AGENDA
PENNINGTON COUNTY PLANNING COMMISSION
February 10, 2020 @ 9:00 a.m.
County Commissioners’ Meeting Room - Pennington County Administration Building

Recommendations of the Planning Commission on certain items from this agenda will be considered by the Board of Commissioners at their regular meeting on February 18, 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 JANUARY 27, 2020, MINUTES

2. APPROVAL OF THE AGENDA

CONSENT AGENDA

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

3. CONDITIONAL USE PERMIT REVIEW / CU 14-35: Brad Nible. To review a multiple-family dwelling in a Suburban Residential District, to rent out the home/basement, in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 19, Block 1, Harney Peak View Addition, Section 9, T1N, R8E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 14-35 with conditions.

4. CONDITIONAL USE PERMIT REVIEW / CU 15-25: Rushmore Shadows, LLC. To review a Recreational Resort in a Highway Service District in accordance with Sections 210, 306, and 510 of the Pennington County Zoning Ordinance.

Tract A Less E350 feet of N900 feet and Tract 3A of Lot 3 of SW1/4SE1/4, located in Section 7, T1S, R7E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 15-25 with conditions.
5. **CONDITIONAL USE PERMIT REVIEW / CU 18-45:** Caputa Community Cemetery. To review a community cemetery in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

All, Caputa Community Cemetery, Section 36, T1N, R9E, BHM, Pennington County, South Dakota.

(Continued from the January 27, 2020, Planning Commission meeting.)

To recommend approval of the extension of Conditional Use Permit / CU 18-45 with conditions.

6. **CONDITIONAL USE PERMIT / CU 20-01:** RCS Construction / RC Scull. To allow a contractor’s equipment storage yard on the subject property in a General Agriculture District and Limited Agriculture District in accordance with Sections 205, 206, and 510 of the Pennington County Zoning Ordinance.

N1/2 Less ROW, Less Tract in NW1/4NW1/4, Less Lot H1 in SE1/4NE1/4, and Less Lot H1 in NE1/4NE1/4, Section 16, T2N, R7E, BHM, Pennington County, South Dakota.

To recommend approval of Conditional Use Permit / CU 20-01 with conditions.

7. **MINOR PLAT / MPL 20-01:** Gordon Howie. To reconfigure lot lines to create Lot 4R and Lot 5R of Bromegrass Subdivision in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

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

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

To recommend approval of Minor Plat / MPL 20-01 with conditions.

END OF CONSENT AGENDA

8. **PLANNED UNIT DEVELOPMENT / PU 19-05:** Rockerville Gold Town, LLC (Pat Hall); Brian Hammerbeck – Agent. To rezone 20.8 acres from Highway Service District and General Agriculture District to a Planned Unit Development in accordance with Sections 205, 210, 213, and 508 of the Pennington County Zoning Ordinance.

W1/2SE1/4SE1/4 South of Hwy 16 Westboundless Lot A, Less Lot 1, and Less ROW; E1/2SE1/4SE1/4 South of Hwy 16 Westbound Less ROW; and That Part of the SW1/4SW1/4 lying S of Hwy 16 and W of CO RD, Sections 13 and 14, T1S, R6E, BHM, Pennington County, South Dakota.
9. **COMPREHENSIVE PLAN AMENDMENT / CA 20-01**: Rockerville Gold Town, LLC (Pat Hall); Brian Hammerbeck – Agent. To amend the Comprehensive Plan to change the Future Land Use from Highway Service District to a Planned Unit Development District in accordance with Sections 210, 213, and 508 of the Pennington County Zoning Ordinance.

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

10. **MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 19-06**: Rockerville Gold Town, LLC (Pat Hall); Brian Hammerbeck – Agent. To amend an existing Planned Unit Development to allow for townhomes, apartments, and commercial businesses in accordance with Section 213 of the Pennington County Zoning Ordinance.

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

**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.

11. **CONSTRUCTION PERMIT / CP 20-02**: RCS Construction. To allow topsoil / asphalt milling stockpiles and to crush asphalt on the subject property.

N1/2 Less ROW, Less Tract in NW1/4NW1/4, Less Lot H1 in SE1/4NE1/4, and Less Lot H1 in NE1/4NE1/4, Section 16, T2N, R7E, BHM, Pennington County, South Dakota.

12. **COUNTY BOARD REPORT**

The Board of Commissioners concurred with the Planning Commission’s recommendations from the January 27, 2020, Planning Commission meeting.

13. **ITEMS FROM THE PUBLIC**

14. **ITEMS FROM THE STAFF**

   A. Building Permit Report.

15. **ITEMS FROM THE MEMBERSHIP**

16. **ADJOURNMENT**

**ADA Compliance**: Pennington County fully subscribes to the provisions of the Americans with Disabilities Act. If you desire to attend this public meeting and are in need of special accommodations, please notify the Planning Department so that appropriate auxiliary aids and services are available.
DRAFT MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
January 27, 2020 @ 9:00 a.m.
County Commissioners’ Meeting Room - Pennington County Administration Building


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

ROLL CALL

1. APPROVAL OF THE JANUARY 13, 2020, MINUTES
   Moved by Runde and seconded by DiSanto to approve the Minutes of the January 13, 2020, Planning Commission meeting. Vote: unanimous 6 to 0.

2. APPROVAL OF THE AGENDA
   Moved by Johnson and seconded by Lasseter to approve the Agenda of the January 27, 2020, Planning Commission meeting. Vote: unanimous 6 to 0.

   Moved by Runde and seconded by Lasseter to approve the Consent Agenda of the January 27, 2020, Planning Commission meeting, with the removal of Item #4. Vote: unanimous 6 to 0.

CONSENT AGENDA

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

3. CONDITIONAL USE PERMIT REVIEW / CU 14-01: PLM Investments LLC; Mary L. Riss. To review a single-wide mobile home, as single-family residence, to be located on each of the subject properties in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

   Lot 1 of Lot A of Lot 12; Lot 2 of Lot A of Lot 12; and Lot 3 of Lot A of Lot 12, Plateau Subdivision, Section 10, T1N, R8E, BHM, Pennington County, South Dakota.

   To approve of the extension of Conditional Use Permit / CU 14-01 with the following nine (9) conditions:
1. That each lot address (4695, 4711 and 4727) continues to be clearly posted on their respective lots, so as to be visible from both directions of travel on Carol Street in accordance with Pennington County Ordinance #20;

2. That Removal/Demolition Permits be obtained for each of the single-wide mobile homes prior to approval of a Building Permit for any new single-wide mobile homes;

3. That all subject properties continue to remain free of debris and junk vehicles;

4. That each home installed on the property, as replacements for the existing SWMHs, have peaked non-reflective type roofs and wood or simulated wood-type siding that are continually maintained;

5. That the minimum setback requirements of a Suburban Residential District continue to be maintained;

6. That two (2) off-street parking spaces continue to be provided on each of the subject properties, in accordance with Section 310 of the Pennington County Zoning Ordinance;

7. That if any land disturbance occurs, erosion, stabilization and sediment control measures (i.e. silt fence, wattles, erosion mats/blankets) be implemented;

8. That the removal/demolition of the two remaining mobile homes (4695 and 4727 Carol Street) need to be completed within ninety (90) days of receiving the Removal/Demolition Permit; and,

9. That this Conditional Use Permit be reviewed in three (3) years, on a complaint basis, or as directed by the Pennington County Board of Commissioners and/or Planning Commission to verify that all conditions of approval are being met.

Vote: unanimous 6 to 0.

5. **CONDITIONAL USE PERMIT REVIEW / CU 18-45:** Caputa Community Cemetery. To review a community cemetery in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

All, Caputa Community Cemetery, Section 36, T1N, R9E, BHM, Pennington County, South Dakota.

To continue the review of Conditional Use Permit / CU 18-45 to the February 10, 2020, Planning Commission meeting in order for the address to be posted with the following one (1) condition:
1. That any continuation after the February 10, 2020 Planning Commission meeting, will be subject to a $100.00 continuation fee in accordance with Section 511(X) of the Pennington County Zoning Ordinance.

Vote: unanimous 6 to 0.

6. **CONDITIONAL USE PERMIT REVIEW / CU 18-46:** Brady and Liana Wolfe. To review a Guest House on the subject property in a Low Density Residential District in accordance with Sections 207, 318, and 510 of the Pennington County Zoning Ordinance.

Lot A Revised, Woodland Valley Subdivision, Section 15, T2N, R6E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 18-46 with the following ten (10) conditions:

1. That a deed restriction recorded with the Register of Deeds is maintained for the Guest House;

2. The addition, removal, or relocation of the Guest House requires additional permits issued by the Planning Department;

3. That the rental or lease of the Guest House or the use of the Guest House as a permanent residence for a second family on the premises shall be prohibited;

4. That the Guest House shall not be used for more than 180 days per calendar year;

5. That the primary dwelling be continually classified as owner-occupied and proof of status be provided to the Planning Department upon request, in accordance with PCZO § 318(B)(10);

6. That all necessary utilities for the Guest House shall be extended from the primary dwelling unit’s services. No separate meters for the Guest House shall be allowed, unless required by the utility service provider;

7. That both the addresses assigned for the primary residence and the Guest House be continually posted so they are clearly visible from Potter Road, in accordance with Pennington County Ordinance #20;

8. That the Guest House be continually utilized and maintained in accordance with all requirements of the PCZO, with emphasis on § 318, or a Variance(s) be obtained and approved to waive any requirements;

9. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which will require a site plan to be reviewed and approved by the Planning Director; and,
10. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 6 to 0.

7. **CONDITIONAL USE PERMIT REVIEW / CU 18-47**: Kevin and Crystal McKinstry. To review an accessory structure, shed, prior to a principle structure in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 20, Block 1, Mesa View Estates Subdivision #1, Section 12, T1N, R8E, BHM, Pennington County, South Dakota.

To approve of the extension of Conditional Use Permit / CU 18-47 with the following six (6) conditions.

1. That the accessory structure (12’ x 40’ shed) continually be used for personal use only and no commercial-type uses;

2. That the property continues to remain free of debris at all times;

3. That the address (8226 Cobblestone Court) be posted so it is clearly visible from both directions of travel on Cobblestone Court, in accordance with Pennington County’s Ordinance #20;

4. 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;

5. That all-natural drainage paths continually be maintained; and,

6. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 6 to 0.

8. **MINOR PLAT / MPL 19-45**: Duane and Margaret Gaulke. To combine lots to create Lot 18R of Gold Mountain in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 17 and Lot 18 of Gold Mountain, Section 14, T1S, R4E, BHM, Pennington County, South Dakota.
PROPOSED LEGAL: Lot 18R of Gold Mountain, Section 14, T1S, R4E, BHM, Pennington County, South Dakota

To recommend approval of Minor Plat / MPL 19-45 with the following seven (7) conditions.

1. That at the time of Minor Plat submittal, a minimum of an 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 at the time of Minor Plat submittal, the plat meets all the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;

3. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations and as deemed appropriate by the Register of Deeds;

4. That at the time of a Minor Plat submittal, the plat meets all necessary requirements of Section 500 of the Pennington County Subdivision Regulations, or approved Subdivision Regulations Variance(s) be obtained waiving any of these requirements;

5. That all existing and future addresses must be posted in accordance with Pennington County Ordinance #20;

6. That the applicant ensures that all-natural drainage ways are maintained and are not blocked and that all necessary drainage ways are properly noted on plats; and,

7. 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.

Vote: unanimous 6 to 0.

9. **CONDITIONAL USE PERMIT / CU 19-35**: Shirley Brownell / Robert Brownell. To allow three seasonal rental cabins and to allow the existing single-family residence to be used as a caretaker/manager’s residence in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

N1/2SE1/4NE1/4, Section 22, T1S, R6E, BHM, Pennington County, South Dakota.

To deny without prejudice of Conditional Use Permit / CU 19-35 with the applicant’s concurrence.
Vote: unanimous 6 to 0.

10. **REZONE / RZ 19-18**: Gorden and Jennifer Sabo. To rezone 40.00 acres from General Agriculture District to Limited Agriculture District in accordance with Sections 205, 206, and 508 of the Pennington County Zoning Ordinance.

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

To recommend denial without prejudice of Rezone / RZ 19-18 with the applicant’s concurrence.

Vote: unanimous 6 to 0.

END OF CONSENT AGENDA

4. **CONDITIONAL USE PERMIT REVIEW / CU 17-27**: Beverly Sears. To review an existing 12’ x 12’ structure to be used as a single-family residence in a Suburban Residential District in accordance with Sections 204, 208, and 510 of the Pennington County Zoning Ordinance.

Lots 22-23, Block, 8, Silver City Subdivision, Section 31, T2N, R5E, BHM, Pennington County, South Dakota.

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

Staff recommended approval of the extension of Conditional Use Permit / CU 17-27 with five (5) conditions.

Discussion followed.

Moved by Johnson and seconded by Lasseter to approve of the extension of Conditional Use Permit / 17-27 with the following five (5) conditions:

1. That the assigned address (9105 Main Street) be posted it so it is clearly visible from both directions of travel along Main Street in accordance with Pennington County Ordinance #20;

2. That if any plumbing is to be installed in the structure, it be hooked into an approved means of wastewater disposal (i.e. holding tank);

3. That an approved Building Permit be obtained for any structures exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
4. That upon sale or transfer of the property, the new owner contact the Planning Department in order to address the requirements of an On-site Wastewater Treatment System; and,

5. That this Conditional Use Permit be reviewed in two (2) years, on a complaint basis, or as directed by the Pennington County Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

All voting aye, the Motion carried 6 to 0.

11. **MINING PERMIT / MP 20-01**: H & H Land Company #2, LLC / Pat Hall. To allow the extraction sand, gravel, and other rock material to be crushed and hauled off-site, to include stock piling of top soil.

NE1/4NE1/4, S1/2N1/2, S1/2, Section 13, T1S, R9E; W1/2NE1/4, SE1/4NE1/4, E1/2W1/2, SE1/4, Lots 1, 2, 3, and 4, Section 7, T1S, R10E; All of Section 25, T1S, R9E, All of Section 24, T1S, R9E; NE1/4NW1/4, E1/2SW1/4, SE1/4, Lots 1, 3, and 4, Section 19, T1S, R10E; SE1/4NW1/4; GL 2, Section 19, T1S, R10E; PT GL 2; GL 3-4; SE1/4SW1/4, Section 18, T1S, R10E; E1/2NE1/4, Section 26, T1S, R9E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant has applied for a Mining Permit to extract sand, gravel, and other rock material to be crushed and hauled off-site, to include stock piling of top soil.

Staff recommended approval of Mining Permit / MP 20-01 with the following eleven (11) conditions:

1. That the applicant submits a Notice of Intent to the South Dakota Department of Environment and Natural Resources for a General Permit for Storm Water Discharges and the conditions of the approval of the South Dakota Department of Environment and Natural Resources General Permit be continually met;

2. That the applicant obtains a South Dakota Department of Environment and Natural resources Mine License;

3. 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;

4. That if there is a proposed change in operation from this Mining Permit, that the change be submitted to the Planning Director within thirty (30) days and the Mining Permit reviewed and approved by the Planning Commission;

5. That prior to any work in the floodplain the applicant obtains an approved Floodplain Development Permit.
6. That the applicant follows the Operation Plan that was submitted with the Mining Permit application;

7. That if at any point there is access through or across an unimproved Section Line or a Section Line that has not been opened by the Pennington County Board of Commissioners the applicant obtains approval for Road Construction within a Section Line Right-of-Way;

8. That no work is done within a Section Line unless first obtaining approval from the Pennington County Board of Commissioners;

9. That the Conditions of Approval of Construction Permit / CP 20-01 are continually met;

10. 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,

11. 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.

Discussion followed.

Moved by Johnson and seconded by DiSanto to approve of Mining Permit / MP 20-01 with the following twelve (12) conditions:

1. That the applicant submits a Notice of Intent to the South Dakota Department of Environment and Natural Resources for a General Permit for Storm Water Discharges and the conditions of the approval of the South Dakota Department of Environment and Natural Resources General Permit be continually met;

2. That the applicant obtains a South Dakota Department of Environment and Natural resources Mine License,

3. 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;

4. That if there is a proposed change in operation from this Mining Permit, that the change be submitted to the Planning Director within thirty (30) days and the Mining Permit reviewed and approved by the Planning Commission;

5. That prior to any work in the floodplain the applicant obtains an approved Floodplain Development Permit.
6. That the applicant follows the Operation Plan that was submitted with the Mining Permit application;

7. That if at any point there is access through or across an unimproved Section Line or a section line that has not been opened by the Pennington County Board of Commissioners the applicant obtains approval for Road Construction within a Section Line Right-of-Way;

8. That no work is done within a Section Line unless first obtaining approval from the Pennington County Board of Commissioners;

9. That Wischert Road north from the subject properties to E. Highway 44 is maintained by the applicant at all times;

10. That the Conditions of Approval of Construction Permit / CP 20-01 are continually met;

11. 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,

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

All voting aye, the Motion carried 6 to 9.

12. MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 19-09: Donna Hartshorn. To amend an existing Planned Unit Development Overlay to allow for seasonal commercial recreation and amusement structures to include racetracks, miniature golf, paintball, arcade games, and to allow five (5) lighted, on-premise signs to be located within 1,500 feet of a residential district and/or dwelling unit in accordance with §213 of the Pennington County Zoning Ordinance.

Lot 4 of Tract E of Government Lot 2 of NW1/4SE1/4, NE1/4SW1/4 and SW1/4SE1/4; and NE1/4SE1/4 less Lot 1, Tract D of NW1/4SE1/4 less Lot 1, all located in Section 3, T1S, R7E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied to amend an existing Planned Unit Development Overlay to allow for seasonal commercial recreation and amusement structures to include racetracks, miniature golf, paintball, arcade games, and to allow five (5) lighted, on-premise signs to be located within 1,500 feet of a residential district and/or dwelling unit.

Staff recommended approval of Major Planned Unit Development Amendment / PU 19-09 with the following twenty-six (26) conditions:
1. That the purpose of this Planned Unit Development be to allow a Resort Development for a single-family residence with outbuildings, a single-wide mobile home as ranch-hand's residence, and seasonal commercial recreation and amusement structures supporting events such as: weddings, wedding receptions, chapel use (weddings, funerals and services), small gatherings, school tours, wagon rides, pony rides, farmer's market, pumpkin patch, corn maze, sunflower farm/maze, rodeo/riding arena, horse stabling, livestock pasturing, on-premise signage, beer and wine sales, hovercraft track, paintball range, and to allow up to five (5) illuminated, on-premise signs to be located within 1,500 feet of a residential district and/or dwelling unit;

2. That the number of guests be limited up to a maximum of 300 at any one-time;

3. That the Planned Unit Development be considered an overlay zoning district whereby the provisions of the underlying General Agriculture District, Limited Agriculture District, and Highway Service District still apply and, if the property is no longer utilized in accordance with Major Planned Unit Development Amendment / PUD 19-09, the zoning reverts back to General Agriculture District, Limited Agriculture District, and Highway Service District, assuming the same lot configuration;

4. That the applicant notify the Planning Director prior to transferring ownership of the property so that Major Planned Unit Development Amendment / PUD 19-09 may be brought forth for review;

5. That any changes to an emergency plan be discussed with the Pennington County Fire Coordinator and submitted to the Planning Director;

6. That prior to starting any outdoor fires, the applicant must obtain a Fire Permit from the South Dakota Wildland Fire Division. Further, the owners are responsible for adhering to Pennington County Ordinance #632;

7. That grass, weeds and other vegetation must be cut short so as to reduce the possibility of a fire;

8. That the west parking area be large enough for a minimum of ninety-one (91) parking spaces and the arena parking area be large enough for a minimum of sixty-seven (67) parking spaces. Each parking space shall measure a minimum of 9 feet by 18 feet, with travel lanes measuring a minimum of eighteen (18) feet wide between rows of parking spaces. Each parking lot shall be maintained in a dust-free manner and in accordance with §310 of the Pennington County Zoning Ordinance;

9. That the internal driveway continue to be eighteen (18) feet wide;
10. That the applicant complete a road naming request for the in-use access roads and, upon approval, new addresses be assigned to the residences and structures used in support of the Resort Development on the subject properties;

11. That the physical addresses for both existing residences, and any future addresses that are assigned, be posted in accordance with Pennington County Ordinance #20;

12. That the days of operation for the farmer's market, pumpkin patch, corn maze, sunflower farm/maze, hovercraft track, and paintball range be allowed seven (7) days per week. Hours of operation, for the above-mentioned, shall be between 10 a.m. and 10 p.m. and music being provided for any activities shall end by 10 p.m.;

13. That the applicant maintain directional signs along the in-use access roads to direct visitors;

14. That temporary structures, such as tents and port-o-potties, only be erected when needed and not on a permanent basis;

15. That all lighting be installed and maintained to minimize spillage of light outside of the area, so as not to create a nuisance. Lighting must be effectively shielded to prevent beams or rays from being directed towards any portion of the traveled ways and must not be of such intensity or brilliance as to cause glare or impair the vision of any motor vehicle drivers;

16. That the applicant maintain all necessary permits from other governing bodies for the operation, including, but not limited to, South Dakota Department of Health and South Dakota Department of Revenue;

17. That a portable fire extinguisher with a minimum 2A:10B:C rating shall be placed in each structure supporting the Resort Development so it is accessible at all times. The fire extinguisher shall be inspected and tagged annually;

18. That prior to the installation of any On-site Wastewater System, or alteration to the existing On-site Wastewater System, the landowner shall meet with the appropriate County and/or City Staff;

19. That if another well is to be dug on the property, it be continually tested and monitored per South Dakota Department of Environment and Natural Resources regulations;

20. That port-o-potties may be utilized by the guests of the events for wastewater disposal, but any other means of wastewater disposal will require proper permitting and review by the City of Rapid City and the Pennington County Planning Department;

21. That prior to the placement of any on-premise signs, the applicant must adhere to §312 of the Pennington County Zoning Ordinance;
22. That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;

23. 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;

24. That the operation be conducted by members of the family residing on the premises and event staff, as necessary;

25. That the applicant sign a Statement of Understanding within ten (10) business days of approval of Major Planned Unit Development Amendment / PUD 19-09, which is available at the Planning Office; and,

26. That Major Planned Unit Development Amendment / PUD 19-09 be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

Moved by Mark and seconded by Johnson to approve of Major Planned Unit Development Amendment / PU 19-09 with the following twenty-six (26) conditions:

1. That the purpose of this Planned Unit Development be to allow a Resort Development for a single-family residence with outbuildings, a single-wide mobile home as ranch-hand's residence, and seasonal commercial recreation and amusement structures supporting events such as: weddings, wedding receptions, chapel use (weddings, funerals and services), small gatherings, school tours, wagon rides, pony rides, farmer's market, pumpkin patch, corn maze, sunflower farm/maze, rodeo/riding arena, horse stabling, livestock pasturing, on-premise signage, beer and wine sales, hovercraft track, paintball range, and to allow up to five (5) illuminated, on-premise signs to be located within 1,500 feet of a residential district and/or dwelling unit;

2. That the number of guests be limited up to a maximum of 300 at any one-time;

3. That the Planned Unit Development be considered an overlay zoning district whereby the provisions of the underlying General Agriculture District, Limited Agriculture District, and Highway Service District still apply and, if the property is no longer utilized in accordance with Major Planned Unit Development Amendment / PUD 19-09, the zoning reverts back to General Agriculture District, Limited Agriculture District, and Highway Service District, assuming the same lot configuration;
4. That the applicant notify the Planning Director prior to transferring ownership of the property so that Major Planned Unit Development Amendment / PUD 19-09 may be brought forth for review;

5. That any changes to an emergency plan be discussed with the Pennington County Fire Coordinator and submitted to the Planning Director;

6. That prior to starting any outdoor fires, the applicant must obtain a Fire Permit from the South Dakota Wildland Fire Division. Further, the owners are responsible for adhering to Pennington County Ordinance #632;

7. That grass, weeds and other vegetation must be cut short so as to reduce the possibility of a fire;

8. That the west parking area be large enough for a minimum of ninety-one (91) parking spaces and the arena parking area be large enough for a minimum of sixty-seven (67) parking spaces. Each parking space shall measure a minimum of 9 feet by 18 feet, with travel lanes measuring a minimum of eighteen (18) feet wide between rows of parking spaces. Each parking lot shall be maintained in a dust-free manner and in accordance with §310 of the Pennington County Zoning Ordinance, and a parking site plan shall be submitted showing each designated parking space for the three lots and the applicant shall place signage stating that there is no parking on the road and in the easement;

9. That the internal driveway continue to be eighteen (18) feet wide;

10. That the applicant complete a road naming request for the in-use access roads and, upon approval, new addresses be assigned to the residences and structures used in support of the Resort Development on the subject properties;

11. That the physical addresses for both existing residences, and any future addresses that are assigned, be posted in accordance with Pennington County Ordinance #20;

12. That the days of operation for the farmer's market, pumpkin patch, corn maze, sunflower farm/maze, hovercraft track, and paintball range be allowed seven (7) days per week. Hours of operation, for the above-mentioned, shall be between 10 a.m. and 10 p.m. and music being provided for any activities shall end by 10 p.m.;

13. That the applicant maintain directional signs along the in-use access roads to direct visitors;

14. That temporary structures, such as tents and port-o-potties, only be erected when needed and not on a permanent basis;
15. That all lighting be installed and maintained to minimize spillage of light outside of the area, so as not to create a nuisance. Lighting must be effectively shielded to prevent beams or rays from being directed towards any portion of the traveled ways and must not be of such intensity or brilliance as to cause glare or impair the vision of any motor vehicle drivers;

16. That the applicant maintain all necessary permits from other governing bodies for the operation, including, but not limited to, South Dakota Department of Health and South Dakota Department of Revenue;

17. That a portable fire extinguisher with a minimum 2A:10B:C rating shall be placed in each structure supporting the Resort Development so it is accessible at all times. The fire extinguisher shall be inspected and tagged annually;

18. That prior to the installation of any On-site Wastewater System, or alteration to the existing On-site Wastewater System, the landowner shall meet with the appropriate County and/or City Staff;

19. That if another well is to be dug on the property, it be continually tested and monitored per South Dakota Department of Environment and Natural Resources regulations;

20. That port-o-potties may be utilized by the guests of the events for wastewater disposal, but any other means of wastewater disposal will require proper permitting and review by the City of Rapid City and the Pennington County Planning Department;

21. That prior to the placement of any on-premise signs, the applicant must adhere to §312 of the Pennington County Zoning Ordinance;

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

23. 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;

24. That the operation be conducted by members of the family residing on the premises and event staff, as necessary;

25. That the applicant sign a Statement of Understanding within ten (10) business days of approval of Major Planned Unit Development Amendment / PUD 19-09, which is available at the Planning Office; and,
26. That Major Planned Unit Development Amendment / PUD 19-09 be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

All voting, the Motion carried 5 to 1. Commissioner Runde voted no.

CONSTRUCTION PERMIT AGENDA

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

13. CONSTRUCTION PERMIT / CP 20-01: H & H Land Company #2, LLC / Pat Hall. To allow construction activities associated with a sand, gravel, and rock mining operation.

NE1/4NE1/4, S1/2N1/2, S1/2, Section 13, T1S, R9E; W1/2NE1/4, SE1/4NE1/4, E1/2W1/2, SE1/4, Lots 1, 2, 3, and 4, Section 7, T1S, R10E; All of Section 25, T1S, R9E, All of Section 24, T1S, R9E; NE1/4NW1/4, E1/2SW1/4, SE1/4, Lots 1, 3, and 4, Section 19, T1S, R10E; SE1/4NW1/4; GL 2, Section 19, T1S, R10E; PT GL 2; GL 3-4; SE1/4SW1/4, Section 18, T1S, R10E; E1/2NE1/4, Section 26, T1S, R9E, BHM, Pennington County, South Dakota.

Sack stated Staff recommended the Interim Planning Director approve Construction Permit / CP 20-01 with the following twelve (12) conditions:

1. That the applicant submits a Notice of Intent to the South Dakota Department of Environment and Natural Resources for a General Permit for Storm Water Discharges and the conditions of the approval of the South Dakota Department of Environment and Natural Resources General Permit be continually met;

2. That the applicant follows the Operation Plan that was submitted with the Mining Permit application;

3. That if at any point there is access through or across an unimproved section line or a Section Line that has not been opened by the Pennington County Board of Commissioners the applicant obtains approval for Road Construction in a Section Line Right-of-Way;

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

5. The requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual shall be followed;
6. That the site shall be re-vegetated as required under § 507(A)(5)(c);

7. That inspection reports are available upon request of the Planning Director;

8. That the applicant follows the Operation Plan that was submitted with the Mining Permit application;

9. That no work may be done within a Section Line unless first obtaining approval from the Pennington County Board of Commissioners;

10. That the Conditions of Approval of Mining Permit / MP 20-01 are continually met;

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

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

14. COUNTY BOARD REPORT
   The Board of Commissioners concurred with the Planning Commission’s recommendations from the January 13, 2020, Planning Commission meeting.

15. ITEMS FROM THE PUBLIC
   No motions or actions were taken.

16. ITEMS FROM THE STAFF
   A. Comprehensive Plan “View to 2040” – Board of Commissioner’s meeting. Molitor stated this Item will be heard at the March 3, 2020, Board of Commissioner’s meeting.

17. ITEMS FROM THE MEMBERSHIP
   There were no items from the membership.

18. ADJOURNMENT
   Moved by Lasseter and seconded by DiSanto to adjourn.
   All voting aye, the Motion carried 6 to 0.
   The meeting adjourned at 10:00 a.m.

Rich Marsh, Chairperson
STAFF REPORT

GENERAL INFORMATION:

REQUEST:  

CONDITIONAL USE PERMIT REVIEW / CU 14-35: To review a multiple-family dwelling in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

APPLICANT:  Brad Nible

APPLICANT ADDRESS:  3517 School Drive, Rapid City, SD  57703

LEGAL DESCRIPTION:  Lot 19, Block 1, Harney Peak View Addition, Section 9, T1N, R8E, BHM, Pennington County, South Dakota.

SITE LOCATION:  3770 School Drive; near the intersection of School Drive and Jolly Lane, located off of E. Highway 44.

SIZE:  0.34 acre

TAX ID:  2927

EXISTING LAND USE:  Residential

ZONING REFERENCE:  Sections 208 and 510

CURRENT ZONING:  Suburban Residential District

SURROUNDING ZONING:
  North  Suburban Residential District
  South  Suburban Residential District
  East  Suburban Residential District
  West  Suburban Residential District

PHYSICAL CHARACTERISTICS:  Flat

UTILITIES:  Rapid Valley Sanitary District

REPORT BY:  Stephanie Jansen
I. PROPOSED RECOMMENDATION
   A. Staff will be recommending approval of the extension of Conditional Use Permit / CU 14-35 with six (6) conditions.

II. GENERAL DESCRIPTION
   A. The applicant, Brad Nible, applied for a Conditional Use Permit to allow for two basement apartments in a permitted single-family residence.

III. EXISTING CONDITIONS
   A. Zoned Suburban Residential District
   B. 0.34 acres
   C. Access off of School Drive
   D. COBP15-0373 & COBP15-0374
      1. For two basement units
   E. COBP16-0007
      1. For a 10’ x 24’ deck
   F. No Special Flood Hazard Area

IV. HISTORY
   A. January 12, 2015 – Planning Commission approved Conditional Use Permit / CU 14-35 with the following seven (7) conditions:
      1. That a minimum of six (6) off-street parking spaces be provided on-site, each measuring a minimum of nine (9) feet x eighteen (18) feet with gravel, concrete or asphalt, and maintained in a dust-free manner;
      2. That the applicant obtains a Building Permit for the basement finish of the structure for which penalty fees will be assessed;
      3. That the property be kept free of debris and junk vehicles;
      4. That the residence and the addresses of each unit be properly posted so they are visible from School Drive in accordance with Pennington County Ordinance #20;
      5. That smoke alarms be installed and/or properly maintained in working order in each unit;
      6. That a Building Permit be obtained for any structures over 144 square feet or placed on a permanent foundation on the property, which requires a site plan to be reviewed and approved by the Planning Director; and,
      7. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis or as deemed necessary by either the Pennington County Board of Commissioners and/or Planning Commission to verify that all conditions are being met.
B. February 13, 2017 – Planning Commission approved the extension of Conditional Use Permit / CU 14-35 with the following six (6) conditions:

1. That a minimum of six (6) off-street parking spaces continue to be provided on-site, each measuring a minimum of nine (9) feet x eighteen (18) feet with gravel, concrete or asphalt, and maintained in a dust-free manner;

2. That the property continues to be kept free of debris and junk vehicles;

3. That the addresses of each unit continue to be posted so they are visible from School Drive in accordance with Pennington County Ordinance #20;

4. That smoke alarms be installed and/or properly maintained in working order in each unit prior to occupancy;

5. That a Building Permit be obtained for any structures over 144 square feet or permanently anchored to the ground on the property, which requires a site plan to be reviewed and approved by the Planning Director; and,

6. That this Conditional Use Permit be reviewed in three (3) years, on a complaint basis or as deemed necessary by either the Pennington County Board of Commissioners and/or Planning Commission to verify that all conditions are being met.
V. ANALYSIS

A. January 24, 2020 – Staff performed a site visit to the subject property.
   1. Staff verified that a minimum of six (6) off-street parking spaces continue to be provided on-site, each measuring a minimum of nine (9) feet x eighteen (18) feet with gravel, concrete or asphalt, and maintained in a dust-free manner, which meets the requirements in Condition #1.
   2. The property appears to be free of debris and junk vehicles, which meets the requirements in Condition #2.
   3. Each unit’s address is posted and visible from School Drive in accordance with Pennington County Ordinance 20, which meets the requirements in Condition #3.
   4. January 23, 2020, staff contacted the applicant, Brad Nible, who stated that the smoke alarms are installed and maintained in working order, which meets the requirements in Condition #4.
   5. Building Permits were approved for the two basement units on July 28, 2015 (COBP15-0373 and COBP15-0374). In addition, a Building Permit for a deck was approved on January 11, 2016 (COBP16-0007), which meets the requirements in Condition #5.

RECOMMENDATION: Staff recommends approval of the extension of Conditional Use Permit / CU 14-35 with six (6) conditions:

1. That a minimum of six (6) off-street parking spaces continue to be provided on-site, each measuring a minimum of nine (9) feet x eighteen (18) feet with gravel, concrete or asphalt, and maintained in a dust-free manner;

2. That the property continue to be kept free of debris and junk vehicles;

3. That the addresses of each unit continue to be posted so they are visible from School Drive in accordance with Pennington County Ordinance #20;

4. That smoke alarms continue to be installed and/or properly maintained in working order in each unit prior to occupancy;

5. That a Building Permit be obtained for any structures over 144 square feet or permanently anchored to the ground on the property, which requires a site plan to be reviewed and approved by the Planning Director; and,

6. That this Conditional Use Permit be reviewed in three (3) years, on a complaint basis or as deemed necessary by either the Pennington County Board of Commissioners and/or Planning Commission to verify that all conditions are being met.
STAFF REPORT

GENERAL INFORMATION:

REQUEST:  

CONDITIONAL USE PERMIT REVIEW / CU 15-25: To review a Recreational Resort in a Highway Service District in accordance with Sections 210, 306, and 510 of the Pennington County Zoning Ordinance.

APPLICANT/AGENT:  Rushmore Shadows, LLC / Gene Addink

APPLICANT ADDRESS:  23645 Clubhouse Drive, Rapid City, SD  57702

LEGAL DESCRIPTION:  Tract A Less E350 feet of N900 feet and Tract 3A of Lot 3 of SW1/4SE1/4, located in Section 7, T1S, R7E, BHM, Pennington County, South Dakota.

SITE LOCATION:  23680 Busted Five Court; near the intersection of S. Highway 16 and Busted Five Court.

SIZE:  48.78 acres

TAX ID:  49925 / 13130

EXISTING LAND USE:  Rushmore Shadows RV Park

ZONING REFERENCE:  Sections 210, 306, and 510

CURRENT ZONING:  Highway Service District

SURROUNDING ZONING:

- North: Suburban Residential District
- South: Highway Service District
- East: Highway Service District
- General Agriculture District
- West: Suburban Residential District

PHYSICAL CHARACTERISTICS:  Forested/Rolling Hills/Flat

UTILITIES:  Private

REPORT BY:  Kristina Proietti
III. PROPOSED RECOMMENDATION
A. Staff is recommending approval of the extension of Conditional Use Permit / CU 15-25 with conditions.

IV. GENERAL DESCRIPTION
A. September 28, 2015, Planning Commission approved Conditional Use Permit / CU 15-25 with the following fifteen (15) conditions:
1. That no more than 194 recreational vehicle sites be allowed. Each recreational vehicle site shall measure a minimum of 40 feet long by 12-foot-wide;
2. That no more than 16 cabins be allowed;
3. That no more than 50 tent sites be allowed;
4. That each site (RV or tent) must include one (1) parking space for a vehicle (in addition to the recreation vehicle, where applicable) and the parking space must be constructed so no portion of the vehicle extends onto any interior roadway;
5. That the applicant maintain some type of barrier (i.e. fence, boulders) around the on-site wastewater system to prevent any parking and/or camping over top of the on-site wastewater system and that proper setbacks to the on-site wastewater system be maintained;
6. That each RV site be equipped with water and electric hook-ups;
7. That each RV site, cabin, or tent site must be equipped with a numbered sign which is attached to a post on or near the cabin or site;
8. That a minimum 10-foot separation be provided between each RV site;
9. That all the interior streets shall be a minimum of 12 feet in width and surfaced with gravel (minimum of 4 inches), concrete or asphalt and maintained in a dust free manner;
10. That any alterations or additions to the on-site wastewater treatment system be reviewed and approved by the South Dakota Department of Environment and Natural Resources and the Pennington County Environmental Planner;
11. That the Recreational Resort conform to all regulations in Section 306 of the Pennington County Zoning Ordinance;
12. That the applicants conform to all applicable State and County regulations, including those established by the South Dakota Departments of Environment and Natural Resources and Health;
13. That a Building Permit be obtained for any new structures exceeding 144 square feet and located on a permanent foundation, which will require a site plan to be reviewed and approved by the Pennington County Planning Director;
14. That the applicant signs the Statement of Understanding within seven (7) business days of approval of the Conditional Use Permit / CU 15-25, which is available at the Planning Office; and,
15. That this Conditional Use Permit be reviewed in two (2) years, on a complaint basis, or as directed by the Pennington County Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

B. October 23, 2017, Planning Commission approved the extension of Conditional Use Permit / CU 15-25 with the following seventeen (17) conditions:

1. That the Recreational Resort consist of recreational vehicle sites, cabins, office buildings, shower houses, clubhouse, convenience store, maintenance buildings, storage buildings, laundry facilities, and other amenities directly related to resort activities (i.e. playgrounds, swimming pools, horseshoe pits, etc.) approved by the Planning Director;

2. That no more than 225 recreational vehicle sites be allowed. Each recreational vehicle site shall measure a minimum of 40 feet long by 12-foot-wide;

3. That no more than 50 cabins be allowed, which may consist of park models, stick built cabins, or wagons;

4. That no more than 50 tent sites be allowed;

5. That each site (RV or tent) must include one (1) parking space for a vehicle (in addition to the recreation vehicle, where applicable) and the parking space must be constructed so no portion of the vehicle extends onto any interior roadway;

6. That the applicant maintain some type of barrier (i.e. fence, boulders) around the on-site wastewater system to prevent any parking and/or camping over top of the on-site wastewater system and that proper setbacks to the on-site wastewater system be maintained;

7. That each RV site be equipped with water and electric hook-ups;

8. That each RV site, cabin, or tent site must be equipped with a numbered sign which is attached to a post on or near the cabin or site;

9. That a minimum 10-foot separation be provided between each RV site;

10. That all the interior streets shall be a minimum of 12 feet in width and surfaced with gravel (minimum of 4 inches), concrete or asphalt and maintained in a dust free manner;

11. That any alterations or additions to the on-site wastewater treatment system be reviewed and approved by the South Dakota Department of Environment and Natural Resources and the Pennington County Environmental Planner;

12. That construction or placement of any additional cabins, recreational vehicle sites, laundry facilities, shower house(s), or any other structure utilizing waste treatment on the subject properties will require review and approval of the onsite wastewater treatment system by the South Dakota Department of Environment and Natural Resources and the Pennington County Environmental Planner;

13. That the Recreational Resort conform to all regulations in Section 306 of the Pennington County Zoning Ordinance;
14. That the applicants conform to all applicable State and County regulations, including those established by the South Dakota Departments of Environment and Natural Resources and Health;

15. That a Building Permit be obtained for any new structures exceeding 144 square feet and located on a permanent foundation, which will require a site plan to be reviewed and approved by the Pennington County Planning Director;

16. That Building Permits, and all applicable fees to be applied, are obtained for all cabins, park models, and structures (over 144 square feet and located on a permanent foundation) placed on the subject properties after February 2, 1994 within 30 days of approval of this Conditional Use Permit; and,

17. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

C. February 11, 2019, Planning Commission approved the extension of Conditional Use Permit / CU 15-25 with the following seventeen (17) conditions:

1. That the Recreational Resort consist of recreational vehicle sites, cabins, office buildings, shower houses, clubhouse, convenience store, maintenance buildings, storage buildings, laundry facilities, and other amenities directly related to resort activities (i.e. playgrounds, swimming pools, horseshoe pits, etc.) approved by the Planning Director;

2. That no more than 225 recreational vehicle sites be allowed. Each recreational vehicle site shall measure a minimum of 40 feet long by 12-foot-wide;

3. That no more than 50 cabins be allowed, which may consist of park models, stick built cabins, or wagons;

4. That no more than 50 tent sites be allowed;

5. That each site (RV or tent) must include one (1) parking space for a vehicle (in addition to the recreation vehicle, where applicable) and the parking space must be constructed so no portion of the vehicle extends onto any interior roadway;

6. That the applicant maintain some type of barrier (i.e. fence, boulders) around the on-site wastewater system to prevent any parking and/or camping over top of the on-site wastewater system and that proper setbacks to the on-site wastewater system be maintained;

7. That each RV site be equipped with water and electric hook-ups;

8. That each RV site, cabin, or tent site must be equipped with a numbered sign which is attached to a post on or near the cabin or site;

9. That a minimum 10-foot separation be provided between each RV site;

10. That all the interior streets shall be a minimum of 12 feet in width and surfaced with gravel (minimum of 4 inches), concrete or asphalt and maintained in a dust free manner;
11. That any alterations or additions to the on-site wastewater treatment system be reviewed and approved by the South Dakota Department of Environment and Natural Resources and the Pennington County Environmental Planner;
12. That construction or placement of any additional cabins, recreational vehicle sites, laundry facilities, shower house(s), or any other structure utilizing waste treatment on the subject properties will require review and approval of the onsite wastewater treatment system by the South Dakota Department of Environment and Natural Resources and the Pennington County Environmental Planner;
13. That the Recreational Resort continue to conform to all regulations in Section 306 of the Pennington County Zoning Ordinance;
14. That the applicants conform to all applicable State and County regulations, including those established by the South Dakota Departments of Environment and Natural Resources and Health;
15. That a Building Permit be obtained for any new structures exceeding 144 square feet and located on a permanent foundation, which will require a site plan to be reviewed and approved by the Pennington County Planning Director;
16. That the septic tanks for systems 5, 7, and 8 be upgraded in accordance with DENR's recommendation within two (2) years of approval of the extension of this Conditional Use Permit or this Conditional Use Permit will be recommended to end; and,
17. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.
V. EXISTING CONDITIONS
A. TRACT A LESS E350ft OF N900ft, BUSTED FIVE DEVELOPMENT
   1. 45.56 acres.
   2. Zoned Highway Service District.
   3. No Special Flood Hazard Area.
   4. Access is off Highway 16 (State Highway).
   5. Lot contains:
      a. Onsite Wastewater Treatment System (OSWTS)
         Construction Permit for holding tanks / COSD18-0033
      b. Onsite Wastewater Operating Permits:
         i. COOP17-0451 - Office
         ii. COOP17-0452 - RV Sites 1-13
         iii. COOP17-0453 - Pool and Clubhouse
         iv. COOP17-0454 - RV Sites 14-16
         v. COOP17-0455 - Sites near Dog Park
         vi. COOP17-0456 - Showers and Dump
   6. Recreational Resort - 23680 Busted Five Court:
      a. Clubhouse, Pool, Shower House, and Hot Tub / COBP18-0324
      b. Convenience Store / 2004COBP0010
      c. Office / COBP18-0050
      d. Tent Sites
      e. RV Sites
      f. Cabins:
         i. 2009COBP0053
         ii. 2009COBP0450
         iii. 2010COBP0430
         iv. 2010COBP0432
         v. COBP14-0273
         vi. COBP14-0098
         vii. COBP14-0099
         viii. COBP14-0100
         ix. COBP14-0118
         x. COBP14-0119
         xi. COBP14-0120
         xii. COBP14-0121
         xiii. COBP14-0122
         xiv. COBP14-0123
         xv. COBP14-0128
         xvi. COBP17-0686
         xvii. COBP17-0687
         xviii. COBP17-0688
         xix. COBP17-0689
         xx. COBP17-0690
         xxi. COBP17-0691
         xxii. COBP17-0692
         xxiii. COBP17-0693
         xxiv. COBP17-0694
B. TRACT 3A OF LOT 3 OF SW1/4SE1/4
   1. 3.22 acre.
   2. Zoned Highway Service District.
   3. Access is off of S. Highway 16.
   4. Lot contains:
      a. RV sites.

January 30, 2020 site photos.
III. PENNINGTON COUNTY ZONING ORDINANCE § 306(B)
   1. The location and legal description of the proposed recreational vehicle park.
   2. Plans and specifications of all buildings, improvements, and facilities constructed or to be constructed within the recreational vehicle park.
   3. The proposed use of buildings shown on the site.
   4. The location and size of all recreational vehicle spaces.
   5. The location of all points of entry and exit for motor vehicles and internal circulation pattern.
   6. The location of all landscaping to be provided.
   7. The location of all lighting standards to be provided.
   8. The location of all walls and fences and the indication of their height and the materials of their construction.
   9. The name and address of the applicant.
  10. Such other architectural and engineering data as may be required to permit the Planning and Zoning Director, the Commission, and the Board to determine if the provisions of these Zoning Ordinances are being complied with.
  11. A time schedule for development shall be prepared which shall demonstrate the applicant's readiness and ability to provide the proposed services; and all required improvements and facilities shall be installed within one (1) year, unless the Board, on recommendation from the Commission, approves a plan for staged construction.
  12. Utility service connections to be provided.
  13. A domestic water system approved by the Pennington County Planning Department.
  14. A water carriage wastewater disposal system approved by the Pennington County Planning Department.
  15. A typical lot plan for a recreational vehicle space detailing location and method.
  16. A complete drainage plan to include topography to at least 5-foot-contour intervals.
     1. The Conditional Use Permit Application for CU 15-25 addresses the aforementioned requirements A, I, and K.
     2. The Rushmore Shadows Conditional Use Permit submittal on August 26, 2015 included a plan set compile by Dainick Inc. out of Prinsburg, MN which addressed the aforementioned requirements B, C, D, E, F, G, H, J, L, O, and P.
     3. The aforementioned requirements for M and N were addressed prior to submittal of CU 15-25 as the subject property was a resort prior to 1994 and those water rights had already been established.
        i. Served by the Strat-O Rim Estates Water Company.
V. ANALYSIS

A. On April 30, 2018, the applicant submitted an Onsite Wastewater Treatment System Construction Permit for holding tanks to serve “wagons” that could be utilized as “tents” on the subject property.
   1. The system was installed and approved on May 14, 2018.

B. November 28, 2018 – The Environmental Planner met with Rushmore Shadows Staff to discuss the upgrades needed to the onsite wastewater treatment systems.
   1. Rushmore Shadows Staff has been in contact with Scott Hipple from South Dakota Department of Environment and Natural Resources (DENR), directly to discuss what needs done to bring the systems into compliance.
   2. The Environmental Planner stated to Rushmore Shadows’ Staff that all of the upgrades were not required immediately, however, progress must be made to bring the systems into compliance.

C. January 27, 2020, Staff spoke with Brett Grosz regarding gaining access to Rushmore Shadows so that Staff could perform a site visit.

D. January 30, 2020, Staff received the plans for Rushmore Shadows Resort OSWTS upgrades for 2020 (see attached map and email).
   3. Dates for proposed repairs to areas 7 and 8 are in 2020, and proposed repairs to area 5 in 2021.

E. January 30, 2020, Staff performed a site visit to the subject property to verify that all conditions are being met.

F. The applicants have obtained the recent 2020 South Dakota Department of Health Lodging License.

G. This Recreational Resort has been in operation prior to 1994.

H. At the time of this Staff Report, Staff has not received any complaints regarding the subject property or Conditional Use Permit / CU 15-25.

RECOMMENDATION: Staff is recommending approval of the extension of Conditional Use Permit / CU 15-25 with conditions.

1. That the Recreational Resort consist of recreational vehicle sites, cabins, office buildings, shower houses, clubhouse, convenience store, maintenance buildings, storage buildings, laundry facilities, and other amenities directly related to resort activities (i.e. playgrounds, swimming pools, horseshoe pits, etc.) approved by the Planning Director;

2. That no more than 225 recreational vehicle sites be allowed. Each recreational vehicle site shall measure a minimum of 40 feet long by 12-foot-wide;

3. That no more than 50 cabins be allowed, which may consist of park models, stick built cabins, or wagons;

4. That no more than 50 tent sites be allowed;
5. That each site (RV or tent) must include one (1) parking space for a vehicle (in addition to the recreation vehicle, where applicable) and the parking space must be constructed so no portion of the vehicle extends onto any interior roadway;

6. That the applicant maintain some type of barrier (i.e. fence, boulders) around the on-site wastewater system to prevent any parking and/or camping over top of the on-site wastewater system and that proper setbacks to the on-site wastewater system be maintained;

7. That each RV site be equipped with water and electric hook-ups;

8. That each RV site, cabin, or tent site must be equipped with a numbered sign which is attached to a post on or near the cabin or site;

9. That a minimum 10-foot separation be provided between each RV site;

10. That all the interior streets shall be a minimum of 12 feet in width and surfaced with gravel (minimum of 4 inches), concrete or asphalt and maintained in a dust free manner;

11. That any alterations or additions to the on-site wastewater treatment system be reviewed and approved by the South Dakota Department of Environment and Natural Resources and the Pennington County Environmental Planner;

12. That construction or placement of any additional cabins, recreational vehicle sites, laundry facilities, shower house(s), or any other structure utilizing waste treatment on the subject properties will require review and approval of the onsite wastewater treatment system by the South Dakota Department of Environment and Natural Resources and the Pennington County Environmental Planner;

13. That the Recreational Resort continue to conform to all regulations in Section 306 of the Pennington County Zoning Ordinance;

14. That the applicants conform to all applicable State and County regulations, including those established by the South Dakota Departments of Environment and Natural Resources and Health;

15. That a Building Permit be obtained for any new structures exceeding 144 square feet and located on a permanent foundation, which will require a site plan to be reviewed and approved by the Pennington County Planning Director;
Agenda Item #4
Rushmore Shadows, LLC; Gene Addink - Agent
February 10, 2020

16. That the septic tanks for systems 5, 7, and 8 be upgraded in accordance with DENR’s recommendation within two (2) years of approval of the extension of this Conditional Use Permit or this Conditional Use Permit will be recommended to end; and,

17. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.
Kristina,

Adam had a better map of the areas we will be tackling this year. Hopefully, this works for you.

We are proposing and have in motion to upgrade septic areas 7 and 8 in 2020 and then area 5 in 2021.

Thanks

Brett Grosz
General Manager
P. (605) 399-4325
T. (600) 231-0425 ext 4325
E. Brett@HartRanch.com
A. 23645 Clubhouse Dr, Rapid City, SD 57702
W. HartRanch.com

From: Proietti Kristina <Kristina.Proietti@pennco.org>
Sent: Monday, January 27, 2020 10:36 AM
To: Brett Grosz <Brett@hartranch.com>
Subject: Rushmore Shadows Resort Parcel Map

Brett,

I have attached to this email an aerial map of the Rushmore Shadows Resort parcel. You can use this to indicate where any septic upgrades are taking place in the year 2020. Have a great day.

Thank you,
Kristina Proietti
Planner II
Office: (605) 394-2186, Ext 1409
kristina.proietti@pennco.org
Mailing Address: P.O. Box 6160, Rapid City, South Dakota 57709
Physical Address: 130 Kansas City Street, Suite 200, Rapid City, South Dakota 57701
As for systems #5, 7, and 8. I assume that all RV spots are full service hookups and each cabin can sleep 6 persons per night.

Tank system #5 with 52 RV sites and 6 cabins. If each cabin can hold 6 persons at 60 gallons a person the anticipated maximum daily flow would be 7,360 gallons. Using the formula in ARSD 74:53:01:25(3) the septic tank size should be at least 6,645 gallons. If it only has one 2,850 gallon tank it is way undersized.

Tank system #7 with 45 RV sites and 4 cabins. If each cabin can hold 6 persons at 60 gallons a person the anticipated maximum daily flow would be 5,940 gallons. Using the formula in ARSD 74:53:01:25(3) the septic tank size should be at least 5,940 gallons. If it only has one 2,050 gallon tank it is way undersized.

Tank system #8 with 43 RV sites and 12 cabins. If each cabin can hold 6 persons at 60 gallons a person the anticipated maximum daily flow would be 5,520 gallons. Using the formula in ARSD 74:53:01:25(3) the septic tank size should be at least 5,265 gallons. If it only has one 1,000 gallon tank it is way undersized.

I would worry that the septic tank capacity provided to these systems may not be allowing the solids to sufficiently settle before the wastewater flows on to the drainfields.

Scott Hipple, R.E.H.S.
Environmental Scientist III
SD Department of Environment and Natural Resources
Phone (605) 773-3651
Fax (605) 773-6035

That would be correct. Tank information is what we could approve.

This is what I find in the data base.

<table>
<thead>
<tr>
<th>RushmoreShadow</th>
<th>ESTABLISHMENT</th>
<th>CITY</th>
<th>APPROVAL_D</th>
<th>FIRST_NAME</th>
<th>LAST_NAME</th>
<th>REMARKS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rushmore Shadows Resort</td>
<td>Rapid City</td>
<td>05/21/1990</td>
<td>Rob</td>
<td>Varilek</td>
<td>New site, maximum daily flow 2800 gal.</td>
<td></td>
</tr>
<tr>
<td>ESTABLISHMENT</td>
<td>CITY</td>
<td>APPROVAL_D</td>
<td>FIRST_NAME</td>
<td>LAST_NAME</td>
<td>REMARKS</td>
<td></td>
</tr>
<tr>
<td>---------------------------------------------------</td>
<td>------------</td>
<td>------------</td>
<td>------------</td>
<td>-----------</td>
<td>-------------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>Rushmore Shadows Resort</td>
<td>Rapid City</td>
<td>12/08/1998</td>
<td>Bob</td>
<td>Varile</td>
<td>15 RV hook-ups</td>
<td></td>
</tr>
<tr>
<td>Rushmore Shadows Resort</td>
<td>Rapid City</td>
<td>11/20/2009</td>
<td>Kevin</td>
<td>Root</td>
<td>Remove two full service RV pads and add a 6-person cabin to an existing drainfield system</td>
<td></td>
</tr>
<tr>
<td>Rushmore Shadows Resort</td>
<td>Rapid City</td>
<td>08/10/2010</td>
<td>Kevin</td>
<td>Root</td>
<td>Remove four full service RV pads and add two 6-person cabin to an existing drainfield system</td>
<td></td>
</tr>
<tr>
<td>Rushmore Shadows Resort</td>
<td>Rapid City</td>
<td>02/21/2012</td>
<td>Rushmore</td>
<td>LLC</td>
<td>Replace septic tanks for System #4 with 1,500 gallon and System #6 with two - 2,250 gallon tanks</td>
<td></td>
</tr>
<tr>
<td>Rushmore Shadows Resort</td>
<td>Rapid City</td>
<td>03/07/2012</td>
<td>Rushmore</td>
<td>LLC</td>
<td>Replace septic system for System #4 , 300 MDF</td>
<td></td>
</tr>
<tr>
<td>Rushmore Shadows LLC, 10 new cabins</td>
<td>Rapid City</td>
<td>03/26/2014</td>
<td>Rushmore</td>
<td>Shadows</td>
<td>Chambered systems, 3,600 MDF</td>
<td></td>
</tr>
<tr>
<td>Rushmore Shadows Resort, 45 full service RV pads</td>
<td>Rapid City</td>
<td>10/15/2015</td>
<td>Rushmore</td>
<td>LLC</td>
<td>Chambered system in serial distribution, 4,500 MDF</td>
<td></td>
</tr>
<tr>
<td>Rushmore Shadows Resort, showerhouse for rustic cabins</td>
<td>Rapid City</td>
<td>03/22/2018</td>
<td>Rushmore</td>
<td>LLC</td>
<td>2,000 gallon holding tank</td>
<td></td>
</tr>
</tbody>
</table>

Based on your information it appears the 12/8/98 approval is for tank #2. Approval 3/7/12 was for tank #4. Approval 3/26/14 was for tanks 11, 12, 13. Approval 10/15/15 was for tanks 14, 15, 16. And approval 3/22/18 has not been built yet.

Not sure what system the 5/21/90 approval was for but is should have a 3,225 gallon septic tank. Possible the clubhouse, if it has food service, tank #3.

As for Tank #7 with 45 RV sites and 4 cabins. If each cabin can hold 6 persons at 60 gallons a person the anticipated maximum daily flow would be 5,940 gallons. Using the formula in ARSD 74:53:01:25(3) the septic tank size should be at least 5,940 gallons. If it only has one 2,050 gallon tank it is way undersized. Is this correct?

So the approval you would like from us would be for tanks systems 1, 3, 5, 6, 7, 8, 9, 10?

Scott Hipple, R.E.H.S.
Environmental Scientist III
SD Department of Environment and Natural Resources
Phone (605) 773-3651
Fax (605) 773-6035

From: Doreff TJ [mailto:tj.doreff@pennco.org]
Sent: Tuesday, April 10, 2018 11:09 AM
To: Hipple, Scott
Subject: [EXT] Rushmore Shadows

Hello,
We have a business with several older septic systems on it that never received approval. They produced a great map and diagram showing what all was attached to each system. We think all systems are o.k. except for #7 appears to be
undersized by 140 gpd. (See attachments) We were just wondering your opinion and if you could provide some sort of
DENR approval. The property is Rushmore Shadows located at 23680 Busted Five Ct. tax ID#49925.
Thanks

T.J. Doreff
Environmental Planner
Office: (605) 394-2186, Ext 1403
tj.doreff@pennco.org
Mailing Address: P.O. Box 6160, Rapid City, South Dakota 57709
Physical Address: 130 Kansas City Street, Suite 200, Rapid City, South Dakota 57701

Learn More about YOUR Plan @
www.viewto2040.com

This e-mail, including any attachments, is confidential, may be legally privileged, and is covered by the
Electronic Communications Privacy Act, 18 USC §§ 2510-2521. If you are not the intended recipient, you are
hereby notified that any retention, disclosure, distribution, or copying of this information is strictly prohibited.
If you are not the intended recipient, please reply to the sender that you have received this message in error and
then delete it and any attachments.
STAFF REPORT

GENERAL INFORMATION:

REQUEST: Condional Use Permit Review / CU 18-45: To review a community cemetery in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

LANDOWNER: Caputa Community Center

LANDOWNER ADDRESS: P.O. Box 42, Caputa, SD 57725-0042

LEGAL DESCRIPTION: All, Caputa Community Cemetery, Section 36, T1N, R9E, BHM, Pennington County, South Dakota.

SITE LOCATION: 23451 154th Ave. Approximately ½ mile north of the intersection of Dawkins Road and 154th Avenue.

SIZE: 2 acres

TAX ID: 69613

EXISTING LAND USE: Agriculture

ZONING REFERENCE: Sections 205 and 510

CURRENT ZONING: Community Cemetery

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

PHYSICAL CHARACTERISTICS: Flat / Prairie

UTILITIES: None

REPORT BY: Stephanie Jansen

Page 1 of 5
I. PROPOSED RECOMMENDATION
   A. Staff recommends approval of the extension of Conditional Use Permit / CU 18-45 with conditions.

II. GENERAL DESCRIPTION
   A. The original applicant, Lynn Schell, requested a Conditional Use Permit to allow a community cemetery for the town of Caputa on the subject property.

III. EXISTING CONDITIONS
   A. Zoned General Agriculture District.
   B. 2 acres.
   C. Access to the cemetery off of 154th Avenue.
   D. Currently vacant.
   E. No Special Flood Hazard Area on the subject property.

IV. PENNINGTON COUNTY ZONING ORDINANCE § 307(A)
   A. Cemetery:
      1. The site proposed for a cemetery shall not interfere with the development of a system of collector and larger streets in the vicinity of such site. In addition, such site shall have direct access to a thoroughfare.
      2. All other structures, including, but not limited to, mausoleums, permanent monuments, or maintenance buildings shall be set back not less than twenty-five (25) feet from any property line or street right-of-way line.
      3. All graves or burial lots shall be set back not less than twenty-five (25) feet from any property line or street right-of-way.

V. HISTORY
   A. September 18, 2018 – The Board of Commissioners approved Layout Plat / PL 18-25 to create Cemetery Tract of Jones Ranch Subdivision with the following twelve (12) conditions:
      1. That prior to filing the Plat with the Register of Deeds, the proposed lot obtain an approved Lot Size Variance or be Rezoned appropriately;
      2. That an approved Approach Permit be obtained from the County Highway Department for access into the proposed cemetery;
      3. That at the time of new Plat submittal, the cemetery be called: Jones Ranch Cemetery or Jones Family Cemetery, not a cemetery tract located in a subdivision, per Register of Deeds comments;
      4. That the proposed cemetery conforms with all regulations of Pennington County Zoning Ordinance and South Dakota Codified Law 34-27, which regulates cemeteries and burial records;
5. That at the time of new Plat submittal, eight (8) foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;

6. That at the time of new Plat submittal, the plat meets all requirements of § 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;

7. That the Certifications on the plat be in accordance with § 400.3(1)(n) of the Pennington County Subdivision Regulations;

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

9. 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;

10. That prior to filing the Plat with the Register of Deeds, the applicant applies for a Conditional Use Permit for the cemetery;

11. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Layout Plat / PL 18-25, which is available at the Planning Office; and,

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

B. It is Staff’s understanding that the applicant proposed to create the Cemetery Tract approved via PL 18-25, in order to donate the 2-acre tract to the town of Caputa.

C. October 25, 2018 – The applicant filed a map of the Caputa Community Cemetery with the Register of Deeds (Document #A201814463) in accordance with SDCL § 34-27-8.

1. The applicant chose to file the location map with the Register of Deeds and apply for a Conditional Use Permit, rather than continuing with the platting process for the Cemetery Tract.

E. December 17, 2018 – the Planning Commission approved CU 18-45 with the following five (5) conditions:
1. That the cemetery continually conforms to all regulations outlined in § 307 of the Pennington County Zoning Ordinance;
2. That the cemetery and the applicant continually complies with South Dakota Codified Law (SDCL) § 34-27, which regulates Cemeteries and Burial Records;
3. That the applicant obtain an approved Approach Permit from the County Highway Department for access to the cemetery;
4. That if an address is assigned for the cemetery, it be posted in accordance with Pennington County Ordinance #20; and,
5. 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.

F. November 21, 2019 – The applicant, Shawn Freeland, filed a revised map of the Caputa Community Cemetery with the Register of Deeds (Document #A201915737) in accordance with SDCL § 34-27-8 (Caputa Community Cemetery Revised).

G. Cemetery location:
1. Located in the northeast corner of the subject property.
2. Approximately 27’-32’ feet from all property lines.
3. Flat area.
4. No known wells on the subject property.
5. 2-acre area (shown on location map filed with the Register of Deeds).
6. 736 burial sites shown on location map filed with the Register of Deeds.

VI. ANALYSIS
1. Conditional Use Permit CU 18-35 was continued from the original January 27, 2020, Planning Commission meeting to the February 10, 2020, Planning Commission meeting giving the applicant more time to post the address (Condition #4).
2. January 31, 2020 – Staff performed a site visit and observed that an address has been posted in accordance with Pennington County Ordinance #20, which meets the requirements of Condition #4.
   a. All conditions have been met.

January 31, 2020 site photo
VII. RECOMMENDATION: Staff recommends approval of the extension of Conditional Use Permit / CU 18-45 with the following five (5) conditions:

1. That the cemetery continually conforms to all regulations outlined in § 307 of the Pennington County Zoning Ordinance;

2. That the cemetery and the applicant continually complies with South Dakota Codified Law (SDCL) § 34-27, which regulates Cemeteries and Burial Records;

3. That the applicant obtain an approved Approach Permit from the County Highway Department for access to the cemetery;

4. That an address continue to be posted in accordance with Pennington County Ordinance #20; and,

5. That this Conditional Use Permit be reviewed in five (5) years, on a complaint basis or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.
STAFF REPORT

GENERAL INFORMATION:

REQUEST:

CONDITIONAL USE PERMIT / CU 20-01: To allow a contractor's equipment storage yard on the subject property in a General Agriculture District and Limited Agriculture District in accordance with Sections 205, 206, and 510 of the Pennington County Zoning Ordinance.

APPLICANT / AGENT:
RCS Construction / RC Scull

APPLICANT ADDRESS:
P.O. Box 9337, Rapid City, SD 57709

LANDOWNER:
K Lazy M Ranch / Donald Konechne

LANDOWNER ADDRESS:
5800 Deadwood Avenue, Rapid City, SD 57701

LEGAL DESCRIPTION:
N1/2 Less ROW, Less Tract in NW1/4NW1/4, Less Lot H1 in SE1/4NE1/4, and Less Lot H1 in NE1/4NE1/4, Section 16, T2N, R7E, BHM, Pennington County, South Dakota.

SITE LOCATION:
North of intersection of Calamity Road and Deadwood Avenue North.

TAX ID:
14645

SIZE:
297.06 acres

EXISTING LAND USE:
Agriculture

ZONING REFERENCE:
Sections 205, 206, and 510

CURRENT ZONING:
General Agriculture District
Limited Agriculture District

SURROUNDING ZONING:

North
General Agriculture District

South
Limited Agriculture District

City Limits of Rapid City

East
General Agriculture District

West
General Agriculture District
Planned Unit Development District
Suburban Residential District

PHYSICAL CHARACTERISTICS: Open prairie / rolling hills

UTILITIES: None

REPORT BY: Cody Sack

I. PROPOSED RECOMMENDATION
   A. Staff will be recommending approval of Conditional Use Permit / CU 20-01 with conditions.

II. GENERAL DESCRIPTION
   A. The applicant, RCS Construction, has requested a Conditional Use Permit to allow a contractor’s equipment storage yard on the subject property in a General Agriculture District.
      1. See attached site plan.

III. EXISTING CONDITIONS
   A. General Agriculture District and Limited Agriculture District
      1. The location of the Conditional Use Permit is in the General Agriculture District.
   B. 297.06 acres.
   C. Special Flood Hazard Area.
      1. 100-year flood.
   D. Vacant of any structures.
   E. Violation for dirt work exceeding 10,000 square feet without a Construction Permit (COEV19-0079).

IV. REQUEST FOR COMMENT
   A. County Highway Department
      1. The applicant should be aware that Deadwood Avenue is Planned for reconstruction and access may be from the north at times.
   B. County Environmental Planner
      1. There is Special Flood Hazard Area located on the subject property.
      3. Site must be revegetated in accordance with Section 507 of the PCZO.
   C. County Ordinance Enforcement
      1. CO Environmental Violation on this property for dirt work exceeding 10,000 Sq. Ft.
D. County Natural Resources Director
   1. No objections.

E. Emergency Services 9-1-1
   1. 911 is good with the proposed work as long as a valid physical address is assigned and posted in accordance with Penn Co Ord. #20 not only for this work but for the site as it appears work will continue long term.

F. Rapid City Community Development
   1. The City’s Future Land Use Plan identifies the appropriate use of the property as Light Industrial with the exception of the area identified within the 100-year floodplain. This area is identified as a future greenway/floodplain conservation designation. Since a portion of the property is located within the 100 year federally designated floodplain, a floodplain development permit will be required.
   2. The City’s Major Street Plan identifies S.D. Highway 79 as a principal arterial street. In addition, a proposed east to west minor arterial street and a proposed north to south collector street are shown to extend through the property upon future development. Any use of the property must be designed to ensure that it does not create conflict with the Major Street Plan.

G. South Dakota Department of Transportation
   1. No comments.

H. Black Hills Electric
   1. No concerns.

V. ANALYSIS
   A. November 22, 2019 – While on a site visit, Staff observed stockpiles on the subject property.
      1. Staff sent a violation letter to the property owner.
         a. Staff was contacted by the property owner after receiving the violation letter and stated:
            i. RCS Construction has stockpiles and crushed asphalt on the property.

   B. Staff concluded that the work would require a Construction Permit, Conditional Use Permit, and a Floodplain Development Permit.

   C. December 11, 2019- Staff preformed a site visit and found:
      1. Stockpiles of topsoil and asphalt millings.
      2. Trailers were located on site.
      3. A crusher was located on site.
Site Visit (12/11/19)
D. December 23, 2019 – Staff sent a certified letter to RCS Construction and the property owner stating that a Construction Permit, Conditional Use Permit, and a Floodplain Development Permit would be needed.

E. December 30, 2019 – Staff had a meeting with the applicant to discuss the violation on the subject property.
   1. The applicant stated that a previous company had used the site before them and did not know that the proper Permits had not been obtained.

F. January 15, 2020 – The applicant submitted applications for a Construction Permit, a Conditional Use Permit, and a Floodplain Development Permit and paid applicable penalty fees.

G. The work is within the Special Flood Hazard Area.
   1. The applicant submitted Floodplain Development Permit / FP 20-01.
      a. Has not been approved.

H. The applicant brings in asphalt to be crushed and then hauled off site.

I. Trailers are stored onsite.

J. At the time of this staff report, Staff has not received any comments or concerns regarding Conditional Use Permit / CU 20-01.

VI. CONSIDERATIONS FOR CONDITIONAL USE PERMIT REQUEST

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

A. The effect upon the use and enjoyment of other property in the immediate vicinity for the uses already permitted, and upon property values within the immediate vicinity.

   1. The use of the subject property for a contractor’s storage yard should not affect the use and enjoyment of other property in the immediate vicinity, as the property in the immediate vicinity is vacant.
      a. Staff cannot predict the effect that the requested use will have on property values within the immediate vicinity.

B. The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

   1. Allowing this Conditional Use Permit should not affect the normal, orderly development or improvement of any surrounding property in the area.
C. That utilities, access roads, drainage and/or other necessary facilities are provided.

1. The subject property does not have any utilities. Access to the property is provided off of Deadwood Avenue. It appears that all necessary utilities, access roads, and other facilities are already provided on the subject property for the proposed temporary contractor’s storage yard. There is an existing approach off of Deadwood Avenue.

D. That the off-street parking and loading requirements are met.

1. Pennington County Zoning Ordinance Section 310-A does not identify minimum parking requirements for a contractor’s storage yard. However, it appears there is ample space for parking on the subject property.

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

1. The proposed Conditional Use, by its very nature, could produce odor, fumes, dust, noise, vibrations or intrusive lighting. Reasonable measures should be taken by the applicant to ensure that the above-listed elements do not reach a level that would constitute a nuisance.

RECOMMENDATION: Staff is recommending approval of Conditional Use Permit / CU 20-01 with the following conditions:

1. That an address be posted at the entrance to the storage yard in accordance with Ordinance #20;

2. That emergency contact information for the storage yard be posted at the entrance of the storage yard;

3. That dust control measures be implemented to reduce the amount of dust from trucks leaving and entering the storage yard;

4. That if chemicals, fuel, and refuse are stored on the site, they have secondary containment;

5. That erosion control measures be implemented around the site to prevent sediment leaving the site;
6. That adequate space is provided for parking in the storage yard;

7. That upon completion of the project, all equipment, structures, and stockpiles associated with the contractor's storage yard must be removed;

8. That the site is revegetated as required in Section 507(A) of the Pennington County Zoning Ordinance and the Pennington County Storm Water Quality Manual; and,

9. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.
STAFF REPORT

GENERAL INFORMATION:

REQUEST:  MINOR PLAT / MPL 20-01: To reconfigure lot lines to create Lot 4R and Lot 5R of Bromegrass Subdivision in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

APPLICANT:  Gordon Howie

APPLICANT ADDRESS:  15372 Antelope Creek Rd., Rapid City, SD  57703

OTHER LANDOWNER:  Diana Foster

ADDRESS:  15375 Antelope Creek Rd., Rapid City, SD  57703

SURVEYOR:  Longbranch Civil Engineering

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

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

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

SITE LOCATION:  15372 & 15575 Antelope Creek Road.

SIZE:  6.05 acres

TAX ID:  68884 / 68885

EXISTING LAND USE:  Residential

SUBDIVISION REGULATIONS REFERENCE:  §400.3

CURRENT ZONING:  Low Density Residential District
I. PROPOSED RECOMMENDATION
   A. Staff will be recommending approval of Minor Plat / MPL 20-01 with conditions.

II. GENERAL DESCRIPTION
   A. The applicant, Gordon Howie, has applied for a Minor Plat / MPL 20-01 to reconfigure interior lot lines of the existing subject properties.

III. EXISTING CONDITIONS
   A. Zoned Low Density Residential.
   B. Special Flood Hazard Area (100-year).
   C. Lot 4:
      1. 3.02 acres.
      2. Platted drainfield easement.
         a. Document # A201810659.
      3. Access is off Antelope Creek via 40-foot-wide platted access easement.
         a. Document # A201810659.
   D. Lot 5:
      1. 3.03 acres.
      2. Platted access easement.
      3. Access is off Antelope Creek via 40-foot-wide platted access easement.
         a. Document # A201810659.
IV. PROPOSED LOTS 4R & 5R
   A. Zoned Low Density Residential.
   B. Special Flood Hazard Area (100-year).
   C. Lot 4R:
      1. 3.024 acres.
      2. Platted drainfield easement.
         a. Document # A201810659.
      3. 40-foot-wide platted access easement.
      4. 40-foot-wide platted access easement.
         a. Document # A201810659.
         b. As drawn, this easement does not support current and desired
            access to proposed Lot 5R.
   D. Lot 5R:
      1. 3.026 acres.
      2. 40-foot-wide platted access easement.
      3. Proposed 47' x 91' access easement to be created with this plat.
V. REQUEST FOR COMMENT
   A. County Highway Department
      1. Subdivision regulations require 40-foot minimum width access easements. They are showing a 20-foot easement and either need to change the width or apply for a variance. In addition, the easement shown isn’t where the access is currently.
         a. Staff Comment: The applicant has received an approved Approach Permit for Lot 5R that would eliminate the need for an Access Easement, as currently drawn on the Plat. The approved permit is included with this Staff Report
   B. County Fire Administrator, Department of Equalization, West River Electric, County On-site Wastewater Specialist
      1. No comments received.
   C. County Professional Environmental Planner
      1. Special Flood Hazard Area is identified on the plat, as required.
   D. County Ordinance Enforcement
      1. No violations.
   E. County Addressing Coordinator
      1. No addressing concerns at this time.
   F. Register of Deeds
      1. Plat heading is acceptable.
      2. Certificates appear to be the required certificates per state statute.
      3. On the plat drawing, the lower property line between Lots 4R and 5 of Bromegrass Subdivision, which is also being moved, should have a notation “Previous Lot Line”. I have attached a copy of the proposed plat and circled the lot line that should also have the previous lot line notation.
   G. Emergency Services (9-1-1)
      1. No concerns here.

VI. ANALYSIS
   A. January 6, 2020 – The applicant applied for Minor Plat / MPL 20-01 to reconfigure interior lot lines on the subject properties.
   B. January 24, 2020 – Staff spoke with Longbranch Civil Engineering and discussed County Highway and Register of Deeds comments regarding the proposed Plat.
   C. February 3, 2020 – Staff received a copy of an approved Approach Permit for Lot 5R. An access easement on Lot 4R is not required to provide access to access Lot 5R from Antelope Creek Road.
   D. The proposed access easement on proposed Lot 4R will allow the residents of Lot 7 to access a barn structure.
   E. The subject properties are zoned Low Density Residential District and require a 3-acre minimum lot size. The applicant’s request to reconfigure the interior lot line does not appear to reduce the size of either property below 3 acres.
F. Staff finds no significant issues with the applicant’s request as it appears to be in harmony with existing lots and current land uses in the area.

RECOMMENDATION: Staff recommends approval of Minor Plat / MPL 20-01 with the following conditions:

1. That at the time of Minor Plat submittal, the Plat contain a 40-foot wide access easement between Lot 4R and Lot 7 that would allow current access from Antelope Creek Road to Lot 5R or an approved Approach Permit be obtained for Lot 5R from Antelope Creek Road;

2. That prior to filing the Plat with the Register of Deeds, all previous lot lines be identified on the Plat;

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

4. That the applicant ensures all natural drainage ways are maintained and are not blocked;

5. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of §204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit; and,

6. That an approved Floodplain Development Permit be obtained prior to any disturbance within the regulated Special Flood Hazard Area.
On this date 1/09/2020 the Applicant hereby applies to Pennington County for permission to construct an approach to the west side of Antelope Creek Road located
(approximately) South of Highway 44 east, to access lot 5 R of Bromegrass Subdivision. The approach will serve a residence and will be constructed between March 1, 2020 and July 1, 2020.

Applicant shall construct the approach and install all required culverts according to County standards and specifications (standards and specifications are shown on back side of this form and Ordinance 14) and is responsible for all cost of construction and maintenance. If any deficiencies are noted during final inspection, Owner will be responsible to correct deficiencies within 30 days of notification.

Please attach a drawing or sketch showing the proposed location of the approach and set stakes in the ground to enable the Pennington County Highway Department to locate the proposed, centerline of the approach.

Culverts shall be sized to assure proper drainage. The minimum size of culvert will be eighteen inches (18") in diameter, fifteen inches (15") may be allowed under certain conditions. The minimum length of culvert shall be thirty-two feet (32').

Only one (1) approach per residence will be allowed. Approaches to General Commercial, Highway Service, General or Limited Agriculture Districts, large tracts or parcels of land will be per South Dakota Codified Law (SDCL) 31-24-3 through 31-24-7.

Name: Gordon Howie Address: 15372 Antelope Creek Rd, Rapid City, SD 57703
Phone #: 605-381-3998 Signed: Property Owner/Representative

(Applicant shall notify the Pennington County Highway Department (394-2166) upon completion of the approach for final inspection.)

TO BE COMPLETED BY PENNINGTON COUNTY HIGHWAY DEPARTMENT

PRELIMINARY INSPECTION: Date: Jan. 8, 2020 By: Culvert Diameter 180 when snow melts Culvert Length
The crown of the presently traveled surface, including shoulder, to be continued at a distance of 20 feet from the nearest edge of the traveled surface of the road shoulder facing the property.

Remarks: Permit approval is contingent upon final plat approval of attached plat of lot 4 R & lot 5 R Bromegrass Subdivision

PERMIT APPROVED X or DENIED

FINAL INSPECTION: Date: By: 
STAFF REPORT

GENERAL INFORMATION:

REQUEST:  

**PLANNED UNIT DEVELOPMENT / PU 19-05:**
To rezone 20.8 acres from Highway Service District and General Agriculture District to a Planned Unit Development in accordance with Sections 205, 210, 213, and 508 of the Pennington County Zoning Ordinance.

APPLENANT:  
Rockerville Gold Town, LLC (Pat Hall)

APPLICANT ADDRESS:  
528 Kansas City Street, Ste. 5  
Rapid City, SD  57701

AGENT:  
Brian Hammerbeck

AGENT ADDRESS:  
528 Kansas City Street, Ste. 5  
Rapid City, SD  57701

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

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

TAX ID:  
46747 / 46749 / 19292

SIZE:  
20.8 acres

EXISTING LAND USE:  
Vacant

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

CURRENT ZONING:  
Highway Service District  
General Agriculture District
Agenda Item #8  
Rockerville Gold Town, LLC (Pat Hall); Brian Hammerbeck - Agent  
February 10, 2020

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Flat

REPORT BY: Brittney Molitor

I. PROPOSED RECOMMENDATION
A. Staff will be recommending approval of Planned Unit Development / PU 19-05 with conditions.

II. GENERAL DESCRIPTION
A. The applicant, Patrick R. Hall, has applied to rezone three (3) lots from Highway Service and General Agriculture District to a Planned Unit Development to allow a mixed-used development that will include duplexes, triplexes, four-plexes, apartments, commercial businesses and open space.

   1. At full build out, the applicant anticipates 100 units (duplexes, triplexes, four-plexes) and the market will dictate the number of apartments and the type of commercial business.

B. The Planned Unit Development (PUD) will be implemented in two (2) phases and be identified as the Rockerville Gold Town PUD.

   1. The Rockerville Gold Town PUD will also include Major Planned Unit Development Amendment / PU 19-06.

III. EXISTING CONDITIONS
A. Planned Unit Development / PU 19-05 will contain the following lots:

   1. \( W^{1/2} SE^{1/2} SE^{1/2} \) SOUTH OF HWY 16 WESTBOUNDLESS LOT A, LESS LOT 1, AND LESS ROW in Section 14 (Identified as “A” in Figure 1).

      a. Dual zoned Highway Service District (north side of the road) and General Agriculture District (south side of the road).

         i. Split by Main Street, Rockerville.

b. 4.7 acres.

c. Vacant of any structures.

d. Access off of Main Street, Rockerville.
2. **E ¼ SE ¼ SE ¼ SOUTH OF HWY 16 WESTBOUND LESS ROW in Section 14 (Identified as “B” in Figure 1).**
   a. Zoned Highway Service District.
   b. 14.32 acres.
   c. Lot contains:
      i. A multi-family dwelling unit (four-plex)
         (a) COBP19-0326 – Sales model home.
         (b) COSD19-0064 – Holding Tanks.
      ii. A single-family residence – 13487 Main Street, Rockerville.
         (a) Built in 1886 per DOE records.
         (b) Onsite wastewater treatment system consists of a cesspool.
         (c) House was abandoned in 2018 and is used for storage.
      iii. Commercial utility building – 26’ x 36’.
         (a) Built in 1950 per DOE records.
      iv. Commercial utility building – 24’ x 24’.
         (a) Built in 1970 per DOE records.
   d. Access off of Main Street, Rockerville.
   e. Construction Permit / CP 19-12 – grading and leveling an area for construction of a sales office.

3. **THAT PART OF THE SW ¼ SW ¼ LYING S OF HWY 16 AND W OF CO RD in Section 13 (Identified as “C” in Figure 1).**
   a. Zoned Highway Service District.
   b. 1.78 acres.
   c. Vacant of any structures.
   d. Access off of S. Rockerville Road.
   e. Right-of-Way Deed for a telephone line.
      i. SW ¼ SW ¼ of Section 13.
      ii. Filed on April 12, 1939.
   f. Right-of-Way and Easement for underground utilities.
      i. SW ¼ SW ¼ of Section 13.
      ii. Filed on September 29, 1969.
   g. Right-of-Way and Easement for underground utilities.
      i. SW ¼ SW ¼ of Section 13.
      ii. Filed on July 8, 1970.
II. SECTION 213 (PLANNED UNIT DEVELOPMENT) REQUIREMENTS

A. Section 213-A General Description
   1. "The intent of the Planned Unit Development is to allow districts in which ingenuity, imagination and design efforts on the part of the builders, architects, site planners, and developers can produce desirable residential developments."
      a. The Rockerville Gold Town PUD will provide mixed-use development that includes residential dwellings, commercial business and open space.

B. Section 213-B-1 through 4 Permitted Uses
   1. Property and buildings in the Planned Unit Development are to be planned and organized as a single entity and as one complex land use unit rather than as a group of individual buildings located on separate lots.
      a. The Planned Unit Development consists of 16 lots that will become one Planned Unit Development known as the Rockerville Gold Town PUD.
      b. The Rockerville Gold Town PUD will consist of both PU 19-05 and PU 19-06.
   2. Uses permitted in the Planned Unit Development may include single-family dwellings, duplexes, triplexes, four-plexes, apartments, townhouses, patio-houses, mobile homes, neighborhood
commercial, school sites, parks, Wind and Solar Energy Systems in accordance with Section 317, Vacation Home Rentals in accordance with Section 319, and open space uses as necessary and as part of a general plat and plan.

a. There will be up to 100 units consisting of duplexes, triplexes and four-plexes.

b. Apartments are also being considered on one of the lots.

3. Permitted uses other than single-family dwellings must be located either within the interior of the Planned Unit development or in areas where the adjacent uses outside the boundaries of the Planned Unit Development are compatible.

a. Commercial businesses will be located on the outside of the PUD. The lots are located off of the main entrances into Rockerville along Main Street and S. Rockerville Road.

b. There is a restaurant and a hotel, general store and cabins adjacent to the proposed commercial lots.

4. Resort developments where there will be no sale of individual lots shall be considered as a Planned Unit Development. The Commission may waive any portion of this section which is not appropriate to resort development and may require any additional information necessary to determine compatibility of the proposal.

a. This will not be a resort development.

C. Site Plan

1. That there is an appropriate relationship to the surrounding area.

a. There is significant residential development within one mile of the proposed PUD.

2. That provisions are made for an internal street system designed for the type of traffic generated, safety, separation from living areas, convenience, access, noise, and exhaust control. Private internal streets and walkways may be permitted if they may be used by police and fire department vehicles for emergency purposes. Bicycle traffic shall be considered when the site is used for an area for living purposes. Proper circulation in parking areas for safety, convenience, separation, and screening must be provided. Such streets shall be designed according to generally accepted specifications for residential streets and maintained in good condition.

a. There are seven (7) internal streets and cul-de-sacs that will provide access to the multi-family dwelling units. These internal streets must be named prior to issuance of building permits.
3. Minimum right-of-way widths and roadway widths as required in the Subdivision Regulations may be waived by the Commission provided that adequate consideration is given to ingress and egress of emergency vehicles.
   a. The roadways will consist of a 24-foot-wide driving surface with cul-de-sacs.

4. That there is functional open space for optimum preservation of natural features, including trees and drainage areas, recreation, views, density, relief, and convenience in function.
   a. The Site Plan shows an area approximately 1.5 acres in size for designated open space for the PUD.
   b. The Site Plan shows three (3) areas for drainage.
   c. Stormwater retention will be required once the development increases the impervious area greater than 15%.

5. That privacy, in terms of the needs of individual families and neighbors, is provided.
   a. The residential development is predominately multi-family units. These units have private parking or garages.
   b. The development is mainly wooded.

6. That there are provisions for pedestrian traffic for safety, separation, convenience, access to points in common areas and attractiveness.
   a. The majority of pedestrian traffic should occur along the interior roads and cul-de-sacs.

7. That building types are appropriate to the density and site relationship.
   a. The proposed multi-family units will have the character and style consistent with the area.
   b. The existing zoning of Highway Service would allow motels and hotels, cabins, and vacation home rentals, which could provide for higher densities than the proposed PUD.

8. That there are adequate provisions for sewer and water systems as approved by the Pennington County Planning Department.
   a. The owner has 70 gallons per minute allocation of commercial water right availability (Water Right Permits 479-2 and 485-2) which is equal to 100,800 gallons per day.
   b. The projected usage is anticipated to be 26,520 gallons per day.
   c. The owner’s agent is working with South Dakota Department of Environment and Natural Resources (SD DENR) on developing a preliminary water system design.
V. ROCKERVILLE GOLD TOWN PUD (includes PU 19-05 and 19-06)
   A. The Rockerville Gold Town PUD (See Exhibit 5A above) will consist of:
      1. No more than 35 multi-family structures that will house 100 individual units (shown in pink on the site plan).
      2. Two (2) three-story apartment buildings (shown in orange on the site plan).
      3. Commercial businesses along Main Street in Rockerville (shown in yellow on the site plan).
B. The requested uses for the PUD include (per the application dated January 3, 2020):

1. Manufactured home, modular homes and site- or stick-built homes in compliance with Section 204-1 of the Pennington County Zoning Ordinance (PZCO).
2. Transportation and utility easements and rights-of-way.
3. Temporary buildings for uses incidental to construction work. These buildings shall be immediately adjacent to the construction work and shall be removed upon completion or abandonment of the construction work. Temporary living quarters will require a building permit.
5. Community signs, outdoor advertising, signs and billboards in accordance with Section 312 of the PCZO.
6. Telecommunication facilities in accordance with Section 316 of the PCZO.
7. Home occupations, in accordance with Section 204 – General District Provisions of the PCZO.
8. Parks, playgrounds, play fields and community centers.
9. Childcare centers and kindergartens.
10. Churches or similar places of worship.
11. Public service structures, such as fire stations, police stations and post offices.
12. Neighborhood commercial uses, as regulated in Section 302 of the PCZO.
13. Multiple-family dwellings, including but not limited to Section 303 of the PCZO.
14. Lodge hall, veteran’s organization and service organizations.
15. Seasonal cabin/dwelling.
16. Model home and sales office.
17. Manufactured home, modular homes and site or stick built homes in
not compliance with Section 204-I of the PCZO.
18. Guest house, in accordance with Section 318 of the PCZO.
19. Vacation home rental, in accordance with Section 319 of the PCZO.
20. Rooming and boarding houses.
22. Family and group care facilities.
23. Medical centers or dental clinics or office and hospitals.
24. Zero lot line common wall dwellings.
25. Retail establishments, including incidental manufacturing of goods
for sale at retail on the premises, when conducted entirely in an
enclosed building.
26. The storage, display and sale of new, used, repossessed and traded-
in merchandise, when conducted entirely in an enclosed building.
27. The storage, display and sale of new, used, repossessed and traded-
in merchandise, when conducted entirely in an enclosed building.
28. Barber and beauty shops and schools.
29. Clubs and lounges.
30. Eating and drinking establishments, including drive-in
establishments.
31. Offices, studios, clinic and laboratories.
32. Financial and credit institutions.
33. Bakeries.
34. Auditoriums, libraries, at galleries, museums and other cultural
structures and activities and community centers.
35. Laboratories and establishments for production and repair of
jewelry, eyeglasses, hearing aids and prosthetic appliances.
36. Commercial recreation and amusement structures and uses
conducted entirely in an enclosed building, such as theaters, bowling
alleys and pool rooms.
37. Public buildings and grounds other than elementary or high schools.
38. Service and repair establishments, including automobile service and
repair, but excluding airplane and railroad establishments.
39. New and used motor vehicle sales, rental and repair, including
trailers, boat sales, motorcycle sales and service and travel trailer
sales.
40. New and used farm implement and machinery sales.
41. Accessory uses and structures on the same premises and clearly
incidental to permitted uses or structures, including a dwelling unit
for occupancy only by owners or caretakers.
42. Construction equipment sales.
43. Warehousing, wholesale and distribution establishments.
44. Kennels, catteries and animal hospital hospitals.
45. Other general commercial uses, which, although they are not specified in this section due to omission or lack of technological development, in the opinion of the Commission, are not contrary to the intent of the general commercial district.
46. Souvenir, gift, jewelry, arts and crafts shops.
47. Retail business.
49. Commercial recreation and amusement structures and uses, including theaters, amusement parks, bowling alleys, ice and roller rinks, archery ranges, and miniature golf.
50. Accessory uses and structures on the same premises and clearly incidental to permitted uses or structures, including a dwelling unit for occupancy only by owners and caretakers.
51. Auction house.
52. Other highway-oriented businesses which are not listed but which the Commission may determine meet the intent of the Highway Service District. This shall not be construed to include general commercial activities which more appropriately fit the General Commercial District.
53. Recreational vehicle parks in accordance with Section 306 of the PCZO.
54. Other uses, in accordance with Section 307 of the PCZO.
C. Proposed setback(s) on PUD lots
   1. Exterior lot line setbacks will be 25 feet.
   2. Section Line Right-of-Way setbacks will be 58 feet.
   3. Interior lot line setbacks will be 0 feet.

VI. PROPOSED USES ON PUD LOTS AS SUBMITTED BY THE APPLICANTS
   1. One multi-family dwelling unit.
      a. Onsite wastewater treatment system.
B. W½SE¼SE¾ SOUTH OF HWY 16 WESTBOUNDLESS LOT A, LESS LOT 1, AND LESS ROW in Section 14.
   1. Seven multi-family dwelling units.
   2. Community onsite wastewater treatment system.
C. E¼SE¼SE½ SOUTH OF HWY 16 WESTBOUND LESS ROW in Section 14.
   1. Twenty-four multi-family dwelling units.
   2. Stormwater detention.
   3. Common area.
VII. PUD REQUEST ASSOCIATED WITH PU 19-05

A. Major Planned Unit Development Amendment / PU 19-06
   1. To amend an existing Planned Unit Development PU / 81-02 to allow for townhomes, apartments, and commercial businesses.
   2. COMMON LOT B; LOTS 6-15 OF ROCKERVILLE GHOST TOWN SUBD
   3. TRACT B-1 OF ROCKERVILLE GHOST TOWN SUBD
      a. One apartment complex.
      b. One multi-family dwelling unit.
      c. Community onsite wastewater treatment system.
   4. TRACT B-2 OF ROCKERVILLE GHOST TOWN SUBD
      a. Two multi-family dwelling units.
      b. Community onsite wastewater treatment system.
   5. LOT 17 OF ROCKERVILLE GHOST TOWN SUBD
      a. One apartment complex.
      b. Community onsite wastewater treatment system.

*Location of existing PUD / 81-02*
VIII. COMPREHENSIVE PLAN AMENDMENT / CA 20-01

A. To amend the Comprehensive Plan to change the Future Land Use from Highway Service District to Planned Unit Development District.
2. W½SE¼SE¼ SOUTH OF HWY 16 WESTBOUNDLESS LOT A, LESS LOT 1, AND LESS ROW in Section 14.

IX. REQUEST FOR COMMENT

A. County Highway
1. Stormwater runoff isn’t addressed with calculation for pre-development and post-development flows and must not exceed the pre-development flow, which may necessitate detention. A couple areas are shown but there is no explanation how it gets there and how it leaves the site. An engineering report is needed.
   a. Staff Comment: Calculations were provided to Staff indicating that the first phase will not exceed the 15% impervious area. However, the overall development will require stormwater detention prior to Phase 2 being implemented. At that time storm water detention must be implemented prior to approval of additional Building Permits.

B. County Ordinance Enforcement
1. No Violations shown for these properties.

C. County 9-1-1
1. Applicant will need to provide proposed new road names to 911 for review prior to final approval.
2. Based on the documents provided, specifically Page 14 of the PDF, it appears seven new road names will be needed.

D. County Onsite Wastewater Specialist
1. According to the USDA Web Soil Survey, the soils are classified as “Somewhat to Very Limited” based on slow water movement and slope. More information on the specifics of the septic system is needed to determine the viability of the systems. It would also be recommended to look into utilizing small community systems.

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. County Professional Environmental Planner
1. There is no Special Flood Hazard Area on the subject property.
G. County Natural Resource Director
   1. No objections.

H. United States Forest Service
   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 “Roads Open to Highway Legal Vehicles Only” and “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).

I. South Dakota Department of Transportation
   1. Pages 14 & 17 of 42 on the attached pdf appear to use highway ROW. SDDOT does not want to abandon this ramp or other highway ROW until a north-south connection is identified within the split of the US16 EB WB lanes, as indicated in the attached email.
   2. Attached email: Although the use the off ramp is quite low (5 vehicles in the peak hour), SDDOT does not want to abandon this ramp or highway ROW until a north-south connection is identified within the split of the US16 EB WB lanes.

X. PROPOSED ACCESS
   A. Access to the interior of the PUD property will be via S. Highway 16 from exit ramps via Main Street and South Rockerville Road.
   B. Interior access to the individual multi-family dwellings and apartments will be via constructed roads and cul-de-sacs with the exception of one unit which will be provided access off of S. Rockerville Road.
   C. Access to commercial development will be via approaches of Main Street and S. Rockerville Road.
XI. WATER SUPPLY (includes both PU 19-05 and PU 19-06)
   A. Property owner is allocated two (2) water rights.
         a. Estimated water use of 39.1 acre-feet per year.
         b. Priority date of June 6, 1953.
         c. Allocation of 40 gallons per minute for one well.
         d. Includes both commercial and residential use.
      2. Water Right 485-2.
         a. Estimated water use of 56.5 acre-feet per year.
         b. Priority date of May 1, 1954.
         c. Allocation of 30 gallons per minute from two (2) wells.
         d. Commercial use.
   B. Three (3) wells located in the PUD.
      1. Well #1
         a. Depth – 42 feet.
         b. Well production of 20+ gallons per minute.
         c. Nitrate – 0.166 milligrams per liter.
         d. E. coli – Absent.
      2. Well #2
         a. Depth – 52 feet.
         b. Well production of 20+ gallons per minute.
         c. Nitrate – 0.255 milligrams per liter.
         d. E. coli – Absent.
      3. Well #3
         a. Depth – 136 feet.
         b. Well production of 15 gallons per minute.
         c. Nitrate – 3.36 milligrams per liter.
         d. E. coli – Absent.
   C. Preliminary water distribution system is in design phase and must obtain approval from SD DENR in accordance with South Dakota Administrative Rule 74:04:09:06.

XI. PROPOSED ONSITE WASTEWATER TREATMENT SYSTEM(s) (includes both PU 19-05 and PU 19-06)
   A. Anticipated wastewater flow at full build out will be 26,250 gallons per day.
   B. SD DENR approval is required for a system serving more than one residence, per Section 204-J of the PCZO.
   C. Preliminary percolation tests and soil profile hole information indicate that a conventional onsite wastewater treatment system may be approved.
   D. The applicant has submitted plans for mound systems in the event that percolation tests or soil profile hole information suggests that a conventional system cannot be installed.
   E. Onsite wastewater treatment systems will be installed in phases. Three to four community systems may be required.
XII. PARKING REQUIREMENTS
   A. Each unit will provide for parking through garages, driveways and carports.
   B. PCZO requires multi-family dwelling units have two spaces per dwelling unit for the first twenty units and one and a half spaces for each dwelling unit exceeding twenty units.
      1. Each unit will be provided at least two spaces per unit through the driveway and garage or carport for each individual unit.
      2. Parking will be addressed at the time of Building Permit submittal.
      3. Parking for commercial business and apartment buildings will be required per Section 310 of the PCZO and addressed at the time of Building Permit submittal.

XIII. OTHER UTILITIES
   A. Electricity will be provided by Black Hills Electric Cooperative, Inc.
   B. Natural gas will be provided with propane.
   C. Internet and telephone line providers have not been determined.

XIV. ANALYSIS
   A. Staff performed a site visit on February 3, 2020 and observed the following:
      1. The sales model home was under construction.
      2. Dirt work was being performed in accordance with Construction Permit / CP 19-12.
   B. Surrounding land uses within one (1) mile include:
      1. A resort development that includes a general store, motel and cabins.
      2. A restaurant.
      3. A church.
      4. A motel.
      5. Residential dwelling units.
      6. A sawmill.
Agenda Item #8
Rockerville Gold Town, LLC (Pat Hall); Brian Hammerbeck - Agent
February 10, 2020

RECOMMENDATION: Staff is recommending approval of Planned Unit Development
/ PU 19-05 with the following conditions:

1. That the purpose of this Planned Unit Development be to allow a mixed-use
development that includes up to three (3) multi-family dwelling units that include
duplexes, triplexes, and four-plexes; two (2) three-story apartment complexes;
and commercial businesses;

2. That the multi-family dwelling units be permitted to be utilized as a Vacation
Home Rental provided all the requirements of Section 319 of the PCZO are met;

3. That the commercial businesses be limited to those uses permitted under Sections
209 (General Commercial District) and 210 (Highway Service District) of the
PCZO;

4. That an Engineered Drainage Study is performed and approved by the County
Drainage Engineer prior to the increase in the impervious area greater than 15
percent which includes the area located in both PU 19-05 and PU 19-06;

5. That the required setbacks for all structures be a minimum of 25 feet from all
exterior property lines which includes front, side and rear yard setbacks and zero-
foot (0) setbacks from the interior property lines, and a 58-foot setback from Section
Lines or the Section Line Right-of-Ways be vacated;

6. That the interior access roads off of Rockerville Road and Main Street allow for
two-way traffic, meet Ordinance 14 Standards and meet AASHTO Standards;

7. That the interior access roads be named and the street sign posted in accordance
with Ordinance 20 prior to the issuance of Building Permits for residences or
structures taking access off of the access roads;

8. That all onsite wastewater treatment systems designed and installed in accordance
with Section 204-J of the PCZO and if a conventional onsite wastewater treatment
system cannot be located on the property due to inadequate soils, an alternative
system will be required. All onsite wastewater treatment systems must be reviewed
and approved by the South Dakota Department of Environment and Natural
Resources;

9. That all septic tanks be pumped every three (3) years and be inspected at the time
of being pumped;

10. 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;
11. That a minimum of two (2) off-street parking spaces be provided for each unit in the multi-family dwelling unit. All off-street parking spaces on the site shall measure at least 9 feet by 18 feet, be surfaced with gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;

12. That parking for commercial business and apartment buildings be addressed at the time of Building Permit submittal, per Section 310 of the PCZO;

13. That a Building Permit be obtained for any structures 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;

14. That all roads be constructed to Local Road Standards which includes a minimum of a 24-foot wide driving surface or a Variance to the Subdivision Regulations is obtained;

15. That a Homeowner’s Association be created for the care and maintenance of the “Common Areas”;

16. That a Road District be formed for the care and maintenance of all roads;

17. That Pennington County’s Drainage Engineer and Pennington County’s Fire Administrator approve the central water system for the Planned Unit Development that will serve the water needs for the development and for water protection;

18. That the entire water system must be fully operational by the time the 4th Building Permit for a multi-family dwelling is submitted or when 25 people are residing in the PUD, which includes the area located in both PU 19-05 and PU 19-06; or prior to the issuance of a Commercial Building Permit;

19. That all roads be maintained in a dust free manner;

20. That all natural drainage ways be maintained;

21. That prior to the placement of any on-premise sign, the applicant must obtain a Sign Permit in accordance with Section 312 of the PCZO; and,

22. That Planned Unit Development / PUD 19-05, be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.
PLANNED UNIT DEVELOPMENT APPLICATION
PENNINGTON COUNTY, SOUTH DAKOTA

1. APPLICANT: Patrick R. Hall
   MAILING ADDRESS: 528 Kansas City Street, Suite 5, Rapid City, SD 57701
   AUTHORIZED AGENT: Brian Hammerbeck
   MAILING ADDRESS: 528 Kansas City Street, Suite 5, Rapid City, SD 57701
   PROPERTY OWNER: Rockerville Gold Town, LLC
   MAILING ADDRESS: 528 Kansas City Street, Suite 5, Rapid City, SD 57701
   DAYTIME PHONE: 605-718-4000

2. LEGAL DESCRIPTION: Please see attached Exhibit A.

   ADDRESS OF PROPERTY(ies) INVOLVED: 13487 Main St; 23787 S Rockerville Rd; and 23793 S Rockerville Rd
   LANDMARK LOCATION: Rockerville Ghost Town
   EXISTING LAND USE: Highway Services and Planned Unit Development
   PROPOSED PUD AMENDMENT(S): (use separate sheet of paper to describe project) Please see attached Exhibit B
   SURROUNDING ZONING: NORTH LDR SOUTH GA & LDR EAST PUD & HS WEST GA
   UTILITIES: PUBLIC: West River Electric (list provider)
   PRIVATE: Septic Tank size: ___________ gallons
   Drainfield size: ___________ feet
   Water Source: __Well__ Cistern

3. THE OWNER, APPLICANT, OR AUTHORIZED AGENT, ACKNOWLEDGES: That he / she has read and
   received a copy of the instruction sheet and this application form concerning the filing and hearing of this matter;
   that he / she authorizes the Pennington County Planning Department staff and designees to enter onto and inspect
   the above described property; and, that he / she has been advised of the fee requirements and they have been paid
   on ________________

   Signature of APPLICANT or AGENT:
   (requires owner authorization)
   Brian Hammerbeck

   DATE: 12/20/19

   Subscribed and sworn to before me this day of __________________
   Notary Public for the State of South Dakota
   My Commission Expires: ________________

   Signature of LANDOWNER:
   Patrick R. Hall

   DATE: 12/20/19

   Subscribed and sworn to before me this day of __________________
   Notary Public for the State of South Dakota
   My Commission Expires: ________________

4. DATE OF: PLANNING COMMISSION HEARING: ________________ LOCATION: County Commissioners’ Meeting Room
PLANNED UNIT DEVELOPMENT CHECKLIST

The Application Fee for a Planned Unit Development is $930.00 PLUS $20.00 for the Mailing List and $50.00 for a refundable Sign Deposit.

INTENT OF PLANNED UNIT DEVELOPMENT

The intent of the Planned Unit Development is to allow districts in which ingenuity, imagination and design efforts on the part of the builders, architects, site planners, and developers can produce desirable residential developments.

Please provide the following submittal materials:

X 1. A completed application form: signed and notarized by the applicant and the owner of the subject property and filed at least twenty-six (26) days prior to a scheduled Planning Commission meeting. If application is not complete, staff reserves the right to deny the request to be placed on the Agenda.

X 2. Development Schedule and Copies of any special agreements, conveyances, restrictions or covenants.

X 3. Performance bond equal to the cost of all improvements to be posted prior to any Final Plat being filed.

X 4. Written narrative addressing provisions for any of the following:

   a. Characteristics of the PUD.
   b. Expected densities and land coverage.
   c. Number, type, and size of buildings, and/or units.
   d. Drainage pattern and drainage plan.
   e. Parking.
   f. Utility Services
   g. Location, height and size of any proposed signs.
   h. Type of all existing uses, including permitted uses.

X 5. Ten (10) copies of a complete site plan, drawn to scale, with the following information:
   A Site Plan.
   B Name of the PUD.
   C Legal Description.
   D Property lines and dimensions of property.
   E All easements and 100-year floodplain boundaries.
   F All proposed streets and/or easements.
   G Area to be conveyed, dedicated or reserved as common areas, including parks, schools and other public buildings.
   H Proof that all parks and open spaces will be dedicated to a Homeowner’s Association.
   I Internal traffic and circulations system, off-street parking, service areas, loading area, and points of access to public right-of-ways.
   J Minimum and maximum square footage and/or number of units.
   K Location of all existing on-site utilities.
   L Location, dimensions, and types of existing buildings on the property and their distances from property lines.
   M The right-of-way of any public road(s) that is contiguous to the property.

After submittal of all the application materials and the required fee, the applicant will be provided with a property owner list and Notice of Hearing letter. The Planning Office will prepare a list of names and addresses of those persons who own land 500 feet outside of the subject property. The Notice of Hearing letters must be mailed by the applicant, by certified mail, no less than ten (10) days prior to the date of the public hearing. The expense of notifying the surrounding property owners is the responsibility of the applicant.

A $50.00 deposit (refundable) is required for the sign, provided by the Planning Office, which advertises the request. This sign must be posted on the property in such a manner that it is visible from the road, which provides access to the property. The sign must be posted no less than ten (10) days prior to the date of the hearing and must remain posted until final action by the County. The $50.00 deposit is refunded when the sign is returned within six (6) months of the County Board of Commissioner’s action.
Exhibit A

Legal description:

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

and

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

and

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

and

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

Exhibit B

The parcels identified with Tax ID numbers: 19292, 19636, 19635, 19634, 19387, 19388, 19389, 19390, 19391, 19393, 19394 are currently zoned as Planned Unit Development. The parcels identified with TAX ID numbers: 46747, 46749 and 19292 are currently zoned as Highway Service. The proposed is to have all the property as a Planned Unit Development.
Exhibit B (Continued)

Current Zoning

Planned Unit Development

Highway Services
Exhibit B (Continued)

Proposed Zoning

Planned Unit Development
Item #2

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

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

Item #3

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

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

Item #4

Written narrative addressing provisions for any of the following:

a. Characteristics of the PUD.

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

b. Expected densities and land coverage.

The landowner is expecting proposed densities of approximately one four-plex or three-plex or two-plex. The landowner is proposing to build apartment complexes. Attached Exhibit 4B.

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

The proposed plan is to build four-plex, three-plex, two-plex and apartment buildings in two phases. The apartments are proposed to be three stories, with units ranging from 500 to 950 square feet to include, studio, 1-bedroom and 2-bedroom. Attached Exhibit 4C is an artist rendering of the four-plex.
d. Drainage pattern and drainage plan.

We will follow all requirements as outlined in South Dakota State Law 46-10A-20 and Pennington County PUD Zoning Requirements. We will provide a pre-development drainage and post-development drainage plan, beginning this plan when the PUD is approved by the County Commissioners.

In our first phase, consisting of approximately 5 acres, we anticipate approximately five 4-plex units. These five units will have roof surfaces of 6,200 square feet each or approximately 31,000 total square feet of roof. We are planning to use natural landscaping around the structures. The 31,000 square feet of roof surface represents 14% of the total land area in the anticipated first phase (31,000 sf / 217,800sf). We will work with Pennington County Planning and the State of SD regarding required drainage, retention areas, etc.

We feel a benefit of this PUD area that we have naturally sloping areas that have moved water to well-established drainage areas.

We have also identified in our site plan our designated general storm water collection areas, as shown on Exhibit 5A in blue. Their placement, size and design will be determined by the storm water engineer.

e. Parking.

The proposed residential parking for each unit will be provided through garages, driveways and carports. Any commercial area parking will be in designated parking lots.

f. Utility services.

Water - Per Eric Gronlund, Engineer III with SDDENR via email on 12/4/19, informed us that our proposed Rockerville Property PUD is vested with two water rights allowing 70 gallons per minute listed as follows:

Water Right 479-2:

This water right is from 1953 and carries a 40 gpm allocation from one well.
Item #4 (Continued)

Water Right 485-2:

This water right is from 1958 and carries at 30 gpm allocation from two wells.

These two water rights allocate us 100,800 gallons of water per day at full gpm water right usage (70 gpm x 60 minutes per hour x 24 hours), but our projected usage is significantly less at 26,250 (see below).

For design purposes, Brittney Molitor of the Pennington County Planning Department, suggested that a baseline for water usage per day would be 75 gallons per day per person and assuming 2 people per bedroom. This equates to 22,500 gallons of daily water usage (assuming 50 one-bedroom units and 50 two-bedroom units). The 22,500 gallons per day usage represents only 22% of our vested water rights (22,500 / 100,800).

We are also currently working on the preliminary water distribution system design. Upon approval of our PUD request, we will provide design and documentation to meet the requirements of water quality, water distribution, water testing and licensing as required by Pennington County and SDDENR. This includes South Dakota Administrative Rule 74:04:09:06. We are currently working with Mark MacIntire P.E. from SD DENR in Pierre and Erin Fagnan with SD DENR in Rapid City on the SD DENR requirements.

Sewer/Onsite Wastewater System - South Dakota Administrative Rule 74:53:01:37 allows a landowner to install a mound or evapotranspiration system. Our plan is to install multiple combination mound and evapotranspiration systems.

We estimate once the proposed Rockerville Property PUD is fully built and at full occupancy (100 units), the maximum daily on-site wastewater will be 26,250 gallons. The 26,250 gallons per day is based on maximum waste-water flow capacity requirements as outlined in South Dakota Administrative Rule 74:53:01:20 Table 2, calculated as follows (3.5 persons x 75 gallons per person x 100 units).

Our proposed PUD also includes options for commercial, apartment and other uses. Our primary plan is for fourplex, triplex and duplex type residential housing and our wastewater treatment is based on the fourplex, triplex and duplex type design. However, if the market dictates that commercial and apartment uses be utilized, we will use the same type mound system and applicable wastewater gallonage per day as allowed under the SD Administrative Rule identified above to comply with the wastewater requirements for each type of use.
Item #4 (Continued)

We plan to build a mound system, which is a shallow wastewater dispersal system constructed partially above ground which uses plant evapotranspiration and soil absorption for final treatment of wastes as defined in SD Administrative Rule 74:53:01:01 subsection 34. We also expect our mound system to utilize evaporation as outlined in 74:53:01:01 subsection 22.

We plan to construct our mound systems in phases and each phase/system will be designed to handle a maximum of 7,500 gallons per day, as allowed under SD Administrative Rule 74:53:01:01 Article 56. By calculation, each mound system will absorb and evaporate the wastewater of a maximum of 28 units (28 units x 262.5 gallons per day = 7,350 gallons).

We anticipate the first phase of the our mound system to be 6,200 square feet to provide wastewater treatment for the first 28 units (up to 7,500 gallons per day design), based upon the perk tests that have already been completed.

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

Natural Gas – will be provided by propane.

Internet/telephone lines – this will be determined.

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

There will be standard road signs for the developments. There may also be other signs as allowed as part of the various permitted uses within the PUD. Any billboards will be in accordance with section 312.
h. Types of all existing uses, including permitted uses.

The existing uses of this property include Highway Services and Planned Unit Development.
Exhibit 4A

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

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

1. Manufactured home, modular homes and site or stick built homes in compliance with Section 204-I.

2. Transportation and utility easements and rights-of-way.

3. Temporary buildings for uses incidental to construction work. These buildings shall be immediately adjacent to the construction work and shall be removed upon completion or abandonment of the construction work and shall require a temporary building permit. Temporary living quarters shall require an accessory building permit.

4. Home offices.

5. Community signs, outdoor advertising, signs and billboards in accordance with Section 312 Signs, Billboards and other Advertising Structures.

6. Telecommunication facilities in accordance with Section 316 – Telecommunications Facility.

7. Home occupations, in accordance with Section 204 – General District Provisions.

8. Parks, playgrounds, play fields and community centers.

9. Childcare centers and kindergartens.

10. Churches or similar places of worship.

11. Public service structures, such as fire stations, police stations and post offices.

12. Neighborhood commercial uses, as regulated in Section 302 – Neighborhood Commercial.

13. Multiple-family dwellings, including but not limited to Section 303 – Multiple Family Dwellings.

14. Lodge hall, Veterans organization and service organizations.

15. Seasonal cabin/dwelling.

16. Model home and sales office.

17. Manufactured homes, modular homes and site or stick-built homes not in compliance with Section 204 – General District Provisions.

18. Guest house, in accordance with Section 318 – Guest House.
19. Vacation home rental, in accordance with Section 319 – Vacation Home Rental.

20. Rooming and boarding houses.


22. Family and group care facilities.

23. Medical centers and/or dental clinics or office and hospitals.

24. Zero lot line or common wall dwellings. This will include zero lot lines of all of: lot 6, 7 – 8, 9, 10, 11 – 12, 13 – 14, 15, Rockerville Ghost Town Subdivision and the back lot line and the SW lot line of common lot B Rockerville Ghost Town Subdivision.

25. Retail establishments, including incidental manufacturing of goods for sale at retail on the premises, when conducted entirely in an enclosed building.

26. The storage, display and sale of new, used, repossessed and traded-in merchandise, when conducted entirely in an enclosed building.

27. Barber and beauty shops and schools.

28. Hotels, motels, rooming and boarding houses.

29. Clubs and lounges.

30. Eating and drinking establishments, including drive-in eating establishments.

31. Offices, studios, clinic and laboratories.

32. Financial and credit institutes.

33. Bakeries.

34. Auditoriums, libraries, art galleries, museums and other cultural structures and activities and community centers.

35. Laboratories and establishments for production and repair of jewelry, eyeglasses, hearing aids and prosthetic appliances.

36. Commercial recreation and amusement structures and uses conducted entirely in an enclosed building, such as theaters, bowling alleys and poolrooms.

37. Public buildings and grounds other than elementary or high schools.

38. Service and repair establishments, including automobile service and repair, but excluding airplane and railroad establishments.
39. New and used motor vehicle sales, rental and repair, including trailers, boat sales, motorcycle sales and service and travel trailer sales.

40. New and used farm implement and machinery sales.

41. Accessory uses and structures on the same premises and clearly incidental to permitted uses or structures, including a dwelling unit for occupancy only by owners or caretakers.

42. Construction equipment sales.

43. Warehousing, wholesale and distribution establishments.

44. Kennels, catteries and animal hospitals.

45. Other general commercial uses, which, although they are not specified in this section due to omission or lack of technological development, in the opinion of the Commission, are not contrary to the intent of the general commercial district.

46. Souvenir, gift, jewelry, arts and crafts shops.

47. Retail businesses.


49. Commercial recreation and amusement structures and uses, including theaters, amusement parks, bowling alleys, ice and roller rinks, archery ranges and miniature golf.

50. Accessory uses and structures on the same premises and clearly incidental to permitted uses or structures, including a dwelling unit for occupancy only by owners and caretakers.

51. Auction house.

52. Other highway-orientated businesses which are not listed but which the Commission may determine meet the intent of the Highway Service District. This shall not be construed to include general commercial activities which more appropriately fit the General Commercial District.

53. Recreational vehicle parks, in accordance with Section 306 – Recreational Vehicle Parks.

54. Other uses, in accordance with Section 307 – Other Uses.
Item #5
Complete Site Plan

A. Site plan.
   Attached as Exhibit 5A.

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

C. Legal Description.
   Attached as Exhibit 5B.

D. Property lines and dimensions of the property.
   Attached as Exhibit 5C.

E. All easements and 100-year flood plain boundaries.
The easements are attached as Exhibits 5D. According to RapidMap.org, no part of the
property is located in the 100-year flood plain.

F. All proposed streets and/or easements.
   All proposed streets are marked in Site Plan, Exhibit 5A.

G. Area to be conveyed, dedicated or reserved as common areas, including parks, schools and other
   public buildings.
The area that will be designed as the proposed common area is marked in green on Exhibit 5A.

H. Proof that all parks and open spaces will be dedicated to a Homeowner's Association.
The landowner will utilize a Home Owners Association and will provide documentation as
required.

I. Internal traffic and circulations system, off-street parking, service areas, loading area and points of
   access to public right-of-ways.
   Main Street, Highway 16 and South Rockerville Road, as per attached Exhibit 5E.

J. Minimum and maximum square footage and/or number of units.
   This is proposed minimum is 800 square feet and the maximum is 1,600 square feet.

K. Location of all existing on-site utilities.
   On-site utilities are marked in red on attached Exhibit 5F.

L. Location, dimensions and types of existing buildings on the property and their distances from the
   property lines.
   Rental home could possibly stay, all other buildings will be torn down.

M. The right-of-way of any public road(s) that is contiguous to the property.
   Roads and right-of-way are marked in blue, as per attached Exhibit 5E.
Exhibit 5A
Exhibit 5B

Legal Description

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

and

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

and

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

and

That portion of the Southeast Quarter of the Southeast Quarter (SE1/4SE1/4) of Section 14, Township 1 South, Range 6 East of the Black Hills Meridian, Pennington County, South Dakota, lying south and east of the westbound lane of U.S. Highway No. 16, said lane shown as Lot H-2 in Highway Plat Book 4, Page 187; EXCEPTING therefrom Lot 1, as shown on the plat filed in Plat Book 3, Page 139; and EXCEPTING therefrom Lot H-1, as shown on the plat filed in Highway Plat Book 2, Page 8; and EXCEPTING therefrom Lot H-3, as shown on the plat filed in Highway Plat Book 4, page 187.
There is a road that cuts across the north corner. The survey map of this property of unprocessed lands shows roads in the NW ¼ S ½, Section 15, ½ in the NW ¼ NW ¼, Section 26, all in T13 S, R6 E, B.H.M., Pennington County, South Dakota.
PLAT OF LOT 16, SW 1/4 SW 1/4, T1S, R6E

Showing Right of Way to be acquired for highway purposes

in the SW 1/4 of Section 13, Township 1 South, Range 6 East, Pennington County, South Dakota

Scale: 1" = 500 feet

Lot 16, SW 1/4 SW 1/4

Containing 0.24 acres

More or less

SURVEYOR'S CERTIFICATE

I, ________ (Registered Land Surveyor) of ________, do hereby certify that in the direction of the
South Dakota State Highway Commission, I have surveyed the lot(s) and tract(s) as to be shown on the plat and that such
tract(s) shall be herein described by the lot number(s) as herein described above. The following dimensions of the lot(s) are shown on the plat. In witness whereof, I have set my hand and seal this ______ day of ____________, ________.

[Signature]

[Seal]

[Registered Land Surveyor]
FIELD NOTES:

Beginning at Cor N 1, from which
the section corner common to Sec 13-14,
231 24 T. R. 46 and 1 1/2 East 862. distant, thence
Cor N 30'15" W 230' to Cor N 2, commencing
1 1/2 S 59'45" E 394' — 3 along W 456'
1 1/2 E 456' — 1 and place
of beginning, enclosing 10 acres.

STATE OF MINNESOTA
COUNTY OF HENNEPIN
1. Beulah Mikkelsen,
do hereby certify that I am the owner
of the SE 1/4 1/2 SE 1/4 1/2 Sec 14 T. R. 46 E. R.H.M.,
and that I authorized the survey
and plat of Lot 1 as here shown.

By Beulah Mikkelsen
Surveyor 1916
Said to be before me a notary
public for the county of Hennepin,
State of Minnesota.

My commission expires Nov. 27, 1939.

STATE OF SOUTH DAKOTA
COUNTY OF PENNINGTON
1. Stein Bangs, registered
engineer, do hereby certify that being so auth-
orized, I made the survey and plat of Lot 1 of the
SE 1/4 1/2 SE 1/4 1/2 Sec 14 T. R. 46 E. R.H.M. and same is
correctly shown.

Stein Bangs reg. eng.
Signed and sworn to before me this 30th
day of March, 1939.

[Signature] Notary
Public.
RIGHT-OF-WAY DEED

(Telephone Line)

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

SW ¼ NE ¼ Section 13, and SE ¼ SE ¼ Section 14, T. 1 S., R. 6 E., B.M.

Said right of way hereby granted is more particularly described as follows, to-wit: Beginning at a point on the west boundary of the SE ¼ SE ¼ Section 14, T. 1 S., R. 6 E., B.M., from which point the southwest corner of the SW ¼ NE ¼ of said Section 14 bears due south 55 feet, and extending thence north 60 degrees east 2415 feet to a point from which the section corner common to Sections 13, 14, 23 and 24 of said township bears south 60 degrees west 846 feet to intersection with the section line common to said Sections 13 and 14, thence due south 830 feet, together with all and singular the rights and privileges thereunto belonging or in any wise appertaining.

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

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

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

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

(County Seal)

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

Acknowledged Mar. 9, 1939.
Filed April 12, 1939 at 1:30 P.M.
GRANTS, CONVEYS AND WARRANTS to
the STATE OF SOUTH DAKOTA

transfer of Pierre, South Dakota P. O., the following described
real estate in the County of Pennington in the State of South Dakota:
Lot 10-2 and 10-3, in the 16th Sec of Section 16, Township 7, South, Range 6, East of the
N.W. in Pennington County, South Dakota, as shown by plat made by S. M. Good.
Registered Land Surveyor, under date of April 22, 1966; said plat to be filed in
the office of the Register of Deeds, in Pennington County, South Dakota.

Said Lot 10-2 contains 8.01 acres, more or less.
Said Lot 10-3 contains 1.26 acres, more or less.

The transfer of the above property is to include "CONTROLLED ACCESS" in accordance
with Chapter 28, 09A of the 1960 Supplement to the South Dakota Code of 1939 and
amendments thereto. Access to be provided at Survey Station KR4.100 Right, and Left.

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

Dated this 15th day of June 1966.

RECORDED
INDEX:

2/4/91
STATE: SOUTH DAKOTA COUNTY OF PENNINGTON
KEEPER OF RECORDS

IN THE YEAR 1966, before me, a Notary Public, within and for
said County and State, personally appeared

                                      notarial Public, who came to me to be the person... who... described in, and who executed the within instrument,

and acknowledged to me that he... executed the same.

WARRANTY DEED—State Form 1932

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

Granite, T., of Pennington County, State of South Dakota, for and in consideration of

One Dollar and other valuable consideration,

GRANTS, CONVEYS AND WARRANTS to

THE STATE OF SOUTH DAKOTA

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

Lots H-2 and H-3 in the ESE 1/4 of Section 14, Township 9 South, Range 6 East of the Black Hills Meridian, Pennington County, South Dakota, as shown by plat made by J. W. Gentle, Registered Land Surveyor,

under date of April 22, 1966, and filed in the office of the Register of Deeds, Pennington County, South Dakota, on August 2, 1966, in Book 4 of Highway Plats, page 107. Said Lot H-2 contains 8.24 acres, more or less, of which 0.22 acre, more or less, is section line right of way. Said Lot H-3 contains 1.24 acres, more or less, of which 0.13 acre, more or less, is section line right of way.

The transfer of the above property is to include "CONTROLLED ACCESS," in accordance with Chapter 28, 09A of the 1960 Supplement to the South Dakota Code of 1939 and amendments thereto. Access to be provided at Survey Station 64+00 right and left (West bound lane), this deed is given for highway purposes only, with full reversionary rights.

Said this 8th day of May, 1967, to be recorded.

INDEX:

State of South Dakota, County of Pennington,

On this 8th day of May, 1967, before me, Mary Jane Olson, a Notary Public within and for said County and State, personally appeared BEULAH J. HULL and C. A. HULL, wife and husband, known to me to be the persons who are described in, and who executed the within instrument, acknowledged to me that they executed the same.

Mary Jane Olson, Notary Public

Commission expires 6-15-68

Book 153 Page 461
BURIED EXCHANGE FACILITY EASEMENT

The undersigned owner(s) of an interest in the real estate described below (hereinafter called "Owner") hereby grant(s) and convey(s) to NORTHWESTERN IOWA TELEPHONE COMPANY, an Iowa corporation, its associated and allied companies, its and their respective successors, assigns, licensees and agents (hereinafter called "Company"), in consideration of the sum of $20.00

Fifty and 00/100 cents, the sum of $20.00, received from the Company and of the agreement stated below, a right of way and easement to construct, operate, maintain, replace, and remove a telecommunications system consisting of underground cables or wires, surface terminals, surface markers (at stated times), in or upon the surface or beneath the surface, across the following described real estate located in the County of Pennington, State of South Dakota.

SW¼ of SW¼ of Section 19, T-1-N, R-6-E
NW¼ of NW¼ of Section 24, T-1-N, R-6-E

The Company agrees to bury all cables and wires below five feet depth in order to not interfere with ordinary cultivation of the land, and to pay for all damage to Owner's property arising from the Company's exercise of the rights herein granted, except as stated below: Exceptions (if any):

Signed this ______ day of July, 1976.

WITNESSES:

OWNER:

R. S. Crain

E. G. McGraw
BURIED INTER-EXCHANGE FACILITY EASEMENT

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

[Signature]

required from the Company and of the agreements stated below, a right of way and easement to construct, operate, maintain, replace, and remove all communications systems on the Company land from time to time required, consisting of underground pipes, wires, conduits, optical fibers, and

and surface bores, terminals and nodes, together with the right of access thereto for the purpose of exercising the rights herein granted, upon, under and across a strip of land one rod wide situated within the following described real estate located in the County of

[Address]

State of South Dakota

SW 1/4 SW 1/4 Section 13 7-1-5 S.C.E

N.W 1/4 N.W 1/4 Section 24 7-1-5 S.C.E

together with the following rights: to place surface markers beyond said strip to show and keep cleared all trees, roots, brush and other obstructions from the surface and subsurface of said strip and with

in screen frost thereof; and to install poles and stiles in open fences crossing said strip. The

boundary of said one rod strip shall be a line parallel to and

first of the first cable laid, which cable shall have its location indicated on surface markers or at intervals on the land of the owner or on adjacent lands. The Owner for [Signature] (and)

has hereby transferred, assigned, transferred and released any and all easements, covenants and restrictions that may exist on said strip.

The Company agrees to bury all cables and wires below plow depth in order to not interfere with ordinary utilization of the land, and to pay for all damages to Owner's property arising from the Com-

pany's exercise of the rights herein granted, including underground lines, pipelines, fences, and easements and improvements, as the interests may appear, except as stated above: Exceptions (if any):

Signed this 29 day of September 1869

WITNESSES:

[Signature]

OWNER:

[Signature]
STATE OF [Blank]
COUNTY OF [Blank]

On this the __ day of ________, before me, the undersigned officer,

__________________________
[Name of Undersigned Officer]

Personally appeared [Name of Person], known to me to be the person(s) whose name(s) __________ subscribed to the within instrument and acknowledged that __________ executed the same for the purposes therein contained.

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

Notary Public

STATE OF [Blank]
COUNTY OF [Blank]

On this the ___ day of ________, 19__ before me, the undersigned officer,

__________________________
[Name of Undersigned Officer]

personally appeared [Name of Person], who acknowledged himself to be the [Title], of [Name of Corporation], a corporation; and that he, as such, being authorized to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as [Title].

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

Notary Public

Name of Town: [Blank]
Line Section: [Blank]
Secured by: [Blank]
Post Office Address of Owner: [Blank]
Reg. S. C. Est.: [Blank]
R.O. No.: [Blank]

14 13
23 24

RECORD
INDEXED
QUIT CLAIM DEED

ADMINISTRATOR, SMALL BUSINESS ADMINISTRATION, an agency of the United States of America, herein referred to as "the Administrator," and in consideration of One Dollar ($1.00) and other good and valuable consideration, conveyed and quitclaimed to the Administrator, and the use and occupancy of certain real estate in the County of Pennington, State of South Dakota, to-wit:

The following described property, that certain tract or parcel of land located in In, 3, 1, 31, 1, 21 west of the principal meridian of the 1855 township, Rapid City, Pennington County, South Dakota, described as follows:
The property therein describes real estate in the County of Pennington, in the State of South Dakota, subject to the next described property, which is the dominant hand and whose owner shall keep and maintain such easements and its own expense, right of way and/or Sixty (60) feet, Seventeen (17) feet, Eighteen (18) feet and Twenty (20) feet, Eleven (11), Twelve (12), Thirteen (13), Fourteen (14), Fifteen (15) and Common Lot, formerly Block One (1), Lots One (1) through Seven (7) of Rockville.

Tongue: in the Southwest Quarter (SW 1/4) of Southeast Quarter (SE 1/4) of Section Thirty-nine (39), Township One (1) South, Range Six (6) East, D.M. & W.R. Pennington County, South Dakota (Dominant Property).

The following described property,

That certain tract or parcel of land located in In, 3, 1, 31, 1, 21 west of the principal meridian of the 1855 township, Rapid City, Pennington County, South Dakota, described as follows:

The property therein describes real estate in the County of Pennington, in the State of South Dakota, subject to the next described property, which is the dominant hand and whose owner shall keep and maintain such easements and its own expense, right of way and/or Sixty (60) feet, Seventeen (17) feet, Eighteen (18) feet and Twenty (20) feet, Eleven (11), Twelve (12), Thirteen (13), Fourteen (14), Fifteen (15) and Common Lot, formerly Block One (1), Lots One (1) through Seven (7) of Rockville.

Tongue: in the Southwest Quarter (SW 1/4) of Southeast Quarter (SE 1/4) of Section Thirty-nine (39), Township One (1) South, Range Six (6) East, D.M. & W.R. Pennington County, South Dakota (Dominant Property).

DATED this 29th day of March, 1990.

By

[Signature]

Deputy Director

Small Business Administration

STATE OF SOUTH DAKOTA COUNTY OF MINnehaha

[Signature]

TRANSFER FEE PAID STATEWIDE

EXEMPT FROM TRANSFER FEE

Before me, the undersigned Notary Public in and for said County and State, personally appeared Charles Leedom, to be known to me as the person who executed the foregoing instrument, and who, being duly sworn on oath, stated that he is Deputy Director of the Small Claims of South Dakota, District Office of Small Business Administration, and that said instrument was executed by him for and on behalf of said Small Business Administration, pursuant to Delegation of Authority No. 13 CFR Part 101, as amended, and he acknowledged said instrument to be the free and voluntary act and deed of said Small Business Administration.

Witness my hand and official seal this 29th day of March, 1990.

[Signature]

Notary Public in and for said County and State.

[Seal]

Commission Expires: 2-20-97
CORRECTIVE QUIT CLAIM DEED

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

The following described property:

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

This Deed is given to correct the description of the dominant property for the access easement. EXEMPT FROM TRANSFER FEE 45-4-22 (4).

Dated this 6th day of September, 1990.

SMALL BUSINESS ADMINISTRATION

By

Chester B. Leedom
District Director

STATE OF SOUTH DAKOTA

COUNTY OF MINNIEHAHA

☑ TRANSFER FEE PAID $ __________
☑ EXEMPT FROM TRANSFER FEE.

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

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

Notarized: 2-26-97

Rotary Public, Minnehaha County
South Dakota
STAFF REPORT

GENERAL INFORMATION:

REQUEST:  
COMPREHENSIVE PLAN AMENDMENT / CA 20-01: To amend the Comprehensive Plan to change the Future Land Use from Highway Service District to a Planned Unit Development District in accordance with Sections 210, 213, and 508 of the Pennington County Zoning Ordinance.

APPLICANT:  
Rockerville Gold Town, LLC (Pat Hall)

APPLICANT ADDRESS:  
528 Kansas City Street, Ste. 5
Rapid City, SD 57701

AGENT:  
Brian Hammerbeck

AGENT ADDRESS:  
528 Kansas City Street, Ste. 5
Rapid City, SD 57701

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

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

TAX ID:  
46747 / 46749 / 19292

SIZE:  
20.8 acres

EXISTING LAND USE:  
Vacant

ZONING REFERENCE:  
Sections 210, 213, and 508

CURRENT ZONING:  
Highway Service District
General Agriculture District
Agenda Item #9
Rockerville Gold Town, LLC (Pat Hall); Brian Hammerbeck - Agent
February 10, 2020

SURROUNDING ZONING:

<table>
<thead>
<tr>
<th>Direction</th>
<th>District</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Low Density Residential District</td>
</tr>
<tr>
<td></td>
<td>General Commercial District</td>
</tr>
<tr>
<td></td>
<td>Highway Service District</td>
</tr>
<tr>
<td>South</td>
<td>General Commercial District</td>
</tr>
<tr>
<td></td>
<td>Highway Service District</td>
</tr>
<tr>
<td>East</td>
<td>General Commercial District</td>
</tr>
<tr>
<td>West</td>
<td>Planned Unit Development District</td>
</tr>
<tr>
<td></td>
<td>General Agriculture District</td>
</tr>
</tbody>
</table>

PHYSICAL CHARACTERISTICS: Flat

REPORT BY: Brittney Molitor

I. PROPOSED RECOMMENDATION
   A. Staff will be recommending approval of Comprehensive Plan Amendment / CA 20-01.

II. GENERAL DESCRIPTION
   A. The applicant, Patrick R. Hall, has submitted a request to amend the Comprehensive Plan to change the Future Land Use from Highway Service District to a Planned Unit Development District.
   B. The Planned Unit Development (PUD) will be identified as the Rockerville Gold Town PUD, which includes both PU 19-05 and PU 19-06.

III. EXISTING CONDITIONS
      1. Zoned Highway Service District.
      2. 1.78 acres.
      3. Vacant of any structures.
      5. Right-of-Way Deed for a telephone line.
         a. SW¼SW½ of Section 13.
         b. Filed on April 12, 1939.
         a. SW¼SW½ of Section 13.
         b. Filed on September 29, 1969.
      7. Right-of-Way and Easement for underground utilities.
         a. SW¼SW½ of Section 13.
         b. Filed on July 8, 1970.
B. W¼SE¼SE¼ SOUTH OF HWY 16 WESTBOUNDLESS LOT A, LESS LOT 1, AND LESS ROW in Section 14.
   1. Dual zoned Highway Service District (north side of the road) and General Agriculture District (south side of the road).
      a. Split by Main Street, Rockerville.
   2. 4.7 acres.
   3. Vacant of any structures.
   4. Access off of Main Street, Rockerville.

C. E¼SE¼SE¼ SOUTH OF HWY 16 WESTBOUND LESS ROW in Section 14.
   1. Zoned Highway Service District.
   2. 14.32 acres.
   3. Lot contains:
      a. A multi-family dwelling unit (four-plex)
         i. COBP19-0326 – Sales model home.
         ii. COSD19-0064 – Holding Tanks.
      b. A Single-family residence – 13487 Main Street, Rockerville.
         i. Built in 1886 per DOE records.
         ii. Onsite wastewater treatment system consists of a cesspool.
            iii. House was abandoned in 2018 and is used for storage.
      c. Commercial utility building – 26’ x 36’.
         i. Built in 1950 per DOE records.
      d. Commercial utility building – 24’ x 24’.
         i. Built in 1970 per DOE records.
   4. Access off of Main Street, Rockerville.
IV. REQUEST FOR COMMENT (see PU 19-05 and PU 19-06)

A. County Highway
   1. Stormwater runoff isn’t addressed with calculation for pre-development and post-development flows and must not exceed the pre-development flow, which may necessitate detention. A couple areas are shown but there is no explanation how it gets there and how it leaves the site. An engineering report is needed.
      a. Staff Comment: Calculations were provided to Staff indicating that the first phase will not exceed the 15% impervious area. However, the overall development will require stormwater detention prior to phase 2 being implemented. At that time storm water detention must be implemented prior to approval of additional Building Permits.

B. County Ordinance Enforcement
   1. No Violations shown for these properties.

C. County 9-1-1
   1. Applicant will need to provide proposed new road names to 911 for review prior to final approval.
   2. Based on the documents provided, specifically Page 14 of the PDF, it appears seven new road names will be needed.

D. County Onsite Wastewater Specialist
   1. According to the USDA Web Soil Survey, the soils are classified as “Somewhat to Very Limited” based on slow water movement and slope. More information on the specifics of the septic system is needed to determine the viability of the systems. It would also be recommended to look into utilizing small community systems.
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. County Professional Environmental Planner
   1. There is no Special Flood Hazard Area on the subject property.

G. County Natural Resource Director
   1. No objections.

H. United States Forest Service
   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 “Roads Open to Highway Legal Vehicles Only” and
      “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).

I. South Dakota Department of Transportation
   1. Pages 14 & 17 of 42 on the attached pdf appear to use highway
      ROW. SDDOT does not want to abandon this ramp or other
      highway ROW until a north-south connection is identified within the
      split of the US16 EB/WB lanes, as indicated in the attached email.
   2. Attached email: Although the use the off ramp is quite low (5
      vehicles in the peak hour), SDDOT does not want to abandon this
      ramp or highway ROW until a north-south connection is identified
      within the split of the US16 EB/WB lanes.
V. CURRENT ZONING WITHIN 1-MILE

A. General Agriculture District.
B. Limited Agriculture District.
C. Planned Unit Development District.
D. Highway Service District.
E. Low Density Residential District.
F. Suburban Residential District.
G. General Commercial District.
VI. FUTURE LAND USE ZONING WITHIN 1-MILE

A. Public Land.
B. Planned Unit Development Sensitive District.
C. Planned Unit Development District.
D. Highway Service District.
E. Low Density Residential District.
F. Suburban Residential District.
G. General Commercial District.

VII. ANALYSIS

A. Surrounding land uses within one (1) mile include:
   1. A resort development that includes a general store, motel and cabins.
   2. A restaurant.
   3. A church.
   4. A motel.
   5. Residential dwelling units.
   6. A sawmill.
Agenda Item #9
Rockerville Gold Town, LLC (Pat Hall); Brian Hammerbeck - Agent
February 10, 2020

B. January 3, 2020 - The applicant applied for Planned Unit Development / PU 19-05 and Major Planned Unit Development Amendment / PU 19-06.
C. The subject properties are adjacent to existing Planned Unit Development Districts.
D. There are residential districts within one-mile, both which allow multi-family dwelling units with Conditional Use Permits.
E. There is General Commercial and Highway Service Districts within one mile that allow commercial uses.
F. Therefore, the applicant’s request appears to be in harmony with land use in the area.

RECOMMENDATION: Staff is recommending approval of Comprehensive Plan Amendment / CA 20-01.
**COMPREHENSIVE PLAN AMENDMENT APPLICATION**

<table>
<thead>
<tr>
<th>FIELD</th>
<th>INFORMATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. APPLICANT:</td>
<td>Patrick R. Hall</td>
</tr>
<tr>
<td>MAILING ADDRESS:</td>
<td>528 Kansas City Street, Suite 5, Rapid City, SD 57701</td>
</tr>
<tr>
<td>DAYTIME PHONE:</td>
<td>605-718-4000</td>
</tr>
<tr>
<td>AUTHORIZED AGENT:</td>
<td>Brian Hammerbeck</td>
</tr>
<tr>
<td>MAILING ADDRESS:</td>
<td>528 Kansas City Street, Suite 5, Rapid City, SD 57701</td>
</tr>
<tr>
<td>DAYTIME PHONE:</td>
<td>605-718-4000</td>
</tr>
<tr>
<td>OWNER:</td>
<td>Rockerville Gold Town LLC</td>
</tr>
<tr>
<td>MAILING ADDRESS:</td>
<td>528 Kansas City Street, Suite 5, Rapid City, SD 57701</td>
</tr>
<tr>
<td>DAYTIME PHONE:</td>
<td>605-718-4000</td>
</tr>
</tbody>
</table>

2. REQUESTED CHANGE OF DESIGNATED FUTURE LAND USE:
   - Please see Planned Unit Development Application submitted on January 3, 2020.

   **FROM:**
   - Please see Planned Unit Development Application submitted on January 3, 2020.

   **TO:**
   - Please see Planned Unit Development Application submitted on January 3, 2020.

   **INvolving**
   - Please see Planned Unit Development Application submitted on January 3, 2020.

   **ACRES**
   - Please see Planned Unit Development Application submitted on January 3, 2020.

   **LEGAL DESCRIPTION:**
   - Please see Planned Unit Development Application submitted on January 3, 2020.

   **ADDRESS:**
   - Please see Planned Unit Development Application submitted on January 3, 2020.

   **LANDMARK LOCATION:**
   - Please see Planned Unit Development Application submitted on January 3, 2020.

   **REASON BEING:**
   - Please see Planned Unit Development Application submitted on January 3, 2020.

   **EXISTING LAND USE:**
   - Please see Planned Unit Development Application submitted on January 3, 2020.

   **PROPOSED LAND USE:**
   - Please see Planned Unit Development Application submitted on January 3, 2020.

   **ZONING ORDINANCE REFERENCE:**
   - Please see Planned Unit Development Application submitted on January 3, 2020.

   **SITE ZONING:**
   - Please see Planned Unit Development Application submitted on January 3, 2020.

   **PHYSICAL CHARACTERISTICS:**
   - Please see Planned Unit Development Application submitted on January 3, 2020.

   **UTILITIES:**
   - Please see Planned Unit Development Application submitted on January 3, 2020.

3. THE OWNER, APPLICANT, OR AUTHORIZED AGENT, ACKNOWLEDGES:
   - That he/she has read and received a copy of the instruction sheet and this application form concerning the filing and hearing of this matter; that he/she authorizes the Pennington County Planning Department staff and designees to enter onto and inspect the above-described property, and that he/she has been advised of the fee requirements.

   **Signature of APPLICANT or AGENT:**
   - (requires owner authorization)

   **Signature of LANDOWNER:**

   **DATE:**
   - January 22, 2020

   **DATE:**
   - January 22, 2020

   **Subscribed and sworn to before me this day of January 2020.**

   **Subscribed and sworn to before me this day of January 2020.**

   **Notary Public for the State of South Dakota**
   - My Commission Expires:

   **Notary Public for the State of South Dakota**
   - My Commission Expires:

To be completed by Planning Department:

4. DATE / TIME OF PLANNING COMMISSION HEARING:
   - COUNTY COMMISSION HEARING:

   **LOCATION:** Pennington County Commissioner’s Meeting Room

5. PUBLIC HEARING NOTICES TO BE SENT BY AND SIGN TO BE POSTED BY:
Exhibit A

Legal description:

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

and

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

and

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

and

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

Exhibit B

The parcels identified with Tax ID numbers: 19292, 19636, 19635, 19634, 19387, 19388, 19389, 19390, 19391, 19393, 19394 are currently zoned as Planned Unit Development. The parcels identified with Tax ID numbers: 46747, 46749 and 19292 are currently zoned as Highway Service. The proposed is to have all the property as a Planned Unit Development.
Exhibit B (Continued)
Proposed Zoning
Item #2

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

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

Item #3

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

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

Item #4

Written narrative addressing provisions for any of the following:

a. Characteristics of the PUD.
   
   The requested allowable, as per Attached Exhibit 4A, uses are identified in the submittal materials.

b. Expected densities and land coverage.
   
   The landowner is expecting proposed densities of approximately one four-plex or three-plex or two-plex. The landowner is proposing to build apartment complexes. Attached Exhibit 4B.

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

   The proposed plan is to build four-plex, three-plex, two-plex and apartment buildings in two phases. The apartments are proposed to be three stories, with units ranging from 500 to 950 square feet to include studio, 1-bedroom and 2-bedroom. Attached Exhibit 4C is an artist rendering of the four-plex.
Item #4 (Continued)

d. Drainage pattern and drainage plan.

We will follow all requirements as outlined in South Dakota State Law 46-10A-20 and Pennington County PUD Zoning Requirements. We will provide a pre-development drainage and post-development drainage plan, beginning this plan when the PUD is approved by the County Commissioners.

In our first phase, consisting of approximately 5 acres, we anticipate approximately five 4-plex units. These five units will have roof surfaces of 6,200 square feet each or approximately 31,000 total square feet of roof. We are planning to use natural landscaping around the structures. The 31,000 square feet of roof surface represents 14% of the total land area in the anticipated first phase (31,000 sf / 217,800sf). We will work with Pennington County Planning and the State of SD regarding required drainage, retention areas, etc.

We feel a benefit of this PUD area that we have naturally sloping areas that have moved water to well-established drainage areas.

We have also identified in our site plan our designated general storm water collection areas, as shown on Exhibit 5A in blue. Their placement, size and design will be determined by the storm water engineer.

e. Parking.

The proposed residential parking for each unit will be provided through garages, driveways and carports. Any commercial area parking will be in designated parking lots.

f. Utility services.

Water - Per Eric Gronlund, Engineer III with SDDENR via email on 12/4/19, informed us that our proposed Rockerville Property PUD is vested with two water rights allowing 70 gallons per minute listed as follows:

Water Right 479-2:
This water right is from 1953 and carries a 40 gpm allocation from one well.
Item #4 (Continued)

Water Right 485-2:

This water right is from 1958 and carries at 30 gpm allocation from two wells.

These two water rights allocate us 100,800 gallons of water per day at full gpm water right usage (70 gpm x 60 minutes per hour x 24 hours), but our projected usage is significantly less at 26,250 (see below).

For design purposes, Brittney Molitor of the Pennington County Planning Department, suggested that a baseline for water usage per day would be 75 gallons per day per person and assuming 2 people per bedroom. This equates to 22,500 gallons of daily water usage (assuming 50 one-bedroom units and 50 two-bedroom units). The 22,500 gallons per day usage represents only 22% of our vested water rights (22,500 / 100,800).

We are also currently working on the preliminary water distribution system design. Upon approval of our PUD request, we will provide design and documentation to meet the requirements of water quality, water distribution, water testing and licensing as required by Pennington County and SDDENR. This includes South Dakota Administrative Rule 74:04:09:06. We are currently working with Mark MacIntire P.E. from SD DENR in Pierre and Erin Fagnan with SD DENR in Rapid City on the SD DENR requirements.

Sewer/Onsite Wastewater System - South Dakota Administrative Rule 74:53:01:37 allows a landowner to install a mound or evapotranspiration system. Our plan is to install multiple combination mound and evapotranspiration systems.

We estimate once the proposed Rockerville Property PUD is fully built and at full occupancy (100 units), the maximum daily on-site wastewater will be 26,250 gallons. The 26,250 gallons per day is based on maximum waste-water flow capacity requirements as outlined in South Dakota Administrative Rule 74:53:01:20 Table 2, calculated as follows (3.5 persons x 75 gallons per person x 100 units).

Our proposed PUD also includes options for commercial, apartment and other uses. Our primary plan is for fourplex, triplex and duplex type residential housing and our wastewater treatment is based on the fourplex, triplex and duplex type design. However, if the market dictates that commercial and apartment uses be utilized, we will use the same type mound system and applicable wastewater gallonage per day as allowed under the SD Administrative Rule identified above to comply with the wastewater requirements for each type of use.
We plan to build a mound system, which is a shallow wastewater dispersal system constructed partially above ground which uses plant evapotranspiration and soil absorption for final treatment of wastes as defined in SD Administrative Rule 74:53:01:01 subsection 34. We also expect our mound system to utilize evaporation as outlined in 74:53:01:01 subsection 22.

We plan to construct our mound systems in phases and each phase/system will be designed to handle a maximum of 7,500 gallons per day, as allowed under SD Administrative Rule 74:53:01:01 Article 56. By calculation, each mound system will absorb and evaporate the wastewater of a maximum of 28 units (28 units x 262.5 gallons per day = 7,350 gallons).

We anticipate the first phase of the our mound system to be 6,200 square feet to provide wastewater treatment for the first 28 units (up to 7,500 gallons per day design), based upon the perk tests that have already been completed.

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

Natural Gas – will be provided by propane.

Internet/telephone lines – this will be determined.

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

There will be standard road signs for the developments. There may also be other signs as allowed as part of the various permitted uses within the PUD. Any billboards will be in accordance with section 312.
h. Types of all existing uses, including permitted uses.

The existing uses of this property include Highway Services and Planned Unit Development.
Exhibit 4A

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

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

1. Manufactured home, modular homes and site or stick built homes in compliance with Section 204-1.

2. Transportation and utility easements and rights-of-way.

3. Temporary buildings for uses incidental to construction work. These buildings shall be immediately adjacent to the construction work and shall be removed upon completion or abandonment of the construction work and shall require a temporary building permit. Temporary living quarters shall require an accessory building permit.

4. Home offices.

5. Community signs, outdoor advertising, signs and billboards in accordance with Section 312 Signs, Billboards and other Advertising Structures.

6. Telecommunication facilities in accordance with Section 316 – Telecommunications Facility.

7. Home occupations, in accordance with Section 204 – General District Provisions.

8. Parks, playgrounds, play fields and community centers.

9. Childcare centers and kindergartens.

10. Churches or similar places of worship.

11. Public service structures, such as fire stations, police stations and post offices.

12. Neighborhood commercial uses, as regulated in Section 302 – Neighborhood Commercial.

13. Multiple-family dwellings, including but not limited to Section 303 – Multiple Family Dwellings.

14. Lodge hall, Veterans organization and service organizations.

15. Seasonal cabin/dwelling.

16. Model home and sales office.

17. Manufactured homes, modular homes and site or stick-built homes not in compliance with Section 204 – General District Provisions.

18. Guest house, in accordance with Section 318 – Guest House.
19. Vacation home rental, in accordance with Section 319 – Vacation Home Rental.

20. Rooming and boarding houses.


22. Family and group care facilities.

23. Medical centers and/or dental clinics or office and hospitals.

24. Zero lot line or common wall dwellings. This will include zero lot lines of all of: lot 6, 7 – 8, 9, 10, 11 – 12, 13 – 14, 15, Rockerville Ghost Town Subdivision and the back lot line and the SW lot line of common lot B Rockerville Ghost Town Subdivision

25. Retail establishments, including incidental manufacturing of goods for sale at retail on the premises, when conducted entirely in an enclosed building.

26. The storage, display and sale of new, used, repossessed and traded-in merchandise, when conducted entirely in an enclosed building.

27. Barber and beauty shops and schools.

28. Hotels, motels, rooming and boarding houses.

29. Clubs and lounges.

30. Eating and drinking establishments, including drive-in eating establishments.

31. Offices, studios, clinic and laboratories.

32. Financial and credit institutes.

33. Bakeries.

34. Auditoriums, libraries, art galleries, museums and other cultural structures and activities and community centers.

35. Laboratories and establishments for production and repair of jewelry, eyeglasses, hearing aids and prosthetic appliances.

36. Commercial recreation and amusement structures and uses conducted entirely in an enclosed building, such as theaters, bowling alleys and poolrooms.

37. Public buildings and grounds other than elementary or high schools.

38. Service and repair establishments, including automobile service and repair, but excluding airplane and railroad establishments.
39. New and used motor vehicle sales, rental and repair, including trailers, boat sales, motorcycle sales and service and travel trailer sales.

40. New and used farm implement and machinery sales.

41. Accessory uses and structures on the same premises and clearly incidental to permitted uses or structures, including a dwelling unit for occupancy only by owners or caretakers.

42. Construction equipment sales.

43. Warehousing, wholesale and distribution establishments.

44. Kennels, catteries and animal hospitals.

45. Other general commercial uses, which, although they are not specified in this section due to omission or lack of technological development, in the opinion of the Commission, are not contrary to the intent of the general commercial district.

46. Souvenir, gift, jewelry, arts and crafts shops.

47. Retail businesses.


49. Commercial recreation and amusement structures and uses, including theaters, amusement parks, bowling alleys, ice and roller rinks, archery ranges and miniature golf.

50. Accessory uses and structures on the same premises and clearly incidental to permitted uses or structures, including a dwelling unit for occupancy only by owners and caretakers.

51. Auction house.

52. Other highway-orientated businesses which are not listed but which the Commission may determine meet the intent of the Highway Service District. This shall not be construed to include general commercial activities which more appropriately fit the General Commercial District.

53. Recreational vehicle parks, in accordance with Section 306 – Recreational Vehicle Parks.

54. Other uses, in accordance with Section 307 – Other Uses.
Exhibit 4B
Item #5
Complete Site Plan

A. Site plan.
   Attached as Exhibit 5A.

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

C. Legal Description.
   Attached as Exhibit 5B.

D. Property lines and dimensions of the property.
   Attached as Exhibit 5C.

E. All easements and 100-year flood plain boundaries.
   The easements are attached as Exhibits 5D. According to RapidMap.org, no part of the
   property is located in the 100-year flood plain.

F. All proposed streets and/or easements.
   All proposed streets are marked in Site Plan, Exhibit 5A.

G. Area to be conveyed, dedicated or reserved as common areas, including parks, schools and other
   public buildings.
   The area that will be designed as the proposed common area is marked in green on Exhibit 5A.

H. Proof that all parks and open spaces will be dedicated to a Homeowner's Association.
   The landowner will utilize a Home Owners Association and will provide documentation as
   required.

I. Internal traffic and circulations system, off-street parking, service areas, loading area and points of
   access to public right-of-ways.
   Main Street, Highway 16 and South Rockerville Road, as per attached Exhibit 5E.

J. Minimum and maximum square footage and/or number of units.
   This is proposed minimum is 800 square feet and the maximum is 1,600 square feet.

K. Location of all existing on-site utilities.
   On-site utilities are marked in red on attached Exhibit 5F.

L. Location, dimensions and types of existing buildings on the property and their distances from the
   property lines.
   Rental home could possibly stay, all other buildings will be torn down.

M. The right-of-way of any public road(s) that is contiguous to the property.
   Roads and right-of-way are marked in blue, as per attached Exhibit 5E.
Exhibit 5B
Legal Description

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

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

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

That portion of the Southeast Quarter of the Southeast Quarter (SE1/4SE1/4) of Section 14, Township 1 South, Range 6 East of the Black Hills Meridian, Pennington County, South Dakota, lying south and east of the westbound lane of U.S. Highway No. 16, said lane shown as Lot H-2 in Highway Plat Book 4, Page 187; EXCEPTING therefrom Lot 1, as shown on the plat filed in Plat Book 3, Page 139; and EXCEPTING therefrom Lot H-1, as shown on the plat filed in Highway Plat Book 2, Page 8; and EXCEPTING therefrom Lot H-3, as shown on the plat filed in Highway Plat Book 4, page 187.
PLAT OF LOT 13, SW^2 SW^2 13, T16 S, R6 E, 1/4

Showing Right of Way to be acquired for highway purposes

in

the SW^2 SW^2 13, T16 S, R6 E, for construction of the S.D. 111, by

PENNINGTON COUNTY, S.D.

Scale: 1" = 100 ft.

[Diagram of land plot with measurements and annotations]

STATE OF SOUTH DAKOTA
COUNTY OF PENNINGTON

PLANNED SUBDIVISION OF LOTS IN

LOT 13, T16 S, R6 E

[Surveyor's Certificate]

[Signature]

[Seal]

[South Dakota State Highway Commission]

[Date: ]

[Registered Land Surveyor]
FIELD NOTES:
Beginning at Cor IV, from which the section corner commences to Sec 13-14, 23 1/2 miles north of East 6th danc, thence Cor IV NW 1/4 230 ft to Cor IV, on 3 1/4 W-
2.5945 E 394 ft.3 Along NW 1/4
3. East 1456 ft. 1 and place of beginning, enclosing 1 ACRE.

STATE OF MINNESOTA
COUNTRY: HENNESSEY
I, Beulah Mikkelson, do hereby certify that I am the owner of the SE, TSE, & Sec 14 T. 13 R. 6 E. NW.
and that I authorized the survey and plat of Lot 1 as here shown.

Beulah Mikkelson
Surveyor's Certificate
Signed & sworn to before me a notary
public for above county & state. This 27th of November, 1909.

My commission expires 10/27/09.

STATE OF SOUTH DAKOTA
COUNTY: PENNINGTON
I, Stein Bangs, registered engineer, do hereby certify that being an auth-
orized, I made the survey plat of Lot 1 of the SE, TSE, & Sec 14 T. 13 R. 6 E. NW.
and same is correctly shown.

Stein Bangs, reg. eng.
Signed & sworn to before me this 30th
day of March, 1909.

E. Van Rick, Notary
Public.
RIGHT-OF-WAY DEED
(Telephone Line)

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

SW1/4 SE1/4 Section 13, and SE1/4 SE1/4 Section 14, T. 1 S., R. 6 E., B.R.M. Said right of way hereby granted is more particularly described as follows, to-wit: Beginning at a point on the west boundary of the SW1/4 SE1/4 Section 14, T. 1 S., R. 6 E., B.R.M., from which point the southwest corner of the SW1/4 SE1/4 of said Section 14 bears due south 55 feet, and extending thence north 60 degrees east 2415 feet to a point from which the section corner common to Sections 13, 14, 23 and 24 of said township bears south 60 degrees west 846 feet to intersection with the section line common to said Sections 13 and 14, thence due south 830 feet, together with all and singular the rights and privileges thereunto belonging or in any wise appertaining.

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

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

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

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

(Pennington County, South Dakota
Charles P. Titlow
William A. Wallin
Edward Brahander
Thomas B. Rimmer
Frank O. Johnson
Commissioners.

Acknowledged Mar. 9, 1939.
Filed April 12, 1939 at 1:30 P.M.

Entry 17
WARRIOR RIVER
BOOK 181 PAGE 92

Pennington County State of South Dakota

For and in consideration of the sum of one ($1.00) dollar and other valuable consideration.

DISPACTS, CONVEYS AND WARRANTS to
the STATE OF SOUTH DAKOTA

of Pierre, South Dakota, P. O. the following described

of the County of Pennington, in the State of South Dakota:

Lots 8-2 and 11-2 in the Nth & of Section 14, Township 1 South, Range 6 East of the

in Pennington County, South Dakota, as shown by plat made by S. W. Genie,

Real Estate Surveyor, under date of April 22, 1966; said plat to be filed in

the office of the Register of Deeds in Pennington County, South Dakota.

Said Lot 8-2 contains 8.76 acres, more or less

Said Lot 11-2 contains 1.24 acres, more or less

The transfer of the above property is to include "CONTROLLED ACCESS" in accordance

with Chapter 25.09 of the 1960 Supplement to the South Dakota Code of 1939 and

amendments thereto. Access to be provided at Rurway Station 1000. Right and Left:

(West Bound Lane)

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

Dated this 15th day of July, 1965.

RECORDED INDEXED

The undersigned, known to me to be the person who described in, and who executed the within instrument,

and acknowledged to me that she executed the same.

My Commission expires 1-1-72.
BEULAH J. HULL and C. A. HULL, wife and husband, of
Pennington County, State of South Dakota, for and in consideration of ............................................................................................................. , for and in consideration of ............................................................................................................. , for and in consideration of ............................................................................................................. , for and in consideration of .............................................................................................................

One Dollar and other valuable consideration ..........................................................

GRANTS, CONVEYS AND WARRANTS to ..............................................................................

THE STATE OF SOUTH DAKOTA

grantes..... of Pierre, South Dakota, P.O., the following described
real estate in the County of Pennington in the State of South Dakota:
Lots H-2 and H-3 in the Phat Section 14, Township 1 South, Range 6 East of the Black Hills Meridian, Pennington County, South Dakota, as shown by plat made by S. W. Gentile, Registered Land Surveyor, under date of April 22, 1966, and filed in the office of the Register of Deeds, Pennington County, South Dakota, on August 2, 1966, in
Book 4 of Highway Plats, Page 147. Said Lot H-2 contains 0.74 acres, more or less, of which 0.22 acres, more or less, is section line
right of way. Said Lot H-3 contains 1.24 acres, more or less, of which 0.12 acre, more or less, is section line right of way.

The transfer of the above property is to include "CONTROLLED ACCESS"
in accordance with Chapter 28.09A of the 1950 Supplement to the South Dakota
Code of 1939 and amendments thereto. Access to be provided at Survey
Station 64+00, right and left. (West bound lane).

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

Said this 10th day of May, 1967.

RECORDED

INDEXED

State of South Dakota

County of Pennington

On this 10th day of May, in the year 1967, before me, Mary Jane Olson, a Notary Public within and for
said County and State, personally appeared BEULAH J. HULL and C. A. HULL, wife and husband,
and acknowledged to me that they executed the within instrument, and acknowledged to me that they executed the within instrument,
and acknowledged to me that they executed the within instrument.

Mary Jane Olson

Notary Public

No Commission expires 6-13-68

BOOK 155 PAGE 461
BURIED EXCHANGE FACILITY EASEMENT

The undersigned owner(s) of an interest in the real estate described below (hereinafter called "Owner") hereby grant(s) and convey(s) to NORTHWESTERN DELL TELEPHONE COMPANY, an Iowa corporation, its associated and allied corporations, its and their respective successors, assigns, lessees and agents (hereinafter called "Company"), in consideration of the sum of $500.00, Fifty and 00/100 Dollars received from the Company and of the premises stated below, a right of way and easement to construct, operate, maintain, replace and remove a communications system consisting of underground or surface wires, surface terminals, surface markers (at fixed points, if any) and easement for the Company's use and purposes across the following described real estate located in the County of Pennington, State of South Dakota.

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

The Company agrees to bury all cables and wires below plow depth in order to not interfere with ordinary cultivation of the land, and to pay for all damages to Owner's property arising from the Company's exercises of the rights herein granted, except as stated below: Exception (if any).

Signed this 8th day of July, 1976

OWNER:

WITNESSES:

[Signatures]

[Signatures]
BURIED INTER-EXCHANGE FACILITY EASEMENT

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

fifty

dollars, received from the Company, and of the premises stated below, a right of way and easement to the Company, its successors and assigns, to "strain, operate, maintain, replace, and repair all communications systems of the Company and from time to time require, consisting of underground tubing, wires, conduits, splicing boxes, and

wells, and surface lines, terminals and markers, together with the right of eminent domain for the purpose of exercising the rights herein granted, upon, under and across a strip of land one hundred feet wide situated within the following described real estate located in the County of

Pennington

State of South Dakota

S W 1/4 SW 1/4 Section 13

T 1 S

R 6 E

N W 1/4 NW 1/4 Section 24

T 1 S

R 6 E

together with the following rights: to place, maintain, and repair underground tubing and other construction, to the surface and subsurface of said strip and within

seven feet thereof; and to install poles and wires in any feasible manner and erect the

boundary of said one hundred foot strip shall be a line parallel to and

of the first cable laid, which cable shall have its location indicated on the surface markers or at intervals on the land of the Owner or an adjacent land. The Owner for

his

heirs, executors, administrators, successors and assigns, forever innocent

that no structure shall be erected or permitted on said strip.

The Company agrees to bury all cable and wires below ground in order not to interfere with ordinary cultivation of the land, and to pay for all damage to Owner's property arising from the Company's exercise of the rights herein granted, including, pipes, lines, poles, fences and all other structures and improvements, as the interests may appear, except as stated above: Exceptions (of any type)

Signed this 29 day of September, 1969

WITNESSES:

[Signature]

OWNER:

[Signature]

[Signature]
STATE OF __________________________
COUNTY OF __________________________

On this the __________________________ day of __________________________, 1957, before me, the undersigned officer,

______________________________________

personally appeared __________________________,

who acknowledged himself to be the President

of __________________________,

a corporation, and that he, as such, and by virtue of having authority to be, as such, subscribed the foregoing instrument for the purposes therein contained, by signing the same for the corporation by himself as President.

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

______________________________________

Notary Public

Name of Township: __________________________
Line Section: 6E
Secured by: __________________________
Post Office Address of Owner: 138 E. South Ave.
Registered: 7/27/57
Book No.: 7069
Page No.: 7265

RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDED
RECORDE
QUIT CLAIM DEED

ADMINISTRATION, SMALL BUSINESS ADMINISTRATION, an agency of the United States of America, grantor, for and in consideration of One Dollar ($1.00), and other good and valuable consideration, convey and grant unto the undersigned... (text continues)

The following described real estate, situate in the County of Pennington, in the State of South Dakota, subject to no encumbrances, being described as follows: that certain land, together with the improvements thereon located and situated in the City of Rapid City, Pennington County, South Dakota, described as follows: commencing at the southeast corner of the SW 1/4 of Sec. 1, T. 55 N., R. 110 W., of the Second Division, in the City of Rapid City, Pennington County, South Dakota, and running south along the south line of said Sec. 1 to the south line of the SW 1/4 of Sec. 2, T. 55 N., R. 110 W., of the Second Division, in the City of Rapid City, Pennington County, South Dakota, and thence west along the west line of said Sec. 2 to the west line of the SW 1/4 of Sec. 3, T. 55 N., R. 110 W., of the Second Division, in the City of Rapid City, Pennington County, South Dakota, and thence north along the north line of said Sec. 3 to the north line of the SW 1/4 of Sec. 4, T. 55 N., R. 110 W., of the Second Division, in the City of Rapid City, Pennington County, South Dakota, and thence east along the east line of said Sec. 4 to the beginning, containing approximately six (6) acres, more or less.

Dated this 29th day of March, 1990.

[Signature]

S. J. Admin., District Director

[Notary Public]

STATE OF SOUTH DAKOTA

COUNTY OF MINNOLAH

TRANSFER FEE PAID

EXEMPT FROM TRANSFER FEE

Before me, the undersigned Notary Public in and for said County and State, personally appeared Charles A. London, to be known to me as the person described in the foregoing instrument, and who, being duly sworn on oath, stated that he is the District Director of the Small Business Administration, of the District Office of said Small Business Administration, and that said instrument was executed by him for and on behalf of said Small Business Administration, pursuant to the provisions of Title 15, Chapter 29, Part 101, as amended, and he acknowledged said instrument to be his free and voluntary act and deed of said Small Business Administration.

Witness my hand and official seal this 29th day of March, 1990.

[Notary Public]

[Seal]

Commission Expires: 2-26-97
CORRECTIVE QUIT CLAIM DEED

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

The following described property:

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

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

Dated this 6th day of September, 1990.

SALM BUSINESS ADMINISTRATION

By

Chester B. Leedom
District Director

STATE OF SOUTH DAKOTA
SS:

TRANFER FEE PAID $

EXEMPT FROM TRANSFER FEE.

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

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

Beverly R. Walden
Rotary Public, Minnehaha County
South Dakota

My Commission Expires: 2-26-97

(Notarized Seal)
GENERAL INFORMATION:

REQUEST: MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 19-06: To amend an existing Planned Unit Development to allow for townhomes, apartments, and commercial businesses in accordance with Section 213 of the Pennington County Zoning Ordinance.

APPLICANT: Rockerville Gold Town, LLC (Pat Hall)

APPLICANT ADDRESS: 528 Kansas City Street, Ste. 5 Rapid City, SD 57701

AGENT: Brian Hammerbeck

AGENT ADDRESS: 528 Kansas City Street, Ste. 5 Rapid City, SD 57701

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

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

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

SIZE: 25.28 acres

EXISTING LAND USE: Residential

ZONING REFERENCE: Sections 205, 210, 213, and 508
Agenda Item #10
Rockerville Gold Town, LLC (Pat Hall); Brian Hammerbeck - Agent
February 10, 2020

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

SURROUNDING ZONING:
North
Low Density Residential District
General Commercial District
Highway Service District

South
General Commercial District
Highway Service District

East
General Commercial District
Planned Unit Development District

West
General Agriculture District

PHYSICAL CHARACTERISTICS: Flat

REPORT BY: Brittney Molitor

I. PROPOSED RECOMMENDATION
   A. Staff will be recommending approval of Major Planned Unit Development Amendment / PU 19-06 with conditions.

II. GENERAL DESCRIPTION
   A. The applicant, Patrick R. Hall, is proposing to amend the existing Planned Unit Development / PU 81-02 to allow mixed-uses that will include duplexes, triplexes or four-plexes, apartments and commercial businesses.
   B. This Major Planned Unit Development Amendment is part of the Rockerville Gold Town PUD, which includes PU 19-05 and PU 19-06.

III. EXISTING CONDITIONS
   A. The Planned Unit Development / PU 19-06 contains the following lots:
      1. TRACT B-1 of ROCKERVERILLE GHOST TOWN SUBD.
         a. Zoned Planned Unit Development.
         i. PUD 81-02 – To allow retail commercial condominiums.
         b. 1.18 acres.
         c. Lot contains:
            i. Storage warehouse – 30’ x 88’.
            ii. Built in 1940 per Department of Equalization (DOE) records.
         d. Access off of S. Rockerville Road through Lot 17.
         e. Right-of-Way Deed for a telephone line.
            i. SW¼SW¼ of Section 13.
            ii. Filed on April 12, 1939.
2. TRACT B-2 of ROCKERVILLE GHOST TOWN SUBD.
   a. Zoned Planned Unit Development.
      i. PUD 81-02 – To allow retail commercial condominiums.
   b. 1.25 acres.
   c. Vacant of any structures.
   d. Access off of S. Rockerville Road through Tract B-1.
   e. Right-of-Way Deed for a telephone line.
      i. SW¼SW¼ of Section 13.
      ii. Filed on April 12, 1939.
   f. Right-of-Way Easement for underground utilities.
      i. SW¼SW¼ of Section 13.
      ii. Filed on July 8, 1970.

3. LOT 17 of ROCKERVILLE GHOST TOWN SUBD.
   a. Zoned Planned Unit Development.
      i. PUD 81-02 – To allow retail commercial condominiums.
   b. 0.45 acres.
   c. Lot contains:
      i. Storage warehouse – 30’ x 88’.
      ii. Built in 1965 per DOE records.
   d. Access off of S. Rockerville Road through Tract B-1.
   e. Right-of-Way Deed for a telephone line.
      i. SW¼SW¼ of Section 13.
      ii. Filed on April 12, 1939.
   f. Right-of-Way Easement for underground utilities.
      i. SW¼SW¼ of Section 13.
      ii. Filed on July 8, 1970.

4. COMMON LOT B; LOTS 6-15 OF ROCKERVILLE GHOST TOWN SUBD
   a. Zoned Planned Unit Development
      i. PUD 81-02 – To allow retail commercial condominiums.
   b. 1.59 acres.
   c. Vacant of any structures.
   d. Access off of S. Rockerville Road and Main Street, Rockerville.
IV. PROPOSED USES ON PUD LOTS AS SUBMITTED BY THE APPLICANTS

A. Major Planned Unit Development Amendment / PU 19-06 - to amend an existing Planned Unit Development PU / 81-02 to allow for townhomes, apartments, and commercial businesses.

1. COMMON LOT B; LOTS 6-15 OF ROCKERVILLE GHOST TOWN SUBD
   a. Commercial uses allowed under Sections 209 and 210 of the Pennington County Zoning Ordinance (PCZO).

2. TRACT B-1 OF ROCKERVILLE GHOST TOWN SUBD
   a. One apartment complex.
   b. One multi-family dwelling unit.
   c. Community onsite wastewater treatment system.

3. TRACT B-2 OF ROCKERVILLE GHOST TOWN SUBD
   a. Two multi-family dwelling units.
   b. Community onsite wastewater treatment system.

4. LOT 17 OF ROCKERVILLE GHOST TOWN SUBD
   a. One apartment complex.
   b. Community onsite wastewater treatment system.

IX. REQUEST FOR COMMENT (See also PU 19-05)

A. County Highway

1. Stormwater runoff isn’t addressed with calculation for pre-development and post-development flows and must not exceed the pre-development flow, which may necessitate detention. A couple areas are shown but there is no explanation how it gets there and how it leaves the site. An engineering report is needed.

   a. Staff Comment: Calculations were provided to Staff indicating that the first phase will not exceed the 15% impervious area. However, the overall development will
require stormwater detention prior to phase 2 being implemented. At that time storm water detention must be implemented prior to approval of additional building permits.

B. County Ordinance Enforcement
   1. No Violations shown for these properties.

C. County 9-1-1
   1. Applicant will need to provide proposed new road names to 911 for review prior to final approval.
   2. Based on the documents provided, specifically Page 14 of the PDF, it appears seven new road names will be needed.

D. County Onsite Wastewater Specialist
   1. According to the USDA Web Soil Survey the soils are classified as “Somewhat to Very Limited” based on slow water movement and slope. More information on the specifics of the septic system is needed to determine the viability of the systems. It would also be recommended to look into utilizing small community systems.

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

G. County Natural Resource Director
   1. No objections.

H. United States Forest Service
   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 “Roads Open to Highway Legal Vehicles Only” and “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).

I. South Dakota Department of Transportation
   1. Pages 14 & 17 of 42 on the attached pdf appear to use highway ROW. SDDOT does not want to abandon this ramp or other highway ROW until a north-south connection is identified within the split of the US16 EB/WB lanes, as indicated in the attached email.
   2. Attached email: Although the use the off ramp is quite low (5 vehicles in the peak hour), SDDOT does not want to abandon this ramp or highway ROW until a north-south connection is identified within the split of the US16 EB/WB lanes.

X. PROPOSED ACCESS
   A. Access to the interior of the PUD properties (PU 19-05 and 19-06) will be via Highway 16 from exit ramps via Main Street and South Rockerville Road.
   B. Interior access to the individual multi-family dwellings and apartments will be via constructed roads and cul-de-sacs with the exception of one unit which will be provided access off of S. Rockerville Road.
   C. Access to commercial development will be via approaches of Main Street and S. Rockerville Road.

XI. WATER SUPPLY (For both PU 19-05 and PU 19-06)
   A. Property owner is allocated two (2) water rights.
         a. Estimated water use of 39.1 acre-feet per year.
         b. Priority date of June 6, 1953.
         c. Allocation of 40 gallons per minute for one well.
         d. Includes both commercial and residential use.
      2. Water Right 485-2.
         a. Estimated water use of 56.5 acre-feet per year.
         b. Priority date of May 1, 1954.
         c. Allocation of 30 gallons per minute from two (2) wells.
         d. Commercial use.
   B. Three (3) wells located in the PUD.
      1. Well #1
         a. Depth – 42 feet.
         b. Well production of 20+ gallons per minute.
         c. Nitrate – 0.166 milligrams per liter.
         d. E. coli – Absent.
2. Well #2
   a. Depth – 52 feet.
   b. Well production of 20+ gallons per minute.
   c. Nitrate – 0.255 milligrams per liter.
   d. E. coli – Absent.

3. Well #3
   a. Depth – 136 feet.
   b. Well production of 15 gallons per minute.
   c. Nitrate – 3.36 milligrams per liter.
   d. E. coli – Absent.

C. Preliminary water distribution system is in design phase and must obtain approval from SD DENR in accordance with South Dakota Administrative Rule 74:04:09:06.

XI. PROPOSED ONSITE WASTEWATER TREATMENT SYSTEM(s) (For both PU 19-05 and 19-06)
   A. SD DENR approval is required for a system serving more than one residence per Section 204-J of the PCZO.
   B. Preliminary percolation tests and soil profile hole information indicate that a conventional onsite wastewater treatment system may be approved.
   C. The applicant has submitted plans for mound systems in the event that percolation tests or soil profile hole information suggests that a conventional system cannot be installed.
   D. Onsite wastewater treatment systems will be installed in phases.

![Proposed mound system design](image)

XII. PARKING REQUIREMENTS
   A. Each unit will provide for parking through garages, driveways and carports.
   B. PCZO requires multi-family dwelling units have two spaces per dwelling unit for the first twenty units and one and a half spaces for each dwelling unit exceeding twenty units.
      1. Each unit will be provided at least two spaces per unit through the driveway and garage or carport for each individual unit.
2. Parking will be addressed at the time of Building Permit submittal.
3. Parking for commercial business and apartment buildings will be required per Section 310 of the PCZO and addressed at the time of Building Permit submittal.

XIII. OTHER UTILITIES
A. Electricity will be provided by Black Hills Electric Cooperative, Inc.
B. Natural gas will be provided with propane.
C. Internet and telephone line providers have not been determined.

XIV. ANALYSIS
A. Staff has performed a site visit on February 3, 2020 and observed the following:
   1. The sales model home was under construction (located in PU 19-05).
   2. Dirt work was being performed in accordance with Construction Permit / CP 19-12 (located in PU 19-05).
B. Surrounding land uses within one (1) mile include:
   1. A resort development that includes a general store, motel and cabins.
   2. A restaurant.
   3. A church.
   4. A motel.
   5. Residential dwelling units.
   6. A sawmill.

RECOMMENDATION: Staff is recommending approval of Planned Unit Development / PU 19-06 with the following conditions:

1. That the purpose of this Planned Unit Development be to allow a mixed-use development that includes up to three (3) multi-family dwelling units that include duplexes, triplexes, and four-plexes; two (2) three-story apartment complexes; and commercial businesses;

2. That the multi-family dwelling units be permitted to be utilized as a Vacation Home Rental provided all the requirements of Section 319 of the PCZO are met;

3. That the commercial businesses be limited to those uses permitted under Sections 209 (General Commercial District) and 210 (Highway Service District) of the PCZO;

4. That an Engineered Drainage Study is performed and approved by the County Drainage Engineer prior to the increase in the impervious area greater than 15 percent which includes the area located in both PU 19-05 and PU 19-06;
5. That the required setbacks for all structures be a minimum of 25 feet from all exterior property lines which includes front, side and rear yard setbacks and zero-foot (0) setbacks from the interior property lines, and a 58-foot setback from Section Lines or the Section Line Right-of-Ways be vacated;

6. That the interior access roads off of Rockerville Road and Main Street allow for two-way traffic, meet Ordinance 14 Standards and meet AASHTO Standards;

7. That the interior access roads be named and the street sign posted in accordance with Ordinance 20 prior to the issuance of Building Permits for residences or structures taking access off of the access roads;

8. That all onsite wastewater treatment systems designed and installed in accordance with Section 204-J of the PCZO and if a conventional onsite wastewater treatment system cannot be located on the property due to inadequate soils, an alternative system will be required. All onsite wastewater treatment systems must be reviewed and approved by the South Dakota Department of Environment and Natural Resources;

9. That all septic tanks be pumped every three (3) years and be inspected at the time of being pumped;

10. 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;

11. That a minimum of two (2) off-street parking spaces be provided for each unit in the multi-family dwelling unit. All off-street parking spaces on the site shall measure at least 9 feet by 18 feet, be surfaced with gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;

12. That parking for commercial business and apartment buildings be addressed at the time of Building Permit submittal, per Section 310 of the PCZO;

13. That a Building Permit be obtained for any structures 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;

14. That all roads be constructed to Local Road Standards which includes a minimum of a 24-foot wide driving surface or a Variance to the Subdivision Regulations is obtained;

15. That a Homeowner's Association be created for the care and maintenance of the "Common Areas";
16. That a Road District be formed for the care and maintenance of all roads;

17. That Pennington County’s Drainage Engineer and Pennington County’s Fire Administrator approve the central water system for the Planned Unit Development that will serve the water needs for the development and for water protection;

18. That the entire water system must be fully operational by the time the 4th Building Permit for a multi-family dwelling is submitted or when 25 people are residing in the PUD, which includes the area located in both PU 19-05 and PU 19-06; or prior to the issuance of a Commercial Building Permit;

19. That all roads be maintained in a dust free manner;

20. That all natural drainage ways be maintained;

21. That prior to the placement of any on-premise sign, the applicant must obtain a Sign Permit in accordance with Section 312 of the PCZO; and,

22. That Planned Unit Development / PUD 19-06, be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.
PLANNED UNIT DEVELOPMENT AMENDMENT
MAJOR

APPLICANT: Patrick R. Hall
MAILING ADDRESS: 528 Kansas City Street, Suite 5, Rapid City, SD 57701
AUTHORIZED AGENT: Brian Hammerbeck
MAILING ADDRESS: 528 Kansas City Street, Suite 5, Rapid City, SD 57701
PROPERTY OWNER: Rockerville Gold Town LLC
MAILING ADDRESS: 528 Kansas City Street, Suite 5, Rapid City, SD 57701

DAYTIME PHONE: 605-718-4000
DAYTIME PHONE: 605-718-4000
DAYTIME PHONE: 605-718-4000

LEGAL DESCRIPTION: Please see Planned Unit Development Application submitted on January 3, 2020.

ADDRESS OF PROPERTY(ies) INVOLVED: Please see Planned Unit Development Application submitted on January 3, 2020.

LANDMARK LOCATION: Please see Planned Unit Development Application submitted on January 3, 2020.

EXISTING LAND USE: Please see Planned Unit Development Application submitted on January 3, 2020.

PROPOSED PUD AMENDMENT(S): (use separate sheet of paper to describe project) Please see Planned Unit Development Application submitted on January 3, 2020.

SURROUNDING ZONING: NORTH SOUTH EAST WEST

PRIVATE: Septic Tank size: ___________ gallons Drainfield size: ___________ feet

Water Source: □ Well □ Cistern

THE OWNER, APPLICANT, OR AUTHORIZED AGENT, ACKNOWLEDGES: That he / she has read and received a copy of the instruction sheet and this application form concerning the filing and hearing of this matter; that he / she authorizes the Pennington County Planning Department staff and designees to enter onto and inspect the above described property; and, that he / she has been advised of the fee requirements and they have been paid on _________.

Signature of APPLICANT or AGENT: Signature of LANDOWNER:
(requires owner authorization)

DATE: January 22, 2020
DATE: January 22, 2020

Subscribed and sworn to before me this ______ day of January
Subscribed and sworn to before me this ______ day of January

Notary Public for the State of South Dakota
My Commission Expires: ______
Notary Public for the State of South Dakota
My Commission Expires: ______

4. DATE OF:
PLANNING COMMISSION HEARING: ______
LOCATION: County Commissioners’ Meeting Room
PLANNED UNIT DEVELOPMENT
MAJOR AMENDMENT CHECKLIST

The Application Fee for a Major Planned Unit Development Amendment is $400.00 PLUS $20.00 for the Mailing List and $50.00 for a refundable Sign Deposit.

INTENT OF MAJOR AMENDMENTS TO THE PLANNED UNIT DEVELOPMENT

Amendments to the Planned Unit Development (PUD) shall be considered Major, if there is a change in permitted uses, a modification to the PUD boundary, lots or structure heights, or a change in the provisions concerning reconfiguration of roads, parking areas, open space or density.

Please provide the following submittal materials:

1. A completed application form: signed and notarized by the applicant and the owner of the subject property and filed at least nineteen (19) days prior to a scheduled Planning Commission meeting. If application is not complete, staff reserves the right to deny the request to be placed on the Agenda.

2. Written narrative addressing changes to or provisions for any of the following:
   a. Characteristics of the PUD.
   b. Expected densities and land coverage.
   c. Number, type, and size of buildings, and/or units.
   d. Parking.
   e. Utility Services
   f. Type of all existing uses, including permitted uses, and uses permitted after Major Amendment to the PUD.

3. Ten (10) copies of a complete site plan, drawn to scale, with the following information:
   a. Name of the PUD.
   b. Legal Description.
   c. Property lines and dimensions of property.
   d. All easements and 100-year floodplain boundaries.
   e. Minimum and maximum square footage and/or number of units.
   f. Location of all existing on-site utilities.
   g. Location, dimensions, and types of existing buildings on the property and their distances from property lines.
   h. The right-of-way of any public road(s) that is contiguous to the property.

After submittal of all the application materials and the required fee, the applicant will be provided with a property owner list and Notice of Hearing letter. The Planning Office will prepare a list of names and addresses of those persons who own land within the entire PUD and land 500 feet outside of the PUD boundary. The Notice of Hearing letters must be mailed by the applicant, by certified mail, no less than ten (10) days prior to the date of the public hearing. The expense of notifying the surrounding property owners is the responsibility of the applicant.

A $50.00 deposit (refundable) is required for the sign, provided by the Planning Office, which advertises the request. This sign must be posted on the property in such a manner that it is visible from the road, which provides access to the property. The sign must be posted no less than ten (10) days prior to the date of the hearing and must remain posted until final action by the Planning Commission. The $50.00 deposit is refunded when the sign is returned within six (6) months of the County Board of Commissioners action.

Major Amendments are processed in the same manner as a new Planned Unit Development application. This requires a public hearing before the Planning Commission and review and approval by the County Board of Commissioners.
Exhibit A

Legal description:

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

and

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

and

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

and

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

Exhibit B

The parcels identified with Tax ID numbers: 19292, 19636, 19635, 19634, 19387, 19388, 19389, 19390, 19391, 19393, 19394 are currently zoned as Planned Unit Development. The parcels identified with TAX ID numbers: 46747, 46749 and 19292 are currently zoned as Highway Service. The proposed is to have all the property as a Planned Unit Development.
Exhibit B (Continued)
Current Zoning

Planned Unit Development

Highway Services
Exhibit B (Continued)
Proposed Zoning

Planned Unit Development
Item #2

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

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

Item #3

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

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

Item #4

Written narrative addressing provisions for any of the following:

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

b. Expected densities and land coverage.
   The landowner is expecting proposed densities of approximately one four-plex or three-plex or two-plex. The landowner is proposing to build apartment complexes. Attached Exhibit 4B.

c. Number, type and size of buildings, and/or units.
   The proposed plan is to build four-plex, three-plex, two-plex and apartment buildings in two phases. The apartments are proposed to be three stories, with units ranging from 500 to 950 square feet to include, studio, 1-bedroom and 2-bedroom. Attached Exhibit 4C is an artist rendering of the four-plex.
Item #4 (Continued)

d. Drainage pattern and drainage plan.

We will follow all requirements as outlined in South Dakota State Law 46-10A-20 and Pennington County PUD Zoning Requirements. We will provide a pre-development drainage and post-development drainage plan, beginning this plan when the PUD is approved by the County Commissioners.

In our first phase, consisting of approximately 5 acres, we anticipate approximately five 4-plex units. These five units will have roof surfaces of 6,200 square feet each or approximately 31,000 total square feet of roof. We are planning to use natural landscaping around the structures. The 31,000 square feet of roof surface represents 14% of the total land area in the anticipated first phase (31,000 sf / 217,800sf). We will work with Pennington County Planning and the State of SD regarding required drainage, retention areas, etc.

We feel a benefit of this PUD area that we have naturally sloping areas that have moved water to well-established drainage areas.

We have also identified in our site plan our designated general storm water collection areas, as shown on Exhibit 5A in blue. Their placement, size and design will be determined by the storm water engineer.

e. Parking.

The proposed residential parking for each unit will be provided through garages, driveways and carports. Any commercial area parking will be in designated parking lots.

f. Utility services.

Water - Per Eric Gronlund, Engineer III with SDDENR via email on 12/4/19, informed us that our proposed Rockerville Property PUD is vested with two water rights allowing 70 gallons per minute listed as follows:

Water Right 479-2:
This water right is from 1953 and carries a 40 gpm allocation from one well.
Item #4 (Continued)

Water Right 485-2:

This water right is from 1958 and carries at 30 gpm allocation from two wells.

These two water rights allocate us 100,800 gallons of water per day at full gpm water right usage (70 gpm x 60 minutes per hour x 24 hours), but our projected usage is significantly less at 26,250 (see below).

For design purposes, Brittney Molitor of the Pennington County Planning Department, suggested that a baseline for water usage per day would be 75 gallons per day per person and assuming 2 people per bedroom. This equates to 22,500 gallons of daily water usage (assuming 50 one-bedroom units and 50 two-bedroom units). The 22,500 gallons per day usage represents only 22% of our vested water rights (22,500 / 100,800).

We are also currently working on the preliminary water distribution system design. Upon approval of our PUD request, we will provide design and documentation to meet the requirements of water quality, water distribution, water testing and licensing as required by Pennington County and SDDENR. This includes South Dakota Administrative Rule 74:04:09:06. We are currently working with Mark MacIntire P.E. from SD DENR in Pierre and Erin Fagnan with SD DENR in Rapid City on the SD DENR requirements.

Sewer/Onsite Wastewater System - South Dakota Administrative Rule 74:53:01:37 allows a landowner to install a mound or evapotranspiration system. Our plan is to install multiple combination mound and evapotranspiration systems.

We estimate once the proposed Rockerville Property PUD is fully built and at full occupancy (100 units), the maximum daily on-site wastewater will be 26,250 gallons. The 26,250 gallons per day is based on maximum waste-water flow capacity requirements as outlined in South Dakota Administrative Rule 74:53:01:20 Table 2, calculated as follows (3.5 persons x 75 gallons per person x 100 units).

Our proposed PUD also includes options for commercial, apartment and other uses. Our primary plan is for fourplex, triplex and duplex type residential housing and our wastewater treatment is based on the fourplex, triplex and duplex type design. However, if the market dictates that commercial and apartment uses be utilized, we will use the same type mound system and applicable wastewater gallonage per day as allowed under the SD Administrative Rule identified above to comply with the wastewater requirements for each type of use.
We plan to build a mound system, which is a shallow wastewater dispersal system constructed partially above ground which uses plant evapotranspiration and soil absorption for final treatment of wastes as defined in SD Administrative Rule 74:53:01:01 subsection 34. We also expect our mound system to utilize evaporation as outlined in 74:53:01:01 subsection 22.

We plan to construct our mound systems in phases and each phase/system will be designed to handle a maximum of 7,500 gallons per day, as allowed under SD Administrative Rule 74:53:01:01 Article 56. By calculation, each mound system will absorb and evaporate the wastewater of a maximum of 28 units (28 units x 262.5 gallons per day = 7,350 gallons).

We anticipate the first phase of the our mound system to be 6,200 square feet to provide waste water treatment for the first 28 units (up to 7,500 gallons per day design), based upon the perk tests that have already been completed.

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

Natural Gas – will be provided by propane.

Internet/telephone lines – this will be determined.

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

There will be standard road signs for the developments. There may also be other signs as allowed as part of the various permitted uses within the PUD. Any billboards will be in accordance with section 312.
h. Types of all existing uses, including permitted uses.

The existing uses of this property include Highway Services and Planned Unit Development.
Exhibit 4A

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

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

1. Manufactured home, modular homes and site or stick built homes in compliance with Section 204-I.

2. Transportation and utility easements and rights-of-way.

3. Temporary buildings for uses incidental to construction work. These buildings shall be immediately adjacent to the construction work and shall be removed upon completion or abandonment of the construction work and shall require a temporary building permit. Temporary living quarters shall require an accessory building permit.

4. Home offices.

5. Community signs, outdoor advertising, signs and billboards in accordance with Section 312 Signs, Billboards and other Advertising Structures.

6. Telecommunication facilities in accordance with Section 316 – Telecommunications Facility.

7. Home occupations, in accordance with Section 204 – General District Provisions.

8. Parks, playgrounds, play fields and community centers.

9. Childcare centers and kindergartens.

10. Churches or similar places of worship.

11. Public service structures, such as fire stations, police stations and post offices.

12. Neighborhood commercial uses, as regulated in Section 302 – Neighborhood Commercial.

13. Multiple-family dwellings, including but not limited to Section 303 – Multiple Family Dwellings.

14. Lodge hall, Veterans organization and service organizations.

15. Seasonal cabin/dwelling.

16. Model home and sales office.

17. Manufactured homes, modular homes and site or stick-built homes not in compliance with Section 204 – General District Provisions.

18. Guest house, in accordance with Section 318 – Guest House.
19. Vacation home rental, in accordance with Section 319 – Vacation Home Rental.
20. Rooming and boarding houses.
22. Family and group care facilities.
23. Medical centers and/or dental clinics or office and hospitals.
24. Zero lot line or common wall dwellings. This will include zero lot lines of all of: lot 6, 7 – 8, 9, 10, 11 – 12, 13 – 14, 15, Rockerville Ghost Town Subdivision and the back lot line and the SW lot line of common lot B Rockerville Ghost Town Subdivision
25. Retail establishments, including incidental manufacturing of goods for sale at retail on the premises, when conducted entirely in an enclosed building.
26. The storage, display and sale of new, used, repossessed and traded-in merchandise, when conducted entirely in an enclosed building.
27. Barber and beauty shops and schools.
28. Hotels, motels, rooming and boarding houses.
29. Clubs and lounges.
30. Eating and drinking establishments, including drive-in eating establishments.
31. Offices, studious, clinic and laboratories.
32. Financial and credit institutes.
33. Bakeries.
34. Auditoriums, libraries, art galleries, museums and other cultural structures and activities and community centers.
35. Laboratories and establishments for production and repair of jewelry, eyeglasses, hearing aids and prosthetic appliances.
36. Commercial recreation and amusement structures and uses conducted entirely in an enclosed building, such as theaters, bowling alleys and poolrooms.
37. Public buildings and grounds other than elementary or high schools.
38. Service and repair establishments, including automobile service and repair, but excluding airplane and railroad establishments.
39. New and used motor vehicle sales, rental and repair, including trailers, boat sales, motorcycle sales and service and travel trailer sales.

40. New and used farm implement and machinery sales.

41. Accessory uses and structures on the same premises and clearly incidental to permitted uses or structures, including a dwelling unit for occupancy only by owners or caretakers.

42. Construction equipment sales.

43. Warehousing, wholesale and distribution establishments.

44. Kennels, catteries and animal hospitals.

45. Other general commercial uses, which, although they are not specified in this section due to omission or lack of technological development, in the opinion of the Commission, are not contrary to the intent of the general commercial district.

46. Souvenir, gift, jewelry, arts and crafts shops.

47. Retail businesses.


49. Commercial recreation and amusement structures and uses, including theaters, amusement parks, bowling alleys, ice and roller rinks, archery ranges and miniature golf.

50. Accessory uses and structures on the same premises and clearly incidental to permitted uses or structures, including a dwelling unit for occupancy only by owners and caretakers.

51. Auction house.

52. Other highway-orientated businesses which are not listed but which the Commission may determine meet the intent of the Highway Service District. This shall not be construed to include general commercial activities which more appropriately fit the General Commercial District.

53. Recreational vehicle parks, in accordance with Section 306 – Recreational Vehicle Parks.

54. Other uses, in accordance with Section 307 – Other Uses.
Item #5
Complete Site Plan

A. Site plan.
   Attached as Exhibit 5A.

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

C. Legal Description.
   Attached as Exhibit 5B.

D. Property lines and dimensions of the property.
   Attached as Exhibit 5C.

E. All easements and 100-year flood plain boundaries.
The easements are attached as Exhibits 5D. According to RapidMap.org, no part of the
   property is located in the 100-year flood plain.

F. All proposed streets and/or easements.
   All proposed streets are marked in Site Plan, Exhibit 5A.

G. Area to be conveyed, dedicated or reserved as common areas, including parks, schools and other
   public buildings.
The area that will be designed as the proposed common area is marked in green on Exhibit 5A.

H. Proof that all parks and open spaces will be dedicated to a Homeowner’s Association.
The landowner will utilize a Home Owners Association and will provide documentation as
   required.

I. Internal traffic and circulations system, off-street parking, service areas, loading area and points of
   access to public right-of-ways.
   Main Street, Highway 16 and South Rockerville Road, as per attached Exhibit 5E.

J. Minimum and maximum square footage and/or number of units.
   This is proposed minimum is 800 square feet and the maximum is 1,600 square feet.

K. Location of all existing on-site utilities.
   On-site utilities are marked in red on attached Exhibit 5F.

L. Location, dimensions and types of existing buildings on the property and their distances from the
   property lines.
   Rental home could possibly stay, all other buildings will be torn down.

M. The right-of-way of any public road(s) that is contiguous to the property.
   Roads and right-of-way are marked in blue, as per attached Exhibit 5E.
Exhibit 5B

Legal Description

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

and

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

and

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

and

That portion of the Southeast Quarter of the Southeast Quarter (SE1/4SE1/4) of Section 14, Township 1 South, Range 6 East of the Black Hills Meridian, Pennington County, South Dakota, lying south and east of the westbound lane of U.S. Highway No. 16, said lane shown as Lot H-2 in Highway Plat Book 4, Page 187; EXCEPTING therefrom Lot 1, as shown on the plat filed in Plat Book 3, Page 139; and EXCEPTING therefrom Lot H-1, as shown on the plat filed in Highway Plat Book 2, Page 8; and EXCEPTING therefrom Lot H-3, as shown on the plat filed in Highway Plat Book 4, page 187.
Exhibit 5D
Easements
FIELD NOTES:

Beginning at Cor N', from which the section corner commences to Sec 13-14, 23'24 1/3 feet bears East 86°, distant, hence Cor N', N 30'15" W, 230' to Cor N', on S.W.1/4

" 2. S 39'45" E, 39'4" = 396.9'

" 3. East 456" = 1 and place of beginning, enclosing 10.648

STATE OF MINNESOTA

COUNTY OF HENNSIN

I, Beulah Mikkelsen, do hereby certify that I am the owner of the SE1/4, SE1/4 of Sec 14, T15S, R36E, R.M., and that I authorized the survey and plat of Lot 1 as here shown.

" Beulah Mikkelsen

SURVEYED BY: C. L. W. BETYER

SIGNED, sworn and testified before me a notary public in and for above county and state. This 29th day of March, 1939.

My commission expires 1943.

STATE OF SOUTH DAKOTA

COUNTY OF PENNINGTON

I, Stein Bandz, registered engineer, do hereby certify that being so authorized, I made the survey and plat of Lot 1 of the SE1/4, SE1/4 of Sec 14, T15S, R36E, R.M., and same is correctly shown.

Stein Bandz, registered engineer

Signed and sworn to before me this 30th day of March, 1939.

Notary Public
PLAT OF LOT 1/2 SE 1/4 - SE 1/4 - M - 1-6
Sharing Right of Way to be acquired for highway purposes

SE 1/4 of the SE 1/4 of Sec. 15 - T3 S R6 E BHM
for construction of Federal Aid Project No. 266-A
PENNINGTON COUNTY, S. DAK.

Scale: 1" = 300'

LOT H1-SEW - SEW - 1/4 - 15-6
Containing 2.25 Acres or less

CERTIFICATE OF SURVEY

I, the undersigned Land Surveyor, do hereby certify that of the land or tract of land represented as shown on the above plat and such tract shall be measured, located, and described as hereinafter described, in accordance with the provisions of the plat

Surveyor's Seal

CERTIFICATE OF OWNER

The above plat and survey have been approved and adopted by the

Owner:

CERTIFICATE OF ACKNOWLEDGMENT

I, the undersigned, do hereby acknowledge that the above plat and survey are correctly drawn and that the same is in accordance with the laws of the State of South Dakota.

Acknowledged:

 SEAL

OFFICE OF REGISTERED SEAL

State of South Dakota

Seal

PL 2
Page B
RIGHT-OF-WAY DEED
(Telephone Line)

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

S.W1/4 Section 13, and S.E1/4 Section 14, T. 1 S., R. 6 E., B.H.M. Said right of way hereby granted is more particularly described as follows, to-wit: Beginning at a point on the west boundary of the S.E1/4 Section 14, T. 1 S., R. 6 E., B.H.M., from which point the southwest corner of the S.E1/4 S.E1/4 of said Section 14 bears due south 55 feet, and extending thence north 60 degrees east 2415 feet to a point from which the section corner common to Sections 13, 14, 23 and 24 of said township bears south 60 degrees west 846 feet to intersection with the section line common to said Sections 13 and 14, thence due south 830 feet, together with all and singular the rights and privileges thereunto belonging or in any wise appertaining.

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

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

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

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

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

Acknowledged Mar. 9, 1939.
Filed April 12, 1939 at 1:30 P.M.
Recorded in Book 27 page 531 of Misc. Records.
WARRANTY OF Real Estate

PLATE 1

BOOK 151, PAGE 55

GRANTOR

Pennington

County: State of South Dakota

GRANTEE

Pierre, South Dakota

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

Lots II-2 and II-3 in the 3% Sec of Section 14, Township 1 South, Range 8 West of the 3rd Meridian, in Pennington County, South Dakota, as shown by plat made by S. W. Canfield,
Registered Land Surveyor, under date of April 22, 1966; said plat to be filed in the office of the Register of Deeds in Pennington County, South Dakota.

Said Lot II-2 contains 0.72 acres, more or less.

Said Lot II-3 contains 1.24 acres, more or less.

The transfer of the above property is to include "CONTROLLED ACCESS" in accordance with Chapter 28, 69A of the 1960 Supplement to the South Dakota Code of 1939 and amendments thereto. Access to be provided at Survey Station 40314.41. Right of Way.
(Next Bound Lane)

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

Dated this 7th day of June, 1966.

RECORDED INDEXED 2-4-1967

COUNTY OF PENNINGTON

RECORD

RECEIVED THE 20TH DAY OF AUGUST, 1967, AND DUE TO RECORDED AT 10:24 A.M.

REGISTRAR OF DEEDS

In the year 1966, before me, a Notary Public within and for said County and State, personally appeared

F. F. Coyle, a Notary Public, who said County and State, known to me to be the person who described in, and who executed the within instrument, and acknowledged to me that he or she executed the same.

My Commission expires 12-17-76.
BEULAH J. HULL and C. A. Hull, wife and husband

WARRANTY DEED—State Form 1692

Pennington County, State of South Dakota

for and in consideration of

One dollar and other valued consideration

GRANTS, CONVEYS AND WARRANTS to

THE STATE OF SOUTH DAKOTA

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

Lots H-2 and H-3 in the ESWK of Section 14, Township 1 South, Range 6 East of the Black Hills Meridian, Pennington County, South Dakota, as shown by plat made by S. M. Gentle, Registered Land Surveyor,

under date of April 22, 1966, and filed in the office of the Register of Deeds, Pennington County, South Dakota, on August 2, 1966, in

Book 4 of Highway Plats, page 197. Said Lot H-2 contains 0.74 acres, more or less, of which 0.22 acres more or less is section line, right of way. Said Lot H-3 contains 1.24 acres, more or less, of which 0.12 acre more or less is section line, right of way.

The transfer of the above property is to include "CONTROLLED ACCESS" in accordance with Chapter 28.09A of the 1960 Supplement to the South Dakota Code of 1939 and amendments thereto. Access to be provided at Survey Station 84+00, right and left, (West bound lane).

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

State of South Dakota

County of Pennington

On this 30th day of May, in the year 1967, before me, Mary Jane Olson, a Notary Public within and for said County and State, personally appeared BEULAH J. HULL and C. A. HULL, wife and husband, and acknowledged to me that they executed the above instrument and acknowledged to me that they executed the same.

Notary Public

Re-Commission expires 6-13-69
BURIED EXCHANGE FACILITY EASEMENT

The undersigned owners of an interest in the real estate described below (hereinafter called "Owner") hereby grant(s) and convey(s) to NORTHWESTERN Bell TELEPHONE COMPANY, its successors, its assigned and allied companies, and their respective successors, assigns, lessees and agents (hereinafter called "Company"); in consideration of the sum of $50.00

Fifty and 0/100

received from the Company and of the owners, their assigns, a right to use and maintain in any street, operate, maintain, repair, and replace a common exchange facility consisting of electric cable or wires, conduit terminals, surface markers (not used lines, if any) and associated equipment, together with the right of access thereto for the purpose of exercising the rights herein granted, except as shall be herein excepted (Wamp)

across the following described real estate located in the County of, State of South Dakota.

SW1/4 of SW1/4 of Section 13, T-10-N, R-22-E
SW1/4 of NW1/4 of Section 24, T-10-N, R-22-E

The Company agrees to bury all cables and wires below plow depth in order to not interfere with ordinary cultivation of the land, and to pay for all damage to Owner's property arising from the Company's exercise of the rights herein granted, except as shall be herein excepted.

Signed this 4th day of July, 19__

WITNESSES:

OWNER:

[Signature]

[Signature]
STATE OF
COUNTY OF

On the _day of_ _19__ before me, the undersigned officer, personally appeared
who acknowledged himself to be the
of __________, a corporation,
and that he, as such, is authorized
as to do execute the foregoing instrument for the purposes therein contained, by signing the name
of the corporation by himself as______________________________

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

Notary Public

[Notary Public Seal]

[Diagram of Land and boundaries]
BURIED INTER-EXCHANGE FACILITY EASEMENT

The undersigned owner(s) of an interest in the real estate described below (hereinafter referred to as "Owner") hereby grant(s) and convey(s) to NORTHWESTERN Bell TELEPHONE COMPANY, an Iowa corporation, its associated and allied companies, its and their respective successors, assigns and agents (hereinafter referred to as "Company"), in consideration of the sum of five dollars ($5.00), the following described real estate located in the County

State of South Dakota:

SW 1/4 SW 1/4 Section 13 T 13 S 66 E

SW 1/4 NW 1/4 Section 24 T 13 S 66 E

together with the following rights: to place, maintain and operate underground and surface wire, cable, line, and any similar facilities, and to construct, operate, maintain, replace, and remove such communications systems on the Company's behalf from time to time require, consisting of underground wire, cable, line, and similar facilities, and surface wire, cable, line, and similar facilities, together with the right of ingress and egress for the purpose of exercising the rights herein granted, over, under and across a strip of land

on and wide within the following described real estate located in the County

State of South Dakota:

SW 1/4 SW 1/4 Section 13 T 13 S 66 E

SW 1/4 NW 1/4 Section 24 T 13 S 66 E

together with the following rights: to place underground and surface wire, and over and under trees, roots, brush and other obstructions from the surface and plantations or lines erected and hereafter erected, except as herein provided; and, to install poles and poles in any future planting or strip. The strip of land having an area to the boundary of said one-foot strip shall be a line parallel to and of the first cable laid, which cable shall have at any time indications on the surface and shall be at least as wide as the land of the Owner or the adjacent Owner(s) that no structure shall be erected or permitted on said strip.

The Company agrees to bury all cable and wire below pipe depth in order to be interfered with ordinary cultivation of the land, and to pay for all damages to Owner's property arising from the Company's exercise of the rights herein granted, including, but not limited to, trees, brush and vegetation and improvements, as the interests may appear, always to point below: Exceptions (427 and 428)

Signed this 29 day of September 1969

WITNESSES:

[Signatures]

OWNER:

[Signatures]
STATE OF ____________

COUNTY OF ____________

On this the ___ day of ____________, 19__, before me, ___ the undersigned officer, 

personally appeared ____________, who acknowledged himself to be the President of ____________, a corporation, and that he, as such President, acknowledged the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as President.


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

________________________________________________________

Notary Public

STATE OF ____________

COUNTY OF ____________

On this the __ day of ____________, 19__, before me, ___ the undersigned officer, 

personally appeared ____________, who acknowledged himself to be the President of ____________, a corporation, and that he, as such President, acknowledged the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as President.


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

________________________________________________________

Notary Public

Name of Township: ______________ 
Legal Section: _____________
Secured by: ________________

Post Office Address of Owner: ________________

Reg.A.T.R. 72-65

Recorded 10/18/12

RECORDED INDEXED ____________

STATE OF SOUTH DAKOTA, COUNTY OF PENNINGTON

Ref. No. 103-1

Reg.A.T.R. 72-65

10518

10518
QUIT CLAIM DEED

ADMINISTRATOR, SMALL BUSINESS ADMINISTRATION, an agency of the United States of America, appointed to receive in consideration of one dollar ($1.00), and other good and valuable considerations, conveyed and quitclaimed to Ellies, Moore and Christine B. Wintz, all inhabiting the City, State of South Dakota, the following described real estate in the County of Pennington in the State of South Dakota, subject to assessment permitting that access reasonably necessary for fire protection from said Blockville to Keystone Road to the following described property, which is the Remainder and the Undeveloped Land and those other parts being part of the North Half of Section Twenty-Four (24) Township Twelve (12) North, Range Six (6) East, in Pennington County, South Dakota, which is the Remainder and the Undeveloped Land and those other parts being part of the Remainder and the Undeveloped Land and those other parts being part of the North Half of Section Twenty-Four (24) Township Twelve (12) North, Range Six (6) East, in Pennington County, South Dakota. (The Remainder and the Undeveloped Land and those other parts). The following described property:

The portion of the North Half of the South Half of the Tangent Half of the Southeast Quarter (SE/4) of the Northeast Quarter (NE/4) of the Northeast Quarter (NE/4) of the Southeast Quarter (SE/4) of the North Half of the South Half of Section Twenty-Four (24) Township Twelve (12) North, Range Six (6) East, in Pennington County, South Dakota, being part of the Remainder and the Undeveloped Land and those other parts.

DATED this 29th day of March, 1990.

By: [Signature]

SIGNED, SEAL ED
[Seal]

STATE OF SOUTH DAKOTA
COUNTY OF MINNEHAKA

TRANSFER FEE PAID
EXEMPT FROM TRANSFER FEE

Before me, the undersigned Notary Public, in and for said County and State, having been duly sworn to the faithful discharge of the duties of my office, do hereby certify that the foregoing instrument was executed by him for and on behalf of said Small Business Administration, pursuant to delegation of authority No. 13-05-101, as amended, and he acknowledges said instrument to be true and executed and does of said Small Business Administration.

Witness my hand and official seal this 29th day of March, 1990.

[Notary Public]
[Seal]

Commission Expires: 2-26-97
CORRECTIVE QUIT CLAIM DEED

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

The following described property:

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

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

Dated this 6th day of September, 1990.

By

SIGNED

CHESTER R. LEECH
District Director

STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA

☐ TRANSFER FEE PAID $_____

☐ EXEMPT FROM TRANSFER FEE

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

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

Notary Public, Minnehaha County
South Dakota

My Commission Expires: 2-26-97

(Notary Seal)
STAFF REPORT

GENERAL INFORMATION:

REQUEST: 

CONSTRUCTION PERMIT / CP 20-02: To allow topsoil / asphalt milling stockpiles and to crush asphalt on the subject property.

APPLICANT: 

RCS Construction

APPLICANT ADDRESS: 

P.O. Box 9337, Rapid City, SD 57709

LANDOWNER: 

K Lazy M Ranch / Donald Konechne

LANDOWNER ADDRESS: 

5800 Deadwood Avenue, Rapid City, SD 57701

LEGAL DESCRIPTION: 

N1/2 Less ROW, Less Tract in NW1/4NW1/4, Less Lot H1 in SE1/4NE1/4, and Less Lot H1 in NE1/4NE1/4, Section 16, T2N, R7E, BHM, Pennington County, South Dakota.

SITE LOCATION: 

North of intersection of Calamity Road and Deadwood Avenue North.

TAX ID: 

14645

SIZE: 

297.06 acres

EXISTING LAND USE: 

Agriculture

ZONING REFERENCE: 

Sections 205, 206, 507-A

CURRENT ZONING: 

General Agriculture District

Limited Agriculture District

SURROUNDING ZONING: 

North 

General Agriculture District

South

Limited Agriculture District

City Limits of Rapid City

East

General Agriculture District

General Agriculture District

West

Planned Unit Development District

Suburban Residential District
I. PROPOSED RECOMMENDATION
   A. Staff will be recommending that the Planning Director approve Construction Permit / CP 20-02 with conditions.

II. GENERAL DESCRIPTION
   A. The applicant, RCS Construction, has requested a Construction Permit to allow topsoil / asphalt milling stockpiles and to crush asphalt on the subject property.

   ![Site Map (Submitted by applicant)]
III. EXISTING CONDITIONS
   A. General Agriculture District and Limited Agriculture District
      1. The work is to be done within the area that is zoned General Agriculture District.
   B. 297.06 acres.
   C. Special Flood Hazard Area.
      1. 100-year flood.
   D. Vacant of any structures.
   E. Violation for dirt work exceeding 10,000 square feet without a Construction Permit (COEV19-0079).

IV. REQUEST FOR COMMENT
   A. County Highway Department
      1. The applicant should be aware that Deadwood Avenue is Planned for reconstruction and access may be from the north at times.
   B. County Environmental Planner
      1. There is Special Flood Hazard Area located on the subject property.
      3. Site must be revegetated in accordance with Section 507 of the PCZO.
   C. County Ordinance Enforcement
      1. CO Environmental Violation on this property for dirt work exceeding 10,000 Sq. Ft.
   D. County Natural Resources Director
      1. No objections.
   E. Emergency Services 9-1-1
      1. 911 is good with the proposed work as long as a valid physical address is assigned and posted in accordance with Penn Co Ord. #20 not only for this work but for the site as it appears work will continue long term.
   F. Rapid City Community Development
      1. The City’s Future Land Use Plan identifies the appropriate use of the property as Light Industrial with the exception of the area identified within the 100-year floodplain. This area is identified as a future greenway/floodplain conservation designation. Since a portion of the property is located within the 100 year federally designated floodplain, a floodplain development permit will be required.
      2. The City’s Major Street Plan identifies S.D. Highway 79 as a principal arterial street. In addition, a proposed east to west minor
arterial street and a proposed north to south collector street are shown to extend through the property upon future development. Any use of the property must be designed to ensure that it does not create conflict with the Major Street Plan.

G. South Dakota Department of Transportation
   1. No comments.

H. Black Hills Electric
   1. No concerns.

V. ANALYSIS

A. November 22, 2019 — While on a site visit for another property, Staff observed stockpiles on the subject property.
   1. Staff sent a violation letter to the property owner.
      a. Staff was contacted by the property owner after receiving the violation letter and stated:
         i. RCS Construction has stockpiles and crushed asphalt on the property.

B. Staff concluded that the work would require a Construction Permit, Conditional Use Permit, and a Floodplain Development Permit.

C. December 11, 2019 - Staff performed a site visit and found:
   1. Stockpiles of topsoil and asphalt millings.
   2. Trailers were located on site.
   3. A crusher was located on site.

D. December 23, 2019 – Staff sent a certified letter to RCS Construction and the property owner stating that a Construction Permit, Conditional Use Permit, and a Floodplain Development Permit would be needed.
E. December 30, 2019 – Staff had a meeting with the applicants to discuss the violation on the subject property.
   1. The applicant stated that a previous company had used the site before them and did not know that the proper Permits had not been obtained.

F. January 15, 2020 – The applicant submitted applications for a Construction Permit, a Conditional Use Permit, and a Floodplain Development Permit and paid applicable penalty fees.

G. The stock piles will have a total size of just under an acre.

H. The work is within the Special Flood Hazard Area.
   1. The applicant submitted Floodplain Development Permit / FP 20-01.

I. Conditional Use Permit / CU 20-01 for the subject property.
   1. To allow for a contractor’s storage yard and to crush asphalt.

J. The site has existing berms to control stormwater runoff.

K. At the time of this staff report, Staff has not received any comments or concerns regarding Conditional Use Permit / CU 20-01.

RECOMMENDATION: Staff recommends that the Planning Director approve Construction Permit with the following conditions:

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

2. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;

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

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

5. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;

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

7. That failure of the owner or designee to submit Inspection Reports, as required, shall result in the immediate issuance of a Stop Work Order and a review by the Planning Commission to determine if all Conditions of Approval are being met;
8. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;

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

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

11. That the applicant signs a Statement of Understanding within ten (10) business days of approval of Construction Permit / CP 20-02; and,

12. That this Construction Permit be reviewed in one (1) year, or on a complaint basis, or as directed by the Planning Commission and/or the Board of Commissioners to verify that all Conditions of Approval are being met.
Konechoe Storage Yard

RCS Construction
Topsoil/Millings Storage
N1/2 Sec 16 Twp2NR7E

Legend

- Access Road
- Berm/Erosion Control
- Stockpile - .48 Acres

Google Earth
© 2019 Google
1000 ft