AGENDA
PENNINGTON COUNTY PLANNING COMMISSION
April 27, 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 May 5, 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 APRIL 13, 2020, MINUTES

2. APPROVAL OF THE AGENDA

CONSENT AGENDA

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

3. CONDITIONAL USE PERMIT REVIEW / CU 13-23: Todd Sime. To review accessory buildings without a principal structure in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Lot 7 of Tract C, Hook J Subdivision, Section 1, T1S, R9E, BHM, Pennington County, South Dakota.

To recommend approve the extension of Conditional Use Permit / CU 13-23 with conditions.

4. CONDITIONAL USE PERMIT REVIEW / CU 14-25: Jeff DeVeny. To review two storage units to be located on the subject property in a Highway Service Zoning District in accordance with Sections 210 and 510 of the Pennington County Zoning Ordinance.

Lot J, Murray Subdivision, Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 14-25 with conditions.
5. **CONDITIONAL USE PERMIT REVIEW / CU 15-20:** Mitch Morris. To review Construction Equipment Sales on the subject property in a General Commercial District in accordance with Sections 209 and 510 of the Pennington County Zoning Ordinance.

Lot 1 of NW1/4SE1/4, Section 32, T1N, R8E, BHM, Pennington County, South Dakota.

To recommend to continue the review of Conditional Use Permit / CU 15-20 to the May 11, 2020, Planning Commission meeting with two (2) conditions.

6. **CONDITIONAL USE PERMIT REVIEW / CU 16-04:** Alex and Mikal Kulesza. To review a Vacation Home Rental on the subject property in a Limited Agriculture District in accordance with Sections 206, 319, and 510 of the Pennington County Zoning Ordinance.

Lot B of Lot 1, Merchen Addition #2, Section 21, T2N, R6E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 16-04 with conditions.

7. **CONDITIONAL USE PERMIT REVIEW / CU 17-16:** School House, LLC / Larry Teuber. To review 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 1R, Block 4, Spring Canyon Estates Subdivision, Section 5, T1S, R7E, BHM, Pennington County, South Dakota.

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

8. **CONDITIONAL USE PERMIT REVIEW / CU 17-17:** SC Meridian, LLC / Larry Teuber. 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 A, Block 4, Spring Canyon Estates Subdivision, Section 5, T1S, R7E, BHM, Pennington County, South Dakota.

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

9. **CONDITIONAL USE PERMIT REVIEW / CU 17-18:** SC Meridian, LLC / Larry Teuber. To review 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 1R, Block 3, Spring Canyon Estates Subdivision, Section 5, T1S, R7E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 17-18 with conditions.
10. **CONDITIONAL USE PERMIT REVIEW / CU 17-19:** SC Meridian, LLC / Larry Teuber. To review 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 6R, Block 3, Spring Canyon Estates Subdivision, Section 5, T1S, R7E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 17-19 with conditions.

11. **CONDITIONAL USE PERMIT REVIEW / CU 18-10:** Ray and Erin Atkins. To review 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 8, Block 1, Meadow Ranch Estates, Section 13, T2N, R8E, BHM, Pennington County, South Dakota.

(Continued from the October 28, 2019, Planning Commission meeting.)

To recommend to continue the review of Conditional Use Permit / CU 18-10 to the September 17, 2020, Planning Commission meeting.

12. **CONDITIONAL USE PERMIT REVIEW / CU 18-23:** BCS Invest, LLC; Kevin Haberstroh. To review six storage units and a caretaker / manager’s residence on the subject property in a General Commercial District / General Agriculture District in accordance with Sections 205, 209, and 510 of the Pennington County Zoning Ordinance.

Lot 2 (also in Section 19), Heavlin #2 Addition, Section 30, T1N, R9E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 18-23 with conditions.

**END OF CONSENT AGENDA**
13. **CONDITIONAL USE PERMIT / CU 20-07**: BH Energy / Shannon Pollmiller – Agent. To allow a temporary contractor’s equipment storage yard on the subject property in a Highway Service in accordance with Sections 210 and 510 of the Pennington County Zoning Ordinance

Lot 11, The Forks at Remmington Ranch, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

14. **MINOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 20-02**: Mike and Lorene Cassidy. To amend an existing Planned Unit Development to allow a garage / storage building (Morton Building) prior to a principal structure on the subject property in accordance with Section 213 of the Pennington County Zoning Ordinance.

Tract 4, Rushmore Ranch Estates Subdivision, Section 17, T2S, R7E, BHM, Pennington County, South Dakota.

15. **LAYOUT PLAN / LPL 20-07**: Robert Schryvers. To reconfigure lot lines to create Lot D1 of the NE1/4NE1/4 and Lot 1A of the D-R-J Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 21 of Morse Subdivision #4; Lot 1 of D-R-J Subdivision and Tract in NE1/4NE1/4; Lot D of NE1/4NE1/4, all located in Section 8, T1N, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot D1 of the NE1/4NE1/4 and Lot 1A of the D-R-J Subdivision, Section 8, T1N, R6E, BHM, Pennington County, South Dakota.

16. **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 23, 2020, Planning Commission meeting.

**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.

17. **CONSTRUCTION PERMIT / CP 20-07**: Mike and Lorene Cassidy. To excavate and grade for a future building site.

Tract 4, Rushmore Ranch Estates Subdivision, Section 17, T2S, R7E, BHM, Pennington County, South Dakota.
18. **CONSTRUCTION PERMIT / CP 20-08**: Western Construction. To excavate and grade for construction activities associated with an asphalt batch plant.

S1/2NE1/4 Less Lot 1 of Blue Marlin Estates and Less Dedicated ROW, Section 20, T2N, R8E, BHM, Pennington County, South Dakota.

19. **CONSTRUCTION PERMIT / CP 20-09**: Black Hills Energy / Shannon Pollmiller. To rebuild an existing distribution line to include grading for access roads.

Various subject properties near Pactola Lake, BHM, Pennington County, South Dakota. **Pactola North**: Pactola Substation below Pactola Dam and north to the intersection of Highway 385 and W. Highway 44. **Pactola South**: At the intersection of Highway 16 and Placer Place and traverses north to near the intersection of Highway 385 and Heald Trail.

20. **CONSTRUCTION PERMIT / CP 20-10**: Pat Wiederhold. To construct an access road / driveway to the applicant’s property.

N1/2N1/2SE1/4SE1/4NE1/4; S1/2S1/24NE1/4SE1/4NE1/4, of Section 32, T1S, R6E; and SW1/4NW1/4 of Section 33, T1S, R6E, BHM, Pennington County, South Dakota.

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

22. **ITEMS FROM THE PUBLIC**

23. **ITEMS FROM THE STAFF**

24. **ITEMS FROM THE MEMBERSHIP**

25. **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
April 13, 2020 @ 9:00 a.m.
County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Rich Marsh, Travis Lasseter, Gary Drewes, Kathy Johnson (teleconference), Jim Coleman (teleconference) and Sonny Rivers (teleconference).

STAFF PRESENT: Brittney Molitor, Kristina Proietti, Stephanie Jansen, Cody Sack, Jason Theunissen, and Jeri Ervin.

ROLL CALL

1. APPROVAL OF THE MARCH 23, 2020, MINUTES

2. APPROVAL OF THE AGENDA
   Moved by Lasseter and seconded by Drewes to approve the Agenda of the April 13, 2020, Planning Commission meeting. Roll Call: Marsh – aye, Lasseter – aye, Drewes – aye, Johnson – aye, Rivers – aye, and Coleman - aye. Roll Call Vote: unanimous 6 to 0.

CONSENT AGENDA

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

3. CONDITIONAL USE PERMIT REVIEW / CU 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 approve the extension of Conditional Use Permit / CU 16-17 with the following 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 on a complaint basis or as directed by the Planning Commission or Board of Commissioners.

Vote: unanimous 6 to 0.

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 approve the extension of Conditional Use Permit / CU 18-07 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 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.

Vote: unanimous 6 to 0.

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 approve the extension of Conditional Use Permit / CU 18-48 with the following eight (8) 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.

Vote: unanimous 6 to 0.

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 approve 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.

Vote: unanimous 6 to 0.

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 approve the extension of Conditional Use Permit / CU 19-09 with the following six (6) 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.

Vote: unanimous 6 to 0.
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 approve the extension of Conditional Use Permit / CU 19-14 with the following six (6) 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.

Vote: unanimous 6 to 0.

**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.
Proietti reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow an accessory structure (a garage) prior to a principal structure on the subject property.

Staff recommended approval of Conditional Use Permit / CU 20-06 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 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)(1);

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.
Commissioner Lasseter left the meeting at 9:14 a.m.
Commissioner Lasseter returned to the meeting at 9:15 a.m.

Discussion followed.

Moved by Drewes and seconded by Lasseter to approve of Conditional Use Permit / CU 20-06 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 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)(1);

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.

Vote: unanimous 6 to 0.

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.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Layout Plan to combine two lots.

Staff recommended approval of Layout Plan / LPL 20-06 with the following thirteen (13) 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.

Discussion followed.

Moved by Lassetter and seconded by Drewes to approve of Layout Plan / LPL 20-06 with the following thirteen (13) 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.

Vote: unanimous 6 to 0.

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

Molitor spoke of the Comprehensive Plan “View to 2040” to be approved by Resolution at the May 5, 2020, Board of Commissioner’s meeting.

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

13. ITEMS FROM THE STAFF


14. ITEMS FROM THE MEMBERSHIP

Commissioner Johnson spoke of construction activity near the Fort Hayes property and dust coming from the Croell, Inc. property.
15. **ADJOURNMENT**

Moved by Drewes and seconded by Lasseter to adjourn.


The meeting adjourned at 9:34 a.m.

__________________________

Rich Marsh, Chairperson
STAFF REPORT

GENERAL INFORMATION:

REQUEST:  CONDITIONAL USE PERMIT REVIEW/ CU 13-23: To review accessory buildings prior to a principal structure in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

APPLICANT/OWNER: Todd Sime

APPLICANT/OWNER ADDRESS: 1210 Ennen Drive, Rapid City, SD 57703

LEGAL DESCRIPTION: Lot 7 of Tract C, Hook J Subdivision, Section 1, T1S, R9E, BHM, Pennington County, South Dakota.

SITE LOCATION: 23515 Derby Lane, located off of E. Highway 44 and Derby Lane.

SIZE: 15.67 acres

TAX ID: 38432

EXISTING LAND USE: Storage Building / Agriculture

ZONING REFERENCE: Sections 206 and 510

CURRENT ZONING: Limited Agriculture District

SURROUNDING ZONING:
- North: Limited Agriculture District and General Agriculture District
- South: Limited Agriculture District
- East: Limited Agriculture District
- West: Highway Service District

PHYSICAL CHARACTERISTICS: Flat

UTILITIES: Private

REPORT BY: Kristina Proietti

Page 1 of 5
I. RECOMMENDATION
   A. Staff will be recommending approval of the extension of Conditional Use Permit / CU 13-23 with conditions.

II. GENERAL DESCRIPTION
   A. October 21, 2013, the applicant, Todd Sime, applied for a Conditional Use permit to allow accessory buildings without a principal structure in a Limited Agriculture District.
   
   B. November 12, 2013, the Planning Commission approved Conditional Use Permit / CU 13-23 with the following eleven (11) conditions:
      1. That the existing approach off of Derby Lane be utilized and no new approaches be created;
      2. That prior to November 2015 the applicant must do one of the following: 1) obtain an Operating Permit for the existing on-site waste water system; or, 2) abandon the existing on-site wastewater system. If the applicant desires to utilize the existing on-site wastewater system in the meantime, an Operating Permit must be obtained prior to doing so;
      3. That if the applicant chooses to install any type of plumbing within either pole barn, it be hooked into a proper means of wastewater disposal with overall adherence to all necessary State and County regulations;
      4. That the applicant maintain all required setbacks during new construction;
      5. That during construction of the new pole barn, the applicant implement erosion control measures such as silt fences, wattles, and/or berms to prevent sediment from entering into Rapid Creek;
      6. That the accessory structures be used for personal use only and no commercial-type uses;
      7. That the property remain free of debris and junk vehicles;
      8. That all natural drainage paths be maintained;
      9. That the address assigned to the property (23525 Derby Lane) be posted so it is clearly visible from Derby Lane in accordance with Pennington County’s Ordinance #20;
     10. That prior to any work being conducted within the 100-year floodplain boundaries, a Floodplain Development Permit be obtained; and,
     11. That this Conditional Use Permit be reviewed in two (2) years, on a complaint basis or as directed by the Pennington County Planning Commission to verify that all Conditions of Approval are being met.
C. November 9, 2015, the Planning Commission approved the extension of Conditional Use Permit / CU 13-23 with the following nine (9) conditions:
   1. That the existing approach off of Derby Lane continue to be utilized and no new approaches be created;
   2. That if the applicant chooses to install any type of plumbing within either pole barn, it be hooked into a proper means of wastewater disposal with overall adherence to all necessary State and County regulations;
   3. That the minimum setback requirements of a Limited Agriculture District be continually maintained on the property;
   4. That the accessory structures continue to be used for personal-use only and no commercial-type uses;
   5. That the property continue to remain free of debris and junks;
   6. That all natural drainage paths be continually maintained;
   7. That the address continue to be posted so it is clearly visible from Derby Lane in accordance with Pennington County’s Ordinance #20;
   8. That prior to any work being conducted within the 100-year floodplain boundaries, at a minimum, a Floodplain Development Permit be obtained; and,
   9. That this Conditional Use Permit be reviewed in five (5) years, on a complaint basis or as directed by the Pennington County Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

III. EXISTING CONDITIONS
   A. Zoned Limited Agriculture District.
   B. 15.67 acres.
   C. Access taken off of Derby Lane.
   D. There is Special Flood Hazard Area on the subject property.
   E. Lot contains:
      1. 20’ x 40’ farm utility building built in 1984 per Department of Equalization (DOE) Property Record Card.
      2. 48’ x 80’ pole barn with porch, County Building Permit / COBP14-0017.
      3. Onsite Wastewater Treatment System Operating Permit / COOP15-0456.
Special Flood Hazard Area on the subject property via RapidMap 2018 aerial imagery.

April 17, 2020, site photo of subject property.
IV. ANALYSIS
A. April 17, 2020, Staff performed a site visit to the subject property, and it appeared to be meeting all of the Conditions of Approval at this time.
B. Staff has not received any complaints at this time.
C. Staff has re-worded Condition #2 and added Condition #3.

RECOMMENDATION: Staff recommends to approve the extension of Conditional Use Permit / CU 13-23 with the following conditions:

1. That the existing approach off of Derby Lane continue to be utilized and no new approaches be created;

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

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

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

5. That the accessory structures continue to be used for personal-use only and no commercial-type uses;

6. That the property continue to remain free of debris and junk;

7. That all natural drainage paths be continually maintained;

8. That the address continue to be posted so it is clearly visible from Derby Lane in accordance with Pennington County’s Ordinance #20;

9. That prior to any work being conducted within the 100-year floodplain boundaries, at a minimum, a Floodplain Development Permit be obtained; and,

10. That this Conditional Use Permit be reviewed in five (5) 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.
STAFF REPORT

GENERAL INFORMATION:

REQUEST:  
CONDITIONAL USE PERMIT REVIEW / CU 14-25: To review two storage units to be located on the subject property in a Highway Service District in accordance with Sections 210 and 510 of the Pennington County Zoning Ordinance.

APPLICANT:  
Jeff DeVeny

APPLICANT ADDRESS:  
23823 Syndicate Court, Hill City, SD 57745

LEGAL DESCRIPTION:  
Lot J, Murray Subdivision, Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

SITE LOCATION:  
23855 Highway 385; approximately one (1) mile west of the intersection of Highway 385 and S. Highway 16, near the intersection of Penalua Gulch Road and Highway 385.

SIZE:  
1.45 acres

EXISTING LAND USE:  
Storage Units

TAX ID:  
65935

ZONING REFERENCE:  
Sections 210 and 510

CURRENT ZONING:  
Highway Service District

SURROUNDING ZONING:  
North: Suburban Residential District
South: Low Density Residential District
East: Highway Service District
West: Highway Service District

PHYSICAL CHARACTERISTICS:  Flat

REPORT BY:  
Jason Theunissen
I. **PROPOSED RECOMMENDATION:** Staff will be recommending approval of the extension of Conditional Use Permit / CU 14-25 with conditions.

II. **GENERAL DESCRIPTION:**
      1. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
      2. That a minimum of four parking spaces continue to be provided and a loading and unloading zone continue to be provided for all storage units that run along the units and must have four (4) inches of gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;
      3. That two (2) storage buildings continue to be allowed on the subject property not to exceed 50’ x 100’ and that there be a minimum of 30-feet of separation between both structures for vehicle and trailer access. Any additional storage units would require review by the Planning Commission;
      4. That the business address be posted on the property and clearly visible and maintained in accordance with Ordinance #20;
      5. That any lighting used to illuminate off-street parking or on premise lighting shall be so arranged as to deflect the light from all adjoining residences;
      6. That an on-premise sign(s) shall be allowed in accordance with Pennington County Zoning Ordinance Section 312. The on-premise sign shall not exceed 25-feet in height and have a maximum display area of 250 square feet on each side and not have more than two sides;
      7. That an approved Sign Permit be obtained for the existing on-premise sign within seven (7) business days of the approval of the extension of Conditional Use Permit / CU 14-25;
      8. That any additional disturbance within the 100-year floodplain boundary will require an approved Floodplain Development Permit and/or approved Letter of Map Revision or Amendment from FEMA, prior to the issuance of a Building Permit;
      9. That the applicant ensure that all natural drainage ways continue to be maintained and are not blocked;
      10. That any work encompassing over one (1) acre will require the applicant to obtain an approved Storm Water Construction Permit from the South Dakota Department of Environmental and Natural Resources;
     11. That the hours of operation for the storage units be from 6:00 am to 10:00 pm and a sign be posted indicating after hours contact information with the owner’s phone number, which must be clearly visible at the entrance of the lot; and,
12. 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 ensure that all Conditions of Approval are being met.

B. November 9, 2015 – Planning Commission approved the extension of Conditional Use Permit / CU 14-25 with eleven (11) conditions:
   1. Condition #7 was removed, as it had been met.

C. November 13, 2017 – Planning Commission approved the extension of Conditional Use Permit / CU 14-25 with the following eleven (12) conditions:
   1. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
   2. That a minimum of four parking spaces continue to be provided and a loading and unloading zone continue to be provided for all storage units that run along the units and must have four (4) inches of gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;
   3. That two (2) storage buildings continue to be allowed on the subject property not to exceed 50’ x 100’ and that there be a minimum of 30-feet of separation between both structures for vehicle and trailer access. Any additional storage units would require review by the Planning Commission;
   4. That the business address be posted on the property and clearly visible and maintained in accordance with Ordinance #20;
   5. That any lighting used to illuminate off-street parking or on premise lighting shall be so arranged as to deflect the light from all adjoining residences;
   6. That an on-premise sign(s) shall be allowed in accordance with Pennington County Zoning Ordinance Section 312. The on-premise sign shall not exceed 25-feet in height and have a maximum display area of 250 square feet on each side and not have more than two sides;
   7. That an approved Sign Permit be obtained for the existing on-premise sign within seven (7) business days of the approval of the extension of Conditional Use Permit / CU 14-25;
   8. That any additional disturbance within the 100-year floodplain boundary will require an approved Floodplain Development Permit and/or approved Letter of Map Revision or Amendment from FEMA, prior to the issuance of a Building Permit;
   9. That the applicant ensure that all natural drainage ways continue to be maintained and are not blocked;
   10. That any work encompassing over one (1) acre will require the applicant to obtain an approved Storm Water Construction Permit from the South Dakota Department of Environmental and Natural Resources;
11. That the hours of operation for the storage units be from 6:00 am to 10:00 pm and a sign be posted indicating after hours contact information with the owner's phone number, which must be clearly visible at the entrance of the lot; and,

12. 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 ensure that all Conditions of Approval are being met.

D. November 12, 2019 – Condition #7 was removed, as it had been met.

E. November 12, 2019 – Planning Commission approved the extension of Conditional Use Permit / CU 14-25 with the following twelve (11) conditions:

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

2. That a minimum of four parking spaces continue to be provided and a loading and unloading zone continue to be provided for all storage units that run along the units and must have four (4) inches of gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;

3. That two (2) storage buildings continue to be allowed on the subject property not to exceed 50’ x 100’ and that there continue to be a minimum of 30-feet of separation between both structures for vehicle and trailer access. Any additional storage units will require a new hearing by the Planning Commission, to include advertising the request at owner’s expense;

4. That the business address be posted on the property and clearly visible and maintained in accordance with Ordinance #20;

5. That any lighting used to illuminate off-street parking or on-premise lighting shall be so arranged as to deflect the light down and away from all nearby residences;

6. That an on-premise sign(s) shall be allowed in accordance with Pennington County Zoning Ordinance Section 312. The on-premise sign shall not exceed 25-feet in height and have a maximum display area of 250 square feet on each side and not have more than two sides;

7. That any additional disturbance within the 100-year floodplain boundary will require an approved Floodplain Development Permit and/or approved Letter of Map Revision or Amendment from FEMA, prior to the issuance of a Building Permit;

8. That the applicant ensure that all natural drainage ways continue to be maintained and are not blocked;

9. That any work encompassing over one (1) acre will require the applicant to obtain an approved Storm Water Construction Permit from the South Dakota Department of Environmental and Natural Resources;
10. That the hours of operation for the storage units be from 6:00 am to 10:00 pm and a sign be posted indicating after hours contact information with the owner’s phone number, which must be clearly visible at the entrance of the lot; and,

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

III. EXISTING CONDITIONS
A. 1.45 acres.
B. Zoned Highway Service District.
C. Two (2) 50’ x 100’ Storage buildings.
D. Special Flood Hazard Area – 100-Year Floodplain.
IV. ANALYSIS:
A. April 14, 2020 – Staff performed a site visit and found the following:
   1. Two (2) permitted storage structures were on the subject property (Condition #3).
   2. Adequate parking was provided and all lights were pointed downward. (Conditions #2 and #5).
   3. The business address, after hours contact information, and business hours was not posted (Conditions #4 and #10).
      i. April 20, 2020 – Staff spoke with the applicant and discussed Conditions #4 and #10. He provided an invoice for signs that indicate address number, after hours contact information, and the owner’s phone number. The applicant stated that he would post immediately after he receives them.
      ii. Staff will be recommending approval of the extension of the CUP, with a review in six months to verify that the business address and after hours sign has been posted.
B. All other conditions appeared to be met.
C. Staff has received no complaints regarding the subject property.

Site Visit, April 14, 2020

RECOMMENDATION: Staff recommends approval of the extension of Conditional Use Permit / CU 14-25 with the following conditions:

1. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
2. That a minimum of four parking spaces continue to be provided and a loading and unloading zone continue to be provided for all storage units that run along the units and must have four (4) inches of gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;

3. That two (2) storage buildings continue to be allowed on the subject property not to exceed 50’ x 100’ and that there continue to be a minimum of 30-feet of separation between both structures for vehicle and trailer access. Any additional storage units will require a new hearing by the Planning Commission, to include advertising the request at owner’s expense;

4. That the business address be posted and clearly visible in accordance with Ordinance #20, within 30 days of approval of the extension of CU 14-25;

5. That any lighting used to illuminate off-street parking or on-premise lighting shall be so arranged as to deflect the light down and away from all nearby residences;

6. That an on-premise sign(s) shall be allowed in accordance with Pennington County Zoning Ordinance Section 312. The on-premise sign shall not exceed 25-feet in height and have a maximum display area of 250 square feet on each side and not have more than two sides;

7. That any additional disturbance within the 100-year floodplain boundary will require an approved Floodplain Development Permit and/or approved Letter of Map Revision or Amendment from FEMA, prior to the issuance of a Building Permit;

8. That the applicant ensure that all natural drainage ways continue to be maintained and are not blocked;

9. That any work encompassing over one (1) acre will require the applicant to obtain an approved Storm Water Construction Permit from the South Dakota Department of Environmental and Natural Resources;

10. That the hours of operation for the storage units be from 6:00 a.m. to 10:00 p.m. and that a sign be posted indicating after hours contact information with the owner’s phone number, within 30 days of approval of the extension of CU 14-25; and,

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

GENERAL INFORMATION:

REQUEST:  

CONDITIONAL USE PERMIT REVIEW/ CU 15-20: To review Construction Equipment Sales on the subject property in a General Commercial District in accordance with Sections 209 and 510 of the Pennington County Zoning Ordinance.

APPLICANT:  

Mitch Morris

APPLICANT ADDRESS:  
P.O. Box 867, Rapid City, SD 57709

LEGAL DESCRIPTION:  
Lot 1 of NW1/4SE1/4, Section 32, T1N, R8E, BHM, Pennington County, South Dakota.

SITE LOCATION:  
7900 S. Highway 79

SIZE:  
27.48 acres

TAX ID:  
46725

EXISTING LAND USE:  
Storage Yard / Construction Equipment Sales

ZONING REFERENCE:  
Sections 209 and 510

CURRENT ZONING:  
General Commercial District

SURROUNDING ZONING:

North  
General Commercial District

General Agriculture District

South  
General Agriculture District

General Commercial District

East  
General Agriculture District

West  
General Commercial District

PHYSICAL CHARACTERISTICS:  
Flat

REPORT BY:  
Jason Theunissen
I. PROPOSED RECOMMENDATION
   A. Staff will be recommending to continue the review of Conditional Use Permit / CU 15-20 to the May 11, 2020 Planning Commission meeting, with conditions.

II. GENERAL DESCRIPTION
   A. November 23, 2015 – The Planning Commission approved Conditional Use Permit / CU 15-20, for a Construction Equipment Sales operation on the subject property, with the following fifteen (15) conditions:
      1. That Conditional Use Permit / CU 15-20 be for Construction Equipment Sales and Construction Material Sales only;
      2. That the operation, condition and organization of the subject property be performed and maintained so as to not create a Public Nuisance, per Pennington County Ordinance 106;
      3. That noise levels be kept at a level not to be characterized as a nuisance and that a six (6) foot tall privacy fence be constructed around the property;
      4. That sign(s) be allowed pursuant to Section 312 of the Pennington County Zoning Ordinance;
      5. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
      6. That porta-potties (1 per every 50 employees) are provided on-site;
      7. That the addresses be posted in accordance with Pennington County’s Ordinance #20;
      8. That the applicant adheres to all necessary County, State, and Federal regulations, and maintains the necessary permits and licenses to conduct Commercial Sales on the subject property;
      9. That there is no more than two (2) additional employees, excluding family members;
     10. That there is a minimum of eleven (11) off-street parking spaces available at all times and kept in accordance with Section 310 of the Pennington County Zoning Ordinance;
     11. That the hours of operation will be conducted between the hours of 7:00 a.m. and 6:00 p.m. with the allowance of limited after hour’s operation so as not to be characterized as a nuisance;
     12. That the inoperable vehicles and piles of motor vehicle parts, not intended for immediate sale, will be either removed from the property or shall be stored in an enclosed structure;
     13. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual must be followed;
14. That the applicant signs the Statement of Understanding (SOU) for Conditional Use Permit / CU 15-20 and the Pennington County Noxious Weed Management Plan within ten (10) business days of approval. Both are available at the Planning Department; and,

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

B. November 14, 2016 – The Planning Commission continued the review of Conditional Use Permit / CU 15-20 to the December 5, 2016 Planning Commission meeting.

C. December 5, 2016 – The Planning Commission continued the review of Conditional Use Permit / CU 15-20 to the January 9, 2017 Planning Commission meeting.

   a. Condition #14: That prior to the Planning Commission meeting on January 23, 2017, the applicant comply with Section 511(X) of the Pennington County Zoning Ordinance and if the applicant does not comply with all the Conditions of Approval, by the January 23, 2017, Planning Commission meeting, CU 15-20 automatically end; and,
   b. Condition #15: That the applicant signs a Statement of Understanding (SOU) for Conditional Use Permit / CU 15-20, within ten (10) business days of approval, which is available at the Planning Department.

E. January 23, 2017 – The Planning Commission approved the extension of CU 15-20, with the following Conditions:
   1. That before 5:00 p.m. Mountain Time, on January 24, 2017, Mr. Morris pay, in cash, the required continuation fee (per Section 511-X) as approved by the Planning Commission in Condition of Approval #2, on December 5, 2016 and again in Condition of Approval #14 from January 5, 2017 or CU 15-20 automatically be revoked;
   2. That the operation, condition and organization of the subject property be performed and maintained so as to not create a Public Nuisance, per Pennington County Ordinance 106;
   3. That noise levels be kept at a level not to be characterized as a nuisance and that a six (6) foot tall fence be constructed around the Construction Equipment Storage and Sales area;
   4. That sign(s) be allowed pursuant to Section 312 of the Pennington County Zoning Ordinance;
5. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;

6. That porta-potties (1 per every 50 employees) are provided on-site;

7. That the addresses be posted in accordance with Pennington County’s Ordinance #20;

8. That the applicant adheres to all necessary County, State, and Federal regulations, and maintains the necessary permits and licenses to conduct Commercial Sales on the subject property and make said permits and licenses available to Pennington County Planning Staff upon request;

9. That there is no more than two (2) additional employees, excluding family members;

10. That there is a minimum of eleven (11) off-street parking spaces available at all times and kept in accordance with Section 310 of the Pennington County Zoning Ordinance;

11. That the hours of operation will be conducted between the hours of 7:00 a.m. and 6:00 p.m. with the allowance of limited after hour’s operation so as not to be characterized as a nuisance;

12. That the inoperable vehicles and piles of motor vehicle parts, not intended for immediate sale, will be either removed from the property or shall be stored in an enclosed structure;

13. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual must be followed;

14. That the applicant signs the Statement of Understanding (SOU) for Conditional Use Permit / CU 15-20, within ten (10) business days of approval, which is available at the Planning Department; and,

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

F. February 13, 2017 – The Planning Commission approved the extension of CU 15-20, with the same Conditions.

G. February 26, 2018 – The Planning Commission continued the review of Conditional Use Permit / CU 15-20 to the March 26, 2018 Planning Commission meeting.

H. March 26, 2018 – The Planning Commission approved the extension of Conditional Use Permit / CU 15-20, with the following Conditions:

2. That the operation, condition and organization of the subject property be performed and maintained so as to not create a Public Nuisance, per Pennington County Ordinance 106;
3. That noise levels be kept at a level not to be characterized as a nuisance and that a six (6) foot tall fence be constructed and maintained on the highway facing side of the Construction Equipment Storage and Sales area;
4. That sign(s) be allowed pursuant to Section 312 of the Pennington County Zoning Ordinance;
5. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
6. That porta-potties (1 per every 50 employees) are provided on-site;
7. That the addresses be posted in accordance with Pennington County's Ordinance #20;
8. That the applicant adheres to all necessary County, State, and Federal regulations, and maintains the necessary permits and licenses to conduct Commercial Sales on the subject property and make said permits and licenses available to Pennington County Planning Staff upon request;
9. That there is no more than two (2) additional employees, excluding family members;
10. That there is a minimum of eleven (11) off-street parking spaces available at all times and kept in accordance with Section 310 of the Pennington County Zoning Ordinance;
11. That the hours of operation will be conducted between the hours of 7:00 a.m. and 6:00 p.m. with the allowance of limited after hour's operation so as not to be characterized as a nuisance;
12. That the inoperable vehicles and piles of motor vehicle parts, not intended for immediate sale, will be either removed from the property or shall be stored in an enclosed structure;
13. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual must be followed;
14. That the applicant signs the Statement of Understanding (SOU) for Conditional Use Permit / CU 15-20, within ten (10) business days of approval, which is available at the Planning Department; and,
15. That this Conditional Use Permit be reviewed in two (2) year, on a complaint basis, or as directed by the Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.
III. EXISTING CONDITIONS
   A. Lot 1 of NW1/4SE1/4.
   B. Zoned General Commercial District.
   C. 27.48 acres.
   E. Crow’s nest – Building Permit / 2003COBP0720.
   F. Concession building – Building Permit / 2003COBP0719.

IV. ANALYSIS
   A. April 20, 2020 – Staff performed a site visit and verified that most of the Conditions of Approval appeared to be met.
      1. There was not a six (6) foot tall fence on the highway facing side of the Construction Equipment Storage and Sales area (Condition #3).
   B. April 21, 2020 – Staff spoke with the applicant, Mitch Morris, who stated that he desires to extend Conditional Use Permit / CU 15-20. Staff discussed Condition #3 and the requirement to have a six (6) foot tall fence. The applicant stated that he thought that Condition was removed. Staff then emailed Mr. Morris a scanned copy of the approved Conditions of Approval via Statement of Understanding he signed on March 4, 2018.
   C. April 23, 2020 – Staff is awaiting the applicant’s decision to either end CU 15-20, install the fence, or attend the April 27, 2020 Planning Commission meeting and ask that the fence requirement be removed from Condition #3.
   D. Staff has received no complaints regarding the subject property or Conditional Use Permit / CU 15-20.
   E. Staff removed Condition #14, as it had been fulfilled on April 2, 2018.
RECOMMENDATION: Staff recommends to continue the review of Conditional Use Permit / CU 15-20 to the May 11, 2020 Planning Commission meeting, with the following conditions:

1. That the applicant either, meet the approved Condition #3, attend the April 27, 2020 Planning Commission meeting and ask that the fence requirement be removed from Condition #3, or end Conditional Use Permit / CU 15-20; and,

2. That any continuation after the May 11, 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.
Subject Property

Legend

Roads
- Interstate
- US highway
- SD highway
- County highway
- Main road
- Minor arterial
- Collector
- Ramp
- Paved road
- Unpaved road
- Trail
- Driveway
- Alley
- Unimproved road
- Airport Runway
- Not yet ooded

Address Points

Section Lines 0-25k

Tax Parcels

Lot Lines
- <NULL>
- Lot Line
- Parcel Line

Pennington County Zoning
- General Agriculture
- General Commercial
- Heavy Industrial
- Highway Services
- Limited Agriculture
- Low Density Residential
- Light Industrial
- Planned Unit Development
- Suburban Residential

Map Notes:
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 REVIEW/ CU 16-04: To review a Vacation Home Rental on the subject property in a Limited Agriculture District in accordance with Sections 206, 319, and 510 of the Pennington County Zoning Ordinance.

APPLICANT/ OWNER:  

Alex and Mikal Kulesza

APPLICANT ADDRESS:  

13240 Daybreak Ridge Road  
Rapid City, SD  57702

LEGAL DESCRIPTION:  

Lot B of Lot 1, Merchen Addition #2, Section 21, T2N, R6E, BHM, Pennington County, South Dakota.

SITE LOCATION:  

13240 Daybreak Ridge Road; near the intersection of Louis Drive and Hazel Lane.

SIZE:  

8.00 acres

TAX ID:  

54554

EXISTING LAND USE:  

Residential

ZONING REFERENCE:  

Sections 206, 319, and 510

CURRENT ZONING:  

Limited Agriculture District

SURROUNDING ZONING:  

| North                          | Low Density Residential District |
| South                          | Limited Agriculture District/ Planned Unit Development District |
| East                           | Limited Agriculture District |
| West                           | Limited Agriculture District |

PHYSICAL CHARACTERISTICS:  

Forested / Hills

UTILITIES:  

Private

REPORT BY:  

Kristina Proietti
I. PROPOSED RECOMMENDATION
   A. Staff will be recommending approval of the extension of Conditional Use Permit / CU 16-04 with conditions.

II. GENERAL DESCRIPTION
   A. March 11, 2016, the applicants, Alex and Mikal Kulesza, applied for a Conditional Use Permit for a Vacation Home Rental.
   B. April 25, 2016, the Planning Commission approved Conditional Use Permit / CU 16-04 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 nine (9) people;
      2. That the applicant provide a landlord in case of an emergency;
      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 to the structure and/or the on-site wastewater treatment system is upgraded;
      5. That the applicant maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department prior to operation of the Vacation Home Rental;
      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, each measuring a minimum of nine feet (9) by eighteen 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, with 9-1-1 and 394-4139 listed as contacts for Fire Department and Sheriff’s Department, during operation of the residence as a VHR;
      9. That the lot address be posted at all times on the residence and so it is clearly visible from Day Break Ridge Road, in accordance with Ordinance #20;
     10. That the applicant ensure the VHR is 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 Alex Kulesza, the interior informational sign be updated and the applicant re-notify the Planning Department and surrounding landowners within 500 feet via notices sent by Certified 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 prior to the placement of any on-premise signs, the applicant must obtain approval of a Sign Permit;

14. That the applicant obtain an approved Building Permit 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;

15. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 16-04, which is available at the Planning Office; and,

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

C. April 25, 2016, the Planning Commission approved the extension of Conditional Use Permit / CU 16-04 with the following fifteen (15) 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 nine (9) people;

2. That the applicant provide a landline in case of an emergency;

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 to the structure and/or the on-site wastewater treatment system is upgraded;

5. That the applicant continue to 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 continue to 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 continually be provided on-site, each measuring a minimum of nine feet (9) by
eighteen feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;

8. That an interior informational sign be continually posted in accordance with the requirements of Section 319-G, with 9-1-1 and 394-4139 listed as contacts for Fire Department and Sheriff's Department, during operation of the residence as a VHR;

9. That the lot address be posted at all times on the residence and so it is clearly visible from Day Break Ridge Road, in accordance with Ordinance #20;

10. That the applicant continually ensure the VHR is 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 Alex Kulesza, the interior informational sign be updated and the applicant re-notify the Planning Department and surrounding landowners within 500 feet via notices sent by Certified 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 prior to the placement of any on-premise signs, the applicant must obtain approval of a Sign Permit;

14. That the applicant obtain an approved Building Permit 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; and,

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

III. EXISTING CONDITIONS

A. Zoned Limited Agriculture District (minimum ten (10) acre lot size)
B. 8 acres.
   1. A Lot Size Variance was approved in 2002 – VA 02-04.
C. Access is taken off of Daybreak Ridge Road.
D. Lot contains:
   2. On-site Wastewater Treatment System (OSWTS) – 2003COSD0170.
      a. OSWTS Operating Permit – COOP16-0110.
   3. 30' x 40' Garage – COBP15-0214.
   4. 15' x 15' Barn – COBP15-0232.
   5. 10' x 16' Shed – COBP15-0231.
Analyzing the document, we observe:

A. April 15, 2020, Staff contacted Mr. Kulesza regarding the upcoming review of Conditional Use Permit / CU 16-04.

B. April 16, 2020 – Staff performed a site visit. It appears that all Conditions of Approval are being met.
   i. Complete floorplans available;
   ii. Complete evacuation plan available;
   iii. South Dakota Department of Revenue Sales Tax License;
   iv. Current South Dakota Department of Health Lodging License; and,
   v. Local Contact: Alex Kulesza.

C. At the time of this Staff Report writing, Staff has not received any complaints regarding the granted use on the subject property.

D. Staff has added Condition #12 to the Recommended Conditions.
RECOMMENDATION: Staff recommends approval of the extension of Conditional Use Permit / CU 16-04 with the following conditions:

1. That the maximum overnight occupancy, based on SD DENR approval, be limited to six (6) people and the maximum daytime occupancy be limited to nine (9) people;

2. That the applicant provide a landline in case of an emergency;

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 to the structure and/or the on-site wastewater treatment system is upgraded;

5. That the applicant continue to 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 continue to 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 continually be provided on-site, each measuring a minimum of nine (9) feet by eighteen (18) feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;

8. That an interior informational sign be continually posted in accordance with the requirements of Section 319-G, with 9-1-1 and 394-4139 listed as contacts for Fire Department and Sheriff’s Department, during operation of the residence as a VHR;

9. That the lot address be posted at all times on the residence and so it is clearly visible from Daybreak Ridge Road, in accordance with Ordinance #20;

10. That the applicant continually ensure the VHR is 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 Alex Kulesza, the interior informational sign be updated and the applicant re-notify the Planning Department and surrounding landowners within 500 feet via notices sent by Certified Mail;

12. That each review of Conditional Use Permit / CU 19-20, be subject to PCZO Section 511(F)(3), which imposes a $100 fee per review;

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

15. That the applicant obtain an approved Building Permit 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; and,

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

It is important to us that you have a fun, safe and relaxing time staying here and vacationing in the Black Hills. We want you to enjoy and take care of our home like it was yours. We have included some instructions to help make your time here go smoothly:

GENERAL INFO:

- **EMERGENCY: DIAL 911**
- **Address:** 13240 Daybreak Ridge Road, Rapid City, SD 57702
- Maximum number of overnight adult guests is 6 persons
- Guests are allowed on the property any time during their scheduled rental time.
- Please be courteous to all neighbors and to respect their property boundaries.
- Quiet Hours will be from 10:00 pm until 7:00 am. No outside activities shall be allowed after 10pm and before 7:00 am.
- Parking should be used in front of both garages. Approx. 6 spaces.
- No fireworks allowed.
- Beware there is a cliff and rugged area behind our home so we recommend you don’t go beyond the tree line
- The outdoor fire pit is legal (we will let you know of any fire restrictions before and during your stay) to use here in the Black Hills but please soak with water from the hydrant out front when done. There is wood stacked out there and an ax to make kindling.

HOUSEHOLD INFO:

- WI-FI Network – **Kulesza**
- Password Security – **kulesza1**
• The garbage can is in the garage and needs to be put out on Thursday morning, set can(s) at the end of the concrete pad in front of the garage.
• No smoking inside.
• Please do not light candles
• There are pot holders/hot pads on the kitchen wall to use for the dinning room table to place hot items on
• Hot tub instructions and chemicals in the Master bathroom
• Washer, dryer, iron, & ironing board downstairs (bathroom and mechanical room)
• Dishwasher: Put soap in container then press Normal Wash and then Start button
• All incoming calls will be forwarded to our cell phone
• Local calls in the Rapid City area only
• Your Personal key box combination __ __ __ __

• **EMERGENCY: DIAL 911**
• Address: 13240 Daybreak Ridge Road, Rapid City, SD 57702

• Please sign guest book

We will stop by a couple times during the week to pick up our mail and water the plants. Just leave us a note with any problems, questions or concerns.

Please fill free to call us anytime with any questions or concerns:

**ALEX - CELL: 605-786-7337**
**MIKAL - CELL: 605-390-2313**

**** Before leaving please: Strip beds, Start dishwasher, Empty trash and Lock up house.****
Evacuation plan
SOUTH DAKOTA
DEPARTMENT OF HEALTH
LODGING LICENSE

Issued To: MAK HOSPITALITY LLC

Located At: TIMBERFRAME ON THE CANYON:
13240 DAYBREAK RIDGE RD
RAPID CITY, SD 57702

License Type
Vacation Home License

License Number
18556

Number of Units
1

Swimming Pool
0

Spa or Hot Tub
1

Expires 12/31/2020

Kim Malcom-Rypdon
Secretary of Health

License is Not Transferable - Post in the Establishment
STAFF REPORT

GENERAL INFORMATION:

REQUEST:  
CONDITIONAL USE PERMIT REVIEW / CU 17-16: To review 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/AGENT:  
School House, LLC

APPLICANT ADDRESS:  
9701 Clarkson Road, Rapid City, SD 57702

LOCAL CONTACT:  
Larry Teuber

LEGAL DESCRIPTION:  
Lot 1R, Block 4, Spring Canyon Estates Subdivision, Section 5, T1S, R7E, BHM, Pennington County, South Dakota.

SITE LOCATION:  
9627 Clarkson Road; approximately 1.75 miles south of the intersection of Sheridan Lake Road and Clarkson Road.

SIZE:  
3.85 acres

TAX ID:  
65821

EXISTING LAND USE:  
Residential

ZONING REFERENCE:  
Sections 207, 319, and 510

CURRENT ZONING:  
Low Density Residential District

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

PHYSICAL CHARACTERISTICS:  
Forested / Hills

UTILITIES:  
Community Water / Private Septic
I. PROPOSED RECOMMENDATION
   A. Staff will be recommending approval of the extension of Conditional Use Permit / CU 17-16 with conditions.

II. GENERAL DESCRIPTION
   A. May 22, 2017 – Planning Commission approved Conditional Use Permit / CU 17-16 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 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 the applicants 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;
      5. That the applicants 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;
      6. That a minimum of one (1) off-street parking space be provided on-site, per Pennington County Zoning Ordinance 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;
      7. That an interior informational sign be posted in accordance with the requirements of Pennington County Zoning Ordinance Section 319-G, with 9-1-1 and (605) 394-4139 listed as contacts for Fire Department and Sheriff’s Department, during operation of the Vacation Home Rental;
      8. That the lot address (9627 Clarkson Road) be posted on the residence at all times and at the driveway so that it is clearly visible from both directions of travel on Clarkson Road, in accordance with Pennington County’s Ordinance #20;
9. That the applicants ensure the Vacation Home Rental is operated in accordance with the requirements of Pennington County Zoning Ordinance Section 319-F (Performance Standards) at all times;

10. That if the person designated as the Local Contact is ever changed from Larry Teuber, the interior informational sign be updated and the applicant re-notify the Planning Department and surrounding landowners within 500 feet via notices sent by Certified Mail;

11. 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;

12. That an approved Floodplain Development Permit be obtained prior to any work within the Special Flood Hazard Area on the subject property;

13. That an approved Sign Permit be obtained prior to the placement of any sign(s), per Pennington County Zoning Ordinance Section 312;

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

15. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 17-16, which is available at the Planning Office; 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.

B. May 29, 2018 – Planning Commission approved of the extension of Conditional Use Permit / CU 17-16 with the following sixteen (16) conditions:

1. That the maximum overnight occupancy, based on SD DENR approval, continue to 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 the applicants 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;
5. That the applicants 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;

6. That a minimum of one (1) off-street parking space continue to 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;

7. That an interior informational sign continue to be posted in accordance with the requirements of PCZO § 319(G), with 9-1-1 and (605) 394-4139 listed as contacts for Fire Department and Sheriff's Department, 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;

8. That the lot address (9627 Clarkson Road) continue to be posted on the residence at all times and at the driveway so that it is clearly visible from both directions of travel on Clarkson Road, in accordance with Pennington County’s Ordinance #20;

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

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

11. 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;

12. That an approved Floodplain Development Permit be obtained prior to any work within the Special Flood Hazard Area on the subject property;

13. That an approved Sign Permit be obtained prior to the placement of any sign(s), per PCZO § 312;

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

15. That the applicant signs an updated Statement of Understanding within ten (10) business days of approval of the extension of Conditional Use Permit / CU 17-16, which is available at the Planning Office; and,

16. 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.

III. EXISTING CONDITIONS
A. Zoned Low Density Residential District, minimum three (3) acre lot size.
B. 3.85 acres.
C. Access off of Clarkson Road via an existing approach.
D. Lot contains:
   2. On-site Wastewater Treatment System – 2000COSD0140.
E. Small portion of Special Flood Hazard Area (100-year floodplain) located on the subject property.

![Map of the area showing the Special Flood Hazard Area.](image_url)
IV. ANALYSIS

A. The VHR appears to be advertised appropriately on the internet, sleeping a maximum of four (4) people (Condition #1).

B. April 15, 2020 – Staff had email communication with the property manager, Jessica Ginger, who stated:
   1. Larry Teuber is still the Local Contact for the VHR.
      a. *Staff comment: The Local Contact has not changed from Larry, therefore the informational sign does not need to be updated* (Condition # 10).

C. April 15, 2020 – Jessica Ginger provided:
   1. The current Vacation Home License for the subject property (Condition #4).
   2. The current Sales Tax License (Condition #4).
   3. Evacuation Plans for the subject property (Condition #5).
   4. Informational signs that are posted in accordance to the requirements of PZCO Section 319(G), with 9-1-1 and (605) 394-4139 listed as contacts for Fire Department and Sheriff’s Department (Condition #7).

D. April 16, 2020- Staff performed a site visit to the subject property and observed the following:
   1. That a minimum of one (1) off-street parking space was 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 (Condition #6).
   2. That the lot address, 9627 Clarkson Road, was posted in accordance with Pennington County’s Ordinance #20 (Condition #8).
   3. The Statement of Understanding was signed on June 8, 2018 (Condition #15).
      a. Staff recommends removing Condition #15 as this condition has been met.
   4. All other conditions appear to be met.

RECOMMENDATION: Staff recommends approval of the extension of Conditional Use Permit / CU 17-16 with conditions:

1. That the maximum overnight occupancy, based on SD DENR approval, continue to 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 the applicants 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;

5. That the applicants 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;

6. That a minimum of one (1) off-street parking space continue to 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;

7. That an interior informational sign continue to be posted in accordance with the
requirements of PCZO Section 319(G), with 9-1-1 and (605) 394-4139 listed as
contacts for Fire Department and Sheriff’s Department, 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;

8. That the lot address (9627 Clarkson Road) continue to be posted on the residence at
all times and at the driveway so that it is clearly visible from both directions of
travel on Clarkson Road, in accordance with Pennington County’s Ordinance #20;

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

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

11. 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;

12. That an approved Floodplain Development Permit be obtained prior to any work
within the Special Flood Hazard Area on the subject property;
13. That an approved Sign Permit be obtained prior to the placement of any sign(s), per PCZO Section 312;

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 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.
SOUTH DAKOTA DEPARTMENT OF HEALTH
LODGING LICENSE

Issued To: SCHOOL HOUSE LLC
Located At: SCHOOL HOUSE
9627 CLARKSON RD
RAPID CITY, SD 57702

License Type
Vacation Home License

License Number
19469
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
July 23, 2014

Dear SCHOOL HOUSE LLC

Below is your current South Dakota tax license. It is non-transferable and shall be valid only for the person or entity named on the license. The license is for the transaction of business at the place designated on the license. The license is to be conspicuously displayed at the place of business.

Please review your information and contact our department if there are any changes in ownership, names, or addresses. If you have a Streamlined sales tax license any changes must be made through the Streamlined Registration System at www.streamlinedsales.tax.org.

For more information, visit our website at http://dor.sd.gov, call the Department of Revenue at 1-800-829-9188 weekdays from 8:00 am to 5:00 pm Central Time or e-mail us at bustax@state.sd.us. Thank you.

If you are a sole proprietor or general partnership and your last name is not contained in the name of your business you need to file your business name and ownership information with the South Dakota Secretary of State. You can do this online at: www.sdsos.gov. Or you can file a paper form with the Register of Deeds in each county where your business is located. For more information about this registration contact the Secretary of State at (605) 773-3537.

Website: http://dor.sd.gov

Having made proper application therefore, and upon compliance with all applicable laws and regulations of the state of South Dakota, this license is hereby issued to the below named. This license remains the property of the state of South Dakota and while in possession of the person to whom issued, entitles the licensee to transact whatever business or activity is specified on this license, until this license expires or is cancelled.

SCHOOL HOUSE LLC
9701 CLARKSON RD
RAPID CITY, SD 57702

NON-TRANSFERABLE

[Signature]
Andy Gerlach
Secretary of Revenue
Emergency Evacuation Plan
9627 Clarkson Rd.

In Case of Emergency Evacuation, follow the pink hi-lited route: Clarkson Road to Sheridan Lake Road.
Hi Stephanie,

Attached are the documents needed for 9627 Clarkson Rd.

For the property rules and evacuation procedures. These documents are posted by the exits of the cabins; in our information booklet for each guest; and listed on our property listing sights and rental agreements.

Larry Teuber is still the local contact for this property.

Thank you,

Jessica Ginger, GM  
9701 Clarkson Rd.  
Rapid City, SD 57702  
Phone: 605-593-1745  
jessginger@gmail.com
Property Rules

Property Address: 9627 Clarkson Rd., Rapid City, SD 57702

Property Owner Contact: Jessica Ginger (605-593-1745)
Larry Teuber (605-484-1616)

Local Emergency: Emergencies: Call 911
Sheriff/Fire Dept.: 605-394-4139

Max Over Night Occupancy: 6 Guests
Max Daytime Occupancy: 6 Guests

Number of Parking Spaces: 2 Parking Spaces. (Guests to use driveways only.)

Quiet Hours: 10:00 P.M. to 7:00 A.M.

Pet Policy:
Pets not allowed without prior approval.
Pets must be crated when left unattended.
Pets are not allowed on furniture
Pets must be leashed and not chase wildlife.
Guests pick up waste.

Additional Property Rules:
- The use of open fires, fire pits, fireworks, charcoal burning grills, gas fired grills, or other devices (as applicable) shall not be allowed without permission from Local Contact or Owner. Owner forbids smoking, open fires, fireworks, charcoal grills, or any personal fire-emitting device.
- Trash may be put in receptacle outside. Property owner will discard to dumpster.
- Occupants are responsible for the creation of any disturbances or for violating any other provisions of this Section.
- Occupant's failure to conform to the parking, occupancy, and rental agreement regulations of the VHR unit is in Violation of County Ordinance.
- Guests are expected to be courteous to all neighbors, wildlife, and to respect property boundaries.
Beautiful Custom Log Cabin!

- Cabin: 795 sq ft.
- Sleeps: 4
- Bedrooms: 1
- Bathrooms: 1
- Min Stay: 3-5 nights

 nightly
**$225**

Wonderful! 4.9/5 - Good for families

Enter dates for accurate pricing

Check In
Guests

Book Now

Jessica
Ask owner a question

Property # 867449
STAFF REPORT

GENERAL INFORMATION:

REQUEST: CONDITIONAL USE PERMIT REVIEW / CU 17-17: 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/AGENT: SC Meridian, LLC

APPLICANT ADDRESS: 9701 Clarkson Road, Rapid City, SD 57702

LOCAL CONTACT: Larry Teuber

LEGAL DESCRIPTION: Lot A, Block 4, Spring Canyon Estates Subdivision, Section 5, T1S, R7E, BHM, Pennington County, South Dakota.

SITE LOCATION: 9699 Clarkson Road; approximately 1.75 miles south of the intersection of Sheridan Lake Road and Clarkson Road.

SIZE: 1.31 acres

TAX ID: 66752

EXISTING LAND USE: Residential

ZONING REFERENCE: Sections 208, 319, and 510

CURRENT ZONING: Suburban Residential District

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

PHYSICAL CHARACTERISTICS: Forested / Hills

UTILITIES: Community Water / Private Septic
I. PROPOSED RECOMMENDATION
   A. Staff will be recommending approval of the extension of Conditional Use Permit / CU 17-17 with conditions.

II. GENERAL DESCRIPTION
   A. May 22, 2017 – Planning Commission approved Conditional Use Permit / CU 17-17 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 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 to the structure or upgrades/alterations to the on-site wastewater treatment system;
      4. That the applicants 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;
      5. That the applicants 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;
      6. That a minimum of two (2) off-street parking spaces be provided on-site, per Pennington County Zoning Ordinance 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;
      7. That an interior informational sign be posted in accordance with the requirements of Pennington County Zoning Ordinance Section 319-G, with 9-1-1 and (605) 394-4139 listed as contacts for Fire Department and Sheriff’s Department, during operation of the Vacation Home Rental;
      8. That the lot address (9699 Clarkson Road) be posted on the residence at all times and at the driveway so that it is clearly visible from both directions of travel on Clarkson Road, in accordance with Pennington County’s Ordinance #20;
9. That the applicants ensure the Vacation Home Rental is operated in accordance with the requirements of Pennington County Zoning Ordinance Section 319-F (Performance Standards) at all times;

10. That if the person designated as the Local Contact is ever changed from Larry Teuber, the interior informational sign be updated and the applicant re-notify the Planning Department and surrounding landowners within 500 feet via notices sent by Certified Mail;

11. 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;

12. That an approved Floodplain Development Permit be obtained prior to any work within the Special Flood Hazard Area on the subject property;

13. That an approved Sign Permit be obtained prior to the placement of any sign(s), per Pennington County Zoning Ordinance Section 312;

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

15. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 17-17, which is available at the Planning Office; 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.

B. May 29, 2018 – Planning Commission approved of the extension of Conditional Use Permit / CU 17-17 with the following sixteen (16) conditions:

1. That the maximum overnight occupancy, based on SD DENR approval, continue to 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 to the structure or upgrades/alterations to the on-site wastewater treatment system;

4. That the applicants 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;

5. That the applicants 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;

6. That a minimum of two (2) off-street parking spaces continue to 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;

7. That an interior informational sign continue to be posted in accordance with the requirements of PCZO § 319(G), with 9-1-1 and (605) 394-4139 listed as contacts for Fire Department and Sheriff’s Department, during operation of the Vacation Home Rental;

8. That the lot address (9699 Clarkson Road) continue to be posted on the residence at all times and at the driveway so that it is clearly visible from both directions of travel on Clarkson Road, in accordance with Pennington County’s Ordinance #20;

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

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

11. 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;

12. That an approved Floodplain Development Permit be obtained prior to any work within the Special Flood Hazard Area on the subject property;

13. That an approved Sign Permit be obtained prior to the placement of any sign(s), per PCZO § 312;

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

15. That the applicant signs an updated Statement of Understanding within ten (10) business days of approval of the extension of Conditional Use Permit / CU 17-17, which is available at the Planning Office; and,

16. 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.
III. EXISTING CONDITIONS
   A. Zoned Suburban Residential District.
   B. 1.31 acres.
   C. Access off of Clarkson Road via an existing approach.
   D. Lot contains:
      2. On-site wastewater treatment system – COSD15-0126 (tank replacement).
   E. Special Flood Hazard Area (100-year floodplain) located on the subject property.

IV. ANALYSIS
   A. The VHR appears to be advertised appropriately on the internet, sleeping a maximum of six (6) people (Condition #1).
   B. April 15, 2020 – Staff had email communication with the property manager, Jessica Ginger, who stated:
      1. Larry Teuber is still the Local Contact for the VHR.
         a. Staff comment: The Local Contact has not changed from Larry, therefore the informational sign does not need to be updated (Condition # 10).
C. April 15, 2020 – Jessica Ginger provided:
   1. The current Vacation Home License for the subject property (Condition #4).
   2. The current Sales Tax License (Condition #4).
   3. Evacuation Plans for the subject property (Condition #5).
   4. Informational signs that are posted in accordance to the requirements of PZCO Section 319(G), with 9-1-1 and (605) 394-4139 listed as contacts for Fire Department and Sheriff’s Department (Condition #7).

D. April 16, 2020- Staff performed a site visit to the subject property and observed the following:
   1. That a minimum of two (2) off-street parking spaces were 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 (Condition #6).
   2. That the lot address, 9699 Clarkson Road, continue was posted in accordance with Pennington County’s Ordinance #20 (Condition #8).
   3. The Statement of Understanding was signed on June 8, 2018 (Condition #15).
      a. Staff recommends removing Condition #15 as this condition has been met.
   4. All other conditions appear to be met.

RECOMMENDATION: Staff recommends approval of the extension of Conditional Use Permit / CU 17-17 with conditions:

1. That the maximum overnight occupancy, based on SD DENR approval, continue to 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 to the structure or upgrades/alterations to the on-site wastewater treatment system;

4. That the applicants 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;
5. That the applicants 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;

6. That a minimum of two (2) off-street parking spaces continue to 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;

7. That an interior informational sign continue to be posted in accordance with the requirements of PCZO Section 319(G), with 9-1-1 and (605) 394-4139 listed as contacts for Fire Department and Sheriff's Department, during operation of the Vacation Home Rental;

8. That the lot address (9699 Clarkson Road) continue to be posted on the residence at all times and at the driveway so that it is clearly visible from both directions of travel on Clarkson Road, in accordance with Pennington County's Ordinance #20;

9. That the applicants ensure the Vacation Home Rental is operated in accordance with the requirements of PCZO Section 319(F) (Performance Standards) at all times;

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

11. 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;

12. That an approved Floodplain Development Permit be obtained prior to any work within the Special Flood Hazard Area on the subject property;

13. That an approved Sign Permit be obtained prior to the placement of any sign(s), per PCZO Section 312;

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 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.
Beautiful, Rustic Cabin!

- Cabin - 750 sq. ft.
- Sleeps: 6
- Bedrooms: 2
- Bathrooms: 1
- Min Stay: 3-5 nights
Hi Stephanie,

Attached are the documents needed for 9699 Clarkson Rd.

For the property rules and evacuation procedures. These documents are posted by the exits of the cabins; in our information booklet for each guest; and listed on our property listing sights and rental agreements.

Larry Teuber is still the local contact for this property.

Thank you,

Jessica Ginger, GM
9701 Clarkson Rd.
Rapid City, SD 57702
Phone: 605-593-1745
jessginger@gmail.com
March 23, 2016

Below is your current South Dakota tax license.

Please review this card. Please contact our department if there are any changes in ownership, names, or addresses.

If you have a Streamlined sales tax license any changes must be made through the Streamlined Registration System.

Website: http://dor.sd.gov
Taxpayer Assistance Number: 1.800.829.9188
Email: bustax@state.sd.us
Streamlined Sales Tax Website: www.streamlinedsalestax.org

Having made proper application therefore, and upon compliance with all applicable laws and regulations of the state of South Dakota, this license is hereby issued to the below named. This license remains the property of the state of South Dakota and while in possession of the person to whom issued, entitles the licensee to transact whatever business or activity is specified on this license, until this license expires or is cancelled.

ISSUE DATE: 03/21/2016
EXPIRATION DATE: 03/20/2017
LICENSE NUMBER: 1030-6686-ST
LICENSE TYPE: Sales Tax
ISSUED TO: SC MERIDIAN, LLC
9701 CLARKSON RD
RAPID CITY, SD 57702

NON-TRANSFERABLE

SC MERIDIAN, LLC
9701 CLARKSON RD
RAPID CITY, SD 57702

Andy Gerlach
Secretary of Revenue
Emergency Evacuation Plan
9699 Clarkson Rd.

In Case of Emergency Evacuation, follow the pink hi-lited route:
Clarkson Road to Sheridan Lake Road.
Property Rules

Property Address: 9699 Clarkson Rd., Rapid City, SD 57702

Property Owner Contact: Jessica Ginger (605-593-1745)
Larry Teuber (605-484-1616)

Local Emergency: Emergencies: Call 911
Sheriff/Fire Dept.: 605-394-4139

Max Over Night Occupancy: 6 Guests

Max Daytime Occupancy: 6 Guests

Number of Parking Spaces: 2 Parking Spaces. (Guests to use driveways only.)

Quiet Hours: 10:00 P.M. to 7:00 A.M.

Pet Policy:
Pets not allowed without prior approval.
Pets must be crated when left unattended.
Pets are not allowed on furniture
Pets must be leashed and not chase wildlife.
Guests pick up waste.

Additional Property Rules:
- The use of open fires, fire pits, fireworks, charcoal burning grills, gas
  fired grills, or other devices (as applicable) shall not be allowed
  without permission from Local Contact or Owner. Owner forbids
  smoking, open fires, fireworks, charcoal grills, or any personal fire-
  emitting device.
- Trash may be put in receptacle outside. Property owner will discard
to dumpster.
- Occupants are responsible for the creation of any disturbances or for
  violating any other provisions of this Section.
- Occupant’s failure to conform to the parking, occupancy, and rental
  agreement regulations of the VHR unit is in Violation of County
  Ordinance.
- Guests are expected to be courteous to all neighbors, wildlife, and to
  respect property boundaries.
SOUTH DAKOTA
DEPARTMENT OF HEALTH
LODGING LICENSE

Issued To: SC MERIDIAN LLC

Located At: SC1:
9699 CLARKSON RD
RAPID CITY, SD 57702

License Type
Vacation Home License

License Number
19466

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

Expires
12/31/2020

License is Not Transferable - Post in the Establishment
GENERAL INFORMATION:

REQUEST:  
**CONDITIONAL USE PERMIT REVIEW / CU 17-18:** To review 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/AGENT:  
SC Meridian, LLC

APPLICANT ADDRESS:  
9701 Clarkson Road, Rapid City, SD 57702

LOCAL CONTACT:  
Larry Teuber

LEGAL DESCRIPTION:  
Lot 1R, Block 3, Spring Canyon Estates Subdivision, Section 5, T1S, R7E, BHM, Pennington County, South Dakota.

SITE LOCATION:  
9670 Clarkson Road; approximately 1.75 miles south of the intersection of Sheridan Lake Road and Clarkson Road.

SIZE:  
3.28 acres

TAX ID:  
54363

EXISTING LAND USE:  
Residential

ZONING REFERENCE:  
Sections 207, 319, and 510

CURRENT ZONING:  
Low Density Residential District

SURROUNDING ZONING:

<table>
<thead>
<tr>
<th>North</th>
<th>Low Density Residential District</th>
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<tbody>
<tr>
<td>South</td>
<td>Suburban Residential District</td>
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<tr>
<td>Limited Agriculture District</td>
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<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:  
Forested / Hills

UTILITIES:  
Community Water / Private Septic
I. **PROPOSED RECOMMENDATION**
   A. Staff will be recommending approval of the extension of Conditional Use Permit / CU 17-18 with conditions.

II. **GENERAL DESCRIPTION**
   A. May 22, 2017 – Planning Commission approved Conditional Use Permit / CU 17-18 with the following fifteen (15) 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 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 to the structure or upgrades/alterations to the on-site wastewater treatment system;
      4. That the applicants 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;
      5. That the applicants 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;
      6. That a minimum of two (2) off-street parking spaces be provided on-site, per Pennington County Zoning Ordinance 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;
      7. That an interior informational sign be posted in accordance with the requirements of Pennington County Zoning Ordinance Section 319-G, with 9-1-1 and (605) 394-4139 listed as contacts for Fire Department and Sheriff’s Department, during operation of the Vacation Home Rental;
      8. That the lot address (9670 Clarkson Road) be posted on the residence at all times and at the driveway so that it is clearly visible from both directions of travel on Clarkson Road, in accordance with Pennington County’s Ordinance #20;
9. That the applicants ensure the Vacation Home Rental is operated in accordance with the requirements of Pennington County Zoning Ordinance Section 319-F (Performance Standards) at all times;
10. That if the person designated as the Local Contact is ever changed from Larry Teuber, the interior informational sign be updated and the applicant re-notify the Planning Department and surrounding landowners within 500 feet via notices sent by Certified Mail;
11. 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;
12. That an approved Sign Permit be obtained prior to the placement of any sign(s), per Pennington County Zoning Ordinance Section 312;
13. 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;
14. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 17-18, which is available at the Planning Office; 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.

B. May 29, 2018 – Planning Commission approved of the extension of Conditional Use Permit / CU 17-18 with the following fifteen (15) conditions:
16. 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 Section 319-F-13;
17. 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;
18. That all necessary permits are obtained prior to any additions to the structure or upgrades/alterations to the on-site wastewater treatment system;
19. That the applicants 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 to the Planning Department upon request;
20. That the applicants 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;

21. That a minimum of two (2) off-street parking spaces be provided on-site, per Pennington County Zoning Ordinance 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;

22. That an interior informational sign continue to be posted in accordance with the requirements of PCZO § 319(G), with 9-1-1 and (605) 394-4139 listed as contacts for Fire Department and Sheriff's Department, 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;

23. That the lot address (9670 Clarkson Road) be posted on the residence at all times and at the driveway so that it is clearly visible from both directions of travel on Clarkson Road, in accordance with Pennington County's Ordinance #20;

24. That the applicants ensure the Vacation Home Rental is operated in accordance with the requirements of Pennington County Zoning Ordinance Section 319-F (Performance Standards) at all times;

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

26. 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;

27. That an approved Sign Permit be obtained prior to the placement of any sign(s), per Pennington County Zoning Ordinance Section 312;

28. 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;

29. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 17-18, which is available at the Planning Office; and,

30. 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.
III. EXISTING CONDITIONS
   A. Zoned Low Density Residential District, minimum three (3) acre lot size.
   B. 3.28 acres.
   C. Access off of Clarkson Road via an existing approach.
   D. Lot contains:
      2. On-site Wastewater Treatment System – COSD15-0022.
   E. No Special Flood Hazard Area on the subject property.

IV. ANALYSIS
   A. The VHR appears to be advertised appropriately on the internet, sleeping a
      maximum of six (6) people (Condition #1).
   B. April 15, 2020 – Staff had email communication with the property manager,
      Jessica Ginger, who stated:
      1. Larry Teuber is still the Local Contact for the VHR.
         a. Staff comment: The Local Contact has not changed from
            Larry, therefore the informational sign does not need to be
            updated (Condition # 10).
   C. April 15, 2020 – Jessica Ginger provided:
      1. The current Vacation Home License for the subject property
         (Condition #4).
      2. The current Sales Tax License (Condition #4).
      3. Evacuation Plans for the subject property (Condition #5).
      4. Informational signs that are posted in accordance to the
         requirements of PZCO Section 319(G), with 9-1-1 and (605) 394-
         4139 listed as contacts for Fire Department and Sheriff’s
         Department (Condition #7).
   D. April 16, 2020- Staff performed a site visit to the subject property and
      observed the following:
      1. That a minimum of two (2) off-street parking spaces were 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 (Condition #6).
      2. That the lot address, 9670 Clarkson Road, was posted in accordance
         with Pennington County’s Ordinance #20 (Condition #8).
      3. The Statement of Understanding was signed on June 8, 2018
         (Condition #14).
         a. Staff recommends removing Condition #14 as this condition
            has been met.
   E. Considering the subject property does not contain flood hazard, staff
      recommends removing the verbiage: “The interior informational sign
      must also contain a color map illustrating the Special Flood Hazard Area, as
      determined by FEMA” in Condition #7.
      1. All other conditions appear to be met.
RECOMMENDATION: Staff recommends approval of the extension of Conditional Use Permit / CU 17-18 with conditions:

1. That the maximum overnight occupancy, based on SD DENR approval, continue to 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 to the structure or upgrades/alterations to the on-site wastewater treatment system;

4. That the applicants 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;

5. That the applicants 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;

6. That a minimum of two (2) off-street parking spaces continue to 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;

7. That an interior informational sign continue to be posted in accordance with the requirements of PCZO Section 319(G), with 9-1-1 and (605) 394-4139 listed as contacts for Fire Department and Sheriff’s Department, during operation of the Vacation Home Rental;

8. That the lot address (9670 Clarkson Road) continue to be posted on the residence at all times and at the driveway so that it is clearly visible from both directions of travel on Clarkson Road, in accordance with Pennington County’s Ordinance #20;

9. That the applicants ensure the Vacation Home Rental is continually operated in accordance with the requirements of PCZO Section 319(F) (Performance Standards) at all times;
10. That if the person designated as the Local Contact is ever changed from Larry Teuber, the interior informational sign be updated and the applicant re-notify the Planning Department and surrounding landowners within 500 feet via notices sent by First Class Mail;

11. 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;

12. That an approved Sign Permit be obtained prior to the placement of any sign(s), per PCZO Section 312;

13. 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;

14. 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.
Beautiful Timber Frame Canyon With Spring Creek Canyon Views!

- Cabin: 1200 sq. ft.
- Sleeps: 6
- Bedrooms: 2
- Half Baths: 1
- Min Stay: 3-5 nights

$325 avg/night
4.8/5 - Good for families

Enter dates for accurate pricing
Hi Stephanie,

Attached are the documents needed for 9670 Clarkson Rd.

For the property rules and evacuation procedures. These documents are posted by the exits of the cabins; in our information booklet for each guest; and listed on our property listing sights and rental agreements.

Larry Teuber is still the local contact for this property.

Thank you,

Jessica Ginger, GM
9701 Clarkson Rd.
Rapid City, SD 57702
Phone: 605-593-1745
ejessginger@gmail.com
Emergency Evacuation Plan
9670 Clarkson Rd.

In Case of Emergency Evacuation, follow the pink hi-lited route:
Clarkson Road to Sheridan Lake Road.
Property Rules

Property Address: 9670 Clarkson Rd., Rapid City, SD 57702

Property Owner Contact: Jessica Ginger (605-593-1745)  
                        Larry Teuber (605-484-1616)

Local Emergency: Emergencies: Call 911  
                  Sheriff/Fire Dept.: 605-394-4139

Max Over Night Occupancy: 6 Guests

Max Daytime Occupancy: 6 Guests

Number of Parking Spaces: 2 Parking Spaces. (Guests to use driveways only.)

Quiet Hours: 10:00 P.M. to 7:00 A.M.

Pet Policy:  
Pets not allowed without prior approval.  
Pets must be crated when left unattended.  
Pets are not allowed on furniture  
Pets must be leashed and not chase wildlife.  
Guests pick up waste.

Additional Property Rules:
- The use of open fires, fire pits, fireworks, charcoal burning grills, gas fired grills, or other devices (as applicable) shall not be allowed without permission from Local Contact or Owner. Owner forbids smoking, open fires, fireworks, charcoal grills, or any personal fire-emitting device.
- Trash may be put in receptacle outside. Property owner will discard to dumpster.
- Occupants are responsible for the creation of any disturbances or for violating any other provisions of this Section.
- Occupant’s failure to conform to the parking, occupancy, and rental agreement regulations of the VHR unit is in Violation of County Ordinance.
- Guests are expected to be courteous to all neighbors, wildlife, and to respect property boundaries.
SOUTH DAKOTA
DEPARTMENT OF HEALTH
LODGING LICENSE

Issued To: SC MERIDIAN LLC

Located At: SC2:
9670 CLARKSON RD
RAPID CITY, SD 57702

License Type
Vacation Home License

License Number
19467

Number of Units
1

Swimming Pool
0

Spa or Hot Tub
1

Expires
12/31/2020

[Signature]
Secretary of Health

License is Not Transferable - Post in the Establishment
March 23, 2016

Below is your current South Dakota tax license.

Please review this card. Please contact our department if there are any changes in ownership, names, or addresses.

If you have a Streamlined sales tax license any changes must be made through the Streamlined Registration System.

Website: http://dor.sd.gov

Taxpayer Assistance Number: 1.800.829.9188
Email: bustax@state.sd.us

Streamlined Sales Tax Website: www.streamlinedsaelestax.org

Having made proper application therefore, and upon compliance with all applicable laws and regulations of the state of South Dakota, this license is hereby issued to the below named. This license remains the property of the state of South Dakota and while in possession of the person to whom issued, entitles the licensee to transact whatever business or activity is licensed on this license, until this license expires or is cancelled.

ISSUE DATE: 03/21/2016
EXPIRATION DATE:
LICENSE NUMBER: 1030-6686-ST
LICENSE TYPE: Sales Tax
ISSUED TO:

SC MERIDIAN, LLC
9701 CLARKSON RD
RAPID CITY, SD 57702

NON-TRANSFERABLE

http://dor.sd.gov

SC MERIDIAN, LLC
9701 CLARKSON RD
RAPID CITY, SD 57702

State of South Dakota
SECRETARY OF STATE

Andy Gerlach
Secretary of Revenue
STAFF REPORT

GENERAL INFORMATION:

REQUEST: CONDITIONAL USE PERMIT REVIEW / CU 17-19: To review 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/AGENT: SC Meridian, LLC

APPLICANT ADDRESS: 9701 Clarkson Road, Rapid City, SD 57702

LOCAL CONTACT: Larry Teuber

LEGAL DESCRIPTION: Lot 6R, Block 3, Spring Canyon Estates Subdivision, Section 5, T1S, R7E, BHM, Pennington County, South Dakota.

SITE LOCATION: 9645 Cougar Court; approximately 0.13 mile north of the intersection of Clarkson Road and Cougar Court.

SIZE: 6.2 acres

TAX ID: 54364

EXISTING LAND USE: Residential

ZONING REFERENCE: Sections 207, 319, and 510

CURRENT ZONING: Low Density Residential District

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

PHYSICAL CHARACTERISTICS: Forested / Hills

UTILITIES: Community Water / Private Septic
I. PROPOSED RECOMMENDATION
   A. Staff will be recommending approval of the extension of Conditional Use Permit / CU 17-19 with conditions.

II. GENERAL DESCRIPTION
   A. May 22, 2017 – Planning Commission approved Conditional Use Permit / CU 17-19 with the following fifteen (15) 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 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 to the structure or upgrades/alterations to the on-site wastewater treatment system;
      4. That the applicants 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;
      5. That the applicants 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;
      6. That a minimum of two (2) off-street parking spaces be provided on-site, per Pennington County Zoning Ordinance 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;
      7. That an interior informational sign be posted in accordance with the requirements of Pennington County Zoning Ordinance Section 319-G, with 9-1-1 and (605) 394-4139 listed as contacts for Fire Department and Sheriff’s Department, during operation of the Vacation Home Rental;
      8. That the lot address (9645 Cougar Court) be posted on the residence at all times and at the driveway so that it is clearly visible from both directions of travel on Clarkson Road, in accordance with Pennington County’s Ordinance #20;
9. That the applicants ensure the Vacation Home Rental is operated in accordance with the requirements of Pennington County Zoning Ordinance Section 319-F (Performance Standards) at all times;
10. That if the person designated as the Local Contact is ever changed from Larry Teuber, the interior informational sign be updated and the applicant re-notify the Planning Department and surrounding landowners within 500 feet via notices sent by Certified Mail;
11. 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;
12. That an approved Sign Permit be obtained prior to the placement of any sign(s), per Pennington County Zoning Ordinance Section 312;
13. 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;
14. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 17-19, which is available at the Planning Office; 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.

B. May 29, 2018 – Planning Commission approved of the extension of Conditional Use Permit / CU 17-19 with the following fifteen (15) 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 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 to the structure or upgrades/alterations to the on-site wastewater treatment system;
4. That the applicants 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;
5. That the applicants 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;
6. That a minimum of two (2) off-street parking spaces be provided on-site, per Pennington County Zoning Ordinance 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;

7. That an interior informational sign continue to be posted in accordance with the requirements of PCZO § 319(G), with 9-1-1 and (605) 394-4139 listed as contacts for Fire Department and Sheriff’s Department, 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;

8. That the lot address (9645 Cougar Court) be posted on the residence at all times and at the driveway so that it is clearly visible from both directions of travel on Clarkson Road, in accordance with Pennington County’s Ordinance #20;

9. That the applicants ensure the Vacation Home Rental is operated in accordance with the requirements of Pennington County Zoning Ordinance Section 319-F (Performance Standards) at all times;

10. That if the person designated as the Local Contact is ever changed from Larry Teuber, the interior informational sign be updated and the applicant re-notify the Planning Department and surrounding landowners within 500 feet via notices sent by Certified Mail;

11. 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;

12. That an approved Sign Permit be obtained prior to the placement of any sign(s), per Pennington County Zoning Ordinance Section 312;

13. 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;

14. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 17-19, which is available at the Planning Office; and,

15. That this Conditional Use Permit be reviewed 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.
III. EXISTING CONDITIONS
   A. Zoned Low Density Residential District, minimum three (3) acre lot size
   B. 6.2 acres.
   C. Access of off Cougar Court via an existing approach.
   D. Lot contains:
      2. On-site wastewater treatment system – COSD15-0023.
   E. No Special Flood Hazard Area on the subject property.

IV. ANALYSIS
   A. The VHR appears to be advertised appropriately on the internet, sleeping a
      maximum of four (4) people (Condition #1).
   B. April 15, 2020 – Staff had email communication with the property manager,
      Jessica Ginger, who stated:
      1. Larry Teuber is still the Local Contact for the VHR.
         a. Staff comment: The Local Contact has not changed from Larry, therefore the informational sign does not need to be
            updated (Condition # 10).
   C. April 15, 2020 – Jessica Ginger provided:
      1. The current Vacation Home License for the subject property
         (Condition #4).
      2. The current Sales Tax License (Condition #4).
      3. Evacuation Plans for the subject property (Condition #5).
      4. Informational signs that are posted in accordance to the
         requirements of PZCO Section 319(G), with 9-1-1 and (605) 394-
         4139 listed as contacts for Fire Department and Sheriff’s
         Department (Condition #7).
   D. April 16, 2020- Staff performed a site visit to the subject property and
      observed the following:
      1. That a minimum of one (1) off-street parking spaces were provided
         on site, per PCZCO 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 (Condition #6).
      2. That the lot address, 9627 Clarkson Road, was posted in accordance
         with Pennington County’s Ordinance #20 (Condition #8).
      3. The Statement of Understanding was signed on June 8, 2018
         (Condition #14).
         a. Staff recommends removing Condition #14 as this condition
            has been met.
   E. Considering the subject property does not contain flood hazard, staff will be
      removing the verbiage; “The interior informational sign must also contain a
      color map illustrating the Special Flood Hazard Area, as determined by
      FEMA” from Condition # 7.
      1. All other conditions appear to be met.
AGENDA ITEM #10
SC Meridian, LLC
April 27, 2020

RECOMMENDATION: Staff recommends approval of the extension of Conditional Use Permit / CU 17-19 with conditions:

1. That the maximum overnight occupancy, based on SD DENR approval, continue to 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 to the structure or upgrades/alterations to the on-site wastewater treatment system;

4. That the applicants 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;

5. That the applicants 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;

6. That a minimum of two (2) off-street parking spaces continue to 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;

7. That an interior informational sign continue to be posted in accordance with the requirements of PCZO Section 319(G), with 9-1-1 and (605) 394-4139 listed as contacts for Fire Department and Sheriff’s Department, during operation of the Vacation Home Rental;

8. That the lot address (9645 Cougar Court) continue to be posted on the residence at all times and at the driveway so that it is clearly visible from both directions of travel on Clarkson Road, in accordance with Pennington County’s Ordinance #20;

9. That the applicants ensure the Vacation Home Rental is operated in accordance with the requirements of PCZO Section 319(F) (Performance Standards) at all times;
10. That if the person designated as the Local Contact is ever changed from Larry Teuber, the interior informational sign be updated and the applicant re-notify the Planning Department and surrounding landowners within 500 feet via notices sent by First Class Mail;

11. 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;

12. That an approved Sign Permit be obtained prior to the placement of any sign(s), per PCZO Section 312;

13. 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;

14. 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.
Beautiful Custom Timber Frame Cabin in Beautiful Spring Creek Canyon!

- Cabin - 1200 sq. ft.
- Sleeps: 6
- Bedrooms: 2
- Half Baths: 1
- Min Stay: 3 - 5 nights
Emergency Evacuation Plan
9670 Clarkson Rd.

In Case of Emergency Evacuation, follow the pink hi-lited route:
Clarkson Road to Sheridan Lake Road.
Hi Stephanie,

Attached are the documents needed for 9645 Cougar Ct.

For the property rules and evacuation procedures. These documents are posted by the exits of the cabins; in our information booklet for each guest; and listed on our property listing sights and rental agreements.

Larry Teuber is still the local contact for this property.

Thank you,

Jessica Ginger, GM
9701 Clarkson Rd.
Rapid City, SD 57702
Phone: 605-593-1745
jessginger@gmail.com
Property Rules

Property Address: 9645 Cougar Ct., Rapid City, SD 57702

Property Owner Contact: Jessica Ginger (605-593-1745)  
                        Larry Teuber (605-484-1616)

Local Emergency: Emergencies: Call 911  
                  Sheriff/Fire Dept.: 605-394-4139

Max Over Night Occupancy: 6 Guests

Max Daytime Occupancy: 6 Guests

Number of Parking Spaces: 2 Parking Spaces. (Guests to use driveways only.)

Quiet Hours: 10:00 P.M. to 7:00 A.M.

Pet Policy:
Pets not allowed without prior approval.  
Pets must be crated when left unattended.  
Pets are not allowed on furniture  
Pets must be leashed and not chase wildlife.  
Guests pick up waste.

Additional Property Rules:
- The use of open fires, fire pits, fireworks, charcoal burning grills, gas fired grills, or other devices (as applicable) shall not be allowed without permission from Local Contact or Owner. Owner forbids smoking, open fires, fireworks, charcoal grills, or any personal fire-emitting device.
- Trash may be put in receptacle outside. Property owner will discard to dumpster.
- Occupants are responsible for the creation of any disturbances or for violating any other provisions of this Section.
- Occupant’s failure to conform to the parking, occupancy, and rental agreement regulations of the VHR unit is in Violation of County Ordinance.
- Guests are expected to be courteous to all neighbors, wildlife, and to respect property boundaries.
SOUTH DAKOTA
DEPARTMENT OF HEALTH
LODGING LICENSE

Issued To: SC MERIDIAN LLC

Located At: SC3:
9645 COUGAR CT
RAPID CITY, SD 57702

License Type
Vacation Home License

License Number
19468

Number of Units
1

Swimming Pool
0

Spa or Hot Tub
1

Expires
12/31/2020

License is Not Transferable - Post in the Establishment

Secretary of Health

Kim Malsam-Rippl
SC MERIDIAN, LLC
9701 CLARKSON RD
RAPID CITY, SD 57702

March 23, 2016

Below is your current South Dakota tax license.

Please review this card. Please contact our department if there are any changes in ownership, names, or addresses.

If you have a Streamlined sales tax license any changes must be made through the Streamlined Registration System.

Website: http://dor.sd.gov
Taxpayer Assistance Number: 1.800.829.9188
Email: bustax@state.sd.us
Streamlined Sales Tax Website: www.streamlinedsalestax.org

Having made proper application therefore, and upon compliance with all applicable laws and regulations of the state of South Dakota, this license is hereby issued to the below named. This license remains the property of the state of South Dakota and while in possession of the person to whom issued, entitles the licensee to transact whatever business or activity is listed on this license, until this license expires or is cancelled.

ISSUE DATE: 03/21/2016
EXPIRATION DATE:
LICENSE NUMBER: 1030-6686-ST
LICENSE TYPE: Sales Tax
ISSUED TO:
SC MERIDIAN, LLC
9701 CLARKSON RD
RAPID CITY, SD 57702

NON-TRANSFERABLE

Andy Gerlach
Secretary of Revenue
GENERAL INFORMATION:

REQUEST: **CONDITIONAL USE PERMIT REVIEW / CU 18-10:** To review 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.

APPLICANT: Ray or Erin Atkins

APPLICANT ADDRESS: 14704 Meadow Ranch Rd, Box Elder, SD 57719

LEGAL DESCRIPTION: Lot 8, Block 1, Meadow Ranch Estates, Section 13, T2N, R8E, BHM, Pennington County, South Dakota.

SITE LOCATION: Near the intersection of West Gate Road and Meadow Ranch Road.

SIZE: 1.00 acre

TAX ID: 38974

EXISTING LAND USE: Garage

ZONING REFERENCE: Sections 206 and 510

CURRENT ZONING: Limited Agriculture District

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

PHYSICAL CHARACTERISTICS: Flat

UTILITIES: None

REPORT BY: Kristina Proietti
I. RECOMMENDATION
   A. Staff will be recommending to continue the review of Conditional Use Permit / CU 18-10 to the September 17, 2020, Planning Commission meeting.

II. GENERAL DESCRIPTION
   A. The applicant requested a Conditional Use Permit to allow a garage, for personal use only, as an accessory structure, prior to a principal structure, in a Limited Agriculture District.
   B. May 29, 2018, the Planning Commission approved Conditional Use Permit / CU 18-10 with the following eleven (11) conditions:
      1. That the applicant becomes familiar with Pennington County Zoning Ordinance Section 301 (Airport Height and Hazard Zoning) and Section 315 (Development Standards for Ellsworth Air Force Installation Compatibility Use Area) regarding future development of the existing properties involved in CU 18-10;
      2. That prior to approval of a Building Permit, the applicant complete the Planning Department memo for the Federal Aviation Administration’s Federal Regulation for Obstruction Evaluation / Airport Airspace Analysis;
      3. That prior to the submittal of a Building Permit application, the landowner meet with Matt Schmahl [West River Electric Association, Inc. (WRE) 605-791-6512] to discuss his comments above and provide written confirmation, on WRE Letterhead, to the Planning Director, that WRE will accept the location of the access from Lot 7 to Lot 8;
      4. That all current and future addresses be posted in accordance with Pennington County Ordinance #20;
      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;
      6. That the applicant does not encroach, with any structure, on any existing easements located on Lot 7 and 8 of Block 1 of Meadow Ranch Estates without first vacating said easement through the jurisdictional authority;
      7. That all local, state, and federal requirements for construction of the pole building and any other structures on the subject property be met;
      8. That the subject property remains free of debris and junk vehicles;
      9. That the accessory structures be used for personal use only and no commercial-type uses and not for living space;
      10. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 18-10, which is available at the Planning Office; and,
11. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

C. June 24, 2019, The Planning Commission approved the extension of Conditional Use Permit / CU 18-10 with the following eight (8) conditions:

1. That the applicant obtains a setback Variance within three (3) months of approval of the extension of this Conditional Use Permit for the existing garage on Lot 8 or move/remove the structure;

2. That the applicant stays familiar with Pennington County Zoning Ordinance Section 301 (Airport Height and Hazard Zoning) and § 315 (Development Standards for Ellsworth Air Force Installation Compatibility Use Area) regarding future development of the existing properties involved in CU 18-10;

3. That all current and future addresses be posted in accordance with Pennington County Ordinance #20;

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 all local, state, and federal requirements for construction of the pole building and any other structures on the subject property be met;

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

7. That the accessory structures be used for personal use only and no commercial-type uses and not for living space; and,

8. That this Conditional Use Permit be reviewed in three (3) months in order for the applicant to have time to apply for a Variance or move the existing structure, 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.

D. September 23, 2019, the Planning Commission approved to continue Conditional Use Permit / CU 18-10 to the October 28, 2019 meeting with one condition:

1. That additional continuations of this request will be subject to the $100.00 continuation fee in accordance with Pennington County Zoning Ordinance Section 511 (X).

E. October 28, 2019, the Planning Commission approved to continue Conditional Use Permit / CU 18-10 to the April 27, 2020 meeting with one condition:

1. That additional continuations of this request will be subject to the $100.00 continuation fee in accordance with Pennington County Zoning Ordinance Section 511 (X).
III. EXISTING CONDITIONS

A. Lot 8, Block 1 of Meadow Ranch Estates:
   1. Zoned Limited Agriculture District, minimum 10 acre lot size.
   2. 1 acre.
   3. Created via Plat 13 Page 207.
      a. Superseded by Plat 15-79.
   4. Fifteen (15) foot Utility Easement on the interior of all lot lines.
   5. Lot contains:
      a. 24’ x 30’ garage – COBP18-0378.
   6. Access is off of Meadow Ranch Road and the existing approach, located on the adjacent property to the west, will be used.
   7. Surrounded on two (2) sides by property owned by the United States of America (Ellsworth Air Force Base).
   8. The landowner also owns the adjacent property (Lot 7 of Block 1 of Meadow Ranch Estates).
   9. Located within the Platting Jurisdiction of the City of Box Elder.

B. Lot 7, Block 1 of Meadow Ranch Estates:
   1. Zoned Limited Agriculture District, minimum 10 acre lot size.
   2. 1 acre.
   3. Created via Plat 13 Page 207.
      a. Superseded by Plat 15-79.
   4. Fifteen (15) foot Utility Easement on the interior of all lot lines.
   5. Lot contains:
      b. 32’ x 20’ (approximate) accessory structure, built prior to 1994 per RapidMap historic aerials.
      c. 16’ x 12’ tool shed, built in 2005, without Building Permit, Per DOE Property Card.
   6. Surrounded on one (1) side by property owned by the United States of America (Ellsworth Air Force Base).
   7. The landowner also owns the adjacent property (Lot 8 of Block 1 of Meadow Ranch Estates).
   8. Located within the Platting Jurisdiction of the City of Box Elder.
HISTORY

C. April 10, 2018 – The applicant submitted a Conditional Use Permit Application to allow an accessory structure prior to a principal structure.

D. There appeared to be no conflict with the application request relative to the needs of the Ellsworth Developmental Authority, as long as the proposed garage was constructed as indicated on the map submitted with the application. (see site map on bottom of page 5).

E. There was some concern from West River Electric Company, but not to an extent where denial was recommended.

F. The subject property is located within the Air Installation Compatibility Zone (AICUZ) for the Ellsworth Air Force Base (Zone 65), but does not require an AICUZ Statement.
   1. AICUZ Statement is a document signed by the landowner to acknowledge an understanding that living near the base may affect their comfort and safety.

G. Per Pennington County Zoning Ordinance (PCZO) Section 301, Staff looked into the Federal Aviation Administrations (FAA) Federal Regulation for Obstruction Evaluation / Airport Airspace Analysis Title 14, Chapter I, Subchapter E, Part 77, the results and FAA recommendations are on page 6.

Site map provided by applicant April 10, 2018.
Agenda Item #11
Ray or Erin Atkins
April 27, 2020

The requirements for filing with the Federal Aviation Administration for proposed structures vary based on a number of factors: height, proximity to an airport, location, and frequencies emitted from the structure, etc. For more details, please reference CFR Title 14 Part 77.9.

You must file with the FAA at least 45 days prior to construction if:
+ your structure will exceed 200ft above ground level
+ your structure will be in proximity to an airport and will exceed the slope ratio
+ your structure involves construction of a traverseway (i.e. highway, railroad, waterway etc...) and once adjusted upward with the appropriate vertical distance would exceed a standard of 77.9(a) or (b)
+ your structure will emit frequencies, and does not meet the conditions of the FAA Co-location Policy
+ your structure will be in an instrument approach area and might exceed part 77 Subpart C
+ your proposed structure will be in proximity to a navigation facility and may impact the assurance of navigation signal reception
+ your structure will be on an airport or heliport
+ filing has been requested by the FAA

If you require additional information regarding the filing requirements for your structure, please identify and contact the appropriate FAA representative using the Air Traffic, Areas of Responsibility map for Off Airport construction, or contact the FAA Airports Region / District Office for On Airport construction.

The tool below will assist in applying Part 77 Notice Criteria.

| Latitude: | 44 Deg 7 M 46.5 s N □ | 45 Deg 3 M 46.5 s N □ |
| Longitude: | 103 Deg 6 M 52 s W □ | 103 Deg 6 M 52 s W □ |
| Horizontal Datum: | NAD83 □ | WGS84 □ |
| Site Elevation (ft): | 3155 (nearest foot) | 3155 (nearest foot) |
| Structure Height: | 12 (nearest foot) | 12 (nearest foot) |
| Traverseway: | No Traverse □ | Yes Traverse □ |
| Is structure on airport: | No □ | Yes □ |

Submit

Results
You exceed the following Notice Criteria:

Your proposed structure is in proximity to a navigation facility and may impact the assurance of navigation signal reception. The FAA, in accordance with 77.9, requests that you file.

The FAA requests that you file.

FAA SUBMITTAL CRITERIA AND RESULTS
PER: https://oaaaa.faa.gov/oaaaa/external/gisTools/gisAction.jsp
V. ANALYSIS

A. June 20, 2019, a letter was sent to the property owner regarding the violations on the property.

B. June 24, 2019, the property owner applied for a Building Permit for one (1) of the unpermitted sheds on the subject property – COBP19-0340.

C. September 17, 2019, Staff sent another letter to the applicant regarding the two existing violations on the subject property.
   1. One (1) shed is not permitted and the garage setback encroachments have not been addressed.

D. April 15, 2020 – Staff performed a site visit and verified the following:
   1. The garage is constructed on Lot 8 as requested.
      a. It appears that the garage is not meeting setbacks.
   2. It appears all other Conditions of Approval are being met.

E. April 15, 2020, Staff spoke with the applicant, Mr. Atkins, via telephone where it was stated that FMG Engineering had been contracted to combine Lots 7 and 8, and to vacate the portion of right-of-way that the garage encroaches on.
F. April 15, 2020, Staff spoke with Jerry Foster with FMG Engineering via telephone where he stated that Mr. Atkins did hire them to do the work, however, due to weather constraints and the recent COVID-19 pandemic they have had some postponements.
   1. Jerry Foster from FMG Engineering will be platting through the city of Box Elder.

G. Staff has removed Condition #1 from the previous Conditions due to the aforementioned postponements from FMG Engineering and as the applicant has retained FMG Engineering to combine the two lots and vacate the section of right-of-way that the garage encroaches upon.

RECOMMENDATION: Staff recommends to continue the review of Conditional Use Permit / CU 18-10 to the September 17, 2020, Planning Commission meeting.
STAFF REPORT

GENERAL INFORMATION:

REQUEST:  CONDITIONAL USE PERMIT REVIEW/ CU

18-23: To review six storage units and a caretaker / manager's residence on the subject property in a General Commercial District / General Agriculture District in accordance with Sections 205, 209, and 510 of the Pennington County Zoning Ordinance.

APPLICANT/ OWNER:  BCS Invest, LLC; Kevin Haberstroh

APPLICANT ADDRESS:  2012 3rd Street, Rapid City, SD 57701

LEGAL DESCRIPTION:  Lot 2 (also in Section 19), Heavlin #2 Addition, Section 30, T1N, R9E, BHM, Pennington County, South Dakota.

SITE LOCATION:  23327 S. Airport Road; approximately one mile south of the intersection of E. Highway 44 and Airport Road.

SIZE:  22.08 acres

TAX ID:  64064

EXISTING LAND USE:  Auto Sales / Commercial Storage

ZONING REFERENCE:  Sections 205, 209, and 510

CURRENT ZONING:  General Commercial District

SURROUNDING ZONING:

North  General Agriculture District
South  Suburban Residential District
East  General Agriculture District
West  General Agriculture District

PHYSICAL CHARACTERISTICS:  Flat / Open Meadow

UTILITIES:  Private
I. **PROPOSED RECOMMENDATION**

   A. Staff will be recommending approval of the extension of Conditional Use Permit / CU 18-23 with conditions.

II. **GENERAL DESCRIPTION**

   A. July 9, 2018 – The Planning Commission approved of the extension of Conditional Use Permit / CU 18-23 with the following eighteen (18) conditions:

   1. That setbacks be in accordance with Section 209 of the Pennington County Zoning Ordinance (PCZO) or approved Variance(s) be obtained;

   2. That upon sale/transfer of the property, the new landowner(s) notify the Planning Director of the sale/transfer in writing; and the new landowner, applicant, or agent notify the surrounding property owners in accordance with Section 510 of the PCZO;

   3. 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 additional Staff as deemed necessary by the Planning Director;

   4. That a minimum of four (4) parking spaces be provided at the location of the storage unit office and a loading and unloading zone be provided for all storage units. The interior roadways must have four (4) inches of gravel, concrete, or asphalt and be maintained in such a manner that no dust will result from continuous use;

   5. That, in addition to existing car sales, only the following be allowed on the subject property with approved Permits:

      A. Six (6) storage unit buildings, not to exceed the square footage as indicated on the applicant’s site plan included with this Staff Report;

      B. One (1) Office;

      C. One (1) Shop; and,

      D. One (1) Caretaker’s residence, only to be lived in by an individual engaged in the day-to-day operation of the storage unit business and not to be used as a Vacation Home Rental;

   6. That additional non-storage unit structures placed on the subject property may require the Conditional Use Permit to be amended and reviewed by the Planning Commission;

   7. That Floodplain Development Permits shall be required for construction in the Special Flood Hazard Area;

   8. That the office/shop building and the caretaker’s residence are assigned separate addresses and posted, clearly visible and maintained in accordance with Pennington County Ordinance #20;
9. That any lighting used to illuminate off-street parking or on premise lighting shall be so arranged as to deflect the light away from all adjoining residences;

10. That no more than two (2) premise signs shall be allowed in accordance with § 312 of the PCZO, with an approved Sign Permit;

11. That this Conditional Use Permit shall automatically expire if the use for which the it was granted has not been established within two years following the date of approval, July 9, 2020;

12. That prior to approval of a Building Permit, the applicant complete the Planning Department memo for the Federal Aviation Administration’s Federal Regulation for Obstruction Evaluation / Airport Airspace Analysis;

13. That the hours of operation for the storage units be from 6:00 a.m. to 10:00 p.m. and a sign be posted indicating after hours contact with the owner’s or caretaker’s phone number, which must be clearly visible at the entrance of the lot;

14. That the applicant ensure that all natural drainage ways must be maintained and are not blocked;

15. That any work encompassing over one (1) acre will require the applicant to obtain an approved Storm Water Construction Permit from the South Dakota Department of Environmental and Natural Resources;

16. That the property continually remains free of junk and debris;

17. That if any increase of impervious area is greater than 15%, the property owner shall provide storm water treatment of the runoff generated by the first 0.5” of rainfall (See Pennington County Storm Water Manual); and,

18. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as deemed necessary by either the Pennington County Planning Commission or Board of Commissioners to ensure that all conditions are being met.

III. EXISTING CONDITIONS

A. Lot size and zoning:
   1. General Commercial District (6.3± acres).
   2. General Agriculture District (15.8± acres).
      a. This area contains Special Flood Hazard Area (with Floodway)

B. Car sales business per Section 209(B)(23).

C. Rapid City Onsite Wastewater System Permit (CIOSW17-0001).

D. The Lot contains two (2) structures:
   1. Service Repair Garage (shop) [2,230± square feet].
      a. Built in 1960 per Department of Equalization (DOE) records.
      b. Awning addition via Building Permit / COBP11-0003
IV. ANALYSIS

A. May 24, 2018 – Applicant applied for a Building Permit- COBP18-0354.
B. July 17, 2018 – COBP18-0354 was issued for Two (2) connected storage buildings.
C. April 16, 2020 – Staff performed a site visit to the subject property and observed the following:
   1. The applicant has only finished the 30 x 120 storage unit building, which is one (1) of the two (2) storage buildings applied for on COBP18-0354.
      a. **Staff comment:** Staff notified the applicant that his Building Permit expires July 17, 2020, and that he will need to renew the Building Permit if the completion date will be after the expiration date.
   2. That setbacks appear to be in accordance with Section 209 of the Pennington County Zoning Ordinance (Condition #1).
   3. The complete 30 x 120 storage unit appears to have a minimum of four (4) parking spaces provided at the location of the storage unit office and a loading and unloading zone for all storage units. The interior roadways are maintained in a manner such that no dust will result from continuous use (Condition #4).
   4. The applicant has three (3) signs on the property that are all permitted.
   5. The storage units are operational and the applicant confirmed via telephone that the operational hours are 6:00 a.m. to 10:00 p.m. Due to COVID-19, the applicant was unable to have his signs made in time to post those operational hours.
      a. **Staff comment:** Staff will be conducting another site visit in one (1) year to ensure Condition #13 is met.
   6. Property appears to be free of debris and junk (Condition #16).
   7. All other conditions appear to be met.

**RECOMMENDATION:** Staff recommends approval of the extension of Conditional Use Permit / CU 18-23 with conditions:

1. That setbacks be in accordance with Section 209 and Section 205 of the Pennington County Zoning Ordinance or approved Variance(s) be obtained;
2. That upon sale/transfer of the property, the new landowner(s) notify the Planning Director of the sale/transfer in writing; and the new landowner, applicant, or agent notify the surrounding property owners in accordance with Section 510 of the PCZO;

3. 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 additional Staff as deemed necessary by the Planning Director;

4. That a minimum of four (4) parking spaces be provided at the location of the storage unit office and a loading and unloading zone be provided for all storage units. The interior roadways must have four (4) inches of gravel, concrete, or asphalt and be maintained in such a manner that no dust will result from continuous use;

5. That, in addition to existing car sales, only the following be allowed on the subject property with approved Permits; Up to Six (6) storage unit buildings (not to exceed the square footage as indicated on the applicant’s site plan included with this Staff Report), One (1) Office, One (1) Shop, One (1) Caretaker’s residence (only to be lived in by an individual engaged in the day-to-day operation of the storage unit business and not to be used as a Vacation Home Rental);

6. That additional non-storage unit structures placed on the subject property may require the Conditional Use Permit to be amended and reviewed by the Planning Commission;

7. That Floodplain Development Permits shall be required for construction in the Special Flood Hazard Area;

8. That the office/shop building and the caretaker’s residence are assigned separate addresses and posted, clearly visible and maintained in accordance with Pennington County Ordinance #20;

9. That any lighting used to illuminate off-street parking or on-premise lighting shall be so arranged as to deflect the light away from all adjoining residences;

10. That no more than two (2) premise signs shall be allowed in accordance with Section 312 of the PCZO, with an approved Sign Permit;

11. That this Conditional Use Permit shall automatically expire if the use for which it was granted has not been established within two years following the date of approval, July 9, 2020;
12. That prior to approval of a Building Permit, the applicant complete the Planning Department memo for the Federal Aviation Administration’s Federal Regulation for Obstruction Evaluation / Airport Airspace Analysis;

13. That the hours of operation for the storage units be from 6:00 a.m. to 10:00 p.m. and a sign be posted indicating after hours contact with the owner’s or caretaker’s phone number, which must be clearly visible at the entrance of the lot;

14. That the applicant ensure that all natural drainage ways must be maintained and are not blocked;

15. That any work encompassing over one (1) acre will require the applicant to obtain an approved Storm Water Construction Permit from the South Dakota Department of Environmental and Natural Resources;

16. That the property continually remains free of junk and debris;

17. That if any increase of impervious area is greater than 15%, the property owner shall provide storm water treatment of the runoff generated by the first 0.5” of rainfall (See Pennington County Storm Water Manual); and,

18. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as deemed necessary by either the Pennington County Planning Commission or Board of Commissioners to ensure that all conditions are being met.
of Heavlin No. 2 Addition, Portion of SE1/4 of the SE1/4 of the SE1/4 of Section 19 and the E1/2 of the NE1/4 of the NE1/4 of Section 30.


T1N, R9E, BHM,

PENNINGTON COUNTY, SOUTH DAKOTA

LOT 1 R
1.011 AC±
STAFF REPORT

GENERAL INFORMATION:

REQUEST:

CONDITIONAL USE PERMIT / CU 20-07: To allow a temporary contractor’s equipment storage yard on the subject property in a Highway Service in accordance with Sections 210 and 510 of the Pennington County Zoning Ordinance.

APPLICANT / AGENT:

BH Energy / Shannon Pollmiller

APPLICANT ADDRESS:

P.O. Box 1400, Rapid City, SD 57709

LANDOWNER:

Andrew and Alicia Edsen

LANDOWNER ADDRESS:

17734 Island Circle, Bennington, NE 68007

LEGAL DESCRIPTION:

Lot 11, The Forks at Remmington Ranch, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

SITE LOCATION:

Mill Iron Drive; at the intersection of Highway 385 and Mill Iron Drive.

TAX ID:

60494

SIZE:

0.73 acre

EXISTING LAND USE:

Vacant

ZONING REFERENCE:

Sections 210 and 510

CURRENT ZONING:

Highway Service District

SURROUNDING ZONING:

North

Low Density Residential District

South

Highway Service District

East

Highway Service District

West

Highway Service District

PHYSICAL CHARACTERISTICS: Flat

UTILITIES:

None
I. PROPOSED RECOMMENDATION
   A. Staff is recommending approval of Conditional Use Permit / CU 20-07 with conditions.

II. GENERAL DESCRIPTION
   A. The applicants, Black Hills Energy, has requested a Conditional Use Permit to allow for a temporary contractor’s equipment storage yard for a project to replace a power line.

III. EXISTING CONDITIONS
   A. Highway Service
   B. 0.73 acre.
   C. No Special Flood Hazard Area.
   D. Vacant of any structures.

IV. REQUEST FOR COMMENT
   A. County Highway Department
      1. No comments.
   B. County Ordinance Enforcement Officer
      1. No known violations.
   C. South Dakota Department of Transportation.
      1. If BHE plans to utilize this area during the Sturgis Motorcycle Rally, SDDOT would recommend BHE access the property from the highlighted area, to avoid potential turning movement conflicts and queueing in the 100’ throat from US385 to the C-store approach.
         a. See attached
   D. Emergency Services (9-1-1)
      1. No comments received.

V. ANALYSIS
   A. Black Hills Energy is replacing a powerline near Hill City and Pactola Reservoir.
      1. This Conditional Use Permit is for the storage of vehicles and materials that are associated with the powerline project.
      2. This request is temporary, with the applicants planning the project to be completed later this year.
   B. The applicants have also applied for a Construction Permit (COCP20-0009) for the project.
      1. The Construction Permit is for any repairs or construction of any new access roads and will be heard at this meeting.
C. April 16, 2020- staff performed a site visit and found:
   1. The subject property is vacant of any structure or materials.

(4/16/20)

VI. CONSIDERATIONS FOR CONDITIONAL USE PERMIT REQUEST

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

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

   1. The use of the subject property for a temporary contractor's equipment storage yard should not affect the use and enjoyment of other property in the immediate vicinity, as the property in the immediate vicinity is vacant.
      
a. *Staff cannot predict the effect that the requested use will have on property values within the immediate vicinity.*
Agenda Item #13
Black Hills Energy; Shannon Pollmiller - Agent
April 27, 2020

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

1. Allowing this Conditional Use Permit should not affect the normal, orderly development or improvement of any surrounding property in the area.

C. **That utilities, access roads, drainage and/or other necessary facilities are provided.**

1. The subject property does not have any utilities. Access to the property is provided off of Mill Iron Drive. It appears that all necessary utilities, access roads, and other facilities are already provided on the subject property for the proposed temporary contractor’s equipment storage yard.

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

1. Pennington County Zoning Ordinance § 310(A)(t) – Minimum Off-Street Parking Requirements - requires parking or storage for all vehicles used directly in the conduct of such industrial use, plus one parking space for every three employees on the premise at maximum employment on a single shift.

2. It appears there is ample space for parking on the subject property.

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

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

**RECOMMENDATION: Staff is recommending approval of Conditional Use Permit / CU 20-07 with the following conditions:**

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

2. That emergency contact information for the storage yard be posted at the entrance of the storage yard;
3. That dust control measures be implemented to reduce the amount of dust from trucks leaving and entering the storage yard;

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

5. That the minimum number of required parking spaces shall be provided in accordance with Pennington County Zoning Ordinance § 310(A)(t), which requires parking or storage for all vehicles used directly in the conduct of such industrial use, plus one parking space for every three employees on the premise at maximum employment on a single shift

6. That erosion control measures be implemented around the site to prevent sediment leaving the site;

7. That the property remains free of junk and debris at all times;

8. That adequate space is provided for parking in the storage yard;

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

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

11. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.
March 27, 2020

Planning Department
Pennington County
130 Kansas City Street
Rapid City, SD 57701

To Whom it May Concern,

Black Hills Energy is planning to rebuild an existing 6.2-mile distribution line near Pactola dam. We are requesting to use The Forks at Remmington Ranch, Lot 11 as a temporary material storage yard for the project during construction. The site will consist of material laydown yards only, no ground disturbance. The project is scheduled for construction to start May 1, 2020 and the estimated completion date is December 31, 2020, weather and wildlife delays dependent.

Sincerely,

Shannon Pollmiller
Environmental Professional II
Good morning Cody,

Thank you for giving SDDOT the opportunity to comment. If BHE plans to utilize this area during the Sturgis Motorcycle Rally, SDDOT would recommend BHE access the property from the highlighted area,

to avoid potential turning movement conflicts and queueing in the 100' throat from US385 to the C-store approach.

Please feel free to contact me or Rich Zacher, Custer Area Engineer with any questions regarding this concern.

Stay healthy and be safe,
GENERAL INFORMATION:

REQUEST:

MINOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 20-02: To amend an existing Planned Unit Development to allow a garage / storage building (Morton Building) prior to a principal structure on the subject property in accordance with Section 213 of the Pennington County Zoning Ordinance.

APPLICANT:

Mike and Lorene Cassidy

APPLICANT ADDRESS:

24372 Rushmore Ranch Road
Keystone, SD 57751

LEGAL DESCRIPTION:

Tract 4, Rushmore Ranch Estates Subdivision, Section 17, T2S, R7E, BHM, Pennington County, South Dakota.

SITE LOCATION:

24368 Rushmore Ranch Road; north of the intersection of Highway 40 and Rushmore Ranch Road.

TAX ID:

48808

SIZE:

3.03 acres

EXISTING LAND USE:

Vacant

ZONING REFERENCE:

Section 213

CURRENT ZONING:

Planned Unit Development District

SURROUNDING ZONING:

<table>
<thead>
<tr>
<th>North</th>
<th>Planned Unit Development District</th>
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<td>Planned Unit Development District</td>
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<tr>
<td>West</td>
<td>Planned Unit Development District</td>
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PHYSICAL CHARACTERISTICS: Hills / Forested

REPORT BY:

Cody Sack
I. PROPOSED RECOMMENDATION
   A. Staff will be recommending approval of Planned Unit Development / PU
      20-02 with conditions.

II. GENERAL DESCRIPTION
   A. December 12, 1994 – The Board of Commissioners approved Rezone / RZN 94-42
      with conditions to rezone the subject property to a Planned Unit
      Development.
   B. May 20, 1997 – The Board of Commissioners approved Planned Unit
      Development Amendment / PU 97-01 with the following conditions:
      1. That lot described as Well Tract in Phase I be allowed to be
         subdivided into two lots and that the use of one lot shall be as a Well
         Tract and the use of the other lot to be as a Fire Station;
      2. That no more than 40 town homes be constructed within area
         identified as the thirty-acre townhouse parcel on the site plan;
      3. That all single-family residences to be constructed on proposed
         Blocks 1 through 11 be on lots containing three acres or more;
      4. That a minimum of 73 acres of common area be provided;
      5. That platting be allowed to occur one block at a time provided that
         all Subdivision Regulations are met;
      6. That a maximum of five (5) commercial structures each no more
         than 5000 square feet in area be allowed in the Neighborhood
         Commercial area as shown on the site plan;
      7. That no structures have wood shakes;
      8. That all fire hydrants in the Neighborhood Commercial area in
         Phase Three have adequate flows;
      9. That Tract 12 and 14 be allowed to be replatted into one lot at least
         six (6) acres in size and the remainder of Tracts 12 and 14 be
         allowed to be used in Phase III.
     10. The Planning Director may allow additional development or
         construction which is consistent with the proposed development on
         this property. Significant changes in use or impact on adjacent land
         uses as determined by the Planning Director shall require an
         amendment to this Planned Unit Development; and,
     11. That the construction, or placement of structures, including the
         addition of accessory structures, be allowed through the issuance of
         a Building Permit which will include necessary site plans to be
         reviewed and approved by the Planning Director.
   C. July 23, 2002 – The Board of Commissioners approved Planed Unit
      Development Amendment / PU 02-05 with the following conditions:
      1. That lot described as Well Tract in Phase I be allowed to be
         subdivided into two lots and that the use of one lot shall be as a Well
         Tract and the use of the other lot to be as a Fire Station;
2. That no more than 4 town homes be allowed on Townhouse Lots A-1, A-2, A-3 and A-4 of Tract 57 of Phase 3 of Rushmore Ranch Estates
3. That all single family residences be constructed on lots containing three acres or more;
4. That a minimum of 73 acres of common area be provided;
5. That platting be allowed to occur one block at a time provided that all Subdivision Regulations are met;
6. That a maximum of five (5) commercial structures each no more than 5000 square feet in area be allowed in the Neighborhood Commercial area as shown on the site plan;
7. That no structures have wood shakes;
8. That all fire hydrants in the Neighborhood Commercial area in Phase Three have adequate flows;
9. That Tract 12 and 14 be allowed to be replatted into one lot at least six (6) acres in size and the remainder of Tracts 12 and 14 be allowed to be used in Phase III.
10. The Planning Director may allow additional development or construction which is consistent with the proposed development on this property. Significant changes in use or impact on adjacent land uses as determined by the Planning Director shall require an amendment to this Planned Unit Development; and,
11. That the construction, or placement of structures, including the addition of accessory structures, be allowed through the issuance of a Building Permit which will include necessary site plans to be reviewed and approved by the Planning Director.

III. EXISTING CONDITIONS
   A. Planned Unit Development
   B. 3.03 acres.
   C. Access off of Rushmore Ranch Road.
   D. No Special Flood Hazard area.
   E. Lot vacant of structures.
   F. Construction Permit to grade and level for a future Building Site (COCP20-0007.)
      1. April 27, 202 Planning Commission agenda.

IV. REQUEST FOR COMMENT
   A. County Highway
      1. No comments.
B. County Environmental Planner OSWTS
   1. According to the USDA Web Soil Survey the soils are classified as "Very Limited" due to depth to bedrock and slope. I have no concerns with the current proposal, however when a septic system is installed, all rules of Pennington County Zoning Ordinance 204-J must be followed.

C. County Ordinance Enforcement Officer
   1. COEV20-0028 for dirt work exceeding 10,000 sq ft without an approved Permit.

D. 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.

E. Emergency Services (9-1-1)
   1. If not already required, please condition approval on owner posting assigned address number of the building in accordance with Penn Co Ord. # 20

V. ANALYSIS
   A. The applicant, Michael Cassidy, applied for a Building Permit to place an accessory structure /garage on the subject property.
      1. This would be placing a secondary structure on a property prior to an established primary use.
      2. Since the zoning is a Planned Unit Development, a minor amendment is required.
   B. Staff finds no concerns with the current request.
   C. Staff has received several concerns about the property being used for commercial purposes.
      a. The applicant can not use the structure for commercial purpose unless they obtain approval of another Planned Unit Development Amendment.

RECOMMENDATION: Staff recommends approval of Minor Planned Unit Development Amendment / PU 20-02 with the following conditions:

1. That the lot described as Well Tract in Phase I be allowed to be subdivided into two (2) lots and that the use of one (1) lot shall be as a Well Tract and the use of the other lot to be as a Fire Station;

2. That no more than four (4) townhomes be allowed on Townhouse Lots 1, 2, 3, and 4 of Tract 57 of Phase III of Rushmore Ranch Estates;

3. That all residential lots within the Planned Unit Development be allowed one (1) single-family residence and accessory structures (i.e. garages, decks, sheds);
Agenda Item #14  
Mike and Lorene Cassidy  
April 27, 2020

4. That all single-family residences be constructed on lots containing three (3) acres or more;

5. That a secondary structure be allowed on Tract 4 prior to the establishment of a primary use;

6. That a minimum of 73 acres of common area be provided;

7. That platting be allowed to occur one (1) block at a time provided that all Subdivision Regulations are met;

8. That no structures have wood shakes;

9. That Tract 12 and 14 be allowed to be replatted into one (1) lot at least six (6) acres in size and the remainder of Tracts 12 and 14 be allowed to be used in Phase III;

10. That access to all lots located within the Planned Unit Development be taken from roads located within the boundaries of the Planned Unit Development and approved by the appropriate street authority. No access to any lot shall be taken off of Highway 40;

11. The Planning Director may allow additional development or construction which is consistent with the proposed development on this property. Significant changes in use or impact on adjacent land uses as determined by the Planning Director shall require an amendment to this Planned Unit Development;

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

13. That all lot widths be a minimum of 100 feet and that all setbacks be twenty-five (25) feet from all property lines.

Construction of a 60x80x16 Morton Building - use to be Personal Hobby Building. No living quarters. will have bathroom.

See attached Design Detail from Blueprints.
Cassidy
24368 Rushmore Reach Rd
Cassidy
24368 Rushmore Ranch Rd
STAFF REPORT

GENERAL INFORMATION:

REQUEST:  
LAYOUT PLAN / LPL 20-07: To reconfigure lot lines to create Lot D1 of the NE1/4NE1/4 and Lot 1A of the D-R-J Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

APPLICANT:  
Robert Schryvers

APPLICANT ADDRESS:  
23001 Log Porch Road, Rapid City, SD 57702

OTHER LANDOWNER:  
Leland and Pamela Winchester

LANDOWNER ADDRESS:  
13186 Morse Place, Rapid City, SD 57702

AGENT:  
All Aspects Inc. Land Surveying

AGENT ADDRESS:  
444 Saint Joseph Street, Spearfish, SD 57783

LEGAL DESCRIPTION:  
EXISTING LEGAL: Lot 21 of Morse Subdivision #4; Lot 1 of D-R-J Subdivision and Tract in NE1/4NE1/4; Lot D of NE1/4NE1/4, all located in Section 8, T1N, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot D1 of the NE1/4NE1/4 and Lot 1A of the D-R-J Subdivision, Section 8, T1N, R6E, BHM, Pennington County, South Dakota.

SITE LOCATION:  
23001 Log Porch Road and 13186 Morse Place; located off of W. Highway 44.

TAX ID:  
42291 / 42290 / 39316

SIZE:  
2.61 acres

EXISTING LAND USE:  
Residential

SUBDIVISION REGULATIONS REFERENCE:  
Section 400.1

CURRENT ZONING:  
Suburban Residential District
I. PROPOSED RECOMMENDATION
   A. Staff will be recommending approval of Layout Plan / LPL 20-07 with conditions.

II. GENERAL DESCRIPTION
   A. The applicant, Robert Schryvers, has applied for a Layout Plan / LPL 20-07 to reconfigure lot lines in order to create Lot D1 of the NE1/4NE1/4 and Lot 1A of the D-R-J Subdivision.

III. EXISTING CONDITIONS
    Note: For ease of description, the subject properties are labeled A, B, and C.
    A. Lot A (Tax ID 42291)
       1. Zoned Suburban Residential District.
       2. .87 acre – Plat# 25967, Book 7, Page 152.
       3. Takes access off of Morse Place – within Morse Place Road District.
       4. No Special Flood Hazard Area.
       5. 8’ x 12’ shed – no building permit required.
    B. Lot B (Tax ID 39316)
       1. Zoned Suburban Residential District.
       2. .24 acre – Not platted.
       3. Takes access off of Log Porch Road.
       4. Not located within a Road District.
       5. Right-Of-Way of unknown width or origin – This will need to be addressed prior to Minor Plat submittal.
       7. Single-family residence.
          a. County Building Permit 1995COBP0458.
       8. On-site Wastewater Treatment System.
          a. Operating Permit COOP18-0901.
       9. 16’ x 20’ Shop Building.
          a. County Building Permit 1996COBP0415.
C. Lot C (Tax ID 42290)
   1. Zoned Suburban Residential District.
   2. 1.5 acres – Plat# 21-236, Book 21, Page 236.
   3. Takes access off of Morse Place – within Morse Place Road District.
   4. No Special Flood Hazard Area.
   5. Single-family residence.
      a. Built in 1981, according to Department of Equalization (DoE) records.
   6. On-site Wastewater Treatment System.
      a. Operating Permit COOP17-0398.
   7. 17’ x 32’ Detached Garage.
      a. Built in 1981, according to DoE records.
   8. 30’ x 40’ Shop Building.
      a. County Building Permit 1995COBP0086.

IV. PROPOSED LOTS
A. Lot D1 of the NE1/4NE1/4
   1. Zoned Suburban Residential District.
   2. .745 acre.
   3. Access will be taken off of Log Porch Road.
   4. Partially within Morse Place Road District – This will need to be addressed prior to Minor Plat submittal.
   5. Right-Of-Way of unknown width or origin – This will need to be addressed prior to Minor Plat submittal.
      a. County Building Permit 1995COBP0458.
   7. On-site Wastewater Treatment System.
      a. Operating Permit COOP18-0901.
   8. 16’ x 20’ Shop Building.
      a. County Building Permit 1996COBP0415.
   9. 8’ x 12’ shed.
B. Lot 1A of D-R-J Subdivision
   1. Zoned Suburban Residential District.
   2. 1.831 acres.
   3. Takes access off of Morse Place – within Morse Place Road District.
   4. No Special Flood Hazard Area.
   5. Single-family Residence.
      a. Built in 1981, according to DoE records.
   6. On-site Wastewater Treatment System.
      a. Operating Permit COOP17-0398.
   7. 17’ x 32’ Detached Garage.
      a. Built in 1981, according to DoE records.
   8. 30’ x 40’ Shop Building.
      a. County Building Permit 1995COBP0086.
V. REQUEST FOR COMMENT

A. County Highway Department
   1. Present Lot D is not in the Morse Place Road District but Lots 1 and 21 are. Therefore, proposed Lot D1 will be partially in the road district and partially out. This needs to be addressed before final platting. Also, present Lot D is unplatted while Lot 21 is in Morse Subdivision #4 and Lot 1 is in D-R-J Subdivision. The proposed lot descriptions indicate they are taking Lot 21 out of Morse Subdivision #4 and adding part of it to D-R-J Subdivision and another part to unplatted land. Vacating part of a plat requires following SDCL 11-3. It would make more sense to take the three lots and create a new subdivision.
      a. Staff Comment: This will be included as a Condition of Approval for the Road District.

B. County Environmental Planner II
   1. Future Lot D1 currently has an approved septic system with permits 1995COSD0072, 2000COSD0051, and COOP18-09091. Future Lot 1A currently has an approved septic system with permit COOP17-0398. I have no further concerns.

C. County Ordinance Enforcement
   1. No known violations.

D. Black Hills Electric Cooperative, Emergency Services (9-1-1), Department of Equalization, County Fire Administrator and County Sheriff’s Office
   1. No comments received.
E. County Addressing Coordinator / Floodplain Manager
   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.
   2. No Special Flood Hazard Area on the subject properties.

F. Register of Deeds
   1. We would prefer that Lot D1 be named something else. Have it be Lot 1B of D-R-J Subdivision or pick a new Subdivision name and have it be Lot 1 of that Subdivision. We would like to get away from Lots out of the Section-Township-Range.

VI. ANALYSIS
   A. March 19, 2020 — The applicant applied for Layout Plan / LPL 20-07 to reconfigure interior lot lines on the subject properties.
   B. The proposed lots do not appear to reduce the size of either property below minimum lot size requirements for a Suburban Residential District.
   C. Proposed Lot D1 appears to include a portion of National Forest Service land that lies between the original north property lines of Tax ID 39316 & 42291 and the Section Line.
   D. County Highway and Register of Deeds made comments via interdepartmental review that are included as Conditions of Approval.
   E. Existing Lot D is not platted. Therefore, the reference to Plat Book 6, Page 121 in the “Notes” section of the Layout Plan should be corrected.
   F. Log Porch Road is incorrectly labeled as “Community Hall Road” on the Layout Plan.
     1. There is a portion of this road that crosses Proposed Lot D1 and provides access to National Forest Service Land but there are no Easement details included on the Layout Plan.
   G. Staff finds no significant issues with the applicant’s request as it appears to be in harmony with existing lots and current land uses in the area.

![Diagram](image-url)
RECOMMENDATION: Staff recommends approval of Layout Plan / LPL 20-07 with the following conditions:

1. That at the time of Minor Plat submittal, the Plat labels Log Porch Road and either establishes an Easement on proposed Lot D1 or references an existing Easement;

2. That at the time of Minor Plat submittal, previous lot lines be identified on the Plat;

3. That prior to the mylar being filed at the Register of Deeds, proposed Lot D-1 be completely included in the Morse Place Road District, per County Highway comments;

4. That at the time of Minor Plat submittal, a new subdivision be named for the two proposed lots, per County Highway and Register of Deeds comments;

5. 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;

6. 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;

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

8. That any portion of National Forest Service land lying between the original north property lines of Tax ID 39316 & 42291 and the Section Line be removed from proposed Lot D1;

9. That all natural drainage ways are maintained and are not blocked;

10. 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,

11. That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.
NOTES:
1. LOT D PLATTED IN P.B. 6, PG. 121.
2. LOT 21 PLATTED IN P.B. 7, PG. 152.
3. LOT 1 PLATTED IN P.B. 21, PG. 236.
4. THE SUBJECT PROPERTIES ARE NOT IN A FEMA LISTED FLOOD ZONE.
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 is seeking guidance from the Planning Commission on how to proceed with Planned Unit Development / PU 20-01. Staff recommends conditions be included if the Planning Commission approves Major Planned Unit Development Amendment / PU 20-01.

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 Planning Commission approved the extension of Planned Unit Development / PU 04-17 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. February 6, 2007, the Board of Commissioners approved the extension of Planned Unit Development / PU 04-17 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.
Roll Call Vote: Yes: Kjerstad, Holbrook, Schmidt, Trautman and
Young.

E. August 13, 2007, the Planning Commission approved the extension of
Planned Unit Development / PU 05-14 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.

F. August 13, 2007, the Planning Commission approved the extension of
Planned Unit Development / PU 05-14 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 of subject property via RapidMap.
February 27, 2020, site photo of single-family residence and detached garage.

IV. 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. An amendment to the Planned Unit Development Amendment is required to bring the property into compliance.
   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 VHRs are allowed uses in:
   a. Highway service Zoning Districts;
   b. General Commercial Zoning Districts; and,
   c. 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 for reference only.

C. March 17, 2020, the Planning Commission moved to continue Major Planned Unit Development / PU 20-01 to the April 27, 2020 Planning Commission meeting to allow the State’s Attorney’s Office time to research and provide legal guidance to the Planning Commission.
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. 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.

B. January 2, 2020, Ordinance Enforcement sent a notice of violation for operating a VHR.

C. Section 213(D) states that a “preliminary Planned Unit Development application shall be submitted for consideration by the Zoning Commission to allow for notice procedure set forth under Section 512 - Amendments. Upon submission of a preliminary plan of a sufficient scope to permit preliminary approval, a formal application for approval of a Planned Unit Development shall be filed. The application must include consent by the owners of all property to be included in the Planned Unit. The application must be accompanied by a site plan and a written statement”.

1. The applicant does not have the consent of all property owners to use the dwelling on the subject property as a VHR, see attached email from property owner.

D. 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.

E. 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;
5. Local Contact: Jeff Tuschen.

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

H. Staff added Condition #4.

RECOMMENDATION: Staff is seeking guidance from the Planning Commission on how to proceed with Planned Unit Development / PU 20-01. Staff recommends the following conditions be included if the Planning Commission approves the Major Planned Unit Development Amendment / PU 20-01:

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

2. That dwellings be used as single-family residence only, subject to Condition #5, and that no home occupations or large animals are allowed on the three (3) lots;

3. The minimum lot size for the development shall a minimum of 3.86 acres;

4. That the residences located within Planned Unit Development / PU 20-01 be 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. And that the lot address be posted at all times on the residence and so it is clearly visible from S. Rochford Road, in accordance with Ordinance #20;

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 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.
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
Kristina-

Please make sure that this is in the PC packet.

Thank you!

Get Outlook for iOS

Regarding PUD Amendment for Dennis Tuschen Property located at 22746, S Rochford Road

When we purchased this property a little over four years ago it was made very clear to us that no one in our development was allowed to rent the properties due to an HOA agreement that was signed by all owners. We have no interest in renting our property. We haven’t had any major issues with Dennis renting his with the exception of his renters parking trailers on our property. We do have concerns regarding the fact he has no way of vetting his renters online.

At this time we don’t wish to change the HOA agreement. We would prefer it not be used as rental property. Thank you for your attention to this matter.

Randy and Stephanie Teunissen

Sent from my iPad
You are correct, residential use does mean single family use, and per sections 213 and 319 of the zoning ordinance, VHR’s are “Permitted” as long as the PUD doesn’t state otherwise.

> On Mar 15, 2020, at 5:08 PM, Stephanie Teunissen <stephanie.teunissen@hotmail.com> wrote:
> >
> > Dennis,
> > There has been more than one occasion when we have asked renters to move their trailer. Jason has also asked renters to move their trailers from our property after calling us. One of your renters even tried to accuse us of trying to steal his trailer when we stopped to to check on ours.
> > As far as the HOA agreement, residential use from my understanding meant single family use, once you begin to rent out your property it becomes a business.
> >
> > > Sent from my iPad
> >
> >> On Mar 15, 2020, at 3:33 PM, Dtuschen <dtuschen@sio.midco.net> wrote:
> >>
> >> >> Randy, thanks for your reply, I’m not aware that anyone has parked trailers on your property and that would mean they were pulling off the drive onto the grass, I interview every renter and specifically ask if they are bringing a trailer and they are instructed where to park trailers and I confirm with them where their trailer is at when they check in.
> >> Also, there is nothing in the HOA about doing rentals, those documents have been provided to the planning commission, if you have legal documents stating otherwise, please provide them.
> >>
> >>> On Mar 15, 2020, at 12:55 PM, Stephanie Teunissen <stephanie.teunissen@hotmail.com> wrote:
> >>>
> >>> >>> Regarding PUD Amendment for Dennis Tuschen Property located at 22746, S Rochford Road
> >>>
> >>> >>> When we purchased this property a little over four years ago it was made very clear to us that no one in our development was allowed to rent the properties due to an HOA agreement that was signed by all owners.
> >>> >>> We have no interest in renting our property. We haven’t had any major issues with Dennis renting his with the exception of his renters parking trailers on our property. We do have concerns regarding the fact he has no way of vetting his renters online.
> >>> >>> At this time we don’t wish to change the HOA agreement. We would prefer it not be used as rental property.
> >>> >>> Thank you for your attention to this matter.
> >>> >>> Randy and Stephanie Teunissen
> >>>
> >>> >>> Sent from my iPad
> >>
> >
>
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
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 Tuschen 1-30-2020
Dennis Tuschen
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 of Local Contact

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

Notary Public for the State of South Dakota

My Commission Expires
SOUTH DAKOTA DEPARTMENT OF HEALTH
Lodging License Application

SECTION 1: ESTABLISHMENT INFORMATION

Establishment Name
Bell Pines #2

Corporation/Owner Name
Dennis Weiden

Corporate Contact/Phone
605-351-0743

Establishment Phone

Cell Phone

Establishment Physical Address (No P.O. Box #)
22746 South Rochford Road

City
Hill City

State
SD

ZIP
57745

If Rural Location, Give Directions from Nearest City
2 miles SW of Rochford

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
□ Change of Ownership

Dates Open - If Seasonal
From:
To:

Proposed Opening Date
1-1-2020

Water Supply
□ Public
□ Private

Sewer System
□ Public
□ Private

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

<table>
<thead>
<tr>
<th>Number of Units</th>
<th>Full Year Fee Jan 1 - Dec 31</th>
<th>Half Year Fee July 1 - Dec 31</th>
<th>Fee Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bed &amp; Breakfast: (No other fees apply)</td>
<td>$38.00</td>
<td>$38.00</td>
<td></td>
</tr>
<tr>
<td>Vacation Home:</td>
<td>$70.00</td>
<td>$35.00</td>
<td>$70.00</td>
</tr>
<tr>
<td>Specialty Resort: 10 or Less Sleeping Rooms</td>
<td>$70.00</td>
<td>$35.00</td>
<td>$70.00</td>
</tr>
<tr>
<td>Hotel: 11 or More Sleeping Rooms</td>
<td>$2.25 per unit Plus $25.00 Inspection Fee</td>
<td>$1.12 per unit Plus $12.50 Inspection Fee</td>
<td></td>
</tr>
</tbody>
</table>

Initial License Fee:
See reverse side for example

$100.00

$100.00

SECTION 3: WATER RECREATION FEES

<table>
<thead>
<tr>
<th>Number of Pools and Hot Tubs</th>
<th>Full Year Fee</th>
<th>Half Year Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>One</td>
<td>$40.00</td>
<td>$20.00</td>
</tr>
<tr>
<td>Two or More</td>
<td>$65.00</td>
<td>$32.50</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 Weiden

Date:
1-21-2020

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

My commission expires:
9/17/2024

APPLICANCES MUST BE SIGNED AND NOTARIZED TO BE PROCESSED
This license entitles the business or person to whom it is issued to transact whatever business or activity is specified on this license until it expires or is cancelled.

Secretary of Revenue & Regulation
Paul Kinsman

ISSUE DATE: 10/24/07
EXPIRATION DATE: NONE
LOCATION: HILL CITY SD 57745
LICENSE: 53-001-0001732067-ST-001
Sales Tax

NON-TRANSFERABLE
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
Tuschen Proposed VHR
On-Site Wastewater Treatment System Operating Permit

Pennington County Planning Department - 130 Kansas City Street, Suite 101, Rapid City, SD 57701
Phone: (605) 394-2186 - Fax: (605) 394-0616 - Web: www.pennington.sd.us

Operating Permit Number: COOP19-0677

PROPERTY INFORMATION

Owner Name: TUSCHEN DENNIS M
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

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.epa.gov/infrastructure/Septic/septicsmart.cfm>
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
DECLARATION 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
MORE OR LESS

TRACT 2
3.66 ACRES
MORE OR LESS

TRACT 3
3.86 ACRES
MORE OR LESS

Scales:
1/1,000 scale with cap stamped acc. to:
2005
STATE OF SOUTH DAKOTA
COUNTY OF PENNINGTON
TOWN OF BELL PINE

Prepared by:
Ablest & Associates
25 Kirk Road
605-972-1627

Drawn by:
Job No.: 6188

Scale: 1" = 100 feet

Stock: 1/2 LH

File Plan of Plat No.: 33-62

Drawn June 1, 2005

Prepared by:
Ablest & Associates
25 Kirk Road
605-972-1627

Copyright 2005

No part of this plat or any part of the parcel described herein shall be copied, reproduced, recorded or reproduced in any manner, in whole or in part, without the written consent of the grantor of such parcel. The use of this plat or the parcel described herein as a basis for a development exceeding the description or times of each restriction stated to any orally, written or implied by the grantor of such parcel, is illegal.
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

SUPERINTENDENT'S CERTIFICATE


(Signature)

STATE OF SOUTH DAKOTA
COUNTY OF PENNINGTON

(Notary Public)

TERRY MORGAN

STATE OF SOUTH DAKOTA
COUNTY OF PENNINGTON

ON THE 15TH DAY OF JUNE, 2022, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, PERSONALY KNOWN TO ME TO BE THE PERSON DESCRIBED IN THE AFFIDAVIT, WHO THIS CERTAINTY TO THE FOREGOING CERTIFICATE.

(Signature)

DATE: 15TH DAY OF JUNE, 2022

STATE OF SOUTH DAKOTA
COUNTY OF PENNINGTON

(Notary Public)

TERRY MORGAN

STATE OF SOUTH DAKOTA
COUNTY OF PENNINGTON

On the 15th day of June, 2022, before me, the undersigned notary public, personally appeared the person described in the foregoing certificate, who this certificate to the foregoing certificate.

(Signature)

DATE: 15TH DAY OF JUNE, 2022

PREPARED BY:

ARI LITZI, PSB #432
ASSOCIATES

859 1/2 ROAD
DRAWDOWN, SD 57732
605-576-1658

DATE: AUG. 25, 2022

APPROVED: J.R.

PREPARED FOR:

GREG W. SHARPE

DATE: SEPT. 25, 2022

APPROVED: J.R.
STAFF REPORT

GENERAL INFORMATION:

REQUEST: CONSTRUCTION PERMIT / CP 20-07: To excavate and grade for a future building site.

APPLICANT: Mike and Lorene Cassidy

APPLICANT ADDRESS: 24372 Rushmore Ranch Road
Keystone, SD 57751

LEGAL DESCRIPTION: Tract 4, Rushmore Ranch Estates Subdivision, Section 17, T2S, R7E, BHM, Pennington County, South Dakota.

SITE LOCATION: 24368 Rushmore Ranch Road; north of the intersection of Highway 40 and Rushmore Ranch Road.

TAX ID: 48808

SIZE: 3.03 acres

EXISTING LAND USE: Vacant

ZONING REFERENCE: Sections 213 and 507

CURRENT ZONING: Planned Unit Development District

SURROUNDING ZONING:
- North: Planned Unit Development District
- South: Planned Unit Development District
- East: Planned Unit Development District
- West: Planned Unit Development District

PHYSICAL CHARACTERISTICS: Hills / Forested

REPORT BY: Cody Sack

I. PROPOSED RECOMMENDATION
   A. Staff will be recommending the Planning Director approve Construction Permit / CP 20-07.
II. GENERAL DESCRIPTION
A. The applicant, Michael Cassidy, has requested a Construction Permit to grade and level a site for a future building.

Site Plan

III. EXISTING CONDITIONS
A. Planned Unit Development.
B. 3.03 acres.
C. Access off of Rushmore Ranch Road.
D. No Special Flood Hazard Area.
E. Vacant of any structures.
IV. REQUEST FOR COMMENT
   A. County Highway Department
      1. No comments.
   B. Environmental Planner
      1. There is no Special Flood Hazard Area on the property.
      3. Site must be revegetated in accordance with Section 507 of the PCZO.
   C. Ordinance Enforcement Officer
      1. No known violations.
   D. Emergency Services (911)
      1. That an address be assigned to the future building.
   E. County Director of Natural Resources
      1. No Objections.

V. ANALYSIS
   A. March 31, 2020 – A letter was sent to the applicant for dirt work exceeding 10,000 square feet without an approved Permit.
   B. April 3, 2020 – The applicant’s contractor submitted a Construction Permit and paid the penalty fee.
      1. The contractor stated that the work is done besides some stabilizing, but what was disturbed is the extent of the disturbance.
   C. Staff finds no concerns with this proposed project.

RECOMMENDATION: Staff is recommending that the Planning Director approve Construction Permit / CP 20-07 with the following conditions:

1. That any natural drainage ways and paths be continually maintained;
2. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual shall be followed;
3. That the site shall be re-vegetated as required under § 507(A)(5)(c);
4. That inspection reports are available upon request of the Planning Director;

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

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

Tract 4, Rushmore Ranch Estates
Section 17, T2S R7E B.H.M.

3.03 Acre Lot

North Property Line

Rock retention/ stabilization

Proposed Hobby Shop Building

To be surfaced with gravel

Undisturbed

Topsoil Pile

Entrance

Re-seeded Slope

Topsoil Pile

Undisturbed

South Property Line

Re-seeded Slope

Undisturbed

Topsoil Pile

Undisturbed

East Property Line

North Property Line

NOT TO SCALE
GENERAL INFORMATION:

REQUEST: CONSTRUCTION PERMIT / CP 20-08: To excavate and grade for construction activities associated with an asphalt batch plant.

APPLICANT: Western Construction

APPLICANT ADDRESS: P.O. Box 771, Rapid City, SD 57709

LANDOWNER: Mountain View Ranches, LLC

OWNER ADDRESS: P.O. Box 771, Rapid City, SD 57709
2460 Deadwood Avenue, Rapid City, SD 57702

LEGAL DESCRIPTION: S1/2NE1/4 Less Lot 1 of Blue Marlin Estates and Less Dedicated ROW, Section 20, T2N, R8E, BHM, Pennington County, South Dakota.

SITE LOCATION: 3525 Dyess Avenue

TAX ID: 65287

SIZE: 69.52 acres

EXISTING LAND USE: Asphalt Batch Plant

ZONING REFERENCE: Sections 206, 212, and 507

CURRENT ZONING: Heavy Industrial District
Limited Agriculture District

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

PHYSICAL CHARACTERISTICS: Flat
AGENDA ITEM #18
Western Construction
April 27, 2020

REPORT BY: Cody Sack

I. PROPOSED RECOMMENDATION
   A. Staff will be recommending the Planning Director approve Construction Permit / CP 20-08 with conditions.

II. GENERAL DESCRIPTION
   A. The applicant, Western Construction, have requested a Construction Permit to grade areas of the subject property in association with the asphalt batch plant that is located on the property.

(Site Plan Submitted by applicants)
III. EXISTING CONDITIONS
   A. Heavy Industrial and Limited Agricultural District.
   B. 69.62 acres.
   C. Special Flood Hazard Area.
      1. 100-year.
   D. Asphalt Batch Plant (COBP18-0182).

IV. REQUEST FOR COMMENT
   A. County Highway
      1. The SWPPP addresses the runoff protection implemented to safeguard the stream.
   B. Environmental Planner
      1. There is Special Flood Hazard Area on the property.
      3. Site must be revegetated in accordance with Section 507 of the PCZO.
   C. County Ordinance Enforcement Officer
      1. Residents on Elk Horn Lane had a complaint earlier this past year that this property was placing or trying to place asphalt piles too close to the property line. I checked an at the time the piles were not located where there would be a violation. The concrete pad may cause some issues with the trailer park residents on Elkhorn Ln.
   D. County Natural Resources Director
      1. No objections.
   E. City of Rapid City
      1. If this project requires water from the City's water main in Dyess Avenue the site will need to be annexed into the City first.
      2. To install a water service to the City's water main would require obtaining a ROW permit from the City.
   F. Emergency Services (9-1-1)
      1. No comments.

V. ANALYSIS
   A. The work to be done is leveling/grading a site.
   B. The applicants have applied for a Floodplain Development Permit.
   C. The total disturbed area will be just under two (2) acres.
      1. The applicants will need to get a SDDENR Stormwater Permit.
   D. The applicants have submitted a SWPPP to address stormwater controls.
RECOMMENDATION: Staff is recommending the Planning Director approve Construction Permit / CP 20-08 with the following conditions:

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

2. That prior to approval, the applicant submits a Notice of Intent for the SDDENR General Stormwater Permit;

3. That the applicant continually maintains and adheres to the Storm Water Pollution Prevention Plan;

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 by the contractor 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 Director 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; and,

12. That this Construction Permit be reviewed in three (3) months or as directed by the Planning director to ensure that the applicant is meeting all conditions.
STAFF REPORT

GENERAL INFORMATION:

REQUEST: CONSTRUCTION PERMIT / CP 20-09: To rebuild an existing distribution line to include grading for access roads.

APPLICANT: Black Hills Energy / Shannon Pollmiller

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

LEGAL DESCRIPTION: Various subject properties near Pactola Lake, BHM, Pennington County, South Dakota.

SITE LOCATION: Pactola North: Pactola Substation below Pactola Dam and north to the intersection of Highway 385 and W. Highway 44. Pactola South: At the intersection of Highway 16 and Placer Place and traverses north to near the intersection of Highway 385 and Heald Trail.

SIZE: > 1 acres

EXISTING LAND USE: Vacant/Single-family/Commercial

ZONING REFERENCE: Sections 205, 206, 209, 210, 213, and 507

CURRENT ZONING: General Agriculture District
Limited Agriculture District
Heavy Industrial District
General Commercial District

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

PHYSICAL CHARACTERISTICS: Forested / Hills

REPORT BY: Cody Sack
I. PROPOSED RECOMMENDATION
   A. Staff will be recommending the Planning Director approve Construction Permit / CP 20-09 with conditions.

II. GENERAL DESCRIPTION
   A. The applicant, Black Hills Energy, has requested a Construction Permit to cover any disturbance associated with the replacement of a powerline near Hill City and Pactola Reservoir.

(Site plan showing Approximate area of work)
III. EXISTING CONDITIONS
   A. Thirty-five lots (35) with different zoning and sizes.
      1. General Agriculture District
      2. Limited Agriculture District
      3. Heavy Industrial District
      4. General Commercial District
   B. Some lots contain structures while others are vacant.
   C. Areas of the project have Special Flood Hazard Area.
      1. The applicants have submitted a Floodplain Development Permit for those areas.

IV. REQUEST FOR COMMENT
   A. County Highway Department
      1. No comments.
   B. Environmental Planner
      1. There is Special Flood Hazard Area on the property.
      3. Site must be revegetated in accordance with Section 507 of the PCZO.
   C. County Ordinance Enforcement Officer
      1. No known violations.
   D. County Natural Resources Director
      1. No Objections.
   E. United States Forest Service
      1. No comments received.
   F. Emergency Services (9-1-1)
      1. No comments received.

V. ANALYSIS
   A. Black Hills Energy is replacing approximately 6 miles of an existing power line.
      1. This Construction Permit covers any disturbance associated with the project.
      2. There is no defined area of work. Through conversations with the applicant, there may be areas that require access roads to be built and some other minor disturbance.
   B. The applicant has submitted a Floodplain Development Permit for the work within the floodplain.
   C. The project is anticipated to be completed later this year with weather depending.
RECOMMENDATION: Staff is recommending the Planning Director approve Construction Permit 20-09 with the following conditions:

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

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

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

4. That if the disturbed area is over an acre, the applicants obtain a South Dakota Department of Environment and Natural Resources General Permit for Stormwater;

5. 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 by the contractor to the Planning Director every month during construction;

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

7. That any changes or updates to the Floodplain Development Permit be submitted to the Planning Department;

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

9. That this Construction Permit be reviewed in six (6) months from approval date.
March 26, 2020

Planning Department
Pennington County
130 Kansas City Street
Rapid City, SD 57701

To Whom it May Concern,

Black Hills Energy is planning to rebuild an existing distribution line near Pactola lake. The 6.2-mile project is separated into two segments, Pactola North (2.3 miles) and South (3.9 miles). Pactola North starts at the Pactola Substation below Pactola Dam and heads north to the Intersection of Highway 385 and Highway 44. Pactola South starts at the intersection of Highway 16 and Placer Place and traverses north to near intersection of US Highway 385 and Heald Trail. The purpose of this project is to rebuild the line to current design standards and improve system reliability and structural integrity.

The project is scheduled for construction to start May 1, 2020 and the estimated completion date is December 31, 2020, weather dependent. Shannon Pollmiller, Environmental Professional with Black Hills Energy, prepared the Storm Water Pollution Prevention Plan. Contact information is listed above in the header.

The project occurs along the Zone A (100 year) floodplains of Spring Creek and Rapid Creek. Please see the attached map for information on location of existing distribution powerline poles. The majority of this project will remain vegetated during construction. Land disturbance is only anticipated for access improvements and will be performed on an as needed basis. Areas that we are anticipating access improvements are along steep sections within the project ROW (Pactola South structures 28-32 and 34-37; Pactola North structures 19-21). These areas will be protected with sediment barriers as necessary. The area will be stabilized with seeding and mulching when construction is complete.

Black Hills Energy is currently working with the United States Forest Service (USFS) to obtain final approval for this project. We will not start the project until the USFS has issued their approval.

Please review the attached information and let me know if you need additional information to review Black Hills Energy’s Pactola 2S82 Distribution Powerline Rebuild project.

Sincerely,

Shannon Pollmiller
Environmental Professional II
Legend

- Poles
- Proposed Access Roads
- Alternate Access Routes
- Local Roads
- Sections
- Townships

( ) Sediment barrier installation.

Date: 7/19/2019
Pactola-Distribution Line 7.2/12.5kV Proposed Access Roads

Legend
- Poles
- Proposed Access Roads
- Alternate Access Routes
- Local Roads
- Sections
- Townships

Date: 7/16/2012
AGENDA ITEM #20
Pat Wiederhold
April 27, 2020

STAFF REPORT

GENERAL INFORMATION:

REQUEST:  
CONSTRUCTION PERMIT / CP 20-10:  
To construction an access road / driveway to the applicant’s property.

APPLICANT:  
Pat Wiederhold

APPLICANT ADDRESS:  
23829 Song Bird Road, Hill City, SD 57745

CONTRACTOR:  
Nielson Enterprises

ADDRESS:  
24890 Sylvan Lake Road, Custer, SD 57730

OTHER LANDOWNER:  
Terry and Marcia Graber
24060 Comos Road
Rapid City, SD 57702

LEGAL DESCRIPTION:  
N1/2N1/2SE1/4SE1/4NE1/4;  S1/2S1/24NE1/4
SE1/4NE1/4, of Section 32, T1S, R6E; and
SW1/4NW1/4 of Section 33, T1S, R6E, BHM,
Pennington County, South Dakota.

SITE LOCATION:  
South and east of the intersection of S. Highway 16
and Cosmos Road, along Cosmos Road.

TAX ID:  
70474 / 13063

SIZE:  
15 acres

EXISTING LAND USE:  
Vacant

ZONING REFERENCE:  
Sections 205 and 507

CURRENT ZONING:  
General Agriculture District

SURROUNDING ZONING:

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<td>East</td>
<td>General Agriculture District</td>
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<tr>
<td>West</td>
<td>General Agriculture District</td>
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Page 1 of 4
I. PROPOSED RECOMMENDATION
   A. Staff will be recommending the Planning Director approve Construction Permit / CP 20-10 with conditions.

II. GENERAL DESCRIPTION
   A. The applicant, Pat Wiederhold, has requested a Construction Permit to brings an existing access road into compliance.
      1. The road is 16' ft wide with a 4 inch gravel base and is approximately ½ mile long.
III. EXISTING CONDITIONS
A. Tax ID 13063
   1. General Agriculture District.
   2. 40 acres.
   3. No Special Flood Hazard Area.
   4. Vacant of structures.
B. Tax ID 70474
   1. General Agriculture District.
   2. 5 acres.
   3. No Special Flood Hazard Area.
   4. Vacant of structures.
      a. COBP20-0038 to build a single-family residence.
      b. COBP20-0037 to build a garage.

IV. REQUEST FOR COMMENT
A. County Highway Department
B. County Environmental Planner
   1. Since the work is already completed, the applicant must ensure that
      the site is stabilized.
C. County Ordinance Enforcement Officer
   1. No known violations.
D. County Director of Natural Resources
   1. No objections.
E. U.S. Forest Service
   1. No comments received.
F. Black Hills Energy
   1. No concerns with this request.

V. ANALYSIS
A. February 10, 2020 – The applicant applied for a Building Permit to
   construct a single-family residence.
   1. Through Staff’s review, it was discovered that the access to the
      property crossed a Section Line and was constructed without a
      Construction Permit.
   2. April, 3, 2020 – The applicant applied for a Construction Permit and
      also applied to construct a Road Within a Section Line Right-of-
      Way, which will be heard by the Board of Commissioners on May 5,
      2020.
B. April 16, 2020 – Staff performed a site visit and found:
   1. The road has already been constructed and appears to be completed.
      a. The applicant will need to ensure that the site reached final
         stabilization.
RECOMMENDATION: Staff recommends the Planning Director approve Construction Permit / CP 20-10 with the following conditions:

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

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

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

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

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