

AGENDA
PENNINGTON COUNTY PLANNING COMMISSION

December 2, 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 December 17, 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 NOVEMBER 25, 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 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 November 12, 2019, Planning Commission meeting.)

To recommend to continue the review of Conditional Use Permit / CU 18-43 to the January 13, 2020, Planning Commission meeting with one (1) condition.

4. **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 November 12, 2019, Planning Commission meeting.)

To recommend to continue the review of Planned Unit Development / PU 06-07 to no later than the December 16, 2019, Planning Commission meeting with one (1) condition.

5. **MINING PERMIT / MP 19-03:** Cody Schad. To remove gypsum to be hauled off site.

Lot 3R, Marvin Subdivision, Section 16, T2N, R7E, BHM, Pennington County, South Dakota.

To recommend approval of Mining Permit / MP 19-03 with conditions.

6. **CONDITIONAL USE PERMIT / CU 19-30:** Harry and Gail McKane. To allow the existing residence (Morton building) to remain as a Guest House once the new single-family residence is complete in a Limited Agriculture District in accordance with Sections 206, 318, and 510 of the Pennington County Zoning Ordinance.

Lot 1 (also in Section 36, T1N, R3E), Deerfield Park Parcel #2, Section 1, T1S, R3E, BHM, Pennington County, South Dakota.

To recommend approval of Conditional Use Permit / CU 19-30 with conditions.

7. **CONDITIONAL USE PERMIT / CU 19-32:** Jeff and Marcia Spilker. To live in a garage with living quarters while building a single-family residence and once the single-family residence is complete, to allow the garage with living quarters to remain and be used as a Guest House in a Low Density Residential District in accordance with Sections 207, 318, and 510 of the Pennington County Zoning Ordinance.

Lot 13, Whaley Subdivision, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

To recommend approval of Conditional Use Permit / CU 19-32 with conditions.

END OF CONSENT AGENDA

8. **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.

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

9. CONDITIONAL USE PERMIT / CU 19-31: Ken Willard / Mike Willard. To allow for a cleaning business to be operated out of an existing shop building in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

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.

10. MINOR PLAT / MPL 19-42: Willard Ranch / Ken Willard / Mike Willard. To create Lots 1 and 2 of Willard Ranch Subdivision in accordance with Section 400.3 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.

11. CONDITIONAL USE PERMIT / CU 19-33: Robert Livingston; K.W. Lindsay – Owner. To allow a Recreational Vehicle Park on the subject property to include RV sites, a gas station, a convenience store, and a bar in a Highway Service District in accordance with Sections 210, 306, and 510 of the Pennington County Zoning Ordinance.

Tract Lake of SW1/4SW1/4 of Section 27 and SE1/4 of Section 28, Section 27, T2N, R5E, BHM, Pennington County, South Dakota.

12. COUNTY BOARD REPORT

The Board of Commissioners will hear the Planning Commission's recommendations from the November 25, 2019, Planning Commission meeting at their December 3rd Board of Commissioner's meeting.

13. ITEMS FROM THE PUBLIC

14. ITEMS FROM THE STAFF

15. ITEMS FROM THE MEMBERSHIP

16. 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
November 25, 2019 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Rich Marsh, Kathy Johnson, Travis Lasseter, Sandra Runde, Jim Coleman, and Deb Hadcock.

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

ROLL CALL

1. APPROVAL OF THE NOVEMBER 12, 2019, MINUTES
Moved by Hadcock and seconded by Lasseter to approve the Minutes of the November 12, 2019, Planning Commission meeting. Vote: unanimous 6 to 0.

2. APPROVAL OF THE AGENDA
Moved by Lasseter and seconded by Johnson to approve the Agenda of the November 25, 2019, Planning Commission meeting. Vote: unanimous 6 to 0.

Moved by Hadcock and seconded by Lasseter to approve the Consent Agenda of the November 25, 2019, Planning Commission meeting with the removal of Item #8. 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 17-22: Pamela Phillips. To review a single-wide mobile to be used as a permanent, single-family residence on the subject property in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

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

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

To approve of the extension of Conditional Use Permit / CU 17-22 with the following eight (8) conditions:

1. That the approved shared approach be continually uses for access to the subject property and that an approved Approach Permit be obtained by the Pennington County Highway Department prior to the construction of a new approach;
2. That the minimum setback requirements of a Suburban Residential District continue to be maintained on the property, with the exception of the existing garage and its encroachment which shall be allowed to remain until anyone other than the current landowners are affected;
3. The existing garage, with encroachment, shall not be expanded upon;
4. That the subject property continues to remain free of debris and junk vehicles;
5. That the single-wide mobile home installed on the property continue to have a peaked, non-reflective type roof and wood or simulated wood-type siding that is continually maintained;
6. That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
7. That the address continues to be clearly posted on the residence and so that it is visible from both directions of Covington Street, in accordance with Pennington County's Ordinance #20; and,
8. That this Conditional Use Permit be reviewed in four (4) years, on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 6 to 0.

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

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

To approve of the extension of Conditional Use Permit / CU 17-37 with the following seven (7) conditions:

1. That there be no more than one (1) Recreational Vehicle (RV) allowed to be utilized as temporary living quarters on the subject property unless the Landowner(s) receives an approved Variance, for said use, by the Board of Adjustment;

2. That an address be assigned for the property and clearly posted in accordance with Pennington County's Ordinance #20;
3. That prior to the next review of CU 17-37, the landowner bring the existing deck into compliance and obtain an approved Building Permit, with applicable penalty fees;
4. That 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 the subject property 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 this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 6 to 0.

5. **CONDITIONAL USE PERMIT REVIEW / CU 18-41:** Andrew Foley. To review a single-wide mobile home to be used as 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.

Tract B, 155th Avenue Subdivision, Section 30, T2N, R10E, BHM, Pennington County, South Dakota.

To end Conditional Use Permit / CU 18-41 with the applicant's concurrence, as it is no longer needed.

Vote: unanimous 6 to 0.

6. **MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PU 18-01:** Deerfield Cabins, LLC; Deon Wynia. To review an existing Planned Unit Development to allow the existing single-family residence on Lot 43 to be used as a Vacation Home Rental on the subject property in accordance with Sections 213 and 319 of the Pennington County Zoning Ordinance.

Lot 43, Burns Placer MS 697, Section 14, T1S, R4E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Major Planned Unit Development Amendment / PU 18-01 with the following twenty-two (22) conditions:

- 1. That the Planned Unit Development consist of four (4) lots with one (1) vacation home unit and accessory structure on each lot, with each structure being stick built, and one (1) picnic pavilion.**
- 2. That the setbacks for the Planned Unit Development continue to be 25 feet from all property lines;**
- 3. That each Unit continue to have smoke/heat detectors, fire extinguishers and two means of escape;**
- 4. That each Unit continue to have a minimum of one (1) parking space per bedroom be provided for each Vacation Home Rental measuring at least 9 feet by 18 feet and be maintained in a dust free manner;**
- 5. That Building Permits be obtained for any structure exceeding 144 square feet or located on a permanent foundation, which includes the necessary site plans to be reviewed and approved by the Planning Director;**
- 6. That prior to construction or dirt work within the 100-year floodplain the applicant must obtain approval of a Floodplain Development Permit;**
- 7. That no drainfield be located within the areas designated as 100-year floodplain;**
- 8. That the internal roads and parking spaces continue to be maintained in a dust free manner;**
- 9. That each Unit continue to have the address properly posted in compliance with County Ordinance #20;**
- 10. That no additional trails shall be constructed onto National Forest Service Lands without obtaining permission from the U.S. Forest Service;**
- 11. That for each Unit the applicants 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 current copy of said plan be kept on file at the Planning Department;**
- 12. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;**
- 13. That an approved Sign Permit be obtained prior to the placement of any sign(s), per PCZO § 312;**

14. That all Vacation Home Rentals in PU 18-01, be rented as one (1) Vacation Home Rental Unit (Per Lot) to one (1) family at a time and are not occupied by the property owner at the time of rental;
15. That all licenses and permits continue to be obtained and that copies of these licenses be provided to the Planning Department upon request;
16. That the applicant continue to designate the appropriate area and number of parking spaces at each Unit in such a manner that does not block or obstruct any means of ingress or egress to and from the units and that each parking space measures a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
17. That the residence on Lot 43 continues to remain garbage disposal free or the landowner must increase the septic tank capacity to accommodate the increase wastewater;
18. That Lot 43 continues to remain fire pit free or the landowner obtain State Burn Permits to be filed with the Planning Department;
19. That if encroachments are located on National Forest System lands the landowner of record has the responsibility to remove all personal property and real property from National Forest System lands at the landowners expense;
20. That the number of overnight quests be based on the DENR approval letter and the number of daytime guests be based on PCZO § 319;
21. That interior informational signs continue to be posted in all Units in accordance with the requirements of PCZO § 319(G), with 9-1-1 and (605) 394-4139 listed as contacts for Fire Department and Sheriff's Department, during operation of the Vacation Home Rental. The interior informational sign must also contain a color map illustrating the Special Flood Hazard Area, as determined by FEMA;
22. That Major Planned Unit Development Amendment / PU 18-01 be reviewed at the September 28, 2019, Planning Commission meeting to ascertain all Conditions of Approval are being met.

Vote: unanimous 6 to 0.

7. **MINING PERMIT / MP 19-01:** Dakota Stone Mining & Stone Supply / James Dean. To drill and blast for production of building stone and gravel to be hauled offsite.

All of Section 3, T2S, R3E, BHM, Pennington County, South Dakota.

To approve of Mining Permit / MP 19-01 with the following eight (8) conditions:

1. That the conditions of approval of the South Dakota Department of Environment and Natural Resources Mine License be continually met;
2. That the conditions of the approval of the South Dakota Department of Environment and Natural Resources General Permit be continually met;
3. That the applicant obtains a Pennington County Construction Permit prior to the operation of the mine expansion;
4. That the applicant follows the Forest Service's Operating Plan for the Upper Spring Creek Quarry;
5. That the applicant submits a copy of the Mine License, issued by the South Dakota Department of Environment and Natural Resources, to the Planning Department and copies of any annual Mine License Reports by December 1st of each year;
6. That if there is a proposed change in operation from this Mining Permit, including but not limited to, increase in size, amount of material being extracted or type of operation, that the change be submitted to the Planning Director within thirty (30) days and the Mining Permit reviewed and approved by the Planning Commission;
7. That the applicant signs a Statement of Understanding within ten (10) business days of Mining Permit approval, which is available at the Planning Office; and,
8. That this Mining Permit be reviewed in six (6) months from approval date, and may be reviewed on a complaint basis, or as directed by the Planning Commission and/or the Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 6 to 0.

END OF CONSENT AGENDA

8. MINING PERMIT / MP 19-02: Pete Lien & Sons. To expand an existing sand and gravel mining operation on the subject property.

All Less Right-of-Way, Section 19, T1N, R14E, BHM, Pennington County, South Dakota.

Commissioner Marsh asked to have this Item removed from the Consent Agenda to state that he would be abstaining from voting.

Staff recommended the Planning Commission approve Mining Permit / MP 19-02 with nine (9) conditions.

Discussion followed.

Moved by Hadcock and seconded by Lasseter to approve of Mining Permit / MP 19-02 with the following nine (9) conditions:

- 1. That the conditions of approval of the South Dakota Department of Environment and Natural Resources Mine License be continually met;**
- 2. That the conditions of the approval of the South Dakota Department of Environment and Natural Resources General Permit be continually met;**
- 3. That the Conditions of Approval of Construction Permit / CP 19-17 are continually met;**
- 4. That the applicants follow the reclamation plan that was submitted to the SDDENR to reclaim the site when work is completed;**
- 5. That the applicant submits a copy of the Mine License, issued by the South Dakota Department of Environment and Natural Resources, to the Planning Department and copies of any annual Mine License Reports by December 1st of each year;**
- 6. That if there is a proposed change in operation from this Mining Permit, that the change be submitted to the Planning Director within thirty (30) days and the Mining Permit reviewed and approved by the Planning Commission;**
- 7. That if there is a change in the floodplain or the work within the floodplain, the applicant submits a new Floodplain Development Permit;**
- 8. That the applicant signs a Statement of Understanding within ten (10) business days of Mining Permit approval, which is available at the Planning Office; and,**
- 9. That this Mining Permit be reviewed in six (6) months from approval date, and may be reviewed on a complaint basis, or as directed by the Planning Commission and/or the Board of Commissioners to verify that all Conditions of Approval are being met.**

All voting, the Motion carried 5 to 0. Commissioner Marsh abstained from voting.

9. 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.)

Conover reviewed the Staff Report indicating the applicant applied for a Conditional Use Permit to allow a Vacation Home Rental on the subject property.

Staff recommended Conditional Use Permit / CU 19-01 be denied without prejudice.

Discussion followed.

Moved by Lasseter and seconded by Runde to deny without prejudice Conditional Use Permit / CU 19-01.

All voting aye, the Motion carried 6 to 0.

10. CONDITIONAL USE PERMIT / CU 19-29: Chad and Nancy Reber / Reber Sanitation. To utilize an existing structure for the storage of equipment, materials, and supplies used in conjunction with a contractor's business to allow a contractor's equipment storage yard on the subject property in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Lot 1 of W1/2SW1/4 Less Tract A of Lot 1, Less Blaseg Subdivision and Less Right-of-Way, Section 15, T2N, R8E, BHM, Pennington County, South Dakota

Commissioner Johnson stated she would abstain from voting on this item.

Proietti reviewed the Staff Report indicating the applicants have applied for a Conditional Use Permit to utilize an existing structure for the storage of equipment, materials, and supplies used in conjunction with a contractor's business to allow a contractor's equipment storage yard on the subject property in a Limited Agriculture District.

Staff recommended approval of Conditional Use Permit / CU 19-29 with the following ten (10) conditions:

1. That all exterior lighting must be of low-level intensity, which does not result in excessive glare upon surrounding neighbors, so as not to cause a nuisance;
2. That the addresses for both the Contractor's Equipment Storage Yard and the single-family residence be posted at all times in accordance with Pennington County's Ordinance #20;
3. That the minimum number of required parking spaces shall be provided in accordance with Pennington County Zoning Ordinance § 310(A)(t), which requires parking or storage for all vehicles used directly in the conduct of such industrial use, plus one parking space for every three employees on the premise at maximum employment on a single shift.

4. 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;
5. That the conditions for approval for the installation of the Onsite Wastewater Treatment System through the City of Rapid City be maintained;
6. That prior to any work being conducted within the boundaries of the Special Flood Hazard Area, at a minimum an approved Floodplain Development Permit be obtained;
7. That quiet hours be established;
8. That the storage of materials, equipment, and supplies for Reber Sanitation be contained to the pole barn structure and its parking area only;
9. That the property remains free of debris and junk vehicles and all structures be well-maintained; and,
10. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

Moved by Hadcock and seconded by Runde to approve Conditional Use Permit / CU 19-29, with removal of Condition #7, with the following nine (9) conditions:

1. **That all exterior lighting must be of low-level intensity, which does not result in excessive glare upon surrounding neighbors, so as not to cause a nuisance;**
2. **That the addresses for both the Contractor's Equipment Storage Yard and the single-family residence be posted at all times in accordance with Pennington County's Ordinance #20;**
3. **That the minimum number of required parking spaces shall be provided in accordance with Pennington County Zoning Ordinance § 310(A)(t), which requires parking or storage for all vehicles used directly in the conduct of such industrial use, plus one parking space for every three employees on the premise at maximum employment on a single shift.**
4. **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;**

5. That the conditions for approval for the installation of the Onsite Wastewater Treatment System through the City of Rapid City be maintained;
6. That prior to any work being conducted within the boundaries of the Special Flood Hazard Area, at a minimum an approved Floodplain Development Permit be obtained;
7. That the storage of materials, equipment, and supplies for Reber Sanitation be contained to the pole barn structure and its parking area only;
8. That the property remains free of debris and junk vehicles and all structures be well-maintained; and,
9. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

All voting, the Motion carried 5 to 0. Commissioner Johnson abstained from voting.

Commissioners Hadcock and Lasseter left the meeting at 9:30 a.m.

11. LAYOUT PLAN / LPL 19-41: Gordon Howie. To reconfigure lot lines to create Lot 4R and Lot 5R of Bromegrass Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 4 and Lot 5, Bromegrass Subdivision; Section 2, T1S, R9E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 4R and Lot 5R, Bromegrass Subdivision; Section 2, T1S, R9E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Layout Plan to reconfigure lot lines to create Lot 4R and Lot 5R of Bromegrass Subdivision.

Staff recommended approval of Layout Plan / LPL 19-41 with the following six (6) conditions:

1. That at the time of Minor Plat submittal, the Plat contain one hundred (100) year floodplain limits in accordance with current FEMA maps;
2. That at the time of Minor Plat submittal, the Plat contain an access easement between Lot 4R and Lot 7 that would not restrict current access from Antelope Creek Road to Lot 5R;
3. That at the time of Minor Plat submittal, the plat meets all requirements of Pennington County Subdivision Regulations, or approved Variance(s) to

Subdivision Regulations be obtained waiving any of these requirements that are not met. Subdivision Regulations Variances shall be submitted per § 700 of Pennington County Subdivision Regulations;

4. That the applicant ensures all natural drainage ways are maintained and are not blocked;
5. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of § 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit; and,
6. That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.

Commissioner Lasseter returned to the meeting at 9:32 a.m.

Discussion followed.

Moved by Lasseter and seconded by Runde to approve of Layout Plan / LPL 19-41 with the following six (6) conditions:

- 1. That at the time of Minor Plat submittal, the Plat contain one hundred (100) year floodplain limits in accordance with current FEMA maps;**
- 2. That at the time of Minor Plat submittal, the Plat contain an access easement between Lot 4R and Lot 7 that would not restrict current access from Antelope Creek Road to Lot 5R;**
- 3. That at the time of Minor Plat submittal, the plat meets all requirements of Pennington County Subdivision Regulations, or approved Variance(s) to Subdivision Regulations be obtained waiving any of these requirements that are not met. Subdivision Regulations Variances shall be submitted per § 700 of Pennington County Subdivision Regulations;**
- 4. That the applicant ensures all natural drainage ways are maintained and are not blocked;**
- 5. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of § 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit; and,**
- 6. That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.**

All voting aye, the Motion carried 5 to 0.

12. ORDINANCE AMENDMENT / OA 19-02: Pennington County. To amend Section 205 "General Agriculture District" and Section 212 "Heavy Industrial District" to renumber paragraphs and reclassify aggregate mining as a Conditional Use; to amend Section 511 "Fees" to set fees regarding Mining Permits; and to add Section 320 "Mining Operation" to regulate aggregate mining [to supersede Section 507-B "Mining Permits"] of the Pennington County Zoning Ordinance.

Molitor reviewed the Staff Report indicating this is an Ordinance Amendment to amend Section 205 "General Agriculture District" and Section 212 "Heavy Industrial District" to renumber paragraphs and reclassify aggregate mining as a Conditional Use; to amend Section 511 "Fees" to set fees regarding Mining Permits; and to add Section 320 "Mining Operation" to regulate aggregate mining [to supersede Section 507-B "Mining Permits"]

Staff recommended approval of Ordinance Amendment / OA 19-02.

Discussion followed.

Moved by Runde and seconded by Coleman to approve of Ordinance Amendment / OA 19-02 with the recommended changes from Commissioner Johnson, Planning Department staff and State's Attorney's Office.

All voting aye, the Motion carried 4 to 1. Commissioner Lasseter voted no.

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.

13. CONSTRUCTION PERMIT / CP 19-17: Pete Lien & Sons. To grade land associated with the expansion of the sand and gravel mining operation on the subject property.

All Less Right-of-Way, Section 19, T1N, R14E, BHM, Pennington County, South Dakota.

Sack stated Staff recommended the Planning Director approve Construction Permit / CP 19-17 with the following ten (10) conditions:

1. That the conditions of the approval of the South Dakota Department of Environment and Natural Resources General Permit for Storm Water Discharges Associated with Industrial Activities be continually met;
2. That the conditions of the approval of the South Dakota Department of Environment and Natural Resources General Permit be continually met;

3. That the Conditions of Approval of Mining Permit / MP 19-02 are continually met;
 4. That any natural drainage ways and paths be continually maintained;
 5. The requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual shall be followed;
 6. That the site shall be re-vegetated as required under § 507(A)(5)(c);
 7. That inspection reports are available upon request of the Planning Director;
 8. That if there is a change in the floodplain or the work within the floodplain, the applicant updates their Floodplain Development Permit;
 9. That the applicant signs a Statement of Understanding within ten (10) business days of Mining Permit approval, which is available at the Planning Office; and,
 10. That this Construction Permit be reviewed in six (6) months from approval date, and may be reviewed on a complaint basis, or as directed by the Planning Commission and/or the Board of Commissioners to verify that all Conditions of Approval are being met.
14. CONSTRUCTION PERMIT / CP 19-18: Cody Schad. To build a road, to grade and level for a building site, and to remove gypsum to be hauled off site.

Lot 3R, Marvin Subdivision, Section 16, T2N, R7E, BHM, Pennington County, South Dakota.

Molitor stated Staff recommended the Planning Director approve Construction Permit / CP 19-18 with the following ten (10) conditions:

1. That the applicant submits a Notice of Intent to the South Dakota Department of Environment and Natural Resources for a General Permit for Storm Water Discharges Associated with Industrial Activities and the conditions of the approval of the South Dakota Department of Environment and Natural Resources General Permit for Storm Water Discharges Associated with Industrial Activities be continually met;
2. That the applicant works with the City of Rapid City regarding the requirement for a haul road agreement on roads within the city limits;
3. That any natural drainage ways and paths be continually maintained;
4. The requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual shall be followed;
5. That the site shall be re-vegetated as required under § 507(A)(5)(c);

6. That inspection reports are available upon request of the Planning Director;
7. That an Approach Permit is obtained from the Pennington County Highway Department within 30 days of approval of this Construction Permit;
8. That any excavation in the gas line or power line easements are approved by the appropriate utility company;
9. That the applicant signs a Statement of Understanding within ten (10) business days of Mining Permit approval, which is available at the Planning Office; and,
10. That this Construction Permit be reviewed in three (3) months from approval date, and may be reviewed on a complaint basis, or as directed by the Planning Commission and/or the Board of Commissioners to verify that all Conditions of Approval are being met.

15. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission's recommendations from the November 12, 2019, Planning Commission meeting.

Appeal of Conditional Use Permit 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. This item was appealed and heard by the Board on November 19th. The Board upheld the Planning Commission's decision of approval for CUP 19-27.

16. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

17. ITEMS FROM THE STAFF

- A. Comprehensive Plan Meetings. Conover spoke of the Board of Commissioner meetings scheduled for December 4th and December 18th at 9 a.m. to hear the draft Comprehensive Plan "View to 2040."
- B. Planner II Interviews. Conover stated a candidate was chosen from the first interviews and he will provide an update once the job offer is accepted.
- C. December 2nd P&Z Potluck. Conover reminded the Planning Commission of the P&Z potluck on December 2nd in the department's conference room.
- D. December 6th County Potluck. Conover stated there will also be a county potluck on December 6th starting at 11:30 a.m.
- E. December 16th Planning Commission Meeting. Conover noted that this meeting will start a 2 p.m.

18. ITEMS FROM THE MEMBERSHIP

Commissioner Johnson will not be at the December 16th meeting

19. ADJOURNMENT

Moved by Johnson and seconded by Lasseter to adjourn.

All voting aye, the Motion carried 6 to 0.

The meeting adjourned at 10:17 a.m.

Rich Marsh, Chairperson

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

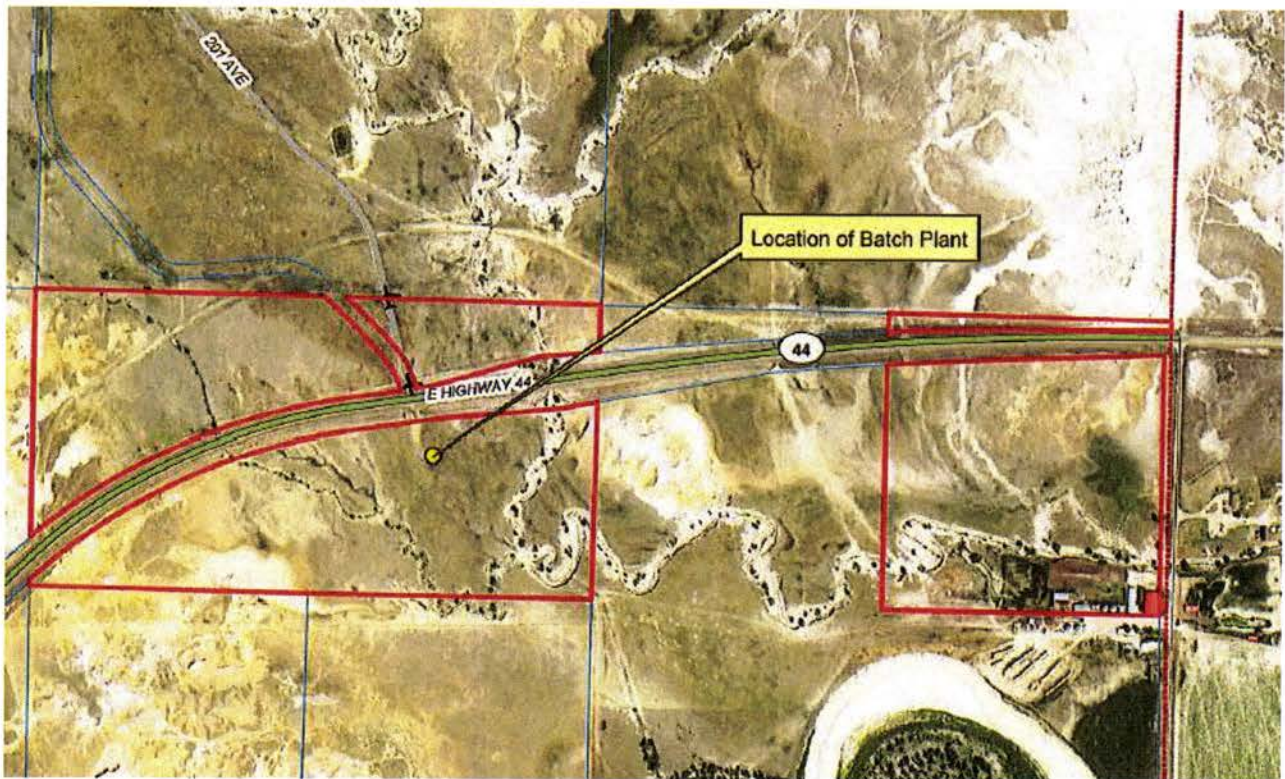
REPORT BY: Cody Sack

I. PROPOSED RECOMMENDATION

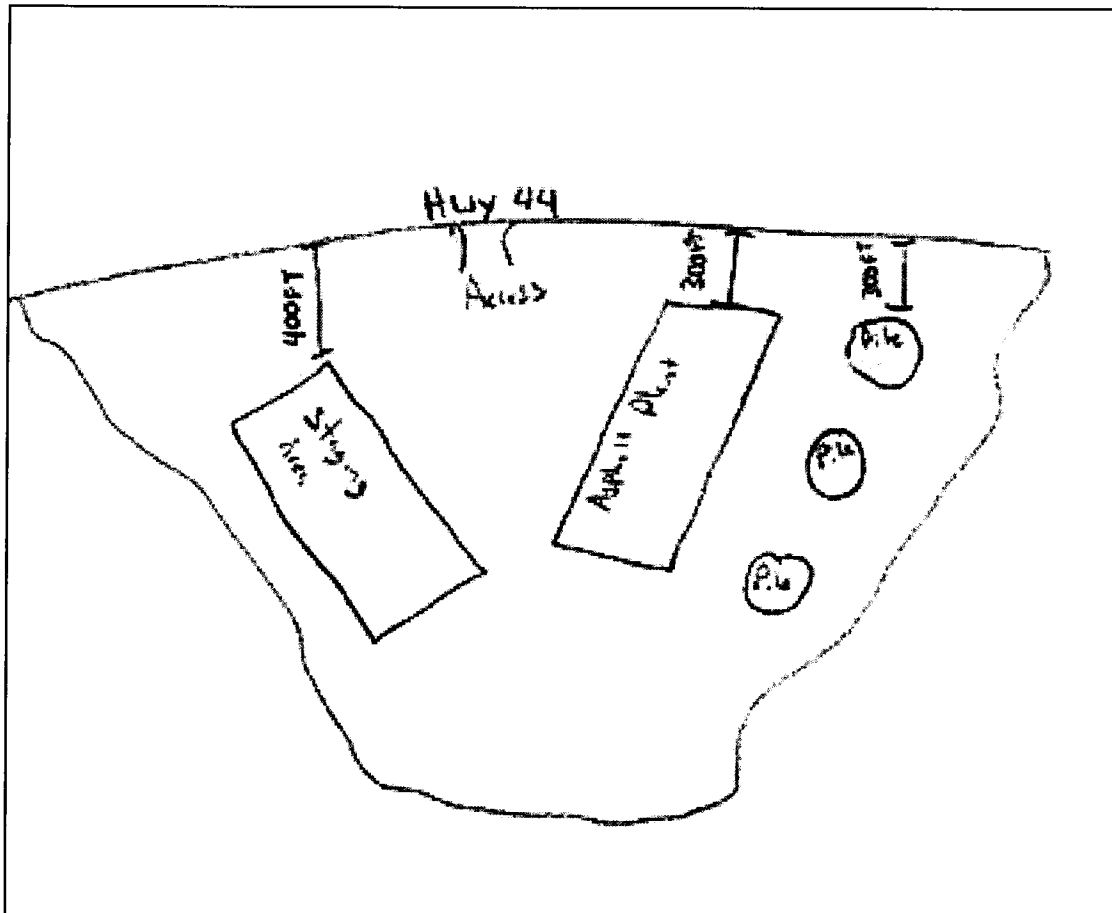
- A. Staff will be recommending to continue the review of Conditional Use Permit / CU 18-43 to the January 13, 2020, Planning Commission meeting with a condition.

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 #3
Border States Paving
December 2, 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

- 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 #3
Border States Paving
December 2, 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

- 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.
- F. November 12, 2019 – The Planning Commission continued the review of Conditional Use Permit / 18-43 to the December 2, 2019, Planning commission meeting.

III. EXISTING CONDITIONS

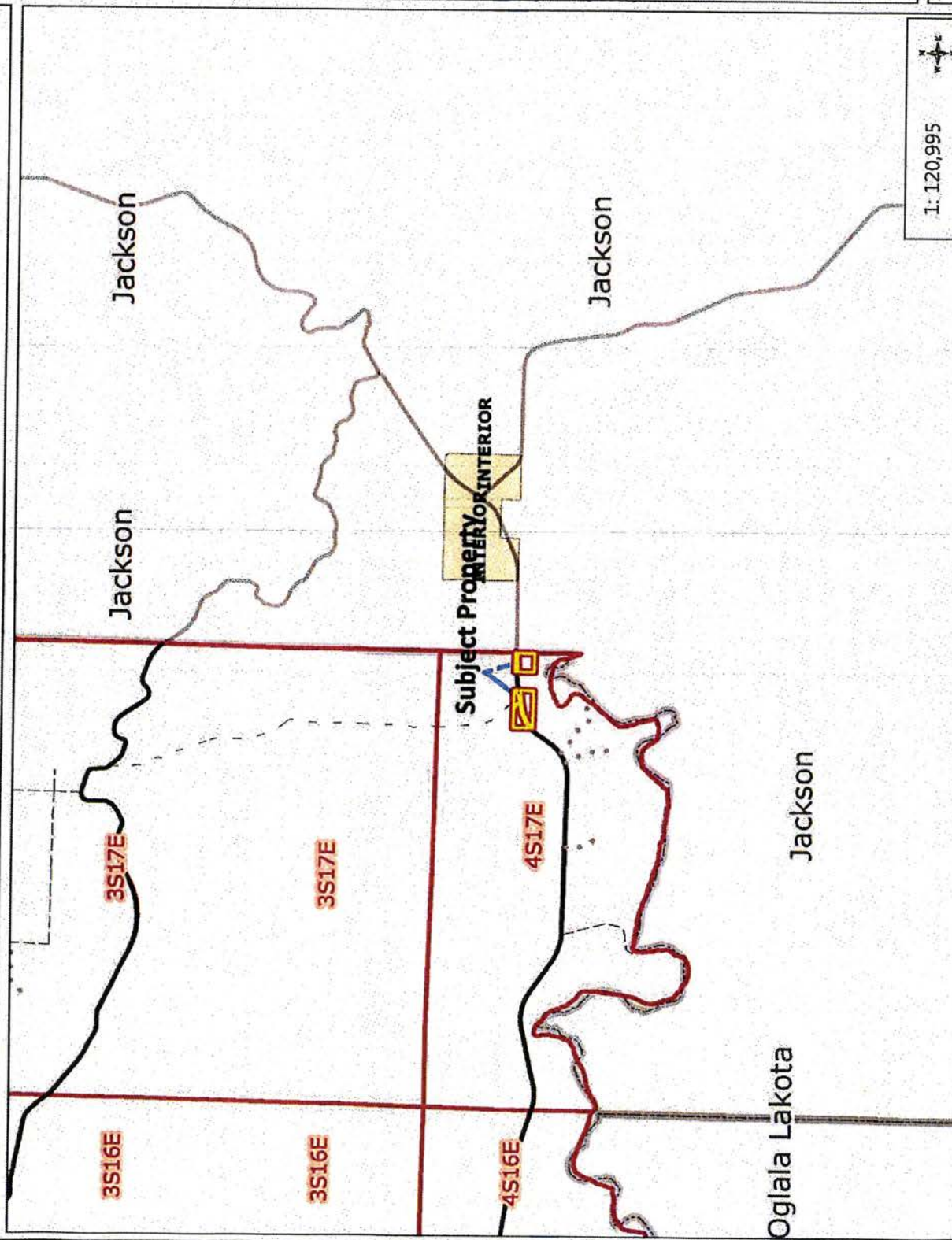
- A. Zoned General Agricultural District.
- B. 106.42 acres.
- C. Access off of E. Highway 44.
- D. Lot is vacant.
- E. There are two (2) legal descriptions for the property.
 - 1. The legal description where the batch plant is located is N1/2NW1/4 Less Lot H-1.
 - 2. There are no structures on this 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.
- E. November 26, 2019 – Staff attempted to contact the applicant and the land owner but were unable to reach wither of them.

RECOMMENDATION: Staff recommends to continue the review of Conditional Use Permit / CU 18-43 to the January 13 2020, Planning Commission meeting with the following condition:

- 1. That either the applicant or the landowner provides an updated plan to either continue the use of Conditional Use Permit / CU 18-43 or to reclaim the land.



1:120,995

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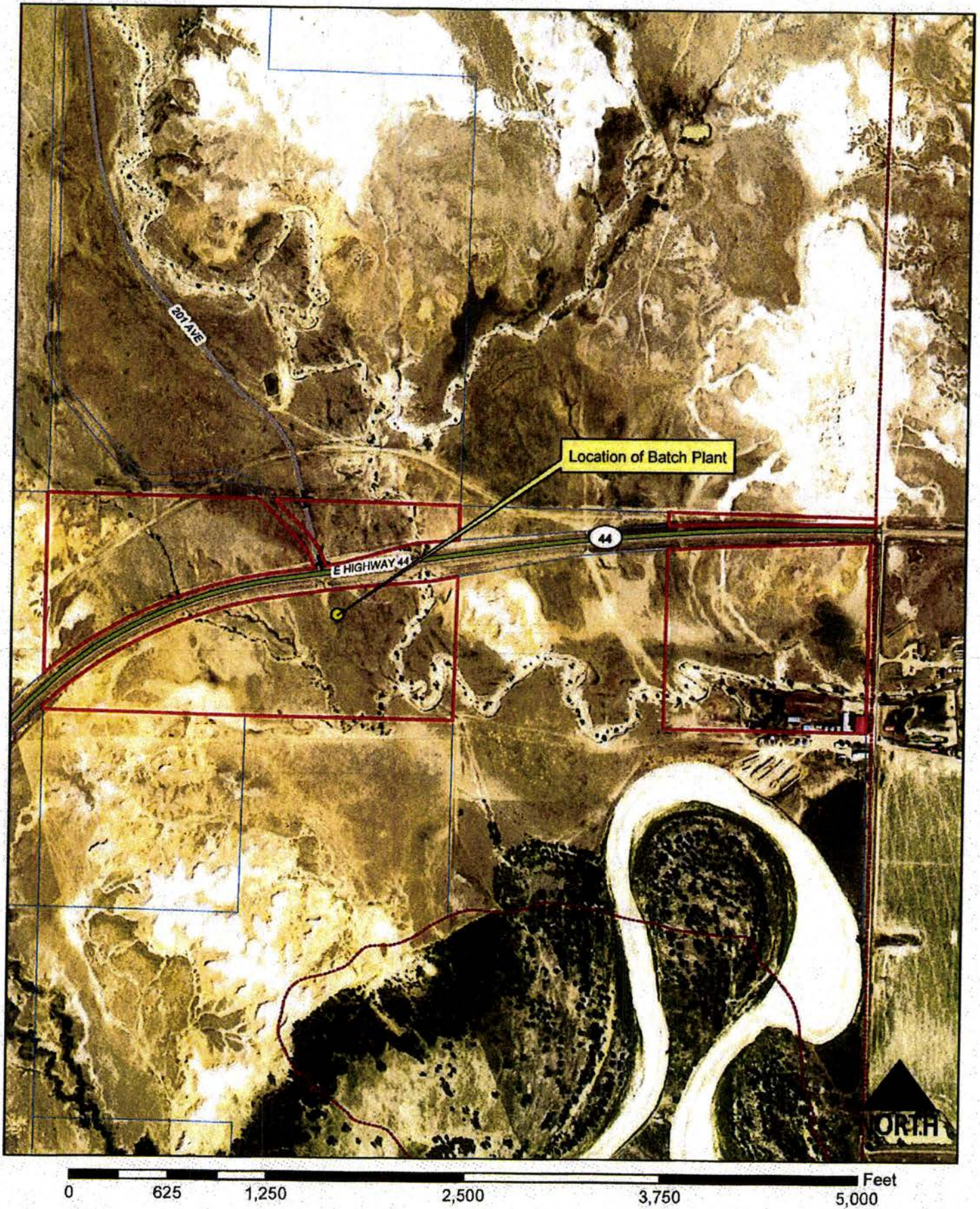
20,165.8 10,082.92 20,165.8 Feet
NAD_1983_2011_StatePlane_South_Dakota_South_FIPS_4002_Ft_US
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Legend

- Roads**
- Interstate
 - US highway
 - SD highway
 - County highway
 - Main road
 - Minor arterial
 - Collector
 - Ramp
 - Paved road
 - Unpaved road
 - Trail
 - Driveway
 - Alley
 - Unimproved road
 - Airport Runway
 - Not yet coded
- 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: 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 Planned Unit Development / PU 06-07 to no later than the December 16, 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;
 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 #4
Rapid City MHPLLC
December 2, 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.
- F. November 15, 2019, Staff mailed a second notice letter to the property manager, as well as the property owners (letter is attached with this Staff report).
- G. November 21, 2019, Staff received a phone call from Ms. Humphrey indicating that she was going to give the tenants of the mobile home park letters indicating that they need to get unpermitted structures permitted if applicable.
 - 1. As of November 25, 2019, Staff visited with one tenant regarding the permitting of existing structures.
- H. November 26, 2019, Staff opened up an Ordinance violation for the subject property / COVO19-0169.

RECOMMENDATION: Staff recommends to continue the review of Planned Unit Development / PU 06-07 to no later than the December 16, 2019, Planning Commission meeting with one (1) condition:

- 1. That any continuation hereafter caused by the applicant's failure to meet the 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



Pennington County Planning Department

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

November 15, 2019

Rapid City MHP LLC
P.O. Box 457
Cedaredge, CO 81413

RE: Permits Required for Structures Second Notice

Dear Mobile Home Park Manager,

This letter is to inform the manager of Cimarron Mobile Home Park (CMHP) that there are several mobile home units that currently have unpermitted structures (decks, porches, and sheds). A previous letter was sent on October 29, 2019.

Planned Unit Development / PU 06-07 was heard on November 12, 2019, at the Planning Commission meeting and was continued to no later than December 2, 2019. with one condition. Staff spoke on the phone and had email interactions with the manager, Laurie Humphrey, for CMHP on October 31, 2019, however, to date Staff has not heard back from Ms. Humphrey. I would like to work with you to bring the park into compliance, per the Pennington County Zoning Ordinance.

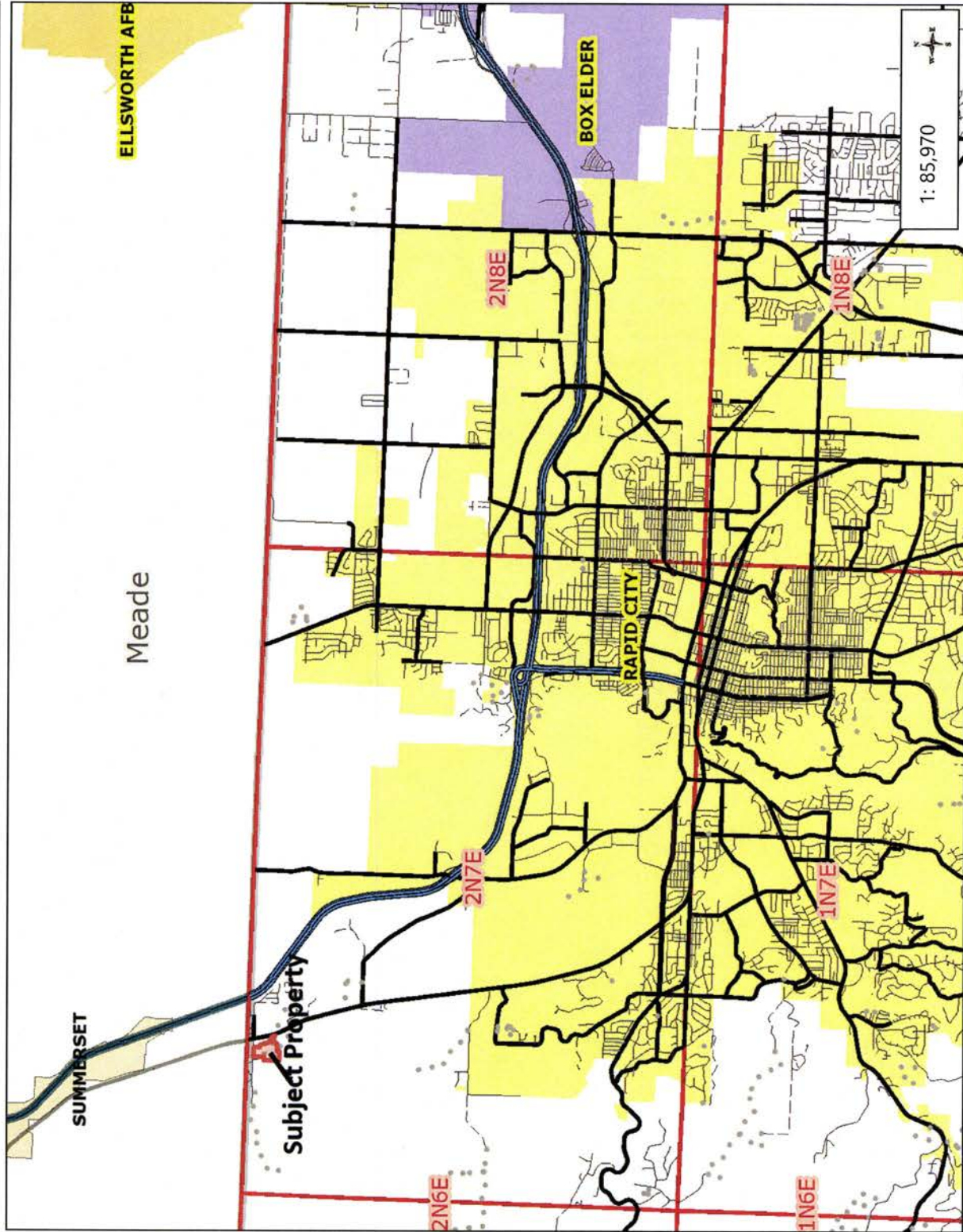
With this letter, I have attached the Draft Minutes from the Planning Commission hearing on November 12, 2019, as well as the email that was sent to the manager of CMHP.

Please contact me at 605-394-2186 ext. 1409, 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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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**
- PLSS
- Townships**
- BOX ELDER
 - ELLSWORTH AFB
 - HILL CITY
 - KEYSTONE
 - NEW UNDERWOOD
 - QUINN
 - RAPID CITY
 - WALL
 - WASTA
- City Limits**
- City Limits

Map Notes:

Legend

- Roads**
- Interstate
 - US highway
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 - Main road
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 - Collector
 - Ramp
 - Paved road
 - Unpaved road
 - Trail
 - Driveway
 - Alley
 - Unimproved road
 - Airport Runway
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- Section Lines 0-25k**
- Tax Parcels
 - Lot Lines
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 - Lot Line
 - Parcel Line



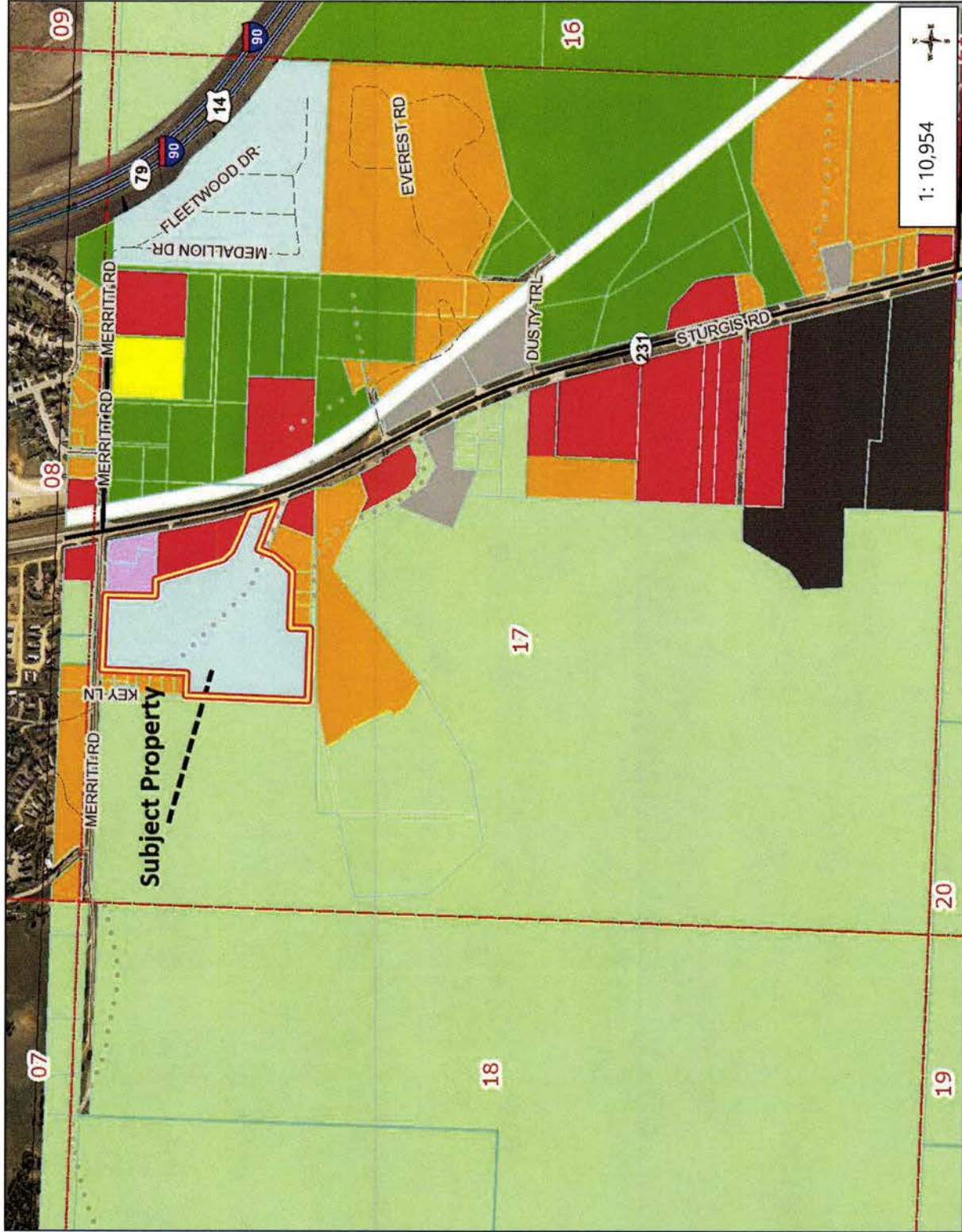
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Map Notes:

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THIS MAP IS NOT TO BE USED FOR NAVIGATION





1: 10,954

1,825.7 0 912.87 1,825.7 Feet

NAD_1983_StatePlane_South_Dakota_South_FIPS_4002_Feet
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Legend

Roads

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

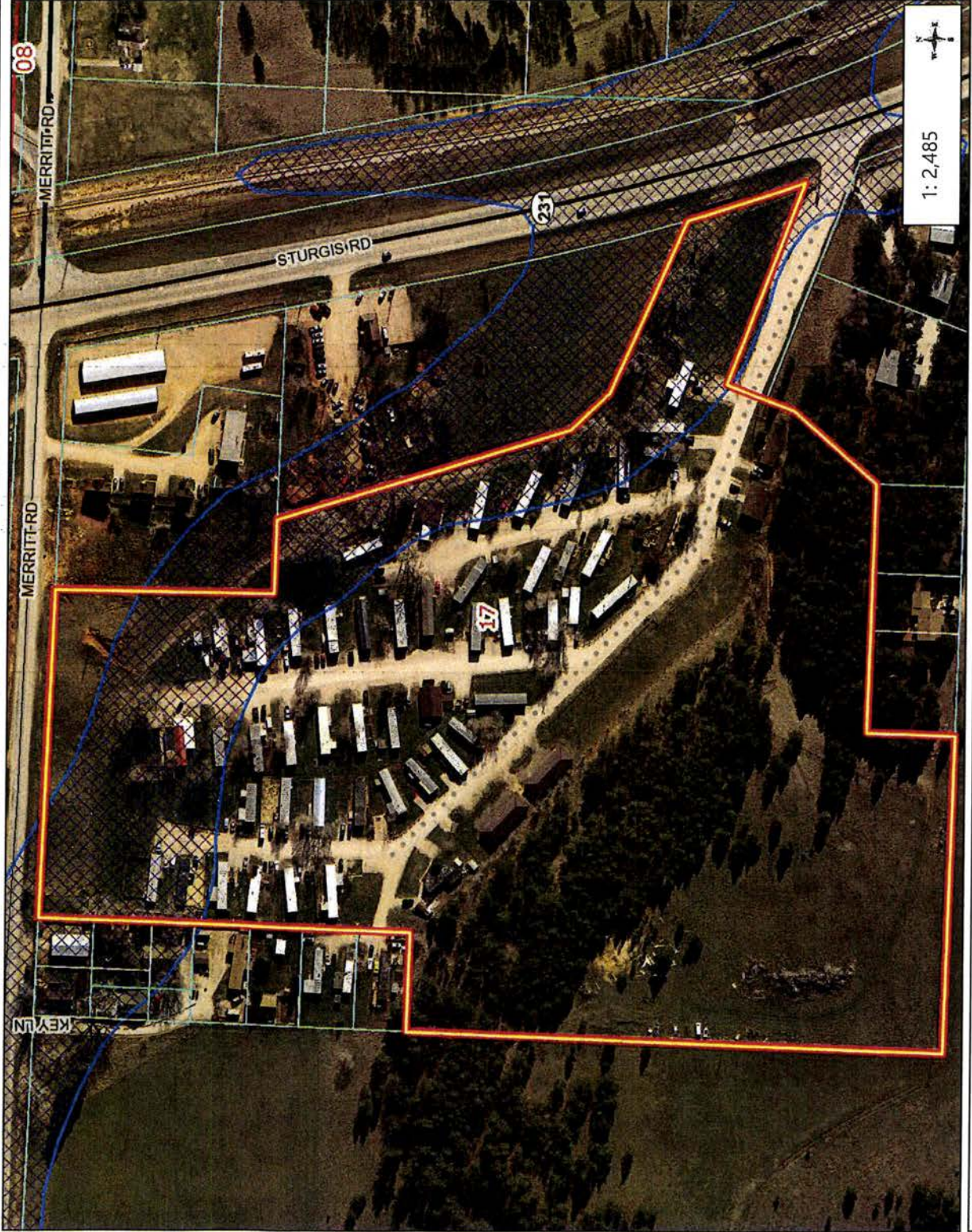
Section Lines 0-25k

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

Pennington County Zoning

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

Map Notes:



1: 2,485

414.2

0 207.09 414.2 Feet

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Legend

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 - Paved road
 - Unpaved road
 - Trail
 - Driveway
 - Alley
 - Unimproved road
 - Airport Runway
 - Not yet coded
- Section Lines 0-25k**
- Tax Parcels
 - Lot Lines
 - <Null>
 - Lot Line
 - Parcel Line
- Floodway**
- 100 Year
 - 500 Year
 - 500 Year - Protected by levee
 - Out
 - Not Studied

Map Notes:

STAFF REPORT

GENERAL INFORMATION:

REQUEST: **MINING PERMIT / MP 19-03:** To remove gypsum to be hauled off site.

APPLICANT: Cody Schad

APPLICANT ADDRESS: 2801 Skyline Drive, Rapid City, SD 57701

OWNER: Robert Van Houten

OWNER ADDRESS: 9400 Sturgis Road, Summerset, SD 57718

LEGAL DESCRIPTION: Lot 3R, Marvin Subdivision, Section 16, T2N, R7E, BHM, Pennington County, South Dakota.

SITE LOCATION: 3800 Marvin Road; east of the intersection of Universal Drive and Marvin Road.

TAX ID: 49053

SIZE: 40.00 acres

EXISTING LAND USE: Residential

ZONING REFERENCE: Sections 206 and 507

CURRENT ZONING: Limited Agriculture District

SURROUNDING ZONING:

North	General Agriculture District Limited Agriculture District
South	Limited Agriculture District
East	City Limits of Rapid City
West	Limited Agriculture District

PHYSICAL CHARACTERISTICS: Rolling hills

UTILITIES: Private

REPORT BY: Brittney Molitor

I. PROPOSED RECOMMENDATION

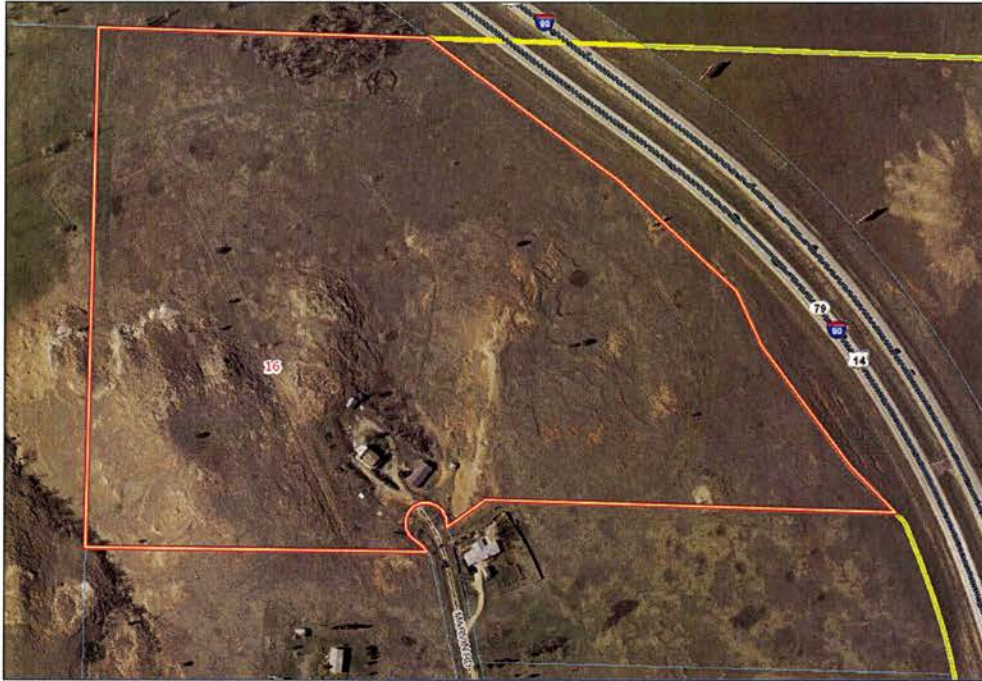
- A. Staff will be recommending approval of Mining Permit / MP 19-03 with seven (7) conditions.

II. GENERAL DESCRIPTION

- A. The applicant, Cody Schad, is requesting a Mining Permit:
1. Excavate and haul off large amounts of gypsum.
 2. The haul route will utilize Marvin Road, Universal Drive, and Deadwood Avenue.
 3. GCC Dacotah will be hauling the gypsum off site.

III. EXISTING CONDITIONS

- A. Lot 3R of Marvin Subdivision
1. Zoned Limited Agriculture District
 2. 40 acres.
 3. There are easements on the property for gas lines and power lines.
 4. Lot contains:
 - a. Single-family residence – built in 1982 per Department of Equalization (DOE) Records.
 - i. Onsite wastewater treatment system – CIOSW17-0206.
 - b. Tool shed (400 ft²)– built in 1982 per DOE records.
 - c. Tool shed (144 ft²)– built in 1982 per DOE records.
 - d. Shop building – (1,800 ft²)– built in 2002.
 - i. 2002COBP0669.
- B. Access is off of Marvin Road.
1. Marvin Road is platted as “Right-of-Way”.
 - a. Staff confirmed with County Highway that it is not maintained by the County.
 - b. There is no Road District for this subdivision.



IV. REQUEST FOR COMMENT

A. County Highway

1. They describe a berm overflow through a brush pile. Silt fence is needed at the overflow to prevent eroded soils from leaving the site. Anywhere the berm fails to prevent erosion from leaving the site, a silt fence should be required.
2. An approach permit is required since none was applied for or approved for this lot.
 - a. *Staff Comment: This will be required as a Condition of Approval.*

B. County 9-1-1

1. There is an existing address point; 3800 Marvin Rd, on this parcel. I assume the structures that were there are or will be removed? If so, the mine site still needs a physical address and that address should be posted where Marvin Rd ends at the start of the mine site "driveway" in case an emergency response is needed there.
 - a. *Staff Comment: The structures will not be removed. This is not changing the use of the property to a mining operation.*
2. Please let me know if 3800 Marvin Rd can be reused for the mine address or, if a new address will be issued for the mine.
 - a. *Staff Comment: The structures will not be removed. This is not changing the use of the property to a mining operation.*

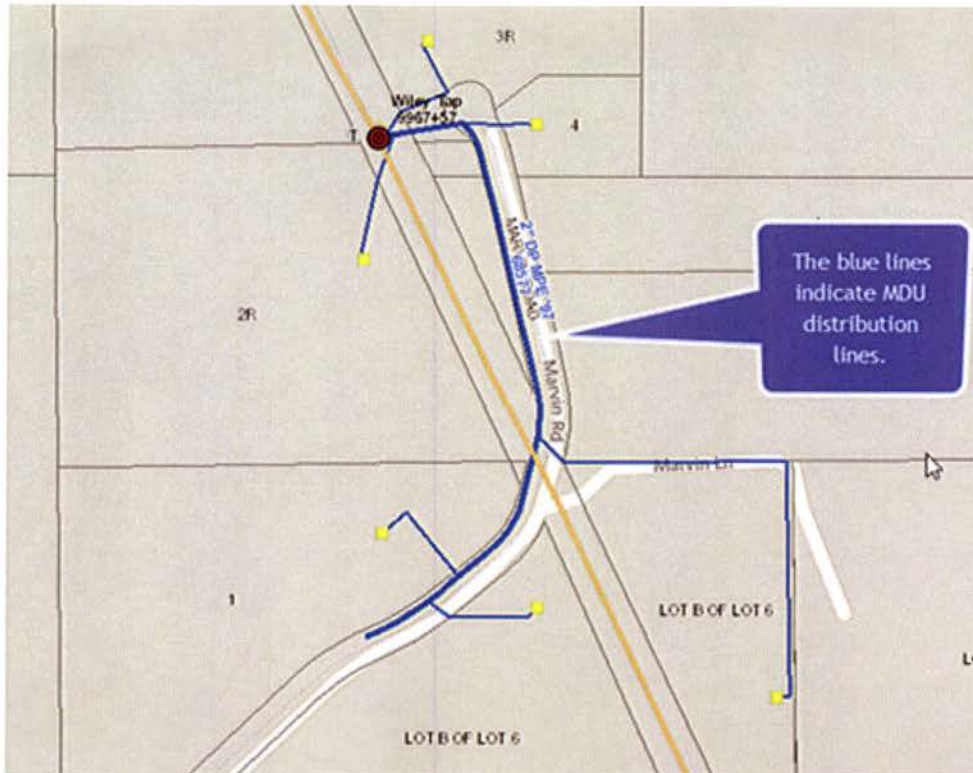
- C. County Addressing Coordinator
 - 1. County Addressing concurs with Emergency Services assessment.
 - a. *Staff Comment: The structures will not be removed. This is not changing the use of the property to a mining operation.*
- D. County Ordinance Enforcement
 - 1. No known violations.
- E. County Natural Resource Director
 - 1. No objections, recommend using weed free seed on any areas to be re-seeded.
- F. County Environmental Planner
 - 1. The disturbed area will need to be revegetated.
 - 2. Inspection reports will need to be submitted weekly.
 - 3. Erosion and Sediment controls need to be installed prior to any disturbance.
- G. County Professional Environmental Planner
 - 1. There is no Special Flood Hazard Area on the property.
 - 2. Must follow the Storm Water Manual for implementation of Best Management Practices.
 - 3. Site Must be revegetated in accordance with Section 507 of the PCZO.
- H. Rapid City Onsite Coordinator
 - 1. Doesn't seem to disturb or add to the septic so I am good with it.
- I. Rapid City Public Works
 - 1. A "haul route" needs to be identified and verify that the haul route will not create traffic concerns or cause excessive roadway degradation.
 - 2. Being a mining operation there will be a lot of traffic in and out of the site, verify that the ingress/egress does not cause traffic concerns, sight triangle obstructions, sight distance line obstructions or track out onto haul route streets.
 - 3. If the haul route does not include City streets then the City has no concerns regarding this submittal.
- J. Rapid City Community Development
 - 1. The City's Major Street Plan identifies two collector streets extending through the property as shown below:



2. Any development of the property should be designed to ensure that it does not conflict with the location of the future collector streets. Any future platting of the property will require that the right-of-way be dedicated for the collector streets and constructed as per the Infrastructure Design Criteria Manual.
3. The City's Future Land Use plan identifies the appropriate use of the property as Rural Residential which supports large lot single-family residential development.
4. Marvin Road serves as access to the property and is identified as a lane place street as per the Infrastructure Design Criteria Manual.

K. Montana Dakota Utilities (MDU)

1. MDU does have facilities in the area as indicated on the screen shot provided below. We would expect that all mining and excavating activities would be completed in such a manner as to not disturb our distribution system. If you believe that blasting will take place within 100 ft. of MDU facilities the contractor must furnish a blasting plan to determine risk to Company facilities. MDU will complete a leak survey of all company pipelines located within 100 ft. of the blasting.
2. Also, WBI Energy also has high profile facilities in this area. I have included Mike Gentilini on this email as he is an Area Representative for WBI. Mike will respond with concerns or comments he has with the WBI facilities.



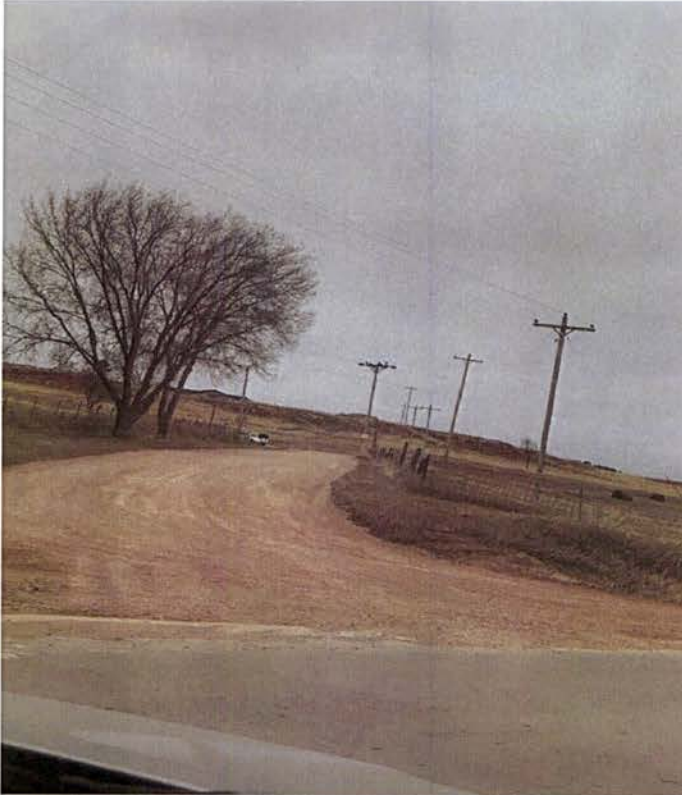
L. WBI Energy

1. I called Cody Shad, to find out about the mining permit. WBI Energy Transmission Inc., owns and operates two high pressure natural gas pipelines in section 16, T002N, R007, Pennington County, S.D. At this time no blasting will be done, there will be at minimum of 7-feet of material placed over these pipelines.
2. Mike Gentilini has performed a electrical depth of these pipelines, finding 3-feet of material cover and Cody will add a blister of 4-feet. From the easement of 25-feet either side of these pipelines, Cody will build a 4:1 slope from the pipelines. I asked Cody to reach out to WBI, after the meeting if anything changed.

V. ANALYSIS

- A. November 20, 2019 - Staff performed a site visit and found the following:
 1. Work has commenced.
 - a. Staff indicated to the applicant that no more disturbance could occur. However, he could berm and stabilize the site and implement erosion and sediment control measures.
 - b. Penalty fees apply and must be paid by the applicant prior to approval of the Permit by the Planning Director.

2. The applicant stated:
 - a. That there will be significant grading and removal of gypsum at the site.
 - b. The gypsum will be stockpiled and removed.
 - c. Berms will be constructed and vegetated with grasses and trees.
 - d. The area will be leveled for future construction of a shop building.
 - e. The existing single-family residence is not occupied.
 - f. The hauling route will be down Marvin Road to Universal Drive to Deadwood Avenue.
 - i. The City of Rapid City indicated that a haul road agreement may be required for use of the road within the City Limits for this project.
- B. November 21, 2019 – The applicant paid the penalty fee for the Construction Permit.
- C. November 25, 2019 – The applicant indicated that he contacted the City of Rapid City regarding the need for a haul road agreement and one is not needed at this time.
- D. November 25, 2019 – The Planning Director approved Construction Permit / CP 19-18 for the dirt work on the site.
- E. There is no intent for this property to be a mine site. This request is for the excavation and removal of gypsum in order to level and grade areas for construction of shop buildings.



Entrance onto Marvin Road
from Universal Drive.

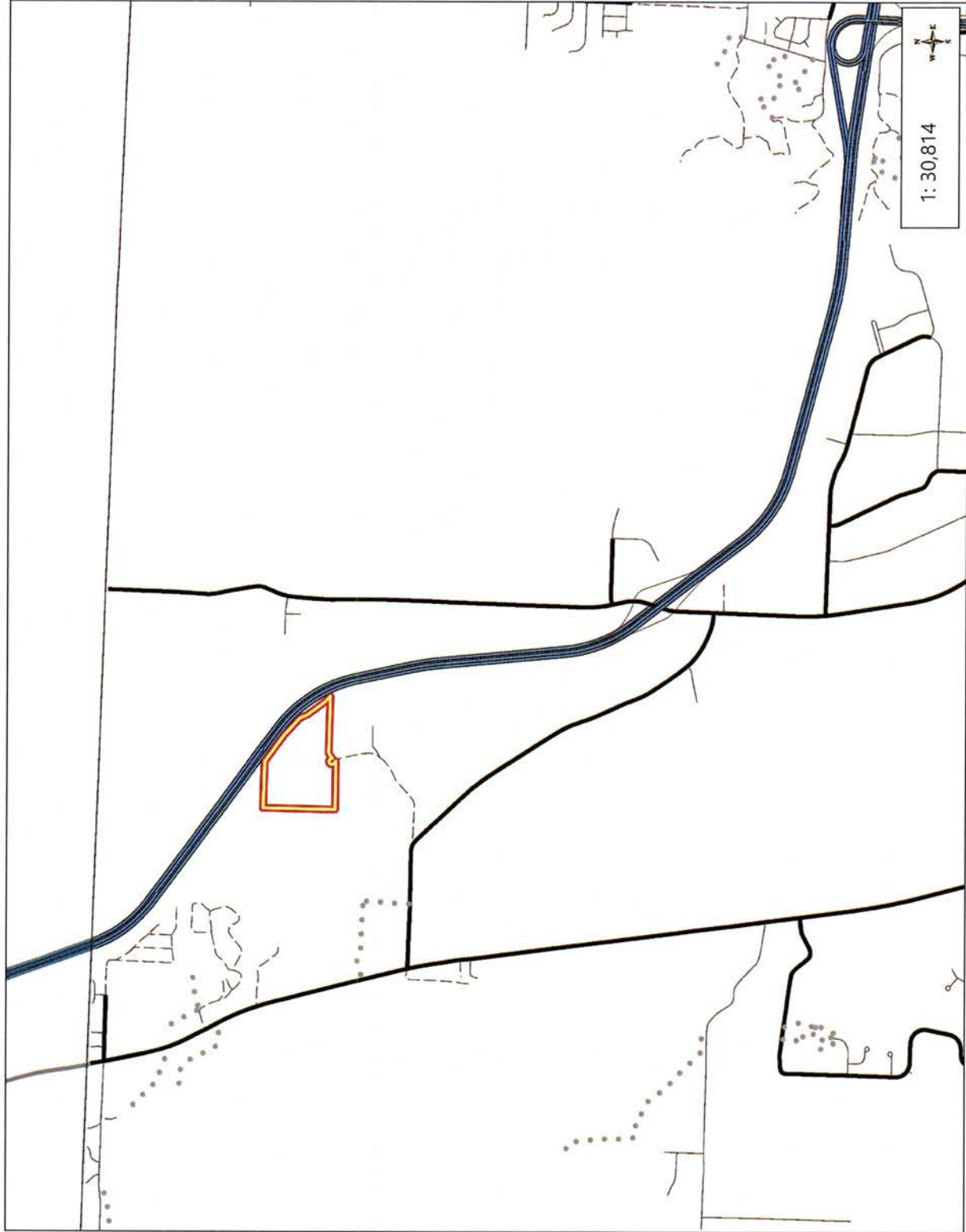


Existing dirt work and
disturbance area.

1. Section 507-B of the Pennington County Zoning Ordinance states, “No extraction of any mineral or substance exceeding 100 cubic yards from the earth shall be conducted without a Mining Permit issued by the Commission”
 - a. The applicant has submitted a Mining Permit application for removal of gypsum from the site.

RECOMMENDATION: Staff is recommending approval of Mining Permit / MP 19-03 with the following seven (7) conditions:

1. That the applicant submits a Notice of Intent to the South Dakota Department of Environment and Natural Resources for a General Permit for Storm Water Discharges and the conditions of the approval of the South Dakota Department of Environment and Natural Resources General Permit be continually met;
2. That any natural drainage ways and paths be continually maintained;
3. That any excavation in the gas line or power line easements are approved by the appropriate utility company;
4. That the Conditions of Approval of Construction Permit / CP 19-18 are continually met;
5. That excavation and hauling of gypsum from the site terminate within six (6) months of approval of this Mining Permit;
6. That the applicant signs a Statement of Understanding within ten (10) business days of Mining Permit approval, which is available at the Planning Office; and,
7. That this Mining Permit be reviewed in three (3) months from approval date, and may be reviewed on a complaint basis, or as directed by the Planning Commission and/or the Board of Commissioners to verify that all Conditions of Approval are being met.



1: 30,814

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5,135.6
2,567.82
0
5,135.6 Feet
NAD_1983_StatePlane_South_Dakota_South_FIPS_4002_Feet
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Legend

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

Map Notes:



Legend

- Roads**
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2,456.3 0 1,228.17 2,456.3 Feet

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1: 15,407

2,567.8 0 1,283.91 2,567.8 Feet

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NAD_1983_StatePlane_South_Dakota_South_FIPS_4002_Feet
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- Pennington County Zoning**
- General Agricultural
 - General Commercial
 - Heavy Industrial
 - Highway Services
 - Limited Agriculture
 - Low Density Residential
 - Light Industrial
 - Planned Unit Development
 - Suburban Residential
 - NOCODE

Map Notes:

STAFF REPORT

GENERAL INFORMATION:

REQUEST: **CONDITIONAL USE PERMIT / CU 19-30:** To allow the existing residence (Morton building) to remain as a Guest House once the new single-family residence is complete in a Limited Agriculture District in accordance with Sections 206, 318, and 510 of the Pennington County Zoning Ordinance.

APPLICANT: Harry and Gail McKane

APPLICANT ADDRESS: 23510 Deerfield Road, Hill City, SD 57745

LEGAL DESCRIPTION: Lot 1 (also in Section 36, T1N, R3E), Deerfield Park Parcel #2, Section 1, T1S, R3E, BHM, Pennington County, South Dakota.

SITE LOCATION: 23510 Deerfield Park Drive; north of the intersection of E. Slate Road and Deerfield Park Drive.

SIZE: 19.26 acres

TAX ID: 64151

EXISTING LAND USE: Residential

ZONING REFERENCE: §§ 206, 318, and 510

CURRENT ZONING: Limited Agriculture District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Open Meadow / Hills

UTILITIES: Private

PREPARED BY: Kristina Proietti

I. PROPOSED RECOMMENDATION

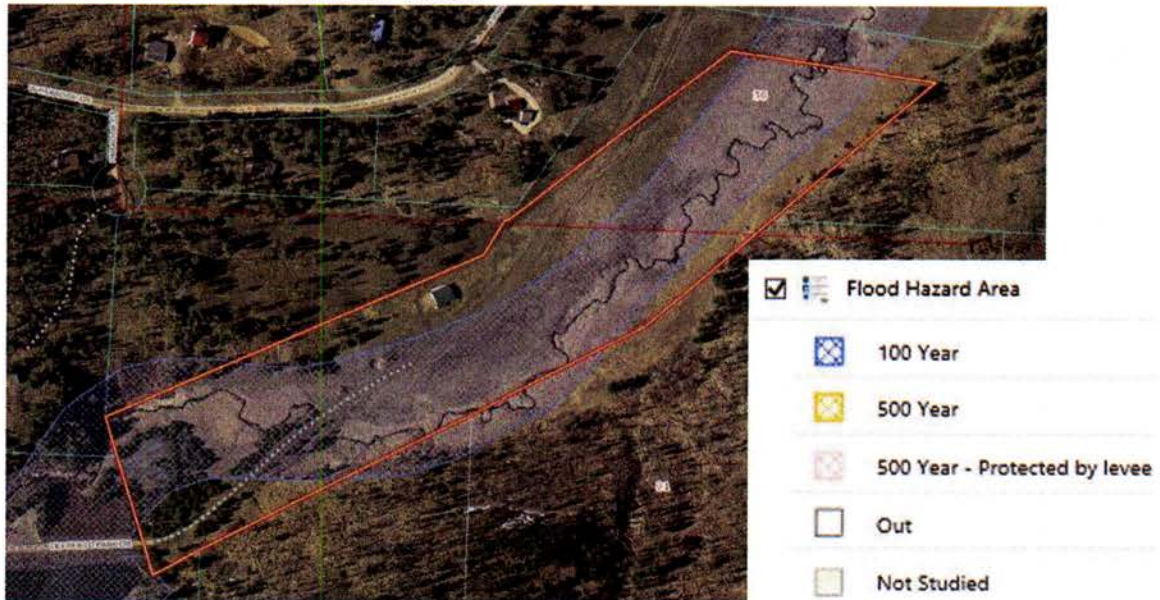
- A. Staff will be recommending approval of Conditional Use Permit / CU 19-30.

II. GENERAL DESCRIPTION

- A. October 31, 2019, the applicants, Harry and Gail McKane, applied for a Conditional Use Permit to allow an existing residence (Morton building) to remain as a Guest House on the subject property, once the new single-family residence is complete.

III. EXISTING CONDITIONS

- A. Zoned Limited Agriculture District.
- B. 19.26 acres.
- C. Access is taken from Deerfield Park Drive.
- D. There is Special Flood Hazard Area on the subject property (see Image 1).
- E. Lot contains:
 - 1. One storage shed, County Building Permit / 2004COBP0184.
 - 2. One addition to the existing storage shed (2004COBP0184), to include living quarters (800SF) / 2011COBP0044.
 - a. Onsite Wastewater Treatment System Construction Permit / 2006COSD0177.
 - b. County Onsite Wastewater Treatment System Operating Permit / COOP17-0181.
 - 3. Single-family residence with attached garage / COBP19-0216.
 - a. Onsite Wastewater Treatment System Construction Permit / COSD19-0019.



Map of Special Flood Hazard Area on the subject property.

IV. HISTORY

- A. April 29, 2004, the Board of Adjustment approved Variance / VA 04-05, to reduce the minimum required side yard setback from 25 feet to 10 feet and to reduce the required minimum lot size from 40 acres to 11.44 acres, to allow for the construction of a pole barn.
- B. March 15, 2011, the Planning Commission approved Layout Plat / LP 11-03 to reconfigure lot lines to create Lot 1 and Lot 2 of Deerfield Park Parcel #2.
- C. May 3, 2011, the Planning Commission approved Minor Plat and Subdivision Regulations Variance / PL 11-08 and SV 11-02. To reconfigure lot lines to create Lot 1 of Deerfield Park Parcel No 2 and Tract 32R of Leisure Hills Estates, and to waive Section Line Highway improvements, waive the submittal of engineered road construction plans, waive the scale of plat to be no greater than (1) inch equals 100 feet, and the requirements for topographic information to be provided at a five (5) foot contour intervals.
- D. August 2, 2011, the Planning Commission approved Rezone / RZ 11-02 to change the zoning from Low Density Residential District and General Agriculture District to Limited Agriculture District.
- E. August 12, 2019, the Planning Commission approved Conditional Use Permit / CU 18-28 to allow living in an existing residence while building a new single-family residence on the subject property.

V. REQUEST FOR COMMENT

- A. County Highway Department
 - 1. Highway Department has no comments.
- B. County Fire Administrator
 - 1. No comments received.
- C. Emergency Services (9-1-1)
 - 1. Both structures will need to be issued a physical address and that those addresses be properly posted at the end of the named road\beginning of their private drive, and on each structure, in accordance with Penn Co Ord 20.
- D. County Onsite Wastewater Specialist
 - 1. The applicant currently has an approved septic system for the Guest house (2006COSD0177 & 2011COSD0044) along with an approved Operating Permit (COOP17-0181). The applicant has also installed a new septic system for the future house (COSD19-0019).
- E. County Professional Environmental Planner
- F. There is Special Flood Hazard Area on the subject property. If any disturbance or development is planned within the SFHA, a Floodplain Development Permit is required prior to the work.

- G. County Addressing Coordinator
 - 1. That the addresses for each residence be posted on the primary residence and the Guest House at all times and so it is clearly visible from Deerfield Park Drive, in accordance with Pennington County's Ordinance #20;
- H. County Natural Resources Director
 - 1. No Comment received.
- I. County Ordinance Enforcement
 - 1. No violations.
- J. U.S. Forest Service
 - 1. Access to the described private property is off of the Deerfield Park Drive and adjacent to the private property. No additional access roads will be authorized from National Forest System lands.
 - 2. Protect all posted boundary line corners, signs and bearing trees.
 - 3. Adhere to the setback requirements along the posted boundary between National Forest System lands (USA Public Domain) and the private property.
 - 4. Protect all known stream courses, ponds and riparian areas located on National Forest System lands.
 - 5. No resource damage to occur on National Forest System lands.
 - 6. All 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.
 - 7. No construction materials to be placed on National Forest System lands.
 - 8. All proposed drain fields, leach lines or septic systems will need to be located on private property and not located on or drain or leach onto National Forest System lands; septic system holding tank (s) and potable water holding tank (cistern) will be required to be located on private property.
 - 9. All 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).
 - 10. Public roads in this area of the Black Hills National Forest are classified as "Highways, US, State" and "Roads Open to Highway Legal Vehicles Only" per the latest version (January 1, 2019) of the Motor Vehicle Use Map.
 - 11. No motorized trailheads or motorized trails or motorized roads are planned or scheduled for this portion of the Black Hills National Forest.
 - 12. No motorized trails for ATV, motorcycles or ORV will be authorized from private property unto National Forest System lands (USFS does not want unauthorized trails constructed on National Forest System lands).

- K. Black Hills Electric Coop
 - 1. Black Hills Electric Coop has no concerns with this conditional use permit.

VI. ANALYSIS

- A. August 12, 2019, the Planning Commission approved Conditional Use Permit / CU 18-28 for Harry and Gail McKane, to allow living in an existing residence (Morton Building) while building a new single-family residence on the subject property.
- B. October 31, 2019, the applicants, Harry and Gail McKane, applied for a Conditional Use Permit to allow an existing residence (Morton building) to remain as a Guest House on the subject property once the new single-family residence is complete.
- C. November 22, 2019, Staff conducted a site visit to the subject property. Staff found all structures on the property to be permitted (see Image 2 for Guest house and Image 3 for the single-family residence).

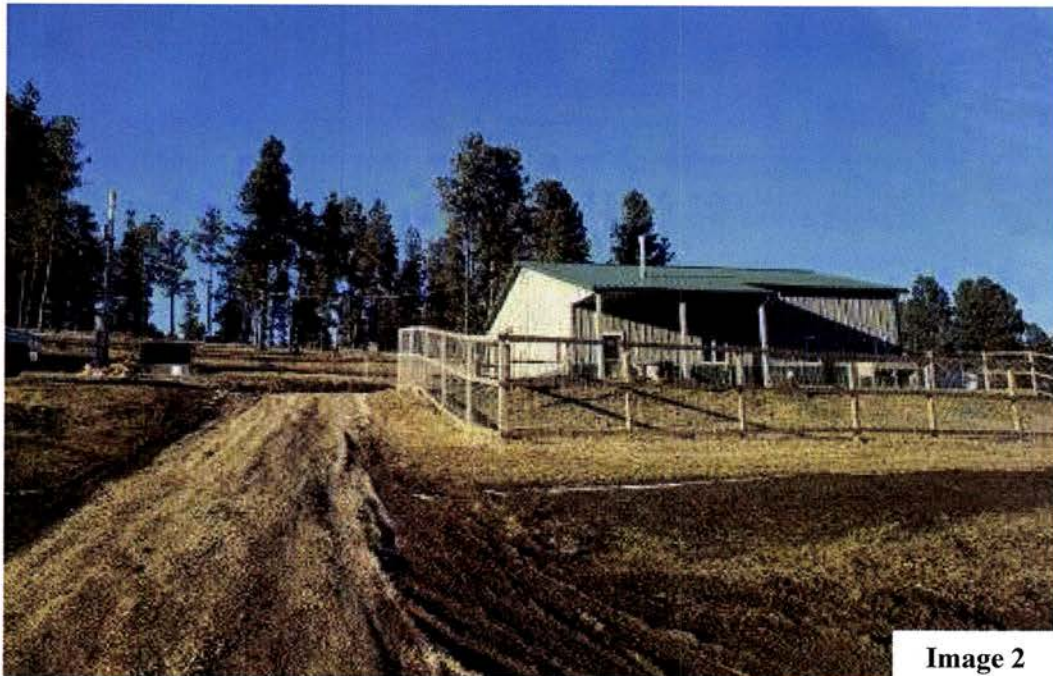


Image 2

November 22, 2019, site photo of proposed Guest House.



Image 3

November 22, 2019, site photo of single-family residence.

VII. SECTION 318 – GUEST HOUSE

- A. Section 318(B) states that, “an accessory Guest House shall be permitted in Low Density Residential, Limited Agriculture and General Agriculture Zoning Districts upon the issuance of a Conditional Use Permit or in Planned Unit Developments with approval of a Planned Unit Development Amendment and is subject to the following standards:”
1. Only one (1) Guest House shall be allowed on a lot and/or parcel.
 - a. *Staff Comment: The applicant is requesting one (1) Guest House on the subject property.*
 2. The rental or lease of a Guest House or the use of a Guest House as a permanent resident for a second family on the premises shall be prohibited.
 - a. *Staff Comment: This will be included as a Condition of Approval.*
 3. The minimum lot size requirement for the construction of an accessory Guest House shall be three (3) acres.
 - a. *Staff Comment: The subject property is 19.26 acres.*

4. The maximum allowed living space of a Guest House shall not exceed 50% of the living space in the main dwelling unit or 1,000 square feet, whichever is less. Covered decks attached to the Guest House shall be included in the calculation for the overall square footage, but decking and garage space shall not.
 - a. *Staff Comment: According to documents provided by the applicant, the proposed Guest House is 800 SF submitted for 2004COBP-0184.*
5. The Guest House shall not be used for more than 180 days per calendar year.
 - a. *Staff Comment: This will be included as a Condition of Approval.*
6. The Guest House shall use the same driveway approach as the primary dwelling. One additional off-street parking space, measuring a minimum of nine (9) feet by eighteen (18) feet and maintained in a dust free manner, shall be provided for the Guest House.
 - a. *Staff Comment: The proposed Guest House will use the same driveway off of Deerfield Park Drive as the primary residence. It appears there is adequate parking to meet the requirement.*
7. The Guest House shall have a minimum setback of 25-feet from all property lines.
 - a. *Staff Comment: According to a site plan submitted by the applicant, it appears this requirement will be met.*
8. A single-wide mobile home shall not be allowed as a Guest House.
 - a. *Staff Comment: The applicant is proposing for the existing Morton building home to be the Guest House.*
9. The Guest House shall be located closer to the primary dwelling on the subject lot than a primary dwelling on any adjacent existing lot at the time the Building Permit is approved for the Guest House.
 - a. *Staff Comment: According to a site plan submitted by the applicant, it appears this requirement will be met.*
10. The primary dwelling unit shall be classified as owner-occupied. Proof of status must be provided.
 - a. *Staff Comment: This will be included as a Condition of Approval.*
11. Utilities: All public water, sewer, electricity, and natural gas for the Guest House shall be extended from the primary dwelling unit's services. No separate meters for the Guest House shall be allowed, unless required by the utility service provider.
 - a. *Staff Comment: This will be included as a Condition of Approval.*
12. On-Site Wastewater Treatment Systems: A Guest House shall use the same on-site wastewater disposal system as the primary

dwelling, except when a separate system is required by the Pennington County Environmental Planner due to site constraints, failure of the existing system, or where the size or condition of the existing system precludes its use.

- a. *Staff Comment: The applicant has submitted an On-Site Wastewater Construction Permit (COSD19-0019) indicating that a new on-site wastewater treatment system will be installed to service the main residence and the Guest House.*
13. Prior to the issuance of a Building Permit for a Guest House, or for use of an existing structure as a Guest House, the applicant shall record a deed restriction stating the regulations applicable to the Guest House, including that the Guest House shall not be separately rented or leased from the main residence.
 - a. *Staff Comment: This will be included as a Condition of Approval.*

VIII. CONSIDERATIONS FOR CONDITIONAL USE PERMIT REQUEST

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

- A. **The effect upon the use and enjoyment of other property in the immediate vicinity for the uses already permitted, and upon property values within the immediate vicinity.**
 1. This Conditional Use Permit should not change the residential use of the property and, thus, should not have any long-term, negative effects on the use and enjoyment of other properties in the immediate vicinity.
 2. Staff cannot predict the impact the use may have on property values in the surrounding area.
 3. As of this Staff Report, no letters of complaint have been received by the Planning Department.
- B. **The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.**
 1. Allowing this Conditional Use Permit should not affect the normal, orderly development or improvement of any surrounding vacant property in the area.

- C. **That utilities, access roads, drainage, and/or other necessary facilities are provided.**
1. The subject property will be served by a private on-site wastewater treatment system and well. Access to the property will provided via an approach off of Deerfield Park Drive. All other necessary facilities will be provided during construction.
- D. **That the off-street parking and loading requirements are met.**
1. Pennington County Zoning Ordinance § 310(A)(9)(k) requires two (2) off-street parking spaces per dwelling unit and § 318(B)(6) requires one (1) additional off-street parking space for the Guest House. Therefore, three (3) spaces would be required on the subject property for the main dwelling and the Guest House. It appears there is sufficient parking on the subject property to meet this requirement.
- E. **That measures are taken to control offensive odor, fumes, dust, noise, vibration, and lighting (inclusive of lighted signs), so that none of these will constitute a nuisance.**
1. The proposed Conditional Use, by its very nature, should have limited odor, fumes, dust, noise, vibrations, and intrusive lighting. The applicant should take care so the proposed use should not create the above-listed elements in any amount that would constitute a nuisance.

RECOMMENDATION: Staff recommends approval of Conditional Use Permit / CU 19-30.

1. That prior to the review of Conditional Use Permit / CU 19-30 for the Guest House, the applicant record a deed restriction with the Register of Deeds stating the regulations applicable to the Guest House, including that the Guest House shall not be separately rented or leased from the main residence, in accordance with Pennington County Zoning Ordinance (PCZO) § 318(B)(13);
2. That the rental or lease of the Guest House or the use of the Guest House as a permanent resident for a second family on the premises shall be prohibited;
3. That the Guest House shall not be used for more than 180 days per calendar year;
4. That the primary dwelling, upon completion, be classified as owner-occupied and proof of status be provided to the Planning Department, in accordance with PCZO § 318(B)(10);

Agenda Item #6
Harry and Gail McKane
December 2, 2019

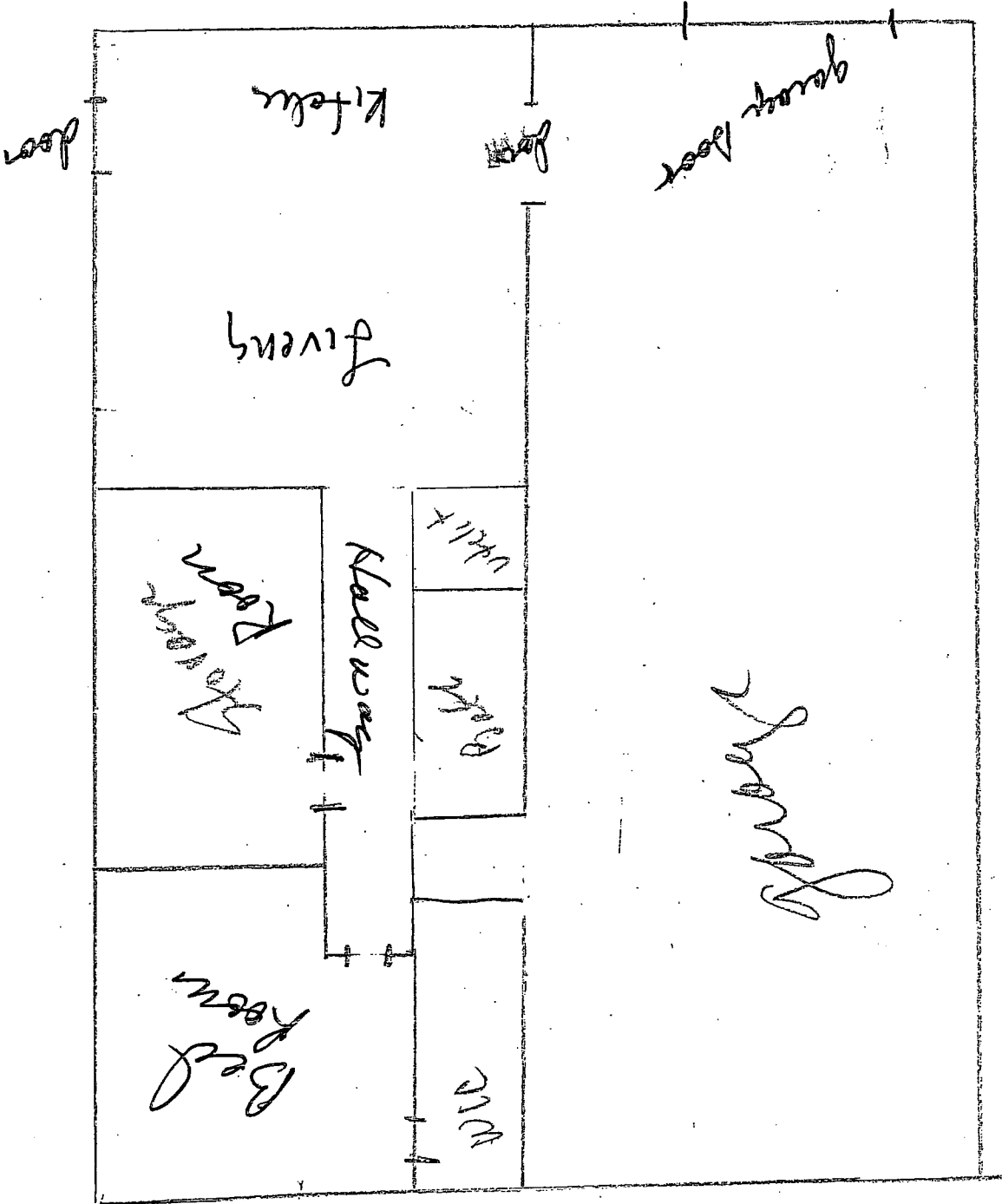
5. That all necessary utilities for the Guest House shall be extended from the primary dwelling unit's services. No separate meters for the Guest House shall be allowed, unless required by the utility service provider;
6. That the Guest House utilize the same on-site wastewater treatment system as the primary dwelling, except if required and approved by the Pennington County Environmental Planner;
7. That both the addresses assigned for the primary residence and the Guest House be posted so they are clearly visible from Deerfield Park Drive, in accordance with Pennington County Ordinance #20;
8. That the Guest House be continually utilized and maintained in accordance with all requirements of PCZO § 318;
9. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which will require a site plan to be reviewed and approved by the Planning Director;
10. That prior to any work within the 100 year floodplain, the applicant obtain approval of a Floodplain Development Permit; and,
11. That this Conditional Use Permit be reviewed in six (6) months, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

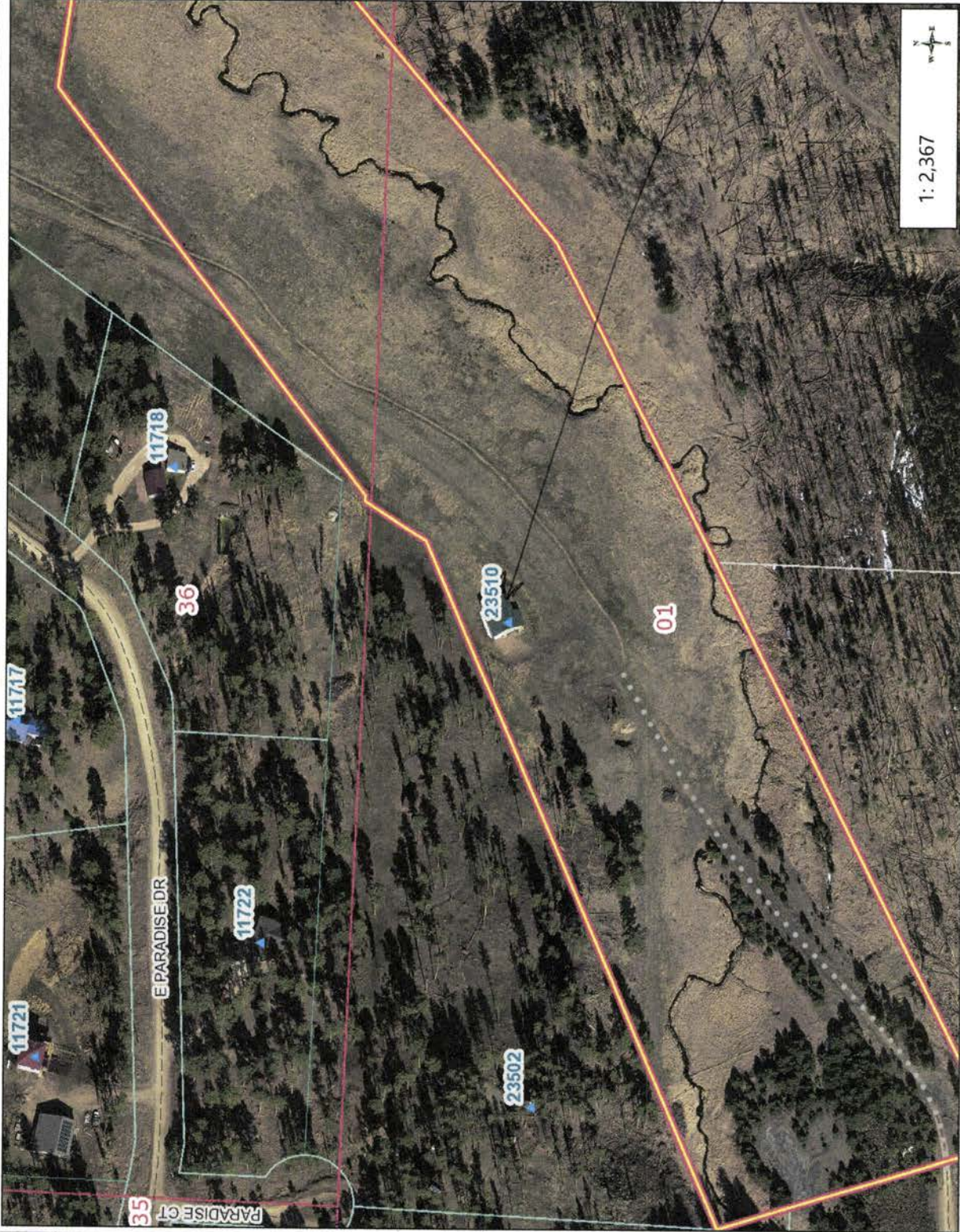
800 SF

per Harry McNamee

11/13/11

KAM





1:2,367



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THIS MAP IS NOT TO BE USED FOR NAVIGATION

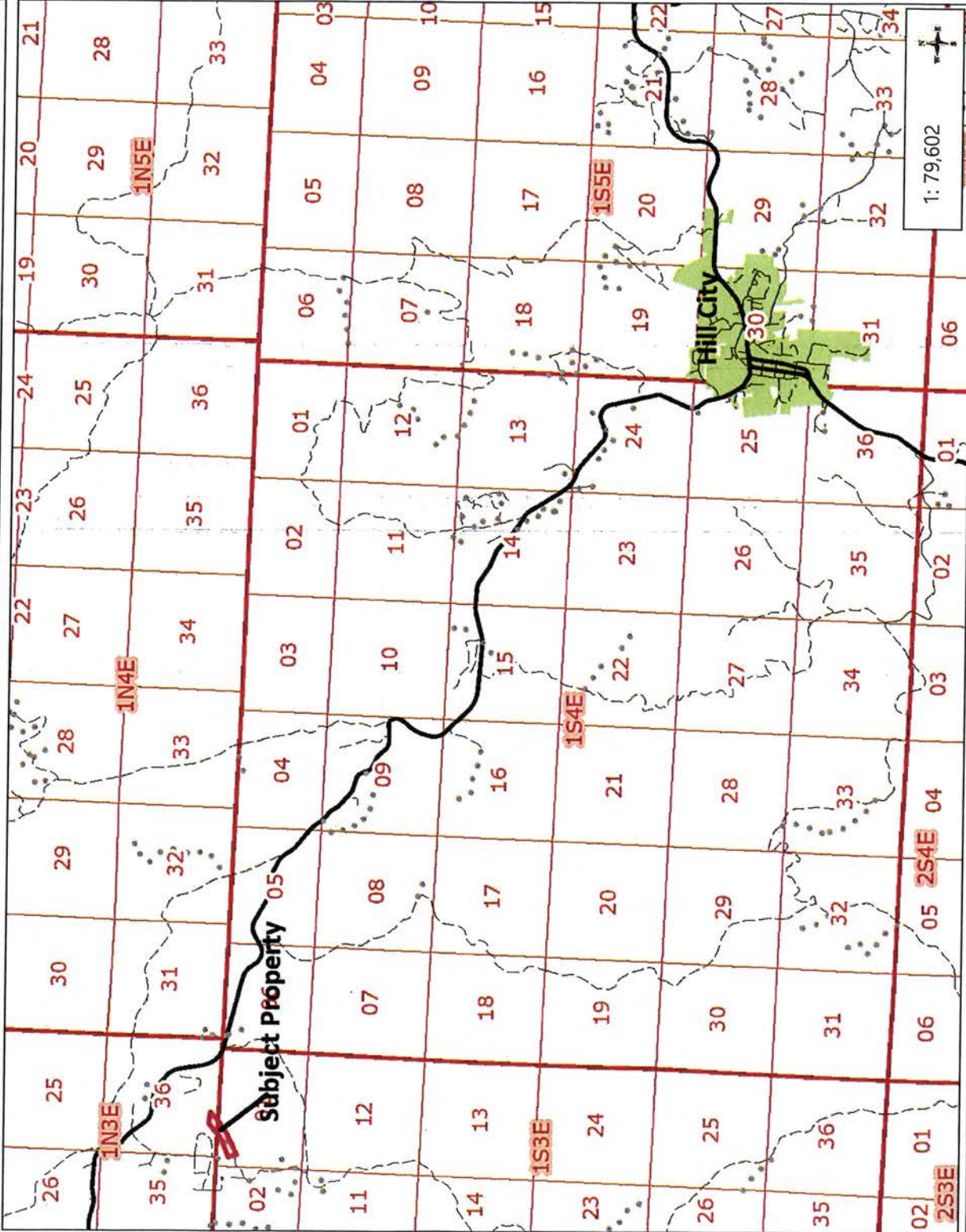
NAD_1983_StatePlane_South_Dakota_South_FIPS_4002_Feet
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Legend

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

Location of Proposed Guest House Henry Blunk 10/13/19

Map Notes:



1: 79,602

0 6,633.50 13,267.0 Feet

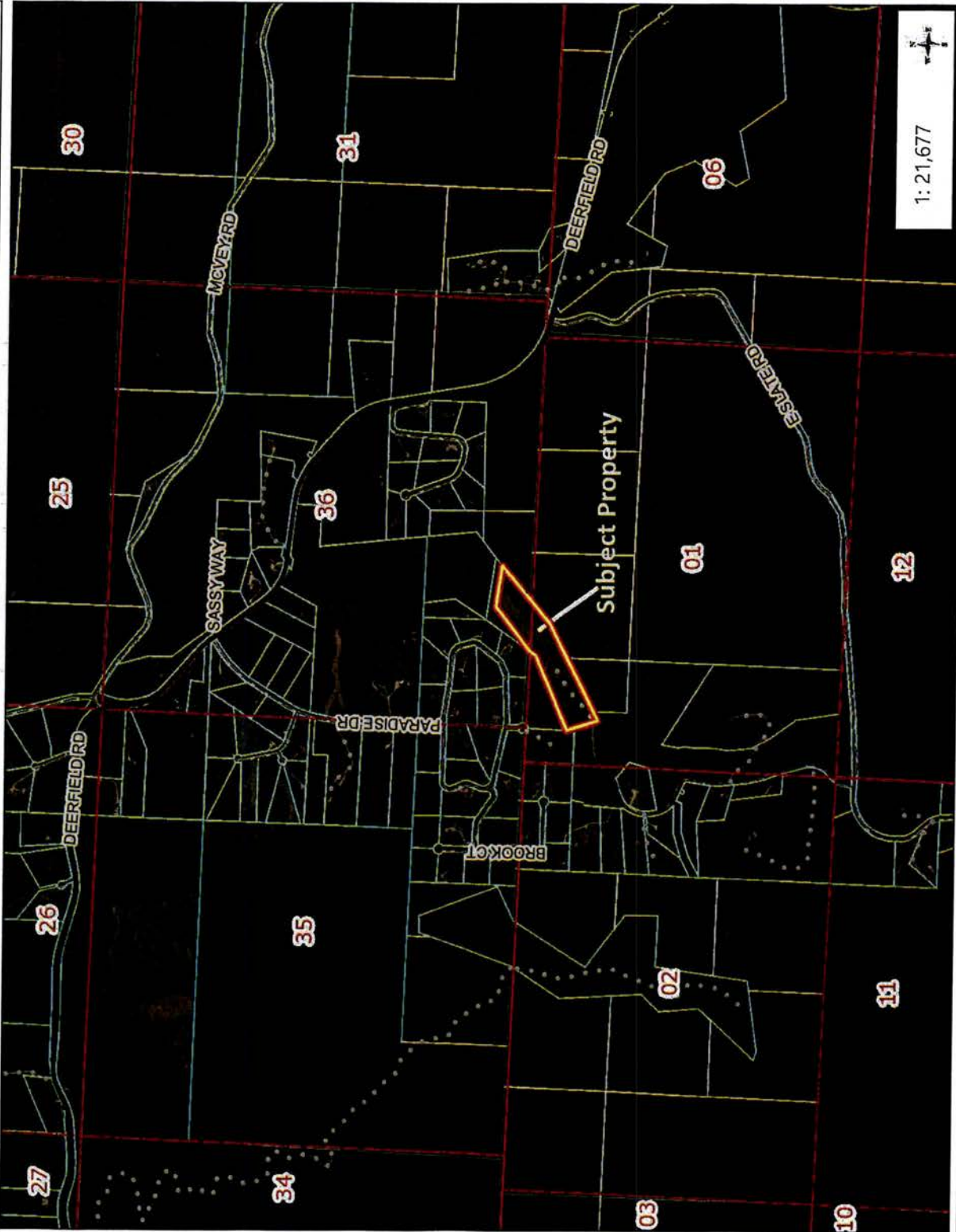
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Legend

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

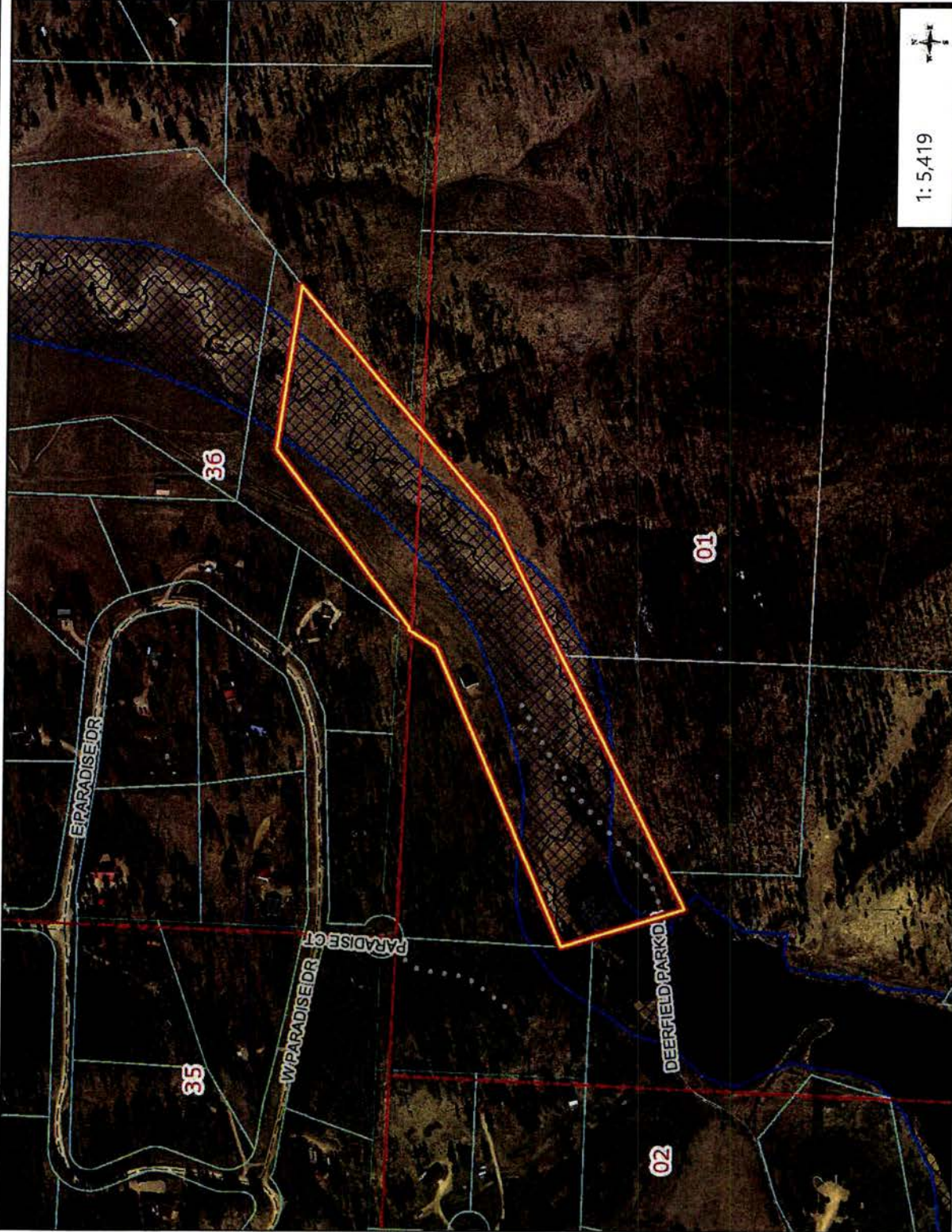
Map Notes:



1: 21,677

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Map Notes:



903.2



Feet

1: 5,419



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Legend

Roads

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

Address Points

Section Lines 0-25k

Tax Parcels

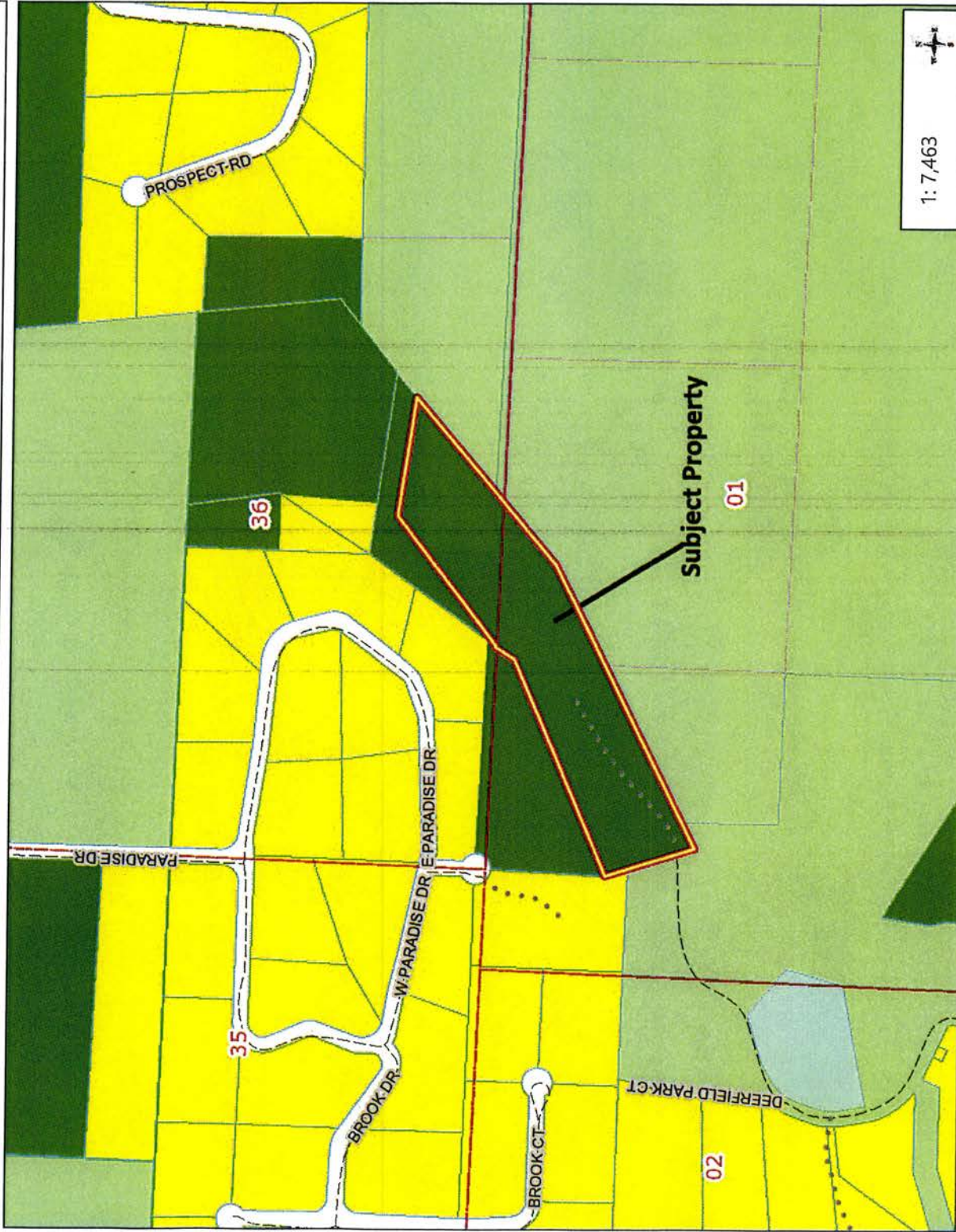
- Lot Lines
- <Null>
- Lot Line
- Parcel Line

Floodway

Flood Hazard Area

- 100 Year
- 500 Year
- 500 Year - Protected by levee
- Out
- Not Studied

Map Notes:



1,243.8 0 621.89 1,243.8 Feet

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

NAD_1983_StatePlane_South_Dakota_South_FIPS_4002_Feet
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Legend

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

Map Notes:

1: 7,463

STAFF REPORT

GENERAL INFORMATION:

REQUEST: **CONDITIONAL USE PERMIT / CU 19-32:** To live in a garage with living quarters while building a single-family residence and once the single-family residence is complete, to allow the garage with living quarters to remain and be used as a Guest House in a Low Density Residential District in accordance with Sections 207, 318, and 510 of the Pennington County Zoning Ordinance.

APPLICANT: Jeff and Marcia Spilker

APPLICANT ADDRESS: 23813 Highway 385, Rapid City, SD 57702

LEGAL DESCRIPTION: Lot 13, Whaley Subdivision, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

SITE LOCATION: 23813 Highway 385; east of the intersection of US Highway 16 and Highway 385.

SIZE: 3.00 acres

TAX ID: 57965

EXISTING LAND USE: Residential

ZONING REFERENCE: §§ 207, 318, and 510

CURRENT ZONING: Low Density Residential District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Flat / Open Meadow

UTILITIES: Private

PREPARED BY: Cody Sack

I. PROPOSED RECOMMENDATION

- A. Staff is recommending the approval of Conditional Use Permit / CU 19-32 with conditions.

II. GENERAL DESCRIPTION

- A. The applicant, Jeff and Marcia Spilker, requested a Conditional Use Permit to live in an existing garage while they construct a single-family residence on the subject property, and then to use the garage as a guest house when the single-family residence is habitable.

III. EXISTING CONDITIONS

- A. Zoned Low Density Residential District.
- B. 3 Acres.
- C. Single Family Residence with attached garage (COBP19-0378).
- D. Detached Garage (COBP19-0159).
- E. No Special Flood Hazard Area.
- F. Access of U.S Highway 385.
- G. Construction Permit / CP 19-11 to bring in fill and grade for a future garage and residence.

IV. REQUEST FOR COMMENT

- A. County Highway
 - 1. Highway Department has no comments.
- B. County Fire Administrator.
 - 1. No comments received.
- C. County Professional Environmental Planner
 - 1. No Special Flood Hazard Area on the subject property.
- D. County Environmental Planner
 - 1. Construction Permit / CP 19-11 is extended to the spring to verify final stabilization. There are no concerns with the Permit.
- E. County Wastewater Specialist
 - 1. The applicant recently had a new septic system (COSD19-0063) installed and inspected on October 8, 2019. The system has a 2,050 gal. tank and 800 square feet of drainfield. This system was designed to accommodate four (4) bedrooms. As long as the total number of bedrooms in the garage and house does not exceed four (4) bedrooms than the system should be sufficient.
- F. County Ordinance Enforcement
 - 1. No Violations at this time.
- G. County Addressing Coordinator
 - 1. An address will need to be assigned to the garage for emergency response purposes and should be included as a condition of approval for this permit.
- H. Black Hills Energy
 - 1. No concerns.

- I. Emergency Services (9-1-1)
 1. If approved (allowing them to use the garage as a guest home after the main home is built) our only conditions would be that 1) both structures receive their own physical address and 2) that both addresses be posted in accordance with Penn Co Ordinance #20 (where their driveway meets the named road and on each structure.
- J. U.S Forest Service
 1. Access to the described private property is off of Highway 385 and adjacent to the private property. No additional access roads will be authorized from National Forest System lands.
 2. Protect all posted boundary line corners, signs and bearing trees.
 3. Adhere to the setback requirements along the posted boundary between National Forest System lands (USA Public Domain) and the private property.
 4. Protect all known stream courses, ponds and riparian areas located on National Forest System lands.
 5. No resource damage to occur on National Forest System lands.
 6. All 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.
 7. No construction materials to be placed on National Forest System lands.
 8. All proposed drain fields, leach lines or septic systems will need to be located on private property and not located on or drain or leach onto National Forest System lands; septic system holding tank (s) and potable water holding tank (cistern) will be required to be located on private property.
 9. All 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).
 10. Public roads in this area of the Black Hills National Forest are classified as "Highways, US, State" and "Roads Open to Highway Legal Vehicles Only" per the latest version (January 1, 2019) of the Motor Vehicle Use Map.
 11. No motorized trailheads or motorized trails or motorized roads are planned or scheduled for this portion of the Black Hills National Forest.
 12. No motorized trails for ATV, motorcycles or ORV will be authorized from private property unto National Forest System lands (USFS does not want unauthorized trails constructed on National Forest System lands).
- K. South Dakota Department of Transportation
 1. No comments.

V. ANALYSIS

- A. There are already existing living quarters in the garage.
 - 1. *Staff note: The living quarters were not part of Building Permit COBP19-0159. The applicant will need to apply for a Building Permit to Permit the living space and pay the penalty fee.*
- B. November 20, 2019 – Staff spoke in person with the applicant who stated:
 - 1. The single-family residence should be completed by the end of January 2020.
 - 2. They should be moved in by the end of January.
 - 3. When the applicants move into the single-family residence, they would like to use the existing living space in the detached garage as a guest house.



Picture provided by applicant of detached garage and single-family residence

- C. Staff has not received any complaints about this Conditional Use Permit request.
- D. Guest Houses in Pennington County are governed under Pennington County Zoning Ordinance §318.
- E. Section 318(B) states that, “an accessory Guest House shall be permitted in Low Density Residential, Limited Agriculture and General Agriculture Zoning Districts upon the issuance of a Conditional Use Permit or in Planned Unit Developments with approval of a Planned Unit Development Amendment and is subject to the following standards:”
 - 1. Only one (1) Guest House shall be allowed on a lot and/or parcel.
 - a. *Staff Comment: The applicant is requesting one (1) Guest House on the subject property.*

2. The rental or lease of a Guest House or the use of a Guest House as a permanent resident for a second family on the premises shall be prohibited.
3. The minimum lot size requirement for the construction of an accessory Guest House shall be three (3) acres.
 - a. *Staff Comment: The subject property is 3.82 acres.*
4. The maximum allowed living space of a Guest House shall not exceed 50% of the living space in the main dwelling unit or 1,000 square feet, whichever is less. Covered decks attached to the Guest House shall be included in the calculation for the overall square footage, but decking and garage space shall not.
5. The Guest House shall not be used for more than 180 days per calendar year.
6. The Guest House shall use the same driveway approach as the primary dwelling. One additional off-street parking space, measuring a minimum of nine (9) feet by eighteen (18) feet and maintained in a dust free manner, shall be provided for the Guest House.
7. The Guest House shall have a minimum setback of 25-feet from all property lines.
8. A single-wide mobile home shall not be allowed as a Guest House.
9. The Guest House shall be located closer to the primary dwelling on the subject lot than a primary dwelling on any adjacent existing lot at the time the Building Permit is approved for the Guest House.
10. The primary dwelling unit shall be classified as owner-occupied. Proof of status must be provided.
11. Utilities: All public water, sewer, electricity, and natural gas for the Guest House shall be extended from the primary dwelling unit's services. No separate meters for the Guest House shall be allowed, unless required by the utility service provider.
12. On-Site Wastewater Treatment Systems: A Guest House shall use the same on-site wastewater disposal system as the primary dwelling, except when a separate system is required by the Pennington County Environmental Planner due to site constraints, failure of the existing system, or where the size or condition of the existing system precludes its use.
13. Prior to the issuance of a Building Permit for a Guest House, or for use of an existing structure as a Guest House, the applicant shall record a deed restriction stating the regulations applicable to the Guest House, including that the Guest House shall not be separately rented or leased from the main residence.
 - a. *Staff note – This Conditional Use Permit is for the garage to be used as living quarters until the single-family residence is complete and then to be used as a guest house. Prior to the garage being used as a guest house, the applicant will need*

to meet all the requirements of Section 318 of the Pennington County Zoning Ordinance (PCZO) and this Conditional Use Permit will need to be reviewed by the Planning Commission.

VI. CONSIDERATIONS FOR CONDITIONAL USE PERMIT REQUEST

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

- A. **The effect upon the use and enjoyment of other property in the immediate vicinity for the uses already permitted, and upon property values within the immediate vicinity.**
 1. This Conditional Use Permit should not change the residential use of the property and, thus, should not have any long-term, negative effects on the use and enjoyment of other properties in the immediate vicinity.
 2. Staff cannot predict the impact the use may have on property values in the surrounding area.
 3. As of this Staff Report, no complaints have been received by the Planning Department.

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

- C. **That utilities, access roads, drainage, and/or other necessary facilities are provided.**
 1. The subject property will be served by a private on-site wastewater treatment system and well. Access to the property will provided via an approved approach off of U.S. Highway 385. All other necessary facilities will be provided during construction.

- D. **That the off-street parking and loading requirements are met.**
 1. Pennington County Zoning Ordinance § 310(A)(9)(k) requires two (2) off-street parking spaces per dwelling unit and § 318(B)(6) requires one (1) additional off-street parking space for the Guest House. Therefore, three (3) spaces would be required on the subject property for the main dwelling and the Guest House. It appears there

is sufficient parking on the subject property to meet this requirement.

E. That measures are taken to control offensive odor, fumes, dust, noise, vibration, and lighting (inclusive of lighted signs), so that none of these will constitute a nuisance.

1. The proposed Conditional Use, by its very nature, should have limited odor, fumes, dust, noise, vibrations, and intrusive lighting. The applicant should take care so the proposed use should not create the above-listed elements in any amount that would constitute a nuisance.

RECOMMENDATION: Staff is recommending approval of Conditional Use Permit / CU 19-32 with the following conditions:

1. That the applicant obtains a Building Permit and pay any penalty fees for the construction of the existing living space within the garage;
2. 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;
3. That an address be assigned for both the detached garage and the single-family residence,
4. That the address is clearly posted on the residence and at the driveway so that it is visible from both directions of U.S. Highway 385, in accordance with Pennington County's Ordinance #20;
5. That the subject property not contain more than one (1) residential structure (i.e. single-family residence or living quarters);
6. That the minimum setback requirements of a Low Density Residential District be continually maintained on the property or the appropriate Setback Variance(s) be obtained;
7. That prior to the detached garage being used as a guest house the applicant meet all the requirements of § 318 of the PCZO are met;
8. That prior to the detached garage being used as a guest house the applicant file a deed restriction record a deed restriction with the Register of Deeds stating the regulations applicable to the Guest House, including that the Guest House shall not be separately rented or leased from the main residence, in accordance with Pennington County Zoning Ordinance (PCZO) § 318(B)(13);

Agenda Item #7
Jeff and Marcia Spilker
December 2, 2019

9. That the subject property remains free of debris and junk vehicles;
10. That the applicant signs the Statement of Understanding at the Planning Office within ten (10) business days of approval of Conditional Use Permit / CU 19-32; and,
11. That this Conditional Use Permit be reviewed in six (6) months, on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.



1: 12,100

2,016.6 0 1,008.29 2,016.6 Feet

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Legend

- Roads**
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 - Main road
 - Minor arterial
 - Collector
 - Ramp
 - Paved road
 - Unpaved road
 - Trail
 - Driveway
 - Alley
 - Unimproved road
 - Airport Runway
 - Not yet coded
- Section Lines 0-25K**
- 0
 - 7

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

Map Notes:



Legend

- Roads**
- Interstate
 - US highway
 - SD highway
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 - Airport Runway
 - Not yet coded

Section Lines 0-25k

- 0
- 7

Tax Parcels

Lot Lines

- <Null>
- Lot Line
- Parcel Line

Map Notes:

1: 1,512



252.1 Feet

126.04

0

252.1

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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 #8
Richard Aldren
December 2, 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 approximately 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 was heard and approved by City Council on November 5, 2019, by the City of New Underwood.

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.



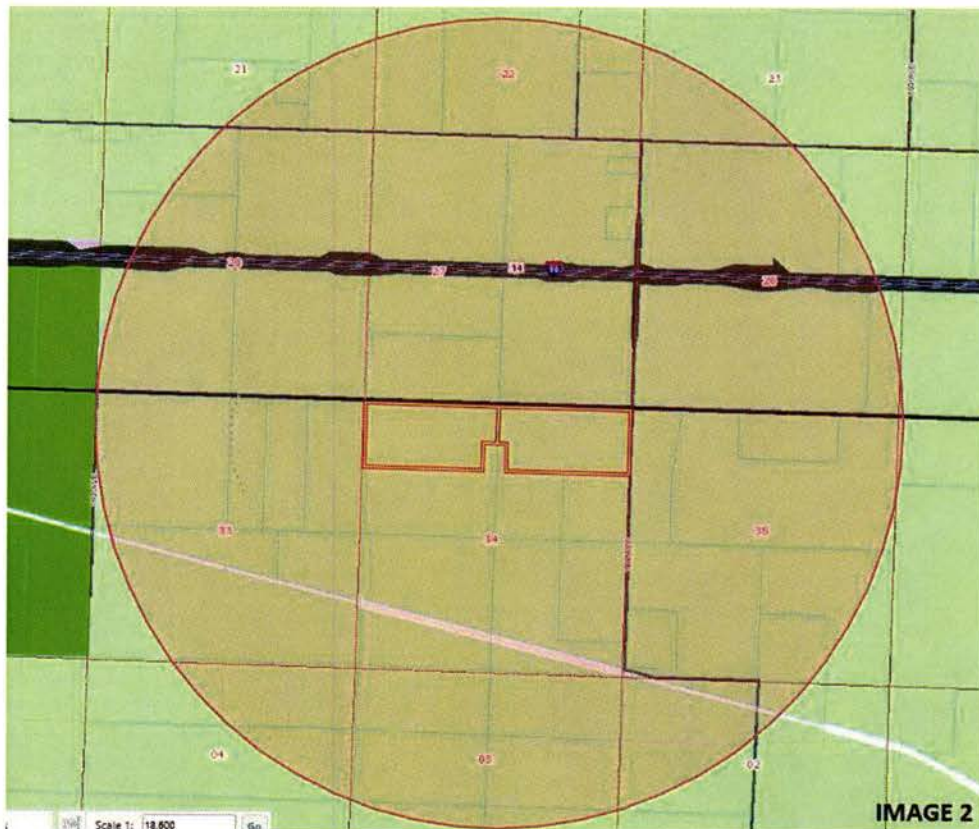
Special Flood Hazard area on the subject property.

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.



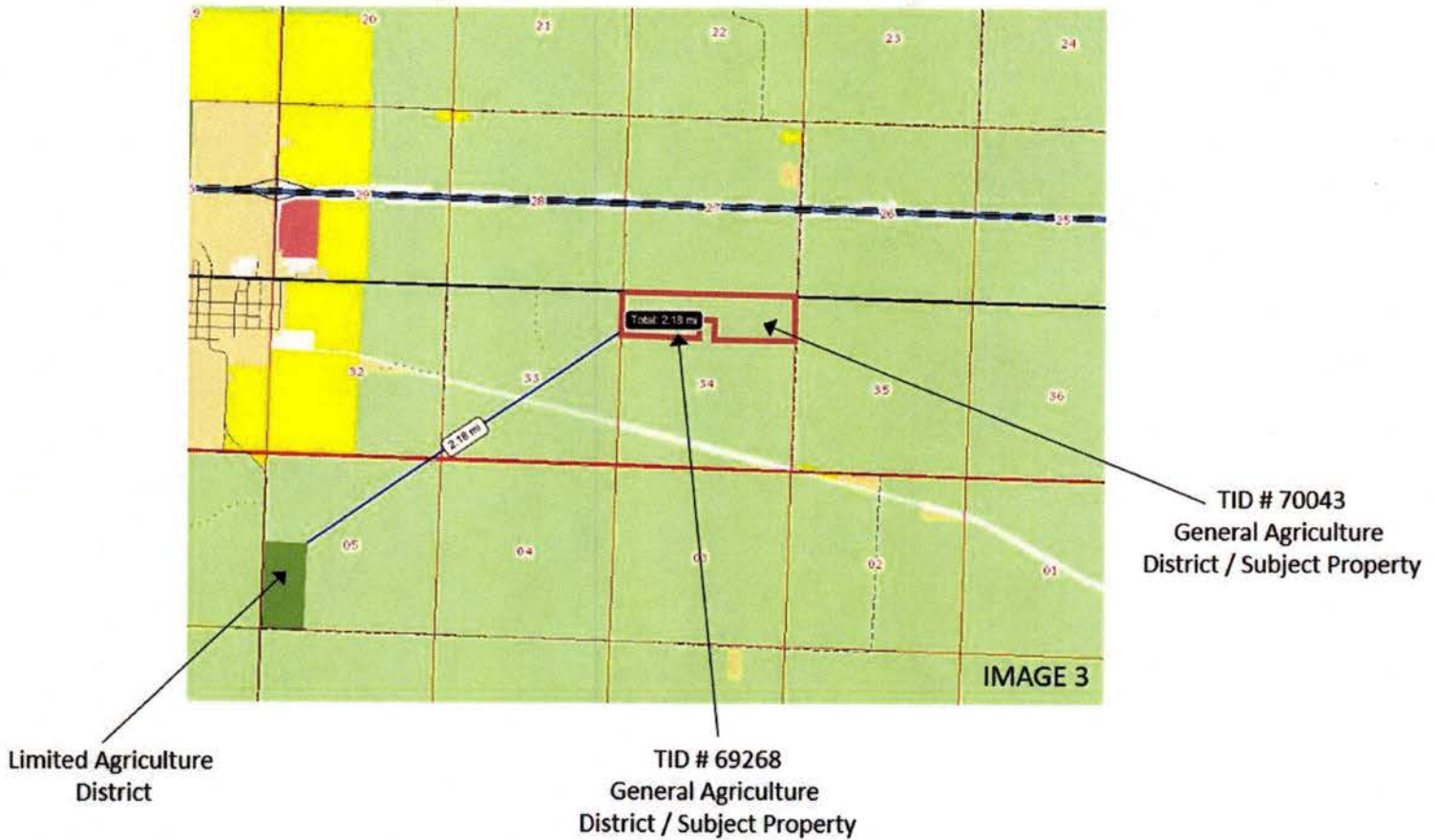
VI. REQUEST FOR COMMENT

- 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 Section 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.
- 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

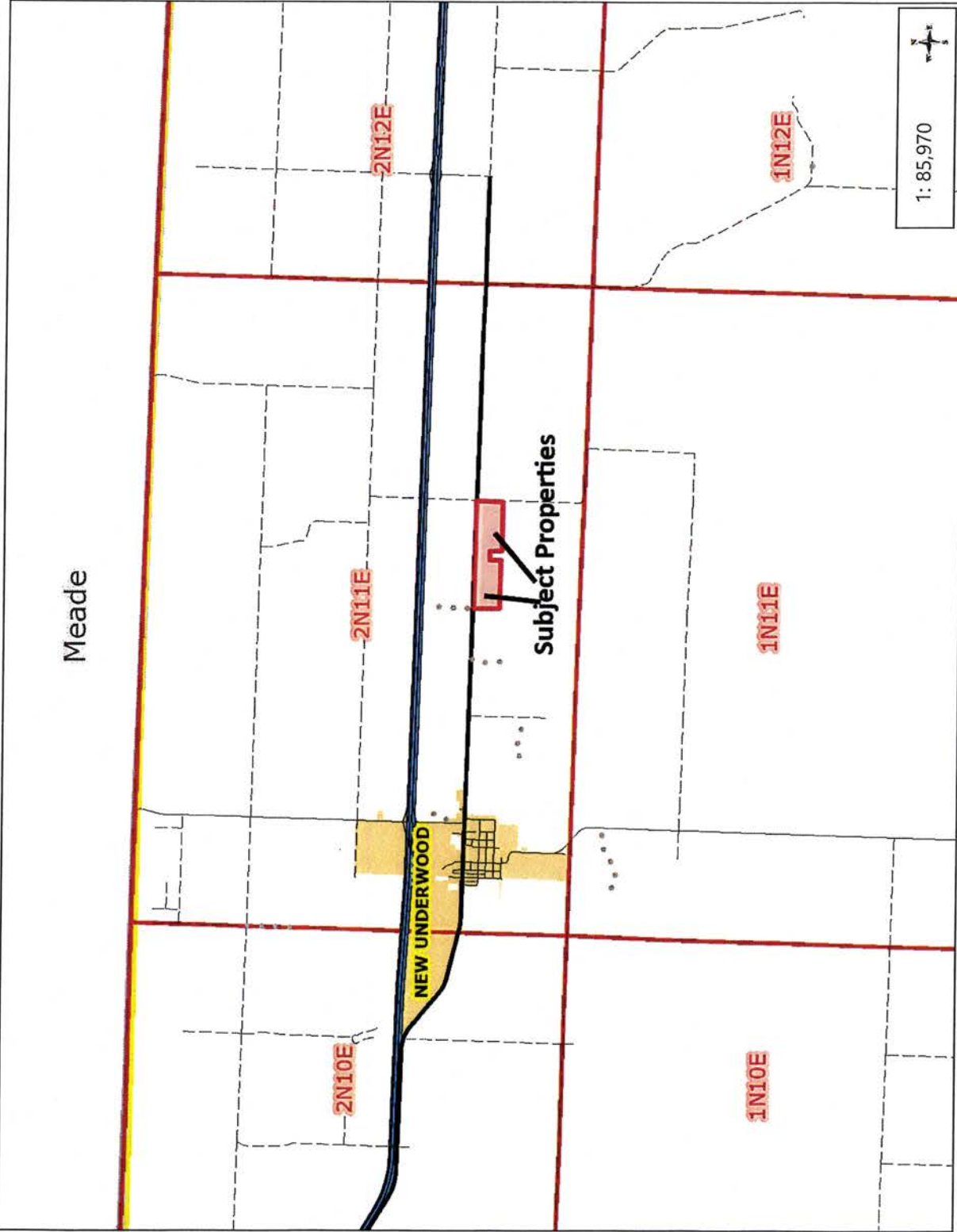
- A. October 1, 2019, the applicant applied for Rezone / RZ 19-16 and Comprehensive Plan Amendment / CA 19-16.
- B. There are several General Agriculture District properties currently located within 2-miles of the subject property. Property sizes range from approximately five (5) acres to forty (40) acres.
- C. The applicant's request to rezone from General Agriculture District to Limited Agriculture District is not in harmony with Pennington County's Proposed Future Land Use (FLU).
- D. Currently 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 existing uses of the land 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



Legend

- Roads**
- Interstate
 - US highway
 - SD highway
 - County highway
 - Main road
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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:

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THIS MAP IS NOT TO BE USED FOR NAVIGATION



1: 85,970





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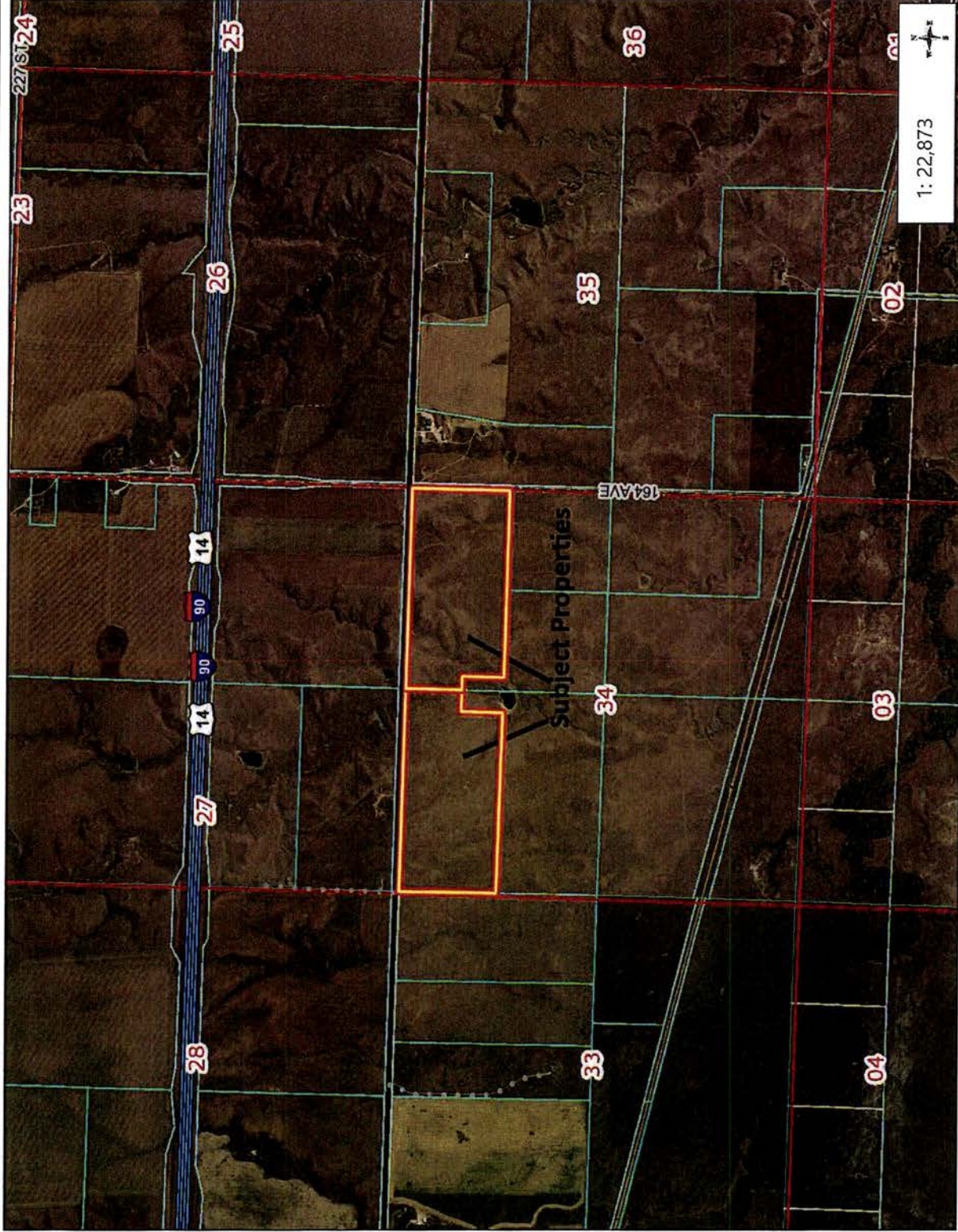
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Legend

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

Map Notes:



Legend

- Roads**
- Interstate
 - US highway
 - SD highway
 - County highway
 - Main road
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 - Collector
 - Ramp
 - Paved road
 - Unpaved road
 - Trail
 - Driveway
 - Alley
 - Unimproved road
 - Airport Runway
 - Not yet coded
- Section Lines 0-25k**
- Tax Parcels
 - Lot Lines
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 - Parcel Line
- Conceptual_Regions_Updated**
- Black Hills
 - Urbanized Area
 - Eastern Plains

Map Notes:

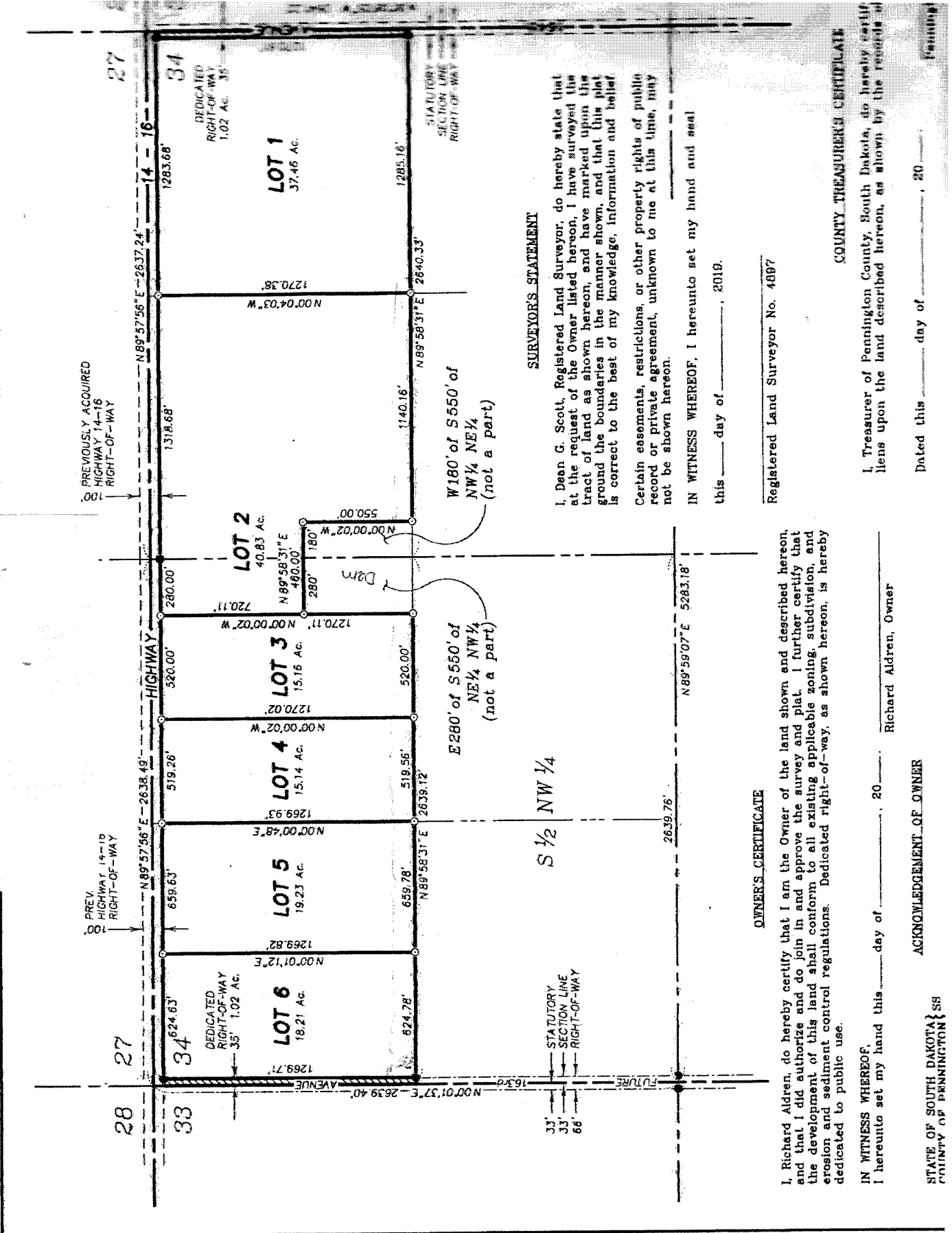
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Aldren



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 of land as shown hereon, and have marked upon the ground the boundaries in the manner shown, and that this 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. 4007

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____.

Richard Aldren, Owner

ACKNOWLEDGEMENT OF OWNER

STATE OF SOUTH DAKOTA }
 COUNTY OF PENNINGTON }

COUNTY TREASURER'S CERTIFICATE

I, Treasurer of Pennington County, South Dakota, do hereby certify liens upon the land described hereon, as shown by the records of

Dated this ____ day of _____, 20____.

Pennington

STAFF REPORT

GENERAL INFORMATION:

REQUEST: **CONDITIONAL USE PERMIT / CU 19-31:** To allow for a cleaning business to be operated out of an existing shop building in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

APPLICANT: Ken Willard / Mike Willard

APPLICANT ADDRESS: 22740 Highway 385, Rapid City, SD 57702

AGENT: Fisk Land Surveying

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

OTHER LANDOWNER: Lillian Kienzle Trustee

ADDRESS: 12671 Kinsley Drive, Rapid City, SD 57702

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

SITE LOCATION: 22740 Highway 385; north of the intersection of E. Slate Road and Deerfield Park Drive.

SIZE: 61.83 acres

TAX ID: 66486

EXISTING LAND USE: Residential / Commercial Business

ZONING REFERENCE: §§ 205 and 510

CURRENT ZONING: General Agriculture District

SURROUNDING ZONING:

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

Agenda Item #9
Ken Willard / Mike Willard
December 2, 2019

West
Suburban Residential District
Low Density Residential District
General Agriculture District

PHYSICAL CHARACTERISTICS: Open Meadow / Forest

UTILITIES: Private

PREPARED BY: Jason Theunissen

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending approval of Conditional Use Permit / CU 19-31.

II. GENERAL DESCRIPTION

- A. The applicants Ken and Mike Willard requested a Conditional Use Permit to allow a cleaning business to be operated out of an existing shop building on the subject property (contractor equipment storage yard).

III. EXISTING CONDITIONS

- A. Zoned General Agriculture District.
1. To become Low Density Residential District under Rezone / RZ 19-14 and Comprehensive Plan Amendment / CA 19-14.
- B. 61.83 acres.
1. Minor Plat / MPL 19-42 will create:
 - a. Lot 1 of Willard Ranch Subdivision – 3.43 acres.
 - b. Lot 2 of Willard Ranch Subdivision – 5.39 acres.
 - c. Remaining Balance of THAT PT OF W1/2SE1/4 AND THAT PT OF SE1/4SE1/4 LOCATED E OF HIGHWAY 385 LESS FOREST VIEW SUBD LESS LOT H1 – 53 acres.
- C. There is Special Flood Hazard Area on the subject property (100-year).
- D. Lot contains:
1. County Violation Case # COVO19-0152 – for operating a commercial business without a Conditional Use Permit.
 2. Manufactured home – 2010COBP0299.
 - a. Onsite wastewater treatment system.
 - i. County Operating Permit – COOP18-0952.
 3. Shop/pole building – 2011COBP0421.
 - a. Onsite wastewater treatment system.
 - i. County On-site Wastewater Construction Permit – 2012COSD0027.
 4. Single-wide mobile home / Ranch Hand's residence – 1973 (per Department of Equalization records).
 - a. Onsite Wastewater Treatment System.
 - i. County Operating Permit – COOP13-0127.

IV. REQUEST FOR COMMENT

- A. County Highway Department, County Fire Administrator, County Environmental Planner, Emergency Services (9-1-1)
 - 1. *Staff Comment: No comments received.*
- B. County Professional Environmental Planner
 - 1. There is Special Flood Hazard Area on the subject property. If any disturbance or development is to occur in the SFHA a Floodplain Development Permit is required prior to the work.
 - 2. A Construction Permit was approved by the Planning Director for construction of a driveway to proposed Lot 2.
 - 3. A Floodplain Development Permit was approved for the construction of the driveway within the SFHA.
- C. County Ordinance Enforcement
 - 1. Open violation for operating a commercial business without a Conditional Use Permit.
- D. County Natural Resources Director
 - 1. No objections.
- E. County Address Coordinator
 - 1. Address must be assigned and posted in accordance with Pennington County Ordinance #20.
- F. U. S. Forest Service
 - 1. The current landowner of record Willard Ranch Irrevocable Trust (Kien and Lillian Willard, Michael Willard) **do not have legal access across National Forest System lands to the National Forest System Road (NFSR) 642 Merritt School Road** from the north side of the private property described as: THAT PT OF W1/2SE1/4 AND THAT PT OF SE1/4SE1/4 LOCATED E OF HIGHWAY 385 LESS FOREST VIEW SUBD LESS LOT H1, BHM, Pennington County, South Dakota; **the Forest Service has not granted a Federal Land Policy and Management Act (FLPMA) Private Road Easement or a FLPMA Forest Road Special Use Permit to the Willard Ranch Irrevocable Trust (Kien and Lillian Willard, Michael Willard) that crosses National Forest System Lands to the National Forest System Road (NFSR) 642 Merritt School Road; no application has been filed by Willard Ranch Irrevocable Trust (Kien and Lillian Willard, Michael Willard).**
 - 2. Protect all posted boundary line corners, signs and bearing tress.
 - 3. Adhere to the setback requirements along the posted boundary between National Forest System lands (USA Public Domain; located on the north and east sides of private property) and private property.
 - 4. Protect all known stream courses, ponds and riparian areas located on National Forest System lands.
 - 5. No resource damage to occur on National Forest System lands.

6. All proposed drain fields, leach lines or septic systems will need to be located on private property and not located on or drain or leach onto National Forest System lands.
7. All construction materials, supplies, trash or garbage will not be located or dumped on National Forest System lands.
8. Public roads in this area of the Black Hills National Forest are classified as "Roads Open to Highway Legal Vehicles Only" and "Roads open to all Vehicles" per the latest version (January 1, 2019) of the Motor Vehicle Use Map.
9. No motorized trailheads or motorized trails or motorized roads are planned or scheduled for this portion of the Black Hills National Forest.
10. No motorized trails for ATV, motorcycles or ORV will be authorized from private property unto National Forest System lands (USFS does not want unauthorized trails constructed on National Forest System lands).

V. CONSIDERATIONS FOR CONDITIONAL USE PERMIT REQUEST

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

- A. **The effect upon the use and enjoyment of the other property in the immediate vicinity for the uses already permitted, and upon property values within the immediate vicinity.**
 1. This Conditional Use Permit could affect the use and enjoyment of other properties in the immediate vicinity due to increased traffic and potential noise. The applicant will be operating the cleaning business and living on the contiguous property.
 2. Staff cannot predict the effect that the requested use will have on property values within the immediate vicinity.
- B. **The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.**
 1. The proposed use should have a minimal effect on the normal, orderly development or improvement of any surrounding vacant property in the area.
- C. **That utilities, access roads, drainage, and/or other necessary facilities are provided.**
 1. The proposed use of the existing single-family residence and cleaning business operations should not require any utilities or facilities that are not already in place.

2. Access will need to be established through the US Forest Service.
3. There is 100-year Special Flood Hazard Area on the subject property. However, Staff has no drainage concerns relating specifically to the applicant's request at this time.

D. That the off-street parking and loading requirements of these Zoning Ordinances are met.

1. Pennington County Zoning Ordinance § 310(A)(t) – Minimum Off-Street Parking Requirements – requires parking or storage for all vehicles used directly in the conduct of such industrial use, plus one parking space for every three employees on the premise at maximum employment on a single shift.
2. Staff confirmed with the applicant's agent, via email, that there are two (2) service vehicles used for business operations and seven (7) employees. Therefore, five (5) parking spaces are required in total.
3. Staff reviewed aerial photos of the subject property and there appears to be adequate parking.

E. That measures are taken to control offensive odor, fumes, dust, noise, vibration, and lighting (inclusive of lighted signs), so that none of these will constitute a nuisance.

1. The proposed Conditional Use should have limited odor, fumes, dust, noise, vibrations and intrusive lighting.
2. The proposed use should not create the above-listed elements in an amount that would constitute a nuisance.

VI. ANALYSIS

- A. July 3, 2019 – Staff performed a site visit to the subject property to inspect a soil profile hole and discovered an unpermitted commercial business being operated on the subject property. County Violation Case # COVO19-0152 was subsequently opened.
- B. November 1, 2019 – The applicant applied for Conditional Use Permit / CU 19-31 to operate a cleaning business on the subject property.
- C. The cleaning business is currently operated out of a shop building on the subject property.
 1. As of this report, the address 22748 Highway 385 has been assigned to this structure, with notification mailed to the applicant.
 2. The new address will need to be posted in accordance with Pennington County Ordinance #20.
 3. Hours of operation are Monday through Thursday from 7:00 am to 10:00 pm.
- D. Pennington County Zoning Ordinance (PCZO) Section 205(C)(23) – General Agriculture District – states “that a Contractor's Equipment Storage Yard is a permitted use upon approval of a Conditional Use Permit.”

Agenda Item #9
Ken Willard / Mike Willard
December 2, 2019

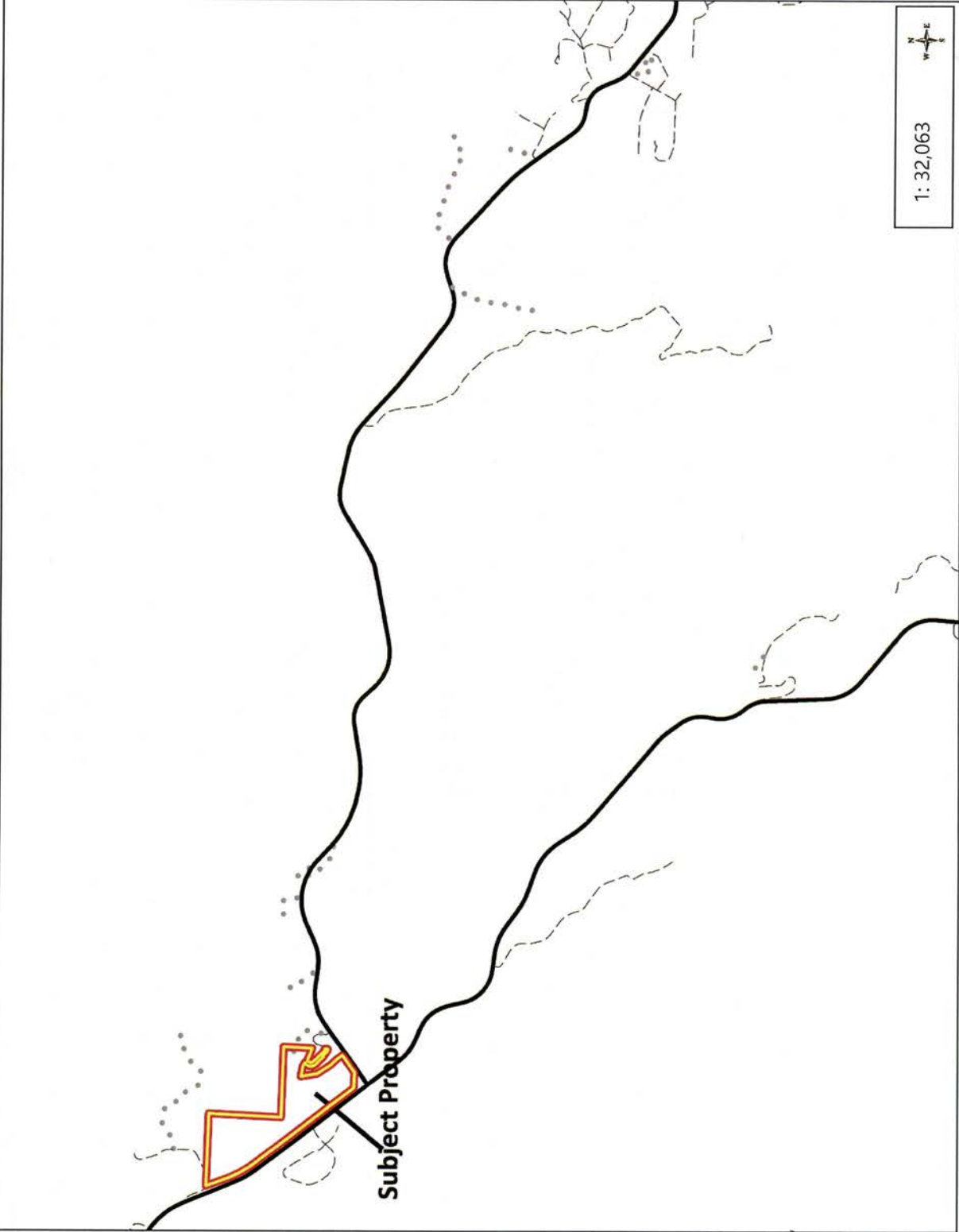
- E. PCZO Section 103 – Definitions – defines a Contractor’s Equipment Storage Yard to be “a facility for the storage of equipment, material, and supplies used in conjunction with a contractor’s business.”
- F. Per National Forest Service comments received, the current landowner of record Willard Ranch Irrevocable Trust (Kien and Lillian Willard, Michael Willard) **do not** have legal access across National Forest System lands to the National Forest System Road (NFSR) 642 Merritt School Road from the north side of the subject property.
- G. The use of this structure as a contractor’s storage yard to operate a cleaning business appears to be in harmony with the conditional use of a General Agriculture District, as described in Pennington County Zoning Ordinance (PCZO) § 205(C)(23).

RECOMMENDATION: Staff recommends approval of Conditional Use Permit / CU 19-31 with the following conditions:

1. That the landowner establish and maintain legal access across National Forest System lands to access the north side of the subject property, per National Forest Service comments above;
2. That any exterior lighting must be of low-level intensity and not result in excessive glare upon surrounding neighbors, constituting a nuisance;
3. That the addresses for both the contractor’s equipment storage yard structure and the single-family residence (22748 Highway 385 & 22740 Highway 385) be posted at all times in accordance with Pennington County’s Ordinance #20;
4. That the minimum number of required parking spaces shall be provided in accordance with Pennington County Zoning Ordinance § 310(A)(t), which requires parking or storage for all vehicles used directly in the conduct of such industrial use, plus one parking space for every three employees;
5. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
6. That 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;
7. That an approved Floodplain Development Permit be obtained prior to any work being conducted within the boundaries of the Special Flood Hazard Area;
8. That hours of operation be Monday through Thursday, from 7:00 am to 10:00 pm;

Agenda Item #9
Ken Willard / Mike Willard
December 2, 2019

9. That the shop structure and its parking area be used only for the storage of materials, equipment, and supplies for the cleaning business and that all cleaning services be performed off-site;
10. That the property remains free of debris and junk vehicles and all structures be well-maintained; and,
11. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.



1: 32,063



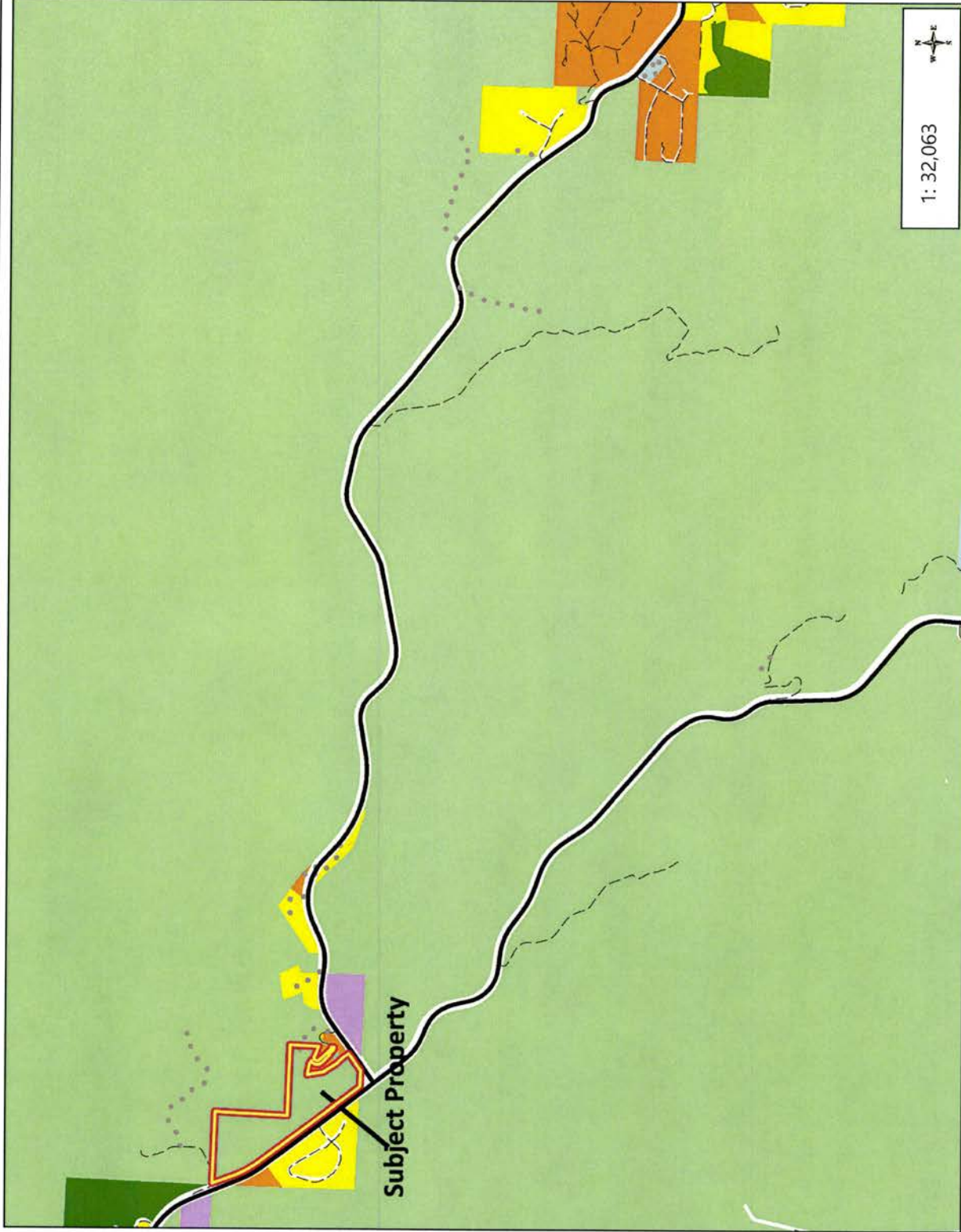
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Legend

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 - Collector
 - Ramp
 - Paved road
 - Unpaved road
 - Trail
 - Driveway
 - Alley
 - Unimproved road
 - Airport Runway
 - Not yet coded
- Section Lines 0-25k**
 - 0
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- Section Labels 0-25k**
- Tax Parcels**
- Lot Lines**
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 - Lot Line
 - Parcel Line
- City Boundaries**
 - BOX ELDER
 - ELLSWORTH AFB
 - HILL CITY
 - KEYSTONE
 - NEW UNDERWOOD
 - QUINN
 - RAPID CITY

Map Notes:



1: 32,063

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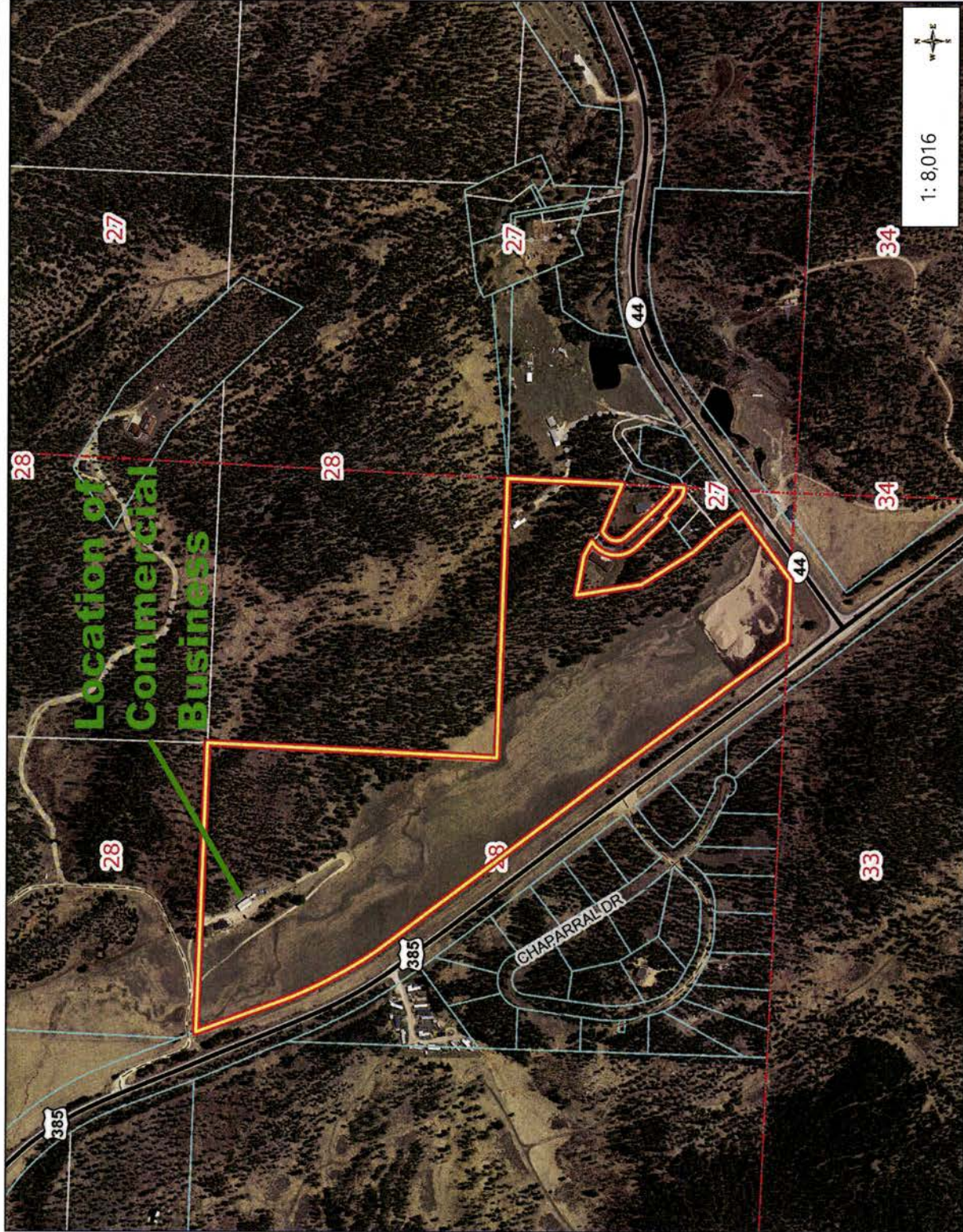
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 - Lot Line
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- BOX ELDER
 - ELLSWORTH AFB
 - HILL CITY
 - KEYSTONE
 - NEW UNDERWOOD
 - QUINN
 - RAPID CITY

Map Notes:



1: 8,016



Legend

- Roads**
- Interstate
 - US highway
 - SD highway
 - County highway
 - Main road
 - Minor arterial
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 - Ramp
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- Section Lines 0-25k**
- 0
 - 7
- Tax Parcels**
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STAFF REPORT

GENERAL INFORMATION:

REQUEST: MINOR PLAT / MPL 19-42: To create Lots 1 and 2 of Willard Ranch Subdivision in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

APPLICANT: Willard Ranch / Ken Willard / Mike Willard

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

AGENT: Fisk Land Surveying

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

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

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

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

SIZE: 61.83 acres

TAX ID: 66486

EXISTING LAND USE: Residential/Agriculture

SUBDIVISION REGULATIONS REFERENCE: § 400.3

CURRENT ZONING: General Agriculture District

SURROUNDING ZONING:

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

Agenda Item #10
Ken Willard; Fisk Land Surveying - Agent
December 2, 2019

West
Suburban Residential District
Low Density Residential District
General Agriculture District

PHYSICAL CHARACTERISTICS: Forested / Open Meadow

UTILITIES: Private

REPORT BY: Jason Theunissen

I. PROPOSED RECOMMENDATION

- A. Staff will be recommending approval of Minor Plat / MPL 19-42 with conditions.

II. GENERAL DESCRIPTION

- A. The applicant, Ken Willard, has requested to subdivide approximately 8.82 acres into two (2) lots to allow for construction of a single-family residence on the proposed vacant lot.

III. EXISTING CONDITIONS

- A. Parent Parcel (THAT PT OF W1/2SE1/4 AND THAT PT OF SE1/4SE1/4 LOCATED E OF HIGHWAY 385 LESS FOREST VIEW SUBD LESS LOT H1):
1. Zoned General Agriculture District.
 2. 61.83 acres.
 3. There is Special Flood Hazard Area on the subject property.
 4. Lot contains:
 - a. County Violation Case # COVO19-0152 – for operating a commercial business in a residential district without a Conditional Use Permit.
 - b. Manufactured home – 2010COBP0299.
 - i. Onsite wastewater treatment system.
 - ii. County Operating Permit – COOP18-0952.
 - c. Shop/pole building – 2011COBP0421.
 - i. Onsite wastewater treatment system.
 - ii. County On-site Wastewater Construction Permit – 2012COSD0027.
 - d. Single-wide mobile home / Ranch Hand's residence – 1973 (per Department of Equalization records).
 - i. Onsite Wastewater Treatment System.
 - ii. County Operating Permit – COOP13-0127.



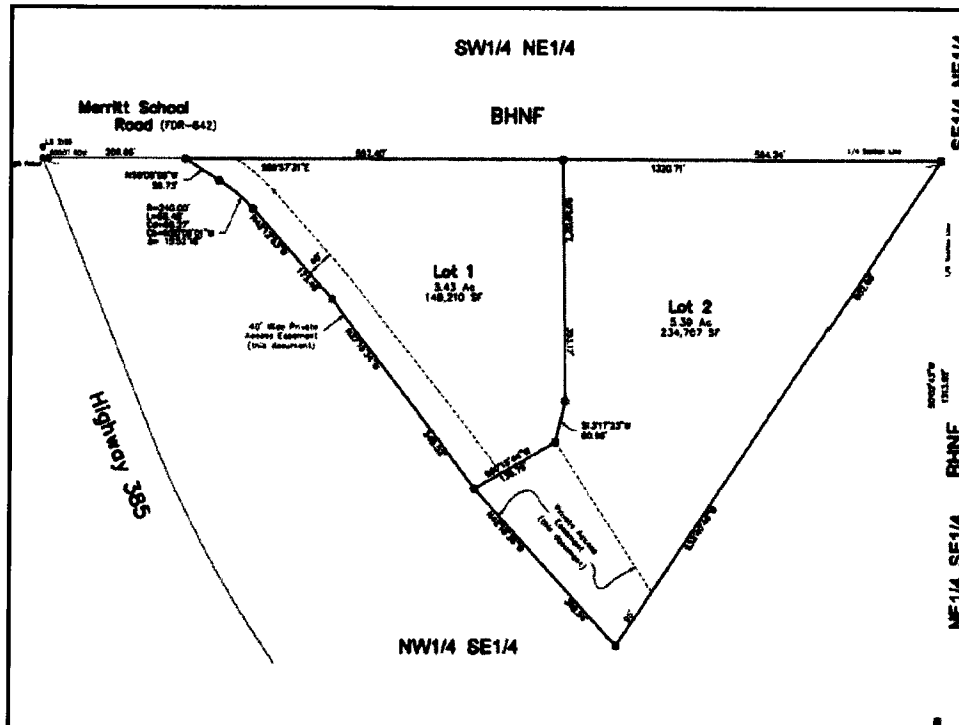
Existing Lot (Parent Parcel)

IV. PROPOSED LOTS

- A. Lot 1 of Willard Ranch Subdivision.
 - 1. Zoned General Agriculture District.
 - 2. 3.43 acres.
 - a. Rezone or Lot Size Variance is required.
 - i. November 19, 2019 – The Board of Commissioners approved the second reading of Rezone / RZ 19-14 and Comprehensive Plan Amendment / CA 19-14, to change zoning to Low Density Residential District.
 - 3. Lot will contain:
 - a. Manufactured home
 - i. County Building Permit – 2010COBP0299.
 - ii. Onsite wastewater treatment system – 1,000-gallon septic tank and unknown drainfield size – COOP18-0952.
 - b. Shop/pole building
 - i. County Building Permit – 2011COBP0421.
 - ii. Onsite wastewater treatment system – 1,000-gallon holding tank – 2012COSD0027.
 - 4. Special Flood Hazard Area (100-year).

Agenda Item #10
Ken Willard; Fisk Land Surveying - Agent
December 2, 2019

- B. Lot 2 of Willard Ranch Subdivision.
 - 1. Zoned General Agriculture District.
 - 2. 5.39 acres.
 - a. Rezone and Comprehensive Plan was approved.
 - 3. Lot will be vacant of any structures.
 - 4. Special Flood Hazard Area.
 - 5. Proposed private access easement.
- C. Remaining Balance of THAT PT OF W1/2SE1/4 AND THAT PT OF SE1/4SE1/4 LOCATED E OF HIGHWAY 385 LESS FOREST VIEW SUBD LESS LOT H1.
 - 1. Zoned General Agriculture District.
 - 2. ~53 acres.
 - 3. Lot will contain:
 - a. Single-wide mobile home / ranch hand residence – 1973 (per Department of Equalization records).
 - i. Will become a primary residence once plat is filed with the Register of Deed's Office.
 - b. Onsite Wastewater Treatment System – 1,000-gallon septic tank and unknown drainfield size – COOP13-0127.



Proposed Plat of Willard Ranch Subdivision, Fisk Land Surveying – 7.31.19.

V. **REQUEST FOR COMMENT**

- A. County Highway Department
 - 1. No comments.
- B. County Fire Administrator, County Register of Deeds, County Onsite Wastewater Specialist, County Ordinance Enforcement Officer, County Natural Resources Director, Pennington County 9-1-1
 - 1. *Staff Comment: No comments received for items B-F.*
- C. County Professional Environmental Planner
 - 1. There is Special Flood Hazard Area on the subject property. If any disturbance or development is to occur in the SFHA a Floodplain Development Permit is required prior to the work.
 - 2. A Construction Permit was approved by the Planning Director for construction of a driveway to proposed Lot 2.
 - 3. A Floodplain Development Permit was approved for the construction of the driveway within the SFHA.
- D. U. S. Forest Service
 - 1. The current landowner of record Willard Ranch Irrevocable Trust (Kien and Lillian Willard, Michael Willard) **do not have legal access across National Forest System lands to the National Forest System Road (NFSR) 642 Merritt School Road** from the north side of the private property described as: THAT PT OF W1/2SE1/4 AND THAT PT OF SE1/4SE1/4 LOCATED E OF HIGHWAY 385 LESS FOREST VIEW SUBD LESS LOT H1, BHM, Pennington County, South Dakota; **the Forest Service has not granted a Federal Land Policy and Management Act (FLPMA) Private Road Easement or a FLPMA Forest Road Special Use Permit to the Willard Ranch Irrevocable Trust (Kien and Lillian Willard, Michael Willard) that crosses National Forest System Lands to the National Forest System Road (NFSR) 642 Merritt School Road; no application has been filed by Willard Ranch Irrevocable Trust (Kien and Lillian Willard, Michael Willard).**
 - 2. Protect all posted boundary line corners, signs and bearing tress.
 - 3. Adhere to the setback requirements along the posted boundary between National Forest System lands (USA Public Domain; located on the north and east sides of private property) and private property.
 - 4. Protect all known stream courses, ponds and riparian areas located on National Forest System lands.
 - 5. No resource damage to occur on National Forest System lands.
 - 6. All proposed drain fields, leach lines or septic systems will need to be located on private property and not located on or drain or leach onto National Forest System lands.
 - 7. All construction materials, supplies, trash or garbage will not be located or dumped on National Forest System lands.

8. Public roads in this area of the Black Hills National Forest are classified as "Roads Open to Highway Legal Vehicles Only" and "Roads open to all Vehicles" per the latest version (January 1, 2019) of the Motor Vehicle Use Map.
 9. No motorized trailheads or motorized trails or motorized roads are planned or scheduled for this portion of the Black Hills National Forest.
 10. No motorized trails for ATV, motorcycles or ORV will be authorized from private property unto National Forest System lands (USFS does not want unauthorized trails constructed on National Forest System lands).
- E. County Addressing Coordinator
1. An address will need to be assigned for the proposed business. Future addresses will be assigned through the Conditional Use Permit and Building Permit review process.

VI. ANALYSIS

- A. October 30, 2019 – The applicant applied for Minor Plat / MPL 19-42 to subdivide the subject property into two lots (and leave a remaining balance).
- B. November 1, 2019 – The applicant applied for Conditional Use Permit / CU 19-31 to operate a home business at 22740 Highway 385.
 1. An address was assigned through the Conditional Use Permit approval process (22748 Highway 385).
- C. November 5, 2019 – The Board of Commissioners approved Layout Plan / LPL 19-25 with the following 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;

Agenda Item #10
Ken Willard; Fisk Land Surveying - Agent
December 2, 2019

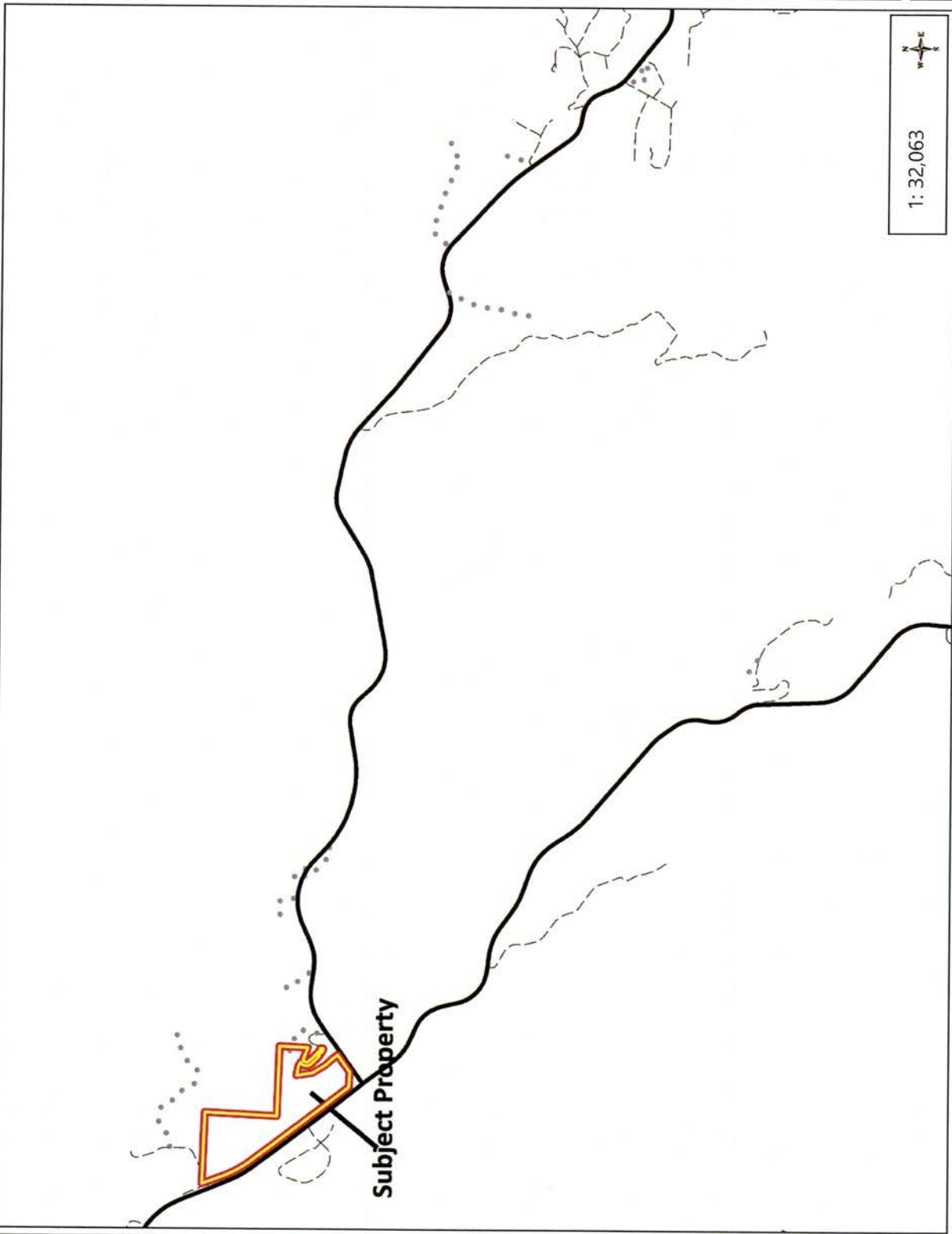
6. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
 7. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of Section 204-J of the Pennington County Zoning Ordinance, including the requirement 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.
- D. Staff recommends Condition # 8 be removed as a Condition of Approval due to the fact that it relates to a use of the land and should not be tied to the Platting process.
- E. Per National Forest Service comments above, the current landowners of record Willard Ranch Irrevocable Trust (Kien and Lillian Willard, Michael Willard) **do not** have legal access across National Forest System lands to the National Forest System Road (NFSR) 642 Merritt School Road from the north side of the subject property.

RECOMMENDATION: Staff recommends approval of Minor Plat / MPL 19-42 with the following conditions:

1. That upon filing the Plat with the Register of Deeds, eight (8) foot minor drainage and utility easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
2. That upon filing the Plat with the Register of Deed, the landowner have legal access across National Forest System lands to access the north side of the subject property, per National Forest Service comments above.
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 structures 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;

Agenda Item #10
Ken Willard; Fisk Land Surveying - Agent
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6. That the applicant ensures that all natural drainage ways are maintained and are not blocked; and,
7. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of Section 204-J of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit;



1: 32,063

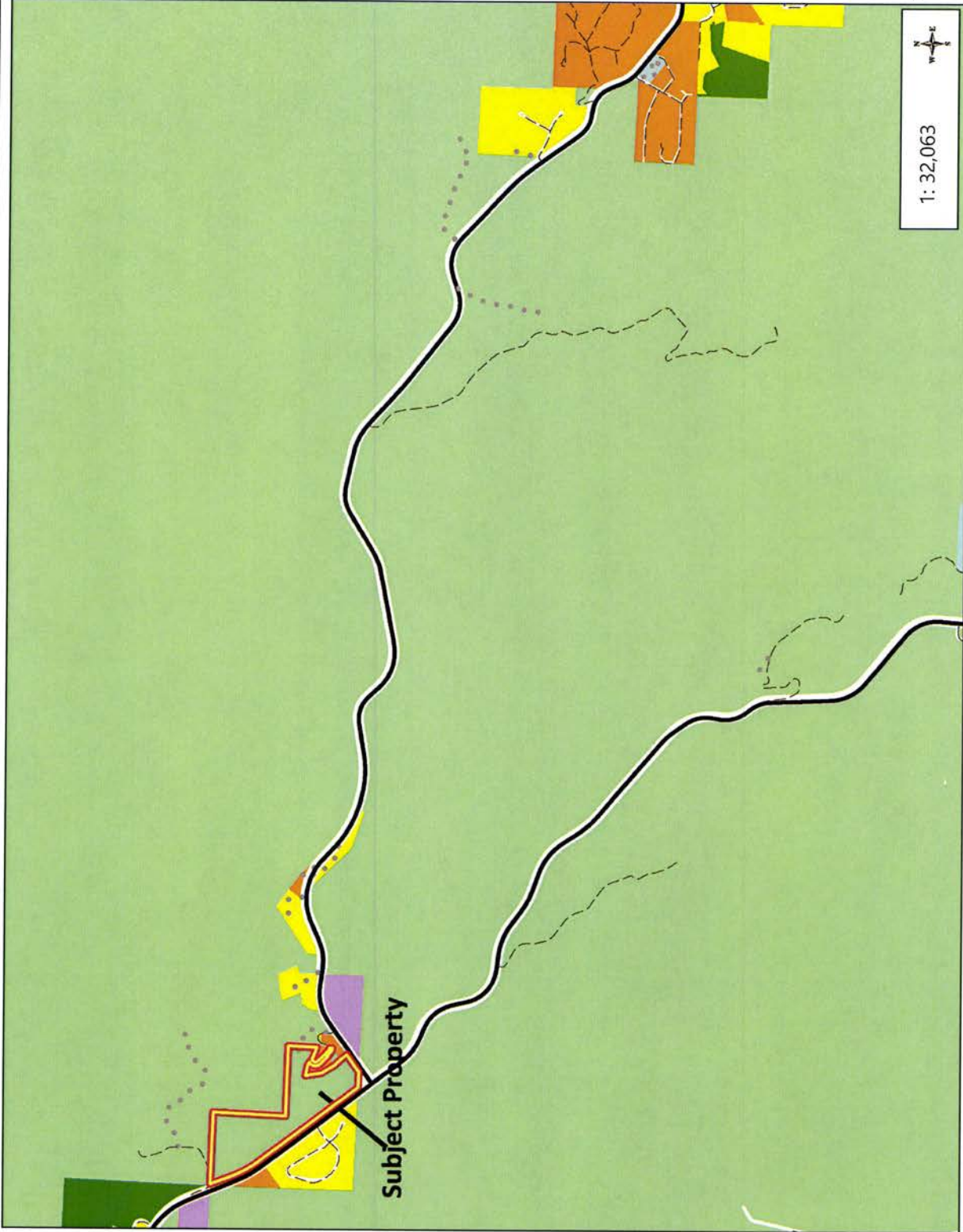


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Legend

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

Map Notes:



1: 32,063

5,343.8 Feet
2,671.88
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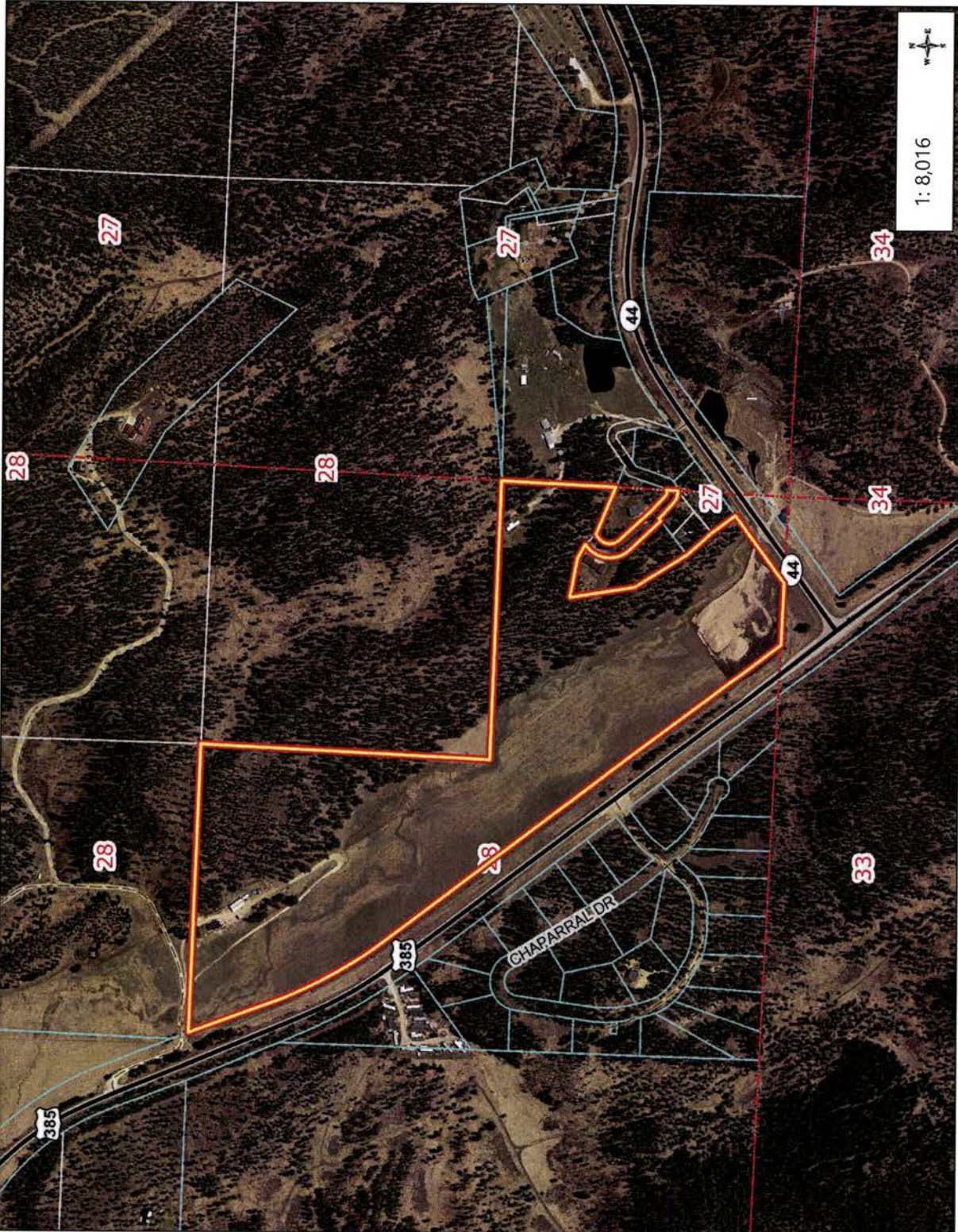
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NAD_1983_StatePlane_South_Dakota_South_FIPS_4002_Feet
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 - QUINN
 - RAPID CITY

Map Notes:



1: 8,016



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Map Notes:

Plat of Lots 1 and 2 of Willard Ranch Subdivision

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

Prepared by
Fisk Land Surveying
& Consulting Engineers, Inc.
P.O. Box 8154
Rapid City, SD 57709
(605) 348-1531
Project # 19-05-06

EASEMENTS

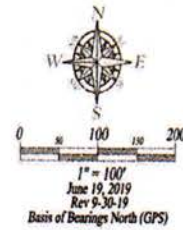
Utility & Minor Drainage Easements on the interior side of all lot lines

Water Protection Statement

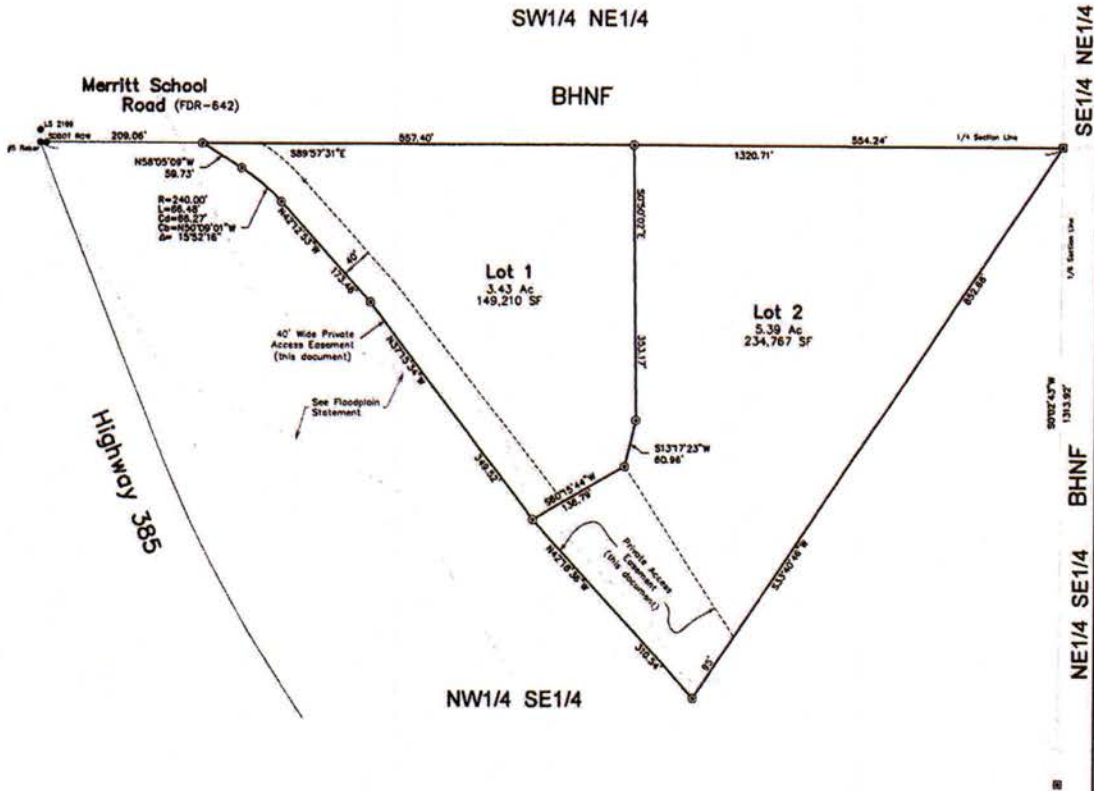
Pursuant to SDCL 11-3-8.1 and 11-3-2, the developer of the property described within this plat shall be responsible for protecting any waters of the state, including groundwater, located adjacent to or within such platted area from pollution from sewage from such subdivision and shall in prosecution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

Floodplain Statement

The 100-year floodplain, as shown hereon is graphically depicted from the map as an unstudied area. The floodplain information shown hereon serves as constructive notice that certain road hazards exist on portions of the subject property. The location of the floodplain, as shown hereon, may be subject to change.



- LEGEND**
- ⊙ = Set Rebar with cap marked "RW Fisk 6565"
 - = Found Survey Monument as noted
 - = Found USFS Aluminum Monument LS 3491



CERTIFICATE OF SURVEYOR

State of South Dakota County of Pennington §

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

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

Dated this _____ day of _____, 20____.

Ronald W. Fisk
Registered Land Surveyor No. 6565



CERTIFICATE OF HIGHWAY OR STREET AUTHORITY

State of South Dakota County of Pennington §

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

Dated this _____ day of _____, 20____.

Highway/Street Authority _____

CERTIFICATE OF COUNTY TREASURER

State of South Dakota County of Pennington §

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

Dated this _____ day of _____, 20____.

Treasurer of Pennington County _____

RESOLUTION BY GOVERNING BOARD

State of South Dakota County of Pennington §

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

Pennington County Auditor / Deputy _____

CERTIFICATE AND ACKNOWLEDGEMENT OF OWNERSHIP

State of South Dakota County of Pennington §

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

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

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

Notary Public _____

My Commission Expires _____

CERTIFICATE OF DIRECTOR OF EQUALIZATION

State of South Dakota County of Pennington §

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

Director of Equalization of Pennington County _____

Approved _____

Date _____

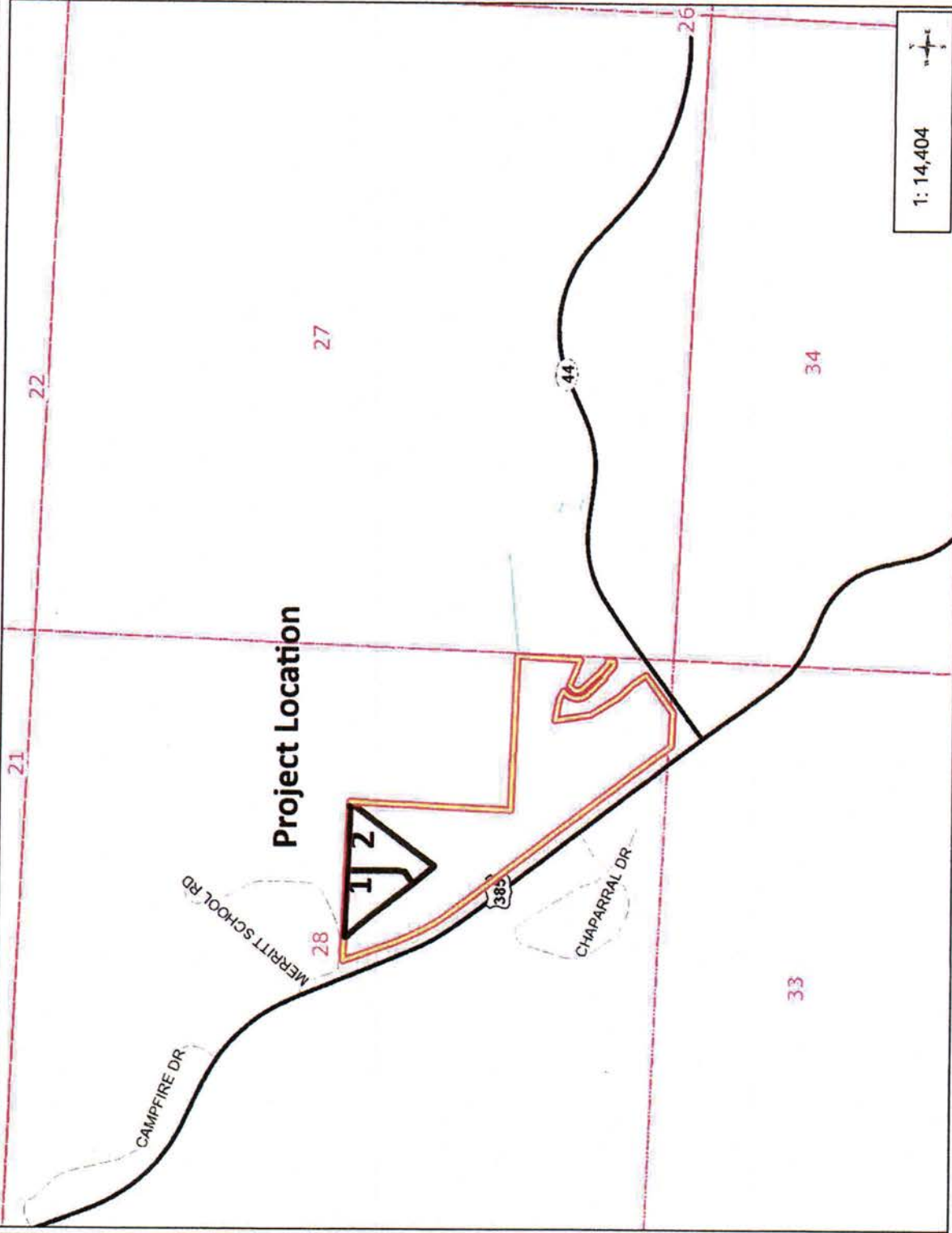
CERTIFICATE OF THE REGISTER OF DEEDS

State of South Dakota County of Pennington §

Filed this _____ day of _____, 20____.

Document Number _____

Register of Deeds of Pennington County _____



1: 14,404

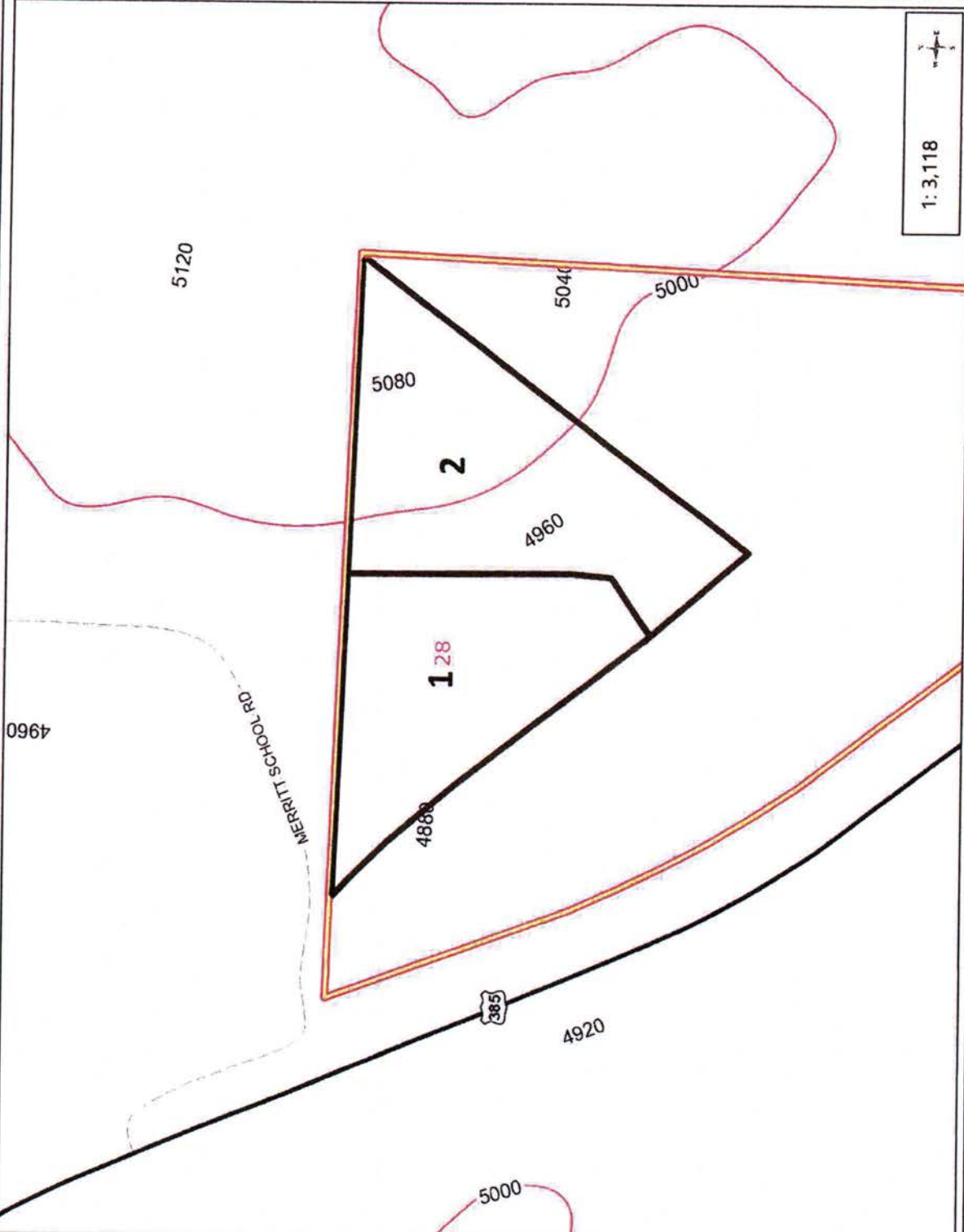
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 - Airport Runway
 - Not yet coded
- Section Lines 0-25k**
- Tax Parcels**
- Lot Lines**
- <Null>
 - Lot Line
 - Parcel Line

Map Notes:



1: 3,118



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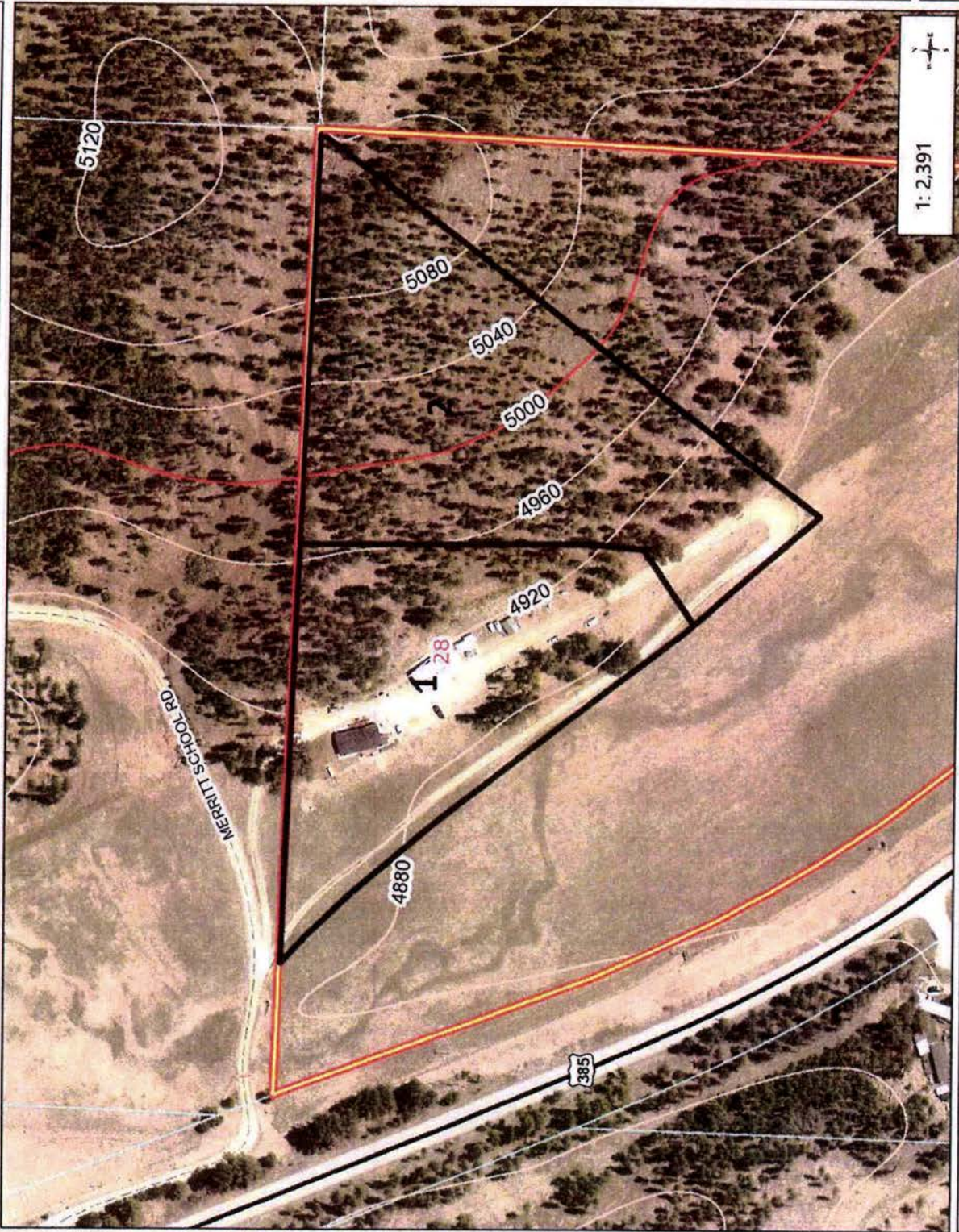


NAD_1983_2011_StatePlane_South_Dakota_South_FIPS_4002_FL_US
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Legend

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- USGS Contours (NAVD88)**
- Index
 - Intermediate
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- Tax Parcels**
- Lot Lines**
- <Null>
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 - Parcel Line

Map Notes:



1: 2,391

398.5 Feet

199.24

398.5

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USGS Contours (NAVD88)

- Index
- Intermediate

Section Lines 0-25k

- Tax Parcels

Lot Lines

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Map Notes:

STAFF REPORT

GENERAL INFORMATION:

REQUEST: **CONDITIONAL USE PERMIT / CU 19-33:** To allow Recreational Vehicle Park on the subject property to include RV sites, a gas station, a convenience store, and a bar in a Highway Service District in accordance with Sections 210, 306, and 510 of the Pennington County Zoning Ordinance.

APPLICANT: Robert Livingston

APPLICANT ADDRESS: 23851 Highway 385, Hill City, SD 57745

OWNER: K. W. Lindsay

OWNER ADDRESS: P.O. Box 1327, Dade City, FL 33526

LEGAL DESCRIPTION: Tract Lake of SW1/4SW1/4 of Section 27 and SE1/4 of Section 28, Section 27, T2N, R5E, BHM, Pennington County, South Dakota.

SITE LOCATION: 16001 W. Highway 44; at the intersection of US W. Highway 44 and Highway 385.

SIZE: 14.98 acres

TAX ID: 51321

EXISTING LAND USE: Abandoned Recreational Vehicle Park

ZONING REFERENCE: §§ 210, 306, and 510

CURRENT ZONING: Highway Service District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Flat

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Robert Livingston; K.W. Lindsay – Owner
December 2, 2019

UTILITIES: Private

PREPARED BY: Brittney Molitor

I. PROPOSED RECOMMENDATION

- A. Staff is unable to make a recommendation subject to receipt of all of the information to satisfy the requirements under Section 306 that includes, but is not limited to, a construction time schedule, SDDOT Approach Permit, and an approved Water Right Permit.

II. GENERAL DESCRIPTION

- A. The applicant, Robert Livingston, has requested a Conditional Use Permit to allow a Recreational Vehicle (RV) Park. The RV Park will include:
 - 1. 22 RV sites.
 - 2. A gas station.
 - 3. A convenience store.
 - 4. A bar to serve beer and wine.

III. EXISTING CONDITIONS

- A. Zoned Highway Service District.
- B. 14.98 acres.
- C. Lot contains:
 - 1. Convenience Store building – built in 1960 per Department of Equalization (DOE) records.
 - a. An Easement is filed with the Register of Deeds for the encroachment of the onsite wastewater treatment system onto National Forest System (NFS) lands to the west.
 - b. The size of the onsite wastewater treatment system is unknown.
 - 2. Equipment Shed – built in 1980 per DOE records.
 - a. 2005COSD0125 – 1,000 gallon holding tank.
 - 3. Telecommunications Tower.
 - 4. Fuel pumps.
 - a. Underground storage tanks for fuel storage.
 - i. Building Permit 97-295



Aerial Photograph of Site

IV. PRIOR REQUESTS ON THE SUBJECT PROPERTY

- A. Building Permit #293 – Drive-in eatery.
- B. Building permit #4740 – Cabin.
- C. Relocation of Section Line / RS 97-02 – To relocate a portion of the east west Section Line Right-of-Way (SLROW) to SD-44 and along the SLROW that runs north and south through the property.
- D. Rezone / RZ 97-13 – To rezone *a portion of Tract Lake, Section 28, T2N, R5E, BHM, Pennington County* from General Agriculture District to Highway Service District to allow the main structure on the property to be utilized as a store.
 1. Approved by the Board of Commissioners on May 6, 1997.
- E. Floodplain Development Permit / FP 97-03 – To elevate areas above the base flood elevation to allow future camp sites.
- F. Floodplain Development Permit / FP 97-04 – To develop recreational vehicle sites and future road construction.
- G. Building Permit 97-34 – Removal of shed.
- H. Building Permit 97-243 – Construction of shop building.
- I. Conditional Use Permit / CU 04-33 – To allow a temporary campground.
 1. Denied by the Planning Commission on August 23, 2004 with the applicant's consent.
- J. Variance / VA 04-32 – To reduce the minimum side yard setback from ten (10) feet to zero (0) feet.

1. Denied without prejudice by the Board of Commissioners on September 14, 2004.
- K. Rezone / RZ 04-32 – To rezone the remaining portion of *Tract Lake, Section 28, T2N, R5E, BHM, Pennington County* from General Agriculture District to Highway Service District.
- L. Relocation of SLROW / RS 04-03 – To relocate the SLROW off of the property and off of NFS lands to South Dakota Highway 385 and South Dakota Highway 44 ROW and along the east property line of the subject property.
- M. Variance / VA 05-08 – To reduce the side/rear yard setback from ten (10) feet to zero (0) feet to allow an existing garage, store and deck.
 1. Approved by the Board of Commissioners on April 26, 2005.
- N. Conditional Use Permit / CU 05-40 – To allow for a Recreational Vehicle Park in accordance with Section 306.
 1. Approved by the Planning Commission on October 24, 2005.
 2. Revoked by the Planning Commission on November 13, 2006 as the use was never established.
- O. Conditional Use Permit / 07-07 – To allow for a Recreational Vehicle Park in accordance with Section 306.
 1. Denied without prejudice by the Planning Commission on April 23, 2007.
 - a. The applicant appealed the Planning Commission’s decision of denial without prejudice.
 2. Approved by the Board of Commissioner on May 8, 2007.
 3. Revoked by the Planning Commission on May 14, 2012 as the use was never established and Conditions of Approval not met.
- P. Conditional Use Permit / 08-10 – To allow a telecommunications tower.
 1. Approved by the Board of Commissioners on August 5, 2008.
- Q. Onsite Wastewater Treatment System – 2010COSD0091
 1. Approved for a maximum daily flow of 2,900 gallon per day (i.e. 29 RV sites).

V. SECTION 306 REQUIREMENTS (RECREATIONAL VEHICLE PARKS)

The following information shall be shown:

- A. The location and legal description of the proposed recreational vehicle park.
 1. The RV Park will be located at the intersection of W. Highway 44 and Highway 385. The legal description for the property is Tract Lake of SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 27 and SE $\frac{1}{4}$ of Section 28, Section 27, T2N, R5E, BHM, Pennington County, South Dakota.
- B. Plans and specifications of all buildings, improvements, and facilities constructed or to be constructed within the recreational vehicle park.
 1. The attached site plan was submitted showing the locations of all the buildings, RV sites, gas pumps, storage buildings, onsite wastewater treatment systems and telecommunications tower.

Agenda Item #11

Robert Livingston; K.W. Lindsay – Owner

December 2, 2019

- C. The proposed use of buildings shown on the site.
 - 1. The applicant submitted an attached statement describing the proposed uses on the subject property.
- D. The location and size of all recreational vehicle spaces.
 - 1. Shown on the attached site plan.
- E. The location of all points of entry and exit for motor vehicles and internal circulation pattern.
 - 1. See SDDOT comments. More information is needed for the SDDOT to approve an Approach Permit for this use.
- F. The location of all landscaping to be provided.
 - 1. Shown on the attached site plan.
- G. The location of all lighting standards to be provided.
 - 1. This information is needed prior to approval of this Conditional Use Permit.
- H. The location of all walls and fences and the indication of their height and the materials of their construction.
 - 1. This information is needed prior to approval of this Conditional Use Permit.
- I. The name and address of the applicant.
 - 1. Robert Livingston – applicant.
 - 2. 23851 Highway 385, Hill City, SD 57745.
 - 3. K. W. Lindsay – owner.
 - 4. P.O. Box 1327, Dade City, FL 33526.
- J. Such other architectural and engineering data as may be required to permit the Planning and Zoning Director, the Commission, and the Board to determine if the provisions of these Zoning Ordinances are being complied with.
 - 1. At this time, the Planning Director has not requested additional information. The Planning Commission and Board have not heard the request and may require additional information in the future.
- K. A time schedule for development shall be prepared which shall demonstrate the applicant's readiness and ability to provide the proposed services; and all required improvements and facilities shall be installed within one (1) year, unless the Board, on recommendation from the Commission, approves a plan for staged construction.
 - 1. This has not been submitted by the applicant nor the property owner.
- L. Utility service connections to be provided.
 - 1. The site has existing electricity and some information is provided on the site plan. However, a full utility plan has not been provided.
- M. A domestic water system approved by the Pennington County Planning Department.

1. There is an existing well on the site. However, it requires a water right from DENR for this commercial use.
 2. Staff contacted DENR to inquire if a water right has been obtained for this use. At this time, DENR has not received an application nor issued a water right for this commercial use.
- N. A water carriage wastewater disposal system approved by the Pennington County Planning Department.
1. See comments from the County's Onsite Wastewater Coordinator. More information is needed as to the onsite wastewater treatment system plan. Approval is also needed by DENR for the use of existing onsite wastewater treatment system for the store and bar and the RV sites.
- O. A typical lot plan for a recreational vehicle space detailing location and method.
1. The is shown on the attached site plan.
- P. A complete drainage plan to include topography to at least 5-foot-contour intervals.
1. An email from the design engineer indicates that all drainage from the site will drain to the pond.
 2. See also comments from SDDOT regarding the drainage information needed for the Approach Permit.

VI. REQUEST FOR COMMENT

- A. County Highway
1. The silt fence needs to be along the pond edge and not half way between the pond and hill.
 2. The SDDOT should have a chance to review since the drainage is into their ROW and access is from SD44.
- B. South Dakota Department of Transportation (SDDOT)
1. SDDOT will require the landowner to apply for Highway Access. Additionally, the landowner/applicant will need to provide the following:
 - a. A site plan.
 - b. Typical size of the vehicles entering and exiting the site.
 - c. Anticipated traffic volumes at the site in vehicles/day.
 - d. RV, truck-trailer/camper and delivery truck turning movement templates entering and exiting SD44 at the site.
 - e. Site access enhancements (profile, channelization, radius/throat length/design based on vehicle turn movements).
 2. Once the information above is provided, SDDOT will review the attached plans for drainage needs and final requirements of the permit will be determined.

3. When SDDOT completes the permit and returns it, all DOT standards and construction requirements will be included.
 4. All costs for construction will be the responsibility of the permittee.
- C. County Onsite Wastewater Specialist
1. The applicant installed a 1000-gallon holding tank in 2006 (2005COSD0125). Without all the information/proposal, it is assumed the holding tank was installed to service the store and gas station. More information is needed to determine if the tank is sized properly for their needs.
 - a. *Staff Comment: The holding tank serves the shop building.*
 2. The applicant also installed another septic system (2010COSD0091). This system was approved by DENR in a letter dated February 16, 2007, to service 29 full service RV sites.
 3. The applicant would need to submit a complete plan showing everything on the property that would need septic and which system it will go to and provide calculations showing the existing system can handle the proposed flows. This plan would also need to be submitted to DENR for approval.
- D. County Ordinance Officer
1. No violations on his property.
- E. County Natural Resources Director
1. See the attached noxious weed plan.
 2. The property is located in the Rapid Creek Common Tansy weed management area, we have working with the previous landowner on controlling the tansy on the property using state grant funds. We would be willing to continue to work with Mr. Livingston on controlling the tansy on the property, if he chooses to do so.
- F. County 9-1-1
1. If/when this gets approved, you should fix the physical addresses on this parcel. The addresses get bigger going west along W. Highway 44 from Rapid City. The existing two point are 16015 (the cell site) and 16001 (the old gas station) but 16001 is physically further west than the cell site. Would be a good opportunity to give the RV park a new address. I would not change the cell site address as that causes a lot of issues with the 911 system.
- G. County Addressing Coordinator
1. No addressing concerns at this time. Future addresses will be assigned during the Building Permit application process. Once assigned, addresses must be posted in accordance with Pennington County Ordinance #20.
- H. County Professional Environmental Planner
1. There is Special Flood Hazard Area on the subject property. If any development/disturbance occurs within the SFHA, a Floodplain Development Permit is required prior to the work being done.

2. A Construction Permit will be required for any disturbance (which includes grading) greater than 10,000 square feet.
- I. United States Forest Service
 1. The Forest Service worked with the landowner – Wayne Lindsay Jr. on a reciprocal road easement Right-of-Way; attached is a pdf copy of the Private Road Easement filed and recorded in the Public Records for Pennington County in the Register of Deeds Office in Book 170, Page 8133; attached is a pdf copy of the Easement filed and recorded in the Public Records for Pennington County in the Register of Deeds Office in Book 170, Page 8142.
 2. The Forest Service worked with SBA Communications Corporation on a Forest Road Special Use Permit for National Forest System Roan (NFSR) 771.1C; attached is a pdf copy of the signed SBA permit.
 3. Protect all posted boundary line corners, signs and bearing trees.
 4. Adhere to the setback requirements along the posted boundary between National Forest System lands (USA Public Domain; located on the south and east sides of private property) and private property.
 5. Protect all known stream courses, ponds and riparian areas located on National Forest System lands.
 6. No resource damage to occur on National Forest System lands.
 7. All proposed drain fields, leach lines or septic systems will need to be located on private property and not located on or drain or leach onto National Forest System lands.
 8. All construction materials, supplies, trash or garbage will not be located or dumped on National Forest System lands.
 9. Public roads in this area of the Black Hills National Forest are classified as “Highways, US, State” per the latest version (January 1, 2019) of the Motor Vehicle Use Map.
 10. No motorized trailheads or motorized trails or motorized roads are planned or scheduled for this portion of the Black Hills National Forest.
 11. No motorized trails for ATV, motorcycles or ORV will be authorized from the private property unto National Forest System lands (USFS does not want unauthorized trails constructed on National Forest System lands).

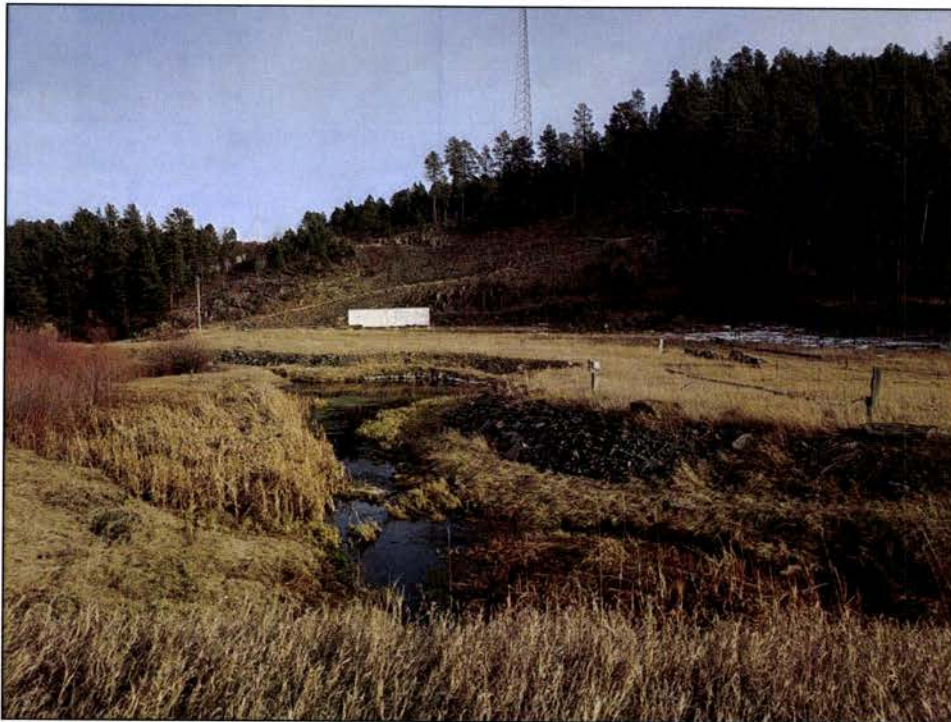
VII. ANALYSIS

- A. A site visit was performed on November 25, 2019 and the following was observed:
 1. There is a convenience store building, garage, fuel pumps, sign and pond on the subject property.
- B. At this time, further information is needed to meet Section 306 requirements and move this request forward.

Agenda Item #11
Robert Livingston; K.W. Lindsay – Owner
December 2, 2019



Shop Building and Sign



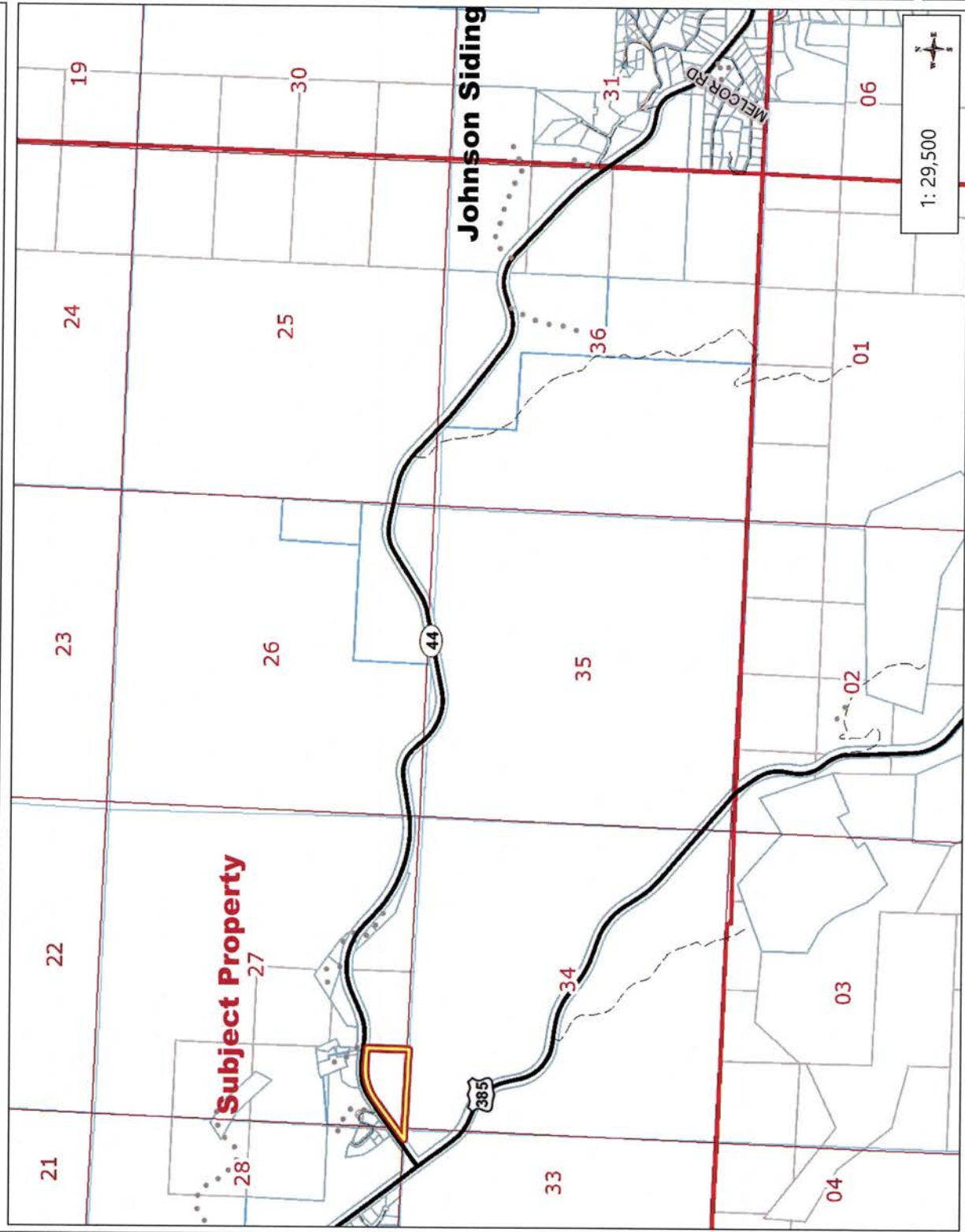
Pond

Agenda Item #11
Robert Livingston; K.W. Lindsay – Owner
December 2, 2019



Gas Pumps and Convenience Store

RECOMMENDATION: Staff is unable to make a recommendation subject to receipt of all of the information to satisfy the requirements under Section 306 that includes, but is not limited to, a construction time schedule, SDDOT Approach Permit, onsite wastewater treatment system plan, and an approved Water Right Permit.



1: 29,500



4,916.7 0 2,458.33 4,916.7 Feet



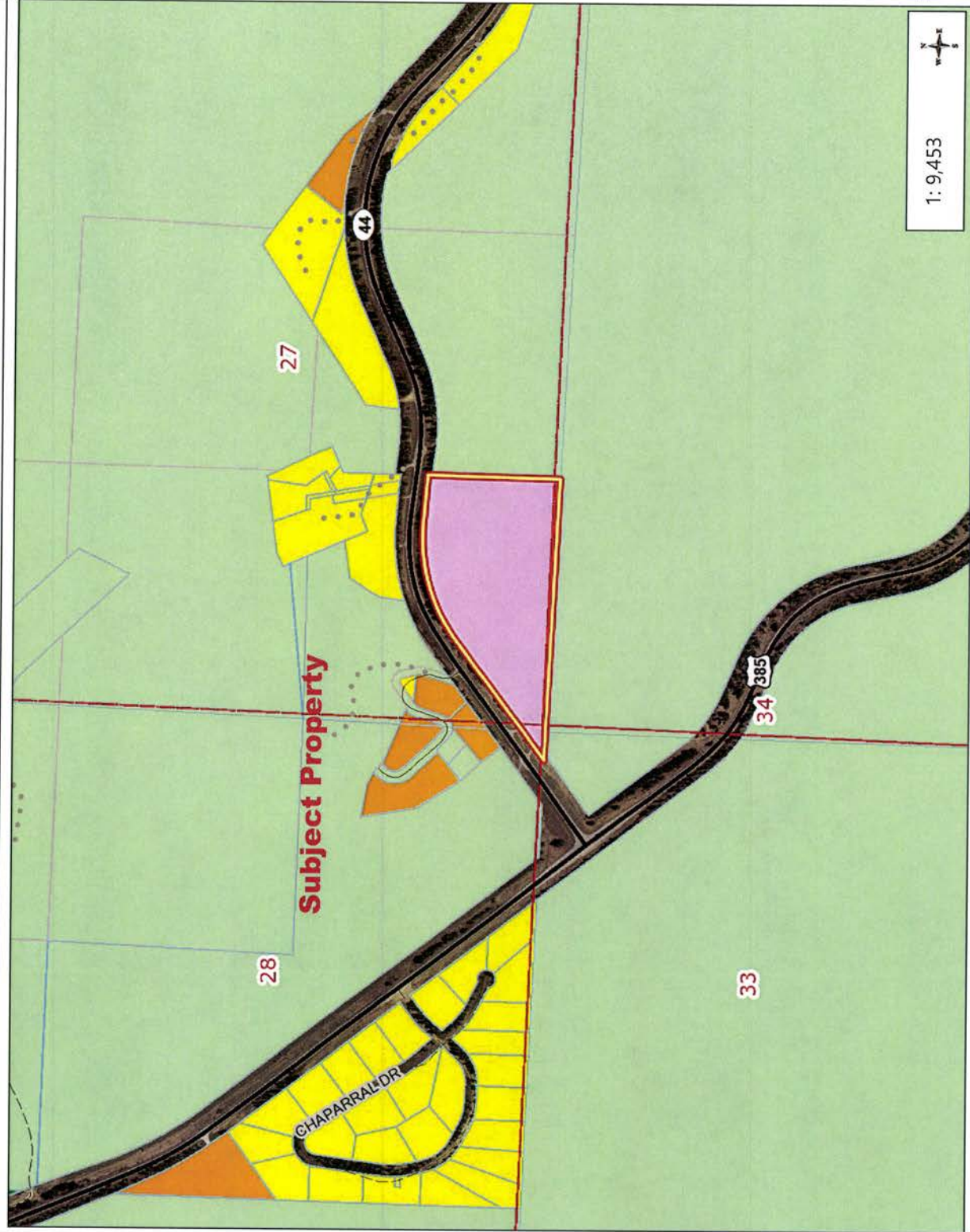
This map is a user generated static output from an internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

NAD_1983_StatePlane_South_Dakota_FIPS_4002_Feet
© City of Rapid City GIS

Legend

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

Map Notes:



1:9,453



This map is a user generated static output from an internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
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1,575.5
 NAD_1983_StatePlane_South_Dakota_South_FIPS_4002_Feet
 © City of Rapid City GIS

Legend

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



1:2,269

378.1 0 189.05 378.1 Feet

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- Section Lines 0-25k
 - Tax Parcels
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Map Notes:

11-6-2019

Kickstand Corner RV Park Policy and Rules

RV Sites Check In: 1:00PM Check Out: 11:00AM

Speed Limit: 5 MPH

Quiet Hours: 10:00 PM to 8:00AM

FIRES: Fires are allowed in fire rings only and they MUST be extinguished by 10:30. No outside firewood allowed. Not cutting firewood on site. No fires if Fire Ban is in effect.

Drones: are not permitted and prohibited

Complaints: Any and all violations should be reported directly to the onsite Campground Manager and will be handled by the onsite Campground Manager immediately.

No Dumping of wastewater anywhere on the grounds

Smoking is not permitted in the common areas.

Alcoholic beverages are allowed at your campsite or in designated areas.

All garbage must be disposed in the proper supplied container or hauled off.

Kickstand Corner –Existing Gas Station

Re Section 307- Other Uses

E. Gasoline Service Stations:

The following regulations shall apply to all gasoline service stations:

1. There shall be a building setback from all right-of-way lines a distance of not less than forty (40) feet.

Building existing is 25 feet

2. Service stations shall not be constructed closer than fifty (50) feet to any residential district.

The closest residential district is north a 112'

3. The minimum distance between the intersection of right-of-way lines at a corner lot and the driveway to a service station shall be not less than forty (40) feet.

HWY 385 north is 332 feet to the west

4. To ensure that sufficient room be provided on either side of the pumps without intruding upon sidewalks or on adjoining property, gasoline pumps shall not be located closer than fifty (50) feet from any residential district.

The closest residential district is north a 112'

5. Gasoline pumps shall not be located closer than fifteen (15) feet to any street right-of-way line.

Existing 2 pumps are 22 feet

6. Screening shall be required when service station property abuts property zoned for residential purposes.

NA

7. Off-street parking as regulated in Section 310 - Minimum Off-Street Parking Requirements.

310-Gasoline service station: One parking space for each employee, plus two spaces for each service bay, plus one parking space for each company vehicle (tow truck or service vehicle)

See sheet 3-4 of updated plan from Renner and Associates dated 11-5-19

8. Signs as regulated in Section 312 - Signs, Billboards, and Other Advertising Structures.

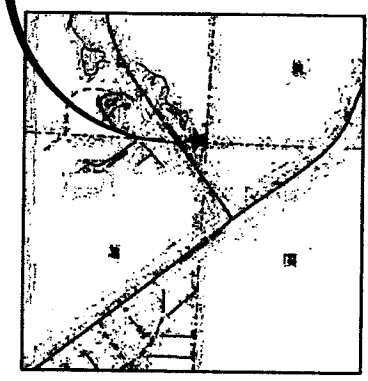
All existing signage is in accordance to Section 312 if any new signage would be applied for separate

KICKSTAND CORNER CAMPGROUND

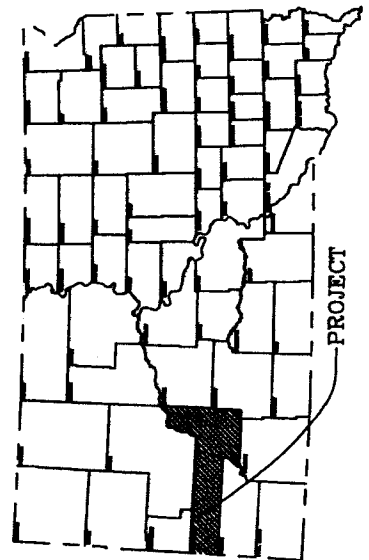
PENNINGTON COUNTY, SOUTH DAKOTA
ORIGINAL JANUARY 2007 - RE-PUBLISHED NOVEMBER 2019

PROJECT NOTE:
THIS PROJECT WAS ORIGINALLY APPROVED AND PERMITTED BY THE COUNTY ENGINEER AND PENNINGTON COUNTY, SOUTH DAKOTA, IN 2007. THE PROJECT WAS RE-DESIGNED AND RE-APPROVED BY THE COUNTY ENGINEER AND PENNINGTON COUNTY, SOUTH DAKOTA, IN 2019. THE PROJECT IS BEING RE-PUBLISHED TO REFLECT THE RE-DESIGN AND RE-APPROVAL. THE ORIGINAL PROJECT PLAN IS BEING ARCHIVED AS THE PROJECT IS BEING RE-PUBLISHED. THE ORIGINAL PROJECT PLAN IS BEING ARCHIVED AS THE PROJECT IS BEING RE-PUBLISHED.

PROJECT LOCATION



PROJECT LOCATION MAP NOT TO SCALE



INDEX OF SHEETS

(REVISION #2)	SHEET 1	TITLE
(REVISION #2) <td>SHEET 2 <td>GRADING PLAN</td> </td>	SHEET 2 <td>GRADING PLAN</td>	GRADING PLAN
(REVISION #2) <td>SHEET 3 <td>SITE PLAN / LANDSCAPING</td> </td>	SHEET 3 <td>SITE PLAN / LANDSCAPING</td>	SITE PLAN / LANDSCAPING
<td>SHEET 4 <td>SANITARY SYSTEM DETAILS</td> </td>	SHEET 4 <td>SANITARY SYSTEM DETAILS</td>	SANITARY SYSTEM DETAILS

ONE CALL
BEFORE DIGGING
1-800-781-7474

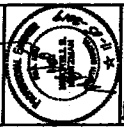
PROJECT NUMBER: 223032
 PENNINGTON COUNTY, SOUTH DAKOTA
 ALL IN 12N, R5E, B1M, S26, S27, S28, S29, S30, S31, S32, S33, S34, S35, S36, S37, S38, S39, S40, S41, S42, S43, S44, S45, S46, S47, S48, S49, S50, S51, S52, S53, S54, S55, S56, S57, S58, S59, S60, S61, S62, S63, S64, S65, S66, S67, S68, S69, S70, S71, S72, S73, S74, S75, S76, S77, S78, S79, S80, S81, S82, S83, S84, S85, S86, S87, S88, S89, S90, S91, S92, S93, S94, S95, S96, S97, S98, S99, S100

REVISION #2
 TITLE
 SHEET 1 OF 4

RENNER ASSOCIATES, LLC
 ONE ENGINEERING - LAND SURVEYING
 1011 W. 10TH STREET, SUITE 100
 SIOUX FALLS, SD 57105
 605.336.7745

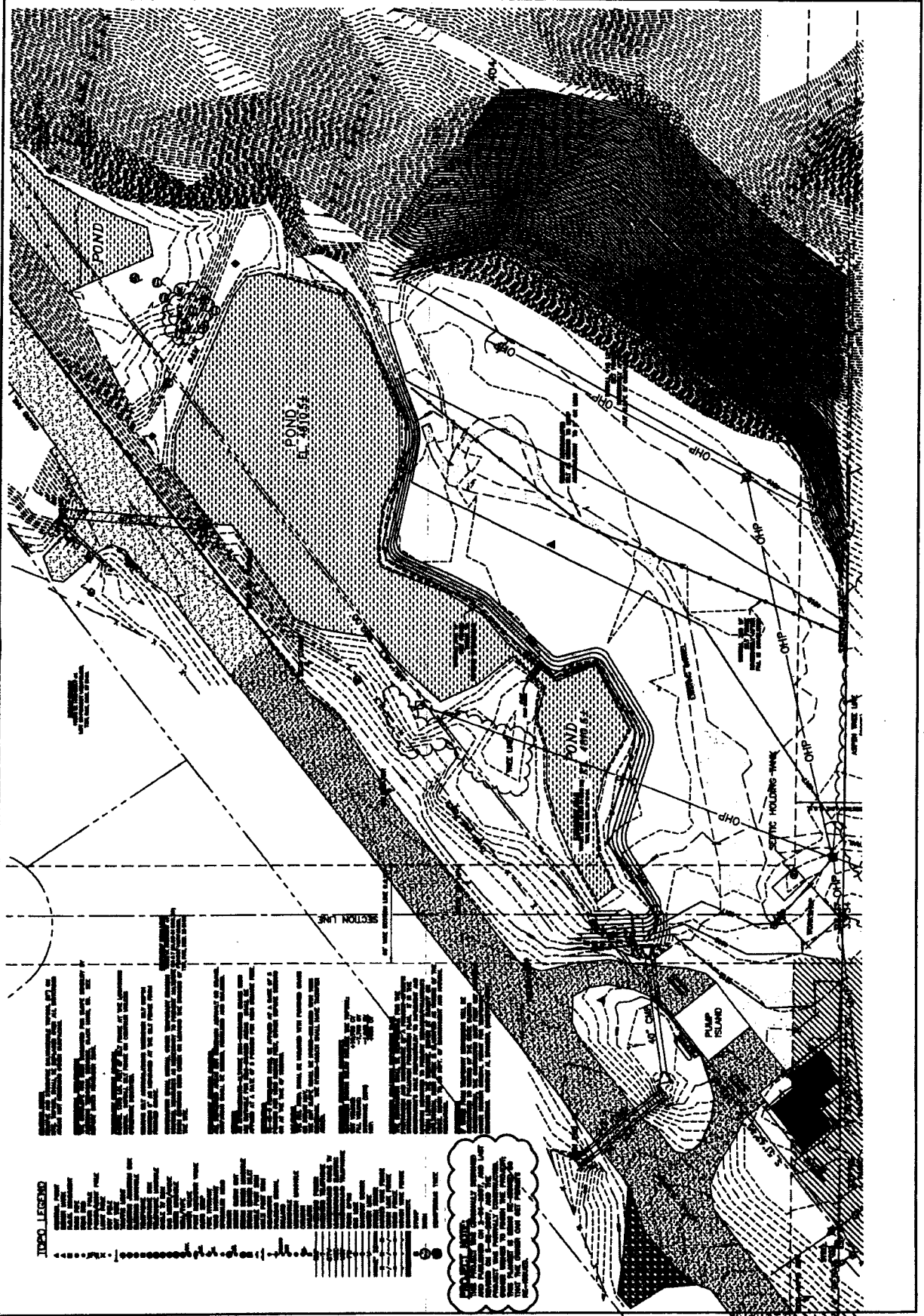
ROB LANGSTON
 P.L. CONSTRUCTION
 23851 HWY 385
 HILL CITY, SD 57745

PROJECT NUMBER:
TRACT LAKE
LOCATED IN SW/4 OF SECTION 27, &
SE/4 OF SW/4 OF SECTION 28,
R1M, R2E, R3E, R4E,
PENNINGTON COUNTY, SOUTH DAKOTA



RENNER
ASSOCIATES, LLC
CIVIL ENGINEERING - LAND SURVEYING
REGISTERED PROFESSIONAL ENGINEERS
STATE OF SOUTH DAKOTA
PROJECT NUMBER: 2008-001

23051 HWY 280
HILL CITY, SD
57745
RFB LLC
POB LIMNSTON



SECTION LINE

SECTIC HOLDING BANK

POND E. 4610.55

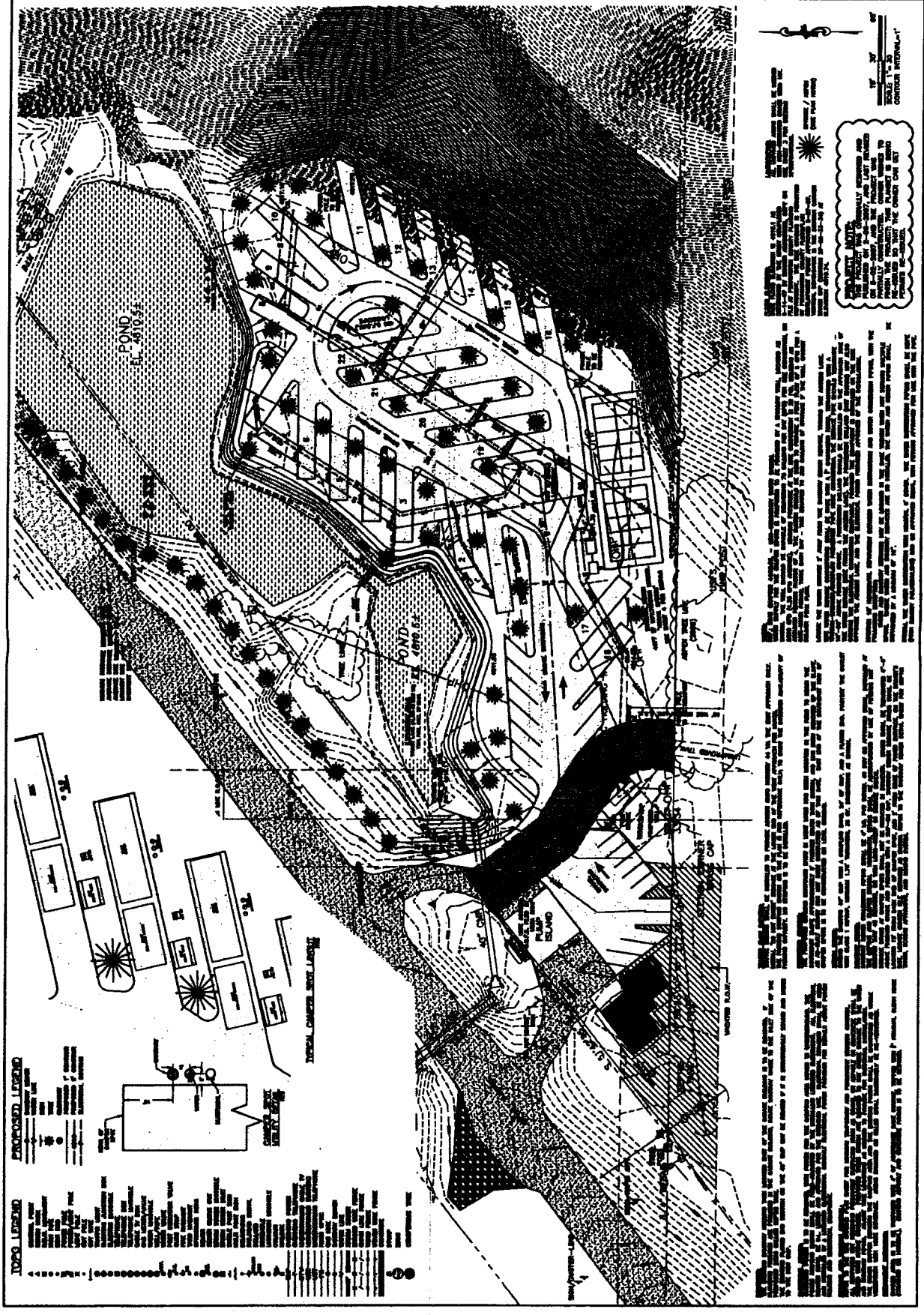
POND 4610.55

ISLAND

TOPO LEGEND

---	1:50' Contour Interval
---	2:50' Contour Interval
---	3:50' Contour Interval
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---	5:50' Contour Interval
---	6:50' Contour Interval
---	7:50' Contour Interval
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---	96:50' Contour Interval
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---	99:50' Contour Interval
---	100:50' Contour Interval

NOTE: THE GRADING PLAN IS BASED ON THE TOPOGRAPHIC MAP AND THE SURVEY DATA. THE GRADING PLAN IS SUBJECT TO CHANGE WITHOUT NOTICE. THE GRADING PLAN IS NOT TO BE USED FOR ANY OTHER PURPOSES.



PROPOSED LEGEND

[Symbol]	Proposed Lot
[Symbol]	Proposed Road
[Symbol]	Proposed Pond
[Symbol]	Proposed Tree
[Symbol]	Proposed Shrub
[Symbol]	Proposed Fencing
[Symbol]	Proposed Utility
[Symbol]	Proposed Elevation

TOPOG. LEGEND

[Symbol]	10' Contour
[Symbol]	20' Contour
[Symbol]	30' Contour
[Symbol]	40' Contour
[Symbol]	50' Contour
[Symbol]	60' Contour
[Symbol]	70' Contour
[Symbol]	80' Contour
[Symbol]	90' Contour
[Symbol]	100' Contour
[Symbol]	110' Contour
[Symbol]	120' Contour
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[Symbol]	160' Contour
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[Symbol]	180' Contour
[Symbol]	190' Contour
[Symbol]	200' Contour
[Symbol]	210' Contour
[Symbol]	220' Contour
[Symbol]	230' Contour
[Symbol]	240' Contour
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[Symbol]	280' Contour
[Symbol]	290' Contour
[Symbol]	300' Contour
[Symbol]	310' Contour
[Symbol]	320' Contour
[Symbol]	330' Contour
[Symbol]	340' Contour
[Symbol]	350' Contour
[Symbol]	360' Contour
[Symbol]	370' Contour
[Symbol]	380' Contour
[Symbol]	390' Contour
[Symbol]	400' Contour
[Symbol]	410' Contour
[Symbol]	420' Contour
[Symbol]	430' Contour
[Symbol]	440' Contour
[Symbol]	450' Contour
[Symbol]	460' Contour
[Symbol]	470' Contour
[Symbol]	480' Contour
[Symbol]	490' Contour
[Symbol]	500' Contour

NOTES:

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE SD DEPARTMENT OF AGRICULTURE AND FORESTRY, DIVISION OF SOIL CONSERVATION, DISTRICT OFFICE, HILL CITY, SD.

2. THE PLANNED AND PROPOSED CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE DISTRICT OFFICE, HILL CITY, SD.

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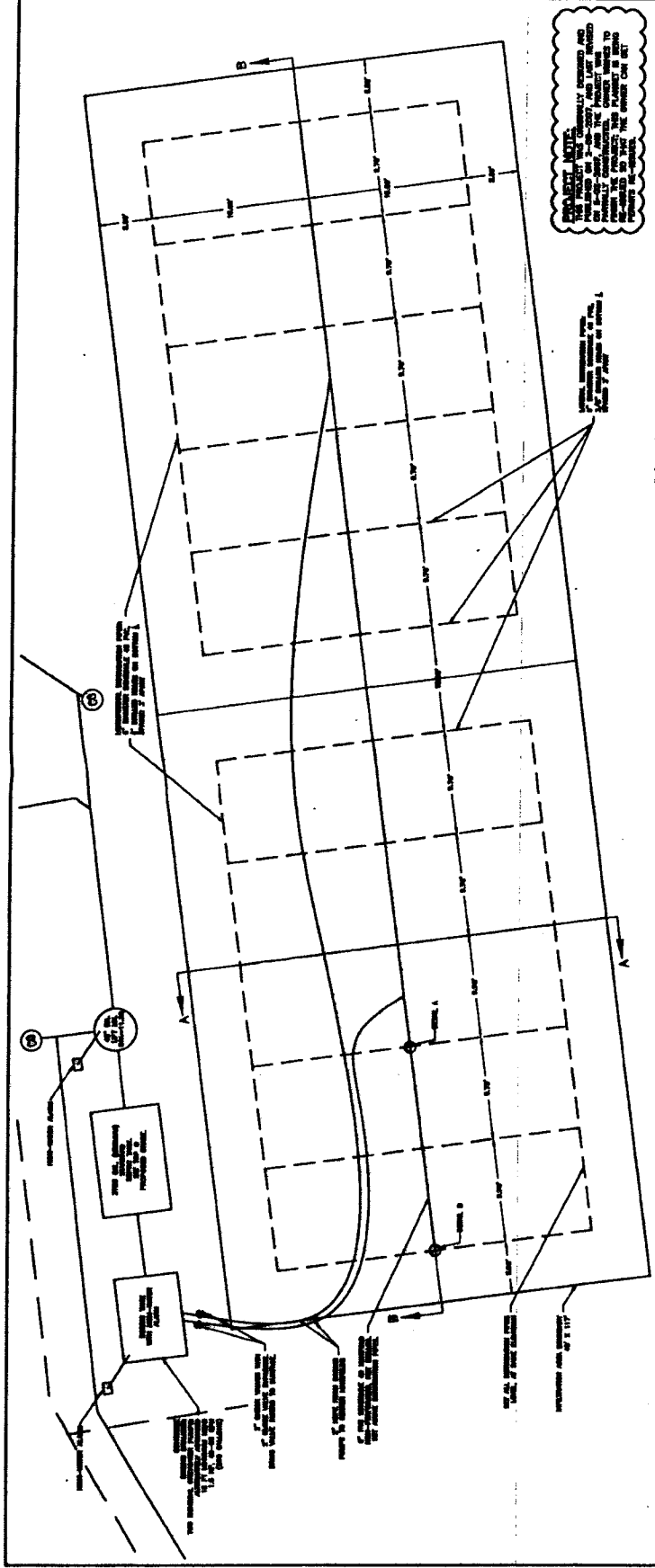
PROJECT NUMBER	2020-001
DATE	10/15/20
SCALE	AS SHOWN
DRAWN BY	J. SMITH
CHECKED BY	M. JONES
APPROVED BY	

PROJECT NUMBER
 ALL IN T2N, R9E, B1M
 PENNINGTON COUNTY, SOUTH DAKOTA
 LOCATED IN SW/4 OF SECTION 27, &
 SW/4 OF SECTION 28,



RENNER ASSOCIATES, LLC
 CIVIL ENGINEERING - LAND SURVEYING
 201 WEST 10TH STREET, SUITE 200
 HILL CITY, SD 57745

ROB LANGSTON
 P. CONSTRUCTION
 23851 HWY 388
 HILL CITY, SD
 57745



1. 10' x 10' CONC. PAD FOR TRUCK
 2. 10' x 10' CONC. PAD FOR TRUCK
 3. 10' x 10' CONC. PAD FOR TRUCK

