

**AGENDA**  
**PENNINGTON COUNTY PLANNING COMMISSION**  
**December 16, 2019 @ 2:00 p.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 January 7, 2020, 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 DECEMBER 2, 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. **ROAD NAME CHANGE:** Pennington County. To rename a 50-foot-wide platted right-of-way that provides access to property located in Section 10, T1N, R8E, BHM, Pennington County, South Dakota, from Gypsey Road to Heather Lane.

To recommend approval of the road name change from Gypsey Road to Heather Lane.

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 December 2, 2019, Planning Commission meeting.)

To recommend to continue the review of Planned Unit Development / PU 06-07 to no later than the January 13, 2020, Planning Commission meeting with one (1) condition.

5. **MINING PERMIT / MP 19-04**: Dakota Stone Mining & Stone Supply / James Dean. To drill and blast for production of mica schist for landscape rock to be hauled offsite.

N1/2, SW1/2, W1/2SE1/4, Section 8, T2S, R4E, BHM, Pennington County, South Dakota.

To recommend approval of Mining Permit / MP 19-04 with nine (9) conditions.

6. **MINOR PLAT / MPL 19-43**: Battle Creek Fire District. To subdivide and create Lots J and K of Rushmore Ranch Estates in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

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

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

To recommend approval of Minor Plat / MPL 19-43 with four (4) conditions.

#### **END OF CONSENT AGENDA**

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

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

(Continued from the October 28, 2019, Planning Commission meeting.)

#### **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.

8. **CONSTRUCTION PERMIT / CP 19-19**: Schriener Investment / Shane Schriener. To construct multiple interior access roads within the proposed Keystone Wye Subdivision.

EXISTING LEGAL: All of Crown Point Lode MS 1258; All of Bay Horse Lode MS 1258; All of Buffalo Fraction Lode MS 1258; and All of Bellevue Lode MS 1258, all located in Section 32, T1S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1-8 of Keystone Wye Subdivision, Section 32, T1S, R6E, BHM, Pennington County, South Dakota.

9. COUNTY BOARD REPORT

The Board of Commissioners will hear the Planning Commission's recommendations from the December 2, 2019, Planning Commission meeting at their Tuesday, December 17th Board of Commissioner's meeting.

10. ITEMS FROM THE PUBLIC

- A. Building Permit Report.
- B. Comprehensive Plan "View to 2040."
- C. Ordinance Amendment / OA 19-02 "Mining Operation."

11. ITEMS FROM THE STAFF

12. ITEMS FROM THE MEMBERSHIP

13. 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  
December 2, 2019 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Rich Marsh, Kathy Johnson, Travis Lasseter, Jim Coleman, Sandra Runde, Sonny Rivers, and Lloyd Lacroix.

STAFF PRESENT: Kristina Proietti, Brittney Molitor, Jason Theunissen, Michael Hofmann (SAO) and Jeri Ervin.

ROLL CALL

1. APPROVAL OF THE NOVEMBER 25, 2019, MINUTES  
Moved by Lasseter and seconded by Runde to approve the Minutes of the November 25, 2019, Planning Commission meeting. Vote: unanimous 7 to 0.

2. APPROVAL OF THE AGENDA  
Moved by Johnson and seconded by Lasseter to approve the Agenda of the December 2, 2019, Planning Commission meeting. Vote: unanimous 7 to 0.

Moved by Lasseter and seconded by Runde to approve the Consent Agenda of the December 2, 2019, Planning Commission meeting with the removal of Item #4. Vote: unanimous 7 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 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 continue the review of Conditional Use Permit / CU 18-43 to the January 13, 2020, Planning Commission meeting with the following one (1) 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.

Vote: unanimous 7 to 0.

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 approve 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.

Vote: unanimous 7 to 0.

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 approve of Conditional Use Permit / CU 19-30 with the following eleven (11) conditions:

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);
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.

**Vote: unanimous 7 to 0.**

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 the following eleven (11) 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);
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.

#### **END OF CONSENT AGENDA**

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.)

Commissioner Lasseter asked that this Item be removed from the Consent Agenda for discussion.

Staff 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.

Discussion followed.

**Moved by Lasseter and seconded by Johnson to continue the review of Planned Unit Development / PU 06-07 to no later than the December 16, 2019, Planning Commission meeting with the following 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.**

**All voting aye, the Motion carried 7 to 0.**

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.)

Proietti reviewed the Staff Report indicating the applicant applied for a rezone 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.

Staff recommended approval of Rezone / RZ 19-16 and Comprehensive Plan Amendment / CA 19-16.

Discussion followed.

**Moved by Runde and seconded by Rivers to approve of Rezone / RZ 19-16 and Comprehensive Plan Amendment / CA 19-16.**

**All voting aye, the Motion carried 7 to 0.**

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.

Theunissen stated the applicant applied for a Conditional Use Permit to allow for a cleaning business to be operated out of an existing shop building, and, staff recommended approval of Conditional Use Permit / CU 19-31 with eleven (11) conditions.

Theunissen further noted the applicant stated that there is not a business being operated out of the shop building and he allows his son to park his cleaning business vehicle(s) in the shop building and is now requesting to withdraw the Conditional Use Permit application, as it is not needed.

Discussion followed.

**Move Rivers and seconded by Lasseter to approve of the withdrawal of Conditional Use Permit / CU 19-31, with the applicant's concurrence.**

**All voting aye, the Motion carried 7 to 0**

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.

Theunissen reviewed the Staff Report indicating the applicants have applied for a Minor Plat to create Lots 1 and 2 of Willard Ranch Subdivision.

Staff recommended approval of Minor Plat / MPL 19-42 with the following seven (7) 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;
6. That the applicant ensures that all natural drainage ways are maintained and are not blocked; and,
7. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of Section 204-J of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit.

Discussion followed.

**Moved by Lasseter and seconded by LaCroix to approve of Minor Plat / MPL 19-42 with the following seven (7) 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;**
- 6. That the applicant ensures that all natural drainage ways are maintained and are not blocked; and,**
- 7. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of Section 204-J of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit.**

**All voting aye, the Motion carried 7 to 0.**

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.

Molitor reviewed the Staff Report indicating the applicant applied for a Conditional Use Permit 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.

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.

Discussion followed.

Moved by Lasseter to follow staff's recommendation that the applicant submit 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.

Discussion further followed.

**SECOND MOTION: Moved by Lasseter and seconded by Runde to continue Conditional Use Permit / CU 19-33 to no later than the March 9, 2020, Planning Commission meeting to allow the applicant time to submit all of the information necessary 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.**

**All voting aye, the Motion carried 7 to 0.**

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.

Ordinance Amendment / OA 19-02 - Section 320 "Mining Operation" will be heard at the December 17th Board of Commissioner's meeting at 10:30 a.m.

13. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

14. ITEMS FROM THE STAFF

- A. Planning Department Potluck. Molitor reminded the Planning Commission of the potluck today at 11:30 a.m.
- B. Comprehensive Plan "View to 2040." Molitor stated the draft Comprehensive Plan will be heard at the December 4<sup>th</sup> and December 18<sup>th</sup> Special Board of Commissioner's meetings.

15. ITEMS FROM THE MEMBERSHIP

There were no items from the membership.

16. ADJOURNMENT

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

**All voting aye, the Motion carried 7 to 0.**

**The meeting adjourned at 10:15 a.m.**

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Rich Marsh, Chairperson



# PLANNING DEPARTMENT

130 Kansas City St., SUITE 200 • RAPID CITY, SD 57701  
605-394-2186 • FAX 605-394-6016

## MEMO

# 3

TO: Planning Commission  
FROM: Jason Theunissen, Planner II *[Signature]*  
DATE: December 16, 2019  
RE: Proposed Road Name Change – Gypsy Road to Heather Lane

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### I. GENERAL DESCRIPTION

- A. The Pennington County Planning Department received a Road Naming Application to rename a 50-foot-wide platted right-of-way from Gypsy Road to **Heather Lane**. The applicant, Pennington County Highway Department, feels Heather Lane is a more appropriate name for this right-of-way, as it is currently intersected in two locations by existing portions of Heather Lane.

### II. REQUEST FOR COMMENT

- A. County Fire Administrator, County Sherriff's Office, County GIS Office
  - 1. No comment received.
- B. County Addressing Coordinator
  - 1. No existing addresses will be affected by this name change.
- C. Emergency Services (9-1-1)
  - 1. No, I don't need anything on the Heather Lane action. Sorry to hold it up a bit.

### III. ANALYSIS

- A. One property takes access from this right-of-way but is not addressed off of it.
  - 1. No addresses will need to be changed as part of this request.
- B. This request will join two segmented portions of Heather Lane and should alleviate confusion in an emergency response event.

**RECOMMENDATION:** Staff recommends approval of the road name change from Gypsy Road to **Heather Lane**.



*Proposed Portion of right-of-way.*



## PLANNING DEPARTMENT

### ROAD NAME CHANGE PETITION: Gypsey Road to Heather Lane

**RE:** Proposed road name change for a 50-foot-wide platted right-of-way that provides access to property located in Trailwood Village Subdivision, Section 10, T1N, R8E, BHM, Pennington County, South Dakota. Said right-of-way begins approximately ¼ mile north of Long View Road, on the northeast side of Heather Lane, in the area known as Rapid Valley, and traverses southeast for approximately 168 feet.

#### **HONORABLE COMMISSIONERS OF PENNINGTON COUNTY:**

Whereas, the above-described road provides access to approximately one (1) privately-owned property, more fully described as: *Lot 4, Block 5 of Trailwood Village Subdivision, Section 10, T1N, R8E, BHM, Pennington County, South Dakota;*

Whereas, the portion of this right-of-way beginning at Heather Lane continuing approximately 168 feet southeast to a dead end has previously been assigned the name Gypsey Road;

Whereas, renaming of this portion of right-of-way will assist Emergency Services in locating surrounding properties in the event of an emergency;

Whereas, the proposed road name is currently in use by contiguous roads and the Emergency Services Communication Center has verified the name **Heather Lane** is acceptable and more appropriate to use;

Whereas, the applicant, Pennington County Highway Department, will be responsible for posting a road name sign, in accordance with the standards set forth by the Pennington County Highway Department; and,

Now, therefore, the Pennington County Planning Department hereby requests that the road name change for the above-described platted right-of-way be renamed from Gypsey Road to **Heather Lane**, as indicated on the attached map.

Dated this 17th day of December, 2019.

  
Jason Theunissen, Planner II  
Pennington County Planning Department



**Change to  
Heather Lane**

3050  
3110  
3120  
4992  
5011  
3152  
3162  
3171  
5008  
3180  
3184  
5040  
5050  
5060  
5032

HEATHER LN  
GYPSY RD

**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 hearing on the review of Planned Unit Development / PU 06-07 to no later than the January 13, 2020, Planning Commission meeting with conditions.

**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.

**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.
- 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 vacant Manager's Office, and a copy of the letter was also mailed to the owners on file for CMHP (letter is attached with this report).

Agenda Item # 4  
Rapid City MHPLLC  
December 16, 2019

- 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. Conditions of Approval not being met are #9, #10, #11, #13, and #16 (see section II(A) of this report).
- F. 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.
- G. 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).
- H. 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.
- I. November 26, 2019, Staff opened up an Ordinance violation for the subject property / COVO19-0169.
- J. As of December 11, 2019, Staff has not received any applications for building permits from anyone residing at Cimarron Mobile Home Park.
- K. 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.
- L. December 2, 2019, the Planning Commission approved the continuation of Planned Unit Development / PU 06-07 to no later than the December 16, 2019, Planning Commission meeting to allow Staff time to send out a third and final notice to both the manager and the owners of the MHP, stating that they have thirty (30) days to act before PU 06-07 is turned over to the State Attorney's Office.
- M. The December 16, 2019 hearing in front of the Planning Commission will be the third continuation of PU 06-07 leaving an outstanding balance of \$300.00 in accordance with Section 511(X) of the Pennington County Zoning Ordinance.

**RECOMMENDATION:** Staff recommends to continue the review of Planned Unit Development / PU 06-07 to no later than the January 13, 2020, Planning Commission meeting with one (1) condition:

- 1. That any continuation hereafter because of the applicant's failure to meet the Conditions of Approval shall be required to pay \$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



## Pennington County Planning Department

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

December 9, 2019

Rapid City MHP LLC  
4835 Sturgis Road  
Rapid City, SD 57702

RE: Permits Required for Structures Third 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). Previous letters were sent on October 29, 2019 and November 15, 2019. Also, it would appear that Condition of Approval #11 is also not currently being met as there is no on-site manager available to the tenants, "That the mobile home park be provided with an on-site management office".

Planned Unit Development / PU 06-07 was heard again on December 2, 2019, at the Planning Commission meeting and was continued to no later than December 16, 2019, with one condition (see December 2, 2019 agenda). Staff spoke via telephone with Laurie Humphrey on November 25, 2019. During that conversation Staff was informed that a letter was sent out to tenants informing them that Building Permits are required for unpermitted structures. As of December 9, 2019, no Building Permit Applications have been submitted to the Planning Department for any structures on the subject property.

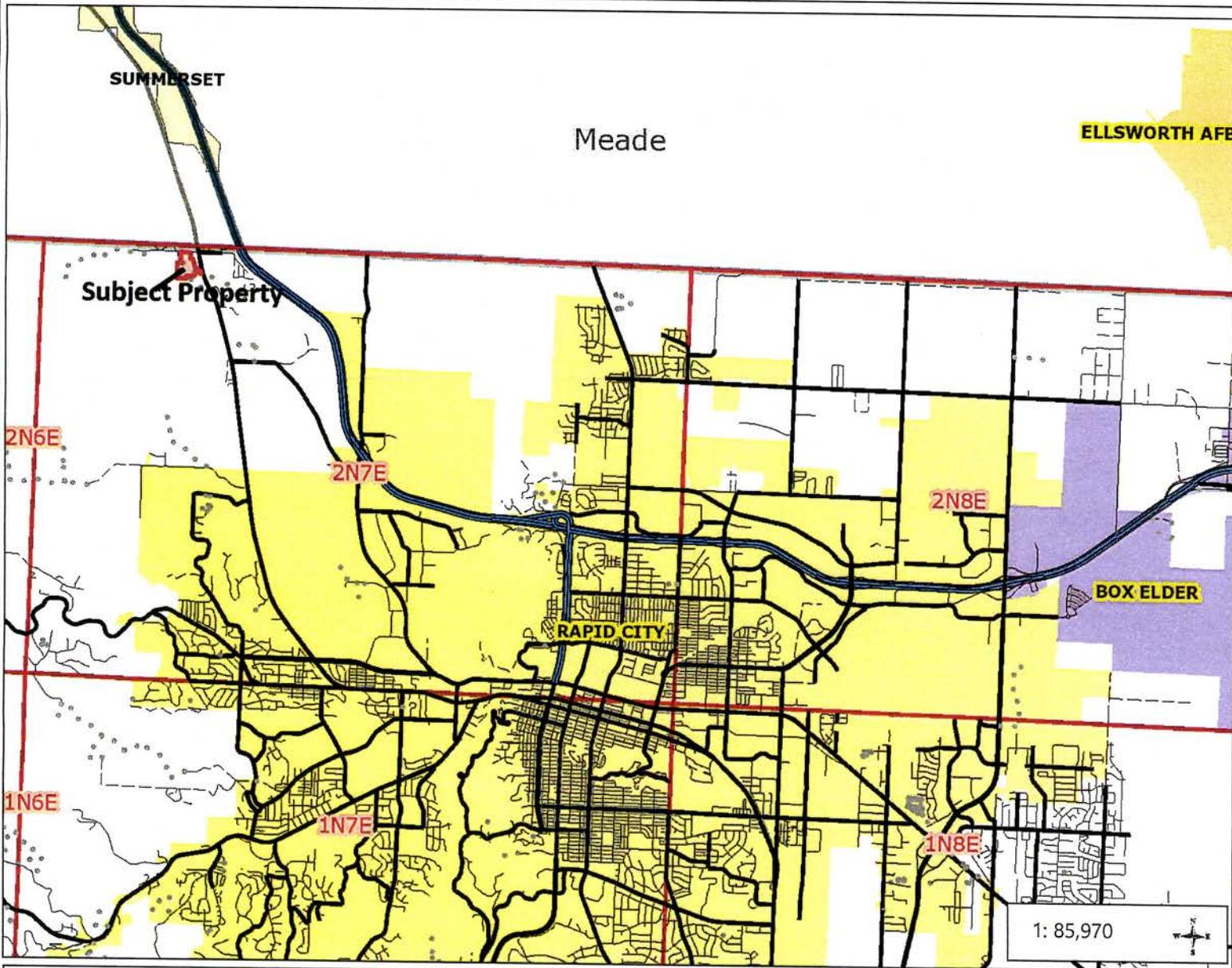
I have attached the draft minutes from the Planning Commission hearing on December 2, 2019 as well as the original Conditions of Approval for this Mobile Home Park and Section 305 of the Pennington County Zoning Ordinance – Mobile Home Parks.

Please contact me at 605-394-2186 ext. 1409, so that we can work together to bring this mobile home park into compliance. If action is not taken within the next 30 days this will be turned over to the State Attorney's Office.

Sincerely,

Kristina Proietti  
Planner I

cc: Rapid City MHP, LLC



**Legend**

**Roads**

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

□ PLSS

□ Townships

**City Limits**

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

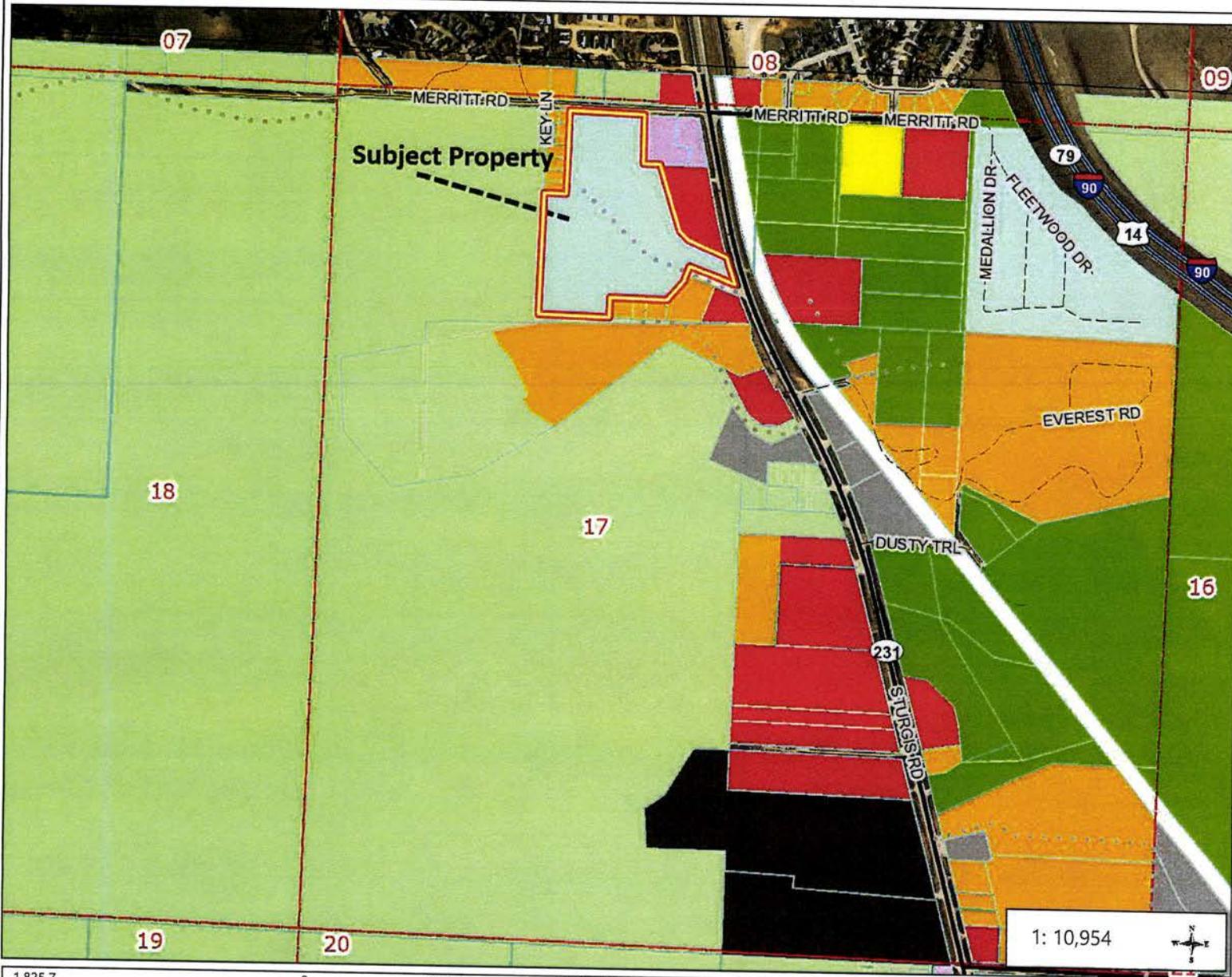
**Map Notes:**

14,328.4      0      7,164.18      14,328.4 Feet

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

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

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



**Legend**

**Roads**

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

Section Lines 0-25k

Tax Parcels

**Lot Lines**

- <Null>
- Lot Line
- Parcel Line

**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:**

1,825.7 0 912.87 1,825.7 Feet

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**Legend**

**Roads**

- Interstate
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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**

- <Null>
- Lot Line
- Parcel Line

1: 10,954



1,825.7      0      912.87      1,825.7 Feet

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

**Map Notes:**



**Legend**

**Roads**

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

Section Lines 0-25k

Tax Parcels

**Lot Lines**

- <Null>
- Lot Line
- Parcel Line

Floodway

**Flood Hazard Area**

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

**Map Notes:**

414.2 0 207.09 414.2 Feet

NAD\_1983\_StatePlane\_South\_Dakota\_South\_FIPS\_4002\_Feet  
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**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

1: 2,485



**STAFF REPORT**

GENERAL INFORMATION:

REQUEST: **MINING PERMIT / MP 19-04:** To drill and blast for production of mica schist for landscape rock to be hauled offsite.

APPLICANT: Dakota Stone Mining & Stone Supply / James Dean

APPLICANT ADDRESS: 23863 Palmer Gulch Road, Hill City, SD 57745

OWNER: U.S. Forest Service / Hell Canyon Ranger District

OWNER ADDRESS: 1019 North 5<sup>th</sup> Street, Custer, SD 57730

LEGAL DESCRIPTION: N1/2, SW1/2, W1/2SE1/4, Section 8, T2S, R4E, BHM, Pennington County, South Dakota.

SITE LOCATION: Spring Creek Road West, approximately 1.05 miles southeast of the intersection of Spring Creek Road West and Reno Gulch Road.

TAX ID: 15994

SIZE: 560 acres

EXISTING LAND USE: Gravel / Stone Mining

ZONING REFERENCE: Sections 205 and 507(B)

CURRENT ZONING: General Agriculture District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Forested / Hills

UTILITIES: None

REPORT BY: Cody Sack

**I. PROPOSED RECOMMENDATION**

- A. Staff is recommending Mining Permit / MP 19-04 be approved with conditions.

**II. GENERAL DESCRIPTION**

- A. The applicant, James Dean, requested a Mining Permit for the expansion of the Silver Mica Mine in order to mine for the production of mica schist for landscape rock on National Forrest Service Land, under the South Dakota Department of Environment and Natural Resources (SDDENR) Mining Permit #EXNI-420.
  - 1. See attached site plan.

**III. EXISTING CONDITIONS**

- A. General Agricultural District.
  - 1. U.S Forest Service Land.
- B. 560 acres.
- C. Vacant of structures.
- D. Existing Silver Mica Mine SDDENR Mining Permit #EXNI-420.
- E. No Special Flood Hazard Area.
- F. Access off of Spring Creek Rd. West.

**IV. REQUEST FOR COMMENT**

- A. County Highway
  - 1. Highway Department has no comments.
- B. County Professional Environmental Planner.
  - 1. No Special Flood Hazard Area on the property.
  - 2. The site will need to be reclaimed in accordance with the Operating Plan the applicant has with the Forest Service.
- C. County Environmental Planner
  - 1. No Special Flood Hazard Area on the property.
  - 2. The site will need to be reclaimed in accordance with the Operating Plan the applicant has with the Forest Service.
  - 3. The applicant will need to apply for a Construction Permit.
- D. County Ordinance Enforcement Officer
  - 1. No violations.
- E. County Natural Resources Director
  - 1. No objections.
- F. County Addressing Coordinator
  - 1. If the permit is approved, an address should be assigned and posted in accordance with Ordinance #20

- G. Emergency Services (9-1-1)
  - 1. Due to the potential for injury at the site while doing this kind of work, and the remote and difficult to find location, I would suggest the County assign a physical address for the mine and then as a condition of approval, require the applicant to post the assigned address in accordance with Penn Co Ord #20, where the access roads intersects Spring Creek Rd W.
  - 2. There should also be a sign that identifies the mine by name.
- H. U.S Forest Service
  - 1. Dakota Stone has an approved operating plan from the Forest Service for this mine.
  - 2. On June 25, 2019 I conducted an inspection at this mine and Dakota Stone was in compliance with their operating plan.
- I. County Fire Administrator
  - 1. No comments received.

**V. ANALYSIS**

- A. The mine is located on Forest Service land.
  - 1. The applicant has an Operating Plan in place from June, 2014 (see attached) that includes:
    - a. Air and water quality.
    - b. Environmental and cultural protection.
    - c. Guidelines for reclamation.
- B. Mining will include blasting and excavating.
  - 1. Blasting will be minimal.
    - a. Approximately twice per year.
    - b. Approximately 500 cubic yards of material to be excavated per year.
  - 2. The material produced will be hauled from the mine to Dakota Stone in Hill City.
    - a. The route taken depends on road conditions and logging truck traffic.
    - b. The main roads taken are:
      - i. Spring Creek Road West.
      - ii. Reno Gulch Road.
      - iii. State Highway 385.
- C. SDDENR Mine License EXNI-420.
- D. No complaints have been received about the mine or the hauling of materials from the mine.
- E. Per comments received during the routing process an address will need to be assigned and posted along with a sign that identifies the mine.

**RECOMMENDATION:** Staff is recommending approval of Mining Permit/ MP 19-04 with the following nine (9) conditions:

1. That the conditions of approval of the South Dakota Department of Environment and Natural Resources Mine License # EXNI-420 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 Construction Permit prior to the operation of the mine expansion;
4. That the applicant follows the Forest Service's Operating Plan for the Silver Mica Mine;
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 obtains and posts a 9-1-1 address for the mine location in accordance with Pennington County Ordinance #20 along with a sign that identifies the name of the mine;
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.

**Exhibit B:**  
**OPERATING PLAN FOR MINERAL MATERIAL ACTIVITIES**  
**ON NATIONAL FOREST SYSTEM LANDS**

**I. GENERAL INFORMATION**

- A. Name of Mine/Project: Silver Mica Mine
- B. Type of Operation: Mineral materials project to produce mica schist for landscape rock.  
Is this a (new/continuing) operation? If continuing a previous operation, this plan (replaces/modifies/supplements) a previous of Operating Plan. (check one)
- D. Proposed start-up date (mm/dd/yy) of operation: 05/01/2014
- E. Expected total duration of this operation: 20 Years
- F. If seasonal, expected date (mm/dd/yy) of annual reclamation/stabilization close out: Not seasonal
- G. Expected date (mm/dd/yy) for completion of all required reclamation: 05/01/2034

**II. PRINCIPALS**

- A. Name, address and phone number of operator:  
Dakota Stone Mining & Stone Supply, Inc.  
23863 Palmer Gulch Rd.  
Hill City, SD 57745  
605-574-2760
- B. Name, address, and phone number of authorized field representative (if other than the operator).  
Attach authorization to act on behalf of operator. \_\_\_\_\_  
James Dean.  
23863 Palmer Gulch Rd.  
Hill City, SD 57745  
605-574-2760
- C. Name, address and phone number of owners of the claims (if different than the operator):  
Same as in B. above
- D. Name, address and phone number of any other lessees, assigns, agents, etc., and briefly describe  
their involvement with the operation, if applicable:  
Not applicable

### III. PROPERTY OR AREA

Name of claim, if applicable and the legal land description where the operation will be located.

<i>NC#</i>	<i>Name</i>	<i>Section</i>	<i>Township</i>	<i>Range</i>
MMC227005	Silver Mica	SW ¼ of 8	T2S	R4E

### IV. DESCRIPTION OF THE OPERATION

#### A. Access.

Access to the Silver Mica claim is via U.S. Highway 16/385 to FSR 305 (Upper Spring Creek Road) to FSR 305.1D to an existing non-system logging road that leads directly to the mine site. See Attachment A; which shows the mines location.

#### B. Map, Sketch or Drawing.

Attachment B shows a close-up of the mine area with the proposed location of disturbed area, waste rock and topsoil stockpile areas.

#### C. Project Description.

The Silver Mica mine will develop mica schist resources for use as landscape rock. Initially the loose rock at the site will be removed using an excavator or backhoe. Once the loose rock is exhausted drilling and blasting will be used to extract the remaining rock. Blasting will be conducted 3 to 4 times per year with approximately 150 tons of rock blasted with each shot. Some on-site processing of the rock will occur. Smaller rock will be processed using a grizzly; the fine material that passes through the grizzly will remain on site and be used for reclamation. The mica schist suitable for landscape rock will be hauled from the site in dump trucks for additional processing.

#### D. Equipment and Vehicles.

Equipment may include: 40,000 lb. excavator, backhoe, grizzly screen, dump trucks, track drill, 4-wheel drive pick-up trucks.

#### E. Structures.

No structures are permitted to be on site under this operating plan.

### V. ENVIRONMENTAL PROTECTION MEASURES (SEE 36 CFR 228.8)

#### A. Air Quality.

The operator shall comply with applicable Federal and State air Quality standards, including the requirements of the Clean Air Act. The only air quality concern is dust from the operation. Dust abatement water shall not be pumped from streams, springs, wetlands, ponds or other water bodies on National Forest System Lands. Well water will imported to the mine site from permissible off-site and off-Forest water sources. Truck(s) with holding tanks and spray equipment will be used to haul water to the mine site. This same equipment will be used as necessary to do the actual dust abatement.

**B. Water Quality.**

The operator shall comply with applicable Federal and State water quality standards, including regulations issued pursuant to the Federal Water Pollution Control Act and Federal Clean water Act. No water will be used in the operation; except that used for dust abatement.

**C. Solid Wastes.**

Mine wastes generated at the site such as waste rock and tailings are relatively inert and do not pose a threat to water quality or the environment. Any refuse/construction debris generated at the site will be hauled to a permitted off-site facility for disposal. Refuse disposal will be done as necessary and at least annually at the end of the operating season.

**D. Scenic Values.**

The mine is not visible from any major road or viewing area.

**E. Fish and Wildlife.**

No fisheries or endangered or threatened species exist on this site. No mitigation measures are necessary to protect wildlife.

**F. Cultural Resources.**

A cultural survey of the area has been completed and no sites requiring protection have been identified.

**G. Hazardous Substances.**

Potentially hazardous substances that will be used or generated at the site consist of explosives, petroleum products used to operate and maintain equipment, and waste oil. No petroleum products will be stored on the mine site. All potentially hazardous refuse such as waste oil will be hauled to a permitted off-site facility for disposal. A spill contingency plan may be required; see section VI.B below . This plan will provide mitigation in the event of an unanticipated spill of any hazardous substance.

**H. Reclamation.**

The reclamation plan is described below in section VI.D. For additional information on seeding and re-vegetation see, "*Best Minerals Management Practices-A Guide to Resource Management & Reclamation of Mixed Lands in the Black Hills, USFS, Black Hills National Forest, January 1985*".

**VI. TERMS AND CONDITIONS TO OPERATING PLAN**

The following terms and conditions set forth the general conditions, operating conditions, interim shutdown requirements, reclamation requirements, bonding requirements, for the Silver Mica mine Operating Plan as agreed upon by James Dean DBA Dakota Stone and the authorized officer of the Mystic Ranger District, Black Hills National Forest (District Ranger).

## **A. General Conditions**

1. At least thirty days prior to expiration of this Mineral Material contract, the operator shall notify the District Ranger if he intends to continue mining operations at the Silver Mica mine. If mining will not continue, reclamation must commence immediately. If mining operations will continue, the operator shall request issuance of a new mineral material contract.
2. The operator is reminded that this operation is located on National Forest System land which is available for other uses and is subject to Forest Service management for other resources. Other uses and management may occur, but shall not conflict with the 1872 mining law as amended.
3. It is the operator's responsibility to obtain all necessary permits and comply with all requirements of state, local and other federal agencies. Any construction activity that disturbs an area of one or more acres of land must have authorization under the State's General Permit for Storm Water Discharges Associated with Construction Activities. Contact the Department of Environment and Natural Resources for additional information or guidance at 1-800-SDSTORM (737-8676)
4. Before any work may begin, an onsite meeting between an authorized representative of the District Ranger and the operator must take place. During this meeting, the perimeter of the approved operation will be marked plainly on the ground. If surface disturbance threatens to extend beyond the areas marked, a proposed amendment to the existing Operating Plan or a new Operating Plan must be submitted.
5. The operation approved is limited to a maximum disturbance area of 5.0 acres including mining areas, the mine access road, and tailings, waste rock and topsoil storage areas. In addition, use and maintenance of Forest System Roads 305 and 305 1.D is approved for a distance of approximately 5.0 miles. Should a deviation from the approved Operating Plan be required, the District Ranger must be notified in advance to determine whether an amendment to the existing Operating Plan, a completely new Operating Plan, a new environmental assessment, and/or posting of an increased bond is necessary. All substantive changes are subject to advance approval by the District Ranger.
6. By January 31 of each year, the operator shall furnish the District Ranger with a written summary of the planned operations for the upcoming year.
7. To protect cultural resources in the project area; if during the course of any ground disturbance related to this project, any bones, artifacts, foundations, or other indications of past human occupation of the area are uncovered, the ground disturbing activity within 100 meters will be stopped immediately and the District Archaeologist contacted. The State Historic Preservation Office and regional Tribal Historic Preservation Offices will be notified of the discovery and provided an opportunity to comment.
8. Approval of this operating plan does not constitute certification of ownership to any person named herein and/or recognition of the validity of any mining claim named herein.

## **B. Operating Conditions**

1. Prior to the removal of any common variety mineral materials such as landscape rock or decorative stone, the operator or operator's designee shall obtain a mineral material contract pursuant to the requirements of 36 CFR 228 Subpart C. The quantity of common variety mineral materials removed will be reported as set forth in the mineral material permit. Classifications of various mineral

commodities that may be produced at the mine site and additional permit requirements are summarized in the following table.

Commodity	Classification	Additional permits/contracts required prior to removal from mine site
Potash feldspar for ceramics production	Locatable	None
Quartz for use as decorative stone or landscape rock	Salable	A mineral material contract must be obtained from District Ranger prior to removal
High-purity quartz for use in glass production	Locatable	None
Valuable/rare mineral specimens	Locatable	None
Boulders for use as landscape rock	Salable	A mineral material contract must be obtained from District Ranger prior to removal

2. To prevent wildfires all internal or external combustion engines will be required to have approved spark arresters which meet either (1) Department of Agriculture, Forest Service Standard 51001-1A; or (2) the 80% efficiency level determined according to the appropriate Society of Automotive Engineers (SAT) Recommended Practice J335 and J350 (36 CFR 261.52(J)). An exhaust driven turbo charger is considered to be a satisfactory spark arrester.
3. No open fires are permitted within the Black Hills Fire Protection Boundary without a burn permit. A burn permit must be obtained in advance from the South Dakota Department of Agriculture, Wildland Fire Suppression Division. .
4. Public safety is a vital concern. Commercially manufactured signs reading "DANGER - MINING AREA" or similar message to notify the public of dangers present, shall be placed as specified by the District Ranger.
5. The operator shall remove topsoil down to bedrock and stockpile the soil at a location approved by the District Ranger. Topsoil shall be removed prior to development. The stockpiled topsoil shall not contain significant amounts of wood or large boulders. Smaller, organic materials on site may be included in the topsoil stockpiles. These include decayed stumps, saplings, and tree limbs less than 3-inches in diameter, litter and duff.

In accordance with the Best Minerals Management Practices (BMMP), this topsoil shall be stockpiled in the form of gentle mounds with slopes no greater than 3:1. Protect stockpiled topsoil from wind and water erosion and unnecessary compaction. Use tarps or other industry standard measures to control topsoil loss as necessary, until stabilizing vegetation is in place. Place berms, fiber rolls, or other sediment control structures around topsoil stockpiles to prevent loss and transport off-site. The stockpiled topsoil shall be vegetated as soon as possible after piling with the same seed mix as listed in Condition D.6., and be clearly marked with signs denoting "topsoil stockpile".

6. The operator will keep equipment out of ephemeral channels and drainages to the extent practical to protect vegetation and maintain natural runoff controls. No waste rock or other materials produced during the mining operation will be deposited in natural drainage ways.

7. The operator will conduct extraction activities in such a manner as to limit slope steepness and length and allow for progressive reclamation of the site where practicable.
8. No permanent structures are required or permitted for this operation.
9. No access routes other than those already existing or approved in writing by the Forest Service will be permitted. It is the Operator's responsibility to construct, and maintain mine access roads to Forest Service specifications. These access roads include the portions of FSR 682 used by the operation.

Maintenance of roads on and accessing the operation may include construction of drainage structures and may require spot gravelling to Forest Service specifications. These standards may be found in Best Minerals Management Practices (Section D, Pages 34-37). Aggregate applied to Forest System Roads must meet Forest Service grading designation Q as shown in the following table unless an alternate aggregate is approved by the District Ranger.

*Forest Service grading designation Q required for aggregate applied to FSR 374.1 (AASHTO T27 and T11)*

Sieve Size	% Passing
1 inch	100
¾ inch	70-98
No. 4	36-70
No. 8	25-55
No. 30	12-35
No. 200	3-20

All roads and trails will have drainage control structures installed and regularly maintained prior to and during operations as part of storm water runoff controls.

Drainage structure spacing should use the following guidelines shown in the table below:

Road Grade	Maximum Spacing Between Drainage Structures
2%	250 feet
5%	135 feet
10%	80 feet
15%	60 feet
20%	45 feet

Drainage structures should be maintained prior to and following storm events occurring throughout the life of operations. Drainage structures will be in good working order prior to leaving the work area for seasonal or interim shut down of operations.

Empty cross drains onto stable slopes that disperse runoff through filter strips.

Stabilize facilities, disturbed areas, and storm water diversion, transport, and storage areas prior to the end of seasonal shutdown.

10. All timber on the claim is the property of the U.S. Government. The Forest Service requires that trees disturbed by mining activities or road maintenance be removed to prevent insect infestation and

disease. Merchantable timber shall be purchased by the operator at current prices prior to clearing. Timber volume and price will be specified by the District Ranger.

All stumps, tree tops and boles, and other large debris (generally 3-inches or larger in diameter) created during vegetation removal will be stockpiled in dirt-free piles in locations approved by the District Ranger for use in final reclamation or disposed of according to Fire/Fuel specifications. Non-merchantable timber shall be disposed of in a manner specified by the District Ranger.

No mine waste rock or tailings shall be placed on merchantable or non-merchantable timber. All timber including non-merchantable timber shall be removed from mine disturbance areas prior to development or expansion of the mine pit, waste rock or tailings piles, or ore stockpiles.

11. If any petroleum products are stored in the project area, a Petroleum Products Spill Prevention and Control Plan must be prepared which conforms to guidance found in Best Minerals Management Practices, Section D, Pages 102 and 103. A copy of the Spill Prevention and Control Plan shall be submitted to the District Ranger prior to storage of petroleum products in the project area. In the case of an accidental spill or leak, the operator or designated representative would immediately report any accidental spill of petroleum or other chemicals by notifying the South Dakota Department of Environment and Natural Resources (SD DENR) at (605) 773-3296. Per the SD DENR requirements, any contaminated soil or material must be temporarily stockpiled and sampled to determine the necessary disposal requirements.
12. The use or storage of any chemicals in connection with this operation must be approved in advance by the District Ranger.
13. Operator is responsible for the activities of or use of equipment of operator, operator employee's, agents, contractors, subcontractors, their employees or agents, acting on operations hereunder, on national Forest System lands.
14. The operator is responsible for the prevention and control of noxious weeds and exotic plants within the project area for the duration of the Operating Plan. For purposes of this clause, noxious weeds and exotic plants include those species recognized as such by Federal, State, or local agencies. The operator shall follow prevention and control measures required by Federal, State, or local agencies. When determined to be necessary by the District Ranger, the operator shall develop a plan for noxious weed and exotic plant prevention and control. The plan must have prior written approval from the District Ranger and, upon approval, shall be attached as an appendix to the Plan of Operations.
15. Solid waste generated at the site such as broken equipment, scrap metal, trash, garbage, tires etc., will be promptly disposed of at an off-site approved facility. Contact the SD DENR Waste Management Program at (605) 673-3153 if you have questions concerning solid waste disposal. Storage of equipment and associated supplies on the mine site is only approved for equipment required for the mining operation.
16. Blasting Operations:
  - a. All work and use of blasting materials on-site will comply with relevant regulations, including oversight by federal agencies such as the Bureau of Alcohol, Tobacco, and Firearms and Explosives (ATFE) and the Mine Safety and Health Administration (MSHA).

- b. The operator will follow industry accepted blasting standards and comply with all blasting regulations pertaining to ground vibrations and air overpressure, adjusting blast sizes and charge delays to maintain compliance and prevent damage to structures neighboring properties if necessary.
- c. No blasting agents will be stored on site.
- d. For safety reasons, blasting will always be conducted during daylight hours. No blasting will occur on weekends or major holidays (e.g., Christmas, News Year, Labor Day, Thanksgiving, etc.).
- e. Non-electric detonation systems will be used.
- f. The primary blasting agent will be ANFO (combination of ammonium nitrite and fuel oil). Any changes to blasting agents would be reviewed by SD DENR (as necessary) and the Forest Service prior to their use.

### **C. Interim Shutdown of Mining Operations**

1. If mining is inactive for a period of one year or more, the mine will be considered in a status of interim shutdown, unless a longer period is approved by the District Ranger. The District Ranger shall be notified in the event of an interim shutdown.
2. During periods of interim shutdown the operator shall complete the following: 1) Apply an interim reclamation seed mixture approved by the District Ranger to disturbed areas to prevent erosion and development of noxious weed infestations; 2) Take necessary means to mitigate safety hazards at the mine; 3) Remove all stored petroleum products, explosives, and other hazardous substances from the site; 4) Remove all mining and ancillary equipment from the site; and 5) maintain erosion/sediment control structures in operable condition.
3. The District Ranger shall be notified prior to commencement of active mining.
4. If interim shutdown extends beyond the 5 year duration of operation specified in the Operating Plan, final reclamation shall commence immediately. If reclamation does not immediately commence and is not accomplished to the satisfaction of the District Ranger within a 12 month period, the District Ranger may use the bond money to complete reclamation.

### **D. Reclamation Requirements**

1. The operator is responsible for reclaiming all ground surface disturbed by this operation. Practicality and other resource needs shall be factors in all decisions relating to reclamation, but in every case reclaimed areas shall be left in a condition which: 1) eliminates or reduces erosion to a minimum; 2) natural drainage patterns are re-created or restored; 3) results in a visual quality in harmony with surrounding natural terrain and; 4) rehabilitates the site to a productive state which assures that it can be managed in accordance with the Forest Plan Management Area 5.1, Resource Production Emphasis.
2. Backfill for the pit would consist of a bottom layer of waste rock. An intermediate layer would include soil substrate and other overburden, as well as any unusable fines from processing that may occur on the site. Compaction may be appropriate to allow the intermediate layer to settle into the bottom layer of waste rock. Finally, the top layer would be re-spread topsoil and amendments, to

achieve a topsoil horizon comparable to pre-mining conditions. If soils become compacted, intentionally or not, at any time during the reclamation process, appropriate steps (e.g., harrowing, disking) would be taken to scarify the soil and provide an appropriate plant growth environment.

3. Contouring shall consist of the following: 1) All surface areas disturbed by the operation shall be re-contoured in such a way as to closely approximate either surface contours existing in the disturbed area before the start of operations or surface contours of immediately and adjacent undisturbed terrain as specified by the District Ranger; 2) To enhance public safety and minimize erosion no created or substantially modified slope shall be left steeper than 3:1, except in the case of solid rock highwalls; 3) Solid rock highwalls may remain if they are determined to be stable, do not present a hazard to humans or wildlife, and are approved by the District Ranger.
4. No manmade materials of any kind (broken equipment, scrap metal, trash, garbage, etc.) shall be used as fill.
5. A minimum 4" thick layer of topsoil shall be applied to all disturbed areas with the exception of solid rock highwalls. In addition, a minimum 4" thick layer of topsoil shall be applied to the access road leading from FSR 305 1.D to the mine area. If topsoil stockpile volumes are insufficient, fine material from processing and imported organic material may be used to amend the topsoil prior to its application.
6. Areas of soils compacted by mining equipment on the site shall be ripped or scarified to alleviate soil compaction during reclamation.
7. The finished re-contoured ground surface within the designated areas shall be seeded to return the reclaimed area to a productive vegetative state in harmony with surrounding vegetation.

Seeding shall be done using the High Elevation Upland Seed Mixture with the following composition unless an alternative seed mixture is specified by the District Ranger: Annual ryegrass-30%, slender wheatgrass-25%; green needle grass-20%; Canada wildrye-10%; Canby bluegrass-10% and purple prairie clover-5%.

The seed shall be applied at a rate of 20 pounds live seed (pls) per acre. The operator shall provide a copy of the receipt for seed payment to the District Ranger to assure proper seed mixture use.

8. The operator is encouraged to perform partial reclamation where applicable at any time. To the maximum extent possible, grading, topsoil spreading and planting will commence as soon as disturbance to an area is complete and the season is appropriate for such activities.
9. Partial reclamation may result in application of appropriate bond amounts to expanded areas of the operation, or may result in release of part of the performance bond.
10. Reclamation shall be performed as soon as possible following completion of mining operations. Within 12 months of the cessation of operations, the operator shall complete backfilling, complete necessary recontouring, place topsoil, and shall fertilize, seed, and mulch to meet specifications of the operating plan. If reclamation is not accomplished to the satisfaction of the District Ranger within the 12 month period, the District Ranger may use the bond money to complete reclamation.

#### **E. Reclamation Performance Standards**

1. Reclamation will be considered successful when the site meets the following reclamation performance standards:

- a. Completion of pit backfills.
- b. Reclamation of access road from FSR 305 1.D to the mine area.
- c. Establishment of a slope of 3:1 or less on all modified slopes with exception of solid rock highwalls.
- d. Placement of topsoil or other growth medium on all disturbed areas with exception of solid rock highwalls.
- e. Establishment of a self-sustaining vegetative cover on areas covered with topsoil.
- f. Removal of all mining equipment, supplies, and solid wastes such as broken equipment, scrap metal, trash, garbage, tires etc.
- g. Eradication of any noxious weed infestations within reclaimed area.

**F. Reclamation bond requirements**

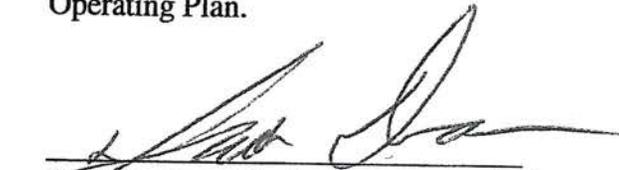
1. The total reclamation bond required for the Silver Mica mine is \$ 8,070.00 . The reclamation bond for this operation required by the South Dakota Department of Environment and Natural Resources and the Forest Service is \$ 8,070.00 .
2. The required bond amount will be reviewed annually and adjusted to compensate for any completed reclamation work, any increase in the scope of operations, changes in equipment rental rates, wages, materials etc.
3. Portions of the bond may be released when the earthwork (backfilling, topsoil placement etc.) has been completed. The amount of the bond covering these activities can be released, if the remaining bond is adequate for the other outstanding reclamation work at the site.
4. Based on the annual bond updates, the operator shall provide any additional bonding required for the operation within 30 days of notification by the District Ranger.
5. The final reclamation bond shall be released when the District Ranger provides written approval that the site meets the reclamation performance standards established for this project.
6. Reclamation of all disturbance connected with this plan of operations is covered by Certificate of Deposit No. 7301000288, dated 06/13/2014, signed by James Dean, and issued by First Interstate Bank, Hill City, SD, for the penal sum of \$ 8,070.00. This Reclamation Performance Bond also extends to and includes any unauthorized activities conducted in connection with this operation.
7. The bond amount for this Reclamation Performance Bond was based on a bond calculation worksheet. The bond amount may be adjusted during the term of this proposed Operating Plan in response to changes in the operations or to changes in the economy.
8. Should the bond delivered herewith, or any bond delivered hereafter in connection with this Operating Plan, no longer be in effect, the operator shall, within 30 calendar days of receipt of the Forest Service demand, furnish a new bond satisfactory to the Forest Service. Until such time that a satisfactory bond is received by the Forest Service, no further operations other than reclamation activities will be allowed.

9. The Reclamation Performance Bond must be furnished before approval of the Operating Plan.

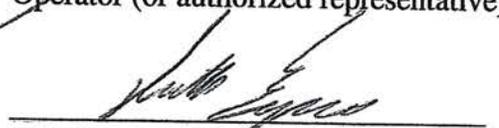
**G. Operating Plan Acceptance**

1. This operating plan has been approved for a period of five years or until May 1, 2019. A new or revised plan must be submitted in accordance with 36 CFR part 228, subpart C, if operations are to be continued after that time period.
2. Approval of this plan does not constitute certification of ownership to any person named herein and/or recognition of the validity of any mining claim named herein.

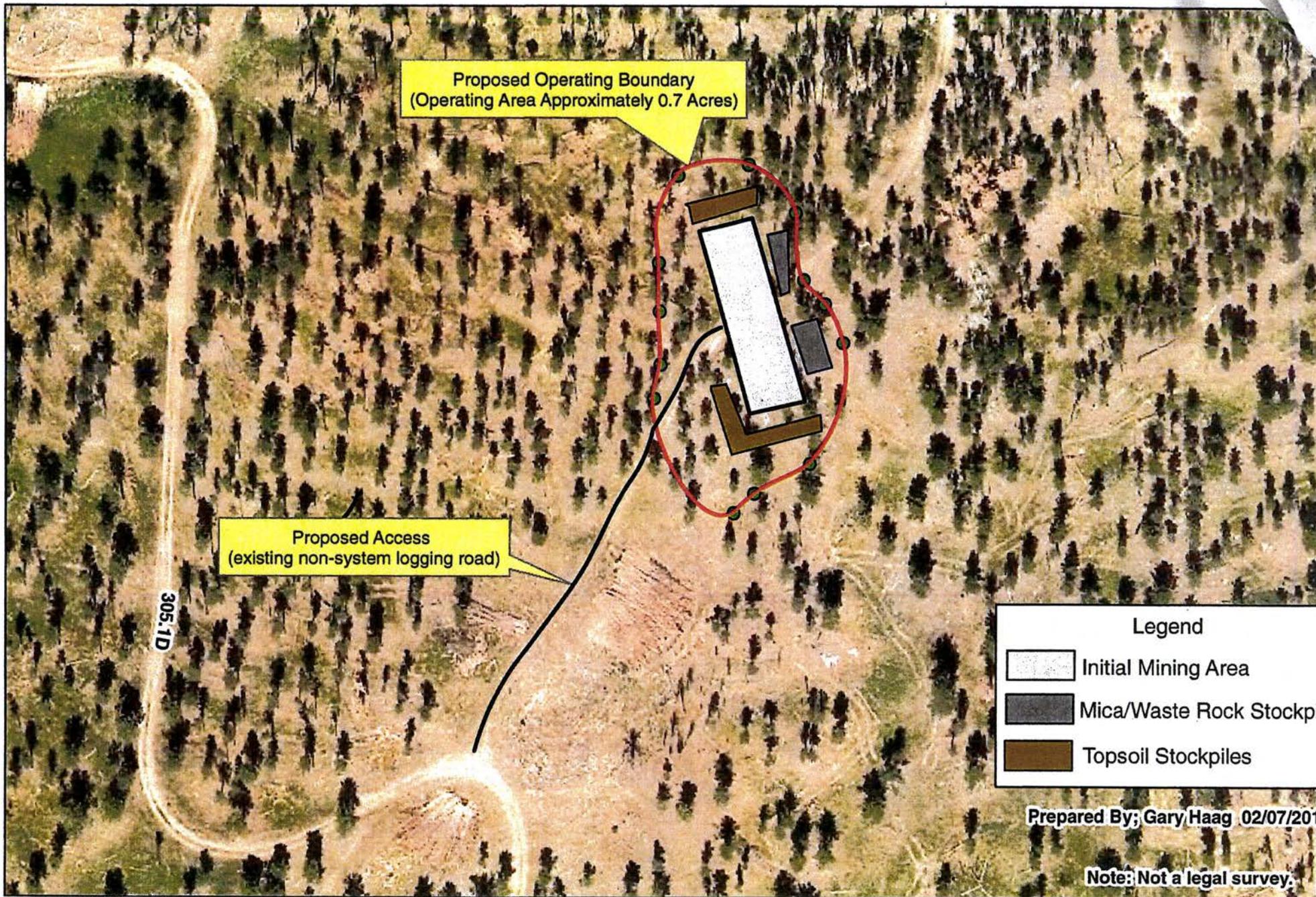
I/We have reviewed and agree to comply with the general conditions, operating conditions, interim shutdown requirements, reclamation requirements, and bonding requirements for the Silver Mica Mine Operating Plan.

  
\_\_\_\_\_  
Operator (or authorized representative)

6-17-14  
Date

  
\_\_\_\_\_  
RUTH ESPERANCE, District Ranger

6/23/14  
Date

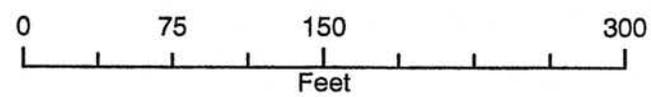


**Legend**

-  Initial Mining Area
-  Mica/Waste Rock Stockpiles
-  Topsoil Stockpiles

Prepared By: Gary Haag 02/07/2011

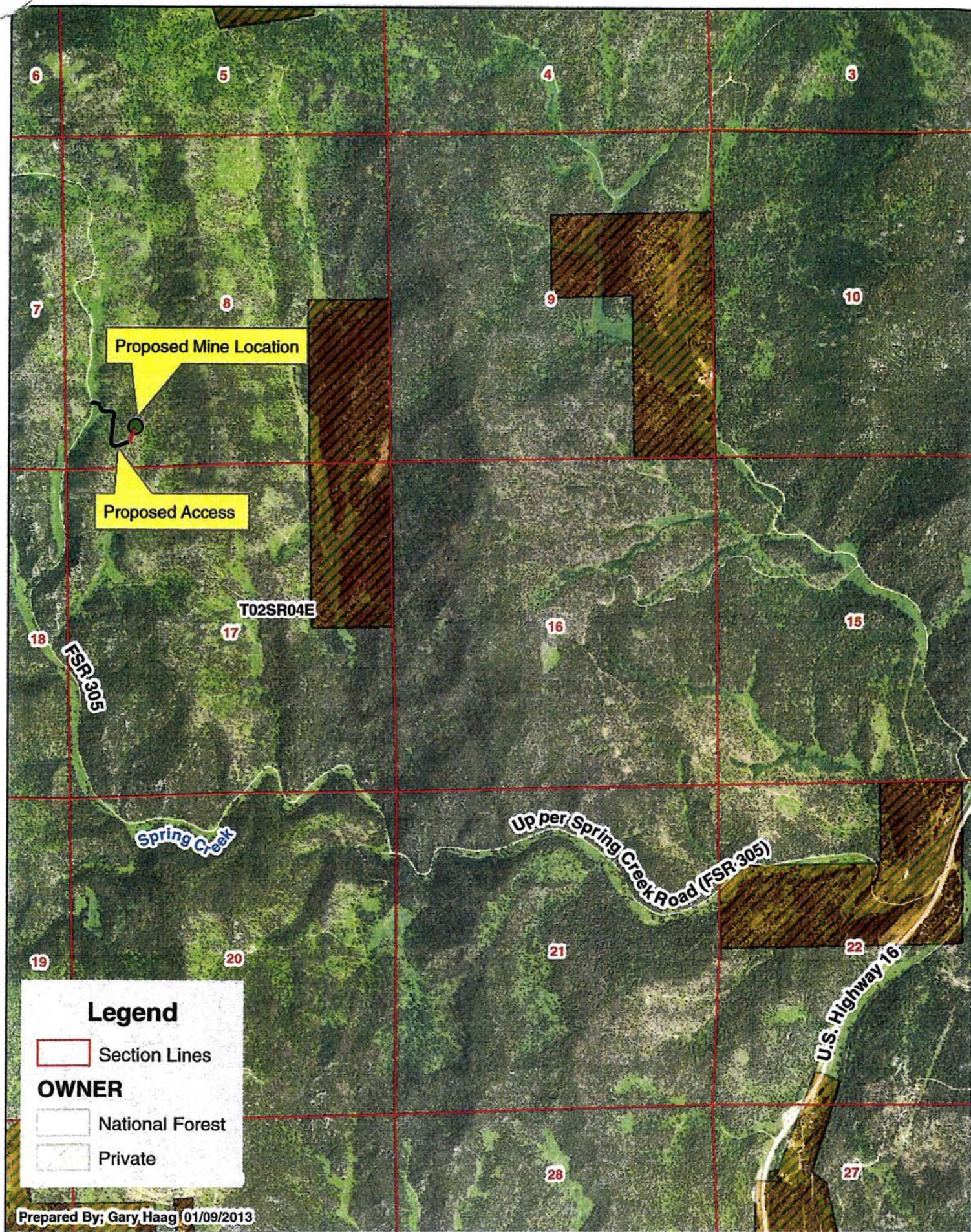
Note: Not a legal survey.



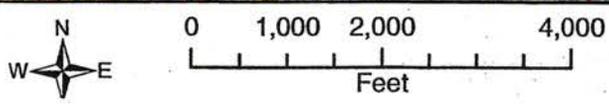
USGS 7.5 Minute Medicine Mt. Quadrangle



**Attachment B**  
**Silver Mica Operating Area**  
 T2S, R4E, SW 1/4, Section 8  
 Pennington County, South Dakota



Prepared By; Gary Haag 01/09/2013



**Attachment A**  
**Silver Mica Mining Project**  
**T2S, R4E, SW 1/4, Section 8**

**Silver Mica Mine Reclamation Bond Estimate**

**Acrage being used for bond estimate: 1.0**

**Cost Sources and Equipment Selection and Production Sources:**  
 Equipment costs based on March 2012 USFS Regional Cost Estimating Guide for Road Construction.  
 Seeding cost included material, labor and overhead of 42.3%, based on Black Hills KV Costs for FY 2013.  
 Weed treatment cost included material, labor and overhead of 42.3%, based on Black Hills KV Costs for FY 2013.  
 Labor rates based on South Dakota Davis-Bacon wages.  
 Contingencies and agency administration costs based on the Forest Service Guide for Reclamation Bond Estimation and Administration, 2004.  
 A Cat D-7 dozer with a triple shank ripper selected for job because it could perform all tasks and provided most efficient production.  
 Dozer production based on guidance in Caterpillar Performance Handbook Edition 42 and RSMears Heavy Construction Cost Data, 2013.  
 Required time to rip compacted areas and backfill/contour based on guidance in RSMears Heavy Construction Cost data, 2013.

Direct Costs	Item:	Equipment mobilization- dozer	Block access road	Backfill/recontour main pit	Rip compacted areas	Spread topsoil	Seeding	Weed Treatment*	Total Direct Costs:
<b>Materials and Equipment:</b>	Unit:	ea.	hr.	hr.	CY	LCY	acre	acre	
	Design quantity	2	0.5	16.0	156.0	532.0	1.00	1.00	
	Unit Direct Cost	\$ 285.00	\$ 187.50	\$ 187.50	\$ 2.90	\$ 187.50	\$ 159.00	\$ 213.00	
	Production LCY/hr.					237		3	
	<b>Total Equipment Cost</b>	<b>\$ 570.00</b>	<b>\$ 93.75</b>	<b>\$ 3,000.00</b>	<b>\$ 452.40</b>	<b>\$ 420.89</b>	<b>\$ 159.00</b>	<b>\$ 639.00</b>	
<b>Labor:</b>	Req'd Labor Hours	Included above	0.5	16.0	2.8	2.2	Included above	Included above	
	Labor Cost/hr.	Included above	\$ 22.62	\$ 22.62	\$ 22.62	\$ 22.62	Included above	Included above	
	<b>Total Labor Cost</b>	<b>n/a</b>	<b>\$ 11.31</b>	<b>\$ 361.92</b>	<b>\$ 63.34</b>	<b>\$ 50.78</b>	<b>n/a</b>	<b>n/a</b>	
<b>Subtotal Direct Costs:</b>		<b>\$ 570.00</b>	<b>\$ 105.06</b>	<b>\$ 3,361.92</b>	<b>\$ 515.74</b>	<b>\$ 471.66</b>	<b>\$ 159.00</b>	<b>\$ 639.00</b>	<b>\$ 5,822.38</b>
<b>Comments:</b>		Mob or Demob up to 40 mi.	Blocked with boulders.		Rip compacted areas with triple shank ripper.	4" soil thickness over 1.0 acre mine disturbance. Soil placed with D7 dozer.	Hand broadcast grass seed	Broadcast spray.	

Indirect Costs	Adjustment	Amount
Contingencies	10%	\$ 582.24
Contractor Profit and Overhead	30%	\$ 1,746.71
FS Minerals Administrator	1 day @ \$230/day	\$ 230.00
FS Contractor Administration	2 days @ \$250/day	\$ 500.00

**Total Bond** \$ **8,069.09** (Rounded to \$8,070.00)

Estimator: Gary H. Haag  
 Gary H. Haag

Date: 2/6/2013

\*Total weed treatment cost is for a 3-year period.



**Legend**

**Roads**

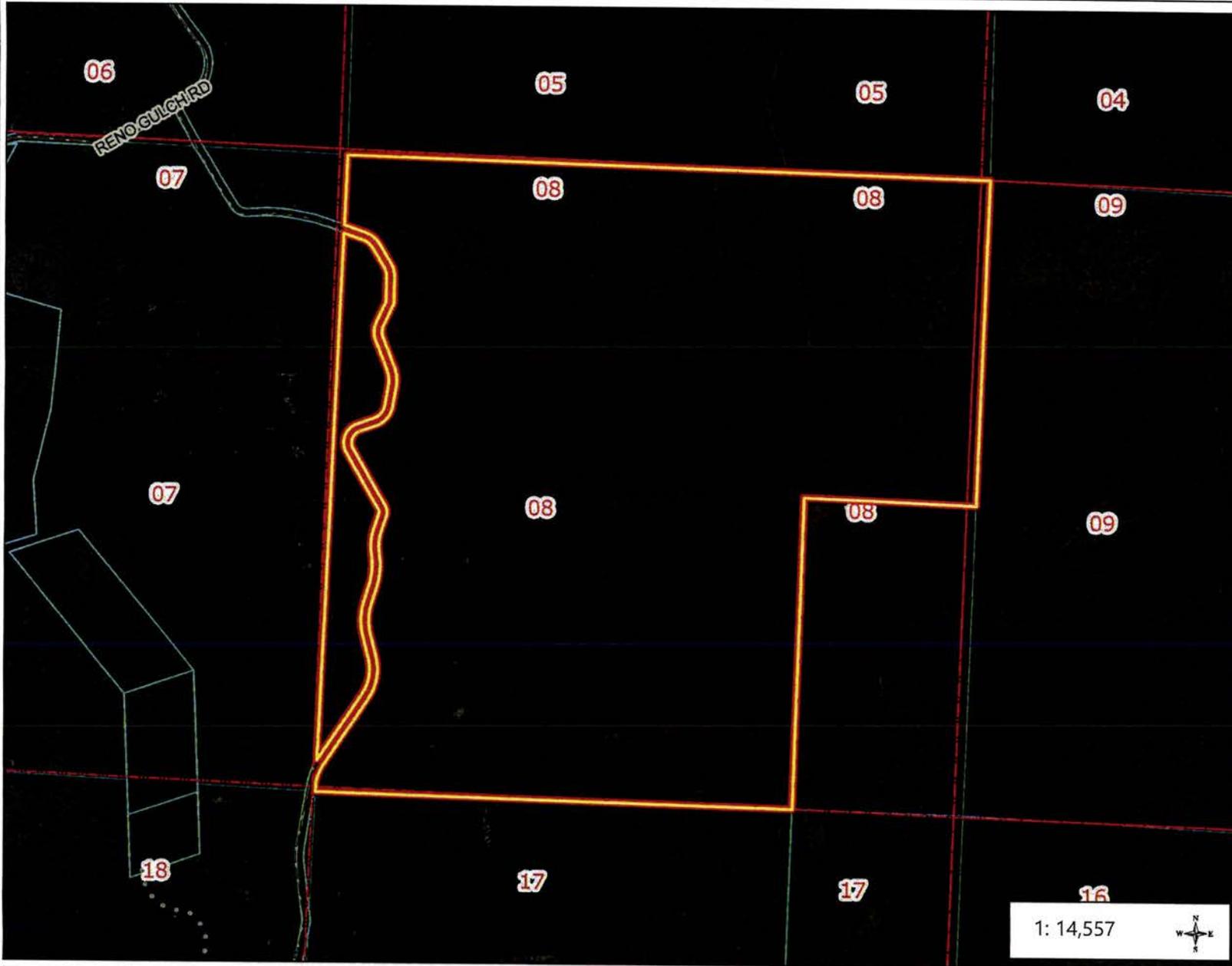
- Interstate
- US highway
- SD highway
- County highway
- Main road
- Minor arterial
- Collector
- Ramp
- Paved road
- Unpaved road
- Trail
- Driveway
- Alley
- Unimproved road
- Airport Runway
- Not yet coded

Section Lines 0-25k

Tax Parcels

**Lot Lines**

- <Null>
- Lot Line
- Parcel Line



**Map Notes:**

2,426.2 0 1,213.10 2,426.2 Feet

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

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

**STAFF REPORT**

**GENERAL INFORMATION:**

**REQUEST:** **MINOR PLAT / MPL 19-43:** To subdivide and create Lots J and K of Rushmore Ranch Estates in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

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

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

**SURVEYOR:** Longbranch Civil Engineering

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

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

**SITE LOCATION:** 13730 Highway 40.

**SIZE:** 7.18 acres

**TAX ID:** 48835

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

**SUBDIVISION REGULATIONS REFERENCE:** §§ 300.2 and 400.3

**CURRENT ZONING:** Planned Unit Development District

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

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

UTILITIES: Private

REPORT BY: Jason Theunissen

**I. PROPOSED RECOMMENDATION**

- A. Staff will be recommending approval of Minor Plat / MPL 19-43 with conditions.

**II. GENERAL DESCRIPTION**

- A. The applicant, Battle Creek Fire District, has applied for a Minor Plat / MPL 19-43 to subdivide one (1) existing lot and create 2 (two) lots.

**III. EXISTING CONDITIONS**

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



Existing Lot

**IV. PROPOSED LOT J & LOT K**

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



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

**V. REQUEST FOR COMMENT**

- A. County Highway Department
  - 1. Highway Department has no comments since this abuts a State Highway.
- B. County Fire Administrator
  - 1. No comments received.
- C. County Professional Environmental Planner
  - 1. No Special Flood Hazard Area on the subject property.
- D. County On-site Wastewater Specialist
  - 1. The applicant currently has an approved septic permit (2007COSD-0145) and a current Operating Permit (COOP14-0175). According to the USDA Web Soil Survey the soils are classified as “Very Limited”. If the applicant ever decides to install a new septic on the property all rules of Pennington County Zoning Ordinance Section 204-J must be followed.
- E. County Ordinance Enforcement
  - 1. No known violations on this property.

- F. County Natural Resources Director
  - 1. No objections.
- G. County Addressing Coordinator
  - 1. No addressing concerns at this time. Future addresses will be assigned during the Building Permit application process. Once assigned, addresses must be posted in accordance with Pennington County Ordinance #20.
- H. Register of Deeds
  - 1. Plat heading is acceptable.
  - 2. Certificates appear to be the required certificates per state statute.
- I. SD Department of Transportation
  - 1. Although not being requested, SDDOT will not allow additional access to SD40 as a result of this platting. The small parcel (being platted off) will need to [use] Rushmore Ranch Road for access.
- J. Department of Equalization
  - 1. Looks good.
- K. Emergency Services (9-1-1)
  - 1. Good here.
- L. Black Hills Electric Cooperative
  - 1. Black Hills Electric Cooperative has no concerns with this plat.

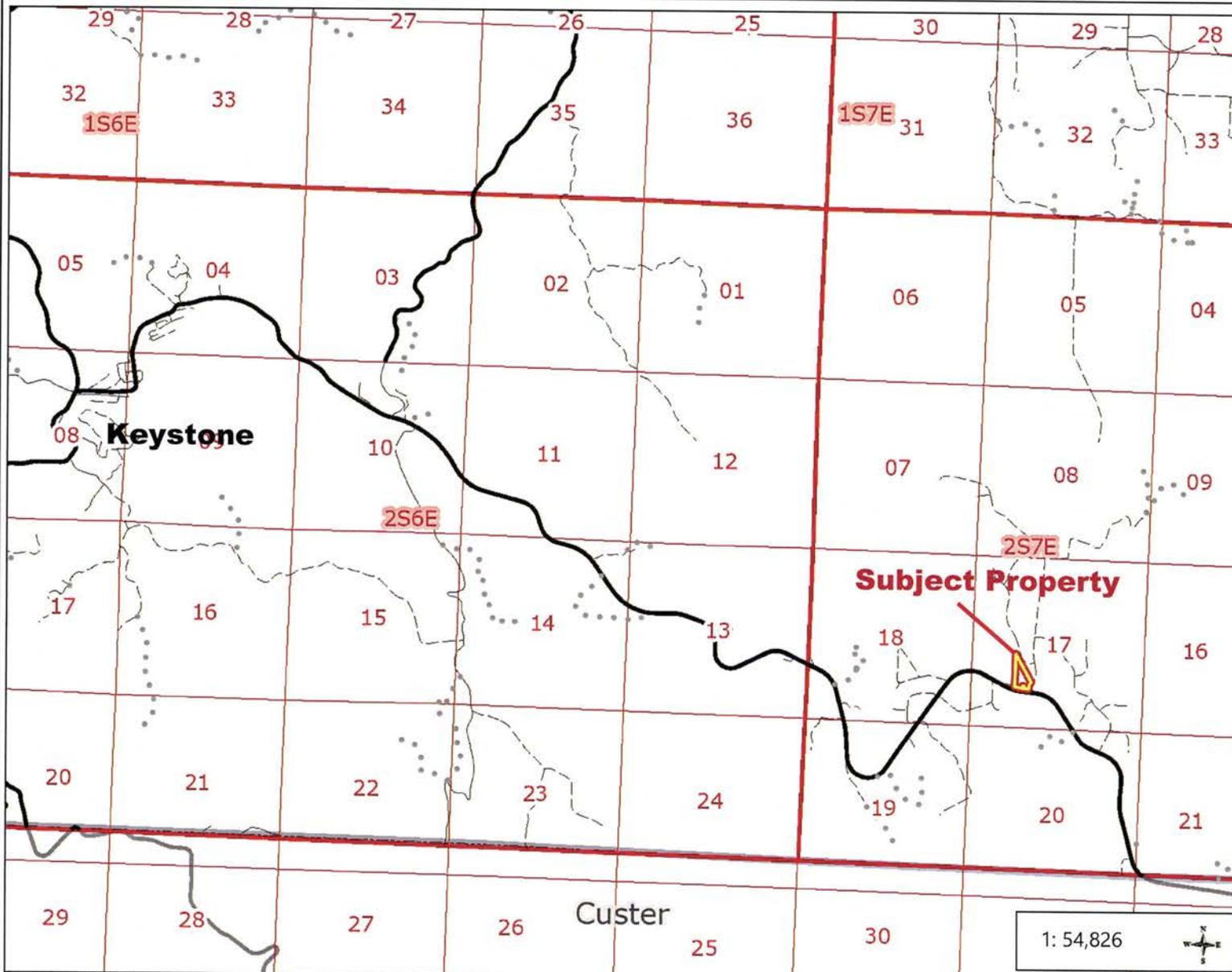
## VI. ANALYSIS

- A. July 23, 2002 – the County Board of Adjustment approved Planned Unit Development / PUD 02-05.
  - 1. Condition #1 states, “That lot described as Well Tract in Phase I be allowed to be subdivided into two lots and that the use of one lot shall be as a Well Tract and the use of the other lot to be as a Fire Station.”
- B. November 5, 2019 – the Board of Commissioners approved Layout Plan / LPL 19-37 with the following conditions:
  - 1. That at the time of Minor Plat submittal, the lot names be corrected, per Register of Deeds comments;
  - 2. That at the time of Minor Plat submittal, the plat meets all requirements of Pennington County Subdivision Regulations, or approved Subdivision Regulations Variance(s) be obtained waiving any of these requirements that are not met. Subdivision Regulations Variances shall be submitted per § 700 of Pennington County Subdivision Regulations;
  - 3. That the applicant ensures all natural drainage ways are maintained and are not blocked;
  - 4. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of § 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit; and,

5. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.
- C. November 12, 2019 – the applicant applied for Minor Plat / MPL 19-43 to subdivide the subject property into two separate lots.
- D. Staff reviewed this request and determined that the Conditions of Approval of Layout Plan / LPL 19-37 have been met.
- E. For the purposes of a Minor Plat, Staff finds no significant issues with the applicant's request as it appears to be in harmony with Planned Unit Development / PUD 02-05, Condition #1.

**RECOMMENDATION:** Staff recommends approval of Minor Plat / MPL 19-43 with the following conditions:

1. That upon filing the Plat with the Register of Deeds, the plat meets all requirements of Pennington County Subdivision Regulations, or approved Subdivision Regulations Variance(s) be obtained waiving any of these requirements that are not met;
2. That the applicant ensures all natural drainage ways are maintained and are not blocked;
3. That all future addresses must be posted in accordance with Pennington County Ordinance #20; and,
4. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of § 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit.



### Legend

**Roads**

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

PLSS

Townships

Tax Parcels

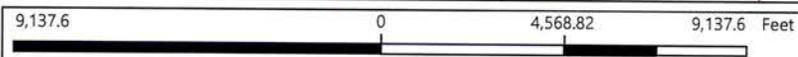
**Lot Lines**

- <Null>
- Lot Line
- Parcel Line

**City Boundaries**

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

1: 54,826

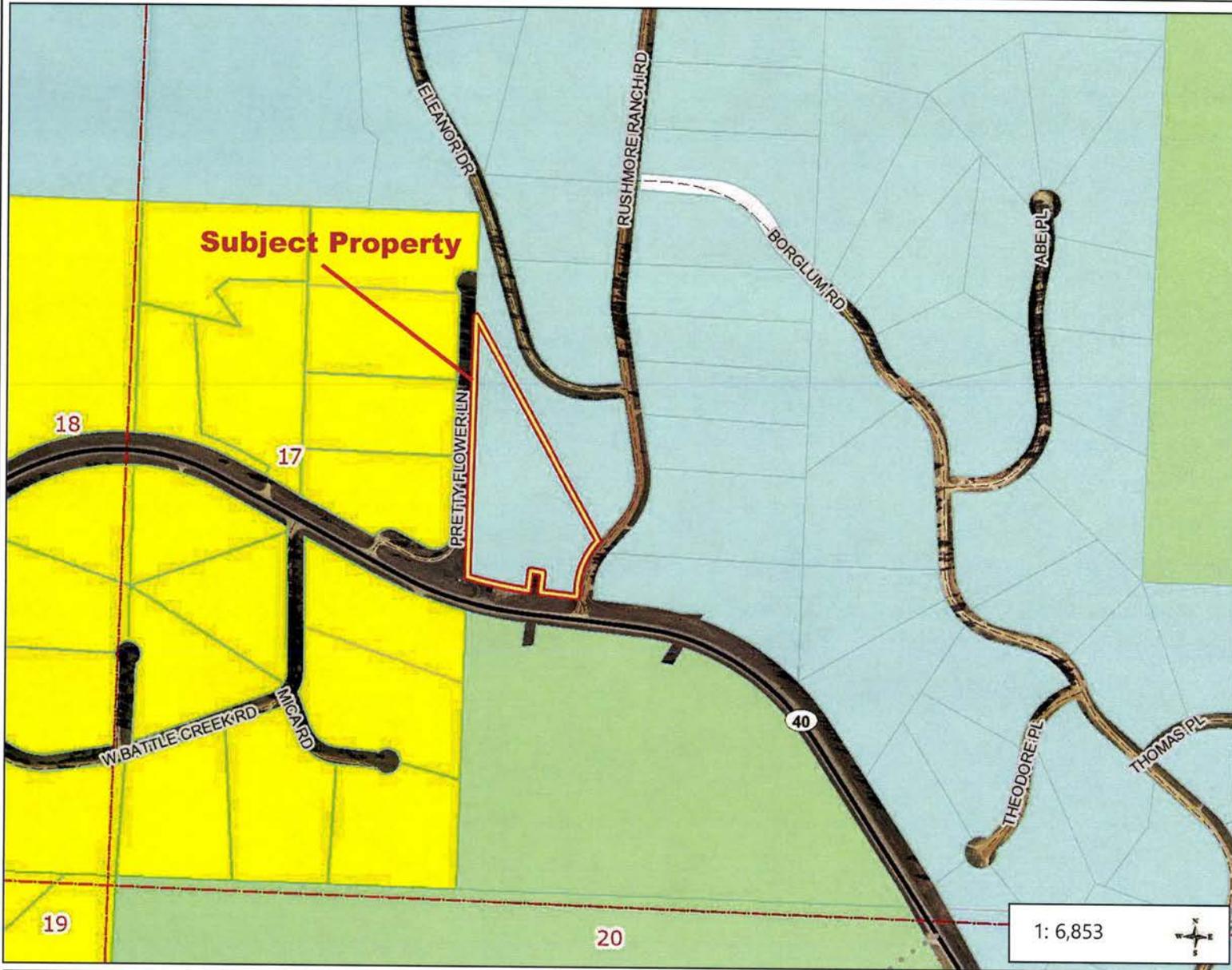


NAD\_1983\_StatePlane\_South\_Dakota\_South\_FIPS\_4002\_Feet  
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**Map Notes:**



**Legend**

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

**Address Points**

- Section Lines 0-25k

**Tax Parcels**

**Lot Lines**

- <Null>
- Lot Line
- Parcel Line

**Pennington County Zoning**

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

**Map Notes:**

1,142.2 0 571.10 1,142.2 Feet

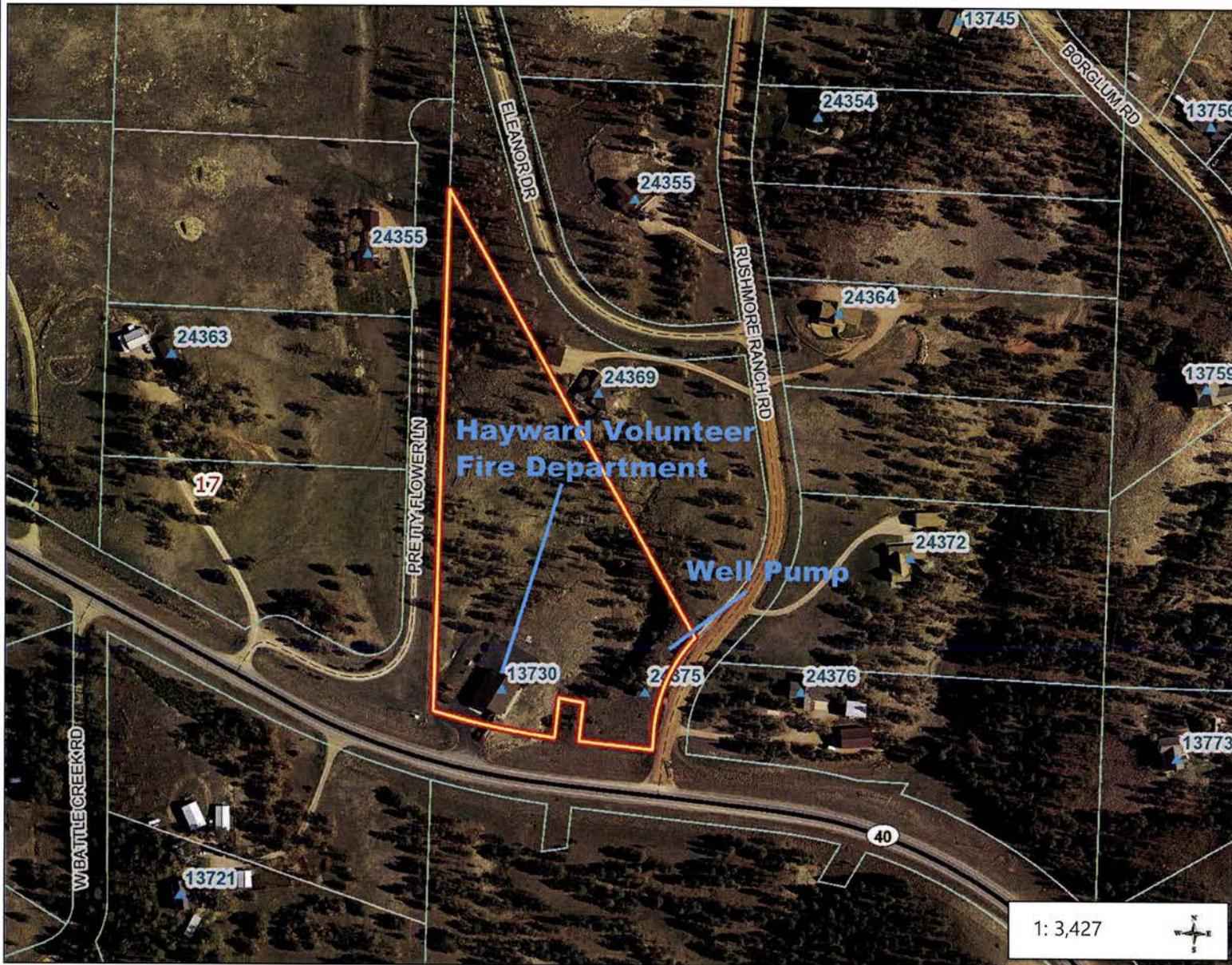
NAD\_1983\_StatePlane\_South\_Dakota\_South\_FIPS\_4002\_Feet  
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**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

1: 6,853





**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

1: 3,427



571.1 0 285.55 571.1 Feet

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

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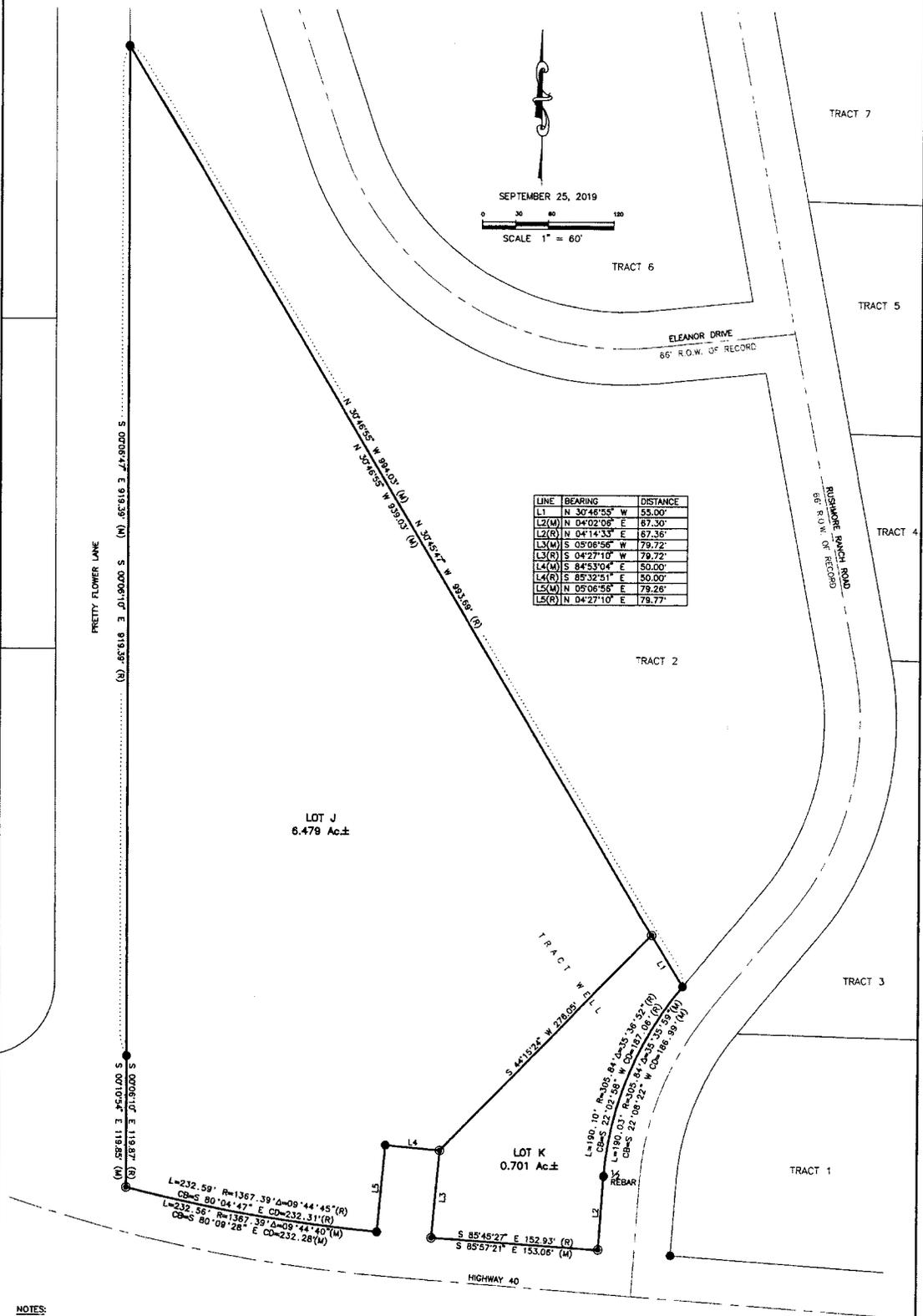
THIS MAP IS NOT TO BE USED FOR NAVIGATION

**Map Notes:**

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



LINE	BEARING	DISTANCE
L1	N 30°46'55" W	55.00'
L2(M)	N 04°02'08" E	87.30'
L2(R)	N 04°14'33" E	87.36'
L3(M)	S 05°08'56" W	79.72'
L3(R)	S 04°27'10" W	79.72'
L4(M)	S 84°53'04" E	50.00'
L4(R)	S 85°32'51" E	50.00'
L5(M)	N 05°06'55" E	79.29'
L5(R)	N 04°27'10" E	79.77'



**NOTES:**

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

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

Any major drainage easement shown hereon shall be kept free of all obstructions including but not limited to buildings, walls, fences, hedges, trees and shrubs. These easements grant to all public authorities the right to construct, operate, maintain, inspect, and repair such improvements and structures as it deems expedient to facilitate drainage from any source.



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

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.

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

I, \_\_\_\_\_, do hereby certify that I am a Member of the BATTLE CREEK FIRE DISTRICT, the owner of the land shown and described hereon; that the survey was done at MY request for the purposes indicated hereon; that I do hereby approve the survey and within plot of said land; and that the development of this land shall conform to all existing applicable zoning, subdivision, and erosion and sediment control regulations.

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

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

Owner: BATTLE CREEK FIRE DISTRICT

Owner: \_\_\_\_\_  
 Member

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a Notary Public, personally appeared \_\_\_\_\_, a Member of BATTLE CREEK FIRE DISTRICT known to me to be the person(s) described in the foregoing instrument and acknowledged to me that he/she signed the same.

Notary Public: \_\_\_\_\_  
 My Commission Expires: \_\_\_\_\_

**FLOODPLAIN STATEMENT**  
 Floodplain Statement

The 100-year floodplain boundary delineated on this plat is based on the elevations identified in the Flood Insurance Study and Maps 46103C1605H and 46103C1825H dated June 3, 2013. These elevations may be altered through the submission of a Letter of Map Revision or Letter of Map Amendment approved by the Federal Emergency Management Agency.

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

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

Pennington County Auditor / Deputy

**CERTIFICATE OF DIRECTOR OF EQUALIZATION**

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

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

Director of Equalization of Pennington County

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

I, Jeffrey L. Janis, Registered Land Surveyor No. 11700 in the State of South Dakota, do hereby certify that at the request of the owner(s) listed hereon, I have surveyed the tract of land shown, and to the best of my knowledge and belief, the within plat is a representation of said survey. Easements or restrictions of miscellaneous record or private agreements that are not known to me are not shown hereon.

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

Jeffrey L. Janis, Registered Land Surveyor Date

**CERTIFICATE OF HIGHWAY OR STREET AUTHORITY**

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**

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

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

Treasurer of Pennington County

**CERTIFICATE OF REGISTER OF DEEDS**  
 State of South Dakota  
 County of Pennington s.s.

Filed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

in Document No. \_\_\_\_\_

Register of Deeds Fee: \$ \_\_\_\_\_



2013-01-01 10:00 AM 11/11/2013 10:00 AM 11/11/2013 10:00 AM

Agenda Item #7  
William Anderson; Cliff Janis;  
Billy Janis; and, S-L Holdings LLC.  
December 16, 2019

7

**STAFF REPORT**

**GENERAL INFORMATION:**

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

LANDOWNER/APPLICANT: William Anderson

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

LANDOWNER: Cliff and Billy Janis

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

LANDOWNER: S-L Holdings LLC.

LANDOWNER ADDRESS: P.O. Box 9401, Rapid City, SD 57709  
1221 E. Fairmont Blvd, Rapid City, SD 57701

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

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

SIZE: Anderson lot 25.29 acres  
Janis lot 11.48 acres  
S-L Holdings, LLC lot 2.71 acres

TAX ID: 54463 / 66080 / 66081

EXISTING LAND USE: Residential / Storage Units

ZONING REFERENCE: Section 213

CURRENT ZONING: Planned Unit Development District

Agenda Item #7  
William Anderson; Cliff Janis;  
Billy Janis; and, S-L Holdings LLC.  
December 16, 2019

**SURROUNDING ZONING:**

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

**PHYSICAL CHARACTERISTICS:** Flat

**UTILITIES:** Central water, underground electric

**REPORT BY:** Brittney Molitor

**I. PROPOSED RECOMMENDATION**

A. Staff will be to recommending rezone PU 01-05 to Suburban Residential District (S-L Holdings LLC property) and Limited Agriculture District (Anderson and Janis property).

**II. GENERAL DESCRIPTION**

A. In 2001, William Anderson requested rezone of a 40-acre parcel into a mixed-use Planned Unit Development (PUD). The approved PUD allowed residential and neighborhood commercial uses.

**III. PROPERTY HISTORY**

- A. PU 01-05 was approved to allow a mixed-use development to include 51 dwelling units and (a maximum) of 10-acres of neighborhood commercial development.
- B. PU 01-05 was approved by the Board of Commissioners on January 02, 2002, with the following ten (10) conditions:
1. That prior to County Board approval of the Planned Unit Development, a comprehensive drainage plan showing the post development flows be submitted to the County Drainage Engineer for review and approval;
  2. That prior to County Board approval of the Planned Unit Development, the sight distance be measured for all approaches onto Radar Hill Road to insure adequacy;
  3. That two means of ingress/egress be provided to the residential development and the neighborhood commercial area;
  4. That prior to County Board approval of the Planned Unit Development, a plan indicating a central water system with fire hydrants and gallon per minute flows in accordance with the Uniform Fire Code for the residential and commercial areas be submitted to the Fire Coordinator for review and approval;

Agenda Item #7

William Anderson; Cliff Janis;  
Billy Janis; and, S-L Holdings LLC.  
December 16, 2019

5. That a maximum of fifty-one (51) dwelling units be constructed on the forty-acre parcel;
  6. That a maximum of ten (10) acres be utilized for neighborhood commercial uses;
  7. Neighborhood commercial uses shall be limited to: convenience store with gas facilities, screened outdoor storage, enclosed storage units, food markets including bakery goods and delicatessen goods, meat market, drug store, book store, tobacco store, vanity goods store, pharmacy, banks, barber shops and beauty shops, dry cleaning business, gift shops, self service laundries, shoe repair, professional and business offices, veterinary clinic, package liquor sales (to be consumed off premise), hardware or home improvement retail establishments, video rentals, child care facility, restaurant with a bar and casino, clothing stores and postal substation;
  8. That each residential lot shall be a minimum of 24,000 square feet in size exclusive of any access easements;
  9. That each new residence either be provided with a minimum 1,500-gallon septic tank or connected to a municipal sewer system; and,
  10. That a drainfield reserve area be provided for each residential or commercial lot. This reserve area can be shown on a building permit or on the plat of the lot.
- C. PU 01-05 rezoned a single forty (40) acre lot from General Agriculture District to Planned Unit Development District. Over time, however, the property was subdivided into three (3) separate lots.
- D. PU 01-05 has not been reviewed or amended since approval in 2002.
1. The existing uses on the subject properties located within PU 01-05 are a mix of residential and commercial.
  2. PU 01-05 has not been developed as required under the Conditions of Approval.
  3. The subject properties are now located within the platting jurisdiction of the city of Rapid City.

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William Anderson; Cliff Janis;  
Billy Janis; and, S-L Holdings LLC.  
December 16, 2019

See aerial photo below:



- C. April 2019 - Staff was notified of a neighbors' concern relative to bright lights located at 22909 Radar Hill Road (Depot Storage / S-L Holdings LLC).
- D. July 29, 2019 - An official complaint was submitted to the Planning Department concerning the brightness of security lights located on the storage unit lot. This complaint triggered review of PU 01-05.



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 William Anderson; Cliff Janis;  
 Billy Janis; and, S-L Holdings LLC.  
 December 16, 2019

- B. On December 23, 2014, Tract 2 of KWA Subdivision was platted through the city of Rapid City as the property was then located in the Rapid City platting jurisdiction. Tract 2 owned by Cliff Janis is 11.48 acres and contains a 14' x 70' single-wide mobile home with various additions – per DOE records. Building Permits for the single-wide mobile home were never obtained.

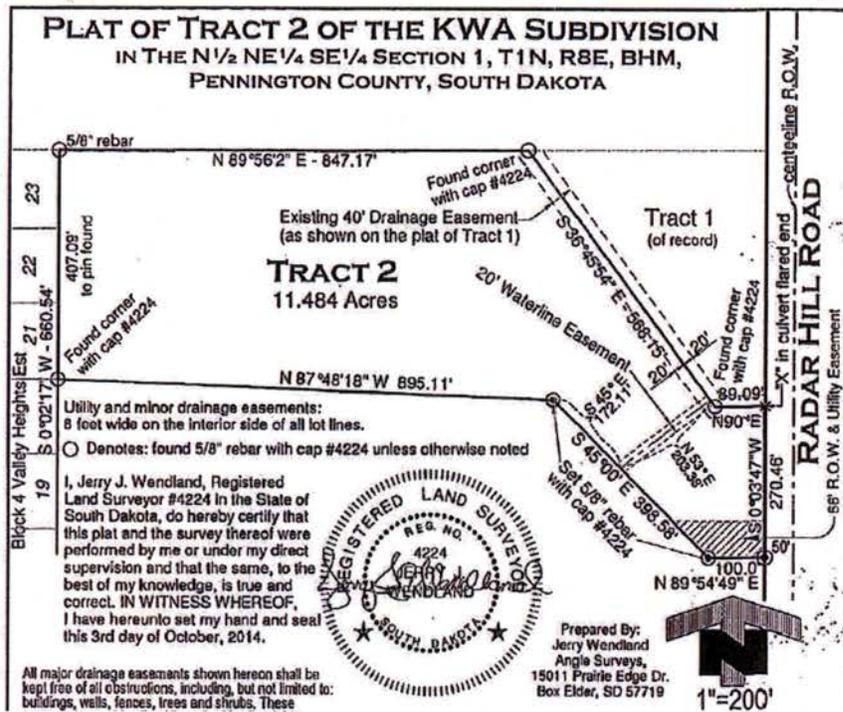


Photo of SWMH on subject property.

Agenda Item #7  
William Anderson; Cliff Janis;  
Billy Janis; and, S-L Holdings LLC.  
December 16, 2019

- C. The remaining unplatted lot, NE ¼ SE ¼ less KWA Subdivision Lot H-1 of S ½ NE ¼ SE ¼, is also a part of PU 01-05. The lot contains a 40' x 60' pole barn with living quarters – 2001COBP0675. No Building Permit was issued for the living quarters. Onsite wastewater treatment system – 2002COSD0046.



Photo of Pole Barn on subject property.

## V. ANALYSIS

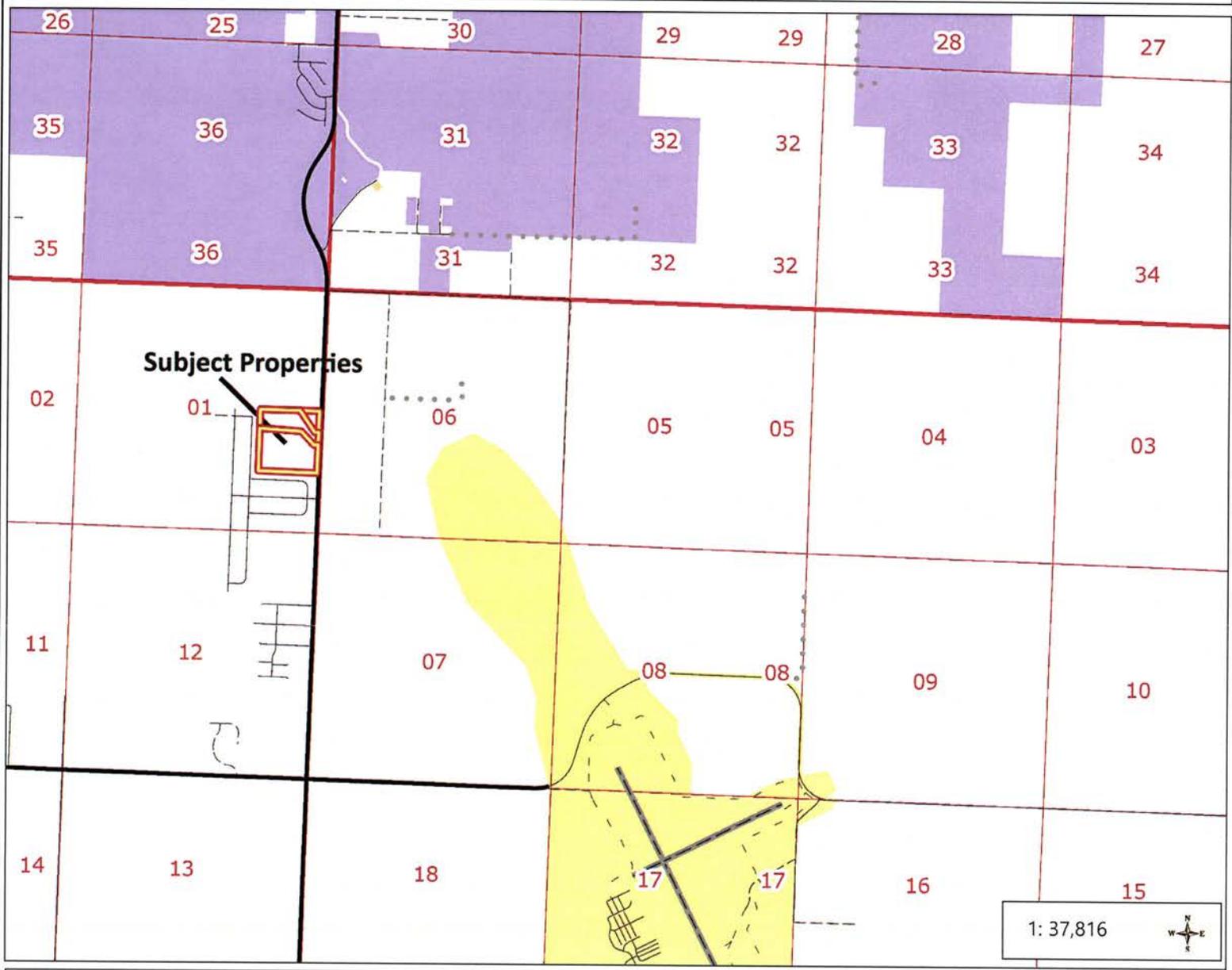
- A. Staff attempted to contact all three landowners to amend PU 01-05 and bring it current with the uses and future uses of the subject properties, while simultaneously addressing the lighting complaint involving the storage units.
- B. Staff has spoken with the landowners within PU 01-05.
- C. Mr. Anderson (the original applicant for PU 01-05) stated he has no intent of making the required changes to bring PU 01-05 into compliance.
- D. This property has not been developed in accordance with the original Conditions of Approval of the Planned Unit Development District/ PU 01-05.
1. A drainage plan has never been submitted for development of the three (3) lots.
  2. A central water system plan has not been submitted or approved. In addition, the city of Box Elder has a moratorium on water taps in the area and therefore, no future development may occur until a viable water source is secured.
  3. Building Permits have not been obtained for the living quarters on the residential lots.

Agenda Item #7

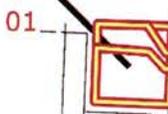
William Anderson; Cliff Janis;  
Billy Janis; and, S-L Holdings LLC.  
December 16, 2019

- E. It is Staff's opinion that a Planned Unit Development District is not an appropriate zoning district for this area as the property has not been developed in accordance with the original intent of PU 01-05.
- F. Properties should be rezoned to a zoning district in harmony with the surrounding land uses.
- G. Current uses under the existing PU 01-05 would become legal nonconforming uses.

**RECOMMENDATION:** Staff seeks direction from the Planning Commission and Board of Commissioners. Staff recommends that Pennington County rezone Planned Unit Development District / PU 01-05 to Suburban Residential District and Limited Agriculture District to conform to surrounding property uses. This will require an application for Rezone and further public hearings.



**Subject Properties**



**Legend**

**Roads**

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

- PLSS
- Townships

**City Limits**

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

1: 37,816



6,302.6 0 3,151.30 6,302.6 Feet

NAD\_1983\_StatePlane\_South\_Dakota\_South\_FIPS\_4002\_Feet  
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**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

**Map Notes:**



**Legend**

**Roads**

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

- Section Lines 0-25k
- Tax Parcels

**Lot Lines**

- <Null>
- Lot Line
- Parcel Line

**Pennington County Zoning**

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

**Map Notes:**

1,575.7 0 787.83 1,575.7 Feet

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

GENERAL INFORMATION:

REQUEST: **CONSTRUCTION PERMIT / CP 19-19:** To construct multiple interior access roads within the proposed Keystone Wye Subdivision.

APPLICANT: Schriner Investment / Shane Schriner

APPLICANT ADDRESS: P.O. Box 555, Hill City, SD 57745

SURVEYOR: Sperlich Consulting

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

LEGAL DESCRIPTION: EXISTING LEGAL: All of Crown Point Lode MS 1258; All of Bay Horse Lode MS 1258; All of Buffalo Fraction Lode MS 1258; and All of Bellevue Lode MS 1258, all located in Section 32, T1S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1-8 of Keystone Wye Subdivision, Section 32, T1S, R6E, BHM, Pennington County, South Dakota.

SITE LOCATION: North of Keystone, along Highway 16A.

SIZE: 15.503 acres

TAX ID: 44242 / 44243 / 44244 / 44245

EXISTING LAND USE: Vacant

ZONING REFERENCE: § 400.3 & 507(A)

CURRENT ZONING: Low Density Residential District

SURROUNDING ZONING:  
North General Agriculture District  
South General Agriculture District  
East General Agriculture District  
West General Agriculture District

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Schriner Investments; Shane Schriner  
December 16, 2019

PHYSICAL CHARACTERISTICS: Forested / Hills

UTILITIES: None

REPORT BY: Cody Sack

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

**I. PROPOSED RECOMMENDATION**

- A. Staff is recommending the Planning Director approve Construction Permit / CP 19-19 with conditions.

**II. GENERAL DESCRIPTION**

- A. The applicant, Shane Schriner, has applied for a Construction Permit to construct interior access roads for the proposed Keystone Wye Subdivision.
1. See attached plans.
  2. A condition for the Final Plat is that the applicant obtain an approved Construction Permit for the access roads.

**III. EXISTING CONDITIONS**

- A. Crown Point Lode MS 1258
1. Low Density Residential.
  2. 9.41 acres.
  3. No Special Flood Hazard Area.
  4. Vacant.
- B. Bay Horse Lode MS 1258
1. Low Density Residential District.
  2. 7.24 acres.
  3. No Special Flood Hazard Area.
  4. Vacant.
- C. Bellevue Lode MS 1258
1. Low Density Residential.
  2. 9.24 acres.
  3. No Special Flood Hazard Area.
  4. Vacant.

- D. Buffalo Fraction Lode MS 1258
  - 1. Low Density Residential.
  - 2. 3.13 acres.
  - 3. No Special Flood Hazard Area.
  - 4. Vacant.

#### IV. REQUEST FOR COMMENT

- A. County Highway
  - 1. The roads in this development do not meet Ordinance 14 requirements but were granted variances. The County should not accept these roads onto the County Highway system in the future unless reconstructed and ROW dedicated to meet ordinance 14.
- B. County Professional Environmental Planner
  - 1. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual shall be followed during construction.
  - 2. The Storm Water Quality Manual requires that an owner must inspect the site at least once every 7 days. Inspection reports must be submitted to the Planning Director every month during construction.
  - 3. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than 14 days after the Construction Activity has stopped. All erosion control methods (mulch and seed) need to be certified noxious weed-free.
  - 4. The site shall be re-vegetated as required in § 507(A)(5)(c).
  - 5. There is no Special Flood Hazard Area on the subject property.
- C. County Environmental Planner
  - 1. The applicant needs to follow the Pennington County Zoning Ordinance (PCZO) §507 and the Pennington County Stormwater Manual.
  - 2. That erosion control measures are implemented immediately/prior to the start of construction.
  - 3. If the Site lays dormant for more than 21 days, the site will need to be stabilized.
  - 4. Final stabilization of the site needs to be started no more than 14 days after construction activity is finished.
- D. County Ordinance Enforcement
  - 1. There are currently no violations on the subject properties.
- E. U.S Forrest Service
  - 1. The Forest Service is currently working with Shane Schriner (Schriner Investments, LLC) on a FLPMA Private Road Easement transfer from Crown Point Road District to Schriner Investments, LLC that will provide legal access to the private property; all

proposed re-construction to the FLPMA Private Road Easement will need to adhere to all provisions and clauses of the signed and dated FLPMA Private Road Easement granted to Crown Point Road District and to be transferred to Schriner Investments, LLC; FLMPA Private Road Easement needs to be recorded in the Public Records in the Office of the Register of Deeds, Pennington County, SD; see attached FLPMA Private Road Easement for details.

2. The Forest Service will not approve a secondary access across National Forest System lands to the private property.
  3. Protect all posted boundary line corners, signs and bearing tress.
  4. Adhere to the setback requirements along the posted boundary between National Forest System lands and private property; the proposed construction of Rockets Court in the Bay Horse Lode, MS 1266, Lot 7 does not adhere to the setback requirements adjacent to National Forest System lands and the private property; Rockets Court may need to be re-designed and re-plated to show the setback requirements between National Forest System lands and the private property.
  5. Protect all known stream courses, ponds and riparian areas located on National Forest System lands.
  6. No resource damage to occur on National Forest System lands.
  7. All proposed drain fields, leach lines or septic systems will need to be located on private property and not located on or drain or leach onto National Forest System lands.
  8. All construction materials, supplies, trash or garbage will not be located or dumped on National Forest System lands.
  9. Public roads in this area of the Black Hills National Forest are classified as "Roads Open to Highway Legal Vehicles Only" and "Highways, US, State" per the latest version of the Motor Vehicle Use Map.
  10. No motorized trailheads or motorized trails or motorized roads are planned or scheduled for this portion of the Black Hills National Forest.
  11. No motorized trails for ATV, motorcycles or ORV will be authorized from private property unto National Forest System lands (USFS does not want unauthorized trails constructed on National Forest System lands).
- F. County Natural Resources Director
1. No Objections.
- G. Emergency Services (9-1-1)
1. No comments.
- H. Black Hills Electric
1. No concerns.

- I. County Fire Administrator
  1. No comments received.
  - 2.
- V. **ANALYSIS**
  - A. November 26, 2019 - The applicant paid a penalty fee for constructing roads prior to approval of a Construction Permit.
  - B. An approved Construction Permit is required for final approval of Final Plat / FPL 19-33.
  - C. There is no Special Flood Hazard Area on any of the subject properties involved.
  - D. The applicant has submitted a copy of an application to file their Notice of Intent (NOI) with the SDDENR for a General Permit.
    1. The applicant will submit the NOI in the spring when the construction is set to start.

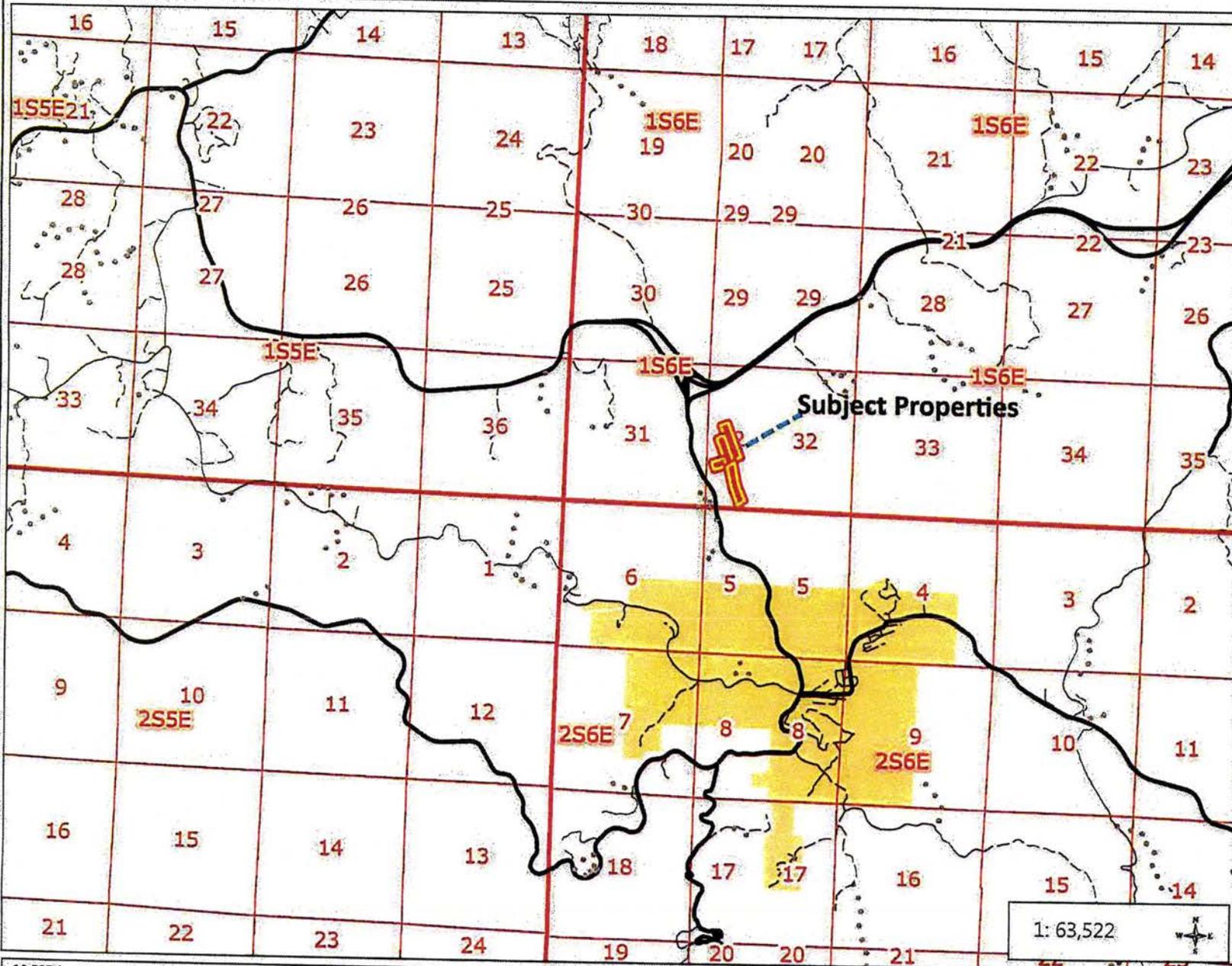
**RECOMMENDATION:** Staff is recommending that the Planning Director approve Construction Permit / CP 19-19 with the following conditions:

1. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction and that the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;
2. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than 14 days after the Construction Activity has stopped. All erosion control methods (mulch and seed) need to be certified noxious weed-free;
3. That erosion control measures are implemented *immediately* and maintained until the site has been revegetated in accordance with § 507(A)(5)(c);
4. That the disturbed areas be re-vegetated as required in § 507(A)(5)(c);
5. That the requirements, guidelines, and criteria for stormwater and erosion and sediment control in the Pennington County Stormwater Manual shall be followed;
6. That weed free seed or mulch be used when re-seeding and any equipment coming onto the site is clean of earthen material and noxious weeds;
7. That all natural drainage ways and paths be continually maintained;
8. That the owner or designee must inspect the site at least once every 7 calendar days or every 14 calendar days and within 24 hours of the end of a storm event that exceeds 0.25 inches or snowmelt that generates runoff. A properly maintained rain

Agenda Item #8  
Schriner Investments; Shane Schriner  
December 16, 2019

gauge must be kept on the site. Inspection reports must be submitted to the Planning Director every month during construction;

9. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;
10. That the applicant sign a Statement of Understanding within ten (10) days of Permit approval which is available in the Planning Office; and,
11. That this Construction Permit is reviewed in six (6) months, 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.



### Legend

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

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

### Map Notes:

10,587.1 0 5,293.53 10,587.1 Feet

NAD\_1983\_2011\_StatePlane\_South\_Dakota\_South\_FIPS\_4002\_Ft\_US  
 © City of Rapid City GIS

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

THIS MAP IS NOT TO BE USED FOR NAVIGATION



**Legend**

**Roads**

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

**Section Lines 0-25k**

- 0
- 7

**Tax Parcels**

**Lot Lines**

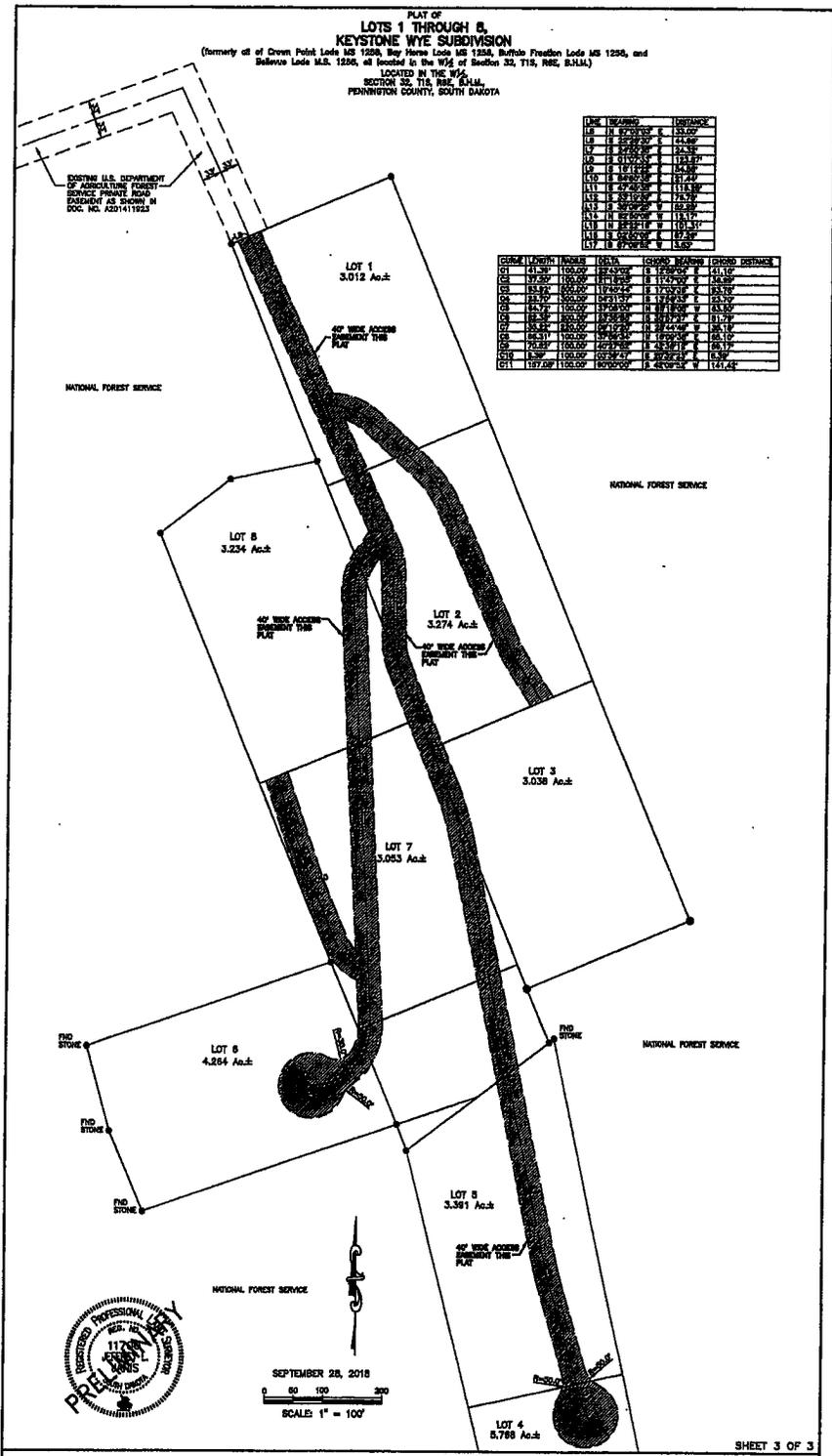
- <Null>
- Lot Line
- Parcel Line

1: 7,940



1,323.4      0      661.69      1,323.4 Feet

**Map Notes:**



SEPTEMBER 28, 2018  
SCALE 1" = 100'

PREPARED BY: SPERLICH CONSULTING, INC. \* 821 COLUMBUS STREET, SUITE 1 RAPID CITY SD 57701 \* (605) 721-4040

SHEET 3 OF 3

3584

PROJECT: 3584 SHEET: 2.3	<b>PRELIMINARY PLAT</b> KEYSTONE WYE SUBDIVISION	<b>LEGAL DESCRIPTION:</b> PROPOSED LOTS 1 THROUGH 8 KEYSTONE WYE SUBDIVISION LOCATED IN THE W/4 SECTION 32, T19, R9E, S11M, PENNINGTON COUNTY, SOUTH DAKOTA SURVEYED BY: SD DRAWN BY: SD	<b>REVISIONS</b> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>DATE</th> <th>REVISION</th> </tr> </thead> <tbody> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td></tr></tbody></table>	DATE	REVISION					
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