

June 2, 1998

A meeting of the Pennington County Board of Commissioners was held on Tuesday, June 2, 1998, in the Commissioners' meeting room of the Pennington County Courthouse. Chairperson Orland Paulsen called the meeting to order at 9:00 a.m. with the following Commissioners present: Delores Coffing, and James Kjerstad.

### PLANNING AND ZONING

**L. CONDITIONAL USE PERMIT / CU 98-16: David and Joan Fisk.** To allow a riding stable on the property located approximately 1/2 mile east of U.S. Highway 16 on U.S. Highway 16B.

The NE1/4 SW1/4 less Waterslide Addition; the unplatted balance of the S1/2 NW1/4; NE1/4 less Lot H1; the E1/2 SE1/4, all located in Section 26, T1N, R7E, BHM, Pennington County, South Dakota.

MOVED by Holbrook and seconded by Paulsen to accept the recommendation of the Planning Commission and approve this Conditional Use Permit to allow a riding stable on the property located approximately 1/2 mile east of U.S. Highway 16 on U.S. Highway 16B with the following conditions: 1. That a 72 foot X 220 foot in-door riding arena with two 60 foot X 125 foot attached stables, a 100 foot X 250 foot outdoor arena, a 60 foot X 66 foot office building, a 30 foot X 50 foot storage building, two 30 foot X 150 foot storage buildings, and a 28 foot x 64 foot caretaker's residence with a 24 foot X 24 foot garage shall be allowed through the issuance of building permits which include necessary site plans to be reviewed and approved by the Planning Director; 2. That all of the proposed structures be used as accessory structures to the proposed equestrian facility; 3. That an architect's stamp be obtained prior to the issuance of a building permit for the proposed in-door riding area structure; 4. That a maximum of 50 horses be stabled on the property at any one time; 5. That the horse manure be removed from the property in a timely manner so as not to create a nuisance; 6. That one parking space be provided per five customers computed on the basis of maximum servicing capacity at any one time plus one additional space for every two persons regularly employed on the premises. Each parking space shall not be less than one hundred sixty two square feet, nor nine by eighteen feet. The parking area shall be surfaced with gravel, concrete, or asphalt, and maintained in such a manner that no dust will result from continuous use; 7. That all interior roadways be constructed with a twenty foot wide surface and four inches of gravel and maintained in such a manner that no dust will result from continuous use; 8. That prior to the start of construction of the parking lots and the interior roadways, a Construction Permit be obtained; and that the Construction Permit application include grading plans; 9. That prior to County Board approval, an Air Quality Permit be obtained; 10. That prior to County Board approval, an Approach Permit be obtained from the South Dakota Department of Transportation; 11. That upon application for a building permit, plans for the on-site wastewater facility be submitted for the review and approval of the Pennington County Environmental Technician and the South Dakota Department of Environment and Natural Resources; and, 12. That this Conditional Use Permit be reviewed in one year. Vote: unanimous.

**MINUTES OF REGULAR MEETING  
PENNINGTON COUNTY  
PLANNING AND ZONING COMMISSION  
May 26, 1998 at 1:30 p.m.**

**County Commissioner's Meeting Room - Pennington County Courthouse**

**MEMBERS PRESENT:** John Colgan, Ken Davis, Rod Meador and Thor Sautter

**STAFF PRESENT:** Scott Anderson and Jeanne Nicholson

Chairperson Davis called the meeting to order.

1. Approval of the May 11, 1998 Minutes

**Colgan moved to approve the May 11, 1998 minutes. The motion was seconded by Sautter and carried unanimously.**

2. Approval of the Agenda

**Meador moved to approve the agenda. The motion was seconded by Colgan and carried unanimously.**

7. CONDITIONAL USE PERMIT / CU #98-16

David and Joan Fisk

To allow a riding stable on the property located approximately 1/2 mile east of U.S. Highway 16 on U.S. Highway 16B.

The NE1/4 SW1/4 less Waterslide Addition; the unplatted balance of the S1/2 NW1/4; NE1/4 less Lot H1; the E1/2 SE1/4, all located in Section 26, T1N, R7E, BHM, Pennington County, South Dakota.

Anderson reviewed the Staff Report recommending approval of the Conditional Use Permit with the following conditions:

1. That a 72 foot X 220 foot in-door riding arena with two 60 foot X 125 foot attached stables, a 100 foot X 250 foot outdoor arena, a 60 foot X 66 foot office building, a 30 foot X 50 foot storage building, two 30 foot X 150 foot storage buildings, and a 28 foot x 64 foot caretaker's residence with a 24 foot X 24 foot garage shall be allowed through the issuance of building permits which include necessary site plans to be reviewed and approved by the Planning Director;
2. That all of the proposed structures be used as accessory structures to the proposed equestrian facility;
3. That an architect's stamp be obtained prior to the issuance of a building permit for the proposed in-door riding area structure;

Planning Commission Minutes  
May 26, 1998  
Page 2

4. That a maximum of 50 horses be stabled on the property at any one time;
5. That the horse manure be removed from the property in a timely manner so as not to create a nuisance;
6. That one parking space be provided per five customers computed on the basis of maximum servicing capacity at any one time plus one additional space for every two persons regularly employed on the premises. Each parking space shall not be less than one hundred sixty two square feet, nor nine by eighteen feet. The parking area shall be surfaced with gravel, concrete, or asphalt, and maintained in such a manner that no dust will result from continuous use;
7. That all interior roadways be constructed with a twenty foot wide surface and four inches of gravel and maintained in such a manner that no dust will result from continuous use;
8. That prior to the start of construction of the parking lots and the interior roadways, a Construction Permit be obtained; and that the Construction Permit application include grading plans;
9. That prior to County Board approval, an Air Quality Permit be obtained;
10. That prior to County Board approval, an Approach Permit be obtained from the South Dakota Department of Transportation;
11. That upon application for a building permit, plans for the on-site wastewater facility be submitted for the review and approval of the Pennington County Environmental Technician and the South Dakota Department of Environment and Natural Resources; and,
12. That this Conditional Use Permit be reviewed in one year.

Colgan asked what are the concerns of the Urban Planning Department. Anderson reviewed the annexation process and noted that the Urban Planning Department is concerned about the appropriateness of the land use after annexation.

Dave Fisk, applicant, advised that he is working with both the County and the City so that he can move forward with his project. Fisk stated that it was his opinion that the annexation will not move at a fast pace because of the cost of installing the sewer and water to the property.

Discussion followed regarding the necessity for condition 3 and the City annexation and rezoning processes.

**Sautter moved to recommend approval of the Conditional Use Permit with the following conditions:**

1. That a 72 foot X 220 foot in-door riding arena with two 60 foot X 125 foot attached stables, a 100 foot X 250 foot outdoor arena, a 60 foot X 66 foot office building, a 30 foot X 50 foot storage building, two 30 foot X 150 foot storage buildings, and a 28 foot x 64 foot caretaker's residence with a 24 foot X 24 foot garage shall be allowed through the issuance of building permits which include necessary site plans to be reviewed and approved by the Planning Director;
2. That all of the proposed structures be used as accessory structures to the proposed equestrian facility;
3. That an architect's stamp be obtained prior to the issuance of a building permit for the proposed in-door riding area structure;
4. That a maximum of 50 horses be stabled on the property at any one time;
5. That the horse manure be removed from the property in a timely manner so as not to create a nuisance;
6. That one parking space be provided per five customers computed on the basis of maximum servicing capacity at any one time plus one additional space for every two persons regularly employed on the premises. Each parking space shall not be less than one hundred sixty two square feet, nor nine by eighteen feet. The parking area shall be surfaced with gravel, concrete, or asphalt, and maintained in such a manner that no dust will result from continuous use;
7. That all interior roadways be constructed with a twenty foot wide surface and four inches of gravel and maintained in such a manner that no dust will result from continuous use;
8. That prior to the start of construction of the parking lots and the interior roadways, a Construction Permit be obtained; and that the Construction Permit application include grading plans;
9. That prior to County Board approval, an Air Quality Permit be obtained;
10. That prior to County Board approval, an Approach Permit be obtained from the South Dakota Department of Transportation;
11. That upon application for a building permit, plans for the on-site wastewater facility be submitted for the review and approval of the Pennington County Environmental Technician and the South Dakota Department of Environment and Natural Resources; and,
12. That this Conditional Use Permit be reviewed in one year.

Planning Commission Minutes  
May 26, 1998  
Page 4

**The motion was seconded by Meador and carried with Sautter, Meador and Colgan voting yes and none opposed.**

Agenda Item #7  
Dave and Joan Fisk  
May 26, 1998  
Page 1

**STAFF REPORT**

**GENERAL INFORMATION:**

**REQUEST:** CU #98-16 - To allow a riding stable

**APPLICANT:** David and Joan Fisk

**LEGAL DESCRIPTION:** The NE1/4 SW1/4 less Waterslide Addition; the unplatted balance of the S1/2 NW1/4; NE1/4 less Lot H1; the E1/2 SE1/4, all located in Section 26, T1N, R7E, BHM, Pennington County, South Dakota

**LOCATION:** Approximately 1/2 mile east of U.S. Highway 16 on U.S. Highway 16B

**SIZE:** 301.55 acres

**EXISTING LAND USE:** Agriculture

**ZONING REFERENCE:** Section 510

**CURRENT ZONING:** General Agriculture

**SURROUNDING ZONING:**

North	Low Density Residential
South	General Agriculture/Limited Agriculture
East	General Agriculture
West	General Agriculture

**PHYSICAL CHARACTERISTICS:** Open prairie

**UTILITIES:** Private

**REPORT BY:** Vicki L. Fisher

**GENERAL DESCRIPTION:** The applicants are requesting approval of Conditional Use Permit #98-16 to allow a riding stable on the above legally described property.

The 301.55 acre property is an unplatted parcel. Currently, there is no structural development on the property.

The applicants have indicated that the riding stable, to be known as "Black Hills Equestrian Center and Therapeutic Riding Academy, Inc.", is primarily being established to encourage equestrian interaction by disabled or disadvantaged adults and children. The applicants have indicated that one of the main goals of the facility

Agenda Item #7  
Dave and Joan Fisk  
May 26, 1998  
Page 2

will be to become an accredited therapeutic riding academy providing a means of physical, cognitive, and emotional therapy for the disabled and disadvantaged. The equestrian facility will include a 36,840 square foot in-door riding arena with fifty horse stalls, a 100 foot X 250 foot outdoor arena, a 60 foot X 66 foot office building, a 30 foot X 50 foot storage building, two 30 foot X 150 storage buildings, and a 28 foot X 64 foot caretaker's residence with a 24 foot X 24 foot garage. The applicants have indicated that the office building will be used to process the necessary paper work for potential customers and that the storage buildings will be used to store horse feed and tack. The total facility will be handicap accessible.

The property is currently zoned General Agriculture. Section 205 of the Zoning Ordinance allows a riding stable with accessory structures as a Conditional Use in the General Agriculture Zoning district. All of the proposed structures must be used as an accessory structure to the proposed equestrian facility.

**ANALYSIS:** The Conditional Use Permit request was routed through the interdepartmental review process. Responses from the reviewing agencies are as follows:

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*Pennington County Highway Department:* **Approve** - Access is via U. S. Highway 16B. Insure that any approach changes are approved by South Dakota Department of Transportation.

*Pennington County Environmental Technician:* **Approve** - Wastewater disposal permit applications will be submitted for review at time of building permit application.

*Pennington County Fire Coordinator:* **Approve**

*Pennington County Sheriff:* **Approve**

*Urban Planning Division:* **No indication to approve or deny** - The applicants have recently requested to have the property annexed into the City of Rapid City. The City Council will be taking action on the request on June 1, 1998. On December 12, 1997, the City Council approved a Layout Plat for this property. A condition of Layout Plat approval required that the property be annexed into the City of Rapid City in order to allow for the extension of City water & sanitary sewer services. The applicants are currently working with the Rapid City Engineering Division regarding an assessment project to extend City water and sanitary sewer to the property. The applicants have submitted a Planned Unit Development proposal to the Urban Planning Division to allow for an equestrian center, residential subdivision, and commercial uses to be located on the property. The Urban Planning Division has concerns with the County Board of Commissioners approving the Conditional Use Permit since the applicants have also requested that the property be annexed into the City of Rapid City.

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Agenda Item #7  
Dave and Joan Fisk  
May 26, 1998  
Page 3

Several issues were raised through the routing process. The Pennington County Highway Department has indicated that the property is accessed from U. S. Highway 16B. Currently, there are two existing approaches along U. S. Highway 16B serving as access to the property. The proposed commercial activity is an expansion in use on the vacant property and requires that an Approach Permit be obtained from the South Dakota Department of Transportation. Staff is recommending that an Approach Permit be obtained prior to the County Board's approval of the proposed Conditional Use Permit.

The Pennington County Environmental Technician, Marlin Johnson, has indicated that the wastewater facility will be reviewed at the time that a building permit application is submitted to the Planning Department. The applicant has indicated that the riding stable and accessory structures will be served by a well and on-site wastewater facility. Since the riding stable is a commercial use, the wastewater facility must also be reviewed and approved by the South Dakota Department of Environment and Natural Resources.

The property owners have requested that the property be annexed into the City of Rapid City. The applicants have currently submitted a Planned Unit Development proposal to the City of Rapid City to allow for an equestrian center, residential subdivision and commercial uses to be located on the property. The applicants are currently working with the Rapid City Engineering Division regarding an assessment project to extend City water and sanitary sewer serves to the property. The applicants have indicated that a well and on-site wastewater facility are currently proposed for the riding stable and accessory structures and that city water and sewer services will only be used if an agreement is worked out with the Engineering Division to extend the City services. The applicant is aware that upon annexation into the City of Rapid City, the use of the property must be approved as part of the Planned Unit Development by the City Council. The proposed riding stable is identified within the Planned Unit Development and appears to be similar to the proposed Conditional Use Permit request presently before the County Board.

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:

**1) 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.**

Most of the surrounding properties are agricultural in use. The properties located directly to the south, east and west of the parcel are currently zoned General Agriculture with no apparent structural development. United States Highway 16B is located directly north of the property. Three lots located directly north of U. S. Highway 16B are currently zoned Low Density Residential with one single family residence located on one of the properties. If proper care is taken in the layout and operation of the proposed riding stable, there should be no significant adverse affects upon the use and enjoyment of the surrounding properties for the uses already permitted. The



Agenda Item #7  
Dave and Joan Fisk  
May 26, 1998  
Page 4

Director of Equalization has stated that the proposed commercial activity does not affect the property values within the surrounding vicinity.

**2) The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.**

The properties to the west, east and south are currently agricultural in use with no structural development. United States Highway 16B is located directly north of the property. The "Rushmore Waterslide" is located approximately 1/4 mile west of the property and is currently zoned Highway Service. The proposed riding stable is a commercial use; however, the activities offered by the riding stable are somewhat agricultural in nature. The proposed riding stable should not have a negative effect upon the normal and orderly development of the surrounding vacant properties for uses predominant in the area.

**3) That utilities, access roads, drainage and/or other necessary facilities are provided.**

The property is accessed from two existing approaches located along U. S. Highway 16B. The proposed commercial activity constitutes an expansion in use and requires that an Approach Permit be obtained from the South Dakota Department of Transportation. The commercial activity also requires that the property be served by a water and wastewater facility. The water and wastewater facility must be reviewed and approved by the Pennington County Environmental Technician and the South Dakota Department of Environment and Natural Resources.

**4) That the off-street parking and loading requirements are met.**

Section 310 of the Zoning Ordinance requires one parking space per every five customers for a commercial recreational use and one additional space for every two persons regularly employed on the premises. The applicants have indicated that a maximum of 50 customers and eleven employees may be on the property at any one time. The applicants' site plan identifies a 120 foot X 200 foot paved parking area, or 44 parking spaces, located north of the riding stable. The applicant has indicated that an additional 120 foot X 200 foot graveled parking area will be located south of the riding stable. Also four paved parking spaces are located west of the proposed office building and two graveled parking spaces are located adjacent to the caretaker's residence. Each parking space will measure 9 feet X 18 feet. The applicants proposed parking plan meets the parking requirements of the Zoning Ordinance. The applicants have also indicated that all interior roadways will be constructed with a twenty foot wide graveled surface and four inches of gravel. Prior to the start of construction of the parking areas and the interior roadways, a Construction Permit with grading plans must be reviewed and approved by the County. The applicant should be aware that upon annexation, the City will require paving of all driveways and parking areas as a condition of the Planned Unit Development.

Agenda Item #7  
Dave and Joan Fisk  
May 26, 1998  
Page 5

The Air Quality Board has reviewed the proposed development work (interior roadways, parking lots, leveling of the building sites, etc.) and has indicated that the proposed dirt work will be in excess of an acre requiring that an Air Quality Permit be obtained prior to the start of construction.

**5) That measures are taken to control offensive odor, fumes, dust, noise, vibration, and lighting (inclusive of lighted signs), so that none of these will constitute a nuisance.**

The proposed Conditional Use Permit may generate some odor, fumes and dust. The applicant has indicated that the horse manure will be removed from the property on a daily basis so as not to be offensive to the surrounding properties. The applicant has also indicated that most of the parking areas will be paved and that the graveled parking areas will be maintained in a dust free manner. Staff is recommending that the dust and manure be controlled as conditions of approval so that they will not constitute a nuisance.

The proposed riding stable is located approximately 1/4 mile east of the intersection of U.S. Highway 16 and U. S. Highway 16B. This area along U. S. Highway 16 offers many tourist related commercial activities. The proposed riding stable may be a reasonable extension of existing commercial uses while offering activities sometimes found on agricultural properties. Staff recommends approval of Conditional Use Permit #98-16 to be established and conducted in conformity with the Zoning Ordinance and the recommended conditions of approval.

**RECOMMENDATION:** Staff recommends approval of Conditional Use Permit #98-16 to allow a riding stable with the following conditions:

1. That a 72 foot X 220 foot in-door riding arena with two 60 foot X 125 foot attached stables, a 100 foot X 250 foot outdoor arena, a 60 foot X 66 foot office building, a 30 foot X 50 foot storage building, two 30 foot X 150 foot storage buildings, and a 28 foot x 64 foot caretaker's residence with a 24 foot X 24 foot garage shall be allowed through the issuance of building permits which include necessary site plans to be reviewed and approved by the Planning Director;
2. That all of the proposed structures be used as accessory structures to the proposed equestrian facility;
3. That an architect's stamp be obtained prior to the issuance of a building permit for the proposed in-door riding area structure;
4. That a maximum of 50 horses be stabled on the property at any one time;
5. That the horse manure be removed from the property in a timely manner so as not to create a nuisance;

Agenda Item #7  
Dave and Joan Fisk  
May 26, 1998  
Page 6

6. That one parking space be provided per five customers computed on the basis of maximum servicing capacity at any one time plus one additional space for every two persons regularly employed on the premises. Each parking space shall not be less than one hundred sixty two square feet, nor nine by eighteen feet. The parking area shall be surfaced with gravel, concrete, or asphalt, and maintained in such a manner that no dust will result from continuous use;
7. That all interior roadways be constructed with a twenty foot wide surface and four inches of gravel and maintained in such a manner that no dust will result from continuous use;
8. That prior to the start of construction of the parking lots and the interior roadways, a Construction Permit be obtained; and that the Construction Permit application include grading plans;
9. That prior to County Board approval, an Air Quality Permit be obtained;
10. That prior to County Board approval, an Approach Permit be obtained from the South Dakota Department of Transportation;
11. That upon application for a building permit, plans for the on-site wastewater facility be submitted for the review and approval of the Pennington County Environmental Technician and the South Dakota Department of Environment and Natural Resources;
12. That this Conditional Use Permit be reviewed in one year.