

AGENDA
PENNINGTON COUNTY PLANNING COMMISSION
November 12, 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 19, 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 28, 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 14-25:** Jeff DeVeny. To review two storage units to be located on the subject property in a Highway Service Zoning District in accordance with Sections 210 and 510 of the Pennington County Zoning Ordinance.

Lot J, Murray Subdivision, Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 14-25 with eleven (11) conditions.

4. **CONDITIONAL USE PERMIT REVIEW / CU 17-14:** David and Laura Jones. To review a Recreational Vehicle to be used as temporary living quarters while building a single-family residence on the subject property in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot 1R, Forty Oaks Ranch Subdivision, Section 18, T2S, R7E, BHM, Pennington County, South Dakota.

(Continued from the May 13, 2019, Planning Commission meeting.)

To recommend to end Conditional Use Permit / CU 17-14 per the applicant's request.

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

NE1/4NE1/4 Less Lot H-1; N1/2NW1/4 Less Lot H-1, Section 12, T4S, R17E, BHM, Pennington County, South Dakota.

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

To recommend to continue the review of Conditional Use Permit / CU 18-43 to the December 2, 2019, Planning Commission meeting.

6. **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 October 28, 2019, Planning Commission meeting.)

To recommend to continue the hearing of Conditional Use Permit / CU 19-01 to the November 25, 2019, Planning Commission meeting for purposes of advertisement.

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

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

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

To recommend to continue the review of Planned Unit Development / PU 06-07 to no later than the December 2, 2019, Planning Commission meeting with one (1) condition.

8. **MINOR PLAT / MPL 19-40:** Great Western Bank for Dorothy Johnson Estate. To create Lots A, B, C, and D and Well Lot of Johnson Estates Subdivision in accordance with § 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Balance of Lot 1 of the NW1/4NW1/4, Section 9, T1N, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots A, B, C, and D and Well Lot of Johnson Estates Subdivision, Section 9, T1N, R6E, BHM, Pennington County, South Dakota.

To recommend approval of Minor Plat / MPL 19-40 with nine (9) conditions.

END OF CONSENT AGENDA

9. 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 October 14, 2019, Planning Commission meeting.)

10. REZONE / RZ 19-16 AND COMPREHENSIVE PLAN AMENDMENT / CA 19-16:
Richard Aldren. To rezone 107.24 acres from General Agriculture District to Limited Agriculture District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from General Agriculture District to Limited Agriculture District in accordance with Sections 205, 206, and 508 of the Pennington County Zoning Ordinance.

NE1/4NW1/4 less West 520 feet of East 800 feet less ROW; the NE1/4NW1/4 less East 800 feet less ROW; the W1/2NW1/4NW1/4 less ROW; the E1/2NW1/4NW1/4 less ROW; and the NE1/4NE1/4 less ROW, all located in Section 34, T2N, R11E, BHM, Pennington County, South Dakota.

11. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the October 14th and October 28th Planning Commission meetings.

12. ITEMS FROM THE PUBLIC

13. ITEMS FROM THE STAFF

- A. Building Permit Report.
- B. Construction Permits.
- C. Comprehensive Plan – Update.

14. ITEMS FROM THE MEMBERSHIP

15. 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 28, 2019 @ 9:00 a.m.

County Commissioners' Meeting Room - Pennington County Administration Building

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

STAFF PRESENT: PJ Conover, Kristina Proietti, Brittney Molitor, Cody Sack, Jason Theunissen, Michaelae Hofmann (SAO) and Jeri Ervin.

ROLL CALL

1. APPROVAL OF THE OCTOBER 14, 2019, MINUTES
Moved by Runde and seconded by Lasseter to approve the Minutes of the October 14, 2019, Planning Commission meeting. Vote: unanimous 6 to 0.

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

Moved by Drewes and seconded by Runde to approve the Consent Agenda of the October 28, 2019, Planning Commission meeting, with the removal of Items #4 and #10. Vote: unanimous 6 to 0.

CONSENT AGENDA

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

3. **CONDITIONAL USE PERMIT REVIEW / CU 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 approve 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.

Vote: unanimous 6 to 0.

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

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

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

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

Vote: unanimous 6 to 0.

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

Vote: unanimous 6 to 0.

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 approve of the extension of Conditional Use Permit / CU 17-42 with the following eleven (11) 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;
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.

Vote: unanimous 6 to 0.

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

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

Vote: unanimous 6 to 0.

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 approve 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;
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.

Vote: unanimous 6 to 0.

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 approve 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.

Vote: unanimous 6 to 0.

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 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.

Vote: unanimous 6 to 0.

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 the following one (1) condition:

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

Vote: unanimous 6 to 0.

END OF CONSENT AGENDA

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.

Commission Marsh asked to have this Item removed from the Consent Agenda for discussion.

Staff recommended approval of the extension of Conditional Use Permit / 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. That 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.

Discussion followed.

Moved by Lasseter and seconded by Johnson to approve of the extension of Conditional Use Permit / 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. That 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.

All voting aye, the Motion carried 6 to 0.

10. CONDITIONAL USE PERMIT REVIEW / CU 18-39: Michael Buseti; 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.

Commission Marsh asked to have this Item removed from the Consent Agenda for discussion.

Staff recommended 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 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 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.

Discussion followed.

Moved by Marsh and seconded by Drewes to approve 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-foot by 18-foot 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 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 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 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.

All voting aye the Motion carried 6 to 0.

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.

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

Staff recommended 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.

Discussion followed.

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

All voting aye, the Motion carried 6 to 0.

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.

Proietti reviewed the Staff Report indicating the applicant has applied for a Layout Plat to create Lots 1, 2, and 3 of Par Properties Subdivision.

Staff recommended 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.

Discussion followed.

Moved by Drewes and seconded by Lasseter to approve of Layout Plat / LPL 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.

All voting aye, the Motion carried 6 to 0.

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.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Layout Plat to create Lots A and B of Rushmore Ranch Estates.

Staff recommended 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;
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.

Discussion followed.

Moved by Johnson and seconded by Runde to approve 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;
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.

All voting aye, the Motion carried 6 to 0.

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.

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

Staff recommended approval of Rezone / RZ 19-15 and Comprehensive Plan Amendment / CA 19-15.

Discussion followed.

Moved by Drewes and seconded by Rivers to approve of Rezone / RZ 19-15 and Comprehensive Plan Amendment / CA 19-15.

All voting aye, the Motion carried 6 to 0.

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.

Molitor reviewed the Staff Report indicating the applicant has applied for a Minor Plat to combine lots in order to create Lot D1 and Lot D2 of Lot 17, Fort Meade Placer 244

Staff recommended 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;
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.

Discussion followed.

Moved by Johnson and seconded by Lasseter to approve 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;
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.

All voting aye, the Motion carried 6 to 0.

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.

Molitor reviewed the Staff Report indicating the applicant has applied for a Layout Plat to create Lots 1 and 2 of Willard Ranch Subdivision.

Staff recommended approval of Layout Plan / LPL 19-35 with the following 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;
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.

Discussion followed.

Moved by Johnson and seconded by Runde to approve of Layout Plan / LPL 19-35 with the following 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;
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.

All voting aye, the Motion carried 6 to 0.

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.

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

Staff recommended approval of Rezone / RZ 19-14 and Comprehensive Plan Amendment / CA 19-14.

Discussion followed.

Moved by Runde and seconded by Drewes to approve of Rezone / RZ 19-14 and Comprehensive Plan Amendment / CA 19-14.

All voting aye, the Motion carried 6 to 0.

21. CONDITIONAL USE PERMIT / CU 19-01: NMMC, Inc; Terry Sayler. 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.)

Conover reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow for a Vacation Home Rental on the subject property in a Low Density Residential District.

Staff recommended 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 issues, 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.

Discussion followed.

Moved by Drewes and seconded by Runde 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 issues, 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.**

All voting aye, the Motion carried 6 to 0.

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.)

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

Staff recommended approval 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;
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.

Discussion followed.

Moved by Johnson and seconded by Lasseter to approve 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;
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.

All voting aye, the Motion carried 6 to 0.

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.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to live in a Recreational Vehicle, stored within a pole barn, on the subject property in a Low Density Residential District.

Staff recommended 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.

Discussion followed.

Commissioner Lasseter left the meeting at 9:52 a.m.

Commissioner Lasseter returned to the meeting at 9:53 a.m.

Moved by Runde and seconded by Johnson to approve 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.

All voting aye, the Motion carried 6 to 0.

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.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow an existing single-family residence to be used as a Bed and Breakfast.

Staff recommended approval of Conditional Use Permit / CU 19-27 with the following fourteen (14) conditions:

1. That the maximum overnight occupancy for the single-family residence and guest house 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) and South Dakota Department of Environmental and Natural Resources approval;
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;
8. That prior to the use of the single-family residence as a 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 said 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.

Discussion followed.

Moved by Lasseter and seconded by Johnson to approve of Conditional Use Permit / CU 19-27 with the following fourteen (14) conditions:

1. That the maximum overnight occupancy for the single-family residence and guest house 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) and South Dakota Department of Environmental and Natural Resources approval;
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;
8. That prior to the use of the single-family residence as a 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 said 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.

All voting aye, the Motion carried 6 to 0.

Moved by Rivers and seconded by Drewes to recess at 10:01 a.m. All voting aye, the Motion carried 6 to 0. Moved by Rivers and seconded by Lasseter to reconvene at 10:11 a.m. All voting aye, the Motion carried 6 to 0.

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.

Molitor reviewed the Staff Report indicating the applicant has 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.

Staff recommended 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.;
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.

Discussion followed.

Moved by Lasseter and seconded by Runde to continue Conditional Use Permit / CU 19-28 indefinitely until such time the applicant works with staff to obtain approval of the water and the onsite wastewater treatment systems from the South Dakota Department of Environment and Natural Resources for the subject property.

All voting aye, the Motion carried 6 to 0.

Commissioner Rivers left the meeting at 12:17 p.m.

Commissioner Rivers returned to the meeting at 12:19 p.m.

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.

Sack stated Staff originally recommended the Planning Director approve to end Construction Permit / CP 19-08, but are now recommending the Planning Director approve to continue Construction Permit / CP 19-08 to the December 2, 2019, Planning Commission meeting in order for the applicant to address work performed in the floodplain on the subject property.

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.)

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

1. That erosion control measures are implemented *immediately* and maintained until the site has been revegetated in accordance with § 507(A)(5)(c) (PCZO);
2. That all erosion control measures submitted with the Construction Permit application be implemented prior to the Stop Work Order being lifted;
3. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan;
4. That the owner or designee must inspect the site at least once every 7 calendar days or every 14 calendar days and within 24 hours of the end of a storm event that exceeds 0.25 inches or snowmelt that generates runoff. A properly maintained rain gauge must be kept on the site. Inspection reports must be submitted by the contractor to the Planning Director every month during construction;
5. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;
6. That all natural drainage ways and paths be continually maintained;

7. That failure of the owner or designee to submit Inspection Reports, as required, shall result in the immediate issuance of a Stop Work Order and a review by the Planning Director to determine if all Conditions of Approval are being met;
8. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;
9. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than 14 days after the Construction Activity has stopped. All erosion control methods (mulch and seed) need to be certified noxious weed-free;
10. That any portion of disturbed area that remain dormant for more than fourteen (14) days be stabilized and re-vegetated;
11. That the disturbed areas be re-vegetated as required in § 507(A)(5)(c) of the PCZO; and,
12. That this Construction Permit be reviewed at the May 26, 2020, Planning Commission meeting, or as directed by the Planning director to ensure that the applicant is meeting all conditions.

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.

Commissioner Runde left the meeting at 12:24 p.m.
Commissioner Runde returned to the meeting at 12:25 p.m.

Sack stated Staff recommended the Planning Director end Construction Permit / CP 19-06.

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.

Sack stated Staff recommended 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.
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.

Sack stated Staff recommended the Planning Director approve Construction Permit / CP 19-15 with the following fifteen (15) 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 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 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;
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.
31. CONSTRUCTION PERMIT / CP 19-16: Cody Taggart; 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.

Sack stated Staff recommended 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;

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

END OF CONSTRUCTION PERMIT AGENDA

32. COUNTY BOARD REPORT

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

33. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

34. ITEMS FROM THE STAFF

- A. Assistant Planning Director. Conover stated that Cassie Bolstad has accepted another position and is no longer with the Planning Department
- B. Planning Department. Conover further noted the department will be hiring for a Planner II position.

35. ITEMS FROM THE MEMBERSHIP

Commissioner Marsh stated that he may have jury duty in December.

36. ADJOURNMENT

Moved by Lasseter and seconded by Johnson to adjourn.

All voting aye, the Motion carried 6 to 0.

The meeting adjourned at 12:34 p.m.

Rich Marsh, Chairperson

STAFF REPORT

GENERAL INFORMATION:

REQUEST: CONDITIONAL USE PERMIT REVIEW / CU 14-25: To review two storage units to be located on the subject property in a Highway Service District in accordance with Sections 210 and 510 of the Pennington County Zoning Ordinance.

APPLICANT: Jeff DeVeny

APPLICANT ADDRESS: 23823 Syndicate Court, Hill City, SD 57745

LEGAL DESCRIPTION: Lot J, Murray Subdivision, Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

SITE LOCATION: 23855 Highway 385; approximately one (1) mile west of the intersection of Highway 385 and S. Highway 16, near the intersection of Penalua Gulch Road and Highway 385.

SIZE: 1.45 acres

EXISTING LAND USE: Storage Units

TAX ID: 65935

ZONING REFERENCE: §§ 210 and 510

CURRENT ZONING: Highway Service District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Flat

REPORT BY: Jason Theunissen

I. PROPOSED RECOMMENDATION: Staff will be recommending approval of the extension of Conditional Use Permit / CU 14-25 with eleven (11) conditions.

II. GENERAL DESCRIPTION:

A. November 10, 2014 – Planning Commission approved Conditional Use Permit / CU 14-25 with twelve (12) 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 a minimum of four parking spaces continue to be provided and a loading and unloading zone continue to be provided for all storage units that run along the units and must have four (4) inches of gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;
3. That two (2) storage buildings continue to be allowed on the subject property not to exceed 50' x 100' and that there be a minimum of 30-feet of separation between both structures for vehicle and trailer access. Any additional storage units would require review by the Planning Commission;
4. That the business address be posted on the property and clearly visible and maintained in accordance with Ordinance #20;
5. That any lighting used to illuminate off-street parking or on premise lighting shall be so arranged as to deflect the light from all adjoining residences;
6. That an on-premise sign(s) shall be allowed in accordance with Pennington County Zoning Ordinance Section 312. The on-premise sign shall not exceed 25-feet in height and have a maximum display area of 250 square feet on each side and not have more than two sides;
7. That an approved Sign Permit be obtained for the existing on-premise sign within seven (7) business days of the approval of the extension of Conditional Use Permit / CU 14-25;
8. That any additional disturbance within the 100-year floodplain boundary will require an approved Floodplain Development Permit and/or approved Letter of Map Revision or Amendment from FEMA, prior to the issuance of a Building Permit;
9. That the applicant ensure that all natural drainage ways continue to be maintained and are not blocked;
10. That any work encompassing over one (1) acre will require the applicant to obtain an approved Storm Water Construction Permit from the South Dakota Department of Environmental and Natural Resources;
11. That the hours of operation for the storage units be from 6:00 am to 10:00 pm and a sign be posted indicating after hours contact information with the owner's phone number, which must be clearly visible at the entrance of the lot; and,

12. That this Conditional Use Permit be reviewed in two (2) years, on a complaint basis, or as directed by the Pennington County Planning Commission and/or Board of Commissioners to ensure that all Conditions of Approval are being met.
- B. November 9, 2015 – Planning Commission approved the extension of Conditional Use Permit / CU 14-25 with eleven (11) conditions.
 1. Condition #7 was removed, as it had been met.
- C. November 13, 2017 – Planning Commission approved the extension of Conditional Use Permit / CU 14-25 with the following twelve (12) 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 a minimum of four parking spaces continue to be provided and a loading and unloading zone continue to be provided for all storage units that run along the units and must have four (4) inches of gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;
 3. That two (2) storage buildings continue to be allowed on the subject property not to exceed 50' x 100' and that there be a minimum of 30-feet of separation between both structures for vehicle and trailer access. Any additional storage units would require review by the Planning Commission;
 4. That the business address be posted on the property and clearly visible and maintained in accordance with Ordinance #20;
 5. That any lighting used to illuminate off-street parking or on premise lighting shall be so arranged as to deflect the light from all adjoining residences;
 6. That an on-premise sign(s) shall be allowed in accordance with Pennington County Zoning Ordinance Section 312. The on-premise sign shall not exceed 25-feet in height and have a maximum display area of 250 square feet on each side and not have more than two sides;
 7. That an approved Sign Permit be obtained for the existing on-premise sign within seven (7) business days of the approval of the extension of Conditional Use Permit / CU 14-25;
 8. That any additional disturbance within the 100-year floodplain boundary will require an approved Floodplain Development Permit and/or approved Letter of Map Revision or Amendment from FEMA, prior to the issuance of a Building Permit;
 9. That the applicant ensure that all natural drainage ways continue to be maintained and are not blocked;
 10. That any work encompassing over one (1) acre will require the applicant to obtain an approved Storm Water Construction Permit from the South Dakota Department of Environmental and Natural Resources;

11. That the hours of operation for the storage units be from 6:00 am to 10:00 pm and a sign be posted indicating after hours contact information with the owner's phone number, which must be clearly visible at the entrance of the lot; and,
12. That this Conditional Use Permit be reviewed in two (2) years, on a complaint basis, or as directed by the Pennington County Planning Commission and/or Board of Commissioners to ensure that all Conditions of Approval are being met.

III. EXISTING CONDITIONS

- A. 1.45 acres.
- B. Zoned Highway Service District.
- C. Two (2) 50' x 100' Storage buildings.
 1. Built via COBP15-0538 and COBP15-0539.
- D. Special Flood Hazard Area – 100 Year Floodplain.
- E. Floodplain Development Permit / FP 14-15.
- F. County Ordinance Violation – COVO18-0242.
 1. Closed September 16, 2019.



Special Flood Hazard Area

IV. ANALYSIS:

- A. November 7, 2019 – Staff performed a site visit and found the following:
 1. Two (2) permitted storage structures were on the subject property (Condition # 3).
 2. Adequate parking was provided and all lights were pointed downward. (Conditions #2 and 5).

3. The business address along with contact information and business hours was not posted (Conditions #4 and 11).
 - i. Staff is currently working with the applicant to assign a new address to the property.
 4. All other conditions appeared to be met.
- B. Condition # 7 was removed as it is no longer applicable.
- C. Staff has received no complaints regarding the subject property since COVO18-0242 was resolved.

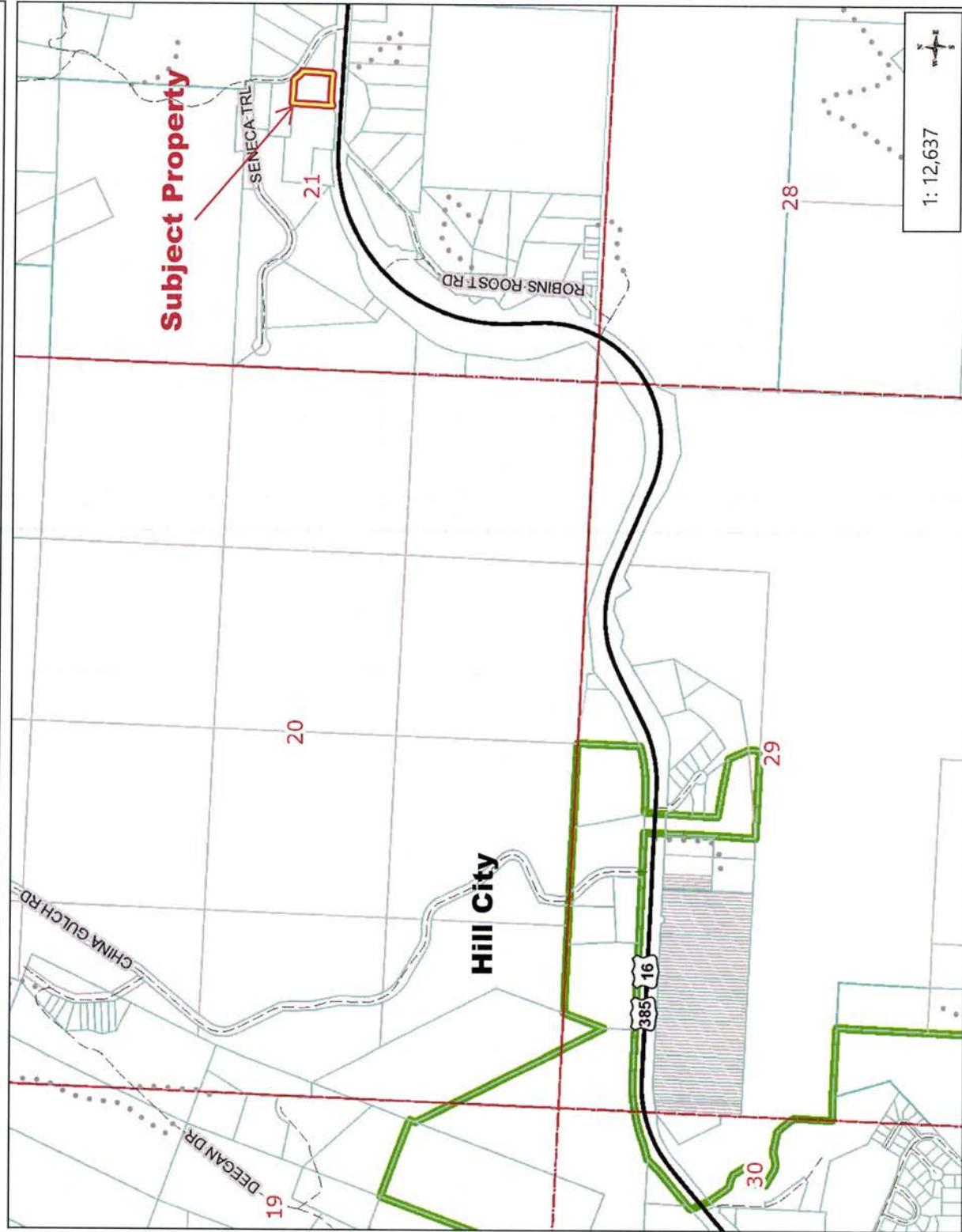


Site Visit, November 7, 2019

RECOMMENDATION: Staff recommends approval of the extension of Conditional Use Permit / CU 14-25 with the following eleven (11) 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 a minimum of four parking spaces continue to be provided and a loading and unloading zone continue to be provided for all storage units that run along the units and must have four (4) inches of gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;

3. That two (2) storage buildings continue to be allowed on the subject property not to exceed 50' x 100' and that there continue to be a minimum of 30-feet of separation between both structures for vehicle and trailer access. Any additional storage units will require a new hearing by the Planning Commission, to include advertising the request at owner's expense;
4. That the business address be posted on the property and clearly visible and maintained in accordance with Ordinance #20;
5. That any lighting used to illuminate off-street parking or on-premise lighting shall be so arranged as to deflect the light down and away from all nearby residences;
6. That an on-premise sign(s) shall be allowed in accordance with Pennington County Zoning Ordinance Section 312. The on-premise sign shall not exceed 25-feet in height and have a maximum display area of 250 square feet on each side and not have more than two sides;
7. That any additional disturbance within the 100-year floodplain boundary will require an approved Floodplain Development Permit and/or approved Letter of Map Revision or Amendment from FEMA, prior to the issuance of a Building Permit;
8. That the applicant ensure that all natural drainage ways continue to be maintained and are not blocked;
9. That any work encompassing over one (1) acre will require the applicant to obtain an approved Storm Water Construction Permit from the South Dakota Department of Environmental and Natural Resources;
10. That the hours of operation for the storage units be from 6:00 am to 10:00 pm and a sign be posted indicating after hours contact information with the owner's phone number, which must be clearly visible at the entrance of the lot; and,
11. That this Conditional Use Permit be reviewed by the Planning Commission in six (6) months, on a complaint basis, or as directed by the Pennington County Planning Commission and/or Board of Commissioners to ensure that all Conditions of Approval are being met.



Subject Property

1: 12,637

2,106.1 0 1,053.07 2,106.1 Feet

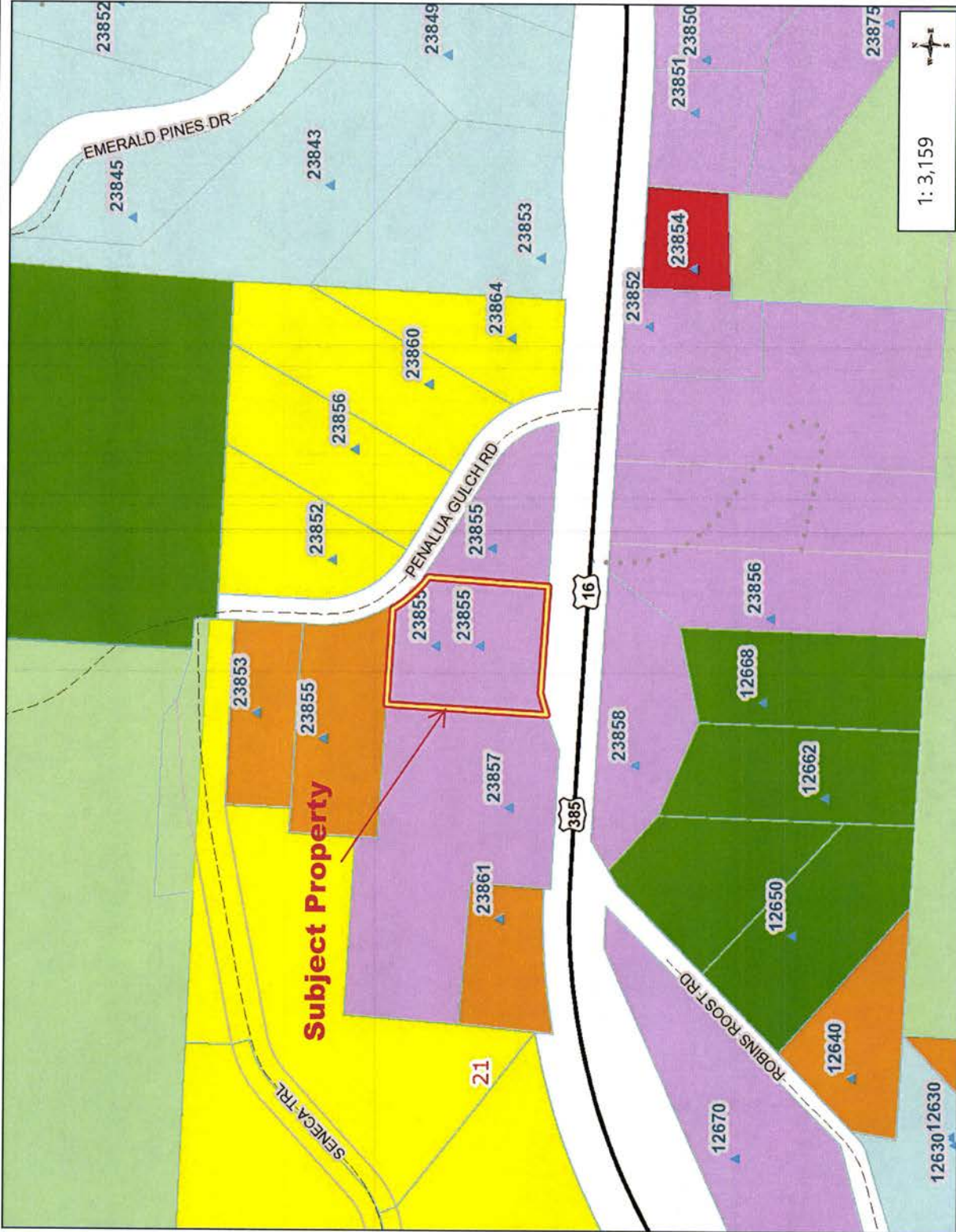
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THIS MAP IS NOT TO BE USED FOR NAVIGATION

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

Map Notes:



526.5 0 263.27 526.5 Feet

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- Airport Runway
- Not yet coded

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

Pennington County Zoning

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

Map Notes:

1:3,159

Case 18-0242

65935



Rapid City-Pennington County GIS



1:790

131.6 Feet

65.82

131.6 Feet

131.6

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Legend

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

Map Notes:

STAFF REPORT

GENERAL INFORMATION:

REQUEST: **CONDITIONAL USE PERMIT REVIEW / CU 17-14:** To review a Recreational Vehicle to be used as temporary living quarters while building a single-family residence on the subject property in a Low Density Residential District in accordance with § 207 and 510 of the Pennington County Zoning Ordinance.

APPLICANT: David and Laura Jones

APPLICANT ADDRESS: 13630 Twisted Oak Trail, Keystone, SD 57751

LEGAL DESCRIPTION: Lot 1R, Forty Oaks Ranch Subdivision, Section 18, T2S, R7E, BHM, Pennington County, South Dakota.

SITE LOCATION: 13630 Twisted Oak Trail; located near the intersection of Highway 40 and Twisted Oak Trail.

SIZE: 3.02 acres

TAX ID: 68985

EXISTING LAND USE: Residential

ZONING REFERENCE: §§ 207 and 510

CURRENT ZONING: Low Density Residential District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Flat

UTILITIES: Private

REPORT BY: Jason Theunissen

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending to end Conditional Use Permit / CU 17-14.

II. GENERAL DESCRIPTION

- A. May 22, 2017 – Planning Commission approved Conditional Use Permit / CU 17-14 with ten (10) conditions.
- B. May 14, 2018 – Planning Commission approved the extension of Conditional Use Permit / CU 17-14 with nine (9) conditions.
1. Condition #9 was fulfilled and removed, as a statement of understanding was signed by the applicants.
- C. May 13, 2019 – Planning Commission approved the extension of Conditional Use Permit / CU 17-14 with the following nine (9) 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 (13630 Twisted Oak Trail) be clearly posted on the Recreational Vehicle (RV) while it is being utilized as living quarters. As well as posted on the residence and at the driveway so as to be visible from Twisted Oak Trail, in accordance with Pennington County's Ordinance #20;
 3. That the Recreational Vehicle (RV) being used as a temporary residence continue to 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 Low Density Residential District be continually maintained on the subject property, or an approved Setback Variance be obtained;
 5. That the subject property continually remains free of debris and junk vehicles, in accordance with Ordinance #106;
 6. That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
 7. That 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;
 8. That the applicant notify the Planning Department when the new residence is habitable, so that this Conditional Use Permit may be ended; and,
 9. That this Conditional Use Permit be reviewed in November of 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. 3.02 acres.
- C. Access off of Twisted Oak Trail via an approved approach.
- D. Located within the Twisted Oak Trail Road District.
- E. Lot contains:
 - 1. Single-family residence with attached garage.
 - a. County Building Permit / COBP17-0118.
 - 2. On-site Wastewater Treatment System.
 - a. Construction Permit / COSD16-0105.

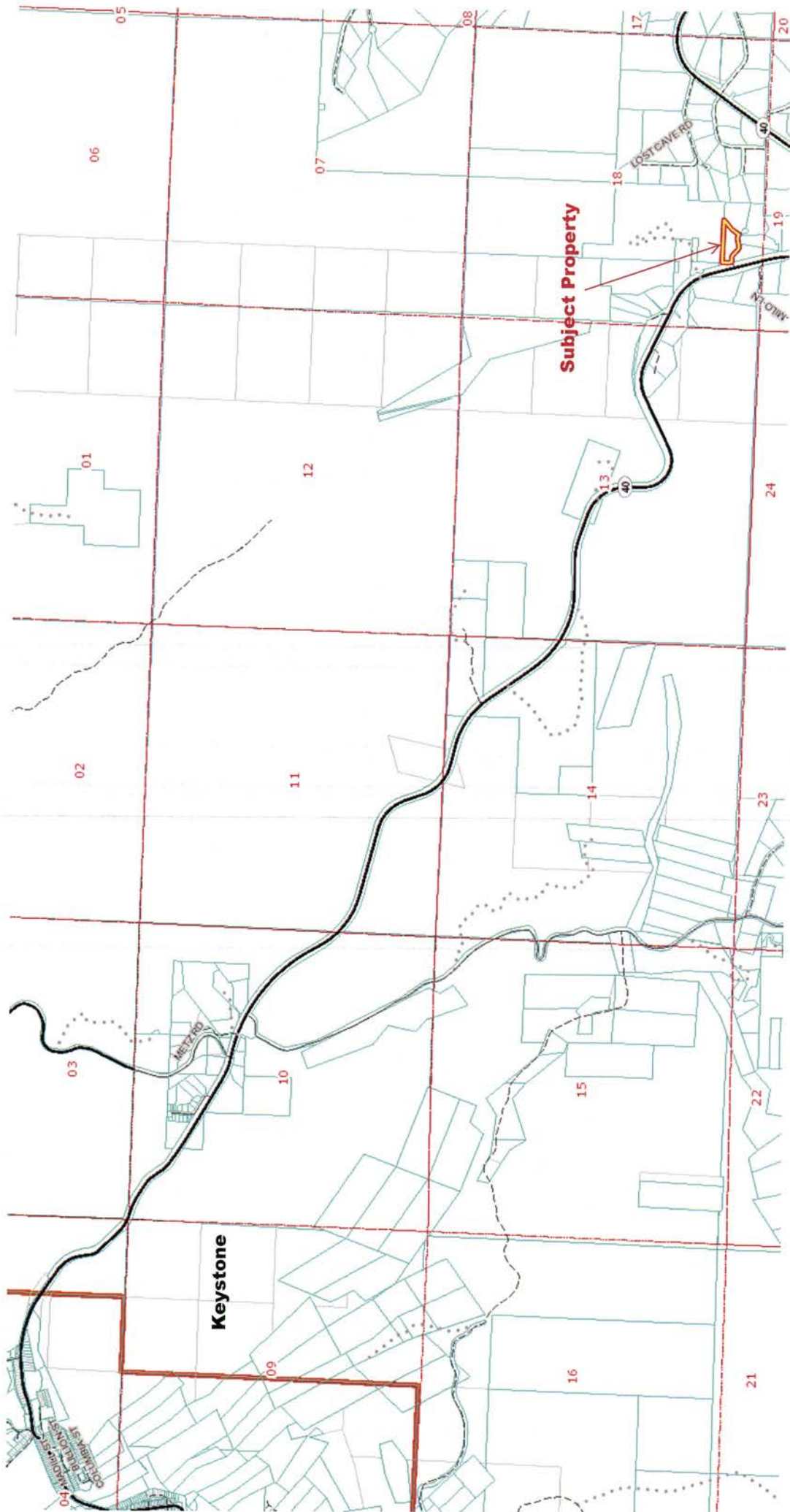
IV. ANALYSIS

- A. November 4, 2019 – Staff spoke with Mrs. Jones via telephone and confirmed the single-family residence is complete and the RV is no longer being utilized as living quarters. The applicant wishes to end Conditional Use Permit / CU 17-14, as it is no longer required (Condition #8).
- B. November 6, 2019 – Staff performed a site visit to verify that:
 - 1. The single-family residence is built and fully habitable.
 - 2. The RV is no longer parked on the subject property (Condition #7).
 - 3. The address (13630 Twisted Oak Trail) was properly posted on the single-family residence (Condition #2).



Site visit – 11.7.2019

RECOMMENDATION: Staff recommends to end Conditional Use Permit / CU 17-14, per the applicant's request.



Subject Property

Keystone

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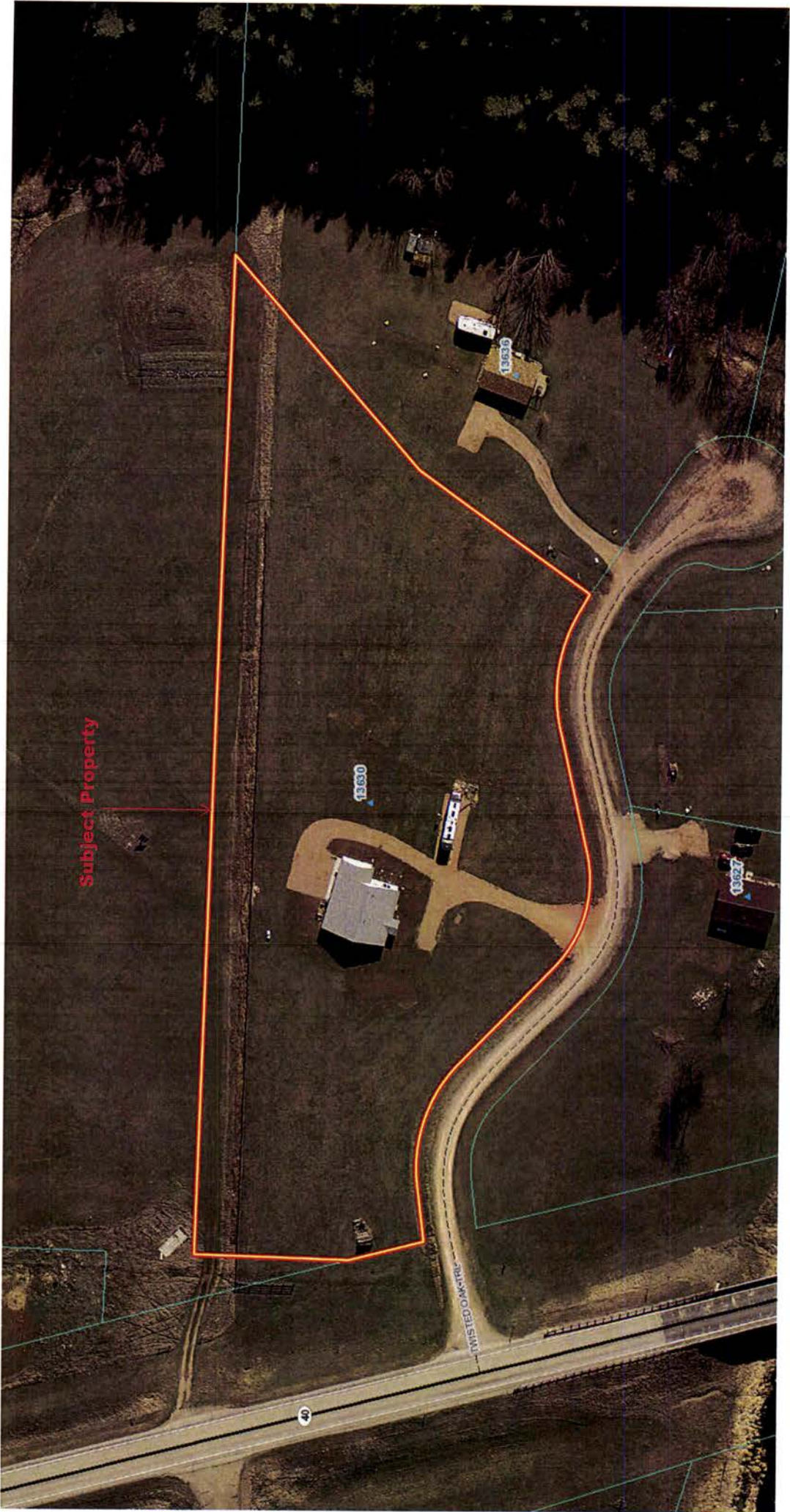
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COLLEGE
STATION

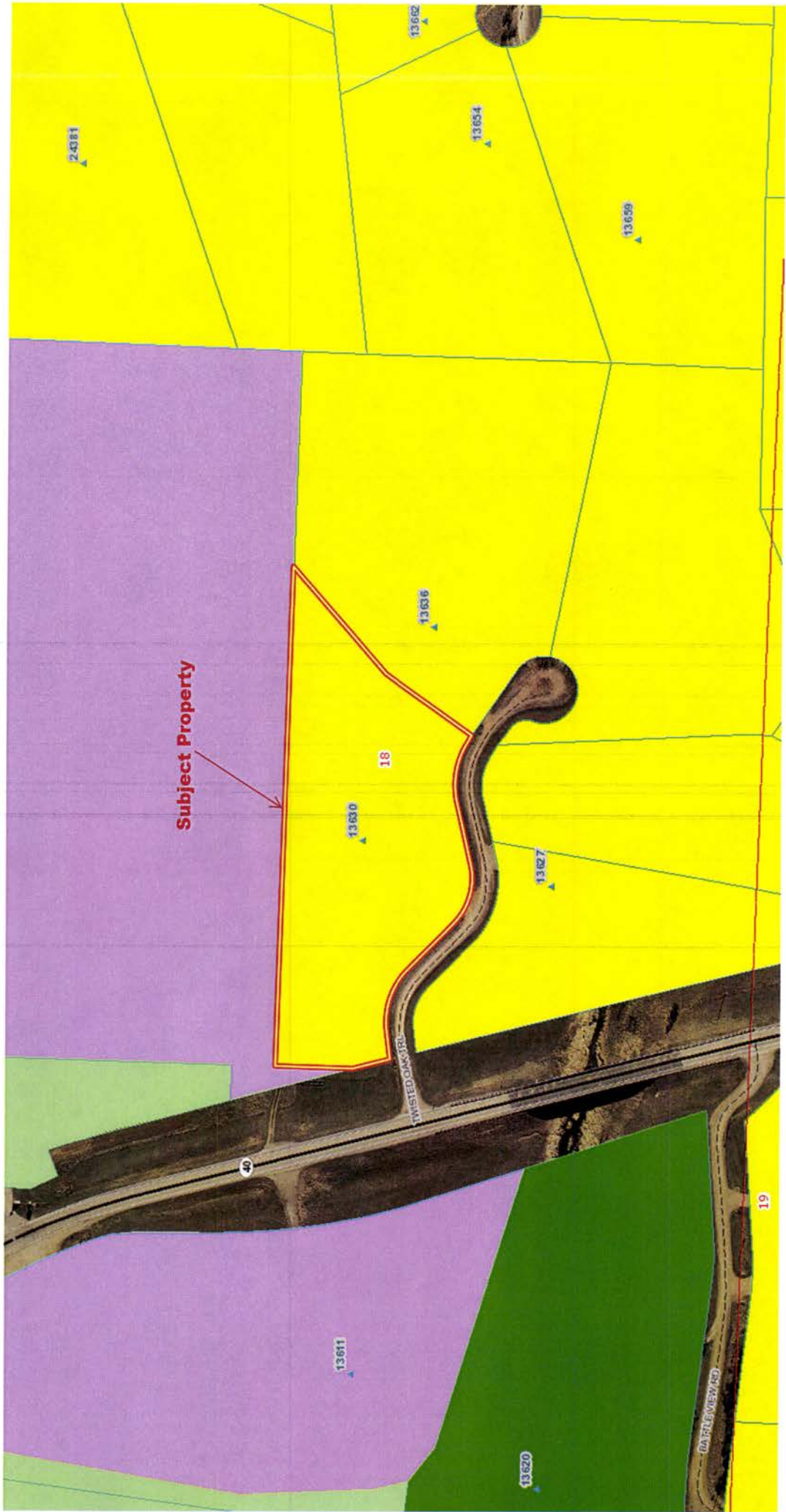
MEYER

LOSTCAVERD

WYOMING

40





STAFF REPORT

GENERAL INFORMATION:

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

APPLICANT: Border States Paving

APPLICANT ADDRESS: P.O. Box 2586, Fargo, ND 58108

PROPERTY OWNER: Wayne and Marica Huether

OWNER ADDRESS: P.O. Box 106, Interior, SD 57750

LEGAL DESCRIPTION: NE1/4NE1/4 Less Lot H-1; N1/2NW1/4 Less Lot H-1, Section 12, T4S, R17E, BHM, Pennington County, South Dakota.

SITE LOCATION: 20201 E. Highway 44

SIZE: 106.42 acres

TAX ID: 17612

EXISTING LAND USE: Residential / Agriculture

ZONING REFERENCE: Sections 205 and 510

CURRENT ZONING: General Agriculture District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Rolling Hills

UTILITIES: Private

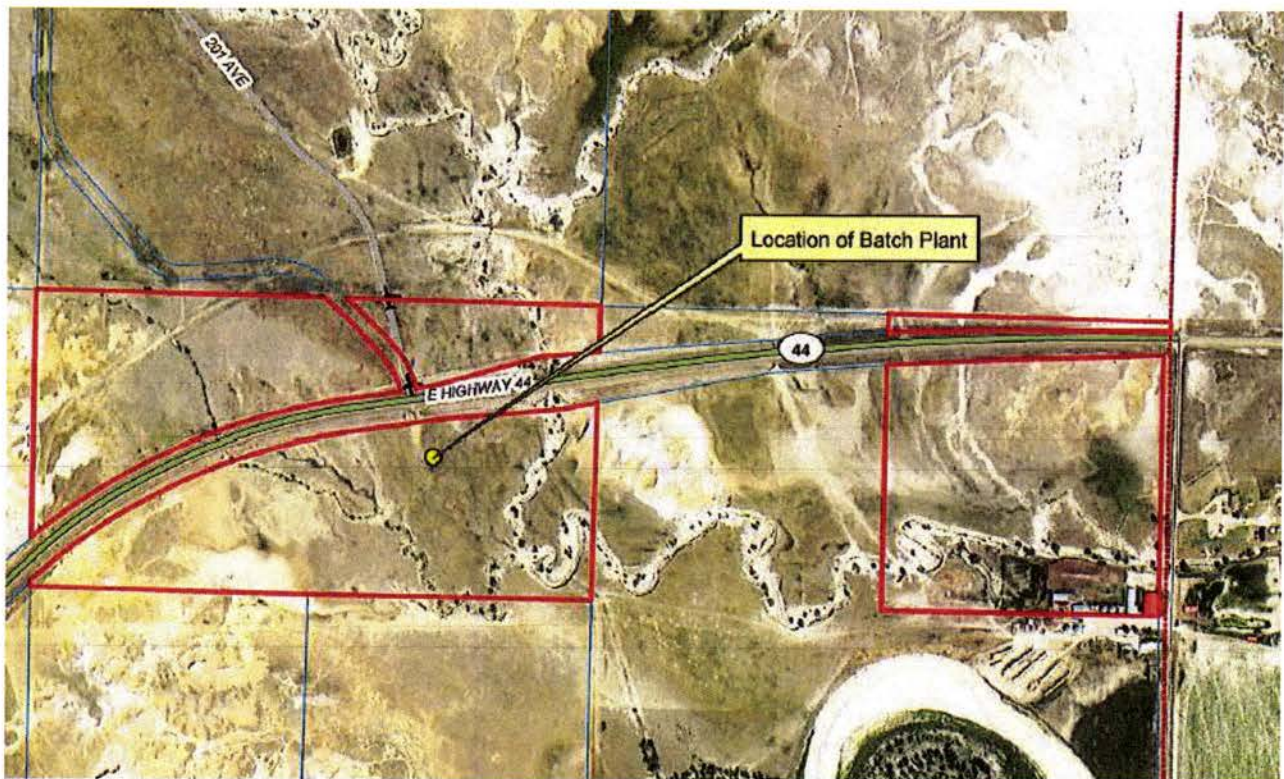
REPORT BY: Cody Sack

I. PROPOSED RECOMMENDATION

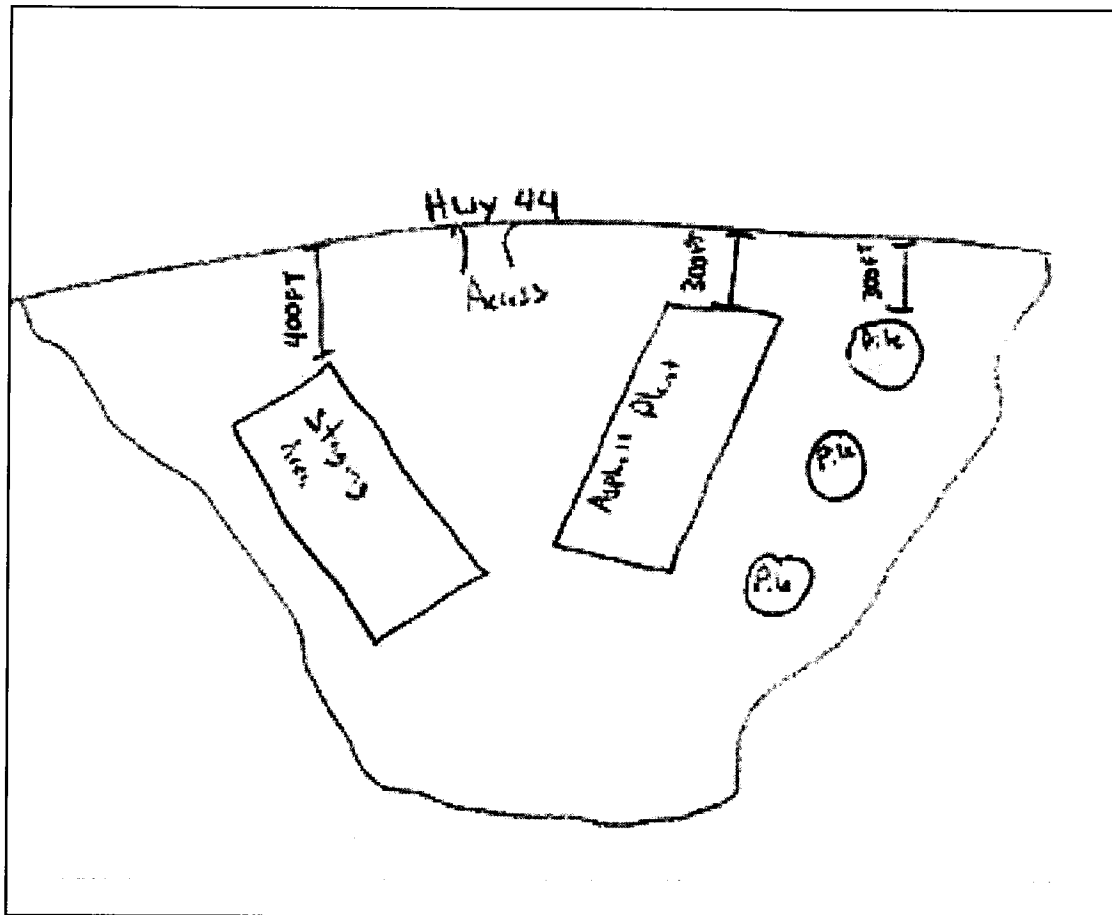
- A. Staff will be recommending to continue the review of Conditional Use Permit / CU 18-43 to the December 2, 2019, Planning Commission meeting to allow staff time to conduct a site visit.

II. GENERAL DESCRIPTION

- A. The applicant, Border States Paving requested a Conditional Use Permit to allow an asphalt batch plant and contractor's storage area to be set up at the above-described property.



Proposed Location of Batch Plant.



Site Plan

- B. December 17, 2018 – The Planning Commission approved Conditional Use Permit / CU 18-43 with the following fourteen (14) conditions:
1. That port-o-potties are provided on-site: one (1) unit per 50 employees, throughout the operation of the stockpile and portable asphalt plant;
 2. That an approved temporary Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
 3. That any structure that remains after this CUP ends will require a permanent Building Permit.
 4. That a temporary address will be assigned to the Contractors Storage area and portable asphalt plant and must be conspicuously posted at all times and a cell phone shall be present on the site at all times as well;
 5. That all access to the temporary asphalt batch plant be via the existing private approach off of E. Highway 44;

Agenda Item #5
Border States Paving
November 12, 2019

6. That appropriate measures are taken to protect all drainage ways and limit runoff from the subject property by implementing Best Management Practices prior to any land disturbance;
 7. That all debris and construction items be cleaned up and removed from the property upon completion of the project, and that the applicant reclaim all disturbed areas to the state-of-condition that was seen prior to the temporary asphalt plant installation;
 8. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than fourteen (14) days after Construction Activity has stopped and that all erosion control methods (mulch and seed) need to be certified noxious weed-free.
 9. That the disturbed areas be re-vegetated as required in § 507(A)(5)(c);
 10. That all necessary Permits from the Department of Environmental and Natural Resources (Industrial Stormwater Permit) be obtained, and copies submitted within seven (7) business days of approval of this Conditional Use Permit;
 11. That dust control measures be taken to reduce the amount of dust pollution produced by the project and insures that the parking areas and approach are maintained in a dust free condition;
 12. That erosion control measures be implemented and maintained and barrier protection measures (i.e. wattles, silt fence, etc.) be installed to prevent sediment from leaving the site;
 13. That the applicant signs a Statement of Understanding within ten (10) business days of approval of this permit; and,
 14. That this Conditional Use Permit be reviewed in six (6) months, or on a complaint basis, or as directed by the Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.
- C. August 12, 2019 – the Planning Commission continued the review of Conditional Use Permit / CU 18-43 to the August 26, 2019, Planning Commission meeting with the following thirteen (13) conditions:
1. That port-o-potties are provided on-site: one (1) unit per 50 employees, throughout the operation of the stockpile and portable asphalt plant;
 2. That an approved temporary Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
 3. That any structure that remains after this CUP ends will require a permanent Building Permit.
 4. That a temporary address will be assigned to the Contractors Storage area and portable asphalt plant and must be conspicuously posted at

Agenda Item #5
Border States Paving
November 12, 2019

- all times and a cell phone shall be present on the site at all times as well;
5. That all access to the temporary asphalt batch plant be via the existing private approach off of E. Highway 44;
 6. That appropriate measures are taken to protect all drainage ways and limit runoff from the subject property by implementing Best Management Practices prior to any land disturbance;
 7. That all debris and construction items be cleaned up and removed from the property upon completion of the project, and that the applicant reclaim all disturbed areas to the state-of-condition that was seen prior to the temporary asphalt plant installation;
 8. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than fourteen (14) days after Construction Activity has stopped and that all erosion control methods (mulch and seed) need to be certified noxious weed-free;
 9. That the disturbed areas be re-vegetated as required in § 507(A)(5)(c);
 10. That all necessary Permits from the Department of Environmental and Natural Resources (Industrial Stormwater Permit) be obtained, and copies submitted within seven (7) business days of approval of this Conditional Use Permit;
 11. That dust control measures be taken to reduce the amount of dust pollution produced by the project and insures that the parking areas and approach are maintained in a dust free condition;
 12. That erosion control measures be implemented and maintained and barrier protection measures (i.e. wattles, silt fence, etc.) be installed to prevent sediment from leaving the site; and,
 13. That this Conditional Use Permit be reviewed in six (6) months, or on a complaint basis, or as directed by the Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.
- D. August 26, 2019 – The Planning Commission continued the review of Conditional Use Permit / CU 18-43 with the following fourteen (14) conditions:
1. That port-o-potties are provided on-site: one (1) unit per 50 employees, throughout the operation of the stockpile and portable asphalt plant;
 2. That an approved temporary Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
 3. That any structure that remains after this CUP ends will require a permanent Building Permit;

Agenda Item #5
Border States Paving
November 12, 2019

4. That a temporary address will be assigned to the Contractors Storage area and portable asphalt plant and must be conspicuously posted at all times and a cell phone shall be present on the site at all times as well;
 5. That all access to the temporary asphalt batch plant be via the existing private approach off of E. Highway 44;
 6. That appropriate measures are taken to protect all drainage ways and limit runoff from the subject property by implementing Best Management Practices prior to any land disturbance;
 7. That all debris and construction items be cleaned up and removed from the property upon completion of the project, and that the applicant reclaim all disturbed areas to the state-of-condition that was seen prior to the temporary asphalt plant installation;
 8. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than fourteen (14) days after Construction Activity has stopped and that all erosion control methods (mulch and seed) need to be certified noxious weed-free;
 9. That the disturbed areas be re-vegetated as required in § 507(A)(5)(c) of the PCZO;
 10. That all necessary Permits from the Department of Environmental and Natural Resources (Industrial Stormwater Permit) be obtained, and copies submitted within seven (7) business days of approval of this Conditional Use Permit;
 11. That dust control measures be taken to reduce the amount of dust pollution produced by the project and insures that the parking areas and approach are maintained in a dust free condition;
 12. That erosion control measures be implemented and maintained and barrier protection measures (i.e. wattles, silt fence, etc.) be installed to prevent sediment from leaving the site;
 13. That the applicant pays a \$100.00 continuation fee in accordance with § 511(X) of the PCZO; and,
 14. That this Conditional Use Permit be reviewed at the September 9, 2019, Planning Commission meeting, on a complaint basis, or as directed by the Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.
- E. September 9, 2019 - The Planning Commission continued the review of Conditional Use Permit / CU 18-43 with the following fourteen (14):
1. That port-o-potties are provided on-site: one (1) unit per 50 employees, throughout the operation of the stockpile and portable asphalt plant;
 2. That an approved temporary Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the

Agenda Item #5
Border States Paving
November 12, 2019

- ground, which requires a site plan to be reviewed and approved by the Planning Director;
3. That any structure that remains after this CUP ends will require a permanent Building Permit;
 4. That a temporary address will be assigned to the Contractors Storage area and portable asphalt plant and must be conspicuously posted at all times and a cell phone shall be present on the site at all times as well;
 5. That all access to the temporary asphalt batch plant be via the existing private approach off of E. Highway 44;
 6. That appropriate measures are taken to protect all drainage ways and limit runoff from the subject property by implementing Best Management Practices prior to any land disturbance;
 7. That all debris and construction items be cleaned up and removed from the property upon completion of the project, and that the applicant reclaim all disturbed areas to the state-of-condition that was seen prior to the temporary asphalt plant installation;
 8. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than fourteen (14) days after Construction Activity has stopped and that all erosion control methods (mulch and seed) need to be certified noxious weed-free;
 9. That the disturbed areas be re-vegetated as required in § 507(A)(5)(c) of the PCZO;
 10. That all necessary Permits from the Department of Environmental and Natural Resources (Industrial Stormwater Permit) be obtained, and copies submitted within seven (7) business days of approval of this Conditional Use Permit;
 11. That dust control measures be taken to reduce the amount of dust pollution produced by the project and insures that the parking areas and approach are maintained in a dust free condition;
 12. That erosion control measures be implemented and maintained and barrier protection measures (i.e. wattles, silt fence, etc.) be installed to prevent sediment from leaving the site;
 13. That the applicant pays a \$100.00 continuation fee in accordance with § 511(X) of the PCZO; and,
 14. That this Conditional Use Permit be reviewed at the November 12, 2019, Planning Commission meeting, on a complaint basis, or as directed by the Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

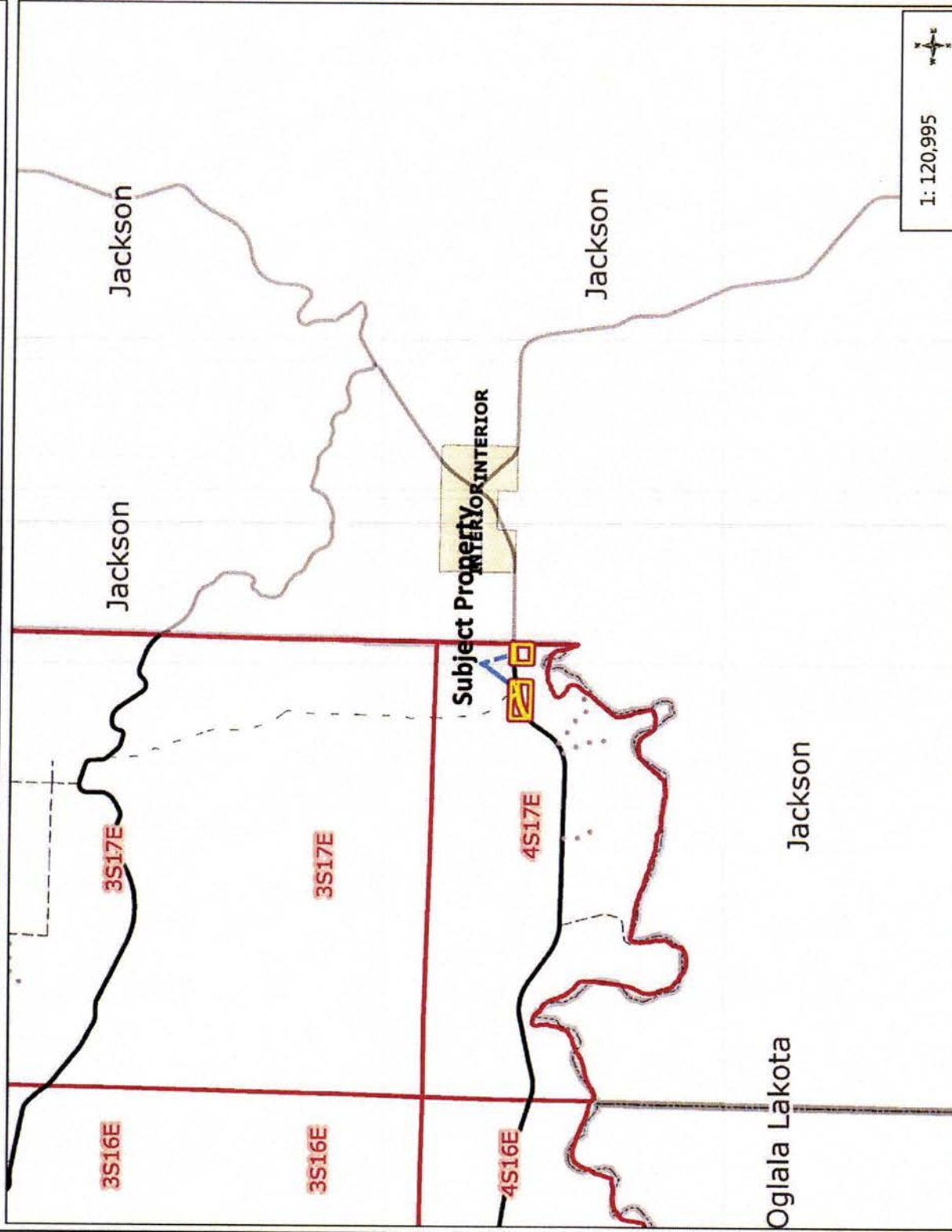
III. EXISTING CONDITIONS

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

IV. ANALYSIS

- A. August 1, 2019 – Staff performed a site visit and found:
 - 1. The area where the batch plant was located had been disturbed.
 - 2. The batch plant has been removed from the subject property.
 - 3. The site has not been reclaimed.
- B. The Applicant has an Air Quality Permit (SDG02A037) for the batch plant.
- C. November 7, 2019:
 - 1. Staff spoke with the son of the landowner who stated:
 - a. They have an agreement with the applicant not to reclaim the land.
 - b. Border States Paving may be bringing the batch plant back for another project on E. Highway 44 this spring.
 - i. *Staff Note: The batch plant may be brought back on the property as long as it is within one year of when it was removed.*
 - 2. Staff attempted to contact the applicants who could not be reached.
- D. Staff will be recommending to continue the review of CU 18-43 to allow time for staff to gather more information from the applicant.

RECOMMENDATION: Staff recommends to continue the review of Conditional Use Permit / CU 18-43 to the December 2, 2019, Planning Commission meeting.



1:120,995

20,165.8 Feet

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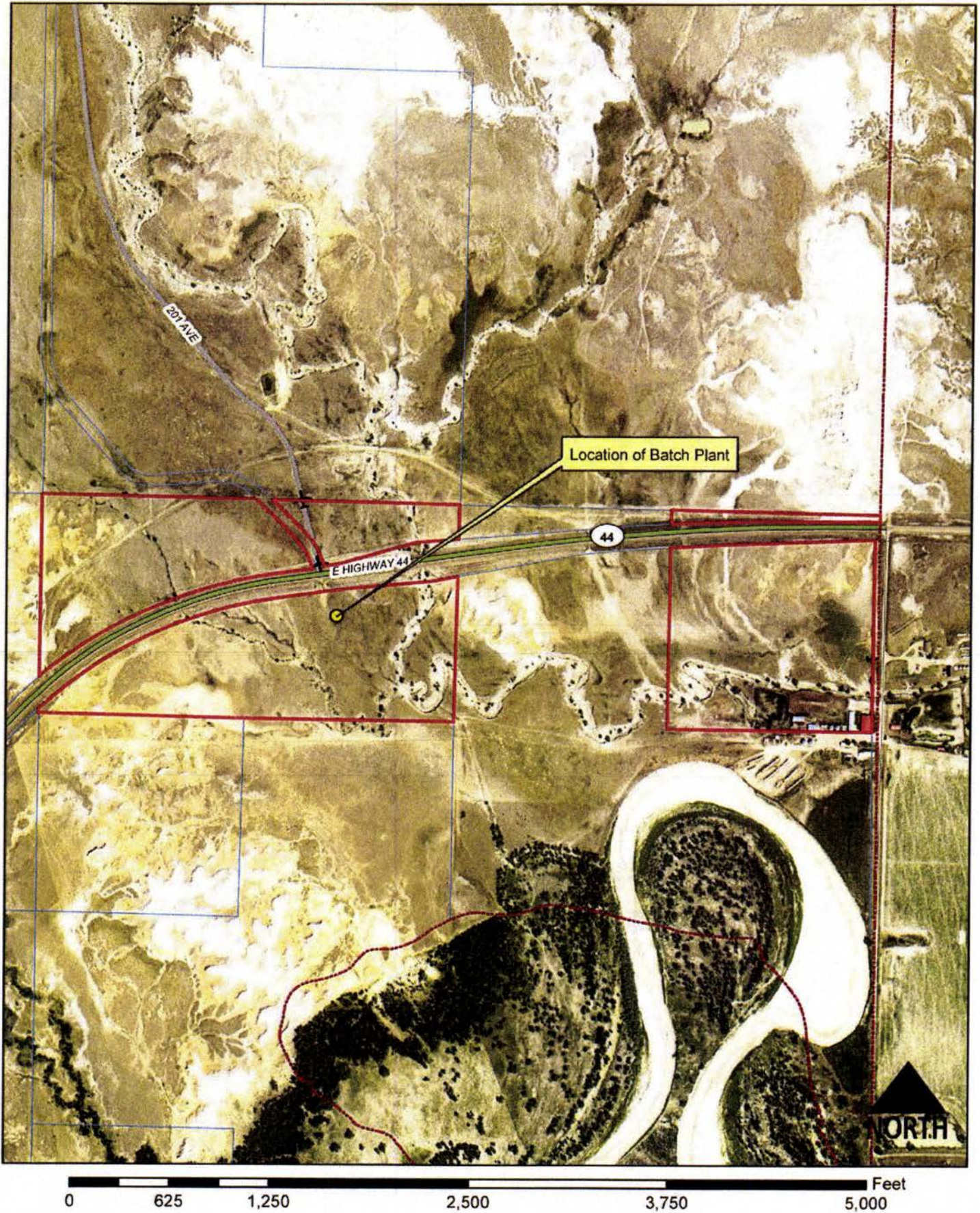
THIS MAP IS NOT TO BE USED FOR NAVIGATION

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

Map Notes:

Border States Paving, Inc / Huether



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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: P.J. Conover

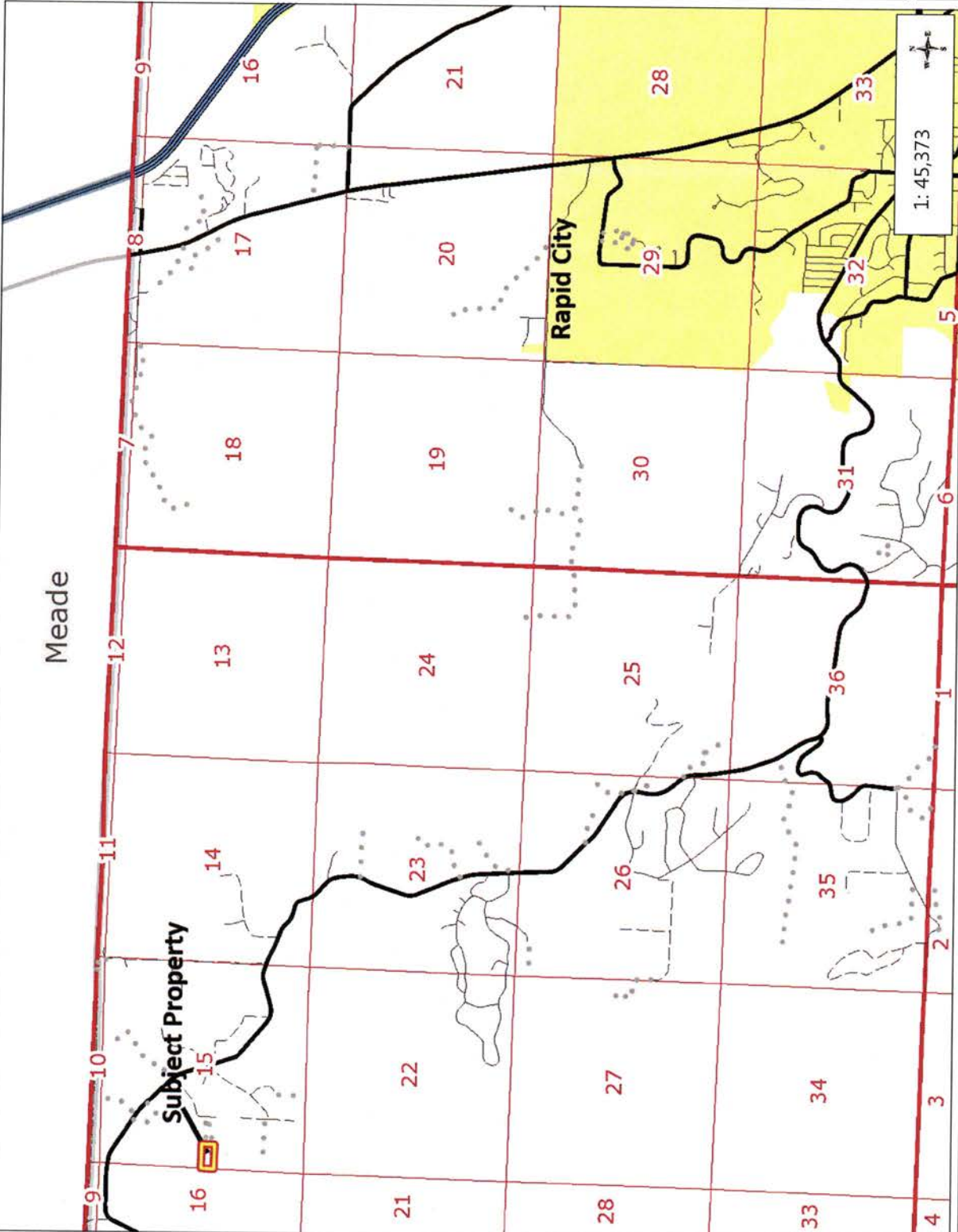
I. PROPOSED RECOMMENDATION

- A. Staff will be recommending the continuation of the hearing for CU 19-01, to the November 25, 2019, Planning Commission Meeting.

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.
- B. On October 28, 2019, the Planning Commission approved the continuation of Conditional Use Permit / CU 19-01 to the November 12, 2019, Planning Commission meeting to allow the applicant additional time to address outstanding issues with the two (2) conditions listed below.
 - 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.
- C. CU 19-01 is also being re-advertised as the October 28, 2019, meeting did not include public comment.

RECOMMENDATION: Staff recommends to continue the hearing of Conditional Use Permit / CU 19-01 to the November 25, 2019, Planning Commission meeting for purposes of advertisement.



1: 45,373



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Legend

- Roads**
- Interstate
 - US highway
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Map Notes:

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1: 6,617



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Legend

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

Section Lines 0-25k

- 0
- 7



Tax Parcels

Lot Lines

- <Null>
- Lot Line
- Parcel Line

Map Notes:

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STAFF REPORT

GENERAL INFORMATION:

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

OWNER: Rapid City MHP, LLC

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

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

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

SIZE: 21.49 acres

EXISTING LAND USE: Mobile Home Park

ZONING REFERENCE: Section 213

CURRENT ZONING: Planned Unit Development

TAX ID: 14691

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Flat / Partially Forested

UTILITIES: Private

REPORT BY: Kristina Proietti

I. PROPOSED RECOMMENDATION

Staff will be recommending to continue the review of Conditional Use Permit / CU 06-07 to no later than the December 2, 2019, Planning Commission meeting.

II. GENERAL DESCRIPTION

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

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

13. That prior to the placement of mobile homes or any other structures within the 100-year floodplain, a Flood Plain Development Permit shall be submitted for review and approval;
 14. That prior to any repair or replacement of the wastewater disposal system, the S.D. Department of Environment and Natural Resources and the Pennington County Environmental Technician shall review and approve the work and a Flood Plain Development Permit shall be obtained for any work within the one hundred year flood plain;
 15. That the storage units be used exclusively for storage and not retail business activities;
 16. That each unit has an individual address that must be posted in accordance with Pennington County Ordinance Amendment #20;
 17. That the Planning Director may allow additional development or construction which is consistent with the existing development on this property; significant changes in the use or impacts on adjacent land uses as determined by the Planning Director shall require an amendment to this Planned Unit Development; and,
 18. That this PUD be reviewed in one (1) year or upon a complaint basis.
 19. That a map be submitted to Rapid City's GIS Department showing the addresses for each lot within the mobile home park; and
 20. That the first one hundred feet off of Sturgis Road be hard surfaced.
- B. PU 06-07 has been reviewed and approved by the County Board of Commissioners on November 6, 2007; July 21, 2009; July 25, 2011; March 23, 2015, and September 21, 2017, with the same twenty (20) Conditions of Approval from the aforementioned Planning Commission meetings.
- C. September 23, 2019, the Planning Commission approved the continuation of Planned Unit Development / PU 06-07 to no later than the November 12, 2019, Planning Commission meeting to allow Staff time to research mobile home lots, duplexes, stick-built homes, and storage sheds to research if there are Building Permits for all pertinent structures.

I. ANALYSIS

- A. September 5, 2019, Staff performed a site visit and found large amounts of water on the interior streets, it appeared that a water line was broken. There was no odor or evidence of sewage.
- B. September 12, 2019, Staff performed a site visit to the subject property and conducted a thorough investigation of the structures located on each lot. The manager of Cimarron Mobile Home Park (CMHP) was not on site at the time of the visit. Also, there did not appear to be any water flowing on any of the interior streets, as Staff observed on September 5, 2019.

Agenda Item #7
Rapid City MHPLLC
November 12, 2019

- C. October 29, 2019, Staff performed a site visit to CMHP to verify measurements on some structures. Staff was unable to locate the park manager so a letter was left inside at the Manager's Office, a copy of the letter was also mailed to the owners on file for CMHP (letter is attached with this report).
- D. October 31, 2019, Staff spoke on the phone with the interim manager, Laurie Humphrey's, and was informed of the action that needs taken to bring certain lots into compliance.
- E. October 31, 2019, Staff emailed Laurie Humphrey maps of the subject property, Building Permit Applications, Floodplain Applications, and asked her to meet with Staff on the subject property.
 - 1. Staff has not heard back from Laurie Humphrey, nor the property owners at this time.

RECOMMENDATION: Staff recommends to continue the review of Planned Unit Development / PU 06-07 to no later than the December 2, 2019, Planning Commission meeting with one (1) condition:

- 1. That any continuation hereafter caused by the applicants failure to meet Conditions of Approval will be fined \$100.00 per continuation in accordance with § 511(X) of the Pennington Counting Zoning Ordinance.



Pennington County Planning Department

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

October 29, 2019

Cimarron Mobile Home Park
4835 Sturgis Road
Rapid City, SD 57702

RE: Permits Required for Structures

Dear Mobile Home Park Manager,

This is a letter to inform the manager of Cimarron Mobile Home Park that there are several mobile home units that currently have unpermitted structures on them (decks, porches, and sheds). There is a review for Planned Unit Development / PU 06-07 set for November 12, 2019, to be heard at the Planning Commission meeting at 9:00 am. I would like to work with you to bring the park into compliance per Pennington County Zoning Ordinance.

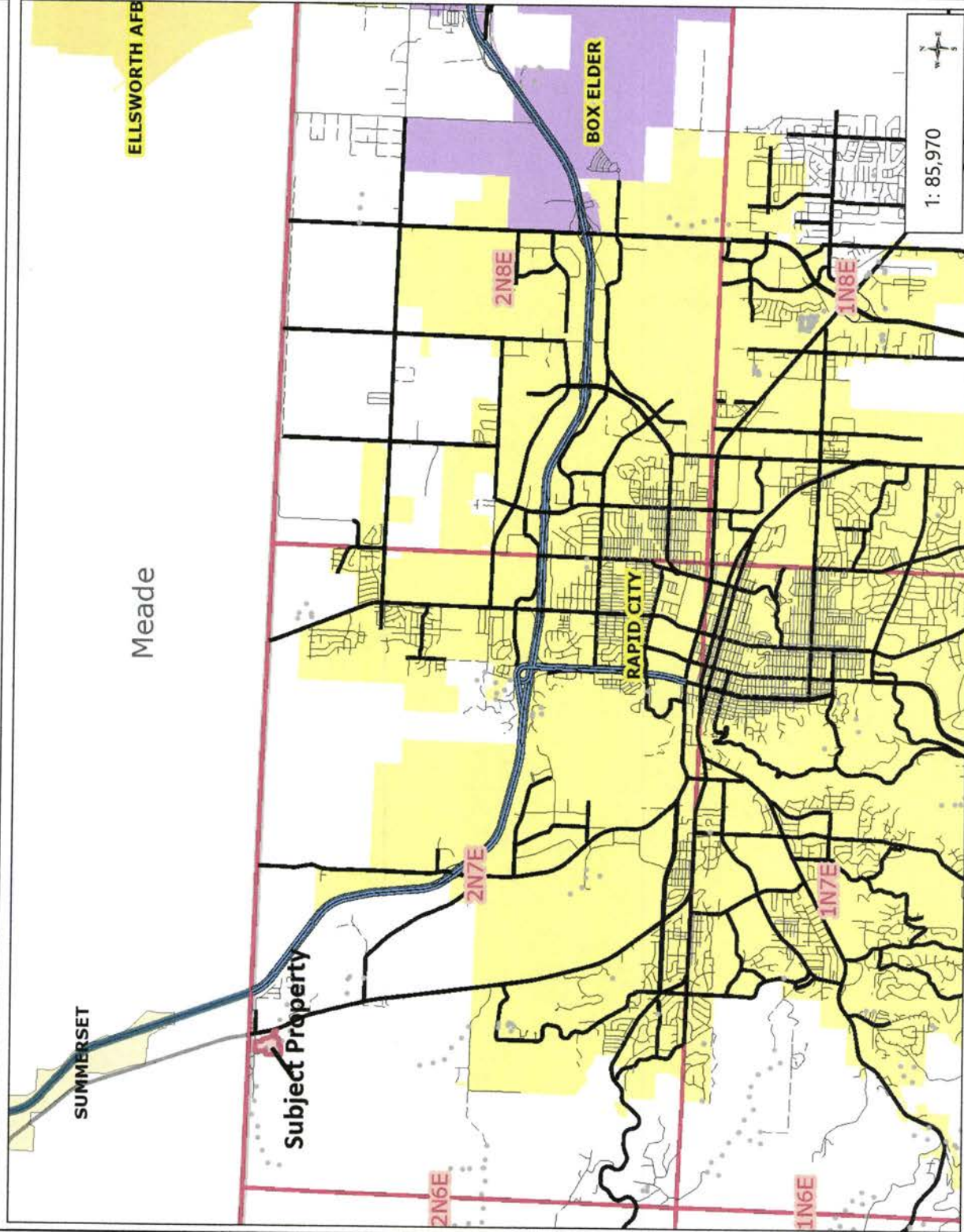
With this letter I have attached the Conditions of Approval that were approved during the last hearing for this Planned Unit Development on September 21, 2017. Condition number 5 states: "That decks and/or porches be allowed as accessory structures to each mobile home with the approval of a Building Permit." Condition number 11 states: "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."

Please contact me so that we can work together to bring this Mobile Home Park into compliance.

Sincerely,

Kristina Proietti
Planner I

CC: Rapid City MHP LLC



1: 85,970

14,328.4 0 7,164.18 14,328.4 Feet

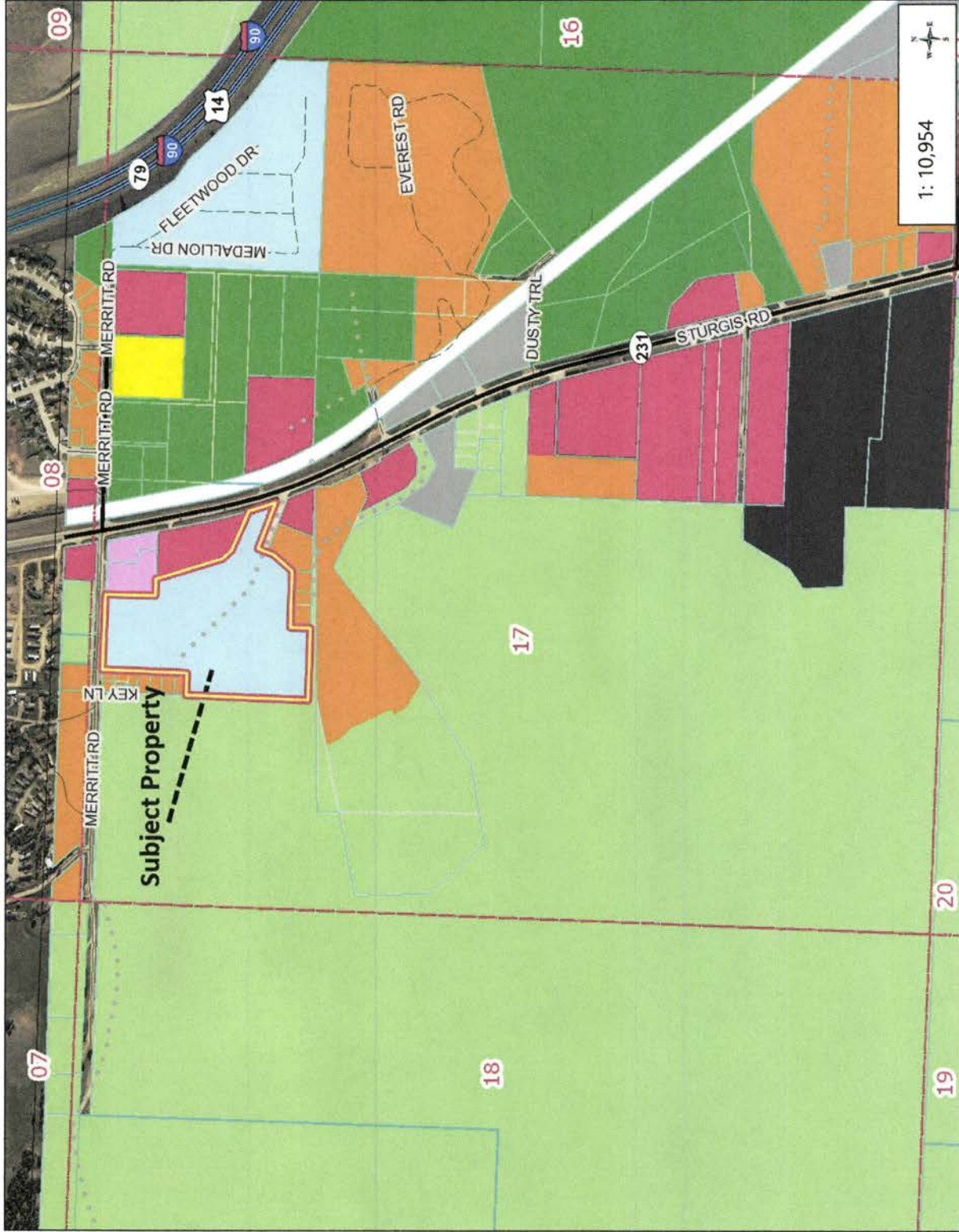
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Map Notes:



1: 10,954



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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:

Legend

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1,825.7 0 912.87 1,825.7 Feet

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1:2,485

414.2 207.09 414.2 Feet

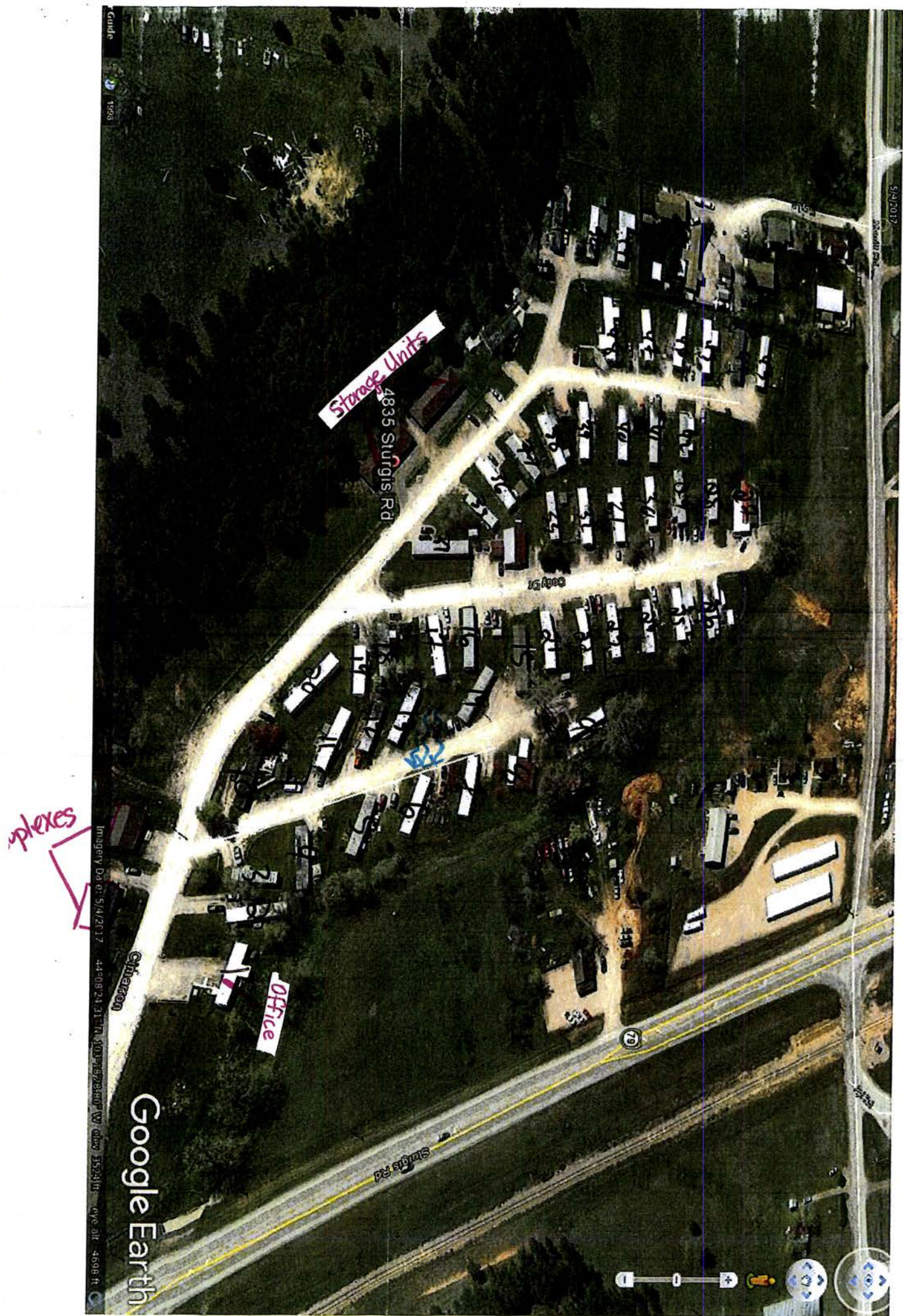
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- Section Lines 0-25k
- Tax Parcels
- Lot Lines
- <Null>
- Lot Line
- Parcel Line
- Floodway
- Flood Hazard Area
- 100 Year
- 500 Year
- 500 Year - Protected by levee
- Out
- Not Studied

Map Notes:

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Storage Units

4835 Sturgis Rd

Office

Complex

Google Earth

Imagery Date: 5/4/2017 44°08'24.31"N 103°45'28.00"W elev: 3524ft eye alt: 4598 ft

Guide 1928

5/4/2017

25°00'00" N

78

Sturgis Rd

Sturgis Rd

16 Appo

17

18

19

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STAFF REPORT

GENERAL INFORMATION:

REQUEST: **MINOR PLAT / MPL 19-40:** To create Lots A, B, C, and D and Well Lot of Johnson Estates Subdivision in accordance with § 400.3 of the Pennington County Subdivision Regulations.

APPLICANT/AGENT: Great Western Bank for Dorothy Johnson Estate

APPLICANT ADDRESS: 14 Saint Joseph Street, Rapid City, SD 57701

SURVEYOR/ENGINEER: Baseline Surveying

ADDRESS: 1921 Lazelle Street, Sturgis, SD 57785

LEGAL DESCRIPTION: **EXISTING LEGAL:** Balance of Lot 1 of the NW1/4NW1/4, Section 9, T1N, R6E, BHM, Pennington County, South Dakota.
PROPOSED LEGAL: Lots A, B, C, and D and Well Lot of Johnson Estates Subdivision, Section 9, T1N, R6E, BHM, Pennington County, South Dakota.

SITE LOCATION: 10940 W. Highway 44; east of the intersection of Thunderhead Falls Road and W. Highway 44.

SIZE: 21.39 acres

TAX ID: 10765

EXISTING LAND USE: Residential

SUBDIVISION REGULATIONS REFERENCE: § 400.3

CURRENT ZONING: Suburban Residential District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Wooded / Hills

UTILITIES: Private

REPORT BY: Brittney Molitor

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending approval of Minor Plat / MPL 19-40 with nine (9) conditions.

II. GENERAL DESCRIPTION

- A. The applicant, Great Western Bank, has submitted a Minor Plat request to subdivide one (1) existing lot into four (4) lots, in order to create Lots A, B, C, D and Well Lot of Johnson Estates Subdivision.

III. EXISTING CONDITIONS

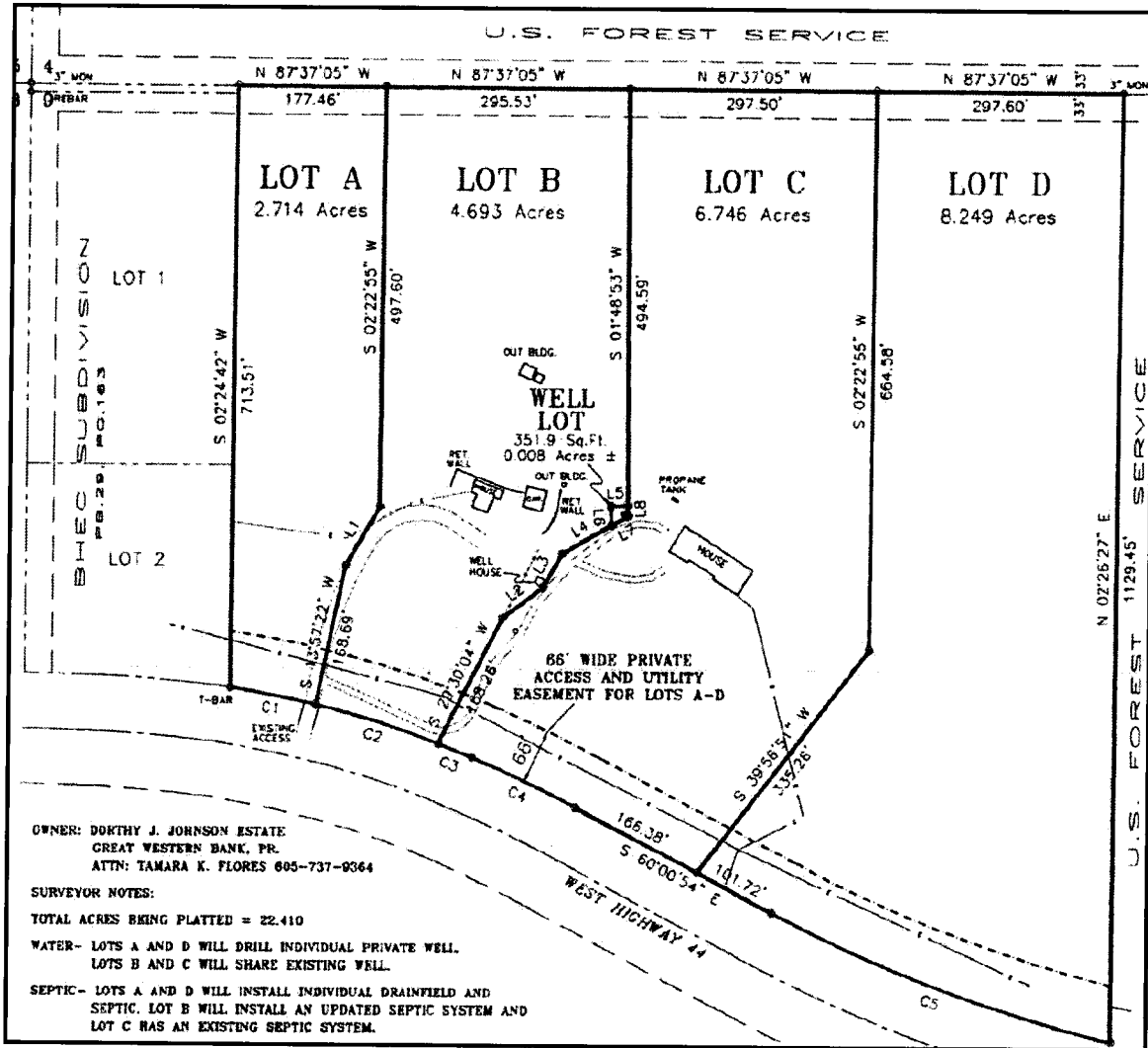
- A. 21.39 acres.
- B. Zoned Suburban Residential District.
- C. Access off of W. Highway 44 via existing approach.
- D. No Special Flood Hazard Area.
- E. Lot Contains:
 - 1. Single-family residence built in 1920 – per DOE records.
 - 2. Single-family residence built in 1991 – per DOE records.

IV. PROPOSED LOTS

- A. Lot A
 - 1. 2.714 acres.
 - 2. Vacant of any structures.
 - 3. Zoned Suburban Residential District.
- B. Lot B
 - 1. 4.693 acres.
 - 2. Single-family residence.
 - a. Built in 1920 – per DOE records.
 - 3. Zoned Suburban Residential District.
- C. Lot C
 - 1. 6.746 acres
 - 2. Single-family residence
 - a. Built in 1991 – per DOE records.
 - 3. Zoned Suburban Residential District.
- D. Lot D
 - 1. 8.249 acres
 - 2. Vacant of any structures.
 - 3. Zoned Suburban Residential District.

Agenda Item #8
 Dorothy Johnson Estate
 November 12, 2019

- E. Well Lot
1. 0.008 acre.
 2. Vacant of any structures.
 3. Zoned Suburban Residential District.



Copy of the plat

- V. **REQUEST FOR COMMENT** (*Some comments from Layout Plat / PL 17-38*)
- A. County Highway Department
1. Highway Department has no comments since drainage isn't impacted and it fronts a State highway.

- 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 Professional Environmental Planner
1. No Special Flood Hazard Area on subject property.
 2. The Onsite Wastewater Treatment System on Lot C was pumped and observed – COOP18-0124.
 3. A new Onsite Wastewater Treatment System was installed on Lot B – COSD19-0007.
 - a. Consists of a 1,500 gallon septic tank and 495 square foot (equivalent) drainfield.
- D. County Onsite Wastewater Specialist
1. One of the houses was built in 1920 and no septic information could be found. The other existing house was permitted in 1991 (#9566) and has a 1000 gallon tank and 480 square feet of drainfield. If any new septic systems are add to any of the lots, all rules of Pennington County Zoning Ordinance Section 204(J) must be followed.
- E. County Ordinance Enforcement Officer
1. No violations from my side on this property.

Agenda Item #8
Dorothy Johnson Estate
November 12, 2019

- F. County Natural Resources Director
 - 1. No objections.
- G. County Addressing Coordinator
 - 1. All existing and future addresses should be posted in accordance with Pennington County Ordinance #20.
- H. County Sheriff's Office
 - 1. No comments received.
- I. Register of Deeds
 - 1. Plat heading is acceptable.
 - 2. The drawings and references to buildings, tanks, etc. need to be removed from the plat drawing.
 - 3. I don't think the driveways should be shown on the plat drawing also. However, there is a problem with the driveways because part of Lot B's driveway lies in Lot A. It lies above the "66' wide private easement for Lots A-D" per the plat drawing; maybe this should be included as part of the private easement.
- J. Department of Equalization
 - 1. Mostly good but on the survey, the western boundary of Lot A is 10 feet shorter than the dimensions given on the plat for the neighboring subdivision, which was platted in 2000.
 - a. *Staff Comment: This will be included as a Condition of Approval.*
- K. Emergency Services (9-1-1)
 - 1. Good here.
- L. U.S. Forest Service
 - 1. The Forest Service has no objections to the proposed Dorothy Johnson minor plat request.
 - 2. The Forest Service has no objections to the approved Board of Commissioners fourteen (14) conditions.
 - 3. Preliminary Plat does not illustrate access to Lot D.
 - 4. Protect all posted boundary line corners, signs and bearing trees.
 - 5. Adhere to the setback requirements along the posted boundary between National Forest System lands (USA Public Domain) and the private property.
 - 6. Protect all known stream courses, ponds and riparian areas located on National Forest System lands.
 - 7. No resource damage to occur on National Forest System lands.
 - 8. All straw bales, erosion mats, slash mats, etc. located on private property will need to be certified weed-free. Provide a copy of the certification to the Forest Service.
 - 9. No construction materials to be placed on National Forest System lands.
 - 10. All proposed drain fields, leach lines or septic systems will need to be located on private property and not located on or drain or leach onto National Forest System lands; septic system holding tank (s)

- and potable water holding tank (cistern) will be required to be located on private property.
11. All construction materials, supplies, trash or garbage or fill material will not be located or dumped on National Forest System lands; take all construction materials, supplies, trash or garbage to an approved location (approved sanitary landfill).
 12. Public roads in this area of the Black Hills National Forest are classified as "Other Public Roads" and "Special Designations: Trails Open to Vehicles 62" or Less in Width" with Seasonal Designation 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).
- M. South Dakota Department of Transportation
1. SDDOT has not comment on the request. Please note, that although not requested, SDDOT will not allow additional direct access to SD44 as a result of this subdivision.
 - a. *Staff Comment: This will be included as a Condition of Approval.*
- N. Black Hills Electric Cooperative
1. Black Hills Electric Cooperative has no concerns with this layout plat.

VI. ANALYSIS

- A. February 19, 2019 – The Board of Commissioners approved Layout Plat / PL 17-38 with the following fourteen (14) conditions:
1. That prior to filing the Plat with the Register of Deeds, the proposed lots obtain approved Lot Size Variances or be Rezoned appropriately;
 2. That at the time of new Plat submittal, eight (8) foot (minimum) 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 percolation and soil profile hole information be submitted for proposed Lot A and Lot D or an approved Subdivision Regulations Variance be obtained waiving this requirement;
 4. That at the time of new Plat submittal, the plat meets all requirements of § 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;

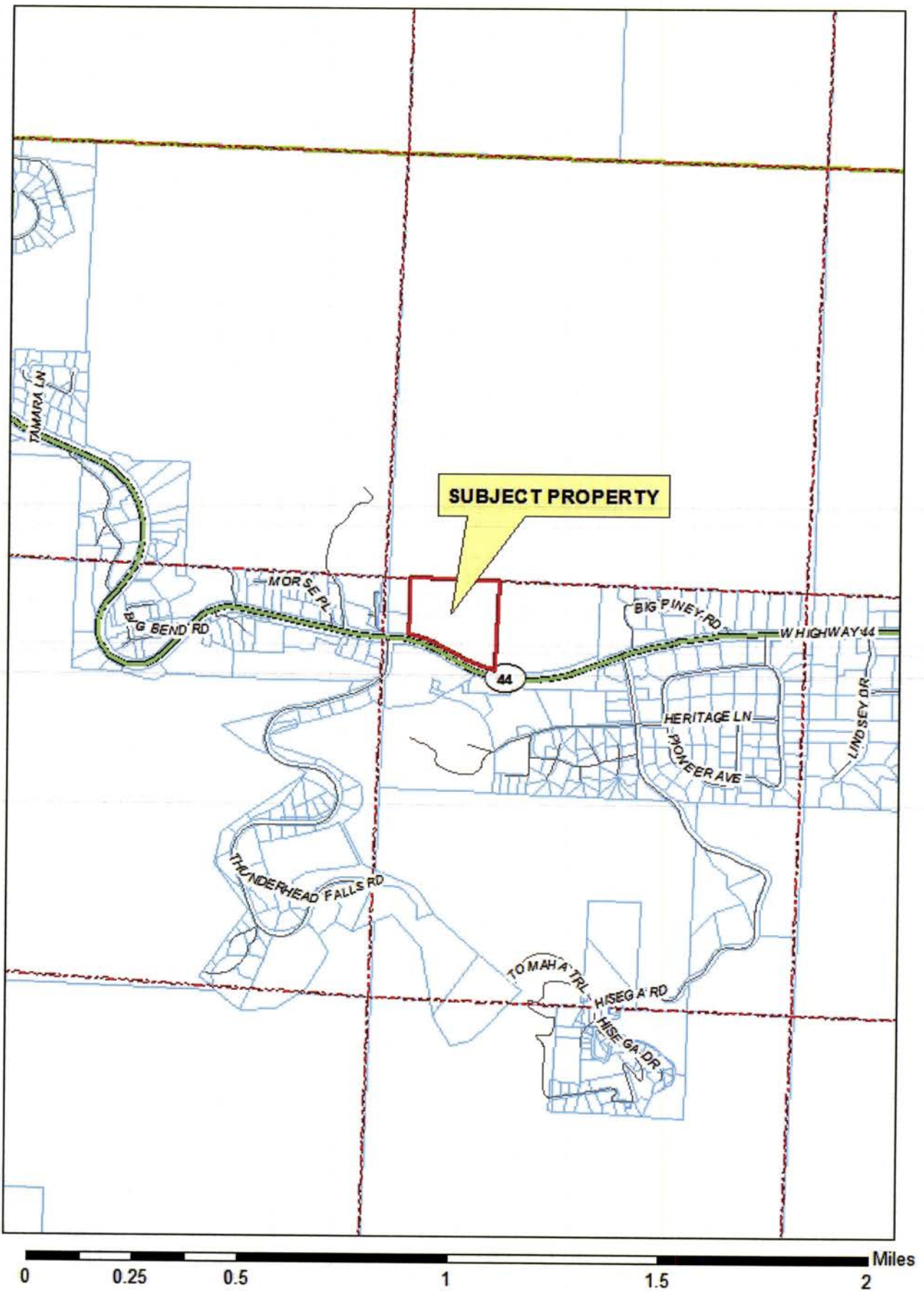
Agenda Item #8
Dorothy Johnson Estate
November 12, 2019

5. That at the time of new Plat submittal, the Plat heading needs to be corrected to say: "Lot A, Lot B, Lot C, and Lot D of Johnson Estates Subdivision. Formerly the Unplatted Portion of Government Lot 1 (aka NW1/4NW1/4) of Section 9, T1N, R6E, All located in..." as requested by the Register of Deeds;
 6. That at the time of new Plat submittal, the Plat heading must also include the Well Lot;
 7. The Plat must include the acreage of the Well Lot;
 8. That the existing approach is utilized off of W. Highway 44 for proposed Lots A, B, C, D and the Well Lot, as well as the 66-foot-wide Access and Utility Easement, as SDDOT will not allow additional direct access to W. Highway 44 as a result of this subdivision;
 9. That the proposed 66-foot-wide Access and Utility Easement for Lots A-D be designated on the plat as either "public" or "private" and include the Well Lot prior to filing the plat with the Register of Deeds;
 10. That the Certifications on the plat be in accordance with § 400.3.1.n of the Pennington County Subdivision Regulations;
 11. That the applicant ensures that all-natural drainage ways are maintained and are not blocked;
 12. 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;
 13. That prior to the filing of the plat with the Register of Deeds, the onsite wastewater treatment system be installed and the installation approved by the Environmental Planner on proposed Lot B of Johnson Estates Subdivision; and,
 14. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.
- B. March 5, 2019 – The Board of Commissioners approved the second reading of Rezone / RZ 17-10 and Comprehensive Plan Amendment / CA 17-09 for Dorothy Johnson Estate to rezone 21.39 acres from Limited Agriculture District to Suburban Residential District and the change the Future Land Use from PUD Sensitive to Suburban Residential District.
- C. Percolation tests and soil profile hole evaluations are still needed for proposed Lots A and D unless a Variance to the Subdivision Regulations is approved waiving those requirements.

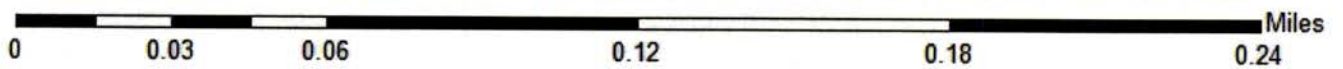
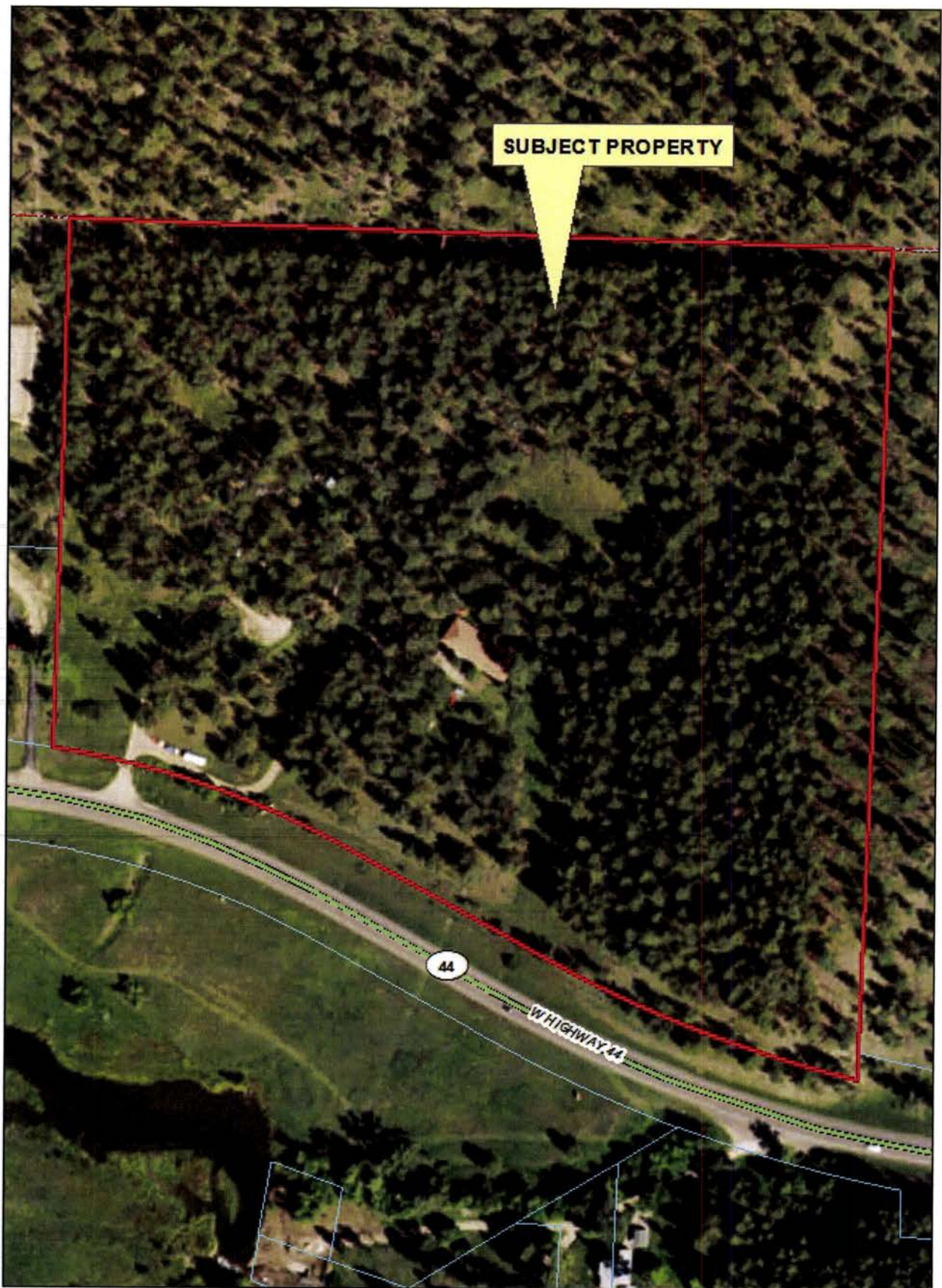
RECOMMENDATION: Staff is recommending approval of Minor Plat / MPL 19-40 with the following nine (9) conditions:

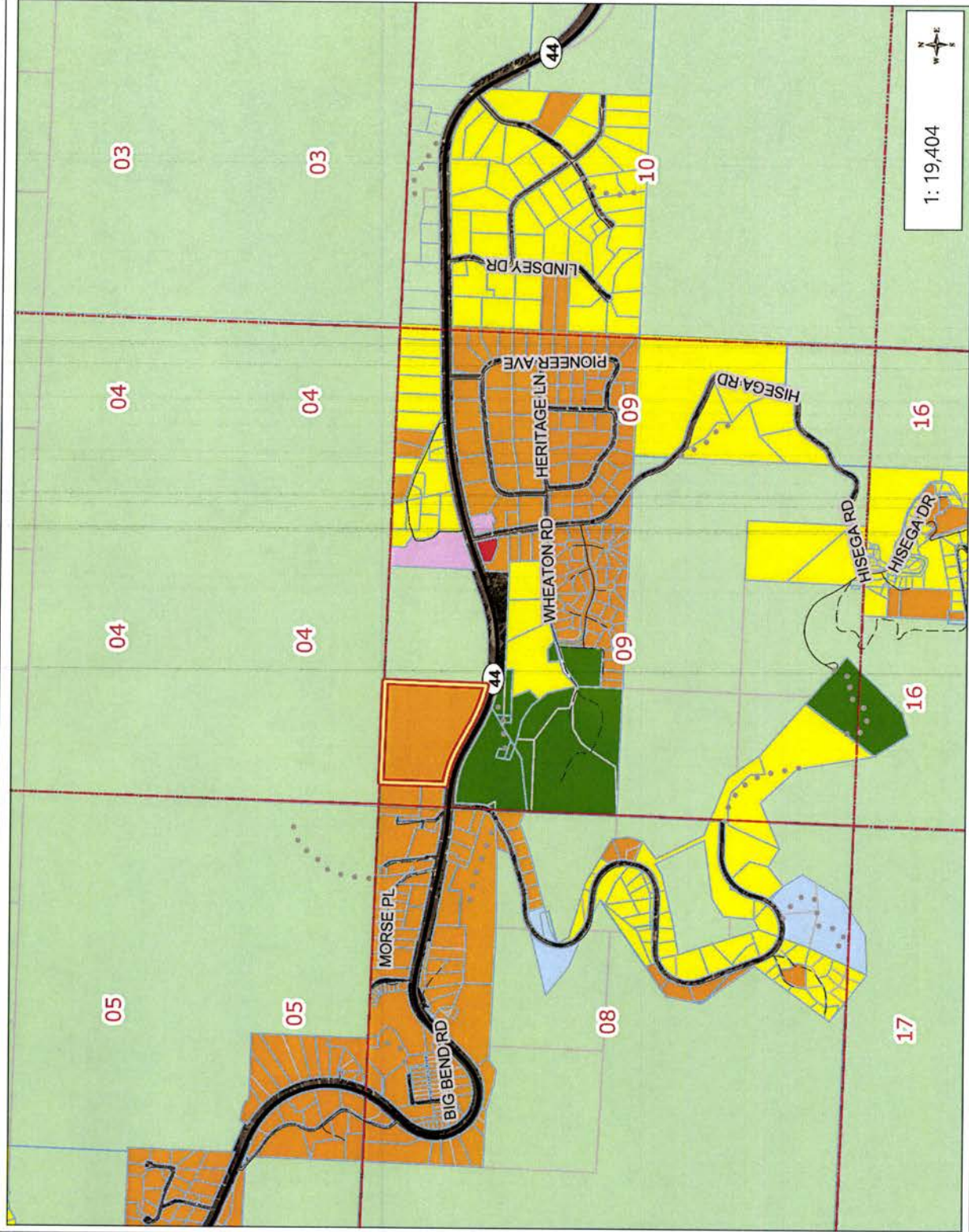
1. That the dimensions of the western boundary of Lot A be verified prior to filing the plat with the Register of Deeds;
2. That prior to filing the plat with the Register of Deeds the percolation and soil profile hole information be submitted for proposed Lot A and Lot D or an approved Variance to the Subdivision Regulations be obtained waiving this requirement;
3. That prior to filing the plat with the Register of Deeds, the plat meets all requirements of § 400.3 of the Pennington County Subdivision Regulations, or an approved Variance to the Subdivision Regulations be obtained waiving any of these requirements that are not met;
4. That the existing approach is utilized off of W. Highway 44 for proposed Lots A, B, C, D and the Well Lot, as well as the 66-foot-wide Access and Utility Easement, as SDDOT will not allow additional direct access to W. Highway 44 as a result of this subdivision;
5. That the Certifications on the plat be in accordance with § 400.3.1.n of the Pennington County Subdivision Regulations;
6. That prior to filing the plat with the Register of Deeds the drawings and references to buildings, tanks, etc. be removed from the plat drawing;
7. That prior to filing the plat with the Register of Deeds the portion of the driveway for Lot B that lies in Lot A be included as part of the private access easement;
8. That the applicant ensures all-natural drainage ways are maintained and are not blocked; and,
9. That following platting of the proposed lots, any Onsite 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.

DOROTHY JOHNSON ESTATE



DOROTHY JOHNSON ESTATE





1: 19,404

3,234.0 0 1,616.99 3,234.0 Feet

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

NAD_1983_StatePlane_South_Dakota_South_FIPS_4002_Feet
 © 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

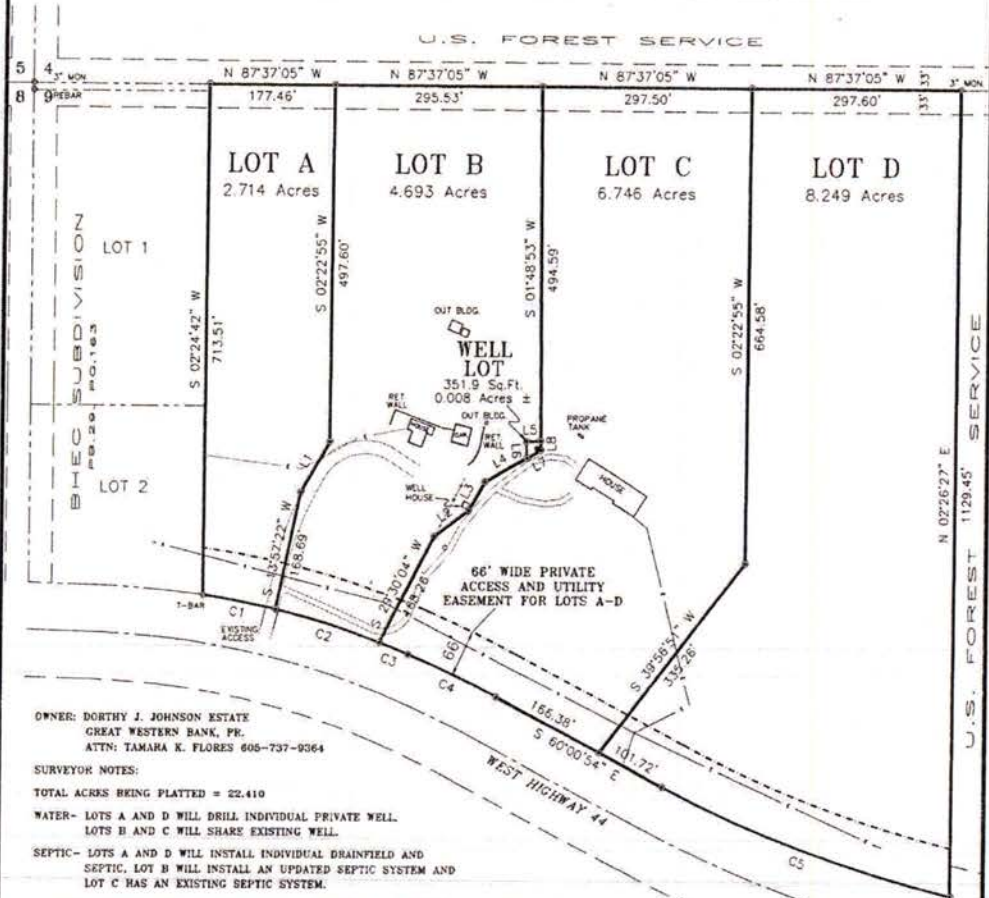
- Tax Parcels
- Lot Lines
- <Null>
- Lot Line
- Parcel Line

Pennington County Zoning

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

Map Notes:

Preliminary Plat of
Lot A, Lot B, Lot C, Lot D and Well Lot of Johnson Estates Subdivision
 Formerly the Unplatted Portion of Government Lot 1 (AKA: the NW 1/4 of the NW 1/4) of Section 9,
 All Located in Township 1 North, Range 6 East, Black Hills Meridian, Pennington County, South Dakota.

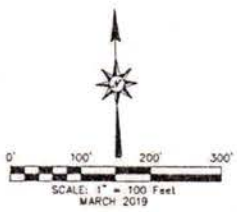


OWNER: DORTHY J. JOHNSON ESTATE
 GREAT WESTERN BANK, PR.
 ATTN: TAMARA K. FLORES 605-737-9364

SURVEYOR NOTES:
 TOTAL ACRES BEING PLATTED = 22.410
 WATER- LOTS A AND D WILL DRILL INDIVIDUAL PRIVATE WELL.
 LOTS B AND C WILL SHARE EXISTING WELL.
 SEPTIC- LOTS A AND D WILL INSTALL INDIVIDUAL DRAINFIELD AND
 SEPTIC. LOT B WILL INSTALL AN UPDATED SEPTIC SYSTEM AND
 LOT C HAS AN EXISTING SEPTIC SYSTEM.

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	N 32°23'18" E	81.03	L5	N 97°00'00" W	20.00
L2	N 55°11'20" E	60.04	L6	S 07°00'00" E	22.73
L3	N 31°56'04" E	46.07	L7	N 62°55'38" E	22.37
L4	N 62°55'36" E	68.59	L8	N 00°22'08" E	12.55

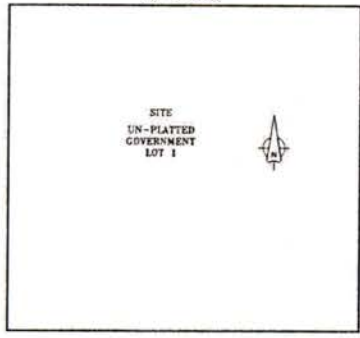
CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	1212.00'	105.32'	4°58'44"	S 76°56'02" E	105.28'
C2	1212.00'	155.22'	7°20'18"	S 70°48'32" E	155.11'
C3	1212.00'	44.70'	2°00'31"	S 66°03'39" E	44.25'
C4	1594.17'	139.12'	5°00'00"	S 62°50'54" E	139.07'
C5	1724.60'	439.10'	14°35'17"	S 67°18'33" E	437.92'



LEGEND:
 ● Found or Set 3/8" Rebar with Cap Marked "VASKNETZ RLS 7719".
 ○ Found 5/8" Rebar with Cap Unless Otherwise Noted.
 (R) Indicates dimensions previously recorded.
 (M) Indicates measured dimensions this survey.
 FEMA Mapping Indicates Minimal Flood Hazard, Zone X, Per FIRM Panel, 46103C 0733d with Effective Date 6/3/2013.

Shanon E. Vosknetz
 Registered Land Surveyor No. 7719

VICINITY MAP
 NOT TO SCALE



SURVEYOR'S NOTES:

- Utility and Drainage Easement:
 An eight foot (8') wide utility and minor drainage easement is hereby granted on the interior side of all lot lines or on approved Subdivision Regulations Variance be obtained waiving this requirement. Removal or modification of any obstruction or impediment to such an easement shall be the financial responsibility of the landowner.
- Reference Plats:
 Plats and Easements of Record as shown hereon; Plat Book 29 at Page 163, and Highway Plat Book 3 at Page 91 are previously recorded with the Pennington County Register of Deeds Office.
- Geodetic North Determined by Global Positioning System (GPS).

All Access Easements, Major Drainage Easements and Sanitary Sewer Easements 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 Pennington County and all public authorities the right to enter upon the property to construct, operate, maintain, inspect and repair such improvements and structures as reasonably necessary to effectuate its purpose.

STAFF REPORT

GENERAL INFORMATION:

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

APPLICANT: Tanner Colburn

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

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

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

SIZE: 6.07 acres

TAX ID: 61424

EXISTING LAND USE: Residential

ZONING REFERENCE: § 213

CURRENT ZONING: Planned Unit Development District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Flat / Sloping / Prairie

UTILITIES: Private

REPORT BY: Jason Theunissen

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending to refer Minor Planned Unit Development Amendment / PU 17-05 to the State's Attorney Office for further action.

II. GENERAL DESCRIPTION

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

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

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

22. That this Minor Planned Unit Development Amendment be reviewed in one (1) year, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to ensure that all Conditions of Approval are being met.

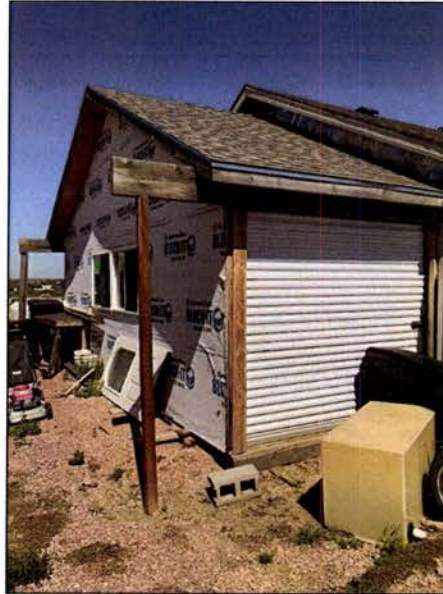
III. EXISTING CONDITIONS

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

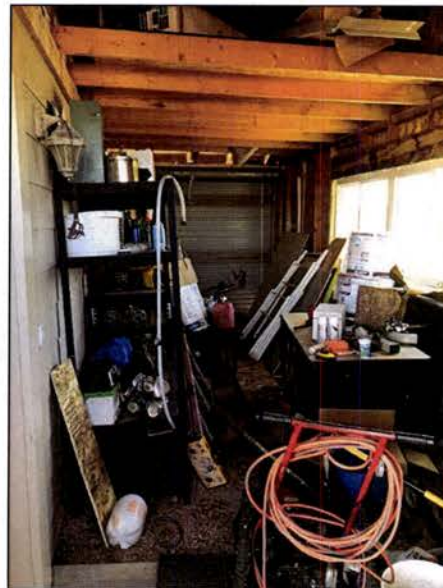
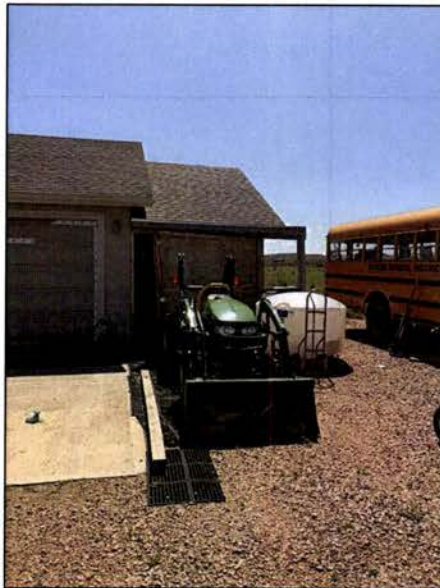
IV. ANALYSIS

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

- E. At the time of this report, Staff has been unable to contact the applicant.
- F. **Update for the October 14, 2019 Planning Commission meeting:**
 - 1. September 27, 2019 – Staff mailed a certified letter to the applicant, to include a copy of Conditions of Approval from the September 9, 2019 Planning Commission meeting.
 - 2. September 30, 2019 – the applicant signed for the certified letter.
 - 3. October 7, 2019 – Staff called the phone number listed on the original PUD Amendment application. There was no answer and Staff could not leave a message because the voice mailbox was full.
 - 4. At the time of this report, Staff has been unable to contact the applicant.
- G. **Update for the November 12, 2019 Planning Commission meeting:**
 - 1. September 23, 2019 – The Planning and Zoning Ordinance Enforcement Officer conducted a site visit to the subject property and observed the rear garage door was closed and the front garage doors had been affixed and closed.
 - 2. October 16, 2019 – Staff mailed a certified letter to the applicant with the October 14, 2019 Planning Commission Meeting minutes.
 - 3. October 17, 2019 – Staff mailed another certified letter with the October 14, 2019 Planning Commission Meeting minutes and an invoice for the \$100 continuation fee.
 - 4. October 31, 2019 – The Ordinance Enforcement Officer conducted a follow-up site visit to the subject property and photographed the garage. The front door appeared to be affixed and rear garage door was closed, making access to the electric meter impossible.
 - 5. November 6, 2019 – Staff received The October 16, 2019 certified letter back, marked “Unclaimed / Unable to Forward.”
 - 6. At the time of this report, Staff has been unable to contact the applicant.
 - 7. Due to multiple continued unsuccessful attempts to contact the applicant in order to address the complaint, Staff feels it appropriate to refer this matter to the State’s Attorney Office for further action.



Site visit, 8.27.19



Site visit, 8.27.19

Agenda Item #9
Tanner Colburn
November 12, 2019



Site visit, 10.31.19

RECOMMENDATION: Staff recommends the review of Minor Planned Unit Development Amendment / PU 17-05 be referred to the State's Attorney Office for further action.

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PLANNING DEPARTMENT

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605-394-2186 • FAX 605-394-6016

Total F
Sent To
Street, A
or PO B
City, Sta

Tanner Colburn
Eng Onya
15577 Lonesome Dove Street
Box Elder, SD 57719

PS Form 3800, June 2002 See Reverse for Instructions
BOX ELDER, SD 57719

RE: Minor Planned Unit Development Amendment Review

Dear Tanner Colburn and Eng Onya:

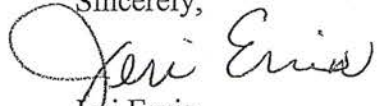
This letter is in regard to the review of Minor Planned Unit Development Amendment 17-01 request on the above-described property. On October 14, 2019, the Planning Commission took the following action:

MOTION: 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: Vote: unanimous 5 to 0.

Just as a reminder, a Building Permit is required when moving or building any structures on the property.

Sincerely,

Jeri Ervin
Administrative Assistant II

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Restricted Delivery Fee (Endorsement Required)	

10-17-19
JME
Mark Here

PLANNING DEPARTMENT

130 KANSAS CITY ST., SUITE 200 • RAPID CITY, SD 57701
605-394-2186 • FAX 605-394-6016

Total

Sent To: Tanner Colburn
Eng Onya

Street or PO: 15577 Lonesome Dove Street

City, State, ZIP: Box Elder, SD 57719

PS Form 3800, June 2002 See Reverse for Instructions

RE: Minor Planned Unit Development Amendment Review

Dear Tanner Colburn and Eng Onya:

This letter is in regard to the review of Minor Planned Unit Development Amendment 17-01 request on the above-described property. On September 9, 2019, the Planning Commission took the following action:

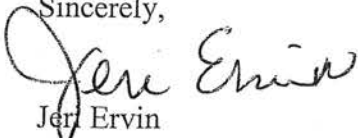
MOTION: To recommend to continue the review of Minor Planned Unit Development Amendment / PU 17-05 to no later than the October 14, 2019, Planning Commission meeting with the following three (3) conditions:

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

VOTE: Vote: unanimous 5 to 0.

At the October 14, 2019, Planning Commission meeting, your item was continued to the November 12, 2019, Planning Commission meeting. As required in Condition #3 listed above, please remit the \$100 continuation fee to the Pennington County Planning Department by 3 p.m. on Wednesday, October 30, 2019.

Sincerely,



Jeri Ervin
Administrative Assistant II

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

RECEIVED
NOV 06 2019
KANE

10/17
10/22
11/11



7004 2890 0003 8607 9311

Tanner Colburn
Eng Onya
15577 Lonesome Dove Street
Box Elder, SD 57719



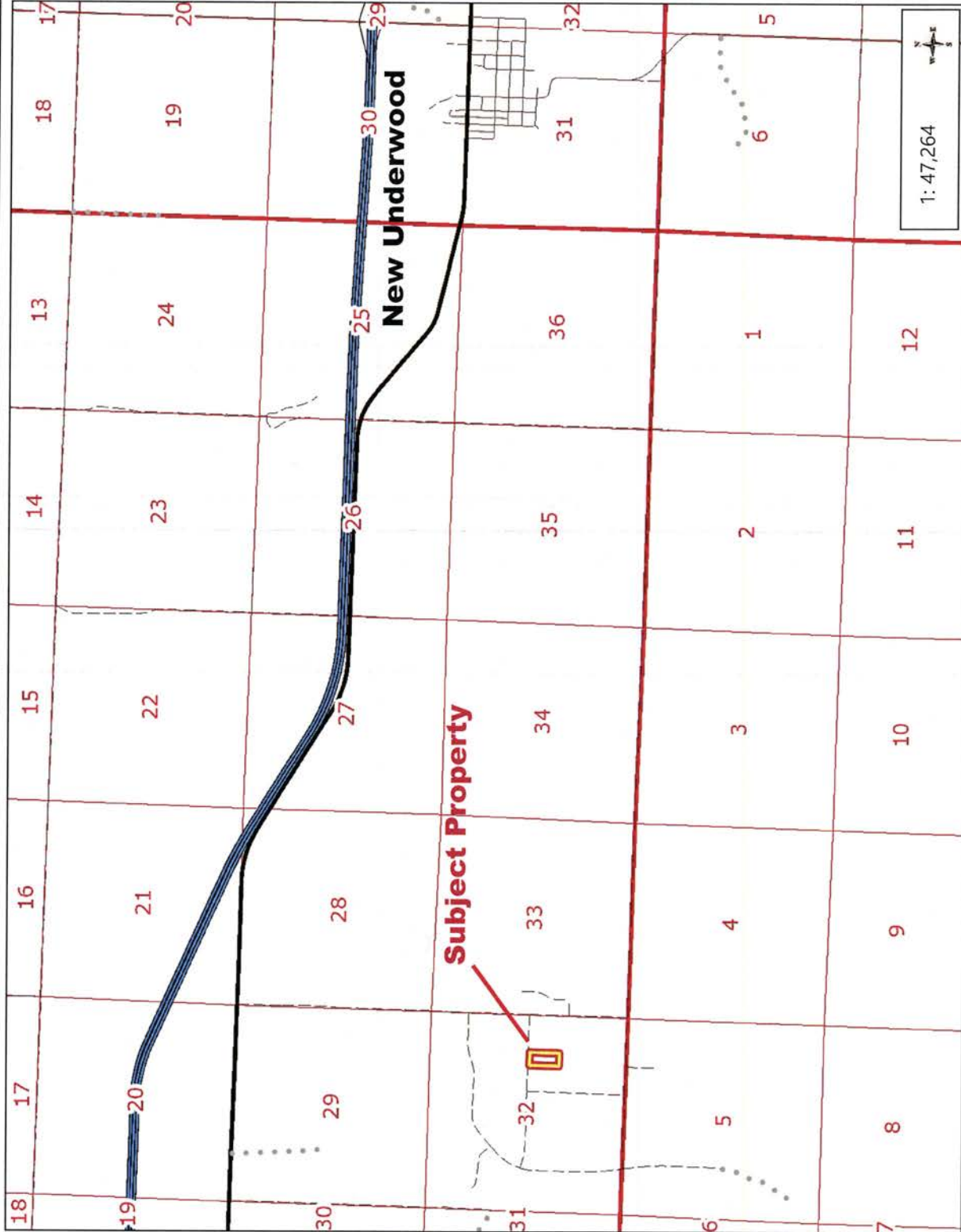
NIXIE 553 DE 1 0011/03/19

RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

BC: 57701281830 *2495-02275-16-40

UNC

5771 5831 01 7898



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

Map Notes:

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

THIS MAP IS NOT TO BE USED FOR NAVIGATION



7,877.3
NAD_1983_StatePlane_South_Dakota_South_FIPS_4002_Feet
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1: 3,000



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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

Pennington County Zoning

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

Map Notes:



1: 1,500

250.0 0 125.00 250.0 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
 - 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: REZONE / RZ 19-16 AND COMPREHENSIVE PLAN AMENDMENT / CA 19-16: To rezone 107.24 acres from General Agriculture District to Limited Agriculture District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from General Agriculture District to Limited Agriculture District in accordance with Sections 205, 206, and 508 of the Pennington County Zoning Ordinance.

APPLICANT: Richard Aldren

APPLICANT ADDRESS: 16385 Highway 1416, New Underwood, SD 57764

LEGAL DESCRIPTION: NE1/4NW1/4 less West 520 feet of East 800 feet less ROW; the NE1/4NW1/4 less East 800 feet less ROW; the W1/2NW1/4NW1/4 less ROW; the E1/2NW1/4NW1/4 less ROW; and the NE1/4NE1/4 less ROW, all located in Section 34, T2N, R11E, BHM, Pennington County, South Dakota.

SITE LOCATION: Near the intersection of 164th Avenue and Highway 1416.

SIZE: 107.24 acres (148.13 total property acreage)

TAX ID: 69268 / 70043

EXISTING LAND USE: Vacant

ZONING REFERENCE: §§ 205, 206, and 508

CURRENT ZONING: General Agriculture District

SURROUNDING ZONING:

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

Agenda Item #10
Richard Aldren
November 12, 2019

PHYSICAL CHARACTERISTICS: Flat / Open Prairie

UTILITIES: Private / None

REPORT BY: Kristina Proietti

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending approval of Rezone / RZ 19-16 and Comprehensive Plan Amendment / CA 19-16.

II. GENERAL DESCRIPTION

- A. The applicant, Richard Aldren, has applied for a request to rezone ±107.24 acres from General Agriculture District to Limited Agriculture District.
- B. The applicant is also requesting to amend the Pennington County Comprehensive Plan to change the Future Land Use from General Agriculture District to Limited Agriculture District.
- C. The subject property is located within the City of New Underwood's three-mile platting jurisdiction, and the Preliminary Plat is being heard on November 5, 2019, by the City of New Underwood.
 1. Staff has is awaiting for a response back from the City of New Underwood to hear the results of the plat submittal.

III. EXISTING CONDITIONS

- A. Zoned General Agriculture District.
- B. Lot conditions for Tax ID# 69268:
 1. 73.43 acres.
 2. Currently vacant.
- C. Lot conditions for Tax ID# 70043:
 1. 74.7 acres.
 2. Single-family residence with an attached garage, County Building Permit / COBP19-0324.
 3. Onsite Wastewater Treatment System Construction Permit / COSD19-0036.
 4. Onsite Wastewater Treatment System Operating Permit / CCOP19-1168.
- D. There is Special Flood Hazard Area on the subject property (see Image 1).
- E. Access is taken off of 164th Avenue.



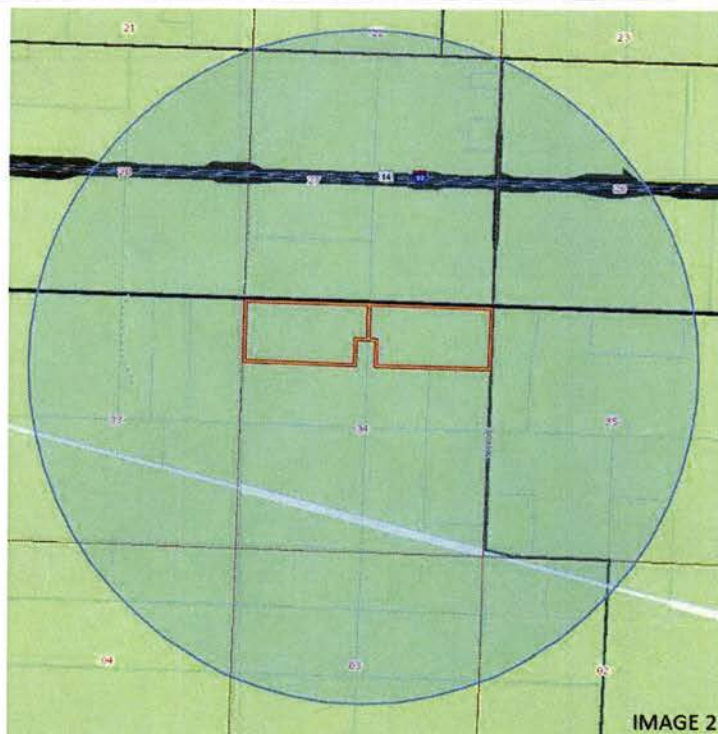
Special Flood Hazard area on the subject property.

IV. SURROUNDING CURRENT ZONING WITHIN 1 MILE OF THE SUBJECT PROPERTY

A. General Agriculture District, see Image 2.

V. SURROUNDING FUTURE LAND USE (FLU) ZONING WITHIN 1 MILE OF THE SUBJECT PROPERTY

A. General Agriculture District, see Image 2.



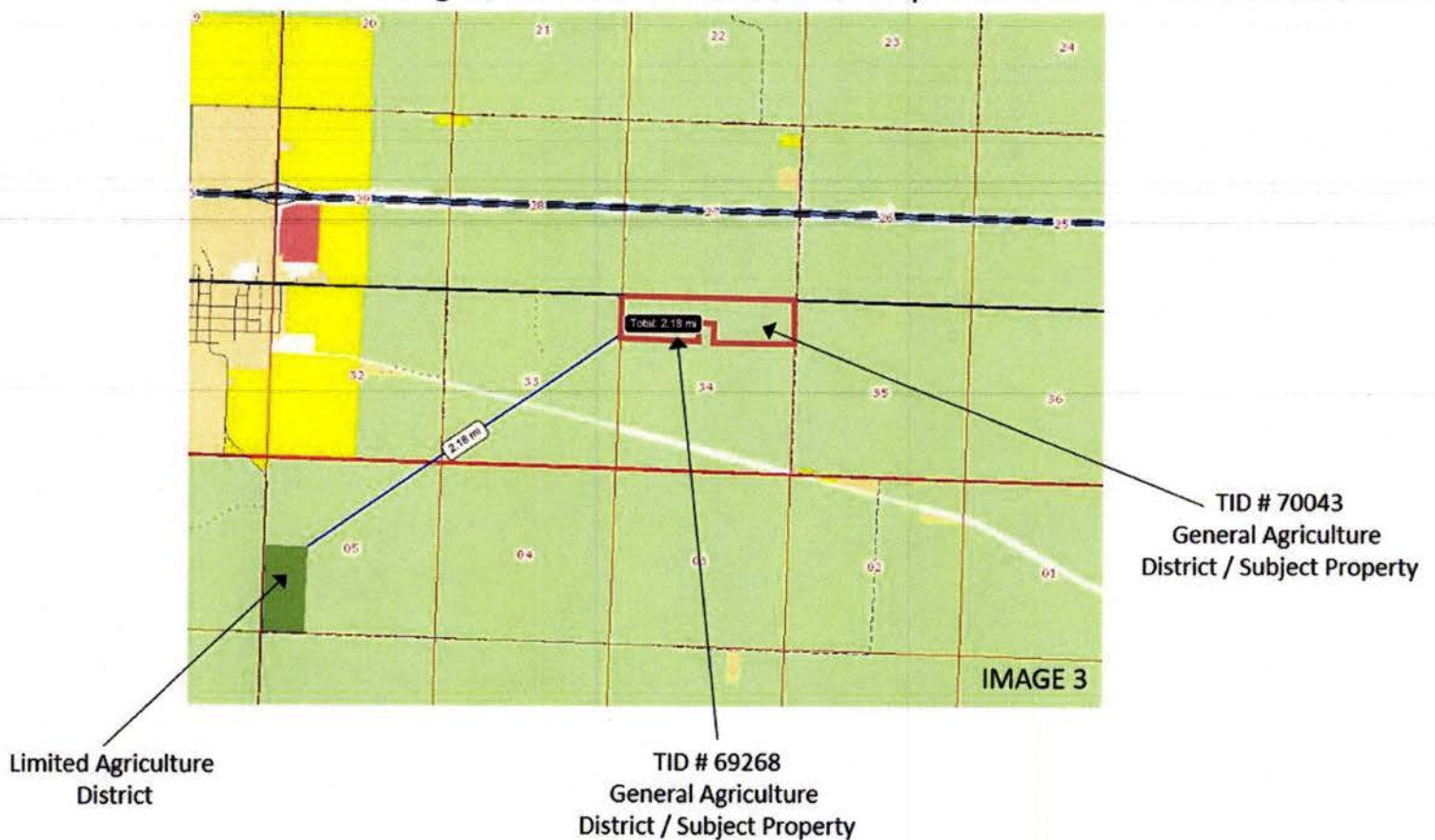
VI. REQUEST FOR COMMENT

- A. County Highway Department
 - 1. Highway Department has no comments.
- B. County Fire Administrator
 - 1. No comment received.
- C. County Professional Environmental Planner
 - 1. There is Special Flood Hazard Area (SFHA) on the subject property. Any work done in the SFHA requires a Floodplain Development Permit prior to any disturbance.
- D. County Onsite Wastewater Specialist
 - 1. According to the USDA Web Soil Survey the soils are classified as "Very Limited". If the applicant decides to install any septic systems on the properties all rules of Pennington County Zoning Ordinance 204-J must be followed.
- E. County Ordinance Enforcement
 - 1. No violations on this property.
- 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 Natural Resources
 - 1. No objections.
- H. Department of Equalization
 - 1. There's not much for me to comment on here but I would say that according to the drawings he's actually going to end up with 6 lots, not 5, the 6th being the NWNE bit.
- I. Register of Deeds
 - 1. No comment on the Rezone and Comprehensive Plan Amendment.
 - 2. FYI – the legal descriptions included in this routing, less than 40 acres, for transfer purposes will have to be platted; because the land lies in the New Underwood's three mile jurisdiction. If the NE1/4NE1/4 is sold, it can be transferred without being platted because ROW was created by a highway plat, so it still totals 40 acres.
- J. West River Electric Association
 - 1. West River Electric has no comments regarding the Request for Comment - Aldren- RZ & CA.

VII. ANALYSIS

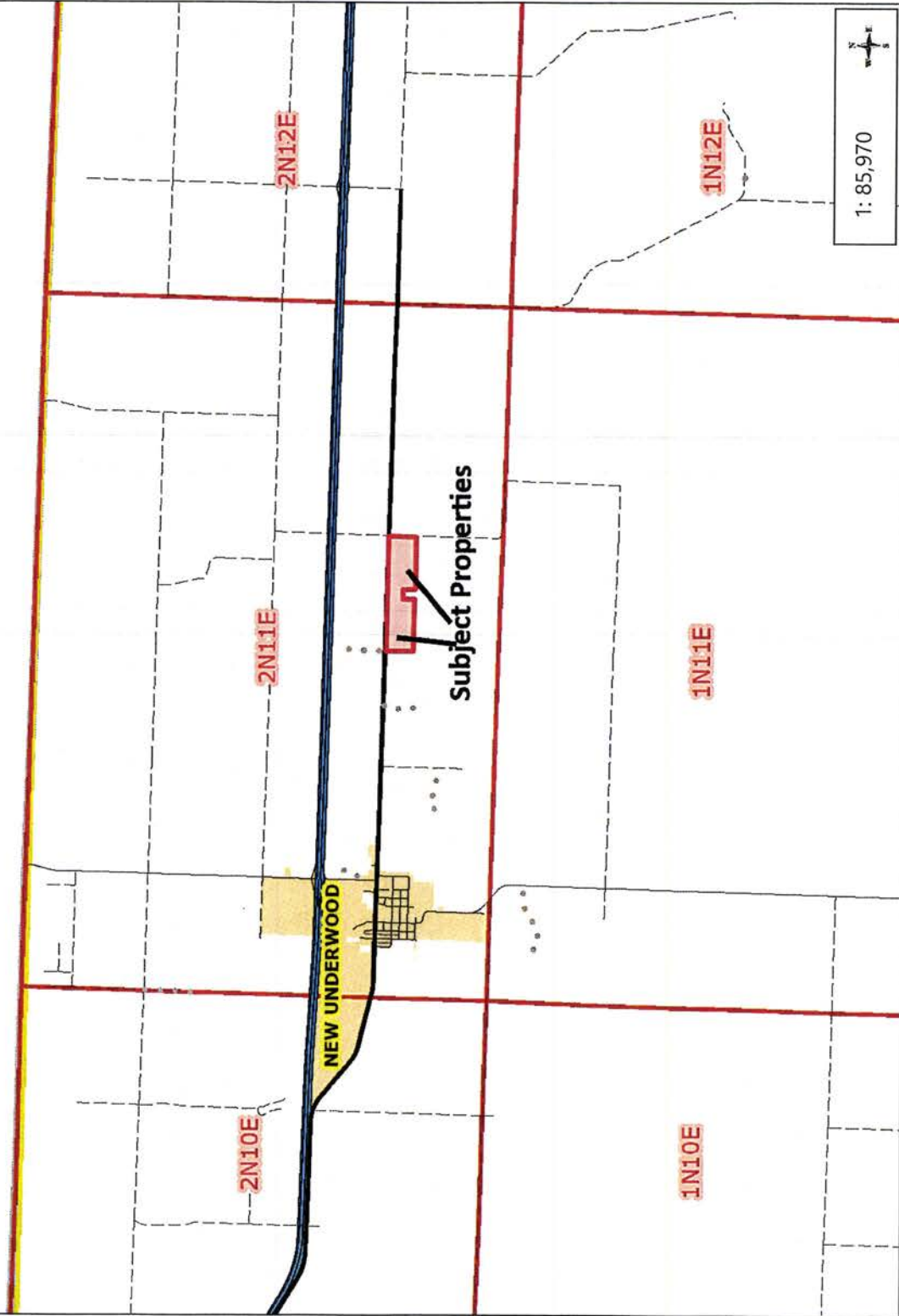
- A. October 1, 2019, the applicant applied for Rezone / RZ 19-16 and Comprehensive Plan Amendment / CA 19-16.
- B. There are several General Agriculture District properties currently located within 2-miles of the subject property. Property sizes range from approximately five (5) acres to forty (40) acres.
- C. The applicant's request to rezone from General Agriculture District to Limited Agriculture District is in conflict with Pennington County's Proposed Future Land Use (FLU).
- D. There is Limited Agriculture District zoning for the Pennington County Future Land Use approximately 2 miles directly west of the parcel of land with Tax ID# 69268 (see image 3).
- E. Staff has not received any complaints regarding the applicant's request.
- F. Although the zoning request does not match the county's FLU, it is in harmony with the land use and lot sizes in the general area.

Pennington Counties Future Land Use Map



RECOMMENDATION: Staff recommends approval of Rezone / RZ 19-16 and Comprehensive Plan Amendment / CA 19-16.

Meade



1: 85,970

14,328.4 0 7,164.18 14,328.4 Feet

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Legend

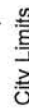
Roads

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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:



3,812.2 0 1,906.10 3,812.2 Feet

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Section Lines 0-25k

Tax Parcels

Lot Lines

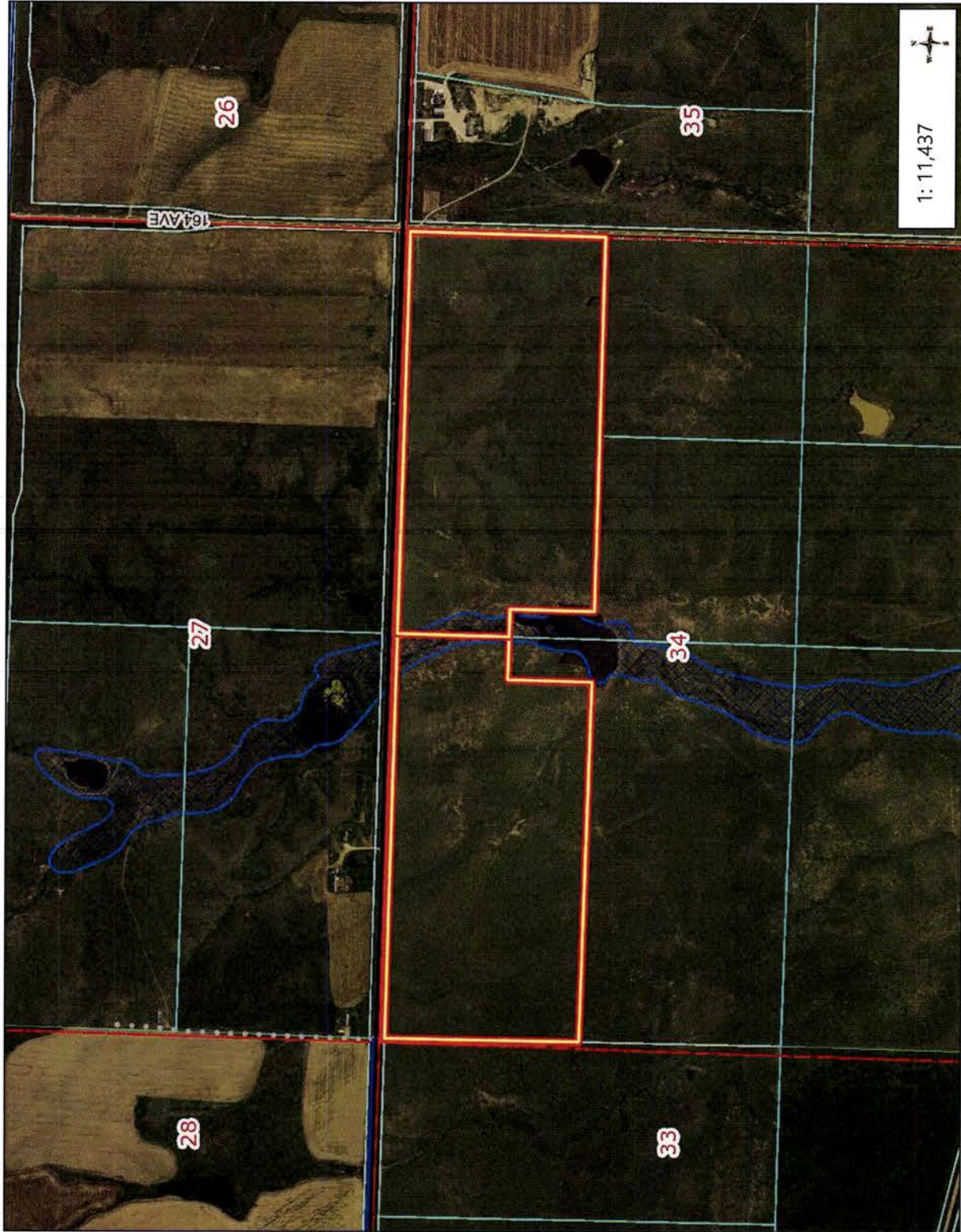
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Pennington County Zoning

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

Map Notes:

1: 22,873



1,906.1

953.05

1,906.1

Feet

NAD_1983_StatePlane_South_Dakota_South_FIPS_4002_Feet

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Address Points

Section Lines 0-25k

Tax Parcels

Lot Lines

<Null>

Lot Line

Parcel Line

Floodway

Flood Hazard Area

100 Year

500 Year

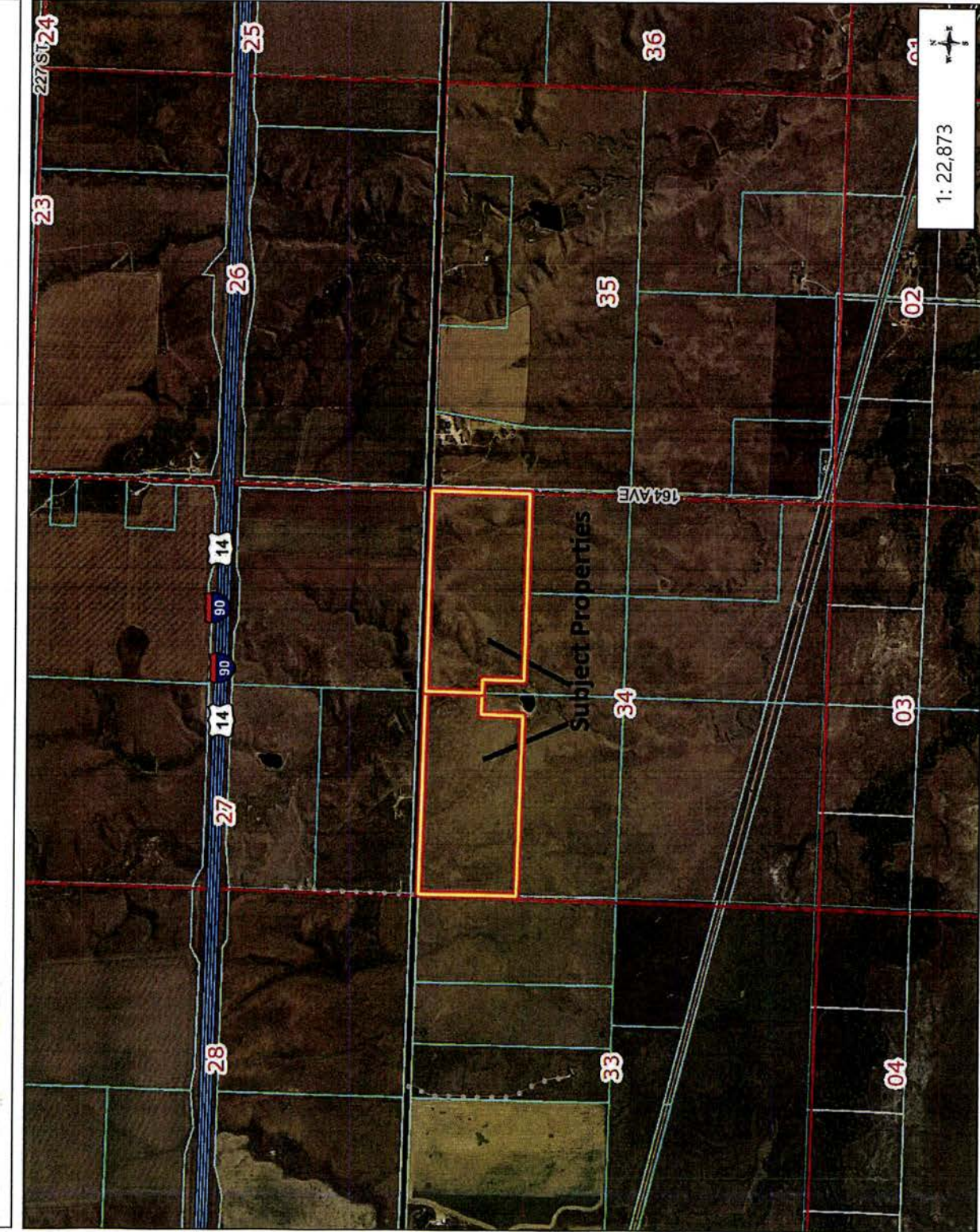
500 Year - Protected by levee

Out

Not Studied

Map Notes:

1:11,437



3,812.2 1,906.10 3,812.2 Feet

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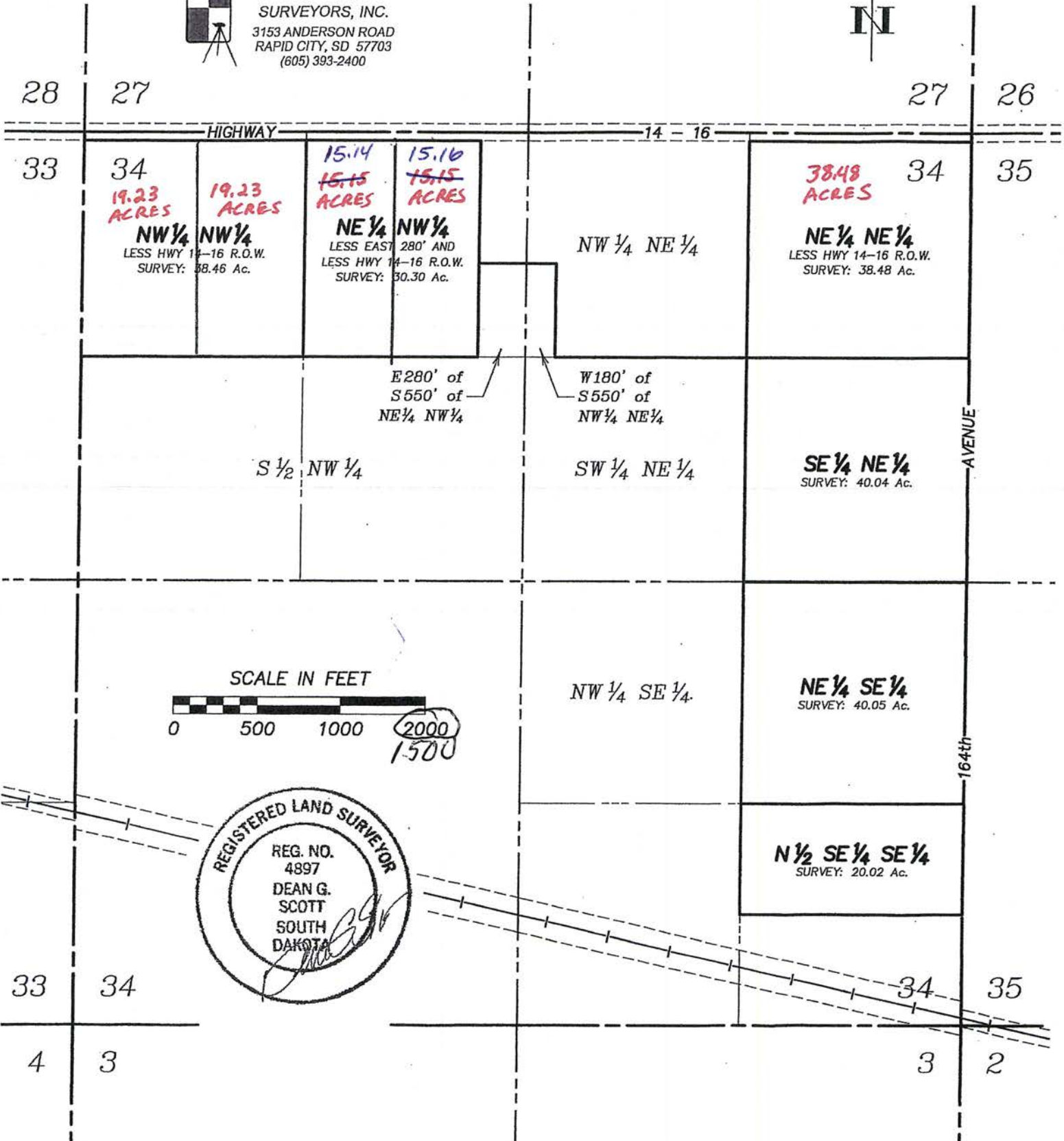


BREAKDOWN OF SECTION 34
TOWNSHIP 2 NORTH, RANGE 11 EAST
OF THE BLACK HILLS MERIDIAN,
PENNINGTON COUNTY, SOUTH DAKOTA.

AUGUST, 2019



D.C. Scott
 SURVEYORS, INC.
 3153 ANDERSON ROAD
 RAPID CITY, SD 57703
 (605) 393-2400



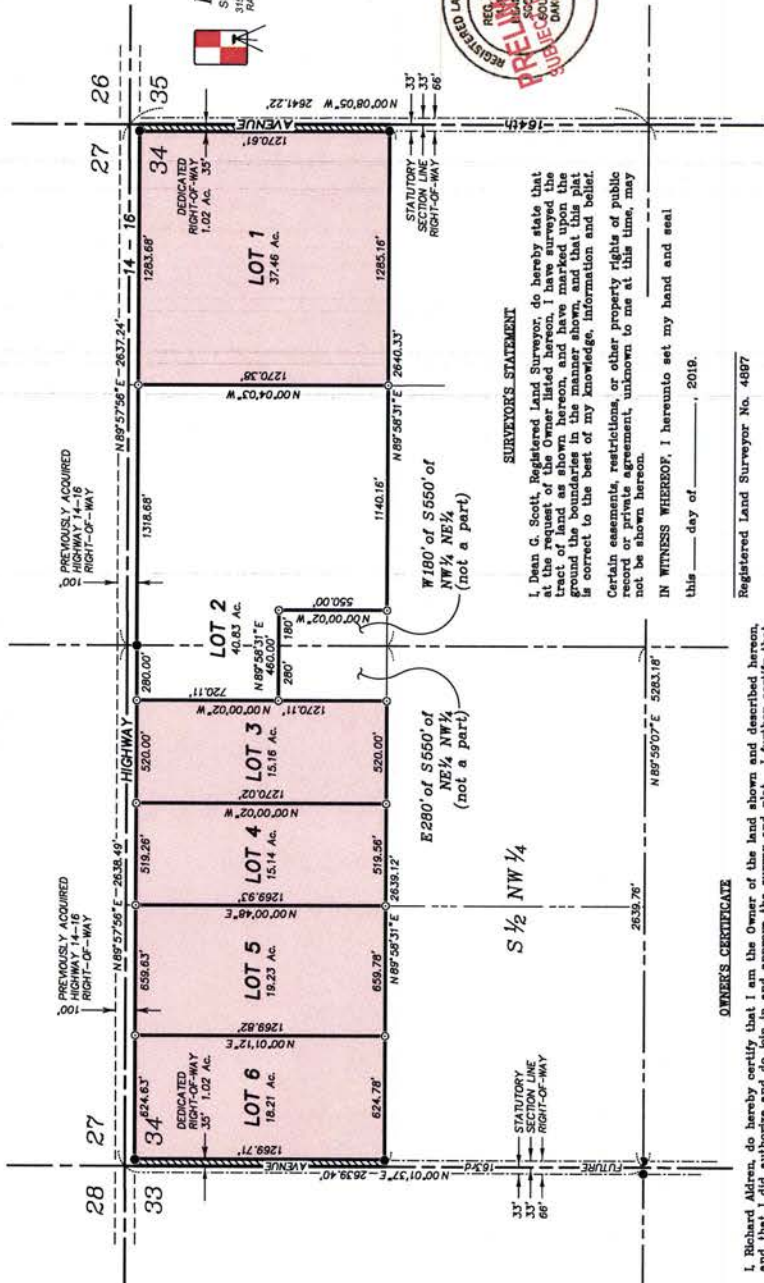
SURVEY PLAT OF

LOT 1, LOT 2, LOT 3, LOT 4, LOT 5, AND LOT 6 OF
ALDREN ADDITION
LOCATED IN THE N1/2 N1/2 OF SECTION 34,
TOWNSHIP 2 NORTH, RANGE 11 EAST OF THE BLACK HILLS MERIDIAN,
PENNINGTON COUNTY, SOUTH DAKOTA.
NOVEMBER, 2019

D.C. SCOTT
SURVEYORS, INC.
1000 W. 10TH STREET
RAPID CITY, SD 57702
(605) 393-2400



LEGEND
 ○ SET 5/8" IRON ROD WITH CAP
 MARKED "DEAN SCOTT, L.S. 4897."
 ● FOUND PROPERTY CORNER
 MONUMENT AS NOTED.



SURVEYOR'S STATEMENT

I, Dean G. Scott, Registered Land Surveyor, do hereby state that at the request of the Owner listed hereon, I have surveyed the tract and as shown hereon, and have marked upon the ground the corners and monuments thereon, and that the plat is correct to the best of my knowledge, information and belief. Certain easements, restrictions, or other property rights of public record or private agreement, unknown to me at this time, may not be shown hereon.

IN WITNESS WHEREOF, I hereunto set my hand and seal
this _____ day of _____, 2019.

Registered Land Surveyor No. 4897

OWNER'S CERTIFICATE

I, Richard Aldren, do hereby certify that I am the Owner of the land shown and described hereon, and that I did authorize and do join in and approve the survey and plat. I further certify that the development of this land shall conform to all existing applicable zoning, subdivision, and erosion and sediment control regulations. Dedicated right-of-way, as shown hereon, is hereby dedicated to public use.

IN WITNESS WHEREOF,
I hereunto set my hand this _____ day of _____, 20____, at _____, South Dakota.
Richard Aldren, Owner

ACKNOWLEDGEMENT OF OWNER

On this _____ day of _____, 20____, before me, the undersigned officer, personally known to me to be the person who executed the foregoing Owner's Certificate, and acknowledged to me that he executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereby set my hand and official seal.
Notary Public _____ my commission expires: _____

COUNTY TREASURER'S CERTIFICATE

I, Treasurer of Pennington County, South Dakota, do hereby certify that all taxes which are liens upon the land described hereon, as shown by the records of my office, are fully paid.

Dated this _____ day of _____, 20____.

Pennington County Treasurer

CERTIFICATE OF HIGHWAY AUTHORITY

Per SDCL 11-9-12.1 access to this property from the abutting Highway or Street is approved. Specific approach location and configuration must conform to all current Highway and/or Street regulations.

Dated this _____ day of _____, 20____.

Highway or Street Authority

CERTIFICATE OF FINANCE OFFICER

I, Finance Officer of the City of New Underwood, do hereby certify that all special assessments which are liens upon the land described hereon, as shown by the records of my office, are fully paid.

Dated this _____ day of _____, 20____.

Finance Officer
City of New Underwood

RESOLUTION OF GOVERNING BOARD

I, Mayor of the City of New Underwood, do hereby certify that at an official meeting held on the _____ day of _____, 20____, the City Council by resolution did approve this plat as shown hereon.

Dated this _____ day of _____, 20____.

Mayor
City of New Underwood

CERTIFICATE OF DIRECTOR OF EQUALIZATION

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

Dated this _____ day of _____, 20____.

approved
Pennington County
Director of Equalization

CERTIFICATE OF REGISTER OF DEEDS

Filed for record this _____ day of _____, 20____, at _____ o'clock _____ M. and recorded as Document No. _____

Fee _____
Pennington County
Register of Deeds