AGENDA
PENNINGTON COUNTY PLANNING COMMISSION
May 11, 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 19, 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 27, 2020, MINUTES

2. APPROVAL OF THE AGENDA

CONSENT AGENDA

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

3. CONDITIONAL USE PERMIT REVIEW / CU 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.

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

To recommend approval of the extension of Conditional Use Permit / CU 15-20 with conditions.

4. 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 District in accordance with Sections 210 and 510 of the Pennington County Zoning Ordinance.

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

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

To recommend approval of Conditional Use Permit / CU 20-07 with conditions.
5. **MINOR PLAT / MPL 20-08:** Gorden and Jennifer Sabo. To reconfigure lots lines to create Lots 1, 2, and 3 of Hideaway Hills Subdivision in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

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

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

To recommend approval of Minor Plat / MPL 20-08 with conditions.

**END OF CONSENT AGENDA**

6. **LAYOUT PLAN / LPL 20-09:** H & H Land Company No. 2, LLC; Brian Hammerbeck – Agent. To create Tract D of Hook J Addition in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

**EXISTING LEGAL:** PT GL1; N1/2NE1/4 SE1/4; S1/2NE1/4 SE1/4; SE1/4 SE1/4; all located in Section 1, T1S, R9E, BHM, Pennington County, South Dakota.

**PROPOSED LEGAL:** Tract D of Hook J Addition, Section 1, T1S, R9E, BHM, Pennington County, South Dakota.

7. **CONDITIONAL USE PERMIT / CU 20-08:** Schad Corp., Cody Schad. To allow a contractor’s equipment storage yard and a saw mill on the subject property in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

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

8. **MINING PERMIT / MP 20-04:** GCC Dacotah, Inc. To operate a mining operation to extract limestone by drilling and blasting to be hauled off site in accordance with Sections 212 and 507-B.

SW1/4NE1/4 Less Limestone Tunnel Sub; NW1/4SE1/4; That PT of SE1/4NE1/4, NE1/4SE1/4 and SE1/4SE1/4 Lying W of Hwy 79 Less Limestone Tunnel Sub in the SE1/4NE1/4, Section 20, T2N, R7E, BHM, Pennington County, South Dakota.
9. MINING PERMIT / MP 20-05: GCC Dacotah, Inc. To operate a mining operation to extract, crush, and stockpile shale to be hauled off site in accordance with Sections 205 and 507-B.

PT SE1/4SW1/4; PT S1/2SE1/4 of Section 11, T2N, R7E; PT SW1/4SW1/4 Less PT of Lot A of Lot 3 of Section 11, T2N, R7E; N1/2NE1/4; NE1/4NW1/4 of Section 14, T2N, R7E; NW1/4NW1/4 W of RD of Section 13, T2N, R7E, BHM, Pennington County, South Dakota.

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

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

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

11. ORDINANCE AMENDMENT / OA 20-01: Pennington County. To amend Section 507 “Construction Permits” [to supersede Section 507-A “Erosion and Storm Water Control”] and to amend Section 511 “Fees” to set fees regarding Storm Water Permits of the Pennington County Zoning Ordinance.

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

13. ITEMS FROM THE PUBLIC

14. ITEMS FROM THE STAFF
   A. Building Permit Report.

15. ITEMS FROM THE MEMBERSHIP

16. ADJOURNMENT

ADA Compliance: Pennington County fully subscribes to the provisions of the Americans with Disabilities Act. If you desire to attend this public meeting and are in need of special accommodations, please notify the Planning Department so that appropriate auxiliary aids and services are available.
DRAFT MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
April 27, 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), Sandra Runde (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 APRIL 13, 2020, MINUTES

2. APPROVAL OF THE AGENDA

   Moved by Lasseter and seconded by Drewes to approve the Consent Agenda of the April 27, 2020, Planning Commission meeting, with the removal of Item #5. Roll Call: Marsh – aye, Lasseter – aye, Drewes – aye, Johnson – aye, Rivers – aye, Coleman – aye, and Runde - aye. Roll Call Vote: unanimous 7 to 0.

CONSENT AGENDA

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

3. CONDITIONAL USE PERMIT REVIEW / CU 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 approve the extension of Conditional Use Permit / CU 13-23 with the following ten (10) 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.

Vote: unanimous 7 to 0.

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 approve the extension of Conditional Use Permit / CU 14-25 with the following eleven (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 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.

Vote: unanimous 7 to 0.

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 approve the extension of 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 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.

Vote: unanimous 7 to 0.

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 approve of the extension of Conditional Use Permit / CU 17-16 with the following fifteen (15) 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.

Vote: unanimous 7 to 0.

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 approve the extension of Conditional Use Permit / CU 17-17 with the following fifteen (15) 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.

Vote: unanimous 7 to 0.

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 approve of the extension of Conditional Use Permit / CU 17-18 with the following fourteen (14) 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; and,

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.

Vote: unanimous 7 to 0.

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 approve the extension of Conditional Use Permit / CU 17-19 with the following fourteen (14) 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; and,

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.

Vote: unanimous 7 to 0.

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

Vote: unanimous 7 to 0.

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 approve the extension of Conditional Use Permit / CU 18-23 with the following eighteen (18) 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 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.

Vote: unanimous 7 to 0.

END OF CONSENT AGENDA

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.

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

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

Discussion followed.

Moved by Drewes and seconded by Lasseter to continue the review of Conditional Use Permit / CU 15-20 to the May 11, 2020, Planning Commission meeting with the following two (2) conditions:
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.


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.

Sack reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow a temporary contractor’s equipment storage yard on the subject property.

Staff recommended approval of Conditional Use Permit / CU 20-07 with the following eleven (11) 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 Section 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.

Discussion followed.

Moved by Drewes and seconded by Lasseter to approve of Conditional Use Permit / CU 20-07 with the following eleven (11) 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 Section 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 at the May 11, 2020, Planning Commission meeting in order for the applicant and the adjacent property owner to meet and address concerns of the neighbor.


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.

Sack reviewed the Staff Report indicating the applicants applied for a Minor Planned Unit Development Amendment to allow a garage / storage building (Morton Building) prior to a principal structure on the subject property.

Staff recommended approval of Minor Planned Unit Development Amendment / PU 20-02 with the following thirteen (13) 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);

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.

Discussion followed.

Moved by Lasseter and seconded by Drewes approval of Minor Planned Unit Development Amendment / PU 20-02 with the following thirteen (13) 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);

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.


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.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Layout Plan to reconfigure lot lines to create Lot D1 of the NE1/4NE1/4 and Lot 1A of the D-R-J Subdivision.

Staff recommended approval of Layout Plan / LPL 20-07 with the following eleven (11) 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.

Discussion followed.

Moved by Lasseter and seconded by Drewes approval of Layout Plan / LPL 20-07 with the following eleven (11) 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.


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.

Proietti stated this Item had been continued from the March 23, 2020, Planning Commission meeting, and further reviewed the applicant has applied for a Major Planned Unit Development Amendment to allow an existing residence to be used as a Vacation Home Rental.

Staff is seeking guidance from the Planning Commission on how to proceed with Major Planned Unit Development Amendment / PU 20-01. If the Planning Commission recommends approval of Major Planned Unit Development Amendment / PU 20-01, Staff recommends the following eleven (11) conditions be included:

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.
Discussion followed.

Moved by Lasseter and seconded by Drewes to deny without prejudice Major Planned Unit Development Amendment / PU 20-01.


Commissioner Lasseter left the meeting at 10:50 a.m.
Commissioner Lasseter returned to the meeting at 10:52 a.m.

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.

Sack stated Staff recommended the Planning Director approve Construction Permit / CP 20-07 with the following six (6) 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.

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.
Sack stated Staff recommended the Planning Director approve Construction Permit / CP 20-08 with the following twelve (12) conditions:

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

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 Section 507(A)(5)(c) of the Zoning Ordinance;

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.
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.

Sack stated Staff recommended 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 Section 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 Section 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.

20. CONSTRUCTION PERMIT / CP 20-10: Pat Wiederhold. To construction 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.
Sack stated Staff recommended the Planning Director approve Construction Permit / CP 20-10 with the following five (5) 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 Section 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.

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
No motions or actions were taken at this time.

23. ITEMS FROM THE STAFF
There were no items from staff.

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

25. ADJOURNMENT

Moved by Drewes and seconded by Lasseter to adjourn.


The meeting adjourned at 10:55 a.m.

Rich Marsh, Chairperson
STAFF REPORT

GENERAL INFORMATION:

REQUEST:  CONDITIONAL USE PERMIT REVIEW/ CU 15-20: To review for 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

ZONING REFERENCE:  Sections 209 and 510

CURRENT ZONING:  General Commercial District

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

PHYSICAL CHARACTERISTICS:  Flat

REPORT BY:  Jason Theunissen
I. PROPOSED RECOMMENDATION
   A. Staff will be recommending the approval of the extension of Conditional Use Permit / CU 15-20 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.

   1. 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,
   2. 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;
Agenda Item #3
Mitch Morris
May 11, 2020

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 inoperative 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.

I. April 27, 2020 – The Planning Commission continued the review of Conditional Use Permit / CU 15-20, 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.
III. EXISTING CONDITIONS
A. Lot 1 of NW1/4SE1/4.
B. Zoned General Commercial District.
C. 27.48 acres.
D. Three (3) billboard signs:
E. Crows nest.
   1. County Building Permit 2003COBP0720.
F. Concession building.
   1. County Building Permit 2003COBP0719.

IV. ANALYSIS
A. April 20, 2020 – Staff performed a site visit and verified that most 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 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 hearing to ask that Condition #3 remove the fence requirement.
D. April 24, 2020 – Staff received an email from the applicant, Mitch Morris, who stated he has removed the fence, required in Condition #3, and is in the process of moving all of his equipment off of the subject property and plans to end Conditional Use Permit / CU 15-20 on September 1, 2020. A copy of the email is attached to this report.
E. Staff has received no complaints regarding the subject property or Conditional Use Permit / CU 15-20.
F. Staff removed Condition #14, as it had been fulfilled on April 2, 2018.
Agenda Item #3
Mitch Morris
May 11, 2020

Site Visit 4.20.2020

RECOMMENDATION: Staff recommends the approval of 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 hours operation so as not to be characterized as a nuisance;

12. That 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; and,

14. That this Conditional Use Permit be reviewed at the first Planning Commission meeting in September 2020, 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.
Mr. Morris,

Thank you for following-up. I will make the recommendation that Conditional Use Permit / CU15-20 is extended until September 1, 2020, based on this email. Please be aware that at that time, all of the equipment will need to be moved off of the property or a County Violation Case will most likely be opened our Ordinance Enforcement Officer. Thanks again,

Jason

Jason Theunissen, CFM  
County Planner / Addressing Coordinator  
Pennington County Administration Building  
Planning and Zoning Department  
130 Kansas City Street, Suite 200  
Rapid City, SD 57701  
Phone: 605-394-2186

From: bhexcavating@rushmore.com <bhexcavating@rushmore.com>  
Sent: Friday, April 24, 2020 3:56 PM  
To: Theunissen Jason <Jason.Theunissen@pennco.org>  
Subject: Re: Conditional Use Permit / CU15-20

CAUTION: This email is from an outside source. Use caution before opening attachments, clicking links or providing confidential information.

Thank you for the email! We may not need the permit, we are not selling anything now, we are moving all items out. We recently took down the fence to facilitate moving items. Considering weather delays and the covid we plan on having everything moved by sept 1. Thank you!

Sent from my iPhone

On Apr 21, 2020, at 3:02 PM, Theunissen Jason <Jason.Theunissen@pennco.org> wrote:

Mr. Morris,
Thank you for taking my call today. Per our discussion, Conditional Use Permit / CU15-20 is scheduled to be heard at the next Planning Commission meeting on April 27th. I've attached a copy of a Statement of Understanding that was signed after the last Planning Commission hearing on March 26, 2018.

I conducted a site visit to the property yesterday and verified most Conditions appeared to be met, with the exception of Condition #3, which states “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.” Noise levels did not appear to be an issue but I did not see that a 6 foot fence had ever been constructed.

If the permitted use is no longer required, I can recommend to end CU 15-20. However, if you'd like it to be extended, I'll need to know your plan for constructing the fence.

Thanks again for your time.

Jason

Jason Theunissen, CFM
County Planner / Addressing Coordinator
Pennington County Administration Building
Planning and Zoning Department
130 Kansas City Street, Suite 200
Rapid City, SD 57701
Phone: 605-394-2186

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<CU15-20 Statement of Understanding.PDF> 
<IMG_0885.jpg>
AGENDA ITEM #4
Black Hills Energy; Shannon Pollmiller - Agent
May 11, 2020

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 District 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:

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<tr>
<td>East</td>
<td>Highway Service District</td>
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<tr>
<td>West</td>
<td>Highway Service District</td>
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</tbody>
</table>

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.
   B. April 27, 2020 – The Planning Commission approved 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 at the May 11, 2020, Planning Commission meeting in order for the applicant and the adjacent property owner to meet and address concerns of the neighbor.
Agenda Item #4
Black Hills Energy; Shannon Pollmiller - Agent
May 11, 2020

III. EXISTING CONDITIONS
   A. Highway Service District.
   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 project to be completed later this year.
   B. The applicant has 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.
   D. April 27, 2020 – The Planning Commission approved Conditional Use Permit / CU 20-07 but changed Condition #11 to be reviewed at the May 11, 2020 Planning Commission meeting, to allow the applicant and adjacent neighbor to work out concerns the neighbor had at the meeting, which were:
      1. Black Hills Energy trucks were parked on the neighbor’s private parking lot.
      2. That trucks would have to use the parking lot to turn into the proposed contractor’s equipment storage yard.
E. May 4, 2020 – Staff contacted the applicant who stated:

1. Black Hills Energy employees went to the site and the truck that was parked in the parking lot was not a Black Hills Energy vehicle.
2. The applicant contacted the neighbor and assured them that no trucks would enter their property.
3. There is a probability that construction will be temporarily halted during the rally to avoid crowded roads.

(4/16/20)

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 Section 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.
STAFF REPORT

GENERAL INFORMATION:

REQUEST: MINOR PLAT / MPL 20-08: To reconfigure lots lines to create Lots 1, 2, and 3 of Hideaway Hills Subdivision in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

APPLICANT: Gorden and Jennifer Sabo

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

OTHER LANDOWNER: Stefan and Michelle Pluta

LANDOWNER ADDRESS: P.O. Box 1187, Rapid City, SD 57709

SURVEYOR / ENGINEER: KTM Design / Dave Vliem

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

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

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

SITE LOCATION: Located off of Martin Ranch Trail, northeast of the intersection of Rushmore Ranch Road and Martin Ranch Trail.

SIZE: 161.47 acres

TAX ID: 42815 / 42816 / 61562

EXISTING LAND USE Residential (42815 / 61562)

Vacant (42816)

SUBDIVISION REGULATIONS REFERENCE: Section 400.3

CURRENT ZONING: General Agriculture District
I. PROPOSED RECOMMENDATION
   A. Staff will be recommending approval of Layout Plan / LPL 20-02 with conditions.

II. GENERAL DESCRIPTION
   A. January 21, 2020, the Board of Commissioners approved Layout Plan / LPL 19-44 with the following six (6) conditions:
      1. That at the time of Minor Plat submittal, eight (8) foot Minor Drainage Easements to be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
      2. That at the time of the Minor Plat submittal, the proposed Plat be prepared by a Registered Land Surveyor;
      3. That prior to the Plat being recorded with the Register of Deeds, the plat meets all requirements of Pennington County Subdivision Regulations, or approved Subdivision Regulations Variance(s) be obtained waiving any of these requirements that are not met. Subdivision Regulations shall be submitted per Section 700 of Pennington County Subdivision Regulations;
      4. That the applicant ensures that all natural drainage ways are maintained and are not blocked;
      5. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of Section 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit; and,
      6. That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.
   B. March 3, 2020, the Board of Commissioners approved a Subdivision Regulations Variance / SV 20-01, requesting to waive the submittal of the following three (3) items:
      1. Additional road improvements to Martin Ranch Trail;
      2. Improvements to undeveloped Section Line ROW; and,
3. Percolation test and soil profile information for proposed Lot 3.

C. March 9, 2020, the applicants, Gorden and Jennifer Sabo, applied for a Minor Plat to reconfigure lot lines on the subject properties to create 3 lots. Proposed Lot 1 will have approximately 55.47 acres, proposed Lot 2 will have approximately 95.95 acres, and proposed Lot 3 will have approximately 10.05 acres.

D. March 17, 2020, the Board of Commissioners approved Rezone / RZ 20-01 to change the zoning from General Agriculture District to Limited Agriculture District for proposed Lot 3 of Hideaway Hills Subdivision involving approximately 10.05 ± acres.

III. EXISTING CONDITIONS
A. Zoned as General Agriculture District.
B. Lot size:
   1. Tax ID 42815: Approximately 80 acres ±.
   2. Tax ID 42816: Approximately 40 acres ±.
   3. Tax ID 61562: Approximately 40 acres ±.
C. No Special Flood Hazard Area on the subject properties.
D. Access taken off of Martin Ranch Trail.
   1. Access easement recorded in miscellaneous Book 172, Page 1080.
E. Part of the Martin Ranch Trail Road District.
F. Structures present:
   1. Tax ID 42815:
      a. 40’ x 60’ pole barn / COBP12-0371.
      b. Single-family residence with attached garage / COBP12-0433.
      c. Onsite Wastewater Treatment System (OSWTS) Construction Permit for mound system / COSD12-0081.
      d. OSWTS Operating Permit / COOP19-0921.
      e. 40’ x 60’ Garage and storage / COBP19-0286.
G. Tax ID 42816:
   a. Vacant of any structures.
H. Tax ID 61562:
   a. 36’ x 50’ shop with living quarters / COBP18-0479.
   b. Onsite Wastewater Treatment System (OSWTS) Construction Permit / COSD18-0064.

IV. PROPOSED LOTS
A. Lot 1
   1. Approximately 55.47 acres.
B. Lot 2
   1. Approximately 95.95 acres.
C. Lot 3
   1. Approximately 10.05 acres.
Proposed lot layout prepared by KTM Design Solutions, Inc.
V. REQUEST FOR COMMENT

A. County Highway Department
   1. No comments.

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

C. County Onsite Wastewater Specialist
   1. Proposed Lot 2 currently has an approved septic permit (COSD12-0081). It appears they need to obtain an Operating Permit. According to the USDA Web Soil Survey the soils on proposed lots 1 & 3 are classified as “Very Limited” due to depth to bedrock and slope. If any septic systems are installed on any of the proposed lots, all rules of Pennington County Zoning Ordinance Section 204-J must be followed.

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

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

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

H. Black Hills Electric Cooperative
   1. Black Hills Electric Cooperative has no concerns with this layout plat.

VI. ANALYSIS

A. The applicants, Gorden and Jennifer Sabo, have applied to create Lots 1, 2, and 3 of Hideaway Hills Subdivision from existing E1/2NE1/4; NE1/4SE1/4; NW1/4SE1/4, Section 8, T2S, R7E, BHM, Pennington County, South Dakota.

B. Staff finds no significant issues with the applicant’s request as it appears to be in harmony with existing lots and current land uses in the area.

RECOMMENDATION: Staff recommends approval of Minor Plat / MPL 20-08 with the following conditions:

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

2. That at the time of the Minor Plat submittal, the proposed Plat be prepared by a Registered Land Surveyor;
3. That prior to the Plat being recorded with the Register of Deeds, the plat meets all requirements of Pennington County Subdivision Regulations, or approved Subdivision Regulations Variance(s) be obtained;

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

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

6. That approval of this Minor Plat does not constitute approval of any further applications to be submitted for the above-described property.
PLAT OF
LOTS 1, 2 AND 3
HIDEAWAY HILLS SUBDIVISION
(formerly the NE1/4 of the SE1/4 and NW1/4 of the SE1/4,
and the E1/2 of the NE1/4 of Section 8)
T2S, R7E, B.H.M.,
PENNINGTON COUNTY, SOUTH DAKOTA.

CERTIFICATE OF SURVEY

1. David Lee Vlack, Registered Land Surveyor No. 4981, at the State of
South Dakota, do hereby certify that at the request of the named
above lessees, I have occupied the field of land shown, and to the best
of my knowledge and belief, the said plat is a representation of said
lessee's property, in accordance with all applicable Platting and
Surveying Regulations of the State of South Dakota.

In witness whereof, I have hereunto set my hand and seal.

David Lee Vlack, Registered Land Surveyor

Date:

CERTIFICATE OF DEED

I, [Name of Seller], do hereby transfer to [Name of Buyer], all that
real estate described as follows:

[Describe the property with necessary legal descriptions]

In witness whereof, I have hereunto set my hand and seal.

[Name of Seller]

Date:

CERTIFICATE OF ACKNOWLEDGEMENT

I, [Name of Acknowledger], do hereby certify that on the date of
this instrument, I was personally known to [Name of Acknowledger], and
acknowledged the execution of said instrument.

In witness whereof, I have hereunto set my hand and seal.

[Name of Acknowledger]

Date:

CERTIFICATE OF DEEDS RECORD

I, [Name of Record], do hereby certify that all deeds which
are upon the above described lands are duly recorded according to
the records of my office.

In witness whereof, I have hereunto set my hand and seal.

[Name of Record]

Date:

CERTIFICATE OF FILED DOCUMENT

1. [Name of Filer], do hereby certify that the documents shown
above are true copies of the original documents filed with this office.

In witness whereof, I have hereunto set my hand and seal.

[Name of Filer]

Date:

CERTIFICATE OF ACKNOWLEDGEMENT

I, [Name of Acknowledger], do hereby acknowledge that I was
personally known to [Name of Acknowledger], and acknowledged the
execution of said instrument.

In witness whereof, I have hereunto set my hand and seal.

[Name of Acknowledger]

Date:

CERTIFICATE OF DEEDS RECORD

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[Name of Filer]

Date:

CERTIFICATE OF ACKNOWLEDGEMENT

I, [Name of Acknowledger], do hereby acknowledge that I was
personally known to [Name of Acknowledger], and acknowledged the
execution of said instrument.

In witness whereof, I have hereunto set my hand and seal.

[Name of Acknowledger]

Date:

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[Name of Record]

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[Name of Filer]

Date:

CERTIFICATE OF ACKNOWLEDGEMENT

I, [Name of Acknowledger], do hereby acknowledge that I was
personally known to [Name of Acknowledger], and acknowledged the
execution of said instrument.

In witness whereof, I have hereunto set my hand and seal.

[Name of Acknowledger]

Date:

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I, [Name of Record], do hereby certify that all deeds which
are upon the above described lands are duly recorded according to
the records of my office.

In witness whereof, I have hereunto set my hand and seal.

[Name of Record]

Date:

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In witness whereof, I have hereunto set my hand and seal.

[Name of Filer]

Date:

CERTIFICATE OF ACKNOWLEDGEMENT

I, [Name of Acknowledger], do hereby acknowledge that I was
personally known to [Name of Acknowledger], and acknowledged the
execution of said instrument.

In witness whereof, I have hereunto set my hand and seal.

[Name of Acknowledger]

Date:
GENERAL INFORMATION:

REQUEST: LAYOUT PLAN / LPL 20-09: To create Tract D of Hook J Addition in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

APPLICANT: H & H Land Company #2, LLC

APPLICANT ADDRESS: 528 Kansas City Street, Rapid City, SD 57701

AGENT: Brian Hammerbeck

AGENT ADDRESS: 528 Kansas City Street, Rapid City, SD 57701

SURVEYOR / ENGINEER: D. C. Scott Surveyors

ADDRESS: 3153 Anderson Road, Rapid City, SD 57703

LEGAL DESCRIPTION: EXISTING LEGAL: PT GL1; N1/2NE1/4SE1/4; S1/2NE1/4SE1/4; SE1/4SE1/4; all located in Section 1, T1S, R9E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Tract D of Hook J Addition, Section 1, T1S, R9E, BHM, Pennington County, South Dakota.

SITE LOCATION: 23553 and 23555 Saint Germaine Road; south of the intersection of E. Highway 44 and Saint Germaine Road.

SIZE: 40.002 acres

TAX ID: 650 / 651 / 13381

EXISTING LAND USE: Residential / Agriculture

SUBDIVISION REGULATIONS REFERENCE: Section 400.1

CURRENT ZONING: General Agriculture District
SURROUNDING ZONING:

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

LIMITED AGRICULTURE DISTRICT

PHYSICAL CHARACTERISTICS: Flat / Open Prairie

UTILITIES: Private

REPORT BY: Jason Theunissen

I. PROPOSED RECOMMENDATION

A. Staff will be recommending approval of Layout Plan / LPL 20-09 with conditions.

II. GENERAL DESCRIPTION

A. The applicant’s agent, Brian Hammerbeck, applied for Layout Plan / LPL 20-09 to combine portions of three (3) lots into one (1) lot in order to create Tract D of Hook J Addition.

III. EXISTING CONDITIONS

Note: For ease of description, the subject properties are labeled A, B, and C.

A. Lot A (Tax ID 650)

1. Zoned General Agriculture.
2. 10.41 acres.
3. Special Flood Hazard Area (100-year) – FIRM Panel 46103C1275H.
4. Vacant of structures.
5. No approach or approved Approach Permit.

B. Lot B (Tax ID 651)

1. Zoned General Agriculture.
2. 20 acres.
3. No Special Flood Hazard Area.
4. 40’ x 60’ pole barn – County Building Permit 2009COBP0154.
5. On-site Wastewater Treatment System – Permit 2000COSD0028.
   a. No Operating Permit on file.
6. Access is taken off of Saint Germaine Road.
C. Lot C (Tax ID 13381)
   1. Zoned General Agriculture.
   2. 60 acres.
   3. Special Flood Hazard Area (100-year) – FIRM Panel 46103C1275H.
   5. 24’ x 24’ detached garage – built in 1930, according Department of Equalization records.
   6. Access is taken off of Saint Germaine Road.
IV. PROPOSED LOT
   A. Tract D of Hook J Addition
      1. Zoned General Agriculture (40-acre minimum lot size).
      2. 40 acres.
      3. Special Flood Hazard Area (100-year) – FIRM Panel 46103C1275H.
      4. Vacant of structures.
      5. Access is to be taken off of Derby Lane.

V. REQUEST FOR COMMENT
   A. County Highway Department
      1. Highway Department has no comments.
   B. County Environmental Planner II
      1. According to USDA Web Soil Survey the soils are classified as “Somewhat to Very Limited” due to slow water movement and flooding. No septic information could be found for the existing house (Lot C (Tax ID 13381)). I have no further concerns with this proposal however, if the applicant decides to install new septic systems on the property all rules of Pennington County Zoning Ordinance 204-J must be followed.
         a. Staff Comment: This will be included as a Condition of Approval.
   C. County Ordinance Enforcement
      1. No known violations.
   D. Emergency Services (9-1-1)
      1. In the parcel layer. The H&H Land Co parcels extend east and abut Saint Germaine Rd. The Plan shows them not touching Saint Germaine Rd so will all parcels be off Derby Lane?
         a. Staff Comment: On May 6, 2020, the applicant’s agent confirmed access to the proposed lot will be via Derby Lane.
   E. Department of Equalization
      1. This looks okay to me.
   F. County Addressing Coordinator / Floodplain Manager
      1. No addressing concerns at this time. Future addresses must be posted in accordance with Pennington County Ordinance 20.
      2. There is Special Flood Hazard Area (SFHA) on the property – FIRM Panel 46103C1275H.
      3. Minor Plat will need to contain one hundred (100) year floodplain limits in accordance with Pennington County Subdivision Regulations, Section 400.3(1)(l).
      4. A Floodplain Development Permit will be required for any work within the SFHA.
         a. Staff Comment: These will be included as Conditions of Approval.
G. Register of Deeds
   1. Plat heading needs to be amended to reference the Tract is coming out of Government Lot 1.
   2. Certificates appear to be required certificates per state statute.
   3. Notary acknowledgement should state that Brian Hammerbeck is signing on behalf of H&H Land Company No. 2 LLC.
      a. Staff Comment: These will be included as Conditions of Approval.

VI. ANALYSIS
   A. April 8, 2020 – The applicant’s agent, Brian Hammerbeck, applied for Layout Plan / LPL 20-09 to combine portions of three (3) lots into one (1) lot in order to create Tract D of Hook J Addition.
   B. May 5, 2020 – Staff performed a site visit and emailed the applicant’s agent to clarify access to the proposed lot and future plans regarding the remaining balances of the unplatted lots.
   C. May 6, 2020 – Staff received confirmation from the applicant’s agent that access to proposed lot will be via Derby Lane.
   D. May 6, 2020 – Staff spoke with the applicant’s surveyor, Dean Scott, who stated that the remaining unplatted portions of the parent lots (Tax IDs 650, 651, 13381) are to be platted and subdivided in the future.
      1. The remaining lots will all be below the 40-acre lot size minimum for a General Agriculture District and will need to be rezoned appropriately, to include a Comprehensive Plan Amendment, or an approved Lot Size Variance will need to be obtained.
   E. County Floodplain Manager, Register of Deeds, and County Environmental Planner had comments that are included as Conditions of Approval.
   F. The proposed lot does not appear to reduce the size of the proposed lot below minimum lot size requirements for a General Agriculture District.
   G. The creation of this lot will increase density on Derby Lane and the applicant will be required to improve Derby Lane to Pennington County Road Standards or obtain approval of a Subdivision Regulations Variance to waive these requirements.
      1. Staff will include this in the Conditions of Approval.
   H. Staff finds no significant issues with the applicant’s request as it appears to be in harmony with existing lots and current land uses in the area.

RECOMMENDATION: Staff recommends approval of Layout Plan / LPL 20-09 with the following conditions:

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

2. That an approved Floodplain Development Permit be obtained prior to any disturbance within the regulated Special Flood Hazard Area;
3. That prior to filing the Plat with the Register of Deeds, the remaining unplatted portions of the parent lots (Tax IDs 650, 651, 13381) be Rezoned appropriately, to include a Comprehensive Plan Amendment, or an approved Lot Size Variance be obtained;

4. That prior to filing the Plat with the Register of Deeds, the applicant improve Derby Lane to Pennington County Design Standards or obtain an approved Subdivision Regulations Variance to waive these requirements;

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

6. That the Certifications on the Minor Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations and Register of Deeds comments contained in this report;

7. 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;

8. 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;

9. That at the time of Minor Plat submittal, the plat contain one hundred (100) year floodplain limits in accordance with current FEMA maps and Pennington County Subdivision Regulations, Section 400.3(1)(l);

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

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

REQUEST:  

CONDITIONAL USE PERMIT / CU 20-08: To allow a contractor's equipment storage yard and a saw mill on the subject property in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

APPLICANT:  

Schad Corp., Cody Schad

APPLICANT ADDRESS:  

2801 Skyline Drive, Rapid City, SD 57701

LEGAL DESCRIPTION:  

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

SITE LOCATION:  

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

TAX ID:  

49053

SIZE:  

40.00 acres

EXISTING LAND USE:  

Residential

ZONING REFERENCE:  

Sections 206 and 507

CURRENT ZONING:  

Limited Agriculture District

SURROUNDING ZONING:  

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

PHYSICAL CHARACTERISTICS:  Rolling hills

UTILITIES:  

Private

REPORT BY:  

Cody Sack
I. PROPOSED RECOMMENDATION
   A. Staff will be recommending denial of Conditional Use Permit / CU 20-08.

II. GENERAL DESCRIPTION
    A. The applicant, Cody Schad, is requesting a Conditional Use Permit to allow
       for a contractor's equipment storage yard and a saw mill on a subject
       property.
       1. The saw mill is for building and storing wood trusses to be used by
          the applicant and family members for their construction businesses.

III. EXISTING CONDITIONS
    A. Lot 3R of Marvin Subdivision.
       1. Zoned Limited Agriculture District.
       2. 40 acres.
       3. There are easements on the property for gas lines and power lines.
       4. Lot contains:
          a. Single-family residence -- built in 1982 per Department of
             Equalization (DOE) Records.
             i. Onsite wastewater treatment system -- CIOSW17-0206.
          b. Tool shed (400 ft²) -- built in 1982 per DOE records.
          c. Tool shed (144 ft²) -- built in 1982 per DOE records.
          d. Shop building -- (1,800 ft²) -- built in 2002.
             i. 2002COBP0669.
          e. Mining Permit -- COMP19-0003.
          f. Construction Permit -- COCP19 -- 0018.
       5. Access is off of Marvin Road.
          a. Marvin Road is platted as "Right-of-Way".
             i. Staff confirmed with County Highway that it is not
                maintained by the County.
             ii. There is no Road District for this subdivision.
IV. CONSIDERATIONS FOR CONDITIONAL USE PERMIT REQUEST

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

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

1. The use of the subject property for a contractor’s equipment storage yard could affect the use and enjoyment of other property in the immediate vicinity.
B. The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
   1. Allowing this Conditional Use Permit could 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 has existing utilities. Access to the property is provided off of Marvin Road. It appears that all necessary utilities, access roads, and other facilities are already provided on the subject property for the proposed 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.

V. REQUEST FOR COMMENT
   A. County Highway
      1. No comments.
   B. County Addressing Coordinator
      1. No addressing concerns at this time.
   C. County Ordinance Enforcement Officer
      1. No known violation
   D. Emergency Services (9-1-1)
      1. Good Here.
   E. City of Rapid City
      1. The City’s Future Land Use Plan identifies the appropriate use of the property as Rural Reserve which allows single family residential development on a minimum 3-acre lot. Allowing a lumber mill and contractor’s equipment storage yard is not in compliance with the City’s Future Land Use Plan. In addition, access to the property,
Marvin Road, is not constructed to accommodate traffic from a lumber mill and/or contractor's equipment. Based on this, the City cannot support the Conditional Use Permit at this location.

VI. ANALYSIS
A. The applicant, Cody Schad, has requested a Conditional Use Permit for a contractor's equipment storage yard and saw mill.
   1. The applicant is a contractor and would like to store machinery and other construction material on his property.
   2. The saw mill is for building and storing wood trusses to be used by the applicant and family members for their construction businesses.
      a. The applicant has stated to Staff that the trusses will not be sold.
B. April 30, 2020 – Staff performed a site visit and found:
   1. The mining operation on the property has appeared to cease.
C. May 4, 2020 – Staff contacted the applicant who stated:
   1. The saw mill will be for the processing of approximately 10 trees to create boards that will be placed in the field to dry.
      a. The applicant anticipates processing approximately 50 trusses per year.
   2. The wood processed for trusses will be for personal use only.
   3. The applicant plans on storing construction equipment and materials on the subject property.
      a. Not all of the equipment and materials will be within the proposed shop buildings.
D. The use of a contractor's equipment storage yard and sawmill are permitted as Conditional Uses in a Limited Agriculture District.
E. Marvin Road is a platted public right-of-way intended for access to six residential lots within the Marvin Subdivision.
F. The subject property is located at the termination (cul-de-sac) of Marvin Road.
G. Lots 1-2 and Lots 4-6 contain single-family residences and outbuildings.
H. This Conditional Use Permit request does not appear to be in harmony with the existing land uses in the immediate vicinity.

RECOMMENDATION: Staff is recommending denial of Conditional Use Permit / CU 20-08.

If the Planning chooses to approve Conditional Use Permit / CU 20-08, Staff recommends the following conditions:

1. That an address must be posted at the entrance to the contractor's equipment storage yard and sawmill in accordance with Ordinance #20;
2. That this Conditional Use Limited to a contractor's storage equipment yard and saw mill;

3. That the amount of lumber produced be limited as to not create a manufacturing or commercial business;

4. That any lumber produced on the subject property be for personal use only and not sold for profit;

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

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

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

8. That the minimum number of required parking spaces shall be provided in accordance with Pennington County Zoning Ordinance Section 310(A)(1), 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;

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

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

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

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

13. 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,

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

GENERAL INFORMATION:

REQUEST: MINING PERMIT / MP 20-04: To operate a mining operation to extract limestone by drilling and blasting to be hauled off site in accordance with Sections 212 and 507-B.

APPLICANT: GCC Dacotah, Inc.

APPLICANT ADDRESS: P.O. Box 360, Rapid City, SD 57709

LEGAL DESCRIPTION: SW1/4NE1/4 Less Limestone Tunnel Sub; NW1/4SE1/4; That PT of SE1/4NE1/4, NE1/4SE1/4 and SE1/4SE1/4 Lying W of Hwy 79 Less Limestone Tunnel Sub in the SE1/4NE1/4, Section 20, T2N, R7E, BHM, Pennington County, South Dakota.

SITE LOCATION: North of the intersection of Hidden Valley Road and Sturgis Road.

TAX ID: 53261

SIZE: 140.32 acres

EXISTING LAND USE: Mining

ZONING REFERENCE: Sections 212 and 507-B

CURRENT ZONING: Heavy Industrial District

SURROUNDING ZONING:

North
General Agriculture District
Heavy Industrial District
Low Density Residential District
Suburban Residential District

South
General Agriculture District
City Limits of Rapid City

East
General Agriculture District
Heavy Industrial District

West
General Agriculture District
PHYSICAL CHARACTERISTICS: Rolling Hills

UTILITIES: None

REPORT BY: Cody Sack

I. PROPOSED RECOMMENDATION
   A. Staff will be recommending approval of Mining Permit / MP 20-04 under Section 507(B) with conditions

II. GENERAL DESCRIPTION
   A. The applicant, GCC Dacotah, has requested a Mining Permit to extract limestone by drilling and blasting that will be hauled off site.
III. EXISTING CONDITIONS
   A. Heavy Industrial District.
   B. 140.32 acres.
   C. No Special Flood Hazard Area.
   D. Access is taken off of Sturgis Road using an existing approach.
   E. A limestone mining operation.
      1. According to SD DENR mining records, the mine has been in
         operation since the mid-1920s.
      2. Almost 2 million tons have been mined from this site.

IV. REQUEST FOR COMMENT
   A. County Highway Department
      1. Highway Department has no comments since drainage is addressed
         and access isn’t changed.
   B. County Environmental Planner
      1. The applicants have submitted a reclamation plan.
      2. Any work must follow the County Stormwater Quality Manual and
         Stormwater Management Plan.
   C. Ordinance Enforcement Officer
      1. No known violations.
   D. County Natural Resources Director
      1. No Objections.
   E. Emergency Services (9-1-1)
      1. Just want to make sure if there are any accidents in this new area, we
         have an address to reference.
   F. City of Rapid City
      1. The City’s Future Land Use Plan identifies the appropriate use of the
         property as Mining and Extraction (ME). As such, the proposed use
         is in compliance with the City’s Comprehensive Plan.
      2. The City’s Major Street Plan identifies a proposed north/south
         collector street located in the western portion of the property. In
         addition, a proposed east/west collector street is identified in the
         northern portion of the property. The applicant should be aware that
         future development/subdivision of the property will require the
         dedication and construction of the collector streets in compliance
         with the City’s Infrastructure Design Criteria Manual.

V. ANALYSIS
   A. The applicants, have applied for a Mining Permit under Section 507(B) of
      the Pennington County Zoning Ordinance.
      1. The application was received prior to the new Pennington County
         Mining Ordinance, Section 320, going into effect.
      2. Prior to Section 320 going into effect, mining was a permitted use in
         a Heavy Industrial District.
B. Approximately 1,700,000 tons of material is anticipated to be excavated per year.
C. Material will be moved from the west side of Sturgis Road to the east side by conveyor.
D. Material moved by trucks will use existing haul roads.
E. The operation includes blasting and drilling for limestone.
F. Mine License #01-721.
G. The properties surrounding the subject property contain industrial uses.
   1. Staff has no concerns with the proposed Limestone Quarry.

RECOMMENDATION: Staff is recommending approval of Mining Permit / MP 20-04 with the following conditions:

1. That the conditions of approval of the South Dakota Department of Environment and Natural Resources Mine License be continually met;
2. That the applicants follow the Pennington County Stormwater Manual and Stormwater Management Plan;
3. That the applicants follow the reclamation plan that was submitted to the Planning Department;
4. That if there is a proposed change in operation from this Mining Permit, that the change be submitted to the Planning Director within thirty (30) days and the Mining Permit reviewed and approved by the Planning Commission;
5. That the conditions of approval of the South Dakota Department of Environment and Natural Resources Mine License be continually met;
6. That the conditions of the approval of the South Dakota Department of Environment and Natural Resources General Permit be continually met;
7. That the applicant submits a copy of the Mine License, issued by the South Dakota Department of Environment and Natural Resources, to the Planning Department and copies of any annual Mine License Reports by December 1st of each year;
8. That the applicant signs a Statement of Understanding within ten (10) business days of Mining Permit approval, which is available at the Planning Office; and,
9. That this Mining Permit be reviewed in three (3) years 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.
September 13, 2018

Pennington County Planning Department
130 Kansas City St, Suite 200, Rapid City, SD 57701

To Whom It Concerns,

I am writing to register our aggregate mining operations pursuant to Ordinance Section 320 N.2. In accordance with that section I have enclosed the Mine Registration Form which includes:

1. The name and contact information of the property owner
2. The description of the operations, including site plan with disturbance boundary
3. The legal description of the property subject to the nonconforming use
4. The date the nonconforming use was first established on the property and supporting documentation

To the extent that the prior ordinance Pennington County Zoning Ordinance (PCZO) § 507(B) is in effect then I am writing to apply for a permit. Accordingly, I am including the following:

1. Site plan.
2. Transportation plan, with the location, amount, and type of material to be extracted shown on a site plan.
3. A written statement indicating the scope, duration of the mining activity, and plan outlining reclamation to be done at the conclusion of extraction.

Please be advised that it is our position that these operations are exempted as a matter of state law from any permitting or registration requirements whatsoever. See SDCL § 11-4-30, Zoning of Cement Plant Commission property as private business:

All real property owned, leased, or otherwise held by the State of South Dakota by and through the South Dakota State Cement Plant Commission as of December 28, 2000, is hereby zoned to conform to its use as of December 28, 2000, as if it were owned, operated, and used by a private business, and all applicable municipal and county records shall be revised accordingly.

This registration and application are submitted in an abundance of caution and should not be construed as a waiver of existing rights under state law or acquiescence to the jurisdiction of the county.

If further information is required, please contact me at 605-721-7033

Sincerely,

Jim Anderson
GCCD

Enclosures
I certify that all information contained within this application form and any other information provided by me in relation to this application is true and accurate to the best of my knowledge; I certify that I will comply with all applicable Federal, State, and local laws and regulations in compliance with the use for which this permit is intended and, I FURTHER UNDERSTAND THAT SUBMITAL OF THIS APPLICATION IS NOT AND DOES NOT CONSTITUTE OR GUARANTEE APPROVAL OF THE REQUEST.

Property Address:
501 N. Saint Anne St.
Rapid City, SD 57702

Parcel Size (acres):
657

Zoning: Heavy Industrial
Mineral Extraction
Cement Plant

Zoning: (FLU)
mining/Extraction

Legal Description:
20
29
33
2N
Range: 7E

SURROUNDING ZONING: NORTH SEE ATTACHED ZONING MAP SOUTH EAST WEST

PHYSICAL CHARACTERISTICS: Pasture/Quarry UTILITIES:

Operator Name:

Same As Applicant

Address: Phone:

City: State: Zip:

Email:

Mine License #:
01-721005.0 Date License Approved: 1974

SD DENR Permit #: (i.e. Air Quality)
28.11.21-02 SD0000027

Applicant Name:
GCCC Darotal

Applicant Address:
P.O. Box 360
Rapid City, SD 57709

Phone: 605-721-7033

Property Owner Name:
GCCC Darotal

Address:
P.O. Box 360
Rapid City, SD 57709

Phone: 605-721-7033

City: State: Zip:
Rapid City, SD 57709
DESCRIPTION OF MINING OPERATION:
Drilling, blasting, loading of limestone into trucks and conveyor belt. Material from **WEST** side of Sturges Road will be moved via conveyor to East side, the moved via truck using existing private haul roads.

Anticipated cubic yards of material to be excavated per year: 1,700,000 TONS
Cubic yards of material excavated to date from parcel: > 50,000,000 TONS

The following documents are required for submittal of this Application**:

- [X] Site Plan with Disturbance Boundary
- Date Nonconforming Use First Established (supporting documentation – i.e. Date of Issuance of Mine License)

**Additional documentation may be required by the Planning Director. **

I hereby acknowledge review of and compliance with the provisions in §320 of the Pennington County Zoning Ordinance and I understand that I am responsible for payment of any required fees and penalties for violations associated with this application request.

Signature of Property Owner: __________________________
Date: 9-10-18

Subscribed and sworn to before me at Rapid City, South Dakota this 10th day of September, 2018.

Notary Public: __________________________
My Commission Expires: October 3, 2023

[Notary Seal]

Mining Permit Registration Page 2 of 2 Updated: April 3, 2018
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<td>Sections 13 &amp; 14; T2N-R7E</td>
<td>Shale-Pennington</td>
<td>01/01/1977-03/14/2027</td>
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CURRENT ZONING OF QUARRY AND SURROUNDING AREAS – SECTIONS 20 AND 21 ARE PENNINGTON COUNTY ZONING, EVERYTHING SOUTH OF THAT IS RAPID CITY ZONING – SEE ATTACHED LEGEND FOR COLOR DESIGNATIONS
FUTURE LAND USE PER THE MUNICIPAL PLANNING ORGANIZATION (MPO FLU0 IS MINING/EXTRACTION – SEE LEGEND ATTACHED.

FUTURE LAND USE PER THE PENNINGTON COUNTY FLU IS HEAVY INDUSTRIAL FOR PROPERTY IN SECTION 20
GCC DACOTAH, INC. - Quarry Reclamation Plan

The plan is developed to address reclamation and site rehabilitation activities at the quarrying operations owned by GCC Dacotah, Inc.

The plan was developed based on the Cement Sustainability Initiative Guidelines on Quarry Rehabilitation, the reclamation standards in South Dakota Codified Law (SDCL) 45-6-67, as well as the Natural Events Action Plan (NEAP) and Solid Waste Permit requirements developed by the South Dakota Department of Environment and Natural Resources (SDDENR).

A. Compliance with South Dakota Codified Laws

All mining activities will be conducted in accordance with Chapter 45-6, SAND, GRAVEL AND CONSTRUCTION AGGREGATE MINING of the South Dakota Codified Laws. Chapter 45-6-67, Operating and Reclamation Standards, require that surface mined areas shall be reclaimed and shaped to control erosion and eliminate hazards to domestic animals and wildlife, to protect public health and safety, protect the environment and to provide for appropriate future beneficial use.

B. Reclamation Procedures

Reclamation of mined areas, with high wind erosion potential, will be conducted in a timely manner to reduce fugitive emissions. GCC Dacotah has purchased a seed drill and a disc to facilitate reclamation procedures.

1. Contouring of Affected Lands:

Mined areas will be contoured to prevent soil erosion and to provide a stable base for revegetation. Quarried areas at the limestone quarry are back filled with excess kiln dust from the cement manufacturing process and overburden from new mining areas. Fugitive dust controls are addressed under the NEAP, Waste Pit Control section previously submitted.

2. Soil Cover:

Contoured areas will be covered with a final soil cover capable of sustaining a vegetative growth. Stripped top soil from mining activities will be stock piled for reclamation purposes.

3. Incorporation of Composted Materials:

When available, GCC Dacotah had been able to obtain yard waste compost from the Rapid City Municipal Recycling Facility. In addition, Rapid City are tree services are allowed to haul their wood chips to GCC Dacotah. These materials are incorporated into the final soil cover and have greatly enhanced vegetative growth.
4. Seeding:
Final seeding is accomplished by using a seven grass pasture mix. During extremely
dry weather conditions, the seeded areas will be watered by means of an 8,000 gallon
water wagon.

SDCL 45-6-67. Operating and reclamation standards. An operator shall comply with the
following operating and reclamation standards:

(1) Surface mined areas shall be reclaimed and shaped to control erosion and
eliminate hazards to domestic animals and wildlife, to protect public health and safety and
the environment and to provide for appropriate future beneficial land use;

(2) All refuse, machinery, equipment, and materials from the pit operation shall
be disposed of in a manner so as to create the least amount of unsightliness and
unproductive areas and to not pollute surface or groundwater;

(3) Land shall be revegetated in such a way as agreed upon by the operator,
the local conservation district and the landowner which establishes a diverse, effective,
and long-lasting vegetative cover. For any future land use other than crop land, the
revegetation shall be capable of self-regeneration and at least equal in extent of cover to
the natural vegetation of the surrounding area;

(4) If it is necessary to remove overburden in order to remove the construction
aggregates, topsoil shall be removed from the affected land and segregated from other
spoil. If such topsoil is not replaced on a backfill area within a time short enough to avoid
deterioration of the topsoil, vegetative cover or other means shall be employed so that
the topsoil is preserved from wind and water erosion, remains free of any contamination
by other acid or toxic material and is in a usable condition for sustaining vegetation when
restored during reclamation;

(5) Any disturbance to the prevailing hydrologic balance of the affected land
and of the surrounding area and to the quality and quantity of water in surface and
groundwater systems both during and after the pit operation and during reclamation shall
be minimized. Operations shall be conducted to protect all waters from pollution by
siltation, waste, debris and toxic fluids or materials;

(6) All surface areas of the affected land, including spoil piles, shall be
stabilized and protected so as to effectively control erosion and attendant air and water
pollution. Noxious weed infestations shall be controlled during all phases of the pit
operation and reclamation; and

(7) Any area outside of the affected land shall be protected from slides,
subsidence, or damage occurring during the mining operation and reclamation. All high
walls shall be reduced to a slope not greater than the angle of repose upon abandonment
of the mining operation, unless such a reduction would create conditions more detrimental
than preservation of the high wall. Prior to slope reduction, the operator shall take
precautions to limit access to the high wall area and to warn the public of the high wall. Such precautions shall include fencing and posting of warning signs. If high wall reduction is deemed impossible, impractical or aesthetically undesirable by the board, the board shall prescribe adequate fencing.

Kiln dust and Construction and Demolition disposal areas will be reclaimed following the final closure requirements in the solid waste permit.
STAFF REPORT

GENERAL INFORMATION:

REQUEST: MINING PERMIT / MP 20-05: To operate a mining operation to extract, crush, and stockpile shale to be hauled off site in accordance with Section 205 and 507-B.

APPLICANT: GCC Dacotah, Inc.

APPLICANT ADDRESS: P.O. Box 360, Rapid City, SD 57709

OWNER: Larry Henderson

LANDOWNER: 69-1033 Nawahine Pl Unit 19A Waikoloa, HI 96738

LEGAL DESCRIPTION: PT SE1/4SW1/4; PT S1/2SE1/4 of Section 11, T2N, R7E; PT SW1/4SW1/4 Less PT of Lot A of Lot 3 of Section 11, T2N, R7E; N1/2NE1/4; NE1/4NW1/4 of Section 14, T2N, R7E; NW1/4NW1/4 W of RD of Section 13, T2N, R7E, BHM, Pennington County, South Dakota.

SITE LOCATION: Meade County and Pennington County line, along Haines Avenue.

TAX ID: 14630 / 14631 / 47131 / 47129

SIZE: 167.39 acres

EXISTING LAND USE: Mining

ZONING REFERENCE: Sections 205 and 507-B

CURRENT ZONING: General Agriculture District

SURROUNDING ZONING:
  North  Meade County
  South  General Agriculture District
  East  City Limits of Rapid City
   General Agriculture District
  West  Limited Agriculture District
     General Agriculture District
PHYSICAL CHARACTERISTICS: Rolling Hills

UTILITIES: None

REPORT BY: Cody Sack

I. PROPOSED RECOMMENDATION
   A. Staff will be recommending approval of Mining Permit / MP 20-05 under Section 507(B) with conditions.

II. GENERAL DESCRIPTION
   A. The applicant, GCC Dacotah, has requested a Mining Permit to extract crush, and stockpile shale to be hauled offsite.

III. EXISTING CONDITIONS
   A. Zoned General Agriculture District.
   B. Total acreage of all lots is 167.39.
   C. The north portion of the mine is in Meade County.
   D. Access is taken off of Haines Avenue.
   E. No Special Flood Hazard Area.
   F. Shale mining operation.
      1. According to SD DENR mining records, the mine has been in operation since the late 1970s.
         a. Over 186,000 tons have been mined from this site.
IV. REQUEST FOR COMMENT

A. County Highway Department
   1. No comments since access isn’t changed and drainage is addressed.

B. County Environmental Planner
   1. The applicants have submitted a reclamation plan.
   3. A Construction Permit is needed per Section 205.

C. Ordinance Enforcement Officer
   1. No known violations.

D. County Natural Resources Director
   1. No Objections.

E. Emergency Services (9-1-1)
   1. There will need to be an address at this location.

F. City of Rapid City
   1. The City’s Future Land Use Plan identifies the appropriate use of the property as Forest Conservation and Rural Residential. Both land area designations support a minimum three-acre residential development. Based on these designations, the proposed use is not in compliance with the City’s Comprehensive Plan.
   2. The City’s Major Street Plan identifies a proposed north/south collector street located in the middle of the property. In addition, Haines Avenue located along the east property line is identified as a Principal Arterial Street on the City’s Major Street Plan. The applicant should be aware that future development/subdivision of the property will require the dedication and construction of the collector street in compliance with the City’s Infrastructure Design Criteria Manual. In addition, any use of the property must be designed to ensure that it does not negatively impact Haines Avenue.

V. ANALYSIS

A. The applicants have applied for a Mining Permit under Section 507(B) of the Pennington County Zoning Ordinance.
   1. The application was received prior to the new Pennington County Mining Ordinance, Section 320, going into effect.
   2. A Construction Permit is also required under Sections 205 and 507(A).

B. Approximately 220,000 tons of material is anticipated to be excavated per year.

C. Operation includes crushing and stockpiling shale.

D. Mine License #01-721.
   1. Issued 1977.

E. The applicant will need to go in front of the Board of Commissioners and either vacate or close the Section Line that runs through the operation.
F. There are no documented complaints from this site.

**RECOMMENDATION:** Staff is recommending approval of Mining Permit / MP 20-05 with the following conditions:

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

2. That the applicants follow the Pennington County Stormwater Manual and Stormwater Management Plan;

3. That the applicants vacate or close the Section Line Right-of-Way that runs through the mining operation;

4. That the applicants follow the reclamation plan that was submitted to the Planning Department;

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

6. That the conditions of approval of the South Dakota Department of Environment and Natural Resources Mine License be continually met;

7. That the conditions of the approval of the South Dakota Department of Environment and Natural Resources General Stormwater Permit for Industrial Activities be continually met;

8. That the applicant submits a copy of the Mine License, issued by the South Dakota Department of Environment and Natural Resources, to the Planning Department and copies of any annual Mine License Reports by December 1st of each year;

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

10. That this Mining Permit be reviewed in three (3) years 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.
Subject Property
September 19, 2018

To Whom It Concerns,

I am writing to register our shale mining operations pursuant to Ordinance Section 320 N.2. In accordance with that section I have enclosed the Mine Registration Form which includes:

1. The name and contact information of the property owner
2. The description of the operations, including site plan with disturbance boundary
3. The legal description of the property subject to the nonconforming use
4. The date the nonconforming use was first established on the property and supporting documentation

To the extent that the prior ordinance Pennington County Zoning Ordinance (PCZO) § 507(B) is in effect then I am writing to apply for a permit. Accordingly, I am including the following:

1. Site plan.
2. Transportation plan, with the location, amount, and type of material to be extracted shown on a site plan.
3. A written statement indicating the scope, duration of the mining activity, and plan outlining reclamation to be done at the conclusion of extraction.

Please be advised that it is our position that these operations are exempted as a matter of state law from any permitting or registration requirements whatsoever. See SDCL § 11-4-30, Zoning of Cement Plant Commission property as private business:

All real property owned, leased, or otherwise held by the State of South Dakota by and through the South Dakota State Cement Plant Commission as of December 28, 2000, is hereby zoned to conform to its use as of December 28, 2000, as if it were owned, operated, and used by a private business, and all applicable municipal and county records shall be revised accordingly.

This registration and application are submitted in an abundance of caution and should not be construed as a waiver of existing rights under state law or acquiescence to the jurisdiction of the county.

If further information is required, please contact me at 605-721-7033

Sincerely,

Jim Anderson
GCCD

Enclosures

Building Together™
**MINING PERMIT REGISTRATION**

**PENNINGTON COUNTY, SOUTH DAKOTA**

(PS20 § 320-N-2)

<table>
<thead>
<tr>
<th>Tax ID #</th>
<th>Permit #</th>
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<td>Application Date</td>
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I certify that all information contained within this application form and any other information provided by me in relation to this application is true and accurate to the best of my knowledge; I certify that I will comply with all applicable Federal, State, and local laws and regulations in compliance with the use for which this permit is intended and, I FURTHER UNDERSTAND THAT SUBMITTAL OF THIS APPLICATION IS NOT AND DOES NOT CONSTITUTE OR GUARANTEE APPROVAL OF THE REQUEST.

**Landowner/Applicant/Agent:**

<table>
<thead>
<tr>
<th>SIGNATURE</th>
<th>DATE</th>
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**Property Address:**

6111 North Haines Ave.
Rapid City SD 57701

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<th>Parcel Size (acres):</th>
<th>Zoning: (Current)</th>
<th>Zoning: (FLU)</th>
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**Legal Description:**

11, 12, 13; & 14
Section: 1, Township: 2N, Range: 7E

**SURROUNDING ZONING:**

NORTH (SEE ATTACHED ZONING MAP) South East West

**PHYSICAL CHARACTERISTICS:**

Open Pasture

**Applicant Name:**

GCC Dacotah, Inc.

**Operator Name:**

GCC Dacotah, Inc.

**Applicant Address:**

PO Box 360
Rapid City SD 57709

**Phone:**

605-721-7033

**Address:**

City: 
State: 
Zip: 

**Operator Address:**

City: 
State: 
Zip: 

**Operator Phone:**

**Email:**

janderson@gcc.com

**Property Owner Name:**

Larry Henderson

**Address:**

6539 N Haines Ave

**Phone:**

605-415-1860

**City:**

Rapid City

**State:**

SD

**Zip:**

57701

**Email:**

janderson@gcc.com

**Mine License #:**

01-721

**Date License Approved:**

1977

**SD DEER Permit #:** (Note: Air Quality)

SDG05A10

**SDR00A702**
DESCRIPTION OF MINING OPERATION:

Excavation, crushing and stockpiling of shale which is then loaded into trucks and hauled offsite. Operations include haul loads and storm water controls.

ANTICIPATED CUBIC YARDS OF MATERIAL TO BE EXCAVATED PER YEAR: \( \approx 220,000 \) tons

CUBIC YARDS OF MATERIAL EXCAVATED TO DATE FROM PARCEL: \( > 3.5 \) million tons

The following documents are required for submittal of this Application**:  

Check (v)  | Site Plan with Disturbance Boundary
--- | ---
1977 | Date Nonconforming Use First Established (supporting documentation—i.e. Date of Issuance of Mine License)

**Additional documentation may be required by the Planning Director.

I hereby acknowledge review of and compliance with the provisions in §320 of the Pennington County Zoning Ordinance and I understand that I am responsible for payment of any required fees and penalties for violations associated with this application request.

[Signature]

Date: 9-19-18

[Signature]

Notary Public: [Signature]

My Commission Expires: October 2023

[Seal]
Current Zoning and Surrounding Zoning – Pennington County - See attached legend
Current Surrounding Zoning – Rapid City – see Legend attached

Meade

Lat: 44° 7' 50.85332" N
Lon: 103° 15' 10.42404" W
Scale 1: 10,000
Pennington County Future land use = Limited Agriculture / Low Density Residential
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5. Any disturbance to the prevailing hydrologic balance of the affected land
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Klin dust and Construction and Demolition disposal areas will be reclaimed following the final closure requirements in the solid waste permit.
GENERAL INFORMATION:

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

APPLICANT: Robert Livingston

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

OWNER: K. W. Lindsay

OWNER ADDRESS: 7110 CR 657, W. Bushnell, FL 33513

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

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

SIZE: 14.98 acres

TAX ID: 51321

EXISTING LAND USE: Abandoned Recreational Vehicle Park

ZONING REFERENCE: Sections 210, 306, and 510

CURRENT ZONING: Highway Service District

SURROUNDING ZONING:

North: Low Density Residential District
Gen. Agriculture District
Suburban Residential

South: General Agriculture District

East: General Agriculture District

West: General Agriculture District

PHYSICAL CHARACTERISTICS: Flat, Forested Hills
I. **PROPOSED RECOMMENDATION**
   Staff is recommending approval of Conditional Use Permit / CU 19-33 with twenty-eight (28) conditions.

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

III. **EXISTING CONDITIONS**
   A. Zoned Highway Service District.
   B. 14.98 acres.
   C. Lot contains:
         a. An Easement is filed with the Register of Deeds for the encroachment of the onsite wastewater treatment system onto National Forest System (NFS) lands to the west.
         b. The size of the onsite wastewater treatment system is unknown.
      2. Equipment Shed – built in 1980 per DOE records.
         a. 2005COSD0125 – 1,000 gallon holding tank.
      3. Telecommunications Tower.
         a. Conditional Use Permit / CU 08-10
         b. Approved on August 5, 2008 by the Board of Commissioners.
      4. Fuel pumps.
         a. Underground storage tanks for fuel storage.
            i. Building Permit 97-295
   D. Special Flood Hazard Area on the subject property (Zone A)
      1. Floodplain Development Permit / FP 19-49
   E. Access is taken off of West Highway 44 via an approved SDDOT Approach.
      1. SDDOT Approach Permit approved on April 23, 2020.
Agenda Item #10
Robert Livingston; K.W. Lindsay – Owner
May 11, 2020

Special Flood Hazard Area – 100 year (blue hatch)

Aerial Photograph of Site
IV. CONSIDERATIONS FOR CONDITIONAL USE PERMIT REQUEST

A. Section 510 of the Zoning Ordinance lists five (5) factors that the Planning Commission may consider in their review of Conditional Use Permit applications. They are as follows:

1. The effect upon the use and enjoyment of other property in the immediate vicinity for the uses already permitted, and upon property values within the immediate vicinity.
   a. The properties surrounding the subject property consist of single-family residences. Due to the possibility of the increase in traffic on Highway 44 there is a concern that traffic may become congested as RVs enter the property from Highway 44.

2. The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
   a. It does appear that allowing this Conditional Use Permit could have a negative effect on the normal, orderly development or improvement of any surrounding vacant property.

3. That utilities, access roads, drainage, and/or other necessary facilities are provided.
   a. Based upon the site plan, it appears that underground electrical utilities will be provided to each of sites. In addition, each site will be serviced with water and sewer hookups. The applicant has proposed to provide a means of access to the property off of West Highway 44. The internal roadway will consist of a gravel-driving surface.

4. That the off-street parking and loading requirements are met.
   a. It appears the off-street parking requirements have been met.

5. That measures are taken to control offensive odor, fumes, dust, noise, vibration, and lighting (inclusive of lighted signs), so that none of these will constitute a nuisance.
   a. The proposed Conditional Use Permit may generate noise that could be offensive to the surrounding property owners. The proposed use could have a negative effect on the surrounding property owners due to the number of RV sites being proposed and the increase in traffic to the area.
V. PRIOR REQUESTS ON THE SUBJECT PROPERTY

A. Building Permit #293 – Drive-in eatery.

B. Building Permit #4740 – Cabin.

C. Relocation of Section Line / RS 97-02 – To relocate a portion of the east
west Section Line Right-of-Way (SLROW) to SD-44 and along the
SLROW that runs north and south through the property.

D. Rezone / RZ 97-13 – To rezone a portion of Tract Lake, Section 28, T2N,
R5E, BHM, Pennington County from General Agriculture District to
Highway Service District to allow the main structure on the property to be
utilized as a store.
   1. Approved by the Board of Commissioners on May 6, 1997.

E. Floodplain Development Permit / FP 97-03 – To elevate areas above the
base flood elevation to allow future camp sites.

F. Floodplain Development Permit / FP 97-04 – To develop recreational
vehicle sites and future road construction.

G. Building Permit 97-34 – Removal of shed.

H. Building Permit 97-243 – Construction of shop building.

I. Conditional Use Permit / CU 04-33 – To allow a temporary campground.
   1. Denied by the Planning Commission on August 23, 2004 with the
   applicant’s consent.

J. Variance / VA 04-32 – To reduce the minimum side yard setback from ten
(10) feet to zero (0) feet.
   1. Denied without prejudice by the Board of Commissioners on

K. Rezone / RZ 04-32 – To rezone the remaining portion of Tract Lake,
Section 28, T2N, R5E, BHM, Pennington County from General Agriculture
District to Highway Service District.
   1. Approved by the Board of Commissioners on November 9, 2004.

L. Relocation of SLROW / RS 04-03 – To relocate the SLROW off of the
property and off of NFS lands to South Dakota Highway 385 and South
Dakota Highway 44 ROW and along the east property line of the subject
property.
   1. Approved by the Board of Commissioners on December 7, 2004.

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

N. Conditional Use Permit / CU 05-40 – To allow for a Recreational Vehicle
Park in accordance with Section 306.
   1. Approved by the Planning Commission on October 24, 2005.
   2. Revoked by the Planning Commission on November 13, 2006 as the
use was never established.
O. Conditional Use Permit / CU 07-07 – To allow for a Recreational Vehicle Park in accordance with Section 306.
      a. The applicant appealed the Planning Commission’s decision of denial without prejudice.
   2. Approved by the Board of Commissioner on May 8, 2007.
   3. Revoked by the Planning Commission on May 14, 2012 as the use was never established and Conditions of Approval were not met.

P. Conditional Use Permit / CU 08-10 – To allow a telecommunications tower.
   1. Approved by the Board of Commissioners on August 5, 2008.
   2. Private Road Easement for access to the tower (FS-2700-9j; OMB 0596-0082) through National Forest Service lands.

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

VI. SECTION 306 REQUIREMENTS (RECREATIONAL VEHICLE PARKS)

The following information shall be shown:

A. The location and legal description of the proposed Recreational Vehicle Park.
   1. The RV Park will be located at the intersection of W. Highway 44 and Highway 385. The legal description for the property is Tract Lake of SW¼SW¼ of Section 27 and SE1/4 of Section 28, Section 27, T2N, R5E, BHM, Pennington County, South Dakota.

B. Plans and specifications of all buildings, improvements, and facilities constructed or to be constructed within the recreational vehicle park.
   1. The attached site plan was submitted showing the locations of all the buildings, RV sites, gas pumps, storage buildings, onsite wastewater treatment systems, and telecommunications tower.

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

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

E. The location of all points of entry and exit for motor vehicles and internal circulation pattern.
   1. An approach was approved by SDDOT with conditions on April 23, 2020.

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

G. The location of all lighting standards to be provided.
   1. Shown on the attached site plan.
H. The location of all walls and fences and the indication of their height and the materials of their construction.
   1. Shown on the attached site plan.

I. The name and address of the applicant and owner.
      a. 23851 Highway 385, Hill City, SD 57745.
   2. K. W. Lindsay – owner.
      a. 7110 CR 657 W, Bushnell, FL 33513.

J. Such other architectural and engineering data as may be required to permit the Planning and Zoning Director, the Commission, and the Board to determine if the provisions of these Zoning Ordinances are being complied with.
   1. At this time, the Planning Director has not requested additional information. The Planning Commission and Board have not heard the request and may require additional information in the future.

K. A time schedule for development shall be prepared which shall demonstrate the applicant's readiness and ability to provide the proposed services; and all required improvements and facilities shall be installed within one (1) year, unless the Board, on recommendation from the Commission, approves a plan for staged construction.
   1. A construction schedule was submitted by the applicant on April 24, 2020.

L. Utility service connections to be provided.
   1. The site has existing electricity and utility location information is provided on the attached site plan.

M. A domestic water system approved by the Pennington County Planning Department.
   1. There is an existing well on the site that requires a water right from SD DENR for this commercial use.
   2. An application was submitted for a water right (Application No. 2811-2). A recommendation from SD DENR should be complete by May 18, 2020.

N. A water carriage wastewater disposal system approved by the Pennington County Planning Department.
   1. An approval letter from SD DENR for the use of existing onsite wastewater treatment system for the store and bar and the RV sites is attached.

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

P. A complete drainage plan to include topography to at least 5-foot-contour intervals.
   1. An email from the design engineer indicates that all drainage from the site will drain to the pond.
VII. REQUEST FOR COMMENT (From February 2020)

A. County Highway
   1. The silt fence needs to be along the pond edge and not half way between the pond and hill.
   2. The SDDOT should have a chance to review since the drainage is into their ROW and access is from SD44.

B. South Dakota Department of Transportation (SDDOT)
   1. SDDOT will require the landowner to apply for Highway Access. Additionally, the landowner/applicant will need to provide the following:
      a. A site plan.
      b. Typical size of the vehicles entering and exiting the site.
      c. Anticipated traffic volumes at the site in vehicles/day.
      d. RV, truck-trailer/camper and delivery truck turning movement templates entering and exiting SD44 at the site.
      e. Site access enhancements (profile, channelization, radius/throat length/design based on vehicle turn movements).
   2. Once the information above is provided, SDDOT will review the attached plans for drainage needs and final requirements of the permit will be determined.
   3. When SDDOT completes the permit and returns it, all DOT standards and construction requirements will be included.
   4. All costs for construction will be the responsibility of the permittee.

C. County Environmental Planner II
   1. The applicant installed a 1,000-gallon holding tank in 2006 (2005COSD0125). Without all the information/proposal, it is assumed the holding tank was installed to service the store and gas station. More information is needed to determine if the tank is sized properly for their needs.
      a. Staff Comment: The holding tank serves the shop building.
   2. The applicant also installed another septic system (2010COSD0091). This system was approved by SD DENR in a letter dated February 16, 2007, to service 29 full-service RV sites.
   3. The applicant would need to submit a complete plan showing everything on the property that would need septic and which system it will go to and provide calculations showing the existing system can handle the proposed flows. This plan will also need to be submitted to SD DENR for approval.
      a. Staff Comment: Staff received approval of the existing onsite wastewater treatment system on December 10, 2019. The system was approved for the 22-site RV park with resort store and bar.

D. County Ordinance Officer
   1. No violations on his property.
E. County Natural Resources Director
   1. See the attached Noxious Weed Plan.
   2. The property is located in the Rapid Creek Common Tansy weed management area, we have working with the previous landowner on controlling the tansy on the property using state grant funds. We would be willing to continue to work with Mr. Livingston on controlling the tansy on the property, if he chooses to do so.

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

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

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

I. United States Forest Service
   1. The Forest Service worked with the landowner – Wayne Lindsay Jr. on a reciprocal road easement Right-of-Way; attached is a pdf copy of the Private Road Easement filed and recorded in the Public Records for Pennington County in the Register of Deeds Office in Book 170, Page 8133; attached is a pdf copy of the Easement filed and recorded in the Public Records for Pennington County in the Register of Deeds Office in Book 170, Page 8142.
   2. The Forest Service worked with SBA Communications Corporation on a Forest Road Special Use Permit for National Forest System Roan (NFSR) 771.1C; attached is a pdf copy of the signed SBA permit.
   3. Protect all posted boundary line corners, signs and bearing trees.
   4. Adhere to the setback requirements along the posted boundary between National Forest System lands (USA Public Domain; located on the south and east sides of private property) and private property.
   5. Protect all known stream courses, ponds and riparian areas located on National Forest System lands.
6. No resource damage to occur on National Forest System lands.
7. All proposed drain fields, leach lines or septic systems will need to be located on private property and not located on or drain or leach onto National Forest System lands.
8. All construction materials, supplies, trash or garbage will not be located or dumped on National Forest System lands.
10. No motorized trailheads or motorized trails or motorized roads are planned or scheduled for this portion of the Black Hills National Forest.
11. No motorized trails for ATV, motorcycles or ORV will be authorized from the private property unto National Forest System lands (USFS does not want unauthorized trails constructed on National Forest System lands).

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

*Shop Building and Sign*
Agenda Item #10
Robert Livingston; K.W. Lindsay – Owner
May 11, 2020

Pond

Gas Pumps and Convenience Store
RECOMMENDATION: Staff is recommending approval of Conditional Use Permit / CU 19-33 to allow for a Recreational Vehicle (RV) Park with the following thirty-three (33) conditions:

1. That no more than 22 recreational vehicle sites be allowed. Each recreational vehicle site shall measure a minimum of 35 feet long by 12-foot-wide;

2. That one convenience store with a bar is allowed;

3. That a gas station with two pumps and underground storage tanks is allowed;

4. That a shop/storage building is allowed;

5. That erosion control measures be implemented to prevent silt from leaving the applicant’s property and entering Deer Creek or other bodies of water;

6. That a water right is obtained and the well operational prior to operation of the RV Park;

7. That prior to any disturbance or construction within the Special Flood Hazard Area, that a Floodplain Development Permit is obtained by the Planning Department;

8. That if the convenience store/bar is substantially improved, the structure be brought into full compliance with Pennington County’s Flood Damage Prevention Ordinance;

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

10. That access to the site is from the approved SDDOT approach. This which includes removal of the existing approach to the southwest and widening of the existing approach to the northeast;

11. That eight (8) parking spaces and an additional one parking space per three employees (minimum 9 spaces) be provided for the convenience store and bar per Section 310 of the PCZO;

12. That the underground fuel storage tanks that service the gas station meet the requirements of South Dakota Administrative Rule 74:56:01 at all times;

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

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

15. That the existing sanitary holding tank located east of the garage building be removed;

16. That dust control measures be implemented to prevent dust from leaving the site and impacting the adjacent properties and/or street(s);

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

18. That each RV site be equipped with water, sewer and electric hook-ups;

19. That each campsite must be equipped with a numbered and color-coded sign indicator which is attached to a post on or near the campsite;

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

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

22. That the Recreational Vehicle Park conform to all regulations set forth in Section 306 of the Pennington County Zoning Ordinance;

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

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

25. That an Engineered Drainage Study is performed by the applicant’s engineer and approved by the County Drainage Engineer prior to the increase in the impervious area greater than 15 percent;

26. That all-natural drainage ways be maintained;
Agenda Item #10
Robert Livingston; K.W. Lindsay – Owner
May 11, 2020

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

28. That no parking is allowed within the Private Road Easement (OMB No. 0596-0082);

29. That the Recreational Vehicle Park be constructed in strict compliance with the final set of Engineered Construction Plans;

30. That the minimum setback requirements of a Highway Service District be maintained on the property or the appropriate Variance(s) be obtained;

31. That the switchback trail located on the hillside be removed and gated to restrict access;

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

33. 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.
11-6-2019

Kickstand Corner RV Park Policy and Rules

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

Speed Limit: 5 MPH

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

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

Drones: are not permitted and prohibited

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

No Dumping of wastewater anywhere on the grounds

Smoking is not permitted in the common areas.

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

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

Re Section 307 - Other Uses

E. Gasoline Service Stations:

The following regulations shall apply to all gasoline service stations:

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

   Building existing is 25 feet

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

   The closest residential district is north a 112’

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

   HWY 385 north is 332 feet to the west

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

   The closest residential district is north a 112’

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

   Existing 2 pumps are 22 feet

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

   NA

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

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

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

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

   All existing signage is in accordance to Section 312 if any new signage would be applied for separate
December 10, 2019

Rob Livingston
RL Construction & Design Inc
23851 Hwy 385
Hill City SD 57745

RE: Absorption trench wastewater design for a 22-site RV park with resort store and bar located in the SW1/4 SW1/4, Section 27, T2N, R5E, Pennington County, South Dakota

Dear Mr. Livingston:

The South Dakota Department of Environment and Natural Resources is in receipt of one set of plans and specifications for an existing, approved absorption trench wastewater system that services a 22-site RV park. The resort store and bar without a garbage disposal located in the SW1/4 SW1/4, Section 27, T2N, R5E, Pennington County, South Dakota will be connected to this existing system. The first approval letter sent by the DENR approved the park for 29 RV sites, but only 22 were constructed. The plans have been reviewed for compliance with South Dakota’s “Individual and Small On-Site Wastewater Systems” regulations.

The resort store requires 3 gallons per person, with a maximum of 100 persons per day. The bar requires 20 gallons per person, with a maximum of 20 persons per day. The RV park has 22 sites which require 100 gallons per day per site. The results of the review process indicate the wastewater system is designed for a maximum daily flow of 2900 gallons. This design will meet the minimum design requirements and is hereby approved with the following conditions:

- Coverage under the Department’s general storm water construction permit is required if the construction of this project will disturb one or more acres in total land area. Information concerning this permit can be obtained by calling Katie Adair at 1-800-737-8676. If a permit is required, a copy of the storm water pollution prevention plan must be kept on site during construction for review by DENR inspectors.
- If water for this and the other proposed facilities will come from a private well, then a Water Right Permit to use this water will be required. For more information on this process and for a permit application contact Eric Gronlund at (605) 773-3352.
- Your campground and store/bar may be a public water system and be regulated by the department’s Drinking Water Program. For more information, contact Mark McIntire at (605) 773-3754.
- All piping prior to the septic tank shall be installed in accordance with South Dakota Plumbing Code.
- The drain field may be considered a class V injection well regulated by the U.S. Environmental Protection Agency. Based on the information provided, you may have a Class V permit. This may need to be modified based on the proposed changes to your system. Please contact Douglas Minter at (303) 312-6079 or Craig Boomgaard (303) 312-6794 to determine if the
drain field is a class V injection wells and if EPA has any requirements. You may also find more information at the EPA website at http://water.epa.gov/type/groundwater/uic/class5/index.cfm.

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
Bill Chalcraft, Administrator DOH, Robert Hayes Bldg.
Craig Boomgaard, EPA – Region 8
**Application for Highway Access Permit**

**South Dakota Department of Transportation**

**Property Owner:**
- Name(s): Wayne Udrey
- Mailing Address: 23901 Hwy 385
- City, State, Zip: Hill City SD 57745
- Daytime Phone: 605-961-7745

**Property to be Served by Approach:**
- County
- Township
- Range
- Subdivision
- Street Address: 16001 West HWY 44

**State Highway to be Accessed by Approach:**
- State Highway Number: HWY 44
- Access would be from __________ (farthest cross street):

**Type of Permit Requested (check one):**
- New approach
- Change in use
- Temporary access
- Improve existing access
- Relocate existing approach
- Remove existing access

**Requested Approach Width (check one):**
- 24
- 30
- 36
- 40

**Estimate Date of Construction:**
- Date: 4/1/13

**Signature of Applicant:**
- Date: 4/1/13

**Supporting Materials Required:**
- Access Approach Design
- Vicinity Map
- Traffic Volume
- Three Copies of Site Plan
- Traffic Control Plan
- Proof of Liability Insurance
- Detailed Development Plan
- Drainage Plan
- Traffic Impact Study
- Vegetation Plan
- Other

**Terms and Conditions of Approval (or Reason for Denial):**
- Light pole and concrete base shall be removed from RDU.

Access Must be Constructed By: 6/28/13

**SDDOT Area Engineer Signature:**
- Name: Michael D. Calman
- Date: 4/22/13

**SDDOT Area:**
- Area Office: RC
- Contact Person: Steve Wise
- Contact Phone: 394-1644

**Distribution:**
- Original
- Owner Copies
- Access Management, Area Office

v.10/2005
## Kickstand Corner Construction Plan

**PROJECT**

**PROJECT MANAGER**

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KICKSTAND CORNER CAMPGROUND
PENNINGTON COUNTY, SOUTH DAKOTA
ORIGINAL JANUARY 2007 - RE-PUBLISHED MARCH 2020

PROJECT LOCATION

PROJECT LOCATION MAP NOT TO SCALE

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

GENERAL INFORMATION:

REQUEST: ORDNANCE AMENDMENT / OA 20-01: To amend Section 507 “Construction Permits” [to supersede Section 507-A “Erosion and Storm Water Control”] and to amend Section 511 “Fees” to set fees regarding Storm Water Permits of the Pennington County Zoning Ordinance.

REPORT BY: Britney Molitor/Cody Sack

GENERAL DESCRIPTION: To regulate land disturbance related to construction activities.

PROPOSED AMENDMENT TO SECTION 507 - REQUIREMENTS FOR CONSTRUCTION ACTIVITIES – Rewrite of Section 507-A, “Erosion and Storm Water Control” of the Pennington County Zoning Ordinance.

A. SCOPE.

Pennington County Zoning Ordinance (PCZO) Section 507 establishes minimum requirements for construction activities involving land disturbance.

B. PURPOSE.

The purpose of Section 507 is to mitigate soil erosion and deposition of sediment and prevent illicit discharge into drain systems by regulating land disturbing activities.

C. APPLICABILITY.

Section 507 applies to all land in Pennington County outside the jurisdictional boundaries of a municipality.

D. COMPATIBILITY.

The requirements of Section 507 are minimum requirements. In any case where a provision of Section 507 is in conflict with local, state or federal law, rules or regulations in effect within the jurisdictional boundaries of the county, the higher standard or more stringent requirement will control.

E. AUTHORITY.

Pursuant to SDCL 11-2-13, for purpose of promoting the health, safety, and general welfare of its citizens, the Pennington County Board of Commissioners has adopted a Zoning Ordinance.

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Under the federal Clean Air Act, the United States Environmental Protection Agency (EPA) established National Ambient Air Quality Standards (NAAQS) to protect public health and welfare and to regulate emissions of hazardous air pollutants. The NAAQS are enforced by Pennington County Ordinance No. 12 (Fugitive Emissions and Abatement of Smoke).

Under the federal Clean Water Act, the EPA implemented municipal storm water programs to control the discharge of pollutants into the waters of the United States and set water quality standards. The Pennington County Storm Water Management Plan and PCZO Section 507 implement federal regulations controlling storm water runoff.

F. STORM WATER QUALITY MANUAL.

The Pennington County Storm Water Quality Manual provides guidelines and standards for the implementation of storm water and erosion control measures. The manual lists acceptable storm water treatment practices, including specific design criteria, operation requirements, and maintenance requirements. The manual may be updated, revised or expanded from time to time, based on state and federal law, rules and regulations, or advances and improvements in engineering, science, and monitoring.

All construction activity must meet erosion and control best management practices (BMPs) as stated in the Storm Water Quality Manual and incorporated by reference herein. It will be presumed that minimum water quality standards are met when storm water treatment practices are designed and constructed in accordance with the manual.

All storm water management practices will be designed to meet storm frequency storage volumes (e.g., recharge, water quality, channel protection, 10- and 100-year storm events, etc.) as identified in the Storm Water Quality Manual, unless the activity is exempt under the provisions of Section 507-Q.

If the minimum control requirements are inadequate or if hydrologic or topographic conditions warrant greater control than provided by the minimum control requirements, the Planning Director may require additional measures as identified in the Storm Water Quality Manual.

G. CONSTRUCTION CATEGORIES.

Construction activities are divided into four classifications determined by the size and type of land disturbance.

1. Construction activity with less than 10,000 square feet of land disturbance
2. Small Scale Project: Construction activity where land disturbance is greater than or equal to 10,000 square feet, but less than one acre
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3. Large Scale Project: Construction activity where land disturbance is greater than or equal to one acre

4. Industrial Project: Construction activity associated with industry areas as classified in the Standard Industrial Classifications (SIC) group code 10 through 14, and 20 through 39.

H. APPLICABLE PERMITS.

Permit requirements for construction activity are determined by classification and nature and location of the activity. Table 1 lists applicable permits by project scale.

<table>
<thead>
<tr>
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<th>Permit or Approval of Waterway or Wetland Disturbance (if applicable)</th>
<th>County Storm Water Permit</th>
<th>Air Quality Permit</th>
<th>SD DENR Water Permit</th>
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<td>&lt; 10,000 SF</td>
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I. PERMIT REQUIREMENTS.

1. Building Permit

A Building Permit is required for any structure exceeding 144 square feet or permanently anchored to the ground. An application for a Building Permit must meet the requirements of Section 506. The Planning Director reviews and approves all Building Permits.

2. Air Quality Permit

Under Pennington County Ordinance No. 12, an Air Quality Permit is required from the City of Rapid City for land disturbance activities greater than or equal to one acre and located within the regulated Air Quality Zone.

3. Floodplain Development Permit

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4. Approval of Waterway or Wetland Disturbance

Approval or permit is required from the South Dakota Department of Environment and Natural Resources (SD DENR), United States Army Corps of Engineers, or Federal Emergency Management Agency prior to:

a. Erecting a waterway crossing if watercourse will be crossed regularly during construction activity, or

b. Disturbing any waterway or wetland.

5. Pennington County Storm Water Permit

A Pennington County Storm Water Permit is required prior to land disturbance greater than or equal to 10,000 square feet, unless exempt under Section 507-Q.

a. Application Requirements

All applications for a County Storm Water Permit must include all of the following:

i. Site Plan. The site plan must include a legible map identifying area to be disturbed, slopes, drainage, structures, utilities, waterways, floodplain, storm water inlets, designated entry point, concrete washout area (if required), and property lines. The Site Plan must state measures to be used to control sediment and erosion, and to protect the nearest downstream storm water inlets (if applicable). The Site Plan must also identify practices to prevent mud tracking from vehicles and equipment onto streets. The minimum allowed map size is 8½" x 11".

ii. Responsible Party. The name, address and phone number of the person(s) responsible for erosion and sediment control.

iii. Controls. Type and location of all BMPs necessary to achieve soil stabilization on the site, including stockpiles of any soil, rock, or additional landscaping materials.

iv. Stabilization Practices. Description and schedule of interim and permanent stabilization practices, schedule of dates when major grading activities will occur, date construction activities will temporarily or permanently cease on any portion of the site, and date

Commented [HM1]: Road grading requirements deleted as this ordinance is intended to address erosion control and prevent illicit discharge into waterways. Disposed with Highway Department Director. Roads are the province of the Highway Department and Ordinance 14.
stabilization measures will be initiated. The applicant must also specify the date final stabilization will be completed.

Incomplete applications will be returned to the applicant. The Planning Director may require submission of additional information.

b. Notice Requirements

Applicants of Storm Water Permits must notify all abutting property owners of the subject property of the pending application and construction activity. Based upon Department of Equalization records, the Planning Department will determine and provide a list of adjoining property owners. Notice must be sent by first class mail. The applicant must use “Application and Notice of Construction Activity” letters provided by the Planning Department.

c. Development Considerations

i. All new development or redevelopment on lots greater than or equal to one (1) acre or lots with commercial or industrial uses, which cause an increase in (exceeds) impervious area greater than 15%, shall be required to provide storm water treatment of the runoff generated by the first 0.5" of rainfall.

ii. Single lot residential development, which causes an increase in impervious area greater than 30%, shall be required to provide storm water treatment of the runoff generated by the first 0.5" of rainfall.

d. Review/Approval

The Planning Director reviews and approves all County Storm Water Permits.

i. Small Scale Projects. Storm Water Permits for Small Scale Projects may be issued for one year and extended for one year upon written request and site inspection by the Planning Department.

ii. Large Scale and Industrial Projects. Storm Water Permits for Large Scale and Industrial Projects may be issued for two years and extended for one year upon written request and site inspection by the Planning Department.

iii. Continuous Operations. When commercial operations involve continuing land disturbance requiring ongoing erosion and sediment controls a Storm Water Permit for Continuous Operations may be issued. County Storm Water Permits for Continuous Operations are subject to periodic review as a condition of the Permit or on a complaint basis.
e. Inspection Reports

A copy of the approved Storm Water Permit and Site Plan or Storm Water Pollution Prevention Plan (SWPPP) must be kept on site during construction activity. The designated responsible party must perform all required inspections. Record of inspections must be kept with the Site Plan (or SWPPP) and Storm Water Permit, and the Site Plan (or SWPPP) must be updated as site conditions change.

The Planning Director may enter the subject property to conduct on-site inspections and review inspection records.

Frequency of required inspections:

- Once every 7 calendar days; or,
- Once every 14 calendar days and within 24 hours of precipitation exceeding 0.25 inches or snowmelt that generates runoff. Must maintain functioning rain gauge on site.

Upon inspection, if existing site conditions are found to be non-compliant with the conditions of the approved Storm Water Permit, a Stop Work Order may be issued by the Planning Director as provided in Section 507-P.

If major revisions are needed to comply with the requirements of Section 507, a revised Storm Water Permit Application and Site Plan (or SWPPP) must be submitted for review and approval. No additional fees will be charged for revisions prior to expiration of a current Storm Water Permit.

f. Transfer of Permits

Upon sale or transfer of property subject to a County Storm Water Permit, the prior owner is not released of responsibilities under the Permit unless all of the following conditions are met:

i. Written notice is given to the Planning Department;
ii. Construction activity is in compliance with the conditions of the Storm Water Permit; and
iii. New owner assumes responsibility in writing for erosion and sediment controls, including final stabilization.
g. Revocation of Permits

The Planning Director may schedule a hearing on a County Storm Water Permit before the Planning Commission upon the occurrence of any of the following:

i. The owner or operator has failed repeatedly to comply with the conditions of the Storm Water Permit.

ii. The owner or operator failed to perform and complete requested corrective action.

iii. The continued construction activity constitutes a nuisance as defined under Section 507.

iv. The continued construction activity is a threat to the public health, safety, or general welfare.

Notice of time and place of the hearing will be given, in writing, to the permit holder and surrounding property owners at least 30 days in advance of hearing. Upon hearing, the Commission may revoke the Permit or order remedial action to be taken by the owner or operator.

6. General Permit for Storm Water Discharge

SD DENR may require a General Permit for Storm Water Discharge for Large Scale or Industrial Projects.

J. Discharge Prohibitions

1. Municipal Separate Storm Sewer Systems (MS4) or Watercourses. No person shall discharge or cause to be discharged into a MS4 or watercourse any materials other than storm water, including but not limited to, pollutants or other materials that cause or contribute to a violation of applicable water quality standards.

2. Exemptions. Discharge into MS4s is prohibited except in the following circumstances:

   a. Water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, sump pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or
wetland flows, de-chlorinated swimming pools, firefighting activities, and any other water source not containing pollutants.

b. Discharges authorized in writing by the Planning Director as being necessary to protect public health and safety.

c. Dye testing if authorized in writing by the Planning Director.

d. Any non-storm water discharge permitted under a NPDES Storm Water Permit, waiver, or waste discharge order and administered under the authority of the EPA, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations.

3. Illicit Connections. The construction, use, maintenance, or continued existence of illicit connections to a MS4 is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable at the time of connection.

4. In the event of an illicit discharge, the Planning Director may suspend MS4 access. The Planning Director will provide written notice to allow the responsible party reasonable opportunity to prevent illicit discharge prior to suspension.

K. Suspension of MS4 Access.

The Planning Director may suspend, without prior notice, MS4 discharge access when necessary to stop actual or threatened discharge that presents an imminent and substantial danger to water quality, or to the health or welfare of persons. If a person fails to comply with a suspension order issued by the Planning Director, the Planning Director may take steps as deemed necessary to minimize danger to water quality and the health and welfare of persons.

L. Monitoring of Storm Water Discharges.

All erosion and sediment control facilities must be maintained in accordance with the Storm Water Quality Manual and any conditions of a Permit.

1. The Planning Director may enter and inspect facilities to determine compliance with Section 507 and any conditions of a Permit.

2. The Planning Director may require installation of sampling and monitoring equipment as necessary. Equipment must be installed and maintained in a safe and operable condition at the property owner’s expense. All devices used to measure
storm water flow and water quality must be calibrated according to manufacturer recommendations.

3. At the request of the Planning Director any obstruction to access of the site must be promptly removed. The cost of clearing the obstruction will be borne by the property owner.

4. Every person owning, occupying, or leasing property through which a watercourse passes must maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, or other obstacles that would pollute, contaminate, or significantly impede the flow of water. In addition, the owner, occupant, or lessee must maintain structures within or adjacent to a watercourse, to prevent hazard to the use, function, or flow of the watercourse.

M. Notification of Spills.

Any person responsible for construction activity or emergency response must report any known or suspected illicit discharge or discharge of pollutants into a waterway or MS4. All necessary steps must be taken to ensure the containment and cleanup of pollutants discharged. In the event of release of hazardous materials, emergency response agencies must be immediately notified of the occurrence via emergency dispatch services. In the event of release of non-hazardous materials, the Planning Director and SD DENR must be notified no later than the next business day. Verbal notice shall be confirmed by written notice, addressed and mailed to the Pennington County Planning Department at 130 Kansas City Street, Suite 200, Rapid City, SD, 57701, and postmarked within three business days of the event. If the discharge of prohibited materials is from commercial or industrial activity, the property owner must retain an on-site written record of the discharge and action taken to prevent recurrence. Such record must be retained for at least seven years.

N. Final Stabilization

1. Final Stabilization occurs when all soil disturbing activities at the construction site have been completed, and:

   a. Uniform perennial vegetative cover of at least 70% of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures; or

   b. Equivalent permanent stabilization measures (such as riprap, retaining walls, or geotextiles) have been utilized.

2. When background native vegetation will cover less than 100% of the ground (e.g., arid areas), the 70% coverage criteria set forth above is adjusted to require 70% of the naturally occurring coverage. For example, if native vegetation covers 50% of the ground, 70% of 50% (.70 x .50 = .35) would require 35% total cover for final
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stabilization. On sites with no natural vegetation, no vegetative stabilization is required.

3. For individual lots in residential construction final stabilization requires:
   a. The developer/contractor or property owner complete Final Stabilization as specified in Section 507; or
   b. The developer/contractor establish temporary stabilization (as defined in the Storm Water Quality Manual) for the lot prior to the owner assuming control of the property, and the developer/contractor inform the property owner of the need for and requirements of Final Stabilization.

4. The County Storm Water Permit may be released upon Final Stabilization.

5. Special Conditions for Final Stabilization.
   a. Vacant lots and new building sites must be maintained and stabilized to the extent necessary to prevent debris transport from wind or water erosion, washout of debris onto adjacent lots or sites, and tracking of debris onto streets. The Planning Director may require the developer/contractor or owner to provide periodic street sweeping if other measures are insufficient and debris is tracked or washed onto streets.
   b. Effective and permanent erosion control measures, such as seeding and mulching, must be implemented immediately upon completion of construction, but in no case later than 14 days after the construction activity has stopped.

O. APPEALS:

A decision of the Planning Director is subject to review under SDCL 11-2-53 and any amendments thereto.

P. ENFORCEMENT:

The following measures may be used to enforce the requirements of Section 507.

1. Stop Work Order

The Planning Director may issue a Stop Work Order under any the following circumstances:
   a. A site is maintained in violation of Section 507;
   b. Construction activity is contrary to the conditions of required permits;
c. Construction activity is occurring without a required permit;

d. Continued construction activity constitutes a nuisance under Section 507.

e. Continued construction activity is likely to endanger public health, welfare, or safety.

A Stop Work Order must be issued in writing and delivered to the person responsible for the construction activity, or his or her employee/agent. All construction activity and other site development must cease, except work required to stabilize or secure the site as allowed or required by the Planning Director. Construction activity and site development shall resume only when the Stop Work Order is rescinded in writing by the Planning Director.

2. Ordinance Violation

Any person who fails to comply with the requirements of Section 507, or conditions of a required Permit issued under Section 507, is in violation of the Pennington County Zoning Ordinance and subject to the penalties set forth in Section 514 of the Zoning Ordinance.

3. Injunction

In addition to all other remedies available to Pennington County to prevent, correct, or abate violations of Section 507, the Planning Director may seek injunctive relief pursuant to SDCL Chapter 21-8 against any property owner, Permittee, or other person in violation of Section 507 or of the conditions of a Permit. The injunctive relief authorized may include a reparatorie injunction requiring any party who commits such violation to bring or return any affected property to a condition which does not constitute a nuisance as that term is defined in Section 507.

4. Nuisance

A violation of Section 507 constituting a nuisance is subject to abatement under the provisions of SDCL Chapter 21-10 and SDCL 7-8-33 and applicable Pennington County Ordinances. A violation of Section 507 constitutes a nuisance if the violation:

a. Annoys, injures, or endangers the comfort, repose, health, or safety of others;

b. Offends decency;
c. Unlawfully interferes with, obstructs, or tends to obstruct, or renders dangerous for passage, any lake or navigable river, bay, stream, canal, or basin, or any public park, square, street, or highway; or

d. In any way renders other persons insecure in life or in the use of property.

Summary abatement of nuisances is authorized, if deemed necessary by the Planning Director.

5. Performance Bond

The Planning Director may, as a condition of a County Storm Water Permit, require the posting of a performance bond for control measures, stabilization, or other work proposed in the applicant’s Site Plan or SWPPP. The Pennington County Board of Commissioners may authorize the Planning Director to use the performance bond to complete any work proposed in the Permittee’s Site Plan or SWPPP if the Permittee cannot or will not complete such work.

6. Inspection Warrant

The Planning Director or any certified law enforcement officer in Pennington County may obtain an inspection warrant as set forth in SDCL chapter 34-43 to verify that the requirements of any Permits required under Section 507 are complied with and to investigate any suspected violations of Section 507.

Q. EXEMPTIONS.


2. Agricultural Activities including: cultivation of soil, dairying, forestry, or raising or harvesting of agricultural or horticultural commodity, including livestock.

PROPOSED AMENDMENT TO SECTION 511 – FEES FOR COUNTY STORM WATER PERMITS

SECTION 511: Fees shall be amended to include and read as follows:

C. Storm Water Permit

1. Small Scale Project
   a. Associated with a Building Permit $25.
   b. Stand-alone $50.
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c. Renewal $50.

2. Large Scale and Industrial Projects
   a. Associated with a Building Permit $100.
   b. Stand-alone $250.
   c. Renewal $250.

3. Continuous Operations Permit
   a. Applicable small or large scale fee.
   b. Annual Review Fee $100.

RECOMMENDATION: Staff recommends approval of Ordinance Amendment / OA 20-01.