AGENDA
PENNINGTON COUNTY PLANNING COMMISSION
April 13, 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 April 21, 2020, at 10:30 a.m. The Planning Commission utilizes Speaker Request Forms, which are available in the Commission Chambers during the meeting.

**If unable to attend the meeting, please submit your comments via e-mail to plz@pennco.org or by mail to the attention of the Pennington County Planning Department, 130 Kansas City St., Ste. 200, Rapid City, SD 57701, or, if appearing by teleconference, contact the Planning Department at 605-394-2186 prior to the scheduled meeting.

ROLL CALL

1. APPROVAL OF THE MARCH 27, 2020, MINUTES

2. APPROVAL OF THE AGENDA

CONSENT AGENDA

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

3. CONDITIONAL USE PERMIT REVIEW / CU 16-17: West River Electric; Ross Johnson - Agent. To review an existing electrical substation in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Lot 1 of SE1/4SE1/4, Section 25, T2N, R8E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 16-17 with conditions.

4. CONDITIONAL USE PERMIT REVIEW / CU 18-07: Tim McTavish. To review four (4) illuminated, on-premise signs within 1,500 feet of a residential zoning district / dwelling unit in a Highway Service District in accordance with Sections 210, 312, and 510 of the Pennington County Zoning Ordinance.

Lot 3, The Forks at Remmington Ranch, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 18-07 with conditions.
5. **CONDITIONAL USE PERMIT REVIEW / CU 18-48:** Robert Pace. To review a pole barn as a primary structure on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

W1/2W1/2W1/2E1/2NE1/4 Less ROW; E1/2E1/2 W1/2NE1/4 Less ROW; E1/2W1/2 E1/2W1/2NE1/4 Less ROW; E1/2W1/2W1/2E1/2W1/2NE1/4 Less ROW; E1/2W1/2 W1/2W1/2E1/2W1/2NE1/4 Less ROW Section 33, T2N, R11E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 18-48 with conditions.

6. **CONDITIONAL USE PERMIT REVIEW / CU 19-03:** Joseph and Teri Creager. To review a storage shed/garage as a primary structure on the subject property in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 13, Block 1, Moon Meadow Estates, Section 34, T1N, R7E, BHM, Pennington County, South Dakota

To recommend approval of the extension of Conditional Use Permit / CU 19-03 with conditions.

7. **CONDITIONAL USE PERMIT REVIEW / CU 19-09:** Martina Pugh. To review a single-wide mobile home to be used as a permanent residence in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

E60 feet of N115 feet of Lot 4 of Lot 13, Plateau Subdivision, Section 10, T1N, R8E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 19-09 with conditions.

8. **CONDITIONAL USE PERMIT REVIEW / CU 19-14:** Dottie Pugsley. To review a multi-family residence in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 21, Block 4, County Heights Subdivision, Section 3, T1N, R8E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 19-14 with conditions.

END OF CONSENT AGENDA
9. **CONDITIONAL USE PERMIT / CU 20-06**: Daniel and Jodi Endres. To allow for an accessory structure (a garage) prior to a principal structure on the subject property in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Lot 3, Block 1, Harney Mountain Wilderness Estates, Section 33, T1S, R5E, BHM, Pennington County, South Dakota.

10. **LAYOUT PLAN / LPL 20-06**: Jeffrey and Holly Godber. To combine two lots to create Lot 1R of Mountain Park Placer in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot A less RTY and Lot B Less RTY of Mountain Park Placer MS 1230, Section 8, T1S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 1R of Mountain Park Placer, Section 8, T1S, R6E, BHM, Pennington County, South Dakota.

11. **COUNTY BOARD REPORT**
The Board of Commissioners concurred with the Planning Commission’s recommendations from the March 27, 2020, Planning Commission meeting.

12. **ITEMS FROM THE PUBLIC**

13. **ITEMS FROM THE STAFF**

   A. Building Permit Report.

14. **ITEMS FROM THE MEMBERSHIP**

15. **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
March 23, 2020 @ 9:00 a.m.
County Commissioners’ Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Rich Marsh, Travis Lasseter, Sandra Runde, Kathy Johnson (teleconference), and Sonny Rivers (teleconference).

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

ROLL CALL

1. APPROVAL OF THE MARCH 9, 2020, MINUTES
Moved by Runde and seconded by Lasseter to approve the Minutes of the March 9, 2020, Planning Commission meeting. Roll Call: Marsh – aye, Lasseter – aye, Runde – aye, Johnson – aye, and River – aye. Roll Call Vote: unanimous 5 to 0.

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 71-04: David and Andrea Allard. To review a mobile home park in a General Commercial District in accordance with Sections 209, 305, and 510 of the Pennington County Zoning Ordinance.

Lot 1 of Lot D of SW1/4SE1/4 and RR RTY Across Lot 1, Section 31, T2N, R6E, BHM, Pennington County, South Dakota.

To continue the review of Conditional Use Permit / CU 71-04 to the June 22, 2020, Planning Commission meeting in order to allow the landowner to fix the existing violations with the following (1) condition:

1. That any continuation after the June 22, 2020 Planning Commission meeting, will be subject to a $100.00 continuation fee in accordance with Section 511(X) of the Pennington County Zoning Ordinance.

Vote: unanimous 5 to 0.
4. **CONDITIONAL USE PERMIT REVIEW / CU 10-03**: Michael Howe. To review a dog/cat boarding kennel in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Lot 1, Engesser Subdivision, Section 24, T1N, R8E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 10-03 with the following eleven (11) conditions:

1. That the Conditional Use Permit be limited to a dog and cat boarding kennel only and that a maximum of two (2) additional employees not residing on the premises may be employed by the home occupation. Any expansion beyond this will require an amendment for this Conditional Use Permit to be applied for;

2. That the boarding of dogs/cats not exceed a maximum of 30 animals at one time. Any additional animals would require a review by the Planning Department and an amendment to the Conditional Use Permit;

3. That reasonable measures continue to be taken to control odors and noises produced by the dogs so as to not constitute a nuisance to the general public;

4. That the applicant continues to adhere to all necessary County, State and Federal regulations, including those of the Environmental Protection Agency (EPA) and maintain the necessary permits to conduct the organization’s activities;

5. That the address, 8507 Dunn Road, continue to be posted both at the approach to the property and on the primary structure itself in accordance with Ordinance #20;

6. That prior to the placement of any on-premise signs, the applicant must obtain approval of a Sign Permit;

7. That a Floodplain Development Permit shall be submitted for review and approval prior to any work or placement of any structure within the boundaries of the 100-year floodplain;

8. That a minimum of eight (8) off-street parking spaces continue to be provided. Each parking space shall measure at least nine (9) feet by 18-feet and shall be kept in a dust free manner;

9. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground located on a permanent foundation, which requires a site plan to be reviewed and approved by the Planning Director;
10. That any change in the use or expansion of the kennel, would require approval by the Humane Society and, at a minimum, a review by the Planning Department. This Conditional Use Permit may need to be re-advertised and new notices resent if the change or expansion requires a hearing in front of the Planning Commission; and,

11. That this Conditional Use Permit be reviewed in three (3) years, on a complaint basis, or by the Planning Commission and/or Board of Commissioners to ensure that all Conditions of Approval are being met.

Vote: unanimous 5 to 0.

5. CONDITIONAL USE PERMIT REVIEW / CU 15-29: Jim or Mary Scull. To review a cabin to be used as a ranch hand’s residence in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

Unplatted PT of NW1/4 NE1/4 and 1/2 Vacant Road adjacent to Section 16, T1N, R6E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 15-29 with the following five (5) conditions:

1. That a Building Permit be obtained for any structure exceeding 144 square feet or located on a permanent foundation, which requires a site plan to be reviewed and approved by the Planning Director;

2. That the residence continues to be occupied by a ranch hand or continues to be used as housing for hired help at all times, and not be used as a rental by someone not engaged in the operating of the farm or ranch located on the subject property;

3. That the addresses (12090 White Horse Road for the primary residence and 12095 White Horse Road for the ranch hand’s residence) continue to be clearly posted on each residence, at the approach (driveway), so as to be visible from both directions of travel on White Horse Road, in accordance with Pennington County’s Ordinance #20;

4. That the minimum setback requirements of a General Agriculture District be continually maintained on the property, or a Setback Variance is obtained prior to new construction and approval of a Building Permit; and,

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

Vote: unanimous 5 to 0.
6. **CONDITIONAL USE PERMIT REVIEW / CU 16-02**: Eva Olson. To review a single-wide mobile home to be used as a single-family residence in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

That PT of E1/2E1/2SW1/4NW1/4 lying S of Hwy 14-16 ROW less W 97 ft; SE1/4NW1/4 lying S of Hwy 14-16 ROW; SW1/4NE1/4 lying S of Hwy 14-16 ROW; That PT of SW1/4NE1/4 lying between I-90 and Hwy 14-16 ROW; That PT of E1/2E1/2NW1/4NW1/4 lying S of Hwy 14-16 ROW, Section 27, T2N, R10E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 16-02 with the following eight (8) conditions:

1. That the property address (15715 Highway 14/16) continues to be posted both on the residence and at the end of the driveway so it is visible from both directions of travel on Highway 14/16, in accordance with Pennington County’s Ordinance #20;

2. That the subject property continually not contain more than one (1) residential structure (i.e. single-family residence or living quarters);

3. That if the applicant/landowner chooses to rebuild a single-family residence on the subject property, Conditional Use Permit / CU 16-02 be amended and re-advertised to allow the single-wide mobile home to be used as temporary living quarters while building a single-family residence and the single-wide mobile home must be removed from the property upon completion of the new single-family residence;

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

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

6. That the single-wide mobile home installed on the subject property continue to have a peaked, non-reflective type roof and wood or simulated wood-type siding that is continually maintained;

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 three (3) years, on a complaint basis, or as directed by the Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 5 to 0.
7. **CONDITIONAL USE PERMIT REVIEW / CU 16-34**: Jessica Thurmes. To review a Recreational Vehicle to be used as temporary living quarters for no more than 180 days per calendar year on the subject property in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot 4, Harrington Subdivision, Section 19, T2S, R7E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 16-34 with the following eight (8) conditions:

1. That the assigned address for the subject property be continually posted so it is visible from both directions of travel on Milo Lane in accordance with Pennington County’s Ordinance #20;

2. That the minimum setback requirements for a Low Density Residential District be continually maintained on the property;

3. That the subject property continues to remain free of debris and junk vehicles;

4. 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;

5. That no additional living quarters be allowed to exist on the property;

6. That the Recreational Vehicle shall not be used as living quarters on the subject property for more than 180 days per calendar year;

7. That the applicant adheres to the Forest Service comments at all times; and,

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

END OF CONSENT AGENDA
8. **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.

(Continued from the March 9, 2020, Planning Commission meeting.)

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

Staff recommended approval of Conditional Use Permit / CU 19-01 with the following seventeen (17) conditions:

1. That the maximum overnight occupancy be limited to ten (10) people, based on SD DENR approval and the maximum daytime occupancy be limited to twenty (20) people, per Section 319(F)(13);

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

3. That the applicants obtain a Pennington County Operating Permit every one (1) year instead of every six (6) years;

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

5. That each review of Conditional Use Permit / CU 20-05 be subject to Section 511(F)(4), which includes 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 prior to operation of the Vacation Home Rental;

7. That the applicant maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests;

8. That prior to operation, the applicants have the Doty Fire Department conduct a site inspection and submit any comments to the Planning Department;

9. That a minimum of five (5) off-street parking spaces be provided on-site, per 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;
10. That an interior informational sign be posted in accordance with the requirements of Section 319(G) during operation of the Vacation Home Rental, to include 9-1-1 and Local Contact information;

11. That the lot address (22553 Smokey Ridge Road) continue to be posted on the residence at all times, in accordance with Pennington County Ordinance #20;

12. That the applicant ensures the Vacation Home Rental is continually operated in accordance with the requirements of Section 319(F) at all times;

13. That if the person designated as the Local Contact is ever changed from Cody Peterka, 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;

14. 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;

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

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

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.

Discussion followed.

Moved by Runde and seconded by Lasseter to approve of Conditional Use Permit / CU 19-01 with the following seventeen (17) conditions:

1. That the maximum overnight occupancy be limited to ten (10) people, based on SD DENR approval and the maximum daytime occupancy be limited to twenty (20) people, per Section 319(F)(13);

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

3. That the applicants obtain a Pennington County Operating Permit every one (1) year instead of every six (6) years;

4. That the proper permits be obtained prior to utilizing a fire pit on the property and all fire restrictions be followed at all times;
5. That each review of Conditional Use Permit / CU 20-05 be subject to Section 511(F)(4), which includes 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 prior to operation of the Vacation Home Rental;

7. That the applicant maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests;

8. That prior to operation, the applicants have the Doty Fire Department conduct a site inspection and submit any comments to the Planning Department;

9. That a minimum of five (5) off-street parking spaces be provided on-site, per 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;

10. That an interior informational sign be posted in accordance with the requirements of Section 319(G) during operation of the Vacation Home Rental, to include 9-1-1 and Local Contact information;

11. That the lot address (22553 Smokey Ridge Road) continue to be posted on the residence at all times, in accordance with Pennington County Ordinance #20;

12. That the applicant ensures the Vacation Home Rental is continually operated in accordance with the requirements of Section 319(F) at all times;

13. That if the person designated as the Local Contact is ever changed from Cody Peterka, 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;

14. 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;

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

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


9. LAYOUT PLAN / LPL 20-04: Dick Kompus. To combine lots to create Lot 1R of Chase Elkhorn Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Tract 2 of Lot B and C and Lot 1, Chase Elkhorn Subdivision, Section 10, T2S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 1R, Chase Elkhorn Subdivision, Section 10, T2S, R6E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant has applied for a Layout Plan to combine two lots in to create Lot 1R of Chase Elkhorn Subdivision.

Staff recommended approval of Layout Plan / LPL 20-04 with the following eight (8) conditions:

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

2. That at the time of Minor Plat submittal, the plat meets all requirements of Pennington County Subdivision Regulations, or approved Subdivision Regulations Variance(s) be obtained waiving any of these requirements that are not met. Subdivision Regulations Variances shall be submitted per Section 700 of Pennington County Subdivision Regulations;

3. That prior to the mylar being filed at Register of Deeds, the applicant obtains approval of a Rezone and Comprehensive Plan Amendment;

4. That access for Lot 1R is taken from the existing approach for the subject property;

5. That an approved Floodplain Development permit be obtained prior to any disturbance in the Special Flood Hazard Area;

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

7. That following platting of the proposed lot, 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,

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

Discussion followed.

Moved by Runde and seconded by Lasseter to approve of Layout Plan / LPL 20-04 with the following eight (8) conditions:

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

2. That at the time of Minor Plat submittal, the plat meets all requirements of Pennington County Subdivision Regulations, or approved Subdivision Regulations Variance(s) be obtained waiving any of these requirements that are not met. Subdivision Regulations Variances shall be submitted per Section 700 of Pennington County Subdivision Regulations;

3. That prior to the mylar being filed at Register of Deeds, the applicant obtains approval of a Rezone and Comprehensive Plan Amendment;

4. That access for Lot 1R is taken from the existing approach for the subject property;

5. That an approved Floodplain Development permit be obtained prior to any disturbance in the Special Flood Hazard Area;

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

7. That following platting of the proposed lot, 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,

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


10. **CONDITIONAL USE PERMIT / CU 20-05:** James and Amy Heidecker. To allow an existing residence to be used as a Vacation Home Rental in a Limited Agriculture District in accordance with Sections 206, 319, and 510 of the Pennington County Zoning Ordinance.
NE1/4SE1/4 Lying S of Centerline of CO RD T235, Section 20, T1S, R7E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating the applicants have applied for a Conditional Use Permit to allow an existing residence to be used as a Vacation Home Rental.

Staff recommended approval of Conditional Use Permit / CU 20-05 with the following fifteen (15) conditions:

1. That the maximum overnight occupancy be limited to ten (10) people, based on SD DENR approval and the maximum daytime occupancy be limited to twenty (20) people, per Section 319(F)(13) of the Zoning Ordinance;

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

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

4. That each review of Conditional Use Permit / CU 20-05 be subject to Section 511(F)(4), which includes 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 prior to operation of the Vacation Home Rental;

6. That the applicant maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests;

7. That a minimum of five (5) off-street parking spaces be provided on-site, per 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;

8. That an interior informational sign be posted in accordance with the requirements of Section 319(G) during operation of the Vacation Home Rental, to include 9-1-1 and local contact information;

9. That the lot address (13789 Neck Yoke Road) continue to be posted on the residence at all times, in accordance with Pennington County Ordinance #20;

10. That the applicant ensures the Vacation Home Rental is continually operated in accordance with the requirements of Section 319(F) (Performance Standards) at all times;
11. That if the person designated as the Local Contact is ever changed from Amy Heidecker, 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 future structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; and,

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.

Discussion followed.

Moved by Lasseter and seconded by Runde to approve of Conditional Use Permit / CU 20-05 with the following sixteen (16) conditions:

1. That the maximum overnight occupancy be limited to ten (10) people, based on SD DENR approval and the maximum daytime occupancy be limited to twenty (20) people, per Section 319(F)(13) of the Zoning Ordinance;

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

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

4. That each review of Conditional Use Permit / CU 20-05 be subject to Section 511(F)(4), which includes 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 prior to operation of the Vacation Home Rental;

6. That the applicant maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests;
7. That a minimum of five (5) off-street parking spaces be provided on-site, per 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;

8. That an interior informational sign be posted in accordance with the requirements of Section 319(G) during operation of the Vacation Home Rental, to include 9-1-1 and local contact information;

9. That the lot address (13789 Neck Yoke Road) continue to be posted on the residence at all times, in accordance with Pennington County Ordinance #20;

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

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

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

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

14. That the applicant post signs on steel fence posts, every 50 feet on their property line, indicating the boundary of the subject property and the adjoining neighbors’ property;

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

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

11. **LAYOUT PLAN / LPL 20-05:** Rustlers Ranch, LLC; Davis Engineering – Agent. To create Tract A of Rustlers Ranch Addition in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

**EXISTING LEGAL:** SW1/4SE1/4; SE1/4SE1/4 Less Tract 1754 and Less Right-of-Way, Section 8, T1N, R4E, BHM, Pennington County, South Dakota.

**PROPOSED LEGAL:** Tract A of Rustlers Ranch Addition, Section 8, T1N, R4E, BHM, Pennington County, South Dakota.

Proietti reviewed the Staff Report indicating the applicant has applied for a Layout Plan to create Tract A of Rustlers Ranch Addition.

Staff recommended approval of Layout Plan / PL 20-05 with the following eleven (11) 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;

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

7. That prior to the Plat being recorded with the Register of Deeds, the plat clarifies the Plat Heading;

8. That prior to the Plat being recorded with the Register of Deeds, that the 40-foot road easement on the subject property be recorded with the Register of Deeds;

9. That an address be assigned to the detached garage with loft on the proposed lot, and that it be posted in accordance with Pennington County Ordinance #20;
10. 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,

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

Discussion followed.

Moved by Lasseter and seconded by Johnson to approve of Layout Plan / PL 20-05 with the following eleven (11) 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;

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

7. That prior to the Plat being recorded with the Register of Deeds, the plat clarifies the Plat Heading;

8. That prior to the Plat being recorded with the Register of Deeds, that the 40-foot road easement on the subject property be recorded with the Register of Deeds;

9. That an address be assigned to the detached garage with loft on the proposed lot, and that it be posted in accordance with Pennington County Ordinance #20;
10. 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,

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


12. 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.

(Continued from the March 9, 2020, Planning Commission meeting.

Proietti stated Staff had originally recommended approval of Major Planned Unit Development Amendment / PU 20-01 with twenty-one (21) conditions, but are now recommending to continue this item to the April 27, 2020, Planning Commission meeting to allow staff time to address concerns with the State’s Attorney’s Office.

Discussion followed.

Moved by Lasseter and seconded by Runde to continue Major Planned Unit Development Amendment / PU 20-01 to the April 27, 2020, Planning Commission meeting to allow staff time to address concerns with the State’s Attorney’s Office.


13. PUBLIC HEARING - AMENDMENT OF PENNINGTON COUNTY COMPREHENSIVE PLAN: Pennington County. Comprehensive Plan “View to 2040” to amend and supersede Pennington County’s existing Comprehensive Plan.

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

Molitor reviewed the Comprehensive Plan “View to 2040” to amend and supersede Pennington County’s existing Comprehensive Plan.

Discussion followed.
Moved by Lasseter and seconded by Runde to approve of Comprehensive Plan “View to 2040” to amend and supersede Pennington County’s existing Comprehensive Plan with three recommended changes.


14. COUNTY BOARD REPORT
The Board of Commissioners concurred with the Planning Commission’s recommendations from the March 9, 2020, Planning Commission meeting.

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

16. ITEMS FROM THE STAFF

A. Planning Department: Molitor spoke of incorporating language in legal advertisements and Notice of Hearing letters to inform the public of how to contact staff, if they would like to speak on an item for a scheduled Planning Commission meeting by teleconference.

Molitor further stated the Planning Department has included informational language to the Planning Department’s website to inform the public work on how to contact staff regarding submittal of Building Permits and submittal applications via e-mail and through the mail.

17. ITEMS FROM THE MEMBERSHIP

Chairman Marsh and Commissioner Lasseter will be in attendance for the April 13th Planning Commission meeting.

18. ADJOURNMENT

Moved by Lasseter and seconded by Runde to adjourn.


The meeting adjourned at 10:30 a.m.

Rich Marsh, Chairperson
STAFF REPORT

GENERAL INFORMATION:

REQUEST: CONDITIONAL USE PERMIT REVIEW/ CU 16-17: To review an electrical substation in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

APPLICANT / AGENT: West River Electric / Ross Johnson

APPLICANT ADDRESS: P.O. Box 3486, Rapid City, SD 57709

LEGAL DESCRIPTION: Lot 1 of SE1/4SE1/4, Section 25, T2N, R8E, BHM, Pennington County, South Dakota.

SITE LOCATION: 14780 228th Street; located off of Radar Hill Road.

SIZE: 10.00 acres

TAX ID: 15145

EXISTING LAND USE: Electrical Substation

ZONING REFERENCE: Sections 206 and 510

CURRENT ZONING: Limited Agriculture District

SURROUNDING ZONING:
North City Limits of Box Elder
South Low Density Residential District
East City Limits of Box Elder
West City Limits of Box Elder

PHYSICAL CHARACTERISTICS: Flat

UTILITIES: Private

REPORT BY: Stephanie Jansen
I. PROPOSED RECOMMENDATION
   A. Staff will be recommending approval of the extension of Conditional Use Permit / CU 16-17 with conditions.

II. GENERAL DESCRIPTION
   A. On June 26, 2017 the Planning Commission approved Conditional Use Permit Review / CU 16-17 with nine (9) conditions:
      1. That Building Permits be obtained for any structure exceeding 144 square feet and permanently anchored to the ground, which includes necessary site plans to be reviewed and approved by the Planning Director;
      2. That the address be posted in accordance with Ordinance #20 and be clearly visible from both directions on 228th Street;
      3. That the facility be continually secured with a fence at least seven (7) feet in height;
      4. That two (2) off-street parking spaces be continually provided. Each space shall measure at least nine (9) feet by eighteen (18) feet and shall be kept in a dust free manner;
      5. That reasonable steps shall be taken to reduce light and sound emissions from the facility;
      6. That the installation of any additional electrical stations or items associated with the power line requires review and approval by the Pennington County Planning Department;
      7. That any permanent access, parking, loading and unloading zones provided for the structure within the fencing, be constructed with four (4) inch gravel, concrete or asphalt and maintained in such a manner that no dust will result from its continuous use;
      8. That any temporary access, parking, loading and unloading zones provided for the structure within the fencing, be restored to existing conditions prior to placement of the transformer station and to match the surrounding area; and,
      9. That this Conditional Use Permit be reviewed in three (3) years, on a complaint basis or as directed by the Planning Commission or Board of Commissioners to verify compliance with the above-mentioned Conditions of Approval.
III. EXISTING CONDITIONS

A. Zoned Limited Agriculture District.
B. 10 acres.
C. Access off of 228th Street via a 50-foot-wide approach.
D. No Special Flood Hazard Area.
E. Lot contains:
   1. An electrical substation- COBP17-0503.
   2. A control building that was built in 1979- No permit required.
F. Surrounded by Box Elder City Limits.

*Aerial Photo of Subject Property*
IV. ANALYSIS

A. March 27, 2020 – Staff performed a site visit to the subject property and observed the following:

1. The address was posted in accordance with Ordinance #20 (Condition #2).
2. The facility was secured with a fence that was at least seven (7) feet in height (Condition #3).
3. Two (2) off-street parking spaces were provided, and kept in a dust free manner (Condition #4).
4. Reasonable steps appeared to be taken to reduce light and sound emissions (Condition #5).
   a. Staff note: Staff did not notice any sound or light emission from the facility.
5. All other conditions appear to be met at this time.

Site Visit March 27, 2020
RECOMMENDATION: Staff recommends approval of the extension of Conditional Use Permit / CU 16-17 with conditions:

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

2. That the address be posted in accordance with Ordinance #20 and be clearly visible from both directions on 228th Street;

3. That the facility be continually secured with a fence at least seven (7) feet in height;

4. That two (2) off-street parking spaces be continually provided. Each space shall measure at least nine (9) feet by eighteen (18) feet and shall be kept in a dust free manner;

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

6. That the installation of any additional electrical stations or items associated with the power line requires review and approval by the Pennington County Planning Department;

7. That any permanent access, parking, loading and unloading zones provided for the structure within the fencing, be constructed with four (4) inch gravel, concrete or asphalt and maintained in such a manner that no dust will result from its continuous use;

8. That any temporary access, parking, loading and unloading zones provided for the structure within the fencing, be restored to existing conditions prior to placement of the transformer station and to match the surrounding area; and,

9. That this Conditional Use Permit be reviewed on a complaint basis or as directed by the Planning Commission or Board of Commissioners.
GENERAL INFORMATION:

REQUEST: Conditional Use Permit Review / CU 18-07: To review four (4) illuminated, on-premise signs within 1,500 feet of a residential zoning district / dwelling unit in a Highway Service District in accordance with Sections 210, 312, and 510 of the Pennington County Zoning Ordinance.

APPLICANT: Tim McTavish

APPLICANT ADDRESS: P.O. Box 319, Hill City, SD 57745

LANDOWNER: Three Forks Development Company

LANDOWNER ADDRESS: P.O. Box 7105, Rapid City, SD 57709

LEGAL DESCRIPTION: Lot 3, The Forks at Remmington Ranch, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

SITE LOCATION: 23842 Mill Iron Drive; corner of Mill Iron Drive and Highway 385 near the Three Forks Intersection.

SIZE: 0.54 acre

TAX ID: 60486

EXISTING LAND USE: Commercial

ZONING REFERENCE: Sections 210, 312, and 510

CURRENT ZONING: Highway Service District

SURROUNDING ZONING:
- North: Highway Service District
- South: Highway Service District
- East: Highway Service District
- West: Highway Service District

PHYSICAL CHARACTERISTICS: Flat / Sloping

UTILITIES: Community Well / Private Septic
I. PROPOSED RECOMMENDATION
   A. Staff will be recommending approval of the extension of Conditional Use Permit / CU 18-07 with conditions.

II. GENERAL DESCRIPTION
   A. June 24, 2019 – Planning Commission approved Conditional Use Permit / CU 18-07 to allow four (4) signs with the following six (6) conditions:
      1. That all lighting be installed and maintained so as to minimize spillage of light outside of each sign face so as not to create a nuisance and the signs must be effectively shielded to prevent beams or rays from being directed toward any portion of the roadways, and must not be of such intensity or brilliance to cause glare or impair the vision of the driver of any motor vehicle or otherwise interfere with any driver’s operation of a motor vehicle;
      2. That the applicant obtain a Sign Permit for additional proposed sign(s) prior to any work being done, which requires a site plan to be reviewed and approved by the Planning Director;
      3. That the signs continually conform to all regulations in Section 312 of the Pennington County Zoning Ordinance;
      4. That the signs be maintained so as to have an aesthetically pleasing appearance at all times and not appear dilapidated;
      5. That the four (4) approved Sign Permits be amended to indicate that the signs are illuminated prior to any lighting being installed; and,
      6. That this Conditional Use Permit be reviewed at the May 25, 2020, Planning Commission meeting, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissions to verify that all Conditions of Approval are being met.

III. EXISTING CONDITIONS
   A. Zoned Highway Service District.
   B. 0.54 acre.
   C. Accesses off of Mill Iron Drive.
   D. Special Flood Hazard Area – Floodway.
      1. Located along the rear lot line.
   E. Lot contains:
3. County Sign Permit – COSP18-0008.
   a. 16’ x 5’3” Non-Illuminated Sign.
   a. 8’ x 24’ Non-Illuminated Sign.
5. County Sign Permit – COSP18-0010.
   a. 4’ x 6’ Non-Illuminated Sign.
   a. 4’ x 6’ Non-Illuminated Sign.

IV. ANALYSIS

A. The applicant originally applied to allow five (5) signs to be illuminated. The Planning Commission only approved for four (4) signs at positions A, B, C, and E (See Map attached to Staff Report, this shows the sign positions A, B, C, and E). Signs are only placed at Spots A, B, and C on the map and are not illuminated.

B. March 31, 2020 – Staff performed a site visit to the subject property and observed the following:
   1. That the applicant obtained Sign Permits for the existing signs that are non-illuminated (Condition #2).
   2. That the existing signs conform to all regulations in Section 312 of the Pennington County Ordinance (Condition #3).
   3. The signs maintained an aesthetically pleasing appearance and didn’t appear dilapidated (Condition #4).
   4. The signs were not illuminated and therefore Sign Permits don’t require any amendments (Condition #5).
   5. All other conditions appear to be met.

March 31, 2020 Site Visit
RECOMMENDATION: Staff recommends approval of the extension of Conditional Use Permit / CU 18-07 with conditions:

1. That all lighting be installed and maintained so as to minimize spillage of light outside of each sign face so as not to create a nuisance and the signs must be effectively shielded to prevent beams or rays from being directed toward any portion of the roadways, and must not be of such intensity or brilliance to cause glare or impair the vision of the driver of any motor vehicle or otherwise interfere with any driver’s operation of a motor vehicle;

2. That the applicant obtain a Sign Permit for additional proposed sign(s) prior to any work being done, which requires a site plan to be reviewed and approved by the Planning Director;

3. That the signs continually conform to all regulations in Section 312 of the Pennington County Zoning Ordinance;

4. That the signs be maintained so as to have an aesthetically pleasing appearance at all times and not appear dilapidated;

5. That the four (4) approved Sign Permits be amended to indicate that the signs are illuminated prior to any lighting being installed; and,

6. That this Conditional Use Permit be reviewed by Planning Commission in two (2) years, or as deemed necessary by the Pennington County Planning Commission or Board of Commissions to verify that all Conditions of Approval are being met.
STAFF REPORT

GENERAL INFORMATION:

REQUEST:  CONDITIONAL USE PERMIT REVIEW/ CU 18-48: To review the use of a pole barn as a primary structure on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

APPLICANT/LANDOWNER: Robert and Yolanda Pace

APPLICANT ADDRESS: P.O. Box 191, New Underwood, SD 57761

LEGAL DESCRIPTION: W1/2 W1/2 W1/2 E1/2 NE1/4 Less ROW; E1/2 E1/2 W1/2 NE1/4 Less ROW; E1/2 W1/2 E1/2 W1/2 NE1/4 Less ROW; E1/2 W1/2 E1/2 W1/2 NE1/4 Less ROW; E1/2 W1/2 W1/2 E1/2 W1/2 NE1/4 Less ROW Section 33, T2N, R11E, BHM, Pennington County, South Dakota.

SITE LOCATION:  16273 Highway 1416, New Underwood, SD 57761

SIZE:  46.60 acres

TAX ID:  69327

EXISTING LAND USE:  Agricultural

ZONING REFERENCE:  Section 205 and 510

CURRENT ZONING:  General Agriculture District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Flat/Open Prairie

UTILITIES: Private

REPORT BY: Kristina Proietti
I. PROPOSED RECOMMENDATION
   A. Staff will be recommending approval of the extension of Conditional Use Permit / CU 18-48 with conditions.

II. GENERAL DESCRIPTION
   A. January 14, 2019, the Planning Commission approved the use of a pole barn as a primary structure with the following twelve (12) conditions:
      1. That an approved On-Site Wastewater Construction Permit be obtained prior to the installation of an On-Site Wastewater Treatment System on the property;
      2. That an approved Building Permit be obtained for the proposed pole barn prior to any construction, which requires a site plan to be reviewed and approved by the Planning Director;
      3. That a Building Permit be obtained for any structures exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
      4. That if any plumbing is to be installed in the accessory structure, the pole barn, it be hooked into an approved means of wastewater disposal;
      5. That the proposed pole barn be used for personal use only and no commercial-type uses;
      6. That all the natural drainage paths be maintained;
      7. That the minimum setback requirements of a General Agriculture District be maintained on the property or the appropriate Variance(s) be obtained;
      8. That either an approved Construction Permit or an approved Building Permit be obtained prior to improvement of the road on the property, if that work exceeds 10,000 square feet, per Pennington County Zoning Ordinance (PCZO) Section 507(A) and 511(C)(1);
      9. That the address, once assigned, be posted during the construction of the pole barn and at the end of the driveway off of Highway 1416, so it is visible from both directions of travel on Highway 1416, in accordance with Pennington County’s Ordinance #20;
     10. That the applicant relocate the existing field entrance in accordance with the approved Approach Permit 12/3/18-3;
     11. That the applicant adhere to PCZO Section 510(E) regarding the time limit on Conditional Use Permit established uses; and,
     12. 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.
III. EXISTING CONDITIONS
   A. Zoned General Agriculture District.
   B. Lot size 46.6 acres.
   C. Access taken from Highway 1416.
   D. Lot contains:
      1. Pole barn with bathroom / COBP19-0019.
      2. Onsite Wastewater Treatment System (OSWTS) Construction Permit / COSD18-0110.
      3. OSWTS Operating Permit / COOP20-0009.

March 27, 2020 site visit of subject property.

IV. ANALYSIS
   A. March 27, 2020, Staff performed a site visit to the subject property appeared to be meeting the Conditions of Approval at this time.
   B. Staff is working with Mr. Pace to get the address posted and visible from Highway 1416, Mr. Pace is currently in California.
   C. Staff has removed Conditions #2, #4, and #10 as they have been met, and #6 as it was not required.
RECOMMENDATION: Staff recommends to approve the extension of Conditional Use Permit / CU 18-48 with the following conditions:

1. 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;

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

3. That the proposed pole barn be used for personal use only and no commercial-type uses;

4. That all the natural drainage paths be maintained;

5. That the minimum setback requirements of a General Agriculture District be maintained on the property or the appropriate Variance(s) be obtained;

6. That the lot address (16273 Highway 1416) be posted on the residence at all times and is clearly visible from Highway 1416, in accordance with Pennington County’s Ordinance #20;

7. That the applicant adhere to PCZO Section (510)(E) regarding the time limit on Conditional Use Permit established uses; and,

8. That this Conditional Use Permit be reviewed in two (2) years, on a complaint basis, or as directed by the Pennington County Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.
10x10 bathroom is not drawn, it has not been placed yet.

Proposal has detail of everything included in this building.
GENERAL INFORMATION:

REQUEST:  CONDITIONAL USE PERMIT REVIEW / CU 19-03: To review a storage shed/garage as a primary structure on the subject property in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

APPLICANT:  Joseph and Teri Creager

APPLICANT ADDRESS:  3012 Moon Meadows Drive, Rapid City, SD 57702

LEGAL DESCRIPTION:  Lot 13, Block 1, Moon Meadow Estates, Section 34, T1N, R7E, BHM, Pennington County, South Dakota.

SITE LOCATION:  0.90 mile west of the intersection of US Highway 16 / Mount Rushmore Road; located along Moon Meadows Drive.

SIZE:  4.69 acres

TAX ID:  6305

EXISTING LAND USE:  Vacant

ZONING REFERENCE:  Section(s) 208 and 510

CURRENT ZONING:  Suburban Residential District

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

PHYSICAL CHARACTERISTICS:  Rolling Hills / Trees

UTILITIES:  None

REPORT BY:  Cody Sack
I. PROPOSED RECOMMENDATION
   A. Staff will be recommending approval of the extensions of Conditional Use Permit / CU 19-03 with conditions.

II. GENERAL DESCRIPTION
   A. The applicants, Joseph and Teri Creager, applied for a Conditional Use Permit to allow a storage shed/garage as an accessory structure on the subject property prior to a primary structure.
   B. April 8, 2019 – The Planning Commission approved Conditional Use Permit CU / 19-03 with the following conditions:
      1. That an approved Building Permit be obtained for the proposed storage shed/garage prior to any construction, which requires a site plan to be reviewed and approved by the Planning Director;
      2. That a Building Permit be obtained for any structures exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
      3. That an approved Approach Permit be obtained from the County Highway Department prior to establishment of any approach off of Moon Meadows Drive to the subject property;
      4. That an approved On-Site Wastewater Treatment System Construction Permit be obtained prior to the installation of any On-Site Wastewater Treatment System on the property;
      5. That if any plumbing is to be installed in the accessory structure it be hooked into an approved means of wastewater disposal;
      6. That the proposed storage shed/garage be used for personal use only and no commercial-type uses;
      7. That all the natural drainage paths be maintained;
      8. That the minimum setback requirements of a Suburban Residential District be maintained on the property or the appropriate Variance(s) be obtained;
      9. That an address be assigned for the storage shed/garage and be posted both on the structure and at the end of the driveway off of Moon Meadows Drive, so it is visible from both directions of travel, in accordance with Pennington County’s Ordinance #20;
     10. That the applicant adheres to PCZO § 510(E)(1)(b) regarding the time limit on establishing the use allowed under this Conditional Use Permit; and,
     11. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.
III. EXISTING CONDITIONS
A. Zoned Suburban Residential District.
B. 4.69 acres.
C. Access off Moon Meadows Drive
   1. At the time of this Staff Report, an Approach Permit has not been
      issued and no approach has been established.
D. Special Flood Hazard Area is “not studied”
E. 36’ x 48’ shed with a 12’ x 48’ lean to (COBP19-0179).

IV. ANALYSIS
A. April 24, 2019 – The applicant obtained an approved Building Permit for
   the secondary structure.
   1. Staff will remove Condition #1, as it has been met.
B. Staff has removed Condition #10, as it has been met.
C. April 7, 202 – Staff performed a site visit and found:
   1. A garage with a lean-to.
   2. It appears to staff that all other Conditions of Approval were being
      met except for the address being posted at the end of the driveway.
D. Staff reworded Condition #3 (now Conditional #4) to give the applicants 30
   days to obtain an Approach Permit.

Site Visit
RECOMMENDATION: Staff recommends approval of the extension of Conditional Use Permit / CU 19-03 with the following nine (9) conditions:

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

2. That an approved On-Site Wastewater Treatment System Construction Permit be obtained prior to the installation of any On-Site Wastewater Treatment System on the property;

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

4. That the applicants obtain an approved Approach Permit from County Highway for the subject property within 30 days;

5. That the storage shed/garage be used for personal use only and no commercial-type uses;

6. That all the natural drainage paths be maintained;

7. That the minimum setback requirements of a Suburban Residential District be maintained on the property or the appropriate Variance(s) be obtained;

8. That an address be posted both on the structure and at the end of the driveway off of Moon Meadows Drive, so it is visible from both directions of travel, in accordance with Pennington County’s Ordinance #20; and,

9. That this Conditional Use Permit be reviewed in two (2) months, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met;
GENERAL INFORMATION:

REQUEST:  CONDITIONAL USE PERMIT REVIEW / CU 19-09: To review a single-wide mobile home to be used as a permanent residence in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

APPLICANT:  Martina Pugh

APPLICANT ADDRESS:  8261 S. Blucksberg Mountain Road
Sturgis, SD  57785

LEGAL DESCRIPTION:  E60 feet of N115 feet of Lot 4 of Lot 13, Plateau Subdivision, Section 10, T1N, R8E, B8M, Pennington County, South Dakota.

SITE LOCATION:  4740 Carol Street.

SIZE:  0.14 acre

TAX ID:  7870

EXISTING LAND USE:  Residential

ZONING REFERENCE:  Sections 208 and 510

CURRENT ZONING:  Suburban Residential District

SURROUNDING ZONING:

- North  Suburban Residential District
- South  Suburban Residential District
- East  Suburban Residential District
- West  Suburban Residential District

PHYSICAL CHARACTERISTICS:  Flat

UTILITIES:  Rapid Valley Sanitary District / West Dakota Water District

REPORT BY:  Stephanie Jansen
I. PROPOSED RECOMMENDATION
   A. Staff will be recommending approval of the extension of Conditional Use Permit / CU 19-09 with conditions.

II. GENERAL DESCRIPTION
   A. May 28, 2019 – Planning Commission approved Conditional Use Permit / CU 19-09 with the following seven (7) conditions:
      1. That a Building Permit be obtained for the proposed single-wide mobile home prior to any work being done;
      2. That the lot address be clearly posted, so as to be visible from Carol Street, in accordance with Pennington County’s Ordinance #20;
      3. That the minimum setback requirements of a Suburban Residential District be continually maintained on the property;
      4. That the subject property remains free of debris and junk vehicles;
      5. That the single-wide mobile home installed on the property have a peaked, non-reflective type roof and wood or simulated wood-type siding that is continually maintained;
      6. 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,
      7. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

III. EXISTING CONDITIONS
   A. Zoned Suburban Residential District.
   B. 0.14 acres.
   C. Access of off Carol Street.
   D. Lot Contains:
      1. 16' X 76' SWMH with 16' X 8' deck / COBP19-0281
      2. One (1) pole barn County Building Permit / 2008COBP0355.

IV. ANALYSIS
   A. March 31, 2020 – Staff performed a site visit to the subject property and observed the following:
      1. The lot address was not clearly posted (Condition #2).
         a. April 7, 2020 – Martina posted the lot address at the approach and on the structure in accordance with Pennington County’s Ordinance #20 (Condition #2).
      2. A Building Permit was obtained for the single-wide prior to work being done (Condition #1).
         a. Staff will remove this condition because it has been met.
3. The minimum setback requirements appear to be maintained (Condition #3).
4. The property is free of debris and junk vehicles (Condition #4).
5. The single-wide has a peaked, non-reflective type roof and wood-type siding (Condition #5).
6. All other conditions appear to be met.

RECOMMENDATION: Staff recommends approval of the extension of Conditional Use Permit / CU 19-09 with conditions:

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

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

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

4. That the single-wide mobile home installed on the property have a peaked, non-reflective type roof and wood or simulated wood-type siding that is continually maintained;

5. 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,

6. That this Conditional Use Permit be reviewed in three (3) years, 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.
STAFF REPORT

GENERAL INFORMATION:

REQUEST:  
CONDITIONAL USE PERMIT REVIEW / CU 19-14: To review a multi-family residence in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

APPLICANT:  
Dottie Pugsley

APPLICANT ADDRESS:  
1640 Aurora Drive, Rapid City, SD 57703

LEGAL DESCRIPTION:  
Lot 21, Block 4, County Heights Subdivision, Section 3, T1N, R8E, BHM, Pennington County, South Dakota.

SITE LOCATION:  
1640 Aurora Drive; near the corner of Butte Circle and Aurora Drive.

SIZE:  
.21 acre

TAX ID:  
976

EXISTING LAND USE:  
Residential

ZONING REFERENCE:  
Sections 208 and 510

CURRENT ZONING:  
Suburban Residential District

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

PHYSICAL CHARACTERISTICS:  
Flat

UTILITIES:  
Public

REPORT BY:  
Stephanie Jansen
I. PROPOSED RECOMMENDATION
   A. Staff will be recommending approval of the extension of Conditional Use Permit / CU 19-14 with conditions.

II. GENERAL DESCRIPTION
   A. June 10, 2019 – Planning Commission approved Conditional Use Permit / CU 19-14 with the following (7) conditions:
      1. That a Building Permit be obtained for the proposed multi-family dwelling unit addition prior to any work being done;
      2. That the lot address be clearly posted, so as to be visible from Aurora Street, in accordance with Pennington County’s Ordinance #20;
      3. 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;
      4. That the minimum setback requirements of a Suburban Residential District be continually maintained on the property;
      5. That the subject property remains free of debris and junk vehicles;
      6. 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,
      7. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

III. EXISTING CONDITIONS
   A. Zoned Suburban Residential District.
   B. 0.21 acre.
   C. Access is taken off of Aurora Drive.
   D. Located within the Rapid Valley Sanitary District.
   E. Located within the West Dakota Water Development District.
   F. Lot contains:
      1. Single-family residence with attached garage and a deck, built in 1986, County Building Permit (COBP7195).
      2. Multi-family dwelling unit addition (COBP19-0336).
IV. ANALYSIS

A. March 26, 2020 – Staff performed a site visit to the subject property and observed the following:

1. That a Building Permit was obtained for the multi-family dwelling unit addition (COBP19-0336) (Condition #1).
   a. Staff will be removing this from the Conditions of Approval, as this condition has been met.

2. The lot address was clearly posted and visible from Aurora Drive (Condition #2).

3. A minimum of four (4) off-street parking spaces were provided on site (Condition #3).

4. Minimum setbacks appeared to be maintained (Condition #4).

5. Property is free of debris and junk vehicles (Conditional #5).

6. All other conditions appear to be met.
Agenda Item #8
Dottie Pugsley
April 13, 2020

RECOMMENDATION: Staff recommends approval of Conditional Use Permit / CU 19-14 with conditions:

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

2. 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;

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

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

5. 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,

6. That this Conditional Use Permit be reviewed in three (3) years, 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.
GENERAL INFORMATION:

REQUEST:  
**CONDITIONAL USE PERMIT / CU 20-06:** To allow for an accessory structure (a garage) prior to a principal structure on the subject property in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

APPLICANTS:  
Daniel and Jodi Endres

APPLICANT ADDRESS:  
15737 Hogan Avenue, Hastings, MN 55033

LEGAL DESCRIPTION:  
Lot 3, Block 1, Harney Mountain Wilderness Estates, Section 33, T18S, R5E, BHM, Pennington County, South Dakota.

SITE LOCATION:  
Tin Lode Court; approximately 0.23 mile north of the intersection of Old Hill City Road and Tin Lode Court

SIZE:  
11.1 acres

TAX ID:  
68060

EXISTING LAND USE:  
Vacant

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:  
Forest / Hills

UTILITIES:  
None

PREPARED BY:  
Kristina Proietti
I. PROPOSED RECOMMENDATION
   A. Staff will be recommending approval of Conditional Use Permit / CU 20-06 with conditions.

II. GENERAL DESCRIPTION
   A. The applicant, Mr. Endres, is requesting a Conditional Use Permit to allow an accessory structure, a garage/workshop with bathroom, prior to a primary structure on the subject property.

III. EXISTING CONDITIONS
   A. Zoned Limited Agriculture District.
   B. Approximately 11.1 acres.
   C. Located within the Harney Mountain Road District.
   D. Lot contains:
      1. Vacant of any structures.

IV. 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 use of the proposed accessory structure (garage/workshop with bathroom), should not affect the use and enjoyment of other property in the immediate vicinity for the uses already permitted, and upon property values in the surrounding properties.

      2. The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
         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 constructing accessory structures on the property will require utilities and/or facilities that are not already in place. Access is to be provided off of Tin Lode Court. 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 Section (310)(A)(9) does not identify a minimum number of off-street parking spaces for an accessory structure. However, Section 310(A)(9)(K) requires two (2) off-street parking spaces for a single-family residence.

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.

V. REQUEST FOR COMMENT
   A. County Highway
      1. Highway Department has no comments.
   B. County Ordinance Enforcement
      1. The subject property currently has no known violations.
   C. County Onsite Environmental Planner
      1. The applicant is proposing to build a shop with a bathroom. The applicant will need to get a septic permit before the building permit can be issued. All rules of Pennington County Zoning Ordinance Section 204-J must be followed.
   D. County Planning Director
      1. There is no Special Flood Hazard Area on the subject property.
   E. County Addressing Coordinator
      1. No addressing concerns at this time. Future addresses will be assigned during the Building Permit application process. Once assigned, addresses must be posted in accordance with Pennington County Ordinance #20.
   F. Emergency Services (9-1-1)
      1. Good here.
   G. Black Hills Electric Cooperative
      1. Black Hills Electric Cooperative has no concerns.

VI. ANALYSIS
   A. March 9, 2020, Daniel Endres, applied for a Conditional Use Permit to allow an accessory structure, a garage with bathroom, prior to a principal structure on the subject property.
   B. March 27, 2020, Staff spoke with Mr. Endres via telephone where he indicated that there will be a bathroom in the proposed structure.
   C. March 31, 2020, Staff performed a site visit to the subject property and found it vacant of any structures.
Aerial image taken from Google Earth.

March 31, 2020, site visit to the subject property.
RECOMMENDATION: Staff recommends approval of Conditional Use Permit / CU 20-06 with the following conditions:

1. That an approved On-Site Wastewater Construction Permit be obtained prior to the installation of an On-Site Wastewater Treatment System on the property;

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

3. That an approved Approach Permit be obtained from Harney Mountain #1 Road District prior to the installation of a driveway;

4. That an approved Construction Permit be obtained for the access road to the shed on the property if over 10,000 square feet of dirt is disturbed, per Pennington County Zoning Ordinance (PCZO) Section 507(A) and 511(C)(l);

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

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

7. That the proposed garage/workshop with bathroom be used for personal use only and no commercial and or residential-type uses;

8. That all the natural drainage paths be maintained;

9. That the minimum setback requirements of a Limited Agriculture District be maintained on the property or the appropriate Variance(s) be obtained;

10. That the address, once assigned, be posted during the construction of the garage/workshop with bathroom, and at the end of the driveway off of Tin Lode Court, so it is visible from both directions of travel on Tin Lode Court, in accordance with Pennington County’s Ordinance #20;

11. That the applicant adhere to Section 510(E) regarding the time limit on Conditional Use Permit established uses; and,

12. 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.
GENERAL INFORMATION:

REQUEST:  
LAYOUT PLAN / LPL 20-06: To combine two lots to create Lot 1R of Mountain Park Placer in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

APPLICANT:  
Jeffrey and Holly Godber

APPLICANT ADDRESS:  
7120 Prestwick Road, Rapid City, SD  57702

LEGAL DESCRIPTION:  
EXISTING LEGAL: Lot A less RTY and Lot B Less RTY of Mountain Park Placer MS 1230, Section 8, T1S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 1R of Mountain Park Placer, Section 8, T1S, R6E, BHM, Pennington County, South Dakota.

SITE LOCATION:  
13550 Sheridan Lake Road; 1/4 mile east of the intersection of Mountain Park Road and Sheridan Lake Road.

TAX ID:  
5161 / 5162

SIZE:  
2.52 acres

EXISTING LAND USE:  
Residential

SUBDIVISION REGULATIONS
REFERENCE:  
Section 400.1

CURRENT ZONING:  
General Agriculture District

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

PHYSICAL CHARACTERISTICS:  
Forest / Steep Hills / Creek

UTILITIES:  
None
I. PROPOSED RECOMMENDATION
   A. Staff will be recommending approval of Layout Plan / LPL 20-06 with conditions.

II. GENERAL DESCRIPTION
   A. The applicants, Jeff and Holly Godber, have applied for a Layout Plan / LPL 20-06 to combine two (2) lots into one (1) lot in order to create Lot 1R of Mountain Park Placer Subdivision.

III. EXISTING CONDITIONS
   A. Zoned General Agriculture District (40-acre minimum lot size).
      1. Currently legal non-conforming.
   B. Special Flood Hazard Area (SFHA) – 100-year.
   C. Access is off of Sheridan Lake Road.
      1. No permitted approach.
   D. No existing On-site Wastewater Treatment System.
   E. Lot A:
      1. 1.1 acres.
      2. 9’ x 9’ pavilion.
         a. No Building Permit required.
         b. No Floodplain Development Permit on file (within SFHA).
      3. 8’ x 12’ shed.
         a. No Building Permit required.
         b. No Floodplain Development Permit on file (within SFHA).
      4. Outdoor stone fireplace.
         a. No Building Permit required.
         b. No Floodplain Development Permit on file (within SFHA).
      5. 4’ x 4’ decorative outhouse (non-functional).
         a. No Building Permit required.
   F. Lot B:
      1. 1.41 acres.
      2. Vacant of any structures.

IV. PROPOSED LOT
   A. Zoned General Agriculture District (40-acre minimum lot size).
   B. 2.51 acres.
      1. Does not meet the minimum lot size requirement for a General Agriculture District, per Section 205 of the Pennington County Zoning Ordinance (PCZO).
      2. A Rezone and Comprehensive Plan Amendment or Lot Size Variance will be required for the proposed lot.
   C. Special Flood Hazard Area (100-year).
D. Access is off of Sheridan Lake Road.
   1. No permitted approach.
E. 9' x 9' pavilion.
   1. No Building Permit required.
   2. No Floodplain Development Permit on file (within SFHA).
F. 8' x 12' shed.
   1. No Building Permit required.
   2. No Floodplain Development Permit on file (within SFHA).
G. Outdoor stone fireplace.
   1. No Building Permit required.
   2. No Floodplain Development Permit on file (within SFHA).
H. 4' x 4' Decorative outhouse (non-functional).
   1. No Building Permit required.
I. No existing On-site Wastewater Treatment System.

Existing Lots and Special Flood Hazard Area.
V. REQUEST FOR COMMENT

A. County Highway Department
   1. An approach permit will be required.
      a. Staff Comment: This will be included as a Condition of Approval.

B. County Fire Administrator and County Sheriff's Office
   1. No comments received.

C. County Environmental Planner II
   1. According to the USDA Web Soil Survey, the soils are classified as “Very Limited” due to slope and slow water movement. I have no further concerns with the current proposal.

D. County Ordinance Enforcement
   1. No known violations.

E. County Natural Resources
   1. No objections.

F. County Addressing Coordinator / Floodplain Manager
   1. No addressing concerns at this time. Future addresses must be posted in accordance with Pennington County Ordinance 20.
   2. There is Special Flood Hazard Area (SFHA) on the property.
   3. Minor Plat will need to contain one hundred (100) year floodplain limits in accordance with current FEMA maps.
   4. A Floodplain Development Permit will be required for the existing shed, pavilion, and outdoor fireplace.
   5. A Floodplain Development Permit will be required for any work within the SFHA.
      a. Staff Comment: These will be addressed as Conditions of Approval.

G. Register of Deeds
   1. Possible suggestions of proposed legal description: Lot A Revised of Mountain Park Placer MS 1230 or even Lot B Revised of Mountain Park Placer MS 1230.

H. Department of Equalization
   1. Looks okay to me at this stage.

I. Emergency Services (9-1-1)
   1. No comments.

J. Black Hills Electric Cooperative
   1. Black Hills Electric Cooperative has no concerns with the combination of these two lots.

K. United States Forest Service
   1. No additional access roads from Sheridan Lake Road will be authorized across National Forest Service 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 and 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 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.
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 all Vehicles”, “Other Public Roads” 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).

VI. ANALYSIS

A. March 6, 2020 – The applicants, Jeff and Holly Godber, applied for Layout Plan / LPL 20-06 to combine two (2) lots into one (1) lot in order to create Lot 1R of Mountain Park Placer Subdivision.

B. Proposed Lot 1R will be 2.51 acres.
   1. Lot size does not meet the minimum lot size requirement for a General Agriculture District, per Section 205 of the Pennington County Zoning Ordinance (PCZO).
   2. Future Land Use is identified as Planned Unit Development Sensitive.
   3. A Rezone and Comprehensive Plan Amendment or Lot Size Variance will be required for the proposed lot.

C. There is Special Flood Hazard Area (SFHA) on the property.
   1. A Floodplain Development Permit will be required for the existing shed, pavilion, and outdoor fireplace.
   2. A Floodplain Development Permit will be required for any future disturbance within the SFHA.
   3. Minor Plat will need to contain one hundred (100) year floodplain limits in accordance with current FEMA maps.

D. The applicants will need to obtain an approved Approach Permit from the County Highway Department.

E. For the purposes of a Layout Plan, Staff finds no significant issues with the applicants’ request.
   1. A Layout Plat is an informal preliminary review of the proposed subdivision for general scope and conditions, which might affect the plat.
Existing shed, pavilion, and fireplace within Special Flood Hazard Area.

Existing decorative outhouse.
Agenda Item #10
Jeffrey and Holly Godber
April 13, 2020

RECOMMENDATION: Staff recommends approval of Layout Plan / LPL 20-06 with the following conditions:

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

2. That the applicants obtain approved Approach Permits from the County Highway Department prior to installation of any approaches off of Sheridan Lake Road;

3. That at the time of Minor Plat submittal, either an approved Floodplain Development Permit be obtained for the existing pavilion, shed, and outdoor fireplace or they be removed from the Special Flood Hazard Area;

4. That an approved Floodplain Development Permit be obtained prior to any disturbance within the regulated Special Flood Hazard Area.

5. That the applicants adhere to all comments provided by the Forest Service;

6. That prior to filing the Plat with the Register of Deeds, proposed Lot 1R be Rezoned appropriately, to include a Comprehensive Plan amendment, or an approved Lot Size Variance be obtained;

7. That the applicants ensure all natural drainage ways are maintained and not blocked;

8. That the Certifications on the Minor Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations;

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

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

11. That following platting of the proposed lot, 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;

12. That at the time of Minor Plat submittal, the plat contain one hundred (100) year floodplain limits in accordance with current FEMA maps; and,

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