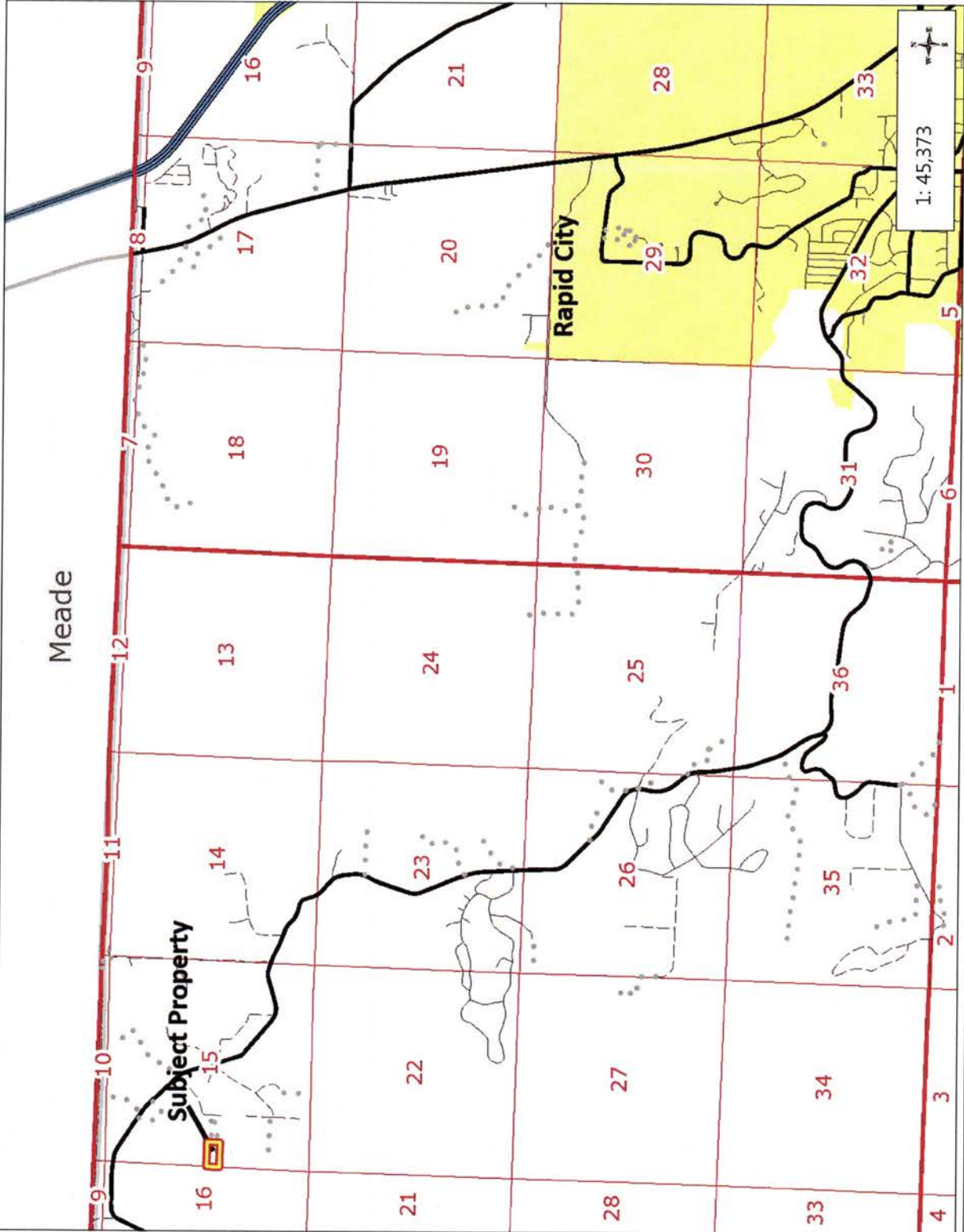
- A. January 23, 2019 – The applicant applied for Conditional Use Permit / CU 19-01 to allow the existing five (5) bedroom residence to be utilized as a Vacation Home Rental.
- B. Upon review of the subject property and submittal documents, Staff has identified the following issues that must be addressed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



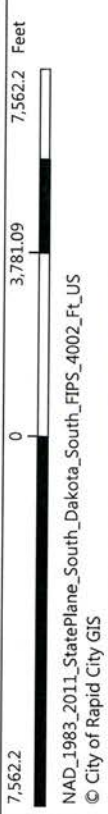
1. Ms. Steffen was inquiring about what must be done to move forward with CU 19-01.
- I. June 18, 2019 – Staff replied to Ms. Steffen’s email advising of the issues that must be addressed.
- J. June 19, 2019 – Ms. Steffen replied to Staff’s email stating, “I will get this information to you as soon as possible, thank you so much for your help.”
- K. **Between June 19, 2019 and October 23, 2019, Staff had not heard from Ms. Steffen.**
  1. **On October 17, 2019 (12:04 p.m.), Staff emailed Ms. Steffen reminding her of the two (2) items needed to move CU 19-01 forward. Those items are:**
    - a. **Approval Letter from DENR for VHR; and,**
    - b. **Pumping contract from a certified company to pump the holding tanks.**
    - c. **A copy of the email, in its entirety, is included with this Staff Report.**
- L. **October 23, 2019, Staff received an email from Ms. Steffen’s with an attachment that contained the necessary information from DENR. However, a pumping contract, which has been requested since February 2019, was not submitted.**
  1. **Per Ms. Bolstad’s email on October 17, 2019, Ms. Steffen had until October 22, 2019, to submit the contract paperwork.**
  2. **Due to the deadlines for the completion of this Staff Report, Ms. Steffen was given until 3:00 p.m. on October 23, 2019 to submit the necessary paperwork and avoid a continuation.**
  3. **The paperwork, as of this Staff Report, has not been submitted.**
- M. **Pump receipts have been requested, for the subject holding tanks, as far back as 2017 (see page 3 of this Staff Report).**

**RECOMMENDATION: Staff recommends to continue Conditional Use Permit / CU 19-01 to the November 12, 2019, Planning Commission meeting to allow the applicant additional time to address outstanding issue, with the following two (2) conditions:**

1. **That prior to CU 19-01 being heard on November 12, 2019, the applicant shall:**
  - a. **Submit the requested pumping contract(s); and,**
  - b. **Pay the \$100 continuation fee in accordance with § 511(X); and,**
2. **That if the applicant is unable to provide the requested pumping contract(s) and pay the \$100 continuation fee prior to November 12, 2019, that CU 19-01 be denied.**



1: 45,373



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
- PLSS
- Townships
- City Limits
- BOX ELDER
  - ELLSWORTH AFB
  - HILL CITY
  - KEYSTONE
  - NEW UNDERWOOD
  - QUINN
  - RAPID CITY
  - WALL
  - WASTA

**Map Notes:**

**Legend**

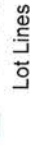
**Roads**

- Interstate
- US highway
- 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:**



**Subject Property**

16

15

1: 5,672

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

945.3 Feet

472.64

0

945.3



1: 6,617

1,102.8 0 551.41 1,102.8 Feet

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

**Map Notes:**

**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

## **Bolstad Cassie**

---

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

Carmen -

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

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

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

Thanks!

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

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

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

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

Cassie,

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

Thank You,

Carmen Steffen



# IN CASE OF AN EMERGENCY CALL 911

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

RECEIVED  
AUG 28 2019  
BY: CB

RECEIVED  
AUG 28 2019  
BY: *CB*

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

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

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

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

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

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

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

**REFERRAL PROGRAM**

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

# HILLS SEPTIC SERVICE SERVICE CONTRACT

Rapid City, SD 57702 ☎ 605-348-3293

## AQUA SAFE® Advanced Waste Treatment System

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

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

### Inspections calls will include:

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

### Schedule of Routine Service and Maintenance Events:

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

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

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

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

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

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

  
Hills Septic Service Representative

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

CONTINUING SERVICE AGREEMENT

  
Property Owner

8/12/19  
Date

## **Bolstad Cassie**

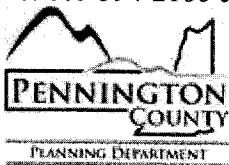
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**From:** Bolstad Cassie  
**Sent:** Monday, September 16, 2019 12:53 PM  
**To:** 'Terry'  
**Subject:** RE: 22553 Smokey Ridge Rd.

Thank you, Carmen.

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

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



---

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

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

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

---

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

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

**Allison Ainslie**

Hills Septic Service

605-348-3293

A to Z Shredding

605-716-5555





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

**Hills Septic Service Log**

Address 22553 Smokey Ridge Rd.

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

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

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

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

Date of Service 4/27/18 Technician Andrew Gallons 2050  
Observations good.

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

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



PENNINGTON COUNTY  
 PLANNING DEPARTMENT  
 130 KANSAS CITY STREET, SUITE 200  
 RAPID CITY, SD 57701  
 605-394-2188 • FAX 605-394-6016  
 www.pennco.org/wastewater



**ON-SITE WASTEWATER TREATMENT SYSTEM OBSERVATION FORM**

Date 8/9/19 Time 11:00 Weather Normal  
 Owner Ferry Sawyer Phone (605) 1061-4311  
 Address 22553 Smokey Ridge Rd. City Rapid City Zip 57702

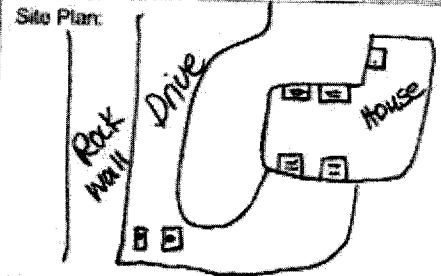
**System Information**

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

If a steel tank is present, is the tank pitted, flaking or appear to be collapsing? YES NO  
 \* C=Concrete F=Fiberglass P=Plastic S=Steel X=Cesspool, Seepage Pit, Drywell, or Leaching Pit O=Other  
 \*\* T=Trench B=Bed M=Mound H=Holding Tank ET=Evapotranspiration System DI=Drip Irrigation O=Other

**Performance and Integrity**

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

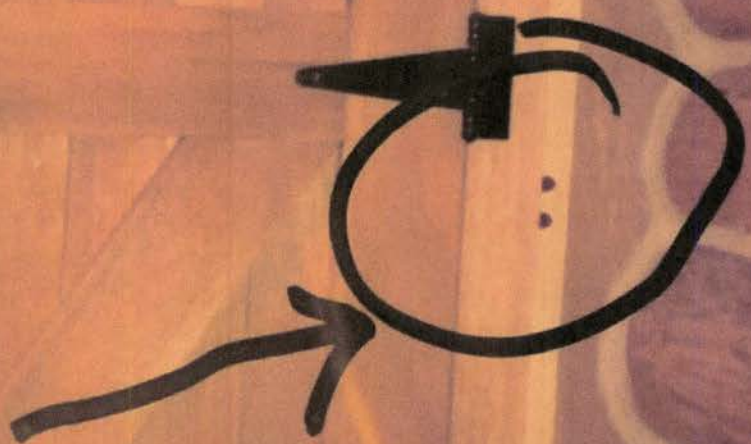


Observation Completed by  
 (Print Name) Andrew Franz Date 8/29/19  
 Signature [Signature]  
 Company HILLS SEPTIC SERVICE  
4781 STURBIS RD  
RAPID CITY SD 57702

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

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

RECEIVED  
SEP 16 2019  
CB



P



## Conover PJ

---

**From:** Carmen Steffen <carmen.proauto@yahoo.com>  
**Sent:** Wednesday, October 23, 2019 12:39 PM  
**To:** Bolstad Cassie  
**Subject:** Fw: 22553 Smokey Ridge Road Approval Letter  
**Attachments:** 2910 22553 Smokey Ridge Road.pdf

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

Here is the attachment. Thanks again

[Sent from Yahoo Mail for iPhone](#)

Begin forwarded message:

On Wednesday, October 23, 2019, 11:04 AM, Cherney, Matt <Matt.Cherney@state.sd.us> wrote:

Hi Carmen,

Please find attached the approval letter for 22553 Smokey Ridge Road, Rapid City, South Dakota. A hard copy is in the mail. I apologize that this is a little later than you would have liked, it took me a little longer than I thought to get the information I needed from the county.

Matt Cherney

Natural Resources Engineer

South Dakota Department of Environment and Natural Resources

[605-773-3651](tel:605-773-3651)

[matt.cherney@state.sd.us](mailto:matt.cherney@state.sd.us)



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

denr.sd.gov

October 23, 2019

Carmen Steffen  
2511 East Highway 50  
Yankton, SD 57078

RE: On-site wastewater system for a vacation rental located at 22553 Smokey Ridge Road, Rapid City, South Dakota.

Dear Ms. Steffen:

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 vacation rental located on 22553 Smokey Ridge Road, Rapid City, South Dakota. The request has been reviewed for compliance with South Dakota's "Individual and Small On-Site Wastewater Systems" regulations.

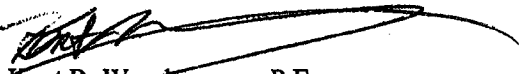
The following information was used in making the determination.

- The present home was built in 2010 and the Pennington County on-site wastewater inspection report shows that the septic system is sized for an anticipated maximum daily flow of 600 gallons.
- After checking with Pennington County and our files we find no history of problems with the existing wastewater system.

Based on the information provided by Pennington County we consider this wastewater system approved for a maximum daily flow of 600 gallons. This would be sufficient for up to 10 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.

## **Cherney, Matt**

---

**From:** Doreff TJ <tj.doreff@pennco.org>  
**Sent:** Tuesday, October 22, 2019 5:12 PM  
**To:** Cherney, Matt  
**Subject:** RE: [EXT] 22553 Smokey Ridge Road

Hello,

They pulled the permit for the house in 2010. It now has a total of 5 bedrooms and according to their septic permit in 2010 they do not have a garbage disposal.

T.J.

---

**From:** Cherney, Matt <Matt.Cherney@state.sd.us>  
**Sent:** Tuesday, October 22, 2019 7:31 AM  
**To:** Doreff TJ <tj.doreff@pennco.org>  
**Subject:** RE: 22553 Smokey Ridge Road

Hi TJ,

I have a couple more questions. When was the rental home built? What is the maximum daily flow? Is there a garbage disposal? This should be all of the information I need.

Thanks!  
-Matt

---

**From:** Doreff TJ <tj.doreff@pennco.org>  
**Sent:** Monday, October 21, 2019 5:27 PM  
**To:** Cherney, Matt <Matt.Cherney@state.sd.us>  
**Subject:** RE: [EXT] 22553 Smokey Ridge Road

Hello,

This has been a fun one. He has two holding tanks. Both are 2500 gallons-1 blackwater and 1 greywater. He is currently working with the county to submit a plan for when the tank alarms go off while guests are staying at his rental. Once this is in place the county will be able to issue him an operating permit. So he should be all good with the county. The question is how many people to allow on a system like this. This is the only vacation home rental we are aware of on holding tanks.

Let me know if you have any other questions.

T.J.

---

**From:** Cherney, Matt <Matt.Cherney@state.sd.us>  
**Sent:** Monday, October 21, 2019 12:23 PM  
**To:** Doreff TJ <tj.doreff@pennco.org>  
**Subject:** 22553 Smokey Ridge Road

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

Hi TJ,

Do you have any records for 22553 Smokey Ridge Road, Rapid City, SD? They're requesting an approval letter and I was just wondering if you had any records.

Thanks!

Matt Cherney  
Natural Resources Engineer  
South Dakota Department of Environment and Natural Resources  
605-773-3651  
[matt.cherney@state.sd.us](mailto:matt.cherney@state.sd.us)

*This e-mail, including any attachments, is confidential, may be legally privileged, and is covered by the Electronic Communications Privacy Act, 18 USC §§ 2510-2521. If you are not the intended recipient, you are hereby notified that any retention, disclosure, distribution, or copying of this information is strictly prohibited. If you are not the intended recipient, please reply to the sender that you have received this message in error and then delete it and any attachments.*

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September 1, 2011

Larry Nelson  
Nelson Ditching  
PO Box 109  
Nemo, SD 57759

Dear Mr. Nelson:

The South Dakota Department of Environment and Natural Resources is in receipt of your variance requests for the wastewater holding tank systems to be located at 22553 Smoke Ridge Road, Rapid City, South Dakota. The variance requests have been reviewed for compliance with South Dakota's "Individual and Small On-Site Wastewater Systems" regulations.

Your request for a variance to locate a graywater holding tank and a blackwater holding tank less than 6 feet from each other has been reviewed. The Administrative Rules of South Dakota (ARSD) § 74:53:01:24 (3) requires the length of pipe used between tanks that are connected in series to be at least 6 feet in length. Since these two tanks are not connected this rule does not apply, but sufficient room needs to be provided between the tanks to allow for compaction of the backfill material.

Your request for a variance to allow a vehicle to park over the top of the holding tanks is granted based on the fact that the tank's design meet the American Association of Highway and Transportation Officials (AASHTO) HS20 load rating, a maximum of 2 feet of backfill is placed over the tank, and the access ports shall be designed to withstand vehicle traffic.

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

Please feel free to contact this office if you have any questions.

Sincerely,

Kent R. Woodmansey, P.E.  
Natural Resources Engineering Director  
(605) 773-3351

cc: Aaron Olson, Pennington County

## **Bolstad Cassie**

---

**From:** Bolstad Cassie  
**Sent:** Thursday, October 17, 2019 12:04 PM  
**To:** 'Carmen Steffen'; 'Terry'  
**Cc:** Conover PJ  
**Subject:** Outstanding Documents for Sayler Cabin

Good morning, Carmen –

I'm reaching out to touch base with you on the remaining documents that are needed to move forward with Terry Sayler's Conditional Use Permit. Last time we spoke we discussed needing the following 2 items:

1. An approval letter from the South Dakota Department of Environment & Natural Resources for the Vacation Home Rental. They can be contacted at (605) 773-3351.
2. A pumping contract from Hills Septic, or another Pennington County certified pumper, for the holding tanks.

The Conditional Use Permit is scheduled to go back before the Planning Commission on October 28<sup>th</sup>, so the documents will need to be submitted to us no later than October 22<sup>nd</sup>. Otherwise, the request will have to be continued again. If we do have to continue the request again, there will be a \$100 charge for the continuation.

Please let us know if you have any questions!

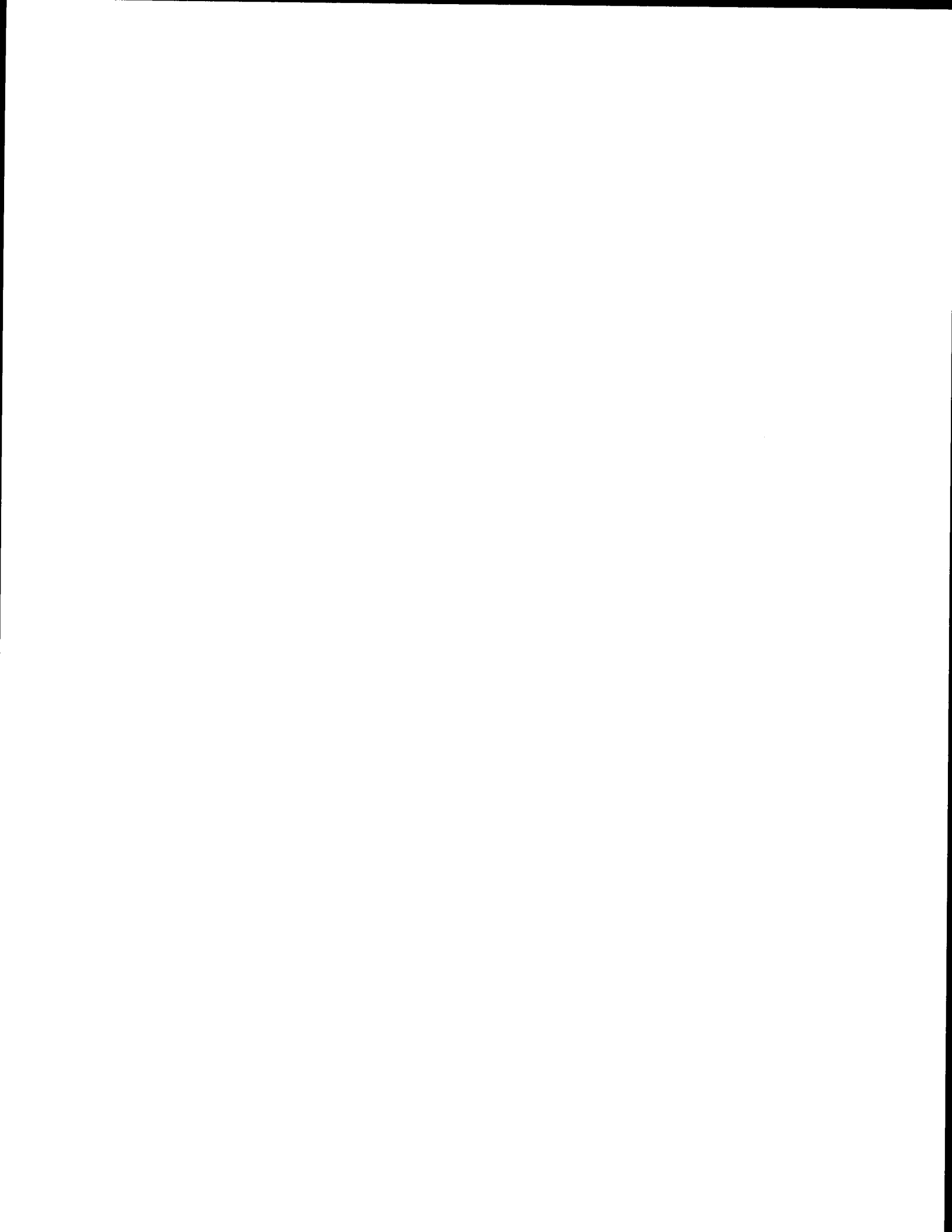
Note: Tomorrow (Friday) is my last day with Pennington County, so moving forward please contact PJ Conover with regard to the Conditional Use Permit. I've cc'd him on this email so that you have his email contact.

Thank you,

**Cassie Bolstad**

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





STAFF REPORT

GENERAL INFORMATION:

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

APPLICANT: Perry and Vicki Van Newkirk

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

AGENT / LOCAL CONTACT: LeeAnn McDonald

ADDRESS: P.O. Box 616, Hill City, SD 57745

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

SITE LOCATION: 12283 Deerfield Road

SIZE: 3.37 acres

TAX ID: 69364

EXISTING LAND USE: Residential

ZONING REFERENCE: Sections 207, 319, and 510

CURRENT ZONING: Low Density Residential District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Open Meadow / Trees

UTILITIES: Private

REPORT BY: Kristina Proietti



**I. PROPOSED RECOMMENDATION**

- A. Staff will be recommending the approval of Conditional Use Permit / CU 19-18 with fourteen (14) conditions.

**II. GENERAL DESCRIPTION**

- A. The applicants, Perry and Vicki Van Newkirk, are requesting a Conditional Use Permit to allow an existing three (4) bedroom single-family residence to be used as a Vacation Home Rental on the subject property.
- B. The Subject property's Onsite Wastewater Treatment System (OSWTS) needed upgrading prior to their proposed Vacation Home Rental being heard in front of the Planning Commission to be decided on.
  - 1. August 12, 2019 the Planning Commission approved to continue Conditional Use Permit / CU 19-18 to no later than the November 12, 2019, Planning Commission meeting, with the agent's concurrence.
- C. September 12, 2019, Staff inspected and verified the upgrades made to upsize the existing OSWTS.
- D. September 24, 2019, staff received the South Dakota Department of Environment and Natural Resources letter pertaining to the OSWTS on the subject property, stating that the system is designed for a maximum daily flow of 648 gallons, until such time the system is altered or fails. This is based on 360 gallons per day from the existing system and an additional 288 gallons per day from the new system and is sufficient for up to 10 persons per night staying at this vacation rental.

**III. EXISTING CONDITIONS**

- A. Zoned Low Density Residential.
- B. 3.37 acres.
- C. There is Special Flood Hazard on the property, (Image 1).
- D. Single-family residence County Building Permit (COBP) / 1997COBP0519.
- E. Detached garage COBP / 1998COBP0509.



Image 1. Special Flood Hazard Area

- F. Floodplain Development Permit for a fire pit / FP 19-42.
- G. On-site Wastewater Treatment System (OSWTS) Construction Permit / COSD19-0079.
- H. On-Site Wastewater Treatment System Operating Permit / COOP19-0932.

**IV. REQUEST FOR COMMENT**

- A. County Highway Department
  - 1. No comments received.
- B. Emergency Services (9-1-1)
  - 1. Good here as long as assigned physical addresses are posted in accordance with Penn Ord #20.
- C. County Fire Administrator
  - 1. No comments received.
- D. County Environmental Planning Supervisor
  - 1. There is Special Flood Hazard Area (SFHA) on the subject property. A Floodplain Development Permit is required prior to any disturbance in the SFHA.
- E. County Onsite Wastewater Specialist
  - 1. According to the USDA Web Soil Survey, the soils are classified as "Somewhat to Very Limited." The applicant has a valid septic permit approved for 3 bedrooms (95COSD0108). They also have a current Operating Permit (COOP-0853). They still need approval from DENR.
    - a. *Staff note: Staff received approval letter from SD DENR on September 24, 2019.*
- F. County Ordinance Enforcement
  - 1. No comments received.
- G. County Addressing Coordinator
  - 1. No addressing concerns at this time.
- H. U. S. Forest Service

Here are the Forest Service comments regarding the McDonald (Van Newkirk, Perry and Vicki landowner) conditional use permit and vacation home rental request:

  - 1. The Forest Service has no objections to the proposed McDonald (Van Newkirk, Perry and Vicki landowner) conditional use permit and vacation home rental.
  - 2. The Forest Service granted a FLPMA Private Road Easement to the Burn's Placer Association, PAH179 on 08/27/2003. All private property landowners of Lot 41 to Lot 47 have access to their private property across National Forest System lands and by using the Burn's Placer FLPMA Private Road Easement. I have attached a pdf copy of the easement for your files. A secondary access across National Forest System lands will not be considered.
  - 3. Protect all posted boundary line corners, signs and bearing trees.

Agenda Item #22

Perry and Vicki Van Newkirk; LeeAnn McDonald - Agent

October 28, 2019

4. Adhere to the setback requirements along the posted boundary between National Forest System lands (USA Public Domain) and the private property.
  5. Protect all known stream courses, ponds and riparian areas located on National Forest System lands.
  6. No resource damage to occur on National Forest System lands.
  7. All straw bales, erosion mats, slash mats, etc. located on private property will need to be certified weed-free. Provide a copy of the certification to the Forest Service.
  8. No construction materials to be placed on National Forest System lands.
  9. All proposed drain fields, leach lines or septic systems will need to be located on private property and not located on or drain or leach onto National Forest System lands; septic system holding tank (s) and potable water holding tank (cistern) will be required to be located on private property.
  10. All construction materials, supplies, trash or garbage or fill material will not be located or dumped on National Forest System lands; take all construction materials, supplies, trash or garbage to an approved location (approved sanitary landfill).
  11. Public roads in this area of the Black Hills National Forest are classified as "Highways" and "Roads Open to Highway Legal Vehicles Only" per the latest version (January 1, 2019) of the Motor Vehicle Use Map.
  12. No motorized trailheads or motorized trails or motorized roads are planned or scheduled for this portion of the Black Hills National Forest.
  13. No motorized trails for ATV, motorcycles or ORV will be authorized from private property unto National Forest System lands (USFS does not want unauthorized trails constructed on National Forest System lands).
- I. Black Hills Electric Cooperative
1. Black Hills Electric Cooperative has no concerns with this conditional use permit.

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

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

1. **The effect upon the use and enjoyment of the other property in the immediate vicinity for the uses already permitted, and upon property values within the immediate vicinity.**
  - a. The proposed use for the single-family residence as a Vacation Home Rental should not affect the use and enjoyment of other property in the immediate vicinity for the uses already permitted, and upon property values in the surrounding properties.
  - b. On August 22, 2019, Staff has received one letter of concern from a Mr. Dan Pulse, a copy of this letter is attached to this Staff report.
2. **The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.**
  - a. It appears that by allowing this Conditional Use Permit, the use should not affect the normal, orderly development or improvement of any surrounding vacant property in the area.
3. **That utilities, access roads, drainage, and/or other necessary facilities are provided.**
  - a. The proposed use of the existing single-family residence should not require any utilities or facilities that are not already in place. Access is to be provided off of Deerfield Road. Lastly, staff has no drainage concerns relating specifically to the applicant's request at this time.
4. **That the off-street parking and loading requirements of these Zoning Ordinances are met.**
  - i. Pennington County Zoning Ordinance § 310(A)(9)(gg) requires one (1) off-street parking spaces per bedroom. It appears that adequate parking is provided on the subject property.
5. **That measures are taken to control offensive odor, fumes, dust, noise, vibration, and lighting (inclusive of lighted signs), so that none of these will constitute a nuisance.**
  - a. The proposed Conditional Use, by its very nature, should have limited odor, fumes, dust, noise, vibrations, and intrusive lighting. The applicant should take care so the proposed use does not create the above-listed elements in any amount that would constitute a nuisance.

**VI. ANALYSIS**

- A. Staff spoke on the phone with the designated Local Contact, LeeAnn McDonald, on July 26, 2019 regarding the septic issues. Ms. McDonald stated that she would contact the property owners to address the septic concerns.
- B. September 12, 2019, Staff inspected and verified improvements made to the existing OSWTS.
- C. The applicant has complied with all of the application and submittal requirements for a VHR, as listed in PCZO §319, including the following:
  - a. Complete application and floor plans.
  - b. South Dakota Department of Revenue Sales Tax License.
  - c. South Dakota Department of Health Lodging License for 2019.
  - d. An Emergency Evacuation plan.
  - e. Local contact: LeeAnn McDonald.
  - f. Approval from SD DENR – received September 24, 2019.
- D. October 11, 2019, Staff met with the Local Contact, LeeAnn McDonald and performed a site visit to the subject property.
- E. All required fire extinguishers and smoke alarms are located in their designated spots and are up-to-date.
- F. At this time Staff has received one complaint via email from a neighbor.



Site photo 10/11/2019.

**RECOMMENDATION:** Staff recommends approval of the extension of Conditional Use Permit / CU 19-18 with the following fourteen (14) conditions:

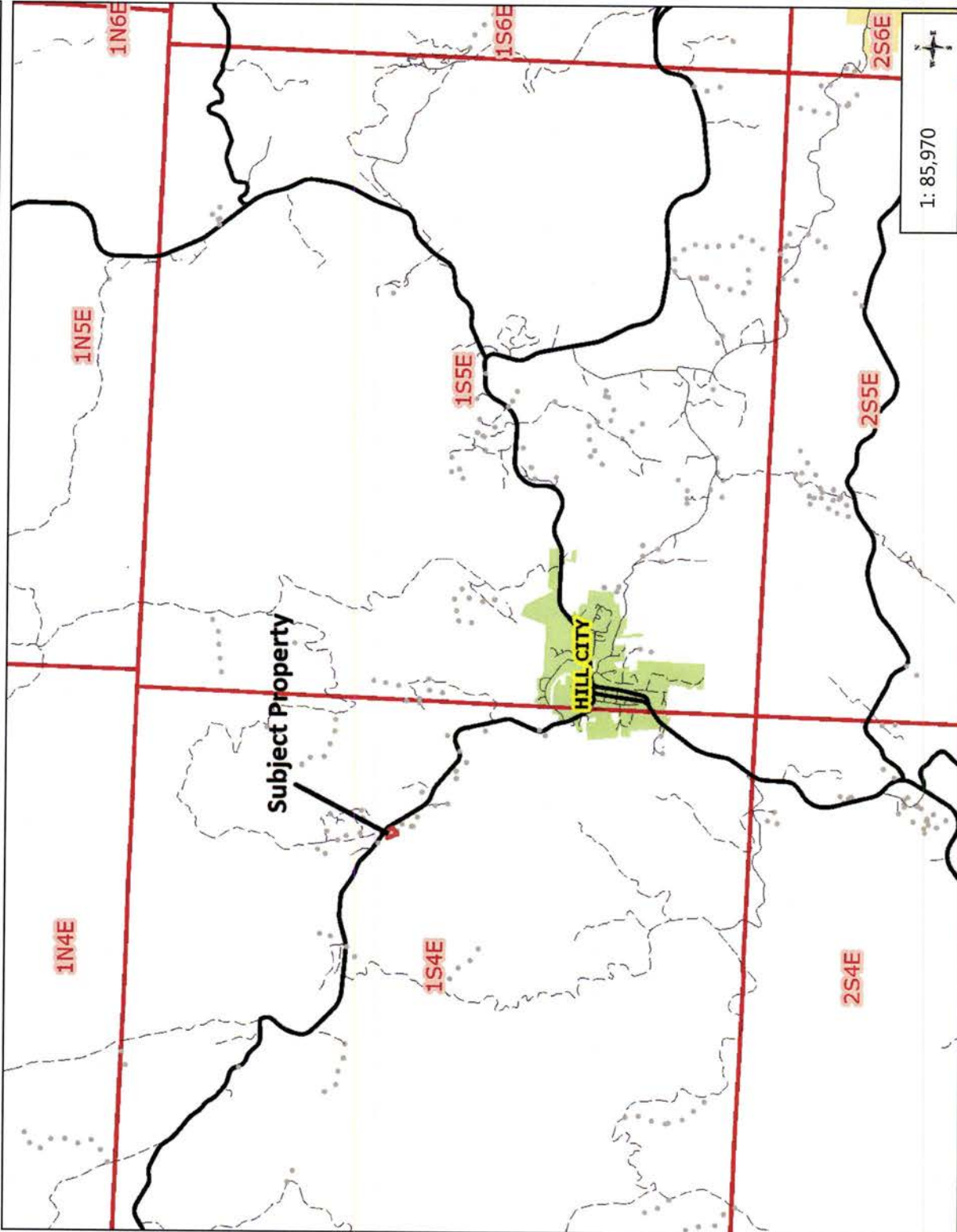
1. That the Vacation Home Rental be allowed to have a maximum overnight occupancy, based on SD DENR approval, be limited to ten (10) people and the maximum daytime occupancy be limited to twenty (20) people, per Pennington County Zoning Ordinance (PCZO) § 319(F)(13);
2. That all necessary permits are obtained prior to any additions and/or alterations to the structure or upgrades/alterations to the on-site wastewater treatment system;
3. That the applicant continually maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department upon request;
4. That the applicant continually maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;
5. That a minimum of four (4) 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;
6. 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, as well as floodplain map per Section 319(G)(1)(n);
7. That the lot address (12283 Deerfield Road) 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;
8. That the applicant ensure the Vacation Home Rental is continually operated in accordance with the requirements of PCZO § 319(F) (Performance Standards) at all times;
9. That if the person designated as the Local Contact is ever changed from LeeAnn McDonald, 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;

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Perry and Vicki Van Newkirk; LeeAnn McDonald - Agent

October 28, 2019

10. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
11. That an approved Sign Permit be obtained prior to the placement of any sign(s);
12. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
13. That each review of Conditional Use Permit / CU 19-18, be subject to PCZO §511(F)(4), which imposes a \$100 fee per review; and,
14. 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

14,328.4 0 7,164.18 14,328.4 Feet

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

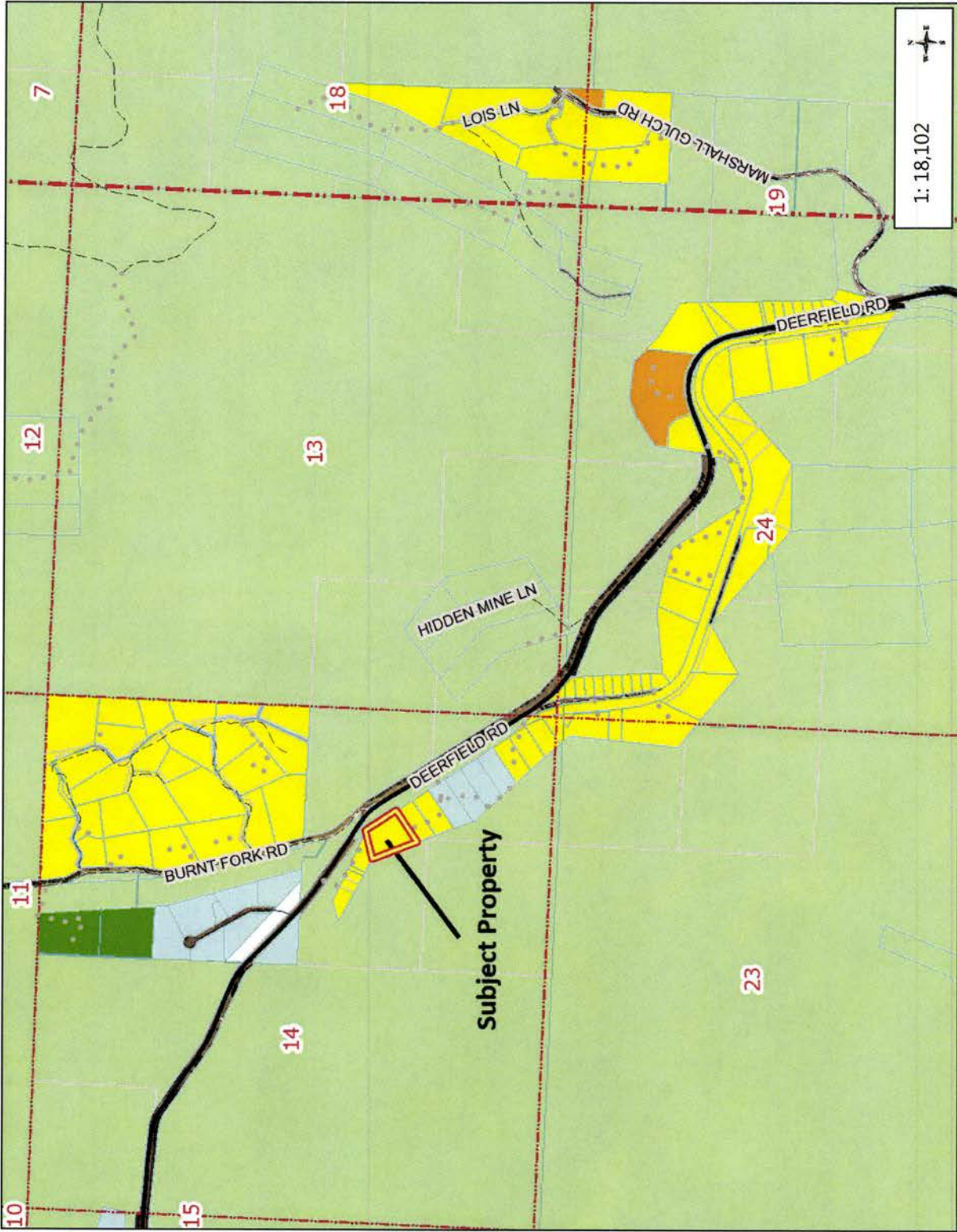
NAD\_1983\_StatePlane\_South\_Dakota\_South\_FIPS\_4002\_Feet  
 © City of Rapid City GIS

**Legend**

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

**Map Notes:**





1: 18,102

3,017.0 1,508.48 3,017.0 Feet

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**Section Lines 0-25k**

- 0
- 7

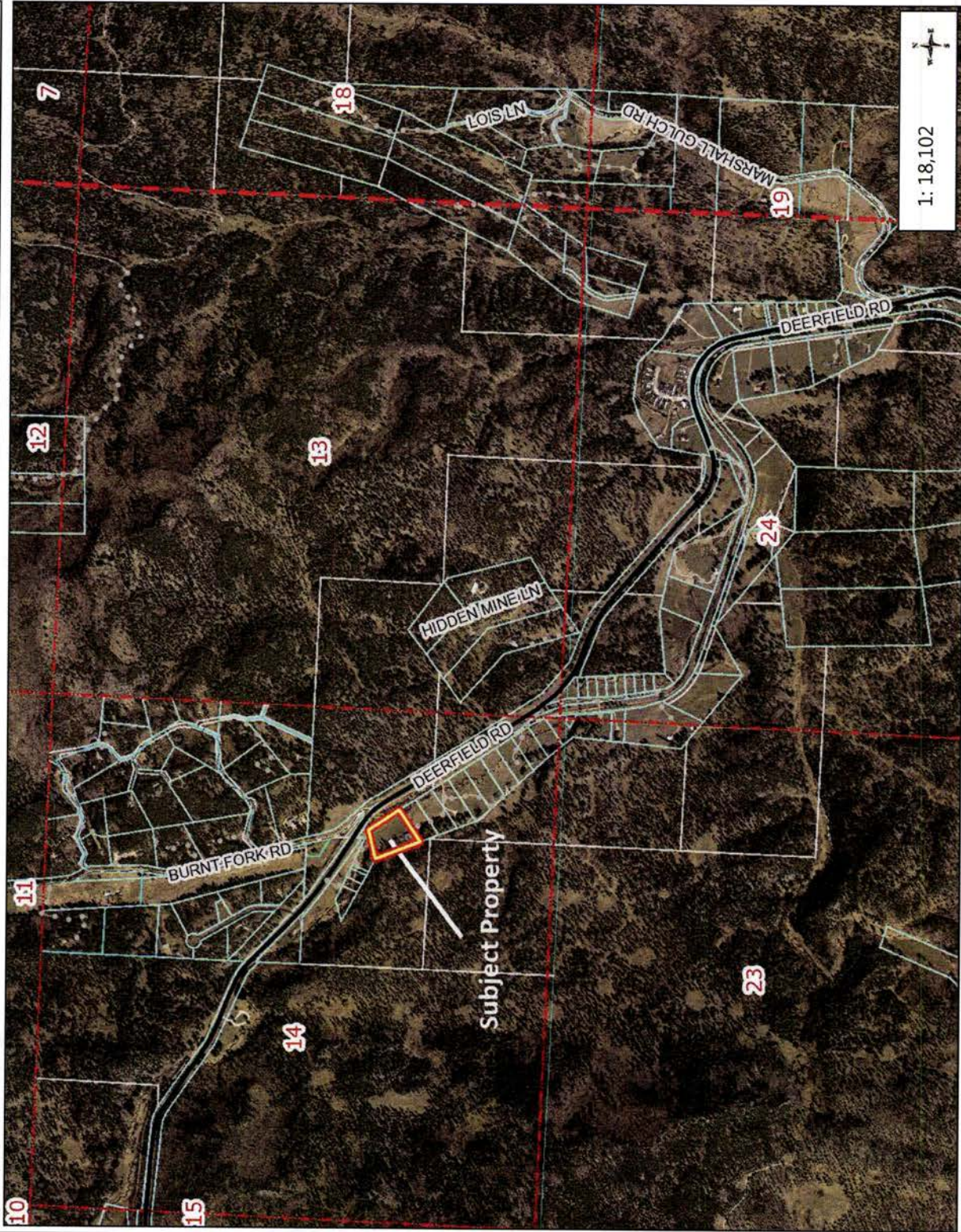
**Tax Parcels**

- 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: 18,102

3,017.0 0 1,508.48 3,017.0 Feet

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

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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: 1,512



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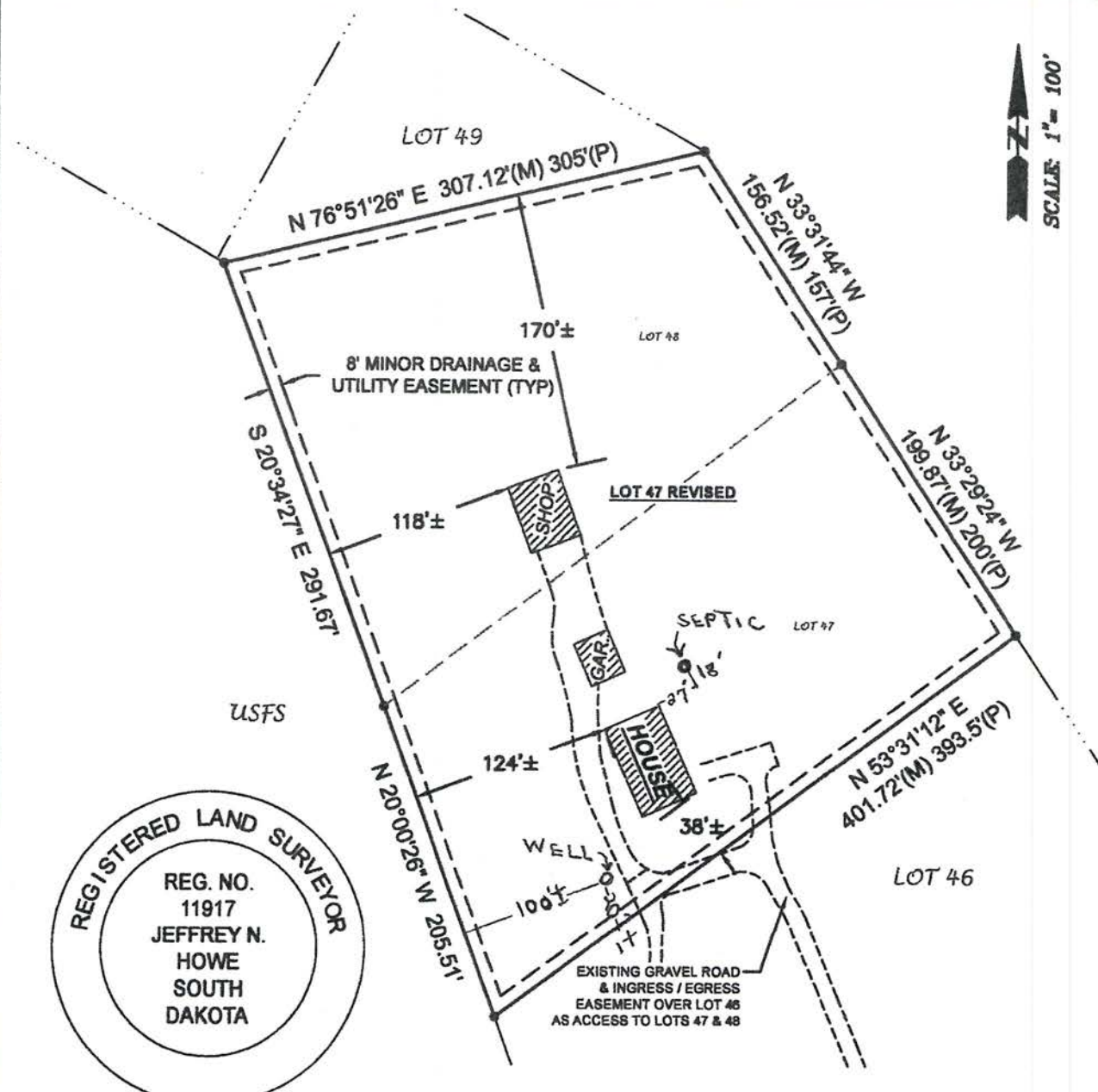
**Legend**

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

**Map Notes:**

# IMPROVEMENT LOCATION SURVEY

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



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

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



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

**VACATION HOME RENTAL (VHR)**  
**CHECKLIST and SUPPLEMENTAL APPLICATION**

**APPLICATION REQUIREMENTS:**

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

**LOCAL CONTACT INFORMATION:**

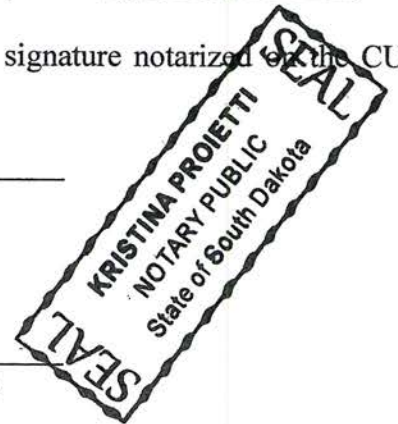
Name: LeeAnn McDonald Primary Contact Number: (307)680-5514  
Mailing Address: P.O. Box 666  
City: Hill City State: SD Zip Code: 57730

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

[Signature] \_\_\_\_\_ Date 7/16/19 \_\_\_\_\_  
Signature of Local Contact

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

[Signature] \_\_\_\_\_ My Commission Expires 3/22/2025  
Notary Public for the State of South Dakota





DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

denr.sd.gov

July 23, 2019

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

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

Dear Ms. McDonald:

The South Dakota Department of Environment and Natural Resources is in receipt of your request for approval of an existing wastewater system for a home/vacation rental located on Lot 47, Burns Placer MS 697, SE ¼, Section 14, Township 1 South, Range 4 East, Pennington County, South Dakota. The request has been reviewed for compliance with South Dakota's "Individual and Small On-Site Wastewater Systems" regulations.


The following information was used in making the determination.

- The present home is a three bedroom home, and
- After checking with Pennington County and our files we find no history of problems with the existing wastewater system.

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

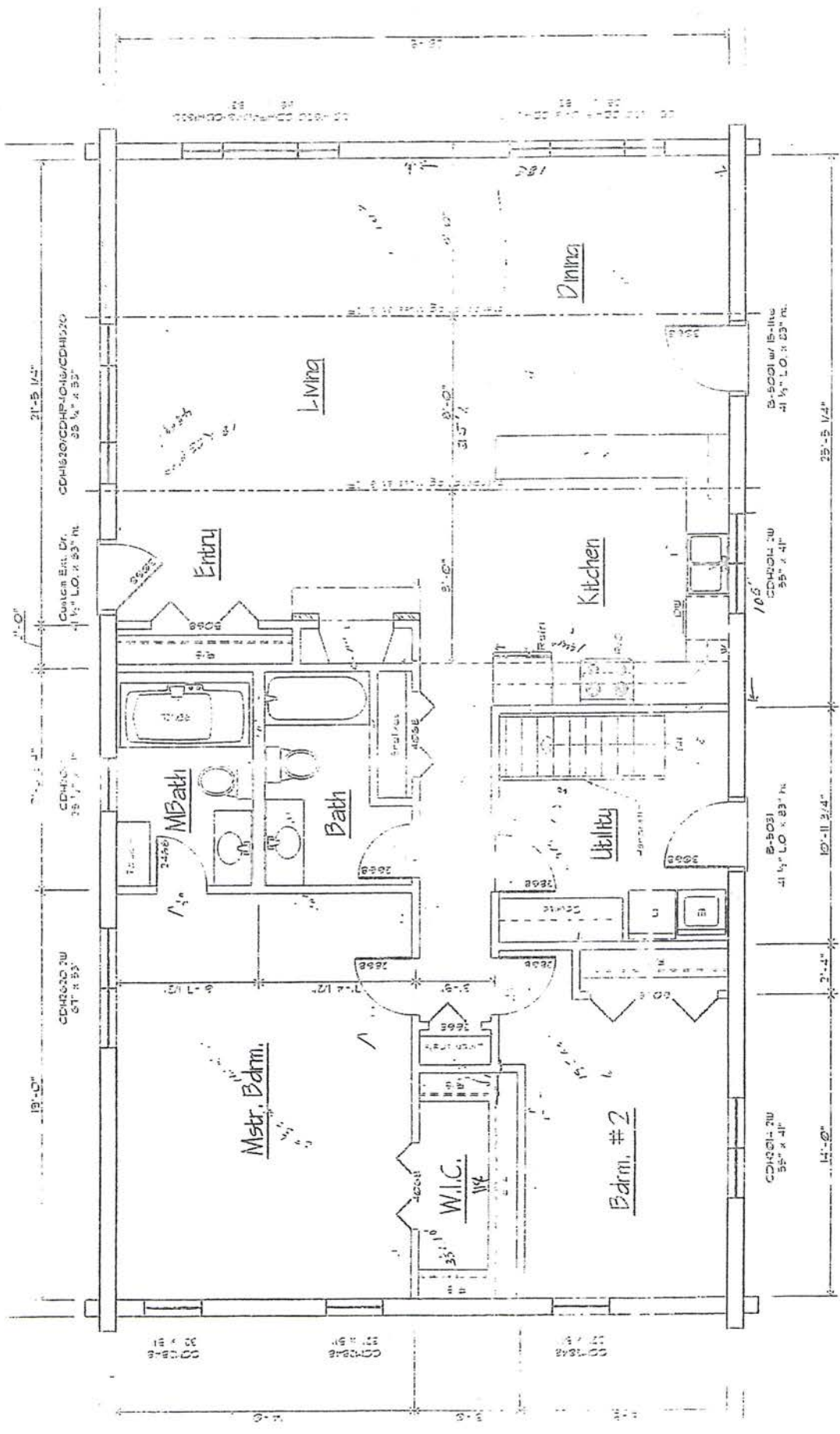
The lifetime of this system is dependent upon proper construction and regularly scheduled maintenance.

Sincerely,

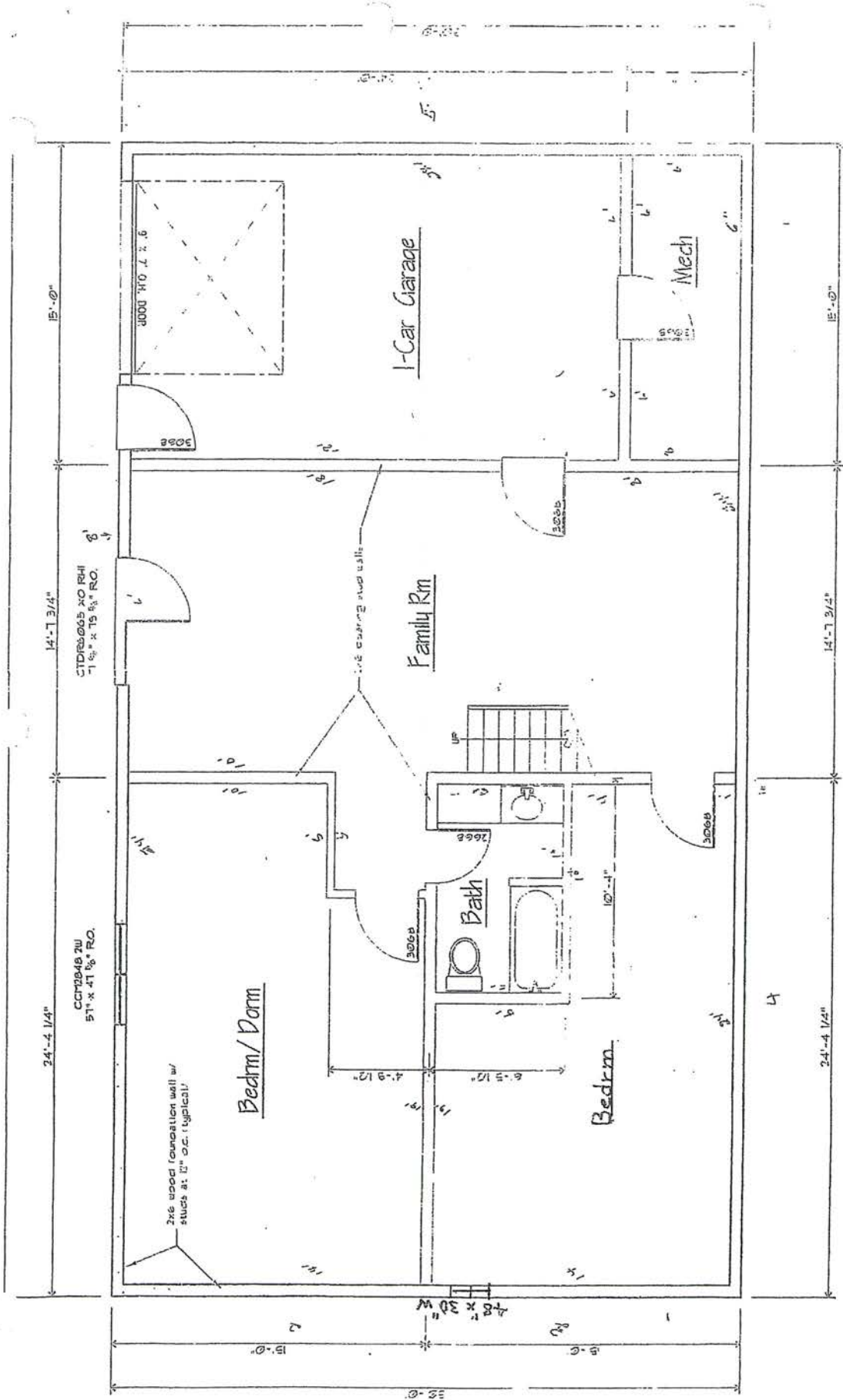


Kent R. Woodmansey, P.E.  
Engineering Manager  
(605) 773-3351

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



MAIN FLOOR



BASMENT



# SOUTH DAKOTA DEPARTMENT OF HEALTH LODGING LICENSE APPLICATION

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

## SECTION 1: ESTABLISHMENT INFORMATION

ESTABLISHMENT NAME <b>Newton Creek Retreat</b>		LIST PREVIOUS ESTABLISHMENT NAME <b>emait</b>		OLD LIC. #	
CORPORATION/OWNER NAME <b>Perry Vicki Van Newkirk</b>		CORPORATE CONTACT/PHONE <b>888-934-1116</b>		ESTABLISHMENT PHONE <b>info@rushmanvacationrentals.com</b>	
ESTABLISHMENT PHYSICAL ADDRESS (NO PO BOX #'S) <b>12283 Deerfield Road</b>		CITY <b>Hill City</b>		STATE <b>SD</b>	
IF RURAL LOCATION, GIVE DIRECTIONS FROM NEAREST CITY		COUNTY		ZIP <b>57745</b>	
MAILING ADDRESS (IF DIFFERENT THAN PHYSICAL ADDRESS) <b>P.O. Box 666</b>		CITY <b>Hill City</b>		STATE <b>SD</b>	
EMAIL ADDRESS <b>info@rushmanvacationrentals.com</b>		CITY <b>Hill City</b>		STATE <b>SD</b>	
APPLICATION IS FOR: <input checked="" type="checkbox"/> NEW BUSINESS <input type="checkbox"/> CHANGE OF OWNERSHIP		DATES OPEN - IF SEASONAL From: _____ To: _____		PROPOSED OPENING DATE <b>7/15/19</b>	
		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 <sup>1</sup>	FEE TOTAL Complete all that apply
<b>Bed &amp; Breakfast:</b> (No other fees apply)		<input type="checkbox"/> \$38.00 Registration Fee	<input type="checkbox"/> \$38.00 Registration Fee	<input type="text"/>
<b>Vacation Home:</b>		<input type="checkbox"/> \$70.00 This includes the inspection fee <sup>2</sup>	<input checked="" type="checkbox"/> \$35.00 This includes the inspection fee <sup>2</sup>	<input type="text"/>
<b>Specialty Resort:</b> 10 or Less Sleeping Rooms		<input type="checkbox"/> \$70.00 This includes the inspection fee <sup>2</sup>	<input type="checkbox"/> \$35.00 This includes the inspection fee <sup>2</sup>	<input type="text"/>
<b>Hotel:</b> 11 or More Sleeping Rooms <small>*See reverse side for example</small>		<input type="checkbox"/> \$2.25 per unit Plus \$25.00 Inspection Fee <sup>2</sup> (\$70.00 Minimum Total)	<input type="checkbox"/> \$1.12 per unit Plus \$12.50 Inspection Fee <sup>2</sup> (\$35.00 Minimum Total)	<input type="text"/>
<b>Initial License Fee<sup>3</sup>:</b> See reverse side for explanation		<input type="checkbox"/> \$100.00	<input checked="" type="checkbox"/> \$100.00	<input type="text" value="135.00"/>

## SECTION 3: WATER RECREATION FEES

	FULL YEAR FEE:			HALF YEAR FEE:			
	None	One	Two or More	None	One	Two or More	
Number of Pools and Hot Tubs							
Pools ___ Hot Tubs ___	<input checked="" type="checkbox"/> \$0	<input type="checkbox"/> \$40.00	<input type="checkbox"/> \$65.00	<input type="checkbox"/> \$0	<input type="checkbox"/> \$20.00	<input type="checkbox"/> \$32.50	<input type="text" value="0"/>

Is Your Pool Or Hot Tub Associated With Another Licensed Establishment? Yes  No

If Yes, Please Name Other Licensed Facility \_\_\_\_\_

TOTAL ALL FEES ABOVE THIS IS THE AMOUNT YOU OWE  
**\$ 135.00**

## SECTION 4: SIGNATURE

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

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

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

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



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

April 27, 2015

Below is your current South Dakota tax license.

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

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

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

Taxpayer Assistance Number: 1.800.829.9188  
Email: [bustax@state.sd.us](mailto:bustax@state.sd.us)

Streamlined Sales Tax Website: [www.streamlinedsalestax.org](http://www.streamlinedsalestax.org)



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

<http://dor.sd.gov>

ISSUE DATE: 01/20/2011

EXPIRATION DATE:

LICENSE NUMBER: 1023-8593-ST

LICENSE TYPE: Sales Tax

ISSUED TO:

RUSHMORE VACATION RENTALS LLC  
25084 WILLOW DR  
CUSTER, SD 57730

RUSHMORE VACATION RENTALS LLC  
25084 WILLOW DR  
CUSTER, SD 57730

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

Andy Gerlach  
Secretary of Revenue

NON-TRANSFERABLE

## Theunissen Jason

---

**From:** dan pulse <danpulse69@msn.com>  
**Sent:** Thursday, August 22, 2019 8:54 PM  
**To:** Theunissen Jason  
**Subject:** FW: Vacation homes 12283 Deerfield rd

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

Sent from [Mail](#) for Windows 10

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**From:** dan pulse  
**Sent:** Thursday, August 22, 2019 8:28:38 PM  
**To:** jasontheunissen@pennco.org <jasontheunissen@pennco.org>  
**Subject:** Vacation homes 12283 Deerfield rd

I would like to protest this additional vacation home. In the five miles of Deerfield rd from Hill City to Tigerville there are already over 50 vacation rentals we don't have any neighbors that we know as they're new weekly. You folks took away my permit to run my shuttle business from home costing me over \$5,000 because my new neighbors claimed it would bother them. I've lived here since 1987 and our peace and quiet has been destroyed by 4 wheelers from these vacation rentals also just today I counted 13 vehicles at 1 rental (not counting 4 wheelers) come on this is low density residential. Please consider what you have done and continue to do to our neighborhood. Dan pulse

Sent from [Mail](#) for Windows 10

STAFF REPORT

23

**GENERAL INFORMATION:**

REQUEST: **CONDITIONAL USE PERMIT / CU 19-26:** To live in a Recreational Vehicle, stored within a pole barn, on the subject property in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

APPLICANT: Danny Kruse

APPLICANT ADDRESS: 23188 Radar Hill Road, Rapid City, SD 57703

LEGAL DESCRIPTION: Lot C, Kruse Subdivision, Section 18, T1N, R9E, BHM, Pennington County, South Dakota.

SITE LOCATION: Radar Hill Road; ¼ mile north of the intersection of E. Highway 44 and Radar Hill Road.

SIZE: 3.54 acres

TAX ID: 44310

EXISTING LAND USE: Pole Barn

ZONING REFERENCE: §§ 207 and 510

CURRENT ZONING: Low Density Residential District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Sloping

UTILITIES: Private

PREPARED BY: Jason Theunissen

**I. PROPOSED RECOMMENDATION**

- A. Staff will be recommending approval of Conditional Use Permit / CU 19-26 with ten (10) conditions..

**II. GENERAL DESCRIPTION**

- A. The applicant, Danny Kruse, is requesting to live in a Recreational Vehicle, stored within a pole barn, on the subject property.

**III. EXISTING CONDITIONS**

- A. Zoned Low Density Residential District.
- B. 3.54 acres.
- C. 42' x 90' Pole barn – County Building Permit 1992COBP0260.
- D. Access off of Radar Hill Road via 30-foot wide platted access easement.
  - 1. Register of Deeds Book 23, Page 85.
- E. No Special Flood Hazard Area.
- F. County Environmental Violation – COEV19-0057 opened August 8, 2019.
  - 1. Living in an RV without a Conditional Use Permit.
  - 2. No adequate means of waste disposal.
- G. Located within the City of Rapid City 1-mile septic jurisdiction.
- H. 25-gallon portable waste tank for wastewater collection.
  - 1. Does not meet County requirements for an approved wastewater disposal system, per Pennington County Zoning Ordinance §§ 207(C)(15), 204(I)(5), and 204(J)(3)(B).

**IV. REQUEST FOR COMMENT**

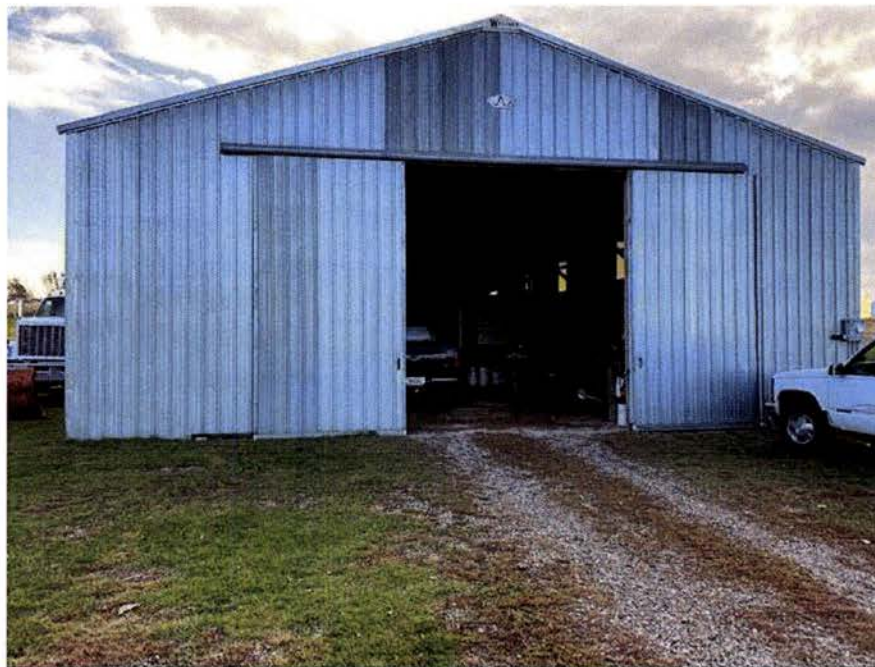
- A. County Highway Department
  - 1. Highway Department has no comments.
- B. County Fire Administrator
  - 1. No comments received.
- C. County Environmental Planning Supervisor
  - 1. No Flood Hazard Area on the subject property.
- D. County On-site Wastewater Specialist
  - 1. Rapid City 1-mile.
- E. County Ordinance Enforcement Officer
  - 1. Mr. Kruse did have a portable sewage container that he bought from one of the camper sales places in town after being told he was no longer to use his current system that he had built. Mr. Kruse stated he now takes his sewage tank on wheels to a dump station or to his brother's place to dump his sewage in their sewage system. Mr. Kruse originally had/has a black hose that ran from the camper to the outside of the building underground that his sewage ran into though he said it was grey water only.
- F. County Natural Resources Director
  - 1. No objections.

- G. County Addressing Coordinator
  - 1. If approved, an address will need to be assigned to the pole barn and it must be posted in accordance with Pennington County Ordinance #20.
- H. Emergency Services (9-1-1)
  - 1. My only comment is, if approved, applicant must post his assigned address in accordance with Ordinance #20.
- I. Rapid City Public Works
  - 1. The way I see it, the structure attached to the ground (barn) itself, does not have a bedroom or bathroom. The camper on wheels has the bedroom and bathroom but the sewerage is being contained in the campers holding tank and not going into anything that falls under the City Septic Ordinance. Long story short, no comment from the City Septic Department unless, in the future, he asks for approval to put in a septic system. Hope that makes sense.
- J. West River Electric
  - 1. West River Electric has no comments regarding the Conditional Use Permit – Kruse.

**V. ANALYSIS**

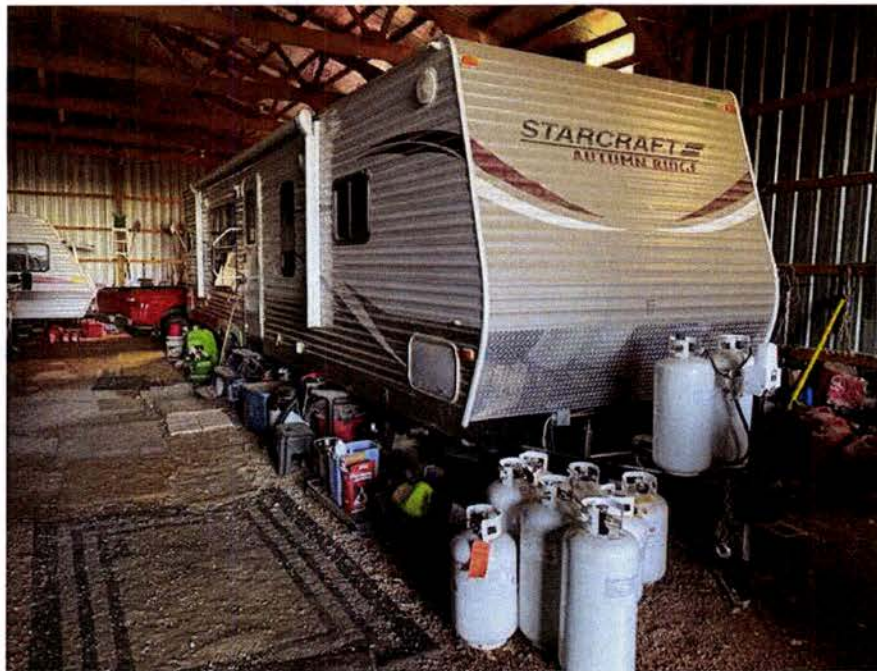
- A. Pennington County Zoning Ordinance § 207(C)(15) lists Recreational Vehicles (RV) as temporary living quarters as a Conditional Use within a Low Density Residential District, with the following requirements:
  - 1. The recreational vehicle shall not be used as temporary living quarters on premises for more than 180 days per calendar year.
    - a. The applicant stated he is retired and plans to reside in the recreational vehicle full time, as he has nowhere else to go and no means to build a permanent residence. This will require the applicant apply for a Variance to this requirement. If the Variance is not approved, Staff will work with the applicant to find an alternative solution.
      - i. *This will be addressed as a Condition of Approval.*
  - 2. The site must have an approved wastewater disposal system including bathroom/shower facilities and an improved site area for the recreational vehicle.
    - a. Per the Rapid City Public Works Department, the portable holding tank contains the applicant's sewerage and prevents it violating the Rapid City Septic Ordinance.
    - b. The portable holding tank does not meet the County requirements for an approved wastewater disposal system.
      - i. *This will be addressed as a Condition of Approval.*
      - ii. *Staff has provided the applicant a grant application he may qualify for in order to get a wastewater disposal system installed at little or no cost.*

- B. October 21, 2019 – Staff performed a site visit and noted the following:
1. The RV was located inside of the permitted pole barn and connected to water, electricity and a 25-gallon portable waste tank.
  2. The applicant stated he would legally dispose of the wastewater in the portable waste tank and maintain records of the actions.
  3. The applicant has posted a mailbox and assigned his own address as 23188 Radar Hill Road.
    - a. A correct address will be assigned and the applicant will need to be post it in accordance with Pennington County Ordinance #20.
    - b. *This will be addressed as a Condition of Approval.*

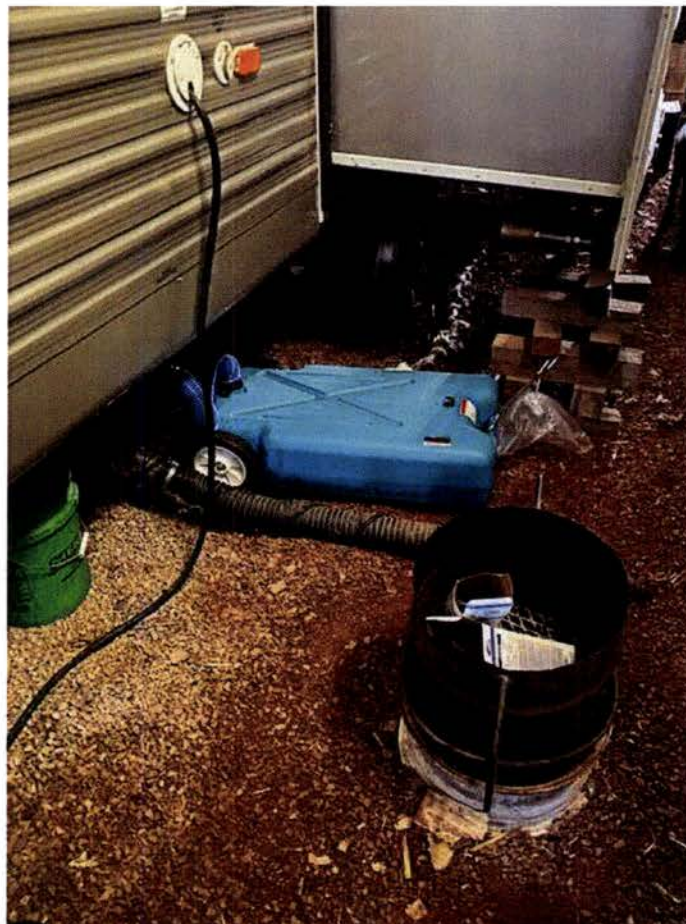


Site Visit 10.21.19

Agenda Item #23  
Danny Kruse  
October 28, 2019



Site Visit 10.21.19



Site Visit 10.20.19



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

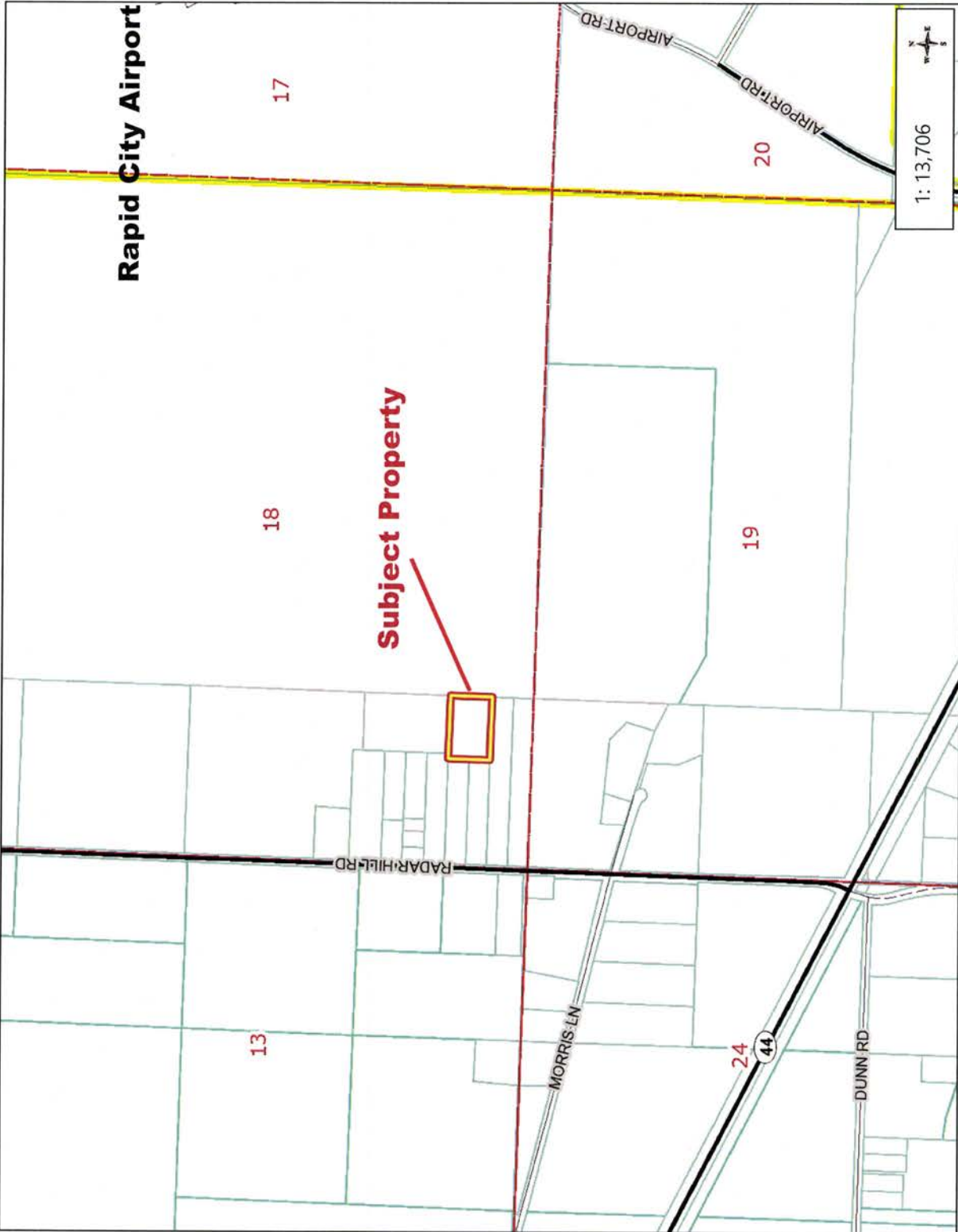
The Zoning Ordinance lists five (5) factors that the Planning Commission may consider in their review of Conditional Use Permit applications. They are as follows:

- A. **The effect upon the use and enjoyment of other property in the immediate vicinity for the uses already permitted, and upon property values within the immediate vicinity.**
  1. It appears that by allowing this Conditional Use Permit, there should be no negative effects on the use and enjoyment of other properties in the immediate vicinity.
  2. Staff cannot predict the impact the use may have on property values in the surrounding area.
  
- B. **The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.**
  1. Allowing this Conditional Use Permit should not affect the normal, orderly development or improvement of any surrounding property in the area.
  
- C. **That utilities, access roads, drainage, and/or other necessary facilities are provided.**
  1. The applicant has indicated he does not have the financial means to install an on-site wastewater treatment system to serve the RV but a grant may be applied for. The subject property takes access off of Radar Hill Road via shared approach and 30-foot wide platted access easement.
  
- D. **That the off-street parking and loading requirements are met.**
  1. Pennington County Zoning Ordinance (PCZO) § 310(A)(9)(k) requires two (2) off-street parking spaces for a single-family residence. It appears that adequate parking is provided on the subject property.
  
- E. **That measures are taken to control offensive odor, fumes, dust, noise, vibration, and lighting (inclusive of lighted signs), so that none of these will constitute a nuisance.**
  1. The proposed Conditional Use should have limited odor, fumes, dust, noise, vibrations and intrusive lighting. The proposed use should not create any of the above-listed elements in amounts that would constitute a nuisance.

**RECOMMENDATION:** Staff recommends approval of Conditional Use Permit / CU 19-26 with the following ten (10) conditions:

1. That there be no more than one (1) Recreational Vehicle (RV) allowed to be utilized as living quarters on the subject property;
2. That the RV shall not be used as temporary living quarters on the premises more than 180 days per calendar year;
3. That if the RV is used as living quarters on the premises for more than 180 days per calendar year, an approved Variance be obtained relieving the requirement of Pennington County Zoning Ordinance § 207(C)(15);
4. That an address be assigned to the pole barn and that it be clearly posted, in accordance with Pennington County's Ordinance #20, while the RV is being utilized as living quarters;
5. That in lieu of an approved On-Site Wastewater Treatment System, the RV being utilized as a temporary residence be connected to a portable waste tank and wastewater disposal records be maintained and available for inspection by Planning Staff upon request;
6. That within one (1) year of Conditional Use Permit / CU 19-26 approval, the applicant shall install a wastewater treatment system and have it inspected and approved by the City of Rapid City;
7. That the minimum setback requirements of a Low Density Residential District be continually maintained on the subject property, or approved Setback Variance(s) be obtained;
8. That the subject property remains free of debris and junk vehicles;
9. That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; and,
10. That this Conditional Use Permit be reviewed in six (6) months, 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.

**Rapid City Airport**



1: 13,706



**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:**

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.

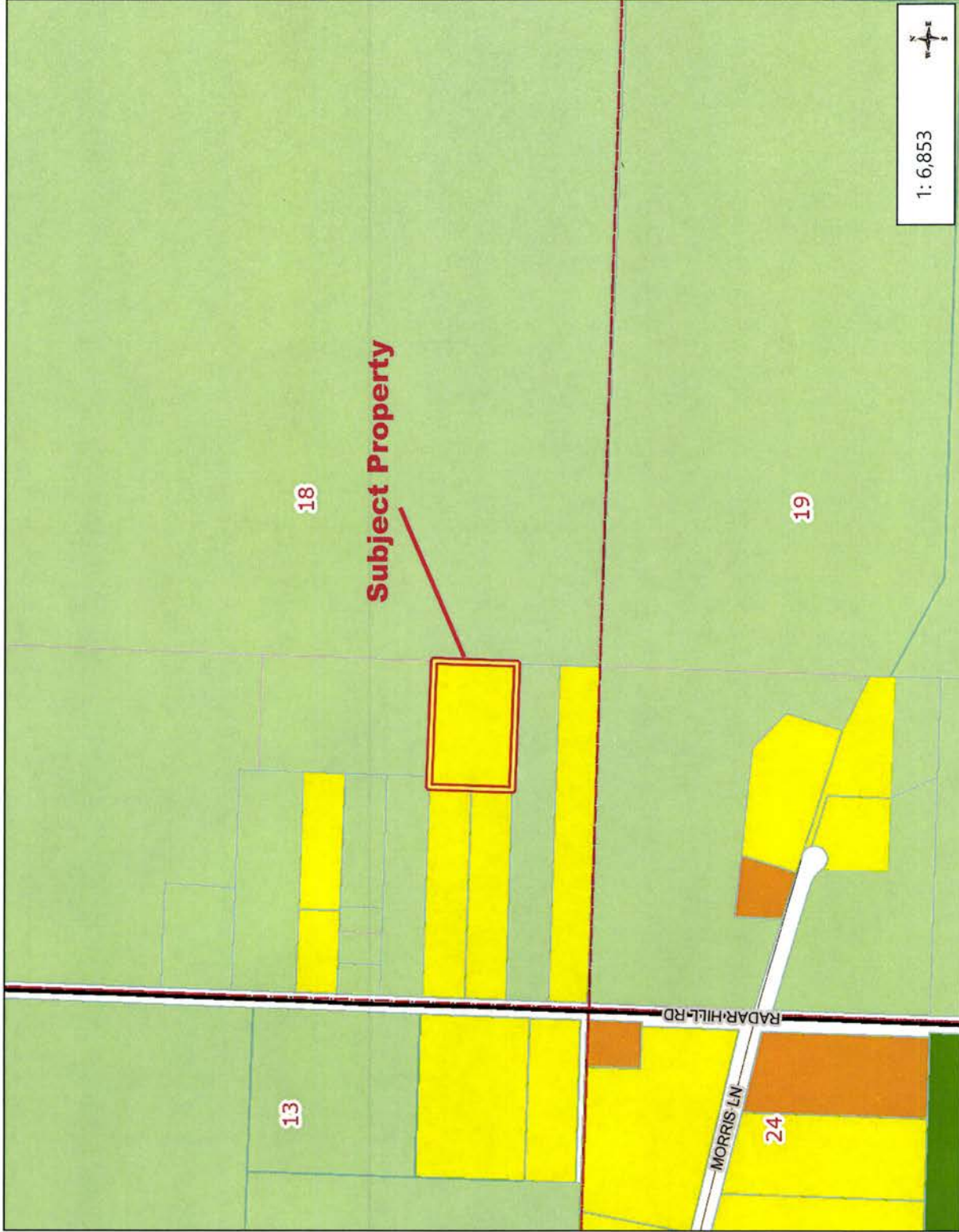
**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

2,284.4 Feet

0 1,142.21 2,284.4

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

© City of Rapid City GIS



1: 6,853

1,142.2 Feet

571.10

0

1,142.2

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

**Legend**

**Roads**

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

**Address Points**

Section Lines 0-25k

**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: 1,713



### Legend

- Roads**
- Interstate
  - US highway
  - SD highway
  - County highway
  - Main road
  - Minor arterial
  - Collector
  - Ramp
  - Paved road
  - Unpaved road
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- Address Points**
- Section Lines 0-25k**
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- Lot Lines**
- <Null>
  - Lot Line
  - Parcel Line

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



STAFF REPORT

**GENERAL INFORMATION:**

REQUEST: **CONDITIONAL USE PERMIT / CU 19-27:** To allow an existing single-family residence to be used as a Bed and Breakfast in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

APPLICANT: Marilyn and Greg Bolt

APPLICANT ADDRESS: 13351 Silver Mountain Road  
Rapid City, SD 57702

LEGAL DESCRIPTION: Lot 7, Back Road Subdivision, Section 22, T1S, R6E, BHM, Pennington County, South Dakota.

SITE LOCATION: 13351 Silver Mountain Road; north of the intersection of S. Highway 16 and Silver Mountain Road.

SIZE: 3.07 acres

TAX ID: 68662

EXISTING LAND USE: Residential

ZONING REFERENCE: §§ 207 and 510

CURRENT ZONING: Low Density Residential District

SURROUNDING ZONING:

North	Limited Agriculture District
	Planned Unit Development District
South	Low Density Residential District
East	Low Density Residential District
West	Low Density Residential District

PHYSICAL CHARACTERISTICS: Forested / Hills

UTILITIES: Private

PREPARED BY: Jason Theunissen

**I. PROPOSED RECOMMENDATION**

- A. Staff will be recommending approval of Conditional Use Permit / CU 19-27 with fourteen (14) conditions.

**II. GENERAL DESCRIPTION**

- A. The applicants, Marilyn and Greg Bolt, are requesting a Conditional Use Permit to allow an existing single-family residence to be utilized as a bed and breakfast.
- B. June 25, 2018 – The planning Commission approved Conditional Use Permit / CU 18-19 to allow a guest house on the subject property with the following nine (9) conditions:
1. That the rental or lease of the Guest House or the use of the Guest House as a permanent residence for a second family on the premises shall be prohibited;
  2. That the Guest House shall not be used for more than 180 days per calendar year;
  3. That the primary dwelling, upon completion, be classified as owner-occupied and proof of status be provided to the Planning Department, in accordance with PCZO § 318(B)(10);
  4. That all necessary utilities for the Guest House shall be extended from the primary dwelling unit's services. No separate meters for the Guest House shall be allowed, unless required by the utility service provider;
  5. That the Guest House utilize the same on-site wastewater treatment system as the primary dwelling, except if required and approved by the Pennington County Environmental Planner;
  6. That both the addresses assigned for the primary residence and the Guest House be posted so they are clearly visible from Silver Mountain Road, in accordance with Pennington County Ordinance #20 within 30 days of approval of this review;
  7. That the Guest House be continually utilized and maintained in accordance with all requirements of PCZO § 318;
  8. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which will require a site plan to be reviewed and approved by the Planning Director; and,
  9. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.
- C. July 22, 2019 – The Planning Commission approved the extension of Conditional Use Permit / CU 18-19.

**III. EXISTING CONDITIONS**

- A. Zoned Low Density Residential District.
- B. Lot size: 3.07 acres.
- C. Single-family residence with attached garage.
  - 1. County Building Permit (COBP) COBP18-0293.
- D. Guest house.
  - 1. COBP19-0294.
- E. County Onsite Wastewater Treatment System.
  - 1. Construction Permit – COSD18-00032.
  - 2. Operating Permit – COOP19-0180.
- F. No Flood Hazard Area on the subject property.
- G. Access is off of Silver Mountain Road.

**IV. REQUEST FOR COMMENT**

- A. County Highway Department
  - 1. Highway Department has no comments.
- B. County Fire Administrator
  - 1. No comment received.
- C. County Environmental Planning Supervisor
  - 1. There is no Special Flood Hazard Area on the subject property.
- D. County On-Site Wastewater Specialist
  - 1. The applicant has a recently installed septic system (COSD18-0032). The system was designed for a total of 4 bedrooms (3 in the house and 1 in the cabin). The applicant also has an approved Operating Permit (COOP19-0180). The applicant would still need to receive approval from DENR.
- E. County Ordinance Officer
  - 1. No known violations on this property.
- F. County Addressing Coordinator
  - 1. No addressing concerns at this time. Once the future residence is built, the assigned address must be posted in accordance with Pennington County Ordinance #20.
- G. County Natural Resources
  - 1. No objections.
- H. Emergency Services (9-1-1)
  - 1. Good here as long as they post the physical address in accordance with Penn Co Ord 20. Thanks.

**V. ANALYSIS**

- A. Pennington County Zoning Ordinance Section 318(A) states, “A Guest House is intended to provide short-term accommodations for visiting guests of the owners of the primary dwelling units that are located in specified zoning districts.”



- B. July 22, 2019 – The Planning Commission approved the extension of Conditional Use Permit / CU 18-19 for a guest house on the subject property with nine (9) conditions.
- C. September 24, 2019 – The applicants, Marilyn and Greg Bolt, applied for Conditional Use Permit / CU 19-27 to allow a Recreational Resort on the subject property, to include utilizing the existing single-family residence as a Bed and Breakfast.
- D. There is an existing on-site wastewater treatment systems (OSWTS) on the subject property that serves the single-family residence and the guest house.
  - 1. October 20, 2019 – South Dakota Department of Environment and Natural Resources approved the size of the OSWTS to accommodate the applicant's requested use of the single-family residence as a bed and breakfast.
- E. October 17, 2019 – Staff performed a site visit and discussed the following with the applicant, Marilyn Bolt:
  - 1. The South Dakota Department of Health completed an inspection of the single-family residence on October 16, 2019 and scored it 98/100.
    - a. SD Department of Health requires a water test report be submitted prior to issuing a Lodging License.
  - 2. South Dakota Department of Revenue issued a Sales Tax License on September 30, 2019.
  - 3. The applicant plans to live in the guest house for up to 180 days per year while utilizing the single-family residence as a bed and breakfast.
    - a. SDCL 34-18-9.1(3): "Operator," the owner or the owner's agent, who is required to reside in the bed and breakfast establishment or on contiguous property.

Agenda Item #24  
Marilyn and Greg Bolt  
October 28, 2019



Single-family Residence, 9.17.19



Guest House, 9.17.19

## **VI. CONSIDERATIONS FOR CONDITIONAL USE PERMIT REQUEST**

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

- A. **The effect upon the use and enjoyment of other property in the immediate vicinity for the uses already permitted, and upon property values within the immediate vicinity.**
  1. This Conditional Use Permit could affect the use and enjoyment of other properties in the immediate vicinity due to increased traffic and potential noise. The applicant will be managing the Bed and Breakfast and living on the contiguous property while the residence is utilized as a bed and breakfast.
  2. Staff cannot predict the effect that the requested use will have on property values within the immediate vicinity.
- B. **The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.**
  1. The proposed use should have a minimal effect on the normal, orderly development or improvement of any surrounding vacant property in the area.
- C. **That utilities, access roads, drainage and/or other necessary facilities are provided.**
  1. The proposed use of the existing single-family residence and guest house should not require any utilities or facilities that are not already in place. Access is to be provided off of Silver Mountain Road. Additionally, Staff has no drainage concerns relating specifically to the applicant's request at this time.
- D. **That the off-street parking and loading requirements are met.**
  1. Pennington County Zoning Ordinance § 310(r), requires the proposed Recreational Resort have one (1) parking space per two rooms or suite plus two (2) parking spaces per every three (3) employees.
  2. The single-family residence has two (2) bedrooms. There appears to be ample parking for both the occupants of proposed Bed and Breakfast and the managers.

**E. That measures are taken to control offensive odor, fumes, dust, noise, vibration, and lighting (inclusive of lighted signs), so that none of these will constitute a nuisance.**

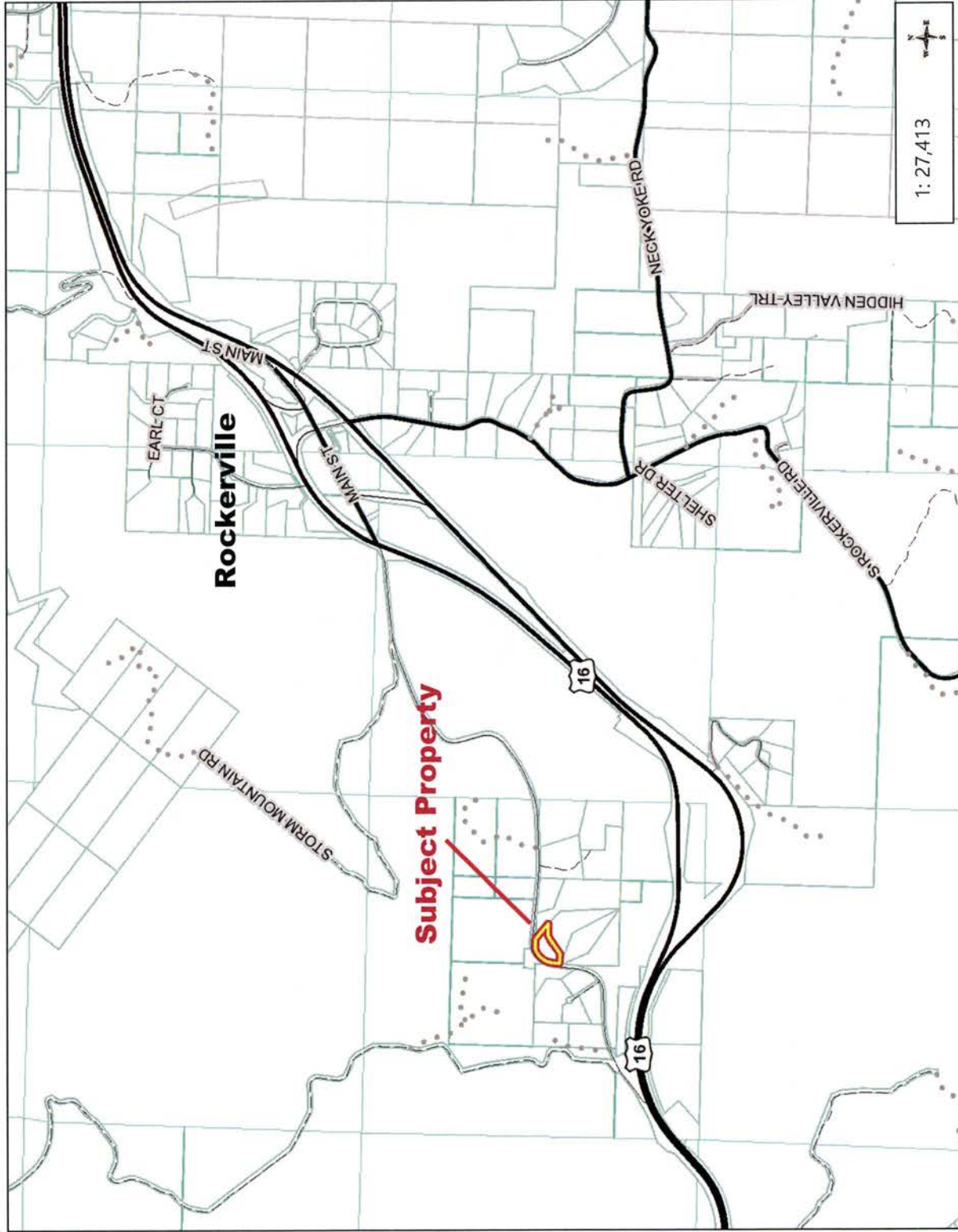
1. The proposed Conditional Use, by its very nature, should have limited odor, fumes, dust, noise, vibrations and intrusive lighting.
2. The proposed use should not create the above-listed elements in an amount that would constitute a nuisance.

**RECOMMENDATION:** Staff recommends approval of Conditional Use Permit / CU 19-27 with the following fourteen (14) conditions:

1. That the maximum overnight occupancy, based on SD DENR approval, be limited to four (4) people and the maximum daytime occupancy be limited to eight (8) people, per Pennington County Zoning Ordinance (PCZO) § 319(F)(13);
2. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
3. That the minimum required setbacks of a Low Density Residential District be continually maintained on the subject property, or approved Setback Variance(s) be obtained;
4. That the addresses for each residence (13351 and 13349 Silver Mountain Road) be posted on the Bed and Breakfast and the guest house at all times, in accordance with Pennington County's Ordinance #20;
5. That an On-Site Wastewater Construction Permit be obtained prior to any additional on-site wastewater treatment systems being installed on the subject property, which will also require review and approval by the South Dakota Department of Environmental and Natural Resources;
6. That the minimum number of required parking spaces be provided in accordance with Pennington County Zoning Ordinance Section 310(r), which requires one (1) parking space per two rooms or suite plus two (2) parking spaces per every three (3) employees;
7. That a Sign Permit be obtained prior to the installation of any signs on the subject property. All signs must meet the requirements of Section 312 of the Pennington County Zoning Ordinance;

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8. That prior to renting any portion of the existing structure for the Bed and Breakfast, the applicant obtains all necessary permits from other governing bodies for the operation of the Recreational Resort, including, but not limited to, approval from the South Dakota Department of Health and a Sales Tax License from the South Dakota Department of Revenue;
9. That the applicant maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests in the event of an emergency and that the plan be made available to the Planning Department upon request;
10. That the property remains free of debris and junk vehicles and all structures be well-maintained;
11. That portable fire extinguishers be placed on each floor level of the Bed and Breakfast so they are accessible to all guests at all times and the fire extinguishers shall be inspected and tagged annually;
12. That quiet hours for the Recreational Resort be between 10 p.m. and 8 a.m.;
13. That the applicant comply with SDCL 34-18-9, which regulates Bed and Breakfast establishments and requires a guest list to be maintained; and,
14. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.



1: 27,413

4,568.8 0 2,284.41 4,568.8 Feet

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

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

THIS MAP IS NOT TO BE USED FOR NAVIGATION

**Legend**

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

**Map Notes:**



1: 1,042

### Legend

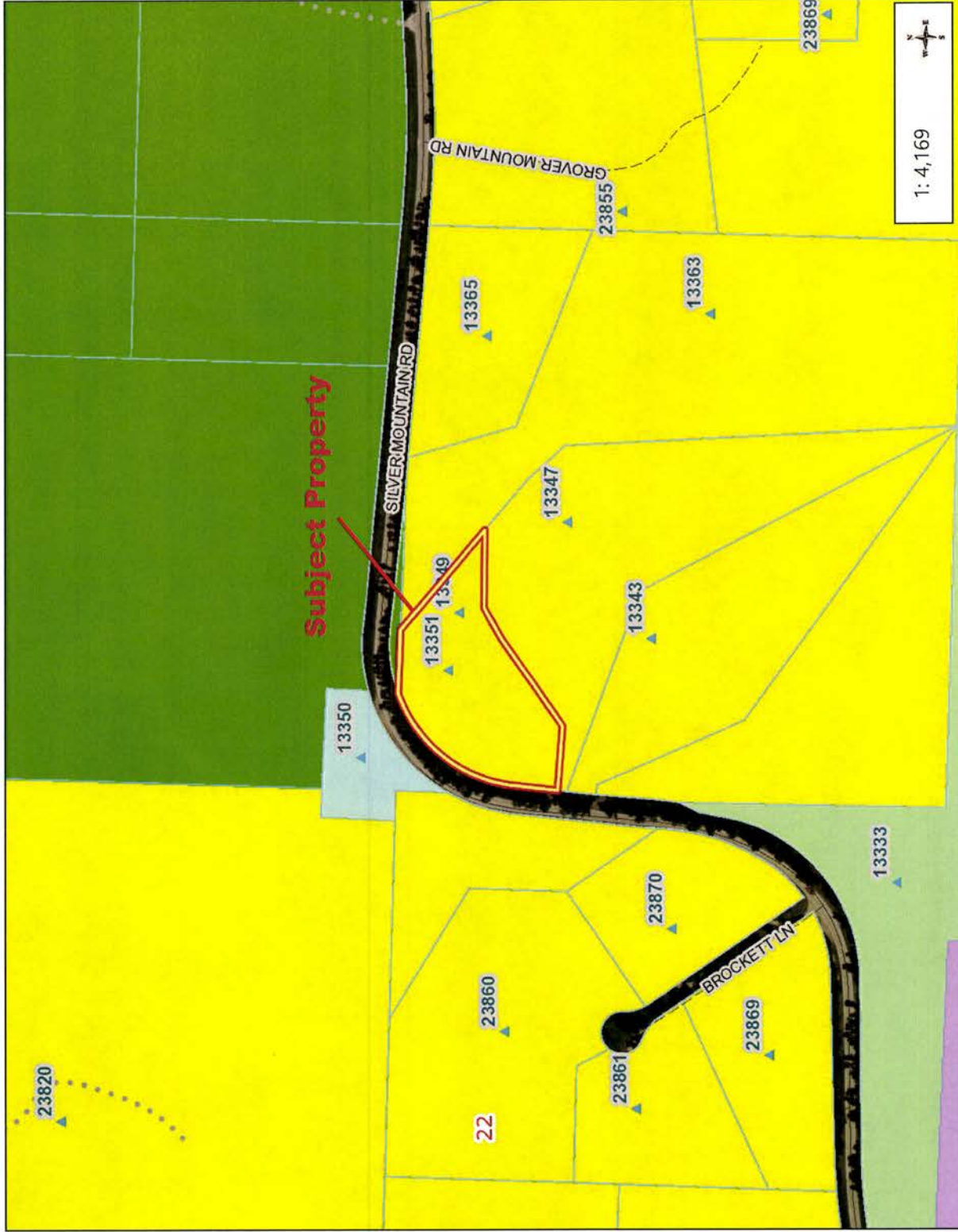
- Roads
  - Interstate
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  - Unpaved road
  - Trail
  - Driveway
  - Alley
  - Unimproved road
  - Airport Runway
  - Not yet coded
- Address Points
- Section Lines 0-25k
- Tax Parcels
- Lot Lines
  - <Null>
  - Lot Line
  - Parcel Line

### 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

173.7 0 86.85 173.7 Feet

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



1: 4,169

694.8 Feet

347.40

0

694.8

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
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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

**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:**



Website: <http://dor.sd.gov>  
SD EP&S: <http://dor.sd.gov/EP&S>



<http://dor.sd.gov>

ISSUE DATE: 09/30/2019  
EXPIRATION DATE:  
LICENSE NUMBER: 1035-2869-ST  
LICENSE TYPE: Sales Tax

ISSUED TO:  
MARILYN K BOLT  
13351 SILVER MOUNTAIN RD  
RAPID CITY, SD 57702

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

MARILYN K BOLT  
13351 SILVER MOUNTAIN RD  
RAPID CITY, SD 57702

Jim Tewelliger  
Secretary of Revenue

NON-TRANSFERABLE

DEPARTMENT OF HEALTH - LODGING ESTABLISHMENT INSPECTION FORM

Establishment <b>Best B + B (Grande Way Inn)</b>				Owner <b>Barbara George Bolt</b>		License # <b>21559</b>	
Address <b>13951 Silver Mt Rd</b>				City <b>Rapid City</b>		ZIP Code <b>57702</b>	
District # <b>1</b>	Month <b>10</b>	Day <b>16</b>	Year <b>19</b>	<input checked="" type="checkbox"/> Bed & Breakfast <input type="checkbox"/> Home <input type="checkbox"/> Society Resort <input type="checkbox"/> Vacation home	# of Units <b>3</b>	<input type="checkbox"/> Public Water Supply <input type="checkbox"/> Private Water Supply <input type="checkbox"/> Well Water Supply	
Purpose of inspection: <input type="checkbox"/> Routine <input type="checkbox"/> Follow-up <input type="checkbox"/> Complaint <input type="checkbox"/> Investigation <input checked="" type="checkbox"/> Other							
Item	Requirements	Wt.	Item	Requirements	Wt.		
<b>Health</b>							
01*	Employee Health - Disease Control	4	<b>Cleanliness of equipment and utensils</b>				
02	Employee Hygiene - Handwashing, clean coats	1	21*	Utensils properly sanitized	4		
<b>Water Supply</b>							
03*	Adequate and safe	4	22	Properly stored, wrapped, sealed	2		
04	Water sample submitted	2	<b>Single service items</b>				
<b>Ice</b>							
05	Proper dispensing, clean and sanitary	2	23	Stored, handled, and properly dispensed	2		
06	Ice making equipment has air breakdown	2	<b>Bedding and linen</b>				
<b>Toilet and bathing facilities</b>							
07*	Clean and sanitary, good repair	4	24	Clean and good repair, stored properly, dried	2		
08	Non-slip surface in bathtub or shower	2	<b>Housekeeping</b>				
09	Toilet, lavatory, bathroom fixture safe	2	25	Premises neat, clean, and free from litter	3		
10	Soap, toilet tissue, and clean linen provided	2	26*	Approved cleaners, sanitizers, stored, labeled	4		
11	Water temperature safe and adequate	2	<b>Hazardous conditions</b>				
<b>Garbage &amp; rubbish storage and disposal</b>							
12	Room waste containers lined or sanitized	1	27*	Dangerous or unsafe conditions	4		
13	Rubbish stored and disposed properly	1	<b>Water recreation facilities</b> <i>NA</i>				
<b>Vermin control</b>							
14	Entrance prevented	1	28	Clean, good repair, safety equipment, daily log	3		
15*	Presence of vermin	4	29*	Sanitizer and pH level maintained, test kit	4		
<b>Condition of floors, walls, and ceilings</b>							
16	Clean, sanitary, and good repair	2	30	Water samples submitted weekly	2		
17	Carpet prohibited in restrooms and kitchen	1	<b>Food supplies</b>				
<b>Lighting</b>							
18	Adequate and safe lighting	2	31*	Approved, safe, unadulterated	4		
<b>Ventilation</b>							
19	Toilet rooms, laundry rooms properly vented	2	<b>Food protection</b>				
<b>Heating equipment</b>							
20	Fuel-fired equipment adequate, inspected	3	32*	Cooking & reheating potentially hazardous foods	4		
			33*	Potentially hazardous foods properly cooled	4		
			34	Thawing potentially hazardous foods	3		
			35	Storage, handling, display, dispensed & sanitized	2		
			<b>Food equipment and utensils</b>				
			36	Dishwashing Facility: Design, location, operation	3		
			37	Storage: Utensils cleaned and sanitized	1		
			<b>Other operations</b>				
			38	Handwashing: Location, accessible, soap, towels	3		
			39	Pets: Excluded from food area, good health	2		
			40	Register maintained, license posted	1		

Rating Score

100 less weight of items violated

0 9 8

\*Critical items requiring immediate action

**VIOLATIONS IDENTIFIED:**

4 Provide a water test report - bacteria and nitrate levels needed.

Electric heat  
Gas water heater

3 Bedrooms  
2 Bathrooms

Brantford items provided

Air scrub rental

DEMR - hardest for water treatment

Chlorox wipes

- OK TO OPERATE  
- OK TO LICENSE WHEN  
WATER TEST RESULTS  
RECEIVED

**IMMEDIATE ACTION & DEADLINE DATES**

VIOLATION NUMBER      CORRECTION DUE DATE

603-394-5288      offsu

888-280-4217      all

Received By:

*[Signature]*

Inspected By:

*[Signature]*



# MIDCONTINENT

TESTING LABORATORIES, INC.

2381 South Plaza Drive P.O. Box 3388 Rapid City, SD 57709  
(605) 348-0111 -- www.thechemistrylab.com

Received: 10/17/19 at 09:12 AM  
by Steve Ristau  
Account: 8500  
Valued Customer...

VALUED CUSTOMER  
2381 S. PLAZA DR.  
RAPID CITY, SD 57702

### DRINKING WATER REPORT

EPA #	SAMPLE SITE	SAMPLE POINT	SAMPLE DATE & TIME	TOTAL COLIFORM SM 9223 B (P/A)	E. COLI SM 9223 B (P/A)	NITRATE SM 4500-NO3 F	ANALYST	LAB NUMBER
	Bolt, Marilyn <sub>2, 5</sub>		10/17/19 08:00 AM	Present	Absent	1.14 mg/L	JMH 10/17/19	20191017813

Key to Notes:

- 2. Bacteriologically unsafe for drinking or washing uncooked foods.
- 5. Nitrate content not of concern.

REPORT APPROVED BY:

Steve Ristau

REPORT APPROVED DATE:

10/22/2019 9:21:56 AM

DATE PRINTED:

10/23/2019 10:42 AM



# MIDCONTINENT

TESTING LABORATORIES, INC.

2381 South Plaza Drive P.O. Box 3388 Rapid City, SD 57709  
(605) 348-0111 -- www.thechemistrylab.com

Received: 10/21/19 at 09:40 AM  
by Jennifer Hill  
Account: 8500  
Valued Customer...

VALUED CUSTOMER  
2381 S. PLAZA DR.  
RAPID CITY, SD 57702

### DRINKING WATER REPORT

EPA #	SAMPLE SITE	SAMPLE POINT	SAMPLE DATE & TIME	TOTAL COLIFORM SM 9223 B (P/A)	E. COLI SM 9223 B (P/A)	NITRATE	ANALYST	LAB NUMBER
	Bolt, Marilyn <sub>1</sub>		10/21/19 08:00 AM	Absent	Absent		SAA 10/21/2019	20191021804

Key to Notes:

- 1. Bacteriologically safe for drinking or washing uncooked foods at the time of sampling.

REPORT APPROVED BY: Steve Distau

REPORT APPROVED DATE: 10/22/2019 2:11:11 PM

DATE PRINTED: 10/23/2019 10:42 AM

STAFF REPORT

25

**GENERAL INFORMATION:**

REQUEST: **CONDITIONAL USE PERMIT / CU 19-28:** To allow a campground on the subject property to include RV hookups, cabin rentals, pool, office, laundry facilities, and additional outbuildings in a Highway Service District in accordance with Sections 210 and 510 of the Pennington County Zoning Ordinance.

APPLICANT: R & J LLC; Juston Eisenbraun - Agent

APPLICANT ADDRESS: P.O. Box 245, Wall, SD 57790

LEGAL DESCRIPTION: Lot 1, Borglum Subdivision, Section 13, T1S, R6E, BHM, Pennington County, South Dakota.

SITE LOCATION: 13514 S. Highway 16; East of the intersection of S. Highway 16 and Pine Haven Drive.

SIZE: 19.42 acres

TAX ID: 69705

EXISTING LAND USE: Vacant

ZONING REFERENCE: §§ 210 and 510

CURRENT ZONING: Highway Service District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Forested / Open Meadow

UTILITIES: Private

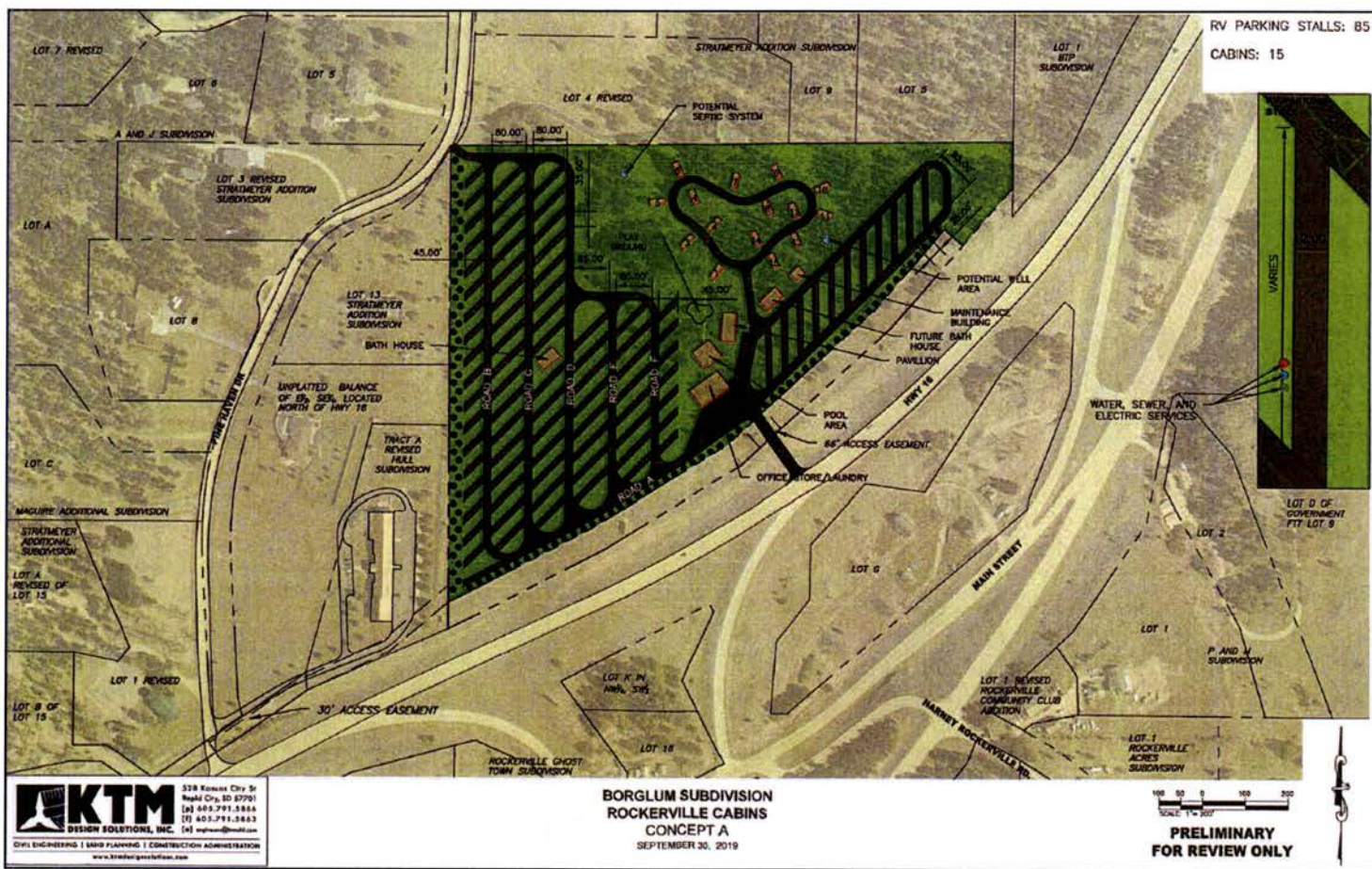
PREPARED BY: Brittney Molitor

**I. PROPOSED RECOMMENDATION**

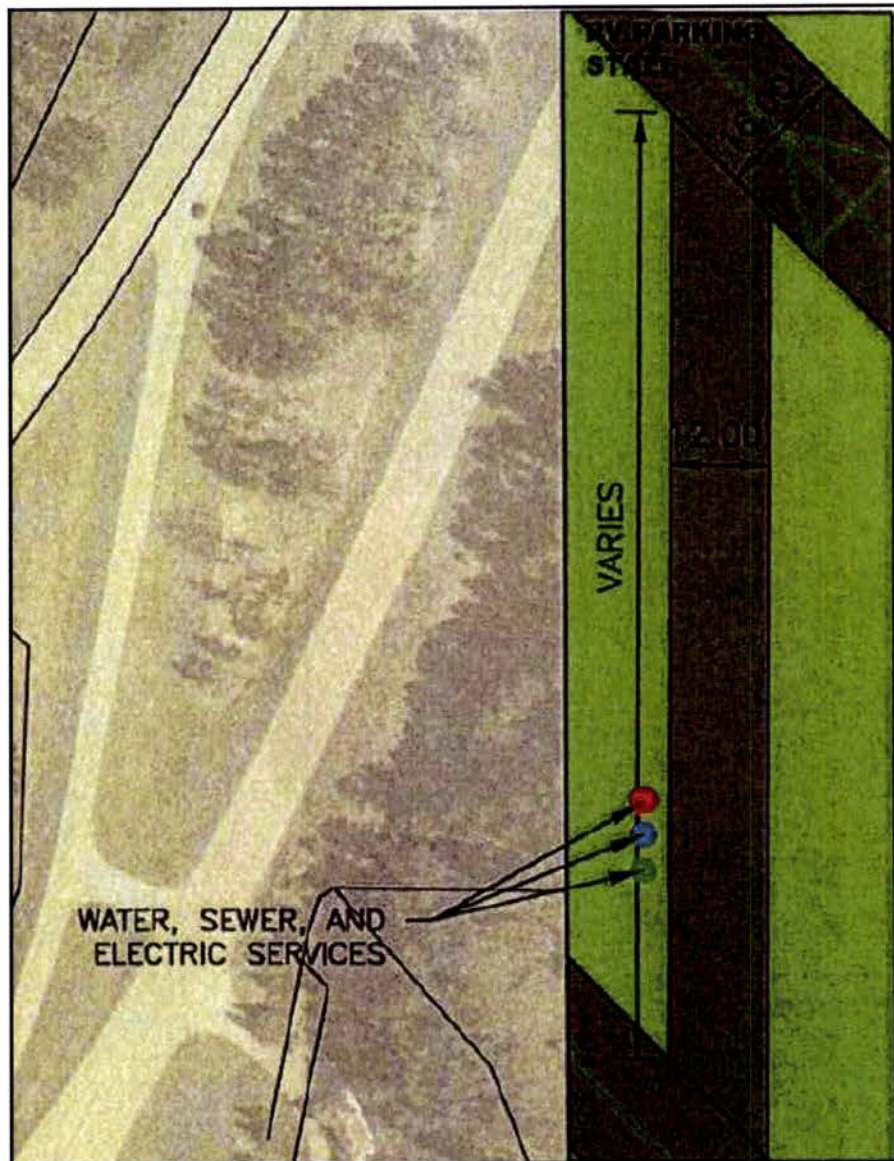
- A. Staff will be recommending to continue Conditional Use Permit / CU 19-28 until the November 12, 2019, Planning Commission meeting.

**II. GENERAL DESCRIPTION**

- A. The applicant, Juston Eisenbraun of R & J LLC, is requesting a Conditional Use Permit to allow a campground on the subject property to include RV hookups, cabin rentals, pool, office, laundry facilities, and additional outbuildings in a Highway Service District.



Site Plan



*Typical RV Site*

### III. EXISTING CONDITIONS

- A. Lot 1 of Borglum Subdivision
  - 1. 19.419 acres ±.
  - 2. Zoned Highway Service District.
  - 3. Access off of Pine Haven Road.
    - a. Within the Pine Have Road District.
  - 4. Vacant of any structure(s).





*Existing Lot*

#### IV. REQUEST FOR COMMENT

- A. County Highway Department
  - 1. Highway Department has no comments since this is adjacent to a State Highway.
- B. County Natural Resources Director
  - 1. No objections
- C. County Ordinance Enforcement
  - 1. No known violations on the subject property.
- D. County Professional Environmental Planner
  - 1. There is no Special Flood Hazard Area on the subject property.
  - 2. A Construction Permit will be required for any disturbance (which includes grading) greater than 10,000 square feet.
  - 3. The NexGen waste water system is considered experimental and will require approval from the South Dakota Department of Environment and Natural Resources. In addition, certified personnel and a maintenance agreement will be required per the Pennington County Zoning Ordinance to install and maintain the system.
- E. County 9-1-1
  - 1. Not sure if county can require them to install a deceleration\turning lane along 16 east bound to allow the big RVs to get off the main driving lane and slow down before the turn off 16 AND, an east bound acceleration lane along 16 for when they turn right out of the campground onto 16. They will need lots of length to come up to

speed and merge into the driving lane otherwise we will have lots of terrible accident at the intersection of their proposed driveway and 16. Could also make them use the access off Pine Haven Dr as their main access point but that would not go over well with area land owners. Hopefully SD DOT would require all this?? This is all well out of my lane but can see this will be a big issue.

2. For 911 purposes, I would want to see one base address for the campground with county assigned building numbers for each of the structures that make sense. The owners can number the camping spots as they like but we should ensure they install adequate signage to clearly identify each camp spot #, campers and tents.

- a. *Staff Comment: Staff will be recommending as a Condition of Approval.*

F. County Addressing Coordinator

1. No addressing concerns at this time. Future addresses will be assigned during the Building Permit application process. Once assigned, addresses must be posted in accordance with Pennington County Ordinance #20.

G. County Onsite Wastewater Specialist

1. The applicant will need to design and propose a septic system for staff review that will accommodate the campground. According to the USDA Web Soil Survey, the soils in this area are classified as "Very Limited". When the applicant designs and installs the septic system all rules of Pennington County Zoning Ordinance § 204-J must be followed.

H. Black Hills Electric Cooperative

1. Black Hills Electric Cooperative has no concerns with this CUP.

I. South Dakota Department of Transportation

1. SDDOT will require RV turning movement templates entering and exiting US16 from the development/property approach. Encroachments into the outer lane of US16 will require mitigation to US16 by the developer. Mitigation can include:
  - a. Right turn lane on US16 into the property.
  - b. Additional radius at access intersection with US16 intersection.
  - c. Additional shoulder width on US16 in the access intersection functional area.

**V. SECTION 306 REQUIREMENTS (RECREATIONAL VEHICLE PARKS)**

- A. Property Development Standards - The following property development standards shall apply for all recreational vehicle parks:

1. The density of the recreational vehicle park is subject to review by the Board on recommendation from the Commission on an individual basis with prime consideration given to location within the jurisdiction of these Zoning Ordinances. The burden of

- justifying the density shall be upon the applicant for the Conditional Use Permit.
2. Accessory buildings, electrical, water, and sewer facilities shall be designed to provide services adequate for the type of recreational vehicles and/or tent camps to be served. The adequacy will be reviewed by the Commission at the hearing for the Conditional Use.
- B. Standard of Review - Such application shall be reviewed and approved by the Planning Department, the Planning and Zoning Director, and the Board on recommendation from the Planning Commission. The following information shall be shown:
1. The location and legal description of the proposed recreational vehicle park.
    - a. 13514 S. Highway 16; Lot 1, Borglum Subdivision, Section 13, T1S, R6E, BHM, Pennington County, South Dakota.
  2. Plans and specifications of all buildings, improvements, and facilities constructed or to be constructed within the recreational vehicle park.
    - a. The applicant has submitted a site plan (attached).
  3. The proposed use of buildings shown on the site.
    - a. The applicant has submitted a site plan (attached).
  4. The location and size of all recreational vehicle spaces.
    - a. The applicant has submitted a site plan (attached).
  5. The location of all points of entry and exit for motor vehicles and internal circulation pattern.
    - a. The applicant has submitted a site plan (attached).
  6. The location of all landscaping to be provided.
    - a. The applicant has submitted a site plan (attached).
  7. The location of all lighting standards to be provided.
    - a. Staff has requested this information be provided prior to construction at the site.
  8. The location of all walls and fences and the indication of their height and the materials of their construction.
    - a. This was not submitted by the applicant.
  9. The name and address of the applicant.
    - a. Information was submitted on the Application for a Conditional Use Permit.
  10. Such other architectural and engineering data as may be required to permit the Planning and Zoning Director, the Commission, and the Board to determine if the provisions of these Zoning Ordinances are being complied with.
  11. A time schedule for development shall be prepared which shall demonstrate the applicant's readiness and ability to provide the proposed services; and all required improvements and facilities shall be installed within one (1) year, unless the Board, on recommendation from the Commission, approves a plan for staged construction.
  12. Utility service connections to be provided.
    - a. The applicant has shown on the RV site plan that water, sewer and electricity will be provided.
  13. A domestic water system approved by the Pennington County Planning Department.

- a. A Water Right Permit was submitted to the State Water Board for approval.
14. A water carriage wastewater disposal system approved by the Pennington County Planning Department.
  - a. The system is being reviewed by the South Dakota Department of Environment and Natural Resources for approval.
15. A typical lot plan for a recreational vehicle space detailing location and method.
  - a. The applicant has submitted a site plan (attached).
16. A complete drainage plan to include topography to at least 5-foot-contour intervals.
  - a. This will be included in and submitted with the Construction Permit Application.

## VI. ANALYSIS

- A. September 23, 2019 – The applicant, Juston Eisenbraun, applied for a Conditional Use Permit to allow a campground on the subject property to include RV hookups, cabin rentals, pool, office, laundry facilities, and additional outbuildings in a Highway Service District.
- B. October 18, 2019 – The applicant submitted a copy of the Water Rights Application submitted to the Water Rights Division of the South Dakota Department of Environment and Natural Resources (SDDENR).
  1. At the time of the writing of this Staff Report, the Hearing on the Water Right in front of the State Water Board has not been put on calendar.
- C. October 22, 2019 – Staff verified that the applicant will be utilizing the NextGen Septic System for wastewater treatment.
  1. The applicant is working with DENR on the approval of this system for wastewater treatment for the campground and RV park.
  2. The NextGen Septic System is two-stage treatment system for domestic sewage that does not need a soil leach field for wastewater treatment. *(Information collected from the website: <https://www.nextgenseptic.com/solutions>.)*
    - a. The sewage is collected in a tank, wherein it breaks down the solids under anoxic conditions, while the wastewater is aerated with a proprietary biomedica, present in the second compartment of the tank.
    - b. The treated water exiting the NextGen Septic system meets higher water quality standards than treated water leaving a typical centralized wastewater treatment plant.
    - c. This treated water does not need a soil leach field to be released into the environment and can be used for irrigation purposes or surface discharged.
  3. At the time of the writing of this Staff Report, DENR had not approved the experimental system.

- D. October 23, 2019 – Staff spoke with the applicant who indicated that SDDOT approved an approach permit off of Highway 16 for the proposed use and that the approach will be improved and be 40-foot-wide.
  - 1. Staff confirmed with SDDOT that an approach permit was approved.
- E. Land uses within three (3) miles of the subject property:
  - 1. Residential
  - 2. Sawmill (Baker Timber)
  - 3. Campground and RV Park (Rushmore Shadows)
  - 4. Church(s)
  - 5. Gas/Service Station
  - 6. Indoor Golf (Putz-n-Glow)
  - 7. Animal Attractions (Old MacDonald's Farm)
  - 8. Hotel/Motel (Rockerville Lodge)
  - 9. Restaurant (Gas Light)
  - 10. Cabins (Boulder Hill Cabins)
  - 11. Recreational Resort (Silver Mountain Resort and Cabins)
- F. Land uses within one (1) mile of the subject property:
  - 1. Residential
  - 2. Sawmill (Baker Timber)
  - 3. Hotel/Motel (Rockerville Lodge)
  - 4. Restaurant (Gas Light)
  - 5. Church
- G. At the time of the writing of this Staff Report, information was still needed to be provided in accordance with § 306 of the PCZO.

## VII. CONSIDERATIONS FOR CONDITIONAL USE PERMIT REQUEST

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

- A. **The effect upon the use and enjoyment of other property in the immediate vicinity for the uses already permitted, and upon property values within the immediate vicinity.**
  - 1. The addition of a campground on the subject property may affect the surrounding properties. This type of use is present in several locations along S. Highway 16. In addition, Staff has no documented nuisance complaints from these campgrounds/recreational resorts along S. Highway 16 from neighboring properties.
- B. **The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.**
  - 1. Allowing this Conditional Use Permit should not affect the normal, orderly development or improvement of any surrounding property in

the area. This type of development is consistent with other property along S. Highway 16.

- C. **That utilities, access roads, drainage and/or other necessary facilities are provided.**
  - 1. The applicant has submitted a site plan showing the location of all necessary utilities and facilities. All necessary utilities and facilities will be in place prior to operation.
  
- D. **That the off-street parking and loading requirements are met.**
  - 1. There appears to be more than adequate space available for parking on the property.
  
- E. **That measures are taken to control offensive odor, fumes, dust, noise, vibration, and lighting (inclusive of lighted signs), so that none of these will constitute a nuisance.**
  - 1. The proposed Conditional Use, by its very nature, can have odor, fumes, dust, noise, vibrations and intrusive lighting. The proposed use should not create any of the above-listed elements in amounts that would constitute a nuisance.

**RECOMMENDATION:** Staff will be recommending to continue Conditional Use Permit / CU 19-28 to the November 12, 2019, Planning Commission meeting. However, if the Planning Commission wishes to recommend approval of Conditional Use Permit / CU 19-28, Staff recommends the following twenty-three (23) conditions:

- 1. That the Campground consist of recreational vehicle sites, cabins, two (2) bath houses, playground, pool, office/store with laundry, pavilion, maintenance building, and a well house;
- 2. That no more than 85 recreational vehicle sites be allowed. Each recreational vehicle site shall measure a minimum of 40 feet long by 12-feet-wide;
- 3. That no more than fifteen (15) cabins be allowed;
- 4. That no tent sites be allowed;
- 5. That each site recreational vehicle site must include one (1) parking space for a vehicle (in addition to the recreation vehicle, where applicable) and the parking space must be constructed so no portion of the vehicle extends onto any interior roadway;
- 6. That each RV site be equipped with water, sewer and electric hook-ups;

7. That each RV site or cabin must be equipped with a numbered sign which is attached to a post on or near the cabin or site;
8. That a minimum 30-foot separation be provided between each RV site;
9. That all the interior streets shall be a minimum of 16 feet in width and surfaced with gravel (minimum of 4 inches), concrete or asphalt and maintained in a dust free manner;
10. That a vegetative barrier is planted and maintained along the northern and western boundary of the property;
11. That the onsite wastewater treatment system consists of an alternative treatment (ATU) system, or similar, approved by the South Dakota Department of Environment and Natural Resources;
12. That the applicant maintains some type of barrier (i.e. fence, boulders) around the onsite wastewater system to prevent any parking and/or camping over top of the on-site wastewater system and that proper setbacks to the on-site wastewater system be maintained;
13. That any alterations or additions to the wastewater treatment system be reviewed and approved by the South Dakota Department of Environment and Natural Resources and the Pennington County Onsite Wastewater Specialist and may require an Onsite Wastewater Construction Permit;
14. That the Campground conform to all regulations in Section 306 of the Pennington County Zoning Ordinance;
15. That the required setbacks for all structures be a minimum of 25 feet from the front yard property lines, 63 feet from the west side yard property line due to the Section Line Right-of-Way, 30 feet from the rear yard property line and 10 feet from the east side yard property line;
16. 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 Conditional Use Permit;
17. That a Building Permit be obtained for any new structures exceeding 144 square feet and located on a permanent foundation, which will require a site plan to be reviewed and approved by the Pennington County Planning Director;
18. That Quiet hours shall be from 10 p.m. until 7 a.m.;

Agenda Item #25  
R & J LLC; Juston Eisenbraun - Agent  
October 28, 2019

19. That prior to the placement of any sign, the applicant obtains approval of a Sign Permit;
20. That a Construction Permit is obtained prior to any dirtwork/disturbance on the subject property;
21. That the applicant works with the South Dakota Department of Transportation on mitigation of the approach off of S. Highway 16;
22. That the applicant obtains all necessary permits from other governing bodies for operation of the Campground including, but not limited to, approval from the South Dakota Department of Health and a Sales Tax License from the South Dakota Department of Revenue; and,
23. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.



## Rushmore Cabins & Rv Resort

### Business plan

Rushmore Cabins and Rv Resort is a luxurious and well equipped campground and recreational vehicle park business that will be located in the beautiful community of Rockville SD. Our basic aim of setting up the business is to contribute in ensuring that children and families who come to the Black Hills and neighboring cities have a facility for their children to catch fun to the maximum and also to open; a facility highly suitable for family recreation and camping.

Rushmore Cabin & RV Resort is going to be open by June 1 2020. Our normal operating days will be from May 1 until October 15. We will have 89 RV Full hook up sites some with back in and drive-through. There will also be 15 cabins all with bathrooms in the cabins. There will be a pool and a dog park. There will be laundry facilities and handicap accessible restrooms & showers on this site.

We will have an on-site manager and employing seven full-time employees also 5 to 10 part-time seasonal employees.

## **Juston Eisenbraun**

---

**From:** Donna Crown  
**Sent:** Tuesday, July 23, 2019 3:02 PM  
**To:** Juston Eisenbraun

### RESORT POLICY AND RULES

#### CHECK IN:

RV's 12:00 PM  
TENT SITES 12:00PM  
CABINS 3:00 PM

#### CHECK OUT:

10:30AM FOR RV'S, TENTS AND CABINS

#### SPEED LIMIT:

10 MPH

#### QUIET HOURS

10:00 PM TO 7:30 AM

#### PETS:

IT IS REQUIRED TO KEEP YOUR PET ON A LEASH AT ALL TIMES EXCEPT IN DOG PARK. PLEASE KEEP YOUR DOG FROM BARKING. IF THERE IS A COMPLAINT ABOUT YOUR DOG BARKING YOU WILL BE ASKED TO LEAVE. ALWAYS PICK UP AFTER YOUR DOG.

#### FIRES:

FIRES ARE ALLOWED IN THE FIRE RINGS AND THEY MUST BE EXTINGUISHED BY 10:30 PM. NO OUTSIDE FIREWOOD, NO CUTTING TREES OR DOWNED WOOD ON PREMISES. IF FIRE BAN IS IN FORCE WE WILL POST A FIRE BAN SIGN.

#### POOL:

HOURS OF OPERATION IS 8:30 AM TO 8:30 PM. NO LIFE GUARD ON DUTY IS POSTED AND NO CHILDREN UNDR THE AGE OF 16 YEARS OLD WITHOUT AN ADULT. NO RUNNING IN FENCED POOL AREA, NO DIVING AND NO FOUL LANGUAGE ANYWHERE ON PREMISES.

#### CANCELLATION POLICY:

IF ANY CANCELLATION IS LESS THAN 15 DAYS YOU WILL RECEIVE 50% OF YOUR DEPOSIT.

DRONES ARE PROHIBITED

#### SMOKING:

SMOKING IS NOT ALLOWED IN ANY PUBLIC AREAS, PAVILLIONS, POOL, SHOWER ROOMS OR LAUNDRY BUILDING. CABINS ARE NON SMOKING. IF YOU SMOKE IN A CABIN THEN YOU WILL BE CHARGED AN ADDITIONAL \$200 TO YOUR BILL FOR CLEANING.

NO DUMPING OF WASTE WATER ON THE GROUND.

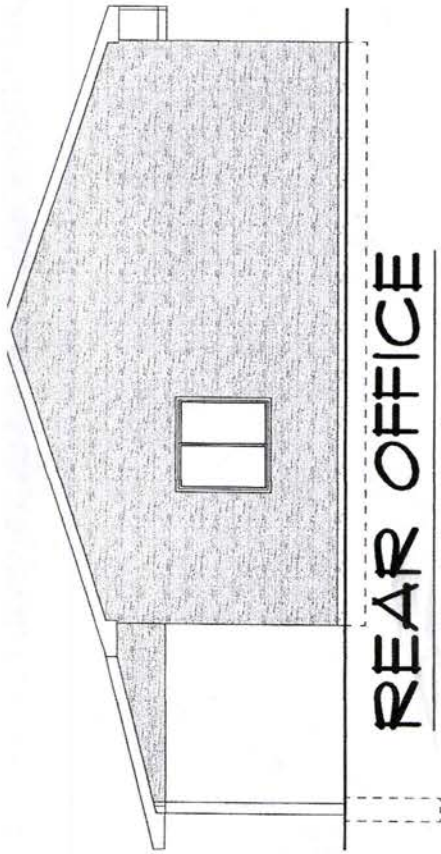
GUESTS MUST CHECK IN AT THE OFFICE.

ALCOHOL IS ALLOWED AT YOUR SITE ONLY. ALCOHOL IS PROHIBITED IN ANY PUBLIC AREA.

CLOTHES LINES MUST BE NEAT AND ORDERLY AND KEPT OT OF SIGHT.  
PLEASE DISPOSE ALL GARBAGE IN THE GARBAGE CONTAINERS PROVIDED.

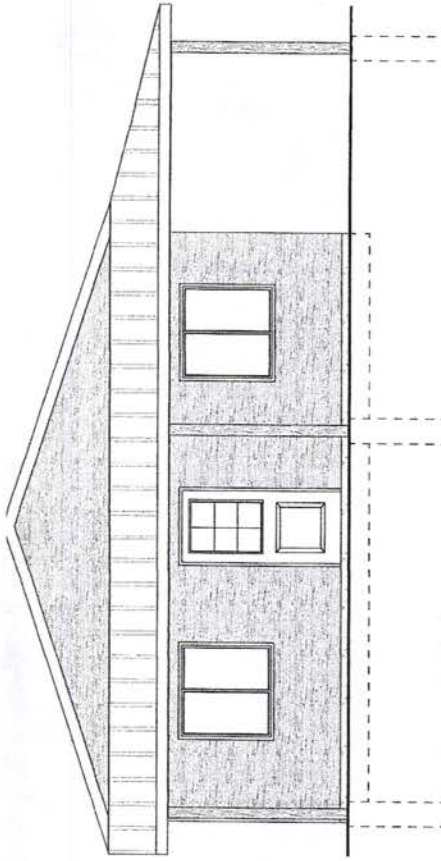
THANKS

THE MANAGEMENT



**REAR OFFICE**

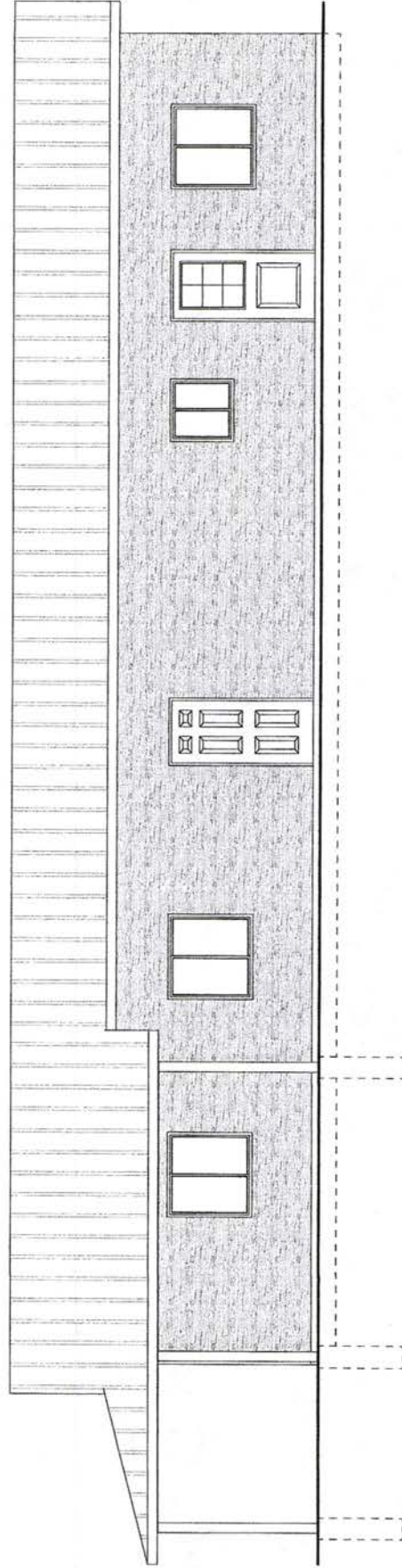
SCALE: 1/8" = 1'-0"



**FRONT OFFICE**

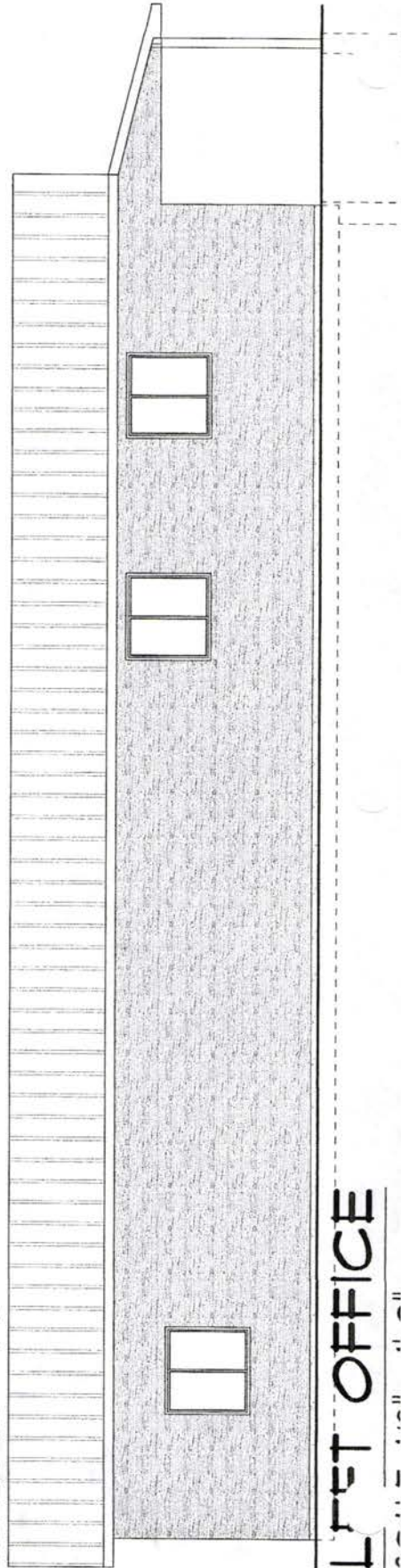
SCALE: 1/8" = 1'-0"

Top of Plate  
10'-0"  
Top of Subfloor

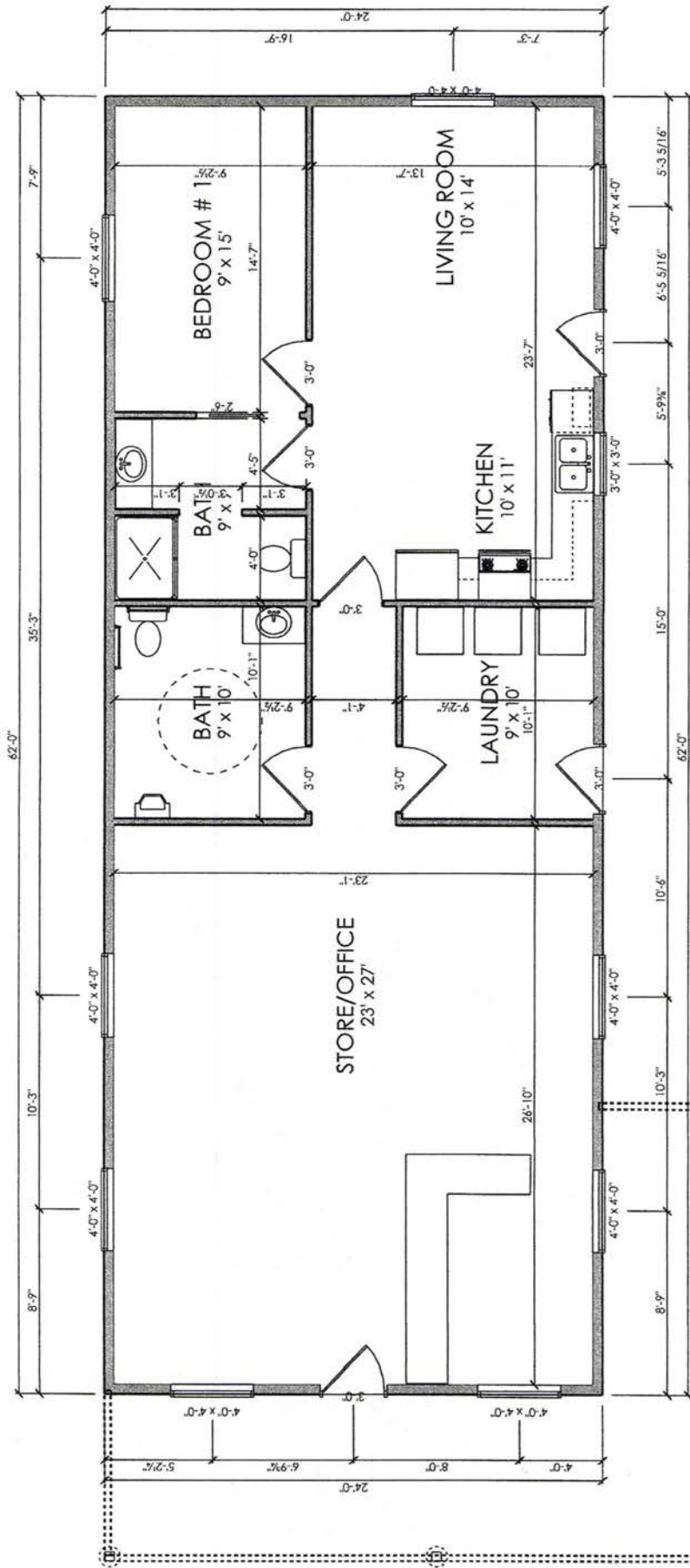


**RIGHT OFFICE**

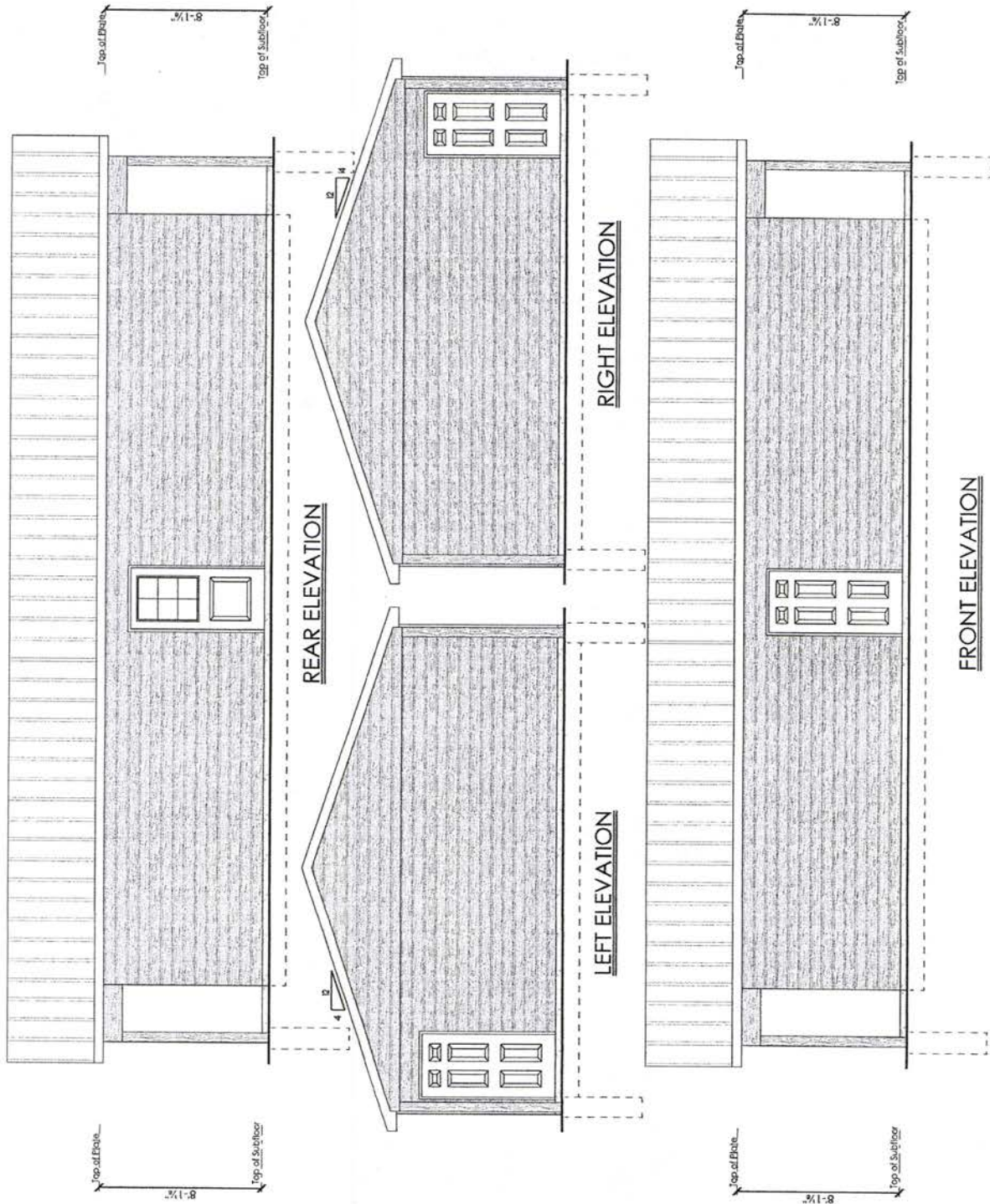
SCALE: 1/8" = 1'-0"



**LEFT OFFICE**



**OFFICE**  
 SCALE: 1/8" = 1'-0"







4,411.3  
0 2,205.64 4,411.3 Feet

1: 26,468

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

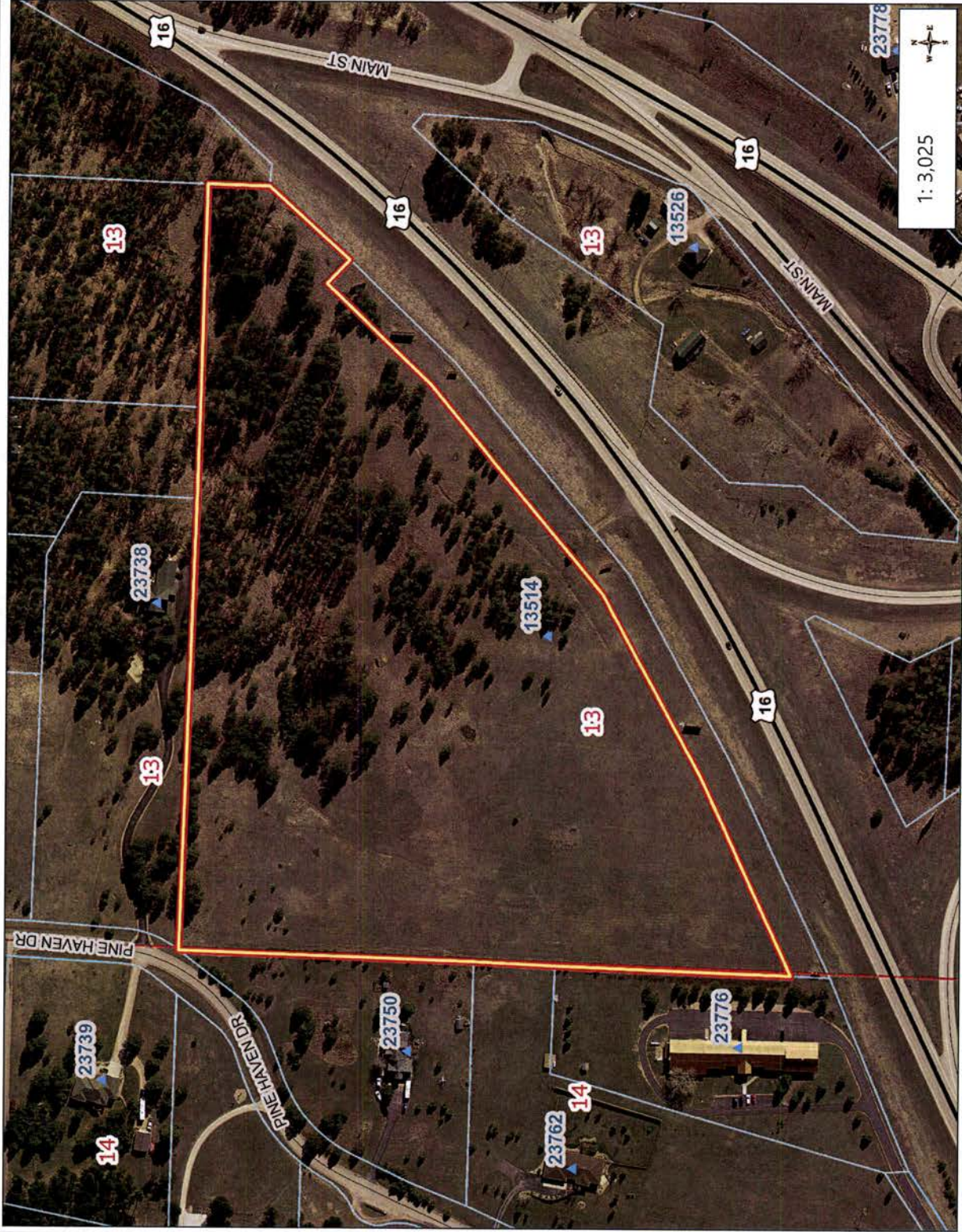
NAD\_1983\_StatePlane\_South\_Dakota\_South\_FIPS\_4002\_Feet  
© City of Rapid City GIS

**Legend**

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

**Map Notes:**





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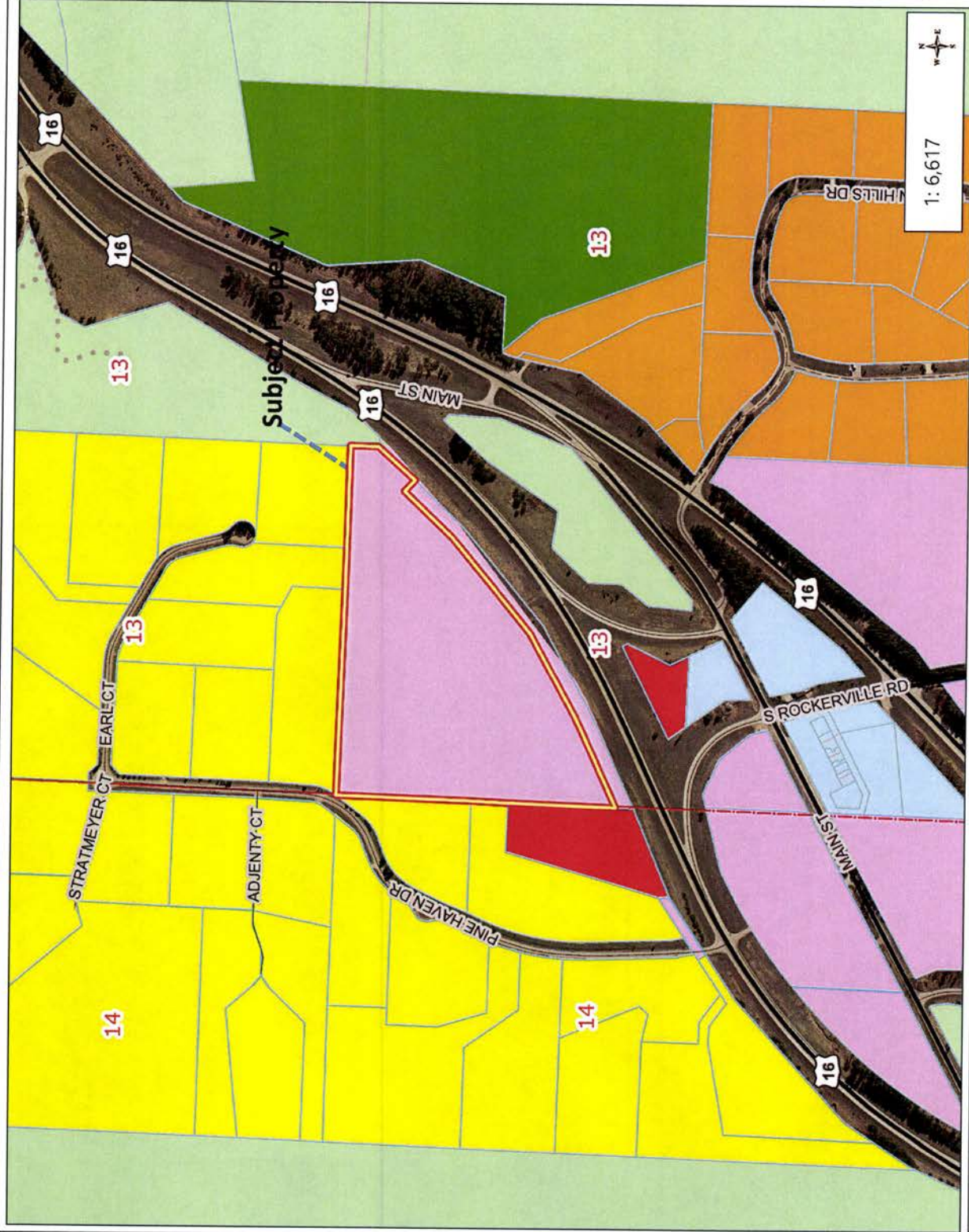
NAD\_1983\_StatePlane\_South\_Dakota\_South\_FIPS\_4002\_Feet  
© City of Rapid City GIS

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### Legend

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

### Map Notes:



1:6,617



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 © City of Rapid City GIS  
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**Legend**

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

## Conover PJ

---

**From:** Lon Buehner <lonob85@hotmail.com>  
**Sent:** Friday, October 18, 2019 10:49 AM  
**To:** Conover PJ; Molitor Brittney  
**Subject:** Shared Well Water Analysis Update - R&J LLC Conditional Use Permit

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

In the last Board of Commissioners meeting this spring that addressed the subject property rezone, I presented a table of water analysis nitrate levels for two shared wells in our subdivision and the reported analysis from the nearby state regulated Golden Hills water system. The numbers presented were from the fall 2018. I would like to provide an update of recent analyses. Our shared well farthest from the subject property tested 6.73 ppm nitrates in March, 2019 and 6.37 ppm in June, 2019. Our shared well immediately offsetting the subject property tested 6.41 ppm in March, 2019 and 8.94 ppm in June, 2019. The 8.94 ppm is the highest level ever tested in either of these wells. The variance in the values between these two wells is the highest we have ever seen. The 40% increase in nitrate levels in the well offsetting the subject property occurred during an abnormally wet summer when one would expect dilution from rainfall. I remind you that I also presented in that Board of Commissioners meeting a table comparing the flow capacity requirement versus the DENR approved septic volumes for businesses in the area including a direct offset to the subject property.

Because our shared wells are on small water systems, they are unregulated and there are no water analyses reporting requirements. However, I am furnishing these values because they may be pertinent to your analysis and recommendations pertaining to the subject Conditional Use Permit request. Please furnish this information to other Pennington County Planning Department staff, as appropriate.

Lon Buehner

Sent from [Mail](#) for Windows 10

## Ervin Jeri

---

**From:** Carson Hunter <hunter.carson10@outlook.com>  
**Sent:** Monday, October 21, 2019 6:12 PM  
**To:** Ervin Jeri  
**Subject:** Written Appeal to Campground

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

To whom it might concern,

It has always been my family's dream to own an acreage. However back in December 2015, over Christmas break, my Dad was experiencing lots of pain. He was rushed to the hospital to see what it was. He was soon later diagnosed with Colon Cancer. We tried everything. We tried Chemo, Vitamin C and natural treatments. My dad was super determined to beat it. In September 2018 my mom told me we were going to take time of school to see my dad in the hospital in Denver. Little did I know it was a trip to say goodbye to my dad. We were such a close family.

This past year of my life and my mom's and sisters life has been the hardest time we have ever been through. I thought our dream of owning an acreage would never come true. But then we took a tour of this beautiful house sitting on three acres of land. But maybe it would come true. And it did. We moved into our new house just about a month ago. There is lots of room for the dogs to run, a pretty view and privacy. We were so excited to get moved out of our old crowded neighborhood.

But just as of October 11th we got a letter. The letter is about how there might be a campground being built in the property right next to ours and is just awaiting approval. And that quickly our dream was shattered. We can't just move out of our house and find another one. This house was a big investment for us. We won't be able to let the dogs run anymore because they would just run and bark after the people at the camp. We could put up a fence but that would only ruin the view and feeling our yard has. We will no longer have privacy because the house is pretty close to that side of our property. This campground would also diminish the value of our property as no one else will want it after the campground is built.

From my family and everyone in this neighborhoods perspective imagine having a campground move into your backyard. Out of respect for the people in this neighborhood we would appreciate very much if you don't build this campground next to our neighborhood.

Sincerely,  
Carson Hunter, age 14

Pine Haven Drive

October 21, 2019



To whom it may concern,

This is a written appeal for the camp site on highway 16. I don't want it to go in because we actually just moved out here and we moved out here for a fresh start and nature. At our old house we saw boats and campers and houses just a few feet away. We wanted to enjoy land and get away from all of that. We have always wanted a little acreage where we could get away sometimes from people and seeing the city. We never knew that there would be a camp site when we bought the house a month ago. We were really frustrated when we got the note.

I ask you a question, would you want to move to the country for quiet and peace and get a camp site 500 feet away from your property? Would you want a tourist attraction by your house? I would not. The past years have been rough so that's why we moved out here. We didn't want to suddenly find out that the peace and quiet we moved out here for would be gone.

Sincerely,

Natalie Hunter

Age-11

23750 Pine Haven Drive

October 21, 2019



To Whom It May Concern,

My name is Sara Hunter. This is my written appeal to the campground that may possibly be built near my home (Highway 16 and Pine Haven Drive). I purchased 23750 Pine Haven Drive just a little over a month ago, on September 18. I was unaware of these plans and do not wish to have a public campground so close to my quiet, family property.

Let me take a moment to share with you why my kids and I purchased this home. On September 28<sup>th</sup>, 2018 my 39-year-old husband (Eric) of 16 years died of colon cancer. To say it's been a rough few years for my kids and I would be putting it mildly. As we approached the one year anniversary of his passing, we decided as a family we were ready for a fresh start. We wanted space, privacy, quiet, a fresh start, a place to heal and grow as a new and changed family. We also needed to stay close enough to Rapid that it would be easy to get to school and activities. We loved the fact that this home was sitting on 3 acres, had many mature trees, was easily accessible to Rapid and was large enough to accommodate our family from Nebraska when they came to visit. A small family acreage had been a family dream for many years and even during my late husband's illness, we looked at properties hoping to make the dream a reality sooner than later. Our family has always enjoyed hiking, biking, hammocking, camping and being outside more than anything. We wish we could have made this dream come true before Eric passed but reduced income and medical expenses made it impossible. Purchasing this home was a big decision and a large investment. We purchased this property to enjoy the large yard, the privacy, to get a break from the chaos of our daily lives and to fulfill a family dream. If we wanted to see campers and hear people when we are out in our yard we would have stayed in town at our previous home which was less expensive and a closer drive to the places we go. Receiving this letter was both disappointing and upsetting as we feel we will lose much of what we loved about this home if a campground is built only 500 feet away. If the campground goes in and we find our privacy is lost and we are forced to sell and look for this peace and quiet elsewhere, we fear this home will be hard to sell as others will feel the same as we do and we will end up losing money.

In closing, we ask you (personally), would you want a public campground in your backyard? Would you want your peace, quiet and privacy taken from you and potentially have your property decrease in value because of the close proximity of a public tourist attraction? Out of respect for both my family and those residents living in this neighborhood, we hope you will realize there is a more appropriate place for this campground. We hope this land will remain vacant or be used only for other private family homes.

Thank you for your time.

Sincerely,

Sara J. Hunter

23750 Pine Haven Drive

Rapid City, SD 57702

OCT 21 2019

JAE

**William C. Hearne**  
23762 Pine Haven Dr.  
Rapid City, SD 57702  
Home: (605) 787-4156  
Cell: (605) 645-1756  
Fax: (605) 342-8215  
E mail: [wchearne@gmail.com](mailto:wchearne@gmail.com)

Monday, October 21, 2019

To: Pennington County Planning Department

Subject: Conditional Use Permit for Rockerville campground by R&J, LLC

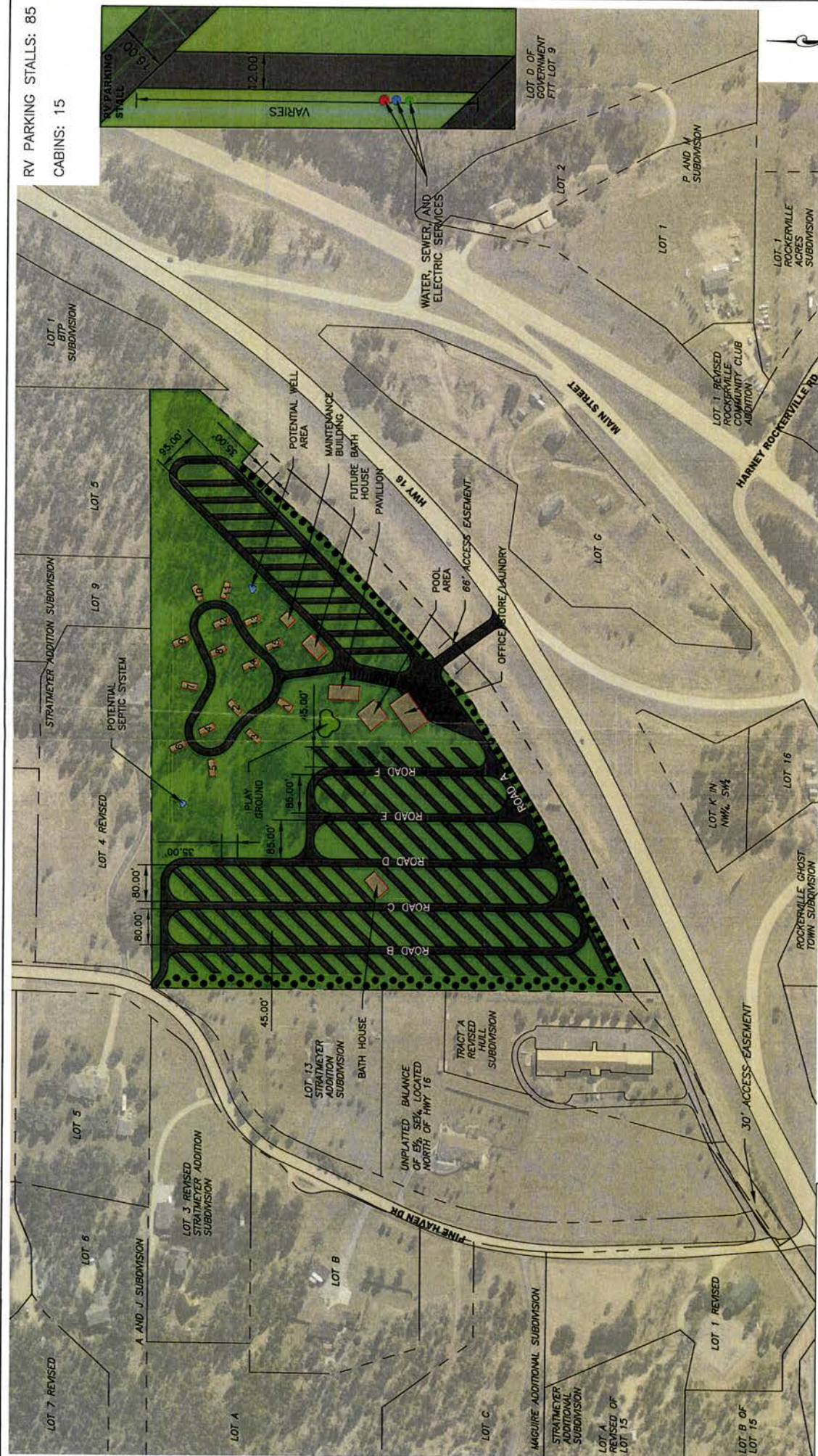
I am the president of the Pine Haven Road District and wish to have the following placed in the review package:

1. The road was never designed to sustain traffic from commercial activity or heavy/large vehicles. Should there be any proposal or plans that would direct any more than minimal traffic onto Pine Haven Drive, the Road District would be opposed to the approval of the RV Park.
2. We have maxed out the allowable mill levy we can use to raise funds for road maintenance. However, the taxes raised are insufficient to keep up with needed repairs and consequently the road is slowly worsening in condition. Additional traffic would accelerate this trend.
3. During the hearing for the rezone request, the applicants stated that the access to Pine Haven Drive at the NW corner of the subject property would not be used and access would be via a private easement across the property of the adjacent motel. It now appears that this was a falsehood and only used to get the rezone request approved.
4. The radius of the turn from Pine Haven Drive to the subject property is insufficient for long vehicles to negotiate. Longer vehicles will drive off the edge of the pavement and break off edge sections of the existing road.
5. The proposed plan calls for access via Pine Haven Drive for emergency use only.
6. The Pine Haven Road District will require a conditional use requirement to mandate a locked gate at the access point so it is not commonly used. In the event of emergency, the gate could be unlocked.
7. The road district would also mandate a condition that the area between the existing road surface and the subject property line be paved to prevent rocks and gravel being pulled onto the road and to minimize the edge failure of the main road from travel from the RV Park.

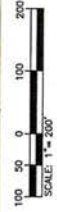
Feel free to contact me by cell or email with concerns or questions.

Sincerely,

**William C. Hearne**  
23762 Pine Haven Dr.  
Rapid City, SD 57702  
Cell: (605) 645-1756  
E mail: [wchearne@gmail.com](mailto:wchearne@gmail.com)



RV PARKING STALLS: 85  
CABINS: 15



**PRELIMINARY**  
**FOR REVIEW ONLY**

**BORGLUM SUBDIVISION**  
**ROCKERVILLE CABINS**  
**CONCEPT A**  
SEPTEMBER 30, 2019

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Rapid City, SD 57701  
(605) 791-2866  
(605) 791-2863  
engineer@ktdi.com



## Ervin Jeri

---

**From:** Molitor Brittney  
**Sent:** Thursday, October 24, 2019 11:28 AM  
**To:** Ervin Jeri; Conover PJ  
**Subject:** FW: Section 306 Requirements  
**Attachments:** Scan1177.pdf; Scan1178.pdf; Scan1179.pdf

---

**From:** Juston Eisenbraun <juston.eisenbraun@fbfs.com>  
**Sent:** Thursday, October 24, 2019 11:03 AM  
**To:** Molitor Brittney <brittneym@pennco.org>  
**Subject:** RE: Section 306 Requirements

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

Good morning Brittney, here is the planes for the office and shower houses, our plane is to build office and one shower house and a 20x24 garage for a maintenance building ,the first year. The second year, a second shower house , a 20x40 swimming pool and eleven , 95 foot long pull through sites. The pavilion will be done the third year , so we do not have planes drawn up yet for it . There is already a barbwire fence around the property ,that we will maintain and improve, and we will be adding a large wood framed gate, (like the one in the picture) along the hi-way side of the property . The other privacy and landscaping that we have planned to be done is to plant two rows of trees along the residential side of the property, one row of pines and one row of spruce. Along the hi-way side of the property , we will plant one row of spruce, and there will be one tree planted at each RV spot , some pines and maples and lindens. As for campground lighting what we have planned is that each pedestal will have a 5 watt light on it (as shown) and there will be four LED lights on the shower building , one on each side, for lighting and safety . The pool will have 6 LED lights and any sidewalks that we put in will have pathway lights for safety. We do not have a drainage plan, I am sorry ,but I didn't know we had to do one. I will have our engineer address that. Thanks



**Juston Eisenbraun**  
Agent  
Farm Bureau Financial Services

115 6th Ave  
PO Box 357  
Wall SD 57790  
(605) 279-2411  
(605) 391-6967 cell  
(605) 279-2846 fax

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*If you know someone with insurance questions, I hope you'll refer me.*

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Farm Bureau Property & Casualty Insurance Company,+\* Western Agricultural Insurance Company,+\* Farm Bureau Life Insurance Company+\* +Affiliates  
\*Company providers of Farm Bureau Financial Services

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**From:** Molitor Brittney <[brittneym@pennco.org](mailto:brittneym@pennco.org)>  
**Sent:** Wednesday, October 23, 2019 4:52 PM  
**To:** Juston Eisenbraun <[juston.eisenbraun@fbfs.com](mailto:juston.eisenbraun@fbfs.com)>  
**Subject:** Section 306 Requirements

**Farm Bureau Financial Services WARNING: This is an external email. Do not click on links or open attachments unless you trust the sender.**

=====

**Juston-**

**See the below list of items (in red) still needed to finish up your Staff Report:**

1. The location and legal description of the proposed recreational vehicle park.
2. **Plans and specifications of all buildings, improvements, and facilities constructed or to be constructed within the recreational vehicle park.**
3. The proposed use of buildings shown on the site.
4. The location and size of all recreational vehicle spaces.
5. The location of all points of entry and exit for motor vehicles and internal circulation pattern.
6. **The location of all landscaping to be provided.**
7. **The location of all lighting standards to be provided.**
8. **The location of all walls and fences and the indication of their height and the materials of their construction.**
9. The name and address of the applicant.
10. Such other architectural and engineering data as may be required to permit the Planning and Zoning Director, the Commission, and the Board to determine if the provisions of these Zoning Ordinances are being complied with.
11. A time schedule for development shall be prepared which shall demonstrate the applicant's readiness and ability to provide the proposed services; and all required improvements and facilities shall be installed within one (1) year, unless the Board, on recommendation from the Commission, approves a plan for staged construction.
12. Utility service connections to be provided.
13. A domestic water system approved by the Pennington County Planning Department.
14. A water carriage wastewater disposal system approved by the Pennington County Planning Department.
15. A typical lot plan for a recreational vehicle space detailing location and method.
16. **A complete drainage plan to include topography to at least 5-foot-contour intervals.**

**Brittney Molitor, MAS, CFM**

Pennington County Administration Building

Planning and Zoning Department

130 Kansas City Street, Suite 200

Rapid City, SD 57701

Phone: 605-394-2186 ext. 1408

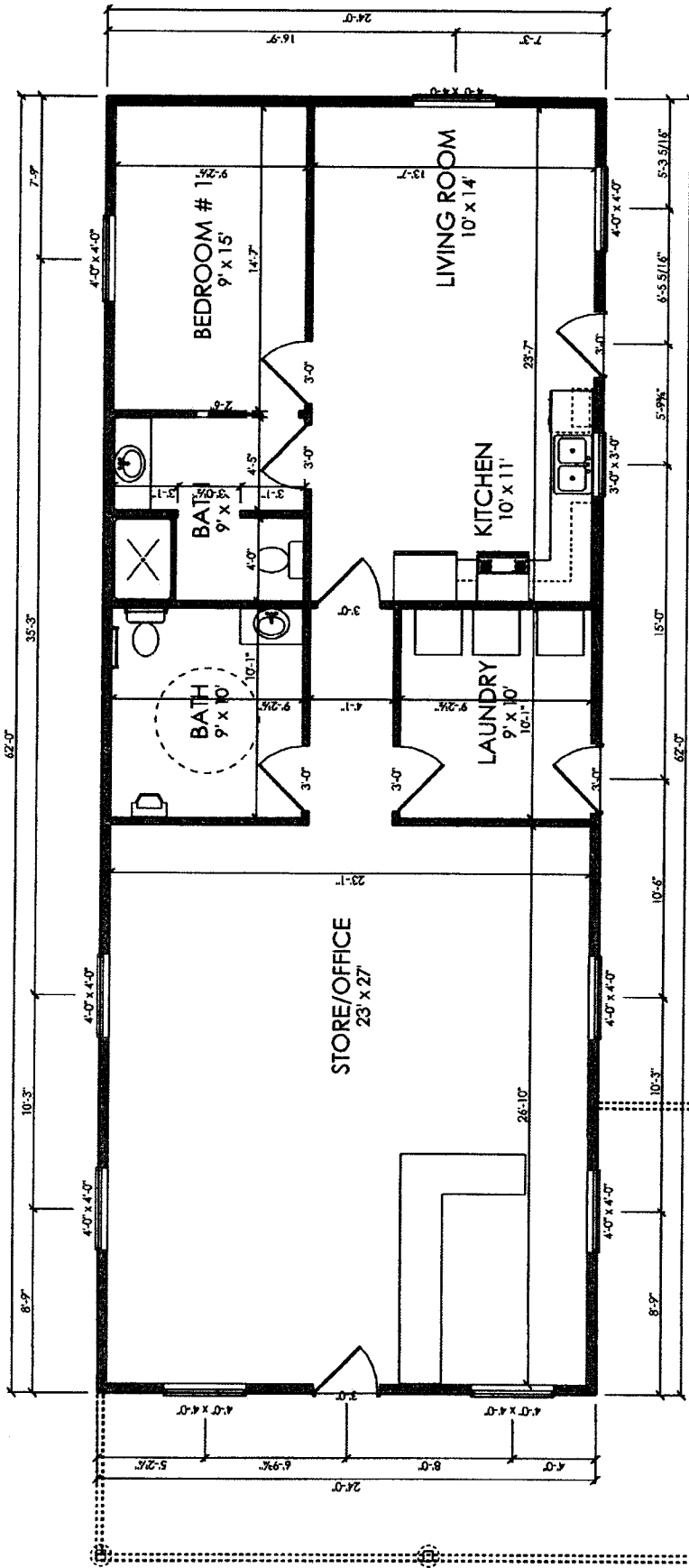


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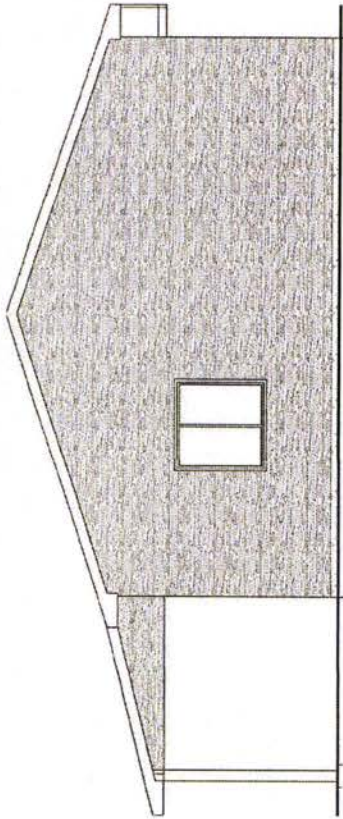
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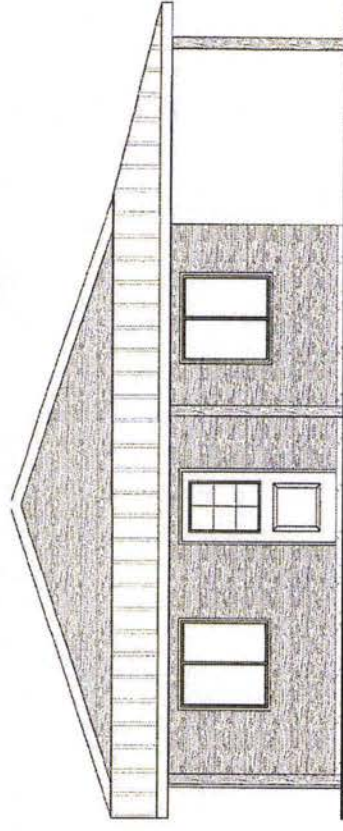


**OFFICE**  
 SCALE: 1/8" = 1'-0"



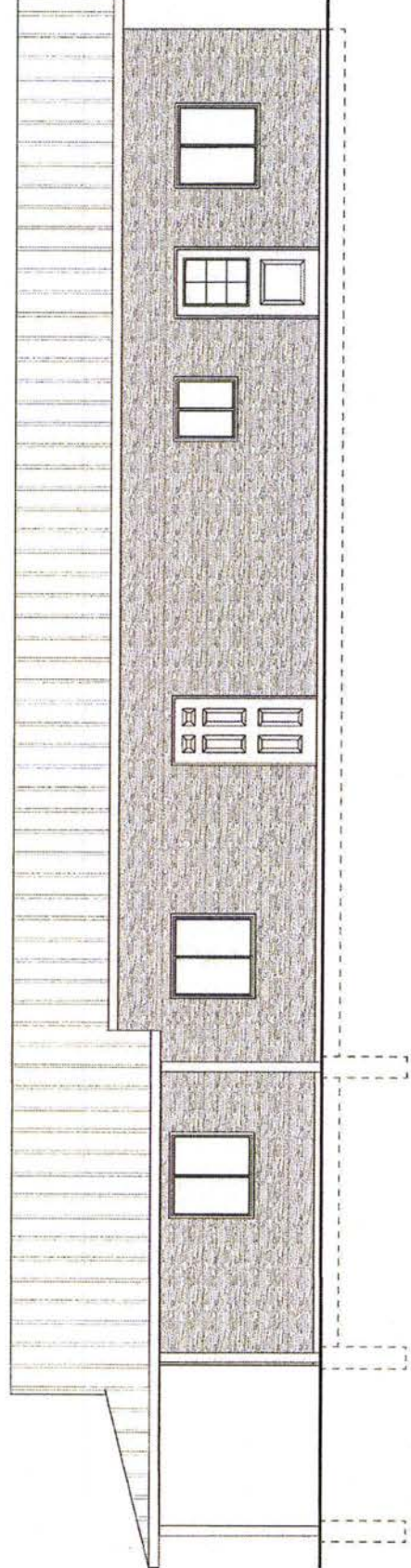
**REAR OFFICE**

SCALE: 1/8" = 1'-0"



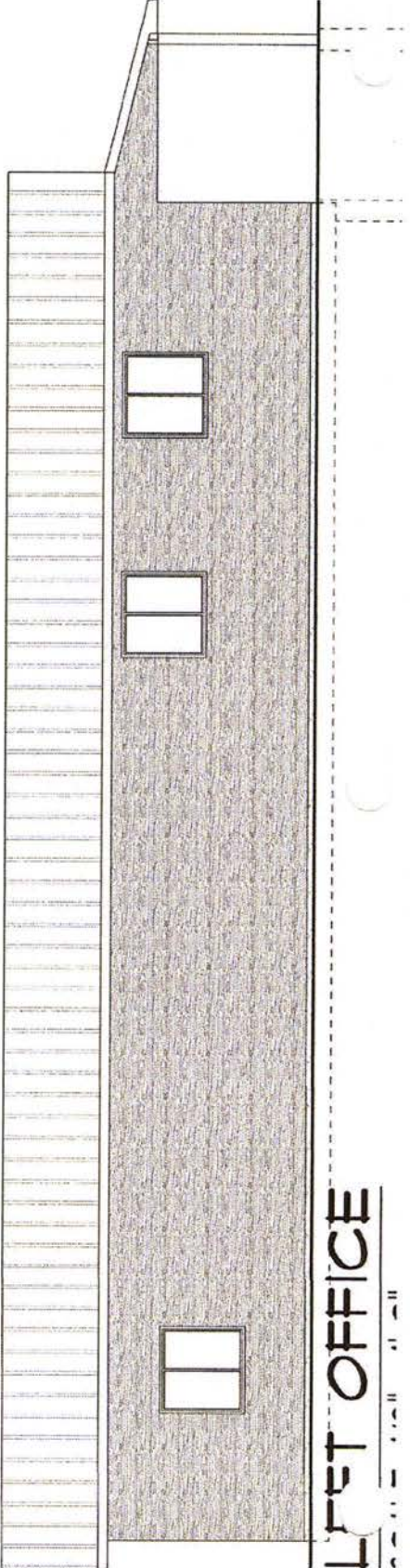
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SCALE: 1/8" = 1'-0"

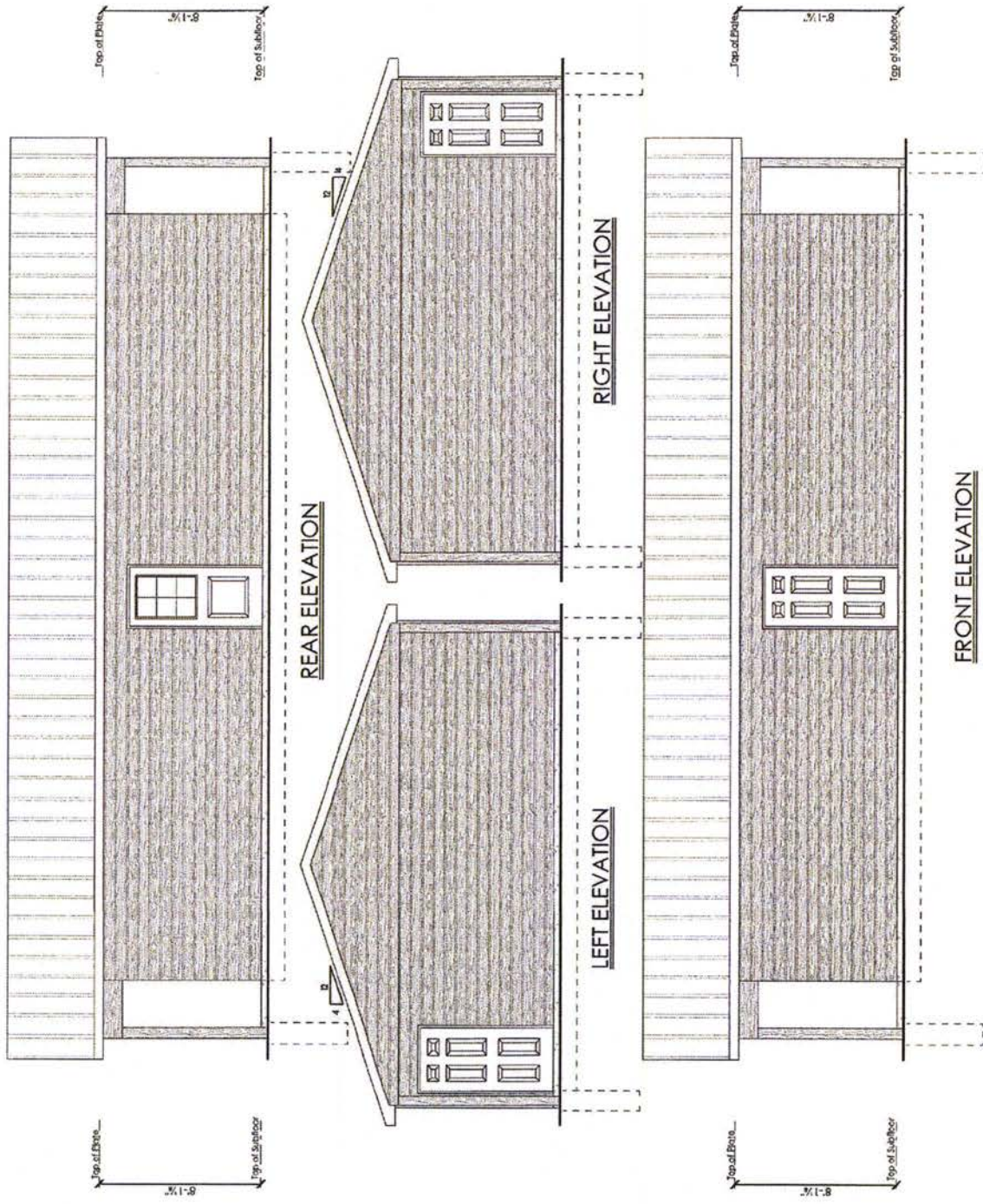


**RIGHT OFFICE**

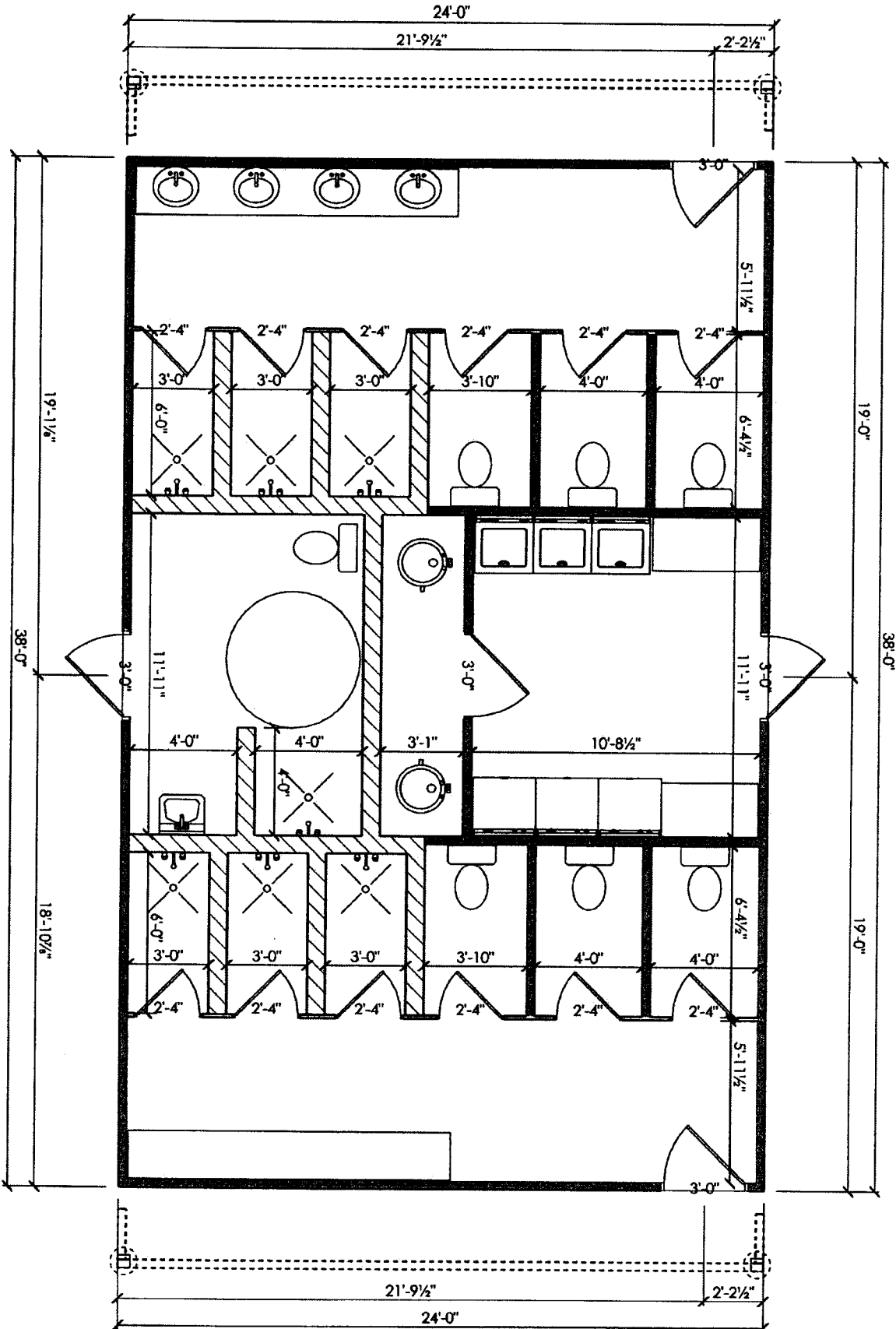
SCALE: 1/8" = 1'-0"



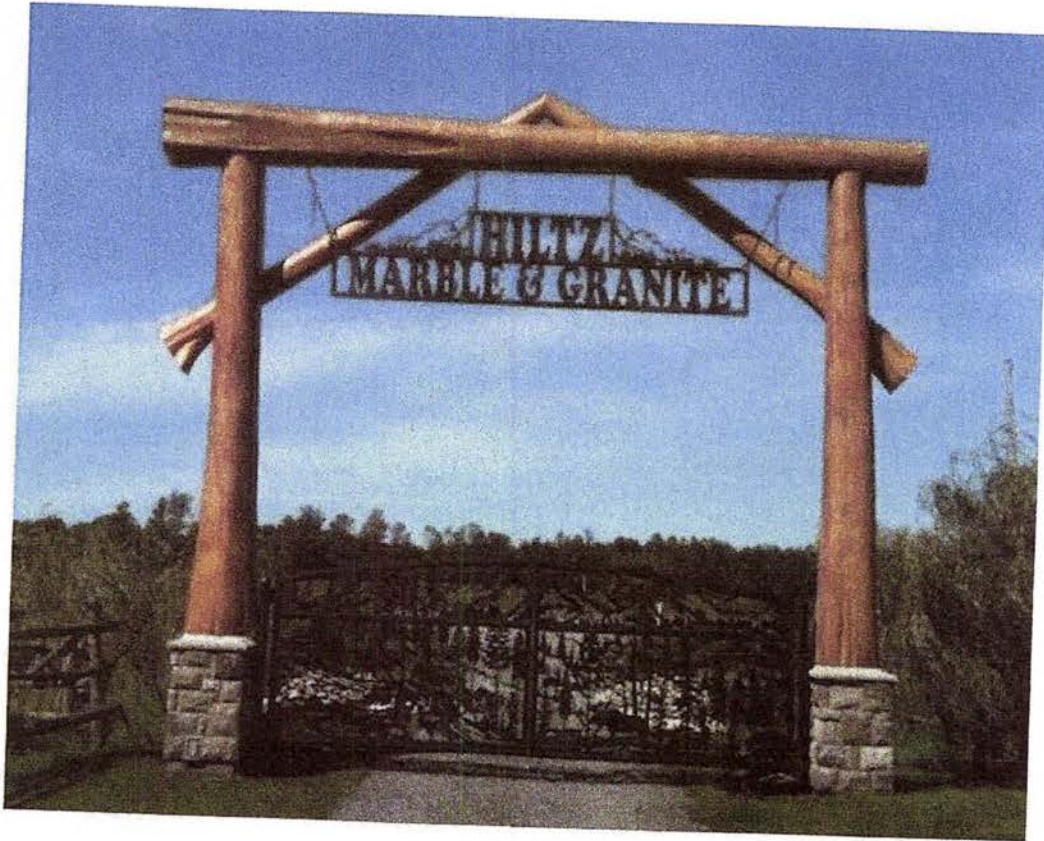
**LEFT OFFICE**



**MAIN FLOOR**  
SCALE: 3/16" = 1'-0"



29'  
one More shower / Laundry Bigger





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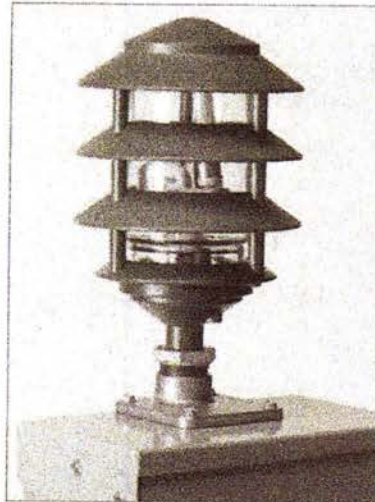
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## STAFF REPORT

### GENERAL INFORMATION

REQUEST: CONSTRUCTION PERMIT REVIEW / CP 17-13: To review the placement of a portable asphalt batch plant on the subject property, and to level and grade approximately 26 acres with berms and dust control ponds implemented on site.

APPLICANT: Western Construction, Inc.

APPLICANT ADDRESS: P.O. Box 771, Rapid City, SD 57709

LANDOWNER: Mountain View Ranches, LLC

OWNER ADDRESS: P.O. Box 771, Rapid City, SD 57709

LEGAL DESCRIPTION: S1/2NE1/4 Less Lot 1 of Blue Marlin Estates and Less Dedicated Row, Section 20, T2N, R8E, BHM, Pennington County, South Dakota.

SITE LOCATION: South of the intersection of Country Road and Dyess Avenue.

SIZE: 69.52 acres

TAX ID: 65287

EXISTING LAND USE: Agriculture

ZONING REFERENCE: Section 507

CURRENT ZONING: Limited Agriculture District  
Heavy Industrial District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Flat

UTILITIES: Private

REPORT BY: Cody Sack

**\*\*Staff is requesting public input on this request. The Planning Director will consider public input from private citizens, the applicant and the Planning Commission, in addition to information provided within this Staff Report, when rendering a decision on Construction Permit / CP 17-13.\*\***

**I. PROPOSED RECOMMENDATION**

- A. Staff will be recommending the Planning Director end Construction Permit / CP 17-13.

**II. GENERAL DESCRIPTION**

- A. The applicant requested a Construction Permit to:
1. Level, grade and gravel 26 acres;
  2. Build a 1.5 acre berm on the north side of the property and any additional berms necessary along the north property lines; and,
  3. Install two dust control ponds on the south end of the property.
- B. On November 27, 2017, the Planning Commission approved Construction Permit / CP 17-13 with the following eleven (11) conditions:
1. That a South Dakota Department of Environment and Natural Resources General Permits for Storm Water Discharges Associated with Construction Activities be obtained and the Conditions of the Approval of the South Dakota Department of Environment and Natural Resources General Permits for Storm Water Discharges Associated with Construction Activities be continually met;
  2. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;
  3. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than 14 days after the Construction Activity has stopped. All erosion control methods (mulch and seed) need to be certified noxious weed-free;
  4. That an approved Floodplain Development Permit be obtained for work done within the designed Special Flood Hazard Area prior to commencement of any disturbance;
  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 the disturbed areas be re-vegetated as required in Section 507-A(5)(c) of the Pennington County Zoning Ordinance;
  7. That all new development or redevelopment, which causes an increase in impervious area greater than 15%, shall be required to provide storm water treatment of the runoff generated by the first 0.5" of rainfall;
  8. That an Approach Permit be obtained from the City of Rapid City for the approach located off of Dyess Avenue;
  9. That all load restrictions along Pennington County roads are adhered to at all times;
  10. That the applicant sign a Statement of Understanding within ten (10) business days of Permit approval; and,
  11. That this Construction Permit expires one (1) year from approval date, and may be reviewed on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all conditions of approval are being met.
- C. November 13, 2018- the Planning Commission approved the extension of Construction Permit / CP 17-13 with the following nine (9) conditions:
1. That a South Dakota Department of Environment and Natural Resources General Permits for Storm Water Discharges Associated with Construction Activities be obtained and the Conditions of the Approval of the South Dakota Department of Environment and Natural Resources General Permits for Storm Water Discharges Associated with Construction Activities be continually met;
  2. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;
  3. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than 14 days after the Construction Activity has stopped. All erosion control methods (mulch and seed) need to be certified noxious weed-free;
  4. That an approved Floodplain Development Permit be obtained for work done within the designed Special Flood Hazard Area prior to commencement of any disturbance;
  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 the disturbed areas be re-vegetated as required in Section 507-A(5)(c) of the Pennington County Zoning Ordinance;
  7. That all new development or redevelopment, which causes an increase in impervious area greater than 15%, shall be required to provide storm water treatment of the runoff generated by the first 0.5" of rainfall;

8. That all load restrictions along Pennington County roads are adhered to at all times; and,
  9. That this Construction Permit expires one (1) year from approval date, and may be reviewed on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all conditions of approval are being met.
- D. Staff performed a site visit on October 16, 2018. The applicant installed a trench around the facility to catch all runoff from the site and all other grading and prep work was complete. All other Conditions for this permit were being met. Staff also spoke with the applicant during the site visit and the applicant agreed to end this permit.

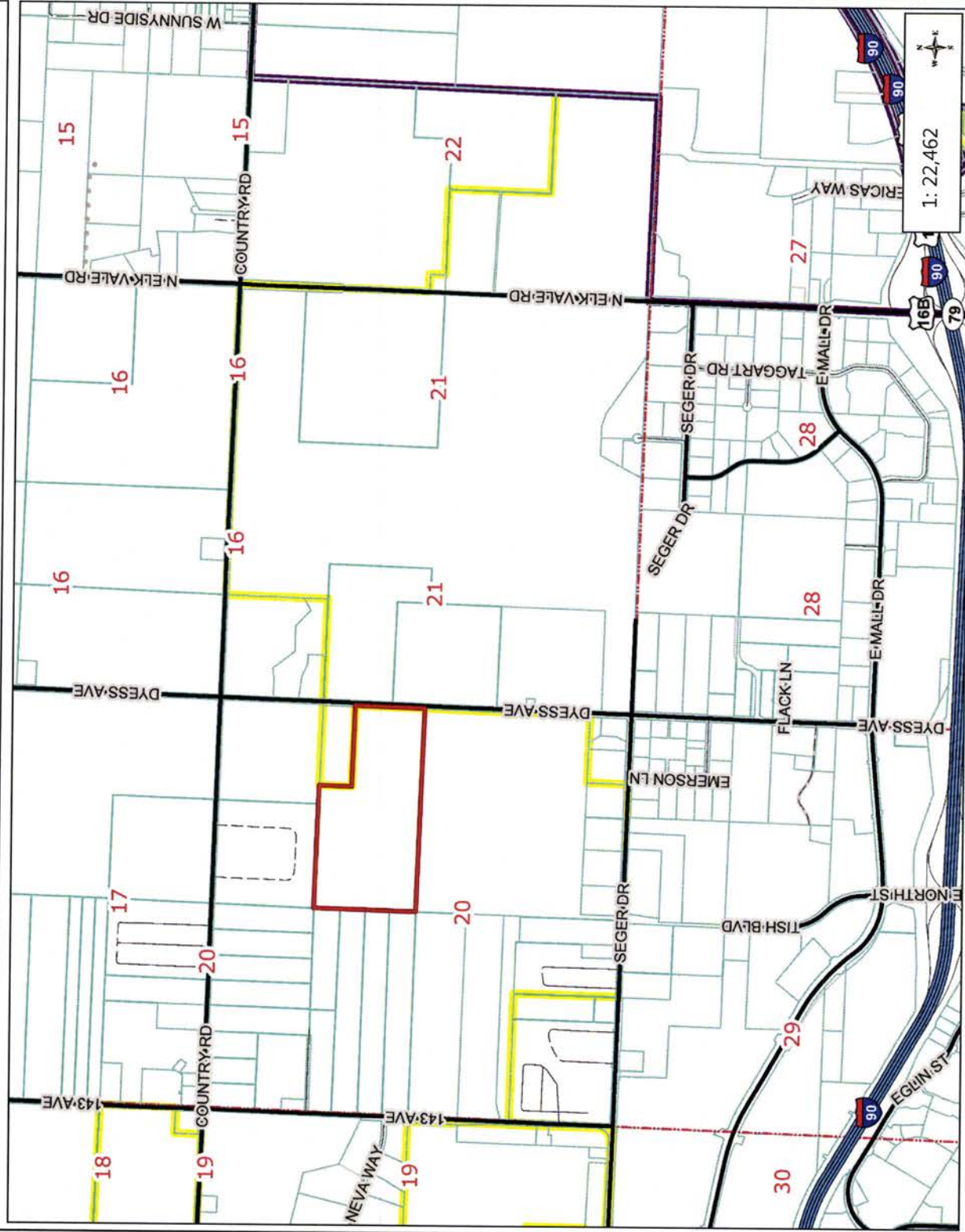
### III. EXISTING CONDITIONS

- A. Zoned General Agriculture District.
- B. 61.83 acres.
- C. There is Special Flood Hazard Area on the subject property.
  1. 100-year.
- D. Lot contains:
  1. Manufactured home – 2010COBP0299.
    - a. Onsite Wastewater Treatment System – no Permit information.
  2. Shop/pole building – 2011COBP0421.
    - a. Onsite Wastewater Treatment System – 2012COSD0027.
      - i. 1,000 gallon holding tank.
  3. Single-wide mobile home – 1973 (per Department of Equalization records).
    - a. Onsite Wastewater Treatment System – COOP13-0127.
    - b. Ranch Hand's residence.

### V. ANALYSIS

- A. On April 4, 2017, The Board of Commissioners approved Rezone / RZ 17-03 and Comprehensive Plan Amendment / CA 17-03 to rezone the subject property from General Agriculture District to Limited Agriculture District and Heavy Industrial District.
- B. October 17, 2019 – Staff performed a site visit and found:
  1. The asphalt plant has been placed on the property.
  2. The work appeared to be outside the floodplain.
- C. With the work completed and the owner's agreement to end the permit at this review, a Construction Permit is no longer needed.

**RECOMMENDATION:** Staff recommends that the Planning Director end Construction Permit / CP 19-14.



1: 22,462



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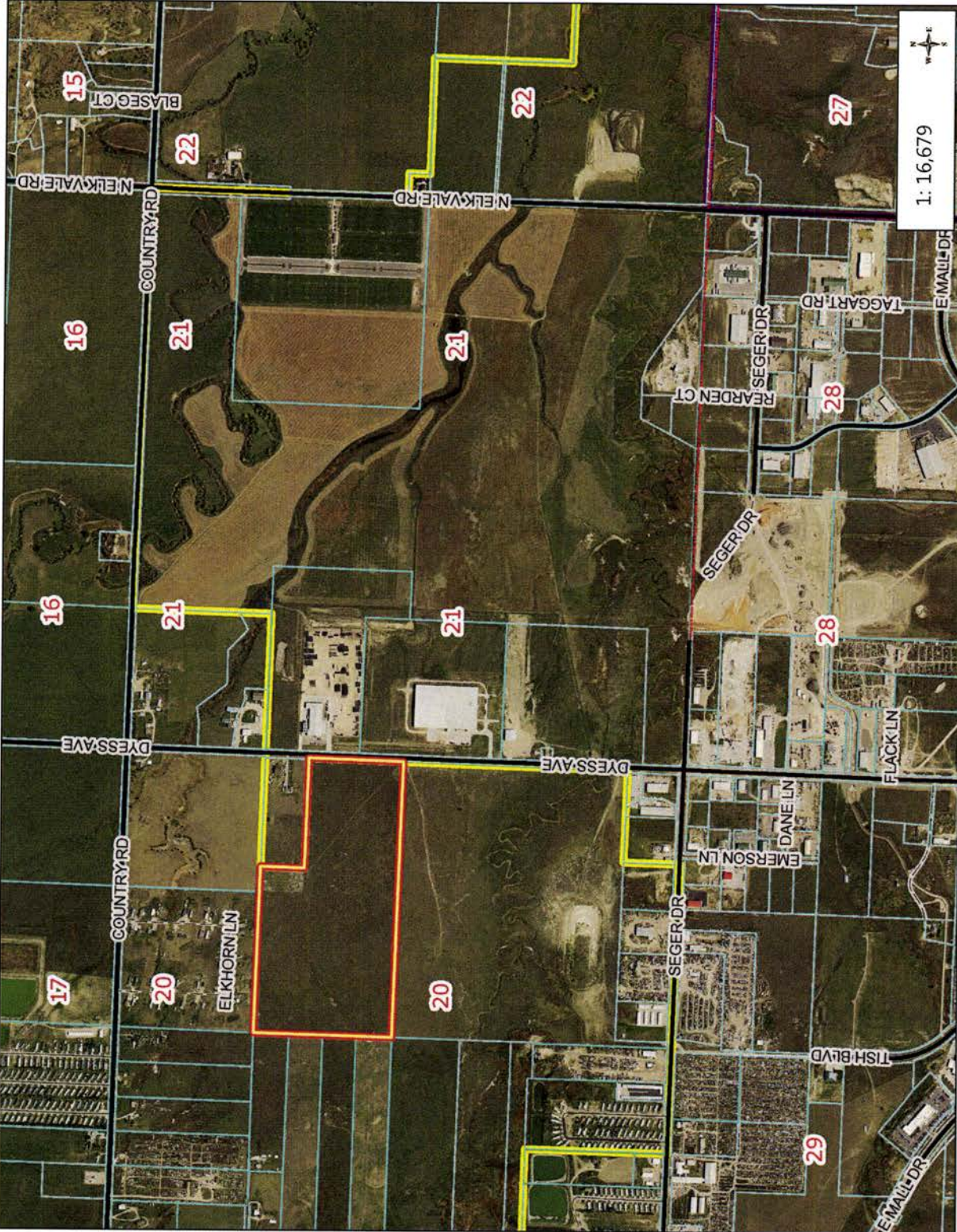
NAD\_1983\_2011\_StatePlane\_South\_Dakota\_South\_FIPS\_4002\_FL\_US  
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**Legend**

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

- Tax Parcels**
- Lot Lines**
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  - Parcel Line

**Map Notes:**



1: 16,679

2,779.9 1,389.96 2,779.9 Feet

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**Legend**

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  - US highway
  - SD highway
  - County highway
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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

**Map Notes:**

## STAFF REPORT

### GENERAL INFORMATION:

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

APPLICANT/CONTRACTOR: Site Work Specialists

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

LANDOWNER: Tim and Laurel Danley

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

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

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

SIZE: 40 acres

TAX ID: 10911

EXISTING LAND USE: Vacant

ZONING REFERENCE: Section 507 and 205

CURRENT ZONING: General Agricultural District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Forested / Hills

UTILITIES: None



REPORT BY: Cody Sack

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

**I. PROPOSED RECOMMENDATION**

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

**II. GENERAL DESCRIPTION**

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



*Site Plan*

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

14. That this Construction Permit be reviewed at the April 8, 2019, Planning Commission meeting, or on a complaint basis, or as directed by the Planning Commission and/or the Board of Commissioners to verify that all Conditions of Approval are being met.
- C. March 11, 2019 – The Planning Commission approved the amendment of Construction Permit / CP 19-02 to include common utility trench with thirteen (13) conditions.
  - D. May 28, 2019 – The Planning Director continued the review of Construction Permit / CP 19-02 twelve (12) conditions.
  - E. June 24, 2019 – Construction Permit / CP 19-02 was heard by the Planning Commission for Public Comment where staff recommended that the Planning Director continue the review of Construction Permit / CP 19-02 with twelve (12) conditions.
  - F. August 26, 2019 – Construction Permit / CP 19-02 was heard by the Planning Commission for Public Comment where staff recommended that the Planning Director continue the review of Construction Permit / CP 19-02 with the following twelve (12) conditions.
  - G. September 23, 2019 – Construction Permit / CP 19-02 was heard by the Planning Commission for Public Comment where staff recommended that the Planning Director continue the review of Construction Permit / CP 19-02 with the following twelve (12) conditions:
    1. That erosion control measures are implemented immediately and maintained until the site has been revegetated in accordance with § 507(A)(5)(c) (PCZO);
    2. That all erosion control measures submitted with the Construction Permit application be implemented prior to the Stop Work Order being lifted;
    3. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan;
    4. That the owner or designee must inspect the site at least once every 7 calendar days or every 14 calendar days and within 24 hours of the end of a storm event that exceeds 0.25 inches or snowmelt that generates runoff. A properly maintained rain gauge must be kept on the site. Inspection reports must be submitted by the contractor to the Planning Director every month during construction;
    5. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;
    6. That all natural drainage ways and paths be continually maintained;
    7. That failure of the owner or designee to submit Inspection Reports, as required, shall result in the immediate issuance of a Stop Work Order and a review by the Planning Director to determine if all Conditions of Approval are being met;

8. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;
9. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than 14 days after the Construction Activity has stopped. All erosion control methods (mulch and seed) need to be certified noxious weed-free;
10. That any portion of disturbed area that remain dormant for more than fourteen (14) days be stabilized and re-vegetated.
11. That the disturbed areas be re-vegetated as required in § 507(A)(5)(c) of the PCZO; and,
12. That this Construction Permit be reviewed at the October 28, 2019, Planning Commission meeting, or as directed by the Planning director to ensure that the applicant is meeting all conditions.

### III. EXISTING CONDITIONS

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

### IV. ANALYSIS

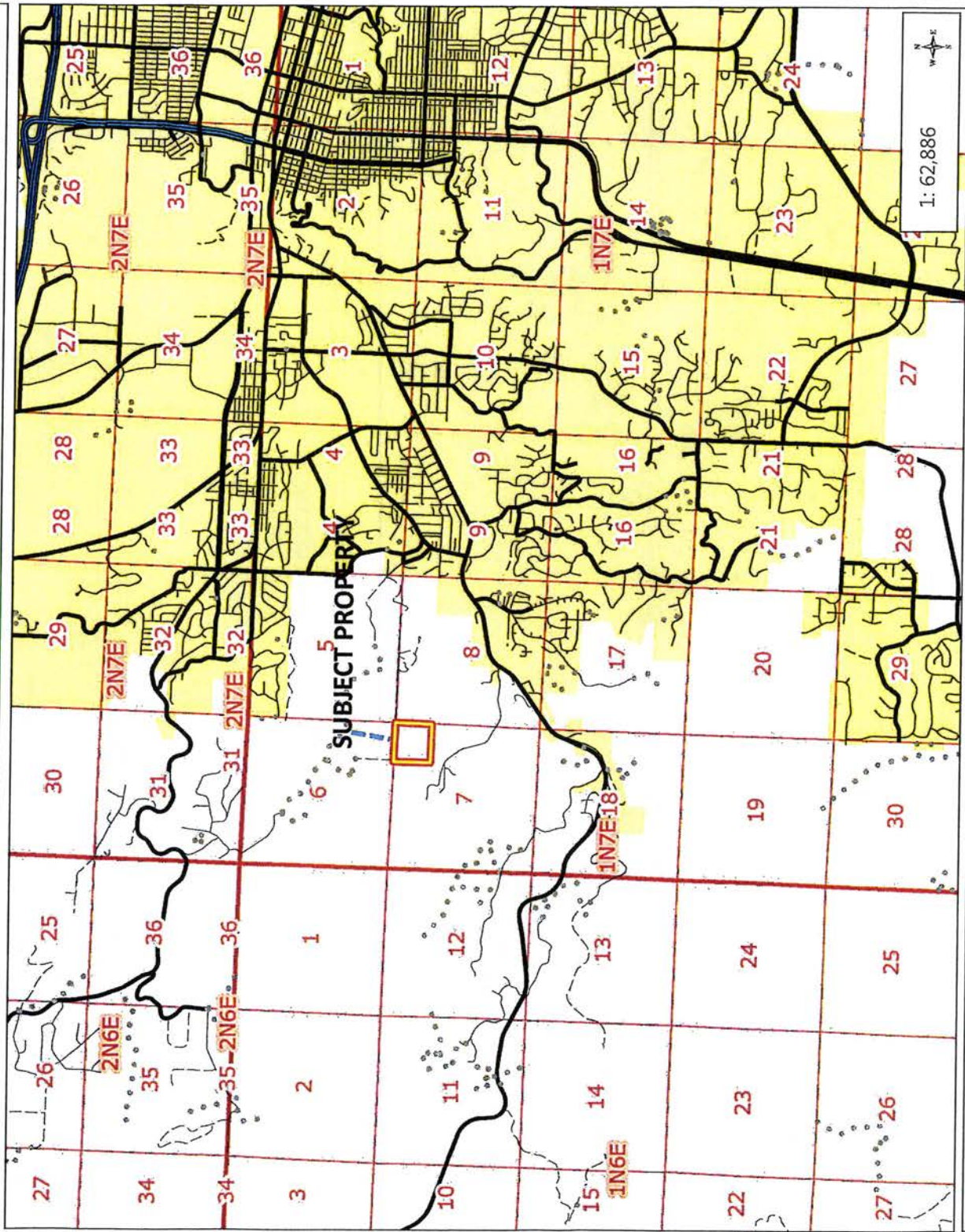
- A. The work on this section of road has been completed.
- B. October 17, 2019 – Staff performed a site visit and found:
  1. There was vegetation growth in the re-seeded area.
  2. The amount of vegetative cover does not meet Condition #11.



*Site Visit (10/17/19)*

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

1. That erosion control measures are implemented *immediately* and maintained until the site has been revegetated in accordance with § 507(A)(5)(c) (PCZO);
2. That all erosion control measures submitted with the Construction Permit application be implemented prior to the Stop Work Order being lifted;
3. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan;
4. That the owner or designee must inspect the site at least once every 7 calendar days or every 14 calendar days and within 24 hours of the end of a storm event that exceeds 0.25 inches or snowmelt that generates runoff. A properly maintained rain gauge must be kept on the site. Inspection reports must be submitted by the contractor to the Planning Director every month during construction;
5. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;
6. That all natural drainage ways and paths be continually maintained;
7. That failure of the owner or designee to submit Inspection Reports, as required, shall result in the immediate issuance of a Stop Work Order and a review by the Planning Director to determine if all Conditions of Approval are being met;
8. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;
9. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than 14 days after the Construction Activity has stopped. All erosion control methods (mulch and seed) need to be certified noxious weed-free;
10. That any portion of disturbed area that remain dormant for more than fourteen (14) days be stabilized and re-vegetated;
11. That the disturbed areas be re-vegetated as required in § 507(A)(5)(c) of the PCZO; and,
12. That this Construction Permit be reviewed at the May 26, 2020, Planning Commission meeting, or as directed by the Planning director to ensure that the applicant is meeting all conditions.



1: 62,886

10,480.9 5,240.46 10,480.9 Feet



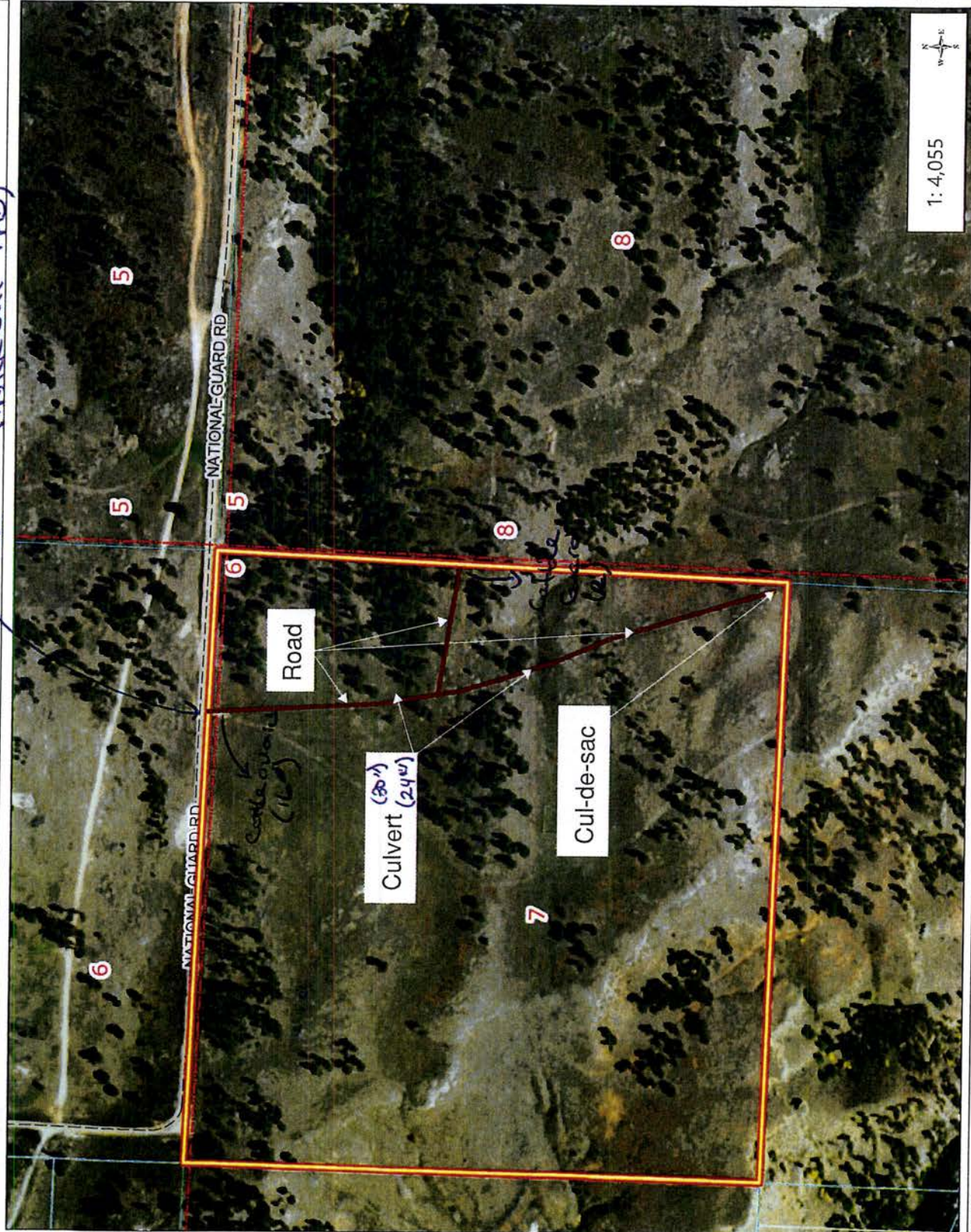
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**Legend**

- 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
- PLSS
- Townships
- City Limits
- BOX ELDER
  - ELLSWORTH AFB
  - HILL CITY
  - KEYSTONE
  - NEW UNDERWOOD
  - QUINN
  - RAPID CITY
  - WALL
  - WASTA

**Map Notes:**

ACCESS Rd (TRACK OUT PAD)



1: 4,055

**Map Notes:**

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675.9 Feet

337.93

675.9

**Legend**

**Roads**

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

**Section Lines 0-25k**

- 0
- 7

**Tax Parcels**

**Lot Lines**

- <Null>
- Lot Line
- Parcel Line

## STAFF REPORT

### GENERAL INFORMATION:

REQUEST: **CONSTRUCTION PERMIT REVIEW / CP 19-06**: To review excavation for a pond and to use the dirt to level an area for a future barn.

APPLICANT: Pat and Emily Rowe

APPLICANT ADDRESS: 12175 Deerfield Road, Hill City, SD 57745

LEGAL DESCRIPTION: PT Ray Smith Placer MS 995 S of HWY, Ray Smith Placer MS 995, Section 15, T1S, R4E, BHM, Pennington County, South Dakota.

SITE LOCATION: 12175 Deerfield Road; located east of the intersection of Battle Ax Road and Deerfield Road.

SIZE: 19.38 acres

TAX ID: 4710

EXISTING LAND USE: Residential

ZONING REFERENCE: Section 507

CURRENT ZONING: Limited Agriculture District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Forested / Hills

UTILITIES: Private

REPORT BY: Cody Sack



**\*\*Staff is requesting public input on this request. The Planning Director will consider public input from private citizens, the applicant and the Planning Commission, in addition to information provided within this Staff Report, when rendering a decision on Construction Permit / CP 19-06.\*\***

**I. PROPOSED RECOMMENDATION**

- A. Staff will be recommending that the Planning Director end Construction Permit / CP 19-06.

**II. GENERAL DESCRIPTION**

- A. The applicants, Pat and Emily Rowe, applied for a Construction Permit to excavate an area for a pond on their property and to use the dirt to level an area for a future barn. *(Site Plan see attached).*
- B. May 28, 2019- Construction Permit / CP 19-06 was heard for public comment before the Planning Commission where staff recommended that the Planning Director approve Construction Permit / CP 19-06 with the following eleven (11) 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 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;
  3. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;
  4. That all natural drainage ways and paths be continually maintained;
  5. 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;
  6. That failure of the owner or designee to submit Inspection Reports, as required, shall result in the immediate issuance of a Stop Work Order and a review by the Planning Commission to determine if all Conditions of Approval are being met;
  7. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;
  8. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than 14 days after the

Construction Activity has stopped. All erosion control methods (mulch and seed) need to be certified noxious weed-free;

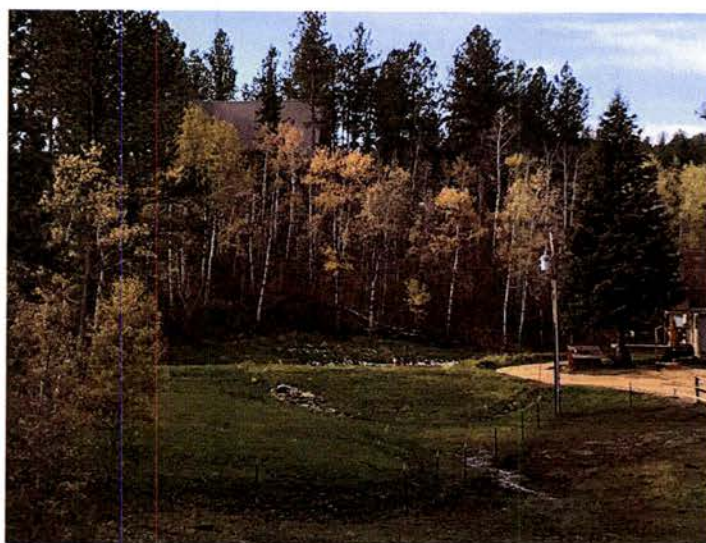
9. That the disturbed areas be re-vegetated as required in § 507(A)(5)(c) of the PCZO;
10. That the applicant sign a Statement of Understanding within ten (10) business days of approval; and,
11. That this Construction Permit be reviewed in six (6) months, or as directed by the Planning Director.

### III. EXISTING CONDITIONS

- A. Limited Agricultural District.
- B. 19.38 acres.
- C. Area of disturbance – 0.65 acres.
- D. No Special Flood Hazard Area.

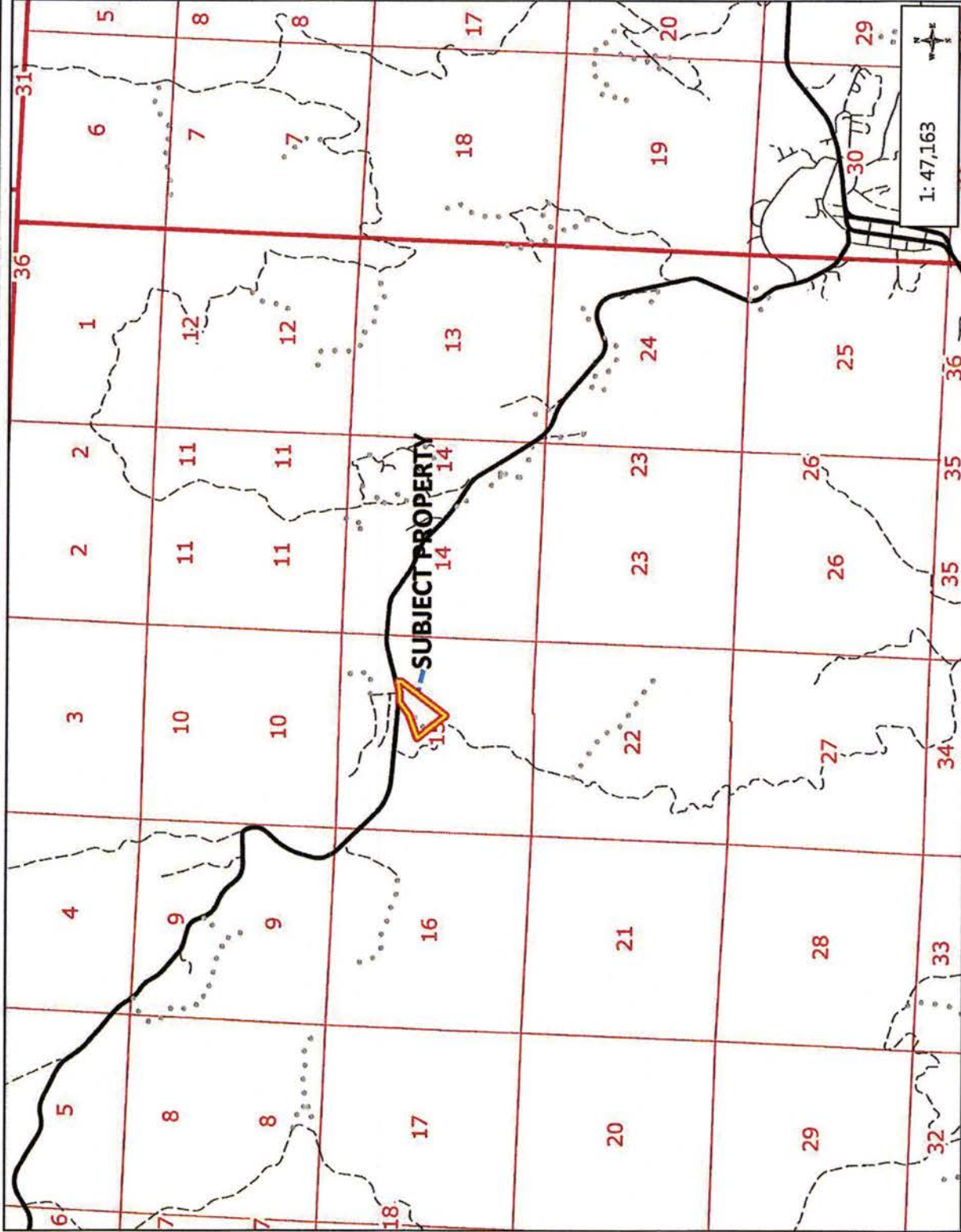
### IV. ANALYSIS

- A. The work was completed prior to the approval of a Construction Permit.
  1. Because the work was already complete and the site was being revegetated prior to the issuance of a Construction Permit, no inspection reports were required on the property.
- B. October 17, 2019 – Staff performed a site visit and found:
  1. The site has been re-vegetated.
  2. The vegetative cover meets Condition #9.
- C. It appears to staff that the site has been stabilized in accordance with § 507(A)(5)(c) of the Pennington County Zoning Ordinance (PCZO).



*Site Visit (10/17/19)*

**RECOMMENDATION:** Staff is recommending that the Planning Director end Construction Permit / CP 19-06.



**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
  - WARTA

**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**

7,860.4 0 3,930.22 7,860.4 Feet

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



491.3

491.3 Feet

245.64

491.3 Feet

NAD\_1983\_StatePlane\_South\_Dakota\_FIPS\_4002\_Feet  
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**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

1: 2,948



**Legend**

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

**Section Lines 0-25k**

- 0
- 7



Tax Parcels

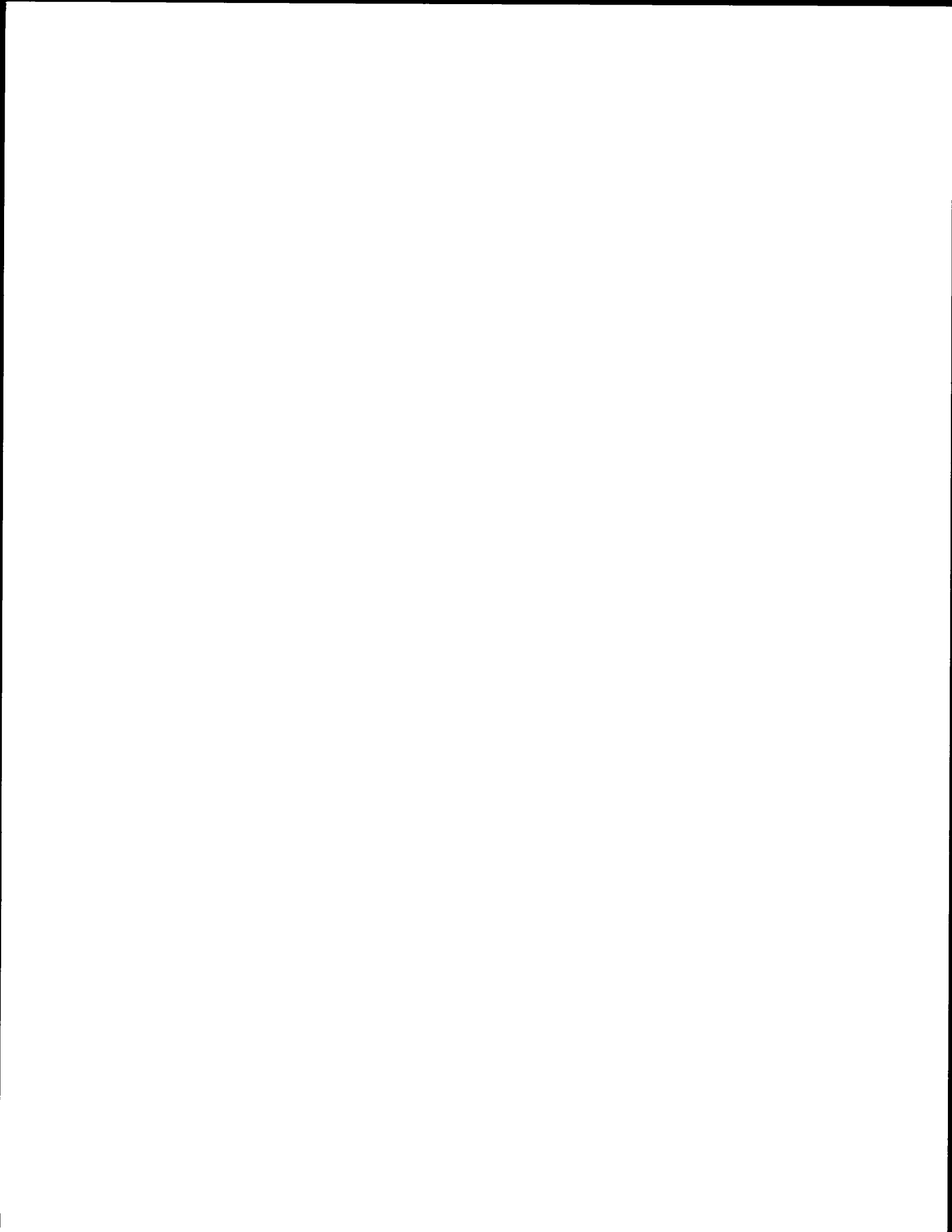
Lot Lines

<Null>

Lot Line

Parcel Line

**Map Notes:**



**STAFF REPORT**

GENERAL INFORMATION:

REQUEST: **CONSTRUCTION PERMIT REVIEW / CP 19-07**: To review adding fill and grade a low spot on the subject property.

APPLICANT: Fatter Boys, LLC / Bob Fuchs

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

LEGAL DESCRIPTION: Lot 1-3 less Lot 1A of Spring Creek Palisades, Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

SITE LOCATION: 23856 Highway 385.

SIZE: 6.94 acres

TAX ID: 9107

EXISTING LAND USE: Residential

ZONING REFERENCE: Section 507

CURRENT ZONING: Highway Service District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Flat / Open Meadow / Sloping

UTILITIES: Private

REPORT BY: Cody Sack

**\*\*Staff is requesting public input on this request. The Planning Director will consider public input from private citizens, the applicant and the Planning Commission, in addition to information provided within this Staff Report, when rendering a decision on Construction Permit / CP 19-07.\*\***

**I. PROPOSED RECOMMENDATION**

- A. Staff will be recommending the Planning Director approve the extension of Construction Permit / CP 19-07 with twelve (12) conditions.

**II. GENERAL DESCRIPTION**

- A. The applicant, Fatter Boys, LLC, requested a Construction Permit to add fill and to grade a low spot on the subject property.
- B. May 28, 2019 – Construction Permit / CP 19-07 was heard by the Planning Commission for Public Comment where staff recommended that the Planning Director continue the review of Construction Permit / CP 19-02 with the following twelve (12) conditions:
1. That erosion control measures are maintained until the site has been revegetated in accordance with § 507(A)(5)(c) of the PCZO;
  2. That the applicant obtain an approved Floodplain Development Permit prior to CP 19-07 being approved by the Planning Director;
  3. That the owner or designee must inspect the site at least once every 7 calendar days or every 14 calendar days and within 24 hours of the end of a storm event that exceeds 0.25 inches or snowmelt that generates runoff. A properly maintained rain gauge must be kept on the site. Inspection reports must be submitted to the Planning Director every month during construction;
  4. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;
  5. That all natural drainage ways and paths be continually maintained;
  6. That the Spring Creek drainage is not negatively impacted;
  7. 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;
  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 the applicant sign a Statement of Understanding prior to CP 19-07 approval; and,
13. That this Construction Permit be reviewed in six (6) months, or as directed by the Planning Director.

### III. EXISTING CONDITIONS

- A. Highway Service District.
  1. This property was rezoned in 2019 from Limited Agriculture District to Highway Service District
- B. 6.94 acres.
- C. Special Flood Hazard Area.
  1. Floodway.
  2. 100-year flood.
- D. Area of disturbance 0.5 acres.

### IV. ANALYSIS

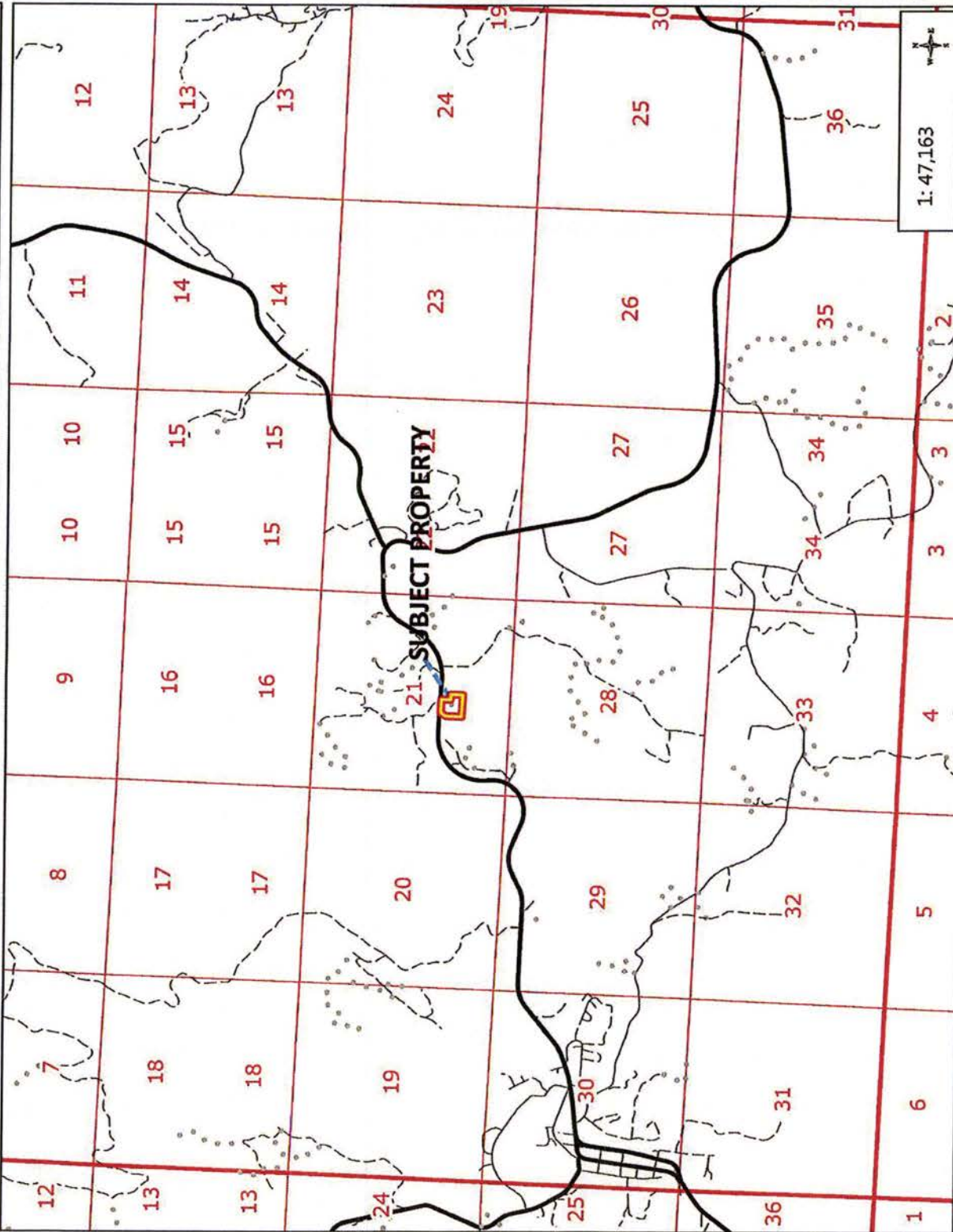
- A. October 17, 2019 – Staff performed a site visit and found:
  1. The work appeared to be complete.
  2. Vegetation had started to come in but staff could not verify that Condition #11 had been met.
- B. October 22, 2019 – Staff contacted the applicant who stated:
  1. The work has been completed.
  2. An area will be re-seeded in November and the site will be stabilized for the winter.
- C. The applicant is current on inspection reports.

**RECOMMENDATION:** Staff recommends the Planning Director approve the extension of Construction Permit / CP 19-07 with the following twelve (12) 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 the applicant obtains an approved Floodplain Development Permit prior to CP 19-07 being approved by the Planning Director;



3. That the owner or designee must inspect the site at least once every 7 calendar days or every 14 calendar days and within 24 hours of the end of a storm event that exceeds 0.25 inches or snowmelt that generates runoff. A properly maintained rain gauge must be kept on the site. Inspection reports must be submitted to the Planning Director every month during construction;
4. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;
5. That all natural drainage ways and paths be continually maintained;
6. That the Spring Creek drainage is not negatively impacted;
7. 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;
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 this Construction Permit be reviewed in May 2020, or as directed by the Planning Director.



1: 47,163

7,860.4 0 3,930.22 7,860.4 Feet

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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
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- PLSS
- Townships
- Tax Parcels
- Lot Lines
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- Lot Line
- Parcel Line
- City Boundaries**
- BOX ELDER
  - ELLSWORTH AFB
  - HILL CITY
  - KEYSTONE
  - NEW UNDERWOOD
  - QUINN
  - RAPID CITY
  - WALL
  - WASTA

**Map Notes:**



1: 1,336

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0 111.36 222.7 Feet  
NAD\_1983\_StatePlane\_South\_Dakota\_FIPS\_4002\_Feet  
© City of Rapid City GIS

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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

**Map Notes:**

## STAFF REPORT

### GENERAL INFORMATION:

**REQUEST:** CONSTRUCTION PERMIT / CP 19-15: To repair and extend an existing road, to construct a new road, and to regrade and level portions of the subject property in accordance with Sections 209, 212, and 507 of the Pennington County Zoning Ordinance.

**APPLICANT:** Pat Hall

**APPLICANT ADDRESS:** 528 Kansas City Street, Ste. 5  
Rapid City, SD 57701

**CONTRACTOR:** Brian Hammerbeck

**CONTRACTOR ADDRESS:** 528 Kansas City Street, Ste. 5  
Rapid City, SD 57701

**LEGAL DESCRIPTION:** Lot 1 of NW1/4NE1/4; E1/2 of Lot A of NW1/4NE1/4; E1/2 of Lot A of E1/2NW1/4; NE1/4NE1/4; Lot 1 of SW1/4NE1/4; SE1/4NE1/4; Lot 1 of NW1/4SE1/4; NE1/4SE1/4; Lot 1 of SW1/4SE1/4; SE1/4SE1/4; and W1/2; all located in Sections 32 and 33, T1N, R8E, BHM, Pennington County, South Dakota.

**SITE LOCATION:** 7800 S. Highway 79 and properties along S. Highway 79.

**SIZE:** 600.03 acres

**EXISTING LAND USE:** Contractor's Storage Area / Go Kart Race Track / Vacant / Residential

**TAX ID:** 68328 / 68329 / 68331 / 68332 / 68333 / 68334 / 68330/ 11709 / 46725

**ZONING REFERENCE:** Sections 209, 212, and 507

Agenda Item #30  
Pat Hall  
October 28, 2019

CURRENT ZONING:                   General Commercial District  
  Heavy Industrial District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Flat

UTILITIES:                           None

REPORT BY:                         Cody Sack

**\*\*Staff is requesting public input on this request. The Planning Director will consider public input from private citizens, the applicant and the Planning Commission, in addition to information provided within this Staff Report, when rendering a decision on Construction Permit / CP 19-15.\*\***

**I. PROPOSED RECOMMENDATION**

- A. Staff is recommending that the Planning Director approve Construction Permit / CP 19-15 with fifteen (15) conditions.

**II. GENERAL DESCRIPTION**

- A. September 25, 2019 - The applicant, Pat Hall, has requested a Construction Permit to repair and extend an existing road, to construct a new road, and to re-grade and level portions of the subject property.
1. See attached site plan.

**III. EXISTING CONDITIONS**

- A. Lot 1 of NW1/4NE1/4; E1/2 of lot A of NW1/4NE1/4; E1/2 of Lot A of E1/2NW1/4
1. General Commercial District.
  2. 37.59 acres.
  3. Garage Building – built in 1960 per Department of Equalization (DOE).
  4. Two farm utility buildings – built in 1940 per DOE.
- B. Lot 1 of SW1/4NE1/4
1. General Commercial District.

2. 32.03 acres.
  3. Vacant of any structures.
  4. Construction Permit / CP 17-03 for grading area to be used as a storage area.
- C. Lot 1 of NW1/4SE1/4
1. General Commercial District.
  2. 27.48 acres.
  3. Three (3) Sign Permits (2004COSP-0010, 2000COSP-0011, 2000COSP-0012).
  4. Crows nest (2003COBP-0720).
  5. Concession building (2003COBP-0719).
- D. Lot 1 of SW1/4SE1/4
1. General Commercial District.
  2. 22.93 acres.
  3. Vacant of any structures.
- E. SE1/4SE1/4
1. Heavy Industrial District.
  2. 40 acres.
  3. Vacant of any structures.
- F. NE1/4SE1/4
1. Heavy Industrial District.
  2. 40 acres.
  3. Vacant of any Structures.
- G. SE1/4SE1/4
1. Heavy Industrial District.
  2. 40 acres.
  3. Vacant of any Structures.
- H. NE1/4NE1/4
1. Heavy Industrial District.
  2. 40 acres.
  3. Vacant of any Structures.
- I. W1/2
1. Heavy Industrial District.
  2. 320 acres.
  3. Vacant of any Structures.
  4. Construction Permit / CP 19-08 to repair an existing dam.

#### **IV. REQUEST FOR COMMENT**

- A. County Highway
1. County Highway has no comments since this abuts a State Highway and drainage isn't impacted.
- B. Professional Environmental Planner
1. There is Special Flood Hazard Area on the Property. Any work done within the area would require a Floodplain Development Permit.

2. Must follow the Storm Water Manual for implementation of Best Management Practices.
  3. Site Must be revegetated in accordance with Section 507 of the Pennington County Zoning Ordinance (PCZO).
- C. Environmental Planner
1. The disturbed area will need to be revegetated.
  2. Inspection reports will need to be submitted weekly to the environmental planner.
  3. Erosion and Sediment controls need to be installed prior to any disturbance.
  4. The proposed road crosses a Section Line which would require an additional Construction in a Section Line Permit.
  5. A proposed road crosses "Dry Creek" which may require Permits with the Army Corps of Engineers.
  6. The disturbance is over one (1) acre which would require a General Permit through the South Dakota Department of Environment and Natural Resources SDDENR.
- D. County Addressing Coordinator
1. The proposed roads will need to be named.
- E. Emergency Services (911)
1. We would want to review any proposed road names.
- F. City of Rapid City, County Ordinance Enforcement, County Fire Administrator, Department of Transportation, Army Corps of Engineers, SDDENR
1. No comments received.

**V. ANALYSIS**

- A. There is an area of 100-year floodplain on one of the properties, however, the work appears to be outside of the Special Flood Hazard Area.
- B. The area of disturbance is greater than one (1) acre which would require a General Permit for Stormwater Discharge from the SDDENR.
- C. There is a section of road that crosses a Section Line.
  1. The applicant will either have to apply for a Road Construction within a Section Line Right-of-Way or vacate the Section Line.
- D. There is a section of road that will cross "Dry Creek".
  1. The applicant will need to check with the Army Corps of Engineers to see if any Permits would be required.
  2. Any culverts used will need to be reviewed by the County drainage Engineer.

**RECOMMENDATION:** Staff recommends that the Planning Director approve Construction Permit / CP 19-15 with the following fifteen (15) conditions:

Agenda Item #30  
Pat Hall  
October 28, 2019

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 prior to approval, the applicant submits a Notice of Intent for the SDDENR General stormwater Permit;
3. That prior to approval, the applicant obtains a Road Construction in a Section Line Right-of-way Permit or vacate the Section Line between Sections 32 and 33, where the proposed road crosses;
4. That prior to approval, the applicant submits information in writing to the Planning Director from the Army Corps of Engineers on whether a permit to cross "Dry Creek" is required;
5. That prior to the installation of any culvert, that the culvert size is reviewed by the County Drainage Engineer;
6. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan;
7. 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;
8. That failure of the owner or designee to submit Inspection Reports, as required, shall result in the immediate issuance of a Stop Work Order and a review by the Planning Director to determine if all Conditions of Approval are being met;
9. That 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;
10. That all natural drainage ways and paths be continually maintained;
11. 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;
12. 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;





Agenda Item #30  
Pat Hall  
October 28, 2019

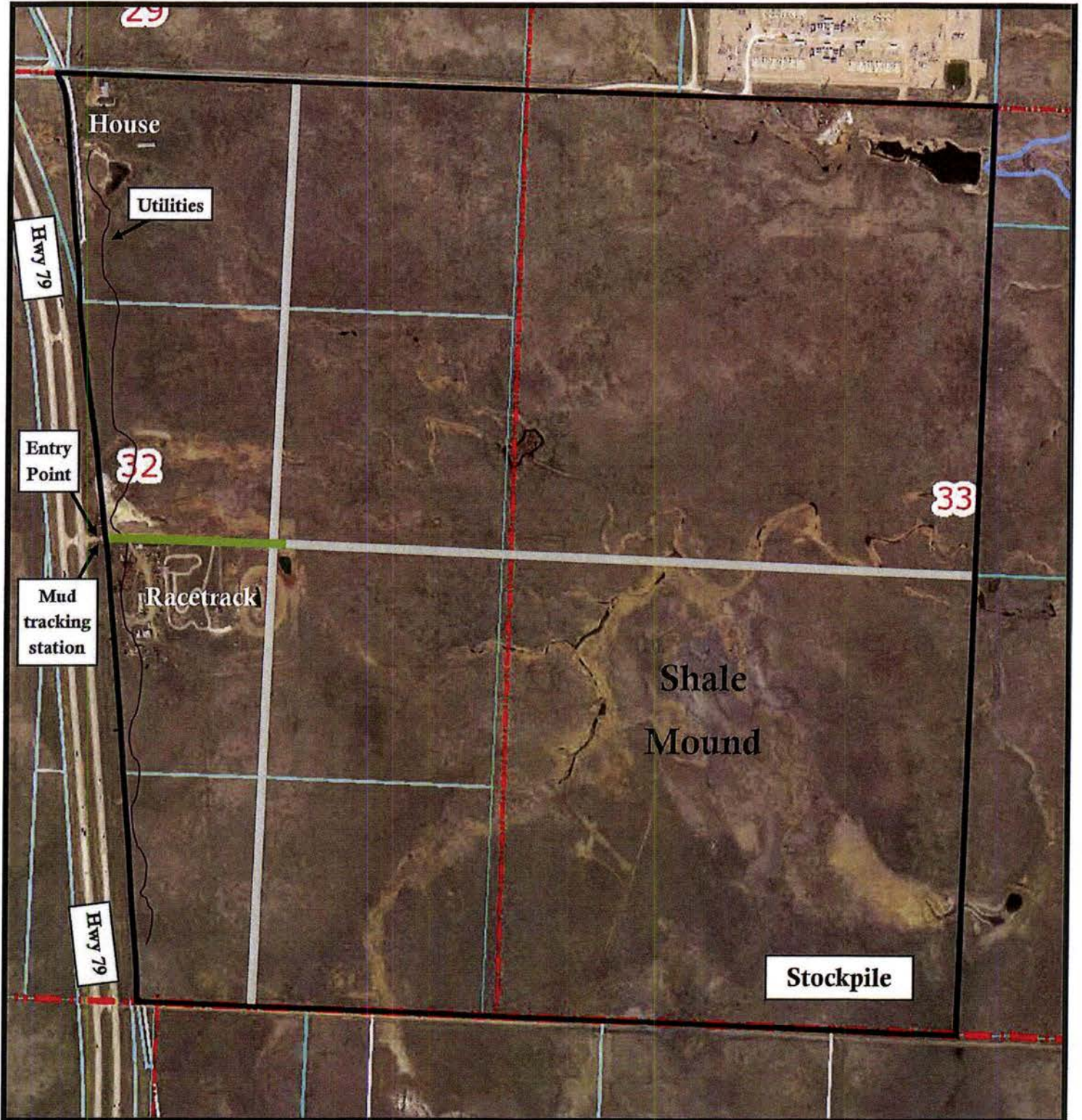
13. That the disturbed areas be re-vegetated as required in § 507(A)(5)(c) of the PCZO;
14. That the applicant signs a Statement of Understanding within ten (10) business days of approval; and,
15. That this Construction Permit be reviewed in three (3) months or as directed by the Planning director to ensure that the applicant is meeting all conditions.

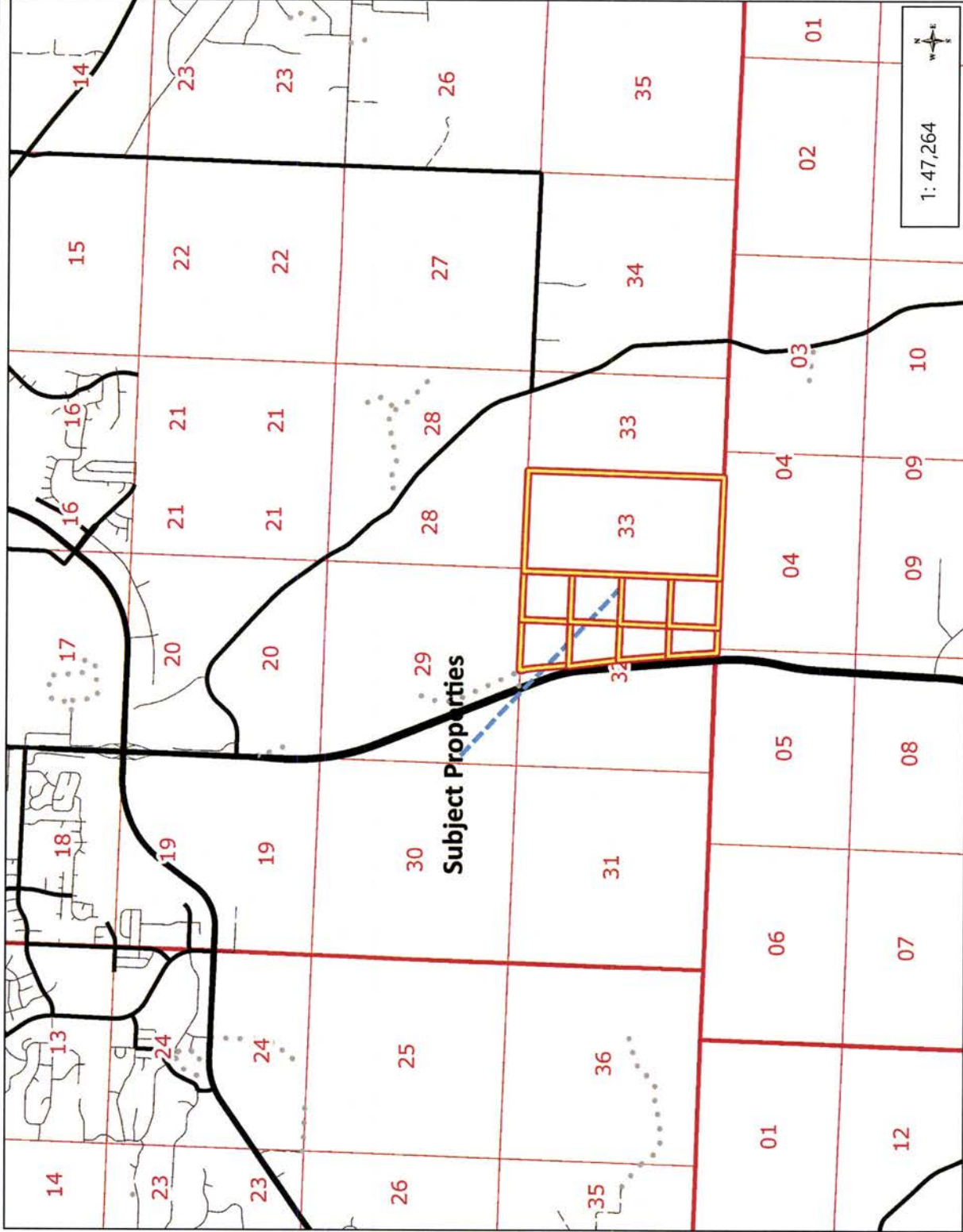
# EXHIBT D

## Site Plan

Prepared by  
Patrick R. Hall  
528 Kansas City Street, Ste 5  
Rapid City, SD 57701  
605-718-4000

New road   
Existing road that needs repair 





1: 47,264

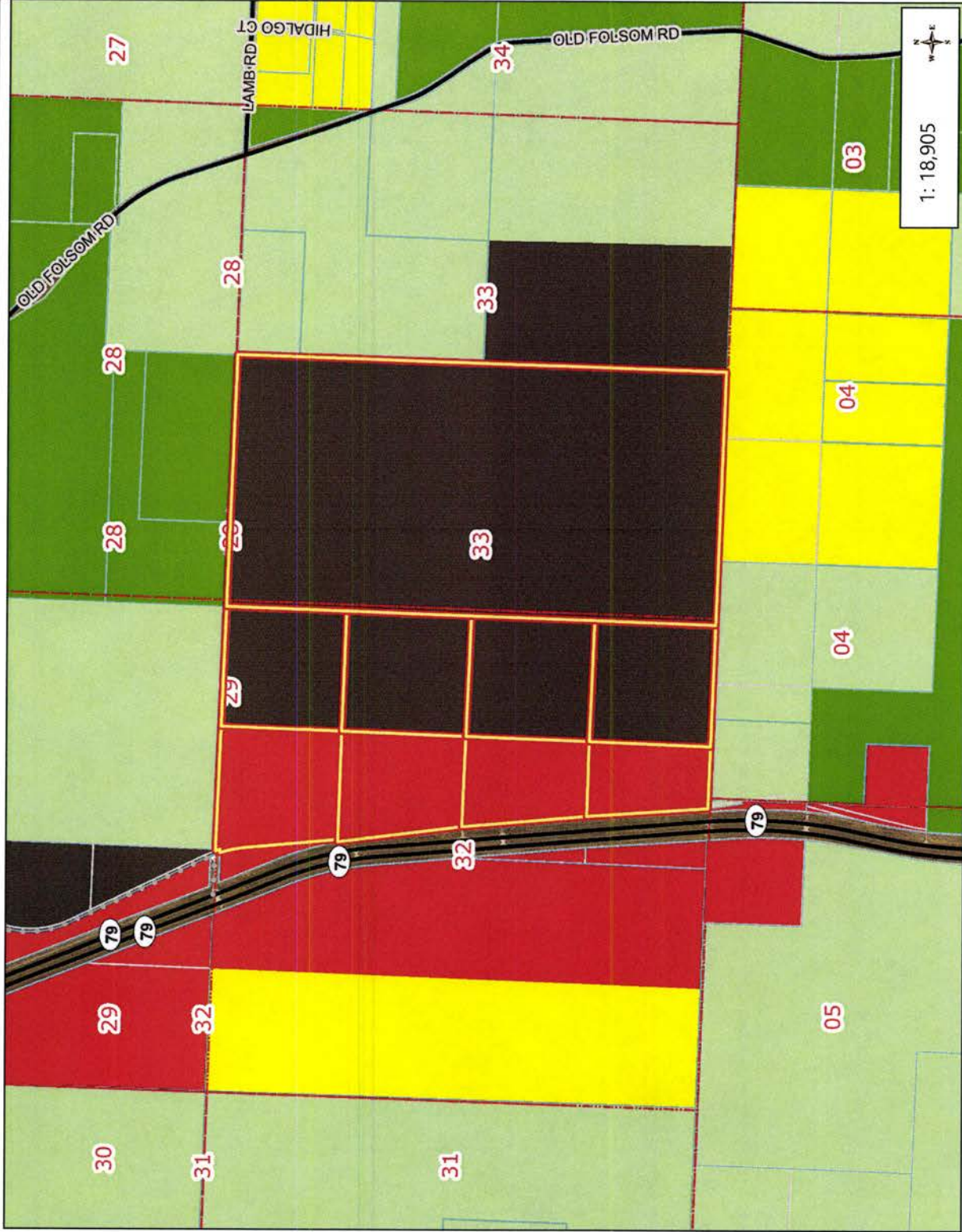
7,877.3 3,938.64 7,877.3 Feet

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**Legend**

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**Map Notes:**



1: 18,905

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**Legend**

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**Section Lines 0-25k**

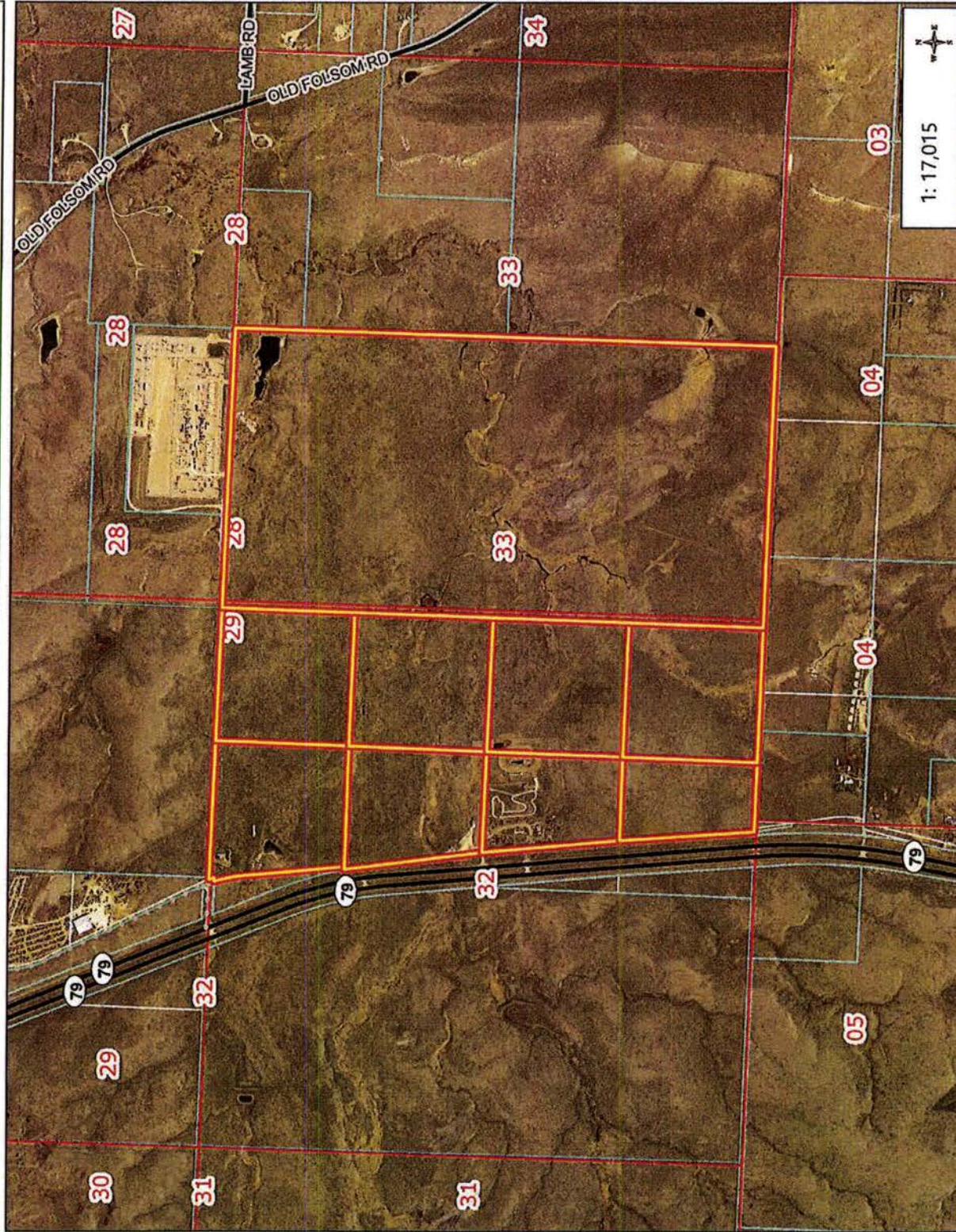
- Tax Parcels
- Lot Lines

- <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:**



1: 17,015

2,835.8 0 1,417.91 2,835.8 Feet

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NAD\_1983\_StatePlane\_South\_Dakota\_South\_FIPS\_4002\_Feet  
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- Trail
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- 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:** CONSTRUCTION PERMIT / CP 19-16: To grade, excavate, and demo areas within the Palmer Gulch KOA campground in accordance with Sections 210 and 507 of the Pennington County Zoning Ordinance.

**APPLICANT:** Cody Taggert, Scull Construction

**APPLICANT ADDRESS:** 803 Industrial Avenue, Rapid City, SD 57701

**LANDOWNER:** Recreational Adventures

**LANDOWNER ADDRESS:** 100 N. Phillips Ave, Ste. 901  
Sioux Falls, SD 57104

**LEGAL DESCRIPTION:** Tract 1 of Tract B, Home Sweet Home Placer MS 804, Section 4, T2S, R5E, BHM, Pennington County, South Dakota.

**SITE LOCATION:** 12626 Highway 244

**SIZE:** 15.45 acres

**EXISTING LAND USE:** Palmer Gulch KOA Campground

**TAX ID:** 4590 / 16033

**ZONING REFERENCE:** Sections 210 and 507

**CURRENT ZONING:** Highway Service District

**SURROUNDING ZONING:**

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

**PHYSICAL CHARACTERISTICS:** Hills / Forested

UTILITIES: Private

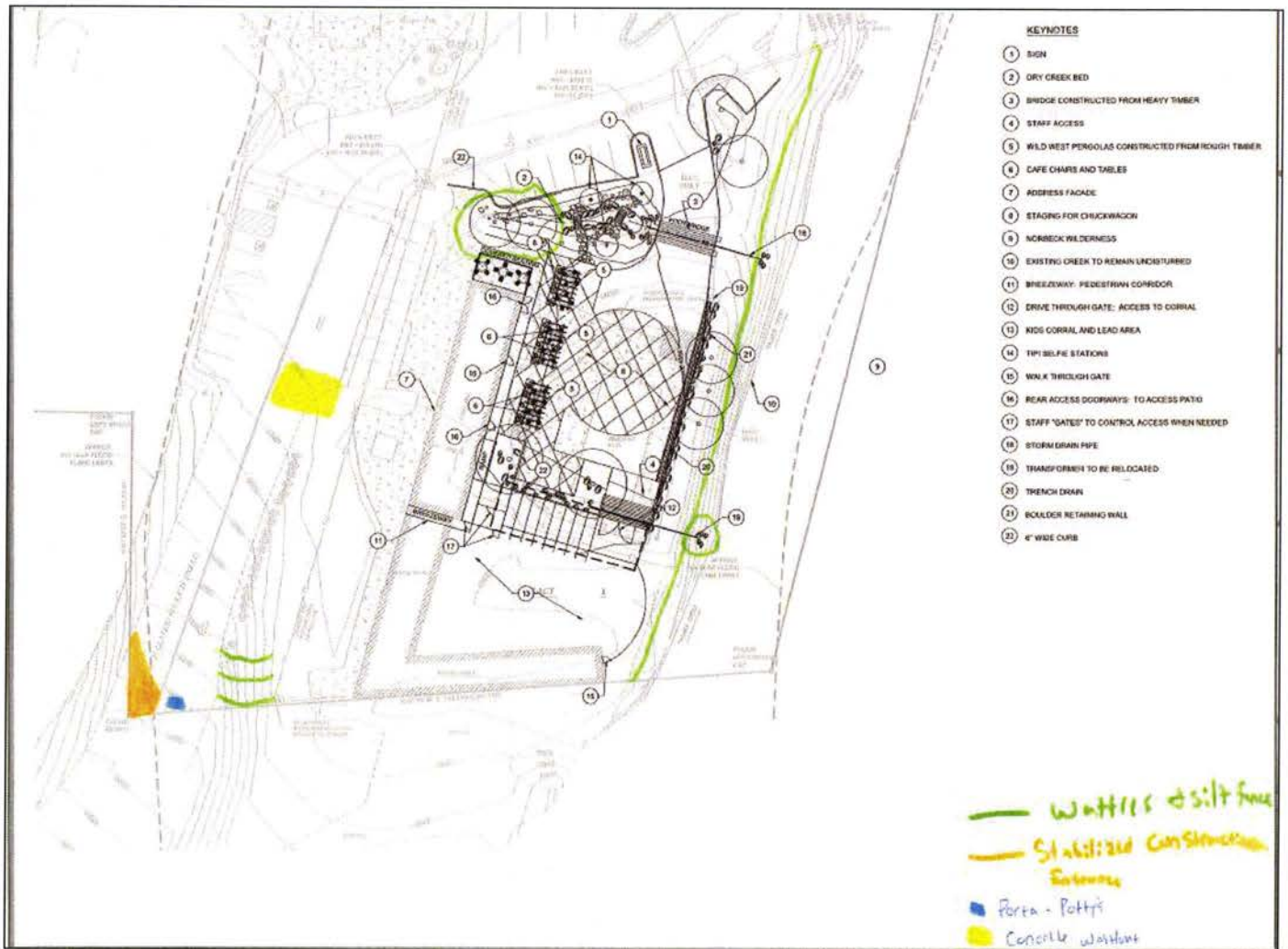
REPORT BY: Cody Sack

**I. PROPOSED RECOMMENDATION**

A. Staff is recommending that the Planning Director approve Construction Permit / CP 19-16 with twelve (12) conditions.

**II. GENERAL DESCRIPTION**

A. The applicant, Cody Taggart of scull construction, applied for a Construction Permit to grade, excavate, and demo areas within the Palmer Gulch KOA campground.



Site Plan

### III. EXISTING CONDITIONS

- A. Tact 1 of Tract B
  - 1. Highway Service District.
  - 2. 15.45 acres.
  - 3. Special Flood Hazard Area.
    - a. 100-year
  - 4. Structures:
    - a. Store addition (1992COBP-0003).
      - i. Store was built in 1973 per Department of Equalization (DOE) records.
    - b. Stable (1975) DOE records.
    - c. Shower house addition (1993COBP-0044).
    - d. Addition to recreation center (1996COBP-0078).
    - e. Addition to office (1999COBP-0096).
    - f. Tack room addition (1999COBP-0979).
    - g. Registration building (2005COBP-0628).
    - h. Shower house (2007COBP-0691).
      - i. Originally built in 1985 (DOE)
- B. Lot B of Tract 3 of Tract 39
  - 1. Highway Service District.
  - 2. 5.12 acres.
  - 3. Special Flood Hazard Area.
    - a. 100-year
  - 4. Structures:
    - a. Restaurant deck (1992COBP-0002).
    - b. Addition to showers (1993COBP-0043).
    - c. 60 unit motel (1994COBP-0467).

### IV. REQUEST FOR COMMENT

- A. County Highway Department
  - 1. Highway Department has no Comments.
- B. Professional Environmental Planner.
  - 1. There is Special Flood Hazard Area on the property.
  - 2. Must follow the Storm Water Manual for implementation of Best Management Practices.
  - 3. Site Must be revegetated in accordance with Section 507 of the PCZO.
- C. Environmental Planner
  - 1. The disturbed area will need to be revegetated.
  - 2. Inspection reports will need to be submitted weekly.
  - 3. Erosion and Sediment controls need to be installed prior to any disturbance.
- D. County Natural Resources Director
  - 1. No Objections.



- E. County Ordinance Enforcement
  - 1. No open violations on these properties.
- F. County Fire Administrator, Forest Service, SDDENR
  - 1. No comments received.

**V. ANALYSIS**

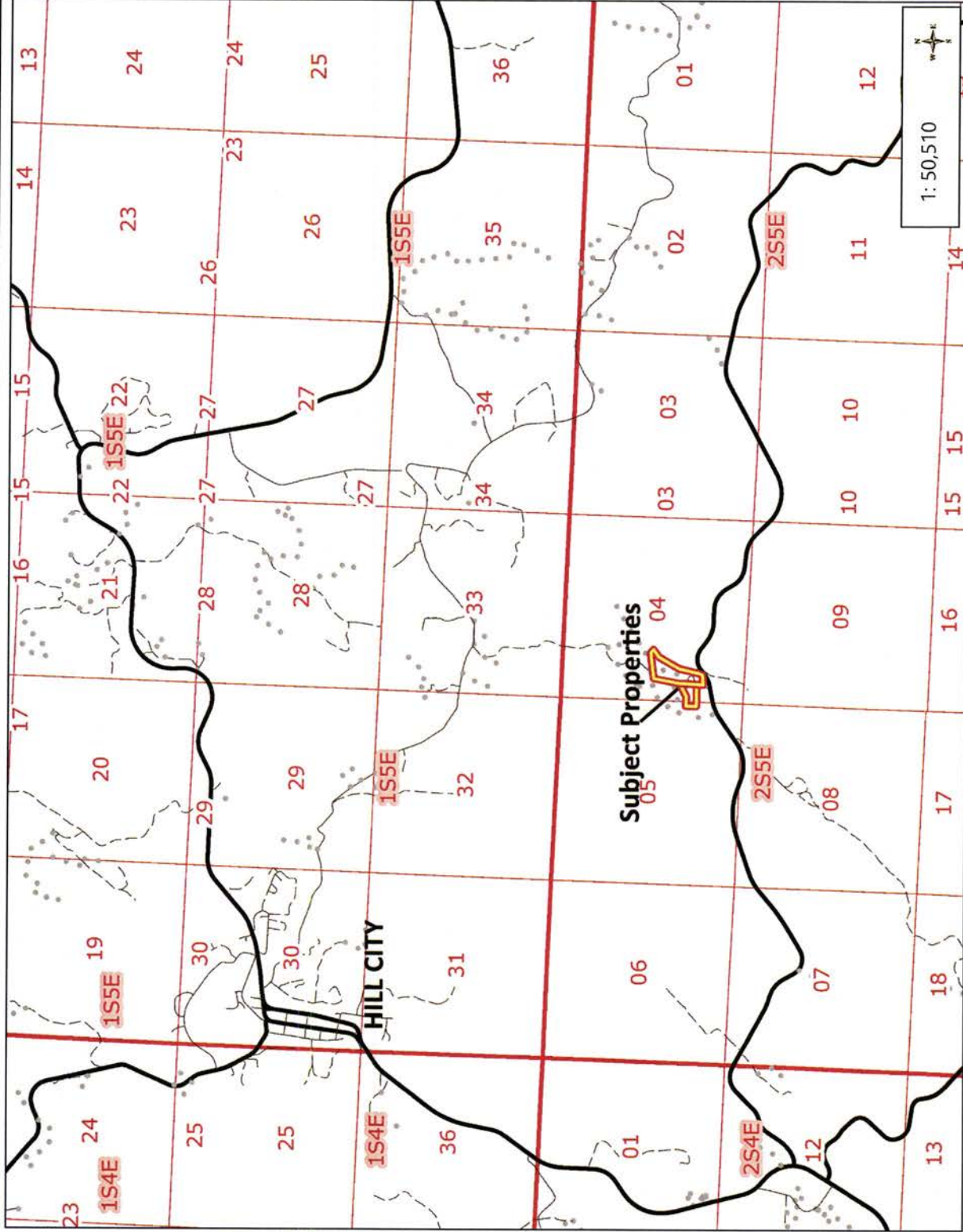
- A. The applicant has been in contact with staff prior to applying for the Construction Permit.
- B. Floodplain Development Permit (FP 19-47).
  - 1. Approved October 18, 2019.
- C. The work is a start to future development on the subject property.
  - 1. Pool.
  - 2. Chuckwagon.

**RECOMMENDATION:** Staff recommends that the Planning Director approve Construction Permit / CP 19-16 with twelve (12) conditions.

- 1. That erosion control measures are implemented *immediately* upon disturbance and maintained until the site has been revegetated in accordance with § 507(A)(5)(c) of the Pennington county Zoning Ordinance (PCZO);
- 2. That prior to approval, the applicant submits a Notice of Intent for the SDDENR General Stormwater Permit;
- 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;

Agenda Item #31  
Recreational Adventures  
October 28, 2019

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.



8,418.3 0 4,209.15 8,418.3 Feet  
 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
- 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:**

PALMER GULCH KOA



1: 6,314

1,052.3 0 526.14 1,052.3 Feet  
 NAD\_1983\_StatePlane\_South\_Dakota\_South\_FIPS\_4002\_Feet  
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  - 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:**

PALMER GULCH KOA

