Pennington County fully subscribes to the Americans with Disabilities Act. If you desire to attend this public meeting and are in need of accommodations, please notify the Commissioners’ Office at (605) 394-2171 at least 24 hours prior to the meeting so that appropriate services and auxiliary aids are available.

Welcome to the March 3rd, 2020 Board of Commissioners Meeting.
Please silence cell phones, pagers and other electronic communication devices.
Agendas are located at the back of the Chambers.

1. Call to Order
2. Moment of Silent Reflection
3. Pledge of Allegiance
4. Review and Approve Agenda
5. Recognition of new employees for February 2020 (COM)(HR)

The Board of Commissioners uses a Consent Agenda to act on non-controversial and routine items. The Consent Agenda is acted upon by one motion and vote of the Board. Items may be removed from the Consent Agenda and placed on the Regular Agenda at the request of a Board member or a Citizen. The consent agenda contains the following items:

6. Minutes of the regular meeting – February 18, 2020
7. To acknowledge the signed combined election agreement for the Primary Election to be held on June 2, 2020 from the City of Hill City, the City of Rapid City and the Rapid City School District 51-4 (AUD)
8. To acknowledge the notice of intent to conduct a raffle – Rochford Rural Fire Association (COM)
9. To acknowledge the notice of intent to conduct a raffle – Crescent Lodge 210 (COM)
10. To accept the recommendation for appointment of Ms. Joyce Halbert to the Pennington County Housing and Redevelopment Commission for a term of five years (COM)
11. Approval of the request for authorization to re-apply for the VOCA and Stop/VAWA Grants (SAO/Victims Assistance)

End of Consent Agenda

Regular Agenda Items:

13. Items From Equalization
   a. Abatement Application (Tax year 2019):
      1. Erik Herrera, Parcel #61292, $394.80

14. Items From Highway Department
   a. 2020 Bridge Reinspection Program Resolution
   b. Authorization to Purchase One New Mowing Tractor
   c. Authorization to Purchase One New Industrial Vacuum/Hydro Excavator

15. Public Hearing for Proposed Ordinance #713 – A Temporary Zoning Ordinance Regulating Vacation Home Rentals – One-Year Moratorium (Commissioner Rossknecht)

16. Items From Planning & Zoning – 10:30 a.m.
BOARD OF ADJUSTMENT
   a. Subdivision Regulations Variance / SV 20-01: Gorden and Jennifer Sabo (Cont. from 2/18/2020 BOC meeting)
   b. Second Reading of Major Planned Unit Development Amendment / PU 19-09: Donna Hartshorn (Approval Recommended)
   c. Second Reading of Planned Unit Development / PU 19-05: Rockerville Gold Town, LLC (Pat Hall); Brian Hammerbeck – Agent (Approval Recommended)

   End of Consent Agenda

Regular Agenda Items:
   d. Layout Plan / LPL 20-02: Gorden and Jennifer Sabo
   e. First Reading and Public Hearing of Rezone / RZ 20-01: Gorden and Jennifer Sabo
   f. Comprehensive Plan Amendment / CA 20-01: Rockerville Gold Town, LLC (Pat Hall); Brian Hammerbeck – Agent (Cont. from 2/18/2020 BOC meeting)
   g. First Reading and Public Hearing of Major Planned Unit Development Amendment / PU 19-06: Rockerville Gold Town, LLC (Pat Hall); Brian Hammerbeck – Agent (Cont. from 2/18/2020 BOC meeting)
   h. Public Hearing on Amendment of Pennington County Comprehensive Plan - Ordinance Amendment / OA 19-01: Pennington County

17. Items From Commission Assistant
   a. Resolution to support participation in the 2020 Census
18. Items From Chair/Commission Members

19. Committee Reports

20. 2020 Legislative Session

   a. Update on proposed bills/session activity
      1. Any other legislation as deemed necessary

21. Approval of the Vouchers - $319,161.75

22. Items From Public
    (A time for the members of the public to discuss or express concerns to the Board of Commissioners on policies and issues affecting County government and its function. Action will not be taken during this item on any issues brought forth that are not properly noticed.)

23. Executive Session per SDCL 1-25-2

   a. Personnel Issue per SDCL 1-25-2(1)
   b. Contractual/Pending Litigation per SDCL 1-25-2(3)

24. Adjourn
New Hire List

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The Pennington County Board of Commissioners met at 9:00 a.m. on Tuesday, February 18, 2020, in the Commission Chambers in the County Administration Building, Rapid City, South Dakota. Chair Deb Hadcock called the meeting to order with the following Commissioners present: Mark DiSanto, Gary Drewes, Lloyd LaCroix & Ron Rossknecht.

**REVIEW AND APPROVE AGENDA**
Moved by Drewes and seconded by DiSanto to approve the agenda as presented. Vote: Unanimous.

**CONSENT ITEMS**
Moved by Drewes and seconded by LaCroix to approve the Consent Agenda as presented with the removal of Items 5 & 8. Vote: Unanimous.

5. Removed for separate consideration.
6. Approval of the Permit to occupy right-of-way and the request for road closure/traffic control for the 2020 Deadwood Mickelson Trail Marathon.
7. Acknowledge the notice of intent to conduct a raffle – Team Ellsworth Spouses Club.
8. Removed for separate consideration.

End of Consent Agenda

**COUNTY LIAISON APPOINTMENT TO THE AIR QUALITY BOARD – CHRIS ORR:**
Moved by Drewes and seconded by DiSanto to appoint Mr. Chris Orr to the Rapid City Area Quality Board for a term of three years and approve the Chair’s signature to the warrant of appointment. Vote: Unanimous.

**NOTICE OF INTENT FOR FURTHER DISCUSSION AND CONSIDERATION OF A MOTION TO RESCIND – CRAZY HORSE SCENIC BYWAY APPLICATION:**
Moved by Rossknecht and seconded by DiSanto to rescind the motion previously adopted on November 5, 2019 to approve the Chair’s signature on the letter of support for the proposed Crazy Horse Scenic Byway Application. Vote: Unanimous.

Moved by Drewes and seconded by LaCroix to continue this item until the March 17, 2020 Commission meeting for further consideration. Vote: Unanimous.

**WHISPERING PINES DRIVE REQUEST FOR MAINTENANCE - MICHELLE ENEVOLDSEN:**
Moved by DiSanto and seconded by Drewes to deny the request for the County to provide maintenance and plowing on Whispering Pines Dr. Vote: The motion carried 4-1 with Rossknecht voting no.
ITEMS FROM AUDITOR
A. PUBLIC HEARING: RENEWAL OF LIQUOR LICENSE WITH SUNDAY SALES – HORSE CREEK INN: MOVED by DiSanto and seconded by Drewes to approve the renewal of the Retail (On Sale) Liquor license with Sunday Sales for the Horse Creek Inn. Vote: Unanimous.
B. 9:15 A.M. BUDGET SUPPLEMENT PUBLIC HEARING(S):
   1. SP20-002: MOVED by LaCroix and seconded by DiSanto to approve Budget Supplement SP20-002 to the General Fund Health & Human Services budget in the amount of $1,340.09 from unassigned fund balance. Vote: Unanimous.
   2. SP20-003: MOVED by LaCroix and seconded by Rossknecht to approve Budget Supplement SP20-003 to the General Fund John T Vucurevich budget in the amount of $112,000.00 from restricted fund balance. Vote: Unanimous.
   3. SP20-004: MOVED by LaCroix and seconded by Drewes to approve Budget Supplement SP20-004 to the General Fund Sheriff’s Office budget in the amount of $126,507.70 from unassigned fund balance. Vote: Unanimous.
   4. SP20-005: MOVED by LaCroix and seconded by Drewes to approve Budget Supplement SP20-005 to the General Fund Health & Human Services Community Development Block Grant Budget in the amount of $19,850.80 from restricted fund balance. Vote: Unanimous.

ITEMS FROM EQUALIZATION
A. ABATEMENT APPLICATIONS: MOVED by DiSanto and seconded by Rossknecht to approve the following two abatements for the 2019 tax year. Vote: Unanimous.
   1. Jenelle Benike, Tax ID #8011246, $7.42
   2. Michael Wolf, Tax ID #8003315, $23.94

ITEMS FROM HIGHWAY
A. USDA, FOREST SERVICE, REGION 2, BLACK HILLS NATIONAL FOREST GUARD REMOVAL, CLEANING & REPAIR AGREEMENT: MOVED by Rossknecht and seconded by LaCroix to approve agreement #20-RO-11020300-009 with the Black Hills National Forest for livestock guard removal, cleaning and repairs. Vote: Unanimous.
B. WORK ORDER R-04-20 TESTING, INSPECTIONS, PUBLIC INFORMATION AND PUBLIC RELATIONS FOR SHERIDAN LAKE ROAD RECONSTRUCTION: MOVED by LaCroix and seconded by Rossknecht to approve work order R-04-20 with Ferber Engineering Company, Inc. and the SD Dept. of Transportation for testing inspections, public information and public relations for the Sheridan Lake Road reconstruction project. Vote: Unanimous.
C. PROFESSIONAL SERVICES AGREEMENT FOR THUNDERHEAD FALLS ROAD: MOVED by Rossknecht and seconded by Drewes to approve Professional Services Agreement #1903-02237 with KLJ for preliminary engineering for the replacement of BR 52-316-316 and BR 52-317-318 on Thunderhead Falls Road. Vote: Unanimous.
D. AUTHORIZATION TO PURSUE PURCHASE OF A NEW MOWING TRACTOR: MOVED by DiSanto and seconded by Drewes to approve authorization to pursue purchase of a new mowing tractor, pending receipt of proposals to be presented to the Board of Commissioners on March 3, 2020, from two major dealers in the area, under current government cooperative purchasing. Vote: Unanimous.

ITEMS FROM HUMAN RESOURCES
A. ELECTED OFFICIALS BASE COMPENSATION LEVELS – PROPOSED 2020 RESOLUTION: MOVED by LaCroix and seconded by Rossknecht to continue this item until the March 17, 2020 Commission meeting. Vote: Unanimous.

MOVED by Drewes and seconded by LaCroix to take a five-minute recess. Vote: Unanimous.

ITEMS FROM PLANNING & ZONING BOARD OF ADJUSTMENT: MOVED by Drewes and seconded by DiSanto to convene as the Board of Adjustment. Vote: Unanimous.

A. SUBDIVISION REGULATIONS VARIANCE / SV 20-01: Gordon and Jennifer Sabo. To waive road improvements to Martin Ranch Trail; to waive improvements to the undeveloped Section Line located along the eastern property line between Sections 8 and 9, T2S, R7E; and to waive submittal of percolation tests and profile information in a General Agriculture District in accordance with Sections 205, 700, and 509 of the Pennington County Subdivision Regulations and Zoning Ordinance.

E1/2NE1/4; NE1/4SE1/4; NW1/4SE1/4, Section 8, T2S, R7E, BHM, Pennington County, South Dakota.

MOVED by Rossknecht and seconded by Drewes to continue this item until the March 3, 2020 Commission meeting. Vote: Unanimous.

MOVED by Drewes and seconded by DiSanto to adjourn as the Board of Adjustment and reconvene as the Board of Commissioners. Vote: Unanimous.

PLANNING & ZONING CONSENT AGENDA ITEMS
The following item(s) have been placed on the Consent Agenda for action to be taken on all items by a single vote of the Board of Commissioners. Any item may be removed from the Consent Agenda for separate action.

MOVED by LaCroix and seconded by Rossknecht to approve the Planning and Zoning consent agenda as presented. Vote: Unanimous.

B. MINOR PLAT / MPL 20-01: Gordon Howie. To reconfigure lot lines to create Lot 4R and Lot 5R of Bromegrass Subdivision in accordance with Section 400.3 of the Pennington County Subdivision Regulations.
EXISTING LEGAL: Lot 4 and Lot 5, Bromegrass Subdivision; Section 2, T1S, R9E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 4R and Lot 5R, Bromegrass Subdivision; Section 2, T1S, R9E, BHM, Pennington County, South Dakota.

Approve of Minor Plat / MPL 20-01 with the following six (6) conditions. Vote: Unanimous.

1. That at the time of Minor Plat submittal, the Plat contain a 40-foot wide access easement between Lot 4R and Lot 7 that would allow current access from Antelope Creek Road to Lot 5R or an approved Approach Permit be obtained for Lot 5R from Antelope Creek Road;
2. That prior to filing the Plat with the Register of Deeds, all previous lot lines be identified on the Plat;
3. That prior to filing the Plat with the Register of Deeds, the plat meets all requirements of Pennington County Subdivision Regulations, or approved Variance(s) to Subdivision Regulations be obtained waiving any of these requirements that are not met. Subdivision Regulations Variances shall be submitted per §700 of Pennington County Subdivision Regulations;
4. That the applicant ensures 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 §204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit; and,
6. That an approved Floodplain Development Permit be obtained prior to any disturbance within the regulated Special Flood Hazard Area.

End of Consent Agenda

PLANNING & ZONING REGULAR AGENDA

C. REQUEST TO NOT SUBMIT ENGINEERED ROAD CONSTRUCTION PLANS AND NOT TO BUILD TO ORDINANCE 14 STANDARDS Nathan and Marie Lapsley: MOVED by DiSanto and seconded by Drewes to deny the request to waive the requirements to submit engineered road construction plans, have a road width be 12 ft. wide instead of 24 ft, have a gravel surface depth of 4 inches instead of 6 inches, have ditches be 1 ft. in depth instead of 2 ft and have slopes greater than 4:1 for Road Construction within a Section Line Right-of-Way / CS 20-01: Nathan and Marie Lapsley.

Substitute motion: MOVED by Drewes and seconded by Rossknecht to approve a request waiving the requirement of engineered road construction plans. The Board further directed that the road width shall not be less than 16 ft., shall have a gravel surface depth of no less than 6 inches and the ditches shall be 2 ft. in depth with 4:1 slopes – Road Construction within a Section Line Right-of-Way / CS 20-01. Vote: Unanimous.
D. ROAD CONSTRUCTION WITHIN A SECTION LINE RIGHT-OF-WAY / CS 20-01: Nathan and Marie Lapsley. To construct a road within the Section Line Right-of-Way to provide access to property located in Section 13, T1N, R9E and to bring an existing 289 feet of Section Line road into compliance.

Sections 13 and 14, T1N, R9E, BHM, Pennington County, South Dakota.

MOVED by DiSanto and seconded by Rossknecht to approve Road Construction within a Section Line Right-of-Way / CS 20-01 which includes constructing the section line right-of-way to County Ordinance 14 Standards with eight (8) conditions. Vote: Unanimous.

1. That the roadway located within the Section Line Right-of-Way be improved to meet all requirements of Pennington County Ordinance 14 (which includes submittal of engineered road construction plans) or a request to waive these requirements be approved by the Board of Commissioners;
2. That any waivers granted by the Board of Commissioners to Pennington County Ordinance #14 Standards be only for access to the property described as N425 ft of W1075 ft of SW1/4SW1/4, Section 13, T1N, R9E, BHM, Pennington County, South Dakota, and that any future development that takes access off 153rd Avenue would require additional approval of waivers to Ordinance #14 Standards for this 1,253 foot road extension and any further road extension south;
3. That if the amount of disturbed area exceeds one (1) acre, a Department of Environment and Natural Resource’s Storm Water Construction Permit is obtained;
4. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;
5. That dust control measures be implemented to prevent dust from leaving the site and impacting the adjacent properties;
6. That if culverts are installed, the design is submitted to the County Drainage Engineer for review prior to installation;
7. That any disturbed areas shall be stabilized and re-vegetated as required in §507(A) of the Pennington County Zoning Ordinance; and,
8. That any monuments establishing property boundaries be replaced as necessary, if disturbed by construction of the road.

E. FIRST READING AND PUBLIC HEARING OF MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 19-09: Donna Hartshorn. To amend an existing Planned Unit Development Overlay to allow for seasonal commercial recreation and amusement structures to include racetracks, miniature golf, paintball, arcade games, and to allow five (5) lighted, on-premise signs to be located within 1,500 feet of a residential district and/or dwelling unit in accordance with Section 213 of the Pennington County Zoning Ordinance.
Lot 4 of Tract E of Government Lot 2 of NW1/4SE1/4, NE1/4SW1/4 and SW1/4SE1/4; and NE1/4SE1/4 less Lot 1, Tract D of NW1/4SE1/4 less Lot 1, all located in Section 3, T1S, R7E, BHM, Pennington County, South Dakota.

MOVED by DiSanto and seconded by Rossknecht to approve of Major Planned Unit Development Amendment / PU 19-09 with the following twenty-six (26) conditions. Vote: Unanimous.

1. That the purpose of this Planned Unit Development be to allow a Resort Development for a single-family residence with outbuildings, a single-wide mobile home as ranch-hand's residence, and seasonal commercial recreation and amusement structures supporting events such as: weddings, wedding receptions, chapel use (weddings, funerals and services), small gatherings, school tours, wagon rides, pony rides, farmer's market, pumpkin patch, corn maze, sunflower farm/maze, rodeo/riding arena, horse stabling, livestock pasturing, on-premise signage, beer and wine sales, hovercraft track, paintball range, and to allow up to five (5) illuminated, on-premise signs to be located within 1,500 feet of a residential district and/or dwelling unit;

2. That the number of guests be limited up to a maximum of 300 at any one-time;

3. That the Planned Unit Development be considered an overlay zoning district whereby the provisions of the underlying General Agriculture District, Limited Agriculture District, and Highway Service District still apply and, if the property is no longer utilized in accordance with Major Planned Unit Development Amendment / PUD 19-09, the zoning reverts back to General Agriculture District, Limited Agriculture District, and Highway Service District, assuming the same lot configuration;

4. That the applicant notifies the Planning Director prior to transferring ownership of the property so that Major Planned Unit Development Amendment / PUD 19-09 may be brought forth for review;

5. That any changes to an emergency plan be discussed with the Pennington County Fire Coordinator and submitted to the Planning Director;

6. That prior to starting any outdoor fires, the applicant must obtain a Fire Permit from the South Dakota Wildland Fire Division. Further, the owners are responsible for adhering to Pennington County Ordinance #632;

7. That grass, weeds and other vegetation must be cut short so as to reduce the possibility of a fire;

8. That the west parking area be large enough for a minimum of ninety-one (91) parking spaces and the arena parking area be large enough for a minimum of sixty-seven (67) parking spaces. Each parking space shall measure a minimum of 9 feet by 18 feet, with travel lanes measuring a minimum of eighteen (18) feet wide between rows of parking spaces. Each parking lot shall be maintained in a dust-free manner and in accordance with §310 of the Pennington County Zoning Ordinance, and a parking site plan shall be submitted showing each designated parking space for the three lots and the applicant shall place signage stating that there is no parking on the road and in the easement;

9. That the internal driveway continue to be eighteen (18) feet wide;
10. That the applicant complete a road naming request for the in-use access roads and, upon approval, new addresses be assigned to the residences and structures used in support of the Resort Development on the subject properties;
11. That the physical addresses for both existing residences, and any future addresses that are assigned, be posted in accordance with Pennington County Ordinance #20;
12. That the days of operation for the farmer's market, pumpkin patch, corn maze, sunflower farm/maze, hovercraft track, and paintball range be allowed seven (7) days per week. Hours of operation, for the above-mentioned, shall be between 10 a.m. and 10 p.m. and music being provided for any activities shall end by 10 p.m.;
13. That the applicant maintain directional signs along the in-use access roads to direct visitors;
14. That temporary structures, such as tents and port-o-potties, only be erected when needed and not on a permanent basis;
15. That all lighting be installed and maintained to minimize spillage of light outside of the area, so as not to create a nuisance. Lighting must be effectively shielded to prevent beams or rays from being directed towards any portion of the traveled ways and must not be of such intensity or brilliance as to cause glare or impair the vision of any motor vehicle drivers;
16. That the applicant maintain all necessary permits from other governing bodies for the operation, including, but not limited to, South Dakota Department of Health and South Dakota Department of Revenue;
17. That a portable fire extinguisher with a minimum 2A:10B:C rating shall be placed in each structure supporting the Resort Development so it is accessible at all times. The fire extinguisher shall be inspected and tagged annually;
18. That prior to the installation of any On-site Wastewater System, or alteration to the existing On-site Wastewater System, the landowner shall meet with the appropriate County and/or City Staff;
19. That if another well is to be dug on the property, it be continually tested and monitored per South Dakota Department of Environment and Natural Resources regulations;
20. That port-o-potties may be utilized by the guests of the events for wastewater disposal, but any other means of wastewater disposal will require proper permitting and review by the City of Rapid City and the Pennington County Planning Department;
21. That prior to the placement of any on-premise signs, the applicant must adhere to §312 of the Pennington County Zoning Ordinance;
22. 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;
23. That the Planning Director may allow additional development or construction, which is consistent with the existing development on this property. Significant changes in the use or impacts on adjacent land uses, as determined by the Planning Director, shall require an amendment to this Planned Unit Development;
24. That the operation be conducted by members of the family residing on the premises and event staff, as necessary;
25. That the applicant signs a Statement of Understanding within ten (10) business days of approval of Major Planned Unit Development Amendment / PUD 19-09, which is available at the Planning Office; and,

26. That Major Planned Unit Development Amendment / PUD 19-09 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.

F. FIRST READING AND PUBLIC HEARING OF PLANNED UNIT DEVELOPMENT / PU 19-05: Rockerville Gold Town, LLC (Pat Hall); Brian Hammerbeck – Agent. To rezone 20.8 acres from Highway Service District and General Agriculture District to a Planned Unit Development in accordance with Sections 205, 210, 213, and 508 of the Pennington County Zoning Ordinance.

W1/2SE1/4SE1/4 South of Hwy 16 Westboundless Lot A, Less Lot 1, and Less ROW; E1/2SE1/4SE1/4 South of Hwy 16 Westbound Less ROW; and That Part of the SW1/4SW1/4 lying S of Hwy 16 and W of CO RD, Sections 13 and 14, T1S, R6E, BHM, Pennington County, South Dakota.

MOVED by LaCroix and seconded by Drewes to approve of Planned Unit Development / PU 19-05 to rezone 20.8 acres from Highway Service District and General Agriculture District to a Planned Unit Development with the following twenty-three (23) conditions. Vote: Unanimous.

1. That the purpose of this Planned Unit Development be to allow a mixed-use development that includes up to thirty-two (32) multi-family dwelling units that include duplexes, triplexes, and fourplexes; and neighborhood commercial businesses;
2. That the multi-family dwelling units be permitted to be utilized as a Vacation Home Rental provided all the requirements of Section 319 of the PCZO are met;
3. That the commercial businesses be limited to those neighborhood commercial businesses as allowed in Section 302 of the PCZO;
4. That an Engineered Drainage Study is performed by the applicant’s engineer and approved by the County Drainage Engineer prior to the increase in the impervious area greater than 15 percent which includes the area located in both PU 19-05 and PU 19-06;
5. That the required setbacks for all structures be a minimum of 25 feet from all exterior property lines which includes front, side and rear yard setbacks and zero-foot (0) setbacks from the interior property lines, and a 58-foot setback from Section Lines or the Section Line Right-of-Ways be vacated;
6. That the interior access roads off of Rockerville Road and Main Street allow for two-way traffic, meet Ordinance 14 Standards and meet AASHTO Standards;
7. That the interior access roads be named and the street sign posted in accordance with Ordinance 20 prior to the issuance of Building Permits for residences or structures taking access off of the access roads;
8. That all onsite wastewater treatment systems designed and installed in accordance with Section 204-J of the PCZO and if a conventional onsite wastewater treatment system cannot be located on the property due to inadequate soils, an alternative system will be required. All onsite wastewater treatment systems must be reviewed and approved by the South Dakota Department of Environment and Natural Resources;

9. That all septic tanks be pumped every three (3) years and be inspected at the time of being pumped;

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

11. That a minimum of two (2) off-street parking spaces be provided for each unit in the multi-family dwelling unit. All off-street parking spaces on the site shall measure at least 9 feet by 18 feet, be surfaced with gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;

12. That parking for commercial business and apartment buildings be addressed at the time of Building Permit submittal, per Section 310 of the PCZO;

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

14. That all roads be constructed to Local Road Standards which includes a minimum of a 24-foot wide driving surface or a Variance to the Subdivision Regulations is obtained;

15. That a Homeowner’s Association be created for the care and maintenance of the “Common Areas”;

16. That a Road District be formed for the care and maintenance of all roads;

17. That Pennington County’s Drainage Engineer and Pennington County’s Fire Administrator approve the central water system for the Planned Unit Development that will serve the water needs for the development and for fire protection;

18. That the entire water system must be fully operational by the time the 4th Building Permit for a multi-family dwelling is submitted or when 25 people are residing in the PUD, which includes the area located in both PU 19-05 and PU 19-06; or prior to the issuance of a Commercial Building Permit;

19. That all roads be maintained in a dust free manner;

20. That all-natural drainage ways be maintained;

21. That prior to the placement of any on-premise sign, the applicant must obtain a Sign Permit in accordance with Section 312 of the PCZO;

22. That a Sanitary District is formed for the care and maintenance of the sewer and water systems; and,

23. That Planned Unit Development / PUD 19-05, 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.

G. COMPREHENSIVE PLAN AMENDMENT / CA 20-01: Rockerville Gold Town, LLC (Pat Hall); Brian Hammerbeck – Agent. To amend the Comprehensive Plan to change the Future
Land Use from Highway Service District to a Planned Unit Development District in accordance with Sections 210, 213, and 508 of the Pennington County Zoning Ordinance.

W1/2SE1/4SE1/4 South of Hwy 16 Westboundless Lot A, Less Lot 1, and Less ROW; E1/2SE1/4SE1/4 South of Hwy 16 Westbound Less ROW; and That Part of the SW1/4SW1/4 lying S of Hwy 16 and W of CO RD, Sections 13 and 14, T1S, R6E, BHM, Pennington County, South Dakota.

MOVED by LaCroix and seconded by Rossknecht to approve of Comprehensive Plan Amendment / CA 20-01.

Substitute motion: MOVED by DiSanto and seconded by Rossknecht to continue this item until the March 3, 2020 Commission meeting. Vote: Unanimous.

H. FIRST READING AND PUBLIC HEARING OF MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 19-06: Rockerville Gold Town, LLC (Pat Hall); Brian Hammerbeck – Agent. To amend an existing Planned Unit Development to allow for townhomes, apartments, and commercial businesses in accordance with Section 213 of the Pennington County Zoning Ordinance.

W1/2SE1/4SE1/4 South of Hwy 16 Westboundless Lot A, Less Lot 1, and Less ROW; E1/2SE1/4SE1/4 South of Hwy 16 Westbound Less ROW; and That Part of the SW1/4SW1/4 lying S of Hwy 16 and W of CO RD; and Lots 6-15, Lot 17, Tract B-1 and Tract B-2; and Common Lot B of Rockerville Ghost Town Subdivision, Sections 13 and 14, T1S, R6E, BHM, Pennington County, South Dakota.

MOVED by Drewes and seconded by Rossknecht to continue this item until the March 3, 2020 Commission meeting. Vote: Unanimous.

I. APPROVAL OF THE ANNUAL MS4 STORMWATER REPORT and STORMWATER MANAGEMENT PLAN: MOVED by DiSanto and seconded by Drewes to approve the 2019 MS4 Annual Report as presented. Vote: Unanimous.

ITEMS FOR COMMISSION ASSISTANT
A. PROPOSED COMMISSION RETREAT: MOVED by Drewes and seconded by DiSanto to schedule a Commission Retreat on April 3, 2020 starting at 9:00 a.m. and direct staff to make the necessary arrangements. Vote: Unanimous.

ITEMS FROM CHAIR/COMMISSION MEMEBERS

COMMITTEE REPORTS

2020 LEGISLATIVE SESSION
A. UPDATE ON PROPOSED BILLS/SESSION ACTIVITY:
APPROVAL OF VOUCHERS: MOVED by LaCroix and seconded by Rossknecht to approve the vouchers as presented below for expenditures for insurance, professional services, publications, rentals, supplies, repairs, maintenance, travel, conference fees, utilities, furniture and equipment totaling $2,375,487.58. Vote: The motion carried 4-0 with Hadcock abstaining from Price LLC in the amount of $600.00.

3D Specialties Inc, 2,409.84; 731 Gold Street LLC, 300.00; A & B Business Inc, 2,848.92; A & B Welding Supply Co, 751.29; A & J Screening Park Bench Apparel LLC, 120.00; A To Z Shredding, 830.66; AAF-Black Hills, 170.00; Ace Steel And Recycling, 23.77; Adams-Isc LLC, 450.16; Advanced Auto Glass LLC, 60.00; Albertson Engineering Inc, 712.50; Alderman Jay, 54.00; Americinn Motel, 1,363.00; Anderson-Pelton Lisa, 167.53; Apco International Inc, 995.00; Aspen Dental, 1,500.00; AT&T Mobility, 852.38; Audra Hill Consulting Inc, 17,129.52; Ault Melissa, 87.20; Auto Body Specialties Inc, 195.25; Avesis, 3,387.29; Axon Enterprise Inc, 1,038.00; Badger Plumbing & Heating Inc, 1,142.55; Badlands Automotive, 739.46; Balco Uniform Co Inc, 8,885.47; Banks, Bridgette R, 1,020.75; Bargain Printing, 414.90; Barnier Law Office PC, 1,648.50; Basler Printing Co, 403.50; Batteries Plus Bulbs #934, 42.00; Behrens-Wilson Funeral Home, 3,445.35; BH Chemical Company Inc, 5,873.29; BH Energy, 23,110.95; BH Energy, 172.51; BH Energy, 49,038.22; BH Funeral Home & Cremation Service Inc, 1,910.00; BH Insurance Agenc Inc, 180.00; BH Obstetrics And Gynecology LLP, 153.26; BH Oral & Maxillofacial Surgery PC, 249.00; BH Orthopedic & Spine Center PC, 393.75; BH Powersports, 458.97; BH Regional Eye Institute LLP, 171.80; BH Services Inc, 389.81; BH Tent And Awning, 95.00; BH Urgent Care LLC, 1,050.00; BH Wilbert Vault, 400.00; Bi Inc, 9,701.25; Binder Tracy Lynn, 83.60; Birmeier Sandy, 108.00; Black Creek Integrated Systems Corp, 2,172.67; Black Hills Figure Skating Club, 3,306.23; Blackstrap Inc, 17,307.62; Bob Barker Company Inc, 10,990.87; Boken Melanie, 20.00; Boken Ryker, 20.00; Borden Michaela, 268.75; Bringswhite Erik, 4,042.50; Bringswhite Morgan, 3,450.00; Brownells Inc, 2,699.80; Cameron, George R, 75.40; Cash-Wa Distributing, 2,792.14; Cat's Cleaning, 40.00; CDW Government Inc, 53,266.58; Cedar Face, Ruth L, 4,000.00; Chris Supply Co Inc, 1,418.55; City Of Hill City, 29.45; City Of New Underwood, 1,303.20; City Of Rapid City -Water, 79.99; City Of Rapid City -Water, 637.77; City Of Rapid City -Water, 14.42; City Of Rapid City, 22,320.45; Clark Printing, 1,875.68; Clayborne, Deanna K, 550.60; Cline, Jean M, 926.65; Clinical Laboratory Of The Black Hills, 6,752.91; Combined Building Specialties Inc, 292.00; Community Health Center Of The Black Hills Inc, 968.00; Connections Inc EAP, 1,204.98; Contractors Insulation And Drywall Supply, 215.90; Copy Country, 732.00; Coremrr LC, 981.00; Cornerstone Apartments, 289.00; Corral Park Apartments LLC, 1,295.00; Correct Rx Pharmacy Services Inc, 195.46; Crescent Electric Supply, 302.89; Crum Electric Supply, 1,965.65; Cummins Central Power LLC, 303.76; Dakota Battery & Electric, 211.16; Dakota Fluid Power Inc, 406.10; Dakota Plains Legal Services Inc, 28,750.00; Dakota Radiology Pet/Ct & MRI, 359.17; Dakota Sports, 145.00; Dakota Supply Group Inc, 2,346.23; Dale's Tire & Retreading Inc, 934.98; Darby Dental Supply LLC, 185.75; Data Management Inc, 968.10; Davignon Ivan B, 240.00; Davis, Jeremiah J, 582.00; Debnhads Investments LLC, 340.00; Defensive Edge Training & Consulting Inc, 46.15; Delaney Joseph, 100.00; Delta Dental Of South Dakota, 38,211.26; Dennis Supply - RC, 1,020.75; Denny Menholt Chevrolet, 2,396.70; De's Oil Inc, 1,672.00; Dharma Wellness Institute, 70.00; Diamond Vogel
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ITEMS FROM PUBLIC

EXECUTIVE SESSION – SDCL 1-25-2

A. Personnel Issue per SDCL 1-25-2(1)

MOVED by DiSanto and seconded by Rossknecht to go into Executive Session pursuant to SDCL 1-25-2(1) for the purpose of discussing personnel matters. Vote: Unanimous.

MOVED by DiSanto and seconded by Rossknecht to come out of Executive Session. Vote: Unanimous.

PAYROLL

Commissioners, 8,812.61; Elections, 6,402.02; Auditor, 11,217.12; Treasurer, 30,693.12; State's Attorney, 137,889.66; Public Defender, 81,078.71; Buildings & Grounds, 66,203.13; Equalization, 42,548.05; Register of Deeds, 13,012.00; IT, 26,922.59; Human Resources, 5,554.41; Sheriff, 281,561.28; Jail, 320,114.46; JSC, 114,231.86; JSC Juvenile Alternative, 5,281.97; CCADP, 99,660.61; Economic Assistance, 34,885.61; Extension, 1,375.20; Weed & Pest, 5,084.00; Natural Resource Management, 4,188.00; Planning and Zoning, 18,955.24; Road
& Bridge, 92,966.95; Fire Administration, 3,518.90; Dispatch, 100,290.63; Emergency Management, 4,761.13.; 24-7 Program, 13,095.31.

**AUDITOR’S ACCOUNT OF THE TREASURER:** To the Pennington County Board of Commissioners, I hereby submit the following report of my examination of the cash and cash items in the hands of the County Treasurer as of January 29, 2020: Total balances of checking/savings accounts 11,604,406.09; Total balance of Treasurer’s Office safe cash, 13,400.00; Total certificates of deposit, 10,534,212.33; Total Prime Value Investment, 19,617,306.30; Total petty cash, 16,740.00; NSF Check 868.00; Total long/short, (238.67); Total, 41,786,694.05. Submitted by Lori Wessel, Deputy Auditor.

**PERSONNEL**

**Auditor:** Effective 02/23/2020 – Sabrina Green at $23.91/hr.
**Buildings & Grounds:** Effective 02/23/2020 – Rod Standing at $21.70/hr.
**Detox:** Effective 02/23/2020 – Charisa Wilhelm at $23.13/hr., Nicole Williams at $21.18/hr. & Cynthia Woods at $19.51/hr.
**Dispatch:** Effective 02/23/2020 – Kelsey Davis & Victoria Swedin at $20.90/hr., Stefanie Jenks at $21.15/hr., Chandra Neilan at $30.63/hr., Nicole Nelson at $22.49/hr., Levi Woodard at $20.14/hr., Suzanne Comrie at $20.90/hr. & Bryce Hoven & Selena Parce at $19.90/hr.
**Jail:** Effective 02/23/2020 – Jacob Andrews, Caleb Dirksen & Savanna Warren at $23.61/hr., Kasey Ballard & Kathleen Burns at $24.79/hr., Aaron Bridges & Michael Clark at $23.04/hr., Brian Burgner at $24.51/hr., Christine Heying at $17.85/hr., Mary Lee at $17.62/hr., Steve McCune at $28.43/hr., Tami Rosser at $28.01/hr. & Alyssa Virgil at $17.19/hr. Effective 02/24/2020 – Meggie Espinosa at $16.77/hr. & Michael Cooper, Bobbie Rice & Tucker Watstonveal at $22.47/hr.
**Planning & Zoning:** Effective 02/23/2020 – Jason Theunissen at $23.62/hr., TJ Doreff at $22.21/hr. & Dwayne Allen at $21.96/hr.
**Sheriff:** Effective 02/23/2020 – Samuel Black at $23.04/hr., Billy Davis at $28.01/hr., William Davis Jr at $21.70/hr., Elizabeth Doyle at $17.02/hr., Jayson Herra, Jeffrey Jones, Christian Raby, Cody Rhoden & Jacob Tweeten at $24.79/hr., Shawn Stalder at $25.11/hr. & Melanie Strong at $23.91/hr. Effective 02/24/2020 – Tyrel Minor at $22.47/hr. & Matthew Scharn at $23.32/hr.
**State’s Attorney:** Effective 02/23/2020 – Tracey Dollison Decker at $3,133.60/mo. & Mikenzi Petersen at $21.42/hr.
**Treasurer:** Effective 02/23/2020 – Tina Christofferson, James Cross, Dawn Keegan, Miles Penticoff, & Brooke Walker at $17.61/hr., Darsha Nelson at $17.83/hr., Kaylee Sparks at $16.98/hr. & Lauren Stanton at $17.19/hr.
**WSDJSC:** Effective 02/23/2020 – Adam Byrd at $23.61/hr., Mary Fair at $23.91/hr., Joshua Logan at $23.04/hr. & Collette Lucas at $32.55/hr.

**ADJOURN**

MOVED by DiSanto and seconded by Rossknecht to adjourn the meeting. Vote: Unanimous. There being no further business, the meeting adjourned at 1:49 p.m.

/s/ Cindy Mohler, Auditor
Published once at an approximate cost of ____.
Publish March 4, 2020
MEMORANDUM

TO:     Board of Commissioners

FROM:   Cindy Mohler, Auditor

DATE:   February 24, 2020

RE:     Consent Agenda Item for March 3, 2020 BOC Meeting

The Auditor’s Office has received signed agreements from the following entities for a combined election to be held concurrent with the primary election on June 2, 2020.

Please place this item on the Consent Agenda for the March 3, 2020 Board of Commissioners’ meeting.

Motion: to acknowledge the signed combined election agreement for the Primary Election to be held on June 2, 2020 from the City of Hill City, the City of Rapid City, and the Rapid City School District 51-4.
2020 COMBINED ELECTION AGREEMENT
CITY OF HILL CITY and Pennington County

This agreement is entered into between CITY OF HILL CITY, hereinafter referred to as the CITY, and Pennington County, hereinafter referred to as the County, both governmental subdivisions of the State of South Dakota, for the purpose of conducting a Combined Primary Election as provided under the provisions of SDCL 9-13-1.1; 13-7-10.1; and 12-2-5.

The acting Board of the CITY OF HILL CITY approved their municipal election to be conducted by Pennington County at its regular meeting on 1/2/09. Both parties are in agreement to hold a Combined Primary Election with the Pennington County Auditor’s Office conducting said election in all precincts in the CITY OF HILL CITY jurisdiction located in Pennington County. The CITY authorizes the staff of the Pennington County Auditor’s Office to handle and tabulate the CITY ballots in those precincts and to forward the returns to the CITY OF HILL CITY FINANCE OFFICER.

EFFECTIVE DATE: This agreement shall become effective on the date that both parties have signed the agreement.

PURPOSE: It is the purpose of this agreement for parties to agree that the Pennington County Auditor will conduct the Combined Primary Election for the CITY OF HILL CITY on June 2, 2020 for all of the eligible voters registered within the CITY OF HILL CITY jurisdiction. The CITY shall provide to the Auditor no later than April 6, 2020 a Certificate of Ballot certifying offices, terms, spelling of candidate names and candidate order as they should appear on the ballot, and any ballot question language, if applicable. The County shall layout the ballot from the information provided by the CITY OF HILL CITY FINANCE OFFICER.

PUBLICATIONS:

The CITY/Town shall initiate and publish the required Notice of Vacancy (twice): SDCL 9-13-6, 9-13-40 & 05:02:04:06.

The School shall initiate and publish the required Notice of Vacancy (twice): SDCL 13-7-5, 13-7-10.4 & 05:02:04:14.

The County shall initiate and publish the following required notices: (1) Notice of Voter Registration Deadline (twice) 5:02:04:04; (2) Notice of Election (twice) 5:02:04:15 and Facsimile Ballot.

COSTS: The CITY agrees to reimburse the County their share of costs of precinct boards, absentee costs, ballot stock, layout, programming and shipping, printing, supplies, copies, postage, polling place rent, publications, costs of ADA accessible ballot marking device, electronic poll books, temporary and/or fulltime staff, and to include a 15% administrative fee.

ABSENTEE BALLOTS: Absentee Ballots shall be available in person and by mail at the Office of the County Auditor no later than 46 days before the Combined Primary Election for all eligible voters.

ELECTION SCHOOL AND/OR TRAINING: The CITY agrees to reimburse the County their share of costs for one Election School and any and all necessary special training classes conducted by the County for each precinct official at a rate of pay of $30.00 each school for attendance.

RECOUNT: All costs for a recount election will be borne fully by the entity requiring a recount and will include staff wages and a 15% administrative fee. SDCL 9-13-27.3 & 13-7-19.3.
SPECIAL ELECTION: The County requires a minimum 90-day advance notice from the scheduled special election date. The County must receive the Certificate of Ballot a minimum of 70 days in advance of the special election date. A special election cannot be scheduled within 90 days of the primary or general election. Every special election shall be held upon the same notice, same absentee period, same polling places, results tabulated and provided to the School for canvass, in the same manner as an annual election, unless set out by specific law. All costs for a special election will be borne fully by the entity requiring the special election including staff wages and a 15% administrative fee.

EQUIPMENT MAINTENANCE: Costs for equipment maintenance, such as tabulating equipment, and ADA ballot marking devices, will be assessed annually if an election is conducted by the Pennington County Auditor based on current voter registration as follows:

- 30,001 names or more - $2500
- 15,001 – 30,000 names - $2000
- 7501 – 15,000 names - $1000
- 376 – 7500 names - $500
- 1 - 375 names - $100

RECORDS RETENTION AND DESTRUCTION: Pennington County shall maintain official election records for School elections for 60 days.

CANVASSING OF THE VOTE: The County shall provide copies of unofficial returns. Provisional ballots will be evaluated and counted on the day after the election. If necessary, the Auditor will update the unofficial returns to include provisional ballot results and provide unofficial returns to the School. The School shall perform its own official canvass.

ADDITIONAL ELECTION RESULTS/SCHOOL: The County will provide to the School the following additional jurisdictional election results: (1) The number of registered voters of the school district on the date voter registration closes; (2) The number of registered voters of the school district who voted in the election; (3) The percentage of registered voters of the school district who voted in the election.

Dated this 30th day of January, 2020.

CINDY MOHLER, AUDITOR
PENNINGTON COUNTY
PO BOX 6160
RAPID CITY SD 57709

Dated this 09 day of December, 2020.

FINANCE OFFICER
CITY OF HILL CITY
PO BOX 395
HILL CITY SD 57745-0395

2020 Combined Primary Election Agreement
2020 COMBINED ELECTION AGREEMENT
CITY OF RAPID CITY and Pennington County

This agreement is entered into between CITY OF RAPID CITY, hereinafter referred to as the CITY, and Pennington County, hereinafter referred to as the County, both governmental subdivisions of the State of South Dakota, for the purpose of conducting a Combined Primary Election as provided under the provisions of SDCL 9-13-1.1; 13-7-10.1; and 12-2-5.

The acting Board of the CITY OF RAPID CITY approved their municipal election to be conducted by Pennington County at its regular meeting on _____/_____/______. Both parties are in agreement to hold a Combined Primary Election with the Pennington County Auditor's Office conducting said election in all precincts in the CITY OF RAPID CITY jurisdiction located in Pennington County. The CITY authorizes the staff of the Pennington County Auditor's Office to handle and tabulate the CITY ballots in those precincts and to forward the returns to the CITY OF RAPID CITY FINANCE OFFICER.

EFFECTIVE DATE: This agreement shall become effective on the date that both parties have signed the agreement.

PURPOSE: It is the purpose of this agreement for parties to agree that the Pennington County Auditor will conduct the Combined Primary Election for the CITY OF RAPID CITY on June 2, 2020 for all of the eligible voters registered within the CITY OF RAPID CITY jurisdiction. The CITY shall provide to the Auditor no later than April 6, 2020 a Certificate of Ballot certifying offices, terms, spelling of candidate names and candidate order as they should appear on the ballot, and any ballot question language, if applicable. The County shall layout the ballot from the information provided by the CITY OF RAPID CITY FINANCE OFFICER.

PUBLICATIONS:
The CITY/Town shall initiate and publish the required Notice of Vacancy (twice): SDCL 9-13-6, 9-13-40 & 05:02:04:06.
The School shall initiate and publish the required Notice of Vacancy (twice): SDCL 13-7-5, 13-7-10.4 & 05:02:04:14.
The County shall initiate and publish the following required notices: (1) Notice of Voter Registration Deadline (twice) 5:02:04:04; (2) Notice of Election (twice) 5:02:04:15 and Facsimile Ballot.

COSTS: The CITY agrees to reimburse the County their share of costs of precinct boards, absentee costs, ballot stock, layout, programming and shipping, printing, supplies, copies, postage, polling place rent, publications, costs of ADA accessible ballot marking device, electronic poll books, temporary and/or fulltime staff, and to include a 15% administrative fee.

ABSENTEE BALLOTS: Absentee Ballots shall be available in person and by mail at the Office of the County Auditor no later than 46 days before the Combined Primary Election for all eligible voters.

ELECTION SCHOOL AND/OR TRAINING: The CITY agrees to reimburse the County their share of costs for one Election School and any and all necessary special training classes conducted by the County for each precinct official at a rate of pay of $30.00 each school for attendance.

RECOUNT: All costs for a recount election will be borne fully by the entity requiring a recount and will include staff wages and a 15% administrative fee. SDCL 9-13-27.3 & 13-7-19.3.
SPECIAL ELECTION: The County requires a minimum 90-day advance notice from the scheduled special election date. The County must receive the Certificate of Ballot a minimum of 70 days in advance of the special election date. A special election cannot be scheduled within 90 days of the primary or general election. Every special election shall be held upon the same notice, same absentee period, same polling places, results tabulated and provided to the School for canvass, in the same manner as an annual election, unless set out by specific law. All costs for a special election will be borne fully by the entity requiring the special election including staff wages and a 15% administrative fee.

EQUIPMENT MAINTENANCE: Costs for equipment maintenance, such as tabulating equipment, and ADA ballot marking devices, will be assessed annually if an election is conducted by the Pennington County Auditor based on current voter registration as follows:

- 30,001 names or more - $2500
- 15,001 - 30,000 names - $2000
- 7501 - 15,000 names - $1000
- 376 - 7500 names - $500
- 1 - 375 names - $100

RECORDS RETENTION AND DESTRUCTION: Pennington County shall maintain official election records for School elections for 60 days.

CANVASSING OF THE VOTE: The County shall provide copies of unofficial returns. Provisional ballots will be evaluated and counted on the day after the election. If necessary, the Auditor will update the unofficial returns to include provisional ballot results and provide unofficial returns to the School. The School shall perform its own official canvass.

ADDITIONAL ELECTION RESULTS/SCHOOL: The County will provide to the School the following additional jurisdictional election results: (1) The number of registered voters of the school district on the date voter registration closes; (2) The number of registered voters of the school district who voted in the election; (3) The percentage of registered voters of the school district who voted in the election.

Dated this 30th day of December 2020.

CINDY MOHLER, AUDITOR
PENNINGTON COUNTY
PO BOX 6160
RAPID CITY SD  57709

Dated this 17th day of Dec, 2020; 2019

Pauline Sumpton, Finance Officer
City of Rapid City
300 6TH ST
RAPID CITY SD  57701

2020 Combined Primary Election Agreement
2020 COMBINED PRIMARY ELECTION AGREEMENT
RAPID CITY SCHOOL DISTRICT 51-4 and Pennington County

This agreement is entered into between RAPID CITY SCHOOL DISTRICT 51-4, hereinafter referred to as the School, and Pennington County, hereinafter referred to as the County, both governmental subdivisions of the State of South Dakota, for the purpose of conducting a Combined Primary Election as provided under the provisions of SDCL 13-7-10.1 and 12-2-5.

The acting Board of the RAPID CITY SCHOOL DISTRICT 51-4 approved combining their annual School election with other entities at the Combined Primary Election during its regular meeting on 07/11/2019. Both entities are in agreement to hold a Combined Primary Election with the Pennington County Auditor’s Office conducting said election in those precincts within the RAPID CITY SCHOOL DISTRICT 51-4 Areas: 4 and 5 located in Pennington County (and Meade County if Area 6). The School authorizes the staff of the Pennington County Auditor’s Office to handle and tabulate the School ballots and to forward the returns to the Business Manager.

EFFECTIVE DATE: This agreement shall become effective on the date that all parties have signed the agreement.

PURPOSE: It is the purpose of this agreement for the parties to conduct their individual elections in one Combined Primary Election. The Combined Primary Election will be held on June 2, 2020. The School shall provide to the Auditor no later than April 6, 2020 a Certificate of Ballot certifying offices, terms, spelling of candidate names as they should appear on the ballot, candidate order, and any ballot question language, if applicable. The County shall layout the ballot from the information provided by the School.

PUBLICATIONS: The School shall initiate and publish its own required notice of vacancy on school board (publish twice), SDCL 13-7-10.2 & 5:02:04:14. The County shall initiate and publish the following required notices: (1) Notice of Voter Registration Deadline (publish twice) 5:02:04:04; (2) Notice of Deadline Filing Petitions 5:02:04:17; (3) Notice of Combined Primary Election (publish twice) 5:02:04:16; and (4) Facsimile Ballot 5:02:05:02.01.

COSTS: The School agrees to reimburse the County their share of costs of precinct boards, absentee costs, ballot stock, layout, programming and shipping, printing, supplies, copies, postage, polling place rent, publications, costs of ADA accessible ballot marking device, electronic poll books, temporary and/or full time staff, and to include a 15% administrative fee.

ABSENTEE BALLOTS: Absentee ballots shall be available in person and by mail at the Office of the County Auditor no later than 46 days before the Combined Primary Election for all eligible voters.

ELECTION SCHOOL AND/OR TRAINING: The School agrees to reimburse the County their share of costs for one Election School and any and all necessary special training classes conducted by the County for each of the precinct officials at a rate of pay of $30.00 each class for attendance.

RECOUNT: All costs for a recount election will be borne fully by the entity requiring a recount and will include staff wages and a 15% administrative fee, SDCL 13-7-19.3.

SPECIAL ELECTION: The County requires a minimum 90-day advance notice from the scheduled special election date. The County must receive the certificate of ballot a minimum of 70 days in advance of the special election date. A special election cannot be scheduled within 90 days of the primary or general
election. Every special election shall be held upon the same notice, same absentee period, same polling places, results tabulated and provided to the school for canvass, in the same manner as an annual election, unless set out by specific law. All costs for a special election will be borne fully by the entity requiring the special election including staff wages and a 15% administrative fee.

EQUIPMENT MAINTENANCE: Costs for equipment maintenance, such as tabulating equipment, any electronic equipment, ADA ballot marking devices, etc. will be assessed annually if the County conducts election for said School based on current voter registration as follows:

- 30,001 names or more - $2500
- 15,001 – 30,000 names - $2000
- 7501 – 15,000 names - $1000
- 376 – 7500 names - $500
- 1 -375 names - $100

RECORDS RETENTION AND DESTRUCTION: Pennington County shall maintain their election records for school elections for 60 days.

CANVASSING OF THE VOTE: The County shall provide copies of unofficial returns. Provisional ballots will be evaluated and counted on the day after the election. If necessary, the Auditor will update the unofficial returns to include provisional ballot results and provide updated unofficial returns to the School. The School shall perform its own official canvass.

ADDITIONAL ELECTION RESULTS: The County will provide to the School the following additional jurisdictional election results: (1) The number of registered voters of the school district on the date voter registration closes; (2) The number of registered voters of the school district who voted in the election; (3) The percentage of registered voters of the school district who voted in the election.

_4_ day of July, 2019

Cindy Mohler, Auditor
Pennington County
PO Box 6160
Rapid City SD 57709

Dated this _4_ day of July, 2019

DAMID JANAK, Business Manager
Rapid City School District 51-4
625 9th Street Suite 620
Rapid City SD 57701

2020 Combined Primary Election Agreement
PENNINGTON COUNTY, SD
NOTICE OF INTENT TO CONDUCT BINGO, LOTTERY OR RAFFLE
PURSUANT TO SDCL 22-25-25

THIS FORM MUST BE COMPLETED BY AN AUTHORIZED AGENT OF A QUALIFIED ORGANIZATION
FORM MUST BE RECEIVED BY THE COMMISSION OFFICE NO LATER THAN 30 DAYS PRIOR TO THE PLANNED EVENT
THIS NOTICE WILL BE PLACED ON THE CONSENT CALENDAR OF THE NEXT AVAILABLE
BOARD OF COMMISSIONERS’ MEETING FOR BOARD REVIEW

SECTION 1

| Full legal name of organization and address: | Rochford Rural Fire Association (VFD) 11696 Rochford Road, Rochford, SD 57745 |
| Agent Name: | Jeff Hohle |
| Position: | RVFD Secretary |
| Mailing Address: | 11696 Rochford Road |
| City: | Rochford |
| State: | SD |
| Zip Code: | 57745 |
| Phone: | 605-584-9924 |
| Email: | jhohle@earthlink.net |

SECTION 2

| Event planned - Circle all that apply: | Bingo | Lottery | Raffle |
| Date of Event: | April 1 - Nov 30, 2020 |
| Location of Event: | Rochford & surrounding area |
| Description of use of proceeds: | Fighting equipment & medical response supplies & equipment for RVFD |

SECTION 3 | CERTIFICATION

☑ I hereby certify I am authorized to act on behalf of the above-named organization. I further certify that all of the provisions of South Dakota Codified Law § 22-25-25 shall be complied with.

☑ I agree a copy of South Dakota Codified Law § 22-25-25 has been provided to me.

Signature: Jeff Hohle
Print Name: Jeff Hohle
Date: 2-21-20
# PENNINGTON COUNTY, SD

**NOTICE OF INTENT TO CONDUCT BINGO, LOTTERY OR RAFFLE**

**Pursuant to SDCL 22-25-25**

>This Form Must Be Completed By An Authorized Agent of A Qualified Organization

>Form Must Be Received By The Commission Office No Later Than 30 Days Prior To The Planned Event

>This Notice Will Be Placed On The Consent Calendar Of The Next Available Board of Commissioners' Meeting For Board Review

### SECTION 1

| Full legal name of organization and address: | Crescent Lodge #10  Masonic Lodge 18520 228th St Wall SD 67790 |
| Agent Name: | Joel Stephens |
| Position: | Building Committee |
| Mailing Address: | PO, Box 529 |
| City: | Wall |
| State: | SD |
| Zip Code: | 57790 |
| Phone: | 605-299-2556 |
| Email: | Ketchuptheclown@gmail.com |

### SECTION 2

<table>
<thead>
<tr>
<th>Event planned - Circle all that apply:</th>
<th>Bingo</th>
<th>Lottery</th>
<th>Raffle</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date of Event:</td>
<td>July 14, 2020</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Location of Event:</td>
<td>Masonic Lodge #10</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Description of use of proceeds:**

>The funds will be used for building remodel finish the outside of building then with remaining funds remodel the kitchen and basement.

### SECTION 3

**Certification**

>☑ I hereby certify I am authorized to act on behalf of the above-named organization. I further certify that all of the provisions of South Dakota Codified Law § 22-25-25 shall be complied with.

>☑ I agree a copy of South Dakota Codified Law § 22-25-25 has been provided to me.

| Signature: | Joel Stephens |
| Print Name: | Joel Stephens |
| Date: | 2- |

**RECEIVED**

**FEb 24 2020**

**Commissioner's Office**
Dear States Attorney,

The Crescent Masonic Lodge in Wall SD will be selling raffle tickets for Building Fund. These tickets will be sold for $10.00 Each. The estimated value of the prize is $400.00. We will begin selling these tickets on March 5th (30 days after letter is sent) and have the drawing on July 14th (within 18 months) at the location which is located at Wall SD (address) at 202 2nd Ave (time), at 7:00 pm

Under separate cover, we are notifying the South Dakota Secretary of State of this raffle.

Sincerely,

Lodge Secretary

**Some local municipalities have ordinances for raffles. Please check with your local authorities!
MEMORANDUM

DATE: March 3, 2020
FROM: Deb Hadcock, Commission Chair, District 3
       Barry Tice, Health & Human Services Director
       Holli Hennies, Commission Office Manager
TO: Board of Commissioners
RE: Pennington County Housing & Redevelopment Commission
     Appointment Recommendation

Commissioners – This agenda item is to serve as the recommendation to appoint Ms. Joyce Halbert to the Pennington County Housing & Redevelopment Commission for a term of five years.

Per policy, interviews were conducted with two applicants on Thursday February 27th. The interview team believes Joyce will be an exceptional addition to the Housing Commission due to her passion for helping people and her personal experiences. She will bring a new perspective and provide a wealth of housing knowledge from the resident viewpoint. We believe she has the passion, the desire and the big picture vision to be very successful in serving on the Commission. Specific reasons for the selection are Joyce spoke of her desire to see a 5-year plan developed, she wants to see new housing projects completed, she understands the ability to help people within the rules, guidelines and policies and her energy and enthusiasm is refreshing.

The appointment will be scheduled at your March 17th, 2020 meeting.

CHAPTER 11-7
COUNTY AND MUNICIPAL HOUSING AND REDEVELOPMENT

11-7-12. Appointment and terms of commissioners--Vacancies. The commissioners constituting a commission shall be appointed by the mayor or the chairman of the board of county commissioners, with the approval of the governing body. Those initially appointed shall be appointed for terms of one, two, three, four, and five years respectively. Thereafter all commissioners shall be appointed for five-year terms. Each vacancy in an unexpired term shall be filled in the same manner in which the original appointment was made.
Source: SL 1950 (SS), ch 13, § 3, subdiv 5; SDC Supp 1960, § 45.3603 (5); SL 1968, ch 186, § 3 (5).

The interview team will stand for any questions.
Thank you.

Commissioner Deb Hadcock
Barry Tice, Health & Human Services Director
Holli Hennies, Commission Office Manager
CURRENT BOARD OPENING
PENNINGTON COUNTY HOUSING AND REDEVELOPMENT COMMISSION

FOR IMMEDIATE RELEASE
February 5, 2020

The Pennington County Board of Commissioners are currently accepting applications to fill a position on the Pennington County Housing and Redevelopment Commission. This position is for a five-year term. The applicant must be receiving assistance under a housing program administered by the PCHRC to be considered for the position.

The Pennington County Housing and Redevelopment Commission oversee the Federal Public Housing Program for low to moderate income families in the area.

Those who want to be considered for an appointment are asked to submit a citizen interest form describing their qualifications and background to the Pennington County Board of Commissioners, 130 Kansas City Street, Suite 100, Rapid City, SD 57701. Please include your agency or community affiliation (if applicable), your particular interests as related to a board of this kind, and what you can contribute to such a board. Citizen interest forms can be found on the County website at http://www.pennco.org/boardopenings.

All responses must be received in the County Commission Office by 4:00 p.m., Friday, February 21st, 2020 in order to be considered.

Interviews are tentatively scheduled for Thursday, February 27th. The individual selected by the interview team will be presented for recommendation to the Board of Commissioners on Tuesday, March 3rd with the actual appointment to be made at the Tuesday, March 17th Commission Meeting.

The first Housing Commission Meeting for the individual appointed will be Wednesday, March 18th, 2020.

For additional information regarding this position, please contact Pennington County Housing at (605) 394-5350.
§ 964.410 Additional definitions.
The following additional definitions apply to this subpart only:

Directly assisted. Directly assisted means a public housing resident or a recipient of housing assistance in the tenant-based section 8 program. Direct assistance does not include any State financed housing assistance or Section 8 project-based assistance.

Eligible resident. An eligible resident is a person:

(1) Who is directly assisted by a public housing agency;

(2) Whose name appears on the lease; and

(3) Is eighteen years of age or older.

Governing board. Governing board means the board of directors or similar governing body of a public housing agency.

Resident board member. A resident board member is a member of the governing board who is directly assisted by that public housing agency.
§ 964.415 Resident board members.

(a) General. Except as provided in §§ 964.405(b) and 964.425, the membership of the governing board of each public housing agency must contain not less than one eligible resident board member.

(b) Resident board member no longer directly assisted.

(1) A resident board member who ceases to be directly assisted by the public housing agency is no longer an "eligible resident" as defined in § 964.410.

(2) Such a board member may be removed from the PHA board for that cause, where such action is permitted under State or local law.

(3) Alternatively, the board member may be allowed to complete his/her current term as a member of the governing board. However, the board member may not be re-appointed (or re-elected) to the governing board for purposes of serving as the statutorily required resident board member.

(c) Minimum qualifications for board membership. Any generally applicable qualifications for board membership also apply to residents, unless the application of the requirements would result in the governing board not containing at least one eligible resident as a member. Further, PHAs and localities may not establish eligibility requirements for board membership that are solely applicable to residents.
CITIZEN INTEREST FORM

Name: Sherry Nalls

Address: 636 Cathedral Dr #609  City, State: Rapid City, SD 57701

Phone: 605-342-4165  E-mail Address: ________________

Years as a Pennington County Resident / Business Owner: 37

Occupation and Employer: Retired

I am interested in serving on the: Pennington County Housing Board of Commissioners

Education:

Some college

Supplemental Information:

1. Why would you like to be appointed to the board or committee you are applying for?

"I am a current commissioner applying for another 5-yr term. The position is for current residents of Penn Co-Housing, have lived here for 20 years and have a good understanding of needs of other residents as well as the limitations/possibilities available from "housing."

2. What related experience/education/interests to you have that would be beneficial for the board or committee that you would like to serve on?

Past experience on this board."
3. List the community or other activities which you have participated in.

- voter volunteer
- elementary school volunteer
- high school business class volunteer
- several responsibilities at the apartment building where I live - volunteer.

My signature affirms that all information is true to the best of my knowledge and that I understand that any misstatement of fact or misrepresentation of credentials may result in this application being disqualified from further consideration or subsequent to my appointment to a board/committee may result in my dismissal. If I am appointed to serve, I agree to comply with Pennington County's Code of Conduct as a member of all Boards, Commissions, Committees Task Forces or other Appointed Advisory Groups.

[Signature]

February 10, 2020

Date

Please return completed interest form to:
Commission Office
130 Kansas City Street, Suite 100
Rapid City, SD 57701
(605) 394-2171
pcboc@pennco.org

Date Received: 2/12/2020

By: [Signature]

Appointment Date: [ ]

THIS IS A PUBLIC RECORD SUBJECT TO DISCLOSURE

Page 2 of 2
Name: Joyce Halbert
Mailing Address: 1001 Mt. Rushmore Rd, Ste 340, Rapid City, SD 57701
Address: 229-2 Stumer Rd City, State: Rapid City, SD 57701
Phone: 605-791-2555 E-mail Address: Dusty.PoseDancing174@gmail.com

Years as a Pennington County Resident / Business Owner: 14 years

Occupation and Employer: Worked for EPA and other firms (Now Retired)
Also temp work at Elliott Wright Architecture and Engineering
I am interested in serving on the: Board for the Pennington Co. Housing Redevelopment

Education:
- BS: family and consumer sciences and minor in music and psychology
- Master courses taken: City Planning and Counseling
  Univ. of Wisconsin

Supplemental Information:
1. Why would you like to be appointed to the board or committee you are applying for?

   I would like to be appointed to the housing board because I have lived in low-income apartments for a number of years and if I can give input to the housing board, I believe I can discuss many issues concerning how income housing for instance the water/forcing issues where I now live.

2. What related experience/education/interests to you have that would be beneficial for the board or committee that you would like to serve on?

   I have over 30 years of living in low-income housing in Pierre, Box Elder, and Rapid City. I have served on the Episcopcal Vestry board and also studied on the Episcopal Vestry board and also served on the Episcopal Vestry Board. Presently, I have had to go to one of the city planning offices in Rapid City to get help with the senior offices in Rapid City. To get help with the senior offices in Rapid City. To get help with water/drainage problems currently where I live. I have also lived in many apartments in many cities and have had to deal with many problems with them too.
3. List the community or other activities which you have participated in.

I am currently involved with three (3) various music groups. I sing with Dakota Coral Union, The United Methodist Church choir, and also the School of Mines choir. Also, I am a figure skater and enjoy skating at the city rink. Also, enjoying going to the senior center for senior dances. I also enjoy doing tap and ballet.

My signature affirms that all information is true to the best of my knowledge and that I understand that any misstatement of fact or misrepresentation of credentials may result in this application being disqualified from further consideration or subsequent to my appointment to a board/committee may result in my dismissal. If I am appointed to serve, I agree to comply with Pennington County’s Code of Conduct as a member of all Boards, Commissions, Committees Task Forces or other Appointed Advisory Groups.

[Signature]
Applicant's Signature

2-19-20
Date

Please return completed interest form to:
Commission Office
130 Kansas City Street, Suite 100
Rapid City, SD 57701
(605) 394-2171
pcboc@pennco.org

Date Received: 2-20-2020
By: ______________________
Committee/Board:
Appointment Date: _______________

THIS IS A PUBLIC RECORD SUBJECT TO DISCLOSURE
Page 2 of 2
March 3, 2020

Dear County Commissioners,

The Pennington County States Attorney's Office (PCSAO) applies each year for the STOP- VAWA (Violence Against Women Act) and the VOCA (Victims of Crime Act) grants. These grants are used to provide services to victims of violent crimes like Domestic Violence Assaults, murder, sexual assault, and more. The grant money is used solely to assist with the salaries and benefits of the professionals that provide these services.

The Director of Victims Assistance and two Victim Advocate's salaries and benefits are partially paid by the VOCA Grant. The Domestic Violence (DV) Prosecutor, DV Advocate, and DV Secretary are paid 100% with VAWA Grant money (plus match). These grants are vital in assuring that the PCSAO continues the services that victims need during a traumatic time in their lives and also assists in the prosecution of the criminals that commit violent crimes.

Sincerely,

Mike McCormick
Victim Assistance Director
Pennington County States Attorney’s Office
March 3, 2020

To Whom It May Concern,

I, Deb Hadcock, Chair of the Pennington County Board of Commissioners approve the Pennington County States Attorney’s Offices applications for both the Stop- VAWA and VOCA Grants. This was brought forward and approved by the Pennington County Board of Commissioners on March 3rd, 2020.

Sincerely,

Deb Hadcock, Chair
Pennington County Board of Commissioners
TO: BOARD OF COMMISSIONERS
DATE: MARCH 3, 2020
FROM: JOSEPH MILLER
SUPERINTENDENT
RE: ADOPT-A-HIGHWAY CERTIFICATES OF APPRECIATION

In response to our letter, the following Adopt-A-Highway participants have indicated they will attend the March 3, 2020 Commission meeting at 9:00 am, to receive recognition for their organizations’ efforts in keeping our highway right-of-ways clean.

28 AMXS
28 MXS of Ellsworth AFB
Air Force Sergeants Association
Black Hills Energy
Cosmopolitan Club
Hargens Family
Phi Eta Sigma, SDSM&T
SD Fraternal Order of Police Lodge 2
SDSM&T Student Members of the American Chemical Society
The Daniel Family – Jack, Annie, Lucy, and Jase
True North Steel
Western Dakota Insurers
WL Plastics

Attached is a list of the 54 organizations who participated in our Adopt-A-Highway program in 2019. They picked up trash along a total of 118.12 miles of County roads.

There are currently 6.37 miles on three roads that are available for adoption. If an organization or group is interested in adopting one of these roads on the attached list, they can call the Pennington County Highway Department at (605) 394-2166.

We plan to have Ciara Geppert, who coordinates the Adopt-A-Highway program, attend this meeting to hand out the certificates.

JM: cag
Attachment
## PENNINGTON COUNTY ADOPTED ROADS

<table>
<thead>
<tr>
<th>ORGANIZATION</th>
<th>ROAD NAME</th>
<th>DETAIL</th>
<th>START POINT</th>
<th>END POINT</th>
<th>MILES</th>
</tr>
</thead>
<tbody>
<tr>
<td>28 AMXS</td>
<td>Interstate 90 Service Road, S</td>
<td></td>
<td>Elk Vale Road, N</td>
<td>East 1.5 Miles</td>
<td>1.5</td>
</tr>
<tr>
<td>28 BW/JA</td>
<td>Old Folsom Road</td>
<td></td>
<td>Hwy 79</td>
<td>East for 1.5 miles</td>
<td>1.5</td>
</tr>
<tr>
<td>28 CPTS</td>
<td>Hwy 14/16</td>
<td></td>
<td>151st Avenue</td>
<td>Oeding Road</td>
<td>2</td>
</tr>
<tr>
<td>28 Munitions Squadron / Ellsworth AFB</td>
<td>Sheridan Lake Road</td>
<td>5th Section</td>
<td>8 Miles West of Rapid City</td>
<td>2 Miles West</td>
<td>2</td>
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<tr>
<td>28 MXS of Ellsworth AFB</td>
<td>Long View Road</td>
<td></td>
<td>Reservoir Road</td>
<td>Radar Hill Road</td>
<td>2</td>
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<tr>
<td>28th BW Weapons</td>
<td>HWY 1416</td>
<td></td>
<td>Oeding Rd</td>
<td>155 Ave</td>
<td>2</td>
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<tr>
<td>28th Logistics Readiness Squadron</td>
<td>Radar Hill Road</td>
<td></td>
<td>East Highway 44</td>
<td>229th Street</td>
<td>3.5</td>
</tr>
<tr>
<td>372 TRS/Det8</td>
<td>225th Street</td>
<td></td>
<td>150th Place</td>
<td>151st Avenue</td>
<td>1</td>
</tr>
<tr>
<td>Air Force Sergeants Association</td>
<td>Reservoir Road</td>
<td></td>
<td>Highway 44 South</td>
<td>Lamb Road</td>
<td>2</td>
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<tr>
<td>American Institute of Chemical Engineers</td>
<td>Sheridan Lake Road</td>
<td>7th Section</td>
<td>Dakota Point</td>
<td>Highway 385</td>
<td>2</td>
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<tr>
<td>BH Assoc. of Insurance &amp; Financial Advisors</td>
<td>Sheridan Lake Road</td>
<td>6th Section</td>
<td>10 W of City Limits</td>
<td>12 W of City Limits</td>
<td>2</td>
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<tr>
<td>Black Hills Area Geocachers</td>
<td>Deerfield Road</td>
<td>2nd Section</td>
<td>Tigerville Road</td>
<td>McVey Road</td>
<td>2</td>
</tr>
<tr>
<td>Black Hills Energy</td>
<td>Old Hill City Road</td>
<td></td>
<td>HWY 385 (E Main Street)</td>
<td>Twin Rocks Road</td>
<td>2</td>
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<tr>
<td>Boys' Club of Rapid City</td>
<td>Country Road</td>
<td></td>
<td>Dyess</td>
<td>Bennet</td>
<td>2</td>
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<tr>
<td>Camp Columbus Area Residents</td>
<td>Nemo Road</td>
<td>5th Section</td>
<td>.4 W of Rolling Hills Rd</td>
<td>.9 W of Norris Peak Rd</td>
<td>2</td>
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<td>Children's Home Society (BH Childrens Home)</td>
<td>South Rockerville Road</td>
<td></td>
<td>South Highway 16</td>
<td>Highway 40</td>
<td>6</td>
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<td>Cosmopolitan Club</td>
<td>Nemo Road</td>
<td>1st Section</td>
<td>City Limits</td>
<td>Westberry Hills Road</td>
<td>2</td>
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<td>Cub Scout Pack 74</td>
<td>Covington Street</td>
<td></td>
<td>Highway 44</td>
<td>Twilight Drive</td>
<td>1</td>
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<tr>
<td>Cub Scout Pack 74</td>
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<td>Highway 44</td>
<td>Reservoir Road</td>
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<tr>
<td>Dakota Territory Cruisers</td>
<td>Moon Meadows Road</td>
<td></td>
<td>S Highway 16</td>
<td>Dunsmore Road</td>
<td>2</td>
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<tr>
<td>Domestiques Bicycle Club</td>
<td>Lower Spring Creek Road</td>
<td></td>
<td>Dewey Lane</td>
<td>East for 6 miles</td>
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<tr>
<td>EAFB Active Airmen's Council</td>
<td>Hwy 14/16</td>
<td>four lane</td>
<td>N Ellsworth Road</td>
<td>151st Avenue</td>
<td>2</td>
</tr>
<tr>
<td>ORGANIZATION</td>
<td>ROAD NAME</td>
<td>DETAIL</td>
<td>START POINT</td>
<td>END POINT</td>
<td>MILES</td>
</tr>
<tr>
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<td>-----------------</td>
<td>-----------------------</td>
<td>--------------------------------</td>
<td>--------</td>
</tr>
<tr>
<td>EAFB Group 56</td>
<td>Hwy 14/16</td>
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<td>West Gate Road</td>
<td>North Ellsworth Road</td>
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<tr>
<td>Exchange Club of Rapid City</td>
<td>Nemo Road</td>
<td>6th Section</td>
<td>.9 W of Norris Peak Rd</td>
<td>County Line</td>
<td>1</td>
</tr>
<tr>
<td>Friends of Cleghorn Canyon</td>
<td>Cleghorn Canyon Road</td>
<td></td>
<td>Jackson Blvd</td>
<td>1 Mile West</td>
<td>1</td>
</tr>
<tr>
<td>Gamma Xi, Beta Rho</td>
<td>Deerfield Road</td>
<td>1st Section</td>
<td>Hill City</td>
<td>Mystic</td>
<td>5</td>
</tr>
<tr>
<td>Garbage Guys</td>
<td>151st Avenue</td>
<td></td>
<td>225th Street</td>
<td>Highway 14/16</td>
<td>2</td>
</tr>
<tr>
<td>Hargens Family</td>
<td>Mystic Road</td>
<td></td>
<td>Deerfield Road</td>
<td>North 2 Miles</td>
<td>2</td>
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<tr>
<td>Hart Ranch Camping Resort Club</td>
<td>Spring Creek Road</td>
<td></td>
<td>Neck Yoke Road</td>
<td>South Highway 79</td>
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<td>Horse Creek LLC</td>
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<td></td>
<td>Highway 385</td>
<td>West .3 Mile</td>
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<td>In Memory of Don Curtis</td>
<td>Nameless Cave Road</td>
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<td>Jackson Boulevard</td>
<td>West 2 miles</td>
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<tr>
<td>K Bar S Lodge</td>
<td>Old Hill City Road</td>
<td></td>
<td>Hwy 16A</td>
<td>West 2 Miles</td>
<td>2</td>
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<tr>
<td>Materials Advantage / SDSM&amp;T Metallurgical Engineering</td>
<td>Sheridan Lake Road</td>
<td>3rd Section</td>
<td>Sheridan Lake Road</td>
<td>West of City Limits</td>
<td>2</td>
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<td>Modern Woodmen of America</td>
<td>160th Avenue</td>
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<td>Ebel</td>
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</tr>
<tr>
<td>Norris Peak Subdivision</td>
<td>Norris Peak Road</td>
<td></td>
<td>Bogus Jim Road</td>
<td>Nemo Road</td>
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<tr>
<td>Pennington Title Company</td>
<td>Thunderhead Falls Road</td>
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<td>West Highway 44</td>
<td>South 1.46 miles</td>
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<tr>
<td>Phi Eta Sigma, SDSM&amp;T</td>
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<td>3rd Section</td>
<td>Kings Road</td>
<td>Potter Road</td>
<td>2</td>
</tr>
<tr>
<td>Rapid Valley United Methodist Church</td>
<td>Long View Road</td>
<td></td>
<td>Highway 44</td>
<td>Reservoir Road</td>
<td>0.5</td>
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<tr>
<td>RCC Mitakuye Oyasin Team</td>
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<td>Neva Way</td>
<td>225th Street</td>
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<td>Reder Ranch</td>
<td>Sheridan Lake Road</td>
<td>4th Section</td>
<td>Rockwood Road</td>
<td>West 2 Miles</td>
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<td>Rick Wipf Family</td>
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<td>3rd Section</td>
<td>Hart Ranch Road West</td>
<td>South Rockerville Road</td>
<td>3</td>
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<tr>
<td>SD 61st AFJROTC</td>
<td>Liberty Boulevard</td>
<td></td>
<td>N Ellsworth Road</td>
<td>Highway 14/16</td>
<td>2</td>
</tr>
<tr>
<td>SD Fraternal Order of Police Lodge 2</td>
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<td>4th Section</td>
<td>Potter Road</td>
<td>.4 W of Rolling Hills Rd</td>
<td>2</td>
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<tr>
<td>SDSM&amp;T American Indian Science &amp; Engineering Society (AISES) Chapter</td>
<td>Universal Drive</td>
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<td>Sturgis Road</td>
<td>2 Miles East</td>
<td>2</td>
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<tr>
<td>SDSM&amp;T ASME</td>
<td>West Nike Road</td>
<td></td>
<td>1 Mile South of Meade County Line</td>
<td>Meade County Line</td>
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<tr>
<td>SDSM&amp;T Student Members of the American Chemical Society</td>
<td>Sheridan Lake Road</td>
<td>2nd Section</td>
<td>Okpealuk Street</td>
<td>West 2 Miles</td>
<td>2</td>
</tr>
<tr>
<td>ORGANIZATION</td>
<td>ROAD NAME</td>
<td>DETAIL</td>
<td>START POINT</td>
<td>END POINT</td>
<td>MILES</td>
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<td>--------------------------</td>
<td>-------</td>
</tr>
<tr>
<td>SDSM&amp;T Weather Association</td>
<td>Silver Mountain Road</td>
<td></td>
<td>Highway 16 at Rockerville, SD</td>
<td>Highway 16</td>
<td>2</td>
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<tr>
<td>Silver City Fire Department</td>
<td>Silver City Road</td>
<td></td>
<td>Highway 385</td>
<td>Highway 141</td>
<td>5</td>
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<tr>
<td>The Daniel Family - Jack, Annie, Lucy and Jase</td>
<td>Neck Yoke Road</td>
<td>1st Section</td>
<td>Hwy16 SW</td>
<td>Aero Road</td>
<td>2</td>
</tr>
<tr>
<td>The Historic Bar-4-Bar Ranch</td>
<td>Reno Gulch Road</td>
<td></td>
<td>Highway 385</td>
<td>Battle Ax Road</td>
<td>2</td>
</tr>
<tr>
<td>True North Steel</td>
<td>Neck Yoke Road</td>
<td>2nd Section</td>
<td>Aero Road</td>
<td>Hart Ranch Road West</td>
<td>2</td>
</tr>
<tr>
<td>Vern Ziebart</td>
<td>Nemo Road</td>
<td>2nd Section</td>
<td>S Canyon Country Estates</td>
<td>Westberry Hills Road</td>
<td>2</td>
</tr>
<tr>
<td>Vitalant</td>
<td>Norris Peak Road</td>
<td></td>
<td>Bogus Jim Road</td>
<td>Johnson Siding</td>
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</tr>
<tr>
<td>Western Dakota Insurors</td>
<td>Sheridan Lake Road</td>
<td>1st Section</td>
<td>City Limits</td>
<td>Okpealuk Street</td>
<td>2</td>
</tr>
<tr>
<td>WL Plastics</td>
<td>Dyess Avenue</td>
<td></td>
<td>Meade County Line</td>
<td>South for 1.3 miles</td>
<td>1.3</td>
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</table>
### PENNINGTON COUNTY ADOPT-A-HIGHWAY
### AVAILABLE ROADS

<table>
<thead>
<tr>
<th>ROAD NAME</th>
<th>START POINT</th>
<th>END POINT</th>
<th>TOTAL MILES</th>
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<td>161st Avenue</td>
<td>I90</td>
<td>Penn/Meade County Line</td>
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</tr>
<tr>
<td>Lower Spring Creek Road</td>
<td>Highway 79</td>
<td>East to Old Folsom Road</td>
<td>2.37</td>
</tr>
<tr>
<td>Old Folsom Road</td>
<td>1.5 Miles East of Highway 79</td>
<td>3.5 Miles East of Highway 79</td>
<td>2</td>
</tr>
</tbody>
</table>
DATE: February 20, 2020

TO: Board of Commissioners

CC: Shannon Rittberger, Director of Equalization
    Jay Alderman, Chief Deputy State's Attorney
    Janet Sayler, Treasurer

FROM: Cindy Mohler, Auditor

RE: Abatement

FOR: March 3, 2020 BOC Meeting

Per SDCL 10-18-5, attached for your consideration is an abatement application. The abatement has been approved by the appropriate municipality or township if applicable.

You may want to advise the applicant when the abatement will be heard before the Board of Commissioners.

Total tax amount abated: $394.80
Application for Abatement and/or Refund of Property Taxes
Board of County Commissioner's of Pennington County, South Dakota

Tax Year (payable following year) 2019  Parcel# 61262  Phone# 209-2276
First Name Erik  Last Name Herrera  Zip Code 57701
Street Address 768 Earleen, Apt F  City Rapid City  State SD

Application for an abatement/refund of taxes is being presented due to the following reason(s):

☐ An error has been made in any identifying entry or description of the real property, in entering the valuation of the real property or in extension of the tax, to the injury of the complainant. SDCL 10-18-1 (1)
☐ Improvements on any real property were considered or included in the valuation of the real property, which did not exist on the real property at the time fixed by law for making the assessment. SDCL 10-18-1 (2)
☐ The property is exempt from taxes. SDCL 10-18-1 (3)
☐ The complainant had no taxable interest in the property assessed against the complainant at the time fixed by law for making the assessment. SDCL 10-18-1 (4)
☐ Taxes have been erroneously paid or error made in noting payment or issuing receipt for the taxes paid. SDCL 10-18-1 (5)
☐ The same property has been assessed against the complainant more than once in the same year, and the complainant produced satisfactory evidence that the taxes for the year have been paid. SDCL 10-18-1 (6)
☐ A loss occurred because of flood damage, fire, storm or other unavoidable casualty. SDCL 10-18-2 (4)
☐ Date and Time of Loss:
☐ Structures have been removed after the assessment date (upon verification by the Director of Equalization). SDCL 10-18-2 (7) Date Structures Removed:
☐ Applicant, having otherwise qualified for the Assessment Freeze for the Elderly and Disabled, but missed the deadline prescribed in § 10-6A-4. SDCL 10-18-2 (8)
☐ Applicant, having otherwise qualified for classification of owner-occupied single family dwelling, but missed the deadline as prescribed by law due to a temporary duty assignment for the military. SDCL 10-18-2 (9)
☐ Applicant is a veteran who would otherwise qualify for an exemption under SDCL 10-4-40, but failed to comply with the application deadline for either owner occupied classification or the disabled veteran's exemption. SDCL 10-18-2 (10)
☐ Other/Comments:
Property owner was deployed with the military over the application period for the owner occupied classification. SDCL 10-13-40.4 allows the owner to petition the commission for an abatement.

(Note tax may be abated on any real property which has been sold for taxes, while the tax certificate is outstanding. Any abatement on property within corporate limits of a municipality must be first approved by the governing body of the municipality.)

* I hereby apply for an abatement/refund of property taxes for the above reason(s)

*S subscribed and sworn to before me on this ______ day of

________________, 20___

Notary/Auditor/Deputy Auditor

*Date Received by Pennington County: ________________
Received By:

**Total Valuation: $109,280
**Valuation Abated: $20,217

*City Approval (if applicable)

Tax District 4D RC  City Name Rapid City

The contents of the within petition, having been before the governing body of the above named municipality, and having been considered by same, the undersigned hereby certifies that

FAVORABLE  UNFAVORABLE

Town Clerk/City Finance Officer

Applicant must contact the municipality for date and time this abatement/refund request will be considered.
Civil District: Rapid City, City of

<table>
<thead>
<tr>
<th>Tax ID</th>
<th>Owner Name</th>
<th>Year</th>
<th>Amount</th>
<th>Type</th>
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<tr>
<td>61262</td>
<td>HERRERA, ERIK T</td>
<td>2019</td>
<td>394.80</td>
<td>Abatement</td>
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</tbody>
</table>

Reason: PROPERTY OWNER WAS DEPLOYED WITH THE MILITARY OVER THE APPLICATION PERIOD FOR THE OWNER OCCUPIED CLASSIFICATION. SDCL 10-13-40.4 ALLOWS THE OWNER TO PETITION THE COMMISSION FOR AN ABATEMENT.

Total for Rapid City, City of: 394.80
MEMO

TO: BOARD OF COMMISSIONERS

DATE: MARCH 3, 2020

FROM: JOSEPH MILLER
SUPERINTENDENT

RE: 2020 BRIDGE REINSPECTION PROGRAM RESOLUTION

The U.S. Federal Highway Administration requires bridges to be inspected at intervals not to exceed two years. Pennington County has 59 bridges due for inspection in 2020. We’ve attached a list of them for your review.

Federal Bridge Replacement Funds can be utilized to hire qualified engineering firms to perform these inspections. The South Dakota Department of Transportation (SDDOT) assists Counties in securing these Federal Funds by competitively negotiating with local engineering firms to be on retainer contract with them. The SDDOT then initiates agreements with the firms on behalf of the Counties with their concurrence. The list of twenty-one consulting firms on retainer with the SDDOT is attached.

By utilizing one of the firms on the SDDOT’s qualified list, Pennington County will be required to pay only 20% of the costs associated with the required bridge inspections. KLJ out of Rapid City, SD was successfully contracted for our bridge inspections last year. We were very satisfied with their work and recommend hiring them again in 2020.

Motion is requested to approve the Bridge Reinspection Program Resolution, requesting the SDDOT to hire KLJ of Rapid City, SD to perform Pennington County’s 2020 bridge inspections.

JM:cjb
Attachments
Bridge ID
52236392
52239394
52305300
52306261
52308298
52311432
52312433
52313265
52316317
52316320
52317313
52317314
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52318318
52319268
52320312
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52326320
52326321
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52355324
52359325
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52399370
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0.9E 1.6S JOHNSON SD
THUNDERHEAD FALL RD
1.0E 2.0S JOHNSON SD
1.1E 3.0N JOHNSON SD
1.2E 1.4S JOHNSON SD
9.8W 3.5N RAPID CYPO
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0.1E 0.1S HISEGA LDG
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2.1W 0.7S FISH HATCH
1.7W 0.8S FISH HATCH
1.5W 0.8S FISH HATCH
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0.3S 0.5E REPTILE GD
9.5E 4.2N HAYWARD
.5 S HIWAY 44ONC209
6.8 W,6.0 S. CAPUTA
4 W & 1.4 N CAPUTA
3.5 W & 1.3 N CAPUTA
1.8E,0.4N,BOX ELDER
0.8 W & 0.4 S CAPUTA
0.4 W,FARMINGDALE
1.6 W NEW UNDERWOOD
1.2E 1.3S FARMINGDAL
.6W NEWUNDERWOOD
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ATTACHMENT A

2020 CONSULTING ENGINEERING FIRM SELECTION LIST
FOR BRIDGE INSPECTIONS

1. AECOM Technical Services – Waterloo, IA
2. Ayres Associates Inc. – Eau Claire, WI
4. Brosz Engineering, Inc. – Pierre, Sioux Falls and Sturgis, SD; Bowman, ND
5. Civil Design, Inc. – Brookings, SD
6. Clark Engineering Corporation – Aberdeen, Pierre, Sioux Falls, and Watertown, SD
7. Fickett Structural Solutions Inc. – Middleton, WI
8. HDR, Inc. – Sioux Falls, Rapid City, SD
9. Houston Engineering – Sioux Falls, SD; Fargo, ND
10. Infrastructure Design Group, Inc. – Sioux Falls and Watertown, SD
11. Interstate Engineering, Inc. – Pierre and Spearfish, SD; Wahpeton and Mandan, ND
12. Jacobs Engineering Group, Inc. – St. Louis, MO
13. JEO Consulting Group Inc. – Wahoo, NE
14. Johnson Engineering Company – Yankton, SD
15. Kirkham, Michael & Associates, Inc. – Omaha, NE
16. KLJ – Rapid City, SD; Bismarck, ND
17. Olsson, Inc. – Lincoln, NE
18. Short-Elliot-Hendrickson (SEH) Incorporated – Sioux Falls, SD
19. Stantec Consulting Services Inc. – St. Paul, MN
20. Ulteig Engineers, Inc. – Sioux Falls, SD; Fargo, ND
WHEREAS, Title 23, Section 151, United States Code and Title 23, Part 650, Subpart C, Code of Federal Regulations, requires initial inspection of all bridges and reinspection at intervals not to exceed two years with the exception of reinforced concrete box culverts that meet specific criteria. These culverts are reinspected at intervals not to exceed four years.

THEREFORE, _______ Pennington County is desirous of participating in the Bridge Inspection Program using Bridge Replacement funds.

The County requests SDDOT to hire _______ KLI - Rapid City, SD (Consulting Engineers) for the inspection work. SDDOT will secure federal approvals, make payments to the Consulting Engineer for inspection services rendered, and bill the County for 20% of the cost. The County will be responsible for the required 20% matching funds.

Dated this _____ day of ____________, 2020, at _______ Rapid City_______, South Dakota. (city)

(________________________) (________________________)
County Auditor Chairman of the Board

Board of County Commissioners
Of _______ Pennington______ County

ATTEST:
MEMO

TO: BOARD OF COMMISSIONERS
DATE: MARCH 3, 2020
FROM: JOSEPH MILLER
SUPERINTENDENT

RE: AUTHORIZATION TO PURCHASE ONE NEW MOWING TRACTOR

On February 25, 2020, we opened proposals from Butler Machinery Company and RDO Equipment Company for one new mowing tractor under their cooperative purchasing contracts. The proposal tabulation is attached.

Funds for this tractor are included in our 2020 budget.

Motion is requested to authorize the Highway Department to purchase one new 2020 Massey Ferguson MF5700SL tractor from Butler Machinery Company, Rapid City, SD, at $93,985 and one twin rotary mower setup DDR120-CO from Diamond Mowers, LLC, Sioux Falls, SD at $42,793 for the total cost of $136,778.

JM: cjbj
Attachment
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<th>Model</th>
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<th>RDO Equipment Company</th>
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<td>2020 John Deere 6120M</td>
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<td>Warranty</td>
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<td>24 Months or 2,000 Hrs</td>
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<td>Tractor Cost</td>
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<td>Compatible with Diamond Mowers DDR120-CO Side &amp; Rear Mower Unit</td>
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<td>Diamond Mowers, LLC</td>
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<td>Twin Rotary Mower DDR120-CO Cost</td>
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<td>Total Cost</td>
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MEMO

TO: BOARD OF COMMISSIONERS

DATE: MARCH 3, 2020

FROM: JOSEPH MILLER SUPERINTENDENT

RE: AUTHORIZATION TO PURCHASE ONE NEW INDUSTRIAL VACUUM/HYDRO EXCAVATOR

Drainage is an important part of maintaining our road system. As such, we have continual issues with plugged culverts, frozen culverts in the spring and sediment build up in drop inlet catch basins. Finding contractors to clean these drainage structures has been both difficult and expensive. We have determined that it would be more cost effective for our crews to perform this work utilizing a hydro excavator. In addition to maintaining drainage structures, the equipment would also be utilized to pothole utility locations and clean the sumps in our shops and wash bay.

Funds for this unit are included in our 2020 budget.

Motion is requested to authorize the Highway Department to purchase one new 2020 Vac-Tron MC873 SDT industrial vacuum/hydro excavator from Vermeer High Plains, Box Elder, SD, for the total cost of $99,037 utilizing their Sourcewell cooperative purchasing contract.

JM: cj
Attachment
Vac-Tron Vacuum Excavation Systems

MC573 SDT (Super Diesel) (1455)
300 Gallon Debris Tank w/ Hydraulic Tilt, two (2) 150 Gallon Water Tanks, Low Profile Torsion Axles (14,000 GVWR), and Standard Equipment listed below. Empty weight of MC573 SDT equipped w/trailer is 7,635 lbs.

MC873 SDT (Super Diesel) (1456)
800 Gallon Debris Tank w/ Hydraulic Tilt, two (2) 200 Gallon Water Tanks, Tandem Axles (20,000 GVWR), and Standard Equipment listed below. Empty weight of MC873 SDT equipped w/trailer is 7,980 lbs.

MC1273 SDT (Super Diesel) (1457)
1200 Gallon Debris Tank w/ Hydraulic Tilt, two (2) (150) Gallon Water Tanks, Heavy Duty Tandem Axle Dual-axle Trailer (24,000 GVWR), and Standard Equipment listed below. Empty weight of MC1273 SDT equipped w/trailer is 10,100 lbs.

STANDARD EQUIPMENT:
- 74 hp Kohler T4F Diesel Engine
- Vacuum Pump - 1000 CFM
- High Pressure Water System - 2000 PSI @ 15 GPM
- 30" x 3" Suction Hose with Suction Tool
- Fully Enclosed and Insulated Engine Stand (lockable)
- Reverse Pressure to Off-Load Liquids and Dislodge Debris in Hose
- Hydraulically Operated Full Open and Closed Rear Door
- 300 Jeter Hose w/ Reel & Water Knife Clean-Up Wand
- Two Year Factory Warranty
- 30 gallon fuel tank

AVAILABLE OPTIONS:
- Hydraulic Boom - 6-Way - Hydraulic Power (up-down, in-out and rotation), 4" Suction Hose, 300° Rotation w/ Auto Stop (17155)
- Wireless Remote for Hydraulic Boom (17156)
- Strong Arm (not available on 1200 gallon units) (17180)
- Inside Tank Washout (17495)
- 16" spare tire & wheel (17502)
- 17.5" spare tire & wheel (17503)
- Diesel-Fired Hot Box w/ Recirculation Kit - 200,000 BTUs (17259)
- Manual Jack (17260)
- Recirculation Kit (17262)
- Hydraulic Jack - Easily raise and lower trailer tongue (17270)
- Auxiliary Hydraulics - 2,000 PSI @ 8 GPM (not available on all units) (17275)
- Air Gap - To fill water tank from hydrant - 2.5" (17300)
- 4" Suction Hose and Tooling Uphose - Replaces standard 3" suction hose and tooling (17350)
- 30' of Additional 3" Suction Hose (17370)
- 30' of Additional 4" Suction Hose (17375)
- Additional 50' of High Pressure Water Hose (17390)
- Custom Paint Color (17400)
- Anti-Static Package (17410)
- 3" LED Directional Board (17450)
- Miscellaneous Features: sales code ____________

Date: ______________
For: ____________________________
Sourcewell Member #: ____________________________
Provided By: ____________________________
Contact Name: ____________________________
Mobile #: ____________________________

Subtotal: $96,262.00
Dealer Freight & Prep: $2,775.00
Quantity: 1
Total: $99,037.00
Sales Tax: ____________
Grand Total: $99,037.00

Pricing effective 02/01/20
NOTE: All pricing in US $
NOTE: Include applicable sales tax
Quotes valid for 30 days
Provisional pricing pending Sourcewell approval.

Any applicable sales tax is not included. Prices subject to change without notice. These prices are exclusive of any and all duties, import fees, taxes, or other similar charges. These prices may not be applicable in any transaction involving a trade or rental transaction. This sheet may not include all possible specifications available for this model. For complete product specifications, please contact your local authorized Vermeer dealer. F.O.B. Pella, Iowa. 2 year parts and labor warranty included.
ORDINANCE NO. 713

A TEMPORARY ZONING ORDINANCE REGULATING VACATION HOME RENTALS IN PENNINGTON COUNTY (ONE-YEAR MORATORIUM)

WHEREAS, the Pennington County Board of Commissioners has concluded there is a present need to study the impact of Vacation Home Rentals in Pennington County to determine whether current zoning regulations adequately protect the public health, safety and general welfare; and

WHEREAS, SDCL § 11-2-10 authorizes a Board of County Commissioners, in the interest of public health, safety and general welfare, to adopt emergency temporary zoning controls for a reasonable period of time to study regulated land uses and related matters; and

WHEREAS, a moratorium on the grant of new permits and transfer of existing permits for the operation of Vacation Home Rentals in Pennington County is necessary for the immediate preservation of the public health, safety and general welfare; and

WHEREAS, a moratorium is necessary to prevent over-density of Vacation Home Rentals in Pennington County; and

NOW, THEREFORE, BE IT ORDAINED that the Pennington County Board of Commissioners hereby approves a one year moratorium on the grant of new permits and transfer of existing permits for the operation of Vacation Home Rentals in Pennington County; and

IT IS FURTHER ORDAINED that the Pennington County Board of Commissioners hereby declares an emergency to exist, and this Ordinance shall be in full force and effect from and after the date of its approval.

Dated this __________ day of March, 2020.

PENNINGTON COUNTY COMMISSION

__________________________________
Deb Hadcock, Chairperson

ATTEST:

__________________________________
Pennington County Auditor / Deputy (SEAL)

Publication:
VHR Moratorium Proposal

As the request for proposed VHR’s and transfers’ of existing VHRs’ has been one of District #1’s most contentious issues in 2019 and 2020, consuming hours of discussions between applicants, neighbors, Pennington County Planning and Zoning Commission, and the Pennington County BOC, as the commissioner for District #1 I’m requesting a one-year moratorium on VHR’s and transfers of non-compliant VHR’s to provide the county with the breathing room to regroup and address my concerns related to VHR’s as these issues are continually escalating and will more than likely continue to do so in the future. Hours of research lead me to believe that our county needs to further address and refine:

1.) Property rights of neighbors and owners of VHR’s
2.) Transfers of entitlements relative to VHR ownership
3.) Violations and consequences to owners
4.) Governing and establishing equitable boundaries for all
5.) Subdivision covenant’s and the county’s role in such
6.) Impact on local businesses
7.) Impact on local economies
8.) Addressing environmental impacts
9.) Establishing fair rates that address self-governing VHRs’
10.) Spot Zoning
11.) Housing shortage
12.) Un-permitted VHR’s in Pennington County

A valuable tool that I discovered during my research was Compliance Host which I suggest the county rely on as a template in forging the future for VHR’s in Pennington County. I further recommend the new ordinance be drafted in house by staff and reviewed by those impacted by the local VHR industry, working together to find solutions that are fair and equitable to all.

Respectfully Submitted,

Ron Rossknecht
Pennington County
Commissioner District #1
Six ways that short term vacation rentals are impacting communities.

1.) Positive Economic Impact
2.) Less Long-Term Rental’s Available
3.) Neighborhood Changes
4.) Increased Tourism Activity
5.) Unfair Playing Field for Traditional Lodging Partners
6.) Missed Tax Revenues
7.) Weak Ordinances

**Bundle of Rights**

Bundle of rights refers to beneficial interests or rights attached to the ownership of real property. It includes the right to sell, lease, encumber, use, **enjoy**, exclude, and to make will. A purchaser to a property while purchasing real estate, actually buys all the rights previously held by the seller, except those which are reserved or limited in the sale.

The following is an example of a case law on bundle of rights:

The definitions of real property include all fixtures and rights and privileges appertaining thereto. In essence it is these rights and privileges that the assessor is valuing. These rights are called the bundle of rights and consist of use, possession, enjoyment, disposition, exclusion, or the right not to exercise any of these rights. [City of W. Bend v. Continental IV Fund Ltd. P'ship, 193 Wis. 2d 481 (Wis. Ct. App. 1995)].

A "bundle of sticks" - in which each **stick** represents an individual right – is a common analogy made for the bundle of rights. Any **property** owner possesses a set of "sticks" related directly to the land. ... Extinguishing that lien returns those rights or "sticks" to the bundle held by the owner.

**Property Rights**

When you own real **property**, you have certain **rights** that go along with that **ownership**, including: Right to possession. ... Right to privacy and to exclude others. Right to disposition or to transfer the **property** to someone else by selling, gifting or inheritance.

**Property rights** are theoretical socially-enforced constructs in **economics** for determining how a resource or economic good is used and **owned**. Resources can be owned by (and hence be the **property** of) individuals, associations, **collectives**, or governments. **Property rights** can be viewed as an attribute of an economic good. This attribute has four broad components and is often referred to as a **bundle of rights**.

1. the right to use the good
2. the right to earn income from the good
3. the right to transfer the good to others, alter it, abandon it, or destroy it (the right to ownership cessation)
4. the right to enforce property rights

In economics, property is usually considered to be ownership (**rights to the proceeds generated by the property**) and control over a resource or good. Many economists effectively argue that property rights need to be fixed and need to portray the relationships among other parties in order to be more effective.
Entitlement

Entitlement theory is a theory of distributive justice and private property created by Robert Nozick in chapters 7 and 8 of his book Anarchy, State, and Utopia. The theory is Nozick's attempt to describe "justice in holdings" (Nozick 1974:150)—or what can be said about and done with the property people own when viewed from a principle of justice.

Principles[edit]

Nozick's entitlement theory comprises three main principles:

1. **A principle of justice in acquisition** – This principle deals with the initial acquisition of holdings. It is an account of how people first come to own unowned and natural world property, what types of things can be held, and so forth.
2. **A principle of justice in transfer** – This principle explains how one person can acquire holdings from another, including voluntary exchange and gifts.
3. **A principle of rectification of injustice** – how to deal with holdings that are unjustly acquired or transferred, whether and how much victims can be compensated, how to deal with long past transgressions or injustices done by a government, and so on.

Nozick believes that if the world were wholly just, only the first two principles would be needed, as "the following inductive definition would exhaustively cover the subject of justice in holdings":

1. A person who acquires a holding in accordance with the principle of justice in acquisition is entitled to that holding.
2. A person who acquires a holding in accordance with the principle of justice in transfer, from someone else entitled to the holding, is entitled to the holding.
3. No one is entitled to a holding except by (repeated) applications of 1 and 2. (Nozick 1974:151)

Thus, entitlement theory would imply "a distribution is just if everyone is entitled to the holdings they possess under the distribution" (Nozick 1974:151). However, not everyone follows these rules: "some people steal from others, or defraud them, or enslave them, seizing their product and preventing them from living as they choose, or forcibly exclude others from competing in exchanges" (Nozick 1974:152). Thus the third principle of rectification is needed.

Entitlement theory is based on John Locke's ideas.[ii] Under entitlement theory, people are represented as ends in themselves and equals, as Kant claimed, though different people may own (i.e. be entitled to) different amounts of property. Nozick's ideas create a strong system of private property and a free-market economy. The only just transaction is a voluntary one. Taxation of the rich to support full robust social programs for the poor is unjust because the state is acquiring money by force instead of through a voluntary transaction. However, Nozick's ideas can endorse the creation of a minimal social program for the poor. Every person in the state of nature can achieve a certain level of welfare according to their own abilities. This level of welfare, while not equal, must be maintained via the Lockean proviso. Given the justice of acquisition condition and the Lockean proviso, "It is conceivable that in the normal operation of the economy, a private property regime might at some times, for some people, fail to provide access to this level of welfare when left to itself. If so, then justice—as the libertarian understands it—demands that the state act to correct the distribution of welfare generated by the spontaneous play of market forces."[iii]
Encumbrance

Encumbrance
An encumbrance is a right to, interest in, or legal liability on real property that does not prohibit passing title to the property but that may diminish.

4 KB (440 words) - 16:52, 31 August 2019

Clear title
used to state that the owner of real property owns it free and clear of encumbrances. In a more limited sense, it is used to state that, although the owner

1 KB (177 words) - 21:42, 27 October 2019

Peaceful Enjoyment

Right to property

From Wikipedia, the free encyclopedia

Jump to navigation Jump to search

The right to property or right to own property (cf. ownership) is often classified as a human right for natural persons regarding their possessions. A general recognition of a right to private property is found more rarely and is typically heavily constrained insofar as property is owned by legal persons (i.e. corporations) and where it is used for production rather than consumption.[1]

A right to property is recognised in Article 17 of the Universal Declaration of Human Rights, but it is not recognised in the International Covenant on Civil and Political Rights or the International Covenant on Economic, Social and Cultural Rights.[2] The European Convention on Human Rights, in Protocol 1, article 1, acknowledges a right for natural and legal persons to "peaceful enjoyment of his possessions", subject to the "general interest or to secure the payment of taxes", also see Bill of Rights.

Definition[edit]

The right to property is one of the most controversial human rights, both in terms of its existence and interpretation. The controversy about the definition of the right meant that it was not included in the International Covenant on Civil and Political Rights or the International Covenant on Economic, Social and Cultural Rights.[3] Controversy centres upon who is deemed to have property rights protected (e.g. human beings or also corporations), the type of property which is protected (property used for the purpose of consumption or production) and the reasons for which property can be restricted (for instance, for regulations, taxation or nationalisation in the public interest). In all human rights instruments, either implicit or express restrictions exist on the extent to which property is protected. Article 17 of the Universal Declaration of Human Rights (UDHR) enshrines the right to property as follows:

(1) Everyone has the right to own property alone as well as in association with others.

(2) No one shall be arbitrarily deprived of his property.[4]

The object of the right to property as it is usually understood nowadays consists of property already owned or possessed, or of property acquired or to be acquired by a person through lawful means. Not in opposition but in contrast to this, some proposals also defend a universal right to private property, in the sense of a right of every person to effectively receive a certain amount of property, grounded in a claim to Earth’s natural resources or other theories of justice.[5]
**Africa**

*See also: African Charter on Human and Peoples' Rights*

The African Charter on Human and Peoples' Rights (ACHPR) protects the right to property most explicitly in Article 14,[8] stating:

> The right to property shall be guaranteed. It may only be encroached upon in the interest of public need or in the general interest of the community and in accordance with the provisions of appropriate laws.[7]

Property rights are furthermore recognised in Article 13 of the ACHPR, which states that every citizen has the right to participate freely in the government of his country, the right to equal access to public services and "the right of access to public property and services in strict equality of all persons before the law". Article 21 of the ACHPR recognises the right of all peoples to freely dispose of their wealth and natural resources and that this right shall be exercised in the exclusive interest of the people, who may not be deprived of this right. Article 21 also provides that "in case of spoliation the dispossessed people shall have the right to the lawful recovery of its property as well as to adequate compensation".[8]

**Americas**

*See also: American Declaration of the Rights and Duties of Man and American Convention on Human Rights*

When the text of the UDHR was negotiated, other states in the Americas argued that the right to property should be limited to the protection of private property necessary for subsistence. Their suggestion was opposed, but was enshrined in the American Declaration of the Rights and Duties of Man, which was negotiated at the same time and adopted one year before the UDHR in 1948.[9] Article 23 of the declaration states:

> Every Person has the right to own such private property as meets the essential needs of decent living and helps to maintain the dignity of the individual and of the home.[10]

The definition of the right to property is heavily influenced by Western concepts of property rights, but because property rights vary considerably in different legal systems it has not been possible to establish international standards on property rights.[11] The regional human rights instruments of Europe, Africa and the Americas recognise the right to protection of property to varying degrees.[12]

The American Convention on Human Rights (ACHR) recognises the right to protection of property, including the right to "just compensation". The ACHR also prohibits usury and other exploitation, which is unique amongst human rights instruments.[9] Article 21 of the ACHR states:

> (1) Everyone has the right to the use and enjoyment of his property. The law may subordinate such use and enjoyment to the interest of society.

> (2) No one shall be deprived of his property except upon payment of just compensation, for reasons of public utility or social interest, and in the cases and according to the forms established by law.

> (3) Usury and any other form of exploitation of man by man shall be prohibited by law.[13]
After failed attempts to include the right to protection of property in the European Convention on Human Rights (ECHR), European states enshrined the right to protection of property in Article 1 of Protocol I to the ECHR as the "right to peaceful enjoyment of possessions", where the right to protection of property is defined as such:

(1) Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

(2) The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

Therefore, European human rights law recognises the right to peaceful enjoyment of property, makes deprivation of possessions subject to certain conditions and recognises that states can balance the right to peaceful possession of property against the public interest. The European Court of Human Rights has interpreted "possessions" to include not only tangible property, but also economic interests, contractual agreements with economic value, compensation claims against the state and public law related claims such as pensions. The European Court of Human Rights has held that the right to property is not absolute and states have a wide degree of discretion to limit the rights. As such, the right to property is regarded as a more flexible right than other human rights. States' degree of discretion is defined in Handyside v. United Kingdom, heard by the European Court of Human Rights in 1976. Notable cases where the European Court of Human Rights has found the right to property having been violated include Sporrong and Lönnroth v. Sweden, heard in 1982, where Swedish law kept property under the threat of expropriation for an extended period of time. The highest economic compensation following a judgment of the Strasbourg Court on this matter was given (1.3 million euro) in case Beyeler v. Italy.

International conventions

Property rights are also recognised in the International Convention on the Elimination of All Forms of Racial Discrimination which states in Article 5 that everyone has the right to equality before the law without distinction as to race, colour and national or ethnic origin, including the "right to own property alone as well as in association with others" and "the right to inherit". The Convention on the Elimination of All Forms of Discrimination against Women recognises the property rights in Article 16, which establishes the same right for both spouses to ownership, acquisition, management, administration, enjoyment and disposition of property and Article 15, which establishes women's right to conclude contracts. Property rights are also enshrined in the Convention relating to the Status of Refugees and the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. These international human rights instruments for minorities do not establish a separate right to property, but prohibit discrimination in relation to property rights where such rights are guaranteed.

Relationship to other rights

The right to private property was a crucial demand in early quests for political freedom and equality and against feudal control of property. Property can serve as the basis for the entitlements that ensure the realisation of the right to an adequate standard of living and it was only property owners which were initially granted civil and political rights, such as the right to vote. Because not everybody is a property owner, the right to work was enshrined to allow everybody to attain an adequate standard of living. Today, discrimination on the basis of property ownership is commonly seen as a serious threat to the equal enjoyment of human rights by all and non-discrimination clauses in international human rights instruments frequently include property as a ground on the basis of which discrimination is prohibited (see the right to equality before the law). The protection of private property may come into conflict with economic, social and cultural rights and civil and political rights, such as the right to freedom of expression. To mitigate this the right to property is commonly limited to protect the public interest. Many states also maintain systems of communal and collective ownership. Property rights have frequently been regarded as preventing the realisation of human rights for all, through for example slavery and the exploitation of others. Unequal distribution of wealth often follows line of sex, race and minorities, therefore property rights may appear to be part of the problem, rather than as an interest that merits protection. Property rights have been at the centre of recent human rights debates on land reform, the return of cultural artifacts by collectors and museums to indigenous peoples and the popular sovereignty of peoples over natural resources.
History[edit]

In Europe, the notion of private property and property rights emerged in the Renaissance as international trade by merchants gave rise to mercantilist ideas. In 16th-century Europe, Lutheranism and the Protestant Reformation advanced property rights using biblical terminology. The Protestant work ethic and views on man's destiny came to underlie social views in emerging capitalist economies in early modern Europe. The right to private property emerged as a radical demand for human rights vis-a-vis the state in 17th-century revolutionary Europe, but in the 18th and 19th centuries the right to property as a human right became subject of intense controversy.[21]

English Civil War[edit]

See also: English Civil War

The arguments advanced by the Levellers during the English Civil War on property and civil and political rights, such as the right to vote, informed subsequent debates in other countries. The Levellers emerged as a political movement in mid-17th century England in the aftermath of the Protestant Reformation. They believed that property which had been earned as the fruit of one's labour was sacred under the Bible's commandment "thou shalt not steal". As such, they believed that the right to acquire property from one's work was sacred. Levellers' views on the right to property and the right not to be deprived of property as a civil and political right were developed by the pamphleteer Richard Overton.[22] In "An Arrow against all Tyrants" (1646), Overton argued:

To every individual in nature is given an individual property by nature not to be invaded or usurped by any. For everyone, as he is himself, so he has a self property, else he could not be himself; and of this no second may presume to deprive of without manifest violation and affront to the very principles of nature of the rules of equity and justice between man and man. Mine and thine cannot be, except this. No man has power over my rights and liberties, and I over no man.[23]

The views of the Levellers, who enjoyed support amongst small-scale property-owners and craftsmen, were not shared by all revolutionary parties of the English Civil War. At the 1647 General Council, Oliver Cromwell and Henry Ireton argued against equating the right to life with the right to property. They argued that doing so would establish the right to take anything that one may want, irrespective of the rights of others. The Leveller Thomas Rainborough responded, relying on Overton's arguments, that the Levellers required respect for others' natural rights. The definition of property and whether it was acquired as the fruit of one's labour and as such a natural right was subject to intense debate because the right to vote depended on property ownership. Political freedom was at the time associated with property ownership and individual independence. Cromwell and Ireton maintained that only property in freehold land or chartered trading rights gave a man the right to vote. They argued that this type of property ownership constituted a "stake in society", which entitles men to political power. In contrast, Levellers argued that all men who are not servants, alms-recipients or beggars should be considered as property owners and be given voting rights. They believed that political freedom could only be secured by individuals, such as craftsmen, engaging in independent economic activity.[22][24]

Levellers were primarily concerned with the civil and political rights of small-scale property owners and workers, whereas the Diggers, a smaller revolutionary group led by Gerard Winstanley, focused on the rights of the rural poor who worked on landed property. The Diggers argued that private property was not consistent with justice and that the land that had been confiscated from the Crown and Church should be turned into communal land to be cultivated by the poor. According to the Diggers, the right to vote should be extended to all and everybody had the right to an adequate standard of living. With the Restoration of the English monarchy in 1660, all confiscated land returned to the Crown and Church. Some property rights were recognised and limited voting rights were established. The ideas of the Levellers on property and civil and political rights remained influential and were advanced in the subsequent 1688 Glorious Revolution but restrictions on the right to vote based on property meant that only a fraction of the British population had the suffrage. In 1780 only 214,000 property-owning men were entitled to vote in England and Wales, less than 3 percent of the population of 8 million. The Reform Act 1832 restricted the right to vote to men who owned property with an annual value of £10, giving approximately 4 percent of the adult male population the right to vote. The reforms of 1867 extended the right to vote to approximately 8 percent. The working class (which increased dramatically with the Industrial Revolution) and industrialists remained effectively excluded from the political system.[25][26]
Short-term vacation rentals have created a good deal of controversy since the start of their existence about ten years ago and have been growing at an incredible speed ever since. Short-term vacation rentals are flying under the radar less and less, but there are a variety of factors to consider when developing an ordinance or updating existing regulations. Here’s six of the key ways short-term vacation rentals are impacting communities.

1. **Positive Economic Impact**

   Short-term vacation rentals can bring a positive economic impact to a city or county in several ways. For example, they can provide a city with an additional income through tax revenues. At the same time short-term vacation rental guests can benefit the community as a whole in terms of economic benefit because guests will spend their money in other visitor related amenities such as restaurants, bars and museums. Research in San Diego showed that $86.4 million was spent on such activities by visitors staying in short-term vacation rentals. The total economic impact in San Diego has been estimated at $285 million. Additionally it can help local residents make ends meet or enable young families to go on a holiday while retirees stay in their home.

2. **Less Long-Term Rentals Available**

   The scale on which short-term vacation rentals are operating is ever growing and not only designated to large urban areas anymore. Currently there are over 100 unique short-term vacation rentals in more than 1500 cities and counties in the United States.

   Since short-term vacation rentals are mainly located in residential areas, by renting a short-term vacation accommodation, tourists are using up space that otherwise might be used for living. In some places this is resulting in in a decrease of long-term housing availability. This effect is especially strong in large cities that are already facing problems with affordable housing like New York and San Francisco. Stories about tenants being evicted from their apartment, only later finding out they were making way for permanent short-term vacation rentals, are starting to pop up in places all over the United States. In Los Angeles several tenants have been suing their landlords and Airbnb for evicting them out of apartments and in Burnaby, Canada, three students were forced to leave in order for the landlord to run a full-time Airbnb rental business.

   The scarcity this creates could eventually contribute to increasing housing and rental prices. For Los Angeles, a report on the relation between short-term rentals and LA’s affordable housing crisis has shown that the density of Airbnb listings overlaps with higher rental prices and lower rental vacancy. In New York short-term vacation rentals reduced the available housing stock with at least 10%. Besides these major cities, many smaller coastal cities and mid-size cities like Long Beach City and Madison are starting to express concerns about this issue as well.
3. NEIGHBORHOOD CHANGES

Living next door to a short-term vacation rental can range from mildly concerning to completely life altering. Visitors usually rent the accommodation only for a couple of days, thus neighbors see new people coming and going every few days, especially when the density of short-term vacation rentals in the area is high. Related complaints about trash, parking issues and noise disturbance continue to worry local governments.

A recent article about Los Angeles exemplifies this with stories about short-term vacation rentals being turned into party houses with nightmarish results for neighbors.

At the same time local residents worry the penetration of short-term vacation rentals in their neighborhood will change the character and transform the quality of life of the area. This has already led to heavy protests in the past in big cities like New York and San Francisco. Smaller cities such as Santa Monica are also dealing with such complaints. This leaves local governments with the incredibly difficult task of finding ways to regulate short-term vacation rentals in such a way that they protect neighborhoods while balancing a home-owners property rights.

4. INCREASED TOURISM ACTIVITY

For some cities, Airbnb and other short-term vacation rental platforms are a way to boost the local tourism sector. Because of the price advantage of those rentals, less popular tourist destinations become more attractive with the arrival of short-term vacation rentals. The City of Brevard recently announced that it is going to approve short-term vacation rentals in the hope to attract tourists as they currently lack a good amount of hotels. And even cities that already have an established tourist industry are benefiting from short-term vacation rentals. A study on the effects of the sharing economy in Idaho found a direct correlation between short-term rentals and job creation in the tourism sector. In San Diego short-term vacation rentals are helping to support 1,842 jobs.

5. UNFAIR PLAYING FIELD FOR TRADITIONAL LODGING PARTNERS

On the other side of the argument, short-term vacation rentals are considered disruptive for the traditional lodging industry. The hotel industry claims that the business models of short-term vacation rental platforms offer unfair economic advantages in two distinct ways. First of all, short term vacation rentals have do not have to pay for staff and aren't regulated like hotels which increases costs substantially. This allows short-term rentals to offer lower rates compared to traditional tourist accommodations. A second factor is that short-term vacation rentals are usually not charged with tourist taxes which is further deepening the unequal competition. A report from the American Hotel & Lodging Association shows that in cities like Portland, Airbnb-style rentals have increased vastly both in revenue and the amount of hosts with multiple units. Because short-term vacation rentals are not treated as similar businesses this could form a threat to the hotel industry. A study from scholars at Boston University and the University of Southern California showed that mainly lower-end hotels in Texas are already suffering from the increase in short-term vacation rental listings.
6. MISSED TAX REVENUES

Since short-term vacation rentals are not taxed in many cities, local governments are missing out on millions of dollars. When allowing but regulating short-term vacation rentals, local governments can increase their revenue through taxes, permits and business licenses. For example, Mill Valley, a small California community and a Host Compliance customer requires hosts to purchase a business license and pay a registration fee. As a result the city has collected nearly $96,000 in taxes since the program began, in addition to registration fees. On the other side, it’s estimated that Boston is currently missing out $4.5 million in tax revenues.

CONCLUSION

It’s important to know how short-term vacation rentals are impacting your community. Even though this new accommodation brings substantial economic benefits to communities, when unregulated, Airbnb-style rentals can put pressure on communities and the accommodation industry. With the immense growth of short-term vacation rentals in every community, ignoring the impact, whether positive or negative, is not an option anymore. Local governments need to work towards effective and enforceable regulations to protect communities, neighborhood character and housing availability’s.

If you are looking for ways to effectively identify and regulate short-term vacation rentals in your community, Host Compliance offers a comprehensive suite of solutions used by local governments across North America to solve their short-term vacation rental problems. You can learn about our solutions and request a complimentary short-term rentals assessment here.
The influence of external factors on property value

September 19, 2012 By Ryan Lundquist 6 Comments

There are so many ways to increase property value, but at the same time there are certain things outside a homeowner’s control that will plain and simply be a negative for value.

What is external obsolescence and why does it matter for property value? External obsolescence is a factor that reduces the value of an improvement because of something external to the property itself. It’s not about whether the house is outdated or not, but rather something outside of the home that is causing a lower value. It’s usually something that cannot be cured.

Five Examples of External Obsolescence

1. **Busy Road:** This is a very common example of external obsolescence because we can see it in virtually every community to some extent. Homes on busy corners, on main streets or near freeways suffer from extra noise and traffic, both of which are not friendly to higher values.

2. **Commercial buildings:** Residential and commercial uses tend to not mix well in suburban areas. It’s usually a negative factor when houses are located next to restaurants, retail, gas stations, etc...

3. **Construction of a landfill next to a neighborhood:** This can impact the entire neighborhood (not just one house) due to the smell or even the noise of large garbage trucks moving in and out.

4. **Apartments:** Being located next to an apartment building is almost always less desirable for buyers. Or construction of low-income apartments can be a touchy subject for a higher-income neighborhood, and something that can impact property value too.

5. **High-Voltage Towers:** A view of nearby power towers usually results in a hit to property value. Check out some pictures in a previous post, “High voltage towers and property value.”

I shot this 30-second clip about two years ago on an appraisal inspection. Do you hear any external obsolescence? Watch here or below.
FYI

----- Original Message ----- 

From: Gwyn Wathen
To: Ron Rossknecht
Sent: Wednesday, January 29, 2020 2:14 PM
Subject: Vacation Home Rentals

Good afternoon Ron!

South Dakota VIA(Visitor Industry Alliance) is actively looking into this issue to make it a level playing field. Everyone in the lodging/camping industry has to pay taxes(lodging, sales, municipal, etc..) and are required to be inspected by the Department of Health each year. In 2013, the SD Department of Revenue wanted a bill passed to where each department could share information with one another, which currently isn't allowed. The bill never made to the floor. Below is a link to that piece of legislation. I do have my uncle, SD State Senator Gary Cammack, looking into this piece legislation. Now it's all ready too late for this currently session, but if VIA can get a sponsor for next years session, it might be worth bringing it back up.

https://sdlegislature.gov/Legislative_Session/Bills/Bill.aspx?Bill=50&Session=2013

I was just telling Chris, and I can't remember if it is the City of Boston or NYC, but they just passed a law that if a resident wishes to rent their home as a VHR, they must reside in the home for at least 90 days in that year.

As I gather further information, I will forward it onto you.

Thanks,
Gwyn
ORDINANCE NO. 5092

THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO
DOES ORDAIN AS FOLLOWS:

THIS ORDINANCE HEREBY AMENDS THE EL DORADO COUNTY
ORDINANCE CODE TITLE 5- BUSINESS TAXES, LICENSES AND REGULATIONS -CHAPTER 5.56. TO READ AS FOLLOWS:

CHAPTER 5.56.- VACATION HOME RENTALS

Sec. 5.56.010. - Title.
Sec. 5.56.020. - Applicability.
Sec. 5.56.030. - Definitions.
Sec. 5.56.040. - Purpose of chapter.
Sec. 5.56.050. - Vacation home rental permit requirements.
Sec. 5.56.060. - Agency.
Sec. 5.56.070. - Application for vacation home rental permit.
Sec. 5.56.080. - Application fee.
Sec. 5.56.090. - Permit conditions.
Sec. 5.56.095. - Advertisement Requirements
Sec. 5.56.100. - Interior Sign and notification requirements.
Sec. 5.56.105. - Exterior Sign requirements.
Sec. 5.56.110. - Parking.
Sec. 5.56.120. - Noise.
Sec. 5.56.130. - Certified Local contact/Owner Responsibilities.
Sec. 5.56.140. - Enforcement, Violation and penalties.
Sec. 5.56.150. - Procedure for notice of violation and imposition of penalties: fine/suspension/revocation.
Sec. 5.56.160. - Permits and fees not exclusive.
Sec. 5.56.170. - Operation of a vacation rental home without a permit-Penalty.
Sec. 5.56.180. - Enforcement of chapter.
Sec. 5.56.190. - Private actions to enforce.
Sec. 5.56.010. - Title.

This chapter shall be referred to as the Vacation Home Rental Ordinance.

Sec. 5.56.020. - Applicability.

The provisions of this chapter apply only within the unincorporated area of the County. All requirements, regulations, and standards imposed by this chapter are intended to apply in addition to any other applicable requirements, regulations, and standards imposed elsewhere in this Code. Vacation Home Rentals in operation outside of the jurisdictional boundaries of the Lake Tahoe Basin shall be required to obtain a vacation home rental permit at the time of application for or renewal of a business license to operate a vacation home rental. The provisions of the section shall apply to all vacation rentals except where there is a primary owner in residence during the rental period. This section does not apply to Hosted Rentals or Bed and Breakfast Inns, which are regulated by Section 130.40. Vacation rentals shall not be permitted in non-habitable structures, within accessory or second dwelling units, in structures or dwellings with County covenants or agreements restricting their use including but not limited to affordable housing units, agricultural employee units, farmworker housing, or farm family units. Tents, yurts, RVs, and other provisions intended for temporary occupancy are not allowed as a part of a vacation rental.

Sec. 5.56.030. - Definitions.

For purposes of this chapter, the following words and phrases shall have the meaning respectively ascribed to them by this section, except where the context clearly indicates a different meaning:

Local contact means a local property manager, owner, or agent of the owner, who is available to respond to renter and neighborhood questions or concerns, or any agent of the owner authorized by owner to take remedial action and respond to any violation of this chapter.

Loud and raucous noise means:

1. The human voice, any record, or recording thereof when amplified by any device whether electrical, mechanical, or otherwise to such an extent as to cause it to unreasonably carry on to public or private property or to be heard by others on residential property or public ways within the County.
2. Any sound not included in the foregoing which is of such volume, intensity, or carrying power as to interfere with the peace and quiet of persons upon residential property or public ways within the County in accordance with Chapter 9.16 - Noise.

Managing agency or agent means a person, firm, or agency representing the owner of the vacation home rental, or a person, firm, or agency owning the vacation home rental.

Operator means the person who is proprietor of a transient lodging facility, whether in the capacity of owner, lessee, sub-lessee, mortgagee in possession, licensee, or any capacity. Where the operator performs his or her functions through a managing agent of any type or character, other than an employee, or where the operator performs his or her functions through a rental agent, the managing agent or the rental agent shall have the same duties as his or her principal. Compliance with the provisions of this chapter by either the principal or the managing agent or the rental agent shall be considered to be in compliance by both.

Owner means the person or entity that holds legal and/or equitable title to the private property.

Person responsible for event means the owner of the property where the large party, gathering or event takes place, the person in charge of the premises, and/or the person who organized the event. If the person responsible for the event is a minor, then the parents or guardian of minor will be jointly and severally liable for the fines imposed for the special security assignment.

Private means intended for or restricted to the occupants and/or guests of his or her vacation home rental; not for public use.

Vacation home rental means one or more dwelling units, including either a single-family, home, duplex, or single condominium unit rented for the purpose of overnight lodging for a period of not less than one night and not more than 30 days other than ongoing month-to-month tenancy granted to the same renter for the same unit.
Sec. 5.56.040. - Purpose of chapter.

The Board of Supervisors of the County finds and declares as follows:

A. Vacation home rentals provide a community benefit by expanding the number and type of lodging facilities available and assist owners of vacation home rentals by providing revenue which may be used for maintenance upgrades and deferred costs;

B. County staff has responded to numerous complaints involving excessive noise, disorderly conduct, vandalism, overcrowding, traffic congestion, illegal vehicle parking, and accumulation of refuse at vacation home rentals which require response from police, fire, paramedic, and/or other public personnel;

C. The provisions of this chapter are necessary to prevent or mitigate the continued burden on public services and impacts on residential neighborhoods posed by vacation home rentals.

Sec. 5.56.050. - Vacation home rental permit requirements.

No owner of a vacation home rental shall rent that unit for 30 consecutive calendar days or less without a valid vacation home rental permit for that unit issued pursuant to this chapter. A separate permit shall be required for each vacation home rental. The permit requirements of this chapter are in addition to any business license, hotel/motel tax registration, any other permit, or licensing requirements. However, at the discretion of the County, the processing of permits required under this chapter may be combined with the processing of business licenses, Transient Occupancy tax registration, any other permit, or license process administered by the County. The County shall prescribe forms and procedures for the processing of permits under this chapter.

Sec. 5.56.060. - Agency.

An owner may retain an agent, representative, or Local Contact to comply with the requirements of this chapter, including without limitation, the filing of an application for a permit, the management of the vacation home rental, and the compliance with the conditions of the permit. The permit shall be issued only to the owner of the vacation home rental. When construing and enforcing the provisions of this chapter, the act, omission, or failure of any agent, representative, or local contact person acting for or employed by an owner, shall in every case be deemed also the act, omission, or failure of the owner.

Sec. 5.56.070. - Application for vacation home rental permit.

An application for a permit shall be filed with the County prior to use of the property as a vacation home rental. Permit applications shall be on the forms provided by the County and shall contain the following information:

A. The name, address, and telephone number of the owner of the vacation home rental for which the permit is being issued;

B. The name, address, and telephone number of the agent, representative, or Local Contact for the owner of the vacation home rental;

C. The number of bedrooms and approximate habitable square footage in the vacation home rental, and the maximum allowable number of overnight occupants;

D. Acknowledgment that all designated bedrooms meet all local building and safety code requirements;

E. A diagram and/or photograph of the premises showing and indicating the number and location of designated on-site parking spaces;

F. Evidence of a valid business license issued by the County for the separate business of operating the vacation home rental, unless the operation of the vacation home rental is otherwise exempt from the requirement of a business license under the express provisions of this Code. An application for a permit under this chapter may be made concurrent with an application for a business license. If concurrent applications are made, a permit under this chapter shall not be approved unless the application for the business license is also approved;
G. Evidence of a valid transient occupancy tax registration certificate issued by the County for the vacation home rental. Such registration may be filed concurrently with the application for a permit under this chapter;

H. Acknowledgment that the owner, agent, and local contact person have read all regulations pertaining to the operation of a vacation home rental;

I. Certification of the accuracy of the information submitted and agreement to comply with all conditions of the permit;

J. Acknowledgment that the owner, agent, or Local Contact has or will post the vacation home rental with the notice required in Section 5.56.100;

K. The source of drinking water for the vacation home rental;

L. Disclosure of a hot tub or spa at the vacation home rental;

M. Certification by the property owner and/or property owner's agent that independent garbage collection and disposal for the vacation home rental site is provided. The certification of garbage collection should include acknowledgement that the activity is subject to the solid waste management provisions of Chapter 8.42 – Solid Waste Management and Chapter 8.76 – Bear-Proof Garbage Can Requirements.

N. An acknowledgement that the property may be inspected for compliance with this chapter prior to issuance or renewal of a permit and that the owner will grant access to the property for such inspection;

O. Such other information as the County deems reasonably necessary to administer this chapter;

Sec. 5.56.080. - Application fee.

An application for a vacation home rental permit shall be accompanied by an initial fee established by resolution of the Board of Supervisors; provided, however, the fee shall be no greater than necessary to defer the cost incurred by the County in administering the provisions of this chapter. An annual renewal fee will be established by resolution of the Board of Supervisors and shall be no greater than necessary to defer the cost incurred by the County in administering the provisions of this chapter.

Sec. 5.56.090. - Permit conditions.

A. All permits issued pursuant to this chapter are subject to the following standard conditions:

1. Maximum Occupancy. The owner shall, by written agreement with any renter, limit overnight occupancy of the vacation home rental to the specific number of occupants designated in the permit. The number of overnight occupants shall not exceed two persons per bedroom meeting building code requirements, plus two additional persons per residence, excluding children five years of age or younger. The property owner shall ensure that all contracts and online listings and advertisements clearly set forth the maximum number of overnight guests permitted at the property.

A bedroom is a room that is designed to be used as a sleeping room and for no other primary purpose and shall comply with the following:

a. Bedrooms shall have at least one operable window or door approved for emergency escape or rescue that opens directly into a public street or yard. The emergency door or window shall be operable from the inside to provide a full, clear opening without the use of separate tools. Escape or rescue windows shall have a minimum net clear openable area of five and seven-tenths square feet. The minimum net clear openable height dimension shall be 24 inches. The minimum net clear openable width dimension shall be 20 inches. When windows are provided as a means of escape or rescue, they shall have a finished sill height not more than 44 inches above the floor. Homes built in 1976 or earlier comply if the window sill height does not exceed 48 inches, the openable area is at least five square feet and no openable dimension is less than 22 inches;
b. Bedrooms shall have a ceiling height of not less than seven feet six inches, except as provided in this section. When exposed beam ceiling members are spaced at 48 inches or more on center, ceiling height shall be measured to the bottom of the deck supported by these members, provided that the bottom of the members is not less than seven feet above the floor. If any room has a sloping ceiling, the prescribed ceiling height for the room is required in only one-half of the area thereof. No portion of the room measuring less than five feet from the finished floor to the finished ceiling shall be included in any computation of the minimum area thereof. If any room has a furred ceiling, the prescribed ceiling height is required in two-thirds area thereof, but in no case shall the height of the furred ceiling be less than seven feet;

2. **Noise.** Occupants and/or guests of the vacation home rental shall not use or operate any outdoor spa or hot tub, create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this Code or any State law pertaining to noise or disorderly conduct at any time between the hours of 10:00 pm and 8:00 am. The property owner shall ensure that the quiet hours and limits on outdoor activities are included in rental agreements and in all online advertisements and listings.

3. **Visitors.** The number of people present in any vacation home rental shall not exceed the maximum occupancy designated in the vacation home rental permit for that property at any time between the hours of 10:00 p.m. and 8:00 a.m.

4. **Trash and refuse.** The owner of the vacation home rental shall comply with all the solid waste management provisions of Chapter 8.42 - Solid Waste Management. In the Lake Tahoe Basin, the owner of the vacation home rental shall comply with the Bear-Proof Garbage Can Requirements of Chapter 8.76 - Bear-Proof Garbage Can Requirements.

5. **Tahoe Basin Snow Removal.** The owner of the vacation home rental shall notify the occupants of their obligations to comply with all snow removal provisions of Chapter 10.12 - Parking;

6. **Limit on Number of Residences or Structures per Parcel.** Only a single family residence or a legally-established guest house meeting current standards shall be used as a vacation rental. Parcels containing multiple residences, units, or habitable structures may only be used as vacation home rentals subject to the granting of a Conditional Use Permit.

7. **Fire and Life Safety Requirements.** The following conditions shall be posted within the VHR and shall be in place prior to issuance of a VHR permit, subject to inspection:
   a. Residential street address clearly visible
   b. Functional smoke alarms
   c. Functional carbon monoxide alarms
   d. Landline phone service installed if cell phone service is inadequate
   e. NFPA 13D Residential Sprinkler System functional, if installed
   f. Portable fire extinguisher
   g. Windows in bedrooms are operable and do not have bars or other obstructions that prevent egress
   h. Extension cords are not used as permanent wiring for lights or appliances
   i. Outdoor fire areas and fire pits when not prohibited by state or local fire regulations, shall be limited to 3 feet in diameter, located on a non-combustible surface, covered with fire screens, and located no closer than within 25 feet of a structure or combustible material. Use of fire areas shall require a campfire permit issued by CALFIRE.

B. The Board of Supervisors at a duly noticed meeting shall have the authority to impose additional standard conditions applicable to vacation home rentals as necessary to achieve the objectives of this chapter.
Sec. 5.56.095. – Advertisement Requirements.

The owner shall include all of the following information in any online advertisements and/or listings for the vacation rental property:

a. The VHR Permit number;
b. Conditional Use Permit number, if applicable;
c. Number of bedrooms and maximum occupancy, not including children 5 or younger;
d. Notification that quiet hours must be observed between 10:00 p.m. and 8:00 a.m.;
e. Notification that occupancy is limited to the maximum designated in the VHR permit between the hours of 10:00 p.m. and 8:00 a.m.; and
f. The Transient Occupancy Tax Certificate number for that particular property.

Sec. 5.56.100. – Interior sign and notification requirements.

A copy of the permit and a copy of the conditions shall be posted in a conspicuous place within the vacation home rental. Additionally, each vacation home rental shall have a clearly visible and legible notice posted within the unit on or adjacent to the front door, containing the following information:

A. The name of the managing agency, agent, property manager, local contact, or owner of the unit, and a telephone number at which that party may be reached on a 24-hour basis;
B. The maximum number of occupants permitted to stay in the unit;
C. The number and location of on-site parking spaces and the parking rules for seasonal snow removal;
D. The trash pickup day and notification that trash and refuse shall not be left or stored on the exterior of the property except from 6:00 p.m. of the day prior to trash pickup to 6:00 p.m. on the day designated for trash pickup and that failure to utilize the provided bear-resistant garbage can enclosure, unless otherwise exempted, is a violation of this chapter;
E. Notification that occupants, may be cited and fined for creating a disturbance or for violating other provisions of this chapter;
F. Notification that failure to conform to the parking and occupancy requirements of the structure is a violation of this chapter; and
G. Notification if the source of drinking water at the vacation home rental is not a public water system.
H. Notification that occupants and/or guests of the vacation home rental shall not use or operate any outdoor spa or hot tub or create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this Code or any State law pertaining to noise or disorderly conduct between the hours of 10:00 pm and 8:00 am.

Sec. 5.56.105. – Exterior sign requirements.

Each vacation home rental shall have signage posted on the property that is clearly visible and legible from the property line, containing the following information:
A. The Vacation Home Rental permit number;
B. The name of the Local Contact and a telephone number at which that party may be reached on a 24-hour basis;
C. The maximum number of occupants permitted to stay in the unit;
D. All signage shall comply with font and size requirements established by County.

Sec. 5.56.110. - Parking.

All permissible uses shall comply with the County parking, driveway, loading standards, and seasonal snow removal regulations.
Sec. 5.56.120. - Noise.

All residential vacation home rentals shall comply with the following standards:

A. It shall be unlawful for any person on residential property or a public way to make or continue, or cause to be made or continued, any offensive, excessive, unnecessary, or unusually loud, or raucous noise, or any noise which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others on residential property or public ways within the County.

B. It shall be unlawful to allow, permit, encourage, organize, promote, conduct, or advertise any entertainment, game, show, exhibition, activity, amusement, gathering, or assembly of persons where there will be presented outdoor live or recorded musical entertainment without first obtaining a special use permit. Private events are allowed under the following provisions:
   1. The occupants and/or guests of the vacation home rental shall not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this Code or any State law pertaining to noise or disorderly conduct;
   2. Parking resulting from the activity shall comply with the County parking, driveway, loading standards, and seasonal snow removal regulations.

Compliance with this standard shall be in addition to compliance with all other provisions of this Code relating to nuisance, peace, and safety.

Sec. 5.56.130. - Certified local contact/owner responsibilities.

A. Each owner of a vacation home rental shall designate a Local Contact. The Local Contact may be a professional property manager, realtor, property owner, or other designated person who is available 24 hours per day, 7 days per week during all times that the property is rented, and has access and authority to assume management of the unit and take remedial measures. An owner of a vacation home rental who resides within thirty minutes travel distance from the vacation home rental may designate himself or herself as the Local Contact. The Local Contact shall be required to abate a nuisance relating to noise, trash, or parking within thirty minutes after being notified of the existence of a potential violation of this chapter.

B. The owner or owner's agent must immediately notify the County in writing upon a change of Local Contact or the Local Contact's telephone number. This notification will be on forms prescribed by the County. The revised permit will not extend the renewal date of the vacation home rental permit, and will be issued for a fee not to exceed the cost of issuance. The name and 24 hour contact information of the Local Contact shall be made available to the public. The changes must be posted on both the interior and exterior signage of the vacation home rental within ten days of any change of contact information.

C. For all permits issued or renewed after January 1, 2019, the Local Contact shall have successfully completed a training course and achieved a qualifying score on a county-administered certification test. Once certified, the Local Contact will not be required to become re-certified, but must continue to comply with all provisions set forth in this Section, including timely reporting of all complaints and their resolutions, in order to remain certified. There may be one or more Local Contacts for a given VHR, however, the phone number on record to be used to report initial complaints shall be valid to reach an available Certified Local Contact. Operation of a vacation rental without a valid Certified Local Contact, or without a valid contact phone number shall be considered a violation of this Section.

D. The owner or the owner's agent, representative, or Local Contact for the VHR is responsible for the following:
   1. Ensuring that the VHR complies with all posting requirements, fire and life safety requirements, and other provisions of this chapter at all times when the home is used as a VHR.
   2. Obtaining the name, address, and contact information for each renter age 18 or over.
3. Providing the renters a written copy of occupancy limits for overnight and daytime hours, quiet hours, any parking restrictions including for snow removal, trash pick-up day and bear box instructions, requirements for campfire permits, and all other rules and regulations, and that should any violation of this ordinance occur, that fines may be imposed in accordance with sections 5.56.150 and 5.56.200.

4. Obtaining formal, written acknowledgement from all renters over the age of 18 that he or she is legally responsible for compliance of all occupants of the VHR with all applicable laws, rules, and regulations pertaining to the use and occupancy of the VHR, and that should any violation of this ordinance occur, that fines may be imposed in accordance with sections 5.56.150 and 5.56.200. This information shall be maintained by the Local Contact for a period of one year from date of occupancy and be made available upon request of any officer of the County responsible for the enforcement of any provision of this ordinance or any other applicable law, rule, or regulation pertaining to the use and occupancy of the VHR.

5. Being available by phone in case of complaints and being available to respond on-site if necessary to resolve complaints that are in violation of this ordinance in accordance with Section 5.56.150(A).

Sec. 5.56.140. – Enforcement, violation and penalties.

A. Failure of an owner or renter to abide by any of the provisions of this Chapter shall constitute a violation subject to imposition of the penalties specified in subsections b, c and d of this section. Fines will be imposed on the party deemed responsible for the violation. Violations such as failure to obtain proper permits, provide local contact response, comply with advertisement or signage requirements, or provide required trash, fire, or life safety equipment shall result in fines and penalties being imposed on the owner. Violations of occupancy limits, quiet hours, hot tub use, or other nuisance requirements shall result in fines being imposed on renters.

B. The fine for violations specified in Subsection A of this section shall be as follows:
   1. For the first violation within any 18-month period, the fine shall not exceed $500.00;
   2. For a second violation within any 18-month period, the fine shall not exceed $750.00;
   3. For a third violation within any 18-month period, the fine shall not exceed $1,000.00.

C. A permit may be suspended after enforcement staff has responded to the property, and such response has resulted in at least one violation on each visit, three times within any 18-month period. The suspension shall not exceed six months.

D. A permit may be revoked in accordance with the provisions of Section 5.56.150 after enforcement staff has responded to the property, and such response has resulted in at least one violation on each visit, four times within any 18-month period. An owner may petition the Hearing Officer for reinstatement no sooner than 12 months after revocation.

Sec. 5.56.150. - Procedure for notice of violation and imposition of penalties: fine/suspension/revocation.

Notice of violation, and penalties, including: fines, suspension, and revocation of permits, shall be imposed only in the manner provided in this section.

A. Initial complaints shall be directed to the certified local contact. The certified local contact shall be available 24 hours during all times when the property is rented, and shall be available by phone during these hours. Should a problem arise and be reported to the certified local contact, the certified local contact shall be responsible for contacting the renter and correcting the problem within 30 minutes, including visiting the site if necessary to ensure that the issue has been corrected. The certified local contact shall report any such complaints, and their resolution
or attempted resolution(s), to the County within 24 hours of the occurrence. Failure to respond
to complaints or report them shall be considered a violation of this section.

B. If the issue continues or reoccurs following initial complaint to the certified local contact and
code or law enforcement is contacted, enforcement staff shall investigate whether a violation
has occurred. The investigation may include an inspection of the premises and may result in the
issuance of an on-site citation by code enforcement if they deem such warranted. Sheriff
reports, online searches, citations or documentation provided by members of the public
including, but not limited to, signed declarations, photos, sound recordings and video may
constitute proof of a violation. Should the investigation reveal sufficient evidence to support a
finding that a violation occurred, the County shall issue written notice of the violation and
intention to impose a penalty in accordance with this Chapter. The written notice shall be served
either by first class mail or by personal service on the owner. The written notice shall specify
the facts which, in the opinion of the County, constitute sufficient evidence to establish grounds
for imposition of the penalty and specify that the fine, or fine and suspension, or fine and
revocation will be imposed 15 calendar days from the date of the notice unless the owner files
with the County the fine amount and a request for a hearing before the Code Enforcement
Hearing Officer.

C. If the owner requests a hearing within the time specified in Subsection A of this section, the
County shall serve written notice of the date, time, and place for the hearing on the owner. The
written notice shall be served either by first class mail or by personal service on the owner. The
hearing shall be scheduled not less than 15 calendar days, nor more than 60 calendar days from
receipt by the County of the request for a hearing. The Code Enforcement Hearing Officer will
preside over the hearing and conduct the hearing according to the rules normally applicable to
administrative hearings. The Code Enforcement Hearing Officer shall render a decision within
30 calendar days of the hearing and submit findings and recommendations to the County. The
County shall impose the penalty in accordance with 5.56.140 upon the finding that a violation
has been proven by a preponderance of the evidence, and that the fine, or fine and suspension,
or fine and revocation is consistent with the provision of Sections 5.56.140.B, C and D. The
decision will be mailed by first class mail to the owner at the last known mailing address
provided by the owner Deposit of the decision in the U.S. Postal Service is presumptive
evidence that the owner or owner's agent has received notice of the decision.

Sec. 5.56.160. - Permits and fees not exclusive.

Permits and fees required by this chapter shall be in addition to any license, permit, or fee required
under any other chapter of this Code. The issuance of any permit pursuant to this chapter shall not relieve
the owner of the obligation to comply with all other provisions of this Code pertaining to the use and
occupancy of the vacation home rental or the property on which it is located.

Sec. 5.56.170. – Operation of a vacation rental home without a permit-Penalty.

A vacation rental that is determined to be operating without the necessary permit required under this
Section shall be subject to the penalties listed above in section 5.56.140. Each day of operation without a
permit shall constitute a separate violation.

Sec. 5.56.180. - Enforcement of chapter.

The Sheriff or his or her designee is hereby authorized and directed to establish such rules and
regulations as may from time to time be required to carry out the purpose and intent of this chapter.
Substantive changes to this chapter can only be made by the Board of Supervisors.
Sec. 5.56.190. - Private actions to enforce.

A. Any person who has suffered, or alleges to have suffered, damage to person or property because of a violation of this chapter may bring an action for money damages and any other appropriate relief in a court of competent jurisdiction against the party alleged to have violated this chapter. The prevailing party in any such litigation shall be entitled to recover reasonable litigation costs, including attorney's fees in an amount deemed reasonable by the court.

B. Nothing herein shall be deemed or construed to create any right of action against the County or any of its officers, employees, or agents. The sole purpose and intent of this section is to create a right of action between private parties, entities, and interests, which are or may be impacted or affected by various aspects of vacation home rentals within the County.

This ordinance shall take effect and shall become effective thirty (30) days following the adoption hereof.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the 11th day of September, 2018 by the following vote of said Board:

ATTEST
JAMES S. MITRISIN
Clerk of the Board of Supervisors

Ayes: Novasel, Veerkamp, Hidahl, Frentzen, Ranalli
Noes: None
Absent: None

By
Deputy Clerk
Chair, Board of Supervisors

I CERTIFY THAT:
The foregoing instrument is a correct copy of the original on file in this office

Date 9/11/18
ATTEST: JAMES S. MITRISIN
Clerk of the Board of Supervisors of the County of El Dorado, State of California

By
Deputy Clerk

APPROVED AS TO FORM
MICHAEL J. CICCOZZI, County Counsel

By
Roger Runkle,
Deputy County Counsel
AGENDA
PENNINGTON COUNTY BOARD OF COMMISSIONERS
March 3, 2020 @ 10:30 a.m.
County Commissioners’ Meeting Room – Pennington County Administration Building

BOARD OF ADJUSTMENT

A. SUBDIVISION REGULATIONS VARIANCE / SV 20-01: Gorden and Jennifer Sabo.
To waive road improvements to Martin Ranch Trail; to waive improvements to the undeveloped Section Line located along the eastern property line between Sections 8 and 9, T2S, R7E; and to waive submittal of percolation tests and soil profile information in a General Agriculture District in accordance with Sections 205, 700, and 509 of the Pennington County Subdivision Regulations and Zoning Ordinance.

E1/2NE1/4; NE1/4SE1/4; NW1/4SE1/4, Section 8, T2S, R7E, BHM, Pennington County, South Dakota.

(Continued from the February 18, 2020, Board of Commissioner’s meeting.)

CONSENT AGENDA

B. SECOND READING OF MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 19-09: Donna Hartshorn. To amend an existing Planned Unit Development Overlay to allow for seasonal commercial recreation and amusement structures to include racetracks, miniature golf, paintball, arcade games, and to allow five (5) lighted, on-premise signs to be located within 1,500 feet of a residential district and/or dwelling unit in accordance with Section 213 of the Pennington County Zoning Ordinance.

Lot 4 of Tract E of Government Lot 2 of NW1/4SE1/4, NE1/4SW1/4 and SW1/4SE1/4; and NE1/4SE1/4 less Lot 1, Tract D of NW1/4SE1/4 less Lot 1, all located in Section 3, T1S, R7E, BHM, Pennington County, South Dakota.

Planning Commission recommended approval of Major Planned Unit Development Amendment / PU 19-09 with twenty-six (26) conditions.

(The Board of Commissioners approved the First Reading of this Major Planned Unit Development Amendment on February 18, 2020.)

C. SECOND READING OF PLANNED UNIT DEVELOPMENT / PU 19-05: Rockerville Gold Town, LLC (Pat Hall); Brian Hammerbeck – Agent. To rezone 20.8 acres from Highway Service District and General Agriculture District to a Planned Unit Development in accordance with Sections 205, 210, 213, and 508 of the Pennington County Zoning Ordinance.

W1/2SE1/4SE1/4 South of Hwy 16 Westboundless Lot A, Less Lot 1, and Less ROW; E1/2SE1/4SE1/4 South of Hwy 16 Westbound Less ROW; and That Part of the SW1/4SW1/4 lying S of Hwy 16 and W of CO RD, Sections 13 and 14, T1S, R6E, BHM, Pennington County, South Dakota.

Planning Commission recommended approval of Planned Unit Development / PU 19-05 to rezone 20.8 acres from Highway Service District and General Agriculture District to a Planned Unit Development with twenty-three (23) conditions.

(The Board of Commissioners approved the First Reading of this Planned Unit Development on February 18, 2020.)
REGULAR AGENDA

D. LAYOUT PLAN / LPL 20-02: Gorden and Jennifer Sabo. To subdivide and create Lots 1, 2, and 3 of Hideaway Hills Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: E1/2NE1/4; NE1/4SE1/4; NW1/4SE1/4, Section 8, T2S, R7E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1, 2, and 3 of Hideaway Hills Subdivision, Section 8, T2S, R7E, BHM, Pennington County, South Dakota.

Planning Commission recommended approval of Layout Plan / LPL 20-02 with six (6) conditions.

E. FIRST READING AND PUBLIC HEARING OF REZONE / RZ 20-01: Gorden and Jennifer Sabo. To rezone 10.05 acres from General Agriculture District to Limited Agriculture District in accordance with Sections 205, 206, and 508 of the Pennington County Zoning Ordinance.

Commencing at the East 1/4 corner of Section 8, T2S, R7E, BHM, Pennington County, South Dakota; THENCE (1) With the east line of said Section 8, South 01°57'40" West, 766.30 feet to the point of beginning; THENCE (2) Continuing with said east line, South 01°57'40" West, 564.87 feet; THENCE (3) Leaving said east line, North 87°46'47" West, 774.65 feet; THENCE (4) North 01°56'55" East, 564.94 feet; THENCE (4) South 87°46'28" East, 774.77 feet to the point of beginning. Said parcel contains 10.05 acres more or less. Section 8, T2S, R7E, BHM, Pennington County, South Dakota.

Planning Commission recommended approval of Rezone / RZ 20-01.

F. COMPREHENSIVE PLAN AMENDMENT / CA 20-01: Rockerville Gold Town, LLC (Pat Hall); Brian Hammerbeck – Agent. To amend the Comprehensive Plan to change the Future Land Use from Highway Service District to a Planned Unit Development District in accordance with Sections 210, 213, and 508 of the Pennington County Zoning Ordinance.

W1/2SE1/4SE1/4 South of Hwy 16 Westboundless Lot A, Less Lot 1, and Less ROW; E1/2SE1/4SE1/4 South of Hwy 16 Westbound Less ROW; and That Part of the SW1/4SW1/4 lying S of Hwy 16 and W of CO RD, Sections 13 and 14, T1S, R6E, BHM, Pennington County, South Dakota.

(Continued from the February 18, 2020, Board of Commissioner’s meeting.)

Planning Commission recommended approval of Comprehensive Plan Amendment / CA 20-01.
G. **FIRST READING AND PUBLIC HEARING OF MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 19-06:** Rockerville Gold Town, LLC (Pat Hall); Brian Hammerbeck – Agent. To amend an existing Planned Unit Development to allow for townhomes, apartments, and commercial businesses in accordance with Section 213 of the Pennington County Zoning Ordinance.

W1/2SE1/4SE1/4 South of Hwy 16 Westboundless Lot A, Less Lot 1, and Less ROW; E1/2SE1/4SE1/4 South of Hwy 16 Westbound Less ROW; and That Part of the SW1/4SW1/4 lying S of Hwy 16 and W of CO RD; and Lots 6-15, Lot 17, Tract B-1 and Tract B-2; and Common Lot B of Rockerville Ghost Town Subdivision, Sections 13 and 14, T1S, R6E, BHM, Pennington County, South Dakota.

(Continued from the February 18, 2020, Board of Commissioner’s meeting.)

Planning Commission recommended approval of Major Planned Unit Development Amendment / PU 19-06 with twenty-three (23) conditions.

H. **PUBLIC HEARING ON AMENDMENT OF PENNINGTON COUNTY COMPREHENSIVE PLAN - ORDINANCE AMENDMENT / OA 19-01:** Pennington County. Comprehensive Plan “View to 2040” to amend and supersede Pennington County’s existing Comprehensive Plan.
ROLL CALL

1. APPROVAL OF THE FEBRUARY 10, 2020, MINUTES
   Moved by Rossknecht and seconded by Runde to approve the Minutes of the February 10, 2020, Planning Commission meeting. Vote: unanimous 5 to 0.

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

   Commissioner Rivers appeared at the meeting at 9:04 a.m.

   Moved by Runde and seconded by Rivers to approve the Consent Agenda of the February 24, 2020, Planning Commission meeting, with the removal of Items #4, #6, and #7. Vote: unanimous 6 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.

   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.

   PT Sherman Placer #821 Lot A, Sherman Placer MS 821, Section 30, T1S, R5E, BHM, Pennington County, South Dakota.

   To approve of the transfer of Conditional Use Permit / CU 13-24 with the following thirteen (13) conditions:

   1. That the maximum overnight occupancy continue to be limited to four (4) people and the maximum daytime occupancy be limited to six (6) people,
based on approval from the South Dakota Department of Environmental and Natural Resources (SD DENR);

2. That each review of Conditional Use Permit / CU 13-24 be subject to PCZO Section 511(F)(4), which imposes a $100 fee per review;

3. That this Conditional Use Permit be reviewed if there are any additions to the single-family residence and/or if the on-site wastewater treatment system is upgraded in the future, so that the maximum occupancy may be adjusted and approved by SD DENR;

4. That the applicant continue to maintain current South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these Licenses be provided to the Planning Department upon request;

5. That a minimum of two (2) off-street parking spaces continue to be provided on-site, each measuring a minimum of nine (9) by eighteen feet and maintained in a dust-free manner;

6. That an interior informational sign continue to be posted in accordance with the requirements of Section 319-G during operation of the residence as a Vacation Home Rental;

7. That the lot address (12490 Old Hill City Road) continue to be posted at all times so it is clearly visible from Old Hill City Road, in accordance with Ordinance #20;

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

9. That an approved Floodplain Development Permit be obtained prior to any construction or disturbance within the designated Special Flood Hazard Area on the subject property;

10. That the applicant continue to maintain a current Burn Permit from the South Dakota Division of Wildland Fire for the outside fire pit and a copy of this permit be provided to the Planning Department upon request;

11. That if the person designated as the Local Contact is ever changed from Jim Peterson, the interior informational sign be updated and the applicant re-notify the surrounding landowners within 500 feet via notices sent by first class mail;

12. That this Conditional Use Permit be automatically revoked upon sale or transfer of ownership of the subject property, unless a transfer of this
Conditional Use Permit is accomplished per Pennington County Zoning Ordinance Section 319; and,

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

Vote: unanimous 6 to 0.

5. **CONDITIONAL USE PERMIT AMENDMENT REVIEW / CU 15-01:** Sheri Tonner. To review an existing single-wide mobile home to be used as a permanent single-family residence on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

To approve of the extension of Conditional Use Permit Amendment / CU 15-01 with the following nine (9) conditions:

1. That the property is kept free of junk and debris;

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 lot address (13866 Windmill Road) continue to be clearly posted on the residence and road, so as to be visible from both directions on Windmill Road, in accordance with Pennington County’s Ordinance #20;

4. That the mobile home installed on the property continue to have peaked non-reflective type roofs and wood or simulated wood-type siding that are continually maintained;

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

6. That the existing single-family residence not be used for any purpose other than cold storage, with no utilities connected;

7. That a Removal Permit be obtained for the existing single-family residence prior to demolition;

8. That if the applicant chooses to build a new single-family residence on the subject property, the applicant obtains an approved new Conditional Use
Permit to live in the single-wide mobile home while constructing a single-family residence;

9. That this Conditional Use Permit be reviewed in 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 6 to 0.

8. **MINING PERMIT / MP 20-02:** Pennington County Highway Department. To excavate clay to be hauled off site.

Lot 2-4; SE1/4NW1/4, SW1/4NE1/4, W1/2SE1/4, E1/2SW1/4, Section 18, T1S, R7E, BHM, Pennington County, South Dakota.

To approve of Mining Permit / MP 20-02 with the following six (6) conditions:

1. That the conditions of approval of the South Dakota Department of Environment and Natural Resources Mine License # 83-45 be continually met;

2. That the applicant follows the Forest Service’s Operating Plan for the Taylor Quarry;

3. That if there is a proposed change in operation from this Mining Permit, including but not limited to, increase in size, amount of material being extracted or type of operation, that the change be submitted to the Planning Director within thirty (30) days and the Mining Permit be reviewed and approved by the Planning Commission;

4. That the applicant obtains and posts a 9-1-1 address for the mine location in accordance with Pennington County Ordinance #20 along with a sign that identifies the name of the mine;

5. 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,

6. That this Mining Permit be reviewed in one (1) year 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.

Vote: unanimous 6 to 0.
9. **MINING PERMIT / MP 20-03**: Pennington County Highway Department. To excavate and crush gravel to be hauled off site.

All Less PT HES #508, Section 21, T2N, R2E, and All Less PT HES #604, Section 28, T2N, R2E, BHM, Pennington County, South Dakota.

To approve of Mining Permit / MP 20-03 with the following six (6) conditions:

1. That the conditions of approval of the South Dakota Department of Environment and Natural Resources Mine License # 83-45 be continually met;

2. That the applicant follows the Forest Service’s Operating Plan for the Mud Lake Pit;

3. That if there is a proposed change in operation from this Mining Permit, including but not limited to, increase in size, amount of material being extracted or type of operation, that the change be submitted to the Planning Director within thirty (30) days and the Mining Permit be reviewed and approved by the Planning Commission;

4. That the applicant obtains and posts a 9-1-1 address for the mine location in accordance with Pennington County Ordinance #20 along with a sign that identifies the name of the mine;

5. 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,

6. That this Mining Permit be reviewed in one (1) year 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.

Vote: unanimous 6 to 0.

END OF CONSENT AGENDA

4. **CONDITIONAL USE PERMIT REVIEW / CU 14-28**: Matt Cavenee. 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 1, Custer Trails Subdivision #1, Section 22, T1N, R5E, BHM, Pennington County, South Dakota.
Dan and Nancy Evangelisto asked to have this Item removed from the Consent Agenda for discussion.

Staff recommended approval of the transfer of Conditional Use Permit / CU 14-28 with eleven (11) conditions.

Discussion followed.

Moved by Coleman and seconded by Johnson to approve of the transfer of Conditional Use Permit / CU 14-28.

Discussion further followed.

SUBSTITUTE MOTION: Moved by Coleman and seconded by Johnson to approve of the transfer of Conditional Use Permit / CU 14-28 with the following twelve (12) conditions:

1. That the Vacation Home Rental be allowed to have a maximum overnight occupancy of six (6) people;

2. That the 12’ x 16’ shed shall not be utilized as sleeping quarters at any time;

3. That each review of Conditional Use Permit / CU 14-28, be subject to PCZO Section 511(F)(4), which imposes a $100 fee per review;

4. That a minimum of two (2) off-street parking spaces continue to be provided on-site, each measuring a minimum of nine (9) by eighteen feet and maintained in a dust-free manner;

5. 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;

6. That the applicant continually complies with Administrative Rules of South Dakota (ARSD) 44:02:08, which regulates Vacation Homes;

7. That the applicant obtain and keep up-to-date all the necessary permits from the State pertaining to the use of the Vacation Home Rental;

8. That the applicant continually comply with the Performance Standards outlined in PCZO Section 319(F), which regulates Vacation Home Rentals;

9. That the applicant adheres to the requirements set out by the US Forest Service by not having trails for motorized and non-motorized vehicles such as ATVs and horses;
10. That an interior informational sign continue to be posted in accordance with the requirements of PCZO Section 319(G) during operation of the residence as a VHR;

11. That if the person designated as the Local Contact is ever changed from Edelweiss Mountain Lodging or if their contact information is changed, that the interior information sign be updated and the applicant re-notify the Planning Department and surrounding landowners within 500 feet via notices sent by First Class Mail as stated by PCZO Section 319(F)(5); and,

12. That this Conditional Use Permit be reviewed in one (1) year, per PCZO Section 319(C)(5)(d), 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.

All voting aye, the Motion carried 6 to 0.

6. CONDITIONAL USE PERMIT / CU 20-02: Sonquist, LLC; Rob Hammerquist. To allow an existing residence to be used as a Vacation Home Rental in a Low Density Residential District in accordance with Sections 207, 319, and 510 of the Pennington County Zoning Ordinance.

Lot H, Sonquist Acres Subdivision, Section 6, T1N, R6E, BHM, Pennington County, South Dakota.

Staff asked to have this Item removed from the Consent Agenda, per the request of the applicant, as the applicant would like their Item continued.

Staff recommended approval of Conditional Use Permit / CU 20-02 with seventeen (17) conditions.

Discussion followed.

Moved by Rossknecht and seconded by Coleman to continue Conditional Use Permit / CU 20-02 to the March 9, 2019, Planning Commission meeting, per the request of the applicant.

All voting aye, the Motion carried 6 to 0.

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

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

Members of the public asked to have this Item removed from the Consent Agenda for discussion.
Staff recommended approval of Conditional Use Permit / CU 20-03 with seven (7) conditions.

Discussion followed.

Moved by Coleman and seconded by Runde to approve of Conditional Use Permit / CU 20-03 with the following seven (7) conditions:

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

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

3. That the address be posted and each unit number be clearly posted, so as to be visible from Uranus Drive, in accordance with Pennington County’s Ordinance #20;

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

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

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

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

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

All voting, the Motion carried 5 to 1. Commissioner Rossknecht voted no.

10. CONDITIONAL USE PERMIT / CU 20-04: School House, LLC; Jessica Ginger – Agent. To allow an existing residence to be used as a Vacation Home Rental in a Low Density Residential District in accordance with Sections 207, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 2A (also in Section 6), Block 1, Spring Canyon Estates, Section 5, T1S, R7E, BHM, Pennington County, South Dakota.
Jansen reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow a residence to be used as a Vacation Home Rental.

Staff recommended approval of Conditional Use Permit / CU 20-04 with sixteen (16) conditions.

Discussion followed.

Commissioner Rossknecht left the meeting at 10:28 a.m.
Commissioner Rossknecht returned to the meeting at 10:30 a.m.

Moved by Coleman and seconded by Rossknecht to approve of Conditional Use Permit / CU 20-04 with the following sixteen (16) conditions:

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

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

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

4. That each review of Conditional Use Permit / CU 20-04, be subject to PCZO Section 511(F)(4), which imposes a $100 fee per review;

5. That the applicant obtain the Department of Revenue (Sales Tax License) prior to operation;

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

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

8. 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;
9. 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;

10. That the lot address (9603 Clarkson Rd.) be posted on the residence at all times and so it is clearly visible from Clarkson Road, in accordance with Pennington County’s Ordinance #20;

11. 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;

12. That if the person designated as the Local Contact is ever changed from Jessica Ginger, 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;

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

15. 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,

16. That this Conditional Use Permit be reviewed in three (3) months when construction is complete to ensure all conditions are being met.

All voting aye, the Motion carried 6 to 0.

11. LAYOUT PLAN / LPL 20-02: Gordon and Jennifer Sabo. To subdivide and create Lots 1, 2, and 3 of Hideaway Hills Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: E1/2NE1/4; NE1/4SE1/4; NW1/4SE1/4, Section 8, T2S, R7E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1, 2, and 3 of Hideaway Hills Subdivision, Section 8, T2S, R7E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating the applicants has applied for a Layout Plan to create Lots 1, 2, and 3 of Hideaway Hills Subdivision.
Staff recommended approval of Layout Plan / LPL 20-02 with conditions.

Discussion followed.

Moved Rossknecht and seconded by Johnson to approve of Layout Plan / LPL 20-02 with the following six (6) 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 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;

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; and,

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

All voting aye, the Motion carried 6 to 0.

12. REZONE / RZ 20-01: Gorden and Jennifer Sabo. To rezone 10.05 acres from General Agriculture District to Limited Agriculture District in accordance with Sections 205, 206, and 508 of the Pennington County Zoning Ordinance.

Commencing at the East 1/4 corner of Section 8, T2S, R7E, BHM, Pennington County, South Dakota; THENCE (1) With the east line of said Section 8, South 01°57'40" West, 766.30 feet to the point of beginning; THENCE (2) Continuing with said east line, South 01°57'40" West, 564.87 feet; THENCE (3) Leaving said line, North 87°46'47" West, 774.65 feet; THENCE (4) North 01°56'55" East, 564.94 feet; THENCE (4) South 87°46'28" East, 774.77 feet to the point of beginning. Said parcel contains 10.05 acres more or less. Section 8, T2S, R7E, BHM, Pennington County, South Dakota.

Moitor reviewed the Staff Report indicating the applicants have applied for a Rezone to rezone 10.05 acres from General Agriculture District to Limited Agriculture District.
Staff recommended approval of Rezone / RZ 20-01.

Moved by Rossknecht and seconded by Runde to approve of Rezone / RZ 20-01.

All voting aye, the Motion carried 6 to 0.

13. PUBLIC HEARING ON AMENDMENT OF PENNINGTON COUNTY COMPREHENSIVE PLAN - ORDINANCE AMENDMENT / OA 19-01: Pennington County. Comprehensive Plan “View to 2040” to amend and supersede Pennington County’s existing Comprehensive Plan.

Molitor reviewed the proposed changes from the Board of Commissioners regarding the Comprehensive Plan “View to 2040.”

Moved by Johnson and seconded by Runde schedule a public hearing on the amendment of Pennington County’s Comprehensive Plan – Ordinance Amendment / OA 19-01 for the March 23, 2020, Planning Commission meeting of the Comprehensive Plan “View to 2040” to amend and supersede Pennington County’s existing Comprehensive Plan.

All voting aye, the Motion carried 6 to 0.

CONSTRUCTION PERMIT AGENDA

The following items have been placed on the Construction Permit Agenda to be heard for public comment and will not be voted on by the Planning Commission. Any Planning Commissioner, staff member, or audience member may comment on any of the items. Comments received will be considered by the Planning Director who will make the final decision on the Construction Permit.

14. CONSTRUCTION PERMIT / CP 20-03: Pennington County Highway Department. To excavate, grade, stockpile, and reclamation work associated with mining activities.

Lot 2-4; SE1/4NW1/4, SW1/4NE1/4, W1/2SE1/4, E1/2SW1/4, Section 18, T1S, R7E, BHM, Pennington County, South Dakota.

Sack stated Staff recommended the Interim Planning Director approve Construction Permit / CP 20-03 with the following eight (8) conditions:

1. That the Conditions of Approval of Mining Permit / MP 20-02 are continually met;
2. That any natural drainage ways and paths be continually maintained;
3. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual shall be followed;
4. That the site shall be re-vegetated as required under § 507(A)(5)(c);
5. That inspection reports are available upon request of the Planning Director;
6. That the applicant follows the Forest Service’s Operating Plan for the Taylor Quarry;
7. That the applicant signs a Statement of Understanding within ten (10) business days of approval; and,
8. That this Construction Permit be reviewed in six (6) months from approval date.

15. **CONSTRUCTION PERMIT / CP 20-04**: Pennington County Highway Department. To excavate, grade, stockpile, and reclamation work associated with mining activities.

All Less PT HES #508, Section 21, T2N, R2E, and All Less PT HES #604, Section 28, T2N, R2E, BHM, Pennington County, South Dakota.

Sack stated Staff recommended the Interim Planning Director approve Construction Permit / CP 20-04 with the following eight (8) conditions:

1. That the Conditions of Approval of Mining Permit / MP 20-03 are continually met;
2. That any natural drainage ways and paths be continually maintained;
3. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual shall be followed;
4. That the site shall be re-vegetated as required under § 507(A)(5)(c);
5. That inspection reports are available upon request of the Planning Director;
6. That the applicant follows the Forest Service’s Operating Plan for the Taylor Quarry;
7. That the applicant signs a Statement of Understanding within ten (10) business days of approval; and,
8. That this Construction Permit be reviewed in six (6) months from approval date.

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

17. **ITEMS FROM THE PUBLIC**

There were no motions or actions taken.

18. **ITEMS FROM THE STAFF**

A. Vacation Home Rentals. Ms. Michaele Hoffman, Deputy State’s Attorney, spoke of vacation home rentals and covenants.

19. **ITEMS FROM THE MEMBERSHIP**

Commissioner Coleman will not be at the March 9th Planning Commission meeting. Commissioner Runde will not be at the April 13th Planning Commission meeting.
20. **ADJOURNMENT**

Moved by Runde and seconded by Rivers to adjourn.

All voting aye, the Motion carried 6 to 0.

The meeting adjourned at 10:54 a.m.

________________________________________
Rich Marsh, Chairperson
TO: PENNINGTON COUNTY BOARD OF COMMISSIONERS
FROM: PENNINGTON COUNTY PLANNING DEPARTMENT

ITEM: SUBDIVISION REGULATIONS VARIANCE / SV 20-01: Gorden and Jennifer Sabo. To waive road improvements to Martin Ranch Trail; to waive improvements to the undeveloped Section Line located along the eastern property line between Sections 8 and 9, T2S, R7E; and to waive submittal of percolation tests and profile information in a General Agriculture District in accordance with Sections 205, 700, and 509 of the Pennington County Subdivision Regulations and Zoning Ordinance.

E1/2NE1/4; NE1/4SE1/4; NW1/4SE1/4, Section 8, T2S, R7E, BHM, Pennington County, South Dakota.

(Continued from the February 18, 2020, Board of Commissioner’s meeting.)

If the Board of Adjustment chooses to approve Subdivision Regulations Variance / SV 20-01, Staff recommends the following three (3) conditions be included:

1. To waive road improvements to Martin Ranch Trail;

2. To waive submittal of percolation tests and soil profile hole information; and,

3. To waive improvements to the undeveloped Section Line Right-of-Way located along the eastern property line between Section 8, T2S, R7E and Section 9, T2S, R7E.
STAFF REPORT

GENERAL INFORMATION:

REQUEST: SUBDIVISION REGULATIONS VARIANCE / SV 20-01: To waive road improvements to Martin Ranch Trail; to waive improvements to the undeveloped Section Line located along the eastern property line between Section 8, T2S, R7E and Section 9, T2S, R7E; and to waive submittal of percolation tests and soil profile information in a General Agriculture District in accordance with Sections 205, 700, and 509 of the Pennington County Subdivision Regulations and Zoning Ordinance.

APPLICANT: Gorden and Jennifer Sabo

APPLICANT ADDRESS: 8420 Alberta Drive, Rapid City, SD 57702

OTHER LANDOWNER: Stefan and Michelle Pluta

LANDOWNER ADDRESS: P.O. Box 1187, Rapid City, SD 57709

SURVEYOR / ENGINEER: KTM Design / Dave Vliem

ADDRESS: 628 1/2 Sixth Street, Rapid City, SD 57702

LEGAL DESCRIPTION: E1/2NE1/4; NE1/4SE1/4; NW1/4SE1/4, Section 8, T2S, R7E, BHM, Pennington County, South Dakota.

SITE LOCATION: Northeast of the intersection of Rushmore Ranch Road and Martin Ranch Trail, along Martin Ranch Trail.

SIZE: 160

TAX ID: 42815 / 42816 / 61562

EXISTING LAND USE: Vacant

ZONING REFERENCE: §§ 205, 700, and 509

CURRENT ZONING: General Agriculture District
I. PROPOSED RECOMMENDATION
   A. If the Board of Adjustment chooses to approve Subdivision Regulations Variance / SV 20-01, Staff recommends conditions be included.

II. GENERAL DESCRIPTION
   A. The applicants are requesting a Subdivision Regulations Variance to waive the following platting requirements:
      1. Road improvements to Martin Ranch Trail.
      2. Improvements to the undeveloped Section Line Right-of-Way located along the eastern property line between Section 8, T2S, R7E and Section 9, T2S, R7E.
      3. Percolation tests and soil profile hole information.

III. EXISTING CONDITIONS
   A. Zoned as General Agriculture District.
   B. Lot size:
      1. Tax ID 42815: 80 acres.
      2. Tax ID 42816: 40 acres.
      3. Tax ID 61562: 40 acres.
   C. No Special Flood Hazard Area on the subject properties.
   D. Access taken off of Martin Ranch Trail.
   E. Part of the Martin Ranch Trail Road District.
   F. Structures present:
      1. Tax ID 42815:
         a. 40' x 60' pole barn / COBP12-0371.
         b. Single-family residence with attached garage / COBP12-0433.
IV. REQUEST FOR COMMENT
A. County Highway Department
   1. County Highway Department has no comments since the dead end road system meets the Subdivision Regulations, drainage is minimally impacted, and it lies in the Martin Ranch Road District.

B. County Environmental Professional Planner
   1. There is no Special Flood Hazard Area on the subject property.

C. County Onsite Wastewater Specialist
   1. According to the USDA Web Soil Survey the soils on this property are classified as “Very Limited” due to depth of bedrock, slope and slow water movement. When any septic systems are installed on any of the proposed new lots all rules of Pennington County Zoning Ordinance Section 204-J must be followed.

D. Department of Equalization
   1. Looks good to me.

E. Emergency Services (9-1-1)
   1. Good here.

F. Martina Ranch Road District:
   1. No comments received.

V. SUBDIVISION REGULATIONS VARIANCE / SV 19-06
A. The applicants are requesting a Variance to waive the following Subdivision Regulations:
   1. Road improvements to Martin Ranch Trail;
      a. Staff Comment: Martin Ranch Trail is approximately 10-to-13-feet wide with widths varying along the entirety of the road located within Martin Ranch Trail Road District.
   2. Percolation tests and soil profile hole information;
      a. Staff Comment: Percolation tests and soil profile hole information will be required prior to submittal of a Building Permit for a residence or an On-Site Wastewater System Construction Permit, however, Staff’s understanding is that the applicant/landowners do not have any current plans to develop the lots.
3. Dedication and improvements to the Section Line Right-of-Way;
   a. Staff Comment: Staff recommends that Martin Ranch Trail be maintained to County Highway Standards.

VI. ANALYSIS
      1. LPL 20-02 and RZ 20-01 are scheduled to be heard in front of the Planning Commission on February 24, 2020 and the Board of Commissioners on March 3, 2020.
         a. LPL 20-02 is a request to reconfigure lot lines to create 3 lots. Proposed Lot 1 will have approximately 55.47 acres, proposed Lot 2 will have approximately 95.95 acres, and proposed Lot 3 will have approximately 10.05 acres (see attached proposed plat).
         b. RZ 20-01 is a request to change zoning from General Agriculture District to Limited Agriculture District for proposed Lot 3 of Hideaway Hills Subdivision involving approximately 10.05 ± acres.

RECOMMENDATION: If the Board of Adjustment chooses to approve Subdivision Regulations Variance / SV 20-01, Staff recommends the following three (3) conditions be included:

1. To waive road improvements to Martin Ranch Trail;

2. To waive submittal of percolation tests and soil profile hole information; and,

3. To waive improvements to the undeveloped Section Line Right-of-Way located along the eastern property line between Section 8, T2S, R7E and Section 9, T2S, R7E.
PLANNING DEPARTMENT
MEMORANDUM

TO: PENNINGTON COUNTY BOARD OF COMMISSIONERS
FROM: PENNINGTON COUNTY PLANNING DEPARTMENT
ITEM: SECOND READING OF MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 19-09: Donna Hartshorn. To amend an existing Planned Unit Development Overlay to allow for seasonal commercial recreation and amusement structures to include racetracks, miniature golf, paintball, arcade games, and to allow five (5) lighted, on-premise signs to be located within 1,500 feet of a residential district and/or dwelling unit in accordance with Section 213 of the Pennington County Zoning Ordinance.

Lot 4 of Tract E of Government Lot 2 of NW1/4SE1/4, NE1/4SW1/4 and SW1/4SE1/4; and NE1/4SE1/4 less Lot 1, Tract D of NW1/4SE1/4 less Lot 1, all located in Section 3, T1S, R7E, BHM, Pennington County, South Dakota.

(The Board of Commissioners approved the First Reading of this Major Planned Unit Development Amendment on February 18, 2020.)

PLANNING COMMISSION RECOMMENDATION:
Planning Commission recommended approval of Major Planned Unit Development Amendment / PU 19-09 with the following twenty-six (26) conditions:

1. That the purpose of this Planned Unit Development be to allow a Resort Development for a single-family residence with outbuildings, a single-wide mobile home as ranch-hand's residence, and seasonal commercial recreation and amusement structures supporting events such as: weddings, wedding receptions, chapel use (weddings, funerals and services), small gatherings, school tours, wagon rides, pony rides, farmer's market, pumpkin patch, corn maze, sunflower farm/maze, rodeo/riding arena, horse stabling, livestock pasturing, on-premise signage, beer and wine sales, hovercraft track, paintball range, and to allow up to five (5) illuminated, on-premise signs to be located within 1,500 feet of a residential district and/or dwelling unit;

2. That the number of guests be limited up to a maximum of 300 at any one-time;
3. That the Planned Unit Development be considered an overlay zoning district whereby the provisions of the underlying General Agriculture District, Limited Agriculture District, and Highway Service District still apply and, if the property is no longer utilized in accordance with Major Planned Unit Development Amendment / PUD 19-09, the zoning reverts back to General Agriculture District, Limited Agriculture District, and Highway Service District, assuming the same lot configuration;

4. That the applicant notify the Planning Director prior to transferring ownership of the property so that Major Planned Unit Development Amendment / PUD 19-09 may be brought forth for review;

5. That any changes to an emergency plan be discussed with the Pennington County Fire Coordinator and submitted to the Planning Director;

6. That prior to starting any outdoor fires, the applicant must obtain a Fire Permit from the South Dakota Wildland Fire Division. Further, the owners are responsible for adhering to Pennington County Ordinance #632;

7. That grass, weeds and other vegetation must be cut short so as to reduce the possibility of a fire;

8. That the west parking area be large enough for a minimum of ninety-one (91) parking spaces and the arena parking area be large enough for a minimum of sixty-seven (67) parking spaces. Each parking space shall measure a minimum of 9 feet by 18 feet, with travel lanes measuring a minimum of eighteen (18) feet wide between rows of parking spaces. Each parking lot shall be maintained in a dust-free manner and in accordance with §310 of the Pennington County Zoning Ordinance, and a parking site plan shall be submitted showing each designated parking space for the three lots and the applicant shall place signage stating that there is no parking on the road and in the easement;

9. That the internal driveway continue to be eighteen (18) feet wide;

10. That the applicant complete a road naming request for the in-use access roads and, upon approval, new addresses be assigned to the residences and structures used in support of the Resort Development on the subject properties;

11. That the physical addresses for both existing residences, and any future addresses that are assigned, be posted in accordance with Pennington County Ordinance #20;
12. That the days of operation for the farmer's market, pumpkin patch, corn maze, sunflower farm/maze, hovercraft track, and paintball range be allowed seven (7) days per week. Hours of operation, for the above-mentioned, shall be between 10 a.m. and 10 p.m. and music being provided for any activities shall end by 10 p.m.;

13. That the applicant maintain directional signs along the in-use access roads to direct visitors;

14. That temporary structures, such as tents and port-o-potties, only be erected when needed and not on a permanent basis;

15. That all lighting be installed and maintained to minimize spillage of light outside of the area, so as not to create a nuisance. Lighting must be effectively shielded to prevent beams or rays from being directed towards any portion of the traveled ways and must not be of such intensity or brilliance as to cause glare or impair the vision of any motor vehicle drivers;

16. That the applicant maintain all necessary permits from other governing bodies for the operation, including, but not limited to, South Dakota Department of Health and South Dakota Department of Revenue;

17. That a portable fire extinguisher with a minimum 2A:10B:C rating shall be placed in each structure supporting the Resort Development so it is accessible at all times. The fire extinguisher shall be inspected and tagged annually;

18. That prior to the installation of any On-site Wastewater System, or alteration to the existing On-site Wastewater System, the landowner shall meet with the appropriate County and/or City Staff;

19. That if another well is to be dug on the property, it be continually tested and monitored per South Dakota Department of Environment and Natural Resources regulations;

20. That port-o-potties may be utilized by the guests of the events for wastewater disposal, but any other means of wastewater disposal will require proper permitting and review by the City of Rapid City and the Pennington County Planning Department;

21. That prior to the placement of any on-premise signs, the applicant must adhere to Section 312 of the Pennington County Zoning Ordinance;

22. 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;

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

24. That the operation be conducted by members of the family residing on the premises and event staff, as necessary;

25. That the applicant sign a Statement of Understanding within ten (10) business days of approval of Major Planned Unit Development Amendment / PUD 19-09, which is available at the Planning Office; and,

26. That Major Planned Unit Development Amendment / PUD 19-09 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.
Agenda Item #12  
Donna and Lyle Hartshorn  
January 27, 2020

STAFF REPORT

GENERAL INFORMATION:

REQUEST:  

MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 19-09: To amend an existing Planned Unit Development Overlay to allow for seasonal commercial recreation and amusement structures to include racetracks, miniature golf, paintball, arcade games, and to allow five (5) lighted, on-premise signs to be located within 1,500 feet of a residential district and/or dwelling unit in accordance with §213 of the Pennington County Zoning Ordinance.

APPLICANT:  
Donna Hartshorn

APPLICANT ADDRESS:  
8686 S. Highway 16, Rapid City, SD  57702

LEGAL DESCRIPTION:  
Lot 4 of Tract E of Government Lot 2 of NW1/4SE1/4, NE1/4SW1/4 and SW1/4SE1/4; and NE1/4SE1/4 less Lot 1, Tract D of NW1/4SE1/4 less Lot 1, all located in Section 3, T1S, R7E, BHM, Pennington County, South Dakota.

SITE LOCATION:  
8800 / 8700 and 8686 S. Highway 16; across the highway from Reptile Gardens and adjacent to Happy Holiday Campground.

TAX ID:  
13091 / 66917 / 66916

SIZE:  
59.64 acres

EXISTING LAND USE:  
Residential / Pole Barn

ZONING REFERENCE:  
§213

CURRENT ZONING:  
Highway Service District (Planned Unit Development District Overlay)  
Limited Agriculture District (Planned Unit Development District Overlay)  
General Agriculture District (Planned Unit Development District Overlay)
SURROUNDING ZONING:

North  Highway Service District
        General Agriculture District

South  Planned Unit Development District
        General Agriculture District

East  General Agriculture District

West  Highway Service District
        Planned Unit Development District

PHYSICAL CHARACTERISTICS: Rolling Hills / Open Meadow

REPORT BY: Jason Theunissen

I. PROPOSED RECOMMENDATION
A. Staff will be recommending approval of Major Planned Unit Development Amendment / PU 19-09 with Conditions.

II. GENERAL DESCRIPTION
A. The applicant, Donna Hartshorn, has applied for a Major Planned Unit Development Amendment to amend an existing Planned Unit Development Overlay to allow for seasonal commercial recreation and amusement structures, to include a hovercraft track and paintball range and to allow five (5) lighted, on-premise signs to be located within 1,500 feet of a residential district and/or dwelling unit.
B. June 10, 2016 — The Board of Commissioners approved Planned Unit Development / PU 16-01 with the following twenty-nine (29) conditions:
   1. That the purpose of this Planned Unit Development be to allow a Resort Development and events, such as: weddings; wedding receptions; Chapel use for occasional weddings, funerals and services; birthday parties; reunions; picnics; small gatherings; school tours; wagon rides; pony rides; horse stabling; pasturing of cattle, bulls, calves and other livestock; on-premise signage; beer and wine sales; single-family residence with outbuildings, single-wide mobile home as ranch-hand's residence; farmer's market; pumpkin patch; corn maze; sunflower farm and/or maze; outdoor/indoor riding arena; rodeos; and, other types of small gatherings similar in nature;
   2. That the number of guests be limited up to a maximum of 300 at any one-time;
3. That this Planned Unit Development be considered an overlay zoning district whereby the provisions of the underlying General Agriculture District and Limited Agriculture District still apply and, if the property is no longer utilized in accordance with Planned Unit Development / PUD 16-01, the zoning reverts back to General Agriculture District and Limited Agriculture District assuming the same lot configuration;

4. That the applicant notify the Planning Director prior to transferring ownership of the property so that the Planned Unit Development PUD 16-01, may be brought forth for review;

5. That prior to operation, the applicant meet with the Pennington County Fire Coordinator to discuss and create an Emergency Plan to evacuate guests from the property in the event of an emergency and that a copy of said plan be submitted to the Planning Director to be kept on file;

6. That prior to starting any outdoor fires, the applicant must obtain a Fire Permit from the SD Wildland Fire Division. Further, the owners are responsible for knowing when the County's Burn Ordinance is in effect;

7. Grass/weeds and other vegetation must be cut short so as to reduce the possibility of a fire;

8. That the west parking area be large enough for a minimum of ninety-one (91) parking spaces and the arena parking area be large enough for a minimum of sixty-seven (67) parking spaces and each parking space shall measure a minimum of 9 feet by 18 feet, with travel lanes measuring at least eighteen (18) feet wide between rows of parking spaces and each parking lot shall be maintained in a dust-free manner, in accordance with Section 310 of the Pennington County Zoning Ordinance;

9. That prior to operation, the applicant submit a Parking Plan to the Planning Director for review to ensure its compliance with Section 310 of the Pennington County Zoning Ordinance;

10. That prior to operation, the internal driveway be widened to eighteen (18) feet in width consisting of a four (4) inch gravel surface to accommodate one and two-way traffic;

11. That the days of operation for the Farmer's Market; Pumpkin Patch; Corn Maze; and, Sunflower Farm and/or Maze, be allowed seven (7) days each week, and the hours of operation, for the above-mentioned, shall be between 10 a.m. and 10 p.m. only;

12. That any music being provided for any activities be shut down by 10p.m.;

13. That the applicant install directional signs along the interior driveway to direct visitors;

14. That temporary structures, such as tents and port-o-potties, only be erected when needed and not on a permanent basis;
15. That all lighting be installed and maintained so as to minimize spillage of light outside of the sign face so as not to create a nuisance and the sign must be effectively shielded to prevent beams or rays from being directed toward any portion of the traveled ways 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;

16. That the applicant obtain all necessary permits from other governing bodies for the operation, including, but not limited to, South Dakota Department of Health and a sales tax license from the South Dakota Department of Revenue;

17. That a portable fire extinguisher with a minimum 2 A-BC rating shall be placed in each structure so it is accessible at all times and the fire extinguisher shall be inspected and tagged annually;

18. That the physical address for both existing residences and any future addresses that are assigned, be posted in accordance with Pennington County Ordinance #20;

19. That prior to the installation of any on-site wastewater system or alteration to the existing on-site wastewater system the landowner shall meet with the appropriate County and/or City staff;

20. If another well is to be dug on the property, that it be continually tested and monitored per South Dakota regulations;

21. That port-o-potties may be utilized by the guests of the events for wastewater disposal, but any other means of wastewater disposal will require proper permitting and review of the system by the City of Rapid City and the Pennington County Planning Department;

22. That prior to the placement of any on-premise signs, the applicant must adhere to Section 312 of the Pennington County Zoning Ordinance;

23. That the applicant ensure the residential and agricultural character of the property is maintained;

24. That prior to operation, the application obtain a Building Permit (with applicable fees) for the unpermitted existing 11' x 19' structure;

25. 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;

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

27. That the operation be conducted by members of the family residing on the premises and event staff, as necessary;
Agenda Item #12
Donna and Lyle Hartshorn
January 27, 2020

28. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Planned Unit Development / PUD 16-01, which is available at the Planning Office; and,

29. That Planned Unit Development/ PUD 16-01, be reviewed in one year, on a complaint basis, or as directed by the Pennington County Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

C. August 15, 2017 – The Board of Commissioners approved Major Planned Unit Development Amendment / PU 17-07 with the following twenty-eight (28) conditions:

1. That the purpose of this Planned Unit Development be to allow a Resort Development and events, such as: weddings; wedding receptions; Chapel use for occasional weddings, funerals and services; birthday parties; reunions; picnics; small gatherings; school tours; wagon rides; pony rides; horse stabling; pasturing of cattle, bulls, calves and other livestock; on-premise signage; beer and wine sales; single-family residence with outbuildings, single-wide mobile home as ranch-hand’s residence; farmer’s market; pumpkin patch; corn maze; sunflower farm and/or maze; outdoor/indoor riding arena; rodeos; and, other types of small gatherings similar in nature;

2. That the number of guests be limited up to a maximum of 300 at any one-time;

3. That this Planned Unit Development be considered an overlay zoning district; whereby, the provisions of the underlying General Agriculture District, Limited Agriculture District, and Highway Service District still apply and, if the property is no longer utilized in accordance with Planned Unit Development / PU 17-07, the zoning reverts back to General Agriculture District, Limited Agriculture District, and Highway Service District in their respective locations;

4. That the applicant notify the Planning Director prior to transferring ownership of the property so that the Planned Unit Development / PUD 17-07, may be brought forth for review;

5. That prior to operation, the applicant meet with the Pennington County Fire Coordinator to discuss and create an Emergency Plan to evacuate guests from the property in the event of an emergency and that a copy of said plan be submitted to the Planning Director to be kept on file;

6. That prior to starting any outdoor fires, the applicant must obtain a Fire Permit from the SD Wildland Fire Division. Further, the owners are responsible for knowing when the County’s Burn Ordinance is in effect;

7. That the grass/weeds and other vegetation must be cut short so as to reduce the possibility of a fire;
8. That the parking areas be large enough for a minimum of one-hundred and twenty-two (122) parking spaces and the arena parking area be large enough for a minimum of seventy (70) parking spaces and each parking space shall measure a minimum of 9 feet by 18 feet, with travel lanes measuring at least eighteen (18) feet wide between rows of parking spaces and each parking lot shall be maintained in a dust-free manner, in accordance with Section 310 of the Pennington County Zoning Ordinance;

9. That prior to operation, the applicant submit a Parking Plan to the Planning Director for review to ensure its compliance with Section 310 of the Pennington County Zoning Ordinance;

10. That prior to operation, the internal driveway be widened to eighteen (18) feet in width consisting of a four (4) inch gravel surface to accommodate one and two-way traffic;

11. That the days of operation for the Farmer's Market; Pumpkin Patch; Corn Maze; and, Sunflower Farm and/or Maze, be allowed seven (7) days each week, and the hours of operation, for the above-mentioned, shall be between 10 a.m. and 10 p.m. only;

12. That any music being provided for any activities be shut down by 10 p.m.;

13. That the applicant install directional signs along the interior driveway to direct visitors;

14. That temporary structures, such as tents and port-o-potties, only be erected when needed and not on a permanent basis;

15. That all lighting be installed and maintained so as to minimize spillage of light outside of the sign face so as not to create a nuisance and the sign must be effectively shielded to prevent beams or rays from being directed toward any portion of the traveled ways, 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;

16. That the applicant obtain all necessary permits from other governing bodies for the operation, including, but not limited to, South Dakota Department of Health and a sales tax license from the South Dakota Department of Revenue;

17. That a portable fire extinguisher with a minimum 2 A-BC rating shall be placed in each structure so it is accessible at all times and the fire extinguisher shall be inspected and tagged annually;

18. That the physical address for both existing residences and any future addresses that are assigned, be posted in accordance with Pennington County Ordinance #20;

19. That prior to the installation of any on-site wastewater system or alteration to the existing on-site wastewater system the landowner shall meet with the appropriate County and/or City staff;
20. That if another well is to be dug on the property, that it be continually tested and monitored per South Dakota regulations;

21. That port-o-potties may be utilized by the guests of the events for wastewater disposal, but any other means of wastewater disposal will require proper permitting and review of the system by the City of Rapid City and the Pennington County Planning Department;

22. That prior to the placement of any on-premise signs, the applicant must adhere to Section 312 of the Pennington County Zoning Ordinance;

23. That the applicant ensure the residential and agricultural character of the property is maintained;

24. 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;

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

26. That the operation be conducted by members of the family residing on the premises and event staff, as necessary;

27. That the applicant signs the Statement of Understanding within ten (10) business days of approval of Planned Unit Development / PUD 17-07, which is available at the Planning Office; and,

28. That Planned Unit Development / PUD 17-07, 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.

D. October 2, 2018 – The Board of Commissioners approved the extension of Major Planned Unit Development Amendment / PU 17-07 with the following twenty-eight (28) conditions:

1. That the purpose of this Planned Unit Development be to allow a Resort Development and events, such as: weddings; wedding receptions; Chapel use for occasional weddings, funerals and services; birthday parties; reunions; picnics; small gatherings; school tours; wagon rides; pony rides; horse stabling; pasturing of cattle, bulls, calves and other livestock; on-premise signage; beer and wine sales; single-family residence with outbuildings; single-wide mobile home as ranch-hand's residence; farmer's market; pumpkin patch; corn maze; sunflower farm and/or maze; outdoor/indoor riding arena; rodeos; and, other types of small gatherings similar in nature;

2. That the number of guests be limited up to a maximum of 300 at any one-time;
3. That the Planned Unit Development be considered an overlay zoning district whereby the provisions of the underlying General Agriculture District and Limited Agriculture District still apply and, if the property is no longer utilized in accordance with Planned Unit Development/ PUD 17-07, the zoning reverts back to General Agriculture District and Limited Agriculture District assuming the same lot configuration;

4. That the applicant notify the Planning Director prior to transferring ownership of the property so that the Planned Unit Development/ PUD 17-07, may be brought forth for review;

5. That any changes to an the emergency plan be discussed with the Pennington County Fire Coordinator and submitted to Planning Director;

6. That prior to starting any outdoor fires, the applicant must obtain a Fire Permit from the SD Wildland Fire Division. Further, the owners are responsible for knowing when the County's Burn Ordinance is in effect;

7. Grass/weeds and other vegetation must be cut short so as to reduce the possibility of a fire;

8. That the west parking area be large enough for a minimum of ninety-one (91) parking spaces and the arena parking area be large enough for a minimum of sixty-seven (67) parking spaces and each parking space shall measure a minimum of 9 feet by 18 feet, with travel lanes measuring at a minimum eighteen (18) feet wide between rows of parking spaces and each parking lot shall be maintained in a dust-free manner, and in accordance with Section 310 of the Pennington County Zoning Ordinance;

9. That the internal driveway continue to be eighteen (18) feet wide;

10. That the days of operation for the Farmer's Market; Pumpkin Patch; Corn Maze; and, Sunflower Farm and/or Maze, be allowed seven (7) days each week, and the hours of operation, for the above-mentioned, shall be between 10 a.m. and 10 p.m. only; and that any music being provided for any activities be shut down by 10 p.m.;

11. That the applicant maintain directional signs along the interior driveway to direct visitors;

12. That temporary structures, such as tents and port-o-potties, only be erected when needed and not on a permanent basis;

13. That all lighting be installed and maintained so as to minimize spillage of light outside of the sign face so as not to create a nuisance and the sign must be effectively shielded to prevent beams or rays from being directed toward any portion of the traveled ways, 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;
14. That the applicant maintain all necessary permits from other governing bodies for the operation, including, but not limited to, South Dakota Department of Health and a sales tax license from the South Dakota Department of Revenue;

15. That a portable fire extinguisher with a minimum 2 A-BC rating shall be placed in each structure so it is accessible at all times and the fire extinguisher shall be inspected and tagged annually;

16. That the physical address for both existing residences and any future addresses that are assigned, be posted in accordance with Pennington County Ordinance #20;

17. That prior to the installation of any on-site wastewater system or alteration to the existing on-site wastewater system the landowner shall meet with the appropriate County and/or City staff;

18. If another well is to be dug on the property, that it be continually tested and monitored per South Dakota regulations;

19. That port-o-potties may be utilized by the guests of the events for wastewater disposal, but any other means of wastewater disposal will require proper permitting and review of the system by the City of Rapid City and the Pennington County Planning Department;

20. That prior to the placement of any on-premise signs, the applicant must adhere to Section 312 of the Pennington County Zoning Ordinance;

21. That the applicant ensure the residential and agricultural character of the property is maintained;

22. 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;

23. That the applicant obtain a Building Permit for an existing shed structure by October 31, 2018;

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

25. That the operation be conducted by members of the family residing on the premises and event staff, as necessary;

26. That the applicant signs the Statement of Understanding within ten (10) business days of approval of the extension of Major Planned Unit Development Amendment/ PU I 7/07, which is available at the Planning Office; and,

27. That Planned Unit Development/ PUD 17-07 be reviewed in two (2) 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.
III. EXISTING CONDITIONS

Note: For ease of description, the subject properties are labeled A, B, and C.

A. Lot A (Tax ID 13091):
   1. 4.38 acres.
   2. Zoned Highway Service District (Planned Unit Development Overlay).
   3. 40' x 120' pole barn – COBP17-0166.

B. Lot B (Tax ID 66917):
   1. 15.39 acres.
   2. Limited Agriculture District (Planned Unit Development District Overlay)
   3. 16' x 40' shed – County Building Permit (COBP) COBP18-0661.
   4. 40' x 60' barn – COBP18-0205.

C. Lot C (Tax ID 66916):
   1. 39.87 acres.
   2. General Agriculture District (Planned Unit Development Overlay).
   5. 26' x 71' barn – built in 1971, per DOE records.
   6. 10' x 16' tool shed – COBP16-0471
   7. 16' x 21' shed – built in 1971, per DOE records.
   8. 12' x 26' loafing shed – built in 1971, per DOE records.
   9. 29' x 44' loafing shed – built in 1971, per DOE records.

D. All located within the City of Rapid City’s 3-mile platting jurisdiction.

E. No Special Flood Hazard Area on the subject properties.

F. Access to the properties is via 66-foot wide access easement.

Subject Properties, Labeled A, B, and C.
IV. REQUEST FOR COMMENT

A. County Highway Department, County Fire Administrator, County Onsite Wastewater Specialist, County Environmental Planner, West River Electric, County Natural Resources, Rapid City Public Works
   1. No comments received.

B. County Environmental Planning Supervisor
   1. There is no Special Flood Hazard Area on the subject properties.
   2. Subject properties are within the City of Rapid City’s 1-mile septic jurisdiction.

C. County Ordinance Enforcement
   1. No violations.

D. County Addressing Coordinator
   1. Addresses will be assigned upon Building Permit submittal and must be posted in accordance with Pennington County’s Ordinance #20.

E. Emergency Services (9-1-1)
   1. Due to the number of existing address points and with this new use in mind, I would suggest it is time to name both of the access roads highlighted below and give them each a new name and re-address all address points taking access off both. Pain in the rear I know, but these locations are already tough for responders to find and its only getting worse. Now is the time and our justification can be that it is being driven by the development and need for more locatable physical addresses in this area during an emergency. Also, if or when we do a new road, if there are four or more structures needing an address we normally make them name the road anyway as you can only issue five addresses per driveway using the rural addressing system.
      a. **Staff Comment: This will be addressed as a Condition of approval.**

F. Rapid City Community Planning & Development
   1. U.S. Highway 16 is identified as a principal arterial street on the City’s Major Street Plan. U.S. Highway 16 and the service road are State street(s). Any expansion of use on the subject property must be reviewed and approved by the South Dakota Department of Transportation.
   2. The City’s Future Land Use Plan identifies Lot 4 of Tract E as appropriate for Mixed Use Commercial. The remaining two parcels are identified as Forest Conservation. Both designations identify recreational uses as a primary use.
3. A site plan, drawn to scale, that includes all three parcels in their entirety should be submitted for review and approval showing the specific area and area size for each of the proposed uses. It appears from the attached partial site plan that the racetrack will be located adjacent to the service road, directly north of the existing campground on the adjacent property. This use, along with other proposed uses that will generate noise, odor, lighting, etc. may have a negative impact on the existing campground. The hours of operation for these types of uses should be limited to ensure that they do not negatively impact the campground or other existing and future uses on surrounding properties.

4. The applicant must identify whether water and/or wastewater facilities will be provided and the type/design of these facilities.

G. South Dakota Department of Transportation

1. SDDOT has no comments.

V. ANALYSIS

A. April 9, 2019 — The applicant submitted Major Planned Unit Development Amendment / PUD 19-09 to amend an existing Planned Unit Development Overlay to allow for seasonal commercial recreation and amusement structures to include a hovercraft track, a paintball range and also to allow five (5) lighted on-premise signs to be located within 1,500 feet of a residential district and/or dwelling unit.

B. The majority of properties in the surrounding area, to include the Underlying Zoning for Tax ID 13091, are zoned Highway Service District, which supports the requested uses.

C. Sign Permits will need to be applied for prior to placing any lighted on-premise signs on the subject properties.

D. Due to the amount of development and the need for more locatable physical addresses in this area during an emergency, the access roads currently in use will need to be named and new addresses assigned to the residences and structures used in support of the Resort Development on the subject properties.

E. Staff made multiple clarifications to previously approved Conditions and removed Conditions #21 and #23, as they were no longer applicable.
Agenda Item #12
Donna and Lyle Hartshorn
January 27, 2020

RECOMMENDATION: Staff recommends approval of Major Planned Unit Development Amendment / PU 19-09 with the following conditions:

1. That the purpose of this Planned Unit Development be to allow a Resort Development for a single-family residence with outbuildings, a single-wide mobile home as ranch-hand’s residence, and seasonal commercial recreation and amusement structures supporting events such as: weddings, wedding receptions, chapel use (weddings, funerals and services), small gatherings, school tours, wagon rides, pony rides, farmer's market, pumpkin patch, corn maze, sunflower farm/maze, rodeo/riding arena, horse stabling, livestock pasturing, on-premise signage, beer and wine sales, hovercraft track, paintball range, and to allow up to five (5) illuminated on-premise signs to be located within 1,500 feet of a residential district and/or dwelling unit;

2. That the number of guests be limited up to a maximum of 300 at any one-time;

3. That the Planned Unit Development be considered an overlay zoning district whereby the provisions of the underlying General Agriculture District, Limited Agriculture District, and Highway Service District still apply and, if the property is no longer utilized in accordance with Major Planned Unit Development Amendment / PUD 19-09, the zoning reverts back to General Agriculture District, Limited Agriculture District, and Highway Service District, assuming the same lot configuration;

4. That the applicant notify the Planning Director prior to transferring ownership of the property so that Major Planned Unit Development Amendment / PUD 19-09 may be brought forth for review;

5. That any changes to an emergency plan be discussed with the Pennington County Fire Coordinator and submitted to the Planning Director;

6. That prior to starting any outdoor fires, the applicant must obtain a Fire Permit from the South Dakota Wildland Fire Division. Further, the owners are responsible for adhering to Pennington County Ordinance #632;

7. That grass, weeds and other vegetation must be cut short so as to reduce the possibility of a fire;

8. That the west parking area be large enough for a minimum of ninety-one (91) parking spaces and the arena parking area be large enough for a minimum of sixty-seven (67) parking spaces. Each parking space shall measure a minimum of 9 feet by 18 feet, with travel lanes measuring a minimum of eighteen (18) feet wide between rows of parking spaces. Each parking lot shall be maintained in a dust-free manner and in accordance with §310 of the Pennington County Zoning Ordinance;
9. That the internal driveway continue to be eighteen (18) feet wide;

10. That the applicant complete a road naming request for the in-use access roads and, upon approval, new addresses be assigned to the residences and structures used in support of the Resort Development on the subject properties;

11. That the physical addresses for both existing residences, and any future addresses that are assigned, be posted in accordance with Pennington County Ordinance #20;

12. That the days of operation for the farmer's market, pumpkin patch, corn maze, sunflower farm/maze, hovercraft track, and paintball range be allowed seven (7) days per week. Hours of operation, for the above-mentioned, shall be between 10 a.m. and 10 p.m. and music being provided for any activities shall end by 10 p.m.;

13. That the applicant maintain directional signs along the in-use access roads to direct visitors;

14. That temporary structures, such as tents and port-o-potties, only be erected when needed and not on a permanent basis;

15. That all lighting be installed and maintained to minimize spillage of light outside of the area, so as not to create a nuisance. Lighting must be effectively shielded to prevent beams or rays from being directed towards any portion of the traveled ways and must not be of such intensity or brilliance as to cause glare or impair the vision of any motor vehicle drivers;

16. That the applicant maintain all necessary permits from other governing bodies for the operation, including, but not limited to, South Dakota Department of Health and South Dakota Department of Revenue;

17. That a portable fire extinguisher with a minimum 2A:10B:C rating shall be placed in each structure supporting the Resort Development so it is accessible at all times. The fire extinguisher shall be inspected and tagged annually;

18. That prior to the installation of any On-site Wastewater System, or alteration to the existing On-site Wastewater System, the landowner shall meet with the appropriate County and/or City Staff;

19. That if another well is to be dug on the property, it be continually tested and monitored per South Dakota Department of Environment and Natural Resources regulations;
20. That port-o-potties may be utilized by the guests of the events for wastewater disposal, but any other means of wastewater disposal will require proper permitting and review by the City of Rapid City and the Pennington County Planning Department;

21. That prior to the placement of any on-premise signs, the applicant must adhere to §312 of the Pennington County Zoning Ordinance;

22. 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;

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

24. That the operation be conducted by members of the family residing on the premises and event staff, as necessary;

25. That the applicant sign a Statement of Understanding within ten (10) business days of approval of Major Planned Unit Development Amendment / PUD 19-09, which is available at the Planning Office; and,

26. That Major Planned Unit Development Amendment / PUD 19-09 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.
PLANNING DEPARTMENT
MEMORANDUM

TO: PENNINGTON COUNTY BOARD OF COMMISSIONERS
FROM: PENNINGTON COUNTY PLANNING DEPARTMENT
ITEM: SECOND READING OF PLANNED UNIT DEVELOPMENT / PU 19-05:
Rockerville Gold Town, LLC (Pat Hall); Brian Hammerbeck – Agent. To
rezone 20.8 acres from Highway Service District and General Agriculture
District to a Planned Unit Development in accordance with Sections 205, 210,
213, and 508 of the Pennington County Zoning Ordinance.

W1/2SE1/4SE1/4 South of Hwy 16 Westboundless Lot A, Less Lot 1, and
Less ROW; E1/2SE1/4SE1/4 South of Hwy 16 Westbound Less ROW; and
That Part of the SW1/4SW1/4 lying S of Hwy 16 and W of CO RD, Sections
13 and 14, T1S, R6E, BHM, Pennington County, South Dakota.

(The Board of Commissioners approved the First Reading of this Planned
Unit Development on February 18, 2020.)

PLANNING COMMISSION RECOMMENDATION:
Planning Commission recommended approval of Planned Unit
Development / PU 19-05 to rezone 20.8 acres from Highway Service
District and General Agriculture District to a Planned Unit Development
with the following twenty-three (23) conditions:

1. That the purpose of this Planned Unit Development be to allow a
mixed-use development that includes up to thirty-two (32) multi-
family dwelling units that include duplexes, triplexes, and four-
plexes; and neighborhood commercial businesses;

2. That the multi-family dwelling units be permitted to be utilized as
a Vacation Home Rental provided all the requirements of Section
319 of the PCZO are met;

3. That the commercial businesses be limited to those neighborhood
commercial businesses as allowed in Section 302 of the PCZO;

4. That an Engineered Drainage Study is performed by the
applicant’s engineer and approved by the County Drainage
Engineer prior to the increase in the impervious area greater than
15 percent which includes the area located in both PU 19-05 and
PU 19-06;
5. That the required setbacks for all structures be a minimum of 25 feet from all exterior property lines which includes front, side and rear yard setbacks and zero-foot (0) setbacks from the interior property lines, and a 58-foot setback from Section Lines or the Section Line Right-of-Ways be vacated;

6. That the interior access roads off of Rockerville Road and Main Street allow for two-way traffic, meet Ordinance 14 Standards and meet AASHTO Standards;

7. That the interior access roads be named and the street sign posted in accordance with Ordinance 20 prior to the issuance of Building Permits for residences or structures taking access off of the access roads;

8. That all onsite wastewater treatment systems designed and installed in accordance with Section 204-J of the PCZO and if a conventional onsite wastewater treatment system cannot be located on the property due to inadequate soils, an alternative system will be required. All onsite wastewater treatment systems must be reviewed and approved by the South Dakota Department of Environment and Natural Resources;

9. That all septic tanks be pumped every three (3) years and be inspected at the time of being pumped;

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

11. That a minimum of two (2) off-street parking spaces be provided for each unit in the multi-family dwelling unit. All off-street parking spaces on the site shall measure at least 9 feet by 18 feet, be surfaced with gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;

12. That parking for commercial business and apartment buildings be addressed at the time of Building Permit submittal, per Section 310 of the PCZO;

13. That a Building Permit be obtained for any structures exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;
14. That all roads be constructed to Local Road Standards which includes a minimum of a 24-foot wide driving surface or a Variance to the Subdivision Regulations is obtained;

15. That a Homeowner’s Association be created for the care and maintenance of the “Common Areas”;

16. That a Road District be formed for the care and maintenance of all roads;

17. That Pennington County’s Drainage Engineer and Pennington County’s Fire Administrator approve the central water system for the Planned Unit Development that will serve the water needs for the development and for fire protection;

18. That the entire water system must be fully operational by the time the 4th Building Permit for a multi-family dwelling is submitted or when 25 people are residing in the PUD, which includes the area located in both PU 19-05 and PU 19-06; or prior to the issuance of a Commercial Building Permit;

19. That all roads be maintained in a dust free manner;

20. That all-natural drainage ways be maintained;

21. That prior to the placement of any on-premise sign, the applicant must obtain a Sign Permit in accordance with Section 312 of the PCZO;

22. That a Sanitary District is formed for the care and maintenance of the sewer and water systems; and,

23. That Planned Unit Development / PUD 19-05, 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.
STAFF REPORT

GENERAL INFORMATION:

REQUEST:  

**PLANNED UNIT DEVELOPMENT / PU 19-05:**
To rezone 20.8 acres from Highway Service District and General Agriculture District to a Planned Unit Development in accordance with Sections 205, 210, 213, and 508 of the Pennington County Zoning Ordinance.

APPLICANT:  
Rockerville Gold Town, LLC (Pat Hall)

APPLICANT ADDRESS:  
528 Kansas City Street, Ste. 5  
Rapid City, SD  57701

AGENT:  
Brian Hammerbeck

AGENT ADDRESS:  
528 Kansas City Street, Ste. 5  
Rapid City, SD  57701

LEGAL DESCRIPTION:  
W1/2SE1/4SE1/4 South of Hwy 16 Westboundless Lot A, Less Lot 1, and Less ROW; E1/2SE1/4SE1/4 South of Hwy 16 Westbound Less ROW; and That Part of the SW1/4SW1/4 lying S of Hwy 16 and W of CO RD, Sections 13 and 14, T1S, R6E, BHM, Pennington County, South Dakota.

SITE LOCATION:  
23793 S. Rockerville Road, 13487 Main Street in Rockerville.

TAX ID:  
46747 / 46749 / 19292

SIZE:  
20.8 acres

EXISTING LAND USE:  
Vacant

ZONING REFERENCE:  
Sections 205, 210, 213, and 508

CURRENT ZONING:  
Highway Service District  
General Agriculture District
Agenda Item #8
Rockerville Gold Town, LLC (Pat Hall); Brian Hammerbeck - Agent
February 10, 2020

SURROUNDING ZONING:
   North          Low-Density Residential District
                 General Commercial District
                 Highway Service District
   South          General Commercial District
                 Highway Service District
   East           General Commercial District
                 Planned Unit Development District
   West           General Agriculture District

PHYSICAL CHARACTERISTICS: Flat

REPORT BY: Brittney Molitor

I. PROPOSED RECOMMENDATION
   A. Staff will be recommending approval of Planned Unit Development / PU 19-05 with conditions.

II. GENERAL DESCRIPTION
   A. The applicant, Patrick R. Hall, has applied to rezone three (3) lots from Highway Service and General Agriculture District to a Planned Unit Development to allow a mixed-used development that will include duplexes, triplexes, four-plexes, apartments, commercial businesses and open space.
      1. At full build out, the applicant anticipates 100 units (duplexes, triplexes, four-plexes) and the market will dictate the number of apartments and the type of commercial business.
   B. The Planned Unit Development (PUD) will be implemented in two (2) phases and be identified as the Rockerville Gold Town PUD.
      1. The Rockerville Gold Town PUD will also include Major Planned Unit Development Amendment / PU 19-06.

III. EXISTING CONDITIONS
   A. Planned Unit Development / PU 19-05 will contain the following lots:
      1. W1/4SE1/4SE1/4 SOUTH OF HWY 16 WESTBOUNDLESS LOT A,
         LESS LOT 1, AND LESS ROW in Section 14 (Identified as “A” in Figure 1).
         a. Dual zoned Highway Service District (north side of the road)
            and General Agriculture District (south side of the road).
            i. Split by Main Street, Rockerville.
         b. 4.7 acres.
         c. Vacant of any structures.
         d. Access off of Main Street, Rockerville.

Page 2 of 17
PU 19-05
2. **E¼SE¼SOUTH OF HWY 16 WESTBOUND LESS ROW** in Section 14 (Identified as “B” in Figure 1).
   a. Zoned Highway Service District.
   b. 14.32 acres.
   c. Lot contains:
      i. A multi-family dwelling unit (four-plex)
         (a) COBP19-0326 – Sales model home.
         (b) COSD19-0064 – Holding Tanks.
      ii. A single-family residence – 13487 Main Street, Rockerville.
         (a) Built in 1886 per DOE records.
         (b) Onsite wastewater treatment system consists of a cesspool.
         (c) House was abandoned in 2018 and is used for storage.
      iii. Commercial utility building – 26’ x 36’.
         (a) Built in 1950 per DOE records.
      iv. Commercial utility building – 24’ x 24’.
         (a) Built in 1970 per DOE records.
   d. Access off of Main Street, Rockerville.
   e. Construction Permit / CP 19-12 – grading and leveling an area for construction of a sales office.

3. **THAT PART OF THE SW¼SW¼ LYING S OF HWY 16 AND W OF CO RD** in Section 13 (Identified as “C” in Figure 1).
   a. Zoned Highway Service District.
   b. 1.78 acres.
   c. Vacant of any structures.
   d. Access off of S. Rockerville Road.
   e. Right-of-Way Deed for a telephone line.
      i. SW¼SW¼ of Section 13.
      ii. Filed on April 12, 1939.
   f. Right-of-Way and Easement for underground utilities.
      i. SW¼SW¼ of Section 13.
      ii. Filed on September 29, 1969.
   g. Right-of-Way and Easement for underground utilities.
      i. SW¼SW¼ of Section 13.
      ii. Filed on July 8, 1970.
II. SECTION 213 (PLANNED UNIT DEVELOPMENT) REQUIREMENTS

A. Section 213-A General Description
   1. "The intent of the Planned Unit Development is to allow districts in which ingenuity, imagination and design efforts on the part of the builders, architects, site planners, and developers can produce desirable residential developments."
      a. *The Rockerville Gold Town PUD will provide mixed-use development that includes residential dwellings, commercial business and open space.*

B. Section 213-B-1 through 4 Permitted Uses
   1. Property and buildings in the Planned Unit Development are to be planned and organized as a single entity and as one complex land use unit rather than as a group of individual buildings located on separate lots.
      a. *The Planned Unit Development consists of 16 lots that will become one Planned Unit Development known as the Rockerville Gold Town PUD.*
      b. *The Rockerville Gold Town PUD will consist of both PU 19-05 and PU 19-06.*

2. Uses permitted in the Planned Unit Development may include single-family dwellings, duplexes, triplexes, four-plexes, apartments, townhouses, patio-houses, mobile homes, neighborhood
commercial, school sites, parks, Wind and Solar Energy Systems in accordance with Section 317, Vacation Home Rentals in accordance with Section 319, and open space uses as necessary and as part of a general plat and plan.

a. There will be up to 100 units consisting of duplexes, triplexes and four-plexes.

b. Apartments are also being considered on one of the lots.

3. Permitted uses other than single-family dwellings must be located either within the interior of the Planned Unit development or in areas where the adjacent uses outside the boundaries of the Planned Unit Development are compatible.

a. Commercial businesses will be located on the outside of the PUD. The lots are located off of the main entrances into Rockerville along Main Street and S. Rockerville Road.

b. There is a restaurant and a hotel, general store and cabins adjacent to the proposed commercial lots.

4. Resort developments where there will be no sale of individual lots shall be considered as a Planned Unit Development. The Commission may waive any portion of this section which is not appropriate to resort development and may require any additional information necessary to determine compatibility of the proposal.

a. This will not be a resort development.

C. Site Plan

1. That there is an appropriate relationship to the surrounding area.

a. There is significant residential development within one mile of the proposed PUD.

2. That provisions are made for an internal street system designed for the type of traffic generated, safety, separation from living areas, convenience, access, noise, and exhaust control. Private internal streets and walkways may be permitted if they may be used by police and fire department vehicles for emergency purposes. Bicycle traffic shall be considered when the site is used for an area for living purposes. Proper circulation in parking areas for safety, convenience, separation, and screening must be provided. Such streets shall be designed according to generally accepted specifications for residential streets and maintained in good condition.

a. There are seven (7) internal streets and cul-de-sacs that will provide access to the multi-family dwelling units. These internal streets must be named prior to issuance of building permits.
3. Minimum right-of-way widths and roadway widths as required in the Subdivision Regulations may be waived by the Commission provided that adequate consideration is given to ingress and egress of emergency vehicles.
   a. The roadways will consist of a 24-foot-wide driving surface with cul-de-sacs.
4. That there is functional open space for optimum preservation of natural features, including trees and drainage areas, recreation, views, density, relief, and convenience in function.
   a. The Site Plan shows an area approximately 1.5 acres in size for designated open space for the PUD.
   b. The Site Plan shows three (3) areas for drainage.
   c. Stormwater retention will be required once the development increases the impervious area greater than 15%.
5. That privacy, in terms of the needs of individual families and neighbors, is provided.
   a. The residential development is predominately multi-family units. These units have private parking or garages.
   b. The development is mainly wooded.
6. That there are provisions for pedestrian traffic for safety, separation, convenience, access to points in common areas and attractiveness.
   a. The majority of pedestrian traffic should occur along the interior roads and cul-de-sacs.
7. That building types are appropriate to the density and site relationship.
   a. The proposed multi-family units will have the character and style consistent with the area.
   b. The existing zoning of Highway Service would allow motels and hotels, cabins, and vacation home rentals, which could provide for higher densities than the proposed PUD.
8. That there are adequate provisions for sewer and water systems as approved by the Pennington County Planning Department.
   a. The owner has 70 gallons per minute allocation of commercial water right availability (Water Right Permits 479-2 and 485-2) which is equal to 100,800 gallons per day.
   b. The projected usage is anticipated to be 26,520 gallons per day.
   c. The owner’s agent is working with South Dakota Department of Environment and Natural Resources (SD DENR) on developing a preliminary water system design.
V. ROCKERVILLE GOLD TOWN PUD (includes PU 19-05 and 19-06)

A. The Rockerville Gold Town PUD (See Exhibit 5A above) will consist of:

1. No more than 35 multi-family structures that will house 100 individual units (shown in pink on the site plan).
2. Two (2) three-story apartment buildings (shown in orange on the site plan).
3. Commercial businesses along Main Street in Rockerville (shown in yellow on the site plan).
B. The requested uses for the PUD include (per the application dated January 3, 2020):

1. Manufactured home, modular homes and site- or stick-built homes in compliance with Section 204-I of the Pennington County Zoning Ordinance (PZCO).
2. Transportation and utility easements and rights-of-way.
3. Temporary buildings for uses incidental to construction work. These buildings shall be immediately adjacent to the construction work and shall be removed upon completion or abandonment of the construction work. Temporary living quarters will require a building permit.
5. Community signs, outdoor advertising, signs and billboards in accordance with Section 312 of the PCZO.
6. Telecommunication facilities in accordance with Section 316 of the PCZO.
7. Home occupations, in accordance with Section 204 – General District Provisions of the PCZO.
8. Parks, playgrounds, play fields and community centers.
9. Childcare centers and kindergartens.
10. Churches or similar places of worship.
11. Public service structures, such as fire stations, police stations and post offices.
12. Neighborhood commercial uses, as regulated in Section 302 of the PCZO.
13. Multiple-family dwellings, including but not limited to Section 303 of the PCZO.
14. Lodge hall, veteran’s organization and service organizations.
15. Seasonal cabin/dwelling.
16. Model home and sales office.
17. Manufactured home, modular homes and site or stick built homes in not compliance with Section 204-I of the PCZO.
18. Guest house, in accordance with Section 318 of the PCZO.
19. Vacation home rental, in accordance with Section 319 of the PCZO.
20. Rooming and boarding houses.
22. Family and group care facilities.
23. Medical centers or dental clinics or office and hospitals.
24. Zero lot line common wall dwellings.
25. Retail establishments, including incidental manufacturing of goods for sale at retail on the premises, when conducted entirely in an enclosed building.
26. The storage, display and sale of new, used, repossessed and traded-in merchandise, when conducted entirely in an enclosed building.
27. The storage, display and sale of new, used, repossessed and traded-in merchandise, when conducted entirely in an enclosed building.
28. Barber and beauty shops and schools.
29. Clubs and lounges.
30. Eating and drinking establishments, including drive-in establishments.
31. Offices, studios, clinic and laboratories.
32. Financial and credit institutions.
33. Bakeries.
34. Auditoriums, libraries, at galleries, museums and other cultural structures and activities and community centers.
35. Laboratories and establishments for production and repair of jewelry, eyeglasses, hearing aids and prosthetic appliances.
36. Commercial recreation and amusement structures and uses conducted entirely in an enclosed building, such as theaters, bowling alleys and pool rooms.
37. Public buildings and grounds other than elementary or high schools.
38. Service and repair establishments, including automobile service and repair, but excluding airplane and railroad establishments.
39. New and used motor vehicle sales, rental and repair, including trailers, boat sales, motorcycle sales and service and travel trailer sales.
40. New and used farm implement and machinery sales.
41. Accessory uses and structures on the same premises and clearly incidental to permitted uses or structures, including a dwelling unit for occupancy only by owners or caretakers.
42. Construction equipment sales.
43. Warehousing, wholesale and distribution establishments.
44. Kennels catteries and animal hospital hospitals.
45. Other general commercial uses, which, although they are not specified in this section due to omission or lack of technological development, in the opinion of the Commission, are not contrary to the intent of the general commercial district.
46. Souvenir, gift, jewelry, arts and crafts shops.
47. Retail business.
49. Commercial recreation and amusement structures and uses, including theaters, amusement parks, bowling alleys, ice and roller rinks, archery ranges and miniature golf.
50. Accessory uses and structures on the same premises and clearly incidental to permitted uses or structures, including a dwelling unit for occupancy only by owners and caretakers.
51. Auction house.
52. Other highway-oriented businesses which are not listed but which the Commission may determine meet the intent of the Highway Service District. This shall not be construed to include general commercial activities which more appropriately fit the General Commercial District.
53. Recreational vehicle parks in accordance with Section 306 of the PCZO.
54. Other uses, in accordance with Section 307 of the PCZO.

C. Proposed setback(s) on PUD lots
   1. Exterior lot line setbacks will be 25 feet.
   2. Section Line Right-of-Way setbacks will be 58 feet.
   3. Interior lot line setbacks will be 0 feet.

VI. PROPOSED USES ON PUD LOTS AS SUBMITTED BY THE APPLICANTS
   1. One multi-family dwelling unit.
      a. Onsite wastewater treatment system.
B. W½SE¼SE¼ SOUTH OF HWY 16 WESTBOUNDLESS LOT A, LESS LOT 1, AND LESS ROW in Section 14.
   1. Seven multi-family dwelling units.
   2. Community onsite wastewater treatment system.
C. E½SE¼SE¼ SOUTH OF HWY 16 WESTBOUND LESS ROW in Section 14.
   1. Twenty-four multi-family dwelling units.
   2. Stormwater detention.
   3. Common area.
VII. PUD REQUEST ASSOCIATED WITH PU 19-05

A. Major Planned Unit Development Amendment / PU 19-06
   1. To amend an existing Planned Unit Development PU / 81-02 to allow for townhomes, apartments, and commercial businesses.
   2. COMMON LOT B; LOTS 6-15 OF ROCKERVILLE GHOST TOWN SUBD
   3. TRACT B-1 OF ROCKERVILLE GHOST TOWN SUBD
      a. One apartment complex.
      b. One multi-family dwelling unit.
      c. Community onsite wastewater treatment system.
   4. TRACT B-2 OF ROCKERVILLE GHOST TOWN SUBD
      a. Two multi-family dwelling units.
      b. Community onsite wastewater treatment system.
   5. LOT 17 OF ROCKERVILLE GHOST TOWN SUBD
      a. One apartment complex.
      b. Community onsite wastewater treatment system.

Location of existing PUD / 81-02
VIII. COMPREHENSIVE PLAN AMENDMENT / CA 20-01

A. To amend the Comprehensive Plan to change the Future Land Use from Highway Service District to Planned Unit Development District.
   2. W½SE½SE½ SOUTH OF HWY 16 WESTBOUNDLESS LOT A, LESS LOT 1, AND LESS ROW in Section 14.
   3. E½SE½SE½ SOUTH OF HWY 16 WESTBOUND LESS ROW in Section 14.

IX. REQUEST FOR COMMENT

A. County Highway
   1. Stormwater runoff isn’t addressed with calculation for pre-development and post-development flows and must not exceed the pre-development flow, which may necessitate detention. A couple areas are shown but there is no explanation how it gets there and how it leaves the site. An engineering report is needed.
      a. Staff Comment: Calculations were provided to Staff indicating that the first phase will not exceed the 15% impervious area. However, the overall development will require stormwater detention prior to Phase 2 being implemented. At that time storm water detention must be implemented prior to approval of additional Building Permits.

B. County Ordinance Enforcement
   1. No Violations shown for these properties.

C. County 9-1-1
   1. Applicant will need to provide proposed new road names to 911 for review prior to final approval.
   2. Based on the documents provided, specifically Page 14 of the PDF, it appears seven new road names will be needed.

D. County Onsite Wastewater Specialist
   1. According to the USDA Web Soil Survey, the soils are classified as “Somewhat to Very Limited” based on slow water movement and slope. More information on the specifics of the septic system is needed to determine the viability of the systems. It would also be recommended to look into utilizing small community systems.

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.

F. County Professional Environmental Planner
   1. There is no Special Flood Hazard Area on the subject property.
G. County Natural Resource Director
   1. No objections.

H. United States Forest Service
   1. Protect all posted boundary line corners, signs and bearing trees.
   2. Adhere to the setback requirements along the posted boundary between National Forest System lands and private property.
   3. Protect all known stream courses, ponds and riparian areas located on National Forest System lands.
   4. No resource damage to occur on National Forest System lands.
   5. 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.
   6. All construction materials, supplies, trash or garbage will not be located or dumped on National Forest System lands.
   7. Public roads in this area of the Black Hills National Forest are classified as “Roads Open to Highway Legal Vehicles Only” and “Highways, US, State” per the latest version of the Motor Vehicle Use Map.
   8. No motorized trailheads or motorized trails or motorized roads are planned or scheduled for this portion of the Black Hills National Forest.
   9. 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).

I. South Dakota Department of Transportation
   1. Pages 14 & 17 of 42 on the attached pdf appear to use highway ROW. SDDOT does not want to abandon this ramp or other highway ROW until a north-south connection is identified within the split of the US16 EB/WB lanes, as indicated in the attached email.
   2. Attached email: Although the use the off ramp is quite low (5 vehicles in the peak hour), SDDOT does not want to abandon this ramp or highway ROW until a north-south connection is identified within the split of the US16 EB/WB lanes.

X. PROPOSED ACCESS
   A. Access to the interior of the PUD property will be via S. Highway 16 from exit ramps via Main Street and South Rockerville Road.
   B. Interior access to the individual multi-family dwellings and apartments will be via constructed roads and cul-de-sacs with the exception of one unit which will be provided access off of S. Rockerville Road.
   C. Access to commercial development will be via approaches of Main Street and S. Rockerville Road.
XI. WATER SUPPLY (includes both PU 19-05 and PU 19-06)
   A. Property owner is allocated two (2) water rights.
         a. Estimated water use of 39.1 acre-feet per year.
         b. Priority date of June 6, 1953.
         c. Allocation of 40 gallons per minute for one well.
         d. Includes both commercial and residential use.
      2. Water Right 485-2.
         a. Estimated water use of 56.5 acre-feet per year.
         b. Priority date of May 1, 1954.
         c. Allocation of 30 gallons per minute from two (2) wells.
         d. Commercial use.
   B. Three (3) wells located in the PUD.
      1. Well #1
         a. Depth – 42 feet.
         b. Well production of 20+ gallons per minute.
         c. Nitrate – 0.166 milligrams per liter.
         d. E. coli – Absent.
      2. Well #2
         a. Depth – 52 feet.
         b. Well production of 20+ gallons per minute.
         c. Nitrate – 0.255 milligrams per liter.
         d. E. coli – Absent.
      3. Well #3
         a. Depth – 136 feet.
         b. Well production of 15 gallons per minute.
         c. Nitrate – 3.36 milligrams per liter.
         d. E. coli – Absent.
   C. Preliminary water distribution system is in design phase and must obtain approval from SD DENR in accordance with South Dakota Administrative Rule 74:04:09:06.

XI. PROPOSED ONSITE WASTEWATER TREATMENT SYSTEM(s) (includes both PU 19-05 and PU 19-06)
   A. Anticipated wastewater flow at full build out will be 26,250 gallons per day.
   B. SD DENR approval is required for a system serving more than one residence, per Section 204-J of the PCZO.
   C. Preliminary percolation tests and soil profile hole information indicate that a conventional onsite wastewater treatment system may be approved.
   D. The applicant has submitted plans for mound systems in the event that percolation tests or soil profile hole information suggests that a conventional system cannot be installed.
   E. Onsite wastewater treatment systems will be installed in phases. Three to four community systems may be required.
Agenda Item #8
Rockerville Gold Town, LLC (Pat Hall); Brian Hammerbeck - Agent
February 10, 2020

Proposed mound system design

XII. PARKING REQUIREMENTS
A. Each unit will provide for parking through garages, driveways and carports.
B. PCZO requires multi-family dwelling units have two spaces per dwelling unit for the first twenty units and one and a half spaces for each dwelling unit exceeding twenty units.
   1. Each unit will be provided at least two spaces per unit through the driveway and garage or carport for each individual unit.
   2. Parking will be addressed at the time of Building Permit submittal.
   3. Parking for commercial business and apartment buildings will be required per Section 310 of the PCZO and addressed at the time of Building Permit submittal.

XIII. OTHER UTILITIES
A. Electricity will be provided by Black Hills Electric Cooperative, Inc.
B. Natural gas will be provided with propane.
C. Internet and telephone line providers have not been determined.

XIV. ANALYSIS
A. Staff performed a site visit on February 3, 2020 and observed the following:
   1. The sales model home was under construction.
   2. Dirt work was being performed in accordance with Construction Permit / CP 19-12.
B. Surrounding land uses within one (1) mile include:
   1. A resort development that includes a general store, motel and cabins.
   2. A restaurant.
   3. A church.
   4. A motel.
   5. Residential dwelling units.
   6. A sawmill.
RECOMMENDATION: Staff is recommending approval of Planned Unit Development / PU 19-05 with the following conditions:

1. That the purpose of this Planned Unit Development be to allow a mixed-use development that includes up to three (3) multi-family dwelling units that include duplexes, triplexes, and four-plexes; two (2) three-story apartment complexes; and commercial businesses;

2. That the multi-family dwelling units be permitted to be utilized as a Vacation Home Rental provided all the requirements of Section 319 of the PCZO are met;

3. That the commercial businesses be limited to those uses permitted under Sections 209 (General Commercial District) and 210 (Highway Service District) of the PCZO;

4. That an Engineered Drainage Study is performed and approved by the County Drainage Engineer prior to the increase in the impervious area greater than 15 percent which includes the area located in both PU 19-05 and PU 19-06;

5. That the required setbacks for all structures be a minimum of 25 feet from all exterior property lines which includes front, side and rear yard setbacks and zero-foot (0) setbacks from the interior property lines, and a 58-foot setback from Section Lines or the Section Line Right-of-Ways be vacated;

6. That the interior access roads off of Rockerville Road and Main Street allow for two-way traffic, meet Ordinance 14 Standards and meet AASHTO Standards;

7. That the interior access roads be named and the street sign posted in accordance with Ordinance 20 prior to the issuance of Building Permits for residences or structures taking access off of the access roads;

8. That all onsite wastewater treatment systems designed and installed in accordance with Section 204-J of the PCZO and if a conventional onsite wastewater treatment system cannot be located on the property due to inadequate soils, an alternative system will be required. All onsite wastewater treatment systems must be reviewed and approved by the South Dakota Department of Environment and Natural Resources;

9. That all septic tanks be pumped every three (3) years and be inspected at the time of being pumped;

10. That the Planning Director may allow additional development or construction which is consistent with the existing development on this property. Significant changes in the use or impacts on adjacent land uses as determined by the Planning Director shall require an amendment to this Planned Unit Development;
11. That a minimum of two (2) off-street parking spaces be provided for each unit in the multi-family dwelling unit. All off-street parking spaces on the site shall measure at least 9 feet by 18 feet, be surfaced with gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;

12. That parking for commercial business and apartment buildings be addressed at the time of Building Permit submittal, per Section 310 of the PCZO;

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

14. That all roads be constructed to Local Road Standards which includes a minimum of a 24-foot wide driving surface or a Variance to the Subdivision Regulations is obtained;

15. That a Homeowner’s Association be created for the care and maintenance of the “Common Areas”;

16. That a Road District be formed for the care and maintenance of all roads;

17. That Pennington County’s Drainage Engineer and Pennington County’s Fire Administrator approve the central water system for the Planned Unit Development that will serve the water needs for the development and for water protection;

18. That the entire water system must be fully operational by the time the 4th Building Permit for a multi-family dwelling is submitted or when 25 people are residing in the PUD, which includes the area located in both PU 19-05 and PU 19-06; or prior to the issuance of a Commercial Building Permit;

19. That all roads be maintained in a dust free manner;

20. That all natural drainage ways be maintained;

21. That prior to the placement of any on-premise sign, the applicant must obtain a Sign Permit in accordance with Section 312 of the PCZO; and,

22. That Planned Unit Development / PUD 19-05, 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.
PLANNED UNIT DEVELOPMENT APPLICATION
PENNINGTON COUNTY, SOUTH DAKOTA

1. APPLICANT: Patrick R. Hall  DAYTIME PHONE: 605-718-4000
MAILING ADDRESS: 528 Kansas City Street, Suite 5, Rapid City, SD 57701
AUTHORIZED AGENT: Brian Hammerbeck  DAYTIME PHONE: 605-718-4000
MAILING ADDRESS: 528 Kansas City Street, Suite 5, Rapid City, SD 57701
PROPERTY OWNER: Rockerville Gold Town, LLC  DAYTIME PHONE: 605-718-4000
MAILING ADDRESS: 528 Kansas City Street, Suite 5, Rapid City, SD 57701

2. LEGAL DESCRIPTION: Please see attached Exhibit A.

ADDRESS OF PROPERTY(ies) INVOLVED: 13487 Main St; 23787 S Rockerville Rd; and 23793 S Rockerville Rd
LANDMARK LOCATION: Rockerville Ghost Town
EXISTING LAND USE: Highway Services and Planned Unit Development
PROPOSED PUD AMENDMENT(S): (use separate sheet of paper to describe project) Please see attached Exhibit B
SURROUNDING ZONING: NORTH LDR SOUTH GA & LDR EAST PUD & HS WEST GA
UTILITIES: PUBLIC: West River Electric (list provider)
            PRIVATE: Septic Tank size: ___________ gallons  Drainfield size: ___________ feet
                        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 and they have been paid on _____._

Signature of APPLICANT or AGENT: (requires owner authorization)
Brian Hammerbeck

DATE: 12/20/19

Signature of LANDOWNER:
Patrick R. Hall

DATE: 12/20/19

Subscribed and sworn to before me this day of December 2019.
Notary Public for the State of South Dakota
My Commission Expires: 12/31/2023

4. DATE OF:
PLANNING COMMISSION HEARING:
LOCATION: County Commissioners’ Meeting Room
PLANNED UNIT DEVELOPMENT CHECKLIST

The Application Fee for a Planned Unit Development is $930.00 PLUS $20.00 for the Mailing List and $50.00 for a refundable Sign Deposit.

INTENT OF PLANNED UNIT DEVELOPMENT

The intent of the Planned Unit Development is to allow districts in which ingenuity, imagination and design efforts on the part of the builders, architects, site planners, and developers can produce desirable residential developments.

Please provide the following submittal materials:

_ X _ 1. A completed application form: signed and notarized by the applicant and the owner of the subject property and filed at least twenty-six (26) days prior to a scheduled Planning Commission meeting. If application is not complete, staff reserves the right to deny the request to be placed on the Agenda.

_ X _ 2. Development Schedule and Copies of any special agreements, conveyances, restrictions or covenants.

_ X _ 3. Performance bond equal to the cost of all improvements to be posted prior to any Final Plat being filed.

_ X _ 4. Written narrative addressing provisions for any of the following:

a. Characteristics of the PUD.
b. Expected densities and land coverage.
c. Number, type, and size of buildings, and/or units.
d. Drainage pattern and drainage plan.
e. Parking.

f. Utility Services
g. Location, height and size of any proposed signs.
h. Type of all existing uses, including permitted uses.

_ X _ 5. Ten (10) copies of a complete site plan, drawn to scale, with the following information:

A Site Plan.
B Name of the PUD.
C Legal Description.
D Property lines and dimensions of property.
E All easements and 100-year floodplain boundaries.
F All proposed streets and/or easements.
G Area to be conveyed, dedicated or reserved as common areas, including parks, schools and other public buildings.
H Proof that all parks and open spaces will be dedicated to a Homeowner’s Association.
I Internal traffic and circulations system, off-street parking, service areas, loading area, and points of access to public right-of-ways.
J Minimum and maximum square footage and/or number of units.
K Location of all existing on-site utilities.
L Location, dimensions, and types of existing buildings on the property and their distances from property lines.
M The right-of-way of any public road(s) that is contiguous to the property.

After submittal of all the application materials and the required fee, the applicant will be provided with a property owner list and Notice of Hearing letter. The Planning Office will prepare a list of names and addresses of those persons who own land 500 feet outside of the subject property. The Notice of Hearing letters must be mailed by the applicant, by certified mail, no less than ten (10) days prior to the date of the public hearing. The expense of notifying the surrounding property owners is the responsibility of the applicant.

A $50.00 deposit (refundable) is required for the sign, provided by the Planning Office, which advertises the request. This sign must be posted on the property in such a manner that it is visible from the road, which provides access to the property. The sign must be posted no less than ten (10) days prior to the date of the hearing and must remain posted until final action by the County. The $50.00 deposit is refunded when the sign is returned within six (6) months of the County Board of Commissioner’s action.
Exhibit A

Legal description:

Lots 6 through 15, inclusive, and Common Lot B, in the Rockerville Ghost Town Subdivision, Pennington County, South Dakota, as shown on the plat filed in Plat Book 18, page 197;

and

Lot 17 and Tract B-1 and B-2 in the Rockerville Ghost Town Subdivision, Pennington County, South Dakota, as shown on the plat filed in Plat Book 19, Page 38;

and

That portion of the Southwest Quarter of the Southwest Quarter (SW1/4SW1/4) of Section 13, Township 1 South, Range 6 East of the Black Hills Meridian, Pennington County, South Dakota, lying south of the eastbound lanes of U.S. Highway #16, as shown on the Plat of Lots H-2, H-3 and H-4 of the SW1/4SW1/4 of Section 13, T1S, R6E, BHM, filed in Highway Plat Book 4, Page 166, and also lies west of the county road from Rockerville to Harney, the route of which is shown on a survey filed on Page 47 of the Road and Bridge Calendar in the Office of the Auditor of Pennington County;

and

That portion of the Southeast Quarter of the Southeast Quarter (SE1/4SE1/4) of Section 14, Township 1 South, Range 6 East of the Black Hills Meridian, Pennington County, South Dakota, lying south and east of the westbound lane of U.S. Highway No. 16, said lane shown as Lot H-2 in Highway Plat Book 4, Page 187; EXCEPTING therefrom Lot 1, as shown on the plat filed in Plat Book 3, Page 139; and EXCEPTING therefrom Lot H-1, as shown on the plat filed in Highway Plat Book 2, Page 8; and EXCEPTING therefrom Lot H-3, as shown on the plat filed in Highway Plat Book 4, page 187.

Exhibit B

The parcels identified with Tax ID numbers: 19292, 19636, 19635, 19634, 19387, 19388, 19389, 19390, 19391, 19393, 19394 are currently zoned as Planned Unit Development. The parcels identified with TAX ID numbers: 46747, 46749 and 19292 are currently zoned as Highway Service. The proposed is to have all the property as a Planned Unit Development.
Exhibit B (Continued)
Current Zoning

Planned Unit Development

Highway Services
Exhibit B (Continued)

Proposed Zoning

Planned Unit Development
Item #2

Development schedule and copies of any special agreements, conveyances, restrictions or covenants.

The proposed plan is to completed the site plan in two phases. There are no special agreements, conveyances, restrictions or covenants.

Item #3

Performance bond equal to the cost of all improvements to be posted prior to any final platting being filed.

There will be no platting filed, therefore no performance bond will be posted.

Item #4

Written narrative addressing provisions for any of the following:

a. Characteristics of the PUD.
   
   The requested allowable, as Per Attached Exhibit 4A, uses are identified in the submittal materials.

b. Expected densities and land coverage.
   
   The landowner is expecting proposed densities of approximately one four-plex or three-plex or two-plex. The landowner is proposing to build apartment complexes. Attached Exhibit 4B.

c. Number, type and size of buildings, and/or units.
   
   The proposed plan is to build four-plex, three-plex, two-plex and apartment buildings in two phases. The apartments are proposed to be three stories, with units ranging from 500 to 950 square feet to include, studio, 1-bedroom and 2-bedroom. Attached Exhibit 4C is an artist rendering of the four-plex.
d. Drainage pattern and drainage plan.

We will follow all requirements as outlined in South Dakota State Law 46-10A-20 and Pennington County PUD Zoning Requirements. We will provide a pre-development drainage and post-development drainage plan, beginning this plan when the PUD is approved by the County Commissioners.

In our first phase, consisting of approximately 5 acres, we anticipate approximately five 4-plex units. These five units will have roof surfaces of 6,200 square feet each or approximately 31,000 total square feet of roof. We are planning to use natural landscaping around the structures. The 31,000 square feet of roof surface represents 14% of the total land area in the anticipated first phase (31,000 sf / 217,800sf). We will work with Pennington County Planning and the State of SD regarding required drainage, retention areas, etc.

We feel a benefit of this PUD area that we have naturally sloping areas that have moved water to well-established drainage areas.

We have also identified in our site plan our designated general storm water collection areas, as shown on Exhibit 5A in blue. Their placement, size and design will be determined by the storm water engineer.

e. Parking.

The proposed residential parking for each unit will be provided through garages, driveways and carports. Any commercial area parking will be in designated parking lots.

f. Utility services.

Water - Per Eric Gronlund, Engineer III with SDDENR via email on 12/4/19, informed us that our proposed Rockerville Property PUD is vested with two water rights allowing 70 gallons per minute listed as follows:

Water Right 479-2:

This water right is from 1953 and carries a 40 gpm allocation from one well.
Item #4 (Continued)

Water Right 485-2:
This water right is from 1958 and carries at 30 gpm allocation from two wells.

These two water rights allocate us 100,800 gallons of water per day at full gpm water right usage (70 gpm x 60 minutes per hour x 24 hours), but our projected usage is significantly less at 26,250 (see below).

For design purposes, Brittney Molitor of the Pennington County Planning Department, suggested that a baseline for water usage per day would be 75 gallons per day per person and assuming 2 people per bedroom. This equates to 22,500 gallons of daily water usage (assuming 50 one-bedroom units and 50 two-bedroom units). The 22,500 gallons per day usage represents only 22% of our vested water rights (22,500 / 100,800).

We are also currently working on the preliminary water distribution system design. Upon approval of our PUD request, we will provide design and documentation to meet the requirements of water quality, water distribution, water testing and licensing as required by Pennington County and SDDENR. This includes South Dakota Administrative Rule 74:04:09:06. We are currently working with Mark MacIntire P.E. from SD DENR in Pierre and Erin Fagnan with SD DENR in Rapid City on the SD DENR requirements.

Sewer/Onsite Wastewater System - South Dakota Administrative Rule 74:53:01:37 allows a landowner to install a mound or evapotranspiration system. Our plan is to install multiple combination mound and evapotranspiration systems.

We estimate once the proposed Rockerville Property PUD is fully built and at full occupancy (100 units), the maximum daily on-site wastewater will be 26,250 gallons. The 26,250 gallons per day is based on maximum waste-water flow capacity requirements as outlined in South Dakota Administrative Rule 74:53:01:20 Table 2, calculated as follows (3.5 persons x 75 gallons per person x 100 units).

Our proposed PUD also includes options for commercial, apartment and other uses. Our primary plan is for fourplex, triplex and duplex type residential housing and our wastewater treatment is based on the fourplex, triplex and duplex type design. However, if the market dictates that commercial and apartment uses be utilized, we will use the same type mound system and applicable wastewater gallonage per day as allowed under the SD Administrative Rule identified above to comply with the wastewater requirements for each type of use.
We plan to build a mound system, which is a shallow wastewater dispersal system constructed partially above ground which uses plant evapotranspiration and soil absorption for final treatment of wastes as defined in SD Administrative Rule 74:53:01:01 subsection 34. We also expect our mound system to utilize evaporation as outlined in 74:53:01:01 subsection 22.

We plan to construct our mound systems in phases and each phase/system will be designed to handle a maximum of 7,500 gallons per day, as allowed under SD Administrative Rule 74:53:01:01 Article 56. By calculation, each mound system will absorb and evaporate the wastewater of a maximum of 28 units (28 units x 262.5 gallons per day = 7,350 gallons).

We anticipate the first phase of the our mound system to be 6,200 square feet to provide waste water treatment for the first 28 units (up to 7,500 gallons per day design), based upon the perk tests that have already been completed.

Electricity – will be provided by Black Hills Electric Cooperative, Inc.

Natural Gas – will be provided by propane.

Internet/telephone lines – this will be determined.

g. Location, height and size of any proposed signs.

There will be standard road signs for the developments. There may also be other signs as allowed as part of the various permitted uses within the PUD. Any billboards will be in accordance with section 312.
h. Types of all existing uses, including permitted uses.

The existing uses of this property include Highway Services and Planned Unit Development.
This property is currently zoned as Highway Services. The proposal is to have the zoning as Planned Unit Development with the following:

Allowable Uses, may include, but are not limited to the following purposes:

1. Manufactured home, modular homes and site or stick built homes in compliance with Section 204-I.

2. Transportation and utility easements and rights-of-way.

3. Temporary buildings for uses incidental to construction work. These buildings shall be immediately adjacent to the construction work and shall be removed upon completion or abandonment of the construction work and shall require a temporary building permit. Temporary living quarters shall require an accessory building permit.

4. Home offices.

5. Community signs, outdoor advertising, signs and billboards in accordance with Section 312 Signs, Billboards and other Advertising Structures.

6. Telecommunication facilities in accordance with Section 316 – Telecommunications Facility.

7. Home occupations, in accordance with Section 204 – General District Provisions.

8. Parks, playgrounds, play fields and community centers.

9. Childcare centers and kindergartens.

10. Churches or similar places of worship.

11. Public service structures, such as fire stations, police stations and post offices.

12. Neighborhood commercial uses, as regulated in Section 302 – Neighborhood Commercial.

13. Multiple-family dwellings, including but not limited to Section 303 – Multiple Family Dwellings.

14. Lodge hall, Veterans organization and service organizations.

15. Seasonal cabin/dwelling.

16. Model home and sales office.

17. Manufactured homes, modular homes and site or stick-built homes not in compliance with Section 204 – General District Provisions.

18. Guest house, in accordance with Section 318 – Guest House.
Exhibit 4A (Continued)

19. Vacation home rental, in accordance with Section 319 – Vacation Home Rental.

20. Rooming and boarding houses.


22. Family and group care facilities.

23. Medical centers and/or dental clinics or office and hospitals.

24. Zero lot line or common wall dwellings. This will include zero lot lines of all of: lot 6, 7 – 8, 9, 10, 11 – 12, 13 – 14, 15, Rockerville Ghost Town Subdivision and the back lot line and the SW lot line of common lot B Rockerville Ghost Town Subdivision.

25. Retail establishments, including incidental manufacturing of goods for sale at retail on the premises, when conducted entirely in an enclosed building.

26. The storage, display and sale of new, used, repossessed and traded-in merchandise, when conducted entirely in an enclosed building.

27. Barber and beauty shops and schools.

28. Hotels, motels, rooming and boarding houses.

29. Clubs and lounges.

30. Eating and drinking establishments, including drive-in eating establishments.

31. Offices, studios, clinic and laboratories.

32. Financial and credit institutes.

33. Bakeries.

34. Auditoriums, libraries, art galleries, museums and other cultural structures and activities and community centers.

35. Laboratories and establishments for production and repair of jewelry, eyeglasses, hearing aids and prosthetic appliances.

36. Commercial recreation and amusement structures and uses conducted entirely in an enclosed building, such as theaters, bowling alleys and poolrooms.

37. Public buildings and grounds other than elementary or high schools.

38. Service and repair establishments, including automobile service and repair, but excluding airplane and railroad establishments.
Exhibit 4A (Continued)

39. New and used motor vehicle sales, rental and repair, including trailers, boat sales, motorcycle sales and service and travel trailer sales.

40. New and used farm implement and machinery sales.

41. Accessory uses and structures on the same premises and clearly incidental to permitted uses or structures, including a dwelling unit for occupancy only by owners or caretakers.

42. Construction equipment sales.

43. Warehousing, wholesale and distribution establishments.

44. Kennels, catteries and animal hospitals.

45. Other general commercial uses, which, although they are not specified in this section due to omission or lack of technological development, in the opinion of the Commission, are not contrary to the intent of the general commercial district.

46. Souvenir, gift, jewelry, arts and crafts shops.

47. Retail businesses.


49. Commercial recreation and amusement structures and uses, including theaters, amusement parks, bowling alleys, ice and roller rinks, archery ranges and miniature golf.

50. Accessory uses and structures on the same premises and clearly incidental to permitted uses or structures, including a dwelling unit for occupancy only by owners and caretakers.

51. Auction house.

52. Other highway-orientated businesses which are not listed but which the Commission may determine meet the intent of the Highway Service District. This shall not be construed to include general commercial activities which more appropriately fit the General Commercial District.

53. Recreational vehicle parks, in accordance with Section 306 – Recreational Vehicle Parks.

54. Other uses, in accordance with Section 307 – Other Uses.
Item #5
Complete Site Plan

A. Site plan.
   Attached as Exhibit 5A.

B. Name of the PUD.
   The name of the PUD will be Rockerville Gold Town PUD.

C. Legal Description.
   Attached as Exhibit 5B.

D. Property lines and dimensions of the property.
   Attached as Exhibit 5C.

E. All easements and 100-year flood plain boundaries.
   The easements are attached as Exhibits 5D. According to RapidMap.org, no part of the property is located in the 100-year flood plain.

F. All proposed streets and/or easements.
   All proposed streets are marked in Site Plan, Exhibit 5A.

G. Area to be conveyed, dedicated or reserved as common areas, including parks, schools and other public buildings.
   The area that will be designed as the proposed common area is marked in green on Exhibit 5A.

H. Proof that all parks and open spaces will be dedicated to a Homeowner’s Association.
   The landowner will utilize a Home Owners Association and will provide documentation as required.

I. Internal traffic and circulations system, off-street parking, service areas, loading area and points of access to public right-of-ways.
   Main Street, Highway 16 and South Rockerville Road, as per attached Exhibit 5E.

J. Minimum and maximum square footage and/or number of units.
   This is proposed minimum is 800 square feet and the maximum is 1,600 square feet.

K. Location of all existing on-site utilities.
   On-site utilities are marked in red on attached Exhibit 5F.

L. Location, dimensions and types of existing buildings on the property and their distances from the property lines.
   Rental home could possibly stay, all other buildings will be torn down.

M. The right-of-way of any public road(s) that is contiguous to the property.
   Roads and right-of-way are marked in blue, as per attached Exhibit 5E.
Exhibit 5B

Legal Description

Lots 6 through 15, inclusive, and Common Lot B, in the Rockerville Ghost Town Subdivision, Pennington County, South Dakota, as shown on the plat filed in Plat Book 18, page 197;

and

Lot 17 and Tract B-1 and B-2 in the Rockerville Ghost Town Subdivision, Pennington County, South Dakota, as shown on the plat filed in Plat Book 19, Page 38;

and

That portion of the Southwest Quarter of the Southwest Quarter (SW1/4SW1/4) of Section 13, Township 1 South, Range 6 East of the Black Hills Meridian, Pennington County, South Dakota, lying south of the eastbound lanes of U.S. Highway #16, as shown on the Plat of Lots H-2, H-3 and H-4 of the SW1/4SW1/4 of Section 13, T1S, R6E, BHM, filed in Highway Plat Book 4, Page 166, and also lies west of the county road from Rockerville to Harney, the route of which is shown on a survey filed on Page 47 of the Road and Bridge Calendar in the Office of the Auditor of Pennington County;

and

That portion of the Southeast Quarter of the Southeast Quarter (SE1/4SE1/4) of Section 14, Township 1 South, Range 6 East of the Black Hills Meridian, Pennington County, South Dakota, lying south and east of the westbound lane of U.S. Highway No. 16, said lane shown as Lot H-2 in Highway Plat Book 4, Page 187; EXCEPTING therefrom Lot 1, as shown on the plat filed in Plat Book 3, Page 139; and EXCEPTING therefrom Lot H-1, as shown on the plat filed in Highway Plat Book 2, Page 8; and EXCEPTING therefrom Lot H-3, as shown on the plat filed in Highway Plat Book 4, page 187.
Exhibit 5D
Easements
PLAT OF LOT NO. SW^4 SW^4 13-T 16-R 6E
Showing Right of Way to be acquired for highway purposes

Lot No. SW^4 SW^4 13-T 16-R 6E
Containing 0.29 acres
More or Less

Lot No. SW^4 SW^4 13-T 16-R 6E
Containing 1.50 acres
More or Less

Lot No. SW^4 SW^4 13-T 16-R 6E
Containing 3.50 acres
More or Less

STATE OF SOUTH DAKOTA
COUNTY OF PENNINGTON

Plat recorded in the office of the Register of Deeds of the County of Pennington, South Dakota, on the 14th day of November, 1971, according to the Records of this Court.

SURVEYOR'S CERTIFICATE

I, , registered land surveyor, do hereby certify that the direction of the South Dakota State Highway Commission, I have surveyed the line to be used as a right of way plat and such tract shall be hereafter known by the lot number described above. The method and dimensions of the part of the plat or parts of the plat are in evidence for the proper. In witness whereof, I have set my hand and seal the day of , 1971.

SEAL

REGISTERED LAND SURVEYOR
PLAT OF LOT 42 ESE 1/4 E 1/2 T 115 S R 13 E.

Showing Right of Way to be acquired for highway purposes

The S E 1/4 of Section 11 - Township 115 N. Range 5 East of the B.M.

for construction of Federal Aid Project No. 800040

PENNINGTON COUNTY, SOUTH DAKOTA

Scale: 1 inch = 200 feet

Drawing prepared in Plans Dept.
South Dakota Highway Commission

Date: 2-12-19

Registered Land Surveyor

STATE OF SOUTH DAKOTA

COUNTY OF PENNINGTON

24/91

In the name of God, Amen.

Witnesses the hand and seal this 15th day of July 1966

[Signatures]

ACKNOWLEDGMENT OF OWNER

He or she is known to me to be the person who is described in and who executed the within instrument and certificate and acknowledged to me that he or she executed the same.

My Commission Expires 12-31-75

Notary Public

Hwy PL 4-187
LOT 1 of SE\(^2\) of Sec 14, TIS R6E

FIELD NOTES:
Beginning at Cor N\(^1\), from which
the section corner common to Sec 13-14,
23\(\frac{3}{4}\) Agree here. East 862' distant, then
East N 30' 15" W 230' to Cor N\(^2\), and
N 39' 45" E 394' - Salting Hk.
3 East 456' - land place
of beginning, enclosing 10.60 Acres.

STATE OF MINNESOTA
COUNTY OF MCDONALD
1, Beulah Mikkelsen,
do hereby certify that I am the owner
of the SE\(^2\), SE\(^4\) of Sec 14, TIS R6E E.W.M.,
and that I authorized the survey
and plat of LOT 1 as here shown.

Beulah Mikkelsen
Owner

SIGNED & SWORN TO BEFORE ME A NOTARY
PUBLIC IN THE COUNTY OF STATE. THIS
27TH DAY OF MARCH, 1939.

My commission expires 27TH DAY OF MARCH, 1939.

STATE OF SOUTH DAKOTA
COUNTY OF PENNINGTON
1, Stein Bangs, registered
engineer, do hereby certify that having been autho
ized, I made the survey and plat of LOT 1 of the
SE\(^2\), SE\(^4\) of Sec 14, TIS R6E E.W.M., and same is
correctly shown.

Stein Bangs, reg. eng.

SIGNED & SWORN TO BEFORE ME THIS 30TH
day of March, 1939.

[Signature]

notary
Public.
RIGHT-OF-WAY DEED
(Telephone Line)

KNOW ALL MEN BY THESE PRESENTS, That Pennington County, South Dakota, in consideration of the sum of One Dollar in hand paid, and other good and valuable considerations, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto the United States of America, an easement and right of way in gross over and across the following described tracts or parcels of land situate, lying, and being in the County of Pennington, State of South Dakota, to wit:

SW1/2 SW1/4 Section 13, and SE1/4 SE1/4 Section 14, T. 1 S., R. 6 E., B.H.M. Said right of way hereby granted is more particularly described as follows, to wit: Beginning at a point on the west boundary of the SE1/4 SE1/4 Section 14, T. 1 S., R. 6 E., B.H.M., from which point the southwest corner of the SE1/4 SE1/4 of said Section 14 bears due south 55 feet, and extending thence north 60 degrees east 2415 feet to a point from which the section corner common to Sections 13, 14, 24 and 24 of said township bears south 60 degrees west 846 feet to intersection with the section line common to said Sections 13 and 14, thence due south 830 feet, together with all and singular the rights and privileges thereof belonging or in any wise appertaining.

Said right of way is for use as a telephone line by the grantee, its officers, agents and employees.

The grantee shall, at all reasonable times, have the right to enter for the purpose of constructing, repairing, patrolling, and removing such telephone line, doing as little damage as possible.

The grant shall be effective so long as said easement shall be actually used for the purpose above specified, and all rights hereunder shall revert to the owner of the land as soon as said use thereof shall be abandoned, in fact, and discontinued.

In witness whereof, the grantor has caused these presents to be executed by its Commissioners, and its corporate seal to be hereunto affixed this 9th day of March, 1939.

(Country Seal)

Acknowledged Mar. 9, 1939.

Filed April 12, 1939 at 1:30 P.M.


Pennington County, South Dakota
Charles P. Tittle
William A. Wallin
Edward Braibender
Thomas B. Rimmer
Frank C. Johnson
 Commissioners.
GRANTS, CONVEYS AND WARRANTS to

the STATE OF SOUTH DAKOTA

for and in consideration of One dollar and other valuable consideration, the receipt of which is hereby acknowledged, the said State of South Dakota, does hereby convey, grant, and warrant to the said State of South Dakota, the following described real estate in the County of Pennington and in the State of South Dakota:

Lots 8-2 and 8-3 in the 9th Set of Section 16, Township 1 South, Range 1 East of the 6th Principal Meridian, in Pennington County, South Dakota, as shown by plat made by S. W. Gemke, Registered Land Surveyor, under date of April 27, 1966; said plat to be filed in the office of the Register of Deeds, in Pennington County, South Dakota.

Said Lot 8-2 contains 8.74 acres, more or less.
Said Lot 8-3 contains 1.24 acres, more or less.

The transfer of the above property is to include "CONTROLLED ACCESS" in accordance with Chapter 28.09A of the 1966 Supplement to the South Dakota Code of 1939 and amendments thereto. ACCESS is to be provided at Survey Station H402, Right and Left (West Bound Lane).

This Deed is given for highway purposes only with full reversionary rights.

Dated this 15th day of June, 1966.

[Signature]

RECORDED
INDEXED 5-9-66
STATE OF SOUTH DAKOTA, COUNCIL OF PENNINGTON COUNTY

On this 15th day of June, 1966, in the year 1966, before me, a Notary Public within and for said County and State, personally appeared

[Signature]

known to me to be the person who described in, and who executed the within instrument, and acknowledged to me that he executed the same.

Notary Public.

My Commission expires 1-2-71.0
WARRANTY DNRD - State Form 1682

BEULAH J. HULL and C. A. Hull, wife and husband

Grantor, X, of

Pennington County, State of South Dakota

for and in consideration of

One Dollar and other valuable consideration,

GRANTS, CONVEYS AND WARRANTS to

THE STATE OF SOUTH DAKOTA

grantee, of Pierre, South Dakota, P. O., the following described real estate in the County of Pennington in the State of South Dakota:

Lots H-2 and H-3 in the E/S/E/S of Section 14, Township 1 South, Range 6 East of the Black Hills Meridian, Pennington County, South Dakota, as shown by plat made by S. M. Gentle, Registered Land Surveyor.

Under date of April 22, 1966, and filed in the office of the Register of Deeds, Pennington County, South Dakota, on August 2, 1966, in Book 4 of Highway Plats, page 107, Said Lot H-2 contains 8.74 acres, more or less, of which 0.12 acres, more or less, is section line right of way. Said Lot H-3 contains 1.24 acres, more or less, of which 0.13 acre, more or less, is section line right of way.

The transfer of the above property is to include "CONTROLLED ACCESS" in accordance with Chapter 28.09A of the 1956 Supplement to the South Dakota Code of 1939 and amendments thereto. Access to be provided at Survey Station 84+00, right and left (West bound lane). This deed is given for highway purposes only with full reversionary rights.

Said this 5th day of May, 1967.

RECORDED
INDEXED

30/79

State of South Dakota, County of Pennington

On this 5th day of May, 1967, before me, Mary Jane Olson, a Notary Public within and for said County and State, personally appeared BEULAH J. HULL and C. A. HULL, wife and husband, known to me to be the persons who are described in, and who executed the within instrument, and acknowledged to me that they executed the same.

Mary Jane Olson
Notary Public

I, the Commissioner, have this 6-13-68.

Book 153 Page 461
BURIED EXCHANGE FACILITY EASEMENT

The undersigned owner(s) of an interest in the real estate described herein (hereinafter called "Owner") hereby grant(s) and convey(s) to NORTHWESTERNBell TELEPHONE COMPANY, an Iowa corporation, its associated and allied companies, its and their respective successors, assigns, licensees and agents (hereinafter called "Company"), in consideration of the sum of $50.00

Fifty and 00/100 dollars received from the Company and of the agreement stated below, a right of way and easement to construct, operate, maintain, replace, and remove a communications system consisting of underground cables or wires, surface terminals, surface markers (as foam boom, if any), and associated equipment, together with the right of access thereto for the purpose of exercising the rights herein granted, across and under

across the following described real estate located in the County of Pennington State of South Dakota.

SW¼ of SW¼ of Section 13, T-11-E, R-6-E

NE¼ of SW¼ of Section 24, T-11-E, R-6-E

The Company agrees to bury all cables and wires below plow depth in order to not interfere with ordinary cultivation of the land, and to pay for all damage to Owner's property arising from the Company's exercise of the rights herein granted, except as stated below: Exceptions (if any):

Signed this 8th day of July, 1976

WITNESSES:

OWNER:

Gems Swailes

Walter B. McCullough
BURIED INTERCHANGE FACILITY EASEMENT

The undersigned owner(s) of an interest in the real estate described below (hereinafter called the "Owner") hereby grant(s) and convey(s) to NORTHWESTERN BELL TELEPHONE COMPANY, an Iowa corporation, its associated and allied companies, its and their respective successors, assigns, lessees and agents (hereinafter called the "Company"), in consideration of the sum of

$50.00

received from the Company and of the premises stated below, a right of way and easement to construct, operate, maintain, replace, and remove underground communications systems on the Company's right to time to time require, consisting of underground offsets, antenna, conduits, splicing boxes and

said surface, together with the right of access

through said property for the purpose of exercising the rights herein granted, upon, under and across a strip of land one hundred and wide situated within the following described real estate located in the County of

Lincoln

State of South Dakota:

SW 1/4 SW 1/4 Section 13 T 13 S

N.W. 1/4 NW 1/4 Section 24 T 13 S

together with the following rights: to place surface markers upon said strip, to place and keep clear all trees, roots, brush and other obstructions from the surface and sub-surface of said strip and within an area of ten feet thereof; and to install poles and wires in any fenceline crossing said strip. The

boundary of said one-tenth strip shall be a line parallel to and

one foot of the first cable laid, which cable shall have its location indicated on the surface, together with all interests in the land of the Owner or on adjacent lands. The Owner for

his

heres, assigns, administrators, successors and assigns, hereby covenant(s) that no structure shall be erected or permitted on said strip.

The Company agrees to bury all cables and wires below plow depth in order to not interfere with ordinary cultivation of the land, and to pay for all damage to Owner's property arising from the Company's exercise of the rights herein granted, including rows, fencerows, fences, and other improvements, as the interest may appear, except as stated below: Exceptions (if any):

Signed this 29 day of September 1909

OWNER:

WITNESSES:

PETROLEUM, INC.
STATE OF [Blank]
COUNTY OF [Blank]

On this the [Blank] day of [Blank], 19[Blank], before me, the undersigned officer, personally appeared [Name of Person]

Known to me or satisfactory proof to be the person(s) whose name(s) [Name(s)] subscribed to the within instrument and acknowledged that [Name(s)] executed the same for the purposes therein contained.

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

________________________________________
Notary Public

STATE OF [Blank]
COUNTY OF [Blank]

On this the 29 day of September, 1968, before me, [Name of Notary Public], the undersigned officer, personally appeared [Name of Person], who acknowledged himself to be the [Title] of [Name of Corporation], a corporation, and that he, as such, being authorized to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as [Title].

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

________________________________________
Notary Public

Name of Township: [Blank]
Line Section: [Blank]
Secured by: [Blank]
Post Office Address of Owner: [Blank]

File # [Blank]
R.O. No. [Blank]
R.O.W. No. [Blank]

RECORDED
INDEXED

STATE OF SOUTH DAKOTA COUNTY OF PENNINGTON

Rec'd. [Blank]
R.O. No. [Blank]

RECORDED
INDEXED

FILED [Blank]
QUIT CLAIM DEED

ADMINISTRATOR, SMALL BUSINESS ADMINISTRATION, an Agency of the United States of America, do, for and in consideration of One Dollar, and other good and valuable consideration, convey and quitclaim to the

[Signature]

and also assign, transfer, and release any and all of the Tract of Real Estate herein described to

[Signature]

and assign, transfer, and release any and all of the Tract of Real Estate herein described to

[Signature]

in consideration of the sum of One Dollar, and other good and valuable consideration.

The following described property,

That portion of and herein described as Tract B, as shown on the plat filed in the office of the Register of Deeds of Pennington County, South Dakota, in Book 140, Page 516.

Dated this 29th day of March, 1990.

[Signature]

STATE OF SOUTH DAKOTA

By

DISTRICT DIRECTOR

COUNTY OF HUMBOLDT

Before me, the undersigned Notary Public, in and for said County and State, personally appeared [Name], to me known to be the person hereinbefore described, who, being duly sworn, stated that he is District Director of the South Dakota, District Office of Small Business Administration, and that said instrument was executed by him for and on behalf of said Small Business Administration, pursuant to delegation of authority No. 13 CFR Part 101, as amended, and he acknowledged said instrument to be his free and voluntary act and deed of said Small Business Administration.

[Signature]

WITNESS my hand and official seal this 29th day of March, 1990.
CORRECTIVE QUIT CLAIM DEED

ADMINISTRATOR, SMALL BUSINESS ADMINISTRATION, an Agency of the United States of America, Grantor, for and in consideration of One Dollar ($1.00) and other good and valuable consideration, conveys and quit claims to Kelly Moore and Denise Moore, the Grantees, of 3351 Pinewood Drive, Rapid City, Pennington County, South Dakota, the following described real estate in the County of Pennington in the State of South Dakota, subject to an easement permitting that access reasonably necessary to gain reasonable access from the Old Rockerville to Keystone Road to the foregoing described property, which is the dominant land and whose owner shall keep and maintain such easement at his or her own expense: That portion of the Southwest Quarter of the Southwest Quarter (SW 1/4 NW 1/4) of Section Thirteen (13), that lies south of the eastbound lanes of U.S. Highway #16 as shown on the plat of Lots H-2, H-3 and H-4 of the Southwest Quarter of the Southwest Quarter (SW 1/4 NW 1/4) of Section Thirteen (13), Township One South (T1S), Range Six East of the Black Hills Meridian (R6E BM), Pennington County, South Dakota, filed in Highway Plat Book 4, Page 166, and also lies west of the County Road from Rockerville to Harney, the route of which is shown on a survey filed on page 47 of the Road and Bridge Calendar in the office of the Auditor of Pennington County (Dominant Property).

The following described property:

That portion of the Northwest Quarter of the Northwest Quarter (NW 1/4 NW 1/4) of Section Twenty-four (24) that lies south of the eastbound lanes of U.S. Highway #16 as shown on the plat filed in Highway Plat Book 4, Page 166, and also lies west of the County Road from Rockerville to Harney, the route of which is shown on a survey filed on page 47 of the Road and Bridge Calendar in the office of the Auditor of Pennington County, excepting therefrom the South Four Hundred Eighty-Eight and Ninety-Six Hundredths Feet (488.96') of the Southwest Quarter of the Northwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4 NW 1/4) of Section Twenty-four (24) lying west of said County Road, Township One (1) South, Range Six (6) East, B.H.M., Pennington County, South Dakota (granted and servient property).

This Deed is given to correct the description of the dominant property for the access easement. EXEMPT FROM TRANSFER FEE 43-4-22 (4).

Dated this 6th day of September, 1990.

SMALL BUSINESS ADMINISTRATION

By

Chester B. Leedom
District Director

STATE OF SOUTH DAKOTA SS:

COUNTY OF MINnehaha

☑ TRANSFER FEE PAID $ __________  
☑ EXEMPT FROM TRANSFER FEE

Before me, the undersigned Notary Public in and for said County and State, personally appeared Chester B. Leedom, to me known to be the person who executed the foregoing instrument and who, being duly sworn on oath, stated that he is District Director of the STOCK FALLS, South Dakota, District Office of the Small Business Administration, and that said instrument was executed by him for and on behalf of said Small Business Administration, pursuant to Delegation of Authority 13 CFR Part 101, as amended, and he acknowledged said instrument to be the free and voluntary act and deed of said Small Business Administration.

Witness my hand and official seal this 6th day of September, 1990.

My Commission Expires: 2-26-97
Notary Public, Minnehaha County
South Dakota

(Notarial Seal)
PLANNING DEPARTMENT
MEMORANDUM

TO: PENNINGTON COUNTY BOARD OF COMMISSIONERS
FROM: PENNINGTON COUNTY PLANNING DEPARTMENT

ITEM: LAYOUT PLAN / LPL 20-02: Gorden and Jennifer Sabo. To subdivide and create Lots 1, 2, and 3 of Hideaway Hills Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: E1/2NE1/4; NE1/4SE1/4; NW1/4SE1/4, Section 8, T2S, R7E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1, 2, and 3 of Hideaway Hills Subdivision, Section 8, T2S, R7E, BHM, Pennington County, South Dakota.

PLANNING COMMISSION RECOMMENDATION:
Planning Commission recommended approval of Layout Plan / LPL 20-02 with the following six (6) 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 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;

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; and,

6. 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:  
LAYOUT PLAN / LPL 20-02: To subdivide and create Lots 1, 2, and 3 of Hideaway Hills Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

APPLICANT: Gorden and Jennifer Sabo

APPLICANT ADDRESS: 8420 Albertta Drive, Rapid City, SD 57702

OTHER LANDOWNER: Stefan and Michelle Pluta

LANDOWNER ADDRESS: P.O. Box 1187, Rapid City, SD 57709

SURVEYOR / ENGINEER: KTM Design / Dave Vliem

ADDRESS: 628 1/2 Sixth Street, Rapid City, SD 57702

LEGAL DESCRIPTION: EXISTING LEGAL: E1/2NE1/4; NE1/4SE1/4; NW1/4SE1/4, Section 8, T2S, R7E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots 1, 2, and 3 of Hideaway Hills Subdivision, Section 8, T2S, R7E, BHM, Pennington County, South Dakota.

SITE LOCATION: Located off of Martin Ranch Trail, east of the intersection of Rushmore Ranch Road and Martin Ranch Trail.

SIZE: 161.47 acres

TAX ID: 42815 / 42816 / 61562

EXISTING LAND USE Residential (42815 / 61562) Vacant (42816)

SUBDIVISION REGULATIONS REFERENCE: Section 400.1

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: Forested / Hills

UTILITIES: None

REPORT BY: Kristina Proietti

I. PROPOSED RECOMMENDATION
   A. Staff will be recommending approval of Layout Plan / LPL 20-02 with
      conditions.

II. GENERAL DESCRIPTION
   A. January 20, 2020, the applicants, Gorden and Jennifer Sabo, requested to
      reconfigure lot lines on the subject properties to create three lots. Proposed
      Lot 1 will have approximately 55.47 acres, proposed Lot 2 will have
      approximately 95.95 acres, and proposed Lot 3 will have approximately
      10.05 acres.

III. EXISTING CONDITIONS
   A. Zoned as General Agriculture District.
   B. Lot size:
      1. Tax ID 42815: Approximately 80 acres ±.
      2. Tax ID 42816: Approximately 40 acres ±.
      3. Tax ID 61562: Approximately 40 acres ±.
   C. No Special Flood Hazard Area on the subject properties.
   D. Access taken off of Martin Ranch Trail.
   E. Part of the Martin Ranch Trail Road District.
   F. Structures present:
      1. Tax ID 42815:
         a. 40’ x 60’ pole barn / COBP12-0371.
         b. Single-family residence with attached garage / COBP12-0433.
         c. Onsite Wastewater Treatment System (OSWTS) Construction Permit for mound system / COSD12-0081.
         d. OSWTS Operating Permit / COOP19-0921.
         e. 40’ x 60’ garage and storage / COBP19-0286.
   G. Tax ID 42816:
      a. Vacant of any structures.
   H. Tax ID 61562:
      a. 36’ x 50’ shop with living quarters / COBP18-0479.
      b. Onsite Wastewater Treatment System (OSWTS) Construction Permit / COSD18-0064.
IV. PROPOSED LOTS

A. Lot 1
   1. Approximately 40 acres.

B. Lot 2
   1. Approximately 80 acres.

C. Lot 3
   1. Approximately 40 acres.
   2. Rezone or Lot Size Variance required.
      a. January 20, 2020, the applicants applied for a Rezone (RZ 20-01) to change the zoning from General Agriculture District to Limited Agriculture District for proposed Lot 3
V. REQUEST FOR COMMENT
   A. County Highway Department
      1. No comments.
   B. County Fire Administrator
      1. No comments received.
   C. County Interim Director
      1. There is no Special Flood Hazard Area on the subject property.
   D. County Onsite Wastewater Specialist
      1. According to the USDA Web Soil Survey the soils on this property are classified as “Very Limited” due to depth of bedrock, slope and slow water movement. When any septic systems are installed on any of the proposed new lots all rules of Pennington County Zoning Ordinance 204-J must be followed.
   E. County Ordinance Enforcement
      1. No known violations.
   F. County Addressing Coordinator
      1. No addressing concerns at this time. Future addresses will be assigned during the Building Permit application process. Once assigned, addresses must be posted in accordance with Pennington County Ordinance #20.
   G. Register of Deeds
      1. Plat heading is ok.
      2. Certificates appear to be required certificates per state statute.
   H. Department of Equalization
      1. All of the Sabo stuff looks good as far as I am concerned.
   I. Black Hills Electric Cooperative
      1. Black Hills Electric Cooperative has no concerns with this layout plat.

VI. ANALYSIS
   A. The applicants, Gorden and Jennifer Sabo, have applied to create Lots 1, 2, and 3 of Hideaway Hills Subdivision.
   B. January 20, 2020, the applicants, Gorden and Jennifer Sabo, also applied for a Rezone (RZ 20-01) to change the zoning from General Agriculture District to Limited Agriculture District for proposed Lot 3 of Hideaway Hills Subdivision, involving approximately 10.05 ± acres, which will be heard at the same Planning Commission meeting.
   C. The applicants, Gorden and Jennifer Sabo, also applied for a Subdivision Regulation Variance (SV 20-01) that was heard in front of the Board of Adjustment on February 18th and was continued to the March 3, 2020, Board of Adjustment Meeting. This Variance request is to waive the following plating requirements:
      1. Additional road improvements to Martin Ranch Trail;
      2. Improvements to undeveloped section line ROW; and,
      3. Percolation test and soil profile information for proposed Lot 3.
RECOMMENDATION: Staff recommends approval of Layout Plan / PL 20-02 with the following conditions:

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

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

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

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; and,

6. That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.
RIGHT OF WAY AND UTILITY EASEMENT

MARTIN FAMILY SURVIVOR'S TRUST, A TRUST ESTABLISHED AND
RESTATED PURSUANT TO THE MARTIN FAMILY TRUST U/D/T JUNE 10, 1997,
DIANE G. STROUD, TRUSTEE, AND MARTIN FAMILY BYPASS TRUST, A TRUST
ESTABLISHED AND CREATED PURSUANT TO THE MARTIN FAMILY TRUST U/D/T
JUNE 10, 1997, DIANE G. STROUD, TRUSTEE, of Ft. Collins, CO, Grantor, which trust
estates are the owners of the following described properties do hereby reserve an easement
sixty-six feet (66') in width for access and utilities over and across the Southwest Quarter of
the Southeast Quarter, the Southeast Quarter of the Southeast Quarter, the Northeast Quarter of
the Southeast Quarter of Section 8 and the Northwest Quarter of the Southwest Quarter of
Section 9, in the location of the center line of the new road shown on Exhibit A attached
hereto, being a survey prepared by Ricky J. Bush, Registered Land Surveyor. Said Easement
is for access to the aforesaid properties and for access to the properties described as the
Northwest Quarter of the Southeast Quarter, the East Half of the Northeast Quarter of Section
8 and the Southwest Quarter of the Southwest Quarter of Section 9, all in Township 2 South,
Range 7 East of the Black Hills Meridian, Pennington County, South Dakota.

This easement is for private access and utilities with the same intended to connect to
future access easements for the benefitted properties. This Easement shall be open to the
owners of all of the above-described properties, their invitees and public authorities in the
pursuit of the police power.

All costs for reconstruction and maintenance of the private access drive for the common
benefit of the properties shall be born by the Legacy Hills Owners' Association until such time
as a county road district is formed to maintain the same.

The grantors do hereby reserve unto themselves and their successors the right to
dedicate the private easement herein reserved being a right of way 66' in width along the
center line of the roadway surveyed as a public right of way for management and maintenance
by a county road district formed including the above-described properties.

This easement is a perpetual and continuing easement touching and concerning
properties and shall benefit and bind the successive owners thereof as set forth herein,
including the obligation to dedicate same as public right of way upon formation of a county
road district.

DATED this 26th day of July, 2007.

MARTIN FAMILY SURVIVOR'S TRUST,
A TRUST ESTABLISHED AND CREATED
PURSUANT TO THE MARTIN FAMILY
TRUST U/D/T JUNE 10, 1997

By: Diane G. Stroud, Trustee

MARTIN FAMILY BYPASS TRUST, A
TRUST ESTABLISHED AND CREATED
PURSUANT TO THE MARTIN FAMILY
TRUST U/D/T JUNE 10, 1997

By: Diane G. Stroud, Trustee

State of California

) ss:

County of Pennington

On this the 26th day of July, 2007, before me, the undersigned
officer, personally appeared Diane G. Stroud who acknowledged herself to be the Trustee of
Martin Family Survivor's Trust, a Trust Established and Created Pursuant to the Martin
Family Trust U/D/T June 10, 1997, a trust, and that she, as such Trustee being authorized so
to do, executed the foregoing instrument for the purposes therein contained by signing the
name of the trust by herself as Trustee.
IN WITNESS WHEREOF I hereunto set my hand and official seal.

Chandra Lima
Notary Public, California
My Commission Expires: Feb 2, 2011

State of California )
County of Riverside ) ss:

On this the 26th day of July, 2007, before me, the undersigned officer, personally appeared Diane G. Stroud who acknowledged herself to be the Trustee of Martin Family Bypass Trust, a Trust Established and Created Pursuant to the Martin Family Trust U/D/T June 10, 1997, a trust, and that she, as such Trustee being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the trust by herself as Trustee.

IN WITNESS WHEREOF I hereunto set my hand and official seal.

Chandra Lima
Notary Public, California
My Commission Expires: Feb 2, 2011
RECORD OF SURVEY
OF
THE E1/2NE1/4, SE1/4 OF SECTION 8
AND
W1/2SW1/4 OF SECTION 9, T.2S., R.7E., B.H.M.,
PENNINGTON COUNTY, SOUTH DAKOTA.

CERTIFICATE OF SURVEY
L. RICK J. BUSH, REGISTERED LAND SURVEYOR NO. 6699, IN THE STATE OF SOUTH DAKOTA, DO HEREBY CERTIFY THAT THIS RECORD OF SURVEY CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION IN COMPLIANCE WITH THE LAWS OF THE STATE OF SOUTH DAKOTA, AND USING ACCEPTED METHODS AND PROCEDURES OF SURVEYING, AT THE REQUEST OF THE ORDERS, IN MANNER WHEREOF.
I HAVE SET MY HAND AND OFFICIAL SEAL.

BASS OF BEARINGS
PRIMARY TRAVERSE ADJUSTED TO AGREE WITH RECORD BEARING OF THE WEST LINE BETWEEN THE SECTION CORNER COMMON TO SECTION 9, AND THE 1/4 CORNER COMMON TO SECTIONS 8 AND 6.

LEGEND
- SET 5/8" REBAR & CAP " RLS 6699" THIS SURVEY
- FOUND SURVEY MONUMENT THIS SURVEY

PREPARED BY: PRECISION SURVEYING & MAPPING, INC.
2030 MAIN STREET, STURGIS, SD 57785  (605) 347-4014

September 2002
EXHIBIT A
ACCESS EASEMENT

LEGAL DESCRIPTION

SE1/4NE1/4 AND NE1/4SE1/4 OF SECTION 8, T25S, R7E, B.H.M.
PENNINGTON COUNTY, SOUTH DAKOTA

Project # 11.042
Surveyed by: M.L.B.
Date: 5/24/11
Drafted by: M.R.H.

Title Work □ WAS □ WAS NOT provided at time of survey order.
Pin is 90' from fence corner, tire hanging on post at pin.

Pin is 8' west of fence line, fence post with small brace post.

Pin is 20' from fence corner, tire hanging on post at pin.

Pin is 20' from fence corner in rock pit.

Location of New Road

Proposed Acres
LOT 2
96.44 Ac.±

LOT 1
55.47 Ac.±

LOT 3
10.05 Ac.±

SECTIONS 1/16 LINE

300' 150' 0 300'
SCALE: 1" = 300'

EXHIBIT 'A'

SECTION LINE IMPROVEMENT VARIANCE
LOCATED IN SECTION 8, T2S, R2E, B.H.M.,
PENNINGTON COUNTY, SOUTH DAKOTA.
PLANNING DEPARTMENT
MEMORANDUM

TO: PENNINGTON COUNTY BOARD OF COMMISSIONERS

FROM: PENNINGTON COUNTY PLANNING DEPARTMENT

ITEM: FIRST READING AND PUBLIC HEARING OF REZONE / RZ 20-01:
Gorden and Jennifer Sabo. To rezone 10.05 acres from General Agriculture
District to Limited Agriculture District in accordance with Sections 205, 206,
and 508 of the Pennington County Zoning Ordinance.

Commencing at the East 1/4 corner of Section 8, T2S, R7E, BHM, Pennington
County, South Dakota; THENCE (1) With the east line of said Section 8,
South 01°57'40" West, 766.30 feet to the point of beginning; THENCE (2)
Continuing with said east line, South 01°57'40" West, 564.87 feet; THENCE
(3) Leaving said east line, North 87°46'47" West, 774.65 feet; THENCE (4)
North 01°56'55" East, 564.94 feet; THENCE (4) South 87°46'28" East, 774.77
feet to the point of beginning. Said parcel contains 10.05 acres more or less.
Section 8, T2S, R7E, BHM, Pennington County, South Dakota.

PLANNING COMMISSION RECOMMENDATION:
Planning Commission recommended approval of Rezone / RZ 20-01.
STAFF REPORT

GENERAL INFORMATION:

REQUEST: REZONE / RZ 20-01: To rezone 10.05 acres from General Agriculture District to Limited Agriculture District in accordance with Sections 205, 206, and 508 of the Pennington County Zoning Ordinance.

APPLICANT: Gorden and Jennifer Sabo

APPLICANT ADDRESS: 8420 Alberta Drive, Rapid City, SD 57702

SURVEYOR / ENGINEER: KTM Design / Dave Vliem

ADDRESS: 628 1/2 Sixth Street, Rapid City, SD 57702

LEGAL DESCRIPTION: Commencing at the East 1/4 corner of Section 8, T2S, R7E, BHM, Pennington County, South Dakota; THENCE (1) With the east line of said Section 8, South 01°57'40" West, 766.30 feet to the point of beginning; THENCE (2) Continuing with said east line, South 01°57'40" West, 564.87 feet; THENCE (3) Leaving said east line, North 87°46'47" West, 774.65 feet; THENCE (4) North 01°56'55" East, 564.94 feet; THENCE (4) South 87°46'28" East, 774.77 feet to the point of beginning. Said parcel contains 10.05 acres more or less. Section 8, T2S, R7E, BHM, Pennington County, South Dakota

SITE LOCATION: Northeast of the intersection of Rushmore Ranch Road and Martin Ranch Trail, along Martin Ranch Trail.

SIZE: 10.05

TAX ID: 42816

EXISTING LAND USE: Vacant

ZONING REFERENCE: Sections 205, 206, and 508

CURRENT ZONING: General Agriculture District
Agenda Item #12
Gorden and Jennifer Sabo
February 24, 2020

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

PHYSICAL CHARACTERISTICS: Forested / Meadow

UTILITIES: None

REPORT BY: Kristina Proietti

I. PROPOSED RECOMMENDATION
   A. Staff will be recommending approval of Rezone / RZ 20-01 with
      conditions.

II. GENERAL DESCRIPTION
   A. January 20, 2020, the applicants, Gorden and Jennifer Sabo, applied for a
      Rezone (RZ 20-01) to change zoning from General Agriculture District to
      Limited Agriculture District for proposed Lot 3 of Hideaway Hills
      Subdivision involving approximately 10.05 ± acres.

III. EXISTING CONDITIONS
   A. Zoned as General Agriculture District.
   B. Lot size:
      1. Tax ID 42816: Approximately 40 acres ±.
   C. No Special Flood Hazard Area on the subject properties.
   D. Access taken off of Martin Ranch Trail.
   E. Part of the Martin Ranch Trail Road District.
   F. Structures present:
      1. Vacant of any structures.
IV. SURROUNDING CURRENT ZONING WITHIN 1 MILE OF THE SUBJECT PROPERTY (see Image 1).
   A. General Agriculture District;
   B. Limited Agriculture District; and,
   C. Planned Unit Development Sensitive.
V. SURROUNDING FUTURE LAND USE (FLU) ZONING WITHIN 1 MILE OF THE SUBJECT PROPERTY (see image 2).

VI. REQUEST FOR COMMENT
A. County Highway Department
   1. No comments.
B. County Fire Administrator
   1. No comments received.
C. County Interim Director
   1. There is no Special Flood Hazard Area on the subject property.
D. County Onsite Wastewater Specialist
   1. According to the USDA Web Soil Survey the soils on this property are classified as "Very Limited" due to depth of bedrock, slope and slow water movement. When any septic systems are installed on any of the proposed new lots all rules of Pennington County Zoning Ordinance 204-J must be followed.
E. County Ordinance Enforcement
   1. No known violations.
F. County Addressing Coordinator
   1. No addressing concerns at this time. Future addresses will be assigned during the Building Permit application process. Once assigned, addresses must be posted in accordance with Pennington County Ordinance #20.

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

H. Department of Equalization
   1. All of the Sabo stuff looks good as far as I am concerned.

I. Black Hills Electric Cooperative
   1. Black Hills Electric Cooperative has no concerns with this layout plan.

Proposed layout plan prepared by KTM Design Solutions, Inc.
VII. ANALYSIS

A. January 20, 2020, the applicants, Gorden and Jennifer Sabo, applied for a Rezone (RZ 20-01) to change zoning from General Agriculture District to Limited Agriculture District for proposed Lot 3 of Hideaway Hills Subdivision involving approximately 10.05 ± acres.

B. January 20, 2020, the applicants, Gorden and Jennifer Sabo, requested to subdivide the subject properties to create three lots. Proposed Lot 1 will have approximately 55.47 acres, proposed Lot 2 will have approximately 95.95 acres, and proposed Lot 3 will have approximately 10.05 acres.

C. January 20, 2020, the applicants, Gorden and Jennifer Sabo, requested a Subdivision Regulation Variance (SV 20-01) that was heard and approved in front of the Board of Adjustment on February 18, 2020, to request to waive the following three (3) items:
   1. Additional road improvements to Martin Ranch Trail;
   2. Improvements to undeveloped section line ROW; and,
   3. Percolation test and soil profile for proposed Lot 3.

RECOMMENDATION: Staff recommends approval of Rezone / RZ 20-01.
PLANNING DEPARTMENT

MEMORANDUM

TO: PENNINGTON COUNTY BOARD OF COMMISSIONERS

FROM: PENNINGTON COUNTY PLANNING DEPARTMENT

ITEM: COMPREHENSIVE PLAN AMENDMENT / CA 20-01: Rockerville Gold Town, LLC (Pat Hall); Brian Hammerbeck - Agent. To amend the Comprehensive Plan to change the Future Land Use from Highway Service District to a Planned Unit Development District in accordance with Sections 210, 213, and 508 of the Pennington County Zoning Ordinance.

W1/2SE1/4SE1/4 South of Hwy 16 Westboundless Lot A, Less Lot 1, and Less ROW; E1/2SE1/4SE1/4 South of Hwy 16 Westbound Less ROW; and That Part of the SW1/4SW1/4 lying S of Hwy 16 and W of CO RD, Sections 13 and 14, T1S, R6E, BHM, Pennington County, South Dakota.

(Continued from the February 18, 2020, Board of Commissioner’s meeting.)

PLANNING COMMISSION RECOMMENDATION:
Planning Commission recommended approval of Comprehensive Plan Amendment / CA 20-01.
Agenda Item #9
Rockerville Gold Town, LLC (Pat Hall); Brian Hammerbeck - Agent
February 10, 2020

STAFF REPORT

GENERAL INFORMATION:

REQUEST:  

COMPREHENSIVE PLAN AMENDMENT / CA 20-01: To amend the Comprehensive Plan to change the Future Land Use from Highway Service District to a Planned Unit Development District in accordance with Sections 210, 213, and 508 of the Pennington County Zoning Ordinance.

APPLICANT:  Rockerville Gold Town, LLC (Pat Hall)

APPLICANT ADDRESS:  528 Kansas City Street, Ste. 5
                     Rapid City, SD  57701

AGENT:  Brian Hammerbeck

AGENT ADDRESS:  528 Kansas City Street, Ste. 5
                Rapid City, SD  57701

LEGAL DESCRIPTION:  W1/2SE1/4SE1/4 South of Hwy 16 Westboundless Lot A, Less Lot 1, and Less ROW; E1/2SE1/4SE1/4 South of Hwy 16 Westbound Less ROW; and That Part of the SW1/4SW1/4 lying S of Hwy 16 and W of CO RD, Sections 13 and 14, T1S, R6E, BHM, Pennington County, South Dakota.

SITE LOCATION:  23793 S. Rockerville Road, 13487 Main Street in Rockerville.

TAX ID:  46747 / 46749 / 19292

SIZE:  20.8 acres

EXISTING LAND USE:  Vacant

ZONING REFERENCE:  Sections 210, 213, and 508

CURRENT ZONING:  Highway Service District
                  General Agriculture District
Agenda Item #9  
Rockerville Gold Town, LLC (Pat Hall); Brian Hammerbeck - Agent  
February 10, 2020

SURROUNDING ZONING:
North  
- Low Density Residential District  
- General Commercial District  
- Highway Service District

South  
- General Commercial District  
- Highway Service District

East  
- General Commercial District  
- Planned Unit Development District  
- General Agriculture District

PHYSICAL CHARACTERISTICS: Flat

REPORT BY:  
Brittney Molitor

I. PROPOSED RECOMMENDATION  
A. Staff will be recommending approval of Comprehensive Plan Amendment / CA 20-01.

II. GENERAL DESCRIPTION  
A. The applicant, Patrick R. Hall, has submitted a request to amend the Comprehensive Plan to change the Future Land Use from Highway Service District to a Planned Unit Development District.
B. The Planned Unit Development (PUD) will be identified as the Rockerville Gold Town PUD, which includes both PU 19-05 and PU 19-06.

III. EXISTING CONDITIONS  
   1. Zoned Highway Service District.
   2. 1.78 acres.
   3. Vacant of any structures.
   5. Right-of-Way Deed for a telephone line.
      a. SW¼SW¼ of Section 13.
      b.Filed on April 12, 1939.
      a. SW¼SW¼ of Section 13.
      b. Filed on September 29, 1969.
   7. Right-of-Way and Easement for underground utilities.
      a. SW¼SW¼ of Section 13.
      b. Filed on July 8, 1970.
B. W:\SE\SE\\SOUTH OF HWY 16 WESTBOUNDLESS LOT A, LESS LOT 1, AND LESS ROW in Section 14.
   1. Dual zoned Highway Service District (north side of the road) and General Agriculture District (south side of the road).
      a. Split by Main Street, Rockerville.
   2. 4.7 acres.
   3. Vacant of any structures.
   4. Access off of Main Street, Rockerville.

C. E:\SE\SE\\SOUTH OF HWY 16 WESTBOUND LESS ROW in Section 14.
   1. Zoned Highway Service District.
   2. 14.32 acres.
   3. Lot contains:
      a. A multi-family dwelling unit (four-plex)
         i. COBP19-0326 – Sales model home.
         ii. COSD19-0064 – Holding Tanks.
      b. A Single-family residence – 13487 Main Street, Rockerville.
         i. Built in 1886 per DOE records.
         ii. Onsite wastewater treatment system consists of a cesspool.
            iii. House was abandoned in 2018 and is used for storage.
      c. Commercial utility building – 26’ x 36’.
         i. Built in 1950 per DOE records.
      d. Commercial utility building – 24’ x 24’.
         i. Built in 1970 per DOE records.
   4. Access off of Main Street, Rockerville.
IV. REQUEST FOR COMMENT (see PU 19-05 and PU 19-06)
A. County Highway
   1. Stormwater runoff isn’t addressed with calculation for pre-
      development and post-development flows and must not exceed the
      pre-development flow, which may necessitate detention. A couple
      areas are shown but there is no explanation how it gets there and
      how it leaves the site. An engineering report is needed.
      a. Staff Comment: Calculations were provided to Staff
         indicating that the first phase will not exceed the 15%
         impervious area. However, the overall development will
         require stormwater detention prior to phase 2 being
         implemented. At that time storm water detention must be
         implemented prior to approval of additional Building
         Permits.
B. County Ordinance Enforcement
   1. No Violations shown for these properties.
C. County 9-1-1
   1. Applicant will need to provide proposed new road names to 911 for
      review prior to final approval.
   2. Based on the documents provided, specifically Page 14 of the PDF,
      it appears seven new road names will be needed.
D. County Onsite Wastewater Specialist
   1. According to the USDA Web Soil Survey, the soils are classified as
      “Somewhat to Very Limited” based on slow water movement and
      slope. More information on the specifics of the septic system is
      needed to determine the viability of the systems. It would also be
      recommended to look into utilizing small community systems.
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.

F. County Professional Environmental Planner
   1. There is no Special Flood Hazard Area on the subject property.

G. County Natural Resource Director
   1. No objections.

H. United States Forest Service
   1. Protect all posted boundary line corners, signs and bearing tress.
   2. Adhere to the setback requirements along the posted boundary
      between National Forest System lands and private property.
   3. Protect all known stream courses, ponds and riparian areas located
      on National Forest System lands.
   4. No resource damage to occur on National Forest System lands.
   5. 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.
   6. All construction materials, supplies, trash or garbage will not be
      located or dumped on National Forest System lands.
   7. Public roads in this area of the Black Hills National Forest are
      classified as “Roads Open to Highway Legal Vehicles Only” and
      “Highways, US, State” per the latest version of the Motor Vehicle
      Use Map.
   8. No motorized trailheads or motorized trails or motorized roads are
      planned or scheduled for this portion of the Black Hills National
      Forest.
   9. 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).

I. South Dakota Department of Transportation
   1. Pages 14 & 17 of 42 on the attached pdf appear to use highway
      ROW. SDDOT does not want to abandon this ramp or other
      highway ROW until a north-south connection is identified within the
      split of the US16 EB/WB lanes, as indicated in the attached email.
   2. Attached email: Although the use the off ramp is quite low (5
      vehicles in the peak hour), SDDOT does not want to abandon this
      ramp or highway ROW until a north-south connection is identified
      within the split of the US16 EB/WB lanes.
V. CURRENT ZONING WITHIN 1-MILE

A. General Agriculture District.
B. Limited Agriculture District.
C. Planned Unit Development District.
D. Highway Service District.
E. Low Density Residential District.
F. Suburban Residential District.
G. General Commercial District.
VI. FUTURE LAND USE ZONING WITHIN 1-MILE
A. Public Land.
B. Planned Unit Development Sensitive District.
C. Planned Unit Development District.
D. Highway Service District.
E. Low Density Residential District.
F. Suburban Residential District.
G. General Commercial District.

VII. ANALYSIS
A. Surrounding land uses within one (1) mile include:
   1. A resort development that includes a general store, motel and cabins.
   2. A restaurant.
   3. A church.
   4. A motel.
   5. Residential dwelling units.
   6. A sawmill.
B. January 3, 2020 - The applicant applied for Planned Unit Development / PU 19-05 and Major Planned Unit Development Amendment / PU 19-06.
C. The subject properties are adjacent to existing Planned Unit Development Districts.
D. There are residential districts within one-mile, both which allow multi-family dwelling units with Conditional Use Permits.
E. There is General Commercial and Highway Service Districts within one mile that allow commercial uses.
F. Therefore, the applicant’s request appears to be in harmony with land use in the area.

RECOMMENDATION: Staff is recommending approval of Comprehensive Plan Amendment / CA 20-01.
COMPREHENSIVE PLAN AMENDMENT APPLICATION

1. APPLICANT: Patrick R. Hall
   MAILING ADDRESS: 528 Kansas City Street, Suite 5, Rapid City, SD 57701
   DAYTIME PHONE: 605-718-4000
   AUTHORIZED AGENT: Brian Hammerbeck
   MAILING ADDRESS: 528 Kansas City Street, Suite 5, Rapid City, SD 57701
   OWNER: Rockerville Gold Town LLC
   MAILING ADDRESS: 528 Kansas City Street, Suite 5, Rapid City, SD 57701
   DAYTIME PHONE: 605-718-4000

2. REQUESTED CHANGE OF DESIGNATED FUTURE LAND USE:
   Please see Planned Unit Development Application submitted on January 3, 2020.
   FROM: __________________________ TO: __________________________ INVOLVING _______ ACRES
   LEGAL DESCRIPTION: Please see Planned Unit Development Application submitted on January 3, 2020.

   ADDRESS: Please see Planned Unit Development Application submitted on January 3, 2020.

   LANDMARK LOCATION: Please see Planned Unit Development Application submitted on January 3, 2020.

   REASON BEING: Please see Planned Unit Development Application submitted on January 3, 2020.


   PROPOSED LAND USE:

   ZONING ORDINANCE REFERENCE: Please see Planned Unit Development Application submitted on January 3, 2020.

   SITE ZONING: Please see Planned Unit Development Application submitted on January 3, 2020.

   PHYSICAL CHARACTERISTICS: Please see Planned Unit Development Application submitted on January 3, 2020.

   UTILITIES: Please see Planned Unit Development Application submitted on January 3, 2020.

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: __________________________
   Signature of LANDOWNER: __________________________

   (requires owner authorization)

   DATE: January 22, 2020

   Subscribed and sworn to before me this 22nd day of January, 2020

   Notary Public for the State of South Dakota
   My Commission Expires: __________________________

   To be completed by Planning Department:

4. DATE / TIME OF PLANNING COMMISSION HEARING:

5. PUBLIC HEARING NOTICES TO BE SENT BY AND SIGN TO BE POSTED BY:

   COUNTY COMMISSION HEARING:

   LOCATION: Pennington County Commissioner’s Meeting Room
Exhibit A

Legal description:

Lots 6 through 15, inclusive, and Common Lot B, in the Rockerville Ghost Town Subdivision, Pennington County, South Dakota, as shown on the plat filed in Plat Book 18, page 197;

and

Lot 17 and Tract B-1 and B-2 in the Rockerville Ghost Town Subdivision, Pennington County, South Dakota, as shown on the plat filed in Plat Book 19, Page 38;

and

That portion of the Southwest Quarter of the Southwest Quarter (SW1/4SW1/4) of Section 13, Township 1 South, Range 6 East of the Black Hills Meridian, Pennington County, South Dakota, lying south of the eastbound lanes of U.S. Highway #16, as shown on the Plat of Lots H-2, H-3 and H-4 of the SW1/4SW1/4 of Section 13, T1S, R6E, BHM, filed in Highway Plat Book 4, Page 166, and also lies west of the county road from Rockerville to Harney, the route of which is shown on a survey filed on Page 47 of the Road and Bridge Calendar in the Office of the Auditor of Pennington County;

and

That portion of the Southeast Quarter of the Southeast Quarter (SE1/4SE1/4) of Section 14, Township 1 South, Range 6 East of the Black Hills Meridian, Pennington County, South Dakota, lying south and east of the westbound lane of U.S. Highway No. 16, said lane shown as Lot H-2 in Highway Plat Book 4, Page 187; EXCEPTING therefrom Lot 1, as shown on the plat filed in Plat Book 3, Page 139; and EXCEPTING therefrom Lot H-1, as shown on the plat filed in Highway Plat Book 2, Page 8; and EXCEPTING therefrom Lot H-3, as shown on the plat filed in Highway Plat Book 4, page 187.

Exhibit B

The parcels identified with Tax ID numbers: 19292, 19636, 19635, 19634, 19387, 19388, 19389, 19390, 19391, 19393, 19394 are currently zoned as Planned Unit Development. The parcels identified with TAX ID numbers: 46747, 46749 and 19292 are currently zoned as Highway Service. The proposed is to have all the property as a Planned Unit Development.
Exhibit B (Continued)
Current Zoning

Planned Unit Development

Highway Services
Exhibit B (Continued)
Proposed Zoning
Item #2

Development schedule and copies of any special agreements, conveyances, restrictions or covenants.

The proposed plan is to completed the site plan in two phases. There are no special agreements, conveyances, restrictions or covenants.

Item #3

Performance bond equal to the cost of all improvements to be posted prior to any final platting being filed.

There will be no platting filed, therefore no performance bond will be posted.

Item #4

Written narrative addressing provisions for any of the following:

a. Characteristics of the PUD.

The requested allowable, as Per Attached Exhibit 4A, uses are identified in the submittal materials.

b. Expected densities and land coverage.

The landowner is expecting proposed densities of approximately one four-plex or three-plex or two-plex. The landowner is proposing to build apartment complexes. Attached Exhibit 4B.

c. Number, type and size of buildings, and/or units.

The proposed plan is to build four-plex, three-plex, two-plex and apartment buildings in two phases. The apartments are proposed to be three stories, with units ranging from 500 to 950 square feet to include, studio, 1-bedroom and 2-bedroom. Attached Exhibit 4C is an artist rendering of the four-plex.
d. Drainage pattern and drainage plan.

We will follow all requirements as outlined in South Dakota State Law 46-10A-20 and Pennington County PUD Zoning Requirements. We will provide a pre-development drainage and post-development drainage plan, beginning this plan when the PUD is approved by the County Commissioners.

In our first phase, consisting of approximately 5 acres, we anticipate approximately five 4-plex units. These five units will have roof surfaces of 6,200 square feet each or approximately 31,000 total square feet of roof. We are planning to use natural landscaping around the structures. The 31,000 square feet of roof surface represents 14% of the total land area in the anticipated first phase (31,000 sf / 217,800sf). We will work with Pennington County Planning and the State of SD regarding required drainage, retention areas, etc.

We feel a benefit of this PUD area that we have naturally sloping areas that have moved water to well-established drainage areas.

We have also identified in our site plan our designated general storm water collection areas, as shown on Exhibit 5A in blue. Their placement, size and design will be determined by the storm water engineer.

e. Parking.

The proposed residential parking for each unit will be provided through garages, driveways and carports. Any commercial area parking will be in designated parking lots.

f. Utility services.

Water - Per Eric Gronlund, Engineer III with SDDENR via email on 12/4/19, informed us that our proposed Rockerville Property PUD is vested with two water rights allowing 70 gallons per minute listed as follows:

Water Right 479-2:
This water right is from 1953 and carries a 40 gpm allocation from one well.
Item #4 (Continued)

Water Right 485-2:
This water right is from 1958 and carries at 30 gpm allocation from two wells.

These two water rights allocate us 100,800 gallons of water per day at full gpm water right usage (70 gpm x 60 minutes per hour x 24 hours), but our projected usage is significantly less at 26,250 (see below).

For design purposes, Brittney Molitor of the Pennington County Planning Department, suggested that a baseline for water usage per day would be 75 gallons per day per person and assuming 2 people per bedroom. This equates to 22,500 gallons of daily water usage (assuming 50 one-bedroom units and 50 two-bedroom units). The 22,500 gallons per day usage represents only 22% of our vested water rights (22,500 / 100,800).

We are also currently working on the preliminary water distribution system design. Upon approval of our PUD request, we will provide design and documentation to meet the requirements of water quality, water distribution, water testing and licensing as required by Pennington County and SDDENR. This includes South Dakota Administrative Rule 74:04:09:06. We are currently working with Mark MacIntire P.E. from SD DENR in Pierre and Erin Fagnan with SD DENR in Rapid City on the SD DENR requirements.

Sewer/Onsite Wastewater System - South Dakota Administrative Rule 74:53:01:37 allows a landowner to install a mound or evapotranspiration system. Our plan is to install multiple combination mound and evapotranspiration systems.

We estimate once the proposed Rockerville Property PUD is fully built and at full occupancy (100 units), the maximum daily on-site wastewater will be 26,250 gallons. The 26,250 gallons per day is based on maximum waste-water flow capacity requirements as outlined in South Dakota Administrative Rule 74:53:01:20 Table 2, calculated as follows (3.5 persons x 75 gallons per person x 100 units).

Our proposed PUD also includes options for commercial, apartment and other uses. Our primary plan is for fourplex, triplex and duplex type residential housing and our wastewater treatment is based on the fourplex, triplex and duplex type design. However, if the market dictates that commercial and apartment uses be utilized, we will use the same type mound system and applicable wastewater gallonage per day as allowed under the SD Administrative Rule identified above to comply with the wastewater requirements for each type of use.
Item #4 (Continued)

We plan to build a mound system, which is a shallow wastewater dispersal system constructed partially above ground which uses plant evapotranspiration and soil absorption for final treatment of wastes as defined in SD Administrative Rule 74:53:01:01 subsection 34. We also expect our mound system to utilize evaporation as outlined in 74:53:01:01 subsection 22.

We plan to construct our mound systems in phases and each phase/system will be designed to handle a maximum of 7,500 gallons per day, as allowed under SD Administrative Rule 74:53:01:01 Article 56. By calculation, each mound system will absorb and evaporate the wastewater of a maximum of 28 units (28 units x 262.5 gallons per day = 7,350 gallons).

We anticipate the first phase of the our mound system to be 6,200 square feet to provide wastewater treatment for the first 28 units (up to 7,500 gallons per day design), based upon the perk tests that have already been completed.

Electricity – will be provided by Black Hills Electric Cooperative, Inc.

Natural Gas – will be provided by propane.

Internet/telephone lines – this will be determined.

g. Location, height and size of any proposed signs.

There will be standard road signs for the developments. There may also be other signs as allowed as part of the various permitted uses within the PUD. Any billboards will be in accordance with section 312.
Item #4 (Continued)

h. Types of all existing uses, including permitted uses.

The existing uses of this property include Highway Services and Planned Unit Development.
Exhibit 4A

This property is currently zoned as Highway Services. The proposal is to have the zoning as Planned Unit Development with the following:

Allowable Uses, may include, but are not limited to the following purposes:

1. Manufactured home, modular homes and site or stick built homes in compliance with Section 204-I.

2. Transportation and utility easements and rights-of-way.

3. Temporary buildings for uses incidental to construction work. These buildings shall be immediately adjacent to the construction work and shall be removed upon competition or abandonment of the construction work and shall require a temporary building permit. Temporary living quarters shall require an accessory building permit.

4. Home offices.

5. Community signs, outdoor advertising, signs and billboards in accordance with Section 312 Signs, Billboards and other Advertising Structures.

6. Telecommunication facilities in accordance with Section 316 – Telecommunications Facility.

7. Home occupations, in accordance with Section 204 – General District Provisions.

8. Parks, playgrounds, play fields and community centers.

9. Childcare centers and kindergartens.

10. Churches or similar places of worship.

11. Public service structures, such as fire stations, police stations and post offices.

12. Neighborhood commercial uses, as regulated in Section 302 – Neighborhood Commercial.

13. Multiple-family dwellings, including but not limited to Section 303 – Multiple Family Dwellings.

14. Lodge hall, Veterans organization and service organizations.

15. Seasonal cabin/dwelling.

16. Model home and sales office.

17. Manufactured homes, modular homes and site or stick-built homes not in compliance with Section 204 – General District Provisions.

18. Guest house, in accordance with Section 318 – Guest House.
19. Vacation home rental, in accordance with Section 319 – Vacation Home Rental.
20. Rooming and boarding houses.
22. Family and group care facilities.
23. Medical centers and/or dental clinics or office and hospitals.
24. Zero lot line or common wall dwellings. This will include zero lot lines of all of: lot 6, 7 – 8, 9, 10, 11 – 12, 13 – 14, 15, Rockerville Ghost Town Subdivision and the back lot line and the SW lot line of common lot B Rockerville Ghost Town Subdivision
25. Retail establishments, including incidental manufacturing of goods for sale at retail on the premises, when conducted entirely in an enclosed building.
26. The storage, display and sale of new, used, repossessed and traded-in merchandise, when conducted entirely in an enclosed building.
27. Barber and beauty shops and schools.
28. Hotels, motels, rooming and boarding houses.
29. Clubs and lounges.
30. Eating and drinking establishments, including drive-in eating establishments.
31. Offices, studious, clinic and laboratories.
32. Financial and credit institutes.
33. Bakeries.
34. Auditoriums, libraries, art galleries, museums and other cultural structures and activities and community centers.
35. Laboratories and establishments for production and repair of jewelry, eyeglasses, hearing aids and prosthetic appliances.
36. Commercial recreation and amusement structures and uses conducted entirely in an enclosed building, such as theaters, bowling alleys and poolrooms.
37. Public buildings and grounds other than elementary or high schools.
38. Service and repair establishments, including automobile service and repair, but excluding airplane and railroad establishments.
39. New and used motor vehicle sales, rental and repair, including trailers, boat sales, motorcycle sales and service and travel trailer sales.

40. New and used farm implement and machinery sales.

41. Accessory uses and structures on the same premises and clearly incidental to permitted uses or structures, including a dwelling unit for occupancy only by owners or caretakers.

42. Construction equipment sales.

43. Warehousing, wholesale and distribution establishments.

44. Kennels, catteries and animal hospitals.

45. Other general commercial uses, which, although they are not specified in this section due to omission or lack of technological development, in the opinion of the Commission, are not contrary to the intent of the general commercial district.

46. Souvenir, gift, jewelry, arts and crafts shops.

47. Retail businesses.


49. Commercial recreation and amusement structures and uses, including theaters, amusement parks, bowling alleys, ice and roller rinks, archery ranges and miniature golf.

50. Accessory uses and structures on the same premises and clearly incidental to permitted uses or structures, including a dwelling unit for occupancy only by owners and caretakers.

51. Auction house.

52. Other highway-orientated businesses which are not listed but which the Commission may determine meet the intent of the Highway Service District. This shall not be construed to include general commercial activities which more appropriately fit the General Commercial District.

53. Recreational vehicle parks, in accordance with Section 306 – Recreational Vehicle Parks.

54. Other uses, in accordance with Section 307 – Other Uses.
Exhibit 4C
Item #5
Complete Site Plan

A. Site plan.
   Attached as Exhibit 5A.

B. Name of the PUD.
   The name of the PUD will be Rockerville Gold Town PUD.

C. Legal Description.
   Attached as Exhibit 5B.

D. Property lines and dimensions of the property.
   Attached as Exhibit 5C.

E. All easements and 100-year flood plain boundaries.
   The easements are attached as Exhibits 5D. According to RapidMap.org, no part of the
   property is located in the 100-year flood plain.

F. All proposed streets and/or easements.
   All proposed streets are marked in Site Plan, Exhibit 5A.

G. Area to be conveyed, dedicated or reserved as common areas, including parks, schools and other
   public buildings.
   The area that will be designed as the proposed common area is marked in green on Exhibit 5A.

H. Proof that all parks and open spaces will be dedicated to a Homeowner’s Association.
   The landowner will utilize a Home Owners Association and will provide documentation as
   required.

I. Internal traffic and circulations system, off-street parking, service areas, loading area and points of
   access to public right-of-ways.
   Main Street, Highway 16 and South Rockerville Road, as per attached Exhibit 5E.

J. Minimum and maximum square footage and/or number of units.
   This is proposed minimum is 800 square feet and the maximum is 1,600 square feet.

K. Location of all existing on-site utilities.
   On-site utilities are marked in red on attached Exhibit 5F.

L. Location, dimensions and types of existing buildings on the property and their distances from the
   property lines.
   Rental home could possibly stay, all other buildings will be torn down.

M. The right-of-way of any public road(s) that is contiguous to the property.
   Roads and right-of-way are marked in blue, as per attached Exhibit 5E.
Exhibit 5B

Legal Description

Lots 6 through 15, inclusive, and Common Lot B, in the Rockerville Ghost Town Subdivision, Pennington County, South Dakota, as shown on the plat filed in Plat Book 18, page 197;

and

Lot 17 and Tract B-1 and B-2 in the Rockerville Ghost Town Subdivision, Pennington County, South Dakota, as shown on the plat filed in Plat Book 19, Page 38;

and

That portion of the Southwest Quarter of the Southwest Quarter (SW1/4SW1/4) of Section 13, Township 1 South, Range 6 East of the Black Hills Meridian, Pennington County, South Dakota, lying south of the eastbound lanes of U.S. Highway #16, as shown on the Plat of Lots H-2, H-3 and H-4 of the SW1/4SW1/4 of Section 13, T1S, R6E, BHM, filed in Highway Plat Book 4, Page 166, and also lies west of the county road from Rockerville to Harney, the route of which is shown on a survey filed on Page 47 of the Road and Bridge Calendar in the Office of the Auditor of Pennington County;

and

That portion of the Southeast Quarter of the Southeast Quarter (SE1/4SE1/4) of Section 14, Township 1 South, Range 6 East of the Black Hills Meridian, Pennington County, South Dakota, lying south and east of the westbound lane of U.S. Highway No. 16, said lane shown as Lot H-2 in Highway Plat Book 4, Page 187; EXCEPTING therefrom Lot 1, as shown on the plat filed in Plat Book 3, Page 139; and EXCEPTING therefrom Lot H-1, as shown on the plat filed in Highway Plat Book 2, Page 8; and EXCEPTING therefrom Lot H-3, as shown on the plat filed in Highway Plat Book 4, page 187.
Exhibit 5D
Easements
FIELD NOTES:
Beginning at Cor N°1, from which the section corner commences in Sec 13-14, 23 1/4 R.S. 1st base East 462, distant thence:
Cor N° 30 15" W 230' to Cor N°2, and thence
1 39 45" E 394' - 3 along HWY 16
3 East 256' - 1 and place of beginning, enclosing 1 acre.

STATE - MINNESOTA
COUNTY - HENNEPIN
J. Beulah Mikhelson
do hereby certify that I am the owner
of the SE<sup>1/4</sup> SE<sup>3/4</sup> of Sec 14, TIS R6E, and
that I authorized the survey
and plat of Lot 1 as here shown.

Beulah Mikhelson on Harrison
Survivor-type, Estate of her late
Sign & sworn to before me a notary
public just for above county & state. this
27th March, 1939.

My commission expired North

STATE - SOUTH DAKOTA
COUNTY - PENNINGTON
I, Stein Bangs, registered
engineer, do hereby certify that, being so auth-
ized, I made the survey and plat of Lot 1 of the
SE<sup>1/4</sup> SE<sup>3/4</sup> of Sec 14, TIS R6E, and same is
correctly shown.

Stein Bangs reg. eng.
Signed & sworn to before me this 30th
day of March, 1939.

Elvan Black
Notary
Public.
RIGHT-OF-WAY DEED
(Telephone Line)

KNOW ALL MEN BY THESE PRESENTS, That Pennington County, South Dakota, in consideration of the sum of One Dollar in hand paid, and other good and valuable considerations, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto the United States of America, an easement and right of way in gross over and across the following described tracts or parcels of land situate, lying, and being in the County of Pennington, State of South Dakota, to-wit:

SW\s/ SE\s/ Section 13, and SE\s/ SE\s/ Section 14, T. 1 S., R. 6 E., B.R.M. Said right of way hereby granted is more particularly described as follows, to-wit: Beginning at a point on the west boundary of the SE\s/ SE\s/ Section 14, T. 1 S., R. 6 E., B.R.M., from which point the southwest corner of the SW\s/ SW\s/ of said Section 14 bears due south 55 feet, and extending thence north 60 degrees east 2415 feet to a point from which the section corner common to Sections 13, 14, 23 and 24 of said township bears south 60 degrees west 846 feet to intersection with the section line common to said Sections 13 and 14, thence due south 830 feet, together with all and singular the rights and privileges thereunto belonging or in any wise appertaining.

Said right of way is for use as a telephone line by the grantee, its officers, agents and employees.

The grantee shall, at all reasonable times, have the right to enter for the purpose of constructing, repairing, patrolling, and removing such telephone line, doing as little damage as possible.

The grant shall be effective so long as said easement shall be actually used for the purpose above specified, and all rights hereunder shall revert to the owner of the land as soon as said use thereof shall be abandoned, in fact, and discontinued.

In witness whereof, the grantor has caused these presents to be executed by its Commissioners, and its corporate seal to be hereunto affixed this 9th day of March, 1939.

(Pennington County, South Dakota
Charles P. Tillit
William A. Wallin
Edward Brandt
Thomas B. Simms
Frank O. Johnson
Commissioners.

Acknowledged Mar. 9, 1939.
Filed April 12, 1939 at
1:30 P.M.
Recorded in Book 27 page
531 of Misc. Records.
IN WITNESS WHEREOF, the said Cerulean Grantee, for and in consideration of one dollar and other valuable consideratons, to-wit: $1.00, does by these presents, grant, convey and warrant to the STATE OF SOUTH DAKOTA, the following described real estate in the County of Pennington, in the State of South Dakota:

Lots 8-2 and 8-3, in the 7th Set of Section 14, Township 1 South, Range 8 East, of the Big Horn in Pennington County, South Dakota, as shown by plat made by S. W. Candel, Registered Land Surveyor, under date of April 22, 1966; said plat to be filed in the office of the Register of Deeds, in Pennington County, South Dakota.

Said Lot 8-2 contains 4.24 acres, more or less.
Said Lot 8-3 contains 1.24 acres, more or less.

The transfer of the above property is to include "CONTROLLER ACCESS" in accordance with Chapter 28.0246 of the 1960 Supplement to the South Dakota Code of 1939 and amendments thereto. Access to be provided at Survey Station Al-B2, Right and Left (Next Bound Lane).

This deed is given for highway purposes only with full revocatory rights.

Dated this 12th day of January, 19__.

[Signature]

RECORDED INDEXED 5/24/98

STATE OF SOUTH DAKOTA, COUNTY OF PENNINGTON:

In the year 19__... before me, a Notary Public within and for said County and State, personally appeared... [Signature] known to me to be the person who described in, and who executed the within instrument, and acknowledged to me that he executed the same.

My Commission expires 1-1-7-7__.
BEULAH J. HULL and C. A. Hull, wife and husband, Grantors,. of

Pennington, County, State of South Dakota

for and in consideration of ________________

One Dollar and other valuable consideration

GRANTS, CONVEYS AND WARRANTS to

THE STATE OF SOUTH DAKOTA

grantee,. of Pierre, South Dakota P. O., the following described
real estate in the County of Pennington in the State of South Dakota:

Lots H-2 and H-3 in the E3/4 of Section 14, Township 3 South, Range 6 East of the Black Hills Meridian, Pennington County, South Dakota,
as shown by plat made by S. W. Gentile, Registered Land Surveyor.

Undated, of April 22, 1916, and filed in the office of the Register
of Deeds, Pennington County, South Dakota, on August 2, 1916, in
Book 4 of Highway Plats, page 187. Said lot H-2 contains 0.74 acres,
more or less, of which 0.22 acres, more or less, is section line
right of way. Said lot H-3 contains 1.24 acres, more or less, of
which 0.31 acre, more or less, is section line right of way.

The transfer of the above property is to include "CONTROLLED ACCESS"
In accordance with Chapter 28.09A of the 1960 Supplement to the South Dakota
Code of 1939 and amendments thereto. Access to be provided at Survey
Station 04+00. right and left, (east bound lane).

This deed is given for highway purposes only with full revocatory
rights.

EXECUTED this 5th day of May, 1916

RECORDED 30179

INDEXED

State of South Dakota, County of Pennington,

On this 5th day of May, 1916, in the years 1916, before me,

Mary Jane Olson, a Notary Public within and for

said County and State, personally appeared BEULAH J. HULL and C. A. HULL,
wife and husband, Grantors, to me, the person who is described in, and who executed the within instrument,

and acknowledged to me that I, Mary Jane Olson, Notary Public,

By: 

Commission expires 6-13-61
BURIED EXCHANGE FACILITY EASEMENT

The undersigned owner(s) of an interest in the real estate described below (hereinafter called "Owner") hereby grant(s) and convey(s) to NORTHWESTERN Bell TELEPHONE COMPANY, an Iowa corporation, its successors and assigns, and their respective successors, assigns, lessees, and agents (hereinafter called "Company"), in consideration of the sum of $20,000.00,

Fifty and 0/100 dollars received from the Company and of the services performed below, a right of way and easement to construct, operate, maintain, repair, and remove a communications system consisting of buried cables or wires, surface terminals, surface markers (at three lines, 1/2 mile) and associated equipment, together with the right of access thereto for the purpose of exercising the rights herein granted, upon, under and across the following described real estate located in the County of Pennington, State of South Dakota.

51/2 of SW1/4 of Section 13, T-1-N, R-6-E
NW1/4 of SW1/4 of Section 14, T-1-N, R-6-E

The Company agrees to bury all cables and wires below plow depth in order to not interfere with ordinary cultivation of the land, and to pay for all damage to Owner's property arising from the Company's exercise of the rights herein granted, except as stated below: Exceptions (if any):

Signed this 8th day of July, 1976

WITNESSES:

[Signatures]

OWNER:

[Signatures]
Signed this 29 day of September, 1989

[Signature]

OPENER

[Signature]
STATE OF                        COUNTY OF                         
On this the       day of   , 19   , before me,              the undersigned officer,

personally appeared                                

known to me or satisfactory proven to be the person(s) whose name(s) __________________________________ subscribed to
the within instrument and acknowledged that __________________________________ executed the same for the purposes therein
contained.

To wit, the signature of the person(s) above described.

______________________________________________________________
Notary Public

STATE OF,                        COUNTY OF,                        

On this the 29    day of September  , 1962 , before me,          the undersigned officer,

personally appeared                                

who acknowledged himself to be the President of                        

and that he, as such President, being authorized by the corporation to do, executed the foregoing instrument for the purposes therein contained, by signing the same of the corporation by himself as President.

To wit, the signature of the person(s) above described.

______________________________________________________________
Notary Public

Name of Township: Rapid City

Lot Section: 50

Owner's Name: Rapid City

Registered: 50

R.O. No.: 70685

J.O. No.: 7265

[Diagram]
QUIT CLAIM DEED

ADMINISTRATION, SMALL BUSINESS ADMINISTRATION, for agency of the United States of America, do for and in consideration of One Dollar ($1.00), and other good and valuable considerations, conveys and grants to the above named Robert and Carol Googe, known as 1005 Florence Drive, Rapid City, Pennington County, South Dakota, the following described real estate, in the County of Pennington, in the State of South Dakota, subject to all encumbrances, liens, and other charges, that are of record or known to the grantor, to-wit: The Northeast Quarter of the Northeast Quarter of Section Fifty-four (54) of the North Range of Township Eleven (11) in the Second (2nd) Range West of the Second (2nd) Principal Meridian, Pennington County, South Dakota, and all easements, restrictions, and reservations affecting the same, as more particularly described in an instrument of conveyance recorded in the Office of the Register of Deeds for Pennington County, South Dakota. Said property is more particularly described as follows:

The following described property:

The Northeast Quarter of the Northwest Quarter of the Southeast Quarter of Section Fifty-four (54) of the North Range of Township Eleven (11) in the Second (2nd) Range West of the Second (2nd) Principal Meridian, Pennington County, South Dakota, except the South Ten Acres of Section Fifty-four (54) thereof.

DATED this 29th day of March, 1990.

[Signature]

SPECIAL PROVISION

STATE OF SOUTH DAKOTA
COUNTY OF MINnehaha

TRANSFER FEE PAID

EXEMPT FROM TRANSFER FEE

BEFORE me, the undersigned Notary Public in and for said County and State, personally appeared the undersigned Notary Public in and for said County and State, personally appeared the undersigned Notary Public in and for said County and State, personally appeared the undersigned Notary Public in and for said County and State, personally appeared the undersigned Notary Public in and for said County and State, and acknowledged the execution of the instrument hereunto attached, and acknowledged the execution of the instrument hereunto attached, and acknowledged the execution of the instrument hereunto attached, and acknowledged the execution of the instrument hereunto attached, and acknowledged the execution of the instrument hereunto attached. Said instrument was acknowledged for the purpose of obtaining a record of the same, and said instrument was acknowledged for the purpose of obtaining a record of the same, and said instrument was acknowledged for the purpose of obtaining a record of the same, and said instrument was acknowledged for the purpose of obtaining a record of the same, and said instrument was acknowledged for the purpose of obtaining a record of the same.

Witness my hand and official seal this 29th day of March, 1990.

[Notary's Signature]

Examination Expires: 2-26-97
CORRECTIVE QUIT CLAIM DEED

ADMINISTRATOR, SMALL BUSINESS ADMINISTRATION, an Agency of the United States of America, Grantor, for and in consideration of One Dollar ($1.00) and other good and valuable consideration, conveys and quit claims to Kelly Moore and Denise Moore, the Grantees, of 3351 Pinewood Drive, Rapid City, Pennington County, South Dakota, the following described real estate in the County of Pennington in the State of South Dakota, subject to an easement permitting that access reasonably necessary to gain reasonable access from the Old Rockerville to Keystone Road to the following described property, which is the dominant land and whose owner shall keep and maintain such easement at his or her own expense: That portion of the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) of Section Thirteen-(13), that lies south of the eastbound lanes of U.S. Highway #16 as shown on the plat of Lots H-2, H-3 and H-4 of the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) of Section Thirteen (13), Township One South (T1S), Range Six East of the Black Hills Meridian (R6E BHM), Pennington County, South Dakota, filed in Highway Plat Book 4, Page 166, and also lies west of the County Road from Rockerville to Harney, the route of which is shown on a survey filed on page 47 of the Road and Bridge Calendar in the office of the Auditor of Pennington County (Dominant Property).

The following described property:

That portion of the Northwest Quarter of the Northwest Quarter (NW 1/4 NW 1/4) of Section Twenty-four (24) that lies south of the eastbound lanes of U.S. Highway #16 as shown on the plat filed in Highway Plat Book 4, Page 166, and also lies west of the County Road from Rockerville to Harney, the route of which is shown on a survey filed on page 47 of the Road and Bridge Calendar in the office of the Auditor of Pennington County, excepting therefrom the South Four Hundred Eighty-Eight and Ninety-Six Hundredths Feet (488.96') of the Southwest Quarter of the Northwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4 NW 1/4) of Section Twenty-four (24) lying west of said County Road, Township One (1) South, Range Six (6) East, B.R.M., Pennington County, South Dakota (granted and servient property).

This Deed is given to correct the description of the dominant property for the access easement. EXEMPT FROM TRANSFER FEE 43-4-22 (4):

Dated this 6th day of September, 1990.

SMALL BUSINESS ADMINISTRATION

By

Chester B. Leedom
District Director

STATE OF SOUTH DAKOTA
COUNTY OF MINnehaha
SS:

□ TRANSFER FEE PAID $ ————

□ EXEMPT FROM TRANSFER FEE

Before me, the undersigned Notary Public in and for said County and State, personally appeared Chester B. Leedom, to me known to be the person who executed the foregoing instrument and who, being duly sworn on oath, stated that he is District Director of the Sioux Falls, South Dakota, District Office of the Small Business Administration, and that said instrument was executed by him for and on behalf of said Small Business Administration, pursuant to Delegation of Authority 13 CFR Part 101, as amended, and he acknowledged said instrument to be the free and voluntary act and deed of said Small Business Administration.

Witness my hand and official seal this 6th day of September, 1990.

Notary Public, Minnehaha County
South Dakota

My Commission Expires: 2-26-97

(Notary Seal)
PLANNING DEPARTMENT

MEMORANDUM

TO: PENNINGTON COUNTY BOARD OF COMMISSIONERS

FROM: PENNINGTON COUNTY PLANNING DEPARTMENT

ITEM: FIRST READING AND PUBLIC HEARING OF MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 19-06: Rockerville Gold Town, LLC (Pat Hall); Brian Hammerbeck – Agent. To amend an existing Planned Unit Development to allow for townhomes, apartments, and commercial businesses in accordance with Section 213 of the Pennington County Zoning Ordinance.

W1/2SE1/4SE1/4 South of Hwy 16 Westboundless Lot A, Less Lot 1, and Less ROW; E1/2SE1/4SE1/4 South of Hwy 16 Westbound Less ROW; and That Part of the SW1/4SW1/4 lying S of Hwy 16 and W of CO RD; and Lots 6-15, Lot 17, Tract B-1 and Tract B-2; and Common Lot B of Rockerville Ghost Town Subdivision, Sections 13 and 14, T1S, R6E, BHM, Pennington County, South Dakota.

(Continued from the February 18, 2020, Board of Commissioner’s meeting.)

PLANNING COMMISSION RECOMMENDATION:
Planning Commission recommended approval of Major Planned Unit Development Amendment / PU 19-06 with the following twenty-three (23) conditions:

1. That the purpose of this Planned Unit Development be to allow a mixed-use development that includes up to three (3) multi-family dwelling units that include duplexes, triplexes, and four-plexes; two (2) three-story apartment complexes; and neighborhood commercial businesses;

2. That the multi-family dwelling units be permitted to be utilized as a Vacation Home Rental provided all the requirements of Section 319 of the PCZO are met;

3. That the commercial businesses be limited to those neighborhood commercial businesses as allowed in Section 302 of the PCZO;

4. That an Engineered Drainage Study is performed by the applicant’s engineer and approved by the County Drainage Engineer prior to the increase in the impervious area greater than 15 percent which includes the area located in both PU 19-05 and PU 19-06;
5. That the required setbacks for all structures be a minimum of 25 feet from all exterior property lines which includes front, side and rear yard setbacks and zero-foot (0) setbacks from the interior property lines, and a 58-foot setback from Section Lines or the Section Line Right-of-Ways be vacated;

6. That the interior access roads off of Rockerville Road and Main Street allow for two-way traffic, meet Ordinance 14 Standards and meet AASHTO Standards;

7. That the interior access roads be named and the street sign posted in accordance with Ordinance 20 prior to the issuance of Building Permits for residences or structures taking access off of the access roads;

8. That all onsite wastewater treatment systems designed and installed in accordance with Section 204-J of the PCZO and if a conventional onsite wastewater treatment system cannot be located on the property due to inadequate soils, an alternative system will be required. All onsite wastewater treatment systems must be reviewed and approved by the South Dakota Department of Environment and Natural Resources;

9. That all septic tanks be pumped every three (3) years and be inspected at the time of being pumped;

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

11. That a minimum of two (2) off-street parking spaces be provided for each unit in the multi-family dwelling unit. All off-street parking spaces on the site shall measure at least 9 feet by 18 feet, be surfaced with gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;

12. That parking for commercial business and apartment buildings be addressed at the time of Building Permit submittal, per Section 310 of the PCZO;

13. That a Building Permit be obtained for any structures exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;
14. That all roads be constructed to Local Road Standards which includes a minimum of a 24-foot wide driving surface or a Variance to the Subdivision Regulations is obtained;

15. That a Homeowner's Association be created for the care and maintenance of the "Common Areas";

16. That a Road District be formed for the care and maintenance of all roads;

17. That Pennington County's Drainage Engineer and Pennington County's Fire Administrator approve the central water system for the Planned Unit Development that will serve the water needs for the development and for fire protection;

18. That the entire water system must be fully operational by the time the 4th Building Permit for a multi-family dwelling is submitted or when 25 people are residing in the PUD, which includes the area located in both PU 19-05 and PU 19-06; or prior to the issuance of a Commercial Building Permit;

19. That all roads be maintained in a dust free manner;

20. That all natural drainage ways be maintained;

21. That prior to the placement of any on-premise sign, the applicant must obtain a Sign Permit in accordance with Section 312 of the PCZO; and,

22. That a Sanitary District is formed for the care and maintenance of the sewer and water systems; and,

23. That Planned Unit Development / PUD 19-06, 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.
STAFF REPORT

GENERAL INFORMATION:

REQUEST: MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 19-06: To amend an existing Planned Unit Development to allow for townhomes, apartments, and commercial businesses in accordance with Section 213 of the Pennington County Zoning Ordinance.

APPLICANT: Rockerville Gold Town, LLC (Pat Hall)

APPLICANT ADDRESS: 528 Kansas City Street, Ste. 5
Rapid City, SD 57701

AGENT: Brian Hammerbeck

AGENT ADDRESS: 528 Kansas City Street, Ste. 5
Rapid City, SD 57701

LEGAL DESCRIPTION: W1/2SE1/4SE1/4 South of Hwy 16 Westboundless Lot A, Less Lot 1, and Less ROW; E1/2SE1/4SE1/4 South of Hwy 16 Westbound Less ROW; and That Part of the SW1/4SW1/4 lying S of Hwy 16 and W of CO RD; and Lots 6-15, Lot 17, Tract B-1 and Tract B-2; and Common Lot B of Rockerville Ghost Town Subdivision, Sections 13 and 14, T1S, R6E, BHM, Pennington County, South Dakota.

SITE LOCATION: 23793 S. Rockerville Road, 13487 Main Street in Rockerville.

TAX ID: 46747 / 46749 / 19292 / 19388 / 19389 / 19390 / 19391 / 19392 / 19393 / 19394 / 19634 / 19635 / 19636 / 19387

SIZE: 25.28 acres

EXISTING LAND USE: Residential

ZONING REFERENCE: Sections 205, 210, 213, and 508
I. PROPOSED RECOMMENDATION
   A. Staff will be recommending approval of Major Planned Unit Development Amendment / PU 19-06 with conditions.

II. GENERAL DESCRIPTION
   A. The applicant, Patrick R. Hall, is proposing to amend the existing Planned Unit Development / PU 81-02 to allow mixed-uses that will include duplexes, triplexes or four-plexes, apartments and commercial businesses.
   B. This Major Planned Unit Development Amendment is part of the Rockerville Gold Town PUD, which includes PU 19-05 and PU 19-06.

III. EXISTING CONDITIONS
   A. The Planned Unit Development / PU 19-06 contains the following lots:
      1. TRACT B-1 of ROCKERVILLE GHOST TOWN SUBD.
         a. Zoned Planned Unit Development.
            i. PUD 81-02 – To allow retail commercial condominiums.
         b. 1.18 acres.
         c. Lot contains:
            i. Storage warehouse – 30’ x 88’.
            ii. Built in 1940 per Department of Equalization (DOE) records.
         d. Access off of S. Rockerville Road through Lot 17.
         e. Right-of-Way Deed for a telephone line.
            i. SW¼SW¼ of Section 13.
            ii. Filed on April 12, 1939.
2. TRACT B-2 of ROCKERVILLE GHOST TOWN SUBD.
   a. Zoned Planned Unit Development.
      i. PUD 81-02 – To allow retail commercial condominiums.
   b. 1.25 acres.
   c. Vacant of any structures.
   d. Access off of S. Rockerville Road through Tract B-1.
   e. Right-of-Way Deed for a telephone line.
      i. SW¼SW¼ of Section 13.
      ii. Filed on April 12, 1939.
   f. Right-of-Way Easement for underground utilities.
      i. SW¼SW¼ of Section 13.
      ii. Filed on July 8, 1970.

3. LOT 17 of ROCKERVILLE GHOST TOWN SUBD.
   a. Zoned Planned Unit Development.
      i. PUD 81-02 – To allow retail commercial condominiums.
   b. 0.45 acres.
   c. Lot contains:
      i. Storage warehouse – 30’ x 88’.
      ii. Built in 1965 per DOE records.
   d. Access off of S. Rockerville Road through Tract B-1.
   e. Right-of-Way Deed for a telephone line.
      i. SW¼SW¼ of Section 13.
      ii. Filed on April 12, 1939.
   f. Right-of-Way Easement for underground utilities.
      i. SW¼SW¼ of Section 13.
      ii. Filed on July 8, 1970.

4. COMMON LOT B; LOTS 6-15 OF ROCKERVILLE GHOST TOWN SUBD
   a. Zoned Planned Unit Development
      i. PUD 81-02 – To allow retail commercial condominiums.
   b. 1.59 acres.
   c. Vacant of any structures.
   d. Access off of S. Rockerville Road and Main Street, Rockerville.
IV. PROPOSED USES ON PUD lots AS SUBMITTED BY THE APPLICANTS
   A. Major Planned Unit Development Amendment / PU 19-06 - to amend an existing Planned Unit Development PU / 81-02 to allow for townhomes, apartments, and commercial businesses.
      1. COMMON LOT B; LOTS 6-15 OF ROCKERVILLE GHOST TOWN SUBD
         a. Commercial uses allowed under Sections 209 and 210 of the Pennington County Zoning Ordinance (PCZO).
      2. TRACT B-1 OF ROCKERVILLE GHOST TOWN SUBD
         a. One apartment complex.
         b. One multi-family dwelling unit.
         c. Community onsite wastewater treatment system.
      3. TRACT B-2 OF ROCKERVILLE GHOST TOWN SUBD
         a. Two multi-family dwelling units.
         b. Community onsite wastewater treatment system.
      4. LOT 17 OF ROCKERVILLE GHOST TOWN SUBD
         a. One apartment complex.
         b. Community onsite wastewater treatment system.

IX. REQUEST FOR COMMENT (See also PU 19-05)
   A. County Highway
      1. Stormwater runoff isn’t addressed with calculation for pre-development and post-development flows and must not exceed the pre-development flow, which may necessitate detention. A couple areas are shown but there is no explanation how it gets there and how it leaves the site. An engineering report is needed.
         a. Staff Comment: Calculations were provided to Staff indicating that the first phase will not exceed the 15% impervious area. However, the overall development will
require stormwater detention prior to phase 2 being implemented. At that time storm water detention must be implemented prior to approval of additional building permits.

B. County Ordinance Enforcement
   1. No Violations shown for these properties.

C. County 9-1-1
   1. Applicant will need to provide proposed new road names to 911 for review prior to final approval.
   2. Based on the documents provided, specifically Page 14 of the PDF, it appears seven new road names will be needed.

D. County Onsite Wastewater Specialist
   1. According to the USDA Web Soil Survey the soils are classified as “Somewhat to Very Limited” based on slow water movement and slope. More information on the specifics of the septic system is needed to determine the viability of the systems. It would also be recommended to look into utilizing small community systems.

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.

F. County Professional Environmental Planner
   1. There is no Special Flood Hazard Area on the subject property.

G. County Natural Resource Director
   1. No objections.

H. United States Forest Service
   1. Protect all posted boundary line corners, signs and bearing tress.
   2. Adhere to the setback requirements along the posted boundary between National Forest System lands and private property.
   3. Protect all known stream courses, ponds and riparian areas located on National Forest System lands.
   4. No resource damage to occur on National Forest System lands.
   5. 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.
   6. All construction materials, supplies, trash or garbage will not be located or dumped on National Forest System lands.
   7. Public roads in this area of the Black Hills National Forest are classified as “Roads Open to Highway Legal Vehicles Only” and “Highways, US, State” per the latest version of the Motor Vehicle Use Map.
   8. No motorized trailheads or motorized trails or motorized roads are planned or scheduled for this portion of the Black Hills National Forest.
9. 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).

I. South Dakota Department of Transportation
   1. Pages 14 & 17 of 42 on the attached pdf appear to use highway ROW. SDDOT does not want to abandon this ramp or other highway ROW until a north-south connection is identified within the split of the US16 EB/WB lanes, as indicated in the attached email.
   2. Attached email: Although the use the off ramp is quite low (5 vehicles in the peak hour), SDDOT does not want to abandon this ramp or highway ROW until a north-south connection is identified within the split of the US16 EB/WB lanes.

X. PROPOSED ACCESS
   A. Access to the interior of the PUD properties (PU 19-05 and 19-06) will be via Highway 16 from exit ramps via Main Street and South Rockerville Road.
   B. Interior access to the individual multi-family dwellings and apartments will be via constructed roads and cul-de-sacs with the exception of one unit which will be provided access off of S. Rockerville Road.
   C. Access to commercial development will be via approaches of Main Street and S. Rockerville Road.

XI. WATER SUPPLY (For both PU 19-05 and PU 19-06)
   A. Property owner is allocated two (2) water rights.
         a. Estimated water use of 39.1 acre-feet per year.
         b. Priority date of June 6, 1953.
         c. Allocation of 40 gallons per minute for one well.
         d. Includes both commercial and residential use.
      2. Water Right 485-2.
         a. Estimated water use of 56.5 acre-feet per year.
         b. Priority date of May 1, 1954.
         c. Allocation of 30 gallons per minute from two (2) wells.
         d. Commercial use.
   B. Three (3) wells located in the PUD.
      1. Well #1
         a. Depth – 42 feet.
         b. Well production of 20+ gallons per minute.
         c. Nitrate – 0.166 milligrams per liter.
         d. E. coli – Absent.
2. Well #2
   a. Depth – 52 feet.
   b. Well production of 20+ gallons per minute.
   c. Nitrate – 0.255 milligrams per liter.
   d. E. coli – Absent.

3. Well #3
   a. Depth – 136 feet.
   b. Well production of 15 gallons per minute.
   c. Nitrate – 3.36 milligrams per liter.
   d. E. coli – Absent.

C. Preliminary water distribution system is in design phase and must obtain approval from SD DENR in accordance with South Dakota Administrative Rule 74:04:09:06.

XI. PROPOSED ONSITE WASTEWATER TREATMENT SYSTEM(s) (For both PU 19-05 and 19-06)
   A. SD DENR approval is required for a system serving more than one residence per Section 204-J of the PCZO.
   B. Preliminary percolation tests and soil profile hole information indicate that a conventional onsite wastewater treatment system may be approved.
   C. The applicant has submitted plans for mound systems in the event that percolation tests or soil profile hole information suggests that a conventional system cannot be installed.
   D. Onsite wastewater treatment systems will be installed in phases.

   ![Proposed mound system design](image)

XII. PARKING REQUIREMENTS
   A. Each unit will provide for parking through garages, driveways and carports.
   B. PCZO requires multi-family dwelling units have two spaces per dwelling unit for the first twenty units and one and a half spaces for each dwelling unit exceeding twenty units.
      1. Each unit will be provided at least two spaces per unit through the driveway and garage or carport for each individual unit.
2. Parking will be addressed at the time of Building Permit submittal.
3. Parking for commercial business and apartment buildings will be required per Section 310 of the PCZO and addressed at the time of Building Permit submittal.

XIII. OTHER UTILITIES
A. Electricity will be provided by Black Hills Electric Cooperative, Inc.
B. Natural gas will be provided with propane.
C. Internet and telephone line providers have not been determined.

XIV. ANALYSIS
A. Staff has performed a site visit on February 3, 2020 and observed the following:
   1. The sales model home was under construction (located in PU 19-05).
   2. Dirt work was being performed in accordance with Construction Permit / CP 19-12 (located in PU 19-05).
B. Surrounding land uses within one (1) mile include:
   1. A resort development that includes a general store, motel and cabins.
   2. A restaurant.
   3. A church.
   4. A motel.
   5. Residential dwelling units.
   6. A sawmill.

RECOMMENDATION: Staff is recommending approval of Planned Unit Development / PU 19-06 with the following conditions:

1. That the purpose of this Planned Unit Development be to allow a mixed-use development that includes up to three (3) multi-family dwelling units that include duplexes, triplexes, and four-plexes; two (2) three-story apartment complexes; and commercial businesses;

2. That the multi-family dwelling units be permitted to be utilized as a Vacation Home Rental provided all the requirements of Section 319 of the PCZO are met;

3. That the commercial businesses be limited to those uses permitted under Sections 209 (General Commercial District) and 210 (Highway Service District) of the PCZO;

4. That an Engineered Drainage Study is performed and approved by the County Drainage Engineer prior to the increase in the impervious area greater than 15 percent which includes the area located in both PU 19-05 and PU 19-06;
5. That the required setbacks for all structures be a minimum of 25 feet from all exterior property lines which includes front, side and rear yard setbacks and zero-foot (0) setbacks from the interior property lines, and a 58-foot setback from Section Lines or the Section Line Right-of-Ways be vacated;

6. That the interior access roads off of Rockerville Road and Main Street allow for two-way traffic, meet Ordinance 14 Standards and meet AASHTO Standards;

7. That the interior access roads be named and the street sign posted in accordance with Ordinance 20 prior to the issuance of Building Permits for residences or structures taking access off of the access roads;

8. That all onsite wastewater treatment systems designed and installed in accordance with Section 204-J of the PCZO and if a conventional onsite wastewater treatment system cannot be located on the property due to inadequate soils, an alternative system will be required. All onsite wastewater treatment systems must be reviewed and approved by the South Dakota Department of Environment and Natural Resources;

9. That all septic tanks be pumped every three (3) years and be inspected at the time of being pumped;

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

11. That a minimum of two (2) off-street parking spaces be provided for each unit in the multi-family dwelling unit. All off-street parking spaces on the site shall measure at least 9 feet by 18 feet, be surfaced with gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;

12. That parking for commercial business and apartment buildings be addressed at the time of Building Permit submittal, per Section 310 of the PCZO;

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

14. That all roads be constructed to Local Road Standards which includes a minimum of a 24-foot wide driving surface or a Variance to the Subdivision Regulations is obtained;

15. That a Homeowner's Association be created for the care and maintenance of the "Common Areas";
16. That a Road District be formed for the care and maintenance of all roads;

17. That Pennington County’s Drainage Engineer and Pennington County’s Fire Administrator approve the central water system for the Planned Unit Development that will serve the water needs for the development and for water protection;

18. That the entire water system must be fully operational by the time the 4th Building Permit for a multi-family dwelling is submitted or when 25 people are residing in the PUD, which includes the area located in both PU 19-05 and PU 19-06; or prior to the issuance of a Commercial Building Permit;

19. That all roads be maintained in a dust free manner;

20. That all natural drainage ways be maintained;

21. That prior to the placement of any on-premise sign, the applicant must obtain a Sign Permit in accordance with Section 312 of the PCZO; and,

22. That Planned Unit Development / PUD 19-06, 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.
PLANNED UNIT DEVELOPMENT AMENDMENT
MAJOR

1. APPLICANT: Patrick R. Hall
   DAYTIME PHONE: 605-718-4000
   MAILING ADDRESS: 528 Kansas City Street, Suite 5, Rapid City, SD 57701
   AUTHORIZED AGENT: Brian Hammerbeck
   DAYTIME PHONE: 605-718-4000
   MAILING ADDRESS: 528 Kansas City Street, Suite 5, Rapid City, SD 57701
   PROPERTY OWNER: Rockerville Gold Town LLC
   MAILING ADDRESS: 528 Kansas City Street, Suite 5, Rapid City, SD 57701

2. LEGAL DESCRIPTION: Please see Planned Unit Development Application submitted on January 3, 2020.

   ADDRESS OF PROPERTY(ies) INVOLVED: Please see Planned Unit Development Application submitted on January 3, 2020.
   LANDMARK LOCATION: Please see Planned Unit Development Application submitted on January 3, 2020.
   EXISTING LAND USE: Please see Planned Unit Development Application submitted on January 3, 2020.
   PROPOSED PUD AMENDMENT(S): (use separate sheet of paper to describe project) Please see Planned Unit Development Application submitted on January 3, 2020.
   SURROUNDING ZONING: NORTH SOUTH EAST WEST
   UTILITIES: ☐ PUBLIC: (list provider)
   PRIVATE: Septic Tank size: ___________ gallons Drainfield size: ___________ feet
   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 and they have been paid on __________.

   Signature of APPLICANT or AGENT: (requires owner authorization)
   Signature of LANDOWNER:

   DATE: January 22, 2020
   Subscribed and sworn to before me this day of January
   Notary Public for the State of South Dakota
   My Commission Expires: __________

   DATE: January 22, 2020
   Subscribed and sworn to before me this 22nd day of January 2020.
   Notary Public for the State of South Dakota
   My Commission Expires: __________

4. DATE OF:
   PLANNING COMMISSION HEARING: __________
   LOCATION: County Commissioners’ Meeting Room
PLANNED UNIT DEVELOPMENT
MAJOR AMENDMENT CHECKLIST

The Application Fee for a Major Planned Unit Development Amendment is $400.00 PLUS $20.00 for the Mailing List and $50.00 for a refundable Sign Deposit.

INTENT OF MAJOR AMENDMENTS TO THE PLANNED UNIT DEVELOPMENT

Amendments to the Planned Unit Development (PUD) shall be considered Major, if there is a change in permitted uses, a modification to the PUD boundary, lots or structure heights, or a change in the provisions concerning reconfiguration of roads, parking areas, open space or density.

Please provide the following submittal materials:

_____ 1. A completed application form: signed and notarized by the applicant and the owner of the subject property and filed at least nineteen (19) days prior to a scheduled Planning Commission meeting. If application is not complete, staff reserves the right to deny the request to be placed on the Agenda.

_____ 2. Written narrative addressing changes to or provisions for any of the following:

Please see Planned Unit Development Application submitted on January 3, 2020.

a. Characteristics of the PUD.
b. Expected densities and land coverage.
c. Number, type, and size of buildings, and/or units.
d. Parking.
e. Utility Services
f. Type of all existing uses, including permitted uses, and uses permitted after Major Amendment to the PUD.

_____ 3. Ten (10) copies of a complete site plan, drawn to scale, with the following information:

Please see Planned Unit Development Application submitted on January 3, 2020.

_____ Name of the PUD.
_____ Legal Description.

_____ Property lines and dimensions of property.

_____ All easements and 100-year floodplain boundaries.

_____ Minimum and maximum square footage and/or number of units.

_____ Location of all existing on-site utilities.

_____ Location, dimensions, and types of existing buildings on the property and their distances from property lines.

_____ The right-of-way of any public road(s) that is contiguous to the property.

After submittal of all the application materials and the required fee, the applicant will be provided with a property owner list and Notice of Hearing letter. The Planning Office will prepare a list of names and addresses of those persons who own land within the entire PUD and land 500 feet outside of the PUD boundary. The Notice of Hearing letters must be mailed by the applicant, by certified mail, no less than ten (10) days prior to the date of the public hearing. The expense of notifying the surrounding property owners is the responsibility of the applicant.

A $50.00 deposit (refundable) is required for the sign, provided by the Planning Office, which advertises the request. This sign must be posted on the property in such a manner that it is visible from the road, which provides access to the property. The sign must be posted no less than ten (10) days prior to the date of the hearing and must remain posted until final action by the Planning Commission. The $50.00 deposit is refunded when the sign is returned within six (6) months of the County Board of Commissioners action.

Major Amendments are processed in the same manner as a new Planned Unit Development application. This requires a public hearing before the Planning Commission and review and approval by the County Board of Commissioners.
Exhibit A

Legal description:

Lots 6 through 15, inclusive, and Common Lot B, in the Rockerville Ghost Town Subdivision, Pennington County, South Dakota, as shown on the plat filed in Plat Book 18, page 197;

and

Lot 17 and Tract B-1 and B-2 in the Rockerville Ghost Town Subdivision, Pennington County, South Dakota, as shown on the plat filed in Plat Book 19, Page 38;

and

That portion of the Southwest Quarter of the Southwest Quarter (SW1/4SW1/4) of Section 13, Township 1 South, Range 6 East of the Black Hills Meridian, Pennington County, South Dakota, lying south of the eastbound lanes of U.S. Highway #16, as shown on the Plat of Lots H-2, H-3 and H-4 of the SW1/4SW1/4 of Section 13, T1S, R6E, BHM, filed in Highway Plat Book 4, Page 166, and also lies west of the county road from Rockerville to Harney, the route of which is shown on a survey filed on Page 47 of the Road and Bridge Calendar in the Office of the Auditor of Pennington County;

and

That portion of the Southeast Quarter of the Southeast Quarter (SE1/4SE1/4) of Section 14, Township 1 South, Range 6 East of the Black Hills Meridian, Pennington County, South Dakota, lying south and east of the westbound lane of U.S. Highway No. 16, said lane shown as Lot H-2 in Highway Plat Book 4, Page 187; EXCEPTING therefrom Lot 1, as shown on the plat filed in Plat Book 3, Page 139; and EXCEPTING therefrom Lot H-1, as shown on the plat filed in Highway Plat Book 2, Page 8; and EXCEPTING therefrom Lot H-3, as shown on the plat filed in Highway Plat Book 4, page 187.

Exhibit B

The parcels identified with Tax ID numbers: 19292, 19636, 19635, 19634, 19387, 19388, 19389, 19390, 19391, 19393, 19394 are currently zoned as Planned Unit Development. The parcels identified with TAX ID numbers: 46747, 46749 and 19292 are currently zoned as Highway Service. The proposed is to have all the property as a Planned Unit Development.
Exhibit B (Continued)
Current Zoning

Planned Unit Development

Highway Services
Exhibit B (Continued)
Proposed Zoning

Planned Unit Development
**Item #2**

Development schedule and copies of any special agreements, conveyances, restrictions or covenants.

The proposed plan is to completed the site plan in two phases. There are no special agreements, conveyances, restrictions or covenants.

**Item #3**

Performance bond equal to the cost of all improvements to be posted prior to any final platting being filed.

There will be no platting filed, therefore no performance bond will be posted.

**Item #4**

Written narrative addressing provisions for any of the following:

a. Characteristics of the PUD.

   The requested allowable, as Per Attached Exhibit 4A, uses are identified in the submittal materials.

b. Expected densities and land coverage.

   The landowner is expecting proposed densities of approximately one four-plex or three-plex or two-plex. The landowner is proposing to build apartment complexes. Attached Exhibit 4B.

c. Number, type and size of buildings, and/or units.

   The proposed plan is to build four-plex, three-plex, two-plex and apartment buildings in two phases. The apartments are proposed to be three stories, with units ranging from 500 to 950 square feet to include, studio, 1-bedroom and 2-bedroom. Attached Exhibit 4C is an artist rendering of the four-plex.
d. Drainage pattern and drainage plan.

We will follow all requirements as outlined in South Dakota State Law 46-10A-20 and Pennington County PUD Zoning Requirements. We will provide a pre-development drainage and post-development drainage plan, beginning this plan when the PUD is approved by the County Commissioners.

In our first phase, consisting of approximately 5 acres, we anticipate approximately five 4-plex units. These five units will have roof surfaces of 6,200 square feet each or approximately 31,000 total square feet of roof. We are planning to use natural landscaping around the structures. The 31,000 square feet of roof surface represents 14% of the total land area in the anticipated first phase (31,000 sf / 217,800sf). We will work with Pennington County Planning and the State of SD regarding required drainage, retention areas, etc.

We feel a benefit of this PUD area that we have naturally sloping areas that have moved water to well-established drainage areas.

We have also identified in our site plan our designated general storm water collection areas, as shown on Exhibit 5A in blue. Their placement, size and design will be determined by the storm water engineer.

e. Parking.

The proposed residential parking for each unit will be provided through garages, driveways and carports. Any commercial area parking will be in designated parking lots.

f. Utility services.

Water - Per Eric Gronlund, Engineer III with SDDENR via email on 12/4/19, informed us that our proposed Rockerville Property PUD is vested with two water rights allowing 70 gallons per minute listed as follows:

Water Right 479-2:

This water right is from 1953 and carries a 40 gpm allocation from one well.
Water Right 485-2:
This water right is from 1958 and carries at 30 gpm allocation from two wells.

These two water rights allocate us 100,800 gallons of water per day at full gpm water right usage (70 gpm x 60 minutes per hour x 24 hours), but our projected usage is significantly less at 26,250 (see below).

For design purposes, Brittney Molitor of the Pennington County Planning Department, suggested that a baseline for water usage per day would be 75 gallons per day per person and assuming 2 people per bedroom. This equates to 22,500 gallons of daily water usage (assuming 50 one-bedroom units and 50 two-bedroom units). The 22,500 gallons per day usage represents only 22% of our vested water rights (22,500 / 100,800).

We are also currently working on the preliminary water distribution system design. Upon approval of our PUD request, we will provide design and documentation to meet the requirements of water quality, water distribution, water testing and licensing as required by Pennington County and SD DENR. This includes South Dakota Administrative Rule 74:04:09:06. We are currently working with Mark MacIntire P.E. from SD DENR in Pierre and Erin Fagnan with SD DENR in Rapid City on the SD DENR requirements.

Sewer/Onsite Wastewater System - South Dakota Administrative Rule 74:53:01:37 allows a landowner to install a mound or evapotranspiration system. Our plan is to install multiple combination mound and evapotranspiration systems.

We estimate once the proposed Rockerville Property PUD is fully built and at full occupancy (100 units), the maximum daily on-site wastewater will be 26,250 gallons. The 26,250 gallons per day is based on maximum waste-water flow capacity requirements as outlined in South Dakota Administrative Rule 74:53:01:20 Table 2, calculated as follows (3.5 persons x 75 gallons per person x 100 units).

Our proposed PUD also includes options for commercial, apartment and other uses. Our primary plan is for fourplex, triplex and duplex type residential housing and our wastewater treatment is based on the fourplex, triplex and duplex type design. However, if the market dictates that commercial and apartment uses be utilized, we will use the same type mound system and applicable wastewater gallonage per day as allowed under the SD Administrative Rule identified above to comply with the wastewater requirements for each type of use.
Item #4 (Continued)

We plan to build a mound system, which is a shallow wastewater dispersal system constructed partially above ground which uses plant evapotranspiration and soil absorption for final treatment of wastes as defined in SD Administrative Rule 74:53:01:01 subsection 34. We also expect our mound system to utilize evaporation as outlined in 74:53:01:01 subsection 22.

We plan to construct our mound systems in phases and each phase/system will be designed to handle a maximum of 7,500 gallons per day, as allowed under SD Administrative Rule 74:53:01:01 Article 56. By calculation, each mound system will absorb and evaporate the wastewater of a maximum of 28 units (28 units x 262.5 gallons per day = 7,350 gallons).

We anticipate the first phase of the our mound system to be 6,200 square feet to provide wastewater treatment for the first 28 units (up to 7,500 gallons per day design), based upon the perk tests that have already been completed.

Electricity – will be provided by Black Hills Electric Cooperative, Inc.

Natural Gas – will be provided by propane.

Internet/telephone lines – this will be determined.

g. Location, height and size of any proposed signs.

There will be standard road signs for the developments. There may also be other signs as allowed as part of the various permitted uses within the PUD. Any billboards will be in accordance with section 312.
h. Types of all existing uses, including permitted uses.

The existing uses of this property include Highway Services and Planned Unit Development.
Exhibit 4A

This property is currently zoned as Highway Services. The proposal is to have the zoning as Planned Unit Development with the following:

Allowable Uses, may include, but are not limited to the following purposes:

1. Manufactured home, modular homes and site or stick built homes in compliance with Section 204-I.
2. Transportation and utility easements and rights-of-way.
3. Temporary buildings for uses incidental to construction work. These buildings shall be immediately adjacent to the construction work and shall be removed upon competition or abandonment of the construction work and shall require a temporary building permit. Temporary living quarters shall require an accessory building permit.
4. Home offices.
5. Community signs, outdoor advertising, signs and billboards in accordance with Section 312 Signs, Billboards and other Advertising Structures.
6. Telecommunication facilities in accordance with Section 316 – Telecommunications Facility.
7. Home occupations, in accordance with Section 204 – General District Provisions.
8. Parks, playgrounds, play fields and community centers.
9. Childcare centers and kindergartens.
10. Churches or similar places of worship.
11. Public service structures, such as fire stations, police stations and post offices.
12. Neighborhood commercial uses, as regulated in Section 302 – Neighborhood Commercial.
13. Multiple-family dwellings, including but not limited to Section 303 – Multiple Family Dwellings.
14. Lodge hall, Veterans organization and service organizations.
15. Seasonal cabin/dwelling.
16. Model home and sales office.
17. Manufactured homes, modular homes and site or stick-built homes not in compliance with Section 204 – General District Provisions.
18. Guest house, in accordance with Section 318 – Guest House.
19. Vacation home rental, in accordance with Section 319 – Vacation Home Rental.

20. Rooming and boarding houses.


22. Family and group care facilities.

23. Medical centers and/or dental clinics or office and hospitals.

24. Zero lot line or common wall dwellings. This will include zero lot lines of all of: lot 6, 7 – 8, 9, 10, 11 – 12, 13 – 14, 15, Rockerville Ghost Town Subdivision and the back lot line and the SW lot line of common lot B Rockerville Ghost Town Subdivision

25. Retail establishments, including incidental manufacturing of goods for sale at retail on the premises, when conducted entirely in an enclosed building.

26. The storage, display and sale of new, used, repossessed and traded-in merchandise, when conducted entirely in an enclosed building.

27. Barber and beauty shops and schools.

28. Hotels, motels, rooming and boarding houses.

29. Clubs and lounges.

30. Eating and drinking establishments, including drive-in eating establishments.

31. Offices, stidious, clinic and laboratories.

32. Financial and credit institutes.

33. Bakeries.

34. Auditoriums, libraries, art galleries, museums and other cultural structures and activities and community centers.

35. Laboratories and establishments for production and repair of jewelry, eyeglasses, hearing aids and prosthetic appliances.

36. Commercial recreation and amusement structures and uses conducted entirely in an enclosed building, such as theaters, bowling alleys and poolrooms.

37. Public buildings and grounds other than elementary or high schools.

38. Service and repair establishments, including automobile service and repair, but excluding airplane and railroad establishments.
39. New and used motor vehicle sales, rental and repair, including trailers, boat sales, motorcycle sales and service and travel trailer sales.

40. New and used farm implement and machinery sales.

41. Accessory uses and structures on the same premises and clearly incidental to permitted uses or structures, including a dwelling unit for occupancy only by owners or caretakers.

42. Construction equipment sales.

43. Warehousing, wholesale and distribution establishments.

44. Kennels, catteries and animal hospitals.

45. Other general commercial uses, which, although they are not specified in this section due to omission or lack of technological development, in the opinion of the Commission, are not contrary to the intent of the general commercial district.

46. Souvenir, gift, jewelry, arts and crafts shops.

47. Retail businesses.


49. Commercial recreation and amusement structures and uses, including theaters, amusement parks, bowling alleys, ice and roller rinks, archery ranges and miniature golf.

50. Accessory uses and structures on the same premises and clearly incidental to permitted uses or structures, including a dwelling unit for occupancy only by owners and caretakers.

51. Auction house.

52. Other highway-orientated businesses which are not listed but which the Commission may determine meet the intent of the Highway Service District. This shall not be construed to include general commercial activities which more appropriately fit the General Commercial District.

53. Recreational vehicle parks, in accordance with Section 306 – Recreational Vehicle Parks.

54. Other uses, in accordance with Section 307 – Other Uses.
Item #5
Complete Site Plan

A. Site plan.
   Attached as Exhibit 5A.

B. Name of the PUD.
The name of the PUD will be Rockerville Gold Town PUD.

C. Legal Description.
   Attached as Exhibit 5B.

D. Property lines and dimensions of the property.
   Attached as Exhibit 5C.

E. All easements and 100-year flood plain boundaries.
The easements are attached as Exhibits 5D. According to RapidMap.org, no part of the property is located in the 100-year flood plain.

F. All proposed streets and/or easements.
   All proposed streets are marked in Site Plan, Exhibit 5A.

G. Area to be conveyed, dedicated or reserved as common areas, including parks, schools and other public buildings.
The area that will be designed as the proposed common area is marked in green on Exhibit 5A.

H. Proof that all parks and open spaces will be dedicated to a Homeowner’s Association.
The landowner will utilize a Home Owners Association and will provide documentation as required.

I. Internal traffic and circulations system, off-street parking, service areas, loading area and points of access to public right-of-ways.
   Main Street, Highway 16 and South Rockerville Road, as per attached Exhibit 5E.

J. Minimum and maximum square footage and/or number of units.
   This is proposed minimum is 800 square feet and the maximum is 1,600 square feet.

K. Location of all existing on-site utilities.
   On-site utilities are marked in red on attached Exhibit 5F.

L. Location, dimensions and types of existing buildings on the property and their distances from the property lines.
   Rental home could possibly stay, all other buildings will be torn down.

M. The right-of-way of any public road(s) that is contiguous to the property.
   Roads and right-of-way are marked in blue, as per attached Exhibit 5E.
Exhibit 5A
Exhibit 5B

Legal Description

Lots 6 through 15, inclusive, and Common Lot B, in the Rockerville Ghost Town Subdivision, Pennington County, South Dakota, as shown on the plat filed in Plat Book 18, page 197;

and

Lot 17 and Tract B-1 and B-2 in the Rockerville Ghost Town Subdivision, Pennington County, South Dakota, as shown on the plat filed in Plat Book 19, Page 38;

and

That portion of the Southwest Quarter of the Southwest Quarter (SW1/4SW1/4) of Section 13, Township 1 South, Range 6 East of the Black Hills Meridian, Pennington County, South Dakota, lying south of the eastbound lanes of U.S. Highway #16, as shown on the Plat of Lots H-2, H-3 and H-4 of the SW1/4SW1/4 of Section 13, T1S, R6E, BHM, filed in Highway Plat Book 4, Page 166, and also lies west of the county road from Rockerville to Harney, the route of which is shown on a survey filed on Page 47 of the Road and Bridge Calendar in the Office of the Auditor of Pennington County;

and

That portion of the Southeast Quarter of the Southeast Quarter (SE1/4SE1/4) of Section 14, Township 1 South, Range 6 East of the Black Hills Meridian, Pennington County, South Dakota, lying south and east of the westbound lane of U.S. Highway No. 16, said lane shown as Lot H-2 in Highway Plat Book 4, Page 187; EXCEPTING therefrom Lot 1, as shown on the plat filed in Plat Book 3, Page 139; and EXCEPTING therefrom Lot H-1, as shown on the plat filed in Highway Plat Book 2, Page 8; and EXCEPTING therefrom Lot H-3, as shown on the plat filed in Highway Plat Book 4, page 187.
A road that cuts across the north corner of the property of Unplotted Lands and Roads in the SW 1/4 SW 1/4, Section 14, in the NW 1/4 NW 1/4, Section 24, all in Township 13, Range 6 East, 2nd Meridian, Pennington County, South Dakota.

Survey Map of this Property.

October, 1978

Section Line, Eight of way

16.906.80
FIELD NOTES:
Beginning at Cor N°1, from which the section corner, common to Sec. 13-14, 23.24 acres, bear East 46°2 distant; hence Cor. N 3°33' W 230.7 ft. Cor. N°2, on S 29° 15' N 254.94 ft. Bearing H.V.: 100 ft. 3 East 45°. 1 and place of beginning, enclosing 10 acres.

STATE OF MINNESOTA
COUNTY OF HENNEPIN
I, Beulah N. Mikkelsen, do hereby certify that I am the owner of the SE 1/4, SE 1/4, Sec. 14, T. 13 S, R. 6 E, and that I authorized the survey and plot of Lot 1 as here shown.

Beulah N. Mikkelsen, as Administrator
Surviving Executor, Estate of her deceased father.
Said signed and sworn to before me a notary public duly appointed and qualified in the State of Minnesota and this State of South Dakota.

Notary Public

STATE OF SOUTH DAKOTA
COUNTY OF PENNINGTON
I, Steven Bangs, registered engineer, do hereby certify that I, being so authorized, have made the survey and plot of Lot 1 of the SE 1/4 SE 1/4 in Sec. 14, T. 13 S, R. 6 E, S.D., and same is correctly shown.

Steven Bangs, reg. eng.
Said signed and sworn to before me this 30th day of March, 1939.

Notary Public
RIGHT-OF-WAY DEED
(Telephone Line)

KNOW ALL MEN BY THESE PRESENTS, That Pennington County, South Dakota, in consideration of the sum of One Dollar in hand paid, and other good and valuable considerations, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto the United States of America, an easement and right of way in gross over and across the following described tracts or parcels of land situated, lying, and being in the County of Pennington, State of South Dakota, to-wit:  
SW1/4 SE1/4 Section 13, and SE1/4 SE1/4 Section 14, T. 1 S., R. 6 E.,  
B.M. Said right of way hereby granted is more particularly described as follows, to-wit: Beginning at a point on the west boundary of the SE1/4 SE1/4 Section 14, T. 1 S., R. 6 E., B.M., from which point the southwest corner of the SE1/4 SE1/4 of said Section 14 bears due south 55 feet, and extending thence north 60 degrees east 2415 feet to a point from which the section corner common to Sections 13, 14, 23 and 24 of said township bears south 60 degrees west 846 feet to intersection with the section line common to said Sections 13 and 14, thence due south 830 feet, together with all and singular the rights and privileges thereof belonging or in any wise appertaining.  
Said right of way is for use as a telephone line by the grantee, its officers, agents and employees.  
The grantee shall, at all reasonable times, have the right to enter for the purpose of constructing, repairing, patrolling, and removing such telephone line, doing as little damage as possible.  
The grant shall be effective so long as said easement shall be actually used for the purpose above specified, and all rights hereunder shall revert to the owner of the land as soon as said use thereof shall be abandoned, in fact, and discontinued.  
In witness whereof, the grantor has caused these presents to be executed by its Commissioners, and its corporate seal to be hereunto affixed this 9th day of March, 1939.

(County Seal)

Pennington County, South Dakota
Charles P. Tittle
William A. Wallin
Edward Braabender
Thomas B. Himmer
Frank D. Johnson
Commissioners.

Acknowledged Mar. 9, 1939.  
Filed April 12, 1939 at 1:30 P.M.  
WARRANT, DUNN, R. F.,

BOOK 151, PAGE 92,

Pennington County, State of South Dakota.

For and in consideration of One Dollar, and other valuable considerations,

The State of South Dakota

KNOW ALL MEN BY THESE PRESENTS, that GRANTOR, of Pierre, South Dakota, P. O., the following described real estate in the County of Pennington, in the State of South Dakota:

Lots 11-2 and 11-3 in the 33 3/4 of Section 14, Township 1 South, Range 6 East of the 2d P.M. in Pennington County, South Dakota as shown by plan made by S. M. Genis, Registered Land Surveyor, under date of April 23, 1966; said plan to be filed in the office of the Register of Deeds, in Pennington County, South Dakota.

Said Lot 11-2 contains 8.24 acres, more or less.

Said Lot 11-3 contains 1.24 acres, more or less.

The transfer of the above property is to include "CONTROLLED ACCESS" in accordance with Chapter 25-24 of the 1960 Supplement to the South Dakota Code of 1939 and amendments thereto, Access to be provided at Survey Station 11480. Right and left.

This deed is given for highway purposes only with full, severable rights.

Dated this 15th day of January, 1966.

RECORDED

INDEXED 2/3/66

State of South Dakota, County of Pennington.

In the name of the people of the United States of America, two Notaries Public within and for said County and State, personally appeared

of the full power to make, sign and deliver this instrument

and acknowledged to me that the same was executed by me.

My Commission expires 12-17-76.
BURLAH J. HULL and C. A. HULL, wife and husband.

Pennington County, State of South Dakota.

for and in consideration of One Dollar and other valuable consideration.

GRANTS, CONVEYS AND WARRANTS to.

THE STATE OF SOUTH DAKOTA.

Grantee, of Pierre, South Dakota, P.O., the following described real estate in the County of Pennington, in the State of South Dakota:

Lots H-2 and H-3 in the E6th of Section 14, Township 14 South, Range 6 East of the Black Hills Meridian, Pennington County, South Dakota, as shown by plat made by S. M. Gentle, Registered Land Surveyor.

under date of April 22, 1966, and filed in the office of the Register of Deeds, Pennington County, South Dakota, on August 2, 1966, in Book 4 of Highway Plats, page 187. Said Lot H-2 contains 8.74 acres, more or less, of which 0.22 acres, more or less, is section line:
	right of way. Said Lot H-3 contains 1.24 acres, more or less, of which 0.13 acre, more or less, is section line right of way.

The transfer of the above property is to include "CONTROLLED ACCESS.

In accordance with Chapter 28, 09A of the 1960 Supplement to the South Dakota Code of 1939 and amendments thereto. Access to be provided at Survey Station 84+00, right and left, (West bound lane).

This deed is given for highway purposes only with full revocatory rights.

RECEIVED

INDEXED

3079

3079

State of South Dakota, County of Pennington.

On this 8th day of May, in the year of our Lord 1966, before me, Mary Jane Olson, a Notary Public within and for said County and State, personally appeared BURLAH J. HULL and C. A. HULL, wife and husband, and acknowledged to me that I, Mary Jane Olson, a Notary Public, aforesaid, executed the same.


BOOK 153 PAGE 461
BURIED EXCHANGE FACILITY EASEMENT

The undersigned owner(s) of the real estate described herein (hereinafter called "Owner") hereby grant(s) and convey(s) to NORTHWESTERN Bell TELEPHONE COMPANY, an Iowa corporation, its associates, and allied companies, and their respective successors, assigns, lessees and agents (hereinafter called "Company"); in consideration of the sum of $50,000.

The Company agrees to bury all cables and wires below plowed depth in order to not interfere with ordinary cultivation of the land, and to pay for all damage to Owner's property arising from the Company's exercise of the rights herein granted, except as stated below: exceptions.

The Company will not install or lay underground cables or wires, nor will it maintain them, so as to interfere with the use of ditches, existing underground conduits, or other underground conduits which may be installed in the future for the purpose of accommodating the public power lines, and the Company will not remove, perturb or disturb any such conduits or wires in the ditches.

The Company will not install or bury any such conduits or cables or wires without the written consent of Owner.

The Company will take all necessary precautions to properly bury all such conduits or cables or wires so as not to interfere with the use of the property and to prevent damage to property.

Signed this 8th day of July, 1976.

WITNESSES:

[Signature]

[Signature]

OWNER:

[Signature]

[Signature]
STATE OF SOUTH DAKOTA COUNTY OF MINnehaha

On the ______ day of ______, 19____, before me, the undersigned officer,

personally appeared

who acknowledged himself to be the

of ______, a corporation,

and that he, as such ______, being authorized

of to do, executed the foregoing instrument for the purposes therein contained, by signing the name

of the corporation by himself as ______.

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

[Signature]

Notary Public

[Seal]

[Notary Public]

[Address]

[Post Office Address of Owner]

[Recorded on ______]

[Recording Number]

[File Number]

[State of南达科他州，县，县]

[Date Filed]

[Notary Public]

[Seal]

[Notary Public]

[File Number]
BURIED INTER-EXCHANGE FACILITY EASEMENT

The undersigned owner(s) of an interest in the real estate described below (hereinafter called the "Owner") hereby grant(s) and convey(s) to NORTHWESTERN BELL TELEPHONE COMPANY, an Iowa corporation, its associated and allied companies, its and their respective successors, assigns, lessees and agents (herein called the "Company"), in consideration of the sum of

$1.00

received from the Company and of the appurtenant rights below stated, a right of way and easement to construct, operate, maintain, replace, and remove all communications systems of the Company over three feet (3') in width time to time required, consisting of underground cable, wire, conduit, poles, towers, and similar equipment and surface easements, automobile and pedestrian thoroughfares for the purpose of exercising the rights herein granted, subject, under and subject to any and all one rod wide strips within the following described real estate located in the

City of

State of South Dakota

SW 1/4 NE 1/4 Section 24 T 11 S R 66

N.W. 1/4 SW 1/4 Section 13 T 11 S R 66

together with the following rights: to place surface marks beyond said strip to show and warn of uncut trees, roots, brush and other obstructions from the surface and boundaries of said strip and within an eight foot thereof; and, to install poles and wires in any fashion required and upon the same

boundary of said one rod strip shall be the line indicated by the mark of the first cable laid, which cable shall have the following indication on its surface over three feet (3') in height on the land of the Owner or on adjacent lands. The Owner for his heirs, executors, administrators, successors and assigns forever waives and shall forever hold that no structure shall be erected or permitted on said strip.

The Company agrees to bury all cable and wires below prior deep, in order to the further use of ordinary cultivation of the land, and to pay for all damages to Owner's property arising from the Company's exercise of the rights herein granted, providing hereby, fixtures, buildings, and improvements, as the interests may appear, excepted as stated below: Exceptions (if any):

Signed this 29 day of September 1969

Owner:

[Signature]

WITNESSES:

[Signature]

[Signature]
STATE OF

COUNTY OF

On this the    day of      , 19..., before me, the undersigned officer,

Personally appeared:

Any one or po suitably sworn to be the person(s) whose name(s)        subscribed to
the within instrument and acknowledged that        executed the same for the purposes therein

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

Notary Public

STATE OF

COUNTY OF

On this the    day of      , 19..., before me, the undersigned officer,

Personally appeared:

who acknowledged himself to be the    of      and that he, as such, in his capital,
being authorized, is hereby acknowledged for the purposes herein contained, by signing the name
of the corporation by himself as    

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

Notary Public

Name of Township

Legal Description

Secured by

Post Office Address of Owner

R.O. No.

F.D. No.

RECORDED
INDEX

RECORDED
INDEX
ADMINISTRATION, SMALL BUSINESS ADMINISTRATION, an agency of the United States of America, announce, stand in consideration of $1,000.00, and other good and valuable consideration, conveyed and quitclaim to the aforementioned "doe", to the State of South Dakota, subject to an agreement providing the access thereof, assessed and payable from the land thereof in Pennington County, South Dakota, the following described real estate in the County of Pennington in the State of South Dakota, subject to an agreement providing the access thereof, assessed and payable from the land thereof in Pennington County, South Dakota, to the State of South Dakota, by a reasonable access from the said Mocksville to Keystone Road to the road described property, which is the dominant land and whose owner shall keep and maintain such easements as are shown on the expense, tract B and lots Six (6), seventeen (17), eighteen (18), Twenty (20), Twenty Two (22), Twenty Three (23), Twenty Four (24), Twenty Six (26), Twenty Seven (27), Twenty Eight (28), Twenty Nine (29), Thirty One (31), Thirty Two (32), Thirty Three (33), and Thirty Four (34) Townships of the Southwest Quarter (SW/4) for South Dakota Quarter (SW/4) of Section Nineteen (19), Townsite One (1), South of Range Six (6) East, Tenth (10), Pennington County, South Dakota (Dominant Property).  

The following described property, 

That portion of the Northeast Quarter of the Southeast Quarter of Section Twenty Four (24) in Township Eleven (11) of Range Six (6) East, Tenth (10), Pennington County, South Dakota, as shown on Plat No. 166, and to the east of the County Road Century Drive, in Harney, the route of which is designated as a state highway, the Route and of the road in the office of the Register of Deeds in the City of Pennington County, South Dakota, except the north twenty feet of the southeast corner of the Southwest Quarter of the Northwest Quarter of the northeast quarter of section twenty-four (24) lying west of said County Road Century Drive, in the City of Pennington County, South Dakota (granted and servient property). 

Dated this 29th day of March, 1990.

Exempt from Transfer Fee.

By

S. K. District Director

Of

S. K. District Director

Pennington County, South Dakota

STATE OF SOUTH DAKOTA
COUNTY OF HANCOCK

Before me, the undersigned Notary Public in and for said County and State personally appeared Chetek in Pennington, to be known to the person who executed the foregoing instrument, and who being duly sworn on oath, stated that he is District Director of the Sioux Falls, South Dakota, District Office of Small Business Administration, and that said instrument was executed by him for and on behalf of said Small Business Administration, pursuant to delegation of Authority No. 13 CFR Part 101, as amended, and he acknowledged said instrument to be the free and voluntary act and deed of said Small Business Administration.

Witness my hand and official seal this 29th day of March, 1990.

Notary Public in and for Hancock County, S.D.

Commission Expires: 2-26-97
CORRECTIVE QUIT CLAIM DEED

ADMINISTRATOR, SMALL BUSINESS ADMINISTRATION, an Agency of the United States of America, Grantor, for and in consideration of One Dollar ($1.00) and other good and valuable consideration, conveys and quit claims to Kelly Moore and Denise Moore, the Grantees, of 3351 Pinewood Drive, Rapid City, Pennington County, South Dakota, the following described real estate in the County of Pennington in the State of South Dakota, subject to an easement permitting that access reasonably necessary to gain reasonable access from the Old Rockerville to Keystone Road to the following described property, which is the dominant land and whose owner shall keep and maintain such easement at his or her own expense:

That portion of the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4 of Section Thirteen (13)) that lies south of the eastbound lanes of U.S. Highway 16 as shown on the plat of Lots H-2, H-3 and H-4 of the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4 of Section Thirteen (13)), Township One South (T1S), Range Six East of the Black Hills Meridian (R6E BM), Pennington County, South Dakota, filed in Highway Plat Book 4, Page 166, and also lies west of the County Road from Rockerville to Harney, the route of which is shown on a survey filed on page 47 of the Road and Bridge Calendar in the office of the Auditor of Pennington County (Dominant Property).

The following described property:

That portion of the Northwest Quarter of the Northwest Quarter (NN 1/4 NW 1/4 of Section Twenty-four (24)) that lies south of the eastbound lanes of U.S. Highway 16 as shown on the plat filed in Highway Plat Book 4, Page 166, and also lies west of the County Road from Rockerville to Harney, the route of which is shown on a survey filed on page 47 of the Road and Bridge Calendar in the office of the Auditor of Pennington County, appearing therefrom the South Four Hundred Eighty-Eight and Ninety-Six Hundredths Feet (488.96') of the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4 of Section Twenty-four (24) lying west of said County Road, Township One (1) South, Range Six (6) East, B.H.H., Pennington County, South Dakota (granted and servient property).

This Deed is given to correct the description of the dominant property for the access easement. EXEMPT FROM TRANSFER FEE 43-4-22 (40):

Dated this 6th day of September, 1990.

SMALL BUSINESS ADMINISTRATION

By Chester B. Leedom
District Director

STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA

□ TRANSFER FEE PAID $  
☐ EXEMPT FROM TRANSFER FEE

Before me, the undersigned Notary Public in and for said County and State, personally appeared Chester B. Leedom, to me known to be the person who executed the foregoing instrument and who, being duly sworn on oath, stated that he is District Director of the STOON Falls, South Dakota, District Office of the Small Business Administration, and that said instrument was executed by him for and on behalf of said Small Business Administration, pursuant to Delegation of Authority 13 CFR Part 101, as amended, and he acknowledged said instrument to be the free and voluntary act and deed of said Small Business Administration.

Witness my hand and official seal this 6th day of September, 1990.

My Commission Expires: 2-26-97
(Notary Seal)
PLANNING DEPARTMENT
MEMORANDUM

TO:               PENNINGTON COUNTY BOARD OF COMMISSIONERS

FROM:             PENNINGTON COUNTY PLANNING DEPARTMENT

ITEM:            PUBLIC HEARING ON AMENDMENT OF PENNINGTON COUNTY
                 COMPREHENSIVE PLAN - ORDINANCE AMENDMENT / OA 19-01:
                 Pennington County. Comprehensive Plan “View to 2040” to amend and
                 supersede Pennington County’s existing Comprehensive Plan.
MEMORANDUM

TO: Pennington County Planning Commission

FROM: Brittney Molitor, Interim Planning Director

DATE: February 24, 2020

RE: Comprehensive Plan “View to 2040” to amend and supersede Pennington County’s existing Comprehensive Plan.

TODAY’S OBJECTIVE: To review the Board of Commissioner’s proposed changes to the Pennington County Comprehensive Plan and to schedule hearings on the FINAL document. Staff received the final version of the document on February 20, 2020. In order to allow the public ample time to view the final version, Staff is recommending that the hearings be continued.

GENERAL DESCRIPTION: On December 20, 2016, the Board of Commissioners approved an agreement for professional services between Pennington County and Matrix Design Group, Inc. for a rewrite of the Pennington County Comprehensive Plan. Matrix Design Group, Inc. (Rick Rust, Consultant) is contracted to assist Pennington County in the updating, amending, and adoption process of the new Pennington County Comprehensive Plan; this document is referred to as the “View to 2040” document.

To understand the purpose of a Comprehensive Plan, consider a quote from the document itself, “The purpose of the Pennington County Comprehensive Plan is to guide government officials, residents, and developers in sound decision-making about current and future development of Pennington County. The Comprehensive Plan is an advisory document that provides a framework for land use decisions, public service expansions, economic development, resource management, and the general growth of the county. This plan serves as a guide that should be used to gauge short-term and current decisions against the long-range vision that has been developed.”

AVAILABILITY FOR COMMENT:
Since the creation of the first draft, the “View to 2040” document has been available for viewing at the Auditors Department, Commissioner’s Office, Planning Department, Pennington County Home Page, the Planning Department’s Web Page and on the official View to 2040 website at viewto2040.com.

REVIEW AND COMMENTS:
Starting in early 2017, consultants held no less than 30 scheduled face-to-face meetings with Elected Officials and Staff from: Pennington County, Rapid City, Box Elder, Keystone, Hill City, Wall, and Ellsworth Airforce Base to collect comments and opinions to help produce a draft document for Public Review. To collect more information, the consultants held a total of 15 public meetings between March 2017 and June 2018 in Rapid City, Wall, Keystone and Hill City. Comments from the 45+ meetings mentioned-above and comments received from the viewto2040.com website and various emails, were incorporated into the first “View to 2040” draft document.

As of the date of this memo, the final version of the document (dated February 2020) is available for public viewing and comment at the Auditors Department, Commissioner’s Office, Planning Department, Pennington County Website (home page and Planning Department page), and on the official “View to 2040” website at viewto2040.com.

Hearings on the FINAL document are proposed for the Planning Commission meeting on March 23, 2020 at 9:00 am and Board of Commissioners meeting on April 7, 2020 at 10:30 am.
2.2 Focus Areas – BH Focus Area (pg. 2-2):

(Under Issues and Opportunities)

......tourism opportunities. The uncrowded natural and man-made features of the Black Hills are ideal for any outdoor enthusiast. Hiking, biking, skiing, rock climbing, hunting, fishing, kayaking and canoeing are just several examples of the many activities the Black Hills has to offer. With several lakes, countless streams, endless miles of hiking and biking trails, and scenic views, the Black Hills is a prime destination for tourism.
4.1 Economic Development Element – Tourism (pg. 4-3):

The tourism economy is prominent in Pennington County – tourism attracts businesses and employment opportunities which operate primarily from April to October and seasonally during the winter months to accommodate seasonal tourism activities the tourist season. During this time, there is an influx of jobs and population throughout the county. It will be important for the County to leverage its tourism assets in the coming years to continue to grow the tourism industry in Pennington County. The Black Hills area is a multi-use destination for tourists offering activities ranging from fishing, hiking, camping, biking, skiing, and horseback riding to rock climbing, kayaking and wildlife viewing. Tourist draws such as the Mount Rushmore National Memorial, events like the Sturgis Motorcycle Rally, Mickelson Trail and the proximity of the Rapid City Regional Airport, are all assets that can be leveraged to the County’s advantage.
7.1 Infrastructure Overview

Wastewater

Wastewater treatment systems are regulated through Section 204-J of the County Zoning Ordinance. There are several options for on-site wastewater treatment in Pennington County. These include absorption trenches and beds, at-grade systems, mound system, and evapotranspiration systems. In addition, incinerator and composting toilets are allowed in remote areas and at small seasonal cabins. Through Section 204-J, all on-site wastewater treatment systems are required to obtain an operating permit showing the system does not have an adverse impact upon public health and the environment.
8.1 Recreation, Open Space & Tourism Element – (pg. 8-2):

(under Tourism)

**Lakes, Rivers & Streams**

The unique geology of the Black Hills, combined with its striking scenery, tranquil creeks and streams, create the perfect atmosphere for fly fishing. There are several manmade lakes that offer great opportunities such as fishing, boating, wake boarding and water skiing. Several lakes in the Black Hills include Pactola Reservoir, Sheridan Lake, Deerfield Lake, and Sylvan Lake which are fed by creeks and streams such as Rapid Creek and Spring Creek.

**Trails & Golf Courses**

The Black Hills National Forest contains over 450 miles of world class hiking, biking, and running trails such as Black Elk Peak, ranging in length and difficulty for all ages and abilities. Black Elk is the highest peak east of the Rocky Mountains. The Mickelson Trail extends 108 miles from Edgemont, South Dakota to Deadwood, South Dakota and is utilized by both tourists and locals. Biking, walking, and running, horseback riding and riding snow mobiles are popular activities along the trail.

Golf courses in the hills twist in and out of pine forests, across streams and open up to beautiful mountain views. Both tourists and locals play these courses for much of the summer and fall seasons to enjoy the beauty and scenery that the Black Hills have to offer during a round of golf. Some of Americas top courses are right here in the heart of the Black Hills.
10.2 Goals and Policies – Goal NRC-5 (pg. 10-5):

Mining operations in Pennington County will be reclaimed in a legally permissible, fiscally possible, and financially feasible, and maximally productive manner, according to best practices designed to restore the site to an appropriate land use.
In Chapter 10, under 10.1 recommend adding language about the state noxious weed laws and aquatic invasive species.

South Dakota codified laws under chapter 38-22 and Administrative Rule 12:62 outline the state laws that protect the state’s natural resources and agricultural lands from non-native and native invasive species. The Pennington County Weed & Pest Board is authorized by state statute to implement state laws and develop programs to protect Pennington County from these threats. Currently the state declared noxious weeds are Leafy spurge (Euphorbia esula), Canada Thistle (Cirsium arvense), Perennial sow thistle (Sonchus arvensis), Hoary cress (Cardaria draba), Russian knapweed (Centaurea repens), Purple loosestrife (Lythrum salicaria), Salt cedar (Tamarix aphylla, T. chinensis, T. parviflora and T. ramosissima) and Gypsy moth (Lymantria dispar) is currently the only state declared pest. Prairie dogs can be considered a pest if they meet the conditions outlined in state statute 38-22-1.2. In addition to the state declared noxious weed and pest list, counties are able to list 8 additional locally declared noxious weeds and or pests. The current noxious weeds on Pennington County’s list are Absinth wormwood (Artemisia absinthium), Common tansy (Tanacetum vulgare), Houndstongue (Cynoglossum officinale), Oxeye daisy (Leucanthemum vulgare), Puncturevine (Tribulus terrestris), Spotted knapweed (Centaurea maculosa), Sulfur cinquefoil (Potentilla recta) and Japanese beetle (Popillia japonica) is currently the only locally declared pest. It is a class-2 misdemeanor in South Dakota if your land is infested with state or local declared noxious weeds or pests. To protect waterways and lakes, South Dakota Administrative Rule 41:10:04:01. lists the declared aquatic invasive species in the state. The current aquatic invasive species declared in South Dakota for fish species are Black carp, Bighead carp, Blotched snakehead, Common carp, European rudd, Giant snakehead, Grass carp, Northern snakehead, Silver carp, and Western mosquitofish. Plant species are Brittle naiad, Common reed, Curly pondweed, Didymo, Eurasian water-milfoil, Flowering rush, Purple loosestrife, and Starry stonewort. Invertebrates species are Asian clam, New Zealand mudsnail, Quagga mussel, Red rimmed melania, Red swamp crayfish, Rusty crayfish, and Zebra mussel.

In Chapter 10, under 10.2 in Goal NCR-2, recommend changing NCR-2.1 to read:

The County shall ensure the protection of environmentally sensitive wildlife and plant life, including those species designated as rare, threatened, and/or endangered by the Federal and/or South Dakota state government, through compatible land use development and enforcement of state and local invasive species laws.

In Chapter 10, under 10.2 in Goal NCR-2, recommend changing NCR-2.6 to read:

The County shall encourage the planting a diversity of native trees, shrubs, and grasslands in order to preserve the visual integrity of the landscape, provide habitat conditions suitable for native vegetation and wildlife, and ensure that a maximum number and variety of well-adapted plants are maintained.
In Chapter 10, under 10.2, recommend adding Goal NCR-76 and to read:

**NRC-76** Pennington County’s natural and agricultural resources are protected from invasive species.

**NRC-76.1** Any gravel, timber, hay, or any other earthen material removed from the property should be free of noxious weed plant material and/or seeds.

**NRC-76.2** Any equipment used in disturbing the ground on the property should be cleaned of any soil or earthen material before leaving the property.

**NRC-76.3** Any disturbed ground should be re-seeded with a native, agricultural producing or ornamental lawn grass mix seed.

**NRC-76.4** All landowners should use an intergraded noxious weed plan for controlling existing noxious weeds on the property to prevent the spread onto neighboring properties.

**NRC-76.5** Any watercraft leaving the water should be drained and free of any vegetation.
PENNINGTON COUNTY, SD RESOLUTION

A RESOLUTION TO SUPPORT PARTICIPATION IN THE 2020 CENSUS

WHEREAS, the Census has been a cornerstone of our democracy since the first national count in 1790. It is mandated by the Constitution and conducted by the U.S. Census Bureau, a nonpartisan government agency. The 2020 Census counts the population in all 50 states, the District of Columbia, and five U.S. territories (Puerto Rico, American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the U.S. Virgin Islands).

WHEREAS, the U.S. Census Bureau is required by Article I, Section 2 of the U.S. Constitution to conduct an accurate count of the population every ten years; and

WHEREAS, census data also helps determine how many seats each state will have in the U.S. House of Representatives and is used in the redistricting of state legislatures, county boards of commissioners and city councils; and

WHEREAS, the decennial census is a huge undertaking that requires cross-sector collaboration and partnership in order to achieve a complete and accurate count; and

WHEREAS, the U.S. Census Bureau is facing several challenges with the 2020 Census, which include declining response rates, technological change, and fiscal constraints, thus support from local government is critical; and

WHEREAS, Pennington County, SD, in partnership with other local governments, the State, businesses, and community organizations, is committed to achieving a complete and accurate count of all persons within the county’s borders.

NOW, THEREFORE BE IT RESOLVED, Pennington County, SD, recognizes the importance of the 2020 Census and supports participation in helping to ensure a complete, fair, and accurate count. The Board encourages all county residents to participate in events and initiatives that will raise the overall awareness of the 2020 Census and increase participation.

Dated this ______ day of ____________, 2020.

____________________________________
Deb Hadcock, Chair
Pennington County Board of Commissioners

Attest:

____________________________________
Pennington County Auditor/Deputy
Partnership Fact Sheet

The once-a-decade population count affects your representation in government, determines how much funding your community receives, and provides data to help you plan for the future. Join us to spread the word about the importance of the 2020 Census and help ensure a complete and accurate count.

BENEFITS OF A COMPLETE COUNT
A complete count of every person living in the United States has tremendous benefits for you and for your stakeholders.

Census data:

- Accurately determine how many representatives each state has in Congress and inform the redrawing of congressional district boundaries.
- Are used as the basis for distributing more than $675 billion in federal funds annually to states, counties, and communities to support resources such as schools, hospitals, and fire departments.
- Inform business decisions, policy, community initiatives, and consumer advocacy.
- Host a workshop to devise possible solutions to 2020 Census challenges in your community and generate commitments to tackle them.
- Provide information to stakeholders about the importance and benefits of participating in the 2020 Census; for example, invite Census Bureau officials to speak to your audience.
- Encourage people in your community to work for the Census Bureau, and share this link with them: 2020census.gov/jobs.

WHY BECOME A 2020 CENSUS PARTNER?
As a 2020 Census partner, you will:

- Become part of a powerful network of government, nonprofit, corporate, and community organizations with a diverse group of industry professionals.
- Help ensure that your community is accurately represented.
- Have personalized access to Census Bureau data tools and products, workshops to help you use data effectively, and one-on-one support from data trainers.

Not only will you help ensure that the people you work with are accurately represented, but you will also be able to use Census Bureau resources to improve your community.

WHAT IT MEANS TO BE A 2020 CENSUS PARTNER
You can make a difference—no matter how much time you’re able to commit. As trusted voices in the communities they serve, partners are critical to the success of the 2020 Census. These are some of the many ways you can get involved:

- Use U.S. Census Bureau tools, information, and messaging in creative ways to increase public participation; for example, share newsletter articles and co-branded products and post on social media.
**KEY MILESTONES**

- **September 2018**—The Census Bureau’s recruitment Web site went live: [2020census.gov/jobs](2020census.gov/jobs). For each decennial census, the Census Bureau begins recruiting thousands of paid census takers to help ensure a complete and accurate count. Interested applicants can visit the Web site to apply for a variety of jobs beginning in 2019 and through summer 2020.

- **April 2019**—The 2020 Census Web site goes live: [2020census.gov](2020census.gov). This site will be available in multiple languages and will provide downloadable materials, answers to frequently asked questions, and more information about how individuals and organizations can help spread the word about the 2020 Census.

- **August 2019**—New Statistics in Schools classroom activities are available online: [census.gov/schools](census.gov/schools). The Statistics in Schools program provides resources for teaching and learning with real-life data.

- **January 2020**—The first enumeration of the 2020 Census takes place in Toksook Bay, Alaska. Local census takers must get a head start while the frozen ground allows easier access to remote areas with unique accessibility challenges.

- **March 2020**—The public can begin responding to the 2020 Census online at [2020census.gov](2020census.gov). Replying by mail or phone will also be an option.

- **April 2020**—Every 10 years, we observe Census Day on April 1.

- **June 2020 through July 2020**—Census takers go door to door to count people who have not responded to the 2020 Census. Census takers are Census Bureau employees and will provide proof that they are official government personnel.

- **December 31, 2020**—By this date, as required by law, the Census Bureau reports to the President of the United States the population count and the apportionment of seats in the U.S. House of Representatives to each state.

- **2021**—Initial 2020 Census data are made available to the public on [census.gov](census.gov).

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**INTERESTED IN PARTNERING WITH THE CENSUS BUREAU?**

National organizations interested in partnering with the Census Bureau can contact the 2020 Census Partnership Program at [census.partners@census.gov](mailto:census.partners@census.gov) to share ideas about how we can work together to ensure a complete and accurate count.

State and local organizations can reach out to their regional census center using the contact information below.

- **Atlanta**
  Phone: 404-889-6520
  E-mail: [Atlanta.rcc.partnership@2020census.gov](mailto:Atlanta.rcc.partnership@2020census.gov)

- **Chicago**
  Phone: 312-579-1605
  E-mail: [Chicago.rcc.partnership@2020census.gov](mailto:Chicago.rcc.partnership@2020census.gov)

- **Dallas**
  Phone: 972-510-1800
  E-mail: [Dallas.rcc.partnership@2020census.gov](mailto:Dallas.rcc.partnership@2020census.gov)

- **Los Angeles**
  Phone: 213-314-6500
  E-mail: [Los.Angeles.rcc.partnership@2020census.gov](mailto:Los.Angeles.rcc.partnership@2020census.gov)

- **New York**
  Phone: 212-882-2130
  E-mail: [New.York.rcc.partnership@2020census.gov](mailto:New.York.rcc.partnership@2020census.gov)

- **Philadelphia**
  Phone: 267-780-2530
  E-mail: [Philadelphia.rcc.partnership@2020census.gov](mailto:Philadelphia.rcc.partnership@2020census.gov)

We look forward to welcoming you as a Census Bureau partner.

For the latest updates on the 2020 Census, visit [2020census.gov](2020census.gov).
What is the decennial census?
Every 10 years, the federal government conducts a population count of everyone in the United States. Data from the census provide the basis for distributing more than $675 billion in federal funds annually to communities across the country to support vital programs—impacting housing, education, transportation, employment, health care, and public policy. They also are used to redraw the boundaries of congressional and state legislative districts and accurately determine the number of congressional seats each state has in the U.S. House of Representatives.

Why is it important to me?
Responding to the census is not only your civic duty; it also affects the amount of funding your community receives, how your community plans for the future, and your representation in government. Specifically, data from the 2020 Census are used to:

- Ensure public services and funding for schools, hospitals, and fire departments.
- Plan new homes and businesses and improve neighborhoods.
- Determine how many seats your state is allocated in the House of Representatives.

When will I complete the census?
The next census will take place in 2020. Beginning in mid-March, people will receive a notice in the mail to complete the 2020 Census. Once you receive it, you can respond online. In May, the U.S. Census Bureau will begin following up in person with households that haven’t responded to the census.

How can I respond?
In 2020, for the first time ever, the U.S. Census Bureau will accept responses online, but you can still respond by phone or mail if you prefer. Responding should take less time than it takes to finish your morning coffee.

What information will be requested?
The decennial census will collect basic information about the people living in your household. When completing the census, you should count everyone who is living in your household on April 1, 2020.

What information will not be requested?
The Census Bureau will never ask for:

- Social Security numbers.
- Bank or credit card account numbers.
- Money or donations.
- Anything on behalf of a political party.

Will my information be kept confidential?
Strict federal law protects your census responses. It is against the law for any Census Bureau employee to disclose or publish any census information that identifies an individual. Census Bureau employees take a lifelong pledge of confidentiality to handle data responsibly and keep respondents’ information private. The penalty for wrongful disclosure is a fine of up to $250,000 or imprisonment for up to 5 years, or both. No law enforcement agency (not the DHS, ICE, FBI, or CIA) can access or use your personal information at any time. Data collected can only be used for statistical purposes that help inform important decisions, including how much federal funding your community receives.

The Census Bureau has a robust cybersecurity program that incorporates industry best practices and federal security standards for encrypting data.

Where can I go to learn more?
You can learn more about the 2020 Census by visiting 2020census.gov.
The 2020 Census and Confidentiality

Your responses to the 2020 Census are safe, secure, and protected by federal law. Your answers can only be used to produce statistics—they cannot be used against you in any way. By law, all responses to U.S. Census Bureau household and business surveys are kept completely confidential.

Respond to the 2020 Census to shape the future.

Responding to the census helps communities get the funding they need and helps businesses make data-driven decisions that grow the economy. Census data impact our daily lives, informing important decisions about funding for services and infrastructure in your community, including health care, senior centers, jobs, political representation, roads, schools, and businesses. More than $675 billion in federal funding flows back to states and local communities each year based on census data.

Your census responses are safe and secure.

The Census Bureau is required by law to protect any personal information we collect and keep it strictly confidential. The Census Bureau can only use your answers to produce statistics. In fact, every Census Bureau employee takes an oath to protect your personal information for life. Your answers cannot be used for law enforcement purposes or to determine your personal eligibility for government benefits.

By law, your responses cannot be used against you.

By law, your census responses cannot be used against you by any government agency or court in any way—not by the Federal Bureau of Investigation (FBI), not by the Central Intelligence Agency (CIA), not by the Department of Homeland Security (DHS), and not by U.S. Immigration and Customs Enforcement (ICE). The law requires the Census Bureau to keep your information confidential and use your responses only to produce statistics.
There are no exceptions.

The law requires the Census Bureau to keep everyone’s information confidential. By law, your responses cannot be used against you by any government agency or court in any way. The Census Bureau will not share an individual’s responses with immigration enforcement agencies, law enforcement agencies, or allow that information to be used to determine eligibility for government benefits. Title 13 makes it very clear that the data we collect can only be used for statistical purposes—we cannot allow it to be used for anything else, including law enforcement.

It’s your choice: you can respond securely online, by mail, or by phone.

You will have the option of responding online, by mail, or by phone. Households that don’t respond in one of these ways will be visited by a census taker to collect the information in person. Regardless of how you respond, your personal information is protected by law.

Your online responses are safe from hacking and other cyberthreats.

The Census Bureau takes strong precautions to keep online responses secure. All data submitted online are encrypted to protect personal privacy, and our cybersecurity program meets the highest and most recent standards for protecting personal information. Once the data are received, they are no longer online. From the moment the Census Bureau collects responses, our focus and legal obligation is to keep them safe.

We are committed to confidentiality.

At the U.S. Census Bureau, we are absolutely committed to keeping your responses confidential. This commitment means it is safe to provide your answers and know that they will only be used to paint a statistical portrait of our nation and communities.

Learn more about the Census Bureau’s data protection and privacy program at www.census.gov/privacy.
February 26, 2020

I, Deb Hadcock, the Chair of the Pennington County Board of Commissioners, authorize payment for the invoice lists presented to the Board of Commissioners for approval on March 3, 2020, which have a grand total of **$319,161.75**.

______________________________
Chair
## Vouchers for 3/3/2020

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# Invoices Submitted For Approval

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**Date Range:** 02/19/2020 to 02/19/2020

**Report Total:** 73,121.46

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| BG | 22.92 | WATER AND SEWER - BGS |
| BG | 14.89 | WATER AND SEWER - OHB |
| BG | 418.16 | WATER AND SEWER - PSB |
| BG | 352.60 | WATER AND SEWER - GROUNDS |
| BG | 141.33 | WATER AND SEWER - BG |
| BG | 466.34 | WATER AND SEWER - CAB |
| BG | 352.60 | WATER AND SEWER - CHF GROUNDS |
| BG | 1,650.97 | WATER AND SEWER - CHF |

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| BG | 562.25 | NATURAL GAS - CTH; PSB; CDF; BG |
| BG | 517.47 | NATURAL GAS - EXT |
| BG | 260.85 | NATURAL GAS - BGS |
| BG | 561.73 | NATURAL GAS - LACROSSE STREET |
| BG | 139.14 | NATURAL GAS - EVD |
| BG | 116.39 | NATURAL GAS - CAB |
| BG | 282.69 | NATURAL GAS - SAR |
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| PCJ | 185.76 | SHOP GAS |
| BG | 883.59 | NATURAL GAS - CTH; CDF; PSB; BG |
| BG | 263.93 | NATURAL GAS - CTH; CDF; PSB; BG |
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AP-Outstanding Invoices (2/21/2020 - 10:10 AM)
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Total for Vendor 63893 - PIONEER BANK & TRUST: 31,665.75
Report Total: 73,121.46
## Invoices Submitted For Approval

**Report Total:** 25,422.45

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Employer Number: 496

Billing Date : 02/14/2020

Due Date: 02/20/2020

Amount Due: $151416.15

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Employer Number: 496

Billing Date: 02/21/2020

Due Date: 02/27/2020

Amount Due: $69201.69

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