AGENDA
PENNINGTON COUNTY PLANNING COMMISSION
February 24, 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 March 3, 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 FEBRUARY 10, 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 13-24: Dutch and Cerise VanLuven. To review the transfer of a Vacation Home Rental in a General Agriculture District in accordance with Sections 205, 319, and 510 of the Pennington County Zoning Ordinance.

PT Sherman Placer #821 Lot A, Sherman Placer MS 821, Section 30, T1S, R5E, BHM, Pennington County, South Dakota.

To recommend approval of the transfer of Conditional Use Permit / CU 13-24 with conditions.

4. CONDITIONAL USE PERMIT REVIEW / CU 14-28: Matt Cavenee. To review the transfer of a Vacation Home Rental in a General Agriculture District in accordance with Sections 205, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 1, Custer Trails Subdivision #1, Section 22, T1N, R5E, BHM, Pennington County, South Dakota.

To recommend approval of the transfer of Conditional Use Permit / CU 14-28 with conditions.
5. **CONDITIONAL USE PERMIT AMENDMENT REVIEW / CU 15-01**: Sheri Tonner. To review an existing single-wide mobile home to be used as a permanent single-family residence on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

E1/2SW1/4NE1/4; E1/2W1/2SW1/4NE1/4; W1/2W1/2SE1/4 NE1/4; S1/2SE1/4 NW1/4NE1/4; SE1/4SW1/4NW1/4NE1/4; SW1/4SW1/4NE1/4 NE1/4, Section 16, T1S, R7E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit Amendment / CU 15-01 with conditions.

6. **CONDITIONAL USE PERMIT / CU 20-02**: Sonquist, LLC; Rob Hammerquist. To allow an existing residence to be used as a Vacation Home Rental in a Low Density Residential District in accordance with Sections 207, 319, and 510 of the Pennington County Zoning Ordinance.

Lot H, Sonquist Acres Subdivision, Section 6, T1N, R6E, BHM, Pennington County, South Dakota.

To recommend approval of Conditional Use Permit / CU 20-02 with conditions.

7. **CONDITIONAL USE PERMIT / CU 20-03**: Scott and Janice Harris. To allow a multi-family dwelling in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lots 2-3 of Lot 5, Block 9, Eastern Acres Subdivision, Section 11, T1N, R8E, BHM, Pennington County, South Dakota.

To recommend approval of Conditional Use Permit / CU 20-03 with conditions.

8. **MINING PERMIT / MP 20-02**: Pennington County Highway Department. To excavate clay to be hauled off site.

Lot 2-4; SE1/4NW1/4, SW1/4NE1/4, W1/2SE1/4, E1/2SW1/4, Section 18, T1S, R7E, BHM, Pennington County, South Dakota.

To recommend approval of Mining Permit / MP 20-02 with conditions.

9. **MINING PERMIT / MP 20-03**: Pennington County Highway Department. To excavate and crush gravel to be hauled off site.

All Less PT HES #508, Section 21, T2N, R2E, and All Less PT HES #604, Section 28, T2N, R2E, BHM, Pennington County, South Dakota.

To recommend approval of Mining Permit / MP 20-03 with conditions.

**END OF CONSENT AGENDA**
10. **CONDITIONAL USE PERMIT / CU 20-04:** School House, LLC; Jessica Ginger – Agent. To allow an existing residence to be used as a Vacation Home Rental in a Low Density Residential District in accordance with Sections 207, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 2A (also in Section 6), Block 1, Spring Canyon Estates, Section 5, T1S, R7E, BHM, Pennington County, South Dakota.

11. **LAYOUT PLAN / LPL 20-02:** Gorden and Jennifer Sabo. To subdivide and create Lots 1, 2, and 3 of Hideaway Hills Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: E1/2NE1/4; NE1/4SE1/4; NW1/4SE1/4, Section 8, T2S, R7E, BHM, Pennington County, South Dakota.

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

12. **REZONE / RZ 20-01:** Gorden and Jennifer Sabo. To rezone 10.05 acres from General Agriculture District to Limited Agriculture District in accordance with Sections 205, 206, and 508 of the Pennington County Zoning Ordinance.

Commencing at the East 1/4 corner of Section 8, T2S, R7E, BHM, Pennington County, South Dakota; THENCE (1) With the east line of said Section 8, South 01°57'40" West, 766.30 feet to the point of beginning; THENCE (2) Continuing with said east line, South 01°57'40" West, 564.87 feet; THENCE (3) Leaving said east line, North 87°46'47" West, 774.65 feet; THENCE (4) North 01°56'55" East, 564.94 feet; THENCE (4) South 87°46'28" East, 774.77 feet to the point of beginning. Said parcel contains 10.05 acres more or less. Section 8, T2S, R7E, BHM, Pennington County, South Dakota.

13. **PUBLIC HEARING ON AMENDMENT OF PENNINGTON COUNTY COMPREHENSIVE PLAN - ORDINANCE AMENDMENT / OA 19-01:** Pennington County. Comprehensive Plan “View to 2040” to amend and supersede Pennington County’s existing Comprehensive Plan.

**CONSTRUCTION PERMIT AGENDA**

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

14. **CONSTRUCTION PERMIT / CP 20-03:** Pennington County Highway Department. To excavate, grade, stockpile, and reclamation work associated with mining activities.

Lot 2-4; SE1/4NW1/4, SW1/4NE1/4, W1/2SE1/4, E1/2SW1/4, Section 18, T1S, R7E, BHM, Pennington County, South Dakota.
15. **CONSTRUCTION PERMIT / CP 20-04**: Pennington County Highway Department. To excavate, grade, stockpile, and reclamation work associated with mining activities.

All Less PT HES #508, Section 21, T2N, R2E, and All Less PT HES #604, Section 28, T2N, R2E, BHM, Pennington County, South Dakota.

16. **COUNTY BOARD REPORT**
The Board of Commissioners concurred with the Planning Commission’s recommendations from the February 10, 2020, Planning Commission meeting.

17. **ITEMS FROM THE PUBLIC**

18. **ITEMS FROM THE STAFF**

19. **ITEMS FROM THE MEMBERSHIP**

20. **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  
February 10, 2020 @ 9:00 a.m.  
County Commissioners’ Meeting Room - Pennington County Administration Building  


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

ROLL CALL  
1. APPROVAL OF THE JANUARY 27, 2020, MINUTES  
Moved by Johnson and seconded by Lasseter to approve the Minutes of the January 27, 2020, Planning Commission meeting, with a correction on Item #11 (page 9) to indicate the Motion carried 6 to 0. Vote: unanimous 7 to 0.  

2. APPROVAL OF THE AGENDA  
Moved by Lasseter and seconded by Runde to approve the Agenda of the February 10, 2020, Planning Commission meeting. Vote: unanimous 7 to 0.  

Moved by Lasseter and seconded by Rossknecht to approve the Consent Agenda of the February 10, 2020, Planning Commission meeting, with the removal of Items #4 and #6. Vote: unanimous 7 to 0.  

CONSENT AGENDA  

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

3. CONDITIONAL USE PERMIT REVIEW / CU 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 approve 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 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.

Vote: unanimous 7 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.

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

To approve 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.

Vote: unanimous 7 to 0.

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 the following (six) 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.

Vote: unanimous 7 to 0.

END OF CONSENT AGENDA
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.

Chairman Marsh asked that this Item be removed from the Consent Agenda for discussion, per a member of the public.

Staff recommended approval of 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.

Discussion followed.

Moved by Rossknecht and seconded by Runde to approve of the extension of Conditional Use Permit / CU 15-25, with an amendment to the language in Condition #16, with seventeen (17) conditions.

Discussion further followed.

SUBSTITUTE MOTION: Moved by Rivers and seconded by Johnson to approve of 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;
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;

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,

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.

All voting aye, the Motion carried 7 to 0.

**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.

Chairman Marsh asked that this Item be removed from the Consent Agenda for discussion.

Staff recommended approval of Conditional Use Permit / CU 20-01 with the following nine (9) 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.

Discussion followed.

Moved by Lasseter and seconded by Rivers to approve of Conditional Use Permit / CU 20-01 with the following ten (10) 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 an approved Floodplain Development Permit is obtained within 30 days of approval of the Conditional Use Permit;

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

9. 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,

10. 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.

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

Molitor reviewed the Staff Report indicating the applicant has applied to rezone 20.8 acres from Highway Service District and General Agriculture District to a Planned Unit Development.

Staff recommended approval of Planned Unit Development / PU 19-05 rezone 20.8 acres from Highway Service District and General Agriculture District to a Planned Unit Development with the following twenty-two (22) 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.

Discussion followed.

Commissioner Rossknecht left the meeting at 10:34 a.m.
Commissioner Rossknecht returned to the meeting at 10:35 a.m.

Moved by Travis and seconded by Runde to approve of Planned Unit Development / PU 19-05 to rezone 20.8 acres from Highway Service District and General Agriculture District to a Planned Unit Development with the following twenty-three (23) conditions:

1. That the purpose of this Planned Unit Development be to allow a mixed-use development that includes up to thirty-two (32) multi-family dwelling units that include duplexes, triplexes, and four-plexes; and neighborhood 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 neighborhood commercial businesses as allowed in Section 302 of the PCZO;

4. That an Engineered Drainage Study is performed by the applicant’s engineer 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 fire 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;

22. That a Sanitary District is formed for the care and maintenance of the sewer and water systems; and,

23. 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.

All voting aye, the Motion carried 7 to 0.

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.

Molitor reviewed the Staff Report indicating the applicant has applied to amend the Comprehensive Plan to change the Future Land Use from Highway Service District to a Planned Unit Development District.

Staff recommended approval of Comprehensive Plan Amendment / CA 20-01.

Discussion followed.

Moved by Runde and seconded by Rossknecht to approve of Comprehensive Plan Amendment / CA 20-01.

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

Molitor reviewed the Staff Report indicating the applicant has applied for a Major Planned Unit Development Amendment to amend an existing Planned Unit Development to allow for townhomes, apartments, and commercial businesses.

Staff recommended approval of Major Planned Unit Development Amendment / PU 19-06 with the following twenty-two (22) 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.

Discussion followed.

Moved by Lasseter and seconded by Johnson to approve of Major Planned Unit Development Amendment / PU 19-06 with the following twenty-three (23) 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 neighborhood 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 neighborhood commercial businesses as allowed in Section 302 of the PCZO;

4. That an Engineered Drainage Study is performed by the applicant’s engineer 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 fire 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 a Sanitary District is formed for the care and maintenance of the sewer and water systems; and,

23. 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.

All voting aye, the Motion carried 7 to 0.

CONSTRUCTION PERMIT AGENDA

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

Commissioner Runde left the meeting at 11:05 a.m.

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.

Sack stated Staff recommended the Interim Planning Director approve Construction Permit / CP 20-02 with the following twelve (12) conditions:

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

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**
   No motions or actions were taken at this time.

14. **ITEMS FROM THE STAFF**

15. **ITEMS FROM THE MEMBERSHIP**
   Chairman Marsh discussed how property owners can be made aware of the packet agenda that is placed on the Planning Department’s website, prior to a Planning Commission meeting.
Commissioner Runde returned to the meeting at 11:07 a.m.

Commissioner Johnson spoke of the By-Laws for the Planning Commission.

16. **ADJournment**

Moved by Lasseter and seconded by Runde to adjourn.

All voting aye, the Motion carried 7 to 0.

The meeting adjourned at 11:11 a.m.

_________________________________
Rich Marsh, Chairperson
STAFF REPORT

GENERAL INFORMATION:

REQUEST: CONDITIONAL USE PERMIT REVIEW/ CU 13-24: To review the transfer of a Vacation Home Rental in a General Agriculture District in accordance with Sections 205, 319, and 510 of the Pennington County Zoning Ordinance.

APPLICANT: Dutch VanLuven

APPLICANT ADDRESS: 8571 Willows Place, Parker, CO 80134

AGENT: Jim Peterson

AGENT ADDRESS: P.O. Box 1114, Hill City, SD 57745

LEGAL DESCRIPTION: PT Sherman Placer #821 Lot A, Sherman Placer MS 821, Section 30, T1S, R5E, BHM, Pennington County, South Dakota.

SITE LOCATION: 12490 Old Hill City Road; approximately 0.70 mile east of the intersection of Old Hill City Road and E. Main Street.

SIZE: 1.29 acres

TAX ID: 4601

EXISTING LAND USE: Residential

ZONING REFERENCE: §§ 205, 319, and 510

CURRENT ZONING: General Agriculture District

SURROUNDING ZONING:
- North: Hill City Limits
- South: Hill City Limits
- East: General Agriculture District
- West: Hill City Limits

PHYSICAL CHARACTERISTICS: Sloped/Forest

UTILITIES: Private
I. PROPOSED RECOMMENDATION
   A. Staff will be recommending approval of the transfer of Conditional Use Permit / CU 13-24 with conditions.

II. GENERAL DESCRIPTION
   B. November 14, 2016 – Planning Commission approved the extension of Conditional Use Permit / CU 13-24 with the following twelve (12) conditions:
      1. That the maximum overnight occupancy, based on the approval from South Dakota Department of Environmental and Natural Resources (SD DENR), be limited to four (4) people and the maximum daytime occupancy be limited to six (6) people;
      2. That if any additions to the structure and/or if the on-site wastewater treatment system is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DENR;
      3. That the applicant maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these Licenses be provided to the Planning Department;
      4. That a minimum of two (2) off-street parking spaces continue to be provided on-site, each measuring a minimum of nine (9) by eighteen feet and maintained in a dust-free manner;
      5. That an interior informational sign continue to be posted in accordance with the requirements of Section 319-G, during operation of the residence as a Vacation Home Rental;
      6. That the lot address (12490 Old Hill City Road) continue to be posted at all times so it is clearly visible from Old Hill City Road, in accordance with Ordinance #20;
      7. That the applicant ensures the Vacation Home Rental is operated in accordance with the requirements of Section 319-F (Performance Standards) at all times;
      8. That an approved Floodplain Development Permit be obtained prior to any construction or disturbance being done within the designated Special Flood Hazard Area on the subject property;
      9. That the applicant maintains a current Burn Permit from the South Dakota Department of Agriculture, Division of Wildland Fire for the outside fire pit on the subject property and a copy of this permit be provided by the applicant to the Planning Department or the fire pit be abandoned;
10. That if the person designated as the Local Contact is ever changed from Jim Peterson, the interior informational sign be updated and the applicant re-notify the surrounding landowners within 500 feet via notices sent by certified-mail;

11. That this Conditional Use Permit be automatically revoked upon sale or transfer of ownership of the subject property, unless a transfer of this Conditional Use Permit is applied for through the Planning Department prior to finalizing the transfer of ownership; and,

12. That this Conditional Use Permit be reviewed in three (3) 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.

III. EXISTING CONDITIONS

A. Zoned General Agriculture District – minimum forty (40) acres lot size.

B. 1.29 acres.

   a. Lot size is legal non-conforming (Plat Book 7, Page 5).

C. Lot contains:

   a. A single-family residence and detached garage, built in 1946, per Department of Equalization records.

   b. A 6’ x 9’ shed and a 12’ x 12’ shed – neither exceed 144 square feet and are not permanently anchored to the ground – Building Permit not required.

   c. Existing On-Site Wastewater Treatment System.

      i. Operating Permit – COOP17-0245.


E. Special Flood Hazard Area on the subject property.

   a. It appears all existing structures are located outside of Special Flood Hazard Area.
IV. ANALYSIS

A. November 5, 2019 – The applicant’s agent, Jim Peterson, notified Staff via email that the property was being sold and that the new owner would like to transfer Conditional Use Permit CU 13-24.

B. November 6, 2019 – Staff performed a site visit with the owner’s authorized agent, Jim Peterson, and observed the following:
   a. Maximum occupancy was limited to four (4) overnight guests and six (6) daytime guests (Condition #1).
   b. Off-street parking appeared to be adequate (Condition #4).
   c. The informational sign is provided for the renters (Condition #5).
   d. The address (12490 Old Hill City Road) was clearly posted and visible from Old Hill City Road (Condition #6).
   e. Current Burn Permit from the South Dakota Division of Wildland Fire (Condition #9).
   f. All other Conditions of Approval appeared to be met.

C. November 22, 2019 – Staff received payment for the VHR Conditional Use Permit review fee.

D. December 5, 2019 – The property was purchased by Dutch VanLuven via warranty deed.

E. January 20, 2020 – The applicant’s agent submitted all required documentation, per Pennington County Zoning Ordinance, §319(C)(5)(b) to allow for the transfer of Conditional Use Permit CU 13-24, to include:
   b. Local Contact confirmation as Jim Peterson.
   c. Mailing receipt to confirm surrounding property owners were notified.

F. Staff has not received any complaints regarding the subject property.

RECOMMENDATION: Staff recommends approval of the transfer of Conditional Use Permit / CU 13-24 with the following conditions:

1. That the maximum overnight occupancy continue to be limited to four (4) people and the maximum daytime occupancy be limited to six (6) people, based on approval from the South Dakota Department of Environmental and Natural Resources (SD DENR);

2. That each review of Conditional Use Permit / CU 13-24 be subject to PCZO §511(F)(4), which imposes a $100 fee per review;

3. That this Conditional Use Permit be reviewed if there are any additions to the single-family residence and/or if the on-site wastewater treatment system is upgraded in the future, so that the maximum occupancy may be adjusted and approved by SD DENR;
4. That the applicant continue to maintain current South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these Licenses be provided to the Planning Department upon request;

5. That a minimum of two (2) off-street parking spaces continue to be provided on-site, each measuring a minimum of nine (9) by eighteen feet and maintained in a dust-free manner;

6. That an interior informational sign continue to be posted in accordance with the requirements of Section 319-G during operation of the residence as a Vacation Home Rental;

7. That the lot address (12490 Old Hill City Road) continue to be posted at all times so it is clearly visible from Old Hill City Road, in accordance with Ordinance #20;

8. That the applicant continue to ensure the Vacation Home Rental is operated in accordance with the requirements of Section 319-F (Performance Standards) at all times;

9. That an approved Floodplain Development Permit be obtained prior to any construction or disturbance within the designated Special Flood Hazard Area on the subject property;

10. That the applicant continue to maintain a current Burn Permit from the South Dakota Division of Wildland Fire for the outside fire pit and a copy of this permit be provided to the Planning Department upon request;

11. That if the person designated as the Local Contact is ever changed from Jim Peterson, the interior informational sign be updated and the applicant re-notify the surrounding landowners within 500 feet via notices sent by first class mail;

12. That this Conditional Use Permit be automatically revoked upon sale or transfer of ownership of the subject property, unless a transfer of this Conditional Use Permit is accomplished per Pennington County Zoning Ordinance § 319; and,

13. 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.
1: 790

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

THIS MAP IS NOT TO BE USED FOR NAVIGATION
VACATION HOME RENTAL (VHR)
CHECKLIST and SUPPLEMENTAL APPLICATION

APPLICATION REQUIREMENTS:

☑ Site plan depicting the layout of the property, including all existing and proposed structures with setbacks, wells and/or water lines, on-site wastewater treatment system and/or sanitary sewer lines, and on-site parking spaces.

☑ An interior diagram/plan of the VHR.

☐ Acknowledgement from the Owner that the VHR meets all Fire Safety Standards for Vacation Home Establishments requirements in accordance with current South Dakota Codified Laws.

☑ Specifications of the existing wastewater treatment system.

☑ Copy of Covenants, if applicable. none

☑ Copy of approval letter from SD DENR for the on-site wastewater treatment system (for existing systems only). **Contact SD DENR as (605) 773-3351 to obtain this letter**

☑ The maximum number of overnight occupants. **This comes from the SD DENR letter referenced above**

☑ Copy of approved Operating Permit, from the Planning & Zoning Department, for the on-site wastewater treatment system (for existing systems only). on file in your office

☐ A copy of the Vacation Home Rental License or Application from the South Dakota Department of Health. At the time of issuance of the Vacation Home Rental License from the South Dakota Department of Health, a copy of the license shall be furnished to the Planning Department.

LOCAL CONTACT INFORMATION:

Name: Jim Peterson
Primary Contact Number: 605-391-8373
Mailing Address: P.O. Box 1114
City: Yankton, State: SD
Zip Code: 57745
Signature of Local Contact: [Signature]
Date: 1-10-2020

Subscribed and sworn to before me this 20 day of February, 2020.

Notary Public for the State of South Dakota

My Commission Expires [Stamp]
January 8, 2020

Dutch VanLuven
8571 Willows Place
Parker, Colorado 80134

RE: Approval of the absorption trench wastewater system for your vacation rental located at 12490 Old Hill City Road, Hill City, South Dakota.

Dear Mr. VanLuven:

The South Dakota Department of Environment and Natural Resources reviewed and approved the absorption trench wastewater system that services a two-bedroom residence without a garbage disposal located on Sherman Plecer MS821, Section 30, T1S, R5E, Pennington County, South Dakota.

The absorption trench wastewater system is approved for an anticipated maximum daily flow of 240 gallons. Your request to use the home as a vacation rental would allow up to 4 persons per night based on the wastewater system's capacity.

The lifetime of this system is dependent upon proper construction and regularly scheduled maintenance. Please feel free to contact this office if you have any questions.

Sincerely,

Kent R. Woodmansey, P.E.
Engineering Manager
(605) 773-3351

cc: TJ Doreff, Pennington County Planning
    Bill Chalcraft, Administrator DOH – Robert Hayes Bldg.
SOUTH DAKOTA
DEPARTMENT OF HEALTH
LODGING LICENSE

Issued To: THE BOXCAR LLC
Located At: THE BOXCAR
12490 OLD HILL CITY RD
HILL CITY, SD 57745

License Type
Vacation Home License

License Number
21789
Number of Units
1
Swimming Pool
0
Spa or Hot Tub
0

Expires
12/31/2020

License is Not Transferable - Post in the Establishment

Secretary of Health

Kim Malsam-Ripley
GENERAL INFORMATION:

REQUEST: CONDITIONAL USE PERMIT REVIEW / CU 14-28: To review the transfer of a Vacation Home Rental in a General Agriculture District in accordance with Sections 205, 319, and 510 of the Pennington County Zoning Ordinance.

APPLICANT: Matt Cavenee

APPLICANT ADDRESS: 21674 357th Street, Miller, SD 57362

LOCAL CONTACT: Edelweiss Mountain Lodging

CONTACT ADDRESS: 12780 Black Forest Road, Rapid City, SD 57702

LEGAL DESCRIPTION: Lot 1, Custer Trails Subdivision, Section 22, T1N, R5E, BHM, Pennington County, South Dakota.

SITE LOCATION: 12791 Taylor Ranch Road; at the intersection of Highway 385 and Taylor Ranch Road.

SIZE: 0.53 acre

TAX ID: 1403

EXISTING LAND USE: Residential

ZONING REFERENCE: §§ 205, 319, and 510

CURRENT ZONING: General Agriculture District

SURROUNDING ZONING:
- North: General Agriculture District
- South: General Agriculture District
- Planned Unit Development
- East: General Agriculture District
- Planned Unit Development
- West: General Agriculture District
- Suburban Residential District

PHYSICAL CHARACTERISTICS: Flat / Forested
I. PROPOSED RECOMMENDATION
   A. Staff will be recommending approval of the transfer of Conditional Use Permit / CU 14-28 with conditions.

II. GENERAL DESCRIPTION
   2. October 26, 2015 – Planning Commission approved the extension of Conditional Use Permit / CU 14-28 with the same nine (9) conditions.
   3. October 8, 2018 – Planning Commission approved the extension of Conditional Use Permit / CU 14-28 with the original Conditions and adding the following condition:
      1. That if the person designated as the Local Contact is ever changed from Margaret Bowser, or if their contact information has changed, that the interior information sign be updated and the applicant re-notify the Planning Department and surrounding landowners within 500 feet via notices sent by First Class Mail as stated by requirement §319(F)(5).
   4. April 8, 2019 – Planning Commission approved the review and transfer of Conditional Use Permit / CU 14-28 with the following ten (10) conditions:
      1. That the Vacation Home Rental be allowed to have a maximum overnight occupancy of six (6) people;
      2. That a minimum of two (2) off-street parking spaces continue to be provided and each parking space shall not be less than one hundred sixty-two square feet, nor less than nine feet by eighteen feet, surfaced with gravel, concrete or asphalt and maintained in a dust free manner;
      3. That the address continue to be properly posted on both the residence and at the approach so it be visible in both directions in accordance with Pennington County’s Ordinance #20;
      4. That the applicant continually complies with Administrative Rules of South Dakota (ARSD) 44:02:08, which regulates Vacation Homes;
      5. That the applicant obtain and keep up-to-date all the necessary permits from the State pertaining to the use of the Vacation Home Rental;
      6. That the applicant continually comply with the Performance Standards outlined in PCZO § 319(F), which regulates Vacation Home Rentals;
      7. That the applicant adheres to the requirements set out by the US Forest Service by not having trails for motorized and non-motorized vehicles such as ATVs and horses;
8. That an interior informational sign continue to be posted in accordance with the requirements of PCZO § 319(G), during operation of the residence as a VHR;

9. That if the person designated as the Local Contact is ever changed from BLG Investments, LLC (Brady Groves) or if their contact information is changed, that the interior information sign be updated and the applicant re-notify the Planning Department and surrounding landowners within 500 feet via notices sent by First Class Mail as stated by PCZO § 319(F)(5); and,

10. That this Conditional Use Permit be reviewed in one (1) year, per PCZO § 319(C)(5)(d), 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.

III. EXISTING CONDITIONS
   A. Zoned General Agriculture.
   B. 0.53 Acres.
   C. Lot contains:
      1. 25’ x 29’ single-family residence built in 1960, per Property Record Card.
      3. 12’ x 16’ shed – 1998COBP0057.

IV. ANALYSIS
   A. December 3, 2019 – The previous owners, Sheralin and Brady Groves notified Staff, in writing, that they were selling the property and desired to transfer Conditional Use Permit / CU 14-28.
   B. February 6, 2020 – The applicant, Mike Cavenee, purchased the subject property.
   C. February 10, 2020 – The applicant submitted the following:
      1. Vacation Home Rental (VHR) application, to include a local contact.
      2. Review fee.
      3. South Dakota Lodging License application and Sales Tax License.
   D. Staff performed a recent site visit with the previous owners, Brady and Sheralin Groves and verified the following:
      1. Maximum occupancy was limited to six (6) overnight guests (Condition #1).
      2. Off-street parking appeared to be adequate (Condition #4).
      3. The informational sign is provided for renters (Condition #5).
      4. The address (12791 Taylor Ranch Road) was clearly posted and visible from Taylor Ranch Road (Condition #6).
      5. All other Conditions of Approval appeared to be met.
E. The VHR was operated under a Conditional Use Permit issued prior to the amendment of PCZO §319 on January 11, 2017, requiring a minimum one acre for operation of a VHR in a General Agriculture Zoning District. Therefore, the operation of the VHR on a half-acre lot is considered a legal nonconforming use.

F. Staff has not received any complaints regarding the subject property or Conditional Use Permit / CU 14-28.
V. RECOMMENDATION: Staff recommends approval of the transfer of Conditional Use Permit / CU 14-28 with conditions:

1. That the Vacation Home Rental be allowed to have a maximum overnight occupancy of six (6) people;

2. That each review of Conditional Use Permit / CU 14-28, be subject to PCZO §511(F)(4), which imposes a $100 fee per review;

3. That a minimum of two (2) off-street parking spaces continue to be provided on-site, each measuring a minimum of nine (9) by eighteen feet and maintained in a dust-free manner;

4. That the address continue to be properly posted on both the residence and at the approach so it be visible in both directions in accordance with Pennington County’s Ordinance #20;

5. That the applicant continually complies with Administrative Rules of South Dakota (ARSD) 44:02:08, which regulates Vacation Homes;

6. That the applicant obtain and keep up-to-date all the necessary permits from the State pertaining to the use of the Vacation Home Rental;

7. That the applicant continually comply with the Performance Standards outlined in PCZO §319(F), which regulates Vacation Home Rentals;

8. That the applicant adheres to the requirements set out by the US Forest Service by not having trails for motorized and non-motorized vehicles such as ATVs and horses;

9. That an interior informational sign continue to be posted in accordance with the requirements of PCZO §319(G) during operation of the residence as a VHR;

10. That if the person designated as the Local Contact is ever changed from Edelweiss Mountain Lodging or if their contact information is changed, that the interior information sign be updated and the applicant re-notify the Planning Department and surrounding landowners within 500 feet via notices sent by First Class Mail as stated by PCZO §319(F)(5); and,

11. That this Conditional Use Permit be reviewed in one (1) year, per PCZO §319(C)(5)(d), 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.
VACATION HOME RENTAL (VHR)
CHECKLIST and SUPPLEMENTAL APPLICATION

APPLICATION REQUIREMENTS:

☒ Site plan depicting the layout of the property, including all existing and proposed structures with setbacks, wells and/or water lines, on-site wastewater treatment system and/or sanitary sewer lines, and on-site parking spaces.

☒ An interior diagram/plan of the VHR.

☒ The maximum number of overnight occupants.

☒ Acknowledgement from the Owner that the VHR meets all Fire Safety Standards for Vacation Home Establishments requirements in accordance with current South Dakota Codified Laws.

☒ Specifications of the existing wastewater treatment system.

☒ Copy of Covenants, if applicable.

☒ Copy of approval letter from SD DENR for the on-site wastewater treatment system (for existing systems only).

☒ Copy of approved Operating Permit, from the Planning & Zoning Department, for the on-site wastewater treatment system (for existing systems only).

☒ A copy of the Vacation Home Rental License or Application from the South Dakota Department of Health. At the time of issuance of the Vacation Home Rental License from the South Dakota Department of Health, a copy of the license shall be furnished to the Planning Department.

LOCAL CONTACT INFORMATION:

Name: Edelweis Mountain Lodging  
Primary Contact Number: 605-574-2430

Mailing Address: 12780 Black Forest Road

City: Rapid City  
State: SD  
Zip Code: 57702

***The Local Contact can file an application for a CUP, with the Owner's signature notarized on the CUP Application, but the CUP shall only be issued to the Owner of the VHR.

Signature of Local Contact: [Signature]
Date: 2-5-2020

Subscribed and sworn to before me this 5th day of January, 2020. - Julia R. Mechaley

Notary Public for the State of South Dakota
My Commission Expires: November 6, 2025
SOUTH DAKOTA DEPARTMENT OF HEALTH
LODGING LICENSE APPLICATION - Copy

SECTION 1: ESTABLISHMENT INFORMATION

ESTABLISHMENT NAME
Lazy Pines Cabin

CORPORATION/OWNER NAME
Matthew Cavenee

CORPORATE CONTACT/PHONE
605-208-1100

ESTABLISHMENT PHONE

CELL PHONE

ESTABLISHMENT PHYSICAL ADDRESS (NO PO BOX #S)
12791 Taylor Ranch Rd

CITY
Rapid City

STATE
SD

ZIP
57702

IF RURAL LOCATION, GIVE DIRECTIONS FROM NEAREST CITY
14 miles west of Rapid City on Hwy 44 then south 5.1 miles on Hwy 385

COUNTY
Pennington

MAILING ADDRESS (IF DIFFERENT THAN PHYSICAL ADDRESS)

CITY

STATE
SD

ZIP
57762

APPLICATION IS FOR:
□ NEW BUSINESS
□ CHANGE OF OWNERSHIP

DATES OPEN - IF SEASONAL
From: 1/1 To: 12/31

PROPOSED OPENING DATE

WATER SUPPLY
□ Public □ Private

SEWER SYSTEM
□ Public □ Private

SECTION 2: LODGING LICENSING FEES - Type of Business (Choose One)

Number of Units
Bed & Breakfast:
(No other fees apply)

FULL YEAR FEE: Jan 1 – Dec 31
□ $38.00 Registration Fee

HALF YEAR FEE: July 1 – Dec 31
□ $38.00 Registration Fee

FEE TOTAL

Vacation Home:

□ $70.00 This includes the inspection fee

□ $70.00 This includes the inspection fee

Specialty Resort:
10 or Less Sleeping Rooms

□ $70.00 This includes the inspection fee

□ $35.00 This includes the inspection fee

□ 1

Hotel:
11 or More Sleeping Rooms

$2.25 per unit Plus

$25.00 Inspection Fee
($70.00 Minimum Total)

$1.12 per unit Plus

$12.50 Inspection Fee
($35.00 Minimum Total)

Initial License Fee:

□ $100.00

□ $100.00

SECTION 3: WATER RECREATION FEES

Number of Pools and Hot Tubs

FULL YEAR FEE:

HALF YEAR FEE:

None
One
Two or More
None
One
Two or More

Pools 0

Hot Tubs 0

$0
$40.00
$65.00
$0
$20.00
$32.50

TOTAL ALL FEES ABOVE

THIS IS THE AMOUNT

YOU OWE

$70.00

SECTION 4: SIGNATURE

Being first duly sworn, I, as the owner or the owner's agent with legal authority to bind the owner, verify that the information contained in this application is true and complete, and I consent to allow inspections of the food service, lodging, or campground establishment by authorized inspectors during normal business hours upon the presentation of identification.

Owner/Agent Signature
Matthew Cavenee

Date: 2/3/2020

Notary Public
Brittany A. Anderson

My commission expires: 10-28-20

APPLICATIONS MUST BE SIGNED AND NOTARIZED TO BE PROCESSED

Rev. 02/2014
On-Site Wastewater Treatment System Operating Permit

Pennington County Planning Department - 130 Kansas City Street, Suite 200 - Rapid City, SD 57701
Phone: (605) 394-2186 - Fax: (605) 394-6016 - Web: www.pennco.org

Operating Permit Number: COOP19-1193

<table>
<thead>
<tr>
<th>PROPERTY INFORMATION</th>
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<tbody>
<tr>
<td>Property Address: 12791 TAYLOR RANCH RD</td>
</tr>
<tr>
<td>Pin #: 35-22-227-001</td>
</tr>
<tr>
<td>Tax ID #: 1403</td>
</tr>
<tr>
<td>Owner Name: BLG INVESTMENTS LLC</td>
</tr>
<tr>
<td>Owner Address: 12138 UPPER ELK PARK RD CUSTER, SD 57730-8202</td>
</tr>
<tr>
<td>Legal Description:</td>
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<tr>
<td>Block:</td>
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<tr>
<td>Subdivision: CUSTER TRAILS SUBD #1</td>
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<td>Section-Township-Range: 22-1N-5E</td>
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<table>
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<tr>
<th>ON-SITE WASTEWATER TREATMENT SYSTEM INFORMATION</th>
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<tbody>
<tr>
<td>Septic/Holding Tank System</td>
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<tr>
<td>Tank Size: 1000</td>
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<tr>
<td>Tank Material: Concrete</td>
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<tr>
<td>Treatment System Type: Trench</td>
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<tr>
<td>Graywater System (if applicable)</td>
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<tr>
<td>Tank Present: NO</td>
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<tr>
<td>Tank Size: 0</td>
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<tr>
<td>Tank Material:</td>
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<tr>
<td>OSWTS Permit Number (new systems only):</td>
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<tr>
<th>PERMIT INFORMATION</th>
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<tr>
<td>Date of System Observation: 15-Nov-2019</td>
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<tr>
<td>Operating Permit Expiration: 15-Nov-2025</td>
</tr>
<tr>
<td>Observed By: CHRIS SKORPAK</td>
</tr>
</tbody>
</table>

THE PROPERTY OWNER IS RESPONSIBLE FOR LOCKING ALL SEPTIC AND HOLDING TANK LIDS THAT ARE ABOVE GRADE OR HAVE LESS THAN 6 INCHES OF EARTH BACKFILL.

Approval of this Permit does not in any way release the owner from the responsibility that the onsite wastewater treatment system must be operable.

§ 204(J) of the Pennington County Zoning Ordinance requires that your onsite wastewater treatment system be pumped and observed at a minimum frequency of six (6) years. There are subdivisions and commercial properties within the County that require more frequent pumping and observation. The longevity and performance of your onsite wastewater treatment system is dependent upon proper maintenance and care of the system, which may require more frequent pumping and/or observation. For more information, please visit <http://water.eps.gov/infrastructure/septic/septicsmart.cfm>
STAFF REPORT

GENERAL INFORMATION:

REQUEST:  

CONDITIONAL USE PERMIT AMENDMENT REVIEW / CU 15-01: To review an existing single-wide mobile home to be used as a permanent single-family residence on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

APPLICANT/ OWNER: Sheri Tonner

APPLICANT ADDRESS: 13866 Windmill Road, Rapid City, SD 57702

LEGAL DESCRIPTION: The E1/2SW1/4NE1/4; E1/2W1/2SW1/4NE1/4; W1/2W1/2SE1/4 NE1/4; S1/2SE1/4NW1/4NE1/4; SE1/4SW1/4NW1/4NE1/4; SW1/4SW1/4NE1/4 NE1/4, Section 16, T1S, R7E, BHM, Pennington County, South Dakota.

SITE LOCATION: 13866 Windmill Road

SIZE: 50 acres

TAX ID: 48271

EXISTING LAND USE: Residential

ZONING REFERENCE: Sections 205 and 510

CURRENT ZONING: General Agriculture District

SURROUNDING ZONING:  

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

PHYSICAL CHARACTERISTICS: Forested / Rock Outcroppings

UTILITIES: Private

REPORT BY: Stephanie Jansen
I. PROPOSED RECOMMENDATION
   A. Staff will be recommending approval of the extension of Conditional Use Permit / CU 15-01 with nine (9) conditions.

II. GENERAL DESCRIPTION
   A. The applicant, Sheri Tonner, applied for a Conditional Use Permit to allow an existing single-wide mobile home to be used as a permanent single-family residence on the subject property.

III. EXISTING CONDITIONS
   A. Zoned General Agriculture District.
   B. 50 acres.
   C. Access from Windmill Road via a Private Access Easement (Miscellaneous document Book 172, Page 6449).
   D. Lot contains:
      2. Vacant single-family residence – built in 1955, per Department of Equalization (DOE) records.
         a. This residence has been gutted of most structural development, aside from stud walls, and is being used as cold storage.
      3. Detached garage/carport – unknown construction date and not currently being taxed, per DOE Property Record Card.
      4. On-site wastewater treatment system (COSD15-0007).
   E. There is no Special Flood Hazard Area on the subject property.

IV. HISTORY
   A. February 15, 2015 – Planning Commission originally approved Conditional Use Permit / CU 15-01 to allow a single-wide mobile home to be used as a single-family residence while constructing a single-family residence on the subject property with the following eleven (11) conditions:
      1. That the applicant clears the property of junk and debris to resolve the Ordinance 106 violations;
      2. That the property is kept free of junk and debris;
      3. That a Building Permit be obtained for the single-wide mobile home before it is moved onto the property;
      4. That a Removal Permit be obtained for the existing single-family residence prior to demolition;
      5. 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;
      6. That the lot address be clearly posted on the residence and road, so as to be visible from both directions on Windmill Road, in accordance with Pennington County’s Ordinance #20;
7. That the mobile home installed on the property have peaked non-reflective type roofs and wood or simulated wood-type siding that are continually maintained;

8. That the minimum setback requirements of a General Agriculture District be continually maintained on the property;

9. That the existing single-family residence not be used for any purpose other than cold storage, with no utilities connected;

10. That the applicant adhere to Zoning Ordinance Section 510-E regarding the time limit on Conditional Use Permit approval; and,

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

B. September 14, 2015 – Planning Commission approved the extension of Conditional Use Permit / CU 15-01 with the following nine (9) conditions:
   1. That the property is kept free of junk and debris;
   2. That a Removal Permit be obtained for the existing single-family residence prior to demolition;
   3. 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;
   4. That the lot address continue to be clearly posted on the residence and road, so as to be visible from both directions on Windmill Road, in accordance with Pennington County’s Ordinance #20;
   5. That the mobile home installed on the property continue to have peaked non-reflective type roofs and wood or simulated wood-type siding that are continually maintained;
   6. That the minimum setback requirements of a General Agriculture District be continually maintained on the property;
   7. That the existing single-family residence not be used for any purpose other than cold storage, with no utilities connected;
   8. That the applicant adhere to Zoning Ordinance Section 510-E regarding the time limit on Conditional Use Permit approval; and;
   9. 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. Conditions #1 and #3 from the February 23, 2015, approval were removed on September 14, 2015, because they had been met.

D. Section 510-E-1-b of the Pennington County Zoning Ordinance states that “a Conditional Use Permit shall automatically expire if the use for which the Conditional Use Permit was granted has not been established, according to the terms and conditions of the Conditional Use Permit, within two (2) years following the date of approval.”
E. Conditional Use Permit / CU 15-01 was originally approved on February 15, 2015.

1. If the applicant did not start construction of the proposed single-family residence by February 15, 2017, CU 15-01 would have automatically expired, per Section 510-E.

F. August 8, 2016 – Planning Commission approved the extension of Conditional Use Permit / CU 15-01 with the following eleven (11) conditions:

1. That the property is continually kept free of junk and debris;
2. That a Removal Permit be obtained for the existing single-family residence prior to demolition;
3. That a Building Permit be obtained for any structures exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
4. That the lot address (13866 Windmill Road) continue to be clearly posted on the residence and road, so as to be visible from both directions on Windmill Road, in accordance with Pennington County’s Ordinance #20;
5. That the mobile home installed on the property continue to have peaked non-reflective type roofs and wood or simulated wood-type siding that are continually maintained;
6. That the minimum setback requirements of a General Agriculture District be continually maintained on the property;
7. That the existing single-family residence not be used for any purpose other than personal storage, without living space;
8. That the applicant adhere to the Pennington County Zoning Ordinance Section 510-E regarding the time limit on Conditional Use Permit approval;
9. That the applicant obtain an approved Building Permit for a new single-family residence prior to August 1, 2017, or apply for a Conditional Use Permit renewal in accordance with Pennington County Zoning Ordinance Section 510-E-2;
10. That if Condition #9 is not met, this Conditional Use Permit will be automatically ended and a new Conditional Use Permit must be obtained for the existing single-wide mobile home to be used as a single-family residence; and,
11. 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.

G. Conditions #9 and #10 were added on August 8, 2016, as the applicant was nearing the deadline to establish the use of the Conditional Use Permit, per Section 510-E of the Pennington County Zoning Ordinance.
H. At this time the applicant was unsure when she would build a single-family residence on the subject property; therefore, the applicant requested to amend Conditional Use Permit / CU 15-01 to allow the existing single-wide mobile home to be used as a permanent single-family residence on the subject property, in order to remove the time restriction for constructing a single-family residence.

1. The amended request was re-advertised and the applicant resent the Notice of Hearing letters via Certified Mail to all Property Owners within 500 feet of the subject property.

I. When the applicant is ready to build a new single-family residence on the subject property, a Building Permit and amendment of Conditional Use Permit / CU 15-01 will be required prior to starting construction.

J. February 13, 2017 – Planning Commission approved the extension of Conditional Use Permit Amendment / CU 15-01 with the following ten (10) conditions:

1. That the property is kept free of junk and debris;
2. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
3. That the lot address (13866 Windmill Road) continue to be clearly posted on the residence and road, so as to be visible from both directions on Windmill Road, in accordance with Pennington County’s Ordinance #20;
4. That the mobile home installed on the property continue to 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 General Agriculture District be continually maintained on the property;
6. That the existing single-family residence not be used for any purpose other than cold storage, with no utilities connected;
7. That a Removal Permit be obtained for the existing single-family residence prior to demolition;
8. That if the applicant chooses to build a new single-family residence on the subject property, the applicant obtain an approved Building Permit and amendment to Conditional Use Permit / CU 15-01 prior to the start of construction;
9. That the applicant signs a Statement of Understanding at the Planning Department within ten (10) business days of approval of Conditional Use Permit Amendment / CU 15-01; and,
10. That this Conditional Use Permit be reviewed in three (3) 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.
V. ANALYSIS

A. February 14, 2020—Staff performed a site visit to the subject property.
   1. The subject property appears to be free of debris and junk vehicles (Condition #1).
   2. Address (13866 Windmill Road) signs are visibly posted next to the single-wide mobile home and along the easement off of Windmill Road (Condition #3).
   3. The mobile home on property has maintained a peaked non-reflective type roof and wood-type siding, and has maintained minimum setback requirements (Condition #4 and #5).
   4. The applicant, Sheri Tonner, has signed a Statement of Understanding at the Planning Department (Condition #9).

RECOMMENDATION: Staff recommends approval of the extension of Conditional Use Permit Amendment / CU 15-01 with the following nine (9) conditions:

1. That the property is kept free of junk and debris;

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

3. That the lot address (13866 Windmill Road) continue to be clearly posted on the residence and road, so as to be visible from both directions on Windmill Road, in accordance with Pennington County’s Ordinance #20;

4. That the mobile home installed on the property continue to 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 General Agriculture District be continually maintained on the property;

6. That the existing single-family residence not be used for any purpose other than cold storage, with no utilities connected;

7. That a Removal Permit be obtained for the existing single-family residence prior to demolition;

8. That if the applicant chooses to build a new single-family residence on the subject property, the applicant obtains an approved new Conditional Use Permit to live in the single-wide mobile home while constructing a single-family residence;

9. That this Conditional Use Permit be reviewed in three (3) 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 20-02: To allow an existing residence to be used as a Vacation Home Rental in a Low Density Residential District in accordance with Sections 207, 319, and 510 of the Pennington County Zoning Ordinance.

APPLICANT / AGENT: Sonquist, LLC; Rob Hammerquist

APPLICANT ADDRESS: 2020 Ninth Street, Rapid City, SD 57701

LOCAL CONTACT: Rob Hammerquist

ADDRESS: 2020 Ninth Street, Rapid City, SD 57701

LEGAL DESCRIPTION: Lot H, Sonquist Acres Subdivision, Section 6, T1N, R6E, BHM, Pennington County, South Dakota.

SITE LOCATION: 13049 Sonquist Lane; near the intersection of Forest Road and Sonquist Lane.

SIZE: 1.96 acres

TAX ID: 9085

EXISTING LAND USE: Residential

ZONING REFERENCE: Sections 207, 319, and 510

CURRENT ZONING: Low Density Residential District

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

PHYSICAL CHARACTERISTICS: Rolling hills / trees

UTILITIES: Private

PREPARED BY: Kristina Proietti
I. PROPOSED RECOMMENDATION
   A. Staff will be recommending approval of Conditional Use Permit / CU 20-02 with conditions.

II. GENERAL DESCRIPTION
   A. The applicant, Rob Hammerquist, has requested a Conditional Use Permit to allow an existing two (2) bedroom, single-family residence to be used as a Vacation Home Rental on the subject property.

III. EXISTING CONDITIONS
   A. Zoned Low Density Residential District.
   B. 1.96 acres.
   C. Access taken off of Sonquist Lane.
   D. There is floodway on the eastern portion of the subject property.
   E. Lot contains:
      2. 11.5’ x 11.5’ shed, no Building Permit required due to size.
      3. Onsite Wastewater Treatment System Operating Permit / COOP19-0640.

Subject Property showing Floodway.
February 10, 2020, Site photo of residence.

February 10, 2020 site photo of approximately 11.5' x 11.5' shed.
IV. REQUEST FOR COMMENT

A. County Highway Department
   1. Applicant/landowner should be aware that the bridge is scheduled for replacement as soon as the end of this year so there will be noise and vibration issues during construction. The temporary by-pass bridge during construction will be one-lane.

B. County Fire Administrator
   1. No comment received.

C. County Planning Director
   1. There is Floodway on the subject property.

D. County Onsite Wastewater Specialist
   1. The applicant has an approved septic permit attached with BP#352, a valid Operating Permit (COOP19-0640) and has received approval from SD DENR with a letter dated 1/24/2020. I have no further concerns.

E. County Ordinance Officer
   1. No known violations.

F. County Addressing Coordinator
   1. That the address be properly posted on both the residence and at the approach so it be visible in both directions in accordance with Pennington County’s Ordinance #20.

G. County Natural Resources
   1. No objections.
V. CONSIDERATIONS FOR CONDITIONAL USE PERMIT REQUEST

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

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

2. The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
   a. It appears that by allowing this Conditional Use Permit, the use should not affect the normal, orderly development or improvement of any surrounding vacant property in the area.

3. That utilities, access roads, drainage, and/or other necessary facilities are provided.
   a. The proposed use of the existing single-family residence should not require any utilities or facilities that are not already in place. Access is to be provided off of Sonquist Lane. Lastly, staff has no drainage concerns relating specifically to the applicant’s request at this time.

4. That the off-street parking and loading requirements of these Zoning Ordinances are met.
   a. Pennington County Zoning Ordinance § 310(A)(9)(gg) requires one (1) off-street parking spaces per bedroom. It appears that adequate parking is provided on the subject property.

5. That measures are taken to control offensive odor, fumes, dust, noise, vibration, and lighting (inclusive of lighted signs), so that none of these will constitute a nuisance.
   a. The proposed Conditional Use, by its very nature, should have limited odor, fumes, dust, noise, vibrations, and intrusive lighting. The applicant should take care so the proposed use does not create the above-listed elements in any amount that would constitute a nuisance.
VI. ANALYSIS
A. The applicant, Rob Hammerquist, has requested a Conditional Use Permit to allow an existing two (2) bedroom, single-family residence to be used as a Vacation Home Rental on the subject property.
B. Section 207(C)(18) of the Pennington County Zoning Ordinance (PCZO) lists “Vacation Home Rental in accordance with Section 319” as a Conditional Use in a Low Density Residential District.
C. Section 319(B) states:
   As long as the subject property for the VHR is a minimum of 1-acre with a combination of acceptable Public and/or Private Systems, as determined by the South Dakota Department of Health and the Pennington County Planning Department, VHRs are permitted with approval of a Conditional Use Permit in, General Agriculture Zoning Districts, Limited Agriculture Zoning Districts, Low Density Residential Zoning Districts, and Suburban Residential Zoning Districts.
   1. The subject property is zoned Low Density Residential District with 1.96 acres.
D. The applicant has complied with all of the submittal requirements for a VHR, as listed in PCZO Section 319, including the following:
   i. Complete application and floorplans;
   ii. Approval from SD DENR – received January 24, 2020;
   iii. South Dakota Department of Revenue Sales Tax License;
   iv. South Dakota Department of Health Lodging License; and,
   v. Local Contact: Rob Hammerquist.
E. The SD DENR approved the Vacation Home Rental for a maximum overnight occupancy of four (4) persons.

RECOMMENDATION: Staff recommends approval of Conditional Use Permit / CU 20-02 with the following conditions:

1. That the maximum overnight occupancy, based on SD DENR approval, be limited to four (4) people and the maximum daytime occupancy be limited to eight (8) people, per Pennington County Zoning Ordinance (PCZO) § 319(F)(13);

2. That any website listing(s) for the Vacation Home Rental correctly state that four (4) overnight occupants are allowed;

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

4. That all necessary permits are obtained prior to any additions and/or alterations to the structure or upgrades/alterations to the on-site wastewater treatment system;
5. That each review of Conditional Use Permit / CU 19-20, be subject to PCZO § 511(F)(3), which imposes a $100 fee per review;

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

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

8. That a minimum of two (2) off-street parking spaces be provided on-site, per PCZO § 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;

9. That an interior informational sign be posted in accordance with the requirements of PCZO §319(G), with 9-1-1 and (605) 394-2151 listed as contacts for Fire Department and Sheriff’s Office respectively, during operation of the Vacation Home Rental. The interior informational sign must also contain a color map illustrating the Special Flood Hazard Area, as determined by FEMA;

10. That the lot address (13049 Sonquist Lane) be posted on the residence at all times and is clearly visible from Sonquist Lane, in accordance with Pennington County’s Ordinance #20;

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

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

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

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

15. 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;
16. That an approved Floodplain Development Permit be obtained prior to any disturbance within the boundaries of the Special Flood Hazard Area located on the subject property; 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 or Board of Commissioners to verify that all Conditions of Approval are being met.
VACATION HOME RENTAL (VHR) CHECKLIST and SUPPLEMENTAL APPLICATION

APPLICATION REQUIREMENTS:

☒ Site plan depicting the layout of the property, including all existing and proposed structures with setbacks, wells and/or water lines, on-site wastewater treatment system and/or sanitary sewer lines, and on-site parking spaces.

☒ An interior diagram/plan of the VHR.

☒ The maximum number of overnight occupants. 4

☐ Acknowledgement from the Owner that the VHR meets all Fire Safety Standards for Vacation Home Establishments requirements in accordance with current South Dakota Codified Laws.

☒ Specifications of the existing wastewater treatment system.

☐ Copy of Covenants, if applicable. N/A

☒ Copy of approval letter from SD DENR for the on-site wastewater treatment system (for existing systems only).

☒ Copy of approved Operating Permit, from the Planning & Zoning Department, for the on-site wastewater treatment system (for existing systems only).

☒ A copy of the Vacation Home Rental License or Application from the South Dakota Department of Health. At the time of issuance of the Vacation Home Rental License from the South Dakota Department of Health, a copy of the license shall be furnished to the Planning Department.

LOCAL CONTACT INFORMATION:

Name: Rob Hammegquist
Mailing Address: 2020 4th Street
City: Rapid City
State: SD
Zip Code: 57701

Primary Contact Number: 605-391-4438

Today’s Date 1-25-2020

Signature of Local Contact

Subscribed and sworn to before me this 25 day of January, 2020.

Notary Public for the State of South Dakota

My Commission Expires

JAN 27 2020

DST
On-Site Wastewater Treatment System Operating Permit

Pennington County Planning Department - 130 Kansas City Street, Suite 200 - Rapid City, SD 57701
Phone: (605) 394-2186 - Fax: (605) 394-6016 - Web: www.pennco.org

Operating Permit Number: COOP19-0640

PROPERTY INFORMATION

Property Address: 13049 SONQUIST LN
Pin #: 36-06-128-002
Tax ID #: 9085
Owner Name: SONQUIST LLC
Owner Address: 2020 9TH ST
RAPID CITY, SD 57701-5304

Legal Description:
Block:
Subdivision: SONQUIST ACRES SUBD
Section-Township-Range: 6-1N-6E

ON-SITE WASTEWATER TREATMENT SYSTEM INFORMATION

Septic/Holding Tank System
Tank Size: 1000
Tank Material: Concrete
Treatment System Type: Trench

Graywater System (if applicable)
Tank Present: NO
Tank Size: 0
Tank Material:

OSWTS Permit Number (new systems only):

PERMIT INFORMATION

Date of System Observation: 31-Jul-2019
Operating Permit Expiration: 31-Jul-2025
Observed By: CHRIS SKORPAK

THE PROPERTY OWNER IS RESPONSIBLE FOR LOCKING ALL SEPTIC AND HOLDING TANK LIDS THAT ARE ABOVE GRADE OR HAVE LESS THAN 6 INCHES OF EARTH BACKFILL.

Approval of this Permit does not in any way release the owner from the responsibility that the onsite wastewater treatment system must be operable.

§ 204(U) of the Pennington County Zoning Ordinance requires that your onsite wastewater treatment system be pumped and observed at a minimum frequency of six (6) years. There are subdivisions and commercial properties within the County that require more frequent pumping and observation. The longevity and performance of your onsite wastewater treatment system is dependent upon proper maintenance and care of the system, which may require more frequent pumping and/or observation. For more information, please visit <http://water.eps.gov/infrastructure/septic/septicsmart.cfm>
SOUTH DAKOTA DEPARTMENT OF HEALTH

SECTION 1: ESTABLISHMENT INFORMATION

<table>
<thead>
<tr>
<th>ESTABLISHMENT NAME</th>
<th>LIST PREVIOUS ESTABLISHMENT NAME</th>
<th>OLD LIC. #</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hammerquist Cabin</td>
<td></td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>CORPORATION/OWNER NAME</th>
<th>CORPORATE CONTACT/PHONE</th>
<th>ESTABLISHMENT PHONE</th>
<th>CELL PHONE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sonquist LLC</td>
<td>605-721-1441</td>
<td></td>
<td>605-391-9436</td>
</tr>
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<table>
<thead>
<tr>
<th>ESTABLISHMENT PHYSICAL ADDRESS (NO PO BOX #S)</th>
<th>CITY</th>
<th>STATE</th>
<th>ZIP</th>
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</thead>
<tbody>
<tr>
<td>13049 Songquist Lane</td>
<td>Rapid City</td>
<td>SD</td>
<td>57702</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>IF RURAL LOCATION, GIVE DIRECTIONS FROM NEAREST CITY</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</table>

<table>
<thead>
<tr>
<th>MAILING ADDRESS (IF DIFFERENT THAN PHYSICAL ADDRESS)</th>
<th>CITY</th>
<th>STATE</th>
<th>ZIP</th>
</tr>
</thead>
<tbody>
<tr>
<td>2020 9th Street</td>
<td>Rapid City</td>
<td>SD</td>
<td>57701</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>EMAIL ADDRESS</th>
</tr>
</thead>
<tbody>
<tr>
<td><a href="mailto:robhammerquist@gmail.com">robhammerquist@gmail.com</a></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>APPLICATION IS FOR:</th>
</tr>
</thead>
<tbody>
<tr>
<td>□ NEW BUSINESS</td>
</tr>
<tr>
<td>□ CHANGE OF OWNERSHIP</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DATES OPEN - IF SEASONAL</th>
<th>PROPOSED OPENING DATE</th>
<th>WATER SUPPLY</th>
<th>SEWER SYSTEM</th>
</tr>
</thead>
<tbody>
<tr>
<td>From:</td>
<td>To:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1-1-2020</td>
<td></td>
<td></td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>SECTION 2: LODGING LICENSING FEES – Type of Business (Choose One)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Number of Units</strong></td>
</tr>
<tr>
<td>------------------------------------------------------------------</td>
</tr>
<tr>
<td>Bed &amp; Breakfast:</td>
</tr>
<tr>
<td>(No other fees apply)</td>
</tr>
</tbody>
</table>

| Vacation Home:                                                  |                                   |                                   |               |
| 1                                                               | $70.00 Registration Fee           | $35.00 Registration Fee           | 70.00         |

| Specialty Resort:                                               |                                   |                                   |               |
| 10 or Less Sleeping Rooms                                       | $70.00 This includes the inspection fee² | $35.00 This includes the inspection fee² |               |
| Hotel:                                                          |                                   |                                   |               |
| 11 or More Sleeping Rooms                                       | $2.25 per unit Plus $25.00 Inspection Fee³ | $1.12 per unit Plus $12.50 Inspection Fee³ |               |

| Initial License Fee:                                            |                                   |                                   |               |
| See reverse side for explanation                                | $100.00                           | $100.00                           | 100.00        |

<table>
<thead>
<tr>
<th>SECTION 3: WATER RECREATION FEES</th>
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</thead>
<tbody>
<tr>
<td><strong>FULL YEAR FEE:</strong></td>
</tr>
<tr>
<td>Number of Pools and Hot Tubs</td>
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<tr>
<td>Pools 0 Hot Tubs 0</td>
</tr>
<tr>
<td>$40.00</td>
</tr>
<tr>
<td>$0</td>
</tr>
<tr>
<td>$32.50</td>
</tr>
</tbody>
</table>

| TOTAL ALL FEES ABOVE THIS AMOUNT YOU OWE                         |
| $70.00                                                           |

<table>
<thead>
<tr>
<th>SECTION 4: SIGNATURE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Being first duly sworn, I, as the owner or the owner's agent with legal authority to bind the owner, verify that the information contained in this application is true and complete, and I consent to allow inspections of the food service, lodging, or campground establishment by authorized inspectors during normal business hours upon the presentation of identification.</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>Owner/Agent Signature</th>
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<tr>
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</table>

| Date: 1-25-2020                                               |

<table>
<thead>
<tr>
<th>Subscribed and sworn to before me this 25 day of January, 2020</th>
</tr>
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</table>

<table>
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<tr>
<th>Notary Public</th>
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<td></td>
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</tbody>
</table>

| My commission expires:                                       |
| 2-21-28                                                      |

Rev. 02/14

APPLICATIIONS MUST BE SIGNED AND NOTARIZED TO BE PROCESSED.
January 24, 2020

Rob Hammerquist
2020 9th Street
Rapid City, SD 57701

RE: Approval of the wastewater system for your vacation rental located at 13049 Sonquist Lane, Rapid City, SD 57701

Dear Mr. Hammerquist:

The South Dakota Department of Environment and Natural Resources is in receipt of your request for approval of an existing wastewater system for a home/vacation rental located 13049 Sonquist Lane, Rapid City, South Dakota 57701. The request has been reviewed for compliance with South Dakota’s “Individual and Small On-Site Wastewater Systems” regulations.

The following information was used in making the determination.

- The present home was built in 1971 and is a two-bedroom home,
- After checking with Pennington County and our files we find no history of problems with the existing wastewater system.

Based on the information provided by Pennington County we consider this wastewater system approved for a maximum daily flow of 240 gallons, until such time as the system is altered or fails. This would be sufficient for up to 4 persons per night staying at this vacation rental.

The lifetime of this system is dependent upon proper construction and regularly scheduled maintenance.

Sincerely,

[Signature]

Kent R. Woodmansey, P.E.
Engineering Manager
(605) 773-3351

cc: TJ Doreff, Pennington County Planning
    Bill Chalcraft, Administrator DOH – Robert Hayes Bldg.
Vacation Rental Rules and Regulations

1. If you have any issues or questions, please contact one of the following owners:
   Rob Hammerquist (605) 391-4436 or Tim Hammerquist (605) 858-9891

2. The maximum number of occupants is four (4).

3. The maximum number of day guests not to exceed six (6).

4. Parking is down below in the parking area near the shed. Please park at least 15 feet from the cabin. There should be no more than 4 vehicles in the parking area at any one time.

5. No open fires are allowed without permission from the owners.

6. Please keep pets contained and under control. Do not allow your pet to wander onto neighboring properties.

7. Quiet hours are from 10 PM to 8 AM.

8. Please put trash in the large trash can behind the shed. Make sure all trash is in a plastic trash bag.

9. The renter and their guests are responsible if any disturbances occur and for violating any other provisions of this Section;

9a. Notification that failure to conform to the parking and occupancy regulations of this property is a Violation of County Ordinance.

9b. Renters and their guests are expected to be courteous to all neighbors and respect their property boundaries.

9c. Renters and their guests are responsible for any damage to the property.

10. In case of an emergency please refer to these agencies:
Pennington County Sheriff (605) 394-6113
Johnson Siding Volunteer Fire Department (605) 341-4085

11. Property Address is: 13049 Sonquist Lane, Rapid City, SD

12. Flood Hazard Area map is attached.
Fire extinguisher & smoke alarms
GENERAL INFORMATION:

REQUEST: CONDITIONAL USE PERMIT / CU 20-03: To allow a multi-family dwelling in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

APPLICANT /AGENT: Scott and Janice Harris

APPLICANT ADDRESS: 5598 Uranus Drive, Rapid City, SD 57703

LEGAL DESCRIPTION: Lots 2-3 of Lot 5, Block 9, Eastern Acres Subdivision, Section 11, T1N, R8E, BHM, Pennington County, South Dakota.

SITE LOCATION: 5598 Uranus Drive; east of the intersection of Reservoir Road and Uranus Drive.

SIZE: 0.48 acre

TAX ID: 49229

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: Public

PREPARED BY: Stephanie Jansen
I. PROPOSED RECOMMENDATION
   A. Staff will be recommending approval of Conditional Use Permit / CU 20-03 with seven (7) conditions.

II. GENERAL DESCRIPTION
   A. The applicant, Scott Harris, has applied for a Conditional Use Permit to allow for a multi-family dwelling unit on the subject property.

III. EXISTING CONDITIONS
   A. Zoned Suburban Residential District.
   B. Lot size 0.48 acres.
   C. Access is taken off of Uranus Drive.
   D. Located within the Rapid Valley Sanitary District.
   E. Located within the West Dakota Water District.
   F. Lot contains:

IV. REQUEST FOR COMMENT
   A. Rapid City Community Planning
      1. The City’s Future Land Use Plan identifies the appropriate use of the property as Low Density Neighborhood which supports single family and two-family residences. As such, the proposed use is in compliance with the City’s Future Land Use Plan and Comprehensive Plan. Uranus Street is not identified on the City’s Major Street Plan. Sufficient parking must be provided on the lot for the single-family residence and the accessory dwelling unit. It may be beneficial to require that one of the units, either the primary single-family home or the accessory dwelling unit, be owner occupied to ensure that it will not function as a duplex in the future.

   B. County Environmental Planner II
      1. Rapid City 1-mile.

   C. Black Hills Electric Cooperative
      1. Black Hills Electric Cooperative has no concerns with this CUP.

   D. County Addressing Coordinator
      1. A separate address will need to be assigned to the future residence during the Building Permit application process. Once assigned, addresses must be posted in accordance with Pennington County Ordinance #20.

   E. County Ordinance Enforcement Officer
      1. No known violations.

Page 2 of 5  
CU 20-03
F. Emergency Services (9-1-1)
   1. If approved, and if there is a separate physical entrance to the second living quarters, a separate physical address should be assigned with a separate address point in the GIS data. I would suggest 5598 Uranus Dr., Unit 1 or Unit 2.

G. County Highway Department
   1. Since they are not increasing the impervious area and have 2 lots, runoff isn’t affected. However, they will need to provide adequate off-street parking in accordance with the zoning code. MAS & WEW 2020 01 28

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

A. The effect upon the use and enjoyment of other property in the immediate vicinity for the uses already permitted, and upon property values within the immediate vicinity.
   1. Staff cannot predict how the proposed use will affect property values in the surrounding area.

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 proposed multi-family residence will be connected to Rapid Valley Sanitary District services.
   2. Access will be off of Uranus Drive.

D. That the off-street parking and loading requirements are met.
   1. PCZO § 310(A)(9)(k) requires two (2) off-street parking spaces for a single-family residence. The applicants will have to establish off-street parking if Conditional Use Permit CU 20-03 is approved.
E. That measures are taken to control offensive odor, fumes, dust, noise, vibration, and lighting (inclusive of lighted signs), so that none of these will constitute a nuisance.
   1. The proposed Conditional Use, by its very nature, should have limited odor, fumes, dust, noise, vibrations and intrusive lighting. The proposed use should not create any of the above-listed elements in amounts that would constitute a nuisance.

VI. ANALYSIS
A. January 24, 2020 – The applicant, Scott Harris, applied for Conditional Use Permit / CU 20-03.
B. February 12, 2020 – Staff performed a site visit and observed the following:
   1. The subject property appears to be free of junk and debris.
   2. The applicant is proposing to build an attached addition on top of the existing garage and connect the garage and the residence, so the applicant’s daughter and grandson can live in their own unit.
   3. The Conditional Use Permit sign was posted in the front yard facing Uranus Drive.
RECOMMENDATION: Staff recommends approval of Conditional Use Permit / CU 20-03 with the following seven (7) conditions:

1. That an approved Building Permit be obtained for the proposed multi-family dwelling unit addition prior to any work being done;

2. That the proposed multi-family dwelling, garage, and single-family residence are connected and is shown on the Building Permit site plan;

3. That the lot address be clearly posted, so as to be visible from Uranus Drive, in accordance with Pennington County’s Ordinance #20;

4. That the minimum of four (4) off-street parking spaces be provided on-site, each measure a minimum of nine (9) feet by eighteen (18) feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner in accordance with Section 310 of the Pennington County Zoning Ordinance;

5. That the minimum setback requirements of a Suburban Residential District be continually maintained on the property;

6. That the subject property remains free of debris and junk vehicles;

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

8. That this Conditional Use Permit be reviewed in six (6) months, on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.
Due to the high cost of housing, we would like to expand our home to provide our daughter a grandson a place of their own. She moved in with us 6-7 years ago to obtain an education and successfully graduated from WDT. She secured a job with WDT but still cannot afford the high rent in Rapid City.

We would like to build living quarters over the garage, enclose our breezeway, possibly add a 3rd bedroom to our home.
2nd story addition over garage

Bed

Closet

Bed

Bath

HVAC

Laundry

Closet

Kitchen
CONDITIONAL USE PERMIT
REQUESTED FOR MORE INFORMATION
CALL 314-2196
STAFF REPORT

GENERAL INFORMATION:

REQUEST:  \textbf{MINING PERMIT / MP 20-02}: To excavate clay to be hauled off site.

APPLICANT:  Pennington County Highway Department

APPLICANT ADDRESS:  3601 Cambell Street, Rapid City, SD  57701

LANDOWNER:  U.S. Forest Service

LANDOWNER ADDRESS:  1019 N. Fifth Street, Custer, SD  57730

LEGAL DESCRIPTION:  Lot 2-4; SE1/4NW1/4, SW1/4NE1/4, W1/2SE1/4, E1/2SW1/4, Section 18, T1S, R7E, BHM, Pennington County, South Dakota.

SITE LOCATION:  Gondola Road; south of the intersection of S. Highway 16 and Gondola Road.

TAX ID:  13191

SIZE:  335.79 acres (10,000 square feet of disturbance)

EXISTING LAND USE:  Vacant

ZONING REFERENCE:  Sections 205 and 507-A

CURRENT ZONING:  General Agriculture District

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

PHYSICAL CHARACTERISTICS:  Forested / Hills

UTILITIES:  None

REPORT BY:  Cody Sack
I. PROPOSED RECOMMENDATION
   A. Staff will be recommending approval of Mining Permit / MP 20-02 with conditions.

II. GENERAL DESCRIPTION
   A. The applicant, Pennington County Highway Department, has requested a Mining Permit to excavate clay on the subject property to include restoration activities under South Dakota Department of Natural Resources (SDDENR) Mine License 83-45.

III. EXISTING CONDITIONS
   A. General Agriculture District.
      1. U.S. Public Domain (Forest Service).
   B. 335.79 acres.
      1. 10,000 square feet of disturbance.
   C. Vacant of structures.
   D. No Special Flood Hazard Area.
   E. Access of Gondola Road.
   F. Existing mining operation (Taylor Pit).

IV. REQUEST FOR COMMENT
   A. County Environmental Planner
      1. There is no Special Flood Hazard Area on the property.
      3. Site must be revegetated in accordance with Section 507 of the PCZO.
   B. County Ordinance Enforcement Officer
      1. No known violations.
   C. Emergency Services 9-1-1
      1. We would like to have an address assigned to the pit in the event of any injuries or calls for service there, to aid in quickly locating the site in 911 dispatch.
   D. County Natural Resources Director
      1. No objections.
   E. U.S. Forest Service
      1. No issue.

V. ANALYSIS
   A. Mining Permit / MP 20-02 will allow the applicants to extract clay from the existing Taylor Pit Mine.
      1. The applicants have submitted a copy of a State Mine License.
   B. The applicants are anticipating excavating 2,000 tons of clay with completion of the mining to be done within the year.
C. The main roads to be used are Gondola Road and U.S. Highway 16.
D. There will be no blasting or crushing.
E. Berms will be constructed to control runoff.
F. The applicants have submitted a reclamation plan to revegetate the site.
G. The mine site is located on U.S. Forest Service land.
   1. The applicant has an approved Operation Plan with the U.S. Forest Service.

**RECOMMENDATION:** Staff recommends approval of Mining Permit / MP 20-02 with the following conditions:

1. That the conditions of approval of the South Dakota Department of Environment and Natural Resources Mine License # 83-45 be continually met;

2. That the applicant follows the Forest Service’s Operating Plan for the Taylor Quarry;
3. That if there is a proposed change in operation from this Mining Permit, including but not limited to, increase in size, amount of material being extracted or type of operation, that the change be submitted to the Planning Director within thirty (30) days and the Mining Permit be reviewed and approved by the Planning Commission;

4. That the applicant obtains and posts a 9-1-1 address for the mine location in accordance with Pennington County Ordinance #20 along with a sign that identifies the name of the mine;

5. 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,

6. That this Mining Permit be reviewed in one (1) year 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.
STAFF REPORT

GENERAL INFORMATION:

REQUEST:       MINING PERMIT / MP 20-03:  To excavate and crush gravel to be hauled off site.

APPLICANT:     Pennington County Highway Department

APPLICANT ADDRESS:  3601 Cambell Street, Rapid City, SD  57701

LANDOWNER:     U.S. Forest Service

LANDOWNER ADDRESS:  2014 N. Main Street, Spearfish, SD  57783

LEGAL DESCRIPTION:  All Less PT HES #508, Section 21, T2N, R2E, and All Less PT HES #604, Section 28, T2N, R2E, BHM, Pennington County, South Dakota.

SITE LOCATION:  Black Fox Road; north of the intersection of W. Deerfield Road and Black Fox Road.

TAX ID:        14218 / 14225

SIZE:          ~ 1,229 acres (40,000 square feet of disturbance)

EXISTING LAND USE:  Vacant

ZONING REFERENCE:  Sections 205 and 507-A

CURRENT ZONING:  General Agriculture District

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

PHYSICAL CHARACTERISTICS:  Forested / Hills

UTILITIES:    None

REPORT BY:    Cody Sack
I. PROPOSED RECOMMENDATION
   A. Staff will be recommending approval of Mining Permit / MP 20-03 with conditions.

II. GENERAL DESCRIPTION
   A. The applicant, Pennington County Highway Department, has requested a Mining Permit to excavate gravel on the subject property to include restoration activities under South Dakota Department of Natural Resources (SDDENR) Mine License 83-45 to operate the existing Mud Lake Pit.

III. EXISTING CONDITIONS
   A. Tax ID #14218:
      1. Zoned General Agriculture District.
      2. 600.36 acres.
   B. Tax ID # 14225:
      1. Zoned General Agriculture.
      2. 629.9 acres.
   C. No Special Flood Hazard Area on the properties.
   D. Both are vacant of any structures.
   E. Access is off of Black Fox Camp Road.

IV. REQUEST FOR COMMENT
   A. County Environmental Planner
      1. There is no Special Flood Hazard Area on the property.
      3. Site must be revegetated in accordance with Section 507 of the PCZO.
   B. County Ordinance Enforcement Officer
      1. No known violations.
   C. County Natural Resources Director
      1. No objections
   D. U.S Forest Service
      1. No issues.
   E. Emergency Services 9-1-1
      1. We would like to have an address assigned to the pit in the event of any injuries or calls for service there, to aid in quickly locating the site in 911 dispatch.

V. ANALYSIS
   A. Mining Permit / MP 20-03 would allow the applicants to extract gravel from the existing Mud Lake Pit.
      1. The applicants have submitted a copy of a State Mine License.
   B. The applicants are anticipating excavating 30,000 to 40,000 tons of gravel.
C. The main roads to be used are Black Fox Camp, West Deerfield, and Whitetail Peak Road.
D. The applicants are not anticipating the need for blasting.
E. Crushing of the gravel won't probably start until 2021.
F. Berms will be constructed to control runoff.
G. The applicants have submitted a reclamation plan to revegetate the site.
H. The mine site is located on U.S. Forest Service land.

Submitted by Applicants

RECOMMENDATION: Staff recommends the approval of Mining Permit / MP 20-02 with the following conditions:

1. That the conditions of approval of the South Dakota Department of Environment and Natural Resources Mine License # 83-45 be continually met;

2. That the applicant follows the Forest Service’s Operating Plan for the Mud Lake Pit;
Agenda Item # 9  
Pennington County Highway Department  
February 24, 2020

3. That if there is a proposed change in operation from this Mining Permit, including but not limited to, increase in size, amount of material being extracted or type of operation, that the change be submitted to the Planning Director within thirty (30) days and the Mining Permit be reviewed and approved by the Planning Commission;

4. That the applicant obtains and posts a 9-1-1 address for the mine location in accordance with Pennington County Ordinance #20 along with a sign that identifies the name of the mine;

5. 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,

6. That this Mining Permit be reviewed in one (1) year 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.
GENERAL INFORMATION:

REQUEST:  

CONDITIONAL USE PERMIT / CU 20-04: To allow an existing residence to be used as a Vacation Home Rental in a Low Density Residential District in accordance with Sections 207, 319, and 510 of the Pennington County Zoning Ordinance.

APPLICANT / AGENT:  

School House, LLC; Jessica Ginger – Agent

APPLICANT ADDRESS:  

9701 Clarkson Road, Rapid City, SD 57702

LOCAL CONTACT:  

Jessica Ginger

ADDRESS:  

9701 Clarkson Road, Rapid City, SD 57702

LEGAL DESCRIPTION:  

Lot 2A (also in Section 6), Block 1, Spring Canyon Estates, Section 5, T1S, R7E, BHM, Pennington County, South Dakota.

SITE LOCATION:  

9603 Clarkson Road; south of the intersection of Sheridan Lake Road and Clarkson Road.

SIZE:  

2.89 acres

TAX ID:  

9128

EXISTING LAND USE:  

Residential

ZONING REFERENCE:  

Sections 207, 319, and 510

CURRENT ZONING:  

Low Density Residential District

SURROUNDING ZONING:  

- North: Low Density Residential District
- South: Low Density Residential District
- East: Low Density Residential District
- West: Low Density Residential District

PHYSICAL CHARACTERISTICS:  

Hills / Forested

UTILITIES:  

Public / Private
I. PROPOSED RECOMMENDATION
   A. Staff will be recommending the approval of Conditional Use Permit / CU 20-04 with conditions.

II. GENERAL DESCRIPTION
   A. The applicant, School House, LLC, is requesting a Conditional Use Permit to allow a single-family residence to be used as a Vacation Home Rental on the subject property.

III. EXISTING CONDITIONS
   A. Zoned Low Density Residential District.
   B. 2.89 acres.
   C. Access off of Clarkson Road.
   D. Located within the West Dakota Water District.
   E. No Special Flood Hazard Area.
   F. Lot Contains:
      2. A 960 square foot attached garage was built in 2019.
         1. COBP19-0539.
      3. A 1,200 square foot addition was added to the single-family residence in 2019.
         1. COBP19-0507.

IV. REQUEST FOR COMMENT
   A. County Environmental Planner II
      1. The applicant has a current Operating Permit (COOP20-0020) and an approval letter from DENR dated January 15, 2020.
   B. County Natural Resources Director
      1. No objections.
   C. County Ordinance Enforcement Officer
      1. No known violations.
   D. County Addressing Coordinator
      1. No addressing concerns at this time. The assigned addresses (9603 Clarkson Road) must be posted in accordance with Pennington County Ordinance #20.
   E. County Highway Department
      1. Adequate off-street parking must be provided.
V. CONSIDERATIONS FOR CONDITIONAL USE PERMIT REQUEST

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

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

2. **The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.**
   1. It appears that by allowing this Conditional Use Permit, the use should not affect the normal, orderly development or improvement of any surrounding vacant property in the area.

3. **That utilities, access roads, drainage, and/or other necessary facilities are provided.**
   1. The proposed use of the existing single-family residence should not require any utilities or facilities that are not already in place. Access is to be provided off of Clarkson Road. Lastly, staff has no drainage concerns relating specifically to the applicant’s request at this time.

4. **That the off-street parking and loading requirements of these Zoning Ordinances are met.**
   1. Pennington County Zoning Ordinance § 310(A)(9)(gg) requires one (1) off-street parking spaces per bedroom. It appears that adequate parking is provided on the subject property.

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

A. January 28, 2020 – School House, LLC applied for Conditional Use Permit / CU 20-04 requesting the use of a single-family residence to be used as a Vacation Home Rental on the subject property in Low Density Residential.

B. § 207(C)(18) of the Pennington County Zoning Ordinance (PCZO) lists “Vacation Home Rental in accordance with Section 319” as a Conditional Use in a Low Density Residential District.

C. § 319(B) states:
   1. “As long as the subject property for the VHR is a minimum of 1-acre with a combination of acceptable Public and/or Private Systems, as determined by the South Dakota Department of Health and the Pennington County Planning Department; VHRs are permitted with approval of a Conditional Use Permit in:
      1. General Agriculture Zoning Districts;
      2. Limited Agriculture Zoning Districts;
      3. Low Density Residential Zoning Districts; and,
         a. The subject property is zoned Low Density Residential with 2.89 acres.
      4. Suburban Residential Zoning Districts.”

D. The applicant has complied with all of the application and submittal requirements for a VHR, as listed in PCZO § 319, including the following:
   1. Complete application and floor plans.
   2. South Dakota Department of Health Lodging License Application.
   3. Local contact: Jessica Ginger.
   4. Approval from SD DENR.

E. February 11, 2020 – Staff performed a site visit and found the following:
   1. The property appeared to be under construction.
   2. The applicant is adding a 960 sqft. attached garage.
   3. The applicant is also adding a 1,200 sqft. addition to the original A-frame.
      a. After checking Building Permits for the property, staff found that the applicant had only applied for an 180 sqft. addition. The applicant did apply and pay with applicable penalty fees to amend COBP19-0507 from 180 sqft. to 1,200 sqft.
Agenda Item #10
School House, LLC; Jessica Ginger – Agent
February 24, 2020

RECOMMENDATION: Staff recommends approval of Conditional Use Permit / CU 20-04 with the following conditions:

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

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

3. That all necessary permits are obtained prior to any additions and/or alterations to the structure or upgrades/alterations to the on-site wastewater treatment system;

4. That each review of Conditional Use Permit / CU 20-04, be subject to PCZO § 511(F)(4), which imposes a $100 fee per review;

5. That the applicant obtain the Department of Revenue (Sales Tax License) prior to operation;

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

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

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

9. That an interior informational sign be posted in accordance with the requirements of PCZO § 319(G), with 9-1-1 and (605) 394-2151 listed as contacts for Fire Department and Sheriff’s Office respectively, during operation of the Vacation Home Rental;

10. That the lot address (9603 Clarkson Rd.) be posted on the residence at all times and so it is clearly visible from Clarkson Road, in accordance with Pennington County’s Ordinance #20;
Agenda Item #10  
School House, LLC; Jessica Ginger – Agent  
February 24, 2020

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

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

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

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

15. 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; and,

16. That this Conditional Use Permit be reviewed in three (3) months when construction is complete to ensure all conditions are being met.
VACATION HOME RENTAL (VHR)
CHECKLIST and SUPPLEMENTAL APPLICATION

APPLICATION REQUIREMENTS:

☑ Site plan depicting the layout of the property, including all existing and proposed structures with setbacks, wells and/or water lines, on-site wastewater treatment system and/or sanitary sewer lines, and on-site parking spaces.

☑ An interior diagram/plan of the VHR.

☑ The maximum number of overnight occupants.

☑ Acknowledgement from the Owner that the VHR meets all Fire Safety Standards for Vacation Home Establishments requirements in accordance with current South Dakota Codified Laws.

☑ Specifications of the existing wastewater treatment system.

☑ Copy of Covenants, if applicable.

☑ Copy of approval letter from SD DENR for the on-site wastewater treatment system (for existing systems only).

☑ Copy of approved Operating Permit, from the Planning & Zoning Department, for the on-site wastewater treatment system (for existing systems only).

☑ A copy of the Vacation Home Rental License or Application from the South Dakota Department of Health. At the time of issuance of the Vacation Home Rental License from the South Dakota Department of Health, a copy of the license shall be furnished to the Planning Department.

LOCAL CONTACT INFORMATION:

Name: Jessica Ginter  Primary Contact Number: 605-593-1745
Mailing Address: 9701 Clarkson Rd.
City: Rapid City  State: SD  Zip Code: 57702

***The Local Contact can file an application for a CUP, with the Owner’s signature notarized on the CUP Application, but the CUP shall only be issued to the Owner of the VHR.

Signature of Local Contact  Date  1/21/20

Subscribed and sworn to before me this 21st day of January 2020.

Notary Public for the State of South Dakota  My Commission Expires 2/15/23
January 20, 2020

Pennington Co. Zoning & Planning
Re: Maximum Occupancy VHR

To Whom It May Concern:

The property at 9603 Clarkson Rd., Rapid City, SD 57702 will have a maximum overnight occupancy of six (6) guests per the recommendation of the SD DENR.

Thank you,

Larry Teuber, Member-Manager
School House, LLC
9701 Clarkson Rd.
Rapid City, SD 57702
Ph: 605-484-1616
January 20, 2020

Pennington Co. Zoning & Planning  
Re: Fire Safety Standards for VHR  

To Whom It May Concern:

The property at 9603 Clarkson Rd., Rapid City, SD 57702 is in compliance with the  
SD Codified Law for Fire Safety Standards, Chapter 61:15:01.

Thank you,

Larry Teuber, Member-Manager  
School House, LLC  
9701 Clarkson Rd.  
Rapid City, SD 57702  
Ph: 605-484-1616
ON-SITE WASTEWATER TREATMENT SYSTEM OBSERVATION FORM

Date 9/24/19  Time 11:00  Weather Normal
Owner Larry Teuber  Phone (605) 484-1616
Address 9603 Clarkson Rd.  City Rapid City  Zip 57702

System Information

<table>
<thead>
<tr>
<th>Septic Tank</th>
<th>Size (gallons)</th>
<th>Type of Tank</th>
<th>Type of Drainfield</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Block 1</td>
<td>1000</td>
<td>GF PSXO</td>
<td>BMHE1O</td>
<td></td>
</tr>
<tr>
<td>Block 2</td>
<td></td>
<td>GF PSXO</td>
<td>BMHE1O</td>
<td></td>
</tr>
<tr>
<td>Gray</td>
<td></td>
<td>CF PSXO</td>
<td>BMHE1O</td>
<td></td>
</tr>
</tbody>
</table>

If a steel tank is present, is the tank pitted, flaking or appear to be collapsing?  YES  NO

* C = Concrete  T = Fiberglass  P = Plastic  S = Steel  X = Cesspool  Seepage Pit  Drywell  or Leaching Pit  O = Other
** T = Trench  B = Bed  M = Mound  H = Holding Tank  I = Evapotranspiration System  D1 = Drip Irrigation  O = Other

Performance and Integrity

1. Tank lid(s) secure if above grade
2. Tank lid(s) need repaired or replaced
3. Both inspection pipes are present
4. Backup into structure
5. Evidence of suracing or discharge to surface waters
6. Possible tank leak (ie. cracks, inflow or outflow @ seam)
7. Tank overfull
8. Water drained back into the tank from the drainfield
9. Constant stream of water into tank from the structure
10. Baffles: Inlet (Concrete [PVC, Cast Iron])
    Outlet (Concrete [PVC, Cast Iron])
    Baffles: missing or in need of repair
11. Pump or siphon?
12. Advanced Treatment Unit (ATU)
13. Is there a pit privy (Outhouse)
14. Downspouts influencing tank or drainfield

Site Plan:

---

Observation Completed by: Chris Skorpak  Date: 9/24/19

HILLS SEPTIC SERVICE
4781 STURGIS RD
RAPID CITY SD 57702

Comments:

***A follow-up letter will be sent by Pennington County outlining the observation results and payment procedures.***
January 15, 2020

Jessica Ginger
9701 Clarkson Rd.
Rapid City, SD 57702

RE: Approval of the wastewater system for your vacation rental located at 9603 Clarkson Road, Rapid City, SD 57702

Dear Ms. Ginger:

The South Dakota Department of Environment and Natural Resources is in receipt of your request for approval of an existing absorption trench wastewater system. No records were found from DENR or the county regarding this residence, but the homeowner indicated it is a three-bedroom home with a garbage disposal. This system is located on Block 1 of Spring Canyon Estates Subdivision, Section 5, T1S, 7E, Pennington County, South Dakota.

Based on the information provided we consider this wastewater system approved for a maximum daily flow of 360 gallons per day, until such time as the system is altered or fails. This would be sufficient for up to 6 persons per night staying at this vacation rental.

The lifetime of this system is dependent upon proper construction and regularly scheduled maintenance. Please feel free to contact this office if you have any questions.

Sincerely,

[Signature]

Kent R. Woodmansey, P.E.
Engineering Manager
(605) 773-3351

cc: TJ Doreff, Pennington County Planning
Bill Chalcraft, Administrator DOH – Robert Hayes Bldg.
# On-Site Wastewater Treatment System Operating Permit

Pennington County Planning Department - 130 Kansas City Street, Suite 200 - Rapid City, SD 57701  
Phone: (605) 394-2186 - Fax: (605) 394-6016 - Web: www.pennco.org

<table>
<thead>
<tr>
<th>Operating Permit Number: COOP20-0020</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PROPERTY INFORMATION</strong></td>
</tr>
<tr>
<td>Property Address: 9603 CLARKSON RD</td>
</tr>
<tr>
<td>Pin #: 54-05-153-002</td>
</tr>
<tr>
<td>Tax ID #: 9128</td>
</tr>
<tr>
<td>Owner Name: SCHOOL HOUSE LLC</td>
</tr>
<tr>
<td>Owner Address: 9701 CLARKSON RD</td>
</tr>
<tr>
<td>RAPID CITY, SD 57702-9100</td>
</tr>
<tr>
<td>Legal Description:</td>
</tr>
<tr>
<td>Block: 1</td>
</tr>
<tr>
<td>Subdivision: SPRING CANYON ESTATES</td>
</tr>
<tr>
<td>Section-Township-Range: 5-1S-7E</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>ON-SITE WASTEWATER TREATMENT SYSTEM INFORMATION</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Septic/Holding Tank System</strong></td>
</tr>
<tr>
<td>Tank Size: 1000</td>
</tr>
<tr>
<td>Tank Material: Concrete</td>
</tr>
<tr>
<td>Treatment System Type: Trench</td>
</tr>
<tr>
<td>OSWTS Permit Number (new systems only):</td>
</tr>
<tr>
<td><strong>Graywater System (if applicable)</strong></td>
</tr>
<tr>
<td>Tank Present: NO</td>
</tr>
<tr>
<td>Tank Size: 0</td>
</tr>
<tr>
<td>Tank Material:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>PERMIT INFORMATION</strong></th>
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</thead>
<tbody>
<tr>
<td>Date of System Observation: 24-Sep-2019</td>
</tr>
<tr>
<td>Operating Permit Expiration: 24-Sep-2025</td>
</tr>
<tr>
<td>Observed By: CHRIS SKORPAK</td>
</tr>
</tbody>
</table>

| THE PROPERTY OWNER IS RESPONSIBLE FOR LOCKING ALL  |
| SEPTIC AND HOLDING TANK LIDS THAT ARE ABOVE GRADE |
| OR HAVE LESS THAN 6 INCHES OF EARTH BACKFILL.      |

Approval of this Permit does not in any way release the owner from the responsibility that the onsite wastewater treatment system must be operable.

§ 204(I) of the Pennington County Zoning Ordinance requires that your onsite wastewater treatment system be pumped and observed at a minimum frequency of six (6) years. There are subdivisions and commercial properties within the County that require more frequent pumping and observation. The longevity and performance of your onsite wastewater treatment system is dependent upon proper maintenance and care of the system, which may require more frequent pumping and/or observation. For more information, please visit <http://water.epa.gov/infrastructure/septics/septicsmart.cfm>
**SOUTH DAKOTA DEPARTMENT OF HEALTH**  
**LODGING LICENSE APPLICATION**

**SECTION 1: ESTABLISHMENT INFORMATION**

<table>
<thead>
<tr>
<th>Corporation/Owner Name</th>
<th>List Previous Establishment Name</th>
<th>Old Lic. #</th>
</tr>
</thead>
<tbody>
<tr>
<td>School House LLC</td>
<td>N/A</td>
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</table>

<table>
<thead>
<tr>
<th>Establishment Name</th>
<th>Corporate Contact/Phone</th>
<th>Establishment Phone</th>
<th>Cell Phone</th>
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<tbody>
<tr>
<td>Spring Canyon A-Framed</td>
<td>Jessica Ginger</td>
<td>605-593-1475</td>
<td>605-593-1475</td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th>Establishment Physical Address (No P.O. Box #’s)</th>
<th>City</th>
<th>State</th>
<th>Zip</th>
</tr>
</thead>
<tbody>
<tr>
<td>9103 Clarkson Rd</td>
<td>Rapid City</td>
<td>SD</td>
<td>57703</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>If rural location, give directions from nearest city</th>
<th>County</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>Pennington</td>
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<table>
<thead>
<tr>
<th>Mailing Address (If different than physical address)</th>
<th>City</th>
<th>State</th>
<th>Zip</th>
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<tbody>
<tr>
<td>9103 Clarkson Rd</td>
<td>Rapid City</td>
<td>SD</td>
<td>57703</td>
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<tr>
<th>Email Address</th>
<th>Application is for:</th>
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<tbody>
<tr>
<td></td>
<td>□ NEW BUSINESS □ CHANGE OWNERSHIP</td>
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<table>
<thead>
<tr>
<th>Dates Open - If Seasonal</th>
<th>Proposed Opening Date</th>
<th>Water Supply</th>
<th>Sewer System</th>
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<tbody>
<tr>
<td>From: May</td>
<td>To: Oct</td>
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<td></td>
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<tr>
<td>July 1, 2020</td>
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**SECTION 2: LODGING LICENSING FEES – Type of Business (Choose One)**

<table>
<thead>
<tr>
<th>Number of Units</th>
<th>Bed &amp; Breakfast:</th>
<th>Vacation Home:</th>
<th>Specialty Resort:</th>
<th>Hotel:</th>
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<tbody>
<tr>
<td></td>
<td>(No other fees apply)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>$70.00</td>
<td>$70.00</td>
<td>$2.25 per unit</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Registration Fee</td>
<td>This includes the inspection fee²</td>
<td>Plus $25.00 Inspection Fee²</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$38.00</td>
<td>$35.00</td>
<td>$1.12 per unit</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Registration Fee</td>
<td>This includes the inspection fee²</td>
<td>Plus</td>
</tr>
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**SECTION 3: WATER RECREATION FEES**

<table>
<thead>
<tr>
<th>Number of Pools and Hot Tubs</th>
<th>Full Year Fee:</th>
<th>Half Year Fee:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>None</td>
<td>One</td>
</tr>
<tr>
<td>Pools</td>
<td>$0</td>
<td>$40.00</td>
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<tr>
<td>Hot Tubs</td>
<td>$0</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Is Your Pool Or Hot Tub Associated With Another Licensed Establishment?</th>
<th>Yes □ No [x]</th>
</tr>
</thead>
<tbody>
<tr>
<td>If Yes, Please Name Other Licensed Facility</td>
<td></td>
</tr>
</tbody>
</table>

**SECTION 4: SIGNATURE**

Being first duly sworn, I, as the owner or the owner’s agent with legal authority to bind the owner, verify that the information contained in this application is true and complete, and I consent to allow inspections of the food service, lodging, or campground establishment by authorized inspectors during normal business hours upon the presentation of identification.

Owner/Agent Signature: [Signature]  
Date: 1/5/20

Subscribed and sworn to before me this 15th day of January, 2020.

Notary Public

APPLICATIONS MUST BE SIGNED AND NOTARIZED TO BE VALID.
STAFF REPORT

GENERAL INFORMATION:

REQUEST:  

LAYOUT PLAN / LPL 20-02: To subdivide and create Lots 1, 2, and 3 of Hideaway Hills Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

APPLICANT:  

Gorden and Jennifer Sabo

APPLICANT ADDRESS:  

8420 Alberta Drive, Rapid City, SD 57702

OTHER LANDOWNER:  

Stefan and Michelle Pluta

LANDOWNER ADDRESS:  

P.O. Box 1187, Rapid City, SD 57709

SURVEYOR / ENGINEER:  

KTM Design / Dave Vliem

ADDRESS:  

628 1/2 Sixth Street, Rapid City, SD 57702

LEGAL DESCRIPTION:  

EXISTING LEGAL: E1/2NE1/4; NE1/4SE1/4; NW1/4SE1/4, Section 8, T2S, R7E, BHM, Pennington County, South Dakota.

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

SITE LOCATION:  

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

SIZE:  

161.47 acres

TAX ID:  

42815 / 42816 / 61562

EXISTING LAND USE  

Residential (42815 / 61562)  
Vacant (42816)

SUBDIVISION REGULATIONS REFERENCE:  

Section 400.1

CURRENT ZONING:  

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

PHYSICAL CHARACTERISTICS: Forested / Hills

UTILITIES: None

REPORT BY: Kristina Proietti

I. PROPOSED RECOMMENDATION
   A. Staff will be recommending approval of Layout Plan / LPL 20-02 with conditions.

II. GENERAL DESCRIPTION
   A. January 20, 2020, the applicants, Gorden and Jennifer Sabo, requested to reconfigure lot lines on the subject properties to create three lots. Proposed Lot 1 will have approximately 55.47 acres, proposed Lot 2 will have approximately 95.95 acres, and proposed Lot 3 will have approximately 10.05 acres.

III. EXISTING CONDITIONS
   A. Zoned as General Agriculture District.
   B. Lot size:
      1. Tax ID 42815: Approximately 80 acres ±.
      2. Tax ID 42816: Approximately 40 acres ±.
      3. Tax ID 61562: Approximately 40 acres ±.
   C. No Special Flood Hazard Area on the subject properties.
   D. Access taken off of Martin Ranch Trail.
   E. Part of the Martin Ranch Trail Road District.
   F. Structures present:
      1. Tax ID 42815:
         a. 40’ x 60’ pole barn / COBP12-0371.
         b. Single-family residence with attached garage / COBP12-0433.
         c. Onsite Wastewater Treatment System (OSWTS) Construction Permit for mound system / COSD12-0081.
         d. OSWTS Operating Permit / COOP19-0921.
         e. 40’ x 60’ garage and storage / COBP19-0286.
   G. Tax ID 42816:
      a. Vacant of any structures.
   H. Tax ID 61562:
      a. 36’ x 50’ shop with living quarters / COBP18-0479.
      b. Onsite Wastewater Treatment System (OSWTS) Construction Permit / COSD18-0064.
IV. PROPOSED LOTS

A. Lot 1
   1. Approximately 40 acres.

B. Lot 2
   1. Approximately 80 acres.

C. Lot 3
   1. Approximately 40 acres.
   2. Rezone or Lot Size Variance required.
      a. January 20, 2020, the applicants applied for a Rezone (RZ 20-01) to change the zoning from General Agriculture District to Limited Agriculture District for proposed Lot 3
V. REQUEST FOR COMMENT
A. County Highway Department
   1. No comments.
B. County Fire Administrator
   1. No comments received.
C. County Interim Director
   1. There is no Special Flood Hazard Area on the subject property.
D. County Onsite Wastewater Specialist
   1. According to the USDA Web Soil Survey the soils on this property are classified as “Very Limited” due to depth of bedrock, slope and slow water movement. When any septic systems are installed on any of the proposed new lots all rules of Pennington County Zoning Ordinance 204-J must be followed.
E. County Ordinance Enforcement
   1. No known violations.
F. County Addressing Coordinator
   1. No addressing concerns at this time. Future addresses will be assigned during the Building Permit application process. Once assigned, addresses must be posted in accordance with Pennington County Ordinance #20.
G. Register of Deeds
   1. Plat heading is ok.
   2. Certificates appear to be required certificates per state statute.
H. Department of Equalization
   1. All of the Sabo stuff looks good as far as I am concerned.
I. Black Hills Electric Cooperative
   1. Black Hills Electric Cooperative has no concerns with this layout plat.

VI. ANALYSIS
A. The applicants, Gorden and Jennifer Sabo, have applied to create Lots 1, 2, and 3 of Hideaway Hills Subdivision.
B. January 20, 2020, the applicants, Gorden and Jennifer Sabo, also applied for a Rezone (RZ 20-01) to change the zoning from General Agriculture District to Limited Agriculture District for proposed Lot 3 of Hideaway Hills Subdivision, involving approximately 10.05 ± acres, which will be heard at the same Planning Commission meeting.
C. The applicants, Gorden and Jennifer Sabo, also applied for a Subdivision Regulation Variance (SV 20-01) that was heard in front of the Board of Adjustment on February 18th and was continued to the March 3, 2020, Board of Adjustment Meeting. This Variance request is to waive the following platting requirements:
   1. Additional road improvements to Martin Ranch Trail;
   2. Improvements to undeveloped section line ROW; and,
   3. Percolation test and soil profile information for proposed Lot 3.
RECOMMENDATION: Staff recommends approval of Layout Plan / PL 20-02 with the following conditions:

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

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

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

4. That the applicant ensures that 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 Section 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit; and,

6. That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.
RIGHT OF WAY AND UTILITY EASEMENT

MARTIN FAMILY SURVIVOR'S TRUST, A TRUST ESTABLISHED AND
RESTATED PURSUANT TO THE MARTIN FAMILY TRUST U/D/T JUNE 10, 1997,
DIANE G. STROUD, TRUSTEE, AND MARTIN FAMILY BYPASS TRUST, A TRUST
ESTABLISHED AND CREATED PURSUANT TO THE MARTIN FAMILY TRUST U/D/T
JUNE 10, 1997, DIANE G. STROUD, TRUSTEE, of Ft. Collins, CO, Grantor, which trust
estates are the owners of the following described properties do hereby reserve an easement
sixty-six feet (66') in width for access and utilities over and across the Southwest Quarter of
the Southeast Quarter, the Southeast Quarter of the Southeast Quarter, the Northeast Quarter of
the Southeast Quarter of Section 8 and the Northwest Quarter of the Southwest Quarter of
Section 9, in the location of the center line of the new road shown on Exhibit A attached
hereto, being a survey prepared by Ricky J. Bush, Registered Land Surveyor. Said Easement
is for access to the aforesaid properties and for access to the properties described as the
Northwest Quarter of the Southeast Quarter, the East Half of the Northeast Quarter of Section
8 and the Southwest Quarter of the Southwest Quarter of Section 9, all in Township 2 South,
Range 7 East of the Black Hills Meridian, Pennington County, South Dakota.

This easement is for private access and utilities with the same intended to connect to
future access easements for the benefitted properties. This Easement shall be open to the
owners of all of the above-described properties, their invitees and public authorities in the
pursuit of the police power.

All costs for reconstruction and maintenance of the private access drive for the common
benefit of the properties shall be born by the Legacy Hills Owners' Association until such time
as a county road district is formed to maintain the same.

The grantors do hereby reserve unto themselves and their successors the right to dedicate the private easement herein reserved being a right of way 66' in width along the center line of the roadway surveyed as a public right of way for management and maintenance by a county road district formed including the above-described properties.

This easement is a perpetual and continuing easement touching and concerning properties and shall benefit and bind the successive owners thereof as set forth herein, including the obligation to dedicate same as public right of way upon formation of a county road district.

DATED this 26th day of July, 2007.

MARTIN FAMILY SURVIVOR'S TRUST,
A TRUST ESTABLISHED AND CREATED PURSUANT TO THE MARTIN FAMILY TRUST U/D/T JUNE 10, 1997

By:  
Diane G. Stroud, Trustee

MARTIN FAMILY BYPASS TRUST, A TRUST ESTABLISHED AND CREATED PURSUANT TO THE MARTIN FAMILY TRUST U/D/T JUNE 10, 1997

By:  
Diane G. Stroud, Trustee

State of California  

County of Riverside  

On this the 26th day of July, 2007, before me, the undersigned officer, personally appeared Diane G. Stroud who acknowledged herself to be the Trustee of Martin Family Survivor's Trust, a Trust Established and Created Pursuant to the Martin Family Trust U/D/T June 10, 1997, a trust, and that she, as such Trustee being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the trust by herself as Trustee.
IN WITNESS WHEREOF I hereunto set my hand and official seal.

[Signature]
Notary Public, California

(Seal)

State of California

County of Riverside

On this the 26th day of July, 2007, before me, the undersigned officer, personally appeared Diane G. Stroud who acknowledged herself to be the Trustee of Martin Family Bypass Trust, a Trust Established and Created Pursuant to the Martin Family Trust U/D/T June 10, 1997, a trust, and that she, as such Trustee being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the trust by herself as Trustee.

IN WITNESS WHEREOF I hereunto set my hand and official seal.

[Signature]
Notary Public, California

(Seal)
RECORD OF SURVEY
OF
THE E1/2NE1/4, SE1/4 OF SECTION 8
AND
W1/2SW1/4 OF SECTION 9, T.2S., R.7E., B.H.M.,
PENNINGTON COUNTY, SOUTH DAKOTA.

CERTIFICATE OF SURVEY
I, ROY J. BUSH, REGISTERED LAND SURVEYOR NO. 6699, IN THE STATE OF SOUTH DAKOTA, DO HEREBY CERTIFY THAT THIS RECORD OF SURVEY CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION IN CONFORMITY WITH THE LAWS OF THE STATE OF SOUTH DAKOTA, AND USING ACCEPTED METHODS AND PROCEDURES OF SURVEYING, AT THE REQUEST OF THE OWNER, IN WITNESS WHEREOF, I HAVE SET MY HAND AND OFFICIAL SEAL.

ROY J. BUSH, R.L.S. 6699

BASIS OF BEARINGS
PRIMARY TRAVERSE ADJUSTED TO AgREE WITH RECORD BEARING OF THE WEST LINE BETWEEN THE SECTION CORNER COMMON TO SECTIONS 6, 9, AND 12, AND THE 1/4 CORNER COMMON TO SECTIONS 9 AND 12.

LEGEND
- SET 5/8" REBAR & CAP " RLS 6699" THIS SURVEY
- FOUND SURVEY MONUMENT THIS SURVEY

PREPARED BY: PRECISION SURVEYING & MAPPING, Inc.
2030 MAIN STREET, STURGIS, SD 57765  (605) 347-4014
EXHIBIT A
ACCESS EASEMENT

LEGAL DESCRIPTION

SE1/4NE1/4 AND NE1/4SE1/4 OF SECTION 8, T2S, R7E, S.H.M.
PENNINGTON COUNTY, SOUTH DAKOTA

Surveyed by: M.I.B.
Date: 5/24/11
Drafted by: M.R.H.

Title Work □WAS ❌WAS NOT provided at time of survey order.

SURVEYOR'S CERTIFICATE
I, the undersigned, do hereby certify that I have surveyed the above described property and that the information shown herein is an accurate representation of the information gathered at the time of the inspection of the subject property.

Michael R. Hanson, P.L.S.
R.D. Reg. # 0251
Agenda Item #12
Gorden and Jennifer Sabo
February 24, 2020

STAFF REPORT

GENERAL INFORMATION:

REQUEST: REZONE / RZ 20-01: To rezone 10.05 acres from General Agriculture District to Limited Agriculture District in accordance with Sections 205, 206, and 508 of the Pennington County Zoning Ordinance.

APPLICANT: Gorden and Jennifer Sabo

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

SURVEYOR / ENGINEER: KTM Design / Dave Vliem

ADDRESS: 628 1/2 Sixth Street, Rapid City, SD 57702

LEGAL DESCRIPTION: Commencing at the East 1/4 corner of Section 8, T2S, R7E, BHM, Pennington County, South Dakota; THENCE (1) With the east line of said Section 8, South 01°57'40" West, 766.30 feet to the point of beginning; THENCE (2) Continuing with said east line, South 01°57'40" West, 564.87 feet; THENCE (3) Leaving said east line, North 87°46'47" West, 774.65 feet; THENCE (4) North 01°56'55" East, 564.94 feet; THENCE (4) South 87°46'28" East, 774.77 feet to the point of beginning. Said parcel contains 10.05 acres more or less. Section 8, T2S, R7E, BHM, Pennington County, South Dakota

SITE LOCATION: Northeast of the intersection of Rushmore Ranch Road and Martin Ranch Trail, along Martin Ranch Trail.

SIZE: 10.05

TAX ID: 42816

EXISTING LAND USE: Vacant

ZONING REFERENCE: Sections 205, 206, and 508

CURRENT ZONING: General Agriculture District
I. PROPOSED RECOMMENDATION
   A. Staff will be recommending approval of Rezone / RZ 20-01 with conditions.

II. GENERAL DESCRIPTION
   A. January 20, 2020, the applicants, Gorden and Jennifer Sabo, applied for a Rezone (RZ 20-01) to change zoning from General Agriculture District to Limited Agriculture District for proposed Lot 3 of Hideaway Hills Subdivision involving approximately 10.05 ± acres.

III. EXISTING CONDITIONS
   A. Zoned as General Agriculture District.
   B. Lot size:
      1. Tax ID 42816: Approximately 40 acres ±.
   C. No Special Flood Hazard Area on the subject properties.
   D. Access taken off of Martin Ranch Trail.
   E. Part of the Martin Ranch Trail Road District.
   F. Structures present:
      1. Vacant of any structures.
IV. SURROUNDING CURRENT ZONING WITHIN 1 MILE OF THE SUBJECT PROPERTY (see Image 1).
   A. General Agriculture District;
   B. Limited Agriculture District; and,
   C. Planned Unit Development Sensitive.
V. SURROUNDING FUTURE LAND USE (FLU) ZONING WITHIN 1 MILE OF THE SUBJECT PROPERTY (see image 2).

VI. REQUEST FOR COMMENT
A. County Highway Department
   1. No comments.

B. County Fire Administrator
   1. No comments received.

C. County Interim Director
   1. There is no Special Flood Hazard Area on the subject property.

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

E. County Ordinance Enforcement
   1. No known violations.
F. County Addressing Coordinator
   1. No addressing concerns at this time. Future addresses will be assigned during the Building Permit application process. Once assigned, addresses must be posted in accordance with Pennington County Ordinance #20.

G. Register of Deeds
   1. Plat heading is ok.
   2. Certificates appear to be required certificates per state statute.

H. Department of Equalization
   1. All of the Sabo stuff looks good as far as I am concerned.

I. Black Hills Electric Cooperative
   1. Black Hills Electric Cooperative has no concerns with this layout plan.

Proposed layout plan prepared by KTM Design Solutions, Inc.
VII. ANALYSIS

A. January 20, 2020, the applicants, Gorden and Jennifer Sabo, applied for a Rezone (RZ 20-01) to change zoning from General Agriculture District to Limited Agriculture District for proposed Lot 3 of Hideaway Hills Subdivision involving approximately 10.05 ± acres.

B. January 20, 2020, the applicants, Gorden and Jennifer Sabo, requested to subdivide the subject properties to create three lots. Proposed Lot 1 will have approximately 55.47 acres, proposed Lot 2 will have approximately 95.95 acres, and proposed Lot 3 will have approximately 10.05 acres.

C. January 20, 2020, the applicants, Gorden and Jennifer Sabo, requested a Subdivision Regulation Variance (SV 20-01) that was heard and approved in front of the Board of Adjustment on February 18, 2020, to request to waive the following three (3) items:
   1. Additional road improvements to Martin Ranch Trail;
   2. Improvements to undeveloped section line ROW; and,
   3. Percolation test and soil profile for proposed Lot 3.

RECOMMENDATION: Staff recommends approval of Rezone / RZ 20-01.
LOT 3
10.05 Ac.

66' WIDE RIGHT OF WAY AND UTILITY EASEMENT AS RECORDED IN BOOK 172, PAGE 1080

24' WIDE PRIVATE ACCESS EASEMENT AS RECORDED IN DOC #201800698

EXHIBIT 'A'
LOT 3
HIDEAWAY HILLS SUBDIVISION
LOCATED IN SECTION 8, T2S, R7E, B.H.M., PENNINGTON COUNTY, SOUTH DAKOTA.
TO: Pennington County Planning Commission
FROM: Brittney Molitor, Interim Planning Director
DATE: February 24, 2020
RE: Comprehensive Plan “View to 2040” to amend and supersede Pennington County’s existing Comprehensive Plan.

TODAY’S OBJECTIVE: To review the Board of Commissioner’s proposed changes to the Pennington County Comprehensive Plan and to schedule hearings on the FINAL document. Staff received the final version of the document on February 20, 2020. In order to allow the public ample time to view the final version, Staff is recommending that the hearings be continued.

GENERAL DESCRIPTION: On December 20, 2016, the Board of Commissioners approved an agreement for professional services between Pennington County and Matrix Design Group, Inc. for a rewrite of the Pennington County Comprehensive Plan. Matrix Design Group, Inc. (Rick Rust, Consultant) is contracted to assist Pennington County in the updating, amending, and adoption process of the new Pennington County Comprehensive Plan; this document is referred to as the “View to 2040” document.

To understand the purpose of a Comprehensive Plan, consider a quote from the document itself, “The purpose of the Pennington County Comprehensive Plan is to guide government officials, residents, and developers in sound decision-making about current and future development of Pennington County. The Comprehensive Plan is an advisory document that provides a framework for land use decisions, public service expansions, economic development, resource management, and the general growth of the county. This plan serves as a guide that should be used to gauge short-term and current decisions against the long-range vision that has been developed.”

AVAILABILITY FOR COMMENT:
Since the creation of the first draft, the “View to 2040” document has been available for viewing at the Auditors Department, Commissioner’s Office, Planning Department, Pennington County Home Page, the Planning Department’s Web Page and on the official View to 2040 website at viewto2040.com.

REVIEW AND COMMENTS:
Starting in early 2017, consultants held no less than 30 scheduled face-to-face meetings with Elected Officials and Staff from: Pennington County, Rapid City, Box Elder, Keystone, Hill City, Wall, and Ellsworth Airforce Base to collect comments and opinions to help produce a draft document for Public Review. To collect more information, the consultants held a total of 15 public meetings between March 2017 and June 2018 in Rapid City, Wall, Keystone and Hill City. Comments from the 45+ meetings mentioned-above and comments received from the viewto2040.com website and various emails, were incorporated into the first “View to 2040” draft document.

As of the date of this memo, the final version of the document (dated February 2020) is available for public viewing and comment at the Auditors Department, Commissioner’s Office, Planning Department, Pennington County Website (home page and Planning Department page), and on the official “View to 2040” website at viewto2040.com.

Hearings on the FINAL document are proposed for the Planning Commission meeting on March 23, 2020 at 9:00 am and Board of Commissioners meeting on April 7, 2020 at 10:30 am.
2.2 Focus Areas – BH Focus Area (pg. 2-2):

(Under Issues and Opportunities)

......tourism opportunities. The uncrowded natural and man-made features of the Black Hills are ideal for any outdoor enthusiast. Hiking, biking, skiing, rock climbing, hunting, fishing, kayaking and canoeing are just several examples of the many activities the Black Hills has to offer. With several lakes, countless streams, endless miles of hiking and biking trails, and scenic views, the Black Hills is a prime destination for tourism.
4.1 Economic Development Element – Tourism (pg. 4-3):

The tourism economy is prominent in Pennington County – tourism attracts businesses and employment opportunities which operate primarily from April to October and seasonally during the winter months to accommodate seasonal tourism activities the tourist season. During this time, there is an influx of jobs and population throughout the county. It will be important for the County to leverage its tourism assets in the coming years to continue to grow the tourism industry in Pennington County. The Black Hills area is a multi-use destination for tourists offering activities ranging from fishing, hiking, camping, biking, skiing, and horseback riding to rock climbing, kayaking and wildlife viewing. Tourist draws such as like the Mount Rushmore National Memorial, events like the Sturgis Motorcycle Rally, Mickelson Trail and the proximity of the Rapid City Regional Airport, are all assets that can be leveraged to the County’s advantage.
7.1 Infrastructure Overview

Wastewater

Wastewater treatment systems are regulated through Section 204-J of the County Zoning Ordinance. There are several options for on-site wastewater treatment in Pennington County. These include absorption trenches and beds, at-grade systems, mound system, and evapotranspiration systems. In addition, incinerator and composting toilets are allowed in remote areas and at small seasonal cabins. Through Section 204-J, all on-site wastewater treatment systems are required to obtain an operating permit showing the system does not have an adverse impact upon public health and the environment.
8.1 Recreation, Open Space & Tourism Element – (pg. 8-2):

*(under Tourism)*

**Lakes, Rivers & Streams**

The unique geology of the Black Hills, combined with its striking scenery, tranquil creeks and streams, create the perfect atmosphere for fly fishing. There are several manmade lakes that offer great opportunities such as fishing, boating, wake boarding and water skiing. Several lakes in the Black Hills include Pactola Reservoir, Sheridan Lake, Deerfield Lake, and Sylvan Lake which are fed by creeks and streams such as Rapid Creek and Spring Creek.

**Trails & Golf Courses**

The Black Hills National Forest contains over 450 miles of world class hiking, biking, and running trails such as Black Elk Peak, ranging in length and difficulty for all ages and abilities. Black Elk is the highest peak east of the Rocky Mountains. The Mickelson Trail extends 108 miles from Edgemont, South Dakota to Deadwood, South Dakota and is utilized by both tourists and locals. Biking, walking, and running, horseback riding and riding snow mobiles are popular activities along the trail.

Golf courses in the hills twist in and out of pine forests, across streams and open up to beautiful mountain views. Both tourists and locals play these courses for much of the summer and fall seasons to enjoy the beauty and scenery that the Black Hills have to offer during a round of golf. Some of Americas top courses are right here in the heart of the Black Hills.
10.2 Goals and Policies – Goal NRC-5 (pg. 10-5):

Mining operations in Pennington County will be reclaimed in a legally permissible, fiscally possible, and financially feasible, and maximally productive manner, according to best practices designed to restore the site to an appropriate land use.
In Chapter 10, under 10.1 recommend adding language about the state noxious weed laws and aquatic invasive species.

South Dakota codified laws under chapter 38-22 and Administrative Rule 12:62 outline the state laws that protect the state's natural resources and agricultural lands from non-native and native invasive species. The Pennington County Weed & Pest Board is authorized by state statute to implement state laws and develop programs to protect Pennington County from these threats. Currently the state declared noxious weeds are Leafy spurge (Euphorbia esula), Canada Thistle (Cirsium arvense), Perennial sow thistle (Sonchus arvensis), Hoary cress (Cardaria draba), Russian knapweed (Centaurea repens), Purple loosestrife (Lythrum salicaria), Salt cedar (Tamarix aphylla, T. chinensis, T. parviflora and T. ramosissima) and Gypsy moth (Lymantria dispar) is currently the only state declared pest. Prairie dogs can be considered a pest if they meet the conditions outlined in state statute 38-22-1.2. In addition to the state declared noxious weed and pest list, counties are able to list 8 additional locally declared noxious weeds and or pests. The current noxious weeds on Pennington County's list are Absinth wormwood (Artemisia absinthium), Common tansy (Tanacetum vulgare), Houndstongue (Cynoglossum officinale), Oxeye daisy (Leucanthemum vulgare), Puncturevine (Tribulus terrestris), Spotted knapweed (Centaurea maculosa), Sulfur cinquefoil (Potentilla recta) and Japanese beetle (Popillia japonica) is currently the only locally declared pest. It is a class-2 misdemeanor in South Dakota if your land is infested with state or local declared noxious weeds or pests. To protect waterways and lakes, South Dakota Administrative Rule 41:10:04:01. lists the declared aquatic invasive species in the state. The current aquatic invasive species declared in South Dakota for fish species are Black carp, Bighead carp, Blotched snakehead, Common carp, European rudd, Giant snakehead, Grass carp, Northern snakehead, Silver carp, and Western mosquitofish. Plant species are Brittle naiad, Common reed, Curly pondweed, Didymo, Eurasian water-milfoil, Flowering rush, Purple loosestrife, and Starry stonewort. Invertebrates species are Asian clam, New Zealand mudsnail, Quagga mussel, Red rimmed melania, Red swamp crayfish, Rusty crayfish, and Zebra mussel.

In Chapter 10, under 10.2 in Goal NCR-2, recommend changing NCR-2.1 to read:
The County shall ensure the protection of environmentally sensitive wildlife and plant life, including those species designated as rare, threatened, and/or endangered by the Federal and/or South Dakota state government, through compatible land use development and enforcement of state and local invasive species laws.

In Chapter 10, under 10.2 in Goal NCR-2, recommend changing NCR-2.6 to read:
The County shall encourage the planting a diversity of native trees, shrubs, and grasslands in order to preserve the visual integrity of the landscape, provide habitat conditions suitable for native vegetation and wildlife, and ensure that a maximum number and variety of well-adapted plants are maintained.
In Chapter 10, under 10.2, recommend adding Goal NCR-76 and to read:

**NRC-76** Pennington County’s natural and agricultural resources are protected from invasive species.

**NRC-76.1** Any gravel, timber, hay, or any other earthen material removed from the property should be free of noxious weed plant material and/or seeds.

**NRC-76.2** Any equipment used in disturbing the ground on the property should be cleaned of any soil or earthen material before leaving the property.

**NRC-76.3** Any disturbed ground should be re-seeded with a native, agricultural producing or ornamental lawn grass mix seed.

**NRC-76.4** All landowners should use an intergraded noxious weed plan for controlling existing noxious weeds on the property to prevent the spread onto neighboring properties.

**NRC-76.5** Any watercraft leaving the water should be drained and free of any vegetation.
STAFF REPORT

GENERAL INFORMATION:

REQUEST: CONSTRUCTION PERMIT / CP 20-03: To excavate, grade, stockpile, and reclamation work associated with mining activities.

APPLICANT: Pennington County Highway Department

APPLICANT ADDRESS: 3601 Cambell Street, Rapid City, SD 57701

LANDOWNER: U.S. Forest Service

LANDOWNER ADDRESS: 1019 N. Fifth Street, Custer, SD 57730

LEGAL DESCRIPTION: Lot 2-4; SE1/4NW1/4, SW1/4NE1/4, W1/2SE1/4, E1/2SW1/4, Section 18, T1S, R7E, BHM, Pennington County, South Dakota.

SITE LOCATION: Gondola Road; south of the intersection of S. Highway 16 and Gondola Road.

TAX ID: 13191

SIZE: 335.79 acres (10,000 square feet of disturbance)

EXISTING LAND USE: Vacant

ZONING REFERENCE: Sections 205 and 507-B

CURRENT ZONING: General Agriculture District

SURROUNDING ZONING: General Agriculture District

   North
   South
   East
   West

PHYSICAL CHARACTERISTICS: Forested / Hills

UTILITIES: None

REPORT BY: Cody Sack
**Staff is requesting public input on this request. The Planning Director will consider public input from private citizens, the applicant and the Planning Commission, in addition to information provided within this Staff Report, when rendering a decision on Construction Permit / CP 20-03.**

I. PROPOSED RECOMMENDATION
   A. Staff will be recommending that the Planning Director approve Construction Permit / CP 20-03 with conditions.

II. GENERAL DESCRIPTION
   A. The applicant, Pennington County Highway Department, has requested a Construction Permit for activities associated with mining activities to include excavating, grading, stockpiling, and reclamation work.

III. EXISTING CONDITIONS
   A. General Agriculture District.
   B. 335.79 acres.
      1. 10,000 square feet of disturbance.
   C. Vacant of structures.
   D. No Special Flood Hazard Area.
   E. Access of Gondola Road.
   F. Existing mining pit (Taylor Pit).

IV. REQUEST FOR COMMENT
   A. County Environmental Planner
      1. There is no Special Flood Hazard Area on the property.
      3. Site must be revegetated in accordance with Section 507 of the PCZO.
   B. County Ordinance Enforcement Officer
      1. No known violations.
   C. Emergency Services 9-1-1
      1. We would like to have an address assigned to the pit in the event of any injuries or calls for service there, to aid in quickly locating the site in 911 dispatch.
   D. County Natural Resources Director
      1. No objections.
   E. U.S. Forest Service
      1. No issue.
   F. South Dakota Department of Natural Resources
      1. SDDOT has no concerns.
V. ANALYSIS

A. This Construction Permit is for construction activities associated with extracting (mining) clay.
   1. The applicant’s plan is to be done within a year.

B. A berm will be constructed on the property to control run off from leaving the site.

C. The applicants have submitted a Stormwater Water Pollution Prevention Plan which incles includes plans for reclamation.

D. Reclamation will consist of filling in the area with topsoil and overburden and then reseeding.

Photo submitted by Applicant’s

RECOMMENDATION: Staff recommends the Planning Director approve Construction Permit / CP 20-03 with the following conditions:

1. That the Conditions of Approval of Mining Permit / MP 20-02 are continually met;

2. That any natural drainage ways and paths be continually maintained;
3. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual shall be followed;

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

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

6. That the applicant follows the Forest Service’s Operating Plan for the Taylor Quarry;

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

8. That this Construction Permit be reviewed in six (6) months from approval date.
STAFF REPORT

GENERAL INFORMATION:

REQUEST: CONSTRUCTION PERMIT / CP 20-04: To excavate, grade, stockpile, and reclamation work associated with mining activities.

APPLICANT: Pennington County Highway Department

APPLICANT ADDRESS: 3601 Cambell Street, Rapid City, SD 57701

LANDOWNER: U.S. Forest Service

LANDOWNER ADDRESS: 2014 N. Main Street, Spearfish, SD 57783

LEGAL DESCRIPTION: All Less PT HES #508, Section 21, T2N, R2E, and All Less PT HES #604, Section 28, T2N, R2E, BHM, Pennington County, South Dakota.

SITE LOCATION: Black Fox Road; north of the intersection of W. Deerfield Road and Black Fox Road.

TAX ID: 14218 / 14225

SIZE: ~ 1,229 acres (40,000 square feet of disturbance)

EXISTING LAND USE: Vacant

ZONING REFERENCE: Sections 205 and 507-B

CURRENT ZONING: General Agriculture District

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

PHYSICAL CHARACTERISTICS: Forested / Hills

UTILITIES: None

REPORT BY: Cody Sack
**Staff is requesting public input on this request. The Planning Director will consider public input from private citizens, the applicant and the Planning Commission, in addition to information provided within this Staff Report, when rendering a decision on Construction Permit / CP 20-04.**

I. PROPOSED RECOMMENDATION
   A. Staff will be recommending that the Planning Director approve Construction Permit / CP 20-04 with conditions.

II. GENERAL DESCRIPTION
   A. The applicant, Pennington County Highway Department, has requested a Construction Permit for activities associated with mining activities to include excavating, grading, stockpiling, and reclamation work.

III. EXISTING CONDITIONS
    A. Tax ID #14218:
       1. Zoned General Agriculture District.
       2. 600.36 acres.
     B. Tax ID # 14225:
       1. Zoned General Agriculture.
       2. 629.9 acres.
    C. No Special Flood Hazard Area on the properties.
    D. Both are vacant of any structures.
    E. Access is off of Black Fox Camp Road.

IV. REQUEST FOR COMMENT
    A. County Environmental Planner
       1. There is no Special Flood Hazard Area on the property.
       3. Site must be revegetated in accordance with Section 507 of the PCZO.
    B. County Ordinance Enforcement Officer
       1. No known violations.
    C. County Natural Resources Director
       1. No objections
    D. U.S Forest Service
       1. No issues.
    E. Emergency Services 9-1-1
       1. We would like to have an address assigned to the pit in the event of any injuries or calls for service there, to aid in quickly locating the site in 911 dispatch.
V. ANALYSIS

A. This Construction Permit is for construction activities associated with extracting (mining) gravel.
   1. The applicant’s plan is to be done within a year.
B. A berm will be constructed on the property to control run off from leaving the site.
C. The applicants have submitted a Stormwater Water Pollution Prevention Plan that includes plans for reclamation.
D. Reclamation will consist of filling in the area with topsoil and overburden and then reseeding.

Submitted by Applicants

RECOMMENDATION: Staff recommends that the Planning Director approve Construction Permit/ CP 20-04 with the following Conditions:

1. That the Conditions of Approval of Mining Permit / MP 20-03 are continually met;

2. That any natural drainage ways and paths be continually maintained;
3. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual shall be followed;

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

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

6. That the applicant follows the Forest Service’s Operating Plan for the Taylor Quarry;

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

8. That this Construction Permit be reviewed in six (6) months from approval date.