AGENDA
PENNINGTON COUNTY PLANNING COMMISSION
March 9, 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 17, 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 24, 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 18-03**: Lisa Tutsch / Tracy Tabiadon. To review a shop building to be used as temporary living quarters while building a single-family residence on the subject property in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

   SW1/4NE1/4, Section 18, T2N, R11E, BHM, Pennington County, South Dakota.

   To recommend to end Conditional Use Permit / CU 18-03 with the applicants’ concurrence.

4. **CONDITIONAL USE PERMIT REVIEW / CU 19-02**: Greg and Angelina Anderson. To review a Vacation Home Rental on the subject property in a Suburban Residential District in accordance with Sections 208, 319, and 510 of the Pennington County Zoning Ordinance.

   Lot 8, Block 2, Whispering Pines Subdivision, Section 32, T1N, R7E, BHM, Pennington County, South Dakota.

   To recommend approval of the extension of Conditional Use Permit / CU 19-02 with conditions.
5. **CONDITIONAL USE PERMIT / CU 19-01**: Terry Sayler. To allow for a Vacation Home Rental on the subject property in a Low Density Residential District in accordance with Sections 207, 319, and 510 of the Pennington County Zoning Ordinance.

Lot A, Miller Subdivision #2, Section 15, T2N, R6E, BHM, Pennington County, South Dakota.

To recommend to continue Conditional Use Permit / CU 19-01 to the March 23, 2020, Planning Commission meeting with five (5) conditions.

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

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

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

To recommend to continue Conditional Use Permit / CU 19-33 until no later than the May 18, 2020, Planning Commission meeting in order for Staff to receive all of the information to satisfy the requirements under Section 306 which includes, but is not limited to, a construction time schedule, SDDOT Approach Permit, onsite wastewater treatment system plan, and an approved Water Right Permit with one (1) condition.

7. **MINING PERMIT REVIEW / MP 19-03**: Cody Schad. To review the removal of gypsum to be hauled off site.

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

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

**END OF CONSENT AGENDA**

8. **LAYOUT PLAN / LPL 20-03**: Chuck Voorhees. To create Lots A and B of Whispering Wind Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 1, Whispering Wind Subdivision, Section 27, T1S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots A and B, Whispering Wind Subdivision, Section 27, T1S, R5E, BHM, Pennington County, South Dakota.
9. **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.

(Continued from the February 24, 2020, Planning Commission meeting.)

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

10. **MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 20-01:** Dennis Tuschen. To amend an existing Planned Unit Development to allow an existing residence to be used as a Vacation Home Rental in accordance with Sections 213 and 319 of the Pennington County Zoning Ordinance.

Tract 2, Bell Pine Subdivision, Section 27, T2N, R3E, BHM, Pennington County, South Dakota.

**CONSTRUCTION PERMIT AGENDA**

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

11. **CONSTRUCTION PERMIT / CP 20-05:** RCS Construction. To replace rip rap, soil, and rock to restored washed out banks and bridge abutments with the Hart Ranch Golf Course.

Hart Ranch Golf Course Parcel Less Village On The Green Subdivision, Less Village On The Green #2 Subdivision and Less Platted Private Drives located in Sections 11, 12 and 13, Hart Ranch Development Subdivision, Section 11, T1S, R7E, BHM, Pennington County, South Dakota.

12. **COUNTY BOARD REPORT**

The Board of Commissioners concurred with the Planning Commission’s recommendations from the February 24, 2020, Planning Commission meeting.

13. **ITEMS FROM THE PUBLIC**

14. **ITEMS FROM THE STAFF**

A. Building Permit Report.

15. **ITEMS FROM THE MEMBERSHIP**

16. **ADJOURNMENT**

**ADA Compliance:** Pennington County fully subscribes to the provisions of the Americans with Disabilities Act. If you desire to attend this public meeting and are in need of special accommodations, please notify the Planning Department so that appropriate auxiliary aids and services are available.
DRAFT MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
February 24, 2020 @ 9:00 a.m.
County Commissioners’ Meeting Room - Pennington County Administration Building


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

ROLL CALL

1. APPROVAL OF THE FEBRUARY 10, 2020, MINUTES
   Moved by Rossknecht and seconded by Runde to approve the Minutes of the February 10, 2020, Planning Commission meeting. Vote: unanimous 5 to 0.

2. APPROVAL OF THE AGENDA
   Moved by Runde and seconded by Johnson to approve the Agenda of the February 24, 2020, Planning Commission meeting. Vote: unanimous 5 to 0.

   Commissioner Rivers appeared at the meeting at 9:04 a.m.

   Moved by Runde and seconded by Rivers to approve the Consent Agenda of the February 24, 2020, Planning Commission meeting, with the removal of Items #4, #6, and #7. Vote: unanimous 6 to 0.

CONSENT AGENDA

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

   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 approve of the transfer of Conditional Use Permit / CU 13-24 with the following thirteen (13) 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 Section 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 Section 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.

Vote: unanimous 6 to 0.

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 approve 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.

Vote: unanimous 6 to 0.

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 approve of Mining Permit / MP 20-02 with the following six (6) 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.

Vote: unanimous 6 to 0.
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 approve of Mining Permit / MP 20-03 with the following six (6) 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;

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.

Vote: unanimous 6 to 0.

END OF CONSENT AGENDA

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.
Dan and Nancy Evangelisto asked to have this Item removed from the Consent Agenda for discussion.

Staff recommended approval of the transfer of Conditional Use Permit / CU 14-28 with eleven (11) conditions.

Discussion followed.

Moved by Coleman and seconded by Johnson to approve of the transfer of Conditional Use Permit / CU 14-28.

Discussion further followed.

SUBSTITUTE MOTION: Moved by Coleman and seconded by Johnson to approve of the transfer of Conditional Use Permit / CU 14-28 with the following twelve (12) conditions:

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

2. That the 12' x 16' shed shall not be utilized as sleeping quarters at any time;

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

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 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;

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

7. 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;

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

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

11. 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 Section 319(F)(5); and,

12. That this Conditional Use Permit be reviewed in one (1) year, per PCZO Section 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.

All voting aye, the Motion carried 6 to 0.

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.

Staff asked to have this Item removed from the Consent Agenda, per the request of the applicant, as the applicant would like their Item continued.

Staff recommended approval of Conditional Use Permit / CU 20-02 with seventeen (17) conditions.

Discussion followed.

Moved by Rossknecht and seconded by Coleman to continue Conditional Use Permit / CU 20-02 to the March 9, 2019, Planning Commission meeting, per the request of the applicant.

All voting aye, the Motion carried 6 to 0.

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.

Members of the public asked to have this Item removed from the Consent Agenda for discussion.
Staff recommended approval of Conditional Use Permit / CU 20-03 with seven (7) conditions.

Discussion followed.

Moved by Coleman and seconded by Runde to approve 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 address be posted and each unit number 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.

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

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.
Jansen reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow a residence to be used as a Vacation Home Rental.

Staff recommended approval of Conditional Use Permit / CU 20-04 with sixteen (16) conditions.

Discussion followed.

Commissioner Rossknecht left the meeting at 10:28 a.m. Commissioner Rossknecht returned to the meeting at 10:30 a.m.

Moved by Coleman and seconded by Rossknecht to approve of Conditional Use Permit / CU 20-04 with the following sixteen (16) 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) Section 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 Section 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 Section 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 Section 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;

11. That the applicant ensure the Vacation Home Rental is continually operated in accordance with the requirements of PCZO Section 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.

All voting aye, the Motion carried 6 to 0.

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.

Molitor reviewed the Staff Report indicating the applicants has applied for a Layout Plan to create Lots 1, 2, and 3 of Hideaway Hills Subdivision.
Staff recommended approval of Layout Plan / LPL 20-02 with conditions.

Discussion followed.

Moved Rossknecht and seconded by Johnson to approve of Layout Plan / LPL 20-02 with the following six (6) 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.

All voting aye, the Motion carried 6 to 0.

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.

Motor reviewed the Staff Report indicating the applicants have applied for a Rezone to rezone 10.05 acres from General Agriculture District to Limited Agriculture District.
Staff recommended approval of Rezone / RZ 20-01.

Moved by Rossknecht and seconded by Runde to approve of Rezone / RZ 20-01.

All voting aye, the Motion carried 6 to 0.

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.

Molitor reviewed the proposed changes from the Board of Commissioners regarding the Comprehensive Plan “View to 2040.”

Moved by Johnson and seconded by Runde schedule a public hearing on the amendment of Pennington County’s Comprehensive Plan – Ordinance Amendment / OA 19-01 for the March 23, 2020, Planning Commission meeting of the Comprehensive Plan “View to 2040” to amend and supersede Pennington County’s existing Comprehensive Plan.

All voting aye, the Motion carried 6 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.

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.

Sack stated Staff recommended the Interim Planning Director approve Construction Permit / CP 20-03 with the following eight (8) 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.

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.

Sack stated Staff recommended the Interim Planning Director approve Construction Permit / CP 20-04 with the following eight (8) 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.

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

There were no motions or actions taken.

18. ITEMS FROM THE STAFF

A. Vacation Home Rentals. Ms. Michaele Hoffman, Deputy State’s Attorney, spoke of vacation home rentals and covenants.

19. ITEMS FROM THE MEMBERSHIP

Commissioner Coleman will not be at the March 9th Planning Commission meeting. Commissioner Runde will not be at the April 13th Planning Commission meeting.
20. **ADJOURNMENT**

Moved by Runde and seconded by Rivers to adjourn.

All voting aye, the Motion carried 6 to 0.

The meeting adjourned at 10:54 a.m.

Rich Marsh, Chairperson
GENERAL INFORMATION:

REQUEST: CONDITIONAL USE PERMIT REVIEW/ CU 18-03: To review a proposed shop building to be used as temporary living quarters while building a single-family residence on the subject property in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

APPLICANT: Lisa D. Tutsch and Tracy Tabiadon

APPLICANT ADDRESS: 22515 Judson Lane, New Underwood, SD 57761

LEGAL DESCRIPTION: SW¼NE¼NE¼ of Section 18, T2N, R11E, BHM, Pennington County, South Dakota.

SITE LOCATION: 22515 Judson Lane, New Underwood, SD 57761

SIZE: 10.00 acres

TAX ID: 55719

EXISTING LAND USE: Residential

ZONING REFERENCE: Sections 206 and 510

CURRENT ZONING: Limited Agriculture District

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

PHYSICAL CHARACTERISTICS: Flat / Open Prairie

UTILITIES: Private

REPORT BY: Stephanie Jansen
I. PROPOSED RECOMMENDATION
   A. Staff will be recommending to end Conditional Use Permit / CU 18-03.

II. GENERAL DESCRIPTION
   A. March 13, 2018 – The applicant, Lisa D. Tutsch, applied for a Conditional
      Use Permit to allow a proposed shop building to be used as temporary
      living quarters while building a single-family residence.
   B. April 9, 2018, Planning Commission approved Conditional Use Permit / CU
      18-03 with the following 10 (ten) conditions:
      1. 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;
      2. That the address is clearly posted on the residence and at the
         driveway so that it is visible from both directions of Judson Lane,
         in accordance with Pennington County’s Ordinance #20;
      3. That the subject property not contain more than one (1) residential
         structure (i.e. single-family residence or living quarters);
      4. That the minimum setback requirements of a Limited Agriculture
         District be continually maintained on the property or the
         appropriate Setback Variance(s) be obtained;
      5. That the applicant must obtain an Approach Permit from the
         Engelhart Road District, prior to approval of a Building Permit for
         the new single-family residence;
      6. That an onsite wastewater treatment system is installed and
         connected to the temporary living quarters, prior to occupancy,
         and, once the single-family residence is constructed and habitable,
         the onsite wastewater treatment system is connected to the
         residence and disconnected from the temporary living quarters;
      7. That the temporary living quarters is removed from the shop
         building once the single-family residence is habitable;
      8. That the subject property remains free of debris and junk vehicles;
      9. That the applicant signs the Statement of Understanding at the
         Planning Office within ten (10) business days of approval of
         Conditional Use Permit / CU 18-03; and,
     10. That this Conditional Use Permit be reviewed in one (1) year, on a
         complaint basis, or as directed by the Planning Commission or
         Board of Commissioners to verify that all Conditions of Approval
         are being met.
Agenda Item #3
Lisa D. Tutsch and Tracy Tabiadon; Lonnie Tutsch - Agent
March 9, 2020

C. April 8, 2019 – Planning Commission approved the extension of CU 18-03 with the following conditions:
   1. 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;
   2. That the address be clearly posted on the residence and at the driveway so that it is visible from both directions of Judson Lane, in accordance with Pennington County’s Ordinance #20;
   3. That the subject property not contain more than one (1) residential structure (i.e. single-family residence or living quarters);
   4. That the minimum setback requirements of a Limited Agriculture District be continually maintained on the property or the appropriate Setback Variance(s) be obtained;
   5. That once the single-family residence is constructed and habitable, the onsite wastewater treatment system is connected to the residence and disconnected from the temporary living quarters;
   6. That the temporary living quarters is removed from the shop building once the single-family residence is habitable, and verified by the Planning Department;
   7. That the subject property remains free of debris and junk vehicles; and,
   8. That this Conditional Use Permit be reviewed on March 2020, 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.

III. EXISTING CONDITIONS
   A. Zoned Limited Agriculture District.
   B. 10 acres.
   C. Access off of Judson Lane.
      1. Located in the Engelhart Road District.
   D. Lot contains:
      2. 36’ X 28’ Garage / COBP18-0238.
      3. On-Site Wastewater Treatment System / COSD18-0031.
         a. Operating Permit / COOP19-0134.

IV. ANALYSIS
   A. March 3, 2020 – Staff performed a site visit to the subject property and observed the following:
      1. That the address was posted in accordance to Pennington County’s Ordinance #20 (Condition #2).
2. The property does not contain more than one residential structure and the minimum setback requirements appear to be met (Condition #3 & #4).

3. Staff observed that the single-family residence was habitable and that the onsite wastewater treatment system is connected to the residence (Condition #6).

4. The temporary living quarters in the shop appeared to be removed (Condition #7).

5. The property appeared to be free of debris and junk vehicles (Condition #8).
   i. Since the single-family residence is habitable and the temporary living quarters is removed from the shop, staff recommends ending the Conditional Use Permit for the temporary living space.

RECOMMENDATION: Staff recommends to end Conditional Use Permit / CU 18-03, with the applicant’s concurrence.
GENERAL INFORMATION:

REQUEST:  

CONDITIONAL USE PERMIT REVIEW / CU 19-02: To review a Vacation Home Rental on the subject property in a Suburban Residential District in accordance with Sections 208, 319, and 510 of the Pennington County Zoning Ordinance.

APPLICANT:  
Greg and Angelina Anderson

APPLICANT ADDRESS:  
8103 Croyle Avenue, Rapid City, SD 57702

LOCAL CONTACT:  
Jonna Kandolin

LEGAL DESCRIPTION:  
Lot 8, Block 2, Whispering Pines Subdivision, Section 32, T1N, R7E, BHM, Pennington County, South Dakota.

SITE LOCATION:  
8107 Croyle Avenue, at the intersection of Croyle Avenue and Croyle Court.

SIZE:  
1.43 acres

TAX ID:  
19143

EXISTING LAND USE:  
Residential

ZONING REFERENCE:  
§ 208, 319, 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 / Trees

UTILITIES:  
Public

REPORT BY:  
Stephanie Jansen
I. PROPOSED RECOMMENDATION
   A. Staff will be recommending approval of the extension of Conditional Use Permit / CU 19-02 with conditions.

II. GENERAL DESCRIPTION
   A. February 5, 2019 – Greg Anderson applied for Conditional Use Permit / CU 19-02 to allow the single-family residence to be used as a Vacation Home Rental on the subject property in a Suburban Residential District.
   B. March 11, 2019 – Planning Commission approved Conditional Use Permit / CU 19-02 with the following fifteen (15) conditions:
      1. That the maximum 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 19-02, be subject to PCZO §511(F)(4), which imposes a $100 fee per review;
      5. 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;
      6. 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;
      7. That a minimum of three (3) off-street parking spaces be provided on-site, per PCZO § 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
      8. That an interior informational sign be posted in accordance with the requirements of PCZO §319(G), with 9-1-1 and (605) 394-2151 listed as contacts for Fire Department and Sheriff's Office respectively, during operation of the Vacation Home Rental;
      9. That the lot address (8107 Croyle Court) be posted on the residence at all times and so it is clearly visible from Croyle Court, in accordance with Pennington County's Ordinance #20;
     10. 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;
11. That if the person designated as the Local Contact is ever changed from Jonna Kandolin, the interior informational sign be updated and the applicant re-notify the Planning Director and surrounding landowners within 500 feet via notices sent by First Class Mail;

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

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

14. That 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,

15. 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.

C. July 8, 2019 – Planning Commission approved the extension of CU 19-02 with the following conditions:

1. That the maximum overnight occupancy, based on SD DENR approval, be limited to eight (8) people and the maximum daytime occupancy be limited to sixteen (16) 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 19-02, be subject to PCZO §511(F)(4), which imposes a $100 fee per review;

5. 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;

6. 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;

7. That a minimum of three (3) off-street parking spaces be provided on-site, per PCZO § 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
8. That an interior informational sign be posted in accordance with the requirements of PCZO §319(G), with 9-1-1 and (605) 394-2151 listed as contacts for Fire Department and Sheriff’s Office respectively, during operation of the Vacation Home Rental;

9. That the lot address (8107 Croyle Court) be posted on the residence at all times and so it is clearly visible from Croyle Court, in accordance with Pennington County’s Ordinance #20;

10. 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;

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

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

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

14. That 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,

15. 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.

III. EXISTING CONDITIONS

A. Zoned Suburban Residential District.
B. 1.43 acres.
C. Access of off Croyle Court.
   1. Located within the Croyle Court Road District.
D. Located within the Colonial Pine Hills Sanitary District and the Rapid City 1-mile septic jurisdiction.
E. No Special Flood Hazard Area.
F. Lot contains:
   2. The original deck was removed and replaced in 2012: Building Permits COBP12-0208 and COBP12-0209.

IV. ANALYSIS

A. May 16, 2019 – The applicant obtained approval from the City of Rapid City to install a new 1,500 gallon septic tank (CIOUSW19-0261).
B. June 13, 2019 – The applicant, Gregory Anderson, submitted a new letter from SD DENR approving the on-site wastewater treatment system for a maximum daily flow of 480 gallons or up to 8 persons per night.
   1. This is an increase from the existing maximum overnight occupancy allowed under CU 19-02; thus, a review of the Conditional Use Permit was done on July 8, 2019, to allow the occupancy to be increased from six (6) to eight (8) people.

C. February 27, 2020- Staff performed a site visit to the subject property and observed the following:
   1. The applicant has maintained their Department of Health Lodging License, the Department of Revenue Sales Tax License, and an Evacuation Plan (Conditions #5 & #6).
   2. Three (3) off-street parking spaces were 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 (Condition #7).
   3. The applicant’s interior informational sign posted Emergency contact information in accordance with the requirements of PCZO §319(G) (Condition #8).
   4. The lot address was posted on the residence at all times and was clearly visible from Croyle Court, in accordance with Pennington County’s Ordinance #20 (Condition #9).
   5. All other conditions appeared to be met.

RECOMMENDATION: Staff recommends approval of the extension of Conditional Use Permit / CU 19-02 with the following conditions:

1. That the maximum overnight occupancy, based on SD DENR approval, be limited to eight (8) people and the maximum daytime occupancy be limited to sixteen (16) 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 19-02, be subject to PCZO §511(F)(4), which imposes a $100 fee per review;

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

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

8. That an interior informational sign continues to 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;

9. That the lot address continues to be posted on the residence at all times and so it is clearly visible from Croyle Court, in accordance with Pennington County’s Ordinance #20;

10. 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;

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

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

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

14. That 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,

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

Maximum Occupants

According to county ordinance, based on the size of our septic system, no more than 6 persons are allowed to stay overnight, not including children under the age of 5. The maximum number of day time visitors is 12.

Parking

The driveway and both garage bays are available for parking.

Open Fires

We are located in the Black Hills Fire Protection District and open fires are prohibited. Use of the gas grill is permitted (we have it in storage during the winter). Fireworks are also not allowed.

Pets

No pets allowed.

Quiet Hours

Pennington County ordinance mandates quiet hours from 10 p.m. to 7 a.m. Guests are required to be courteous to all neighbors and to respect property boundaries. The yard is large, about 1.5 acres, and is bounded to the south, east and west by roads. The house immediately north with the connecting yard and garages is ours at 8103 Croyle Ave. Please respect our neighbors property remain in this yard only.

Local Emergency Services can be contacted by calling 911

Property address:
8107 Croyle Ave
Rapid City, SD 57702
TO OUR GUESTS

Welcome to our house. This house was built in 1977 and was home to the family that built it for over 40 years. The folks that lived here were our friends and neighbors for many years, and when the house got to be too much for them to care for we purchased it from them. We have only owned it for a short time and for us it is a work in progress. It has had little updating since 1977 and we are trying to bring it up to date without changing its character.

Help

Please contact our property manager, Deadwood Connections, at 800-240-3725 with any problems or questions.

If something goes wrong and you need help right away, we are right next door at 8103 Croyle Ave and we will respond as promptly as we can to correct any problems. At least one of us is usually home and we can walk right over. We want to make your stay as pleasant and comfortable as we can.

Greg and Angie Anderson
8103 Croyle Ave
605-593-2675 (Greg’s Cell Phone) ·
605-593-2827 (Angie’s Cell Phone)

Access

The provided keys open both of the upstairs exterior doors. Both locks use the same key. We recommend not locking the door between the garage and basement family room and accessing the house through the garage. We’ve found this to be the most convenient entrance. You can use the provided garage door openers or the keypads located outside each garage door. The codes are:

Right hand (North) door: 1071 then hit the enter key
Left hand (South) door: 1072 then hit the enter key

The garage is yours to use during your stay.

Please don’t take the garage door openers with you when your visit is done!
Wi Fi

There is WiFi available in the house. Search for the “8107 Croyle Guest” wireless network, password for access is “Guest8107”.

Media

The televisions use Roku boxes to access Netflix, YouTube, Amazon Prime and other streaming services. We have a Netflix subscription already setup for use on both televisions. If there is a streaming service that you subscribe to you can log into it through Roku. Just remember to log off at the end of your stay.

Household Supplies

Extra paper towels, toilet paper, cleaning supplies, soap and shampoo are located in the basement bathroom closets. Extra toilet paper is also in each bathroom. The vacuum cleaner is in the laundry room.

Linens

Extra linens are in the dressers in each bedroom. There are throw blankets in the cabinets in the basement bar area. Extra linen for the bunk beds are in the cabinets in the basement bar area. We have memory foam pillows in all the upstairs bedroom pillowcases. If you prefer non-memory foam pillows feel free to switch them with the standard pillows in the pillow shams. Extra towels are in each bathroom cabinet.

Kid stuff

There are toys in the toy box in the basement, feel free to play with them. We have a high chair and a bumbo seat in the hallway closet upstairs. A Pack N’Play and infant swing are in the closet of the master bedroom.

Laundry

There is a laundry room located off the basement bathroom. Laundry supplies are located in the wall cabinet.

Trash

Trash cans are located in the garage. We will get the trash every Monday.

Power Panel

If you think you’ve tripped a circuit breaker, the panel is located in the garage, to the left of the interior garage door as you exit. There is a diagram of the power panel both included here and on the door of the panel itself. If you need help please call us and we’ll walk over.
SOUTH DAKOTA
DEPARTMENT OF HEALTH
LODGING LICENSE

Issued To: GREG ANDERSON

Located At: WHISPERING GRACE RETREAT
8107 CROYLE AVE
RAPID CITY, SD 57702

License Type
Vacation Home License

License Number
20913
Number of Units
1
Swimming Pool
0
Spa or Hot Tub
0

Expires
12/31/2020

Secretary of Health

License is Not Transferable - Post in the Establishment
DATE: 02/17/05
Location Date: None
Location: 447 Golden Gate
Central City SD 57754-2301
USA

42-001-201740301E-ST-001 Sales Tax

1011-1031-ST

Deadwood Connections
Deadwood Connections
447 Golden Gate
Central City SD 57754-2301
USA

This license entitles the person to whom it is issued to carry on whatever business or activities specified on this license until it is cancelled.

Secretary of Revenue & Revenues

Gary R. Viken
GENERAL INFORMATION:

REQUEST:  

CONDITIONAL USE PERMIT / CU 19-01: To allow for a Vacation Home Rental on the subject property in a Low Density Residential District in accordance with Sections 207, 319, and 510 of the Pennington County Zoning Ordinance.

APPLICANT: NMMC, Inc; Terry Sayler

APPLICANT ADDRESS: 2511 E. Highway 50, Yankton, SD 57078

LOCAL CONTACT: Cody Peterka

LEGAL DESCRIPTION: Lot A, Miller Subdivision #2, Section 15, T2N, R6E, BHM, Pennington County, South Dakota.

SITE LOCATION: 22553 Smokey Ridge Road; located off of Nemo Road near Mansfield Road and Smokey Ridge Road.

SIZE: 4.74 acres

TAX ID: 63466

EXISTING LAND USE: Residential

ZONING REFERENCE: § 207, 319, and 510

CURRENT ZONING: Low Density Residential District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Forested / Hills

UTILITIES: Private

REPORT BY: Cody Sack

Page 1 of 9
I. PROPOSED RECOMMENDATION
   A. Staff will be recommending to continue Conditional Use Permit / CU 19-01 to the March 23, 2020 Planning Commission meeting with conditions.

II. GENERAL DESCRIPTION
   A. The applicant, Terry Sayler, is requesting a Conditional Use Permit to allow an existing five (5) bedroom residence to be utilized as a Vacation Home Rental (VHR) on the subject property.
   B. On October 28, 2019, the Planning Commission approved the continuation of Conditional Use Permit / CU 19-01 to the November 12, 2019, Planning Commission meeting to allow the applicant additional time to address outstanding issues with the two (2) conditions listed below.
      1. That prior to CU 19-01 being heard on November 12, 2019, the applicant shall:
         a. Submit the requested pumping contract(s); and,
         b. Pay the $100 continuation fee in accordance with § 511(X); and,
      2. That if the applicant is unable to provide the requested pumping contract(s) and pay the $100 continuation fee prior to November 12, 2019, that CU 19-01 be denied.
   C. November 25, 2019 – the Planning Commission denied without prejudice Conditional Use Permit / CU 19-01 to give the applicant one years’ time to address and submit the required documents.

III. EXISTING CONDITIONS
   A. Zoned Low Density Residential District, minimum three (3) acre lot size.
   B. 4.74 acres.
      1. Located within the Mansfield Road District.
   D. Special Flood Hazard Area is “not studied”.
   E. Lot contains:
      1. Single-family residence with attached garage and - 2010COBP0123.
      2. On-site wastewater treatment system – 2010COSD0009.
         i. Consists of two (2) 2,500 gallon holding tanks (1 black and 1 gray with pump). Alarms are installed.
      3. Operating Permit (COOP20-0084).
IV. REQUEST FOR COMMENT

A. County Highway Department
   1. Highway Department has no comments since this is in the Mansfield Road District and neither Nemo Road or drainage are impacted by this request.

B. County Fire Administrator
   1. Beings we are unable to do a site visit of the property in question I am unable to give a complete review. I will attach some basic comments but a complete review still needs to be completed after a site visit (Damon Hartmann – Doty Fire Chief).

C. County Professional Environmental Planner (Formerly Environmental Planning Supervisor)
   1. It appears that the holding tanks on the subject property are not meeting the requirements of PCZO §204(J), SDAR 74:53:01:26, and 40 CFR Part 503.
   2. Please note the following:
      i. Section 204(J)(3)(O) states “Pumping records, maintenance records and manifests must be kept by the owner for a period of six years for review by Pennington County to ensure pumping of the holding tanks.”
   3. Pennington County sent a notice to the property owner of the requirements to pump and observe the holding tanks (Section 204(J)(2) of the PCZO) on April 19, 2017. The Planning Department received an Observation Form for a pumping and observation of the holding tank on July 7, 2017. Staff sent notices to the owner on August 23, 2017 and October 20, 2017 requesting
copies of the pump receipts. The Planning Department has not received pump receipts for the holding tank from a Pennington County Certified Pumper prior to the Notice sent on April 19, 2017. Staff received pump receipts after July 2017 from a Pennington County Certified Pumper.

4. On October 18, 2018 (through a consultant), Staff received a spreadsheet indicating that the owner disposed of the “black water” by hauling it to Yankton, trailer, and John’s. Staff requested further verification.

5. On January 23, 2019, Staff received a letter from the owner to clarify the disposal locations.

6. There is no indication that the “black water” that was transported to Yankton was land applied in accordance with 40 CFR Part 503 from the documentation submitted by the applicant to Pennington County.

7. Section 204(J)(3)(O) states “A statement must be submitted by the owner indicating that, in the event his sewage holding tank is approved, he or she pump the tank periodically, at regular intervals or as needed, and that the wastewater contents will be disposed of in a manner and at a facility meeting approval of 40 C.F.R. Part 503."

   - This statement was signed by the owner and Hills Septic Service in March 2010.

8. Staff does not believe pumping it out of a holding tank and dumping it into an existing septic tank (system) is acceptable. The existing systems were not designed to be utilized as a dump station in addition to their current residential use. This would require that the existing systems at the “trailer” and “John’s” be upgraded to accommodate the additional load to the system.

9. Lastly, the Vacation Home Rental request is for 14 persons per night. The current holding tank capacity is 5,000 gallons. It appears that there would not be enough holding tank capacity for 14 guests (7,350 gallons needed : 14 guests x 75 gpd per guest x 7 days).

D. County Onsite Wastewater Specialist (Formerly Environmental Planner)

1. The applicant currently utilizes 2-2500 gallon holding tanks for their septic needs. One tank is used for black water and the other is for gray water. The gray water can be dispersed on the lawn when the tank is full. The black water requires a licensed pumper to pump when the tank is full. Typically holding tanks are not ideal for a Vacation Home Rental due to the monitoring required to determine when the tank needs to be pumped. To allow holding tanks in this situation, the applicant must provide past pumping records showing the system has been properly maintained. In the future the applicant will also need to provide receipts every time that the tank requires pumping. The applicant also needs to have a contract in place for their pumping needs and provide the county with a copy. A plan also needs to be in place explaining the procedure for how to deal with
an alarm that indicates a full tank. This must be made available for future guests.

E. County Ordinance Enforcement
   1. There are currently 2 open Ordinance Violations (COVO17-0085 and COEV18-0015) pertaining to the holding tanks and pumping.

F. County Natural Resources
   1. No objections.

G. County Addressing Coordinator
   1. The address must be posted in accordance with Pennington County’s Ordinance #20.

H. County Sheriff’s Office
   1. No comments received.

I. Emergency Services (9-1-1)
   1. Only comment is to ensure the applicant has their house number posted in accordance with Penn. Co. Ord. #20 (where their driveway meets the named road).

J. U.S. Forest Service
   1. The Forest Service will not approve a secondary access across National Forest System lands to the private property.
   2. Protect all posted boundary line corners, signs and bearing trees.
   3. Adhere to the setback requirements along the posted boundary between National Forest System lands and private property.
   4. Protect all known stream courses, pond and riparian areas located on National Forest System lands.
   5. No resource damage to occur on National Forest System lands.
   6. All proposed drain fields, leach lines or septic systems will need to be located on private property and no located on or drain onto National Forest System lands.
   7. All construction materials, supplies, trash or garbage will not be located or dumped on National Forest System lands.
   8. Public roads in this area of the Black Hills National Forest are classified as “Roads Open to Highway Legal Vehicles Only” and “Highways, US, State” per the latest version of the Motor Vehicle Use Map.
   9. No motorized trailheads or motorized trails or motorized roads are planned or scheduled for this portion of the Black Hills National Forest.
   10. No motorized trails for ATV, motorcycles or ORV will be authorized from private property unto National Forest System lands (USFS does not want unauthorized trails constructed on National Forest System lands).
V. HISTORY

A. January 23, 2019 – The applicant applied for Conditional Use Permit / CU 19-01 to allow the existing five (5) bedroom residence to be utilized as a Vacation Home Rental.

B. Upon review of the subject property and submittal documents, Staff has identified the following issues that must be addressed by the applicant:

1. The Building Permit (2010COBP0123) that was approved for the existing single-family residence indicates the house to be a three (3) bedroom with a partial unfinished basement. In submittal documents, the applicant stated that the house is a five (5) bedroom.
   i. It appears the basement may have been fully finished without an approved Building Permit.
   ii. If the basement is completely finished, the applicant will need to update the floor plan.

2. The basement floor plan included in the applicant’s submittal documents is unclear and does have the rooms labeled. An updated floor plan of the basement, with all rooms labeled, is required.

3. During this time, the applicant had not obtained approval from the South Dakota Department of Environment and Natural Resources (SD DENR) for the Vacation Home Rental.
   i. The applicant must obtain this approval from SD DENR, as they will determine the maximum overnight occupancy based on the septic system and its sizing.

4. The applicant has not provided the white slips to verify the Notice of Hearing letters were mailed in accordance with § 510(A)(2) of the Pennington County Zoning Ordinance (PCZO), which requires the notices to be sent 10 days prior to the Planning Commission meeting. (The white slips have since been received.)

C. In addition, based on comments received from the County Onsite Wastewater Specialist and County Environmental Planning Supervisor, the following items must also be addressed:

1. The applicant must increase the holding tank capacity, if the wish is to have 14 occupants in the VHR and SD DENR must approve 14 occupants.

2. Per the County Environmental Professional Planner, in order to obtain a current Operating Permit, the applicant must provide at least two (2) years of pump receipts beginning July 7, 2017, which is the first date of record that the holding tanks were pumped by a Pennington County Certified Pumper. If those requirements are met, the applicant will be eligible to obtain an Operating Permit.

3. The applicant must provide a pumping contract with a Pennington County Certified Pumper, in accordance with § 204(J)(3)(O), and comply with § 204(J)(2) of the PCZO with regard to providing pump receipts.
4. The applicant must provide a plan outlining the procedure for how to deal with an alarm that indicates a full tank. This plan must be provided to all future guests, if CU 19-01 is approved and the VHR is allowed to operate.

D. Until the above-mentioned issues have been addressed and resolved, Conditional Use Permit / CU 19-01 cannot move forward.

E. February 19, 2019 – Staff sent an email to the applicant, Terry Sayler, outlining the issues that need to be addressed.

F. February 20, 2019 – Staff received an email in opposition of the Conditional Use Permit from a neighboring property owner.

G. February 25, 2019 – Planning Commission continued Conditional Use Permit / CU 19-01 to the July 22, 2019, Planning Commission meeting to allow the applicant time to address outstanding issues, with the following one (1) condition:
   1. That if additional continuations are required beyond July 22, 2019, due to lack of action by the applicant, the applicant shall pay a $100 fee for each continuation, in accordance with § 511(X).

H. June 17, 2019 – Staff received an email from Carmen Steffen, who stated she has Power of Attorney for the applicant.
   1. Ms. Steffen was inquiring about what must be done to move forward with CU 19-01.

I. June 18, 2019 – Staff replied to Ms. Steffen’s email advising of the issues that must be addressed.

J. June 19, 2019 – Ms. Steffen replied to Staff’s email stating, “I will get this information to you as soon as possible, thank you so much for your help.”

K. Between June 19, 2019 and October 23, 2019, Staff had not heard from Ms. Steffen.
   1. On October 17, 2019 (12:04 p.m.), Staff emailed Ms. Steffen reminding her of items needed to move CU 19-01 forward. Those items are:
      a. Approval Letter from DENR for VHR; and,
      b. Pumping contract from a certified company to pump the holding tanks.

L. October 23, 2019, Staff received an email from Ms. Steffen’s with an attachment that contained the necessary information from DENR (allowing ten (10) persons per night). However, a pumping contract, which has been requested since February 2019, was not submitted.
   1. Per Ms. Bolstad’s email on October 17, 2019, Ms. Steffen had until October 22, 2019, to submit the contract paperwork.
   2. Due to the deadlines for the completion of this Staff Report, Ms. Steffen was given additional time until 3:00 p.m. on October 23, 2019 to submit the necessary paperwork and avoid a continuation.
   3. The paperwork, as of this Staff Report, has not been submitted.
M. October 23, 2019, Staff sent a thank you email to Ms. Steffen regarding the DENR information she sent and reminded her that additional information was still needed – a pump contract from Hill’s Septic.

N. October 24, 2019, Ms. Steffen replied to the above-mentioned October 23, 2019 email, “I will do that, thank you.”

O. CU 19-01 has yet to be approved and a Vacation Home Rental has not been approved for the subject property.

P. Staff will be recommending CU 19-01 be denied without prejudice per PCZO §513.
   1. The applicant has yet to provide a copy of a pumping contract.

Q. November 19 and 20, Staff followed up with the Local Contact, via email, informing her that Staff will not be recommending approval of CU 19-01 and will be recommending denial without prejudice. Staff also informed the Local Contact what a denial without prejudice meant and what the applicant requirements would be if the Planning Commission approved Staff’s recommendation
   1. The Local Contact replied to Staff’s November 19, 2019, with the following message, “Thank you PJ. Please let me know how it goes.”

R. Prior to a new hearing, the applicant will also be required to pay for all outstanding fee’s per Pennington County Zoning Ordinance §511.

VI. ANALYSIS
   A. February 10, 2020- Staff received a pumping contract from Hills Septic Service for the subject property.

   B. March 2, 2020:
      1. Staff performed a site visit and found the following:
         i. One bedroom did not have a smoke detector in the room.
      2. Staff sent the applicant an email stating that the following items were required by March 9, 2020:
         i. A copy of the SD 2020 Lodging License.
         ii. Proof that a smoke detector has been installed in the upstairs bedroom.
         iii. The $300.00 of continuation fees.
         iv. Post marked white slips of the certified letters.
      3. The applicant responded that the Notice of Hearing letter had not been postdated on February 28, 2020 as required. Therefore, the applicants will need to send out new notification letters for the March 23, 2020 Planning Commission meeting.
C. The applicant will also need to submit the following prior to the March 18, 2020:
   1. A copy of the SD 2020 Lodging License.
   2. Proof that a smoke detector has been installed in the upstairs bedroom.
   3. The $300.00 of continuation fees.
   4. Post marked white slips of the certified letters that were mailed to surrounding property owners.

D. If staff does not receive these items by March 18, 2020, staff will be recommending denial of Conditional Use Permit / CU 19-01.

RECOMMENDATION: Staff recommends to continue Conditional Use Permit / CU 19-01 to the March 23, 2020 Planning Commission meeting with the following conditions:

1. That the applicant submits a copy of the SD 2020 Lodging License;

2. That applicant submits proof that a smoke detector has been installed in the upstairs bedroom;

3. That the applicant submits the post marked white slips from the certified letters;

4. That the $300.00 of continuation fees are paid; and,

5. That failure to submit the items in Conditions #1-#4, on or before March 18, 2020, Conditional Use Permit / CU 19-01 be denied.
GENERAL INFORMATION:

REQUEST:  

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

APPLICANT:  
Robert Livingston

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

OWNER:  
K. W. Lindsay

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

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

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

SIZE:  
14.98 acres

TAX ID:  
51321

EXISTING LAND USE:  
Abandoned Recreational Vehicle Park

ZONING REFERENCE:  
Sections 210, 306, and 510

CURRENT ZONING:  
Highway Service District

SURROUNDING ZONING:  
North
Low Density Residential District  
General Agriculture District  
Suburban Residential

South  
General Agriculture District

East  
General Agriculture District

West  
General Agriculture District

PHYSICAL CHARACTERISTICS:  Flat
I. PROPOSED RECOMMENDATION
Staff is recommending to continue Conditional Use Permit / CU 19-33 until no later than May 18, 2020, Planning Commission meeting in order for Staff to receive all of the information to satisfy the requirements under Section 306 which includes, but is not limited to, a construction time schedule, SDDOT Approach Permit, onsite wastewater treatment system plan, and an approved Water Right Permit with one (1) condition.

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

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

A. Building Permit #293 – Drive-in eatery.
B. Building permit #4740 – Cabin.
C. Relocation of Section Line / RS 97-02 – To relocate a portion of the east west Section Line Right-of-Way (SLROW) to SD-44 and along the SLROW that runs north and south through the property.
D. Rezone / RZ 97-13 – To rezone a portion of Tract Lake, Section 28, T2N, R5E, BHM, Pennington County from General Agriculture District to Highway Service District to allow the main structure on the property to be utilized as a store.
   1. Approved by the Board of Commissioners on May 6, 1997.
E. Floodplain Development Permit / FP 97-03 – To elevate areas above the base flood elevation to allow future camp sites.
F. Floodplain Development Permit / FP 97-04 – To develop recreational vehicle sites and future road construction.
G. Building Permit 97-34 – Removal of shed.
H. Building Permit 97-243 – Construction of shop building.
I. Conditional Use Permit / CU 04-33 – To allow a temporary campground.
   1. Denied by the Planning Commission on August 23, 2004 with the applicant’s consent.
J. Variance / VA 04-32 – To reduce the minimum side yard setback from ten (10) feet to zero (0) feet.
1. Denied without prejudice by the Board of Commissioners on September 14, 2004.

K. Rezone / RZ 04-32 – To rezone the remaining portion of Tract Lake, Section 28, T2N, R5E, BHM, Pennington County from General Agriculture District to Highway Service District.

L. Relocation of SLROW / RS 04-03 – To relocate the SLROW off of the property and off of NFS lands to South Dakota Highway 385 and South Dakota Highway 44 ROW and along the east property line of the subject property.

M. Variance / VA 05-08 – To reduce the side/rear yard setback from ten (10) feet to zero (0) feet to allow an existing garage, store and deck.
   1. Approved by the Board of Commissioners on April 26, 2005.

N. Conditional Use Permit / CU 05-40 – To allow for a Recreational Vehicle Park in accordance with Section 306.
   1. Approved by the Planning Commission on October 24, 2005.
   2. Revoked by the Planning Commission on November 13, 2006 as the use was never established.

O. Conditional Use Permit / 07-07 – To allow for a Recreational Vehicle Park in accordance with Section 306.
      a. The applicant appealed the Planning Commission’s decision of denial without prejudice.
   2. Approved by the Board of Commissioner on May 8, 2007.
   3. Revoked by the Planning Commission on May 14, 2012 as the use was never established and Conditions of Approval not met.

P. Conditional Use Permit / 08-10 – To allow a telecommunications tower.
   1. Approved by the Board of Commissioners on August 5, 2008.

Q. Onsite Wastewater Treatment System – 2010COSD0091
   1. Approved for a maximum daily flow of 2,900 gallon per day (i.e. 29 RV sites).

V. SECTION 306 REQUIREMENTS (RECREATIONAL VEHICLE PARKS)

The following information shall be shown:

A. The location and legal description of the proposed recreational vehicle park.
   1. The RV Park will be located at the intersection of W. Highway 44 and Highway 385. The legal description for the property is Tract Lake of SW1/4SW1/4 of Section 27 and SE1/4 of Section 28, Section 27, T2N, R5E, BHM, Pennington County, South Dakota.
B. Plans and specifications of all buildings, improvements, and facilities constructed or to be constructed within the recreational vehicle park.
   1. The attached site plan was submitted showing the locations of all the buildings, RV sites, gas pumps, storage buildings, onsite wastewater treatment systems and telecommunications tower.

C. The proposed use of buildings shown on the site.
   1. The applicant submitted an attached statement describing the proposed uses on the subject property.

D. The location and size of all recreational vehicle spaces.
   1. Shown on the attached site plan.

E. The location of all points of entry and exit for motor vehicles and internal circulation pattern.
   1. See SDDOT comments. More information is needed for the SDDOT to approve an Approach Permit for this use.

F. The location of all landscaping to be provided.
   1. Shown on the attached site plan.

G. The location of all lighting standards to be provided.
   1. This information is needed prior to approval of this Conditional Use Permit.

H. The location of all walls and fences and the indication of their height and the materials of their construction.
   1. This information is needed prior to approval of this Conditional Use Permit.

I. The name and address of the applicant and owner.
      a. 23851 Highway 385, Hill City, SD 57745.
   2. K. W. Lindsay – owner.
      a. P.O. Box 1327, Dade City, FL 33526.

J. Such other architectural and engineering data as may be required to permit the Planning and Zoning Director, the Commission, and the Board to determine if the provisions of these Zoning Ordinances are being complied with.
   1. At this time, the Planning Director has not requested additional information. The Planning Commission and Board have not heard the request and may require additional information in the future.
K. A time schedule for development shall be prepared which shall demonstrate the applicant's readiness and ability to provide the proposed services; and all required improvements and facilities shall be installed within one (1) year, unless the Board, on recommendation from the Commission, approves a plan for staged construction.
   1. This has not been submitted by the applicant nor the property owner.

L. Utility service connections to be provided.
   1. The site has existing electricity and some information is provided on the site plan. However, a full utility plan has not been provided.

M. A domestic water system approved by the Pennington County Planning Department.
   1. There is an existing well on the site. However, it requires a water right from DENR for this commercial use.
   2. Staff contacted DENR to inquire if a water right has been obtained for this use. At this time, DENR has not received an application nor issued a water right for this commercial use.

N. A water carriage wastewater disposal system approved by the Pennington County Planning Department.
   1. See comments from the County's Onsite Wastewater Coordinator. More information is needed as to the onsite wastewater treatment system plan. Approval is also needed by DENR for the use of existing onsite wastewater treatment system for the store and bar and the RV sites.

O. A typical lot plan for a recreational vehicle space detailing location and method.
   1. The is shown on the attached site plan.

P. A complete drainage plan to include topography to at least 5-foot-contour intervals.
   1. An email from the design engineer indicates that all drainage from the site will drain to the pond.
   2. See also comments from SDDOT regarding the drainage information needed for the Approach Permit.

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

C. County Onsite Wastewater Specialist
   1. The applicant installed a 1000-gallon holding tank in 2006 (2005COSD0125). Without all the information/proposal, it is assumed the holding tank was installed to service the store and gas station. More information is needed to determine if the tank is sized properly for their needs.
      a. Staff Comment: The holding tank serves the shop building.
   2. The applicant also installed another septic system (2010COSD0091). This system was approved by DENR in a letter dated February 16, 2007, to service 29 full service RV sites.
   3. The applicant would need to submit a complete plan showing everything on the property that would need septic and which system it will go to and provide calculations showing the existing system can handle the proposed flows. This plan would also need to be submitted to DENR for approval.

D. County Ordinance Officer
   1. No violations on his property.

E. County Natural Resources Director
   1. See the attached noxious weed plan.
   2. The property is located in the Rapid Creek Common Tansy weed management area, we have working with the previous landowner on controlling the tansy on the property using state grant funds. We would be willing to continue to work with Mr. Livingston on controlling the tansy on the property, if he chooses to do so.

F. County 9-1-1
   1. If/when this gets approved, you should fix the physical addresses on this parcel. The addresses get bigger going west along W. Highway
44 from Rapid City. The existing two point are 16015 (the cell site) and 16001 (the old gas station) but 16001 is physically further west than the cell site. Would be a good opportunity to give the RV park a new address. I would not change the cell site address as that causes a lot of issues with the 911 system.

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

H. County Professional Environmental Planner
1. There is Special Flood Hazard Area on the subject property. If any development/disturbance occurs within the SFHA, a Floodplain Development Permit is required prior to the work being done.
2. A Construction Permit will be required for any disturbance (which includes grading) greater than 10,000 square feet.

I. United States Forest Service
1. The Forest Service worked with the landowner – Wayne Lindsay Jr. on a reciprocal road easement Right-of-Way; attached is a pdf copy of the Private Road Easement filed and recorded in the Public Records for Pennington County in the Register of Deeds Office in Book 170, Page 8133; attached is a pdf copy of the Easement filed and recorded in the Public Records for Pennington County in the Register of Deeds Office in Book 170, Page 8142.
2. The Forest Service worked with SBA Communications Corporation on a Forest Road Special Use Permit for National Forest System Roan (NFSR) 771.1C; attached is a pdf copy of the signed SBA permit.
3. Protect all posted boundary line corners, signs and bearing trees.
4. Adhere to the setback requirements along the posted boundary between National Forest System lands (USA Public Domain; located on the south and east sides of private property) and private property.
5. Protect all known stream courses, ponds and riparian areas located on National Forest System lands.
6. No resource damage to occur on National Forest System lands.
7. All proposed drain fields, leach lines or septic systems will need to be located on private property and not located on or drain or leach onto National Forest System lands.
8. All construction materials, supplies, trash or garbage will not be located or dumped on National Forest System lands.
Agenda Item #6
Robert Livingston; K.W. Lindsay – Owner
March 9, 2020

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

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

VII. ANALYSIS

A. A site visit was performed on November 25, 2019 and the following was observed:
   1. There is a convenience store building, garage, fuel pumps, sign and pond on the subject property.

B. At this time, further information is still needed to meet Section 306 requirements and move this request forward.

C. On March 3, 2020, the applicant’s agent requested to continue this Conditional Use Permit.
Agenda Item #6
Robert Livingston; K.W. Lindsay – Owner
March 9, 2020

Pond

Gas Pumps and Convenience Store
RECOMMENDATION: Staff is recommending to continue Conditional Use Permit / CU 19-33 until no later than May 18, 2020, Planning Commission meeting in order for Staff to receive all of the information to satisfy the requirements under Section 306 which includes, but is not limited to, a construction time schedule, SDDOT Approach Permit, onsite wastewater treatment system plan, and an approved Water Right Permit with one (1) condition:

1. That if additional continuations are required beyond May 18, 2020, the applicant shall pay a $100 fee for each continuation, in accordance with § 511(X).
11-6-2019

Kickstand Corner RV Park Policy and Rules

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

Speed Limit: 5 MPH

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

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

Drones: are not permitted and prohibited

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

No Dumping of wastewaterr anywhere on the grounds

Smoking is not permitted in the common areas.

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

All garbage must be disposed in the proper supplied container or hauled off.
Kickstand Corner—Existing Gas Station

Re Section 307 - Other Uses

E. Gasoline Service Stations:

The following regulations shall apply to all gasoline service stations:

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

Building existing is 25 feet

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

The closest residential district is north a 112’

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

HWY 385 north is 332 feet to the west

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

The closest residential district is north a 112’

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

Existing 2 pumps are 22 feet

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

NA

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

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

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

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

All existing signage is in accordance to Section 312 if any new signage would be applied for separate
KICKSTAND CORNER CAMPGROUND
PENNINGTON COUNTY, SOUTH DAKOTA
ORIGINAL JANUARY 2007 - RE-PUBLISHED NOVEMBER 2019

INDEX OF SHEETS
(REVISION #2) SHEET 1
SHEET 2
(REVISION #2) SHEET 3
SHEET 4
TITLE
GRADING PLAN
SITE PLAN / LANDSCAPING
SANITARY SYSTEM DETAILS

PROJECT LOCATION MAP  NOT TO SCALE

PROJECT LOCATION

OID DIGGING 1-800-781-7474

ONE CALL BEFORE DIGGING
1-800-781-7474
STAFF REPORT

GENERAL INFORMATION:

REQUEST: MINING PERMIT REVIEW / MP 19-03: To review the removal of gypsum to be hauled off site.

APPLICANT: Cody Schad

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

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

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

TAX ID: 49053

SIZE: 40.00 acres

EXISTING LAND USE: Residential

ZONING REFERENCE: Sections 206 and 507

CURRENT ZONING: Limited Agriculture District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Rolling hills

UTILITIES: Private

REPORT BY: Cody Sack

I. PROPOSED RECOMMENDATION
A. Staff will be recommending approval of the extension of Mining Permit / MP 19-03 with seven (7) conditions.
II. GENERAL DESCRIPTION
A. The applicant, Cody Schad, applied for a Mining Permit to:
   1. Excavate and haul off large amounts of gypsum.
   2. The haul route will utilize Marvin Road, Universal Drive, and Deadwood Avenue.
   3. GCC Dacotah will be hauling the gypsum off site.
B. December 2, 2019 – The Planning Commission approved Mining Permit / MP 19-03 with the following seven (7) conditions:
   1. That the applicant submits a Notice of Intent to the South Dakota Department of Environment and Natural Resources for a General Permit for Storm Water Discharges and the conditions of the approval of the South Dakota Department of Environment and Natural Resources General Permit be continually met;
   2. That any natural drainage ways and paths be continually maintained;
   3. That any excavation in the gas line or power line easements are approved by the appropriate utility company;
   4. That the Conditions of Approval of Construction Permit / CP 19-18 are continually met;
   5. That excavation and hauling of gypsum from the site terminate within six (6) months of approval of this Mining Permit;
   6. That the applicant signs a Statement of Understanding within ten (10) business days of Mining Permit approval, which is available at the Planning Office; and,
   7. That this Mining Permit be reviewed in three (3) months from approval date, and may be reviewed on a complaint basis, or as directed by the Planning Commission and/or the Board of Commissioners to verify that all Conditions of Approval are being met.

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

IV. ANALYSIS
A. November 20, 2019 - Staff performed a site visit and found the following:
   1. Work has commenced.
      a. Staff indicated to the applicant that no more disturbance could occur. However, he could berm and stabilize the site and implement erosion and sediment control measures.
      b. Penalty fees apply and must be paid by the applicant prior to approval of the Permit by the Planning Director.
   2. The applicant stated:
      a. That there will be significant grading and removal of gypsum at the site.
      b. The gypsum will be stockpiled and removed.
      c. Berms will be constructed and vegetated with grasses and trees.
      d. The area will be leveled for future construction of a shop building.
      e. The existing single-family residence is not occupied.
f. The hauling route will be down Marvin Road to Universal Drive to Deadwood Avenue.
   i. The City of Rapid City indicated that a haul road agreement may be required for use of the road within the City Limits for this project.

B. November 21, 2019 – The applicant paid the penalty fee for the Construction Permit.

C. November 25, 2019 – The applicant indicated that he contacted the City of Rapid City regarding the need for a haul road agreement and one is not needed at this time.

D. December 17, 2019 – The Planning Director approved Construction Permit / CP 19-18 for the dirt work on the site.

E. December 13, 2019 - Staff performed a site inspection and met with Mr. Schad on the property:
   1. A berm had been implemented along the property line east of Marvin Road. To the west of Marvin Road, a trench was dug to catch any stormwater runoff and divert it back onto the subject property. Staff could see no signs of sediment runoff of on the subject property or sediment leaving the property.
   2. Mr. Schad was told by Staff to implement measures to mitigate dust on the property.

F. December 27, 2019 - Staff performed a site visit and met with Mr. Schad:
   1. If he were able to blast, he could be done hauling within a month or two, depending on the weather. However, if he had to keep drilling, it could take longer depending on the weather.
      a. Staff informed Mr. Schad that blasting should be a last resort and if he were to blast, he will need to notify the neighbors prior to blasting.
   2. Staff did not see signs of stormwater runoff from the site during the site visit.
   3. A water tank was on site for dust mitigation.

G. January 7, 2019 - Staff performed a site visit and found:
   1. No signs of stormwater runoff or evidence of sediment leaving the site.

H. January, 13, 2020 - Staff had a lengthy phone conversation with Mr. Schad.
   1. Staff informed him that there was a complaint made about large amounts of dust being blown from the property.
   2. Mr. Schad stated the dust came from the two large snowstorm events that had occurred in the past and that no dust was currently leaving the site.
      a. He informed Staff that any new disturbance would be watered down immediately, so it could freeze and prevent any unnecessary dust.
b. He also indicated that he has not been working for over a week at the site.

I. January 14, 2020 - Staff performed a site visit upon hearing a complaint that sediment was piling on a neighboring property from the site and large amounts of dust was coming from the site.
   1. Staff walked the property lines and found no evidence of material from the site being on any neighboring property.
   2. Staff did not observe any dust being picked up by the wind; however, Staff could not verify that there hadn’t been a dust event in the past or during the snowstorm.

J. January 21, 2020 – Mining Permit / MP 19-03 was heard before the Board of Commissioners.
   1. The Board of Commissioners requested that the applicant and the neighboring property owners work together to come up with a solution to the neighbors’ concerns.

K. There is no intent for this property to be a mine site. This request is for the excavation and removal of gypsum in order to level and grade areas for construction of shop buildings.

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

RECOMMENDATION: Staff is recommending approval of Mining Permit / MP 19-03 with the following six (6) conditions:

1. That the applicant follows the conditions of the approval of the South Dakota Department of Environment and Natural Resources General Permit be continually met;

2. That any natural drainage ways and paths be continually maintained;
3. That any excavation in the gas line or power line easements are approved by the appropriate utility company;

4. That the Conditions of Approval of Construction Permit / CP 19-18 are continually met;

5. That excavation and hauling of gypsum from the site terminate June 2020; and,

6. That this Mining Permit be reviewed in three (3) months from approval date, and may be reviewed on a complaint basis, or as directed by the Planning Commission and/or the Board of Commissioners to verify that all Conditions of Approval are being met.
STAFF REPORT

GENERAL INFORMATION:

REQUEST:  

LAYOUT PLAN / LPL 20-03: To create Lots A and B of Whispering Wind Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

APPLICANT:  

Chuck Voorhees

APPLICANT ADDRESS:  

12720 S. Highway 16, Rapid City, SD  57702

SURVEYOR / ENGINEER:  

Britton Engineering

ADDRESS:  

8035 Black Hawk Road, Black Hawk, SD  57718

LEGAL DESCRIPTION:  

EXISTING LEGAL: Lot 1, Whispering Wind Subdivision, Section 27, T1S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots A and B, Whispering Wind Subdivision, Section 27, T1S, R5E, BHM, Pennington County, South Dakota.

SITE LOCATION:  

12720 S. Highway 16; south of the intersection of Highway 385 and S. Highway 16.

SIZE:  

4.82 acres

TAX ID:  

66757

EXISTING LAND USE  

Campground / RV Park / Cabin Rentals

SUBDIVISION REGULATIONS REFERENCE:  

Section 400.1

CURRENT ZONING:  

Planned Unit Development District

SURROUNDING ZONING:  

North  
Limited Agriculture District

South  
General Agriculture District

East  
General Agriculture District

West  
General Agriculture District

PHYSICAL CHARACTERISTICS:  Flat

Page 1 of 6  LPL 20-03
I. PROPOSED RECOMMENDATION
   A. Staff will be recommending approval of Layout Plan / LPL 20-03 with conditions.

II. GENERAL DESCRIPTION
   A. The applicant, Chuck Voorhees, has applied for a Layout Plan / LPL 20-03
to create Lots A and B of Whispering Wind Subdivision to build a single-
family residence on proposed Lot A.

III. EXISTING CONDITIONS
   A. Zoned Planned Unit Development (PUD)
   B. Lot size: 4.82 acres.
   C. Access is off of Highway 16 via an existing approach.
      1. Highway 16 is under the jurisdiction of the South Dakota
         Department of Transportation (SD DOT).
   D. Special Flood Hazard Area (100-year).
   E. Lot contains:
      1. Recreational Vehicle (RV) park eight (8) sites.
      2. Single-family residence with attached deck and porch – built in
         1951 per Department of Equalization (DOE) records.
      3. Detached cabin with attached deck – built in 1965 per DOE records.
      4. Two (2) cabins – built via COBP15-0642 and COBP15-0643.
      5. Two (2) attached cabin buildings with restroom facilities – built in
         1951 per DOE records.
         a. Decks added via 2006COBP0410.
      7. 12’ x 20’ shed – built via 2011COBP0021.
      8. Picnic shelter – due to size, no Building Permit is required.
      9. 14’ x 10’ shed (approximate) – due to size, no Building Permit is
         required.
      11. New OSWTS – installed via COSD15-0135
IV. PROPOSED LOTS A & B
   A. Zoned Planned Unit Development (PUD)
   B. Special Flood Hazard Area (100-year) (See Figure 1 below).
   C. Lot A:
      1. 3.82 acres.
      2. Rezone or Lot Size Variance not required.
   D. Lot B:
      1. 1.00 acre.
      2. Rezone or Lot Size Variance is not required.
HISTORY

E. July 13, 2004 – The Board of Commissioners approved Planned Unit Development 04-06 to rezone from Limited Agriculture District to a Planned Unit Development to allow for cabin rentals.

F. October 6, 2015 – The Board of Commissioners approved Minor Plat 15-21 to combine four lots to create Lot 1 of Whispering Wind Subdivision.

G. October 20, 2015 – The Board of Commissioners approved Major Planned Unit Development Amendment to amend the existing PUD to add five new cabins, a new residence, a new garage, a low water bridge, and a central pavilion.

H. April 22, 2019 – The Planning Commission approved a Minor Planned Unit Development to amend the existing PUD to allow a four-plex structure to replace four of the 5 cabins, the addition of an outdoor gathering space to include a bar area, fire place and cooking area, and a beer and wine license.

V. REQUEST FOR COMMENT

A. County Highway Department
   1. Highway Department has no comments since this abuts US 16 and drainage isn’t impacted.

B. County Environmental Planner
   1. There is Special Flood Hazard Area on the subject property.

C. County Environmental Planner (OSWTS)
   1. According to the USDA Web Soil Survey, the soils are classified as “Somewhat to Very Limited” due to slow water movement and depth to bedrock. If the applicant installs a new septic system on the new lot all rules of Pennington County Zoning Ordinance 204-J must be followed.

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

E. County Addressing Coordinator
   1. No addressing concerns at this time. Future addresses must be posted in accordance with Pennington County Ordinance #20.

F. Register of Deeds
   1. Proposed legal description is acceptable.

G. Department of Equalization
   1. Looks good at this point.

H. Emergency Services (9-1-1)
   1. No concerns here.

I. Black Hills Energy
   1. We have an overhead powerline that would possibly run down the new proposed lot line that feeds the existing cabins on the south end and currently the campground. It will fit for that they are doing

J. South Dakota Department of Transportation
   1. SDDOT has no comment.
VI. ANALYSIS

A. The applicant has applied to subdivide one lot and create proposed Lot A and Lot B in order to build a single-family residence on Lot B, so that the applicant and his family can live onsite and be the caretakers for their Planned Unit Development.

B. Neither lot will require a Rezone or Lot Size Variance as the property is zoned a Planned Unit Development.
   1. Planned Unit Development / PU 19-02 will need to be amended to include the new legal descriptions and to designate the uses for each of lot, as the applicant intends to remove the RV sites from proposed Lot B and move a few of the RV sites to proposed Lot A.

C. An access for Lot B will need to be secured through an access easement, if the South Dakota Department of Transportation does not approve an approach off of U.S Highway 16.

D. Access for Lot A will be taken from the existing approach for the subject property.

E. Perculation tests and a profile hole are not required since each proposed lot currently has an Onsite Wastewater Treatment System.

F. For the purposes of a Layout Plat, Staff finds no significant issues with the applicant’s request.
   1. A Layout Plat is an informal preliminary review of the proposed subdivision for general scope and conditions, which might affect the plat.

Site Visit (2/27/20)
RECOMMENDATION: Staff is recommending approval of Layout Plan / LPL 20-03 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 at the time of Minor Plat submittal, the plat meets all requirements of Pennington County Subdivision Regulations, or approved Subdivision Regulations Variance(s) be obtained waiving any of these requirements that are not met. Subdivision Regulations Variances shall be submitted per § 700 of Pennington County Subdivision Regulations;

4. That at the time of Minor Plat Submittal, the plat shows a 10-foot-wide utility easement for the powerline located on the property;

5. That at the time of Minor Plat Submittal, the applicant either obtain an approach from the South Dakota Department of Transportation or the Plat show an access easement for proposed Lot B;

6. That access for Lot A is taken from the existing approach for the subject property;

7. That an approved Floodplain Development permit be obtained prior to any disturbance in the floodplain;

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

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

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

<table>
<thead>
<tr>
<th>Direction</th>
<th>Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Suburban Residential District</td>
</tr>
<tr>
<td>South</td>
<td>Limited Agriculture District</td>
</tr>
<tr>
<td>East</td>
<td>Low Density Residential District</td>
</tr>
<tr>
<td>West</td>
<td>Low Density Residential District</td>
</tr>
</tbody>
</table>

**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.
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.

H. Emergency Services (9-1-1)
   1. No comment received.

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 application 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.

F. February 24, 2020, the applicant, Mr. Hammerquist, requested from the Planning Commission that the hearing date be extended to the March 9, 2020 meeting so that Mr. Hammerquist could speak with his neighbors and address any concerns that they may have regarding the VHR request.
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 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 large parking lot near the shed. Please park at least 15 feet from the cabin. There should be no more than 4 vehicles parked at any one time, unless you have permission from the owners.

5. Absolutely no outdoor fires are allowed.

6. No pets are allowed.

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

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

9. The renter and their guests are responsible if any disturbances occur or for violating any other provisions of this Section. Any violation could result in a fine from Evolve Vacation Rentals.

   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 to respect their property and space.

10. In case of emergency, please refer to these agencies:

   911 Emergency
   Pennington County Sheriff (605) 394-6113
   Johnson Siding Volunteer Fire Department (605) 341-4085

11. Property address is: 13049 Sonquist Lane, Rapid City, South Dakota

12. Flood Hazard Area is attached as per county code.
SECTION 1: ESTABLISHMENT INFORMATION

ESTABLISHMENT NAME: Hammarskist Cabin
CORPORATION/OWNER NAME: Hammarskist LLC
CORPORATE CONTACT/PHONE: 605-921-1411
ESTABLISHMENT PHONE: 605-391-4436

ADDRESS: 13049 Songquist Lane

MAILING ADDRESS: 2020 9th Street

EMAIL ADDRESS: robb.hammarquist@gmail.com

APPLICATION IS FOR: [ ] NEW BUSINESS [ ] CHANGE OF OWNERSHIP
DATES OPEN - IF SEASONAL: From: To: 4/1/2020
PROPOSED OPENING DATE: 4/1/2020

WATER SUPPLY: [ ] Public [ ] Private
SEWER SYSTEM: [ ] Public [ ] Private

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

Bed & Breakfast:
(No other fees apply)
- Number of Units: 1
- Full Year Fee: $38.00
- Half Year Fee: $38.00
- Registration Fee:

Vacation Home:
- Number of Units: 1
- Full Year Fee: $70.00
- Half Year Fee: $35.00
- This includes the inspection fee²

Specialty Resort:
10 or Less Sleeping Rooms
- Number of Units: 1
- Full Year Fee: $70.00
- Half Year Fee: $35.00
- This includes the inspection fee²

Hotel:
11 or More Sleeping Rooms
- Number of Units: 1
- Full Year Fee: $2.25 per unit
  Plus $25.00 Inspection Fee²
  ($70.00 Minimum Total)
- Half Year Fee: $1.12 per unit
  Plus $12.50 Inspection Fee²
  ($35.00 Minimum Total)

Initial License Fee³:
- Full Year Fee: $100.00
- Half Year Fee: $100.00
- Total Fee: $200.00

SECTION 3: WATER RECREATION FEES

Number of Pools and Hot Tubs
- None
- One
- Two or More

- Full Year Fee:
  - None
  - One
  - Two or More

- Half Year Fee:
  - None
  - One
  - Two or More

- Pools: 0
- Hot Tubs: 0

TOTAL ALL FEES ABOVE THIS IS THE AMOUNT YOU OWE $170.00

SECTION 4: SIGNATURE

Owner/Agent Signature: [Signature]
Date: 1-25-2020

Subscribed and sworn to before me this 35 day of January, 2020.

Notary Public: [Signature]
My commission expires: 2-25-25

APPLICATIONS MUST BE SIGNED AND NOTARIZED TO BE PROCESSED

Rev. 02/2014
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 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 Hammerquist  
Primary Contact Number: 605-391-4436

Mailing Address: 2020 9th Street

City: Rapid City  
State: SD  
Zip Code: 57701

***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: 1-25-2020

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

Notary Public for the State of South Dakota:  
My Commission Expires
STAFF REPORT

GENERAL INFORMATION:

REQUEST:

MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 20-01: To amend an existing Planned Unit Development to allow an existing residence to be used as a Vacation Home Rental in accordance with Sections 213 and 319 of the Pennington County Zoning Ordinance.

APPLICANT:

Dennis Tuschen

APPLICANT ADDRESS:

1401 S. Aberdeen Avenue, Sioux Falls, SD 57106

LOCAL CONTACT:

Jeff Tuschen

LEGAL DESCRIPTION:

Tract 2, Bell Pine Subdivision, Section 27, T2N, R3E, BHM, Pennington County, South Dakota.

SITE LOCATION:

22746 S. Rochford Road.

TAX ID:

59227

SIZE:

3.86 acres

EXISTING LAND USE:

Residential

ZONING REFERENCE:

Sections 213 and 319

CURRENT ZONING:

Planned Unit Development District

SURROUNDING ZONING:

North
General Agriculture District
South
General Agriculture District
East
Planned Unit Development District
West
Planned Unit Development District

PHYSICAL CHARACTERISTICS: Hills / Forested

REPORT BY:

Kristina Proietti
I. PROPOSED RECOMMENDATION
   A. Staff recommends approval of Major Planned Unit Development Amendment / PU 20-01 with conditions.

II. GENERAL DESCRIPTION
   A. January 25, 2005, Planned Unit Development / PU 04-17, to rezone from General Agriculture District to a Planned Unit Development was approved by the Board of Commissioners with the following fourteen (14) conditions:
      1. That the density of the Planned Unit Development shall not exceed three (3) residential lots;
      2. That the Planned Unit Development be used only as residential use, and no home occupations or large animals be allowed on the three (3) lots;
      3. The minimum lot size for the development shall a minimum of 3.9 acres;
      4. That the structures within the Planned Unit Development shall be stick built or log constructed;
      5. All residences must meet the standards for stick-built homes as outlined in Section 204;
      6. All structures are constructed south of the existing tree line;
      7. That prior to any Building Permit being issued, the applicant constructs the approach and private access to Pennington County Subdivision Regulation Road Construction Standards or obtain an approved Subdivision Regulation Variance;
      8. That an address for each lot will be placed at the approach off of South Rochford Road, visible in both directions. That each lot will also need to have a visible address at the beginning of their driveway;
      9. That prior to platting, the applicant provides documentation of recorded access easements for the three (3) lots;
     10. That prior to platting, the applicant provides soil profile information from an 8-foot soil profile hole for the three (3) lots;
     11. The minimum setbacks for the Planned Unit Development shall be twenty-five (25) feet from all property lines and fifty-eight (58) feet from all section lines;
     12. That a homeowner’s association be created prior to the filing of the Plat for the maintenance of the approach and private access easement;
     13. That covenants be filed at the Register of Deeds at the time the Plat is filed; and,
     14. That this Planned Unit Development be reviewed in two (2) years or on a complaint basis to determine that all conditions of approval are being met.
B. April 19, 2005, Preliminary and Final Plat / PL 05-13 and PL 05-14 was approved by the Board of Commissioners to create Tracts 2-4 of the Bell Pine Subdivision with the following eight (8) conditions:

1. That prior to County Board approval of the Final Plat, the note indicating the property north of South Rochford Road as Tract 1 must be removed and the platted Tracts re-numbered;
2. That prior to County Board approval, the applicant will need to provide the subdivision name in the Plat title;
3. That prior to County Board approval of the Final Plat, the applicant will need to include all certifications, in accordance to Section 400.3.m.1-9 of the Pennington County Subdivision Regulation;
4. That prior to County Board approval, the applicant will need to include a note on the plat indicating that a primary and reserve drainfield area for a new on-site wastewater disposal system shall be provided at the time of applying for a Building Permit;
5. That prior to County Board approval of the Final Plat, the applicant will need to allow 100 feet of Right-of-Way and construct a seventy-five (75) foot, cul-de-sac at the end of the platted access, in accordance with Section 500.5.2.b and Table 1 of the Pennington County Subdivision Regulation and Ordinance 14 standards, post surety or obtain an approved Subdivision Regulations Variance;
6. That prior to filing the Final Plat with the Register of Deeds, that the applicant dedicated additional Right-of-Way for South Rochford Road;
7. That the applicant creates a homeowner’s association or road district for the maintenance of the new subdivision roads; and,
8. That the applicant file a maintenance agreement with the Board of County Commissioners, in a form satisfactory to the State’s Attorney, to ensure the satisfactory condition of required improvements for a period of five (5) years after the date of the acceptance by the Board.

C. January 8, 2007, the extension of Planned Unit Development / PU 05-14 was heard and approved by the Planning Commission with the following eleven (11) conditions:

1. That the density of the Planned Unit Development shall not exceed three (3) residential lots;
2. That the Planned Unit Development is used for residential use only, and that no home occupations or large animals are allowed on the three (3) lots;
3. The minimum lot size for the development shall be a minimum of 3.9 acres;
4. That the structures within the Planned Unit Development shall be stick-built or log constructed;
5. All residences must meet the standards for stick-built homes as outlined in Section 204;

6. All structures are constructed south of the existing tree line;

7. That prior to any Building Permit being issued, the applicant constructs the approach and private access to Pennington County Subdivision Regulation Road Construction Standards or obtains an approved Subdivision Regulations Variance;

8. That an address for each lot will be placed at the approach off of South Rochford Road, visible in both directions. That each lot will also need to have a visible address at the beginning of their driveway;

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

10. That a Homeowner’s Association be upheld for the maintenance of the approach and private access easement; and,

11. That this Planned Unit Development be reviewed in six (6) months time to determine that all conditions of approval are being met.

D. August 13, 2007, the extension of Planned Unit Development / PU 05-14 was heard and approved by the Planning Commission with the following ten (10) conditions:

1. That the density of the Planned Unit Development shall not exceed three (3) residential lots;

2. That the Planned Unit Development be used for residential use only, and that no home occupations or large animals be allowed on the three (3) lots;

3. The minimum lot size for the development shall be a minimum of 3.9 acres;

4. That the structures within the Planned Unit Development shall be stick-built or log constructed;

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

6. All structures are constructed south of the existing tree line;

7. That an address for each lot will be placed at the approach off of South Rochford Road, visible in both directions. That each lot will also need to have a visible address at the beginning of their driveway;

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

9. That a Homeowner’s Association be upheld for the maintenance of the approach and private access easement; and,

10. That this Planned Unit Development be reviewed on a complaint basis only.
II. EXISTING CONDITIONS
   A. Zoned Planned Unit Development.
   B. 3.86 acres.
   C. Access taken off of South Rochford Road.
   D. No Special Flood Hazard Area on the subject property.
   E. Lot contains:
      2. 26’ x 20’ detached garage / 2009COBP0376.
      4. Operating Permit (COOP19-0677).
      5. County Ordinance Violation for operating a VHR without proper approval / COVO19-0189.

2018 aerial image taken from RapidMap.
February 27, 2020, site photo of single-family residence and detached garage.

IV. ZONING HISTORY
   A. January 10, 2005, Planned Unit Development / PU 04-17 was approved by the Planning Commission with fourteen (14) conditions:
      1. That the density of the Planned Unit Development shall not exceed three (3) residential lots;
      2. That the Planned Unit Development be used only as residential use, and no home occupations or large animals be allowed on the three (3) lots;
      3. The minimum lot size for the development shall a minimum of 3.9 acres;
      4. That the structures within the Planned Unit Development shall be stick built or log constructed;
      5. All residences must meet the standards for stick-built homes as outlined in Section 204;
      6. All structures are constructed south of the existing tree line;
      7. That prior to any Building Permit being issued, the applicant constructs the approach and private access to Pennington County Subdivision Regulation Road Construction Standards or obtain an approved Subdivision Regulation Variance;
      8. That an address for each lot will be placed at the approach off of South Rochford Road, visible in both directions. That each lot will also need to have a visible address at the beginning of their driveway;
      9. That prior to platting, the applicant provides documentation of recorded access easements for the three (3) lots;
10. That prior to platting, the applicant provides soil profile information from an 8-foot soil profile hole for the three (3) lots;

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

12. That a homeowner’s association be created prior to the filing of the Plat for the maintenance of the approach and private access easement;

13. That covenants be filed at the Register of Deeds at the time the Plat is filed; and,

14. That this Planned Unit Development be reviewed in two (2) years or on a complaint basis to determine that all conditions of approval are being met.

B. The property was rezoned in 2005 from General Agriculture to Planned Unit Development.

1. A Major Planned Unit Development Amendment is required to bring the property into conformance.
   a. February 4, 2020, the applicant, Dennis Tuschen, applied for a Major Planned Unit Development Amendment to allow an existing residence to continue being utilized as a Vacation Home Rental.

2. Section 319(B) of the Pennington County Zoning Ordinance (PCZO) states that:
   a. VHRs are allowed uses in:
      i. Highway service Zoning Districts;
      ii. General Commercial Zoning Districts; and,
      iii. May be allowed in Planned Unit Developments, per Section 213(B)(2).

3. Section 213(B)(2) of the PCZO states that:
   Uses permitted in the Planned Unit Development may include single family dwellings, duplexes, triplexes, four-plexes, apartments, townhouses, patio-houses, mobile homes, neighborhood commercial, school sites, parks, Wind and Solar Energy Systems in accordance with Section 317, Vacation Home Rentals in accordance with Section 319, and open space uses as necessary and as part of a general plat and plan.

4. A copy of the Bell Pines Subdivision Covenants, Conditions, Restrictions, and Access Easements have been attached to this Staff Report.
V. REQUEST FOR COMMENT

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

B. County Fire Administrator
   1. No comment received.

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

D. County Onsite Wastewater Specialist
   1. I have no concerns with the current proposal.

E. County Ordinance Officer
   1. This one has a current open violation due to the complaint about a VHR being used without it being in the PUD / COVO19-0189.

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. Emergency Services (9-1-1)
   1. 911’s only condition would be that the owner verify he has the physical house number posted where the driveway intersects with S. Rochford Rd. and on the structure.

H. U.S. Forest Service
   1. Access to the described private property is off of the South Rochford Road and adjacent to the private property. No additional access roads will be authorized from National Forest System lands.
   2. Protect all posted boundary line corners, signs and bearing trees.
   3. Adhere to the setback requirements along the posted boundary between National Forest System lands (USA Public Domain) and the private property.
   4. Protect all known stream courses, ponds and riparian areas located on National Forest System lands.
   5. No resource damage to occur on National Forest System lands.
   6. All straw bales, erosion mats, slash mats, etc. located on private property will need to be certified weed-free. Provide a copy of the certification to the Forest Service.
   7. No construction materials to be placed on National Forest System lands.
   8. All proposed drain fields, leach lines or septic systems will need to be located on private property and not located on or drain or leach onto National Forest System lands; septic system holding tank (s) and potable water holding tank (cistern) will be required to be located on private property.
   9. All construction materials, supplies, trash or garbage or fill material will not be located or dumped on National Forest System lands; take all construction materials, supplies, trash or garbage to an approved location (approved sanitary landfill).

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

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

VI. ANALYSIS

A. February 27, 2020, Staff performed a site visit to the subject property to verify the applicant is meeting all of the requirements of Section 319 of the Pennington County Zoning Ordinance which governs VHRs.

B. The applicant has complied with all of the application submittal requirements for a VHR, as listed in PCZO Section 319, including the following:

1. Complete application and floorplans;
2. Approval from SD DENR – received January 2, 2020;
3. South Dakota Department of Revenue Sales Tax License;
4. Applied for the 2020 South Dakota Department of Health Lodging License; and,
5. Local Contact: Jeff Tuschen.

C. January 21, 2019, SD DENR approved the Vacation Home Rental for a maximum overnight occupancy of six (6) persons.

D. Staff has updated Condition #3 as additional Public Right-of-Way was dedicated to the frontage of all three lots on the northern most lot line by way of the plat recorded in 2004, book 33, page 62.

E. December 20, 2019, Staff received a complaint from a neighbor stating that the applicants have been using the single-family residence located on the subject property as a VHR.

RECOMMENDATION: Staff recommends approval of Major Planned Unit Development Amendment / PU 20-01 with the following conditions:

1. That the density of the Planned Unit Development shall not exceed three (3) residential lots;

2. That the Planned Unit Development be used for residential use only, the no home occupations or large animals be allowed on the three (3) lots;

3. The minimum lot size for the development shall a minimum of 3.86 acres;
4. That the residence located on Tract 2 is allowed to be used as a Vacation home Rental;

5. That the structures within the Planned Unit Development shall be stick-built or log constructed;

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

7. All structures are constructed south of the existing tree line;

8. That an address for each lot will be placed at the approach off of South Rochford Road, visible in both directions. That each lot will also need to have a visible address at the beginning of their driveway;

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

10. That a Homeowner’s Association be upheld for the maintenance of the approach and private access easement;

11. 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);

12. That if an addition is constructed and/or the on-site wastewater treatment system is upgraded in the future, this Major planned Unit Development Amendment be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DENR;

13. 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;

14. 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;

15. 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;
16. 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;

17. That the lot address (22746 S. Rochford Road) be posted on the residence at all times and so it is clearly visible from S. Rochford Road, in accordance with Pennington County’s Ordinance #20;

18. 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;

19. That if the person designated as the Local Contact is ever changed from Jeff Tuschen, 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;

20. 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; and,

21. That this Major Planned Unit Development Amendment be reviewed in one (1) year or on a complaint basis to determine that all conditions of approval are being met.
Planned Unit Development Amendment (Major)

This is a request for an amendment to the PUD to allow for a Vacation Home Rental on the property at 22746 South Rochford Road.

Having purchased this property in 2005, it was a contingency of the purchase that we would be allowed to do vacation rentals when we purchased the property. We worked with Mike Alley from Exit reality on the purchase and prior to looking at the property he had done a property search and confirmed that the property was zoned for Agricultural and we would be able to do rentals and we proceeded to purchase this property.

On January 2nd, 2020 we were notified now 14 years later after a complaint was filed that we are not allowed to do rentals because we are zoned residential for single family housing. After discussing this with Mike Alley and reviewing paper work, it appears that the property zoning was modified to PUD after we had made the offer on the property and before the time we closed on the property. We wish to correct this at this time.

I hope all paperwork is in order, if not I can be reached at the below number, thanks for your cooperation.

Dennis Tuschen

605-351-0743
Bell Pines Cabin
22746 South Rochford Road, Hill City, SD 57745

Owners: Dennis Tuschen, 605-351-0743 or 605-351-0192 (Call First)
David Tuschen, 605-366-7882 (Call second)
Local Contact: Jeff Tuschen 605-421-1638 (Call third)

Vacation Home Rental Requirements

Maximum occupancy allowed for this property is 6 Adults plus 4 children.
Permission must be received from the owner if the number is over 8 Persons.
Number of day guests allowed is 4 persons.

There are 5 parking spaces available. All parking shall be in the upper driveway near the cabin. No parking is allowed in lower driveways to include trailers without approval from the owner.

Failure to conform to the parking and occupancy regulations of the rental property and the development is a violation of county ordinance.

The use of open fires, fire pits, fireworks, charcoal-burning grills or other open fire devices is prohibited by local covenants, county, state and federal law.

Pets are not allowed, no exceptions!!

Quiet Hours are from 10:00PM until 7:00AM, please respect neighbors at all other times.

Garbage is picked up on Monday mornings, please place all trash in the trash bin at the bottom of the driveway on your Right as you leave.

Renters and Occupants are responsible for the creation of any disturbances or violations of local, state or federal ordinances, laws and covenants.

Local Emergency and Law Enforcement: Call 911
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.

☑ 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).

☑ 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: Jeff Tuschen  Primary Contact Number: (605) - 421-1638
Mailing Address: P.O. Box 382
City: Deadwood  State: SD  Zip Code: 57732

[Signature]  [Date]  1-21-20

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

[Signature]  [Date]  March 5, 2023

Notary Public for the State of South Dakota  My Commission Expires
Acknowledgement that the VHR meets all Fire Safety Standards for Vacation Home Establishments in accordance with the current South Dakota codified Laws.

Property: 22746 South Rochford Road, Hill City SD 57745

All windows are egress windows.
There are 2 exit doors on the Main level
Upstairs bedroom and loft have egress windows.
There are 3 Fire extinguishers.
   1 in Kitchen area
   1 in Main hallway
   1 in Upper level

Each level has an operating fire alarm
Each bedroom has an operating fire alarm
There is also a fire alarm in the hallway.

No open fires are allowed on the property, to include fireworks, charcoal grills and fire pits.

Dennis Teschen
1-30-2020

Dennis Teschen
January 21, 2019

Dennis Tuschen
1401 S Aberdeen Ave
Sioux Falls, SD 57106

RE: Absorption trench wastewater design for a three-bedroom residence located at 22746 South Rochford Road, Hill City, SD 57745

Dear Mr. Tuschen:

The South Dakota Department of Environment and Natural Resources is in receipt of one set of plans and specifications for an absorption trench wastewater system that will service a three-bedroom residence without a garbage disposal located at 22746 South Rochford Road, Hill City, South Dakota. The plans have been reviewed for compliance with South Dakota’s “Individual and Small On-Site Wastewater Systems” regulations.

The results of the review process indicate the wastewater system is designed for a maximum daily flow of 360 gallons. This design will meet the minimum design requirements and is hereby approved.

Our review is primarily to determine compliance with the minimum sanitary engineering requirements and does not cover items, such as quality of materials, structural soundness, electrical and mechanical design features. Approval of the plans and specifications does not in any way release the applicant from the responsibility that the project will be an operable facility when construction is completed.

In accordance with ARSD § 74:03:06:07, the Department of Environment and Natural Resources’ approval of plans and specifications becomes void two years after the date of approval if construction is not initiated prior to that time. Upon request of the owner, voided plans and specifications may be submitted for reconsideration.

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.
Natural Resources Engineering Director
(605) 773-3351

cc: TJ Doreff, Pennington County Planning
SOUTH DAKOTA DEPARTMENT OF HEALTH

LODGING LICENSE APPLICATION

SECTION 1: ESTABLISHMENT INFORMATION

ESTABLISHMENT NAME
Bell Pines #2

CORPORATION/OWNER NAME
Dennis Meschen

CORPORATE CONTACT/ PHONE
605-351-0743

ESTABLISHMENT PHONE
AAA 584-9809

CELL PHONE

ESTABLISHMENT PHYSICAL ADDRESS (NO PO BOX #)
22746 South Rochford Rd

CITY
Hill City

STATE
SD

ZIP
57745

IF RURAL LOCATION, GIVE DIRECTIONS FROM NEAREST CITY
2 miles SW of Rochford SD

COUNTY
Pennington

MAILING ADDRESS (IF DIFFERENT THAN PHYSICAL ADDRESS)
1401 South Aberdeen Ave

CITY
Sioux Falls

STATE
SD

ZIP
57106

EMAIL ADDRESS

APPLICATION IS FOR:
NEW BUSINESS

DATES OPEN - IF SEASONAL
From:
To:

PROPOSED OPENING DATE
1-1-2020

WATER SUPPLY
Public

SEWER SYSTEM
Private

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

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<th>Number of Units</th>
<th>FULL YEAR FEE: Jan 1 – Dec 31</th>
<th>HALF YEAR FEE: July 1 – Dec 31^1</th>
<th>FEE TOTAL</th>
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<td>Bed &amp; Breakfast:</td>
<td>$38.00 Registration Fee</td>
<td>$38.00 Registration Fee</td>
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<tr>
<td>Vacation Home:</td>
<td>$70.00 This includes the inspection fee^3</td>
<td>$35.00 This includes the inspection fee^3</td>
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<td>Specialty Resort: 10 or Less Sleeping Rooms</td>
<td>$70.00 This includes the inspection fee^3</td>
<td>$35.00 This includes the inspection fee^3</td>
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<td>Hotel: 11 or More Sleeping Rooms</td>
<td>$2.25 per unit Plus $25.00 Inspection Fee^4 ($70.00 Minimum Total)</td>
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SECTION 3: WATER RECREATION FEES

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<th>HALF YEAR FEE:</th>
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<tr>
<td>One</td>
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<tr>
<td>Two or More</td>
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<tr>
<td>Pools</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hot Tubs</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Is Your Pool Or Hot Tub Associated With Another Licensed Establishment? Yes □ No □
If Yes, Please Name Other Licensed Facility.

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
Dennis Meschen

Date: 1-24-2020

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

My commission expires: 9/17/2024

Applications must be signed and notarized to be processed.

Rev. 02/2014

Applications must be signed and notarized to be processed.

KYLE L. WERNSENN
NOTARY PUBLIC
SOUTH DAKOTA

APPLICATION NUMBER

APPROVED BY:

APPROVED DATE:

APPLICATION MUST BE SIGNED AND NOTARIZED TO BE PROCESSED.

PD Chk 4 5568 16/1/2020
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.pencco.org

Operating Permit Number: COOP19-0677

**PROPERTY INFORMATION**

- **Property Address:** 22746 S ROCHFORD RD
- **In #:** 16712141
- **Fax ID #:** 59227
- **Owner Name:** TUSCHEN DENNIS M
  - STACIA
- **Owner Address:** 1401 S ABERDEEN AVE
  - SIOUX FALLS, SD 57106-4909
- **Legal Description:**
- **Block:**
- **Subdivision:** BELL PINE SUBD
- **Section-Township-Range:** 27-2N-3E

**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:** 21-Jun-2019
- **Operating Permit Expiration:** 21-Jun-2025
- **Observed By:** CHRIS SKORPAK

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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>
DEVELOPMENT OF COVENANTS, CONDITIONS
RESTRICTIONS AND ACCESS EASEMENT FOR
BELL PINE SUBDIVISION

This Declaration made on the date hereafter set forth by the undersigned owners
collectively referred to as “Declarant” of the property described herein:

WITNESSETH:

WHEREAS, Declarant is the owner of certain real property in the County of
Pennington and State of South Dakota more particularly described as follows:

Tracts 1, 2, and 3 of Bell Pine Subdivision, located in the West One-half of the
Southwest Quarter of the Northeast Quarter of Section 27, Township 2 North,
Range 3 East of the Black Hills Meridian, Pennington County, South Dakota.

NOW, THEREFORE, Declarant hereby declares that all of the property described
above shall be held, sold and conveyed subject to the following easements, restrictions,
covenants, and conditions which are for the purpose of protecting the value and desirability of
and which shall run with the real property and be binding on all parties having any right, title
or interest in the described properties or any part thereof including their heirs, successors and
assigns and shall inure to the benefit of each owner hereof.

ARTICLE 1.

DEFINITIONS

Section 1. “Association” shall mean and refer to the Bell Pine Road Maintenance
Association, its successors and assigns.

Section 2. “Owner” shall mean and refer to the record owner whether one or more
persons or entities of fee simple title to any tract of land which is a part of the properties
described hereinabove, including contract buyers.
Section 3. "Properties" shall mean and refer to that certain real property hereinbefore described.

Section 4. "Bell Pine Road" shall mean and refer to the forty foot (40') dedicated access easement located on Tract 2 for common access to the properties as established by separate recorded easement shown on the plat of the properties.

Section 5. "Declarant" shall mean and refer to the owners of the property making this Declaration.

Section 6. "Lot" shall mean and refer to any tract of land shown upon the plat above-referred to.

ARTICLE 2.

MEMBERSHIP AND VOTING RIGHTS

Section 1. Every Lot owner shall be a member of the Association. Membership shall be appurtenant to and may not be separated from ownership of the tract which is subject to assessment.

Section 2. The Association shall have one class of voting membership. The members shall be all owners and shall be entitled to one vote for each Lot owned. When more than one person holds an interest in a Lot, all such persons shall be members. The vote for such Lot shall be exercised as the members owning such Lot shall determine but in no event shall more than one vote be cast with respect to one Lot.

ARTICLE 3.

COVENANT FOR MAINTENANCE ASSESSMENTS

Section 1. Creation of the Lien and Personal Obligation of Assessments. The Owner of each Lot owned within the properties hereby covenants and each Owner by acceptance of a deed therefore, whether or not it shall be so expressed in such deed is deemed to covenant and agree to pay to the Association; (1) annual assessments or charges, and (2) special assessments for capital improvements, such assessments to be established and collected as hereinafter provided. The annual and special assessments together with interest, costs and reasonable attorney's fees shall be a charge on the land and shall be a continuing lien upon the property against which each such assessment is made. Each such assessment, together with interest, costs and reasonable attorney's fees, shall also be the personal obligation of the person who was the owner of such property at the time when the assessment fell due. The personal obligation for delinquent assessments shall not pass to his successors in title unless expressly assumed by them.
Section 2. Purpose of Assessments. The assessments levied by the Association shall be used exclusively for the improvement and maintenance of the access easement. Services and contracts devoted to this purpose and related to maintenance, snow removal and repair of the roadway, including but not limited to the following:

(a) all operating expenses of the Association, including services furnished;
(b) the cost of necessary management and administration, including fees paid to any agent for the Association;
(c) the cost of furnishing road maintenance, care, snow removal, repairs and materials;
(d) the cost of maintaining the gate and signs at the entrance of Bell Pine Road from Rochford Road;
(e) such other items as the Association may agree upon by unanimous consent.

Section 3. Special Assessments for Capital Improvements. In addition to the annual assessments authorized above, the Association may levy, at any time, a special assessment applicable to that time only for the purpose of defraying, in whole or in part, the cost of any road construction, sign construction, gate construction, repair or replacement of a capital improvement upon the access easement including gravel, paving improvement and surface materials, provided that any such assessment shall have the assent of two-thirds of the votes of the members of the Association.

Section 4. Notice and Quorum for Meetings of the Association. Written notice of any meeting called for the purposes of taking any action by the Association shall be sent to all members not less than five (5) nor more than ten (10) days in advance of the meeting. At the meeting, the presence of members or proxies for members entitled to cast 66 2/3rds percent of all the votes of the membership shall constitute a quorum. If the required quorum is not present, the meeting shall be continued until a quorum is present.

Section 5. Uniform Rate of Assessment. Both annual and special assessments must be fixed at a uniform rate for all Lots and may be collected on a monthly or quarterly basis.

Section 6. Initial Assessment and Date of Commencement. The annual assessment provided for herein shall commence as to all Lots on the 1st day of June, 2005. The first annual assessment shall be in the amount of $150.00 for one (1) year which shall be adjusted according to the number of months remaining in the calendar year. The Association shall fix the amount of the annual assessment against each Lot at least thirty (30) days in advance of each calendar year. In the event of failure to give notice, the assessment for the previous year shall apply until a meeting is held and an assessment is made to change the same. The Association shall, upon demand and for a reasonable charge, furnish a certificate signed by its managing officer setting forth the information concerning the assessments on a specified Lot, the status thereof and the payments then due, if any. A properly executed certificate of the Association as to the status of the assessments on a Lot is binding upon the Association as of
the date of its issuance.

**Section 7. Affect of Nonpayment of Assessments. Remedies.** Any assessment not paid within thirty (30) days after the due date shall be charged interest at twelve percent (12\%) per annum. The Association may bring an action at law against the Owner personally obligated to pay the same or foreclose the lien against the property. No Owner may waive or otherwise escape liability for the assessment provided for herein by nonuse of the easement or abandonment of his or her Lot. The lien of the assessments provided for herein shall be subordinate to the lien of any first mortgage. Sale or transfer of any Lot shall not eliminate any existing assessment or lien, however, the sale or transfer of a Lot pursuant to mortgage foreclosure or any proceeding in lieu thereof shall extinguish the lien of such assessments as to payments which have become due prior to such sale or transfer. No sale or transfer shall relieve such Lot from liability for any assessments thereafter becoming due or from the lien thereof.

**ARTICLE 4.**

**RESIDENTIAL AREA COVENANTS**

The following covenants shall apply to all Lots:

1. Each property shall be known, described and used for residential purposes only. Only one single family unit shall be erected, altered, placed or permitted to remain on any Lot, except a guest home or caretakers residence of 700 square feet or less with the prior written permission of the other property owners in accordance with County regulations. In addition, a storage shed or utility shop may be constructed and placed in such a manner to blend with the other structures, terrain and general appearance of the property. No modular or mobile homes may be used as a permanent residence on any of the Lots. There shall be no further subdivision of any Lot.

2. All building plans, specifications, colors and textures shall be reviewed and approved in writing by the Architectural Control Committee. Any primary residence shall contain not less than 700 square feet exclusive of garage area.

3. All permanent structures, including primary residence must be erected above the existing tree line in order to maintain the natural beauty of the area. No structure of a temporary character, barns, outbuildings, recreational vehicles, boats, motor vehicles, campers, tents, shall be erected upon or placed below the existing tree line for more than seven (7) days. Either adjoining property owner has the right upon seven (7) day written notice, to require the structure or vehicle to be removed at owner’s expense.

4. None of the Lots may be utilized as a dumping ground or storage area for old automobiles, rubbish or trash and, in order to maintain the natural beauty of the area, all
residents must strictly comply.

5. All exterior construction work on any home, addition or outbuilding shall be completed within eighteen (18) months of the inception of the work.

6. No structure, building or other material which may damage or interfere with an easement for the installation or maintenance of utilities or which may change, obstruct, or retard direction or flow of any drainage channel, shall be placed or permitted to remain upon a Lot.

7. No signs of any kinds shall be displayed to the public view on any Lot, provided however, that it shall be permissible to display on any Lot one professionally painted sign of not more than four (4) square feet advertising the property for sale, and one nameplate sign of not more than four (4) square feet.

8. The Architectural Control Committee shall be the Declarant until all three (3) Tracts have been sold and thereafter the Association shall be vested with all of the powers and authorities of the Architectural Control Committee for interpretation and enforcement of these covenants.

9. An easement for each property owner shall be exercised in accordance with the Declaration of Perpetual Easement.

ARTICLE 5.

MISCELLANEOUS

Section 1. Enforcement. The Association, or any Owner, shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, covenants, reservations, liens and charges now or hereafter imposed by the provisions of this Declaration. Failure of the Association or by any Owner to enforce any covenant or restriction herein contained shall, in no event, be deemed a waiver of the right to do so thereafter.

Section 2. Severability. Invalidation of any one of these covenants or restrictions by judgment or court order shall in no way alter or affect any other provisions which shall remain in full force and effect.

Section 3. Amendment. The covenants and restrictions of this Declaration shall run with and bind the land for a period of twenty-five (25) years from the date of this Declaration, after which time the same shall be deemed automatically extended for successive periods of ten (10) years unless cancelled in writing by an instrument signed by not less than all of the Lot Owners. This Declaration may be amended at any time by a written amendment signed by all of the Lot Owners. The amendment must be recorded to be effective.
PLAT OF BELL PINE SUBDIVISION
TRACTS 1, 2, 3, DEDICATED PUBLIC ACCESS AND UTILITY RIGHT-OF-WAY, AND ACCESS EASEMENT
LOCATED IN THE W1/2SW1/4NE1/4 OF SECTION 27, T.2N., R.3E., B.H.M., PENNINGTON COUNTY, SOUTH DAKOTA

TRACT 1 3.87 ACRES
TRACT 2 3.66 ACRES
TRACT 3 3.86 ACRES
MORE OR LESS:
MORE OR LESS:
MORE OR LESS:

LEGEND
- ROAD WITH CAP SUMMIT WIDTH E. BY N. 8 FT. 1921
- HIGHWAY
- FENCE lines
- PROPRIETARY OWNER THROUGH GOLDFIELD MORTGAGE & SECURITY CO., SD STs.

PREPARED BY:
ARISTIL & ASSOCIATES
22 WOODLAND AVENUE
DRAWWOOD, SD 57732
605-576-1232

DRAWN BY:

PAGE 1 OF 2
STAFF REPORT

GENERAL INFORMATION: 

REQUEST: 

CONSTRUCTION PERMIT / CP 20-05: To replace rip rap, soil, and rock to restored washed out banks and bridge abutments with the Hart Ranch Golf Course.

APPLICANT: RCS Construction

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

LANDOWNER: Hart Ranch Development Company

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

LEGAL DESCRIPTION: Hart Ranch Golf Course Parcel Less Village On The Green Subdivision, Less Village On The Green #2 Subdivision and Less Platted Private Drives Located in Sections 11, 12 and 13, Hart Ranch Development Subdivision, Section 11, T1S, R7E, BHM, Pennington County, South Dakota.

SITE LOCATION: 23645 Club House Drive (Hart Ranch Golf Course)

TAX ID: 68993

SIZE: 293.08 acres

EXISTING LAND USE: Golf Course

ZONING REFERENCE: Sections 213 and 507-A

CURRENT ZONING: Planned Unit Development District

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

PHYSICAL CHARACTERISTICS: Rolling Hills
Agenda Item #11
RCS Construction
March 9, 2020

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 20-05.**

I. PROPOSED RECOMMENDATION
A. Staff will be recommending the Planning Director approve Construction Permit / CP 20-05 with conditions.

II. GENERAL DESCRIPTION
A. The applicant, RCS Construction, has applied for a Construction Permit to repair sections of stream banks and bridge abutments with riprap.

III. EXISTING CONDITIONS
A. Planned Unit Development District.
B. 293.08 acres.
C. Access off Spring Creek Road and Club House Drive.
D. Special Flood Hazard Area.
   1. 100-year.
E. Buildings:
   1. Two restroom facilities (BP #6366).
   2. Pump house (BP #6872).
   3. Shelter (BP #7162).
   4. On-premise sign (BP #7163).
   5. Golf cart storage (BP #7164).
   6. Rain Shelter (BP #7165).
   7. Shop Building (COBP93-0482).
   8. On-premise sign (COSP16-001).

IV. REQUEST FOR COMMENT
A. County Highway Department.
   1. No comment.
B. County Environmental Planner (Stormwater)
   1. There is Special Flood Hazard Area on the property.
      a. The applicant will need to get an approved Floodplain Development Permit since the work is within the 100-year floodplain.
   3. Site must be revegetated in accordance with Section 507 of the PCZO.

C. County Environmental Planner (Onsite)
   1. I have no concerns with this current proposal.

D. County Ordinance Enforcement Officer
   1. No violations.

E. County Natural Resource Director
   1. No objections.

F. West River Electric
   1. No Comments.

V. ANALYSIS
   A. Work will consist of replacing riprap and stabilizing stream banks along Spring Creek.
   B. The work will be done within a Special Flood Hazard Area and will require a Floodplain Development Permit.
      1. The applicant is working with staff to get the Floodplain Development Permit submitted.
   C. The applicant stated there should be no major grading or disturbance for this project.
   D. The work will be done on an as-needed basis.

RECOMMENDATION: Staff is recommending the Planning Director approve Construction Permit / CP 20-05 with the following conditions:

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

2. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan during the period of construction;

3. That if there is a change in the floodplain or the work within the floodplain, the applicant updates their Floodplain Development Permit;
4. That the owner or designee must inspect the site at least once every 7 calendar days or every 14 calendar days and within 24 hours of the end of a storm event that exceeds 0.25 inches or snowmelt that generates runoff. A properly maintained rain gauge must be kept on the site. Inspection reports must be submitted to the Planning Director every month during construction;

5. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;

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

7. That failure of the owner or designee to submit Inspection Reports, as required, shall result in the immediate issuance of a Stop Work Order and a review by the Planning Commission to determine if all Conditions of Approval are being met;

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

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

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

11. That the applicant signs a Statement of Understanding within ten (10) business days of approval of Construction Permit / CP 20-02; and,

12. That this Construction Permit be reviewed in one (1) year, or on a complaint basis, or as directed by the Planning Commission and/or the Board of Commissioners to verify that all Conditions of Approval are being met.
This work consists of replacement of rip rap, soil and rock to restore washed out banks and bridge abutments within the Hart Ranch Golf Course. This work is on an as needed basis within the Golf Course at the direction of Golf Course Management – No formal plans have been created.

All work within the stream bank will be limited to previous bank/abutment extents. Repair/replacing scoured or damaged areas.