AGENDA
PENNINGTON COUNTY PLANNING COMMISSION
September 14, 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 October 6, 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 AUGUST 24, 2020, MINUTES

2. APPROVAL OF THE AGENDA

CONSENT AGENDA

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

3. CONDITIONAL USE PERMIT REVIEW / CU 15-20: Mitch Morris. To review Construction Equipment Sales on the subject property in a General Commercial District in accordance with Sections 209 and 510 of the Pennington County Zoning Ordinance.

Lot 1 of NW1/4SE1/4, Section 32, T1N, R8E, BHM, Pennington County, South Dakota.

To recommend end Conditional Use Permit / CU 15-20, per the applicant’s request.

4. CONDITIONAL USE PERMIT REVIEW / CU 20-03: Scott and Janice Harris. To review a multi-family dwelling in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lots 2-3 of Lot 5, Block 9, Eastern Acres Subdivision, Section 11, T1N, R8E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Conditional Use Permit / CU 20-03 with conditions.
5. **MINOR PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PU 18-05:** Grant and Sandra Parsons (Plum Creek Homes). To review an existing Planned Unit Development to allow the proposed single-family residence to be used as a Bed and Breakfast on the subject property in accordance with Sections 213 of the Pennington County Zoning Ordinance.

Tract 43, Rushmore Ranch Estates Subdivision, Section 20, T2S, R7E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Minor Planned Unit Development Amendment / PU 18-05 with conditions.

**END OF CONSENT AGENDA**

6. **CONDITIONAL USE PERMIT / CU 20-20:** Larry and Dianne Mathews. To allow a multi-family dwelling in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot 2, Cedar Gulch Subdivision, Section 4, T1S, R9E, BHM, Pennington County, South Dakota.

7. **LAYOUT PLAN / LPL 20-24:** David Grover. To create Lots A through L of Mills Ranch Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.


PROPOSED LEGAL: Lots A through L of Mills Ranch Subdivision, Section 32, T1S, R5E, BHM, Pennington County, South Dakota.

8. **COUNTY BOARD REPORT**
The Board of Commissioners concurred with the Planning Commission’s recommendations from the August 24, 2020, Planning Commission meeting.

9. **ITEMS FROM THE PUBLIC**

10. **ITEMS FROM THE STAFF**

   A. Building Permit Report.

11. **ITEMS FROM THE MEMBERSHIP**

12. **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
August 24, 2020 @ 9:00 a.m.
County Commissioners’ Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Kathy Johnson Travis Lasseter, Charlie Johnson, Sandra Runde, and Gary Drewes.

STAFF PRESENT: Brittney Molitor, Cody Sack, Jason Theunissen, Cullen McNeece (SAO) and Jeri Ervin.

ROLL CALL

1. APPROVAL OF THE AUGUST 10, 2020, MINUTES
Moved by Drewes and seconded by Lasseter to approve the Minutes of the August 10, 2020, Planning Commission meeting. Vote: unanimous 5 to 0.

2. APPROVAL OF THE AGENDA
Moved by Runde and seconded by Lasseter to approve the Agenda of the August 24, 2020, Planning Commission meeting. Vote: unanimous 5 to 0.

Moved by Drewes and seconded by K. Johnson to approve the Consent Agenda of the August 24, 2020, Planning Commission meeting, with the removal of Item #6. Vote: unanimous 5 to 0.

CONSENT AGENDA

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

3. CONDITIONAL USE PERMIT REVIEW / CU 18-35: Lorrie Behl. To review a single-wide mobile home to be used as a single-family residence on the subject property in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 6 of Lot L of E1/2SE1/4, Section 9, T1N, R8E, BHM, Pennington County, South Dakota.

To end Conditional Use Permit / CU 18-35 as it is no longer needed.

Vote: unanimous 5 to 0.
4. **PLANNED UNIT DEVELOPMENT REVIEW / PU 08-01**: Leslie McGourty. To review a Planned Unit Development in accordance with Section 213 of the Pennington County Zoning Ordinance.

Lot 1 of Voshall Addition, Section 10, T2S, R6E, BHM, Pennington County, South Dakota.

To end Planned Unit Development / PU 08-01 as it is no longer needed.

Vote: unanimous 5 to 0.

5. **ROAD NAMING**: Richard and Lorayna Papousek. To name a 20-foot-wide Section Line road providing access to properties located in Sections 25 and 36, T1N, R16E, BHM, South Dakota, to Papousek Road.

To recommend approval of the Road Naming of Papousek Road.

Vote: unanimous 5 to 0.

7. **PRELIMINARY PLAT / PPL 20-21**: David Grover. To create Lots A, B, C, and D of Buzmar Subdivision in accordance with Section 400.2 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 1 of Buzmar Subdivision, Section 32, T1S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots A, B, C, and D of Buzmar Subdivision, Section 32, T1S, R5E, BHM, Pennington County, South Dakota.

To recommend approval of Preliminary Plat / PPL 20-21 with the following five (5) conditions:

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

2. That the Certifications on the plat be in accordance with Section 400.2 of the Pennington County Subdivision Regulations and as deemed appropriate by the Register of Deeds;

3. That prior to filing the plat with the Register of Deeds, all the requirements of Pennington County Subdivision Regulations are met, or approved Variances to the Subdivision Regulations be obtained waiving any of these requirements that are not met;

4. 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; and,
5. 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.

Vote: unanimous 5 to 0.

END OF CONSENT AGENDA

6. **MINING PERMIT REVIEW / MP 19-02**: Pete Lien & Sons. To review the extension of an existing sand and gravel mining operation on the subject property.

All Less Right-of-Way, Section 19, T1N, R14E, BHM, Pennington County, South Dakota.

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

Staff recommended approval of the extension of Mining Permit / MP 19-02 with conditions.

Discussion followed.

Moved by Drewes and seconded by Lasseter to approve the extension of the expansion of Mining Permit / MP 19-02 with the following eight (8) conditions:

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

2. That the conditions of the approval of the South Dakota Department of Environment and Natural Resources General Permit be continually met;

3. That the Conditions of Approval of Construction Permit / CP 19-17 are continually met;

4. That the applicants follow the reclamation plan that was submitted to the SDDENR to reclaim the site when work is completed;

5. That the applicant submits a copy of the Mine License, issued by the South Dakota Department of Environment and Natural Resources, to the Planning Department and copies of any annual Mine License Reports by December 1st of each year;
6. That if there is a proposed change in operation from this Mining Permit, that the change be submitted to the Planning Director within thirty (30) days and the Mining Permit reviewed and approved by the Planning Commission;

7. That if there is a change in the floodplain or the work within the floodplain, the applicant submits a new Floodplain Development Permit;

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

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

All voting aye, the Motion carried 5 to 0.

8. **CONDITIONAL USE PERMIT / CU 20-19**: Heather and Aaron Mills. To allow for a home occupation, a one-chair hair salon, in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot 12, Block 2, Highland Hills Subdivision, Section 32, T1N, R7E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow a home occupation, a one-chair hair salon, in a Suburban Residential District.

Staff recommended approval of Conditional Use Permit / CU 20-19 with the following fourteen (14) conditions:

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

2. That before a Building Permit can be applied for and prior to operation, the applicant obtain approval from SD DENR, the City of Rapid City, and the EPA, for a new Onsite Waste Water Treatment System;

3. That hours of operation be from 8:00 a.m. to 7:00 p.m. Monday through Saturday;

4. That no additional employees be allowed beyond the applicant, Heather Mills;

5. That no more than 8 clients are allowed each day;

6. That no off-premise signs be allowed;
7. That one (1) home occupation sign be allowed that does not exceed six (6) square feet in area, in accordance with Pennington County Zoning Ordinance Section 312, and that a Sign Permit be obtained prior to installation;

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

9. That all necessary Local, State, and Federal licenses and permits be obtained prior to the operation of the home occupation and that copies of these licenses and permits be provided to the Planning Department upon request and that the applicant continually comply with all applicable Local, State, and Federal laws and regulations;

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

11. That an address be assigned for the garage that contains the hair salon,

12. That an address be posted on the garage, residence, and at the end of the driveway so that it is visible from Highland Hills Road, in accordance with Pennington County’s Ordinance #20;

13. That if any sale or transfer of the subject property from the current owner(s) of record occur, that this CUP for a home occupation automatically end; and,

14. That Conditional Use Permit / CU 20-19 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 K. Johnson and seconded by Drewes to approve of Conditional Use Permit / CU 20-19 with the following fourteen (14) conditions:

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

2. That before a Building Permit can be applied for and prior to operation, the applicant obtain approval from SD DENR, the City of Rapid City, and the EPA, for a new Onsite Waste Water Treatment System;

3. That hours of customer appointments be from 8:00 a.m. to 6:00 p.m. Monday through Saturday;

4. That no additional employees be allowed beyond the applicant, Heather Mills;
5. That no more than four (4) work days are allowed and no more than eight (8) clients are allowed each day;

6. That no off-premise signs be allowed;

7. That one (1) home occupation sign be allowed that does not exceed six (6) square feet in area, in accordance with Pennington County Zoning Ordinance Section 312, and that a Sign Permit be obtained prior to installation;

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

9. That all necessary Local, State, and Federal licenses and permits be obtained prior to the operation of the home occupation and that copies of these licenses and permits be provided to the Planning Department upon request and that the applicant continually comply with all applicable Local, State, and Federal laws and regulations;

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

11. That an address be assigned for the garage that contains the hair salon,

12. That an address be posted on the garage, residence, and at the end of the driveway so that it is visible from Highland Hills Road, in accordance with Pennington County's Ordinance #20;

13. That if any sale or transfer of the subject property from the current owner(s) of record occur, that this CUP for a home occupation automatically end; and,

14. That Conditional Use Permit / CU 20-19 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.

All voting aye, the Motion carried 5 to 0.

9. CONDITIONAL USE PERMIT / CU 20-17: Julia Rombough. To allow for a Bed and Breakfast on the subject property in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot E, Battle Creek Mountain Estates Subdivision, Section 18, T2S, R7E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow the existing residence to be used as a Bed and Breakfast.
Staff recommended approval of Conditional Use Permit / CU 20-17 with the following fourteen (14) conditions:

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

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

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

4. That the address for the residence (24381 Lost Cave Road) be posted on the primary residence / Bed and Breakfast at all times and so it is clearly visible from Lost Cave Road, in accordance with Pennington County’s Ordinance #20 within 30 days of approval of this Conditional Use Permit;

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

6. That the minimum number of required parking spaces be provided in accordance with Pennington County Zoning Ordinance Section 310, which requires one (1) parking space per guest bedroom for the Bed and Breakfast;

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

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

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

10. That the property remains free of debris and junk vehicles and all structures be well-maintained;
11. That portable fire extinguishers be placed on each floor level of the Bed and Breakfast so they are accessible to all guests at all times and the fire extinguishers shall be inspected and tagged annually;

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

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

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

Discussion followed.

Moved by Lasseter and seconded by Runde to approve of Conditional Use Permit / CU 20-17 with the following fourteen (14) conditions:

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

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

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

4. That the address for the residence (24381 Lost Cave Road) be posted on the primary residence / Bed and Breakfast at all times and so it is clearly visible from Lost Cave Road, in accordance with Pennington County’s Ordinance #20 within 30 days of approval of this Conditional Use Permit;

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

6. That the minimum number of required parking spaces be provided in accordance with Pennington County Zoning Ordinance Section 310, which requires one (1) parking space per guest bedroom for the Bed and Breakfast;

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

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

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

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

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

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

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

All voting aye, the Motion carried 5 to 0.

10. LAYOUT PLAN / LPL 20-23: Link SD Ranches, LLC; Dwight Gubrud - Agent. To create Tract A, Tract B, Tract C, Tract D, and Tract E of Denke Ranch Addition in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: PT NW1/4SW1/4 Lying S and E of Hwy ROW; PT NE1/4NW1/4 Lying S and W of Hwy ROW; S1/2SW1/4; PT SE1/4 Lying S and W of HWY ROW and PT SW1/4 Lying S and W of Hwy ROW, Sections 21 and 22, T5N, R16E, BHM, Pennington County, South Dakota.


Molitor reviewed the Staff Report indicating the applicant has applied for a Layout Plan to create Tract A, Tract B, Tract C, Tract D, and Tract E of Denke Ranch Addition.
Staff recommended approval of Layout Plan / LPL 20-23 with the following eight (8) 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 Notary Certificate for the Acknowledgement of Owner be corrected;

4. 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. A Variance request for the Subdivision Regulations shall be submitted per Section 700 of Pennington County Subdivision Regulations;

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

6. 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;

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

8. That 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 K. Johnson and seconded by Drewes to approve of Layout Plan / LPL 20-23 with the following eight (8) 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 Notary Certificate for the Acknowledgement of Owner be corrected;
4. 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. A Variance request for the Subdivision Regulations shall be submitted per Section 700 of Pennington County Subdivision Regulations;

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

6. 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;

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

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

All voting aye, the Motion carried 5 to 0.

11. **MINOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 20-04:** All American Sales / Doug Bellinger. To amend an existing Planned Unit Development to allow for the sale of retail and wholesale seasonal fireworks on the subject property in accordance with Section 213 of the Pennington County Zoning Ordinance.

Lot 1R of Lot B, Block 16, Trailwood Village Subdivision, Section 10, T1N, R8E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant applied to amend the existing Planned Unit Development to allow for the sale of retail and wholesale seasonal fireworks on the subject property.

Staff recommended approval of Minor Planned Unit Development Amendment / PU 20-04 with the following sixteen (16) conditions:

1. That the Conditions of Approval of Planned Unit Development / PU 05-19 be continually adhered to;

2. That prior to operation, the applicant submit all necessary permits/licenses from other governing bodies for operation of the Class C Fireworks, including, but not limited to: written approval from the South Dakota State Fire Marshal’s office and a Sales Tax License from the South Dakota Department of Revenue;
3. That an address be assigned to the property and that it be posted on the structure or tent where fireworks are being sold, in accordance with Pennington County Ordinance #20;

4. That the uses allowed on Lot 1R of Lot B of Trailwood Village be limited to: seasonal retail and wholesale sales of Class C fireworks, in accordance with South Dakota Codified Laws;

5. That the sale of fireworks be limited to the hours of 7 a.m. to 12 a.m.;

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;

7. That prior to approval of a Building Permit for a commercial structure on Lot 1R of Lot B of Trailwood Village, the applicant have an engineering study performed to determine the need for storm water detention and the study be submitted to the Planning Department and Highway Drainage Engineer for review;

8. 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;

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

10. That a minimum of one (1) port-a-potty be available to the public during fireworks sales and be accessible for pumping and/or removal when necessary;

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

12. That no parking be allowed along the frontage roads;

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

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

15. That no fireworks be stored on the subject property outside of the Retail and/or Wholesale selling seasons, as defined by South Dakota Codified Law; and,

16. That this Minor Planned Unit Development Amendment be reviewed in June 2021, on a complaint basis, or as directed by the Pennington County Planning
Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

Moved by Runde and seconded by Lasseter to approve of Minor Planned Unit Development Amendment / PU 20-04 with the following sixteen (16) conditions:

1. That the Conditions of Approval of Planned Unit Development / PU 05-19 be continually adhered to;

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

3. That an address be assigned to the property and that it be posted on the structure or tent where fireworks are being sold, in accordance with Pennington County Ordinance #20;

4. That the uses allowed on Lot 1R of Lot B of Trailwood Village be limited to: seasonal retail and wholesale sales of Class C fireworks, in accordance with South Dakota Codified Laws;

5. That the sale of fireworks be limited to the hours of 7 a.m. to 12 a.m.;

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;

7. That prior to approval of a Building Permit for a commercial structure on Lot 1R of Lot B of Trailwood Village, the applicant have an engineering study performed to determine the need for storm water detention and the study be submitted to the Planning Department and Highway Drainage Engineer for review;

8. 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;

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

10. That a minimum of one (1) port-a-potty be available to the public during fireworks sales and be accessible for pumping and/or removal when necessary;
11. That the applicant ensures the safety of the customers by providing adequate security, fire protection, and a phone available to the public in case of an emergency;

12. That no parking be allowed along the frontage roads;

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

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

15. That no fireworks be stored on the subject property outside of the Retail and/or Wholesale selling seasons, as defined by South Dakota Codified Law; and,

16. That this Minor Planned Unit Development Amendment be reviewed in June 2021, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

All voting aye, the Motion carried 5 to 0.

12. LAYOUT PLAN / LPL 20-22: David and Kari Kelting; Fisk Land Surveying – Agent. To subdivide and create Lots 4A and 4B of Tract 3 of Tigerville Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 4 of Tract 3, Tigerville Subdivision, Section 9, T1S, R4E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 4A and 4B of Tract 3 of Tigerville Subdivision, Section 9, T1S, R4E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Layout Plan to subdivide and create Lots 4A and 4B of Tract 3 of Tigerville Subdivision.

Staff recommended approval of Layout Plan / LPL 20-22 with the following nine (9) conditions:

1. That the applicants obtain approved Approach Permits from the Tigerville Road District prior to installation of any approaches off of Tigerville Road;

2. That prior to Minor Plat submittal, the applicant improve Tigerville Road to Pennington County Road Standards or obtain an approved Subdivision Regulations Variance to waive these requirements;
3. That prior to Minor Plat submittal, the applicant provide percolation tests and soil profile hole information 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 Minor Plat submittal, the Certifications on the Minor Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations;

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

7. That 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;

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

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

Discussion followed.

Moved by Runde and seconded by K. Johnson approve of Layout Plan / LPL 20-22 with the following nine (9) conditions:

1. That the applicants obtain approved Approach Permits from the Tigerville Road District prior to installation of any approaches off of Tigerville Road;

2. That prior to Minor Plat submittal, the applicant improve Tigerville Road to Pennington County Road Standards or obtain an approved Subdivision Regulations Variance to waive these requirements;

3. That prior to Minor Plat submittal, the applicant provide percolation tests and soil profile hole information 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 Minor Plat submittal, the Certifications on the Minor Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations;

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

7. That 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;

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

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

All voting aye, the Motion carried 5 to 0.

The Planning Commission recessed at 10:00 a.m.
The Planning Commission reconvened at 10:10 a.m.

13. **CONDITIONAL USE PERMIT / CU 20-18: Wild Springs Solar, LLC / Melissa Schmit.**

To allow for a utility-scale solar energy system in a General Agriculture District and Limited Agriculture District in accordance with Sections 205, 206, 317, and 510 of the Pennington County Zoning Ordinance.

That PT of NE1/4 S of Chicago Northwestern RR; SE1/4 of Section 36, T2N, R10E; GL3-4; E1/2SW1/4, Less ROW of Section 31, T2N, R11E; GL 1-4; S1/2NE1/4; S1/2NW1/4, Less ROW of Section 1, T1N, R10E; GL 6-7; E1/2SW1/4, W1/2SE1/4; E1/2SE1/4 of Section 6, T1N, R11E; E1/2NE1/4; W1/2NE1/4, E1/2NW1/4; GL 1-4; NE1/4SW1/4, N1/2SE1/4, SE1/4SE1/4, Less ROW of Section 7, T1N, R11E; W1/2SW1/4; E1/2SW1/4 of Section 5, T1N, R11E; N1/2NE1/4, SE1/4NE1/4, S1/2SW1/4, E1/2SE1/4, SW1/4SE1/4, NW1/4, Less ROW of Section 9, T1N, R11E, BHM, Pennington County, South Dakota.

Ms. Melissa Schmit, Geronimo Energy, appeared and provided a presentation for Wild Springs Solar, LLC to allow for the utility-scale solar energy system.

Molitor reviewed the Staff Report indicating the applicant applied for a Conditional Use Permit to allow for a utility-scale solar energy system in a General Agriculture District and Limited Agriculture District and further stated that another condition will be added to
the Conditionals of Approval to address a Letter of Credit or cash surety/bond be submitted for the decommissioning of the project.

Staff recommended approval of Conditional Use Permit / CU 20-18 with the following twenty-six (26) conditions:

1. That Building Permits are obtained for all solar modules prior to construction;

2. That a security fence, measuring at least seven (7) feet in height, be installed and maintained around the Project area;

3. That the address of all operational structures (i.e. O&M building) be posted in accordance with Ordinance #20 following completion of the structure;

4. That setbacks from the property lines and all utilities be maintained for all structures located on the property, or an approved Setback Variance(s) be obtained;

5. That an approved Approach Permit(s) be obtained, if necessary, from the approving Street Authority and that a copy of the approved Approach Permit be sent to the Pennington County Planning Director with a note identifying the Permit for CU 20-18;

6. That an approved Floodplain Development Permit is obtained prior to any disturbance or placement of structures in the designated Special Flood Hazard Area;

7. That a Storm Water Permit is obtained to prior to any land disturbance;

8. That the applicant sign the Noxious Weed Plan and it be followed at all times;

9. That the design of the solar energy system must conform to applicable local, state and national solar codes and standards at all times;

10. That a Conditional Use Permit is obtained for the temporary contractor’s equipment storage yard prior to construction of all solar modules;

11. That no junk material, vehicles, or debris is stored on the site at any given time;

12. That any natural drainage ways and paths be continually maintained;

13. That all exterior lights must use hoods and lens that cast light downward;

14. 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;
15. The requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual shall be followed;

16. That the Planning Department is provided with the safety/access information in case of an emergency;

17. That the proposed structure(s) maintain the 35-foot height requirement, with the exception of utility poles as exempted in Section 204(E) of the PCZO, or an approved Variance(s) be obtained;

18. That the solar panels be non-reflective and unobtrusive at all times;

19. That temporary fencing is installed during construction to ensure livestock are protected;

20. That a Haul Road Agreement, if required, is in place with the County Highway Department prior to construction of the Project;

21. That all design and installation work shall comply with all applicable provisions in the National Electric Code, International Building Code, the International Residential Code, International Commercial Building Code, and state fire code;

22. That no advertising signage shall be placed on any portion of the solar facility;

23. That any on-site wastewater treatment system(s) are subject to the requirements of Section 204(J) of the Pennington County Zoning Ordinance;

24. That the solar facility, at no time, shall exceed 55 dBA as measured at the closest property line;

25. That a Letter of Credit or cash surety/bond in the amount of $2.323 million be submitted for the decommissioning of the solar modules. If a Letter of Credit is submitted, it be reviewed on a yearly basis; and,

26. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Planning Commission.

Discussion followed.

Moved by Lasseter and seconded by Runde to approve of Conditional Use Permit / CU 20-18 with the following twenty-six (26) conditions:

1. That Building Permits are obtained for all solar modules prior to construction;

2. That a security fence, measuring at least seven (7) feet in height, be installed and maintained around the Project area;
3. That the address of all operational structures (i.e. O&M building) be posted in accordance with Ordinance #20 following completion of the structure;

4. That setbacks from the property lines and all utilities be maintained for all structures located on the property, or an approved Setback Variance(s) be obtained;

5. That an approved Approach Permit(s) be obtained, if necessary, from the approving Street Authority and that a copy of the approved Approach Permit be sent to the Pennington County Planning Director with a note identifying the Permit for CU 20-18;

6. That an approved Floodplain Development Permit is obtained prior to any disturbance or placement of structures in the designated Special Flood Hazard Area;

7. That a Storm Water Permit is obtained to prior to any land disturbance;

8. That the applicant sign the Noxious Weed Plan and it be followed at all times;

9. That the design of the solar energy system must conform to applicable local, state and national solar codes and standards at all times;

10. That a Conditional Use Permit is obtained for the temporary contractor’s equipment storage yard prior to construction of all solar modules;

11. That no junk material, vehicles, or debris is stored on the site at any given time;

12. That any natural drainage ways and paths be continually maintained;

13. That all exterior lights must use hoods and lens that cast light downward;

14. 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;

15. The requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual shall be followed;

16. That the Planning Department is provided with the safety/access information in case of an emergency;

17. That the proposed structure(s) maintain the 35-foot height requirement, with the exception of utility poles as exempted in Section 204(E) of the PCZO, or an approved Variance(s) be obtained;
18. That the solar panels be non-reflective and unobtrusive at all times;

19. That temporary fencing is installed during construction to ensure livestock are protected;

20. That a Haul Road Agreement, if required, is in place with the County Highway Department prior to construction of the Project;

21. That all design and installation work shall comply with all applicable provisions in the National Electric Code, International Building Code, the International Residential Code, International Commercial Building Code, and state fire code;

22. That no advertising signage shall be placed on any portion of the solar facility;

23. That any on-site wastewater treatment system(s) are subject to the requirements of Section 204(J) of the Pennington County Zoning Ordinance;

24. That the solar facility, at no time, shall exceed 55 dBA as measured at the closest property line;

25. That a Letter of Credit or cash surety/bond, in the amount of $2.323 million, be submitted for the decommissioning of the solar modules. If a Letter of Credit is submitted, it be reviewed on a yearly basis, and the decommissioning cost estimate be submitted after ten years of operation and if the cost estimate for the decommissioning is more than $2.323 million, the estimate must meet the most current estimate; and,

26. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Planning Commission.

All voting aye, the Motion carried 5 to 0.

14. COUNTY BOARD REPORT
The Board of Commissioners concurred with the Planning Commission’s recommendations from the August 10, 2020, Planning Commission meeting.

15. ITEMS FROM THE PUBLIC
No motions or actions were taken at this time.

16. ITEMS FROM THE STAFF
There were no items from staff.
17. **ITEMS FROM THE MEMBERSHIP**

There were no items from the membership.

18. **ADJOURNMENT**

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

All voting aye, the Motion carried 5 to 0.

The meeting adjourned at 11:10 a.m.

________________________
Charlie Johnson, Second Chairperson
STAFF REPORT

GENERAL INFORMATION:

REQUEST:

CONDITIONAL USE PERMIT REVIEW / CU 15-20: To review Construction Equipment Sales on the subject property in a General Commercial District in accordance with Sections 209 and 510 of the Pennington County Zoning Ordinance.

APPLICANT:

Mitch Morris

APPLICANT ADDRESS:
P.O. Box 867, Rapid City, SD 57709

LEGAL DESCRIPTION:
Lot 1 of NW1/4SE1/4, Section 32, T1N, R8E, BHM, Pennington County, South Dakota.

SITE LOCATION:
7900 S. Highway 79

SIZE:
27.48 acres

TAX ID:
46725

EXISTING LAND USE:
Storage Yard

ZONING REFERENCE:
Sections 209 and 510

CURRENT ZONING:
General Commercial District

SURROUNDING ZONING:
North
General Commercial District
General Agriculture District

South
General Agriculture District
General Commercial District

East
General Agriculture District

West
General Commercial District

PHYSICAL CHARACTERISTICS: Flat

REPORT BY:
Jason Theunissen
I. PROPOSED RECOMMENDATION
   A. Staff will be recommending to end Conditional Use Permit / CU 15-20, per the applicant’s request.

II. GENERAL DESCRIPTION
   A. November 23, 2015 – The Planning Commission approved Conditional Use Permit / CU 15-20, for a Construction Equipment Sales operation on the subject property, with the following fifteen (15) conditions:
      1. That Conditional Use Permit / CU 15-20 be for Construction Equipment Sales and Construction Material Sales only;
      2. That the operation, condition and organization of the subject property be performed and maintained so as to not create a Public Nuisance, per Pennington County Ordinance 106;
      3. That noise levels be kept at a level not to be characterized as a nuisance and that a six (6) foot tall privacy fence be constructed around the property;
      4. That sign(s) be allowed pursuant to Section 312 of the Pennington County Zoning Ordinance;
      5. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
      6. That porta-potties (1 per every 50 employees) are provided on-site;
      7. That the addresses be posted in accordance with Pennington County’s Ordinance #20;
      8. That the applicant adheres to all necessary County, State, and Federal regulations, and maintains the necessary permits and licenses to conduct Commercial Sales on the subject property;
      9. That there is no more than two (2) additional employees, excluding family members;
     10. That there is a minimum of eleven (11) off-street parking spaces available at all times and kept in accordance with Section 310 of the Pennington County Zoning Ordinance;
     11. That the hours of operation will be conducted between the hours of 7:00 a.m. and 6:00 p.m. with the allowance of limited after hour’s operation so as not to be characterized as a nuisance;
     12. That the inoperable vehicles and piles of motor vehicle parts, not intended for immediate sale, will be either removed from the property or shall be stored in an enclosed structure;
     13. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual must be followed;
     14. That the applicant signs the Statement of Understanding (SOU) for Conditional Use Permit / CU 15-20 and the Pennington County Noxious Weed Management Plan within ten (10) business days of approval. Both are available at the Planning Department; and,
15. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

B. November 14, 2016 – The Planning Commission continued the review of Conditional Use Permit / CU 15-20 to the December 5, 2016 Planning Commission meeting.

C. December 5, 2016 – The Planning Commission continued the review of Conditional Use Permit / CU 15-20 to the January 9, 2017 Planning Commission meeting.

   1. Condition #14: That prior to the Planning Commission meeting on January 23, 2017, the applicant comply with Section 511(X) of the Pennington County Zoning Ordinance and if the applicant does not comply with all the Conditions of Approval, by the January 23, 2017, Planning Commission meeting, CU 15-20 automatically end; and,
   2. Condition #15: That the applicant signs a Statement of Understanding (SOU) for Conditional Use Permit / CU 15-20, within ten (10) business days of approval, which is available at the Planning Department.

E. January 23, 2017 – The Planning Commission approved the extension of CU 15-20, with the following Conditions:
   1. That before 5:00 p.m. Mountain Time, on January 24, 2017, Mr. Morris pay, in cash, the required continuation fee (per Section 511-X) as approved by the Planning Commission in Condition of Approval #2, on December 5, 2016 and again in Condition of Approval #14 from January 5, 2017 or CU 15-20 automatically be revoked;
   2. That the operation, condition and organization of the subject property be performed and maintained so as to not create a Public Nuisance, per Pennington County Ordinance 106;
   3. That noise levels be kept at a level not to be characterized as a nuisance and that a six (6) foot tall fence be constructed around the Construction Equipment Storage and Sales area;
   4. That sign(s) be allowed pursuant to Section 312 of the Pennington County Zoning Ordinance;
   5. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
   6. That porta-potties (1 per every 50 employees) are provided on-site;
   7. That the addresses be posted in accordance with Pennington County’s Ordinance #20;
Agenda Item #3
Mitch Morris
September 14, 2020

8. That the applicant adheres to all necessary County, State, and Federal regulations, and maintains the necessary permits and licenses to conduct Commercial Sales on the subject property and make said permits and licenses available to Pennington County Planning Staff upon request;

9. That there is no more than two (2) additional employees, excluding family members;

10. That there is a minimum of eleven (11) off-street parking spaces available at all times and kept in accordance with Section 310 of the Pennington County Zoning Ordinance;

11. That the hours of operation will be conducted between the hours of 7:00 a.m. and 6:00 p.m. with the allowance of limited after hour's operation so as not to be characterized as a nuisance;

12. That the inoperable vehicles and piles of motor vehicle parts, not intended for immediate sale, will be either removed from the property or shall be stored in an enclosed structure;

13. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual must be followed;

14. That the applicant signs the Statement of Understanding (SOU) for Conditional Use Permit / CU 15-20, within ten (10) business days of approval, which is available at the Planning Department; and,

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

F. February 13, 2017 – The Planning Commission approved the extension of CU 15-20, with the same Conditions.

G. February 26, 2018 – The Planning Commission continued the review of Conditional Use Permit / CU 15-20 to the March 26, 2018 Planning Commission meeting.

H. March 26, 2018 – The Planning Commission approved the extension of Conditional Use Permit / CU 15-20, with the following Conditions:


2. That the operation, condition and organization of the subject property be performed and maintained so as to not create a Public Nuisance, per Pennington County Ordinance 106;

3. That noise levels be kept at a level not to be characterized as a nuisance and that a six (6) foot tall fence be constructed and maintained on the highway facing side of the Construction Equipment Storage and Sales area;
4. That sign(s) be allowed pursuant to Section 312 of the Pennington County Zoning Ordinance;
5. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
6. That porta-potties (1 per every 50 employees) are provided on-site;
7. That the addresses be posted in accordance with Pennington County’s Ordinance #20;
8. That the applicant adheres to all necessary County, State, and Federal regulations, and maintains the necessary permits and licenses to conduct Commercial Sales on the subject property and make said permits and licenses available to Pennington County Planning Staff upon request;
9. That there is no more than two (2) additional employees, excluding family members;
10. That there is a minimum of eleven (11) off-street parking spaces available at all times and kept in accordance with Section 310 of the Pennington County Zoning Ordinance;
11. That the hours of operation will be conducted between the hours of 7:00 a.m. and 6:00 p.m. with the allowance of limited after hour’s operation so as not to be characterized as a nuisance;
12. That the inoperable vehicles and piles of motor vehicle parts, not intended for immediate sale, will be either removed from the property or shall be stored in an enclosed structure;
13. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual must be followed;
14. That the applicant signs the Statement of Understanding (SOU) for Conditional Use Permit / CU 15-20, within ten (10) business days of approval, which is available at the Planning Department; and,
15. That this Conditional Use Permit be reviewed in two (2) year, on a complaint basis, or as directed by the Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

I. April 27, 2020 – The Planning Commission continued the review of Conditional Use Permit / CU 15-20, with the following Conditions:
   1. That the applicant either, meet the approved Condition #3, attend the April 27, 2020 Planning Commission meeting and ask that the fence requirement be removed from Condition #3, or end Conditional Use Permit / CU 15-20; and,
   2. That any continuation after the May 11, 2020 Planning Commission meeting, will be subject to a $100.00 continuation fee in accordance with Section 511(X) of the Pennington County Zoning Ordinance.

J. May 11, 2020 – The planning Commission approved Conditional Use Permit / CU 15-20, with the following Conditions:

2. That the operation, condition and organization of the subject property be performed and maintained so as to not create a Public Nuisance, per Pennington County Ordinance 106;

3. That noise levels be kept at a level not to be characterized as a nuisance and that a six (6) foot tall fence be constructed and maintained on the highway facing side of the Construction Equipment Storage and Sales area;

4. That sign(s) be allowed pursuant to Section 312 of the Pennington County Zoning Ordinance;

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

6. That porta-potties (1 per every 50 employees) are provided on-site;

7. That the addresses be posted in accordance with Pennington County’s Ordinance #20;

8. That the applicant adheres to all necessary County, State, and Federal regulations, and maintains the necessary permits and licenses to conduct Commercial Sales on the subject property and make said permits and licenses available to Pennington County Planning Staff upon request;

9. That there is no more than two (2) additional employees, excluding family members;

10. That there is a minimum of eleven (11) off-street parking spaces available at all times and kept in accordance with Section 310 of the Pennington County Zoning Ordinance;

11. That the hours of operation will be conducted between the hours of 7:00 a.m. and 6:00 p.m. with the allowance of limited after hours operation so as not to be characterized as a nuisance;

12. That inoperable vehicles and piles of motor vehicle parts, not intended for immediate sale, will be either removed from the property or shall be stored in an enclosed structure;

13. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual must be followed; and,

14. That this Conditional Use Permit be reviewed at the first Planning Commission meeting in September 2020, on a complaint basis, or as directed by the Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.
Agenda Item #3
Mitch Morris
September 14, 2020

III. EXISTING CONDITIONS
   A. Lot 1 of NW1/4SE1/4.
   B. Zoned General Commercial District.
   C. 27.48 acres.
   D. Three (3) billboard signs:
   E. Crows nest.
      1. County Building Permit / 2003COBP0720.
   F. Concession building.
      1. County Building Permit / 2003COBP0719.

IV. ANALYSIS
   A. September 3, 2020 – Staff performed a site visit and verified the following:
      1. That most of the Conditions of Approval appeared to be met.
         a. There was not a six (6) foot tall fence on the highway facing
            the side of the Construction Equipment Storage and Sales
            area (Condition #3).
      2. That it appeared equipment was being loaded onto tractor trailers for
         transportation off of the property.
   B. September 9, 2020 – Staff spoke with the applicant, Mitch Morris, who
      stated that he is in the process of removing all of the equipment and that no
      sales are being conducted on the property. He expects the equipment to be
      completely removed by the end of September 2020.
   C. Staff has received no complaints regarding the subject property or
      Conditional Use Permit / CU 15-20.

RECOMMENDATION: Staff recommends ending Conditional Use Permit / CU 15-20,
per the applicant’s request.
Rapid City-Pennington County GIS

Legend

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

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

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

REQUEST:  

CONDITIONAL USE PERMIT REVIEW / CU 20-03: To review a multi-family dwelling in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

APPLICANT / AGENT: Scott and Janice Harris

APPLICANT ADDRESS: 5598 Uranus Drive, Rapid City, SD 57703

LEGAL DESCRIPTION: Lots 2-3 of Lot 5, Block 9, Eastern Acres Subdivision, Section 11, T1N, R8E, BHM, Pennington County, South Dakota.

SITE LOCATION: 5598 Uranus Drive; east of the intersection of Reservoir Road and Uranus Drive.

SIZE: 0.48 acre

TAX ID: 49229

EXISTING LAND USE: Residential

ZONING REFERENCE: Sections 208 and 510

CURRENT ZONING: Suburban Residential District

SURROUNDING ZONING:

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

PHYSICAL CHARACTERISTICS: Flat

UTILITIES: Public

PREPARED BY: Stephanie Jansen
I. PROPOSED RECOMMENDATION
   A. Staff will be recommending approval of the extension of Conditional Use Permit / CU 20-03 with conditions.

II. GENERAL DESCRIPTION
   A. February 24, 2020 – The Planning Commission approved Conditional Use Permit / CU 20-03 with the following conditions:
      1. That an approved Building Permit be obtained for the proposed multi-family dwelling unit addition prior to any work being done;
      2. That the proposed multi-family dwelling, garage, and single-family residence are connected and is shown on the Building Permit site plan;
      3. That the address be posted and each unit number be clearly posted, so as to be visible from Uranus Drive, in accordance with Pennington County’s Ordinance #20;
      4. That the minimum of four (4) off-street parking spaces be provided on-site, each measure a minimum of nine (9) feet by eighteen (18) feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner in accordance with Section 310 of the Pennington County Zoning Ordinance;
      5. That the minimum setback requirements of a Suburban Residential District be continually maintained on the property;
      6. That the subject property remains free of debris and junk vehicles;
      7. That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; and,
      8. That this Conditional Use Permit be reviewed in six (6) months, on a complaint basis, or as directed by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

III. EXISTING CONDITIONS
   A. Zoned Suburban Residential District.
   B. Lot size 0.48 acres.
   C. Access is taken off of Uranus Drive.
   D. Located within the Rapid Valley Sanitary District.
   E. Located within the West Dakota Water District.
   F. Lot contains:
      3. A 1,208 square foot upper level garage addition(COBP20-0282).
      4. Removal of deck and stairs (COBP20-0326).
IV. ANALYSIS

A. August 31, 2020 – Staff performed a site visit and observed the following:
   1. That an approved Building Permit was obtained for the multi-family dwelling (Condition #1).
   2. The proposed multi-family dwelling, garage, and single-family residence are connected and are shown on the Building Permit site plan (Condition #2).
   3. That the minimum of four (4) off-street parking spaces are provided on-site in accordance with Section 310 of the Pennington County Zoning Ordinance (Condition #4).
   4. That the minimum setback requirements of a Suburban Residential District are maintained on the property (Condition #5).
   5. That the subject property appears to be free of junk and debris (Condition #6).
   6. That the multi-family dwelling is still under construction.
   7. All other conditions appear to be met.
RECOMMENDATION: Staff recommends approval of the extension of Conditional Use Permit / CU 20-03 with conditions:

1. That an approved Building Permit be obtained for the proposed multi-family dwelling unit addition prior to any work being done;

2. That the proposed multi-family dwelling, garage, and single-family residence are connected and is shown on the Building Permit site plan;

3. That the addresses 5598 and 5600 Uranus Drive be clearly posted, so as to be visible from Uranus Drive, in accordance with Pennington County’s Ordinance #20;

4. That the minimum of four (4) off-street parking spaces be provided on-site, each measure a minimum of nine (9) feet by eighteen (18) feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner in accordance with Section 310 of the Pennington County Zoning Ordinance;

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

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

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

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

GENERAL INFORMATION:

REQUEST: MINOR PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PU 18-05: To review an existing Planned Unit Development to allow the proposed single-family residence to be used as a bed and breakfast on the subject property in accordance with Section 213 of the Pennington County Zoning Ordinance.

APPLICANT/AGENT: Grant and Sandra Parsons

APPLICANT ADDRESS: 13997 Borglum Road, Keystone, SD 57751

LEGAL DESCRIPTION: Tract 43, Rushmore Ranch Estates Subdivision, Section 20, T2S, R7E, BHM, Pennington County, South Dakota.

SITE LOCATION: 13997 Borglum Road; near the corner of Borglum Road and Highway 40.

TAX ID: 50905

SIZE: 3.88 acres

EXISTING LAND USE: Residential

ZONING REFERENCE: Section 213

CURRENT ZONING: Planned Unit Development District

SURROUNDING ZONING:

North Planned Unit Development District
South General Agriculture District
East Planned Unit Development District
West Planned Unit Development District

PHYSICAL CHARACTERISTICS: Flat

UTILITIES: Private

REPORT BY: Jason Theunissen
I. PROPOSED RECOMMENDATION
A. Staff will be recommending approval of the extension of Minor Planned Unit Development Amendment / PU 18-05, with conditions.

II. GENERAL DESCRIPTION
A. The applicants, Grant and Sandra Parsons, have applied for a Minor Planned Unit Development Amendment to amend the existing Rushmore Ranch Estates Planned Unit Development to allow a proposed single-family residence to be used as a Bed and Breakfast on the subject property.

III. EXISTING CONDITIONS
A. Planned Unit Development (PU 17-08).
B. 3.88 acres.
C. Located within the Rushmore Ranch #1 Road District.
D. Single-family residence – County Building Permit COBP18-0718.
E. On Site Wastewater Treatment System (OSWTS).
   2. County Operating Permit – COOP19-1196.
F. Plat filed in 1998 (Plat Book 28, Page 126).
G. Subject property is in an Area of Undetermined Flood Hazard (Zone D).

IV. HISTORY OF PLANNED UNIT DEVELOPMENT (RUSHMORE RANCH ESTATES)
A. December 20, 1994 – County Board approved Rezone / RZ 94-42 to create an 836 acre residential and mixed-use Planned Unit Development with the following six (6) conditions:
   1. That the proposed Development Plan be amended to shorten the two cul-de-sacs and reconfigure the residential and open space lots in the vicinity of the cul-de-sacs;
   2. That the central water system conform to the Fire Administrator requirements;
   3. That the homeowners association documents and development restrictions include the restrictions on siding and roofing materials required by the Fire Administrator;
   4. That the above conditions be met prior to approval by the County Board in the PUD District rezoning;
   5. That Final Plats not be recorded until the effective date of this rezoning; and,
   6. That the applicant provide adequate easements for the adjacent property.
B. February 18, 1997 – County Board denied, without prejudice, Planned Unit Development Amendment / PUD 96-09 to increase the density of the Planned Unit Development.
C. May 20, 1997 – County Board approved Planned Unit Development Amendment / PUD 97-01 to amend the existing Planned Unit Development to increase the density of the Planned Unit Development with the following twelve (12) conditions:

1. That lot described as Well Tract in Phase I be allowed to be subdivided into two lots and that the use of one lot shall be as a Well Tract and the use of the other lot to be as a Fire Station;
2. That no more than 40 townhomes be constructed within area identified as the thirty acre townhouse parcel on the site plan;
3. That all single-family residences to be constructed on proposed Blocks 1 through 11 be on lots containing three acres or more;
4. That a minimum of 73 acres of common area be provided;
5. That platting be allowed to occur one block at a time provided that all Subdivision Regulations are met;
6. That a maximum of five (5) commercial structures each no more than 5,000 square feet in area be allowed in the Neighborhood Commercial area as shown on the site plan;
7. That no structures have wood shakes;
8. That all fire hydrants in the Neighborhood Commercial area in Phase Three have adequate flows;
9. That Tract 12 and 14 be allowed to be replatted into one lot at least six (6) acres in size and the remainder of Tracts 12 and 14 be allowed to be used in Phase III;
10. The Planning Director may allow additional development or construction which is consistent with the proposed development on this property. Significant changes in use or impact on adjacent land uses as determined by the Planning Director shall require an amendment to this Planned Unit Development;
11. That the construction, or placement of structures, including the addition of accessory structures, be allowed through the issuance of a Building Permit which will include necessary site plans to be reviewed and approved by the Planning Director; and,
12. That all lot widths be a minimum of 100 feet and that all setbacks be twenty-five (25) feet from all property lines.

D. July 23, 2002 – County Board approved Planned Unit Development Amendment / PUD 02-05 to eliminate all multi-family, condominium, and townhouse uses with the exception of four (4) existing townhomes located at the end of George Place with the following eleven (11) conditions:

1. That lot described as Well Tract in Phase I be allowed to be subdivided into two lots and that the use of one lot shall be as a Well Tract and the use of the other lot to be as a Fire Station;
2. That no more than 4 town homes be allowed on Townhouse Lots A-1, A-2, A-3, and A-4 of Tract 57 of Phase 3 of Rushmore Ranch Estates;
3. That all single family residences be constructed on lots containing three acres or more;
4. That a minimum of 73 acres of common area be provided;
5. That platting be allowed to occur one block at a time provided that all Subdivision Regulations are met;
6. That a maximum of five (5) commercial structures each no more than 5,000 square feet in area be allowed in the Neighborhood Commercial area as shown on the site plan;
7. That no structures have wood shakes;
8. That all fire hydrants in the Neighborhood Commercial area in Phase Three have adequate flows;
9. That Tract 12 and 14 be allowed to be replatted into one lot at least six (6) acres in size and the remainder of Tracts 12 and 14 be allowed to be used in Phase III;
10. The Planning Director may allow additional development or construction which is consistent with the proposed development on this property. Significant changes in use or impact on adjacent land uses as determined by the Planning Director shall require an amendment to this Planned Unit Development; and,
11. That the construction, or placement of structures, including the addition of accessory structures, be allowed through the issuance of a Building Permit which will include necessary site plans to be reviewed and approved by the Planning Director.

E. Staff is unsure why Condition #12 from PUD 97-01 was removed in PUD 02-05.

F. May 3, 2016 – County Board approved Major Planned Unit Development Amendment / PU 16-02 to amend the existing Rushmore Ranch Estates Planned Unit Development to change the use of Tract 42 from commercial to residential with the following fourteen (14) conditions:
1. That the lot described as Well Tract in Phase I be allowed to be subdivided into two (2) lots and that the use of one (1) lot shall be as a Well Tract and the use of the other lot to be as a Fire Station;
2. That no more than four (4) townhomes be allowed on Townhouse Lots 1, 2, 3, and 4 of Tract 57 of Phase III of Rushmore Ranch Estates;
3. That all residential lots within the Planned Unit Development be allowed one (1) single-family residence and accessory structures (i.e. garages, decks, sheds);
4. That all single-family residences be constructed on lots containing three (3) acres or more;
5. That a minimum of 73 acres of common area be provided;
6. That Tract 43 be utilized as a Neighborhood Commercial lot and a maximum of two (2) commercial structures, each no more than 5,000 square feet in area, be allowed on this lot;
7. That platting be allowed to occur one (1) block at a time provided that all Subdivision Regulations are met;
8. That no structures have wood shakes;
9. That all fire hydrants on the Neighborhood Commercial lot (Tract 43) have adequate flows;
10. That Tract 12 and 14 be allowed to be replatted into one (1) lot at least six (6) acres in size and the remainder of Tracts 12 and 14 be allowed to be used in Phase III;
11. That access to all lots located within the Planned Unit Development be taken from roads located within the boundaries of the Planned Unit Development and approved by the appropriate street authority. No access to any lot shall be taken off of Highway 40;
12. The Planning Director may allow additional development or construction which is consistent with the proposed development on this property. Significant changes in use or impact on adjacent land uses as determined by the Planning Director shall require an amendment to this Planned Unit Development;
13. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; and,
14. That all lot widths be a minimum of 100 feet and that all setbacks be twenty-five (25) feet from all property lines.

G. October 17, 2017 – County Board approved Major Planned Unit Development Amendment / PU 17-08 to amend the existing Rushmore Ranch Estates Planned Unit Development to change the use of Tract 43 from commercial to residential with the following twelve (12) conditions:
1. That the lot described as Well Tract in Phase I be allowed to be subdivided into two (2) lots and that the use of one (1) lot shall be as a Well Tract and the use of the other lot to be as a Fire Station;
2. That no more than four (4) townhomes be allowed on Townhouse Lots 1, 2, 3, and 4 of Tract 57 of Phase III of Rushmore Ranch Estates;
3. That all residential lots within the Planned Unit Development be allowed one (1) single-family residence and accessory structures (i.e. garages, decks, sheds);
4. That all single-family residences be constructed on lots containing three (3) acres or more;
5. That a minimum of 73 acres of common area be provided;
6. That platting be allowed to occur one (1) block at a time provided that all Subdivision Regulations are met;
7. That no structures have wood shakes;
8. That Tract 12 and 14 be allowed to be replatted into one (1) lot at least six (6) acres in size and the remainder of Tracts 12 and 14 be allowed to be used in Phase III;
9. That access to all lots located within the Planned Unit Development be taken from roads located within the boundaries of the Planned Unit Development and approved by the appropriate street authority. No access to any lot shall be taken off of Highway 40;

10. The Planning Director may allow additional development or construction which is consistent with the proposed development on this property. Significant changes in use or impact on adjacent land uses as determined by the Planning Director shall require an amendment to this Planned Unit Development;

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

12. That all lot widths be a minimum of 100 feet and that all setbacks be twenty-five (25) feet from all property lines.

H. August 13, 2018 — The Planning Commission approved Planned Unit Development / PU 18-05, with the following twelve (12) conditions:

1. That the Conditions of Approval of Planned Unit Development / PU 17-08 be continually adhered to;

2. That the uses on Tract 43 of Rushmore Ranch Estates be limited to a single-family residence in accordance with PU 17-08 or a Bed and Breakfast;

3. That a Building Permit be obtained for the proposed single-family residence to be used as a Bed and Breakfast prior to any work being done;

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

5. That prior to operation, the applicants obtain all necessary permits from other governing bodies for operation of the Specialty Resort (Bed and Breakfast) including, but not limited to, approval from the South Dakota Department of Health for the Bed & Breakfast and Specialty Resort and a Sales Tax License from the South Dakota Department of Revenue and that copies of the valid permits be provided to the Planning Director upon receipt;

6. That prior to operation, a smoke detector be placed in each sleeping room utilized for the Bed and Breakfast with a minimum of at least one (1) smoke detector per floor;

7. That prior to operation a portable fire extinguisher with a minimum 2 A-BC rating shall be placed on each floor level of the Bed and Breakfast so it accessible to all guests at all times, hung on the walls at the appropriate height (5’3” to the gauge) and the fire extinguisher shall be inspected and tagged annually;
8. That the maximum number of people staying at the Bed and Breakfast establishment, at one time, be in compliance with the South Dakota Lodging Establishments Health and Safety Manual;

9. That at all times, the applicants comply with South Dakota Codified Law 34-18;

10. That the physical address of the structure be posted in each guest room utilized for the Bed and Breakfast;

11. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Minor Planned Unit Development / PU 18-05, which is available at the Planning Office; and,

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

V. ANALYSIS

A. August 20, 2018 – The applicants signed a Statement of Understanding.
   1. This satisfies Condition #10 and it has been removed during this review.

B. November 21, 2018 – The applicants applied for County Building Permit COBP18-0718 for a single-family residence.
   1. This satisfies Condition #3 and it has been removed during this review.

C. Staff could not verify the requirement for Condition #10 and it has been removed during this review.

D. September 1, 2020 – Staff spoke with the applicant, Grant Parsons, who stated that the Department of Health has inspected their home and that it will not be utilized as a Bed and Breakfast until the spring of 2021.

RECOMMENDATION: Staff recommends approval of Minor Planned Unit Development Amendment / PU 18-05 with the following conditions:

1. That the Conditions of Approval of Planned Unit Development / PU 17-08 be continually adhered to;

2. That the uses on Tract 43 of Rushmore Ranch Estates be limited to a single-family residence in accordance with PU 17-08 or a Bed and Breakfast;

3. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
4. That prior to operation, the applicants obtain all necessary permits from other governing bodies for operation of the Specialty Resort (Bed and Breakfast) including, but not limited to, approval from the South Dakota Department of Health for the Bed & Breakfast and Specialty Resort and a Sales Tax License from the South Dakota Department of Revenue and that copies of the valid permits be provided to the Planning Director upon receipt;

5. That prior to operation, a smoke detector be placed in each sleeping room utilized for the Bed and Breakfast with a minimum of at least one (1) smoke detector per floor;

6. That prior to operation a portable fire extinguisher with a minimum 2 A-BC rating shall be placed on each floor level of the Bed and Breakfast so it accessible to all guests at all times, hung on the walls at the appropriate height (5’3” to the gauge) and the fire extinguisher shall be inspected and tagged annually;

7. That the maximum number of people staying at the Bed and Breakfast establishment, at one time, be in compliance with the South Dakota Lodging Establishments Health and Safety Manual;

8. That at all time, the applicants comply with South Dakota Codified Law 34-18; and,

9. That this Minor Planned Unit Development be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.
GENERAL INFORMATION:

REQUEST:  
CONDITIONAL USE PERMIT / CU 20-20: To allow a multi-family dwelling in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

APPLICANT:  
Larry and Dianne Mathews

APPLICANT ADDRESS:  
23511 Cattle Drive, Rapid City, SD 57703

AGENT:  
Elizabeth Mathews

AGENT ADDRESS:  
23511 Cattle Drive, Rapid City, SD 57703

LEGAL DESCRIPTION:  
Lot 2, Cedar Gulch Subdivision, Section 4, T1S, R9E, BHM, Pennington County, South Dakota.

SITE LOCATION:  
23511 Cattle Drive; at the intersection of Bradsky Road and Cattle Drive.

SIZE:  
4.24 acres

TAX ID:  
53821

EXISTING LAND USE:  
Residential

ZONING REFERENCE:  
Sections 207 and 510

CURRENT ZONING:  
Low Density Residential District

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

PHYSICAL CHARACTERISTICS:  
Flat

UTILITIES:  
Community Well
Agenda Item #6
Larry and Dianne Mathews
September 14, 2020

PREPARED BY: Stephanie Jansen

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

II. GENERAL DESCRIPTION
   A. July 29, 2020 – The applicant, Larry and Dianne Mathews, applied for a Conditional Use Permit to allow for a multi-family dwelling unit on the subject property.

III. EXISTING CONDITIONS
   A. Zoned Low Density Residential.
   B. 4.24 acres.
   C. Access is taken off of Cattle Dr.
   D. No Special Flood Hazard Area.
   E. Lot Contains:
      1. 76' x 28' Manufactured home - 2003COBP0568.
      2. 28' x 36' Attached garage w/living space above - COBP16-0214.
      3. County Operating Permit - COOP19-0456.

IV. REQUEST FOR COMMENT
   A. County Ordinance Enforcement Officer
      1. No known violations.
   B. Emergency Services
      1. If approved, I would recommend the following conditions:
         a. That a separate physical address be assigned to the second living quarters and that the house number be displayed in accordance with Penn Co Ord 20 meaning, in this case, both on the front of the addressed structure where visible from the driveway and where the driveway intersects the named road (that each number be of the proper height, contrasting color, preferably reflective, etc.).
         b. That the existing physical house number (23511) assigned to the main home be displayed in accordance with Penn Co Ord 20 meaning, in this case, on the front of the home where visible from the driveway and that the number be posted where the driveway intersects the named road (picture below) be displayed higher off the ground to prevent it from being obscured by tall grass, snow, and etc., and be of a contrasting color to the background, preferably reflective.
C. County Highway Department
   1. The Highway Department has no comment since this is in the Bradsky Road District and drainage should not be impacted.

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

A. The effect upon the use and enjoyment of other property in the immediate vicinity for the uses already permitted, and upon property values within the immediate vicinity.
   1. Staff cannot predict how the proposed use will affect property values in the surrounding area.

B. The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
   1. Allowing this Conditional Use Permit should not affect the normal, orderly development or improvement of any surrounding property in the area.
C. That utilities, access roads, drainage and/or other necessary facilities are provided.
   1. The subject property will be served by a private on-site wastewater treatment system and community well. Access to the property will provided via an approach off of Cattle Drive.

D. That the off-street parking and loading requirements are met.
   1. PCZO Section 310(A)(9)(k) requires two (2) off-street parking spaces for a single-family residence. The applicants will have to maintain off street parking if Conditional Use Permit CU 20-20 is approved.

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

VI. ANALYSIS
A. May 20, 2016 – The applicant applied for a Building Permit in 2016 for a garage with living space above that does not contain an oven, range, or stove.
B. July 29, 2020 – The applicants applied for a Conditional Use Permit to allow a multi-family dwelling on the subject property.
C. September 4, 2020 – Staff conducted a site visit to the subject property and found that the living space had been built above the garage. They do have an approved Building Permit (COBP16-0214) to do so with the understanding that they cannot add an oven, range, or stove without appropriate permitting.
   a. Staff Comment: The applicants are now renovating the above garage living space to include a studio apartment to house their son and his new bride. The space will include a kitchen, with a stove, and bathroom.

Second Living Quarters
Agenda Item #6
Larry and Dianne Mathews
September 14, 2020

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

1. That an address be assigned to the second living quarters and both addresses be clearly posted, so as to be visible from Cattle Drive, in accordance with Pennington County's Ordinance #20;

2. That the minimum of four (4) off-street parking spaces be provided on-site, each measure a minimum of nine (9) feet by eighteen (18) feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner in accordance with Section 310 of the Pennington County Zoning Ordinance;

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; and,

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

GENERAL INFORMATION:

REQUEST:  

LAYOUT PLAN / LPL 20-24: To create Lots A through L of Mills Ranch Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

APPLICANT:  

David Grover

APPLICANT ADDRESS:  

P.O. Box 678, Hill City, SD 57745

SURVEYOR / ENGINEER:  

Britton Engineering

SURVEYOR ADDRESS:  

P.O. Box 649, Black Hawk, SD 57718

LEGAL DESCRIPTION:  


PROPOSED LEGAL: Lots A through L of Mills Ranch Subdivision, Section 32, T1S, R5E, BHM, Pennington County, South Dakota.

SITE LOCATION:  

Southeast of Hill City, along Old Hill City Road.

SIZE:  

68.87 acres

TAX ID:  

66525 / 70049 / 70050

EXISTING LAND USE:  

Vacant

SUBDIVISION REGULATIONS REFERENCE:  

Section 400.1

CURRENT ZONING:  

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

PHYSICAL CHARACTERISTICS: Trees / Open meadow / Rolling Hills

UTILITIES:          Private

REPORT BY:          Brittney Molitor

IV. PROPOSED RECOMMENDATION
   A. Staff will be recommending approval of Layout Plan / LPL 20-24 with conditions.

V. GENERAL DESCRIPTION
   A. The applicant, David Grover, is requesting a Layout Plan to subdivide two (2) existing Tracts into 12 residential lots.
   B. The lot sizes will range from approximately five (5) acres to nine (9) acres.

VI. EXISTING CONDITIONS
      1. Zoned General Agriculture District.
      2. 67.25 acres.
      3. Lot contains:
         a. A Single-family residence built in 1909 per Department of Equalization (DOE) records.
            i. On-site wastewater treatment system – COOP16-0484.
         b. Farm utility building – 16’ x 32’, built in 1940 per DOE records.
         d. Lean-to – 14’ x 32’, built in 1915 per DOE records.
         e. Farm utility building – 11’ x 14’, built in 1940 per DOE records.
         f. Farm utility building – 12’ x 28’, built in 1940 per DOE records.
         g. Loafing shed – 24’ x 26’, built in 1940 per DOE records.
         h. Farm utility building – 13’ x 16’, built in 1940 per DOE records.
      4. No Special Flood Hazard Area.
      5. Access off of Old Hill City Road.
         a. Maintained by Pennington County Highway.
B. Tract B of HES #303 Less Tract Drew
   1. Zoned General Agriculture District.
   2. 1.62 acres.
   3. Vacant of any structures.
   4. No Special Flood Hazard Area.
   5. Access off of Old Hill City Road.
      a. Maintained by Pennington County Highway.
C. GL5 Less Buzmar Subd, Less Tract Dean, Less Tract Drew, and Less ROW.
   1. Zoned General Agriculture District.
   2. 0.97 acre.
   3. Vacant of any structures.
   4. No Special Flood Hazard Area.
   5. Access off of Old Hill City Road.
      a. Maintained by Pennington County Highway.
   6. Future Land Use Designation – Agriculture.

VII. PROPOSED LOTS
A. Lot A
   1. Zoned General Agriculture District.
   2. Proposed ~5.37 acres.
   3. Access off of Towering Pines Lane.
   4. Lot Size Variance or Rezone is required.
   5. No Special Flood Hazard Area.
B. Lot B
1. Zoned General Agriculture District.
2. Proposed ~5.42 acres.
3. Access off of Old Hill City Road.
4. Lot Size Variance or Rezone is required.
5. No Special Flood Hazard Area.

C. Lot C
1. Zoned General Agriculture District.
2. Proposed ~5.39 acres.
3. Access off of Towering Pines Lane or an unnamed Right-of-Way.
4. Lot Size Variance or Rezone is required.
5. No Special Flood Hazard Area.

D. Lot D
1. Zoned General Agriculture District.
2. Proposed ~5.01 acres.
4. Lot Size Variance or Rezone is required.
5. No Special Flood Hazard Area.

E. Lot E
1. Zoned General Agriculture District.
2. Proposed ~5.04 acres.
3. Access off of an unnamed Right-of-Way or Old Hill City Road.
4. Lot Size Variance or Rezone is required.
5. No Special Flood Hazard Area.

F. Lot F
1. Zoned General Agriculture District.
2. Proposed ~5.26 acres.
3. Access off of unnamed Right-of-Way or Towering Pines Lane.
4. Lot Size Variance or Rezone is required.
5. No Special Flood Hazard Area.

G. Lot G
1. Zoned General Agriculture District.
2. Proposed ~5.03 acres.
4. Lot Size Variance or Rezone is required.
5. No Special Flood Hazard Area.

H. Lot H
1. Zoned General Agriculture District.
2. Proposed ~5.13 acres.
4. Lot Size Variance or Rezone is required.
5. No Special Flood Hazard Area.

I. Lot I
1. Zoned General Agriculture District.
2. Proposed ~5.34 acres.
4. Lot Size Variance or Rezone is required.
5. No Special Flood Hazard Area.

J. Lot J
1. Zoned General Agriculture District.
2. Proposed ~8.9 acres.
3. Access off of Old Hill City Road (existing approach).
4. Lot Size Variance or Rezone is required.
5. No Special Flood Hazard Area.
1. Lot contains:
   a. A Single-family residence built in 1909 per Department of Equalization (DOE) records.
   b. On-site wastewater treatment system – COOP16-0484.
   c. Farm utility building – 16’ x 32’, built in 1940 per DOE records.
   e. Lean-to – 14’ x 32’, built in 1915 per DOE records.
   f. Farm utility building – 11’ x 14’, built in 1940 per DOE records.
   g. Farm utility building – 12’ x 28’, built in 1940 per DOE records.
   h. Loafing shed – 24’ x 26’, built in 1940 per DOE records.
   i. Farm utility building – 13’ x 16’, built in 1940 per DOE records.

B. Lot K
1. Zoned General Agriculture District.
2. Proposed ~5.64 acres.
4. Lot Size Variance or Rezone is required.
5. No Special Flood Hazard Area.

C. Lot L
1. Zoned General Agriculture District.
2. Proposed ~5.23 acres.
3. Access off of a private access easement via a US Forest Service lands road.
4. Lot Size Variance or Rezone is required.
5. No Special Flood Hazard Area.
Proposed Layout Plan

V. REQUEST FOR COMMENT

A. County Highway Department
   1. Approach Permits for access to Old Hill City Road will need to be obtained.
   2. Tracts M and L as shown are isolated tracts. Legal access for Tracts M and L will need to be platted.
   3. The natural drainage ways must be maintained and not blocked.
      a. Staff Comment: These will be added as Conditions of Approval. The applicant submitted an updated Layout Plan with 12 lots instead of 13. Lots M and L are now K and L. There is an access easement and US Forest Service lands road that access proposed Lot K.

B. Register of Deeds
   1. New subdivision name is acceptable.
   2. We would prefer that Lot "I" not be used. It is often mistaken for number 1. Please use lots A-H and J-M.
      a. Staff Comment: This will be added as a Condition of Approval. The applicant submitted an updated Layout Plan
with 12 lots instead of 13. It will be changed to lots A-H and J-L.

C. Department of Equalization
   1. The existing tax IDs related to this request are 66525, 70049, and 70050.
   2. I think in the “Description of Request” Lot D should be 5.43 ac, not 55.43.
   3. I’ll need surveyed info about any dedication of right-of-way. I can see they intend to dedicate some roads but I’d like to know exactly which ones and what the acreages of that ROW will be.
   4. I’d like to confirm that the only improvements are situated on the proposed Lot K.
      a. Staff Comment: These will be added as Conditions of Approval.

D. County Ordinance Enforcement
   1. No known violations.

E. County ESCC/9-1-1
   1. Applicant needs to provide 911 with any needed new road names for review prior to final plat approval.
   2. The proposed east-west 66-foot-wide private access easement will need to have a new street name as there are too many lots without direct access off of Towering Pines Lane or Old Hill City Road for physical addresses that will be needed as structures are built. Applicant should provide 911 with proposed road names for review and recommendation prior to Final Plat approval.
      a. Staff Comment: This will be added as a Condition of Approval.

F. United States Forest Service
   1. No additional access roads will be authorized across National Forest System lands.
   2. Protect all posted boundary line corners, signs and bearing tress.
   3. Adhere to the setback requirements along the posted boundary between National Forest System lands and private property.
   4. Protect all known stream courses, ponds and riparian areas located on National Forest System lands.
   5. No resource damage to occur on National Forest System lands.
   6. All proposed drain fields, leach lines or septic systems will need to be located on private property and not located on or drain or leach onto National Forest System lands.
   7. All construction materials, supplies, trash or garbage will not be located or dumped on National Forest System lands.
   8. Public roads in this area of the Black Hills National Forest are classified as “Roads Open to Highway Legal Vehicles Only” and “Highways, US, State” per the latest version of the Motor Vehicle Use Map.
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September 14, 2020  

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

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

VI. ANALYSIS
A. On August 12, 2020, the applicant, David Grover, applied to create 13 lots from three (3) existing tracts.
B. On September 8, 2020, the applicant, David Grover, submitted an updated Layout Plan with 12 lots instead of 13 lots.
C. The proposed subdivision, if approved, will create 12 lots.
D. There is an existing homestead on proposed Lot J.
E. Dirtwork has commenced without an approved Storm Water Permit.
F. For the purposes of a Layout Plan, Staff finds no significant issues with the applicant’s request.

RECOMMENDATION: Staff is recommending approval of Layout Plan / LPL 20-24 with the following conditions:

1. That the applicant obtains Approach Permits from the County Highway Department prior to installation of any approaches off of Old Hill City Road;

2. That legal access for Lots K and L will need to be platted (i.e. easement) and shown on the plat prior to Preliminary Plat submittal;

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

4. That road names are provided to ESCC/9-1-1 for review prior to Preliminary Plat submittal;

5. That road names are approved by the Board of Commissioners prior to Final Plat submittal;

6. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations and as deemed appropriate by the Register of Deeds;

7. That at the time of Preliminary Plat submittal, the lots be named A-H and J-L of Mills Ranch Subdivision;
8. That at the time of Preliminary Plat submittal, a minimum of an 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 Preliminary Plat submittal, the plat meets all requirements of Pennington County Subdivision Regulations, or approved Subdivision Regulations Variance(s) be obtained waiving any of these requirements that are not met;

10. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of Section 204(J) of the Pennington County Zoning Ordinance;

11. That a Storm Water Permit application is submitted and approved prior to Preliminary Plat submittal for dirtwork that has commenced on the subject properties;

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

13. That prior to the Plat being recorded with the Register of Deeds, the plat meets all requirements of Pennington County Subdivision Regulations, or an approved Variance to the Subdivision Regulations Variance(s) be obtained;

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

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