

HERMOSA TOWN BOARD
Special Meeting
Monday, February 13th, 2023 @ 3:00pm



- 1) **ROLL CALL:**
 - A) BOT Roll Call: Henrichsen, Holsworth, Kramer, Schumack
 - B) Acknowledgement of other attendees
 - C) Pledge of Allegiance to be led by Holsworth

- 2) **CALL FOR CHANGES:**
 - A) Review current agenda items
 - B) Motion to accept the agenda as presented/amended

- 3) **NEW BUSINESS:**
 - A) Permit #2022-09 for 194 Fairgrounds Place

- 4) **ITEMS FROM CITIZENS:** No action will be taken (3-minute time limit per speaker)
Meetings of the Board of Trustees are open to the public. The audience may be allowed to comment on specific agenda items during the time allotted on the agenda for those items, according to established procedures of the Board. This is a time for members of the public to express concerns or discuss issues having relevance to the town. Anyone wishing to address the Town Board during this time shall be asked to identify themselves. The number of presentations and time allotted to individuals may be limited by the board president and individuals shall refrain from discussing personalities. The president at his discretion, may recognize patrons at other times during the board meeting. No action will be taken by the board on any issue related without being first placed on a future agenda, by the board, to allow for proper notice.

- 5) **TRUSTEE INPUT:**

- 6) **EXECUTIVE SESSION:**
 - A. Motion to enter Executive Session allowable by SDCL 1-25-2.1 – Legal/Personnel/Contract
 - B. Motion to exit out of Executive Session
 - C. Motions resulting from Executive Session

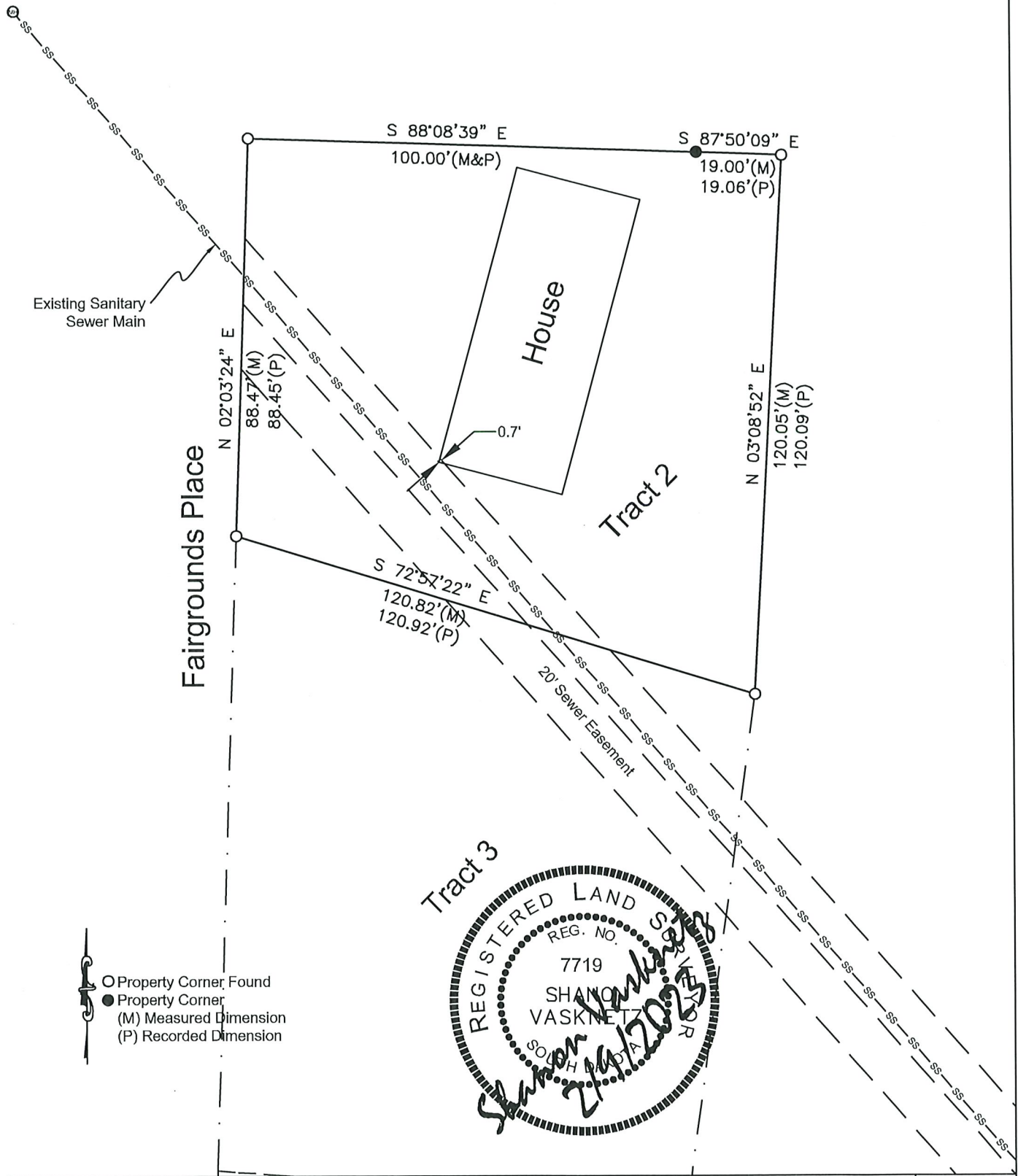
- 7) **ADJOURN:**
Motion by _____; second by _____ to adjourn the meeting at _____ pm.

ATTEST:

Monika Serviss
Finance Officer

Dan Holsworth
Town Board President

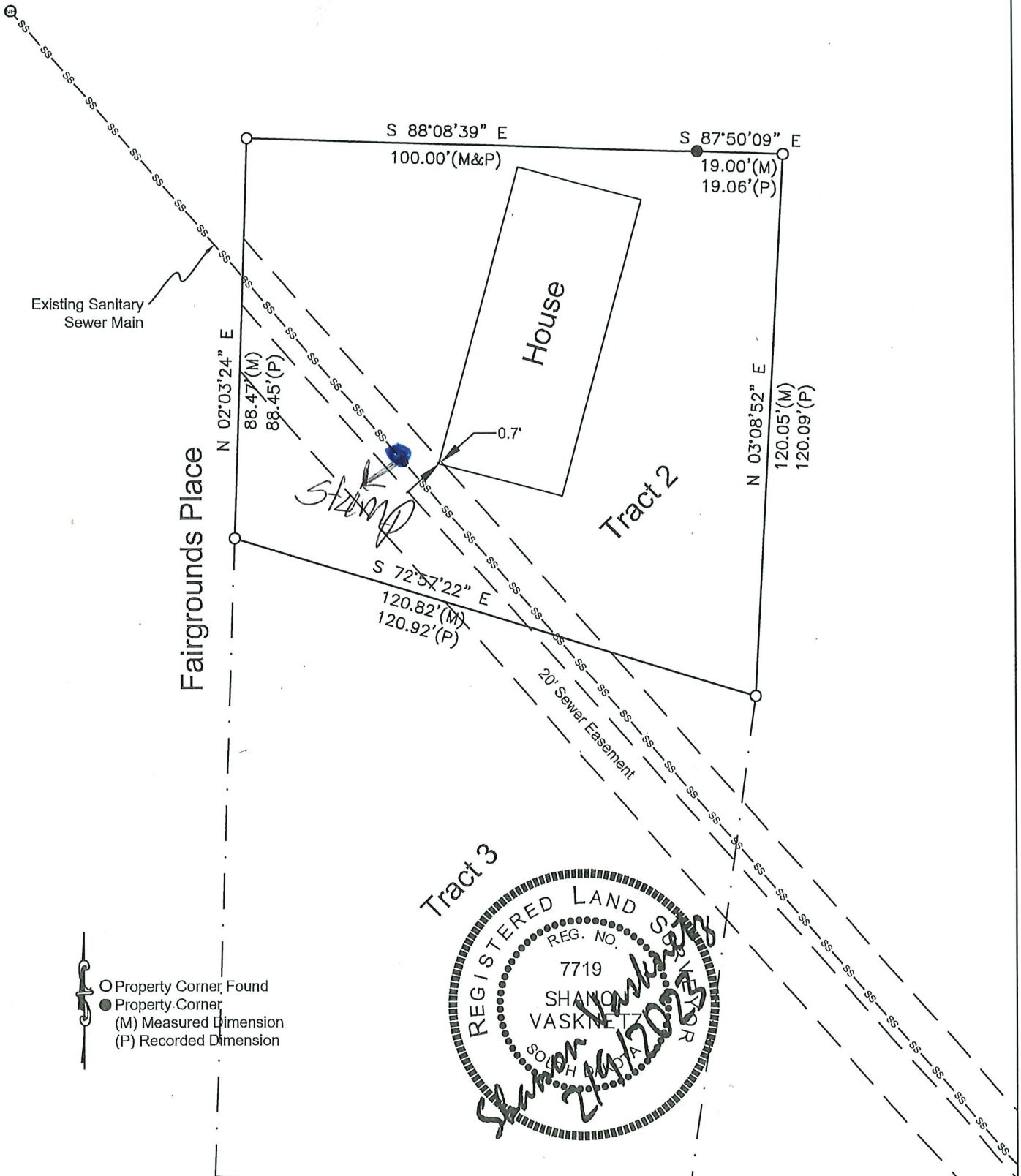
Exhibit A of Neugebauer Tract 2 Showing Existing Buildings and easements.



- Property Corner Found
- Property Corner
- (M) Measured Dimension
- (P) Recorded Dimension

Baseline Surveying Inc 2305 Junction Ave Sturgis SD 57785 (605)491-1401	Neugebauer Tract 2 Hermosa South Dakota		<h2 style="margin: 0;">Exhibit A</h2>		SHEET 1 of 1		
	DRAWN	krr	DATE	2/9/2023	APPROVED	SCALE	PROJECT NO.

Exhibit A of Neugebauer Tract 2
 Showing Existing Buildings and easements.



Baseline Surveying Inc 2305 Junction Ave Sturgis SD 57785 (605)491-1401	Neugebauer Tract 2		Exhibit A		SHEET 1 of 1
	Hermosa South Dakota				
DRAWN	kr	DATE	2/9/2023	APPROVED	PROJECT NO. 23-024

From: lberg@proacesinc.com
Sent: Friday, February 10, 2023 1:33 PM
To: Monika Serviss
Subject: RE: Somervold property-stop order

Monika,

The Somervold Encroachment research, field work and Exhibit on an accelerated timeframe will be a total of: \$2,225.00

I will include that in our February Invoicing at the end of the month.

Thank you,
Leah M. Berg, P.E.
Civil Engineer / President

ACES
AFFORDABLY CREATIVE ENGINEERING SERVICES

Affordably Creative Engineering Services, Inc
324 St. Joseph St, Suite 200
Rapid City, SD 57701
Fax 605-716-1144
Phone 605-716-4646
Cell 605-545-1120
Lberg@proacesinc.com

From: Monika Serviss <monika@hermosasd.com>
Sent: Friday, February 10, 2023 1:28 PM
To: lberg@proacesinc.com
Subject: RE: Somervold property-stop order

Leah,
Could you possibly tell me what will be the bill for this survey? And any other additional costs related to it from your side.
Thank you,

Monika Serviss
Finance Officer
Town of Hermosa
605-255-4291



Google Maps 194 Fairgrounds Place, Hermosa, South Dakota 57744



Imagery ©2023 CNES / Airbus, Maxar Technologies, Map data ©2023 20 ft

CHAPTER 153: MOBILE HOMES; PARKS

Section

153.01 Mobile homes on residential building lots

153.02 New mobile home parks and additions

153.99 Penalty

§ 153.01 MOBILE HOMES ON RESIDENTIAL BUILDING LOTS.

(A) *Definition of mobile homes.* A movable living unit designed for year-round occupancy which: is capable of being towed on its own chassis; is completely finished prior to delivery; and has a manufacturer's serial number which may be reported to the County Director of Equalization for tangible personal property taxation differentiating it from other types of dwelling structures, as may be required by SDCL § 10-4-2.4. A detachable hitch assembly and/or a perimeter frame or the placement of the unit upon a permanent foundation shall not be construed as creating a dwelling unit as described in the Uniform Building Code.

(B) *Single-wide mobile homes.* Single-wide mobile homes shall be located on R-2 lots.

(C) *Requirements.* The following property standards shall apply for all mobile homes whether or not located in mobile home parks:

(1) All mobile homes shall be set back from street right-of-way lines and lot lines to comply with the following requirements:

(a) Minimum depth of front yard shall be 20 feet and backyard shall be 15 feet. In no case shall an accessory building be located to extend into the front yard;

(b) Each side yard shall not be less than ten feet in width; and

(c) Unattached buildings of accessory use shall not be located closer than five feet to any rear lot line and there shall be a side yard of not less than ten feet.

(2) No mobile home shall be placed within the town limits that was manufactured more than 20 years before the date of application. A variance may be issued upon approval of the Board of Trustees.

(3) For each mobile home there shall be a lot area of not less than 6,500 square feet for single wide mobile homes, and 7,500 square feet for double wide mobile homes and 8,500 square feet for triple wide mobile homes.

(4) Mobile homes shall be properly blocked and skirted with a durable, secure material that conforms with Fire Code in a pleasing and attractive manner within 60 days of placement on the lot.

(5) Mobile homes shall be anchored in accordance with state law or insurance industry standards, whichever provides the more stringent controls, within 60 days of placement on the lot.

(6) All yard areas and open spaces shall be landscaped and maintained in a neat condition.

(7) Lots having frontage on more than one street shall provide the required front yard/setbacks along each street.

(8) All mobile homes shall be connected to public water and sewer systems and comply with the Uniform Plumbing Code. Each individual water connection shall be metered in accordance with standards adopted by the town.

(9) Mobile homes shall be electrically grounded in conformance to code requirements.

(D) *Permit required.* No mobile home may be placed or replaced on a lot without a moving/building permit, approved by both the Planning and Zoning Commission and Board of Trustees and issued by the Finance Officer, and shall comply with the following.

(1) Any property having been previously occupied by a mobile home within the last one year next preceding the application can be used by the owner thereof for the parking of a mobile home without obtaining written permission from the adjoining landowners.

(2) Size and dimension of the mobile home shall be so stated and shall be accompanied by a site plan to include accessory structure(s) and off-street parking plans.

(3) All provisions of this section shall be met within 120 days of placement unless sooner required by a specific provision.

(E) *Violation.* It shall be unlawful to use any land in violation of any regulation in this chapter.

(Ord. 10.019B, passed 5-4-2004; Ord. 10.019C, passed 8-16-2011) Penalty, see § 153.99

§ 153.02 NEW MOBILE HOME PARKS AND ADDITIONS.

(A) *Property development standards.* The following property development standards shall apply to all new mobile home parks or any additions to existing mobile home parks unless otherwise stated.

(1) For all new mobile home parks, no parcel of land containing less than two mobile home spaces on one lot, available at the time of first occupancy, may be used as a mobile home park.

(2) The mobile home park or additions to existing parks shall be located on a well-drained site, properly graded to ensure rapid drainage free from stagnant pools of water. Mobile homes shall be situated above the regulatory flood protection elevation in accordance with accepted floodplain construction practices and standards. The developer shall provide an engineered drainage study or plan to be approved by the Town Engineer.

(3) Yards:

(a) Each mobile home lot shall have a rear yard of not less than 15 feet and a side yard on both sides of the parcel devoted to the use of not less than eight feet; and

(b) Where a side or rear yard abuts a street, the yard shall not be less than 20 feet and all yards shall be landscaped and maintained. All dirt surfaces shall be covered with grass or other landscape material so as to limit airborne dust.

(4) Each mobile home park shall be permitted to display on each street frontage, one identifying sign of a maximum size of nine square feet. The sign shall contain thereon only the name and address of the mobile home park and may be lighted by indirect lighting only.

(5) The Town Board may issue a permit applied for under this subchapter upon compliance by the applicant with the provisions of this chapter and regulations adopted pursuant to this chapter.

(B) *Sufficient size.* Each mobile home park shall be of sufficient size that in addition to the mobile home spaces, the following areas shall be provided:

(1) Greenway or recreation areas of no less than 500 square feet for each unit lot or one acre for the entire park, whichever is less. The area shall be contiguous and may be located anywhere within the park;

(2) There shall be a front yard setback of 20 feet from all access roads within the mobile home park; and

(3) There shall be at least two paved or graveled street parking spaces for each mobile home space, which shall be on the same site as the mobile home served, and may be located in the front, rear or side yard of the mobile home space.

(C) *General provisions.* The following provisions shall apply to all new mobile home parks or mobile home park additions.

(1) There shall be established and maintained within each park an automobile parking area for the use of guests. The number of spaces within this area shall be equal to one for every four trailer sites.

(2) Access roads within a mobile home park, shall be paved or graveled to a width of not less than 24 feet. Where access roads are paved to a width of 41 feet or more, the required guest parking area shall be waived.

(3) Mobile home spaces may abut upon a driveway of not less than 20 feet in width, which shall have unobstructed access to the access road within the mobile home park. Vehicular access shall be provided from a public street and all dead-end driveways shall include adequate emergency vehicle turning space.

(4) Each mobile home space shall be provided with a metered water service and a connection to the public sanitary sewer system.

(5) Each mobile home park shall have an on-site manager and each park shall provide the service buildings as are necessary to provide facilities for storage space for supplies, maintenance materials and equipment.

(6) Cabanas, decks, porches and other similar structures shall be subject to building permit regulations.

(7) Mobile homes shall not be used for commercial, industrial or other nonresidential uses

within mobile home parks.

(8) Mobile homes shall be electrically grounded, blocked, anchored and skirted in accordance with all applicable codes and ordinances.

(9) Each mobile home shall be placed on a pad. A minimum depth of six inches of 95 compacted ratio gravel or other suitable pavement material or concrete shall be installed for each space. The size shall be suitable for the size of mobile home, allowing for appropriate setbacks.

(10) Fire protection within the mobile home park shall be as follows.

(a) Mobile home parks shall be kept free of litter, rubbish and any flammable materials. The same must be stored in a safe and reasonable manner consistent with all town ordinance and fire codes.

(b) Portable fire extinguishers of a type approved by the State Fire Marshal shall be kept in the service buildings and in all other park locations as named by the Chief of the Fire Department, and shall be maintained in good operating condition.

(c) Fire hydrants shall be located within 400 feet of each mobile home.

(d) All trash burners or other open fires are prohibited.

(e) Trash service shall be provided by each mobile home park.

(D) *Application for permit.* An application for a new mobile home park annual permit shall be regulated hereunder and as in the town-adopted Building Code.

(1) Three copies of the plot plan, drawn to scale shall accompany each application. The copies shall be reviewed and approved by the Planning and Zoning Commission and the Board of Trustees.

(2) The application for annual permit shall be in an amount set by the Board of Trustees, as per the current fee schedule for the first lot and an amount set by the Board of Trustees, as per the current fee schedule for each additional lot thereafter and shall be filed with and issued by the Finance Officer.

(3) The following information shall be shown:

(a) The location and legal description of the proposed mobile home park;

(b) Plans and specifications of all buildings, improvements and facilities constructed or to be constructed within the mobile home park;

(c) The proposed use of buildings shown on site;

(d) The location and size of all mobile home spaces;

(e) The location of all points of entry and exit for motor vehicles and internal circulation;

(f) The location of all lighting standards to be provided;

(g) The location of all walls and fences and the indication of their height and the materials of

their construction;

(h) The name, address and phone number of the applicant;

(i) Other architectural and engineering data as may be required to permit the Planning and Zoning Commission and Board of Trustees to determine if the provisions of this chapter are being complied with; and

(j) A time schedule for development shall be prepared, which shall demonstrate the applicant's readiness and ability to provide the proposed services and all required improvements, completed within one year.

(E) *Annual permit.*

(1) A non-transferable annual mobile home permit shall be required for each mobile home park within the town limits.

(2) The annual cost of the permit shall be as follows:

(a) First mobile home lot: \$100;

(b) Each additional mobile home lot: \$20 occupied or unoccupied; and

(c) Any mobile home park adding spaces during the permit year shall pay the sum of \$20 per additional lot within 30 days of final construction of each lot.

(3) Annual fees shall be due and payable by January 31 for the year of the permit.

(4) Penalty for late payment or non-payment shall accrue at the rate of \$50 per day for each day in arrears.

(5) Failure to pay fees as set forth herein or any other violation of town ordinance may result in the revocation of the mobile home operating permit. The revocation shall not occur without 30-day notice for the owner to meet compliance.

(Ord. 10.019B, passed 5-4-2004)

§ 153.99 PENALTY.

Any person, firm, association or corporation who violates, disobeys, omits, neglects or refuses to comply with, or resists the enforcement of, any of the provisions of this chapter shall, upon conviction thereof, be subject to a fine of \$100 together in addition to the cost of the enforcement action, including, but not limited to, reasonable attorney fees, expert fees and inspector fees. Each day of violation shall constitute a separate offense. Compliance therewith may also be enforced by injunctive order at the suit of the petitioner or the owner of real estate within the district affected by the regulation of this chapter.

(Ord. 10.019B, passed 5-4-2004)

STOP WORK

By Order Of
TOWN OF HERMOSA
PUBLIC WORKS DEPARTMENT

*The Following Does Not
Conform To
Town Regulations*

PLEASE CONTACT: TOWN OFFICE
255-4291

LOCATION: 194 Fairgrounds

COMMENTS: Owner shall verify that
the proposed new home structure will
be outside of the 20' wide sewer
easement.

2-8-2023 8:01 Chuck
Date Time Inspector
Ferguson

**FAILURE TO STOP WORK
COULD RESULT IN FINE
AND/OR ARREST
DO NOT REMOVE THIS NOTICE!**

Original

Town of Hermosa

PO Box 298 • 230 Main Street • Hermosa, SD 57744

Phone (605) 255-4291 • Fax (605) 255-4094

Email: town@hermosasd.com

DATE 03-24-2022

PERMIT # 2022-09

Informational Permit No Fee

Is Property in the Flood Plain? _____ Yes No _____ Zoning District _____

***IF YES - YOU NEED A FLOOD PLAIN DEVELOPMENT PERMIT**

Property Owner Name(s): Pamela A Somervold

Mailing Address: PO Box 426
Hermosa, SD 57744

Email: christinyou.pj@gmail.com

Address of Project: 194 Fairgrounds Place

Legal Description: Neugebauer Tract 2 of W2E2NE4

Sec 32 T2 R8 Subdivision _____ Block _____ Lot(s) Lot Size .28 AC

Description of Work: Place 67' x 27'6" double wide home - Centennial
Future garage 24' x 24' x 10'

i.e. Fence below 4' (front yard), 6' (side/rear yard), Accessory Building/Deck less than 160 sq.ft.; Sidewalk; Driveway; Concrete; Renovation / Remodel / Repairs / Maintenance not requiring Building Permit (i.e. shingle replacement)

Total Cost Estimate of Project _____ Total Square Footage of Project _____

Building Area (Sq. Ft.) _____ Height: _____

Accessory Bldg. Setbacks From Lot Lines: Front: _____ Ft. (20' Town Minimum)

(See Ord.155) Rear: _____ Ft. (5' Town Minimum)

Side: _____ Ft. (8' Town Minimum)

Side: _____ Ft. (8' Town Minimum)

Licensed Contractor / Person doing work TBD - will be licensed.

Address of Contractor / Person _____

Contact Phone Number of Contractor / Person _____

4-11-22 - Emailed Staff report + Invoice

Parcel # 015656
OFFICE USE

Date: 03-24-2022

To: Town of Hermosa, SD

To whom it may concern:

I Pamela Somervold, owner of property located at 194 Fairgrounds Place, Hermosa, SD, present a plat drawing showing the location of new 2022 manufactured home to be placed on said property. (67' X 27'6")

The drawing shows a minimum of 30' pushback from property line to location of placement of home.

The drawing also includes a future garage site. (24 X 24 X 10)

Water, Sewer, Power & Propane are already at the site.

I thank you for consideration of board approval.

Sincerely,

Pamela A. Somervold

Pamela A. Somervold

605-484-3437

* attached plat drawing

Town of Hermosa

PO Box 298 * 230 Main St. Hermosa, SD

605-255-4291

Email: town@hermosasd.com

Pre-Inspection Form

To be retained in permanent file

Customer Name	Permit #	Date
Pamela Somervold	2022-09	3-24-2

Site Address	Parcel #
194 Fairgrounds Pl.	015656

MUST MEET ALL PERMIT REQUIREMENTS

Inspection

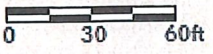
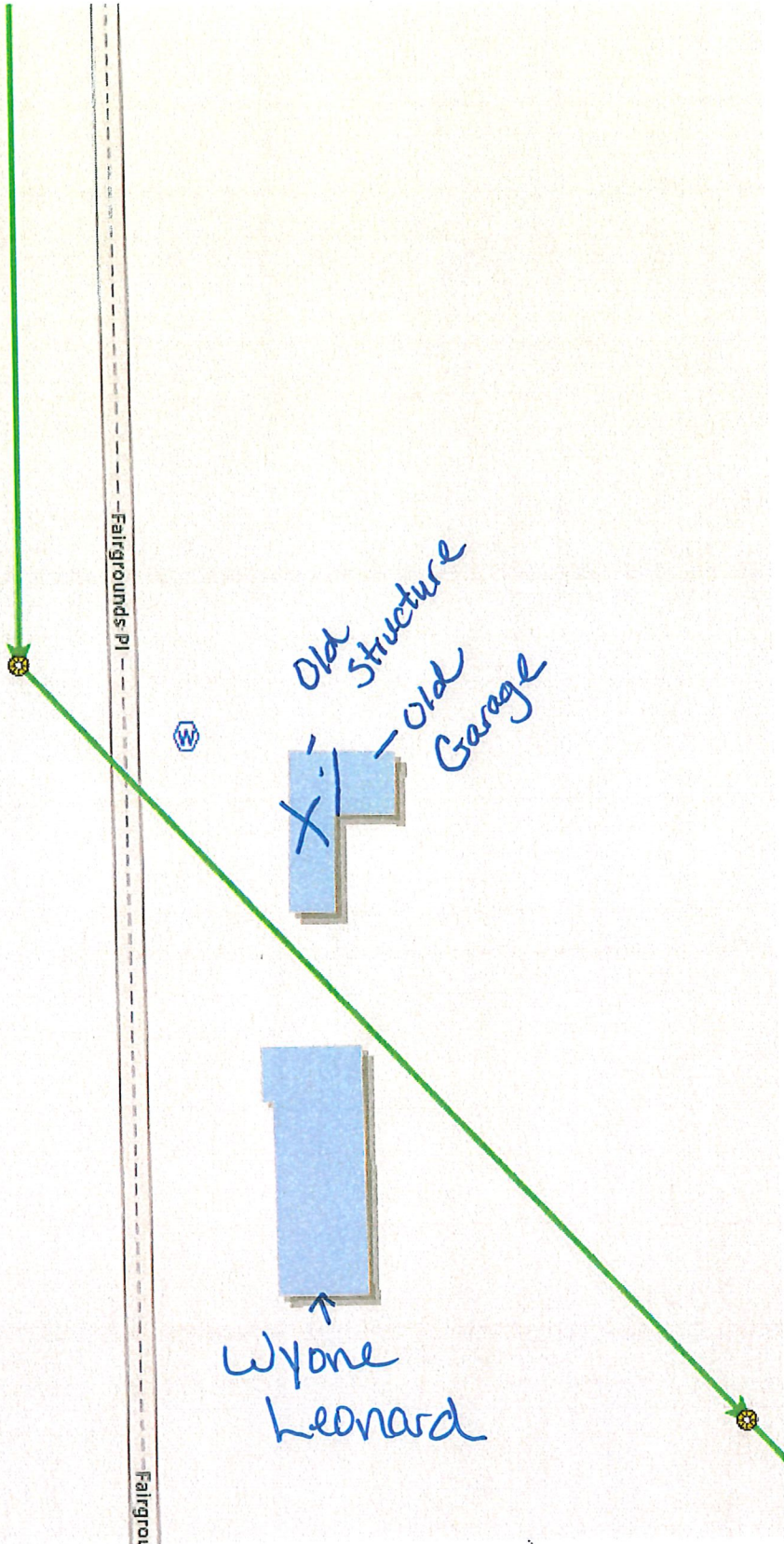
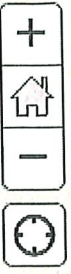
1. Walked site yes
2. Lot measurement _____ X _____
3. Lot usage Res 35% (40%) _____ Jill + Chuck
4. Suitability of lot for proposed construction NOT GOOD
 - A. Fill needed yes
 - B. Excavation/Trenching needed yes
5. Utilities properly located on lot yes
6. Check for any easements yes
7. Check for Pins or Survey yes
8. Drainage NA

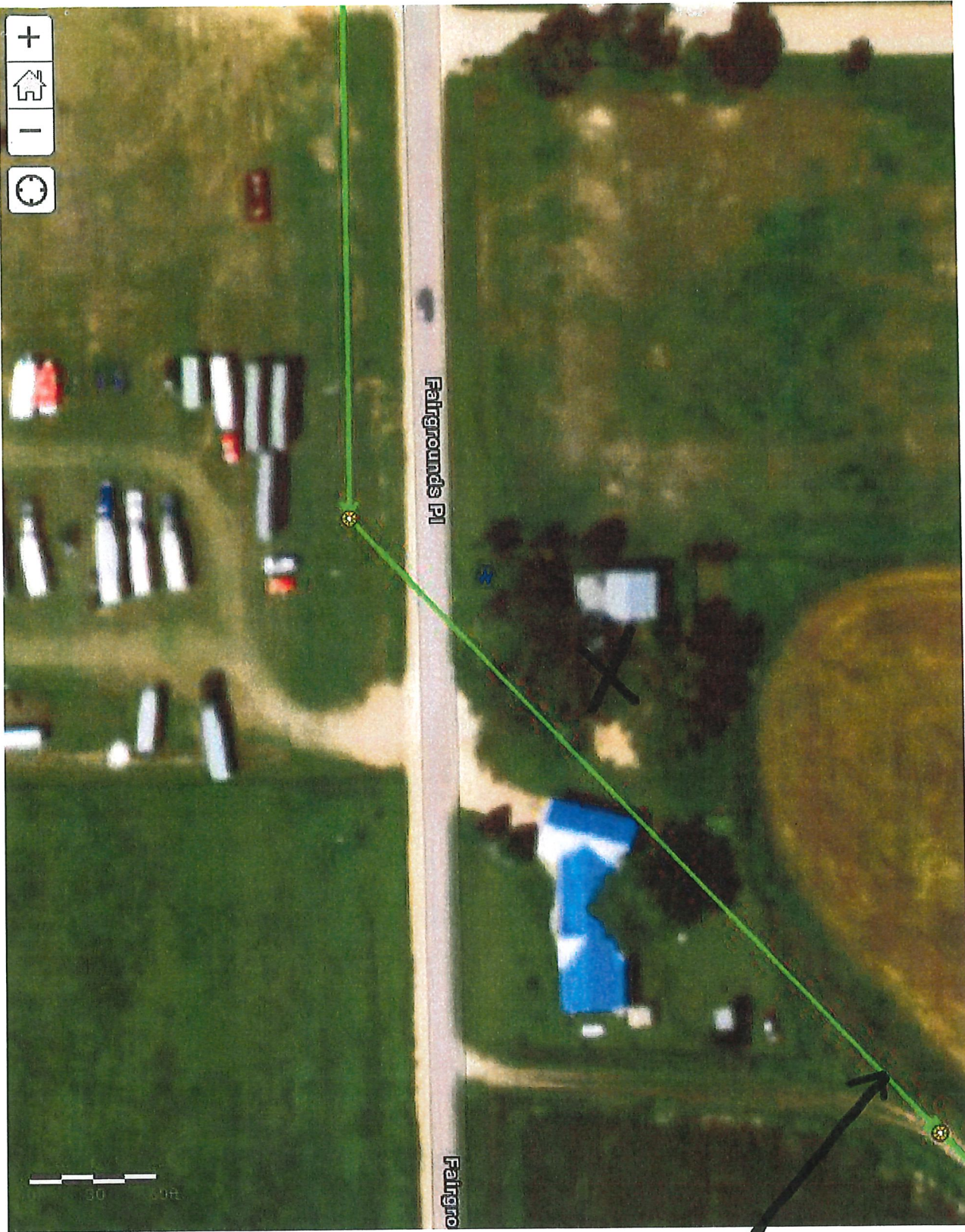
Inspection Notes

Can not meet Set Backs
sewer easement

Inspectors Signature
Chuck Dugan

Date
3-29-22





ArcGIS Online

↙
Sewer line

Pamela A Somervold
194 Fairgrounds Place
Hermosa, SD 57744
605-484-3437

Parcel ID 015656
Sec/TWP/Rng 032/0002/008
• Neugebauer Tract 2 of
W2E2NE4 Sec 32 T2 R8
• 28 AC





STAFF REPORT

MUNICIPALITY: Town of Hermosa, 230 Main Street, Hermosa, SD 57744
 PROJECT: **194 Fairgrounds Place**, Neugebauer Tract 2
 Hermosa, SD
 DATE: April 7, 2022
 PERMIT NUMBER: **2022-09**
 REPORTED BY: Leah M. Berg, P.E.

ITEMS:

Conditions:

The site is located on the east side of Fairgrounds Place and nearly a quarter (0.20) mile south of Main Street.

The applicant has submitted the following documents:

- Informational Permit
- Personalized letter to the Town of Hermosa
- Blocking Plan from Friendship Homes Inc.
- Aerial Photo of lot with legal description
- Pre-Inspection Form
- Aerial Image from BEACON GIS
- Detailed Plat photo with notes
- Hermosa Town Ordinance section 154.38 Utility & Drainage Easements from page 56
- Aerial image from ArcGIS Online
- Conversational email from Custer County Planning Department
- One Mile Extraterritorial Area Policy Agreement Notes

Floodplain:

Based on the flood map overlay from BEACON, the 0.28-acre lot lies within Flood Zone X. This zone indicates a 0.2 % annual chance flood hazard or a 500-year floodplain presence.

Zoning: Residential and single family is a permitted use.

Water and Sewer service:

Owner indicated that the lot has existing access to water, sewer, power & propane.

Setbacks:

For R-1 zoning, the following setbacks are required:

Main Structure:

- Front: 20 feet
- Side: 10 feet Main Structure
- Rear: 15 feet main

Accessory Structure:

- Front yard unattached structures: 25 feet
- Side yard unattached structures: 8 feet
- Rear yard unattached structures: 5 feet

Setbacks were provided on the application, and the structure shown on the attached site plan appears to match what the owner intended for placements, but the plan is not to scale. The purposed home appears to meet the required property line setbacks from the lot lines of the front, sides & rear. The purposed Garage meets the front and rear setbacks, but the side offset to the east was not included. Set back must be more than 8 feet. Location of onsite wastewater treatment system was not included in Informational Permit Packet.

Based on review of the of the provided plat information, the proposed site plan layout, and comment on the pre-inspection form, it does not appear that the home footprint will be outside of the existing 20' wide sanitary sewer easement. The Owner shall verify that the proposed new home structure will be outside of the 20' wide sanitary sewer easement.

The total square footage of project provided on the application does include main dwelling, existing garage, and newly proposed garage and the driveway.

The lot coverage is less than 40% after accounting for these features – OK

Access:

Access will be from Fairgrounds Place by a 15' wide gravel driveway. A driveway culvert is not present.

Foundation:

The permit indicates blocking for the designed foundation as the method of support.

- The contractor is responsible for blocking specifications as provided by manufacturer. No soils information is provided. The contractor is responsible for verification of soil bearing pressures for the foundation.

Comments:

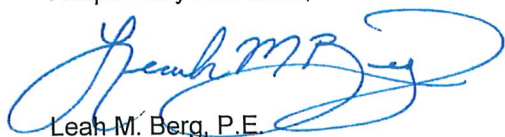
1. Contractor/builder to verify the existing utility service locations and ensure that easements are not encroached and that all setbacks are met.
2. No structural evaluation was completed as part of this review.
3. A correction to the permit is noted to indicate this property does contain a FEMA regulated floodplain.
 - a. Lot is fully contained with a floodplain; however, a Floodplain Development Permit will not be required at this time because the lot is located outside of the 100-year floodplain.
4. At this time a connection to the Town's Sanitary Sewer system is being advised since the existing onsite wastewater treatment system is not being increased to accommodate a larger home.

Recommendations – Permit 2022-09:

Based on the application information, the permit does not comply with the Town of Hermosa's requirements. Recommendation is to request additional information from the Owner:

1. Provide an accurate site plan that shows all setbacks will be met and home will be located outside of easement(s).
2. Appropriate drainage must be maintained on the site. Sediment and erosion control measures must function and are the responsibility of the contractor to ensure there is no erosion and sediment transfer.
3. All disturbances must be stabilized with 30 days of completion of construction.
4. Contractors must be licensed in Hermosa and carry required insurance.
5. All construction must meet applicable code requirements as well as Town Ordinance requirements.
6. All fees to be paid prior to issuing permit.
7. Applicable inspections must be performed by the Town of Hermosa.

Respectfully submitted,



Leah M. Berg, P.E.
LBerg@proacesinc.com

END OF STAFF REPORT

September 8, 2022

Narrative by Chuck Ferguson, Public Works Director
Town of Hermosa

There was a trailer on Lot 194, Fairgrounds Place, that was being moved out and moved to Philip. I excavated that lot to assist in moving the trailer out.

Mid-summer to late summer of 2021, I began having conversations with Pam Somervold as she wanted to move a trailer on to that empty lot.

During the pre-inspection of the house/lot, it was discovered that the house would not meet the 10' setback on the 20' easement on the SW corner of the lot. The sewer easement was platted in 1961. There was a very large cottonwood tree on the southwest corner in the sewer easement. Somervold discussed this issue with me and I told her since the tree was in the sewer easement, she was not responsible for the expense of removing the tree. I approached the town and offered to take the tree down but the board approved of requesting a quote from Aim High Tree Service at their March 1, 2022, meeting. The tree was ultimately taken down by Aim High on March 9, 2022. The stump also had to be ground down to dirt level. The town had a contractor arrive to remove the stump and Somervold requested they leave her property – even though they were on city property.

In addition, when I learned the size of the home, I told Somervold that there was no way that house was going to fit in the lot as the setbacks would not be met. She said that the home had already been ordered and paid for. I went to the board to request the variance on the north end of the property which was approved at no cost to Somervold. Ultimately, the permit was approved.