AGENDA
PENNINGTON COUNTY PLANNING COMMISSION
May 26, 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 June 4, 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@penneo.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 MAY 11, 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 14-23: Keystone Adventures, Inc.; Andrew Busse – Agent. To review a golf driving range and helipad in a Highway Service Zoning District in accordance with Sections 210 and 510 of the Pennington County Zoning Ordinance.

   The Unplatted Balance of Government Lot 16 less Right-of-Way; and the Unplatted Balance of Government Lot 21 less Right-of-Way, Section 31, T1S, R6E, BHM, Pennington County, South Dakota.

   To recommend approval of the extension of Conditional Use Permit / CU 14-23 with conditions.

4. CONDITIONAL USE PERMIT REVIEW / CU 18-01: Ron Weifenbach. To review for seasonal retail sales of Class C fireworks in a General Commercial District in accordance with Sections 204-D, 209, and 510 of the Pennington County Zoning Ordinance.

   All, Block 8, Harney Peak View Addition, Section 9, T1N, R8E, BHM, Pennington County, South Dakota.

   To recommend approval of the extension of Conditional Use Permit / CU 18-01 with conditions.
5. **CONDITIONAL USE PERMIT REVIEW / CU 18-09**: Scott and Christine Grierson. To review a Recreational Vehicle to be used as temporary living quarters on the subject property (Lot 6) while building a single-family residence on Lot 5 in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Lot 6, Block 3, Pactola Estates, Section 17, T1N, R5E, BHM, Pennington County, South Dakota.

To recommend to continue the review of Conditional Use Permit / CU 18-09 to the July 13, 2020, Planning Commission meeting with two (2) conditions.

6. **CONDITIONAL USE PERMIT REVIEW / CU 18-14**: All American Sales; Doug Bellinger - Agent. To review seasonal retail sales of Class C Fireworks in a Heavy Industrial District in accordance with Sections 204, 212, and 510 of the Pennington County Zoning Ordinance.

Lots A and B of Tract B of SW1/4 Less Lot H3 of said Lot B, including Lot H2 of Tract B, Section 27, T2N, R8E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 18-14 with conditions.

7. **CONDITIONAL USE PERMIT REVIEW / CU 19-05**: Fat Boys, Inc; Bob Fuchs – Agent. To review a campground on the subject property to include RV sites, tent camping, cabins, and a motel in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Lot 1-3 less Lot 1A of Spring Creek Palisades, Section 21, T1S, R5E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 19-05 with conditions.

8. **CONDITIONAL USE PERMIT REVIEW / CU 19-10**: Jeff and Jodi Sugrue. To review a multi-family dwelling in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Tract C, Block 5, Silver City Subdivision, Section 31, T2N, R5E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 19-10 with conditions.
9. **CONDITIONAL USE PERMIT / CU 19-11:** Paul and Rebecca Freidel. To allow a Guest House on the subject property in a Low Density Residential District in accordance with Sections 207, 318, and 510 of the Pennington County Zoning Ordinance.

Lot 6, Cedar Gulch Subdivision, Section 4, T1S, R6E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 19-11 with conditions.

**END OF CONSENT AGENDA**

10. **REZONE / RZ 20-02 AND COMPREHENSIVE PLAN AMENDMENT / CA 20-02:** Dick Kompus. To rezone 6.3 acres from Limited Agriculture District to Suburban Residential District and to change the Future Land Use from Planned Unit Development Sensitive to Suburban Residential District in accordance with Sections 206, 208, 213, and 508 of the Pennington County Zoning Ordinance.

Tract 2 of Lot B and C, Elkhorn Placer MS #1502 Mining, Section 10, T2S, R6E, BHM, Pennington County, South Dakota.

11. **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.

(Continued from the May 11, 2020, Planning Commission meeting.)

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

13. **ITEMS FROM THE PUBLIC**

14. **ITEMS FROM THE STAFF**

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
May 11, 2020 @ 9:00 a.m.
County Commissioners' Meeting Room - Pennington County Administration Building

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

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

ROLL CALL

1. APPROVAL OF THE APRIL 27, 2020, MINUTES
Moved by Lasseter and seconded by Runde to approve the Minutes of the April 27, 2020, Planning Commission meeting. Roll Call: Marsh – aye, Coleman – aye; LaCroix – aye; Lasseter – aye, Johnson – aye, Rivers – aye, and Runde - aye. Roll Call Vote: carried 7 to 0.

2. APPROVAL OF THE AGENDA
Moved by Lasseter and seconded by Runde to approve the Agenda of the May 11, 2020, Planning Commission meeting. Roll Call: Marsh – aye, Coleman – aye; LaCroix – aye; Lasseter – aye, Johnson – aye, Rivers – aye, and Runde - aye. Roll Call Vote: carried 7 to 0.

Moved by LaCroix and seconded by Lasseter to approve the Consent Agenda of the May 11, 2020, Planning Commission meeting. Roll Call: Marsh – aye, Coleman – aye; LaCroix – aye; Lasseter – aye, Johnson – aye, Rivers – aye, and Runde - aye. Roll Call Vote: carried 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 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 approve of the extension of Conditional Use Permit / CU 15-20 with the following fourteen (14) 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.

Vote: unanimous 7 to 0.

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 Remmington Ranch, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

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

To 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.

Vote: unanimous 7 to 0.

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; NE1/4SE1/4; 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.

To recommend approval of Minor Plat / MPL 20-08 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;

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.

Vote: unanimous 7 to 0.

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; N1/2NE1/4SE1/4; 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.

Theunissen reviewed the Staff Report indicating the applicant has applied to create Tract D of Hook J Addition.

Staff recommended approval of Layout Plan / LPL 20-09 with the following eleven (11) 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)(i);

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.

Discussion followed.

Moved by Runde and seconded by Lasseter to approve of Layout Plan / LPL 20-09 with the following eleven (11) 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.

Roll Call: Marsh – aye, Coleman – aye; LaCroix – aye; Lasseter – aye, Johnson – aye, Rivers – aye, and Runde - aye. Roll Call Vote: carried 7 to 0.

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.

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

Staff recommended denial of Conditional Use Permit / CU 20-08.

If the Planning chooses to approve Conditional Use Permit / CU 20-08, Staff recommended the following fourteen (14) 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;
1. That this Conditional Use Limited to a contractor’s storage equipment yard and saw mill;

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

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

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

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

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

7. 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;

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

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

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

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

12. 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,

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

Discussion followed.

Moved by Lasseter and seconded by Johnson to continue Conditional Use Permit / CU 20-08 to the May 26, 2020, Planning Commission meeting to address concerns of the Planning Commission and surrounding neighbors.
SUBSTITUTE MOTION: Moved by Rivers and seconded by Runde to deny Conditional Use Permit / CU 20-08. Roll call vote on Substitute Motion: Marsh – no; Coleman – no; LaCroix – no; Johnson - no, and Lasseter voted no. Rivers – yes and Runde - yes. Motion to deny failed 2 to 5.

Vote on Original Motion to continue Conditional Use Permit / CU 20-08 to the May 26, 2020, Planning Commission meeting to address concerns of the Planning Commission and surrounding neighbors. Roll call vote on Original Motion: Marsh – aye, Coleman – aye; LaCroix – aye; Lasseter – aye, Johnson – aye, Rivers – aye, and Runde - aye. Roll Call Vote: Motion carried 7 to 0.

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.

Sack reviewed the Staff Report indicating the applicant has applied for a Mining Permit to operate a mining operation to extract limestone by drilling and blasting to be hauled off site.

Staff recommended approval of Mining Permit / MP 20-04 with the following nine (9) 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.

Discussion followed.

Moved by LaCroix and seconded by Lassetter to approve of Mining Permit / MP 20-04 with the following nine (9) 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.
Roll Call: Marsh – aye, Coleman – aye; LaCroix – aye; Lasseter – aye, Johnson – aye, Rivers – aye, and Runde - aye. Roll Call Vote: carried 7 to 0.

Commissioner Lasseter left the meeting at 10:54 a.m.
Commissioner Lasseter returned to the meeting at 10:56 a.m.

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.

Sack reviewed the Staff Report indicating the applicant has applied for a Mining Permit to operate a mining operation to extract, crush, and stockpile shale to be hauled off site.

Staff recommended approval of Mining Permit / MP 20-05 with the following ten (10) 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.

Discussion followed.

Commissioner Runde left the meeting at 10:59 a.m.
Commissioner Runde returned to the meeting at 11:01 a.m.

Moved by Runde and seconded by Lasseter to approve to of Mining Permit / MP 20-05 with the following ten (10) 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.

Roll Call: Marsh – aye, Coleman – aye; LaCroix – aye; Lasseter – aye, Johnson – aye, Rivers – aye, and Runde - aye. Roll Call Vote: carried 7 to 0.

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.)

Molitor reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit 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.

Commissioner LaCroix left the meeting at 11:08 a.m.
Commissioner LaCroix returned to the meeting at 11:09 a.m.

Staff recommended 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, 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;

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.

Discussion followed.

Moved by Runde and seconded by Lasseter to approve of Conditional Use Permit / CU 19-33 to allow for a Recreational Vehicle (RV) Park, with amended language in Conditions #15 and #31, 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, 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 or used as a lift station;

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;

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 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.

Roll Call: Marsh – aye, Coleman – aye; LaCroix – aye; Lasseter – aye, Johnson – aye, Rivers – aye, and Runde - aye. Roll Call Vote: carried 7 to 0.

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.

Molitor reviewed the Staff Report indicating this is an Ordinance Amendment 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.

Staff recommended approval of Ordinance Amendment / OA 20-01.

Discussion followed.

Moved by LaCroix and seconded by Johnson to approve of Ordinance Amendment / OA 20-01 with the recommended changes.

Roll Call: Marsh – aye, Coleman – aye; LaCroix – aye; Lasseter – aye, Johnson – aye, Rivers – aye, and Runde - aye. Roll Call Vote: carried 7 to 0.

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
No motions or actions were taken at this time.

14. ITEMS FROM THE STAFF
A. Building Permit Report. Molitor reviewed the Building Permit Report for April.
B. Planning Director. Molitor stated she has been appointed as the Planning Director.

15. ITEMS FROM THE MEMBERSHIP

There were no items from the membership.

16. ADJOURNMENT

Moved by Lasseter and seconded by Runde to adjourn.

Roll Call: Marsh – aye, Coleman – aye; LaCroix – aye; Lasseter – aye, Johnson – aye, Rivers – aye, and Runde - aye. Roll Call Vote: carried 7 to 0.

The meeting adjourned at 11:48 a.m.

Rich Marsh, Chairperson
STAFF REPORT

GENERAL INFORMATION:

REQUEST: CONDITIONAL USE PERMIT REVIEW / CU 14-23: To review a golf driving range and helipad in a Highway Service Zoning District in accordance with Sections 210 and 510 of the Pennington County Zoning Ordinance.

APPLICANT / OWNER: Keystone Adventures, Inc. / Peggy Busse

APPLICANT ADDRESS: 13230 Nemo Road, Rapid City, SD 57702

AGENT: Andrew Busse

AGENT ADDRESS: 631 Saint James Street, Rapid City, SD 57701


SITE LOCATION: 24035 Highway 16A; approximately one-fourth (1/4) of a mile south of the Keystone Wye on Highway 16A.

SIZE: 20.09 acres

TAX ID: 65454

EXISTING LAND USE: Commercial helipad

ZONING REFERENCE: Sections 210 and 510

CURRENT ZONING: Highway Service District

SURROUNDING ZONING:

North General Commercial District/
General Agriculture District

South Highway Service District/
General Agriculture District

East General Commercial District

West General Agriculture District
I. PROPOSED RECOMMENDATION: Staff will be recommending approval of the extension of Conditional Use Permit / CU 14-23 with sixteen (16) conditions.

II. GENERAL DESCRIPTION
   A. In 2014, the applicant requested a Conditional Use Permit (CU 14-23) to allow a golf driving range and helipad for helicopter charter tours in a Highway Service District.
   B. On April 13, 2020, the applicant requested the following modification to the Conditions of Approval:
      a. Condition #2 - Modify to read: "No commercial helicopter tour will depart before 9:00 a.m. or after 7:00 p.m. during peak season (Memorial Day to Labor Day)."
      b. Condition #3 - Modify to read: "No commercial helicopter tour will depart before 9:00 a.m. or after 6:00 p.m. during non-peak season (April 1st to December 31st)."

III. HISTORY OF CONDITIONAL USE PERMIT / CU 14-23
   B. March 9, 2015 – Planning Commission approved the extension of Conditional Use Permit / CU 14-23 with fourteen (14) conditions.
   C. April 11, 2016 – Planning Commission approved the extension of Conditional Use Permit / CU 14-23 with thirteen (13) conditions.
      i. The Planning Commission’s April 11, 2016, approval of the extension of Conditional Use Permit / CU 14-23 was appealed to the Board of Commissioners.
   D. May 3, 2016 – The Board of Commissioners approved the extension of Conditional Use Permit / CU 14-23 with fourteen (14) conditions.
   E. August 8, 2016 – Planning Commission approved the extension of Conditional Use Permit / CU 14-23 with nineteen (19) conditions.
   F. August 14, 2017 – Planning Commission approved the extension of Conditional Use Permit / CU 14-23 with the following sixteen (16) conditions.
   G. August 13, 2018 – Planning Commission approved the extension of Conditional Use Permit / CU 14-23 with the following sixteen (16) conditions:
      i. That this Conditional Use Permit allows for a golf driving range and two (2) helipads on the subject property with chartered helicopter tours to be operated from the site;
2. That the hours of operation for commercial helicopter tours during peak season from Memorial Day through Labor Day of each year be 9 a.m.–7 p.m.;
3. That the hours of operation for commercial helicopter tours during the off-season from May 1st until Memorial Day and from Labor Day through October 31st of each year be 10 a.m.–6 p.m.;
4. That the term “commercial helicopter tours” be defined as those given to ticketed customers for the purpose of recreation and enjoyment;
5. That the number of helicopters flying for the purposes of commercial helicopter tours be limited to two (2) at any given time during hours of operation;
6. That the helipad be allowed to be utilized on a limited basis for public service type commercial helicopter tour operations, including, but not limited to, Life Flight, utility patrols, fire fighting, National Guard, etc.;
7. That the lower helipad (nearest to Highway 16A) be utilized as the primary point of takeoff and departure and the upper helipad only be utilized as a backup when warranted by environmental conditions;
8. That off-street parking be provided on-site in accordance with the requirements of Section 310 of the Pennington County Zoning Ordinance (PCZO) for commercial recreation uses;
9. That the applicant adhere to FAA regulations at all times and that all other applicable federal, state, and local requirements be continually met;
10. That fuel storage on the property be approved and meet the requirements of the South Dakota Department of Environment and Natural Resources (SD DENR) and the Environmental Protection Agency (EPA) at all times;
11. That access to the helipads be limited to employees and customers escorted by employees;
12. That the comments provided by the U.S. Forest Service be adhered to at all times;
13. That a Sign Permit be obtained prior to the installation of any additional signs on the property. All new signs must meet the requirements of Section 312 of the PCZO;
14. That the property (24035 Highway 16A) be clearly visible at all times from both directions of travel along Highway 16A, in accordance with Pennington County Ordinance #20;
15. That this Conditional Use Permit be reviewed in three (3) years, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met; and,
Agenda Item #3  
Keystone Adventures, Inc.; Andrew Busse - Agent  
May 26, 2020

16. That prior to transfer of the property, the landowner notify the Planning Director and Conditional Use Permit / CU 14-23 be reviewed.

IV. ANALYSIS
A. May 17, 2016 – The applicant obtained Building Permits (COBP16-0199 and COBP16-0200) for a commercial visitor center and a garage with living quarters on the subject property.
   a. The applicant also obtained an On-Site Wastewater Construction Permit (COSD16-0068).

B. March 19, 2018 – The applicant obtained a Sign Permit (COSP18-0001).

C. The applicant commenced commercial operation of the helicopter pads.

D. April 13, 2020 – The applicant requested changes to Conditions #2 and #3 of this Conditional Use Permit.

E. May 19, 2020 – Variance / VA 20-03 was approved by the Board of Adjustment to reduce the setback for an on-premise sign to 0-foot.

F. At the time of this Staff Report writing, staff has not received any complaints regarding Conditional Use Permit / CU 14-23 or the subject property.

RECOMMENDATION: Staff recommends approval of the extension of Conditional Use Permit / CU 14-23 with the following sixteen (16) conditions:

1. That this Conditional Use Permit allows for a golf driving range and two (2) helipads on the subject property with chartered helicopter tours to be operated from the site;

2. That no commercial helicopter tour will depart before 9:00 a.m. or after 7:00 p.m. during peak season (Memorial Day to Labor Day);

3. That no commercial helicopter tour will depart before 9:00 a.m. or after 6:00 p.m. during non-peak season (April 1st to December 31st);

4. That the term “commercial helicopter tours” be defined as those given to ticketed customers for the purpose of recreation and enjoyment;

5. That the number of helicopters flying for the purposes of commercial helicopter tours be limited to two (2) at any given time during hours of operation;

6. That the helipad be allowed to be utilized on a limited basis for public service type commercial helicopter tour operations, including, but not limited to, Life Flight, utility patrols, fire fighting, National Guard, etc.;

7. That the lower helipad (nearest to Highway 16A) be utilized as the primary point of takeoff and departure and the upper helipad only be utilized as a backup when warranted by environmental conditions;
8. That off-street parking be provided on-site in accordance with the requirements of Section 310 of the Pennington County Zoning Ordinance (PCZO) for commercial recreation uses;

9. That the applicant adhere to FAA regulations at all times and that all other applicable federal, state, and local requirements be continually met;

10. That fuel storage on the property be approved and meet the requirements of the South Dakota Department of Environment and Natural Resources (SD DENR) and the Environmental Protection Agency (EPA) at all times;

11. That access to the helipads be limited to employees and customers escorted by employees;

12. That the comments provided by the U.S. Forest Service be adhered to at all times;

13. That a Sign Permit be obtained prior to the installation of any additional signs on the property. All new signs must meet the requirements of Section 312 of the PCZO;

14. That the property (24035 Highway 16A) be clearly visible at all times from both directions of travel along Highway 16A, in accordance with Pennington County Ordinance #20;

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

16. That prior to transfer of the property, the landowner notify the Planning Director and Conditional Use Permit / CU 14-23 be reviewed.
April 4th, 2021

To whom it may concern,

This letter represents Charlie and Jenny Hanson of 24047 Trixie Lane and John and Linda Boland of 24049 Trixie Lane.

We are neighbors of Andrew Busse, who has recently contacted us about extending his Helicopter Flights because of the late tourist season due to business closures from COVID 19.

The Busses have been very good neighbors. Andrew has upheld his agreement on flight patterns and hours flown during the day since his business began in 2017.

We know he will continue to do so even if his season is extended into the winter months.

We are in full favor of Andrews plans.

Sincerely,

Charlie & Jenny Hanson
Trixie Lane, Keystone, SD

John & Linda Boland
Trixie Lane, Keystone SD
April 11, 2020

Re: Black Hills Helicopter Inc.

To whom it may concern:

Mr. Andrew Busse, of Blackhills Helicopter Inc., is my immediate business neighbor on highway 16a.

Please be advised that I support his effort to have his business season extended to April - Dec 31st, and hours of operations from 9 AM - 6 PM.

Thank you for your consideration.

Mark Arend
April 10, 2020

Pennington County Board of Commissioners
130 Kansas City Street
Suite 100
Rapid City SD, 57701

RE: Black Hills Helicopters Inc.

Dear Pennington County Commissioners,

I am taking this opportunity to write this letter in support of Black Hills Helicopters Inc. and Andrew Busse, in their request to alter their Conditional Use Permit (CUP), as they look to revise their scheduled hours and expand their operating season for 2020.

Mr. Busse reached out directly to us in the last few days, at which time he expressed interest in altering his hours for this upcoming season. It is our understanding that he is looking to begin flying earlier in the day during the shoulder season and extend his operation further into the fall. His reasoning behind these requests are appropriate and make sense from an operational stance.

As many in the tourism industry are aware, the guest we see in the Black Hills during the fall shoulder season is much different than those we see during the peak summer season. It is important that Mr. Busse be able to accommodate those potential clients and their schedules and preferences.

At this time, all business owners are concerned about their operations as we continue to battle the spread of COVID-19. We are all looking at options and opportunities to keep our businesses open and viable, as we continue to venture into the unknown of this summer and what it holds for the tourism industry in the Black Hills. I applaud Mr. Busse for being proactive, as he looks to extend his traditional season and fly deeper into the fall as a remedy.

Black Hills Helicopters Inc. and Mr. Busse have been excellent neighbors, since taking up operations and flying in 2018. Mr. Busse has always been conscientious and continues to assure that his operations have as little impact on his neighbors as possible. He has always reached out to assure that his flight plans do not overly disrupt our guests and operations and has made adjustments to flight paths and altitudes when necessary. His constant communication and openness to change is appreciated.

If you have any questions regarding this letter or seek more information, please feel free to reach out, as I am more than happy to help in any regard possible.

Sincerely

Ben Brink
Powder House Lodge
Andy

I AM OK WITH YOUR PROPOSAL.

DANI

> On Apr 9, 2020, at 2:26 PM, Andy Busse <andrew.c.busse@gmail.com> wrote:
> >
> > Dani,
> >
> > Just following up from our phone conversation a few days ago. I wanted to see if you would support extending our season from April 1st-December 31st and the hours of operation from 9am to 6pm (non-peak season)?
> >
> > Thanks,
> >
> > Andrew+Anna
Hey Andrew,

Good to go from our perspective. Thanks for inquiring.

Sam

-----Original Message-----
From: Andy Busse [mailto:andrew.c.busse@gmail.com]
Sent: Thursday, April 9, 2020 5:09 PM
To: Sam Fischer
Subject: Modifying Season Dates and Hours of Operations for Black Hills Helicopters

Sam,

Just checking in to see if you had time to discuss modifying our tour schedule to April-Dec with non peak hours 9-6 with Abby?

Thanks,

Andrew
GENERAL INFORMATION:

REQUEST:   CONDITIONAL USE PERMIT REVIEW / CU
18-01:  To review a Conditional Use Permit for
retail sales of Class C fireworks in a General
Commercial District in accordance with Sections
204-D, 209, and 510 of the Pennington County
Zoning Ordinance.

APPLICANT:  Ron Weifenbach

APPLICANT ADDRESS:  4153 Augusta Drive, Rapid City, SD 57703

OWNER:  Main Street Motors, Inc. / Robert Reagan

OWNER ADDRESS:  3900 School Drive, Rapid City, SD 57703

LEGAL DESCRIPTION:  All, Block 8, Harney Peak View Addition, Section
9, T1N, R8E, BHM, Pennington County, South
Dakota.

SITE LOCATION:  3900 School Drive; located off of E. Highway 44
and Jolly Lane.

SIZE:  0.83 acres

TAX ID:  2973

EXISTING LAND USE:  Car Sales

ZONING REFERENCE:  Sections 204(D), 209, and 510

CURRENT ZONING:  General Commercial District

SURROUNDING ZONING:  Suburban Residential District

North
South
East
West

City Limits of Rapid City
General Commercial District
City Limits of Rapid City

PHYSICAL CHARACTERISTICS:  Flat / Sloping
I. PROPOSED RECOMMENDATION
   A. Staff will be recommending approval of the extension of Conditional Use Permit / CU 18-01 with conditions.

II. GENERAL DESCRIPTION
   A. January 10, 2018 – The applicant filed a Conditional Use Permit request with the Planning Department.
   B. February 2, 2018 – Staff performed a site visit to the property.
      1. It appeared that there were several cars parked along the road on the subject property.
      2. There were two structures on the property.
   C. March 7, 2018 – The applicant submitted a parking plan, maximum number of customers per day, and number of employees to the Planning Department.
   D. March 7, 2018 – Staff performed a site visit to the property and found the following:
      1. Property was being utilized for used car sales.
         i. Several cars were parked on the property.
      2. There were two structures on the property.
      3. One of the structures has a carport over it and a second story addition. The other is a smaller building utilized as a sales office.
   E. There appears to be ample room for parking, however, at the time of the site visit, there were a number of cars for sale on the lot.
      1. According to PCZO Section 310, the required number of parking spaces for 100 customers is 20 (one space for five customers) and one space for every two employees.
   F. SDCL 34:37:2 requires a License from the Department of Public Safety for the sale of fireworks.
   G. SDCL 34:37:10 allows a fireworks sales establishment to operate from June 27th to July 5th and during the hours of 7 a.m. to 12 a.m.
   H. On March 12, 2018, the Planning Commission approved Conditional Use Permit / CU 18-01 with the following eleven (11) conditions:
      1. That the proposed use be limited to: seasonal retail sales of Class C fireworks;
      2. That the sale of fireworks be limited to June 27th to July 5th and from the hours of 7 a.m. to 12 a.m.;
      3. That a minimum of 21 parking spaces be provided, each parking space must be a minimum of 9 feet x 18 feet and be maintained in a dust free manner;
4. That a minimum of one (1) port-a-potty be available to the public and be accessible for pumping and or removal when necessary, if the existing facilities in the structure are not accessible by the public;
5. That the applicant also ensures the safety of the customers by providing adequate security, fire protection, and a phone available to the public in case of an emergency;
6. That no parking be located within the right-of-way of School Drive and Jolly Lane;
7. That the applicant obtains approved Sign Permits prior to any signs being placed on the property, in accordance with § 312 of the Pennington County Zoning Ordinance (PCZO);
8. That the applicant obtain all necessary permits/licenses from other governing bodies for operation of the Class C Fireworks, including, but not limited to: approval from the South Dakota State Fire Marshal’s office and a Sales Tax License from the South Dakota Department of Revenue;
9. That temporary structures (which may require temporary Building Permits), such as tents and port-a-potties, only be erected when needed and not on a permanent basis;
10. That the applicant sign a Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 18-01, which is available at the Planning Office; and,
11. That this Conditional Use Permit be reviewed at the May 14, 2018, Planning Commission meeting to verify that all necessary Permits have been obtained from the State of South Dakota pertaining to the sale of Class C Fireworks.

J. April 11, 2018 – The applicant submitted two (2) South Dakota Fireworks Licenses. One was for retail sales from June 27, 2018 to July 5, 2018 and one for retail sales from December 28, 2018 to January 1, 2019.
   1. These licenses must be updated annually to maintain compliance with this Conditional Use Permit.

K. May 12, 2018 – Planning Commission approved the extension of Conditional Use Permit / CU 18-01 with the following ten (10) conditions:
   1. That the proposed use be limited to: seasonal retail sales of Class C fireworks;
   2. That the sale of fireworks be limited to June 27th to July 5th and from the hours of 7 a.m. to 12 a.m. and December 28, 2018 to January 1, 2019 from the hours of 7 a.m. to 12 a.m.;
   3. That a minimum of 21 parking spaces be provided, each parking space must be a minimum of 9 feet x 18 feet and be maintained in a dust free manner;
   4. That a minimum of one (1) port-a-potty be available to the public and be accessible for pumping and or removal when necessary, if the existing facilities in the structure are not accessible by the public;
5. That the applicant also ensures the safety of the customers by providing adequate security, fire protection, and a phone available to the public in case of an emergency;

6. That no parking be located within the right-of-way of School Drive and Jolly Lane;

7. That the applicant obtains approved Sign Permits prior to any signs being placed on the property, in accordance with Section 312 of the Pennington County Zoning Ordinance (PCZO);

8. That the applicant obtains all necessary permits/licenses from other governing bodies for operation of the Class C Fireworks, including, but not limited to: approval from the South Dakota State Fire Marshall’s office and a Sales Tax License from the South Dakota Department of Revenue;

9. That temporary structures (which may require temporary Building Permits), such as tents and port-a-potties, only be erected when needed and not on a permanent basis; and

10. That this Conditional Use Permit be reviewed at the May 13, 2019, Planning Commission meeting to verify that all necessary Permits have been obtained from the State of South Dakota pertaining to the sale of Class C Fireworks; or as directed by the Planning Commission or Board of Commissioners or on a complaint basis.

L. June 10, 2019 – Planning Commission approved the extension of Conditional Use Permit / CU 18-01 with the following ten (10) conditions:

1. That the proposed use be limited to: seasonal retail sales of Class C fireworks;

2. That the sale of fireworks be limited to June 27th to July 5th and from the hours of 7 a.m. to 12 a.m. and December 28 to January 1 from the hours of 7 a.m. to 12 a.m.;

3. That a minimum of 21 parking spaces be provided, each parking space must be a minimum of 9 feet x 18 feet and be maintained in a dust free manner;

4. That a minimum of one (1) port-a-potty be available to the public and be accessible for pumping and or removal when necessary, if the existing facilities in the structure are not accessible by the public;

5. That the applicant also ensures the safety of the customers by providing adequate security, fire protection, and a phone available to the public in case of an emergency;

6. That no parking be located within the right-of-way of School Drive and Jolly Lane;

7. That the applicant obtains approved Sign Permits prior to any signs being placed on the property, in accordance with Section 312 of the Pennington County Zoning Ordinance (PCZO);
8. That the applicant obtain all necessary permits/licenses from other governing bodies for operation of the Class C Fireworks, including, but not limited to: approval from the South Dakota State Fire Marshal’s office and a Sales Tax License from the South Dakota Department of Revenue;

9. That temporary structures (which may require temporary Building Permits), such as tents and port-a-potties, only be erected when needed and not on a permanent basis; and,

10. That this Conditional Use Permit be reviewed at the May 26, 2020, Planning Commission meeting to verify that all necessary Permits have been obtained from the State of South Dakota pertaining to the sale of Class C Fireworks; or as directed by the Planning Commission or Board of Commissioners or on a complaint basis.

III. EXISTING CONDITIONS

A. Zoned General Commercial District.

B. 0.83 acre.

C. Conditional Use Permit / CU 84-44 was approved on October 9, 1984, to allow a 20-foot by 100-foot storage facility.

1. Staff will place this Conditional Use Permit on a future Planning Commission Agenda to end it as it is no longer needed.

D. Lot contains:

1. 20’ x 100’ Storage Building – built in 1984 according to Conditional Use Permit / CU 84-44.

   b. COBP17-0563 – Removal Permit for a 20-foot by 50-foot building.

3. Carport – Built in 2015

   a. COBP17-0569 – 16-foot by 40-foot second story office area.
IV. ANALYSIS

A. SDCL 34:37:2 requires a License from the Department of Public Safety for the sale of fireworks.

B. SDCL 34:37:10 allows a fireworks sales establishment to operate from June 27th to July 5th and during the hours of 7 a.m. to 12 a.m.
   1. These licenses must be updated annually to maintain compliance with this Conditional Use Permit.

C. May 11, 2020 – Staff spoke with the applicant, Ron Weifenbach, and confirmed the following:
   1. That the proposed use is limited to seasonal retail sales of Class C fireworks (Condition #1).
   2. That the sale of fireworks is limited to June 27th to July 5th and from the hours of 7 a.m. to 12 a.m. and December 28 to January 1 from the hours of 7 a.m. to 12 a.m. (Condition #2).
3. Staff received updated copies of the South Dakota Fireworks License from the Office of the State Fire Marshal and the Sales Tax License from the South Dakota Department of Revenue (Condition #8).

D. May 12, 2020 – Staff performed a site visit and observed the following:
   1. That a minimum of 21 parking spaces were provided (Condition #3).
   E. All other conditions appear to be met.

![Site Visit (5/12/2020)](image)

**RECOMMENDATION:** Staff recommends approval of the extension of Conditional Use Permit / CU 18-01 with the following conditions:

1. That the proposed use be limited to: seasonal retail sales of Class C fireworks;

2. That the sale of fireworks be limited to June 27th to July 5th and from the hours of 7 a.m. to 12 a.m. and December 28 to January 1 of each year from the hours of 7 a.m. to 12 a.m.;

3. That a minimum of 21 parking spaces be provided, each parking space must be a minimum of 9 feet x 18 feet and be maintained in a dust free manner;

4. That a minimum of one (1) port-a-potty be available to the public and be accessible for pumping and or removal when necessary, if the existing facilities in the structure are not accessible by the public;
5. That the applicant also ensures the safety of the customers by providing adequate security, fire protection, and a phone available to the public in case of an emergency;

6. That no parking be located within the right-of-way of School Drive and Jolly Lane;

7. That the applicant obtains approved Sign Permits prior to any signs being placed on the property, in accordance with § 312 of the Pennington County Zoning Ordinance (PCZO);

8. That the applicant obtain all necessary permits/licenses from other governing bodies for operation of the Class C Fireworks, including, but not limited to: approval from the South Dakota State Fire Marshal’s office and a Sales Tax License from the South Dakota Department of Revenue;

9. That temporary structures (which may require temporary Building Permits), such as tents and port-a-potties, only be erected when needed and not on a permanent basis; and,

10. That this Conditional Use Permit be reviewed at the May 25, 2021, Planning Commission meeting to verify that all necessary Permits have been obtained from the State of South Dakota pertaining to the sale of Class C Fireworks; or as directed by the Planning Commission or Board of Commissioners or on a complaint basis.
GENERAL INFORMATION:

REQUEST:  

CONDITIONAL USE PERMIT REVIEW / CU 18-09: To review a Recreational Vehicle to be used as temporary living quarters on the subject property (Lot 6) while building a single-family residence on Lot 5 in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

APPLICANT:  
Scott and Christine Grierson

APPLICANT ADDRESS:  
270 Murphy Creek Lane, Fayetteville, GA  30215

LEGAL DESCRIPTION:  
Lot 6, Block 3, Pactola Estates, Section 17, T1N, R5E, BHM, Pennington County, South Dakota.

SITE LOCATION:  
Jax Court; near the corner of Pactola Drive and Jax Court.

SIZE:  
1.01 acres

TAX ID:  
7504

EXISTING LAND USE:  
RV/Carport

ZONING REFERENCE:  
Section 206 and 510

CURRENT ZONING:  
Limited Agriculture District

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

PHYSICAL CHARACTERISTICS:  
Forest

UTILITIES:  
None

REPORT BY:  
Kristina Proietti
I. PROPOSED RECOMMENDATION
   A. Staff will be recommending to continue the review of Conditional Use Permit CU 18-09 to the July 13, 2020, Planning Commission meeting to allow the applicants time to meet their Conditions of Approval.

II. GENERAL DESCRIPTION
   A. April 27, 2018 – The applicant, Scott and Christine Grierson, applied for Conditional Use Permit / CU 18-09.
   B. May 29, 2018 - The Planning Commission approved Conditional Use Permit / CU 18-09 with the following twelve (12) conditions:
      1. That there be no more than one (1) Recreational Vehicle (RV) allowed to be utilized as living quarters on the subject property (Lot 6, Block 3) during construction of the single-family residence (Lot 5, Block 3);
      2. That a Building Permit application for the proposed single-family residence on Lot 5, Block 3 be submitted within six (6) months of approval of Conditional Use Permit / CU 16-27;
      3. That the address assigned for the property be clearly posted on the Recreational Vehicle (RV) while it is being utilized as living quarters, in accordance with Pennington County’s Ordinance #20;
      4. That the applicant obtain an approved On-Site Wastewater Treatment System Construction Permit for the proposed on-site wastewater treatment system prior to placement of the RV on the subject property;
      5. That the RV be used as a temporary residence be hooked into an approved On-Site Wastewater Treatment System until the single-family residence is habitable;
      6. That the minimum setback requirements of a Limited Agriculture District be continually maintained on the subject property, or an approved Setback Variance be obtained;
      7. That the subject property remains free of debris and junk vehicles, in accordance with Ordinance #106;
      8. 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;
      9. That upon completion of the single-family residence on Lot 5, Block 3, the RV on Lot 6, Block 3 will be disconnected from all utilities and may no longer be utilized as living quarters on the subject property;
      10. That the applicant notify the Planning Department when the new residence is habitable, so that this Conditional Use Permit may be ended;
11. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 18-09, which is available at the Planning Office; and,

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

C. May 28, 2019- The Planning Commission approved the extension of Conditional Use Permit / CU 18-09 with the following ten (10) conditions:

1. That there be no more than one (1) Recreational Vehicle (RV) allowed to be utilized as living quarters on the subject property (Lot 6, Block 3) during construction of the single-family residence (Lot 5, Block 3);

2. That the address assigned for the property be clearly posted on the Recreational Vehicle (RV) while it is being utilized as living quarters, in accordance with Pennington County’s Ordinance #20;

3. That the applicant obtain an approved On-Site Wastewater Treatment System Construction Permit for the proposed on-site wastewater treatment system prior to placement of the RV, as living quarters, on the subject property;

4. That the RV being used as a temporary residence be connected to an approved On-Site Wastewater Treatment System until the single-family residence is habitable;

5. That the minimum setback requirements of a Limited Agriculture District be continually maintained on the subject property, or an approved Setback Variance be obtained;

6. That the subject property remains free of debris and junk vehicles, in accordance with Ordinance #106;

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

8. That upon completion of the single-family residence on Lot 5, Block 3, the RV on Lot 6, Block 3 will be disconnected from all utilities and may no longer be utilized as living quarters on the subject property;

9. That the applicant notify the Planning Department when the new residence is habitable, so that this Conditional Use Permit may be ended; and,

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

A. Lot 6, Block 3 of Pactola Estates (RV location).
   1. Zoned Limited Agriculture District, minimum ten (10) acre lot size.
   2. 1.01 acres.
      b. Lot size is legal, non-conforming.
   3. Access off of Pactola Drive.
      a. Located within the Pactola Estates Road District.
   4. 16’ x 12’ deck (COBP18-0708).
   5. 40’ x 16’ carport (COBP18-0477).
   6. No Special Flood Hazard Area on the subject property.

B. Lot 5, Block 3 of Pactola Estates (proposed single-family residence location).
   1. Zoned Limited Agriculture District, minimum ten (10) acre lot size.
   2. 1.06 acres.
      b. Lot size is legal, non-conforming.
   3. Access off of Pactola Drive.
      a. Located within the Pactola Estates Road District.
   4. Garage with living space, which is in the process of being built (COBP19-0268).
   5. 28’ x 14’ temporary carport (COBP18-0478).
   6. No Special Flood Hazard Area on the subject property.

IV. ANALYSIS

A. May 14, 2020 – Staff performed a site visit to the subject property and found that the applicants are in the process of constructing a single-family residence (SFR) on Lot 5, Block 3 of Pactola Estates and are living in a recreational vehicle (RV) on Lot 6, Block 3 of Pactola Estates during construction of the garage with living space.
   1. Mr. Grierson was informed that Condition #4 was not being met and that an Onsite Wastewater Treatment System Construction (OSWTS) Permit was a Condition of Approval to allow for the RV to be placed on the subject property. Mr. Grierson informed Staff that they have been using a portable holding tank to contain the waste and that they haul the waste to their parent’s house to dispose of in their OSWTS.
      a. The applicants submitted an OSWTS Construction Permit Application for Lot 5, Block 3 of Pactola Estates (the proposed single-family residence location), after the RV had been utilized as living quarters, the application is currently under review.
         i. COSD19-0033.
   2. Staff also informed the applicant that Condition #2 is not being met as there is no address posted on the RV.
3. Staff is working with Mr. Grierson to bring this Conditional Use Permit into compliance.
RECOMMENDATION: Staff recommends to continue the review of Conditional Use Permit CU 18-09 to the July 13, 2020, Planning Commission meeting to allow the applicants time to meet their Conditions with the following Conditions:

1. That the applicant obtain an approved On-Site Wastewater Treatment System Construction Permit for the RV prior to the July 13, 2020 Planning Commission meeting, on the subject property; and,

2. That the address assigned for the property (12524 Jax Ct.) be clearly posted on the Recreational Vehicle, prior to the July 13, 2020 Planning Commission meeting while it is being utilized as living quarters, in accordance with Pennington County’s Ordinance #20.
Subject Property
Approximately 12 miles west of the City of Rapid City
Subject Property

Legend

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

Section Lines 0-25k
Tax Parcels
Lot Lines
- <Null>
- Lot Line
- Parcel Line

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

Map Notes:

This map is a user-generated output from an internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.
GENERAL INFORMATION:

REQUEST: **CONDITIONAL USE PERMIT REVIEW / CU 18-14**: To review seasonal retail sales of Class C Fireworks in a Heavy Industrial District in accordance with Sections 204, 212, and 510 of the Pennington County Zoning Ordinance.

APPLICANT/ AGENT: All American Sales; Doug Bellinger

APPLICANT ADDRESS: 4505 S. Interstate 90 Service Road
Rapid City, SD, 57703

LEGAL DESCRIPTION: Lot A and B of Tract B of SW1/4 Less Lot H3 of said Tract B, including Lot H2 of Tract B, Section 27, T2N, R8E, BHM, Pennington County, South Dakota.

SITE LOCATION: 4707 S. Interstate 90 Service Road.

SIZE: 6.23 acres

TAX ID: 15170

EXISTING LAND USE: Wood Stock Supply Service

ZONING REFERENCE: Sections 204, 212, and 510

CURRENT ZONING: Heavy Industrial District

SURROUNDING ZONING:
- North: City Limits of Box Elder
- South: City Limits of Rapid City
- East: City Limits of Box Elder
- West: City Limits of Box Elder

PHYSICAL CHARACTERISTICS: Flat

UTILITIES: City Sewer and Water

REPORT BY: Stephanie Jansen
I. PROPOSED RECOMMENDATION
   A. Staff will be recommending approval of the extension of Conditional Use Permit / CU 18-14 with conditions.

II. GENERAL DESCRIPTION
   A. On June 11, 2018, CU 18-14 was approved by Planning Commission with the following fourteen (14) conditions:
      1. That prior to operation, the applicant submits all necessary permits/licenses from other governing bodies for operation of the Class C Fireworks, including, but not limited to: written approval from the South Dakota State Fire Marshal’s office; and a Sales Tax License from the South Dakota Department of Revenue;
      2. That a separate address be assigned to the existing structure where fireworks are being sold and that the new address be posted in accordance with Pennington County Ordinance #20;
      3. That the proposed use be limited to: seasonal retail sales of Class C fireworks;
      4. That the sale of fireworks be limited to June 10th to July 5th of each year and from the hours of 7 a.m. to 12 a.m.;
      5. That a minimum of 25 parking spaces be provided on-site, each parking space must be a minimum of 9 feet x 18 feet and be maintained in a dust free manner;
      6. That a minimum of one (1) port-a-potty be available to the public and be accessible for pumping and/or removal when necessary, if the existing facilities in the structure are not accessible by the public;
      7. That the applicant ensures the safety of the customers by providing adequate security, fire protection, and a phone available to the public in case of an emergency;
      8. That no parking be along the frontage road;
      9. That the applicant obtains approved Sign Permits prior to any signs being placed on the property, in accordance with § 312 of the Pennington County Zoning Ordinance (PCZO);
     10. That temporary structures (which may require temporary Building Permits), such as tents and port-a-potties, only be erected when needed and not on a permanent basis;
     11. That the applicant not start selling fireworks until after the period of appeals for CU 18-14 has expired;
     12. That no fireworks be stored on the subject property outside of June 10th – July 15th of each year;
     13. That the applicant signs a Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 18-14, which is available at the Planning Office; and,
     14. That this Conditional Use Permit be reviewed no later than the second meeting in May 2019 on a complaint basis, or as directed by
the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

B. On May 13, 2019 – Planning Commission approved of the extension of Conditional Use Permit / CU 18-14 with the following thirteen (13) conditions:
   1. That prior to operation, the applicant submits all necessary permits/licenses from other governing bodies for operation of the Class C Fireworks, including, but not limited to: written approval from the South Dakota State Fire Marshal’s office and a Sales Tax License from the South Dakota Department of Revenue;
   2. That the address, 4707 South Interstate 90 Service Road, Unit 1 and Unit 2, be posted in accordance with Pennington County Ordinance #20;
   3. That the proposed use be limited to: seasonal retail sales of Class C fireworks;
   4. That the sale of fireworks be limited to June 1st to July 5th of each year and from the hours of 7 a.m. to 12 a.m.;
   5. That a minimum of 25 parking spaces be provided on-site, each parking space must be a minimum of 9 feet x 18 feet and be maintained in a dust free manner;
   6. That a minimum of one (1) port-a-potty be available to the public and be accessible for pumping and/or removal when necessary, if the existing facilities in the structure are not accessible by the public;
   7. That the applicant ensures the safety of the customers by providing adequate security, fire protection, and a phone available to the public in case of an emergency;
   8. That no parking be along the frontage road;
   9. That the applicant obtains approved Sign Permits prior to any signs being placed on the property, in accordance with § 312 of the Pennington County Zoning Ordinance (PCZO);
   10. That temporary structures (which may require temporary Building Permits), such as tents and port-a-potties, only be erected when needed and not on a permanent basis;
   11. That no hot work (any activity or process that involves open flames or that generates sparks or heat) occurs in the same building when fireworks are present;
   12. That no fireworks be stored on the subject property outside of May 1st – July 15th of each year; and,
   13. That this Conditional Use Permit be reviewed no later than the second meeting in May 2020, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.
III. EXISTING CONDITIONS

A. Zoned Heavy Industrial District.
B. 6.23 acres.
C. County Island surrounded by the City of Box Elder (3-sides) and the City of Rapid City (1-side).
D. Location of Wood Stock Supply.
E. Access is off of frontage road South Interstate 90 Service Road.
F. No Special Flood Hazard Area on the subject property.
G. Within both the City of Rapid City and City of Box Elder platting jurisdictions.
H. Within the City of Rapid City septic jurisdiction.
I. Lot Contains:
   1. 32,000 ft² storage warehouse.
      a. Constructed in 1952, per Department of Equalization records.
      b. Addition via Pennington County Building Permit / COBP12-0243.
   2. 9,216 ft² storage warehouse.
      a. Constructed via Pennington County Building Permit / COBP17-0125.
      b. Warehouse is divided by an interior wall that separates a mechanical business (Unit 2) from the permitted fireworks operation (Unit 1).

IV. ANALYSIS

A. On May 11, 2020 – Staff spoke with the agent, Doug Bellinger, and confirmed the following:
   1. That the proposed use is limited to seasonal retail sales of Class C fireworks (Condition #3).
   2. That the sale of fireworks be limited to June 1st to July 5th of each year and from the hours of 7 a.m. to 12 a.m. (Condition #4).
   3. That no hot work (any activity or process that involves open flames or that generates sparks or heat) occurs in the same building when fireworks are present (Condition #11).
   4. That no fireworks be stored on the subject property outside of May 1st – July 15th of each year (Condition #12).
   5. Staff received updated copies of the South Dakota Fireworks License from the Office of the State Fire Marshal and the Sales Tax License from the South Dakota Department of Revenue on May 12, 2020 (Condition #1).

B. On May 12, 2020 – Staff performed a site visit and observed the following:
   1. That the address, 4707 South Interstate 90 Service Road, Unit 1 and Unit 2, was posted in accordance with Pennington County Ordinance #20 (Condition #2).
   2. That a minimum of 25 parking spaces were provided (Condition #5).
3. The applicant, Douglas Bellinger, had placed signs without approved sign permits. Staff is working with the applicant to obtain sign permits.

C. All other conditions have been met.

RECOMMENDATION: Staff recommends approval of the extension of Conditional Use Permit / CU 18-14 with the following thirteen (13) conditions:

1. That prior to operation, the applicant submits all necessary permits/licenses from other governing bodies for operation of the Class C Fireworks, including, but not limited to: written approval from the South Dakota State Fire Marshal’s office and a Sales Tax License from the South Dakota Department of Revenue;

2. That the address, 4707 South Interstate 90 Service Road, Unit 1 and Unit 2, be posted in accordance with Pennington County Ordinance #20;

3. That the proposed use be limited to: seasonal retail sales of Class C fireworks;
4. That the sale of fireworks be limited to June 1st to July 5th of each year and from the hours of 7 a.m. to 12 a.m.;

5. That a minimum of 25 parking spaces be provided on-site, each parking space must be a minimum of 9 feet x 18 feet and be maintained in a dust free manner;

6. That a minimum of one (1) port-a-potty be available to the public and be accessible for pumping and/or removal when necessary, if the existing facilities in the structure are not accessible by the public;

7. That the applicant ensures the safety of the customers by providing adequate security, fire protection, and a phone available to the public in case of an emergency;

8. That no parking be along the frontage road;

9. That the applicant obtains approved Sign Permits prior to any signs being placed on the property, in accordance with section 312 of the Pennington County Zoning Ordinance (PCZO);

10. That temporary structures (which may require temporary Building Permits), such as tents and port-a-potties, only be erected when needed and not on a permanent basis;

11. That no hot work (any activity or process that involves open flames or that generates sparks or heat) occurs in the same building when fireworks are present;

12. That no fireworks be stored on the subject property outside of May 1st – July 15th of each year; and,

13. That this Conditional Use Permit be reviewed no later than the second meeting in May 2021 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.
May 07, 2020

Dear ALL AMERICAN SALES

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

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

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

Website: http://dor.sd.gov

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

http://dor.sd.gov

ISSUE DATE: 05/01/2020
EXPIRATION DATE: 08/31/2020
LICENSE NUMBER: 1031-8882-ST
LICENSE TYPE: Sales Tax
ISSUED TO:

ALL AMERICAN SALES
4505 S INTERSTATE 90 SERVICE RD
RAPID CITY, SD 57703-9523

NON-TRANSFERABLE

Jim Terwilliger
Secretary of Revenue
SOUTH DAKOTA FIREWORKS LICENSE
Office of the State Fire Marshal
Pierre, South Dakota

DOUGLAS BELLINGER
ALL AMERICAN SALES
4505 SOUTH I-90 SERVICE RD
RAPID CITY, SD 57703

DATE ISSUED: Tuesday, April 21, 2020

LICENSE #: S 15-20
TYPE OF LICENSE:
Special Retail Fireworks License ** Valid: May 1 - June 26, 2020 $1,000.00

CHECK NUMBER: 2469
LICENSE OUTLET LOCATED 4705 SOUTH I-90 SERVICE RD, RAPID CITY

CERTIFIED BY: 

LICENSE MUST BE DISPLAYED AT LOCATION
Agenda Item #7  
Fat Boys, Inc; Bob Fuchs - Agent  
May 26, 2020  

STAFF REPORT  

GENERAL INFORMATION:  

REQUEST:  

CONDITIONAL USE PERMIT REVIEW / CU 19-05: To review a campground on the subject property including RV sites, tent camping, cabins, and a motel in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.  

APPLICANT/AGENT:  
Fat Boys, Inc; Bob Fuchs - Agent  

APPLICANT ADDRESS:  
610 Main Street, Rapid City, SD 57701  

LEGAL DESCRIPTION:  
Lot 1-3 less Lot 1A of Spring Creek Palisades, Section 21, T1S, R5E, BHM, Pennington County, South Dakota.  

SITE LOCATION:  
23856 Highway 385.  

SIZE:  
6.94 acres  

TAX ID:  
9107  

EXISTING LAND USE:  
Residential  

ZONING REFERENCE:  
Section 206 and 510  

CURRENT ZONING:  
Limited Agriculture District  

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

PHYSICAL CHARACTERISTICS:  Flat / Open Meadow / Sloping  

UTILITIES:  
Private
I. PROPOSED RECOMMENDATION
   A. Staff will be recommending approval of the extension of Conditional Use Permit / CU 19-05 with conditions.

II. GENERAL DESCRIPTION
   A. April 2, 2019, the applicant, Bob Fuchs, submitted a Conditional Use Permit Application for a campground to include:
      1. Recreation Vehicles (RV).
         i. Seventeen (17) sites.
      2. Tent Camping,
         i. Ten (10) sites.
      3. Cabins
         i. Ten (10) cabins.
      4. Hotel
         i. Four (4) rooms.
      7. Laundry Room.
   B. The subject property is nearly 50 percent covered with Special Flood Hazard Area (Floodway and Floodplain).
   C. The subject property has operated as a legal non-conforming (LNC) campground since the 1960s.
      1. According to the previous landowner’s representative, the campground ceased licensed operation in 2017 and, as of the end of 2018, had not renewed licenses operation. Thus, the use of the subject property as an LNC campground was lost.
      2. During historic operation, Staff has no complaints on record.
   D. April 16, 2019 – The Board of Commissioners approved Rezone / RZ 19-01 and Comprehensive Plan / 19-01 to rezone the subject property from Limited Agriculture District to Highway Service District and to amend the Comprehensive Plan from Planned Unit Development Sensitive to Highway Service District.
   E. May 13, 2019 – The Planning Commission approved the extension of Conditional Use Permit / CU 19-05 with the following twenty-six (26) conditions:
      1. That the applicant not begin operation of the campground without first complying with the Conditions of Approval;
2. That prior to operation, the Onsite Wastewater Treatment System is upgraded and approved for the new and expanded use;
3. That prior to the use of the tent camping site, that, at minimum, an approved Floodplain Development Permit be approved for the subject site;
4. That the uses of the Conditional Use Permit allow for only: four (4) hotel rooms (one bedroom, bath, and kitchen in each hotel room), seventeen (17) Recreational Vehicle Sites (a recreational vehicle is not to include Park Model Homes or Tiny Homes), ten (10) cabins with no plumbing, ten (10) tent sites, a minimum of forty-one (41) parking spaces, bathhouse (bathrooms, shower, and laundry), and the sale of beer and wine (with applicable licenses). An increase in these uses shall require CU 19-05 to be amended in the same manner as a new Conditional Use Permit, per § 510 of the Pennington County Zoning Ordinance;
5. That "Temporary" shall mean those structures, systems, and/or tents established for a fixed period of time with the intent that such structure, system, and/or tent be removed or disassembled upon expiration of the fixed period of time unless permission is granted by way of a review of CU 19-05 not to exceed 180-calendar days;
6. That an approved Temporary Building Permit be obtained for any temporary 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;
7. That an approved Building Permit be obtained for any non-temporary 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;
8. That an approved Building Permit be obtained for any use of Alternative Energy Systems on the subject property, in accordance with Section 317 of the Pennington County Zoning Ordinance;
9. That the minimum required setbacks of a Limited Agriculture District and Highway Service District (respectively) be continually maintained on the subject property, or approved Setback Variance(s) be obtained;
10. That addresses be assigned to the subject property, along with other identifying site numbers, and posted in accordance with Pennington County’s Ordinance #20;
11. That an approved On-Site Wastewater Construction Permit be obtained prior to any on-site wastewater treatment system being installed on the subject property, which will also require review and approval by the South Dakota Department of Environmental and Natural Resources prior to the operation of the campground;
12. That a minimum of 41 parking spaces be provided in accordance with Pennington County Zoning Ordinance Section 310;

Page 3 of 11

CU 19-05
13. That a Sign Permit be obtained prior to the installation of any signs on the subject property. All signs must meet the requirements of Section 312 of the Pennington County Zoning Ordinance;

14. That prior to the operation of the Campground, the applicant obtains all necessary permits from other governing bodies for the operation, including, but not limited to, approval from the South Dakota Department of Health and a Sales Tax License from the South Dakota Department of Revenue;

15. That the applicant maintains 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 and updated, by the Operator, as needed, and provided at the time of each review of CU 19-05;

16. That the applicant provide each overnight guest with a map showing the Special Flood Hazard Area in relation to the subject property and proper evacuation routes;

17. That, at a minimum, a Floodplain Development Permit be approved prior to any work being done within a Special Flood Hazard Area;

18. That the property remains free of debris and junk vehicles and all structures be well-maintained;

19. That all existing drainage ways be maintained and that erosion control measures be implemented on all disturbed areas so as not to allow any sedimentation of existing drainage ways or bodies of water per PCZO's. This includes any requirements set forth in the Pennington County Stormwater Quality Manual for erosion and sediment measures;

20. That all exterior lighting must be of low level intensity, which does not result in excessive glare upon surrounding neighbors;

21. That quiet hours for the campground be between 10 p.m. and 8 a.m.;

22. That emergency turn-arounds be provided on-site;

23. That the applicant comply with SDCL 34-18, which regulates Lodging and Food Service Establishments and Campgrounds;

24. The Planning Director may allow additional development or construction, which is consistent with the existing development on this property. Significant changes in the use or impact on adjacent land uses as determined by the Planning Director shall require a review or amendment of this Conditional Use Permit;

25. That prior to operation the applicant signs a Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 19-05, which is available at the Planning Office; and,
26. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

III. EXISTING CONDITIONS

A. Current Zoning: Highway Service District.
B. Future Land Use Zoning: Highway Service District.
C. 6.94 acres.
D. Consists of three (3) developmental lots.
   1. Pennington County Zoning Ordinance Section 103 defines a developmental lot as, “Two or more lots or portions of lots with continuous frontage in single ownership of record prior to February 1, 1994, where all or part of the lots do not meet the requirements established for lot width and area, which for the purposes of these Zoning Ordinances shall be considered to be an undivided lot”.

E. Access off of Highway 385 via an existing approach.
F. Special Flood Hazard Area, including floodway, on the subject property – Image 4 on Page 7.
G. Lot contains:
   1. 2,171 sq. ft. office building – built in 1959, per Department of Equalization (DOE) Property Record Card.
      1. Addition to office in 1986 via Building Permit #7214.
   2. 210 sq. ft. bathhouse – built in 1964, per DOE Property Record Card.
   3. Three (3) small sheds less than 144 sq. ft. – due to size, a Building Permit is not required.
   4. Sixteen (16) RV hookups – per the DOE Property Record Card.

May 14, 2020, site visit to subject property.
May 14, 2020, site visit to subject property.

IV. EXISTING PERMITS

A. Onsite Wastewater Treatment System Construction Permit / COSD19-0039.
B. Onsite Wastewater Treatment System Construction Permit / COSD19-0040.
C. Onsite Wastewater Treatment System Construction Permit / COSD19-0052.
D. County Operating Permit / COOP18-1108 – Commercial Conventional System.
   1. Tank 1.
E. County Operating Permit / COOP18-1109 – Commercial Conventional System.
   1. Tank 2.
F. On-premise Sign Permit / COSP1-00004.
G. Construction Permit / COCP19-0009.
   1. Dirt work exceeded 20,000 square feet in Special Flood Hazard Area.
V. REQUESTED USES

A. On April 03, 2019, the applicant submitted a letter to the Planning Department outlining their proposed uses. See Image 2.

B. On May 03, 2019, the applicant submitted a Construction Permit for the proposed tent-camping site. Image 3, page 5, shows most current site plan submitted.

1. Staff

   inserted a caption “TENTS” to show where the proposed Tent Camping site will be.

Site map of the campground and its uses.
VI. EXISTING BRIDGE SUPPORT
   A. April 22, 2019 – The applicant went to the following website: http://beamguru.com/online/beam-calculator/ to determine the weight capacity of the existing bridge that allows ingress onto the subject property.
      1. The applicant submitted the calculations and results from the website.
      2. The applicant stated, “Allowable bending stress of 6,000 psi is greater than actual bending stress of 4,543 psi so the bridge should support the imposed truck loads.”

VII. LIMITED AGRICULTURE VERSUS HIGHWAY SERVICE USES
   A. At the time the application was submitted the applicant was asking for approval of this Conditional Use Permit, CU 19-05, the subject property was zoned Limited Agriculture District (LAD) - Section 206 of the Pennington County Zoning Ordinance (PCZO).
      1. Under Section 206(C)(19), only a Seasonal Cabin / Dwelling is listed as a Conditional Use.
      2. The additional uses, as presented by the applicant, are not listed as either Permitted or Conditional Uses in LAD.

   B. April 16, 2019 – The Board of Commissioners approved Rezone / RZ 19-01 and Comprehensive Plan / 19-01 to rezone the subject property from Limited Agriculture District to Highway Service District (HSD) and to amend the Comprehensive Plan from Planned Unit Development Sensitive to Highway Service District.
      1. Under Section 210(B), only Hotels and Motels, and Eating and Drinking establishments, including drive-in eating establishments, are included purposes of a HSD property.
      2. Under Section 210(C), none of the other applicant’s requested uses are included as Conditional Uses within a HSD.
         i. However, Section 210(C), does state, “The following uses are illustrative of those which the Board may approve. Other uses may be allowed provided they are not found to be contrary to intended uses of the district under consideration.”
         ii. Staff finds the applicant’s proposed used to not be contrary to the intended uses of the district and further finds the applicant’s proposed used to be in harmony with surrounding zoning as there are no-less-than 37 other properties zoned.

VIII. SECTION 320 – MINIMUM OFF-STREET PARKING REQUIREMENTS
   A. Similar multi-use campground (Recreational Resorts) required one (1) parking space per bedroom, camp site, and RV site, and two (2) parking spaces for every three (3) employees.
      1. The applicant has submitted the following:
         i. Seventeen (17) RV Sites;
Agenda Item #7
Fat Boys, Inc; Bob Fuchs - Agent
May 26, 2020

ii. Four (4) Motel Rooms;
iii. Ten (10) Cabins; and,
iv. Ten (10) Tent Sites.

2. Total of 41 parking spaces, not including employee parking.

IX. ANALYSIS

A. The only means of vehicular ingress and egress is across the bridge discussed in Section VI of this Staff Report, which is within the Special Flood Hazard Area – Floodway (the “river” of the flood).

1. Due to the potential danger, Staff will recommend that the applicant post information about evacuation routes and have information on an Evacuation Plan and Maps showing where the Special Flood Hazard Area is, available in all cabins, motel rooms, and available for all RV and Tent campers.

![Aerial image taken from RapidMap showing SFHA.](image)

B. May 14, 2020, Staff preformed a site visit to the subject property and verified that the Conditions of Approval are currently being met.

C. Each cabin, RV site, tent camping site, and hotel rooms have their own individual numbers assigned and posted so that Emergency Response Units can easily identify and locate specific sites and/or room.

D. The use of Temporary Structures (such as non-camping tents) will require the issuance of a Building Permit approved by the Planning Director.

E. Staff recommends that Conditions #1, #2, #3, and #25 be removed as the conditions have been met.

F. Staff reworded Condition #14, which was Condition #14 in the original Conditions of Approval.
RECOMMENDATION: Staff recommends approval of the extension of Conditional Use Permit / CU 19-05 with the following conditions:

1. That the uses of the Conditional Use Permit allow for only: four (4) hotel rooms (one bedroom, bath, and kitchen in each hotel room), seventeen (17) Recreational Vehicle Sites (a recreational vehicle is not to include Park Model Homes or Tiny Homes), ten (10) cabins with no plumbing, ten (10) tent sites, a minimum of forty-one (41) parking spaces, bathhouse (bathrooms, shower, and laundry), and the sale of beer and wine (with applicable licenses). An increase in these uses shall require CU 19-05 to be amended in the same manner as a new Conditional Use Permit, per Section 510 of the Pennington County Zoning Ordinance;

2. That “Temporary” shall mean those structures, systems, and/or tents established for a fixed period of time with the intent that such structure, system, and/or tent be removed or disassembled upon expiration of the fixed period of time unless permission is granted by way of a review of CU 19-05 not to exceed 180-calendar days;

3. That an approved Temporary Building Permit be obtained for any temporary 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;

4. That an approved Building Permit be obtained for any non-temporary 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;

5. That an approved Building Permit be obtained for any use of Alternative Energy Systems on the subject property, in accordance with Section 317 of the Pennington County Zoning Ordinance;

6. That the minimum required setbacks of a Limited Agriculture District and Highway Service District be continually maintained on the subject property, or approved Setback Variance(s) be obtained;

7. That addresses be assigned to the subject property, along with other identifying site numbers, and posted in accordance with Pennington County’s Ordinance #20;

8. That an approved On-Site Wastewater Construction Permit be obtained prior to any on-site wastewater treatment system being installed on the subject property, which will also require review and approval by the South Dakota Department of Environmental and Natural Resources prior to the operation of the campground;

9. That a minimum of 41 parking spaces be provided in accordance with Pennington County Zoning Ordinance Section 310;

10. That a Sign Permit be obtained prior to the installation of any signs on the subject property. All signs must meet the requirements of Section 312 of the Pennington County Zoning Ordinance;
11. That the applicant maintains all necessary permits from other governing bodies for the operation, including, but not limited to, approval from the South Dakota Department of Health and a Sales Tax License from the South Dakota Department of Revenue;

12. That the applicant maintains 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 and updated, by the Operator, as needed, and provided at the time of each review of CU 19-05;

13. That the applicant provide each overnight guest with a map showing the Special Flood Hazard Area in relation to the subject property and proper evacuation routes;

14. That, at a minimum, a Floodplain Development Permit be approved prior to any work being done within a Special Flood Hazard Area;

15. That the property remains free of debris and junk vehicles and all structures be well-maintained;

16. That all existing drainage ways be maintained and that erosion control measures be implemented on all disturbed areas so as not to allow any sedimentation of existing drainage ways or bodies of water per PCZO’s. This includes any requirements set forth in the Pennington County Stormwater Quality Manual for erosion and sediment measures;

17. That all exterior lighting must be of low level intensity, which does not result in excessive glare upon surrounding neighbors;

18. That quiet hours for the campground be between 10 p.m. and 8 a.m.;

19. That emergency turn-arounds be provided on-site;

20. That the applicant comply with SDCL 34-18, which regulates Lodging and Food Service Establishments and Campgrounds;

21. The Planning Director may allow additional development or construction, which is consistent with the existing development on this property. Significant changes in the use or impact on adjacent land uses as determined by the Planning Director shall require a review or amendment of this Conditional Use Permit; and,

22. That this Conditional Use Permit be reviewed in two (2) years, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.
SOUTH DAKOTA
DEPARTMENT OF HEALTH
CAMPGROUND LICENSE

Issued To: FAT BOYS INC

Located At: FIREHOUSE CAMPGROUND
23856 HWY 385
HILL CITY, SD 57745

License Type
Campground License

License Number
20952

Number of Sites
23
Swimming Pool
0
Spa or Hot Tub
0

Expires
12/31/2020

Secretary of Health

License is Not Transferable - Post in the Establishment
The Complete Pocket Guide to The Black Hills

Hill City So. Dak

Firehouse Campground & Beercation

Hunt and track awesome food, local hot spots and natural wonders.
CULTURE

Crazy Horse Memorial
A monument in progress with a beautiful museum.

The Custer Beacon
Live music and pub in downtown Custer.

Black Hills Playhouse
Live Theatre performances from June through August.

NATURE

Black Elk Peak
A moderate 6.4 mile trail - Hike to the fire lookout for beautiful views. Go early; it gets busy.

Sunday Gulch
A 4 mile loop near Sylvan Lake, moderately difficult. You will be hiking near waterfalls so bring a change of shoes.

Located 20 minutes away, no trip to South Dakota is complete without visiting Custer. For stunning views, wildlife, and adventure visit the park ($20 admission fee)
SMOKEJUMPER STATION MAIN (605) 574-2916

POLICIES

QUIET HOURS from 10:00 PM until 8:00 AM

CAMPFIRES are the responsibility of the guest. Federal law requires that campfires must be contained in the designated fire ring. Fires must be attended at all times and extinguished when leaving them. Do not move fire ring. Cutting of any standing trees on the premises is prohibited. Please be aware that state or Federal government agencies may place campfire or grilling restrictions throughout the Black Hills including campgrounds.

OCCUPANCY is limited to a maximum of 6 people per campsite. Maximum of 1 vehicle allowed per site. Limited overflow parking available.

PETS are welcome when kept quiet, attended, cleaned up after and leashed at all times. We reserve complete discretion to require guests to immediately remove from the premises any pet that is deemed dangerous or an excessive nuisance. Failure to clean up after your pet will result in a $25 fee.

GRAY WATER cannot be emptied on the ground. It must be disposed of in the campsite sewer. Do not dump into creek.

TRASH Please help us protect the environment by placing garbage in designated dumpsters. Please do not leave trash inside fire grate.

DAMAGES Anyone who damages campground property will be liable for the cost of the repairs or replacement. All buildings including cabins, shower facilities and lodge rooms are non-smoking - there is a $100 penalty for smoking inside. Customers will be held responsible for any theft of campground property. We are not responsible for lost or stolen personal possessions.

WIFI One of the greatest attributes of Hill City is that it is a bit off of the beaten path. This means that we have limited internet and Wifi and cell phone service.

FIREWORKS AND FIREARMS may not be discharged on premise.

CHECK-IN AND CHECK-OUT TIMES
Check-out time is before 11:00 AM
Check-in time for RV and Tent Sites is after 11:30 AM
Check-in time for cabins is after 2:00 PM
FLOOD EMERGENCY INFORMATION

Campground host has a basic medical kit for use in case of emergency. A fire extinguisher is available at the lodge and bathroom building.

The main entrance is on the north end of the facility across a single-lane bridge. All vehicle entry and exit routes are via this entrance.

Please do not block the bridge or Highway when entering or exiting the facility. If Emergency Vehicles are incoming, please pull into the side grass area and allow the vehicles to pass.

Guests located in sites of the north end of the campground (RV sites 1 – 9) evacuate to higher ground first. The remaining sites are to follow exiting in orderly fashion. However, in isolated emergency situations, such as a single RV fire, only the persons and RVs or boats closest to the isolated emergency should evacuate to an alternate location within the park as designated by Campground Management or the Fire Chief or Assistant Fire Chief on scene.

The Campground has been known to flood as the result of close proximity to Spring Creek. Campground Management is usually notified in advance of potential storms or high water conditions as a result of heavy rain instances. All campers and guests onsite will be notified if there is a possibility of high water conditions as soon as possible.

In the event the main evacuation route is blocked and there is evidence of flood or rising waters, the south end of the campground area (vicinity of sites 10-17) may be utilized to exit the facility on foot. No motorized vehicles are able to exit the area from this location. Avoid contact with flood water.

All RVs must maintain their mobility functions for quick evacuation in case of an emergency. Use travel routes specified. Never drive through flooded roads or bypass barricades.

A NOAA Weather Radio All Hazards broadcasts official Weather Service warnings, watches, forecasts and other hazard information 24 hours a day. FREQUENCY 162.550 MHZ AND SAME CODE IS 546103
GEORGE S. MICKELSON TRAIL

$4 DAILY FEE
OPEN YEAR ROUND

BIKE RENTALS AVAILABLE IN HILL CITY

1. Deadwood Trailhead: MP 108.3
   Located in Deadwood near the old railroad depot on Blackhawk St.

2. Kirk Trailhead: MP 105.3
   Located 1.2 miles south of Dead
   wood on Hwy 44. Then 0.5 miles west
   on Kirk Road.

To southwest where the two trails converge to form a loop at MP 106.9

3. Lead Trailhead: MP 103.7
   This 8-mile spur connects the trail to Lead.

4. Sugarloaf Trailhead: MP 103.1
   Located 1 mile southwest of Lead on Hwy 95.

5. Englewood Trailhead: MP 98.5
   Located 6 miles west of Hwy 38 in the east section of Forest Service Rd. 38.

6. Dumont Trailhead: MP 93.0
   Located 8 miles north of Rockford on Forest Service Road 7.

7. Rockford Trailhead: MP 82.6
   Located on the west side of Rockford near the first station.

8. Mystic Trailhead: MP 74.7
   Located 19 miles north of Hill City on Hwy 38.

9. Buddington Northern Hill City Trailhead: MP 60.1
   Located in Stanley Park near the High School.

10. The Mountain Trailhead: MP 49.6
    Located 1.3 miles north of Custer on Hwy 38.

11. Harbach Park Trailhead in
    Custer: MP 44.5
    Across the street from the Custer Christian Center.

12. Gnome Spur to Stockade
    Lake: MP 46
    1.2 mile spur connects the trail to Stockade Lake.

13. White Elephant Trailhead: MP 35.7
    Located on the east side of Hwy 38.

14. Pringle Trailhead: MP 32.1
    Located on the west side of Hwy 38 in the center of town.

15. Minnehaha Trailhead: MP 19.2
    Located 1.3 mile east of the intersection of Hwy 38 and 29.

16. Edgemont Trailhead: MP 0
    Located on the north end of Minnehaha Lake.

OUR FAVORITE SECTION

YOU ARE HERE
CALL 911 FOR EMERGENCIES

EMERGENCY PLAN

If a guest expects to need assistance during an emergency, please inform the office at (605) 574-2916. Staff will provide assistance as we are able, but it should be understood that park management is not responsible for physically evacuating residents from their homes or providing any materials or services during an emergency.

If disaster strikes, remain calm and patient.
1. Check for injuries; give first aid and get help for seriously injured.
2. Listen to your battery powered radio for news and instructions.
3. Evacuate if advised to do so. Wear appropriate clothing and sturdy shoes.
4. Check for damage to your RV - use a flashlight only. Do not light matches or turn on electrical switches, if you suspect damage.
5. Check for fires, fire hazards and other household hazards.
6. If you are remaining in your RV, sniff for gas leaks, starting at the hot water heater. If you smell gas or suspect a leak, turn off the propane tanks, open windows, and get everyone outside quickly. Shut off damaged utilities.
7. Confine your pets.
8. Stay away from downed power lines.

IN CASE OF FIRE CALL 911
1. Give: your name, telephone number you are calling from, park address
   23858 US-385, HILL CITY, SD 57745
2. Describe the type/nature of the fire (gas, wood, chemical, electrical).
3. State that the fire is in an RV and report any known injuries. Stay on the line and allow the person you contacted to end the call.
4. If and only if safe, turn off the propane and disconnect the electricity.
5. Tell all residents or guests near the fire source to stand ready with water hoses to wet down their structures or adjacent buildings.
6. Make sure all guests have left the affected structure and immediately let the fire department personnel know if any disabled person(s) or anyone not accounted for and may still be in the structure.
7. Never go back into a burning structure.
8. If smoky conditions are present, remember that smoke rises and stay as close to the floor as possible. Before exiting a door, feel the bottom of the door with the palm of your hand. If it is hot, find another way out. Never open a door that is hot to the touch.
9. Should your clothing catch fire; first drop...then roll. Never run. If a rug or blanket is handy, roll yourself up in it until the fire is out.
GENERAL INFORMATION:

REQUEST:

CONDITIONAL USE PERMIT / CU 19-10: To review a multi-family dwelling in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

APPLICANT:

Jeff and Jodi Sugrue

APPLICANT ADDRESS:

205 Duggan Street, Silver City, SD 57702

LEGAL DESCRIPTION:

Tract C, Block 5, Silver City Subdivision, Section 31, T2N, R5E, BHM, Pennington County, South Dakota.

SITE LOCATION:

205 Duggan Street in Silver City.

SIZE:

0.36 acre

TAX ID:

57603

EXISTING LAND USE:

Residential

ZONING REFERENCE:

Sections 208 and 510

CURRENT ZONING:

Suburban Residential District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS:

Flat

UTILITIES:

Private

REPORT BY:

Jason Theunissen

Page 1 of 4
I. PROPOSED RECOMMENDATION
   A. Staff will be recommending approval of the extension of Conditional Use Permit / CU 19-10 with conditions.

II. GENERAL DESCRIPTION
   A. May 28, 2019 – The Planning Commission approved Conditional Use Permit / CU 19-10 with the following eight (8) Conditions:
      1. That a minimum of four (4) off-street parking spaces be provided on-site, each measuring a minimum of nine (9) feet by 18 feet, surfaced with gravel, concrete or asphalt, and maintained in a dust-free manner;
      2. That the existing approach must be used and no additional approaches will be allowed unless approved by the Board of Commissioners and that the residence and the addresses of each unit be properly posted so they are in accordance with Pennington County Ordinance #20;
      3. That the property be kept free of debris and junk vehicles;
      4. That once the living quarters for CU 19-10 are no longer in use as a multi-family dwelling, the full kitchen be removed from the basement and the landowner notify the Planning Department, allow Staff to perform a site visit to verify removal, and CU 19-10 shall end;
      5. That the landowner ensure that smoke alarms and fire extinguishers be properly installed and/or maintained in working order in each unit;
      6. That the applicant obtain a Building Permit, with penalty fees, for the work that has already begun on the new living quarters;
      7. 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,
      8. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as deemed necessary by either the Pennington County Board of Commissioners or Planning Commission to verify that all conditions are being met.
Agenda Item #8
Jeff and Jodi Sugrue
May 26, 2020

III. EXISTING CONDITIONS
   A. Zoned Suburban Residential District.
   B. 0.36 acre.
   C. Access off of Duggan Street.
   D. 20’ x 20’ shop – County Building Permit / COBP04-0520.
   E. Single-family residence – COBP04-0518.
   F. County Onsite Wastewater Construction Permit / COSD01-0088.
      1. County Operating Permit / COOP16-0042.
   G. There is no Special Flood Hazard Area on the subject property.

VII. ANALYSIS
   A. May 19, 2020 – Staff performed a site visit and verified the following
      Conditions were being met:
         1. That a minimum of four (4) off-street parking spaces be provided
            on-site (Condition #1).
         2. That no additional approaches had been constructed or used
            (Condition #2).
         3. That the property was free of debris and junk vehicles (Condition
            #3).
   B. All other Conditions appear to be met at this time.
   C. Staff removed Condition #6, as the applicant has satisfied the requirement.
Agenda Item #8  
Jeff and Jodi Sugrue  
May 26, 2020

RECOMMENDATION: Staff recommends approval of the extension of Conditional Use Permit / CU 19-10 with the following conditions:

1. That a minimum of four (4) off-street parking spaces continue to be provided on-site, each measuring a minimum of nine (9) feet by 18 feet, surfaced with gravel, concrete or asphalt, and maintained in a dust-free manner;

2. That the existing approach must be used and no additional approaches will be allowed unless approved by the County Highway Department and that the residence and the addresses of each unit be properly posted so they are in accordance with Pennington County Ordinance #20;

3. That the property continue to be kept free of debris and junk vehicles;

4. That once the living quarters for CU 19-10 are no longer in use as a multi-family dwelling, CU 19-10 shall end;

5. That the landowner continue to ensure that smoke alarms and fire extinguishers be properly installed and/or maintained in working order in each unit;

6. 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,

7. That this Conditional Use Permit be reviewed in three (3) years, on a complaint basis, or as deemed necessary by either the Pennington County Board of Commissioners or Planning Commission to verify that all conditions are being met.
AGENDA ITEM #9
Paul and Rebecca Freidel
May 26, 2020

STAFF REPORT

GENERAL INFORMATION:

REQUEST:  
CONDITIONAL USE PERMIT / CU 19-11: To review a Guest House on the subject property in a Low Density Residential District in accordance with Sections 207, 318, and 510 of the Pennington County Zoning Ordinance.

APPLICANT:  
Paul and Rebecca Freidel

APPLICANT ADDRESS:  
23567 Longhorn Court, Rapid City, SD 57703

LEGAL DESCRIPTION:  
Lot 6, Cedar Gulch Subdivision, Section 4, T1S, R6E, BHM, Pennington County, South Dakota.

SITE LOCATION:  
23567 Longhorn Court; approximately 2.15 miles south of the intersection of Bradsky Road and E. Highway 44.

SIZE:  
5.57 acres

TAX ID:  
53825

EXISTING LAND USE:  
Residential

ZONING REFERENCE:  
Sections 207, 318, and 510

CURRENT ZONING:  
Low Density Residential District

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

PHYSICAL CHARACTERISTICS:  
Rolling Hills / Prairie

UTILITIES:  
Private / Shared Well

REPORT BY:  
Jason Theunissen
I. PROPOSED RECOMMENDATION
   A. Staff will be recommending approval of the extension of Conditional Use Permit / CU 19-11 with conditions.

II. GENERAL DESCRIPTION
   A. June 24, 2019 – The Planning Commission approved Conditional Use Permit / CU 19-11 with the following Conditions:
      1. That prior to issuance of the Building Permit for the Guest House, the applicant record a deed restriction with the Register of Deeds stating the regulations applicable to the Guest House, including that the Guest House shall not be separately rented or leased from the main residence, in accordance with Pennington County Zoning Ordinance (PCZO) § 318(B)(13);
      2. The addition, removal, or relocation of the Guest House requires additional permits issued by the Planning Department;
      3. That the rental or lease of the Guest House or the use of the Guest House as a permanent residence for a second family on the premises shall be prohibited;
      4. That the Guest House shall not be used for more than 180 days per calendar year;
      5. That the primary dwelling be continually classified as owner-occupied and proof of status be provided to the Planning Department upon request, in accordance with PCZO § 318(B)(10);
      6. That all necessary utilities for the Guest House shall be extended from the primary dwelling unit’s services. No separate meters for the Guest House shall be allowed, unless required by the utility service provider;
      7. That prior to any Building Permit for the Guest House being applied for, any On-site Wastewater Treatment System must be in compliance with PCZO § 318 and §204 (J), and be approved by the Pennington County Environmental Planner;
      8. That both of the addresses assigned for the primary residence and the Guest House be posted so they are clearly visible from Longhorn Court, in accordance with Pennington County Ordinance #20;
      9. That the Guest House be continually utilized and maintained in accordance with all requirements of the PCZO, with emphasis on § 318, or a Variance(s) be obtained and approved to waive any requirements;
     10. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which will require a site plan to be reviewed and approved by the Planning Director; and,
Agenda Item #9
Paul and Rebecca Freidel
May 26, 2020

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

III. EXISTING CONDITIONS
   A. Zoned Low Density Residential District, minimum three (3) acre lot size.
   B. 5.57 acres.
   C. Access off of Long Horn Court via an existing approach and Private Access Easement (Miscellaneous Book 94, Page 3904).
   D. No Special Flood Hazard Area on the property.
   E. Guest house – County Building Permit (COBP) COBP19-0364.
   G. Garage – 2001COBP0755.
   I. Three-sided barn – COBP17-0541.
   J. On-Site Wastewater Treatment System – COSD17-0121.
      1. Operating Permit – COOP17-0387.

IV. ANALYSIS
   A. May 18, 2020 – Staff performed a site visit and found the following:
      1. The Guest House has been placed on the subject property, per COBP19-0364 and a deed restriction was filed with the Register of Deeds (Conditions #1, #2, and #7).
         a. Staff recommends removing these Conditions, as they have been satisfied.
      2. The basement portion of the guest house appeared to be unfinished space.
      3. The address was not posted on the guest house (Condition #8).
      4. COBP19-0364 did not include plans for the attached deck (Condition #10).
      5. All other Conditions of Approval appeared to be met.
      6. Staff has received no complaints regarding the subject property.
   B. May 19, 2020 – Staff received an email from applicant stating that he has the address sign but was unsure about when it needed to be posted. The email also included a Building Permit application for the attached deck.
   C. May 20, 2020 – Staff received an email photo of the address number posted at the end of the applicant’s driveway. He stated that the siding on the guest house was not complete and that the address number will be posted once it is.
Agenda Item #9
Paul and Rebecca Freidel
May 26, 2020

Site Visit 5.18.2020

Site Visit 5.18.2020
RECOMMENDATION: Staff recommends approval of the extension of Conditional Use Permit / CU 19-11 with the following conditions:

1. That the rental or lease of the Guest House or the use of the Guest House as a permanent residence for a second family on the premises shall be prohibited;

2. That the Guest House shall not be used for more than 180 days per calendar year;

3. That the primary dwelling be continually classified as owner-occupied and proof of status be provided to the Planning Department upon request, in accordance with PCZO Section 318(B)(10);

4. That all necessary utilities for the Guest House shall be extended from the primary dwelling unit's services. No separate meters for the Guest House shall be allowed, unless required by the utility service provider;

5. That both of the addresses assigned for the primary residence and the Guest House be posted so they are clearly visible from Longhorn Court, in accordance with Pennington County Ordinance #20;

6. That the Guest House be continually utilized and maintained in accordance with all requirements of the PCZO, with emphasis on Section 318, or a Variance(s) be obtained and approved to waive any requirements;

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

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

GENERAL INFORMATION:

REQUEST: REZONE / RZ 20-02 AND COMPREHENSIVE PLAN AMENDMENT / CA 20-02: To rezone 6.3 acres from Limited Agriculture District to Suburban Residential District and to change the Future Land Use from Planned Unit Development Sensitive to Suburban Residential District in accordance with Sections 206, 208, 213, and 508 of the Pennington County Zoning Ordinance.

APPLICANT: Dick Kompus

APPLICANT ADDRESS: 13345 Highway 40, Keystone, SD 57751

SURVEYOR / ENGINEER: Renner Associates

ADDRESS: 3231 Tweewinot Drive, Rapid City, SD 57703

LEGAL DESCRIPTION: Tract 2 of Lot B and C, Elkhorn Placer MS #1502 Mining, Section 10, T2S, R6E, BHM, Pennington County, South Dakota.

SITE LOCATION: 13323 Highway 40; east of Keystone along Highway 40.

SIZE: 6.3 acres

TAX ID: 2104

EXISTING LAND USE: Vacant

ZONING REFERENCE: Sections 206, 208, 213, and 508

CURRENT ZONING: Limited Agriculture District

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

PHYSICAL CHARACTERISTICS: Forested / Flat / Creek
I. PROPOSED RECOMMENDATION
   A. Staff will be recommending approval of Rezone / RZ 20-02 and Comprehensive Plan Amendment / CA 20-02.

II. GENERAL DESCRIPTION
   A. The applicant, Dick Kompus, has requested to rezone 6.3 acres from Limited Agriculture District to Suburban Residential District.
   B. The applicant is also requesting to change the Future Land Use from Planned Unit Development Sensitive to Suburban Residential District.
   C. April 7, 2020 – The Pennington County Board of Commissioners approved Layout Plan / LPL 20-04 to combine two (2) lots in order to create Lot 1R of Chase Elkhorn Subdivision with the following eight (8) Conditions:
      1. That at the time of the Minor Plat submittal, the proposed Plat be prepared by a Registered Land Surveyor;
      2. That at the time of Minor Plat submittal, the plat meets all requirements of Pennington County Subdivision Regulations, or approved Subdivision Regulations Variance(s) be obtained waiving any of these requirements that are not met. Subdivision Regulations Variances shall be submitted per Section 700 of Pennington County Subdivision Regulations;
      3. That prior to the mylar being filed at Register of Deeds, the applicant obtains approval of a Rezone and Comprehensive Plan Amendment;
      4. That access for Lot 1R is taken from the existing approach for the subject property;
      5. That an approved Floodplain Development permit be obtained prior to any disturbance in the Special Flood Hazard Area;
      6. That the applicant ensures all-natural drainage ways are maintained and are not blocked;
      7. That following platting of the proposed lot, any on-site wastewater treatment system(s) be subject to the requirements of Section 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit; and,
      8. That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.
   D. If approved, Rezone / RZ 20-02 and Comprehensive Plan Amendment / CA 20-02 will satisfy Condition #3 of Layout Plan / LPL 20-04.
III. EXISTING CONDITIONS
   A. Zoned Limited Agriculture District – 10-acre minimum lot size required.
   B. 6.3 acres – legal non-conforming lot size.
   C. Access off of Highway 40.
   D. Special Flood Hazard Area (100-year) – FIRM Panel 46103C1169H.
   E. No structures on subject property.
   F. No existing utilities.

IV. CURRENT ZONING WITHIN 1/2-MILE
   A. General Agriculture District.
   B. Limited Agriculture District.
   C. Low Density Residential District.
   D. Suburban Residential District.
   E. Planned Unit Development District.

V. FUTURE LAND USE ZONING WITHIN 1/2-MILE
   A. Public Land.
   B. Planned Unit Development Sensitive District.
   C. Suburban Residential District.
   D. Low Density Residential District.
   E. Planned Unit Development District.
VI. COMPREHENSIVE PLAN AMENDMENT / CA 20-02

A. The applicant has also requested to change the Future Land Use of the subject property from Planned Unit Development Sensitive District to Suburban Residential District.

B. The applicant’s request appears to be in harmony with the County’s Future Land Use designations in the area.

VII. REQUEST FOR COMMENT

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

B. County Environmental Planner
   1. I have no concerns with the current proposals.

C. County Ordinance Enforcement
   1. No violations.

D. 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 46103C1169H.
   3. A Floodplain Development Permit will be required for any development within the SFHA.

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

F. U.S. Forest Service & County Fire Administrator
   1. No comments received.

VIII. ANALYSIS

A. April 7, 2020 – The Pennington County Board of Commissioners approved Layout Plan / LPL 20-04 to combine lots in order to create Lot 1R of Chase Elkorn Subdivision with Conditions.


C. There are several Suburban Residential District properties located within 1/2-mile of the subject property and Future Land Use identifies Suburban Residential District zoning in the area. Therefore, the applicant’s request to rezone appears to be in harmony with the Current and Future Land Use zoning.

D. If approved, this Rezone and Comprehensive Plan Amendment will satisfy Condition #3 of Layout Plan / LPL 20-04.

RECOMMENDATION: Staff is recommending approval of Rezone / RZ 20-02 and Comprehensive Plan Amendment / CA 20-02.
STAFF REPORT

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  
South - Limited Agriculture District  
East - Limited Agriculture District  
West - City Limits of Rapid City  

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.
   B. May 11, 2019 — the Planning Commission continued Conditional Use Permit / CU 20-08, to the May 26, 2020, Planning Commission meeting, to allow time for the Commissioners to conduct a site visit to address the concerns of the neighbors.

III. EXISTING CONDITIONS
   A. Lot 3R of Marvin Subdivision.
      1. Zoned Limited Agriculture District.
      2. 40 acres.
      3. There are easements on the property for gas lines and power lines.
      4. Lot contains:
            i. Onsite wastewater treatment system – CIOSW17-0206.
         b. Tool shed (400 ft²)– built in 1982 per DOE records.
         c. Tool shed (144 ft²)– built in 1982 per DOE records.
         d. Shop building – (1,800 ft²)– built in 2002.
            i. 2002COBP0669.
         e. Mining Permit – COMP19-0003.
      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)(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;

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.