Welcome to the April 7th, 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. 2020 Board of Equalization Oaths of Office – Auditor Cindy Mohler

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 – March 17, 2020
7. Minutes of the special meeting(s) – March 21, 2020 & March 27, 2020
8. To acknowledge the Resolution for a minor adjustment to road district boundaries of the Woodland Court Road District described as Lot 12 and Lot 19 of Block 6 of Forest Homes Development, BHM, Pennington County (AUD)
9. Approve of the revised Joint Powers Agreement (JPA) between Pennington County, the City of Rapid City and the South Dakota Department of Public Safety for State Radio Dispatch services (ESCC)
10. To declare six (6) vehicles as presented as surplus property for the purpose of trading them in conjunction with the new vehicle purchase: Units 300, 500, 501, 503, 54 and 72. (SO)
11. Approval of the Joint Powers Agreement regarding the operation of the Unified Narcotics Enforcement Team (SO)
12. Approval of the amendment to the JPA with Pennington County and the City of Box Elder (SAO)
13. Approval of the Joint Powers Agreement for Weed Spraying Services between S.D. Dept. of Transportation and Pennington County (W&P)

End of Consent Agenda
Regular Agenda Items:

14. Items From Auditor
   a. Retail (On-Off Sale) Malt Beverage & SD Farm Wine and Package (off-sale)
      Liquor License Transfers – Johnson Siding General Store

15. Items From Emergency Management
   a. COVID-19 Update - Director Dustin Willett

16. Items From Highway Department
   a. Sheridan Lake Road Reconstruction P 6480(04) PCN 5777 Bid Results

17. Items From Chair/Commission Members
   a. Proposed Public Comment Policy

18. Committee Reports

19. Approval of the Vouchers - $476,982.32

20. Executive Session per SDCL 1-25-2
   a. Personnel Issue per SDCL 1-25-2(1)
      - Department Head Annual Review
   b. Contractual/Pending Litigation per SDCL 1-25-2(3)

21. Items From Planning & Zoning – 10:30 a.m.

   Regular Agenda Items:
   a. First Reading and Public Hearing of Major Planned Unit Development Amendment / PU 20-01: Dennis Tuschen.
   c. Layout Plan / LPL 20-05: Rustlers Ranch, LLC; Davis Engineering – Agent.
   d. *Public Hearing - Amendment of Pennington County Comprehensive Plan: Pennington County. Comprehensive Plan “View to 2040” to amend and supersede Pennington County’s existing Comprehensive Plan. (Cont. from the March 3, 2020 Meeting)

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. Adjourn
STATE OF SOUTH DAKOTA )
COUNTY OF PENNINGTON ) ss.

I, Mark DiSanto, a member of the Board of Equalization for Pennington County in the State of South Dakota, for the year 2020, being first duly sworn, depose and say that I will fairly and impartially perform the duties as a member of the Board of Equalization for the county and state. That I will endeavor to equalize the assessment of all real property within the county. That I will seek to place upon the books of the tax jurisdiction within the county any property that may have been omitted by error or neglect of the assessor or board of equalization. I will faithfully and impartially perform all other acts enjoined on me by law, to the end that all assessments within the above county may be complete and just and equal as between the property holders.

_________________________________________
Mark DiSanto, Commissioner, District 4

Subscribed and sworn to before me this 7th day of April, 2020.

_________________________________________
Cindy Mohler
Auditor

ATTEST:

______________________________________
Pennington County Deputy Auditor

(SEAL)

Attached to and becoming a part of the general liability policy issued on behalf of Pennington County by the SD Public Assurance Alliance.
I, Gary Drewes, a member of the Board of Equalization for Pennington County in the State of South Dakota, for the year 2020, being first duly sworn, depose and say that I will fairly and impartially perform the duties as a member of the Board of Equalization for the county and state. That I will endeavor to equalize the assessment of all real property within the county. That I will seek to place upon the books of the tax jurisdiction within the county any property that may have been omitted by error or neglect of the assessor or board of equalization. I will faithfully and impartially perform all other acts enjoined on me by law, to the end that all assessments within the above county may be complete and just and equal as between the property holders.

_________________________________________
Gary Drewes, Commissioner, District 5

Subscribed and sworn to before me this 7th day of April, 2020.

_________________________________________
Cindy Mohler
Auditor

ATTEST:

Pennington County Deputy Auditor

(SEAL)

Attached to and becoming a part of the general liability policy issued on behalf of Pennington County by the SD Public Assurance Alliance.
STATE OF SOUTH DAKOTA )
) ss.
COUNTY OF PENNINGTON )

I, Deb Hadcock, a member of the Board of Equalization for Pennington County in the State of South Dakota, for the year 2020, being first duly sworn, depose and say that I will fairly and impartially perform the duties as a member of the Board of Equalization for the county and state. That I will endeavor to equalize the assessment of all real property within the county. That I will seek to place upon the books of the tax jurisdiction within the county any property that may have been omitted by error or neglect of the assessor or board of equalization. I will faithfully and impartially perform all other acts enjoined on me by law, to the end that all assessments within the above county may be complete and just and equal as between the property holders.

_________________________________________
Deb Hadcock, Commissioner, District 3

Subscribed and sworn to before me this 7th day of April, 2020.

_________________________________________
Cindy Mohler
Auditor

ATTEST:

_________________________________________
Pennington County Deputy Auditor

(SEAL)

Attached to and becoming a part of the general liability policy issued on behalf of Pennington County by the SD Public Assurance Alliance.
STATE OF SOUTH DAKOTA        )
COUNTY OF PENNINGTON         ) ss.

I, Lloyd LaCroix, a member of the Board of Equalization for Pennington County in the State of South Dakota, for the year 2020, being first duly sworn, depose and say that I will fairly and impartially perform the duties as a member of the Board of Equalization for the county and state. That I will endeavor to equalize the assessment of all real property within the county. That I will seek to place upon the books of the tax jurisdiction within the county any property that may have been omitted by error or neglect of the assessor or board of equalization. I will faithfully and impartially perform all other acts enjoined on me by law, to the end that all assessments within the above county may be complete and just and equal as between the property holders.

_________________________________________
Lloyd LaCroix, Commissioner, District 2

Subscribed and sworn to before me this 7th day of April, 2020.

_________________________________________
Cindy Mohler
Auditor

ATTEST:

_________________________________________
Pennington County Auditor/Deputy

(SEAL)
STATE OF SOUTH DAKOTA )
COUNTY OF PENNINGTON ) ss.

I, Ron Rossknecht, a member of the Board of Equalization for Pennington County in the State of South Dakota, for the year 2020, being first duly sworn, depose and say that I will fairly and impartially perform the duties as a member of the Board of Equalization for the county and state. That I will endeavor to equalize the assessment of all real property within the county. That I will seek to place upon the books of the tax jurisdiction within the county any property that may have been omitted by error or neglect of the assessor or board of equalization. I will faithfully and impartially perform all other acts enjoined on me by law, to the end that all assessments within the above county may be complete and just and equal as between the property holders.

______________________________
Ron Rossknecht, Commissioner, District 1

Subscribed and sworn to before me this 7th day of April, 2020.

______________________________
Cindy Mohler
Auditor

ATTEST:

______________________________
Pennington County Deputy Auditor

(SEAL)

Attached to and becoming a part of the general liability policy issued on behalf of Pennington County by the SD Public Assurance Alliance.
The Pennington County Board of Commissioners met at 9:00 a.m. on Tuesday, March 17, 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 LaCroix to approve the agenda as presented. Vote: Unanimous.

CONSENT ITEMS
MOVED by Drewes and seconded by Rossknecht to approve the Consent Agenda as presented. Vote: Unanimous.

7. Assign 2020 budgeted long term reserve accumulations in the General Fund as follows: 1) IT Equipment - $65,000; 2) Inmate Transportation Bus - $125,000 and 3) Auditor Software - $40,000.
8. Acknowledge the signed combined election agreement for the Primary Election to be held on June 2, 2020 from the Custer School District 16-1.
9. Recognize and thank the volunteers for the month of February 2020.
10. Authorize one Glock Model 17 Duty Weapon, Serial Number BCHF978 and one Glock Model 19 Duty Weapon, Serial Number BCHV837 and both to be declared as surplus for the purpose of commendation.

End of Consent Agenda

APPLICATION FOR PERMIT TO OCCUPY RIGHT-OF-WAY, MR. BRANDON ZELFER: MOVED by Rossknecht and seconded by DiSanto to approve the permit to occupy the right-of-way for a half marathon to be held on September 6, 2020, on Hisega Road, Heritage Lane and Pioneer Avenue. Vote: Unanimous.

PENNINGTON COUNTY HOUSING AND REDEVELOPMENT COMMISSION:
MOVED by LaCroix and seconded by Drewes to appoint Ms. Joyce Halbert to the Pennington County Housing and Redevelopment Commission for a term of five years. Vote: Unanimous.

TAX DEED PROPERTY LOCATED ON TAYLOR AVENUE, RAPID CITY – OFFER TO PURCHASE: MR. DAVID RESSL: MOVED by Rossknecht and seconded by Drewes to declare Parcel ID 0026965, North Rapid Add, BLOCK 14, Lot 3, as surplus for the purpose of sale. Unanimous.

MOVED by Drewes and seconded by Rossknecht to authorize the Chair to appoint 3 real property owners to conduct and file an appraisal report on Parcel ID 0026965, pursuant to SDCL 6-13-2. Vote: Unanimous.
MOVED by DiSanto and seconded by Rossknecht to sell Parcel ID 0026965 by means of sealed bids. Vote: Unanimous.

**CRAZY HORSE SCENIC BYWAY APPLICATION – FURTHER DISCUSSION:** MOVED by Drewes and seconded by DiSanto to deny the request for support of the proposed Crazy Horse Scenic Byway Application due to lack of information. Vote: Unanimous.

**ITEMS FROM STATE’S ATTORNEY**
A. **JOINT POWERS AGREEMENT BETWEEN PENNINGTON COUNTY AND THE CITY OF BOX ELDER:** MOVED by Drewes and seconded by LaCroix to approve the Joint Powers Agreement between the City of Box Elder and Pennington County authorizing release of a portion of the tax increment from the City’s TIF (#1) & TIF (#3) to the County’s TIF (#4). Vote: Unanimous.

**ITEMS FROM EMERGENCY MANAGEMENT**
A. **COVID-19 UPDATE:** Information only.

**ITEMS FROM EQUALIZATION**
A. **ABATEMENT APPLICATIONS:** MOVED by Rossknecht and seconded by Mark DiSanto to approve the following abatements for the 2019 tax year. Vote: Unanimous.
   1. Robert Engel, Tax ID #18110, $585.38
   2. Todd Goodrich, Tax ID #6113, $574.24
   3. Scott Young, Tax ID #67512, $1,220.86
   4. Diocese of the Rapid City, Parcel #37480, $2,241.22
   5. Diocese of the Rapid City, Parcel #37481, $1,494.58
   6. Diocese of the Rapid City, Parcel #34877, $1,494.58
   7. Diocese of the Rapid City, Parcel #37482, $1,783.94
   8. City of Rapid City, Parcel #35001, $563.22
   9. City of Rapid City, Parcel #34997, $753.54

**ITEMS FROM HIGHWAY**
A. **AUTHORIZATION TO PURCHASE CORRUGATED METAL PIPE:** MOVED by DiSanto and seconded by LaCroix to authorize the Highway Department to purchase corrugated metal pipe from True North Steel, Huron SD, utilizing the Beadle County, SD, bid awarded on January 7, 2020. Vote: Unanimous.
B. **2020 ANNUAL BID AWARD RECOMMENDATIONS:** MOVED by Drewes and seconded by LaCroix to approve the 2020 bid award recommendations for the following projects: AGG 2020-1 Aggregate Stockpile (North of Wall Area) to Western Construction, Inc., Rapid City, SD, in the amount of $451,500; AGG 2020-2 Aggregate Stockpile (Paulsen Pit) to Bob Bak Construction, Robert A. Bak, Pierre, SD, in the amount of $162,200.00; AGG 2020-3 Aggregate Stockpile (Robertson Pit) to Bob Bak Construction, Robert A. Bak, Pierre, SD, in the amount of $181,850.00; AGG 2020-5 Aggregate Stockpile (Antelope Creek Road Area) to Rogers Construction, Inc., Sturgis, SD, in the amount of $328,000; AC 2020 Asphalt
Concrete Overlay (Lower Spring Creek Road) to Western Construction, Inc., Rapid City, SD, in the amount of $869,956.40; AST 2020 Asphalt Surface Treatment to Simon Contractors of SD, Inc., Rapid City, SD, in the amount of $751,587.84; ASC 2020 Asphalt Surface Crack Sealing to Highway Improvement, Inc., Sioux Falls, SD, in the amount of $179,300; BR 2020-1 Bridge Repairs 52-311-263, 52-321-266, 52-324-266, and 52-344-276 (Nemo Road) to Journey Group Companies dba Ainsworth Benning Construction, Spearfish, SD, in the amount of $627,883; BR 2020-2 Bridge Repairs 52-460-329 (Reservoir Road) to Corr Construction Services, Inc., Hermosa, SD, in the amount of $175,353; BR 2020-3 Bridge Painting Project 52-645-305 (164th Avenue) to J.V. Bailey Co. Inc., Rapid City, SD, in the amount of $37,000. Vote: Unanimous.

MOVED by Drewes and seconded by DiSanto to approve the 2020 bid award for annual supplies as listed: AS 2020-01 Aggregate Materials – Rapid City Area, Item No. 1 to Simon Contractors of SD, Inc., Rapid City, SD; AS 2020-01 Aggregate Materials – Rapid City Area, Items No. 2, 3, 5, 7, 8 and 9 to Simon Contractors of SD, Inc., Rapid City, SD and Western Construction, Inc., Rapid City, SD, based on location; AS 2020-01 Aggregate Materials – Rapid City Area, Item No. 4 to Pete Lien and Sons, Inc., Rapid City, SD; AS 2020-01 Aggregate Materials – Rapid City Area, Item No. 6 to Western Construction, Inc., Rapid City, SD; AS 2020-02 Asphalt Concrete Composite to Western Construction, Inc., Rapid City, SD; AS 2020-03 Asphalt Maintenance Materials to J & J Asphalt Co., Rapid City, SD, based on past experience; AS 2020-04 Pre-Cast Concrete Pipe and Bridge Products to Forterra Concrete Products, Inc., Rapid City, SD; AS 2020-05 Cutback and Emulsified Asphalt to Simon Contractors of SD, Inc., Rapid City, SD; AS 2020-06 De-Icing Sand to Pete Lien and Sons, Inc., Rapid City, SD; AS 2020-07 Fencing to M & M Fencing, Rapid City, SD; Award AS 2020-08 Guardrail to Hilt Construction, Inc., Rapid City, SD; Award AS 2020-09 Magnesium Chloride Solution to Z & S Dust Control, Rapid City, SD; Award AS 2020-10 Seeding, Fertilizing, Mulching, and Erosion Control Blanket to M & M Fencing, Rapid City, SD. Vote: Unanimous.

C. PROFESSIONAL SERVICES FOR SAND/SALT STORAGE FACILITY: MOVED by LaCroix and seconded by DiSanto to authorize the Highway Department to enter into a contract with Upper Deck Architects, Inc., for design, plans and specifications for a new sand/salt storage facility in the amount of $16,475. Vote: Unanimous.

D. FEDERAL AID LOAN – SHERIDAN LAKE ROAD RECONSTRUCTION: MOVED by LaCroix and seconded by DiSanto to approve the Federal Aid Loan Agreement with the SDDOT for the Sheridan Lake Road reconstruction project P 6480(04) PCN 5777. Vote: Unanimous.

E. AMENDMENT #2 TO WORK ORDER LGA-140-17 – SOUTH ROCHFORD ROAD BRIDGE: MOVED by Drewes and seconded by Rossknecht to approve the Amendment #2 to Work Order LGA-140-17 for additional services for the right-of-way acquisition from the Forest Service for the replacement of South Rochford Road Bridge 52-162-272. Vote: Unanimous.

ITEMS FROM HUMAN RESOURCES
A. ELECTED OFFICIALS BASE COMPENSATION LEVELS – PROPOSED 2020 RESOLUTION: MOVED by Drewes and seconded by LaCroix to approve the Pennington County Elected Officials Wage Policy Resolution setting the base level compensation rates as follows:
PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of March 17, 2020

Auditor, $85,000, Register of Deeds, $85,000, Treasurer, $85,000, Sheriff/Coroner, $125,000 and States Attorney, $125,000.

Substitute motion: MOVED by DiSanto to set Auditor, Register of Deeds and Treasurer at $85,000, Sheriff/Coroner at $123,000 and State’s Attorney at $120,000. Motion died for lack of second.

Vote: The original motion carried 4-1 with DiSanto voting no.

RESOLUTION
Pennington County Elected Officials Wage Policy

WHEREAS, the Pennington County Board of County Commissioners establishes a wage policy for Elected Officials serving the residents of the County of Pennington, South Dakota; and,

WHEREAS, the Pennington County Board of County Commissioners are dedicated to attracting citizens of the highest quality to public service by establishing proper salaries for the elected officials, basing those salaries on realistic standards and paying them according to the duties of their office; and,

WHEREAS, South Dakota State Law directs the Board of County Commissioners to establish, by resolution, the salary payable to the County Sheriff, County State's Attorney, County Treasurer, County Auditor, and County Register of Deeds; and,

WHEREAS, South Dakota State Law directs the Board of County Commissioners to establish, by resolution, the salary payable to the County Sheriff, County State's Attorney, County Treasurer, County Auditor, and County Register of Deeds; the salary payable may not be less than the defined schedules as based upon the most recent decennial federal census of population for counties per SDCL Chapter 7-7-9.1.

WHEREAS, the minimum base annual salaries of the following Elected Officials of Pennington County are set at:

- County Sheriff/Coroner- $125,000
- County State's Attorney - $125,000
- County Auditor - $85,000
- County Treasurer - $85,000
- County Register of Deeds - $85,000

WHEREAS, Elected Officials in Pennington County are eligible for annual cost of living (COLA) increases as determined by the Board of County Commissioners. Cost of living (COLA) increases will not impact the base annual salaries.
WHEREAS, current or sitting elected official's whose compensation is below the base annual salary will be moved to the established base annual salary. Once a new individual is elected to office, the salary will revert back to the base annual salary.

BE IT THEREFORE RESOLVED, by this Pennington County Board of Commissioners, do hereby establish a wage policy for Elected Officials.

Dated this 17th day of March, 2020.

/s/Deb Hadcock, Chair  
Pennington County Board of Commissioners

/s/Cindy Mohler  
Pennington County Auditor

B. TEMPORARY POLICY ADJUSTMENTS FOR CONTINUUM OF GOVERNMENT SERVICES: MOVED by Drewes and seconded by Rossknecht to approve the temporary policy adjustments relating to facility closures and sick leave policies and further moved to revisit this item at the April 7th Commission meeting. Vote: Unanimous.

MOVED by LaCroix and seconded by DiSanto for a five-minute recess. 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.

Staff asked to have items B & C removed from the consent agenda.

MOVED by DiSanto and seconded by Drewes to approve item A on the consent agenda. Vote: Unanimous.

A. SECOND 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.
End of Consent Agenda  
B. **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.

MOVED by DiSanto and seconded by LaCroix to continue to no later than June 4, 2020. Vote: Unanimous.

C. **MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 20-01**: Dennis Tuschen. To amend an existing Planned Unit Development to allow an existing residence to be used as a Vacation Home Rental in accordance with Sections 213 and 319 of the Pennington County Zoning Ordinance.

Chair called for public comment. No public comments.

MOVED by Drewes and seconded by LaCroix to continue PU 20-01 to the April 7, 2020 Commission meeting. Vote: Unanimous.

**PLANNING & ZONING REGULAR AGENDA**  
D. **LAYOUT PLAN / LPL 20-03**: Chuck Voorhees. To create Lots A and B of Whispering Wind Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lot 1, Whispering Wind Subdivision, Section 27, T1S, R5E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lots A and B, Whispering Wind Subdivision, Section 27, T1S, R5E, BHM, Pennington County, South Dakota.

MOVED by Rossknecht and seconded by LaCroix to approve of Layout Plan / LPL 20-03 with the following ten (10) conditions. Vote: Unanimous.

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 at the time of Minor Plat submittal, the plat meets all requirements of Pennington County Subdivision Regulations, or approved Subdivision Regulations Variance(s) be obtained waiving any of these requirements that are not met. Subdivision Regulations Variances shall be submitted per § 700 of Pennington County Subdivision Regulations;
4. That at the time of Minor Plat Submittal, the plat shows a 10-foot-wide utility easement for the powerline located on the property;

5. That at the time of Minor Plat Submittal, the applicant either obtain an approach from the South Dakota Department of Transportation or the Plat show an access easement for proposed Lot B;

6. That access for Lot A is taken from the existing approach for the subject property;

7. That an approved Floodplain Development permit be obtained prior to any disturbance in the floodplain;

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

9. 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,

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

E. 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.

F. 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.

MOVED by Drewes and seconded by DiSanto to continue Planning and Zoning items E and F until April 7, 2020. Vote: Unanimous.

ITEMS FROM CHAIR/COMMISSION MEMBERS

COMMITTEE REPORTS

2020 LEGISLATIVE SESSION
A. UPDATE ON PROPOSED BILLS/SESSION ACTIVITY: Information only.

APPROVAL OF VOUCHERS: MOVED by Drewes and seconded by LaCroix 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 $2,721,122.96.

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Medical-Surgical Government Solutions LLC, 2,979.87; Mckie Ford Inc, 272.38; Mcleod's Printing Inc, 486.67; Meadow Ridge Apartments, 465.00; Medline Industries Inc, 1,061.83; Meetingone, 19.50; Menards, 1,495.09; MG Oil Company, 42,182.46; Midcontinent Communications, 624.45; Midcontinent Communications, 3,730.62; Midcontinent Testing Lab, 276.00; Midwest Auto Chemical, 367.40; Midwest Marketing Inc, 6,550.00; Midwest Wellness Institute PLLC, 8,881.25; Millar Shelley R., 940.00; Miller Joseph, 48.00; Misselt Tammy, 50.00; Mogensen Mikki, 2.52; Moss Psy D LLC, William A, 1,200.00; Mountain Plains Evaluation LLC, 240.00; Moyers Lynn, 48.00; Mt Rushmore Telephone Co, 47.61; Myplace, 84.76; Nat'l Sheriff's Association, 200.00; NCS Pearson Inc, 28.50; Neavill Stephen Troy, 25.30; Nguyen Kyden, 20.00; Ohm, Linda J, 1,120.00; North Central International Of Rapid City Inc, 3,566.44; North Central Supply Inc, 8,293.74; Northern Heights Apartments, 327.00; Northern Lights Apartments, 240.00; Northern Truck Equipment, 308.00; Northwest Pipe Fitting Inc, 1,759.79; Nwe Management, 240.00; O'Day, Valarie, 1,375.00; Odegard, Amber L, 735.00; Oerlline Caden, 20.00; Office Depot, 710.70; Olson Carolyn, 8,062.50; Olson Stephanie, 150.00; Olson, Leann, 132.00; Omnitech Inc., 2,500.00; Oneheart, 10,000.00; Osheim & Schmidt Funeral Home, 1,700.00; Pacific Steel & Recycling, 198.44; Parce Selena, 20.00; Passages Women's Transitional Living, 45.00; Pederson Law Office LLC, 1,605.15; Penn Co Equalization Petty Cash, 12.23; Penn Co Health & Human Sv Petty Cash, 720.70; Penn Co Highway Petty Cash, 230.53; Penn Co Jail Petty Cash, 2,271.40; Penn Co JSC Petty Cash, 30.00; Penn Co Sheriff Petty Cash, 928.49; Penn Co States Atty Petty Cash, 51.25; Pennington County Courant, 1,307.32; Pennington County Fire Fighters Association, 1,000.00; Pharmchem Inc, 399.70; Pheasantland Industries, 570.53; Pheasantland Industries, 3,315.70; Phoenix Supply LLC, 734.81; Pillen Optical Inc, 125.00; Pine Lawn Memorial Park Inc, 1,700.00; Pioneer Bank & Trust, 3,698.44; Pioneer Bank & Trust, 2,986.67; Pioneer Bank & Trust, 3,439.24; Pitney Bowes Reserve Account, 2,244.85; Power House, 148.08; Prairie Auto Parts Inc, 876.13; Pratt Linda, 150.00; Pressure Services Inc, 417.50; Print Mark-Et, 561.95; Proforma Screening Solutions LLC, 161.50; PSI-Digital Imaging Solutions, 1,498.00; Pubworks, 12,250.00; Qualified Presort Service LLC, 20,281.38; Quettier Nicolas, 372.00; Quill Corporations, 397.20; Quincy Street LLC, 175.00; Race Wheels, 768.00; Radiology Associates Professional LLC, 357.73; Ramkota Hotel, 686.00; Rapid Collision, 25,307.37; Rapid Delivery Inc, 115.00; Rapid Rooter, 1,090.00; Rapid Transit System, 30.00; RC Area School Dist 51-4, 1,917.47; RC Emergency Services PA, 286.52; RC Journal - Advertising, 3,528.34; RC Journal - Subscription, 726.76; RC Medical Center LLC, 54.74; RC Pizza Ranch, 155.38; RC Police Dept-Evidence, 6,254.00; RC Regional Hospital, Inc, 6,731.87; RC Regional Hospital, Inc, 5,071.00; RC Winair, 1,153.60; RC Winsupply, 70.64; RDO Equipment Co, 1,971.82; Reckling Melissa, 160.00; Record Storage Solutions, 373.20; Redwood Toxicology Inc, 5,631.03; Redwood Toxicology Laboratory Inc, 1,234.74; Regional Health, 1,743.72; Regional Health Home Plus LLC, 303.20; Reliance Telephone Inc, 46.40; Renfro Corporation, 673.92; Reuer, Allen, 2,520.00; Ricoh USA Inc, 227.17; Ricoh USA Inc, 514.52; Rochester Armored Car Company Inc, 439.03; Rocky Mountain Instrumental Laboratories, 700.00; Royal Wheel Alignment, 837.01; Ruffeldt Jr Ted, 402.46; Runnings Supply Inc, 564.22; Rushmore Communications, 124.07; Rushmore Ob/Gyn, 31.83; Rushmore Safety Supplies, 28.00; Safety Kleen Systems Inc, 750.81; Sand Scripts, 77.00; Sayler Janet, 40.00; Schock Mark, 48.00; Schoeberl Robert, 250.00; Scovel Psychological, 1,925.00; Scull Construction, 807,245.04; SD Assoc Of Co Hwy Supt, 500.00; SD Association Of Extension 4-H Educators, 60.00; SD Dept
Health, 9,264.00; SD Dept Of Public Safety, 28.00; SD Dept Of Revenue, 8,129.82; SD Dept Of Revenue, 1,012.00; SD Dept. Of Military, 1,805.00; SD Div Of Motor Vehicles, 62.20; SD Human Services Center, 53.40; SD Law Review, 35.00; SD One Call Board, 46.20; SD Retirement System, 204.61; SD Rose Inn, 175.00; SSACDL, 1,000.00; SDN Communications, 1,028.20; SDSU Extension, 60.00; SDSU Extension, 20,806.98; Securus Technologies Inc, 19,734.89; Seifert, Mary Rae, 1,365.00; Selby Kailey, 48.00; Servall Uniform/Linen Co, 3,857.98; Sharnowski Mark, 240.00; Sherwin Williams Paints, 76.71; Shrm, 219.00; Signs Now, 5,662.56; Silver Star Septic LLC, 150.00; Simon Contractors Of South Dakota Inc, 421.29; Simpson's Printing, 308.00; Sioux Funeral Home, 2,665.00; Skinner Law Office PC, 3,769.35; Smith Craig, 100.00; Smith, George S, 550.00; Smoot & Utzman, 729.29; Southern Cross LLC, 350.00; Spence Branden, 200.00; Stahl Jennifer, 20.00; Stalker Radar, 11,315.00; Stan Houston Equipment, 370.07; Stephens, Matthew T, 715.00; Stevens Paul, 70.29; Sturdevant's Auto Parts, 4,973.14; Sturdevant's Refinish, 139.86; Suckow Kimberly, 19.74; Summit Companies, 6,224.27; Summit Food Service, 128,866.95; Summit Signs & Supply Inc, 258.50; Sundial Square Apartments, 2,703.00; Surgical Solutions PLLC, 81.36; Survival Armor Inc, 3,564.48; Swank Motion Pictures Inc, 3,054.00; Swissphone LLC, 392.65; Syncb/Amazon, 82.38; Technology Housing 2 LLC, 300.00; Tessco Incorporated, 768.35; The Hartford, 2,626.72; The Law Office Of Jamy Patterson LLC, 688.70; The Little Print Shop Inc, 454.34; The Medicine Shoppe, 704.08; The Rushmore Hotel, 170.00; Theunissen Jason, 718.79; Thom Kevin, 345.00; Thomas Meghan, 20.00; Thomson Reuters-West, 4,283.15; Time Equipment Rental & Sales, 158.38; Time Inn Motel, 175.00; Timekeeping Systems Inc, 1,215.00; Tkrs Properties LLC, 3,134.49; Tophat Tinting Inc, 40.00; Tr Jewelry Concepts, 3,276.00; Trane U.S. Inc, 74,299.05; Transource Truck & Equipment Inc, 1,846.26; Ts Government Solutions LLC, 295.00; Turbiville Industrial Electric Works LLC, 1,051.00; Twilight Inc, 65.31; Two Dogs Ethleen Iron Cloud, 4,750.00; Uline, 287.79; Unified Judicial System, 81.48; Upper Knollwood Townhouse, 200.00; US Postmaster, 1,390.00; USD School Of Law, 35.00; Valiant Vineyards Inc., 75.00; Vanway Trophy & Awards, 405.40; Vari Sales Corporation, 711.00; VB Rapid Creek, 1,060.80; Venture Architects, 1,135.05; Verizon Connect NWF Inc, 37.90; Verizon Wireless, 161.82; Verizon Wireless, 128.31; Vermeer High Plains, 255.58; Vista Pointe LLC, 985.00; Vlieger Tom, 91.56; Walker Beverly, 443.72; Walk-N-Roll, 767.09; Wall Building Center & Construction, 1,138.42; Watertree Inc, 487.38; Weichmann, Cynthia M, 118.00; Wellmark, 229,366.30; Wesdak Medical Billing, 1,200.00; West River Electric, 1,879.91; Western Communication Inc, 814.00; Western Detention, 555.00; Western Mailers, 281.42; Western Stationers Inc, 4,105.70; Wex Bank, 160.21; Wex Bank, 8,503.79; Whisler Bearing Co, 3,664.80; White Eagle Chris, 800.00; Whiting Hagg Hagg Dorsey & Hagg LLP, 1,918.62; Whiting, Marcia, 2,628.70; Wikle, Leon, 380.00; Williams Nicole, 200.00; Williams Properties, 800.00; Willy's Saw Shop LLC, 300.00; Winter Law Office PC, 15,114.68; Wolf, Ione, 330.25; Wood Heather, 160.00; Working Against Violence, 38,244.00; Yankton Co Sheriff Office, 50.00; Yankton County Treasurer, 867.20; Yellow Robe Luther P, 10,019.00; Z & S Dust Control System, 1,370.00; Zep Sales & Service, 540.06; Zmc LLC, 12,850.87; Zuercher Technologies LLC, 112,325.48.

ITEMS FROM PUBLIC

EXECUTIVE SESSION – SDCL 1-25-2
A. Personnel Issue per SDCL 1-25-2(1): MOVED by DiSanto and seconded by LaCroix to go into Executive Session pursuant to SDCL 1-25-2(1) for the purpose of discussing personnel matters. Vote: Unanimous.

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

MOVED by DiSanto and seconded by Drewes to place Shannon Lapp at Grade 18 / Step 13 for a bi-weekly rate of $2,300 effective 3/8/2020. Vote: Unanimous.

MOVED by LaCroix and seconded by Rossknecht to place IT Director Laurie Wager at Grade 24 / Step 14 for a bi-weekly rate of $3,588 effective 4/5/2020. Vote: Unanimous.

MOVED by Drewes and seconded by LaCroix to retroactively move Auditor Cindy Mohler to $85,000, States Attorney Mark Vargo to $125,000 and Sheriff Kevin Thom to $125,000 effective 12/29/2019. Vote: Unanimous.

PAYROLL
Commissioners, 8,812.62; Elections, 31891.04; Auditor, 10,448.40; Treasurer, 29,126.60; State's Attorney, 140,298.98; Public Defender, 80,349.86; Buildings & Grounds, 66,412.94; Equalization, 42,548.07; Register of Deeds, 14,353.60; IT, 26,903.98; Human Resources, 5,554.41; Sheriff, 290,476.59; Jail, 315,114.12; JSC, 110,116.13; JSC Juvenile Alternative, 4,972.39; CCADP, 102,306.78; Economic Assistance, 34,970.41; Extension, 1,375.20; Weed & Pest, 5,084.00; Natural Resource Management, 4,226.40; Planning and Zoning, 15,558.41; Road & Bridge, 98,841.77; Fire Administration, 3,518.90; Dispatch, 100,916.50; Emergency Management, 4,761.11.; 24-7 Program, 13,076.54.

PERSONNEL
Buildings & Grounds: Effective 03/22/2020 – Anthony Geffre at $21.96/hr., Kent Pomplun at $23.91/hr. & Steve Bender & James Wickre at $16.98/hr.
Dispatch: Effective 03/22/2020 – Matthew Ostendorf at $24.20/hr. Effective 04/05/2020 – James Adams at $31.06/hr. & Adam Scott at $29.53/hr.
Equalization: Effective 05/03/2020 – Rod Sletten at $24.20/hr.
Extension: Effective 04/05/2020 - Kim Suckow at $17.62/hr.
HHS: Effective 03/22/2020 – Elizabeth Glynn at $23.61/hr. Effective 04/05/2020 – Charlene Doorn at $3,432.80/bi-wkly & Gretchen Sitzes at $2,188.80/bi-wkly.
Highway: Effective 03/22/2020 – Jonathan Arnio at $20.15/hr.
Jail: Effective 03/22/2020 – Brian Carey at $22.75/hr., Steven Little at $15.22/hr. & Jessica Mutschelknaus at $21.70/hr.
Public Defender: Effective 03/22/2020 – Randal Decker at $15.97/hr.
Sheriff: Effective 03/22/2020 – Casey Kenrick at $30.91/hr., Courtney Rehberg & Patrick Rose at $24.22/hr.
Treasurer: Effective 03/22/2020 – Jason Ford at $17.61/hr. & Andrea Bossen at $22.47/hr.
Effective 03/23/2020 – Victoria Burke at $16.77/hr.
WSDJSC: Effective 03/22/2020 – Kelly Braun at $30.25/hr., Ryan Hupp at $29.50/hr. & James Muhlbeier at $23.61/hr.

ADJOURN
MOVED by LaCroix and seconded by DiSanto to adjourn the meeting. Vote: Unanimous. There being no further business, the meeting adjourned at 1:31 p.m.

/s/ Cindy Mohler, Auditor
Published once at an approximate cost of __________.
Publish April 1, 2020
The Pennington County Board of Commissioners met at 3:00 p.m. on Saturday, March 21, 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: Gary Drewes, Lloyd LaCroix and Ron Rossknecht. Mark DiSanto attended via telephone.

REVIEW AND APPROVE AGENDA
MOVED by Drewes and seconded by Rossknecht to approve the agenda as presented. ROLL CALL VOTE: DiSanto, aye; Drewes, aye, Hadcock, aye; LaCroix, aye, Rossknecht, aye. Motion carried 5-0.

RESOLUTION
MOVED by Rossknecht and seconded by Drewes to approve the following resolution. Substitute motion: MOVED by LaCroix to make an amendment to the motion that all updates come from Commissioner Gary Drewes to the public and the rest of the Commissioners. Motion died for lack of second. Vote on original motion - ROLL CALL VOTE: DiSanto, nay; Drewes, aye; Hadcock, aye; LaCroix, aye, Rossknecht, aye. Motion carried 4 to 1.

PENNINGTON COUNTY RESOLUTION
RESOLUTION TO DESIGNATE DECISION MAKING AUTHORITY TO THE CHAIR AND VICE CHAIR ABOUT EMERGENCY POLICY DECISIONS REGARDING COVID-19 RELATED ISSUES

WHEREAS, on Friday, March 13, 2020, Kristi Noem, Governor of the State of South Dakota, per Executive Order 2020-04, declared a state of emergency in all counties in the State of South Dakota; and

WHEREAS, COVID-19 is a severe respiratory disease transmitted by the person-to-person spread of the novel coronavirus; and

WHEREAS, COVID-19 is a public health emergency posing conditions that may endanger the public health, safety and welfare of all persons within the borders of Pennington County, SD; and

WHEREAS, new developments have the potential to occur at a rapid pace; and

WHEREAS, county operations include facilities that operate twenty-four hours a day; and

WHEREAS, decisions regarding employees and operational closures may require swift and timely decision making; and

WHEREAS, under SDCL 7-8-20 (7), the Board of County Commissioners has the power to superintend the fiscal concerns of the county and secure their management in the best possible manner; and
WHEREAS, under SDCL 7-8-20 (10), the Board of County Commissioners has the power to perform such duties and acts as it is or may hereafter be required to do and perform; and

WHEREAS, the Board of County Commissioners finds it is in the best interests of Pennington County to delegate its authority to the Chair and Vice Chair to perform such duties and acts as set forth in this Resolution in order to ensure swift and timely decisions in response to the present public health emergency;

NOW THEREFORE BE IT RESOLVED, by the Board of County Commissioners of Pennington County, South Dakota, the Chair and Vice Chair are hereby authorized to make emergency policy and operating decisions regarding COVID-19 related issues; and

BE IT FURTHER IT RESOLVED, that the Board of County Commissioners of Pennington County, South Dakota, deem the passage of this resolution to be an emergency measure in the best interest of the public health, safety and welfare and therefore said resolution shall take effect immediately upon approval.

Dated this 21st day of March, 2020.

Pennington County Board of Commissioners
/s/ Deb Hadcock, Chair

Attest:
/s/ Cindy Mohler, Auditor

FAMILIES FIRST CORONAVIRUS RESPONSE ACT (HR 6201): PENNINGTON COUNTY POLICY

ANY AND ALL OTHER BUSINESS RELATED TO COVID-19 VIRUS

MOVED by Drewes and seconded by DiSanto to schedule a special meeting at 9:00 a.m. on March 27, 2020. ROLL CALL VOTE: DiSanto, aye, Drewes, aye; Hadcock, aye; LaCroix, aye; Rossknecht, aye. Motion carried 5 – 0.

MOVED by LaCroix and seconded by Drewes to continue Families First Coronavirus Response Act (HR6201) – Pennington County Policy to the special meeting on March 27, 2020. ROLL CALL VOTE: DiSanto, aye, Drewes, aye; Hadcock, aye; LaCroix, aye; Rossknecht, aye. Motion carried 5 – 0.

Commissioner Mark DiSanto left the meeting at 3:45 p.m.

MOVED by Drewes and seconded by LaCroix to direct Holli Hennies, Commission Office Manager, to create a communication with our congressional representatives urging them to include
counties and local governments in any direct assistance funding related to COVID-19. Vote: Unanimous.

**ADJOURN**
MOVED by Drewes and seconded by Rossknecht to adjourn the meeting. Vote: Unanimous. The meeting was adjourned at 4:45 p.m.

/s/ Cindy Mohler, Auditor
Published once at an approximate cost of ______.
Publish: April 1, 2020
The Pennington County Board of Commissioners met at 9:00 a.m. on Friday, March 27, 2020, in the Commission Chambers in the County Administration Building, Rapid City, South Dakota. Chair Deb Haddock called the meeting to order with the following Commissioners present: Mark DiSanto, Gary Drewes, Lloyd LaCroix and Ron Rossknecht.

**REVIEW AND APPROVE AGENDA**

MOVED by LaCroix and seconded by Drewes to approve the agenda as presented with moving Item 7 up first which will be followed by an update from Commissioner LaCroix on the Youth Council Update. Vote: Unanimous.

**UPDATE FROM THE CITY OF RAPID CITY**

**YOUTH COUNCIL UPDATE**

**ITEMS FROM EMERGENCY MANAGEMENT**

A. COVID-19 UPDATE

**UPDATE FROM THE CENTRAL STATE FAIR**

**RESOLUTION FOR HOURS OF OPERATION FOR COUNTY OFFICES:**

MOVED by Rossknecht and seconded by DiSanto to approve the Resolution to Set Hours of Operation for County Offices. Vote: Unanimous.

**PENNINGTON COUNTY RESOLUTION**

A RESOLUTION TO SET HOURS OF OPERATION FOR COUNTY OFFICES ESTABLISHED BY BOARD OF COUNTY COMMISSIONERS AND DECLARING AN EMERGENCY

WHEREAS, SDCL § 7-7-2 requires the Board of County Commissioners to, by resolution, establish the hours of operation for each county government department and office, except for the offices of the Sheriff and State's Attorney; and

WHEREAS, SDCL § 7-7-2.1. states the Chair of the Board of County Commissioners may close the courthouse in case of emergency or severe weather. The public shall be adequately notified. An emergency for the purpose of this section is an unforeseen occurrence or combination of circumstances that calls for immediate action or remedy; and

WHEREAS, Pennington County Administration is not housed in the Pennington County Courthouse. The Presiding Judge of the 7th Judicial Circuit communicates with Emergency Management Staff in the closing of the Courthouse when an emergency or severe weather circumstances exist. The Chair of the Board of County Commissioners reserves the right to close County Offices in the event of emergency or severe weather; and
WHEREAS, an outbreak of the disease COVID-19, which is caused by the novel coronavirus and is transmitted by person-to-person spread or contact with contaminated surfaces, has been confirmed in more than 100 countries, including the United States and specifically in the State of South Dakota; and

WHEREAS, the World Health Organization (WHO), the Centers for Disease Control and Prevention (CDC), and the Secretary of the U.S. Department of Health and Human Services have declared the outbreak of COVID-19 as a public health emergency; and

WHEREAS, on March 13, 2020 Governor Kristi Noem, issued Executive Order 2020-04 which declared a state of emergency to exist in the State of South Dakota in response to the spread of COVID-19; and

WHEREAS, the CDC and health experts have recommended social distancing to slow the spread of COVID-19; and

WHEREAS, on March 23, 2020 Governor Kristi Noem recommended, through Executive Order 2020-05, that local governments implement employee arrangements designed to reduce the likelihood of spreading the disease; and

WHEREAS, the failure to successfully implement social distancing will likely result in higher numbers of infected individuals and has the potential to overwhelm the capacity of local health care providers; and

WHEREAS, it is important that control measures be taken to reduce or slow down the spread of COVID-19 in order to protect the health and safety of Pennington County residents; and

NOW, THEREFORE BE IT RESOLVED, by the Pennington County Board of Commissioners that the County Administration Building (Located at 130 Kansas City Street, Rapid City, SD) shall be restricted to the public beginning Monday March 30, 2020 at 8:00 a.m.; and

BE IT FURTHER RESOLVED, that members of the public may still transact business with county offices by appointment. The public is encouraged to conduct as much business as possible on-line, by phone or by mail; and

BE IT FURTHER RESOLVED, that this resolution is deemed necessary for the immediate preservation of the public peace, health, and safety, and as an emergency measure this resolution shall become immediately effective upon approval.

NOTE: The Pennington County website will provide information for the public from all county agencies for purposes of conducting business during this building closure. The website will be updated as information becomes available.

Dated this 27th day of March, 2020.
RESOLUTION TO ADDRESS A PUBLIC HEALTH CRISIS: MOVED by Drewes and seconded by Rossknecht to approve the Resolution to Address a Public Health Crisis. Vote: Unanimous.

PENNINGTON COUNTY RESOLUTION
A RESOLUTION TO ADDRESS A PUBLIC HEALTH CRISIS BY RECOMMENDING CERTAIN MEASURES TO SLOW THE COMMUNITY SPREAD OF CORONAVIRUS (COVID-19) AND TO DECLARE AN EMERGENCY.

Whereas, An outbreak of the severe respiratory disease, COVID-19, which is caused by and is transmitted by the person-to-person spread of the novel coronavirus, started in late 2019 and has currently been detected in more than 100 countries, including the United States; and,

Whereas, The World Health Organization has designated COVID-19 a pandemic, and the U.S. Centers for Disease Control and Prevention (CDC) has declared a public health emergency; and,

Whereas, The CDC has issued guidance to state and local governments and all citizens recommending steps to prevent community spread and guard against the COVID-19 outbreak; and,

Whereas, Governor Kristi Noem, through Executive Order 2020-04, declared South Dakota to be in a State of Emergency due to the COVID-19 pandemic; and,

Whereas, Governor Kristi Noem, through Executive Order 2020-05, ordered and directed the recommendations contained in this Resolution to all South Dakotans; and

Whereas, The Pennington County Board of Commissioners support the order of Governor Noem in enforcing social distancing guidelines; and

NOW, THEREFORE, BE IT RESOLVED by the Pennington County Board of Commissioners that the citizens and businesses of Pennington County should do the following:

1. Review and practice the recommended CDC hygiene practices designed to stop the spread of the disease COVID-19 and encourage others to do so as well.
2. Know the signs and symptoms of COVID-19, call a health care provider if suffering symptoms in advance of a visit to a provider, and stay at home if sick.
3. Understand that those who are particularly vulnerable to COVID-19, including those over age 60 and those suffering from respiratory or cardiac conditions, should take extra precautions and remain home if possible.
4. **Implement** social distancing measures and support businesses who are adjusting their business model to reduce the spread of COVID-19.

5. **Assist** those who work in essential jobs such as emergency personnel, medical professionals, and law enforcement.

**All employers, both for profit and not-for-profit, within Pennington County, outside of the exterior boundaries of an incorporated municipality, should:**

6. **Implement** the recommended CDC hygiene practices and other business strategies designed to reduce the likelihood of spreading the disease.

7. **Understand** that the COVID-19 is not a short-term challenge, and operations will need to endure a difficult and limited social environment for potentially eight weeks or more.

8. **Innovate** and continue to demonstrate entrepreneurial excellence in their operations during this difficult and uncertain environment.

9. **Encourage** staff to telework if possible, implement social distancing measures, limit unnecessary work gatherings, limit non-essential travel, and consider regular health checks including CDC guidance for COVID-19 screening if possible.

10. **Offer**, to the extent possible, special shopping times or access periods for populations particularly vulnerable to COVID-19.

**Any “enclosed retail business that promotes public gatherings” within Pennington County, outside of the exterior boundaries of an incorporated municipality, should:**

11. **Suspend or modify** business practices as recommended by CDC guidance that involve ten or more people to be in an enclosed space where physical separation of at least six feet is not possible.

12. **Continue offering** or consider offering business models that do not involve public gatherings, including takeout, delivery, drive-through, curb-side service, off-site services, social distancing models, or other innovative business practices that do not involve public gatherings in an enclosed space.

13. **Consider** business arrangements and innovative ideas intended to support the critical infrastructure sectors, as defined by the Department of Homeland Security.

For the purpose of sections 11 through 13, an “enclosed retail business that promotes public gatherings” means any enclosed facility operating as a bar, restaurant, brewery, cafe, casino, coffee shop, recreational or athletic facility, health club, or entertainment venue.

**BE IT FURTHER RESOLVED** that this resolution is deemed necessary for the immediate preservation of the public peace, health, and safety, and as an emergency measure this resolution shall become immediately effective upon approval.

Dated this 27th day of March, 2020.

/s/Deb Hadcock, Chair
Pennington County Board of Commissioners
FAMILIES FIRST CORONAVIRUS RESPONSE ACT (HR 6201): PENNINGTON COUNTY POLICY

ANY AND ALL OTHER BUSINESS RELATED TO THE COVID-19 VIRUS

FUTURE BOARD OF COMMISSIONERS SPECIAL MEETING DATE
A. SET A SPECIAL MEETING: MOVED by Rossknecht and seconded by LaCroix to set special meeting times for Friday’s at 9:00 a.m. except for Friday, April 3rd, that time is set for 3:00 p.m. Vote: Unanimous.

ADJOURN
MOVED by DiSanto and seconded by LaCroix to adjourn the meeting. Vote: Unanimous. The meeting was adjourned at 11:33 a.m.

/s/ Cindy Mohler, Auditor
Published once at an approximate cost of ______.
Publish: April 8, 2020
To: Pennington County Commission
   Holli Hennies, BOC
   Joe Miller, Highway Superintendent
   Scott Guffey, Natural Resources Director
   PJ Conover, Planning Director
   Linda Peterson, Equalization Office
   Kara Tines, Auditor’s Office
   Lori Wessel, Auditor’s Office

From: Cindy Mohler, Auditor

Date: March 30, 2020

Re: Motion to Acknowledge Resolution of Annexation
   Woodland Court Road District
   BOC Consent Agenda – APRIL 7, 2020

The Auditor’s Office has received documents for a minor adjustment to road district
boundaries without an election, which includes the written approval of the land owner,
and Resolution by the road district board, as provided by SDCL 31-12A-35.

Motion Needed: To acknowledge the Resolution for a minor adjustment to road
district boundaries of the Woodland Court Road District described as LOT 12 AND
LOT 19 OF BLOCK 6 OF FOREST HOMES DEVELOPMENT, BHM, PENNINGTON
COUNTY.

Enc.: Resolution
       Landowner’s written approval
       Map
February 26, 2020  
Forest Homes Development BHM  
Woodland Court Road District

Dear Mrs. Cindy Mohler Pennington County Auditor,

Shannon and Kevin Osborn would like to request Annexation of Block 6: Lot 12 to be added to the Woodland Court Road District. We have the support of all the landowners in the Road District and the Board has also passed a resolution.

Thanks for supporting our efforts to improve our District.

Sincerely,

Shannon Osborn

Kevin Osborn
February 24, 2020
Woodland Court Road District

The board members listed below would like to request that Block 6: Lot 12 be Annexed into the Woodland Court Road District. The signatures and dates listed below are proof that the resolution approving the annexation was passed. One member was conferenced in to understand the annexation and the document was signed in the mail.

This completes the requirements for annexation with all documents and signatures provided. If there is any other information required please let the Road District know.

Kevin Osborn, 605.430.0984
Chair of Woodland Court Road District

Jim Miller, 605.391.0404
Vice-Chair of Woodland Court Road District

Donovan Broberg, 605.381.1218
Treasure of Woodland Court Road District

Enclosure
Woodland Court Road District
annexation
March 20, 2020

To: Board of Commissioners

From: Kevin Karley, Director

Subj: Request Approval of Revised JPA with SD DPS

I am requesting your approval of a revised Joint Powers Agreement (JPA) between Pennington County, the City of Rapid City and the South Dakota Department of Public Safety for State Radio Dispatch services. This is an existing Agreement between the County, City and State.

The purpose of the revision is to adjust the annual amount DPS pays to the ESCC by $180,000. You may recall, DPS provided a one-time payment of $60,287 in 2019 for the one additional FTE the Commission approved then. The additional $180,000 per year starting July 1, 2019 is for the three additional FTEs the Commission approved starting 1-1-2020 (one additional in 2019 and two additional in 2020). This sets the Department of Public Safety’s annual share of our budget at $495,142.47.

The specific motion needed is:

**Motion to approve the revised Joint Powers Agreement between Pennington County, the City of Rapid City and the South Dakota Department of Public Safety for State Radio Dispatch services, effective July 1, 2019.**

I will be present at your April 7, 2020 meeting to answer any questions you may have.

Thank you.

Cc: Karl Jegeris
    Kevin Thom
    Jay Alderman
JOINT POWERS AGREEMENT
BETWEEN THE
DEPARTMENT OF PUBLIC SAFETY,
DIVISION OF STATE RADIO COMMUNICATIONS AND PENNINGTON COUNTY
AND THE CITY OF RAPID CITY

THIS JOINT POWERS AGREEMENT is entered by and among the South Dakota Department of Public Safety, 118 West Capitol Avenue, Pierre, SD 57501 (hereinafter “DPS”); and the County of Pennington, South Dakota a political subdivision of the State of South Dakota, 130 Kansas City Street, Rapid City, SD 57701; and the City of Rapid City, South Dakota a political subdivision of the State of South Dakota, 300 Sixth Street, Rapid City SD 57701 (The County and City are hereinafter referred to jointly as “Providers”).

WHEREAS, efficient and dependable public safety dispatch services for local and state law enforcement are critical to the safety of both the citizens of South Dakota and all first responders;

WHEREAS, Providers have the resources necessary to facilitate all current local public safety dispatch needs as well as the dispatch needs of the western district of State Radio Communications (hereinafter “SRC”) a division of DPS; and

WHEREAS, both Providers and DPS believe that joint public safety dispatch services through Providers’ dispatch center will promote efficient and dependable dispatch services in the western district of SRC;

NOW THEREFORE IT IS MUTUALLY AGREED AS FOLLOWS:

1. The purpose of this Agreement is for Providers, through the Pennington County Emergency Services Communications Center, hereinafter referred to as ESCC, to provide all public safety dispatch services for the western SRC district. These duties shall include but are not limited to dispatch and all ancillary dispatch responsibilities for the jurisdictional boundaries of DPS in the counties of: Bennett, Butte, Custer, Fall River, Haakon, Harding, Jackson, Jones, Lawrence, Lyman, Meade, Mellette, Pennington, Perkins, Oglala Lakota, Todd and Ziebach. The state field units served through this Agreement include the South Dakota Highway Patrol, the South Dakota Division of Criminal Investigation, South Dakota Game, Fish and Parks and the South Dakota Department of Transportation. Other agencies for whom communications services, and possible dispatch services, will be provided in the same manner previously provided by SRC include the United States Department of Agriculture, the United States Department of Veteran’s Affairs, the United States Forest Service, the Federal Bureau of Investigation, the Bureau of Alcohol Tobacco and Firearms, United States Immigration and Customs Enforcement, and the United States Marshalls Service. Providers may be requested to occasionally provide short term...
communications services to state and federal agencies not specifically listed if an emergency situation occurs. Providers further acknowledge that DPS will continue to utilize Huron State Radio or Central South Dakota Communications (hereinafter “CSDC”); and that Huron State Radio, ESCC and CSDC serve as interdependent back-up for each other, for State Radio services only. Should either Huron State Radio or CSDC be unable to perform their duties, Providers shall also assume the public safety communications duties that would otherwise normally be performed by that DPS center. Providers’ assumption of such additional duties will continue until the effected DPS center(s) is/are able to resume their own communications duties. As appropriate and practicable, Huron State Radio and CSDC will provide backup for ESCC, for State Radio services only. Protocols for the dispatch of all first responders shall continue to fit the primary mission of each first responder’s respective agency. Providers shall utilize the shared Central Square/Zuercher Technologies (hereinafter “the Zuercher system”) public safety software system when delivering the services contemplated by this Agreement to DPS agencies. As of the date of this Agreement, SDHP, ESCC, Pennington County Sheriff’s Office, Rapid City Police Department, and Rapid City Fire Department are using the Zuercher system which operates on servers located in Pennington County\Rapid City facilities.

2. This Agreement shall be effective on July 1, 2019 and shall continue in effect for five years. The Agreement may be renewed for additional five year periods, by the written agreement of the Parties. By execution of this Agreement, all previous Agreements among these parties pertaining to this subject matter are hereby cancelled and terminated. Specifically, the Parties agree that termination of the previous Joint Powers Agreement effective May 1, 2018 is proper and no additional notices are required.

3. In consideration of Providers’ assumption and provision of public safety dispatch services for DPS’ western SRC dispatch office, and the observance and performance of the covenants, terms and conditions set forth herein, DPS:

(a) Shall, as of July 1, 2019 pay to the ESCC $247,571.25, minus the cost of the Director of the ESCC, an employee of DPS; as the base amount for the time period July 1, 2019 through December 31, 2019. As of January 1, 2020, DPS shall pay to the ESCC the base annual sum of $495,142.47, minus the costs of the Director of the ESCC.

(b) The base annual amounts in section 3 (a) above shall be paid by DPS to the ESCC in twelve (12) equal monthly payments to be due on the 15th day of each calendar month for the preceding month of service. Each month’s payment shall be adjusted for the amounts spent by DPS for the Director of ESCC’s prior month wages and benefits based on documentation of those costs provided by DPS. Providers shall provide
annual projections for budgetary purposes for the upcoming calendar year by June 30th for each calendar year.

(c) Beginning January 1, 2021, the base annual sum shall be allowed to increase or decrease up to three percent (3%) annually without an amendment to this Agreement. Should an annual projected increase or decrease be greater than three percent (3%); the Party proposing the change shall give ninety (90) days written notice to the other party explaining the rationale for the amount change.

Any annual base sum change greater than three percent (3%) shall be done by written amendment to this Agreement.

4. In consideration of DPS’s observance and performance of the covenants, terms and conditions set forth herein, Providers:

   (a) Agree to assume all public safety dispatch duties for the western district of DPS, as more fully enumerated in Paragraph 1 above.

   (b) Agree to amend the composition of the ESCC Users Boards as more fully set forth in paragraph 12 below.

5. The parties agree that all joint public safety dispatch duties will be carried out by Pennington County employees, except the Director of ESCC who is a DPS employee, utilizing the Providers’ equipment and systems. DPS is not, nor shall be, responsible for any operating costs or any other costs or expenses beyond the agreed annual sum to be paid for dispatch services rendered, less DPS’s costs for the Director of the ESCC.

6. It is hereby specifically agreed that all records pertaining to DPS dispatch conducted by Providers are and shall remain the property of DPS. No records pertaining to DPS dispatch shall be released to any other person or entity without written approval from DPS, and all such records shall be immediately available to DPS.

7. This Agreement is not meant to and shall not be construed to limit any existing or additional cooperative efforts between or among the Parties.

8. This Agreement can be terminated by any Party for any reason by providing ninety (90) days written notice to the other parties or upon mutual agreement of the Parties. Upon termination for any reason, each party shall retain title and ownership of all equipment purchased by that party.
9. This Agreement depends upon the continued availability of appropriated funds and expenditure authority from the Legislature for this purpose. If for any reason the Legislature fails to appropriate funds or grant expenditure authority, or funds become unavailable by operations of law or federal funds reductions, this Agreement will be terminated by DPS. Termination for any of these reasons is not a default by DPS nor does it give rise to a claim against DPS.

10. This Agreement, or any part thereof, or benefits to be received hereunder, shall not be assigned, transferred or otherwise disposed of to any person, firm, corporation or other entity. This Agreement may not be modified or amended except in writing, which writing shall be expressly identified as part of this Agreement, and which writing shall be signed by all parties.

11. This Agreement shall be governed by and construed in accordance with the laws of the State of South Dakota. Any lawsuit pertaining to or affecting this Agreement shall be venued in Circuit Court, Sixth Judicial Circuit, Hughes County, South Dakota.

12. The Parties declare that no new entity is being created to implement this agreement as contemplated by SDCL 1-24-4 (2); but that the existing Pennington County Emergency Services Communications Users Board (hereinafter the “ESCC Board”), as created by the Intergovernmental Agreement for the Formation of the Pennington Area Emergency Services Communication Center of 1992, and amended by the Joint Powers Agreement for Pennington County Emergency Services Communications in 2015, shall administer this joint undertaking and operate as follows:

(a) Two (2) additional members shall be added to the Board as it existed in 2015. The members shall be the Secretary of the South Dakota Department of Public Safety and the Superintendent of the South Dakota Highway Patrol.

(b) The members of the Board described in this section or their delegates, who shall be identified by written notice to the ESCC Board, shall be allowed to attend all Board meetings in person or via telephonic or electronic conference.

(c) The members added by this Agreement shall, in keeping with the powers of the current members, have the power to call emergency meetings or to add any subject or issue they deem necessary to the agenda of any Board meeting. The Superintendent of the Highway Patrol shall also be a member of the ESCC Users Board Executive Committee and shall be eligible to be Chairperson or Vice Chairperson of the ESCC Board. A designated alternate may not serve as the Chairperson or Vice Chairperson.
(d) Providers acknowledge that any other changes to the ESCC Board will require a written amendment to this Agreement as set forth in paragraph 10 above.

(e) In the event of termination of this Agreement, the members added hereby shall by operation of this Agreement automatically resign their positions and the Board shall revert to the membership structure and authority in effect prior to the addition of these two positions.

13. This Agreement and the covenants herein contained shall inure to the benefit of and be obligatory upon the legal representatives, agents, employees, successors in interest and assigns to the respective parties hereto.

14. NOTICE: All notices or other communications required under this Agreement shall be in writing and sent to the addresses set forth above. Notice shall be given by and to the following persons: The Secretary of the South Dakota Department of Public Safety at the address given above; the Mayor of Rapid City at the address given above; and the chairman of the Pennington County Commission at the address given above or such authorized designees as a party may from time to time designate in writing. Notices or communications to or between the Parties shall be deemed to have been delivered when mailed by first class mail or, if personally delivered, when received by such Party.

15. In the event that any provision of the Agreement shall be held unenforceable or invalid by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision herein. Failure to strictly enforce any provision of this Agreement shall not be construed to be a waiver of any provision, right or responsibility contained herein.

16. All other prior discussions, communications and representations concerning the subject matter of this Agreement are superseded by the terms of this Agreement, and except as specifically provided herein, this Agreement constitutes the entire agreement with respect to the subject matter hereof.

17. This Agreement is intended only to govern the rights and interests of the parties named herein. It is not intended to, does not and may not be relied upon to create any rights, substantial or procedural, enforceable by law by any third party in any matters, civil or criminal.

18. The parties acknowledge that a true and correct copy of this Agreement will be filed with the Office of Attorney General and the Legislative Research Council by DPS within 14 days of its final execution pursuant to SDCL 1-24-6.1.
19. By the signature of the representative below, DPS and Providers certify that approval of this has been obtained by that government body’s officer pursuant to SDCL 1-24-3 and 1-24-6 and that each representative is authorized to sign on the party’s behalf.

IN WITNESS WHEREOF, the parties signify this Agreement by signature affixed below:

STATE OF SOUTH DAKOTA, DEPARTMENT OF PUBLIC SAFETY

By: ___________________________________________ Date: ____________

Craig Price
Secretary for the Department of Public Safety

PENNINGTON COUNTY

By: ___________________________________________ Date: ____________

Deb Hadcock
Chair, Pennington County Board of Commissioners

ATTEST:

______________________________________________
Auditor, Pennington County Date: ____________

CITY OF RAPID CITY

By: ___________________________________________ Date: ____________

Steve Allender
Mayor of Rapid City

ATTEST:

______________________________________________
Finance Officer, City of Rapid City Date: ____________
April 1, 2020

Pennington County Commission
130 Kansas City Street
Rapid City, SD 57701

Re: Pennington County Sheriff's Office Vehicle Bid / Surplus Authorization

Dear Board:

Annually, the Pennington County Sheriff's Office purchases vehicles off of the state bid for planned patrol vehicle replacement and utilizes older vehicles in the fleet for trade-in. This year, the Sheriff's Office would like to declare six (6) vehicles, listed in this letter, as surplus property to be utilized as trade vehicles for six (6) new vehicles that were ordered off the state bid at the end of 2019.

**Motion #1: Declare the following six (6) vehicles surplus property for the purpose of trading them in conjunction with the new vehicle purchase.**

1) Unit 300
   2013 Chevrolet Tahoe VIN: 1GNSK2E06DR286789, Mileage: 165324, Asset #: 86789
2) Unit 500
   2015 Ford Explorer PI, VIN: 1FM5K8AT5FGC07874, Mileage 131429, Asset #: 07874
3) Unit 501
   2015 Ford Explorer PI, VIN: 1FM5K8AT0FGC07877, Mileage: 103361, Asset #: 07877
4) Unit 503
   2015 Ford Explorer PI, VIN: 1FM5K8AT9FGC07876, Mileage: 110295, Asset #: 07876
5) Unit 54
   2015 Chevrolet Tahoe, VIN: 1GNSK3KC2FR609744, Mileage: 130572, Asset #: 09744
6) Unit 72
   2017 Dodge Charger, VIN: 2C3CDXKTXHH682038, Mileage: 79105, Asset: 82038

I will be available at the April 7th commission meeting to discuss any questions or concerns that you may have. Your time and attention in dealing with this matter is greatly appreciated.

Sincerely,

[Signature]

Kevin Thom
Sheriff

c: Pennington County Auditor
   Brian Mueller
   Deb Hauer
   Tom Heitsch
JOINT POWERS AGREEMENT
REGARDING THE OPERATION OF THE
UNIFIED NARCOTICS ENFORCEMENT
TEAM

Pursuant to the authority provided in SDCL chapter 1-24, this JOINT POWERS AGREEMENT ("Agreement"), is entered into by and between the South Dakota Office of Attorney General, Division of Criminal Investigation located at 1302E. Hwy. 14, Pierre, SD 57501-8501 ("DCI"); the City of Rapid City, South Dakota, acting by and through its Police Department located at 300 Kansas City Street, Rapid City, SD 57701-2890 ("RCPD"); and the County of Pennington, South Dakota, acting by and through its Sheriff's Office located at 300 Kansas City Street, Rapid City, SD 57701-2889 ("PCSO"); (collectively referred to as the "Law Enforcement Agencies").

This Agreement is intended to supersede the current Amended Joint Powers Agreement among the Law Enforcement Agencies regarding the Unified Narcotics Enforcement Team that is currently operating in the Pennington County Area, such Amended Joint Powers Agreement last dated June 9, 2017.

I. AUTHORITY

The Law Enforcement Agencies jointly hold the police power authority under SDCL chapters 7-12, 9-29, 23-3, 34-208 and Title 23A and local ordinances to investigate and enforce state drug, marijuana and controlled substance laws, and to cooperate with all agencies charged with the enforcement of the laws of the United States, of this state, and other states relating to marijuana and controlled substances ("drugs").

Pursuant to South Dakota Codified Laws (SDCL), Chs.1-24, 7-8-20, 9-12-4, and 23-3, the Law Enforcement Agencies are empowered to enter into this Joint Powers Agreement for the purposes set forth herein.

II. PURPOSE

The purpose of this Agreement is to set forth the responsibilities of the Law Enforcement Agencies as they relate to the continuing operation of the Unified Narcotics Enforcement Team, also known as "UNET." Working together, the Law Enforcement Agencies will endeavor to effectively enforce the drug laws of the State of South Dakota and the United States of America. The Law Enforcement Agencies will target their investigations toward the investigation and apprehension of all
levels of drug violators. Use of the Unified Narcotics Enforcement Team concept is intended to insure a well-coordinated drug enforcement effort regionally, to maximize combined law enforcement resources and to increase the flow of drug related intelligence information between the Law Enforcement Agencies participating in the combined drug enforcement program.

III. MISSION

The mission of the Unified Narcotics Enforcement Team will be to investigate violations of the drug laws with the goal of significantly diminishing the manufacture, availability, use, sale, and distribution of illegal drugs in Rapid City and Pennington County. As a secondary effort, the Unified Narcotics Enforcement Team may investigate crimes relating to, arising out of, caused by, or in any way connected with the use, sale, or distribution of illegal drugs. The ultimate goal will be accomplished by apprehending and successfully prosecuting the responsible offenders in state and federal court.

IV. POLICY

For the purpose of Unified Narcotics Enforcement Team continuity and focus, officers assigned to the Unified Narcotics Enforcement Team will be managed and supervised on a day-to-day basis by the Special Agent Supervisor of the Rapid City DCI office (the "Supervisor").

V. SUPERVISION

The Supervisor will act as the daily coordinator of team officers assigned from DCI, RCPD, and PCSO. The Supervisor will be assisted by an officer of the rank of sergeant or acting sergeant, provided by the RCPD or PCSO.

Duties of the Supervisor will include:

1) Directing assignments and manpower as necessary on a daily basis for given investigations.

2) Directing field operations.

3) Providing leadership and coordination of the Unified Narcotics Enforcement Team.

4) Strengthening communications and cooperation with
other law enforcement entities in and outside of Pennington County.

5) Coordinating training programs for participating Unified Narcotics Enforcement Team personnel, subject to prior approval of the employing agency. The costs of any training will be the responsibility of the Law Enforcement Agency employing the officer or agent.

6) Liaison with RCPD Captain of Criminal Investigation Division and PCSO Captain concerning significant case developments, overtime, disciplinary problems and other performance.

VI. PERSONNEL/ LIABILITY

1) Each Law Enforcement Agency is solely responsible for its respective personnel, including, but not limited to, salaries, benefits, overtime and discipline, in accordance with federal and state law, local ordinance and agency policy.

2) Personnel assigned to the Unified Narcotics Enforcement Team shall be deemed to be continuing under the employment of their respective Law Enforcement Agency and shall have the same duties, powers, privileges, responsibilities, immunities and jurisdictions as conferred upon them as law enforcement officers of their own jurisdiction.

3) Each Law Enforcement Agency shall be solely responsible for the acts of its participating law enforcement officers and, consistent with applicable state law, any liabilities arising out of the services and activities of those officers and agents while participating in the Unified Narcotics Enforcement Team.

4) Temporary recall of personnel and/or equipment by a participating law enforcement agency will be coordinated with the Supervisor.

5) A two-year or longer assignment of personnel is preferred.

6) All personnel assigned to the Unified Narcotics Enforcement Team shall be coordinated by the Supervisor, a designated assistant supervisor, or DCI field agent.
assigned to Rapid City, and shall be subject to the
directives of the Supervisor, assistant supervisor, or field
agent regardless of position or rank in their respective Law
Enforcement Agency.

7) All actions of a disciplinary nature concerning DCI agents,
and officers from RCPD and PCSO will be handled by their
employing Law Enforcement Agency, with input from the
Unified Narcotics Enforcement Team Supervisor and
assistant supervisors.

VII. EQUIPMENT

The Law Enforcement Agencies are expected to properly
equip all law enforcement officers assigned to the Unified
Narcotics Enforcement Team with equipment to complete effective
investigations and safe law enforcement operations. This includes
all equipment, including vehicles, needed by Unified Narcotics
Enforcement Team personnel. Each Law Enforcement Agency is
responsible for all equipment provided, except in the event loss or
destruction of equipment is due to the gross negligence or
unlawful act of another Unified Narcotics Enforcement Team
member. Under such circumstances the individual and/or the
employing Law Enforcement Agency may be responsible for repair
or replacement of the equipment.

VIII. STATE-OWNED VEHICLES

In order to pursue its mission, the Unified Narcotics Enforcement
Team may be provided with the use of vehicles owned by the State of
South Dakota ("State"). Each Law Enforcement Agency agrees to hold
harmless and indemnify the State from and against any and all liability
arising from the use, possession, operation or maintenance of the State-
owned vehicles by employees of the Law Enforcement Agency who are
participating in the Unified Narcotics Enforcement Team.

This section does not require any Law Enforcement Agency to
indemnify and hold harmless the State, its officers, agents or employees
from and against any claims or liability arising solely from the acts,
omissions or negligence of the State, its officers, agents or employees.

IX. OFFICES AND RENT

The responsibilities of the Law Enforcement Agencies as they
relate to their obligations regarding offices and rent are as follows:

A. DCI

1) DCI will maintain office space in Rapid City and be responsible for providing related office equipment and supplies for the Unified Narcotics Enforcement Team. DCI will be responsible for payment of expenses associated with maintenance of the office. These expenses include office rent, monthly utilities (to include electric, water and gas), teletype cost and related supplies, undercover telephone bill, miscellaneous supplies, including postage, batteries, film, cassette tapes, stationary, photocopies, etc. Cell phone costs will be paid by the employing law enforcement officer agency. Office telephone/fax costs will be paid by the respective law enforcement agency based upon assigned telephone line.

B. RCPD

1) RCPD will submit to DCI, on or before March 30, 2020, $5,000;

2) RCPD will submit to DCI, on or before January 31, of each year after 2020, as long as this Agreement remains in effect, $20,000;

3) All payments to DCI shall be submitted to the South Dakota Office of Attorney General.

C. PCSO

1) PCSO will submit to DCI, on or before March 30, $5,000;

2) PCSO will submit to DCI, on or before January 31, of each year after 2020, as long as this Agreement remains in effect, $20,000;

3) All payments to DCI shall be submitted to the South Dakota Office of Attorney General.

DCI entered into a 10-year Lease Agreement with RCS Storage, LLC (Lease #2900-449-37) for the rental of real property located at Commerce Park Subdivision Lot 8, Rapid City, Pennington County, for the purpose of providing office space under the terms of this Agreement. On September 20, 2019, an Amendment to Lease
#2900-449-37 was executed which, *inter alia*, expanded the leased space, contained build-out terms, increased the rent, and extended the term of the lease to December 31, 2030. Responsibilities with regard to Offices and Rent, including monies to be contributed by RCPD and PCSO, may be renegotiated at the end of the amended lease term. Any modification or amendment made to this Agreement shall be in writing and signed by the official who executed this Agreement or their authorized designee or authorized successor.

Except as expressly provided in this Agreement, without prior approval of the other Law Enforcement Agencies, no Law Enforcement Agency may incur Unified Narcotics Enforcement Team expenses or obligations that maybe the responsibility of another member.

Payment obligations for Unified Narcotics Enforcement Team related expenses not specifically covered by this Agreement will be negotiated by the participating Law Enforcement Agencies.

IX. REPORTS

Unified Narcotics Enforcement Team personnel will follow the report guidelines set forth in the Unified Narcotics Enforcement Team Case Reporting System established May 1, 2003, and as may be amended from time to time by the Law Enforcement Agencies.

Intelligence information gathered by Unified Narcotics Enforcement Team personnel will be submitted on the State LEIN Program consistent with established DCI guidelines.

X. MEDIA

All media releases concerning arrests and investigations conducted by the Unified Narcotics Enforcement Team may be conducted jointly by all participating Law Enforcement Agencies or specifically through the Unified Narcotics Enforcement Team, with prior notification given to the other participating entities.

XI. PURCHASE OF EVIDENCE: PAYMENT OF INFORMANTS (BUY FUNDS)

DCI will supply buy funds ("buy fund") to the Unified Narcotics Enforcement Team, consistent with existing DCI policy for the purchase of evidence. Unified Narcotics Enforcement Team personnel will adhere
to the same reporting and policy requirements for the expenditure of buy funds as required by the DCI Policy Manual. Law enforcement officers will be required to obtain receipts for expenditures of all buy funds in accordance with the DCI Policy Manual, as well as to submit monthly expenditure sheets to DCI outlining expenditure of State funds. Officers will also be subject to inspection and/or audit of their respective buy fund accounts and expenditures.

XII. LABORATORY ANALYSIS

RCPD will be responsible for providing laboratory analysis of all controlled substances and marijuana acquired as a part of Unified Narcotics Enforcement Team activities. Any analysis fee will be paid by the RCPD. Analysis fees resulting from investigations not conducted by the Unified Narcotics Enforcement Team will be the responsibility of the applicable Law Enforcement Agency. RCPD agrees to accept and retain all evidence submitted by the Unified Narcotics Enforcement Team to RCPD’s Evidence Section until an Order of Destruction or other legally authorized mechanism is obtained to remove or destroy evidence.

XIII. FORFEITURES

DCI will manage all cash, conveyances or other property seized as a result of Unified Narcotics Enforcement Team activities. Unless the Law Enforcement Agencies otherwise agree or Federal law otherwise dictates, forfeiture of all seized property will be adjudicated in state court through the Office of the Attorney General. DCI will manage all money, conveyances and other property forfeited under state law. Conveyances or other property will be placed into law enforcement service or sold in a manner consistent with state law with the proceeds being deposited into the State Drug Buy Fund. Forfeited cash will also be deposited into the State Drug Buy Fund. Any distribution of a conveyance or property forfeited under state law and money in the State Drug Buy Fund will be made at the discretion of the Attorney General in a manner consistent with state law with input from the participating Law Enforcement Agencies.

Any lump sum money received as a result of a forfeiture (DAG 71 monies) conducted by federal authorities arising from cash, conveyances or other property seized through the efforts of the Unified Narcotics Enforcement Team will be deposited in the State Federal Forfeiture Fund managed by DCI. Any such lump sum money deposited in this fund will be distributed to the participating Law
Enforcement Agencies in a manner consistent with US Department of Justice, DEA and the US Attorney's Office guidelines and to the extent applicable the discretion of the Attorney General and upon agreement of the participating Law Enforcement Agencies.

Any federal forfeiture monies (DAG 71 monies) specifically assigned to one or more participating Law Enforcement Agencies are not subject to redistribution and may be retained by the applicable Law Enforcement Agency.

XIV. TERM OF AGREEMENT

This Agreement shall take effect on the date of the last signature of the Law Enforcement Agencies. This Agreement may be terminated at any time by the agreement of the Law Enforcement Agencies. Any party may withdraw from the Agreement by providing notice in writing to the other Law Enforcement Agencies thirty days prior to the date of withdrawal. The withdrawing Law Enforcement Agency remains responsible for any and all costs, expenses and liability incurred up to the date of withdrawal, as provided in this Agreement.

XV. FUNDING REQUIREMENT

Notwithstanding any other provision, this Agreement depends upon continued availability of appropriated funds and expenditure authority from the Legislature and the local governing bodies for the purposes contemplated herein.

This Agreement will be terminated if the Legislature fails to appropriate funds or grant expenditure authority or if there is a lack of sufficient appropriated funds or lack of expenditure authority available to DCI to perform its obligations under this Agreement, whether due to lack of appropriations by the Legislature, or otherwise. DCI will provide written notice of termination to the termination of the Agreement will be effective December 31 of the year in which notice is given. Termination under this provision does not constitute a default or give rise to any claim against the notifying party.

RCPD or PCSO may withdraw from this Agreement if its governing body fails to budget funds, or grant expenditure if there is a lack of sufficient appropriated funds or lack of expenditure authority available for the agency to perform its obligations under this Agreement. The effected agency will provide written notice to the other parties once a determination of funding insufficiency is made and the withdrawal from the Agreement will be effective
December 31 of the year in which notice is given. Withdrawal under this provision does not constitute a default or give rise to any claim against the notifying party.

XVI. GENERAL PROVISIONS

1) This Agreement, or any part thereof, or benefits to be received hereunder, shall not be assigned, transferred or otherwise disposed of to any person, firm, corporation or other entity not a party to this Agreement. This Agreement may not be modified or amended except in writing, which writing shall be expressly identified as part of this Agreement, and which writing shall be signed by the official who executed this Agreement or their authorized designee or authorized successor.

2) This Agreement shall be governed and construed in accordance with the laws of the State of South Dakota.

3) The participating Law Enforcement Agencies declare that no specific entity as contemplated in SDCL 1-24-4(2) is being created to implement this Agreement, and that the cooperative undertaking herein described shall be administered by the DCI through the Director of the Division of Criminal Investigation, the RCPD through the Chief of Police, and the PCSO through the Sheriff, or their authorized designee, as contemplated in SDCL 1-24-5.

4) This Agreement and the covenants herein contained shall inure to the benefit of and be obligatory upon the legal representatives, agents, employees, successors in interests and assigns to the respective parties hereto.

5) All notices or other communication required under this Agreement shall be in writing and sent to the addresses set forth above. Notices shall be given by and to the persons identified in paragraph 3 of this section or such authorized designee as a party may from time to time designate in writing. Notices or communications to or between the participating Law Enforcement Agencies shall be deemed to have been delivered when mailed by first class mail or, if
personally delivered, when received by such party.

6) In the event that any provision of this Agreement shall be held unenforceable, or invalid by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision herein.

7) All other prior discussions, communications and representations concerning the subject matter of this Agreement are superseded by the terms of this Agreement, and except as specifically provided herein, this Agreement constitutes the entire agreement with respect to the subject matter hereof. This Agreement is intended to supersede and replace the existing agreement between the parties.

8) This Agreement is intended only to govern the rights and interest of the parties named herein. It is not intended, does not and may not be relied upon, to create any rights substantial or procedural, enforceable at law by any third party in any matters civil or criminal.

9) The participating Law Enforcement Agencies acknowledge that a true and correct copy of this Agreement will be filed with the Office of Attorney General and the Legislative Research Council within 14 days of its final execution pursuant to SDCL 1-24-6.1.

10) By the signature of their representative below, each agency certifies that approval of this Agreement by ordinance, resolution or other appropriate means has been obtained by that governmental body's governing body or officer pursuant to SDCL 1-24-3 and 1-24-6 and that the representative is authorized to sign on the party's behalf. A copy of each authorizing resolution, ordinance or other approval is attached to this Agreement and incorporated herein by reference.

IN WITNESS WHEREOF, the parties signify their agreement by signatures affixed below:
David Natvig, Director
SD Division of Criminal Investigation

Jason R. Ravnsborg, Attorney General
Office of the Attorney General

3-11-2020
Date

3-11-2020
Date

Steve Allender, Mayor
City of Rapid City

Date

ATTEST:

Finance Officer

Date

Karl Jegeris, Chief of Police
Rapid City Police Department

Date

3-23-2020
Date

Kevin Thom, Sheriff
Pennington County Sheriff's Office

ATTEST:

Lloyd LaCroix, Chairman
Pennington County Commission

Date

Auditor, Pennington County

Date
Holli,

If a new original with this minor change was provided to you, could it go on the next Commission meeting consent agenda for signature?

Sent via the Samsung Galaxy S10+, an AT&T 5G Evolution capable smartphone

-------- Original message --------
From: TMorris@doughertymarkets.com
Date: 3/30/20 2:12 PM (GMT-07:00)
To: Alderman Jay <java@pennco.org>, nicole.schneider@boxelder.us, blaise.emerson@boxelder.us, mnaasz@gpna.com
Cc: pbradsky@aol.com
Subject: Joint Powers Agreement

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

So just when you thought this JPA was finally put to bed, USDA (Washington – Not local) came back with the following item to change. Please note we had this agreement reviewed by the local folks who said it was good to go, but someone in DC is requiring the following change:

On page 2 under definition, change USDA Rural Development to USDA Rural Housing Service and Rural Utilities Service.

USDA has been extremely great to work with, and even though this change is so minor, I do not think USDA will approve the release unless it is corrected. Would it be simple enough to have your Chair / Mayor etc. to resign the modified document with the correct USDA name. That is the only change that was made by USDA.

I really do apologize for taking up your time.
JOINT POWERS AGREEMENT

BY AND BETWEEN

PENNINGTON COUNTY

AND

CITY OF BOX ELDER
This Joint Powers Agreement (“Agreement”) is dated as of March 17, 2020 (“Effective Date”), and is entered into between Pennington County, a political subdivision of the State of South Dakota (County), and the City of Box Elder, a municipal corporation of the State of South Dakota (City). City and County may also be referred to throughout this Agreement Individually as a “Party” and collectively as “the Parties.”.

RECITALS

A. Each Party pursuant to SDCL 11-9 et seq is authorized and empowered to create tax increment districts;

B. Each Party pursuant to SDCL 11-9 et seq has the same powers;

C. Each party is authorized pursuant to SDCL § 11-9-39 to make covenants and do any and all acts, not inconsistent with the South Dakota Constitution, necessary, convenient, or desirable in order to additionally secure bonds or to make the bonds more marketable according to the best judgment of the governing body;

D. That it is in the best interest of the Parties and in the public interest to release certain property tax increment funds from the City’s tax increment districts Number One (#1) and Number Three (#3) so that the County’s tax increment district Number Four can retain the tax increments on such property within the County’s tax increment district;

E. Each Party is a “public agency” authorized and empowered to contract for the joint exercise of powers and to jointly exercise any power common to them under SDCL § 1-24-2;

F. Pursuant to SDCL § 1-24-2, any power or powers, privileges, or authority exercised or capable of exercise by each party may be exercised and enjoyed jointly; and,

G. The governing body of each Party has determined that it is in such Party’s best interest and in the public interest that this Agreement be executed and that it participates as a Party of this Agreement.

THE PARTIES THEREFORE AGREE AS FOLLOWS:

Article I. DEFINITIONS

Unless the context otherwise requires, the terms defined in this Article shall, for all purposes of this Agreement and any agreement supplemental hereto, have the meanings herein specified, to be equally applicable to both the singular and plural forms of any of the terms herein defined. Unless otherwise defined in this Agreement, all terms used herein shall have the meanings assigned to such terms in the Act.
“Act” means SDCL Chapter 11-9.

“Agreement” means this Joint Powers Agreement.

“City’s Tax Increment Districts” means tax increment districts Number One (#1) and Number Three (#3) created by the City of Box Elder.

“County Tax Increment District” means Pennington County Tax Increment Financing District Number Four.

“Rural Development” means USDA Rural Housing Service and Rural Utilities Service.

Article II. **JOINT POWERS PURPOSES AND OBJECTIVES**

*Section 2.01 Joint Powers.*

Pursuant to SDCL 1-24 *et seq*, the Parties do hereby enter into this Agreement.

*Section 2.02 Purposes and Objectives.*

The purposes and objectives of this Agreement are to make the County’s tax increment district obligations additionally secure and more marketable by eliminating significant amounts of capitalized interest.

Article III. **RELEASE AND ALLOCATION OF TAX INCREMENT**

*Section 3.01 Release of Tax Increment from the City’s Tax Increment Districts.*

The City agrees to annually release up to $250,000 in tax increment proceeds attributed to real property located in the City’s Tax Increment Districts Number One (#1) and Number Three (#3) that is also concurrently located within the County’s Tax Increment District Number Four. The release of such funds will be subject to the written approval of release by Rural Development. Each year the City will evaluate the amount to be released to determine if the City will have adequate funds to pay their tax increment debt service.

County will deliver all Tax Increment Revenues for City TIF #1, City TIF #3, and Pennington County TIF Number Four to the City. This will continue until the debt associated with City TIF #1 and #3 has been retired. When City’s debt associated with TIF #1 and TIF # 3 is retired, those TIF’s will be dissolved.

The City will determine on an annual basis how much of the total revenue that has been received by City TIF #1, City TIF #3 and County TIF Number Four will be sent back to County to reduce County TIF Number Four liability to the Developer. When the County receives funds from the City, the County will disburse those funds in accord with the terms of the Contract for Private Development Tax Increment Financing District Number Four between County, City and Developer dated August 20, 2019. The amount paid by County to Developer will reduce the amount County is liable to “pass on” to the Developer, this will continue until Developer has received such amounts as provided for in said Contract.

The County shall not be responsible or liable for any debts that are incurred by the Developer or the City.
Section 3.02 Allocation to Municipality of Tax Increments—Duration of Allocation.
The Parties agree that positive tax increments up to an amount of $250,000 attributable to the City’s Tax Increment District Number One (#1) and Number Three (#3) shall be allocated to the County for each year from the date when the County’s Tax Increment District Number Four was created until the County has been reimbursed for expenditures previously made, has paid all monetary obligations, and has retired all outstanding tax increment Bonds. The Parties agree that City’s obligation to release up to $250,000 in tax increments annually to County under the terms of this Agreement shall cease at such time as both City TIF #1 and City TIF #3 are dissolved. The Parties agree that the limit to the positive tax increment to be allocated to County Tax Increment Financing District Number Four pursuant to this Agreement may be renegotiated annually and a new limit may be authorized by resolution adopted by both governing bodies.

Section 3.03 No limitation of County Tax Increment Intended.
Notwithstanding anything herein to the contrary, nothing stated herein is intended to limit the amount of positive tax increment generated by County Tax Increment Financing District Number Four which can be utilized by County to pay off its monetary obligations to Developer B-1 Development, Inc. and/or Wal-East Development, Inc. pursuant to the terms of the “Contract for Private Development Tax Increment Financing District Number Four dated August 20, 2019”.

Article IV. Captions
The captions in this Agreement are inserted only as a matter of convenience and reference and in no way define, limit or describe the scope or intent of this Agreement nor do they in any way affect this Agreement. Words in the singular number will be held to include the plural when the sense so requires.

Article V. Severability
Should it be determined by a court of competent jurisdiction that any part of this Agreement is illegal or unenforceable, such part or parts of this Agreement will be of no force or effect and this Agreement will be treated as if such part or parts had not been inserted.

Article VI. Entire Agreement
All previous negotiations between the Parties or their agents or representatives with respect to this Agreement are merged in this Agreement.

Article VII. Modifications
This Agreement will not be modified in any manner except by an instrument in writing executed by the Parties or their respective successors in interest.
Article VIII. Interpretation

Each Party has participated in negotiating and drafting this Agreement. If an ambiguity or question of intent or interpretation arises, this Agreement is to be construed as if the Parties had drafted it jointly, as opposed to being construed against a Party because it was responsible for drafting one or more provisions of this Agreement.

Article IX. Governing Law and Venue

This Agreement is to be governed by and construed according to the laws of the State of South Dakota. Venue for all disputes involving this Agreement shall be in the circuit court within and for Pennington County, South Dakota.

Article X. Assignment

No Party may assign a right, claim, or interest it may have under this Agreement. No creditor, assignee or third-party beneficiary of a Party has a right, claim or title to any part, share, interest, fund or asset of the Parties.

Article XI. Representations and Warranties

No representations or warranties are made or have been relied upon by either Party other than those expressly set forth in this Agreement, if any.

Article XII. Cooperation

The Parties shall fully cooperate with each other in conjunction with this Agreement and act reasonably in the exercise of any discretion to assure that they all continue to benefit from this Agreement. Each Party to this Agreement shall execute and deliver to the other all instruments and documents as may be reasonably necessary to carry out this Agreement to provide and secure to each Party the full and complete enjoyment of its rights and privileges under this Agreement. This Agreement does not establish a separate legal entity and no joint board or joint administrator will be used. The City and County will administer this Agreement individually.

Article XIII. Other Agreements

The Parties may enter into any other agreement(s) that may be necessary for fulfilling the purpose and objective of this Agreement.

Article XIV. Agreement Not for Benefit of Third Parties

This Agreement will not be construed as or deemed to be an agreement for the benefit of any third party or parties, and no third party or parties will have any right of action under this Agreement for any cause whatsoever. Any services performed or expenditures made in connection with this Agreement by any Party will be deemed conclusively to be for the direct protection and benefit of the inhabitants and
property within the jurisdiction of such Party. No person or entity, other than the Parties and their permitted successors and assigns, is authorized to enforce the provisions of this Agreement.

**Article XV. Duration**
This Agreement shall have a duration equal to the County’s Tax Increment District Number Four, or such time as both City TIF #1 and City TIF #3 are dissolved, whichever is earlier.

**Article XVI. Termination**
This Agreement may be terminated by either party upon sixty (60) days’ notice.

**Article XVII. Indemnification**
The City shall indemnify and hold the County harmless from any and all claims, demands and actions arising out of or in any way related to the Parties’ relative authority to enter into this Agreement.

INDEMNIFICATION is solely for the benefit of the parties hereto and not intended to create or grant any rights, contractual or otherwise, to any other person or entity. County will promptly advise City in writing of any claim or demand against County related to or arising out of this Agreement.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]
The Parties are signing this Joint Exercise of Powers Agreement as of the date stated in the introductory clause.

CITY OF BOX ELDER

By_____________________
Larry Larson, Mayor
City of Box Elder

ATTEST:

By_____________________
Finance Officer
City of Box Elder

(seal)

PENNINGTON COUNTY

By_____________________
Deb Hadcock, Chair
Pennington County Board of Commissioners

ATTEST:

By_____________________
Pennington County Auditor

(seal)
April 7, 2020

To: Pennington County Board of County Commissioners

Fr: Scott Guffey, Natural Resources Director

Re: SD Department of Transportation Joint Powers Agreement for Weed Spraying Services

The South Dakota Department of Transportation is requiring the board of county commissioners (BOC) chairperson’s signature on a Joint Powers Agreement for weed spraying services to be performed by the county weed & pest department.

This is similar to the joint powers agreement the BOC approved to enter in with the SD DOT to spray the state highway right-of-ways for noxious weeds in Pennington County last year.

MOTION REQUESTED: Approve board chairman’s signature on the SD DOT Joint Powers Agreement for weed spraying services.

Attachments:
SD DOT Joint Powers Agreement
STATE OF SOUTH DAKOTA
DEPARTMENT OF TRANSPORTATION
JOINT POWERS AGREEMENT
FOR WEED SPRAYING SERVICES BY COUNTY

This Joint Powers Agreement (Agreement) is entered into by and between the State of South Dakota, acting by and through its Department of Transportation, referred to in this Agreement as the "STATE," and Pennington County, South Dakota, referred to in this Agreement as the "COUNTY."

BACKGROUND:

1. The STATE is the owner of real property located in Pennington County, South Dakota.
2. The STATE wants the COUNTY to control the growth of declared noxious weeds within the right of way of state highway routes.
3. The COUNTY is willing to provide weed spraying services to the STATE.

THE STATE AND THE COUNTY MUTUALLY AGREE AS FOLLOWS:

I. JOINT POWERS

This Agreement does not establish a separate legal entity, as contemplated by SDCL 1-24-5. The cooperative undertaking described in this Agreement will be financed and conducted under the provisions of this Agreement by the COUNTY and the STATE. Each party has responsibilities under the terms of this Agreement and no joint board or administrator will be used. No real property will be purchased for use in connection with this Agreement.

II. THE COUNTY

A. The COUNTY services under this Agreement will commence May 1, 2020, and will end October 1, 2020, unless terminated earlier pursuant to the terms of this Agreement.

B. The COUNTY will provide services in compliance with the Americans with Disabilities Act of 1990, and any amendments.

C. The COUNTY will:

1. Furnish the necessary equipment, materials, and labor to control the growth of declared noxious weeds in accordance with the bid proposal attached to this Agreement as Exhibit A.
2. Ensure that the weed spraying is accomplished by personnel properly licensed by the South Dakota Department of Agriculture.
3. Advise the STATE’S local maintenance shop of the COUNTY’S intent to spray, at least forty-eight (48) hours prior to spraying.
4. Ensure the COUNTY’S spraying vehicles are equipped with a flashing amber warning light which must be in operation while spraying highway right of way. The COUNTY will not stop its vehicle(s) on the roadway, driving lanes, or shoulders on the Interstate highway system.
5. Complete form DOT-820 Daily Pesticide Application Record, furnished by the STATE, a copy of which is attached to this Agreement as Exhibit B. The COUNTY will complete this form on a daily basis after completion of the spraying.
6. Provide the STATE with a completed copy of the DOT-820 Daily Pesticide Application Records within one (1) week after completion of the spraying.
7. Submit an invoice for payment to the STATE. The invoice will be accompanied by the completed original DOT-820 daily form(s). The COUNTY may submit separate invoices for the spring and fall spraying, if the COUNTY desires to do so.

8. Supply the STATE with visible proof the spraying operations are effectively killing noxious weeds. If the spraying operations do not effectively kill the noxious weeds, the COUNTY will not be paid for that portion of the spraying operations the STATE determines were ineffective.

II. THE STATE will:

A. Pay the COUNTY the actual costs for services as set out below. Payment will be made pursuant to itemized invoices submitted by the COUNTY, and accompanied by the required form DOT-820 Daily Pesticide Application Records.

B. Reimburse the COUNTY for all labor required to satisfactorily complete the work contemplated by this Agreement based on the hourly rate per employee as stipulated in the attached Exhibit B.

C. Reimburse the COUNTY for all pesticides and equipment required to satisfactorily complete the work contemplated by this Agreement based on the costs as stipulated in the attached Exhibit B.

D. Furnish the COUNTY with form DOT-820 Daily Pesticide Application Records.

III. AMENDMENT PROVISION

This Agreement may not be amended, except in writing, which writing will be expressly identified as a part of this Agreement, and be signed by an authorized representative of each of the parties.

IV. TERMINATION PROVISION

Either party may terminate this Agreement by providing thirty (30) days' written notice to the other. If the COUNTY breaches any term or condition of this Agreement, the STATE may terminate this Agreement with or without notice. If the STATE terminates this Agreement due to the COUNTY'S default, the STATE may adjust any payment due to the COUNTY at the time of termination to cover any additional costs to the STATE due to the COUNTY'S default. Upon termination, the STATE may take over the work and may award another party an agreement to complete the work under this Agreement. If, after the STATE terminates for a default by the COUNTY, it is determined the COUNTY was not at fault, then the COUNTY will be paid for eligible services rendered and expenses incurred up to the date of termination.

V. FUNDING PROVISION

This Agreement depends upon the continued availability of appropriated funds and expenditure authority from the Legislature for this purpose. If, for any reason, the Legislature fails to appropriate funds or grant expenditure authority, or funds become unavailable by operation of law or federal funds reductions, this Agreement may be terminated by the STATE. Termination for any of these reasons is not a default by the STATE nor does it give rise to a claim against the STATE.

VI. INDEPENDENT CONTRACTOR PROVISION

While performing services under this Agreement, the COUNTY is an independent contractor and not an officer, agent, or employee of the STATE.
No employee of the COUNTY engaged in the performance of services required under this Agreement will be considered an employee of the STATE. No claim under the South Dakota Workers' Compensation Act on behalf of said employee or other person while so engaged and no claim made by any third party as a consequence of any act or omission by the COUNTY will be the STATE'S obligation or responsibility.

VII. EMPLOYEE STATUS PROVISION

Any officer, employee, or agent engaged in joint action under this Agreement will remain an employee with his or her agency during participation in joint action under this Agreement. Each agency will retain exclusive responsibility for its officers, agents, and employees while these officers, agents, and employees are engaged in joint action under this Agreement, including but not limited to responsibility for regular and overtime wages and salaries, unemployment benefits, workers' compensation coverage, health insurance, or other benefits, and liability coverage and indemnity, except as otherwise specifically provided in this Agreement.

VIII. COMPLIANCE PROVISION

The COUNTY will comply with all federal, state and local laws, together with all ordinances and regulations applicable to the work and will be solely responsible for obtaining current information on such requirements. The COUNTY will procure all licenses, permits, or other rights necessary for the fulfillment of its obligation under the Agreement.

IX. INDEMNIFICATION PROVISION

The COUNTY will indemnify the STATE, its officers, agents, and employees against any and all actions, suits, damages, liability, or other proceedings that may arise as the result of performing services under this Agreement. This section does not require the COUNTY to be responsible for or defend against claims or damages arising from errors or omissions of the STATE, its officers, agents, or employees.

X. CONTROLLING LAW PROVISION

This Agreement will be governed by and construed in accordance with the laws of the State of South Dakota. Any lawsuit pertaining to or affecting this Agreement will be venued in Circuit Court, Sixth Judicial Circuit, Hughes County, South Dakota.

XI. SEVERABILITY PROVISION

If any court of competent jurisdiction holds any provision of this Agreement unenforceable or invalid, such holding will not invalidate or render unenforceable any other provision of this Agreement.

XII. SUPERCESSION PROVISION

All other prior discussions, communications, and representations concerning the subject matter of this Agreement are superseded by the terms of this Agreement, and except as specifically provided in this Agreement, this Agreement constitutes the entire agreement with respect to the subject matter.

XIII. The COUNTY has designated its County Commission Chairperson as the COUNTY'S authorized representative and has empowered the Chairperson with the authority to sign this Agreement on behalf of the COUNTY. A copy of the COUNTY'S Commission minute or resolution authorizing the execution of this Agreement by the Chairperson as the COUNTY'S authorized representative is attached to this Agreement as Exhibit C.
By signature of their representatives below, each party certifies that approval of this Agreement by ordinance, resolution, or other appropriate means has been obtained by that party's governing body or officer pursuant to SDCL § 1-24-3 and § 1-24-6.

Pennington County, South Dakota
By: ____________________________
Its: County Commission Chairperson
Date: ____________________________
Attest:
County Auditor/Clerk
(COUNTY SEAL)

State of South Dakota
Department of Transportation
By: ____________________________
Its: Secretary
Date: ____________________________
Recommended By:
Construction/Maintenance Engineer
BID PROPOSAL

<table>
<thead>
<tr>
<th>CODE</th>
<th>PROJECT</th>
<th>MAINT UNIT</th>
<th>CONTROL REFERENCE</th>
<th>AFE</th>
<th>FUNCTION</th>
<th>BEGIN MRM</th>
<th>END MRM</th>
</tr>
</thead>
<tbody>
<tr>
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<tr>
<td>15vu</td>
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<td>452</td>
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</tr>
<tr>
<td>15vv</td>
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<tr>
<td>15vw</td>
<td>000P</td>
<td>491</td>
<td></td>
<td></td>
<td>2305</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

COUNTY: Pennington  
BUDGET SOURCE: 111324 - Contract Maintenance  
FEDERAL TAX ID NUMBER: 46-6000381  
FINALS ENGINEER REVIEW REQUIRED: ☐ YES ☒ NO  
REGION MATERIALS CERTIFICATION REQUIRED: ☐ YES ☒ NO  
CERTIFIED INSPECTORS/TESTERS REQUIRED: ☐ YES ☒ NO  
TO BE INSTALLED ON CM&P: ☒ YES ☐ NO  
TYPE OF WORK: Control Growth Of Declared Weeds In The S.D. Department Of Transportation Right-of-Way in Pennington County.  
PURPOSE OF WORK: Spraying of State and Locally Declared Noxious Weeds in Right-of-Way  
LOCATION OF WORK: Various Locations in Pennington County  

ESTIMATE OF QUANTITIES AND COST:

<table>
<thead>
<tr>
<th>BID ITEM NUMBER</th>
<th>ITEM</th>
<th>QUANTITY</th>
<th>UNIT</th>
<th>UNIT PRICE</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>910E1060</td>
<td>Labor</td>
<td>550</td>
<td>hour</td>
<td>$20.00</td>
<td>$11,000.00</td>
</tr>
<tr>
<td>910E1000</td>
<td>Equipment - Truck Sprayer</td>
<td>200</td>
<td>hour</td>
<td>$35.00</td>
<td>$7,000.00</td>
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<tr>
<td>910E1050</td>
<td>Equipment - ATV Sprayer</td>
<td>160</td>
<td>hour</td>
<td>$25.00</td>
<td>$4,000.00</td>
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<tr>
<td>910E0003</td>
<td>2,4-D Amine</td>
<td>3500</td>
<td>ounce</td>
<td>$0.08</td>
<td>$280.00</td>
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<td>910E0330</td>
<td>Makaze</td>
<td>600</td>
<td>ounce</td>
<td>$0.12</td>
<td>$72.00</td>
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<tr>
<td>910E0265</td>
<td>Piper</td>
<td>150</td>
<td>ounce</td>
<td>$4.81</td>
<td>$721.50</td>
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<td>910E0085</td>
<td>Milestone</td>
<td>550</td>
<td>ounce</td>
<td>$2.28</td>
<td>$1,254.00</td>
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<td>910E0190</td>
<td>Spreader 90 Surfactant</td>
<td>2200</td>
<td>ounce</td>
<td>$0.12</td>
<td>$264.00</td>
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<td>910E0036</td>
<td>Graslan L</td>
<td>100</td>
<td>ounce</td>
<td>$0.34</td>
<td>$34.00</td>
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<tr>
<td>910E0335</td>
<td>Method 240SL</td>
<td>100</td>
<td>ounce</td>
<td>$2.77</td>
<td>$277.00</td>
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<tr>
<td>910E0100</td>
<td>Escort</td>
<td>43</td>
<td>ounce</td>
<td>$2.26</td>
<td>$97.18</td>
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TOTAL $24,999.68
SOUTH DAKOTA DEPARTMENT OF TRANSPORTATION

Daily pesticide treatment application record for ________________ county

Date: ________________ Time of day: ________________ to ________________ Temperature: ________________

AM - PM AM - PM
Begin End

Wind: Velocity ________________ Begin - End ________________
Est. Begin - End ________________ Direction From: ________________

Weed/Pest Treated: ________________

Chemicals and amounts used:
COMMON NAME BRAND/TRADE NAME EPA# or MANUFACTURED BY ACT. INGREDIENT

1. ________________ ________________ ________________

2. ________________ ________________ ________________

3. ________________ ________________ ________________

AMOUNTS OF PESTICIDE CONCENTRATE APPLIED PER ACRE WAS:
1. ________________ AC 2. ________________ AC 3. ________________ AC

TOTAL GALLONS OR POUNDS OF PESTICIDE CONCENTRATE USED:
1. ________________ 2. ________________ 3. ________________

EST. ACREAGE TREATED TODAY: ________________ AC GALLONS OF MIXED USED: ________________

R-0-W Area Treated:

<table>
<thead>
<tr>
<th>Highway No:</th>
<th>Spot Spray</th>
<th>Continuous Spray</th>
<th>from MRM</th>
<th>to MRM</th>
<th>N S E W</th>
<th>Width from Edge of Shoulder</th>
<th>Median</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Highway No:</td>
<td>Spot Spray</td>
<td>Continuous Spray</td>
<td>from MRM</td>
<td>to MRM</td>
<td>N S E W</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Notes: _____________________________________________________________________________________________

___________________________________________________________________________________________

Document any weather change and time it happens: (use back of sheet if needed)

Operator-Applicator: ________________
Address: ________________
D.O.A. License Number: ________________

This form shall be completed in duplicate for each county after completion of your daily pesticide application. One copy is to be kept
DATE: April 3, 2020
TO: Board of Commissioners
FROM: Cindy Mohler, Auditor
MEETING: April 7, 2020
RE: Transfer of Alcoholic Beverage License

The following applicant has applied for a Transfer of Retail (on-off sale) Malt Beverage & SD Farm Wine. A copy of application has been sent to the Sheriff and Planning Departments for their review and their comments were sent under separate cover.

Motion needed: Approval of transfer from Johnson Siding General Store under R & R Gas-N-More LLC to Johnson Siding General Store under Austin E Dahl.

**Transfer From:**

Business Name: Johnson Siding General Store  
Owner Name: R & R Gas-N-More LLC  
Address: 12300 W Highway 44, Rapid City, SD 57702  
Type of License: Retail (On-Off Sale) Malt Beverage & SD Farm Wine

**Transfer to:**

Business Name: Johnson Siding General Store  
Owner Name: Austin E Dahl  
Address: 12300 W Highway 44, Rapid City, SD 57702  
Type of License: Retail (On-Off Sale) Malt Beverage & SD Farm Wine

Transfer fee $150.00  
We charge $50.00 per license for publication fee
DATE: April 3, 2020
TO: Board of Commissioners
FROM: Cindy Mohler, Auditor
MEETING: April 7, 2020
RE: Transfer of Alcoholic Beverage License

The following applicant has applied for a Transfer of Package (off-sale) Liquor. A copy of application has been sent to the Sheriff and Planning Departments for their review and their comments were sent under separate cover.

Motion needed: Approval of transfer from Johnson Siding General Store under R & R Gas-N-More LLC to Johnson Siding General Store under Austin E Dahl.

**Transfer From:**

- **Business Name:** Johnson Siding General Store
- **Owner Name:** R & R Gas-N-More LLC
- **Address:** 12300 W Highway 44, Rapid City, SD 57702
- **Type of License:** Package (off-sale) Liquor

**Transfer to:**

- **Business Name:** Johnson Siding General Store
- **Owner Name:** Austin E Dahl
- **Address:** 12300 W Highway 44, Rapid City, SD 57702
- **Type of License:** Package (off-sale) Liquor

Transfer fee $150.00
We charge $50.00 per license for publication fee
March 30, 2020

Pennington County Commissioners
130 Kansas City Street
Rapid City, SD 57701

RE: Liquor License Transfer Application

Dear Board,

After reviewing the liquor license application for the following business, I see no reason why their license should not be granted.

Transfer Liquor Licenses

<table>
<thead>
<tr>
<th>Business Name</th>
<th>Address</th>
<th>Previous Owner Name</th>
<th>Owner Name</th>
<th>License</th>
</tr>
</thead>
<tbody>
<tr>
<td>Johnson Siding General Store</td>
<td>12300 W Highway 44</td>
<td>R&amp;R Gas-N-More LLC</td>
<td>Austin E Dahl</td>
<td>Package (off-sale) Liquor</td>
</tr>
<tr>
<td></td>
<td>Rapid City SD</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Johnson Siding General Store</td>
<td>12300 W Highway 44</td>
<td>R&amp;R Gas-N-More LLC</td>
<td>Austin E Dahl</td>
<td>Retail (On-Off Sale) Malt Beverage &amp; SD Farm Wine</td>
</tr>
<tr>
<td></td>
<td>Rapid City SD</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

I will be available at the April 7th Commission meeting to answer any questions regarding this liquor license request.

Sincerely,

Kevin Thom
Sheriff

c: Auditor
Uniform Alcoholic Beverage License Application

A. Owner Name and Address

<table>
<thead>
<tr>
<th>AUSTINE DAEHL</th>
</tr>
</thead>
<tbody>
<tr>
<td>12300 W HWY 44</td>
</tr>
<tr>
<td>RAPID CITY, SD 57702-9730</td>
</tr>
</tbody>
</table>

Owner's Telephone #: 605-868-2150

C. Indicate the class of license being applied for

- Retail (on-sale) Liquor
- Retail (on-sale) Liquor - Restaurant
- Convention Center (on-sale) Liquor
- Package (off-sale) Liquor
- Retail (on-off sale) Wine and Cider
- Retail (on-off sale) Malt Beverage & SD Farm Wine
- Package Delivery
- Hunting Preserve
- Other

Is this license in active use? Yes No

Do you or any officers, directors, partners, or stockholders hold any other alcohol retail, manufacturing, or wholesaler licenses? Yes No If Yes, please list on the back page.

H. CERTIFICATE: The undersigned applicant certifies under the penalties of perjury that all statements provided herein are true and correct; that the said applicant complies with all of the statutory requirements for the class of license being applied for and in addition agrees to permit agents of the Department of Revenue access to the licensed premises and records as provided in SDCL 35-2-2.1, and agrees this application shall constitute a contract between applicant and the State of South Dakota entitling the same or any peace officers to inspect the premises, books and records at any time for the purpose of enforcing the provisions of Title 35 SDCL, as amended.

Date: 3/1/2020 Print Name: AUSTINE DAEHL Signature: AUSTINE DAEHL

I. APPROVAL OF LOCAL GOVERNING BODY – Notice of hearing was published on [March 2, 2020]. Public hearing on the application was held April 17, 2020, not less than SEVEN (7) days after official publication. The governing body by majority vote recommends the approval and granting of this license and certifies that requirements as to location and suitability of premises and applicant have been reviewed and conform to the requirements of local and South Dakota law.

Renewal - no public hearing held

Amount of fee collected with application $150.00
Amount of fee retained $75.00
Forwarded with application $75.00

For Local Government Use

(Seal) Mayor or Chairman

If disapproved, endorse reason thereon and return to applicant

Transferred (State Use)

From:
Sales tax approval Date
STATE LIQUOR AUTHORITY:
APPROVAL REVIEW

Please complete the reverse side if applicable
Company supplement information
(For corporate/partnership/LP/LLC applicants)

Name of corporation/partnership/LP LLC: JS65 LLC
Address of office and principal place of business of corporation/partnership/LP LLC: 12300 Hwy 21

Are all managing officers of this corporation/partnership/LP LLC of good moral character having never been convicted of a felony? Yes ☐ No ☑

Name, title of office, occupation and address of each of the officers/owners of the corporation, partnership, LP or LLC:

<table>
<thead>
<tr>
<th>Name</th>
<th>Office</th>
<th>Address</th>
<th>Occupation</th>
</tr>
</thead>
<tbody>
<tr>
<td>AUSTIN E DAHL</td>
<td>OWNER</td>
<td>PO Box 1345 Watertown SD 57201</td>
<td></td>
</tr>
</tbody>
</table>

Name of any officers, directors, partners or stockholders of applicant having a financial interest or capital stock in any other alcoholic beverage license:

<table>
<thead>
<tr>
<th>Name</th>
<th>Type of License, License Number, Financial Interest Held, and Address of Business Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>AUSTIN E DAHL</td>
<td>SOLE OWNER, 21N # 84-4885354, SALES TAX # 1035-8542-ST</td>
</tr>
</tbody>
</table>

Where and with whom are all company records kept, such as charter, by-laws, minutes, accounts, notes payable, and notes and accounts receivable, etc?

FOLEY LAW OFFICE, WATERTOWN SD (605) 886-7281

With signature the applicant agrees to the following:

That the applicant company will comply with all provisions of ARSD chapter No. 64:75:02 of the Department of Revenue, relating to the transfer of stock and prior approval of the transfer of such stock by the Secretary of Revenue and violation of any of the provisions of said regulation or failure to comply therewith, whether by the undersigned corporation, partnership/LP/LLC or by any stockholder thereof, or by anyone interested in said company, shall constitute cause for revocation or suspension of any license issued pursuant to and in reliance on this application, or for refusal to renew such license upon expiration thereof.

We the undersigned officers and directors of the applicant company acknowledge that the within supplement application form is true and correct in every respect and that there exists no financial arrangement concerning this or any other alcoholic beverage license than that expressly set forth above. If company stock is to be transferred we ask for approval of such voluntary stock transfer.

Signature of Authorized Officer/Director/Partner: AUSTIN E DAHL

Date: 3-11-2020
Uniform Alcoholic Beverage License Application

A. Owner Name and Address

AUSTIN E. DAHL
12300 W HWY 44
Rapid City, SD 57702-9730

Owner's Telephone #: (605) 398-2150

C. Indicate the class of license being applied for (submit separate application for each class of license).

☐ Retail (on-sale) Liquor
☐ Retail (on-sale) Liquor - Restaurant
☐ Convention Center (on-sale) Liquor
☐ Package (off-sale) Liquor
☐ Retail (off-sale) Wine and Cider
☐ Retail (off-sale) Malt Beverage & SD Farm Wine
☐ Package Delivery
☐ Hunting Preserve
☐ Other

Is this license in active use? ☑ Yes ☐ No

Do you or any officers, directors, partners, or stockholders hold any other alcohol retail, manufacturing, or wholesaler licenses? ☑ Yes ☐ No If Yes, please list on the back page.

H. CERTIFICATE: The undersigned applicant certifies under the penalties of perjury that all statements provided herein are true and correct; that the said applicant complies with all of the statutory requirements for the class of license being applied for and in addition agrees to permit agents of the Department of Revenue access to the licensed premises and records as provided in SDCL 35-2-2.1, and agrees this application shall constitute a contract between applicant and the State of South Dakota entitling the same or any peace officers to inspect the premises, books and records at any time for the purpose of enforcing the provisions of Title 35 SDCL, as amended.

Date 3-11-2020 Print Name AUSTIN E. DAHL Signature AUSTIN E. DAHL

I. APPROVAL OF LOCAL GOVERNING BODY – Notice of hearing was published on March 25, 2020. Public hearing on the application was held 3-17-2020, not less than SEVEN (7) days after official publication. The governing body by majority vote recommends the approval and granting of this license and certifies that requirements as to location and suitability of premises and applicant have been reviewed and conform to the requirements of local and South Dakota law.

Renewal - no public hearing held

Amount of fee collected with application $ 150.00

Amount of fee retained $ 150.00

Forwarded with application $ 0.00

For Local Government Use

(Seal) Mayor or Chairman

If disapproved, endorse reason thereon and return to applicant

Transferred (State Use)

From: __________________________ Sales tax approval __________ Date __________

STATE LIQUOR AUTHORITY:

APPROVAL ______ REVIEW ______

Please complete the reverse side if applicable
Company supplement information
(For corporate/partnership/LP/LLC applicants)

Name of corporation/partnership/LP LLC  SGS LLC

Address of office and principal place of business of corporation/partnership/LP/LLC  12300 HWY 94

Are all managing officers of this corporation/partnership/LP/LLC of good moral character having never been convicted of a felony? Yes [ ] No [X]

Name, title of office, occupation and address of each of the officers/owners of the corporation, partnership, LP or LLC:

<table>
<thead>
<tr>
<th>Name</th>
<th>Office</th>
<th>Address</th>
<th>Occupation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Austin Dahl</td>
<td>Owner</td>
<td>PO Box 1595</td>
<td>Water Valley 57201</td>
</tr>
</tbody>
</table>

Name of any officers, directors, partners or stockholders of applicant having a financial interest or capital stock in any other alcoholic beverage license:

<table>
<thead>
<tr>
<th>Name</th>
<th>Type of License, License Number, Financial Interest Held, and Address of Business Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Austin Dahl</td>
<td>Sales Tax # 1035-8362-SF</td>
</tr>
</tbody>
</table>

Where and with whom are all company records kept, such as charter, by-laws, minutes, accounts, notes payable, and notes and accounts receivable, etc?

Foley Law Office, WATERTOWN SD (605) 886-7281

With signature the applicant agrees to the following:

That the applicant company will comply with all provisions of ARSD chapter No. 64:75:02 of the Department of Revenue, relating to the transfer of stock and prior approval of the transfer of such stock by the Secretary of Revenue and violation of any of the provisions of said regulation or failure to comply therewith, whether by the undersigned corporation, partnership/LP/LLC or by any stockholder thereof, or by anyone interested in said company, shall constitute cause for revocation or suspension of any license issued pursuant to and in reliance on this application, or for refusal to renew such license upon expiration thereof.

We the undersigned officers and directors of the applicant company acknowledge that the within supplement application form is true and correct in every respect and that there exists no financial arrangement concerning this or any other alcoholic beverage license than that expressly set forth above. If company stock is to be transferred we ask for approval of such voluntary stock transfer.

Signature of Authorized Officer/Director/Partner  

Date  3-11-2020
MEMO

TO: BOARD OF COMMISSIONERS

DATE: APRIL 7, 2020

FROM: JOSEPH MILLER
SUPERINTENDENT

RE: SHERIDAN LAKE ROAD RECONSTRUCTION
P 6480(04) PCN 5777 BID RESULTS

The South Dakota Department of Transportation (SDDOT) held the bid letting for the Sheridan Lake Road reconstruction project on Wednesday, April 1, 2020. A copy of the bid results is attached for your review. The apparent low bidder came in approximately $4.1 million under the SDDOT’s estimate which will decrease the allocated amount of our Road and Bridge Fund Reserves. The SDDOT Transportation Commission is scheduled to take action on this bid letting on April 9, 2020.

This item is informational only, no action is necessary at this time.

JM: cj
Attachment
# - Engineer's Estimate does not include cost for time in A+B contracts.
Commissioners – The following is a proposed policy for implementation now during the COVID-19 pandemic to allow citizens another avenue to continue to participate in their local government in a safe manner.

**Proposed policy:**
In order to help keep the public and staff safe due to the current COVID-19 pandemic, the public may submit their comments online utilizing the County website for public meetings. Due to social distancing protocols, seating is extremely limited in Commission Chambers.

Please visit https://www.pennco.org/boc_contactus to submit comments online.

The public is advised to submit their comments by the following deadlines:
*Board of Commissioners: 3:30 p.m. the day before the meeting
*Planning Commission: 3:30 p.m. the Friday before the meeting

Specific items of note:

- There will be a 6,000-character limit to the online comment form.
- Late submittals and anonymous submissions will not be added to the agenda.
- All comments received will be read publicly during the meeting.

All comments received will be included as part of the official meeting record (agenda packets). Members of the public attending the meetings in person can still submit a paper speaker request form prior to the start of the days meeting.

As always, citizens can continue to call, email directly or provide their comments in person at the meetings. The online method is simply a method that has always been available but not widely utilized.

I would be happy to answer any questions you may have.

Thank you!
Holli
April 1, 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 April 7, 2020, which have a grand total of $476,982.32.

______________________________
Chair
<table>
<thead>
<tr>
<th>NAME</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>AT&amp;T MOBILITY</td>
<td>$270.92</td>
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<tr>
<td>BH ENERGY,</td>
<td>$38.34</td>
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<tr>
<td>BH ENERGY,</td>
<td>$1,132.27</td>
</tr>
<tr>
<td>CENTURY LINK</td>
<td>$259.69</td>
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<tr>
<td>CITY OF RAPID CITY -WATER,</td>
<td>$2,002.12</td>
</tr>
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Report Total: 55,616.71

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Report Total:  
55,616.71
## Invoices Submitted For Approval

**Printed:** 3/26/2020 - 2:00 PM  
**Date Range:** 03/25/2020 to 03/25/2020

**Report Total:** 26,054.22

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- **EM**  
  - Invoice Date: 3/23/2020  
  - Invoice No: 0572 1431 05  
  - Description: Siren, 517 San Marco Bl  
  - Amount: 18.77
- **EM**  
  - Invoice Date: 3/20/2020  
  - Invoice No: 3307 0018 00  
  - Description: Siren, 4009 W St Louis St  
  - Amount: 19.57

**Total for Vendor 00153 - BH ENERGY (ACH):** 38.34

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- **BG**  
  - Invoice Date: 3/25/2020  
  - Invoice No: 231631-MAR  
  - Description: WATER AND SEWER - WED  
  - Amount: 35.15
- **JSC**  
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  - Invoice No: 231633  
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- **JSC**  
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  - Description: 2/5-3/5  
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- **BG**  
  - Invoice Date: 3/25/2020  
  - Invoice No: 23372-MAR  
  - Description: WATER AND SEWER - EVD  
  - Amount: 109.21
- **BG**  
  - Invoice Date: 3/25/2020  
  - Invoice No: 235577-MAR  
  - Description: WATER AND SEWER - BLK99  
  - Amount: 5.00

**Total for Vendor 00278 - CITY OF RAPID CITY -WATER (ACH):** 2,002.12

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- **HWY**  
  - Invoice Date: 3/12/2020  
  - Invoice No: 23265805756  
  - Description: Natural Gas  
  - Amount: 68.74
- **HWY**  
  - Invoice Date: 3/12/2020  
  - Invoice No: 44074589142  
  - Description: Natural gas  
  - Amount: 1,427.85
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  - Invoice No: 65653010002  
  - Description: Natural Gas  
  - Amount: 319.85

**Total for Vendor 00875 - MONTANA DAKOTA UTILITIES:** 1,816.44

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- **TRS**  
  - Invoice Date: 3/24/2020  
  - Invoice No: 9850234313  
  - Description: FEB 11 - MAR 10  
  - Amount: 109.34
- **HWY**  
  - Invoice Date: 3/12/2020  
  - Invoice No: 9850361691  
  - Description: Cellular Service  
  - Amount: 790.52
- **HHS**  
  - Invoice Date: 3/25/2020  
  - Invoice No: 9850382181  
  - Description: A-UTILITIES - CELL PHONE  
  - Amount: 517.38

**Total for Vendor 28924 - VERIZON WIRELESS:** 1,417.24

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- **ROD**  
  - Invoice Date: 2/29/2020  
  - Invoice No: DP002194  
  - Description: NETWORK ACCESS  
  - Amount: 48.00

**Total for Vendor 54372 - EXECUTIVE MGMT FIN OFFICE:** 48.00

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- **HWY**  
  - Invoice Date: 3/16/2020  
  - Invoice No: 231629  
  - Description: Water  
  - Amount: 1,036.47
- **HWY**  
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  - Description: Water  
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  - Description: Water  
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  - Invoice No: 234453  
  - Description: Water  
  - Amount: 41.19

**Total for Vendor 57358 - CITY OF RAPID CITY (ACH):** 1,291.21

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- **911**  
  - Invoice Date: 3/25/2020  
  - Invoice No: 6053431061796  
  - Description: RC West phone lines  
  - Amount: 65.92
- **HWY**  
  - Invoice Date: 3/13/2020  
  - Invoice No: 6055742711  
  - Description: Hill City Telephone and Internet  
  - Amount: 130.39
- **911**  
  - Invoice Date: 3/25/2020  
  - Invoice No: 6055744617251  
  - Description: Seth phone lines  
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**60822 - AT&T MOBILITY**

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**63266 - VAST BROADBAND**

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**63893 - PIONEER BANK & TRUST**

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Total for Vendor 63893 - PIONEER BANK & TRUST: 13,232.95

Report Total: 26,054.22
Your billing statement for Employer Number 496 is now available online.

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Your Wellmark Inc. Self Funded Weekly statement is now available.

Employer Number: 496

Billing Date: 03/13/2020

Due Date: 03/19/2020

Amount Due: $102041.98

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If you have any questions regarding your account, please contact the billing contact identified on your billing statement or email us at SelfFundedBilling@wellmark.com

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employer Number: 496

Billing Date: 03/20/2020

Due Date: 03/26/2020

Amount Due: $166751.15

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This message was sent via an automated process; please do not reply to this message.
From: Wellmark Billing <wellmark@billerpayments.com>
Sent: Monday, March 30, 2020 11:16 PM
To: McCoy Stephanie; Bloomenrader Kimberly; Island Kaycee; Sortland Sandra; Morrill Jon;
Israel Mary; CostPlus@wellmark.com
Subject: Your billing statement for Employer Number 496 is now available online.

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Your Wellmark Inc. Self-Funded Weekly statement is now available.

Employer Number: 496

Billing Date: 03/27/2020

Due Date: 04/02/2020

Amount Due: $126518.26

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AGENDA
PENNINGTON COUNTY BOARD OF COMMISSIONERS
April 7, 2020 @ 10:30 a.m.
County Commissioners’ Meeting Room – Pennington County Administration Building

REGULAR AGENDA

A. **FIRST READING AND PUBLIC HEARING OF MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 20-01**: Dennis Tuschen. To amend an existing Planned Unit Development to allow an existing residence to be used as a Vacation Home Rental in accordance with Sections 213 and 319 of the Pennington County Zoning Ordinance.

Tract 2, Bell Pine Subdivision, Section 27, T2N, R3E, BHM, Pennington County, South Dakota.

Planning Commission recommended to continue Major Planned Unit Development Amendment / PU 20-01 to the May 5, 2020, Board of Commissioner’s meeting to allow staff time to address concerns with the State’s Attorney’s Office.

B. **LAYOUT PLAN / LPL 20-04**: Dick Kompus. To combine lots to create Lot 1R of Chase Elkhorn Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Tract 2 of Lot B and C and Lot 1, Chase Elkhorn Subdivision, Section 10, T2S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 1R, Chase Elkhorn Subdivision, Section 10, T2S, R6E, BHM, Pennington County, South Dakota.

Planning Commission recommended approval of Layout Plan / LPL 20-04 with eight (8) conditions.

C. **LAYOUT PLAN / LPL 20-05**: Rustlers Ranch, LLC; Davis Engineering – Agent. To create Tract A of Rustlers Ranch Addition in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: SW1/4SE1/4; SE1/4SE1/4 Less Tract 1754 and Less Right-of-Way, Section 8, T1N, R4E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Tract A of Rustlers Ranch Addition, Section 8, T1N, R4E, BHM, Pennington County, South Dakota.

Planning Commission recommended approval of Layout Plan / PL 20-05 with eleven (11) conditions.

D. **PUBLIC HEARING - AMENDMENT OF PENNINGTON COUNTY COMPREHENSIVE PLAN**: Pennington County. Comprehensive Plan “View to 2040” to amend and supersede Pennington County’s existing Comprehensive Plan.

(Continued from the March 3, 2020, Board of Commissioner’s meeting.)

Planning Commission recommended approval of Comprehensive Plan “View to 2040” to amend and supersede Pennington County’s existing Comprehensive Plan with three recommended changes.
MEMBERS PRESENT: Rich Marsh, Travis Lasseter, Sandra Runde, Kathy Johnson (teleconference), and Sonny Rivers (teleconference).

STAFF PRESENT: Brittney Molitor, Kristina Proietti, Stephanie Jansen, Cody Sack, Michaela Hofmann (SAO) and Jeri Ervin.

ROLL CALL

1. APPROVAL OF THE MARCH 9, 2020, MINUTES
Moved by Runde and seconded by Lasseter to approve the Minutes of the March 9, 2020, Planning Commission meeting. Roll Call: Marsh – aye, Lasseter – aye, Runde – aye, Johnson – aye, and River – aye. Roll Call Vote: unanimous 5 to 0.

2. APPROVAL OF THE AGENDA

CONSENT AGENDA

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

3. CONDITIONAL USE PERMIT REVIEW / CU 71-04: David and Andrea Allard. To review a mobile home park in a General Commercial District in accordance with Sections 209, 305, and 510 of the Pennington County Zoning Ordinance.

Lot 1 of Lot D of SW1/4SE1/4 and RR RTY Across Lot 1, Section 31, T2N, R6E, BHM, Pennington County, South Dakota.

To continue the review of Conditional Use Permit / CU 71-04 to the June 22, 2020, Planning Commission meeting in order to allow the landowner to fix the existing violations with the following (1) condition:

1. That any continuation after the June 22, 2020 Planning Commission meeting, will be subject to a $100.00 continuation fee in accordance with Section 511(X) of the Pennington County Zoning Ordinance.

Vote: unanimous 5 to 0.
4. **CONDITIONAL USE PERMIT REVIEW / CU 10-03:** Michael Howe. To review a dog/cat boarding kennel in a Limited Agriculture District in accordance with Sections 206 and 510 of the Pennington County Zoning Ordinance.

Lot 1, Engesser Subdivision, Section 24, T1N, R8E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 10-03 with the following eleven (11) conditions:

1. That the Conditional Use Permit be limited to a dog and cat boarding kennel only and that a maximum of two (2) additional employees not residing on the premises may be employed by the home occupation. Any expansion beyond this will require an amendment for this Conditional Use Permit to be applied for;

2. That the boarding of dogs/cats not exceed a maximum of 30 animals at one time. Any additional animals would require a review by the Planning Department and an amendment to the Conditional Use Permit;

3. That reasonable measures continue to be taken to control odors and noises produced by the dogs so as to not constitute a nuisance to the general public;

4. That the applicant continues to adhere to all necessary County, State and Federal regulations, including those of the Environmental Protection Agency (EPA) and maintain the necessary permits to conduct the organization’s activities;

5. That the address, 8507 Dunn Road, continue to be posted both at the approach to the property and on the primary structure itself in accordance with Ordinance #20;

6. That prior to the placement of any on-premise signs, the applicant must obtain approval of a Sign Permit;

7. That a Floodplain Development Permit shall be submitted for review and approval prior to any work or placement of any structure within the boundaries of the 100-year floodplain;

8. That a minimum of eight (8) off-street parking spaces continue to be provided. Each parking space shall measure at least nine (9) feet by 18-feet and shall be kept in a dust free manner;

9. That a Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground located on a permanent foundation, which requires a site plan to be reviewed and approved by the Planning Director;
10. That any change in the use or expansion of the kennel, would require approval by the Humane Society and, at a minimum, a review by the Planning Department. This Conditional Use Permit may need to be re-advertised and new notices resent if the change or expansion requires a hearing in front of the Planning Commission; and,

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

Vote: unanimous 5 to 0.

5. **CONDITIONAL USE PERMIT REVIEW / CU 15-29:** Jim or Mary Scull. To review a cabin to be used as a ranch hand’s residence in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

Unplatted PT of NW1/4 NE1/4 and 1/2 Vacant Road adjacent to Section 16, T1N, R6E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 15-29 with the following five (5) conditions:

1. That a Building Permit be obtained for any structure exceeding 144 square feet or located on a permanent foundation, which requires a site plan to be reviewed and approved by the Planning Director;

2. That the residence continues to be occupied by a ranch hand or continues to be used as housing for hired help at all times, and not be used as a rental by someone not engaged in the operating of the farm or ranch located on the subject property;

3. That the addresses (12090 White Horse Road for the primary residence and 12095 White Horse Road for the ranch hand’s residence) continue to be clearly posted on each residence, at the approach (driveway), so as to be visible from both directions of travel on White Horse Road, in accordance with Pennington County’s Ordinance #20;

4. That the minimum setback requirements of a General Agriculture District be continually maintained on the property, or a Setback Variance is obtained prior to new construction and approval of a Building Permit; and,

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

Vote: unanimous 5 to 0.
6. **CONDITIONAL USE PERMIT REVIEW / CU 16-02:** Eva Olson. To review a single-wide mobile home to be used as a single-family residence in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

That PT of E1/2E1/2SW1/4NW1/4 lying S of Hwy 14-16 ROW less W 97 ft; SE1/4NW1/4 lying S of Hwy 14-16 ROW; SW1/4NE1/4 lying S of Hwy 14-16 ROW; That PT of SW1/4NE1/4 lying between I-90 and Hwy 14-16 ROW; That PT of E1/2E1/2NW1/4NW1/4 lying S of Hwy 14-16 ROW, Section 27, T2N, R10E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 16-02 with the following eight (8) conditions:

1. That the property address (15715 Highway 14/16) continues to be posted both on the residence and at the end of the driveway so it is visible from both directions of travel on Highway 14/16, in accordance with Pennington County’s Ordinance #20;

2. That the subject property continually not contain more than one (1) residential structure (i.e. single-family residence or living quarters);

3. That if the applicant/landowner chooses to rebuild a single-family residence on the subject property, Conditional Use Permit / CU 16-02 be amended and re-advertised to allow the single-wide mobile home to be used as temporary living quarters while building a single-family residence and the single-wide mobile home must be removed from the property upon completion of the new single-family residence;

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

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

6. That the single-wide mobile home installed on the subject property continue to have a peaked, non-reflective type roof and wood or simulated wood-type siding that is continually maintained;

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 three (3) years, on a complaint basis, or as directed by the Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 5 to 0.
7. **CONDITIONAL USE PERMIT REVIEW / CU 16-34**: Jessica Thurmes. To review a Recreational Vehicle to be used as temporary living quarters for no more than 180 days per calendar year on the subject property in a Low Density Residential District in accordance with Sections 207 and 510 of the Pennington County Zoning Ordinance.

Lot 4, Harrington Subdivision, Section 19, T2S, R7E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 16-34 with the following eight (8) conditions:

1. That the assigned address for the subject property be continually posted so it is visible from both directions of travel on Milo Lane in accordance with Pennington County’s Ordinance #20;
2. That the minimum setback requirements for a Low Density Residential District be continually maintained on the property;
3. That the subject property continues to remain free of debris and junk vehicles;
4. 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;
5. That no additional living quarters be allowed to exist on the property;
6. That the Recreational Vehicle shall not be used as living quarters on the subject property for more than 180 days per calendar year;
7. That the applicant adheres to the Forest Service comments at all times; and,
8. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as deemed necessary by the Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

END OF CONSENT AGENDA
8. **CONDITIONAL USE PERMIT / CU 19-01**: Terry Sayler. To allow for a Vacation Home Rental on the subject property in a Low Density Residential District in accordance with Sections 207, 319, and 510 of the Pennington County Zoning Ordinance.

Lot A, Miller Subdivision #2, Section 15, T2N, R6E, BHM, Pennington County, South Dakota.

(Continued from the March 9, 2020, Planning Commission meeting.)

Sack reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow an existing residence to be used as a Vacation Home Rental.

Staff recommended approval of Conditional Use Permit / CU 19-01 with the following seventeen (17) conditions:

1. That the maximum overnight occupancy be limited to ten (10) people, based on SD DENR approval and the maximum daytime occupancy be limited to twenty (20) people, per Section 319(F)(13);

2. That if an addition is constructed on the single-family residence 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 the applicants obtain a Pennington County Operating Permit every one (1) year instead of every six (6) years;

4. That the proper permits be obtained prior to utilizing a fire pit on the property and all fire restrictions be followed at all times;

5. That each review of Conditional Use Permit / CU 20-05 be subject to Section 511(F)(4), which includes a $100 fee per review;

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 prior to operation of the Vacation Home Rental;

7. That the applicant maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests;

8. That prior to operation, the applicants have the Doty Fire Department conduct a site inspection and submit any comments to the Planning Department;

9. That a minimum of five (5) off-street parking spaces be provided on-site, per 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;
10. That an interior informational sign be posted in accordance with the requirements of Section 319(G) during operation of the Vacation Home Rental, to include 9-1-1 and Local Contact information;

11. That the lot address (22553 Smokey Ridge Road) continue to be posted on the residence at all times, in accordance with Pennington County Ordinance #20;

12. That the applicant ensures the Vacation Home Rental is continually operated in accordance with the requirements of Section 319(F) at all times;

13. That if the person designated as the Local Contact is ever changed from Cody Peterka, 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;

14. 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;

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

16. That an approved Building Permit be obtained for any future 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,

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

Discussion followed.

Moved by Runde and seconded by Lasseter to approve of Conditional Use Permit / CU 19-01 with the following seventeen (17) conditions:

1. That the maximum overnight occupancy be limited to ten (10) people, based on SD DENR approval and the maximum daytime occupancy be limited to twenty (20) people, per Section 319(F)(13);

2. That if an addition is constructed on the single-family residence 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 the applicants obtain a Pennington County Operating Permit every one (1) year instead of every six (6) years;

4. That the proper permits be obtained prior to utilizing a fire pit on the property and all fire restrictions be followed at all times;
5. That each review of Conditional Use Permit / CU 20-05 be subject to Section 511(F)(4), which includes a $100 fee per review;

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 prior to operation of the Vacation Home Rental;

7. That the applicant maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests;

8. That prior to operation, the applicants have the Doty Fire Department conduct a site inspection and submit any comments to the Planning Department;

9. That a minimum of five (5) off-street parking spaces be provided on-site, per 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;

10. That an interior informational sign be posted in accordance with the requirements of Section 319(G) during operation of the Vacation Home Rental, to include 9-1-1 and Local Contact information;

11. That the lot address (22553 Smokey Ridge Road) continue to be posted on the residence at all times, in accordance with Pennington County Ordinance #20;

12. That the applicant ensures the Vacation Home Rental is continually operated in accordance with the requirements of Section 319(F) at all times;

13. That if the person designated as the Local Contact is ever changed from Cody Peterka, 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;

14. 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;

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

16. That an approved Building Permit be obtained for any future 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,
17. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.


9. LAYOUT PLAN / LPL 20-04: Dick Kompus. To combine lots to create Lot 1R of Chase Elkhorn Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Tract 2 of Lot B and C and Lot 1, Chase Elkhorn Subdivision, Section 10, T2S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 1R, Chase Elkhorn Subdivision, Section 10, T2S, R6E, BHM, Pennington County, South Dakota.

Sack reviewed the Staff Report indicating the applicant has applied for a Layout Plan to combine two lots in to create Lot 1R of Chase Elkhorn Subdivision.

Staff recommended approval of Layout Plan / LPL 20-04 with the following eight (8) conditions:

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

2. That at the time of Minor Plat submittal, the plat meets all requirements of Pennington County Subdivision Regulations, or approved Subdivision Regulations Variance(s) be obtained waiving any of these requirements that are not met. Subdivision Regulations Variances shall be submitted per Section 700 of Pennington County Subdivision Regulations;

3. That prior to the mylar being filed at Register of Deeds, the applicant obtains approval of a Rezone and Comprehensive Plan Amendment;

4. That access for Lot 1R is taken from the existing approach for the subject property;

5. That an approved Floodplain Development permit be obtained prior to any disturbance in the Special Flood Hazard Area;

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

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

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

Discussion followed.

Moved by Runde and seconded by Lasseter to approve of Layout Plan / LPL 20-04 with the following eight (8) conditions:

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

2. That at the time of Minor Plat submittal, the plat meets all requirements of Pennington County Subdivision Regulations, or approved Subdivision Regulations Variance(s) be obtained waiving any of these requirements that are not met. Subdivision Regulations Variances shall be submitted per Section 700 of Pennington County Subdivision Regulations;

3. That prior to the mylar being filed at Register of Deeds, the applicant obtains approval of a Rezone and Comprehensive Plan Amendment;

4. That access for Lot 1R is taken from the existing approach for the subject property;

5. That an approved Floodplain Development permit be obtained prior to any disturbance in the Special Flood Hazard Area;

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

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

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


10. CONDITIONAL USE PERMIT / CU 20-05: James and Amy Heidecker. To allow an existing residence to be used as a Vacation Home Rental in a Limited Agriculture District in accordance with Sections 206, 319, and 510 of the Pennington County Zoning Ordinance.
NE1/4SE1/4 Lying S of Centerline of CO RD T235, Section 20, T1S, R7E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating the applicants have applied for a Conditional Use Permit to allow an existing residence to be used as a Vacation Home Rental.

Staff recommended approval of Conditional Use Permit / CU 20-05 with the following fifteen (15) conditions:

1. That the maximum overnight occupancy be limited to ten (10) people, based on SD DENR approval and the maximum daytime occupancy be limited to twenty (20) people, per Section 319(F)(13) of the Zoning Ordinance;

2. That if an addition is constructed on the single-family residence 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 the proper permits be obtained prior to utilizing a fire pit on the property and all fire restrictions be followed at all times;

4. That each review of Conditional Use Permit / CU 20-05 be subject to Section 511(F)(4), which includes a $100 fee per review;

5. 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 prior to operation of the Vacation Home Rental;

6. That the applicant maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests;

7. That a minimum of five (5) off-street parking spaces be provided on-site, per 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;

8. That an interior informational sign be posted in accordance with the requirements of Section 319(G) during operation of the Vacation Home Rental, to include 9-1-1 and local contact information;

9. That the lot address (13789 Neck Yoke Road) continue to be posted on the residence at all times, in accordance with Pennington County Ordinance #20;

10. That the applicant ensures the Vacation Home Rental is continually operated in accordance with the requirements of Section 319(F) (Performance Standards) at all times;
11. That if the person designated as the Local Contact is ever changed from Amy Heidecker, 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;

12. 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;

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

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

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

Discussion followed.

Moved by Lasseter and seconded by Runde to approve of Conditional Use Permit / CU 20-05 with the following sixteen (16) conditions:

1. That the maximum overnight occupancy be limited to ten (10) people, based on SD DENR approval and the maximum daytime occupancy be limited to twenty (20) people, per Section 319(F)(13) of the Zoning Ordinance;

2. That if an addition is constructed on the single-family residence 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 the proper permits be obtained prior to utilizing a fire pit on the property and all fire restrictions be followed at all times;

4. That each review of Conditional Use Permit / CU 20-05 be subject to Section 511(F)(4), which includes a $100 fee per review;

5. 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 prior to operation of the Vacation Home Rental;

6. That the applicant maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests;
7. That a minimum of five (5) off-street parking spaces be provided on-site, per 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;

8. That an interior informational sign be posted in accordance with the requirements of Section 319(G) during operation of the Vacation Home Rental, to include 9-1-1 and local contact information;

9. That the lot address (13789 Neck Yoke Road) continue to be posted on the residence at all times, in accordance with Pennington County Ordinance #20;

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

11. That if the person designated as the Local Contact is ever changed from Amy Heidecker, 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;

12. 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;

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

14. That the applicant post signs on steel fence posts, every 50 feet on their property line, indicating the boundary of the subject property and the adjoining neighbors’ property;

15. That an approved Building Permit be obtained for any future 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 one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

11. **LAYOUT PLAN / LPL 20-05**: Rustlers Ranch, LLC; Davis Engineering – Agent. To create Tract A of Rustlers Ranch Addition in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

**EXISTING LEGAL**: SW1/4SE1/4; SE1/4SE1/4 Less Tract 1754 and Less Right-of-Way, Section 8, T1N, R4E, BHM, Pennington County, South Dakota.

**PROPOSED LEGAL**: Tract A of Rustlers Ranch Addition, Section 8, T1N, R4E, BHM, Pennington County, South Dakota.

Proietti reviewed the Staff Report indicating the applicant has applied for a Layout Plan to create Tract A of Rustlers Ranch Addition.

Staff recommended approval of Layout Plan / PL 20-05 with the following eleven (11) 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;

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

7. That prior to the Plat being recorded with the Register of Deeds, the plat clarifies the Plat Heading;

8. That prior to the Plat being recorded with the Register of Deeds, that the 40-foot road easement on the subject property be recorded with the Register of Deeds;

9. That an address be assigned to the detached garage with loft on the proposed lot, and that it be posted in accordance with Pennington County Ordinance #20;
10. 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,

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

Discussion followed.

Moved by Lasseter and seconded by Johnson to approve of Layout Plan / PL 20-05 with the following eleven (11) 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;

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

7. That prior to the Plat being recorded with the Register of Deeds, the plat clarifies the Plat Heading;

8. That prior to the Plat being recorded with the Register of Deeds, that the 40-foot road easement on the subject property be recorded with the Register of Deeds;

9. That an address be assigned to the detached garage with loft on the proposed lot, and that it be posted in accordance with Pennington County Ordinance #20;
10. 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,

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


12. **MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 20-01:** Dennis Tuschen. To amend an existing Planned Unit Development to allow an existing residence to be used as a Vacation Home Rental in accordance with Sections 213 and 319 of the Pennington County Zoning Ordinance.

Tract 2, Bell Pine Subdivision, Section 27, T2N, R3E, BHM, Pennington County, South Dakota.

(Continued from the March 9, 2020, Planning Commission meeting.

Proietti stated Staff had originally recommended approval of Major Planned Unit Development Amendment / PU 20-01 with twenty-one (21) conditions, but are now recommending to continue this item to the April 27, 2020, Planning Commission meeting to allow staff time to address concerns with the State’s Attorney’s Office.

Discussion followed.

Moved by Lasseter and seconded by Runde to continue Major Planned Unit Development Amendment / PU 20-01 to the April 27, 2020, Planning Commission meeting to allow staff time to address concerns with the State’s Attorney’s Office.


13. **PUBLIC HEARING - AMENDMENT OF PENNINGTON COUNTY COMPREHENSIVE PLAN:** Pennington County. Comprehensive Plan “View to 2040” to amend and supersede Pennington County’s existing Comprehensive Plan.

(Continued from the February 24, 2020, Planning Commission meeting.)

Molitor reviewed the Comprehensive Plan “View to 2040” to amend and supersede Pennington County’s existing Comprehensive Plan.

Discussion followed.
Moved by Lasseter and seconded by Runde to approve of Comprehensive Plan “View to 2040” to amend and supersede Pennington County’s existing Comprehensive Plan with three recommended changes.


14. COUNTY BOARD REPORT
The Board of Commissioners concurred with the Planning Commission’s recommendations from the March 9, 2020, Planning Commission meeting.

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

16. ITEMS FROM THE STAFF
A. Planning Department: Molitor spoke of incorporating language in legal advertisements and Notice of Hearing letters to inform the public of how to contact staff, if they would like to speak on an item for a scheduled Planning Commission meeting by teleconference.

Molitor further stated the Planning Department has included informational language to the Planning Department’s website to inform the public work on how to contact staff regarding submittal of Building Permits and submittal applications via e-mail and through the mail.

17. ITEMS FROM THE MEMBERSHIP
Chairman Marsh and Commissioner Lasseter will be in attendance for the April 13th Planning Commission meeting.

18. ADJOURNMENT

Moved by Lasseter and seconded by Runde to adjourn.


The meeting adjourned at 10:30 a.m.

Rich Marsh, Chairperson
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 20-01: Dennis Tuschen. To amend an existing Planned Unit Development to allow an existing residence to be used as a Vacation Home Rental in accordance with Sections 213 and 319 of the Pennington County Zoning Ordinance.

Tract 2, Bell Pine Subdivision, Section 27, T2N, R3E, BHM, Pennington County, South Dakota.

PLANNING COMMISSION RECOMMENDATION:
Planning Commission recommended to continue Major Planned Unit Development Amendment / PU 20-01 to the May 5, 2020, Board of Commissioner’s meeting to allow staff time to address concerns with the State’s Attorney’s Office.
STAFF REPORT

GENERAL INFORMATION:

REQUEST:

MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT / PU 20-01: To amend an existing Planned Unit Development to allow an existing residence to be used as a Vacation Home Rental in accordance with Sections 213 and 319 of the Pennington County Zoning Ordinance.

APPLICANT: Dennis Tuschen

APPLICANT ADDRESS: 1401 S. Aberdeen Avenue, Sioux Falls, SD 57106

LOCAL CONTACT: Jeff Tuschen

LEGAL DESCRIPTION: Tract 2, Bell Pine Subdivision, Section 27, T2N, R3E, BHM, Pennington County, South Dakota.

SITE LOCATION: 22746 S. Rochford Road.

TAX ID: 59227

SIZE: 3.86 acres

EXISTING LAND USE: Residential

ZONING REFERENCE: Sections 213 and 319

CURRENT ZONING: Planned Unit Development District

SURROUNDING ZONING:
- North: General Agriculture District
- South: General Agriculture District
- East: Planned Unit Development District
- West: Planned Unit Development District

PHYSICAL CHARACTERISTICS: Hills / Forested

REPORT BY: Kristina Proietti
I. PROPOSED RECOMMENDATION  
A. Staff recommends approval of Major Planned Unit Development Amendment / PU 20-01 with conditions.

II. GENERAL DESCRIPTION  
A. January 25, 2005, Planned Unit Development / PU 04-17, to rezone from General Agriculture District to a Planned Unit Development was approved by the Board of Commissioners with the following fourteen (14) conditions:
   1. That the density of the Planned Unit Development shall not exceed three (3) residential lots;
   2. That the Planned Unit Development be used only as residential use, and no home occupations or large animals be allowed on the three (3) lots;
   3. The minimum lot size for the development shall a minimum of 3.9 acres;
   4. That the structures within the Planned Unit Development shall be stick built or log constructed;
   5. All residences must meet the standards for stick-built homes as outlined in Section 204;
   6. All structures are constructed south of the existing tree line;
   7. That prior to any Building Permit being issued, the applicant constructs the approach and private access to Pennington County Subdivision Regulation Road Construction Standards or obtain an approved Subdivision Regulation Variance;
   8. That an address for each lot will be placed at the approach off of South Rochford Road, visible in both directions. That each lot will also need to have a visible address at the beginning of their driveway;
   9. That prior to platting, the applicant provides documentation of recorded access easements for the three (3) lots;
   10. That prior to platting, the applicant provides soil profile information from an 8-foot soil profile hole for the three (3) lots;
   11. The minimum setbacks for the Planned Unit Development shall be twenty-five (25) feet from all property lines and fifty-eight (58) feet from all section lines;
   12. That a homeowner’s association be created prior to the filing of the Plat for the maintenance of the approach and private access easement;
   13. That covenants be filed at the Register of Deeds at the time the Plat is filed; and,
   14. That this Planned Unit Development be reviewed in two (2) years or on a complaint basis to determine that all conditions of approval are being met.
B. April 19, 2005, Preliminary and Final Plat / PL 05-13 and PL 05-14 was approved by the Board of Commissioners to create Tracts 2-4 of the Bell Pine Subdivision with the following eight (8) conditions:

1. That prior to County Board approval of the Final Plat, the note indicating the property north of South Rochford Road as Tract 1 must be removed and the platted Tracts re-numbered;
2. That prior to County Board approval, the applicant will need to provide the subdivision name in the Plat title;
3. That prior to County Board approval of the Final Plat, the applicant will need to include all certifications, in accordance to Section 400.3 m.1-9 of the Pennington County Subdivision Regulation;
4. That prior to County Board approval, the applicant will need to include a note on the plat indicating that a primary and reserve drainfield area for a new on-site wastewater disposal system shall be provided at the time of applying for a Building Permit;
5. That prior to County Board approval of the Final Plat, the applicant will need to allow 100 feet of Right-of-Way and construct a seventy-five (75) foot, cul-de-sac at the end of the platted access, in accordance with Section 500.5.2.b and Table 1 of the Pennington County Subdivision Regulation and Ordinance 14 standards, post surety or obtain an approved Subdivision Regulations Variance;
6. That prior to filing the Final Plat with the Register of Deeds, that the applicant dedicated additional Right-of-Way for South Rochford Road;
7. That the applicant creates a homeowner’s association or road district for the maintenance of the new subdivision roads; and,
8. That the applicant file a maintenance agreement with the Board of County Commissioners, in a form satisfactory to the State’s Attorney, to ensure the satisfactory condition of required improvements for a period of five (5) years after the date of the acceptance by the Board.

C. January 8, 2007, the extension of Planned Unit Development / PU 05-14 was heard and approved by the Planning Commission with the following eleven (11) conditions:

1. That the density of the Planned Unit Development shall not exceed three (3) residential lots;
2. That the Planned Unit Development is used for residential use only, and that no home occupations or large animals are allowed on the three (3) lots;
3. The minimum lot size for the development shall be a minimum of 3.9 acres;
4. That the structures within the Planned Unit Development shall be stick-built or log constructed;
5. All residences must meet the standards for stick-built homes as outlined in Section 204;
6. All structures are constructed south of the existing tree line;
7. That prior to any Building Permit being issued, the applicant constructs the approach and private access to Pennington County Subdivision Regulation Road Construction Standards or obtains an approved Subdivision Regulations Variance;
8. That an address for each lot will be placed at the approach off of South Rochford Road, visible in both directions. That each lot will also need to have a visible address at the beginning of their driveway;
9. The minimum setbacks for the Planned Unit Development shall be twenty-five (25) feet from all property lines and fifty-eight (58) feet from all section lines;
10. That a Homeowner’s Association be upheld for the maintenance of the approach and private access easement; and,
11. That this Planned Unit Development be reviewed in six (6) months time to determine that all conditions of approval are being met.

D. August 13, 2007, the extension of Planned Unit Development / PU 05-14 was heard and approved by the Planning Commission with the following ten (10) conditions:
1. That the density of the Planned Unit Development shall not exceed three (3) residential lots;
2. That the Planned Unit Development be used for residential use only, and that no home occupations or large animals be allowed on the three (3) lots;
3. The minimum lot size for the development shall be a minimum of 3.9 acres;
4. That the structures within the Planned Unit Development shall be stick-built or log constructed;
5. All residences must meet the standards for stick-built homes as outlined in Section 204;
6. All structures are constructed south of the existing tree line;
7. That an address for each lot will be placed at the approach off of South Rochford Road, visible in both directions. That each lot will also need to have a visible address at the beginning of their driveway;
8. The minimum setbacks for the Planned Unit Development shall be twenty-five (25) feet from all property lines and fifty-eight (58) feet from all section lines;
9. That a Homeowner’s Association be upheld for the maintenance of the approach and private access easement; and,
10. That this Planned Unit Development be reviewed on a complaint basis only.
II. EXISTING CONDITIONS
   A. Zoned Planned Unit Development.
   B. 3.86 acres.
   C. Access taken off of South Rochford Road.
   D. No Special Flood Hazard Area on the subject property.
   E. Lot contains:
      2. 26’ x 20’ detached garage / 2009COBP0376.
      4. Operating Permit (COOP19-0677).
      5. County Ordinance Violation for operating a VHR without proper approval / COVO19-0189.

2018 aerial image taken from RapidMap.
IV. ZONING HISTORY

A. January 10, 2005, Planned Unit Development / PU 04-17 was approved by the Planning Commission with fourteen (14) conditions:
   1. That the density of the Planned Unit Development shall not exceed three (3) residential lots;
   2. That the Planned Unit Development be used only as residential use, and no home occupations or large animals be allowed on the three (3) lots;
   3. The minimum lot size for the development shall a minimum of 3.9 acres;
   4. That the structures within the Planned Unit Development shall be stick built or log constructed;
   5. All residences must meet the standards for stick-built homes as outlined in Section 204;
   6. All structures are constructed south of the existing tree line;
   7. That prior to any Building Permit being issued, the applicant constructs the approach and private access to Pennington County Subdivision Regulation Road Construction Standards or obtain an approved Subdivision Regulation Variance;
   8. That an address for each lot will be placed at the approach off of South Rochford Road, visible in both directions. That each lot will also need to have a visible address at the beginning of their driveway;
   9. That prior to platting, the applicant provides documentation of recorded access easements for the three (3) lots;
10. That prior to platting, the applicant provides soil profile information from an 8-foot soil profile hole for the three (3) lots;
11. The minimum setbacks for the Planned Unit Development shall be twenty-five (25) feet from all property lines and fifty-eight (58) feet from all section lines;
12. That a homeowner’s association be created prior to the filing of the Plat for the maintenance of the approach and private access easement;
13. That covenants be filed at the Register of Deeds at the time the Plat is filed; and,
14. That this Planned Unit Development be reviewed in two (2) years or on a complaint basis to determine that all conditions of approval are being met.

B. The property was rezoned in 2005 from General Agriculture to Planned Unit Development.
   1. A Major Planned Unit Development Amendment is required to bring the property into conformance.
      a. February 4, 2020, the applicant, Dennis Tuschen, applied for a Major Planned Unit Development Amendment to allow an existing residence to continue being utilized as a Vacation Home Rental.
   2. Section 319(B) of the Pennington County Zoning Ordinance (PCZO) states that:
      a. VHRs are allowed uses in:
         i. Highway service Zoning Districts;
         ii. General Commercial Zoning Districts; and,
         iii. May be allowed in Planned Unit Developments, per Section 213(B)(2).
   3. Section 213(B)(2) of the PCZO states that:
      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.
   4. A copy of the Bell Pines Subdivision Covenants, Conditions, Restrictions, and Access Easements have been attached to this Staff Report.
V. REQUEST FOR COMMENT
   A. County Highway Department
      1. Highway Department has no comments.
   B. County Fire Administrator
      1. No comment received.
   C. County Planning Director
      1. There is no Special Flood Hazard Area on the subject property.
   D. County Onsite Wastewater Specialist
      1. I have no concerns with the current proposal.
   E. County Ordinance Officer
      1. This one has a current open violation due to the complaint about a
         VHR being used without it being in the PUD / COVO19-0189.
   F. County Addressing Coordinator
      1. That the address 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.
   G. Emergency Services (9-1-1)
      1. 911’s only condition would be that the owner verify he has the
          physical house number posted where the driveway intersects with S.
          Rochford Rd. and on the structure.
   H. U.S. Forest Service
      1. Access to the described private property is off of the South Rochford
         Road and adjacent to the private property. No additional access
         roads will be authorized from National Forest System lands.
      2. Protect all posted boundary line corners, signs and bearing trees.
      3. Adhere to the setback requirements along the posted boundary
         between National Forest System lands (USA Public Domain) and
         the private property.
      4. Protect all known stream courses, ponds and riparian areas located
         on National Forest System lands.
      5. No resource damage to occur on National Forest System lands.
      6. All straw bales, erosion mats, slash mats, etc. located on private
         property will need to be certified weed-free. Provide a copy of the
         certification to the Forest Service.
      7. No construction materials to be placed on National Forest System
         lands.
      8. 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; septic system holding tank (s)
         and potable water holding tank (cistern) will be required to be
         located on private property.
      9. All construction materials, supplies, trash or garbage or fill material
         will not be located or dumped on National Forest System lands; take
         all construction materials, supplies, trash or garbage to an approved
         location (approved sanitary landfill).

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

12. 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).

VI. ANALYSIS
   A. February 27, 2020, Staff performed a site visit to the subject property to verify the applicant is meeting all of the requirements of Section 319 of the Pennington County Zoning Ordinance which governs VHRs.
   B. The applicant has complied with all of the application submittal requirements for a VHR, as listed in PCZO Section 319, including the following:
      1. Complete application and floorplans;
      2. Approval from SD DENR – received January 2, 2020;
      3. South Dakota Department of Revenue Sales Tax License;
      4. Applied for the 2020 South Dakota Department of Health Lodging License; and,
      5. Local Contact: Jeff Tuschen.
   C. January 21, 2019, SD DENR approved the Vacation Home Rental for a maximum overnight occupancy of six (6) persons.
   D. Staff has updated Condition #3 as additional Public Right-of-Way was dedicated to the frontage of all three lots on the northern most lot line by way of the plat recorded in 2004, book 33, page 62.
   E. December 20, 2019, Staff received a complaint from a neighbor stating that the applicants have been using the single-family residence located on the subject property as a VHR.

RECOMMENDATION: Staff recommends approval of Major Planned Unit Development Amendment / PU 20-01 with the following conditions:

1. That the density of the Planned Unit Development shall not exceed three (3) residential lots;

2. That the Planned Unit Development be used for residential use only, the no home occupations or large animals be allowed on the three (3) lots;

3. The minimum lot size for the development shall a minimum of 3.86 acres;
4. That the residence located on Tract 2 is allowed to be used as a Vacation home Rental;

5. That the structures within the Planned Unit Development shall be stick-built or log constructed;

6. All residences must meet the standards for stick-built homes as outlined in Section 204;

7. All structures are constructed south of the existing tree line;

8. That an address for each lot will be placed at the approach off of South Rochford Road, visible in both directions. That each lot will also need to have a visible address at the beginning of their driveway;

9. The minimum setbacks for the Planned Unit Development shall be twenty-five (25) feet from all property lines and fifty-eight (58) feet from all section lines;

10. That a Homeowner’s Association be upheld for the maintenance of the approach and private access easement;

11. 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) § 319(F)(13);

12. That if an addition is constructed and/or the on-site wastewater treatment system is upgraded in the future, this Major planned Unit Development Amendment be reviewed so that the maximum occupancy may be adjusted accordingly, which will require approval from SD DENR;

13. 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;

14. 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;

15. 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;
16. That an interior informational sign be posted in accordance with the requirements of PCZO §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;

17. That the lot address (22746 S. Rochford Road.) be posted on the residence at all times and so it is clearly visible from S. Rochford Road, in accordance with Pennington County’s Ordinance #20;

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

19. That if the person designated as the Local Contact is ever changed from Jeff Tuschen, 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;

20. 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; and,

21. That this Major Planned Unit Development Amendment be reviewed in one (1) year or on a complaint basis to determine that all conditions of approval are being met.
Commission,

I plan to remain neutral and my opinion really shouldn't matter as the law and agreements between owners should. It is zoning, ordinances, and private agreements like HOA's that matter. If a use isn't restricted by those instruments I believe a property owner should be able to use their property how they see fit within those boundaries. I own a house and land just north/east of the Jason Steele 22742 S Rochford Rd and our cabin 22734 S Rochford Rd and land east of John/Kathy down Divide Rd. If I wanted to use it as rental property I should be allowed to do so within the law and any private agreements. Thanks

Respectfully,

Par Properties, LLC
CEO - Paul Zweifel

-----Original Message-----
From: Dtuschen <dtuschen@sio.midco.net>
Sent: Tuesday, March 10, 2020 1:46 PM
To: Paul Zweifel <paul.zweifel@directcompanies.com>
Hi Paul, as discussed, the planning commission is asking I reach out to the neighbors to get any input in support or against the rezoning per attached document. Next meeting is 3/23 and you're welcome to attend as they did a continuance from 3/9.
Kristina-

Please make sure that this is in the PC packet.

Thank you!

Get Outlook for iOS

From: Stephanie Teunissen <stephanie.teunissen@hotmail.com>
Sent: Sunday, March 15, 2020 11:56 AM
To: brittneym@pennco.org; jason@steelesservive.com; Dennis Tuschen
Subject: Letter to Pennington county

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

Regarding PUD Amendment for Dennis Tuschen Property located at 22746, S Rochford Road

When we purchased this property a little over four years ago it was made very clear to us that no one in our development was allowed to rent the properties due to an HOA agreement that was signed by all owners. We have no interest in renting our property. We haven’t had any major issues with Dennis renting his with the exception of his renters parking trailers on our property. We do have concerns regarding the fact he has no way of vetting his renters online.
At this time we don’t wish to change the HOA agreement. We would prefer it not be used as rental property. Thank you for your attention to this matter.
Randy and Stephanie Teunissen

Sent from my iPad
Planned Unit Development Amendment (Major)

This is a request for an amendment to the PUD to allow for a Vacation Home Rental on the property at 22746 South Rochford Road.

Having purchased this property in 2005, it was a contingency of the purchase that we would be allowed to do vacation rentals when we purchased the property. We worked with Mike Alley from Exit reality on the purchase and prior to looking at the property he had done a property search and confirmed that the property was zoned for Agricultural and we would be able to do rentals and we proceeded to purchase this property.

On January 2nd, 2020 we were notified now 14 years later after a complaint was filed that we are not allowed to do rentals because we are zoned residential for single family housing. After discussing this with Mike Alley and reviewing paper work, it appears that the property zoning was modified to PUD after we had made the offer on the property and before the time we closed on the property. We wish to correct this at this time.

I hope all paperwork is in order, if not I can be reached at the below number, thanks for your cooperation.

Dennis Tuschen
605-351-0743
Bell Pines Cabin
22746 South Rochford Road, Hill City, SD 57745

Owners: Dennis Tuschen, 605-351-0743 or 605-351-0192 (Call First)
David Tuschen, 605-366-7882 (Call second)
Local Contact: Jeff Tuschen 605-421-1638 (Call third)

Vacation Home Rental Requirements

Maximum occupancy allowed for this property is 6 Adults plus 4 children.

Permission must be received from the owner if the number is over 8 Persons.

Number of day guests allowed is 4 persons.

There are 5 parking spaces available. All parking shall be in the upper driveway near the cabin. No parking is allowed in lower driveways to include trailers without approval from the owner.

Failure to conform to the parking and occupancy regulations of the rental property and the development is a violation of county ordinance.

The use of open fires, fire pits, fireworks, charcoal-burning grills or other open fire devices is prohibited by local covenants, county, state and federal law.

Pets are not allowed, no exceptions!!

Quiet Hours are from 10:00PM until 7:00AM, please respect neighbors at all other times.

Garbage is picked up on Monday mornings, please place all trash in the trash bin at the bottom of the driveway on your Right as you leave.

Renters and Occupants are responsible for the creation of any disturbances or violations of local, state or federal ordinances, laws and covenants.

Local Emergency and Law Enforcement: Call 911
VACATION HOME RENTAL (VHR) CHECKLIST and SUPPLEMENTAL APPLICATION

APPLICATION REQUIREMENTS:

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

☑ An interior diagram/plan of the VHR.

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

☑ Specifications of the existing wastewater treatment system.

☑ Copy of Covenants, if applicable.

☑ Copy of approval letter from SD DENR for the on-site wastewater treatment system (for existing systems only). **Contact SD DENR as (605) 773-3351 to obtain this letter**

☑ The maximum number of overnight occupants. **This comes from the SD DENR letter referenced above**

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

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

LOCAL CONTACT INFORMATION:

Name: Jeff Tuschen
Primary Contact Number: (605)-421-1638
Mailing Address: P.O. Box 382
City: Deadwood
State: SD
Zip Code: 57732

Signature of Local Contact

Date

Subscribed and sworn to before me this 21st day of January, 2020.

Notary Public for the State of South Dakota

My Commission Expires
Acknowledgement that the VHR meets all Fire Safety Standards for Vacation Home Establishments in accordance with the current South Dakota codified Laws.

Property: 22746 South Rochford Road, Hill City SD 57745

All windows are egress windows.
There are 2 exit doors on the Main level
Upstairs bedroom and loft have egress windows.
There are 3 Fire extinguishers.
   1 in Kitchen area
   1 in Main hallway
   1 in Upper level

Each level has an operating fire alarm
Each bedroom has an operating fire alarm
There is also a fire alarm in the hallway.
No open fires are allowed on the property, to include fireworks, charcoal grills and fire pits.

Dennis Tuschon 1-30-2020
Dennis Tuschon
January 21, 2019

Dennis Tuschen
1401 S Aberdeen Ave
Sioux Falls, SD 57106

RE: Absorption trench wastewater design for a three-bedroom residence located at 22746 South Rochford Road, Hill City, SD 57745

Dear Mr. Tuschen:

The South Dakota Department of Environment and Natural Resources is in receipt of one set of plans and specifications for an absorption trench wastewater system that will service a three-bedroom residence without a garbage disposal located at 22746 South Rochford Road, Hill City, South Dakota. The plans have been reviewed for compliance with South Dakota’s “Individual and Small On-Site Wastewater Systems” regulations.

The results of the review process indicate the wastewater system is designed for a maximum daily flow of 360 gallons. This design will meet the minimum design requirements and is hereby approved.

Our review is primarily to determine compliance with the minimum sanitary engineering requirements and does not cover items, such as quality of materials, structural soundness, electrical and mechanical design features. Approval of the plans and specifications does not in any way release the applicant from the responsibility that the project will be an operable facility when construction is completed.

In accordance with ARSD § 74:03:06:07, the Department of Environment and Natural Resources’ approval of plans and specifications becomes void two years after the date of approval if construction is not initiated prior to that time. Upon request of the owner, voided plans and specifications may be submitted for reconsideration.

The lifetime of this system is dependent upon proper construction and regularly scheduled maintenance. Please feel free to contact this office if you have any questions.

Sincerely,

[Signature]

Kent R. Woodmansey, P.E.
Natural Resources Engineering Director
(605) 773-3351

cc: TJ Doreff, Pennington County Planning
SOUTH DAKOTA DEPARTMENT OF HEALTH
LODGING LICENSE APPLICATION

SECTION 1: ESTABLISHMENT INFORMATION

ESTABLISHMENT NAME
Bell Pines #2

CORPORATION/OWNER NAME
Dennis Tuschel

CORPORATE CONTACT/PHONE
605-351-0743

ESTABLISHMENT PHONE

CELL PHONE

ESTABLISHMENT PHYSICAL ADDRESS (NO PO BOX #5)
22746 South Rochford Road

CITY
Hill City

STATE
SD

ZIP
57745

IF RURAL LOCATION, GIVE DIRECTIONS FROM NEAREST CITY
2 miles SW of Rochford SD

MAILING ADDRESS (IF DIFFERENT THAN PHYSICAL ADDRESS)
1401 South Aberdeen Ave

CITY
Sioux Falls

STATE
SD

ZIP
57106

EMAIL ADDRESS

APPLICATION IS FOR:
□ NEW BUSINESS
□ CHANGE OF OWNERSHIP

DATES OPEN - IF SEASONAL
From:
To:

PROPOSED OPENING DATE
1-1-2020

WATER SUPPLY
□ Public □ Private

SEWER SYSTEM
□ Public □ Private

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

<table>
<thead>
<tr>
<th>Number of Units</th>
<th>FULL YEAR FEE: Jan 1 - Dec 31</th>
<th>HALF YEAR FEE: July 1 - Dec 31</th>
<th>FEE TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bed &amp; Breakfast:</td>
<td>$38.00 Registration Fee</td>
<td>$38.00 Registration Fee</td>
<td></td>
</tr>
<tr>
<td>(No other fees apply)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vacation Home:</td>
<td>$70.00 This includes the inspection fee</td>
<td>$35.00 This includes the inspection fee</td>
<td>$70.00</td>
</tr>
<tr>
<td>Specialty Resort:</td>
<td>$70.00 This includes the inspection fee</td>
<td>$35.00 This includes the inspection fee</td>
<td></td>
</tr>
<tr>
<td>10 or Less Sleeping Rooms</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hotel:</td>
<td>$2.25 per unit Plus $25.00 Inspection Fee (70.00 Minimum Total)</td>
<td>$1.12 per unit Plus $12.50 Inspection Fee (35.00 Minimum Total)</td>
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<tr>
<td>11 or More Sleeping Rooms</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Initial License Fee³:</td>
<td>$100.00</td>
<td>$100.00</td>
<td>$100.00</td>
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</table>

SECTION 3: WATER RECREATION FEES

<table>
<thead>
<tr>
<th>Number of Pools and Hot Tubs</th>
<th>FULL YEAR FEE:</th>
<th>HALF YEAR FEE:</th>
<th>TOTAL ALL FEES ABOVE THIS AMOUNT YOU OWE</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>One</td>
<td>$40.00</td>
<td>$20.00</td>
<td>$60.00</td>
</tr>
<tr>
<td>Two or More</td>
<td>$65.00</td>
<td>$32.50</td>
<td>$97.50</td>
</tr>
</tbody>
</table>

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

SECTION 4: SIGNATURE

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

Owner/Agent Signature
Dennis Tuschel
Date: 1-21-2020

Subscribed and sworn to before me this day of 2-1-2020.

My commission expires: 9/17/2024

APPLICATIONS MUST BE SIGNED AND NOTARIZED TO BE PROCESSED

pd Chke 55608 1/21/2020
<table>
<thead>
<tr>
<th>FIELD</th>
<th>INFORMATION</th>
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</thead>
<tbody>
<tr>
<td>ISSUE DATE</td>
<td>10/24/07</td>
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<tr>
<td>EXPIRATION DATE</td>
<td>NONE</td>
</tr>
<tr>
<td>LOCATION</td>
<td>1401 S ABERDEEN AVE</td>
</tr>
<tr>
<td></td>
<td>BELL PINES #2</td>
</tr>
<tr>
<td></td>
<td>SIOUX FALLS SD 57106-4909</td>
</tr>
<tr>
<td></td>
<td>USA</td>
</tr>
<tr>
<td>LICENSE</td>
<td>53-001-000173206T-ST-001 Sales Tax</td>
</tr>
</tbody>
</table>

This license entitles the business or person to whom it is issued to transact whatever business or activity is specified on this license until it expires or is cancelled.

Paul Kinsman
Secretary of Revenue & Regulation
On-Site Wastewater Treatment System Operating Permit

Pennington County Planning Department - 130 Kansas City Street, Suite 200 - Rapid City, SD 57701
Phone: (605) 394-2186 - Fax: (605) 394-6016 - Web: www.penrico.org

Operating Permit Number: COOP19-0677

PROPERTY INFORMATION

Property Address: 22746 S ROCHEFORD RD

Owner Name: TUSCHEN DENNIS M
Owner Address: 1401 S ABERDEEN AVE
STACIA
SIoux Falls, SD 57108-4909

Legal Description:

Block:

Subdivision: BELL PINE SUBD

Section-Township-Range: 27-2N-3E

ON-SITE WASTEWATER TREATMENT SYSTEM INFORMATION

Septic/Holding Tank System

Tank Size: 1000

Tank Material: Concrete

Treatment System Type: Trench

Graywater System (if applicable)

Tank Present: NO

Tank Size: 0

Tank Material:

OSWTS Permit Number (new systems only):

PERMIT INFORMATION

Date of System Observation: 21-Jun-2019
Operating Permit Expiration: 21-Jun-2025
Observed By: CHRIS SKORPAK

THE PROPERTY OWNER IS RESPONSIBLE FOR LOCKING ALL SEPTIC AND HOLDING TANK LIDS THAT ARE ABOVE GRADE OR HAVE LESS THAN 6 INCHES OF EARTH BACKFILL.

Approval of this Permit does not in any way release the owner from the responsibility that the onsite wastewater treatment system must be operable.

§ 204(I) of the Pennington County Zoning Ordinance requires that your onsite wastewater treatment system be pumped and observed at a minimum frequency of six (6) years. There are subdivisions and commercial properties within the County that require more frequent pumping and observation. The longevity and performance of your onsite wastewater treatment system is dependent upon proper maintenance and care of the system, which may require more frequent pumping and/or observation. For more information, please visit <http://water.eps.gov/infrastructure/septic/septicsmart.cfm>
DECLARATION OF COVENANTS, CONDITIONS
RESTRICTIONS AND ACCESS EASEMENT FOR
BELL PINE SUBDIVISION

This Declaration made on the date hereafter set forth by the undersigned owners
collectively referred to as “Declarant” of the property described herein:

WITNESSETH:

WHEREAS, Declarant is the owner of certain real property in the County of
Pennington and State of South Dakota more particularly described as follows:

Tracts 1, 2, and 3 of Bell Pine Subdivision, located in the West One-half of the
Southwest Quarter of the Northeast Quarter of Section 27, Township 2 North,
Range 3 East of the Black Hills Meridian, Pennington County, South Dakota.

NOW, THEREFORE, Declarant hereby declares that all of the property described
above shall be held, sold and conveyed subject to the following easements, restrictions,
covenants, and conditions which are for the purpose of protecting the value and desirability of
and which shall run with the real property and be binding on all parties having any right, title
or interest in the described properties or any part thereof including their heirs, successors and
assigns and shall inure to the benefit of each owner hereof.

ARTICLE 1.
DEFINITIONS

Section 1. “Association” shall mean and refer to the Bell Pine Road Maintenance
Association, its successors and assigns.

Section 2. “Owner” shall mean and refer to the record owner whether one or more
persons or entities of fee simple title to any tract of land which is a part of the properties
described hereinafore, including contract buyers.
Section 3. “Properties” shall mean and refer to that certain real property hereinbefore described.

Section 4. “Bell Pine Road” shall mean and refer to the forty foot (40’) dedicated access easement located on Tract 2 for common access to the properties as established by separate recorded easement shown on the plat of the properties.

Section 5. “Declarant” shall mean and refer to the owners of the property making this Declaration.

Section 6. “Lot” shall mean and refer to any tract of land shown upon the plat above-referred to.

ARTICLE 2.

MEMBERSHIP AND VOTING RIGHTS

Section 1. Every Lot owner shall be a member of the Association. Membership shall be appurtenant to and may not be separated from ownership of the tract which is subject to assessment.

Section 2. The Association shall have one class of voting membership. The members shall be all owners and shall be entitled to one vote for each Lot owned. When more than one person holds an interest in a Lot, all such persons shall be members. The vote for such Lot shall be exercised as the members owning such Lot shall determine but in no event shall more than one vote be cast with respect to one Lot.

ARTICLE 3.

COVENANT FOR MAINTENANCE ASSESSMENTS

Section 1. Creation of the Lien and Personal Obligation of Assessments. The Owner of each Lot owned within the properties hereby covenants and each Owner by acceptance of a deed therefore, whether or not it shall be so expressed in such deed is deemed to covenant and agree to pay to the Association; (1) annual assessments or charges, and (2) special assessments for capital improvements, such assessments to be established and collected as hereinafter provided. The annual and special assessments together with interest, costs and reasonable attorney’s fees shall be a charge on the land and shall be a continuing lien upon the property against which each such assessment is made. Each such assessment, together with interest, costs and reasonable attorney’s fees, shall also be the personal obligation of the person who was the owner of such property at the time when the assessment fell due. The personal obligation for delinquent assessments shall not pass to his successors in title unless expressly assumed by them.
Section 2. Purpose of Assessments. The assessments levied by the Association shall be used exclusively for the improvement and maintenance of the access easement. Services and contracts devoted to this purpose and related to maintenance, snow removal and repair of the roadway, including but not limited to the following:

(a) all operating expenses of the Association, including services furnished;
(b) the cost of necessary management and administration, including fees paid to any agent for the Association;
(c) the cost of furnishing road maintenance, care, snow removal, repairs and materials;
(d) the cost of maintaining the gate and signs at the entrance of Bell Pine Road from Rochford Road;
(e) such other items as the Association may agree upon by unanimous consent.

Section 3. Special Assessments for Capital Improvements. In addition to the annual assessments authorized above, the Association may levy, at any time, a special assessment applicable to that time only for the purpose of defraying, in whole or in part, the cost of any road construction, sign construction, gate construction, repair or replacement of a capital improvement upon the access easement including gravel, paving improvement and surface materials, provided that any such assessment shall have the assent of two-thirds of the votes of the members of the Association.

Section 4. Notice and Quorum for Meetings of the Association. Written notice of any meeting called for the purposes of taking any action by the Association shall be sent to all members not less than five (5) nor more than ten (10) days in advance of the meeting. At the meeting, the presence of members or proxies for members entitled to cast 66 2/3rds percent of all the votes of the membership shall constitute a quorum. If the required quorum is not present, the meeting shall be continued until a quorum is present.

Section 5. Uniform Rate of Assessment. Both annual and special assessments must be fixed at a uniform rate for all Lots and may be collected on a monthly or quarterly basis.

Section 6. Initial Assessment and Date of Commencement. The annual assessment provided for herein shall commence as to all Lots on the 1st day of June, 2005. The first annual assessment shall be in the amount of $150.00 for one (1) year which shall be adjusted according to the number of months remaining in the calendar year. The Association shall fix the amount of the annual assessment against each Lot at least thirty (30) days in advance of each calendar year. In the event of failure to give notice, the assessment for the previous year shall apply until a meeting is held and an assessment is made to change the same. The Association shall, upon demand and for a reasonable charge, furnish a certificate signed by its managing officer setting forth the information concerning the assessments on a specified Lot, the status thereof and the payments then due, if any. A properly executed certificate of the Association as to the status of the assessments on a Lot is binding upon the Association as of
the date of its issuance.

Section 7. Affect of Nonpayment of Assessments, Remedies. Any assessment not paid within thirty (30) days after the due date shall be charged interest at twelve percent (12%) per annum. The Association may bring an action at law against the Owner personally obligated to pay the same or foreclose the lien against the property. No Owner may waive or otherwise escape liability for the assessment provided for herein by nonuse of the easement or abandonment of his or her Lot. The lien of the assessments provided for herein shall be subordinate to the lien of any first mortgage. Sale or transfer of any Lot shall not eliminate any existing assessment or lien, however, the sale or transfer of a Lot pursuant to mortgage foreclosure or any proceeding in lieu thereof shall extinguish the lien of such assessments as to payments which have become due prior to such sale or transfer. No sale or transfer shall relieve such Lot from liability for any assessments thereafter becoming due or from the lien thereof.

ARTICLE 4.

RESIDENTIAL AREA COVENANTS

The following covenants shall apply to all Lots:

1. Each property shall be known, described and used for residential purposes only. Only one single family unit shall be erected, altered, placed or permitted to remain on any Lot, except a guest home or caretakers residence of 700 square feet or less with the prior written permission of the other property owners in accordance with County regulations. In addition, a storage shed or utility shop may be constructed and placed in such a manner to blend with the other structures, terrain and general appearance of the property. No modular or mobile homes may be used as a permanent residence on any of the Lots. There shall be no further subdivision of any Lot.

2. All building plans, specifications, colors and textures shall be reviewed and approved in writing by the Architectural Control Committee. Any primary residence shall contain not less than 700 square feet exclusive of garage area.

3. All permanent structures, including primary residence must be erected above the existing tree line in order to maintain the natural beauty of the area. No structure of a temporary character, barns, outbuildings, recreational vehicles, boats, motor vehicles, campers, tents, shall be erected upon or placed below the existing tree line for more than seven (7) days. Either adjoining property owner has the right upon seven (7) day written notice, to require the structure or vehicle to be removed at owner’s expense.

4. None of the Lots may be utilized as a dumping ground or storage area for old automobiles, rubbish or trash and, in order to maintain the natural beauty of the area, all
residents must strictly comply.

5. All exterior construction work on any home, addition or outbuilding shall be completed within eighteen (18) months of the inception of the work.

6. No structure, building or other material which may damage or interfere with an easement for the installation or maintenance of utilities or which may change, obstruct, or retard direction or flow of any drainage channel, shall be placed or permitted to remain upon a Lot.

7. No signs of any kinds shall be displayed to the public view on any Lot, provided however, that it shall be permissible to display on any Lot one professionally painted sign of not more than four (4) square feet advertising the property for sale, and one nameplate sign of not more than four (4) square feet.

8. The Architectural Control Committee shall be the Declarant until all three (3) Tracts have been sold and thereafter the Association shall be vested with all of the powers and authorities of the Architectural Control Committee for interpretation and enforcement of these covenants.

9. An easement for each property owner shall be exercised in accordance with the Declaration of Perpetual Easement.

ARTICLE 5.

MISCELLANEOUS

Section 1. Enforcement. The Association, or any Owner, shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, covenants, reservations, liens and charges now or hereafter imposed by the provisions of this Declaration. Failure of the Association or by any Owner to enforce any covenant or restriction herein contained shall, in no event, be deemed a waiver of the right to do so thereafter.

Section 2. Severability. Invalidation of any one of these covenants or restrictions by judgment or court order shall in no way alter or affect any other provisions which shall remain in full force and effect.

Section 3. Amendment. The covenants and restrictions of this Declaration shall run with and bind the land for a period of twenty-five (25) years from the date of this Declaration, after which time the same shall be deemed automatically extended for successive periods of ten (10) years unless cancelled in writing by an instrument signed by not less than all of the Lot Owners. This Declaration may be amended at any time by a written amendment signed by all of the Lot Owners. The amendment must be recorded to be effective.
PLAT OF BELL PINE SUBDIVISION

TRACTS 1, 2, 3, DEDICATED PUBLIC ACCESS AND UTILITY RIGHT-OF-WAY,
AND ACCESS EASEMENT

LOCATED IN THE W1/2SW1/4NE1/4 OF SECTION 27, T.2N., R.3E., B.H.M.,
PENNINGTON COUNTY, SOUTH DAKOTA
PLAT OF BELL PINE SUBDIVISION
TRACTS 1, 2, 3, DEDICATED PUBLIC ACCESS AND UTILITY RIGHT-OF-WAY,
AND ACCESS EASEMENT
LOCATED IN THE W1/2SW1/4NE1/4 OF SECTION 27, T.2N., R.3E., B.H.M.,
PENNINGTON COUNTY, SOUTH DAKOTA

SURVEYOR'S CERTIFICATE
I, JOHN W. JOHNSON, a licensed land surveyor in the State of South Dakota, do hereby certify that I am a
licensed land surveyor in the State of South Dakota, and in the Capacity as such, that at the request of the owner and
under my supervision, I have studied, observed, plotted, and described herein to the best of my knowledge,
the proposed property lines, and described herein, to the best of my knowledge, have been plotted and described
in conformance with the methods and procedures of surveying, dated this 25th day of July, 2023.

STATE OF SOUTH DAKOTA
COUNTY OF PENNINGTON

TERRY G. MORGAN
Do hereby certify that we are the owners of the property
described herein, that we do agree to the plat as herein shown and that development of
this property shall conform to all existing applicable zoning, subdivision, elevation and sediment control
regulations.

OWNERS:

ACCOMPLISHMENT OF OWNER
STATE OF SOUTH DAKOTA
COUNTY OF PENNINGTON

TERRY G. MORGAN
Do hereby certify that we, the undersigned notary public, personally
appeared before me, the undersigned notary public, personally
known to me to be the person described in and executing the foregoing certificate.

BY COMMISSION EXPRESSED

TERRY G. MORGAN

CERTIFICATE OF plat OF County auditor
STATE OF SOUTH DAKOTA
COUNTY OF PENNINGTON

AUDITOR OF PENNINGTON COUNTY, DO HEREBY CERTIFY THAT AT AN OFFICIAL MEETING HELD ON
25th day of July, 2023, THE COUNTY COMMISSIONERS BY RESOLUTION
APPROVE THE PLAT AS SHOWN AND DESCRIBED.

AUDITOR OF PENNINGTON COUNTY:

TERRY G. MORGAN

CERTIFICATE OF DIRECTOR OF EQUITIZATION
STATE OF SOUTH DAKOTA
COUNTY OF PENNINGTON

DIRECTOR OF EQUITIZATION OF PENNINGTON COUNTY, DO HEREBY CERTIFY THAT I HAVE ON RECORD IN MY OFFICE A
COPY OF THE ABOVE DESCRIBED PLAT.

DIRECTOR OF EQUITIZATION OF PENNINGTON COUNTY:

TERRY G. MORGAN

CERTIFICATES OF COUNTY TREASURER
STATE OF SOUTH DAKOTA
COUNTY OF PENNINGTON

TREASURER OF PENNINGTON COUNTY, DO HEREBY CERTIFY THAT THE FOLLOWING ARE LIENS UPON THE DESCRIBED LANDS

TREASURER OF PENNINGTON COUNTY:

TERRY G. MORGAN

OFFICE OF THE REGISTER OF DEEDS
STATE OF SOUTH DAKOTA
COUNTY OF PENNINGTON

FILED THIS 25th day of August, 2023, BOOK 33 PAGE 62.
REGISTER OF DEEDS:

TERRY G. MORGAN

PREPARED BY
ABLETT & ASSOCIATES

DEADWOOD, SD 57732
605-979-1871

PREPARED BY
ABLETT & ASSOCIATES

DEADWOOD, SD 57732
605-979-1871

PAGE 1 OF 3
Beautiful Handcrafted Log Cabin in the Black Hills
Cabin  3 BR  2 BA  Sleeps 6  1250 Sq. Ft.
14.6 mi to Hill City center

Wonderful! 4.9/5
4 $163 avg/night

You might like these nearby properties
PLANNING DEPARTMENT
MEMORANDUM

TO: PENNINGTON COUNTY BOARD OF COMMISSIONERS
FROM: PENNINGTON COUNTY PLANNING DEPARTMENT
ITEM: LAYOUT PLAN / LPL 20-04: Dick Kompus. To combine lots to create Lot 1R of Chase Elkhorn Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Tract 2 of Lot B and C and Lot 1, Chase Elkhorn Subdivision, Section 10, T2S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 1R, Chase Elkhorn Subdivision, Section 10, T2S, R6E, BHM, Pennington County, South Dakota.

PLANNING COMMISSION RECOMMENDATION:
Planning Commission recommended approval of Layout Plan / LPL 20-04 with the following eight (8) conditions:

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

2. That at the time of Minor Plat submittal, the plat meets all requirements of Pennington County Subdivision Regulations, or approved Subdivision Regulations Variance(s) be obtained waiving any of these requirements that are not met. Subdivision Regulations Variances shall be submitted per Section 700 of Pennington County Subdivision Regulations;

3. That prior to the mylar being filed at Register of Deeds, the applicant obtains approval of a Rezone and Comprehensive Plan Amendment;

4. That access for Lot 1R is taken from the existing approach for the subject property;

5. That an approved Floodplain Development permit be obtained prior to any disturbance in the Special Flood Hazard Area;

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

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

8. 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 20-04: To combine lots to create Lot 1R of Chase Elkhorn Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

APPLICANT:  

Dick Kompus

APPLICANT ADDRESS:  

28261 Cheney Road, Rexford, KS 67753

SURVEYOR / ENGINEER:  

Renner Associates

ADDRESS:  

3231 Tweewinot Drive, Rapid City, SD 57703

LEGAL DESCRIPTION:  

EXISTING LEGAL: Tract 2 of Lot B and C and Lot 1, Chase Elkhorn Subdivision, Section 10, T2S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 1R, Chase Elkhorn Subdivision, Section 10, T2S, R6E, BHM, Pennington County, South Dakota.

SITE LOCATION:  

13323 Highway 40; east of Keystone along Highway 40.

SIZE:  

7.866 acres

TAX ID:  

2104 / 53168

EXISTING LAND USE  

Residential

SUBDIVISION REGULATIONS
REFERENCE:  

Section 400.1

CURRENT ZONING:  

Suburban Residential District
Limited Agriculture District

SURROUNDING ZONING:  

North  
Planned Unit Development District

South  
General Agriculture District
Limited Agriculture District

East  
Suburban Residential District

West  
General Agriculture District
PHYSICAL CHARACTERISTICS: Rolling hills / Trees

UTILITIES: Private

REPORT BY: Cody Sack

I. PROPOSED RECOMMENDATION
   A. Staff will be recommending approval of Layout Plan / LPL 20-04 with conditions.

II. GENERAL DESCRIPTION
   A. The applicant, Dick Kompus, has requested a Layout Plan to combine two (2) lots into one (1) lot to create Lot 1R of Chase Elkhorn Subdivision.

![Proposed Lot 1R](image-url)
III. EXISTING CONDITIONS

A. Tract 2 of Lot B and C:
   1. 6.3 acres.
   2. Limited Agriculture District.
   3. Special Flood Hazard Area.
   4. Vacant of structures.
   5. Two tractor trailers used as signs.
      a. Staff is working with the applicant to determine if a Permit is needed.
   6. Construction Permit to create a pond on the property (COCP11-07).
      a. Mining Permit to extract more than 100 cubic feet of material (COMP12-0019)

B. Lot 1:
   1. 1.58 acres.
   2. Suburban Residential.
   3. Special Flood Hazard Area.
      a. 100-year.
   5. Operating Permit (COOP14-0437).
   6. Garage (BP# 6666).
   7. Flood Plain Development Permit for a creek crossing (FP 18-20).
   8. Variance (VA 08-01) to reduce the rear yard setback from 25 feet to eight (8) feet.
      a. Variance is only for the construction of the residence.
      b. Approved by the Board of Adjustment on January 8, 2008.
IV. PROPOSED LOT
   A. Lot 1R, Chase Elkhorn Subdivision.
   B. 7.88 acres.
   C. Special Flood Hazard Area.
   D. Rezone and Comprehensive Plan Amendment will be required to prevent dual zoning.

V. REQUEST FOR COMMENT
   A. County Highway Department
      1. Highway Department has no comments since this abuts SD-40.
   B. County Environmental Planner (Onsite)
      1. According to the USDA Web Soil Survey the soils on this lot are classified as “Somewhat to Very Limited” due to slow water movement, slope and depth to bedrock. The applicant currently has an Operating permit (COOP14-0437) for the existing house. If any new septic systems are installed on the property all rules of Pennington County Zoning Ordinance 204-J must be followed.
   C. County Addressing Coordinator
      1. No addressing concerns at this time.
   D. County Ordinance Enforcement Officer
      1. No known violations.
   E. County Natural Resource Director
      1. No objection.
   F. Pennington County Equalization Department
      1. Looks good at this stage.
   G. Register of Deeds
      1. Plat heading is acceptable.
      2. Certificates appear to be the required certificates per state statue.
   H. South Dakota Department of Transportation
      1. No comment.
   I. Emergency Services (9-1-1)
      1. Good here.

VI. ANALYSIS
   A. The applicant has applied to combine two (2) lots into one (1) lot to create space for an addition to the existing single-family residence.
   B. The proposed lot will require a Rezone and Comprehensive Plan Amendment.
   C. There is an existing access to access the subject property.
   D. Percolation tests and a profile hole are not required since the proposed lot currently has an Onsite Wastewater Treatment System.
   E. For the purposes of a Layout Plan, Staff finds no significant issues with the applicant’s request.
      1. A Layout Plan is an informal preliminary review of the proposed subdivision for general scope and conditions, which might affect the plat.
RECOMMENDATION: Staff is recommending approval of Layout Plan / LPL 20-03 with the following conditions:

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

2. That at the time of Minor Plat submittal, the plat meets all requirements of Pennington County Subdivision Regulations, or approved Subdivision Regulations Variance(s) be obtained waiving any of these requirements that are not met. Subdivision Regulations Variances shall be submitted per Section 700 of Pennington County Subdivision Regulations;

3. That prior to the mylar being filed at Register of Deeds, the applicant obtains approval of Rezone and a Comprehensive Amendment;

4. That access for Lot 1R is taken from the existing approach for the subject property;

5. That an approved Floodplain Development permit be obtained prior to any disturbance in the Special Flood Hazard Area;

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

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

8. That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.
LOT 1R OF CHASE ELKHORN SUBDIVISION

LOCATED IN SE1/4 OF NW1/4 AND IN SW1/4 OF NE1/4 OF
SECTION 10, T2S, R6E, BHM,
PENNINGTON COUNTY, SOUTH DAKOTA

S.D. HIGHWAY 40
150' RIGHT-OF-WAY OF RECORD

LOT 1R

BUILDING

LOT 2

FEBRUARY 17, 2020
SCALE: 1" = 200'

9213
ERIC D.
HOWARD

REGISTERED PROFESSIONAL LAND SURVEYOR
REG. NO.
PLANNING DEPARTMENT
MEMORANDUM

TO: PENNINGTON COUNTY BOARD OF COMMISSIONERS
FROM: PENNINGTON COUNTY PLANNING DEPARTMENT
ITEM: LAYOUT PLAN / LPL 20-05: Rustlers Ranch, LLC; Davis Engineering – Agent. To create Tract A of Rustlers Ranch Addition in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: SW1/4SE1/4; SE1/4SE1/4 Less Tract 1754 and Less Right-of-Way, Section 8, T1N, R4E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Tract A of Rustlers Ranch Addition, Section 8, T1N, R4E, BHM, Pennington County, South Dakota.

PLANNING COMMISSION RECOMMENDATION:
Planning Commission recommended approval of Layout Plan / PL 20-05 with the following eleven (11) 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;
6. That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property;

7. That prior to the Plat being recorded with the Register of Deeds, the plat clarifies the Plat Heading;

8. That prior to the Plat being recorded with the Register of Deeds, that the 40-foot road easement on the subject property be recorded with the Register of Deeds;

9. That an address be assigned to the detached garage with loft on the proposed lot, and that it be posted in accordance with Pennington County Ordinance #20;

10. 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,

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

GENERAL INFORMATION:

REQUEST:  
LAYOUT PLAN / LPL 20-05: To create Tract A of Rustlers Ranch Addition in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

APPLICANT: Rustlers Ranch, LLC

APPLICANT ADDRESS: 1318 Bennington Court, Glenview, IL 60026

SURVEYOR: Davis Engineering

ADDRESS: 1060 Kings Road, Rapid City, SD 57702

LEGAL DESCRIPTION: EXISTING LEGAL: SW1/4SE1/4; SE1/4SE1/4 Less Tract 1754 and Less Right-of-Way, Section 8, T1N, R4E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Tract A of Rustlers Ranch Addition, Section 8, T1N, R4E, BHM, Pennington County, South Dakota.

SITE LOCATION: 23692 Newton Fork Road; five and one-half miles (5.5) northwest of Hill City.

TAX ID: 45224

SIZE: 69.82 acres

EXISTING LAND USE: Residential / Agriculture

SUBDIVISION REGULATIONS REFERENCE: Section 400.1

CURRENT ZONING: Limited Agriculture District

SURROUNDING ZONING:

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<th>Zoning District</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>General Agriculture District</td>
</tr>
<tr>
<td>South</td>
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<tr>
<td>East</td>
<td>Limited Agriculture District</td>
</tr>
<tr>
<td>West</td>
<td>General Agriculture District</td>
</tr>
</tbody>
</table>
I. PROPOSED RECOMMENDATION
   A. Staff will be recommending approval of Layout Plan / LPL 20-05 with conditions.

II. GENERAL DESCRIPTION
   A. July 25, 2005, The Planning Commission approved Conditional Use Permit with twenty (20) conditions:
   B. February 17, 2015, The Board of Commissioners approved Layout Plat / PL 15-01 with thirteen (13) conditions:
   C. September 18, 2018, The Board of Commissioners approved Preliminary Plat and Subdivision Regulation Variance / PL 18-26 and SV 18-06 with eleven (11) conditions:
   D. September 18, 2018, The Board of Commissioners denied the applicants, Rustlers Ranch LLC., request for a Variance / VA 18-11, to reduce the minimum required lot size from 40 acres to 10 acres in General Agriculture District.
   E. January 14, 2019, The Board of Commissioners approved the applicants request to rezone 10 acres from General Agriculture to Limited Agriculture District and to amend the Comprehensive plan to change the Future Land Use from Planned Unit Development Sensitive to Limited Agriculture District / RZ 18-10 and CA 18-09.
   F. February 19, 2020, the applicant, Rustlers Ranch LLC., has requested to plat approximately 10 acres of the subject property to create Tract A of Rustlers Ranch Addition, leaving a remaining unplatted balance of approximately 59.82 acres.

III. EXISTING CONDITIONS
   A. Zoned Limited Agriculture District.
   B. Lot size 69.82 acres.
   C. Access taken off of Newton Fork Road.
   D. There is No Special Flood Hazard Area on the subject property.
   E. Lot contains:
      1. Single-family residence built in 1975 per Department of Equalization’s Property Record Card.
      2. 8’ x 12’ Guest cottage on skids, built in 2000 per Department of Equalization’s Property Record Card.
      3. Addition to single-family residence / 2001COBP0558.
Agenda Item #11  
Rustlers Ranch, LLC; Davis Engineering - Agent  
March 23, 2020

5. Onsite Wastewater Treatment System (OSWTS) Construction Permit / COSD15-0046.
6. OSWTS Operating Permit / COOP19-1057.
   a. The Planning Department has not received payment for the current Operating Permit.

Existing lot conditions, aerial image taken from RapidMap 2018.

IV. PROPOSED LOT
   A. Tract A of Rustlers Ranch Addition.
   B. Lot size 10 acres.
   C. Zoned Limited Agriculture District.
Proposed Plat for Tract A of Rustlers Ranch Addition, prepared by Davis Engineering, INC.
V. REQUEST FOR COMMENT

A. County Highway Department
   1. The 66-foot easement across the US Forest Service and the 40-foot access easement doesn’t reference the recorded document volume and page. Without recorded access the plat creates an isolated tract which shouldn’t be allowed. Whether the 40-foot easement can be created with this plat, if not previously recorded, is a legal issue since the easement isn’t located on the platted parcel.
      a. Staff Comment: The U.S. Forest Service does have a private road easement in place (easement attached with Staff Report).

B. County Planning and Zoning Director
   1. There is no Special Flood Hazard Area on the subject property.

C. County Onsite Wastewater Specialist
   1. There is currently a structure located on the future proposed lot. The septic system was pumped and inspected 12/5/2017. The applicant later turned in a pump receipt and was issued permit COPR18-0080. The applicant then wanted to use the information to obtain the required Operating Permit. They were issued Operating permit # COOP19-1057. This permit has not been paid for and will not be valid until payment is received.
      2. If the applicant wishes to install any new septic systems on the property all rules of Pennington County Zoning Ordinance 204-J must be followed.

D. County Ordinance Enforcement Officer
   1. No violations.

E. County Addressing Coordinator
   1. An address will need to be assigned to the garage with loft. Once assigned, the address must be posted in accordance with Pennington County Ordinance #20.
   2. Also, the garage with loft will be considered a secondary structure without a primary. Therefore, the requested action will require a Conditional Use Permit to be applied for, per County Building Permit COBP15-0228.
      a. Staff Comment: This will be addressed when the applicant applies for their Conditional Use Permit.

F. Department of Equalization
   1. Looks mostly good, but I’ve communicated with Bill Welk and we both think it’s a little odd how the surveyor has chosen to illustrate Tract 1754 - it doesn’t reflect the parcel as currently described. Not a huge deal, but it could lead to some confusion.
G. Register of Deeds
   1. Plat Heading – concerning the formerly portion. It appears that Tract A of Rustlers Ranch Addition only lies in the SW1/4SE1/4 of Sec. 8, T1S, R4E. So, it appears the SE1/4SE1/4 won’t be needed in the formerly portion.
      a. Staff Comment: This will be included as a Condition of Approval.
   2. Certificates appear to be the required certificates.

H. Emergency Services (9-1-1)
   1. Need to ensure the existing structure in the north west corner of the existing Rustlers Ranch LLC parcel, that will be in the proposed new Tract A, gets a physical address and is added to Address Points.
   2. The other existing structure with address point 23692 Newton Fork Rd sits in the “previously submitted Tract A”
   3. Assume the other visible structures are out buildings.
   4. For the ROW that appears to have been platted from Newton Fork Rd to Deerfield Rd, should that be named now as part of this action? If so, the existing house at 23692 Newton Fork Rd would likely need to be readdressed with this new road name.
   5. Whatever is decided on road names and physical addresses, as a condition of approval, we need to ensure both residential structures have the assigned address (existing and new) posted in accordance with Penn Co Ord #20.

I. U.S. Forest Service
   1. No additional access roads from the Newton Fork Road will be authorized across National Forest System lands.
   2. Protect all posted boundary line corners, signs and bearing tress.
   3. Adhere to the setback requirements along the posted boundary between National Forest System lands and private property.
   4. Protect all known stream courses, ponds and riparian areas located on National Forest System lands.
   5. No resource damage to occur on National Forest System lands.
   6. All proposed drain fields, leach lines or septic systems will need to be located on private property and not located on or drain or leach onto National Forest System lands.
   7. All construction materials, supplies, trash or garbage will not be located or dumped on National Forest System lands.
   8. Public roads in this area of the Black Hills National Forest are classified as “Roads Open to Highway Legal Vehicles Only” and “Highways, US, State” per the latest version of the Motor Vehicle Use Map.
   9. No motorized trailheads or motorized trails or motorized roads are planned or scheduled for this portion of the Black Hills National Forest.
Agenda Item #11
Rustlers Ranch, LLC; Davis Engineering - Agent
March 23, 2020

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

J. County Natural Resources
   1. No objections.

K. Black Hills Electric Cooperative
   1. Black Hills Electric Cooperative has no comments on this layout plat.

VI. ANALYSIS
A. February 19, 2020, the applicant, Rustlers Ranch LLC, has requested to plat approximately 10 acres of the subject property to create Tract A of Rustlers Ranch Addition, leaving a remaining unplatted balance of approximately 59.82 acres.

B. If approved, the subject property’s current zoning of Limited Agriculture District would satisfy the proposed 10-acre Tract.

C. The proposed land use would be for a single-family residence as indicated on the Layout Plan Application.

D. According to the Department of Equalization’s Property Record Card there are several structures currently unpermitted on the subject property:
   1. 9’ x 40’ lean-to farm utility structure, built in 2003.
   2. 8’ x 40’ lean-to farm utility structure, built in 2003.
   3. 16’ x 40’ barn, built in 2003.
   4. 38’ x 40’ guest cottage, built in 2015.
      a. Any pertinent unpermitted structures will be addressed through our Ordinance Officer.

E. The garage with loft, COBP15-0228, will be considered a secondary structure without a primary after the platting process is complete. Therefore, the requested action will require a Conditional Use Permit to be applied for, per Pennington County Zoning Ordinance.

F. Existing Conditional Use Permit for temporary campground / CU 05-26 on the subject property needs to be updated or ended if the use is no longer needed.

G. March 17, 2020, Staff emailed the U.S. Forest Service inquiring about a road easement for Newton Fork Road since there is no easement recorded at the Register of Deeds.
   1. Staff is waiting for a response back from the U.S. Forest Service.

H. For the purposes of a Layout Plan For the purposes of a Layout Plan, staff finds no significant issues with the applicant’s request as it appears to be in harmony with existing lots and current land uses in the area.
   1. A Layout Plan is an informal preliminary review of the proposed subdivision for general scope and conditions, which might affect the plat.
RECOMMENDATION: Staff recommends approval of Layout Plan / PL 20-05 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 § 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit;

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

7. That prior to the Plat being recorded with the Register of Deeds, the plat clarifies the Plat Heading;

8. That prior to the Plat being recorded with the Register of Deeds, that the 40-foot road easement on the subject property be recorded with the Register of Deeds;

9. That an address be assigned to the detached garage with loft on the proposed lot, and that it be posted in accordance with Pennington County Ordinance #20;

10. 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,

11. That approval of this Layout Plat does not constitute approval of any further applications to be submitted for the above-described property.
## PENNINGTON COUNTY EQUALIZATION OFFICE

<table>
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<th>2020 Owner</th>
<th>Property Address</th>
<th>2020 Assessed Value</th>
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<td>23692 NEWTON FORK RD</td>
<td>$572,900</td>
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### GENERAL INFORMATION
- **Parcel ID**: 51-08-400-004
- **Property Status**: Active
- **Property Situs Address**: 23692 NEWTON FORK RD
- **Tax ID**: 45224
- **Legal Description**: 508, T15, R04E, Black Hills Meridian, SW1/4SE1/4; SE1/4; LESS ROW
- **Primary ABS Code**: AG-A1
- **Living Units**: 1
- **Zoning**: -
- **Neighborhood**: 405.0 - Hill City, Keystone, Hwy 40 Ag
- **Tax Unit Group**: 2D-CF- - - HA

### Cost Approach Value
- **Residential**: $249,500
- **Commercial**: $0
- **Other Improvements**: $316,000
- **Manufactured Homes**: $0
- **Total Improvements**: $565,500

### 2020 OWNER INFORMATION
- **Owner Name**: RUSTLERS RANCH LLC
- **Mailing Address**: 1318 BENNINGTON CT
  GLENVIEW, IL 60026-7737
- **Additional owners**: No

### PROPERTY FACTORS

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### VALUE INFORMATION

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### ASSESSMENT VALUE HISTORY

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### AGRICULTURE LAND SUMMARY

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### BUILDING PERMITS

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2020 IMPROVEMENTS

AGRICULTURE LAND

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Residential Buildings Section

Improvement #1

- **Residential Type**: Single-family Residence
- **Quality**: Good
- **Year Built**: 1975
- **Total Living Area**: 1380

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<thead>
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**Building Value**: $249,500

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<td>801-Total Basement Area (SF)</td>
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<td>803-Partition Finish Area (SF)</td>
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<td>901-Open Slab Porch (SF)</td>
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<td>903-Wood Deck (SF)</td>
<td>1184</td>
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<td>909-Enclosed Porch (SF), Solid Walls</td>
<td>36</td>
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Other Improvements & Yard Improvements Section

Improvement #1

- **Occupancy**: 538 Guest Cottage
- **Quality**: 1
- **Year Built**: 2015
- **Area**: 1712

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Improvement #2

- **Occupancy**: 154 Residential Garage - Built-in
- **Quality**: 1
- **Year Built**: 2015
- **Area**: 1120

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Improvement #3

- **Occupancy**: 102 Barn, General Purpose
- **Quality**: 1
- **Year Built**: 2003
- **Area**: 640

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Rustlers Ranch, LLC
FLPMA Private Road Easement, PAH654
Prepared by: Rodney W. Brown
Black Hills National Forest
8221 Mount Rushmore Road
Rapid City, SD 57702-8741
Phone: 605-343-1567

Auth ID: PAH654
Contact ID: Rustlers Ranch LLC
Use Code: 752

U.S. DEPARTMENT OF AGRICULTURE
FOREST SERVICE

PRIVATE ROAD EASEMENT
ISSUED UNDER THE FEDERAL LAND POLICY AND MANAGEMENT ACT
Act of October 21, 1976, (P.L. 94-579);
36 CFR 251.50, et seq

THIS EASEMENT, dated this 12th day of July, 2018 from the
United States of America, acting by and through the Forest Service, Department of Agriculture,
hereinafter called Grantor, to Rustlers Ranch, LLC, David Way and Linda Imonti Agents, a
Domestic Limited Liability Company (LLC) of the State of South Dakota hereinafter called
Grantee.

WITNESSETH:

WHEREAS, Grantee has applied for a grant of an easement under the Act of October 21, 1976
(90 Stat. 2743; 43 U.S.C. 1761), for a road over certain lands or assignable easements owned by
the United States in the County of Pennington, State of South Dakota and administered by the
Forest Service, Department of Agriculture.

NOW THEREFORE, Grantor, for and in consideration of the payment of an annual use fee paid
by Grantee does hereby grant to Grantee, subject to existing easements and valid rights, a
nonexclusive easement for use of road, along and across a strip of land, over and across the
following described lands in the County of Pennington, State of South Dakota:

SE1/4SW1/4 of Section 8
Township 1 South, Range 4 East, Black Hills Meridian

Said premises are more specifically described by a centerline description contained in Exhibit A,
Right-of-Way Survey, and Exhibit B Vicinity Map attached hereto and made a part hereof.
Rustlers Ranch, LLC
FLPMA Private Road Easement, PAH654

Said easement shall be thirty three (33) feet on each side of the centerline with such additional width as required for accommodation and protection of cuts and fills. If the road is located substantially as described herein, the centerline of said road as constructed is hereby deemed accepted by Grantor and Grantee as the true centerline of the easement granted.

This grant is made subject to the following terms, provisions, and conditions applicable to Grantee, its permittees, contractors, assignees, and successors in interest.

A. Grantee shall comply with applicable Federal or State law and shall comply with State standards for public health and safety, environmental protection, and siting, construction, operation, and maintenance of or for rights-of-ways for similar purposes, if those standards are more stringent than applicable Federal standards.

B. The rights herein conveyed do not include the right to use the road for access to developments for short-term or long-term residential purposes, unless and until the Grantor and the Grantee agree upon traffic control regulations, rules and other provisions to accommodate such use of the road.

C. Upon the change of ownership of the Grantee's land served by this road, the rights granted under this easement can be transferred or assigned to the new owner upon written notification to Forest Supervisor, Black Hills National Forest.

D. This easement shall continue for as long as needed for access to three, single family residences in S1/2SE1/4 of Section 8, T1S, R4E, BHM. Provided, that the Grantor shall review the terms and conditions of this easement at the end of each 30-year period from the date of issuance, and may incorporate in the easement such new terms, conditions, and stipulations as existing or prospective conditions may warrant. These shall have the same force and effect in the future as if incorporated in this grant.

E. All construction or reconstruction of the road shall be in accordance with plans, specifications, and written stipulations approved by the Grantor prior to beginning such construction or reconstruction as described in Exhibit D attached hereto and made a part hereof.

F. Grantee shall have the right to cut timber upon the easement area to the extent necessary for maintaining the road. Timber so cut shall, unless otherwise agreed to, be cut into standard log lengths or other products as specified by the authorized officer and decked along the road for disposal by the owner of such timber.

G. The Grantee shall maintain the right-of-way clearing by means of chemicals only after the Grantor has given specific written approval. Application for such approval must be in writing and must be specific the time, method, chemical and the exact portion of the right-of-way to be chemically treated.
Rustlers Ranch, LLC  
FLPMA Private Road Easement, PAH654

H. The Grantee shall provide maintenance so that there is no damage on adjacent National Forest System lands. The Grantee shall construct and maintain lead-off drainage and water barriers as necessary to prevent erosion.

I. Grantee shall pay annually in advance a sum determined by the Forest Service to be the fair market value of the use authorized by this easement. The initial payment is set at $144.22 (One Hundred Forty Four and 22/100 dollars) for the remainder of the calendar year. Payments for each subsequent calendar year shall be the amount of $144.22 (One Hundred Forty Four and 22/100 dollars) adjusted using the Implicit Price Deflator-Gross National Product index (IPD-GNP), or other factor selected by the Forest Service, to reflect more nearly the current fair market value of the use. At intervals to be determined by certain changes in the indexes used to establish the linear rights-of-way fee schedule, the fee shall be reviewed and adjusted as necessary to assure that it is commensurate with the value of the rights and privileges authorized. Failure of the holder to pay the annual payment, late charges, or other fees or charges shall cause the permit to terminate.

J. Pursuant to 31 U.S.C. 3717, et seq, interest shall be charged on any fee amount not paid within 30 days from the date the fee or fee calculation financial statement specified in this authorization becomes due. The rate of interest assessed shall be the higher of the rate of the current value of funds to the U.S. treasury (i.e., Treasury tax and loan account rate), as prescribed and published by the Secretary of the Treasury in the Federal Register and the Treasury Fiscal Requirements Manual Bulletins annually or quarterly or at the Prompt Payment Act rate. Interest on the principal shall accrue from the date the fee or fee calculation financial statement is due.

In the event the account becomes delinquent, administrative costs to cover processing and handling of the delinquency will be assessed.

A penalty of 6 percent per annum shall be assessed on the total amount delinquent in excess of 90 days and shall accrue from the same date on which interest charges begin to accrue.

Payments will be credited on the date received by the designated collection officer or deposit location. If the date for the fee or fee calculation statement falls on a non-workday, the charges shall not apply until the close of business on the next workday.

Disputed fees are due and payable by the due date. No appeal of fees will be considered by the Forest Service without full payment of the disputed amount. Adjustments, if necessary, will be made in accordance with settlement terms or appeal decision.
If the fees become delinquent, the Forest Service will:

- Liquidate any security or collateral provided by the authorization.
Rustlers Ranch, LLC
FLPMA Private Road Easement, PAH654

If no security or collateral is provided, the authorization will terminate and the holder will be responsible for delinquent fees as well as any other costs of restoring the site to its original condition including hazardous waste cleanup.

Upon termination or revocation of the authorization, delinquent fees and other charges associated with the authorization will be subject to all rights and remedies afforded the United States pursuant to 31 U.S.C. 3711 et seq. Delinquencies may be subject to any or all of the following conditions:

Administrative offset of payments due the holder from the Forest Service.

Delinquencies in excess of 60 days shall be referred to Unites States Department of Treasury for appropriate collection action as provided by 31 U.S.C. 3711 (g), (1).

The Secretary of the Treasury may offset an amount due the debtor for any delinquency as provided by 31 U.S.C. 3720, et seq.

K. This easement shall terminate in the event an easement is granted subsequently by the United States to a public road agency for operation of this road as a public highway.

L. Grantee shall pay the United States for all injury, loss, or damage, including fire suppression costs, in accordance with existing Federal and State laws.

M. Grantee shall indemnify the United States for any and all injury, loss, or damage, including fire suppression costs the United States may suffer as a result of claims, demands, losses, or judgments caused by the Grantee’s use or occupancy under this easement.

N. Upon termination of this easement, the Grantee shall remove within a reasonable time the structures and improvements and shall restore the site to a condition satisfactory to the Grantor, unless otherwise waived in writing. If the Grantee fails to remove the structures or improvements within a reasonable period, as determined by the Grantor, the Grantor may remove and dispose of any improvements and restore the area and all costs shall be paid by the Grantee.

If the Grantor waives the removal of the improvements and restoration of the site, all improvements shall become the property of the United States.

The foregoing notwithstanding, this easement is granted subject to the following reservations by Grantor, for itself, its holders, contractors, and assignees:

1. The right to cross and recross the road at any place by any reasonable means and for any purpose in such manner as will not interfere unreasonable with Grantee’s use of the road.
Rustlers Ranch, LLC  
FLPMA Private Road Easement, PAH654

2. The right to all timber now or hereafter growing on the right-of-way, subject to Grantee’s right to cut such timber as herein provided.

3. The right alone to extend rights and privileges for use of the road constructed on the premises to other users, provided that nonfederal users shall bear a fair share of the current replacement cost less depreciation of the road and shall reconstruct the road as necessary to accommodate their use.

4. The Grantor reserves the right to use or authorize the use of the road by other Federal agencies, without cost other than the performance or payment, as it may elect, for its proportionate share of maintenance costs.

5. The Grantor retains the right to occupy and use the right-of-way, and to issue a or grant rights-of-way for other land uses, for other than road purposes, upon, over, under, and through the easement area provided that the occupancy and use do not interfere unreasonably with the rights granted herein.

6. The right to terminate this easement if the Grantor assumes jurisdiction and control of the road as a National Forest System Road and issues a replacement easement providing only for use of the road. The replacement easement shall be in the current standard format, which provides the Grantee the right to use the road for the purposes and for the period authorized by this easement, subject to such traffic control regulations and rules as Grantor may impose reasonably upon or require of other users of the road without unreasonably reducing the rights herein granted.

The Grantor may take action to suspend, revoke, or terminate this easement under the Rules of Practice Governing Formal Adjudicatory Administrative Proceedings Instituted by the Secretary Under Various Statues in 7 CFR 1.130-1.151.

An administrative proceeding is not required when the easement terminates on the occurrence of a fixed or agreed-upon condition, event, or time.

O. Termination for Nonpayment (R2-A102) This authorization shall automatically terminate without the necessity of prior notice when land use-fees are 90 calendar days from the due date in arrears.

P. Operation and Maintenance Plan (R2-C-102). An Operation and Maintenance Plan, described as Exhibit C, is attached hereto and made a part hereof.
Q. **Noxious Weed/Exotic Plant Prevention and Control** (R2-D103).

1. The Grantee shall be responsible for the prevention and control of noxious weeds and/or exotic plants of concern on the area authorized by this authorization and shall provide prevention and control measures prescribed by the Forest Service. Noxious weeds and exotic plants of concern are defined as those species recognized by Mystic Ranger District, Black Hills National Forest in which the authorized use is located.

2. When determined to be necessary by the authorized officer, the holder shall develop a site-specific plan for noxious weed and exotic plant prevention and control. Such plan shall be subject to Forest Service approval. Upon Forest Service approval, the noxious weed and exotic plant prevention and control plan shall become a part of this authorization, and its provisions shall be enforceable under the terms of this authorization.

3. The Grantee shall also be responsible for prevention and control of noxious weed and exotic plant infestations which are not within the authorized area, but which are determined by the Forest Service to have originated within the authorized area.

R. **Use of Certified Noxious Weed Free Hay, Straw or Mulch** (R2-X107). Only hay, grain, straw, cubes or mulch certified as noxious weed free or noxious weed seed free by an authorized State Department of Agriculture official or designated county official may be used. Each individual bale or container must be tagged or marked as a certified weed free product and reference a written certification, if one exists.

The following are exempted from this requirement:

1. Pelletized feed or grain products.
2. Persons with a permit specifically authorizing the prohibited act.
3. Transporting straw, hay or mulch on Federal, State, and County roads that are not National Forest System roads and trails.

S. **Protection of Habitat of Endangered, Threatened, and Sensitive Species** (X8). Location of areas needing special measures for protection of plants or animals listed as threatened or endangered under the Endangered Species Act of 1973, as amended, or as sensitive by the Regional Forester under authority of FSM 2670, derived from ESA Section 7 consultation, may be shown on a separate map, hereby made a part of this authorization, or identified on the ground. Protective and mitigative measures specified by the authorized officer shall be the responsibility of the authorization holder.
If protection measures prove inadequate, if other such areas are discovered, or if new species are listed as Federally threatened or endangered or as sensitive by the Regional Forester, the authorized officer may specify additional protection regardless of when such facts become known. Discovery of such areas by either party shall be promptly reported to the other party.

T. Archaeological-Paleontological Discoveries (X17). The Grantee shall immediately notify the authorized officer of any and all antiquities or other objects of historic or scientific interest. These include, but are not limited to, historic or prehistoric ruins, fossils, or artifacts discovered as the result of operations under this authorization, and shall leave such discoveries intact until authorized to proceed by the authorized officer. Protective and mitigative measures specified by the authorized officer shall be the responsibility of the Grantee.

U. Signs (X29). Signs or advertising devices erected on National Forest System lands shall have prior approval by the Forest Service as to location, design, size, color, and message. Erected signs shall be maintained or renewed as necessary to neat and presentable standards, as determined by the Forest Service.

V. Improvement Relocation (X33). This authorization is granted with the express understanding that should future location of United States Government-owned improvements or road rights-of-way require the relocation of the holder's improvements, such relocation will be done by, and at the expense of, the holder within a reasonable time as specified by the authorized officer.
Rustlers Ranch, LLC
FLPMA Private Road Easement, PAH654

IN WITNESS WHEREOF, the Grantor, by its Regional Forester, Forest Service, has executed this easement pursuant to the delegation of authority by the Secretary of Agriculture to the Assistant Secretary for Natural Resources and Conservation, the delegation of authority by the Assistant Secretary for Natural Resources and Conservation, to the Chief, Forest Service, 7 CFR 2.60, and the delegation of authority by the Chief, Forest Service, dated August 16, 1982, (47 F.R. 36465), on the day and year first above written.

UNITED STATES OF AMERICA

By:  

[Signature]

BRIAN FEREabee
Regional Forester
Rocky Mountain Region
Forest Service
Department of Agriculture

ACKNOWLEDGEMENT

State of Colorado  )
) ss:
County of Jefferson  )

The foregoing instruction was acknowledged before me on this 12th day of July, 2018 for Brian Ferebee.

[Signature]

Witness my hand and official seal

Notary Public Signature

My Commission Expires: July 05, 2020
Rustlers Ranch, LLC
FLPMA Private Road Easement, PAH654

ACCEPTANCE

This easement is accepted subject to all terms and conditions

Date: 4-30-18
By: __________________________
  David Way
  Agent
  Rustlers Ranch, LLC

Date: 4-30-18
By: __________________________
  Linda Imonti
  Agent
  Rustlers Ranch, LLC
According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0082. The time required to complete this information collection is estimated to average one (1) hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call toll free (866) 632-9992 (voice). TDD users can contact USDA through local relay or the Federal relay at (800) 877-8339 (TDD) or (866) 377-8642 (relay voice). USDA is an equal opportunity provider and employer.

The Privacy Act of 1974 (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552) govern the confidentiality to be provided for information received by the Forest Service.
PRIVATE ACCESS EASEMENT

LEGAL DESCRIPTION: LOCATED IN THE SE1/4 SW1/4 OF SECTION 8, T1S, R4E, BHM
PENNINGTON COUNTY, SOUTH DAKOTA
FOR INGRESS AND EGRESS INTO THE SW1/4 OF SE1/4 OF
SECTION 8, T1S, R4E, BHM

CENTERLINE OF 66' WIDE ACCESS EASEMENT
BEING DEDICATED BY THIS DOCUMENT.

DATE: 03-15-2017
SCALE: 1"=40'
JOB NO: J2013-72

Curve Table

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SURVEYOR'S CERTIFICATE

I Ronald D Davis, registered land surveyor #3095 of
the State of South Dakota, do hereby certify that
this easement document was prepared by field survey
done by me or under my direct supervision at the
request of David Way and that this survey
represents the land shown hereon, to the best of my
knowledge.

Ronald D Davis, RLS #3095 SD Date: 3-28-2017

DESCRIPTION:

This survey is being done to locate a private
access easement within the SE1/4 SW1/4 of
Section 8, Township 1 South, Range 4 East, Black
Hills Meridian, Pennington County, SD.

The described private access easement is 145.46
feet in length with a width of 66 feet (33' on
each side of the centerline) and contains 0.22
Acres or 9688 Sq Ft "more or less".

The sidelines of the private access easement
shall be lengthened or shortened to conform to
existing private access easement lines, county
right of way centerline and or property lines.

Prepared by: Davis Engineering, Inc.
1060 Kings Road, Rapid City, SD 57702
Phone: 605-341-3095 Email: davisengineering@reagan.com

US DEPARTMENT OF AGRICULTURE
FOREST SERVICE
ROCKY MOUNTAIN REGION
BLACK HILLS NATIONAL FOREST

THIS SURVEY WAS DONE AT MY REQUEST
AND IS HEREBY APPROVED FOR NATIONAL
FOREST RIGHT-OF-WAY PURPOSES.

Forest Engineer Date: 4-6-17

EXHIBIT A

Page 11 of 26
Special Use Authorization - Rustlers Ranch LLC
Black Hills National Forest - Mystic Ranger District

Rustler Ranch, LLC Easement

Authorization Information
Name: Rustlers Ranch LLC
Authorization ID: PAH-654
Primary Use Code: 752
Use Code Name: FLPM Private Road Easement
Expiration Date: 12/31/2047
Exhibit B (Map 1 of 1)
Legal Description: SE 1/4 of SW 1/4 of Section 8
T15S R4E B8M

Disclaimer
The USDA Forest Service makes no warranty, expressed or implied, regarding the data displayed on this map, and reserves the right to correct, update, modify, or replace this information without notification.

Legend
- NFS Land
- Private
- State

Page 12 of 26
Exhibit C
Operation and Maintenance Plan

Grantee is hereby authorized to maintain and remove snow from the existing non-National Forest System Road that crosses National Forest System lands as described in Exhibit A and Exhibit B, and located in SE1/4SW1/4 of Section 8, Township 1 South, Range 4 East, Black Hills Meridian, Pennington County, South Dakota.

Nothing shall be construed to imply permission to do anything but maintain and remove snow from this road. Any structures on National Forest System lands require specific approval and shall include, but are not limited to: cattle guards, gates, culverts, signs, fences, nameplates, mailboxes, and newspaper boxes. Likewise, this Operations and Maintenance Plan does not authorize exclusive use of the road which will remain open to the public.

Specifications 1 – Definitions
Where ever the following terms or pronouns are used in Specifications 1 through 4, the intent and meaning shall be interpreted as follows:

a. Agreement. Maintenance projects require a mutually acceptable method to resolve the problems which arise when incompatible situations arise between drawings and specifications and actual conditions on the ground to allow orderly and satisfactory progress of the maintenance. These specifications have been developed in anticipation of those problem areas and have provided that such changes will be by Agreement. It is intended that drawings and specifications will govern unless "on-the-ground" conditions warrant otherwise, when specifications call for "Agreement", "agreed", or "approval" such Agreement or approval shall be promptly confirmed in writing.

b. Annual Road Maintenance Plan. A plan prepared by the Grantee for the FLPMA Private Road area. The plan is an Agreement on maintenance responsibilities to be performed for the coming year.

c. Base Course - The layer or layers of specified or selected material of designed thickness placed on a subbase or subgrade to support a surface course.

d. Berm - Curb or dike constructed to control roadway runoff water.

e. Borrow - Select material taken from designated sites to build up the roadway or other structures.

f. Bridge - A structure, including supports, erected over a depression or an obstruction, such as water, road, trail, or railways, and having a deck for carrying traffic or other moving loads.
g. **Catch basin** - A flat bottom ditch constructed at the culvert entrance to improve the entrance conditions and to provide space for debris collection and removal.

h. **Channel** - A waterway leading into or away from a culvert or bridge.

i. **Crown** - The slope of the roadbed measured from the centerline to provide for drainage.

j. **Culvert** - A conduit or passageway under a road, trail, or other obstruction. A culvert differs from a bridge in that it is usually constructed entirely below the elevation of the traveled way.

k. **Cushion Material** - Native or imported material generally placed over rocky sections of un-surfaced roads to provide a usable and maintainable traveled way.

l. **Ditch** - A relatively long narrow excavation placed to collect or disperse water.

m. **Drainage ditch** - A ditch constructed between the traveled way and the adjacent terrain for the purpose of transporting water that leaves the road surface or cut slope.

n. **Leadoff ditch** - A ditch used to remove water from drainage ditches.

o. **Outlet ditch** - A ditch used to provide drainage from culverts, cattleguards, drainage daps, or other structures.

p. **Intercept ditch** - Any ditch that normally parallels the road centerline and diverts water from natural flow patterns to protect road slopes, roadbed, or downslope areas. Intercept ditches may be located within the roadway or roadside, but as used in this definition excludes drainage ditches.

q. **Drainage dip** - A drainage structure constructed within the roadbed surface to form uniform depressions, which allows routine passage of vehicles while diverting water from the traveled way. This includes rolling dips and water bars.

r. **Drainage Structures.** Manufactured structures which control the runoff of water from the Roadway including inslope, overside drains, aprons, flumes, downdrains, downpipes, and the like.

s. **Drawings** - Depictions detailing maintenance contemplated including all road-listing diagrams, maps, and performance schedules included in the contract.

t. **Drop Inlet** - A vertical conduit used as an entrance to a culvert.
u. **Dust Abatement Plan.** A table which lists the road, dust palliative, application rates, and estimated number of subsequent applications.

v. **Equipment** - All machinery operating supplies, and tools necessary for the proper performance and acceptable completion of the work.

w. **Excess Material** - Material from the roadway excess to that needed for maintenance of roadway.

x. **Grade** - The trace of an imaginary vertical plane, intersecting the top surface of the road at centerline or ditch line.

y. **Invert** - The bottom of the inside of a conduit or culvert.

z. **Materials** - Any substances specified for use in the performance of the work.

aa. **Measurement** - Method of determining and expressing the quantities of work.

bb. **Out slope-in slope** - The slope of the roadbed from the cut slope to provide for drainage. Applies to roads without roadside ditches or crown.

c. **Pavement Structure** - Sub base, base, or surface course, or combination thereof, placed on a subgrade to support the traffic load and distribute it to the roadbed.

dd. **Right-of-Way** - A general term denoting land, property, or interest acquired for or devoted to a road.

ee. **Roadbed** - The portion of a road between the intersection of the subgrade and side slopes, excluding that portion of the ditch below the subgrade.

ff. **Road Maintenance Plan.** A table which shows applicable road maintenance specifications to be performed by Grantee on specific roads.

gg. **Roadside** - A general term denoting the area adjoining the outer edge of the roadway.

hh. **Roadway** - The portion of the road within the limits of excavation and embankment.

ii. **Shoulder** - The portion of the roadway contiguous with the traveled way for accommodation of stopped vehicles, for emergency use, and for lateral support of pavement structure.

jj. **Slide** - A concentrated deposit of materials from above or on the back slope extending onto the traveled way or shoulders that has been deposited by mass land movements.
kk. Slough - Materials eroded or raveled from the back slope which partially or completely block the ditch, but do not encroach on the traveled way so as to block vehicular passage.

ll. Slump - A localized portion of the roadbed that has slipped downward or otherwise become lower than that of the adjacent roadbed and constitutes a hazard to traffic.

mm. Special Project Specifications. Specifications which detail conditions and requirements peculiar to the individual project.

nn. Snow Berm is a dike of snow resulting from the snow removal operations which extends above the surface of the traveled way. The Grantee shall space, construct, and maintain drainage holes in Snow Berms as necessary to obtain surface drainage and without discharge on erodible fills.

oo. Subgrade - Top surface of roadbed upon which sub base, base, or surface course is constructed. For roads without base course or surface course, that portion of roadbed prepared as the finished wearing surface.

pp. Surface Course - The top layer of a pavement structure, sometimes called the wearing course, usually designed to resist skidding, traffic abrasion, and the disintegrating effects of climate.

qq. Surface Treatment Plan. A table which lists the roads and surface treatments to be applied.

rr. Traveled Way - The portion of the roadway for the movement of vehicles, exclusive of shoulders on asphalt paved roads. For purpose of this contract traveled way includes turnouts and curve widening.

ss. Turnouts - A short auxiliary lane provided for passage of meeting vehicles.

tt. Unsuitable material - Material that is not suitable to be incorporated into the work.

uu. Water Source. A location designated on the private property for acquiring water for road maintenance purposes.

vv. Waterbar - A drainage structure constructed across the roadbed surface to divert water from the road surface. Vehicular passage is not a consideration.
Rustlers Ranch, LLC
FLPMA Private Road Easement, PAH654

SPECIFICATION 2 - DITCH CLEANING

DESCRIPTION: Ditch cleaning is removing and disposing of all Slough Material from Roadway and Lead-off Ditches to provide a free-draining waterway.

REQUIREMENTS

a. Ditch cleaning shall be repeated during the year as often as necessary to facilitate proper drainage.

b. All Slough Material or other debris which might obstruct water flow in the Roadway and Lead-off Ditch shall be removed. Material removed from the ditch, if suitable, may be blended into existing native road surface or Shoulder or placed in designated Berms in conjunction with Surface Blading operations. Material removed from ditches that is not by Agreement blended into existing roads or placed in Berms shall be loaded and hauled to the disposal site designated by the Forest Service.

c. Roadway backslope or Berm shall not be undercut.

d. Keep drainage channels and culverts clear of debris and functioning as intended

SPECIFICATION 3 - SURFACE BLADING

DESCRIPTION: Surface blading is keeping a native or aggregate Roadbed in a condition to facilitate traffic and provide proper drainage. It includes maintaining the Crown, Inslope or Outslope of the Traveled Way, Turnouts, and Shoulder; repairing Berms; blending approach road intersections; cleaning bridge decks, Drainage Dips, Lead-off Ditches; repairing or replacing culverts; repairing fills and sunken grades as needed; and removing fallen timber and other obstructions, overhanging brush or brush obstructing road sight distances.

REQUIREMENTS

a. Surface blading shall be performed before, during, and after Grantee’s use as often as necessary to facilitate traffic and proper drainage.

b. The surface blading shall preserve the existing cross-section. Surface irregularities shall be eliminated and the surface left in a free-draining state and to smoothness needed to facilitate traffic. Surface Material which has been displaced to the Shoulders or Turnouts shall be returned to the Traveled Way.

The blading operation shall be conducted to prevent the loss of surface Material and to provide for a thorough mixing of the Material being worked.
c. Water, taken from private Water Sources, shall be applied during blading if sufficient moisture is not present to cut, mix, or compact the surface Material.

d. On native surfaced roads, Material generated from backslope sloughing, and ditch cleaning may be blended with the surface Material being worked. On aggregate surfaced roads this Material shall not be blended with Surface or Base Course Material unless agreed otherwise.

e. Roadway backslopes or Berms shall not be undercut, nor shall new Berms be established unless agreed otherwise. Berms shall be repaired by placing Material, as needed to restore the Berm, to reasonably blend with existing line, grade, and cross-section.

f. Drainage Dips and Lead-off Ditches shall be cleaned and maintained to reasonably blend with existing line, grade, and cross-section.

g. Intersecting roads shall be bladed for a distance of 50 feet to assure proper blending of the two riding surfaces.

h. Rocks or other Material remaining on the Traveled Way after the final pass that are larger than 4 inches in diameter or are larger than the maximum size of imported surfacing shall be removed from the Traveled Way. Unless otherwise designated by the Forest Service, the oversized Material shall be disposed of by sidecasting. Sidecasting into streams, lakes, or water courses will not be permitted.

i. Material resulting from work under this specification shall not remain on or in structures, such as Culverts, overside drains, cattleguards, ditches, Drainage Dips, and the like.

j. Material resulting from work under this specification, plus any accumulated debris, shall be removed from bridge decks and the deck drains opened.

k. Grantee shall coordinate with all Utility Companies for repair and replacement of all underground powerlines damaged by blading operations.

Specifications 4 – Snow removal
Snow removal shall be conducted in a manner that protects roads, ensures safe and efficient transportation of materials, and prevents erosion damage to roads, streams, and adjacent National Forest System lands.

The Grantee is authorized to perform snow removal and shall be responsible for:

a. Comply with all county regulations regarding snowplowing near Pennington County or State of South Dakota roads.
b. Remove snow from the entire width of the Traveled Way and Turnouts.

c. Remove all debris, except snow and ice from the Traveled Way and ditches and deposited away from stream channels at agreed upon locations.

d. Remove snow slides, earth slides, fallen timber, and boulders that obstruct the Traveled Way.

e. Remove snow, ice, and debris from ditches and culverts so that the drainage system will function efficiently at all times.

f. Cut banks shall not be undercut, nor shall gravel or other surfacing material be bladed off the road.

g. Equipment used to plow snow shall be equipped with shoes or runners to keep the blade a minimum of two inches above the Traveled Way and Turnouts unless other written approval is obtained.

h. Restore and replacement of Surface Course and for any damage to Traveled Way resulting from snow removal in a timely manner.

The Grantee Shall Not:

a. Undercut constructed slopes or remove gravel or other surfacing materials from the road surface.

b. Leave snow berms on the road surface. Snow berms on the shoulder of the road shall be removed or drainage holes shall be opened and maintained. Drainage holes shall be spaced as necessary to obtain satisfactory surface drainage without discharge on erodible fills.

c. Use equipment with cleats or other tracks to plow snow without prior written approval of the responsible official.

The Grantee is authorized to perform maintenance work so that there is no damage on adjacent National Forest System lands as follows:

a. Authorized improvements (cattle guards, gates, culverts, etc.) shall be maintained as required and in working order.

b. Currently remove slides, fallen timber and other obstructions, overhanging brush or brush obstructing road sight distance.

c. Keep drainage channels and culverts clear of debris and functioning as intended.
d. Repair fills and sunken grades as needed.

e. Repair culverts and bridges.

f. Blade and shape surface and shoulders to existing cross-section and provide suitable riding surface.

g. Remove berm.

h. If gravel or other selected surfacing is fouled by dragging earth from slides or other sources across road and onto the surface portion of the road, the portion so affected shall be resurfaced immediately or as soon as weather conditions permit.

i. Blading must not undercut cut banks, nor shall gravel or other selected surfacing material be bladed off the road surface.

j. All turnouts must be bladed full width.

k. Repair or replace all telephone lines or road structures damaged by operations.

l. Material from slides or sources requiring removal from the road shall be deposited at agreed upon locations away from stream channels or reservoirs.
Rustlers Ranch, LLC  
FLPMA Private Road Easement, PAH654  

Exhibit D  
Construction Stipulation  

This Construction Stipulation, by and between Rustlers Ranch, LLC, hereinafter referred to as the Grantee, and USDA Forest Service, acting by and through its authorized representative, hereinafter referred to as the Forest Service.

Whereas, the Grantee has been issued a FLPMA Private Road Easement for the use and occupancy of National Forest System land for the use (and maintenance) of a road, and such authorization requires that all construction conform with approved plans, specifications, and stipulations.

Now, therefore, the Grantee agrees to the following terms and conditions, and the Forest Service hereby authorizes the construction to proceed in accordance with these terms and conditions.

1. Construction/reconstruction of the road shall be in accordance with the plans and specifications set forth in Exhibit E Plans and Specifications, attached hereto and made apart hereof.

2. The Forest Service may suspend all or any part of the construction/reconstruction activities (and/or revoke or terminate the special-use authorization without administrative proceedings) upon breach of any of the conditions herein.

Prior to suspension, revocation, or termination, the Forest Service shall give the Grantee written notice of the grounds for such action and reasonable time to cure any noncompliance. However, the Forest Service may require immediate temporary suspension of all or any part of the activities when the Forest Service determines it is necessary to protect the public health, safety, or the environment. If requested by the Grantee, the superior to the officer ordering the suspension, revocation, or termination shall arrange within 10 days of the request for an on-the-ground review of the conditions with the Grantee. The superior shall affirm, modify, or cancel the temporary suspension as soon after the review as possible.

3. The Grantee shall cut only timber as necessary in clearing for road construction, reconstruction, and maintenance. The Grantee is responsible to pay for the timber at the current market rates and for the removal of the timber from National Forest System lands.

4. The Grantee shall do everything reasonably within its power to prevent forest fires and shall not dispose of material by burning in open fires during the closed season established by law or regulation without a written permit from the Forest Service.

5. The Grantee shall repair fully all damage to National Forest System Roads and National Forest System Trails caused by the Grantee in exercise of the privileges granted.
6. The Grantee shall be responsible for the prevention and control of soil erosion and
gullying in the construction area and adjacent areas and shall take such preventative
measures as are necessary to repair and revegetate damaged areas and to prevent future
damage.

7. The Grantee shall purchase and revegetate all ground disturbed areas with a certified
weed free and native seed mix as recommended by the Forest Service Mystic Ranger
District staff.

8. The Grantee will be responsible for noxious weed and invasive weed treatment on all
ground disturbed areas for 3 to 5 years after road construction. The Forest Service
Mystic Ranger District will recommend the type of chemicals for the species to be
controlled. The Grantee will provide a spray information sheet, provided by the Forest
Service Mystic Ranger District Staff, to be filled out by the holder or person doing the
treatment and turned in to the Forest Service.

9. The Grantee shall protect scenic and esthetic values in the construction area.

10. The Grantee shall take reasonable precautions to protect all public land survey
monuments and accessories, private property corners, and Forest boundary markers. In
the event that any such land markers or monuments are damaged or destroyed, the
Grantee shall reestablish or reference the corner in accordance with directions and
procedures to be furnished by the Forest Service.

11. The Grantee shall maintain a muffler or spark arrester satisfactory to the Forest Service
on the exhaust systems of all trucks and tractors or other internal combustion engines
used in connection with this project.

12. The Grantee shall equip each gasoline powersaw at all times with a spark-arresting
muffler, in good working condition and adapted to that machine. During periods of
dangerous fire weather, as determined by the Forest Service, the Grantee must transport
and keep with each powersaw at all times such fire tools and portable extinguishers as
specified and to take other precautionary measures as may be required by the Forest
Service.
Rustlers Ranch, LLC
FLPMA Private Road Easement, PAH654

Exhibit E
Plans and Specifications


Final road designs should take into consideration design criteria such as the local environment and natural resources, safety, traffic requirements, traffic service levels, vehicle characteristics, road users, and economics. There are many variables involved in each of the criteria that make it difficult to standardize a road design for a road that can be built anywhere in the Black Hills National Forest.

The following items summarize a general set of design standards for roads with twelve and twenty-four foot traveled ways. They are neither complete nor comprehensive. Variations in the design criteria for a particular area may necessitate deviations from these standards.

1. The standard width of the traveled way shall be 12 feet for single lane roads and 24 feet for double lane roads.

2. Turnouts shall be constructed on single lane roads to provide user convenience and safety and to maintain user speed. Spacing will depend on the relative importance of convenience, safety, and user speed. A maximum spacing of 1,000 feet is required for a small amount of mixed traffic at speeds up to 20 mph. They should be located on the outside of cuts, such as the outside of a curve around a point of a ridge; the low side of fills, such as the upper side of curves across ravines; or at the run out point between through cuts and fills, and preferably on the side of the unloaded vehicle. The turnouts should be at least 8 feet wide, 75 feet in length, with 50-foot transitions.

3. Turnarounds should be provided at or near the end of single-lane roads, at points where Traffic Service Levels or road standards change, and at management closure points, such as gates and barricades. Resource management objectives may require additional turnarounds for fire staging, maintenance, and other access needs. Their size should consider both critical and design vehicles.

4. Curves shall be widened to provide for the off tracking of tractor-trailer vehicles and for some light vehicle-trailer combinations. Curve widening for critical vehicles should be provided by the use of other road elements, if planned, such as turnouts and shoulders. Provide widening if the needed width is not available.

The critical vehicle should be accommodated in its normal traveling configuration. Curve widening should be provided in each lane of double lane roads.
5. The minimum unobstructed vertical clearance above the driving surface shall be 14 feet. The desirable minimum unobstructed horizontal clearance from the edge of the traveled way to obstructions is 4 feet.

6. Slough (fill) widening is required to provide added width to the roadbed during construction so that the intended traveled-way width remains stable after erosion and minor sloughing have occurred. Adequate materials investigation, compaction control, and proper erosion control techniques can eliminate or reduce the need for slough widening. No slough widening would be required in soils with low erosion potential, controlled compaction, slopes 2:1 or flatter, low embankments (less than five 5 feet), and low risk involved in the loss of embankment. Two feet of widening may be required in situations with highly erosive material, no compaction, high precipitation, slopes 1-1/2:1 or steeper, and high risk involved in the loss of embankment.

7. The minimum clearing widths shall be 4 feet from the edge of the traveled way.

8. Sight distances shall be evaluated when designing crest and sag vertical curves, horizontal curves, intersections, and passing areas. On single-lane roads carrying traffic in both directions, provide a minimum sight distance equal to twice the stopping sight distance for the design speed. Provide sight distance on two-lane and one-way single-lane roads equal to or greater than the stopping sight distance. If the sight distances required by the design speed cannot be provided, reduce the design speed or include traffic controls.

9. The horizontal radius of curves should be determined using the relationship of speed, radius of curvature, super-elevation rate, and the side-slip friction factor. In no case should the horizontal radius be less than 50 feet.

10. The vertical radius of curves should be determined taking into account safety and the effects on the environment and using relationships between the design speed, sight distance, the length of the vertical curve, and the algebraic difference in grades (percent). Sight distance requirements must be met. Avoid placing a sharp vertical curve at the same location as a horizontal curve. Avoid extremely short vertical curves. In no case should the length of a vertical curve be less than 50 feet. Avoid vertical curves that reduce ground clearance under the vehicle by more than 50 percent.

11. Vertical grades should not be less than 1 percent, nor greater than 12 percent. Vertical grade transitions are to be smooth.
12. When locating intersections, the sight distance along the main road as viewed from the main road or from the intersecting road should be at least equal to the stopping sight distance for the design speed of the main road. The smallest angle formed by the intersection roads should not be less than 60 degrees. Right angle intersections are desirable. The grade of the intersecting road approaching the main road should be 6 percent or less. The grade of the intersection road should be approximately 1 percent for a length sufficient to accommodate the stopping and storage of the design vehicle. If the intersection is with a State, or County Highway, an approach permit from the affected agency will be required prior to beginning construction.

13. A road surface drainage system shall be designed using a combination of design elements such as ditches, culverts, drainage dips, surface crowns, surface in-slope and out-slope, fords, subsurface drains, and bridges. Surface crowns shall be 2 percent or greater. In-slopes and out-slopes shall be at 3 percent or greater.

14. Culverts shall be sized and spaced after analyzing the expected runoff from the respective drainage area. In no case shall culverts be less than 18 inches in diameter. The spacing of culverts depends on the road gradient, road surface and ditch soil types, runoff characteristics, and the effect of water concentrations on slopes below the road. They shall be skewed to align with the drainage when practical.

15. Ditches shall be used when required by topography, hydrology, soils, and alignment considerations. The gradient shall be no flatter than the one-half percent. It is desired that ditch in-slopes be 3:1 although slopes can increase to 2:1 if necessary. Leadoff ditches, intercept ditches and outlet ditches should be incorporated as appropriate.

16. Rolling dips shall be incorporated into the road surface design when surface crowning, in sloping, and out-sloping are not adequate to remove water from the road surface efficiently. There should be space to discharge runoff before runoff can significantly accumulate. Rolling dips should not be used when road gradients exceed 10 percent.

17. Wetlands should be avoided. If it is necessary to cross a wetland, it is important to design the crossing properly to protect the resources that are sensitive to unnatural fluctuations in water level. Marshy and swampy terrain may contain bodies of water with no discernible current. Designing culverts for roads crossing marshy and swampy terrain require some unique considerations.

18. When determining road location and design, include necessary measures to avoid or mitigate erosion from unstable soil areas, as well as provide needed structural or vegetative treatments. Identify cost-effective measures necessary to control erosion, protect lands and resources, incorporate these measures into the drawings and specifications, and make them a part of the initial construction.
19. Provide aggregate surfacing for roads if traffic management or resource protection considerations warrant. Design criteria that result in the determination that a two-lane road is necessary will generally result in requirements for aggregate surfacing. Aggregate should be applied to a depth of 4 inches and the aggregate should conform to the Forest Service Grading Q specification (one-inch minus).

20. Cattle guards shall be at least 16 feet wide for single lane roads and 24 feet for two lane roads.

21. Initiate revegetation as soon as possible, not to exceed six months, after completion of ground disturbing activities. All disturbed areas shall be seeded. Use certified noxious weed free seed and mulches. Seed will be tested for noxious weeds at the time of purchase. All species of seed shall be certified and tested noxious weed free including no cheat grass. All seed shall be Pure Live Seed (PLS). David Way or Linda lmonti agents for the Rustlers Ranch, LLC shall be responsible for sampling and testing and all costs associated with the testing at the SDSU Seed Testing Lab in Brookings, SD. All test results shall be mailed to the Black Hills National Forest, Mystic Ranger District office. If seed tests for a given lot fail, none of that lot will be allowed to be used on the Forest. Mulch or erosion control blanket is required to cover steep seeded areas that will likely erode prior to the vegetative blanket getting established.

All ground disturbed areas will be seeded with the following certified weed-free, pure live seed mix:

**High Elevation Upland**

- 25% Slender wheatgrass (Elymus trachycaulus)
- 30% Annual ryegrass (Lolium multiflorum)
- 10% Canada wildrye (Elymus canadensis)
- 10% Canby bluegrass (Poa canbyi)
- 20% Green Needlegrass (Nassella viridula)
- 5% Purple prairie clover (Dalea purpurea) or American vetch (Vicia Americana)

Please note:

- All seed should be certified weed free, pure live seed
- Seed at the rate of 20 pounds per acre
- **Non-native species may not be used**, unless they are non-aggressive annuals (e.g. wheat, oats, rye) or sterile species may be used while native perennials are becoming established or when native species are not available (e.g. during drought years or years when wildfires burn large acreages). Other aggressive non-native perennials (e.g. smooth brome, timothy) will not be used. Weed free alfalfa seed may be used only when native legume seed is not available and only when there is extensive disturbance associated with road construction or mine reclamation where topsoil is no longer available.
PLANNING DEPARTMENT
MEMORANDUM

TO:         PENNINGTON COUNTY BOARD OF COMMISSIONERS
FROM:       PENNINGTON COUNTY PLANNING DEPARTMENT
ITEM:       PUBLIC HEARING - AMENDMENT OF PENNINGTON COUNTY
             COMPREHENSIVE PLAN: Pennington County. Comprehensive Plan
             “View to 2040” to amend and supersede Pennington County’s existing
             Comprehensive Plan.

             (Continued from the March 3, 2020, Board of Commissioner’s meeting.)

             PLANNING COMMISSION RECOMMENDATION:
             Planning Commission recommended approval of Comprehensive Plan
             “View to 2040” to amend and supersede Pennington County’s existing
             Comprehensive Plan with three recommended changes.
TO: Pennington County Board of Commissioners
FROM: Brittany Molitor, Interim Planning Director
DATE: April 7, 2020
RE: Comprehensive Plan “View to 2040” to amend and supersede Pennington County’s existing Comprehensive Plan – Proposed Planning Commission changes from the March 23, 2020 meeting.

TODAY’S OBJECTIVE: To review the Planning Commission’s proposed changes to the Pennington County Comprehensive Plan and to approve the FINAL document.

Planning Commission’s three proposed changes:

1. On page 7-2, under the “Wastewater” section, does the sentence “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” need to be included in this Section.  

   This is a specific requirement in a document that is intended to provide guidance. The Zoning Ordinance addresses specific requirements.

2. 8.1 Recreation, Open Space & Tourism Element – (pg. 8.7)  
First line change to – “trails such as those in the Black Elk Wilderness and Norbeck Wildlife Preserve leading to Black Elk Peak, ranging…”

3. 10.2 Goals and Policies – Goal NRC-5 (pg. 10-5). The removal of “fiscally possible”.
Please see the next page.
ACKNOWLEDGEMENTS

Pennington County Board of Commissioners

- Ron Rossknecht ................. District 1
- Lloyd LaCroix .................. District 2
- Deb Hadcock, Chair ............ District 3
- Mark DiSanto .................. District 4
- Gary Drewes, Vice Chair ....... District 5

Planning Commission

- Jim Coleman
- Kathryn Johnson
- Travis Lasseter
- Rich Marsh
- Sonny Rivers
- Sandra Runde

County Staff

- Cassie Bolstad ................... Assistant Planning Director
- P.J. Conover ..................... Planning Director
- Jerome Harvey .................. County Fire Administrator
- Holli Hennies ................... Commission Office Manager
- Michaela Hoffman .......... Deputy State's Attorney
- Brittney Molitor .............. Environmental Planning Supervisor
- Julie Pearson ................... Auditor
- Shannon Rittberger .......... Director of Equalization
- Dustin Willett ................ Director Emergency Management

Other Jurisdictions and Organizations
Pennington County would like to thank the following jurisdictions and organizations for their active involvement in this process.

- Black Hills State University – Rapid City
- City of Box Elder
- City of Rapid City
- City of Hill City
- Town of Keystone
- Town of Wall
Public Input

Pennington County would like to thank the members of the public who gave their time and energies in assisting in the development of the Comprehensive Plan by participating in the community workshops and corresponding with members of the Board of Commissioners and Planning Commission.

Project Consultant

Celeste Werner, AICP
Project Director

Rick Rust, AICP, GISP
Project Manager

Felipe Zubia, AICP
Senior Planner
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Please see the next page.
1.1 Purpose of a Comprehensive Plan

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. The goals and policies herein were developed to support the envisioned future for Pennington County while the implementation program identifies actions that would be necessary to execute these goals and policies.

The Comprehensive Plan has three defining features that are carried out throughout the document:

- **General.** The Comprehensive Plan provides general guidance that will be used to direct land use and resource decisions.

- **Comprehensive.** The Comprehensive Plan covers a wide range of social, economic, infrastructure, and natural resource topics. Topics include economic development, land use, housing, transportation, agriculture, and public services and facilities.

- **Long-Range.** The Comprehensive Plan provides guidance on reaching a vision 20 or more years in the future. To achieve the vision, implementation actions are included that address both immediate and long-term needs.
1.2 Comprehensive Plan Process
The process for developing the Comprehensive Plan occurred in seven tasks that build on each other. Several opportunities for residents to provide ideas and help guide the future of the community were included in the development of the Plan.

► Task 1: Project Management. Task 1 laid the foundation for the planning process by refining the specifics of the Comprehensive Plan update, including the scope of work, schedule, and project branding. This task also covered project management during the development of the Comprehensive Plan, including meetings with County staff and elected and appointed officials.

► Task 2: Public Participation and Communication. This task covered the setup and implementation of the public participation process and aimed to engage members of the public in the development of the Comprehensive Plan. As public participation is integral to the success of this planning process, Task 2 spanned the entire length of the project, ending in the final adoption of the Comprehensive Plan.

► Task 3: Community Assessment. During Task 3, the first set of public workshops were held and interviews with community leaders and stakeholders were conducted. The workshops and interviews focused on identifying opportunities and challenges to be addressed in the Comprehensive Plan. An overall community assessment, including assessment of socioeconomic and demographic data, was conducted during this task.

► Task 4: Framework Document. A range of document formatting possibilities were reviewed with County staff during Task 4, resulting in a finalized outline and format for the Comprehensive Plan that suits the desires and needs of the County.

► Task 5: Development of Draft Strategies, Policies, and the Implementation Plan. Task 5 involved developing land use and policy alternative scenarios. Each alternative was also evaluated based on responsiveness to key issues, opportunities, and the vision statement developed. Once alternatives were reviewed, the preferred policy and land use alternative was used as the basis of the Comprehensive Plan.

► Task 6: Plan Document Development. As a result of the work completed in earlier tasks, a public draft Comprehensive Plan was prepared and circulated for public review.

► Task 7: Formal Adoption Process. During this task, the public, Planning Commission, and Board of Commissioners reviewed the Draft Comprehensive Plan, culminating in final adoption. A series of public hearings were held and following review and comments, the final draft version of the Comprehensive Plan was prepared for final review and action by the Planning Commission (recommendation to the Board) and County Board of Commissioners (final adoption).

1.3 Regional and Local Context
Pennington County is located in the western part of South Dakota, bordering the state of Wyoming to the west; Custer, Oglala Lakota, and Jackson Counties to the south; Meade and Lawrence Counties to the north; and Haakon and Jackson Counties to the east. Pennington County covers 2,782 square miles, of which over 1,500 square miles fall within the County's planning jurisdiction. This equates to approximately 56% of the total county area, the remaining percentage falling within the 14 incorporated communities' planning areas. The planning area is shown on Figure 1-1.
1.4 Community Engagement Process
One of the most important components of a Comprehensive Plan update is public engagement. Participation by a broad range of interests increases the likelihood that the plan’s goals and policies will be based on community consensus, which increases the likelihood for successful implementation of the plan. Gaining public input was achieved through the following engagement efforts:

- **Board of Commissioners / Planning Commission Updates.** During the preparation of the Comprehensive Plan, three update sessions were held with the Board of Commissioners to review ideas and gain insight from the Commissioners. One of these sessions included attendance and participation by the Planning Commission. This input was used in the development of the draft Comprehensive Plan which was then presented to the Planning Commission.

- **Public Workshops.** A total of five public workshop sets were held throughout the update process to invite the public to engage in activities that influenced the development of the Comprehensive Plan. Each workshop set was held in three locations, over three nights, to provide easier opportunities to engage in the update process. For each set, a workshop was held in the Black Hills area, the Rapid City/Box Elder area, and the eastern grasslands area.

- **Stakeholder Interviews.** Interviews were held with County Commissioners, Planning Commissioners, County staff members, and key business and community leaders to gain insights on important factors that should be considered during the planning process.

- **Informational Brochures.** Three informational brochures were created to give the public relevant information regarding the update process. Brochures were distributed during public workshops as well as posted on the project website.

- **Project Website.** A dedicated project website was developed and maintained for the Comprehensive Plan to provide interested parties with information, studies, documents, and meeting dates associated with the Comprehensive Plan (www.viewto2040.com).

1.5 Comprehensive Plan Maintenance
Chapter 11-2 of the South Dakota Codified Laws provides the framework for comprehensive planning within the State of South Dakota. Specifically, this chapter provides the power for municipalities and counties to prepare a Comprehensive Plan with an aim of protecting and guiding the development of the municipality or county.
1.6 Comprehensive Plan Organization

This Comprehensive Plan is made up of 11 chapters. Chapters 1 and 2 provide introductory information that assists in the use of the Comprehensive Plan.

- Chapter 1: Introduction
- Chapter 2: Planning Framework

Chapters 3 – 10 are the topical chapters within the Comprehensive Plan that contain the policy guidance that will be used to guide the County’s planning and resource decision-making process. These topical chapters are referred to as “elements.” Each element contains a series of goals and policies that are labeled using an acronym for that element. These elements and their acronyms are as follows:

- Chapter 3: Land Use & Housing Element (LUH)
- Chapter 4: Economic Development Element (ED)
- Chapter 5: Agricultural Element (AG)
- Chapter 6: Transportation & Circulation Element (TC)
- Chapter 7: Public Services & Facilities Element (PSF)
- Chapter 8: Recreation, Open Space & Tourism Element (ROST)
- Chapter 9: Health & Safety Element (HS)
- Chapter 10: Natural & Cultural Resources Element (NCR)
- Chapter 11: Implementation Program

Pennington County has a diverse natural landscape and the Comprehensive Plan has been designed to reflect the diverse needs of the different natural landscapes. To better tailor the Comprehensive Plan to the unique needs of the county, each policy is marked with an icon to represent the natural landscape and geographic area that policy applies. Each policy will show one, two, or three icons to represent the geographic area of the county that policy applies.

Black Hills Focus Area

Central Pennington Focus Area

Eastern Plains Focus Area

A description of each focus area, and maps showing their locations, are included in Chapter 2. For the purpose of implementation of this Comprehensive Plan, each policy includes the term “shall,” which provides specific and certain guidance for development that must be achieved, or “should,” which signifies a less rigid directive that may or may not be achieved.
This chapter provides the planning framework which shapes the focus and intent of the Comprehensive Plan. This is partly done through the establishment of a vision statement, as seen in section 2.1. The planning framework is also established through a more detailed description of the natural landscapes identified in Chapter 1. This detailed description is provided in section 2.2, where the natural areas are classified in one of three focus areas.

2.1 Vision Statement

A vision statement describes a future ideal state and articulates the shared aspirations of the county including residents, property owners, leadership, and other stakeholders. This vision statement, developed through the community engagement described in Chapter 1, not only provides inspiration and guidance for the Plan, but also reflects the key values upon which all goals, policies, and implementation actions within this Comprehensive Plan support. The vision statement for the Comprehensive Plan is as follows:

Pennington County is a unique part of South Dakota that is built on a sense of community and a frontier spirit. We pride ourselves on protecting the natural, cultural, and historic resources that help define our social identity and values. The County continues to grow in a manner that maintains water and air quality, improves career and housing opportunities, and retains our excellent schools and quality of life.
2.2 Focus Areas
Due to Pennington County's diverse terrain and character, the county can be geographically described as three unique geographic areas. In the Comprehensive Plan, these three areas are called "Focus Areas." In Chapters 3-10, the policies presented are designated by Focus Area to apply policy that is applicable to each area. The three Focus Areas are listed below and defined in the remainder of this chapter.

- Black Hills Focus Area (Figure 2-1)
- Central Pennington Focus Area (Figure 2-2)
- Eastern Plains Focus Area (Figure 2-3)

The County shall continue to encourage public and tribal engagement in ordinance development and permitting within each focus area.

Black Hills Focus Area

Location
The Black Hills Focus Area is defined as the portion of Pennington County that is west of the Rapid City Area Metropolitan Planning Organization (MPO) boundary. Much of the area is within the Black Hills National Forest. Major transportation facilities include Highways 16 and 44, which run primarily east-west and connect the area into the Rapid City urban area. Highway 385 runs through the Black Hills areas in a north-south orientation. The area contains two incorporated cities (Keystone and Hill City) and several unincorporated communities.

Issues and Opportunities
The character for the Black Hills is built from the forest landscapes which provide natural resources as well as opportunities for tourism. 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.

Once a major gold rush site, mining and timber harvesting are still active in the area. The largest economic sector in the area is tourism. Tourism is anchored by Mount Rushmore National Memorial but is supported with a wide-range of historic, natural environment, and attraction-based tourism opportunities. While tourism is a major economic driver, it is also very seasonal, leading to issues associated with a shortage of year-round employment opportunities and competition for housing during

Future Land Uses
Land use in this area is focused on commercial tourism in communities and along highways and rural residential uses in the hill areas. This area will primarily have a focus on Rural Residential, Ranchette Residential, Agriculture, and Open Space to ensure that the natural character remains intact as growth occurs.
Central Pennington Focus Area

Location
The Central Pennington Focus Area consists of the Rapid City / Box Elder metropolitan area, as defined by the boundary of the Rapid City Area MPO boundary and including Ellsworth Air Force Base (AFB).

Issues and Opportunities
The central portion of the county is more urban by nature and heavily influenced by the two incorporated cities in this Focus Area: Rapid City and Box Elder. Both cities have been growing steadily in recent history and are expected to continue to grow into the future. This growth is primarily through the annexation of unincorporated county areas into the city limits, although some infill development is occurring. This continued growth makes planning for the unincorporated fringe areas challenging.

Opportunities in the unincorporated county areas are largely driven by proximity to the two cities as new residential development seeks to capture a rural lifestyle within close commuting distance to the jobs within the cities. In unincorporated areas, challenges are often faced with provision and maintenance of infrastructure (roads, water, and wastewater) and other community support services (like fire and Sherriff services).

Ellsworth AFB is a significant economic driver in Pennington County, as is the Rapid City Regional Airport. While both facilities are positive influences on the county, they also require protections to ensure long-term compatibility between new development and air operations. Additionally, the South Dakota National Guard has a location outside of Rapid City and includes the South Dakota National Guard’s Training Center Command. Like Ellsworth AFB and the Rapid City Regional Airport, Camp Rapid, as well as other associated training areas, such as West Camp, requires surrounding land uses to be compatible with its mission and operations.

Future Land Uses
Due to the large employment base and population in this Focus Area, residential growth in the unincorporated areas surrounding Rapid City and Box Elder will continue. This growth will require joint planning between with cities and the County in order to provide growth that fits the needs of all county residents, current and future. The area will need to focus on providing an appropriate mix of housing, with the cities providing higher density residential opportunities while the unincorporated areas focus on more rural transitional housing and continued support for industrial, agricultural, and resource management. Additionally, there are some parts of the unincorporated areas on the outside of the urban core that are compatible for industrial uses, including mining operations.
Eastern Plains Focus Area

Location
The Eastern Plains Focus Area comprises the eastern half of the county starting to the east of the Rapid City Area MPO boundary and extending east to the County line. The major transportation facility in this area is Interstate 90 (I-90) which links this area into the Rapid City metropolitan area. Highway 44 is also a key east-west linkage. The area contains four incorporated cities (New Underwood, Quinn, Wall, and Wasta) and a number of unincorporated communities. This Focus Area is also home to the Badlands National Park and Buffalo Gap National Grasslands which bring tourism into the eastern portion of the county.

Issues and Opportunities
The eastern end of Pennington County has long been an agricultural-oriented area, with communities growing to support families working the land in this area. The Badlands National Park and the Buffalo Gap National Grasslands attract tourism to the area, as does the City of Wall. Opportunities for tourism growth into the area exist, and planning should support this development, not only in communities, but also to the destinations that are visited.

The availability of housing that is affordable to families in the area is a key issue to be addressed. Key opportunities relate to enhancing tourism opportunities and capture as well as enhancements to the agricultural economy by promoting agricultural processing and value-added products.

Future Land Use
Due to the nature of the Eastern Plains, the unincorporated portions of the Focus Area will continue to have Agriculture and Open Space as the dominant features. There are opportunities to expand residential and some commercial surrounding existing communities, particularly areas that have good access to I-90.
Land Use & Housing Element

The Land Use and Housing Element represents a general blueprint for the future development of Pennington County. This element sets forth a pattern for the orderly development of land within the county. This element provides a balance of residential, commercial, industrial, and agricultural and open space lands designed to meet the future needs of the county.

3.1 Land Use Designations and Standards

Future Land Use Map
The most recognizable feature of the Comprehensive Plan is the Future Land Use Map (FLUM). The FLUM is the figure that designates the location of the various land use designations in the county. The Pennington County FLUM is shown on Figure 3-1 included at the end of this chapter.

⚠️ It is typical for the Future Land Use and Transportation Maps to be updated over time. Please check with the Pennington County Planning Department to ensure you have the current version.

A copy of the Future Land Use Map and Transportation Maps are available from Pennington County by download from the County's website.
Land Use Designations within Pennington County

The Comprehensive Plan FLUM includes residential, commercial, industrial, and other land use designations that depict the types of land uses that will be allowed within the unincorporated portions of Pennington County. Table 3-1 describes each land use designation along with their corresponding development standards, as follows:

- **Designation.** This column provides the name of each designation.
- **Code/Color.** To the right of each name is the color that is assigned to this designation on the County’s FLUM and the acronym used when referring to this designation.
- **Description.** In this column is a description of the purpose and application of each designation, followed by a general list of types of uses that could be allowed in that designation. The County’s Zoning Regulations provide further refinement and expansion of the list of uses allowed on any given property. For any given site, not all uses listed may be appropriate for a given property due to location, adjacent uses, other applicable Comprehensive Plan policies, or site-specific issues.
- **Maximum Density.** For residential designations, a maximum density is provided, expressed as dwelling units per acre (du/ac).
- **Minimum Lot Size.** For all uses, a minimum lot size is provided.

For land within the incorporated city limits of a community, please consult with that jurisdiction’s comprehensive plan and zoning ordinance regarding allowed land uses and development requirements.

**Future Land Use Map Amendments**

The Comprehensive Plan is a fluid document which outlines the general planning intent for the County. Other documents such as the Zoning Ordinance, Subdivision Regulations, and Flood Damage Prevention Ordinance are intended to implement this plan.

This Plan may be amended to respond to changing conditions. Amendments to the Future Land Use Map may be required if staff determines that a proposed application would represent a "substantial alteration" in the land use mixture or balance established in this Comprehensive Plan. Amendments may be initiated by the County or requested by private individuals or agencies. Amendments may be submitted and considered concurrently with rezoning requests.

**Zoning Ordinance Consistency**

Each future land use category is directly related to one or more of the zoning districts provided in the Pennington County Zoning Ordinance. The compatible zoning districts for each future land use designation are included in Table 3-1.
### Table 3-1  Land Use Designations

<table>
<thead>
<tr>
<th>Designation</th>
<th>Code/Color</th>
<th>Land Use Description</th>
<th>Maximum Density</th>
<th>Minimum Lot Size</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Agricultural Designations</strong></td>
<td></td>
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<tr>
<td>Agriculture</td>
<td>AG</td>
<td>Purpose and Application</td>
<td>1 du / 10 ac (.1 du/ac)</td>
<td>10 ac</td>
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<tr>
<td></td>
<td></td>
<td>The Agriculture designation denotes areas that have large tracts of land dedicated to agricultural uses or resource utilization uses.</td>
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<td></td>
<td><strong>Allowed Uses</strong></td>
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<tr>
<td></td>
<td></td>
<td>All agricultural uses, including grazing, field crops, haying, animal production, or similar, and associated support facilities</td>
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<td></td>
<td></td>
<td>Mining and forestry production and processing</td>
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<td></td>
<td>Single family, large lot residential</td>
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<td></td>
<td></td>
<td>Single family attached dwellings</td>
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<td></td>
<td></td>
<td>Accessory secondary dwelling units</td>
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<td></td>
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<tr>
<td></td>
<td></td>
<td>Ranch hand residence</td>
<td></td>
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<tr>
<td><strong>Residential Designations</strong></td>
<td>RCH</td>
<td>Purpose and Application</td>
<td>1 du / 5 ac (.2 du/ac)</td>
<td>5 ac</td>
</tr>
<tr>
<td>Ranchette Residential</td>
<td>RCH</td>
<td>The Ranchette category is intended to be a “bridge” between Rural Residential and Agriculture designations.</td>
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<td><strong>Allowed Uses</strong></td>
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<td></td>
<td>Single family, large lot residential</td>
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<td></td>
<td></td>
<td>Accessory secondary dwelling units</td>
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<td></td>
<td>Public and quasi-public uses (e.g., parks, schools, churches)</td>
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<td></td>
<td>Agricultural uses</td>
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<td></td>
<td>Storage</td>
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<tr>
<td><strong>Rural Residential</strong></td>
<td>RR</td>
<td>Purpose and Application</td>
<td>1 du / 3 ac</td>
<td>3 ac</td>
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<tr>
<td></td>
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<td>The Rural Residential designation denotes areas that have large-lot residential development in natural areas, agricultural areas, or surrounding open space areas. Generally, these lots have private on-site wastewater systems. The method of obtaining drinking water varies between public water systems, private wells, and collecting water in cisterns.</td>
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<td><strong>Allowed Uses</strong></td>
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<td></td>
<td>Single family, large lot residential</td>
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<tr>
<td></td>
<td></td>
<td>Accessory secondary dwelling units</td>
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<td></td>
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<td>Public and quasi-public uses (e.g., parks, schools, churches)</td>
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<td>Agricultural uses</td>
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<td></td>
<td></td>
<td>Storage</td>
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<tr>
<td>Designation</td>
<td>Code/ Color</td>
<td>Land Use Description</td>
<td>Maximum Density</td>
<td>Minimum Lot Size</td>
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| Low Density Residential | LDR        | **Purpose and Application**  
The Low Density Residential designation denotes areas of semi-rural residential uses. These are areas where higher density development may not be suitable due to topography, geology, or drainage.  
**Allowed Uses**  
- Single-family detached dwellings  
- Accessory secondary dwelling units  
- Public and quasi-public uses (e.g., parks, schools, churches)  
- Agricultural uses | 2 du/ac | 1/2 ac |
| Suburban Residential | SR          | **Purpose and Application**  
The Suburban Residential designation provides for a suburban lifestyle with single-family residential communities. This land use designation may also include other land uses that support neighborhood functions and contribute to the livability of neighborhoods, such as neighborhood scaled shops, parks, religious institutions, and small offices.  
**Allowed Uses**  
- Single family detached dwellings  
- Single family attached dwellings  
- Accessory secondary dwelling units  
- Public and quasi-public uses (e.g., parks, schools, churches)  
- Assisted living facility  
- Neighborhood scaled shops and small offices | 6 du/ac | 6,500 sf |
| Urban Residential    | UR          | **Purpose and Application**  
The Urban Residential designation provides for higher density residential development. These are generally areas surrounding the more urban development of Rapid City. This designation provides for both single-family and multi-family dwellings that may include multi-story structures.  
**Allowed Uses**  
- Single family detached dwellings  
- Single family attached dwellings  
- Multi-family dwellings  
- Accessory secondary dwelling units  
- Public and quasi-public uses (e.g., parks, schools, churches)  
- Assisted living facility | 16 du/ac | 6,500 sf |
<table>
<thead>
<tr>
<th>Designation</th>
<th>Code/ Color</th>
<th>Land Use Description</th>
<th>Maximum Density</th>
<th>Minimum Lot Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>Planned Unit Development</td>
<td>PUD</td>
<td><strong>Purpose and Application</strong>&lt;br&gt;As of the adoption of this Comprehensive Plan on XX/XX/2020, no new Planned Unit Development (PUD) land use designations are permitted. All PUD designations legally permitted as of XX/XX/2020 may be permitted to apply for a new land use designation, or continue as a grandfathered PUD land use designation, subject to allowable uses for PUDs as described in the Pennington County Zoning Ordinance, Section 213.</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>Compatible Zoning: PUD</td>
<td></td>
<td><strong>Allowed Uses</strong>&lt;br&gt;▸ Single family detached dwellings, duplexes, triplexes, fourplexes, apartments, townhomes&lt;br&gt;▸ Public and quasi-public uses (e.g., parks, schools, churches)&lt;br&gt;▸ Resort development features&lt;br&gt;▸ Neighborhood scaled shops and small offices&lt;br&gt;▸ Agricultural uses and open space</td>
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<td></td>
</tr>
<tr>
<td>Designation</td>
<td>Code/Color</td>
<td>Land Use Description</td>
<td>Maximum Density</td>
<td>Minimum Lot Size</td>
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</tr>
<tr>
<td><strong>Commercial</strong></td>
<td>C</td>
<td>Purpose and Application&lt;br&gt;The Neighborhood Commercial designation denotes areas of development aimed to fulfill the day-to-day needs of the year-round population. Development should be scaled to be complimentary to surrounding neighborhoods.</td>
<td>n/a</td>
<td>20,000 sf</td>
</tr>
<tr>
<td>Compatible Zoning:</td>
<td>GC</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Highway Services</strong></td>
<td>HS</td>
<td>Purpose and Application&lt;br&gt;The Commercial designation denotes areas of commercial development oriented towards tourist-related activities.</td>
<td>n/a</td>
<td>20,000 sf</td>
</tr>
<tr>
<td>Compatible Zoning:</td>
<td>HS</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Designation</td>
<td>Code/ Color</td>
<td>Land Use Description</td>
<td>Maximum Density</td>
<td>Minimum Lot Size</td>
</tr>
<tr>
<td>---------------------</td>
<td>-------------</td>
<td>---------------------------------------------------------------------------------------</td>
<td>-----------------</td>
<td>------------------</td>
</tr>
<tr>
<td><strong>Industrial Designations</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Light Industrial</td>
<td>LI</td>
<td><strong>Purpose and Application</strong>&lt;br&gt;The Light Industrial designation denotes areas of industrial development that do not create compatibility issues with neighboring land uses. These areas should have adequate transportation and services infrastructure to support development.</td>
<td>n/a</td>
<td>20,000 sf</td>
</tr>
<tr>
<td>Compatible Zoning:</td>
<td>LI</td>
<td>Industrial uses&lt;br&gt; Retail uses&lt;br&gt; Personal services and offices&lt;br&gt; Public and quasi-public uses&lt;br&gt; Research and development&lt;br&gt; Wholesaling, warehousing, distribution&lt;br&gt; Light motor vehicle repair and sales&lt;br&gt; Indoor storage and warehousing&lt;br&gt; Utilities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Heavy Industrial</td>
<td>HI</td>
<td><strong>Purpose and Application</strong>&lt;br&gt;The Heavy Industrial designation denotes areas of industrial development that require isolation from other types of land uses. The uses in this district are generally of a higher intensity than those in the Light Industrial designation.</td>
<td>n/a</td>
<td>20,000 sf</td>
</tr>
<tr>
<td>Compatible Zoning:</td>
<td>HI</td>
<td>Industrial uses (requiring yard storage and fabrication)&lt;br&gt; Wholesaling (requiring yard storage and assembly)&lt;br&gt; Warehousing (requiring yard storage), bulk storage&lt;br&gt; Mining activities and processing&lt;br&gt; Public and quasi-public uses&lt;br&gt; Research and development&lt;br&gt; Wholesaling, warehousing, distribution&lt;br&gt; Heavy motor vehicle repair&lt;br&gt; Utilities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Designation</td>
<td>Code/ Color</td>
<td>Land Use Description</td>
<td>Maximum Density</td>
<td>Minimum Lot Size</td>
</tr>
<tr>
<td>-----------------------------</td>
<td>-------------</td>
<td>--------------------------------------------------------------------------------------</td>
<td>-----------------</td>
<td>-------------------------------</td>
</tr>
<tr>
<td><strong>Other Designations</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Open Space</td>
<td>OS</td>
<td><strong>Purpose and Application</strong></td>
<td>n/a</td>
<td>No minimum</td>
</tr>
<tr>
<td></td>
<td></td>
<td>The Open Space designation provides for low-intensity uses that maintain open vistas,</td>
<td></td>
<td>for agriculture and natural</td>
</tr>
<tr>
<td></td>
<td></td>
<td>protect natural resources, and provide access to public lands.</td>
<td></td>
<td>areas</td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>Allowed Uses</strong></td>
<td></td>
<td>5 acre minimum for developed</td>
</tr>
<tr>
<td></td>
<td></td>
<td>▶ All agricultural uses, including grazing, field crops, haying, animal production,</td>
<td></td>
<td>sites</td>
</tr>
<tr>
<td></td>
<td></td>
<td>or similar and appropriate support facilities</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>▶ Mining and forestry production and processing</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>▶ Golf courses, recreational, and equestrian uses</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>▶ Habitat protection, watershed management</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>▶ Public and quasi-public uses</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>▶ Single family, large lot residential</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>(minimum 5-acre lot)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>▶ Areas typically unsuitable for human occupation due to public health and safety</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>hazards, such as floodways, unstable soils, and other environmentally-sensitive</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>features</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Native American Lands</td>
<td>NAL</td>
<td><strong>Purpose and Application</strong></td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td></td>
<td></td>
<td>The Native American Lands designation applies to lands held in trust by the Bureau</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>of Indian Affairs over which the County has no land use jurisdiction. The County</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>encourages planned uses on these lands that are compatible with surrounding areas.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>Allowed Uses</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>▶ n/a</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Notes:**
du = dwelling unit(s)  
ac = acre  
sf = square foot

### 3.2 Land Use Overview

**Animal Keeping**

While a normal aspect of lands designated for agriculture, animal keeping (non-domestic, farm animals) in residential areas can raise concerns, depending on lot sizes and proximity to other uses. There is a need to modify guidelines for animal keeping in residential areas to include standards that are clearer and define the types and quantities of animals being kept on residentially-designated properties.

**Housing**

The quality, diversity, and affordability of housing are factors that support growth and enhance the quality of life in the county. In some areas of the county, there is a general lack of housing diversity, meaning that the housing price and type options are limited within unincorporated areas of the county.
Recent residential growth trends show that the general distribution of housing is located around the urban area surrounding Rapid City and Box Elder and in the foothill regions of the Black Hills. This trend is projected to continue, making it important to ensure diverse housing options in these areas. While these areas are forecasted for the majority of future residential growth, there is a need for affordable and diverse housing options in all three Focus Areas.

**Mining**
Mining activities in Pennington County include aggregate and mineral mining. Most of the mining operations are for sand and gravel, which makes up 81% of the total acres mined. Many of the mining operations occur in the foothill areas of the Black Hills along I-90. Sand and gravel operations are also prominent in the Eastern Plains, northwest of Scenic. While mining is an important component to the county's economy, it is important to ensure that mining activities are balanced with natural open space. This includes evaluating impacts to erosion and pollution.

**Agriculture**
Agriculture is a predominant land use in the county, especially in the Eastern Plains Focus Area, and will be continued under the current Comprehensive Plan. Maintaining a viable agricultural land use base is an important component to maintaining the county's heritage and economy. Agricultural uses are designated on the FLUM under a single "Agriculture" designation, with further definition of minimum lot sizes being established in the Zoning Ordinance. The single designation in the Comprehensive Plan will allow greater flexibility in the use of land. This consolidation to a single designation does not impact tax advantages for productive agriculture parcels.

Additional information regarding agriculture in Pennington County is found in Chapter 5, Agriculture.

**Public Facilities**
While the County does not provide any wastewater treatment services, it does regulate on-site wastewater treatment systems (such as septic systems) in unincorporated areas. As the county has a variety of soils and varying depths to groundwater systems, it is important to ensure on-site systems are installed and operated appropriately to protect water quality and the environment.

For unincorporated areas within 1-mile of Rapid City municipal area, connections to sanitary sewer service are required.

**Military Compatibility**
There are two military installations in Pennington County: Camp Rapid, part of the South Dakota National Guard, and Ellsworth Air Force Base (AFB). Camp Rapid is part of the South Dakota National Guard. In addition to Camp Rapid, the South Dakota National Guard also includes West Camp Firing Range and the Aviation Support Facility, which is located at the Rapid City Regional Airport. The National Guard has low level flying areas in the Black Hills and southeast of Rapid City.

Although Camp Rapid and Ellsworth AFB are military property; thus, not under the jurisdiction of Pennington County, it is important to ensure that land uses surrounding the installations are compatible with the military mission and operations. One method to do this is through a Military Influence Area (MIA). The 2016 Ellsworth AFB Joint Land Use Study (JLUS) provides guidance related to compatibility and encroachment issues for this base. More information regarding the operations at Ellsworth AFB are discussed in Chapter 9, Health and Safety.
Building Codes
Currently, Pennington County does not have an established set of building codes that determine construction practices for structures, and the County does not inspect new construction. The adoption of standards, such as the International Building Code, can establish standards for new structures as well as remodeling of existing buildings.

Floodplains
There are various floodplains and floodways designated throughout the county (see Chapter 9 in the Existing Conditions Report for locations). In 2018, 57,118 acres in Pennington County were identified as being within a 100-year floodplain, which includes locations in all three Focus Areas. Due to the potential hazards associated with structures in a floodway, limitations on changes within the floodway are required in order to protect health and safety.

3.3 Goals and Policies

<table>
<thead>
<tr>
<th>Goal LUH-1</th>
<th>The County has a well-balanced mix of agricultural, residential, commercial, and industrial land uses.</th>
</tr>
</thead>
<tbody>
<tr>
<td>LUH-1.1</td>
<td>The County should strive to encourage a mix of land uses in and surrounding communities and cities in the county.</td>
</tr>
<tr>
<td>LUH-1.2</td>
<td>The County should encourage the development of small neighborhood convenience and grocery uses immediately surrounding residential land uses in cities and towns to meet the everyday shopping and personal needs of residents.</td>
</tr>
<tr>
<td>LUH-1.3</td>
<td>Travel-oriented tourist commercial uses (e.g., entertainment, commercial recreation, lodging, restaraunts, fuel) shall be located in areas where traffic patterns are oriented to major arterials and highways. Exceptions may be granted for resort or retreat related developments that are sited based on unique natural features.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Goal LUH-2</th>
<th>The County has a diverse housing stock that meets the needs of all county residents.</th>
</tr>
</thead>
<tbody>
<tr>
<td>LUH-2.1</td>
<td>The County should encourage a range of housing sizes, costs, and densities within subdivisions and PUDs that meet the housing needs of current and future residents of all ages.</td>
</tr>
<tr>
<td>LUH-2.2</td>
<td>The County should encourage the development of accessory dwelling units on properties with adequate size as a means to enhance the availability of more cost-effective housing choices.</td>
</tr>
<tr>
<td>LUH-2.3</td>
<td>The County should encourage high density residential development (greater than 6 dwelling units per acre) to locate adjacent to city limits and in areas that can be served by community infrastructure.</td>
</tr>
</tbody>
</table>
LUH-2.4 The County should consider the provision of incentives for the development of affordable housing, including density bonuses, expedited permitting, and fee waivers.

LUH-2.5 Multi-family development should provide appropriate buffers and/or setbacks when adjacent to existing single-family residential uses.

LUH-2.6 Residential uses with different densities or character should incorporate appropriate transitions to reduce potential negative impacts.

Goal LUH-3

The county has attractive, stable, and safe residential areas.

LUH-3.1 The County shall encourage residential infill development in cities and unincorporated communities in order to promote the existing infrastructure.

LUH-3.2 The County should provide for stable neighborhoods by minimizing adverse effects from conflicting land uses.

LUH-3.3 The County should enhance animal keeping regulations to ensure compatibility between adjacent residential uses (non-agricultural land use designations only).

Goal LUH-4

Land uses in Pennington County are compatible with military installation operations and Rapid City Regional Airport operations.

LUH-4.1 The County should define and maintain a Military Influence Area (MIA) overlay on the FLUM and Zoning map, which shall be defined based on noise and safety guidance from the current Air Installation Compatible Use Zone (AICUZ) study and Ellsworth AFB Joint Land Use Study (JLUS).

LUH-4.2 The County should ensure that land use density/intensity within the MIA remains consistent with the land use guidance contained in the current AICUZ and JLUS.

LUH-4.3 The County should promote opportunities to attract industries that support military or aviation. This could be done through public-private partnerships, incubators, or other similar processes.

LUH-4.4 The County should work with the City of Rapid City to ensure development around the Rapid City Regional Airport is consistent with current and future air operations and does not impede the ability to extend the airport’s main runway in the future.

Goal LUH-5

Buildings in Pennington County are designed, constructed, and maintained for safety.

LUH-5.1 The County should establish a building code and inspection program.
LUH-5.2 The County should require building inspections for all new residential, commercial, and industrial structures. Structures exempted from this policy are those which have agricultural use associated with property that qualifies for a property tax reduction.

LUH-5.3 The County should require that all mobile homes or modular homes placed in the county must meet International Residential Code requirements.

**Goal LUH-6**

**New development in Pennington County is designed to enhance protection of the area’s natural beauty.**

**LUH-6.1** New, non-residential development should incorporate design components that are less impacting on the natural environment.

**LUH-6.2** New, non-residential development should minimize light pollution off-site by incorporating dark sky protections, like shielded lights.

**LUH-6.3** Uses with different densities, intensities and / or character should incorporate appropriate transitions to reduce potential negative impacts. Appropriate transitions may include but are not limited to, varied lot sizes, landscape buffers, setbacks, as well as roadway and building design.

**LUH-6.4** New development requiring a County discretionary permit shall be planned and designed to maintain the scenic open space character of the Black Hills and rangelands, including view corridors of highways. New development shall utilize natural landforms and vegetation in the least visually disruptive way possible, and use design, construction and maintenance techniques that minimize the visibility of structures on hilltops, hillsides, ridgelines, steep slopes, and canyons. The County should consider the protections of scenic resources as part of project reviews.

**LUH-6.5** The County shall encourage proposed residential subdivisions to be clustered onto portions of the site that are more suitable to accommodating the development, and shall require access either directly onto a public road or via a privately-maintained road designed to meet County road standards.

**LUH-6.6** The County shall ensure that commercial storage facilities, including “mini” storage, indoor and outdoor storage facilities, contractors materials storage areas, and industrial storage areas are screened from view through landscape buffers or other natural landscapes. This does not apply to AG designated areas.

**Goal LUH-7**

The County fosters cooperation with cities and other governmental agencies in Pennington County and adjacent jurisdictions.

**LUH-7.1** The County should consider current and future development (per adopted comprehensive plans) when considering proposals for future development in unincorporated areas.
LUH-7.2 The County should promote coordination with municipalities for development within platting jurisdictional areas.

LUH-7.3 The County shall support growth that is compatible with adopted municipal comprehensive plans.

LUH-7.4 The County shall encourage residential subdivisions to be located in cities or unincorporated communities where adequate services, such as water sanitary sewer and utilities are available.

LUH-7.5 The County should proactively communicate with other governmental organizations on planning issues of mutual concern.

LUH-7.6 The County should work with federal land management agencies to help ensure their planning processes account for private land concerns and public access to federal lands.

**Goal LUH-8**

The County encourages energy conservation in new and existing developments.

LUH-8.1 The County should encourage the use of solar energy, solar hot water panels, and other energy conservation and efficiency features in new construction and renovation of existing structures in accordance with State law.

LUH-8.2 The County should coordinate with local utility providers to provide public education on energy conservation programs.

LUH-8.3 The County should support efforts, when appropriately sited, for the development and use of alternative energy resources, including wind, solar, geothermal, bio-fuels and co-generation.

LUH-8.4 The County should continue to integrate energy efficiency and conservation into all County functions.

**Goal LUH-9**

The County should provide on-going administration and implementation of the Pennington County Comprehensive Plan.

LUH-9.1 The County shall maintain the Comprehensive Plan as needed to ensure that it reflects the needs and desires of those who live, work, and vacation in Pennington County.

LUH-9.2 The County shall review and revise other County planning documents to ensure consistency with the Comprehensive Plan.
Please see the next page.
4.1 Economic Development Overview

Economic development, in terms of a Comprehensive Plan, focuses on improving the economic well-being of residents and businesses. Efforts are typically oriented around creating or retaining jobs, growing incomes, business development and retention, and growing the County's tax base. This is often done by recruiting new businesses, expanding existing businesses, or assisting in start-up businesses. When attracting businesses to the county it is important that a wide-range of industries are considered to provide for a well-rounded economy that is not solely reliant on a single industry.

In this element, the historical growth trends of residential development are examined. This provides an understanding of where people are choosing to live within the county; thereby, identifying concentrations of an established workforce. Additionally, the concentration of existing jobs is examined; thereby, identifying locations where industry clusters would allow employers to draw productive advantage from proximity and connections to other employers.

Five economic development elements will also be examined that are paramount to the county. These are tourism, value-added agriculture, the Rapid City Regional Airport, and Ellsworth Air Force Base (AFB). These elements were identified as key economic drivers for Pennington County by County staff and participants in the public outreach efforts that went into formulating this Comprehensive Plan. An additional economic driver is the healthcare industry with the location of Regional Health in the county.
Existing Workforce
Most residential development within the county has occurred in the Central Pennington Focus Area. This area constitutes the highest concentration of the county workforce. The Black Hills and Eastern Plains have some residential development, although it is primarily low density.

Employment Nodes
Employment nodes are areas throughout the county that have a high concentration of jobs. The location of employment nodes may look similar to the location of recent residential developments, which is to be expected. Often, employers locate where there is a workforce present; furthermore, residential development spurs commercial development which creates jobs in retail and other service sectors.

Rapid City has the highest concentration of jobs in Pennington County. Specifically, the highest concentration of jobs per square mile is in the Rapid City downtown area and near the Rapid City Regional Hospital. Employment densities in these areas are greater than 10,000 jobs per square mile.

Table 4-1 lists the top employers within Pennington County. Of the top employers, 76% are located in Rapid City. The major employer that is not located in Rapid City is Ellsworth AFB, which is the second highest employer (4,519 jobs) and an employment node on its own.

<table>
<thead>
<tr>
<th>Employer</th>
<th>Industry</th>
<th>Employees</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regional Health</td>
<td>Healthcare</td>
<td>4,983</td>
<td>Rapid City</td>
</tr>
<tr>
<td>Ellsworth Air Force Base</td>
<td>Military, Civilian</td>
<td>4,519</td>
<td>Box Elder</td>
</tr>
<tr>
<td>Federal Government</td>
<td>Government</td>
<td>2,912</td>
<td>Rapid City</td>
</tr>
<tr>
<td>City of Rapid City</td>
<td>Government</td>
<td>2,197</td>
<td>Rapid City</td>
</tr>
<tr>
<td>Rapid City Area Schools</td>
<td>Education</td>
<td>1,755</td>
<td>Rapid City</td>
</tr>
<tr>
<td>State of South Dakota</td>
<td>Government</td>
<td>1,217</td>
<td>Rapid City</td>
</tr>
<tr>
<td>Walmart/Sam’s Club</td>
<td>Retail</td>
<td>1,029</td>
<td>Rapid City</td>
</tr>
<tr>
<td>South Dakota National Guard</td>
<td>Military</td>
<td>1,025</td>
<td>Rapid City</td>
</tr>
</tbody>
</table>

Source: Rushmore Region, 2018.

Employment nodes disperse when outside of Rapid City. In the areas surrounding Rapid City, job densities range between 5 and 680 jobs per square mile. This is the same range of jobs in other incorporated cities, such as Hill City, New Underwood, Keystone, and Wall. In these cities, there are multiple nodes with this range of jobs.

Once outside of the cities, and into the unincorporated county, there are generally areas of low to no employment. There are some scattered areas of employment outside of cities, such as northeast of Wall, east of New Underwood, and surrounding the cities in the Black Hills. This employment is limited with job densities ranging between 5 to 680 jobs per square mile.
Tourism
The tourism economy is prominent in Pennington County – tourism attracts businesses and employment opportunities that operate primarily from April to October to accommodate seasonal tourism. 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 within 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, the Sturgis Motorcycle Rally, and the proximity of the Rapid City Regional Airport are all assets that can be leveraged to the County's advantage.

Value-Added Agriculture
Agriculture is the predominant land use present in the Eastern Plains Focus Area and has been so for the majority of Pennington County's history. This is due to the availability of large grassland ranges, fertile soils, and favorable land slope present in the region. Much of the agricultural land in the Eastern Plains are devoted to raising livestock (predominately cattle) and growing crops (predominately wheat and winter wheat).

The County can grow its agricultural economy through the enhancement of value-added agriculture. Value-added agriculture includes processes that change the physical state of an agricultural product into a form that enhances its value, such as milling wheat into flour. As a result of the change in physical state or the manner in which the agricultural commodity or product is produced and packaged, the customer base for the commodity or product is expanded and a greater portion of revenue derived from the processing and sales of the product remains in the county.

Rapid City Regional Airport
Another key economic driver in Pennington County is the Rapid City Regional Airport. The airport provides scheduled passenger, charter, and commercial freight flights. Opportunities to expand service at the airport can have a direct benefit to the tourism economy, particularly by expanded marketing to cities that offer direct flights to Rapid City Regional Airport. But beyond this, the airport can support types of uses / businesses that rely on or support an airport environment, including technology-oriented companies, warehousing, and limited manufacturing. Uses near the airport should complement and support the business functions of the airport and not infringe upon the long-term potential of the regional airport.

Ellsworth Air Force Base
Ellsworth AFB serves as a large economic driver for the county. The County should support the continued mission of Ellsworth AFB through proper compatibility planning and the addition of industries that bolster base operations. Such industries include aerospace and incubator industries. Post-secondary academic campuses could also be integrated with Ellsworth AFB by offering an incubator program on their campus.

Although not a part of Ellsworth AFB, the South Dakota National Guard is also an economic driver. Within Pennington County, the South Dakota National Guard includes Camp Rapid, West Camp Firing Range, and the Aviation Support Facility.
Regional Health
The healthcare industry is prominent in Pennington County. Headquartered in Rapid City, Regional Health serves 20 communities across western South Dakota and in eastern Wyoming. Regional Health has a location in Rapid City, providing 22 health locations and employing almost 5,000 employees.

4.2 Goals and Policies

<table>
<thead>
<tr>
<th>Goal ED-1</th>
<th>The County has a diverse and strong local economy that sustains long-term prosperity for residents and businesses.</th>
</tr>
</thead>
<tbody>
<tr>
<td>ED-1.1</td>
<td>The County should ensure that water infrastructure is sufficient in urbanized areas to support the needs and growth of businesses and industry.</td>
</tr>
<tr>
<td>ED-1.2</td>
<td>The County should identify available and appropriate incentives to encourage business attraction.</td>
</tr>
<tr>
<td>ED-1.3</td>
<td>The County should encourage development of businesses and industries oriented toward differing segments of the marketplace.</td>
</tr>
<tr>
<td>ED-1.4</td>
<td>The County should consider developing a business retention program.</td>
</tr>
<tr>
<td>ED-1.5</td>
<td>The County should work cooperatively with cities, Meade County, and other local and regional economic development entities, such as South Dakota Ellsworth Development Authority (SDEDA), to expand and improve the economic base of Pennington County.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Goal ED-2</th>
<th>The County has a range of educational opportunities for workforce development.</th>
</tr>
</thead>
<tbody>
<tr>
<td>ED-2.1</td>
<td>The County should work with local businesses to identify training program needs and options to fill those needs in the county.</td>
</tr>
<tr>
<td>ED-2.2</td>
<td>The County should work with post-secondary academic campuses to share information on employment needs, internship opportunities, and further prepare graduates for the workplace.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Goal ED-3</th>
<th>Pennington County attracts diverse industries that are considerate of the natural environment.</th>
</tr>
</thead>
<tbody>
<tr>
<td>ED-3.1</td>
<td>The County should work to attract industries that are compatible with the sensitive environment, such as businesses that have low water consumption.</td>
</tr>
<tr>
<td>ED-3.2</td>
<td>The County should continue to attract clean, environmentally-friendly businesses.</td>
</tr>
</tbody>
</table>

Economic Development Element
Goal ED-4
Pennington County supports the growth of existing industries.

ED-4.1 The County should continue to attract tourism-related businesses to support and expand tourism offerings, attractions, and facilities.

ED-4.2 The County should support value-added agriculture opportunities in the Eastern Plains.

ED-4.3 The County should work with other adjacent counties and other regional economic development entities, to expand and improve the economic base of Pennington County.

ED-4.4 The County should allow for development of its natural resources in an economically feasible and environmentally sustainable manner.

ED-4.5 The County should continue to support other economic drivers, such as, but not limited to, mining and logging.

Goal ED-5
Pennington County supports military bases and facilities and commercial aviation.

ED-5.1 The County should continue to support Ellsworth AFB and Rapid City Regional Airport as economic drivers by establishing a planning notification when developing area near the airport.

ED-5.2 The County should consider disclosure statements for any residential development within or adjacent to airport notice contours.

ED-5.3 The County should support the development of compatible industries around Rapid City Regional Airport, such as aerospace and energy technology-oriented companies, warehousing, and limited manufacturing.

ED-5.4 The County should partner with Ellsworth AFB to develop aerospace and incubator industries that could support the installation.

ED-5.5 The County should develop and adopt an Airport Zoning Overlay zone that provides guidance for development within the 55 DNL noise contours associated with both Ellsworth AFB and the Rapid City Regional Airport.
Please see the next page.
5.1 Agricultural Overview

Agricultural uses are an important part of Pennington County's heritage. These uses are located throughout the county, but are a more dominant land use in the Eastern Plains Focus Area. In total, 52.3% of the county's land area, or 893,090 acres, is designated Agriculture in the future land use map. While the amount of agricultural land has decreased in recent years, agriculture continues to be influential throughout the county and in South Dakota as a whole. Additionally, although the total land area for agriculture has decreased, individual agriculture businesses have grown, indicating that agriculture continues to have a significant part in Pennington County's current economy and will continue to be important economic driver in the future.

Production Enhancement

Agriculture in Pennington County comprises both crop and livestock operations. In 2012, most of the farmland was pastureland, with about one-fifth comprised of cropland. The top livestock in Pennington County is cattle and calves (93%). The top crops in the county is wheat for grain (34%) and winter wheat for grain (30%). Additionally, hay and corn for grain are also prevalent.

While these livestock and crop operations contribute greatly to the economy and overall heritage of the county, there is also a need to expand value-added agriculture opportunities. "Value-added," for agricultural, refers to uses or facilities that increase the value of agricultural products over the cost of the raw agricultural inputs, such as canning, drying, freezing, processing, or packaging agricultural produce for ultimate sale to consumers. This type of agriculture production is the next step in the process and introduce new industry into the county and create new employment opportunities.
The County allows such value-added agricultural industry through the Zoning Ordinance; however, these uses are generally found in the Industrial zoning categories. Value-added agriculture is further expanded upon in Chapter 4, Economic Development.

Compatibility
Agriculture is a dominant land use in the county, making it important to consider the effects that future development can have on agriculture and its associated operations. Agricultural land can become fragmented if non-agricultural developments become scattered throughout an agricultural area. While some residential, commercial, and industrial uses may be present to support the agricultural industry, agricultural land in the Eastern Plains should be planned to prevent incompatible encroachment of urbanization.

5.2 Goals and Policies

Pennington County promotes the long-term preservation of productive and potentially-productive agricultural lands and to accommodate agricultural-support services and agriculturally-related activities that support the viability of agriculture and further the county's economic development goals.

Goal AG-1

AG-1.1 The County shall maintain agriculture as the primary land use in the Eastern Plains Focus Area of the county, not only in recognition of the economic importance of agriculture, but also in terms of agriculture's real contribution to the conservation the county's heritage, open space, and natural resources.

AG-1.2 The County shall allow by discretionary permit within the Eastern Plains Focus Area, agriculturally-related uses, including value-added processing facilities, and certain non-agricultural uses. Approval of these and similar uses in areas with an Agriculture (AG) land use designation shall be subject to the following criteria:

- The use shall provide a needed service to the surrounding agricultural area which cannot be provided more efficiently within urban areas or which requires location in a non-urban area because of unusual site requirements or operational characteristics;

- The operational or physical characteristics of the use shall not have a detrimental impact on water resources or the use or management of surrounding properties within at least one-quarter (1/4) mile radius; and

- A probable workforce should be located nearby or be readily available.

AG-1.3 The County shall seek to protect and enhance surface water and groundwater resources critical to agriculture.
AG-1.4 The County should generally condition discretionary permits for residential subdivisions within or adjacent to agricultural areas in the Eastern Plains Focus Area to record a Right-to-Farm Notice with the plat or subdivision map, which shall be an acknowledgment that residents in the area should be prepared to accept the inconveniences and discomfort associated with normal ranch and farm activities and that an established agricultural operation shall not be considered a nuisance due to changes in the surrounding area.

AG-1.5 The County should encourage traditions that celebrate the County’s agricultural heritage through cultural activities, the arts, and special events.

AG-1.6 The County should continue to provide property tax incentives for agriculture property owners that meet the criteria for agricultural land classification determined by the County Commission in accordance with SDLC 10-6-31.3.

AG-1.7 The County should ensure that properties in agricultural designations meet the minimum lot size requirements in order to support appropriate farming and ranching activities.

AG-1.8 The County should work with local farmers to identify additional opportunities for value-added agriculture.

AG-1.9 The County should provide services and facilities to support the needs of agricultural uses.

AG-1.10 The County shall support the expansion of agricultural tourism that helps maintain sites in agricultural production, provided these activities do not negatively impact ongoing agricultural operations on adjacent lands.
Goal AG-2

Agricultural uses are compatible with surrounding land uses.

AG-2.1 The County should encourage that the high impact agricultural processes do not negatively affect surrounding sensitive land uses.

AG-2.2 The County should consider the placement of agricultural related future developments, such as residential, commercial, and industrial, during the development review process to ensure that agricultural areas do not become fragmented.
6.1 Transportation & Circulation Overview

Transportation System
A modern, safe, and efficient transportation system is essential to the economic growth and overall quality of life of an area. The County's circulation system should enhance mobility by integrating various modes of travel, including vehicles, pedestrians, bicycles, and public transportation. The system should also provide an integrated transportation system that serves all segments of the population as well, including the school age children, the elderly, and persons with disabilities.

The transportation network in Pennington County supports more robust system usage and conditions due to agricultural trucks and equipment, heavy truck usage on highways and county roads, heavy tourism usage, and weather exposure. These conditions place a heavy burden on roadway conditions in the county. As such, roadway maintenance has been identified as one of the major issues detracting from residents' quality of life. Recent attempts to fund improvements and maintenance through a wheel tax were voted down in 2016. Loss of the wheel tax made the County ineligible for state Bridge Improvement Grant (BIG) funds that would provide additional financial assistance to improve roadway conditions.

The circulation system in Pennington County is based on a system of major and minor arterial roads, collector roads, and local roads. The major arterials that contain the highest capacity traffic through Pennington County include
Interstate 90 (I-90), US Highway 16, US Highway 385, South Dakota Route (SD) 79, and SD 44. Maintenance of these facilities is funded through federal or state monies. The other classifications are considered local roads and are maintained by the Pennington County Highway Department. In addition to County-maintained roads, there are 143 road districts within the County, which are established by landowners to use local taxes within their district’s jurisdiction to maintain district roadways.

The transportation system in Pennington County are shown for each Focus Area on Figure 6-1, 6-2, and 6-3.

**Tourism Traffic**
During tourism season (April – October each year), transportation demands increase notably at the Rapid City Regional Airport and on highways and roadways throughout the county, especially near key attractions, such as Mount Rushmore. Additionally, the City of Sturgis, South Dakota (approximately 40 miles northwest of Rapid City) is well-known for holding the annual Sturgis Motorcycle Rally, which is one of the largest motor events in the world. In 2015, this annual event set its attendance record of approximately 739,000 visitors, many of which fly through Rapid City Regional Airport and travel the roads of Pennington County.

**Scenic Byways**
The Scenic Byways Program recognizes those roadways which exhibit the State’s unique character and beauty. Individuals, organizations and local governments may identify roadways with truly distinctive qualities and nominate them for State Scenic Byway designation. Routes which display scenic, cultural, geologic, wildlife habitat or other aesthetic features are eligible for consideration. In Pennington County, the only State Scenic Byway is the Peter Norbeck Scenic Byway, a 68-mile double loop in the Black Hills, just south of Keystone and Hill City.

**Trails and Bicycle Systems**
Pennington County does not own or maintain any trails or bike routes, but there are some existing, planned, and proposed bike routes and trails in Rapid City. The US Forest Service also owns and maintains trails through the Black Hills National Forest, including the Centennial Trail. The Mickelson trail through the Black Hills is managed by South Dakota Game, Fish and Parks.

Bicyclists in unincorporated Pennington County largely use roadways and paths for recreational and commuting purposes.
Transportation & Circulation Element

Public Transportation
Pennington County does not provide any public transportation services or participate in any public transportation programs. As such, all public transportation found in the county is provided by incorporated municipalities or private businesses. Rapid City has three different public transit services: Rapid Ride, Dial-A-Ride, and City View Trolley that provide more than 400,000 annual passenger trips.

Rapid City Regional Airport
Another integral part of Pennington County’s transportation infrastructure is the Rapid City Regional Airport, located seven miles east of Rapid City along SD 44. The Rapid City Regional Airport provides regularly scheduled passenger, charter, and commercial freight services. In 2016, the Rapid City Regional Airport had 272,537 total enplanements, which is over a 3% growth from 2015. A large portion of this travel is from tourists visiting the various natural and culture sites throughout Pennington County, including the Mount Rushmore National Memorial, Black Hills National Forest, and Badlands National Park.

6.2 Goals and Policies

<table>
<thead>
<tr>
<th>Goal TC-1</th>
<th>Pennington County maintains a safe and efficient transportation network for its residents and visitors.</th>
</tr>
</thead>
<tbody>
<tr>
<td>TC-1.1</td>
<td>The County should continue to identify and pursue grants and other funding sources to supplement the County’s available maintenance funding.</td>
</tr>
<tr>
<td>TC-1.2</td>
<td>The County should pursue grants and other funding sources to enhance transportation diversity (pedestrian, bicycle, and public transportation facilities) and access to all portions of the county population.</td>
</tr>
<tr>
<td>TC-1.3</td>
<td>The County should enhance bicycle safety as part of future roadway maintenance projects.</td>
</tr>
<tr>
<td>TC-1.4</td>
<td>The County shall coordinate transportation plans and projects with the various federal, state, and local jurisdictions and agencies within the County, including, but not limited to, the US National Park Service, US Forest Service, Department of Defense, Bureau of Land Management, South Dakota Department of Transportation (SDDOT), and Rapid City.</td>
</tr>
<tr>
<td>TC-1.5</td>
<td>The County should seek opportunities to incorporate new technologies into their transportation system, such as facilities for electronic vehicles, autonomous vehicles, and ridesharing services.</td>
</tr>
</tbody>
</table>
Goal TC-2

Pennington County features a multimodal transportation network.

TC-2.1 The County should examine the feasibility of a bicycle route as a long-term project.

TC-2.2 The County should consider a bicycle advocacy program to encourage bicycling as a viable form of transportation throughout the County.

TC-2.3 The County should support alternative transportation options for traveling tourists, including both public and private transportation methods of transporting tourists to and from various destinations within Pennington County.

Goal TC-3

The Rapid City Regional Airport is an expanding commercial passenger and freight airport that supports both tourism and economic development.

TC-3.1 The County should support efforts to improve and expand upon the Rapid City Regional Airport.

TC-3.2 The County shall work with Rapid City to improve north/south roadway access and circulation from the Rapid City Regional Airport to South Dakota Highway 44 in order to support expanded operations.

Goal TC-4

Enhanced wayfinding and signage throughout Pennington County helps efficiently guide visitors to their destinations while improving upon the overall aesthetics of the County.

TC-4.1 The County should develop a wayfinding signage program along major transportation routes to provide clear and simple directions to visitors to easily find their destinations within the County. Additionally, the wayfinding signage program should feature unique, identifiable branding that portrays and embraces Pennington County's character and enhances upon the overall aesthetics of the area.

TC-4.2 The County should work with the local municipalities and federal agencies to help implement the wayfinding signage program through identifying strategic locations for signs.

TC-4.3 The County should implement a signage ordinance that regulates the type, size, location, and special effects of commercial signs, and ensure commercial signage is consistent with the community character.
Goal TC-5

The County offers scenic views for travelers along the county's roads and highways.

TC-5.1
The County shall protect views of natural and working landscapes along the county's highways and roads by maintaining a designated system of County Scenic Routes and State Scenic Byways. This may include the following:

- Require development along eligible State Scenic Byway corridors to adhere to land use and design standards and guidelines required by the State Scenic Byway Program;
- Support and encourage citizen initiatives working for formal designation of eligible segments of as State Scenic Highways.
- Formalize a system of County Scenic Routes throughout the county; and
- Require development located within County Scenic Route corridors to adhere to local design guidelines and standards designed to protect significant scenic resources by:
  - Maintaining the rural character of roadway rights-of-ways, highway signage, and related roadway and structure design;
  - Protecting primary viewsheds from development;
  - Prohibiting development of highway commercial projects that do not respond to their physical or cultural context; and
  - Featuring the community centers/main streets of the gateway communities of Hill City and Keystone.

TC-5.2
The County shall use the county's scenic roads and highways to connect cultural landscapes, historic landmarks and communities, and points of interest including:

- Historic travel routes and trails;
- Historic settlements;
- Historic places, events, sites, buildings and structures;
- Prehistoric and archeological features; and
- Majestic trees, vistas, streetscapes and parks.

TC-5.3
The County shall work with SDDOT and property owners to limit billboards and other forms of off-site advertising along State Scenic Byways and County Scenic Routes.

TC-5.4
The County shall seek to reduce the number of billboards along State Scenic Byways and County Scenic Routes.
Please see the next page.
Public Services & Facilities Element

A variety of entities provide public services and facilities in Pennington County, including county, state, and federal agencies, special districts, and the private sector. With such a range of entities, it is important to maintain a high degree of coordination to help ensure levels of service are sustained and facilities / infrastructure are provided that keep pace with development.

The quality and capabilities of the public services and facilities offered can enhance the livability and economic potential within the county. This Element provides a policy framework to guide the County and other service providers in delivering the services and facilities needed to contribute to the overall high quality of life enjoyed in Pennington County. Public facilities are shown on Figure 7-1.

7.1 Infrastructure Overview

Water Supply
The County is not a potable water supplier; as such, unincorporated communities and individual developments within the county receive water from a water district or individual wells. The majority of the potable water in Pennington County comes from groundwater. All but the crystalline core of the Black Hills is underlain with one or more aquifers that yield water of varying quality. Within the crystalline core of the Black Hills that extends from Rockerville to Deer Field Reservoir, groundwater supplies are limited and depend upon secondary permeability in fracture zones and seasonal recharge from rain and snow. The aquifers within the county capable of supplying sufficient quantities of water to support municipal and industrial growth are the Deadwood, Madison, Minnelusa, Minnekahta, and Inyan Kara Aquifers.
Water Districts
There are two water development districts within Pennington County: the West River Water District and the West Dakota Water District. Water districts promote the conservation, development, and proper management of water resources.

Storm Water
Storm water management is important in maintaining local water quality. Storm water discharge can affect the quality of water as it can carry pollutants into local waterways and percolate into the county's groundwater resources. According to the United States Environmental Protection Agency (EPA), Pennington County is considered a regulated small municipal separate storm sewer system (MS4). An MS4 is a conveyance system that is comprised of drainage systems, catch basins, gutters, storm drains, and man-made channels.

Through EPA regulations, MS4s are required to develop and implement a storm water management plan (SWMP) to address storm water issues. Pennington County's most recent SWMP was updated in 2016 and is jointly managed by the County's Planning and Highway departments.

Wastewater
The County does not provide wastewater treatment services; however, the County does regulate on-site wastewater treatment systems present in unincorporated areas. 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. Sanitary Districts exist in the county, but primarily within the Rapid City 1-mile on-site wastewater treatment system buffer area.

Presently, only Rapid Valley Sanitary District, Cedar Gulch Sanitary District, and Rapid Canyon Sanitary District have sewer collection systems that ultimately go into Rapid City's wastewater treatment plant. All other sanitary districts have individual treatment and discharge systems.

An issue that was identified during the planning process was the adequacy of on-site wastewater treatment system inspections from the County. Section 204-J of the County Zoning Ordinance states that an operating permit for an on-site wastewater treatment system is valid for 6 years. The ordinance provides no guidance on system maintenance, inspection requirements, or pumping requirements. Malfunctioning or damaged on-site wastewater treatment system can cause environmental damage to the surrounding area and contaminate the water supply. Common problems with on-site wastewater treatment system include tree root damage, ground movement, and collapsed baffles / damaged dip pipes.
7.2 Public Safety Overview

Fire
Pennington County is served by 21 volunteer fire departments and one full-time fire department. According to County staff, there are over 450 volunteer fire fighters in Pennington County. Providing fire protection in rural, forested areas is not the same as fire protection within a city. Response times to fire emergencies are generally slower, the road network may not allow easy access to the fire, and substandard roads may not accommodate current firefighting apparatus. As the county continues to grow and develop, efforts should be made to mitigate fire dangers in rural areas.

Emergency Management
The Emergency Management Department serves as the countywide agency overseeing the planning, response, recovery, and mitigation of any disasters or emergencies that occur within Pennington County. The department operates out of the Emergency Operation Center (EOC) located in the Pennington County Administrative Building in Rapid City.

7.3 Public Facilities Overview
According to the 2010 Facilities Master Plan, Pennington County occupies 482,692 square feet of facility space. The majority of county administrative buildings are centrally located in Rapid City. As the County has experienced consistent growth over the past 40 years, the need for additional space to accommodate County departments and agencies has increased. The 2010 Facilities Master Plan projects the need for a total of 683,954 square feet of facility space by the year 2025.

Libraries
Pennington County does not have any library facilities. However, the County does provide over $450,000 on a yearly basis to support municipal libraries present in incorporated communities. There are five public libraries within the county, Hill City, Keystone, and Wall each has one library and Rapid City has a main library location and a branch location. There are also a number of non-public libraries in Pennington County, including the Holbrook Library at Ellsworth Air Force Base and campus libraries at educational facilities within the county.

Schools
Pennington County has a robust inventory of education facilities that contribute to the quality of life and economic strength of the community. Within the county there are five public school districts with 41 total public schools. Pennington County also has several post-secondary options for those seeking higher education. Post-secondary schools within the county include Black Hills State University – Rapid City, South Dakota School of Mines and Technology, Western Dakota Technical Institute, John Witherspoon College, Black Hills Beauty College, and National American University.
### 7.4 Goals and Policies

#### Goal PSF-1
**The County protects its water resources.**

<table>
<thead>
<tr>
<th>PSF-1.1</th>
<th>The County should coordinate with state, federal, and local resource management agencies to preserve and improve the quality of surface water and groundwater.</th>
</tr>
</thead>
<tbody>
<tr>
<td>PSF-1.2</td>
<td>The County should require reasonable assurance that wells and water sources are not impacted from high pollution sources.</td>
</tr>
<tr>
<td>PSF-1.3</td>
<td>The County should consider the impacts to surface water and groundwater quality in the consideration for approval of all development.</td>
</tr>
<tr>
<td>PSF-1.4</td>
<td>The County should educate the public about water quality, sources, scarcity, conservation methods, and wastewater treatment.</td>
</tr>
</tbody>
</table>

#### Goal PSF-2
**Storm drainage facilities are of adequate size and location to serve the needs of the County and enhance public safety.**

<table>
<thead>
<tr>
<th>PSF-2.1</th>
<th>The County should encourage stormwater facility designs that minimize drainage concentrations, minimize impervious coverage, and avoid floodplain areas, where feasible.</th>
</tr>
</thead>
<tbody>
<tr>
<td>PSF-2.2</td>
<td>The County should require the provision of erosion control measures to minimize sedimentation of streams and drainage channels.</td>
</tr>
<tr>
<td>PSF-2.3</td>
<td>The County should coordinate stormwater drainage and flood management with the Federal Emergency Management Agency (FEMA) and other appropriate South Dakota and local agencies.</td>
</tr>
</tbody>
</table>

#### Goal PSF-3
**On-site wastewater treatment systems in the County are well-maintained and protect the County's water resources.**

<table>
<thead>
<tr>
<th>PSF-3.1</th>
<th>The County should encourage developments to connect into public wastewater treatment systems.</th>
</tr>
</thead>
<tbody>
<tr>
<td>PSF-3.2</td>
<td>The County should require on-site wastewater treatment systems to be inspected.</td>
</tr>
<tr>
<td>PSF-3.3</td>
<td>The County ordinance pertaining to on-site wastewater treatment systems should ensure public safety and protection of water resources.</td>
</tr>
<tr>
<td>PSF-3.4</td>
<td>The County should consider on-site wastewater treatment system risks to the natural environment and require applicants to ensure protection of natural resources when planning for future on-site wastewater treatment systems.</td>
</tr>
</tbody>
</table>
PSF-3.5  The County should support technological innovation to protect and ensure the sustainability of our water resources.

Goal PSF-4  The County actively supports and enhances fire and emergency response services.

- PSF-4.1  The County should consider codifying the Fire Resistive Building Requirements and Firewise Landscaping guidelines from the Community Wildfire Protection Plan.
- PSF-4.2  The County shall regularly update the Community Wildfire Protection Plan with updated design guidelines and methods for educating the public of fire hazards.
- PSF-4.3  The County should work with the Federal government to better manage fuel loads on federally-owned land.
- PSF-4.4  The County should update the House Number Placement Ordinance (Ordinance #20) to ensure that the design and placement of the building numbers are visible to assist with emergency response.
- PSF-4.5  The County should evaluate the need for additional equipment and volunteer firefighters within Pennington County.
- PSF-4.6  The County shall continue to update all aspects of disaster planning.
- PSF-4.7  The County shall work to enhance and increase enrollment in the Community Emergency Response Team (CERT) program.

Goal PSF-5  The County has adequate public facilities to provide for its residents.

- PSF-5.1  The County should evaluate the facility needs identified in the 2010 Facilities Master Plan to plan for future facility expansion.
- PSF-5.2  The County should identify additional funding sources to support municipal facilities like libraries, recreation facilities, and museums.
Please see the next page.
8.1 Recreation, Open Space and Tourism Overview

Recreation opportunities and open spaces in Pennington County provide areas for residents to engage in healthy lifestyles, enjoy the natural wonders and vistas in the county, and provide outdoor areas to gather other residents and visitors. Outdoor opportunities can be found in the two National Parks, the National Grasslands and Forests, and other open spaces within the county. These federally managed lands and other community and private recreation areas provide great options for recreation for residents and draw significant tourism to the county each year.

Community Parks

Pennington County does not have its own parks facilities; however, the cities and towns within the county have community-owned parks that are available for all county residents. Most of the community park facilities are found in Rapid City. The City of Rapid City has a Parks and Recreation Department that is responsible for the maintenance and operation of 34 parks, comprising 1,650 acres. The City also has designated greenways located along Rapid Creek. The greenways have minimal development and consist mainly of native vegetation along the creek. Parks are shown on Figure 8-1.

Federal Lands

There are large areas of open spaces in Pennington County that are administered by the U.S. Department of Agriculture (USDA), Forest Service, and the National Park Service, totaling 609,902 acres. Federal lands are shown on Figure 8-2.
Badlands National Park
Badland National Park (NP) is 244,000 acres, approximately half of which is in Pennington County. The Badlands NP attracts tourists who visit to view wildlife and participate in various recreational opportunities, such as camping, hiking, and bicycling. There are 16 miles of hiking trails in addition to backcountry hiking. Bicycling opportunities are available on designated paved, gravel, and dirt roads, but bicycles are not permitted on hiking trails or in the backcountry areas. Developed camp sites and backcountry camping are both available at the Park.

Black Hills National Forest
Among the federally owned lands is the Black Hills National Forest in western Pennington County. The National Forest is a tourist destination, attracting millions of visitors every year. Within the forest, there are picnic areas, campgrounds, over 350 miles of trails, and many other recreation opportunities, such as mountain biking, off-highway vehicle roads, hunting, and fishing. Through the Pactola Visitor Center, located west of Rapid City on Highway 385, visitors can learn about the cultural history of the Black Hills.

Key destinations and attractions include the George S. Mickelson Trail, Centennial Trail, Black Elk Peak (the highest natural point in the state), and Mount Rushmore National Memorial.

Buffalo Gap National Grassland
Buffalo Gap National Grassland is one of the 20 National Grasslands in the U.S. The Grassland is administered by the USDA Forest Service. There is one visitor center, located in the City of Wall. Within the national grassland there are opportunities for bicycling, camping, hiking, horse riding, hunting, nature viewing, and areas for rockhounding.

Minuteman Missile National Historic Site
Located in Pennington and Jackson Counties, the National Historic Site consists of three facilities: a main office, a launch control center, and a missile silo/launch facility. The last two facilities were formerly operated by the 66th Strategic Missile Squadron of the 44th Strategic Missile Wing, headquartered at Ellsworth Air Force Base.

Mount Rushmore National Memorial
Located in the Black Hills National Forest, Mount Rushmore attracts approximately three million visitors every year, mainly during the summer months of June, July, and August. The memorial is lit in the evening during Evening Lighting Ceremonies from the end of May to the end of September, extending the use of the facilities into the evening.

Tourism
Tourism is one of the key industries within Pennington County. Anchored by the federal lands described earlier, the tourism attractions within the county (federal lands and private attractions) draw in millions of tourists every year and provide significant business and employment opportunities. Some of the notable private attractions are listed below.

Wine Trail
Highway 385 is considered the “wine trail” area in South Dakota. The 50-mile drive connects different wineries and passes through forested glens and meadowlands, as well as providing roadside views of Pactola Reservoir and Sheridan Lake.
Recreation, Open Space & Tourism Element

Wall Drug Store
Wall Drug Store first opened in 1931 by husband and wife Ted and Dorothy Hustead. The store started as a single storefront but has since expanded to cover nearly an entire city block. Within the drug store complex is a café, western art gallery, pharmacy museum, travelers chapel, gift shop, and dozens of other specialty shops. The store has become a major tourist attraction for the City of Wall and Pennington County, attracting over a million visitors every year.

Sturgis Motorcycle Rally
Every year, the City of Sturgis (located 28 miles northwest of Rapid City) hosts the Sturgis Motorcycle Rally. The rally is a weeklong event, drawing hundreds of thousands of attendees. The rally had its highest attendance in 2015 with 739,000 attendees. The rally includes numerous concerts, a 5k run, motorcycle rally, more than 100 food vendors, tattoo contest, and the Mayor's pub crawl. While the City of Sturgis is outside of Pennington County, many of the attendees of the motorcycle rally stay in Pennington County, utilize shopping and dining options in the county, and visit the tourist sites located in the county.

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 its 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 America's top courses are right here in the heart of the Black Hills.

8.2 Goals and Policies

<table>
<thead>
<tr>
<th>Goal ROST-1</th>
<th>The County supports, maintains, and enhances public lands.</th>
</tr>
</thead>
<tbody>
<tr>
<td>ROST-1.1</td>
<td>The County should ensure roadways and accessways to public lands like Mount Rushmore National Memorial are safe and easy to traverse.</td>
</tr>
<tr>
<td>ROST-1.2</td>
<td>The County should work with SDDOT and local cities to develop and support a unified, county-wide wayfinding program.</td>
</tr>
</tbody>
</table>
ROST-1.3 The County should work with the National Forest Service and National Park Service to routinely coordinate on upcoming plans and program changes that could have benefits or challenges that the other entities should address.

Goal ROST-2 The County cooperates with federal and state agencies, tribal governments, cities, and private land managers regarding open space and the tourism economy.

ROST-2.1 The County should explore methods to fund an open space system that meets the needs of county residents and visitors.

ROST-2.2 The County should support private land managers, management agencies, and citizen groups in their maintenance efforts of recreational opportunities.
9.1 Health & Safety Overview
Providing for the community health, safety and security is an important and central function of government. This Element provides policies related to the protection of the community through the provision of public safety and protections from hazards in the man-made and natural environment.

The unique geography of Pennington County creates natural hazards, such as flooding and wildfire. Man-made hazards also exist within the community including air operations, solid waste disposal and hazardous materials. As the county becomes more populated, it will be more important to manage these impacts to protect public health and safety.

Flood Hazards
The hazards posed by flooding can be a significant threat to the safety of residents and visitors, in addition to potential risks and damage to buildings and property. Effective stormwater management policies, through programs, regulations and partnerships with local jurisdictions, are essential to reducing flood risk potential.

There are various floodplains and floodways throughout the county. Floodplains include lowlands adjacent to river channels, streams, and other bodies of water that become inundated during natural precipitation events. Floodplains provide space for the dispersal of water when bodies of water are flooded. This allows for temporary water storage until the flood water can be drained naturally. Currently, there are 57,118 acres in Pennington County within the 100-year floodplain, which are shown on Figure 9-1.
According to the United States Environmental Planning Agency (EPA), Pennington County is considered a regulated small municipal separate storm sewer system (MS4), which is comprised of drainage systems, catch basins, gutters, storm drains, and man-made channels. Through EPA regulations, MS4s are required to develop and implement a storm water management plan (SWMP) to address storm water issues. Pennington County's most recent SWMP was updated in 2016 and is jointly managed by the County's Planning and Highway Departments.

**Wildfires**

Fire can cause significant losses to life, property, and the environment. Wildfires (or wild land fires) can occur in both urban and rural settings and constitute a significant public safety threat. Urban fire hazards result from the materials, size and spacing of buildings, and from the materials, equipment, and activities they contain. Additional factors influencing fire safety include access, available water volume and pressure, and response times for firefighters. Fire hazards in rural areas combine these factors with distance, topography, and natural vegetation. The term "wildland" describes areas characterized by lower density development, with concentrations of natural vegetation and steeper slopes.

Forests and grasslands are defining characteristics of rural and natural areas in Pennington County, making them a risk to wildland fires. Additionally, new development increases fire potential in remote areas. Containing wildfires in rural areas is a challenge due to natural landscapes and rural rugged roads that may create barriers to access and firefighting apparatus use.

Since 1984, there have been 12 wildfires in the county that exceed 1,000 acres. Collectively, these 12 fires burned approximately 120,000 acres, which includes land in Pennington and adjacent counties. These fires have occurred in the Black Hills on the western side of the county. Figure 9-2 shows the wildfire locations from 1984 through 2015.

**Existing Fire Services**

Pennington County is served by 21 volunteer fire departments and one full-time fire department, with over 450 volunteer firefighters. The Rapid City Fire Department (RCFD) serves as the one full-time fire department in the county. In addition to providing fire suppression services, RCFD also provides emergency medical service (EMS) to the community. The department employs 135 professionals, including 127 emergency responders and 7 civilian staff.

Providing fire protection in rural forested areas presents unique challenges including slower response times, limited access and substandard roads not designed to accommodate fire department apparatus. As growth and development continues, mitigation and management of fire dangers is a central community safety element.

Pennington County Fire Administration supports the volunteer fire departments throughout the county. The administration provides the following support to volunteer fire departments:

- Workman's compensation to volunteer firefighters in the county.
- Vehicle liability insurance for all fire vehicles owned by Pennington County or volunteer departments
- Assistance in purchasing firefighting equipment and training of volunteer fire departments
- Advise the Pennington County Board of Commissioners on fire related activities
- Serve as liaison between law enforcement agencies, state and national agencies and other counties and other fire departments.
Search and Rescue
Pennington County Search and Rescue (PCSAR) is a non-profit, all volunteer organization formed in 1972. PCSAR members are trained in vehicle and machinery extrication, vertical rescue, search, wilderness rescue, mass casualty, trench rescue, emergency building shoring, winter rescue and diver support. The PCSAR is on call 24-hours a day, every day and averages approximately 100 calls annually.

Emergency Management
The Emergency Management Department serves as the County agency responsible for planning, response, recovery and mitigation of any disasters or emergencies that occur within Pennington County. The department operates out of the Emergency Operation Center (EOC) located in the Pennington County Administrative Building in Rapid City.

The Emergency Management Department prepares a Pre-Disaster Mitigation Plan (PDM) that identifies hazards and vulnerabilities in the region. The PDM helps determine solutions to reduce the potential threats to life and property. The plan supports informed decision-making directed towards avoiding future risks and implementing activities or projects that will reduce the risks associated with natural hazards.

Pennington County’s Emergency Management Department employs methods to provide public warnings and hazard information as follows:

- Public warning messages including severe weather warnings, civil disturbances, hazardous chemical leaks, and evacuation notices.
- Outdoor warning sirens used for all hazardous emergencies.
- Weather radio including National Oceanic and Atmospheric Administration (NOAA) broadcasts tracking hazardous weather systems.
- Wireless emergency alerts providing text messages warning of public hazards.
- Emergency Alert System (EAS) providing federal communication during national public hazard emergencies.

In addition to the Emergency Management Department in Pennington County, there are emergency services that are provided by other entities. The following provide emergency services in Pennington County:

- Black Hills Life Flight: Black Hills Life Flight is an emergency air medical transport service through Air Methods.
- 82nd Civil Support Team South Dakota National Guard: The 82nd Civil Support Team (CST) is a hazard response team through the South Dakota National Guard. The 82nd CST responds to natural and man-made disasters.
- South Dakota Wildland Fire Division: The South Dakota Wildland Fire Division hosts up to five Single Engine Air Tankers in South Dakota, some of which are located or co-located, at the Rapid City Heavy Air Tanker Base and the Rapid City Regional Airport, among other locations in the state, to support wildland fires in the Black Hills.
Hazardous Materials/Solid Waste Disposal

Efficient and safe collection, management, reduction and disposal of hazardous/solid wastes protects the public health and safety, conserves energy and protects natural resources. Proper and safe handling of hazardous/solid wastes is essential for promoting the health and safety of County residents.

Hazardous materials include substances that are corrosive, poisonous, flammable, reactive and have the potential to threaten human health or the environment. Threats to human health and the environment occur when these materials are improperly stored, treated, transported, or disposed. Hazardous materials are found in various products and can be used during the production of goods.

The Pennington County Local Emergency Planning Committee addresses hazardous material planning with assistance from Pennington County Emergency Management. The committee was created through the Superfund Amendment and Reauthorization Act of 1986 (SARA), which planning for emergencies, including the release of hazardous chemicals.

At present, there are 177 hazardous waste sites in the county, the majority located in Rapid City. There is only one Superfund site, which is Ellsworth Air Force Base. While hazardous materials can be found in commercial and industrial sites, they are also prevalent in households. Common hazardous waste items include: aerosol cans, antifreeze, bleach, car batteries, gasoline, oil-based paint, pesticides and herbicides, pharmaceuticals, and pool chemicals. 

Due to hazards found at home, the County educates residents on proper hazardous waste storage and disposal. The County also hosts Household Hazardous Waste events where household hazardous waste is collected and safely disposed.

Military Compatibility

Pennington County is the proud home to Ellsworth Air Force Base (AFB), a B-1 bomber training base under the 28th Bomb Wing and an important national defense asset. As with other airports, military operations can create health and safety impacts to the larger community if incompatible development is allowed to occur near the base. Development decisions by Pennington County can impact the installation, creating land use conflicts which can negatively impact community safety, economic development and sustainment of the mission at Ellsworth AFB.

The County, South Dakota Ellsworth Development Authority (SDEDA), Ellsworth AFB, and other partner jurisdictions participated in a Joint Land Use Study (JLUS), a compatibility planning process intended to identify existing and future compatibility issues between the base and the surrounding community. The Ellsworth AFB JLUS, completed in 2016, contained a discussion of compatibility issues and a set of actions that can be taken to mitigate or avoid compatibility issues.

Key issues addressed in the JLUS typically are associated with one of seven Military Compatibility Areas (MCA):

- Airfield Approach and Departure Flight Tracks
- Imaginary Surfaces
- Airfield Accident Potential Zones
- Aircraft Noise Contours
Airspace Control
- Part 77 Vertical Obstruction Compliance
- Bird / Wildlife Aircraft Strike Hazard (BASH) Relevancy Area

These areas are shown on Figure 9-3.

In addition to Ellsworth AFB, Camp Rapid is also located in Pennington County. Camp Rapid is part of the South Dakota National Guard. In addition to Camp Rapid, the South Dakota National Guard also includes West Camp Firing Range and the Aviation Support Facility, which is located at the Rapid City Regional Airport. The National Guard has low level flying areas in the Black Hills and southeast of Rapid City. Due to the operations and training at Camp Rapid and other South Dakota National Guard ranges and facilities, it is important to ensure that land uses are compatible with the mission.
### 9.2 Goals and Policies

**Goal HS-1**  
The county has a safe and efficient stormwater management system.

| HS-1.1 | The County should maintain its eligibility in the National Flood Insurance Program (NFIP) through enforcement of the Flood Damage Prevention Ordinance, resulting in discounted flood insurance. |
| HS-1.2 | The County should ensure new development includes appropriate stormwater runoff control measures to minimize discharge of urban pollutants (such as automotive oil and grease) into area drainage ways. |
| HS-1.3 | The County shall continue to administer and implement the Stormwater Management Plan and provide for an updated plan, when warranted. |
| HS-1.4 | The County should ensure stormwater detention basins are designed in a manner which promotes public safety and to provide for recreational use where feasible. |
| HS-1.5 | The County should coordinate stormwater drainage and flood management with the Federal Emergency Management Agency (FEMA) and other appropriate South Dakota and local agencies. |
| HS-1.6 | The County should updates its Zoning Ordinance to include a flood hazard overlay to provide use and development guidance on properties potentially subject to flood hazards. |
| HS-1.7 | The County should require adequate provision of erosion control measures as part of new development to minimize sedimentation of streams and drainage channels. |
| HS-1.8 | The County should encourage stormwater designs that minimize drainage concentrations, impervious coverage, and avoidance of floodplain areas, where feasible, and are designed to provide a natural water course appearance. |
| HS-1.9 | The County should ensure that the siting of critical emergency response facilities, such as hospitals, public safety facilities, emergency operations centers and other emergency service facilities have minimal exposure to flooding or other site specific hazards and risks. |
| HS-1.10 | The County should evaluate methods of and encourage the use of sustainable stormwater management, such as cisterns, pervious pavements, vegetative roofs, and the utilization of natural waterways. |
## Health & Safety Element

<table>
<thead>
<tr>
<th>Goal HS-2</th>
<th>The County has reduced wildfire risk potential through construction programs and partnerships with other agencies.</th>
</tr>
</thead>
<tbody>
<tr>
<td>HS-2.1</td>
<td>The County should consider codifying the Fire Resistant Building Material Requirements and Firewise Landscape Guidelines from the Community Wildfire Protection Plan.</td>
</tr>
<tr>
<td>HS-2.2</td>
<td>The County should regularly update the Community Wildfire Protection Plan with updated guidelines and methods for educating the public of wildfire hazards.</td>
</tr>
<tr>
<td>HS-2.3</td>
<td>The County should work with the federal government to better manage fuel loads on federally-owned land.</td>
</tr>
<tr>
<td>HS-2.4</td>
<td>The County should update the House Number Placement Ordinance (Ordinance #20) to ensure that the design and placement of building numbers are visible to assist with emergency response.</td>
</tr>
<tr>
<td>HS-2.5</td>
<td>The County should evaluate the need for additional equipment and volunteer firefighters within Pennington County.</td>
</tr>
<tr>
<td>HS-2.6</td>
<td>The County should continue to coordinate wildfire and other emergency response services with other jurisdictions, service agencies, voluntary organizations, and state and federal agencies.</td>
</tr>
<tr>
<td>HS-2.7</td>
<td>The County shall promote fire prevention programs and increase overall public awareness of wildfire hazards.</td>
</tr>
<tr>
<td>HS-2.8</td>
<td>The County should identify and promote public awareness of emergency evacuation routes.</td>
</tr>
<tr>
<td>HS-2.9</td>
<td>The County shall work to enhance and increase enrollment in the Community Emergency Response TEAM (CERT) program.</td>
</tr>
</tbody>
</table>
Goal HS-3  The county has proper storage and disposal of hazardous wastes and reduction of the overall risks associated with hazardous materials.

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<tbody>
<tr>
<td><strong>HS-3.1</strong></td>
<td>The County shall continue emergency planning for hazardous materials through the Pennington County Local Emergency Planning Committee with assistance from Pennington County Emergency Management.</td>
<td></td>
</tr>
<tr>
<td><strong>HS-3.2</strong></td>
<td>The County should monitor and cooperate as appropriate with the remediation actions of federal, state, and private entities of hazardous waste sites in the county.</td>
<td></td>
</tr>
<tr>
<td><strong>HS-3.3</strong></td>
<td>The County shall continue to educate residents on how to properly store and dispose of hazardous wastes, including the County website and publicly available education materials.</td>
<td></td>
</tr>
<tr>
<td><strong>HS-3.4</strong></td>
<td>The County shall continue to support Household Hazardous Waste collection events in which household hazardous waste is collected from residents for proper disposal at a frequency commensurate with community need.</td>
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<tr>
<td><strong>HS-3.5</strong></td>
<td>The County should work with solid waste providers to provide an educational program promoting the reduction and recycling of solid wastes.</td>
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<tr>
<td><strong>HS-3.6</strong></td>
<td>The County should encourage the recycling of construction debris.</td>
<td></td>
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<tr>
<td><strong>HS-3.7</strong></td>
<td>The County should use recycled materials and products where economically feasible.</td>
<td></td>
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<tr>
<td><strong>HS-3.8</strong></td>
<td>The County should conduct safety inspections for fire and hazardous material violations in commercial, industrial, and residential buildings.</td>
<td></td>
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<tr>
<td><strong>HS-3.9</strong></td>
<td>The County should expand and keep current safety-related information and update the County's safety and emergency plans as new information becomes available.</td>
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<tr>
<td><strong>HS-3.10</strong></td>
<td>The County should obtain information about the location, type and nature of fire and toxic hazards and use the information in its preparedness and response actions.</td>
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</table>
### Health & Safety Element

#### Goal HS-4

<table>
<thead>
<tr>
<th></th>
<th>Improve and maintain air quality in the County through enhanced monitoring and updated standards.</th>
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</thead>
<tbody>
<tr>
<td>HS-4.1</td>
<td>The County should work with and support the South Dakota Department of Environment and Natural Resources (DENR) to update the South Dakota Ambient Air Monitoring Plan to incorporate performance metrics for achieving and maintaining attainment in Rapid City and throughout the county.</td>
</tr>
<tr>
<td>HS-4.2</td>
<td>The County should update its Fugitive Dust Control Plan to reflect current technology in dust control measures and incorporate coordination with Ellsworth AFB.</td>
</tr>
<tr>
<td>HS-4.3</td>
<td>The County should work with other JLUS Study Area communities and Ellsworth AFB to develop an air quality working group to enhance partnerships on air quality issues and develop training programs for reducing emissions and maintaining levels of attainment.</td>
</tr>
</tbody>
</table>

#### Goal HS-5

<table>
<thead>
<tr>
<th></th>
<th>To facilitate effective communication, information sharing, planning, and coordination between Pennington County, Ellsworth AFB, other JLUS partners.</th>
</tr>
</thead>
<tbody>
<tr>
<td>HS-5.1</td>
<td>In conjunction with Ellsworth AFB and other JLUS partners, establish and participate in the JLUS Coordination Committee to oversee the implementation of JLUS recommendations and enhance long-term coordination on military compatibility issues.</td>
</tr>
<tr>
<td>HS-5.2</td>
<td>The County should participate through the JLUS Coordination Committee to develop and maintain a GIS clearinghouse to share GIS data to enable long-term compatibility planning.</td>
</tr>
<tr>
<td>HS-5.3</td>
<td>The County should work with Ellsworth AFB and JLUS partners to develop procedures for project and plan review and coordination.</td>
</tr>
<tr>
<td>HS-5.4</td>
<td>The County should work with Ellsworth AFB and JLUS partners to better inform the public on the protection of Ellsworth AFB and compatibility planning efforts.</td>
</tr>
</tbody>
</table>
Goal HS-6

The County provides a regulatory framework that supports military compatibility.

HS-6.1 The County should consider implementing the findings and recommendations of the Ellsworth AFB JLUS through adoption of new ordinances, policies and other regulations specified in the JLUS.

Goal HS-7

To ensure new development is compatible with the continued function and operation of Ellsworth AFB and protecting public safety.

HS-7.1 The County shall ensure that all proposed land uses and development are consistent with the land use compatibility policies and criteria of the Ellsworth AFB JLUS.

HS-7.2 The County should not allow development in areas where risks to potential health and safety cannot be mitigated.

HS-7.3 Future development near the Ellsworth AFB Commercial Gate shall incorporate additional landscaping screening materials to reduce visibility of sensitive areas north and west of the base.

Goal HS-8

To provide for infrastructure planning and resources to address compatibility issues impacting the mission and operations at Ellsworth AFB.

HS-8.1 The County should work with Ellsworth AFB to facilitate the expansion of County Road 214, including possible participation with the base through a Public-Public Private-Private (P4 initiative) to fund remediation of the contaminated site.

HS-8.2 The County should coordinate studies, design and construction of infrastructure improvements in order to leverage resources, reduce development and promote compatible development with the base.

HS-8.3 In conjunction with Ellsworth AFB and other partner JLUS jurisdictions, explore funding for acquisition or placing easement(s) over land that is part of the Primary Surface and located outside the Ellsworth AFB fence line.

HS-8.4 The County should work with the utility provider to develop a feasibility study to determine the potential to relocate or underground the facilities in the base Accident Potential Zones.
| HS-9.1 | The County should encourage crime prevention and defensible space through design principles (such as those employed through Crime Prevention Through Environmental Design – CPTED), Neighborhood Watch Programs, and other appropriate methods to enhance public safety. |
| HS-9.2 | The County shall continue to ensure the safety of citizens through enforcement of codes and ordinances. |
| HS-9.3 | The County shall continue to have new development applications to be reviewed by the Sherriff's Office to provide recommendations to enhance public safety. |
| HS-9.4 | The County should continue to promote public awareness and prevention of fire hazards through fire and life safety education within elementary and secondary education facilities. |
| HS-9.5 | The County should promote fire prevention and life safety practices through the Zoning Ordinance, community relations, and special events such as the annual Fire Prevention Week activities. |
| HS-9.6 | The County shall review new development applications to assess potential impacts to fire protection services and the need for additional or expanded services. |
| HS-9.7 | The County shall review new development applications to ensure adequate access for emergency vehicles, particularly evacuation routes, as appropriate. |
| HS-9.8 | The County shall maintain and update the Emergency Operations Plan at established regular intervals. |
| HS-9.9 | The County should prepare a disaster response plan to enhance readiness in the event of a major disaster. |
| HS-9.10 | The County should identify emergency evacuation routes and effectively communicate the information to the public. |
| HS-9.11 | The County should continue to evaluate, develop, and practice emergency response plans in light of changing natural and man-made risks and hazards, in coordination with other counties, organizations, state and federal agencies. |
| HS-9.12 | The County should identify any vulnerable populations, such as the elderly or people with special needs, for priority evacuation assistance. |
| HS-9.13 | The County should encourage and participate in voluntary inspections of residential homes, particularly those occupied by the elderly or handicapped, including education on the proper use of residential smoke detectors and carbon monoxide detectors. |
Please see the next page.
10.1 Natural & Cultural Resources Overview

Pennington County is home to an abundance of iconic natural and cultural resources, including the Mount Rushmore National Memorial, Black Hills National Forest, Badlands National Park, Cheyenne River, and Pe' Sla along with many others. Conserving these vital natural and cultural resources is critical to support a scenic, high-quality environment for residents and visitors.

Pennington County contains over 772,000 acres, or approximately 43% of the county area, of federally protected lands. These lands provide open space and recreational resources as well as management and protection of a range of natural resources, including habitat for various animal and plant species, including two United States Fish and Wildlife Services federally listed endangered species—the Whooping Crane and Least Tern. Table 10-1 summarizes the various federally-managed lands in Pennington County.
Table 10-1. Federal Land in Pennington County

<table>
<thead>
<tr>
<th>Federal Land</th>
<th>Agency</th>
<th>Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Badlands National Park</td>
<td>US National Park Service</td>
<td>95,931</td>
</tr>
<tr>
<td>Black Hills National Forest</td>
<td>US Forest Service</td>
<td>451,361</td>
</tr>
<tr>
<td>Mount Rushmore National Park</td>
<td></td>
<td>1,278</td>
</tr>
<tr>
<td>Buffalo Gap National Grassland</td>
<td>US Forest Service</td>
<td>207,233</td>
</tr>
<tr>
<td>Ellsworth Air Force Base</td>
<td>Department of Defense</td>
<td>1,458</td>
</tr>
<tr>
<td>Other</td>
<td>Bureau of Land Management</td>
<td>16,341</td>
</tr>
</tbody>
</table>


The Cheyenne River is the only major waterway that flows through Pennington County. Rapid Creek and Spring Creek are both minor waterways that flow through the County. Rapid Creek travels through Rapid City and is used for recreation, such as fishing. Spring Creek is contaminated with an exceedance of fecal coliform and E. coli, rendering it unsafe for immersion recreation. However, the County launched the Spring Creek 319 Project with the goal of bringing the creek into compliance with both bacteria.

Pennington County contains five groundwater aquifers that provide an estimated total of 254 million acre-feet of stored recoverable water. These five aquifers are the Deadwood, Madison, Minnelusa, Minnekahta, and Inyan Kara aquifers.

The geology of Pennington County also provides valuable natural resources. The County contains 189 mining sites of which 105 are currently active, comprising over 16,000 acres. The primary mined materials are sand, gravel, and limestone.

The history and culture of Pennington County has been influenced by diverse cultures from the original Native American tribes, through American settlers, to current residents. There are two culturally significant Native American sites and four federally listed historical sites on the National Register of Historic Places (NRHP) that reflect this history.

The two culturally significant Native American sites are the Pine Ridge Reservation (partially in the southern edge of Pennington County) and Pe’ Sla. Pe’ Sla consists of approximately 2,000 acres in the Black Hills National Forest and is known as the “heart of everything” by the Ocit Sakowin, the traditional name for the Great Sioux Nation. The four sites on the NRHP are the Mount Rushmore National Memorial, Josef and Marie Kudrna Homestead and Ranch, Sitting Bull Crystal Cavern Dance Pavilion, and Bridge No. 52-575-383. Mount Rushmore is a major national asset located within the Black Hills National Forest. For more information about the Mount Rushmore National Memorial, see Section 8, Recreation, Open Space, and Tourism Element. The Josef and Marie Kudrna Homestead and Ranch is a homestead and ranch from 1910 in eastern Pennington County, which was listed on the National Register for its significance in homesteading and agriculture.

Noxious Weeds, Pests and 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 mosquito fish. 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.
### 10.2 Goals and Policies

**Goal NCR-1**  
**Pennington County maintains a close working relationship with the federal agencies that maintain the national park and forest lands within Pennington County.**

- **NCR-1.1**  
The County should regularly contact the US Forest Service and US National Parks Service to receive updates on the natural resource management and other plans within the county.

**Goal NCR-2**  
**Pennington County’s natural and cultural resources are conserved and enhanced to ensure a continued high-quality environment for both residents and visitors well into the future.**

- **NCR-2.1**  
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.

- **NCR-2.2**  
When reviewing development proposals, the County shall encourage cluster development in areas with moderate to high potential for sensitive habitats.

- **NCR-2.3**  
The County should coordinate with local municipalities to ensure future growth plans do not impact the natural environment nor contribute to unplanned urban sprawl.

- **NCR-2.4**  
The County shall support the preservation and management of wetland and riparian plant communities for passive recreation, groundwater recharge, and wildlife habitats.

- **NCR-2.5**  
The County should require buffer setbacks from natural waterways, wetlands, riparian areas and other critical natural resources within the county. These buffers should be sufficient to assure the continued existence of the resource in their natural state.

- **NCR-2.6**  
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.
**Natural & Cultural Resources Element**

<table>
<thead>
<tr>
<th>Goal NCR-3</th>
<th>Wildlife corridors through Pennington County are protected and preserved to enhance wildlife movement throughout the County.</th>
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<tbody>
<tr>
<td></td>
<td>NCR-3.1 The County should identify and protect wildlife corridors through Pennington County, and encourage development to preserve and buffer such corridors.</td>
</tr>
<tr>
<td></td>
<td>NCR-3.2 The County should promote greenways and linear open spaces within floodplain areas to support wildlife movement through riparian habitats.</td>
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<table>
<thead>
<tr>
<th>Goal NCR-4</th>
<th>Pennington County’s aquifers continue to provide clean drinking water to its current and future residents and visitors.</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>NCR-4.1 The County shall provide educational materials on best practices for developing within and near aquifer recharge areas.</td>
</tr>
<tr>
<td></td>
<td>NCR-4.2 In areas over aquifers, the County shall encourage the reduction of impervious surfaces approved with new developments and encourage the use of techniques to enhance infiltration and protect water quality, such as use of bio-swales.</td>
</tr>
<tr>
<td></td>
<td>NCR-4.3 The County shall carefully review development over the aquifers area to determine that soils are adequate for on-site wastewater disposal system.</td>
</tr>
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<thead>
<tr>
<th>Goal NCR-5</th>
<th>Mining operations in Pennington County will be reclaimed in a legally permissible, fiscally possible, financially feasible and maximally productive manner, according to best practices designed to restore the site to an appropriate land use.</th>
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<td>NCR-5.1 As part of permit review process, the County shall work with applicants to minimize the adverse effects on environmental features such as water quality and quantity, air quality, flood plains, biological resources, archaeological and cultural resources, viewsheds and aesthetic factors.</td>
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<td></td>
<td>NCR-5.2 As part of permit review process, the County shall work with applicants to minimize potential hazards and nuisances of mining activities to persons and properties in the area during extraction, processing, and reclamation operations.</td>
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<td></td>
<td>NCR-5.3 The County shall encourage the development of mineral deposits in a manner compatible with surrounding land uses.</td>
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</tbody>
</table>
|            | NCR-5.4 All surface mines in the County, unless otherwise exempted, shall be subject to reclamation plans that meet Surface Mining Control and Reclamation Act of 1977 (SMCRA) requirements. Reclamation procedures shall restore the site for future beneficial use of the land consistent with the Pennington County Comprehensive Plan, subsequent to the completion of surface mining activities. Mine reclamation
costs shall be borne by the mine operator, and guaranteed by financial assurances set aside for restoration procedures.

NCR-5.5 All mining operations in the County shall be required to take precautions to avoid contamination from wastes or incidents related to the storage and disposal of hazardous materials, or general operating activities at the site.

**Goal NCR-6**  
**Pennington County's natural and agricultural resources are protected from invasive species**

NCR-6.1 Any gravel, timber, hay, or any other earthen material removed from the property should be free of noxious weed plant material and/or seeds.

NCR-6.2 Any equipment used in disturbing the ground on the property should be cleaned of any soil or earthen material before leaving the property.

NCR-6.3 Any disturbed ground should be re-seeded with a native, agricultural producing or ornamental lawn grass mix seed.

NCR-6.4 All landowners should use an intergraded noxious weed plan for controlling existing noxious weeds on the property to prevent the spread onto neighboring properties.

NCR-6.5 Any watercraft leaving the water should be drained and free of any vegetation.
Implementation Program

To help ensure that necessary actions are taken to implement the Comprehensive Plan, a set of implementation actions are provided. An implementation action is a specific measure, program, procedure, or technique that carries out the goals and policies contained in the Pennington County Comprehensive Plan.

The following pages contain the implementation actions. Each item describes the action to be taken and the timeline in which the action is expected to be initiated. Timelines are:

- **Short-Term** (start 1-3 years after adoption),
- **Mid-Term** (start 4 – 7 years after adoption),
- **Long-Term** (start 8 or more years after adoption), and
- **On-Going** items that will require work by the County over the duration of the Comprehensive Plan.

Each implementation action also describes the goal that the action supports. Some implementation actions may support multiple goals within the Comprehensive Plan.
<table>
<thead>
<tr>
<th>Action Number</th>
<th>Implementation Action</th>
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<tbody>
<tr>
<td>1</td>
<td>The County will work to update the Pennington County Zoning Ordinance to add a Planned Unit Development (PUD) overlay that will allow development flexibility on sites or for developments with unique needs or circumstances. The types of land uses allowed under a PUD Overlay would be limited to those allowed by the underlying zoning designation on the properties involved.</td>
<td>LUH-1</td>
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<td>2</td>
<td>The County should amend the Zoning Ordinance to be consistent with the residential densities set forth in the Comprehensive Plan.</td>
<td>LUH-2</td>
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<td>3</td>
<td>The County should consider including alternative homes, such as tiny homes into the Zoning Ordinance.</td>
<td>LUH-2</td>
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<td>4</td>
<td>The County should develop standards in the Zoning Ordinance for accessory dwelling units designed to encourage the development of housing that is affordable. Adding provisions for &quot;by right&quot; development should be considered.</td>
<td>LUH-2</td>
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<td>5</td>
<td>The County should update the Zoning Ordinance relative to non-domestic animal keeping on residential designations. This should include standards for: ▶ Definition of non-domestic animals, ▶ Classifications of animals, and ▶ Limits on number of animals based on zoning district, lot size, and type of animal.</td>
<td>LUH-3</td>
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<td>6</td>
<td>The County should adopt a current version of the International Building Code, International Residential Code, and inspection program and implement its use in new construction.</td>
<td>LUH-5</td>
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<td>7</td>
<td>The County shall update the Zoning Ordinance to include restrictions/specifications on the placement and size of signage and the use of digital/LED billboards in areas with scenic resources.</td>
<td>LUH-6 TC-4</td>
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<td>8</td>
<td>The County should amend the Zoning Ordinance to allow a range of value-added agricultural uses in the A-1 and A-2 zoning districts.</td>
<td>AG-1</td>
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<td>9</td>
<td>The County should develop a Right-to-Farm ordinance, which seeks to protect farmers and ranchers from lawsuits related to nuisances. The Right-to-Farm ordinance will be designed to protect agricultural land uses from conflicts with non-agricultural uses, as well as to help purchasers and residents understand the inconveniences that may occur as the natural result of living in or near agricultural areas.</td>
<td>AG-1</td>
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<td>10</td>
<td>The County should evaluate another Wheel Tax ballot for voter approval.</td>
<td>TC-1</td>
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<td>11</td>
<td>The County shall ensure Americans with Disabilities Act compliance along all pedestrian paths.</td>
<td>TC-1</td>
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<td>12</td>
<td>The County should provide, at minimum, four-foot-width paved shoulders along all arterial and collector streets, particularly along the entire length of US Highway 385, US Highway 16, and SD 44 where there are no proposed off-road trails or side paths.</td>
<td>TC-1</td>
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<td>13</td>
<td>The County should update their Master Transportation Plan every five years.</td>
<td>TC-1</td>
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<td>14</td>
<td>The County shall continue to update and implement its Stormwater Management Plan.</td>
<td>PSF-2</td>
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<td>15</td>
<td>The County, in coordination with other agencies, should assess air quality on a continual basis and prevention of air quality degradation through the enactment of long term preventative measures and maintaining awareness of the different categories of pollutants.</td>
<td>HS-4</td>
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<td>16</td>
<td>The County should develop a Memorandum of Understanding with Ellsworth AFB formalizing the development notification and review process to facilitate identification and resolution of potential conflicts early in the development review process.</td>
<td>HS-5</td>
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<td>17</td>
<td>The County should develop a Memorandum of Understanding through the Rapid City Area Metropolitan Planning Organization to delineate roles and responsibilities of the JLUS Coordination Committee member agencies.</td>
<td>HS-5</td>
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<td>18</td>
<td>In conjunction with the JLUS Coordination Committee, the County should develop procedures to facilitate the review and comment on planning documents from Ellsworth AFB.</td>
<td>HS-5</td>
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<td>19</td>
<td>In conjunction with the JLUS Coordination Committee, the County should establish notification and communication procedures relative to changes in operations which warrant public notification.</td>
<td>HS-5</td>
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<td>20</td>
<td>In conjunction with the JLUS Coordination Committee, the County should consider a Memorandum of Understanding with Ellsworth AFB to define the roles and responsibilities of the County and Ellsworth AFB relative to addressing compatibility issues and coordination and communication on infrastructure planning, water resources planning and economic development.</td>
<td>HS-5</td>
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<td>21</td>
<td>The County should develop and disseminate through appropriate methods, information which enhances public awareness and understanding of federal regulations regarding the private use and operation of unmanned drones near the base.</td>
<td>HS-5</td>
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<td>22</td>
<td>The County should consider developing a program that provides guidance on sound attenuation standards for retrofitting existing residential and commercial buildings, including identification of possible grant opportunities available to residents.</td>
<td>HS-5</td>
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<td>23</td>
<td>The County should develop and implement an awareness and educational program to inform residents and land owners on compatible solutions and techniques to reduce bird air strike hazards.</td>
<td>HS-5</td>
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<td>24</td>
<td>The County should work with Ellsworth AFB in the development and dissemination of public awareness and educational material on vibrations caused by air flight operations.</td>
<td>HS-5</td>
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<td>25</td>
<td>The County should amend the Zoning Ordinance and Zoning Map to incorporate Military Compatibility Areas with subzones and land use regulations addressing noise, safety, bird air strikes and imaginary surfaces.</td>
<td>HS-6</td>
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<td>26</td>
<td>The County should develop standards to restrict/prevent new mobile homes or manufactured homes in the noise subzone of the Military Compatibility Area (MCA).</td>
<td>HS-6</td>
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<td>27</td>
<td>The County should amend the Zoning Ordinance to include the recommended guidelines from the Air Compatible Use Zone (AICUZ) Report for noise sensitive land uses, including guidance for recommended land uses in the Clear Zones (CZ) and Accident Potential Zones (APZ).</td>
<td>HS-6</td>
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<td>28</td>
<td>The County should amend the Zoning Ordinance to provide an overlay zoning district to reflect avigation easements which result in compatible development and reduction in the risk profile for impacted properties.</td>
<td>HS-6</td>
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<td>29</td>
<td>The County should amend the Zoning Ordinance to incorporate the VOAA and establish height restrictions in compliance with FAA and DoD guidance for imaginary surfaces.</td>
<td>HS-6</td>
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</tbody>
</table>
| 30            | The County should develop and enact a Comprehensive Plan and Zoning Ordinance amendment to incorporate new AICUZ studies that are released to the public. This shall include modifications to:  
  
  - The Military Influence Area (MIA) on the Comprehensive Plan and Zoning map.  
  
  - Modifications to land use designations and zoning regulations to reflect land use and safety guidance in the current AICUZ study.  
  
  - Modification of other planning tools and procedures to reflect changes in the new AICUZ studies. | HS-6          |            |          |           |          |
<p>| 31            | The County should develop and enact a Zoning Ordinance amendment to incorporate military compatibility guidelines for renewable energy development. | HS-7          |            |          |           |          |</p>
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<tr>
<td>32</td>
<td>The County should identify and map wildlife corridors in Pennington County by working with USFS, USFWS, state universities, and other available resources.</td>
<td>NCR-3</td>
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<td>33</td>
<td>The County, in coordination with the Department of Environment and Natural Resources, should regularly monitor water quality within its five aquifers.</td>
<td>NCR-5</td>
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<td>34</td>
<td>The County should ensure that Ordinances includes requirement for financial assurance for remediation and restoration where appropriate.</td>
<td>NCR-6</td>
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