AGENDA
PENNINGTON COUNTY PLANNING COMMISSION
June 8, 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 16, 2020, at 10:30 a.m. The Planning Commission utilizes Speaker Request Forms, which are available in the Commission Chambers during the meeting.

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

ROLL CALL

1. APPROVAL OF THE MAY 26, 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 17-34: Sherri Wilkie. To review a single-wide mobile home to be used as a permanent, single-family residence on the subject property in a Suburban Residential District in accordance withSections 208 and 510 of the Pennington County Zoning Ordinance.

Lot A of Lot 10, Block 8, Eastern Acres Subdivision, Section 11, T1N, R8E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 17-34 with conditions.

4. CONDITIONAL USE PERMIT REVIEW / CU 18-28: Harry and Gail McKane. To review living in the existing residence while building a new single-family residence on the subject property in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Lot 1 (also in Section 36, T1N, R3E), Deerfield Park Parcel #2, Section 1, T1S, R3E, BHM, Pennington County, South Dakota.

To recommend to end Conditional Use Permit / CU 18-28 with the applicant’s concurrence as it is no longer needed.
5. **CONDITIONAL USE PERMIT REVIEW / CU 19-08**: Jeffrey Scherr. To live in a Recreational Vehicle (camper) while building a single-family residence on the subject property in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot D2 of Lot 17 of Fort Mead Placer MS 244, Section 8, T1S, R6E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 19-08 with conditions.

6. **CONDITIONAL USE PERMIT REVIEW / CU 19-15**: Samuel G. Fullerton III. To review a caretaker’s residence on the subject property after a single-family residence is built in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Lot 12, Kieffer Ranch Estates, Section 16, T1S, R7E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 19-15 with conditions.

7. **CONDITIONAL USE PERMIT REVIEW / CU 19-30**: Harry and Gail McKane. To review allowing the existing residence (Morton building) to remain as a Guest House once the new single-family residence is complete in a Limited Agriculture District in accordance with Sections 206, 318, and 510 of the Pennington County Zoning Ordinance.

Lot 1 (also in Section 36, T1N, R3E), Deerfield Park Parcel #2, Section 1, T1S, R3E, BHM, Pennington County, South Dakota.

To recommend to continue the review of Conditional Use Permit / CU 19-30 to the June 22, 2020 Planning Commission meeting.

8. **CONDITIONAL USE PERMIT REVIEW / CU 19-32**: Jeff and Marcia Spilker. To review living in a garage with living quarters while building a single-family residence and once the single-family residence is habitable, to allow the garage with living quarters to remain and be used as a Guest House in a Low Density Residential District in accordance with Sections 207, 318, and 510 of the Pennington County Zoning Ordinance.

Lot 13, Whaley Subdivision, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 19-32 with conditions.
9. **CONDITIONAL USE PERMIT / CU 20-09:** David and Janelle Goergen; Jess Island – Agent. To live in the existing double-wide mobile home while building a new single-family residence and then to allow the existing double-wide mobile home to remain and be converted into a garage with the living quarters removed, or the double-wide mobile home will be removed upon completion of the new single-family residence in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 2-R, Block 1, Palmer Subdivision Addition, Section 14, T2N, R6E, BHM, Pennington County, South Dakota

To recommend approval of Conditional Use Permit / CU 20-09 with conditions.

10. **ROAD NAMING:** GJH Ranch, LLC. To name a 24-foot-wide access easement providing access to properties located in Section 18, T2N, R7E, BHM, and Section 13, T2N, R6E, BHM, Pennington County, South Dakota, to White Buffalo Road.

To recommend approval of the Road Naming of White Buffalo Road.

**END OF CONSENT AGENDA**

11. **MINOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 20-03:** LakOrr, LLC; Phillip Lakner. To amend an existing Planned Unit Development to allow a gunsmithing business as a home occupation on the subject property in accordance with Sections 204-C and 213 of the Pennington County Zoning Ordinance.

Tract 2, Rushmore Ranch Estates Subdivision, Section 17, T2S, R7E, BHM, Pennington County, South Dakota.

12. **ORDINANCE AMENDMENT / OA 20-02:** Pennington County. To amend Section 506 “Building Permits” [to replace and supersede Section 506 “Building Permits”] of the Pennington County Zoning Ordinance.

13. **COUNTY BOARD REPORT**
The Board of Commissioners concurred with the Planning Commission’s recommendations from the May 26, 2020, Planning Commission meeting.

14. **ITEMS FROM THE PUBLIC**

15. **ITEMS FROM THE STAFF**
   A. Building Permit Report.

16. **ITEMS FROM THE MEMBERSHIP**

17. **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 26, 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 (teleconference), Jason Theunissen, Cody Sack, Michaele Hofmann (SAO) and Jeri Ervin.

ROLL CALL

1. APPROVAL OF THE MAY 11, 2020, MINUTES
Moved by Lasseter and seconded by Runde to approve the Minutes 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.

2. APPROVAL OF THE AGENDA
Moved by Runde and seconded by Lasseter to approve the Agenda of the May 26, 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 26, 2020, Planning Commission meeting, with the removal of Item #9. 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 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 approve 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.

Vote: unanimous 7 to 0.

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 approve 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 28th to January 1st 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 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 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.

Vote: unanimous 7 to 0.

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

Vote: unanimous 7 to 0.
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 approve 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.

Vote: unanimous 7 to 0.

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 approve the extension of Conditional Use Permit / CU 19-05 with the following twenty-two (22) 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.

Vote: unanimous 7 to 0.

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 approve the extension of Conditional Use Permit / CU 19-10 with the following seven (7) 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.

Vote: unanimous 7 to 0.

END OF CONSENT AGENDA

9. CONDITIONAL USE PERMIT REVIEW / CU 19-11: Paul and Rebecca Freidel. 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.

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

Commissioner Runde asked to have Item #9 removed from the Consent Agenda for discussion.

Staff recommended approval of the extension of Conditional Use Permit / CU 19-11 with conditions.

Discussion followed.

Moved by LaCroix and seconded by Lasseter to approve of the extension of Conditional Use Permit / CU 19-11 with the following eight (8) 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.

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. REZONE / RZ 20-02 AND COMPREHENSIVE PLAN AMENDMENT / CA 20-02:
Dick Komups. 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.

Theunissen reviewed the Staff Report indicating the applicant has for a Rezone 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.

Staff recommended approval of Rezone / RZ 20-02 and Comprehensive Plan Amendment / CA 20-02.
Discussion followed.

Moved by LaCroix and seconded by Lasseter to approve of Rezone / RZ 20-02 and Comprehensive Plan Amendment / CA 20-02.

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. 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.)

Sack stated this item was continued from the May 11, 2020, Planning Commission meeting to address concerns of the Planning Commission and surrounding neighbors, and, Sack further stated the applicant is now asking that the Conditional Use Permit be denied without prejudice.

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

If the Planning Commission chooses to approve Conditional Use Permit / CU 20-08, Staff recommended the following fourteen (14) conditions be included:

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.

Discussion followed.

Moved by Lasseter and seconded by Coleman to deny Conditional Use Permit / CU 20-08.


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

No motions or actions were taken at this time.

14. ITEMS FROM THE STAFF

A. Planning Department. Theunissen stated the office is now accepting credit cards for payment.
15. **ITEMS FROM THE MEMBERSHIP**

Commissioner LaCroix thanked the Planning Commission for their work.

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 9:56 a.m.

Rich Marsh, Chairperson
STAFF REPORT

GENERAL INFORMATION:

REQUEST: CONDITIONAL USE PERMIT REVIEW / CU 17-34: To review a single-wide mobile home to be used as a permanent, single-family residence on the subject property in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

APPLICANT: Sherri Wilkie

APPLICANT ADDRESS: 5608 Corbin Drive, Rapid City, SD 57703

LEGAL DESCRIPTION: Lot A of Lot 10, Block 8, Eastern Acres Subdivision, Section 11, T1N, R8E, BHM, Pennington County, South Dakota.

SITE LOCATION: 5608 Corbin Drive; near the intersection of Reservoir Road.

SIZE: 0.49 acre

TAX ID: 51708

EXISTING LAND USE: Residential

ZONING REFERENCE: Sections 208 and 510

CURRENT ZONING: Suburban Residential District

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

PHYSICAL CHARACTERISTICS: Flat

UTILITIES: Rapid Valley Sanitary District

REPORT BY: Stephanie Jansen
I. PROPOSED RECOMMENDATION
   A. Staff will be recommending approval of the extension of Conditional Use Permit / CU 17-34 with conditions.

II. GENERAL DESCRIPTION
   A. August 28, 2017 – Planning Commission approved Conditional Use Permit / CU 17-34 with the following nine (9) conditions:
      1. That a Building Permit be obtained for the proposed single-wide mobile home prior to any work being done;
      2. That the applicant utilize the existing approach off of Corbin Drive and no new approaches be constructed without prior approval from the County Highway Department;
      3. That the minimum setback requirements of a Suburban Residential District be continually maintained on the property, or a variance obtained;
      4. That the subject property remains free of debris and junk vehicles;
      5. That the single-wide mobile home installed on the property have a peaked, non-reflective type roof and wood or simulated wood-type siding that is continually maintained, and be provided with skirting from the bottom of the walls to the ground;
      6. That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
      7. That the address is clearly posted on the residence and so that it is visible from both directions of Corbin Drive, in accordance with Pennington County’s Ordinance #20;
      8. That the applicant signs the Statement of Understanding at the Planning Office within ten (10) business days of approval of Conditional Use Permit / CU 17-34; and,
      9. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

   B. September 24, 2018 – Planning Commission approved Conditional Use Permit / CU 17-34 with the following seven (7) conditions:
      1. That the applicant continues to utilize the existing approach off of Corbin Drive and no new approaches be constructed without prior approval from the County Highway Department;
      2. That the minimum setback requirements of a Suburban Residential District be continually maintained on the property, or a variance obtained;
      3. That the subject property remains free of debris and junk vehicles;
      4. That the single-wide mobile home installed on the property have a peaked, non-reflective type roof and wood or simulated wood-type
siding that is continually maintained, and be provided with skirting from the bottom of the walls to the ground; and that the address is clearly posted so that it is visible from both directions of Corbin Drive, and in accordance with Pennington County’s Ordinance #20; 

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

6. That the applicant sign a Statement of Understanding at the Planning Office within ten (10) business days of approval of Conditional Use Permit / CU 17-34; and,

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

III. EXISTING CONDITIONS

A. 0.49 acre.

B. Zoned Suburban Residential District.

C. Removal of single-wide mobile home (COBP17-0450).
   1. Removal of additions to the single-wide mobile home.
      a. COBP17-0451 and COBP17-0452.

D. 30’ x 24’ farm implement shed, built in 1970, per Department of Equalization records.

E. 16’ x 76’ Single-wide mobile home (COBP17-0542).
   1. Unattached decks on either side of mobile home.
      a. No Building Permit required

IV. ANALYSIS

A. May 28, 2020 – Staff performed a site visit and observed the following:
   1. That the applicant is utilizing the existing approach off of Corbin Drive (Condition #1).
   2. That the minimum setback requirements appear to be maintained (Condition #2).
   3. The subject property appears to be free of debris and junk vehicles (Condition #3).
   4. The single-wide mobile home appears to have a peaked, non-reflective type roof and wood or simulated wood-type siding that is continually maintained, and be provided with skirting from the bottom of the walls to the ground (Condition #4).
   5. The address is clearly posted according to Pennington County’s Ordinance #20 (Condition #4).

   Staff comment: Two separate conditions appear to be grouped into one condition (Condition #4). I will be separating Condition #4 into two separate conditions.
6. The applicant has signed the Statement of Understanding (Condition #7).

   Staff comment: This condition will be removed because it has been fulfilled.

7. All other conditions appear to be met.
RECOMMENDATION: Staff recommends approval of the extension of Conditional Use Permit / CU 17-34 with the following conditions:

1. That the applicant continues to utilize the existing approach off of Corbin Drive and no new approaches be constructed without prior approval from the County Highway Department;

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

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

4. That the single-wide mobile home installed on the property have a peaked, non-reflective type roof and wood or simulated wood-type siding that is continually maintained, and be provided with skirting from the bottom of the walls to the ground;

5. That the address continue to be clearly posted so that it is visible from both directions of Corbin Drive, and in accordance with Pennington County’s Ordinance #20;

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

7. That this Conditional Use Permit be reviewed in five (5) years on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.
REQUEST: CONDITIONAL USE PERMIT REVIEW/ CU 18-28: To review living in the existing residence while building a new single-family residence on the subject property in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

APPLICANT: Harry and Gail McKane

APPLICANT ADDRESS: 23510 Deerfield Park Drive, Hill City, SD 57745

LEGAL DESCRIPTION: Lot 1 (also in Section 36, T1N, R3E), Deerfield Park Parcel #2, Section 1, T1S, R3E, BHM, Pennington County, South Dakota.

SITE LOCATION: 23510 Deerfield Park Drive; near the intersection of Deerfield Park Court and Deerfield Park Drive.

SIZE: 19.26 acres

TAX ID: 64151

EXISTING LAND USE: Residential

ZONING REFERENCE: Section 206 and 510

CURRENT ZONING: Limited Agriculture District

SURROUNDING ZONING: Limited Agriculture District
Low Density Residential
General Agriculture District
General Agriculture District
Limited Agriculture District
Low Density Residential

PHYSICAL CHARACTERISTICS: Hills / Open Meadow

UTILITIES: Private

REPORT BY: Kristina Proietti
I. PROPOSED RECOMMENDATION
   A. Staff will be recommending to end Conditional Use Permit / CU 18-28 with the applicant’s concurrence.

II. GENERAL DESCRIPTION
   B. August 13, 2018, the Planning Commission approved Conditional Use Permit / CU 18-28 to allow the applicants to live in the existing residence while building a new single-family residence on the subject property with the following ten (10) conditions:
      1. That an approved Floodplain Development Permit be obtained prior to any work being done near or within the Special Flood Hazard Area;
      2. 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;
      3. That the address is clearly posted on the residence and at the driveway in accordance with Pennington County’s Ordinance #20;
      4. That the subject property not contain more than one (1) residential structure (i.e. single-family residence or living quarters);
      5. That the minimum setback requirements of a Limited Agriculture District be continually maintained on the property or the appropriate Setback Variance(s) be obtained;
      6. That the landowners work with the Pennington County Environmental Planner to ensure compliance with Pennington County Zoning Ordinance § 204(J);
      7. That the temporary living quarters be removed from the hay shed once the single-family residence is habitable or the expiration of the Building Permit for the single-family residence, whichever comes first;
      8. That the subject property remains free of debris and junk vehicles;
      9. That the applicant signs the Statement of Understanding at the Planning Office within ten (10) business days of approval of Conditional Use Permit / CU 18-28; and,
     10. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.
   C. August 12, 2019 – The Planning Commission approved the extension of Conditional Use Permit CU / 18-28 with the following eight (8) conditions:
      1. That an approved Floodplain Development Permit be obtained prior to any work being done near or within the Special Flood Hazard Area;
2. 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;

3. That the address is clearly posted on the residence and at the driveway in accordance with Pennington County’s Ordinance #20;

4. That the subject property not contain more than one (1) residential structure (i.e. single-family residence or living quarters) unless a Conditional Use Permit is approved to allow the existing residence (hay shed) as a second residence;

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

6. That the temporary living quarters be removed from the hay shed once the single-family residence is habitable or the expiration of the Building Permit for the single-family residence; whichever, comes first. If the applicants wish to keep the living quarters in the hay shed, a new Conditional Use Permit allowing such use must be applied for once the new single-family residence is habitable;

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

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

D. December 2, 2019 – The Planning Commission approved Conditional Use Permit / CU 19-30 to allow the existing residence (Morton building) to remain as a Guest House once the new single-family residence is complete with the following eleven (11) conditions:

1. That prior to the review of Conditional Use Permit / CU 19-30 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 Section 318(B)(13);

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

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

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

5. 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;

6. That the Guest House utilize the same on-site wastewater treatment system as the primary dwelling, except if required and approved by the Pennington County Environmental Planner;

7. That both the addresses assigned for the primary residence and the Guest House be posted so they are clearly visible from Deerfield Park Drive, in accordance with Pennington County Ordinance #20;

8. That the Guest House be continually utilized and maintained in accordance with all requirements of Section 318;

9. 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;

10. That prior to any work within the 100-year floodplain, the applicant obtain approval of a Floodplain Development Permit; and,

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

II. EXISTING CONDITIONS

A. 19.26 acres.
B. Limited Agriculture District (Current Zoning District).
C. Planned Unit Development Sensitive (Future Land Use Zoning).
D. Access off of Deerfield Park Drive.
E. Zone-A floodplain on subject property.
F. Lot contains:
   1. One storage shed, County Building Permit / 2004COBP0184.
   2. One 800 square foot addition to the existing storage shed / 2004COBP0184, to include living quarters / 2011COBP0044.
      b. County Onsite Wastewater Treatment System Operating Permit / COOP20-0002.
      a. Onsite Wastewater Treatment System Construction Permit / COSD19-0019.
Map of Special Flood Hazard Area on the subject property.

May 29, 2020 site photo of subject property – Guest House with garage.
III. ANALYSIS
   A. May 29, 2020 – Staff preformed a site visit to the subject property and spoke with Mr. and Mrs. McKane, who informed Staff that they are now living in the single-family residence and that Conditional Use Permit / CU 18-28 is no longer required.
   B. The applicants were also approved for Conditional Use Permit / CU 19-30, to allow the existing residence (Morton building) to remain as a Guest House once the new single-family residence is complete, which will also be heard at the June 8th PC Meeting.

RECOMMENDATION: Staff is recommending to end Conditional Use Permit / CU 18-28 with the applicant’s concurrence as it is no longer needed.
GENERAL INFORMATION:

REQUEST:

CONDITIONAL USE PERMIT / CU 19-08: To review living in a Recreational Vehicle (camper) while building a single-family residence on the subject property in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

APPLICANT:

Jeffrey Scherr

APPLICANT ADDRESS:

1501 Clipper Place, Bismarck, ND 58504

LEGAL DESCRIPTION:

Lot D2 of Lot 17 of Fort Mead Placer MS 244, Section 8, T1N, R6E, BHM, Pennington County, South Dakota.

SITE LOCATION:

23098 Thunderhead Falls Road

SIZE:

4.45 acres

TAX ID:

70517

EXISTING LAND USE:

Vacant / Residential

ZONING REFERENCE:

Sections 207 and 510

CURRENT ZONING:

Low Density Residential District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS:

Forested / Hills

UTILITIES:

Private
I. PROPOSED RECOMMENDATION
   A. Staff will be recommending approval of the extension of Conditional Use Permit / CU 19-08 with conditions.

II. GENERAL DESCRIPTION
   A. June 10, 2020 – Planning Commission approved Conditional Use Permit / CU 19-08 with the following conditions:
      1. That there be no more than one (1) Recreational Vehicle (RV) allowed to be utilized as living quarters on the subject property during construction of the single-family residence;
      2. That the RV be located outside the Special Flood Hazard Area;
      3. That a Building Permit application for the proposed single-family residence be submitted within one (1) year of approval of Conditional Use Permit / CU 19-08;
      4. That the address assigned for the property be clearly posted on the RV while it is being utilized as living quarters, in accordance with Pennington County’s Ordinance #20;
      5. 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;
      6. That prior to utilization of the RV on the subject property, the applicant install the onsite wastewater treatment system and have it inspected and approved by Pennington County;
      7. That the RV being used as a temporary residence be hooked into the approved On-Site Wastewater Treatment System until the single-family residence is habitable;
      8. That the minimum setback requirements of a Low Density Residential District be continually maintained on the subject property, or approved Setback Variance(s) be obtained;
      9. That the subject property remains free of debris and junk vehicles;
     10. 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;
     11. That upon completion of the single-family residence on the subject property, the RV be disconnected from all utilities and may no longer be utilized as living quarters on the subject property; and,
     12. 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 D2 of Lot 17 of Fort Meade Placer MS 244.
      1. Low Density Residential District, minimum three (3) acre lot size.
      2. 4.45 acres.
      3. Access off of Thunderhead Falls Road.
         a. Maintained by Pennington County Highway.
         b. More than 40 lots on a dead-end road.
      5. On-site Wastewater Treatment Permit – COSD19-0055
      6. Special Flood Hazard Area on the subject property, including Floodway.

IV. ANALYSIS
   A. July 5, 2019 – The applicant applied for County Onsite Wastewater Treatment Permit COSD19-0055.
   B. July 22, 2019 – The Planning and Zoning Director approved COBP19-0365 for the single-family residence.
   C. May 28, 2020 – Staff contacted the applicant, Jeff Scherr, via telephone and he indicated that work had begun on the single-family residence but there was still a need for CU 19-08 because it was not yet habitable.
   D. May 29, 2020 – Staff performed a site visit and noted:
      1. That construction of the single-family residence was underway.
      2. That an address was posted on the RV (Condition #4).
      3. That the RV appeared to be outside of the Special Flood Hazard Area (Condition #2).
      4. That all other Conditions appeared to be met.
   E. Conditions #3 and #5 have been removed, as they have been satisfied.
   F. Staff has not received any complaints about this Conditional Use Permit request.

Site Visit, 5.29.2020
Agenda Item #5
Jeffrey Scherr
June 8, 2020

RECOMMENDATION: Staff recommends approval of the extension of Conditional Use Permit / CU 19-08 with the following conditions:

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

2. That the RV be located outside the Special Flood Hazard Area;

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

4. That prior to utilization of the RV on the subject property, the applicant install the onsite wastewater treatment system and have it inspected and approved by Pennington County;

5. That the RV being used as a temporary residence be hooked into the approved On-Site Wastewater Treatment System until the single-family residence is habitable;

6. That the minimum setback requirements of a Low Density Residential District be continually maintained on the subject property, or approved Setback Variance(s) be obtained;

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

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 the subject property, the RV be disconnected from all utilities and may no longer be utilized as living quarters on the subject property; 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.
GENERAL INFORMATION:

REQUEST:  

CONDITIONAL USE PERMIT / CU 19-15: To review a caretaker’s residence on the subject property after a single-family residence is built in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

APPLICANT:  
Samuel G. Fullerton III

APPLICANT ADDRESS:  
2911 Motherlode Drive, Rapid City, SD 57702

LEGAL DESCRIPTION:  
Lot 12, Kieffer Ranch Estates, Section 16, T1S, R7E, BHM, Pennington County, South Dakota.

SITE LOCATION:  
13874 Windmill Rd. and 13876 Windmill Rd.

SIZE:  
13.43 acres

TAX ID:  
57478

EXISTING LAND USE:  
Vacant

ZONING REFERENCE:  
Section 206 and 510

CURRENT ZONING:  
Limited Agriculture District

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

PHYSICAL CHARACTERISTICS:  
Forested / Mountainous

UTILITIES:  
None

REPORT BY:  
Stephanie Jansen
A. **PROPOSED RECOMMENDATION**
   A. Staff will be recommending approval of the extension of Conditional Use Permit / CU 19-15 with conditions.

B. **GENERAL DESCRIPTION**
   A. May 14, 2019 – The applicant, Samuel Fullerton applied for a Conditional Use Permit to allow for a two (2) bedroom caretaker’s residence on the subject property after a single-family residence is built.
   B. July 8, 2019 – Planning Commission approved Conditional Use Permit / CU 19-15 with the following seven (7) conditions:
      1. That the addresses for both the proposed single-family residence and the proposed caretaker’s residence be posted on each residence and at the driveway(s), in accordance with Pennington County’s Ordinance #20;
      2. That an approved On-Site Wastewater Construction Permit be obtained prior to the installation of an On-Site Wastewater Treatment System on the property;
      3. That an approved Building Permit be obtained for the caretaker’s residence and 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;
      4. That the minimum setback requirements of a Limited Agriculture District be continually maintained on the property or a setback Variance be obtained;
      5. That the subject property remains free of debris and junk vehicles;
      6. That once care is no longer needed, the caretaker’s residence be removed from the subject property, or the subject property be subdivided so that each residence is on a separate lot; and,
      7. 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.

C. **EXISTING CONDITIONS**
   A. Zoned General Agriculture District.
   B. 13.43 acres.
   C. Access taken off of Windmill Road.
   D. Located within the Kieffer Ranch Road District.
   E. Located within the West Dakota Water District.
   F. Lot contains:
      1. Single-family residence – COBP19-0372
      2. Caretaker’s residence – COBP19-0373
      3. OSWTS Permit (Caretaker’s residence) – COSD19-0058
      4. OSWTS Permit (Single-family residence) – COSD19-0059
G. Eight foot Utility and Minor Drainage Easement located on the interior and rear lot lines, see Plat Book 32, page 63.

H. No Special Flood Hazard Area on the subject property.

VI. ANALYSIS

A. May 27, 2020 – Staff observed the following:
   1. That an On-Site Wastewater Construction Permit was obtained for both the single-family residence and the caretaker’s residence (Condition #2).
      *Staff Comment: Staff will be removing Condition #2 as it has been fulfilled.*
   2. That an approved Building Permit was obtained for the caretaker’s residence (Condition #3).
      *Staff Comment: Staff will be amending Condition #3 to state: “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.”*

B. May 28, 2020 – Staff performed a site visit to the subject property and observed the following:
   1. The addresses are posted at the driveway in accordance with Pennington County’s Ordinance #20 (Condition #1)
      *Staff Comment: Both the single-family residence and the caretaker’s residence are under construction; therefore, they do not have the address posted on the residence. This will be checked when the CUP is reviewed in one (1) year.*
   2. Minimum setback requirements appear to be maintained (Condition #4).
   3. The subject property appears to remain free of debris and junk vehicles (Condition #5).
   4. All other conditions appear to be met.

*5/28/2020 Caretaker’s Residence*
RECOMMENDATION: Staff recommends approval of the extension of Conditional Use Permit / CU 19-15 with conditions:

1. That the addresses for both the proposed single-family residence and the proposed caretaker’s residence be posted on each residence and at the driveway(s), in accordance with Pennington County’s Ordinance #20;

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

3. That the minimum setback requirements of a Limited Agriculture District be continually maintained on the property or a setback Variance be obtained;

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

5. That once the caretaker’s residence become habitable, the applicant verify care is needed;

6. That once care is no longer needed, the caretaker’s residence be removed from the subject property, or the subject property be subdivided so that each residence is on a separate lot; and,

7. 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.

5/28/2020 Single-family Residence
STAFF REPORT

GENERAL INFORMATION:

REQUEST:

CONDITIONAL USE PERMIT REVIEW/ CU 19-30: To review the allowance of an existing residence (Morton building) to remain as a Guest House once the new single-family residence is complete in a Limited Agriculture District in accordance with Sections 206, 318, and 510 of the Pennington County Zoning Ordinance.

APPLICANT:

Harry and Gail McKane

APPLICANT ADDRESS:

23510 Deerfield Road, Hill City, SD 57745

LEGAL DESCRIPTION:

Lot 1 (also in Section 36, T1N, R3E), Deerfield Park Parcel #2, Section 1, T1S, R3E, BHM, Pennington County, South Dakota.

SITE LOCATION:

23510 Deerfield Park Drive; north of the intersection of E. Slate Road and Deerfield Park Drive.

SIZE:

19.26 acres

TAX ID:

64151

EXISTING LAND USE:

Residential

ZONING REFERENCE:

Sections 206, 318, and 510

CURRENT ZONING:

Limited Agriculture District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS:

Open Meadow / Hills

UTILITIES:

Private
I. PROPOSED RECOMMENDATION
   A. Staff will be recommending to continue the review of Conditional Use Permit / CU 19-30 to the June 22, 2020, Planning Commission meeting.

II. GENERAL DESCRIPTION
   A. December 2, 2019 – The Planning Commission approved Conditional Use Permit / CU 19-30 to allow the existing residence (Morton building) to remain as a Guest House once the new single-family residence is complete with the following eleven (11) conditions:
      1. That prior to the review of Conditional Use Permit / CU 19-30 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. That the rental or lease of the Guest House or the use of the Guest House as a permanent resident for a second family on the premises shall be prohibited;
      3. That the Guest House shall not be used for more than 180 days per calendar year;
      4. That the primary dwelling, upon completion, be classified as owner-occupied and proof of status be provided to the Planning Department, in accordance with PCZO § 318(B)(10);
      5. 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;
      6. That the Guest House utilize the same on-site wastewater treatment system as the primary dwelling, except if required and approved by the Pennington County Environmental Planner;
      7. That both the addresses assigned for the primary residence and the Guest House be posted so they are clearly visible from Deerfield Park Drive, in accordance with Pennington County Ordinance #20;
      8. That the Guest House be continually utilized and maintained in accordance with all requirements of PCZO § 318;
      9. 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;
     10. That prior to any work within the 100-year floodplain, the applicant obtain approval of a Floodplain Development Permit; and,
11. That this Conditional Use Permit be reviewed in six (6) months, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

III. EXISTING CONDITIONS

A. Zoned Limited Agriculture District.
B. 19.26 acres.
C. Access is taken from Deerfield Park Drive.
D. There is Special Flood Hazard Area on the subject property (see Image 1).
E. Lot contains:
   1. One storage shed, County Building Permit / 2004COBP0184.
   2. One 800 square foot addition to the existing storage shed / 2004COBP0184, to include living quarters (Guest House) / 2011COBP0044.
      a. Onsite Wastewater Treatment System Construction Permit / 2006COSD0177.
      b. County Onsite Wastewater Treatment System Operating Permit / COOP20-0002.
      a. Onsite Wastewater Treatment System Construction Permit / COSD19-0019.

Map of Special Flood Hazard Area on the subject property.
IV. ANALYSIS
   A. May 29, 2020, Staff performed a site visit to the subject property and spoke with Mr. and Mrs. McKane, who informed Staff that they are now living in the single-family residence and are in the process of recording 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) Section 318(B)(13);
      1. Staff is recommending to continue the review of Conditional Use Permit / CU 19-30 to the June 22 Planning Commission meeting to allow the applicants time to file the deed restriction with the Register of Deeds.
   B. Staff has not received any complaints for this Conditional Use Permit.
May 29, 2020, site photo of single-family residence.

**RECOMMENDATION:** Staff will be recommending to continue the review of Conditional Use Permit / CU 19-30 to the June 22, 2020 Planning Commission meeting.
RECORD OF SURVEY
SHOWING THE PROPOSED HOUSE LOCATION IN RELATION TO FLOOD ZONE A IN LOT 1 OF DEERFIELD PARK PARCEL NO. 2, LOCATED IN S 1/2 SW 1/4 OF SECTION 36, T1N, R3E, BHM, AND N 1/2 NW 1/4 OF SECTION 1, T1S, R3E, BHM, PENNINGTON COUNTY, SOUTH DAKOTA

LEGEND
- Found rebar w/plastic cap marked "HEALD 2196"
- Found rebar w/aluminum cap marked "BRYANT LS 2196"
- Spot Elevation

DATE SURVEYED
8 April 2019

BASIS OF BEARING - GPS OBSERVATION
OPUS RAPID STATIC SOLUTION NAD83(2011)
LAT. 43°59'1.206409"
LNG. -103°42'43.298556"

GRAPHIC SCALE - FEET
NOTE: ALL ELEVATIONS ARE ON THE NAVD88(GEODETIC 128) DATUM AND ARE IN FEET.

CERTIFICATION OF SURVEYOR
I, John McBride, L.S. No 5906 do hereby certify that this map represents a survey made by me or under my direct supervision in accordance with the laws of the State of North Dakota. The map represents an accepted surveying practice, and that the same is made, drawn, and executed in good faith and belief, true and correct.

John McBride, L.S. No: 5906

Prepared by
ANDERSEN ENGINEERS
Land Surveyors

NOTE: PROPOSED HOUSE LOCATED BY PRE-CONSTRUCTION STAKES SET BY LANDOWNER
AGENDA ITEM #8
Jeff and Marcia Spilker
June 8, 2020

STAFF REPORT

GENERAL INFORMATION:

REQUEST:  CONDITIONAL USE PERMIT / CU 19-32: To review living in a garage with living quarters while building a single-family residence and once the single-family residence is complete, to allow the garage with living quarters to remain and be used as a Guest House in a Low Density Residential District in accordance with Sections 207, 318, and 510 of the Pennington County Zoning Ordinance.

APPLICANT:  Jeff and Marcia Spilker

APPLICANT ADDRESS:  23813 Highway 385, Rapid City, SD 57702

LEGAL DESCRIPTION:  Lot 13, Whaley Subdivision, Section 22, T1S, R5E, BHM, Pennington County, South Dakota.

SITE LOCATION:  23813 Highway 385; east of the intersection of US Highway 16 and Highway 385.

SIZE:  3.00 acres

TAX ID:  57965

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  Highway Service District
East  General Agriculture District
West  Low Density Residential District

PHYSICAL CHARACTERISTICS:  Flat / Open Meadow

UTILITIES:  Private

PREPARED BY:  Jason Theunissen
I. PROPOSED RECOMMENDATION
   A. Staff is recommending the approval of the extension of Conditional Use Permit / CU 19-32 with conditions.

II. GENERAL DESCRIPTION
   A. The applicant, Jeff and Marcia Spilker, requested a Conditional Use Permit to live in an existing garage while they construct a single-family residence on the subject property, and then to use the garage as a guest house when the single-family residence is habitable.
   B. December 2, 2020 – Planning Commission approved Conditional Use Permit / CU 19-32 with the following conditions:
      1. That the applicant obtains a Building Permit and pay any penalty fees for the construction of the existing living space within the garage;
      2. 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;
      3. That an address be assigned for both the detached garage and the single-family residence,
      4. That the address is clearly posted on the residence and at the driveway so that it is visible from both directions of U.S. Highway 385, in accordance with Pennington County’s Ordinance #20;
      5. That the subject property not contain more than one (1) residential structure (i.e. single-family residence or living quarters);
      6. That the minimum setback requirements of a Low Density Residential District be continually maintained on the property or the appropriate Setback Variance(s) be obtained;
      7. That prior to the detached garage being used as a guest house the applicant meet all the requirements of § 318 of the PCZO are met;
      8. That prior to the detached garage being used as a guest house the applicant file a deed restriction 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);
      9. That the subject property remains free of debris and junk vehicles;
      10. That the applicant signs the Statement of Understanding at the Planning Office within ten (10) business days of approval of Conditional Use Permit / CU 19-32; and,
      11. That this Conditional Use Permit be reviewed in six (6) months, on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.
III. EXISTING CONDITIONS
   A. Zoned Low Density Residential District.
   B. 3 acres.
   C. Single Family Residence – County Building Permit (COBP) COBP19-0378.
   D. Detached Garage – COBP19-0159.
   E. No Special Flood Hazard Area.
   F. Access is off of U.S Highway 385.
   G. Construction Permit – COCP19-0011 to bring in fill and grade for a future garage and residence.

IV. ANALYSIS
   A. May 28, 2020 – Staff conducted a site visit and spoke with the applicants, Jeff and Marcia Spilker, who stated:
      1. The single-family residence was complete and that the garage was no longer being lived in.
      2. That they would like to use the existing living space in the detached garage as a guest house.
      3. That a deed restriction was filed with the Register of Deeds during the week of May 25, 2020 (Condition #8).
   B. Staff confirmed that penalty fees associated with COBP19-0159 were paid at the same time CU 19-32 was applied for (Condition #1).
   C. An address has been assigned to the garage / guest house (Condition #3).
   D. It was necessary for Staff to add, delete, and/or modify multiple conditions to specifically address the guest house portion of the request.
   E. Staff recommends renaming this Conditional use Permit request “to allow a garage with living quarters to be used as a Guest House in a Low Density Residential District in accordance with Sections 207, 318, and 510 of the Pennington County Zoning Ordinance.”
   F. As of this Staff Report, all other Conditions appeared to be met.

![Picture of detached garage with guest house, 5.28.2020](image-url)
G. This Conditional Use Permit was originally requested for the garage to be used as living quarters until the single-family residence is complete and then to be used as a guest house.

H. Section 318(B) states that, “An accessory Guest House shall be permitted in Low Density Residential, Limited Agriculture and General Agriculture Zoning Districts upon the issuance of a Conditional Use Permit or in Planned Unit Developments with approval of a Planned Unit Development Amendment and is subject to the following standards:”

1. Only one (1) Guest House shall be allowed on a lot and/or parcel.
2. The rental or lease of a Guest House or the use of a Guest House as a permanent resident for a second family on the premises shall be prohibited.
3. The minimum lot size requirement for the construction of an accessory Guest House shall be three (3) acres.
4. The maximum allowed living space of a Guest House shall not exceed 50% of the living space in the main dwelling unit or 1,000 square feet, whichever is less. Covered decks attached to the Guest House shall be included in the calculation for the overall square footage, but decking and garage space shall not.
5. The Guest House shall not be used for more than 180 days per calendar year.
6. The Guest House shall use the same driveway approach as the primary dwelling. One additional off-street parking space, measuring a minimum of nine (9) feet by eighteen (18) feet and maintained in a dust free manner, shall be provided for the Guest House.
7. The Guest House shall have a minimum setback of 25-feet from all property lines.
8. A single-wide mobile home shall not be allowed as a Guest House.
9. The Guest House shall be located closer to the primary dwelling on the subject lot than a primary dwelling on any adjacent existing lot at the time the Building Permit is approved for the Guest House.
10. The primary dwelling unit shall be classified as owner-occupied. Proof of status must be provided.
11. Utilities: All public water, sewer, electricity, and natural gas 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.
12. On-Site Wastewater Treatment Systems: A Guest House shall use the same on-site wastewater disposal system as the primary dwelling, except when a separate system is required by the Pennington County Environmental Planner due to site constraints, failure of the existing system, or where the size or condition of the existing system precludes its use.
13. Prior to the issuance of a Building Permit for a Guest House, or for use of an existing structure as a Guest House, the applicant shall record a deed restriction stating the regulations applicable to the Guest House, including that the Guest House shall not be separately rented or leased from the main residence.

I. May 29, 2020 – Staff performed a site visit and the Guest House appeared to meet the above PCZO requirements.

J. Staff has not received any complaints about this Conditional Use Permit request.

RECOMMENDATION: Staff is recommending approval of the extension of Conditional Use Permit / CU 19-32 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 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 both of the addresses assigned for the primary residence and the Guest House be clearly posted on each structure and at the driveway so that they are visible from both directions of U.S. Highway 385, in accordance with Pennington County’s Ordinance #20;

7. That the Guest House be continually utilized and maintained in accordance with all requirements of the PCZO, with emphasis on Section 318; and,

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

REQUEST: 

CONDITIONAL USE PERMIT / CU 20-09: To live in the existing double-wide mobile home while building a new single-family residence and then to allow the existing double-wide mobile home to remain and be converted into a garage with the living quarters removed, or the double-wide mobile home will be removed upon completion of the new single-family residence in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

APPLICANTS: 

David and Janelle Goergen

APPLICANT ADDRESS: 

22568 Palmer Road, Rapid City, SD 57702

AGENT: 

Jess Island

AGENT ADDRESS: 

P.O. Box 4006, Rapid City, SD 57709

LEGAL DESCRIPTION: 

Lot 2-R, Block 1, Palmer Subdivision Addition, Section 14, T2N, R6E, BHM, Pennington County, South Dakota.

SITE LOCATION: 

22568 Palmer Road; north of the intersection of Nemo Road and Palmer Road.

SIZE: 

4.97 acres

TAX ID: 

45727

EXISTING LAND USE: 

Residential

ZONING REFERENCE: 

Sections 208 and 510

CURRENT ZONING: 

Suburban Residential District

SURROUNDING ZONING: 

North 

Suburban Residential District

Low Density Residential District

Suburban Residential District

South
I. PROPOSED RECOMMENDATION
   A. Staff will be recommending approval of Conditional Use Permit / CU 20-09 with conditions.

II. GENERAL DESCRIPTION
   A. The applicant, Dave Goergen, has requested to live in the existing double-wide mobile home (DWMH) while building a new single-family residence and then to allow the existing double-wide mobile home to remain and be converted into a garage with the living quarters removed, or the double-wide mobile home will be removed upon completion of the new single-family residence.
   B. October 1983, the Planning Commission approved Conditional Use Permit / CU 83-21 to allow a mobile home to be placed on the subject property with the following one condition:
      1. That wood siding and a pitched/shingled roof be placed on the mobile home.
   C. March 25, 1986, the Planning Commission approved the extension of Conditional Use Permit / CU 83-21 with no conditions.

III. EXISTING CONDITIONS
   A. Zoned Suburban Residential District.
   B. 4.97 acres.
   C. Access is taken off of Palmer Road.
   D. No Special Flood Hazard Area on the subject property.
   E. Lot contains:
      1. Double-wide mobile home, according to the Department of Equalization's Property Record Card it was built in 1973.
         a. Onsite Wastewater Treatment Operating Permit / COOP16-0272.
      2. Residential additions in 1986, County Building Permit / BP7130.
IV. REQUEST FOR COMMENT

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

B. County Fire Administrator
   1. No comments received.

C. County Planning Director
   1. No Special Flood Hazard Area on the subject property.

D. County Environmental Planner II
   1. I have no concerns with the current proposal.

E. County Ordinance Enforcement
   1. No known violations.

F. County Addressing Coordinator
   1. No addressing concerns at this time. Future addresses will be
      assigned during the Building Permit application process. Once
      assigned, addresses must be posted in accordance with Pennington
      County Ordinance #20.
      a. Staff comment: Mr. Goergen stated that once construction
         begins, his mailbox with address will be placed at the
         approach.
   2. No Special Flood Hazard Area on the subject property.

G. Emergency Services (9-1-1)
   1. Just want to ensure the applicant has his existing address posted in
      accordance with Penn Co Ord #20 and by the looks of the aerial, he
      should have it posted on a sign where his driveway intersects Palmer
      Rd. AND on the existing home when you get to the end of the
      driveway.

H. Black Hills Energy
   1. No comment received.

V. 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.
   It appears that by allowing this Conditional Use Permit, there should be no
   negative effects on the use and enjoyment of other properties in the immediate
   vicinity, nor should it affect property values in the surrounding area.

B. The effect upon the normal and orderly development and improvement of
   surrounding vacant property for uses predominant in the area.
   Allowing this Conditional Use Permit should not affect the normal, orderly
   development or improvement of any surrounding property in the area. That no
later than the expiration of the proposed Building Permit for the new residence, the existing DWMH shall have all living quarters removed.

C. That utilities, access roads, drainage and/or other necessary facilities are provided.
All natural drainage shall not be altered or impeded. Floodplain Development Permit(s) shall be required prior to any work being done near or within the Special Flood Hazard Area.

D. That the off-street parking and loading requirements are met.
Pennington County Zoning Ordinance Section 310(A)(9)(k) requires two (2) off-street parking spaces for a single-family residence. It appears that adequate parking is provided 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.
The proposed Conditional Use, by its very nature, should have limited odor, fumes, dust, noise, vibrations and intrusive lighting. The proposed use should not create any of the above-listed elements in amounts that would constitute a nuisance.

VI. ANALYSIS
A. June 2, 2020 – Staff performed a site visit to the subject property and found the site to contain a double-wide mobile home.

B. The applicant has stated he plans to apply for a Building Permit for the single-family residence after the hearing for this Conditional Use Permit request.
   1. A Building Permit is valid for two (2) years from the date of issuance.

C. Staff has not received any complaints for this Conditional Use Permit.

June 2, 2020, site photo of double-wide mobile home.
Agenda Item #9
David and Janelle Goergen; Jess Island - Agent
June 8, 2020

RECOMMENDATION: Staff will be recommending approval of Conditional Use Permit / CU 20-09 with conditions.

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

2. That the address is clearly posted on the residence and at the driveway in accordance with Pennington County’s Ordinance #20;

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

4. That a Building Permit application for the proposed single-family residence be applied for within six months of approval of Conditional Use Permit / CU 20-09;

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

6. That the double-wide mobile home be converted into a garage or removed from the property once the single-family residence is habitable or the expiration of the Building Permit for the single-family residence, whichever comes first;

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

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

TO: Planning Commission
FROM: Jason Theunissen, Planner II
DATE: June 8, 2020
RE: Proposed Road Naming – White Buffalo Road.

I. GENERAL DESCRIPTION
   A. The Pennington County Planning Department received a Road Naming Application to name a 3-mile, 24-foot-wide existing access easement to White Buffalo Road. Through the County addressing review process, Emergency Services felt naming the easement was more appropriate than assigning an address off of Merritt Road as seven properties could potentially take access from this easement. White Buffalo Road is a more appropriate name for this easement, as the residence it serves is approximately one and a half (1.5) miles west of Merritt Road.

II. REQUEST FOR COMMENT
   A. County Fire Administrator, County Sheriff’s Office, County GIS Office
      1. No comment received.
   B. County Highway Department
      1. The Highway Department has no comments to the road naming request.
   C. County Addressing Coordinator
      1. One existing address will need to be changed.
   D. Rapid City Community Planning
      1. The proposed name must be approved by the Emergency Services Coordination center.
   E. Emergency Services (9-1-1)
      1. Good here.

III. ANALYSIS
   A. Up to seven properties could potentially take access from this easement.
      1. One existing address will need to be changed as part of this request.
      2. Two addresses will be assigned as part of the building permit review process.
   B. This request will clearly address the properties and should alleviate confusion in an emergency response event.
Proposed portion of easement to be named.

RECOMMENDATION: Staff recommends approval of the road name White Buffalo Road.
ROAD NAME ASSIGNMENT PETITION: WHITE BUFFALO ROAD

RE: Proposed road naming assignment of a 24-foot-wide access easement that provides access to six (6) privately owned properties located in Section 13, T2N, R6E, and Section 18, T2N, R7E, BHM, Pennington County, South Dakota. Said easement begins approximately ½ mile west of the intersection of Merritt Road and Sturgis Road, and traverses west for approximately three (3) miles.

HONORABLE COMMISSIONERS OF PENNINGTON COUNTY:

Whereas, the above-described easement provides access to approximately six (6) privately-owned properties, more fully described as:

S1/2NW1/4, Section 13, T2N, R6E, BHM, Pennington County, South Dakota; N1/2NW1/4, Section 13, T2N, R6E, BHM, Pennington County, South Dakota; NW1/4NE1/4, Section 13, T2N, R6E, BHM, Pennington County, South Dakota; NE1/4NE1/4, Section 13, T2N, R6E, BHM, Pennington County, South Dakota; GL 1-2; E1/2NW1/4; W1/2NE1/4, Section 18, T2N, R7E, BHM, Pennington County, South Dakota; and, E1/2NE1/4; E1/2SW1/4; SE1/4; Lot 3-4, Section 18, T2N, R7E, BHM, Pennington County, South Dakota.

Whereas, this road has not previously been assigned a name, nor is it a “numbered” Forest Service road;

Whereas, naming of this road will facilitate addressing of the properties being provided access by this road and any existing lot addresses will be changed accordingly;

Whereas, naming of this road will assist Emergency Services in locating these properties in the event of an emergency;

Whereas, the Pennington County Emergency Services Communication Center has verified the name White Buffalo Road is acceptable to use;

Whereas, the applicant, GJH Ranch, LLC, will be responsible for posting a road name sign, in accordance with the standards set forth by the Pennington County Highway Department; and,

Now, therefore, the Pennington County Planning Department hereby requests that the road name for the above-described easement be assigned the name White Buffalo Road, as indicated on the attached map.

Dated this 8th day of June, 2020.

Jason Theunissen, Planner II
Pennington County Planning Department
STAFF REPORT

GENERAL INFORMATION:

REQUEST:

MINOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 20-03: To amend an existing Planned Unit Development to allow a gunsmithing business as a home occupation on the subject property in accordance with Sections 204-C and 213 of the Pennington County Zoning Ordinance.

APPLICANT:
LakOrr, LLC; Phillip Lakner

APPLICANT ADDRESS:
24369 Rushmore Ranch Road
Keystone, SD 57751

LEGAL DESCRIPTION:
Tract 2, Rushmore Ranch Estates Subdivision, Section 17, T2S, R7E, BHM, Pennington County, South Dakota.

SITE LOCATION:
24369 Rushmore Ranch Road; north of the intersection of Highway 40 and Rushmore Ranch Road.

TAX ID:
48806

SIZE:
4.7 acres

EXISTING LAND USE:
Residential

ZONING REFERENCE:
Sections 204-C and 213

CURRENT ZONING:
Planned Unit Development District

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

PHYSICAL CHARACTERISTICS:
Hills / Trees

REPORT BY:
Jason Theunissen
I. PROPOSED RECOMMENDATION
   A. Staff will be recommending approval of Minor Planned Unit Development Amendment / PU 20-03 with Conditions.

II. GENERAL DESCRIPTION
   A. The applicant, Phillip Lakner, has applied for a Minor Planned Unit Development Amendment to amend an existing Planned Unit Development to allow a gunsmithing business as a home occupation.

III. EXISTING CONDITIONS
   A. Zoned Planned Unit Development District.
   B. 4.7 acres.
   C. Single-family residence.
      1. County Building Permit 2006COBP0624.
   D. 32’ x 36’ equipment building.
      1. County Building Permit 2006COBP0625.
   E. On-site Wastewater Treatment System (OSWTS).
      1. OSWTS Permit 2006COSD0152.
      2. Operating Permit COOP16-0292.
   F. No Special Flood Hazard Area on the subject property.
   G. Access is off of Rushmore Ranch Road.

IV. REQUEST FOR COMMENT
   A. County Highway Department
      1. Highway Department has no comments since this doesn’t impact our County roads or drainage.
   B. County Fire Administrator
      1. No comments received.
   C. County Environmental Planner
      1. I have no concerns with the current proposal.
   D. Black Hills Electric Cooperative
      1. BHEC has no comment.
   E. County Ordinance Enforcement
      1. No known violations.
   F. County Addressing Coordinator / Floodplain Administrator
      1. No addressing concerns at this time. Future addresses will be assigned during the Building Permit application process. Once assigned, addresses must be posted in accordance with Pennington County Ordinance #20.
      2. No Special Flood Hazard Area on the subject property.
   G. Emergency Services (9-1-1)
      1. As long as the applicant has his assigned house number posted in accordance with Penn Co Ord #20, no concerns here.
V. ANALYSIS

A. May 7, 2020 – The applicant, Phillip Lakner, applied for a Minor Planned Unit Development Amendment / PU 20-03 to amend an existing Planned Unit Development in order to allow a gunsmithing business as a home occupation.

B. Pennington County Zoning Ordinance (PCZO) defines Home Occupation as: “A use conducted entirely within an enclosed structure (other than a mobile home), which is clearly incidental and secondary to the residential occupancy and does not change the character of the property.”

C. PCZO, Section 204(C): A customary home occupation is a gainful occupation or profession conducted by members of the immediate family residing on the premises and, no more than one (1) additional employee in residential districts, no more than two (2) additional employees in a Limited Agriculture District and no more than four (4) additional employees in a General Agriculture District. The home occupation shall be conducted entirely within an enclosed structure and no stock in trade shall be displayed outside the enclosed structure. Other than an approved home occupation sign, no alteration to the property or any structure thereon shall indicate that it is being utilized in whole or in part for any purpose other than residential use.

1. The applicant has stated he will be the only employee and that business associated with the home occupation will be conducted within the existing 32’ x 36’ equipment building. Also, that the home occupation will not change the residential character of the subject property.
   a. The applicant’s original request and site visit photos are attached to this report.

D. The applicant has indicated that he has secured a safe and upgraded locks in order to meet Bureau of Alcohol Tobacco, and Firearms requirements and will be transferring his Federal Firearms License to the residential address if this amendment is approved.

E. Home occupations are conditional uses in all other zoning districts, except Planned Unit Developments. An approved Minor Planned Unit Development Amendment will allow the applicant’s requested use in this district.

RECOMMENDATION: Staff recommends approval of Minor Planned Unit Development Amendment / PU 20-03 with the following conditions:

1. That the Conditions of Approval of the Rushmore Ranch Planned Unit Development / PU 02-05 be adhered to at all times;

2. That the proposed Home Occupation be located entirely within the existing 32’ x 36’ equipment building and that the residential character of the property continually be maintained;
3. That one (1) sign be allowed in accordance with Section 312 of the Pennington County Zoning Ordinance;

4. That storage and disposal of materials, liquids, and wastes shall be in a manner that meets all Federal, State and Local requirements;

5. That all necessary Local, State, and Federal licenses and permits be obtained prior to the operation of the Home Occupation and that copies of these licenses and permits be provided to the Planning Department upon request during subsequent Planned Unit Development Amendment reviews. This includes, but is not limited to, a Federal Firearms License;

6. That the applicant continually comply with all applicable Local, State, and Federal laws and regulations and there be no break. If a break in compliance occurs, PU 20-03 will be placed on a Planning Commission Agenda for review;

7. That reasonable measures are taken to control odors, fumes, dust, noise, vibration and lighting resulting from the home occupation so as to not constitute a nuisance to the general public;

8. That an address for the subject property continually be posted in accordance with Pennington County's Ordinance #20;

9. That the business shall be operated by members of the family residing at the residence to include no more than one (1) additional employee;

10. That there be a minimum of two (2) off-street parking spaces available at all times;

11. That the hours of operation will be conducted between the hours of 7:00 a.m. and 6:00 p.m.;

12. That no business retail sales be allowed at the subject property;

13. That the property remain free of debris and junk vehicles; and,

14. That Minor Planned Unit Development Amendment / PU 20-03 be reviewed in one (1) year, on a complaint basis, or as directed by the Board of Commissioners and/or Planning Commission to verify that all Conditions of Approval are being met.
To: Pennington County Planning Deptment/Commission Board

Subject: Planned Unit Development Amendment Minor

Address: 24369 Rushmore Ranch Road, Keystone SD 57751

I have moved my business (LakOrr LLC) from 24090 Pine Grove Road, Rapid City, SD to my property at above address. The business is a wholesale Federal Firearms Licensed Class 6 and Class 7 operation. This business is a one person (myself, Phillip Lakner) business that primarily loads custom ammunition.

I would like to locate this business in my present stand alone shop on my property at the above address of 24369 Rushmore Ranch Rd, Keystone SD 57751. I have secured the required gun safe and storage cabinets to meet ATF requirements. I have also upgraded the locks and security to meet a higher level for this.

The business does not require a restroom requirement as I am the only person working for this business and I live/reside at this location. The possible extra traffic this would create is less than 5 vehicles a month to the shop. Most of the business product is delivered by mail (Fedex or UPS).

I am requesting your approval for this so I can move my Federal Firearms License from the ATF from the old address to this location.

V/r,

[Signature]

Phillip Lakner, Owner
LakOrr LLC
24369 Rushmore Ranch Road
Keystone SD. 57751
Cell: 605-415-2600
Home: 605-255-4308
Email: PDLucky0413@gmail.com
Agenda Item #12
Pennington County
June 8, 2020

STAFF REPORT

GENERAL INFORMATION:

REQUEST: 

ORDINANCE AMENDMENT / OA 20-02: To amend Section 506 “Building Permits” [to replace and supersede Section 506 “Building Permits”] of the Pennington County Zoning Ordinance.

REPORT BY: 

Brittney Molitor

GENERAL DESCRIPTION: To amend Section 506 “Building Permits” to clarify requirements and procedure.

PROPOSED TEXT:

SECTION 506 - BUILDING PERMITS

A. Purpose

A Building Permit is required to ensure proposed building or structure is in compliance with Pennington County Ordinances.

B. Applicability

Section 506 applies to ALL residential and commercial buildings or structures.

1. Required Permit. A Building Permit is required prior to erecting, constructing, enlarging, moving, or demolishing any building or structure. To “enlarge” means to increase finished square feet, number of bedrooms, or building/structure footprint.

2. Land Disturbance. Excavation, clearing, or land disturbance of an area less than 10,000 square feet may be commenced prior to approval of a Building Permit. No other construction activities are allowed to commence until a Building Permit has been signed and stamped approved by the Planning Director or designee.

3. Exceptions. A Building Permit is NOT required for the following buildings or structures:

a. Accessory structures 144 square feet or less and not permanently anchored to the ground;

b. Fences or border walls eight feet or less in height;
c. Snow fences on real property zoned and taxed agriculture;

d. Portable buildings, such as those used in calving/lambing operations, grain storage, etc., on real property zoned and taxed agriculture which are moved as part of the agricultural operation at least once every five years.

C. Application Requirements

Building Permit applications must include all of the following:

1. **Use.** Use or change of use of building or structure;

2. **Description.** Description of work to be performed under the Building Permit, including dimensions and square footage of proposed building or structure;

3. **Location.** Legal description, street address, or other description of real property that clearly identifies real property where building or structure is/will be located;

4. **Site Plan.** Site plan showing location and yard setback distance for proposed and all existing buildings or structures. The site plan must also include location of wells, drainfields, septic tanks, recorded easements, driveways, and Special Flood Hazard Areas;

5. **Floor Plan.** Floor plan, with rooms labeled;

6. **Signature.** Signature of applicant, landowner, or authorized agent and a notarized Owner’s Statement, when applicable;

7. **Payment of application fee(s); and**

8. **Other information and documentation as required by the Planning Department.**

Commercial Building Permit applications must also include an estimated cost of construction (minus labor) for proposed work and stamped professional plans. Commercial structures must be designed by a South Dakota licensed professional (i.e. engineer or architect) unless designed by persons exempt under SDCL 36-18A-9.

An incomplete Building Permit application will NOT be accepted for review. Failure to meet application requirements or provide information or documents requested by the Planning Department within 90 days of receipt of application will result in denial of the Building Permit.
D. Notice Requirements

The applicant must notify all abutting property owners of the subject property of the pending application and building activity. Based upon Department of Equalization records, the Planning Department will determine and provide a list of adjoining property owners. Notice must be sent by registered or certified mail. The applicant must use “Application and Notice of Building/Construction Activity” letters provided by the Planning Department.

E. Application Review

1. Payment of Building Permit fee(s) does not constitute approval of a Building Permit.

2. The application, plans and specifications, and other supporting documents will be reviewed to verify compliance with applicable local, state, and federal law, rules or regulations.

3. If the building or structure complies with applicable local, state, and federal law, rules or regulations, and application requirements are met, the Planning Director or designee will approve the Building Permit.

4. A Building Permit will not be approved or valid until all applicable fees have been paid.

5. No Building Permit will be approved for a building or structure affixed to a permanent foundation and encroaching on a recorded easement unless easement is vacated.

6. The Planning Director or designee may require, at any time, the correction of errors in an application and supporting document(s).

7. The Planning Director or designee may enter upon the real property to determine veracity of the application or verify compliance with applicable local, state, federal law, rules or regulations.

8. A Building Permit is not approved until the application has been signed and stamped approved by the Planning Director or designee.

F. Legal Nonconforming

A Building Permit may be issued by the Planning Director or designee for an existing legal nonconforming building or structure, not meeting minimum setback requirements, provided there is not an increase in nonconformity of the building or structure. See PCZO Section 401.
G. Appeal

A decision by the Planning Director or designee granting or denying a Building Permit may be appealed to the Board of Adjustment as prescribed under SDCL 11-2-55.

H. Design Standards for New Construction

1. International Building Code. Where design standards for new construction have not been adopted, new construction must comply with the International Building Code as prescribed in SDCL 11-10-6.

2. Electrical and Plumbing Inspection. All electrical and plumbing work must comply with State codes and administrative regulations. Inspections by State plumbing and electrical inspectors are required and it is the responsibility of the landowner or authorized agent to ensure that inspections are completed.

3. International Fire Code. All new construction must comply with the most recent edition of the International Fire Code.

I. Expiration of Building Permit

1. Work authorized under a Building Permit must be commenced within 90 days and substantially completed within 2 years from date of Building Permit approval. Substantial completion means that state in the progress of work when the building or structure is sufficiently complete so that the owner may occupy or utilize for its intended use.
   a. The Planning Director or designee may grant an extension of time for a period not exceeding one year for each Permit issued.
   b. An extension of time must be requested in writing prior to expiration of the Building Permit and reasonable cause for extension must be demonstrated. An extension requires payment of an additional fee. See PCZO Section 511 - Fees.

J. Stop Work Order

The Planning Director or designee may issue a Stop Work Order under any of the following circumstances:

1. Work performed is contrary to the approved Building Permit or local, state, or federal law, rules or regulations.

2. Building activity is occurring without a required permit.
3. Continued construction is likely to endanger public health, welfare, or safety.

4. Continued construction constitutes a public nuisance as defined under SDCL Chapter 21-10.

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

K. Enforcement

Any person, firm, corporation, or association violating any provision of Section 506 will be subject to ALL applicable civil and criminal remedies allowed under the laws of the State of South Dakota. In addition to the penalties expressly provided in Section 506, the county may pursue other remedies including, but not limited to, injunctive relief or revocation of permits.

1. Ordinance Violation

Any person, firm, corporation, or association violating any provision of Section 506 is in violation of Pennington County Zoning Ordinance and subject to the penalties set forth in PCZO Sections 511 and 514.

2. Injunction

In addition to all other remedies available to Pennington County to prevent, correct, or abate violations of Section 506, the Planning Director may seek injunctive relief pursuant to SDCL Chapter 21-8 against any property owner, applicant, or other person in violation of Section 506. The injunctive relief authorized may include a reparative injunction requiring any party who commits a violation of Section 506 to bring or return any affected property to a condition which does not constitute a nuisance, as that term is defined under SDCL Chapter 21-10.

3. Abatement

A violation of Section 506 constituting a public nuisance as defined under SDCL Chapter 21-10 is subject to abatement. The Planning Director has authority to declare and summarily abate a public nuisance pursuant to SDCL 21-10-6.

RECOMMENDATION: Staff recommends approval of Ordinance Amendment / OA 20-02.