AGENDA
PENNINGTON COUNTY PLANNING COMMISSION
August 10, 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 18, 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 27, 2020, MINUTES

2. APPROVAL OF THE AGENDA

CONSENT AGENDA

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

3. **CONDITIONAL USE PERMIT REVIEW / CU 12-22:** Steve and Dorothy Wilkison (Redfern Ranch). To review multiple RV sites to be used on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

   NE1/4SW1/4 less DW Hansen Tract, less Tract Sires and less ROW, Section 33, T1N, R4E, BHM, Pennington County, South Dakota.

   To recommend approval of the extension of Conditional Use Permit / CU 12-22 with conditions.

4. **CONDITIONAL USE PERMIT REVIEW / CU 16-18:** Steve and Kathryn Venteicher. To review a Vacation Home Rental in a Low Density Residential District in accordance with Sections 207-C-18, 319, and 510 of the Pennington County Zoning Ordinance.

   Lot A Revised of Lot 15, Stratmeyer Addition, Section 14, T1S, R6E, BHM, Pennington County, South Dakota.

   To recommend approval of the extension of Conditional Use Permit / CU 16-18 with conditions.
5. **CONDITIONAL USE PERMIT REVIEW / CU 16-23**: Harlan and Carol Hoffman. To review a Recreational Vehicle to be used as temporary living quarters during the summer months on the subject property in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Tract 6, Slate Creek Subdivision, Section 36, T1N, R3E, BHM, Pennington County, South Dakota.

To recommend to continue the review of Conditional Use Permit / CU 16-23 to the September 14, 2020, Planning Commission meeting.

6. **CONDITIONAL USE PERMIT REVIEW / CU 18-19**: Greg Bolt. To review a Guest House on the subject property in a Low Density Residential District in accordance with Sections 207, 318, and 510 of the Pennington County Zoning Ordinance.

Lot 7, Back Road Subdivision, Section 22, T1S, R6E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 18-19 with conditions.

7. **CONDITIONAL USE PERMIT REVIEW / CU 18-40**: Eli Rodolph / Rodolph Investments. To review an accessory structure (pole barn building) prior to a principal structure on the subject property in a Highway Service District in accordance with Sections 210 and 510 of the Pennington County Zoning Ordinance.

Lot 2, Pankratz Subdivision, Section 22, T1S, R6E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 18-40 with conditions.

8. **CONDITIONAL USE PERMIT REVIEW / CU 19-03**: Joseph and Teri Creager. To review a storage shed/garage as a primary structure on the subject property in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 13, Block 1, Moon Meadow Estates, Section 34, T1N, R7E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 19-03 with conditions.

9. **CONDITIONAL USE PERMIT REVIEW / CU 19-06**: Big Game Storage, LLC; Chris Peterson. To review a lighted, on-premise sign within 1,500 feet of a residential zoning district/dwelling unit in a General Commercial District in accordance with Sections 209, 312, and 510 of the Pennington County Zoning Ordinance.

Tract 1 of SE1/4, Section 11, T1N, R6E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 19-06 with conditions.
10. **CONDITIONAL USE PERMIT REVIEW / CU 19-21:** Ryan and Dawn Loraas. To review a Vacation Home Rental in a Suburban Residential District in accordance with Sections 208, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 4R, Block D, Edelweiss Mountain Subdivision, Section 17, T1N, R5E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 19-21 with conditions.

11. **ROAD NAMING:** Randy Dowdy. To name a 26-foot-wide interior access road providing access to property located in Section 17, T2N, R8E, BHM, South Dakota, to Kona Court.

To recommend approval of the Road Naming of Kona Court.

**END OF CONSENT AGENDA**

12. **CONDITIONAL USE PERMIT REVIEW / CU 17-48:** Fred and Michelle Prien. To review the transfer of a Vacation Home Rental in a General Agriculture District in accordance with Sections 205, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 12 less E100 feet and all of 13; Clear Creek Placer MS 1184, Section 22, T1N, R5E, BHM, Pennington County, South Dakota.

13. **LAYOUT PLAN / LPL 20-19:** Ray and Elizabeth Strand. To combine lots to create Lot 5RA, Block 2 of Hart Ranch West #1 in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

**EXISTING LEGAL:** Lot 4RA and 5R Revised, Block 2 of Hart Ranch West #1, Sections 28 and 29, T1S, R7E, BHM, Pennington County, South Dakota.

**PROPOSED LEGAL:** Lot 5RA, Block 2 of Hart Ranch West #1, Sections 28 and 29, T1S, R7E, BHM, Pennington County, South Dakota.

14. **LAYOUT PLAN / LPL 20-20:** Link SD Ranches, LLC; Jesse Sondreal – Agent. To create Tract A, Tract B, Tract C, and Tract D of Duhamel Flat Addition in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

**EXISTING LEGAL:** SW1/4SE1/4 and NE1/4, Sections 17 and 20, T5N, R16E, BHM, Pennington County, South Dakota.

**PROPOSED LEGAL:** Tract A, Tract B, Tract C, and Tract D of Duhamel Flat Addition, Sections 17 and 20, T5N, R16E, BHM, Pennington County, South Dakota.
15. **CONDITIONAL USE PERMIT / CU 19-28**: R & J, LLC; Juston Eisenbraun - Agent. To allow a campground on the subject property to include RV hookups, cabin rentals, pool, office, laundry facilities, and additional outbuildings in a Highway Service District in accordance with Sections 210, 306, and 510 of the Pennington County Zoning Ordinance.

Lot 1, Borglum Subdivision, Section 13, T1S, R6E, BHM, Pennington County, South Dakota.

16. **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.

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

17. **COUNTY BOARD REPORT**
The Board of Commissioners concurred with the Planning Commission’s recommendations from the July 27, 2020, Planning Commission meeting, with the exception of:

1. **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; and,

2. **LAYOUT PLAN 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.

These items were continued to the August 18, 2020, BOC meeting.

18. **ITEMS FROM THE PUBLIC**

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

20. **ITEMS FROM THE MEMBERSHIP**

21. **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 27, 2020 @ 9:00 a.m.
County Commissioners’ Meeting Room - Pennington County Administration Building


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

ROLL CALL.

1. **APPROVAL OF THE JULY 13, 2020, MINUTES**
Moved by Runde and seconded by Lasseter to approve the Minutes of the July 13, 2020, Planning Commission meeting, with a correction for Items #21 and #22 to note the vote as 5 instead of 6. Roll Call: Marsh – aye, Coleman – aye; Rossknecht – aye; Lasseter – aye, K. Johnson – aye, C. Johnson – aye, and Runde - aye. Roll Call Vote: carried 7 to 0.

2. **APPROVAL OF THE AGENDA**

Moved by Runde and seconded by C. Johnson to approve the Consent Agenda of the July 27, 2020, Planning Commission meeting, with the removal of Items #6 and #10. Roll Call: Marsh – aye, Coleman – aye; Rossknecht – aye; Lasseter – aye, K. Johnson – aye, C. Johnson – aye, and Runde - aye. Roll Call Vote: carried 7 to 0.

**CONSENT AGENDA**

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

3. **CONDITIONAL USE PERMIT REVIEW / CU 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 approve the extension of Conditional Use Permit / CU 16-12 with the following sixteen (16) 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 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.

Vote: unanimous 7 to 0.

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 approve 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.

Vote: unanimous 7 to 0.

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 approve 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 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.

Vote: unanimous 7 to 0.

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

Vote: unanimous 7 to 0.

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 end Conditional Use Permit / CU 19-17 as it is no longer needed.

Vote: unanimous 7 to 0.

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 / PU 06-07 with the following twenty (20) conditions:

6
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 Floodplain Development Permit shall be obtained for any work within the 100-year floodplain;

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 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 Planned Unit Development be reviewed in two (2) years or upon a complaint basis.

Vote: unanimous 7 to 0.

11. **MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PU 19-03**: Prairie Valley Development; Bill Freytag. 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.

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 / PU 19-03 with the following twelve (12) 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(I) 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.

Vote: unanimous 7 to 0.

END OF CONSENT AGENDA
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 S1/2 E1/4 N of Highway, Section 35, T1N, R9E, BHM, Pennington County, South Dakota.

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

Chairman Marsh asked to have this Item removed from the Consent Agenda for discussion to note a correction in the recommendation of the Staff Report.

Staff recommend approval the extension of Conditional Use Permit / CU 18-37 with eleven (11) conditions.

Discussion followed.

Moved by K. Johnson and seconded by Lasseter to approve 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.


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.

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

Proietti noted the property is zoned a Planned Unit Development and not General Agriculture District as stated in the Staff Report.

Staff recommended approval of the extension of Major Planned Unit Development Amendment / PU 15-02 with thirteen (13) conditions.

Discussion followed.

Moved by Runde and seconded by Lasseter to approve of the extension of Major Planned Unit Development Amendment / PU 15-02 with the following thirteen (13) 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.

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.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Layout Plan to combine lots to create Lot 15R of Oak Meadows Estates.

Staff recommended approval of Layout Plan / LPL 20-17 with the following ten (10) 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.

Discussion followed.

Moved by Rossknecht and seconded by Lasseter to approve of Layout Plan / LPL 20-17 with the following ten (10) 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.


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.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Preliminary Plan to create Tract 1 of South Caputa Addition.

Staff recommended approval of Preliminary Plat / PL 20-18 with the following eleven (11) conditions:

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

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

3. That prior to filing the Plat with the Register of Deeds, the 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)(I);

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

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

Discussion followed.

Moved by Rossknecht and seconded by Lasseter to recommend approval of Preliminary Plat / PL 20-18 with the following eleven (11) conditions:

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

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

3. That prior to filing the Plat with the Register of Deeds, the 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(J) 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.


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.

Molitor reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow for the sale of Agriculture Equipment and Supplies in a Heavy Industrial District.

Staff recommended approval of Conditional Use Permit / 20-16 with the following seven (7) 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.

Discussion followed.

Moved by Lasseter and seconded by Runde to approve of Conditional Use Permit / 20-16 with the following seven (7) 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.

15. **CONDITIONAL USE PERMIT REVIEW / CU 19-22:** Michael and Soraya Pellan. 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.

Molitor reviewed the Staff Report indicating this is a review of the applicants’ Conditional Use Permit.

Staff recommended approval of the extension 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.

Discussion followed.

Moved by C. Johnson and seconded by Rossknect to approve the extension 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.

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 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.

Molitor reviewed the Staff Report indicating a complaint had been received and the Planned Unit Development was placed was placed on the Agenda for review.

Staff recommended approval of the extension 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.

Discussion followed.

Moved by K. Johnson and seconded by Lasseter to approve of the extension 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.

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.

Molitor reviewed the Staff Report stating this is an Ordinance Amendment to amend Section 510 “Conditional Use Permits” [to amend and supersede the existing Section 510 “Conditional Use Permits”] of the Pennington County Zoning Ordinance.

Staff recommended approval of Ordinance Amendment / OA 20-05.

Discussion followed.

Moved by Rossknecht and seconded by C. Johnson to continue Ordinance Amendment / OA 20-05 to the August 10, 2020, Planning Commission meeting.


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.

Molitor reviewed the Staff Report stating this is an Ordinance Amendment to amend Section 514 “Violations and Penalties” [to amend and supersede the existing Section 514 “Violations and Penalties”] of the Pennington County Zoning Ordinance.

Staff recommended approval of Ordinance Amendment / OA 20-06.

Moved by Runde and seconded by K. Johnson to approve of Ordinance Amendment / OA 20-06.


19. COUNTY BOARD REPORT
The Board of Commissioners concurred with the Planning Commission’s recommendations from the July 13, 2020, Planning Commission meeting, with the exception of Layout Plan 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. This Item was continued to the August 4, 2020, Board of Commissioner’s meeting.

20. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.
21. ITEMS FROM THE STAFF

A. Planning Department. Molitor noted Michaele Hoffman’s last meeting with the Planning Commission and thanked her for all her work with the Planning Department.

22. ITEMS FROM THE MEMBERSHIP

Chairman Marsh spoke of subdivision of property and what prompts an increase in density to apply to waive Subdivision Regulations requirements. He further spoke of the language to add to the Notice of Hearing letters of where the Agenda and Staff Reports can be found prior Planning Commission meetings.

Commissioner Rossknecht asked Staff to clarify the language “permanently anchored to the ground.”

23. ADJOURNMENT

Moved by Lasseter and seconded by K. Johnson to adjourn.


The meeting adjourned at 10:44 a.m.

Rich Marsh, Chairperson
AGENDA ITEM #3
Steve and Dorothy Wilkison
August 10, 2020

STAFF REPORT

GENERAL INFORMATION:

REQUEST: CONDITIONAL USE PERMIT REVIEW / CU
12-22: To review multiple RV sites to be used on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

APPLICANT: Steve and Dorothy Wilkison; Redfern Ranch, LLC

APPLICANT ADDRESS: 2408 N. Evy Ave., Sioux Falls, SD 57107

LEGAL DESCRIPTION: NE1/4SW1/4 less DW Hansen Tract, less Tract Sires and less ROW, Section 33, T1N, R4E, BHM, Pennington County, South Dakota.

SITE LOCATION: 23465 Mystic Road: approximately 1.5 miles north of Deerfield Road on Mystic Road.

SIZE: 19.78 acres

TAX ID: 61717

EXISTING LAND USE: Pole barn and five (5) campsites

ZONING REFERENCE: Sections 205 and 510

CURRENT ZONING: General Agriculture District

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

PHYSICAL CHARACTERISTICS: Forested

UTILITIES: Private

REPORT BY: Kristina Proietti
I. PROPOSED RECOMMENDATION
   A. Staff will be recommending approval of the extension of Conditional Use Permit / CU 12-22 with conditions.

II. GENERAL DESCRIPTION
   A. September 24, 2012, the Planning Commission approved Conditional Use Permit / CU 12-22 with the following fifteen (15) conditions:
      1. That the family recreation vehicle park consists of a 40 foot by 100 foot pole barn and five (5) recreation vehicle sites;
      2. That the recreational vehicle park be limited to private use and is not to be used commercially;
      3. That the lot address be clearly posted on the property so it is visible from both directions along Mystic Road in accordance with Pennington County’s Ordinance #20;
      4. That use of the family recreation vehicle park be limited to 180 days of the year;
      5. That if the applicant intends to have any open fires or fire pits the appropriate permits must be obtained from South Dakota Forestry;
      6. That the property remains free of debris and junk vehicles and the property, itself, and structures be well-maintained;
      7. That the applicant has at least one (1) #20 ABC dry chemical fire extinguisher accessible at all times;
      8. That a 25 foot setback be maintained for all structures located on the property or else an approved Setback Variance be obtained;
      9. 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;
     10. The Planning Director may allow additional development or construction, which is consistent with the existing development on this property. Significant changes in the use or impact on adjacent land uses as determined by the Planning Director shall require a review of this Conditional Use Permit;
     11. That no additional tent camping be allowed;
     12. That upon sale or transfer of the property, this CUP is automatically revoked;
     13. That garbage storage and disposal shall be handled in such a manner so as not to create a health hazard, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution;
     14. That four of the RV sites be removed (electrical and sewer hookup removed) from the property; and,
     15. That this Conditional Use Permit be reviewed in one (1) year or on a complaint basis to verify that all conditions of approval are being met.
B. September 24, 2014, the Planning Commission approved the extension of Conditional Use Permit / CU 12-22 and was reviewed and extended on September 9, 2013, with the following fourteen (14) conditions:

1. That the family recreation vehicle park consists of a 40 foot by 100 foot pole barn and five (5) recreation vehicle sites;
2. That the recreational vehicle park be limited to private use and is not to be used commercially;
3. That the lot address continue to be clearly posted on the property so it is visible from both directions along Mystic Road in accordance with Pennington County’s Ordinance #20;
4. That use of the family recreational vehicle park be limited to 180 days of the year;
5. That if the applicant intends to have any open fires or fire pits the appropriate permits must be obtained from South Dakota Forestry;
6. That the property remains free of debris and junk vehicles and the property, itself, and structures be well-maintained;
7. That the applicant has at least one (1) #20 ABC dry chemical fire extinguisher accessible at all times;
8. That a 25 foot setback be maintained for all structures located on the property or else an approved Setback Variance be obtained;
9. 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;
10. The Planning Director may allow additional development or construction, which is consistent with the existing development on this property. Significant changes in the use or impact on adjacent land uses as determined by the Planning Director shall require a review of this Conditional Use Permit;
11. That no additional tent camping be allowed;
12. That upon sale or transfer of the property, if the property is transferred beyond the applicant’s immediate family or a closely held corporation owned by the applicant’s immediately family, the Conditional Use Permit is revoked, and this Conditional Use Permit is only for the purchasers, Steve and Dorothy Wilkison, and the Conditional Use Permit shall be revoked if it reverts back to the seller of the property (the original holder of the land);
13. That garbage storage and disposal shall be handled in such a manner so as not to create a health hazard, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution; and,
14. That this Conditional Use Permit be reviewed in three (3) years, as deemed necessary by the Planning Commission or the County Board of Commissioners, or on a complaint basis to verify that all conditions of approval are being met.
C. October 23, 2017, the Planning Commission approved the extension of Conditional Use Permit / CU 12-22 with the following fourteen (14) conditions:

1. That the family recreation vehicle park consists of a 40 foot by 100 foot pole barn and five (5) recreation vehicle sites;
2. That the recreational vehicle park continue to be limited to private use and is not to be used commercially;
3. That the lot address continue to be clearly posted on the property so it is visible from both directions along Mystic Road in accordance with Pennington County’s Ordinance #20;
4. That use of the family recreational vehicle park continue to be limited to 180 days of the year;
5. That if the applicant intends to have any open fires or fire pits the appropriate permits must be obtained from South Dakota Forestry;
6. That the property continually remains free of debris and junk vehicles and structures be well-maintained;
7. That the applicant has at least one (1) #20 ABC dry chemical fire extinguisher accessible at all times;
8. That a 25 foot setback be maintained for all structures located on the property or else an approved Setback Variance be obtained;
9. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;
10. The Planning Director may allow additional development or construction, which is consistent with the existing development on this property. Significant changes in the use or impact on adjacent land uses as determined by the Planning Director shall require a review of this Conditional Use Permit;
11. That no additional tent camping be allowed;
12. That upon sale or transfer of the property, if the property is transferred beyond the applicant’s immediate family or a closely held corporation owned by the applicant’s immediately family, the Conditional Use Permit is revoked, and this Conditional Use Permit is only for the purchasers, Steve and Dorothy Wilkison, and the Conditional Use Permit shall be revoked if it reverts back to the seller of the property (the original holder of the land);
13. That garbage storage and disposal shall be handled in such a manner so as not to create a health hazard, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution; and,
14. That this Conditional Use Permit be reviewed in three (3) years, as deemed necessary by the Planning Commission or the County Board of Commissioners, or on a complaint basis to verify that all Conditions of Approval are being met.
III. EXISTING CONDITIONS
A. 19.78 acres.
B. General Agriculture District.
C. Lot contains:
   1. Pole Barn, County Building Permit / 2008COBP0253.
   3. Onsite Wastewater Construction Permit / 2008COSD0071.
      a. OSWTS Operating Permits / COOP18-0811 for tank #1, and
         COOP19-0581, for tank #2.
   4. Finished utility room, County Building Permit / COBP14-0095.
   5. Five (5) recreational vehicle sites.

July 31, 2020, Site visit showing the pole barn.

IV. ANALYSIS
A. July 31, 2020 - Staff performed a site visit to the subject property and found
   the applicants are meeting the Conditions of Approval.
B. Staff have not received any complaints regarding the subject property.
RECOMMENDATION: Staff recommends approval the extension of Conditional Use Permit / CU 12-22 with the following conditions:

1. That the family recreation vehicle park consists of a 40 foot by 100 foot pole barn and five (5) recreational vehicle sites;

2. That the recreational vehicle park continue to be limited to private use and is not to be used commercially;

3. That the lot address (23465 Mystic Road) continue to be clearly posted on the property so it is visible from both directions along Mystic Road in accordance with Pennington County’s Ordinance #20;

4. That use of the family recreational vehicle park continue to be limited to 180 days of the year;

5. That if the applicant intends to have any open fires or fire pits the appropriate permits must be obtained from South Dakota Forestry;

6. That the property continually remains free of debris and junk vehicles and the property, itself, and structures be well-maintained;

7. That the applicant has at least one (1) #20 ABC dry chemical fire extinguisher accessible at all times;

8. That a 25 foot setback be maintained for all structures located on the property or else an approved Setback Variance be obtained;

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

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

11. That no additional tent camping be allowed;

12. That upon sale or transfer of the property, if the property is transferred beyond the applicant’s immediate family or a closely held corporation owned by the applicant’s immediately family, the Conditional Use Permit is revoked, and this Conditional Use Permit is only for the purchasers, Steve and Dorothy Wilkison, and the Conditional Use Permit shall be revoked if it reverts back to the seller of the property (the original holder of the land);
13. That garbage storage and disposal shall be handled in such a manner so as not to create a health hazard, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution; and,

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

REQUEST: CONDITIONAL USE PERMIT REVIEW/ CU 16-18: To review a Vacation Home Rental in a Low Density Residential District in accordance with Sections 207, 319, and 510 of the Pennington County Zoning Ordinance.

APPLICANT: Steve and Kathryn Venteicher

APPLICANT ADDRESS: 2507 Rusty Spur Court, Rapid City, SD 57703

LOCAL CONTACT: Steve and Kathryn Venteicher

LEGAL DESCRIPTION: Lot A Revised of Lot 15, Stratmeyer Addition, Section 14, T1S, R6E, BHM, Pennington County, South Dakota.

SITE LOCATION: 23773 Pine Haven Drive; located off of S. Highway 16.

SIZE: 3.52 acres

TAX ID: 53274

EXISTING LAND USE: Residential

ZONING REFERENCE: Sections 207, 319, and 510

CURRENT ZONING: Low Density Residential District

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

PHYSICAL CHARACTERISTICS: Forested

UTILITIES: Community Well / Private On-Site Wastewater Treatment System
I. PROPOSED RECOMMENDATION
   A. Staff will be recommending approval of the extension of Conditional Use Permit / CU 16-18 with conditions.

II. GENERAL DESCRIPTION
   A. August 16, 2016 - the Board of Commissioners approved Conditional Use Permit / CU 16-18, with the following sixteen (16) conditions:
      1. That the maximum overnight occupancy, based on SD DENR approval, be limited to ten (10) people and the maximum daytime occupancy be limited to fifteen (15) people;
      2. That the address for the residence (23773 Pine Haven Drive) be posted at all times on the residence and at the driveway so that it is visible from both directions of travel on Pine Haven Drive in accordance with Pennington County’s Ordinance #20;
      3. That the minimum setback requirements of a Low Density Residential District be continually maintained on the property;
      4. That the subject property remains free of debris and junk vehicles;
      5. That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
      6. That the applicant provide a landline in case of an emergency;
      7. That the applicant maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department prior to operation of the Vacation Home Rental;
      8. That the applicant maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;
      9. That a minimum of five (5) off-street parking spaces be provided on-site, each measuring a minimum of nine (9) feet by eighteen (18) feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
     10. That an interior informational sign be posted in accordance with the requirements of Section 319-G, with 399-3721 and 394-4139 listed as contacts for the Fire Department and Sheriff’s Department, during operating of the residence as a VHR;
     11. That the applicant ensure the VHR is operated in accordance with the requirements of Section 319-F (Performance Standards) at all times;
12. That if the person designated as the Local Contact is ever changed from Steve and Kathryn Venteicher, the interior informational sign be updated and the applicant re-notify the Planning Department and surrounding landowners within 500 feet via notices sent by Certified Mail;

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

14. That prior to the placement of any on-premise signs, the applicant must obtain approval of a Sign Permit and such signs must meet all requirements of Section 312;

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

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

B. August 28, 2017 - the Planning Commission approved the extension of Conditional Use Permit / CU 16-18 with the same 16 conditions that were approved by the Board of Commissioners on August 16, 2016.

III. EXISTING CONDITIONS
A. Zoned Low Density Residential District (minimum lot size is three (3) acres).
B. 3.52 acres.
C. Access is taken off of Pine Haven Drive.
D. There is no floodplain on the subject property.
E. Lot contains:
   2. On-Site Wastewater Treatment system originally installed in 1999 / 1999COSD0012, but has since been upgraded / COSD16-0020, to allow more occupants.
IV. ANALYSIS
A. July 30, 2020 - Staff performed a site visit to the subject property and found the following:
   i. The applicants have obtained their 2020 South Dakota Lodging License.
   ii. All required fire extinguishers and smoke alarms are located in their designated spots and are up-to-date.
   iii. The interior Performance Standards information sheet was visible, as well as an information booklet available.
   iv. There is adequate parking on the subject property.
B. Staff removed Condition #15 from the original Conditions of Approval as this condition has been met.
C. Staff will be including a condition regarding Section 511(F)(4) and Staff has informed the applicants that a $100.00 fee is required for the site review.
D. At the time of this Staff Report, staff has not received any complaints regarding the subject property.
Agenda Item #4
Steve and Kathryn Venteicher
August 10, 2020

RECOMMENDATION: Staff recommends approval of the extension of Conditional Use Permit / CU 16-18 with the following conditions:

1. That the maximum overnight occupancy, based on SD DENR approval, continue to be limited to ten (10) people and the maximum daytime occupancy be limited to fifteen (15) people;

2. That the address for the residence (23773 Pine Haven Drive) continue to be posted at all times on the residence and at the driveway so that it is visible from both directions of travel on Pine Haven Drive in accordance with Pennington County’s Ordinance #20;

3. That the minimum setback requirements of a Low Density Residential District continue to be continually maintained on the property;

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

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

6. That the applicant continue to provide a landline in case of an emergency;

7. That the Landowners continue to maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department prior to operation of the Vacation Home Rental;

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

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

10. That an interior informational sign continue to be posted in accordance with the requirements of Section 319-G, with 399-3721 and 394-4139 listed as contacts for the Fire Department and Sheriff’s Department, during operating of the residence as a VHR;

11. That the applicant ensure the VHR continues to operate in accordance with the requirements of Section 319-F (Performance Standards) at all times;
12. That if the person designated as the Local Contact is ever changed from Steve and Kathryn Venteicher, the interior informational sign be updated and the applicant re-notify the Planning Department and surrounding landowners within 500 feet via notices sent by Certified Mail;

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

14. That prior to the placement of any on-premise signs, the applicant obtain approval of a Sign Permit and such signs must meet all requirements of Section 312;

15. That each review of Conditional Use Permit / CU 16-18, be subject to Section 511(F)(4), which imposes a $100 fee per review; and,

16. That this Conditional Use Permit be reviewed in five (5) years, on a complaint basis, or as directed by the Pennington County Board of Commissioners or the Pennington County Planning Commission to verify that all conditions are being met.
SOUTH DAKOTA
DEPARTMENT OF HEALTH
LODGING LICENSE

Issued To: KATHY VENTEICHER
STEVE VENTEICHER

Located At: ESCAPE TO THE CASTLE
23773 PINE HAVEN DR
RAPID CITY, SD 57701

License Type
Vacation Home License

License Number
18770
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

[Signature]
The Castle VHR
7.30.2020

Fire Extinguishers

Smoke Alarms
STAFF REPORT

GENERAL INFORMATION:

REQUEST:  
CONDITIONAL USE PERMIT REVIEW / CU 16-23: To review a Recreational Vehicle to be used as temporary living quarters during the summer months on the subject property in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

LANDOWNER: Harlan and Carol Hoffman

LANDOWNER ADDRESS: 41816 South Dakota 50, Tyndall, SD 57066

LEGAL DESCRIPTION: Tract 6, Slate Creek Subdivision, Section 36, T1N, R3E, BHM, Pennington County, South Dakota.

SITE LOCATION: 11759 Prospect Road; approximately 1/4 mile from the intersection of Deerfield Road and Prospect Road.

SIZE: 3.00 acres

TAX ID: 42680

EXISTING LAND USE: Day Cabin

ZONING REFERENCE: Sections 207 and 510

CURRENT ZONING: Low Density Residential District

SURROUNDING ZONING:

<table>
<thead>
<tr>
<th>Direction</th>
<th>Zoning District</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Low Density Residential District</td>
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<tr>
<td>South</td>
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</tr>
<tr>
<td>East</td>
<td>Low Density Residential District</td>
</tr>
<tr>
<td>West</td>
<td>Limited Agriculture District</td>
</tr>
</tbody>
</table>

PHYSICAL CHARACTERISTICS: Flat

UTILITIES: Private

REPORT BY: Cody Sack
I. PROPOSED RECOMMENDATION
   A. Staff will be recommending to continue the review of Conditional Use Permit / CU 16-23 to the September 14, 2020, Planning Commission meeting.

II. GENERAL DESCRIPTION
   A. The original applicants, Charles and Mary Pringle, applied for a Conditional Use Permit to allow a Recreational Vehicle (RV) to be used as temporary living quarters during the summer months on the subject property.

   B. August 8, 2016 – Planning Commission approved Conditional Use Permit / CU 16-23 with the following twelve (12) conditions:

      1. That the Recreational Vehicle (RV) may be utilized as living quarters on the property only during the summer months of each calendar year;

      2. That the RV shall not be used as a temporary living quarters on the subject property for more than 180 days per calendar year, per Pennington County Zoning Ordinance Section 207-C-15; otherwise, it shall result in automatic revocation of Conditional Use Permit / CU 16-23;

      3. That if the RV is stored on the property at any time when not in use, it must be disconnected from all utilities, including the On-Site Wastewater Treatment System, water, and electricity;

      4. That the RV utilize an approved On-Site Wastewater Treatment System, while being used as temporary living quarters, per Pennington County Zoning Ordinance Section 207-C-15;

      5. That the existing On-Site Wastewater Treatment System be pumped and inspected and re-filled with water to check the integrity of the tank and an Operating Permit be obtained within ninety (90) days from the date of this Conditional Use Permit’s approval;

      6. That an approved On-Site Wastewater Construction Permit be obtained prior to the installation of a new On-Site Wastewater Treatment System on the subject property, if necessary

      7. That the address (11759 Prospect Road) be clearly posted on the RV, when in use, and at the end of the driveway off of Prospect Road, so as to be visible from both directions on Prospect Road, in accordance with Pennington County’s Ordinance #20;

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

      9. That the proper permit(s) be obtained, prior to the applicant adding to or altering the existing structure;

     10. That a 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;

     11. That the applicant sign a Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 16-23, which is available at the Planning Office; and
12. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

C. August 28, 2017 – Planning Commission approved the extension of CU 16-23 with the following ten (10) conditions:
   1. That the Recreational Vehicle (RV) may be utilized as living quarters on the property only during the summer months of each calendar year;
   2. That the RV shall not be used as a temporary living quarters on the subject property for more than 180 days per calendar year, per Pennington County Zoning Ordinance Section 207-C-15; otherwise, it shall result in automatic revocation of Conditional Use Permit / CU 16-23;
   3. That if the RV is stored on the property at any time when not in use, it must be disconnected from all utilities, including the On-Site Wastewater Treatment System, water, and electricity;
   4. That the RV continually utilize an approved On-Site Wastewater Treatment System, while being used as temporary living quarters, per Pennington County Zoning Ordinance Section 207-C-15;
   5. That an approved On-Site Wastewater Construction Permit be obtained prior to the installation of a new On-Site Wastewater Treatment System on the subject property, if necessary;
   6. That the address (11759 Prospect Road) continue to be clearly posted on the RV, when in use, and at the end of the driveway off of Prospect Road, so as to be visible from both directions on Prospect Road, in accordance with Pennington County’s Ordinance #20;
   7. That the property continues to remain free of excess debris and junk, in accordance with Pennington County’s Ordinance #106;
   8. That the proper permit(s) be obtained, prior to the applicant adding to or altering the existing structure;
   9. That a 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,
10. 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.

D. August 27, 2018 – The Planning Commission approved the extension of Conditional Use Permit / CU 16-23 with the following eleven (11) conditions:
   1. That the Recreational Vehicle (RV) may be utilized as living quarters on the property only during the summer months of each calendar year;
   2. That the RV shall not be used as a temporary living quarters on the subject property for more than 180 days per calendar year, per
Pennington County Zoning Ordinance Section 207-C-15; otherwise, it shall result in automatic revocation of Conditional Use Permit / CU 16-23;

3. That if the RV is stored on the property at any time when not in use, it must be disconnected from all utilities, including the On-Site Wastewater Treatment System, water, and electricity;

4. That the RV continually utilize an approved On-Site Wastewater Treatment System, while being used as temporary living quarters, per Pennington County Zoning Ordinance Section 207-C-15;

5. That an approved On-Site Wastewater Construction Permit be obtained prior to the installation of a new On-Site Wastewater Treatment System on the subject property, if necessary;

6. That the address (11759 Prospect Road) continue to be clearly posted on the RV, when in use, and at the end of the driveway off of Prospect Road, so as to be visible from both directions on Prospect Road, in accordance with Pennington County’s Ordinance #20;

7. That the property continues to remain free of excess debris and junk, in accordance with Pennington County’s Ordinance #106;

8. That the proper permit(s) be obtained, prior to the applicant adding to or altering the existing structure;

9. That a 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;

10. 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; and

11. That the new landowners sign a Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 16-23, which is available at the Planning Office.

III. EXISTING CONDITIONS
A. 3.00 acres.
B. Zoned Low Density Residential District (minimum three (3) acre lot size).
C. Access off of Prospect Road.
   1. Located within the Prospect Road District.
D. Not within the Special Flood Hazard Area.
E. Lot contains:
   1. Existing one (1) room day-cabin – COBP16-0294.
   2. Existing On-Site Wastewater System – COOP16-0427
   3. Existing cistern and electricity hook ups.
IV. ANALYSIS
   A. August 3, 2020 – Staff performed a site visit and found no camper on site.
      1. Staff will send the owner a letter to verify the need to extend Conditional Use Permit / 16-23 or if it can end.

RECOMMENDATION: Staff recommends to continue the review of Conditional Use Permit / CU 16-23 to the September 14, 2020, Planning Commission meeting to allow staff time to contact the owner.
STAFF REPORT

GENERAL INFORMATION:

REQUEST:  

CONDITIONAL USE PERMIT REVIEW/ CU  
18-19: To review a Guest House on the subject property in a Low Density Residential District in accordance with Sections 207, 318, and 510 of the Pennington County Zoning Ordinance.

APPLICANT:  
Greg Bolt

APPLICANT ADDRESS:  
13347 Silver Mountain Road  
Rapid City, SD  57702

LEGAL DESCRIPTION:  
Lot 7, Back Road Subdivision, Section 22, T1S, R6E, BHM, Pennington County, South Dakota.

SITE LOCATION:  
13351 Silver Mountain Road; approximately 0.6 mile northeast of the intersection of S. Highway 16 and Silver Mountain Road.

SIZE:  
3.07 acres

TAX ID:  
68662

EXISTING LAND USE:  
Residential

ZONING REFERENCE:  
Sections 207, 318, and 510

CURRENT ZONING:  
Low Density Residential District

SURROUNDING ZONING:  
North  
Limited Agriculture District

South  
Planned Unit Development District

Low Density Residential District

East  
Low Density Residential District

West  
Low Density Residential District

PHYSICAL CHARACTERISTICS:  Forested / Hills

UTILITIES:  
Private

REPORT BY:  
Cody Sack

Page 1 of 5  
CU 18-19
I. PROPOSED RECOMMENDATION
   A. Staff will be recommending approval of the extension of Conditional Use Permit / CU 18-19 with conditions.

II. GENERAL DESCRIPTION
   A. The applicant, Greg Bolt, requested a Conditional Use Permit to allow a one (1) bedroom Guest House on the subject property.

III. EXISTING CONDITIONS
   A. Zoned Low Density Residential District, minimum three (3) acre lot size.
   B. 3.07 acres.
   C. Access off of Silver Mountain Road.
   D. No Special Flood Hazard Area on the subject property.
   E. Lot contains:
      1. A single-family residence with attached garage and decks - COBP18-0293 and COSD18-0032.
         a. Building Permit approved on May 18, 2018.
   F. Conditional Use Permit / CU 19-27 – For the primary residence to be used as a Bed and Breakfast.

IV. HISTORY
   A. On June 25, 2018, the Planning Commission approved Conditional Use Permit / CU 18-19 with the following eleven (11) conditions:
      1. That prior to issuance of the Building Permit for the Guest House, the applicant record a deed restriction with the Register of Deeds stating the regulations applicable to the Guest House, including that the Guest House shall not be separately rented or leased from the main residence, in accordance with Pennington County Zoning Ordinance (PCZO) § 318(B)(13);
      2. That the rental or lease of the Guest House or the use of the Guest House as a permanent resident for a second family on the premises shall be prohibited;
      3. That the Guest House shall not be used for more than 180 days per calendar year;
      4. That the primary dwelling, upon completion, be classified as owner-occupied and proof of status be provided to the Planning Department, in accordance with PCZO § 318(B)(10);
      5. That all necessary utilities for the Guest House shall be extended from the primary dwelling unit’s services. No separate meters for the Guest House shall be allowed, unless required by the utility service provider;
6. That the Guest House utilize the same on-site wastewater treatment system as the primary dwelling, except if required and approved by the Pennington County Environmental Planner;

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

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

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

10. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 18-19, which is available at the Planning Office; and,

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

E. On August 6, 2018, the onsite wastewater treatment system serving both the residence and the Guest House was installed and approved by Pennington County.

F. July 22, 2019 – The planning Commission approved the extension of Conditional Use Permit / CU 18-19 with the following conditions:

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

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

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

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

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

6. That both the addresses assigned for the primary residence and the Guest House be posted so they are clearly visible from Silver Mountain Road, in accordance with Pennington County Ordinance #20 within 30 days of approval of this review;
7. That the Guest House be continually utilized and maintained in accordance with all requirements of PCZO § 318;
8. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which will require a site plan to be reviewed and approved by the Planning Director; and,
9. 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.

V. ANALYSIS
A. Staff performed a site visit and found:
   1. The Guest House and primary residence have been completed.
   2. Addresses for each structure have been posted.
B. The applicants have filed a deed restriction for the Guest House and the primary residence is listed as owner occupied.
C. It appears that all the Conditions of Approval are being met.

RECOMMENDATION: Staff recommends approval of the extension of Conditional Use Permit / CU 18-19 with the following conditions:

1. That the rental or lease of the Guest House or the use of the Guest House as a permanent resident for a second family on the premises shall be prohibited;
2. That the Guest House shall not be used for more than 180 days per calendar year;
3. That the primary dwelling, upon completion, be classified as owner-occupied and proof of status be provided to the Planning Department, in accordance with Section 318(B)(10);

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

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

6. That both the addresses assigned for the primary residence and the Guest House continually be posted so they are clearly visible from Silver Mountain Road, in accordance with Pennington County Ordinance #20;

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

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

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 or Board of Commissioners to verify that all Conditions of Approval are being met.
GENERAL INFORMATION:

REQUEST:  

CONDITIONAL USE PERMIT REVIEW/ CU 18-40: To review a pole barn structure prior to a principle use structure on the subject property in a Highway Service District in accordance with Sections 210 and 510 of the Pennington County Zoning Ordinance.

APPLICANT:  
Eli Rodolph / Rodolph Investments LLC

APPLICANT ADDRESS:  
13320 Silver Mountain Road  
Rapid City, SD  57702

LEGAL DESCRIPTION:  
Lot 2, Pankratz Subdivision, Section 22, T1S, R6E, BHM, Pennington County, South Dakota.

SITE LOCATION:  
13337 S. Highway 16, Rapid City, SD 57702

SIZE:  
18.35 acres

TAX ID:  
68720

EXISTING LAND USE:  
Vacant

ZONING REFERENCE:  
Sections 210 and 510

CURRENT ZONING:  
Highway Service District

SURROUNDING ZONING:  

North  
Highway Service District

South  
General Agriculture District

East  
Forest Service / DOT ROW

West  
Highway Service District

PHYSICAL CHARACTERISTICS:  
Forested / Rolling Hills

UTILITIES:  
None

REPORT BY:  
Cody Sack
I. PROPOSED RECOMMENDATION
   A. Staff will be recommending approval of the extension of Conditional Use Permit / CU 18-40 with conditions.

II. GENERAL DESCRIPTION
   A. October 18, 2018, the Planning Commission approved Conditional Use Permit / CU 18-40 with the following thirteen (13) conditions:
      1. That an approved On-Site Wastewater Construction Permit be obtained prior to the installation of an On-Site Wastewater Treatment System on the property;
      2. That an approved Building Permit be obtained for the proposed pole barn prior to any construction, which requires a site plan to be reviewed and approved by the Planning Director;
      3. That a Building Permit be obtained for any structures exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
      4. That if any plumbing is to be installed in the accessory structure, the pole barn, it be hooked into an approved means of wastewater disposal;
      5. That the proposed pole barn be used for personal use only and no commercial-type uses;
      6. That all the natural drainage paths be maintained;
      7. That the minimum setback requirements of a Highway Service District be maintained on the property or the appropriate Variance(s) be obtained;
      8. That either an approved Construction Permit or an approved Building Permit be obtained prior to the improvement of the road on the property, per Pennington County Zoning Ordinance § 507(A) and 511(C)(1);
      9. That the address, once assigned be posted during the construction of the pole barn and at the end of the driveway off of South Highway 16, so it is visible from both directions of travel on South Highway 16, in accordance with the Pennington County’s Ordinance #20;
     10. That the applicant adhere to § (510)(E) of the Zoning Ordinance regarding the time limit on Conditional Use Permit established uses;
     11. That the subject property remains free of debris and junk vehicles, in accordance with Pennington County’s Ordinance #106;
     12. That the applicant sign a Statement of Understanding within ten (10) business days of approval of Conditional Use Permit / CU 18-40, which is available at the Planning Office; and,
     13. 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.
B. October 28, the Planning Commission approved the extension of Conditional Use Permit / CU 18-40 with the following ten (10) conditions:
1. That an approved On-Site Wastewater Construction Permit be obtained prior to the installation of an On-Site Wastewater Treatment System on the property;
2. That a Building Permit be obtained for any structures exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
3. That if any plumbing is to be installed in the accessory structure, the pole barn, it be hooked into an approved means of wastewater disposal;
4. That the proposed pole barn be used for personal use only and no commercial-type uses;
5. That all the natural drainage paths be maintained;
6. That the minimum setback requirements of a Highway Service District be maintained on the property or the appropriate Variance(s) be obtained;
7. That either an approved Construction Permit or an approved Building Permit be obtained prior to the improvement of the road on the property, per Pennington County Zoning Ordinance Section 507(A) and 511(C)(1);
8. That the lot address (13337 S. Highway 16) continue to be posted on the pole barn at all times and at the end of the driveway off of S. Highway 16, in accordance with Pennington County's Ordinance #20;
9. That the subject property remains free of debris and junk vehicles, in accordance with Pennington County's Ordinance #106; and,
10. 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.

III. EXISTING CONDITIONS
A. Zoned Highway Service District.
B. 18.35 acres.
C. Access is taken off of S. Highway 16.
D. Lot contains:
   1. A detached garage/pole barn, County Building Permit / COBP18-0693.

IV. ANALYSIS
A. August 3, 2020 – Staff performed a site visit and found
   1. A detached garage/pole barn structure.
   2. It appears all the Conditions of Approval are being met.
RECOMMENDATION: Staff recommends approval of the extension of Conditional Use Permit / CU 18-40 with conditions:

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

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

3. That if any plumbing is to be installed in the accessory structure, the pole barn, it be hooked into an approved means of wastewater disposal;
4. That the proposed pole barn be used for personal use only and no commercial-type uses;

5. That all the natural drainage paths be maintained;

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

7. That either an approved Construction Permit or an approved Building Permit be obtained prior to the improvement of the road on the property, per Pennington County Zoning Ordinance § 507(A) and 511(C)(1);

8. That the lot address (13337 S. Highway 16) continue to be posted on the pole barn at all times and at the end of the driveway off of S. Highway 16, in accordance with Pennington County’s Ordinance #20;

9. That the subject property remains free of debris and junk vehicles, in accordance with Pennington County’s Ordinance #106; and,

10. 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.
GENERAL INFORMATION:

REQUEST: CONDITIONAL USE PERMIT REVIEW / CU 19-03: To review a storage shed/garage as a primary structure on the subject property in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

APPLICANT: Joseph and Teri Creager

APPLICANT ADDRESS: 3012 Moon Meadows Drive, Rapid City, SD 57702

LEGAL DESCRIPTION: Lot 13, Block 1, Moon Meadow Estates, Section 34, T1N, R7E, BHM, Pennington County, South Dakota.

SITE LOCATION: 3014 Moon Meadows Drive, Rapid City, SD 57702

SIZE: 4.69 acres

TAX ID: 6305

EXISTING LAND USE: Residential

ZONING REFERENCE: Sections 208 and 510

CURRENT ZONING: Suburban Residential District

SURROUNDING ZONING:

<table>
<thead>
<tr>
<th>Direction</th>
<th>Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Suburban Residential District</td>
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<tr>
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<tr>
<td>East</td>
<td>Suburban Residential District</td>
</tr>
<tr>
<td>West</td>
<td>Suburban Residential District</td>
</tr>
</tbody>
</table>

PHYSICAL CHARACTERISTICS: Rolling Hills / Trees

UTILITIES: None

REPORT BY: Stephanie Jansen
I. PROPOSED RECOMMENDATION
   A. Staff will be recommending approval of the extension of Conditional Use Permit / CU 19-03 with conditions.

II. GENERAL DESCRIPTION
   A. April 8, 2019 – The Planning Commission approved Conditional Use Permit / CU 19-03 with the following eleven (11) conditions:
      1. That an approved Building Permit be obtained for the proposed storage shed/garage prior to any construction, which requires a site plan to be reviewed and approved by the Planning Director;
      2. That a Building Permit be obtained for any structures exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
      3. That an approved Approach Permit be obtained from the County Highway Department prior to establishment of any approach off of Moon Meadows Drive to the subject property;
      4. That an approved On-Site Wastewater Treatment System Construction Permit be obtained prior to the installation of any On-Site Wastewater Treatment System on the property;
      5. That if any plumbing is to be installed in the accessory structure it be hooked into an approved means of wastewater disposal;
      6. That the proposed storage shed/garage be used for personal use only and no commercial-type uses;
      7. That all the natural drainage paths be maintained;
      8. That the minimum setback requirements of a Suburban Residential District be maintained on the property or the appropriate Variance(s) be obtained;
      9. That an address be assigned for the storage shed/garage and be posted both on the structure and at the end of the driveway off of Moon Meadows Drive, so it is visible from both directions of travel, in accordance with Pennington County’s Ordinance #20;
      10. That the applicant adhere to PCZO § 510(E)(1)(b) regarding the time limit on establishing the use allowed under this Conditional Use Permit; and,
      11. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

   B. April 13, 2020 – The Planning Commission approved the extension of Conditional Use Permit / CU 19-03 with the following nine (9) conditions:
      1. That a Building Permit be obtained for any structures exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
2. That an approved On-Site Wastewater Treatment System Construction Permit be obtained prior to the installation of any On-Site Wastewater Treatment System on the property;
3. That if any plumbing is to be installed in the accessory structure it be hooked into an approved means of wastewater disposal;
4. That the applicants obtain an approved Approach Permit from County Highway for the subject property within 30 days;
5. That the storage shed/garage be used for personal use only and no commercial-type uses;
6. That all the natural drainage paths be maintained;
7. That the minimum setback requirements of a Suburban Residential District be maintained on the property or the appropriate Variance(s) be obtained;
8. That an address be posted both on the structure and at the end of the driveway off of Moon Meadows Drive, so it is visible from both directions of travel, in accordance with Pennington County’s Ordinance #20; and,
9. That this Conditional Use Permit be reviewed in two (2) months, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

III. EXISTING CONDITIONS
A. Zoned Suburban Residential District.
B. 4.69 acres.
C. Access off Moon Meadows Drive.
   1. Storage shed uses existing approach off of Moon Meadows Drive.
D. Special Flood Hazard Area is “not studied”.
E. Lot contains:

IV. ANALYSIS
A. July 31, 2020 – Staff performed a site visit to the subject property and observed the following:
   1. That the storage shed is being used for personal storage (Condition #5).
   2. That the minimum setback requirements of a Suburban Residential District are being maintained (Condition #7).
   3. That an address is posted in accordance with Pennington County’s Ordinance #20 (Condition #8).
   4. The applicants did not create a new approach off of Moon Meadows Drive and, therefore, do not need an Approach Permit. They are using an existing approach that is grandfathered (Condition #4).
      a. **Staff Comment:** Staff will be removing this Condition as it is not needed.
   5. All other conditions appear to be met.
RECOMMENDATION: Staff recommends approval of the extension of Conditional Use Permit / CU 19-03 with conditions:

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

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

3. That if any plumbing is to be installed in the accessory structure it be hooked into an approved means of wastewater disposal;

4. That the proposed storage shed/garage be used for personal use only and no commercial-type uses;

5. That all the natural drainage paths be maintained;
6. That the minimum setback requirements of a Suburban Residential District be maintained on the property or the appropriate Variance(s) be obtained;

7. That an address be posted both on the structure and at the end of the driveway off of Moon Meadows Drive, so it is visible from both directions of travel, in accordance with Pennington County’s Ordinance #20; and,

8. That this Conditional Use Permit be reviewed three (3) years, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.
GENERAL INFORMATION:

REQUEST: CONDITIONAL USE PERMIT REVIEW/ CU 19-06: To review a lighted, on-premise sign within 1,500 feet of a residential zoning district/dwelling unit in a General Commercial District in accordance with Sections 209, 312, and 510 of the Pennington County Zoning Ordinance.

APPLICANT/OWNER: Big Game Storage, LLC; Chris Peterson

APPLICANT ADDRESS: 3393 Cavern Road, Rapid City, SD 57702

LEGAL DESCRIPTION: Tract 1 of SE1/4, Section 11, T1N, R6E, BHM, Pennington County, South Dakota.

SITE LOCATION: 3395 Cavern Road; located south of the intersection of W. Highway 44 and Cavern Road.

SIZE: 21.94 acres

TAX ID: 10790

EXISTING LAND USE: Residential / Commercial

ZONING REFERENCE: Sections 209, 312, and 510

CURRENT ZONING: General Commercial District

SURROUNDING ZONING:

North
- Low Density Residential District
- Limited Agriculture District

South
- General Agriculture District
- Limited Agriculture District

East
- General Agriculture District

West
- Planned Unit Development District

PHYSICAL CHARACTERISTICS: Flat / Open Meadow / Forested

UTILITIES: Private

REPORT BY: Stephanie Jansen
I. PROPOSED RECOMMENDATION
   A. Staff will be recommending approval of the extension of Conditional Use Permit / CU 19-06 with conditions.

II. GENERAL DESCRIPTION
   A. May 13, 2020 – The Planning Commission approved Conditional Use Permit / CU 19-06 with the following five (5) conditions:
      1. That all lighting be installed and maintained so as to minimize spillage of light outside of each sign face so as not to create a nuisance and the signs must be effectively shielded to prevent beams or rays from being directed toward any portion of the roadways, and must not be of such intensity or brilliance to cause glare or impair the vision of the driver of any motor vehicle, or otherwise interfere with any driver’s operation of a motor vehicle;
      2. That a Building Permit be obtained for the sign prior to any work done for the sign.
      3. That the signs continually conform to all regulations in § 312 of the Pennington County Zoning Ordinance;
      4. That the signs be maintained so as to have an aesthetically pleasing appearance at all times and not appear dilapidated; and,
      5. 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 Conditionals of Approval are being met.

III. EXISTING CONDITIONS
   A. Zoned General Commercial District.
   B. 21.94 acres.
   C. Access off of Cavern Road.
   D. Lot contains:
      2. Two (2) 40' X 150' storage units / COBP18-0162 & COBP18-0163.
      3. One (1) 50' X 142' storage unit / COBP18-0400.
      4. One (1) office with bathroom 50' X 75' / COBP18-0164.
      5. On-Site Wastewater Treatment System / COSD18-0027.
         a. Operating Permit / COOP190127.
      6. One (1) off premise v-shaped non-lighted sign / COSP18-0012.
      7. One (1) on premise v-shaped non-lighted sign / COSP18-0015.
      9. On-Site Wastewater Treatment System / COSD18-0023.
         a. Operating Permit / COOP19-0165.
IV. ANALYSIS

A. March 29, 2019 – The applicant applied for a Conditional Use Permit to allow for a lighted, on-premise sign to be located on the subject property.


C. July 31, 2020 – Staff performed a site visit and found that a lighted sign has not been placed on the property.
   a. Staff has previously discussed the sign status with the applicant who mentioned that, due to COVID-19, the sign has taken longer than expected to be placed on the property.

C. The Conditional Use Permit shall automatically expire if, as Section 510 (E) (b) states, “The use for which the Conditional Use Permit was granted has not been established, according to the terms and conditions of the Conditional Use Permit, within two years following the date of approval.”
   a. Staff comment: The applicant has until May 13, 2021 to place the lighted sign on the property or the Conditional Use Permit will automatically expire. Staff will be including this as a Condition.

RECOMMENDATION: Staff recommends approval of the extension of Conditional Use Permit / CU 19-06 with the following conditions:

1. That all lighting be installed and maintained so as to minimize spillage of light outside of each sign face so as not to create a nuisance and the signs must be effectively shielded to prevent beams or rays from being directed toward any portion of the roadways, and must not be of such intensity or brilliance to cause glare or impair the vision of the driver of any motor vehicle, or otherwise interfere with any driver’s operation of a motor vehicle;

2. That a Building Permit be obtained for the sign prior to any work done for the sign;

3. That the sign continually conform to all regulations in § 312 of the Pennington County Zoning Ordinance;

4. That the sign be maintained so as to have an aesthetically pleasing appearance at all times and not appear dilapidated; and,

5. That the Conditional Use Permit automatically expire May 13, 2021, if the use for which the Conditional Use Permit was granted has not been established.

6. That this Conditional Use Permit be reviewed at the May 24, 2021, Planning Commission meeting, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditionals of Approval are being met.
STAFF REPORT

GENERAL INFORMATION:

REQUEST: CONDITIONAL USE PERMIT REVIEW / CU 19-21: To review a Vacation Home Rental in a Suburban Residential District in accordance with Sections 208, 319, and 510 of the Pennington County Zoning Ordinance.

APPLICANT: Ryan and Dawn Loraas

APPLICANT ADDRESS: 2020 Meadow Ridge Place, Bismarck, ND 58703

LOCAL CONTACT: Julie Mechaley

LEGAL DESCRIPTION: Lot 4R, Block D, Edelwiess Mountain Development Subdivision, Section 17, T1N, R5E, BHM, Pennington County, South Dakota.

SITE LOCATION: 205 Danube Lane, Rapid City, SD 57702.

SIZE: 2.15 acres

TAX ID: 69834

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: Hills / Trees

UTILITIES: Community

REPORT BY: Jason Theunissen
I. PROPOSED RECOMMENDATION
   A. Staff will be recommending approval of the extension of Conditional Use Permit / CU 19-21 with conditions.

II. GENERAL DESCRIPTION
   A. August 26, 2019 – Planning Commission approved Conditional Use Permit / CU 19-21 with the following conditions:
      1. That the maximum overnight occupancy, per Pennington County Zoning Ordinance (PCZO) § 319(F)(1), be limited to ten (10) people and the maximum daytime occupancy be limited to twenty (20) people, per PCZO § 319(F)(13);
      2. That each review of Conditional Use Permit / CU 19-21, be subject to PCZO §511(F)(4), 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 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 provided to the Planning Department upon request;
      5. 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;
      6. 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;
      7. That the lot address (205 Danube Lane) be posted on the residence and be clearly visible from Danube Lane at all times, 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 § 319(F) (Performance Standards) at all times;
      9. That if the person designated as the Local Contact is ever changed from Julie Mechalley, 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);
Agenda Item #10  
Ryan & Dawn Loraas  
August 10, 2020

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 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 Suburban Residential District.
B. 2.15 acres.
C. Access of off Danube Lane.
   1. Located within the Edelweiss Mountain Road District.
   2. Located within the West Dakota Water District.
D. Edelweiss Community Lagoon System.
E. No Special Flood Hazard Area.
F. Lot contains:
   1. Single-family residence – County Building Permit 2006COBP0409.

Existing Lot, Rapid Map, 2018
IV. ANALYSIS

A. August 5, 2020 – Staff performed a site visit and found the Vacation Home Rental operating according to the approved Conditions of Approval, to include the following:
   1. The $100 review fee has been paid (Condition #2);
   2. South Dakota Department of Revenue Sales Tax License and Department of Health Lodging License (Condition #3);
   3. Off-street parking appeared to be adequate (Condition #5);
   4. The address was posted in accordance with Ordinance #20 (Condition #7); and,
   5. Local contact is Julie Mechaley (Condition #9).
RECOMMENDATION: Staff recommends approval of the extension of Conditional Use Permit / CU 19-21 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 19-21, be subject to PCZO Section 511(F)(4), which imposes a $100 fee per review;

3. That the applicant continually maintain current licenses with the South Dakota Department of Health (Lodging 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 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 provided to the Planning Department upon request;
Agenda Item #10
Ryan & Dawn Loraas
August 10, 2020

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 (205 Danube Lane) be posted on the residence and be clearly visible from Danube Lane at all times, 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 Julie Mechaley, 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 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.
Subject Property
MEMO

TO: Planning Commission
FROM: Cody Sack, Environmental Planner
DATE: August 10, 2020
RE: Proposed Road Naming – Kona Court

Proposed road naming for a 26-foot-wide interior access road to be dedicated as an Access Easement which will begin approximately 0.25 mile east of the intersection of Country Road and 143rd Avenue.

The Planning Department received a Road Naming Application to name a proposed new access road **Kona Court**. The applicant, Randy Dowdy, has an approved Conditional Use Permit / CU 18-18 to allow a rental home park on the subject property. Kona Court would provide access to ten (10) future rental units and fulfills a condition (Condition #7) of Conditional Use Permit / CU 18-18.

Included in this Memo are comments from Ted Rufledt of the Emergency Services Communication Center (911), Ellen Madden of the Rapid City GIS Department, and Bill Welk of the County Highway Department. The proposed road name, **Kona Court**, is approved by both 911 and GIS.

**COMMENTS RETURNED:**

**County Highway Department:** No Comments.

**GIS:** None.

**Emergency Services (9-1-1):** Good here.

**RECOMMENDATION:** Staff recommends approval of the road name, **Kona Court**, with the condition the applicant will be responsible for payment and posting a road name sign in a timely manner, in accordance with the standards set forth by the Pennington County Highway Department.
ROAD NAMING PETITION: KONA COURT

RE: Proposed naming of a 26-foot-wide interior access road that provides access to one (1) property with ten (10) future rental units located in Section 17, T2N, R8E, BHM, Pennington County, South Dakota. Said road begins approximately 0.25 mile east of the intersection of Country Road and 143rd Avenue, and traverses north for approximately 650 feet to its terminus.

HONORABLE COMMISSIONERS OF PENNINGTON COUNTY:

Whereas, the above-described road provides access to one (1) privately-owned property, more fully described as: W1/2 W1/2SE1/4 SW1/4, Section 17, T2N, R8E, BHM, Pennington County, South Dakota;

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

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

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

Whereas, the proposed road name is not currently in use by any other roads in Pennington County and the Emergency Services Communication Center has verified the name Kona Court is acceptable to use;

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

Now, therefore, the Pennington County Planning Department hereby requests that the road name for the above-described Right-of-Way be assigned the name KONA Court, as indicated on the attached map.

Dated this 10th day of August, 2020.

Cody Sack, Environmental Planner
Pennington County Planning Department
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 17-48: To review the transfer of a Vacation Home Rental in a General Agriculture District in accordance with Sections 205, 319, and 510 of the Pennington County Zoning Ordinance.

OWNER:

Fred Prien

APPLICANT ADDRESS:

25318 406th Avenue, Mitchell, SD, 57301

AGENT:

Jim Peterson

AGENT ADDRESS:

P.O. Box 1114, Hill City, SD 57745

LOCAL CONTACT:

Edelweiss Mountain Lodging

LEGAL DESCRIPTION:

Lot 12 less E100 feet and all of 13; Clear Creek Placer MS 1184, Section 22, T1N, R5E, BHM, Pennington County, South Dakota.

SITE LOCATION:

12735 N. Prairie Creek Road; located off of Edelweiss Mountain Road.

SIZE:

2.47 acres

TAX ID:

5143

EXISTING LAND USE:

Residential

ZONING REFERENCE:

Sections 205, 319, and 510

CURRENT ZONING:

General Agriculture District

SURROUNDING ZONING:

North
General Agriculture District
Low Density Residential District
Limited Agriculture District
General Agriculture District
Low Density Residential District

South

East

West
Agenda Item #13  
Fred Prien 
August 10, 2020

PHYSICAL CHARACTERISTICS: Forested / Hills

UTILITIES: Private

REPORT BY: Jason Theunissen

I. PROPOSED RECOMMENDATION
   A. Staff will be recommending approval of the transfer of Conditional Use Permit / CU 17-48 with conditions.

II. GENERAL DESCRIPTION
   A. February 12, 2018 – Planning Commission approved Conditional Use Permit / CU 17-48 for a Vacation Home Rental (VHR) in a General Agriculture District with the following fifteen (15) conditions:
      1. That the maximum overnight occupancy, based on SD DENR approval, continue to be limited to six (6) people and the maximum daytime occupancy be limited to twelve (12) people, per Pennington County Zoning Ordinance (PCZO) § 319(F)(13);
      2. That if an addition is constructed or the on-site wastewater treatment system is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DENR;
      3. That all necessary permits are obtained prior to any additions to the structure or upgrades/alterations to the on-site wastewater treatment system;
      4. That the applicants continually maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department, upon request;
      5. That the applicants continually maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;
      6. That a minimum of three (3) off-street parking spaces continue to be provided on-site, per PCZO § 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt, and maintained in a dust-free manner;
      7. That an interior informational sign or signs continue to be posted in accordance with the requirements of PCZO § 319(G), with 9-1-1 and (605) 394-4139 listed as contacts for Fire Department and Sheriff’s 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;

8. That the lot address continue to be posted on the residence at all times and so that it is clearly visible from Highway 385, in accordance with Pennington County's Ordinance #20;

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

10. That if the person designated as the Local Contact is ever changed from Edelweiss Mountain Lodging, 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;

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

12. That an approved Sign Permit be obtained prior to the placement of any on-premise sign(s);

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

14. That the applicants continually adhere to requirements and restrictions set forth by the U.S. Forest Service; 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.


1. Originally approved Condition #14 was removed.

III. EXISTING CONDITIONS

A. 2.47 acres.

B. Zoned General Agriculture District (40-acre minimum).
   1. Lot size is legal non-conforming.

C. Access is from North Prairie Creek Road.
   1. Located in the Clear Creek Placer Road District.

D. Lot contains:
   1. Single-family residence with attached two-car garage
      a. Building Permit #814.
      b. Onsite Wastewater Treatment System.
         i. Operating Permit – COOP18-0232.

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

A. June 30, 2020 – The applicant’s agent, Jim Peterson, notified Staff via email that the property was being sold and that the new owner would like to transfer Conditional Use Permit / CU 17-48.

B. August 5, 2020 – Staff performed a site visit with the owner’s authorized agent, Jim Peterson, and observed the following:
   1. Maximum occupancy was limited to six (6) overnight guests and twelve (12) daytime guests (Condition #1).
   2. Off-street parking appeared to be adequate (Condition #4).
   3. The informational sign is provided for the renters (Condition #5).
   4. The address (12735 N. Prairie Road) was clearly posted and visible from N. Prairie Road (Condition #8).
   5. All other Conditions of Approval appeared to be met.

C. July 17, 2020 – Staff received payment for the VHR Conditional Use Permit review fee.

D. Fred Prien plans to close on the property by the end of August 2020.

E. July 27, 2020 – The applicant’s agent submitted all required documentation, per Pennington County Zoning Ordinance, Section 319(C)(5)(b) to allow for the transfer of Conditional Use Permit CU 17-48, to include:
   1. South Dakota Lodging license application.
   2. Local Contact confirmation as Edelweiss Mountain Lodging.
   3. Mailing receipt to confirm surrounding property owners were notified.

F. Staff has not received any complaints regarding the subject property.
RECOMMENDATION: Staff recommends approval of the transfer of Conditional Use Permit / CU 17-48 with the following conditions:

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

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

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

4. That the applicant maintain current licenses with the South Dakota Department of Health Lodging License and the Department of Revenue Sales Tax License and that copies of these licenses be provided to the Planning Department, upon request;

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

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

7. That an interior informational sign or signs continue to 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;

8. That the address continue to be properly posted on both the residence and at the approach so it be visible in both directions in accordance with Pennington County’s Ordinance #20;

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

10. That if the person designated as the Local Contact is ever changed from Edelweiss Mountain Lodging 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;
Agenda Item #13
Fred Prien
August 10, 2020

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

12. That an approved Sign Permit be obtained prior to the placement of any on-premise sign(s);

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

14. That this Conditional Use Permit be automatically revoked upon sale or transfer of ownership of the subject property, unless a transfer of this Conditional Use Permit is accomplished per Pennington County Zoning Ordinance Section 319; 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.
VACATION HOME RENTAL (VHR)
CHECKLIST and SUPPLEMENTAL APPLICATION

APPLICATION REQUIREMENTS:

☑ Site plan depicting the layout of the property, including all existing and proposed structures with setbacks, wells and/or water lines, on-site wastewater treatment system and/or sanitary sewer lines, and on-site parking spaces.

☑ An interior diagram/plan of the VHR.

☑ The maximum number of overnight occupants.

☑ Acknowledgement from the Owner that the VHR meets all Fire Safety Standards for Vacation Home Establishments requirements in accordance with current South Dakota Codified Laws.

☑ Specifications of the existing wastewater treatment system.

☒ Copy of Covenants, if applicable.

☑ Copy of approval letter from SD DENR for the on-site wastewater treatment system (for existing systems only).

☑ Copy of approved Operating Permit, from the Planning & Zoning Department, for the on-site wastewater treatment system (for existing systems only).

☑ A copy of the Vacation Home Rental License or Application from the South Dakota Department of Health. At the time of issuance of the Vacation Home Rental License from the South Dakota Department of Health, a copy of the license shall be furnished to the Planning Department.

LOCAL CONTACT INFORMATION:

Name: Julie Mechaley  Primary Contact Number: 605-574-2430
Mailing Address: 12780 Black Forest Rd
City: Rapid City  State: SD  Zip Code: 57702

***The Local Contact can file an application for a CUP, with the Owner’s signature notarized on the CUP Application, but the CUP shall only be issued to the Owner of the VHR.

Julie Mechaley
Signature of Local Contact

Date: 7-27-2020

Subscribed and sworn to before me this 27 day of July, 2020.

Notary Public for the State of South Dakota

My Commission Expires

Kimberly K. Fisher
Notary Public for the State of South Dakota

My Commission Expires
SOUTH DAKOTA DEPARTMENT OF HEALTH

LODGING LICENSE APPLICATION

SECTION 1: ESTABLISHMENT INFORMATION

ESTABLISHMENT NAME
Prairie Creek Cabin Getaway

PREVIOUS ESTABLISHMENT NAME
Prairie Creek Hideaway

OLD LIC.#
20190

CORPORATION/OWNER NAME
Fred & Michelle Prie

CORPORATE CONTACT/PHONE
605-999-6481

ESTABLISHMENT PHONE
605-574-3551

CEA PHONE

ESTABLISHMENT PHYSICAL ADDRESS (NO PO BOX #)
18735 N Prairie Creek Road

CITY
Rapid City

STATE
SD

ZIP
57702

COUNTY
Pennington

IF RURAL LOCATION, GIVE DIRECTIONS FROM NEAREST CITY

MAILING ADDRESS (IF DIFFERENT THAN PHYSICAL ADDRESS)
25318 406th Ave

CITY
Mitchell

STATE
SD

ZIP
57301

EMAIL ADDRESS

APPLICATION IS FOR:
[ ] NEW BUSINESS
[ ] CHANGE OF OWNERSHIP

DATES OPEN - IF SEASONAL
From: 7-1-2020
To: 7-31-2020

PROPOSED OPENING DATE
7-31-2020

WATER SUPPLY
[ ] Public [ ] Private

SEWER SYSTEM
[ ] Public [ ] Private

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

<table>
<thead>
<tr>
<th>Number of Units</th>
<th>FULL YEAR FEE: Jan 1 – Dec 31</th>
<th>HALF YEAR FEE: July 1 – Dec 31</th>
<th>FEE TOTAL</th>
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<tbody>
<tr>
<td>Bed &amp; Breakfast:</td>
<td>$38.00 Registration Fee</td>
<td>$38.00 Registration Fee</td>
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<tr>
<td>Vacation Home:</td>
<td>$70.00 This includes the inspection fee²</td>
<td>$35.00 This includes the inspection fee²</td>
<td>35.00</td>
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<tr>
<td>Specialty Resort: 10 or Less Sleeping Rooms</td>
<td>$70.00 This includes the inspection fee²</td>
<td>$35.00 This includes the inspection fee²</td>
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<tr>
<td>Hotel: 11 or More Sleeping Rooms</td>
<td>$2.25 per unit Plus $25.00 Inspection Fee¹ ($70.00 Minimum Total)</td>
<td>$1.12 per unit Plus $12.50 Inspection Fee¹ ($35.00 Minimum Total)</td>
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<tr>
<td>Initial License Fee²</td>
<td>$100.00</td>
<td>$100.00</td>
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SECTION 3: WATER RECREATION FEES

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<thead>
<tr>
<th>Number of Pools and Hot Tubs</th>
<th>FULL YEAR FEE:</th>
<th>HALF YEAR FEE:</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td>One</td>
<td>Two or More</td>
</tr>
<tr>
<td>$0</td>
<td>$40.00</td>
<td>$65.00</td>
</tr>
</tbody>
</table>

Is Your Pool Or Hot Tub Associated With Another Licensed Establishment? Yes [ ] No [ ]
If Yes, Please Name Other Licensed Facility:

$35.00

SECTION 4: SIGNATURE

Being first duly sworn, I, as the owner or the owner’s agent with legal authority to bind the owner, verify that the information contained in this application is true and complete, and I consent to allow inspections of the food service, lodging, or campground establishment by authorized inspectors during normal business hours upon the presentation of identification.

Owner/Agent Signature: Michelle Prie
Date: 6/30/2020

Subscribed and sworn to before me this 30 day of June, 2020

Notary Public: Michelle P. Carey
My commission expires: 07/01/2022

DELBERT R. CAREY
NOTARY PUBLIC
STATE OF SOUTH DAKOTA

APPLICATIONS MUST BE SIGNED AND NOTARIZED TO BE PROCESSED

Rev. 02/2014
Prairie Creek-Hideaway
12785 N. Prairie Creek Rd
Rapid City SD 57702
Phone number of cabin 605-374-2551
Phone number of the office 605-374-2480

1. Any questions or problems call the office located at 12785 BlackForest Rd
2. Maximum number of night occupants: 5
3. Maximum number of day guests: 9
4. Parking is advised in driveway. 2 Vehicles permitted.
5. The use of open fire is restricted. Fireworks, charcoal burning grills or other devices shall not be allowed without permission from the Devil's Tower Mountain Lodging to ensure compliance with all federal, state and county laws and regulations.
6. No pets are allowed and no smoking in the home.
7. Quiet hours are between 10:00 p.m. and 8:00 a.m.
8. You will be charged for littering or damage at check-in.
9. You will be responsible for all damage or breakage of any kind, your action or the actions of your guest.
10. All vehicles must be clear of the driveway.
11. The speed of vehicles in the neighborhood is restricted to 10 MPH.
12. Be courteous to neighbors and keep up your property.
13. Firewood is available for a fee.
14. Before departure make sure:
   - All windows are closed.
   - All doors are locked.
   - All appliances are turned off.
   - Water temperature is turned down to 10.
   - All pets are up to date on vaccination.
   - All garbage is placed in bag and thrown into the garbage.

PLEASE ABIDE THE SPEED LIMIT OR 10 MILES PER HOUR
Contact information for property manager of:

12735 N. Prairie Creek Rd Rapid City SD 57580

Edelweiss Mountain Lodging
12780 Black Forest Rd
Rapid City SD 57580

605-574-2430
Marshall Mechaley
Julie Mechaley
Chuck Mechaley
Edelweiss Mountain Lodging, property management company, and Alvin and Sharon Gullickson said owners of 12735 N. Prairie Creek Rd Rapid City have signed a contract dated January 25, 2018 whereas Edelweiss Mountain Lodging will represent the Gullicksons in renting our their home.

Edelweiss Mountain Lodgings contact information is as follows:

Edelweiss Mountain Lodging
12780 Black Forest Rd
Rapid City SD 57702
605-574-2430

Julie Mechaley cell - 605-430-2571
Marshall Mechaley cell - 605-430-3368
Chuck Mechaley
September 14, 2017

Carson Goodwin
VACO Vacation Rentals, LLC
1425 Mt. Rushmore Road
Rapid City, SD 57701

RE: On-site wastewater system for a vacation rental located at 12735 N Prairie Creek Road, Rapid City, SD

Dear Mr. Goodwin:

The South Dakota Department of Environment and Natural Resources is in receipt of your request for approval of an existing wastewater system that serves a residence located on Lot 12 less 100 East and Lot 13, Clear Creek Place MS 1184, Section 22, Township 1 North, Range 5 East, Pennington County, South Dakota. The request has been reviewed for compliance with South Dakota's “Individual and Small On-Site Wastewater Systems” regulations.

The following information was used in making the determination:

- Based on information submitted by Pennington County Planning office the proposed vacation rental house’s septic system was designed as a three bedroom home with an anticipated maximum daily flow of 360 gallons.
- After checking with Pennington County and our files we find no history of problems with the existing wastewater system.

Based on the information provided, we consider this wastewater system approved for a maximum daily flow of 360 gallons, until such time as the system is altered or fails. This would be sufficient for up to 6 persons per night staying at this vacation rental.

The lifetime of this system is dependent upon proper construction and regularly scheduled maintenance.

Sincerely,

Kent R. Woodmansey, P.E.
Engineering Manager
(605) 773-3351

cc: TJ Doreff, Pennington County Planning
Bill Chalcraft, Administrator DOH – Robert Hayes Bldg.
Pennington County
Planning and Zoning

6-30-2020
Reference Vacation Home Transfer - 12735 N Prairie Creek Road, Rapid City, SD 57745

To whom it may concern:

The current CUP issued to Alvin and Sharon Gullickson will need to be transferred as they are selling and closing on the property 7-25-2020. The new owners are Fred and Michelle Prien, 25318 406th Ave, Mitchell, SD 57301. We are completing the check list. Also, the health department has been notified and a new license has been applied for. The property management at Edelweiss Mountain Lodging will continue to provide the management service and sales tax returns.

PS. Send the names and letters to our Realtor in Hill City, SD.

Integrity Realty of the Black Hills

jim@landlotshomes.com
P.O. Box 1114
Hill City, SD 57745
605-391-8373 - Jim Peterson

Alvin M Gullickson
Sharon Gullickson

6/30/2020 5:59 PM CDT
6/30/2020 6:04 PM CDT

Alvin and Sharon Gullickson
P.O. Box 203, Colman, SD, 57107
605-530-4129
On-Site Wastewater Treatment System Operating Permit

Operating Permit Number: COOP18-0232

<table>
<thead>
<tr>
<th>PROPERTY INFORMATION</th>
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<tbody>
<tr>
<td>Property Address: 12735 N PRAIRIE CREEK RD</td>
</tr>
<tr>
<td>Pin #: 35-22-126-004</td>
</tr>
<tr>
<td>Tax ID #: 5143</td>
</tr>
<tr>
<td>Owner Name: GULLICKSON ALVIN M SHARON</td>
</tr>
<tr>
<td>Owner Address: PO BOX 203 COLMAN, SD 57017-0203</td>
</tr>
<tr>
<td>Legal Description:</td>
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<tr>
<td>Block:</td>
</tr>
<tr>
<td>Subdivision: CLEAR CREEK PLACER MS 1184</td>
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<tr>
<td>Section-Township-Range: 22-1N-5E</td>
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<table>
<thead>
<tr>
<th>ON-SITE WASTEWATER TREATMENT SYSTEM INFORMATION</th>
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</thead>
<tbody>
<tr>
<td>Septic/Holding Tank System</td>
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<tr>
<td>Tank Size: 1000</td>
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<tr>
<td>Tank Material: Concrete</td>
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<tr>
<td>Treatment System Type: Trench</td>
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| OSWTS Permit Number (new systems only): |

<table>
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<tr>
<th>PERMIT INFORMATION</th>
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<tbody>
<tr>
<td>Date of System Observation: 27-Jul-2017</td>
</tr>
<tr>
<td>Operating Permit Expiration: 9-Jun-2024</td>
</tr>
<tr>
<td>Observed By: CODY MEDEARIS</td>
</tr>
</tbody>
</table>

THE PROPERTY OWNER IS RESPONSIBLE FOR LOCKING ALL SEPTIC AND HOLDING TANK LIDS THAT ARE ABOVE GRADE OR HAVE LESS THAN 6 INCHES OF EARTH BACKFILL.

Approval of this Permit does not in any way release the owner from the responsibility that the onsite wastewater treatment system must be operable.

§ 204(L) of the Pennington County Zoning Ordinance requires that your onsite wastewater treatment system be pumped and observed at a minimum frequency of six (6) years. There are subdivisions and commercial properties within the County that require more frequent pumping and observation. The longevity and performance of your onsite wastewater treatment system is dependent upon proper maintenance and care of the system, which may require more frequent pumping and/or observation. For more information, please visit <http://water.epps.gov/infrastructure/septic/septicsmart.cfm>
STAFF REPORT

GENERAL INFORMATION:

REQUEST: LAYOUT PLAN / LPL 20-19: To combine two lots to create Lot 5RA, Block 2 of Hart Ranch West #1 in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

APPLICANT / OWNER: Ray and Elizabeth Strand

APPLICANT ADDRESS: 13785 Arabian Drive, Rapid City, SD 57702

LEGAL DESCRIPTION: EXISTING LEGAL: Lot 4RA and 5R Revised, Block 2 of Hart Ranch West #1, Sections 28 and 29, T1S, R7E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 5RA, Block 2 of Hart Ranch West #1, Sections 28 and 29, T1S, R7E, BHM, Pennington County, South Dakota.

SITE LOCATION: 13785 Arabian Drive; located south and east of the intersection of Neck Yoke Road and Hart Ranch Road West.

SIZE: 43.28 acres

TAX ID: 67460 / 67461

EXISTING LAND USE: Residential

SUBDIVISION REGULATIONS REFERENCE: Section 400.1

CURRENT ZONING: Planned Unit Development District

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

PHYSICAL CHARACTERISTICS: Hills / Forested

UTILITIES: Private
I. PROPOSED RECOMMENDATION  
A. Staff will be recommending approval of Layout Plat / LPL 20-19 with conditions.

II. GENERAL DESCRIPTION  
A. The applicants, Ray and Elizabeth Strand, applied for a Layout Plat to consolidate two (2) existing lots into one (1) lot.

III. EXISTING CONDITIONS  
A. Zoned Planned Unit Development.  
B. Lot size:  
   1. Lot 5R – 26.51 acres.  
   2. Lot 4RA – 16.77 acres.  
C. Located within Lowland Road District.  
D. No Special Flood Hazard Area Present.  
E. Access is taken off of Arabian Drive.  
F. Lot 5R contains:  
   5. On-site Wastewater Treatment System Operating Permit / COOP14-0354.  
   6. Vacation of Section Line – VAC 84-3 – All Section lines crossing the 25 lots in the in Hart Ranch West #1 were approved for vacation on December 4, 1984.  
G. Lot 4RA contains:  
   1. Vacant  
   2. Vacation of Section Line – VAC 84-3 – All Section lines crossing the 25 lots in the in Hart Ranch West #1 were approved for vacation on December 4, 1984.

IV. PROPOSED LOT  
A. 43.28 acres.  
B. Lot 5RA, Block 2 of Hart Ranch West #1, Section 29, T1S, R7E, BHM, Pennington County, South Dakota.

V. REQUEST FOR COMMENT  
A. Register of Deeds  
   1. We are okay with consolidating of lots.  
B. County Ordinance Enforcement Officer  
   1. No violations.
C. Emergency Services
   1. I can’t tell if the applicant has his house # posted in accordance with Penn Co Ord # 20 but as a condition of approval, we should confirm it and if not, require it.

D. Department of Equalization
   1. It looks okay at this stage.

VI. ANALYSIS
   B. The applicant’s request is to combine both parcels into one lot, which if approved, will decrease density within the Hart Ranch West #1 Subdivision.
   C. For the purposes of a Layout Plat, staff finds no significant issues with the applicant’s request.
      1. A Layout Plat is an informal preliminary review of the proposed subdivision for general scope and conditions, which might affect the plat.

RECOMMENDATION: Staff recommends approval of Layout Plat / PL 19-29 with the following conditions:

1. That at the time of Minor Plat application submittal, eight (8) foot Minor Drainage Easements are 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 application 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; and,

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

REQUEST: LAYOUT PLAN / LPL 20-20: To create Tract A, Tract B, Tract C, and Tract D of Duhamel Flat Addition in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

APPLICANT / AGENT: Link SD Ranches, LLC; Jesse Sondreal - Agent

APPLICANT ADDRESS: 1 Snack Food Lane, Minong, WI 54859

LANDOWNER: Bruce Denke & Kenneth Denke

LANDOWNER ADDRESS: 21150 Creighton Road, Creighton, SD 57790

SURVEYOR/ENGINEER: D.C. Scott Surveyors

ADDRESS: 3153 Anderson Road, Rapid City, SD 57703

LEGAL DESCRIPTION: EXISTING LEGAL: SW1/4SE1/4 and NE1/4, Sections 17 and 20, T5N, R16E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Tract A, Tract B, Tract C, and Tract D of Duhamel Flat Addition, Sections 17 and 20, T5N, R16E, BHM, Pennington County, South Dakota.

SITE LOCATION: Near the intersection of Duhamel Flat Road and Creighton Road.

SIZE: 99.87 acres

TAX ID: 70830 / 17730

EXISTING LAND USE: Vacant / Agriculture

SUBDIVISION REGULATIONS REFERENCE: Section 400.1

CURRENT ZONING: General Agriculture District
Agenda Item #14
Link SD Ranches, LLC; Jesse Sondreal - Agent
August 10, 2020

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

PHYSICAL CHARACTERISTICS: Rolling Hills

UTILITIES: None

REPORT BY: Kristina Proietti

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

II. GENERAL DESCRIPTION
   A. The applicant, Link SD Ranches LLC, is requesting to create proposed Tract A, with approximately 12.54 acres, Tract B, with approximately 38.65 acres, Lot C with approximately 11.24 acres, and Lot D with approximately 37.44 acres.
   B. It was indicated on the Layout Plan Application that the purpose for subdividing these lots is to sell for agriculture use.

III. EXISTING CONDITIONS
   A. Zoned General Agriculture District.
   B. Lot size 99.87 acres.
   C. Access taken off of Duhamel Flat Road.
   D. The “special Flood Hazard Area” on the subject property has not been studied.
   E. Lot Contains (TIN# 17724):
      1. Vacant of any structures.
   F. Lot contains (TIN# 17730):
      1. Vacant of any structures.

IV. PROPOSED LOTS
   A. Tract A
      1. Approximately 12.54 acres.
      2. Zoned General Agriculture District.
         a. Does not meet the minimum lot size requirement for a General Agriculture District, per Section 205 of the Pennington County Zoning Ordinance (PCZO).
         b. A Rezone and Comprehensive Plan Amendment or Lot Size Variance will be required for proposed Tract A.
B. Tract B
   1. Approximately 38.65 acres.
   2. Zoned General Agriculture District.
      a. Does not meet the minimum lot size requirement for a
         General Agriculture District, per Section 205 of the
         Pennington County Zoning Ordinance (PCZO).
      b. A Rezone and Comprehensive Plan Amendment or Lot Size
         Variance will be required for proposed Tract B.

C. Tract C
   1. Approximately 11.24 acres.
   2. Zoned General Agriculture District.
      a. Does not meet the minimum lot size requirement for a
         General Agriculture District, per Section 205 of the
         Pennington County Zoning Ordinance (PCZO).
      b. A Rezone and Comprehensive Plan Amendment or Lot Size
         Variance will be required for proposed Tract C.

D. Tract D
   1. Approximately 37.44 acres.
   2. Zoned General Agriculture District.
      a. Does not meet the minimum lot size requirement for a
         General Agriculture District, per Section 205 of the
         Pennington County Zoning Ordinance (PCZO).
      b. A Rezone and Comprehensive Plan Amendment or Lot Size
         Variance will be required for proposed Tract C.
V. REQUEST FOR COMMENT
A. County Highway Department
   1. The Highway Department has no comment.
B. County Fire Administrator
   1. No comment received.
C. County Environmental Planner II
   1. According to the USDA Web Soil Survey the soils on this site are classified as “very limited” due to slow water movement. If the applicant were to install a septic on any of the newly formed lots, all rules of Pennington County Zoning Section Ordinance 204-J must be followed.
D. County Addressor / Floodplain Manager
   1. No addressing concerns at this time. Future addresses will be assigned during the Building Permit application process. Once assigned, addresses must be posted in accordance with Pennington County Ordinance #20.
   2. No Special Flood Hazard Area on the subject property.
E. County Ordinance Enforcement
   1. No violations.
F. Register of Deeds
   1. Plat heading is ok.
   2. Certificates appear to be required certificates.
   3. No comments received.
G. Department of Equalization
   1. Looks good. This is one of those areas where we have estimated acreages based on aliquot descriptions rather than on anything actually measured, and I don’t have any info on the road dedication to calculate that acreage. It would be extremely helpful if the surveyor happened to have the balance acreages for the unplatted parcels the new tracts are coming out of. Also, 69580 doesn’t seem to be involved in this plat.
H. Emergency Services (9-1-1)
   1. Good here.
I. West River Electric
   1. West River Electric has no comments regarding the Layout Plan.

VI. ANALYSIS
A. July 2, 2020 - the applicant, Link SD Ranches LLC, is requesting to create proposed Tract A, with approximately 12.54 acres, Tract B, with approximately 38.65 acres, Lot C with approximately 11.24 acres, and Lot D with approximately 37.44 acres.
B. For the purposes of a Layout Plan, 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.
1. A Layout Plan is an informal preliminary review of the proposed subdivision for general scope and conditions, which might affect the plat.

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

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

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

3. That prior to the Plat being recorded with the Register of Deeds, the plat meets all requirements of Pennington County Subdivision Regulations, or approved Subdivision Regulations Variance(s) be obtained waiving any of the 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.
SURVEY PLAT OF
TRACT A, TRACT B, TRACT C, AND TRACT D OF
DUHAMEL FLAT ADDITION
LOCATED IN THE SW 1/4 SE 1/4 OF SECTION 17,
AND IN THE NE 1/4 OF SECTION 20,
TOWNSHIP 5 NORTHELY RANGE 18 EAST OF THE BLACK HILLS MERIDIAN,
PENNINGTON COUNTY, SOUTH DAKOTA.
JUNE, 2020

FOR REVIEW
JUNE 23, 2020

OWNERS CERTIFICATE

We, Bruce Demko and Kenneth Demko, do hereby certify that we are
the Owners of the land shown and described herein, and that we did
authorize and do join in and approve the survey and plot.
We further certify that the development of this land shall conform to
all existing applicable zoning, subdivision, and erosion and sediment
control regulations.

IN WITNESS WHEREOF, we hereunto set our hands.

Bruce Demko, Owner
Kenneth Demko, Owner

ACKNOWLEDGMENT OF OWNERS

STATE OF SOUTH DAKOTA
COUNTY OF PENNINGTON
On this ______ day of _______, 20___, before me, the undersigned
official, personally appeared Bruce Demko and Kenneth Demko, known to
me to be the persons who executed the foregoing Owner's Certificate,
and acknowledged to me that they executed the same for the purposes
therein contained.

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

[Signature]
Notary Public

CERTIFICATE OF HIGHWAY AUTHORITY

For SDCL 71-9-12.1 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 BODY

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 EQUILIBRATION

I, Director of Equilibration 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___.

[Signature]
Pennington County Director of Equilibration

CERTIFICATE OF REGISTER OF DEEDS

Filed for record this ______ day of _______, 20___, at
____:____ o'clock __m. and recorded as Document No.

[Signature]
Pennington County Register of Deeds
GENERAL INFORMATION:

REQUEST:  

CONDITIONAL USE PERMIT / CU 19-28: To allow a campground on the subject property to include RV hookups, cabin rentals, pool, office, laundry facilities, and additional outbuildings in a Highway Service District in accordance with Sections 210, 306 and 510 of the Pennington County Zoning Ordinance.

APPLICANT:  

R & J LLC; Juston Eisenbraun - Agent

APPLICANT ADDRESS:  
P.O. Box 245, Wall, SD 57790

LEGAL DESCRIPTION:  
Lot 1, Borglum Subdivision, Section 13, T1S, R6E, BHM, Pennington County, South Dakota.

SITE LOCATION:  
13514 S. Highway 16; East of the intersection of S. Highway 16 and Pine Haven Drive.

SIZE:  
19.42 acres

TAX ID:  
69705

EXISTING LAND USE:  
Vacant

ZONING REFERENCE:  
Sections 210, 306 and 510

CURRENT ZONING:  
Highway Service District

SURROUNDING ZONING:

North  
Low Density Residential District

South  
General Agriculture District

General Commercial District

Highway Service District

General Agriculture District

East  
Low Density Residential District

West  
General Commercial District

PHYSICAL CHARACTERISTICS:  
Forested / Open Meadow

UTILITIES:  
Private
I. PROPOSED RECOMMENDATION
   A. Staff will be recommending to continue Conditional Use Permit / CU 19-28 until profile holes are completed and approved and final approval is obtained for the requested water right.

II. GENERAL DESCRIPTION
   A. The applicant, Juston Eisenbraun of R & J LLC, is requesting a Conditional Use Permit to allow a campground on the subject property to include RV hookups, cabin rentals, pool, office, laundry facilities, and additional outbuildings in a Highway Service District.
III. EXISTING CONDITIONS
   A. Lot 1 of Borglum Subdivision
      1. 19.419 acres ±.
      2. Zoned Highway Service District.
      3. Access off of Pine Haven Road.
         a. Within the Pine Have Road District.
      4. Vacant of any structure(s).
IV. REQUEST FOR COMMENT

A. County Highway Department
   1. Highway Department has no comments since this is adjacent to a State Highway.

B. County Natural Resources Director
   1. No objections

C. County Ordinance Enforcement
   1. No known violations on the subject property.

D. County Professional Environmental Planner
   1. There is no Special Flood Hazard Area on the subject property.
   2. A Construction Permit will be required for any disturbance (which includes grading) greater than 10,000 square feet.
   3. The NexGen waste water system is considered experimental and will require approval from the South Dakota Department of Environment and Natural Resources. In addition, certified personnel and a maintenance agreement will be required per the Pennington County Zoning Ordinance to install and maintain the system.

E. County 9-1-1
   1. Not sure if county can require them to install a deceleration/turning lane along 16 east bound to allow the big RVs to get off the main driving lane and slow down before the turn off 16 AND, an east bound acceleration lane along 16 for when they turn right out of the campground onto 16. They will need lots of length to come up to
speed and merge into the driving lane otherwise we will have lots of terrible accident at the intersection of their proposed driveway and 16. Could also make them use the access off Pine Haven Dr as their main access point but that would not go over well with area land owners. Hopefully SD DOT would require all this?? This is all well out of my lane but can see this will be a big issue.

2. For 911 purposes, I would want to see one base address for the campground with county assigned building numbers for each of the structures that make sense. The owners can number the camping spots as they like but we should ensure they install adequate signage to clearly identify each camp spot #, campers and tents.
   a. **Staff Comment:** *Staff will be recommending as a Condition of Approval.*

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

G. County Onsite Wastewater Specialist
1. The applicant will need to design and propose a septic system for staff review that will accommodate the campground. According to the USDA Web Soil Survey, the soils in this area are classified as “Very Limited”. When the applicant designs and installs the septic system all rules of Pennington County Zoning Ordinance § 204-J must be followed.

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

I. South Dakota Department of Transportation
1. SDDOT will require RV turning movement templates entering and exiting US16 from the development/property approach. Encroachments into the outer lane of US16 will require mitigation to US16 by the developer. Mitigation can include:
   a. Right turn lane on US16 into the property.
   b. Additional radius at access intersection with US16 intersection.
   c. Additional shoulder width on US16 in the access intersection functional area.

V. SECTION 306 REQUIREMENTS (RECREATIONAL VEHICLE PARKS)
A. Property Development Standards - The following property development standards shall apply for all recreational vehicle parks:
1. The density of the recreational vehicle park is subject to review by the Board on recommendation from the Commission on an individual basis with prime consideration given to location within the jurisdiction of these Zoning Ordinances. The burden of
justifying the density shall be upon the applicant for the Conditional Use Permit.

2. Accessory buildings, electrical, water, and sewer facilities shall be designed to provide services adequate for the type of recreational vehicles and/or tent camps to be served. The adequacy will be reviewed by the Commission at the hearing for the Conditional Use.

B. Standard of Review - Such application shall be reviewed and approved by the Planning Department, the Planning and Zoning Director, and the Board on recommendation from the Planning Commission. The following information shall be shown:

1. The location and legal description of the proposed recreational vehicle park.
   a. 13514 S. Highway 16; Lot 1, Borglum Subdivision, Section 13, T1S, R6E, BHM, Pennington County, South Dakota.

2. Plans and specifications of all buildings, improvements, and facilities constructed or to be constructed within the recreational vehicle park.
   a. The applicant has submitted a site plan (attached).

3. The proposed use of buildings shown on the site.
   a. The applicant has submitted a site plan (attached).

4. The location and size of all recreational vehicle spaces.
   a. The applicant has submitted a site plan (attached).

5. The location of all points of entry and exit for motor vehicles and internal circulation pattern.
   a. The applicant has submitted a site plan (attached).

6. The location of all landscaping to be provided.
   a. The applicant has submitted a site plan (attached).

7. The location of all lighting standards to be provided.
   a. Staff has requested this information be provided prior to construction at the site.

8. The location of all walls and fences and the indication of their height and the materials of their construction.
   a. This information was communicated verbally to Staff.
   b. In most cases, there will be vegetative screening (i.e. trees and shrubs).

9. The name and address of the applicant.
   a. Information was submitted on the Application for a Conditional Use Permit.

10. Such other architectural and engineering data as may be required to permit the Planning and Zoning Director, the Commission, and the Board to determine if the provisions of these Zoning Ordinances are being complied with.

11. A time schedule for development shall be prepared which shall demonstrate the applicant's readiness and ability to provide the proposed services; and all required improvements and facilities shall be installed within one (1) year, unless the Board, on recommendation from the Commission, approves a plan for staged construction.
   a. Staff requested a construction timeline from the applicant and it is in an attached email.
12. Utility service connections to be provided.
   a. The applicant has shown on the RV site plan that water, sewer and electricity will be provided.

13. A domestic water system approved by the Pennington County Planning Department.
   a. A Water Right Permit was submitted to the State Water Board for approval.
   b. A Water Right Permit was preliminarily approved by state Water Board; however, the approval was contested.
   c. A hearing is scheduled on October 7, 2020 and Findings of Fact, Conclusion of Law and Final Decision will be considered for adoption.

14. A water carriage wastewater disposal system approved by the Pennington County Planning Department.
   a. The applicant is proposing Mound systems (see attached email from Engineer).

15. A typical lot plan for a recreational vehicle space detailing location and method.
   a. The applicant has submitted a site plan (attached).

16. A complete drainage plan to include topography to at least 5-foot-contour intervals.
   a. This will be included in and submitted with the Storm Water Permit Application.

VI. ANALYSIS
   A. September 23, 2019 – The applicant, Juston Eisenbraun, applied for a Conditional Use Permit to allow a campground on the subject property to include RV hookups, cabin rentals, pool, office, laundry facilities, and additional outbuildings in a Highway Service District.

   B. October 18, 2019 – The applicant submitted a copy of the Water Rights Application submitted to the Water Rights Division of the South Dakota Department of Environment and Natural Resources (SDDENR).
      1. At the time of the writing of this Staff Report, the Hearing on the Water Right in front of the State Water Board has not been put on calendar.

   C. October 23, 2019 – Staff spoke with the applicant who indicated that SDDOT approved an approach permit off of Highway 16 for the proposed use and that the approach will be improved and be 40-foot-wide.
      1. Staff confirmed with SDDOT that an approach permit was approved.

   D. Land uses within three (3) miles of the subject property:
      1. Residential
      2. Sawmill (Baker Timber)
      3. Campground and RV Park (Rushmore Shadows)
      4. Church(s)
      5. Gas/Service Station
      6. Indoor Golf (Putz-n-Glow)
      7. Animal Attractions (Old MacDonald’s Farm)
8. Hotel/Motel (Rockerville Lodge)
9. Restaurant (Gas Light)
10. Cabins (Boulder Hill Cabins)
11. Recreational Resort (Silver Mountain Resort and Cabins)

E. Land uses within one (1) mile of the subject property:
   1. Residential
   2. Sawmill (Baker Timber)
   3. Hotel/Motel (Rockerville Lodge)
   4. Restaurant (Gas Light)
   5. Church

F. On October 28, 2019, the Planning Commission, continued Conditional Use Permit / CU 19-28 indefinitely until such time the applicant works with staff to obtain approval of the water and the onsite wastewater treatment systems from the South Dakota Department of Environment and Natural Resources for the subject property.

G. At the time of the writing of this Staff Report, information is still needed to be provided in accordance with Section 306 of the PCZO.
   1. Percolation and profile hole information is needed.
      a. The applicant indicated that they will be completed within the next two weeks.
   2. The Water Right approved by the Water Board.

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

A. The effect upon the use and enjoyment of other property in the immediate vicinity for the uses already permitted, and upon property values within the immediate vicinity.
   1. The addition of a campground on the subject property may affect the surrounding properties. This type of use is present in several locations along S. Highway 16.
   2. There is residential development that abuts RV parks along Highway 16 to the east of this property.
   3. Staff has no documented nuisance complaints from these campgrounds/recreational resorts along S. Highway 16 from neighboring property owners.

B. The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
   1. Allowing this Conditional Use Permit should not affect the normal, orderly development or improvement of any surrounding property in the area.
   2. This type of development is consistent with other property abutting S. Highway 16.
3. There are several Conditional Use Permits for RV Parks in Highway Service Districts in other areas of Pennington County.

C. **That utilities, access roads, drainage and/or other necessary facilities are provided.**
   1. The applicant has submitted a site plan showing the location of all necessary utilities and facilities. All necessary utilities and facilities will be in place prior to operation.
   2. The Water Right Permit has not received final approval from the State Water Board.
   3. Profile holes have not been completed.
   4. Mound systems will be constructed at this site. Mounds are typically approved by DENR when designed by an Engineer.

D. **That the off-street parking and loading requirements are met.**
   1. There appears to be more than adequate space available for parking on the property.

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

**RECOMMENDATION:** Staff will be recommending to continue Conditional Use Permit / CU 19-28 until profile holes are completed and approved and final approval is obtained for the requested water right. However, if the Planning Commission wishes to recommend approval of Conditional Use Permit / CU 19-28, Staff recommends the following twenty-three (23) conditions be included:

1. That the Campground consist of recreational vehicle sites, cabins, two (2) bath houses, playground, pool, office/store with laundry, pavilion, maintenance building, and a well house;

2. That no more than 85 recreational vehicle sites be allowed. Each recreational vehicle site shall measure a minimum of 40 feet long by 12-feet-wide;

3. That no more than fifteen (15) cabins be allowed;

4. That no tent sites be allowed;

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

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

7. That each RV site or cabin must be equipped with a numbered sign which is attached to a post or near the cabin or site;

8. That a minimum 30-foot separation be provided between each RV site;

9. That all the interior streets shall be a minimum of 16 feet in width and surfaced with gravel (minimum of 4 inches), concrete or asphalt and maintained in a dust free manner;

10. That a vegetative barrier is planted and maintained along the northern and western boundary of the property;

11. That the onsite wastewater treatment system consists of an alternative treatment (ATU) system, or similar, approved by the South Dakota Department of Environment and Natural Resources;

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

13. That any alterations or additions to the wastewater treatment system be reviewed and approved by the South Dakota Department of Environment and Natural Resources and the Pennington County Onsite Wastewater Specialist and may require an Onsite Wastewater Construction Permit;

14. That the Campground conform to all regulations in Section 306 of the Pennington County Zoning Ordinance;

15. That the required setbacks for all structures be a minimum of 25 feet from the front yard property lines, 63 feet from the west side yard property line due to the Section Line Right-of-Way, 30 feet from the rear yard property line and 10 feet from the east side yard property line;

16. That the Planning Director may allow additional development or construction, which is consistent with the proposed development on this property. Significant changes in the use or impact on adjacent land uses as determined by the Planning Director shall require an amendment to this Conditional Use Permit;
17. That a Building Permit be obtained for any new structures exceeding 144 square feet and located on a permanent foundation, which will require a site plan to be reviewed and approved by the Pennington County Planning Director;

18. That Quiet hours shall be from 10 p.m. until 7 a.m.;

19. That prior to the placement of any sign, the applicant obtains approval of a Sign Permit;

20. That a Storm Water Permit is obtained prior to any dirtwork/disturbance on the subject property;

21. That the applicant works with the South Dakota Department of Transportation on mitigation of the approach off of S. Highway 16;

22. That the applicant obtains all necessary permits from other governing bodies for operation of the Campground 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; and,

23. 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.
Rushmore Cabins & Rv Resort

Business plan

Rushmore Cabins and Rv Resort is a luxurious and well equipped campground and recreational vehicle park business that will be located in the beautiful community of Rockville SD. Our basic aim of setting up the business is to contribute in ensuring that children and families who come to the Black Hills and neighboring cities have a facility for their children to catch fun to the maximum and also to open; a facility highly suitable for family recreation and camping. Rushmore Cabin & RV Resort is going to be open by June 1 2020. Our normal operating days will be from May 1 until October 15. We will have 89 RV Full hook up sites some with back in and drive-through. There will also be 15 cabins all with bathrooms in the cabins. There will be a pool and a dog park. There will be laundry facilities and handicap accessible restrooms & showers on this site. We will have an on-site manager and employing seven full-time employees also 5 to 10 part-time seasonal employees.
RESORT POLICY AND RULES

CHECK IN:

RV's 12:00 PM
TENT SITES 12:00PM
CABINS 3:00 PM

CHECK OUT:

10:30AM FOR RV'S, TENTS AND CABINS

SPEED LIMIT:

10 MPH

QUIET HOURS

10:00 PM TO 7:30 AM

PETS:

IT IS REQUIRED TO KEEP YOUR PET ON A LEASH AT ALL TIMES EXCEPT IN DOG PARK. PLEASE KEEP YOUR DOG FROM BARKING. IF THERE IS A COMPLAINT ABOUT YOUR DOG BARKING YOU WILL BE ASKED TO LEAVE. ALWAYS PICK UP AFTER YOUR DOG.

FIRES:

FIRES ARE ALLOWED IN THE FIRE RINGS AND THEY MUST BE EXTINGUISHED BY 10:30 PM. NO OUTSIDE FIREWOOD, NO CUTTING TREES OR DOWNED WOOD ON PREMISES. IF FIRE BAN IS IN FORCE WE WILL POST A FIRE BAN SIGN.

POOL:

HOURS OF OPERATION IS 8:30 AM TO 8:30 PM. NO LIFE GUARD ON DUTY IS POSTED AND NO CHILDREN UNDR THE AGE OF 16 YEARS OLD WITHOUT AN ADULT. NO RUNNING IN FENCED POOL AREA, NO DIVING AND NO FOUL LANGUAGE ANYWHERE ON PREMISES.

CANCELLATION POLICY:

IF ANY CANCELLATION IS LESS THAN 15 DAYS YOU WILL RECEIVE 50% OF YOUR DEPOSIT.

DRONES ARE PROHIBITED

SMOKING:
SMOKING IS NOT ALLOWED IN ANY PUBLIC AREAS, PAVILIONS, POOL, SHOWER ROOMS OR LAUNDRY BUILDING. CABINS ARE NON SMOKING. IF YOU SMOKE IN A CABIN THEN YOU WILL BE CHARGED AN ADDITIONAL $200 TO YOUR BILL FOR CLEANING.

NO DUMPING OF WASTE WATER ON THE GROUND.

GUESTS MUST CHECK IN AT THE OFFICE.

ALCOHOL IS ALLOWED AT YOUR SITE ONLY. ALCOHOL IS PROHIBITED IN ANY PUBLIC AREA.

CLOTHES LINES MUST BE NEAT AND ORDERLY AND KEPT OUT OF SIGHT. PLEASE DISPOSE ALL GARBAGE IN THE GARBAGE CONTAINERS PROVIDED.

THANKS

THE MANAGEMENT
Good morning Brittney, here is the planes for the office and shower houses, our plane is to build office and one shower house and a 20x24 garage for a maintenance building, the first year. The second year, a second shower house, a 20x40 swimming pool and eleven, 95 foot long pull-through sites. The pavilion will be done the third year, so we do not have planes drawn up yet for it. There is already a barbwire fence around the property, that we will maintain and improve, and we will be adding a large wood framed gate, (like the one in the picture) along the hi-way side of the property. The other privacy and landscaping that we have planned to be done is to plant two rows of trees along the residential side of the property, one row of pines and one row of spruce. Along the hi-way side of the property, we will plant one row of spruce, and there will be one tree planted at each RV spot, some pines and maples and lindens. As for campground lighting what we have planned is that each pedestal will have a 5 watt light on it (as shown) and there will be four LED lights on the shower building, one on each side, for lighting and safety. The pool will have 6 LED lights and any sidewalks that we put in will have pathway lights for safety. We do not have a drainage plan, I am sorry, but I didn’t know we had to do one. I will have our engineer address that. Thanks
Is your insurance keeping up? Take the SuperCheck® quiz and find out.

If you know someone with insurance questions, I hope you’ll refer me.

Registered Representative/Securities & services offered through FBL Marketing Services, LLC, + 5400 University Avenue, West Des Moines, IA 50266, 877/860-2904, Member SIPC.
Farm Bureau Property & Casualty Insurance Company, ** Western Agricultural Insurance Company, +* Farm Bureau Life Insurance Company +*+ Affiliates
*Company providers of Farm Bureau Financial Services

From: Molitor Brittny <brittnyem@pennco.org>
Sent: Wednesday, October 23, 2019 4:52 PM
To: Juston Eisenbraun <juston.eisenbraun@fbfs.com>
Subject: Section 306 Requirements

Farm Bureau Financial Services WARNING: This is an external email. Do not click on links or open attachments unless you trust the sender.

================================================================================

Juston-

See the below list of items (in red) still needed to finish up your Staff Report:

1. The location and legal description of the proposed recreational vehicle park.
2. Plans and specifications of all buildings, improvements, and facilities constructed or to be constructed within the recreational vehicle park.
3. The proposed use of buildings shown on the site.
4. The location and size of all recreational vehicle spaces.
5. The location of all points of entry and exit for motor vehicles and internal circulation pattern.
6. The location of all landscaping to be provided.
7. The location of all lighting standards to be provided.
8. The location of all walls and fences and the indication of their height and the materials of their construction.
9. The name and address of the applicant.
10. Such other architectural and engineering data as may be required to permit the Planning and Zoning Director, the Commission, and the Board to determine if the provisions of these Zoning Ordinances are being complied with.
11. A time schedule for development shall be prepared which shall demonstrate the applicant’s readiness and ability to provide the proposed services; and all required improvements and facilities shall be installed within one (1) year, unless the Board, on recommendation from the Commission, approves a plan for staged construction.
12. Utility service connections to be provided.
13. A domestic water system approved by the Pennington County Planning Department.
14. A water carriage wastewater disposal system approved by the Pennington County Planning Department.
15. A typical lot plan for a recreational vehicle space detailing location and method.
16. A complete drainage plan to include topography to at least 5-foot-contour intervals.
RV Power Outlet Box Fluorescent Pagoda Light

Price: $59.95
Quantity: 1

Add to Cart

Pagoda light can be used on top of our RV power outlet boxes for additional light and visibility. Light housing is made of green precision die cast aluminum. A 5 watt Sylvania Dulux No. 21279 compact fluorescent light comes with lamp. Also comes with hub and nipple for assembly on top of RV power box. No photocell. Some electricians will add a breaker as a switch to turn the light on and off in the RV power box.

On to top of this RV Power Outlet Box Fluorescent Pagoda Light page.
REAR OFFICE
SCALE: 1/8" = 1'-0"

FRONT OFFICE
SCALE: 1/8" = 1'-0"

RIGHT OFFICE
SCALE: 1/8" = 1'-0"

LEFT OFFICE
MAIN FLOOR

SCALE: 3/16" = 1'-0"
Ervin Jeri

**Subject:** FW: Eisenbraun RV Park - Construction Timeline

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**From:** Michael Towey <mtowey@toweydesigngroup.com>
**Sent:** Wednesday, August 5, 2020 3:31 PM
**To:** Molitor Brittney <brittnemy@pennco.org>; Juston Eisenbraun <juston.eisenbraun@fbfs.com>
**Subject:** RE: Eisenbraun RV Park

Kind of basic – Juston please add.

Final Design Submittal – 9/4/2020
Submit Grading Permit – 9/11/2020
Start Grading and Construct Det./SWQ Pond – 9/21/2020
Final Design Approvals – 10/2/2020
Start Phase 1 Construction – 10/6/2020 (Utility Infrastructure, RV Spots, Office, 1 Bathhouse, 15 Cabins, & Maintenance Building)
End Phase 1 Construction – 6/2021
Start Phase 2 Construction – Potential 2021 or 2022 build

Thanks, Mike

---

**From:** Molitor Brittney <brittnemy@pennco.org>
**Sent:** Wednesday, August 5, 2020 3:11 PM
**To:** Juston Eisenbraun <juston.eisenbraun@fbfs.com>; Michael Towey <mtowey@toweydesigngroup.com>
**Subject:** RE: Eisenbraun RV Park

Do you have a construction timeline?

**Brittney Molitor, MAS, CFM**
*Planning and Zoning Director*
Pennington County Administration Building
Planning and Zoning Department
130 Kansas City Street, Suite 200
Rapid City, SD 57701
Phone: 605-394-2186 ext. 1408

---

**From:** Juston Eisenbraun <juston.eisenbraun@fbfs.com>
**Sent:** Wednesday, August 5, 2020 1:24 PM
**To:** Michael Towey <mtowey@toweydesigngroup.com>
**Cc:** Molitor Brittney <brittnemy@pennco.org>
**Subject:** RE: Eisenbraun RV Park

Profile holes have not been done.
Juston Eisenbraun
Agent
Farm Bureau Financial Services

115 6th Ave
PO Box 357
Wall SD 57790
(605) 279-2411
(605) 391-6967 cell
(605) 279-2846 fax

Juston.Eisenbraun@FBFS.com
JustonEisenbraun.fbfs.com

Is your insurance keeping up? Take the SuperCheck® quiz and find out.

If you know someone with insurance questions, I hope you’ll refer me.

Registered Representative/Securities & services offered through FBL Marketing Services, LLC, + 5400 University Avenue, West Des Moines, IA 50266, 877/860-2904, Member SIPC
Farm Bureau Property & Casualty Insurance Company, ** Western Agricultural Insurance Company, + Farm Bureau Life Insurance Company ** Affiliates
*Company providers of Farm Bureau Financial Services

From: Michael Towey <mtowey@toweydesigngroup.com>
Sent: Wednesday, August 5, 2020 11:52 AM
To: Molitor Brittney <brittney@pennco.org>; Juston Eisenbraun <juston.eisenbraun@fbfs.com>
Subject: RE: Eisenbraun RV Park

Farm Bureau Financial Services WARNING: This is an external email. Do not click on links or open attachments unless you trust the sender.

=====================================================================

Brittney,

I do not believe so, but maybe Juston can confirm whether this has happened or not.

Thanks, Mike

From: Molitor Brittney <brittney@pennco.org>
Sent: Wednesday, August 5, 2020 11:47 AM
To: Michael Towey <mtowey@toweydesigngroup.com>
Subject: RE: Eisenbraun RV Park

Do you know if profile holes have been approved at the site by TJ?

I am working from home and TJ has moved out of state and is no longer with the office.

Brittney Molitor, MAS, CFM
Planning and Zoning Director
Brittney and Juston,

We are switching the proposed septic system from the NextGen System to a pressurized mound system. The NextGen system is considered an “alternative” system and requires special consideration from the State. Following my conversations with Al Spangler, we felt the NextGen was not an appropriate system in this situation.

The mound system is very common and will be reviewed by the State and County. Guidelines listed in 74:53:01 will be followed, design plans and calculations will be provided for all to review. We have reserved an area approximately 100' x 100'. The exact size of the mound system is to be determined.

Our intent with looking for approval for the CUP on 8.10 & 8.18 is only to see if the CUP can be approved prior to design. Design fees for this project are fairly substantial and I would hate to see Juston spend a bunch of money if the CUP can’t be approved for other reasons. We are only looking to get approval for this CUP with one of the stipulations being “that prior to acquiring any building permit for this property, an approved septic system permit be obtained”.

We anticipate having final design completed the end of August and submitting to the State and County at that time. Hopefully this helps for the moment.

Thanks, Mike

---

Hey Mike, just forwarding you this from Brittney thanks

Juston Eisenbraun
Agent
Is your insurance keeping up? Take the SuperCheck® quiz and find out.

If you know someone with insurance questions, I hope you’ll refer me.

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Farm Bureau Property & Casualty Insurance Company,** Western Agricultural Insurance Company,** Farm Bureau Life Insurance Company** +Affiliates
*Company providers of Farm Bureau Financial Services

From: Molitor Brittney <brittneym@pennco.org>
Sent: Wednesday, August 5, 2020 10:48 AM
To: Juston Eisenbraun <juston.eisenbraun@fbfs.com>
Subject: RE: Eisenbraun RV Park

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=====================================================================

Juston-

I need the wastewater information (proposed design and approval from DENR) and any letters of approval from DENR regarding the water right and what was approved.

This was the last motion by the Planning Commission:

Moved by Lasseter and seconded by Runde to continue Conditional Use Permit / CU 19-28 indefinitely until such time the applicant works with staff to obtain approval of the water and the onsite wastewater treatment systems from the South Dakota Department of Environment and Natural Resources for the subject property.

All voting aye, the Motion carried 6 to 0.

Brittney Molitor, MAS, CFM
Planning and Zoning Director
Pennington County Administration Building
Planning and Zoning Department
130 Kansas City Street, Suite 200
Rapid City, SD 57701
Phone: 605-394-2186 ext. 1408
From: Juston Eisenbraun <juston.eisenbraun@fbfs.com>
Sent: Wednesday, August 5, 2020 10:38 AM
To: Molitor Brittney <brittneym@pennco.org>
Subject: RE: Eisenbraun RV Park

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Hey Brittney, this is what I have so fare, thanks

Juston Eisenbraun
Agent
Farm Bureau Financial Services
115 6th Ave
PO Box 357
Wall SD 57790
(605) 279-2411
(605) 391-6967 cell
(605) 279-2846 fax
Juston.Eisenbraun@FBFS.com
JustonEisenbraun.fbfs.com

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*Company providers of Farm Bureau Financial Services

From: Molitor Brittney <brittneym@pennco.org>
Sent: Tuesday, August 4, 2020 4:50 PM
To: Juston Eisenbraun <juston.eisenbraun@fbfs.com>
Subject: Eisenbraun RV Park
Juston-

Do you have any updated information from Mike Towey for the Staff Report?

Brittney Molitor, MAS, CFM  
Planning and Zoning Director  
Pennington County Administration Building  
Planning and Zoning Department  
130 Kansas City Street, Suite 200  
Rapid City, SD 57701  
Phone: 605-394-2186 ext. 1408

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Dear Jeri,

Thank you for distributing the following correspondence to each Pennington County regarding the above referenced issue to be heard Monday August 10, 2020.

Dear Ladies and Gentlemen:

Imagine working hard all your life and realizing your dream to build a home in the pines having enough small acreage around you to ensure a modicum of peace and quiet. Then imagine a busy, noisy, heavy traffic business plopped in the center of your quiet neighborhood. The business will have a serious negative impact on fresh clean water available to households, septic/sewerage issues, traffic, noise, fire danger, and stranger foot traffic throughout a formerly peaceful, quiet living area. Homes property values will drop. Real Estate Taxes will also drop. This scenario is our neighborhood’s nightmare.

My husband and I have lived at 13520 Earl Ct., for over 24 years. We have seen our Real Estate Taxes increase and have paid them promptly and without complaint because we felt Pennington County and it employees and Commissioners did a good job for us. This past year we have been to many meetings regarding this proposed campground in our midst. We have not been heard nor our property protected as is what we, as tax payers, expect of you. I have spent my entire professional career in the real estate business. My husband and I know how it works. If you allow this campground to be built within line of sight and adjoining many home’s property lines these home’s property values will be negatively affected. Our home’s property line borders Baker Timber Products. We have not had noise related problems or any other problem with Baker Timber because there are approximately 1,000 full grown pine and oak trees between us. It is impossible for this sort of barrier to be placed between the campground and homes in our neighborhood.
My husband and I respectfully ask that you do not allow the campground to be built. Residential homes would be welcomed. We are not against anything and everything. We are reasonable. However, it is unreasonable to build a campground in the middle of our neighborhood. Please protect our property values and our way of life. Thank you.

Sincerely,

Phil and Lana Brekhus
13520 Earl Ct.
Rapid City, SD 57702
605-341-2184

Sent from Yahoo Mail for iPad
August 5, 2020

Dear Commissioners:

We have received a certified letter from R&J LLC (Juston Eisenbraun, Robert Wentz) requesting a conditional use permit and am writing this letter in opposition of their proposed RV park.

Our neighborhood has been dealing with this general issue for almost two years. The first phase of the subject property involved a controversial rezone of the property from agriculture use to general commercial. Some of the current landowners, ourselves included, who moved into the area recently looked at the county comprehensive plan that showed the future use of the subject property was proposed to be low density residential and partially based our decision to buy a home in this area knowing there would be similar homes built on that property. The planning and zoning commission and the county commissioners both voted to deny the rezone to general commercial. The landowner, Duane Pankratz, then petitioned for a rezone of the subject property from agricultural use to highway service. The planning and zoning commission again supported many of us in the neighborhood and voted to deny the request to convert the land to highway service however the county commissioners overrode that decision by a 3-2 vote and the land was converted to highway service use. Some of the comments we recall being made by commissioners at that time were “this is only a rezone hearing and we don’t know what will be built there”; “whoever buys the land will probably only be building on the land close to the highway”; “whatever gets built there could be good for the neighborhood”. We can’t imagine what could be worse for our neighborhood than living next to an RV park that has the potential to bring the chaos of lights, noise, smoke, pets running loose and other nuisances associated with a campground. We already see transient traffic and people wandering throughout the neighborhood in the summer that stay at the nearby hotel and some neighbors have had issues with the motel residents.

The land was purchased by local realtor, Rob Poeppel, from Duane Pankratz. Poeppel resold the land within 60 days after taking possession for $270,000 more than what he paid for it to R&J LLC. R&J started working on their proposal and requested their conditional use permit request be moved forward by planning and zoning staff to a planning and zoning commission meeting. Several neighbors then had to take time off their jobs and rearrange their schedule to attend the planning and zoning commission meeting only to learn that the conditional use permit agenda item would be tabled because several items in county ordinance 306 were not completed. I have to wonder why there is an ordinance 306 specifically dealing with RV Park Conditional Use Permits. Could it be that RV parks that have been built in the past have had a negative impact on the surrounding area where they were built?
A meeting was held at the commission board room in November 2019 to try and “air out differences” between R&J LLC and the neighbors. The meeting room was full including one of the applicants, Juston Eisenbraun, several neighbors, planning and zoning staff P.J. Conover, Brittany Molitor, and Commissioner Rossknect. Mr. Eisenbraun was asked at that meeting if he was aware of the controversy with the neighborhood during the rezone process and prior to him buying the land. He said he had watched the videos of the commission meetings regarding the rezone and was aware of the issues and concerns of the neighbors. Mr. Eisenbraun told us that if we didn’t like his RV park proposal that we really weren’t going to like his alternate plans for the property. When pressed on his alternate proposals, the consensus of the neighbors in attendance was that the alternative proposals were more acceptable than an RV park.

In the past, Mr. Eisenbraun has tried to make comparisons of his proposed RV park and Rushmore Shadows (an RV park a few miles east of us). I would like to point out a few differences. The homes that are near Rushmore Shadows were built after the RV park was established, therefore those people that decided to move there had a choice whether or not they wanted to live next to an RV park. Rushmore Shadows is located in a different geological formation that produces much greater water quantity and can handle septic better than our area. In addition they are getting their water offsite which offers less risk of septic contamination.

During the rezone, some of the neighbors have previously made presentations that because of the geology in our area, our water and septic situation are very fragile. Even if R&J gets state approval for water and septic permits, does it make sense to risk potential problems in the future especially with major development happening in downtown Rockerville? To my knowledge R&J has no experience in building or operating an RV park. For most of us, our homes are generally the most valuable asset we have. Does it make sense to risk the property values of a nice neighborhood if this is approved? R&J has many other options for this property that could be more compatible with the neighborhood. We urge you to please consider the protection of our neighborhood when you make your decision. This is not the right place to build an RV park. Please contact us if you have any questions or would like to stop by for a site visit.

Sincerely,

Brian Johnson
Kristi Johnson
23735 Pine Haven Dr.
Rapid City, SD 57702
August 5, 2020

Pennington County Planning and Zoning Commissioners and Pennington County Board of Commissioners

RE: R&J LLC Conditional Use Permit

I received notification of the subject Conditional Use Permit request. The purpose of this letter is to state my opposition to the proposed RV Park, cabins, etc. I have made several commissioner meeting presentations and furnished numerous documents which outline and detail my concerns. I would like to briefly summarize those concerns below.

Water Quantity: Our community gets our water from numerous shallow low rate wells producing from fractured Precambrian schist. Due to the low rates of the wells, many homes have cisterns with 1 GPM flow restrictors to ensure all homes receive water. Because of very limited precipitation recharge, the producing rates of several wells have significantly diminished with time. At times it has been necessary for community members to haul water to meet their needs. The projected significant water requirement for the proposed project (especially when compared to the estimated water use of our community which averages 2.5 persons per household) is likely to significantly impact the ability for overall water needs in the area to be met.

Water Quality: Because of the geology in the area, septic effluent is disposed of into the same shallow fractured Precambrian formation our water is produced from. Until recently, nitrate levels in the water have been manageable with the septic volumes associated with our low density residential development and past septic disposal levels of an offsetting commercial entity. Recent substantial septic volume increases from the offsetting commercial entity (Rockerville Lodge and Cabins) have caused nitrate levels in a well located approximately 80 feet from the proposal property to spike during the peak tourist season to near 9 ppm. The EPA limit for safe drinking water is 10 ppm. The nitrate levels of another well immediately offsetting the proposal property has recently tested nitrate levels exceeding the EPA limit. The projected septic effluent volumes of the proposal of a minimum of 10,000 GPD is likely to negatively impact our community's ability to maintain acceptable drinking water quality.

Public Safety Traffic Concerns: I have had several face to face discussions and correspondence with SD Department of Transportation regarding traffic concerns with the subject proposal. I have also previously met with Lt. Ted Garstenshlagier, Assistant District 3 Commander of SD Highway Patrol and reviewed with him the property exit plans Mr. Eisenbraun discussed in the October 28, 2019 Planning and Zoning Commission meeting. Lt. Ted Garstenshlagier stated it is illegal for the exiting traffic to cross any of the solid white lines across from his approach and he also stated it is illegal for the exiting traffic to try to veer to the left on Highway 16 to avoid the solid white lines in order to attempt to make the turn down the Rockerville exit road. Given the traffic issues of this particular location of split Highway 16, multiple Rockerville entrance and exit ramps, etc., I do not believe large scale RV use of this property is appropriate.
In November, 2019 I met with the Pennington County Conservation District Board of Supervisors and reviewed with them the proposed Conditional Use Permit. In December, 2019 the Pennington County Conservation District informed me that Pennington Conservation District Board of Supervisors had sent a letter to the Pennington County Board of Commissioners recommending that the Pennington County Planning and Zoning Commissioners and the Pennington County Board of Commissioners do not approve the RV Park and Cabins proposal. A copy of the letter is attached.

In closing, I do not support the Conditional Use Permit for the proposed RV Park and cabins proposal.

Sincerely,

Lon Buehner
23734 Pine Haven Dr
Rapid City, SD 57702
December 7, 2019

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

RE: Conditional Use Permit CU 19-28 (RV Park and Cabins)

The Pennington Conservation District Board of Supervisors recently reviewed the RV Park and Cabins proposed with the subject Conditional Use Permit request. Based on our review, we wish to advise you that we do not recommend approval of the subject proposal.

As part of the South Dakota Association of Conservation Districts, our efforts include the conservation of our natural resources, improving our environment and leaving abundant resources for following generations. The South Dakota Natural Resource Concerns website (available through the South Dakota Conservation Districts website) identifies specific natural resource concerns for South Dakota. The Pennington Conservation District Board of Supervisors is of the opinion that the proposed RV Park and Cabins will have a significant negative impact on the water quantity, water quality, and air quality resource areas of concern.

Given a) the location of the subject proposal and b) the impact the area geology has on water quantity and quality issues, the Pennington Conservation District Board of Supervisors believe the proposed RV park and cabins is not an appropriate use for that location.

As a result, we recommend the Pennington County Planning and Zoning Commissioners and the Pennington County Board of Commissioners do not approve the RV Park and Cabins proposal.
To Whom It May Concern,

I am writing to share my thoughts and concerns in regards to the possible campground near my home. I sent a letter last October shortly after finding out and would like to take a moment to share with you some of the things that my family and I have thought about and discussed since then.

In all honesty it has caused unnecessary stress and anxiety for myself, my children and my neighbors and their families. I truly believe that everyone has the right to feel safe and happy in their own home. The possibility of a campground so close to our quiet family home threatens these things. While we may not all have the same definition of happy, I think we can all agree on the definition of safe and agree that having the right to maintain a safe, healthy home for our families is a fairly basic right that should not be taken away.

In my previous letter I briefly shared why my children and I chose to purchase this home. My 39-year-old husband had passed away just a year before after a three year battle with colon cancer. We needed a fresh start and hoped to find a quiet, peaceful place to heal and grow closer as a family of three. While I can’t speak for my neighbors, I can assume they built or purchased their homes here for many of the same reasons we did. The large lots, the trees, the space and privacy, the proximity to hiking trails and the view. It’s absolutely beautiful here! For us, we were fulfilling a family dream of having a little piece of land in the hills where we could enjoy the beautiful weather in the summer, plant a garden, have space for our pets and just enjoy the outdoors as much as possible. After attending the meeting last fall, I’ve thought several times about Mr. Eisenbraun’s comment about how it has been his dream to own and manage a campground in his retirement. What about my family’s dream and that of my neighbors? I can safely say that fulfilling my dream of moving my small family out here has not negatively affected anyone. Can Mr. Eisenbraun say the same?

One of the most obvious reasons we oppose this campground is that it will be an eyesore and take away from the beauty of this quiet neighborhood. There are also several very serious safety concerns that must be considered. We are very concerned about our water supply and how the quality of our water will be affected. The nitrate level rises every summer when the Rockerville lodge opens and this has been documented with our water tests for several years. Will we have clean water for our families? We are also worried about the risk of fire with the campground allowing campfires. With our close proximity to the Black Hills National Forest and the fact that the summers can be dry and windy the fire risk is fairly high. If even one camper is lazy or irresponsible and fails to put their fire completely out, the entire neighborhood could quickly be gone. Other concerns include: the air quality because of the fires, the noise pollution from the vehicles, loud music, barking dogs and the close proximity of that many people. I am also concerned that trash and litter will become an issue. I fear that it will become my problem to clean up after lazy and careless travelers. We have already had dogs wander into our yard from the lodge and I am concerned about that being an issue with the campground. I want my children and pets to be safe in our yard and I don’t want to worry about them getting bitten by animals wandering over from the property.
In closing, at what point does one man’s selfish want to make a quick, easy profit become more important than an entire neighborhood’s right to feel safe, happy and at peace in their own homes? I fully understand that something can and should be built on this land that is profitable and will add to our beautiful community. However, I believe there are several other options that would be a better use of this land given it’s close proximity to our neighborhood.

Thanks so much for your time.

Sincerely,

Sara Hunter

23750 Pine Haven Dr.

Rapid City, SD
FW: WEBFORM: Planning and Zoning - Contact Us

-----Original Message-----
From: NoReply
Sent: Monday, August 3, 2020 3:00 PM
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: Alexandra Hurserky
Your e-mail address: alexandraohursky@yahoo.com
Your phone number: 410-802-6752

Message: Dear Director Molitor and Fellow Members of the Planning Commission,

I am writing again to voice my strong opposition to the proposed RV Park development in Rockerville (CU 19-28, R&J LLC Conditional Use Permit). My husband and I purchased our home on Pine Haven Drive in 2015. We were drawn to the serenity and beauty of the Black Hills and that neighborhood in particular. The proximity to the National Forest, the hiking trails and the region's spectacular scenery were among the main factors that influenced our decision to move here. At that time, the 20-acre parcel of land adjoining the neighborhood was zoned as general agricultural district. I feel that a proposed RV Campground of this magnitude (85 RV stalls, 15 cabins, a lodge, pool and other outbuildings) will fundamentally and irrevocably change the nature of the area. The quiet life of the residential neighborhood will be gone. It will be replaced by stress and worry. I have emailed my full letter to plz@pennco.org Thank you A
From: Alexandra Hursky <alexandraohursky@yahoo.com>
Sent: Monday, August 3, 2020 3:04 PM
To: plz <plz@pennco.org>
Subject: Letter in Opposition to Conditional Use Permit for RV Campground in Rockerville

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August 3, 2020

Dear Director Molitor and Fellow Members of the Planning Commission,

I am writing again to voice my strong opposition to the proposed RV Park development in Rockerville (CU_19-28, R&J LLC Conditional Use Permit).

My husband and I purchased our home on Pine Haven Drive in 2015. We were drawn to the serenity and beauty of the Black Hills and that neighborhood in particular. The proximity to the National Forest, the hiking trails and the region’s spectacular scenery were among the main factors that influenced our decision to move here. At that time, the 20-acre parcel of land adjoining the neighborhood was zoned as general agricultural district.

I feel that a proposed RV Campground of this magnitude (85 RV stalls, 15 cabins, a lodge, pool and other outbuildings) will fundamentally and irrevocably change the nature of the area. The quiet life of the residential neighborhood will be gone. It will be replaced by stress and worry:

Water Quality and Quantity. We are extremely concerned about the adverse effect this large development will have on our community water quality and quantity. The previously documented poor soil drainage and water quality of the neighborhood will be unable to accommodate the daily water use, waste and concentrated runoff from the additional people at the park, esp in the height of the summer season.

Traffic Safety. Currently, to access rt 16 East toward Rapid City, vehicles must enter rt 16 West, cross 65 mph traffic into the left lane and quickly slow down to make a >120 degree turn onto Main Street in Rockerville. Large RVs will not be able to make this turn safely. They then must drive through the small, town center and merge onto rt 16 East from the left lane, on a very short acceleration lane.
Residential Quality of Life and Safety. The increased "odor, fumes, dust, noise, vibrations and intrusive lighting" (CU 19-28, pg 9, VII-E) from the RV Campground will have an immediate negative impact on the lives of the residents in the neighborhood. There are few incentives for RV campers and the non-resident owner/operators of the Park to respect the fragility of the land, the property rights of residential homeowners and the interests of the full-time residents of the Pine Haven community.

While I was very disappointed that this 20-acre parcel was rezoned for commercial usage by a 3-2 vote, I was just stunned by the enormity of the proposed RV Park in our quiet neighborhood. There are many commercial uses for this property, such as a restaurant or a school, that could enhance this area, not detract from it. Additionally, there are already several other RV Parks for campers to choose from just a short distance from this location.

I respectfully urge you to oppose this proposal. Please consider the best interests of your constituents when this project comes up before you for a vote.

Sincerely,

Alexandra Hursey

23727 Pine Haven Drive
Dear Planning and Zoning and Pennington County Commissioner's:

I am writing in opposition to the Conditional Use Permit for the RV Park that is being requested in Rockerville bordering the Stratemeyer Addition. When we purchase our lot and built our home 23 years ago, we felt we had made the correct choice and found a beautiful neighborhood to live and raise our family. This development has grown into a beautiful neighborhood. The proposed land was always zoned agriculture with future planning use to be low density residential. Knowing a few more homes could become reality was not a concern for my wife or myself, and I am sure that I can say for the rest of the neighborhood. To now allow an RV Park to be built in a residential neighborhood with as many as 85 camp sites, 15 cabins, and possibly a swimming pool is not the correct use of this land.

Over the past 23 years we have had issues with water supply for our development. When we hit a dry spell, it has been hard to keep water supplied to the homeowners, even though we required every home owner put in a cistern with a 1 gallon per minute flow restrictor on their supply line. Our wells are not supplied by an aquifer, we get our water from water that finds its way through the cracks in the rocks, to add the additional use of water from 85 camp sites and 15 cabins will certainly have an effect on our water supply. We have also had issues with Septic systems, leaking into the water supply which caused us to shut down one of the wells.

I purchased this lot to get away from living in the City, to have dark nights, for sure the additional lighting from the campground and the campers will certainly have an effect on the natural darkness we have come to enjoy. I also have a deep concern for the fire danger that comes with a RV Park/Campground. I have had to leave my home because of forest fires that started miles away but found their way near our home and we were evacuated for just over 1 week.

We have at least 26 homes and homeowners who have invested their life savings into their homes, to not think that this RV Park will not have some impact on our property values and our investment is have ones head in the sand. The additional amount of traffic, noise, water, septic, fire issues that will be put upon this neighborhood is not fair to those 26 family's who thought they lived in a residential neighborhood, further your own long range planning board said this land should be low density residential. Even they did not think it should be commercial use or they would have so said.

I am asking that your vote be cast against the request for conditional use request, and to protect the 26 families who believed they were going to be living in a quiet neighborhood.

Sincerely,

Daniel P Maguire, LUTCF

**Please note e-mail address change to: DanMaguire@BlackHillsAgency.com**
"We consider the recommendation of others to our agency the highest compliment we could ever receive."

Black Hills Insurance Agency, Inc.
PO Box 3330
Rapid City, SD  57709
(605) 342-5555  ph.
(605) 342-7901  fax

http://www.blackhillsagency.com

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Ervin Jeri

Subject: FW: Response to the Proposed Development of Lot 1, Borglum Subdivision

From: Michael Anderson <mmanderson2@gmail.com>
Sent: Monday, August 3, 2020 7:08 AM
To: plz <plz@pennco.org>
Subject: Response to the Proposed Development of Lot 1, Borglum Subdivision

Marella and I are unable to attend the meeting of the planning department on August 10th. We therefore submit the following for our input to that meeting.

I am Michael V. Anderson and my wife, Marella, and I own Lot 9 of the Stratmeyer Subdivision which is adjacent to Lot 1 of the Borglum Subdivision, north of the subject property.

We have received the notice of public hearing for August 10, 2020, proposing to develop Lot 1 of the Borglum Subdivision into a campground, cabins, a pool, laundry facilities, and various other buildings. We continue to be opposed to this project and have been opposed to it every step of the way. While this piece of property may support some type of development, it does not contain adequate resources to support a business of this size and nature.

Our first concern is water. This area gets its water from cracks in the rock. No aquafer exists here at any depth to our knowledge. A facility such as the one proposed above is going to use untold thousands of gallons of water per day and they will be directly competing for the same water as we are currently using. The wells we are in charge of here in the subdivision serve 11 different households, soon to be 12, plus there are numerous private wells that draw water from the same source. A water shortage which would require us to truck our water in would send the property values plummeting all over the neighborhood. Not only that, the campground may very well run itself out of water and they would end up trucking their water in too. That would probably wipe out any chance that they may have of turning a profit in a dry year.

That business will also generate many thousands of gallons of septic which will be difficult, if not impossible to dispose of. It could very easily end up in our water supply. We are already controlled very stringently by the county on our own septic development and we, as private households, would not generate a fraction of the septic that would come out of a public facility such as the one proposed.

Just having a facility like the proposed campground adjacent to our property with the noise and the traffic will, without a doubt, drop our property values.

We have expressed our concerns on numerous occasions regarding this issue before this and they have fallen on deaf ears. We will continue express our concerns as long as we have an avenue to do so. There is no doubt in our minds that all of us in the neighborhood are going to be irreparably damaged by this action. Someone there needs to think about all of the people and their property that will be damaged by this proposed campground with cabins, a pool, and laundry facility.

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

In the last Board of Commissioners meeting this spring that addressed the subject property rezone, I presented a table of water analysis nitrate levels for two shared wells in our subdivision and the reported analysis from the nearby state regulated Golden Hills water system. The numbers presented were from the fall 2018.

I would like to provide an update of recent analyses. Our shared well farthest from the subject property tested 6.73 ppm nitrates in March, 2019 and 6.37 ppm in June, 2019. Our shared well immediately offsetting the subject property tested 6.41 ppm in March, 2019 and 8.94 ppm in June, 2019. The 8.94 ppm is the highest level ever tested in either of these wells. The variance in the values between these two wells is the highest we have ever seen. The 40% increase in nitrate levels in the well offsetting the subject property occurred during an abnormally wet summer when one would expect dilution from rainfall. I remind you that I also presented in that Board of Commissioners meeting a table comparing the flow capacity requirement versus the DENR approved septic volumes for businesses in the area including a direct offset to the subject property.

Because our shared wells are on small water systems, they are unregulated and there are no water analyses reporting requirements. However, I am furnishing these values because they may be pertinent to your analysis and recommendations pertaining to the subject Conditional Use Permit request. Please furnish this information to other Pennington County Planning Department staff, as appropriate.

Lon Buehner

Sent from Mail for Windows 10
Ervin Jeri

From: Carson Hunter <hunter.carson10@outlook.com>
Sent: Monday, October 21, 2019 6:12 PM
To: Ervin Jeri
Subject: Written Appeal to Campground

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

To whom it might concern,

It has always been my family's dream to own an acreage. However back in December 2015, over Christmas break, my Dad was experiencing lots of pain. He was rushed to the hospital to see what it was. He was soon later diagnosed with Colon Cancer. We tried everything. We tried Chemo, Vitamin C and natural treatments. My dad was super determined to beat it. In September 2018 my mom told me we were going to take time of school to see my dad in the hospital in Denver. Little did I know it was a trip to say goodbye to my dad. We were such a close family.

This past year of my life and my mom's and sisters life has been the hardest time we have ever been through. I thought our dream of owning an acreage would never come true. But then we took a tour of this beautiful house sitting on three acres of land. But maybe it would come true. And it did. We moved into our new house just about a month ago. There is lots of room for the dogs to run, a pretty view and privacy. We were so excited to get moved out of our old crowded neighborhood.

But just as of October 11th we got a letter. The letter is about how there might be a campground being built in the property right next to ours and is just awaiting approval. And that quickly our dream was shattered. We can't just move out of our house and find another one. This house was a big investment for us. We won't be able to let the dogs run anymore because they would just run and bark after the people at the camp. We could put up a fence but that would only ruin the view and feeling our yard has. We will no longer have privacy because the house is pretty close to that side of our property. This campground would also diminish the value of our property as no one else will want it after the campground is built.

From my family and everyone in this neighborhoods perspective imagine having a campground move into your backyard. Out of respect for the people in this neighborhood we would appreciate very much if you don't build this campground next to our neighborhood.

Sincerely,
Carson Hunter, age 14

Pine Haven Drive
October 21, 2019

To Whom It May Concern,

My name is Sara Hunter. This is my written appeal to the campground that may possibly be built near my home (Highway 16 and Pine Haven Drive). I purchased 23750 Pine Haven Drive just a little over a month ago, on September 18. I was unaware of these plans and do not wish to have a public campground so close to my quiet, family property.

Let me take a moment to share with you why my kids and I purchased this home. On September 28th, 2018 my 39-year-old husband (Eric) of 16 years died of colon cancer. To say it's been a rough few years for my kids and I would be putting it mildly. As we approached the one year anniversary of his passing, we decided as a family we were ready for a fresh start. We wanted space, privacy, quiet, a fresh start, a place to heal and grow as a new and changed family. We also needed to stay close enough to Rapid that it would be easy to get to school and activities. We loved the fact that this home was sitting on 3 acres, had many mature trees, was easily accessible to Rapid and was large enough to accommodate our family from Nebraska when they came to visit. A small family acreage had been a family dream for many years and even during my late husband's illness, we looked at properties hoping to make the dream a reality sooner than later. Our family has always enjoyed hiking, biking, hammocking, camping and being outside more than anything. We wish we could have made this dream come true before Eric passed but reduced income and medical expenses made it impossible. Purchasing this home was a big decision and a large investment. We purchased this property to enjoy the large yard, the privacy, to get a break from the chaos of our daily lives and to fulfill a family dream. If we wanted to see campers and hear people when we are out in our yard we would have stayed in town at our previous home which was less expensive and a closer drive to the places we go. Receiving this letter was both disappointing and upsetting as we feel we will lose much of what we loved about this home if a campground is built only 500 feet away. If the campground goes in and we find our privacy is lost and we are forced to sell and look for this peace and quiet elsewhere, we fear this home will be hard to sell as others will feel the same as we do and we will end up losing money.

In closing, we ask you (personally), would you want a public campground in your backyard? Would you want your peace, quiet and privacy taken from you and potentially have your property decrease in value because of the close proximity of a public tourist attraction? Out of respect for both my family and those residents living in this neighborhood, we hope you will realize there is a more appropriate place for this campground. We hope this land will remain vacant or be used only for other private family homes.

Thank you for your time.

Sincerely,

Sara J. Hunter

23750 Pine Haven Drive

Rapid City, SD 57702
October 21, 2019

To whom it may concern,

This is a written appeal for the camp site on highway 16. I don’t want it to go in because we actually just moved out here and we moved out here for a fresh start and nature. At our old house we saw boats and campers and houses just a few feet away. We wanted to enjoy land and get away from all of that. We have always wanted a little acreage where we could get away sometimes from people and seeing the city. We never knew that there would be a camp site when we bought the house a month ago. We were really frustrated when we got the note.

I ask you a question, would you want to move to the country for quiet and peace and get a camp site 500 feet away from your property? Would you want a tourist attraction by your house? I would not. The past years have been rough so that’s why we moved out here. We didn’t want to suddenly find out that the peace and quiet we moved out here for would be gone.

Sincerely,

Natalie Hunter

Age-11

23750 Pine Haven Drive
To: Pennington County Planning Department
Subject: Conditional Use Permit for Rockerville campground by R&J, LLC

I am the president of the Pine Haven Road District and wish to have the following placed in the review package:

1. The road was never designed to sustain traffic from commercial activity or heavy/large vehicles. Should there be any proposal or plans that would direct any more than minimal traffic onto Pine Haven Drive, the Road District would be opposed to the approval of the RV Park.

2. We have maxed out the allowable mill levy we can use to raise funds for road maintenance. However, the taxes raised are insufficient to keep up with needed repairs and consequently the road is slowly worsening in condition. Additional traffic would accelerate this trend.

3. During the hearing for the rezone request, the applicants stated that the access to Pine Haven Drive at the NW corner of the subject property would not be used and access would be via a private easement across the property of the adjacent motel. It now appears that this was a falsehood and only used to get the rezone request approved.

4. The radius of the turn from Pine Haven Drive to the subject property is insufficient for long vehicles to negotiate. Longer vehicles will drive off the edge of the pavement and break off edge sections of the existing road.

5. The proposed plan calls for access via Pine Haven Drive for emergency use only.

6. The Pine Haven Road District will require a conditional use requirement to mandate a locked gate at the access point so it is not commonly used. In the event of emergency, the gate could be unlocked.

7. The road district would also mandate a condition that the area between the existing road surface and the subject property line be paved to prevent rocks and gravel being pulled onto the road and to minimize the edge failure of the main road from travel from the RV Park.

Feel free to contact me by cell or email with concerns or questions.

Sincerely,

William C. Hearne
23762 Pine Haven Dr.
Rapid City, SD 57702
Cell: (605) 645-1756
E mail: wchearne@gmail.com
Legend

Tg
Gravel deposit - Poorly consolidated, clay to boulder-sized Tg clasts; dominantly of Precambrian rocks but may include locally derived Paleozoic material. Estimated thickness up to 40 ft (12 m)

Xgw
Metagraywacke (lower) - Unit contains interbedded gray phyllite, quartzite, and quartz-mica schist. Protolith is graywacke turbidite deposits, proximal facies
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2805-2, R & J LLC

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 2805-2, R & J LLC, c/o Juston Eisenbraun, PO Box 245, Wall SD 57790.

The Chief Engineer is recommending APPROVAL of Application No. 2805-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant’s proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

2. The wells authorized by Permit No. 2805-2 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.

3. The permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Crystalline Rock aquifer.

4. Water Permit No. 2805-2 authorizes a total annual diversion of 4.0 acre foot of water.

See report on application for additional information.

Jeanne Goodman, Chief Engineer
November 20, 2019
REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 2805-2
R & J, LLC
C/O JUSTON EISENRAUN
NOVEMBER 20, 2019

Water Permit Application No. 2805-2 proposes to appropriate 4 acre-feet of water annually (ac-ft/yr) at a maximum instantaneous diversion rate of 0.044 cubic feet of water per second (cfs) (20 gallons per minute) from two proposed wells (150 to 600 feet deep) to be completed into the Crystalline Rock aquifer for commercial use. The wells are to be in the NW ¼ SW ¼ (Lot A, Borglum Subdivision) Sec. 13-T1S-R6E in Pennington County. This site is located on the north side of Highway 16 near Rockerville, SD.

AQUIFER: Crystalline Rock (CRSL)
The crystalline rock in the area of this application consists of Metagraywacke (Lester and Rahn, 2001; Redden et al, 2016), which is a siliceous mica schist with impure quartzite (Martin et al, 2004). The crystalline rock is generally exposed at land surface except where covered by localized gravel deposits and alluvium along stream beds (Lester and Rahn, 2001; Redden et al, 2016). The Crystalline Rock aquifer consists of numerous, localized aquifers in the Precambrian aged core of the Black Hills where extensive fractures and weathering zones allow for the transmission of water (Driscoll and Carter, 2001). The crystalline rocks that comprise the aquifer have very low primary porosity so water movement in the aquifer is along fractures, joints, and faults, which are called secondary porosity (Rahn, 1979). The distribution of secondary porosity features is uneven and unpredictable. Therefore, local aquifer characteristics are site specific and highly variable. Based on an estimated exposed area of 574,000 acres, water bearing material to a depth of 500 feet, and an effective porosity of one percent, Rahn (1979) estimated the amount of recoverable water in storage in the Crystalline Rock aquifer in western South Dakota to be 2,900,000 acre-feet.

Due to the unpredictable nature of secondary porosity and the very low primary porosity of crystalline rock, it is very difficult to determine if the aquifer is under confined or unconfined conditions. Depending on exactly what depth the secondary porosity was encountered in the well bore and the water level in the well compared to the secondary porosity features, the well may change from acting as a confined well to an unconfined well at various water levels that are not comparable to adjacent wells completed into the same aquifer.

Well completion reports on file with the DENR-Water Rights Program for wells completed into the Crystalline Rock aquifer within approximately ½ mile of the well locations proposed by this application have depths ranging from 24 to 525 feet with almost all greater than 100 feet deep (Water Rights, 2019c and 2019d). The reported static water levels ranged from 13 to 85 feet below land surface with most of the wells in the 40 to 70 feet below ground surface range (Water Rights, 2019c and 2019d). The closest wells on file with the Water Rights Program range from 100 to 200 feet deep with static water levels ranging from 30 to 80 feet below ground surface at the time of completion (Water Rights, 2019d).
Figure 1 is a map of the area near the well locations proposed by this application including Crystalline Rock aquifer Water Rights and a pending application (Water Rights, 2019c), and fault locations (Redden and DeWitt, 2008). There are several faults (see Figure 1) and other significant geological structures (e.g. synclines and overturned syncline) in the area of this application (Redden and DeWitt, 2008). It is likely the localized portion of the Crystalline Rock aquifer this application proposes to use is limited by these mapped faults, and the actual areal extent of the aquifer may be even smaller. However, there is not sufficient data available to attempt a full delineation of the localized Crystalline Rock aquifer with any level of certainty.

Figure 1-Map of area near Application No. 2805-2 with Crystalline Rock (CRSL) aquifer water rights (Water Rights, 2019c) and fault locations (Redden and DeWitt, 2008)
SOUTH DAKOTA CODIFIED LAW (SDCL) 46-2A-9
Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued only if there is a reasonable probability that there is unappropriated water available for this applicant’s proposed use, that the proposed diversion can be developed without unlawful impairment of existing rights and that the proposed use is a beneficial use and in the public interest. This report will address the availability of unappropriated water and effects on existing rights from the aquifer that are pertinent to this application.

WATER AVAILABILITY
This application proposes to appropriate water from the Crystalline Rock aquifer. The probability of unappropriated water available from the aquifer can be evaluated by considering SDCL 46-6-3.1, which requires:

“No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source. An application may be approved, however, for withdrawals of groundwater from any groundwater formation older than or stratigraphically lower than the Greenhorn formation in excess of the average estimated annual recharge for use by water distribution systems.”

The Crystalline Rock aquifer is stratigraphically lower/older than the Greenhorn Formation. However, the applicant is not a water distribution system as defined in SDCL 46-1-6(17). Therefore, it is necessary to determine the relationship between estimated average annual recharge and average annual withdrawals for the Crystalline Rock aquifer.

Hydrologic Budget
Recharge
The Crystalline Rock aquifers are recharged through the infiltration of precipitation and streamflow losses (Driscoll and Carter, 2001). Driscoll and Carter (2001) estimated the recharge to the entirety of the Crystalline Rock aquifers within the core of the Black Hills to be equal to average withdrawals, 3,600 acre-feet per year (ac-ft/yr), during their period of study, 1950-1998. Driscoll and Carter (2001) noted the actual recharge to the Crystalline Rock aquifers must be much larger than estimated to account for discharge to streams. Additionally, Driscoll and Carter (2001) stated, in regard to the Crystalline Rock aquifers, “Recharge conditions are highly transient and have large spatial variability; thus, quantification is not attempted.”. While looking at faults and other significant geological features may allow for some limiting of areal extent, there is not sufficient data available to attempt a delineation of the localized Crystalline Rock aquifer with any level of certainty. Therefore, there is no average annual recharge estimate available for the localized Crystalline Rock aquifer the applicant proposes to use.

Discharge
Discharge from the Crystalline Rock aquifer is through pumping of wells (Water Rights, 2019c and 2019d), seepage to streams (Driscoll and Carter, 2001), and evapotranspiration where the static water level of the aquifer is near ground surface. The water rights and water permit application
shown in the “Area of Interest” in Figure 1 are listed below in Table 1. The estimated average annual use was determined using the following assumptions: (1) Water Right No. 2572-2 is required to report their pumping annually to the Chief Engineer so their average annual pumpage over the reported history, 2007-2018, was used (Water Rights, 2019a), and (2) the rest of the permits are only limited by diversion rate so it was assumed they would pump at their respective permitted diversion rates for 60 percent of the time. This application, if approved, would authorize the appropriation of 4 ac-ft/yr.

Table 1 - Water rights and application shown in “Area of Interest” in Figure 1 (Water Rights, 2019a and 2019c)

<table>
<thead>
<tr>
<th>Permit No.</th>
<th>Name</th>
<th>Priority Date</th>
<th>Status</th>
<th>Use</th>
<th>CFS</th>
<th>Estimated Use (ac-ft/yr)</th>
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<tr>
<td>479-2</td>
<td>ROCKERVILLE GOLD TOWN INC</td>
<td>06/06/1953</td>
<td>LC</td>
<td>COM</td>
<td>0.09</td>
<td>39.1</td>
</tr>
<tr>
<td>483-2</td>
<td>ROCKERVILLE TRADING POST</td>
<td>05/01/1954</td>
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<td>COM</td>
<td>0.13</td>
<td>56.5</td>
</tr>
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<td>485-2</td>
<td>ROCKERVILLE PARK</td>
<td>05/01/1958</td>
<td>LC</td>
<td>COM</td>
<td>0.07</td>
<td>30.4</td>
</tr>
<tr>
<td>2211-2</td>
<td>PINE HAVEN HERITAGE HOME</td>
<td>12/20/1991</td>
<td>LC</td>
<td>COM</td>
<td>0.03</td>
<td>13.0</td>
</tr>
<tr>
<td>2222-2</td>
<td>STORM MOUNTAIN CENTER</td>
<td>02/24/1992</td>
<td>LC</td>
<td>REC/INS</td>
<td>0.04</td>
<td>17.4</td>
</tr>
<tr>
<td>2224-2</td>
<td>HILLSIDE COUNTRY COTTAGES</td>
<td>01/01/1898</td>
<td>LC</td>
<td>COM</td>
<td>0.004</td>
<td>1.7</td>
</tr>
<tr>
<td>2345-2</td>
<td>ROCKERVILLE ACRES SUB-DIV</td>
<td>08/28/1995</td>
<td>LC</td>
<td>COM</td>
<td>0.024</td>
<td>10.4</td>
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<td>2572-2</td>
<td>SHERIDAN LAKE HIGHLANDS HOA</td>
<td>11/23/2005</td>
<td>LC</td>
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<td>0.08</td>
<td>6*</td>
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<tr>
<td>2731-2</td>
<td>JEFFREY A OR KRISTI HOFFMAN</td>
<td>10/27/2014</td>
<td>LC</td>
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<td>2572A-2</td>
<td>SHERIDAN LAKE HIGHLANDS HOA</td>
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<td>APP</td>
<td>SHD</td>
<td>0</td>
<td>0</td>
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LC=Water Right, APP=Application, COM=Commercial, REC=Recreational, INS=Institutional, SHD=Suburban Housing Development, DOM=Domestic, *=Average use based on reported use 2007-2018

There are a number of well completion reports on file with the DENR-Water Rights Program for domestic wells that appear to be completed into the Crystalline Rock aquifer within the "Area of Interest" shown in Figure 1 (Water Rights, 2019d). It is likely there are other domestic wells completed into the Crystalline Rock aquifer within that area that are not on file with the Water Rights Program. In general, the volume of water pumped by domestic users is not significant when compared to the appropriate use from an aquifer due to the limited diversion rate and needs of domestic users.

Observation Well Data
Administrative Rule of South Dakota Section 74:02:05:07 requires that the Water Management Board shall rely upon the record of observation well measurements in addition to other data to
determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated average annual recharge of the aquifer.

The DENR-Water Rights Program maintains two observation wells that have historically been considered completed into the Crystalline Rock aquifer in western South Dakota (Water Rights, 2019b). Observation well CU-86A is located approximately 17.5 miles southwest, and observation well PE-95D is located approximately 3.1 miles north of the proposed well sites. While observation well PE-95D is relatively close to this application, review of the construction of PE-95D determined the observation well is open to both the Deadwood Formation and the crystalline rock (Kilts, 2018). Both the Deadwood Formation and the crystalline rock can be aquifers at that location (Water Rights, 2019b and 2019d; Williamson et al, 2000). An examination of the water level data over the entire period of record of PE-95D determined the water levels appear to be more similar to the Deadwood aquifer than to the Crystalline Rock aquifer (Kilts, 2018; Strobel et al, 2000; Water Rights, 2019b and 2019d). Furthermore, the drilling records for PE-95D do not note encountering any large secondary porosity features (fractures, significant changes in water inflow or loss of water during drilling, etc.) in the crystalline rock portion of the borehole during drilling. Therefore, it is uncertain how representative observation well PE-95D is of either the Deadwood or Crystalline Rock aquifers. Therefore, only observation well CU-86A will be considered in this report. Figure 2 shows the hydrograph for observation well CU-86A.

![DENR Water Rights Observation Well: CU-86A](image)

Figure 2- Hydrograph of Crystalline Rock aquifer observation well CU-86A (Water Rights, 2019b)

The hydrograph for CU-86A shows the water levels respond well to climatic conditions. Rising during wetter periods and declining during drier periods. The water levels have fluctuated 45 feet over the period of record in response to climatic conditions. An examination of the hydrograph shows that any effects caused by pumping on the water levels of CU-86A are masked by the climatic conditions indicating the changes in water levels are dominated by natural conditions, recharge to and natural discharge from the aquifer. Natural discharge from an aquifer can be captured for pumping. While CU-86A is not that close to the area of the Crystalline Rock aquifer
the applicant proposes to use, water level data does show the Crystalline Rock aquifer receives recharge.

Furthermore, there are no indications there are portions of the Crystalline Rock aquifer where average annual withdrawals are exceeding average annual discharge despite increased development of the aquifer (Water Rights, 2019b; 2019d; 2019e). The commentary from Driscoll and Carter (2001) regarding how the recharge to the Crystalline Rock aquifer must be much greater than the estimated 5 cfs (3,600 ac-ft/yr) to account for the groundwater discharge that contributes base flow to many streams is well supported by the hydrograph for observation well CU-86A, which shows the water level generally rising over its period of record. Figure 2 is the hydrograph for observation well CU-86A.

When considering the commentary from Driscoll and Carter (2001) regarding recharge to the Crystalline Rock aquifers, the hydrograph for CU-86A, the continued development of the Crystalline Rock aquifer, and the relatively small annual appropriation requested by this application, there is a reasonable probability unappropriated water is available for this proposed appropriation.

**EFFECTS ON EXISTING WATER RIGHTS**

Figure 3 is a view of the Crystalline Rock aquifer water rights within approximately 1 mile of the proposed wells sites. The nearest well authorized by a water right to either of the well sites proposed by this application is for Water Right No. 2211-2 approximately 0.17 miles (920 feet) west-southwest of the proposed well sites (Water Rights, 2019c). All the other wells authorized by water rights are approximately 0.35 miles or further away from the well sites proposed by this application (Water Rights, 2019c). Considering the proximity of the other water rights in the area to each other without any reports of well interference issues between these water rights and nearby domestic users (Water Rights, 2019e) and the limited diversion rate requested by this application, there is a reasonable probability this application can be developed without unlawful impairments to existing appropriative users of the Crystalline Rock aquifer.
Figure 3- Map of area near Application No. 2805-2 with Crystalline Rock aquifer water rights (Water Rights, 2019c) and fault locations (Redden and DeWitt, 2008)

There are well completion reports on file with the DENR-Water Rights for domestic wells that are mapped within 500 feet of the well sites proposed by this application (Water Rights, 2019d). Unless more accurate information is provided, well completion reports submitted to the DENR-Water Rights Program are mapped at the approximate center of the legal location provided on the well completion report, and multiple wells are mapped at the same location if they share the same legal location description (e.g. NW ¼ NW ¼ Sec 2-T3S-R6E). Therefore, there is not a better estimate of the exact distance to the nearest domestic wells on file with the Water Rights Program. It is also likely there are other wells completed into the Crystalline Rock aquifer within approximately 1 mile of the well sites proposed by this application that are not on file with the DENR-Water Rights Program.

The Water Management Board has defined an adequate well in Administrative Rule of South Dakota (ARSD) 74:02:4:20(6) as:

"a well constructed or rehabilitated to allow various withdrawal methods to be used, to allow the inlet to the pump to be placed not less than 20 feet into the saturated aquifer or formation material when the well is constructed, or to allow the pump to
be placed as near to the bottom of the aquifer as is practical if the aquifer thickness is less than 20 feet”.

In the past the Water Management Board has recognized that to place water to maximum beneficial use, a certain amount of drawdown may occur. To protect domestic users, the Water Management Board defined an “adversely impacted domestic well” in ARSD 74:02:04:20(7) as:

“a well in which the pump intake was set at least 20 feet below the top of the aquifer at the time of construction or, if the aquifer is less than 20 feet thick, is as near to the bottom of the aquifer as is practical and the water level of the aquifer has declined to a level that the pump will no longer deliver sufficient water for the well owner’s needs”.

For most aquifers, the placement of the pump intake 20 feet below the top of the aquifer is sufficient for domestic wells. However, for wells completed into the Crystalline Rock aquifer, 20 feet of saturated aquifer thickness may not be sufficient for a dependable water supply. This is due to the low porosity of the crystalline rock and the unpredictable occurrence of secondary porosity. Thus, wells that meet the definition of an adequate well and therefore should be easily protected by the definition of an adversely impacted domestic well may not yield sufficient water for a well owner’s needs while still being adequate under the rule.

The precise drawdown effects caused by pumping a well cannot be determined without conducting an aquifer pumping test. Water levels in the Crystalline Rock aquifer are known to vary greater than 40 feet as a result of climatic conditions as shown in Figure 2. There has only been one reported instance of well interference in Pennington County for wells completed into the Crystalline Rock aquifer. This involved Water Right No. 2572-2 during the permit’s initial development. The water right was limited to a maximum diversion rate of 18 gallons per minute, the limit for reasonable domestic use, by the Chief Engineer in October 2006. The permit holder reported to the Water Rights Program that the issue was resolved sometime before January 2009, and there have not been any other reports of well interference issues since then (Water Rights, 2019e).

The local development of both domestic and appropriative wells completed into the Crystalline Rock aquifer without a significant history of well interference issues, the limited diversion rate and appropriation volume proposed by this application, the large natural fluctuation of water levels in the aquifer, and the protection afforded to adequate domestic wells by South Dakota Water Law means there is a reasonable probability this proposed diversion can be developed without unlawfully impairing existing users with adequate wells. If this application is approved, a qualification requiring the applicant to control their withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells that have prior water rights should be included.

CONCLUSIONS:
1. Water Permit Application No. 2805-2 proposes to appropriate 4 ac-ft/yr at a maximum instantaneous diversion rate of 0.044 cfs (20 gpm) from 2 wells to be completed into the Crystalline Rock aquifer for commercial use in Pennington County near Rockerville, SD.
2. There is a reasonable probability unappropriated water is available for this proposed appropriation.

3. There is a reasonable probability this proposed diversion can be made without unlawfully impairing existing users.

Adam Mathiowitz, PE
SD DENR-Water Rights Program

REFERENCES:


Rahn, P.H. 1979. Ground Water Resources of Western South Dakota. SDSM&T Project Well No. 2533. Sponsored by Omaha District of the U.S. Army Corp of Engineers. SD School of Mines and Technology. Rapid City, South Dakota.


July 15, 2020

NOTICE

TO: Juston Eienbraun  
R & J LLC  
PO Box 245  
Wall SD 57790

Lon Buehner  
23734 Pine Haven Dr  
Rapid City SD 57702

William C Hearne  
23762 Pine Haven Dr  
Rapid City SD 57702

FROM: Eric Gronlund, Chief Engineer  
Water Rights Program

SUBJECT: Preparation of Findings of Fact, Conclusions of Law and Final Decision

The Water Management Board directed counsel for the Water Rights Program to prepare proposed Findings of Fact, Conclusions of Law and a Final Decision in the matter of the approval of Water Permit Application No. 2805-2, R & J LLC.

The Board will consider adoption of Findings of Fact, Conclusions of Law and Final Decision at 1:00 PM Central Time, on Wednesday, October 7, 2020, in the Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol Avenue, Pierre SD.

The Board requested that the proposed Findings of Fact, Conclusions of Law and Final Decision be mailed to each Board member and parties of record by September 10, 2020. Written objections or comments in support of the proposed Findings of Fact, Conclusions of Law and Final Decision, or alternative Findings of Fact, Conclusions of Law and Final Decision are to be mailed to each Board member, the Board attorney, and other parties of record by September 25, 2020. A mailing list is enclosed. Board counsel requests that the draft findings or alternative findings be provided in both a PDF format and a WORD format file via email to David.McVey@state.sd.us.

At the Board’s discretion, oral arguments in opposition or support of the proposed Findings of Fact, Conclusions of Law and Final Decision, or alternative Findings of Fact, Conclusions of Law and Final Decision may be made at the October 7, 2020, meeting. The evidentiary hearing was completed July 8, 2020. No additional testimony will be received on October 7, 2020.

If you have questions about the findings process, please contact Ann Mines-Bailey at (605) 773-3215.

Enclosure

C: Ann Mines Bailey, Water Rights Program Counsel  
David McVey, Water Management Board Counsel
PARTIES OF RECORD MAILING LIST
WATER PERMIT APPLICATION NO. 2805-2
R & J LLC

APPLICANT
Juston Eienbraun
R & J LLC
PO Box 245
Wall SD 57790

Michael M. Hickey
Attorney for R & J LLC
PO Box 2670
Rapid City SD 57709-2670

PETITIONERS
Lon Buehner
23734 Pine Haven Dr
Rapid City SD 57702

William C Hearne
23762 Pine Haven Dr
Rapid City SD 57702

Ann Mines Bailey, Assistant Attorney General
Counsel for Water Rights Program, DENR
Attorney General’s Office
1302 East Highway 14, Suite 1
Pierre, SD 57501
DENR Exhibits for Appl No. 2805-2

Exhibit 2 - Mathiowetz curriculum vitae

Exhibit 3 - Map of logs/permits and table

Exhibit 4 - Fault map
ADAM MATHIOWETZ

EDUCATION
M.S. Agricultural and Biosystems Engineering, South Dakota State University, 2011
-Thesis, Vegetative Treatment System Evaluation for Two Large Confined Animal Feeding Operations

B.S. Agricultural and Biosystems Engineering, South Dakota State University, 2009

CAREER EXPERIENCE
Engineer III – SD DENR, Water Rights Program (03/2012-present) Responsibilities:
- Conduct groundwater investigations and investigate groundwater related complaints;
- Conduct water permit inspections for licensing;
- Prepare and peer review reports for groundwater permit applications;
- Provide information and technical assistance to the public regarding groundwater and wells;
- Provide technical assistance to the Chief Engineer regarding groundwater and wells;
- Provide technical assistance to the Water Management Board through evaluation of groundwater permit applications and interpretation of data from the statewide observation well network;
- Provide expert testimony to the Water Management Board on contested water permit applications;
- Assist other staff in the Water Rights Program with various engineering tasks or groundwater and wells training;
- Assist other staff in DENR with information regarding groundwater and wells;
- Co-manage Water Rights Program summer seasonal employees measuring the observation well network;
- Oversee and review the work of the two Water Rights Program technicians;
- Review annual licensing for SD licensed water well drillers and pump installers;
- Review water well completion reports submitted to the Water Rights Program.

PROFESSIONAL REGISTRATION
Registered Professional Engineer: #12461, State of South Dakota Board of Technical Professionals,
Expires: May 31, 2021

SPECIAL PROJECTS
- Analyzed and interpreted data from all of the annual irrigation questionnaires from the Tulare: Western Spink and Tulare: Hitchcock aquifers to determine irrigation application rate.
- Analyze aquifer pumping test data for Water Permit Application Nos.7537-3 for Bret Flihs and 7930-3 for James Rand, and reviewed aquifer pumping test report and data for Water Permit Application No. 2633B-2 for Southern Black Hills Water System and 8299-3 for Aberdeen Energy LLC.
- Develop an MS Excel based random selection process for establishing priority of new applications for appropriation from fully appropriated aquifers.

Adam Mathiowetz          Updated: June 25, 2020
TESTIMONY
Testified as an expert witness before the South Dakota Water Management Board since 2013.
Cases since March 7, 2013, include:
- Application No. 2572A-2, Sheridan Lake Highlands Inc
- Application No. 2633B-2, Southern Black Hills Water System
- Application No. 8278-3, Sonstegard Food Company
- Application No. 8308-3, Tom Hummel
- Application No. 8293-3, Brian Schneck
- Application No. 2758-2, Steffen Farms LLC
- Application No. 8065-3, City of Hecla
- Application No. 8002-3, Todd Block
- Application No. 7828-3, Ryken Family Limited Partnership
- Application No. 7520-3, JH Gunderson/GA Schiefen
- Application No. 7610-3, Bret Fliehs
- Application No. 7456-3, Lucas Family Investments
- Application No. 2691-2, Chad Kehn
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COM = commercial, DOM = Domestic, REH = rehabilitation
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).
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.
Agenda Item #16
Pennington County
August 10, 2020

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.

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. At the conclusion of the review, the Planning Commission may (1) approve the continued use under the conditions already imposed; (2) approve the continued use with additional conditions, subject to another review; (3) schedule another review; or (4) schedule a revocation hearing in accordance with subsection (f) of this ordinance.

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.
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.