AGENDA
PENNINGTON COUNTY PLANNING COMMISSION
August 24, 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 September 1, 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 10, 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 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 El/2SE1/4, Section 9, T1N, R8E, BHM, Pennington County, South Dakota.

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

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

6. **MINING PERMIT REVIEW / MP 19-02:** Pete Lien & Sons. To review the expansion 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.

To recommend approval of the extension of Mining Permit / MP 19-02 with conditions.

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 conditions.

**END OF CONSENT AGENDA**

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.

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.
10. **LAYOUT PLAN / LPL 20-23**: Link SD Ranches, LLC; Dwight Gubbrud - 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.


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.

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.

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.

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
16. ITEMS FROM THE STAFF
17. ITEMS FROM THE MEMBERSHIP
18. 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 10, 2020 @ 9:00 a.m.
County Commissioners’ Meeting Room - Pennington County Administration Building


STAFF PRESENT: Brittney Molitor (teleconference), Kristina Proietti, Jason Theunissen, Cullen McNeece (SAO) and Jeri Ervin.

ROLL CALL

1. APPROVAL OF THE JULY 27, 2020, MINUTES

2. APPROVAL OF THE AGENDA
Moved by Lasseter and seconded by Runde to approve the Agenda of the August 10, 2020, Planning Commission meeting. Roll Call: Marsh – aye, Coleman – aye; Drewes – aye; Lasseter – aye, K. Johnson – aye, C. Johnson – aye, and Runde - aye. Roll Call Vote: carried 7 to 0.

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

CONSENT AGENDA

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

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

NE1/4SW1/4 less DW Hansen Tract, less Tract Sires and less ROW, Section 33, T1N, R4E, BHM, Pennington County, South Dakota.
To approve the extension of Conditional Use Permit / CU 12-22 with the following fourteen (14) conditions:

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

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

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

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

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

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

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

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

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

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

11. That no additional tent camping be allowed;

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

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

Vote: unanimous 7 to 0.

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

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

To approve the extension of Conditional Use Permit / CU 16-18 with the following sixteen (16) conditions:

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

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

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

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

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

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

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

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

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

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

11. That the applicant ensure the VHR continues to operate in accordance with the requirements of Section 319-F (Performance Standards) at all times;

12. That if the person designated as the Local Contact is ever changed from Steve and Kathryn Venteicher, the interior informational sign be updated and the applicant re-notify the Planning Department and surrounding landowners within 500 feet via notices sent by Certified Mail;

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

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

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

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

Vote: unanimous 7 to 0.

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

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

To continue the review of Conditional Use Permit / CU 16-23 to the September 14, 2020, Planning Commission meeting.
Vote: unanimous 7 to 0.

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

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

To approve the extension of Conditional Use Permit / CU 18-19 with the following nine (9) conditions:

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

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

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

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

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

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

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

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

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

Vote: unanimous 7 to 0.
7. CONDITIONAL USE PERMIT REVIEW / CU 18-40: Eli Rodolph / Rodolph Investments. To review an accessory structure (pole barn building) prior to a principal structure on the subject property in a Highway Service District in accordance with Sections 210 and 510 of the Pennington County Zoning Ordinance.

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

To approve the extension of Conditional Use Permit / CU 18-40 with the following ten (10) conditions:

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

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

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

4. That the proposed pole barn be used for personal use only and no commercial-type uses;

5. That all the natural drainage paths be maintained;

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

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

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

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

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

Vote: unanimous 7 to 0.
8. **CONDITIONAL USE PERMIT REVIEW / CU 19-03:** Joseph and Teri Creager. To review a storage shed/garage as a primary structure on the subject property in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

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

To approve the extension of Conditional Use Permit / CU 19-03 with the following eight (8) conditions:

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

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

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

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

5. That all the natural drainage paths be maintained;

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

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

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

Vote: unanimous 7 to 0.

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

Tract 1 of SE1/4, Section 11, T1N, R6E, BHM, Pennington County, South Dakota.
To approve the extension of Conditional Use Permit / CU 19-06 with the following six (6) conditions:

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

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

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

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

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

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

Vote: unanimous 7 to 0.

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

To recommend approval of the Road Naming of Kona Court.

Vote: unanimous 7 to 0.

END OF CONSENT AGENDA

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

Lot 4R, Block D, Edelweiss Mountain Subdivision, Section 17, T1N, R5E, BHM, Pennington County, South Dakota.
Commissioner C. Johnson asked to have this Item removed from the Consent Agenda and stated he would be abstaining from voting.

Staff recommended approval of the extension of Conditional Use Permit / CU 19-21 with thirteen (13) conditions.

Moved by Lasseter and seconded by Runde to approve the extension of Conditional Use Permit / CU 19-21 with the following thirteen (13) conditions:

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

2. That each review of Conditional Use Permit / CU 19-21, be subject to PCZO Section 511(F)(4), which imposes a $100 fee per review;

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

4. That the applicant maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be provided to the Planning Department upon request;

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

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

7. That the lot address (205 Danube Lane) be posted on the residence and be clearly visible from Danube Lane at all times, in accordance with Pennington County’s Ordinance #20;

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

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

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

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

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

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


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

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

Theunissen reviewed the Staff Report indicating this is a review of a Conditional Use Permit for transfer of a Vacation Home Rental.

Staff recommended approval of the transfer of Conditional Use Permit / CU 17-48 with fifteen (15) conditions.

Discussion followed.

Moved by Drewes and K. Johnson to approve the transfer of Conditional Use Permit / CU 17-48 with the following fifteen (15) conditions:

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

2. That if the on-site wastewater treatment system is upgraded in the future, this Conditional Use Permit be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DENR;
3. That all necessary permits are obtained prior to any additions to the structure or upgrades/alterations to the on-site wastewater treatment system;

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

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

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

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

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

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

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

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

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

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

14. That this Conditional Use Permit be automatically revoked upon sale or transfer of ownership of the subject property, unless a transfer of this
15. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.


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

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

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

Jansen reviewed the Staff Report indicating the applicants have applied for a Layout Plan to combine two lots to create Lot 5RA, Block 2 of Hart Ranch West #1.

Staff recommended approval of Layout Plan / LPL 20-19 with the following five (5) conditions:

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

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

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

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

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

Discussion followed.
Moved by C. Johnson and seconded by Drewes to approve of Layout Plan / LPL 20-19 with the following five (5) conditions:

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

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

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

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

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


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

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

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

Proietti review the Staff Report indicating the applicant has applied for a Layout Plan to create Tract A, Tract B, Tract C, and Tract D of Duhamel Flat Addition.

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

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

2. That at the time of the Minor Plat submittal, the proposed Plat be prepared by a Registered Land Surveyor;
3. That prior to the Plat being recorded with the Register of Deeds, the plat meets all requirements of Pennington County Subdivision Regulations, or approved Subdivision Regulations Variance(s) be obtained waiving any of the requirements that are not met. Subdivision Regulations shall be submitted per Section 700 of Pennington County Subdivision Regulations;

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

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

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

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

Discussion followed.

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

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

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

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

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

5. That following platting of the proposed lots, any on-site wastewater treatment system(s) be subject to the requirements of Section 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit;
6. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director; and,

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


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

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

Theunissen reviewed the Staff Report indicating the applicant has applied for Conditional Use Permit to allow a campground on the subject property to include RV hookups, cabin rentals, pool, office, laundry facilities, and additional outbuildings in a Highway Service District.

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

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

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

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

4. That no tent sites be allowed;

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

6. That each RV site be equipped with water, sewer and electric hook-ups;
7. That each RV site or cabin must be equipped with a numbered sign which is attached to a post on or near the cabin or site;

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

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

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

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

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

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

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

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

16. That the Planning Director may allow additional development or construction, which is consistent with the proposed development on this property. Significant changes in the use or impact on adjacent land uses as determined by the Planning Director shall require an amendment to this Conditional Use Permit;

17. That a Building Permit be obtained for any new structures exceeding 144 square feet and located on a permanent foundation, which will require a site plan to be reviewed and approved by the Pennington County Planning Director;

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

19. That prior to the placement of any sign, the applicant obtains approval of a Sign Permit;
20. That a Storm Water Permit is obtained prior to any dirtwork/disturbance on the subject property;

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

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

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

Discussion followed.


Moved by Drewes and seconded by Drewes to reconvene. Roll Call: Marsh – aye, Coleman – aye; Drewes – aye; Lasseter – aye, K. Johnson – aye, C. Johnson – aye, and Runde - aye. Roll Call Vote: carried 7 to 0.

Discussion further followed.

Moved by Lasseter and seconded by K. Johnson to continue Conditional Use Permit / CU 19-28 until profile holes are completed and approved and final approval is obtained for the requested water right.


Discussion followed to add the language “and all other requirements of Section 306 are met” in the Original Motion.

Moved by Lasseter and seconded by K. Johnson to continue Conditional Use Permit / CU 19-28 until profile holes are completed and approved and final approval is obtained for the requested water right and all other requirements of Section 306 are met.


Commissioner Lasseter left the meeting at 12:54 p.m.
16. **ORDINANCE AMENDMENT / OA 20-05**: Pennington County. To amend Section 510 “Conditional Use Permits” [to amend and supersede the existing Section 510 “Conditional Use Permits”] of the Pennington County Zoning Ordinance.

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

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

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

Discussion followed.

Commissioner Runde left the meeting at 1:00 p.m.

**Moved by K. Johnson and seconded by C. Johnson to approve of Ordinance Amendment / OA 20-05.**

**Roll Call:** Marsh – aye, Coleman – aye; Drewes – aye; K. Johnson – aye, and C. Johnson – aye. **Roll Call Vote:** carried 5 to 0.

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

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

2. **LAYOUT PLAN 20-14**: Grandview Land, LLC (Dan Lewis); Gordon Howie – Agent. To create Lot 2 of Block 2 and Lot 1 and Lot 2 of Block 3 and Lot 7 through Lot 10 of Block 3 of Cedar Gulch No. 2 Subdivision and dedicated Right-of-Way.

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

18. **ITEMS FROM THE PUBLIC**

No motions or actions were taken at this time.

19. **ITEMS FROM THE STAFF**

A. Building Permit Report. The July 2020 Building Permit Report was reviewed.

20. **ITEMS FROM THE MEMBERSHIP**

Commissioner Coleman will not be in attendance for the August 24th meeting.
Commissioner Johnson spoke of County representation at the State level.

Chairman Marsh stated he may not be at the August 24th meeting, and, he further discussed Conditional Use Permit submittal requirements.

21. **ADJOURNMENT**

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

Roll Call: Marsh – aye, Coleman – aye; Drewes – aye; K. Johnson – aye, and C. Johnson – aye. Roll Call Vote: carried 5 to 0.

The meeting adjourned at 1:30 p.m.

Rich Marsh, Chairperson
STAFF REPORT

GENERAL INFORMATION:

REQUEST: CONDITIONAL USE PERMIT REVIEW/ CU 18-35: To review a single-wide mobile home 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.

APPLICANT: Lorrie Behl

APPLICANT ADDRESS: 6418 Fairway Drive, Black Hawk, SD 57718

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

SITE LOCATION: 3117 Pioneer Drive; approximately 0.42 mile south of the intersection of E. Highway 44 and Pioneer Drive.

SIZE: 1.00 acre

TAX ID: 68917

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: City Limits of Rapid City

PHYSICAL CHARACTERISTICS: Flat

UTILITIES: Public (Rapid Valley Sanitary District)

REPORT BY: Stephanie Jansen
I. PROPOSED RECOMMENDATION
   A. Staff will be recommending to end Conditional Use Permit / CU 18-35.

II. GENERAL DESCRIPTION
   A. October 8, 2018 – The Planning Commission approved Conditional Use Permit / CU 18-35 with the following (8) conditions:
      1. That a Building Permit be obtained for the proposed single-wide mobile home prior to any work being done;
      2. That the single-wide mobile home be assigned an address, which must be posted in accordance with Pennington County Ordinance #20;
      3. That the minimum setback requirements of a Suburban Residential District be continually maintained on the property;
      4. That the subject property remains free of debris and junk vehicles;
      5. That the single-wide mobile home installed on the property have a peaked, non-reflective type roof and wood or simulated wood-type siding that is continually maintained;
      6. That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
      7. That the applicant signs the Statement of Understanding at the Planning Office within ten (10) business days of approval of Conditional Use Permit / CU 18-35; 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.

   B. October 14, 2019 – The Planning Commission approved the extension of Conditional Use Permit / CU 18-35 with the following six (6) conditions:
      1. That the address continues to be posted in accordance with Pennington County Ordinance #20;
      2. That the minimum setback requirements of a Suburban Residential District be continually maintained on the property;
      3. That the subject property remains free of debris and junk vehicles;
      4. That any single-wide mobile home installed on the property have a peaked, non-reflective type roof and wood or simulated wood-type siding that is continually maintained;
      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 three (3) years, 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. 1.00 acres.
C. Access off of Pioneer Drive.
D. Lot contains:
   4. 20’ X 24’ Garage – COBP20-0026.
E. Special Flood Hazard Area on the subject property (500-year floodplain, unregulated) – Image 1.

V. ANALYSIS
A. June 11, 2020 – The applicant applied for a Removal Permit for the 14’ X 70’ Single-wide mobile home.
B. June 12, 2020 – The applicant applied for a Building Permit for a 27’ X 56’ Double-wide mobile home.
C. August 14, 2020 - Staff performed a site visit and found the following:
   1. The single-wide mobile home was removed and replaced with a double-wide.
      a. Staff Comment: Considering the single-wide mobile home has been removed and the applicant appropriately applied for a removal permit with the Planning Department, this Conditional Use Permit is no longer necessary.
RECOMMENDATION: Staff recommends to end Conditional Use Permit / CU 18-35, as it is no longer needed.
GENERAL INFORMATION:

REQUEST:

PLANNED UNIT DEVELOPMENT REVIEW / PU 08-01: To review a Planned Unit Development to allow three existing mobile homes, a home occupation, and outbuildings in accordance with Section 213 of the Pennington County Zoning Ordinance.

NEW LANDOWNER: Leslie McGourty

NEW LANDOWNER ADDRESS: 24294 Metz Rd, Keystone, SD 57751

PREVIOUS OWNER: Clair Voshall

LEGAL DESCRIPTION: Lot 1, Voshall Addition in Section 10, T2S, R6E, BHM, Pennington County, South Dakota.

SITE LOCATION: 24294 Metz Rd.: approximately two (2) miles east of Keystone on Highway 40.

SIZE: 3.02 Acres

EXISTING LAND USE: Residential

ZONING REFERENCE: Section 213

CURRENT ZONING: Low Density Residential

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

PHYSICAL CHARACTERISTICS: Floodplain/Meadow

UTILITIES: Private

REPORT BY: Stephanie Jansen
I. PROPOSED RECOMMENDATION
   A. Staff will be recommending to end Planned Unit Development / PU 08-01 as it is no longer needed.

II. GENERAL DESCRIPTION
   A. On May, 21, 2008, the above described property was rezoned from Limited Agriculture District to Planned Unit Development 08-01 with the following sixteen (16) conditions:
   1. That this Planned Unit Development allows for a 3.02 acre parcel with no more than three mobile homes, existing outbuildings and the manufacturing of portable storage sheds;
   2. That if, at any time, one of the mobile homes becomes inhabitable, the property owner must remove it immediately;
   3. That approval of this Planned Unit Development does not hold Pennington County liable for any damages and/or losses during the event of a flood;
   4. That prior to County Board approval of the Planned Unit Development, the property owner submit information from a certified wastewater installer verifying the size of septic tank and location of the wastewater system servicing the three (3) existing mobile homes to be reviewed by the Environmental Planner;
   5. That this Planned Unit Development be valid only for the current existing uses; any expansion or change that requires a Building Permit, the property must be rezoned;
   6. That each mobile home be addressed and the addresses must be posted per Ordinance 20 Standards at both the road and driveway;
   7. That a Floodplain Development Permit be obtained prior to the placement of any structure within the boundaries of the 100-year floodplain;
   8. That the manufacturing and storing of the portable sheds be entirely located in the 1,530 square foot barn. No construction, storage or other business activities shall occur outside the existing structures on the property;
   9. That the office be located in a 14 foot by 20 foot area within the residence;
   10. That the home occupation be conducted entirely within the enclosed structures of the barn and residence with no outside storage of the portable sheds;
   11. That the manufacturing of the portable sheds be between the hours of 8:00 a.m. and 6:00 p.m.;
   12. That the portable sheds measure a maximum of eight (8) feet by 14 feet;
13. That a minimum of four (4) off-street parking spaces be provided and that each parking space shall not be less than one hundred sixty two square feet, nor nine feet by eighteen feet, surfaced with gravel, concrete or asphalt and maintained in such a manner that no dust will result from continuous use;

14. That a minimum of one (1) 2 ABC fire extinguisher be located within the barn;

15. That the Planned Unit Development be reviewed in one (1) year or on a complaint basis; and,

16. That the Planned Unit Development not be valid until the applicant signs the Statement of Understanding.

B. This PUD was reviewed and extended several times with the most recent extension in November of 2017.

C. November 7, 2017 – The Board of Commissioners approved the extension of Planned Unit Development / PU 08-01 with the following nine (9) conditions:
   1. That this Planned Unit Development allows for a 3.02 acre parcel with no more than three mobile homes and existing outbuildings;
   2. That if, at any time, one of the mobile homes becomes uninhabitable, the property owner must remove it immediately;
   3. That approval of this Planned Unit Development does not hold Pennington County liable for any damages and/or losses during the event of a flood;
   4. That this Planned Unit Development be valid only for the current existing uses; any expansion or change that requires a Building Permit, the property must be rezoned;
   5. That each mobile home be addressed and the addresses must be posted per Ordinance 20 Standards at both the road and driveway;
   6. That a Floodplain Development Permit be obtained prior to the placement of any structure within the boundaries of the 100-year floodplain;
   7. That the property remains free of debris and junk vehicles;
   8. That a minimum of four (4) off-street parking spaces be provided and that each parking space shall not be less than one hundred sixty two square feet, nor nine feet by eighteen feet, surfaced with gravel, concrete or asphalt and maintained in such a manner that no dust will result from continuous use; and,
   9. That the Planned Unit Development be reviewed in two (2) years, on a complaint basis, or as deemed necessary by the Pennington county planning Commission or Board of Commissioners to ensure all Conditions of Approval are being met.

D. November 2017 – The property was purchased by Leslie McGourty.
E. August 2019 – The new owner, Leslie McGourty, applied to rezone the property from Planned Unit Development to Low Density Residential District.

F. November 19, 2019 – The Board of Commissioners approved Rezone / RZ 19-13 and Comprehensive Plan Amendment / CA 19-13 to rezone the property to Low Density Residential District.

III. EXISTING CONDITIONS
   A. 3.02 acres.
   B. Low Density Residential.
   C. Lot contains:
      1. 10' x 45' Single-wide mobile home – Built in 1964 per DOE records.
      2. 28' x 32' Single family residence – COBP19-0575.
      5. 51' x 26' Shed built in 1965 – per DOE records.
      6. 36' x 40' Farm Utility Building with a 20' x 40' addition - Built in 1975 per DOE records.
      7. Special Flood Hazard Area - entire property is in the 100-Year Floodplain.

IV. ANALYSIS
   A. The subject property has since been rezoned to Low Density Residential.
      1. Staff comment: Considering the zoning has changed from a PUD to Low Density Residential, this PUD is no longer necessary.

RECOMMENDATION: Staff recommends to end Planned Unit Development / PU 08-01, as it is no longer needed.
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.
MEMO

TO: Planning Commission

FROM: Cody Sack, Environmental Planner

DATE: August 24, 2020

RE: Proposed Road Naming – Papousek Road
Proposed road naming for a 20-foot-wide Section Line Road to be dedicated as a public access which will begin approximately 1.0 mile south of the intersection of Paulsen Road and Quinn Road.

The Planning Department received a Road Naming Application to name a proposed Section Line road to Papousek Road. The Section Line Road is within a Township. Therefore, the improvements made to this road fall under the jurisdiction of Lake Hill Township #5.

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

COMMENTS RETURNED:

County Highway Department: No Comments received.

GIS: No comments received.

Emergency Services (9-1-1): No Concerns.

RECOMMENDATION: Staff recommends approval of the road name, Papousek Road, with the condition the applicant will be responsible for payment and posting a road name sign in a timely manner, in accordance with the standards set forth by the Lake Hill Township #5.
ROAD NAMING PETITION: PAPOUSEK ROAD

RE: Proposed naming of a 20-foot-wide Section Line road that provides access to two (2) properties located in Sections 25 and 36, T1N, R16E, BHM, Pennington County, South Dakota. Said road begins approximately 1.0 mile south of the intersection of Paulsen Road and Quinn Road and traverses west for approximately 500 feet to its terminus.

HONORABLE COMMISSIONERS OF PENNINGTON COUNTY:

Whereas, the above-described road provides access to two (2) privately-owned properties, more fully described as: N1/2; SW1/4; N1/2SE1/4; SW1/4SE1/4 LESS TRACT, Section 36, T1N, R16E, BHM, Pennington County, South Dakota and NE1/4; S1/2NW1/4; S1/2, Section 25, T1N, R16E, BHM, Pennington County, South Dakota;

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

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

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

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

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

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

Dated this 24th day of August, 2020.

Cody Sack, Environmental Planner
Pennington County Planning Department
STAFF REPORT

GENERAL INFORMATION:

REQUEST: MINING PERMIT REVIEW/ MP 19-02: To review the expansion an existing sand and gravel mining operation on the subject property.

APPLICANT: Pete Lien & Sons

APPLICANT ADDRESS: P.O. Box 440, Rapid City, SD 57709

OWNER: Soderquist Family Ranch

OWNER ADDRESS: 17965 Baseline Road, Wasta, SD 57791

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

SITE LOCATION: 18151 Base Line Road, approximately 3.5 miles south of Wasta.

TAX ID: 62087

SIZE: 618.44 acres

EXISTING LAND USE: Sand / Gravel Mining

ZONING REFERENCE: Sections 205 and 507-B

CURRENT ZONING: General Agriculture District

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

PHYSICAL CHARACTERISTICS: Open prairie / rolling hills

UTILITIES: Private

REPORT BY: Cody Sack
I. **PROPOSED RECOMMENDATION**
   
   A. Staff will be recommending approval of the extension of Mining Permit / MP 19-02 with conditions.

II. **GENERAL DESCRIPTION**
   
   A. The applicants, Pete Lien, requested a Mining Permit to expand the existing Birdsall sand and gravel mine operation on the subject property to include restoration activities under South Dakota Department of Natural Resources (SDDENR) Mine License 83-100.

   1. See attached site plan.

   B. November 23, 2019 – The Planning Commission approved Mining Permit / MP 19-02 with the following 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 six (6) months 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.

III. **EXISTING CONDITIONS**
   
   A. General Agriculture District.
B. 618.44 Acres.
C. Access off of Baseline Rd.
D. Special Flood Hazard Area.
  1. 100-year.
E. Floodplain Development Permit / FP 19-46.
F. SDDENR General Permit for Stormwater Discharges Associated with Industrial Activities (General Permit) SDR00A012 for Birdsall Sand and Gravel – Wasta Pit.
G. Conditional Use Permit / CU 08-27 to allow a single-wide mobile home on the subject property.
H. 16’ x 76’ single-wide mobile home with 16 square foot deck (COBP15-0191)
I. Septic system (COSD15-0026).

IV. ANALYSIS
A. October 4, 2019 the applicant applied for:
   1. A Mining Permit to expand the existing Birdsall Sand and Gravel – Wasta Pit.
   2. A Floodplain Development Permit for the work to be conducted in the floodplain.
B. The work will be conducted under the SDDENR Mining License 83-100.
C. The work is to include:
   1. Type of material is sand and gravel.
   2. Approximately 2.5 million cubic yards of material to be excavated.
   3. Main roads to be used are Baseline Rd. and Interstate 90.
D. The applicant has also applied for a Construction Permit for the expansion area.
E. November 19, 2019 - Staff spoke with the SDDENR who stated:
   1. Mining License 83-100 is current.
   2. The applicants are current on their annual report.
   3. There are no violations on the property.
   4. The applicants have the proper State Permits to operate the mine.
F. The subject property contains vegetated berms to contain the sight.
G. The grading and mining of the property will create detention ponds.
H. The applicants have signed a Statement of Understanding.
I. All mining operations are required to meet the standards of Section 320(H) of the Pennington County Zoning Ordinance.
   1. August 20, 2020 – the applicants emailed staff and stated that the Wasta Pit meets and follows all of the requirements of Section 320(H) of PCZO.
   2. The applicant also stated that they would be sending an itemized list to describe how each section is met.
RECOMMENDATION: Staff is recommending the approval of the extension of Mining Permit / MP 19-02 with the following 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.
Hi Cody,

I have provided the responses to each condition below. Please let me know if you have any questions or need more info. Thanks Cody.

General Requirements for Mining Operations (Section G)

1. The hours of operations have been followed and not changed from the permit application.
2. PLS continues to comply with SDCL 34A-1. Water is applied as needed to roadways and stockpiles.
3. PLS continues to comply with the applicable MSHA and noise regulations.
4. PLS continues to comply with the lighting requirements.
5. PLS has not blasted at this operation.
6. A current SPCC plan is in place to address spill prevention and compliance with applicable federal and state requirements.
7. No dumping is allowed.
8. PLS continues to comply with the screening and berming requirements.
9. PLS continues to only use legal means of ingress and egress for transportation of material to state or federal highways.

Additional Requirements for Mining Operations (Section H)

1. PLS continues to comply with the setback requirements.
2. N/A

Clinton D. Beck, P.E.
Environmental Coordinator
Pete Lien & Sons, Inc.
Office: (605) 939-2690
Cell: (605) 519-1213
GENERAL INFORMATION:

REQUEST: PRELIMINARY PLAT / PPL 20-21: To create Lots A, B, C, and D of Buzmar Subdivision in accordance with Section 400.2 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: 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.

SITE LOCATION: Near 12585 Old Hill City Road. Approximately one and one-half (1.5) miles southeast of Hill City, along Old Hill City Road.

SIZE: 12.82 acres

TAX ID: 70048

EXISTING LAND USE: Residential / Vacant

SUBDIVISION REGULATIONS REFERENCE: Section 400.2

CURRENT ZONING: Low Density Residential District

SURROUNDING ZONING: General Agriculture District
Limited Agriculture District
Low Density Residential District
General Agriculture District

Page 1 of 6
IV. PROPOSED RECOMMENDATION
   A. Staff will be recommending approval of Preliminary Plat PPL 20-21 with conditions.

V. GENERAL DESCRIPTION
   A. The applicant, David Grover, is requesting to subdivide one (1) 12.83-acre lot into four (4) lots.
   B. Each lot will be approximately three (3) acres.
   C. The Board of Commissioners approved Layout Plan / LPL 20-12 on July 7, 2020 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 the 40-foot-wide Access Easement on the plat be designated as either “private” or “public’;
      3. That the applicant ensures all natural drainage ways are maintained and are not blocked;
      4. That the Certifications on the plat be in accordance with Section 400.3.1.n of the Pennington County Subdivision Regulations and as deemed appropriate by the Register of Deeds;
      5. 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;
      6. 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;
      7. 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;
      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; and,
9. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.

VI. EXISTING CONDITIONS
A. Zoned Low Density Residential District
B. 12.83 acres
C. Lot is vacant of any structures.
   1. There is an existing onsite wastewater treatment system on proposed lot C. – COOP15-0474.
D. Access is off of Old Hill City Road.
   1. Old Hill City Road is maintained by Pennington County Highway.
E. There is no Special Flood Hazard Area on the subject property.

IV. PROPOSED LOTS
A. Lot A of Buzmar Subdivision
   1. Zoned Low Density Residential, minimum 3-acre lot size.
   2. 3.531 acres.
   3. Vacant of any structures.
   4. Access is off of Old Hill City Road.
   5. There is a 40-foot Access Easement shown on the plat for access to proposed Lots B and D of Buzmar Subdivision.
B. Lot B of Buzmar Subdivision
   1. Zoned Low Density Residential, minimum 3-acre lot size.
   2. 3.100 acres.
   3. Vacant of any structures.
   4. Access is off a 40-foot Access Easement located on proposed Lot A of Buzmar Subdivision.
C. Lot C of Buzmar Subdivision
   1. Zoned Low Density Residential, minimum 3-acre lot size.
   2. 3.1891 acres.
   3. Vacant of any structures.
   4. Existing onsite wastewater treatment system.
   5. Access is off of Old Hill City Road.

D. Lot D of Buzmar Subdivision
   1. Zoned Low Density Residential, minimum 3-acre lot size.
   2. 3.007 acres.
   3. Vacant of any structures.
   4. Access is off a 40-foot Access Easement located on proposed Lot A of Buzmar Subdivision.
VII. REQUEST FOR COMMENT

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

B. Register of Deeds
   1. Plat heading is okay.
   2. Certificates appear to be required certificates per state statute.

C. Department of Equalization (Cartographer)
   1. Looks good.

D. County Ordinance Enforcement
   1. No violations.

E. County Environmental Planner
   1. According to the USDA Web Soil Survey, the soils at the property
      are classified as “very limited to somewhat limited” due to slope
      and slow water movement. If any septic systems are installed on
      any of the future lots, all rules of Pennington County Zoning
      Ordinance 204-J must be followed.
      a. Staff Comment: Profile holes have been evaluated and
         approved for each of the lots.

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

G. Forest Service
   1. No additional access roads will be authorized across National
      Forest System lands.
   2. Protect all posted boundary line corners, signs, and bearing trees.
   3. Adhere to the setback requirements along the posted boundary
      between National Forest System lands (USA Public Domain;
      located on the north side of private property) 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 all Vehicles”, “Other Public Roads”
      per the latest version (January 1, 2019) of the Motor Vehicle Use
      Map.
   9. No motorized trailheads or motorized trails or motorized roads are
      planned or scheduled for this portion of the Black Hills National
      Forest.
10. No motorized trails for ATV, motorcycles or ORV will be authorized from private property unto National Forest System lands (USFS does not want unauthorized trails constructed on National Forest System lands).

VIII. ANALYSIS

A. May 21, 2020, the applicant, David Grover, applied for a Layout Plan to create four (4) lots from Lot 1 of Buzmar Subdivision.
   1. The Layout Plan was approved by the Board of Commissioners on July 7, 2020.

B. The proposed subdivision will create four (4) lots.

C. There is an existing onsite wastewater system (OSWTS) on the proposed Lot C.

D. August 3, 2020, soil profile holes were evaluated and approved by the Planning Department.

E. June 20, 2020, the applicant David Grover applied for a Preliminary Plat.

F. Condition #1, #2, and #3 of the Layout Plan have been satisfied.

RECOMMENDATION: Staff recommends approval of Preliminary Plat / PPL 20-21 with the following 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.
STAFF REPORT

GENERAL INFORMATION:

REQUEST: CONDITIONAL USE PERMIT / CU 20-19: 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.

APPLICANT / AGENT: Aaron and Heather Mills

APPLICANT ADDRESS: 8612 Highland Hills Road, Rapid City, SD 57702

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

SITE LOCATION: 8612 Highland Hills Road; southeast of the intersection of Dunsmore Road and Highland Hills Road.

SIZE: 1.32 acres

TAX ID: 3416

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: Forested / Hills

UTILITIES: Private

REPORT BY: Cody Sack

Page 1 of 5
I. PROPOSED RECOMMENDATION
   A. Staff will be recommending approval of Conditional Use Permit / CU 20-19 with conditions.

II. GENERAL DESCRIPTION
   A. The applicants, Aaron and Heather Mills, have requested a Conditional Use Permit for a home occupation to put a one-chair salon in a detached garage.

III. EXISTING CONDITIONS
   A. Suburban Residential District.
   B. 1.32 acres.
   C. Access of Highland Hills Road.
   D. No Special Flood Hazard Area.
   E. Single-family residence (1976 per DOE records).
   F. 24’ x 28’ garage (1990 per DOE records).
   G. 12’ x 20’ garage (COBP20-0361).

IV. REQUEST FOR COMMENT
   A. County Highway
      1. No comments received.
   B. County Ordinance Enforcement Officer
      1. No known Violations.
   C. Emergency Services (9-1-1)
      1. Neither the house nor the detached garage are very visible from Highland Hills Rd. If approved by the County, I would condition such approval on the following conditions:
         a. That the garage be issued a separate physical address for the business to use.
         b. That the physical house number assigned to the garage be posted on both the garage, where visible from the driveway, and where the driveway intersects Highland Hills Rd, in accordance with Penn Co. Ord. #20.
         c. That the physical house number assigned to the house be posted on the house where visible from the driveway (if it isn’t already) and where the driveway intersects Highland Hills Rd, in accordance with Penn Co. Ord. #20.
         d. That the home owner submit photos to P&Z showing that items 2 and 3 above have been completed within 30 days of approval.
   D. Rapid City Public Works
      1. A septic system would have to be installed for the Hair Salon. The current house septic system cannot support the additional flow. The system would need to be approved by the city and DENR.
         a. Staff comment: staff added as a condition.
E. Rapid City Community Planning
   1. The City’s Future Land Use Plan identifies the appropriate use of
      the property as Low Density Neighborhood. The Low-Density
      Neighborhood designation identifies single-family and two-family
      residences as a primary use. Allowing a beauty salon as a home
      occupation may be appropriate if sufficient on-site parking is being
      provided and an operational plan is submitted to ensure that the use
      will not negatively impact the neighborhood.
   2. Highland Hills Road is identified as a Collector Street on the City’s
      Major Street Plan. Any use of the property must be designed to
      ensure that it does not negatively impact the street.

V. ANALYSIS
   A. The applicants requested to have a one chair salon in a detached garage on
      the subject property.
   B. During Staff’s review, it was discovered the garage where the salon would
      be in was not permitted.
      1. August 12, 2020 – the applicants obtained approval of Building
         Permit COBP20-0361 for the garage.
   C. The subject property is located within the 1-mile septic jurisdiction of the
      City of Rapid City.

(Photo provided by applicant)
VI. CONSIDERATIONS FOR CONDITIONAL USE PERMIT REQUEST

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

A. The effect upon the use and enjoyment of other property in the immediate vicinity for the uses already permitted, and upon property values within the immediate vicinity.
   1. It appears that by allowing this Conditional Use Permit, there would be no long-term effects on the use and enjoyment of other properties in the immediate vicinity,
   2. Staff cannot predict the impact that the Conditional Use Permit will have upon the property values in the 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. It appears that utilities are provided on the subject property.

D. That off-street parking and loading requirements are met.
   1. Per Pennington County Zoning Ordinance § 310(A)(9)(k), the minimum off-street parking requirement for a single-family residence is two (2) spaces. There appears to be adequate space available for the required parking on the subject property and for the home occupation.

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, 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.
RECOMMENDATION: Staff is recommending approval of Conditional Use Permit / CU 20-19 with the following 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.
**Project Description: (1-person salon)**

We have an existing 12' x 20' shed with concrete floor that we would like to convert to a 1-person salon.

We would need to add 4' x 6' to the north side of the building to allow us to add power and water, then we would need to add a 1500 gallon new septic tank/system with 2-80' drain fields, approximately 70' feet to the west of the existing shed. So shed would be 16' x 20' approximate after adding on the small section. We would then add 20' wide x 30' long concrete parking in front of existing building for parking if approved.

This will be a 1-person salon for my wife to work out of and operate her salon business. There will be 1-2 customers maybe at one time, so any additional traffic to the location will be very minimal.
We would also have power trench to the building and a new water line as well with its own water meter. We would also put a small sign out by the road, that would hang on our street sign letting her customers know of the location.

This will only be a 1 person salon, with my wife being the sole proprietor, with one wash station, and one bathroom for her customer that she is working on.

All snow removal and maintenance will be taken care of by myself (Aaron Mills/Husband)

Thank you very much for your time and consideration of this request,

Sincerely, Aaron and Heather Mills
From: C.W. <cw@rap.midco.net>
Sent: Saturday, August 15, 2020 10:38 AM
To: plz <plz@pennco.org>
Subject: Aaron and Heather Mills conditional use permit request

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

We received their request for a conditional use permit and we have no objection to this.

Chuck and Carol Wendt.
3411 Kerry Drive
Rc, sd
STAFF REPORT

GENERAL INFORMATION:

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

APPLICANT / AGENT:  
Julia Rombough

APPLICANT ADDRESS:  
24381 Lost Cave Court, Keystone, SD 57751

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

SITE LOCATION:  
24381 Lost Cave Court; located off of Highway 40 and Lost Cave Road.

SIZE:  
3.79 acres

TAX ID:  
41698

EXISTING LAND USE:  
Residential

ZONING REFERENCE:  
Sections 207 and 510

CURRENT ZONING:  
Low Density Residential District

SURROUNDING ZONING:  
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PHYSICAL CHARACTERISTICS:  
Forested / Hills

UTILITIES:  
Private

REPORT BY:  
Kristina Proietti
I. PROPOSED RECOMMENDATION
   A. Staff will be recommending approval of Conditional Use Permit / CU 20-17 with conditions.

II. GENERAL DESCRIPTION
   A. The applicant, Julia Rombough, is requesting a Conditional Use Permit to allow for an existing three (3) bedroom single-family residence to be used as a Bed and Breakfast on the subject property.

III. EXISTING CONDITIONS
   A. Zoned Low Density Residential (minimum 10-acre lot size).
   B. 3.79 acres, legal non-conforming lot.
   C. Access off of Lost Cave Road.
   D. Located within the Lost Cave Road District.
   E. No Special Flood Hazard Area on the subject property.
   F. Lot contains:
      1. Mobile home with finished basement, attached decks, and attached garage, County Building Permit (COBP) / COBP13-0518.
      2. Onsite Wastewater Treatment System (OSWTS) Construction Permit / COSD13-0124.
      3. OSWTS Operating Permit / COOP15-0182.

Existing residence/proposed Bed and Breakfast.
IV. REQUEST FOR COMMENT
   A. County Highway Department
      1. No comment received.
   B. County Fire Administrator
      1. No comment received.
   C. County On-Site Wastewater Specialist
      1. The applicant has a current Operating Permit, (COOP15-0182).
   D. County Ordinance Officer
      1. No known violations.
   E. County Addressing Coordinator
      1. No addressing concerns at this time. Future addresses will be assigned during the Building Permit application process. Once assigned, addresses must be posted in accordance with Pennington County Ordinance #20.
      2. No Special Flood Hazard Area on the subject property.
   F. Emergency Services (9-1-1)
      1. That the physical house number assigned to the house be posted on the house where visible from the driveway (if it isn’t already) and where the driveway intersects Lost Cave Ct (if it isn’t already), in accordance with Penn Co. Ord. #20.
      2. That the homeowner submit photos to P&Z showing that item one (1) above have been completed within 30 days of approval.
   G. Black Hills Electric Coop
      1. No comments received.
   H. Lost Cave Road District
      1. No comments received.

V. ANALYSIS
   A. June 23, 2020 – The applicant, Julia Rombough, applied for Conditional Use Permit / CU 20-17 to allow an existing three (3) bedroom single-family residence to be used as a Bed and Breakfast.
   B. The applicant has complied with all of the application requirements for a Bed and Breakfast.
   C. South Dakota Department of Environment and Natural Recourses approved six (6) persons per night, which includes the current on-site caretakers, for the proposed Bed and Breakfast.
VI. CONSIDERATIONS FOR CONDITIONAL USE PERMIT REQUEST

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

A. The effect upon the use and enjoyment of other property in the immediate vicinity for the uses already permitted, and upon property values within the immediate vicinity.
   1. This Conditional Use Permit could affect the use and enjoyment of other properties in the immediate vicinity due to increased traffic and potential noise. The applicant, Julia Rombough, will be managing the Bed and Breakfast and will be living on-site.
   2. Staff cannot predict the effect that the requested use will have on property values within the immediate vicinity.

B. The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
   1. The proposed use should have a minimal effect on the normal, orderly development or improvement of any surrounding vacant property in the area.

C. That utilities, access roads, drainage and/or other necessary facilities are provided.
   1. Access to the property is provided off of Lost Cave Road which is located within the Lost Cave Road District.
   2. All utilities, roads, and drainage should not be affected as they are already in place.

D. That the off-street parking and loading requirements are met.
   1. Per Section 310 of the Pennington County Zoning Ordinance, the proposed Bed and Breakfast will require one (1) parking space per bedroom and two (2) parking spaces for every three (3) employees.
      a. There is ample parking on site for both the owner of the residence, as well as adequate space for the three (3) required parking spots for the proposed Bed and Breakfast.

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.
   2. The proposed use should not create the above-listed elements in an amount that would constitute a nuisance.
RECOMMENDATION: Staff recommends approval of Conditional Use Permit / CU 20-17 with the following 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.
SOUTH DAKOTA DEPARTMENT OF HEALTH
LODGING LICENSE APPLICATION

SECTION 1: ESTABLISHMENT INFORMATION

ESTABLISHMENT NAME: Chateau Rombough
CORPORATE OWNER NAME: Julia G Rombough
CORPORATE CONTACT/PHONE: 605.494.8867

LIST PREVIOUS ESTABLISHMENT NAME: n/a
OLD LIC. #: n/a

ESTABLISHMENT PHONE: same
CELL PHONE: same

ESTABLISHMENT PHYSICAL ADDRESS (NO PO BOX #S):
371381 Lost Cave Ct.

CITY: Keystone
STATE: SD
ZIP: 57751
COUNTY: Pennington

IF RURAL LOCATION, GIVE DIRECTIONS FROM NEAREST CITY:
From Rapid City: SD Hwy 79 S to SD Hwy 40 W to Lost Cave Rd

MAILING ADDRESS (IF DIFFERENT THAN PHYSICAL ADDRESS):

EMAIL ADDRESS

APPLICATION IS FOR:
✓ NEW BUSINESS
☐ CHANGE OF OWNERSHIP

DATES OPEN - IF SEASONAL:
From: To:

PROPOSED OPENING DATE:
3/27/2020

WATER SUPPLY:
✓ Private

SEWER SYSTEM:
✓ Private

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

<table>
<thead>
<tr>
<th>Number of Units</th>
<th>FULL YEAR FEE: Jan 1 – Dec 31</th>
<th>HALF YEAR FEE: July 1 – Dec 31</th>
<th>FEE TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bed &amp; Breakfast: 1</td>
<td>$38.00 Registration Fee</td>
<td>$38.00 Registration Fee</td>
<td>38.00</td>
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<tr>
<td>Vacation Home:</td>
<td>$70.00 Registration Fee</td>
<td>$35.00 Registration Fee</td>
<td></td>
</tr>
<tr>
<td>Specialty Resort: 10 or Less Sleeping Rooms</td>
<td>$70.00 Registration Fee</td>
<td>$35.00 Registration Fee</td>
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<tr>
<td>Hotel: 11 or More Sleeping Rooms</td>
<td>$2.25 per unit Plus $25.00 Inspection Fee ($70.00 Minimum Total)</td>
<td>$1.12 per unit Plus $12.50 Inspection Fee ($35.00 Minimum Total)</td>
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<td>Initial License Fee 1:</td>
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NOTE: See reverse side for explanations.

SECTION 3: WATER RECREATION FEES

<table>
<thead>
<tr>
<th>Number of Pools and Hot Tubs</th>
<th>FULL YEAR FEE:</th>
<th>HALF YEAR FEE:</th>
<th>TOTAL FEES</th>
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<tr>
<td>None</td>
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<td>$138.00</td>
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<tr>
<td>One</td>
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<tr>
<td>Two or More</td>
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<td>Pools _ Hot Tubs _</td>
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<tr>
<td>$32.50</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

SECTION 4: SIGNATURE

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

Owner/Agent Signature: Julia Rombough
Date: 2/28/2020

Subscribed and sworn to before me this 29th day of February, 2020.

Notary Public: Vicky Rumpza
My commission expires: August 15, 2022

APPLICANTS MUST BE SIGNED AND NOTARIZED TO BE PROCESSED
VACATION HOME RENTAL (VHR)
CHECKLIST and SUPPLEMENTAL APPLICATION

APPLICATION REQUIREMENTS:

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

☑ An interior diagram/plan of the VHR.

☐ The maximum number of overnight occupants.

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

☐ Specifications of the existing wastewater treatment system.

☑ Copy of Covenants, if applicable. ☑

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

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

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

LOCAL CONTACT INFORMATION:

Name: Julia Rombough Primary Contact Number: 605-484-8867
Mailing Address: 24381 Lost Cave Ct
City: Keystone State: SD Zip Code: 57751

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

_________________________________________  ________________________________
Signature of Local Contact                          Date

Subscribed and sworn to before me this_____ day of ____________, 20__.

_________________________________________  ________________________________
Notary Public for the State of South Dakota        My Commission Expires
DEPARTMENT OF HEALTH – LODGING ESTABLISHMENT INSPECTION FORM

Establishment:

Owner:

License 

Address:

City:

Zip Code:

Inspection 

Day:

Month:

Year:

Bed & Breakfast:

Hotel:

Specialty Resort:

Vacation Home:

# of Units:

Public Water Supply:

Private Water Supply:

Rural Water Supply:

Purpose of Inspection:

Item |
| Requirements | Wt |
| Cleanliness of equipment and utensils |
| 21. * Utensils properly sanitized | 4 |
| 22. Properly stored, wrapped, sealed | 2 |

Single service items |
| 23. Stored, handled, and properly dispensed | 2 |

Bedding and linen |
| 24. Clean and good repair, stored properly, dried | 2 |

Housekeeping |
| 25. Premises neat, clean, and free from litter | 3 |
| 26. * Approved cleansers, sanitizers, stored, labeled | 4 |

Hazardous conditions |
| 27. * Dangerous or unsafe conditions | 4 |

Water recreation facilities |
| 28. Clean, good repair, safety equipment, daily log | 3 |
| 29. * Sanitizer and pH level maintained, test kit | 4 |
| 30. Water samples submitted weekly | 2 |

Food supplies |
| 31. * Approved, safe, unadulterated | 4 |

Food protection |
| 32. * Cooking & reheating potentially hazardous foods | 4 |
| 33. * Potentially hazardous foods properly cooled | 4 |
| 34. Thawing potentially hazardous foods | 2 |
| 35. Storage, handling, display, dispensed & serviced | 2 |

Food equipment and utensils |
| 36. Dishwashing Facility: Design, location, operation | 3 |
| 37. Storage: Utensils cleaned and sanitized | 1 |

Other operations |
| 38. Handwashing Location, accessible, soap, towels | 3 |
| 39. Pots: Excluded from food area, good health | 2 |
| 40. Register maintained, license posted | 1 |

VIOLATIONS IDENTIFIED:

Water test | 
| 21B/20 | submit quarterly water samples for bacteria
| 26. * Must use some type of | 
| Quality Disinfectant for | 
| Bathroom + Frequently Touched | 
| Surfaces |

Violations:

Violations:

26. * Must use some type of Quality Disinfectant for Bathroom + Frequently Touched Surfaces.

Recommended:

Inspecting Window Well to Bottom of Motel – installing a ladder as well (>.99 tall)

LP Fire Extinguisher – ensure inspected & tagged annually

Breakfast area:

Full menu or wholesome choice

Hanging towels for mirrors – cleaned @ each turn-up

Gas stove – propane

Bedrooms & Bathrooms

Owners live on upper floor, rented as one unit, lower level

OK TO LICENSE

IMMEDIATE ACTION & DEADLINE DATES

VIOlATION NUMBER | CORRECTION DUE DATE

Received By: 

Inspected By:

DOH 6/2008

*Critical items requiring immediate action

100 less weight of items violated | 0 | 9 | 6 |
South Dakota Tax Application

Your confirmation number is: 245674

Submit

Review and Submit

Please review your information by clicking here.

If you are satisfied with the information please select a person from the list below who we may contact regarding this application then click the 'Submit' button.

Please keep the confirmation number for your records. An agent will review your application and contact you within 7 - 10 business days.

- Julia G Rombough - Proprietor
- Other

Submit

* = Required field

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https://apps.sd.gov/rv23cedar/Application/Submit.aspx
South Dakota Tax Application

Application Complete

Congratulations you have successfully completed the SD Online Business/Motor Fuel/Special Tax/Lottery application.

You will be contacted in 7 to 10 business days regarding this application. Please allow 2-3 weeks to receive your license card. If you have question please call 1-800-829-9188.

If you would like to view your application click here

Options

If you would like to complete another application please click here.
On-site Wastewater Treatment System Operating Permit

Operating Permit Number(s) COOP15-0182

PROPERTY INFORMATION

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<tr>
<th>Ten Digit Pin</th>
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<td>41698</td>
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<tr>
<td>Township</td>
<td>2 S</td>
</tr>
<tr>
<td>Range</td>
<td>7 E</td>
</tr>
<tr>
<td>Section</td>
<td>18</td>
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<tr>
<td>Block</td>
<td></td>
</tr>
<tr>
<td>Last Name</td>
<td>ROMBOUGH</td>
</tr>
<tr>
<td>Owner First Name</td>
<td>LANCE</td>
</tr>
<tr>
<td>Physical Address</td>
<td>24381 LOST CAVE CT</td>
</tr>
<tr>
<td>Mailing Address</td>
<td>24381 LOST CAVE CT</td>
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<tr>
<td></td>
<td>KEYSTONE</td>
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<td>SD 57751-</td>
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ON-SITE WASTEWATER TREATMENT SYSTEM INFORMATION

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<tr>
<th>Construction Permit Number(s)</th>
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<tr>
<td>Pump Frequency</td>
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<tr>
<td>Septic /Holding Tank</td>
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<tr>
<td>Tank Material</td>
<td>CONCRETE</td>
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<tr>
<td>Tank Size</td>
<td>2500</td>
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<tr>
<td>System Type</td>
<td>HOLDING TANK</td>
</tr>
<tr>
<td>Absorption System</td>
<td></td>
</tr>
<tr>
<td>System Media</td>
<td></td>
</tr>
<tr>
<td>Actual System Size</td>
<td></td>
</tr>
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</table>

| Graywater Tank Material       | CONCRETE    |
| Graywater Tank Size           | 2500        |

Permit Expires 8/28/2020 Date of Tank Pumping
PLANNING DEPARTMENT
316 ST JOSEPH STREET
RAPID CITY, SD 57701
605-334-2166 • FAX 605-334-6016
www.co.pennington.sd.us

ON-SITE WASTEWATER SYSTEM CONSTRUCTION PERMIT APPLICATION
HOLDING TANK(S)

 Portions of this form must be completed. A site plan of dwelling must be submitted with this application that must reflect the location and design of the On-Site Wastewater Treatment System and the floorplan of the dwelling(s) to be served by the on-site wastewater treatment system and the total number of bedrooms to be served. The site plan must also show the location of property lines, structures, percolation holes, and the profile hole. No portion of the system may be buried until it has been inspected.

☐ Form has been completely filled out.

Owner: LAURIE RONBOUGH
Address: 13667 LOST CREEK COURT
          KEystone, SD 57751
          Phone: (605) 574-4634

Certified Installer: KYLIE NELSEN
Address: 6012 GREENFIELD DR
          RC SD 57703
          Phone: (605) 391-0119

Address of Property: SAME AS ABOVE

Legal Description: LOT 1, BATTLE CREEK MIN. ESTATES
                       Section 18, Twp 25, Range 7E

Parcel Size: 3.19 acres

Holding Tank Requirements for Application Approval

1. A holding tank shall be used as an on-site system of last resort. Reason(s) for Holding Tank Utilization:

   ROCK PROPERTY TO STEEP FOR ET SYSTEM

2. In addition to the initial system approval and inspection, future periodic inspections by Pennington County shall be required. The first such inspection shall be TBD and the owner shall call to schedule said inspection. Subsequent inspection dates shall be determined at the time of each inspection. Also, a record shall be kept for the off-site disposal of the contents. This shall include receipts with dates, times, contractor names, and disposal information, including method and location. The property owner shall agree to pay the necessary inspection fees and keep the appropriate disposal records.

Signature of Owner: [Signature]
Date: 12/30/13

Person Approving: [Signature]
Date: 12/30/13

Holding Tank Information

☐ Holding Tank – Gray + Black Holding Tank Size (gallons)
☐ Holding Tank – Gray Holding Tank Size (Gray) (gallons) 2500
☒ Holding Tank – Black Holding Tank Size (Black) (gallons) 2500

Dwelling/Structure Information

# of Bedrooms: 3
Finished Square Footage of Dwelling(s): 1760
Unfinished Square Footage in Dwelling: 700

Type of Commercial Use: Required Gallons/Day (gpd)

Water Source: ☒ Well (Depth: 600 feet) ☐ Public/Community ☐ Cistern
Garbage Disposal: ☐ Yes ☒ No

Setbacks (to be verified during FINAL INSPECTION)

To Holding Tank

Well (>100 ft. Deep)/Cistern 200' Watercourse (i.e. streams) NA
Well (<100 ft. Deep) NA Lake, pond, reservoir NA
Pressurized Water Line 25' Foundation (any building) 25
Spring/Water Suction Lines NA Nearest Property Line 30'
As a condition of receiving the permit(s), I hereby agree to perform all required work within the allowed time frame and in accordance with the applicable codes and ordinances in Pennington County and the State of South Dakota. I further acknowledge and authorize the Pennington County Planning Department staff and designees to enter onto and inspect the property described above for the purpose of confirming compliance with the conditions of any and all permit(s) issued. This authorization shall remain in effect and continue throughout the time frame allowed to complete the work including any granted extensions, and shall apply to the subject property regardless of ownership during said time frame.

Property Owner: [Signature] Date: 23/12/2013
Certified Installer: [Signature] Date: 12/23/13

The proposed site plan and sewage disposal specifications have been reviewed for the proposed system. The system does not meet with the approval of the Planning Department.

Issue Date: 12/30/13 Expiration Date: 12/30/15

Environmental Planner: [Signature]
Expiration Date of Extension (if applicable):
STAFF REPORT

GENERAL INFORMATION:

REQUEST:  LAYOUT PLAN / LPL 20-23: 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.

APPLICANT / AGENT:  Link SD Ranches, LLC; Dwight Gubbrud - Agent

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

SURVEYOR/ENGINEER:  D.C. Scott Surveyors

ADDRESS:  3153 Anderson Road, Rapid City, SD 57703

LEGAL DESCRIPTION:  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.


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

SIZE:  215.52 acres

TAX ID:  70827 / 70829

EXISTING LAND USE:  Vacant / Agriculture

SUBDIVISION REGULATIONS REFERENCE:  Section 400.1

CURRENT ZONING:  General Agriculture District
I. PROPOSED RECOMMENDATION
   A. Staff will be recommending approval of Layout Plan / LPL 20-23 with conditions.

II. GENERAL DESCRIPTION
   A. The applicant, Link SD Ranches LLC, is requesting to subdivide two (2) parcels to create proposed Tract A, with approximately 36.88 acres, Tract B, with approximately 23.05 acres, Tract C with approximately 37.83 acres, Tract D with approximately 23.40 acres, and Tract E with approximately 5.07 acres, of Denke Ranch Addition.
   B. The purpose of the Layout Plan Application is to subdivide the lots to sell for agricultural use.

III. EXISTING CONDITIONS
   A. Zoned General Agriculture District (40 acre minimum lot size).
   B. Lot size (TIN# 70827): 209.75 acres.
   C. Lot size (TIN# 70829): 5.77 acres (legal non-conforming).
   D. Access taken off of Creighton Road.
   E. The “Special Flood Hazard Area” on the subject property has not been studied, therefore, no data is available.
   F. Lot contains (TIN# 70827):
      1. Single-family residence, built in 1928 per Department of Equalization (DOE) Property Record Card.
      2. Farm utility building built in 1955, per DOE Property Record Card.
      3. Farm utility building built in 1965, per DOE Property Record Card.
   G. Lot contains (TIN# 70829):
      1. Vacant of any structures.
IV. PROPOSED TRACTS

A. Tract A
   1. Approximately 36.88 acres.
   2. Zoned General Agriculture District.
      a. Does not meet the minimum lot size requirement for a General Agriculture District, per Section 205 of the Pennington County Zoning Ordinance (PCZO).
      b. A Rezone and Comprehensive Plan Amendment or Lot Size Variance will be required for proposed Tract A.

B. Tract B
   1. Approximately 23.05 acres.
   2. Zoned General Agriculture District.
      a. Does not meet the minimum lot size requirement for a General Agriculture District, per Section 205 of the PCZO.
      b. A Rezone and Comprehensive Plan Amendment or Lot Size Variance will be required for proposed Tract B.

C. Tract C
   1. Approximately 37.83 acres.
   2. Zoned General Agriculture District.
      a. Does not meet the minimum lot size requirement for a General Agriculture District, per Section 205 of the PCZO.
      b. A Rezone and Comprehensive Plan Amendment or Lot Size Variance will be required for proposed Tract C.

D. Tract D
   1. Approximately 23.40 acres.
   2. Zoned General Agriculture District.
      a. Does not meet the minimum lot size requirement for a General Agriculture District, per Section 205 of the PCZO.
      b. A Rezone and Comprehensive Plan Amendment or Lot Size Variance will be required for proposed Tract D.

E. Tract E
   1. Approximately 5.07 acres.
   2. Zoned General Agriculture District.
      a. Does not meet the minimum lot size requirement for a General Agriculture District, per Section 205 of the PCZO.
      b. A Rezone and Comprehensive Plan Amendment or Lot Size Variance will be required for proposed Tract E.
Proposed Layout Plan prepared by D.C. Scott Surveyors, Inc.
V. REQUEST FOR COMMENT

A. County Highway Department
   1. An Approach Permit will be required for each created Tract.

B. County Environmental Planner II
   1. According to USDA Web Soil Survey the soils are classified as
      “Somewhat to Very Limited” due to slow water movement and
      depth to bedrock. If the applicant decides to install new septic
      systems on the property all rules of Pennington County Zoning
      Ordinance Section 204-J must be followed, including the
      requirement to obtain an Operating Permit.

C. County Address / Floodplain Manager
   1. No addressing concerns at this time. Future addresses will be
      assigned during the Building Permit application process. Once
      assigned, addresses must be posted in accordance with Pennington
      County Ordinance #20.

D. County Ordinance Enforcement
   1. No violations.

E. Register of Deeds
   1. New subdivision name is acceptable.
   2. Plat heading is acceptable.
   3. Owners’ certificate notary acknowledge – need to add the following
      after Troy J. Link’s name, “Member Link SD Ranches LLC”.
      a. Staff comment: Staff will include this as a Condition of
         Approval.
   4. Remaining certificates acceptable.

F. Department of Equalization
   1. No comment received.

G. Emergency Services (9-1-1)
   1. No comment received.

H. West River Electric
   1. No comment received.

VI. ANALYSIS

A. July 24, 2020, the applicant, Link SD Ranches LLC, applied to subdivide
   two lots to create four lots: proposed Tract A, with approximately 36.88
   acres, Tract B, with approximately 23.05 acres, Tract C with approximately
   37.83 acres, Tract D with approximately 23.40 acres, and Tract E with
   approximately 5.07 acres, of Denke Ranch Addition.

B. For the purposes of a Layout Plan, Staff finds no significant issues with the
   applicant’s request as it appears to be in harmony with existing lots and
   current land uses in the area.
   1. A Layout Plan is an informal preliminary review of the proposed
      subdivision for general scope and conditions, which might affect the
      plat.
RECOMMENDATION: Staff recommends approval of Layout Plan / LPL 20-23 with the following conditions:

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

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

3. That prior to the Plat being recorded with the Register of Deeds, the 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.
SURVEY PLAT OF
TRACT A, TRACT B, TRACT C, TRACT D, AND TRACT E OF
DENKE RANCH ADDITION
LOCATED IN THE S1/2 OF SECTION 21
AND IN THE S1/4 S1/4 OF SECTION 23,
TOWNSHIP 5 NORTH, RANGE 16 EAST OF THE BLACK HILLS MERIDIAN,
PENNINGTON COUNTY, SOUTH DAKOTA,
JUNE, 2020

FOR REVIEW
JUNE 24, 2020

OWNERS' CERTIFICATE
I, Troy J. Link, do hereby certify that Link SD Ranches LLC is the owner of the land shown and described herein, and that I did execute and do own to and approve the survey and plat for and on behalf of the owner, that the plat shown on the survey shall conform to all existing applicable zoning, subdivision, and erosion and sediment control regulations.

IN WITNESS WHEREOF, I have hereunto set my hand.

Troy J. Link, Member
Link SD Ranches LLC

Acknowledgment of Owner

STATE OF ______________________
COUNTY OF ______________________

On this ______ day of _______, 20____, before me, the undersigned officer, personally appeared Troy J. Link, known to me to be the person who executed the foregoing Owner's Certificate, and acknowledged to me that he executed the same for the purposes therein contained.

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

Notary Public

Certificate of Highway Authority

Per SDCL 43-3-12.1 access to this property from the abutting Highway or Street is approved. Specific approach location and configuration must conform to all current Highway and/or Street regulations.

Dated this ______ day of _______, 20____, Highway or Street Authority

County Treasurer's Certificate

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

Dated this ______ day of _______, 20____,

Pennington County Treasurer

Resolution of Governing Board

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

Dated this ______ day of _______, 20____,

Pennington County Auditor

Certificate of Evaluator

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

Dated this ______ day of _______, 20____,

Pennington County Director of Evaluator

Certificate of Register of Deeds

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

Pennington County Register of Deeds
GENERAL INFORMATION:

REQUEST: MINOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 20-04: 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.

APPLICANT: All American Sales / Doug Bellinger

APPLICANT ADDRESS: 4505 S. I-90 Service Road, Rapid City, SD 57703

OWNER: Covington Consulting Group

OWNER ADDRESS: 3232 Calamity Road, Rapid City, SD 57702

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

SITE LOCATION: 3110 Covington Street; at the corner of E. Highway 44 and Covington Street.

TAX ID: 65062

SIZE: 1.01 acres

EXISTING LAND USE: Vacant

ZONING REFERENCE: Section 213

CURRENT ZONING: Planned Unit Development District

SURROUNDING ZONING:

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<th>Direction</th>
<th>Zoning District</th>
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<tbody>
<tr>
<td>North</td>
<td>Planned Unit Development District</td>
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<tr>
<td>South</td>
<td>Planned Unit Development District</td>
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<tr>
<td>East</td>
<td>Planned Unit Development District</td>
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<tr>
<td>West</td>
<td>Planned Unit Development District</td>
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PHYSICAL CHARACTERISTICS: Flat

REPORT BY: Jason Theunissen
I. PROPOSED RECOMMENDATION
   A. Staff will be recommending approval of Minor Planned Unit Development Amendment / PU 20-04 with conditions.

II. GENERAL DESCRIPTION
   A. The applicant, Doug Bellinger, is requesting a Minor Planned Unit Development (PUD) Amendment to amend the existing Trailwood Village PUD to allow for the sale of retail and wholesale seasonal fireworks and to allow the future construction of a building up to 5,000 square feet for the storage and sales of fireworks on the subject property.
   B. The Trailwood Village Planned Unit Development was originally created in 1976 (PU 76-01).
   C. June 12, 1979 – County Board approved Planned Unit Development / PU 79-2 to add multi-family dwellings o the PUD.
   D. April 1, 1997 – Board of Commissioners approved Planned Unit Development Amendment / PU 97-01 to amend the PUD to eliminate all greenways; to allow mobile homes to be installed on foundations not exceeding thirty-two inches (32") in the previously approved mobile home park; and, to allow the minimum size of all mobile homes to be described in terms of square footage instead of width and length with twenty-three (23) conditions.
   E. February 14, 2006 – Board of Commissioners approved Planned Unit Development Amendment / PU 05-19 to amend the existing Planned Unit Development to allow for additional residential lots with fifteen (15) conditions:
   F. June 25, 2018 – Planning Commission approved Minor Planned Unit Development Amendment / PU 18-02 to amend the existing Planned Unit Development to allow for the sale of retail and wholesale seasonal fireworks, to allow the future construction of a building up to 10,000 square feet for the storage and sales of fireworks, and to allow the sales of used vehicles on Lot C with the following 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 the address assigned to the property (4481 Avery Drive) be posted in accordance with Pennington County Ordinance #20 in the structure or tent where fireworks are being sold;
4. That the uses allowed on Lot C of Trailwood Village be limited to: seasonal retail and wholesale sales of Class C fireworks, in accordance with South Dakota Codified Laws; and, parking of used vehicles for sale, not to exceed ten (10) at any given time;

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

6. That prior to approval of a Building Permit for a commercial structure on Lot C 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;

7. That one (1) commercial building, not to exceed 10,000 square feet, be allowed on Lot C of Trailwood Village, with the issuance of an approved Building Permit;

8. 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;

9. 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;

10. 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;

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

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

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

14. 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, unless stored in a secured, permanent building;

15. That the applicant sign a Statement of Understanding within ten (10) business days of approval of Minor Planned Unit Development Amendment / PU 18-02, which is available at the Planning Office; and,

16. That this Minor Planned Unit Development Amendment be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.
III. EXISTING CONDITIONS
   A. Zoned Planned Unit Development
   B. Lot size: 1.01 acres.
   C. Located within the Rapid Valley Sanitary District.
   D. Access off of Avery Drive via an existing approach.
   E. Currently vacant.

IV. REQUEST FOR COMMENT
   A. County Highway Department
      1. Direct access onto Covington Street will not be permitted.
      2. The applicant should have an engineering study performed to
determine the need for storm water detention since the impervious
area is increasing. The drainage will impact SD44.
         a. Staff Comment: This will be addressed as a Condition of
            Approval.
   B. County Fire Administrator
      1. No comments received.
   C. County Environmental Planner
      1. All new development or redevelopment, which causes an increase in
         impervious area greater than 15%, shall be required to provide storm
         water treatment of the runoff generated by the first 0.5" of rainfall
         (PCZO § 507(A)(6)(b)).
         a. Staff Comment: This will be addressed as a Condition of
            Approval.
      2. Rapid City 1-mile.
   D. County Ordinance Enforcement
      1. No known violations.
   E. County Addressing Coordinator / Floodplain Manager
      1. No addressing concerns at this time. Future addresses will be
         assigned during the Building Permit application process. Once
         assigned, addresses must be posted in accordance with Pennington
         County Ordinance #20.
      2. No Special Flood Hazard Area on the subject property.
   F. Natural Resources
      1. No objections.
   G. West River Electric
      1. West River Electric has no comments regarding the Minor Planned
         Unit Development.
   H. Emergency Services (9-1-1)
      1. Good here. Will need an address point for the parcel / business.
         Thanks.
I. Rapid City Current Planning
   1. The City’s Future Land Use Plan identifies the appropriate use of the property as Low Density Neighborhood which supports single family and townhome development. The proposed commercial use of the property is not in compliance with the City’s Future Land Use Plan.
   2. South Dakota Highway 44 and Covington Street are identified as a principle arterial street and a collector street, respectively, on the City’s Major Street Plan. Access to the property should be taken from Covington Street.

V. ANALYSIS
   A. The applicant applied to amend the existing Planned Unit Development to sell fireworks from a permitted temporary tent until a permanent structure is constructed.
      1. Per the applicant, the Retail Seasons are June 27th – July 5th and December 28th – January 1st (SDCL Section 34-37-10) and the Wholesale Seasons are May 1st – July 5th and/or July 6th – August 31st (SDCL Section 34-37-2.2).

RECOMMENDATION: Staff recommends approval of Minor Planned Unit Development Amendment / PU 20-04 with the following 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.
GENERAL INFORMATION:

REQUEST: LAYOUT PLAN / LPL 20-22: 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.

APPLICANT / OWNER: David and Kari Kelting

APPLICANT ADDRESS: 23626 Tigerville Road, Hill City, SD 57745

AGENT: Fisk Land Surveying

AGENT ADDRESS: P.O. Box 8154, Rapid City, SD 57709

LEGAL DESCRIPTION: 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.

SITE LOCATION: 23626 Tigerville Road; north of the intersection of Deerfield Road and Tigerville Road.

SIZE: 6.52 acres

TAX ID: 40062

EXISTING LAND USE: Residential

SUBDIVISION REGULATIONS REFERENCE: Section 400.1

CURRENT ZONING: Low Density Residential District

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

PHYSICAL CHARACTERISTICS: Hills / Forested
I. PROPOSED RECOMMENDATION
   A. Staff will be recommending approval of Layout Plan / LPL 20-22 with conditions.

II. GENERAL DESCRIPTION
    The applicant’s agent has requested Layout Plan / LPL 20-22 in order to subdivide one (1) lot and create Lots 4A and 4B of Tract 3 of Tigerville Subdivision.

III. EXISTING CONDITIONS
    A. Low Density Residential District.
    B. 6.02 acres (6.52 acres actual).
       1. Currently platted (Book 55, Page 155)
          a. Plat contains a lot size error of 6.02 acres, which has been corrected to 6.52 acres on the proposed plat.
    C. Access is off of Tigerville Road.
    D. No Special Flood Hazard Area.
    E. Double-wide mobile home – Placed in 1974, according to Department of Equalization records.
    F. 30’ x 40’ detached garage – County Building Permit 2004COBP0397.
    G. 6’ x 7’ shed – No Building Permit required.
    H. County Ordinance Violation COVO20-0086.
       1. 12’ x 20’ carport – No Building Permit of file.
       2. 10’ x 18’ shed – No Building Permit of file.
       3. 12’ x 12’ shed – No Building Permit of file.
       4. 20’ x 22’ shed – No Building Permit of file.
       5. Outhouse – Non-filled / functional. The outhouse will need to be filled in or removed.
    I. County Septic Operating Permit – COOP16-0302.

IV. PROPOSED LOTS
    A. Lot 4A
       1. Low Density Residential District.
       2. 3.5 acres.
       3. Access is off of Tigerville Road.
       4. No Special Flood Hazard Area.
       5. Double-wide mobile home – Placed in 1974, according to Department of Equalization records.
       6. 30’ x 40’ detached garage – County Building Permit 2004COBP0397.
       7. 6’ x 7’ shed – No Building Permit required.
8. County Ordinance Violation COVO20-0086.
   a. 12' x 20' carport – No Building Permit of file.
   b. 10' x 18' shed – No Building Permit of file.
   c. 12' x 12' shed – No Building Permit of file.
   d. 20' x 22' shed – No Building Permit of file.
   e. Outhouse – Non-filled / functional. The outhouse will need to be filled in or removed.

9. County Septic Operating Permit – COOP16-0302.

B. Lot 4B
   1. Low Density Residential District.
   2. 3.02 acres.
   3. Access is off of Tigerville Road.
   4. No Special Flood Hazard Area.
   5. Vacant of any structures.
V. REQUEST FOR COMMENT
   A. County Highway Department, Emergency Services (9-1-1), Department of Equalization
      1. No comments received.
   B. County Environmental Planner
      1. There is a current County Septic Operating Permit for the existing house. I have no further concerns with this proposal however, if the applicant decides to install new septic systems on either property, all rules of Pennington County Zoning Ordinance Section 204-J must be followed.
         a. Staff Comment: This will be included as a Condition of Approval.
   C. County Ordinance Enforcement
      1. COVO20-0086 for the following unpermitted structures: 12’ x 20’ carport, 10’ x 18’ shed, 12’ x 12’ shed, 20’ x 22’ shed, and an operational outhouse.
   D. County Addressing Coordinator / Floodplain Manager
      1. No addressing concerns at this time. Future addresses will be assigned through the Building Permit application review process. Once assigned, addresses must be posted in accordance with Pennington County Ordinance #20.
      2. There is no Special Flood Hazard Area (SFHA) on the property.
   E. Register of Deeds
      1. Proposed lots are okay.

VI. ANALYSIS
   A. July 22, 2020 – The applicant’s agent requested Layout Plan / LPL 20-22 in order to subdivide one (1) lot and create Lots 4A and 4B of Tract 3 of Tigerville Subdivision.
   B. The creation of the additional lot will increase density on Tigerville Road and the applicant will be required to improve Tigerville Road to Pennington County Ordinance #14 Standards or obtain approval of a Subdivision Regulations Variance to waive these requirements.
      1. July 22, 2020 – The applicant’s agent applied for a Variance to waive this requirement, along with soil profile hole and percolation tests, which will be heard at the Board of Adjustment meeting on September 1, 2020.
   C. The proposed lot does not appear to reduce the size of the existing lot below minimum lot size requirements for a Low Density Residential District.
   D. The Utility & Minor Drainage Easement statement should be corrected to read “8 feet” versus “8”.
   E. Prior to Minor Plat application, the applicant should resolve County Ordinance Violation COVO20-0086 for the 12’ x 20’ carport, 10’ x 18’ shed, 12’ x 12’ shed, 20’ x 22’ shed, and outhouse.
   F. Staff finds no significant issues with the applicant’s request as it appears to be in harmony with existing lots and current land uses in the area.
RECOMMENDATION: Staff recommends approval of Layout Plan / LPL 20-22 with the following 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 Design 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.
STAFF REPORT

GENERAL INFORMATION:

REQUEST:  
CONDITIONAL USE PERMIT / CU 20-18: 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.

APPLICANT / AGENT:  
Wild Springs Solar, LLC / Melissa Schmit

APPLICANT ADDRESS:  
8400 Normandale Lake Boulevard
Bloomington, MN 55437

LEGAL DESCRIPTION:  
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.

SITE LOCATION:  
South of New Underwood, South Dakota.

SIZE:  
~1,200 acres

TAX ID:  
Multiple (See Section III)

EXISTING LAND USE:  
Agriculture / Electrical Substation

ZONING REFERENCE:  
Sections 205, 206, 317, and 510

CURRENT ZONING:  
General Agriculture District
Limited Agriculture District

SURROUNDING ZONING:  
North  General Agriculture District
South  General Agriculture District
East  General Agriculture District
I. PROPOSED RECOMMENDATION
   A. Staff will be recommending approval of Conditional Use Permit / CU 20-18 with conditions.

II. GENERAL DESCRIPTION
   A. Wind Springs Solar, LLC is requesting a Conditional Use Permit for a 128-megawatt (MW) solar energy generating system and associated 115-kilovolt (kV) transmission line ("Project").
   B. The Project will be located approximately one-half mile south and west of the city of New Underwood.
   C. The Project will transmit solar energy from the Project substation to the Point-of-Interconnect (POI). The POI is the Western Area Power Administration (WAPA) owned New Underwood substation.
   D. The Project will utilize typical photovoltaic panels, central inverters and a linear axis tracking system.
   E. The applicant anticipates construction will commence as early as the fall of 2021 with commercial operation by the end of 2022.
III. EXISTING CONDITIONS

A. PIN: 4109100001
   1. Leased area = 200 acres.
   2. General Agriculture District.
   3. No Special Flood Hazard Area.
   4. Vacant of any structures within leased area.

B. PIN: 2431300001
   1. Leased area = 116 acres.
   2. General Agriculture and Limited Agriculture Districts.
   3. Special Flood Hazard Area (Zone A).
   4. Vacant of any structures within leased area.

C. PIN: 4105300002 and 4108100001
   1. Leased area = 109.5 acres.
   2. General Agriculture District.
   3. No Special Flood Hazard Area.
   4. Vacant of any structures within leased area.

D. PIN: 4106400001 and 4107200001
   1. Leased area = 160 acres.
   2. General Agriculture District.
   3. No Special Flood Hazard Area.
   4. Vacant of any structures within leased area.

E. PIN: 4106300002, 4001300001 and 4001100001
   1. Leased area = 204.14 acres.
   2. General Agriculture District.
   3. No Special Flood Hazard Area.
   4. Vacant of any structures within leased area.

F. PIN: 4106300001
   1. Leased area = 249 acres.
   2. General Agriculture District.
   3. No Special Flood Hazard Area.
   4. Vacant of any structures within leased area.

G. PIN: 42336400001
   1. Leased area = 160 acres.
   2. General Agriculture District.
   3. Special Flood Hazard Area (Zone A).
   4. Vacant of any structures within leased area.

H. PIN: 2336200002
   1. Leased area = 53.2 acres.
   2. General Agriculture District.
   3. Special Flood Hazard Area (Zone A).
   4. Vacant of any structures within leased area.
Agenda Item #13
Wild Springs Solar, LLC; Geronimo Energy
August 24, 2020

I. PIN: 4105300001
1. Leased area = 80 acres.
2. General Agriculture District.
3. No Special Flood Hazard Area.
4. WAPA New Underwood Substation.

IV. REQUEST FOR COMMENT
A. County Highway Department
   1. The Highway Department would like to see the Hydraulic Analysis that shows existing and proposed design conditions for storm water drainage.
      a. Staff Comment: Staff reached out to the applicant and this was the response: “A stand-alone plan has not been completed for the Project, however, a discussion of stormwater is located in Section 2.6.1.3 of the CUP application. Drainage was reviewed when completing the preliminary site plan and a drainage basin is located
in the southwest portion of the preliminary design that covers 0.6 acre to ensure mitigation of any increase in stormwater runoff.

B. County Natural Resources
   1. The property has Canada thistle and prairie dogs present on the property. See attached Noxious Weed Plan to address the Canada thistle.
   2. Prairie dogs are a species of management concern in South Dakota and recommend controlling the prairie dog towns prior to disturbance to minimize prairie dog movement onto neighboring landowners.
      a. Staff Comment: “Wild Springs landowners have historically and are continuing to manage the prairie dog population on their land up until start of construction. They are coordinating with SDGFP and USFWS on prairie dog colonies.”

C. South Dakota Department of Transportation
   1. No comment.

D. Rapid City Regional Airport
   1. This is pretty far away from us, I think we are probably good with it.

E. County 9-1-1
   1. No comments here at this time. I assume at some point there will be plans showing buildings and other structures. Our interest of course is normally street names and physical addresses.

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. Wild Springs Solar, LLC does not anticipate negatively affecting the use and enjoyment of property in the immediate vicinity. Solar is low-profile, low-impact, virtually noiseless and odorless. Numerous studies have demonstrated that properties adjacent to solar projects do not see negative property-value impacts, nor does having a solar project as a neighbor negatively impact the ability to sell agricultural or residential properties.

B. The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
   1. Wild Springs Solar, LLC does not anticipate impeding the development or use of land surrounding the Project area which is predominately agricultural (grazing and row crops).
   2. The Project meets or exceeds required setbacks.
   3. The Project will not impede agricultural practices in the surrounding area.
   4. The Project will require a Letter of Map Amendment for purposes of changing the Special Flood Hazard Area boundaries based upon HEC-RAS modeling. This change may affect other properties in the area.
C. That utilities, access roads, drainage and/or other necessary facilities are provided.
   1. Wild Springs Solar, LLC does not require public services with the exception of sewer/water for the O&M building.
   2. All electrical connections will be completed to the standards that are required to connect to the electrical grid.
   3. Permanent gravel access roads will be required and will be constructed to meet the applicable Ordinance #14 Standards.
   4. BMPs and standard industry practices will be implemented for drainage and soil erosion control. Permits for construction, such as a NPDES permit with a SWPPP, will be obtained. Drainage will be improved with the conversion of tilled acreage to stable, perennial vegetation.

D. That the off-street parking and loading requirements of these Zoning Ordinances are met.
   1. Wild Springs Solar, LLC will require minimal permanent off-street parking.
   2. During the construction phase of the Project temporary laydown yards will be used for equipment deliveries, component assembly and crew member parking.
   3. During the operational phase of the Project visits to the site for vegetation maintenance and equipment checks/repair will be infrequent and vehicles necessary for visits will park within the designated parking lot adjacent to the O&M building.

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. Wild Springs Solar, LLC will not produce offensive odors or fumes. Dust controls will be in place during the construction of the Project. Vibration will only occur during a small portion of the construction phase.
   2. Lighting will be used for security and safety purposes, and it will be down-lit and motion/sensor activated. Lighting will be designed to comply with NEC, state and local restrictions.
## VI. COMPLIANCE WITH PCZO SECTION 317

<table>
<thead>
<tr>
<th>Section 317-</th>
<th>Requirement</th>
<th>How requirement is fulfilled (see also Application)</th>
</tr>
</thead>
<tbody>
<tr>
<td>7 (a)</td>
<td>Zoning District</td>
<td>The Project is located in the General and Limited Agricultural Districts and is permitted as a Conditional Use. Portions of the Project are within a County designated SFHA- Refer to Section 2.13 for details.</td>
</tr>
<tr>
<td>7(b)</td>
<td>Lot Size</td>
<td>The Project is consistent with lot size requirements. Refer to Section 2.5 for details.</td>
</tr>
<tr>
<td>7(c)</td>
<td>Setback Requirements</td>
<td>The Project meets all setback requirements with the exception of the property line setback for participating parcels. Wild Springs Solar, LLC will seek a Variance for this deviation. Refer to Section 2.5 for details.</td>
</tr>
<tr>
<td>7(d)</td>
<td>Safety/Access</td>
<td>The Project will be completely fenced, and entrances will be locked with access in the form of Knox boxes or electronic key pad. Refer to Section 2.3.4 for details.</td>
</tr>
<tr>
<td>7(e)</td>
<td>Height Restriction</td>
<td>All Project facilities with the exception of the associated 115 kV transmission line will not exceed the 35-foot height restriction in the General and Limited Agricultural Districts.</td>
</tr>
<tr>
<td>7(f)</td>
<td>Fire Safety</td>
<td>The Project will comply with all applicable local, state, and federal regulatory standards and codes and the necessary certifications and inspections will be obtained prior to Project operation.</td>
</tr>
<tr>
<td>Section 317-7</td>
<td>Requirement</td>
<td>How requirement is fulfilled (see also Application)</td>
</tr>
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<td>----------------------------------------------------------------------------------------</td>
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<tr>
<td>7(g)</td>
<td>Signage</td>
<td>The Project will comply with the applicable sign provisions. Refer to Section 2.9 for details.</td>
</tr>
<tr>
<td>7(h)</td>
<td>Noise</td>
<td>The Project has been sited to not exceed 55 dB(A) at property lines. Refer to Section 2.7 for details.</td>
</tr>
<tr>
<td>7(i)</td>
<td>Appearance, Color, Finish</td>
<td>The Project’s panels will be non-reflective and an unobtrusive color. Refer to Section 2.9 for details.</td>
</tr>
<tr>
<td>7(j)</td>
<td>Lighting</td>
<td>Lighting will be used for safety and security purposes and placed at Project entrances, the O&amp;M building, and inverters. Refer to Section 2.3.4 for details.</td>
</tr>
<tr>
<td>7(k)</td>
<td>Utility Notification</td>
<td>The Project is in coordination with WAPA on an interconnection agreement. Refer to Section 2.2 for details.</td>
</tr>
<tr>
<td>7(i)(1)</td>
<td>Mitigation Measurement - Site Clearance</td>
<td>Site clearing will be minimized as practicable. Refer to Section 2.4.3 for details.</td>
</tr>
<tr>
<td>7(i)(2)</td>
<td>Mitigation Measurement - Topsoil Protection: The permittees shall implement measures to protect and segregate topsoil from subsoil in cultivated lands unless otherwise negotiated with the affected landowner.</td>
<td>During any soil excavation work, the topsoil and subsoil will be removed and stockpiled separately. Once the activity is complete, the area will be backfilled with subsoil followed by topsoil. Refer to Section 2.4.4 for details.</td>
</tr>
<tr>
<td>Section 317-7(i)(3)</td>
<td>Requirement</td>
<td>How requirement is fulfilled (see also Application)</td>
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<td>Mitigation Measurement - Compaction: The permittees shall implement measures to minimize compaction of all lands during all phases of the project’s life and confine compaction to as small an area as practicable.</td>
<td>Compaction will be minimized through confining traffic to access roads as practicable and implementation of decompaction measures following construction. Refer to Section 2.4.4 for details.</td>
</tr>
<tr>
<td>7(i)(4)</td>
<td>Mitigation Measurement - Livestock Protection: The permittees shall take precautions to protect livestock from project operations during all phases of the project’s life.</td>
<td>The Project will install temporary fencing during construction, as appropriate, to ensure livestock are protected. Refer to Section 2.4.6 for details.</td>
</tr>
<tr>
<td>7(i)(5)</td>
<td>Mitigation Measurement - Fences: All USES facilities shall be designed to be resistant to and minimize opportunities for unauthorized access, climbing, and vandalism. The facilities shall be surrounded by a fence or wall at least seven (7) feet in height. The permittees shall promptly replace or repair all fences and gates removed or damaged by project operations during all phases of the project’s life unless otherwise negotiated with the fence owner. Screening may be required around some or all of the perimeter and any related equipment buildings.</td>
<td>The Project will be enclosed with a six-foot chain link fence with one foot of barbed wire (7-feet total). Wild Springs Solar, LLC is in the process of coordinating a vegetative screening plan with a landowner adjacent to the Project. Refer to Section 2.3.4 and 2.9 for details.</td>
</tr>
<tr>
<td>Section 317-</td>
<td>Requirement</td>
<td>How requirement is fulfilled (see also Application)</td>
</tr>
<tr>
<td>------------</td>
<td>------------------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>7(i)(6)(1)</td>
<td><strong>Mitigation Measurement - Public Roads:</strong> The permittees shall identify all state, county or township “haul roads” that will be used for the USES project and shall notify the state, county or township governing body having jurisdiction over the roads to determine if the haul roads identified are acceptable. The governmental body shall be given adequate time to inspect the haul roads and haul road agreements must be in place before the Conditional Use Permit is granted. Where practicable, existing roadways shall be used for all activities associated with the project. The permittees must notify the Planning Department of such arrangements.</td>
<td>The Project will not require a Haul Road Agreement as oversized loads are not anticipated. Wild Springs Solar, LLC will coordinate with the Pennington County Highway Department on anticipated road use prior to construction. Refer to Section 2.4.2 for details.</td>
</tr>
<tr>
<td>7(i)(6)(2)</td>
<td><strong>Mitigation Measurement - Access Road:</strong> Access roads shall avoid crossing streams and drainage ways wherever possible. If access roads must be constructed across streams and drainage ways, the access roads shall be designed in a manner so runoff from the upper portions of the watershed can readily flow to the lower portion of the watershed.</td>
<td>The Project has avoided crossing streams and wetlands, however, some natural drainages where water may intermittently flow will require low water crossings. Refer to Section 2.3.2 for details.</td>
</tr>
</tbody>
</table>
### VII. ANALYSIS

A. The Project will generate enough energy to power approximately 20,000 homes annually and avoid the emission of approximately 184,000 metric tons of carbon annually.

B. Wild Springs Solar, LLC has executed lease agreements with the landowners for the Project site. The Project will be constructed, owned, and operated by Wild Springs Solar, LLC a wholly owned subsidiary of Geronimo.

C. Wild Springs Solar, LLC has completed a feasibility study to ensure that the Project will effectively interconnect with the electric grid.

D. Wild Springs Solar, LLC is in coordination with Western Area Power Administration (WAPA) to develop an interconnection agreement for the Project.
RECOMMENDATION: Staff will be recommending approval of Conditional Use Permit / CU 20-18 with the following twenty-five (25) 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; and,

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

Application for a Conditional Use Permit

Applicant:

Wild Springs Solar, LLC

Application Prepared by Geronimo Energy on behalf of Wild Springs Solar, LLC
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Appendix G – Decommissioning Plan
Appendix H – Pennington County Conditional Use Permit Application Form
1 Introduction

1.1 SUMMARY

Wild Springs Solar, LLC (the Project or Wild Springs), a wholly owned subsidiary of Geronimo Energy, LLC (Geronimo), a National Grid Company, respectfully submits this application for a Conditional Use Permit (CUP) to the Pennington County Planning Commission for a 128 megawatt (MW) solar energy generating system and associated 115 kilovolt (kV) transmission line. The Project will be located approximately ½ mile south and west of the city of New Underwood within unincorporated Pennington County, South Dakota. Wild Springs has prepared this application to demonstrate compliance with the Pennington County Zoning Ordinance and Conditional Use Application Requirements for a Utility-Scale Solar Energy System (USES). Wild Springs requests the Planning Commission issue a CUP for the Project to be permitted, constructed, owned, and operated by Wild Springs Solar, LLC.

Geronimo is a utility-scale renewable energy development company headquartered in Bloomington, Minnesota that has developed multiple operating wind farms and solar facilities throughout the United States. Geronimo is constructing or has developed over 2,400 MW of wind and solar projects. Geronimo has a multi-gigawatt development pipeline of wind and solar projects in various stages of development throughout the United States and 97 utility-scale and community solar projects completed. Geronimo provides custom renewable energy development solutions for utilities, independent power purchasers and corporations looking to harness renewable energy for business growth. Geronimo’s founder has an agricultural background and the first Geronimo project is sited solely on his land. Geronimo prides itself on developing wind farms and solar facilities that are farmer-friendly, community-driven, and beneficial for rural communities.

2 Project Description

2.1 SUMMARY AND LOCATION

The Project area lies in the General and Limited Agricultural Districts of Pennington County. Table 1 provides the township, range and sections where the Project is sited. A location map can be found in Appendix A. The planned Project design includes an up to 128 MW solar energy generating system, and the associated 115 kV transmission line from the Project substation to the Point-of-Interconnect (POI), which will be less than one mile in length. The POI is the Western Area Power Administration (WAPA) owned New Underwood substation located in the SW1/4 of Section 5, Township 1N, Range 11E. The Project will utilize typical photovoltaic panels, central inverters and a linear axis tracking system. Wild Springs anticipates construction will commence as early as the fall of 2021 with commercial operation by the end of 2022.
### TABLE 1: SECTIONS WITHIN THE WILD SPRINGS PROJECT BOUNDARY

<table>
<thead>
<tr>
<th>State</th>
<th>County</th>
<th>Township</th>
<th>Range</th>
<th>Sections</th>
</tr>
</thead>
<tbody>
<tr>
<td>SD</td>
<td>Pennington</td>
<td>1 N</td>
<td>10 E</td>
<td>1</td>
</tr>
<tr>
<td>SD</td>
<td>Pennington</td>
<td>1 N</td>
<td>11 E</td>
<td>5, 6, 7, 8, 9</td>
</tr>
<tr>
<td>SD</td>
<td>Pennington</td>
<td>2 N</td>
<td>10 E</td>
<td>36</td>
</tr>
<tr>
<td>SD</td>
<td>Pennington</td>
<td>2 N</td>
<td>11 E</td>
<td>31</td>
</tr>
</tbody>
</table>

#### 2.1.1 Project Benefits

The Project will generate enough energy to power approximately 20,000 homes annually and avoid the emission of approximately 184,000 metric tons of carbon annually. Additionally, the Project will be socioeconomically beneficial to the landowners, local governments, and communities. Construction of the Project would provide temporary increases to the revenue of the area through increased demand for lodging, food services, fuel, transportation and general supplies. The Project will also create new local job opportunities with four full time positions once the Project is operational. Additionally, during construction, temporary positions will be available for various trade professionals that live and work in the area and it is typical to advertise locally to fill required construction positions. Opportunity exists for sub-contracting to local contractors for gravel, fill, and civil work. Additional income will also be generated by circulation and recirculation of dollars paid out by the Project as business expenditures and state and local taxes.

The Project will provide production tax payments to Pennington County of approximately $210,000 annually over 20 years. Wild Springs will also establish the Wild Springs Education Fund, to which Wild Springs will contribute $25,000 annually (calculated at $200 per installed MW) for the first 20 years of Project operation. Because the Project is located within the New Underwood school district, the fund will be distributed to this district. In addition, lease payments made to landowners will offset potential financial losses associated with removing a portion of their land from agricultural production.

#### 2.2 PROJECT OWNERSHIP

Wild Springs Solar, LLC has executed lease agreements with the landowners for the Project site. The Project will be constructed, owned, and operated by Wild Springs, a wholly owned subsidiary of Geronimo. Memorandums of Lease Agreement for the Project are provided in Appendix B and the Pennington County Conditional Use Application form is located in Appendix H.

Wild Springs has completed a feasibility study to ensure that the Project will effectively interconnect with the electric grid. Wild Springs is in coordination with WAPA to develop an interconnection agreement for the Project.

---

1 Based on EPA Greenhouse Gas Equivalencies Calculator and 260,000,000 kWh annual production PVSYST model
2.3 ENGINEERING AND OPERATIONAL DESIGN

Image 1 below outlines the process of converting solar energy and delivering it to the transmission grid. The process begins with solar panels converting energy from sun into direct current (DC) electrical power. Sets of panels will be electrically connected in series and terminated at an inverter. The inverters will convert the DC power (approximately 1,500 volts) from the panels to AC power (650-950 volts depending on the inverter specifications). Next, a transformer will step up the AC voltage of generated electricity from the inverter output voltage to 34.5 kV. From the transformers, electrical cable will be buried below-ground and routed to the Project substation where the electricity will be stepped up from 34.5 kV to 115 kV to interconnect to the existing transmission infrastructure.

**Image 1: Harvesting Solar Energy**

1. Sun beams radiate onto solar panels (A). Solar panels then convert the solar energy into Direct Current (DC) electricity. The DC electricity is then sent to the inverter (B).

2. An inverter's job is to convert DC electricity into Alternating Current (AC) electricity.

3. AC electricity is then plugged into the local electric grid, either through transmission lines (C) or via local distribution lines or substations (D).

4. The electricity produced by solar energy projects is high quality and offers many electrical grid benefits, such as reducing power fluctuations and providing energy at peak demand times (such as in the middle of a hot summer when air conditioners are constantly running).

Source: Geronimo Energy, LLC

The Project’s facilities will include:

- Solar modules (panels), racking, inverters, and on-site above-ground and/or below-ground electrical collection lines;
- Substation;
- 115-kV overhead transmission line;
• Access roads;
• Operation and Maintenance building (O&M) and parking;
• Weather station(s);
• Fencing;
• Lighting;
• Supervisory Control and Data Acquisition (SCADA) System; and
• Temporary laydown areas.

A description of these facilities is provided in the following section.

2.3.1 Design
The Project will utilize photovoltaic (PV) panels with tempered glass varying in size approximately 4 to 7 feet long by 2 to 4 feet wide, and 1 to 2 inches thick. The panels will be installed on a tracking rack system that utilizes galvanized steel and aluminum for the foundations and frame with a motor that allows the racking to rotate from east to west throughout the day. Each tracking rack will contain multiple panels. On the tracking rack system, panels will be approximately 15 feet in height from the ground to the top of the panels when at a 45-degree angle (refer to Image 2 below). Height may vary due to manufacturer, topography and vegetation constraints and could reach a height of approximately 20 feet from the ground. The PV panels will have a silicon, and weatherized plastic backing or a side-mount or under-mount aluminum frame, heat strengthened front glass, and laminate material encapsulation for weather protection.

To limit reflection, solar PV panels are constructed of dark, light-absorbing materials. Today’s panels reflect as little as two percent of the incoming sunlight, depending on the angle of the sun, when using anti-reflective coatings, which will be used for the Project. The solar array will occupy most of the Project site for the solar facilities.

2.3.1.1 Linear Axis Tracking Rack System
A linear axis tracking rack system allows the PV panels to track the solar resource throughout the day. The panels and tracking rack system are generally aligned in rows north and south with the PV panels facing east toward the rising sun in the morning, parallel to the ground during mid-day, and then west toward the setting sun in the afternoon. The panels are rotated by a small motor connected to the tracking rack system to slowly track with the sun throughout the day. The tracking rack system allows the Project to optimize the angle of the panels in relation to the sun throughout the day thereby maximizing production of electricity and the capacity value of the Project.

The tracking rack system is mounted on top of steel piers that are typically driven into the ground, without the need for excavation or concrete to install the piers. Images 2-4 below visually show the general racking equipment and dimensions of a linear axis tracking rack system. Areas of bare ground at the facility will be re-vegetated with a low-growing seed mix as further described in Section 2.4.4.
Image 2: Tracking Rack System

Image 3: Approximate Tracking Rack System Dimensions
2.3.1.2 Inverters and Transformers

Electrical wiring will connect the panels to inverters, which will convert the power from DC to AC. The AC will be stepped up through a transformer from the inverter output voltage to 34.5 kV and brought via the collection cables to the Project substation. Inverter skids will be utilized at locations throughout the Project Area and include a transformer to which the inverters will feed electricity (Image 5). The final number of inverters for the Project will depend on the inverter size, as well as inverter and panel availability (one inverter is required for every 2-3 MW). These skids provide the foundation for the inverter, transformer, and SCADA system. The skids will be placed atop a concrete slab or pier foundations and typically measure 10 feet wide by 25 feet long, with a structure height of approximately 12 feet above grade (Image 5). Concrete foundations will be poured onsite or precast and assembled off-site.
2.3.1.3 Electrical Collection System

The panels deliver DC power to the inverters through cabling that will be located in a below-ground trench or above-ground strung under each row of panels on steel arms and a steel cable attached to the piles. The electrical collection system will be installed below-ground or a hybrid of below-ground and above-ground.

For below-ground DC collection, all cabling will be trenched (approximately four feet deep and one to two feet wide) with cabling routed underground to the assigned inverter/transformer skid where the current is converted to AC and voltage is stepped up to 34.5 kV. During all trench excavations the topsoil and subsoil will be removed and stockpiled separately. Once the cables are laid in the trench, the area will be backfilled with subsoil followed by topsoil.

For above-ground DC collection hanging brackets would connect several racks/rows of cables to a common collection point near their assigned inverter/transformer skid where the cables will be routed below-ground at a minimum depth of at least four feet below grade to the inverter/transformer skid where the current is converted to AC and voltage is stepped up to 34.5 kV. A drawing of typical hanging brackets at the end of each row is provided below in Image 6 and Image 7 provides a schematic of the above-ground DC collection system components and configuration. Electrical collection technology is rapidly evolving and will be site-specific depending on geotechnical analysis, constructability, and availability of materials. Final engineering and procurement will help determine the construction method for the electrical collection system.

The AC collection system from the inverter skids to the substation will be installed below-ground in trenches or ploughed into place at a depth of at least four feet below grade. Similar to below-ground DC collection, all trench excavations the topsoil and subsoil will be removed and stockpiled separately. Once the cables are laid in the trench, the area will be backfilled with subsoil followed by topsoil.
Image 6: Typical Above-Ground Collection Hanging Bracket

Image 7: Typical Above-Ground DC Collection System Components and Configuration
2.3.2 Access Roads

Permanent gravel access roads will be necessary to facilitate the operations and maintenance of the facility. The final location of the access roads will depend on the equipment selected and final engineering, and a final design will be presented with the building permit application. All access roads will be contained within the fenced boundary. These roads are up to 16 feet wide along straight portions of the roads and wider along curves at internal road intersections.

All access roads avoid crossing of delineated streams or wetlands, but some naturally occurring drainages as a result of slope where water may intermittently flow could not be avoided and still provide access to all areas of the Project for operation and maintenance activities. Wild Springs has identified locations that will utilize low water crossings (see Appendix C). As noted in the construction detail drawings in Appendix C, the low water crossing will allow for the flow of water through the existing drainage unimpeded and without ponding, and the armored surface of the road will follow the natural contours of the channel bottom, side slopes, and top of the bank.

2.3.3 Associated Facilities

2.3.3.1 Substation
The Project substation will be a 34.5/115 kV step-up substation with metering and switching gear required to connect to the transmission grid. It will be designed according to regional utility practices, Midcontinent Independent Transmission System Operator Standards, Midwest Reliability Organization Standards, National Electrical Safety Code, and the Rural Utility Service Code. The area within the substation will be graveled to minimize vegetation growth and reduce fire risk. The substation’s footprint will be approximately 150 feet by 150 feet and will not exceed 35 feet in height. The substation will be fenced with a 6-foot chain-link fence, topped with one foot of barbed wire for security and safety purposes. A preliminary location for the substation is presented in Appendix C. This location is subject to change following final engineering and interconnection discussions with WAPA.

2.3.3.2 115 kV Transmission Line
An associated 115 kV transmission line less than one mile in length will run aboveground from the Project substation to the existing WAPA New Underwood substation. There will be a single dead-end structure associated with the Project substation and likely 2-3 additional structures to enter the New Underwood Substation. The structures will likely be made of wood and will be up to 80 feet tall. The transmission line route will be determined following final engineering and interconnection discussions with WAPA.

2.3.3.3 Operation and Maintenance Building (O&M) and Parking
An O&M building will provide access and storage for Project maintenance and operations and will be located adjacent to the Project substation. The O&M building will measure approximately 60 feet long by 40 feet wide, up to 20 feet in height, and will be made of metal (similar to a pole barn). It will contain an office for the onsite Plant Manager, a technician room, restroom, and storage area for equipment to operate and maintain the Project. Equipment includes a SCADA cabinet, spare panels, spare parts for the substation and equipment to operate the substation, as well as safety equipment for working with live electricity.
A parking lot will be located adjacent to the O&M building and will be approximately 500 square feet. This will accommodate parking for full time employees and meets the off-street loading and unloading requirements.

2.3.3.4 Weather Station(s)
The Project will include up to three weather stations up to 20 feet in height (see Image 8 below). Weather stations will be within the Project boundary; preliminary locations are provided in the site plan with final locations determined following final engineering.

![Image 8: Weather Station](image)

2.3.4 SCADA System, Fencing and Lighting:
The Project will use a SCADA system, which allows remote control and monitoring of the status of the Project. The monitoring system provides status views of electrical and mechanical data, operation and fault data, meteorological data, and grid station data.

For security, the Project will be enclosed by a six-foot chain link fence with one foot of barbed wire (7-feet total). Fence height and type will meet National Electric Code (NEC) and Pennington County requirements; see Appendix C, construction details page. Access to the Project area is through lockable gates and security cameras will be located throughout the Project. An electronic security system or Knox boxes with keys will be utilized at Project entrances for emergency services, and signage will meet NEC requirements.

Minimal lighting will be utilized for the Project. Lighting will be used for safety and security purposes and placed at Project entrances, the O&M building, and inverters. Lighting at the entrances that will be down lit. The typical pole height will be ten feet and lights will be manual.
by switch as well as motion activated if an intrusion is detected. Lights at each inverter will be
down lit and switch controlled for repair purposes.

2.3.5 Temporary Laydown Yards
The Project will utilize ten laydown areas that will serve as a parking area for construction
personnel and staging area for Project components. The laydown areas will be temporary in nature.
Nine laydown areas will be revegetated and stabilized prior to commencement of facility
operations and one laydown area adjacent to the Project substation and O&M building will become
the parking lot.

2.4 CONSTRUCTION AND SCHEDULE

Timeline, practices, and mitigating measures for construction are described below:

2.4.1 Construction Timeline
Construction will begin as early as the fall of 2021 to facilitate commercial operation by the end
of 2022. All local, state, and federal permits, permissions, and standards will be in place prior to
the commencement of construction.

2.4.2 Construction Traffic and Road Use
Traffic during construction will include light pickup trucks/employee vehicles, semi-trailers for
delivery of equipment, and other machinery. It is estimated there will be approximately 75-100
worker vehicles per day, and 10-20 semi-truck equipment deliveries per day will be used for
delivery of facility components. Semi-truck delivery will vary per day depending on time of
construction and delivery timeline of equipment and overweight or oversized loads are not
anticipated during construction. Wild Springs has coordinated with the Pennington County
Highway Department and determined a haul road agreement will not be required for the Project,
however Wild Springs will continue to coordinate with the Highway Department on anticipated
road use prior to construction.

It is anticipated that all traffic during both the construction and operation of the facility will be
limited to access via public roads, and no private roads other than those developed by Wild Springs
will be impacted. If a private road is utilized by Wild Springs and damaged, Wild Springs will
promptly coordinate repairs in accordance with the lease agreement with the affected landowner.

2.4.3 Site Clearing and Preparation
Prior to site preparation or excavation activities and to ensure contractor safety, Wild Springs will
complete One Calls for the site (SD811) to identify existing onsite utilities. Wild Springs shall
clear the site only as necessary to assure suitable access for construction, safe operation, and
maintenance of the facility. To facilitate construction activities, Wild Springs will utilize
temporary laydown areas within the Project area as described in Section 2.3.5.

2.4.4 Soil Preservation
Best Management Practices (BMPs) will be utilized during construction and operation to protect
topsoil and minimize soil erosion. Excavation for the Project will be limited and will primarily be
associated with the installation of underground collection lines and for the installation of inverter skid foundations (see section 2.5 for additional details). Grading will be limited to the extent practicable to minimize soil disturbance. Where excavation or grading are necessary, Wild Springs will segregate topsoil from subsoil to maintain the productivity of the land following decommissioning. To minimize soil compaction, construction and maintenance traffic will be confined to access roads as practicable. Disking of the soil or other decompaction techniques will be implemented in compacted areas following construction and maintenance activities as necessary.

Following construction, areas that will not contain permanent facilities (area under the arrays and the laydown yards that will not be converted into permanent parking for operations) will be stabilized with sediment stabilization and erosion control measures such as silt fence and biologs and re-vegetated according to the Project’s Vegetation Management Plan. The method of vegetation maintenance is yet to be determined and may take the form of mowing (traditional or haying), or sheep and/or lamb grazers, depending on agreements with landowners and site feasibility.

Wild Springs has consulted with the local Department of Agriculture Natural Resources Conservation Service (NRCS) office to develop the appropriate seed mixes for the Project. Three seed mixes (rangeland mix, grazing mix, and a wet mix) will be utilized for revegetation, depending on the management style of grazing or mowing. The rangeland mix reflects a management strategy of traditional mowing, and the grazing mix reflects a management method of utilizing sheep as grazers. The wet mix would be incorporated into either management style and planted in areas with hydric soils and/or susceptible to holding water based on field reviews. Additionally, a cover crop will be planted with the native mixes to stabilize the soil and prevent erosion during the time it takes for the seeds to establish.

Wild Springs will develop a Soil Erosion and Sediment Control Plan prior to construction. BMPs and industry standard practices will be implemented for drainage and soil erosion control. Permits for construction, including coverage under a National Pollutant Discharge Elimination System (NPDES) General Stormwater Permit with a Stormwater Pollution Prevention Plan (SWPPP), will be obtained prior to construction.

2.4.5 Dust Mitigation
Wild Springs will use BMPs to control dust during construction including but not limited to water trucks, magnesium sulfides, or other acceptable dust suppression chemicals.

2.4.6 Livestock Protection
Wild Springs will coordinate with Project landowners to identify and install temporary fencing during construction as necessary to ensure that area livestock are protected. During operations, the entire facility will be fenced to prevent adverse impacts to livestock or the general public. As described in section 2.4.4, Wild Springs is exploring the possibility of vegetation management within the Project boundary via grazing agreements with area landowners during facility operations. Should this be implemented, proper safety measures would be used to accommodate the dual use.
2.5 LAYOUT AND SETBACKS

Wild Springs selected the specific development area based on County land use guidance, significant landowner interest, interconnection suitability, optimal solar resource, and minimal environmental impact. The Project’s final design will optimize electrical generation and efficiency of the solar resource while avoiding or minimizing potential environmental, cultural, and socioeconomic impacts to the extent practicable.

Wild Springs has provided a figure showing existing conditions and a preliminary site plan for the Project in Appendix C. The preliminary site plan reflects the footprint and layout of the Project including proposed locations of facilities. Facility locations are subject to change following final design and engineering and a final site plan will be provided to Pennington County as part of the application for the Building Permit. Similar to the preliminary site plan, the final Project design will comply with County setback requirements.

The dead-end structure and transmission structures associated with the proposed transmission line will be up to 80 feet in height. The final height of the transmission line will be selected to meet WAPA, NEC and other applicable requirements for the safe transmission of power to the New Underwood Substation.

Per zoning requirements, the Project is sited on parcels in excess of 5 acres, with the smallest parcel in the Project area being approximately 53 acres. There are no residentially zoned parcels near the Project. The nearest residence is 147 feet from the Project boundary and 178 feet from the solar arrays. No additional setbacks are anticipated to be necessary for noise (see section 2.9) or for glare (see section 2.10). The county setback requirements and Wild Spring’s proposed setbacks are provided in Table 2.

**TABLE 2: SETBACK TABLE**

<table>
<thead>
<tr>
<th>Utility-Scale Solar Energy System Setback Requirement</th>
<th>Requirements</th>
<th>Proposed Setbacks</th>
</tr>
</thead>
<tbody>
<tr>
<td>204-H Section Lines</td>
<td>Minimum of 58 feet (33 feet for statutory right-of-way plus public road setback)</td>
<td>63 feet</td>
</tr>
<tr>
<td>317-A-7-c Public road rights-of-way</td>
<td>25 feet or 1.5 times the height of the structure, whichever is greater</td>
<td>30 feet</td>
</tr>
<tr>
<td>317-A-7-c Any property line</td>
<td>25 feet or 1.5 times the height of the structure, whichever is greater</td>
<td>30 feet</td>
</tr>
<tr>
<td>317-A-7-c-1 Residually zoned lots and existing residences</td>
<td>100 feet</td>
<td>147 feet</td>
</tr>
</tbody>
</table>

2 Wild Springs will obtain a Variance from Pennington County for participating parcels.
3 No residually zoned lots are located within 100 feet of the Land Control Area.
2.6 ENVIRONMENTAL ANALYSIS AND ADDITIONAL PERMITTING

The Project is comprised of mainly herbaceous rangeland and cultivated agricultural land. Based on National Land Cover Data and reconnaissance surveys, approximately 75% of the Project is comprised of herbaceous/grasslands (includes pasture, hay and fallow grassland areas) and approximately 21% is cultivated cropland (alfalfa, hay, and wheat). Less prominent land cover types include developed land associated with roads bisecting the Project Area (2.5%), barren land associated with the WAPA substation (0.4%), open water associated with delineated wetlands, and shrub/scrub associated with the WAPA substation (0.1%).

Wild Springs will comply with all applicable local, state, and federal regulatory standards required for the construction and operation of the Project. In addition to obtaining a CUP from Pennington County, the Project requires additional detailed environmental analyses through state and federal permitting processes. Wild Springs will obtain a Facility Permit from the South Dakota Public Utilities Commission (PUC) and will also be subject to the National Environmental Policy Act (NEPA) and undergo an environmental review through WAPA to interconnect to its New Underwood Substation. As a component of the environmental review with the PUC and WAPA, Wild Springs has consulted with state and federal agencies to assess Project-specific environmental concerns.

Agency Consultation

U.S Fish and Wildlife Service and South Dakota Game, Fish and Parks

To identify potential environmental concerns, Wild Springs completed a review of state and federally listed species using the U.S. Fish and Wildlife Service (USFWS) IPaC system and through the State Natural Heritage Inventory. Based on the IPaC, the northern long-eared bat, rufa red knot, whooping crane, and interior least tern were identified as federally listed species that may occur in the Project Area. However, due to the lack of suitable habitat for these species in the Project Area, impacts are not anticipated. The Natural Heritage Inventory review noted state listed no threatened, endangered, or rare species were documented within the Project boundary. Field surveys mapped two prairie dog colonies within the Project Area. Prairie dog burrows may potentially be used by the state listed swift fox, therefore as a mitigation measure, Wild Springs has committed to avoiding placing facilities in the 2019-mapped extent of the colonies. Avoidance of these areas will mitigate potential impacts to threatened and endangered species. This mitigative measure was determined appropriate by state and federal agencies, as outlined below.
During Project planning, Wild Springs consulted directly with the USFWS and the South Dakota Game, Fish and Parks Department (SDGFP) to identify resources of concern and obtain approval for species-specific survey protocol. Additionally, Wild Springs met with the USFWS and SDGFP in Pierre, South Dakota on January 22, 2020 to provide an update on the Project and discuss additional surveys that have taken place in 2020. Refer to Appendix D for meeting minutes and Table 3 below for a summary of the wildlife studies for the Project.

**TABLE 3: WILDLIFE STUDIES**

<table>
<thead>
<tr>
<th>Survey Type</th>
<th>Dates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sharp-tailed Grouse and Greater Prairie Chicken Lek Surveys</td>
<td>April 2017</td>
</tr>
<tr>
<td></td>
<td>April 2020</td>
</tr>
<tr>
<td>Ground-based Raptor Nest Surveys</td>
<td>April 2017</td>
</tr>
<tr>
<td></td>
<td>October and November 2019</td>
</tr>
<tr>
<td></td>
<td>Spring/Summer 2020</td>
</tr>
<tr>
<td>Breeding Bird Survey</td>
<td>Summer 2020</td>
</tr>
<tr>
<td></td>
<td>Post-Construction</td>
</tr>
</tbody>
</table>

*United States Forest Service*

The United States Forest Service (USFS) manages two major conservation areas in Western South Dakota: the Buffalo Gap National Grasslands and the Black Hills National Forest, both of which extend into Pennington County. These features are located approximately 20 miles south and 27 miles west of the Project, respectively. As the Project does not impact these lands, and the USFS has no federal mandate to review the Project, no response from the agency is anticipated.

*South Dakota State Historic Preservation Office*

As part of the federal permitting process, official consultation between WAPA and the South Dakota Historical Society-State Historic Preservation Office (SHPO) is ongoing. Cultural resource surveys were completed by Wild Springs within the Project boundary, and all resources identified have been avoided by Project design.

*United States Army Corps of Engineers*

A wetland delineation has been completed onsite to identify wetland and waterbody locations and was submitted to the US Army Corps of Engineers (USACE). On March 18, 2020, the USACE provided an approved jurisdictional determination for the Project.
2.6.1 Hydrology

2.6.1.1 Special Flood Hazard Areas
A portion of the Project is located within a Special Flood Hazard Area (SFHA- Floodzone A- 100-Year Floodplain). Wild Springs has coordinated with Pennington County and plans to seek a Letter of Map Revision from FEMA as the Box Elder Creek floodplain is less extensive than indicated by FEMA’s mapping. Assuming the mapping revisions is granted, a Floodplain Permit would not be required.

2.6.1.2 Wetlands and Waterbodies
The Project has been designed to avoid impacts to wetlands and waterbodies to the extent practicable. In areas where the Project design crosses non-jurisdictional drainages, Wild Springs will utilize low water crossings. These crossings are engineered such that flow is maintained with culverts, yet the road can support vehicular traffic. Jurisdictional waterways will either be bored or Wild Springs will utilize a Nationwide Permit for dredge and fill within waters of the U.S. under Section 404 of the Clean Water Act.

2.6.1.3 Stormwater
Wild Springs completed a review of drainage within the Project Area and the need for stormwater runoff mitigation according to the Pennington County Stormwater Quality Manual. Wild Springs has developed a Vegetation Management Plan which contains seeds mixes developed in coordination with the NRCS that are designed to be native, blend with the surrounding landscape, and achieve Wild Springs’ goal for facility operations. Additionally, the seed mixes were designed to establish stable ground cover successfully, reduce erosion, reduce runoff, and improve infiltration. While the vegetation that will be planted between the arrays would likely be sufficient to meet the stormwater BMP requirements, the Project has included one drainage basin in the southwest portion of the preliminary design that covers 0.6-acre to ensure mitigation of any increase in stormwater runoff. The drainage basin is located in an existing low area and will be vegetated with a wet seed mix that will help stabilize soils after rain events. Additionally, the Project’s SWPPP will describe pollution prevention measures for storage, handling and disposal of hazardous materials, solid waste, concrete and equipment wash water, portable toilets, construction products and materials.

2.7 NOISE
Wild Springs will be low profile and virtually noiseless. The main source of noise from the Project during operation will be from the inverter/transformer skids, including the air conditioners housed in each, and to a lesser extent from the main power transformer with the Project substation and rotation of the tracking system. Wild Springs has sited these components to ensure that noise levels do not exceed 55 dB(A) at the closest property line. The results of noise modeling conducted by technology manufacturers for the potential equipment to be used onsite are identified in Table 3.
TABLE 3: INVERTER AND TRACKER NOISE LEVELS

<table>
<thead>
<tr>
<th>Facility Type</th>
<th>Equipment Model</th>
<th>Distance to 55 dB(A)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inverter</td>
<td>Sungrow SG3150U-MV</td>
<td>52 feet</td>
</tr>
<tr>
<td></td>
<td>TMEIC Solar Ware Ninja PVU-L0920GR</td>
<td>33 feet</td>
</tr>
<tr>
<td></td>
<td>SMA Sunny Central SC-4200-UP</td>
<td>143 feet</td>
</tr>
<tr>
<td>Tracker</td>
<td>NexTracker Horizon</td>
<td>&lt;5 feet</td>
</tr>
<tr>
<td></td>
<td>Soltec SF7</td>
<td>10 feet</td>
</tr>
<tr>
<td>Transformer</td>
<td>Main Power Transformer</td>
<td>23 feet</td>
</tr>
</tbody>
</table>

The results of noise modeling conducted by technology manufacturers outlined in Table 3 show that noise levels will be at 55 dBA between 52 and 143 feet from the inverter, depending on which model is selected. Similarly, noise levels will be at 55 dBA between 5 and 10 feet from the trackers, depending on which model is selected, and at 23 feet from the main power transformer. The closest inverter to any parcel line, including those within the Project boundary, is 150 feet; the closest array tracker to an external parcel line is 30 feet; and the closest parcel line to the main power transformer at the Project substation is 59 feet. As such, the Project has been designed to meet the Pennington County 55 dBA noise standard.

2.8 GLARE

To limit reflection and maximize efficiency, solar PV panels are constructed of dark, light-absorbing materials. Wild Springs does not anticipate any concentrated glare to nearby properties or adjacent roadways. The Project is located outside the areas the Rapid City Regional Airport has identified as having obstructions to navigation. Furthermore, glare studies analyzed potential impacts from the Project to Ellsworth Air Force Base, located approximately 11.5 miles northwest of the Project, as well as for the Rapid City Regional Airport, located 10.5 miles west-southwest of the Project. The results of the analyses detected no glare along flight paths from either airport. Memorandums of each analysis can be found in Appendix E. Additionally, Wild Springs has consulted with Ellsworth Air Force Base and determined the Project will have no impact on present or future missions (refer to Appendix D). Further, the South Dakota Aeronautics Commission has reviewed the Project and determined it would not pose an obstruction hazard to any South Dakota airports, including Rapid City Regional Airport (refer to Appendix D).

Wild Springs submitted Form 7460-1 through the OE/AAA process and received “Determination of No Hazard” responses from the FAA for points along the perimeter of the Project boundary (map of points located in Appendix A). As required, documentation will be provided with the Building Permit application materials.

2.9 AESTHETICS

The array will be coated with a non-reflective surface and will be an unobtrusive color. Most of the facility, including the solar array, will be low-profile. Visual renderings of the Project taken from five locations within the Project Area are located in Appendix F.
Signage will be limited to include identifying information directly pertinent to ownership, safety, and manufacturer specifications. Wild Springs will obtain a Sign Permit from Pennington County prior to displaying signs.

Wild Springs has coordinated with Project participants and sent mailings to adjacent landowners to inform them of the Project. Wild Springs is committed to working with adjacent landowners to provide vegetative screening where appropriate. The closest residence to the preliminary design is approximately 178 feet to the east of the Preliminary Development Area. Wild Springs is in the process of coordinating with this landowner regarding vegetative screening and currently plans to implement vegetative screening between the residence and the Project facilities. In coordination with this resident, the vegetative screening will be placed outside the security fence, possibly on the landowner’s property. The type of vegetation has not yet been determined and will be done through coordination with the landowner and the Pennington County Conservation District to ensure the vegetation will be well-suited for the climate and soil conditions. The location and length of the proposed screening is depicted on the site plan in Appendix C.

2.10 OPERATIONS AND MAINTENACE
Prior to the operation of the facility, all electrical connections will be inspected by the South Dakota State Electrical Inspector and approval for the POI will be obtained from WAPA. Wild Springs will be professionally maintained and operated. During regular working hours, a Plant Manager will be onsite to manage day-to-day operations. Additionally, a SCADA system will monitor the operation of the site 24 hours per day. Primary tasks include scheduled monthly and quarterly inspection(s) of electrical equipment, vegetation management, and snow removal on access drives. Maintenance of the facility will typically occur during regular working hours, but occasional work on nights or weekends may be necessary for the safe and continued operation of the facility.

2.11 DECOMISSIONING AND RESTORATION
 Decommissioning of the Project would begin within eight (8) months after abandonment or the end of its useful life and would be completed within eighteen (18) months after the abandonment or end of its useful life. A decommissioning plan is provided in Appendix G for the Planning Commission’s approval.
3 Compliance with Pennington County Zoning Ordinance

Wild Springs has reviewed the Utility-Scale Solar Energy System Requirements of Pennington County. Table 4 identifies how this application meets the requirements of the Pennington County Zoning Ordinance.

**TABLE 4: COMPLIANCE WITH PENNINGTON COUNTY ORDINANCE SECTION 317 (7) AND (8-16)**

<table>
<thead>
<tr>
<th>Requirement Number</th>
<th>Requirement</th>
<th>Wild Springs response in fulfilling requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 317. 7. Utility-Scale Solar Energy System Requirements</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7 (a)</td>
<td>Zoning District</td>
<td>The Project is located in the General and Limited Agricultural Districts and is permitted as a conditional use. Portions of the Project are within a County designated SFHA- Refer to Section 2.13 for details.</td>
</tr>
<tr>
<td>7(b)</td>
<td>Lot Size</td>
<td>The Project is consistent with lot size requirements. Refer to Section 2.5 for details.</td>
</tr>
<tr>
<td>7(c)</td>
<td>Setback Requirements</td>
<td>The Project meets all setback requirements with the exception of the property line setback for participating parcels. Wild Springs will seek a variance for this deviation. Refer to Section 2.5 for details.</td>
</tr>
<tr>
<td>7(d)</td>
<td>Safety/Access</td>
<td>The Project will be completely fenced, and entrances will be locked with access in the form of Knox boxes or electronic key pads. Refer to Section 2.3.4 for details.</td>
</tr>
<tr>
<td>7(e)</td>
<td>Height Restriction</td>
<td>All Project facilities with the exception of the associated 115 kV transmission line will not exceed the 35-foot height restriction in the General and Limited Agricultural Districts.</td>
</tr>
<tr>
<td>7(f)</td>
<td>Fire Safety</td>
<td>The Project will comply with all applicable local, state, and federal regulatory standards and codes and the necessary certifications and inspections will be obtained prior to Project operation.</td>
</tr>
<tr>
<td>7(g)</td>
<td>Signage</td>
<td>The Project will comply with the applicable sign provisions. Refer to Section 2.9 for details.</td>
</tr>
<tr>
<td>7(h)</td>
<td>Noise</td>
<td>The Project has been sited to not exceed 55 dB(A) at property lines. Refer to Section 2.7 for details.</td>
</tr>
<tr>
<td>7(i)</td>
<td>Appearance, Color, Finish</td>
<td>The Project’s panels will be non-reflective and an unobtrusive color. Refer to Section 2.9 for details.</td>
</tr>
<tr>
<td>7(j)</td>
<td>Lighting</td>
<td>Lighting will be used for safety and security purposes and placed at Project entrances, the O&amp;M building, and inverters. Refer to section 2.3.4 for details.</td>
</tr>
<tr>
<td>7(k)</td>
<td>Utility Notification</td>
<td>The Project is coordinating with WAPA on an interconnection agreement. Refer to section 2.2 for details.</td>
</tr>
<tr>
<td>7(i)(1)</td>
<td>Mitigation Measurement - Site Clearance</td>
<td>Site clearing will be minimized as practicable. Refer to Section 2.4.3 for details.</td>
</tr>
<tr>
<td>7(i)(2)</td>
<td>Mitigation Measurement - Topsoil Protection: The permittees shall implement measures to protect and segregate topsoil from subsoil in cultivated lands unless otherwise negotiated with the affected landowner.</td>
<td>During any soil excavation work, the topsoil and subsoil will be removed and stockpiled separately. Once the activity is complete, the area will be backfilled with subsoil followed by topsoil. Refer to Section 2.4.4 for details.</td>
</tr>
<tr>
<td>7(i)(3)</td>
<td>Mitigation Measurement - Compaction: The permittees shall implement measures to minimize compaction of all lands during all phases of the project’s life and confine</td>
<td>Compaction will be minimized through confining traffic to access roads as practicable and implementation of decompaction measures following construction. Refer to Section 2.4.4 for details.</td>
</tr>
<tr>
<td></td>
<td>compaction to as small an area as practicable.</td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>7(i)(4)</td>
<td><strong>Mitigation Measurement - Livestock Protection:</strong> The permittees shall take precautions to protect livestock from project operations during all phases of the project’s life.</td>
<td>The Project will install temporary fencing during construction, as appropriate, to ensure livestock are protected. Refer to Section 2.4.6 for details.</td>
</tr>
<tr>
<td>7(i)(5)</td>
<td><strong>Mitigation Measurement - Fences:</strong> All USES facilities shall be designed to be resistant to and minimize opportunities for unauthorized access, climbing, and vandalism. The facilities shall be surrounded by a fence or wall at least seven (7) feet in height. The permittees shall promptly replace or repair all fences and gates removed or damaged by project operations during all phases of the project’s life unless otherwise negotiated with the fence owner. Screening may be required around some or all of the perimeter and any related equipment buildings.</td>
<td>The Project will be enclosed with a six-foot chain link fence with one foot of barbed wire (7-feet total). Wild Springs is in the process of coordinating a vegetative screening plan with a landowner adjacent to the Project. Refer to Section 2.3.4 and 2.9 for details.</td>
</tr>
<tr>
<td>7(i)(6)(1)</td>
<td><strong>Mitigation Measurement - Public Roads:</strong> The permittees shall identify all state, county or township “haul roads” that will be used for the USES project and shall notify the state, county or township governing body having jurisdiction over the roads to determine if the haul roads identified are acceptable. The governmental body shall be given adequate time to inspect the haul roads and haul road agreements must be in place before the Conditional Use Permit is granted. Where practicable, existing roadways shall be used for all activities.</td>
<td>The Project will not require a haul road agreement as oversized loads are not anticipated. Wild Springs will coordinate with the Pennington County Highway department on anticipated road use prior to construction. Refer to Section 2.4.2 for details.</td>
</tr>
<tr>
<td>7(i)(6)(2)</td>
<td>Mitigation Measurement - Access Road: Access roads shall avoid crossing streams and drainage ways wherever possible. If access roads must be constructed across streams and drainage ways, the access roads shall be designed in a manner so runoff from the upper portions of the watershed can readily flow to the lower portion of the watershed.</td>
<td>The Project has avoided crossing streams and wetlands, however some natural drainages where water may intermittently flow will require low water crossings. Refer to Section 2.3.2 for details.</td>
</tr>
<tr>
<td>7(i)(6)(3)</td>
<td>Mitigation Measurement - Private Roads: The permittees shall promptly repair private roads or lanes damaged when moving equipment or when obtaining access to the site, unless otherwise negotiated with the affected landowner.</td>
<td>It is anticipated that all traffic during both the construction and operation of the facility will be limited to access via public roads, and no private roads other than those developed by Wild Springs will be impacted. If a private road is utilized by Wild Springs and damaged, Wild Springs will promptly coordinate repairs in accordance with the lease agreement with the affected landowner.</td>
</tr>
<tr>
<td>7(i)(6)(4)</td>
<td>Mitigation Measurement - Control of Dust: The permittees shall utilize all reasonable measures and practices of construction to control dust during construction.</td>
<td>Wild Springs will use BMPs to control dust. Refer to Section 2.4.5 for details.</td>
</tr>
<tr>
<td>7(i)(6)(5)</td>
<td>Mitigation Measurement - Soil Erosion and Sediment Control Plan. The permittees will comply with all applicable requirements from applicable ordinances.</td>
<td>Wild Springs will utilize BMPs to protect soils during construction in addition to developing a Soil Erosion and Sediment Control Plan and SWPPP and obtaining coverage under a NPDES general permit. Refer to Section 2.4.4 for details.</td>
</tr>
<tr>
<td>Section 317. 8. Conditional Use Permit Submittal Requirements</td>
<td></td>
<td></td>
</tr>
<tr>
<td>-------------------------------------------------------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>8(a)</strong> The applicant(s) is to schedule a meeting with the Planning Department prior to applying for a Conditional Use Permit to discuss the application process and necessary submittal items.</td>
<td>Wild Springs met with the Planning and Zoning Department on February 6, 2020 to discuss the application process and submittal items.</td>
<td></td>
</tr>
<tr>
<td><strong>8(b)</strong> Boundaries of the site proposed for the project and associated facilities on United States Geological Survey Map or other map as appropriate.</td>
<td>Refer to Appendix C.</td>
<td></td>
</tr>
<tr>
<td><strong>8(c)</strong> Map and copies of easements for the project.</td>
<td>Refer to Appendices A and B.</td>
<td></td>
</tr>
<tr>
<td><strong>8(d)</strong> Map of occupied residential, business, and public structures within one-half mile of the proposed project site boundaries.</td>
<td>Refer to Appendix A.</td>
<td></td>
</tr>
<tr>
<td><strong>8(e)</strong> Preliminary map of sites for each USES, access roads, and all utility lines, including collector and feeder. Location of other USES within five (5) miles of the proposed project site.</td>
<td>Refer to Appendix C for the preliminary site plan. No other USES are located within 5 miles of the Project.</td>
<td></td>
</tr>
<tr>
<td><strong>8(f)</strong> All necessary haul road agreements</td>
<td>The Project will not require a haul road agreement as oversized loads are not anticipated. Wild Springs will coordinate with the Pennington County Highway department on anticipated road use prior to construction. Refer to Section 2.4.2 for details.</td>
<td></td>
</tr>
<tr>
<td><strong>8(g)</strong> Project-specific environmental and cultural concerns (e.g. native habitat, rare species, and migratory routes). This information should be obtained by consulting with the following agencies, which includes but are not limited to; South Dakota Department of Game, Fish and Parks, U.S. Fish and Wildlife</td>
<td>Wild Springs has consulted with state and federal agencies to identify potential environmental concerns. Refer to Section 2.6 and Appendix D for details.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Task Description</td>
<td>Details</td>
</tr>
<tr>
<td>---</td>
<td>----------------------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------</td>
</tr>
<tr>
<td>8(h)</td>
<td>Project schedule</td>
<td>Refer to Sections 2.1 and 2.4.1.</td>
</tr>
<tr>
<td>8(i)</td>
<td>Mitigation measures</td>
<td>Refer to application references regarding mitigation measures detailed in 7(i)(1-6) of this table.</td>
</tr>
<tr>
<td>8(j)</td>
<td>Decommissioning Plan</td>
<td>Refer to Appendix G for Wild Spring’s proposed decommissioning plan.</td>
</tr>
<tr>
<td>8(k)</td>
<td>Conditional Use Permit fee</td>
<td>The $1,000 Conditional Use Permit fee is included with this application submittal.</td>
</tr>
<tr>
<td>9</td>
<td>Prior to a Building Permit being issued after an approved Conditional Use Permit, a FAA determination of “Does Not Exceed” or “Determination of No Hazard” in response to submission of Form 7460-1 through the OE/AAA Process be obtained; and, Aeronautical Hazard Permit issued by the South Dakota Aeronautics Commission.</td>
<td>Wild Springs has submitted Form 7460-1 through the OE/AAA process. Refer to Section 2.8 for details.</td>
</tr>
<tr>
<td>10</td>
<td>Conditional Use Permit fee shall be $1,000.00.</td>
<td>The $1,000 Conditional Use Permit fee is included with this application submittal.</td>
</tr>
<tr>
<td>11</td>
<td>The Planning Department shall inspect the project annually for compliance with this Section of the Ordinance, unless the Conditions of Approval within the Conditional Use Permit note otherwise.</td>
<td>Wild Springs acknowledges this requirement.</td>
</tr>
<tr>
<td>12</td>
<td>For each Conditional Use Permit Review, there will be a permit</td>
<td>Wild Springs acknowledges this requirement.</td>
</tr>
<tr>
<td>13</td>
<td>Building Permit Requirements</td>
<td>Wild Springs will comply with standards for USES when applying for the Building Permit.</td>
</tr>
<tr>
<td>----</td>
<td>-------------------------------</td>
<td>-------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>14</td>
<td>Post-Construction: Upon completion of construction of the project, the applicant shall supply an “as-built” ALTA survey indicating that the proposed facility comply with the setbacks in the permit within ninety (90) days</td>
<td>Wild Springs will provide “as-built” ALTA surveys to Pennington County within 90 days of the Project being operational.</td>
</tr>
<tr>
<td>15(a-g)</td>
<td>Decommissioning: To be provided at the time of Conditional Use Permit submittal.</td>
<td>Refer to Appendix G for Wild Spring’s decommissioning plan.</td>
</tr>
</tbody>
</table>

### 3.1 CONDITIONAL USE PERMIT CRITERIA

Pursuant to Section 510 of the Ordinance, the following factors may be considered by the planning commission in their review of conditional use permit applications:

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.
   - *Wild Springs does not anticipate negatively affecting the use and enjoyment of property in the immediate vicinity. Solar is low-profile, low-impact, virtually noiseless and odorless. Numerous studies have demonstrated that properties adjacent to solar projects do not see negative property-value impacts, nor does having a solar project as a neighbor negatively impact the ability to sell agricultural or residential properties.*

2. The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
   - *Utility-scale solar energy systems are conditionally permitted by the Pennington County Zoning Ordinance. Wild Springs does not anticipate impeding the development or use of land surrounding the Project area which is predominately agricultural (grazing and row crops). The Project meets or exceeds required setbacks. The Project will not impede authorized uses practices in the surrounding area.*
3. That utilities, access roads, drainage and/or other necessary facilities are provided.

- *Wild Springs does not require public services with the exception of sewer/water for the O&M building and police/fire, if needed. All electrical connections will be completed to the standards that are required to connect to the electrical grid. Permanent gravel access roads will be required and will be constructed to meet the applicable County standards. BMPs and standard industry practices will be implemented for drainage and soil erosion control. Permits for construction, such as coverage under a NPDES general permit with a SWPPP, will be obtained. Drainage will be improved with the conversion of tilled acreage to stable, perennial vegetation.*

4. That the off-street parking and loading requirements of these Zoning Ordinances are met.

- *Wild Springs will require minimal permanent off-street parking. During the construction phase of the Project temporary laydown yards will be used for equipment deliveries, component assembly and crew member parking. During the operational phase of the Project visits to the site for vegetation maintenance and equipment checks/repair will be infrequent and vehicles necessary for visits will park within the designated parking lot adjacent to the O&M building.*

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.

- *Wild Springs will not produce offensive odors or fumes. Dust controls will be in place during the construction of the Project. Vibration will only occur during a small portion of the construction phase. Lighting will be used for security and safety purposes, and it will be down-lit and motion/switch activated. Lighting will be designed to comply with NEC, state and local restrictions.*

4 Conclusion

This application demonstrates that the Wild Springs Project complies with the Pennington County Zoning Ordinance. Wild Springs Solar, LLC respectfully requests that Pennington County approve the Conditional Use Permit for the Project and looks forward to continued coordination through permitting, construction, and into operation of the Project.
Appendix A

Project Maps
FAA Determinations of No Hazard
Wild Springs Solar Project
Pennington County, SD
Appendix B
Memorandum of Land Lease and Solar Easements
MEMORANDUM OF LAND LEASE AND SOLAR EASEMENT

THIS MEMORANDUM OF LAND LEASE AND SOLAR EASEMENT ("Memorandum of Lease") is entered into this 10th day of March, 2020 by and between Gale M. Bruns and Wendy Bruns, husband and wife ("Lessor"), with an address of 16115 230th Street, New Underwood, SD 57761 and Wild Springs Solar, LLC, a Minnesota limited liability company ("Lessee"), with an address of 7650 Edinborough Way, Suite 725, Edina, MN 55435.

RECITALS:

A. Lessor and Lessee have entered into a certain Land Lease and Solar Easement dated March 10th, 2020 (the "Lease Agreement"), whereby Lessor has agreed to lease to Lessee certain real property, together with access easement rights and a Solar Easement across said premises in the County of Pennington, State of South Dakota, and being more particularly described in Exhibit A attached hereto and made a part hereof (the "Premises").

B. The parties wish to give notice of the existence of such Lease Agreement.

IN CONSIDERATION of the sum of One and 00/100 Dollar ($1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. Lessor and Lessee have entered into the Lease Agreement dated March 10th, 2020 (the "Effective Date") to lease and demise the Premises for solar energy purposes and to grant access and solar easements. Pursuant to the Lease Agreement, Lessee has the exclusive right to use the Premises for commercial solar energy purposes, together with certain related solar, access and other easement rights and other rights related to the Premises, all as more fully described in the Lease Agreement. Commercial solar energy purposes means converting solar energy into electrical energy and collecting and transmitting the electrical energy so converted, together with any and all activities related thereto.
2. The initial term of the Lease Agreement is for a period of five (5) years, commencing on the Effective Date and ending on the 16th day of March, 2025 (the "Development Period"). The Lease Agreement shall automatically be extended for a Construction Period, as defined below, upon the earlier of (i) the date when construction of solar facilities on the Premises commences ("Construction Date"); or (ii) date when Lessor receives written notice from Lessee of Lessee’s election to extend the term of the Lease Agreement for the Construction Period ("Construction Period Notice Date"). The Construction Period of the Lease Agreement ("Construction Period") is two (2) years from the earlier of either of the Construction Date or the Extended Term Notice Date unless sooner terminated in accordance with the terms of the Lease Agreement. The Lease Agreement shall automatically be extended for an Extended Term, as defined below, upon the earlier of (i) the date when the Project begins commercial operation ("Commercial Operation Date"); or (ii) date when Lessor receives written notice from Lessee of Lessee’s election to extend the term of the Lease Agreement for the Extended Term ("Extended Term Notice Date"). The Extended Term of the Lease Agreement ("Extended Term") is twenty (20) years from the commencement of the Extended Date unless sooner terminated in accordance with the terms of the Lease Agreement. Lessee has a right to renew the Extended Term for two (2) additional periods of ten (10) years upon written notice to Lessor.

3. Lessor shall have no ownership and other interest in any solar facilities installed on the Premises by Lessee, except as provided in Section 4.3 of the Lease and Lessee may remove any or all solar facilities at any time.

4. Except for any competing developers of solar energy projects, Lessee shall accommodate the reasonable development of essential services on the Premises, including any electric transmission and distribution lines and associated facilities, telecommunications facilities, and rural water systems, provided that such services do not interfere with the Solar Facilities.

5. Lessee and any successor or assign of Lessee has the right under the Lease, without need for Lessor’s consent, to do any of the following, conditionally or unconditionally, with respect to all or any portion of the Premises for solar energy purposes: grant co-leases, separate leases, subleases, easements, licenses or similar rights (however denominated) to one or more third parties; or sell, convey, lease, assign, mortgage, encumber or transfer to one or more third parties or to any affiliate of Lessee’s the Lease, or any right or interest in this Lease, or any or all right or interest of Lessee in the Premises or in any or all of the solar power facilities that Lessee or any other party may now or hereafter install on the Premises provided that (i) any such assignment, transfer or conveyance shall not be for a period beyond the term of the Lease; (ii) the assignee or transferee shall be subject to all of the obligations, covenants and conditions applicable to the Lessee; and (iii) Lessee shall not be relieved from liability for any of its obligations under the Lease by virtue of the assignment or conveyance unless Lessee assigns or conveys all of its interests under the Lease to the assignee or transferee, in which event Lessee shall have no continuing liability.

6. The Lease Agreement and the easement and rights granted Lessee therein shall burden the Premises and shall run with the land. The Lease Agreement shall inure to the benefit of and be binding upon and Lessee and, to the extent provided in any assignment or other transfer
under the Lease Agreement, any assignee or Lessee, and their respective heirs, transferees, successors and assigns, and all persons claiming under them.

7. This Memorandum of Lease has been executed and delivered by the parties for the purpose of recording and giving notice of the lease and easement rights in accordance with the terms, covenants and conditions of the Lease Agreement.

8. The terms and conditions of the Lease Agreement are incorporated by reference into this Memorandum of Lease as if set forth fully herein at length. In the event of any conflict between the terms and provisions of the Lease Agreement and this Memorandum of Lease, the Lease Agreement shall control.

The remainder of this page is intentionally blank.
LEASE SIGNATURE PAGE

LESSOR

Gale M. Bruns
Wendy Bruns

STATE OF Arizona ss.
COUNTY OF Pinal ss.

The foregoing instrument was acknowledged before me this 28th day of February, 2020 by Gale M. Bruns and Wendy Bruns, husband and wife.

MARY ANN BROWN
Notary Public - Arizona
Pinal County
My Comm. Expires Jun 8, 2020

Notary Public
My commission expires Jun 8, 2020
Wild Springs Solar, LLC

By: Jeff Ringblom, Chief Financial Officer

STATE OF MINNESOTA )
) ss.
COUNTY OF HENNEPIN )

The foregoing instrument was acknowledged before me this 10th day of March, 2020, by Jeff Ringblom, the Chief Financial Officer of Wild Springs Solar, LLC, a Minnesota limited liability company, on behalf of the limited liability company.

BRIANA MEGHAN SCHNAIBLE
Notary Public

My Commission Expires
Jan 31, 2025
EXHIBIT A
TO MEMORANDUM

DESCRIPTION OF PREMISES

Tax Parcel No(s): 41-09-100-001

Government Lots 3 and 4 and the East Half of the Southwest Quarter (E ½ SW ¼) of Section 31, Township 2 North of Range 11 East of the Black Hills Meridian, Pennington County, South Dakota.

The parcel contains approximately 480 acres more or less.
EXHIBIT A-1
TO MEMORANDUM

SITE PLAN

Gale Bruns
Parcel No. 4109100001
Pennington County, South Dakota
Lease Area contains approximately 200 acres
Entire Parcel Area contains approximately 480 acres

*All distances are approximate
DRAFTED BY AND UPON RECORDING RETURN TO:
WILD SPRINGS SOLAR, LLC
c/o GERONIMO ENERGY, LLC
8400 NORMANDALE LAKE BLVD, SUITE 1200
BLOOMINGTON, MN 55437

LAND LEASE AND SOLAR EASEMENT
SOUTH DAKOTA

Execution of Document

South Dakota law requires that this document may not be executed by the parties until at least 10 business days after it has been delivered to the property owner. The property owner acknowledges that this requirement has been satisfied by initialing below.

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<td></td>
<td>JMB</td>
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<tr>
<td>Wendy Bruns</td>
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</tbody>
</table>
AMENDMENT TO LAND LEASE AND SOLAR EASEMENT

THIS AMENDMENT TO LAND LEASE AND SOLAR EASEMENT (this "Amendment") is made and entered into as March 16, 2020 (the "Effective Date"), by and between Gale M. Bruns and Wendy Bruns, husband and wife, whose address is 16115 230th Street, New Underwood, SD 57761 ("Lessor"), and Wild Springs Solar, LLC, a Minnesota limited liability company, whose address is 8400 Normandale Lake Blvd, Suite 1200, Bloomington, MN 55437 ("Lessee").

RECITALS

A. Lessee and Lessor are parties to that certain Land Lease and Solar Easement dated June 19, 2019 ("Agreement") relating to certain real property in Pennington County, South Dakota (the "Property" as more fully described in the Lease), a memorandum of which was filed on July 29, 2019 as Document No. A201909295. Capitalized terms, unless otherwise defined herein, shall have the meanings ascribed to them in the Agreement.

B. The parties desire to amend the Lease as set forth herein.

AGREEMENT

NOW, THEREFORE, in consideration of the premises and the mutual covenants herein contained, Lessor and Lessee agree as follows:

1. The Recitals set forth above is true and correct in all material respects and incorporated herein by reference.

2. The "Site Plan" referred to in Section 1.1 (a) and attached as Exhibit A-1 of the Lease is hereby deleted in its entirety and replaced with the Site Plan on Exhibit A-1 attached hereto. From and after the Effective Date hereof, all references to the "Site Plan" in the Lease shall refer to the Site Plan attached hereto, and all references to the "Premises" in the Lease shall refer to the Premises as identified in the attached Site Plan.

3. The Lease, as amended by this Amendment, constitutes the entire agreement of the parties with respect to the matters contained herein and may be further amended only in writing signed by both of the parties hereto. Except as specifically set forth in this Amendment, all terms and conditions in the Lease shall remain in full force and effect.

4. This Amendment may be executed in counterparts, each of which shall be deemed an original, which together shall constitute one and the same agreement. A facsimile transmission of an executed signature page shall be deemed an original signature page for purposes of this Amendment.

The remainder of this page is intentionally blank.
STATE OF MINNESOTA )
COUNTY OF HENNEPIN ) ss.

This instrument was acknowledged before me on March 10, 2020, by Jeff Ringblom, as CFO of Wild Springs Solar, LLC, a Minnesota limited liability company, on behalf of the company.

Notary Public
EXHIBIT A
DESCRIPTION OF PROPERTY

Tax Parcel No(s): 24-31-300-001

Government Lots 3 and 4 and the East Half of the Southwest Quarter (E ½ SW ¼) of Section 31, Township 2 North of Range 11 East of the Black Hills Meridian, Pennington County, South Dakota.

Tax Parcel No(s): 41-05-300-002

The East Half of the Southwest Quarter (E ½ SW ¼) of Section Five (5), Township 1 North, Range 11 East of the Black Hills Meridian, Pennington County, South Dakota.

Tax Parcel No(s): 41-06-400-001

The East Half of the Southeast Quarter (E ½ SE ¼) of Section Six (6), Township 1 North, Range 11 East of the Black Hills Meridian, Pennington County, South Dakota.

Tax Parcel No(s): 41-07-200-001

The East Half of the Northeast Quarter (E ½ NE ¼) of Section Seven (7), Township 1 North, Range 11 East of the Black Hills Meridian, Pennington County, South Dakota.

Tax Parcel No(s): 41-08-100-001

The South Half (S ½) and the Northeast Quarter (NE ¼) and the Northwest Quarter (NW ¼) of Section Eight (8), Township 1 North, Range 11 East of the Black Hills Meridian, Pennington County, South Dakota.

The parcels contain approximately 1,556 acres more or less.
EXHIBIT A-1
SITE PLAN

Gale Bruno
Tax Parcel No. 243100009
Pennington County, South Dakota
Legal description(s) as described in Exhibit A
Lease area contains approximately 116 Acres.
Entire parcel area contains approximately 163.52 Acres.

*All distances are approximate

(Exhibit A-1 continued next page)
Gale Bruns
Parcel No: 4105300002, 4108100001
Pennington County, South Dakota
Lease Area contains approximately 109.5 acres
Entire Parcel Area contains approximately 720 acres

(Exhibit A-1 continued next page)
Gale Bruns
Tax Parcel No(s): 4106400001 & 4107200001
Pennington County, SD

Legal description(s) as described in Exhibit A

Lease area contains approximately 160 Acres.
Entire parcel area contains approximately 160 Acres.

*All distances are approximate
MEMORANDUM OF LAND LEASE AND SOLAR EASEMENT

THIS MEMORANDUM OF LAND LEASE AND SOLAR EASEMENT ("Memorandum of Lease") is entered into this __________ day of __________, 2019, by and between Gene F. Crosbie and Alma M. Crosbie, husband and wife ("Lessor"), with an address of 23205 161st Ave, New Underwood, SD 57761 and Wild Springs Solar, LLC, a Minnesota limited liability company ("Lessee"), with an address of 7650 Edinborough Way, Suite 725, Edina, MN 55435.

RECITALS:

A. Lessor and Lessee have entered into a certain Land Lease and Solar Easement dated __________, 2019 (the "Lease Agreement"), whereby Lessor has agreed to lease to Lessee certain real property, together with access easement rights and a Solar Easement across said premises in the County of Pennington, State of South Dakota, and being more particularly described in Exhibit A attached hereto and made a part hereof (the "Premises").

B. The parties wish to give notice of the existence of such Lease Agreement.

IN CONSIDERATION of the sum of One and 00/100 Dollar ($1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. Lessor and Lessee entered into that certain Land Lease and Solar Easement dated as of June 27, 2016, which was filed for record July 25, 2016 as Doc. No. A201609824, that certain Land Lease and Solar Easement dated as of June 27, 2016, which was filed for record July 25, 2016 as Doc. No. A201609825, that certain Land Lease and Solar Easement dated as of July 7, 2016, which was filed for record August 1, 2016 as Doc. No. A201610192 (the "Original Agreements"), relating to the Premises. The Lease Agreement terminates and supersedes the Original Agreements in their entirety.
2. Lessor and Lessee have entered into the Lease Agreement dated June 19, 2019 (the “Effective Date”) to lease and demise the Premises for solar energy purposes and to grant access and solar easements. Pursuant to the Lease Agreement, Lessee has the exclusive right to use the Premises for commercial solar energy purposes, together with certain related solar, access and other easement rights and other rights related to the Premises, all as more fully described in the Lease Agreement. Commercial solar energy purposes means converting solar energy into electrical energy and collecting and transmitting the electrical energy so converted, together with any and all activities related thereto.

3. The initial term of the Lease Agreement is for a period of five (5) years, commencing on the Effective Date and ending on the 19th day of June, 2024 (the “Development Period”). The Lease Agreement shall automatically be extended for a Construction Period, as defined below, upon the earlier of (i) the date when construction of solar facilities on the Premises commences (“Construction Date”); or (ii) date when Lessor receives written notice from Lessee of Lessee’s election to extend the term of the Lease Agreement for the Construction Period (“Construction Period Notice Date”). The Construction Period of the Lease Agreement (“Construction Period”) is two (2) years from the earlier of either of the Construction Date or the Extended Term Notice Date unless sooner terminated in accordance with the terms of the Lease Agreement. The Lease Agreement shall automatically be extended for an Extended Term, as defined below, upon the earlier of (i) the date when the Project begins commercial operation (“Commercial Operation Date”); or (ii) date when Lessor receives written notice from Lessee of Lessee’s election to extend the term of the Lease Agreement for the Extended Term (“Extended Term Notice Date”). The Extended Term of the Lease Agreement (“Extended Term”) is twenty (20) years from the commencement of the Extended Date unless sooner terminated in accordance with the terms of the Lease Agreement. Lessee has a right to renew the Extended Term for two (2) additional periods of ten (10) years upon written notice to Lessor.

4. Lessor shall have no ownership and other interest in any solar facilities installed on the Premises by Lessee, except as provided in Section 4.3 of the Lease and Lessee may remove any or all solar facilities at any time.

5. Except for any competing developers of solar energy projects, Lessee shall accommodate the reasonable development of essential services on the Premises, including any electric transmission and distribution lines and associated facilities, telecommunications facilities, and rural water systems, provided that such services do not interfere with the Solar Facilities.

6. Lessee and any successor or assign of Lessee has the right under the Lease, without need for Lessor’s consent, to do any of the following, conditionally or unconditionally, with respect to all or any portion of the Premises for solar energy purposes: grant co-leases, separate leases, subleases, easements, licenses or similar rights (however denominated) to one or more third parties; or sell, convey, lease, assign, mortgage, encumber or transfer to one or more third parties or to any affiliate of Lessee’s this Lease, or any right or interest in this Lease, or any or all right or interest of Lessee in the Premises or in any or all of the solar power facilities that Lessee or any other party may now or hereafter install on the Premises provided that (i) any such assignment, transfer or conveyance shall not be for a period beyond the term of the Lease; (ii) the assignee or transferee shall be subject to all of the obligations, covenants and conditions applicable to the
Lessee; and (iii) Lessee shall not be relieved from liability for any of its obligations under the Lease by virtue of the assignment or conveyance unless Lessee assigns or conveys all of its interests under the Lease to the assignee or transferee, in which event Lessee shall have no continuing liability.

7. The Lease Agreement and the easement and rights granted Lessee therein shall burden the Premises and shall run with the land. The Lease Agreement shall inure to the benefit of and be binding upon and Lessee and, to the extent provided in any assignment or other transfer under the Lease Agreement, any assignee or Lessee, and their respective heirs, transferees, successors and assigns, and all persons claiming under them.

8. This Memorandum of Lease has been executed and delivered by the parties for the purpose of recording and giving notice of the lease and easement rights in accordance with the terms, covenants and conditions of the Lease Agreement.

9. The terms and conditions of the Lease Agreement are incorporated by reference into this Memorandum of Lease as if set forth fully herein at length. In the event of any conflict between the terms and provisions of the Lease Agreement and this Memorandum of Lease, the Lease Agreement shall control.

The remainder of this page is intentionally blank.
LESSOR

Gene F. Crosbie

Alma M. Crosbie

STATE OF SOUTH DAKOTA )
COUNTY OF Pennington ) ss.

On the 13th day of June, 2017, before me
the undersigned, personally appeared Gene F. Crosbie
and Alma M. Crosbie, husband and wife, known to me or satisfactorily proven to be the person(s)
whose name(s) is (are) subscribed to the instrument and acknowledged that he/she/they executed
the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

O. Brett Hansen
Notary Public
My commission expires 11-8-2019
Wild Springs Solar, LLC

By: [Signature]

Jeff Ringblom, Chief Financial Officer

STATE OF MINNESOTA    )
COUNTY OF HENNEPIN    ) ss.

The foregoing instrument was acknowledged before me this 21st day of July, 2019, by Jeff Ringblom, the Chief Financial Officer of Wild Springs Solar, LLC, a Minnesota limited liability company, on behalf of the limited liability company.

[Stamp]
BRIANA MEGHAN SCHNAIBLE
Notary Public
State of Minnesota
My Commission Expires
January 31, 2020

Notary Public
EXHIBIT A
TO MEMORANDUM

DESCRIPTION OF PREMISES

Tax Parcel No(s): 41-06-300-002

Government Lots Six (6) and Seven (7) of Section Six (6), Township One (1) North, Range Eleven (11) East of the Black Hills Meridian, Pennington County, South Dakota.

Tax Parcel No(s): 40-01-100-001

The Northeast Quarter (NE ¼) of Section One (1), Township One (1) North, Range Ten (10) East of the Black Hills Meridian, Pennington County, South Dakota.

Tax Parcel No(s): 40-01-300-001

The South Half (S ½) of Section One (1), Township One (1) North, Range Ten (10) East of the Black Hills Meridian, Pennington County, South Dakota.

The parcels contain approximately 406.31 acres.
EXHIBIT A-1
TO MEMORANDUM
SITE PLAN

Gene Crosby
Tax Parcel numbers: 4001100001, 4001300001, 4106300002

Legal description as described in Exhibit A:

Lease Area contains approximately 164.31 acres.
Lease Area - Transmission & Collection Facilities contains approximately 0.46 acres.
Entire Parcel Area contains approximately 726.47 acres.

Non Lease Area

Lease Area - Transmission & Collection Facilities

Lease Area

Non Lease Area
DRAFTED BY AND UPON RECORDING RETURN TO:  
WILD SPRINGS SOLAR, LLC  
c/o GERONIMO ENERGY, LLC  
8400 NORMANDALE LAKE BLVD, SUITE 1200  
BLOOMINGTON, MN 55437

**LAND LEASE AND SOLAR EASEMENT**  
**SOUTH DAKOTA**

**Execution of Document**

South Dakota law requires that this document may not be executed by the parties until at least 10 business days after it has been delivered to the property owner. The property owner acknowledges that this requirement has been satisfied by initialling below.

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<td><strong>Alma M. Crosbie</strong></td>
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AMENDMENT TO LAND LEASE AND SOLAR EASEMENT

THIS AMENDMENT TO LAND LEASE AND SOLAR EASEMENT (this “Amendment”) is made and entered into as _March 10, 2022_ (the “Effective Date”), by and between Gene F. Crobie and Alma M. Crobie, husband and wife, whose address is 23205 161st Ave, New Underwood, SD 57761 (“Lessor”), and Wild Springs Solar, LLC, a Minnesota limited liability company, whose address is 8400 Normandale Lake Blvd, Suite 1200, Bloomington, MN 55437 (“Lessee”).

RECATALS

A. Lessee and Lessor are parties to that certain Land Lease and Solar Easement dated June 19, 2019 (“Agreement”) relating to certain real property in Pennington County, South Dakota (the “Property” as more fully described in the Lease), a memorandum of which was filed on July 29, 2019 as Document No. A201909296. Capitalized terms, unless otherwise defined herein, shall have the meanings ascribed to them in the Agreement.

B. The parties desire to amend the Lease as set forth herein.

AGREEMENT

NOW, THEREFORE, in consideration of the premises and the mutual covenants herein contained, Lessor and Lessee agree as follows:

1. The Recitals set forth above is true and correct in all material respects and incorporated herein by reference.

2. The “Site Plan” referred to in Section 1.1 (a) and attached as Exhibit A-1 of the Lease is hereby deleted in its entirety and replaced with the Site Plan on Exhibit A-1 attached hereto. From and after the Effective Date hereof, all references to the “Site Plan” in the Lease shall refer to the Site Plan attached hereto, and all references to the “Premises” in the Lease shall refer to the Premises as identified in the attached Site Plan.

3. The Lease, as amended by this Amendment, constitutes the entire agreement of the parties with respect to the matters contained herein and may be further amended only in writing signed by both of the parties hereto. Except as specifically set forth in this Amendment, all terms and conditions in the Lease shall remain in full force and effect.

4. This Amendment may be executed in counterparts, each of which shall be deemed an original, which together shall constitute one and the same agreement. A facsimile transmission of an executed signature page shall be deemed an original signature page for purposes of this Amendment.

The remainder of this page is intentionally blank.
IN WITNESS WHEREOF, the parties hereto have executed this Amendment as of the day and year first above written.

LESSOR:

[Signatures]

Gene F. Crosbie

Alma M. Crosbie

LESSEE:

WILD SPRINGS SOLAR, LLC

By: [Signature]

Jeff Ringblom, CFO

STATE OF SOUTH DAKOTA )
COUNTY OF Penniston ) ss.

On the 6th day of February, 2023 before me, the undersigned, personally appeared Gene F. Crosbie and Alma M. Crosbie, husband and wife, known to me or satisfactorily proven to be the person(s) whose name(s) is (are) subscribed to the instrument and acknowledged that he/she/they executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

[Signature]
Notary Public
My commission expires 12-12-2025
STATE OF MINNESOTA  )
    ) ss.
COUNTY OF HENNEPIN  )

This instrument was acknowledged before me on March 10, 2010, by Jeff
Ringblom, as CFO of Wild Springs Solar, LLC, a Minnesota limited liability company, on behalf of
the company.

[Notary Seal]

Briana Meghan Schnaible
Notary Public
Minneapolis
My Commission Expires
Jan 31, 2025

[Signature]

Notary Public
EXHIBIT A
DESCRIPTION OF PROPERTY

Tax Parcel No(s): 41-06-300-002

Government Lots Six (6) and Seven (7) of Section Six (6), Township One (1) North, Range Eleven (11) East of the Black Hills Meridian, Pennington County, South Dakota.

Tax Parcel No(s): 40-01-100-001

The Northeast Quarter (NE ¼) of Section One (1), Township One (1) North, Range Ten (10) East of the Black Hills Meridian, Pennington County, South Dakota.

Tax Parcel No(s): 40-01-300-001

The South Half (S ½) of Section One (1), Township One (1) North, Range Ten (10) East of the Black Hills Meridian, Pennington County, South Dakota.

The parcels contain approximately **406.31 acres**.
EXHIBIT A-1
SITE PLAN
Gene Crosby
Parcel No: 4106300002, 4001300001, 4001100001
Pennington County, South Dakota
Lease Area contains approximately 204.14 acres
Entire Parcel Area contains approximately 726.47 acres

*All distances are approximate*
MEMORANDUM OF LAND LEASE AND SOLAR EASEMENT

THIS MEMORANDUM OF LAND LEASE AND SOLAR EASEMENT ("Memorandum of Lease") is entered into this 19th day of June, 2019 by and between Laurie A. Swanson and Steven G. Swanson, wife and husband ("Lessor"), with an address of 904 S A Ave, New Underwood, SD 57761 and Wild Springs Solar, LLC, a Minnesota limited liability company ("Lessee"), with an address of 7650 Edinborough Way, Suite 725, Edina, MN 55435.

RECITALS:

A. Lessor and Lessee have entered into a certain Land Lease and Solar Easement dated June 19, 2019 (the "Lease Agreement"), whereby Lessor has agreed to lease to Lessee certain real property, together with access easement rights and a Solar Easement across said premises in the County of Pennington, State of South Dakota, and being more particularly described in Exhibit A attached hereto and made a part hereof (the "Premises").

B. The parties wish to give notice of the existence of such Lease Agreement.

IN CONSIDERATION of the sum of One and 00/100 Dollar ($1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. Lessor and Lessee have entered into the Lease Agreement dated June 19, 2019 (the "Effective Date") to lease and demise the Premises for solar energy purposes and to grant access and solar easements. Pursuant to the Lease Agreement, Lessee has the exclusive right to use the Premises for commercial solar energy purposes, together with certain related solar, access and other easement rights and other rights related to the Premises, all as more fully described in the Lease Agreement. Commercial solar energy purposes means converting solar energy into electrical energy and collecting and transmitting the electrical energy so converted, together with any and all activities related thereto.

2. The initial term of the Lease Agreement is for a period of five (5) years, commencing on the Effective Date and ending on the 19th day of June, 2024 (the "Development Period"). The Lease Agreement shall automatically be extended for a
Construction Period, as defined below, upon the earlier of (i) the date when construction of solar facilities on the Premises commences ("Construction Date"); or (ii) date when Lessor receives written notice from Lessee of Lessee's election to extend the term of the Lease Agreement for the Construction Period ("Construction Period Notice Date"). The Construction Period of the Lease Agreement ("Construction Period") is two (2) years from the earlier of either of the Construction Date or the Extended Term Notice Date unless sooner terminated in accordance with the terms of the Lease Agreement. The Lease Agreement shall automatically be extended for an Extended Term, as defined below, upon the earlier of (i) the date when the Project begins commercial operation ("Commercial Operation Date"); or (ii) date when Lessor receives written notice from Lessee of Lessee's election to extend the term of the Lease Agreement for the Extended Term ("Extended Term Notice Date"). The Extended Term of the Lease Agreement ("Extended Term") is twenty (20) years from the commencement of the Extended Date unless sooner terminated in accordance with the terms of the Lease Agreement. Lessee has a right to renew the Extended Term for two (2) additional periods of ten (10) years upon written notice to Lessor.

3. Lessor shall have no ownership and other interest in any solar facilities installed on the Premises by Lessee, except as provided in Section 4.3 of the Lease and Lessee may remove any or all solar facilities at any time.

4. Except for any competing developers of solar energy projects, Lessee shall accommodate the reasonable development of essential services on the Premises, including any electric transmission and distribution lines and associated facilities, telecommunications facilities, and rural water systems, provided that such services do not interfere with the Solar Facilities.

5. Lessee and any successor or assign of Lessee has the right under the Lease, without need for Lessor's consent, to do any of the following, conditionally or unconditionally, with respect to all or any portion of the Premises for solar energy purposes: grant co-leases, separate leases, subleases, easements, licenses or similar rights (however denominated) to one or more third parties; or sell, convey, lease, assign, mortgage, encumber or transfer to one or more third parties or to any affiliate of Lessee's this Lease, or any right or interest in this Lease, or any or all right or interest of Lessee in the Premises or in any or all of the solar power facilities that Lessee or any other party may now or hereafter install on the Premises provided that (i) any such assignment, transfer or conveyance shall not be for a period beyond the term of the Lease; (ii) the assignee or transferee shall be subject to all of the obligations, covenants and conditions applicable to the Lessee; and (iii) Lessee shall not be relieved from liability for any of its obligations under the Lease by virtue of the assignment or conveyance unless Lessee assigns or conveys all of its interests under the Lease to the assignee or transferee, in which event Lessee shall have no continuing liability.

6. The Lease Agreement and the easement and rights granted Lessee therein shall burden the Premises and shall run with the land. The Lease Agreement shall inure to the benefit of and be binding upon and Lessee and, to the extent provided in any assignment or other transfer under the Lease Agreement, any assignee or Lessee, and their respective heirs, transferees, successors and assigns, and all persons claiming under them.
7. This Memorandum of Lease has been executed and delivered by the parties for the purpose of recording and giving notice of the lease and easement rights in accordance with the terms, covenants and conditions of the Lease Agreement.

8. The terms and conditions of the Lease Agreement are incorporated by reference into this Memorandum of Lease as if set forth fully herein at length. In the event of any conflict between the terms and provisions of the Lease Agreement and this Memorandum of Lease, the Lease Agreement shall control.

The remainder of this page is intentionally blank.
LESSOR SIGNATURE PAGE

LESSOR

Laurie A. Swanson
Steven G. Swanson

STATE OF SOUTH DAKOTA )
) ss.
COUNTY OF Pennington )

On the 19th day of June, 2019, before me the undersigned, personally appeared Laurie A. Swanson and Steven G. Swanson, wife and husband, known to me or satisfactorily proven to be the person(s) whose name(s) is (are) subscribed to the instrument and acknowledged that he/she/they executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

Notary Public
My commission expires 11-08-19
LESSEE SIGNATURE PAGE

Wild Springs Solar, LLC

By: [Signature]

Jeff Ringblom, Chief Financial Officer

STATE OF MINNESOTA   )
) ss.
COUNTY OF HENNEPIN   )

The foregoing instrument was acknowledged before me this 24th day of July, 2019, by Jeff Ringblom, the Chief Financial Officer of Wild Springs Solar, LLC, a Minnesota limited liability company, on behalf of the limited liability company.

[Stamp]
BRIANA MEGHAN SCHNAIBLE
Notary Public
State of Minnesota
My Commission Expires
January 31, 2020

Notary Public
EXHIBIT A
TO MEMORANDUM

DESCRIPTION OF PREMISES

Tax Parcel No(s): 41-07-100-001

The W ½ NE ¼, E ½ NW ¼; Government Lots 1, 2, 3, and 4; the NE ¼ SW ¼, N ¼ SE ¼, SE ¼ SE ¼, Less the ROW, in Section 7, Township 1 North, Range 11 East of the Black Hills Meridian, Pennington County, South Dakota.

The parcels contain approximately 488.8 acres more or less.
EXHIBIT A-1
TO MEMORANDUM
SITE PLAN

Laurie Swanson
Tax Parcel No. 4107160001
Pennington County, South Dakota
Section 7 - Township 1N - Range 11E

Legal description(s) as described in Exhibit A
Lease area contains approximately 151.5 Acres.
Entire parcel area contains approximately 488.8 Acres.

*All distances are approximate*
Memorandum of Land Lease and Solar Easement

This Memorandum of Land Lease and Solar Easement ("Memorandum of Lease") is entered into this 10th day of June, 2019, by and between Laurie A. Swanson and Steven G. Swanson, wife and husband ("Lessor"), with an address of 904 S A Ave, New Underwood, SD 57761 and Wild Springs Solar, LLC, a Minnesota limited liability company ("Lessee"), with an address of 7650 Edinborough Way, Suite 725, Edina, MN 55435.

Recitals:

A. Lessor and Lessee have entered into a certain Land Lease and Solar Easement dated June 15, 2019 (the "Lease Agreement"), whereby Lessor has agreed to lease to Lessee certain real property, together with access easement rights and a Solar Easement across said premises in the County of Pennington, State of South Dakota, and being more particularly described in Exhibit A attached hereto and made a part hereof (the "Premises").

B. The parties wish to give notice of the existence of such Lease Agreement.

In Consideration of the sum of One and 00/100 Dollar ($1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. Lessor and Lessee entered into that certain Land Lease and Solar Easement dated as of June 27, 2016, which was filed for record July 25, 2016 as Doc. No. A201609822, that certain Land Lease and Solar Easement dated as of June 27, 2016, which was filed for record July 25, 2016 as Doc. No. A201609823 (the "Original Agreements"), relating to the Premises. The Lease Agreement terminates and supersedes the Original Agreements in their entirety.
2. Lessor and Lessee have entered into the Lease Agreement dated June 19, 2019 (the "Effective Date") to lease and demise the Premises for solar energy purposes and to grant access and solar easements. Pursuant to the Lease Agreement, Lessee has the exclusive right to use the Premises for commercial solar energy purposes, together with certain related solar, access and other easement rights and other rights related to the Premises, all as more fully described in the Lease Agreement. Commercial solar energy purposes means converting solar energy into electrical energy and collecting and transmitting the electrical energy so converted, together with any and all activities related thereto.

3. The initial term of the Lease Agreement is for a period of five (5) years, commencing on the Effective Date and ending on the 19th day of June, 2024 (the "Development Period"). The Lease Agreement shall automatically be extended for a Construction Period, as defined below, upon the earlier of (i) the date when construction of solar facilities on the Premises commences ("Construction Date"); or (ii) date when Lessor receives written notice from Lessee of Lessee’s election to extend the term of the Lease Agreement for the Construction Period ("Construction Period Notice Date"). The Construction Period of the Lease Agreement ("Construction Period") is two (2) years from the earlier of either of the Construction Date or the Extended Term Notice Date unless sooner terminated in accordance with the terms of the Lease Agreement. The Lease Agreement shall automatically be extended for an Extended Term, as defined below, upon the earlier of (i) the date when the Project begins commercial operation ("Commercial Operation Date"); or (ii) date when Lessor receives written notice from Lessee of Lessee’s election to extend the term of the Lease Agreement for the Extended Term ("Extended Term Notice Date"). The Extended Term of the Lease Agreement ("Extended Term") is twenty (20) years from the commencement of the Extended Date unless sooner terminated in accordance with the terms of the Lease Agreement. Lessee has a right to renew the Extended Term for two (2) additional periods of ten (10) years upon written notice to Lessor.

4. Lessor shall have no ownership and other interest in any solar facilities installed on the Premises by Lessee, except as provided in Section 4.3 of the Lease and Lessee may remove any or all solar facilities at any time.

5. Except for any competing developers of solar energy projects, Lessee shall accommodate the reasonable development of essential services on the Premises, including any electric transmission and distribution lines and associated facilities, telecommunications facilities, and rural water systems, provided that such services do not interfere with the Solar Facilities.

6. Lessee and any successor or assign of Lessee has the right under the Lease, without need for Lessor’s consent, to do any of the following, conditionally or unconditionally, with respect to all or any portion of the Premises for solar energy purposes: grant co-leases, separate leases, subleases, easements, licenses or similar rights (however denominated) to one or more third parties; or sell, convey, lease, assign, mortgage, encumber or transfer to one or more third parties or to any affiliate of Lessee’s this Lease, or any right or interest in this Lease, or any or all right or interest of Lessee in the Premises or in any or all of the solar power facilities that Lessee or any other party may now or hereafter install on the Premises provided that (i) any such assignment, transfer or conveyance shall not be for a period beyond the term of the Lease; (ii) the assignee or transferee shall be subject to all of the obligations, covenants and conditions applicable to the
Lessee; and (iii) Lessee shall not be relieved from liability for any of its obligations under the Lease by virtue of the assignment or conveyance unless Lessee assigns or conveys all of its interests under the Lease to the assignee or transferee, in which event Lessee shall have no continuing liability.

7. The Lease Agreement and the easement and rights granted Lessee therein shall burden the Premises and shall run with the land. The Lease Agreement shall inure to the benefit of and be binding upon and Lessee and, to the extent provided in any assignment or other transfer under the Lease Agreement, any assignee or Lessee, and their respective heirs, transferees, successors and assigns, and all persons claiming under them.

8. This Memorandum of Lease has been executed and delivered by the parties for the purpose of recording and giving notice of the lease and easement rights in accordance with the terms, covenants and conditions of the Lease Agreement.

9. The terms and conditions of the Lease Agreement are incorporated by reference into this Memorandum of Lease as if set forth fully herein at length. In the event of any conflict between the terms and provisions of the Lease Agreement and this Memorandum of Lease, the Lease Agreement shall control.

The remainder of this page is intentionally blank.
LESSOR

Laurie A. Swanson

Steven G. Swanson

STATE OF SOUTH DAKOTA )

COUNTY OF Pennington ) ss.

On the 19th day of June, 2019, before me

the undersigned, personally appeared Laurie A.
Swanson and Steven G. Swanson, wife and husband, known to me or satisfactorily proven to be
the person(s) whose name(s) is (are) subscribed to the instrument and acknowledged that
he/she/they executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

Notary Public
My commission expires 11-08-2019
LESSEE SIGNATURE PAGE

Wild Springs Solar, LLC

By: [Signature]
Jeff Ringblom, Chief Financial Officer

STATE OF MINNESOTA  )
COUNTY OF HENNEPIN  ) ss.

The foregoing instrument was acknowledged before me this 24th day of
July, 2019, by Jeff Ringblom, the Chief Financial Officer of
Wild Springs Solar, LLC, a Minnesota limited liability company, on behalf of the limited liability
company.

[Signature]
BRIANA MEGHAN SCHNAIBLE
Notary Public
State of Minnesota
My Commission Expires
January 31, 2020
EXHIBIT A
TO MEMORANDUM

DESCRIPTION OF PREMISES

Tax Parcel No(s): 23-36-400-001

The Southeast Quarter (SE ¼) in Section 36, Township 2 North, Range 10 East of the Black Hills Meridian, Pennington County, South Dakota.

Tax Parcel No(s): 23-36-200-002

That part of the South Half of the Northeast Quarter (S ½ NE ¼) lying south of the railroad right of way in Section 36, Township 2 North, Range 10 East of the Black Hills Meridian, Pennington County, South Dakota.

Tax Parcel No(s): 41-06-300-001

The East Half of the Southwest Quarter (E ½ SW ¼) and the West Half of the Southeast Quarter (W ½ SE ¼) of Section Six (6), Township 1 North, Range 11 East of the Black Hills Meridian, Pennington County, South Dakota.

The parcels contain approximately 373.2 acres more or less.
EXHIBIT A-1
TO MEMORANDUM

SITE PLAN

Laurie Swanson
Tax Parcel No(s): 233400001 & 2336300002
Pennington County, South Dakota
Legal description(s) as described in Exhibit A
Lease area contains approximately 213.2 Acres.
Entire parcel area contains approximately 213.2 Acres.

233600002
Lease area: 53.2 Acres.
Entire parcel area: 53.2 Acres.

233400001
Lease area: 160 Acres.
Entire parcel area: 160 Acres.

5F Connes of 516 T2 R10

*All distances are approximate

(Exhibit A-1 continued next page)
Laurie Swanson
Tax Parcel No. 4107100001
Pennington County, South Dakota
Section 6 - Township 1N - Range 11E

Legal description(s) as described in Exhibit A

Lease area contains approximately **155 Acres**.
Entire parcel area contains approximately **160 Acres**.

*All distances are approximate*
LAND LEASE AND SOLAR EASEMENT  
SOUTH DAKOTA

Execution of Document

South Dakota law requires that this document may not be executed by the parties until at least 10 business days after it has been delivered to the property owner. The property owner acknowledges that this requirement has been satisfied by initialing below.

<table>
<thead>
<tr>
<th>Printed Name</th>
<th>Execution Date</th>
<th>Initials</th>
</tr>
</thead>
<tbody>
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<td>Laurie A. Swanson</td>
<td>2/6/2020</td>
<td>9F</td>
</tr>
<tr>
<td>Steven C. Swanson</td>
<td>2/6/2020</td>
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<td>Printed Name</td>
<td>Execution Date: <em><strong>/</strong></em>/____ Initials:____</td>
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</tr>
<tr>
<td>Printed Name</td>
<td>Execution Date: <em><strong>/</strong></em>/____ Initials:____</td>
<td></td>
</tr>
</tbody>
</table>
AMENDMENT TO LAND LEASE AND SOLAR EASEMENT

THIS AMENDMENT TO LAND LEASE AND SOLAR EASEMENT (this "Amendment") is made and entered into as March 10, 2020 (the "Effective Date"), by and between Laurie A. Swanson and Steven G. Swanson, wife and husband, whose address is 904 S A Ave, New Underwood, SD 57761 ("Lessor"), and Wild Springs Solar, LLC, a Minnesota limited liability company, whose address is 8400 Normandale Lake Blvd, Suite 1200, Bloomington, MN 55437 ("Lessee").

RECITALS

A. Lessee and Lessor are parties to that certain Land Lease and Solar Easement dated June 19, 2019 ("Agreement") relating to certain real property in Pennington County, South Dakota (the "Property" as more fully described in the Lease), a memorandum of which was filed on July 29, 2019 as Document No. A201909293. Capitalized terms, unless otherwise defined herein, shall have the meanings ascribed to them in the Agreement.

B. The parties desire to amend the Lease as set forth herein.

AGREEMENT

NOW, THEREFORE, in consideration of the premises and the mutual covenants herein contained, Lessor and Lessee agree as follows:

1. The Recitals set forth above is true and correct in all material respects and incorporated herein by reference.

2. The "Site Plan" referred to in Section 1.1 (a) and attached as Exhibit A-1 of the Lease is hereby deleted in its entirety and replaced with the Site Plan on Exhibit A-1 attached hereto. From and after the Effective Date hereof, all references to the "Site Plan" in the Lease shall refer to the Site Plan attached hereto, and all references to the "Premises" in the Lease shall refer to the Premises as identified in the attached Site Plan.

3. The Lease, as amended by this Amendment, constitutes the entire agreement of the parties with respect to the matters contained herein and may be further amended only in writing signed by both of the parties hereto. Except as specifically set forth in this Amendment, all terms and conditions in the Lease shall remain in full force and effect.

4. This Amendment may be executed in counterparts, each of which shall be deemed an original, which together shall constitute one and the same agreement. A facsimile transmission of an executed signature page shall be deemed an original signature page for purposes of this Amendment.

The remainder of this page is intentionally blank.
IN WITNESS WHEREOF, the parties hereto have executed this Amendment as of the day and year first above written.

LESSOR:

Laurie A. Swanson

Steven G. Swanson

LESSEE:
WILD SPRINGS SOLAR, LLC

By: Jeff Ringblom, CFO

STATE OF SOUTH DAKOTA )
COUNTY OF Pennington ) ss.

On the 6th day of February, 2020, before me the undersigned, personally appeared Laurie A. Swanson and Steven G. Swanson, wife and husband, known to me or satisfactorily proven to be the person(s) whose name(s) is (are) subscribed to the instrument and acknowledged that he/she/they executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

Notary Public
My commission expires 12-12-2025
STATE OF MINNESOTA  
COUNTY OF HENNEPIN  
ss.

This instrument was acknowledged before me on **March 10, 2020**, by Jeff Ringblom, as CFO of Wild Springs Solar, LLC, a Minnesota limited liability company, on behalf of the company.

[Signature]

Notary Public
EXHIBIT A
DESCRIPTION OF PROPERTY

Tax Parcel No(s): 41-07-100-001

The W ½ NE ¼, E ½ NW ¼; Government Lots 1, 2, 3, and 4; the NE ¼ SW ¼, N ½ SE ¼, SE ¼ SE ¼, Less the ROW, in Section 7, Township 1 North, Range 11 East of the Black Hills Meridian, Pennington County, South Dakota.

The parcels contain approximately 488.8 acres more or less.
EXHIBIT A-1
SITE PLAN

Laurie Swanson
Tax Parcel No. 41063000001
Pennington County, South Dakota
Section 7 - Township T1N - Range 11E

Legal description(s) as described in Exhibit A

Lease area contains approximately 249 Acres.
Entire parcel area contains approximately 488.8 Acres.

*All distances are approximate
Appendix C
Preliminary Site Plan
Wild Springs Solar
128-MW AC Solar Array
Pennington County, SD
Preliminary Permit Plan
Appendix D
Agency Communication
MEETING Wild Springs Solar Project Introduction and Review
DATE/TIME January 22, 2020, 9:00 AM-11:00 AM CST
LOCATION SDGFP Office, Pierre SD
PARTICIPANTS Melissa Schmit (Geronimo Energy)
                 Todd Mattson (WEST)
                 Natalie Gates (USFWS)
                 Hilary Morey (SDGFP)

- Meeting with USFWS and SDGFP to provide an update on Wild Springs Solar and discuss wildlife survey efforts.
- Geronimo provided an overview of the Project including project schedule, land use permitting that would be required (conditional use permit through Pennington County, Facility Permit though the South Dakota Public Utilities Commission and an Environmental Assessment in coordination with WAPA due to proposed federal interconnection), and surveys completed to date.
  - Provided an overview of solar components and construction. Wild Springs will construct a 128 MW facility that will utilize below-ground DC and AC collection lines or above-ground DC cabling that will be strung below the panels on hanging brackets and below-ground AC collection to the project substation. The project will also include an onsite operation and maintenance facility co-located with the project substation and likely require 4 full-time staff.
  - Provided an updated project map that reflects an expanded project area which resulted from avoidance of prairie dog towns, wetlands, drainages, and cultural resources that were identified during field surveys and provided an overview of solar facilities.
  - At this point, Wild Springs anticipates the project will begin construction in late 2021 and be in commercial operations by the end of 2022.
- WEST provided an overview of avian studies that have been completed for solar facilities providing the distinction between wind energy and solar energy impacts to avian species.
  - Solar facilities have low levels of direct mortality and most impacts appear to be related to alteration of habitat.
  - Raptor and large bird avoidance may occur but small bird diversity and richness may increase.
o Impacts/bat mortality is not a concern for solar facilities as they do not collide with stationary objects. The only risk to bats is through the removal of roosting habitat. Wild Springs Solar will not result in tree removal and does not propose acoustic bat surveys.

o Extensive avian mortality monitoring has occurred at operating solar facilities in the southwestern U.S. Less than 4% of discovered fatalities could clearly be attributed to collision with solar panels.

o Because some water-associate or water-obligate birds have been found at a few solar sites in the desert southwest, there is a "Lake effect" hypothesis that these birds mistake solar panels to be large waterbodies. WEST is currently studying this issue in more detail in California, but thus far it appears to be limited to a relatively small number of individual birds at a few sites in the Mojave Desert near the Salton Sea (and large waterbird wintering or migratory stop over site); these have not been other reports of a "lake effect" at solar sites outside this region.

- WEST is preparing a Natural Resource Strategy for Wild Springs that outlines avoidance and minimization of impacts as well as best management practices for construction and operation activities. Wild Springs is avoiding cultural resources, wetlands, and a prairie dog town identified during field surveys. Avoidance of the prairie dog town eliminates the need for additional field surveys of species that may utilize the area.

- Discussion on existing conditions, wildlife, and landcover/vegetation:
  o Landcover confirmed with field reconnaissance is ~75% pasture/hay and fallow grassland areas and ~20% alfalfa, hay, and wheat. Remaining area is open water associated with delineated wetlands, and barren land and shrub/scrub associated with the WAPA substation parcel.
  o Wild Springs plans to minimize grading as the site conditions allow and will revegetate all areas of temporary construction disturbance with a native grass mix. This will stabilize the soil and create/maintain wildlife habitat.
  o SDGFP noted that big game would be excluded from the solar facility once it was constructed; SDGFP recommended that steps be taken to avoid trapping big game within the fence line during initial construction.
  o USFWS recommends that Wild Springs consider mitigation to offset impacts to grasslands.
    - Because of the lack of conclusive studies on how wildlife would be impacted by the project, Wild Springs proposes to conduct pre- and post-construction breeding bird surveys to determine if any displacement or change in avian use would occur.
    - It is possible some buffer areas around the facility could be protected from overgrazing, potentially enhancing some wildlife habitat at this site.
Prairie dog use within and/or adjacent to the project facility should be carefully considered. Fencing or vegetation height could impact how prairie dogs use the area and, ideally, the need for prairie dog control would be minimized.

- **Discussion on additional surveys:**
  - Wild Springs plans to conduct the following surveys in 2020: additional round of ground-based raptor nest surveys, additional round of prairie grouse lek surveys, and a breeding bird survey.
  - In lieu of post-construction mortality surveys, Wild Springs proposes conducting breeding bird surveys once the project is operational and vegetation is established. These surveys would be designed to better assess the potential change in wildlife habitat value and function after the project is constructed.

- **Next steps:**
  - Geronimo will provide finalized survey reports for the project to USFWS and SDGFP and work on incorporating input from meeting into the Project’s Natural Resource Strategy.
  - Natalie will provide SD species of habitat fragmentation concern list.
  - Hillary will provide information on known big game migration in the area.
Melissa

See the response from Ellsworth, SDEDA also wishes you great success.

Glen,

Ellsworth sees no impact on our present or future missions. We hope it is a success.

//signed - kv//
Kevin H. Vogel, GS-11, USAF #0=
Real Property Officer, 28th Civil Engineering Squadron Ellsworth AFB, SD (AFGSC)
DSN: 675-2672 Comm: (605) 385-2672

GLEN KANE
South Dakota Ellsworth Development Authority
Managing Director
Cell: (605) 390-7290

On Feb 10, 2020, at 4:16 PM, Melissa Schmit <melissa@geronimoenergy.com> wrote:

Hi Glen,
As we discussed I have attached a map of the proposed Wild Springs Solar Project as well as a glare study completed for Ellsworth Air Force Base. The project is located in Pennington County south of New Underwood. It will be up to 128 MW and interconnect to the Western Area Power Administration New Underwood Substation. The Project’s permanent facilities will include: solar modules, inverters and racking, fencing, access roads, a collection substation facility, an operations and maintenance facility, on-site underground or aboveground electrical collection lines, and up to two weather stations (up to 20 feet tall). The project layout has not been finalized however all facilities will be located within the project area boundary in the attached map. Please let me know if you have any questions and thank you in advance for your review.

Thank you,

<Geronimo_NGcompany_portrait_RGB_siglogo_6f818f51-5440-44a1-b0d4-4d220a25f043.png>
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Melissa Schmit
Director, Permitting
E: melissa@geronimoenergy.com
P: 612-259-3095
8400 Normandale Lake Boulevard
February 5, 2020

Melissa Schmit
Geronimo Energy, LLC
8400 Normandale Lake Blvd, Ste 1200
Bloomington, MN 55437

Re: South Dakota Office of Aeronautics Comments on Wild Springs Solar in Pennington County, South Dakota-Project Update

Dear Melissa Schmit,

Our office has reviewed the Wild Springs Solar, LLC solar energy project to be constructed in Pennington County South Dakota as requested and find the proposed solar energy project would not pose an obstruction hazard to any South Dakota airports. However, this proposed project is in proximity to airport navigation facilities of one or more local airports and may impact the assurance of navigation signal reception. The FAA, in accordance with FAR Part 77.9, requests that you file a form 7460-1 which can be done electronically at https://oeaaa.faa.gov/oeaaa/external/portal.jsp.

Please note that South Dakota air navigation hazard laws have changed, and Tall Structure permits are no longer issued. Effective July 1, 2019 SDCL 50-9-1 now requires that FAA Determinations of No Hazard must be provided to the Aeronautics Commission prior to the start of construction. Please see South Dakota DOT Office of Aeronautics Services at: https://dot.sd.gov/transportation/aviation/offices-of-aeronautics-services for further information. If you have any questions, please feel free to contact me at (605) 773-3764 or via email at thomas.koch@state.sd.us.

Sincerely,

Tom Koch
South Dakota Office of Aeronautics
Appendix E

Glare Memorandums
MEMORANDUM
To: Wild Springs Solar, LLC - c/o Melissa Schmit, Geronimo Energy
From: Philip DeVita, HMMH
Date: January 6, 2020
Subject: Wild Springs Solar, LLC
Reference: HMMH Job No.309700.018

Introduction
Harris Miller Miller & Hanson Inc. (HMMH) evaluated potential glare at nearby Ellsworth Air Force Base (AFB) sensitive observer locations from the proposed 128 MW Wild Springs Solar, LLC (Wild Springs) solar project in Pennington County, South Dakota. The proposed project would be located on land just south of Route 90 and New Underwood, SD approximately 11.5 miles to the southeast of the AFB. Figure 1 shows the project location relative to the airport and its runways.

![Figure 1. Locus Map of Wild Spring Solar, LLC Solar Project Relative to Ellsworth Air Force Base](image)

HMMH used the latest version of the ForgeSolar GlareGauge solar glare tool, formerly known as the Solar Glare Hazard Analysis Tool (SGHAT) developed by Sandia National Laboratories to analyze potential glare at sensitive airport receptor locations and reviewed the model results relative to the Federal Aviation Administration’s (FAA) Interim Policy of Solar Projects at Airports.

In deploying the model, we selected the footprint of the solar project area of the Wild Springs array on the GlareGauge google map interface and input the project design parameter provided by Wild Spring Solar, LLC as shown in Table 1.
Table 1. Wild Spring Solar, LLC Proposed Project Design Parameters

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<th>Orientation</th>
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<td>Wild Springs Solar, LLC Array</td>
<td>Single Axis</td>
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<td>20 feet</td>
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</tbody>
</table>

1. Denotes maximum tracking angle.

The Project is proposing a 128 MW single axis tracking system with a tracking orientation north to south and a maximum tracking angle of 60°. The project will be located on the ground at a height of up to 20 feet above ground level.

To assess airport sensitive receptors, the FAA requires an evaluation of potential glare for pilots on final approach and at the air traffic control tower (ATCT). For the pilot analysis, we selected the runway threshold and a second point away from the runway to represent the direction of the flight path. The previous version of GlareGauge (e.g. SGHAT) automatically identified the location and height above ground of eight additional observation points (spaced at quarter mile intervals based on a 3 degree glide slope) to determine if the pilot at those locations would be exposed to glare. However, the new version of GlareGauge automatically evaluates glare along the entire distance of the flight path at a 3 degree glide slope out to two miles.

There is an active ATCT at the AFB; therefore, the analysis included evaluating impacts to the ATCT as well as aircraft on final approach to each runway end.

FAA Jurisdiction and Standards for Measuring Ocular Impact

The FAA published an Interim Policy for Solar Projects at Airports on October 23, 2013. The policy clarifies the FAA’s jurisdiction in reviewing solar projects and the standards it uses to determine if a project will result in a negative glare impact to airspace safety.

Relative to its jurisdiction, the FAA affirmed that it has jurisdiction to regulate potential glare impacts as part of its responsibilities under Federal Aviation Regulations (FAR) Part 77 to any solar project proposed on the property of a Federally-obligated airport, which includes most airports in the U.S. The FAA also clarified that it does not have jurisdiction to regulate potential glare from projects located on non-airport land. However, as stated in the Policy, “the FAA urges proponents of off-airport solar-installations to voluntarily implement the provisions in this policy.” As the project is not located at a Federally-obligated airport, Wild Springs is not required to conduct a glare analysis for FAA approval. Similarly, the Department of Defense (DOD) has prepared “Procedures Memo #4: Glint/Glare Issues on or near Department of Defense Aviation Operations” dated June 13, 2014. The memorandum outlines the use of the FAA’s interim procedures as discussed in the Federal Register including the use of SGHAT to evaluate acceptable glint and glare impacts at DoD airports. Furthermore, as noted above, to assess airport sensitive receptors, the FAA requires an evaluation of potential glare for pilots on final approach and at the air traffic control tower (ATCT). Final approach path is defined in the policy as “two (2) miles from fifty (50) feet above the landing threshold using a standard three (3) degree glide path”. The project is located beyond the final approach path of two miles from the AFB, however as discussed above, Wild Springs has sought to voluntarily comply with FAA ocular hazard standards published in the FAA’s Interim Policy.

The Policy also describes the standards for measuring ocular impact:

To obtain FAA approval and a “no objection” to a Notice of Proposed Construction Form 7460-1, the airport sponsor will be required to demonstrate that the proposed solar energy system meets the following standards: (1) no potential for glint or glare in the existing or planned Air Traffic Control Tower cab, and (2) no potential for glare or “low potential for after-image” (shown in green) along the final approach path.

---


Table 2 presents the airport sensitive receptors that must be evaluated, the potential results presented by the model and whether the result complies with the FAA ocular hazard standard presented in the Policy.

Table 2. Levels of Glare and Compliance with FAA Policy

<table>
<thead>
<tr>
<th>Airport Sensitive Receptor</th>
<th>Level of Glare</th>
<th>Color Result</th>
<th>Compliance with FAA Policy</th>
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<tr>
<td>ATCT Cab</td>
<td>No glare</td>
<td>None</td>
<td>Yes</td>
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<tr>
<td>Low Potential for After-Image</td>
<td>Green</td>
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<td>Yes</td>
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<td>Potential for After-Image</td>
<td>Yellow</td>
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<td>No</td>
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<tr>
<td>Potential for Permanent Eye Damage</td>
<td>Red</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Aircraft along final approach path</td>
<td>No glare</td>
<td>None</td>
<td>Yes</td>
</tr>
<tr>
<td>Low Potential for After-Image</td>
<td>Green</td>
<td>Yes</td>
<td>Yes</td>
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<tr>
<td>Potential for After-Image</td>
<td>Yellow</td>
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<td>Yes</td>
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<tr>
<td>Potential for Permanent Eye Damage</td>
<td>Red</td>
<td>No</td>
<td>No</td>
</tr>
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</table>

Any glare recorded on the ATCT is not compliant with FAA policy and will not receive a “no objection” determination from the FAA. Measurement of low potential for after-image or “Green” is acceptable for aircraft on final approach but greater levels (indicated in yellow and red) are not allowed.

Summary of Results

HMMH analyzed the potential for the Wild Springs Project site to produce glare on pilots on final approach to the Ellsworth Air Force Base as well as at the ATCT. Based on the design and layout, GlareGauge modeling showed:

- Runway End 13 and 31: No glare detected at any observation points along the flight path; proposed design meets the FAA Standard for aircraft on final approach.
- ATCT: no glare detected at the ATCT, proposed design meets the FAA Standard for glare at the ATCT.

Results in Detail

To accurately model the proposed project, HMMH outlined the project array on the model’s interactive google map, and the GlareGauge tool analyzed the potential glare impact from the project site. Figure 2 shows the layout of the project area as input into the model.
Figure 2. Wild Springs Solar, LLC Array as Input into the GlareGauge Model

We input the specifications of the array including a single axis tracking system with a north-south orientation, maximum tracking angle of 60° and a panel height of 20 feet above ground level. We also assumed a smooth panel surface without any anti-reflective coating to provide maximum flexibility in module selection. Modeling was then undertaken for the applicable sensitive receptors required by FAA: the pilots in aircraft along final descent to each runway end. There is an active ATCT at Ellsworth Air Force Base, and therefore, an analysis of the ATCT was conducted. All of the modeling result output sheets are provided as Attachment A.

ATCT

Modeling was conducted for the ATCT location. The ATCT tower was located on the Google Maps aerial tool and input into the model. Based on a review of an online literature search, we were unable to find an official cab tower height at the airport. Therefore, using Google Earth and some common assumptions for guard rail heights, we were able to estimate the ATCT cab height at 65 feet above ground. The ATCT cab height assumptions are provided in Attachment B. The GlareGauge results show that no glare was detected at the ATCT location; therefore, the proposed solar project design is consistent with the FAA Standards for ATCT.

Arriving Aircraft

To analyze arriving aircraft, HMMH selected locational information associated with each runway individually and generated associated results to evaluate the potential impacts of the proposed project on that runway. Given that there is one runway and two runway ends at the AFB; modeling was conducted separately for each runway end.

To model a runway approach, we selected a point at the centerline on the runway threshold which is located near the runway end. We then selected a second point away from the runway to represent the orientation of the aircraft descent (or glide) path. The model automatically plots the glide path out two miles from the runway end and evaluates potential for glare along the entire glide path. Given that Ellsworth Air Force Base has two runway ends; the model assessed the potential for glare along each of the two aircraft flight path landing at the airport. The model automatically plots the location and height above ground of each observation point along the glide path assuming a 3 degree glide slope for the approach. In the model’s flight path window, we checked the “consider pilot visibility from cockpit” box and kept the default azimuth-viewing angle of 50° so that the model would not register glare that the pilot would not see from behind the
aircraft. We also kept the default downward viewing angle of 30° to eliminate false glare results from below the aircraft. Figure 3 shows the flight path analyzed by the model for each runway along with ATCT location denoted as the red bubble “1”.

![Google Maps Image](Image)

**Figure 3. Flight Path Analyzed by GlareGauge**

The latest version of the model now shows component results in time for the aircraft along a continuous route. Table 3 presents the GlareGauge modeling results for each runway in terms of predicted minutes of green, yellow, or red glare.

As shown in Table 3, no glare was detected by the model for any of the runway approaches for the single axis tracking system. The no glare result on aircraft on approach for each alternative to each runway comply with the FAA’s ocular impact standard as published in the Federal Register on October 23, 2013 and shown in Table 2.

**Table 3 – GlareGauge Results (in minutes per year) for the Wild Springs Solar, LLC Project near Ellsworth Air Force Base**

<table>
<thead>
<tr>
<th>Site</th>
<th>Fixed/Tracker System</th>
<th>(orientation/tilt)</th>
<th>ATCT</th>
<th>RWY 13</th>
<th>RWY 31</th>
<th>Comply with FAA Thresholds</th>
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<tbody>
<tr>
<td>Wild Springs Solar, LLC</td>
<td>Single Axis Tracker</td>
<td>180° (max tracker of 60°)</td>
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<td>0</td>
<td>0</td>
<td>Yes</td>
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Notes:
- **C (Green)** = Low Potential for Temporary After-Image
- **Y (Yellow)** = Potential for Temporary After-Image
- **R (Red)** = Potential for Permanent Eye-Damage
- **N/A** = Not applicable, no analysis conducted.
Conclusions

HMMH utilized the GlareGauge model developed by the Department of Energy’s Sandia National Laboratories to evaluate potential glare from a proposed single axis tracking solar PV project to the southeast of the Ellsworth Air Force Base. The analysis focused on potential glare effects on aircraft arriving on final approach to runway ends 13/31 as well as the ATCT.

While the project is not located on airport property and therefore not subject to FAA jurisdiction under Federal Aviation Regulations Part 77 to protect airspace safety; and the project is located beyond the two mile final approach as defined in the Interim Solar Policy, the proponents have sought to voluntarily comply with FAA ocular hazard standards published in the FAA’s Interim Solar Policy in the Federal Register on October 23, 2013. Similarly, the DoD has prepared the “Procedures Memo#4: Glint/Glare Issues on or near Department of Defense Aviation Operations” and outlines the use of the FAA’s interim procedures as discussed in the Federal Register for using SGHAT to evaluate acceptable glint and glare impacts at DoD airports.

GlareGauge model results were compared to the FAA’s ocular hazard standard. The model results provided in Attachment A show that for aircraft on final approach to Runway 13 and 31, GlareGauge model results for the project design result in no glare detected along the approach to each runway end or at the ATCT. These results comply with the FAA standards described in the Interim Solar Policy.
Attachment A

GlareGauge Modeling Results – Wild Springs Solar Project Design
FORGESOLAR GLARE ANALYSIS

Project: Wild Spring Solar, LLC
Near Rapid City, SD

Site configuration: Wild Springs Solar LLC Ellsworth
Analysis conducted by Phil DeVita (pdevita@hmh.com) at 19:23 on 30 Dec, 2019.

U.S. FAA 2013 Policy Adherence

The following table summarizes the policy adherence of the glare analysis based on the 2013 U.S. Federal Aviation Administration Interim Policy 78 FR 63276. This policy requires the following criteria be met for solar energy systems on airport property:

- No “yellow” glare (potential for after-image) for any flight path from threshold to 2 miles
- No glare of any kind for Air Traffic Control Tower(s) (“ATCT”) at cab height.
- Default analysis and observer characteristics (see list below)

ForgeSolar does not represent or speak officially for the FAA and cannot approve or deny projects. Results are informational only.

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<th>COMPONENT</th>
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<td>Analysis time interval and eye characteristics used are acceptable</td>
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<tr>
<td>Flight path(s)</td>
<td>PASS</td>
<td>Flight path receptor(s) do not receive yellow glare</td>
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<tr>
<td>ATCT(s)</td>
<td>PASS</td>
<td>Receptor(s) marked as ATCT do not receive glare</td>
</tr>
</tbody>
</table>

Default glare analysis parameters and observer eye characteristics (for reference only):

- Analysis time interval: 1 minute
- Ocular transmission coefficient: 0.5
- Pupil diameter: 0.002 meters
- Eye focal length: 0.017 meters
- Sun subtended angle: 9.3 milliradians

FAA Policy 78 FR 63276 can be read at https://www.federalregister.gov/d/2013-24729
SITE CONFIGURATION

Analysis Parameters

- DNI: peaks at 1,000.0 W/m²
- Time interval: 1 min
- Ocular transmission coefficient: 0.5
- Pupil diameter: 0.002 m
- Eye focal length: 0.017 m
- Sun subtended angle: 9.3 mrad
- Site Config ID: 34609.6355

PV Array(s)

- Name: Center
- Description: Single Axis Center Portion
- Axis tracking: Single-axis rotation
- Tracking axis orientation: 180.0°
- Tracking axis tilt: 0.0°
- Tracking axis panel offset: 0.0°
- Max tracking angle: 60.0°
- Resting angle: 60.0°
- Rated power: -
- Panel material: Smooth glass without AR coating
- Reflectivity: Vary with sun
- Slope error: correlate with material

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**Tracking axis panel offset:** 0.0°  
**Max tracking angle:** 60.0°  
**Resting angle:** 60.0°  
**Rated power:** -  
**Panel material:** Smooth glass without AR coating  
**Reflectivity:** Vary with sun  
**Slope error:** correlate with material

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**Rated power:** -  
**Panel material:** Smooth glass without AR coating  
**Reflectivity:** Vary with sun  
**Slope error:** correlate with material

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Rated power: -
Panel material: Smooth glass without AR coating
Reflectivity: Vary with sun
Slope error: correlate with material

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<td>2980.50</td>
<td>20.00</td>
<td>3000.50</td>
</tr>
</tbody>
</table>
## Flight Path Receptor(s)

**Name:** RWY 13  
**Description:**  
- **Threshold height:** 50 ft  
- **Direction:** 138.5°  
- **Glide slope:** 3.0°  
- **Pilot view restricted?** Yes  
- **Vertical view:** 30.0°  
- **Azimuthal view:** 50.0°

<table>
<thead>
<tr>
<th>Point</th>
<th>Latitude (°)</th>
<th>Longitude (°)</th>
<th>Ground elevation (ft)</th>
<th>Height above ground (ft)</th>
<th>Total elevation (ft)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Threshold</td>
<td>44.158871</td>
<td>-103.120769</td>
<td>3275.93</td>
<td>50.00</td>
<td>3325.93</td>
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<tr>
<td>Two-mile</td>
<td>44.1805532</td>
<td>-103.147494</td>
<td>3157.36</td>
<td>722.00</td>
<td>3879.36</td>
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</tbody>
</table>

**Name:** RWY 31  
**Description:**  
- **Threshold height:** 50 ft  
- **Direction:** 318.0°  
- **Glide slope:** 3.0°  
- **Pilot view restricted?** Yes  
- **Vertical view:** 30.0°  
- **Azimuthal view:** 50.0°

<table>
<thead>
<tr>
<th>Point</th>
<th>Latitude (°)</th>
<th>Longitude (°)</th>
<th>Ground elevation (ft)</th>
<th>Height above ground (ft)</th>
<th>Total elevation (ft)</th>
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</thead>
<tbody>
<tr>
<td>Threshold</td>
<td>44.131305</td>
<td>-103.086371</td>
<td>3183.44</td>
<td>50.00</td>
<td>3233.44</td>
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<tr>
<td>Two-mile</td>
<td>44.109818</td>
<td>-103.059300</td>
<td>3022.05</td>
<td>764.84</td>
<td>3786.84</td>
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### Discrete Observation Receptors

<table>
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<th>Name</th>
<th>ID</th>
<th>Latitude (°)</th>
<th>Longitude (°)</th>
<th>Elevation (ft)</th>
<th>Height (ft)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-ATCT</td>
<td>1</td>
<td>44.137273</td>
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<td>3214.26</td>
<td>65.00</td>
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</table>

*Map image of 1-ATCT*

---

### GLARE ANALYSIS RESULTS

#### Summary of Glare

<table>
<thead>
<tr>
<th>PV Array Name</th>
<th>Tilt</th>
<th>Orient</th>
<th>&quot;Green&quot; Glare</th>
<th>&quot;Yellow&quot; Glare</th>
<th>Energy</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(°)</td>
<td>(°)</td>
<td>min</td>
<td>min</td>
<td>kWh</td>
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<tr>
<td>Center</td>
<td>SA</td>
<td>SA</td>
<td>0</td>
<td>0</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>tracking</td>
<td>tracking</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>East</td>
<td>SA</td>
<td>SA</td>
<td>0</td>
<td>0</td>
<td>-</td>
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<td></td>
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<tr>
<td>North</td>
<td>SA</td>
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<td></td>
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<tr>
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<td>SA</td>
<td>SA</td>
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<td>-</td>
</tr>
<tr>
<td></td>
<td>tracking</td>
<td>tracking</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Total annual glare received by each receptor*

<table>
<thead>
<tr>
<th>Receptor</th>
<th>Annual Green Glare (min)</th>
<th>Annual Yellow Glare (min)</th>
</tr>
</thead>
<tbody>
<tr>
<td>RWY 13</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>RWY 31</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1-ATCT</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>
Results for: Center

<table>
<thead>
<tr>
<th>Receptor</th>
<th>Green Glare (min)</th>
<th>Yellow Glare (min)</th>
</tr>
</thead>
<tbody>
<tr>
<td>RWY 13</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>RWY 31</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1-ATCT</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

**Flight Path: RWY 13**
0 minutes of yellow glare
0 minutes of green glare

**Flight Path: RWY 31**
0 minutes of yellow glare
0 minutes of green glare

**Point Receptor: 1-ATCT**
0 minutes of yellow glare
0 minutes of green glare

Results for: East

<table>
<thead>
<tr>
<th>Receptor</th>
<th>Green Glare (min)</th>
<th>Yellow Glare (min)</th>
</tr>
</thead>
<tbody>
<tr>
<td>RWY 13</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>RWY 31</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1-ATCT</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

**Flight Path: RWY 13**
0 minutes of yellow glare
0 minutes of green glare

**Flight Path: RWY 31**
0 minutes of yellow glare
0 minutes of green glare

**Point Receptor: 1-ATCT**
0 minutes of yellow glare
0 minutes of green glare

### Results for: North

<table>
<thead>
<tr>
<th>Receptor</th>
<th>Green Glare (min)</th>
<th>Yellow Glare (min)</th>
</tr>
</thead>
<tbody>
<tr>
<td>RWY 13</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>RWY 31</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1-ATCT</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

**Flight Path: RWY 13**
0 minutes of yellow glare
0 minutes of green glare

**Flight Path: RWY 31**
0 minutes of yellow glare
0 minutes of green glare

**Point Receptor: 1-ATCT**
0 minutes of yellow glare
0 minutes of green glare

### Results for: Total

<table>
<thead>
<tr>
<th>Receptor</th>
<th>Green Glare (min)</th>
<th>Yellow Glare (min)</th>
</tr>
</thead>
<tbody>
<tr>
<td>RWY 13</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>RWY 31</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1-ATCT</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

**Flight Path: RWY 13**
0 minutes of yellow glare
0 minutes of green glare

**Flight Path: RWY 31**
0 minutes of yellow glare
0 minutes of green glare
Point Receptor: 1-ATCT

0 minutes of yellow glare
0 minutes of green glare

Assumptions

"Green" glare is glare with low potential to cause an after-image (flash blindness) when observed prior to a typical blink response time.
"Yellow" glare is glare with potential to cause an after-image (flash blindness) when observed prior to a typical blink response time.

Times associated with glare are denoted in Standard time. For Daylight Savings, add one hour.

Glare analyses do not account for physical obstructions between reflectors and receptors. This includes buildings, tree cover and geographic obstructions.

Several calculations utilize the PV array centroid, rather than the actual glare spot location, due to algorithm limitations. This may affect results for large PV footprints. Additional analyses of array sub-sections can provide additional information on expected glare.

The subtended source angle (glare spot size) is constrained by the PV array footprint size. Partitioning large arrays into smaller sections will reduce the maximum potential subtended angle, potentially impacting results if actual glare spots are larger than the sub-array size.

Additional analyses of the combined area of adjacent sub-arrays can provide more information on potential glare hazards. (See previous point on related limitations.)

Glare locations displayed on receptor plots are approximate. Actual glare-spot locations may differ.

Glare vector plots are simplified representations of analysis data. Actual glare emanations and results may differ.

The glare hazard determination relies on several approximations including observer eye characteristics, angle of view, and typical blink response time. Actual results and glare occurrence may differ.

Hazard zone boundaries shown in the Glare Hazard plot are an approximation and visual aid based on aggregated research data. Actual ocular impact outcomes encompass a continuous, not discrete, spectrum.

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MEMORANDUM

To: Wild Springs Solar, LLC - c/o Melisa Schmit, Geronimo Energy
From: Philip DeVita, HMMH
Date: January 6, 2020
Subject: Wild Springs Solar, LLC
Reference: HMMH Job No.309700.018

Introduction

Harris Miller Miller & Hanson Inc. (HMMH) evaluated potential glare at nearby Rapid City Regional Airport sensitive observer locations from the proposed 128 MW Wild Springs Solar, LLC (Wild Springs) solar project in Pennington County, South Dakota. The proposed project would be located on land just south of Route 90 and New Underwood, SD approximately 10.5 miles to the east-northeast of the airport. **Figure 1** shows the project location relative to the airport and its runways.

![Figure 1. Locus Map of Wild Spring Solar, LLC Solar Project Relative to Rapid City Regional Airport](image.png)

HMMH used the latest version of the ForgeSolar GlareGauge solar glare tool, formerly known as the Solar Glare Hazard Analysis Tool (SGHAT) developed by Sandia National Laboratories to analyze potential glare at sensitive airport receptor locations and reviewed the model results relative to the Federal Aviation Administration’s (FAA) Interim Policy of Solar Projects at Airports.

In deploying the model, we selected the footprint of the solar project area of the Wild Springs array on the GlareGauge google map interface and input the project design parameter provided by Wild Spring Solar, LLC as shown in **Table 1**.
Table 1. Wild Spring Solar, LLC Proposed Project Design Parameters

<table>
<thead>
<tr>
<th>Solar System</th>
<th>System</th>
<th>Orientation</th>
<th>Tilt Angle</th>
<th>Panel Height (AGL)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wild Springs Solar, LLC Array</td>
<td>Single Axis</td>
<td>180°</td>
<td>60°</td>
<td>20 feet</td>
</tr>
</tbody>
</table>

1. Denotes maximum tracking angle.

The Project is proposing a 128 MW single axis tracking system with a tracking orientation north to south and a maximum tracking angle of 60°. The project will be located on the ground at a height of up to 20 feet above ground level.

To assess airport sensitive receptors, the FAA requires an evaluation of potential glare for pilots on final approach and at the air traffic control tower (ATCT). For the pilot analysis, we selected the runway threshold and a second point away from the runway to represent the direction of the flight path. The previous version of GlareGauge (e.g. SGHAT) automatically identified the location and height above ground of eight additional observation points (spaced at quarter mile intervals based on a 3 degree glide slope) to determine if the pilot at those locations would be exposed to glare. However, the new version of GlareGauge automatically evaluates glare along the entire distance of the flight path at a 3 degree glide slope out to two miles.

There is an active ATCT at the airport; therefore, the analysis included evaluating impacts to the ATCT as well as aircraft on final approach to each runway end.

FAA Jurisdiction and Standards for Measuring Ocular Impact

The FAA published an Interim Policy for Solar Projects at Airports on October 23, 2013. The policy clarifies the FAA’s jurisdiction in reviewing solar projects and the standards it uses to determine if a project will result in a negative glare impact to airspace safety.

Relative to its jurisdiction, the FAA affirmed that it has jurisdiction to regulate potential glare impacts as part of its responsibilities under Federal Aviation Regulations (FAR) Part 77 to any solar project proposed on the property of a Federally-obligated airport, which includes most airports in the U.S. The FAA also clarified that it does not have jurisdiction to regulate potential glare from projects located on non-airport land. However, as stated in the Policy, “the FAA urges proponents of off-airport solar-installations to voluntarily implement the provisions in this policy.” As the project is not located at a Federally-obligated airport, Wild Springs is not required to conduct a glare analysis for FAA approval. Furthermore, to assess airport sensitive receptors, the FAA requires an evaluation of potential glare for pilots on final approach and at the air traffic control tower (ATCT). Final approach path is defined in the policy as “two (2) miles from fifty (50) feet above the landing threshold using a standard three (3) degree glide path”\(^1\). The project is located beyond the final approach path of two miles from the airport, however as discussed above, Wild Springs has sought to voluntarily comply with FAA ocular hazard standards published in the FAA’s Interim Policy.

The Policy also describes the standards for measuring ocular impact:

To obtain FAA approval and a “no objection” to a Notice of Proposed Construction Form 7460-1, the airport sponsor will be required to demonstrate that the proposed solar energy system meets the following standards: (1) no potential for glint or glare in the existing or planned Air Traffic Control Tower cab, and (2) no potential for glare or “low potential for after-image” (shown in green) along the final approach path.

Table 2 presents the airport sensitive receptors that must be evaluated, the potential results presented by the model and whether the result complies with the FAA ocular hazard standard presented in the Policy.

---

Table 2. Levels of Glare and Compliance with FAA Policy

<table>
<thead>
<tr>
<th>Airport Sensitive Receptor</th>
<th>Level of Glare</th>
<th>Color Result</th>
<th>Compliance with FAA Policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>ATCT Cab</td>
<td>No glare</td>
<td>None</td>
<td>Yes</td>
</tr>
<tr>
<td>Low Potential for After-Image</td>
<td>Green</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Potential for After-Image</td>
<td>Yellow</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Potential for Permanent Eye Damage</td>
<td>Red</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Aircraft along final approach path</td>
<td>No glare</td>
<td>None</td>
<td>Yes</td>
</tr>
<tr>
<td>Low Potential for After-Image</td>
<td>Green</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Potential for After-Image</td>
<td>Yellow</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Potential for Permanent Eye Damage</td>
<td>Red</td>
<td>No</td>
<td></td>
</tr>
</tbody>
</table>

Any glare recorded on the ATCT is not compliant with FAA policy and will not receive a “no objection” determination from the FAA. Measurement of low potential for after-image or “Green” is acceptable for aircraft on final approach but greater levels (indicated in yellow and red) are not allowed.

Summary of Results

HMMH analyzed the potential for the Wild Springs Project site to produce glare on pilots on final approach to the Rapid City Regional Airport as well as at the ATCT. Based on the design and layout, GlareGauge modeling showed:

- **Runway End 14 and 32**: No glare detected at any observation points along the flight path; proposed design meets the FAA Standard for aircraft on final approach
- **Runway End 5 and 23**: No glare detected at any observation points along the flight path; proposed design meets the FAA Standard for aircraft on final approach
- **ATCT**: no glare detected at the ATCT, proposed design meets the FAA Standard for glare at the ATCT.

Results in Detail

To accurately model the proposed project, HMMH outlined the project array on the model’s interactive google map, and the GlareGauge tool analyzed the potential glare impact from the project site. **Figure 2** shows the layout of the project area as input into the model.
Figure 2. Wild Springs Solar, LLC Array as Input into the GlareGauge Model

We input the specifications of the array including a single axis tracking system with a north-south orientation, maximum tracking angle of 60° and a panel height of 20 feet above ground level. We also assumed a smooth panel surface without any anti-reflective coating to provide maximum flexibility in module selection. Modeling was then undertaken for the applicable sensitive receptors required by FAA: the pilots in aircraft along final descent to each runway end. There is an active ATCT at Rapid City Regional Airport, and therefore, an analysis of the ATCT was conducted. All of the modeling result output sheets are provided as Attachment A.

ATCT

Modeling was conducted for the ATCT location at the airport. The ATCT tower was located on the Google Maps aerial tool and input into the model. Based on a review of an online literature search, we were unable to find an official cab tower height at the airport. However, using the official airport diagram provided by the FAA, we were able to estimate the tower height of 75 feet above ground level assuming a base elevation of 3,158 feet above sea level (asl) from Google Earth and the top of the tower in the FAA diagram of 3,233 feet asl. The FAA official airport drawing is provided in Attachment B which includes the tower height. The GlareGauge results show that no glare was detected at the ATCT location; therefore, the proposed solar project design is consistent with the FAA Standards for ATCT.

Arriving Aircraft

To analyze arriving aircraft, HMMH selected locational information associated with each runway individually and generated associated results to evaluate the potential impacts of the proposed project on that runway. Given that there are two runways and four runway ends at the airport; modeling was conducted separately for each runway end.

To model a runway approach, we selected a point at the centerline on the runway threshold which is located near the runway end. We then selected a second point away from the runway to represent the orientation of the aircraft descent (or glide) path. The model automatically plots the glide path out two miles from the runway end and evaluates potential for glare along the entire glide path. Given that Rapid City Regional Airport has four runway ends; the model assessed the potential for glare along each of the four aircraft flight paths landing at the airport. The model automatically plots the location and height above ground of each observation point along the glide path assuming a 3 degree glide slope for the approach. In the model's flight
path window, we checked the “consider pilot visibility from cockpit” box and kept the default azimuth-viewing angle of 50° so that the model would not register glare that the pilot would not see from behind the aircraft. We also kept the default downward viewing angle of 30° to eliminate false glare results from below the aircraft. Figure 3 shows the flight path analyzed by the model for each runway along with ATCT location denoted as the red bubble “1”.

![Google Maps Image](image)

**Figure 3. Flight Path Analyzed by GlareGauge**

The latest version of the model now shows component results in time for the aircraft along a continuous route. Table 3 presents the GlareGauge modeling results for each runway in terms of predicted minutes of green, yellow, or red glare.

As shown in Table 3, no glare was detected by the model for any of the runway approaches for the single axis tracking system. The no glare result on aircraft on approach for each alternative to each runway comply with the FAA’s ocular impact standard as published in the Federal Register on October 23, 2013 and shown in Table 2.

**Table 3 – GlareGauge Results (in minutes per year) for the Wild Springs Solar, LLC Project near Rapid City Regional Airport**

<table>
<thead>
<tr>
<th>Site</th>
<th>Fixed/Tracker System</th>
<th>(orientation/tilt)</th>
<th>ATCT</th>
<th>RWY 5</th>
<th>RWY 23</th>
<th>RWY 14</th>
<th>RWY 32</th>
<th>Comply with FAA Thresholds</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wild Springs Solar, LLC</td>
<td>Single Axis Tracker</td>
<td>180° (max tracker of 60°)</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Notes:

- **G (Green)** = Low Potential for Temporary After-Image
- **Y (Yellow)** = Potential for Temporary After-Image
- **R (Red)** = Potential for Permanent Eye-Damage
- **N/A** = Not applicable, no analysis conducted.

**Conclusions**

HMMH utilized the GlareGauge model developed by the Department of Energy’s Sandia National Laboratories to evaluate potential glare from a proposed single axis tracking solar PV project to the east-
northeast of the Rapid City Regional Airport. The analysis focused on potential glare effects on aircraft arriving on final approach to runway ends 5, 23, 14, and 32 as well as the ATCT.

While the project is not located on airport property and therefore not subject to FAA jurisdiction under Federal Aviation Regulations Part 77 to protect airspace safety; and the project is located beyond the two mile final approach as defined in the Interim Solar Policy, the proponents have sought to voluntarily comply with FAA ocular hazard standards published in the FAA’s Interim Solar Policy in the Federal Register on of October 23, 2013.

GlareGauge model results were compared to the FAA’s ocular hazard standard. The model results provided in Attachment A show that for aircraft on final approach to Runways 5, 23, 14, and 32, GlareGauge model results for the project design result in no glare detected along the approach to each runway end or at the ATCT. These results comply with the FAA standards described in the Interim Solar Policy.
path window, we checked the “consider pilot visibility from cockpit” box and kept the default azimuth-viewing angle of 50° so that the model would not register glare that the pilot would not see from behind the aircraft. We also kept the default downward viewing angle of 30° to eliminate false glare results from below the aircraft. Figure 3 shows the flight path analyzed by the model for each runway along with ATCT location denoted as the red bubble “1”.

![Map with flight path](image)

**Figure 3. Flight Path Analyzed by GlareGauge**

The latest version of the model now shows component results in time for the aircraft along a continuous route. Table 3 presents the GlareGauge modeling results for each runway in terms of predicted minutes of green, yellow, or red glare.

As shown in Table 3, no glare was detected by the model for any of the runway approaches for the single axis tracking system. The no glare result on aircraft on approach for each alternative to each runway comply with the FAA’s ocular impact standard as published in the Federal Register on October 23, 2013 and shown in Table 2.

**Table 3 – GlareGauge Results (in minutes per year) for the Wild Springs Solar, LLC Project near Rapid City Regional Airport**

<table>
<thead>
<tr>
<th>Site</th>
<th>Fixed/Tracker System</th>
<th>(orientation/tilt)</th>
<th>ATCT</th>
<th>RWY 5</th>
<th>RWY 23</th>
<th>RWY 14</th>
<th>RWY 32</th>
<th>Comply with FAA Thresholds</th>
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**Notes:**
- **Green** = Low Potential for Temporary After-Image
- **Yellow** = Potential for Temporary After-Image
- **Red** = Potential for Permanent Eye-Damage
- **N/A** = Not applicable, no analysis conducted.

**Conclusions**

HMMH utilized the GlareGauge model developed by the Department of Energy’s Sandia National Laboratories to evaluate potential glare from a proposed single axis tracking solar PV project to the east-
Attachment A

GlareGauge Modeling Results – Wild Springs Solar Project Design
FORGESOLAR GLARE ANALYSIS

Project: Wild Spring Solar, LLC
Near Rapid City, SD

Site configuration: Wild Spring Solar LLC Rapid City
Analysis conducted by Phil DeVita (pdevita@hmmh.com) at 15:58 on 26 Dec, 2019.

U.S. FAA 2013 Policy Adherence

The following table summarizes the policy adherence of the glare analysis based on the 2013 U.S. Federal Aviation Administration Interim Policy 78 FR 63276. This policy requires the following criteria be met for solar energy systems on airport property:

- No "yellow" glare (potential for after-image) for any flight path from threshold to 2 miles
- No glare of any kind for Air Traffic Control Tower(s) ("ATCT") at cab height.
- Default analysis and observer characteristics (see list below)

ForgeSolar does not represent or speak officially for the FAA and cannot approve or deny projects. Results are informational only.

<table>
<thead>
<tr>
<th>COMPONENT</th>
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<th>DESCRIPTION</th>
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<td>Analysis parameters</td>
<td>PASS</td>
<td>Analysis time interval and eye characteristics used are acceptable</td>
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<tr>
<td>Flight path(s)</td>
<td>PASS</td>
<td>Flight path receptor(s) do not receive yellow glare</td>
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<tr>
<td>ATCT(s)</td>
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<td>Receptor(s) marked as ATCT do not receive glare</td>
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Default glare analysis parameters and observer eye characteristics (for reference only):

- Analysis time interval: 1 minute
- Ocular transmission coefficient: 0.5
- Pupil diameter: 0.002 meters
- Eye focal length: 0.017 meters
- Sun subtended angle: 9.3 milliradians

FAA Policy 78 FR 63276 can be read at https://www.federalregister.gov/d/2013-24729
SITE CONFIGURATION

Analysis Parameters

- DNI: peaks at 1,000.0 W/m²
- Time interval: 1 min
- Ocular transmission coefficient: 0.5
- Pupil diameter: 0.002 m
- Eye focal length: 0.017 m
- Sun subtended angle: 9.3 mrad
- Site Config ID: 34606.6355

PV Array(s)

- Name: Center
- Description: Single Axis Center Portion
- Axis tracking: Single-axis rotation
- Tracking axis orientation: 180.0°
- Tracking axis tilt: 0.0°
- Tracking axis panel offset: 0.0°
- Max tracking angle: 60.0°
- Resting angle: 60.0°
- Rated power: -
- Panel material: Smooth glass without AR coating
- Reflectivity: Vary with sun
- Slope error: correlate with material

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**Max tracking angle:** 60.0°  
**Resting angle:** 60.0°  
**Rated power:** -  
**Panel material:** Smooth glass without AR coating  
**Reflectivity:** Vary with sun  
**Slope error:** correlate with material

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**Tracking axis orientation:** 180.0°  
**Tracking axis tilt:** 0.0°  
**Tracking axis panel offset:** 0.0°  
**Max tracking angle:** 60.0°  
**Resting angle:** 60.0°  
**Rated power:** -  
**Panel material:** Smooth glass without AR coating  
**Reflectivity:** Vary with sun  
**Slope error:** correlate with material

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Tracking axis orientation: 180.0°
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Tracking axis panel offset: 0.0°
Max tracking angle: 60.0°
Resting angle: 60.0°
Rated power: -
Panel material: Smooth glass without AR coating
Reflectivity: Vary with sun
Slope error: correlate with material

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## Flight Path Receptor(s)

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**Description:**  
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Glide slope: 3.0°  
Pilot view restricted? Yes  
Vertical view: 30.0°  
Azimuthal view: 50.0°

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**Description:**  
Threshold height: 50 ft  
Direction: 241.4°  
Glide slope: 3.0°  
Pilot view restricted? Yes  
Vertical view: 30.0°  
Azimuthal view: 50.0°

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<td>-103.016376</td>
<td>3234.27</td>
<td>569.88</td>
<td>3803.96</td>
</tr>
</tbody>
</table>

**Name:** RWY 32  
**Description:**  
Threshold height: 50 ft  
Direction: 332.9°  
Glide slope: 3.0°  
Pilot view restricted? Yes  
Vertical view: 30.0°  
Azimuthal view: 50.0°

<table>
<thead>
<tr>
<th>Point</th>
<th>Latitude (°)</th>
<th>Longitude (°)</th>
<th>Ground elevation (ft)</th>
<th>Height above ground (ft)</th>
<th>Total elevation (ft)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Threshold</td>
<td>44.032802</td>
<td>-103.049414</td>
<td>3140.49</td>
<td>50.00</td>
<td>3190.49</td>
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<tr>
<td>Two-mile</td>
<td>44.007084</td>
<td>-103.031072</td>
<td>2957.55</td>
<td>786.40</td>
<td>3743.95</td>
</tr>
</tbody>
</table>
Name: RWY 5
Description:
Threshold height: 50 ft
Direction: 61.2°
Glide slope: 3.0°
Pilot view restricted? Yes
Vertical view: 30.0°
Azimuthal view: 50.0°

<table>
<thead>
<tr>
<th>Point</th>
<th>Latitude (°)</th>
<th>Longitude (°)</th>
<th>Ground elevation (ft)</th>
<th>Height above ground (ft)</th>
<th>Total elevation (ft)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Threshold</td>
<td>44.047875</td>
<td>-103.063875</td>
<td>3169.29</td>
<td>50.00</td>
<td>3219.29</td>
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<tr>
<td>Two-mile</td>
<td>44.033908</td>
<td>-103.089160</td>
<td>3030.17</td>
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</table>

**Discrete Observation Receptors**

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<th>Name</th>
<th>ID</th>
<th>Latitude (°)</th>
<th>Longitude (°)</th>
<th>Elevation (ft)</th>
<th>Height (ft)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-ATCT</td>
<td>1</td>
<td>44.036439</td>
<td>-103.056484</td>
<td>3156.96</td>
<td>75.00</td>
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Map image of 1-ATCT
GLARE ANALYSIS RESULTS

Summary of Glare

<table>
<thead>
<tr>
<th>PV Array Name</th>
<th>Tilt</th>
<th>Orient</th>
<th>&quot;Green&quot; Glare</th>
<th>&quot;Yellow&quot; Glare</th>
<th>Energy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Center</td>
<td>(*)</td>
<td>(*)</td>
<td>min</td>
<td>min</td>
<td>kWh</td>
</tr>
<tr>
<td>East</td>
<td>SA</td>
<td>SA</td>
<td>0</td>
<td>0</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>tracking</td>
<td>tracking</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>North</td>
<td>SA</td>
<td>SA</td>
<td>0</td>
<td>0</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>tracking</td>
<td>tracking</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>SA</td>
<td>SA</td>
<td>0</td>
<td>0</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>tracking</td>
<td>tracking</td>
<td></td>
<td></td>
<td></td>
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</tbody>
</table>

Total annual glare received by each receptor

<table>
<thead>
<tr>
<th>Receptor</th>
<th>Annual Green Glare (min)</th>
<th>Annual Yellow Glare (min)</th>
</tr>
</thead>
<tbody>
<tr>
<td>RWY 14</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>RWY 23</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>RWY 32</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>RWY 5</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1-ATCT</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

Results for: Center

<table>
<thead>
<tr>
<th>Receptor</th>
<th>Green Glare (min)</th>
<th>Yellow Glare (min)</th>
</tr>
</thead>
<tbody>
<tr>
<td>RWY 14</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>RWY 23</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>RWY 32</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>RWY 5</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1-ATCT</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

Flight Path: RWY 14

0 minutes of yellow glare
0 minutes of green glare
Flight Path: RWY 23
0 minutes of yellow glare
0 minutes of green glare

Flight Path: RWY 32
0 minutes of yellow glare
0 minutes of green glare

Flight Path: RWY 5
0 minutes of yellow glare
0 minutes of green glare

Point Receptor: 1-ATCT
0 minutes of yellow glare
0 minutes of green glare

Results for: East

<table>
<thead>
<tr>
<th>Receptor</th>
<th>Green Glare (min)</th>
<th>Yellow Glare (min)</th>
</tr>
</thead>
<tbody>
<tr>
<td>RWY 14</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>RWY 23</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>RWY 32</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>RWY 5</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1-ATCT</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

Flight Path: RWY 14
0 minutes of yellow glare
0 minutes of green glare

Flight Path: RWY 23
0 minutes of yellow glare
0 minutes of green glare

Flight Path: RWY 32
0 minutes of yellow glare
0 minutes of green glare
Flight Path: RWY 5
0 minutes of yellow glare
0 minutes of green glare

Point Receptor: 1-ATCT
0 minutes of yellow glare
0 minutes of green glare

Results for: North

<table>
<thead>
<tr>
<th>Receptor</th>
<th>Green Glare (min)</th>
<th>Yellow Glare (min)</th>
</tr>
</thead>
<tbody>
<tr>
<td>RWY 14</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>RWY 23</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>RWY 32</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>RWY 5</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1-ATCT</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

Flight Path: RWY 14
0 minutes of yellow glare
0 minutes of green glare

Flight Path: RWY 23
0 minutes of yellow glare
0 minutes of green glare

Flight Path: RWY 32
0 minutes of yellow glare
0 minutes of green glare

Flight Path: RWY 5
0 minutes of yellow glare
0 minutes of green glare

Point Receptor: 1-ATCT
0 minutes of yellow glare
0 minutes of green glare
### Results for: Total

<table>
<thead>
<tr>
<th>Receptor</th>
<th>Green Glare (min)</th>
<th>Yellow Glare (min)</th>
</tr>
</thead>
<tbody>
<tr>
<td>RWY 14</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>RWY 23</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>RWY 32</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>RWY 5</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1-ATCT</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

**Flight Path: RWY 14**
- 0 minutes of yellow glare
- 0 minutes of green glare

**Flight Path: RWY 23**
- 0 minutes of yellow glare
- 0 minutes of green glare

**Flight Path: RWY 32**
- 0 minutes of yellow glare
- 0 minutes of green glare

**Flight Path: RWY 5**
- 0 minutes of yellow glare
- 0 minutes of green glare

**Point Receptor: 1-ATCT**
- 0 minutes of yellow glare
- 0 minutes of green glare

### Assumptions
"Green" glare is glare with low potential to cause an after-image (flash blindness) when observed prior to a typical blink response time. "Yellow" glare is glare with potential to cause an after-image (flash blindness) when observed prior to a typical blink response time. Times associated with glare are denoted in Standard time. For Daylight Savings, add one hour. Glare analyses do not account for physical obstructions between reflectors and receptors. This includes buildings, tree cover and geographic obstructions.

Several calculations utilize the PV array centroid, rather than the actual glare spot location, due to algorithm limitations. This may affect results for large PV footprints. Additional analyses of array sub-sections can provide additional information on expected glare. The subtended source angle (glare spot size) is constrained by the PV array footprint size. Partitioning large arrays into smaller sections will reduce the maximum potential subtended angle, potentially impacting results if actual glare spots are larger than the sub-array size. Additional analyses of the combined area of adjacent sub-arrays can provide more information on potential glare hazards. (See previous point on related limitations.)

Glare locations displayed on receptor plots are approximate. Actual glare-spot locations may differ.

Glare vector plots are simplified representations of analysis data. Actual glare emanations and results may differ.

The glare hazard determination relies on several approximations including observer eye characteristics, angle of view, and typical blink response time. Actual results and glare occurrence may differ.

Hazard zone boundaries shown in the Glare Hazard plot are an approximation and visual aid based on aggregated research data. Actual ocular impact outcomes encompass a continuous, not discrete, spectrum.

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Attachment B

FAA Official Airport Diagram of Rapid City Regional Airport showing ATCT Tower Height in Feet Above Mean Sea Level
Appendix F
Visual Renderings
Proposed Solar Development Image One

Wild Springs Solar
Pennington County, SD
Appendix G
Decommissioning Plan
Wild Springs Decommissioning Plan

Wild Springs Solar, LLC (Wild Springs), is committed to ensuring the Wild Springs Solar Project (Project) is properly decommissioned at the end of its useful life in compliance with the decommissioning requirements set forth in Section 317-A-15 of the Pennington County Zoning Ordinance (July 10, 2019). Therefore, Wild Springs commits to the following with respect to decommissioning restoration and financial assurance for the Project.

**Project Decommissioning and Site Restoration:**

Decommissioning of the Project would begin within eight (8) months after the Project reaches the end of its useful life and would be completed within eighteen (18) months after the Project reaches the end of its useful life, unless the Planning Commission approves a different schedule. Project decommissioning will include:

- Dismantling and removing all Project-related equipment, foundations, and ancillary equipment to a depth of forty-two (42) inches below grade. Any soil disturbance associated with decommissioning would include topsoil segregation.
- Removing the operation and maintenance facility and access roads, unless the landowners request in writing that all or any portion of the facility and/or access roads remain in place. Access road restoration will include removal of surface road material and restoration of the roads to substantially the same physical condition that existed immediately before construction of the Project.
- Restoration of the Project site, including: decompaction; revegetation; and to the extent possible, reclamation to the approximate original topography and original or better topsoil quality that existed immediately prior to construction of the Project.
- Executing agreements, as needed addressing the Project's use, improvement, and post-decommissioning restoration and repair of existing, maintained roads, including any associated road restoration and repair costs.

Following decommissioning, the site will be restored so as to be able to return to the agricultural production that existed prior to construction of the solar facilities.

**Decommissioning Financial Assurance:**

A decommissioning cost estimate for the Project provided by Westwood Engineering (a South Dakota-licensed engineering firm) is attached as Exhibit A.

Based on current recycling costs and salvage values, the cost of decommissioning the Project is estimated to be approximately $2,323,000.00. Wild Springs plans to provide a certificate of insurance and financial assurance to Pennington County prior to the start of construction.
Wild Springs also proposes that an updated decommissioning cost estimate be provided at year 10 of operation, which would be used to update, as needed, the decommissioning cost financial security.
Westwood

Project Name: Wild Springs Solar Project
Date: 03/19/2020
WPS Project Number: 0007627.00
By: JLB

<table>
<thead>
<tr>
<th>Project Size</th>
<th>166.00</th>
<th>128.00</th>
<th>MW-DC</th>
<th>MW-AC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Quantity (Lump Sum)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Cost</td>
<td>$1,354,000.00</td>
<td>$1,354,000.00</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Mobilization/Demobilization**
Mobilization was estimated to be approximately 7% of total cost of other items. This number was developed from speaking with contractors.

<table>
<thead>
<tr>
<th>Permitting</th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>State Permits</td>
<td>1</td>
<td>Lump Sum</td>
<td>$10,000.00</td>
<td>$10,000</td>
</tr>
</tbody>
</table>

Subtotal Permitting
Decommissioning will require a SWPPP and SPCC plan, cost is an estimate of the permit preparation cost.

$10,000

**Civil Infrastructure**
Civil removal costs are a combination of SDDOT unit costs where applicable, RS Means cost for project zip area and industry standards provided to Westwood. Based on the Landfill, many landfills do not charge for “inert” materials, the gravel can be used for daily cover and other uses at a landfill.

<table>
<thead>
<tr>
<th>Civil Infrastructure</th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Removal Gravel Surfacing from Road</td>
<td>53,742</td>
<td>Cubic Yards (BV)</td>
<td>$4.48</td>
<td>$240,941</td>
</tr>
<tr>
<td>Haul Gravel Removed from Road</td>
<td>67,178</td>
<td>Cubic Yards (LV)</td>
<td>$14.71</td>
<td>$988,200</td>
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<tr>
<td>Disposal of Gravel Removal from Road</td>
<td>87,062</td>
<td>Tons</td>
<td>$0.00</td>
<td>$0</td>
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<tr>
<td>Grade Road Corridor (Re-spread Topsoil)</td>
<td>130,035</td>
<td>Linear Feet</td>
<td>$1.24</td>
<td>$154,995</td>
</tr>
<tr>
<td>Erosion and Sediment Control for Road Restoration</td>
<td>130,062</td>
<td>Linear Feet</td>
<td>$1.91</td>
<td>$194,870</td>
</tr>
<tr>
<td>Turf Establishment on Removed Road Area</td>
<td>74,95</td>
<td>Acres</td>
<td>$3,850.00</td>
<td>$288,559</td>
</tr>
<tr>
<td>Removal of Security Fence</td>
<td>88,000</td>
<td>Linear Feet</td>
<td>$6.58</td>
<td>$579,040</td>
</tr>
</tbody>
</table>

Subtotal Civil Infrastructure
$2,446,606

**Structural Infrastructure**
Structural removal costs were calculated by using information from array manufacturers for installation rates and using the same rates to calculate total days to remove equipment. Hauling calculations are based on the locations of metals recyclers in Rapid City, 26 miles away. Assuming a $0.29/ton mile rate and $40.25/ton for tipping fees.

<table>
<thead>
<tr>
<th>Structural Infrastructure</th>
<th></th>
<th></th>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>Removal Tracker Steel Foundation Posts</td>
<td>107,448</td>
<td>Each</td>
<td>$13.18</td>
<td>$1,416,268</td>
</tr>
<tr>
<td>Haul Tracker Steel Post</td>
<td>8,596</td>
<td>Tons</td>
<td>$7.54</td>
<td>$64,813</td>
</tr>
<tr>
<td>Removal Drive Motor Posts</td>
<td>9,688</td>
<td>Each</td>
<td>$115.03</td>
<td>$1,114,411</td>
</tr>
<tr>
<td>Haul Drive Motor Posts</td>
<td>18,419</td>
<td>Tons</td>
<td>$7.54</td>
<td>$138,882</td>
</tr>
<tr>
<td>Remove and Load Metstation Foundation</td>
<td>5</td>
<td>EA</td>
<td>$743.60</td>
<td>$3,718</td>
</tr>
<tr>
<td>Haul Concrete</td>
<td>73</td>
<td>Tons</td>
<td>$14.22</td>
<td>$1,031</td>
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<tr>
<td>Disposal of Concrete from Foundation</td>
<td>73</td>
<td>Tons</td>
<td>$40.25</td>
<td>$2,918</td>
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Subtotal Structural Infrastructure
$2,742,040

**Electrical Collection/Transmission System**
Electrical removal costs of PV Panels and Combiner Boxes were based industry standards on installation rates of a three man work crew. PCU

<table>
<thead>
<tr>
<th>Electrical Collection/Transmission System</th>
<th></th>
<th></th>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>Removal of PV Panels</td>
<td>755,664</td>
<td>Each</td>
<td>$12.07</td>
<td>$9,122,281</td>
</tr>
<tr>
<td>Removal of Combiner Boxes</td>
<td>1,211</td>
<td>Each</td>
<td>$60.00</td>
<td>$72,660</td>
</tr>
<tr>
<td>Removal of PCU Station (Inverters/Panelboard/Transformer)</td>
<td>88</td>
<td>Each</td>
<td>$2,029.56</td>
<td>$178,601</td>
</tr>
<tr>
<td>Haul Inverters and Transformers to Recycler</td>
<td>88</td>
<td>Each</td>
<td>$150.80</td>
<td>$13,270</td>
</tr>
<tr>
<td>Removal of Scada Equipment</td>
<td>1</td>
<td>Each</td>
<td>$5,000.00</td>
<td>$5,000</td>
</tr>
<tr>
<td>Removal of DC Collector System Cables (copper)</td>
<td>9,600.0</td>
<td>LF</td>
<td>$0.43</td>
<td>$4,155</td>
</tr>
<tr>
<td>Removal of Underground (AC) Medium Voltage System Cables</td>
<td>258,167</td>
<td>Linear Foot</td>
<td>$0.48</td>
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<tr>
<td>Load and Haul Cables for Recycling</td>
<td>343.3</td>
<td>Ton</td>
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<td>Removal of Fiber Optic Cable</td>
<td>86,055.7</td>
<td>LF</td>
<td>$0.13</td>
<td>$11,359</td>
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<tr>
<td>Removal of Grounding Wire</td>
<td>95,655.7</td>
<td>LF</td>
<td>$0.16</td>
<td>$14,970</td>
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</tbody>
</table>

Subtotal Electrical Collection/Transmission System
$9,549,529
Station, MV Equipment and Scada Equipment removal cost are based on removal of equipment, concrete pads, and conduits using a truck mounted crane and contractor provided information on installation rates. Cable to be left in the ground, stub up removal at combiner boxes and inverters assumed, standard industry production rates from RS Means. Metal and cable salvage value is based on 75 percent of current scrap metal prices for steel copper, and aluminum. Hauling calculations are based on the locations of metals recyclers in Rapid City, 26 miles away. Resale of PV Panels is based on 85 percent of the price quoted by We Recycle Solar on a recent similar project.

### Site Restoration

<table>
<thead>
<tr>
<th>Description</th>
<th>Quantity</th>
<th>Unit</th>
<th>Unit Cost</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stabilized Construction Entrance</td>
<td>11</td>
<td>Each</td>
<td>$2,000.00</td>
<td>$22,000.00</td>
</tr>
<tr>
<td>Permanent Seeding on area within Removed Array</td>
<td>1,080</td>
<td>Acres</td>
<td>$3,484.80</td>
<td>$3,761.892</td>
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</table>

**Subtotal Site Restoration**: $3,783,892

Site restoration costs are based on past solar project experience.

### Substation

<table>
<thead>
<tr>
<th>Description</th>
<th>Quantity</th>
<th>Unit</th>
<th>Unit Cost</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drain and Dispose of Transformer Oil</td>
<td>1</td>
<td>LS</td>
<td>$11,000.00</td>
<td>$11,000.00</td>
</tr>
<tr>
<td>Disassembly and Removal of Transformer(s)</td>
<td>1</td>
<td>LS</td>
<td>$4,500.00</td>
<td>$4,500.00</td>
</tr>
<tr>
<td>Freight Transformer(s) Offsite</td>
<td>1</td>
<td>LS</td>
<td>$2,500.00</td>
<td>$2,500.00</td>
</tr>
<tr>
<td>Excavate Around Transformer Foundation(s)</td>
<td>1</td>
<td>LS</td>
<td>$40,000.00</td>
<td>$40,000.00</td>
</tr>
<tr>
<td>Remove Complete Transformer Foundation(s)</td>
<td>1</td>
<td>LS</td>
<td>$4,900.00</td>
<td>$4,900.00</td>
</tr>
<tr>
<td>Backfill Excavation Area from Transformer Removal</td>
<td>1</td>
<td>LS</td>
<td>$55,000.00</td>
<td>$55,000.00</td>
</tr>
<tr>
<td>Haul scrap reinforcing steel (Transformer Foundation)</td>
<td>6</td>
<td>Tons</td>
<td>$10.00</td>
<td>$60.00</td>
</tr>
<tr>
<td>Haul Concrete (Transformer Foundation)</td>
<td>140</td>
<td>CY</td>
<td>$18.00</td>
<td>$2,520.00</td>
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</table>

**subtotal - substation transformer removal**: $120,480.00

<table>
<thead>
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<th>Description</th>
<th>Quantity</th>
<th>Unit</th>
<th>Unit Cost</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Demolish Substation Site Improvements (fences, etc)</td>
<td>1</td>
<td>LS</td>
<td>$3,500.00</td>
<td>$3,500.00</td>
</tr>
<tr>
<td>Demolish Control Building and Foundation</td>
<td>1</td>
<td>LS</td>
<td>$12,000.00</td>
<td>$12,000.00</td>
</tr>
<tr>
<td>Remove Medium/High Voltage Equipment</td>
<td>1</td>
<td>LS</td>
<td>$3,500.00</td>
<td>$3,500.00</td>
</tr>
<tr>
<td>Remove Structural Steel Substation Frame</td>
<td>1</td>
<td>LS</td>
<td>$3,500.00</td>
<td>$3,500.00</td>
</tr>
<tr>
<td>Freight - Demolition Materials, Removed Equipment &amp; Structural Steel Offsite</td>
<td>1</td>
<td>LS</td>
<td>$1,250.00</td>
<td>$1,250.00</td>
</tr>
<tr>
<td>Disposal of Demolition Materials, Removed Equipment &amp; Structural Steel Offsite</td>
<td>1</td>
<td>LS</td>
<td>$0.00</td>
<td></td>
</tr>
</tbody>
</table>

**subtotal - demolition/disposal of imp materials**: $23,750.00

<table>
<thead>
<tr>
<th>Description</th>
<th>Quantity</th>
<th>Unit</th>
<th>Unit Cost</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Remove Gravel Surfacing from Substation Site</td>
<td>6,200</td>
<td>CY</td>
<td>$8.00</td>
<td>$49,600.00</td>
</tr>
<tr>
<td>Disposal of Gravel from Substation Site</td>
<td>6,200</td>
<td>CY</td>
<td>$6.00</td>
<td>$37,200.00</td>
</tr>
<tr>
<td>Grade Substation Site</td>
<td>1</td>
<td>LS</td>
<td>$25,000.00</td>
<td>$25,000.00</td>
</tr>
<tr>
<td>Erosion and Sediment Control at Substation Site</td>
<td>1</td>
<td>LS</td>
<td>$12,000.00</td>
<td>$12,000.00</td>
</tr>
<tr>
<td>Topsoil and Revegetation at Substation Site</td>
<td>1</td>
<td>LS</td>
<td>$16,000.00</td>
<td>$16,000.00</td>
</tr>
</tbody>
</table>

**subtotal - substation site gravel removal & restoration**: $139,800.00

### Project Management

<table>
<thead>
<tr>
<th>Description</th>
<th>Quantity</th>
<th>Unit</th>
<th>Unit Cost</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Manager</td>
<td>25</td>
<td>weeks</td>
<td>$3,800.00</td>
<td>$95,000.00</td>
</tr>
<tr>
<td>Superintendent</td>
<td>50</td>
<td>weeks</td>
<td>$3,525.00</td>
<td>$176,250.00</td>
</tr>
<tr>
<td>Field Engineer</td>
<td>100</td>
<td>weeks</td>
<td>$2,325.00</td>
<td>$232,500.00</td>
</tr>
<tr>
<td>Clerk</td>
<td>50</td>
<td>weeks</td>
<td>$750.00</td>
<td>$37,500.00</td>
</tr>
</tbody>
</table>

**subtotal - Project Management**: $541,250.00

### Salvage

<table>
<thead>
<tr>
<th>Description</th>
<th>Quantity</th>
<th>Unit</th>
<th>Unit Cost</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fencing</td>
<td>440</td>
<td>Tons</td>
<td>$165.00</td>
<td>$72,600.00</td>
</tr>
<tr>
<td>Steel Posts</td>
<td>8,596</td>
<td>Tons</td>
<td>$165.00</td>
<td>$1,416,340</td>
</tr>
<tr>
<td>Module Racking</td>
<td>18,419</td>
<td>Tons</td>
<td>$165.00</td>
<td>$3,089,135</td>
</tr>
<tr>
<td>PV Modules</td>
<td>717,881</td>
<td>Each</td>
<td>$23.87</td>
<td>$17,135,819</td>
</tr>
<tr>
<td>Inverters and Transformers</td>
<td>264</td>
<td>Each</td>
<td>$0.37</td>
<td>$98</td>
</tr>
<tr>
<td>Scada Equipment</td>
<td>1</td>
<td>Each</td>
<td>$1,000.00</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>DC Collection Lines</td>
<td>18,240</td>
<td>Pounds</td>
<td>$0.48</td>
<td>$8,755</td>
</tr>
<tr>
<td>AC Collection Lines</td>
<td>613,147</td>
<td>Pounds</td>
<td>$0.20</td>
<td>$122,629</td>
</tr>
<tr>
<td>Grounding Wire</td>
<td>20,901</td>
<td>Pounds</td>
<td>$1.79</td>
<td>$37,308</td>
</tr>
</tbody>
</table>
# Westwood

**Estimated Decommissioning Costs**
Including Dismantling/Removal Costs and Salvage Value

<table>
<thead>
<tr>
<th>Item</th>
<th>Quantity</th>
<th>Unit</th>
<th>Cost 1</th>
<th>Cost 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Substation Transformer Oil</td>
<td>1</td>
<td>LS</td>
<td>$3,500</td>
<td>$3,500</td>
</tr>
<tr>
<td>Substation Transformers</td>
<td>1</td>
<td>LS</td>
<td>$33,300</td>
<td>$33,300</td>
</tr>
<tr>
<td>Scrap reinforcing steel from Substation Transformer Foundation</td>
<td>6</td>
<td>Tons</td>
<td>$80.00</td>
<td>$480.00</td>
</tr>
<tr>
<td>Substation Demolition Materials, Removed Equipment and Structural Steel</td>
<td>1</td>
<td>LS</td>
<td>$1,750</td>
<td>$1,750</td>
</tr>
</tbody>
</table>

Salvage values are a combination of the following factors: current market metal salvage prices, current secondary market for solar panel module recycling, discussions with national companies that specialize in recycling and reselling electrical transformers and inverters, and the assumption that care is taken to prevent any damage or breakage of equipment.

| Construction Subtotal                                                  | $20,711,347 |
| Contingency                                                            | $2,902,102  |
| 15% of construction total (minus Mobilization/Demobilization/Permitting) based on previous project estimations. | $590,336.22 |
| County Administration Costs (2.5%)                                     | $24,203,784.88 |

**Construction Total**

| Subtotal Salvage                                                       | $21,874,715  |
| Total Demolition Minus Salvage                                         | $2,329,070   |

**Notes:**
1. Prices used in analysis are estimated based on research of current average costs and salvage values.
2. Prices provided are estimates and may fluctuate over the life of the project.
3. Contractor means and methods may vary and price will be affected by these.
Appendix H
Pennington County
Conditional Use Permit
Application Form
CONDITIONAL USE PERMIT APPLICATION

1. APPLICANT: Wild Springs Solar, LLC
   MAILING ADDRESS: 8400 Normandale Lake Blvd
   AUTHORIZED AGENT: Melissa Schmit
   MAILING ADDRESS: 8400 Normandale Lake Blvd
   OWNER: Applicant has leased the land (see Memorandums of Land Lease Agreement in Appendix B).
   DAYTIME PHONE: 952-988-9000

2. REQUESTED USE: Up to 128 megawatt solar energy generating system and associated 115 kilovolt transmission line.

LEGAL DESCRIPTION: Township 1N, Range 10E, Section 1. Township 1N, Range 11E, Sections 5,6,7,8,9.
Township 2N, Range 10E, Section 36. Township 2N, Range 11E, Section 31.

INVOLVING ~1.499 ACRES
ADDRESS: N/A
LANDMARK LOCATION: South of New Underwood
EXISTING LAND USE: Agricultural
SITE ZONING: General and Limited Agricultural
SURROUNDING ZONING: NORTH Limited Ag/ SOUTH Agricultural EAST Agricultural WEST Agricultural

UTILITIES: □ PUBLIC OR COMMUNITY:
               □ PRIVATE*: Septic Tank Size: TBD gallons Drainfield Size: TBD feet
               * An Operating Permit is required to be obtained for any existing on-site wastewater treatment system prior to submittal of the Conditional Use Permit Application.
WATER SOURCE: □ Well □ Cistern

3. THE OWNER, APPLICANT, OR AUTHORIZED AGENT, ACKNOWLEDGES: That he/she has read and received a copy of the instruction sheet and this application form concerning the filing and hearing of this matter; that he/she authorizes the Pennington County Planning Department staff and designees to enter onto and inspect the above-described property, and that he/she has been advised of the fee requirements.

Signature of APPLICANT or AGENT: AMY L. MALEK
(requires owner authorization)
Notary Public, State of Minnesota
My Commission Expires: January 31, 2023

Signature of LANDOWNER:

DATE: 6/17/2020
Subscribed and sworn to before me this 17th day of June, 2020.
Notary Public for the State of South Dakota
My Commission Expires: 11/23/23

DATE: 
Subscribed and sworn to before me this day of , 20.
Notary Public for the State of South Dakota
My Commission Expires:

4. PLANNING COMMISSION HEARING Date: Time:
LOCATION: Pennington County Commissioner's Meeting Room

5. PUBLIC HEARING NOTICES TO BE SENT BY AND SIGN TO BE POSTED BY:
Wild Springs Solar
128-MW AC Solar Array
Pennington County, SD
Preliminary Permit Plan