AGENDA
PENNINGTON COUNTY PLANNING COMMISSION
January 13, 2020 @ 9:00 a.m.
County Commissioners’ Meeting Room - Pennington County Administration Building

Recommendations of the Planning Commission on items from this agenda will be considered by
the Board of Commissioners at their regular meeting on January 21, 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 16, 2019, MINUTES

2. APPROVAL OF THE AGENDA

CONSENT AGENDA

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

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

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

(Continued from the December 2, 2019, Planning Commission meeting.)

To recommend to end Conditional Use Permit / CU 18-43 with the applicant and
landowner’s concurrence.

To allow for an electrical utility substation on the subject property in a General
Agriculture District in accordance with Sections 205 and 510 of the Pennington County
Zoning Ordinance.

All Except That Tract of Land Located in the SE Corner Being 33.01 ft x 233 ft, Section
19, T1N, R7E, BHM, Pennington County, South Dakota

To recommend approval of Conditional Use Permit / CU 19-36 with conditions.
5. **MINOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 19-07**: Lloyd and Catherine Marti. To allow a garage (accessory structure) prior to a principal structure on the subject property in accordance with Section 213 of the Pennington County Zoning Ordinance.

Lot 2, Block 1, Holy Cow Ranch Subdivision #2, Section 25, T1N, R8E, BHM, Pennington County, South Dakota

To recommend approval of Minor Planned Unit Development Amendment / PU 19-07 with conditions.

6. **MINOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 19-08**: Joel and Elizabeth Morris. To live in a Recreational Vehicle as temporary living quarters, while building a single-family residence on the subject property in accordance with Section 213 of the Pennington County Zoning Ordinance.

Lot 10, Block 4, Sunset Ranch Subdivision, Section 32, T2N, R10E, BHM, Pennington County, South Dakota

To recommend approval of Minor Planned Unit Development Amendment / PU 19-08 with conditions.

**END OF CONSENT AGENDA**

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

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

(Continued from the December 16, 2019, Planning Commission meeting.)

8. **LAYOUT PLAT / LPL 19-44**: Gorden and Jennifer Sabo. To subdivide and create Lots 1, 2, and 3 of Hideaway Hills Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations

EXISTING LEGAL: NE1/4SE1/4, Section 8, T2S, R7E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1, 2, and 3 of Hideaway Hills Subdivision, Section 8, T2S, R7E, BHM, Pennington County, South Dakota.
9. **CONDITIONAL USE PERMIT / CU 19-34**: Lloyd and Pamala LaCroix. To allow an existing residence to be used as a Vacation Home Rental in a General Agriculture District in accordance with Sections 205, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 1-B, Elkhorn Mountain View Estates, Section 32, T1S, R5E, BHM, Pennington County, South Dakota.

10. **REZONE / RZ 19-17 AND COMPREHENSIVE PLAN AMENDMENT / CA 19-17**: David and Mary Grover. To rezone 12.83 acres from General Agriculture District to Low Density Residential District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Planned Unit Development Sensitive to Low Density Residential District in accordance with Sections 205, 207, 213, and 508 of the Pennington County Zoning Ordinance.

Lot 1, Buzmar Subdivision, Section 32, T1S, R5E, BHM, Pennington County, South Dakota.

11. **CONDITIONAL USE PERMIT / CU 18-38**: Daniel Johnson, Highmark Properties, LLC. To allow a Specialty Resort in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

Lot A of Lot 1 less of Highway 385, Walker Placer MS 551, Section 12, T2S, R4E, BHM, Pennington County, South Dakota.

12. **MOTION TO SCHEDULE A HEARING OF THE PENNINGTON COUNTY COMPREHENSIVE PLAN “VIEW TO 2040” TO AMEND AND SUPERSEDE PENNINGTON COUNTY’S EXISTING COMPREHENSIVE PLAN.**

**CONSTRUCTION PERMIT AGENDA**

The following items have been placed on the Construction Permit Agenda to be heard for public comment and will not be voted on by the Planning Commission. Any Planning Commissioner, staff member, or audience member may comment on any of the items. Comments received will be considered by the Planning Director who will make the final decision on the Construction Permit.

13. **CONSTRUCTION PERMIT / CP 19-20**: Black Hills Power. To construct an access road and to grade a site for a proposed electric utility substation.

All Except That Tract of Land Located in the SE Corner Being 33.01 ft x 233 ft, Section 19, T1N, R7E, BHM, Pennington County, South Dakota.
14. CONSTRUCTION PERMIT / CP 19-21: Dakota Stone Mining & Stone Supply / James Dean. To allow construction activities associated with the expansion of the Upper Spring Creek Mine.

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

15. COUNTY BOARD REPORT
The Board of Commissioners concurred with the Planning Commission’s recommendations from the December 2, 2019, and December 16, 2019, Planning Commission meetings.

16. ITEMS FROM THE PUBLIC

17. ITEMS FROM THE STAFF

A. Building Permit Report.
B. Cody Schad – Construction Permit / Mining Permit.

18. ITEMS FROM THE MEMBERSHIP

19. 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 16, 2019 @ 2:00 p.m.
County Commissioners’ Meeting Room - Pennington County Administration Building

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

STAFF PRESENT: Brittney Molitor, Cody Sack, Jason Theunissen, Michaele Hofmann (SAO) and Jeri Ervin.

ROLL CALL

1. APPROVAL OF THE DECEMBER 2, 2019, MINUTES
Moved by Runde and seconded by Lasseter to approve the Minutes of the December 2, 2019, Planning Commission meeting. Vote: unanimous 5 to 0.

2. APPROVAL OF THE AGENDA
Moved by Lasseter and seconded by Runde to approve the Agenda of the December 16, 2019, Planning Commission meeting. Vote: unanimous 5 to 0.

Moved by Lasseter and seconded by Runde to approve the Consent Agenda of the December 16, 2019, Planning Commission meeting. Vote: unanimous 5 to 0.

CONSENT AGENDA

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

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, T11N, R8E, BHM, Pennington County, South Dakota, from Gypsy Road to Heather Lane.

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

Vote: unanimous 5 to 0.

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 the following 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 County Zoning Ordinance.

Vote: unanimous 5 to 0.

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 approve 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.

Vote: unanimous 5 to 0.

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 the following four (4) 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.

Vote: unanimous 5 to 0.

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.)

Molitor stated this is a review of Planned Unit Development / PU 01-05 to allow a mixed-use of residential and neighborhood commercial uses.

Staff is seeking direction from the Planning Commission and Board of Commissioners, and, Staff recommended 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 a Rezone and further public hearings.

Discussion followed.

**Move by Runde and seconded by Lasseter to approve Planned Unit Development District / PU 01-05 being rezoned to Suburban Residential District and Limited Agriculture District to conform to surrounding property uses.**

All voting aye, the Motion carried 5 to 0.

**CONSTRUCTION PERMIT AGENDA**

The following items have been placed on the Construction Permit Agenda to be heard for public comment and will not be voted on by the Planning Commission. Any Planning Commissioner, staff member, or audience member may comment on any of the items. Comments received will be considered by the Planning Director who will make the final decision on the Construction Permit.

8. **CONSTRUCTION PERMIT / CP 19-19:** Schriner Investment / Shane Schriner. 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.

Sack stated Staff recommended the Interim Planning Director approve Construction Permit / CP 19-19 with the following eleven (11) 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 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.

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**

No motions or actions were taken at this time.

11. **ITEMS FROM THE STAFF**


B. Comprehensive Plan “View to 2040.” Molitor provided the Planning Commission and public with an update and further noted that the Board of Commissioners will hear this item on Wednesday, December 18th.

C. Ordinance Amendment / OA 19-02 “Mining Operation.” Molitor provided the Planning Commission and public with an update and further stated this Item will be heard at the Tuesday, December 17th Board of Commissioner’s meeting for the First Reading.

12. **ITEMS FROM THE MEMBERSHIP**

Chairman Marsh thanked the Planning Department staff for the holiday luncheon.

13. **ADJOURNMENT**

Moved by Lasseter and seconded by LaCroix to adjourn.

All voting aye, the Motion carried 5 to 0.

The meeting adjourned at 2:41 p.m.

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Rich Marsh, Chairperson
STAFF REPORT

GENERAL INFORMATION:

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

APPLICANT:  
Border States Paving

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

PROPERTY OWNER:  
Wayne and Marica Huether

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

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

SITE LOCATION:  
20201 E. Highway 44

SIZE:  
106.42 acres

TAX ID:  
17612

EXISTING LAND USE:  
Residential / Agriculture

ZONING REFERENCE:  
Sections 205 and 510

CURRENT ZONING:  
General Agriculture District

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

PHYSICAL CHARACTERISTICS:  
Rolling Hills

UTILITIES:  
Private
I. PROPOSED RECOMMENDATION
   A. Staff will be recommending to end Conditional Use Permit / CU 18-43.

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

Proposed Location of Batch Plant.
B. December 17, 2018 – The Planning Commission approved Conditional Use Permit / CU 18-43 with the following fourteen (14) conditions:

1. That port-o-potties are provided on-site: one (1) unit per 50 employees, throughout the operation of the stockpile and portable asphalt plant;
2. That an approved temporary Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
3. That any structure that remains after this CUP ends will require a permanent Building Permit.
4. That a temporary address will be assigned to the Contractors Storage area and portable asphalt plant and must be conspicuously posted at all times and a cell phone shall be present on the site at all times as well;
5. That all access to the temporary asphalt batch plant be via the existing private approach off of E. Highway 44;
6. That appropriate measures are taken to protect all drainage ways and limit runoff from the subject property by implementing Best Management Practices prior to any land disturbance;
7. That all debris and construction items be cleaned up and removed from the property upon completion of the project, and that the
applicant reclaim all disturbed areas to the state-of-condition that was seen prior to the temporary asphalt plant installation;

8. That erosion control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than fourteen (14) days after Construction Activity has stopped and that all erosion control methods (mulch and seed) need to be certified noxious weed-free.

9. That the disturbed areas be re-vegetated as required in § 507(A)(5)(c);

10. That all necessary Permits from the Department of Environmental and Natural Resources (Industrial Stormwater Permit) be obtained, and copies submitted within seven (7) business days of approval of this Conditional Use Permit;

11. That dust control measures be taken to reduce the amount of dust pollution produced by the project and assures that the parking areas and approach are maintained in a dust free condition;

12. That erosion control measures be implemented and maintained and barrier protection measures (i.e. wattles, silt fence, etc.) be installed to prevent sediment from leaving the site;

13. That the applicant signs a Statement of Understanding within ten (10) business days of approval of this permit; and,

14. That this Conditional Use Permit be reviewed in six (6) months, or on a complaint basis, or as directed by the Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

C. August 12, 2019 – the Planning Commission continued the review of Conditional Use Permit / CU 18-43 to the August 26, 2019, Planning Commission meeting with thirteen (13) conditions.


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

G. December 2, 2019 – The Planning Commission continued the review of Conditional Use Permit / CU 18-43 to the January 13 2020, Planning Commission meeting with the following condition:

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

III. EXISTING CONDITIONS

A. Zoned General Agricultural District.

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

IV. ANALYSIS
A. December 5, 2019 – Staff was contacted by the applicant stating they have
   an agreement with the landowners not to reclaim the land and they have no
   plans to replace the asphalt batch plant back on the property.
B. Since the zoning is General Agricultural District, the aggregate material
   may remain on the property for agricultural purposes only. If the material is
   used for anything other than agricultural use, the landowner will need to
   obtain an approved Construction Permit.

RECOMMENDATION: Staff recommends to end Conditional Use Permit / CU 18-43 with the applicant and land owner’s concurrence.
STAFF REPORT

GENERAL INFORMATION:

REQUEST:

CONDITIONAL USE PERMIT / CU 19-36: To allow for building of an electrical utility substation on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

APPLICANT:
Black Hills Power

APPLICANT ADDRESS:
P.O. Box 1400, Rapid City, SD 57709

LANDOWNER:
Selador Ranches

OWNER ADDRESS:
8730 Sheridan Lake Road, Rapid City, SD 57702

LEGAL DESCRIPTION:
All Except That Tract of Land Located in the SE Corner Being 33.01 ft x 233 ft, Section 19, T1N, R7E, BHM, Pennington County, South Dakota.

SITE LOCATION:
8734 and 8730 Sheridan Lake Road

SIZE:
633.50 acres

TAX ID:
56360

EXISTING LAND USE:
Residential / Agriculture

ZONING REFERENCE:
§§ 205 and 510

CURRENT ZONING:
General Agriculture District

SURROUNDING ZONING:
North: General Agriculture District
South: General Agriculture District
East: General Agriculture District
City of Rapid City Limits
West: General Agriculture District

PHYSICAL CHARACTERISTICS:
Forested / Hills

UTILITIES:
Private
I. PROPOSED RECOMMENDATION
   A. Staff will be recommending approval of Conditional Use Permit / CU 19-36 with conditions.

II. GENERAL DESCRIPTION
   A. The applicant is requesting this Conditional Use Permit to allow an electrical utility substation to be constructed and operated on the subject property.

III. EXISTING CONDITIONS
   A. Zoned General Agriculture District.
   B. Lot size: 633.5 acres.
   C. No Special Flood Hazard Area.
   D. Applicant applied for a Construction Permit (COCP19-0020) to:
      1. Improve an area for the placement of an electrical utility substation on the central east side of the property.
      2. Grading and leveling approximately 5 acres of land.
      3. COCP19-0020 is scheduled to be heard at the January 13, 2020 Planning Commission meeting.
   E. Single-family residence – built in 1910, per Department of Equalization (DOE) records.
      1. On-site Wastewater System.
         a. City Permit – C1OSW15-0226.
   F. Doublewide mobile home – placed in 1995, per DOE records.
      1. No Building Permit on file.
      2. On-site Wastewater System.
         a. City Permit – C1OSW15-0227.
   G. 20’ x 30’ detached garage – built in 1965 per DOE records.
   H. 30’ x 64’ farm utility building – built in 1997, per DOE records.
      1. No Building Permit on file.
   I. 12’ x 15’ tool shed – built in 2012, per DOE records.
      1. No Building Permit on file.
IV. REQUEST FOR COMMENT

A. County Highway Department
   1. Highway Department has no comments.

B. County Fire Coordinator
   1. No comments received.

C. County Environmental Professional Planner
   1. No Special Flood Hazard Area on the subject property.

D. County Environmental Planner
   1. I have no concern with the current proposal.

E. County Addressing Coordinator
   1. An address will need to be assigned to the substation during the
      Building Permit process. Once assigned, addresses must be posted
      in accordance with Pennington County Ordinance #20.

F. Emergency Services (9-1-1)
   1. My only comment is to ensure the County issues the facility a
      physical address and adds an address point in GIS.

G. County Ordinance Officer
   1. No violations.

H. County Natural Resources Director
   1. No comments received.
I. National Forest Service
Here are the Forest Service comments regarding the Black Hills Power, Inc. substation construction permit request:

1. Access to the private property owned by Selador Ranches, Inc. is off of the Sheridan Lake Road and the private property is described as Section 19, Township 1 North, Range 7 East, BHM.

2. The Forest Service will not approve a secondary access across National Forest System lands to the private property owned by Selador Ranches Inc.

3. Protect all posted boundary line corners, signs and bearing trees; National Forest System lands (USA Public domain status) on the SW corner of private property; the SW corner of the private property abuts the NE corner of Section 25, T1N, R6E, BHM.

4. Adhere to the setback requirements along the posted boundary between National Forest System lands and private property.

5. Protect all known stream courses, ponds and riparian areas located on National Forest System lands.

6. No resource damage to occur on National Forest System lands.

7. All proposed drain fields, leach lines or septic systems will need to be located on private property and not located on or drain or leach onto National Forest System lands.

8. All construction materials, supplies, trash or garbage will not be located or dumped on National Forest System lands; landowner of record will need to take all waste construction materials, supplies, trash or garbage to an approved sanitary landfill.

9. All straw bales, erosion mats, slash mats, etc. located on private property will need to be certified weed-free.

10. Black Hills Power provides electrical service to the Selador Ranches, Inc. private property.

11. 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.

12. No motorized trailheads or motorized trails or motorized roads are planned or scheduled for this portion of the Black Hills National Forest.

13. No motorized trails for ATV, motorcycles or ORV will be authorized from private property unto National Forest System lands (USFS does not want unauthorized trails constructed on National Forest System lands).

J. Black Hills Electric Cooperative
1. No concerns with this Conditional Use Permit.
K. City of Rapid City
   1. The City’s Major Street Plan identifies a collector street extending through the property as shown below. In addition, the City’s Future Land Use Plan identifies the appropriate use of the property as Low Density Neighborhood. A utility substation is a Conditional Use within this designation.

   A portion of the City of Rapid City’s Major Street Plan, December 30, 2019.

V. CONSIDERATIONS FOR CONDITIONAL USE PERMIT REQUEST

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

   A. The effect upon the use and enjoyment of other property in the immediate vicinity for the uses already permitted, and upon property values within the immediate vicinity.
      1. The surrounding lots are zoned General Agriculture District.
      2. The proposed Conditional Use Permit should have minimal to no impact on property values within the immediate vicinity.
B. The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
   1. The proposed electrical substation should not impact the normal and orderly development and improvement of the surrounding vacant properties and will benefit the local community by ensuring adequate electricity is provided.

C. That utilities, access roads, drainage and/or other necessary facilities are provided.
   1. Adequate access roads, drainage and/or other necessary facilities are addressed in engineered construction plans, to include a planned 50-foot-wide access easement to the substation and the use of man-made and natural drainage ways for any storm water run-off.

D. That the off-street parking and loading requirements are met.
   1. The utility substation will not have permanent personnel located on-site. Electric company personnel will visit the site once per month and typically not involve more than one vehicle.
   2. The engineered construction plans appear to provide adequate off-street parking.

E. That measures are taken to control offensive odor, fumes, dust, noise, vibration, and lighting (inclusive of lighted signs), so that none of these will constitute a nuisance.
   1. The proposed Conditional Use Permit may generate some noise from the use but none that should constitute a nuisance. There should be no offensive odor, fumes, dust, or vibration associated with the substation.

VI. ANALYSIS
A. December 13, 2019 – A 50-foot-wide access easement was recorded with the Pennington County Register of Deeds.
B. December 16, 2019:
   1. The applicant’s agent applied for Conditional Use Permit / CU 19-36.
C. There are three (3) unpermitted structures on the subject property that the landowner will need to permit and pay any associated penalty fees:
   1. Doublewide mobile home
   2. 30’ x 64’ farm utility building
   3. 12’ x 15’ tool shed
D. The City’s Major Street Plan identifies a collector street extending through the property.
   1. The City’s plan should not be affected by approving CU 19-36.
E. Pennington County Zoning Ordinance lists utility substations as a
    Conditional Use in a General Agriculture District.
F. The utility substation will be providing electrical services to the community.
    With appropriate Conditions of Approval, any concerns should be
    mitigated.

**RECOMMENDATION:** Staff recommends approval of Conditional Use Permit / CU
19-36 with the following conditions:

1. That Building Permits be obtained for any structure exceeding 144 square feet and
   permanently anchored to the ground, which includes necessary site plans to be
   reviewed and approved by the Planning Director;

2. That the landowner apply for Building Permits for the doublewide mobile home,
   30’ x 64’ farm utility building, and 12’ x 15’ tool shed and pay any associated
   penalty fees within 30 days of CU 19-34 being approved;

3. That an address be assigned to the facility and be posted in accordance with
   Pennington County Ordinance #20;

4. That reasonable steps be taken to reduce light and sound emissions from the
   facility;

5. That the installation of any additional electrical substations or associated
   equipment will require this permit to be reviewed;

6. That the applicant receives an approved County Construction Permit prior to
   excavating, clearing, or disturbing more than or equal to 10,000 square feet of
   land; and,

7. That this Conditional Use Permit be reviewed in one (1) year, on a complaint
   basis or as directed by the Planning Commission or Board of Commissioners to
   verify compliance with the above-mentioned Conditions of Approval.
STAFF REPORT

GENERAL INFORMATION:

REQUEST:  MINOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 19-07: To allow a garage (accessory structure) prior to a principal structure on the subject property in accordance with Section 213 of the Pennington County Zoning Ordinance.

APPLICANT:  Lloyd and Catherine Marti

APPLICANT ADDRESS:  15770 233rd Street, New Underwood, SD 57761

LEGAL DESCRIPTION:  Lot 2, Block 1, Holy Cow Ranch Subdivision #2, Section 25, T1N, R8E, BHM, Pennington County, South Dakota.

SITE LOCATION:  South of the intersection of E. Highway 44 and Redemption Road.

TAX ID:  60811

SIZE:  6.21 acres

EXISTING LAND USE:  Vacant

ZONING REFERENCE:  § 213

CURRENT ZONING:  Planned Unit Development District

SURROUNDING ZONING:
    North  General Agriculture District
    South  Limited Agriculture District
    East  Planned Unit Development District
    West  Planned Unit Development District

PHYSICAL CHARACTERISTICS:  Flat

REPORT BY:  Kristina Proietti
I. PROPOSED RECOMMENDATION
   A. Staff will be recommending approval of Minor Planned Unit Development Amendment / PU 19-07 with conditions.

II. GENERAL DESCRIPTION
   A. The applicants, Lloyd and Catherine Marti, have applied for a Minor Planned Unit Development Amendment to amend Lot 2, Block 1 of Holy Cow Ranch Subdivision #2 Planned Unit Development to allow a proposed 32’ x 36’ garage as an accessory structure prior to a primary structure.

III. EXISTING CONDITIONS
   A. Zoned Planned Unit Development.
   B. 6.21 acres.
   C. Located within the Holy Cow Subdivision Road District.
   D. Access is taken off of Redemption Road.
   E. There is no Special Flood Hazard Area on the subject property.
   F. Plat filed in 2006 (Plat Book 34, Page 59).

IV. HISTORY OF PLANNED UNIT DEVELOPMENT (HOLY COW RANCH SUBDIVISION #2)
   A. November 8, 2004, the Board of Commissioners approved Rezone / RZ 04-13 to rezone from General Agriculture District to Planned Unit Development to allow for 61 residential lots ranging in size from 1.65 acres to 3.45 acres with the following ten (10) conditions:
      1. That the Planned Unit Development consists of (61) residential lots with a minimum lot size of 1.65 acres;
      2. That a minimum of two (2) off-street parking spaces be provided for each residential lot. All off-street parking spaces on the site shall measure at least nine (9) feet by eighteen (18) feet, be surfaced with gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;
      3. That no off-premise signs be allowed within the Planned Unit Development;
      4. 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;
      5. That a Building Permit be obtained for any structures exceeding 144 square feet or located on a permanent foundation, which includes the necessary site plans to be reviewed and approved by the Planning Director;
      6. That the required minimum setbacks for all structures be a minimum of 25 feet from all property lines;
7. That each unit has an individual address that must be posted in accordance with Pennington County Ordinance Amendment #20;
8. That up to 32 single-family residences, which includes phases I and II, may be constructed and/or located in the Planned Unit Development utilizing one means of ingress/egress to the property; a second means of ingress/egress must be established and constructed to Pennington County standards before any additional Building Permits for single-family residences can be obtained;
9. That the single-family residences must be stick built, manufactured or modular homes meeting the requirements of Section 204-I of the Pennington County Zoning Ordinance; and,
10. That this Planned Unit Development be reviewed on a complaint basis only.

B. February 7, 2006, the Board of Commissioners approved an amendment to the existing Holy Cow Ranch Subdivision Planned Unit Development / PU 05-13 with the following fifteen (15) conditions:
   1. That the PUD consist of neighborhood commercial area along Covington and South Dakota Highway 44, manufactured home park, 500 single-family residential units, 20 town homes and 171 multi-family units for a total of 691 living units;
   2. That prior to County Board approval, a comprehensive drainage plan for the entire Planned Unit Development be submitted and approved by the Pennington County Drainage Engineer;
   3. That all future single family residential lots be platted containing a minimum of 6500 square feet;
   4. That all mobile or manufactured homes placed in the approved mobile home park portion of the Trailwood Village Planned Unit Development be at least 1000 square feet in size;
   5. That all mobile or manufactured home located in the approved mobile home park portion of the Trailwood Village Planned Unit Development be placed on footing or foundations not exceeding thirty-two (32) inches in height to the finished grade and skirted with materials which will maintain a residential appearance comparable to the exterior of the home;
   6. That not less than three (3) acres be designated as park area on a new site plan to be submitted to the Pennington County/Rapid City Planning Department prior to County Board approval;
   7. That a homeowner’s association or road district continue to be responsible for the maintenance of the Trailwood Village park area and all roads within the Trailwood Village Planned Unit Development;
   8. That all collector street have the following setback requirements: twenty-five (25) foot front, sixteen (16) feet between buildings as a side yard, and twenty-five (25) foot rear yard;
9. That the minimum setbacks for all sub collector and local streets are: fifteen (15) foot front yard, sixteen (16) feet between buildings as a side yard, and twenty-five (25) rear yard;
10. That at the time of platting a non-access easement be platted along Reservoir Road and Longview Road except for street connection locations; 11. That prior to approval of any future plats, an eight (8) foot utility and drainage easement be shown along all side lot lines as requested by the County Highway Department;
12. That the owner and/or owners of the multi-family area maintain the open space, park area and common areas within the PUD;
13. That Lots 1 and 2 in Block 22 be identified as to their use;
14. That all future streets be constructed with an aggregate base course with edge drains as requested by the County Highway Department; and,
15. That the applicant provide an access easement to the junction of the Hawthorne Ditch and County Heights Drainage Ditch located in the most northeastern corner of the PUD and any improvements to the easement be the responsibility of the Pennington County.

C. July 11, 2006, the Board of Commissioners approved an amendment to the existing Planned Unit Development / PU 06-06 with the following thirteen (13) conditions:
1. That the Planned Unit Development consists of a maximum of 14 residential lots with a minimum lot size of six (6) acres;
2. That a minimum of two (2) off-street parking spaces be provided for each residential lot. All off-street parking spaces on the site shall measure at least nine (9) feet by eighteen (18) feet, be surfaced with gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;
3. That no off-premise signs be allowed within the Planned Unit Development;
4. 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;
5. That a Building Permit be obtained for any structures exceeding 144 square feet or located on a permanent foundation, which includes the necessary site plans to be reviewed and approved by the Planning Director;
6. That the required minimum setbacks for all structures be a minimum of 25 feet from all property lines;
7. That each unit has an individual address that must be posted in accordance with Pennington County Ordinance Amendment #20;
8. That prior to obtaining approval for any platting of the subject property, the applicant either; constructs all road leading into the development and all roads within the development lying south of South Side Drive to County Standards; obtains a Subdivision Regulation Variance waiving the road improvement requirements; or, posts a surety for said construction;

9. That each lot will contain its own septic system and private source of water supply;

10. That all percolation and soil profile information for any lots within the Planned Unit Development be provided by a Registered Professional Engineer and that any conventional septic system design be approved by the Pennington County Planning Department. All unconventional septic systems must be approved by the Department of Environment and Natural Resources and the Pennington County Planning Department;

11. That this Planned Unit Development be reviewed on a complaint basis only;

12. That the developer form a road district prior to the first building permit being issued; and,

13. That no lot may be further subdivided.

V. REQUEST FOR COMMENT

A. County Highway Department
   1. Highway Department has no comments.

B. County Fire Administrator
   1. No comments received.

C. County Professional Environmental Planner
   1. There is no Special Flood Hazard Area on the property.

D. County Ordinance Enforcement Officer
   1. No violations.

E. County Addressing Coordinator
   1. An address will need to be assigned to the garage during the Building Permit application process. Once assigned, addresses must be posted in accordance with Pennington County Ordinance #20.

F. Emergency Services (9-1-1)
   1. No concerns here as long as we issue a physical address for the lot that will eventually go on the house but in the meantime, would be posted on the garage in accordance with Penn Co Ord #20.

G. Rapid City Community Planning
   1. The adjacent street is not identified on the City’s Major Street Plan. The City’s Future Land Use Plan identifies the appropriate use of the property as Buffer/Reserve which allows existing agriculture, residential and public uses. The proposed use is not in conflict with the City’s Future Land use Plan and does not create conflict with the City’s Major Street Plan.
H. Rapid City 3-Mile Platting
   1. Public Works has no concerns with this request.

VI. ANALYSIS
   A. December 27, 2019, Staff performed a site visit to the subject property and found it to be an empty lot.
   B. As of this Staff Report, the Planning Department has not received any letters of objection relative to this request.

December 27, 2019, site photo of subject property.

RECOMMENDATION: Staff recommends approval of Minor Planned Unit Development Amendment / PU 19-07 with the following conditions:

1. That the Conditions of Approval of Planned Unit Development / PU 06-06 be continually adhered to;

2. That an approved Building Permit be obtained for the proposed garage prior to any construction, which requires a site plan to be reviewed and approved by the Planning Director;

3. That a Building Permit be obtained for any 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;
4. That an approved On-Site Wastewater Construction Permit be obtained prior to the installation of an On-Site Wastewater Treatment System on the property;

5. That if any plumbing is to be installed in the accessory structure, the garage, it be hooked into an approved means of wastewater disposal;

6. That the proposed garage be used for personal use only and no commercial-type uses;

7. That all the natural drainage paths be maintained;

8. That the address, once assigned, be posted during the construction of the garage, so it is visible from both directions of travel on Redemption Road in accordance with Pennington County's Ordinance #20;

9. That the required minimum setbacks for all structures be a minimum of 25 feet from all property lines; and,

10. That this Planned Unit Development be reviewed in two (2), years on a complaint basis, or as directed by the Pennington County Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.
12/10/19

Pennington County
Planning & Zoning

To: Vacant Lot Concern:

We hereby request in writing a Building Permit to erect a 32'x32' garage (shed) in the NE quarter of 142 acres of owned property (Lot 2 of the Holy Cow Road Subdivision No.2. The structure will be a Cherry Building of wood frame construction with steel siding. Representatives of Cherry indicate construction could begin in February, 2020, depending on weather conditions.

We respectfully request your review of documents so we can proceed with construction of said building.

If you have questions, please call Lloyd Martin at 591-6875. Thank you.

Lloyd & Candy Martin, 15770 233rd St.
New Underwood, SD 57761
GENERAL INFORMATION:

REQUEST:  
MINOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 19-08: To live in a Recreational Vehicle as temporary living quarters, while building a single-family residence on the subject property in accordance with Section 213 of the Pennington County Zoning Ordinance.

APPLICANT:  
Joel and Elizabeth Morris

APPLICANT ADDRESS:  
P.O. Box 1256, Rapid City, SD  57709

LEGAL DESCRIPTION:  
Lot 10, Block 4, Sunset Ranch Subdivision, Section 32, T2N, R10E, BHM, Pennington County, South Dakota.

SITE LOCATION:  
22883 156th Avenue; south of the intersection Highway 1416 and 156th Avenue.

TAX ID:  
61431

SIZE:  
10.33 acres

EXISTING LAND USE:  
Vacant

ZONING REFERENCE:  
§ 213

CURRENT ZONING:  
Planned Unit Development District

SURROUNDING ZONING:

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PHYSICAL CHARACTERISTICS:  Flat

REPORT BY:  
Brittney Molitor

I. PROPOSED RECOMMENDATION

A. Staff will be recommending approval of Minor Planned Unit Development Amendment / PU 19-08 with conditions.
II. GENERAL DESCRIPTION
A. The applicants, Joel and Elizabeth Morris, have requested a Minor Amendment to Planned Unit Development / PU 08-10 to allow a Recreational Vehicle (RV) as living quarters while building a single-family residence.

III. EXISTING CONDITIONS
A. Zoned Planned Unit Development (PUD) / PU 04-04 was approved by the Board of Commissioners on August 2, 2005 with the following seventeen (17) conditions:
   1. The density of the Planned Unit Development shall not exceed 148 residential lots;
   2. That the Special Animal Keeping Regulations, as outlined in Section 204 of the Pennington County Zoning Ordinance and no more than one (1) large animal be housed on three (3) acres, be continually followed;
   3. The minimum lot size for the development shall five (5) acres;
   4. That a minimum of eighty (80) acres is maintained as Common area;
   5. The approved uses of the Planned Unit Development shall be for up to 148 stick built single-family residences and accessory structures;
   6. All residences must meet the standards for stick-built and manufactured homes as outlined in Section 204;
   7. The applicant submits an engineered individual wastewater disposal system to be approved by the Pennington County Environmental Planner;
   8. That prior to any Building Permit being issued, the applicant pave the 156th Avenue or post surety due in six months and that prior to the 51st Building Permit being issued or after five (5) years, whichever comes first, the 157th Avenue shall be paved or surety posted, with surety to expire in two years. Both roads are to be paved from Highway 14-16 ending at 250 feet in the boundary of the Planned Unit Development;
   9. That the applicant obtain an approved Flood Plain Development Permit and Building Permit for the construction of two (2) bridge structures along both primary routes at the Box Elder Creek crossings;
   10. That prior to platting, the applicant provides documentation from Dakota, Minnesota & Eastern Railroad allowing the two (2) primary route through the railroad right-of-way;
   11. That prior to any plat approval, the applicant provides warning devices at the route crossings as approved by the Pennington County Highway Department or post surety;
   12. That prior to any Building Permit being issued, the applicant identify and construct an emergency access in addition to the two (2) primary means of access which, meets Pennington County Subdivision
Regulation and Ordinance #14 standards, this may require that the Section Line be opened;

13. That prior to County Board approval of the Planned Unit Development, the applicant shall submit a Fire Protection Plan for review and approval by the Pennington County Fire Coordinator. The Pennington County Fire Coordinator will determine the number of fire hydrants and exact locations;

14. The minimum setbacks for the Planned Unit Development shall be twenty-five (25) feet from all property lines and fifty-eight (58) feet from all section lines;

15. That a homeowner’s association be created and covenants filed along with the Final Plat for the maintenance community water system, and all common areas;

16. That prior to the 11th building permit being issued for a single-family residence, the applicant shall have created a Road District; and,

17. That this Planned Unit Development be reviewed in two (2) years to determine that all conditions of approval are being met.

B. The PUD was amended in 2007 and 2008. The Board of Commissioners approved Planned Unit Development / PU 08-10 on November 10, 2008 with the following twenty-two (22) conditions:

1. The density of the Planned Unit Development shall not exceed 148 residential lots;

2. That the common areas include a golf driving range, mini golf course, hiking-biking trails, frisbee course, picnic area, picnic shelter, recreation pond/lake, archery area, exercise/community building, pool/water park, kid play equipment, softball field, football field, basketball court, tennis court, volleyball court, skate park, garden plots, hobby plane/paraplane flying area, horseshoe pits and paintball area;

3. That a horse boarding/arena/barn be allowed on Common Lot 1, Block 1 and that the horse area be for the residents of the Sunset Ranch and their guests;

4. That a BMX racetrack, motor cross and ATV track be allowed on Common Lot 16, Block 6 and that the racetracks be for the residents of the Sunset Ranch and their guests only;

5. That the Special Animal Keeping Regulations, as outlined in Section 204 of the Pennington County Zoning Ordinance and no more than one (1) large animal be housed on three (3) acres, be continually followed;

6. The minimum lot size for the development shall five (5) acres;

7. That a minimum of eighty (80) acres is maintained as Common area;

8. The approved uses of the Planned Unit Development shall be for up to 148 stick-built, single-family residences and accessory structures;

9. All residences must meet the standards for stick-built and manufactured homes as outlined in Section 204;
10. The applicant submits an engineered individual wastewater disposal system to be approved by the Pennington County Environmental Planner;

11. That the entire portion of 156th Avenue to 229th Street be paved and improved in accordance with the approved Construction Plans prior to issuance of the fifty-first (51st) Building Permit or Surety be posted that will expire within six (6) months after the issuance of the fifty-first (51st) Building Permit;

12. That the applicant obtains an approved Floodplain Development Permit for any construction work within the 100-year floodplain;

13. That prior to platting, the applicant provides documentation from Dakota, Minnesota & Eastern Railroad allowing the two (2) primary routes through the railroad right-of-way;

14. That prior to any plat approval, the applicant provide lighted warning devices at the two (2) primary route crossings through DM&E railroad right-of-way;

15. That 229th Street is maintained according to Ordinance 14 Standards;

16. That prior to County Board approval of the Planned Unit Development, the applicant shall submit a Fire Protection Plan for review and approval by the Pennington County Fire Coordinator. The Pennington County Fire Coordinator will determine the number of fire hydrants and exact locations;

17. The minimum setbacks for the Planned Unit Development shall be twenty-five (25) feet from all property lines and fifty-eight (58) feet from all Section Lines;

18. That a Homeowner’s Association be created for the maintenance of the road, community water system, and all use within the common areas;

19. That one wind generator be allowed on each lot and the wind generator not exceed a height of 55 feet;

20. That the applicant signs a Noxious Weed Plan to control noxious weeds located on the property;

21. That this Planned Unit Development be reviewed upon a complaint basis only; and,

22. That this Planned Unit Development Amendment is not valid until the applicant signs the Statement of Understanding, which is available at the Planning Office.

C. Is 10.33 acres.

D. Lot contains a single-family residence that is under construction:
   1. COBP19-0522 – Single-family residence with attached garage.
   2. COSD19-0094 – Onsite wastewater treatment system – installed.
      a. Approved by Pennington County on November 22, 2019.
      b. Operating Permit issued – COOP19-1202.
IV. REQUEST FOR COMMENT
   A. County Highway
      1. Highway Department has no comments.
   B. County Ordinance Enforcement
      1. No Violations.
   C. County 9-1-1
      1. Only comment is to ensure County issues a physical address that is
         posted on the RV and/or property in accordance with Pennington
         County #20, until the home is built and physical number is posted
         there.
   D. County Onsite Wastewater Specialist
      1. The applicant has a recently installed septic system (COSD19-
         0094). The system was approved on November 22, 2019. The
         applicant would need to connect their RV to the septic system or
         provide for another means of waste disposal.
   E. County Addressing Coordinator
      1. There is an address assigned to the future single-family residence,
         22883 156th Street. This address will need to be posted on the RV,
         in accordance with Pennington County Ordinance #20. Once the
         single-family residence is habitable, the address will need to be
         removed from the RV and posted on the residence in accordance
         with Pennington County Ordinance #20.
   F. County Professional Environmental Planner
      1. There is no Special Flood Hazard Area on the subject property.

V. ANALYSIS
   A. Condition #8 of Planned Unit Development / PU 08-10 states that the
      approved uses of the Planned Unit Development shall be for up to 148
      stick-built, single-family residences and accessory structures.
   B. In order to allow a Recreational Vehicle to be used as living quarters, this
      Minor Planned Unit Development Amendment is required.
   C. January 6, 2020 – Staff performed a site visit and observed the following:
      1. The single-family residence is under construction.
      2. The RV is located on the site.
RECOMMENDATION: Staff recommends approval of Major Planned Unit Development Amendment / PU 19-08 with the following conditions:

1. The density of the Planned Unit Development shall not exceed 148 residential lots;

2. That the common areas include a golf driving range, mini golf course, hiking-biking trails, frisbee course, picnic area, picnic shelter, recreation pond/lake, archery area, exercise/community building, pool/water park, kid play equipment, softball field, football field, basketball court, tennis court, volleyball court, skate park, garden plots, hobby plane/paraplane flying area, horseshoe pits and paintball area;

3. That a horse boarding/arena/barn be allowed on Common Lot 1, Block 1 and that the horse area be for the residents of the Sunset Ranch and their guests;

4. That a BMX racetrack, motor cross and ATV track be allowed on Common Lot 16, Block 6 and that the racetracks be for the residents of the Sunset Ranch and their guests only;
5. That the Special Animal Keeping Regulations, as outlined in Section 204 of the Pennington County Zoning Ordinance and no more than one (1) large animal be housed on three (3) acres, be continually followed;

6. The minimum lot size for the development shall five (5) acres;

7. That a minimum of eighty (80) acres is maintained as Common area;

8. The approved uses of the Planned Unit Development shall be for up to 148 stick-built, single-family residences and accessory structures;

9. All residences must meet the standards for stick-built and manufactured homes as outlined in Section 204;

10. The applicant submits an engineered individual wastewater disposal system to be approved by the Pennington County Environmental Planner;

11. That the entire portion of 156th Avenue to 229th Street be paved and improved in accordance with the approved Construction Plans prior to issuance of the fifty-first (51st) Building Permit or Surety be posted that will expire within six (6) months after the issuance of the fifty-first (51st) Building Permit;

12. That the applicant obtains an approved Floodplain Development Permit for any construction work within the 100-year floodplain;

13. That prior to platting, the applicant provides documentation from Dakota, Minnesota & Eastern Railroad allowing the two (2) primary routes through the railroad right-of-way;

14. That prior to any plat approval, the applicant provide lighted warning devices at the two (2) primary route crossings through DM&E railroad right-of-way;

15. That 229th Street is maintained according to Ordinance 14 Standards;

16. That prior to County Board approval of the Planned Unit Development, the applicant shall submit a Fire Protection Plan for review and approval by the Pennington County Fire Coordinator. The Pennington County Fire Coordinator will determine the number of fire hydrants and exact locations;

17. The minimum setbacks for the Planned Unit Development shall be twenty-five (25) feet from all property lines and fifty-eight (58) feet from all Section Lines;

18. That a Homeowner’s Association be created for the maintenance of the road, community water system, and all use within the common areas;
19. That one wind generator be allowed on each lot and the wind generator not exceed a height of 55 feet;

20. That the applicant signs a Noxious Weed Plan to control noxious weeds located on the property;

21. That there be no more than one (1) Recreational Vehicle (RV) allowed to be utilized as living quarters on the subject property during construction of the barn and/or single-family residence;

22. That the address assigned for the property be clearly posted on the RV while it is being utilized as living quarters, in accordance with Pennington County’s Ordinance #20;

23. That the RV being used as a temporary residence be hooked into an approved On-Site Wastewater Treatment System until the single-family residence is habitable;

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

25. That this Planned Unit Development Amendment is not valid until the applicant signs the Statement of Understanding, which is available at the Planning Office.
We plan to live on our land at 22883 156th Ave Box Elder in a camper while we build our house. The camper has a wastewater tank and a gray water tank, which we will use. Periodically we will move the camper to have it dumped at an authorized dump station when tanks are full.

Eliana Marie 12/18/19
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: Suburban Residential, General Agriculture, Highway Service & General Commercial Districts

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

PHYSICAL CHARACTERISTICS: Flat / Partially Forested

UTILITIES: Private
I. PROPOSED RECOMMENDATION
Staff recommends to turn this Planned Unit Development / PU 06-07 over to the States Attorney's Office so that they can take further action to bring this MHP into compliance.

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).
D. October 31, 2019, Staff spoke on the phone with the interim manager, Laurie Humphrey, 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, regarding this email.

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. 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.

K. 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’s Attorney’s Office.
   1. The third notice Certified Return Receipt letters were sent out on December 9, 2019 to both the MHP owner and the MHP manager, Laurie Humphrey, all mailings are attached with this Staff Report.

L. The December 16, 2019 hearing in front of the Planning Commission was 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.
   1. The fee has not yet been paid.

M. December 16, 2019, Staff was contacted by the MHP owners, where they inquired about what needed to be done to bring the MHP into compliance (see attached email correspondences).
   1. Staff has not heard back from the owners since December 16, 2019.

N. As of December 30, 2019, Staff has not received any Building Permits applications from anyone residing at Cimarron Mobile Home Park.
1. Staff was informed on December 26, 2019, that a mobile home was moved onto Lot 217, which lies within the Special Flood Hazard Area.

2. Staff confirmed that a mobile home was placed on Lot 217 without a Floodplain Development Permit or a Building Permit.

3. December 27, 2019, Staff spoke with Mr. Will Conachen, the mobile home owner for Lot 217, and he stated that he was not informed by Laurie Humphrey that a Floodplain Development Permit was needed until he had already paid someone to have his mobile home moved onto Lot 217.

O. December 30, 2019, Laurie Humphrey contacted Staff to discuss the process for obtaining a Floodplain Development Permit.

RECOMMENDATION: Staff recommends Planned Unit Development / PU 06-07 be turned over to the State’s Attorney’s Office so that further action can be taken to bring the mobile home park into compliance.
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 Projetti
Planner I

CC: Rapid City MHP LLC
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
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
STAFF REPORT

GENERAL INFORMATION:

REQUEST:  

LAYOUT PLAT / LPL 19-44: To subdivide and create Lots 1, 2, and 3 of Hideaway Hills Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

APPLICANT:  
Gorden and Jennifer Sabo

APPLICANT ADDRESS:  
8420 Alberta Drive, Rapid City, SD 57702

SURVEYOR:  
KTM Design Solutions / David Vliem

SURVEYOR ADDRESS:  
628 1/2 Sixth Street, Suite 201  
Rapid City, SD 57701

LEGAL DESCRIPTION:  
EXISTING LEGAL: NE1/4SE1/4, Section 8, T2S, R7E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1, 2, and 3 of Hideaway Hills Subdivision, Section 8, T2S, R7E, BHM, Pennington County, South Dakota.

SITE LOCATION:  
Located off of Martin Ranch Trail, east of the intersection of Rushmore Ranch Road and Martin Ranch Trail.

SIZE:  
40.00 acres

TAX ID:  
42816

EXISTING LAND USE:  
Vacant

SUBDIVISION REGULATIONS REFERENCE:  
§ 400.1

CURRENT ZONING:  
General Agriculture District

SURROUNDING ZONING:  
North  
General Agriculture District
South  
General Agriculture District
East  
General Agriculture District
West  
General Agriculture District
Agenda Item #8
Gorden and Jennifer Sabo
January 13, 2020

PHYSICAL CHARACTERISTICS: Forested / Hills

UTILITIES: None

REPORT BY: Kristina Proietti

I. PROPOSED RECOMMENDATION
   A. Staff will be recommending approval of Layout Plat / PL 19-44 with conditions.

II. GENERAL DESCRIPTION
   A. The applicants, Gorden and Jennifer Sabo, have applied to create Lots 1, 2, and 3 of Hideaway Hills Subdivision out of an existing 40 acre parcel in the NE1/4SE1/4, Section 8, T2S, R7E, BHM, Pennington County, South Dakota, See Image 1.
   B. Proposed Lot 1 will be approximately 15.02 acres ±, proposed Lot 2 will be approximately 15.71 acres ±, and proposed Lot 3 will be approximately 10.05 acres ±.

III. EXISTING CONDITIONS
   A. Zoned General Agriculture District.
   B. 40 acres.
   C. Access taken off of Martin Ranch Trail.
   D. No Special Flood Hazard Area on the subject property.
   E. Parcel History:
      1. No structures on subject property.

IV. PROPOSED LOTS
   A. Lot 1
      1. 15.02 acres ±.
         a. Rezone or Lot Size Variance required.
   B. Lot 2
      1. 15.71 acres ±.
         a. Rezone or Lot Size Variance required.
   C. Lot 3
      1. 10.05 acres ±.
         a. Rezone or Lot Size Variance required.
A portion of proposed layout plat by KTM Design Solutions Inc. Image 1.
II. REQUEST FOR COMMENT

A. County Highway Department
   1. The Highway Department has no comments since the dead end road system meets the Subdivision Regulations, drainage is minimally impacted, and it lies in the Martin Ranch Road District.

B. County Environmental Planning Supervisor
   1. There is no Special Flood Hazard Area on the subject property.

C. County Onsite Wastewater Specialist
   1. According to the USDA Web Soil Survey, the soils on this property are classified as “Very Limited” due to depth of bedrock, slope and slow water movement. When any septic systems are installed on any of the proposed new lots, all rules of Pennington County Zoning Ordinance Section 204-J must be followed.

D. County Ordinance Enforcement Officer
   1. No violations.

E. 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.

F. Department of Equalization
   1. Looks good to me!

G. Register of Deeds
   1. Proposed subdivision name is acceptable.
   2. Plat Heading is acceptable.
   3. The plat states that “These lots are subject to Legacy Hills Covenants, Conditions, and Restrictions as recorded in …” This cannot be accomplished by putting a note on a plat; an amendment of covenants document will have to be created by a real estate attorney; and recorded with the Register of Deeds.
   4. Certificates appear to be the required certificates.
      a. Staff Comment: This will be addressed in the Conditions of Approval.

H. Black Hills Electric Cooperative
   1. Black Hills Electric Cooperative has no concerns with this Layout Plat.

I. Martin Ranch Road District
   1. I have reviewed the documents forwarded to Diane Stroud. Lot 4 of Legacy Hills has been purchased by Gorden and Jennifer Sabo and they are subdividing this property. As long as it remains part of Legacy Hills and a member of the Martin Ranch Trail Road District, we have no issue and no additional comments.
III. ANALYSIS
   A. The applicants, Gorden and Jennifer Sabo, have applied to create Lots 1, 2, and 3 of Hideaway Hills Subdivision out of an existing 40 acre parcel.
   B. Prior to approval, the proposed lots will require either a Rezone or Lot Size Variance as it does not meet the lot size requirement for the current zoning of General Agriculture District.
      1. December 26, 2019, the applicants, Gorden and Jennifer Sabo, submitted a rezone request for the subject property to request to rezone from General Agriculture District to Limited Agriculture District. This will be heard in front of the Planning Commission on January 27, 2020.
   C. For the purposes of a Layout Plat, Staff finds no significant issues with the applicants’ request.

RECOMMENDATION: Staff recommends approval of Layout Plat / PL 19-44 with the following nine (9) conditions:

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

2. That at the time of the Minor Plat submittal, percolation tests and soil profile hole information be submitted for the proposed lot for review and approval by the County Environmental Planner, or an approved Subdivision Regulations Variance be obtained waiving this requirement;

3. That at the time of the Minor Plat submittal, the proposed Plat be prepared by a Registered Land Surveyor;

4. That prior to the Plat being recorded with the Register of Deeds, proposed Lots 1, 2, and 3 of Hideaway Hills Subdivision obtain an approved Rezone or Lot Size Variance;

5. That prior to the Plat being recorded with the Register of Deeds, the statement “that Lots 1, 2, and 3 are subject to Legacy Hills Covenants…” be removed and that an Amendment of Covenants be created and recorded with the Register of Deeds.

6. That prior to the Plat being recorded with the Register of Deeds, the plat meets all requirements of Pennington County Subdivision Regulations, or approved Subdivision Regulations Variance(s) be obtained waiving any of these requirements that are not met. Subdivision Regulations shall be submitted per Section 700 of Pennington County Subdivision Regulations;

7. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
8. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of § 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit; and,

9. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.
LAYOUT PLAT
LOTS 1, 2 AND 3
HIDEAWAY HILLS SUBDIVISION
(formerly the NE1/4 of the SE1/4 of Section 8)
T2S, R7E, B.H.M.,
PENNINGTON COUNTY, SOUTH DAKOTA.

CERTIFICATE OF OWNERSHIP:

 Owners:

Gordon Stoltz
Jennifer Stoltz

IN WITNESS WHEREOF, WE HAVE SET OUR HAND AND SEAL.

Date:

CERTIFICATE OF DEDICATION

The dedication of the proposed property from the City of Retirements of Federal Heights, in Partial Agreement, executed by the undersigned parties and executed in the City of Federal Heights, in Partial Agreement.

Date:

CERTIFICATE OF COUNTY ASSESSOR

The undersigned County Assessor for the County of Pennington, in Partial Agreement, does hereby certify that the property is situated on the site, and that it is the property of the City of Federal Heights, in Partial Agreement, and that it is the property of the City of Federal Heights, in Partial Agreement.

Date:

CERTIFICATE OF DIRECTOR OF CIVILIZATION

The undersigned Director of Civilization for the City of Pennington, in Partial Agreement, does hereby certify that the property is situated on the site, and that it is the property of the City of Federal Heights, in Partial Agreement, and that it is the property of the City of Federal Heights, in Partial Agreement.

Date:

CERTIFICATE OF REGISTER OF DEEDS

The undersigned Register of Deeds for the County of Pennington, in Partial Agreement, does hereby certify that the property is situated on the site, and that it is the property of the City of Federal Heights, in Partial Agreement, and that it is the property of the City of Federal Heights, in Partial Agreement.

Date:
STAFF REPORT

GENERAL INFORMATION:

REQUEST:  

CONDITIONAL USE PERMIT / CU 19-34: To allow an existing residence to be used as a Vacation Home Rental in a General Agriculture District in accordance with Sections 205, 319, and 510 of the Pennington County Zoning Ordinance.

APPLICANT:  
Lloyd and Pamala LaCroix

APPLICANT ADDRESS:  
1128 Alma Street, Rapid City, SD 57701

LOCAL CONTACT:  
Lloyd LaCroix

LEGAL DESCRIPTION:  
Lot 1-B, Elkhorn Mountain View Estates, Section 32, T1S, R5E, BHM, Pennington County, South Dakota.

SITE LOCATION:  
12558 Ford Mountain Court; southeast of Hill City along Old Hill City Road, located off of Ford Mountain Court.

SIZE:  
2.44 acres

TAX ID:  
2116

EXISTING LAND USE:  
Residential

ZONING REFERENCE:  
§§ 205, 319 & 510

CURRENT ZONING:  
General Agriculture District

SURROUNDING ZONING:  
North
Low Density Residential District
General Agriculture District

South
General Agriculture District

East
Low Density Residential District
Limited Agriculture District

West
General Agriculture District

PHYSICAL CHARACTERISTICS:  
Flat
I. PROPOSED RECOMMENDATION
   A. Staff will be recommending approval of Conditional Use Permit / CU 19-34 with conditions.

II. GENERAL DESCRIPTION
   A. The applicants, Lloyd and Pamala LaCroix, are requesting a Conditional Use Permit to allow an existing three (3) bedroom residence to be utilized as a Vacation Home Rental (VHR) on the subject property.

III. EXISTING CONDITIONS
   A. Zoned General Agriculture District.
   B. 2.44 acres.
   C. No Special Flood Hazard Area.
   D. Access is off of Ford Mountain Court.
   E. Lot contains:
      2. 20’ x 40’ garage – built in 1970, according to property record cards.
      3. 60’ x 40’ pole barn with 8’ lean-to on both sides – County Building Permit – 2010COBP0581.
      4. 10’ x 24’ shed – placed between 2010 and 2011, per Google Earth. No Building Permit on file.
   F. On-site wastewater treatment system.
      1. Operating Permit – COOP18-0456.

IV. REQUEST FOR COMMENT
   A. County Highway Department
      1. Access must continue to be from Ford Mountain Court.
   B. County Fire Administrator
      1. Staff Comment: County Fire Administrator comments are attached to this Staff Report.
   C. County Professional Environmental Planner
      1. No Special Flood Hazard Area on the subject property. An Operating Permit was issued for the onsite wastewater treatment system in 2018 (COOP18-0456).
   D. County Environmental Planner
      1. The applicant has a current Operating Permit (COOP18-0456) and has received permission from the SD DENR in a letter dated December 4, 2019. I have no further concerns.
   E. County Ordinance Enforcement
      1. No violations.
F. County Addressing Coordinator
   1. The residence is more than 75’ off of Ford Mountain Court. Therefore, the house number needs to be properly posted in accordance with Penn. Co. Ord. #20. This includes posting it on a sign where the driveway intersects Ford Mountain Court.
      a. Staff Comment: This will be addressed as a Condition of Approval.

G. Black Hills Energy
   1. No comments received.

H. Emergency Services (9-1-1)
   1. In looking at available photos of the site (Google Street View) it doesn’t appear the house number is properly posted in accordance with Penn Co Ord #20 (on the addressed structure, visible from the driveway or named road and, if more than 75’ off the named road, on a sign where the driveway intersects the named road). This is especially important since a total of five homes are accessed from the end of Ford Mountain Ct. It also doesn’t appear any other homes off Ford Mountain Ct. have their assigned house numbers posted properly (on a sign at the end of Ford Mountain Ct. for sure…. Don’t know about on each house). That would be our only stipulation (as it related to 12558 Ford Mountain Ct.). Otherwise, good here.
      a. Staff Comment: This will be addressed as a Condition of Approval.

V. CONSIDERATIONS FOR CONDITIONAL USE PERMIT REQUEST
A. The Zoning Ordinance lists five (5) factors that the Planning Commission may consider in their review of Conditional Use Permit applications. They are as follows:

   1. The effect upon the use and enjoyment of the other property in the immediate vicinity for the uses already permitted, and upon property values within the immediate vicinity.
      a. The proposed use for the single-family residence as a Vacation Home Rental should not affect the use and enjoyment of other properties in the immediate vicinity for the uses already permitted, and upon property values in the surrounding properties.

   2. The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
      a. It appears that by allowing this Conditional Use Permit, the use should not affect the normal, orderly development or improvement of any surrounding vacant property in the area.
3. **That utilities, access roads, drainage, and/or other necessary facilities are provided.**
   a. The proposed use of the existing single-family residence should not require any utilities or facilities that are not already in place. Access is to be provided off of Ford Mountain Court. Additionally, Staff has no drainage concerns relating specifically to the applicant’s request at this time.

4. **That the off-street parking and loading requirements of these Zoning Ordinances are met.**
   a. Pennington County Zoning Ordinance § 310(A)(9)(gg) requires one (1) off-street parking space per bedroom. Three (3) parking spaces are required for CU 19-34 and it appears that adequate parking is provided on the subject property.

5. **That measures are taken to control offensive odor, fumes, dust, noise, vibration, and lighting (inclusive of lighted signs), so that none of these will constitute a nuisance.**
   a. The proposed Conditional Use should not present odor, fumes, dust, noise, vibrations, or intrusive lighting. The applicant should take care so the proposed use does not create the above-listed elements in any amount that would constitute a nuisance.

**VI. ANALYSIS**

A. December 11, 2019 – The applicants applied for Conditional Use Permit / CU 19-34 to allow an existing three (3) bedroom residence to be utilized as a Vacation Home Rental.

B. Section 206(C)(27) of the Pennington County Zoning Ordinance (PCZO) lists “Vacation Home Rental in accordance with § 319” as a Conditional Use in a General Agriculture District.

C. Section 319(B): “As long as the subject property for the VHR is a minimum of 1-acre with a combination of acceptable Public and/or Private Systems, as determined by the South Dakota Department of Health and the Pennington County Planning Department; VHRs are permitted with approval of a Conditional Use Permit in: General Agriculture Zoning Districts.”
D. Pennington County Ordinance #20(B): “If the length of the driveway/access way exceeds 75 feet or a physical obstruction prevents the number from being visible from the road of which the address is taken, then the house number shall be posted adjacent to the area in which the driveway/access way intersects the road.”
   1. The residence is more than 75 feet off of Ford Mountain Court. Therefore, the house number needs to be posted on a sign where the driveway intersects Ford Mountain Court.
E. No Building Permit is on file for the 10’ x 24’ shed. Therefore, the applicant will need to apply for a Building Permit and pay any associated penalty fees within 30 days of CU 19-34 approval.
F. The applicant has complied with all of the application and submittal requirements for a VHR, as listed in PCZO §319, including the following:
   1. Complete application and floor plan.
   3. Local contact: Lloyd LaCroix (applicant).
   4. Approval from SD DENR – received December 4, 2019.
RECOMMENDATION: Staff recommends approval of Conditional Use Permit / CU 19-34 with the following conditions:

1. That the maximum overnight occupancy, based on SD DENR approval, be limited to six (6) people and the maximum daytime occupancy be limited to twelve (12) people, per Pennington County Zoning Ordinance (PCZO) §319(F)(13);

2. That if an addition is constructed on the single-family residence and/or the on-site wastewater treatment system is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DENR;

3. That the proper permits be obtained prior to utilizing a fire pit on the property and all fire restrictions be followed at all times;

4. That each review of Conditional Use Permit / CU 19-34, be subject to PCZO §511(F)(4), which includes a $100 fee per review;

5. That the applicant continually maintains current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department prior to operation of the Vacation Home Rental;
Agenda Item #9  
Lloyd and Pamala LaCroix  
January 13, 2020  

6. That the applicant maintains an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency;  

7. That a minimum of three (3) off-street parking spaces be provided on-site, per PCZO §310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;  

8. That an interior informational sign be posted in accordance with the requirements of PCZO §319(G), with 9-1-1 and contact information listed for the local Fire Department and Sheriff’s Office, during operation of the Vacation Home Rental;  

9. That the lot address (12558 Ford Mountain Court) continue to be posted on the residence at all times and that it also be posted on a sign where the driveway intersects Ford Mountain Court, in accordance with Pennington County Ordinance #20;  

10. That the applicant ensures the Vacation Home Rental is continually operated in accordance with the requirements of PCZO §319(F) (Performance Standards) at all times;  

11. That if the person designated as the Local Contact is ever changed from Lloyd LaCroix, the interior informational sign be updated and the applicant re-notify the Planning Director and surrounding landowners within 500 feet via notices sent by First Class Mail;  

12. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;  

13. That an approved Sign Permit be obtained prior to the placement of any sign(s);  

14. That the applicant apply for a Building Permit for the 10’ x 24’ shed and pay any associated penalty fees within 30 days of CU 19-34 being approved;  

15. That an approved Building Permit be obtained for any future structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; and,  

16. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.
Hill City Fire District Comments:
911 numbering is highly visible from Old Hill City Rd.

County Fire Comments are attached:

Additional County Fire Comments:
PDF Packet Page #8

House Rules and Regulations: Rapid City Regional Emergency Hospital name be updated as needed to the new name.

Jerome Harvey
Pennington County Fire Administrator
PO BOX 6180
RAPID CITY SD 57709-6180
Pennington County Fire
Planning and Zoning
Vacation Home Rentals - Fire Ring Comments
1/1/2017

Permit # **A-***
Expires: **/**/****
Permittee: first name last name
PH: ***-***-****

County Fire recommends the following

- The property in this routing is located in the Black Hills Forest Fire Protection District Boundary, SDCL 34-35-15

- That no open fire shall be permitted, unless approved and granted a permit by the South Dakota Division of Wildland Fire. (Phone: 605-393-8011) Copies of the permit shall be available for inspection during normal business hours or anytime the Camp Fire Permit is in use by the Fire Chief having jurisdiction and or his designated representative

- That barbecue pits, fireplaces, and incinerators shall be located, constructed, maintained, and used as to minimize fire hazard and smoke nuisance, both on and off the property. The South Dakota Division of Wildland Fire (Phone: 605-393-8011) shall approve the facilities before the use is permitted; Copies of the respective permit shall be available for inspection during normal business hours or anytime the permitted item is in use by the Fire Chief having jurisdiction and or his designated representative.

- That a portable fire extinguisher with a minimum 2 A-BC rating shall be readily available near any camp fire pit, barbecue pits, fireplaces, incinerators or similar and shall be inspected and tagged annually; records of said inspection shall be maintained. Fire extinguishers shall be mounted 5'3" from the floor or the ground to the gauge.


- A copy of this assessment shall be provided by the owner/applicant to the Pennington County Planning and Zoning office.

- Develop and execute a plan following fire wise guidelines based on the Free State assessment to create defensible space to include the proposed or existing structures. 50% cost-share funds MAY be available through South Dakota Wildland Fire to execute the creation or enhancement of defensible space, http://wildlandfire.sd.gov/fuelsmitigation/fuelsmitigation.aspx

- Fire wise Information: http://www.gpfiresafecouncil.com/

*See: Black Hills Forest Fire Protection District BURN permits/Campfire rings-pits:
- That each sleeping room have a smoke detector and a carbon monoxide detector;
- That each room where occupants are sleeping shall have two means of escape.
- That each floor where occupants are sleeping shall have two means of escape.
- Below grade sleeping areas have an approved means of escape/Egress Well/Rescue window.

Egress windows installed in basements may have additional requirements that you’ll want to be aware of before you pay a window company to install one. For example, if you have an underground basement (as opposed to a split level basement), you will also need to replace your window well and attach a ladder to the back of the well for easy exit to ground level. This is the case if the window well itself sits more than 44 inches below ground level.

Basement egress windows open completely and provide at least 9 square feet of floor area. If your egress window will open below a deck or porch, additional space is needed ensure that the window doesn’t open onto a porch joist and that there aren’t any other problematic obstructions.

Fire extinguishers shall be mounted 5'3" from the floor or the ground to the gauge.

- 40 lbs or less, install it so the top of the canister is no more than 5 ft above the floor
- The bottom of an extinguisher must be at least 4 in from the floor. This requirement stops you from placing an extinguisher on a floor as a permanent spot for it.

To operate an extinguisher:

1. Addressed to meet or exceed county regulations, in accordance with Pennington County Ordinance 20 and ESCC/911 Department guidelines. Signage clearly visible from both approaching directions

2. If the length of the driveway/access way exceeds 75 feet or a physical obstruction prevents the number from being visible from the road of which the address is taken, then the house number shall be posted adjacent to the area in which the driveway/access way intersects the road.

3. The posted house number must be placed in such a way as to ensure its visibility year round and not be obstructed by such things as, but not limited to, snow or vegetation, to provide for emergency identification at all times.

4. Each character of the posted house number shall be a minimum of four (4) inches in height by three (3) inches in width and must be of a contrasting color to the background.

South Dakota Lodging Requirements Checklist
https://doh.sd.gov/documents/Food/LodgingChecklist.pdf

2-A Fire Extinguishers

The number code on extinguishers represents how much water the extinguishing agent is equivalent to. Each number unit of this code represents 1.25 gallons of water; therefore a code of 2 on an extinguisher represents extinguishing agent equivalent to 2.5 gallons of water.

The alphabetic code on extinguishers indicates the category of fire they can be used upon. Category A fires are combustible materials fires.

Unless otherwise noted: a 5lb ABC Dry Chemical Fire Extinguisher, will have a minimum "2A:40B:C" Rating
Category A Fires

Category A, or combustible materials, fires consist of fires involving paper, wood, fabrics, rubber or certain types of plastics. These fires have low combustion temperatures, so they burn easily and quickly. A category A fire extinguisher is generally silver in color and holds water under extreme pressure.

Risks of Category A Fire Extinguishers

Water-based fire extinguishers are useful for combustible materials fires, however, they should never be used on electrical fires or hot-oil fires, such as in a deep fat fryer. It is extremely dangerous to use water on electrical fires, as you run the risk of electrical shock. Using water extinguishing agents on deep fat fryers will make the fire spread quicker, due to the extremely high temperatures of burning oil.

Fire Extinguisher Categories

Fire extinguishers labeled B are suitable for flammable liquids fires, such as burning oils, paints or gasoline. B type extinguishers contain carbon dioxide. Category C fire extinguishers contain dry chemical powders and should be used on electrical fires, such as those started by faulty appliances or wiring. Multipurpose extinguishers are labeled A, B and C and can be used on any fire; they contain dry chemicals. Category K extinguishers contain wet or dry chemicals and are specifically for use on hot, burning oil fires in the kitchen.
# Lodging Requirements Checklist

## Type of Lodging

- **Bed & Breakfast**: Does your establishment have 1-5 sleeping rooms and do you live on or adjacent to the property housing guests? Then register as a Bed & Breakfast.
- **Specialty Resort**: Does your establishment have 1-5 sleeping rooms and you **DO NOT** live on or adjacent to the property (or if you live on or adjacent to the property and have 6-10 sleeping rooms)? Then license as a Specialty Resort.
- **Hotel**: Does your establishment have 11 or more rooms? Then license as a Hotel.
- **Vacation Home**: Do you rent or lease your establishment in its entirety to the public on a daily or weekly basis for more than fourteen days a year? Then license as a Vacation Home.

## Kitchen requirements if meals are provided

- **Do you qualify as a Bed & Breakfast?** If so, meals can be provided with a domestic kitchen.
- **Do you qualify as a Specialty Resort?** If so, you must have a separate hand washing sink and a separate three compartment sink or sanitizing dishwasher (one that reaches a minimum of 150°F during sanitizing cycle). Meals can only be served to overnight guests, unless a separate Food Service License is secured.
- **Do you qualify as a Hotel?** If so, you may only have a Continental Breakfast, unless a separate Food Service License is secured.
- **Do you qualify as a Vacation Home?** If so, a kitchen may be provided.

## Bed & Breakfast Fire Safety Requirements

- The establishment is required to have a smoke detector in each sleeping room with a minimum of at least one smoke detector per floor.

## Specialty Resort Fire Safety Requirements

- **Does your establishment have less than 10 occupants?** If so, then you must meet these minimum fire safety requirements.
  - Does your establishment have **illuminated** exit signs posted above all primary exits that lead to the exterior?
  - Does your establishment have smoke detectors in all sleeping rooms?
  - Does your establishment have proper egress windows in all sleeping rooms? Proper egress windows must be operable from the inside without the use of separate tools. The egress window must have a minimum opening of 5.7 ft². Each side of the window must have a minimum of 24 inches high and 20 inches wide, but together equaling a minimum of 5.7 ft². The window’s bottom edge must be no more than 48 inches above the floor.
  - Does your establishment have a portable fire extinguisher with a 2-A minimum fire rating on each floor? This extinguisher will need to be inspected and tagged annually.

## Vacation Home Fire Safety Requirements

- Each floor where ten or more occupants are sleeping shall have access to at least two remote exits.
- Any primary exit that leads to the exterior or the structure shall be capable of unlocking from the interior with single action hardware, and free from obstruction. Any sleeping room with a direct exit to the exterior of the building is exempt from this requirement.
- There shall be a smoke detector in each sleeping room. The owner or manager shall test any battery operated smoke detector at least twice a year.
- Any sleeping room shall be equipped with an operable egress window. Any sleeping room with a direct exit to the exterior of the building is exempt from this requirement.
- A portable fire extinguisher with a minimum 2-A rating shall be made available on each floor and shall be inspected and tagged annually.

**NOTE:** Before a valid lodging license is issued all other applicable Environmental Health standards must be met in accordance with ARSD 44:02:02:02 or 05 or 06 or 08
STAFF REPORT

GENERAL INFORMATION:

REQUEST:

REZONE / RZ 19-17 AND COMPREHENSIVE PLAN AMENDMENT / CA 19-17: To rezone 12.83 acres from General Agriculture District to Low Density Residential District and to amend the Pennington County Comprehensive Plan to change the Future Land Use from Planned Unit Development Sensitive to Low Density Residential District in accordance with Sections 205, 207, 213, and 508 of the Pennington County Zoning Ordinance.

APPLICANT: David and Mary Grover

APPLICANT ADDRESS: P.O. Box 678, Hill City, SD 57745

LEGAL DESCRIPTION: Lot 1, Buzmar Subdivision, Section 32, T1S, R5E, BHM, Pennington County, South Dakota.

SITE LOCATION: Southeast of Hill City along Old Hill City Road.

SIZE: 12.83

TAX ID: 70048

EXISTING LAND USE: Vacant

ZONING REFERENCE: §§ 205, 207, 213, and 508

CURRENT ZONING: General Agriculture District

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

PHYSICAL CHARACTERISTICS: Open meadow / wooded

UTILITIES: Private

Page 1 of 7
I. PROPOSED RECOMMENDATION
   A. Staff will be recommending approval of Rezone / RZ 19-17 and Comprehensive Plan Amendment / CA 19-17.

II. GENERAL DESCRIPTION
   A. The applicant, David Grover, has submitted a request to rezone 12.83 acres from General Agriculture District to Low Density Residential District.
   B. The applicant is also requesting to amend the Pennington County Comprehensive Plan to change the Future Land Use from Planned Unit Development Sensitive District to Low Density Residential District.
   C. The subject property was subdivided and created under Minor Plat / MPL 19-19, with conditions.
   D. This Rezone and Comprehensive Plan Amendment will bring the property into compliance, as Condition #3 of MPL 19-19 was not met prior to filing the plat with the Pennington County Register of Deeds.
   E. The applicant intends to subdivide the subject property into four (4) lots and none will meet the lot size requirements for current zoning.

A portion of proposed subdivision, Britton Engineering, 11.7.19
III. EXISTING CONDITIONS
   A. Zoned General Agriculture District (40-acre lot size minimum).
   B. Lot size: 12.83 acres.
   C. Access off of Old Hill City Road.
   D. No Special Flood Hazard Area.
   E. No structures on subject property.
   F. Conventional Wastewater Treatment System.

IV. CURRENT ZONING WITHIN 1-MILE
   A. General Agriculture District.
   B. Limited Agriculture District.
   C. Low Density Residential District.
   D. City of Hill City Limits.
   E. Highway Service District.

V. FUTURE LAND USE ZONING WITHIN 1-MILE
   A. Public Land.
   B. Planned Unit Development Sensitive District.
   C. Low Density Residential District.
   D. City of Hill City Limits.
   E. Highway Service District.
VI. COMPREHENSIVE PLAN AMENDMENT / CA 19-17
   A. The applicants have requested to change the Future Land Use of the subject property from Planned Unit Development Sensitive District to Low Density Residential District.
   B. There are several properties with Low Density Residential District Future Land Use designations within 1-mile of the subject property, to include three (3) that share a property line to the east.
   C. The applicant’s request appears to be in harmony with the County’s Future Land Use designations in the area.

VII. REQUEST FOR COMMENT
   A. County Highway Department
      1. Changing the zoning from GA to LDR would increase the lot density from 1 to 4, which should have minimal impact on the drainage depending on the type of development. Approach permits will be required for any additional future lots.
   B. County Fire Administrator
      1. No comments received.
   C. County Environmental Planning Supervisor
      1. No Special Flood Hazard Area on the subject property.
   D. County Environmental Planner
      1. According to the USDA Web Soil Survey, the soils are classified as “Very Limited” due to the slope and slow water movement. If any septic systems are installed on these lots, all rules of Pennington County Zoning Ordinance 204-J must be followed.
   E. County Ordinance Enforcement
      1. No Violations.
   F. County Addressing Coordinator
      1. No addressing concerns at this time. An address will be assigned upon Building Permit submittal and must be posted in accordance with Pennington County Ordinance #20.
   G. Register of Deeds
      1. No comment.
   H. Department of Equalization
      1. Since this is just a zoning change and nothing regarding acreage or lot lines is changing, I have no comment.
   I. Emergency Services (9-1-1)
      1. No comments received.
   J. United States Forest Service
      Here are the Forest Service comments regarding the Grover Rezone, Subdivision variance and Comp Plan Amendment request:
      1. Protect all posted boundary line corners, signs and bearing tress.
      2. Adhere to the setback requirements along the posted boundary between National Forest System lands and private property.
3. Protect all known stream courses, ponds and riparian areas located on National Forest System lands.
4. No resource damage to occur on National Forest System lands.
5. 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.
6. All construction materials, supplies, trash or garbage will not be located or dumped on National Forest System lands.
7. Public roads in this area of the Black Hills National Forest are classified as “Highways, US, State” per the latest version of the Motor Vehicle Use Map.
8. No motorized trailheads or motorized trails or motorized roads are planned or scheduled for this portion of the Black Hills National Forest.
9. 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).

VIII. ANALYSIS

A. July 16, 2019 – Board of Commissioners approved Minor Plat / MPL 19-19 to create the subject property (Lot 1 of Grover Subdivision) with the following conditions:

1. That upon filing the Plat with the Register of Deeds, eight (8) foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
2. That upon filing the Plat with the Register of Deeds, the plat meets all requirements of § 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
3. That upon filing the Plat with the Register of Deeds, the plat meets all requirements of § 508 or § 509 of the Pennington County Subdivision Regulations, to obtain either a Rezone or a Lot Size Variance;
4. That upon filing the Plat with the Register of Deeds, the Certifications on the plat be in accordance with § 400.3(1)(n) of the Pennington County Subdivision Regulations;
5. 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 shall be submitted per § 700 of Pennington County Subdivision Regulations;
6. That upon filing the plat with the Register of Deeds, the plat show "Towering Pines Lane" on the west edge of the subject property;

7. That prior to any work being done on proposed Lot 1 of Grover Subdivision, or the remaining unplatted balance, the landowners contact the Pennington County Planning Department first, to see what Permits, if any, are required;

8. That prior to the Plat being recorded with the Register of Deeds, proposed Lot 1 of Grover Subdivision be in compliance with Pennington County Zoning Ordinances; and,

9. That the applicant ensures that all natural drainage ways are maintained and are not blocked.

B. September 3, 2019 – Board of Commissioners approved the Reconsideration of Minor Plat / MPL 19-19 to create the subject property (Lot 1 of Buzmar Subdivision) with the following conditions:

1. That upon filing the Plat with the Register of Deeds, eight (8) foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;

2. That upon filing the Plat with the Register of Deeds, the plat meets all requirements of § 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;

3. That upon filing the Plat with the Register of Deeds, the plat meets all requirements of § 508 or § 509 of the Pennington County Subdivision Regulations, to obtain either a Rezone or a Lot Size Variance;

4. That upon filing the Plat with the Register of Deeds, the Certifications on the plat be in accordance with § 400.3(1)(n) of the Pennington County Subdivision Regulations;

5. 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 shall be submitted per § 700 of Pennington County Subdivision Regulations;

6. That upon filing the plat with the Register of Deeds, the plat show "Towering Pines Lane" on the west edge of the subject property;

7. That prior to any work being done on proposed Lot 1 of Buzmar Subdivision, or the remaining unplatted balance, the landowners contact the Pennington County Planning Department first, to see what Permits, if any, are required;

8. That prior to the Plat being recorded with the Register of Deeds, proposed Lot 1 of Buzmar Subdivision be in compliance with Pennington County Zoning Ordinances; and,
Agenda Item #10
David and Mary Grover
January 13, 2020

9. That the applicant ensures that all natural drainage ways are maintained and are not blocked.

   1. Approval of RZ 19-17 and CA 19-17 will satisfy Condition #3 of MPL 19-19 and bring the subject property into compliance with the Pennington County Zoning Ordinance.

D. The subject property shares property lines with several properties zoned as Low Density Residential District. Therefore, the applicant’s request to rezone appears to be in harmony with the Current and Future Land Use zoning in the area.

RECOMMENDATION: Staff is recommending approval of Rezone / RZ 19-17 and Comprehensive Plan Amendment / CA 19-17.
GENERAL INFORMATION:

REQUEST:  

CONDITIONAL USE PERMIT / CU 18-38: To allow a Specialty Resort in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

APPLICANT:  
Daniel Johnson, Highmark Properties, LLC

APPLICANT ADDRESS:  
136 Heritage Drive, Yankton, SD 57078

LEGAL DESCRIPTION:  
Lot A of Lot 1 less of Highway 385, Walker Placer MS 551, Section 12, T2S, R4E, BHM, Pennington County, South Dakota.

SITE LOCATION:  
24236 Highway 385; near the intersection of Highway 385 and Highway 244.

SIZE:  
1.77 acres

TAX ID:  
4410

EXISTING LAND USE:  
Residential

ZONING REFERENCE:  
Sections 205 and 510

CURRENT ZONING:  
General Agriculture District

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

PHYSICAL CHARACTERISTICS:  
Forested / Hills

UTILITIES:  
Private

REPORT BY:  
Brittney Molitor

I. PROPOSED RECOMMENDATION
A. Staff will be recommending approval of Conditional Use Permit / CU 18-38 with conditions.
II. GENERAL DESCRIPTION
   A. The applicant is requesting a Conditional Use Permit to allow a Specialty Resort within the existing residence, which currently has two (2) distinct units within it. The applicant has a Conditional Use Permit for a multi-family residence and another Conditional Use Permit to allow one (1) of the units to be utilized as a VHR.
   B. The State of South Dakota Administrative Rule 44:02:05:01 defines a Specialty Resort as “any bed and breakfast establishment except a bed and breakfast establishment as defined in § 44:02:06:01, lodge, dude ranch, resort, building, or buildings used to provide accommodations or recreation for a charge to the public, with no more than ten rental units for up to an average of twenty guests per night and in which meals are provided to only the guests staying at the specialty resort”.

III. EXISTING CONDITIONS
   A. 1.77 acres.
   B. General Agriculture District.
   C. Access:
      1. Legal access to the property is off a ten (10) foot Private Roadway Easement which runs along the length of Lot B and Lot C.
      2. The applicant has legal access into the subject property (Lot A), off the above-mentioned Private Roadway Easement per Easement – Book 7, Pages 6964-6965.
         a. The applicant is working with the United States Forest Service to renew the FLPMA Private Road Easement across National Forest System lands.
         b. The United States Forest Service has indicated that the FLIPMA Private Road Easement will be granted once processed.
      3. By way of the above-mentioned Easement, a ten (10) foot wide driveway was constructed and currently exists on the property.
   D. Lot contains:
            i. Operating Permit – COOP16-0638.
         b. Onsite Wastewater Treatment System upgrade – COSD19-0093.
            i. Added 165 square feet to the existing mound system – total of 715 square feet of drainfield.
            ii. Operating Permit – COOP19-1188
   E. Special Flood Hazard Area, including floodway, exists on the subject property.
   F. Conditional Use Permit / CU 17-30 – to allow a Vacation Home Rental in the lower level of the existing structure.
G. Conditional Use Permit / CU 17-38 – to allow a multi-family dwelling unit in a General Agriculture District.
IV. PROPERTY HISTORY

A. On March 3, 2015, Variance / VA 15-01 was approved by the Board of Adjustment to reduce the minimum required side yard and rear yard setback from 25 feet to 10 feet in a General Agriculture District to allow for the construction of a single-family residence and detached garage.

B. On October 23, 2017, Conditional Use Permit / CU 17-38 was approved by the Planning Commission for a Multi-Family dwelling.

C. On November 13, 2017, Conditional Use Permit / CU 17-30 was approved by the Planning Commission for a Vacation Home Rental in one (1) unit.

D. On September 24, 2018, the applicant submitted a request for a Vacation Home Rental for the second dwelling unit in the structure (CU 18-38).
   1. On October 2, 2018, Staff received comments from the United States Forest Service on this request stating that there is no longer a FLPMA Private Road Easement in place across National Forest System lands and therefore does not have legal access to the subject property.
   2. On October 10, 2018, Staff received an email from the South Dakota Department of Health stating that the license category was changed from Vacation Home Rental to Specialty Resort due to the additional request for a Vacation Home Rental.
   3. This required the request for an additional Vacation Home Rental to be re-advertised as a Specialty Resort.

E. On October 17, 2018, Staff contacted the applicant regarding the Forest Service Contracts and the use of the single-family residence as a Specialty Resort.

E. This request was re-advertised as a Specialty Resort.

F. On February 11, 2019, the Planning Commission continued the review of Conditional Use Permit / CU 17-30, for a Vacation Home Rental in the lower unit of the multi-family dwelling, indefinitely until such time the applicant can receive approval from the United States Forest Service for access across NSF lands with the following one (1) condition:
   1. That the Vacation Home Rental is not operated/rented until such time legal access is obtained from the United States Forest Service through an approved FLMPPA Private Road Easement.

G. On February 14, 2019, the applicant appealed the Planning Commission's decision to the Board of Commissioners.

H. On March 5, 2019, the Board of Commissioners granted Conditional Use Permit / CU 17-30 for the multi-family residence to be used as a Vacation Home Rental for one (1) year.

I. On March 19, 2019, Staff verified through the VRBO website that this property is listed as a Vacation Home Rental for the lower level of the multi-family residence with accommodations to sleep six (6) people.
1. The onsite wastewater treatment system was originally designed to accommodate a single-family residence with four (4) bedrooms or 480 gallons per day.

J. On April 17, 2019, Staff contacted the South Dakota Department of Health (SD DOH) regarding the issuance of the Lodging License. A Lodging License for a Specialty Resort was issued to Highmark Properties LLC (#19597).

1. According to SD DOH, a Specialty Resort License was issued because each level is rented separately (i.e. two (2) rental units instead of renting the building in its entirety like a vacation home). Each level has a full kitchen and the owners are not providing any food so those requirements within the specialty resort rules do not apply in this case.

2. This Lodging License is current and expires December 31, 2020.

K. On October 4, 2019, Pennington County inspected and approved the installation of additional square footage added to the existing mound system. The system can now accommodate an additional two (2) guests in the Specialty Resort.

L. On October 2, 2019, the South Dakota Department of Environment and Natural Resources approved the mound system to allow a maximum daily flow of 600 gallons.

M. On December 3, 2019, Staff met with the applicant regarding moving forward with the application for a Rezone to a Planned Unit Development for a Specialty Resort.

N. Staff met with the State’s Attorney’s Office and was advised that a request for a Specialty Resort as a Conditional Use Permit in a General Agriculture District was more appropriate and in compliance with the Pennington County Zoning Ordinance.

O. Staff contacted the applicant and he concurred with the change and agreed to move forward with the request as a Conditional Use Permit for a Specialty Resort in a General Agriculture District.

V. REQUEST FOR COMMENT (Comments received in 2018 and early 2019)

A. County Highway

1. Highway has no comments since the adjacent roads are State Highways and drainage shouldn’t be affected if they stay out of the floodplain.

B. County Onsite Wastewater Specialist

1. The applicant has approval from DENR to use the house as a single-family dwelling for a vacation home rental, allowing 8 persons per night.

   a. Staff Comment: The applicant has upgraded his onsite wastewater treatment system to allow a maximum daily flow of 600 gallons.
C. County Ordinance Enforcement
   1. Ordinance Enforcement has no objection.

D. Emergency Management
   1. I drove by a few weeks ago and the proposed emergency egress route is legitimate. Not that it would be stipulated, but if I were in that structure I would want the USGS WaterAlerts set on my phone/email for the two upstream gages (Spring Creek @ Oreville & Sunday Gulch).

E. County Addressing Coordinator
   1. Each separate residence should have an unique address assigned to it and posted in accordance with Pennington County Ordinance #20.
      a. Staff Comment: "Each floor of the structure is addressed as "Unit 1 and Unit 2".

F. County Environmental Planning Supervisor
   1. There is Special Flood Hazard Area (SFHA) on the subject property. If any disturbance lies within the boundaries of the SFHA, a Floodplain Development Permit is required.
   2. A Floodplain Development Permit was approved for streambank stabilization in 2017 (FP 17-15).

G. United States Forest Service
   1. Protect all posted boundary line corners, signs, and bearing trees.
   2. All Access to the project area and the private property will need to be entirely from private property and not from NFSI.
   3. All drain fields, leach lines or septic systems will need to be located on private property and not drain unto NFSI or into Spring Creek.
   4. All utilities (electric service, phone service, etc.) that may cross NFSI will need to be constructed underground.
   5. Construction materials, supplies, trash or garbage will not be located or dumped on NFSI.
   6. Motorized trails for ATV, motorcycles, or ORV will not be authorized on NFSI.
   7. Non-motorized trails (hiking, horse and pack animal) will not be authorized on NFSI.
   8. I have been working with the current landowners of record Daniel C. Johnson, Harold and Lila Dodd and Joseph T. Gregson regarding a Federal Land Policy and Management Act (FLPMA) Private Road Easement to access the private property (Lot A of Lot 1, Walker Placer MS 551, Lot B of Lot 1 Walker Placer MS 551 and Lot C of Lot 1 Walker Placer MS 551 and located in the N1/2 of Section 12, T2S, R4E, BHM.
   9. Previous land owner of record Carl L. Anstett was granted by the United States of America, a FLPMA Private Road Easement, PAH500501 on January 14, 1988.
   10. Previous land owner of record Dorothy R. Gregson was granted a transfer of the Carl L. Anstett FLPMA Private Road Easement,

11. Currently the private property landowners of record do not have legal access to the private property or an approved and granted FLPMA Private Road Easement from the United States of America, Forest Service to access the private property.

12. Daniel C. Johnson, Harold Dodd and Joseph T. Gregson have applied for a FLPMA Private Road Easement to be granted by the United States of America to the Walker Placer MS551 Road Association, PAH722 to cross National Forest System lands to access the private property.

13. The only access route across National Forest System lands to the private property (Lot A of Lot 1, Walker Placer MS551, Lot B of Lot 1 Walker Placer MS551 and Lot C of Lot 1 Walker Placer MS551 and located in N1/2 of Section 12, T2S, R4E, BHM) will be the FLPMA Private Road Easement to be granted to the Walker Placer MS551 Road Association, PAH722. A secondary access route will not be reviewed or approved by the Forest Service.

14. I have completed the Bill for Collections (BFC) for cost recovery and the 2019 land use fees for the FLPMA Private Road Easement to be granted to the Walker Placer MS551 Road Association, PAH722. All 2019 BFC generated and payable to the Forest Service have been paid.

15. Britton Engineering and Land Surveying, Inc. was contracted by Daniel C. Johnson to complete the required r-o-w survey for the FLPMA Private Road Easement for the Walker Placer MS551 Road Association, PAH722.

16. The r-o-w survey will be reviewed by the land surveyor for the Black Hills National Forest and approved by the Forest Engineer for the Black Hills National Forest. This r-o-w survey will be an Exhibit to the FLPMA Private Road Easement to be granted to the Walker Placer MS551 Road Association, PAH722.

17. Resource specialists (archeologist, botanist, hydrologist, wildlife biologist, land surveyor, road engineer and lands staff) will need to complete the required review of existing files, field review and prepare written reports prior to the granting of the FLPMA Private Road Easement to the Walker Placer MS551 Road Association, PAH722.

18. Upon receipt of written resource specialist reports, I will complete the required documentation and finalize the FLPMA Private Road Easement for the Walker Placer MS551 Road Association, PAH722 for final signature and approval by the Regional Forester, Regional Office located in Denver, Colorado.

19. The Forest Service on behalf of the United States of America will be granting a FLPMA Private Road Easement to the Walker Placer
MS551 Road Association, PAH722. The procedure and process of the Forest Service granting an easement is a lengthy process and takes a fair amount of Forest Service staff time.

20. I will continue working with the landowners of record on the FLPMA Private Road Easement to be granted to the Walker Placer MS551 Road Association, PAH722.

21. The file copy of Constitution and Bylaws for the Walker Placer MS551 Road Association is not signed by the landowners of record.

22. The file copy of the application (SF-299) will need to be changed to reflect the name change from Gregson Dodd Johnson Road Association to the Walker Placer MS551 Road Association and signed and date.

VI. ANALYSIS

A. January 3, 2020 – Staff received a copy of the approval letter from SD DENR for the upgrade to the onsite wastewater treatment system to allow a maximum of 600 gallons per day.

B. January 3, 2020 – Staff received a copy of the Specialty Resort Lodging License.

C. There have been no documented complaints regarding the operation of a Vacation Home Rental on the subject property.

VII. CONSIDERATIONS FOR CONDITIONAL USE PERMIT REQUEST

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

A. **The effect upon the use and enjoyment of other property in the immediate vicinity for the uses already permitted, and upon property values within the immediate vicinity.**
   1. This Conditional Use Permit could have some effects on the use and enjoyment of other properties in the immediate vicinity. However, with appropriate conditions applied to the proposed use, it should have a minimal effect on property values in the surrounding area. The property is mainly surrounded by lots zoned General Agriculture District, Planned Unit Development (which includes a recreational resort), and National Forest Service lands.

B. **The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.**
   1. The surrounding areas are all zoned General Agriculture District and Planned Unit Development and consist of single-family residences and United States Forest Service lands. West of the subject property
is a large recreational resort with cabins, recreational vehicle sites, etc.

C. That utilities, access roads, drainage and/or other necessary facilities are provided.
   1. It appears all necessary utilities and facilities are in place. Access to the property is provided via an existing Easement off of Highway 385. A large amount of the subject property is located within the Special Flood Hazard Area.

D. That the off-street parking and loading requirements are met.
   1. The Zoning Ordinance requires one (1) off-street parking spaces for each rental room, thus a total of four (4) parking spaces is required for the Specialty Resort. It appears there is ample room on the subject property for four (4) parking spaces.

E. That measures are taken to control offensive odor, fumes, dust, noise, vibration, and lighting (inclusive of lighted signs), so that none of these will constitute a nuisance.
   1. The proposed Conditional Use, by its very nature will have limited odor, fumes, dust, noise, vibrations and intrusive lighting. All exterior lighting is to be directed downward. The proposed use should not create any of the above listed elements in amounts that would constitute a nuisance.

RECOMMENDATION: Staff recommends approval of Conditional Use Permit / CU 18-38 with the following conditions:

1. That the maximum overnight occupancy for the Specialty Resort be limited to ten (10) people (total includes both units);

2. That an approved FLPMA Private Road Easement be maintained at all times with the United States Forest Service;

3. That the applicant provide a cell phone booster for the Specialty Resort to ensure that adequate cell phone service is available, in case of an emergency;

4. That if an addition is constructed and/or the on-site wastewater treatment system is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DENR;
5. That all necessary permits are obtained prior to any additions to the structure or upgrades/alterations to the on-site wastewater treatment system;

6. That the applicant continually maintains current licenses with the South Dakota Department of Health (Specialty Resort License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department upon request;

7. That the applicant continually maintains an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;

8. That a minimum of four (4) off-street parking spaces continue to be provided on-site each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;

9. That an interior informational sign be posted on each level of the structure with 9-1-1 and (605) 394-4139 listed as contacts for Fire Department and Sheriff’s Department, during operation of the Specialty Resort. The interior informational sign must also contain a color map illustrating the Special Flood Hazard Area, as determined by FEMA;

10. That the lot address be posted for each unit on the Specialty Resort at all times, at the split in the driveway, and so that it is clearly visible from Highway 385, in accordance with Pennington County’s Ordinance #20;

11. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:05, which regulates Specialty Resorts;

12. That an approved Sign Permit be obtained prior to the placement of any on premis sign(s);

13. That an approved Floodplain Development Permit be obtained prior to any disturbance within the boundaries of either the Floodway or Special Flood Hazard Area located on the subject property;

14. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
15. That Conditional Use Permit / CU 17-30 and Conditional Use Permit / CU 17-38 end as they are no longer needed with the approval of Conditional Use Permit / CU 18-38; and,

16. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.
Subject Property
TO: Pennington County Planning Commission
FROM: Brittney Molitor, Interim Planning Director
DATE: January 13, 2020
RE: Motion to schedule a hearing before the Planning Commission to review the draft Comprehensive Plan “View to 2040” to amend and supersede Pennington County’s existing Comprehensive Plan.

On December 4, 2019, and December 18, 2019, the Board of Commissioners held Special Meetings to review and make recommendations to the draft Pennington County Comprehensive Plan “View to 2040.”

At the December 18, 2019, Board of Commissioner’s meeting a motion was made to approve the draft Comprehensive Plan “View to 2040” with changes and for the document to go back to the Planning Commission for a final review and approval.

Staff is looking for a Motion to schedule a hearing of the draft Pennington County Comprehensive Plan “View to 2040” for final review and approval.
STAFF REPORT

GENERAL INFORMATION:

REQUEST: CONSTRUCTION PERMIT / CP 19-20: To construct an access road and to grade a site for a proposed electric utility substation.

APPLICANT: Black Hills Power

APPLICANT ADDRESS: P.O. Box 1400, Rapid City, SD 57709

LANDOWNER: Selador Ranches

OWNER ADDRESS: 8730 Sheridan Lake Road, Rapid City, SD 57702

LEGAL DESCRIPTION: All Except That Tract of Land Located in the SE Corner Being 33.01 ft x 233 ft, Section 19, T1N, R7E, BHM, Pennington County, South Dakota.

SITE LOCATION: 8734 and 8730 Sheridan Lake Road

SIZE: 633.50 acres

AREA OF DISTURBANCE: 5 acres

TAX ID: 56360

EXISTING LAND USE: Residential / Agriculture

ZONING REFERENCE: § 205 and 507(A)

CURRENT ZONING: General Agriculture District

SURROUNDING ZONING: General Agriculture District
North
South
East
West

PHYSICAL CHARACTERISTICS: Forested / Hills

UTILITIES: Private
Agenda Item #13  
Black Hills Power  
January 13, 2020

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 19-20.**

I. PROPOSED RECOMMENDATION
   A. Staff is recommending approval of Construction Permit / CP 19-20 with conditions.

II. GENERAL DESCRIPTION
   A. The applicant, Black Hills Power, Inc., have requested a Construction Permit to construct an access road and to grade a site for a proposed electric utility substation.  
      1. See attached plans.

III. EXISTING CONDITIONS
   A. Zoned General Agriculture District.  
   B. Lot size: 633.5 acres.  
   C. No Special Flood Hazard Area.  
   D. Single-family residence – built in 1910, per Department of Equalization (DOE) records.  
      1. On-site Wastewater System.  
         a. City Permit – CIOSW15-0226.  
   E. Doublewide mobile home – placed in 1995, per DOE records.  
      1. No Building Permit on file.  
      2. On-site Wastewater System.  
         a. City Permit – CIOSW15-0227.  
   F. 20’ x 30’ detached garage – built in 1965 per DOE records.  
   G. 30’ x 64’ farm utility building – built in 1997, per DOE records.  
      1. No Building Permit on file.  
   H. 12’ x 15’ tool shed – built in 2012, per DOE records.  
      1. No Building Permit on file.

IV. REQUEST FOR COMMENT
   A. County Highway Department  
      1. The approach will be constructed with the Sheridan Lake Road project. Highway Department has no other comments since most of the access is existing.  
   B. County Professional Environmental Planner  
      1. There is no Special Flood Hazard Area on the subject property.
3. Site Must be revegetated in accordance with Section 507 of the PCZO.

C. County Environmental Planner
1. The disturbance is going to be more than an acre so the Applicant needs to obtain a South Dakota Department of Environment and Natural Resources (SDDENR) General Permit for Stormwater Discharges.
2. The applicant will need to follow the Storm Water Manual.
3. Site must be revegetated in accordance with Section 507 of the PCZO.

D. County Ordinance Enforcement Officer
1. No Open Violations.

E. County Natural Resources Director
1. No Objections.

F. Emergency Services (9-1-1)
1. Only need to ensure that a physical address is assigned.
   a. *Staff Note: This will be included as a condition of approval for the applicants Conditional Use Permit.*

G. U.S. Forest Service
1. Access to the private property owned by Selador Ranches, Inc. is off of the Sheridan Lake Road and the private property is described as Section 19, Township 1 North, Range 7 East, BHM.
2. The Forest Service will not approve a secondary access across National Forest System lands to the private property owned by Selador Ranches Inc.
3. Protect all posted boundary line corners, signs and bearing trees; National Forest System lands (USA Public domain status) on the SW corner of private property; the SW corner of the private property abuts the NE corner of Section 25, T1N, R6E, BHM.
4. Adhere to the setback requirements along the posted boundary between National Forest System lands and private property.
5. Protect all known stream courses, ponds and riparian areas located on National Forest System lands.
6. No resource damage to occur on National Forest System lands.
7. All proposed drain fields, leach lines or septic systems will need to be located on private property and not located on or drain or leach onto National Forest System lands.
8. All construction materials, supplies, trash or garbage will not be located or dumped on National Forest System lands; landowner of record will need to take all waste construction materials, supplies, trash or garbage to an approved sanitary landfill.
9. All straw bales, erosion mats, slash mats, etc. located on private property will need to be certified weed-free.

10. Black Hills Power provides electrical service to the Selador Ranches, Inc. private property.

11. 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.

12. No motorized trailheads or motorized trails or motorized roads are planned or scheduled for this portion of the Black Hills National Forest.

13. No motorized trails for ATV, motorcycles or ORV will be authorized from private property unto National Forest System lands (USFS does not want unauthorized trails constructed on National Forest System lands).

V. ANALYSIS

A. The applicants have also applied for a Conditional Use Permit / CU 19-36 to allow a sub station in a General Agriculture District, which will be heard at this meeting.

B. The area to be disturbed is greater than five (5) acres.

1. The work will require a SDDENR Permit.

C. The applicants submitted engineered plans that include erosion and sediment control.

1. The contractor will need to follow the plans submitted to the Planning Department.

RECOMMENDATION: Staff recommends that the Interim Planning Director approve Construction Permit / CP 19-20 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 the applicant submits a Notice of Intent for the SDDENR General Stormwater Permit within thirty (30) days off approval;

3. That the applicants provide the pre and post construction water quality capture volume data to the Planning Department within thirty (30) days of approval;

4. 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;

5. That erosion control measures are implemented immediately and maintained until the site has been revegetated in accordance with § 507(A)(5)(c);

6. That the disturbed areas be re-vegetated as required in § 507(A)(5)(c);

7. That the requirements, guidelines, and criteria for stormwater and erosion and sediment control in the Pennington County Stormwater Manual shall be followed;

8. 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;

9. That all natural drainage ways and paths be continually maintained;

10. That the owner or designee must inspect the site at least once every 7 calendar days or every 14 calendar days and within 24 hours of the end of a storm event that exceeds 0.25 inches or snowmelt that generates runoff. A properly maintained rain gauge must be kept on the site. Inspection reports must be submitted to the Planning Director every month during construction;

11. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;

12. That the applicant signs a Statement of Understanding within ten (10) days of Permit approval which is available in the Planning Office; and,

13. 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.
RED ROCK SUBSTATION
BLACK HILLS ENERGY
PENNINGTON COUNTY, SD
OCTOBER 2019
GENERAL INFORMATION:

REQUEST:          CONSTRUCTION PERMIT / CP 19-21: To allow construction activities associated with the expansion of the Upper Spring Creek Mine.

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 5th Street, Custer, SD 57730

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

SITE LOCATION:    Bobcat Road, approximately 2.5 miles northwest of the intersection of Bobcat Road and Medicine Mountain Road.

TAX ID:           15938

SIZE:             646.01 acres

EXISTING LAND USE: Gravel / Stone Mining

ZONING REFERENCE: Sections 205 and 507(A)

CURRENT ZONING:   General Agriculture District

SURROUNDING ZONING: General Agriculture District
                    General Agriculture District
                    City of Rapid City / Airport
                    General Agriculture District

PHYSICAL CHARACTERISTICS: Forested / Hills

UTILITIES:        None

REPORT BY:        Cody Sack
**Staff is requesting public input on this request. The Planning Director will consider public input from private citizens, the applicant and the Planning Commission, in addition to information provided within this Staff Report, when rendering a decision on Construction Permit / CP 19-21.**

I. PROPOSED RECOMMENDATION
   A. Staff is recommending that the Planning Director approve Construction Permit / CP 19-21 with conditions.

II. GENERAL DESCRIPTION
   A. The applicant, James Dean, requested a Construction Permit to perform construction activities associated with the expansion of the Upper Spring Creek quarry, which includes, mining for the production of building stone and gravel on National Forest Service Land, under the South Dakota Department of Environment and Natural Resources (SDDENR) Small Scale Mining Permit #455.
      1. See attached site plan.

III. EXISTING CONDITIONS
   A. General Agriculture District.
      1. U.S Public Domain
         a. U.S. Forest Service Lands.
   B. 646.01 acres.
   C. Vacant of any structures.
   D. Existing Upper Spring Creek Quarry.
   E. No Special Flood Hazard Area.
   F. Access off of Bobcat Rd.
   G. Approved County Mining Permit / MP 19-01.
      1. Approved November 25, 2019 with the following conditions:
         a. That the conditions of approval of the South Dakota Department of Environment and Natural Resources Mine License be continually met;
         b. That the conditions of the approval of the South Dakota Department of Environment and Natural Resources General Permit be continually met;
         c. That the applicant obtains a Pennington County Construction Permit prior to the operation of the mine expansion;
         d. That the applicant follows the Forest Service’s Operating Plan for the Upper Spring Creek Quarry;
         e. 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;
f. 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;
g. 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,
h. 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.

IV. REQUEST FOR COMMENT
A. County Highway Department
   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. The site will need to be reclaimed in accordance with the Operating Plan the applicant has with the Forest Service.
D. County Ordinance Enforcement Officer
   1. No violations.
E. Emergency Services (9-1-1)
   1. That an address be posted.
F. County Fire Administrator
   1. No comments received.
G. United States Forest Service
   1. We are aware of the expansion at the Upper Spring Creek Quarry. Mr. Dean has Forest Service approval for this expansion through his existing Operating Plan. As part of his approval he has submitted an additional reclamation bond.
V. ANALYSIS

A. The mine is located on National Forest Service land.
   1. The applicant has an Operating Plan in place from June 2011 that includes:
      a. Air and water quality mitigation measures.
      b. Environmental and cultural protection.
      c. Guidelines for reclamation.

B. Mining Permit / MP 19-01 was approved by the Planning Commission on November 27, 2019.
   1. The permit was approved for the expansion of the Upper Spring Creek Quarry.
   2. One of the conditions of approval for Mining Permit / MP 19-01 was that the applicant obtains a Construction Permit.

C. No complaints have been received regarding the mine.

D. Work is expected to be completed and reclamation to start by June 1, 2021.

RECOMMENDATION: Staff recommends that the Planning Director approve Construction Permit / CP 19-21 with the following conditions:

1. That the Conditions of the Approval of the South Dakota Department of Environment and Natural Resources General Permit be continually met;

2. That the applicant follows the Forest Service’s Operating Plan for the Upper Spring Creek Quarry;

3. That a copy of any inspection performed by the State of South Dakota or the U.S. Forest Service be submitted to the Planning Department;

4. That the Conditions of Approval of Mining Permit / MP 19-01 are continually met;

5. That any natural drainage ways and paths be continually maintained;

6. The requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual shall be followed;

7. That the site shall be re-vegetated as required under § 507(A)(5)(c);

8. That if there is a change in the floodplain or the work within the floodplain, the applicant updates their Floodplain Development Permit;

9. That the applicant signs a Statement of Understanding within ten (10) business days of Mining Permit approval, which is available at the Planning Office; and,

10. That this Construction Permit be reviewed in six (6) months from approval date, and may be reviewed on a complaint basis, or as directed by the Planning Commission and/or the Board of Commissioners to verify that all Conditions of Approval are being met.
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