AGENDA
PENNINGTON COUNTY PLANNING COMMISSION
July 27, 2020 @ 9:00 a.m.
County Commissioners’ Meeting Room - Pennington County Administration Building

Recommendations of the Planning Commission on certain items from this agenda will be considered by the Board of Commissioners at their regular meeting on August 4, 2020, at 10:30 a.m. The Planning Commission utilizes Speaker Request Forms, which are available in the Commission Chambers during the meeting.

**If unable to attend the meeting, please submit your comments via e-mail to plz@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, twenty-four (24) hours prior to the scheduled meeting.

ROLL CALL

1. APPROVAL OF THE JULY 13, 2020, MINUTES

2. APPROVAL OF THE AGENDA

CONSENT AGENDA

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

3. CONDITIONAL USE PERMIT REVIEW / CU 16-12: TC Enterprises, Inc.; Todd Schuetzle – Agent. To review the use of bicycle rentals, ATV rentals, and a retail shop as neighborhood commercial in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot D of Lot 13, Rochford Townsite Patent Subdivision, Section 23, T2N, R3E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 16-12 with conditions.

4. CONDITIONAL USE PERMIT REVIEW / CU 18-21: David and Leah Byers. To review a single-family residence in a Highway Service District in accordance with Sections 210 and 510 of the Pennington County Zoning Ordinance.

Lot 1, Pankratz Subdivision, Section 22, T1S, R6E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 18-21 with conditions.
5. **CONDITIONAL USE PERMIT REVIEW / CU 18-24**: Plainsview Mobile Manor / Ernest Tschannen; Kristine Forrest – Agent. To review an existing mobile home park (Plainsview Mobile Manor) in a Suburban Residential District in accordance with Sections 208, 305, and 510 of the Pennington County Zoning Ordinance.

Tract 2, Plainsview Subdivision, Section 23, T2N, R8E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 18-24 with conditions.

6. **CONDITIONAL USE PERMIT REVIEW / CU 18-37**: Glenn and Debbie Lepp. To review a store and fiber mill on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

PT S1/2E1/4 N of Highway, Section 35, T1N, R9E, BHM, Pennington County, South Dakota.

(Continued from the July 13, 2020, Planning Commission meeting.)

To recommend approval of the extension of Conditional Use Permit / CU 18-37 with conditions.

7. **CONDITIONAL USE PERMIT REVIEW / CU 19-16**: Terry and Marcia Graber. To review an existing second residence to be used as a Bed and Breakfast/Recreational Area in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

SE1/4NW1/4 less PT Welcome Lode, Section 33, T1S, R6E, BHM, Pennington County, South Dakota.

To recommend to end Conditional Use Permit / CU 19-16 with the applicants’ concurrence.

8. **CONDITIONAL USE PERMIT REVIEW / CU 19-17**: Adam and Elrod Lacy. To review an existing residence to be used as a Vacation Home Rental in a Limited Agriculture District in accordance with Sections 206, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 2 Revised, Greens Subdivision, Section 15, T2N, R6E, BHM, Pennington County, South Dakota.

To recommend to end Conditional Use Permit / CU 19-17 as it is no longer needed.
9. **PLANNED UNIT DEVELOPMENT REVIEW / PU 06-07:** Rapid City MHP, LLC. (Cimarron Mobile Home Park). To review a Planned Unit Development to allow a mobile home park in accordance with Section 213 of the Pennington County Zoning Ordinance.

Tract C of Lot B of NE1/4 NW1/4 less Pengra Subdivision, Section 17, T2N, R7E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Planned Unit Development Review / PU 06-07 with conditions.

10. **MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PU 15-02:** Deerfield Park Condominiums Council of Co-Owners. To review an existing Planned Unit Development in accordance with Section 508 of the Pennington County Zoning Ordinance.

Deerfield Park Condominiums Family Units 1 through 10, Section 2, T1S, R3E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Major Planned Unit Development Amendment Review / PU 15-02 with conditions.

11. **MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 19-03:** Prairie Valley Development; Bill Freytag. To amend an existing Planned Unit Development to allow for additional lots to be developed on the subject properties in accordance with Section 213 of the Pennington County Zoning Ordinance.

Lots 1-3, Block 1; Lots 1-6, Block 2; Lots 1-10, Block 3; Lots 1-10 and Lot 20, Block 4; Lot 1 and Lot 20, Block 5 and Lots 22-41, Block 5; Lots 1-19, Block 6, Lots 1-4, Block 7; and Lots 8-15, Block 7; all of Prairiefire Subdivision; NE1/4NE1/4 Less Eisenbraun Subdivision, Less Winton Subdivision, Less Prairiefire Subdivision and Less Right-of-Way; and SE1/4NE1/4 Less Eisenbraun Subdivision, Less Winton Subdivision, Less Prairiefire Subdivision and Less Right-of-Way, all located in Section 26, T1N, R8E, BHM, Pennington County, South Dakota

To recommend approval of the extension of Major Planned Unit Development Amendment Review / PU 19-03 with conditions.

**END OF CONSENT AGENDA**
12. **LAYOUT PLAN / LPL 20-17:** Jeffery Jamison. To combine lots to create Lot 15R of Oak Meadows Estates in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

**EXISTING LEGAL:** Lots 15, 16, 17, and 18 of Oak Meadows Estates, Section 23, T2S, R6E, BHM, Pennington County, South Dakota.

**PROPOSED LEGAL:** Lot 15R of Oak Meadows Estates, Section 23, T2S, R6E, BHM, Pennington County, South Dakota.

13. **PRELIMINARY PLAT / PL 20-18:** H & H Land Company No. 2, LLC. To create Tract 1 of South Caputa Addition in accordance with Section 400.2 of the Pennington County Subdivision Regulations.

**EXISTING LEGAL:** E1/2SE1/4 and PT GL 1; Section 1, T1S, R9E, BHM, Pennington County, South Dakota.

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

14. **CONDITIONAL USE PERMIT / CU 20-16:** Andrew Vig (Vig Ag Supply). To allow for the sale of Agriculture Equipment and Supplies in a Heavy Industrial District in accordance with Sections 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.

15. **CONDITIONAL USE PERMIT REVIEW / CU 19-22:** Michael and Soraya Pellam. To review an existing residence to be used as a Vacation Home Rental in a Suburban Residential District in accordance with Sections 208, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 24R, Block B, Edelweiss Mountain Development Subdivision, Section 17, T1N, R5E, BHM, Pennington County, South Dakota.

16. **PLANNED UNIT DEVELOPMENT REVIEW / PU 05-18:** Gordon Howie. To review an existing Planned Unit Development in accordance with Section 213 of the Pennington County Zoning Ordinance.

Lot 1; Lots 2A, 3A, 4A, 5A of Block 1 and Lots 2B, 3B, 4B, 5B, 6A and 6B of Block 1; Lot 1 of Block 2; Lots 3-6 of Block 3; Wastewater Lot 1; Balance of Tract A; all located in Guleh No. 2 Subdivision, all located in Section 32, T1N, R9E, and GL 3 Less ROW; and GL 4 located in Section 4, T1S, R9E, BHM, Pennington County, South Dakota.

17. **ORDINANCE AMENDMENT / OA 20-05:** Pennington County. To amend Section 510 "Conditional Use Permits" [to amend and supersede the existing Section 510 "Conditional Use Permits"] of the Pennington County Zoning Ordinance.
18. **ORDINANCE AMENDMENT / OA 20-06**: Pennington County. To amend Section 514 “Violations and Penalties” [to amend and supersede the existing Section 514 “Violations and Penalties”] of the Pennington County Zoning Ordinance.

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

20. **ITEMS FROM THE PUBLIC**

21. **ITEMS FROM THE STAFF**

22. **ITEMS FROM THE MEMBERSHIP**

23. **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
July 13, 2020 @ 9:00 a.m.
County Commissioners’ Meeting Room - Pennington County Administration Building


STAFF PRESENT: Brittney Molitor, Kristina Proietti, Stephanie Jansen, Jason Theunissen, Michaele Hoffman (SAO) and Jeri Ervin.

ROLL CALL

1. ELECTION OF OFFICERS

Molitor stated the Planning Commission elects new officers during the first annual organizational meeting in July of each year. Molitor opened nominations for officer positions.

Moved by Johnson and seconded by Lasseter to nominate Rich Marsh as Chairperson, Jim Coleman as Vice-Chairperson and Charlie Johnson as Second Vice-Chairperson. Vote: unanimous 5 to 0.

2. APPROVAL OF THE JUNE 22, 2020, MINUTES

Moved by Runde and seconded by Rossknecht to approve the Minutes of the June 22, 2020, Planning Commission meeting. Vote: unanimous 5 to 0.

3. APPROVAL OF THE AGENDA

Moved by Lasseter and seconded by Runde to approve the Agenda of the July 13, 2020, Planning Commission meeting. Vote: unanimous 5 to 0.

Moved by Rossknecht and seconded by Lasseter to approve the Consent Agenda of the July 13, 2020, Planning Commission meeting, with the removal of Items #9 and Item #12. Vote: unanimous 5 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.

4. CONDITIONAL USE PERMIT REVIEW / CU 99-52: Pluemjit Aaron (Little). To review a single-wide mobile home as a caretaker’s residence for an existing business in a General Commercial District in accordance with Sections 204-I-7 and 510 of the Pennington County Zoning Ordinance.
Lot 1 of Lot J, Weaver Townsite, Section 8, T2N, R9E, BHM, Pennington County, South Dakota.

To end Conditional Use Permit / CU 99-52, as it is no longer needed.

Vote: unanimous 5 to 0.

5. **CONDITIONAL USE PERMIT REVIEW / CU 17-41**: Pluemjit Aaron (Little). To review an existing structure (restaurant) to be used as a single-family residence on the subject property in a General Commercial District in accordance with Sections 209 and 510 of the Pennington County Zoning Ordinance.

Lot 1 of Lot J, Weaver Townsite, Section 8, T2N, R9E, BHM, Pennington County, South Dakota.

To end Conditional Use Permit / CU 17-41, as it is no longer needed.

Vote: unanimous 5 to 0.

6. **CONDITIONAL USE PERMIT REVIEW / CU 05-31**: Dale and Kathy Wormstadt. To review a second residence on the property to be used as a caretaker’s residence in a General Agriculture District in accordance with Sections 204 and 205 of the Pennington County Zoning Ordinance.

Lot 1 of Lot D of Lot 1 of S1/2 SE1/4, Section 15, T1N, R5E, BHM, Pennington County, South Dakota.

To end Conditional Use Permit / CU 05-31, as it is no longer needed.

Vote: unanimous 5 to 0.

7. **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.

(Continued from the May 26, 2020, Planning Commission meeting.)

To approve the extension of Conditional Use Permit / CU 18-09 with the following eight (8) conditions:
1. That there be no more than one (1) Recreational Vehicle (RV) allowed to be utilized as living quarters on the subject property (Lot 6, Block 3) during construction of the single-family residence (Lot 5, Block 3);

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

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

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

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

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

8. 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.

Vote: unanimous 5 to 0.

8. **CONDITIONAL USE PERMIT REVIEW / CU 18-37**: Glenn and Debbie Lepp. To review a store and fiber mill on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

PT S1/2E1/4 N of Highway, Section 35, T1N, R9E, BHM, Pennington County, South Dakota.

To continue the review of Conditional Use Permit / CU 18-37 to the July 27, 2020, Planning Commission meeting.

Vote: unanimous 5 to 0.
10. **CONDITIONAL USE PERMIT REVIEW / CU 19-20:** Cody Rust Butler; Jeannie Marr – Agent. To review an existing residence to be used as a Vacation Home Rental in a General Agriculture District in accordance with Sections 205, 319, and 510 of the Pennington County Zoning Ordinance.

Tract A of Lot 2 of SW1/4NW1/4, Section 19, T1S, R5E, BHM, Pennington County, South Dakota.

(Continued from the June 22, 2020, Planning Commission meeting.)

**To approve the extension of Conditional Use Permit / CU 19-20 with the following fifteen (15) conditions:**

1. That the maximum overnight occupancy, based on SD DENR approval, be limited to six (6) people and the maximum daytime occupancy be limited to twelve (12) people, per Pennington County Zoning Ordinance (PCZO) § 319(F)(13);

2. That the website listing(s) for the Vacation Home Rental is updated to correctly state that six (6) overnight occupants are allowed;

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

4. That all necessary permits are obtained prior to any additions and/or alterations to the structure or upgrades/alterations to the on-site wastewater treatment system;

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

6. That the applicant continually maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department upon request;

7. That the applicant continually maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;

8. That a minimum of two (2) off-street parking spaces be provided on-site, per PCZO Section 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
9. That an interior informational sign be posted in accordance with the requirements of PCZO Section 319(G), with 9-1-1 and (605) 394-2151 listed as contacts for Fire Department and Sheriff's Office respectively, during operation of the Vacation Home Rental. The interior informational sign must also contain a color map illustrating the Special Flood Hazard Area, as determined by FEMA;

10. That the lot address (23835 Marshall Gulch Road) be posted on the residence at all times and so it is clearly visible from Marshall Gulch Road, in accordance with Pennington County's Ordinance #20;

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

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

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

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

15. 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;

16. That an approved Floodplain Development Permit be obtained prior to any disturbance within the boundaries of the Special Flood Hazard Area located on the subject property; and,

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

Vote: unanimous 5 to 0.

11. **CONDITIONAL USE PERMIT / CU 20-12**: Michael and Marella Anderson. To allow an existing 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.

Lot 9, Stratmeyer Addition, Section 13, T1S, R6E, BHM, Pennington County, South
To approve of Conditional Use Permit / CU 20-12 with the following eleven (11) 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 a separate address be assigned for the Guest House;

3. That the address for the Guest House and the primary residence is clearly posted on each of the structures and at the driveway so that it is visible from Earl Court, in accordance with Pennington County’s Ordinance #20;

4. 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;

5. 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;

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

7. 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 PZCO Section 318 (B)(10);

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

9. That prior to the existing attached living space being used as a Guest House, the applicant file a deed restriction record 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);

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

11. 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.

Vote: unanimous 5 to 0.
13. **CONDITIONAL USE PERMIT / CU 20-14:** John and Emily Rowe. To allow an existing single-family residence to be used as a Bed and Breakfast in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

PT Ray Smith Placer MS #995 S of Highway, Ray Smith Placer MS 995, Section 15, T1S, R4E, BHM, Pennington County, South Dakota.

To approve of Conditional Use Permit / CU 20-14 with the following fifteen (15) conditions:

1. That the maximum overnight occupancy of the Bed and Breakfast be limited to six (6) people and the maximum daytime occupancy be limited to twelve (12) people, per Pennington County Zoning Ordinance (PCZO) Section 319(F)(13) and South Dakota Department of Environmental and Natural Resources approval;

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 required setbacks of a Limited Agriculture District be continually maintained on the subject property or approved Setback Variance(s) be obtained;

4. That the addresses for each residence (12171 and 12175 Deerfield Road) be posted on the Bed and Breakfast and the primary single-family residence at all times, in accordance with Pennington County's Ordinance #20;

5. That an On-Site Wastewater Construction Permit be obtained prior to any additional On-site Wastewater Treatment Systems being installed on the subject property, which will also require review and approval by the South Dakota Department of Environmental and Natural Resources;

6. That the minimum number of required parking spaces be provided in accordance with Pennington County Zoning Ordinance Section 310(r), which requires one (1) parking space per two rooms or suite plus two (2) parking spaces per every three (3) employees;

7. 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;

8. That prior to the use of the secondary residence as a Bed and Breakfast, the applicant obtains all necessary permits from other governing bodies for the operation of the Bed and Breakfast, 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;
9. That prior to the use of the secondary residence as a Bed and Breakfast, the applicant obtains all required County On-site Wastewater Treatment System Operating Permits;

10. That the applicant maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests in the event of an emergency and said plan be made available to the Planning Department upon request;

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

12. That portable fire extinguishers be placed on each floor level of the Bed and Breakfast so they are accessible to all guests at all times and the fire extinguishers shall be inspected and tagged annually;

13. That quiet hours for the Bed and Breakfast be between 10 p.m. and 8 a.m.;

14. That the applicant comply with SDCL 34-18-9, which regulates Bed and Breakfast establishments and requires a guest list to be maintained; and,

15. 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.

Vote: unanimous 5 to 0.

14. **CONDITIONAL USE PERMIT / CU 20-15:** Greg Helgeson. To allow a single-wide mobile home to be used as a 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.

W1/2NE1/4NE1/4 (aka W1/2 GL 1), Section 5, T2S, R7E, BHM, Pennington County, South Dakota.

To approve of Conditional Use Permit / CU 20-15 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 all necessary permits are obtained prior to any additions and/or alterations to the structure or upgrades/alterations to the on-site wastewater treatment system;
3. That the property address (13779 Ember Road) be clearly posted and visible from Ember Road, as well as located on the single-wide mobile home in accordance with Pennington County’s Ordinance #20;

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

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

6. 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;

7. That an approved Approach Permit be obtained from the Pennington County Highway Department prior to adding an additional approach;

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; 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.

Vote: unanimous 5 to 0.

15. MINOR PLAT / MPL 20-13: Dick Kompus. To combine lots to create Lot 1R of Chase Elkhorn Subdivision in accordance with Section 400.3 of the Pennington County Subdivision Regulations.

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

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

To recommend approval of Minor Plat / MPL 20-13 with the following five (5) conditions:

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

2. That all natural drainage ways are maintained and are not blocked;
3. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of Section 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit;

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

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

Vote: unanimous 5 to 0.

END OF CONSENT AGENDA

9. CONDITIONAL USE PERMIT REVIEW / CU 19-19: Dale and Sarah Gadbois. To review a secondary structure prior to a primary residence in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

SE1/4SE1/4, Section 8, T2S, R7E, BHM, Pennington County, South Dakota.

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

Staff recommend approval of the extension of Conditional Use Permit / CU 19-19 with the following nine (9) conditions:

1. That an approved Approach Permit be obtained from Martin Ranch Trail Road District prior to the installation of a driveway;

2. That an approved Construction Permit be obtained for the access road to the accessory structure if over 10,000 square feet of dirt is disturbed, per Pennington County Zoning Ordinance (PCZO) Section 507(A) and 511(C)(1);

3. That an approved Building Permit be obtained for any structures exceeding 144 square feet or permanently anchored to the ground;

4. That an approved On-Site Wastewater Treatment System Construction Permit be obtained prior to the installation of any plumbing in the accessory structure;

5. That the proposed shed be used for personal use only and no commercial and or residential-type uses;
6. That all the natural drainage paths be maintained;

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

8. That the address (13815 Martin Ranch Trail) continue to be posted on the shed and at the end of the driveway off of Martin Ranch Trail, in accordance with Pennington County's Ordinance #20; and,

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

Discussion followed.

Moved by Johnson and seconded by Lasseter to approve of the extension of Conditional Use Permit / CU 19-19 with the following nine (9) conditions:

1. That an approved Approach Permit be obtained from Martin Ranch Trail Road District prior to the installation of a driveway;

2. That an approved Construction Permit be obtained for the access road to the accessory structure if over 10,000 square feet of dirt is disturbed, per Pennington County Zoning Ordinance (PCZO) Section 507(A) and 511(C)(1);

3. That an approved Building Permit be obtained for any structures exceeding 144 square feet or permanently anchored to the ground;

4. That an approved On-Site Wastewater Treatment System Construction Permit be obtained prior to the installation of any plumbing in the accessory structure;

5. That the proposed shed be used for personal use only and no commercial and or residential-type uses;

6. That all the natural drainage paths be maintained;

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

8. That the address (13815 Martin Ranch Trail) continue to be posted on the shed and at the end of the driveway off of Martin Ranch Trail, in accordance with Pennington County's Ordinance #20; and,

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

All voting aye, the Motion carried 5 to 0.

12. CONDITIONAL USE PERMIT / CU 20-13: Richard Redetzke. To allow 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.

Lot 1, Block 1, Sharp Subdivision, Section 3, T1N, R8E, BHM, Pennington County, South Dakota.

A member of the public asked to have this Item removed from the Consent Agenda for discussion.

Staff recommended approval of Conditional Use Permit / CU 20-13 with the following eight (8) conditions:

1. That a Building Permit be obtained for the proposed single-wide mobile home prior to any work being done;

2. That the property address (1713 Sharp Drive) be posted in accordance with Pennington County Ordinance #20;

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

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

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

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

7. That the applicant utilizes the existing approach and that no new approaches be constructed; 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.

Discussion followed.
Moved by Johnson and seconded by Lasseter to approve of Conditional Use Permit / CU 20-13 with the following eight (8) conditions:

1. That a Building Permit be obtained for the proposed single-wide mobile home prior to any work being done;

2. That the property address (1713 Sharp Drive) be posted in accordance with Pennington County Ordinance #20;

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

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

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

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

7. That the applicant utilizes the existing approach and that no new approaches be constructed; 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.

All voting aye, the Motion carried 5 to 0.

16. **REZONE / RZ 20-03**: Richard Sterkel. To rezone 10.01 acres from Limited Agriculture District to Suburban Residential District in accordance with Sections 206, 208, and 508 of the Pennington County Zoning Ordinance.

Lot G, Clemmons Addition, Section 23, T1N, R8E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Rezone to rezone 10.01 acres from Limited Agriculture District to Suburban Residential District.

Staff recommended approval of Rezone / RZ 20-03.

Discussion followed.

Moved by Runde and seconded by Lasseter to approve of Rezone / RZ 20-03.

All voting aye, the Motion carried 5 to 0.
17. LAYOUT PLAN / LPL 20-16: James and Marilyn Dean. To reconfigure lots lines to create Lot A, B, and C of JM Dean Subdivision and Tract 5R of Storm Hill Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: All of Eddy #1 Lode MS 523; Tract 4 and Tract 5 of Storm Hill Subdivision, all located in Section 28, T1S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots A, B, and C of JM Dean Subdivision and Tract 5R of Storm Hill Subdivision, Section 28, T1S, R5E, BHM, Pennington County, South Dakota.

Proietti reviewed the Staff Report indicating the applicants have applied for a Layout Plan to reconfigure lot lines to create Lot A, B, and C of JM Dean Subdivision and Tract 5R of Storm Hill Subdivision.

Staff recommended approval of Layout Plan / LPL 20-16 with the following seven (7) conditions:

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

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

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

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

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

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

Discussion followed.
Moved by Runde and seconded by Johnson to approve of Layout Plan / LPL 20-16 with the following seven (7) conditions:

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

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

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

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

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

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

All voting aye, the Motion carried 5 to 0.

18. REZONE / RZ 20-04 AND COMPREHENSIVE PLAN AMENDMENT / CA 20-03: James and Marilyn Dean. To rezone 10.00 acres from General Agriculture District to Low Density Residential District and to change the Future Land Use from Planned Unit Development Sensitive to Low Density Residential District in accordance with Sections 205, 207, 213, and 508 of the Pennington County Zoning Ordinance.

All of Eddy #1 Lode MS 523, Section 28, T1S, R5E, BHM, Pennington County, South Dakota.

Proietti reviewed the Staff Report indicating the applicants have applied for a Rezone and Comprehensive Plan Amendment to rezone 10.00 acres from General Agriculture District to Low Density Residential District and to change the Future Land Use from Planned Unit Development Sensitive to Low Density Residential District.
Staff recommended approval of Rezone / 20-04 and Comprehensive Plan Amendment / CA 20-03.

Discussion followed.

**Moved by Rossknecht and Runde to approve of Rezone / 20-04 and Comprehensive Plan Amendment / CA 20-03.**

All voting aye, the Motion carried 5 to 0.

19. **LAYOUT PLAN / LPL 20-14:** Grandview Land, LLC (Dan Lewis); Gordon Howie – Agent. To create Lot 2 of Block 2 and Lot 1 and Lot 2 of Block 3 and Lot 7 through Lot 10 of Block 3 of Cedar Gulch No. 2 Subdivision and dedicated Right-of-Way in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Balance of Tract A, Cedar Gulch #2 Subdivision, Section 32, T1N, R9E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 2 of Block 2 and Lot 1 and Lot 2 of Block 3 and Lot 7 through Lot 10 of Block 3 of Cedar Gulch No. 2 Subdivision and dedicated Right-of-Way, Cedar Gulch #2 Subdivision, Section 32, T1N, R9E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating the applicant has applied for a Layout Plan to create Lot 2 of Block 2 and Lot 1 and Lot 2 of Block 3 and Lot 7 through Lot 10 of Block 3 of Cedar Gulch No. 2 Subdivision and dedicated Right-of-Way.

Staff recommended denial of Layout Plan / LPL 20-14, as the proposed subdivision would further increase density on a dead-end road system with only one (1) means of vehicular ingress and egress.

If the Planning Commission chooses to approve Layout Plan / LPL 20-14, Staff recommends the following eight (8) conditions:

1. That upon filing the Plat with the Register of Deeds, a Deed Restriction also be filed restricting the residential use and issuance of any Building Permits on all the proposed lots (Lot 2 of Block 2, Lots 1 and 2 of Block 3 and Lots 7-10 of Block 3) until such time that a second means of vehicular ingress and egress is constructed in accordance with Ordinance 14 Standards and the road approved by County Highway;

2. That at the time of Preliminary Plat submittal, the plat meets all the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Variance to the Subdivision Regulations be obtained waiving any of these requirements that are not met;
3. That at the time of Preliminary Plat submittal, the Plat heading be corrected to state “Formerly needs Government Lot 2 corrected to Government Lot 3..., as required by the Register of Deeds;

4. That a Variance to the Subdivision Regulations be obtained from the Board of Adjustment to allow additional lots on a dead-end road without a second means of vehicular ingress or egress conditioned that no Building Permits will be issued on those lots until such time a second means of vehicular ingress or egress is constructed;

5. That at the time of Final Plat submittal, the applicant provide engineered construction plans for sewer line improvements for extension of the sewer line to the lagoon system, or an approved Variance to the Subdivision Regulations be obtained waiving this requirement;

6. That no Building Permits will be issued on proposed Lot 2 of Block 2 and Lots 1 and 2 of Block 3 until such time the sewer line is installed and connected to the existing lagoon system;

7. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations; and,

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

Discussion followed.

Moved by Runde and seconded by Lasseter to continue Layout Plat / PL 20-14 to the July 27, 2020, Planning Commission meeting.

SUBSTITUTE MOTION: Moved by Johnson and seconded by Rossknecht to approve of Layout Plan / LPL 20-14 with the following eight (8) conditions:

1. That upon filing the Plat with the Register of Deeds, a Deed Restriction also be filed restricting the residential use and issuance of any Building Permits on all the proposed lots (Lot 2 of Block 2, Lots 1 and 2 of Block 3 and Lots 7-10 of Block 3) until such time that a second means of vehicular ingress and egress is constructed in accordance with Ordinance 14 Standards and the road approved by County Highway;

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

3. That at the time of Preliminary Plat submittal, the Plat heading be corrected to state “Formerly needs Government Lot 2 corrected to Government Lot 3...,”, as required by the Register of Deeds;
4. That a Variance to the Subdivision Regulations be obtained from the Board of Adjustment to allow additional lots on a dead-end road without a second means of vehicular ingress or egress conditioned that no Building Permits will be issued on those lots until such time a second means of vehicular ingress or egress is constructed;

5. That at the time of Final Plat submittal, the applicant provide engineered construction plans for sewer line improvements for extension of the sewer line to the lagoon system, or an approved Variance to the Subdivision Regulations be obtained waiving this requirement;

6. That no Building Permits will be issued on proposed Lot 2 of Block 2 and Lots 1 and 2 of Block 3 until such time the sewer line is installed and connected to the existing lagoon system;

7. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations; and,

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

All voting, the Motion carried 4 to 1. Commissioner Runde vote no

20. LAYOUT PLAN / LPL 20-15: K.W. Lindsay; Robert Livingston – Agent. To create Lots 1, 2, and 3 of Tract Lake Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

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

PROPOSED LEGAL: Lots 1, 2, and 3 of Tract Lake Subdivision, Section 32, T1N, R9E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating the applicant has applied for a Layout Plan to create Lots 1, 2, and 3 of Tract Lake Subdivision.

Staff recommended approval of Layout Plan / LPL 20-15 with the following nine (9) conditions:

1. That the applicants obtain approved Approach Permits from the South Dakota Department of Transportation prior to installation of any approaches off of Highway 385;

2. That prior to filing the Plat with the Register of Deeds, Lots 2 and 3 be Rezoned appropriately, to include a Comprehensive Plan Amendment;
3. That the applicants ensure all natural drainage ways are maintained and not blocked;

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

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

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

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

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

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

Discussion followed.

Moved by Johnson and Lasseter to approve of Layout Plan / LPL 20-15 with the following nine (9) conditions:

1. That the applicants obtain approved Approach Permits from the South Dakota Department of Transportation prior to installation of any approaches off of Highway 385;

2. That prior to filing the Plat with the Register of Deeds, Lots 2 and 3 be Rezoned appropriately, to include a Comprehensive Plan Amendment;

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

4. That the Certifications on the Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations and Register of Deeds comments contained in this report;
5. That at the time of Minor Plat submittal, the plat meets the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;

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

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

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

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

All voting aye, the Motion carried 5 to 0.

21. ORDINANCE AMENDMENT / OA 20-03: Pennington County. To amend Section 309-C-6 “Yard, Building Setback Exceptions” [to replace and supersede Section 309-C-6 “Yard, Building Setback Exceptions”] of the Pennington County Zoning Ordinance.

Molitor stated this is an Ordinance Amendment to amend Section 309-C-6 “Yard, Building Setback Exceptions” [to replace and supersede Section 309-C-6 “Yard, Building Setback Exceptions”] of the Pennington County Zoning Ordinance.

Staff recommended approval of Ordinance Amendment / OA 20-03.

Discussion followed.

Moved by Lasseter and seconded by Johnson to approve of Ordinance Amendment / OA 20-03.

All voting aye, the Motion carried 6 to 0.

22. ORDINANCE AMENDMENT / OA 20-04: Pennington County. To amend Section 511 “Fees” [to replace and supersede Section 511 “Fees”] of the Pennington County Zoning Ordinance.

Molitor stated this is an Ordinance Amendment to amend Section 511 “Fees” [to replace and supersede Section 511 “Fees”] of the Pennington County Zoning Ordinance.
Discussion followed.

Moved by Johnson and seconded by Rossknecht to approve of Ordinance Amendment / OA 20-04 with a language change in Section 511-A-6-a-i.

All voting aye, the Motion carried 6 to 0.

23. COUNTY BOARD REPORT
   The Board of Commissioners concurred with the Planning Commission’s recommendations from the June 22, 2020, Planning Commission meeting.

24. ITEMS FROM THE PUBLIC
   No motions or actions take at this time.

25. ITEMS FROM THE STAFF
   A. Planning Department. Michaele Hoffman, from the State’s Attorney’s Office, introduced Cullen McNeece as the attorney who will now be working with the Planning Department staff, as she has taken a position with the U.S. Attorney’s Office.
   

26. ITEMS FROM THE MEMBERSHIP
   Commissioner Johnson spoke of adding language to the Notice of Hearing letters indicating where the public can locate the Agenda Packet on the Planning Department website to view Staff Reports, and, further discussed the legal publication notices and if they can be added to the Planning Department website for public availability.

   Chairman Marsh stated he may not be in attendance for the July 27th PC Meeting.

27. ADJOURNMENT
   Moved by Lasseter and seconded by Runde to adjourn.
   
   All voting aye, the Motion carried 5 to 0.

   The meeting adjourned at 10:37 a.m.

   Rich Marsh, Chairperson

21
GENERAL INFORMATION:

REQUEST:  

CONDITIONAL USE PERMIT REVIEW / CU 16-12: To review a bicycle rental, ATV rental, and a retail shop as neighborhood commercial in a Suburban Residential District in accordance with Sections 208, 302, and 510 of the Pennington County Zoning Ordinance.

APPLICANT / AGENT:  

TC Enterprises, Inc.; Todd Schuetzle

APPLICANT ADDRESS:  

1010 W. 2nd Street, Pierre, SD 57501

LEGAL DESCRIPTION:  

Lot D of Lot 13, Rochford Townsite Patent Subdivision, Section 23, T2N, R3E, BHM, Pennington County, South Dakota.

SITE LOCATION:  

11680 Rochford Road; near the intersection of N. Rochford Road and Rochford Road.

SIZE:  

0.37 acre

TAX ID:  

8330

EXISTING LAND USE:  

Residential

ZONING REFERENCE:  

Sections 208, 302, and 510

CURRENT ZONING:  

Suburban Residential District

SURROUNDING ZONING:

- North: General Agriculture District
- South: Suburban Residential District
- East: Low Density Residential District
- West: General Commercial District

PHYSICAL CHARACTERISTICS:  

Flat

UTILITIES:  

Private

REPORT BY:  

Stephanie Jansen
I. PROPOSED RECOMMENDATION

A. Staff will be recommending approval of the extension of Conditional Use Permit / CU 16-12 with conditions.

II. GENERAL DESCRIPTION

A. On May 16, 2016, the applicant, Todd Schuetzle, applied for a Conditional Use Permit to allow bicycle rentals, ATV rentals, and a retail shop as neighborhood commercial in a Suburban Residential District.

B. On June 27, 2016, the Planning Commission approved Conditional Use Permit / CU 16-12 with the following nineteen (19) conditions:

1. That this Conditional Use Permit be for bicycle rentals, ATV rentals, and a retail shop only;

2. That the applicant construct a shop or garage on the subject property to store the bicycle and ATV rental units, and all rental units be stored within an enclosed structure when not in use;

3. That, if required by the U.S. Forest Service, the applicant apply for a Special Use Permit for outfitting a trail ride (ATV, 4 wheelers, ORV, etc.) on the Mickelson Trail and other Black Hills National Forest Trails. Special Use Permits are subject to resource specials review and written reports and an annual land use fee;

4. That port-o-potties are provided on-site for customers to utilize during business hours;

5. That if bathroom facilities beyond port-o-potties are to be provided for customers on-site, the applicant must obtain approval from the South Dakota Department of Environment and Natural Resources and, if necessary, upgrade the existing on-site wastewater treatment system with an On-Site Wastewater Construction Permit approved by the Pennington County Environmental Planner;

6. That the comments provided by the U.S. Forest Service be provided to the applicant and the applicant continually adhere to those comments;

7. That the address assigned to the subject property be properly posted on the structure so that it is visible from both directions of travel on Rochford Road, in accordance with Pennington County’s Ordinance #20;

8. That a Building Permit be obtained for the proposed new shop and any structure(s) exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;

9. That the applicant ensures the residential character of the property is maintained;
10. That any outside lighting be continually directed towards the ground and all exterior lighting must be of low level intensity, which does not result in excessive glare upon surrounding neighbors;

11. That a minimum of five (5) off-street parking spaces be provided on-site, per Pennington County Zoning Ordinance Section 310-A-9;

12. That the hours of operation be between 10:00 a.m. and 7:00 p.m.;

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

14. That a Sign Permit be obtained prior to placement of any new sign(s) on the subject property. Such sign(s) must meet all requirements of Pennington County Zoning Ordinance Section 312 and not be located in any public Right-of-Ways;

15. That any major improvements to the existing access will need to be permitted through the Pennington County Highway Department;

16. That if the uses approved by way of Conditional Use Permit / CU 16-12 cease for a period of one (1) year or more, the Conditional Use Permit will be automatically revoked in accordance with Pennington County Zoning Ordinance Section 510(E)(1)(a) and the property must be returned to residential use only;

17. That all applicable Federal, State, and local regulations be adhered to at all times and the applicant maintains the necessary permits to conduct the business;

18. That the applicant sign a Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 16-12, which is available at the Planning Office; and,

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

C. On July 24, 2017, the Planning Commission approved Conditional Use Permit / CU 16-12 with the following seventeen (17) conditions:

1. That this Conditional Use Permit be for bicycle rentals, ATV rentals, and a retail shop only;

2. That, if required by the U.S. Forest Service, the applicant apply for a Special Use Permit for outfitting a trail ride (ATV, 4 wheelers, ORV, etc.) on the Mickelson Trail and other Black Hills National Forest Trails. Special Use Permits are subject to resource specials review and written reports and an annual land use fee;

3. That port-o-potties are provided on-site for customers to utilize during business hours;
4. That if bathroom facilities beyond port-o-potties are to be provided for customers on-site, the applicant must obtain approval from the South Dakota Department of Environment and Natural Resources and, if necessary, upgrade the existing on-site wastewater treatment system with an On-Site Wastewater Construction Permit approved by the Pennington County Environmental Planner;

5. That the comments provided by the U.S. Forest Service be provided to the applicant and the applicant continually adhere to those comments;

6. That the address assigned to the subject property be properly posted on the structure so that it is visible from both directions of travel on Rochford Road, in accordance with Pennington County’s Ordinance #20;

7. That a Building Permit be obtained for the proposed new shop and any structure(s) exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;

8. That the applicant ensures the residential character of the property is maintained;

9. That any outside lighting be continually directed towards the ground and all exterior lighting must be of low level intensity, which does not result in excessive glare upon surrounding neighbors;

10. That a minimum of five (5) off-street parking spaces be provided on-site, per Pennington County Zoning Ordinance Section 310-A-9;

11. That the hours of operation be between 10:00 a.m. and 7:00 p.m.;

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

13. That a Sign Permit be obtained prior to placement of any new sign(s) on the subject property. Such sign(s) must meet all requirements of Pennington County Zoning Ordinance Section 312 and not be located in any public Right-of-Ways;

14. That any major improvements to the existing access will need to be permitted through the Pennington County Highway Department;

15. That if the uses approved by way of Conditional Use Permit / CU 16-12 cease for a period of one (1) year or more, the Conditional Use Permit will be automatically revoked in accordance with Pennington County Zoning Ordinance Section 510(E)(1)(a) and the property must be returned to residential use only;

16. That all applicable Federal, State, and local regulations be adhered to at all times and the applicant maintains the necessary permits to conduct the business; and,
17. That this Conditional Use Permit be reviewed in three (3) years, on a complaint basis, or as directed by the Pennington County Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

III. EXISTING CONDITIONS

A. Zoned Suburban Residential District, minimum 20,000 square foot lot size.
B. 0.37 acres (16,117 square feet).
   1. The subject property was platted in 1976 (Plat Book 14, Page 132).
   2. The lot size is legal nonconforming.
C. Access off of Rochford Road.
D. Lot contains:
   1. Single-family residence (formerly Rochford University) – built in 1906 per Department of Equalization (DOE) records.
   2. 26’ X 40’ Detached Garage with 40’ X 8’ Shipping Container – COBP16-0505.
   3. On-site wastewater treatment system – Operating Permit COOP13-0199.
   4. 14’ x 10’ (approximate) structure – Staff is unsure when this structure was constructed.
      a. Appears to have been built prior to 1994.
         i. See “Exhibit A” below.
      b. Structure is not listed on DOE Property Record Card.

Exhibit A
IV. ANALYSIS

A. July 21, 2020 – Staff performed a site visit to the subject property and observed the following:
   1. That the address is posted in accordance to Pennington County Ordinance #20 (Condition #7).
   2. That a minimum of five (5) off-street parking spaces are provided on-site (Condition #11).
   3. That the property was free of debris and junk (Condition #13).

B. July 21, 2020 – Staff contacted the applicant, Todd Schuetzle, who stated the following:
   1. That port-o-potties are provided on-site for customers during business hours (Condition #4).
   2. That the hours of operation are between 10:00 a.m. to 7:00 p.m (Condition #12).

C. All other conditions appear to be met.

7/21/2020 Site Visit - Old Rochford School

7/21/2020 Site Visit – Detached Garage with Shipping Container
AGENDA ITEM #3  
TC Enterprises, Inc; Todd Schuetzle - Agent  
July 27, 2020

RECOMMENDATION: Staff recommends approval of the extension of Conditional Use Permit / CU 16-12 with the following conditions:

1. That this Conditional Use Permit be for bicycle rentals, ATV rentals, and a retail shop only;

2. That, if required by the U.S. Forest Service, the applicant apply for a Special Use Permit for outfitting a trail ride (ATV, 4 wheelers, ORV, etc.) on the Mickelson Trail and other Black Hills National Forest Trails. Special Use Permits are subject to resource specials review and written reports and an annual land use fee;

3. That port-o-potties are provided on-site for customers to utilize during business hours;

4. That if bathroom facilities beyond port-o-potties are to be provided for customers on-site, the applicant must obtain approval from the South Dakota Department of Environment and Natural Resources and, if necessary, upgrade the existing on-site wastewater treatment system with an On-Site Wastewater Construction Permit approved by the Pennington County Environmental Planner;

5. That the comments provided by the U.S. Forest Service be provided to the applicant and the applicant continually adhere to those comments;

6. That the address assigned to the subject property be properly posted on the structure so that it is visible from both directions of travel on Rochford Road, in accordance with Pennington County’s Ordinance #20;

7. That a Building Permit be obtained for the proposed new shop and any structure(s) exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;

8. That the applicant ensures the residential character of the property is maintained;

9. That any outside lighting be continually directed towards the ground and all exterior lighting must be of low level intensity, which does not result in excessive glare upon surrounding neighbors;

10. That a minimum of five (5) off-street parking spaces be provided on-site, per Pennington County Zoning Ordinance Section 310-A-9;

11. That the hours of operation be between 10:00 a.m. and 7:00 p.m.;

12. That the property remain free of debris and junk vehicles;
Agenda Item #3  
TC Enterprises, Inc; Todd Schuettze - Agent  
July 27, 2020  

13. That a Sign Permit be obtained prior to placement of any new sign(s) on the subject property. Such sign(s) must meet all requirements of Pennington County Zoning Ordinance Section 312 and not be located in any public Right-of-Ways;  

14. That any major improvements to the existing access will need to be permitted through the Pennington County Highway Department;  

15. That all applicable Federal, State, and local regulations be adhered to at all times and the applicant maintains the necessary permits to conduct the business; and,  

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

GENERAL INFORMATION:

REQUEST:  

**CONDITIONAL USE PERMIT REVIEW / CU 18-21:** To review a single-family residence in a Highway Service District in accordance with Sections 210 and 510 of the Pennington County Zoning Ordinance.

APPLICANT:  

David and Leah Byers

APPLICANT ADDRESS:  

1825 Harmony Heights #205  
Rapid City, SD  57702

LEGAL DESCRIPTION:  

Lot 1, Pankratz Subdivision, Section 22, T1S, R6E, BHM, Pennington County, South Dakota.

SITE LOCATION:  

13321 S. Highway 16; on the south side of S. Highway 16, across from Silver Mountain Road.

SIZE:  

17.31 acres

TAX ID:  

68408

EXISTING LAND USE:  

Vacant

ZONING REFERENCE:  

Sections 210 and 510

CURRENT ZONING:  

Highway Service District

SURROUNDING ZONING:

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PHYSICAL CHARACTERISTICS:  

Forested / Hills

UTILITIES:  

None

REPORT BY:  

Cody Sack
I. PROPOSED RECOMMENDATION
A. Staff will be recommending approval of the extension of Conditional Use Permit / CU 18-21 with six (6) conditions.

II. GENERAL DESCRIPTION
A. The applicant, David Byers, requested a Conditional Use Permit to allow for a single-family residence in a Highway Service District.
   1. Mr. Byers plans to construct rental cabins on the subject property after the single-family residence is constructed.

B. July 9, 2018 – Planning Commission approved Conditional Use Permit / CU 18-21 with the following eight (8) conditions:
   1. That the applicant obtains a Construction Permit for the roads constructed and improved on the subject property, with all applicable fees be paid, prior to the applicant applying for a Building Permit for the single-family residence;
   2. That the applicant works with the SDDOT to approve any changes to the existing access to the subject property, per the applicable Administrative Rules of South Dakota;
   3. That an On-Site Wastewater Construction Permit be submitted prior to installation of an On-Site Wastewater Treatment System;
   4. That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
   5. That all current and future addresses be posted in accordance with Pennington County Ordinance #20;
   6. That the subject property remains free of debris and junk vehicles, in accordance with Ordinance #106;
   7. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 18-121, which is available at the Planning Office; 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 and/or Board of Commissioners to verify that all Conditions of Approval are being met.

C. July 8, 2019 – Planning Commission approved the extension of Conditional Use Permit / CU 18-21 with the following eight (8) conditions:
   1. That the applicant works with the SDDOT to approve any changes to the existing access to the subject property, per the applicable Administrative Rules of South Dakota;
   2. That an On-Site Wastewater Construction Permit be submitted prior to installation of an On-Site Wastewater Treatment System;
   3. That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground,
which requires a site plan to be reviewed and approved by the Planning Director,

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

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

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

III. EXISTING CONDITIONS

A. Highway Service Zoning District.
B. 17.31 acres.
C. Single-family residence.
   1. COSD19-0061- Onsite Waste Water Treatment System.
D. There is no Special Flood Hazard Area on the subject property.
IV. ANALYSIS
A. August 13, 2018 – The Planning Commission approved Construction Permit / CP 18-07 to level and grade roads to be utilized as driveways for future construction of a single-family residence and cabins.
B. July 2, 2019 – The applicants applied for a Building Permit (COPB19-0363) to construct a single-family residence (property manager’s house) on the subject property.
C. July 21, 2020– Staff performed a site visit and found that the single-family residence has been constructed on the property.
D. Prior to the applicant placing cabins on the subject property, a new Conditional Use Permit must be approved. This Conditional Use Permit can end upon approval of the established Highway Service use.

RECOMMENDATION: Staff recommends approval of the extension of Conditional Use Permit / CU 18-21 with the following seven (7) conditions:

1. That the applicant works with the SDDOT to approve any changes to the existing access to the subject property, per the applicable Administrative Rules of South Dakota;
2. That an On-Site Wastewater Construction Permit be submitted prior to installation of an On-Site Wastewater Treatment System;
3. That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
4. That all current and future addresses be posted in accordance with Pennington County Ordinance #20;
5. That the subject property remains free of debris and junk vehicles, in accordance with Ordinance #106;
6. That a Highway Service District use be established within three (3) years of approval date of this extension or this Conditional Use Permit will be ended and the property be rezoned for residential use; and,
7. That this Conditional Use Permit be reviewed in two (2) years, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.
STAFF REPORT

GENERAL INFORMATION:

REQUEST:  
CONDITIONAL USE PERMIT REVIEW / CU 18-24: To review an existing mobile home park (Plainsview Mobile Manor) in a Suburban Residential District in accordance with Sections 208, 305, and 510 of the Pennington County Zoning Ordinance.

APPLICANT:  
Plainsview Mobile Manor / Ernest Tschannen

APPLICANT ADDRESS:  
6029 Woodminster Circle, Orangevale, CA 95662

AGENT:  
Kristine Forrest

AGENT ADDRESS:  
125 Westgate Road #106, Box Elder, SD 57719

LEGAL DESCRIPTION:  
Tract 2, Plainsview Subdivision, Section 23, T2N, R8E, BHM, Pennington County, South Dakota.

SITE LOCATION:  
125 Westgate Road; approximately 0.4 mile north of the intersection of Highway 1416 and Westgate Road.

SIZE:  
18.76 acres

TAX ID:  
40780

EXISTING LAND USE:  
Mobile Home Park

ZONING REFERENCE:  
Section 208, 305, and 510

CURRENT ZONING:  
Suburban Residential District

SURROUNDING ZONING:  
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<th>Direction</th>
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PHYSICAL CHARACTERISTICS:  
Flat
Agenda Item #5
Plainsview Mobile Manor; Ernest Tschannen - Owner
July 27, 2020

UTILITIES: Box Elder Sewer / Private Well

REPORT BY: Kristina Proietti

I. PROPOSED RECOMMENDATION
A. Staff will be recommending approval of the extension of Conditional Use Permit / CU 18-24 with conditions.

II. GENERAL DESCRIPTION
A. July 27, 1971, the Planning Commission approved Conditional Use Permit / CU 71-11 to allow for the expansion of an already existing mobile home park.
   1. At the time, the mobile home park had 88 existing lots and they were proposing to add 12 more, for a total of 100 lots within the park.
A. March 27, 2015, Ordinance Violation / COVO15-0031 was opened due to unpermitted mobile homes within the floodplain.
B. During review of the subject property with relation to Ordinance Violation / COVO15-0031, Staff verified the following violations:
   1. The mobile home park had exceeded its maximum capacity, as approved via CU 71-11.
      a. Staff spoke with the State’s Attorney’s Office and determined the use of the property had been expanded, since there were more mobile home lots than were allowed under CU 71-11.
      b. The State’s Attorney’s Office advised that a new Conditional Use Permit would be required to bring the property into compliance.
C. June 18, 2018, the applicant, Plainsview Mobile Manor (Kristine Forrest – Agent), requested a Conditional Use Permit to bring an existing mobile home park into compliance with the Pennington County Zoning Ordinance.
D. July 23, 2018 – Planning Commission approved Conditional Use Permit / CU 18-24 with the following twenty-two (22) conditions:
   1. That the uses of the Conditional Use Permit be limited to a maximum of 112 mobile homes spaces with one (1) of the lots acting as the manager’s residence;
   2. That no mobile homes are allowed to be located on the southernmost seven (7) spaces on the subject property, where no utility hook-ups exist;
   3. That the rental home park continually have a caretaker or manager living on-site and the residence be appropriately identified as such;
   4. That decks and accessory structures (i.e. garages and sheds) be allowed with the issuance of an approved Floodplain Development Permit and Building Permit;
5. That a minimum 20-foot separation between units (mobile home living space, including attached decks) be maintained;
6. That a minimum 10-foot separation between accessory structures (e.g. garages, sheds) and adjacent residences be maintained;
7. That the minimum setback requirements of a Suburban Residential District be maintained. In addition, a minimum setback of ten (10) feet shall be maintained from all access roads within the mobile home park;
8. That the existing mobile homes (as of the original date of approval of this Conditional Use Permit) be allowed to remain in their current location. New or replacement mobile homes must meet the minimum setback and separation requirements;
9. That all new or replacement mobile homes installed on the property have a peaked, non-reflective type roof and wood or simulated wood-type siding that is continually maintained;
10. That an approved Floodplain Development Permit be obtained prior to any work being done within the Special Flood Hazard Area on the subject property (including dirtwork and any structures or additions to existing structures);
11. That the installation of mobile homes on the subject property continually be in conformance with the Pennington County Flood Damage Prevention Ordinance and FEMA P-85;
12. That an approved Building Permit be obtained for each new residence prior to construction and 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;
13. That an approved Removal Permit be obtained prior to any mobile home being removed from the property;
14. That mobile homes not be allowed to be stored unoccupied on the subject property;
15. That all lot numbers must be posted in accordance with Pennington County’s Ordinance #20, preferably of the same type and style of Lot number. Each number shall measure a minimum of 4” high and be of the same colors, preferably reflective, in approximately the same location on each mobile home;
16. That a minimum of two (2) off-street parking spaces be provided for each residence on the subject property. Each parking space must measure a minimum of nine (9) feet by eighteen (18) feet and be surfaced with gravel, concrete or asphalt and maintained in such a manner that no dust will result from continuous use;
17. That the interior roads be continually maintained in a dust free manner;
18. That a Sign Permit be obtained prior to the installation of any signs on the subject property; all signs must meet the requirements of § 312 of the Pennington County Zoning Ordinance (PCZO);

19. That the property continually remain free of debris and no inoperable or junk vehicles be allowed on the property;

20. That all existing drainage ways be maintained and 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 Section 507(A). This includes any requirements set forth in the Pennington County Stormwater Quality Manual for erosion and sediment measures;

21. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 18-24, which is available at the Planning Office; and,

22. 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.

E. July 22, 2019, the Planning Commission approved the extension of Conditional Use Permit / CU 18-24 with the following twenty-one (21) conditions:

1. That the uses of the Conditional Use Permit continue to be limited to a maximum of 112 mobile homes spaces with one (1) of the lots acting as the manager’s residence;

2. That no mobile homes are allowed to be located on the southernmost seven (7) spaces on the subject property, where no utility hook-ups exist;

3. That the rental home park continually have a caretaker or manager living on-site and the residence be appropriately identified as such;

4. That decks and accessory structures (i.e. garages and sheds) be allowed with the issuance of an approved Floodplain Development Permit and Building Permit;

5. That a minimum 20-foot separation between units (mobile home living space, including attached decks) be maintained;

6. That a minimum 10-foot separation between accessory structures (e.g. garages, sheds) and adjacent residences be maintained;

7. That the minimum setback requirements of a Suburban Residential District be maintained. In addition, a minimum setback of ten (10) feet shall be maintained from all access roads within the mobile home park;

8. That the existing mobile homes (as of the original date of approval of this Conditional Use Permit) be allowed to remain in their current location. New or replacement mobile homes must meet the minimum setback and separation requirements;
9. That all new or replacement mobile homes installed on the property have a peaked, non-reflective type roof and wood or simulated wood-type siding that is continually maintained;

10. That an approved Floodplain Development Permit be obtained prior to any work being done within the Special Flood Hazard Area on the subject property (including dirtwork and any structures or additions to existing structures);

11. That the installation of mobile homes on the subject property continually be in conformance with the Pennington County Flood Damage Prevention Ordinance and FEMA P-85;

12. That an approved Building Permit be obtained for each new residence prior to construction and 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;

13. That an approved Removal Permit be obtained prior to any mobile home being removed from the property;

14. That mobile homes not be allowed to be stored unoccupied on the subject property;

15. That all lot numbers must be posted in accordance with Pennington County’s Ordinance #20, preferably of the same type and style of Lot number. Each number shall measure a minimum of 4” high and be of the same colors, preferably reflective, in approximately the same location on each mobile home;

16. That a minimum of two (2) off-street parking spaces be provided for each residence on the subject property. Each parking space must measure a minimum of nine (9) feet by eighteen (18) feet and be surfaced with gravel, concrete or asphalt and maintained in such a manner that no dust will result from continuous use;

17. That the interior roads be continually surfaced and maintained with gravel, concrete or asphalt and maintained in a dust free manner;

18. 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 (PCZO);

19. That the property continually remain free of debris and no inoperable or junk vehicles be allowed on the property;

20. That all existing drainage ways be maintained and 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 Section 507(A). This includes any requirements set forth in the Pennington County Stormwater Quality Manual for erosion and sediment measures; and,

21. 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.

II. EXISTING CONDITIONS
   A. Zoned Suburban Residential District.
   B. 18.76 acres.
   C. Access off of West Gate Road via an existing approach and internal road system.
   D. Sewer is provided by the City of Box Elder.
   E. The applicant has stated the subject property is serviced by a well (EPA ID: SD4600259).
   F. Located entirely within the Special Flood Hazard Area (SFHA - 100-year floodplain).
   G. Lot contains:
      1. 119 designated mobile home park spaces.
         a. Currently seventy-seven (77) spaces are occupied and have a mobile home on the lot.
         b. As of the date of this Staff Report, all existing mobile homes are either properly permitted or legal non-conforming.
      2. Several sheds, carports and deck/porch additions on various lots.

III. SECTION 305 – MOBILE HOME PARKS
A. Section 305(B) lists the Area Regulations for a mobile home park as follows:
   1. There shall be a front yard setback of ten (10) feet from all access roads within the mobile home park.
   2. Minimum distance between units shall be twenty (20) feet.
   3. Maximum lot coverage shall be twenty-five (25) percent.
   4. There shall be at least two paved or graveled off-street parking spaces for each mobile home space.
   5. Where a side or rear yard abuts a street, the yard shall be not less than twenty-five (25) feet.
   6. Each mobile home park shall have a rear yard and a side yard on both sides of the parcel of not less than ten (10) feet.

B. Section 305(C) lists the General Regulations for a mobile home park as follows:
   1. Additional accessory structures shall require a Building Permit.
   2. There shall be established and maintained within each park an automobile parking area for the use of guests. The number of spaces within this area shall be equal to one for every four mobile home spaces.
   3. Mobile home spaces may abut upon a driveway of not less than twenty-five (25) feet in width, which shall have unobstructed access to the access road within the mobile home park. Vehicular access shall be provided from a public street, and all dead-end driveways shall include a minimum forty-two (42) foot turning radius.
   4. Each mobile home park shall be provided with a management office and such service buildings as are necessary.

IV. FLOOD DAMAGE PREVENTION ORDINANCE - SECTION 500
A. Section 501(A) of the Flood Damage Prevention Ordinance lists anchoring standards for structures located within Special Flood Hazard Areas. The standards are as follows:
   1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure, and shall be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy generated by the 100-year flood. (If the structure is elevated on fill a minimum of one (1) foot above the base flood level, the anchoring requirement is satisfied.)
   2. All manufactured homes to be placed within an area of special flood hazard shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be anchored to resist flotation, collapse, or lateral movement. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces. Methods of anchoring may include, but are not limited to, use of
over-the-top or frame times to ground anchors, as specifically listed below.

Other anchoring techniques that are as effective, or more effective, in resisting flood forces as over-the-top or frame ties may also be employed (refer to FEMA manual “Manufactured Home Installation in Flood Hazard Areas”, published 9/85, and its successors for guidance on other anchoring techniques).

a. Over-the-top ties shall be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations, with homes less than 50 feet long requiring only one additional tie per side; or,

b. Frame ties shall be provided at each corner of the manufactured home with five additional ties per side at intermediate locations, with homes less than 50 feet long requiring only four additional ties per side;

c. All components of the anchoring system shall be capable of carrying a force of 4,800 pounds; and,

d. Any additions to the manufactured home shall be similarly anchored.

3. A registered professional engineer shall develop and/or review any designs, specifications and plans for anchoring, and shall certify that the design and methods of anchoring are in accordance with the applicable provisions of this Ordinance and are adequate to withstand flood forces associated with the base flood.

B. In addition to the Flood Damage Prevention Ordinance, FEMA Document P-85 “Protecting Manufactured Homes from Floods and Other Hazards” is a manual published by FEMA to “assist in protecting manufactured homes from floods and other hazards.”

1. The standards and practices set forth in FEMA P-85 should also be followed.

V. ANALYSIS

A. Staff has verified that the mobile home park currently has 119 designated mobile home lots; however, staff has been informed by the agent that there are no utility hook-ups to the seven (7) southernmost lots – Figure 1 (see page 9).

1. Therefore, the maximum capacity, based on utilities, is 112 mobile homes.

B. July 17, 2020, Staff spoke on the phone with the agent for Plainsview Mobile Home Park, Kristine Forrest, to go over the Conditions of Approval and to ensure that they are being met.

C. July 20, 2020, Staff performed a site visit to the subject property and verified that the Conditions of Approval are being met.
D. July 20, 2020 – Staff performed a site visit and observed:
   1. There appear to be 77 occupied mobile home spaces within the park.
   2. The internal road looks graveled and graded.
   3. Staff has not received any complaints since the last time the mobile home park was reviewed on July of 2019.

RECOMMENDATION: Staff recommends approval of Conditional Use Permit / CU 18-24 with the following conditions:

1. That the uses of the Conditional Use Permit continue to be limited to a maximum of 112 mobile homes spaces with one (1) of the lots acting as the manager’s residence;

2. That no mobile homes are allowed to be located on the southernmost seven (7) spaces on the subject property, where no utility hook-ups exist;

3. That the rental home park continually have a caretaker or manager living on-site and the residence be appropriately identified as such;

4. That decks and accessory structures (i.e. garages and sheds) be allowed with the issuance of an approved Floodplain Development Permit and Building Permit;

5. That a minimum 20-foot separation between units (mobile home living space, including attached decks) be maintained;

6. That a minimum 10-foot separation between accessory structures (e.g. garages, sheds) and adjacent residences be maintained;
7. That the minimum setback requirements of a Suburban Residential District be maintained. In addition, a minimum setback of ten (10) feet shall be maintained from all access roads within the mobile home park;

8. That the existing mobile homes (as of the original date of approval of this Conditional Use Permit) be allowed to remain in their current location. New or replacement mobile homes must meet the minimum setback and separation requirements;

9. That all new or replacement mobile homes installed on the property have a peaked, non-reflective type roof and wood or simulated wood-type siding that is continually maintained;

10. That an approved Floodplain Development Permit be obtained prior to any work being done within the Special Flood Hazard Area on the subject property (including dirt work and any structures or additions to existing structures);

11. That the installation of mobile homes on the subject property continually be in conformance with the Pennington County Flood Damage Prevention Ordinance and FEMA P-85;

12. That an approved Building Permit be obtained for each new residence prior to construction and 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;

13. That an approved Removal Permit be obtained prior to any mobile home being removed from the property;

14. That mobile homes not be allowed to be stored unoccupied on the subject property;

15. That all lot numbers must be posted in accordance with Pennington County’s Ordinance #20, preferably of the same type and style of Lot number. Each number shall measure a minimum of 4” high and be of the same colors, preferably reflective, in approximately the same location on each mobile home;

16. That a minimum of two (2) off-street parking spaces be provided for each residence on the subject property. Each parking space must measure a minimum of nine (9) feet by eighteen (18) feet and be surfaced with gravel, concrete or asphalt and maintained in such a manner that no dust will result from continuous use;

17. That the interior roads be continually surfaced and maintained with gravel, concrete or asphalt and maintained in a dust free manner;
18. 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 (PCZO);

19. That the property continually remain free of debris and no inoperable or junk vehicles be allowed on the property;

20. That all existing drainage ways be maintained and 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 Section 507(A). This includes any requirements set forth in the Pennington County Stormwater Quality Manual for erosion and sediment measures; and,

21. 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.
GENERAL INFORMATION:

REQUEST: CONDITIONAL USE PERMIT REVIEW/ CU 18-37: To review a store and fiber mill on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

APPLICANT/AGENT: Glenn and Debbie Lepp

APPLICANT ADDRESS: P.O. Box 64, Caputa, SD 57725

SITE LOCATION: 15268 E. Highway 44; east of the intersection of Antelope Creek Road and Caputa Loop.

SIZE: 6.61 acres

TAX ID: 11853

EXISTING LAND USE: Residential

ZONING REFERENCE: Sections 205 and 510

CURRENT ZONING: General Agriculture District

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

PHYSICAL CHARACTERISTICS: Flat

UTILITIES: Private

REPORT BY: Brittney Molitor

I. PROPOSED RECOMMENDATION
   A. Staff will be recommending to continue Conditional Use Permit / CU 18-37 to the July 27, 2020, Planning Commission meeting.
II. GENERAL DESCRIPTION

A. The applicants, Glenn and Debbie Lepp, requested a Conditional Use Permit to allow for an Alpaca Guest Ranch, shop, fiber mill, and RV Campground.

B. The applicant’s request was considered an Agritourism Operation for purposes of operation.

1. Per the United States Department of Agriculture, Agritourism is describes as, “[A] way to add value to enterprises, and increasingly the public is visiting these agricultural, horticultural, or similar enterprises to learn more about them, to take part in farming activities, or just to enjoy a day out.”

C. Due to the cost involved to meet the requirements of the requested Conditional Use, the applicant chose to downgrade from the original request and pursued only the approval of the Alpaca Store and fiber mill.

D. IMAGE 1 – Per the applicant, this is the interior make-up of the large structure pictured below, with the proposed location of the Alpaca Store.
III. EXISTING CONDITIONS

A. 6.61 acres.
B. General Agriculture District – Current Zoning.
C. Single access off of Highway 44.
D. Structures on the subject property:
   1. County Building Permit / COBP16-0368 for removal of Single-family residence (SFR) with attached garage.
      a. SFR was destroyed by fire.
   2. County Building Permit / COBP17-0008 for SFR with attached garage and storage.
   3. Two 8’ x 7’ loafing sheds (movable).
      a. Building Permits not needed.
      b. Floodplain Development Permits needed only if structures are not moved every 180-days.
   4. 5’ x 7’ chicken coop (movable).
      a. Building Permit not needed.
      b. Floodplain Development Permits needed only if structure are not moved every 180-days.
   5. 20’ x 12’ Loafing shed (movable).
      a. Was built in or around 2000 without a Building Permit.
         i. A Building Permit may be needed.
      b. Floodplain Development Permit needed only if structure is not moved every 180-days.
   6. 24’ x 12’ Loafing shed (movable).
      a. Was built in or around 2000 without a Building Permit.
         i. A Building Permit may be needed.
      b. Appears to be encroaching within the Section-Line Right-of-Way and/or the ROW setback and the twenty-five (25) foot side-yard setback and/or rear yard setback of the irregular lot.
      c. Floodplain Development Permit needed only if structure is not moved every 180-days.
   7. 20’ x 14’ Equipment Shop.
      a. No Building Permit needed as Department of Equalization (DOE) records indicate the shop was constructed in 1980.
   8. 24’ x 16’ Equipment Shop.
      a. No Building Permit needed as DOE records indicate the shop was constructed in 1980.
   9. 20’ x 40’ Mini Mobile storage unit.
      a. Was placed on the subject property without a Building Permit.
         i. A Building Permit may be needed.
      b. Appears to be encroaching within the Section Line ROW and/or the ROW setback.
c. Floodplain Development Permits needed only if structure is not moved every 180-days.

10. 20’ x 20’ enclosed gazebo.
   a. Was placed on the subject property without a Building Permit.
      i. A Building Permit may be needed.
   b. Floodplain Development Permit needed only if structure is not moved every 180-days.

11. 20’ x 26’ carport.
   a. Was placed on the subject property without a Building Permit.
      i. A Building Permit may be needed.
   b. Floodplain Development Permit needed only if structure is not moved every 180-days.

E. Zone A – Special Flood Hazard Area on the subject property.
   1. Floodplain Development Permit / FP 14-09 to place the new SFR on the subject property via COBP17-0008.

VI. PROPERTY HISTORY
A. Throughout 2018 and 2019, the applicant provided several photos showing flooding on the subject property. This continued flooding prevented the applicant from performing the necessary investigations into the sizing of the existing OSWTS. Examples of the photos sent by the applicant are shown below:
B. Staff performed a site-visit on October 23, 2019, and spoke to Mr. Lepp regarding CU 18-37.
   1. Staff noticed a camper parked outside of the main residence in what appeared to be a small RV-Park.
   2. Staff spoke to Mr. Lepp regarding the small RV park and the sizing of the onsite wastewater treatment system.
   3. Staff was aware of the difficulties encountered by the Landowner due to the Special Flood Hazard Area on the property and the amount of rain that has fallen in 2019.
   4. Staff proposed another review in June of 2020, whereupon the items of concern will need to be addressed. The applicant agreed to this proposal.

VII. UPDATE FOR JULY 27, 2020
A. Staff met with Mr. Lepp on July 1, 2020. Mr. Lepp indicated that he was working with an installer to see what needed to be done and whether he wants to upgrade the onsite wastewater system and keep the RV sites.
B. Staff met with Mr. Lepp again on July 10, 2020 and he had dug his profile hole and met with his on-site wastewater installer.
   1. Staff also observed that the RV sites were present, but they are overgrown and look as though they have not been used in quite some time.
C. Mr. Lepp indicated that he would like to just continue with the store and fiber mill and not utilize the RV sites for rental at this time.

RECOMMENDATION: Staff recommends approval of the extension of Conditional Use Permit / CU 18-37, with the following eleven (11) conditions:
1. That Conditional Use Permit / CU 18-37 is for the continued on-site operation of an Alpaca Store and fiber mill which is located within the single-family residential structure;

2. That additional uses on the subject property, not approved under CU 18-37, shall require amendments to CU 18-37 in accordance with Pennington County Zoning Ordinance §510(A);

3. That the Alpaca Store business be in compliance with all Federal, State, and Local requirements prior to operations;

4. That all materials for the Alpaca Store shall be stored within an enclosed structure when not in use;

5. That the Alpaca Store may be operated daily, but shall only operate between the hours of 8 a.m. to 7 p.m.;

6. That two (2) portable fire extinguishers, each with a minimum 2 A-BC rating, be placed within the structure that houses the Alpaca Store;

7. That parking is provided per Pennington County Zoning Ordinance § 310;

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

9. That the property remain free of debris and junk, in accordance with Pennington County Ordinance #106;

10. That all outside lighting be continually directed towards the ground and must be of low level intensity, which does not result in excessive glare upon surrounding neighbors; and,

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

GENERAL INFORMATION:

REQUEST: CONDITIONAL USE PERMIT REVIEW / CU 19-16: To review an existing second residence on the subject property as a Bed and Breakfast/Recreational Area in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance

APPLICANT: Terry and Marcia Graber

APPLICANT ADDRESS: 24060 Cosmos Road, Rapid City, SD 57702

LEGAL DESCRIPTION: SE1/4NW1/4 less PT Welcome Lode, Section 33, T1S, R6E, BHM, Pennington County, South Dakota.

SITE LOCATION: 24064 Cosmos Road.

SIZE: 39.52 acres

TAX ID: 38768

EXISTING LAND USE: Residential

ZONING REFERENCE: Section 205 and 510

CURRENT ZONING: General Agriculture District

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

PHYSICAL CHARACTERISTICS: Forested / Hills

UTILITIES: Private

REPORT BY: Kristina Proietti
I. PROPOSED RECOMMENDATION
A. Staff will be recommending to end Conditional Use Permit / CU 19-16 with the applicant’s concurrence.

II. GENERAL DESCRIPTION
A. June 13, 2019, the applicant, Marcia Graber, had requested Conditional Use Permit CU 19-16 to allow for a Recreational Resort to be utilized on the property, including renting the original two (2) bedroom homestead house as a Bed and Breakfast, while Mr. and Mrs. Graber stay in the primary residence on the subject property.

B. July 22, 2019, the Planning Commission approved Conditional Use Permit / CU 19-16 with the following nineteen (19) conditions:
   1. That the maximum overnight occupancy, based on SD DENR approval, be limited to four (4) people and the maximum daytime occupancy be limited to eight (8) people, per Pennington County Zoning Ordinance (PCZO) Section 319(F)(13);
   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 required setbacks of a General Agriculture District and the minimum required setback of fifty-eight (58) feet to the Section Line on the northern border of the subject property be continually maintained on the subject property, or approved Setback Variance(s) be obtained;
   4. That the addresses for each residence (24060 and 24064 Cosmos Road) be posted on the primary residence and the Bed and Breakfast Resort at all times and so it is clearly visible from Cosmos Road, in accordance with Pennington County’s Ordinance #20;
   5. That the applicant work with Planning and Zoning staff to bring the failed septic system into compliance prior to operation of the Bed and Breakfast Resort;
   6. That an On-Site Wastewater Construction Permit be obtained prior to any additional on-site wastewater treatment systems being installed on the subject property, which will also require review and approval by the South Dakota Department of Environmental and Natural Resources;
   7. That the minimum number of required parking spaces be provided in accordance with Pennington County Zoning Ordinance Section 310, which requires one (1) parking space per guest bedroom for the Bed and Breakfast Resort;
   8. 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;
9. That prior to renting any portion of the existing structure for the Bed and Breakfast, the applicant obtains all necessary permits from other governing bodies for the operation of the Recreational Resort, 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;

10. 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;

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

12. 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 Pennington County Zoning Ordinance Section 507-A. This includes any requirements set forth in the Pennington County Stormwater Quality Manual for erosion and sediment measures;

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

14. That portable fire extinguishers be placed on each floor level of the Bed and Breakfast so they are accessible to all guests at all times and the fire extinguishers shall be inspected and tagged annually;

15. That quiet hours for the Recreational Resort be between 10 p.m. and 8 a.m.;

16. That the applicant works with the South Dakota Division of Wildland Fire Suppression-Urban Interface Technician on any required fire mitigation plans;

17. That the applicant is aware of and adheres to all Forest Service requirements;

18. That the applicant comply with SDCL 34-18-9.4, which regulates Bed and Breakfast establishments and requires a guest list to be maintained; and,

19. 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. Zoned General Agriculture District, minimum forty (40) acre lot size.
   B. 39.52 acres, legal non-conforming lot.
   C. Access off of Cosmos Road.
   D. Located within the Cosmos Road District.
   E. No Special Flood Hazard Area on the subject property.
F. Lot contains:
1. Single-family residence (SFR) with attached garage built in 1984, County Building Permit (COBP) / BP6382.
2. On-Site Wastewater Treatment System (OSWTS) Operating Permit for SFR / COOP19-0813.
5. Original homestead house built in 1910, according to Department of Equalization Property Record Card.
6. OSWTS Operating Permit for the homestead house / COOP13-0316.

Existing homestead residence on subject property.

IV. ANALYSIS
A. June 13, 2019, The applicant, Marcia Graber, applied for Conditional Use Permit / CU 19-16 to allow a Recreational Resort on the subject property to include the existing homestead house to be used as a Bed and Breakfast.
B. July 15, 2020, Staff spoke on the phone with Mrs. Graber, who stated that the Bed and Breakfast has not been utilized since the request was granted. Mrs. Graber also stated they will not be using the existing homestead house as a Bed and Breakfast and that Conditional Use Permit / CU 19-6 can end.

RECOMMENDATION: Staff recommends to end Conditional Use Permit / CU 19-16 with the applicant’s concurrence.
GENERAL INFORMATION:

REQUEST:  
CONDITIONAL USE PERMIT / CU 19-17: To review an existing residence to be used as a Vacation Home Rental in a Limited Agriculture District in accordance with Sections 206, 319, and 510 of the Pennington County Zoning Ordinance.

APPLICANT:  
Manya Larson/ Mike Harmon

APPLICANT ADDRESS:  
22569 Smokey Ridge Road, Rapid City, SD  57702

NEW OWNERS:  
Adam and Lacy Elrod

LEGAL DESCRIPTION:  
Lot 2 Revised, Greens Subdivision, Section 15, T2N, R6E, BHM, Pennington County, South Dakota.

SITE LOCATION:  
22569 Smokey Ridge Road

SIZE:  
3.00 acres

TAX ID:  
2511

EXISTING LAND USE:  
Residential

ZONING REFERENCE(S):  
Sections 206, 319, and 510

CURRENT ZONING:  
Limited Agriculture District

SURROUNDING ZONING:

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PHYSICAL CHARACTERISTICS:  
Forested / Hills

UTILITIES:  
Private

REPORT BY:  
Stephanie Jansen
I. **PROPOSED RECOMMENDATION**
A. Staff will be recommending to end Conditional Use Permit / CU 19-17.

II. **GENERAL DESCRIPTION**
A. July 22, 2019 – The Planning Commission approved Conditional Use Permit / CU 19-17 with the following conditions:
1. That the maximum overnight occupancy, based on SD DENR approval, be limited to six (6) people and the maximum daytime occupancy be limited to twelve (12) people, per Pennington County Zoning Ordinance (PCZO) § 319(F)(13);
2. That if an addition is constructed and/or the on-site wastewater treatment system is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DENR;
3. That the proper permits be obtained prior to utilizing a fire pit on the property and all fire restrictions be followed at all times;
4. That each review of Conditional Use Permit / CU 19-17, be subject to PCZO §511(F)(4), which includes a $100 fee per review;
5. That the applicant continually maintains current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department upon request;
6. 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;
7. That a minimum of three (3) off-street parking spaces be provided on-site, per PCZO § 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
8. That an interior informational sign be posted in accordance with the requirements of PCZO §319(G), with 9-1-1 and (605) 394-2151 listed as contacts for Fire Department and Sheriff’s Office respectively, during operation of the Vacation Home Rental;
9. That the lot address (22569 Smokey Ridge Road) continue be posted on the residence at all times and so it is clearly visible from Smokey Ridge Road, in accordance with Pennington County’s Ordinance #20;
10. That the applicant ensures the Vacation Home Rental is continually operated in accordance with the requirements of PCZO § 319(F) (Performance Standards) at all times;
11. That if the person designated as the Local Contact is ever changed from Manya Larson, the interior informational sign be updated and the applicant re-notify the Planning Director and surrounding landowners within 500 feet via notices sent by First Class Mail;
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12. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
13. That an approved Sign Permit be obtained prior to the placement of any sign(s);
14. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; and,
15. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

III. EXISTING CONDITIONS
A. Zoned Limited Agriculture District.
B. 3 acres.
C. No Special Flood Hazard Area.
   1. Located within the Smokey Ridge Road District.
E. Lot contains:
   2. Detached garage with carport– built in 1975, per Department of Equalization records.
   3. Three (3) small sheds – less than 144 square feet, no Building Permit required.
      i. Operating Permit – COOP16-0436.
IV. ANALYSIS
   A. July 16, 2020 – Staff spoke with Manya Larson who stated that the residence has been sold and is no longer operating as a Vacation Home Rental.

RECOMMENDATION: Staff recommends to end Conditional Use Permit / CU 19-17, as the residence has been sold and is no longer needed.
STAFF REPORT

GENERAL INFORMATION:

REQUEST:  
PLANNED UNIT DEVELOPMENT REVIEW / PU 06-07: To review a Planned Unit Development to allow a mobile home park in accordance with Section 213 of the Pennington County Zoning Ordinance.

OWNER:  
Rapid City MHP, LLC

OWNER ADDRESS:  
P.O. Box 457, Cedaredge, CO 81413

LEGAL DESCRIPTION:  
Tract C of Lot B of NE1/4 NW1/4 less Pengra Subdivision, Section 17, T2N, R7E, BHM, Pennington County, South Dakota.

SITE LOCATION:  
4835 Sturgis Road; South of Merritt Road and West of Sturgis Road.

SIZE:  
21.49 acres

EXISTING LAND USE:  
Mobile Home Park

ZONING REFERENCE:  
Section 213

CURRENT ZONING:  
Planned Unit Development

TAX ID:  
14691

SURROUNDING ZONING:  
North: Suburban Residential, General Agriculture, Highway Service & General Commercial Districts
South: Suburban Residential, General Commercial & General Agriculture Districts
East: Highway Service, Limited Agriculture & General Commercial Districts
West: General Agriculture and Suburban Residential Districts

PHYSICAL CHARACTERISTICS:  Flat / Partially Forested

UTILITIES:  
Private
I. PROPOSED RECOMMENDATION
   A. Staff recommends approval of the extension of Planned Unit Development / PU 06-07 with conditions.

II. GENERAL DESCRIPTION
   A. July 24, 2006, the Planning Commission approved Conditional Use Permit / PU 06-07 with the following twenty (20) conditions:
      1. That the PUD has a maximum of 51 mobile home spaces, one duplex, two stick-built structures and a total of 75 storage units;
      2. That each mobile home space be allowed one mobile home, manufactured home or modular home (single-wide or double-wide);
      3. That the mobile homes shall have a minimum 20-foot separation between units;
      4. That decks and/or porches be allowed as accessory structures to each mobile home;
      5. That the mobile homes shall have a minimum front yard setback of ten (10) feet from all access roads within the mobile home park and a setback of twenty-five (25) feet from exterior property lines;
      6. That the mobile homes maintain a minimum ten (10) foot rear yard and side yard setback from interior lot lines;
      7. That each mobile home space have a minimum of two (2) off-street parking spaces, and that each parking space shall not be less than nine (9) feet by eighteen feet, surfaced with gravel, concrete or asphalt and maintained in such a manner that no dust will result from continuous use;
      8. That 13 visitor parking spaces are provided. Each space must measure a minimum of 9 feet x 18 feet, be surfaced in gravel, concrete or asphalt and maintained in a dust free manner;
      9. That a Building Permit shall be obtained for the removal or placement of mobile homes or manufactured homes on the property;
     10. That a Building Permit be obtained for structures exceeding 144 square feet or located on a permanent foundation which will require a site plan to be reviewed and approved by the Planning Director;
     11. That the mobile home park be provided with an on-site management office;
     12. That all the interior streets shall be a minimum of 25 feet in width and surfaced with gravel, concrete or asphalt and maintained in a dust free manner as required by Section 305;
13. That prior to the placement of mobile homes or any other structures within the 100-year floodplain, a Floodplain Development Permit shall be submitted for review and approval;

14. That prior to any repair or replacement of the wastewater disposal system, the S.D. Department of Environment and Natural Resources and the Pennington County Environmental Technician shall review and approve the work and a Flood Plain Development Permit shall be obtained for any work within the one hundred year flood plain;

15. That the storage units be used exclusively for storage and not retail business activities;

16. That each unit has an individual address that must be posted in accordance with Pennington County Ordinance Amendment #20;

17. That 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 impacts on adjacent land uses as determined by the Planning Director shall require an amendment to this Planned Unit Development;

18. That this PUD be reviewed in one (1) year or upon a complaint basis.

19. That a map be submitted to Rapid City’s GIS Department showing the addresses for each lot within the mobile home park; and

20. That the first one hundred feet off of Sturgis Road be hard surfaced.

B. PU 06-07 has been reviewed and approved by the County Board of Commissioners on November 6, 2007; July 21, 2009; July 25, 2011; March 23, 2015, and September 21, 2017, and January 21, 2020, with the same twenty (20) Conditions of Approval from the aforementioned Planning Commission meeting.

III. EXISTING CONDITIONS

A. Zoned: Planned Unit Development.

B. 21.49 acres.

C. Special Flood Hazard Area (SFHA) on subject property.

D. Access off of Sturgis Road.

E. Lot contains:
   1. 51 designated mobile home spaces, one duplex, two stick-built structures and a total of 75 storage units.
      a. As of the date of this Staff Report, all existing mobile homes are either properly permitted.
IV. SECTION 305 – MOBILE HOME PARKS

A. Section 305(B) lists the Area Regulations for a mobile home park as follows:
   1. There shall be a front yard setback of ten (10) feet from all access roads within the mobile home park.
   2. Minimum distance between units shall be twenty (20) feet.
   3. Maximum lot coverage shall be twenty-five (25) percent.
   4. There shall be at least two paved or gravelled off-street parking spaces for each mobile home space.
   5. Where a side or rear yard abuts a street, the yard shall be not less than twenty-five (25) feet.
   6. Each mobile home park shall have a rear yard and a side yard on both sides of the parcel of not less than ten (10) feet.

B. Section 305(C) lists the General Regulations for a mobile home park as follows:
   1. Additional accessory structures shall require a Building Permit.
   2. There shall be established and maintained within each park an automobile parking area for the use of guests. The number of spaces within this area shall be equal to one for every four mobile home spaces.
   3. Mobile home spaces may abut upon a driveway of not less than twenty-five (25) feet in width, which shall have unobstructed access to the access road within the mobile home park. Vehicular access shall be provided from a public street, and all dead-end driveways shall include a minimum forty-two (42) foot turning radius.
   4. Each mobile home park shall be provided with a management office and such service buildings as are necessary.

V. ANALYSIS

A. July 20, 2020, Staff performed a site visit to the subject property and found the mobile home park to be in compliance with the Conditions of Approval.

B. Staff has been working with the regional manager of Cimarron Mobile Home Park and their engineer on plans to design a new Onsite Wastewater Treatment System for the park. It was stated that the plans are to replace the existing systems and to expand it to allow for growth in the mobile home park.

C. Staff has not received any complaints regarding Planned Unit Development / PU 06-07.
RECOMMENDATION: Staff recommends approval of the extension of Planned Unit Development / PU 06-07 with the following conditions:

1. That the PUD has a maximum of 51 mobile home spaces, one duplex, two stick-built structures and a total of 75 storage units;

2. That each mobile home space be allowed one mobile home, manufactured home or modular home (single-wide or double-wide);

3. That the mobile homes shall have a minimum 20-foot separation between units;

4. That decks and/or porches be allowed as accessory structures to each mobile home;

5. That the mobile homes shall have a minimum front yard setback of ten (10) feet from all access roads within the mobile home park and a setback of twenty-five (25) feet from exterior property lines;
6. That the mobile homes maintain a minimum ten (10) foot rear yard and side yard setback from interior lot lines;

7. That each mobile home space have a minimum of two (2) off-street parking spaces, and that each parking space shall not be less than nine (9) feet by eighteen feet, surfaced with gravel, concrete or asphalt and maintained in such a manner that no dust will result from continuous use;

8. That 13 visitor parking spaces are provided. Each space must measure a minimum of 9 feet x 18 feet, be surfaced in gravel, concrete or asphalt and maintained in a dust free manner;

9. That a Building Permit shall be obtained for the removal or placement of mobile homes or manufactured homes on the property;

10. That a Building Permit be obtained for structures exceeding 144 square feet or located on a permanent foundation which will require a site plan to be reviewed and approved by the Planning Director;

11. That the mobile home park be provided with an on-site management office;

12. That all the interior streets shall be a minimum of 25 feet in width and surfaced with gravel, concrete or asphalt and maintained in a dust free manner as required by Section 305;

13. That prior to the placement of mobile homes or any other structures within the 100-year floodplain, a Floodplain Development Permit shall be submitted for review and approval;

14. That prior to any repair or replacement of the wastewater disposal system, the S.D. Department of Environment and Natural Resources and the Pennington County Environmental Planner shall review and approve the work and a Flood Plain Development Permit shall be obtained for any work within the one hundred year flood plain;

15. That the storage units be used exclusively for storage and not retail business activities;

16. That each unit has an individual address that must be posted in accordance with Pennington County Ordinance Amendment #20;

17. That 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 impacts on adjacent land uses as determined by the Planning Director shall require an amendment to this Planned Unit Development;
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18. That a map be submitted to Rapid City’s GIS Department showing the addresses for each lot within the mobile home park; and,

19. That the first one hundred feet off of Sturgis Road be hard surfaced; and,

20. That this PUD be reviewed in two (2) years or upon a complaint basis.
STAFF REPORT

GENERAL INFORMATION:

REQUEST: MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PU 15-02: To review an existing Planned Unit Development in accordance with Section 508 of the Pennington County Zoning Ordinance.

APPLICANT: Deerfield Park Condominiums Council of Co-Owners.

APPLICANT ADDRESS: 23536 Deerfield Park Drive, Hill City, SD 57745

LEGAL DESCRIPTION: Deerfield Park Condominiums Family Units 1 thru 10, Section 2, T1S, R3E, BHM, Pennington County, South Dakota.

SITE LOCATION: Approximately ½ mile north of the intersection of Deerfield Park Drive and Slate Prairie Road.

SIZE: 4.7 acres

TAX ID: 43105, 43106, 43108, 43109, 43110, 43111, 43112, 43113, 43114, 43115

EXISTING LAND USE: Residential

ZONING REFERENCE: Section 508

CURRENT ZONING: General Agriculture District

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

PHYSICAL CHARACTERISTICS: Alpine Meadow

UTILITIES: Community Water, Private Sewer

REPORT BY: Kristina Proietti
I. PROPOSED RECOMMENDATION
   A. Staff will be recommending approval of the extension of Major Planned Unit Development Amendment / PU 15-02 with conditions.

II. GENERAL DESCRIPTION
   A. Major Planned Unit Development Amendment / PU 15-02 is an amendment to the Deerfield Park Condominium Planned Unit Development (PU 02-04). The amendment was requested by the Planning Commission in 2015, in order to amend the verbiage of one of the Conditions of Approval for the Deerfield Park Condominiums Planned Unit Development.
   B. October 15, 2002, the Board of Commissioners originally approved Planned Unit Development / PU 02-04 with the following fourteen (14) conditions:
      1. That the specific uses of this Planned Unit Development be for single family residences not to exceed ten (10) units located in not more than five (5) structures of which only units # 5, 7 and 9 may be used for nightly/weekly tourist rental and accessory structures;
      2. That the Planned Unit Development be kept clean of all trash, debris and junk;
      3. Each residential condominium unit (1-4, 6, 8 and 10) shall have a minimum of two (2) off street parking spaces. All off street parking spaces on the site shall measure at least nine (9) feet by eighteen (18) feet and be surfaced with gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;
      4. That only condominium units #5, #7 and #9 may be used for night/weekly rental or normal residential use;
      5. Condominium units #5, #7 and #9 shall a have a minimum of four (4) off street parking spaces. All off street parking spaces on the site shall measure at least nine (9) feet by eighteen (18) feet and be surfaced with gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;
      6. That the maximum occupancy for the night/weekly rental units shall be two people per bedroom and two people for each living room or family room;
      7. That smoke detectors be installed in sleeping rooms and common hallways and tested semi-annually as requested by the Pennington County Fire Coordinator. The smoke detectors must be Underwriters Laboratory (UL) listed and be either AC or battery operated.
      8. That 2 A-BC dry chemical fire extinguishers be accessible to all guests at all times on each floor or structure as requested by the Pennington County Fire Coordinator;
      9. That prior to County Board approval, the “Residence and Business Automatic Detail Information Form” be submitted to the Planning Department as requested by the Pennington County Fire Coordinator;
10. That prior to operation, the night/weekly rental units be registered with the South Dakota Department of Health as a specialty resort;

11. That the applicant obtains a Sales Tax License as required by the South Dakota Department of Revenue;

12. That signs be allowed to advertise the nightly/weekly rental units in accordance with Section 312 of the Pennington County Zoning Ordinance;

13. That the construction or placements of structures larger than 144 square feet and located on a permanent foundation shall be allowed through the issuance of a Building Permit which will include necessary site plans to be reviewed and approved by the Planning Director; and,

14. That this Planned Unit Development be reviewed on a complaint basis only.

C. March 23, 2015, the Planning Commission approved the extension of Planned Unit Development / PU 02-04 with the following thirteen conditions:

1. That the specific uses of this Planned Unit Development be for single-family residences not to exceed ten (10) units located in not more than five (5) structures of which only Units #5, #7, and #9 may be used for nightly/weekly tourist rental and accessory structures;

2. That the Planned Unit Development continues to be kept clean of all trash, debris and junk;

3. Each residential condominium unit (#1-#4, #6, #8, and #10) continue to have a minimum of two (2) off street parking spaces. All off street parking spaces on the site shall measure at least nine (9) feet by eighteen (18) feet and be surfaced with gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;

4. That only Condominium Units #5, #7, and #9 may be used for night/weekly rental or normal residential use;

5. Condominium units #5, #7, and #9 continue to have a minimum of four (4) off street parking spaces. All off street parking spaces on the site shall measure at least nine (9) feet by eighteen (18) feet and be surfaced with gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;

6. That the maximum occupancy for the night/weekly rental units (Units #5, #7, #9) shall be two people per bedroom and two people for each living room or family room;

7. That smoke detectors are installed in sleeping rooms and common hallways and tested annually as requested by the Pennington County Fire Coordinator. The smoke detectors must be Underwriters Laboratory (UL) listed and be either AC or battery operated;

8. That 2 lb. ABC dry chemical fire extinguishers are accessible to all guests at all times on each floor or structure as requested by the Pennington County Fire Coordinator;

9. That the nightly/weekly rental units remain licensed with the South Dakota Department of Health as a specialty resort;
10. That the applicants have a Sales Tax License as required by the South Dakota Department of Revenue;
11. That signs be allowed to advertise the nightly/weekly rental units in accordance with Section 312 of the Pennington County Zoning Ordinance;
12. That the construction or placements of structures larger than 144 square feet and located on a permanent foundation shall be allowed through the issuance of a Building Permit which will include necessary site plans to be reviewed and approved by the Planning Director; and,
13. That this Planned Unit Development be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Board of Commissioners and/or County Planning Commission to verify that all conditions of approval are being met.
   a. Planning Commission unanimously voted to “amend Condition #9 to change the language from Specialty Resort to Vacation Home Rental…and to continue the review of Planned Unit Development / PU 02-04 to the May 11, 2015, Planning Commission meeting.”

D. April 20, 2015 – Planning Department submitted Major Planned Unit Development Amendment / PU 15-02, to amend the verbiage of Condition #9, as directed by the Planning Commission.
   a. Previously, Condition #9 stated “that the nightly/weekly rental units remain licensed with the South Dakota Department of Health as a specialty resort.”
   b. Condition #9 now reads “that the nightly/weekly rental units remain licensed with the South Dakota Department of Health as a Vacation Home Rental.”

E. June 2, 2015 – Board of Commissioners approved Major Planned Unit Development Amendment / PU 15-02 with the following fourteen (14) conditions:
1. That the specific uses of this Planned Unit Development be for single-family residences not to exceed ten (10) units located in not more than five (5) structures of which only Units #5, #7, and #9 may be used for nightly/weekly tourist rental and accessory structures;
2. That the Planned Unit Development continues to be kept clean of all trash, debris and junk;
3. Each residential condominium unit (#1-#4, #6, #8, and #10) continue to have a minimum of two (2) off street parking spaces. All off street parking spaces on the site shall measure at least nine (9) feet by eighteen (18) feet and be surfaced with gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;
4. That only Condominium Units #5, #7, and #9 may be used for night/weekly rental or normal residential use;
5. Condominium units #5, #7, and #9 continue to have a minimum of four (4) off street parking spaces. All off street parking spaces on the site shall measure at least nine (9) feet by eighteen (18) feet and be surfaced with gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;
6. That the maximum occupancy for the night/weekly rental units (Units #5, #7, #9) shall be two people per bedroom and two people for each living room or family room;

7. That smoke detectors are installed in sleeping rooms and common hallways and tested annually as requested by the Pennington County Fire Coordinator. The smoke detectors must be Underwriters Laboratory (UL) listed and be either AC or battery operated;

8. That 2 lb. ABC dry chemical fire extinguishers are accessible to all guests at all times on each floor or structure as requested by the Pennington County Fire Coordinator;

9. That the nightly/weekly rental units remain licensed with the South Dakota Department of Health as a Vacation Home Rental;

10. That prior to County Board approval, the "Residence and Business Automatic Detail Information Form" be submitted to the Planning Department as requested by the Pennington County Fire Coordinator;

11. That the applicants have a Sales Tax License as required by the South Dakota Department of Revenue;

12. That signs be allowed to advertise the nightly/weekly rental units in accordance with Section 312 of the Pennington County Zoning Ordinance;

13. That the construction or placements of structures larger than 144 square feet and located on a permanent foundation shall be allowed through the issuance of a Building Permit which will include necessary site plans to be reviewed and approved by the Planning Director; and,

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

III. EXISTING CONDITIONS

A. Zoned General Agriculture District, minimum forty (40) acre lot size.

B. 39.52 acres, legal non-conforming lot.

C. Access off of E. Slate Road.

D. Located within the Cosmos Road District.

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

F. Lot contains:

   i. Residential Duplexes, County Building Permits / BP5568, and BP5570.

   ii. Clubhouse, County Building Permit / BP5567.

   iii. Swimming pool, County Building Permit / BP5569.


IV. ANALYSIS
A. July 17, 2020 - Staff performed a site visit to the subject property to verify that the Conditions of Approval are being met.

B. At the time of this Staff Report, staff has not received any complaints regarding the subject property or the Planned Unit Development.
   C. July 20, 2020 – Staff verified with Julie Ramsey (SD Department of Health) that Units 5, 7, and 9 have active Vacation Home Rental Licenses – Condition 9.

July 17, 2020, site photo showing picture of subject property.

RECOMMENDATION: Staff recommends approval of the extension of Major Planned Unit Development Amendment / PU 15-02 with the following conditions:

1. That the specific uses of this Planned Unit Development continue to be for single-family residences not to exceed ten (10) units located in not more than five (5) structures, of which only Units 5, 7, and 9 may be used for nightly/weekly tourist rental and accessory structures;

2. That the Planned Unit Development continues to be kept clean of all trash, debris and junk;
3. That each residential condominium unit (1-4, 6, 8, and 10) continue to have a minimum of two (2) off street parking spaces. All off street parking spaces on the site shall measure at least nine (9) feet by eighteen (18) feet and be surfaced with gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;

4. That only Condominium Units 5, 7, and 9 may be used for night/weekly rental or normal residential use;

5. That condominium units 5, 7, and 9 continue to have a minimum of four (4) off street parking spaces. All off street parking spaces on the site shall measure at least nine (9) feet by eighteen (18) feet and be surfaced with gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;

6. That the maximum occupancy for the night/weekly rental units (Units #5, #7, #9) shall be two people per bedroom and two people for each living room or family room;

7. That smoke detectors are installed in sleeping rooms and common hallways and tested annually as requested by the Pennington County Fire Coordinator. The smoke detectors must be Underwriters Laboratory (UL) listed and be either AC or battery operated;

8. That 2 lb. ABC dry chemical fire extinguishers continue to be accessible to all guests at all times on each floor or structure as requested by the Pennington County Fire Coordinator;

9. That the nightly/weekly rental units remain licensed with the South Dakota Department of Health as a Vacation Home Rental;

10. That the applicants continually have a Sales Tax License as required by the South Dakota Department of Revenue;

11. That signs be allowed to advertise the nightly/weekly rental units in accordance with Section 312 of the Pennington County Zoning Ordinance;

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

13. That this Planned Unit Development be reviewed in three (3) years, on a complaint basis, or as directed by the Pennington County Board of Commissioners or Planning Commission to verify that all Conditions of Approval are being met.
SOUTH DAKOTA
DEPARTMENT OF HEALTH

DEERFIELD LODGING LICENSE

License Type: Vacation Home License
License Number: 1757
Number of Units: 1
Swimming Pool: 0
Spa or Hot Tub: 0

Issued To: WANDA YEAGER
Located At: DEERFIELD PARK, UNIT #7, 2353 DEERFIELD PARK DR, HILL CITY, SD 57745

Expires: 12/31/2020

License is Not Transferable - Post in the Establishment

Secretary of Health

[Signature]

[Date]
SOUTH DAKOTA
DEPARTMENT OF HEALTH
LODGING LICENSE

License Type: Vacation Home License
License Number: 14918

Located At:
LAKESIDE CONDO #9
23536 DEERFIELD PARK DR UNIT 9
HILL CITY, SD 57745

Secretary of Health

Expires 12/31/2020

License is Not Transferable - Post in the Establishment
SOUTH DAKOTA
DEPARTMENT OF HEALTH

LODGING LICENSE

Issued To: LUTZ PROPERTIES LLC
Located At: DEERFIELD PARK ANGLERS HIDEAWAY 2356 DEERFIELD PARK DR #5 HILL CITY, SD 57745

License Number: 121
Number of Units: 1
Swimming Pool: 0
Spa or Hot Tub: 0

Expires 12/31/2020

License is Not Transferable - Post in the Establishment

Secretary of Health

Kevin Malecm, Deputy
GENERAL INFORMATION:

REQUEST: MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW/ PU 19-03: To review an existing Planned Unit Development to allow for additional lots to be developed on the subject properties in accordance with Section 213 of the Pennington County Zoning Ordinance.

APPLICANT: Bill Freytag

APPLICANT ADDRESS: P.O. Box 2192, Rapid City, SD 57709

OWNER: Prairie Valley Development

OWNER ADDRESS: 8240 Daisy Lane, Rapid City, SD 57702

LEGAL DESCRIPTION: Lots 1-3, Block 1; Lots 1-6, Block 2; Lots 1-10, Block 3; Lots 1-10 and Lot 20, Block 4; Lot 1 and Lot 20, Block 5 and Lots 22-41, Block 5; Lots 1-19, Block 6, Lots 1-4, Block 7; and Lots 8-15, Block 7; all of Prairiefire Subdivision; NE1/4 NE1/4 Less Eisenbraun Subdivision, Less Winton Subdivision, Less Prairiefire Subdivision and Less Right-of-Way; and SE1/4 NE1/4 Less Eisenbraun Subdivision, Less Winton Subdivision, Less Prairiefire Subdivision and Less Right-of-Way, all located in Section 26, T1N, R8E, BHM, Pennington County, South Dakota.

SITE LOCATION: South of the intersection of Southside Drive and Anderson Road.

TAX ID: Multiple

SIZE: Approximately 55 acres

EXISTING LAND USE: Residential / Vacant

ZONING REFERENCE: Section 213

CURRENT ZONING: Planned Unit Development District
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SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Flat/ Open Prairie

UTILITIES: Public

REPORT BY: Jason Theunissen

I. PROPOSED RECOMMENDATION
   A. Staff will be recommending approval of the extension of Planned Unit Development / PU 19-03 with conditions.

II. GENERAL DESCRIPTION
   A. To review a Major Planned Unit Development Amendment to increase the number of lots to be developed within the Prairiefire Subdivision.

III. EXISTING CONDITIONS
   A. 83 platted lots.
      1. 37 lots created under Plat #34-104, Book 34, Page 104.
      2. 46 lots created under Plat A202008756.
   B. Two (2) unplatted lots.
      1. NE1/4NE1/4 LESS EISENBAUN SUBD, LESS WINTON SUBD, LESS PRAIRIEFIRE SUBD, AND LESS ROW.
      2. SE1/4NE1/4 LESS EISENBAUN SUBD, LESS WINTON SUBD, LESS PRAIRIEFIRE SUBD, AND LESS ROW.
   C. All zoned Planned Unit Development District (PU 19-03).
   D. Access is off of Felicia, Winton, Zamia, Abelia, and Mondo Streets.
      1. Located within the Winton Road District.
   E. Served by Rapid City water and sewer utilities.
   F. Special Flood Hazard Area on Lots 1, 2, and 3 of Block 1.
      1. FIRM Panel – 46103C0813H.
IV. ZONING HISTORY
A. June 7, 1994 – Board of Commissioners approved Rezone / RZ 94-15 to rezone 69.39 acres from General Agriculture District to Limited Agriculture District to create a five to six lot single-family residential subdivision.
B. February 1, 2005 – Board of Commissioners denied Rezone / RZ 04-39 to rezone approximately 54.91 acres from Limited Agriculture District to Suburban Residential District.
C. June 28, 2005 – Board of Commissioners approved Planned Unit Development / PU 05-06 to rezone approximately 54.91 acres from Limited Agriculture District to Planned Unit Development with the following twelve (12) conditions:
   1. That the Planned Unit Development consists of 46 residential lots and 2 common lots, with a minimum lot size of 1.00 acre;
   2. That a minimum of two (2) off-street parking spaces be provided for each residential lot. All off-street parking spaces on the site shall measure at least 9 feet by 18 feet, be surfaced with gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;
   3. That no off-premise signs be allowed within the Planned Unit Development;
   4. That 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 impacts on adjacent land uses as determined by the Planning Director shall require an amendment to this Planned Unit Development;
   5. That a Building Permit be obtained for any structures exceeding 144 square feet or located on a permanent foundation, which includes the necessary site plans to be reviewed and approved by the Planning Director;
6. That the required minimum setbacks for all structures be a minimum of 25 feet from all property lines;
7. That each unit has an individual address that must be posted in accordance with Pennington County Ordinance Amendment #20;
8. That prior to any Building Permits being issued to the property, the applicant installs an operational centralized water system;
9. That as soon as a public sewer system is within 400 feet of the Planned Unit Development, that any residence or wastewater system becomes located within the jurisdictional boundaries of a municipality or sanitary district or the municipality or sanitary district requests to provide service to the premises, the remaining residences be tied into this system;
10. That a Road District be formed to maintain the road system;
11. That the single-family residences must be stick-built, double-wide manufactured or modular homes meeting the requirements of Section 204-I of the Pennington County Zoning Ordinance; and,
12. That this Planned Unit Development be reviewed in one (1) year on a complaint basis only.

D. March 7, 2006 – Board of Commissioners approved Planned Unit Development / PU 06-03 to amend the Planned Unit Development to allow for 75 residential lots, 1 well lot and 1 detention lot with a minimum lot size of ½ acre with fifteen (15) conditions.
   1. PU 06-03 was reviewed in 2007, 2014, 2015 and 2016.

E. October 4, 2016 – Board of Commissioners approved the extension of PU 06-03 with the following ten (10) conditions:
   1. That the Planned Unit Development consists of no more than 75 residential lots, one (1) well lot and one (1) detention lot with a minimum lot size of 1/2 acre;
   2. That a Building Permit be obtained for any structures exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;
   3. That no off-premise signs be allowed within the Planned Unit Development;
   4. That 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 impacts on adjacent land uses, as determined by the Planning Director, shall require an amendment to this Planned Unit Development;
   5. That the required minimum setbacks meet the Suburban Residential Zoning requirements;
   6. That each address must be posted in accordance with Pennington County Ordinance #20;
7. That prior to any new Building Permits located within newly platted areas of the subdivision, the roads providing access to the lots must be improved to City platting requirements and the applicant must install road signs for the new roads;

8. That the single-family residences must be stick built or double-wide manufactured or modular homes meeting the requirements of Section 204-l of the Pennington County Zoning Ordinance;

9. That road widths are 28-feet-wide, with 4-foot to be reserved for pedestrians and non-motorized travel; and,

10. That this Planned Unit Development be reviewed in three (3) years, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or the Board of Commissioners to verify that all Conditions of Approval are being met.

F. June 18, 2019 – Board of Commissioners approved Major Planned Unit Development Amendment / PU 19-03 with the following conditions:

1. That the Planned Unit Development consists of no more than 145 residential lots, one (1) well lot and one (1) detention lot with a minimum lot size of 7,400 square feet;

2. That a Construction Permit be obtained for any land disturbance exceeding 10,000 square feet (including grading, roads, and utility installation) prior to any work being done;

3. That all lots developed after the approval date of Major Planned Unit Development Amendment / PU 19-03 be connected to sewer and water services provided by the City of Rapid City;

4. That a minimum of two (2) off-street parking spaces be provided for each residential lot. All off-street parking spaces on the site shall measure at least 9 feet by 18 feet, be surfaced with gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;

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

6. That no off-premise signs be allowed within the Planned Unit Development;

7. That the required setbacks for all structures within the Planned Unit Development be a minimum of twenty (20) foot front yard, eight (8) foot side yard, and twenty-five (25) foot rear yard;

8. That each address must be posted in accordance with Pennington County Ordinance #20;

9. That prior to issuance of any Building Permits located within newly platted areas of the subdivision, the roads providing access to the lots must be improved to City Street Design Standards, or the proper exceptions be obtained from the City of Rapid City, and the applicant must install road signs for the new roads;
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10. That the single-family residences must be stick built or double-wide manufactured or modular homes meeting the requirements of Section 204(I) of the Pennington County Zoning Ordinance;

11. That the recorded easements for the south side ditch be strictly maintained and are no encroached upon; and,

12. That this Major Planned Unit Development Amendment be reviewed in one (1) year, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or the Board of Commissioners to verify that all Conditions of Approval are being met.

V. ANALYSIS

A. There are currently 83 platted and two (2) legally described lots within the Prairiefire Subdivision.

B. The subject properties are located within Rapid City’s 3-mile platting jurisdiction.

C. July 16, 2020 – Staff spoke with the applicant, Bill Freytag, and confirmed that he plans to plat an additional 43 residential lots, during the final development phase (Phase 1), in order to bring the total number of platted lots to 126.

1. A copy of the applicant’s Master and Phasing plan is included with this Staff Report.
   a. Phase 2 of this plan was implemented prior to Phase 1 due to drainage concerns.

D. City sewer and water is available in this area (installed in 2017) so it appears that a higher density may be suitable for the area.

RECOMMENDATION: Staff recommends approval of Major Planned Unit Development Amendment / PU 19-03 with the following conditions:

1. That the Planned Unit Development consists of no more than 145 residential lots, one (1) well lot and one (1) detention lot with a minimum lot size of 7,400 square feet;

2. That a Stormwater Permit be obtained for any land disturbance exceeding 10,000 square feet (including grading, roads, and utility installation) prior to any work being done;

3. That all lots developed after the approval date of Major Planned Unit Development Amendment / PU 19-03 be connected to sewer and water services provided by the City of Rapid City;
4. That a minimum of two (2) off-street parking spaces be provided for each residential lot. All off-street parking spaces on the site shall measure at least 9 feet by 18 feet, be surfaced with gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;

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

6. That no off-premise signs be allowed within the Planned Unit Development;

7. That the required setbacks for all structures within the Planned Unit Development be a minimum of twenty (20) foot front yard, eight (8) foot side yard, and twenty-five (25) foot rear yard;

8. That each address must be posted in accordance with Pennington County Ordinance #20;

9. That prior to issuance of any Building Permits located within newly platted areas of the subdivision, the roads providing access to the lots must be improved to City Street Design Standards, or the proper exceptions be obtained from the City of Rapid City, and the applicant must install road signs for the new roads;

10. That the single-family residences must be stick-built or double-wide manufactured or modular homes meeting the requirements of Section 204(l) of the Pennington County Zoning Ordinance;

11. That the recorded easements for the south side ditch be strictly maintained and are not encroached upon; and,

12. That this Major Planned Unit Development Amendment be reviewed in one (1) year, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or the Board of Commissioners to verify that all Conditions of Approval are being met.
Subject Planned Unit Development
PRAIRIE FIRE SUBDIVISION
MASTER AND PHASING PLAN
PENNINGTON COUNTY, SOUTH DAKOTA

APRIL 11, 2019

EXHIBIT 'A'

NOTE
THE FORMERLY UNFLATTED PORTION OF
THE NE1/4 OF THE NE1/4 AND THE SE1/4 OF THE NE1/4 OF
SECTION 26, T26N, R66E
ZONED: PLANNED UNIT DEVELOPMENT.

LEGEND

PHASE 1

PHASE 2

PRELIMINARY
FOR REVIEW ONLY

SCALE: 1" = 200'
STAFF REPORT

GENERAL INFORMATION:

REQUEST:

LAYOUT PLAN / LPL 20-17: To combine lots to create Lot 15R of Oak Meadows Estates in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

APPLICANT / OWNER:

Jeffery Jamison

APPLICANT ADDRESS:

24480 Oak Meadows Court, Keystone, SD 57751

SURVEYOR/ENGINEER:

Andersen Engineers

ADDRESS:

P.O. Box 44, Edgemont, SD 57735

LEGAL DESCRIPTION:

EXISTING LEGAL: Lots 15, 16, 17, and 18 of Oak Meadows Estates, Section 23, T2S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 15R of Oak Meadows Estates, Section 23, T2S, R6E, BHM, Pennington County, South Dakota.

SITE LOCATION:

24480 Oak Meadows Court; southeast of the intersection of Playhouse Road and Oak Meadows Road.

SIZE:

15.24 acres

TAX ID:

68245 / 68246 / 68247 / 68248

EXISTING LAND USE:

Residential

SUBDIVISION REGULATIONS

REFERENCE:

Section 400.1

CURRENT ZONING:

Limited Agriculture District

SURROUNDING ZONING:

North

Limited Agriculture District

General Agriculture District

Limited Agriculture District

South

Limited Agriculture District

East

Limited Agriculture District

West
Agenda Item #12
Jeffery Jamison
July 27, 2020

PHYSICAL CHARACTERISTICS: Hills / Forested

UTILITIES: Private

REPORT BY: Jason Theunissen

I. PROPOSED RECOMMENDATION
   A. Staff will be recommending approval of Layout Plan / LPL 20-17 with conditions.

II. GENERAL DESCRIPTION
   A. The applicant has applied for Layout Plan / LPL 20-17 to combine four (4) existing lots in order to create Lot 15R of Oak Meadows Estates.

III. EXISTING CONDITIONS
   A. Access is off of Oak Meadows Court.
   B. No Special Flood Hazard Area.
   C. Zoned Limited Agriculture District.
   D. Lots 16, 17, and 18 are considered Developmental Lots.
   E. Lot 15 (Tax ID 68245)
      1. 3.5 acres.
      2. 24’ x 24’ guest house with attached garage.
         a. County Building Permit – 2007COBP0328.
         b. On-site Wastewater Construction Permit – 2007COSD0050.
         c. County Operating Permit – COOP19-0353.
         d. No address posted (24472 Oak Meadows Court).
      3. 10’ x 13’ shed – no Building Permit required.
   F. Lot 16 (Tax ID 68246)
      1. 3.6 acres.
      2. 14’ x 27’ horse stall.
         a. Built in 2007, per Department of Equalization records.
         b. No Building Permit on file with Planning Department.
   G. Lot 17 (Tax ID 68247)
      1. 3.5 acres.
         a. County Building Permit – 1992COBP0368.
         b. Mud room addition and attached garage.
            i. County Building Permit – COBP19-0273.
         c. Master bedroom addition (to increase size).
            i. County Building Permit – COBP19-0274.
         d. On-site Wastewater Construction Permit – issued in 1992, no permit number assigned.
         e. No County Operating Permit on file with Planning Department.
Agenda Item #12
Jeffery Jamison
July 27, 2020

H. Lot 18 (Tax ID 68248)
   1. 4.64 acres.
   2. Vacant of any structures.

![Diagram of Lot 18 and surrounding lots](image1.png)

Existing Lots – RapidMap, July 20, 2020

IV. PROPOSED LOT
   A. Access is off of Oak Meadows Court.
   B. No Special Flood Hazard Area.
   C. Zoned Limited Agriculture District.
   D. 15.24 acres.

![Diagram of proposed lot and surrounding area](image2.png)

A Portion of Lot Survey – Andersen Engineers, May 27, 2020
V. REQUEST FOR COMMENT

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

B. County Environmental Planner II
   1. The residence on Lot 15 has an approved septic permit (COOP19-0353) for 3 bedrooms and a current Operating Permit (COOP19-0353). The residence on Lot 17 has a septic system that has no record of inspection or an Operating Permit. An Operating Permit will need to be obtained for this system.
      a. Staff Comment: This will be addressed as a Condition of Approval.

C. County Ordinance Enforcement
   1. No comments.

D. County Addressing Coordinator / Floodplain Manager
   1. The address (24472 Oak Meadows Court) will need to be assigned to the guest house on Lot 15 and posted in accordance with Pennington County Ordinance #20.
   2. No Special Flood Hazard Area on the subject properties.
      a. Staff Comment: This will be addressed as a Condition of Approval.

E. Black Hills Electric Cooperative
   1. BHEC has no comments.

F. Emergency Services (9-1-1)
   1. No comments for 911.

G. Department of Equalization
   1. Approved at this stage!

H. County Fire Administrator and County Sheriff’s Office
   1. No comments received.

I. County Natural Resources Director
   1. No objections.

J. Register of Deeds
   1. Proposed legal description is acceptable.

K. U.S. Forest Service
   1. No additional access roads will be authorized across National Forest System lands.
   2. Protect all posted boundary line corners, signs and bearing trees.
   3. Adhere to the setback requirements along the posted boundary between National Forest System lands and private property.
   4. Protect all known stream courses, ponds and riparian areas located on National Forest System lands.
   5. No resource damage to occur on National Forest System lands.
   6. All proposed drain fields, leach lines or septic systems will need to be located on private property and not located on or drain or leach onto National Forest System lands.
   7. All construction materials, supplies, trash or garbage will not be located or dumped on National Forest System lands.
8. Public roads in this area of the Black Hills National Forest are classified as “Roads Open to Highway Legal Vehicles Only” and “Highways, US, State” per the latest version of the Motor Vehicle Use Map.

9. No motorized trailheads or motorized trails or motorized roads are planned or scheduled for this portion of the Black Hills National Forest.

10. No motorized trails for ATV, motorcycles or ORV will be authorized from private property unto National Forest System lands (USFS does not want unauthorized trails constructed on National Forest System lands).

VI. ANALYSIS

A. June 16, 2020 – The applicant applied for Layout Plan / LPL 20-17 to combine four (4) lots in order to create Lot 15R of Oak Meadows Estates.

B. The proposed lot will meet the minimum lot size requirement for a Limited Agriculture District.

C. An address will need to be assigned to the single-family residence on Lot 15 and posted in accordance with Ordinance #20.

D. The applicant will need to obtain a County Operating Permit for the single-family residence on Lot 17 before a Minor Plat can be applied for.

E. An approved Building Permit will need to be obtained for the 14’ x 27’ horse stall on Lot 16 and any associated penalty fees will need to be paid.

F. An approved Conditional Use Permit will be required for the guest house on Lot 15.

G. Staff finds no significant issues with the applicant’s request as it appears to be in harmony with existing lots and current land uses in the area.
RECOMMENDATION: Staff recommends approval of Layout Plan / LPL 20-17 with the following conditions:

1. That at the time of Minor Plat submittal, the applicant obtains an approved County Operating Permit for the single-family residence on Lot 17 to bring the system into conformance with Pennington County Zoning Ordinance requirements;

2. That at the time of Minor Plat submittal, the address (24472 Oak Meadows Court), for the guest house on Lot 15, be posted in accordance with Ordinance #20, per County Addressing Coordinator's comments;

3. That at the time of Minor Plat submittal, the applicant obtains an approved Building Permit for the 14' x 27' shed on Lot 16 and pay any associated penalty fees;

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

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

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

7. That prior to filing the Plat with the Register of Deeds, an approved Conditional Use Permit be obtained for the guest house on Lot 15;

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

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

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

GENERAL INFORMATION:

REQUEST: PRELIMINARY PLAT / PL 20-18: To create Tract 1 of South Caputa Addition in accordance with Section 400.2 of the Pennington County Subdivision Regulations.

APPLICANT: H & H Land Company #2, LLC

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

AGENT: Brian Hammerbeck

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

SURVEYOR / ENGINEER: D. C. Scott Surveyors

ADDRESS: 3153 Anderson Road, Rapid City, SD 57703

LEGAL DESCRIPTION: EXISTING LEGAL: E1/2SE1/4 and PT GL 1; Section 1, T1S, R9E, BHM, Pennington County, South Dakota.

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

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

SIZE: 40.00 acres

TAX ID: 70631

EXISTING LAND USE: Residential / Agriculture

SUBDIVISION REGULATIONS REFERENCE: Section 400.2

CURRENT ZONING: General Agriculture District
Agenda Item #13  
H & H Land Company No. 2, LLC  
July 27, 2020

SURROUNDING ZONING:  
\begin{align*}  
\text{North} & \quad \text{General Agriculture District} \\
\text{South} & \quad \text{General Agriculture District} \\
\text{East} & \quad \text{General Agriculture District} \\
\text{West} & \quad \text{General Agriculture District} \quad \text{Limited Agriculture District} 
\end{align*}

PHYSICAL CHARACTERISTICS:  Flat / Open Prairie

UTILITIES:  
Private

REPORT BY:  
Jason Theunissen

I. PROPOSED RECOMMENDATION  
A. Staff will be recommending approval of Preliminary Plat / PL 20-18 with conditions.

II. GENERAL DESCRIPTION  
A. The applicant’s agent, Brian Hammerbeck, applied to create Tract 1 of South Caputa Addition.

III. EXISTING CONDITIONS  
A. Zoned General Agriculture District.  
B. 90.41 acres.  
C. Special Flood Hazard Area (100-year) – FIRM Panel 46103C1275H.  
D. Takes access off of Saint Jermaine Road.  
E. 40’ x 60’ pole barn – County Building Permit 2009COBP0154.  
F. On-site Wastewater Treatment System – Permit 2000COSD0028.  
G. Single-family residence – built in 1910, according Department of Equalization records.  
H. 24’ x 24’ detached garage – built in 1930, according Department of Equalization records.

IV. PROPOSED LOT  
A. Tract 1 of South Caputa Addition.  
B. Zoned General Agriculture (40-acre minimum lot size).  
C. 40 acres.  
D. Special Flood Hazard Area (100-year) – FIRM Panel 46103C1275H.  
E. Vacant of structures.  
F. Access is to be taken off of Derby Lane.
V. REQUEST FOR COMMENT
A. County Highway Department
   1. An approach permit will need to be obtained for Tract 1. If the parcels stay zoned for general agriculture, the Highway Department would not oppose waiving the requirement of improving Ordinance 14 Pennington County Design Standards. If zoning status changes for further subdivision of the parcel, the Highway Department would require that Derby Lane be improved to be in compliance with Ordinance 14.
B. County Environmental Planner II
   1. No septic information could be found for the existing house. I have no further concerns with this proposal however, if the applicant decides to install new septic systems on the property all rules of Pennington County Zoning Ordinance 204-J must be followed.
      a. *Staff Comment: This will be included as a Condition of Approval.*

C. County Ordinance Enforcement
   1. No known violations.

D. Emergency Services (9-1-1)
   1. No comments from 911.

E. Department of Equalization
   1. Looks good at this stage!

F. County Addressing Coordinator / Floodplain Manager
   1. No addressing concerns at this time. Future addresses must be posted in accordance with Pennington County Ordinance 20.
   2. There is Special Flood Hazard Area (SFHA) on the property – FIRM Panel 46103C1275H.
   3. Final Plat will need to contain one hundred (100) year floodplain limits in accordance with Pennington County Subdivision Regulations, Section 400.3(1)(l).
   4. A Floodplain Development Permit will be required for any work within the SFHA.
      a. *Staff Comment: These will be included as Conditions of Approval.*

G. Register of Deeds
   1. Plat heading is ok.
   2. Certificates appear to be required certificates per state statute.
   3. Acknowledgement of owner needs to read that Brian Hammerbeck is signing on behalf of H&H Land Company No. 2 LLC, he is not signing individually.
   4. Please use page 2 space better and give more room for certificates, many offices use seals and need room so that their seal does not cover up signatures or other language. If something gets covered up, the plat may not be accepted for recording.
      a. *Staff Comment: These will be included as Conditions of Approval.*

H. West River Electric
   1. West River Electric has no comments regarding the Preliminary Plat – Variance – H&H that is attached.
VI. ANALYSIS

A. April 8, 2020 – The applicant’s agent, Brian Hammerbeck, applied for Layout Plan / LPL 20-09 to combine portions of three (3) lots into one (1) lot in order to create Tract D of Hook J Addition.

B. May 19, 2020 – Board of Commissioners approved Layout Plan / LPL 20-08 to create Hook J Addition, with the following conditions:

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

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

3. That prior to filing the Plat with the Register of Deeds, the remaining unplatted potions of the parent lots (Tax IDs 650, 651, 13381) be Rezoned appropriately, to include a Comprehensive Plan Amendment, or an approved Lot Size Variance be obtained;

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

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

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

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

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

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

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

11. That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.
Agenda Item #13
H & H Land Company No. 2, LLC
July 27, 2020

C. To address Condition #3, the applicant’s agent combined former Tax IDs 650, 651, and 13381 in order to create the subject property (Tax ID 70631).

D. June 16, 2020 – The applicant’s agent applied for Preliminary Plat / PL 20-18 to create Tract 1 of South Caputa Addition.

E. The creation of this lot will increase density on Derby Lane and the applicant will be required to improve Derby Lane to Pennington County Road Standards or obtain approval of a Subdivision Regulations Variance to waive these requirements.
   1. June 16, 2020 – The applicant’s agent applied for a Variance to waive this requirement, which will be heard at the Board of Adjustment meeting on August 4, 2020.
   2. This requirement is included as a Condition of Approval.

F. County Floodplain Manager, Register of Deeds, and County Environmental Planner had comments that are included as Conditions of Approval.

G. The proposed lot does not appear to reduce the size of the existing lot below minimum lot size requirements for a General Agriculture District.

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

RECOMMENDATION: Staff recommends approval of Preliminary Plat / PL 20-18 with the following conditions:

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

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

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

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

5. That prior to Final Plat submittal, the Certifications on the Final Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations and are spaced further apart on page 2 of the Plat, per Register of Deeds comments contained in this report;

6. That prior to Final Plat submittal, the Acknowledgement of Owner Certification be corrected, per Register of Deeds comments contained in this report;
7. That at the time of Final Plat submittal, the plat meets the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;

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

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

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

11. That approval of this Preliminary Plat does not constitute approval of any further applications to be submitted for the above-described property.
SURVEY PLAT OF
TRACT 1 OF SOUTH DAKOTA ADDITION
LOCATED IN THE 1/2 SE1/4 AND THAT PART OF GOVERNMENT LOT 1
LYING SOUTH OF RAILROAD RIGHT-OF-WAY
SECTION 1, TOWNSHIP 1 SOUTH, RANGE 6 E. EAST OF THE BLACK HILLS MERIDIAN,
PENNINGTON COUNTY, SOUTH DAKOTA.
JUNE, 2020

FOR REVIEW
PRINT DATE: JUNE 18, 2020

STATEMENT

I, Sean G. Scott, Registered Land Surveyor, do hereby state that at the
request of the Grantee listed herein, I have surveyed the tract of land
hereinafter described and shown upon the plat the boundaries in the
manner shown and that this plat is correct to the best of my knowledge,
information and belief. Certain easements, restrictions, or other property
rights of public record or private agreement may not be shown.

IN WITNESS WHEREOF, I hereby set my hand and seal
this day of , 20.

Registered Land Surveyor No. 6887

CERTIFICATE

I, Brian Hammerbeck, do hereby certify that if & H Land Company No. 2
LLC, is the owner of the land shown and described herein, that I did
assemble and do plot in and approve the survey and plat for said on behalf
of the said Company No. 2 LLC. I further certify that the development of
this land shall conform to all existing applicable coding, subdivision, and
sewage and septic control regulations.

IN WITNESS WHEREOF, I hereby set my hand
this day of , 20

Brian Hammerbeck, Member

ACKNOWLEDGMENT OF CROPPER

STATE OF SOUTH DAKOTA
COUNTY OF PENNINGTON

On the day of , 20 , before me, the undersigned
notary public, personally appeared Brian Hammerbeck, known to me to be the
person who executed the foregoing Survey's Certificate, and acknowledged
to me that he executed the same for the purpose therein contained.

IN WITNESS WHEREOF, I hereby set my hand and official seal

my commission

Notary Public

CREDIT OF HIGHWAY AUTHORITY

Per Sec. 11-9-15.1 access to this property from the existing Highway
or Street is approved. Specific approach location and configuration must
conform to all current Highway and/or Street regulations.

DATED this day of , 20

Highway or Street Authority

COUNTY TREASURER'S CERTIFICATE

I, Treasurer of Pennington County, South Dakota, do hereby certify that,
all taxes which are due upon the land described herein, as shown by
the records of my office, are fully paid.

DATED this day of , 20

Pennington County Treasurer

RESOLUTION OF GOVERNING BOARD

I, Auditor of Pennington County, South Dakota, do hereby certify that at
an official meeting held on the day of , 20
the Pennington County Commissioners, by resolution, did approve the
plat as shown hereto.

DATED this day of , 20

Pennington County Auditor

CERTIFICATE OF DIRECTOR OF EQUITATION

I, Director of Equitation of Pennington County, South Dakota, do hereby
certify that I have a copy of the within described plat in my office.

DATED this day of , 20

Pennington County
Director of Equitation

CERTIFICATE OF SHERIFF OF PENNINGTON COUNTY

Filed for record this day of , 20
No. , and recorded as Document No.

Pennington County
Sheriff of Pennington County

REGISTRAR OF DEEDS

Pennington County
Registrar of Deeds
AGENDA ITEM #14
Andrew Vig (Vig Ag Supply)
July 27, 2020

STAFF REPORT

GENERAL INFORMATION:

REQUEST:  

CONDITIONAL USE PERMIT / CU 20-16: To allow for the sale of Agriculture Equipment and Supplies in a Heavy Industrial District in accordance with Sections 212 and 510 of the Pennington County Zoning Ordinance.

APPLICANT:  

Andrew Vig (Vig Ag Supply)

APPLICANT ADDRESS:  

4705 S. I-90 Service Road, Rapid City, SD 57703

LEGAL DESCRIPTION:  

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.

SITE LOCATION:  

4705 S. I-90 Service Road.

SIZE:  

6.23 acres

TAX ID:  

15170

EXISTING LAND USE:  

Wood Stock Supply Building

ZONING REFERENCE:  

Sections 212 and 510

CURRENT ZONING:  

Heavy Industrial District

SURROUNDING ZONING:  

North: City Limits of Box Elder
South: City Limits of Rapid City
East: City Limits of Box Elder
West: City Limits of Box Elder

PHYSICAL CHARACTERISTICS:  

Flat

UTILITIES:  

Public

REPORT BY:  

Stephanie Jansen
I. PROPOSED RECOMMENDATION
   A. Staff will be recommending approval of Conditional Use Permit / CU 20-16 with conditions.

II. GENERAL DESCRIPTION
   A. The applicant, Andrew Vig, has applied for a Conditional Use Permit to allow for the sale of Agriculture Equipment and Supplies in a Heavy Industrial District.

III. EXISTING CONDITIONS
   A. Zoned Heavy Industrial District.
   B. 6.23 acres.
   C. Access off of S Interstate 90 Service Rd.
   D. There is no Special Flood Hazard Area on the subject property.
   E. Lot Contains:
      1. 32,200 sqft. Storage Warehouse – built in 1958, per Department of Equalization (DOE) records.
      3. 64’ X 144’ Warehouse – COBP17-0125.
   F. Wood Stock Supply is still in operation on-site by the applicant.

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

   A. The effect upon the use and enjoyment of other property in the immediate vicinity for uses already permitted, and upon property values within the immediate vicinity.
      1. The proposed use of the sale of Agriculture Equipment and Supplies in a Heavy Industrial District should not affect the use and enjoyment of other property in the immediate vicinity for the uses already permitted.
      2. The subject property is surrounded by Rapid City Limits and Box Elder City Limits. Rapid City’s Heavy Industrial District allows farm implement and machinery sales as a permitted use.
      3. Staff cannot predict the impact the proposed use will have on property values in the immediate vicinity.

   B. The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
      1. It appears that by allowing this Conditional Use Permit, the use should not affect the normal, orderly development or improvement of any surrounding vacant property in the area.
C. **That utilities, access roads, drainage and/or other necessary facilities are provided.**
   1. The proposed use of the sale of Agriculture Equipment and Supplies in a Heavy Industrial District should not require any utilities or facilities that are not already in place. Access is provided off of S. Interstate 90 Service Road. Lastly, staff has no drainage concerns relating specifically to the applicant’s request at this time.

D. **That the off-street parking and loading requirements are met.**
   1. The Zoning Ordinance requires one parking spot for every 50 square feet of customer service area, plus two per three employees based on design capacity of the largest shift for wholesale establishments and business services. There is ample space on the subject property to accommodate the necessary number of parking spaces.

E. **That measures are taken to control offensive odor, fumes, dust, noise, vibration and lighting (inclusive of lighted signs), so that none of these will constitute a nuisance.**
   1. The proposed Conditional Use, by its very nature, should have limited odor, fumes, dust, noise, vibrations, and intrusive lighting. The applicant should take care so the proposed use does not create the above-listed elements in any amount that would constitute a nuisance.

II. **REQUEST FOR COMMENT**
A. County Highway Department
   1. The Highway Department has no comment.

B. County Environmental Planner II
   1. Rapid City 1-mile.

C. County Addressing Coordinator/ Certified Floodplain Manager
   1. No Special Flood Hazard Area on the subject property.
   2. No addressing concerns at this time. Future addresses must be posted in accordance with Pennington County Ordinance 20.

D. Rapid City Long Range Planning
   1. Future Land Use of the property is Heavy Industrial.
   2. ITE Trip Generation:
      Previous Use: Land Use Code 812: Building Materials and Lumber Store; 50,800 square feet
      2.06 trips/1k sqft/peak hour = 20.6 x 50.8 = 105 trips/peak hour
      1.4 trips/1k sqft/peak hour = 1.4 x 50.8 = 71 trips/peak hour
      The proposed use results in a net decrease in trips generated by the property.
Agenda Item #14
Andrew Vig (Vig Ag Supply)
July 27, 2020

E. County Natural Resources Director
   1. No objections.
F. Rapid City Community Planning
   1. The City’s Future Land Use Plan identifies the appropriate use of
      the property as Heavy Industrial. The City’s Heavy Industrial
      District allows farm implement and machinery sales as a permitted
      use.

III. ANALYSIS
A. June 30, 2020 – Andrew Vig applied for a Conditional Use Permit
   application to allow for the sale of agriculture equipment and supplies in a
   Heavy Industrial District.

B. July 16, 2020 – Staff spoke with Andrew Vig, who explained that the Vig
   Agriculture Supply will be available by appointment or as-needed without
   scheduled hours of operation. Andrew Vig currently operates Wood Stock
   Supply and intends to walk out and visit with customers if they need sales
   assistance. Mr. Vig doesn’t anticipate much traffic. He mentioned that, if
   his business has more than 2 vehicles a day to the property, he would be
   thankful.

C. July 21, 2020 – Staff performed a site visit and there appeared to be no
   concerns. The property contained an ample amount of parking and remained
   free of junk and debris.

7/21/2020 Site Visit- Front of building
Agenda Item #14
Andrew Vig (Vig Ag Supply)
July 27, 2020

7/21/2020 Site Visit – Grassy area in front of building where agriculture equipment will be placed

RECOMMENDATION: Staff recommends approval of Conditional Use Permit / 20-16 with the following conditions:

1. 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;

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

3. That the address (4750 S. I-90 Service Rd.) be continually posted on the residence so that it is visible from I-90 Service Road, in accordance with Pennington County’s Ordinance #20;

4. That a minimum of 2 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;

5. 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;
6. That the hours of operation be from 8:00 a.m. to 5:30 p.m. or on an appointment basis; and,

7. That Conditional Use Permit / CU 20-16 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.
Rapid City - Pennington County GIS

Legend

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

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

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

REQUEST:  CONDITIONAL USE PERMIT REVIEW / CU 19-22: To review an existing residence to be used as a Vacation Home Rental in a Suburban Residential District in accordance with Sections 208, 319, and 510 of the Pennington County Zoning Ordinance.

APPLICANT:  Michael and Soraya Pellan

APPLICANT ADDRESS:  1545 Manasco Circle, Folsom, CA 95630

LOCAL CONTACT/AGENT:  Patrick Coupens

AGENT ADDRESS:  135 Swiss Drive, Rapid City, SD 57702

LEGAL DESCRIPTION:  Lot 24R, Block B, Edelweiss Mountain Development Subdivision, Section 17, T1N, R5E, BHM, Pennington County, South Dakota.

SITE LOCATION:  140 Swiss Drive; located near the intersection of Alpine Drive and Swiss Drive.

SIZE:  0.93 acre

TAX ID:  1964

EXISTING LAND USE:  Residential

ZONING REFERENCE:  Sections 208, 319 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:  Forested / Mountainous

UTILITIES:  Community
I. PROPOSED RECOMMENDATION
   A. Staff will be recommending approval of the extension of Conditional Use Permit / CU 19-22 with conditions.

II. GENERAL DESCRIPTION
   A. The applicants, Michael and Soraya Pellan, requested a Conditional Use Permit to allow an existing three (3) bedroom residence to be utilized as a Vacation Home Rental.

III. EXISTING CONDITIONS
   A. Zoned Suburban Residential District.
   B. 0.93 acre.
      1. Plat originally filed in 1972 (Plat Book 12, Page 48).
      2. Plat of existing Lot 24R, Block B was filed in 1976 (Plat Book 14, Page 280).
   C. Access off of Swiss Drive via an existing approach.
      1. Located within the Edelweiss Road District.
   D. Lot contains:
      3. Connected to the Edelweiss Mountain lagoon system.
   E. No Special Flood Hazard Area on the subject property.
   F. Variance / VA 19-05 – to allow a less than one-acre Vacation Home Rental in a Suburban Residential District.

IV. PROPERTY HISTORY
   A. July 26, 2006 – The applicants purchased the subject property (Deed Book 160, Page 2092).
   B. January 11, 2017 – Section 319 of the PCZO, which regulates Vacation Home Rentals, was amended.
      1. Section 319(B)(3) states, “As long as the subject property for the VHR is a minimum of 1-acre with a combination of acceptable Public and/or Private Systems, as determined by the South Dakota Department of Health and the Pennington County Planning Department; VHRs are permitted with approval of a Conditional Use Permit in:
         a. General Agriculture Zoning Districts;
         b. Limited Agriculture Zoning Districts;
         c. Low Density Residential Zoning Districts; and,
         d. Suburban Residential Zoning Districts.”
C. April 1, 2019 – Staff received a complaint regarding a Vacation Home Rental being operated on the subject property without an approved Conditional Use Permit.
   1. Ordinance Violation (COVO19-0032) was opened.

D. Since the property is less than 1-acre (0.93 acre), the applicants could not apply for a Conditional Use Permit unless they received approval of a Variance to Section 319(B)(3) to allow the Vacation Home Rental on a lot less than one (1) acre in size.

E. June 18, 2019 – Board of Commissioners approved Variance / VA 19-05, a Variance to Section 319-B-3 of the Pennington County Zoning Ordinance to allow a less than one (1) acre lot size for a Vacation Home Rental in a Suburban Residential District.
   1. “MOVED by Hadcock and seconded by Drewes to approve Variance / VA 19-05, with the following two (2) conditions, and in one year bring this item back to the Commissioners for review. Vote: The motion carried 4-1 with DiSanto voting no.
      1. That this Variance only applies for the existing single-family residence to be utilized as a Vacation Home Rental; and,
      2. That an approved Conditional Use Permit is obtained for the Vacation Home Rental on the subject property within sixty (60) days of approval of Variance / VA 19-05.”


G. August 26, 2019 – The Planning Commission approved Conditional Use Permit 19-22 with the following conditions:
   1. That the maximum overnight occupancy, per Pennington County Zoning Ordinance (PCZO) Section 319(F)(1), be limited to ten (10) people and the maximum daytime occupancy be limited to twenty (20) people, per PCZO Section 319(F)(13);
   2. That each review of Conditional Use Permit / CU 19-22, be subject to PCZO Section 511(F)(3), which imposes a $100 fee per review;
   3. That the applicant continually maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department upon request;
   4. That the applicant continually maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;
   5. That a minimum of three (3) off-street parking spaces be provided on-site, per PCZO Section 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
6. That an interior informational sign be posted in accordance with the requirements of PCZO Section 319(G), with 9-1-1 and (605) 394-2151 listed as contacts for Fire Department and Sheriff’s Office respectively, during operation of the Vacation Home Rental;

7. That the lot address (140 Swiss Drive) be posted on the residence at all times and so it is clearly visible from Swiss Drive, in accordance with Pennington County’s Ordinance #20;

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

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

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

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

12. 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,

13. That this Conditional Use Permit be reviewed at the June 22, 2020, Planning Commission meeting (to coincide with the review of Variance / VA 19-05), 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.

H. Since the proposed VHR is serviced by the Edelweiss lagoon, the maximum overnight occupancy was calculated in accordance with Section 319(F)(1) of the Pennington County Zoning Ordinance, which states, “the maximum overnight occupancy allowed in a VHR shall be no greater than two (2) persons per bedroom, plus four (4) additional persons, but may be fewer based on the capacity of the wastewater system.”

1. The proposed VHR is a three (3) bedroom residence. Thus, the maximum overnight occupancy would be ten (10) people.

I. Currently, there are several other Vacation Home Rentals permitted within the Edelweiss Mountain Development.
VI. ANALYSIS FOR JULY 27, 2020

A. On July 7, 2020, the Board of Adjustment reviewed and approved Variance / VA 19-07.

B. The Board of Adjustment also motioned that a Condition of Approval be added to this Conditional Use Permit that if the property is sold, this CUP automatically ends.

RECOMMENDATION: Staff recommends approval of Conditional Use Permit / CU 19-22 with the following fourteen (14) conditions:

1. That the maximum overnight occupancy, per Pennington County Zoning Ordinance (PCZO) Section 319(F)(1), be limited to ten (10) people and the maximum daytime occupancy be limited to twenty (20) people, per PCZO Section 319(F)(13);

2. That each review of Conditional Use Permit / CU 19-22, be subject to PCZO Section 511(F)(3), which imposes a $100 fee per review;

3. That the applicant continually maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department upon request;
4. That the applicant continually maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;

5. That a minimum of three (3) off-street parking spaces be provided on-site, per PCZO Section 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;

6. That an interior informational sign be posted in accordance with the requirements of PCZO Section 319(G), with 9-1-1 and (605) 394-2151 listed as contacts for Fire Department and Sheriff’s Office respectively, during operation of the Vacation Home Rental;

7. That the lot address (140 Swiss Drive) be posted on the residence at all times and so it is clearly visible from Swiss Drive, in accordance with Pennington County’s Ordinance #20;

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

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

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

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

12. 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;

13. That upon the sale or transfer of this property located at 135 Swiss Drive, this Conditional Use Permit automatically end; and,

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

GENERAL INFORMATION:

REQUEST:  

PLANNED UNIT DEVELOPMENT REVIEW / PU 05-18: To review a Planned Unit Development, to allow for 1-acre minimum residential home sites on approximately 216 acres in accordance with Section 213 of the Pennington County Zoning Ordinance.

APPLICANT:  

Gordon Howie

APPLICANT ADDRESS:  

15372 Antelope Creek Road
Rapid City, SD 57703

LEGAL DESCRIPTION:  

Lot 1; Lots 2A, 3A, 4A, 5A of Block 1 and Lots 2B, 3B, 4B, 5B, 6A and 6B of Block 1; Lot 1 of Block 2; Lots 3-6 of Block 3; Wastewater Lot 1; Balance of Tract A; all located in Gulch No. 2 Subdivision, all located in Section 32, T1N, R9E, and GL 3 Less ROW; and GL 4 located in Section 4, T1S, R9E, BHM, Pennington County, South Dakota.

SITE LOCATION:  

Bradsky Road; south of the intersection of E. Highway 44 and Bradsky Road.

SIZE:  

~216 acres

TAX ID:  

Multiple

EXISTING LAND USE  

Residential

ZONING REFERENCE:  

Section 213

CURRENT ZONING:  

Planned Unit Development District

SURROUNDING ZONING:  

North  
General Agriculture District

South  
Planned Unit Development District

East  
Planned Unit Development District

West  
General Agriculture District

PHYSICAL CHARACTERISTICS: Open Prairie / Rolling hills

UTILITIES:  

Community water and sewer
I. PROPOSED RECOMMENDATION
   A. Staff will be recommending approval of the Planned Unit Development / PU 05-18 with conditions.

II. GENERAL DESCRIPTION
   A. The applicant, Gordon Howie, requested to rezone approximately 216 acres from Low Density Residential District to Planned Unit Development to create the Cedar Gulch No. 2 Subdivision.
   B. This review is in response to a complaint filed by the Cedar Gulch II Water and Sanitary District.

III. EXISTING CONDITIONS
   A. Planned Unit Development District / PU 05-18 was approved by the Board of Commissioners on January 16, 2007 with the following ten (10) conditions:

1. That prior to any platting, the second means of ingress/egress be engineered. That prior to the issuance of the seventh Building Permit, the second means of ingress/egress be constructed to allow construction vehicles access to the development. That prior to issuance of the thirty-first Building Permit, the second means of ingress/egress be constructed to Ordinance 14 standards. That prior to issuance of the seventy-firsts Building Permit, the second means of ingress/egress be paved;
2. That prior to any work being done within the 100-year floodplain, a Floodplain Development Permit be obtained;
3. That no lots within the PUD be allowed direct access onto Bradsky Road;
4. That the PUD consists of no more than 150 lots and the minimum lot size be one acre,
5. That the Special Animal Keeping Regulations, as outlined in Section 204-G of the Pennington County Zoning Ordinance, and no more than one (1) large animal be housed on one (1) acre, be continually followed;
6. That all residences must meet the standards for stick-built and manufactured homes as outlined in Section 204;
7. That the minimum setbacks for the Planned Unit Development shall be twenty-five (25) feet from all property lines and fifty-eight (58) feet from all Section Lines;
8. That a Homeowner's Association be created and covenants filed along with the Final Plat for the maintenance of the community water system and all common areas;
9. That a road district be formed prior to the seventh Building Permit, for the maintenance and care of all roads within the development; and,

10. That the PUD be reviewed on a complaint basis.

B. Currently, there are 16 address points within the Planned Unit Development.

C. Currently, there are 19 lots and one wastewater lot within the Planned Unit Development.

D. There is Special Flood Hazard Area on the subject property – Zone A.

IV. LAYOUT PLAN / LPL 20-14

A. The proposed seven (7) residential lots in the Cedar Gulch #2 Subdivision are as follows:

1. Lot 2 of Block 2, Cedar Gulch No. 2 Subdivision.
   a. Planned Unit Development District / PU 05-18.
   b. 6.263 acres.
   c. Vacant of any structures.
   d. Special Flood hazard Area – Zone A.
   e. Access off of Bradsky Road or Galloway Drive.
      i. Cedar Gulch #2 Road District.
   f. 20’ Water Main Easement.

2. Lot 1 of Block 3, Cedar Gulch No. 2 Subdivision.
   a. Planned Unit Development / PU 05-18.
   b. No acreage given on proposed plat.
   c. Vacant of any structures.
   d. Access off of Brahman Lane.
      i. Cedar Gulch #2 Road District.

3. Lot 2 of Block 3, Cedar Gulch No. 2 Subdivision.
   a. Planned Unit Development District / PU 05-18.
   b. No acreage given on proposed plat.
   c. Vacant of any structures.
   d. Access off of Brahman Lane.
      i. Cedar Gulch #2 Road District.

4. Lot 7 of Block 3, Cedar Gulch No. 2 Subdivision.
   a. Planned Unit Development / PU 05-18.
   b. 1.007 acres.
   c. Vacant of any structures.
   d. Access off of Brahman Lane.
      i. Cedar Gulch #2 Road District.

5. Lot 8 of Block 3, Cedar Gulch No. 2 Subdivision.
   a. Planned Unit Development / PU 05-18.
   b. 1.007 acres.
   c. Vacant of any structures.
   d. Access off of Brahman Lane.
      i. Cedar Gulch #2 Road District.
6. Lot 9 of Block 3, Cedar Gulch No. 2 Subdivision.
   a. Planned Unit Development / PU 05-18.
   b. 1.007 acres.
   c. Vacant of any structures.
   d. Access off of Brahman Lane.
      i. Cedar Gulch #2 Road District.

7. Lot 10 of Block 3, Cedar Gulch No. 2 Subdivision.
   a. Planned Unit Development / PU 05-18.
   b. 1.005 acres.
   c. Vacant of any structures.
   d. Access off of Brahman Lane or Dawkins Road.
      i. Cedar Gulch #2 Road District.
B. On July 21, 2020, the Board of Commissioners continued Layout Plan / LPL 20-14 to the August 4, 2020, Board of Commissioner’s meeting to allow for the review of this Planned Unit Development.

IV. ANALYSIS
A. Staff contacted the engineer (Longbranch Civil Engineering) for the plat regarding water, sewer and access issues pertaining to the proposed plat request. According to the engineer:

1. There are water hook ups at each of the proposed seven (7) lots.
2. There are dry sewer hook ups on proposed Lots 1 and 2 of Block 3 and Lot 2 of Block 2. Sewer line extension will be required along Galloway Drive prior to issuance of a Building Permit on those lots. A septic tank will be required at each of the lots and connected to the lagoon system once the sewer line extension is installed.
3. There are sewer hook ups for Lots 7-10 of Block 3. A septic tank will be required at each of the lots and connected to the lagoon system.
4. There are engineered construction plans for connection of the Cedar Gulch No. 2 Subdivision to South Airport Road via a gravel road constructed to Ordinance 14 Standards.
   a. Construction plans were prepared in order to meet the requirements of Condition #1 of Planned Unit Development / PU 05-18.
   b. To date, this road has not been constructed.
   c. There was limited emergency construction access via this route during the construction and widening of the Bradsky Road bridge.

B. On July 13, 2020, Staff received a complaint regarding connection to the water system within the Planned Unit Development.

1. The Cedar Gulch No. 2 Water and Sanitary District requested that the Planned Unit Development be reviewed and that additional conditions be added to address taps fees and the limited water supply of the existing system.
2. The complaint letter is attached.

C. There are over 60 address points currently addressed off of Bradsky Road.

D. Creation of additional of lots on Bradsky Road will require a Variance to the Subdivision Regulations to allow additional lots on a dead-end road without the construction of the second means of vehicular ingress or egress.

E. Due to the concerns from the Cedar Gulch No. 2 Water and Sanitary District and the unlikelihood of allowing additional water taps to the new lots, a Variance to the Subdivision Regulations to allow lots to be created without written authorization from water supplier that adequate water is available to serve the proposed subdivision (Section 500.7 of the Subdivision Regulations) will be required.
RECOMMENDATION: Staff recommends approval of Planned Unit Development / PU 05-18 with the following ten (10) conditions:

1. That prior to any further platting with this Planned Unit Development, the second means of vehicular ingress/egress be engineered and constructed to Ordinance 14 Standards or a Variance to the Subdivision Regulations be obtained;
2. That prior to any further platting within this Planned Unit Development, written authorization is obtained from the local water supplier (i.e. Cedar Gulch No. 2 Water and Sanitary District) that there is an adequate water supply to serve the proposed subdivision or a Variance to the Subdivision Regulations be obtained;
3. That prior to any work being done within the 100-year floodplain, a Floodplain Development Permit be obtained;
4. That no lots within the PUD be allowed direct access onto Bradsky Road;
5. That the PUD consists of no more than 150 lots and the minimum lot size be one (1) acre;
6. That the Special Animal Keeping Regulations, as outlined in Section 204-G of the Pennington County Zoning Ordinance, and no more than one (1) large animal be housed on one (1) acre, be continually followed;
7. That all residences must meet the standards for stick-built and manufactured homes as outlined in Section 204;
8. That the minimum setbacks for the Planned Unit Development shall be twenty-five (25) feet from all property lines and fifty-eight (58) feet from all Section Lines;
9. That the Homeowner's Association, Water and Sanitary District and Road District remain active and provide for the maintenance of the community water system, the road system, and all common areas; and,
10. That this PUD be reviewed on a complaint basis or at the direction of the Planning Commission or Board of Commissioners.
Cedar Gulch II Water & Sanitary District

Memorandum

To: Pennington County Board of Commissioners
From: Kristina Grinnell, District President

To Whom it May Concern:

The Cedar Gulch II Water & Sanitary District amended their bylaws to include a $10,000 tap fee on any additions to the district. We also would like to be contacted prior to any construction approvals to discuss the water situation in the district. The board has discussed this complaint and decided unanimously to file.

We would like to ask the Board to amend the PUD for our subdivision so that the water district may be involved in the process of development and can collect the above-mentioned tap fee.

Thank you
Subject: FW: WEBFORM: Planning and Zoning - Contact Us

-----Original Message-----
From: NoReply
Sent: Monday, July 13, 2020 11:24 AM
To: plz <plz@pennco.org>
Subject: WEBFORM: Planning and Zoning - Contact Us

The following information was submitted from a web form on the Pennington County website.

DO NOT click reply. To reply, copy and paste the e-mail address below into the "To" field of an outgoing message.

>>>>>>>>>>>>>>>>>>>>>>>>>

Submitted Information:

Your name: Kristi Grinnell

Your e-mail address: kristig@fs.church

Your phone number: 281-731-9885

Message: Hello, I am the newly elected president of Cedar Gulch 2 Water & Sanitary District. I know there was a meeting today and none of our district was able to be there. This is probably highly irregular and does not matter because it is not in the meeting - but I felt it should be noted anyway. Grandview Land & Gordon Howie are working on getting land platted adjacent to our district, which is an awesome thing. We could use to breathe some life into our little area. However, there is not currently a sustainable water source for this development. I just think someone should know this and hold the developer accountable to provide a well or be candid that there is not a current water system.

Thanks for taking the time to read this.

Kristi Grinnell
STAFF REPORT

GENERAL INFORMATION:

REQUEST: ORDINANCE AMENDMENT / OA 20-05: To amend Section 510 "Conditional Use Permits" [to amend and supersede the existing Section 510 "Conditional Use Permits"] of the Pennington County Zoning Ordinance.

REPORT BY: Brittney Molitor

GENERAL DESCRIPTION: To update and amend Section 510 "Conditional Use Permits."

PROPOSED TEXT:

SECTION 510 - CONDITIONAL USE PERMIT

Within each zoning district there are uses that are allowed by right. However, due to special characteristics attendant to their operation, other uses may be permitted in a zoning district subject to evaluation and approval by the approving authority. A Permit is required for any use identified in the Zoning Ordinance as a Conditional Use.

A. Applicability

Due to public health, safety, and welfare concerns, some conditional uses may be regulated by specific ordinance. For example, aggregate mining is permitted subject to approval by the Board of Commissioners under the procedures prescribed in PCZO Section 320. Conditional Uses not regulated by specific ordinance are considered and decided under PCZO Section 510.

B. Permit Process and Notice Requirements

1. Application.

   Conditional Use Permit applications may be obtained from the Planning Department. Applications must be complete prior to consideration by the Planning Commission and include all of the following:

   a. Application fee.

   b. Name, mailing address, e-mail address, and telephone number of the applicant and property owner, and any authorized agent (if applicable).

1 of 5
c. Legal description, street address, or other description of real property that clearly identifies the real property which is the subject of the application.

d. Current zoning district and surrounding zoning.

e. Size and physical description of the subject property.

f. 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, drain fields, septic tanks, recorded easements, driveways, and Special Flood Hazard areas.

g. Utilities, size of any on-site wastewater treatment system, and water source.

h. Current use and requested conditional use.


j. Signature of applicant or authorized agent (if applicable) and property owner.

k. Other information and documentation as required by the Planning Department.

FURTHER INFORMATION MAY BE REQUESTED AND REQUIRED BY THE PLANNING COMMISSION.

2. Notice.

Upon receipt of a complete application and payment of application fee, the Planning Department must provide the applicant a sign to be posted on the property that is the subject of the application. The purpose of the sign is to inform the public of the Conditional Use Permit application and must be posted in a location with the greatest visibility to the public. The sign must be posted no less than ten days prior to the public hearing on the application.

The applicant must also notify all property owners (including recorded Contract for Deed buyers) of land located within 500 feet, inclusive of any right-of-way, of the outer boundaries of the subject property of the pending CUP application. Based upon Department of Equalization records, the Planning Department will determine and provide a list of property owners within 500 feet. Notice must be by registered or certified mail at least 10 days prior to the public hearing on the application. The applicant must use “Notice of Hearing” letters provided by the Planning Department.
3. Public Hearing

Upon receipt of a complete application (including application fee) and proper notice to adjoining landowners, The Planning Commission must hold a public hearing on the application. Notice of time and place of hearing must be given at least 10 days in advance by publication in the legal newspapers of the County.

C. Approving Authority

The Planning Commission is the approving authority of a Conditional Use regulated under PCZO Section 510. The Planning Commission may approve, approve with conditions, or deny the Conditional Use application. Approval of a Conditional Use requires the affirmative majority vote of the Commission.

D. Criteria for Evaluating Conditional Use Application

Conditional Uses decided under PCZO Section 510 must meet the following criteria:

**Criteria 1:** The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare.

Application guideline: Explain how the proposed land use will fit into the neighborhood. If there is going to be lighting, noise, outdoor storage, traffic, or other outside activities, explain how the activities will be limited to a reasonable level.

**Criteria 2:** The uses, values and enjoyment of other property in the neighborhood for purposes already permitted may not be in any foreseeable manner substantially impaired or diminished by establishment, maintenance or operation of the conditional use.

Application guideline: Explain how the proposed land use will fit into the neighborhood and what will be done to avoid potential nuisances, such as limiting the hours of operation, noise control measures, adequate parking, paving the parking area, or the screening of outdoor storage.

**Criteria 3:** That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

Application guideline: Explain how the proposed land use will not interfere with the development of the surrounding property.

**Criteria 4:** That adequate utilities, access roads, drainage and other necessary site improvements will be provided.
Application guideline: Explain what impact the proposed use has on such things as water, septic, storm water, electricity, and traffic. Provide information on improvements that may be needed or if additional buildings are needed.

**Criteria 5:** Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

Application guideline: Provide information on vehicle traffic that the proposed use will generate include frequency and types of vehicles.

**Criteria 6:** That the conditional use will conform to all applicable regulations of the district in which it is located.

Application guideline: Review the current zoning districts to ensure your project is compliant and in harmony with current land use guidelines.

**Criteria 7:** That the conditional use is consistent with the adopted county comprehensive plan.

Application guideline: Review the current Pennington County Comprehensive Plan to ensure your project is compliant and in harmony with future land use guidelines.

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**E. Appeal**

An appeal of a decision granting or denying a conditional use permit must be brought under a petition, duly verified, for a writ of certiorari directed to the Planning Commission and as prescribed in SDCL Chapter 11-2-

**F. Review of Conditional Use**

Conditional uses are subject to review by the Planning Commission for compliance with conditions of approval. A review may occur as a condition of approval, at the request of the Planning Commission or upon a substantiated complaint.

**G. Expiration**

A Conditional Use Permit expires if:

1. The Conditional Use for which the Permit was granted ceased for a period of one year; or,

2. The Conditional Use for which the Permit was granted was not established, according to the terms and conditions of the Permit, within two years from date of approval.

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Commented [HM2]: SDCL 11-2-61.1 (effective July 1, 2020) states:

Any appeal of a decision of granting or denying a conditional use permit shall be brought under a petition, duly verified, for a writ of certiorari directed to the approving authority and, notwithstanding any provision of law to the contrary, shall be determined under a writ of certiorari standard regardless of the form of the approving authority. The court shall give deference to the decision of the approving authority in interpreting the authority’s ordinances. (SB 157)
H. Building Permit

If a Building Permit application is submitted for purpose of a Conditional Use, the Building Permit may be issued only upon approval of the Conditional Use application. A decision approving a Conditional Use is subject to appeal by filing a petition for writ of certiorari. Applicants are advised any and all construction must cease upon the filing of a petition.

I. Revocation of Conditional Use Permit

Any Conditional Use approved under the provisions of PCZO Section 510 must be established and conducted in conformity with the conditions of approval of the Permit. Failure to comply with conditions of approval is cause for revocation of the Permit.

The Planning Director may schedule a revocation hearing before the Planning Commission if:

- the owner or applicant has failed repeatedly to comply with the conditions of the approved Permit; or
- the continued Conditional Use is a threat to public health, safety, or general welfare.

Notice of time and place of hearing shall be given, in writing, to the permit holder at least 10 days in advance of hearing. Surrounding property owners must also be given written notice of the hearing as provided under Section 510.B.2. In addition, notice of time and place of the hearing shall be published at least 10 days in advance of hearing in the legal newspapers of the County.

J. Enforcement:

Failure to comply with conditions of approval of a Conditional Use Permit is a violation of Pennington County Zoning Ordinance and subject to the enforcement provisions of PCZO Section 514.

K. Amendments:

Amendments to a Conditional Use Permit will be considered and approved in the same manner as required for a separate Conditional Use application.

L. Ratification of Conditional Uses:

The South Dakota Supreme Court decision of Pennington County v. Moore, 525 N.W.2d 257 (SD 1994) invalidated the then in effect Pennington County Zoning Laws. All Conditional Uses established at the time of the Moore decision are ratified and approved pursuant to the conditions of the Permit.

RECOMMENDATION: Staff recommends approval of Ordinance Amendment / OA 20-05.
STAFF REPORT

GENERAL INFORMATION:

REQUEST: ORDINANCE AMENDMENT / QA 20-06: To amend Section 514 "Violations and Penalties" [to amend and supersede the existing Section 514 "Violations and Penalties"] of the Pennington County Zoning Ordinance.

REPORT BY: Brittney Molitor

GENERAL DESCRIPTION: To update and amend Section 514 "Violations and Penalties."

PROPOSED TEXT:

SECTION 514 – ENFORCEMENT AND PENALTIES

A. Penalty Fee

Permit fees under PCZO Section 511 are tripled for any use or work commenced prior to approval of a required permit. Penalty fee will not be assessed if work performed without a permit arises out of an emergency and Planning Director or designee concludes the work was necessary to protect public health, welfare, or safety. The Board of Commissioners may waive penalty fees if mitigating factors are present.

B. Fine and Imprisonment

Any person, firm, corporation, or association violating any provision of the Pennington County Zoning Ordinance, or failing to comply with the conditions of an approved Permit, is punishable by a fine not to exceed $500.00 for each violation or imprisonment for a period not to exceed 30 days for each violation, or both.

Notice of violation is not required prior to the filing of a complaint. However, upon notice of a violation, each day the violation continues constitutes and may be charged as a separate violation.

C. Injunction

In addition to all other remedies available to Pennington County to prevent, restrain, correct or abate violations (or threatened violations) of the Pennington County Zoning Ordinance, the Planning Director may seek injunctive relief pursuant to SDCL Chapter 21-8 against any property owner, Permittee, or other person in violation of the Ordinance or in violation of the conditions of an approved Permit. The injunctive relief authorized may include a reparative injunction requiring any affected property be brought or returned to a condition which does not constitute a public nuisance as that term is defined under SDCL Chapter 21-10.
D. Abatement

A violation of the Pennington County Zoning Ordinance 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 this Ordinance and SDCL 21-10-6.

RECOMMENDATION: Staff recommends approval of Ordinance Amendment / OA 20-06.